

FREDERICK COUNTY PLANNING COMMISSION  
Minutes of Meeting for  
March 15, 2023 (night mtg)  
*In Person/Virtual Meeting*

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

Members Present: Craig Hicks, Chair; Joel Rensberger, Vice Chair; Tim Davis, Secretary; Sam Tressler III, Carole Sepe; Robert White, Jr.; and Masai Troutman.

Members Absent: None

Staff Present: Mike Wilkins, Development Review and Planning Director; Kathy Mitchell, Senior Assistant County Attorney; Ashley Moore, Senior Planner; Cody Shaw, Principal Planner II; Rod Winebrenner, Deputy Director, Division of Water and Sewer Utilities; Bryan Burke, Department Head, Engineering and Planning, Division of Water and Sewer Utilities; Mark Mishler, Traffic Engineer; Beau Lockard, Principal Planner Historic Preservation; and Karen James, Administrative Specialist.

The meeting was called to order at 6:30p.m.

1. **PLEDGE OF ALLEGIANCE** – Mr. Hicks
2. **ROLL CALL** – Mr. Hicks
3. **PLANNING COMMISSION COMMENTS** – Brief discussion regarding an end time for the evening's meeting.
4. **AGENCY COMMENTS / AGENDA BRIEFING** **INFORMATIONAL**  
Mr. Wilkins provided a recap, which included date and time of the meeting, established a cutoff date and time for written testimony, order of operations, and time limits for those speaking.
5. **PRELIMINARY PLAN** **Continued from February 15, 2023** **DECISION**
  - a) Gordon Mill – The Applicant is requesting Preliminary Subdivision Plan approval for 435 single family lots and 175 townhouse lots on a +/- 279.2-acre Site. Located on the east side of Boyers Mill Road. Tax Map: 79, Parcels: 2, 3; Zoned: Planned Unit Development (PUD), Planning Region: New Market. S1170 (AP# PP257753 APFO# A274928 FRO# F257754).  
*Cody Shaw, Principal Planner II*

Continued from February 15, 2023, beginning with applicant recap.

**Applicant Recap:**

Soo Lee-Cho, attorney for the applicant, began the recap by highlighting some of the county-wide benefits that the applicant believes the project will bring forth. She then addressed issues raised during the proceedings. The applicant has proffered a second access to alleviate the concerns of the Pinehurst community and a 6-foot board fence along the common property line of the pre-school to provide protection and screening. Donavon Corum, CBM Consulting, continued with a recap of the design elements.

**Cross Examination:**

By Elizabeth Thompson, response by Ms. Lee-Cho.

By Brent Simmons, responses by Mr. Corum and Ms. Lee-Cho. Mr. Hicks cautioned Mr. Simmons against being argumentative in his cross examination.

Cross examination topics included the En Haus Academy, FCPS capacity numbers, traffic, and road improvements. Planning Commission members then directed questions to the applicant team who, along with Mr. Mishler, responded.

**Public Comment:**

In-Person: 5  
Live call-ins: 0  
Recorded Messages: 0

Break taken at 8:22 p.m. Meeting resumed at 8:31 p.m., continuing with Public Comment.

**Public Comment:**

In-Person: 4 (including Michelle Rosenfeld, representing Cleanwater Liganore, Inc.)  
Live call-ins: 1 (Mr. Hicks chose to treat this call - by Kristin Braschler- as cross examination.)  
Ms. Lee-Cho and Mr. Corum provided applicant answers to questions posed by Ms. Braschler.  
Recorded Messages: 7

Mr. Hicks announced the end of Public Comment.

**Applicant Rebuttal:**

Ms. Lee-Cho provided applicant rebuttal including responses to road(s) issues, school construction (fees, enrollment and capacity numbers), and the neighboring En Haus Academy Preschool.

Planning Commission members then asked questions of the applicant team and further discussed the application. Roads and schools, buffers and landscaping continued to be the topics of discussion. Mr. Rensberger asked that it be noted that the Concept Plan for this project was approved nine years ago. What is being looked at now is a Preliminary Plan. He further asked if the "current year" tested for schools was 2011. Ms. Lee-Cho's response was, no, "current year" tested was 2022.

Mr. Hicks expressed that it would be helpful to hear from Ms. Mitchell and was sworn in prior to testimony. She stated that she does not have any feeling one way or another as to whether this development should go forward. She gave a history of the School Mitigation Fee Ordinance, beginning with the Land Use Council coming to the Board of County Commissioners. Following testimony, she answered questions by the Planning Commission members. Interpretation of the "120% Rule" in former §1-20-62(K) was discussed. Mr. Mishler responded to questions about roads and road improvements. Storm water management was discussed as well as water and sewer. Mr. Winebrenner provided answers and guidance related to water and sewer. LOUs were discussed and the possibility of minor revisions.

Mr. Wilkins suggested that the Planning Commission may want more time to think about exactly what it wants to change and come to another meeting with conditions written down. Ms. Lee-Cho said the applicant has spent an extensive amount of time negotiating the LOU

with staff, based on data, and has gone above and beyond. Mr. Rensberger said he is not contemplating adjustments to the LOU and suggested it may suit all to come back [to another meeting]. Mr. Hicks shared his thoughts. Ms. Sepe said she had additional conditions she would like to propose and gave a preview. She also listed items she would like to further discuss. Mr. Hicks thanked Ms. Sepe for the preview, and said it was time to talk about a continuance.

After discussion about available dates and time, the Planning Commission decided to continue to the April 12, 2023 9:30 a.m. Planning Commission meeting, and stated this item would be one of the first items on the agenda. Mr. Hicks said that they have now entered deliberations. Public Comment and the record are closed. This issue was approved by unanimous consent and the meeting was declared adjourned at 10:56 p.m.

  
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Craig Hicks, Chair

6/14/23  
Date