

FREDERICK COUNTY PLANNING COMMISSION  
Minutes of Meeting for  
October 11, 2017

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

Members Present: Anthony Bruscia, Chair; Bob White, Vice-Chair; Carol Sepe, Secretary; Bill Hopwood; Sharon Suarez; Sam Tressler; Craig Hicks

Staff Present: Steve Horn, Division Director; Jim Gugel, Planning Director; Shawna Lemonds, Development Review Director; Kathy Mitchell, Assistant County Attorney; Mike Wilkins, Senior Planner; Tim Goodfellow, Principal Planner; Charles Freeman, Traffic Engineer; and Pattie Wolfgang, Administrative Specialist

The meeting was called to order at 9:34 am

**1. PLEDGE OF ALLEGIANCE**

**2. MINUTES TO APPROVE**

September 13, 2017 – Mr. White moved to approve said minutes as written. Mr. Hicks 2<sup>nd</sup>.

VOTE	6-0-1-0
FOR:	6 – White, Hicks, Hopwood, Suarez, Sepe, Tressler
AGAINST:	0
ABSTAIN:	1 - Bruscia
ABSENT:	0

**3. PLANNING COMMISSION COMMENTS**

On behalf of the Planning Commission, Mr. Bruscia extended sincere thanks to Ms. Shawna Lemonds, Development Review Director, who is resigning her position with the County. Her exemplary work with the Commission is appreciated and she will be missed.

**4. AGENCY COMMENTS / AGENDA BRIEFING**

Mr. Gugel briefed the Commission on upcoming meetings; October 18<sup>th</sup> at 7:00pm public hearing of the Monocacy River Management Plan. The upcoming November 8<sup>th</sup> meeting will be light, although the December 13<sup>th</sup> meeting will have a full agenda. He added that the Bicycle/Pedestrian Plan public hearing could possibly be held at a November evening meeting, although due to the Thanksgiving holiday, it may be scheduled into a regular day meeting. He reminded the Commission that if anyone is still interested in attending the Maryland Planning Commission Conference, to please let him know this week. Registration and lodging will be covered.

**5. APFO LETTER OF UNDERSTANDING**

- a) *Aldi, Inc. Letter of Understanding (LOU)* – The Applicant requested approval of the proposed Letter of Understanding, documenting requirements for Adequate Public Facilities Ordinance approval associated with a change of use resulting in 20,519 square feet of discount grocery store and 30,325 square feet of shopping center within an existing 50,844 square foot commercial center.

**Staff Presentation:**

*Charles Freeman, Traffic Engineer*

**Public Comment:**

None

**Decision:** Mr. White made a motion to approve the APFO LOU. He then withdrew the motion to hear from the Applicant. Mr. White reinstituted the motion as the Applicant was not present. Mr. Tressler 2<sup>nd</sup>.

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

**6. COMBINED PRELIMINARY SUBDIVISION PLAN / SITE PLAN**

- a) *Westview South (Phase 1.3)* – The Applicant requested Combined Preliminary Subdivision / Site Development Plan approval to revise the 4.93 +/- Phase 1.3C portion of the overall approved Westview South MXD Residential project to: remove 128 MF units (4, 32-unit buildings) and replace those units with 24 townhomes and 46 '2-over-2' units) and revise the open space layout. The revision will result in a total of 542 dwelling units comprised of 242 multi-family units (three 32-unit MF buildings and 146 '2-over-2' units), 184 townhomes, and 116 single family detached dwellings. Zoned: Mixed Use Development (MXD); Planning Region: Frederick S-905/SP-98-36 (A/P#17503; APFO#17504; FRO#17505)

**Staff Presentation:**

*Tim Goodfellow, Principal Planner*

**Applicant Presentation:**

Ralph Mobley, MB Westview South, LLC, Applicant; Chris Smariga, Harris, Smariga & Associates, Inc.; Bruce Dean, Esq.; Linowes & Blocher

**Public Comment:**

None

**Decision:** Mr. White made a motion to approve the Combined Preliminary Subdivision / Site Development Plan, Phase 1.3C with conditions and modifications 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, Hopwood, Bruscia, Sepe, Tressler, Hicks
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

**7. BICYCLE/PEDESTRIAN PLAN**

Mr. Burns briefed the Commission on the DRAFT Frederick County 2017 Bikeways and Trails Plan (update of the 1999 Plan), to allow them an opportunity to comment. The Commission will be requested to make a finding of consistency with the Comprehensive Plan at the November public hearing.

A consensus of comments and changes from the Commission will be collectively gathered along with input from other agencies. These will be included in the document that will be forwarded to the Council. Mr. Gugel added that if the Commission is not prepared to make a conclusion at the public hearing in November, the final vote and recommendation can be continued to December if needed.



**Staff Presentation:**

*Ron Burns, Transportation Engineer*

**Public Comment:**

Shayne Boucher

Lib Rood

Tom Rinker

This was an informational briefing and therefore no vote was taken.

*At this time Mr. Hopwood left the meeting.*

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

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

**Staff Presentation:**

*Tim Goodfellow*

**WS-17-06: Division of Planning and Permitting**

Three (3) text amendments to the Water and Sewerage Plan are proposed to:

- 1) Clarify the requirements for the S-4/W-4 (Concept Evaluation Phase) classification
- 2) Establish procedures for continuing a Water and Sewerage Plan Amendment; and
- 3) Require that criteria for a requested water or sewer classification be met at the time of application.

There were some concerns regarding text amendment #2 regarding continuance procedures that require Applicants to pay application fees again if action has not been made by the Council within the six month period. Ms. Mitchell suggested adding a statement “if lack of action or decision by the County Council is not the fault of the Applicant, then the Applicant will not be charged fees for reapplication”. There was also discussion on the water or sewer classification criteria language.

**Public Comment:**

Bruce Dean

Eric Soter

**Decision: Motion #1:** Mr. White made a motion to find the Frederick County Water and Sewerage Plan classification system, Chapter 1 Policies and Procedures Section IV, paragraph b) pages 1 to 24, W-4, S-4 ‘Concept Evaluation Phase’ language and the Chapter 1 Section III Review and Amendment Procedures, paragraph b) sub paragraph I, page 1 to 21, changed language, consistent with the Comprehensive Plan. Ms. Suarez 2<sup>nd</sup>.

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

**Motion #2:** Mr. White made a motion to recommend that the language *"if lack of action or decision by the County Council is not the fault of the Applicant, then the Applicant will not be charged fees for reapplication"* be added to the end of i 5. Mr. Hicks 2<sup>nd</sup>.

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

**Motion #3:** Mr. White made a motion to find the language for b) Amendment Procedures, 3b inconsistent with the Comprehensive Plan because it is unnecessary. Mr. Tressler 2<sup>nd</sup>.

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

**WS-17-07: Monocacy Land Company, LLC**

South side of Tabler Road at the terminus of Bealls Farm Road in the Villages of Urbana PUD  
Requesting reclassification of 24.3 acres from W-4 Dev., S-4 Dev. to W-3 Dev., S-3 Dev.

**Applicant Presentation:**

Kraig Walsleben

**Public Comment:**

None

**Decision:** Mr. Tressler made a motion to find the case consistent with the County Comprehensive Plan. Mr. White 2<sup>nd</sup>.

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

**WS-17-08: Division of Planning and Permitting (Urbana District Park)**

Northeast side of MD 355, Urbana Pike, at Tabler Road  
Requesting reclassification of 95.25 acres from S-4 Dev. to S-3 Dev.

**Public Comment:**

None

**Decision:** Mr. Hicks made a motion to find the case consistent with the County Comprehensive Plan. Mr. White 2<sup>nd</sup>.

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

**WS-17-09: Division of Planning and Permitting (Storm Property)**

North side of Old National Pike, 580 feet west of Mussetter Road  
Requesting reclassification of 0.75 acres from W-5 Dev. to W-3 Dev.

**Public Comment:**

None

**Decision:** Mr. Tressler made a motion to find the case consistent with the County Comprehensive Plan. Mr. White 2<sup>nd</sup>.

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

**WS-17-10: Frederick County Health Department**

A text amendment to Chapter 4 of the Plan to add the Town of Burkittsville to the list of Septic Problem Areas

**Public Comment:**

None

**Decision:** Ms. Suarez made a motion to find the case consistent with the County Comprehensive Plan. Mr. Hicks 2<sup>nd</sup>.

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

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

- a) Bill 17- 14 Amend the Zoning Ordinance to require recreational facilities in PUD or MXD be located entirely with the PUD/MXD zoning.

**Staff Presentation:**

*Steve Horn, Division Director*

**Public Comment:**

Eric Soter  
Bruce Dean

**Decision: Motion #1:** Mr. Tressler made a motion to recommend Bill 17-14 Mr. Bruscia 2<sup>nd</sup>.

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



**Motion #2:** Mr. White then made a motion to oppose recommendation to this language due to possible complications and unintended consequences as expressed in the public comment on the record. Ms. Sepe 2<sup>nd</sup>.

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

- b) Bill 17-15 *Limited Wood Waste Recycling* – Amend the Zoning Ordinance and the Subdivision Regulations to allow limited wood waste recycling in the General Commercial with special criteria.

**Staff Presentation:**

*Tony Chmelik, County Councilman*

*Steve Horn, Division Director*

**Public Comment:**

None

**Decision: Motion #1:** Ms. Sepe made a motion to oppose recommendation as written of Bill 17-15. Ms. Suarez 2<sup>nd</sup>.

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

**Motion #2:** Ms. Sepe then made a motion to forward a modified recommendation to include

- Allow limited wood recycling as a temporary use in GC and LI zones
- add criteria to address noise and dust,
- increase frontage on public road,
- screening should be examined
- add that it should only be approved adjacent to other solid waste facilities, the GI zone, farm equipment, forestry, lumber yard, stone monument or similar operations. Mr. White 2<sup>nd</sup>.

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

10. **BALLENGER RUN PUD REZONING #R-05-09(B)**

A public hearing was held to consider an application by SeD Maryland Development proposing amendments to rezoning conditions approved in 2013 (Ordinance 13-20-648) that specified the timing of construction of trails relative to the issuance of building permits.

**Staff Presentation:**

*Jim Gugel, Planning Director*

**Applicant Presentation:**

Bruce Dean, Esq., Linowes & Blocher on behalf of Applicant; Steve Oder, Cavalier Development

**Public Comment:**

None

**Decision:** Mr. Hicks made a motion to recommend the amendment. Ms. Suarez 2<sup>nd</sup>.

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

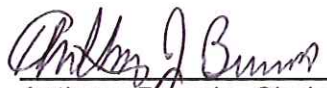
**11. CLOSED SESSION**

Maryland Annotated Code General Provisions Article 3-305(b) (7) To consult with Counsel to obtain legal advice; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Mr. White made a motion to go into Closed Session. Mr. Tressler 2<sup>nd</sup>.

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

Meeting adjourned at 2:55 p.m.  
Respectfully Submitted,

  
Anthony Bruscia, Chair

11/02/2017  
Date