

FREDERICK COUNTY PLANNING COMMISSION  
Minutes of Meeting for  
September 12, 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; Michael Chomel, Senior Assistant County Attorney; Kathy Mitchell, Assistant County Attorney; Graham Hubbard, Principal Planner; Tim Goodfellow, Principal Planner; Ron Burns, Transportation Engineering Manager; and Pattie Wolfgang, Administrative Specialist

The meeting was called to order at 9:31 a.m.

**1. PLEDGE OF ALLEGIANCE**

**2. ELECTION OF OFFICERS**

Ms. Sepe made a motion to elect, in compliance with the order of succession stated in the Rules of Procedure:

- Bob White, Chair
- Carole Sepe, Vice-Chair
- Sharon Suarez, Secretary

Mr. Tressler 2<sup>nd</sup>.

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

**3. MINUTES TO APPROVE**

August 8, 2018 – Mr. Hicks moved to approve said minutes as written. Mr. Tressler 2<sup>nd</sup>.

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

**4. PLANNING COMMISSION COMMENTS**

Ms. Sepe made a motion to reconsider the Jefferson Dunkin Donuts case that the Commission denied at the Planning Commission meeting of August 8, 2018. Ms. Suarez 2<sup>nd</sup>. Mr. White noted that under Roberts Rules, the reconsideration would take place at the next regular meeting, which would be September 19<sup>th</sup> at 9:30 am. Mr. Hicks questioned if this would set a precedent for bypassing the Board of Appeals process. Mr. White responded that motions have been reconsidered in the past in certain circumstances, and in this case, it is much more expeditious to reconsider. Attorney Chomel added that a board or commission is free to reconsider a decision in these circumstances without setting a precedent.

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

**5. AGENCY COMMENTS / AGENDA BRIEFING**

Mr. Gugel briefed the Commission on the upcoming meetings scheduled for Wednesday, September 19<sup>th</sup> and the regular meeting on Wednesday, October 10<sup>th</sup>. The October meeting will be a full day agenda. He also noted that a Livable Frederick work session is tentatively scheduled for September 26<sup>th</sup>, but it has not been confirmed.

**6. FCPC AUTHORITY DISCUSSION**

Senior Assistant County Attorney Michael Chomel presented a review on the authority and role of the Planning Commission. He provided information regarding the law and its land use regulations in relation to the Commission’s decision making process.

**7. SITE PLAN**

- a) *Frederick Preserve, Section 1, Lot 4* – The Applicant is requesting Site Plan approval to construct a 10,320 s.f. building for a Landscape Contractor use on a 4.18-acre site. Located at 9746 Doctor Perry Road. Tax Map: 105, Parcel: 31; Zoned: Limited Industrial (LI); Planning Region: Urbana  
SP02-29 (A/P#18497; APFO#18498; FRO#18499)

**Staff Presentation:**

*Graham Hubbard, Principal Planner*

**Applicant Presentation:**

Gerald Lee Miller, Terra Solutions Engineering, LLC, on behalf of the Applicant; Paul Rasevic, Contract Purchaser for Frederick Preserve Industrial, LLC

**Public Comment:**

None

**Decision:** Mr. Rensberger made a motion to approve the Site Plan with conditions as listed in the staff report including delineating and labeling the gravel parking as discussed and that note #4 be revised to indicate 35 spaces (8 paved and 27 gravel) on the site plan. Mr. Hicks 2<sup>nd</sup>.

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

- b) *Frederick Preserve, Section 1, Lot 3* – The Applicant is requesting Site Plan approval for a Planned Industrial Development for a 10,320 s.f. building for a Contractor’s Office and Storage use, and Landscape Contractor use on a 2.84-acre site. Located at 9754 Doctor Perry Road. Tax Map: 105, Parcel: 31; Zoned: Limited Industrial (LI); Planning Region: Urbana  
SP02-29 (A/P#18485; APFO#18486; FRO#18487)

**Staff Presentation:**

*Graham Hubbard, Principal Planner*

**Applicant Presentation:**

Gerald Lee Miller, Terra Solutions Engineering, LLC, on behalf of the Applicant; Paul Rasevic, Contract Purchaser for Frederick Preserve Industrial, LLC

**Public Comment:**

None

**Decision:** Mr. Tressler made a motion to approve the Site Plan including the requested lighting modification, as amended to indicate a maximum of 0.8 footcandles with the conditions as listed in the staff report. Mr. Hicks 2<sup>nd</sup>.

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

**8. ZONING TEXT AMENDMENT PUBLIC HEARING**

- a) *Bill 18-21 – APFO Adjustment of School Construction Fees – To adjust school construction fees as authorized by §1-20-62(G) of the Frederick County Code.*

**Staff Presentation:**

*Michael Chomel, Senior Assistant County Attorney*

**Public Comment:**

Michael Natelli, Natelli Communities  
 Mark Lancaster, Lancaster Homes  
 Denise Jacoby, Frederick County Building Industry Association (FCBIA)  
 Traci Clabaugh, Land Use Council, FCBIA  
 Tom Hyde, Miller and Smith  
 Tony Chmelik, County Councilman

**Decision:** Mr. Tressler made a motion to recommend Bill 18-21. Ms. Suarez 2<sup>nd</sup>.

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

**9. SUMMER 2018 CYCLE – WATER & SEWERAGE PLAN AMENDMENTS**

The Planning Commission will hear the following case to determine consistency with the County Comprehensive Plan:

*At this time, Ms. Sepe left the meeting.*

**WS-18-04: Urbana Active Adult, LLC**

Southwest side of MD 355, Urbana Pike

Requesting reclassification of 53.3 acres from W-4, S-4 to W-3, S-3

**Staff Presentation:**

*Tim Goodfellow, Principal Planner*

**Applicant Presentation:**

Kraig Walsleben, Rodgers Consulting, Inc.; Paul Coleman, Natelli Communities

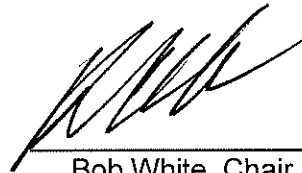
**Public Comment:**

None

**Decision:** Mr. Tressler made a motion to find Case WS-18-04 to be consistent with the Frederick County Comprehensive Plan. Mr. Rensberger 2<sup>nd</sup>.

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

Meeting adjourned at 12:16 pm  
Respectfully Submitted,

  
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Bob White, Chair

10/12/2018  
Date