

FREDERICK COUNTY PLANNING COMMISSION

Minutes of Meeting for

May 10, 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; Kimberly Gaines, Livable Frederick Director; Kathy Mitchell, Senior Assistant County Attorney; Ashley Moore, Senior Planner; Denis Superczynski, Livable Frederick Planning Manager; Graham Hubbard, Principal Planner II, Jerry Muir, Principal Planner I; Mark Mishler, Traffic Engineer; 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** – March 8, 2023 Day and March 8, 2023 Night meetings

**DECISION**

March 8, 2023 Day meeting– Mr. Davis asked that the minutes be amended to include more of the Royal Farms discussion, including signage conflict with Southern States, landscaping heights and the inter-parcel connections which are wonky and will continue to be wonky. One reference to Ms. Sepe as Mr. Sepe to be corrected. Ms. Sepe also asked that the minutes be amended from Ms. Sepe amended motion to include working with staff on landscaping on the northwest corner of the property to note in addition to the signage (addressing Mr. Davis's concern).

**Decision:** Mr. Tressler moved to approve the minutes as amended. Mr. Rensberger seconded the motion that 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			

**Decision:** Having no discussion or objections, the minutes of March 8, 2023 Night meeting were approved as submitted by unanimous consent.

4. **EXECUTIVE COMMITTEE REPORT**

Mr. Hicks said the committee is working on revisions to the Planning Commission Rules of Procedure, endeavoring to streamline and consolidate the meeting rules.

## **5. SPECIAL COMMITTEE REPORTS**

Mr. Davis reported on the Public Participation and Outreach Committee which has been discussing the role of social media in this area. A document is being created that will outline where public participation is found in various documents across the County.

Mr. White reported on the progress of the Transfer of Development Rights Committee. The committee reviewed previously collected information and set up an agenda of talking to additional agencies and individuals including agricultural preservations, the County's legal department, a County Council member, and director of Planning and Zoning. Mr. Rensberger will also be contributing to the conversation.

Mr. Rensberger reported on the Mixed-Use Committee. Their next meeting is scheduled for May 19<sup>th</sup>. After that meeting, the committee will consult with members of the development community to get their input.

At the April 29 meeting a special committee was formed to look at the Capital Improvement Program budget. This committee consists of Mr. Hicks, Mr. Troutman and Mr. Davis. The CIP budget discussion will be a topic later during this meeting including a letter being drafted to the County Council addressing the CIP budget.

Mr. Hicks noted that these committees are to basically do study on an issue and then bring it back to the full Planning Commission with a recommendation.

## **6. PLANNING COMMISSION COMMENTS**

Ms. Sepe said she had completed the letter about school adequacy and given it to Mr. Hicks to add to the agenda for May 17<sup>th</sup>. Plans are to finalize the letter and make a decision on it.

## **7. AGENCY COMMENTS / AGENDA BRIEFING**

### **INFORMATIONAL**

Ms. Gaines provided an update on items recently before the Planning Commission that have advanced to the County Council, including the Windridge rezoning request and the Quantum Priority Funding Area expansion.

Emails being circulated regarding FoodPro relocating to the Walkersville area were discussed. Ms. Gaines stated that there are no pending applications for FoodPro at this time.

Community meetings are scheduled in May for the South Frederick Corridors Plan.

Mr. Wilkins reported on the Development Review items that may appear on the June 14, 2023 agenda (sign posting date had not yet been met). Agenda items not completed will appear at the beginning of the June 21<sup>st</sup>.

Ms. Gaines said the public hearing for the South Frederick Corridors Plan could be held June 29<sup>th</sup> if the Planning Commission is in agreement. Following discussion, members agreed and will have a quorum present that evening.

- a) Hyattstown Self-Storage Units/Complex - The Applicant requested Site Plan approval to construct a self-storage unit facility on an 8.02-acre property. Located at 1920 Urbana Pike (MD 355). Tax Map 106, Parcel 34. Zoned General Commercial (GC). Planning Region: Urbana. SP07-28 (SP265223, F265225, A265226)  
*Graham Hubbard, Principal Planner II*

**Staff Presentation:** Graham Hubbard

In September of 2022 the Planning Commission voted to deny this application. The applicant appealed the decision to the Board of Appeals and in January the BOA found the denial was arbitrary and capricious. The BOA voted to remand the site plan back to the Planning Commission for a decision based on the BOA's findings and appellant's proffer of new mitigation efforts to respond to the objections raised by the neighbors.

Mr. Hicks noted that they had not been provided any material related to or from the Board of Appeals case record or any documentation about the BOA decision except for a few sentences in the staff report. For this reason, Mr. Hicks asked the Planning Commission to consider postponing this discussion to another date. Other members weighed in with their agreement.

Attorney Michelle Rosenfeld, representing the applicant, stated that she felt the Planning Commission was in a position to hear the plan and would be comfortable moving forward with the record before them. Following additional discussion, Ms. Rosenfeld said if postponed or continued, to schedule at the earliest possible date.

Mr. Hicks quoted the Planning Commission Rules of Procedure stating a case may be postponed or continued for further study and information until the time is determined by the Commission and that they may require additional relevant planning materials in order to reach a decision. He further stated based on his recollection that the decision made in September 2022 was not arbitrary or capricious.

After much additional discussion Mr. Rensberger moved that the Planning Commission continue the Hyattstown Self Storage Units/Complex case to the June 14, 2023 day meeting. Mr. Hicks asked if Mr. Rensberger would consider amending the motion to not be as prescriptive about the date. Upcoming meeting dates were discussed as well as scheduling conflicts.

Mr. Rensberger withdrew his motion and moved that the Planning Commission continue the Hyattstown Self Storage Units/Complex case until such time as staff and the Chairman see fit to reintroduce it to a future agenda.

Mr. Wilkins stated that per the Rules and Procedures they need to identify a more specific date, for public notification and for the applicants. Much additional discussion led to Mr. Rensberger withdrawing his motion and moved that the Planning Commission continue the Hyattstown Self Storage Units/Complex until the first regularly scheduled Planning Commission meeting in July. Ms. Sepe disagreed, saying it was not right to postpone it for that long. Mr. Tressler also felt it was too long a postponement and suggested May 17 or June 14 even though they have full agendas. Mr. White suggested that it be put on the agenda for the next meeting provided they have in their hands before the end of the week the information needed from the Board of Appeals.



Scheduling conflicts and dates continued to be discussed as well as the additional records needed.

**Decision:** Mr. Rensberger moved that the Planning Commission continue the Hyattstown Self Storage Units/Complex to the June 14<sup>th</sup> day meeting, agenda item #1. Mr. Davis 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			

Mr. Hicks apologized to the applicant and to the others who came to discuss the case.

Break taken at 10:22 a.m. Meeting resumed at 10:31 a.m.

- b) Quantum Frederick - Aligned Data Centers - The Applicant is requesting Site Plan approval to construct a 450,000 SF gross floor area Critical Digital Infrastructure Facility on a 74.89-acre property. Located at 5601 Manor Woods Road. Tax Map 94, Parcel 71, Lot 106. Zoned General Industrial (GI). Planning Region: Adamstown. SP22-04 (SP275110)  
*Graham Hubbard, Principal Planner II*

**Staff Presentation:** Graham Hubbard

Questions, comments, and discussion by Planning Commission members followed the presentation. This included access (including construction access), current LOU (explained by Mr. Mishler) and the CDI ordinance. Mr. Davis asked if there is any residential slated right around that area. Staff response, "not that we've seen." Mr. Wilkins explained the Architectural Review Committee and its status. He additionally explained the Technical Advisory Committee. Mr. Rensberger asked if staff or the applicant considered having the plan reviewed by the Sustainability Commission. Mr. Wilkins responded "no" and that the application has to meet current County law. Stormwater will be addressed in the next phase of the process. Stormwater is not under the purview of the Planning Commission and the zoning ordinance does not require or address or limit electricity usage. Mr. Rensberger stated he would be more comfortable with review by the Sustainability Commission.

**Applicant Presentation:**

Thomas Howe, Technical Program Director, Aligned Data Centers  
Christopher Ruhlen, Attorney, Lerch, Early and Brewer  
Eric Siegel, Civil Engineer, Urban Limited  
Tom Hoffman, Architect, HKS Architects, Inc.

The application team responded to earlier questions, including sustainability and access roads. Mr. Howe explained the architectural and landscape features and ornamental buffers. Mr. Troutman asked how Aligned reached out to the community. Outreach included partnering with Quantum Loophole and holding a town hall meeting in April. Questions from the community included concerns about lighting and sound levels. The applicant team then explained water usage and how water is processed. Mr. Siegel explained impervious surfaces and the need for it.

Mr. Rensberger asked about the relationship with Quantum Loophole and shared examples of 16 violations in Montgomery County from August 2022 and March 2023. Mr. White shared that same concern and received assurances that things will be developed as expected from an environmental standpoint. Generators were discussed and their screening and soundproof enclosure. Access and a left-turn exit were reviewed. Ms. Sepe shared her thought on architecture. Mr. Tressler asked how the County will benefit from data centers and in 20 years will they become obsolete. Mr. Howe offered his thoughts on these two points.

Mr. Davis suggested additional bike racks and shared examples of why they are needed.

**Public Comment:**

Recorded messages: 4

Live call-ins: 1

In person: 2

Break for lunch at 12:29 p.m. Meeting resumed at 1:30 p.m.

**Public Comment:**

In person: 1 additional

**Applicant rebuttal:** Mr. Howe.

Alex Hornecker, sound consultant, Salas O'Brien Engineering, entered the meeting via phone/Public Input. Mr. Hornecker answered questions from the Planning Commission members and offered comments on the sound testing that was done and how sound is measured. Number of generators being used were discussed as well as the number of generators running simultaneously.

Mr. Rensberger said he would like the Sustainability Commission to review the application and offered reasons why, including subsequent applications. Ms. Sepe said they need to stick with what is in the current code. Mr. Wilkins added that there will be an effort underway soon to explore a number of different concerns that are being raised about CDI that is being led by the County Executive's Office. Mr. Rensberger said he doesn't feel he has enough information. Additional discussion led Mr. White to state that he feels they have enough information to move forward at this time.

Ms. Sepe said she had conditions to consider. One concern is the model used by the sound engineer to generate data does not correspond to the parameters of the Site Plan. She would like the specific secondary enclosure performance that he used to be noted on the Site Plan. Second, concrete panel screens along the north side should be similar to the ones on the south side; whether or not there is another adjacent property, there is a need to control generator noise. Concrete screen panels should have materials, color, texture breaks to minimize visual impact, especially along the southern side and have visual breaks in the elevations. Clarify that the parapet screen will be solid panels, not transparent, as shown on that elevation and set back. Northern access should also be

noted for emergency use only once Quantum Place South is completed. Mr. Davis said he appreciated Ms. Sepe's comments regarding the architectural aspects.

**Decision:** Ms. Sepe moved the Planning Commission approve Site Plan SP22-04, SP275110 with modifications and conditions as listed in the staff report and as identified as follows: Number one, provide secondary enclosure performance for the generators; Number two, provide concrete panel screens along the north side similar to the south side as per the noise study; Number three, concrete screen panels should have materials, colors, texture breaks, to minimize the visual impact on Quantum Place South. Number four, elevations should clarify that the parapet screen will be solid panels; and Number five, the Northern access should be noted for emergency use only once Quantum Place South is completed. Mr. White seconded the motion which passed 4-3-0-0.

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			

- c) Remsberg Park Pickleball Courts - The Applicant requested Site Plan approval to construct six (6) pickleball courts on a 13.75-acre property. Located at 7420 Holter Road. Tax Map 65E, Parcel 208, Lot 3. Zoned Agricultural (A). Planning Region: Middletown. SP07-04 (SP275206, A275211)  
*Graham Hubbard, Principal Planner II*

**Staff Presentation:** Graham Hubbard

Questions, comments, and discussion by Planning Commission members followed the presentation. Ms. Sepe had questions about parking; Mr. Davis (who disclosed he is a pickleball enthusiast) said he would make it a condition of approval if not already included in the application to have paddle organizers for open play, stating paddle organizers organize the way play carries on.

**Applicant Presentation:**

Ed Schreiber, Frederick, Seibert & Associates Inc.  
Bruce Carbaugh, Director of Public Works, Town of Middletown

The application team responded to earlier questions about parking. Mr. Carbaugh said there would be paddle organizers and they are currently looking at wind screening for the courts. Ms. Sepe questioned the number of gates as well as the walkway and said she felt more needed to be shown on the Site Plan such as access, circulation, and landscaping.

The applicant stated they would be willing to extend the walkway to all access all courts, preferring to use millings, but willing to use asphalt.

**Public Comment:** None

**Decision:** Mr. Davis moved the Planning Commission approve the Remsberg Park Pickleball Courts Site Plan SP07-14 SP275206 including APFO with conditions as listed in the staff report based on the findings and conclusions of the staff report and testimony, exhibits and documentary evidence produced at the public meeting with one additional condition to provide a sidewalk to each gate on the courts. 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			

- d) *Good News Presbyterian Church* – The Applicant is requesting Site Plan approval to expand an existing place of worship use by adding a 8,363 SF sanctuary and a 2,220 SF covered outdoor seating area to the existing 1,300 SF church on 5.7 acres. Located at 6938 North Clifton Road. Tax Map, 66H Parcel 403. Zoned Low Density Residential (R1). Planning Region: Frederick. SP22-11 (SP273722)*Graham Hubbard, Principal Planner II*  
*Jerry Muir, Principal Planner I*

**Staff Presentation:** Jerry Muir

Questions by Planning Commission members followed the presentation including questions about traffic, answers provided by Mr. Mishler.

**Applicant Presentation:**

Lee Miller, Terra Solutions LLC

Mr. Miller responded to additional questions about an existing wellhead, water tank capacity, and the north entrance. Ms. Sepe asked that the classrooms be removed from the Site Plan as they are not part of the application and leaving them shown on the Site Plan could lead to the misinterpretation that the classrooms were part of the approved Site Plan. Ms. Moore suggested revising Condition #2 to specifically address the classrooms not being part of the current Site Plan.

**Public Comment:**

Recorded messages: 1

Live call-ins: 0

In person: 0

**Applicant rebuttal:** Mr. Miller.

**Decision:** Ms. Sepe moved that the Planning Commission approve SP273722, APFO A273721, FRO F273719 subject to the modifications and conditions listed in the staff report, and in addition to those discussed today, including the one-way entrance on the north side and some clarifications on the Site Plan about the classrooms for the proposed Good News Presbyterian Church expansion based on the findings and conclusions of the staff report and the testimony exhibits and documentary evidence produced at the public committee. Mr. Tressler 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			

- e) Mountain View Lawn Service – The Applicant is seeking Site Plan approval to establish a limited landscaping business. Located at 8920 Longs Mill Road. Tax Map 26, Parcel 56. Zoned Agricultural (A). Planning Region: Middletown. SP22-07 (SP273508)  
*Jerry Muir, Principal Planner I*

**Staff Presentation:** Jerry Muir

Questions by Planning Commission members followed the presentation including questions about storm water and grading which were reviewed by Public Works Development Review, and signage which will be moved.

**Applicant Presentation:**

Chris Gauss, RF Gauss and Associates, Inc.  
 Larry Hurley, owner, t/a Mountain View Lawn Service

The number of required street trees were discussed, along with their placement. There was also discussion of trees in the County right-of-way. Mr. Hurley then said he volunteered to move them and they could be used to screen a mulch pit.

**Public Comment:** None

**Decision:** Mr. Rensberger moved that the Planning Commission approve SP273508, APFO A273509 and FRO F273510, subject to the conditions as listed in the staff report for the proposed Mountain View Lawn Service, a limited landscape contractor, based on the findings and conclusions of the staff report and the testimony and exhibits to include a modification of the street tree requirement such that the three east most proposed trees are placed to screen the mulch pits from the road, and the 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			

Break taken at 3:40 p.m. Meeting resumed at 3:45 p.m.

## 9. MISCELLANEOUS REQUEST

## DECISION

- a) Noffsinger APFO – The Applicant is requesting approval for an APFO application to establish a proposed development intensity and road adequacy as documented in the Letter of Understanding. Located at the southeast corner of the intersection of Manor Woods Road and Cap Stine Road. Tax Map 94, Parcel 1 & 54. Zoned General Industrial (GI). Planning Region: Adamstown. S-1158 (A273864)  
*Mark Mishler, Transportation Engineering Supervisor*

**Staff Presentation:** Mark Mishler

Questions by Planning Commission members followed the presentation including clarification of water/sewer classification. Ms. Mitchell responded to questions regarding elements of the APFO.

### **Applicant Presentation:**

Tom Natelli, Manor Woods Road Properties LLC  
 Krista Davisson, Natelli Communities

No questions from Planning Commission members.

### **Public Comment:**

Recorded messages: 0

Live call-ins: 0

In person: 1

Marietta Stup, of Mountville Road, provided Public Comment and addressed specific member(s) of the Planning Commission. Mr. Superczynski stepped in and said he would arrange a meeting with Ms. Stup and County transportation and long-range planning staff, stating that her concerns are a separate topic from the agenda item. There was brief additional discussion by Planning Commission members.

**Decision:** Mr. Tressler moved the Planning Commission approve the Noffsinger Farm Property APFO and LOU S-1158, A273864, based on the findings 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 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			

## 10. CAPITAL IMPROVEMENT PROGRAM

### FINDING OF CONSISTENCY

The County Executive Proposed FY 2024-2029 Capital Improvement Program (CIP) was presented to the Planning Commission for a finding of consistency with the County Comprehensive Plan.

*Kimberly Gaines, Director, Livable Frederick*

*Denis Superczynski, Planning Manager/Principal Planner, Livable Frederick*

Mr. Hicks explained that a special committee of the Planning Commission convened and drafted a letter to the County Council regarding the CIP. If the Planning Commission members were to agree, the letter would be sent to the Council. Mr. Hicks said that in the opening section of the letter there is a general finding of consistency with the Livable Frederick Master Plan but given the discussion the Planning Commission had about the CIP, there were some concerns they wished to highlight. Along the way there were other things that emerged in discussion about the CIP that members thought would benefit from consideration by the Council.

The letter was reviewed category by category with edits being made. Highlighted items included parks, transportation, bikes and trails, bridges, and school capacity challenges.

Break taken from 4:22 p.m. to 4:27 p.m. to resolve technical issues with WebEx.

Meeting continued with Mr. Superczynski answering questions posed by Planning Commission members along with all members participating in the discussion. Mr. White and Mr. Hicks discussed the tone of the letter. Mr. Hicks offered to make an additional edit to the opening statement of the letter to the County Council acknowledging the multitude of pressures to use existing funding wisely and to find ways of generating revenue.

**Decision:** Mr. Rensberger moved that the Planning Commission reach a finding of consistency between the Capital Improvement Program and the County Comprehensive Plan. Stated by Mr. Rensberger, but not part of the motion: Mr. White trusts Mr. Hicks to make the opening statement edit and send the letter. Mr. Davis commented that this letter will be a tool for the Planning Commission next year because there will be citations to make from this document to the next. 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			

The meeting was declared adjourned at 4:54 p.m.

  
Craig Hicks, Chair

8/9/23  
Date