

FREDERICK COUNTY PLANNING COMMISSION
Minutes of Meeting for
July 11, 2018

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

Members Present: Bob White, Chair; Carole Sepe, Vice-Chair; Sharon Suarez, Secretary; Sam Tressler; Craig Hicks; Terry Bowie; Joel Rensberger

Staff Present: Jim Gugel, Director, Planning; Mike Wilkins, Director, Development Review; Kathy Mitchell, Assistant County Attorney; Graham Hubbard, Principal Planner; Denis Superczynski, Principal Planner; Jerry Muir, Principal Planner; John Dimitriou, Principal Planner; Charles Freeman, Traffic Engineer; Ron Burns, Transportation Engineering Manager; and Pattie Wolfgang, Administrative Specialist

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

1. PLEDGE OF ALLEGIANCE

Chairman White introduced the two newly appointed Planning Commission members, Mr. Terry Bowie and Mr. Joel Rensberger.

2. MINUTES TO APPROVE

June 13, 2018 – Mr. Tressler moved to approve said minutes as written. Mr. Hicks 2nd.

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

3. PLANNING COMMISSION COMMENTS

None

4. AGENCY COMMENTS / AGENDA BRIEFING

Mr. Gugel briefed the Commission on upcoming meetings; the next Livable Frederick Master Plan (LFMP) workshop will be Wednesday, July 25th at 9:00 am. Mr. Superczynski added that he and Mr. Dimitriou have met with the new Planning Commission members, to bring them up to date on Livable Frederick. The next regular meeting will be Wednesday, August 8, 2018. Looking ahead to the Fall, Mr. Gugel announced that the Annual Maryland Planning Commissioners Association Conference will be held October 25th and 26th. Registration will be covered for any member who is interested in attending.

5. SITE PLAN

- a) Dunkin Donuts – The Applicant requested Site Plan Development Plan approval for the conversion of an existing 1,870 s.f. bank building into a restaurant (with drive-through service) located on a 6.0-acre site. Located on the southeast corner of the intersection of Jefferson Pike (MD 180) and Lander Road in Jefferson. Tax Map 84; Parcel 22; Zoned: Village Center (VC); Planning Region: Brunswick
SP-80-13 (A/P#18324; APFO#18325; FRO#18326)

Staff Presentation:

Denis Superczynski, Principal Planner

Ron Burns, Transportation Engineering Manager

Applicant Presentation:

Jason Scott, QSR/R, LLC; on behalf of the Applicant

Public Comment:

Karen Sloper

Laura Kayler

Decision: Motion #1: Mr. Tressler made a motion to approve the Site Plan with conditions and modifications as specified in the staff report including: Ms. Suarez 2nd.

- Modify Condition #1 to permit 12 parking spaces instead of 14, where the target number is 8 spaces per the Zoning Ordinance, with loading and dumpster spaces to be located on the south side of the parking lot
- Add Condition #4 to discuss sidewalk crossing markings with State Highway
- Add Condition #5 to add a stop sign within the parking lot

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

The motion failed.

Motion #2: Ms. Sepe made a motion of continuance of 60 days, until the September 12th meeting, for Applicant to attain data related to anticipated traffic flow in the peak AM hours, and have Staff review ITE data of peak PM hours and confirmed exemption. Ms. Suarez 2nd. The Motion was amended to grant a continuance of “up to 60 days” to submit the requested information for the August 8th meeting. Ms. Sepe and Ms. Suarez concurred.

<u>VOTE</u>	<u>7-0-0-0</u>
FOR:	7 – Sepe, Suarez, White, Tressler, Hicks, Bowie, Rensberger
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

- b) *New Hope Orthodox Presbyterian Church* – The Applicant requested Site Plan approval for a Planned Commercial use site and approval for the demolition of two existing buildings while retaining one 9,400 sf building for youth activities and constructing an 18,500 sf building for a new church sanctuary with approximately 4,500 s.f. available for potential professional office use. Located at 5305 Jefferson Pike, on the west side of MD 180, just south of Mount Zion Road. Tax Map 76; Parcel 471; Zoned: General Commercial (GC); Planning Region: Frederick
SP-76-09 (A/P#18131; APFO#18132; FRO#18133)

Staff Presentation:

Jerry Muir, Principal Planner

Applicant Presentation:

Lee Miller, Terra Solutions Engineering, LLC; Giny Sokash, David Sicum, New Hope Orthodox Presbyterian Church

Public Comment:

None

Decision: Mr. Hicks made a motion to approve the Site Plan, including APFO approval, with conditions and modifications as listed in the staff report, including additional landscaping on the west side of the parking lot. Mr. Rensberger 2nd.

<u>VOTE</u>	<u>7-0-0-0</u>
FOR:	7 – Hicks, Rensberger, White, Sepe, Suarez, Tressler, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

6. COMBINED PRELIMINARY / SITE PLAN

a) *Jefferson Park West* – The Applicant requested Combined Preliminary Subdivision / Site Development Plan approval for a total of 250 lots consisting of 235 Residential lots (Townhouses), and 15 Commercial/Employment (1 Commercial, 6 Commercial/Employment, 8 Employment) lots on a 102-acre property. Site Development Plan approval for the residential portion of the project. Located on the south side of MD 180, west of Jefferson Tech Park. Tax Map 76; Parcel 107; Zoned: Mixed Use Development (MXD) & Office/Research/Industrial (ORI); Planning Region: Frederick S1164/SP-18-02 (A/P#18248; APFO#18249; FRO#18250)

Staff Presentation:

John Dimitriou, Principal Planner

Applicant Presentation:

Stan Aldridge, Dan Snyder, Pleasants Development, LLC; Noel Manalo, Miles and Stockbridge

Public Comment:

None

Decision: Mr. Tressler made a motion to approve the Preliminary Subdivision Plan and the Site Development Plan with conditions and modifications as listed in the staff report including a condition #5, to provide sidewalks along both sides of Jefferson Technology Boulevard and Appian Street. Mr. Rensberger 2nd.

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

b) *Urbana Northern MXD* – The Applicant requested Combined Preliminary/Site Development Plan approval of the Urbana Town Center Employment District MXD (Residential Section). The plan proposes a revision to the type, location, and arrangement of 256 of the approved 610 dwelling units to be built on 91.9 acres. Located on east side of Urbana Pike (MD 355), west of I-270, and adjacent to Urbana Community Park (at Lew Wallace Street). Tax Map 96; Parcel(s) 22 & 184; Zoned: Mixed Use Development (MXD); Planning Region: Urbana S1161/SP-13-09 (A/P#18162; APFO#18163; FRO#18164; SWM#18440)

Staff Presentation:

Denis Superczynski, Principal Planner

Applicant Presentation:

Tom Natelli, Michael Natelli, Natelli Communities; Krista McGowan, Esq.

Public Comment:

None

Decision: Mr. Tressler made a motion to approve the Combined Preliminary/Site Development Plan with conditions and modifications as listed in the staff report. Mr. Bowie 2nd.

Mr. Hicks amended the motion to expand on condition #5; that proposed signage shall be a minimum distance of five (5) feet from the property boundary. Mr. Tressler and Mr. Bowie concurred.

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

8. PRELIMINARY PLAT

a) *The Estates at Rosehaven Manor* – The Applicant requested Preliminary Plan approval for 103 single family lots (102 new lots and 1 lot for an existing historic structure) on a 53.89-acre site. Located along the east side of Linganore Road at its intersection with MD 144 and across from Bartonville Road.

Tax Map 78; Parcel(s) 5, 190, & 494; Zoned: R-3, R-1, and Agricultural (AG); Planning Region: New Market
S1145 (A/P#18030; APFO#18031; FRO#18032)

Staff Presentation:

Graham Hubbard, Principal Planner

Applicant Presentation:

Victor White, Hogan Realty Development, LLC; Mike Wiley, Long Branch Land, LLC

Public Comment:

None

Decision: Ms. Suarez made a motion to approve the Preliminary Plan with conditions and modifications as listed in the staff report. Mr. Hicks 2nd.

<u>VOTE</u>	<u>7-0-0-0</u>
FOR:	7 – Suarez, Hicks, White, Sepe, Tressler, Bowie, Rensberger
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

9. ZONING TEXT AMENDMENT PUBLIC HEARING

a) *Bill 18-16 Construction of Accessory Dwelling Units* – To amend the Frederick County Code to amend conditions for construction of accessory dwelling units in Frederick County.

Staff Presentation:

Mike Wilkins, Development Review Director

Public Comment:

None

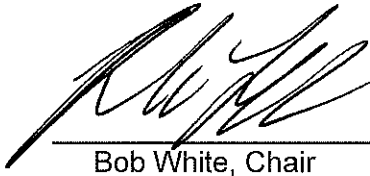
Decision: Motion #1: Ms. Suarez made a motion that while the Commission appreciates the intent of this proposed legislation, it cannot approve it in its current form and recommends disapproval. Mr. Rensberger 2nd.

VOTE	7-0-0-0
FOR:	7 – Suarez, Rensberger, White, Sepe, Tressler, Hicks, Bowie
AGAINST:	0
ABSTAIN:	0
ABSENT:	0

Motion #2: Mr. Rensberger then made a motion that the Planning Commission recommends the following changes (*in bold*):

1. Throughout the Bill, change “800 square feet” to “**1000 square feet**”
2. Change the footnote at the top of page 2 of the Bill to read: ...A limited accessory dwelling unit [apartment] of **1000 square feet or less** may be approved as an accessory use where the provisions in §1-1908.212 are met (see also §1-19-8.240, and §1-19-8.321)
3. Remove the last sentence in §1-19-8.212(D): ~~**On-street parking may be utilized to meet this requirement.**~~
4. Retain the last sentence in §1-19-8.212(F) with the following changes: [In the event a separate building entrance is utilized **for an ADU within the principal dwelling**, it shall be to the side or rear of the structure, so as to maintain the appearance of a single-family residence.]
5. Change the last sentence in §1-19-8.212(G) to read as follows: ADU’s are intended to serve **ongoing** housing needs of county residents. Short term **residential** rental of ADU’s ~~**in the nature of extended stay hotels, Airbnbs, or seasonal temporary housing**~~ is not permitted.
6. Remove the last sentence in §1-19-8.321(D): ~~**On-street parking may be utilized to meet this requirement.**~~
7. Retain the first sentence in §1-19-8.321(F) with the following changes: “[In the event a separate building entrance is utilized **for an ADU within the principal dwelling**, it shall be to the side or rear of the structure, so as to maintain the appearance of a single-family residence]”
8. Change the last sentence in §1-19-8.321(F) to read as follows: ADU’s are intended to serve **ongoing** housing needs of county residents. Short term **residential** rental of ADU’s ~~**in the nature of extended stay hotels, Airbnbs, or seasonal temporary housing**~~ is not permitted.
9. Add a definition of “Short Term Residential Rental” to §1-19-11.100.

Meeting adjourned at 4:32 pm
Respectfully Submitted,



Bob White, Chair

8/8/2018
Date