

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
May 11, 2022
In Person/Virtual Meeting

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

Members Present: Sam Tressler III, Chair; Craig Hicks, Vice-Chair; Carole Sepe (entered meeting at 9:35 a.m.); Terry Bowie; and Robert White, Jr.

Members Absent: Joel Rensberger, Secretary

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; Graham Hubbard, Principal Planner; Jerry Muir, Principal Planner; Cody Shaw, Principal Planner; and Karen James, Administrative Specialist,

The meeting was called to order at 9:30 a.m.

1. **PLEDGE OF ALLEGIANCE** Mr. Tressler
2. **ROLL CALL** Mr. Tressler
3. **MINUTES TO APPROVE** - March 9, 2022

Mr. Hicks requested a correction to the minutes (his name was misspelled on page 5). Mr. Hicks motioned to approve the minutes as amended; Mr. White 2nd.

VOTE	4-0-0-2
FOR:	4 - Tressler, Hicks, White, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Sepe, Rensberger

4. **PLANNING COMMISSION COMMENTS**

Mr. Tressler asked Mr. Wilkins if a new member had been found for the Planning Commission. Mr. Wilkins responded that there is a candidate being considered.

5. **AGENCY COMMENTS / AGENDA BRIEFING**

Ms. Brandt provided an update on upcoming meetings, including May 18 day and evening meetings and a May 25 night meeting. The May 18 evening meeting is the Sugarloaf Plan public hearing. The May 25 night meeting is the Kenel Farm rezoning application public hearing.

Mr. Hicks asked if the State review of the Sugarloaf Plan contained any comments that might necessitate changes in the plan or a need to consider changes or additions to the plan. Ms. Brandt responded that the State did a very thorough review and there are comments that the Commission will need to discuss and perhaps reconsider some of the decisions that have been made.

6. PRELIMINARY PLAN

DECISION

a) Enclave at Carrollton Manor - The Applicant is requesting Preliminary Subdivision Plan approval for 39 single-family residential lots on a 10.16-acre land area located between Tuscarora Street, Tracey Bruce Drive, and Bill Dorsey Boulevard in the village of Adamstown. Tax Map: 103, Parcel 882; Zoned: Planned Unit Development (PUD); Planning Region: Adamstown. S-1153 (AP# PP267798, APFO# A266535, FRO# F267799)

Graham Hubbard, Principal Planner I

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

Staff Presentation:

Graham Hubbard

Applicant Presentation:

David Severn, Attorney, Offit Kurman, P.A.
Victor White, Becker Building Company, LLC
George Warholic, Dewberry Consultants, LLC

Public Comment:

In-person: 9
Live call-ins: 8
Recorded messages: 3

Mr. Hicks asked about vehicular connectivity. Mr. Wilkins provided a response. Mr. Mishler answered questions about hammerhead turnarounds and the difference between public and private streets. Mr. White felt the streets looked awfully narrow and questioned if there is enough space for two cars to pass each other. Mr. Mishler responded yes, and also commented all roadway sections that are public meet county design specifications, and the private roadway sections meet alley specifications as well.

Break taken at 11:39 a.m. Meeting resumed at 11:48 a.m.

Mr. Severn responded to public testimony presented. Mr. Hicks posed questions about sidewalks. Flexibility of the design of those sidewalks were discussed with Mr. (Victor) White, as well as, providing an opportunity to meet with the community to view modifications.

Mr. Wilkins said he prepared a draft condition for the Planning Commission and applicant's consideration, "The applicant will work with county staff and take into consideration input from the residents of Adams Street on the final design details for the improvements along Adams Street." Mr. (Victor) White asked to include that it has to be in conformance with the design manual.

Decision: Mr. Hicks motioned that the Frederick County Planning Commission approve Preliminary Subdivision Plan S-1153, PP267798, A266535 F267799 with modifications as listed in the staff report and including the additional condition just drafted by Mr. Wilkins for the proposed 39 single family lots within the enclave at Carrollton Manor based on the finding and conclusions of the staff report and the testimony exhibits and documentary evidence produce at the public meeting. Mr. White 2nd.

VOTE 4-0-1-1
FOR: 4 - Tressler, Hicks, Bowie, White
AGAINST: 0
ABSTAIN: 1 - Sepe
ABSENT: 1 - Rensberger

Lunch break taken at 12:23 p.m. Meeting resumed at 1:03 p.m.

7. SITE PLAN **DECISION**

a) Grail Foundation – The Applicant is requesting Site Development Plan approval for the construction of a 4,300 sq. ft. house of worship with associated offices and meeting rooms on a 3.16 acre lot. Located at 4705 Bartholows Road. Tax Map 89 Parcel 264. Zoned Agricultural (A): Planning Region: New Market. SP21-05 (AP# SP265127 APFO # A265125 FRO# F265126)
Jerry Muir, Principal Planner /

Staff Presentation:

Jerry Muir

Applicant Presentation:

Ayodeji Badaki, Grail Foundation

Michael Hicks, engineer, Civiller, LLC

Public Comment:

In-person: 5

Live call-ins: 4

Recorded messages: 3

Mr. Hicks mentioned Mr. Muir's fourth condition for approval not included in the staff report regarding the parking plan. Mr. Muir read this into the record to include 16 required parking spaces. Ms. Sepe asked if there would be activities held during the week and in the evenings. Concern was expressed about traffic and the nearby soccer complex being built. Mr. Mishler responded to questions about traffic.

Planning Commission members explained their role in the process and that this is a use issue and not a zoning issue and that they operate under the laws of Frederick County.

Decision: Mr. White motioned that the Planning Commission approve SP265127 APFO A265125, FRO F265126 subject to the modifications and conditions listed in the staff report for the proposed Grail Foundation, based on the findings and the conclusions of the staff report and the testimony, exhibits and documentary evidence produced at the meeting. And that would include any modifications in the parking numbers. Ms. Sepe 2nd.

VOTE 4-1-0-1
FOR: 4 - Tressler, Hicks, Sepe, White
AGAINST: 1 - Bowie
ABSTAIN: 0
ABSENT: 1 – Rensberger

Mr. Tressler announced that item number 8 – Land Preservation, Parks and Recreation Plan and item number 9 – Annual Report, would be moved to the following week's agenda.

b) Mountaintale Tower – The Applicant is requesting Site Plan approval to construct a 180 foot monopole cell tower with associated equipment and then remove an existing 130 foot tower on the same lease lot. Located at 9450 Gambrill Park Road. Tax Map 47, Parcel 110. Zoned Resource Conservation (RC): Planning Region Frederick. SP09-06 (AP# SP267726, APFO #A267725, FRO# F267717)
Jerry Muir, Principal Planner I

Staff Presentation:

Jerry Muir

Applicant Presentation:

Richard Marquiss, First Energy

Robert Heath, consultant/engineer for First Energy

Public Comment: None

Discussion including clarification of the exact setback distance from the road to the structure. Mr. Bowie confirmed with the applicant that there are no lighting requirements.

Decision: Mr. Hicks motioned that the Planning Commission approve SP267726, APFO A267725, FRO F267717 for the conditions as listed in the staff report for the proposed Mountaintale Tower, communications tower, located at 9450 Gambrill Park Road based on the findings and the conclusions of the staff report and the testimony, exhibits and documentary evidence produced at the meeting. Mr. Bowie 2nd.

<u>VOTE</u>	5-0-0-1
FOR:	5 - Tressler, Hicks, Sepe, Bowie, White
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 – Rensberger

c) Frederick Health Urbana – The Applicant is proposing Site Development Plan approval for the construction of a 40,000 sq. ft. professional office (medical office) located on a 4.04-acre site. Located at Northeast of the intersection of Fingerboard Road (MD 80) and Campus Drive. Tax Map: 96, Parcel: 40; Zoned: General Commercial (GC); Planning Region: Urbana. SP18-14 (AP# SP263916 APFO# A263917 FRO# F267879)
Ashley Moore, Senior Planner

Staff Presentation:

Ashley Moore

Applicant Presentation:

Bruce Dean, attorney, McCurdy, Dean & Graditor, LLC

Gary Large, Eco Developers

Mike McLane, Frederick Health Hospital

Chris Smariga, Harris, Smariga & Associates

Public Comment: None

Mr. Hicks asked if Ms. Moore could confirm that the use described in this site plan was not restricted by any land covenants at this time. Ms. Moore's response, "This site plan is not in violation of the amended or restated covenants, so I can confirm that." Ms. Moore and Mr. Wilkins responded to additional questions. Amended and restated covenants allow the provision for a medical office or medical clinic to be permitted on this site through an agreement between Frederick County Government and the YMCA, and approved by the County Council and County Executive.

Mr. Dean gave a brief history of the project, as did Mr. Smariga.

Mr. Hicks asked Mr. Dean if he could explain why in 2019 when the Planning Commission approved the first site plan for this project, the land covenant restrictions were not disclosed to the Planning Commission during applicant presentation or testimony. Mr. Dean responded that the applicant was not his client at that time, but it was probably just a question of inadvertence. It was not expected that this type of use was what was really intended to be prohibited by those covenants. Mr. Dean further stated that he hates to speculate for someone else, but didn't believe there was an intent to circumvent anything and to the extent there was a wrong, it has been corrected. Mr. Hicks thanked Mr. Dean for his response and explained why he had those questions.

Additional questions were asked about the current urgent care facility a few blocks away, and the possibility of adding or relocating trees to a specific area.

Decision: Ms. Sepe motioned that the Planning Commission conditionally approve Site Plan SP18-14, AP SP263916, F267879, with modifications and conditions as listed in the staff report for the proposed site plan, as well as to work with staff on additional landscaping, based on the findings and conclusions of the staff report and the testimony exhibits and documentary evidence produced at the public meeting. Mr. White 2nd.

<u>VOTE</u>	5-0-0-1
FOR:	5 - Tressler, Hicks, Sepe, Bowie, White
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 – Rensberger

Break taken at 2:15 p.m. Meeting resumed at 2:20 p.m.

d) Jefferson Technology Park – GMP Building 1 Lot B-1 – The Applicant is requesting Site Development Plan approval for the construction of a 142,478 sq. ft. building for a proposed laboratory research, experimental, or testing use located on a 7.639-acre Site. Located at Southeast side of Jefferson Station Blvd. Tax Map: 76, Parcel: 568; Zoned: Mixed Use Development (MXD); Planning Region: Frederick. SP06-07 (AP# SP267815 APFO# A267817 FRO# F267816)

Cody Shaw, Principal Planner II

Staff Presentation:

Cody Shaw

Applicant Presentation:

Bruce Dean, attorney, McCurdy, Dean & Graditor, LLC
Chris Smariga, Harris, Smariga & Associates
Eric Fischer, Trammell Crow Company
Hilary Zoretic, Gensler

Public Comment:

In-person: 1
Live call-ins: 3
Recorded messages: 24

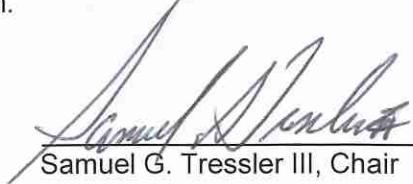
Mr. White asked Ms. Mitchell what is the purview of what Planning Commission members can ask with regard to this project, expressing concern over what he has known to have occurred in laboratories in the county and having concerns about the health and safety of the people of Frederick County. Ms. Mitchell said she assumes the applicant can be asked, but not sure it is the authority of the Planning Commission to control the specific use. She said that may be more of a County Council thing, but there are certain uses they could participant in that would require State approval. Mr. Wilkins also stated that this issue is not in the zoning ordinance for members to consider. Mr. Hicks and Ms. Sepe also expressed concerns. Ms. Sepe suggested adding the topic of laboratories to their tickler list.

Ms. Sepe asked about historical revisions to the plan. Mr. Dean responded to questions and then introduced the applicant team who then gave their presentation. Ms. Sepe asked if any changes could be made to the front side along the parkway to make it a little more attractive and less industrial looking.

Following a portion of public comment, Planning Commission members discussed the possibility continuing Jefferson Technology Park – GMP Building 1 Lot B-1 to the next week's meeting; and moving Jefferson Technology Park – Lot B-2 to next week's meeting. Public comment then continued. It was then decided to continue with public comment at the following meeting for Jefferson Technology Park – GMP Building 1 Lot B-1. All participants were in agreement.

Mr. White motioned to adjourn. Mr. Hicks, 2nd. All in favor of adjournment.

Meeting adjourned 5:17 p.m.



Samuel G. Tressler III, Chair

7/20/22
Date