

FREDERICK COUNTY PLANNING COMMISSION  
Minutes of Meeting for  
April 12, 2017

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

Members Present: Bill Hopwood, Chair; Anthony Bruscia, Vice-Chair; Bob White, Secretary; William Hall; Sharon Suarez; Carole Sepe; Samuel Tressler

Staff Present: Steven Horn, Division Director; Jim Gugel, Planning Director; Shawna Lemonds, Development Review Director; Kathy Mitchell, Assistant County Attorney; Wendy Kearney, Assistant County Attorney; Mike Wilkins, Principal Planner; Denis Superczynski, Principal Planner; Tim Goodfellow, Principal Planner; Charles Freeman, Transportation Planner; and Pattie Wolfgang, Administrative Specialist

The meeting was called to order at 9:36 am

**1. PLEDGE OF ALLEGIANCE**

**2. MINUTES TO APPROVE**

February 8, 2017 – Mr. White moved to approve said minutes as written. Mr. Hall 2<sup>nd</sup>.

<u>VOTE</u>	<u>7-0-0-0</u>
FOR:	7 – White, Hall, Hopwood, Bruscia, Suarez, Sepe, Tressler
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

February 15, 2017 – Mr. Bruscia moved to approve said minutes as written. Mr. Hall 2<sup>nd</sup>.

<u>VOTE</u>	<u>6-0-2-0</u>
FOR:	6 – Bruscia, Hall, Hopwood, Sepe, Tressler
AGAINST:	0
ABSTAIN:	2 - White, Suarez
ABSENT:	0

February 22, 2017 – Ms. Suarez moved to approve said minutes with change to bulleted item on second page, paragraph two, to read:

#2 - City Rises – changed to Cities Rise; all cities and towns, not just Frederick City  
Ms. Sepe 2<sup>nd</sup>.

<u>VOTE</u>	<u>6-0-1-0</u>
FOR:	6 – Suarez, Sepe, Hall, Hopwood, Bruscia, Tressler
AGAINST:	0
ABSTAIN:	1 - White
ABSENT:	0

March 8, 2017 – Mr. White moved to approve said minutes as written. Mr. Tressler 2<sup>nd</sup>.

VOTE                7-0-0-0

FOR:                7 – White, Tressler, Hall, Hopwood, Bruscia, Suarez, Sepe

AGAINST:        0

ABSTAIN:        0

ABSENT:         0

March 15, 2107 – Mr. Bruscia moved to approve said minutes as written. Mr. White 2<sup>nd</sup>.

VOTE                7-0-0-0

FOR:                7 – Bruscia, White, Hall, Hopwood, Suarez, Sepe, Tressler

AGAINST:        0

ABSTAIN:        0

ABSENT:         0

### **3. PLANNING COMMISSION COMMENTS**

Ms. Sepe commented that perhaps the Preservation, Parks and Recreation Plan (LPPRP) item on today's agenda should have been scheduled for another meeting, given the full agenda today; especially with the aggressive Livable Frederick schedule. Ms. Lemonds and Mr. Gugel responded that both Development Review items and the LPPRP are on defined schedules.

Ms. Suarez inquired about comments/letters the Commission had just received regarding Bill 17-07 Solar Collection Facilities currently on today's agenda; in particular, how they should be handled. Ms. Mitchell replied that while items requiring the Commission's *decision* require 72 hours for comments to be considered, this is a *recommendation* and it is at the Commission's discretion to accept.

Mr. Hopwood would like to invite the Affordable Housing Council to a Planning Commission meeting for a discussion on housing issues, or possibly entertain a joint meeting. Ms. Mitchell offered to draft an invitation and suggested that the Commission assist in drafting an agenda. Mr. Hopwood, Mr. Hall, Ms. Sepe and Ms. Suarez agreed to compile and forward a list of questions to Ms. Mitchell.

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

Mr. Gugel briefed the Commission on the upcoming May 10<sup>th</sup> meeting. Mr. White inquired if a zoning map would be part of the Livable Frederick process to which Mr. Gugel deferred to Mr. Horn.

### **5. AG CLUSTER CONCEPT PLAN**

- a) *Theofield Property, Lots 1-5 and Remainder* – The Applicant requested Concept Plan approval for a 5-lot Agricultural Cluster subdivision on a 95.58-acre property. Located on the south side of Renner Road, 980 feet west of Hill Road.

Tax Map 42, Parcel 190. Zoned: Agricultural (A); Planning Region: Walkersville  
M3149 (AP#16978; FRO#17029)

#### **Staff Presentation:**

Mike Wilkins, Principal Planner

#### **Applicant Presentation:**

Noel Manalo, Esq., Miles and Stockbridge on behalf of Applicant, Frey Agricultural Products, Inc.; Ron Thompson, VanMar and Associates

#### **Public Comment:**

Robert Donovan



**Decision:** Mr. Tressler made a motion to approve the Agricultural Cluster Concept Plan with conditions as listed in the staff report. Mr. Bruscia 2<sup>nd</sup>.

<u>VOTE</u>	<u>7-0-0-0</u>
FOR:	7 – Tressler, Bruscia, Hall, Hopwood, White, Suarez, Sepe
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

- b) *Renn Farm, Lots 1-6 and Remainder* – The Applicant requested Concept Plan approval for a 6-lot Agricultural Cluster subdivision on a 129.077-acre property. Located on the east side of Masser Road, opposite of Willis Lane.  
Tax Map 48, Parcel 42. Zoned: Agricultural (A); Planning Region: Frederick

**Staff Presentation:**

Mike Wilkins, Principal Planner

**Applicant Presentation:**

Noel Manalo, Esq., Miles and Stockbridge on behalf of Applicant, Frey Agricultural Products, Inc., Ron Thompson, VanMar and Associates

**Public Comment:**

None

**Decision:** Mr. White made a motion to approve the Agricultural Cluster Concept plan with conditions as listed in the staff report. Ms. Suarez 2<sup>nd</sup>.

<u>VOTE</u>	<u>7-0-0-0</u>
FOR:	7 – White, Suarez, Hall, Hopwood, Bruscia, Sepe, Tressler
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

**6. SITE PLAN**

- a) *Lewistown Mills Motors* – The Applicant requested Site Development Plan approval for a 2,400 s.f. automotive service and sales center situated on a 3.69-acre property. 7093 Fish Hatchery Road, located on the south side of Fish Hatchery Road, east of US 15, near Lewistown.  
Tax Map 40, Parcel 574. Zoned: General Commercial (GC); Planning Region: Thurmont  
SP-16-05 (AP#16441; APFO#16443; FRO#16444; SWM#16442)

**Staff Presentation:**

Denis Superczynski, Principal Planner

**Applicant Presentation:**

Mike Wiley, Piedmont Design Group, LLC, on behalf of Applicant, Quynn/Moody Revocable Trust (Tyler Quinn)

**Public Comment:**

Maria Miller

**Rebuttal:**

Mike Wiley

**Decision:** Mr. White made a motion to approve the Site Development plan with conditions and modifications as listed in the staff report and proffers as included in the record. Mr. Bruscia 2<sup>nd</sup>.

<u>VOTE</u>	<u>7-0-0-0</u>
FOR:	7 – White, Bruscia, Hall, Hopwood, Suarez, Sepe, Tressler
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

- b) *Landon House Complex (Kiddie Academy)* – The Applicant requested Site Development Plan approval for a revision to a previously approved mixed use Village Center project to expand the footprint of Bldg. C from 4,472 square feet to 5,845 square feet to accommodate a change of use from Medical/Office to Child Care Center located on a 5.7-acre site in Urbana. Located on the north side of Urbana Pike at its junction with MD 80, across from the site of the former Cracked Claw/Peter Pan Inn, south and west of Worthington Boulevard in Urbana. Tax Map 96, Parcel 38. Zoned: Village Center (VC); Planning Region: Urbana SP-98-29 (AP#16772); APFO#16774; FRO#16773)

**Staff Presentation:**

Denis Superczynski, Principal Planner

**Applicant Presentation:**

Lee Miller, Terra Solutions Engineering, LLC; Richard Washburn, CMW Group, Inc.; Chris Commarota, Kiddie Academy; Dr. Praveed Bolarum, PCR Ventures, LLC, Applicant

**Public Comment:**

None

**Decision:** Mr. Tressler made a motion to approve the Site Development plan, including APFO approval, for the revised Landon House Complex development reflecting proposed changes to Building C (Kiddie Academy), including increase building footprint, with conditions and modifications as specified in the staff report. Ms. Suarez 2<sup>nd</sup>.

<u>VOTE</u>	<u>6-0-0-1</u>
FOR:	6 – Tressler, Suarez, Hall, Hopwood, White, Sepe
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 - Bruscia

**7. PRELIMINARY PLAN**

- a) *Mill Creek Subdivision* – The Applicant requested preliminary subdivision plan approval for development of 143 single-family lots on a 65.8-acre site. Located on the west side of Jones Road in Libertytown. Tax Map 60, Parcel(s) 51 and 64. Zoned: R-3 Residential and Resource Conservation; Planning Region: Walkersville S-1123 (AP#16465; APFO#16466; FRO#16467; SWM#12908)

**Staff Presentation:**

Tim Goodfellow, Principal Planner

**Applicant Presentation:**

Rand Weinberg, Esq., Miles and Stockbridge on behalf of Libertytown Development Company, LLC, Applicant; Mike Wiley, Piedmont Design Group, LLC; Neil Parrott, Traffic Solutions, Inc.



**Public Comment:**

Mike Sutphin  
Frank Chiaramonte  
Rustin Gallagher

**Rebuttal:**

Mike Wiley, Rand Weinberg, Neil Parrott

**Decision:** Mr. White made a motion to approve the Preliminary Subdivision plan and APFO with modifications and conditions as listed in the staff report. Ms. Suarez 2<sup>nd</sup>.

<u>VOTE</u>	<u>5-0-0-2</u>
FOR:	5 – White, Suarez, Hopwood, Sepe, Tressler
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 – Hall, Bruscia

**8. LAND PRESERVATION PARK PLAN**

The LPPRP is a state required plan that includes three components: parks and recreation; agricultural land preservation; and natural resource land conservation and was last updated in 2012. Staff is requesting any comments on this draft and a recommendation to be forwarded to the County Council.

**Staff Presentation:**

Jim Gugel, Planning Director

Bob Hicks, Deputy Director, Division of Parks and Recreation

**Public Comment:**

None

**Decision:** Mr. Tressler made a motion to recommend approval to the County Council. Ms. Suarez 2<sup>nd</sup>.

<u>VOTE</u>	<u>4-0-0-3</u>
FOR:	4 – Tressler, Suarez, White, Sepe
AGAINST:	0
ABSTAIN:	0
ABSENT:	3 – Hall, Hopwood, Bruscia

**9. ZONING TEXT AMENDMENT – PUBLIC HEARING**

- a) *Bill 17-05 Limited Private Event Venues in the Agricultural Zone* – to amend the Frederick County Zoning Code Use Table to allow Limited Private Event Venues to be established in the Agricultural Zone as an accessory Use, and to include standards governing that use.

**Staff Presentation:**

Steven Horn, Director, Planning and Permitting Division  
Tony Chmelik, Council Member  
Wendy Kearney, Assistant County Attorney

**Public Comment:**

Earl Bell  
Sue Bohrer  
Shannon Bohrer  
Doug Kaplan  
Peggy Kaplan  
Richard Broadbent  
Tony Santos  
Rose Woodsmall  
Martha Hartlaub

**Decision:**

Motion #1 – Ms. Sepe made a motion to recommend denial of the bill as written. Mr. Tressler 2<sup>nd</sup>.

<u>VOTE</u>	<u>4-0-0-3</u>
FOR:	4 – Sepe, Tressler, White, Suarez
AGAINST:	0
ABSTAIN:	0
ABSENT:	3 – Hall, Hopwood, Bruscia

Motion #2 – Ms. Suarez made a motion to recommend this issue be studied in a comprehensive review. Ms. Sepe 2<sup>nd</sup>.

Ms. Sepe amended the motion to add evaluating the current special permits that are currently being allowed within the county. Ms. Suarez 2<sup>nd</sup>.

<u>VOTE</u>	<u>4-0-0-3</u>
FOR:	4 – Suarez, Sepe, White, Tressler
AGAINST:	0
ABSTAIN:	0
ABSENT:	3 – Hall, Hopwood, Bruscia

- b) *Bill 17-07 Solar Collection Facilities and Floating Zone* – to delete existing Code provisions related to solar collections systems and adopt new provisions defining three categories of solar energy systems, identifying in which Zoning Districts the solar energy systems may be located as a permitted use, establishing a Commercial Solar Facility Floating Zone and certain other criteria.

**Staff Presentation:**

Steven Horn, Director, Planning and Permitting Division  
Wendy Kearney, Assistant County Attorney

**Public Comment:**

Noel Manalo  
Sue Bohrer  
Doug Kaplan  
Shannon Bohrer  
Peggy Kaplan

**Decision:** Motion #1 - Ms. Sepe made a motion to recommend denial of the bill as written. Ms. Suarez 2<sup>nd</sup>.

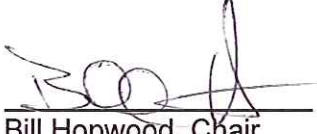
Motion #2 – Ms. Sepe made a motion to make the following recommendations:

- Minimum lot area should be 1-acre in the Limited Industrial (LI) zone
- Allow 1-mile placement from Route 15
- Under approval criteria, raise the acreage
- Revise language regarding outage
- Revise language for institutional zoning
- Grandfather in solar project already approved

Ms. Suarez 2<sup>nd</sup>.

<u>VOTE</u>	<u>4-0-0-3</u>
FOR:	0
AGAINST:	0
ABSTAIN:	0
ABSENT:	3 – Hall, Hopwood, Bruscia

Meeting adjourned at 6:21 pm  
Respectfully Submitted,

  
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Bill Hopwood, Chair

Date 6-14-17