

FREDERICK COUNTY PLANNING COMMISSION  
Minutes of Meeting for  
September 20, 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: Kimberly Gaines, Livable Frederick Director; Kathy Mitchell, Senior Assistant County Attorney; Karin Flom, Livable Frederick Principal Planner I; Andrew Stine, Livable Frederick Principal Planner I; John Dimitriou, Livable Frederick Design Planner; Denis Superczynski, Livable Frederick Planning Manager; 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 June 21 and June 29, 2023**

**DECISION**

Both sets of minutes approved by unanimous consent.

**4. EXECUTIVE COMMITTEE REPORT**

Mr. Hicks reminded members of the October 11, 2023 election of officers and shared his thoughts on the past year. He expressed his thanks to Mr. Rensberger and the Mixed-Use Committee for their work on the MXD report and looks forward to reports from the two additional special committees.

**5. SPECIAL COMMITTEE REPORTS**

Mr. Rensberger reported on the Mixed-Use Committee. Members include Mr. Rensberger, Ms. Sepe, and Mr. White. He shared some of what is contained in the draft report. Recommendations have been submitted and a workshop will be held October 11, 2023. Mr. Davis will not be present but said he would submit his comments to staff. Mr. Hicks asked that the draft report be posted to the Frederick County Government website.

Mr. White, Transfer of Development Rights Committee, did not have a report, but said that they are in the process of scheduling a meeting.

Mr. Davis, Public Outreach Committee, did not have a report.

**6. PLANNING COMMISSION COMMENTS**

Mr. Davis asked to acknowledge the Executive Committee for their efforts on the amended Rules of Procedure, stating that the Planning Commission has produced a very professional and comprehensive document.

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

## **INFORMATIONAL**

Ms. Gaines announced that the October 11 meeting will include presentation of Council Bill #23-19 and a water and sewerage plan amendment. Development Review items include 2 subdivision plans and 2 site plans. The Sugarloaf Rural Heritage Zoning Overlay District will be on the agenda for decision, as well as a workshop on the South Frederick Corridors Plan. October 19 will be a public hearing on the Knowledge Farms rezoning.

Mr. Hicks asked Ms. Gaines to schedule the Mixed-Use Committee report for a workshop on October 11, 2023, with no decision to be made on that date.

## **8. SUMMER 2023 CYCLE – WATER AND SEWERAGE PLAN AMENDMENTS**

### **FINDING OF CONSISTENCY**

The Planning Commission heard the following cases to determine consistency with the County Comprehensive Plan or a municipal Comprehensive Plan.

*Karin Flom, Principal Planner I, Livable Frederick*

*Andrew Stine, Principal Planner I, Livable Frederick*

#### **WS-23-13 Libertytown Development Company (Rustin & Victoria Gallagher)**

Tax Map 51, Parcel 38. 8930 Jones Road. Requesting reclassification of 14.706 acres from W-5/Dev, S-5 Dev to W-4/Dev, S-4/Dev.

##### **Staff Presentation: Karin Flom**

Ms. Sepe had questions about the APFO LOU for the Main property on Mill Creek. Ms. Flom said she would invite the applicant to address or expand on it and advise if there were any proposed changes. There were no additional questions.

##### **Applicant Presentation:**

Mike Wiley, Piedmont Design Group

Mr. Wiley provided background information and reason for the request, including obligations under the Maryland Department of the Environment Water Appropriations and Use permit. One of the issues was to take the Gallagher property off their current domestic well and septic system and connect to the public water and sewer systems that just started construction on the Mill Creek development. Because of that, the water and sewer category for the Gallagher property needs to be changed.

Ms. Sepe asked about the LOU and whether it needed to be changed or revised. Mr. Wiley responded that the Gallagher conditions under the MOU, indirectly referenced in the LOU, must be completed as a condition of activating the water system supply on the Mill Creek project. The connections may be built but technically can't supply the Gallagher property with water without the water and sewer category change.

There were no additional questions.

##### **Public Comment: None**

**Decision:** Mr. Davis moved that the Frederick County Planning Commission make a finding of consistency with the County Comprehensive Plan for the request made in Case WS-23-13. 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				

**WS-23-14 Charles E. Keller, IV and Gabrielle Keller**

Tax Map 56F, Parcel 529. 8423 Yellow Springs Road. Requesting reclassification of 1.40 acres from W-5/Dev, S-5/Dev to W-3/Dev, S-3/Dev.

**Staff Presentation:** Andrew Stine

No questions from Planning Commission members.

**Applicant Presentation:**

Mike Battern, Fox and Associates  
William Briggle, Building Dignity LLC

Mr. Battern said there was no presentation but would be happy to answer questions. Ms. Sepe asked if there was more than one house being hooked up or is it a multi-family. Mr. Battern said it was just one dwelling unit and is where the existing farmhouse is located.

**Public Comment:** None

**Decision:** Mr. Davis moved that the Frederick County Planning Commission make a finding of consistency with the City of Frederick Comprehensive Plan for the request made in Case WS-23-14. 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				

**WS-23-16 Oakdale Investments, LLC (Westridge)**

Tax Map 68E, Parcels 11 and 14 and Tax Map 68, Parcel 35. South side of Gas House Pike at Linganore Road and east side of Linganore Road 700' north of Plantation Road. Requesting reclassification of 245.5 acres from W-4/Dev, S-4/Dev to W-3/Dev, S-3/Dev

**Staff Presentation:** Karin Flom

No questions from Planning Commission members.

**Applicant Presentation:**

Fran Zeller, Harris, Smariga & Associates

There was no presentation. Mr. Zeller offered to answer any questions of Planning Commission members. There were no questions, no discussion.

**Public Comment:** None

**Decision:** Mr. Davis moved that the Frederick County Planning Commission make a finding of consistency with the County Comprehensive Plan for the request made in Case WS-23-16. 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				

**9. SOUTH FREDERICK CORRIDORS PLAN:**  
**Continued Review and Discussion of 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*

Planning Commission members each received a packet containing comments received about the Plan, and a summary sheet with associated figures and a brief staff response to each of them.

Mr. Dimitriou said that he would cover a few of the specific plan changes that staff would like to recommend. He also provided a presentation that addressed some of the common themes staff identified in the comments. Plan. Concerns that had been shared with staff were shared with the Planning Commission. Flexibility was described as balancing community objectives with development objectives.

Mr. Rensberger had questions about flexibility and the road network.

Ms. Sepe said the TR2 section is the one that should be looked at, not TR4. TR2 says integrate the proposed street network into the county's transportation model. She felt that paragraph was a little bit too rigid and suggested introducing language in TR2 to provide more flexibility. Mr. Hicks added to the discussion saying he felt TR4 was still relevant. The topic of fairness was discussed.

It was suggested to add notes to the larger graphics that describe them as general and not specific long-term plans.

Mr. Dimitriou entered the discussion explaining where flexibility could take place and shared the importance maintaining the Plan at a certain state. Mr. Tressler spoke in agreement for the need for flexibility. Mr. Dimitriou said flexibility would be introduced and fleshed out during the development of the form-based code. Mr. Superczynski said more about flexibility could be found in the Transportation Movement section of the Plan. Lengthy discussion continued between members and staff.

Mr. Davis said he would like to see the model, what the outputs are. Ms. Gaines said the consultant is still working on the model and the results would be presented at a future meeting.

Mr. Rensberger said he felt there was consensus on three things. One, that no project can be wholly non-conforming and disrespectful of this Plan. Two, this Plan in order to be built has to be amendable. And three, first among those amendable components may be the vision of how to alter the road network while preserving the core values of mobility. Mr. Hicks was not entirely in agreement with the amendable portion of Mr. Rensberger's statement and shared examples.

Discussion continued with Mr. White sharing his concern that in terms of flexibility, they are not allowed to have everything devolved to the lowest common denominator. That is often the way flexibility is perceived – how one can maximize profits and not necessarily worry about the overall objective of the planning that went behind it. There has to be some kind of road monitoring to make sure it doesn't devolve to the LCD situation.

Mr. Davis said he didn't think this comprehensive plan should be particularly flexible. It should lay out the plan for the Planning Commission, and then the flexibility is in the development of the form-based code.

Ms. Sepe the concern she heard most often were individual property owners who are worried about the street network and the cost.

Mr. Dimitriou reviewed the points made during the presentation and discussion.

Break taken at 11:20 a.m. Meeting resumed at 11:26 a.m.

Mr. Dimitriou continued the presentation with a summary of staff comments. These included a buffer realignment around Gayfield Manor in Buckeystown; extension of a land use designation and shifting of a proposed road realignment for the St. John's property; a shift from agricultural rural designation to a rural residential designation extending the length of Maryland 85 in the Buckeystown buffer; and proposed changes to the Crestwood corridor.

Mr. Davis commented that in his opinion the road changes and other things just outlined would not in any way affect the performance of the model and of the network.

Mr. Hicks asked Mr. Davis if the discussion just heard demonstrates that staff are flexible about certain changes and not so flexible about others, noting that in his view there is consistency in terms of how staff is applying those decisions based on impacts to the network performance. Mr. Davis agreed with Mr. Hick's statement.

Discussion continued reviewing feedback received. Suggestions were made regarding the implementation stage. Mr. Superczynski added his thoughts on implementation, and what Mr. Dimitriou is currently working on.

Ms. Gaines said the staff plan is to produce a revision reflecting today's conversation and the conversation at the last workshop, then at the October meeting have the revised version as well as a redline version to review what exactly has changed. When asked if the members wanted to reach a decision on the plan at the next meeting, it was determined to list it on the agenda as a decision item and that they can decide not to make a decision.

**Public Comment:**

In person: 3

Recorded messages: 0

Live call-ins: 0

Following brief additional comments by Planning Commission members the meeting was declared adjourned at 12:04 p.m.



Tim Davis, Vice Chair

12/21/2023  
Date