

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
April 12, 2023
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; Graham Hubbard, Principal Planner II; Craig Terry, Principal Planner I; Cody Shaw, Principal Planner II; Mark Mishler, Traffic Engineer; Beau Lockard, Principal Planner Historic Preservation; and Karen James, Administrative Specialist.

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

1. **PLEDGE OF ALLEGIANCE** – Mr. Hicks

2. **ROLL CALL** – Mr. Hicks

3. **MINUTES TO APPROVE**

DECISION

February 8, 2023 Day meeting: Request to amend table showing the vote for Quantum Frederick Section 2, PP273777, Mr. Rensberger from aye to abstain. Mr. Rensberger moved that the Planning Commission approve the February 8, 2023 Day meeting minutes as amended. Mr. White seconded the motion which passed 7-0-0-0.

Planning Commission members	Aye	Nay	Abstain	Absent
Hicks-Chair	X			
Rensberger Vice-Chair	X			
Davis-Secretary	X			
Tressler	X			
Sepe	X			
White	X			
Troutman	X			

February 8, 2023 Night meeting: Minutes approved as submitted by unanimous consent.

February 15, 2023 Day meeting: Minutes approved as submitted by unanimous consent.

February 15, 2023 Night meeting: Mr. Rensberger moved that the Planning Commission approve the February 15, 2023 Night meeting minutes as submitted. Mr. Troutman seconded the motion which passed 6-0-1-0.

Planning Commission members	Aye	Nay	Abstain	Absent
Hicks-Chair	X			
Rensberger Vice-Chair			X	
Davis-Secretary	X			
Tressler	X			
Sepe	X			
White	X			
Troutman	X			

4. EXECUTIVE COMMITTEE REPORTS

Mr. Hicks said that the Executive Committee is working on some amendments to the Planning Commission Rules of Procedure including, but not limited to, the number of meetings per month and consideration of not having day and evening meetings the same day and documenting some of the ideas that have already been approved around the formation of the committees.

5. SPECIAL COMMITTEE REPORTS

Mr. Hicks explained that these are study committees and recommendations will be part of a Planning Commission agenda with opportunity for input from the community.

Mr. Rensberger provided a report for the MXD Committee, providing a brief background. John Dimitriou, Principal Planner II Livable Frederick participated in the committee meetings. Stating that the MXD wasn't working as originally envisioned, the committee is likely to recommend revising the names used for MXD as well as some elements within them.

Mr. Davis shared a report for the Community Outreach and Engagement Committee. Mr. Davis has spoken to former colleagues and planners and has been doing an assessment of the current outreach program. The committee will meet in April to develop a problem statement.

Mr. White gave a report for the Transfer of Development Rights Committee. The committee will meet later in the week. In the meantime, Mr. White has made outreach calls to other counties that have transfer of development rights processes in the works. The committee will continue to collect information.

Mr. Hicks thanked the committee chairs and members for their work and said he looks forward to their progress on these issues.

6. PLANNING COMMISSION COMMENTS

Mr. Rensberger referenced a recent County Council meeting where Council Member Steve McKay asked several questions regarding stormwater management. Mr. Rensberger then asked if the Planning Commission could be included in whatever responses are given to Mr. McKay for informational purposes. Ms. Mitchell said she was at that meeting and that she would follow up on whether the county had the right to enact stricter requirements for the county than the state requirements. Mr. Wilkins said that while not directly involved with storm water, it was his understanding that the state has a work group that appears to be moving toward some updates on this issue.

Mr. Wilkins gave a preview of upcoming meetings, which will include April 19 featuring 2 Development Review items – 1 Preliminary Plan and 1 Site Plan, plus the Sugarloaf Overlay and the annual planning report discussion. The last two items will be with Kimberly Gaines, Livable Frederick Director and her staff. May 10 will be a full day of Development Review items including 5 Site Plans and 1 APFO item.

8. **PRELIMINARY PLAN**

Continued from March 15, 2023

DECISION

- a) Gordon Mill – The Applicant requested 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

Applicant Team:

Soo Lee-Cho; Bregman, Berbert, Schwartz & Gilday, LLC
Donavan Corum, CBM Consulting
Michael J. Workosky, Wells and Associates

Mr. Hicks reminded everyone that the record is closed for comment on this case, however, during deliberations the Planning Commission members may have questions for the applicant and staff.

Members then stated items about which they had questions or concerns. Ms. Sepe began the discussion saying she had list of 13 items. Mr. Hicks offered his thoughts, as well as Mr. Rensberger. Ms. Sepe continued, stating that she reviewed not just the documents, but the history of the case and that the Plan does satisfy the Comprehensive Plan designation. She reviewed other elements of the application which have been satisfied. Regarding schools going over capacity, she said the County has entered into an agreement which ties the hands of the Planning Commission. She further stated that she hopes the County Executive puts some of the school construction in that area as an emergency priority.

Mr. Tressler shared some of his concerns that have now been addressed. Mr. Rensberger pointed out that originally approved for 675 units, this plan is for 610, plus the applicant is “over-treing” the roadways including an accommodation for the En Haus Daycare

Ms. Sepe reviewed her recommendations, as did Mr. Rensberger, including applicant proffers. Following a discussion about native landscaping, discussion moved to the 6 foot privacy fence along the common property boundary with the En Haus Daycare, one row of evergreens to be provided along the rear boundary of the En Haus Daycare, and one row of evergreens along the Gordon Mill boundary adjacent to the day care. She confirmed that the applicant proffered the connection to Pinehurst (egress only connection until such a time that a secondary full access is provided), two pickleball courts, a crosswalk across Boyers Mill Road. Also noted was to update note 51 on the cover sheet, to the correct traffic study date.

There was an exchange about prohibiting fencing in the fronts of the lots adjacent to Boyers Mill Road, and the side yard setback between single-family homes. The applicant proffered to revise the building restriction line for the homes adjacent to Boyers Mill Road to increase the BRL to 2 feet from the location of the single family homes along Boyers Mill Road that were shown on the Site Plan and add language into the HOA document to prohibit fencing in the front of the lots that are adjacent to Boyers Mill Road.

Mr. Hicks (and Ms. Mitchell) reminded members they are reviewing and should be referencing the Preliminary Plan. There was a proffer of relocating the sidewalk along Boyers Mill Road to be adjacent to the right of way along Boyers Mill Road, as well as, designating all lots along Boyers Mill Road as High Visibility Lots. Finally, Ms. Sepe mentioned the LOU and the need to update the LOU to reference the date of the DRRA.

Break taken at 11:03 a.m. Meeting resumed at 11.11 a.m.

Parking spaces was the next topic of discussion, with concern expressed over the number of spaces which is greater than required, and location of parking. Most Planning Commission members did not find this to be an issue.

Mr. Rensberger announced that he was prepared to make a motion.

Decision:

Mr. Rensberger moved that the Planning Commission approve Preliminary Subdivision Plan S-1170, PP257753, A274928, F257754 with modifications and conditions to include the Pinehurst connection one way only at the beginning; En Haus Academy landscape buffer, part on that lot, part on the applicant's property with a six foot fence; the crosswalk at Boyers Mill Road; the adjustment of the building restriction lines; and the High Visibility classification for lots 1 to 2, 34 to 37, 38 to 42, 595 to 610; that a building restriction line will be placed within two feet of the applicant's illustrated house boxes; the sidewalk adjustment to the right of way; an HOA note that there will be no fences on Boyers Mill for the above mentioned lots; that there will be two pickleball courts; and that the LOU will be updated to reference the DRRA of 2014; and as listed in the staff report for the proposed Gordon Mill development, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Ms. Sepe seconded the motion. Prior to the vote, Mr. Hicks stated that they had heard testimony from people other than the applicant about issues that are important, but not within the Planning Commission's purview to address. Other members shared their feelings and frustration. Mr. Hicks then took a roll call vote with the motion to approve passing with a vote of 5-2-0-0.

Planning Commission members	Aye	Nay	Abstain	Absent
Hicks-Chair	X			
Rensberger Vice-Chair	X			
Davis-Secretary	X			
Tressler	X			
Sepe	X			
White		X		
Troutman		X		

9. SITE PLAN

DECISION

- a) Gordon Mill – The Applicant requested Site Plan approval to construct 175 townhomes 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. SP20-02 (AP# SP257755 APFO# A257635 FRO# F257754).
Cody Shaw, Principal Planner II

Staff Presentation: Cody Shaw

Questions, comments, and discussion by Planning Commission members followed the presentation. Mr. Rensberger commented that the 81% native plantings to Frederick County is delightful and exceeds the County's requirements. It was noted that the BRL table carried over from the Preliminary Plan to the Site Plan and will need to be adjusted.

Applicant Presentation:

Soo Lee-Cho; Bregman, Berbert, Schwartz & Gilday, LLC
Donavon Corum, CBM Consulting
Michael J. Workosky, Wells and Associates

Mr. Corum explained the placing of townhomes then offered to answer any questions.

Ms. Sepe complimented the location of the townhomes.

Public Comment:

Recorded messages: 0

Live call-ins: 0

In Person: Attorney Michele Rosenfeld, representing Cleanwater Linganore

Applicant Rebuttal: Ms. Cho requested incorporation of all applicant rebuttals on the APFO arguments presented by Cleanwater Linganore into the record of this case and all of the materials relating that was submitted by the County Attorney's Office in support of the APFO provided to the Planning Commission under the Preliminary Plan application be incorporated into the Site Plan application. Mr. Hicks thanked Ms. Rosenfeld and Ms. Cho for their efficiency in re-articulating these arguments.

Decision: Mr. Tressler moved that the Planning Commission approve the Gordon Mill Townhomes Site Plan SP20-02, SP257755 with conditions as listed in the staff report to construct 175 Townhomes on a 279.2 acre Site, based on the finding and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting. Mr. Troutman seconded the motion which passed 7-0-0-0.

Planning Commission members	Aye	Nay	Abstain	Absent
Hicks-Chair	X			
Rensberger Vice-Chair	X			
Davis-Secretary	X			
Tressler	X			
Sepe	X			
White	X			
Troutman	X			

Ms. Sepe asked to comment and did so stating that she would like the Planning Commission members to send a letter to the County Executive requesting that school construction in that area, serving all of the proposed 5,000+ homes to be built, be accelerated. This led to a discussion of where the money would come from. Following additional discussion, it was decided by unanimous consent that Ms. Sepe would draft such a letter to be reviewed by the Planning Commission.

Mr. White had questions about the following week's meeting and an agenda item regarding the Sugarloaf Overlay. Mr. Hicks said he was giving Stronghold one more opportunity to talk and that after that there would be a need to move forward. He would like to move forward knowing that the Planning Commission has done everything they can to try to engage those who own the mountain.

- b) **Prosperity Mansion** – The Applicant requested Site Plan approval for the establishment of a facility for functions use on a 19.2-acre Site. Located at 11309 Rocky Ridge Road. Tax Map: 27, Parcel: 25; Zoned: Agricultural (AG), Planning Region: Walkersville. SP19-03 (AP# SP273505 APFO# A273506 FRO# F273507)
Cody Shaw, Principal Planner II

Staff Presentation: Cody Shaw

Questions, comments, and discussion by Planning Commission members followed the presentation. This included landscaping, screening and parking. Mr. Wilkins shared the Board of Appeals decision, item #4 not asking for any additional landscaping. There was further review of the Board of Appeals decision including the number of events/weekends per year.

Applicant Presentation:

Deborah Donohue, owner
Chris Gauss, R.F. Gauss and Associates, Inc.
Paul Adams

Ms. Donohue shared what she has done with the property and the outreach she has conducted with neighbors. She and Mr. Gauss responded to questions about the septic system. Mr. Mishler responded to questions about the driveway and visibility. Mr. Tressler confirmed that the land is not in Ag Preservation.

Public Comment:

Recorded messages: 0
Live call-ins: 0
In Person: 1

Planning Commission members had questions for Linda Grossnickle, who had provided the Public Comment. Signage was discussed to help prevent visitors from turning into neighbors' driveways to turn around. Ms. Donohue said she was not yet allowed to put up permanent signs. Drainage in the parking area and signs for the parking area were also discussed.

Decision: Mr. Rensberger moved that the Planning Commission approve the Site Plan SP19-03, AP SP273505, including FRO F273507 with modifications and conditions as in the staff report for the proposed Prosperity Mansion Farms, based on the findings and conclusions of the staff report and the testimony to include working with staff on appropriate, attractive signage, exhibits, and documentary evidence produced at the public meeting. Mr. White seconded the motion which passed 7-0-0-0,

Planning Commission members	Aye	Nay	Abstain	Absent
Hicks-Chair	X			
Rensberger Vice-Chair	X			

Davis-Secretary	X			
Tressler	X			
Sepe	X			
White	X			
Troutman	X			

Lunch break taken at 12:40 p.m. Meeting resumed at 1:30 p.m.

10. FOREST RESOURCE MODIFICATION REQUEST

DECISION

- a) Gas House Pike – Road Improvements from City of Frederick Limits to Boyers Mill Road (Removal of 8 Specimen Trees) – The Applicant requested approval of a modification to the Forest Resource Ordinance (FRO) to remove eight (8) specimen trees along a 2.15-mile stretch of Gas House Pike, from the City of Frederick limits to Boyers Mill Road. Tax Maps: 68 and 69, Parcels: (multiple); Zoned: (multiple), Planning Regions: New Market and Walkersville. SP17-10 (AP# F269070, CIP # C6303.6303.01 (Previously C28391)).
Graham Hubbard, Principal Planner II

Staff Presentation: Graham Hubbard

Questions, comments, and discussion by Planning Commission members followed the presentation. Mr. Davis commented that the 2018 Bicycle Pedestrian Master Plans calls for that to be a bike route and asked if the five-foot shoulder on this road is considered the bikeway. Staff in attendance could not provide an answer. It was noted that there wasn't a roadway cross section of the plan as one was not needed for this request.

Applicant Presentation:

Jennifer Bohager, Frederick County Division of Public Works
Jennifer Powers, Wilson T. Ballard, Consulting Engineers

Ms. Bohager provided a brief history of the project. Trees being removed were discussed along with the reasons for the need to remove and their condition. Mr. Hicks recited the criteria needed when considering the removal of nonhazardous specimen trees, and whether reasonable efforts have been made to protect the trees. Mr. Hicks noted that he didn't see this point addressed in the application or staff report. Ms. Bohager responded by describing the efforts made and the on-going negotiations with property owners, developers, and the City of Frederick. An example was a tree that needs to be removed to allow appropriate drainage to go towards the stormwater management facility. Other examples were cited.

Mr. Hicks said he would encourage applicants, particularly county agencies, to document efforts to protect specimen trees. Ms. Bohager stated that they are designing to meet current standards. Discussion continued.

Public Comment: None

Decision: Mr. Tressler moved that the Planning Commission approve the removal of the specimen trees. Mr. White seconded the motion. After additional discussion, Mr. Tressler amended his motion to move to approve the Gas House Pike Road Improvement FRO Modification request to remove eight specimen trees per 1-21-21 of the Forest Resource Ordinance, in accordance with staff report and findings. Mr. White seconded the amended motion which passed 7-0-0-0.

Planning Commission members	Aye	Nay	Abstain	Absent
Hicks-Chair	X			
Rensberger Vice-Chair	X			
Davis-Secretary	X			
Tressler	X			
Sepe	X			
White	X			
Troutman	X			

Mr. Troutman exited the meeting.

11. **COMBINED PRELIMINARY/FINAL PLAT**

DECISION

- a) Reichs Ford Road Estates, Lots 9A, 9B, & 9C – The Applicant requested Combined Preliminary/Final Plat approval to resubdivide a 4.9891 acre lot into 3 lots. Located at 5445 Beall Drive, northeast of the intersection with Reichs Ford Road. Tax Map 78, Parcel 657, Lot 9, Tax ID #09-247424, Zoned: Agricultural (AG), Planning Region: New Market. S-712 (AP# PL274877, FRO# F274900).
Craig Terry, Principal Planner I

Staff Presentation: Craig Terry

Questions, comments, and discussion by Planning Commission members followed the presentation and included the current cul-de-sac, driveway widths, easement, need for a Life Safety review, and Excellence in Design. Ms. Mitchell offered guidance regarding Excellence in Design.

Applicant Presentation:

Caroline Taltavull, applicant
Thomas Taltavull, Sr.

The applicant responded to questions from Planning Commission members including addressing existing buildings on the property.

Public Comment: None

Decision: Mr. Rensberger moved that the Planning Commission approve S-712 (PL274877, F274900) with conditions and modifications as listed in the staff report for the proposed Combined Preliminary/Final plat based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting. Mr. Tressler seconded the motion which passed 6-0-0-1.

Planning Commission members	Aye	Nay	Abstain	Absent
Hicks-Chair	X			
Rensberger Vice-Chair	X			

Davis-Secretary	X			
Tressler	X			
Sepe	X			
White	X			
Troutman				X

12. **CONCEPT PLAN**

DECISION

- a) Jefferson Village – The Applicant requested Concept Plan approval for a 47-lot age restricted subdivision (townhome and duplex units) on a 9.41-acre Site and two single family dwellings on a 0.57-acre Site. Located on the south side of Holter Road. Tax map: 84, Parcel: 65; Zoned: Village Center (VC), Planning Region: Brunswick. SP89-19 (AP# SP273850)

Cody Shaw, Principal Planner II

Staff Presentation: Cody Shaw

Questions, comments, and discussion by Planning Commission members followed the presentation. Ms. Sepe offered suggestions to the main street saying the character of the neighborhood on the main street needs to remain. She stated that she would prefer to not see the storm water management facility taking such a large portion of the site along Md 180.

Applicant Presentation:

Christopher Stephenson, Morris and Ritchie Associates Inc. representing the applicant

Mr. Stephenson responded to questions from Planning Commission members. He was not in a position to proffer for the applicant. Planning Commission members then offered recommendations to the Plan. All were reminded that it is a Concept Plan and not a Site Plan.

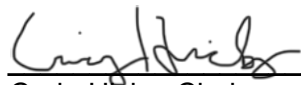
Public Comment: None

Decision: Mr. Rensberger moved that the Planning Commission approve Concept Plan SP 89-19, AP SP273850 with conditions as listed in the staff report for the proposed Jefferson Village Site Plan, based on the findings and conclusions of the staff report and the testimony, that included rear loading lots 19 through 26; relocating stormwater management pond off Jefferson Pike; rotating and front loading for lot two moving driveway away from the intersection; and considering a potential multi-use or public benefit to the clubhouse, exhibits and documentary evidence produced at the public meeting. Mr. White seconded the motion.

Following additional discussion, Mr. Rensberger amended his motion to move that the Planning Commission approve Concept Plan SP 89-19, AP SP273850 with conditions as listed in the staff report for the proposed Jefferson Village Site Plan, based on the findings and conclusions of the staff report and the testimony, recommendations that include rear loading lots 19 through 26 and to front on Jefferson Pike; relocating stormwater management off Jefferson Pike; rotating and front loading lot two moving the apron away from the intersection; and exhibits and documentary evidence produced at the public meeting. Mr. White seconded the amended motion which passed 6-0-0-1.

Planning Commission members	Aye	Nay	Abstain	Absent
Hicks-Chair	X			
Rensberger Vice-Chair	X			
Davis- Secretary	X			
Tressler	X			
Sepe	X			
White	X			
Troutman				X

The meeting was declared adjourned at 3.33 p.m.



 Craig Hicks, Chair

7/13/23
 Date