

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
June 15, 2022
In Person/Virtual Meeting

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

Members Present: Sam Tressler III, Chair; Craig Hicks, Vice-Chair; Joel Rensberger, Secretary; Carole Sepe; Robert White, Jr.; Tim Davis.

Members Absent: Terry Bowie

Staff Present: Mike Wilkins, Director, Development Review and Planning; Kimberly Golden Brandt, Director, Livable Frederick; Kathy Mitchell, Senior Assistant County Attorney; Mark Mishler, Traffic Engineer; Denis Superczynski, Livable Frederick Planning Manager; Tim Goodfellow, Livable Frederick Environmental Planner; Dial Keju, Livable Frederick Principal Planner; and Karen James, Administrative Specialist.

The meeting was called to order at 9:30 a.m.

1. **PLEDGE OF ALLEGIANCE** Mr. Tressler

2. **ROLL CALL** Mr. Tressler

3. **MINUTES TO APPROVE** – April 13, 2022

Ms. Sepe moved that the Planning Commission approve the minutes as written. Mr. Rensberger, 2nd.

VOTE	4-0-1-2
FOR:	4 - Tressler, Rensberger, Sepe, White
AGAINST:	0
ABSTAIN:	1 - Davis
ABSENT:	2 - Bowie; Hicks (absent at time of vote)

4. **PLANNING COMMISSION COMMENTS**

None.

5. **AGENCY COMMENTS / AGENDA BRIEFING**

Ms. Brandt and Mr. Wilkins briefed members on upcoming meetings. The July 13 meeting will include the Sugarloaf Treasured Landscape Management Plan; Development Review items include the proposed DRRA Amendment for Crestwood Manor, Westview South Site Plan, and Stanford Industrial Park Site Plan. On July 20 two meetings are scheduled. The morning meeting with agenda TBD and an evening Public Hearing for a rezoning.

Mr. Hicks rejoined the meeting at 9:33 a.m. – connection had dropped.

6. **LEGISLATION**

(Continued from the June 8, 2022 Meeting) Bill 22-10 : An Act to amend the Adequate Public Facilities Ordinance (Chapter 1-20 of the County Code) by

strengthening traffic mitigation standards, increasing the requirements to be considered a “limited impact development,” revising aspects of the Planning Commission’s approval authority, revising approval time periods, and removing or revising out of date language.

Discussion of Bill 22-10 continued. Planning Commission members shared their thoughts and concerns. Ms. Sepe said it is a good idea to review and amend the Adequate Public Facilities Ordinance, but expressed concerns with the language. Mr. Rensberger suggested micro discussions of those concerns. Mr. Hicks said it would be important to make recommendations that include some of the rationale for why the recommendations are being made. Following further discussion Mr. White suggested they need to get back on track, viewing it as a two-part situation, needing to decide whether to recommend passage, then pass a second motion with suggested alterations. Mr. Tressler was in agreement.

Decision: Mr. White moved to recommend passage of Bill 22-10 to amend the Adequate Public Facilities Ordinance. Mr. Hicks, 2nd.

<u>VOTE</u>	<u>4-1-1-1</u>
FOR:	4 - Tressler, Hicks, White, Davis
AGAINST:	1 - Sepe
ABSTAIN:	1 - Rensberger
ABSENT:	1 - Bowie

Discussion continued, with much focus on traffic, road improvements and Level Of Service. Mr. Mishler and Ms. Mitchell contributed to the discussion. After several attempts to craft a motion which led to further discussion . . .

Decision: Ms. Sepe moved to recommend §1-20-31 (E) (1) (A and B) change Level of Service from D to E. Mr. Rensberger, 2nd.

<u>VOTE</u>	<u>4-2-0-1</u>
FOR:	4 - Tressler, Rensberger, Sepe, Davis
AGAINST:	2 - Hicks, White
ABSTAIN:	0
ABSENT:	1 - Bowie

Members continued their discussion of recommended alterations to the Bill.

Decision: Mr. Rensberger moved to recommend that §1-20-31 (E) (2) (C) be modified that it shall be determined acceptable if Level Of Service E or better is maintained or mitigated as provided in accordance with the guidelines. Mr. Davis, 2nd.

<u>VOTE</u>	<u>4-2-0-1</u>
FOR:	4 - Tressler, Rensberger, Sepe, Davis
AGAINST:	2 - Hicks, White
ABSTAIN:	0
ABSENT:	1 - Bowie

Mr. Rensberger suggested to now discuss the timeframes for development. Ms. Sepe felt 3 and 4 years was not an appropriate amount of time for a subdivision to be vested. Mixed use development was also discussed.

Decision: Ms. Sepe moved to recommend that §1-20-8 (D) (2) (Nonresidential

subdivisions) be changed by adding the word building to square footage, make it up to five years up to 230,000 square feet and add a paragraph regarding the timeframe for mixed use development. Mr. Rensberger, 2nd.

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

The next discussion was about §1-20-8 (D) (4) with Ms. Sepe recommending changing the number (50 or fewer dwelling units) to 200, and after additional discussion, to 100.

Decision: Ms. Sepe moved to recommend §1-20-8 (D) be changed to read 100 or fewer dwelling units. Mr. Rensberger 2nd.

<u>VOTE</u>	<u>3-3-0-1</u>
FOR:	3 - Tressler, Rensberger, Sepe
AGAINST:	3 - Hicks, White, Davis
ABSTAIN:	0
ABSENT:	1 - Bowie

Motion failed.

Moving forward, discussion turned to §1-20-12 (F) Escrow Accounts. Ms. Sepe and Mr. Mishler reviewed the changes.

Decision: Mr. Rensberger moved that the Planning Commission recommend that the recent edits to §1-20-12 (F) be removed. Ms. Sepe, 2nd.

<u>VOTE</u>	<u>4-2-0-1</u>
FOR:	4 - Tressler, Rensberger, Davis, Sepe
AGAINST:	2 - Hicks, White
ABSTAIN:	0
ABSENT:	1 - Bowie

Ms. Sepe suggested changes to §1-20-31 (C) (3) including replacing “Division” with “County” and adding the Sheriff’s Office to the paragraph. Discussion followed which included Planning Commission members, Ms. Mitchell, Mr. Mishler and Mr. Wilkins.

Decision: Ms. Sepe moved to recommend that §1-20-31 (C) (3), Determination of Adequacy paragraph replace Division with County and add the Sheriff’s Office. Mr. Hicks, 2nd.

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

Ms. Sepe expressed concerns about §1-20-30 – Thresholds. Specifically stating that the use category will be determined by the Division. §1-20-31 states that the Planning Commission shall determine if road adequacy requirements are met. Ms. Sepe stated that her concern is that languages does not seem to allow the Planning Commission to

approve the use category. Additional discussion included Planning Commission members, Ms. Mitchell, Mr. Mishler and Mr. Wilkins. No further action was taken on this topic.

Mr. Rensberger moved to pass the Planning Commission's recommendation on to County Council. Mr. Hicks, 2nd. Mr. White pointed out there had been a division of interest and response on each item and suggested instead of moving to put them all into a package, consider each one a separate vote and send those on as individual recommendations as passed or failed. Ms. Mitchell then confirmed that the previous motion was withdrawn. Mr. Wilkins confirmed that they would pass along all the motions that passed, which were all but one.

Break taken at 11:28 a.m. Meeting resumed at 11:40 a.m.

Mr. Tressler reminded the viewing audience that the agenda item Draft Sugarloaf Treasured Landscape Management Plan is a workshop and not a hearing and there would be no Public Comment.

7. ANNUAL REPORT

Kimberly Golden Brandt, Director, Livable Frederick
Denis Superczynski, Livable Frederick Planning Manager
Dial Keju, Livable Frederick Principal Planner

Ms. Brandt explained that the staff is taking two approaches to the annual report. There is the form to be submitted to the State, and there will also be a staff-designed user-friendly report that will also be submitted to the State and will include demographic information about the County and the implementation program.

Mr. Hicks said that what has been presented to the Planning Commission so far is looking good. He expressed concern that they will not meet the State's statutory deadline and wanted to raise the issue for awareness. Mr. Hicks said he would like for staff to, as part of the process, align better with what the Land Use Article requires while including other things that are not mandated by the State, but that will support planning for Frederick County.

Ms. Brandt introduced Mr. Keju. Mr. Keju's presentation provided a snapshot of 2020 Census data and basic employment data. Data was compared to state-wide trends. Ms. Sepe expressed an interest in seeing retirement trends. Mr. Davis suggested compiling commuter data along with other topics. Mr. Hicks had questions about housing numbers and stated that a little more context would be helpful.

Mr. Superczynski invited members to contact staff if they think of anything additional they would want in terms of data or information. He then continued with Part 2 of the presentation: Livable Frederick Master Plan Implementation Program 2022-2026. Plan types were presented, including various Elective Plans, Functional Plans, and Cyclical Plans.

Mr. Rensberger commented that the majority of plans are in the southern half of Frederick County. Mr. Superczynski said the LFMP focused on the areas where we see the most pressure and the most urgent need to preserve or protect. Mr. Rensberger added that planning for the northern part of Frederick County would be appropriate so that some of these development pressures can occur in the north.

Mr. Rensberger left the meeting at 12:32 p.m.

Mr. Superczynski shared a list of high interest topics, compiled from the April 2022 Planning Commission meeting, followed by discussion on the best way to categorize topics.

The Planning Commission approved the Annual Report by consent.

Lunch break taken at 12:56 p.m. Meeting resumed at 1:45 p.m.

8. DRAFT SUGARLOAF TREASURED LANDSCAPE MANAGEMENT PLAN

Kimberly Golden Brandt, Director, Livable Frederick
Denis Superczynski, Livable Frederick Planning Manager
Tim Goodfellow, Livable Frederick Environmental Planner

Two recorded messages (Public Comment) from the recent Draft Sugarloaf Treasured Landscape Management Plan evening hearing were read into the public record. One message was left in an incorrect meeting account, and the other first appeared to be a duplicate message.

Mr. Tressler said he would like to elect to close the record on the Draft Sugarloaf Treasured Landscape Management Plan on Friday, June 17. There was brief discussion. Mr. Hicks said he didn't want to curtail the opportunity for public comment, but his impression is that many of the comments received are largely repetitive. Mr. Tressler was in agreement and announced that the record would be closed at 4 p.m. Friday, June 17.

Ms. Brandt stated that the 60-day review period had concluded and shared comments received from state agencies.

Mr. Goodfellow began his presentation, beginning with application of zoning districts and showing examples. Planning Commission members posed questions to Mr. Goodfellow.

Decision: Mr. White moved to approve the current draft with regard to the application of RC and R-1 zoning. Motion did not receive a 2nd. Mr. Hicks said he would be more comfortable if they were separate motions. Mr. White agreed.

Mr. White moved to approve the existing plan designation of RC zoning. Mr. Hicks, 2nd.

<u>VOTE</u>	<u>4-1-0-2</u>
FOR:	4 - Tressler, Davis, Hicks, White
AGAINST:	1 - Sepe
ABSTAIN:	0
ABSENT:	2 – Bowie, Rensberger

Decision: Mr. White moved to adopt the R-1 zoning as applied in the plan. Mr. Hicks, 2nd.

<u>VOTE</u>	<u>3-2-0-2</u>
FOR:	3 - Tressler, Davis, White
AGAINST:	2 – Sepe, Hicks
ABSTAIN:	0
ABSENT:	2 – Bowie, Rensberger

Mr. Goodfellow continued his presentation with the application of the Treasured Landscape-Sugarloaf Land Use Plan designation applied to lands owned by Stronghold., Inc. Mr. Goodfellow said there was a definition of the designation and read it into the record. "This designation identifies significant forest lands, cultural and historic resources, wildlife habitats and a unique geologic feature in a monadnock and its scenic attributes in the form of ridge lines and steep topographical gradients that comprise Sugarloaf Mountain." This led to discussion of the Overlay zone, and additional discussion of the land use designations. Ms. Brandt affirmed the Commission's consent to this designation.

The presentation continued with discussion of consistency with the Livable Frederick Master Plan. The Interstate Corridor was presented with current and planned (potential) services. Planning Commission members offered their questions and perspectives. Mr. Superczynski addressed the members on the topic of growth and stated that sometimes developing smartly is a powerful conservation and preservation tool.

Mr. Goodfellow continued with the next segment of the presentation. Ms. Brandt noted that a business owner who has existing General Commercial on their property requested expanding that area, which was supported by staff and is reflected in all draft plans to date. Ms. Sepe noted the request for General Commercial received from Greenbriar Veterinary Hospital. Following up on Ms. Sepe's remarks about other requests that were received, Mr. Hicks stated for the benefit of the public that the Commission members review and consider all written comments submitted.


Mr. White asked if the Overlay includes any limitations on size and height of religious facilities. Mr. Goodfellow said there is a 30-foot height limitation for all uses in the Resource Conservation Zone, and noted the limit on building size included in the Overlay.

Ms. Brandt said staff is looking for direction on the Overlay and how the Overlay has been applied. Discussion continued. Ms. Sepe reminded others she voted for extending the boundary of the plan, but had not voted for extension of the overlay. Mr. White suggested excluding the area in the insert on page 28 and adopting the rest of the Overlay. Mr. Davis was in agreement.

Decision: Mr. White moved to adopt the Overlay as it is shown on page 28, which excludes the three properties at the MD 80/ I-270 intersection, but includes all of the other areas shown on the map – up to I-270, up to the Monocacy River, and down to the County border. Mr. Davis, 2nd.

<u>VOTE</u>	<u>4-1-0-2</u>
FOR:	4 - Tressler, Davis, Hicks, White
AGAINST:	1 - Sepe
ABSTAIN:	0
ABSENT:	2 – Bowie, Rensberger

Mr. Hicks moved to adjourn. Mr. Tressler declared meeting adjourned at 4:17 p.m.


Craig Hicks, Chair

10/18/22
Date