

FREDERICK COUNTY PLANNING COMMISSION

Minutes of Meeting for

January 10, 2018

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

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

Members Absent: Bob White, Vice-Chair

Staff Present: Jim Gugel, Director, Planning; Mike Wilkins, Acting Director, Development Review; Michael Chomel, Senior Assistant County Attorney; Graham Hubbard, Principal Planner; John Dimitriou, Principal Planner; Tim Goodfellow, Principal Planner; Charles Freeman, Traffic Engineer; Ron Burns, Contractual Traffic Engineer; and Pattie Wolfgang, Administrative Specialist

The meeting was called to order at 9:32 am

1. PLEDGE OF ALLEGIANCE

2. PLANNING COMMISSION COMMENTS

Mr. Hopwood commented on the recent article regarding Livable Frederick that appeared in the Frederick News Post and was heard on WMUD radio. Both news reports incorrectly indicated that the Livable Frederick plan was approved by the Planning Commission to be forwarded to the County Council. He wanted to clarify for the record that the Planning Commission, in its non-televized workshop, approved a Draft of the plan and released it for a 60-day review for public comment. This draft is available on the Livable Frederick website. At the end of the 60-day review period, the plan will be finalized at a public hearing before the Planning Commission, and forwarded to the Council for its vote.

3. AGENCY COMMENTS / AGENDA BRIEFING

Mr. Dimitriou reiterated Mr. Hopwood's comments regarding the Livable Frederick draft plan. It was released on January 5th, and sent to the State as well as the adjoining jurisdictions and municipalities within the County. There are five (5) outreach meetings scheduled. Dates and locations can be found on the Livable Frederick website at www.livablefrederick.org.

Mr. Gugel briefed the Commission on the upcoming meeting February 14th, indicating that it will be a light agenda. He also noted that the Livable Frederick public hearing is not a regular meeting date.

4. FOREST RESOURCE ORDINANCE MODIFICATION

- a) Landon House Complex – The Applicant requested approval of a modification to the Forest Resource Ordinance (FRO) to remove a specimen tree. 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: VC; Planning Region: Urbana
SP-98-29 (A/P# 18080)

Staff Presentation:

Graham Hubbard, Principal Planner

Applicant Presentation:

Lee Miller, Terra Solutions Engineering, LLC on behalf of the Applicant, Chakri Katpela Owner; Tony Murdock, Fine Pruning

Public Comment:

None

Decision: Ms. Suarez made a motion to approve the modification request to remove the specimen tree, with conditions as listed in the staff report. Mr. Hopwood 2nd.

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

5. COMBINED PRELIMINARY / SITE PLAN

a) *Landsdale, Portions of Section 3b and 3c* – The Applicant requested a new Preliminary/Final Plan approval for a portion of a Planned Unit Development (PUD) with an active Preliminary Plan approval that is nearing expiration. Located north of MD 80 and west of MD 75 on the west side of Ed McClain Road.

Tax Map 88, Parcel 44; Zoned: Planned Unit Development (PUD); Planning Region: Urbana

S-1130, SP-08-33 (A/P#17892, APFO#17893, FRO#17894)

Staff Presentation:

John Dimitriou, Principal Planner

Applicant Presentation:

Jason Wiley, on behalf of the Applicant, Monocacy Investments, Inc.; Randy Frey, Rodgers Consulting

Public Comment:

Dave Honchalk

Rebuttal:

Jason Wiley

Decision: Ms. Sepe made a motion to approve the Combined Preliminary/Site Plan with conditions as listed in the 2013 staff report, and modifications described in the staff report, except for items #2, #8, and #9 of the recommendations which have already occurred. Mr. Tressler 2nd.

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

b) Westview South Residential, Phase 2 – The Applicant requested Combined Preliminary/Site Plan approval to revise the 16.1-acre Phase 2 portion of the Westview South Residential project to: Remove 96 multi-family units; Remove 28 '2-over-2' units; Reduce the single-family units from 61 to 11; and Increase the townhome units from 59 to 139. Located in the northeast quadrant of New Design Road and Executive Way.
Tax Map 86, Parcel 269; Zoned: Mixed Use Development (MXD); Planning Region: Frederick
SP-98-36 (A/P#17804, APFO#17504, FRO#17806)

Staff Presentation:

Tim Goodfellow, Principal Planner

Applicant Presentation:

Chris Smariga, Harris, Smariga and Associates, Inc.; Brian Morris, Matan Properties, LLC;
Tim Hartman, D.R. Horton

Public Comment:

None

Decision: Ms. Sepe made a motion to approve the Combined Preliminary Subdivision/Site Development plan revisions with conditions and modifications as listed with some modifications:

- #2 Delete McDonough Place from the list of dead-end roadways due to its planned extension to Revere Lane
- #7h Indicate a minimum number of 3 of the 5 architectural elements be added to the high visibility lots
- #8 Amend the MPDU Agreement and indicate recording reference on Cover Sheet prior to final signature approval of Plan
- #10 Depict a temporary access lane that connects McDonough Place to Revere Lane
- #13 No stockpiling and storage of equipment, materials, vehicles, and soil in the 3.1-acre remainder area, except during the time period during construction of lots 474 through 496 and lots 543 through 549, and shall not occupy more than 10% of the 3.1-acre remainder area
- #14 Revise the photometric plan to address compliance with Section 1-19-6.500 of the Frederick County Zoning Ordinance
- #15 Add note to site plan that 3.1-acre remainder is "reserved for future development"

Ms. Suarez 2nd.

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

6. ZONING TEXT AMENDMENTS - PUBLIC HEARING

a) Bill 17-17 – Revisions to the County Forest Resource Ordinance – To consider amending Chapter 1-21 of the Frederick County Code (Forest Resource Ordinance) to revise certain administrative references, the forest planting, retention, and mitigations requirements.

Staff Presentation:

Mike Wilkins, Acting Director, Development Review

Public Comment:

Denise Jacoby
Noel Manalo
Gary Magnuson
Harry George

At this time, Mr. Hopwood left the meeting.

Decision: Mr. Hicks made a motion to RECOMMEND Bill 17-17 to the County Council. Mr. Tressler 2nd.

<u>VOTE</u>	<u>2-3-0-2</u>
FOR:	2 – Hicks, Tressler
AGAINST:	3 – Bruscia, Sepe, Suarez
ABSTAIN:	0
ABSENT:	2 – White, Hopwood

b) Bill 17-20 – *Alterations to the County Forest Resource Ordinance* – To consider amending Chapter 1-21 of the Frederick County Code (Forest Resource Ordinance) to revise certain administrative references and technical standards.

Staff Presentation:

Michael Chomel, Senior County Attorney

Public Comment:

Harry George
Gary Magnuson
Jason Wiley

Decision: Motion #1

Ms. Sepe made a motion to NOT RECOMMEND enactment of Bill 17-20 to the County Council. Mr. Tressler 2nd.

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

Motion #2:

Mr. Hicks, made a motion to recommend to the County Executive and the County Council, to seek a compromise with issues in both FRO Bills, and have a single bill move forward, particularly with Sections 1-21-41; 1-21-42; and 1-21-44; and also recommend that the FRO amendments be supportive of the Livable Frederick plan. Ms. Suarez 2nd.

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

- c) Bill 17-21 – Permitted Uses to Mixed Use Development (MXD) – To consider amending the Frederick County Zoning Ordinance to specify additional permitted uses in the Mixed Development (MXD) District.

Staff Presentation:

Michael Chomel, Senior Assistant County Attorney

Public Comment:

Gus Bauman

Keith Compton

Ted McCutcheon

Ray Barnes on behalf of County Executive Jan Gardner

David Severn on behalf of St. Johns Properties

Ms. Sepe disclosed for the record, that because the Jefferson Tech project was brought up during public comment, she had previously worked on that project, but is no longer involved with it.

Decision: Motion #1

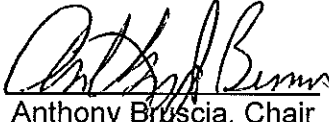
Ms. Sepe made a motion to NOT RECOMMEND enactment of Bill 17-21 as written. Ms. Suarez 2nd.

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

Motion #2: Ms. Sepe made a motion to recommend looking at employment uses to allow for an appropriate diversity; address building design, and address the legality of the transitional provisions regarding DRRA's. Mr. Suarez 2nd.

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

Meeting adjourned at 4:54 pm
Respectfully Submitted,


Anthony Bruscia, Chair

03/05/18
Date