

FREDERICK COUNTY PLANNING COMMISSION  
Minutes of Meeting for  
October 11, 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; Sam Tressler III; Carole Sepe; and Robert White, Jr.

Members Absent: Tim Davis, Secretary

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; Cody Shaw, Principal Planner II; Beau Lockard, Principal Planner I Historic Preservation; Karin Flom, Livable Frederick Principal Planner I; Mark Mishler, Traffic Engineer Supervisor; Mahmoud Arafat Helal, Traffic Engineer; 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. **ELECTION OF OFFICERS**

Rules and Procedures, Section 2-Officers and Committees: 2.1 The Commission shall organize annually in the month of October and confirm the election of a Chairman, Vice-Chairman, and Secretary. (10-19-05). (Tabled to Oct. 11, 2023 meeting, per amended Rules of Procedure.) Mr. Rensberger agreed to serve as chair; Mr. Davis previously agreed to serve as vice chair; and Mr. White agreed to serve as secretary.

**Decision:** Mr. Tressler moved that the Planning Commission accept the new slate of officers as presented. Mr. Rensberger seconded the motion which passed 5-0-0-1.

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

4. **MINUTES TO APPROVE** July 12, 2023 and July 20, 2023

**DECISION**

July 12, 2023: Minutes approved as submitted by unanimous consent.

July 20, 2023: Minutes approved as submitted by unanimous consent.

## **5. EXECUTIVE COMMITTEE REPORT**

Mr. Hicks said it had been very gratifying to serve in the capacity of chair and he looks forward to seeing what Mr. Rensberger brings to the role. He further said that he is sure that it will be a great year ahead under the leadership of Mr. Rensberger, and under the leadership of Mr. Davis and Mr. White on the Executive Committee.

## **6. SPECIAL COMMITTEE REPORTS**

TDR Committee: Mr. White, no report.

MXD Committee: Mr. Rensberger, deferred until later in the meeting.

Community Engagement and Outreach: Mr. Davis (absent) no report.

## **7. PLANNING COMMISSION COMMENTS**

Members thanked Mr. Hicks for his service, naming many of the positive initiatives of the past year.

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

**INFORMATIONAL**

Mr. Wilkins also expressed his thanks to Mr. Hicks for his service, adding that staff looks forward to working with Mr. Rensberger as the new chair. The next meeting will be a rezoning hearing (Knowledge Farms) scheduled for 6:30 p.m. October 19. The November 8<sup>th</sup> meeting will include at least one legislative item – possibly two. Development Review items include two concept plans and three site plans. Nov. 15<sup>th</sup> meeting items to be announced.

Mr. Hicks then passed the gavel to Mr. Rensberger.

## **9. LEGISLATION**

**RECOMMENDATION**

- a) Council Bill #23-19: Amendments to Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to amend the Use Table to allow for Child Care Center/Nursery School in the ORI, amend the Design Requirements to provide specific design requirements related to the new use, and clarify Child Care as an accessory use. (Council Vice President Kavonté Duckett and Council Member Jerry Donald)

Presentation by Council Vice President Duckett, who provided background on the bill's origins.

Mr. White stated that it is a terrific bill and strongly supports it. Ms. Sepe agreed as did Mr. Hicks. Staff responded to questions by the Planning Commission members regarding the 10% cap mentioned in the bill. Mr. Tressler and Mr. Rensberger also expressed their support for the bill.

### **Public Comment:**

Recorded messages: 0

Live call-ins: 0

In person: 1

No additional questions or discussion.

**Decision:** Mr. Hicks moved that the Planning Commission recommend the County Council enact Council Bill #23-19: Amendments to Chapter 1-19 of the Frederick County Code to amend the Use Table to allow for Child Care Center/Nursery School in the ORI, amend the Design Requirements to provide specific design requirements related to the new use, and clarify Child Care as an accessory use. Mr. White seconded the motion which passed 5-0-0-1.

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

#### **10. 2023 OUT-OF-SEQUENCE – WATER & SEWERAGE PLAN AMENDMENT** **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*

Ms. Flom presented history on the two applications as they are reactivations of two cases heard by the Planning Commission in September 2016.

##### **WS-23-01 Charlyn, LLC (Calumet/Cline Farm)**

Tax Map 79E, Parcel 29. East and west sides of Boyers Mill Road within the Town of New Market. Requesting reclassification of 170.91 acres from W-4, S-4 to W-3/Dev, S-3/Dev plus the addition of a sewage pump station symbol on the sewer map.

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

There were no questions or discussion by Planning Commission members.

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

Soo Lee-Cho, attorney

Bregman, Berbert, Schwartz & Gilday, LLC on behalf of the applicant

No separate presentation. Ms. Lee-Cho offered to answer questions. No questions or discussion.

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

**Decision:** Mr. Tressler moved that the Planning Commission find WS-23-01 to be consistent with the Town of New Market Master Plan. Mr. White seconded the motion which passed 5-0-0-1.

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

**WS-23-02 Justron, LLC (Calumet/Smith Farm)**

Tax Map 79H, Parcel 213. West side of Boyers Mill Road within the Town of New Market. Requesting reclassification of 91.49 acres from W-4, S-4 to W-3/Dev, S-3/Dev.

**Staff Presentation:** Karin Flom

There were no questions or discussion by Planning Commission members.

**Applicant Presentation:**

Soo Lee-Cho, attorney

Bregman, Berbert, Schwartz & Gilday, LLC on behalf of the applicant

No separate presentation. Ms. Lee-Cho offered to answer questions. No questions or discussion.

**Public Comment:** None

**Decision:** Mr. Tressler moved that the Planning Commission find WS-23-02 to be consistent with the Town of New Market Master Plan. Mr. Hicks seconded the motion which passed 5-0-0-1.

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

**11. COMBINED PRELIMINARY/FINAL PLAT**

**DECISION**

a) Ridgeway Farms, Lots 603R-1 & 603R-2 - The Applicant requested Combined Preliminary/Final Subdivision Plan approval to resubdivide a 3.9143-acre lot into two (2) separate lots. Located east of Green Valley Road at 11700 Weller Hill Drive. Tax Maps 89, Parcels 254, Lot 603R. Zoned: (R1) Residential-1. Planning Region: New Market. S-650 (PL275623, APFO: n/a, F275624)  
*Craig Terry, Principal Planner I*

**Staff Presentation: Craig Terry**

Staff responded to Planning Commission member questions regarding home location, and shared driveway.

**Applicant Presentation:**

Chung D. Vu, applicant  
Carol Thomas, B&R Design Group

Mr. Thomas responded to earlier comments about home location and driveway.

**Public Comment:**

In person: 2  
Recorded messages: 0  
Live call-ins: 0

The topic of covenants was part of the public comment given and Ms. Sepe had questions about those covenants. Ms. Mitchell then explained that the Planning Commission is not authorized to enforce private restrictions and that covenants are enforced by others who also have those covenants on their property.

**Applicant rebuttal:** Mr. Vu explained that the request for the new lot is for his son and would have no impact on increasing traffic as the son currently lives with Mr. Vu.

Mr. Hicks confirmed with Ms. Mitchell that the covenant issue is not a legal reason for the Planning Commission to deny the application. Ms. Sepe did not agree. Mr. White was in agreement with Ms. Mitchell's position. Following additional discussion, Ms. Sepe said she would abstain from the vote.

**Decision:** Mr. Hicks moved that the Planning Commission approve Combined Preliminary/Final Subdivision Plat S-650, AP PL275623 F275624, APFO not applicable with conditions and modifications as listed in the staff report for the proposed subdivision plat, based on the findings and conclusions of the staff and the testimony exhibits, and documentary evidence produced at the public meeting. Mr. Rensberger seconded the motion, which failed 1-1-3-1.

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

**12. SITE PLAN**

**DECISION**

a) Your Space - The applicant requested final site plan approval to develop a 1.05-acre lot with 58,600 sq. ft. of self-storage (3 buildings) that will be added to a developed self-storage facility on 5.55 acres for a total lot area of 6.6 acres of self-storage. Located at

4791 New Design Road. Tax Map 86, Parcels 237 and 122. Zoned: (LI) Limited Industrial. Planning Region: Frederick. SP91-13 (SP269002, F273248, A273246)  
*Jerry Muir, Principal Planner*

**Staff Presentation: Jerry Muir**

Staff responded to Planning Commission member questions about the required 20% open space which must be shown on the 1.06 acre lot being added to Lot 30.

**Applicant Presentation:**

Leanna Lewis, Piedmont Design Group  
Mike Wiley, Piedmont Design Group

The Applicant provided a handout of a revised modification to the plan which provided the adequate 20% of green open space. There was brief additional discussion.

**Public Comment: None**

Ms. Sepe stated she was satisfied with Condition #6 still being a condition of approval (required 20% open space). Mr. Wiley stated they would provide an exhibit as an extra sheet in the Site Plan set showing the compliance.

There was no additional discussion.

**Decision:** Mr. Hicks moved that the Planning Commission approve Site Development Plan SP91-13, AP SP269002 APFO A275334 and FRO F273248 with conditions and modifications as listed in the staff report for the proposed Site Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting. Mr. White seconded the motion, which passed 5-0-0-1.

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

Break taken at 10:55 a.m. Meeting resumed at 11:05 a.m.

b) UMA Center The applicant requested site plan approval to construct a 7,060 sq. ft. place of worship (Mosque) on a 2.84-acre lot. Located at Green Valley Road just south of MD 80 (Fingerboard Road). Tax Map 97, Parcel 221. Zoned: (GC) General Commercial. Planning Region: New Market. SP23-04 (SP275424, F275423, A275427)  
*Jerry Muir, Principal Planner*

**Staff Presentation: Jerry Muir**

Ms. Sepe said she had questions, but wanted to wait until she looked at the new square footage numbers. Mr. White had questions about traffic impact. Mr. Helal addressed those

questions, adding that the level of service of the adjacent network is acceptable and is exempt from a traffic impact analysis study. The shared entrance was discussed with staff with Mr. Wilkins stating that the State Highway Administration was routed the Site Plan for review, and they approved it with no objections. Peak study hours were also discussed. Mr. Mishler contributed to the conversation.

**Cross examination:** Brent Simmons, cross examination of staff.

**Applicant Presentation:**

Lee Miller, Terra Solutions  
Adnan Mamoon, representing UMA

Mr. Miller introduced Mr. Mamoon who provided background on the organization and its history and role in the community. Mr. Miller then provided an explanation of the adjustment to the square footage and responded to additional questions of the Planning Commission members.

**Cross examination:** Brent Simmons, cross examination of applicant.

**Public Comment:**

In person: 7  
Recorded messages: 1  
Live call-ins: 0

**Applicant rebuttal:** Mr. Miller said he felt good about the plan being presented.

Additional conditions recommended: Correct the square footage on Note 4 of the Site Plan; Lighting Note 6 does not indicate dusk to dawn with downward no glare; reference as to how the stream crossing approval is given; and any potential changes to the schedule during peak hours to be provided to planning staff in the future.

Ms. Sepe withdrew her condition about changes to the schedule during peak hours. Mr. Wilkins expressed concerns about the stream crossing approval. Mr. Miller said he has approval from MDE.

**Decision:** Mr. Hicks moved that the Planning Commission approve Site Development Plan SP23-04, AP SP275424 A275427 and FRO F273423 with conditions and modifications as listed in the staff report as well as those offered by Ms. Sepe for the proposed Site Plan, based on the findings and conclusions of the staff and the testimony, exhibits, and documentary evidence produced at the public meeting. Mr. White seconded the motion.

Ms. Sepe asked that the motion be amended to include revisions to the LOU because there was reference to the APFO 8275427 in addition to the revisions to the site plan to include the square footage on Note 4 and the lighting Note 6 that we also include the revisions to the LOU, which will include adjustment to the water and sewer, whether it's the site plan or in the LOU and the changes to the escrow accounts contributions as determined by staff. Mr. White seconded the amended motion, which Mr. Hicks was in agreement with. Motion passed 5-0-0-1.

Members	Aye	Nay	Abstain	Absent
Rensberger-Chair	X			

Davis-Vice Chair				X
White-Secretary	X			
Tressler	X			
Sepe	X			
Hicks	X			
Vacancy				

Lunch break taken at 12:28 p.m. Meeting resumed at 1:30 p.m.

### 13. PRELIMINARY PLAN

### DECISION

a) Cromwell Preliminary Plan - The Applicant requested Preliminary Subdivision Plan approval for 488 age-restricted residential units (192 single family detached, 184 townhome, 112 multifamily units) located on a +/- 160.87-acre Site. Located on the north side of Lake Linganore Blvd. Tax Maps 78 & 79, Parcels 12 & 101. Zoned: (PUD) Planned Unit Development. Planning Region: New Market. S-1178 (PP275377, A275375, F275370)

*Cody Shaw, Principal Planner II*

**Staff Presentation:** Cody Shaw

Ms. Sepe had questions about setback requirements along Lake Linganore Boulevard. Mr. Wilkins and Mr. Shaw explained the required setback. Staff additionally responded to questions about parking, parks, open spaces and nature trails/walking paths.

Mr. White asked about the change of remains and reburying of graves. Mr. Lockard provided testimony. Three graves were moved, identities unknown. The grave site will be recorded in GIS as efforts are made to record as many cemeteries in the county as possible. Discussion continued and included the topic of EV charging stations.

**Applicant Presentation:**

Ralph Mobley, Elm Street and Cromwell Development

Jason Wiley, Elm Street and Cromwell Development

Eric Soter, Rodgers Consulting

Mr. Mobley provided background and history on the property. He further talked about the need for senior housing. Mr. Soter also provided background and talked about the amenities offered. The 10-foot setback was discussed, and Mr. Soter stated that they felt it was appropriate. Discussion continued between the Planning Commission members and the applicant team. Hiker/biker trails were discussed with Mr. White asking about the shared usage and safety.

**Public Comment:** None

Mr. Rensberger shared that the Planning Commission members received several e-mailed comments in support of the project.

Ms. Sepe asked staff to look at the location of dumpsters and the screening materials used, stating that some appeared to be in prominent areas, and work with the applicant to make them not as visible.

**Decision:** Mr. Tressler moved that the Planning Commission approve Preliminary Subdivision Plan S-1178, AP PP275377 (APFO A275375 & FRO F275370) with conditions and modifications as listed in the staff report for the proposed Preliminary Plan, based on the findings and conclusions of the staff and the testimony, exhibits, and documentary evidence produced at the public meeting. Ms. Sepe seconded the motion, but wished to amend it to include having staff look at the dumpster locations. Mr. Tressler agreed to the amendment. Motion passed 5-0-0-1.

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

**14. SUGARLOAF TREASURED LANDSCAPE PLAN AMENDMENT:  
SUGARLOAF RURAL HERITAGE ZONING OVERLAY DISTRICT**

**DECISION**

**Recommendation to the County Council**

*Kimberly Gaines, Director, Livable Frederick Planning & Design Office  
Denis Superczynski, Livable Frederick Planning Manager*

Ms. Gaines provided an overview of the history of the Sugarloaf Treasured Landscape Management Plan which was adopted by the County Council in October of the previous year. The County Council remanded three items that had been in the Planning Commission's recommended plan and asked the Planning Commission to further review and consider those items.

Mr. White commented that there are not many changes from what was produced before, and wished to make certain that the County Council realizes it was not an offhand decision that was made. A lot went into consideration and Planning Commission members listened to a lot of people and thoughts on all sides. The remanded items were considered almost from scratch and the Planning Commission still came to the same kind of conclusions.

Mr. Hicks continued the discussion reminding everyone that they talked to a lot of people, reviewed issues, and made a concerted effort to engage one of the chief property owners in the area (Stronghold) who did not participate in workshop sessions with other community members. Unsuccessful attempts were made to speak with the attorney for Stronghold. Mr. Hicks said that from his perspective it was Stronghold who opted out of the process and decided to discontinue the dialogue that the Planning Commission members wished to have with them.

Ms. Sepe said she agreed with Mr. White and Mr. Hicks. While disagreeing with the final decision (believing they were ignoring the Livable Frederick Interstate Corridor Plan), she did believe it was discussed thoroughly and everyone had an opportunity to comment.

**Decision:** Mr. Hicks moved that the Frederick County Planning Commission return the remanded sections of the recommended plan to the County Council with the amendments that have been made over the past months, and that they recommend approval of this plan amendment. Mr. White seconded the motion and asked Mr. Hicks if he would accept the addition of a "Do Pass" recommendation. Mr. Hicks agreed saying that was a stronger way of saying what he intended. Motion passed 4-1-0-1.

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

## **15. SOUTH FREDERICK CORRIDORS PLAN**

**WORKSHOP**

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

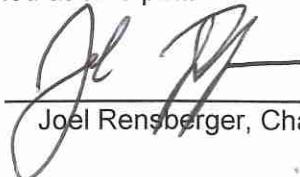
Mr. Dimitriou gave a review of the document and edits and revisions made since the last meeting. Transportation traffic modeling is underway, and results will be presented in the near future. Ms. Gaines explained that the November 8th agenda is full, but the November 15<sup>th</sup> agenda will include the South Frederick Corridors Plan. Review of the document continued.

Break taken at 3:00 p.m. Meeting resumed at 3:08 p.m.

Ms. Sepe pointed out a change not made to IP3, and then brought up the topic of flexibility. Other members also expressed their concerns and the need for flexibility. Transportation and funding were also discussed. Mr. Tressler asked for a timeline. Ms. Gaines explained the steps ahead including workshopping.

The MXD Committee Report to the Planning Commission Workshop was postponed and will be listed on the November 8 or November 15 agenda.

The meeting was declared adjourned at 3:46 p.m.

  
Joel Rensberger, Chair

  
Date