

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Public Hearing for
May 25, 2022 (NIGHT)
In Person/Virtual

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

Members Present: Sam Tressler III, Chair; Craig Hicks, Vice-Chair; Carole Sepe; Terry Bowie; Robert White, Jr.; and Tim Davis.

Members Absent: Joel Rensberger, Secretary

Staff Present: Kimberly Golden Brandt, Livable Frederick Director; Denis Superczynski, Livable Frederick Planning Manager; Thomas Sinton, Assistant County Attorney; Kathy Mitchell, Sr. Assist. County Attorney; and Karen James, Administrative Specialist. Also in attendance Shawn Burnett, engineer, Wilson T. Ballard.

The meeting was called to order at 7:00 p.m.

1. **PLEDGE OF ALLEGIANCE** Mr. Tressler
2. **ROLL CALL** Mr. Tressler
3. **PLANNING COMMISSION COMMENTS**

Members of the Planning Commission welcomed new member, Tim Davis.

4. **ZONING MAP AMENDMENT**

R-22-01 – Kenel Farm MXD – The applicant is requesting a rezoning of 19.66 acres from Agricultural (A) to Mixed Use Development (MXD). The property is located at 6126 Jefferson Pike, Frederick, MD 21703.

Denis Superczynski, Livable Frederick Planning Manager

Staff Presentation:

Denis Superczynski

Applicant Presentation:

David Severn, Offit Kurman, Attorneys At Law
SJP Acquisitions LLC, affiliate of St. John Properties
Matt Holbrook, St. John Properties
Danny Severn, St. John Properties
Chris Smariga, Harris and Smariga
Joe Caloggero, The Traffic Group Inc.

Planning Commission members posed questions on topics including MXD and the rezoning process. Mr. Hicks questioned the land use mix issue, noting that the plan put forward by the applicant proposes no residential uses. He also asked, from a Livable Frederick perspective, how this would satisfy the definition of a mixed use community. Mr. White confirmed that MXD on this property would not allow general industrial uses, such as wholesaling or transportation.

Ms. Sepe asked to confirm the applicant to be either the property owner or a contract purchaser. She then followed up with questions about community meetings and attendance. She expressed concerns about traffic and questioned why sidewalks were recommended but not made a condition. Truck traffic was also discussed with input from Mr. Burnett.

Mr. Bowie asked what type of feedback was received at the community meeting. Mr. Superczynski listed topics such as construction activity, ongoing noise, disruptions and truck traffic – things you normally have with construction. He felt they seemed to be reasonable concerns regarding the actual development of the project as opposed to the project being built out and occupied.

Mr. (David) Severn addressed the Planning Commission and introduced the applicant team. Mr. Holbrook shared the history of St. John Properties. There was further discussion of mixed use.

Mr. Hicks asked to follow up on the topic of sidewalks and connectivity along Jefferson Pike. He offered a proposed condition for the Planning Commission's consideration, "the applicant shall provide pedestrian and bicycle connectivity via sidewalks and an on-street bikeway along their frontage on the north side of Jefferson Pike." This was mentioned in the staff report, but not listed as a condition. Mr. Holbrook said that sounded appropriate and they would be amenable to the condition. MD 180 is a State road, and the State will decide what can and cannot be done. Discussion of truck traffic continued.

Mr. Tressler asked the applicants if there was an issue with the 35% versus 45% of commercial development as Condition #1. Mr. (Danny) Severn said their preference would be 45 – 55. He asked to extend the flexibility of Condition #1.


Mr. Superczynski suggested members should make a recommendation as to what the mix is, otherwise the Council will have to have the same debate as to where that number should fall. Mr. (Danny) Severn stated that times change and functionality changes. Mr. Hicks continued the discussion about Condition #1. Ms. Sepe said in her opinion Condition #1 should be removed. Mr. White was in agreement. Discussion continued.

Public Comment: None

Decision: Ms. Sepe moved that the Planning Commission find the zoning map amendment consistent with the comprehensive plan and that the Planning Commission recommend approval of the application to the County Council, with the following condition: that the applicant shall establish and maintain no more than 45% of total proposed building area in commercial uses. The maximum total building area is 275,000 square feet. Mr. White, second. Mr. Davis reminded Mr. Hicks of a condition he wanted to add. Mr. Hicks requested to amend the motion to include: the applicant shall provide pedestrian and bicycle connectivity via sidewalks and an on-street bikeway along their frontage on the north side of Jefferson Pike to the extent feasible and allowed by the State. Ms. Sepe was in agreement as was Mr. White.

<u>VOTE</u>	<u>6-0-0-1</u>
FOR:	6 - Tressler, Sepe, White, Bowie, Hicks, Davis
AGAINST:	0
ABSTAIN:	0
ABSENT:	1 - Rensberger

Mr. Tressler declared the meeting adjourned at 8:57 p.m.



Samuel G. Tressler III, Chair

8/17/22
Date