

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
March 9, 2022
Virtual Meeting

See video for further meeting details: <http://frederickcountymd.gov/5956/Video-Archives>

Members Present: Sam Tressler III, Chair; Craig Hicks, Vice-Chair; Joel Rensberger, Secretary; Carole Sepe; Terry Bowie; and Robert White, Jr.

Members Absent: Michael Sowell

Staff Present: Mike Wilkins, Development Review Director; Kimberly Golden Brandt, Livable Frederick Director; Kathy Mitchell, Senior Assistant County Attorney; Mark Mishler, Traffic Engineer; Ashley Moore, Senior Planner; Cody Shaw, Principal Planner; Graham Hubbard, Principal Planner; Jerry Muir, Planner; Amanda Whitmore, Principal Planner, Historic Preservation; Tim Goodfellow, Livable Frederick Environmental Planner; Barry Glotfelty, Director, Environmental Health Services; and Karen James, Administrative Specialist

The meeting was called to order at 9:30 am.

1. **PLEDGE OF ALLEGIANCE** Mr. Tressler
2. **ROLL CALL** Mr. Tressler
3. **MINUTES TO APPROVE** January 12, 2022 and January 19, 2022

Mr. Tressler asked if there were any additions or corrections to the minutes for January 12, 2022 and January 19, 2022. - Ms. Sepe had a correction to the minutes for January 19, 2022, asking that that sentence explaining her recusal be moved to the beginning of Agenda Item #6, WS-21-28. Ms. Sepe motioned to approve as amended. There was no second. Mr. Rensberger said he was present at one meeting, and not the other. Mr. White explained he had the same situation. Mr. Hicks motioned to approve the minutes of January 12, 2022 as submitted. Mr. Rensberger 2nd.

<u>VOTE</u>	<u>4-0-2-1</u>
FOR:	4 - Tressler, Sepe, Rensberger, Hicks
AGAINST:	0
ABSTAIN:	2 - White (recuse), Bowie
ABSENT:	1 - Sowell

Ms. Sepe motioned to approve the minutes of January 19, 2022 as amended prior to the vote on the January 12, 2022 minutes. Mr. White 2nd.

<u>VOTE</u>	<u>4-0-2-1</u>
FOR:	4 - Tressler, Sepe, Hicks, White
AGAINST:	0
ABSTAIN:	2 - Rensberger (recuse), Bowie
ABSENT:	1 - Sowell

4. PLANNING COMMISSION COMMENTS

Mr. Rensberger asked when meetings would be held in person. Mr. Wilkins said as soon as a decision or date is reached he would pass it along. Ms. Sepe had questions about the Sugarloaf Draft Plan, including asking when the Planning Commission members would receive a copy of the current draft and when the 60-day review period ends. Ms. Brandt explained the order of events as they will take place.

5. AGENCY COMMENTS / AGENDA BRIEFING

None

6. CONCEPT SITE PLAN

- a) DogVillage Concept Plan - The Applicant is requesting Concept Plan approval to construct a vet clinic, kennel, dog training, dog grooming, and retail complex on a 1.76-acre property. Located at 8994 Urbana Church Road. Tax Map: 96, Parcel 163; Zoned: Village Center (VC); Planning Region: Urbana. SP21-08 (SP267661).
Graham Hubbard, Principal Planner

Staff Presentation:

Graham Hubbard

Applicant Presentation:

Andrew Fraser, applicant
Fran Zeller, Harris, Smariga and Associates
Traci Weems, GTM Architects

Discussion included questions about dumpster location, signage, building height, and the nearby church and cemetery. Mr. Zeller addressed the dumpster location and signage questions. Ms. Weems responded to questions about building height. Mr. Fraser said he had a preliminary conversation with the church and would have additional follow up.

Public Comment:

None

Decision: Mr. Hicks motioned to approve the DogVillage Concept Plan SP21-08, SP267661 with conditions as listed in the staff report based on the findings and conclusions of the staff report and the testimony exhibits and documentary evidence produced at the public meeting. Ms. Sepe, 2nd.

<u>VOTE</u>	<u>6-0-0-1</u>
FOR:	6 - Tressler, Sepe, Bowie, Rensberger, Hicks, White
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 - Sowell

7. PRELIMINARY PLAN

- a) Mill Creek Preliminary Subdivision Plan - The Applicant is requesting Preliminary Subdivision Plan approval for 141 residential single-family lots on a 65.8-acre site. Located on the west side of Jones Road, south of Libertytown. Tax Map: 60, Parcels

51 & 64; Zoned: R-3 Residential, Resource Conservation; Planning Region: Walkersville. S-1123 (PP266566).
Graham Hubbard, Principal Planner

Staff Presentation:

Graham Hubbard

Applicant Presentation:

Mike Wiley, Piedmont Design Group and Wormald Companies
Ed Wormald, Wormald Companies
Noel Manalo, Attorney, McNees Wallace and Nurick LLC

Mr. Hubbard and Mr. Wilkins addressed questions from Ms. Sepe. Mr. White said he was familiar with the property and knows it to be very wet. Question deferred to the applicant. Mr. Wiley described current improvements being made. Mr. Hicks had questions regarding the modification requested related to sidewalks. A question was posed about postal service and possible impact on mail delivery. Mr. Bowie had additional questions about water runoff.

Mr. Rensberger continued with questions about postal service. Mr. Wilkins explained that mail service is a function of the Federal government and is not included as a requirement to review as part of any zoning ordinance, or subdivision regulation, or the adequate public facility ordinance. Mr. Rensberger stated that the county is not doing a good enough job of reaching affected residents. Mr. Wilkins clarified that concerns raised at this meeting through public testimony about public notice was in regards to the MDE process, not Frederick County's process.

Public Comment:

Live call-ins: 5

Recorded messages: 1

Decision: Mr. Rensberger motioned to approve Preliminary Subdivision Plan S-1123, PP266566 with modifications and conditions as listed in the staff report based on the findings and conclusions of the staff report, the testimony, the exhibits, and the documentary evidence produced at public meeting. Ms. Sepe, 2nd.

<u>VOTE</u>	<u>6-0-0-1</u>
FOR:	6 - Tressler, Sepe, Rensberger, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 - Sowell

Meeting paused for lunch break at 12:13 p.m. Meeting resumed at 1:02 p.m.

- b) Oakdale Crossing Subdivision Plan - The Applicant is requesting Preliminary Subdivision Plan approval for 8 lots for future commercial and institutional uses on a 27.6-acre site. Located on the east side of Meadow Road. Tax Map: 78, Parcel 14; Zoned: Mixed Use Development (MXD); Planning Region: New Market. S-1177 (PP263903).
Cody Shaw, Principal Planner

Staff Presentation:

Cody Shaw

Applicant Presentation:

Eric Soter, Rodgers Consulting
Jason Wiley, Elm Street Communities
Joe Caloggero, The Traffic Group Inc.
Noel Manalo, McNeese Wallace & Nurick LLC

Mr. Rensberger had a question about the term moth-balled. Mr. Shaw and Ms. Whitmore provided the definition. Mr. White expressed concern for demolition-by-neglect. Discussion continued with input from Mr. Mishler. Ms. Sepe asked about specific uses; response was it is a preliminary subdivision plan, specific uses are addressed at the site plan stage. Ms. Sepe also asked about the removal of specimen trees. Mr. Caloggero responded to traffic questions, as did Mr. Soter.

There was much additional discussion about protecting Dorsey House and providing for its maintenance. Mr. Wilkins offered putting in a timing mechanism that is tied to both a step and a development project and a date certain, whichever comes first. That allows a little time, but there is an expectation that there is an end date by which moth-balling and monitoring will occur. Planning Commission members continued the discussion.

Public Comment:

None

Decision: Mr. Rensberger motioned to approve the Preliminary Plan S1177, AP-PP263903, along with APFO-A263901 and FRO-F263913 with conditions and modifications as listed in the staff report for the proposed Oakdale Crossing based on the findings and conclusion of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting to include a modification for Condition #4 that shall read, "by March 9th, 2023, or the recordation of the fifth lot, whichever occurs first, the structure located at 9820 Old National Pike, MIHPF555, known as the Cordelia Dorsey House (Penny Baker-Dean Tavern), shall be moth-balled following the National Park Service Preservation Brief #31. Once the building is secured, periodic maintenance and surveillance monitoring shall occur to ensure the property remains protected from vandalism and or weather. In addition, future use of the lot where the structure resides shall include adaptive reuse and or preservation of the house." Mr. White, 2nd.

VOTE 6-0-0-1

FOR: 6 - Tressler, Sepe, Rensberger, Hicks, White, Bowie
AGAINST: 0
ABSTAIN: 0
ABSENT: 1 - Sowell

8. SITE PLAN

- a) Urbana Corporate Center, Lot 600 - Site Plan - The Applicant is requesting Site Plan approval to revise Building 3 (Phase 6) from a proposed 125-room hotel to a proposed 2-story building with office, medical clinic, retail, fast food, and restaurant uses on a 2.14-acre portion of the 7.98-acre property. Located at the intersection of MD 80 and Bennett Creek Avenue in the Urbana Office Research Center (ORC) MXD in Urbana. Tax Map: 96, Parcel 113; Zoned: Mixed Use Development (MXD); Planning Region: Urbana. SP03-09 (SP266618).
Graham Hubbard, Principal Planner

Ms. Sepe said she was recusing herself from this agenda item.

Staff Presentation:

Graham Hubbard

Applicant Presentation:

Michael Natelli, Natelli Communities

Mike Peterson, Rodgers Consulting

Mr. Hubbard answered a question from Mr. Hicks regarding a lighting height modification. Mr. Natelli explained why he is making this request. Mr. Hicks thanked Mr. Natelli for explaining the factors that led to the change of plans for this site. Mr. Hicks also asked about loading space requirements and parking. Mr. Natelli said that there is a mix of uses and felt comfortable that there would not be a parking problem.

Public Comment:

None

Decision: Mr. Hicks motioned to approve the Urbana Corporate Center Lot 600 Site Plan SP266618 to revise Building 3 (Phase 6) from a proposed 125-room hotel to a proposed 2-story building with office, medical clinic, retail, fast food, and restaurant uses on a 2.14-acre portion of the 7.98-acre property. The approval is made with conditions and modifications as listed and is based on the findings and conclusions of the staff report, the testimony, exhibits, and documentary evidence produced at the public hearing. Mr. Rensberger, 2nd.

VOTE	5-0-1-1
FOR:	5 - Tressler, Rensberger, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	1 - Sepe
ABSENT:	1 - Sowell

- b) Curaleaf - Applicant is requesting Site Plan approval to rehabilitate an existing building and developed lot into a 3,728 SF Pharmacy use. Located at 5420 Urbana Pike. Tax Map 77, Parcel 185 Lot 2. Zoned (GC) General Commercial. Planning Region: Frederick. SP267889 APFO A267890, FRO F267891.
Jerry Muir, Principal Planner

Staff Presentation:

Jerry Muir

Applicant Presentation:

Spiro Buas, property owner

Mike Wiley, Piedmont Design Group

Noel Manalo, McNees Wallace & Nurick LLC

Bob Barrick, project manager

Mr. White asked if should the state legalize non-medical marijuana, would this site be usable for the sale thereof and or would it require additional application or additional changes. Mr. Muir responded that he thought it would be usable for the sale thereof, but that is not part of the zoning ordinance right now, and cannot answer that question.

Mr. Rensberger exited the meeting 3:00 p.m.

Mr. Hicks asked if a redevelopment situation was relevant. Mr. Muir said redevelopment situation was very applicable here. Mr. Wiley addressed the Planning Commission. Commissioners had no questions of the applicant.

Public Comment:

None

Decision: Mr. Bowie motioned to approve SP78-11, SP267889, A267890, F267891, including APFO based upon the conditions as listed in the staff recommendations for the proposed Curaleaf, as based on the findings and conclusions of the staff report, the testimony, exhibits, and documentary evidence produced at the public meeting. Mr. Hicks, 2nd.

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 - Tressler, Sepe, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Sowell, Rensberger

Break taken at 3:07 p.m. Meeting resumed at 3:15 p.m.

- c) Wiegand Lumber, Lots 25 and 26 Stanford Industrial Park - Applicant is requesting Site Plan approval to construct a 3600 SF two story office and a 29,250 SF wholesale warehouse with a Phase II addition of 9,750 SF warehouse on 11.4 acres. Located on Cornell Court. Tax Map 94 Parcel 89. Zoned (LI) Limited Industrial. Planning Region: Adamstown. SP267658 APFO 267659 FRO F267660
Jerry Muir, Principal Planner

Staff Presentation:

Jerry Muir

Applicant Presentation:

Fran Zeller, Harris, Smariga and Associates
Peter Pagenstecher, Walton, CG LLC
Martin Wiegand, Wiegand Lumber

Ms. Sepe asked if the addition plat should be a condition of approval. Mr. Muir responded that it could be if the Planning Commission wanted to do that. Ms. Moore said it can be added as a third condition of approval, that the addition plat would be approved and even the lot recordation information should be noted on the plan prior to the site plan. Mr. Hicks asked questions about traffic, including truck traffic. Mr. Zeller introduced the applicant and representatives. There were no additional questions from the Planning Commission members.

Public Comment:

None

Decision: Mr. White motioned to approve SP00-12, SP267658, APFO A267659, FRO F267660 subject to the modifications and conditions listed in the staff report for the proposed Wiegand Lumber based on the findings and conclusions of the staff report and the testimony, exhibits and documentary evidence produced at the meeting. Mr. Hicks, 2nd. Ms. Sepe pointed out there was a revision requested on a third condition for the addition plat and the record to be recorded. Ms. Moore suggested, "the addition plat shall be recorded and the lot recordation information

must be noted on the site plan prior to approval." Mr. White said he would append that to his motion. Mr. Hicks 2nd

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 - Tressler, Sepe, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 —Sowell, Rensberger

9. FALL 2021 CYCLE – WATER & SEWERAGE PLAN AMENDMENTS

Tim Goodfellow, Livable Frederick Environmental Principal Planner

Mr. Goodfellow will be seeking vote for consistency of all summarized amendments with the comprehensive plan.

Ms. Sepe recused from WS-21-33, Mr. Tressler moved WS-21-33 to the end of the agenda, with no objections.

WS-21-27 Division of Planning & Permitting (Smith/Barnes property) (WS267847). Request: Reclassification of 1.04 acres from S-5 to S-4. Tax Map 103, Parcel 146, Lot 13. Property ID#01-015583 (5525 Adamstown Road). Location: South east side of Adamstown Road, 600 feet northeast of Mountville Road. Comp Plan: Low Density Residential Zoning: R-1 Residential.

Mr. Goodfellow, presentation

Public Comment: None

Decision: Mr. Hicks motioned to find Case WS-21-27 consistent with the County Comprehensive Plan. Mr. White, 2nd.

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 - Tressler, Sepe, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Sowell, Rensberger

WS-21-29 The—Town of New Market, Maryland (WS267739). Request: Reclassification of 1.0 acres from W-5 to W-3. Tax Map 801, Parcel 3810. Property ID#09-258493. Location: New Market Community Park, south side of Main Street within the Town of New Market. Town Comp. Plan: Open Space. Town Zoning: Open Space.

Mr. Goodfellow, presentation

Public Comment: None

Decision: Mr. Hicks motioned to find Case WS-21-29 consistent with the County Comprehensive Plan. Ms. Sepe, 2nd.

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 - Tressler, Sepe, Hicks, White, Bowie
AGAINST:	0

ABSTAIN: 0
ABSENT: 2 - Sowell, Rensberger

WS-21-30 Division of Planning & Permitting (Heath; Longview Lot 1-B, LLC properties) (WS267848). Request: Reclassification of 2 lots from W-1, S-1 to W-5, S-5. Tax Map 79E, Parcel 146, Lot 1A: Parcel 179, Lot 1B. Property ID#09-236236, 09-230270. Location: 6101 & 6109 Finn Place, adjacent to the Summerfield Village within the Lake Linganore PUD. Comp. Plan: Low Density Residential. Zoning: R-3 Residential.

Mr. Goodfellow, presentation

Public Comment: None

Decision: Mr. Hicks motioned to find Case WS-21-30 consistent with the County Comprehensive Plan. Ms. Sepe, 2nd.

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 - Tressler, Sepe, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Sowell, Rensberger

WS 21-31 Division of Planning & Permitting (Broadview Acres Subdivision + Open Space within Waterside) (WS267849). Request: Reclassification of 49 residential lots from W-1 to W-5, plus reclassification of 1.6-acre stormwater open space parcel from W-1, S-1 to No Planned Service (water and sewer). Property information details included in application materials. Location: Longmeadow Drive, Broadview Drive, Old Line Drive within Broadview Acres, north side of Liberty Road, 600 feet east of Monocacy Boulevard. Comp. Plan: Low Density Residential. Zoning: R-1 Residential.

Mr. Goodfellow, presentation

Public Comment: None

Mr. Tressler developed audio problems. Mr. Hicks took over the meeting while the problems were being addressed.

Decision: Ms. Sepe motioned to find Case WS-21-31 consistent with the County Comprehensive Plan. Mr. White, 2nd.

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 - Tressler, Sepe, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Sowell, Rensberger

WS 21-32 Division of Planning & Permitting (Various properties within the Jefferson Community Growth Area) (WS267850). Request: Reclassification of 14 properties to various water and sewer categories to reflect current development and infrastructure status. Property information details included in application materials. Location: Shadywood Drive, Brook Drive, and Old Middletown Road within Jefferson.

Comp. Plan: Low Density Residential & Medium Density Residential. Zoning: R-3 & R-8 Residential.

Mr. Goodfellow, presentation

Public Comment: None

Decision: Mr. Hicks motioned to find Case WS-21-32 consistent with the County Comprehensive Plan. Ms. Sepe asked to amend that motion. Eight properties listed on a revised staff report. Mr. Hicks was in agreement. Ms. Sepe, 2nd.

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 - Tressler, Sepe, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Sowell, Rensberger

WS-21-34 Liberty Development Company, LLC (Mill Creek) (WS267754). Request: Reclassification of 10 acres from S-5 to S-3 and 50 acres from S-4 to S-3; Reclassification of 11 acres from W-5 to W-3 and 49 acres from W-4 to W-3. Tax Map 60, Parcel 64. Property ID#08-221006; Tax Map 51, Parcel 31. Property ID#08-223599; Tax Map 52, Parcel 37, Lots 172 & 179. Property ID#08-215782. Location: South side of South Street and southwest side of Jones Road in Libertytown. Comp. Plan: Low Density Residential Zoning: R-3 Residential.

Mr. Goodfellow, presentation

Public Comment: None

Decision: Mr. Hicks motioned to find Case WS-21-34 consistent with the County Comprehensive Plan. Mr. White, 2nd.

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 - Tressler, Sepe, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Sowell, Rensberger

WS-21-35 Libertytown Land, LLC (Mayne Property) (WS267755). Request: Reclassification of 62 acres from W-4, S-4 to W-3, S-3. Tax Map 51, Parcel 19. Property ID#08-217033. Location: North side of Daysville Road, Southwest side of Woodsboro Pike in Libertytown. Comp. Plan: Low Density Residential. Zoning: R-3 Residential

Mr. Goodfellow, presentation

Public Comment: None

Decision: Ms. Sepe motioned to find Case WS-21-35 consistent with the County Comprehensive Plan. Mr. White, 2nd.

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 - Tressler, Sepe, Hicks, White, Bowie
AGAINST:	0

ABSTAIN: 0
ABSENT: 2 - Sowell, Rensberger

WS-21-36 Renn Family Investments, LLC (Contract Purchaser: TC Mid-Atlantic Development V, Inc.) (WS267747). Request: Reclassification of 325 acres from W-4, S-4 to W-3, S-3. Tax Map 68, Parcels 47, 5, and 3. Property ID#02-599923, 02-599922, 02-599921. Location: North and south sides of Gas House Pike within the City of Frederick. City Comp. Plan: Industrial Mixed Use City Zoning: M-1, Light Industrial.

Mr. Goodfellow, presentation

During the presentation, Ms. Sepe said she should have recused herself from this item, and then did so.

Public Comment: None

Decision: Mr. Bowie motioned to find Case WS-21-36 consistent with the City of Frederick Comprehensive Plan. Mr. White, 2nd.

<u>VOTE</u>	<u>4-0-1-2</u>
FOR:	4 - Tressler, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	1 - Sepe (recuse)
ABSENT:	2 - Sowell, Rensberger

WS-21-37 Division of Planning & Permitting, Frederick County Health Department (Zacarias/Ramirez; Bond properties) (WS267852). Request: Reclassification of 0.96 acres from S-5 to S-4. Tax Map 56I, Parcel 132, Lot 2. Property ID#21-419869; Tax Map 56I, Parcel 78. Property ID#21-416266. Location: 7821 & 7825 Rocky Springs Road. Comp. Plan: Low Density Residential. Zoning: R-1 Residential.

Mr. Goodfellow, presentation. Mr. Glotfelty also addressed the Planning Commission.

Break at 4:29 p.m. meeting resumed at 4:34 p.m.

Public Comment: None

Decision: Mr. Tressler motioned to find Case WS-21-37 consistent with the County Comprehensive Plan. Mr. White, 2nd.

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 - Tressler, Sepe, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Sowell, Rensberger

WS 21-33 Division of Planning & Permitting (Various properties within the Eastalco Community Growth Area) (WS267851). Request: Reclassification of 59 properties from No Planned Service (NPS) to Planned Service (PS). Property information details included in application materials. Location: Stanford Industrial Park, Mullinix Agro Industrial Park, and Capstine Road. Comp. Plan: General

Industrial & Limited Industrial. Zoning: General Industrial, Limited Industrial, Agricultural.

Mr. Goodfellow, presentation.

Public Comment: None

Decision: Mr. White motioned to find Case WS-21-33 consistent with the County Comprehensive Plan. Mr. Tressler, 2nd.

<u>VOTE</u>	<u>4-0-1-2</u>
FOR:	4 - Tressler, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	1 - Sepe (recuse)
ABSENT:	2 - Sowell, Rensberger

Prior to adjournment, Mr. White commented that with regard to the historic properties discussion earlier at the meeting, it would be a good idea to have a workshop on the topic. Ms. Sepe said she would add that to the workshop topics. Mr. Hicks and Mr. Tressler were in agreement. There was also additional discussion about the topic of postal service.

Mr. Tressler motioned to adjourn. Mr. White 2nd. Mr. Hicks declared the meeting adjourned at 4:48 p.m.


Samuel G. Tressler III, Chair

5/11/22
Date