

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
July 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; and Robert White, Jr.

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; Craig Terry, Principal Planner I; Jerry Muir, Principal Planner I; Mark Mishler, Traffic Engineer; Anne Bradley, Ag Preservation Administrator; Denis Superczynski, Livable Frederick Planning Manager; John Dimitriou, Livable Frederick Design Planner; 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** – April 12, 2023

DECISION

Ms. Sepe requested a correction to page 3, last paragraph, describing the applicant's proffer to revise the building restriction line for the homes adjacent to Boyers Mill Road to "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."

Decision: Mr. Tressler moved that the Planning Commission approve the minutes of April 12, 2023 as amended. Mr. Rensberger seconded the motion which passed 6-0-0-0.

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

4. **EXECUTIVE COMMITTEE REPORT**

Mr. Hicks reported on the work being done on the revisions and amendments to the Rules of Procedure. A 14-day public notification period is required ahead of the vote. The plan is to

introduce these amendments at the next Planning Commission meeting, then on August 9, 2023 there can be discussion and vote taken on the changes.

Mr. White asked and confirmed that this is being reviewed by the County's legal counsel. Mr. Wilkins reviewed dates with the members and when this discussion and vote may be placed on the agenda.

5. SPECIAL COMMITTEE REPORTS

MXD Subcommittee, Mr. Rensberger – no report.

TDR Subcommittee, Mr. White – has a series of meetings to be scheduled.

Outreach and Engagement, Mr. Davis – no report.

6. PLANNING COMMISSION COMMENTS

None

7. AGENCY COMMENTS / AGENDA BRIEFING

INFORMATIONAL

Ms. Gaines announced the 60-day review period has ended on Sugarloaf and comments are being shared with Planning Commission members. The public hearing is scheduled for Thursday, July 20, 2023. The August 9, 2023 meeting will feature many Development Review items and 3 out-of-sequence Water and Sewer Plan Amendments. Due to scheduled renovations, the meeting location will be moved to the third-floor meeting room until renovations are complete. A briefing on the recently adopted Educational Facilities Master Plan and CIP was planned for September, however, Ms. Sepe suggested that it would be helpful to have that briefing prior to further work on the South Frederick Corridors Plan.

Ms. Gaines also announced that a waiver request was on the County Council's most recent agenda. This occurs when someone wants to submit a rezoning application and there is currently a plan being developed (in this case the South Frederick Corridors Plan). An applicant is interested in establishing a childcare center in the Westview MXD. She explained the implications of granting waivers and the current on-going discussions. Planning Commission members weighed in with their thoughts.

Mr. Wilkins provided in depth details on the August 9, 2023 Development Review items.

8. LEGISLATION

RECOMENDATION

- a) Council Bill #23-14: Amendments to Chapter 1-19 of the Frederick County Code (Zoning Ordinance) To Amend Public School Zoning (County Council)

Staff Presentation: Mike Wilkins (Council President Brad Young, not present)

Mr. Wilkins provided a brief presentation as this is a County Council Bill and not an Administration Bill. The bill is designed to change the level of approval for public schools in the ORI. Ms. Sepe said it is a great idea but asked why it only focused on public schools and why not allow private schools in the ORI as well. She further said she would recommend adding childcare center and private schools to the Bill, leading to discussion by members and staff.

Public Comment:

In person: 1

Recorded messages: 0

Live call-in: 0

Ms. Sepe said good points had been made and she would still make a recommendation, but separately, not as part of the Bill, and send a memo to the Council to consider childcare and private schools and look at the zoning ordinance and how it can be approached.

Decision: Mr. Rensberger moved that the Planning Commission recommend Council Bill #23-14 be adopted by the Council, specifically amendments to Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to amend public school zoning. Mr. Tressler seconded the motion which passed 6-0-0-0.

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

Decision: Ms. Sepe moved that the Planning Commission send a memo asking County Council to explore the addition of private schools and childcare centers under the employment use of the MXD. Mr. White seconded the motion which passed 6-0-0-0.

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

- b) Council Bill #23-15: Amendments to Chapter 1-19 of the Frederick County Code (Zoning Ordinance) To Define and Allow Woodworking Use. (County Council)

Staff Presentation: Mike Wilkins (Council President Brad Young, Council Member Mason Carter, not present)

Mr. Wilkins provided a brief presentation as this is a County Council Bill and not an Administration Bill. This Bill will add a new use called woodworking, including a new definition; it proposes to allow this new use in the Agricultural, Village Center, MX, GC, LI and GI zoning districts.

Mr. White had questions and reservations as this was being compared to limited landscape contractor criterion. Ms. Sepe said she felt the amendment, advertisement and the way it was presented was deceiving and she was shocked when she looked at the tables, questioning several of the zoning districts listed. She commented that Mr. Wilkins is, at this moment, representing the Council. He then quickly corrected that comment, as he is not representing the County Council, which is a separate branch of government, he is with the administrative branch, and he is present because a representative from the County Council is not in attendance. Mr. Rensberger agreed with Ms. Sepe's comments.

Spirited discussion continued among Planning Commission members and staff. Mr. Hicks described the Bill problematic. Ms. Sepe felt it too broad. Members counted off the problems and concerns they had with the Bill.

Public Comment: None

Decision: Mr. Rensberger moved that the Planning Commission recommend Council Bill #23-15 not be adopted by the Council, and that the following partial list of concerns be included in recommendations for the legislature to evaluate noise concerns, dust concerns, the presence or prohibition of showrooms, the definition of artisan craft shops versus limited woodworking, the introduction of the additional zones on page two while not introduced in the justification letter, and finally, the scale and intensity of this proposed use. Mr. White seconded the motion to recommend not adopting Council Bill #23-15 which passed 6-0-0-0.

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

Break taken at 10:57 a.m. Meeting resumed at 11:06 a.m.

9. SITE PLAN

DECISION

- a) *NorthStar Cemetery Services* – The applicant requested site plan approval to establish a 10.4 acre cemetery as part of a larger 49.50 acre Site. Located on the west side of the 9500 block of Hansonville Road. Tax Map 48, Parcel 10. Zoned Agricultural (A). Planning Region: Frederick. SP22-12 (SP273764)
Jerry Muir, Principal Planner

Staff presentation: Jerry Muir

Questions by Planning Commission members followed the presentation. Mr. White expressed concerns about area failing septic systems, the high-water table and potential problems with graves being heaved up and out. All are to be vaulted and anchored. The entrance access was questioned as was the bridge.

Applicant Presentation:

Chris Gauss, RF Gauss and Associates
Skott Cody, Northstar Cemetery Services
Richard Cody, Northstar Cemetery Services

S. Cody explained the cemetery's vaulting policy. R. Cody described the construction and history of the bridge. Both responded to questions posed by the Planning Commission members. Landscaping and stormwater management were discussed, as was the proposed garden and flagpole with stone monuments to service members. Mr. Rensberger suggested two additional Federal service groups to include. Perpetual care, property lines and setbacks were also discussed. Mr. Davis thanked the applicant for the explanation of the bridge, but stated that because it's public, inspections should be in order. Additional questions led staff and legal counsel to advise Planning Commission members they are asking questions beyond their purview.

Public Comment: None

Ms. Sepe asked, and it was confirmed, that a note could be added that future work in the flood plain will require Board of Appeals and MDE approval.

Decision: Ms. Sepe moved that the Planning Commission approve SP273764, F273766 with the conditions as listed in the staff report and additional condition, number 10, that any future proposed changes would require both Board of Appeals and MDE approval to work within the flood plain and be added to the site plan for the proposed North Star Cemetery based on the findings and conclusions of the staff report, testimony, exhibits and documentary evidence produced at the public meeting. Mr. Hicks asked if condition 10 is specifically related to the bridge or just any changes within the flood plain. Ms. Sepe responded, "any changes within the flood plain." Mr. Tressler seconded the motion which passed 5-0-1-0.

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

- b) *MSM Knott ARCC* - The applicant requested Site Plan approval for a 35,750 square foot addition to the Knott ARCC athletic center. Located on the east side of the Mount St. Mary's campus and Route 15, at Jim Phelan Way and College Lane. Tax Map 8, Parcel 48, Tax ID#05-167175. Zoned Institutional (Ie). Planning Region: Thurmont.
SP84-22 (SP275060)
Craig Terry, Principal Planner

Staff presentation: Craig Terry

Questions by Planning Commission members followed the presentation. Mr. Rensberger asked about the history of this project with Ms. Moore providing answers. Reference to landscaping inspection by the Engineering Department and Environmental Compliance Department within the staff report to be amended as the zoning team does site compliance inspections on site plans for landscaping per Mr. Wilkins. The differences between native and naturalized species were discussed.

Ms. Sepe had questions about use and users and commented on an e-mailed received about public use. Mr. Davis asked if there was a campus master plan, particularly with regard to bicycle parking.

Applicant Presentation:

Ed Schreiber, Frederick Seibert and Associates
Christina Kincaid, Marotta/Main Architects

Mr. Schreiber said there will be indoor pickle ball courts. Bike racks were discussed. Native and naturalized plants continued to be discussed with Ms. Mitchell and the applicant. Mr. Rensberger expressed appreciation for the elevation and lighting plans. Parking spaces and electric vehicle accommodations were questioned by Ms. Sepe, as was bicycle rack location. Ms. Sepe acknowledged a letter received from Bryan Haines of Thurmont, asking about shared use with the community and previous classes offered to the community. Mr. Schreiber then offered a written response from college president Timothy Trainor.

Public Comment: None

No additional questions or discussion.

Decision: Mr. Rensberger moved that the Planning Commission approve SP-84-22, AP SP275060, with conditions as listed in the staff report for the proposed site plan based on the findings and conclusions of the staff report and the testimony which included changing general landscape note number 11 on the plan to read that 60 days prior to the expiration of the landscape warranty an inspection will be provided by Frederick County Zoning administrator, and to include an additional discussion with bike planner on an analysis of the bike parking location, exhibits and documentary evidence produced at the public meeting. Motion seconded by Mr. Davis. Ms. Sepe asked if reference to parking location should include the number of spaces. Mr. Davis said yes, Mr. Rensberger amended his motion to include the number of spaces, Mr. Davis seconded the amended motion which passed 6-0-0-0.

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

Lunch break taken at 12:31 p.m. Meeting resumed at 1:29 p.m.

10. COMBINED PRELIMINARY/FINAL PLAT

DECISION

- a) *Glad Hill Acres, Lot 206* – The Applicant requested Combined Preliminary/Final Plat approval to subdivide a 4.9 acre lot from a 45.7 acre remainder parcel. Located at 11629 Gladhill Brothers Road, across from Silver Maple Drive. Tax Map 97, Parcel 20, Tax ID #09-234217, Zoned: Residential-1 (R1), Planning Region: Urbana. S-867 (AP# PL275145, F275144, A275147).
Craig Terry, Principal Planner

Staff presentation: Craig Terry

Brief questions and discussion by Planning Commission members followed the presentation.

Applicant Presentation:

Ron Thompson, VanMar Associates, Inc.

Mr. Thompson had nothing more to add and supported the staff's recommendation.

No additional questions or discussion by Planning Commission members

Public Comment: None

No additional questions or discussion by Planning Commission members

Decision: Mr. Tressler moved that the Planning Commission approve S-867, PL275145, with conditions 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. Rensberger seconded the motion which passed 6-0-0-0.

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

11. FY-2024 MALPF EASEMENT APPLICATIONS REVIEW RECOMMENDATION

Staff presented 20 applications submitted for the FY-2024 Maryland Agricultural Land Preservation Foundation (MALPF) funding cycle for the purchase of preservation easements, including applications #24-02, 24-08, 24-09, 24-10, 24-11CF, 24-13, 24-15, 24-16NG, 24-20, 24-22, 24-26, 24-27CF, 24-28NG, 24-33, 24-40, 24-43NG, 24-45CF, 24-49CF, 24-50, 24-52CF. The request is for a recommendation to the County Council for approval or denial of these MALPF Applications.

Anne Bradley, Ag Preservation Administrator

Staff presentation: Anne Bradley

Ms. Bradley provided background on the program, sharing that the County received 53 applications encompassing 6,391 acres of land. She shared details on each of the 20 applications that have been submitted.

Brief questions and discussion by Planning Commission members followed the presentation. Mr. Davis asked about 24-08 and could a nearby park have any use of the land. Ms. Bradley said it is not impossible, but a lot of things must happen for that to occur. He also asked about 24-50 and if there is a conflict between preserved properties for agricultural use and CDI zoned property and the proximity to it. Ms. Bradley stated that staff believes it is a good fit for agricultural preservation.

Mr. Rensberger questioned if the Planning Commission is doing the right thing by recommending preservation on properties in an area under continued development pressure (such as needing schools). This led to additional discussion, particularly needs in the southern and eastern portions of the County where land could have been used for schools. Ms. Sepe had concerns about application 24-08 and Ms. Mitchell stepped in to talk about the Planning Commission's role in the recommendations to be made. Mr. Tressler offered a statement about preservation and said he was okay with 24-08 and agreed with Mr. White that you won't please everyone. Current infrastructure was discussed and keeping development concentrated there and avoiding having it in other locations. Ms. Sepe also spoke about application 24-50, but felt more strongly about 24-08. Mr. Rensberger commented that this has been good debate.

Public Comment:

In person: 1

Recorded messages: 0

Live call-in: 0

Decision: Mr. White moved for approval of all the FY-2024 MALPF applications EXCEPT 24-08, Culler, Dale and Patricia. Ms. Sepe seconded the motion which passed 4-2-0-0.

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

Decision: Mr. White moved for approval FY-2024 MALPF application 24-08, Culler, Dale and Patricia. Mr. Davis seconded the motion which led to a split decision 3-3-0-0. Application did not receive approval for recommendation.

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

Break taken at 2:30 p.m. Meeting resumed at 2:35 p.m.

12. SOUTH FREDERICK CORRIDORS PLAN:
Review and Discussion of State Comments
(15 minutes of public comment will be accepted)

WORKSHOP

Kimberly Gaines, Director, Livable Frederick
Denis Superczynski, Livable Frederick Planning Manager
John Dimitriou, Livable Frederick Design Planner

Mr. Dimitriou offered a presentation and review of recommended changes including suggestions made by Mr. Davis, Maryland Department of Planning, Maryland Department of Transportation, and other state agencies. Mr. Davis offered additional suggestions. Ms. Sepe commented that the public has not seen the changes and additional language. Ms. Gaines reminded Planning Commission members that no decision will be made today. Implementation was discussed briefly. Review continued and Mr. Dimitriou proceeded with sharing the Maryland State comments and receiving feedback.

Public Comment:

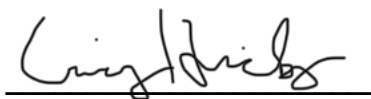
In person: 1
 Recorded messages: 0
 Live call-in: 0

Planning Commission members then engaged in discussion with Eric Soter, who had offered Public Comment.

The Water Resources Element was discussed and will be necessary to this and other plans.

Presentation and discussion concluded.

The meeting was declared adjourned at 4:40 p.m.


 Craig Hicks, Chair

10/11/23
 Date