

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
December 13, 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; Kathy Mitchell, Senior Assistant County Attorney; Ashley Moore, Senior Planner; Jerry Muir, Principal Planner I; Cody Shaw, Principal Planner II; Graham Hubbard, Principal Planner II; Mark Mishler, Traffic Engineer Supervisor; Mahmoud Helal, Traffic Engineer; 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

3. **MINUTES TO APPROVE** September 13, 2023

DECISION

Decision: Having no changes or corrections to the minutes, Mr. Rensberger called for the vote. Minutes approved as submitted 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. Mr. Rensberger shared that he has begun monthly meetings with staff to discuss upcoming work and perhaps tweak the order of operations to improve the Planning Commission's level of customer service.

5. SPECIAL COMMITTEE REPORTS

Transfer of Development Rights: Mr. White, no report.

Community Outreach: Mr. Davis reported Mr. Long has joined the committee. A meeting was held one week ago with Mr. Long participating and reaching out to people about using social media in a more prolific manner. The possibility of a public survey was discussed to find out

what the Commission may be lacking in terms of reaching out. They looked into an effort that was done in Revere, Massachusetts where a consulting service was used to assist with methodology for public outreach. They reviewed who would need to buy into any kind of changes that are suggested.

6. PLANNING COMMISSION COMMENTS

Mr. Davis brought up the topic of data centers and asked if it were possible to get an executive summary from the Data Centers Workgroup of what they are doing and conduct a Q & A. Mr. White expressed concerns saying that they might be stepping on something before it's even before the Planning Commission. Ms. Mitchell and Mr. Wilkins offered their thoughts with Mr. Wilkins stating that there are subcommittees at work, and it might be premature to ask for updates. Subcommittees have not provided their reports to the larger work group. County Executive Fitzwater has set a March deadline for their work. Discussion continued.

7. AGENCY COMMENTS/AGENDA BRIEFING

INFORMATIONAL

Mr. Wilkins announced the next Planning Commission meeting is scheduled for 9:30 a.m. to 12:30 p.m. Wednesday, December 20, 2023. There will be two items on the agenda from Livable Frederick: Water Resource Element and South Frederick Corridors Implementation. The first meeting of the new year will be 9:30 a.m. Wednesday, January 10, 2024 and include a Preliminary Plan revision for Quantum Loophole and a Site Plan for Lot 400 at Quantum for a data center Site Plan application. There may be a few other items to be announced.

Ms. Sepe inquired about her previous recusal from Quantum and thought she unrecused from the Site Plan (concerning the upcoming Preliminary Plan revision that is scheduled) wishing to unrecuse herself. Mr. Rensberger reminded all that at a previous meeting he stated that Ms. Sepe should not be recused from future business, stating his reasons. Mr. White had forcefully agreed, and it was the consensus of the group that they would like her present.

8. SITE PLAN

DECISION

- a) Remsberg Park Pickleball Courts - The Applicant requested Site Plan approval to construct four 50-foot-tall light poles for the recently constructed pickleball courts. Located at 7420 Holter Road. Tax Map 65E, Parcel 208, Lot 3. Zoned: Agricultural (A). Planning Region: Middletown. SP07-04 (SP275794)
Graham Hubbard, Principal Planner II

Staff Presentation: Graham Hubbard

No questions from Planning Commission members.

Applicant Presentation:

Bruce Carbaugh, Director of Public Works, Town of Middletown

Mr. Carbaugh responded to questions from Planning Commission members about lighting including placement and height.

Public Comment:

In person: 3

Call-ins: 0

Recorded messages: 0

Applicant rebuttal: Mr. Carbaugh addressed concerns of lighting and noise.

Further discussion and questions by the Planning Commission members. Applicant proffered to speak to the Town of Middletown about the possibility of adding acoustical barriers.

Decision: Ms. Sepe moved that the Planning Commission continue for up to 60 days SP275794 Remsberg Park Pickleball Courts to receive more information on potential noise mitigation. Mr. White seconded the motion and added a recommendation that the Town of Middletown contact the state expert on acoustics to find out what is an effective barrier for sound at this distance. Motion passed 4-2-0-1.

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

9. SKETCH PLAN

NONBINDING DECISION

a) Cherry Run (Casey) - The Applicant is requesting non-binding Sketch Plan review for up to 1,010 residential units located on a 634-acre Site. Located on the west side of Green Valley Road (MD 75) along Crickenberger Road. Tax Maps 69, 79, 79F, Parcels 30, 4, 11, 122, 123. Zoned: Planned Unit Development (PUD). Planning Region: New Market. S-1167 (SP275575)
Cody L. Shaw, Principal Planner II

Staff Presentation: Cody Shaw

Staff responded to Planning Commission member comments. At Mr. Davis' request, staff provided a definition of a DRRA.

Applicant Presentation:

Dusty Rood, Rodgers Consulting
Tim Crawford, Rodgers Consulting
Eric Soter, Rodgers Consulting
Bruce Dean, McCurdy, Dean & Graditor, LLC
Steve Allison, Rodgers Consulting
Jason Wiley, Elm Street Development

Ms. Sepe confirmed with Mr. Soter that the applicant is currently holding discussions with FCPS.

Break taken at 11:00 a.m. Meeting resumed at 11:10 a.m.

Applicant responded to Planning Commission member comments and questions including traffic and connection concerns, affordable housing, and outreach.

Mr. Davis confirmed public comment via e-mail was shared with Planning Commission members. Discussion continued mainly focusing on traffic and connections.

Public Comment:

In Person: 4

Call-ins: 0

Recorded messages: 0

Lunch break taken at 12:36 p.m. Meeting resumed at 1:30 p.m. with additional public comment.

Public Comment:

In Person: 7

Call-ins: 1

Recorded messages: 8

Applicant rebuttal: Mr. Soter responded to concerns expressed during public comment including traffic, connections and school site location.

Discussion continued with clarification that the Planning Commission is not required to vote but may offer their opinions on what they would like to see in a preliminary plan. Commissioners shared their concerns and opinions on connector roads, school site, trip distribution, mitigate as many neighbor's concerns as possible, see the critical path of development, and other topics.

Mr. Rensberger then thanked the applicants for meeting with the Planning Commission.

10. PRELIMINARY PLAN**DECISION**

a) Park Place - The Applicant is requesting Preliminary Subdivision plan approval to construct 29 townhomes on a 2.978 acre site. Located on the west side of Ballenger Creek Pike just north of Tuscarora High School. Tax map 86, parcels 49. 50. 161, 171. Zoned Planned Unit Development (PUD). Planning Region: Frederick. S14-08, (PP275555)

Jerry Muir, Principal Planner

Staff Presentation: Jerry Muir

Clarification was made of a section of trail along Ballenger. Mr. Misher indicated conveyance is a condition of the LOU. A correction will be made to the file number. Planning Commission members posed questions to staff, including nearby sound levels and a way to share that with potential homebuyers.

Applicant Presentation:

Tom Poss, Verdant Development Group
Chris Smariga, Harris, Smariga & Associates

Public Comment: None

Mr. Poss confirmed to Ms. Sepe that the section of trail discussed earlier will be part of the area of dedication on the record plat. Applicant responded to additional questions and said regarding Mr. Davis' concern about sound levels they would voluntarily place a note on the record plat that identifies it and include it in marketing information.

Decision: Ms. Sepe moved that the Planning Commission approve Preliminary Subdivision Plan S1143, PP275555, A275559, F275561 with modifications and conditions as listed in the staff report, in addition to increasing the BRL and enhancing landscaping along Ballenger Creek for the proposed 29 townhouse lots within Park Place at Ballenger, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting. Mr. Long seconded the motion which passed 5-1-0-1.

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

Break taken at 3:11 p.m. Meeting resumed at 3:30 p.m.

11. SITE PLAN

DECISION

a) Park Place - The Applicant is requesting site plan approval to construct 29 townhomes on a 2.978 acre site. Located on the west side of Ballenger Creek Pike just north of Tuscarora High School. Tax map 86, parcels 49. 50. 161, 171. Zoned Planned Unit Development (PUD). Planning Region: Frederick. S14-08, (SP275556)
Jerry Muir, Principal Planner

Staff Presentation: Jerry Muir

Correction to be made to paragraph one, page 10 of the staff report to read, "it is valid for a period of one (1) year (valid through December 13, 2024").

Applicant Presentation:

Tom Poss, Verdant Development Group
Chris Smariga, Harris, Smariga & Associates

Ms. Sepe requested a change to setbacks on the seven high visibility lots along Ballenger Creek by offsetting some of them. The applicant proffered to do so and add enhanced architectural features to them. The applicant will work with staff.

Public Comment: None

Decision: Ms. Sepe moved that the Planning Commission approve the Park Place at Ballenger Site Plan SP14-08, SP275556 with conditions as listed in the staff report, valid through December 13, 2024, in addition to the proffers of high visibility and landscaping along Ballenger Creek to construct 29 Townhomes on a 2.978-acre site, based on the findings and conclusions of the staff report and the 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			

b) Sheetz Urbana Village Center - The Applicant is requesting Site Development Plan approval for a 6,139 sq. ft. gas station and convenience store located on a 3.18-acre project area within a 9.25-acre Site. Located at the intersection of Worthington Blvd / Urbana Pike (MD 355) and Fingerboard Road (MD 80). Tax Map 96, Parcel 59. Zoned: General Commercial (GC). Planning Region: Urbana. SP05-03 (SP275533)
Graham Hubbard, Principal Planner II

Staff Presentation: Graham Hubbard

Staff responded to questions from Planning Commission members about parking, access, and signage.

Applicant Presentation:

John Eidberger, Sheetz, Inc.
 Brandon Rowe, Bohler Engineering
 Noel Manalo, Offit Kurman, Attorneys at Law

Applicant team responded to Planning Commission members' questions and comments. Applicant said they could work with staff to add additional bike racks on the building pad.

Public Comment:

In Person: 0
 Call-ins: 0
 Recorded messages: 0

Additional signage discussion.

Decision: Mr. Tressler moved that the Planning Commission approve Site Development Plan SP05-03, AP SP275533 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 testimony, exhibits and documentary evidence produced at the public meeting. Mr. White seconded the motion. Ms. Sepe asked to amend the motion adding a condition to allow staff to work with the applicant and the shopping center to add a new marque sign. After discussion, Mr. Tressler said he would not accept an amendment to his motion. Vote taken; 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			

The meeting was declared adjourned at 4:32 p.m.


Joel Rensberger, Chair

3/13/24
Date