

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
June 14, 2017

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

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

Members Absent: Anthony Bruscia

Staff Present: Jim Gugel, Planning Director; Shawna Lemonds, Development Review Director; Kathy Mitchell, Assistant County Attorney; Mike Wilkins, Principal Planner; Tim Goodfellow; Denis Superczynski, Principal Planner; Charles Freeman, Traffic Engineer; Ron Burns, Contractual Traffic Engineer and Pattie Wolfgang, Administration Specialist

The meeting was called to order at 9:30 am

1. PLEDGE OF ALLEGIANCE

2. MINUTES TO APPROVE

April 11, 2017 – Mr. White moved to approve said minutes. Ms. Suarez 2nd.

<u>VOTE</u>	<u>5-0-1-1</u>
FOR:	5 – White, Suarez, Hall, Hopwood, Sepe
AGAINST:	0
ABSTAIN:	1 - Tressler
ABSENT:	1 - Bruscia

April 12, 2017 – Mr. Tressler moved to approve said minutes. Mr. White 2nd.

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

April 19, 2017 – Ms. Suarez moved to approve said minutes as amended. Mr. Tressler 2nd.

<u>VOTE</u>	<u>4-0-2-1</u>
FOR:	4 – Suarez, Tressler, Hall, Hopwood
AGAINST:	0
ABSTAIN:	2 – White, Sepe
ABSENT:	1 - Bruscia

April 25, 2017 – Mr. Tressler moved to approve said minutes. Ms. Suarez 2nd.

<u>VOTE</u>	<u>5-0-1-1</u>
FOR:	5 – Tressler, Suarez, Hall, Hopwood, Sepe
AGAINST:	0
ABSTAIN:	1 - White
ABSENT:	1 - Bruscia

3. PLANNING COMMISSION COMMENTS

Ms. Sepe updated the Tickler list to reflect separate discussion topics applicable to regular meetings from topics related to Livable Frederick. Mr. Hopwood announced that the terms of Planning Commission members William Hall and Sharon Suarez will end June 30th. He extended his appreciation of their time and knowledge, and would welcome them back. He also noted that the Commission will elect new officers in September and suggested that members give some thought as to who they want to recommend.

Ms. Suarez reminded the Commission that the Maryland Focus group will be held June 28th at 7:00 pm in the Winchester Room at Winchester Hall. She asked that an invitation signed by Mr. Hopwood be sent out to staff, Board of Appeals, citizens, municipal planning commissions and civic organizations who may want to attend.

Mr. Hall spoke of attending the Council meeting the night before regarding the MPDU, affordable housing. He noted that the Fee-in-lieu was increased, but he was dismayed that this still did not address the costs being passed on to the consumer and thought this decision was wrong.

4. AGENCY COMMENTS / AGENDA BRIEFING

Mr. Gugel noted that after the last regular item on today's agenda, the Planning Commission will reconvene for a Livable Frederick workshop in the Basement Training/Meeting Room at 30 N Market following a break for lunch. He briefed the Commission on the light agenda of the upcoming July meeting. A Solid Waste Management Plan and two Council bills are scheduled; there will be no Development Review items.

5. CONSENT AGENDA

- a) *Ballenger Run LOU Amendment* – The Applicant requested an amendment to the Roads portion of the LOU, for the purpose of amending the guarantee requirements and APFO required scope of improvements for Phase III of the improvements to Ballenger Creek Pike, from Hanover Drive to Crestwood Blvd.

Staff Presentation:

Ron Burns, Contractual Traffic Engineer

Ms. Sepe had questions regarding the item, therefore the LOU amendment was pulled from the consent agenda to be discussed. She questioned specifically, the increased number of building permits (600) in the replacement paragraph on page 4, item 3 of the staff report differed from the 500 building permit number on the original LOU. Mr. Burns responded that the discrepancy was a typographical error, and should have been 500. However, Mr. Steve Oder of Cavalier Development, the Applicant, explained that the 600 number is correct and apologized for the miscommunication. In light of this, Mr. Burns asked for a continuance and asked if this could be brought back before the Commission later in the day.

Ms. Mitchell noted that it would be permissible to table the item and if it could be resolved prior to the end of the day's agenda, it would not need to be rescheduled. Mr. White had issue with this and felt that if the item is removed from the consent agenda, it is a regular item and should be rescheduled for another date. He suggested adding the consent agenda procedures to the Planning Commission rules and procedures. Ms. Mitchell responded that it could be added to the rules and procedures and agreed to work on the proposed changes.

At this point, in light of the continuance, Mr. Tressler made a motion to revisit this item later today. Mr. White 2nd.

The motion passed in favor 6-0-0-1 with Mr. Bruscia absent, for revisiting the item after the site plan items on the agenda are heard later today.

*After a break and before the Frey's Farm Brewery agenda item, the consent agenda was revisited briefly. Mr. Burns saw no issue or negative impact with the change from 500 units to 600 units due to a phasing issue and county road improvements being ahead of schedule.

Mr. White made a motion to remove the consent agenda item from the table and vote on it as presented. Mr. Hall 2nd. The motion passed 6-0-0-1 with Mr. Bruscia absent.

Decision: Mr. White then made a motion to approve the consent agenda. Mr. Hall 2nd.

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

6. COMBINED PRELIMINARY / SITE PLAN

- a) *Talbot Ridge Farm, Lots 4-8 and Remainder* – The Applicant requested Combined Preliminary/Final Plat approval for a 5-lot Agricultural Cluster subdivision on a 250.59-acres property. Tax Map 71, Parcel 18. Zoned: Agricultural; Planning Region: New Market. S-1087 (AP# 15294; APFO# 15295; FRO# 15296)

Staff Presentation:

Mike Wilkins, Principal Planner

Applicant Presentation:

Ron Thompson, VanMar Associates, Inc. on behalf of Applicant, David E. Fleming

Public Comment:

None

Decision: Mr. Hall made a motion to approve the Combined Preliminary/Site Plan, including APFO approval, with conditions as listed in the staff report. Ms. Suarez 2nd.

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

7. SITE PLAN

- a) *Frey's Brewing Company* – The Applicant requested approval for Site Development Plan for a 2,780 s.f. Farm Brewery Tasting Room (1,450 devoted to customer service) in conjunction with the existing Farm Brewery on a 126.16 acre parcel. Tax Map, Parcel. Zoned: Planning Region: SP-12-09 (AP# 17201; APFO#; FRO#)

Staff Presentation:

Denis Superczynski, Principal Planner

Applicant Presentation:

Ron Thompson, VanMar Associates, Inc.; Adam Frey, Frey Brewery, Applicant

Public Comment:

Deborah Moore
Brian Bolger
Mike Collins
George Misulia
Jeanne Robertson
Kim Wodaski
Adrianne Edwards

Rebuttal:

Ron Thompson, VanMar Associates, Inc.

Decision: Mr. Tressler made a motion to approve the Site Development Plan including APFO approval, with conditions and modifications as listed in the staff report. Mr. Hall 2nd.

Ms. Sepe proposed amending the motion to add the following:

- Condition #8 (added by Mr. Superczynski), that "Applicant shall strike APFO Note #2 (on Sheet 1 of the Site Plan) which references a cap on special events during the PM peak hour".
- To condition #5, add 10 additional trees to be reviewed by staff for location and types
- Add condition #9, that "Applicant shall increase the number of parking spaces to 35 marked spaces".

Ms. Suarez 2nd.

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

The final vote on the amended Motion was:

<u>VOTE</u>	<u>4-0-1-2</u>
FOR:	4 – Tressler, Hall, White, Suarez
AGAINST:	0
ABSTAIN:	1 - Sepe
ABSENT:	2 – Hopwood, Bruscia

8. **SPRING 2017 CYCLE – WATER & SEWERAGE PLAN AMENDMENTS**

The Planning Commission will hear the following cases to determine consistency with the County Comprehensive Plan:

Staff Presentation:

Tim Goodfellow, Principal Planner

WS-17-01: Bartgis/Lasick/Ralls, Christopher's Crossing, LLC

North side of Walter Martz Road and Christopher Crossing at Poole Jones Road within the City of Frederick

Requesting reclassification of 58 acres from W-5 Dev., S-5 Dev., to W-3 Dev., S-3 Dev.

Decision: Ms. Suarez made a motion to find the amendment consistent with the City of Frederick Comprehensive Plan. Mr. Hall 2nd.

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

WS-17-02: Shapiro/Overlook at Long Branch

East side of Linganore Road, north of Old National Pike

Requesting reclassification of 34.5 acres from W-4 Dev., S-4 Dev. to W-3 Dev., S-3 Dev.

Decision: Ms. Sepe made a motion to find the amendment consistent with the County Comprehensive Plan. Mr. Tressler 2nd.

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

WS-17-03: Division of Planning & Permitting (Carter/Baxter property)

South side of Jefferson Pike, west of Horine Road in Jefferson

Requesting reclassification of 0.31 acres from No Planned Service (NPS) to W-3 Dev.

Decision: Mr. Tressler made a motion to find the amendment consistent with the County Comprehensive Plan. Ms. Suarez 2nd.

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

WS-17-04: Town of New Market (Delaplaine)

Northwest intersection of MD 75, Green Valley Road and Old New Market road within the Town of New Market

Requesting reclassification of 134 acres from No Planned Service (NPS) to Planned Service (PS)

Decision: Ms. Sepe made a motion to find the amendment consistent with the Town of New Market Comprehensive Plan. Ms. Suarez 2nd.

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

WS-17-05: Woodsboro Pike, LLC

West side of MD 194, Woodsboro Pike, west of Fountain Rock Road within the Town of Walkersville. Requesting reclassification of 85 acres from W-4 Dev., S-4 Dev., to W-3 Dev., S-3 Dev.

Decision: Mr. Hall made a motion to find the amendment consistent with the Town of Walkersville Comprehensive Plan. Ms. Suarez 2nd.


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

*The meeting recessed for lunch and reconvened in the Basement Training/Meeting Room at 30 N Market for the Livable Frederick Workshop portion of this meeting. *Only the workshop portion of This agenda was not televised and therefore is not available on the County website.*

9. LIVABLE FREDERICK WORK SESSION

The Commission continued its review and discussion; working with staff on the annotated Comprehensive Plan.

Meeting adjourned at 4:00 pm
Respectfully Submitted,

 Date 10/11/2017
Anthony Bruscia, Chair