

Sugarloaf Plan issues that need more discussion

The Council begins “workshop” sessions next week on the Sugarloaf Plan; three issues have not been adequately discussed. All touch on the area near the Urbana exit from I-270, very near me. There were changes in boundary, Overlay, and zoning, with little or no public discussion. In moving immediately to “workshop” mode, you lose the chance for valuable public discussion of these issues.

Boundary changes. The eastern boundary was I-270 in the draft set for release in March 2021. This boundary was consistent with repeated county assurances dating from 1978 that development would be concentrated only to the east of I-270. Release was stopped, the Plan was rewritten, and when released in July 2021, the boundary was breached. A large area, 490 acres, was cut from the Plan. The boundaries of this Cutout were drawn to include 380 acres belonging to Tom Natelli. Only weeks before, Mr. Natelli had cleared his land of farm buildings and replatted it for a new purpose. The Planning Commission restored this “Natelli Cutout” to inclusion in the Plan, but it has lain uneasy ever since. Council members know better than I what dreams were voiced for this Cutout area at the secretive August meeting with Amazon agents. Amazon, Natelli, and the County Executive may still be dreaming. Witness the language that was inserted – without public discussion – on page 54 of the current draft. It says, in essence, don't be complacent about the protection the Plan appears to guarantee; we will reopen the issue soon, in connection with an I-270 corridor and Urbana growth.

Overlay changes. The Overlay extends extra protection. It ensures that land use changes will get extra scrutiny, to ensure consistency with the vision and goals of the Sugarloaf Plan. It seems axiomatic that such protection should be applied to the entire Plan area. But this issue has gone back and forth. In the March 2022 draft from which the Planning Commission was working, the Overlay covered the entire Plan area; but the July draft sent to you has a reduced Overlay. This just “happened,” the Planning Commission had no public discussion of it that I'm aware of, and I don't see why the three properties are excluded --- Kannavis dispensary, Potomac Garden Center, and Greenbriar pet hospital. They all are presently “commercial” operations, but Overlay allows current activities to continue and only applies when changes are sought. Moreover, Greenbriar is operating as “commercial” only under a special exception, which attaches to the owner, not to the land.

Zoning change. David Angell managed to get the Plan to propose commercial zoning for his entire property. Again there was no discussion of which I'm aware; you can hardly count Angell's public plea for rezoning to pass as “discussion.” From what I can see, his Potomac Garden Center is not being constrained by his present, partial commercial zoning. If you zone all his property “commercial,” it nearly triples his commercial area. It's not chimerical to imagine his prompt selling to someone who will develop that parcel as a strip mall, a hotel, or an entertainment center. None of these uses would fit nicely within the goals of the Sugarloaf Plan. Giving him “commercial” zoning, together with excluding him from the Overlay is just asking for a neutering of the Sugarloaf Plan.

Please consider scheduling an early meeting or two to allow adequate public discussion of these and other issues that people may raise, if given the opportunity.

Nicholas Carrera
2602 Thurston Road (“Wellcome Farms”)
Frederick 21704; 301 363-5647

Brandt, Kimberly G.

From: Brandt, Kimberly G.
Sent: Wednesday, August 3, 2022 8:21 AM
To: Goodfellow, Tim
Subject: spFW: Sugarloaf Treasured Landscape Management Plan

From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Sent: Wednesday, August 3, 2022 8:03 AM
To: Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>
Cc: Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: FW: Sugarloaf Treasured Landscape Management Plan

FYI

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049



From: Arthur Spitzer <artspitzer@gmail.com>
Sent: Tuesday, August 2, 2022 4:14 PM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>
Subject: Sugarloaf Treasured Landscape Management Plan

[EXTERNAL EMAIL]

Dear County Council,

I was very glad to see that the Planning Commission is recommending that the Sugarloaf Treasured Landscape Management Plan should preserve and protect all of the land between I-270 and the Monocacy River. Although I live in Montgomery County, I'm a frequent visitor to Sugarloaf, and I treasure not only the mountain trails but also the peaceful surroundings, both visual and aural. The attraction of Sugarloaf has also led me and my wife to become regulars at the Countryside Artisans arts and crafts weekends, and sometimes to stop to pick up some wine at the Sugarloaf Vineyard or for dinner at the Comus Inn or in Frederick (pre-Covid, but we hope again soon). I hope the Council will approve this recommendation.

I understand, however, that there's an escape clause, which was added without opportunity for public comment, and which would allow developers to seek amendments to the Treasured Landscape Management Plan. Developers never stop pushing. They think more development is the solution to every problem. The Council ought to shut this door and let them look elsewhere than the Treasured Landscape for their plans.

Respectfully,

Arthur B. Spitzer
Chevy Chase

"[W]hile we have our eyes on the future history has its eyes on us."

-- Amanda Gorman, National Youth Poet Laureate

From: [Brandt, Kimberly G.](#)
To: [Goodfellow, Tim](#)
Subject: spFW: Sugarloaf Treasured Landscape Management Plan
Date: Wednesday, August 3, 2022 8:21:07 AM
Attachments: [image002.png](#)

From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Sent: Wednesday, August 3, 2022 8:03 AM
To: Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>
Cc: Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: FW: Sugarloaf Treasured Landscape Management Plan

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-- Amanda Gorman, National Youth Poet Laureate

Speccht, Jennifer

From: Steve Poteat <cspoteat@gmail.com>
Sent: Wednesday, August 3, 2022 11:48 AM
To: Nick Carrera
Cc: Council Members; Rosencrantz, Ingrid
Subject: Re: Discussion of Zoning change for Angell's PGC property

[EXTERNAL EMAIL]

Great work Nick. Maybe this is an item for our attorney review??

On Wed, Aug 3, 2022, 8:43 AM Nick Carrera <mjcarrera@comcast.net> wrote:
Dear Council Members, August 3, 2022

On August 1, I sent you comments on Sugarloaf Plan issues, one of which was the rezoning of David Angell's Potomac Garden Center property, making all of his approximately 20 acres general commercial. I said I was not aware of discussion that supported this change, but I've since learned that it was discussed in the January 19, 2022, session of the Planning Commission. The session ran over five hours, and I may not have been able to watch the entire time. I watched the discussion this morning, on-line.

Regarding the proposed change of zoning for the Potomac Garden Center property, I recommend that you view for yourselves the discussion at the January 19, 2022, Planning Commission meeting. The discussion began at about 1:56 into the meeting and continued until about 2:33. The issue may have been revisited later, when the Overlay issue was taken up, but I didn't watch that far -- you could inquire of the planning staff. Power point pages 28 to 30 were employed in the discussion.

The discussion from about 1:56 to 2:33 of the January 19, 2022, Planning Commission meeting did not result in agreement to change zoning for the Angell property. It instead, to my mind at least, showed at least three of the Commissioners dubious or even opposed to the rezoning proposed by the planning staff. Potential impacts on neighbors adjacent to the property and across Fingerboard Rd from the property were minimized, even trivialized by Mr. Superczynski. Regarding the latter neighbors, in the Ramsgate subdivision, he seemed to think that their "exposure" to traffic noise on distant I-270 had inured them to commercial activity that might occur immediately across Fingerboard Rd from them. I find this argument misleading, at best. Examine the map and draw your own conclusions.

From what I saw of this discussion, it in no way justified the change in zoning that appeared in the March 2022 draft of the Sugarloaf Plan and which continues in the July draft that you have for consideration. I continue to think that zoning the entirety of Angell's property to

"general commercial" is not called for and would be a mistake and a grievous injury to the Sugarloaf Plan.

Sincerely,

Nicholas Carrera, 2602 Thurston Road

Brandt, Kimberly G.

From: Cherney, Ragen
Sent: Friday, August 5, 2022 2:51 PM
To: Nick Carrera; Planning Commission; Council Members
Cc: County Council Staff
Subject: RE: Question on county call-in policy

Good Afternoon Mr. Carrera,

On behalf of the Council thank you for your inquiry. I cannot comment on the policy on how public comment is accepted by the Planning Commission or other bodies in the County, but the Council has adopted rules on public comment submitted to the Council. Our Rules of Procedure are on the website and I have added the link below.

However, under Rule 1-1(i), of the Council groups have to meet certain criteria in order to be recognized to speak on behalf of a recognized group. I've pasted the Rule below for you.

(i) "Recognized Organization" means any group that has provided to the Council all of the following: (a) a copy of its bylaws, which must be adopted at least 90 days prior to the Council meeting, and (b) a formally executed resolution from their board of directors (or similar governing body) authorizing the person(s) speaking on behalf of the organization for that matter.

Council Rules Link: <https://www.frederickcountymd.gov/7896/Rules-of-Procedure>

In regard to recorded messages played at the Council meetings, the software only allows a maximum of three minutes and the software then ends the recording. Those who granted up to 5 minutes to speak on behalf of a group will be recognized by the Council President whether they are a live call-in or present in the Hearing Room for an in-person meeting.

Have a good day.

R

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049

-----Original Message-----

From: Nick Carrera <mjcarrera@comcast.net>
Sent: Friday, August 5, 2022 1:32 PM
To: Planning Commission <PlanningCommission@FrederickCountyMD.gov>; Council Members <CouncilMembers@FrederickCountyMD.gov>; Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Subject: Question on county call-in policy

[EXTERNAL EMAIL]

My understanding of county policy for citizen comments at public hearings is that ordinary citizens get three minutes to speak, while representatives of recognized organizations get five minutes. I think that's the same, whether comments are called-in or delivered "live" at the meeting. I thought this policy was the same for all meetings, whether Planning Commission, County Council, or other.

When I called in to record my comments at the County Council meeting last July 26, I was cut off at exactly three minutes. I had written out my comments in advance, and I could see that I had one more sentence to go, so another ten seconds would have allowed my full statement to be heard. Well, that's county policy, I figured, and I spoke too slowly, so I accepted that I was cut off at exactly three minutes.

This morning I was reviewing, from county archives, the Planning Commission Workshop of October 20, 2021. During the call-in at end of the meeting, Tom Natelli was one of the callers. He did not claim to be the head of a recognized organization, so presumably he would be treated like anyone else. He began speaking at 4:47:10 on the meeting clock, and ended at 4:54:28, so he spoke for over seven minutes. I heard no buzzer, and the chairman made no effort to end Mr. Natelli's call.

Perhaps you can clarify county policy for me, and how it varies, depending on the organization that is meeting and the standing of the caller. I think it only polite to allow anyone a few more seconds after a three-minute warning, to allow completion of a sentence. But there must be another explanation for allowing a seven-minute intervention like Mr. Natelli was given.

Thank you.

Nick Carrera; 2602 Thurston Road; Frederick 21704

Brandt, Kimberly G.

From: johannaspringston <johannaspringston@gmail.com>
Sent: Friday, August 5, 2022 3:06 PM
To: Nick Carrera; Planning Commission; Council Members; Cherney, Ragen
Subject: RE: Question on county call-in policy

[EXTERNAL EMAIL]

Nick

When Mr. Natelli and I called into the same workshop, he was given ample time to make his comments. I followed him and was cut off at 3 minutes. When I protested the unfair treatment, the Chairman told me that because Natelli is representing an organization, he is allowed 10 minutes to speak.

I dont know the rules for the County Council.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Nick Carrera <mjcarrera@comcast.net>
Date: 8/5/22 1:32 PM (GMT-05:00)
To: Planning Commission <PlanningCommission@FrederickCountyMD.gov>, Council Members <councilmembers@frederickcountymd.gov>, "Cherney, Ragen" <rcherney@frederickcountymd.gov>
Subject: Question on county call-in policy

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Thank you.

Nick Carrera; 2602 Thurston Road; Frederick 21704



August 8, 2022

M.C. Keegan-Ayer, President
Frederick County Council
12 E. Church Street
Frederick MD 21701

RE: Position of Sugarloaf Alliance on developer-inspired changes that will destroy the Sugarloaf Treasured Landscape Management Plan

Dear President Keegan-Ayer and Councilmembers:

On behalf of my client Sugarloaf Alliance, Inc.,¹ I submit this written testimony into the record of the upcoming proceedings on the Draft Sugarloaf Mountain Treasured Landscape Management Plan, dated July 2022, which has been subtlety and substantively changed with the 11th hour addition of new text. Unless revised this new language will gut the preservation objectives of the Sugarloaf Plan.

New wording injected into page 54 of the draft plan reads:

- “The scale and scope of future planning for the Urbana Community Growth Area or the I-270 corridor may determine the degree and extent of examination of lands within the Sugarloaf Planning Area, if any, and *may result in a limited plan amendment to the Sugarloaf Treasured Landscape Management Plan.*”

(Emphasis added.) This new text was not discussed at the July 13, 2022, meeting of the Planning Commission when the Sugarloaf Plan was approved. This new wording is quite contrary to the approach taken by the Planning Commission up to that point and raises the issue of the source of the new direction. The organization of this critical section labelled “Urbana Community Growth Area” has been suddenly and extensively changed by stating – in the document itself – that the growth area boundaries are presumptively open to revision in the near term, in a truncated review process. This approach changes the intent of this section - without any discussion by the Planning Commission - and is inappropriate and raises serious questions about the integrity of the process. What is the origin of these post-hearing edits, which introduce a material change in policy direction originate, and why were they made?

Where did these changes – the Post-Hearing Edits - come from?

Did the planning commission discuss and approve these changes?

When did the Planning Commission discuss these changes?

By whom were these changes directed and under what authority?

¹ Sugarloaf Alliance, Inc. represents over 400 stakeholders in the Sugarloaf region. The Alliance's mission is to protect the unique natural and historical aspects of the Sugarloaf Mountain area and its environment through education and initiatives in support of watersheds, streams, meadows, forests, and historic sites. Working with volunteers, civic groups, and local, state, and federal agencies, the organization's primary goal is to preserve the unique character and serenity of the area for future generations. Sugarloaf Alliance is a 501(c)(3) organization.

Chronology of Post-Hearing Edits

1. The Post-Hearing Edits are so contrary to the discussion and actions of the Planning Commission on the master plan up to July 13 that one has to wonder where they came from. Did someone high in the Frederick County Government direct its inclusion or did someone from the development community insist that it be added. This invitation to gut the Sugarloaf Plan next year would make a mockery of long-range planning.
2. The Post-Hearing Edit was not in the Sugarloaf Plan or even discussed by the Planning Commission when it considered the Sugarloaf Plan on June 15, 2022. In fact, this wording was contrary to several previous actions of the Planning Commission.
3. At the very first workshop of the Planning Commission on the Sugarloaf Master Plan on September 15, 2021, the Planning Commission consciously voted to move the boundary back to I-270. This was after the "Natelli Cutout" suddenly appeared in the Sugarloaf Plan boundary, without explanation, following the publication of the February 19, 2020, Sugarloaf Plan Briefing Booklet.
4. At the third workshop of the Planning Commission November 10, 2021, the Planning Commission voted logically to extend the northern boundary up to the Monocacy National Battlefield.
5. Why is the mystery sentence important? Because it creates a loophole in the Sugarloaf Plan boundary big enough to drive an Amazon data center complex and/or another Villages of Urbana right into the heart of the Sugarloaf Treasured Landscape. **Break the I- 270 wall now and the Sugarloaf Valley will be flooded forever.**
6. It has been suggested that this Post-Hearing Edit originated from the letter dated May 6, 2022, from the Maryland State Department of Commerce ("Commerce Letter") in their comments on the Sugarloaf Plan. The letter stated that land along the west side of I-270 should be reserved for economic development – a position inconsistent with the Planning Commission's recommendations through its last hearing.
7. Assuming the Commerce Letter was the impetus for the Post-Hearing Edit, where did that letter originate? Is it a coincidence that this land was the subject of meeting 17 days earlier on April 19 between Maryland State Department of Commerce and Natelli Communities representatives in Baltimore? At this meeting, Tom Natelli, owner of Natelli Communities, owner of the original "Natelli Cutout" and most of the land on the west side of I-270 between Bennett Creek and the Monocacy National Battlefield, met with:

Mike Gill, Secretary, Maryland Department of Commerce

Kyle McClogan, Chief of Staff, Maryland Department of Commerce

Heather Graham, Asst Secretary, Business and Industry Sector Development, and
Jonas Jacobson of Perry White Ross Jacobson an Annapolis lobbyist firm.

8. According to the records of the meeting, disclosed under the Maryland Public Information Act, the subject of the meeting was "Topic: Frederick County Planning Commission is considering a preservation overlay (Sugarloaf Treasured Landscape Management Plan) that is an overreach that would prevent economic development occurring along the west side of I-270 in Urbana. **Mr. Natelli will provide a briefing.**" [Emphasis added]

9. It is noted that Maryland Department of Commerce's concerns about the potential loss of employment land in the Urbana area seem to be limited to Mr. Natelli's land on the west side of I-270 in the Sugarloaf Planning Area.

10. The Maryland Department of Commerce raised no objection when Montgomery County rezoned to Agricultural Reserve 4 MILES of land on the west side of the so-called I-270 Technology Corridor between Clarksburg and Hyattstown with only a jail and a cemetery on the west side.

11. The Maryland Department of Commerce raised no objection when Mr. Natelli, citing a lack of demand for employment land, rezoned 250 acres on the east side of I-270 in Urbana from employment to residential foregoing FOUR MILLION SQUARE FEET of employment development, or FORTY, 100, 000 SQUARE FOOT BUILDINGS. This has inspired other holders of employment land in Urbana to ask for rezoning to residential development.

12. It seems the Maryland Department of Commerce is quite selective about its concerns and the County is determined to satisfy development interests in the Sugarloaf Planning Area. This developer-inspired wording must be deleted if the Sugarloaf region is to be preserved, which is the main objective of the Sugarloaf Plan.

We submit that the Post-Hearing Edits (a) are the result of developer-driven lobbying at the state level; (b) are not the result of Planning Commission recommendations arising out of its public hearing process; (c) were added post-hearing without attribution to any authority to insert this language; and (d) directly contradict both the letter of the Planning Commission's recommendations and the spirit of the comprehensive planning process, which is intended to be a long-range planning document for a given geographic region and not a short-term placeholder for specific landholdings.

For these reasons we urge the Council to remove the language from page 54, cited herein, from the final draft of this Plan.

Respectfully Submitted,

Michele McDaniel Rosenfeld

Michele McDaniel Rosenfeld

Cc: Steve Black, President, Sugarloaf Alliance, Inc.



August 8, 2022

April L. Dixon, Esquire
240.503.1456
Adixon@mdglawfirm.com

VIA ELECTRONIC AND REGULAR MAIL

President M.C. Keegan- Ayer
County Council
30 North Market Street
Frederick, MD 21701

Re: **Request for Amendments to July 22, 2022 Planning Commission Recommended Sugarloaf Treasured Landscape Management Plan (the "PC Draft Plan") 3051 Thurston Road, Tax Map 96, Parcel 232 (28.20 acres) (the "Property")**

Dear President Keegan- Ayer:

This firm represents Dr. William Amoroso, sole member of Urbana Interchange Partners, LLC (the "Owner"), which entity owns the Property defined above, at which the Greenbrier Veterinary Hospital and Luxury Pet Resort has operated since 2002. The purpose of this letter is to request two (2) amendments to the PC Draft Plan – amendments which were requested prior to the Planning Commission's adoption of the PC Draft Plan, but which were never acted upon or discussed by the Planning Commission at a public meeting. Specifically, we are requesting that the County Council:

1. Amend the PC Draft Plan to designate the northernmost five (5) acres, more or less, of the Property, which front onto MD Route 80 and I270 and which are outlined in red on the attached Exhibit A (hereinafter, the "Interchange Parcel") for general commercial development, by assigning the Interchange Parcel a General Commercial ("GC") Land Use Designation on the Land Use Map and by rezoning the Interchange Parcel to the GC Zoning District on the Zoning Map;
2. Amend the PC Draft Plan to retain the existing Agricultural ("Ag") zoning on the remaining balance of the Property outlined in yellow on Exhibit A (the "Greenbrier Parcel") and remove the proposed Resource Conservation ("RC") zoning proposed for a portion of the Greenbrier Parcel; and,
3. Uphold the Planning Commission's recommendation that the entire 28.20 acres of the Property be excluded from the Sugarloaf Rural Heritage Overlay District (the "Overlay District") and adopt the current boundary of the Overlay District shown on the PC Draft plan.

President M.C. Keegan- Ayer
August 8, 2022
Page 2

We submitted a detailed letter to the Planning Commission addressing each of these three points. A copy of that letter, dated May 17, 2022, is attached hereto as Exhibit B, and we ask that the County Council incorporate that letter into the official public record of these proceedings. Thus, we will limit the scope of this submission to providing additional support for request numbers 1 and 2 above.¹

The Applicant is requesting that the Interchange Parcel be rezoned GC, consistent with the zoning of the other two properties that abut the I270 interchange (at its intersection with Maryland Route 80). While the Applicant made this request to the Planning Commission in the attached letter, it is not clear that the Planning Commission ever received or considered this request.² The Interchange Parcel is a geographically isolated parcel that is sandwiched between I270 (and its associated entrance ramp) and Thurston Road. It abuts the Kannavis Property, which is already zoned GC and is opposite from Potomac Garden Center, portions of which are also currently zoned GC (and other portions of which the Planning Commission has proposed to rezone from Ag to GC). Rezoning of the Interchange Parcel to GC furthers the Livable Frederick Master Plan's goals of preserving the I270 Interstate Corridor for future growth without disrupting or degrading the rural landscape setting of Sugarloaf Mountain or its environs, as the Interchange Parcel is already situated in a commercial setting next to I270. The requested rezoning to GC is also consistent with the existing zoning on the surrounding parcels, and would not have a negative impact on the Greenbrier Parcel, which although zoned Ag is developed with an existing commercial use. In approving the removal of the entire 28.20 acres from the Overlay District, the Planning Commission recognized both the commercial nature of the Interchange

¹ The Applicant notes that exclusion from the Overlay District is absolutely critical to the continued operation of the Greenbrier Veterinary Hospital and to preserve the important development potential of this Property. Because the Planning Commission has recognized this and is recommending that the entire Property be excluded from the Overlay District, we have not reiterated the numerous detailed arguments that support exclusion of the entire Property from the Overlay District in this letter. For the Council's easy reference, those arguments appear on pages 2-4 of the attached letter of May 17, 2022.

² The County Staff stated that the only property owner request for a zoning intensification that it received was from the owner of the Potomac Garden Center. While Commissioner Sepe noted in a public meeting that the Planning Commission did receive the Applicant's rezoning request, County Staff incorrectly responded by stating that the May 2022 Letter does not request a change in land use or zoning designation and only stated objections to the application of the Overlay District to the Property. Commissioner Hicks confirmed that the Planning Commission received the May 2022 Letter containing the rezoning request to General Commercial. However, this exchange was not subsequently revisited, and, to our knowledge, the rezoning request was never publicly discussed or voted on at a public Planning Commission workshop or hearing.



President M.C. Keegan- Ayer

August 8, 2022

Page 3

Parcel, and the County's need to preserve the ability for smart development along the western side of the I270 Corridor. For the same reasons, the County Council should treat the Interchange Parcel the same as the Kannavis and Potomac Garden Center properties and rezone the Interchange Parcel to the GC district.

The Applicant strongly opposes rezoning any portion of the Greenbrier Parcel to RC. The Greenbrier Veterinary Hospital and Luxury Pet Resort is a thriving commercial business consisting of veterinarian rehabilitation and hospital services, dog training, a dog camp, grooming services, boarding facilities, exercise parks, and walking trails all of which operate as an approved special exception use in the Ag District. Greenbrier's operations are conducted both within the buildings located on the Greenbrier Parcel and throughout the surrounding acreage which contains a trail network and exercise parks. Because animal hospitals, veterinary clinics and kennels are not permitted uses in the RC District, the proposed rezoning of a portion of the Greenbrier Parcel to RC would render the Greenbrier Veterinary Hospital a nonconforming use, subject to the significant restrictions and limitations set forth in Section 1-19-4.230 of the Frederick County Zoning Ordinance. The zoning nonconformity created by this proposed downzoning would serve no legitimate public policy purpose, because 12.12 acres of environmentally sensitive areas of the Greenbrier Parcel are subject to and located within an existing Forest Resource Easement recorded among the Land Records of Frederick County, Maryland in Liber 4713, folio 0454, and are therefore undevelopable. The balance of the Greenbrier Parcel is largely undevelopable as it contains the veterinarian and training facilities used by Greenbrier. As such, the Applicant requests that the Greenbrier Parcel retain its existing Ag zoning so that it can continue its successful operations in accordance with its approved special exception.

Thank you for your attention to and consideration of this submittal. Should you have any questions, please feel free to contact me.

Very truly yours,
McCurdy, Dean & Graditor, LLC

A handwritten signature in blue ink that reads 'April L. Dixon'. Below the signature, the name 'April L. Dixon' is printed in a black, sans-serif font.

cc: Dr. William Amoroso

Kimberly Golden Brandt, Tim Goodfellow, and Dennis Superczynski

Exhibit A

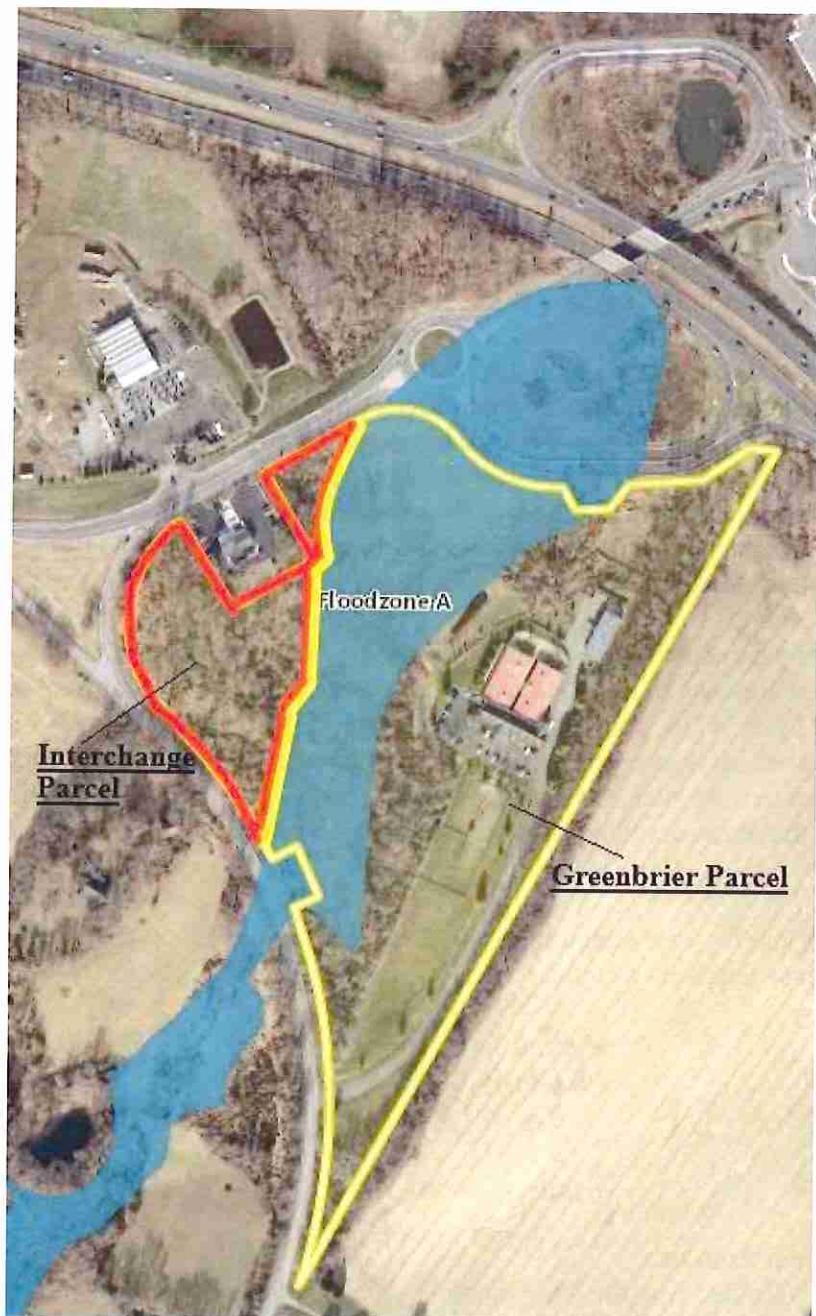


Exhibit B



May 17, 2022

April L. Dixon
240.503.1456
Adixon@mdglawfirm.com

VIA ELECTRONIC AND REGULAR MAIL

Tim Goodfellow
Principal Planner and Project Lead
Frederick County Government
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

Re: Property Owner Comments Regarding the Draft Sugarloaf Treasured Landscape Management Plan (the "Draft Sugarloaf Plan" or the "Plan")
3051 Thurston Road, Tax Map 96, Parcel 232 (28.20 acres) (the "Property")

Dear Tim:

I am writing you on behalf of Dr. William Amoroso and Urbana Interchange Partners, LLC, the owner of 3051 Thurston Road, Frederick, Maryland 21704 (referenced above as the Property). Dr. William Amoroso is the sole member of Urbana Partners, LLC. The Greenbrier Veterinary Hospital and Luxury Pet Resort has operated at the Property since 2002.

The Property consists of approximately 28 acres of land. The bulk of the southern portion of the Property is developed with the Greenbrier Veterinary Hospital and Luxury Pet Resort, which is a thriving commercial business consisting of veterinarian rehabilitation and hospital services, dog training, a dog camp, grooming services, boarding facilities, an onsite crematory, exercise parks, and walking trails. The northern portion of the Property, as the company's name connotes, is an interchange property, with direct frontage along Maryland Route 80 on the northwest side and the onramp to Interstate 270 South ("I270") on the northeast side, both of which are major roadways.

The Property is zoned Agricultural and has a land use designation of Agricultural/ Rural. In 2002, Urbana Interchange Partners, LLC received special exception approval from the Frederick County Board of Appeals ("Board of Appeals") to establish and operate a kennel and

Tim Goodfellow
May 17, 2022
Page 2

veterinary clinic with outdoor runs on the Property. In 2007, Urbana Interchange Partners, LLC and Heavenly Days, LLC obtained special exception approval to operate an accessory animal incinerator at the Property. In 2008, Urbana Interchange Partners, LLC obtained special exception approval from the Board of Appeals to allow the existing fenced area on the Property to be used in a manner similar to an outdoor run. The veterinary clinic and kennels are approximately 28,000 square feet, with a separate incinerator building of approximately 4,000 square feet. The Property also includes a 3,867 square feet memorial garden.

The Property is currently included in the draft Plan boundaries, of which the Sugarloaf Rural Heritage Overlay District (the “Overlay District” or the “Overlay”) is to be applied. Additionally, the Plan’s list of “Properties with Recommended Land Use and/or Zoning Changes” indicates a proposed Land Use Designation of Natural Resources and proposed Zoning Classification of Resource Conservation to be newly applied to 10.2 acres of the Property.

Urbana Interchange Partners, LLC strongly opposes its inclusion in the Plan boundaries and the application of the Overlay District, due to its location along a major Interstate and its history of commercial use. First and foremost, the application of the Overlay to the Property is significantly inconsistent with the specific framework and goals of the Livable Frederick Master Plan (“LFMP”). The LFMP specifically supports and proposes the proposed future review of the I270 Highway Corridor, separately and distinctly from the Sugarloaf planning area. Further, the LFMP designates the I270 Highway Corridor as a Primary Growth Sector for the County, and the areas around the existing and future Interchanges as Primary Growth Areas for the County. The Thematic Plan Design, located on page 40 of the LFMP, clearly depicts that the boundary of the proposed Sugarloaf Rural Heritage area is not a straight line that runs right up I270.

It is important to recognize that the Interstate Corridor, as depicted on page 45 of the LFMP, is critical in identifying the goals of LFMP and in distinguishing the goals and initiatives of the intended Corridor Plan from those of the Sugarloaf Planning Area. Figure 4, a magnified view of the Thematic Plan Design, again shows the intent to allow development on the west side of the I270 Highway Interchanges. The determination of the actual extent of development is left to a future small area plan process for the I270 Corridor. Page 45 of the LFMP states in part:

“The Thematic Plan Diagram identifies a corridor for growth and development along Interstate 270 leading from central Frederick City, through the Ballenger Creek Community Growth Area, and continuing along I-270 through the Urbana Community Growth Area and terminating at the northern edge of Hyattstown (Figure 4). This corridor emphasizes transit-oriented, mixed-use development to be served by a practical and affordable transit line (e.g., Bus Rapid Transit,



Tim Goodfellow

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Page 3

Transitway) (17) that parallels Interstate 270 and takes advantage of public and private infrastructure improvements extended to the Urbana Community Growth Area in recent decades. Additionally, the Interstate Corridor will continue to capitalize on significant access to regional employment centers by supporting policies that facilitate the development of this area as a prime employment corridor enhanced by livable, mixed-use neighborhoods between the City of Frederick and northern Montgomery County.”

The framework of LFMP supports the conservation efforts pursued through the current Draft Sugarloaf Plan as well as, and separate from, future development efforts of the Interstate Corridor through a future area plan. In describing the Planning Area, the Plan states in part:

“The Urbana CGA borders the Sugarloaf Planning Area along I-270, which is currently a boundary that demarcates a large mixed-use (commercial, employment, residential) community from an area with dispersed residences, unique environmental and historic resources, and a distinctively rural sense of place; however, minor commercial development exists in the Sugarloaf Planning Area in the vicinity of the MD 80/I-270 interchange. The Urbana CGA embodies the characteristics of a typical CGA in Frederick County where population growth, public and private investments, and employment growth are focused and targeted. It contains four public schools, a library, a YMCA facility, a variety of housing types, plus numerous commercial services and businesses, including several in the biological and information technology sectors. These existing and planned employment, residential, commercial, and industrial land uses follow the entire east side of I-270, from just north of the existing Urbana community southward to the Montgomery County border.”

The land uses surrounding the Property identified as “the minor commercial development” include the Potomac Garden Center, located at 8710 Fingerboard Road (parcel 44 on the tax map), and Kannavis, located at 8709 Fingerboard Road (parcel 186 on the Tax Map 186). 8709 Fingerboard Road, which is surrounded on three sides by the Property and fronts on MD Route 80, is zoned General Commercial. The proposed Plan includes the rezoning of Potomac Garden Center, owned by PGC Properties LLC, to General Commercial.

Should the Planning Commission proceed with the Planning Area and application of the Overlay as proposed, Urbana Interchange Partners, LLC hereby requests that the northernmost ten (10) acres of the Property, closest to the interchange, be rezoned General Commercial.

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Rezoning that portion of the Property to General Commercial and applying a land use designation of General Commercial is consistent with the zoning of the neighboring properties, the Property's proximity to the Interstate, and the LFMP's goals of preserving the I270 Interstate Corridor for future growth. Rezoning of the northern portion of the Property will not have a negative impact on the remaining lands of the Property or the agricultural ground to the southeast of the Property. Rezoning of the Property presents no potential to disrupt and degrade the rural landscape setting of Sugarloaf Mountain or its environs as outlined in the Plan, because this Property is already situated in a commercial setting next to I270.

The application of the Overlay will however dramatically and negatively affect the Property. Most notably, the 15,000 square foot building footprint maximum will cause the Property to be in non-conforming status. While the proposed § 1-19-7.700 text includes a mechanism to request to exceed the 15,000 square foot building footprint, this is a burdensome process to add to property owners that have already completed the current zoning approvals. Existing buildings that exceed the 15,000 square feet building footprint should receive an exception to continue at their footprint as conforming structures, without any requirement that they apply for additional approvals. Application of the Overlay will require Urbana Interchange Partners, LLC to seek Board of Appeals approval for uses requiring special exception approval, County staff for permitted uses, and Planning Commission approval for uses requiring site plan approval.

Applying to the Board of Appeals for approval to exceed the 15,000 square foot building footprint is not a simple one-step process. It is burdensome to force current property owners with existing uses to submit a justification statement describing, in detail:

“The specialized functional and operational needs of the proposed activity or use that warrant a non-residential building with a building footprint larger than 15,000 square feet; and the site design elements and building design features, such as enhanced energy efficiency, water conservation (e.g., re-use, consumption reductions), and stormwater runoff controls, or other measures that will be utilized to minimize negative impacts to natural resources and surrounding properties that may result from the overall development proposal and increased building footprint.”

Such a submittal will subsequently trigger a further review under the proposed “Design Standards” and the “Additional requirements in the Sugarloaf Rural Heritage Overlay Zoning District” outlined in the Plan Appendix. The additional approvals are costly and time-consuming.



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It is arduous to require current property owners with already existing structures to be subject to further review, including but not limited to design standards, the requirement to submit an environmental and natural features map, and a possible Department of Natural Resources review.

In addition to the footprint maximum causing non-conforming status, the downzoning of over one-third of the Property to Resource Conservation will also place the Property in a non-conforming status due to the existence of uses not permitted in the Resource Conservation district. The more restrictive uses permitted within the Resource Conservation district directly impact the Property. Pursuant to the Use Table and § 1-19-5.310 of the Frederick County Code, the use of “Animal hospital or veterinary clinic” and “kennel,” the current primary uses of the Property, are not permitted within the Resource Conservation district.

By contrast, an animal hospital, veterinary clinic, and kennel are permitted with special exception use in the Agricultural district, a kennel requires special exception approval in the General Commercial district, and an animal hospital or veterinary clinic are permitted in the General Commercial district subject to site plan approval. Additionally, pursuant to § 1-19-8.220 and § 1-19-8.338 of the Code, animal incinerator operations are only permitted within the Agricultural district as either an accessory use to cemetery/ memorial gardens or animal hospital or veterinary clinic. While the buildings are not within the 10.2 acres proposed for Resource Conservation, Greenbriar Veterinary utilizes the 10.2 acres in their overall operations. Urbana Interchange Partners, LLC understands the desire to preserve forested areas and the Urbana Branch stream; however, the current uses include, for example, exercise parks and walking trails located on the 10.2 acres. If there were an option to apply Resource Conservation to the forested areas near the stream and not cause non-conforming status, Urbana Interchange Partners, LLC would not object to the application of Resource Conservation to a smaller portion of the Property.

A non-conforming status will lead to a plethora of detrimental effects. If the property owner or tenant is unable to operate for 12 consecutive months, the non-conforming use will terminate. Such actions would have a significant negative impact on the value of Urbana Interchange Partners, LLC’s investment in this Property. Non-conforming status impacts the value of the Property and the ability to obtain financing, which affects the current property owner in its daily operations, the ability to sell the Property, and the uses of a future owner.

In conclusion, we continue to be on record opposing the application of the Overlay Zoning District to the Property and the downzoning of 10.2 acres of the Property to Resource Conservation and Natural Resource. Urbana Interchange Partners, LLC supports the proposed



Tim Goodfellow
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future review of the Urbana Community Growth Area and the I270 Highway Corridor in a holistic manner to include the Property.

Should the Planning Commission proceed with the inclusion of the Property in this draft Plan, Urbana Interchange Partners, LLC respectfully requests the following:

- That the Planning Commission amend the Plan to propose the land use designation and rezoning of the northernmost ten (10) acres of the Property, closest to the interchange, to General Commercial to preserve the development potential of the undeveloped acreage of the Property; and
- That the Planning Commission amend the Plan to propose exceptions that will apply to current property owners to prevent non-conforming status related to current uses and structures.

Thank you for your attention to and consideration of this submittal. Should you have any questions, please feel free to contact me.

Very truly yours,

McCurdy, Dean & Graditor, LLC



April L. Dixon

cc: Dr. William Amoroso



August 9, 2022

Bruce N. Dean
240.503.1455
bdean@mdglawfirm.com

VIA ELECTRONIC AND REGULAR MAIL

President M.C. Keegan- Ayer
Members of the Frederick County Council
12 East Church Street
Frederick, MD 21701

Re: **Property Owner Comments Regarding the Draft *Sugarloaf Treasured Landscape Management Plan* (the “*Draft Sugarloaf Plan*”)**
Tax Map 0105, Parcels 3 (142.94 acres) and 38 (199.97 acres) (collectively, the “Urbana Interchange Properties”); and Tax Map 0096, Parcel 164 (173.51 acres) (the “Park Mills Road Interchange Property”)

Dear President Keegan- Ayer:

This firm represents Natelli Holdings II LLC (“Natelli”), the owner of the parcels described above, consisting of approximately 243 acres of land located immediately southwest of the Route 80/Interstate 270 Interchange and referred to above as the Urbana Interchange Properties, and 173.51 acres of land located along Park Mills Road immediately west of Interstate 270 at the location of a future planned interchange and referred to above as the Park Mills Road Interchange Property. The Urbana Interchange Properties and the Park Mills Road Interchange Property are collectively referred to in this letter as the “Interstate Corridor Properties”. Our firm submitted a number of letters on behalf of Natelli to the Frederick County Planning Commission during its consideration of the Draft Sugarloaf Plan, copies of which are enclosed with this letter for your information.

My client and I have consistently put forth the proposition that the application of the proposed “Sugarloaf Rural Heritage Overlay Zoning District” to the Interstate Corridor Properties is completely inconsistent with the specific framework, goals, tenets and growth areas outlined in the Livable Frederick Master Plan (“LFMP”). The LFMP specifically supports and proposes the proposed future review of the I270 Highway Corridor, separately and distinctly from the Sugarloaf planning area, including both the Urbana Interchange Properties and the Park Mills Road Interchange Property. Further, the LFMP designates the I270 Highway Corridor as a



McCURDY, DEAN
& GRADITOR, LLC
ATTORNEYS AT LAW

President M.C. Keegan- Ayer

August 9, 2022

Page 2

Primary Growth Sector for the County, and the areas around the existing and future Interchanges as **Primary Growth Areas** for the County.

Mr. Natelli has testified to the Planning Commission specifically that the boundary of the proposed Sugarloaf Rural Heritage area as set forth in the adopted LFMP is not depicted as a straight line that runs right up I270 for the very reason that this was not what was intended by LFMP. The Thematic Plan Design, located on page 40 of the LFMP, clearly makes this point.

It is important to recognize that the I270 Interstate Corridor, as depicted on page 45 of the LFMP, is critical in identifying the goals of LFMP and in distinguishing the goals and initiatives of the intended Corridor Plan from those of the Sugarloaf Planning Area. The transportation nodes are identified as follows on page LFMP page 45: "In and around the Urbana Community Growth Area, there is one existing interchange at I-270 and Fingerboard Road (MD80) (18), and there are two planned interchanges at I-270 and Park Mills Road (21) and I-270 and Doctor Perry/Mott Road (22)." Figure 4, a magnified view of the Thematic Plan Design of the LFMP, again shows the intent to allow development on the west side of the Highway Interchanges. The determination of the actual extent of development is left to a future small area plan process for the I270 Corridor. Page 45 of the LFMP states in part:

"The Thematic Plan Diagram identifies a corridor for growth and development along Interstate 270 leading from central Frederick City, through the Ballenger Creek Community Growth Area, and continuing along I-270 through the Urbana Community Growth Area and terminating at the northern edge of Hyattstown (Figure 4). This corridor emphasizes transit-oriented, mixed-use development to be served by a practical and affordable transit line (e.g., Bus Rapid Transit, Transitway) (17) that parallels Interstate 270 and takes advantage of public and private infrastructure improvements extended to the Urbana Community Growth Area in recent decades. Additionally, the Interstate Corridor will continue to capitalize on significant access to regional employment centers by supporting policies that facilitate the development of this area as a prime employment corridor enhanced by livable, mixed-use neighborhoods between the City of Frederick and northern Montgomery County."

The framework of LFMP supports the conservation efforts pursued through the current Draft Sugarloaf Plan as well as, and separate from, future development efforts of the Interstate Corridor through a future area plan. However, it must be stated and acknowledged as clearly as possible that including the Urbana Interchange Properties and the Park Mills Road Interchange Property in the Sugarloaf Rural Heritage Overlay Zoning District would be inconsistent with the



President M.C. Keegan- Ayer

August 9, 2022

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goals and intent of LFMP, and in fact would be such a departure from the tenets of the LFMP that including these properties in the Sugarloaf Rural Heritage Overlay Zoning District would require an amendment to the LFMP.

Therefore, we continue to note that:

- Natelli objects to the application of the proposed “Sugarloaf Rural Heritage Overlay Zoning District” to either the Route 80 Interchange Properties or the Park Mills Road Property as set forth in Initiative 4F of the Draft Sugarloaf Plan
- Natelli supports the proposed future review of the Urbana Community Growth Area and the I270 Highway Corridor in a holistic manner and including both the Route 80 Interchange Properties and the Park Mills Road Interchange Property within that review.

Thank you for your attention to and consideration of this submittal. Should you have any questions, please feel free to contact me.

Very truly yours,

McCURDY, DEAN & GRADITOR, LLC

A handwritten signature in blue ink that appears to read 'Bruce N. Dean'.

Bruce N. Dean

cc: Frederick County Council

Kim Golden-Brandt

Tim Goodfellow

Mr. Tom Natelli

Dusty Rood

Eric Soter



October 8, 2021

Bruce N. Dean
240.503.1455
BDean@mdglawfirm.com

VIA ELECTRONIC AND REGULAR MAIL

Tim Goodfellow
Principal Planner and Project Lead
Frederick County Government
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

Re: Property Owner Comments Regarding the Draft *Sugarloaf Treasured Landscape Management Plan (the "Draft Sugarloaf Plan")*
Tax Map 0105, Parcels 3 (142.94 acres) and 38 (199.97 acres) (collectively, the "Route 80 Interchange Properties"); and Tax Map 0096, Parcel 164 (173.51 acres) (the "Park Mills Road Interchange Property")

Dear Tim:

This firm represents Natelli Holdings II LLC ("Natelli"), the owner of the parcels described above, consisting of approximately 343 acres of land located immediately southwest of the Route 80/Interstate 270 Interchange and referred to above as the Route 80 Interchange Properties, and 173.51 acres of land located along Park Mills Road immediately west of Interstate 270 at the location of a future planned interchange, and referred to above as the Park Mills Road Interchange Property.

On September 7, 2021, Tom Natelli submitted into the record of the Draft Sugarloaf Plan a letter supporting the staff draft and its proposed treatment of the properties on the west side of I-270. On September 15, 2021, the Frederick County Planning Commission, however, voted to include the Route 80 Interchange Properties in the Sugarloaf Planning Area as defined in the Draft Sugarloaf Plan. This letter provides you and the Planning Commission with the following additional points of consideration to be utilized in the review of the Draft Sugarloaf Plan by the Planning Commission.

Natelli firmly believes that neither the Route 80 Interchange Properties nor the Park Mills Road Interchange Property should be included in either the Treasured Landscape-Sugarloaf land use designation or the Sugarloaf Rural Heritage Overlay Zoning District zoning classification, as



Tim Goodfellow

October 8, 2021

Page 2

each are described and defined in the Draft Sugarloaf Plan. These properties present unique strategic opportunities to utilize the extensive existing and planned public infrastructure at existing or future highway interchanges in a way that could enhance the remainder of the Sugarloaf Planning Area. If properly developed, these properties can serve as gateways to the Sugarloaf Planning Area without sacrificing these opportunities for future economic development, as specifically called for in the framework and goals of the Livable Frederick Master Plan ("LFMP"). Therefore:

- Natelli objects to the application of the proposed "Treasured Landscape-Sugarloaf" land use designation to either the Route 80 Interchange Properties or the Park Mills Road Property as set forth in Initiative 4D of the Draft Sugarloaf Plan
- Natelli objects to the application of the proposed "Sugarloaf Rural Heritage Overlay Zoning District" to either the Route 80 Interchange Properties or the Park Mills Road Property as set forth in Initiative 4F of the Draft Sugarloaf Plan
- Natelli supports the proposed future review of the Urbana Corridor and the I270 Corridor in a holistic manner and including both the Route 80 Interchange Properties and the Park Mills Road Interchange Property within that review, "in anticipation of transportation enhancements along I-270 and the subsequent possibilities for mobility and land use options, including the growing sectors of biological sciences and technology services in the I-270 corridor" as set forth on page 43 of the Draft Sugarloaf Plan and as more fully discussed and described in the LFMP (see Exhibit A enclosed with this letter).

We believe that the Planning Commission, in evaluating the Sugarloaf Planning Area and the future Urbana and I270 Corridor Plans, can ensure that both planning principles, that of heritage area preservation and that of needed economic development, are each given their proper consideration, and that such consideration can have mutually beneficial outcomes. In other words, Natelli does not see this as a battle between EITHER rural preservation OR economic development, but one in which successful outcomes for both principles can be achieved.

Thank you for your attention to and consideration of this application. Should you have any questions, please feel free to contact me.

Very truly yours,

McCURDY, DEAN & GRADITOR, LLC

A handwritten signature in blue ink that reads 'Bruce N. Dean'.

Bruce N. Dean



Tim Goodfellow

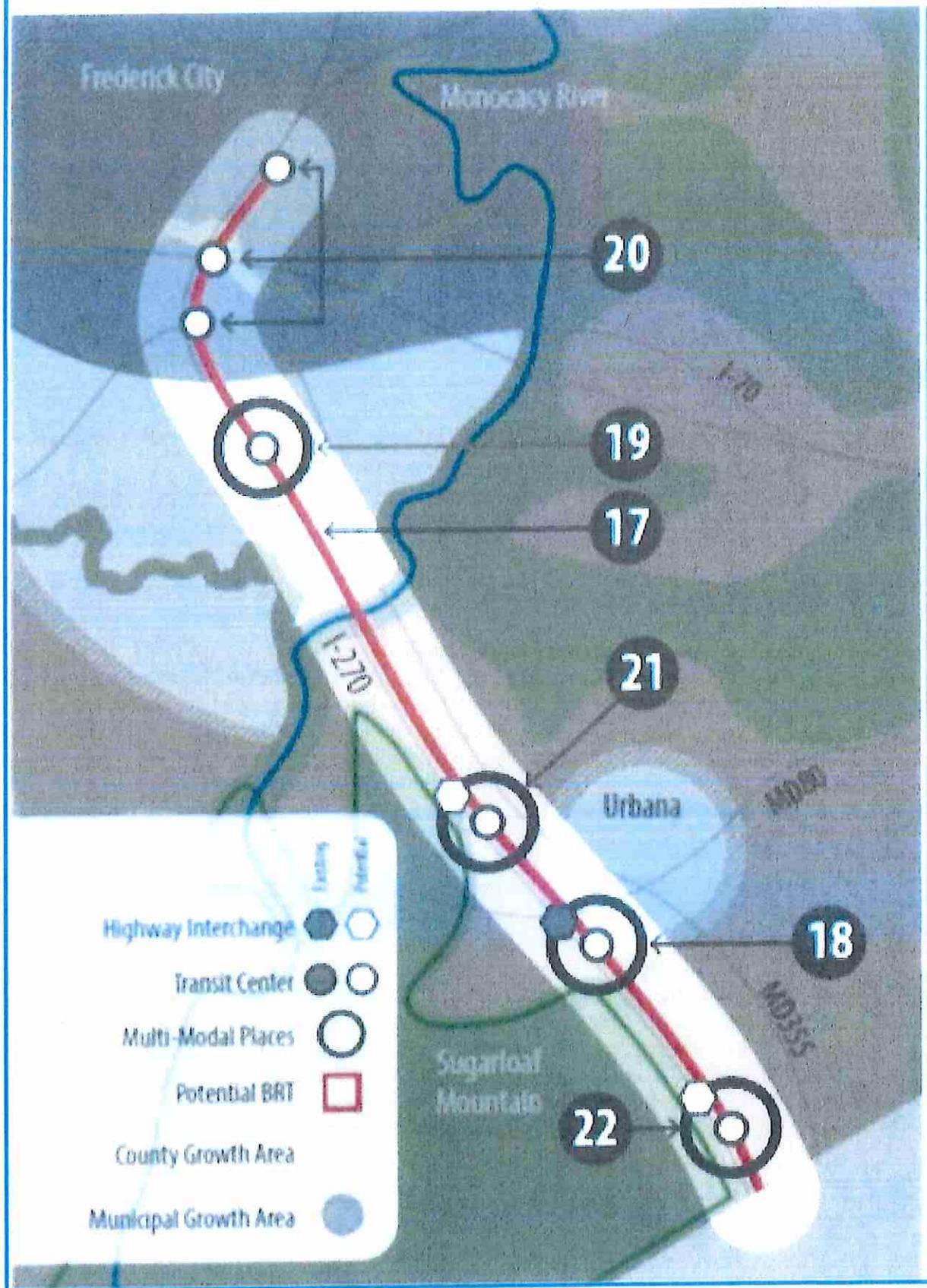
October 8, 2021

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cc: Tom Natelli
Dusty Rood
Eric Soter

Figure 4: The Interstate Corridor

LIVEABLE FREDERICK MASTER PLAN





November 9, 2021

Bruce N. Dean
240.503.1455
BDean@mdglawfirm.com

VIA ELECTRONIC AND REGULAR MAIL

Tim Goodfellow
Principal Planner and Project Lead
Frederick County Government
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

Re: Additional Property Owner Comments Regarding the Draft *Sugarloaf Treasured Landscape Management Plan* (the "Draft Sugarloaf Plan")
Tax Map 0105, Parcels 3 (142.94 acres) and 38 (199.97 acres) (collectively, the "Urbana Interchange Properties"); and Tax Map 0096, Parcel 164 (173.51 acres) (the "Park Mills Road Interchange Property")

Dear Tim:

As you know, this firm represents Natelli Holdings II LLC ("Natelli"), the owner of the parcels described above, consisting of approximately 243 acres of land located immediately southwest of the Route 80/Interstate 270 Interchange and referred to above as the Urbana Interchange Properties, and 173.51 acres of land located along Park Mills Road immediately west of Interstate 270 at the location of a future planned interchange and referred to above as the Park Mills Road Interchange Property. Our firm submitted a letter on behalf of Natelli, dated October 8, 2021, offering Natelli's specific requests for consideration by the Planning Commission in its review of the Draft Sugarloaf Plan.

At the October 20, 2021 Planning Commission workshop on the Draft Sugarloaf Plan, Mr. Natelli reiterated that including the Urbana Interchange Properties and the Park Mills Road Interchange Property in the Sugarloaf Planning Area and the application of the proposed "Sugarloaf Rural Heritage Overlay Zoning District" to said properties is significantly inconsistent with the specific framework and goals of the Livable Frederick Master Plan ("LFMP"). The LFMP specifically supports and proposes the proposed future review of the Highway Corridor separately and distinctly from the Sugarloaf planning area, including both the Urbana Interchange Properties and the Park Mills Road Interchange Property. Further, the LFMP designates the I270 Highway Corridor as a **Primary Growth Sector** for the County, and the areas around the existing and future Interchanges as **Primary Growth Areas** for the County.



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Mr. Natelli's testimony explained in part that the boundary of the proposed Sugarloaf Rural Heritage area is not depicted as a straight line that runs right up I270 for the very reason that this was not what was intended by LFMP. The Thematic Plan Design, located on page 40 of the LFMP, clearly makes this point.

It is important to recognize that the Interstate Corridor, as depicted on page 45 of the LFMP, is critical in identifying the goals of LFMP and in distinguishing the goals and initiatives of the intended Corridor Plan from those of the Sugarloaf Planning Area. The transportation nodes discussed by Mr. Natelli with the Commissioners are identified as follows on page 45: "In and around the Urbana Community Growth Area, there is one existing interchange at I-270 and Fingerboard Road (MD80) (18), and there are two planned interchanges at I-270 and Park Mills Road (21) and I-270 and Doctor Perry/Mott Road (22)." Figure 4, a magnified view of the Thematic Plan Design, again shows the intent to allow development on the west side of the Highway Interchanges. The determination of the actual extent of development is left to a future small area plan process for the I270 Corridor. Page 45 of the LFMP states in part:

"The Thematic Plan Diagram identifies a corridor for growth and development along Interstate 270 leading from central Frederick City, through the Ballenger Creek Community Growth Area, and continuing along I-270 through the Urbana Community Growth Area and terminating at the northern edge of Hyattstown (Figure 4). This corridor emphasizes transit-oriented, mixed-use development to be served by a practical and affordable transit line (e.g., Bus Rapid Transit, Transitway) (17) that parallels Interstate 270 and takes advantage of public and private infrastructure improvements extended to the Urbana Community Growth Area in recent decades. Additionally, the Interstate Corridor will continue to capitalize on significant access to regional employment centers by supporting policies that facilitate the development of this area as a prime employment corridor enhanced by livable, mixed-use neighborhoods between the City of Frederick and northern Montgomery County."

The framework of LFMP supports the conservation efforts pursued through the current Draft Sugarloaf Plan as well as, and separate from, future development efforts of the Interstate Corridor through a future area plan. However, it must be stated and acknowledged as clearly as possible that including the Urbana Interchange Properties and the Park Mills Road Interchange Property in the Sugarloaf Rural Heritage Overlay Zoning District would be inconsistent with the goals and intent of LFMP, and in fact would be such a departure from the tenets of the LFMP that including these properties in the Sugarloaf Rural Heritage Overlay Zoning District would require an amendment to the LFMP.



Tim Goodfellow
November 9, 2021
Page 3

Therefore, we continue to note that:

- Natelli objects to the application of the proposed “Sugarloaf Rural Heritage Overlay Zoning District” to either the Route 80 Interchange Properties or the Park Mills Road Property as set forth in Initiative 4F of the Draft Sugarloaf Plan
- Natelli supports the proposed future review of the Urbana Community Growth Area and the I270 Highway Corridor in a holistic manner and including both the Route 80 Interchange Properties and the Park Mills Road Interchange Property within that review.

Thank you for your attention to and consideration of this submittal. Should you have any questions, please feel free to contact me.

Very truly yours,

McCURDY, DEAN & GRADITOR, LLC

A handwritten signature in black ink, appearing to read 'Bruce N. Dean'.

Bruce N. Dean

Mr. Tom Natelli
Dusty Rood
Eric Soter



January 10, 2022

Bruce N. Dean
240.503.1455
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VIA ELECTRONIC AND REGULAR MAIL

Tim Goodfellow
Principal Planner and Project Lead
Frederick County Government
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

Re: Additional Property Owner Comments Regarding the Draft *Sugarloaf Treasured Landscape Management Plan* (the "Draft Sugarloaf Plan" or the "Plan")
Tax Map 0105, Parcels 3 (142.94 acres) and 38 (199.97 acres) (collectively, the "Urbana Interchange Properties"); and Tax Map 0096, Parcel 164 (173.51 acres) (the "Park Mills Road Interchange Property")

Dear Tim:

I am writing you on behalf of Natelli Holdings II LLC ("Natelli"), the owner of the parcels described above, consisting of approximately 342 acres of land located immediately southwest of the Route 80/Interstate 270 Interchange and referred to above as the Urbana Interchange Properties, and 173.51 acres of land located along Park Mills Road immediately west of Interstate 270 at the location of a future planned interchange and referred to above as the Park Mills Road Interchange Property. The Urbana Interchange Properties and the Park Mills Road Interchange Property are collectively referred to below as the "Interstate Corridor Properties". I have previously submitted letters on behalf of Natelli, dated October 8, 2021, and November 9, 2021, offering specific requests regarding the Interstate Corridor Properties for consideration by the Planning Commission in its ongoing review of the Draft Sugarloaf Plan.

The reason I am writing to you at this time is in direct response to the facts, materials and conclusions contained in the Environmental Analysis submitted to the Frederick County Planning Commission on behalf of Natelli by Rodgers Consulting on January 10, 2022. In this Analysis, Rodgers provides the Planning Commission with a great deal of evidence showing that 1) the



Tim Goodfellow

January 10, 2022

Page 2

State Use Classifications for the streams located in the Sugarloaf Planning Area have been misrepresented in the Draft Sugarloaf Plan; 2) all of the Interstate Corridor Properties are located in the lowest quality sub-watersheds, and therefore do not impact any of the few sensitive, coldwater streams which actually are located in the Sugarloaf Planning Area; and 3) these incorrect assumptions provide a great deal of the basis for efforts to apply the Rural Heritage Overlay Zoning District to the Interstate Corridor Properties. Any assertions being made that development of the Interchange Corridor Properties will impact sensitive streams are not supported by the State of Maryland DNR's classifications, as the streams located in the sub-watersheds that include the Interstate Corridor Properties are the lowest quality streams recognized in the State classification system. Therefore, applying the Overlay to these properties is not supported by the underlying scientific data.

In addition, the Planning Commission should be considering that the proposed Overlay Zoning District purports to protect these resources by, among other things, reducing permitted "development activities to minimize or eliminate adverse impacts to water quality, forest resources, wildlife habitats, and scenic and rural landscape elements" (page A-19) by, among other things, creating an artificial and unscientific limit on non-residential building size limitation of 15,000 square feet, regardless of whether such development activities would serve to actually protect these resources as more specifically described in Section 3 of the Rodgers Analysis.

We support the policies and initiatives found in the Plan regarding the Urbana Branch Watershed on pages 90 and 91, including specifically that "[a]ny future planning initiative for the MD 80 interchange area that advances the Livable Frederick Master Plan's goals to increase multi-modal accessibility and support the innovative bioscience and advanced technology sectors must include a high level of environmental protection for the Urbana Branch Watershed and the Bennett Creek Watershed..." Initiatives 6D ("enhancing the buffering of aquatic systems") and 6E ("[e]stablish a physical, chemical and biological water quality monitoring program for the Urbana Branch Watershed..."). It is clear from the Rodgers Analysis that additional protections for the environment in general (and water quality specifically) can in fact best be achieved, and the Interstate Corridor Properties offer some of the greatest potential for environmental improvement, if they are permitted to develop under today's environmental standards and requirements, as described in Section 3 of the Rodgers Analysis.

In conclusion, we continue to be on record opposing the application of the Overlay Zoning District to the Interstate Corridor Properties and respectfully request that the Planning



Tim Goodfellow
January 10, 2022
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Commission limit any applicability of the Overlay Zone to properties west of Rt. 80 and Thurston Road.

Thank you for your attention to and consideration of this submittal. Should you have any questions, please feel free to contact me.

Very truly yours,

McCURDY, DEAN & GRADITOR, LLC

A handwritten signature in black ink that appears to read 'Bruce N. Dean'.

Bruce N. Dean

cc: Mr. Tom Natelli
Dusty Rood
Eric Soter

Brandt, Kimberly G.

From: Nick Carrera <mjcarrera@comcast.net>
Sent: Tuesday, August 9, 2022 9:23 PM
To: Council Members
Subject: Some further comments on the Potomac Garden Center rezoning

[EXTERNAL EMAIL]

Dear Council Members,

I did not intend this evening to trigger David Angell's ire with my comments regarding the staff-proposed change in his Potomac Garden Center (PGC) zoning.

I intended to make the point, with supporting information, that the Planning Commission was supposed to make clear what changes they wanted, by a vote; and that in the case of rezoning PGC property, no vote was taken. This is a matter of public record; you can look at the minutes for the October meeting, the minutes for subsequent meetings, and the March draft prepared by planning staff. You can go back and view the videos of those meetings. I am not trying to bend the facts.

I was trying to criticize the process and *not* to appear critical of the rezoning itself, although I regard it as a generous gift by the county to Mr. Angell, and I fear it may result sooner or later in an entirely inappropriate use for that property quite at odds with the goals and Vision of the Sugarloaf Plan. Instead I urged that it be discussed, reasons advanced for why Mr. Angell deserves the rezoning, and neighbors and others allowed to present their comments to the Council before final decision is made.

I had my comments carefully written out, but feared they would not fit into three minutes, so I spoke largely *ex tempore* when I called. I copy below, with no changes, the comments I had prepared to read to you:

Begin prepared comments.

Zoning change for Potomac Garden Center

I urge you to reverse the rezoning of the Potomac Garden Center near the Urbana exit of I-270. It was proposed by the planning staff without a Planning Commission vote, contrary to their usual procedure.

In their first meeting on the Sugarloaf Plan, the Commission reversed the Cutout that had appeared, without discussion, in the July 2021 draft. Commissioners felt a "reset" to the earlier draft was appropriate and would not preclude subsequent open discussion of a possible Cutout. The Cutout has not returned, but some owners continue to seek favorable treatment for their property in that area. One such property is the Potomac Garden Center, parcel 44 of county tax map 96.

At their second meeting on the Sugarloaf Plan, in October, the Commissioners were asked by the planning staff to make clear what changes they wanted, by taking votes and recording them. From the minutes of that meeting, "Commission members were asked to vote when making a decision or directing staff to make changes so the direction to staff is clear and recorded in the minutes." [10/20/2021 Minutes]

Nevertheless, in the March 2022 draft, staff proposed rezoning the Potomac Garden Center, extending general commercial zoning over its entire 19.6 acres, versus the six acres already zoned commercial. This change had not been voted or even discussed by the Commissioners.

I urge, therefore, that the Council reset this change, returning parcel 44 to its former status, six acres zoned general commercial and 13.6 acres agricultural. This will not preclude subsequent decision on a zoning change; it only ensures that any change will have the benefit of open discussion as to whether it will be fair to neighbors, and consistent with the goals and Vision of the Sugarloaf Plan.

End prepared comments

Brandt, Kimberly G.

From: Nick Carrera <mjcarrera@comcast.net>
Sent: Tuesday, August 9, 2022 10:21 PM
To: Council Members
Cc: Carrera, Alexandra; Carrera, Johnny
Subject: Comments on the Overlay

[EXTERNAL EMAIL]

As with my comments on the PGC rezoning, so with the Overlay coverage -- I had written out a statement to read, but feared I would run out of time.

I did not put into what I wanted to read, nor did I say on air, what a bizarre and confusing discussion it was at the June 15 meeting. I invite you to view the video of that meeting, from 6:04:25 till 6:37 to get a feel for it.

I'm copying below my notes on that meeting, from my viewing of that video:

Begin my note for myself on June 15, 2022, meeting of Planning Commission:

June 15, 2022, at the Planning Commission Workshop, Goodfellow introduced an Overlay without three properties near Exit 26 – Potomac Garden Center, Kannavis Dispensary, and Greenbriar pet hospital. As a reason, he said they received “comments” that suggested it. Later Brandt said those three property owners had requested it. During wandering discussion from 6:04:25 til 6:37:00, planning staff kept asking if the Commissioners wanted the present entire Overlay, the partial one Goodfellow was showing, or a different Overlay. Discussion at times is bizarre, as when Superczynski proposed sizing the Overlay omission by how far one can walk in five minutes from the bus stop or train station that might be there. Reasons offered for an omission were that often the immediate area of an interchange is treated differently, and that the three property owners asked to be left out of the Overlay. At 6:37:00 White moved that the Overlay omit Potomac Garden Center, Kanavis Dispensary, and the Greenbriar pet hospital. Motion passed 4-1 (Sepe).

End note on June 15, 2022, meeting of Planning Commission.

Now here are the comments I prepared to read to you this evening regarding the limited Overlay coverage:

Begin prepared comments on limited Overlay:

Overlay coverage

In February, Commissioners discussed the Overlay, but did not decide on coverage. Staff proposed a total Overlay in March, but in June reminded Commissioners that other approaches were possible. Staff suggested excluding three properties whose owners had requested it. Staff argument for the limited Overlay was driven by a notional future mass-transit system. But exclusions made now may not be optimal, should the system actually occur. Moreover, if really necessary, changes can be made later. Why weaken the Plan now for what seems at best a distant possibility? Please consider carefully whether a limited Overlay will not put at risk the goals and Vision of the Sugarloaf Plan.

End prepared comments on limited Overlay.

Allow me a personal comment:

I am amused to hear comments such as those from Mackintosh family members tonight, how they moved here in the 1950s, as if they should be accorded special consideration. Maybe so, maybe no; objective argument should count more. But I'll offer my own connection to the county; maybe it shows bias, maybe just legitimate concern for the county's heritage and where it is now going.

My parents-in-law, Leon and Ethel Loeb, bought this house and the 100-plus acres it sits on in 1951. I came in contact with it in 1962, when I met their daughter Mary Jeanne, whom I married in 1963. Ever since then it's been a part of my life through visits, and later, after Leon and Ethel had both died, Mary Jeanne and I bought out her brother's share of the property and moved here in 2010. I don't claim to be a history nut, but a house can work on you, and this one does on me. It was built in 1781 by Thomas Johnson, for his younger brother Roger who was getting married then. I'm sure its architecture is fascinating to those who know about old stone house; to me, it's just fascinating to imagine the joys and sorrows that have been felt here by so many generations. I love the old wood floors, the creaky front door, the spooky attic with its bents marked with Roman numerals. It's sometimes too cold in winter and too hot in summer (like now), but -- and does this sound silly? -- it's part of its charm.

Where is this going; I'm not sure, but just as I cherish this house, so I cherish also the Sugarloaf area -- I've been hiking that mountain, boy and man, since the 1950s. I'd like to see this area stay as unspoiled as we can manage, maugre the machinations of others whom I could name who have a different idea of how to treat a "treasured" landscape, and who seem to have an outsized influence with some in the county.

It's late; it's cooled down a bit and the windows are open so I can hear the insects chorusing. I'll wake to bird calls and keep on pushing, with you, for a Sugarloaf Plan that will really be, along with the LFMP, a beautiful and lasting gift to the county.

With my best wishes,

Nick Carrera, 2602 Thurston Road; called "Bloomsbury" by Roger Johnson, renamed "Wellcome Farms," which I like, by my parents-in-law.



McNees Wallace & Nurick LLC
5283 Corporate Drive, Suite 104
Frederick, MD 21703

Noel Manalo
Telephone: 301.241.2014
Fax: 717.237.5300
nmanalo@mcneeslaw.com

McNees

August 9, 2022

County Council
Frederick County, Maryland
Winchester Hall
12 East Church Street
Frederick, Maryland 21701

RE: Planning Commission Recommended 2022 Sugarloaf Treasured Landscape Management Plan
Draft ("Draft Plan")

Honorable Council Members:

On behalf of Stronghold, Incorporated ("Stronghold"), owner and steward of +/- 3,000 acres inclusive of Sugarloaf Mountain (collectively "Sugarloaf Mountain"), Stronghold does not support the Draft Plan the Planning Commission has forwarded to you. We restate for the record the testimony provided in the Planning Commission proceedings, and elsewhere, to date.

In order for Stronghold to support the Draft Plan as of the above date, we would request you:

(1) remove Stronghold's holdings from the proposed Sugarloaf Rural Heritage Overlay Zoning District (the "Overlay"); and

(2) add language to the Draft Plan to the effect of: "*Notwithstanding anything to the contrary herein, other than designating the holdings as 'Natural Resource' land use, the County Council does not propose any changes to the current land use designation, zoning, or other comprehensive planning components for the holdings of Stronghold, Incorporated. Instead, the County Council recommends a separate, future process for the County to work with Stronghold to establish a viable zoning category that accommodates Stronghold's needs and is consistent with Gordon Strong's original vision and intent.*"

I. Introduction

The Sugarloaf Mountain is the centerpiece of the Draft Plan. From when Gordon Strong first began acquiring acreage, to the formation of Stronghold, Inc. in 1946, to the present time, the owners of Sugarloaf Mountain have upheld the mission of preserving the Mountain.

With +/- 3,300 Acres of the Mountain under its ownership, Stronghold, Inc. continues the philanthropic mission started by Gordon Strong. With the increasing human population of the area, preserving the natural habitat of the Mountain becomes even more important. The ability to preserve the Mountain requires resources, and as a private non-profit, Stronghold, Inc. ensures that all uses of the property are in furtherance of the preservation mission. National or local government entities do not have primary responsibility for the Mountain; that responsibility remains with the successors to Gordon Strong.

Chicago businessman Gordon Strong first noted the beauty of the Mountain and its surroundings in the early 1900's. After acquiring most of the acreage, Strong set about the hard work of restoring the natural beauty of the Mountain, which was clear-cut and depleted by the nearby Amelung Glass factory, Johnson

Forge Furnaces and other industrial uses. Strong had a vision for the Mountain and the ability for people to access the natural features.

In the mid-1920s, Strong worked with renowned architect Frank Lloyd Wright to develop concepts for the "Gordon Strong Automobile Objective". Utilizing the detailed topographic information collected by Strong, Wright developed a concept for an ascending structure whereby visitors could ascend by automobile. Wright's concepts included a dance hall, theater, lounges, restaurants, a constructed pool and waterfall, and a planetarium.

Strong did not follow through on Wright's plans. Strong did raise family on the Mountain and built two residences, including the Strong Mansion, which, in its current configuration, is but one-third the total mansion of Strong's plan. This was in addition to the five (5) other residences located on the property at the time of Strong's purchases.

The various structures and uses were all in service of the main goal: preserving the natural beauty of the Mountain.

Indeed, in his May 17, 1979 Notes for Guidance of [the Stronghold] Trustees, Mr. Donald A. McCormack, Executive Secretary-Treasurer of Stronghold Inc., stated: *"As to the main house and even the grounds, they may be considered as subordinate to the mountain as a whole. The house in particular lends itself only to some use incidental to that of the mountain."*

The Strong Mansion event venue, the existing residential uses, the forestry/waterway/natural resource management uses and agricultural uses, and the guest-accessible trails and vistas are all part of Stronghold, Inc.'s unique mission in caring for this central geographic feature. This uniqueness requires a regulatory framework that allows for Stronghold, Inc. and its successors to continue Gordon Strong's preservation mission in the most flexible way possible. From the same May 17, 1979 Guidance cited above, Mr. McCormack incorporates a quote from John Kenneth Galbraith:

"The Cult of Wilderness assumes that beauty is to be found only where people are not. But, in fact, man at his best has done far more for landscape than this implies. The Rhine and the Moselle Valleys would not be interesting without vineyards, and Iowa with the red barns and green corn must be more agreeable than whit it was a monotonous waste of high grass." When Mr. Strong made the Willow Pond from a flat field where killdeers nested he said that 'nature does a fine job of making beautiful scenes, but she does so much better when man helps in a way that his hand is not seen.'"

Stronghold, Inc. continues as steward of the Mountain, and employs full time staff to operate the Mansion event facility, manage forestry/timber/waterway/natural resource projects, upkeep/maintain the grounds, and educate and interact with guests. Stronghold, Inc. requires the maximum amount of flexibility to carry on Gordon Strong's preservation mission. As such, Frederick County, Maryland should work with Stronghold to provide this one-of-a-kind place with the zoning, planning and permitting framework necessary for that mission.

Integral to Stronghold's mission is the ability to retain liability protections afforded by Maryland law, related to making private property available to the public for any recreational and educational purpose (Md. Code Ann., Natural Resources Art. § 5-1102(a)). In addition, Stronghold is a 501(c)(3) tax-exempt non-profit. All of our comments and requests are made in a spirit and intent consistent with the liability protections and non-profit status governed under Maryland law and the United States Internal Revenue Code, respectively.

II. Specific Comments

To the extent they may prove useful to you in addition to the above, herein are specific suggested comments to the Draft Plan, grouped by Chapter.

Chapter 1 - Introduction and Background

Add to the bottom of page 5: *"The global Covid-19 pandemic disrupted and constrained the public participation and dialogue for the Plan. While there were a number of meetings prior to County Council considering this Plan, such meetings took place over the extended timespan of an unprecedented period in history, with disruptions and changes the likes of which we have never seen in the County's comprehensive planning process, including, but not limited to, public participation constrained by public health mandates, technology changes/remote meetings, and other aspects that made the planning process for this Plan difficult and out of the norm."*

Chapter 2 - History and Culture

1. Add to the bottom of page 26: *"Notwithstanding anything to the contrary herein, the Plan does not mandate the 'significance' or 'preservation' of any specific propert(ies) or structure(s), as those terms may be utilized or defined in any specific County planning, permitting or zoning application or regulation. The Plan leaves to those specific processes the required evaluation on a case-by-case basis."*

2. Delete Initiative 2D. The referenced documentation was completed by a former employee without the required approval from Stronghold, Incorporated.

Chapter 3 - Stronghold Incorporated and Sugarloaf Mountain

1. Delete Initiative 3E. As the Maryland Department of Planning pointed out to the Planning Commission (May 5, 2022 Letter from Susan Llareus to Kim Brandt at 4), this concept raises legal questions. Stronghold does not support a government-initiated conservation easement device.

2. Add at the end of the chapter (bottom of page 42): *"Notwithstanding anything to the contrary herein, other than designating the holdings 'Natural Resource', the Plan does not propose any changes to the current land use designation, zoning, or other comprehensive planning components for the holdings of Stronghold, Incorporated. Instead, the Plan recommends a separate, future process for the County to work with Stronghold to establish a viable zoning category that accommodates Stronghold's needs and is consistent with Gordon Strong's original vision and intent."*

Chapter 4 - Land Use

1. Page 51 - delete the "Treasured Landscape-Sugarloaf" designation.
2. Page 61 (Map 4-2a) - change the "Treasured Landscape-Sugarloaf" designations to "Natural Resource".
3. Page 65 (Map 4-6) - remove Stronghold's holdings from the Overlay designation and re-designate to "area of future study."

Appendix - Historical Resources Inventory

Add at the bottom of page A-12: "*Notwithstanding anything to the contrary herein, the Plan does not mandate the 'significance' or 'preservation' of any specific propert(ies) or structure(s), as those terms may be utilized or defined in any specific County planning, permitting or zoning application or regulation. The Plan leaves to those specific processes the required evaluation on a case-by-case basis.*"

Appendix - Stronghold Survey District Form (pp 1-12) (survey file F-7-32)

Delete/remove pages A-38 through A-49. The documentation was submitted by a former employee without the required authorization from Stronghold.

Thank you for your consideration of our feedback, and we look forward to your discussion.

Sincerely,



Noel Manalo
MCNEES WALLACE & NURICK LLC

cc: Robert McFarland, Esquire, DNR
 Susan Llareus, MDP

Brandt, Kimberly G.

From: Tom Natelli <tomnatelli@natelli.com>
Sent: Tuesday, August 9, 2022 11:36 AM
To: Keegan-Ayer, MC; Council Members; Brandt, Kimberly G.; Goodfellow, Tim
Subject: Sugarloaf
Attachments: 08-08-2022 - Letter to Council - STLMP.pdf; 06-17-2022 - Letter to Planning Commission - STLMP.pdf; 05-12-2022 - Letter to Planning Commission - STLMP.pdf; 01-10-2022 - Letter to Planning Commission - STLMP.pdf; 09-07-2021 - Letter to Planning Commission - STLMP.pdf

[EXTERNAL EMAIL]

Dear President Keegan-Ayer and members of the Council;

Please see the attached Letter to Council concerning the Sugarloaf Treasured Landscape Management Plan. We respectfully ask that you amend the Sugarloaf Plan as requested, to preserve the potential for the I-270 Interstate Corridor, as was contemplated by Livable Frederick. I have also attached several letters that have previously been submitted for the record, explaining in much more detail the basis for our request.

Thank you for your consideration,

Tom

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This email contains information that may be confidential. If you receive this email in error and are not the intended recipient, please delete and notify the sender at Natelli Communities.

Natelli Communities

August 9, 2022

M. C. Keegan-Ayer, President
Members of the Frederick County Council
Winchester Hall
12 E Church Street
Frederick, MD 21701

Re: Sugarloaf Treasured Landscape Management Plan

Dear Council Members:

We are opposed to the adoption of the Sugarloaf Treasured Landscape Management Plan as currently drafted. We believe the current draft of the Sugarloaf Plan fails to adequately take into consideration the preservation of the I-270 Interstate Corridor (a “Primary Growth Sector”) for future economic development.

The Livable Frederick Master Plan (LFMP) process was completed in 2019 and sought to strike appropriate balances among the many competing goals and needs facing Frederick County over the coming decades. Among these is the desire to preserve large areas of undeveloped privately and publicly owned property through various protection mechanisms, while at the same time preserving opportunities for future residential and economic development to support the continued growth of the community.

The initial draft of the Sugarloaf Plan, released in July 2021, acknowledged the need to balance the preservation and economic development goals for southern Frederick County, and appropriately accounted for the future potential of the I-270 Interstate Corridor. That balance, however, has been all but eliminated from the current draft of the Sugarloaf Plan.

We are respectfully requesting the Council amend the draft plan by making the following modifications:

- Eliminate the proposed Overlay Zone from the properties abutting I-270 through the Urbana region by reverting back to the **planning area boundary that had been established in the July 2021 draft of the plan**. This boundary had been established with the future potential of the I-270 Interstate Corridor in mind, and is consistent with the intent of Livable Frederick. We do not believe the Overlay Zone should extend beyond this boundary.
- Reinstate the language from pages 42 and 43 of the July 2021 draft of the Sugarloaf plan, under the heading of “The Urbana Community Growth Area”.

I have included several letters that have previously been submitted for the record, explaining in much more detail the basis for our request. We respectfully ask you to amend the Sugarloaf Plan as requested, to preserve the potential for the I-270 Interstate Corridor as was contemplated by Livable Frederick.

Sincerely,

A handwritten signature in blue ink that appears to read "T A. Natelli".

Tom Natelli, CEO
Natelli Communities

Natelli Communities

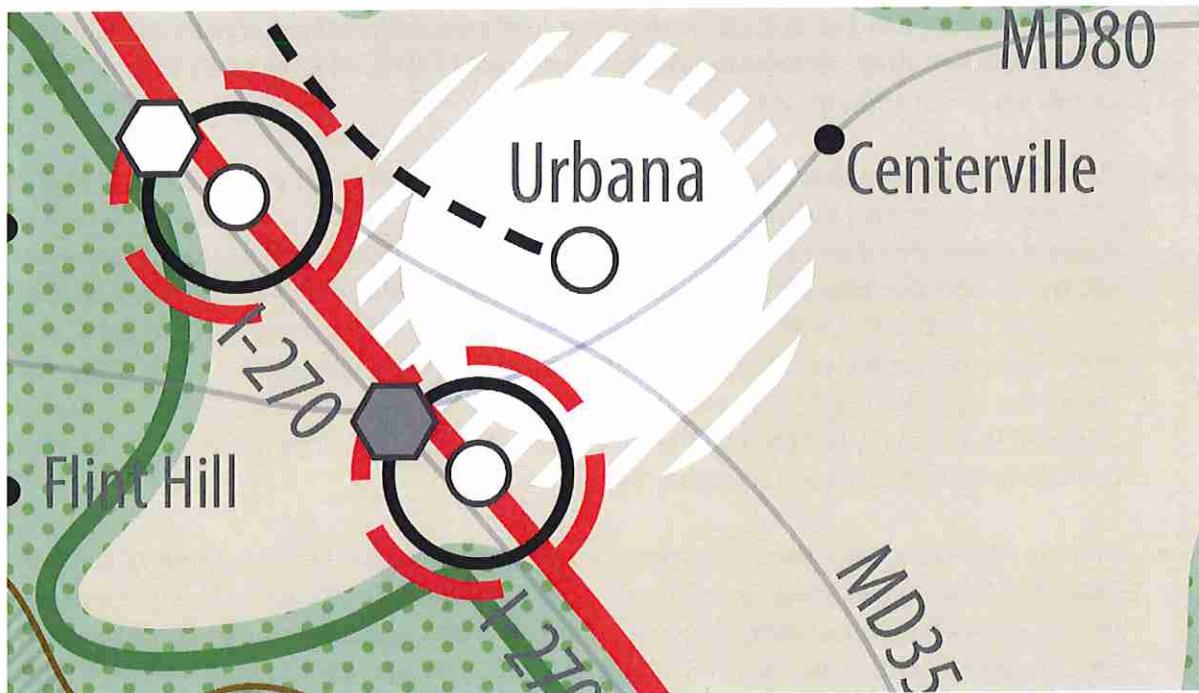
June 17, 2022

Members of the Frederick County Planning Commission
Winchester Hall
12 E Church Street
Frederick, MD 21701

Re: Sugarloaf Treasured Landscape Management Plan

Dear Planning Commission Members:

We remain opposed to the transmission of the Sugarloaf Treasured Landscape Management Plan to the County Council as currently drafted.



The above graphic is a blow-up of the area around the existing interchange at Rt 80 and I-270, taken from the Thematic Plan in the LFMP. An existing and a future interchange are depicted along this stretch of I-270. The black and red circles are explained in the legend and body of the LFMP. The red designates a primary growth area and the black is intended to depict about a $\frac{1}{2}$ mile radius.

I acknowledge that this is a Thematic Plan, the details of which need to be determined by future studies. I acknowledge the lines on the plan are not set in stone and need further refinement.

The LFMP goes to great lengths to explain that the plan is thematic, intended to convey planning concepts that should guide the future growth of the County.

Please note a few things about this thematic guide.

- The dark green line that outlines the Sugarloaf area purposely does not include all the property on the west side of I-270, as that would have been completely inconsistent with the view that came out of LFMP - that the I-270 Interstate corridor should be preserved as a primary growth sector.
- Contrary to what has been stated in the public meetings, the LFMP does not direct all future growth to the east side of I-270, nor was that the intention of LFMP. Had this been the intention, it would have been quite simple to communicate this in the Thematic Plan and in the text of LFMP. However, this is not the case. We would never have supported LFMP had this been the case. **Please note that the area on the west side of the interchange depicted as outside of the Sugarloaf area is almost as large as the existing Urbana Growth Area, as depicted on the east side of I-270.** This was very important to us and led to our support of the LFMP.
- I have heard several times that growth is only intended for the east side of I-270, along Rt 355. Please point me to where I can find this information in LFMP. Is this what the graphic above is supposed to be conveying? The corridor is named the I-270 Interstate Corridor, not the Rt. 355 Corridor, for good reason. The depiction of the I-270 Interstate Corridor on page 45 of LFMP straddles I-270, not Rt. 355. While others may be confused about this, I have no confusion whatsoever. If there are officials who persist in thinking I'm confused, I urge you to re-read the staff's initial recommendations on this point, which I provided to you in my last correspondence dated May 13, 2022. I do not believe staff was confused when they made this recommendation.
- I find it interesting that the LFMP identifies the area around the future Interchange at Park Mills Road as a Primary Growth Area – that extends to both sides of I-270 – and yet there is denial by some commissioners that it even exists as a concept. What in the world are we doing here, if we are not planning for the future as intended by LFMP and preserving these options for the County?

The discussion at your meeting with respect to growth in Montgomery County, and how it compares with what the Planning Commission is recommending here, is useful. **However, even Montgomery County, as progressive as it is, recognizes that at every interchange along I-270 to which sewer and water has been extended, both sides of the highway should be maximized for development.** Even in Clarksburg, where the Agricultural Preserve and the highly sensitive Ten Mile Creek area abut I-270 on the west side, the County understood that it needed to carve out an area and preserve the opportunity for development as the best way to maximize smart growth principles and prevent sprawl.

Here are three different ways to preserve the future potential for the I-270 Interstate corridor as a primary growth sector for the County:

1. **Do not apply the overlay to any property in the Sugarloaf planning area.** There are many property owners, including Stronghold, the owner of Sugarloaf Mountain, who do not want the overlay applied to their property. They are concerned about the restrictions on their current property rights and the negative impact on their land values. We support their concerns.
2. **Use the planning area boundary that had been recommended by staff in the July, 2021 draft of the plan as the boundary for the overlay.** That boundary had been established with the future potential of the I-270 Interstate corridor in mind. There was never any serious evaluation of this before it was eliminated from the draft plan by a majority of the planning commission in the very first work session.
3. **Use the same technique applied in the LFMP on page 45 to highlight the I-270 Interstate Corridor in the STMLP, and add explicit language to the plan which explains that future planning studies will likely include properties on the west side of I-270.** Explain that the actions taken under the STMLP are not intended to preclude nor prevent the objective consideration of development in the I-270 corridor under future studies of the Urbana Region and I-270 corridor and that the restrictions applied in the STMLP may not apply in the future.

I suffer no illusions at this point that anything I say will matter to a majority of the Planning Commission members. Nevertheless, I encourage you to reconsider the decision by a majority of the Planning Commission to apply the Overlay to our southern and northern interchange properties along I-270.

Sincerely,



Tom Natelli, CEO
Natelli Communities

Natelli Communities

May 13, 2022

Members of the Frederick County Planning Commission
Winchester Hall
12 E Church Street
Frederick, MD 21701

Re: Sugarloaf Treasured Landscape Management Plan

Dear Planning Commission Members:

We remain opposed to the transmission of the Sugarloaf Treasured Landscape Management Plan to the County Council as currently drafted.

When the draft of the Sugarloaf plan was released in July of 2021, none of the property under our ownership was included in the Sugarloaf planning area. Our southern highway interchange properties had been included in the initial briefing book released in the spring of 2020, but were not included in the draft released in July of 2021.

In the fall of 2020 I had several meetings - with staff and with the stakeholder's advisory group - and discussed that the properties along I-270 were contemplated for development in the future in accordance with the goals set forth in Livable Frederick for the I-270 Interstate Corridor. I do not know whether or not these points resonated with the professional planners and staff. I do know the property in the vicinity of the interchange was removed from the study area before a draft plan was released. However, through a series of actions taken by the Planning Commission between September 2021 and March 2022, eventually all of our properties, the southern interchange properties and the northern interchange properties - comprising approximately 600 acres, have been added, and are now proposed to be encumbered by the Overlay district. In retrospect, if the County had designs on encumbering all of our property in this critically important stretch of I-270, I feel it would have been prudent to have included me in the stakeholder's advisory group and given me a voice in the matter. After all, we are one of the largest private landowners in the entire region.

"For nearly 50 years, Frederick County's Comprehensive Plans have identified the development potential along the I-270 Corridor as a major component of the County's Future Growth. The Urbana community itself has, since the late 1960's, presented a focal point around which could be built a larger community of homes, employment opportunities, and local retail shops and services. The Livable Frederick Master Plan and its Thematic Plan continue to support these related visions for southern Frederick County, providing policy guidance for the maturation of this planning approach.

The Urbana Community Growth Area (CGA) embodies the characteristics of a typical CGA in Frederick County by establishing a finite geographical area within which the County promotes and encourages continued population and employment growth through the provision of critical public infrastructure such as public water and sewer service, public schools, parks, a safe and functional transportation network, and other systems and services necessary to support strong and resilient neighborhoods. In the context of Livable Frederick, a CGA identifies a preferential location for land use conversion and intensification to accommodate future growth that is consistent with County policies and initiatives, as well as with specific community goals.

The I-270 Corridor, long established as a convenient location for existing and planned employment, mixed-use, and industrial uses, incorporates the lands along I-270 and MD 355 from the border with Montgomery County northward to Park Mills Road, just north of the existing Urbana community. The lands in this corridor have served as a thematic extension of Montgomery County's "Technology Corridor" identified in that jurisdiction's planning documents as spanning I-270 from Bethesda to Clarksburg. While much of Frederick County's portion of the interstate corridor remains sparsely developed, areas on the east side of I-270 in the southern fringe of Urbana have developed successfully in the last 15 years bringing over 1,000 jobs (and counting) to our community.

Neither the Urbana Community Growth Area nor the I-270 Corridor has been comprehensively studied or evaluated since the late 1990's. Recognizing this, the Livable Frederick Master Plan Implementation Program (October 2019) in its Planning Area Catalogue described an Elective Plan for a larger, thematically-conceived *Urbana Corridor* that would include one or more plans for the South Frederick Triangle, I-270 Corridor TODs, and the Urbana Community Growth Area. The South Frederick Triangle has now been incorporated into the South Frederick Corridors Plan.

The Sugarloaf Treasured Landscape Management Plan acknowledges the County's need to examine the Urbana Corridor through a new and coordinated planning effort that will address the current growth and development issues in southern Frederick County. Future evaluation of the area outside of, but adjacent to, the Sugarloaf Planning Area is warranted in anticipation of transportation enhancements along I-270 and the subsequent possibilities for mobility and land use options, including the growing sectors of biological sciences and technology services in the I-270 corridor.

The transportation potential of I-270, despite its current limitations for quick and convenient travel by area drivers, is a critical infrastructure investment that has allowed the County to grow and prosper in the years following World War II. As improvements to the transportation function of I-270 are completed in future years, the **County cannot afford to summarily dispense with limited growth opportunities on the western side of the highway right-of-way in the vicinity of the MD 80 interchange** (*emphasis added*). These future public and private investments in our mobility may encourage the placement of multi-modal transit centers, compact transit-oriented villages, or growth of Urbana's existing biological and information technology hub along the I-270 corridor."

Those words are not mine. Those are the recommendations set forth in the July 2021 draft of the plan, presented to you by your planning staff. They are consistent with Livable Frederick and should be reconsidered for inclusion in the final draft of the plan.

For reasons not completely clear to me, a majority of the Planning Commission has dismissed the fundamental tenet established in Livable Frederick that establishes the I-270 Interstate Corridor as a primary growth sector that needs to be protected for the future economic benefit of the County.

I encourage you to reconsider the decision to apply the Overlay to our southern and northern interchange properties along I-270.

Sincerely,



Tom Natelli, CEO
Natelli Communities

Natelli Communities

January 10, 2022

Members of the Frederick County Planning Commission
Winchester Hall
12 E Church Street
Frederick, MD 21701

Re: Sugarloaf Treasured Landscape Management Plan

Dear Planning Commission Members:

As we approach the next work session on Sugarloaf, I'd like to reiterate a few basic points that have been made in prior communications.

- The Livable Frederick Master Plan recognizes that development of the I-270 Interstate Corridor is an important objective of the Plan, just as it recognizes that establishing a Rural Heritage Landscape area around Sugarloaf Mountain is an important objective of the Plan. I urge you to revisit pages 39, 40 and 45 of the Livable Frederick Master Plan and draw your own conclusions on this. I have attached them for ease of reference.
- These two areas (Sugarloaf Heritage Landscape area and I-270 Interstate Corridor) are shown as overlapping in some places in the Thematic Plan (page 45), with the actual boundaries to be determined in the future when more detailed consideration could be given to the various objectives and goals involved in determining the best way forward for the County.
- However, this detailed consideration of both planning areas is not happening, in part because the small area plan process initiated by the County for the Sugarloaf Treasured Landscape Management Plan is exclusively environmentally focused, and seems to be giving little consideration to other important objectives in LFMP, including the nature and extent of the I-270 Interstate Corridor boundaries and the importance of the I-270 Interstate Corridor to the economic vitality of Frederick County.
- If the Sugarloaf process alone is used to determine the boundary of the I-270 Interstate Corridor, I believe we will have completely disregarded the work and intent of the broader community and the political leaders who adopted the LFMP to strike a balance among the many competing objectives that were intended to make LFMP a community-wide success.

In my view there has been a disconnect between some of the key discussions taking place during the Sugarloaf work sessions and the intent of LFMP with respect to the I-270 Interstate Corridor. I think Dennis did a good overall job of explaining the nature and importance of the I-270

Interstate Corridor at the first work session in September. Since then, though, I have heard very little discussion with respect to reconciling the need to preserve future opportunities in the I-270 Interstate Corridor with the goals of the Sugarloaf Plan.

I do appreciate that there is a lot of pressure being brought to bear on the Planning Commission, with the basic thrust being to try to prevent future development anywhere on the west side of I-270. Frankly, I've been on the receiving end of some of it, myself. However, I think it's notable that some of these same interests were at work during the LFMP process, with the same goal in mind, and their efforts failed to sway the outcome of the LFMP. Perhaps this is because Livable Frederick had to deliver a vision that balances the competing needs of the County, including accommodating future growth while enhancing environmental preservation. Let's face it, if the LFMP process had concluded with a determination that no development on the west side of I-270 is warranted in the future, it would have been very easy and straight-forward to simply state this as fact in the final, adopted version of LFMP. This did not happen. On the contrary, the I-270 Interstate Corridor was established and identified as a Primary Growth Sector in the LFMP, together with proposed development opportunities shown around the existing and future interchanges of I-270, and it was shown to co-exist with the Sugarloaf Heritage area on the west side of I-270. This was very important to us and is what gave us enough comfort to support the LFMP. It is my view that this basic tenet has been lost in the work session discussions to date.

We are opposed to any effort to apply the Sugarloaf Overlay to our properties on the West side of I-270. We believe to do so would be in complete contradiction to the goals and intent of Livable Frederick Master Plan and will indeed undermine the value of the broad community-based effort that established the appropriate balances within Livable Frederick and resulted in broad support for that effort.

The Sugarloaf area preservation effort is not the place to determine the future viability of the properties in and along the I-270 Interstate Growth Corridor. This should be left to a separate small area process that evaluates the I-270 Interstate Corridor through the broader lens of the Livable Frederick Master Plan. The properties along I-270 that are east of Route 80 and east of Thurston Road should either be removed from the study area, or if they remain in the study area, should not be encumbered by the Overlay. The Overlay will have a serious adverse impact on those properties and will dramatically limit the future potential for economic development in the County at key strategic locations that are unique and irreplaceable. These properties should be studied under a separate small area plan that evaluates the I-270 Interstate Corridor, as Livable Frederick so clearly intended.

I remain hopeful that the intent of LFMP with regard to the I-270 Interstate Corridor will be fully taken into consideration before a final plan is put forth. At an absolute minimum I believe it would be appropriate to add language to the Sugarloaf Plan that acknowledges the existence and nature of the I-270 Interstate Corridor and sets forth that, notwithstanding this current Sugarloaf Treasured Landscape Plan process, future area plans may result in the re-examination and rezoning of properties along I-270 that are currently in the Sugarloaf study area.

Sincerely,

T A. Natelli

Tom Natelli, CEO
Natelli Communities

Natelli Communities

September 6, 2021

Members of the Frederick County Planning Commission
Winchester Hall
12 E Church Street
Frederick, MD 21701

Re: Sugarloaf Treasured Landscape Management Plan

Dear Planning Commission Members:

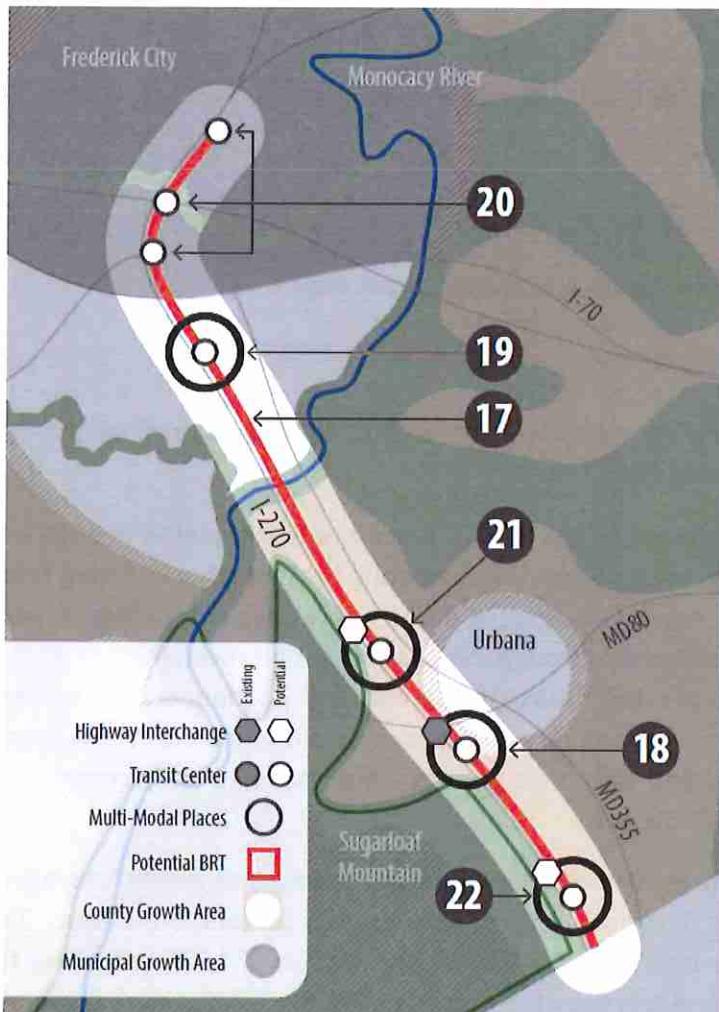
I am writing to share my views with respect to the latest draft of the Sugarloaf Treasured Landscape Management Plan.

The Livable Frederick Master Plan (LFMP) process was completed in 2019 and sought to strike appropriate balances among the many competing goals and needs facing Frederick County over the coming decades. Among those is the desire to preserve large areas of undeveloped privately and publicly owned property through various protection mechanisms, while at the same time preserving opportunities for future residential and economic development to support the continued growth of the community. It was well documented during the process that significant additional residential and economic growth would need to be accommodated over the time frame contemplated in the plan.

The LFMP is straightforward in addressing the need to accommodate future growth and identifies both Primary Growth Sectors and Secondary Growth Sectors in the plan. The Primary Growth Sectors include "The Interstate Corridor" - the section of I-270 extending from Frederick City south to the County line and depicted on page 45 of the LFMP, which is sometimes also referred to as the "Highway Corridor". This is distinct from the Urbana Community Growth Area, which is identified as a Secondary Growth Area and depicted on page 46 of the plan. Several locations along the I-270 Interstate Corridor are identified in the vicinity of Urbana as Primary Growth Areas around which future development should be concentrated. Among these is a location just to the south of the existing interchange of I-270 and Route 80 (please see graphic on next page).

Notably, the demarcation of the line depicting the eastern edge of the Sugarloaf Mountain Rural Heritage area in the LFMP **excludes property on the west side of I-270 in the vicinity of the existing interchange and the Primary Growth Area to its south**. This is consistent with the view that areas along I-270 where significant public and private investment in infrastructure already exists to support development should be retained for future potential development. In the context of the larger objectives of the LFMP, the best way to preserve large expanses of ground in the County is to concentrate development along the corridors where substantial infrastructure already exists.

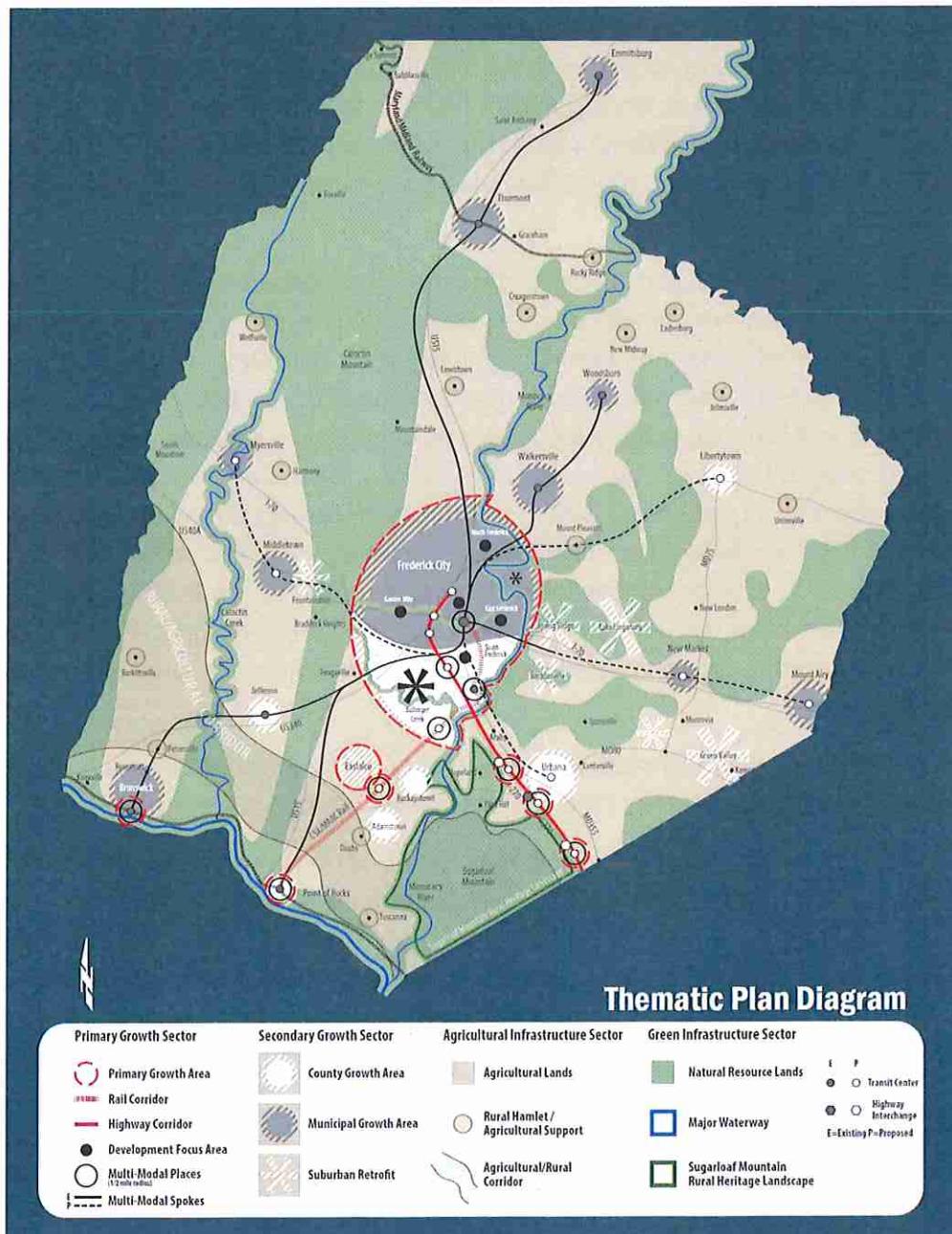
Figure 4: The Interstate Corridor



- 17) Potential Future Mass Transit Corridor
- 18) Urbana Multi-modal Development Surrounding Potential New Transit Station
- 19) Potential Multi-Modal Development at Future Mass Transit Station
- 20) Potential Future Mass Transit Stations
- 21) Potential Multi-Modal Development at Future Mass Transit Station
- 22) Potential Multi-Modal Development at Future Mass Transit Station

When the Sugarloaf study area was initially established as part of the Sugarloaf Treasured Landscape Management Plan planning process, the County **included in the study area** the property along I-270 **that had been excluded from the Sugarloaf Mountain Rural Heritage area in the LFMP**. This may have been a logical way to take a more granular look at the entire area for planning purposes but it has unfortunately created a misimpression among some people that

the eastern edge of the Sugarloaf Mountain Rural Heritage Landscape area had been established in the LFMP with I-270 as its eastern boundary in the vicinity of the existing interchange. This is simply not the case. However, it was certainly reasonable for the County, as part of a Large Area Plan study process, to more closely evaluate where the ultimate edge should be set, in the context of meeting the sometimes competing objectives of LFMP.

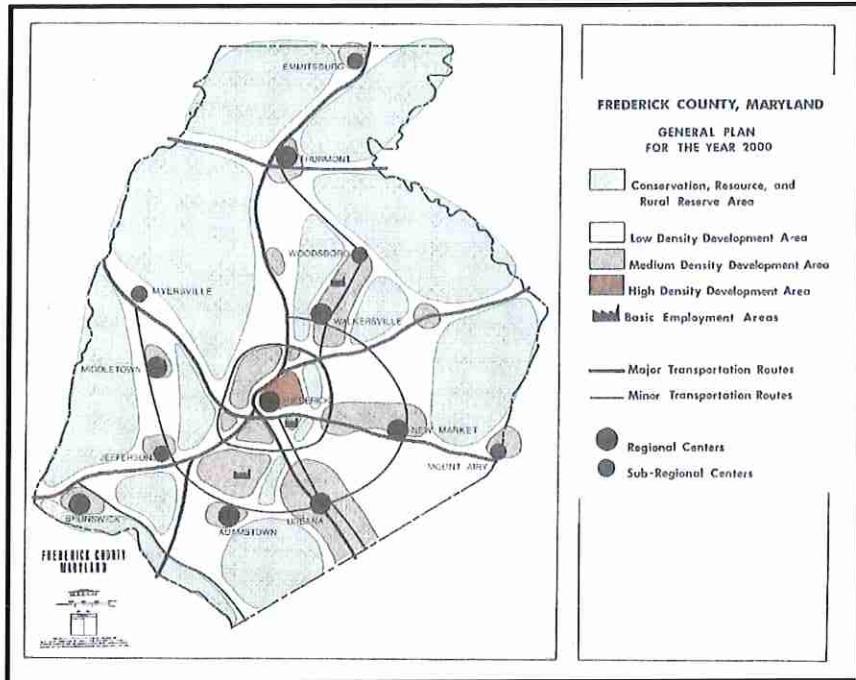


I called attention to this issue early on in the process, and approximately one year ago was able to address this with the Stakeholders Advisory Group. I participated in a conference call in September, 2020, with County staff and Advisory Group members, to explain this discrepancy and to share my views that while I supported the overall objectives of the Overlay that were being contemplated for Sugarloaf, I did not believe LFMP intended for it to apply to the properties in the vicinity of the Interchange, including property we own adjacent to the Interchange and with approximately 1 mile of frontage on I-270. I followed up with staff subsequent to that meeting to provide additional supporting information. These properties are within the I-270 Interstate Corridor Primary Growth Sector as set forth in the LFMP and within a Primary Growth Area. The location of the edge of the Sugarloaf Mountain Rural Heritage Landscape area in the vicinity of the Interchange, as depicted in the LFMP, reflects the fact that these areas should not be painted with the same brush as the 17,000 plus acres to the west that do not share similar characteristics.

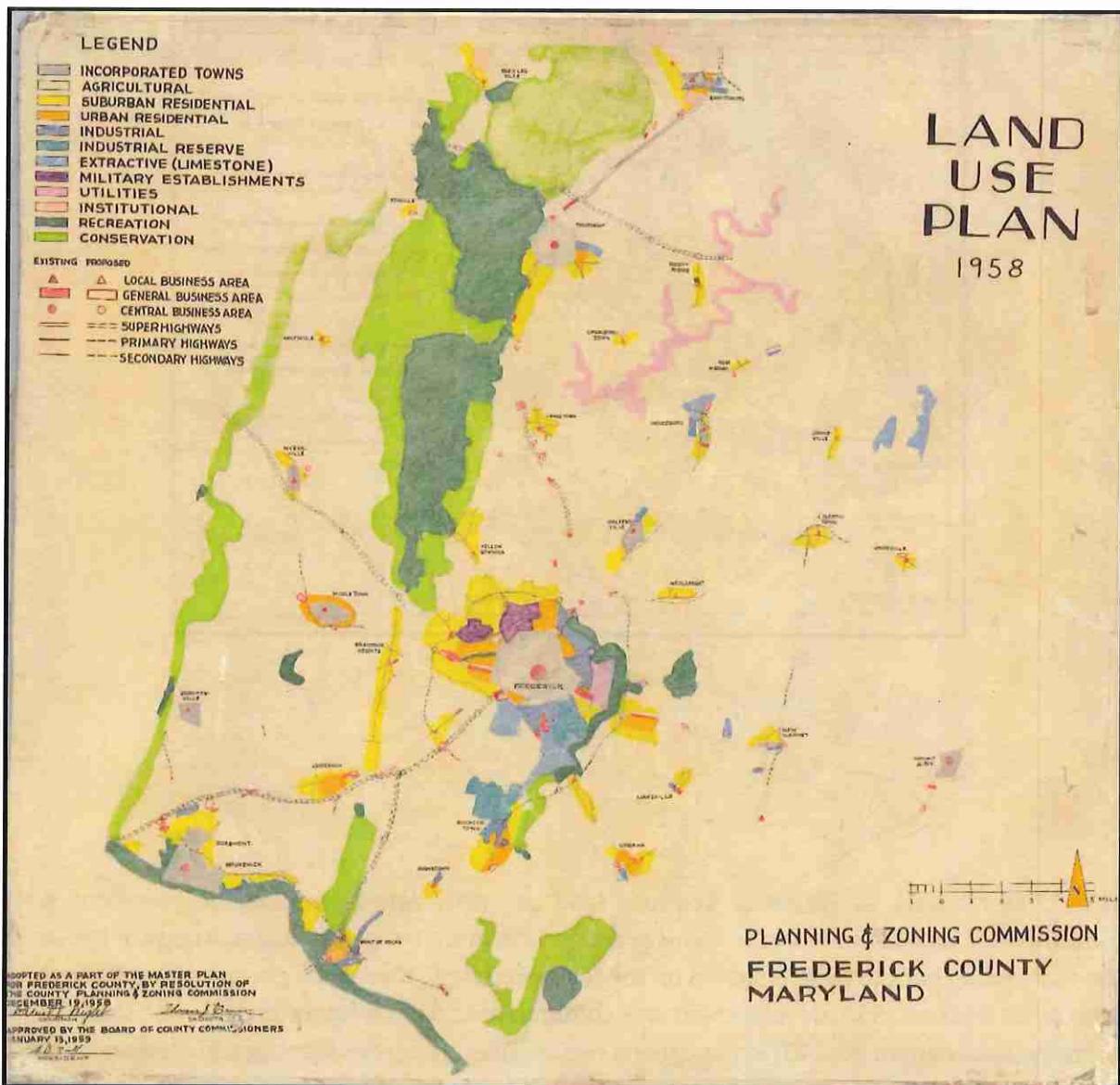
I believe the discussion in the Sugarloaf Treasured Landscape Management Plan on pages 42 and 43 aptly sets forth the rationale for why it makes long-term sense for the County to preserve the potential for future development of a limited amount of property in strategic locations in and around the Primary Growth Areas identified in the I-270 corridor. The Urbana region has become the southern hub of economic activity for Frederick County over the past 20 years. Massive public and private investment has gone into developing the physical and social infrastructure necessary to support and concentrate activity at what currently is the only Interchange in a 10 mile stretch of I-270. It is incumbent on the County to strike a balance among the competing goals of the LFMP, if it is to be successful in delivering on the promise of LFMP. Preserving opportunities for development in key locations, where long-term growth needs can be concentrated, reduces the growth pressures on other areas where preservation can be more thoughtfully pursued.

In my view the changes made by staff to the boundary of the Sugarloaf Treasured Landscape Management Plan now fully align the plan with the overall intentions set forth in LFMP.

It seems to me there has been a significant amount of misinformation circulating in the community about the Sugarloaf plan and this has created some basic misunderstandings. Among these misunderstandings is a view being perpetuated that the County has never contemplated development on the west side of I-270. LFMP itself, allows for development on the west side of I-270, and this is not inconsistent with prior long-term planning efforts by the County. Below please find a copy of the General Plan for Frederick County, from the year 2000. To put this in context, we began work in the Urbana region in the 1990's. Please take note that the General Plan for Frederick County in the year 2000 contemplated significant development on both sides of the I-270 corridor through the Urbana region.



In fact, as far back as Frederick County's land use plan dating to 1958, development was contemplated on both sides of the highway around the Interchange in Urbana. A copy of the Land Use Plan dating back to 1958 is shown on the following page. If you look closely, you will see that even as far back as 1958, development was contemplated for the future on the west side of the highway (then named US-240) in the Urbana region. The properties identified in blue and red on that plan at the Urbana Interchange are on the west side of the highway.



Frederick is a growing community. If Frederick is going to be a place where people live, work and thrive in the coming years, Frederick needs additional spaces for its residents to live, work and thrive. The Livable Frederick Master Plan acknowledges this very thing and has afforded the opportunity for this to happen in the Urbana region in key locations along I-270. Among them are the properties in the vicinity of the Interchange on the west side of I-270.

Sincerely,

Tom Natelli, CEO
 Natelli Communities

Brandt, Kimberly G.

From: Brandt, Kimberly G.
Sent: Wednesday, August 10, 2022 8:14 AM
To: Goodfellow, Tim
Subject: FW: Livable Frederick Master Plan Comments on County Council hearing 08/09/22

From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Sent: Tuesday, August 9, 2022 8:38 PM
To: Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>
Cc: Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: FW: Livable Frederick Master Plan Comments on County Council hearing 08/09/22

Sugarloaf record.

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049



From: Rocky Mackintosh <rocky@macroltd.com>
Sent: Tuesday, August 9, 2022 7:11 PM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>
Subject: Livable Frederick Master Plan Comments on County Council hearing 08/09/22

[EXTERNAL EMAIL]

My comments relate the Sugarloaf Overlay area.

- 1) Please remand this plan back to the planning commission
- 2) There is nothing significant in the goals of this plan that the existing zoning categories do not already protect.
- 3) For those of us who have and continue to actively take advantage of the opportunity to use the Stronghold property for recreational purposes, the threat that the board of

Stronghold Inc has made to close its facilities to the public if this plan is adopted is enough remand this plan back the planning commission or abandon the plan altogether.

4) Mr. Goodfellow has stated that Stronghold and members of the Mackintosh family (who own over 4,000 acres of the 17,000 acre master plan area) were asked to be part of the initial stakeholder planning phase, but it is obvious that he did not give much credence to their concerns.

Rocky Mackintosh

President/Broker
MacRo, Ltd.

Westview Office Court Condominiums
5300 Westview Drive, Suite 302
Frederick, Maryland 21703

Cell: 301-748-5655
Office: 301-698-9696 ext. 202
Fax: 301-698-9571

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Brandt, Kimberly G.

From: Brandt, Kimberly G.
Sent: Tuesday, August 9, 2022 10:34 AM
To: Goodfellow, Tim
Subject: FW: Sugarloaf Mountain Area

From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Sent: Tuesday, August 9, 2022 9:15 AM
To: Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>
Cc: Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: FW: Sugarloaf Mountain Area

Sugarloaf Record.

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049



From: Ben Daughtry <bendaughtry@outlook.com>
Sent: Monday, August 8, 2022 9:25 PM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>
Subject: Sugarloaf Mountain Area

[EXTERNAL EMAIL]

Council Members: I am writing to support the plan as proposed – deviations from this plan will only weaken the objectives of the citizenship majority to maintain the area much as it exists today which protects the environment; maintain all the current streams and creeks; thereby maintaining a strong eco-logical environment which is what all responsible citizens have as an objective – those who have interest in changing are only interested in their business objectives without any environmental considerations.

Thank you in advance for addressing these considerations in your deliberative process!

Ben P. Daughtry R.Ph., MBA, LFACHE
Colonel USAF Retired Med Svc
GSK Pharmaceutical Executive, Ret.
136 Greentree Farm Drive
Dickerson, MD 20842

Specht, Jennifer

From: Brandt, Kimberly G.
Sent: Wednesday, August 10, 2022 2:10 PM
To: Goodfellow, Tim
Subject: FW: Sugarloaf Treasured Landscape Management Plan

From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Sent: Wednesday, August 10, 2022 1:45 PM
To: Brandt, Kimberly G. <KGBrandt@FrederickCountyMD.gov>
Cc: Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>
Subject: Fw: Sugarloaf Treasured Landscape Management Plan

Sugarloaf record.

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049

From: Buzz Mackintosh <buzzmac@prodigy.net>
Sent: Wednesday, August 10, 2022 1:36 PM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>; Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Cc: Gardner, Jan <JGardner@FrederickCountyMD.gov>; MC Keegan-Ayer <mc4district3@earthlink.net>; Blue, Michael <MBlue@FrederickCountyMD.gov>; Donald, Jerry <JDonald@FrederickCountyMD.gov>; Fitzwater, Jessica <JFitzwater@FrederickCountyMD.gov>; McKay, Steve <SMcKay@FrederickCountyMD.gov>; Dacey, Phil <PDacey@FrederickCountyMD.gov>; Hagen, Kai <KHagen@FrederickCountyMD.gov>
Subject: Sugarloaf Treasured Landscape Management Plan

[EXTERNAL EMAIL]

Dear County Council,

I am following up with my comments from yesterday's meeting in writing. I have brought this up to the Planning Commission when the Sugarloaf plan was before them and also during the Monocacy River plan meetings and no one has addressed the question WHY??

One of the significant justifications for this zoning change and overlay is Environmental Significant Areas, (ESA), which are defined by (MDE) Maryland Department of the Environment with words, such as, "imprecise", "generalized", and "hypothetical". On the Frederick County Government website, Link:

<https://frederickcountymd.gov/DocumentCenter/View/310045/Chapter-5>

it states in the Ecological Environment report pg. 5-2 "*ESA are not to be used in any type of regulatory means either by the Counties or the State.*"

During the Monocacy River Plan hearings, I called MDE and spoke to officials there and they confirmed this and also told me ESA maps are not to be published to the public and are only available upon request.

Can someone please address why ESA's are being used in this plan if it is regulatory??

Council Workshop #2

8-9-2022

Slide # 10

APPLICATION OF ZONING DISTRICTS § 1-19-5.210. RESOURCE CONSERVATION ZONING DISTRICT (RC). The purpose of the Resource Conservation Zoning District is to allow low intensity uses and activities which are compatible with the goal of resource conservation to be located within mountain and rural wooded areas. Areas within this district include mountain areas, rural woodlands, and cultural, scenic, and recreation resource areas. **Environmentally sensitive areas** within the resource conservation zone, including FEMA floodplain, steep slopes, wetlands and the habitats of threatened and endangered species, will be protected from development.

Slide # 34

Additional Requirements in the Sugarloaf Rural Heritage Overlay Zoning District All applications for subdivision, site development plan, individual zoning map amendments, or floating zones involving a site identified by the Maryland Department of Natural Resources as a Green Infrastructure

Hub or Corridor or an **Ecologically Significant Area** shall be referred by the County to the Maryland Department of Natural Resources' Wildlife and Heritage Service for comment. Applications submitted for site development plan, special exception, individual zoning map amendments, or floating zone approval shall include an environmental and natural features map at a minimum scale of 1 inch = 100 feet that reflects the existing conditions (e.g., pre-development) and features of the site proposed for development, including the following:

- A. Intermittent and perennial streams, drainage courses, and flow paths, including stream setbacks as required in 1-19-9.400 of this chapter
- B. Areas of 100-year floodplain as depicted by the Federal Emergency Management Agency (FEMA) flood insurance rate maps or amendments thereto, including floodplain as required in 1-19-9.110 of this chapter
- C. Topography at a minimum of 5 foot contours unless otherwise required by the Division
- D. Moderate Slopes (15% to <25%) and Steep Slopes (25% and greater)
- E. Wet soils and flooding soils, including buffers
- F. Tree lines, forested areas, and rock formations and outcroppings
- G. Wetlands and their buffers, including total acreage
- H. Any other relevant information as required by the Division 35

This plan has serious flaws and should either be rejected altogether or "REMAND THE PLAN" back to the Planning Commission.

Sincerely,

Stephen "Buzz" Mackintosh
7001 Lily Pons Rd
Adamstown, Md. 21710

Sent from [Mail](#) for Windows

Brandt, Kimberly G.

From: Cherney, Ragen
Sent: Wednesday, August 10, 2022 2:51 PM
To: Brandt, Kimberly G.
Cc: Mitchell, Kathy (Legal)
Subject: Fw: When does call in line open

Sugarloaf record.

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049



From: Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Sent: Wednesday, August 10, 2022 2:50 PM
To: Steve Black <steveblack2313@gmail.com>
Cc: Luna, Nancy <NLuna@FrederickCountyMD.gov>
Subject: Re: When does call in line open

No problem. But tomorrow is a workshop for the Council. The phone lines open at 5:30 pm to listen to the meeting or to leave a recorded message. Live callers are not taken until the end of the agenda.

R

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049



From: Steve Black <steveblack2313@gmail.com>
Sent: Wednesday, August 10, 2022 2:47 PM
To: Cherney, Ragen <RCherney@FrederickCountyMD.gov>
Cc: Luna, Nancy <NLuna@FrederickCountyMD.gov>
Subject: Re: When does call in line open

[EXTERNAL EMAIL]

Thank you

s

On Wed, Aug 10, 2022 at 2:35 PM Cherney, Ragen <RCherney@frederickcountymd.gov> wrote:
5:30 pm.

Ragen Cherney
Frederick County Council
Chief of Staff

On Aug 10, 2022, at 2:34 PM, Steve Black <steveblack2313@gmail.com> wrote:

[EXTERNAL EMAIL]

Ragen,

When does the call in line for public comments to the Council
Open?
We have a large number of people wanting to comment but I don't think we need to have them
all sit on hold.

Thank you

Steve Black
Sugarloaf Alliance



August 10, 2022

Frederick County Council Members

URGENT

The Sugarloaf Alliance has uncovered evidence that a developer has attempted to manipulate the State of Maryland's review of the Sugarloaf Treasured Landscape Management Plan. By meeting secretly with at least three of the most senior people at Maryland Department of Commerce, Mr. Natelli may have succeeded in corrupting the Commerce assessment of the Sugarloaf plan and injected his own self-interests into the Commerce letter.

Mr. Natelli currently owns nearly 700 acres of agricultural ground, within the Sugarloaf plan boundary, along the west side of I-270. The southern portion of these holdings was the subject of a non-public, backroom effort to modify the plan boundaries in March 2021. The Planning Commission reversed this attempted development carve out at its first hearing on the plan. Mr. Natelli and his lobbyists have continued to press for commercial and industrial development to the west of I-270 throughout the Planning Commission hearing process.

In March of this year the Planning Commission sent a draft of the Sugarloaf Plan to the State of Maryland for a legally required 60-day review. Comments were received from the Maryland Department of Commerce in May. ***Planning Commission members, county staff, and the public at large have viewed the Department of Commerce comments as an impartial legal and policy assessment of the draft Sugarloaf plan. We now know this is not true.***

In an effort to track and monitor the development of the Sugarloaf Plan, the Sugarloaf Alliance has submitted a variety of Public Information Act requests to a wide range of State and County officials. We have recently received information from the Maryland Department of Commerce that seriously calls into question the validity and impartiality of the Commerce comment letter.

Because the Commerce letter is frequently cited as a justification for allowing industrialization and commercial development to the west of I-270, ***we think it is critical that the Council be aware of the facts behind Commerce's comments on the plan.***

On March 25, Jonas Jacobson, an Annapolis lobbyist registered to represent Natelli Communities, sent an email to Kyle McColgan, the Department of Commerce Chief of Staff:

"Hey, now I need another meeting about something different. Tom Natelli (Natelli Communities) asked me to arrange a meeting with [Secretary of Commerce] Gill. Frederick County Planning Commission is considering a preservation overlay (Sugarloaf



Treasured Landscape Management Plan) that is an overreach that would prevent economic development occurring along the west side of 270 in Urbana. ... [Secretary of Commerce] Gill knows Tom Natelli."

On April 19, Mr. Natelli and his lobbyist Mr Jacobson met with the senior leadership of the Department of Commerce, including:

Mike Gill, Secretary, Maryland Department of Commerce
Kyle McClogan, Chief of Staff, Maryland Department of Commerce and
Heather Graham, Asst Secretary, Business and Industry Sector Development

At this meeting Mr. Natelli briefed the highest ranking people in the department on his views of the need for "economic development occurring along the west side of 270."

At the conclusion of the briefing, Mr. Natelli collected and retained all documents circulated at the meeting. No evidence of the meeting was left behind. No briefing slides. No talking points. In a failed attempt to conceal his efforts, ***nothing was left in the custody of Commerce personnel that might be evidence of Natelli's tampering.***

On May 6, just seventeen days after Natelli's briefing to Commerce leadership, the department transmitted its comment letter on the Sugarloaf Plan to Frederick County. Contained in the letter are statements parroting Natelli's often repeated sentiments on the need to develop the west side of I-270.

As the Sugarloaf Alliance receives more information on efforts to manipulate the plan development process, we will share them with the Council as quickly as possible. ***In the meantime, we urge the Council to view the Commerce comment letter for what it is, a document with highly suspect foundation and a deeply concerning history.***

Sincerely,

The Sugarloaf Alliance

Attachments

Maryland Department of Commerce MPIA reply of July 21, 2022, with documents
Maryland Department of Commerce MPIA reply of August 10, 2022



Larry Hogan | Governor
Boyd Rutherford | Lt. Governor
Kelly M. Schulz | Secretary of Commerce

July 21, 2022

Stephen Black
President, The Sugarloaf Alliance
Steveblack2313@gmail.com

Dear Mr. Black,

The Department hereby responds to your request which we received on June 21, 2022 in which you make a request under the Public Information Act (the "Act"), codified at §§ 4-101-4-601 of the General Provisions Article of the Annotated Code of Maryland, for records that contain specified names and phrases related to the Sugarloaf Treasured Landscape Management Plan.

The responsive records are attached herein. The Department has determined that the following record is exempt from disclosure under the Act:

- An internal email considered "pre-decisional and deliberative," and pursuant to §4-344 of the Act, the Department may deny inspection of these records.

You may contact the Public Access Ombudsman within the Maryland Office of the Attorney General regarding the Department's response to your PIA request. The Ombudsman may attempt to resolve disputes related to a PIA request, but is not authorized to issue binding decisions. The Ombudsman's office is located at the Office of the Attorney General, 200 Saint Paul Place, Baltimore, MD 21202. The telephone number is (410) 576-7037.

Thank you for your interest in the Department. If my office can be of any further assistance, please contact me at (443) 463-8129.

Very truly yours;
Karen Glenn Hood, Director
Office of Communications



Mike Gill -COMMERCE- <mike.gill@maryland.gov>

Invitation: Mtg w/ Natelli Communities / Commerce @ Tue Apr 19, 2022 9:30am - 10:15am (EDT) (mike.gill@maryland.gov)

1 message

Diane Gossman -COMMERCE- <diane.gossman@maryland.gov>

Tue, Apr 5, 2022 at 10:07 AM

Reply-To: Diane Gossman -COMMERCE- <diane.gossman@maryland.gov>

To: mike.gill@maryland.gov, kyle.mccolgan@maryland.gov, heather.gramm1@maryland.gov, jonas@pwrjmaryland.com

You have been invited to the following event.**Mtg w/ Natelli Communities / Commerce**

When Tue Apr 19, 2022 9:30am – 10:15am Eastern Time - New York

Where 9th Floor - World Trade Center Baltimore, [401 E Pratt St, Baltimore, MD 21202, USA](https://www.google.com/maps/place/401+E+Pratt+St,+Baltimore,+MD+21202,+USA/@38.91011,-76.8801,15z), COMMERCE-WTC-CR-9th-Floor-945 (map)Calendar mike.gill@maryland.govWho

- diane.gossman@maryland.gov - organizer
- mike.gill@maryland.gov
- kyle.mccolgan@maryland.gov
- heather.gramm1@maryland.gov
- jonas@pwrjmaryland.com

Posted: 4/5/22 (dfg)

[more details »](#)**Attendees:**

- Mike Gill, Secretary, Maryland Department of Commerce
- Kyle McColgan, Chief of Staff, Maryland Department of Commerce
- Heather Gramm, Assistant Secretary, Business & Industry Sector Development, Maryland Department of Commerce
- Tom Natelli, Natelli Communities
- Jonas Jacobson, Perry White Ross Jacobson

Topic: Frederick County Planning Commission is considering a preservation overlay (Sugarloaf Treasured Landscape Management Plan) that is an overreach that would prevent economic development occurring along the west side of 270 in Urbana. Mr. Natelli will provide a briefing.

Going (mike.gill@maryland.gov)? **Yes** - **Maybe** - **No** [more options »](#)Invitation from [Google Calendar](#)

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James Palma -COMMERCE- <james.palma@maryland.gov>

Sugarloaf 60-Day Review

James Palma -COMMERCE- <james.palma@maryland.gov>
To: Susan Llareus -MDP- <susan.llareus@maryland.gov>
Cc: Joe Griffiths <joseph.griffiths@maryland.gov>

Fri, May 6, 2022 at 3:00 PM

Susan,

Attached are Commerce's comments on the Sugarloaf Treasured Landscape Management Plan Draft of March 2022.

Thanks,

Jim



James R. Palma
Research Director
Department of Commerce
401 E. Pratt Street
Baltimore, MD 21202
james.palma@maryland.gov
(410) 767-6680 (O)
(410) 949-7040 (M)
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[Commerce Sugarloaf Comments May 2022.pdf](#)
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Larry Hogan | Governor
Boyd Rutherford | Lt. Governor
R. Michael Gill | Secretary of Commerce
Signe Pringle | Deputy Secretary of Commerce

May 6, 2022

Susan Holm Llareus, PLA, ASLA
Regional Planner for Maryland Capital Region
Planner Supervisor
Maryland Department of Planning
301 W. Preston St., Suite 1101
Baltimore, MD 21201

**RE: Local Plan Review: Sugarloaf Treasured Landscape Management Plan Draft,
March 2022**

The Maryland Department of Commerce has reviewed the March 2022 draft of Frederick County's **Sugarloaf Treasured Landscape Management Plan** to review it for consistency with the Maryland Economic Development Commission's 2016 five-year Strategic Plan, **Best is the Standard**. The Department of Commerce's 2016 strategic plan has the following goals:

- Goal 1: Achieve Operational Excellence
- Goal 2: Foster a Competitive Business Environment
- Goal 3: Advance Innovation and Entrepreneurship
- Goal 4: Expand Targeted Industry Clusters
- Goal 5: Create One Maryland and Enhance Community Development
- Goal 6: Improve Brand and Talent Attraction

Of these goals, Goals 2 and 4 are relevant to the Sugarloaf Plan. Commerce would like to provide the following information to the County regarding these Goals.

Goal 2: Foster a Competitive Business Environment. A major feature of the Sugarloaf plan draft is the creation of a "Sugarloaf Viewshed Overlay" which is intended to limit development in the Sugarloaf area to protect areas that the County defines as "treasured landscapes." According to Commerce's interpretation, the Overlay district does not specifically bar all development, but it does place significant controls on it. In general, all new construction within the Overlay area is limited to a "15,000 square foot building footprint." The County can override this requirement if the landowner can show that "the specialized functional and operational needs of the proposed activity or use that warrant a

non-residential building with a building footprint larger than 15,000 square feet; and the site design elements and building design features, such as enhanced energy efficiency, water conservation (e.g., re-use, consumption reductions), and stormwater runoff controls, or other measures that will be utilized to minimize negative impacts to natural resources and surrounding properties that may result from the overall development proposal and increased building footprint." Certain agricultural uses within the Overlay area are exempted from these requirements, including:

- Agricultural value-added processing
- Agritourism enterprises
- Farm distillery, winery, or brewery
- Feed and grain mill
- Agricultural products processing

This overlay area abuts I-270, one of the State's important business corridors, significantly controlling development on land along its west side between the border of Montgomery County and the City of Frederick (see Figure 1). Commerce notes that this area differs from the area depicted in earlier plans, which excludes the area around Exit 26 off I-270 from the Sugarloaf Mountain Rural Heritage Landscape (see Figure 2).

Commerce recognizes that the area around Exit 226 to the west of I-270 lies outside of the currently-designated Priority Funding Area, and that it is classified in the County's 2013 Growth Tier map as either Tier III (no water & sewer services planned) or Tier IV (areas that are planned for preservation and conservation uses only).¹ Commerce also recognizes that the current Frederick County Comprehensive Plan shows that much of the undeveloped area to the east of I-270 is zoned for "Office / Research Industrial" use², and that the Growth Tier map shows that these areas are listed as either Tier I (areas with water & sewer service) or Tier II (areas with planned future water & sewer service). These classifications would generally direct development in the area to the east side of I-270.

However, Commerce would like to point out that the current Livable Frederick plan designates the area around Urbana and the area around Exit 26 as "primary growth areas" and also notes that two future I-270 interchanges are planned for the area, one to the north and one to the south of Exit 26 (see Figure 3). Highway investments of this type have historically attracted commercial development and increased land values in the immediate area of the investment. The Overlay would place significant controls on any new commercial development that would like to take advantage of new highway infrastructure investments in the Overlay area.

Goal 4: Expand Targeted Industry Clusters. The I-270 Life Sciences Corridor is one of the Nation's major locations for the Life Sciences industry, which is one of Maryland's key industry clusters supported by Commerce. Frederick County itself has become a prime location for large scale biomanufacturing operations, offering immediate proximity to Montgomery County's research and regulatory workforce, without the related high cost of land, and it contains large, undeveloped sites that are needed by the industry to expand in the region.

¹ https://www.frederickcountymd.gov/DocumentCenter/View/278039/Adopted-SB236_TierMap_26Feb2013?bidId=

² https://maps.frederickcountymd.gov/GISPublicDownload/MapAtlas/CompPlan/CompPanelBook_105.pdf

A 2022 study by Cushman & Wakefield shows that the commercial vacancy rate within the I-270 corridor plunged from about 8 percent in 2015 to below 2 percent in 2021, while asking rents have nearly doubled in that time period.³ As this area is recognized as having "robust demand," these low vacancy rates mean that developers and companies are looking for new areas for expansion.

The Maryland State Data Center forecasts that jobs in Frederick County will increase by 23,600 jobs, from 147,000 jobs in 2020 to 170,600 in 2040. Recent private-sector job data collected by Commerce for the Life Sciences cluster in Maryland shows that job growth over the last five years (2015 to 2020) in Frederick County in this cluster is double the overall State growth rate (37.8% vs 18.0%). If this rate of growth continues, Commerce expects that Life Sciences employment in the County could increase from 4,248 in 2020 to a potential 15,318 in 2040, an increase of 11 thousand jobs. This increase could represent almost half of all of the new jobs created in the County between 2020 and 2040.

The State has seen recent successes in attracting significant numbers of Life Sciences jobs that will be located at large-scale employers such as AstraZeneca, Lonza, Thermo Fisher, Kite Pharmaceuticals and Ellume. In addition, the Maryland Department of Commerce is currently working on multistate competitive Life Sciences opportunities that could attract even more large-scale employers, any of which could choose to locate within Frederick County. Unfortunately, the County has a shrinking supply of the large sites that were once available in places like Riverside, Westview and Jefferson Technology Park, which are on the way to 100 percent occupancy. The Urbana area has undeveloped areas that would be attractive to the Life Sciences industry, and is an area that has already drawn major Life Sciences investment in the form of Kite Pharmaceuticals.

Another important economic cluster tracked by Commerce is Tourism. Commerce recognizes that the Sugarloaf area is an important part of the State's tourism and outdoor recreation sectors, and understands that there must be balance between ensuring that the region has sufficient land for future development while simultaneously protecting its natural assets. The recent creation of the State's Office of Outdoor Recreation in the Department of Natural Resources reflects the importance of this sector to the State's economy.

The Department of Commerce hopes that the County will find the above information useful in its evaluation of the March 2022 draft of the Sugarloaf Treasured Landscape Management Plan.

Sincerely,



James Palma, AICP
Maryland Department of Commerce



Kyle McColgan -COMMERCE- <kyle.mccolgan@maryland.gov>

WR Grace

Jonas Jacobson <jonas@pwrjmaryland.com>
To: Kyle McColgan -COMMERCE- <kyle.mccolgan@maryland.gov>

Fri, Mar 25, 2022 at 9:48 AM

Next couple weeks would be ideal. Planning (Sandy Schrader) needs Commerce comments for response to Frederick County

Jonas Jacobson

Perry, White, Ross & Jacobson

Jonas@pwrjmaryland.com

410.977.3419



P E R R Y | W H I T E
R O S S | J A C O B S O N

From: Kyle McColgan -COMMERCE- <kyle.mccolgan@maryland.gov>
Date: Friday, March 25, 2022 at 9:47 AM
To: Jonas Jacobson <jonas@pwrjmaryland.com>
Subject: Re: WR Grace

When would this need to take place by?

On Fri, Mar 25, 2022 at 9:37 AM Jonas Jacobson <jonas@pwrjmaryland.com> wrote:

No. Hey, now I need another meeting about something different. Tom Natelli (Natelli Communities) asked me to arrange a meeting with Gill. Frederick County Planning Commission is considering a preservation overlay (Sugarloaf Treasured Landscape Management Plan) that is an overreach that would prevent economic development occurring along the west side of 270 in Urbana. We are working with MDP (Sandy Schrader and they discussed that they want Tom to brief you guys on it.). Gill knows Tom Natelli.



Kyle McColgan -COMMERCE- <kyle.mccolgan@maryland.gov>

Sugarloaf Comments

2 messages

James Palma -COMMERCE- <james.palma@maryland.gov>

Fri, May 6, 2022 at 3:01 PM

To: Kyle McColgan -COMMERCE- <kyle.mccolgan@maryland.gov>, Jennifer LaHatte Commerce <jennifer.lahatte@maryland.gov>, Heather Gramm -COMMERCE- <heather.gramm1@maryland.gov>

Our letter has been submitted to MDP as part of the 60-day review process. A copy is attached for your files.

Jim



James R. Palma
Research Director
[Department of Commerce](#)
401 E. Pratt Street
Baltimore, MD 21202
james.palma@maryland.gov
(410) 767-6680 (O)
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Heather Gramm -COMMERCE- <heather.gramm1@maryland.gov>

Fri, May 6, 2022 at 3:02 PM

To: James Palma -COMMERCE- <james.palma@maryland.gov>

Cc: Kyle McColgan -COMMERCE- <kyle.mccolgan@maryland.gov>, Jennifer LaHatte Commerce <jennifer.lahatte@maryland.gov>

Great, thanks Jim.



Heather Gramm, CEcD
Assistant Secretary, Business &
Industry Sector Development
[Department of Commerce](#)
401 E. Pratt Street
Baltimore, MD 21202
heather.gramm1@maryland.gov
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Larry Hogan | Governor
Boyd Rutherford | Lt. Governor
Kelly M. Schulz | Secretary of Commerce

August 10, 2022

Stephen Black
President, The Sugarloaf Alliance
Steveblack2313@gmail.com

Dear Mr. Black,

The Department hereby responds to your request which we received on July 25, 2022 in which you make a request under the Public Information Act (the "Act"), codified at §§ 4-101-4-601 of the General Provisions Article of the Annotated Code of Maryland, for any documents pertaining to an April 19 meeting between Maryland Commerce officials and Tom Natelli and his associates.

In response to this request, I wanted to advise that there were documents circulated at the meeting by Mr. Natelli and his associates. However, those documents were collected and retained at the conclusion of the meeting by Mr. Natelli and there were no documents related to this meeting retained by Commerce staff. The only document within Commerce's custody related to this meeting is the calendar notice, which was already sent to you as part of the previous PIA request.

You may contact the Public Access Ombudsman within the Maryland Office of the Attorney General regarding the Department's response to your PIA request. The Ombudsman may attempt to resolve disputes related to a PIA request, but is not authorized to issue binding decisions. The Ombudsman's office is located at the Office of the Attorney General, 200 Saint Paul Place, Baltimore, MD 21202. The telephone number is (410) 576-7037.

Thank you for your interest in the Department. If my office can be of any further assistance, please contact me at (443) 463-8129.

Very truly yours;
Karen Glenn Hood, Director
Office of Communications

Brandt, Kimberly G.

From: Cherney, Ragen
Sent: Thursday, August 11, 2022 12:49 PM
To: Brandt, Kimberly G.
Cc: Mitchell, Kathy (Legal)
Subject: FW: URGENT - Sugarloaf Plan Commerce Letter Revelations
Attachments: FCCUrgentSugarloafAllianceLetterMPIA.pdf; Sugarloaf Plan Comment; New voicemail for County Council from public input ; Untitled; Sugarloaf Plan comments; Comment about the Sugarloaf Plan; New voicemails for County Council from Public Input; Sugarloaf Treasured Landscape Management Plan

Sugarloaf record.

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049



From: Steve Black <steveblack2313@gmail.com>
Sent: Wednesday, August 10, 2022 9:32 PM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>
Subject: URGENT - Sugarloaf Plan Commerce Letter Revelations

[EXTERNAL EMAIL]

August 10, 2022

Frederick County Council Members

URGENT

The Sugarloaf Alliance has uncovered evidence that a developer has attempted to manipulate the State of Maryland's review of the Sugarloaf Treasured Landscape Management Plan. Documents provided by the Maryland Department of Commerce show that by meeting secretly with at least three of the most senior people at the Department of Commerce, Mr. Natelli may have succeeded in corrupting the Commerce assessment of the Sugarloaf plan and injected his own self-interests into the Commerce letter.

Please see the attached letter from the Sugarloaf Alliance and documents from the Maryland Department of Commerce.

Thank you,

Steve Black
President
Sugarloaf Alliance