

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
November 8, 2023
In Person/Virtual Meeting

See video for further meeting details: <http://frederickcountymd.gov/5956/Video-Archives>

Minutes are written per Robert's Rules of Order and the requirements of the Maryland Open Meetings Act.

Members Present: Joel Rensberger, Chair; Tim Davis, Vice Chair; Robert White, Jr. Secretary; Sam Tressler III, Carole Sepe; Mark Long.

Members Absent: Craig Hicks

Staff Present: Mike Wilkins, Development Review and Planning Director; Kimberly Gaines, Livable Frederick Director; Kathy Mitchell, Senior Assistant County Attorney; Mark Mishler, Traffic Engineer Supervisor; Graham Hubbard, Principal Planner II; Jerry Muir, Principal Planner I; Craig Terry, Principal Planner I; Karin Flom, Principal Planner I, Livable Frederick; and Karen James, Administrative Specialist.

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

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

2. **ROLL CALL** – Mr. Rensberger

Mr. Rensberger welcomed Mr. Long to the Planning Commission.

3. **MINUTES TO APPROVE** August 9, 2023

DECISION

Decision: Mr. Tressler moved to approve the minutes from August 9, 2023 as written. Following discussion of the minutes, approval passed 5-0-1-1.

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler	X			
Sepe	X			
Hicks				X
Long			X	

4. **EXECUTIVE COMMITTEE REPORT** – No report

5. **SPECIAL COMMITTEE REPORTS**

TDR Committee – No report

MXD Committee – No report at this time; report and workshop to be presented as item #12 on the day's agenda.

Community Outreach Committee – No report; Mr. Davis invited Mr. Long to join the Community Outreach Committee consisting of Mr. Davis and Mr. Tressler.

6. PLANNING COMMISSION COMMENTS

Mr. Davis announced an upcoming event at the Weinberg Center – Better Cities Film Festival. Mr. Long said he appreciates the opportunity to be on the Planning Commission and thanked County Executive Fitzwater for appointing him and the County Council for their confirmation.

7. AGENCY COMMENTS/AGENDA BRIEFING

INFORMATIONAL

Ms. Gaines announced the November 15 meeting will include the South Frederick Corridors Plan, a Water Resources Element workshop, and the Livable Frederick Work Program. Mr. Wilkins reported that the December 13 meeting will include several Development Review items, and perhaps some Livable Frederick items.

8. LEGISLATION

RECOMMENDATION

a) Council Bill #23-20: Amend Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to create a new use within the Agricultural District to allow limited commercial vehicle parking and material and equipment storage associated with a landscape contractor business. *Council Member Steve McKay*

Mr. McKay was not present. Mr. Wilkins responded to questions about the Bill while reminding Planning Commission members that this is a County Council Bill penned by Mr. McKay. Discussion topics included leaseholders and parking enforcement; height of screening; pervious and impervious surfaces; and the writer's intent regarding home occupation.

Public Comment: None

Brief discussion followed.

Decision: Ms. Sepe moved that the Planning Commission recommend approval of Council Bill #23-20. Mr. Tressler seconded the motion which passed 6-0-0-1.

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler	X			
Sepe	X			
Hicks				X
Long	X			

Decision: Ms. Sepe then moved that the Planning Commission recommend to the County Council to add to paragraph F leaseholders of the subject property, not just the owners; and that paragraph E and H minimum height of fencing or screening should be consistent at 6 feet. Ms. Sepe then added that a third item – equipment storage and material storage should not be closer to the property line than the normal required setback. Mr. White seconded the motion, which was discussed further. Mr. Wilkins offered that a simpler revision would be striking "and equipment storage" in item H, then it would be clear that only parking may go half the distance of the setback. Ms. Sepe agreed to amend the third item as Mr. Wilkins suggested, as did Mr. White. Motion passed 6-0-0-1.

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler	X			
Sepe	X			
Hicks				X
Long	X			

b) Council Bill #23-21: Amend Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to create definitions and approval criteria for Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility in response to the statewide legalization of adult-use cannabis. *This is an Administration bill.*

Mike Wilkins, Director, Development Review and Planning

Staff Presentation: Mike Wilkins

Following the presentation Mr. Wilkins responded to Planning Commission member questions.

Public Comment: None

Brief discussion followed.

Decision: Mr. Tressler moved that the Planning Commission recommend approval of Council Bill #23-21. Mr. White seconded the motion which passed 6-0-0-1.

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler	X			
Sepe	X			
Hicks				X
Long	X			

9. CONCEPT SITE PLAN

DECISION

a) *Estates of Old Middletown, Agricultural Cluster* - The applicant requested Concept Plan approval for 5-lot Agricultural Cluster Subdivision on a 94.58-acre parcel. Located at intersection of Old Middletown Road and Sumantown Road. Tax Map 75, Parcel 71, Tax ID#14-313443. Zoned: Agricultural (A). Planning Region: Brunswick. M-3283 (SP273562) *Craig Terry, Principal Planner I*

Staff Presentation: Craig Terry

Mr. Terry responded to questions of the Planning Commission members.

Applicant Presentation:

Andrew Brown

Mr. Brown gave a brief presentation with an explanation of the emergency turnaround easement and access.

Planning Commission members questioned Mr. Brown about the emergency turnaround easement, access, and setbacks.

Public Comment:

In Person: 2

Call-ins: 1

Recorded messages: 0

Applicant rebuttal: Mr. Brown responded to Public Comment.

Mr. Terry stated that a denied access to Sumantown Road note/label would be added to the frontage of Lots 200 and 201. Mr. Brown proffered to relocate the T-turnaround to the north and east.

Decision: Mr. Tressler moved that the Planning Commission approve Agricultural Cluster Concept Plan, AP PL273562 F273577, APFO n/a, M-3283 with conditions as listed in the staff report for the proposed subdivision plat, noting the non-access to Sumantown Road for lots 1 and 2 and the agreement to work on that with staff, based on the findings and conclusions and the testimony, exhibits, and documentary evidence produced at the public meeting. Mr. Long seconded the motion.

Mr. White commented that if anyone wants to make an amendment to change the turnaround it should be done now, then vote on the entire plan.

Decision: Ms. Sepe moved to amend the motion to add relocation of the turnaround as proffered by Mr. Brown. Mr. White seconded the motion to amend Mr. Tressler's motion which passed 4-2-0-1

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler		X		
Sepe	X			
Hicks				X
Long		X		

Decision: Vote on the amended motion passed 6-0-0-1

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler	X			
Sepe	X			
Hicks				X
Long	X			

Break taken at 10:58 a.m. Meeting resumed at 11:08 a.m.

b) 12052 Main Street, Libertytown - The Applicant is requesting Concept Plan approval for 2 two-story single-family homes located on a 0.95-acre Site with an existing Automobile Repair or Service Shop to remain. Located at 12052 Main Street, Libertytown. Tax Map 51, Parcel 98. Zoned: Village Center (VC). Planning Region: Walkersville. SP04-17 (SP275494)

Graham T. Hubbard, Principal Planner II

Staff Presentation: Graham Hubbard

Mr. Hubbard responded to questions of the Planning Commission members including topics of setback, and multiple buildings on one property.

Applicant Presentation:

Mike Swanson, Terra Solutions

Rick Agoris, Libertytown Holdings, LLC; principal property owner

Mr. Agoris provided a brief history of the property and plans for its future use.

Comments from Planning Commission members.

Public Comment:

In Person: 1

Call-ins: 0

Recorded messages: 0

Applicant rebuttal: Mr. Agoris responded to Public Comment.

No further discussion or questions by the Planning Commission members.

Decision: Mr. Long moved that the Planning Commission approve Concept Plan SP04-17, AP SP275494 with conditions as listed in the staff report for the proposed Concept plan, based on the findings and conclusions of the staff report and the testimony, exhibits and documentary evidence produced at the public meeting. Mr. Davis seconded the motion which passed 6-0-0-1

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler	X			
Sepe	X			
Hicks				X
Long	X			

10. SITE PLAN

DECISION

a) Frederick Preserve, Section 1, Lot 5 - The Applicant requested Site Development Plan approval for a 15,620 sq. ft. Boat Sales and Service building located on a 5.075-acre Site. Located at 9742 Doctor Perry Road. Tax Map 105, Parcel 31. Zoned: Limited Industrial (LI). Planning Region: Urbana. SP02-29 (SP273568)

Graham T. Hubbard, Principal Planner II

Staff Presentation: Graham Hubbard

Mr. Hubbard responded to questions of the Planning Commission members including topics of square footage and footprint.

Applicant Presentation:

Lee Miller, Terra Solutions

Mr. Miller reviewed the history of the property, and applicant Andy Imhoff's plans.

Comments from Planning Commission members included additional discussion of square footage and adding bollards by the wellheads. The applicant then proffered adding the bollards.

Public Comment: None

No further discussion or questions by the Planning Commission members.

Decision: Ms. Sepe moved that the Planning Commission approve Site Development Plan SP02-29, AP SP273568 with conditions and modifications as listed in the staff report for the proposed Site plan, based on the findings and conclusions of the staff and the proffer, testimony, exhibits, and documentary evidence produced at the public meeting. Mr. Davis seconded the motion which passed 6-0-0-1.

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler	X			
Sepe	X			
Hicks				X
Long	X			

b) Lakehouse Veterinary Hospital – Lot C1 - The Applicant requested Site Development Plan approval for a 6,212 sq. ft. building for an animal hospital/veterinary clinic use located on a 0.9498-acre Site. Located at the south side of Old National Pike at Eaglehead Drive. Tax Map 79, Parcel 34. Zoned: Planned Unit Development (PUD). Planning Region: New Market. SP01-05 (SP275552)

Cody L. Shaw, Principal Planner II

Staff Presentation: Graham Hubbard

Mr. Hubbard responded to questions of the Planning Commission members including maintenance of Stickleback Street.

Applicant Presentation:

Fran Zeller, Harris, Smariga & Associates

No questions from Planning Commission members.

Public Comment: None

No additional discussion.

Decision: Mr. Long moved that the Planning Commission approve Site Development Plan SP01-05, AP SP275552 with conditions and modifications as listed in the staff report for the proposed Site plan, based on the findings and conclusions of the staff, testimony, exhibits, and documentary evidence produced at the public meeting. Mr. White seconded the motion which passed 6-0-0-1.

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler	X			
Sepe	X			
Hicks				X
Long	X			

c) Green Acres Nursery – Lot 1 - The Applicant is requesting Site Development Plan approval for limited landscape contractor in the Ag District and wholesale nursery uses located on a 5.99-acre Site. Located at 6310 Ed Crone Lane. Tax Map 76, Parcel 135. Zoned: Agricultural (A). Planning Region: Frederick. SP77-06 (SP275288)
Cody L. Shaw, Principal Planner II

Staff Presentation: Jerry Muir

Mr. Muir was asked about any historic significance of current buildings on the property. The septic reserve was also discussed.

Applicant Presentation:

Lee Miller, Terra Solutions
Michael Yeomans, applicant

Mr. Miller provided ownership history and prior use. He stated that they would switch out the white pines listed in the staff report for the proper street trees. Regarding septic issues he stated that the Health Department will want the applicant to try to establish a new reserve area. Parking spaces were also discussed.

Public Comment: None

Additional discussion on septic reserve.

Decision: Mr. Tressler moved that the Planning Commission approve Site Development Plan SP77-06, AP SP275288 FRO F275726 with conditions and modifications as listed in the staff report for the proposed Site plan, based on the findings and conclusions of the staff, testimony, exhibits, and documentary evidence produced at the public meeting. Mr. Long seconded the motion which passed 6-0-0-1.

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler	X			

Sepe	X			
Hicks				X
Long	X			

Lunch break taken at 12:31 p.m. Meeting resumed at 1:30 p.m.

11. LINGANORE PRIORITY FUNDING AREA EXPANSION

RECOMMENDATION

Expansion of the Linganore Priority Funding Area to reflect current zoning and water and sewer service classifications.

Kimberly Gaines, Director, Livable Frederick

Karin Flom, Principal Planner I, Livable Frederick

Ms. Gaines provided background on PFAs, noting that PFAs and growth areas do not always match. The Linganore Community Growth Area includes Gordon Mill, Westridge, and Woodridge. Ms. Gaines answered questions posed by the Planning Commission members.

Ms. Flom offered a PowerPoint presentation with maps showing land use, zoning districts, and water and sewer service areas. Staff continued to respond to questions.

Decision: Mr. Davis moved that the Planning Commission find that the subject properties meet the county priority funding area criteria and that the Planning Commission submit a favorable recommendation to the County Council. Mr. White seconded the motion which passed 6-0-0-1.

Members	Aye	Nay	Abstain	Absent
Rensberger	X			
Davis	X			
White	X			
Tressler	X			
Sepe	X			
Hicks				X
Long	X			

12. MXD COMMITTEE REPORT TO PLANNING COMMISSION

WORKSHOP

Joel Rensberger, MXD Committee Chairman

Mr. Rensberger presented the MXD committee report. MXD committee members are Mr. Rensberger, Mr. White, and Ms. Sepe. Mr. Rensberger shared information collected, and the Planning Commission members, along with staff, discussed the report. Without objection, it was decided that the MXD committee report comments and conclusions represent the feelings of the Planning Commission, and its members would like to take the next steps toward implementation – specifically the development of an alternative to MXD that would better support vertical integration of uses.

Decision: After discussion Ms. Mitchell suggested that a motion might be that the Planning Commission send a request to the County Executive asking that staff be allocated to work on the concepts in the MXD report. Mr. White responded, "I so move." Mr. Long seconded the motion which passed 6-0-0-1.

Members	Aye	Nay	Abstain	Absent
Rensberger	X			

Davis	X			
White	X			
Tressler	X			
Sepe	X			
Hicks				X
Long	X			

The meeting was declared adjourned at 2:38 p.m.



Joel Rensberger, Chair

2/21/24

Date