

**From:** [Gaines, Kimberly](#)  
**To:** ["BETH TRESSLER"](#); ["Craig Hicks"](#); ["Joel Rensberger"](#); ["cjaarsepe"](#); ["Robert White"](#); ["Tim Davis"](#); ["Masai Troutman"](#)  
**Cc:** [Dimitriou, John](#); [Superczynski, Denis](#); [James, Karen](#)  
**Subject:** FW: South Frederick Corridors Plan - Agenda Item #8 - January 11, 2023 Planning Commission Meeting  
**Date:** Wednesday, January 11, 2023 4:05:36 PM  
**Attachments:** [Planning Commission Letter 01 10 23.pdf](#)  
[image001.png](#)  
[image002.jpg](#)  
**Importance:** High

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Dear Planning Commission members,

The letter from Ms. Clabaugh that was read in the recorded message today is attached.

Best,  
Kim

**Kimberly Gaines**

Livable Frederick Director  
[kgaines@frederickcountymd.gov](mailto:kgaines@frederickcountymd.gov)  
o: (301) 600-1144  
c: (410) 598-9026

**Livable Frederick Planning and Design Office**

<http://www.frederickcountymd.gov/livablefrederick>

30 North Market Street  
Frederick, MD 21701  
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[Division of Planning and Permitting](#)  
<https://www.frederickcountymd.gov/planning>  
Frederick County Government  
<https://www.frederickcountymd.gov/>

From: Tracie Clabaugh <tracie@theclabaughlawfirm.com>  
Sent: Wednesday, January 11, 2023 10:31 AM  
To: Planning Commission <PlanningCommission@FrederickCountyMD.gov>  
Cc: Mike Wiley <mike.wiley@wormald.com>; Ed Wormald <ed.wormald@wormald.com>; Admin <admin@theclabaughlawfirm.com>; Superczynski, Denis <DSuperczynski@FrederickCountyMD.gov>; Gaines, Kimberly <KGaines@FrederickCountyMD.gov>; Sinton, Thomas <TSinton@FrederickCountyMD.gov>; Mitchell, Kathy (Legal) <KMitchell2@FrederickCountyMD.gov>  
**Subject:** South Frederick Corridors Plan - Agenda Item #8 - January 11, 2023 Planning Commission Meeting  
**Importance:** High

**[EXTERNAL EMAIL]**

Dear Planning Commission Members:

Please accept the attached letter on behalf of Wormald Westview 27C, LLC, a Maryland limited liability company, for property located at 5205 Chairman's Court, Frederick, Maryland, adjacent to the Westview 27C Condominium, and more particularly described as "Remainder Ballenger Creek Linear Park" on a final plat of subdivision entitled, "Addition Plat Wormald Westview 27B, LLLC Addition to Wormald Westview 27C, LLC", and recorded among the Land Records of Frederick County, Maryland, in Plat Book 89, page 173. I also left a voicemail for the Planning Commission Members as part of the public comment portion of today's Planning Commission meeting.

We respectfully request your consideration as provided on the attached.

Thank you. Tracie

Tracie L. Clabaugh, Esq.  
The Clabaugh Law Firm  
2 S. Wisner Street  
Frederick, Maryland 21701  
240.439.3787

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January 10, 2023

**VIA ELECTRONIC DELIVERY ONLY**

Frederick County Planning Commission  
Winchester Hall  
12 E. Church Street  
Frederick, Maryland 21701

RE: The South Frederick Corridors Plan Objection

Dear Planning Commission Members:

Please accept this letter as a request from Wormald Westview 27C, LLC, a Maryland limited liability company (the “**Property Owner**”) for property located at 5205 Chairman’s Court, Frederick, Maryland, adjacent to the Westview 27C Condominium, and more particularly described as “Remainder Ballenger Creek Linear Park” on a final plat of subdivision entitled, “Addition Plat Wormald Westview 27B, LLLC Addition to Wormald Westview 27C, LLC”, and recorded among the Land Records of Frederick County, Maryland (the “**Land Records**”) in Plat Book 89, page 173 (the “**Property**”).

The Property is located in “The South Frederick Corridors Plan”. The Property Owner met with Denis Superczynski and Kimberly Golden Brandt on September 29, 2022 to discuss the potential rezoning of the Property from commercial to residential (the “**Meeting**”). At the Meeting, the Property Owner was notified that it should request a rezoning of the Property as part of “The South Frederick Corridors Plan” instead of submitting a rezoning application.

According to “The South Frederick Corridors Plan” draft, the County placed a proposed elementary school site on the Property. At no time during our Meeting was the Property Owner aware that the County considered the Property for an elementary school site. In fact, the County did not previously discuss this change with the Property Owner and this proposed elementary school location for the Property was not discussed during the Meeting by Staff.

The Property Owner objects to the designation of the Property as an elementary school site. The Property is better situated for residential use as discussed at the Meeting. The designation of the Property as an elementary school will not only devalue the Property, it is not the highest and best use for the Property.

We respectfully request your consideration with our request for the Property. Thank you for your time.



Sincerely,

Tracie L. Clabaugh

Cc: Denis Superczynski (via email)  
Kimberly Golden Brandt (via email)  
Kathy Mitchell (via email)  
Thomas Sinton (via email)  
Mike Wiley (via email)  
Edward Wormald (via email)

**From:** Brian Morris <[bmorris@mataninc.com](mailto:bmorris@mataninc.com)>  
**Sent:** Thursday, January 26, 2023 9:25 AM  
**To:** Planning Commission <[PlanningCommission@FrederickCountyMD.gov](mailto:PlanningCommission@FrederickCountyMD.gov)>  
**Cc:** Superczynski, Denis <[DSuperczynski@FrederickCountyMD.gov](mailto:DSuperczynski@FrederickCountyMD.gov)>; Dimitriou, John <[JDimitriou@FrederickCountyMD.gov](mailto:JDimitriou@FrederickCountyMD.gov)>; Mitchell, Kathy (Legal) <[KMitchell2@FrederickCountyMD.gov](mailto:KMitchell2@FrederickCountyMD.gov)>; Karl Morris <[Karl@mataninc.com](mailto:Karl@mataninc.com)>; Gaines, Kimberly <[KGaines@FrederickCountyMD.gov](mailto:KGaines@FrederickCountyMD.gov)>  
**Subject:** South Frederick Corridors Plan

**[EXTERNAL EMAIL]**

Dear Planning Commission,

On behalf of Matan Acquisitions LLLP, contract purchaser for the Bartlett Property (Tax ID # 01-015605), thank you for your efforts so far in the South Frederick Corridors Plan. We have participated in the various charettes and small group meetings, leading up to the current draft.

As you consider the southern end of the SFC, including the Bartlett Property, we respectfully ask for you to address the delineation of a buffer along MD-85 as it runs north in front of the Bartlett Property (SFC Map 07). This buffer appears to be added since the May 2022 draft.

Thinking about uses that could occur within the "Industrial Center" as shown on Map 07: Proposed Comprehensive Plan Map, and we anticipate will be Industrial zoning on the Bartlett Property -- which we would request and support -- we note that additional clarification is needed as to the buffer, such that the SFC mapping does not inadvertently inhibit good planning and design for viable uses at the property. Our fear is that an overly restrictive buffer will prohibit viable Industrial uses. As you are aware and have discussed, the County does not currently have a sufficient inventory of Industrial zoned land. Left unaddressed, an unintended consequence to the buffer could be that zoning the property Industrial would be for not, as the buffer could prevent viable uses, such as but not limited to warehouse, distribution, ecommerce, life science, light manufacturing, etc.

We understand the planning considerations that go into this buffer, and our intent would be to use innovative planning and design principles to address these considerations.

If you might consider some edits that would underline the desire for this innovation, this would help. We suggest squaring off the buffer area more closely to the Bartlett home site and perhaps adding language -- maybe as a note on Map 07 that states, "the buffer area may be up to 100' from the roadway, which is subject to Planning Commission review of site-specific plans." Also, you might add language to Section 4.9 (Buckeystown Buffer) that "buffering should not set a hard dimensional limitation but rather allow property owners, users, and the Planning Commission to consider site planning that optimizes use of property along MD 85 while still maintaining the goals of the Buffer described in this Section."

Thank you for considering our comments, and we look forward to discussing this with you further.

Best,  
Brian

Brian Morris | MATAN Companies | Office (301) 815-9984 | Cell (240) 440-4543

**From:** Bruce Dean <[bdean@mdglawfirm.com](mailto:bdean@mdglawfirm.com)>  
**Sent:** Friday, January 27, 2023 1:21 PM  
**To:** Gaines, Kimberly <[KGaines@FrederickCountyMD.gov](mailto:KGaines@FrederickCountyMD.gov)>; Superczynski, Denis <[DSuperczynski@FrederickCountyMD.gov](mailto:DSuperczynski@FrederickCountyMD.gov)>; Dimitriou, John <[JDimitriou@FrederickCountyMD.gov](mailto:JDimitriou@FrederickCountyMD.gov)>  
**Cc:** Fred Underwood <[fred.underwood@pinkardgroup.com](mailto:fred.underwood@pinkardgroup.com)>; Jake Englin <[Jake.Englin@pinkardgroup.com](mailto:Jake.Englin@pinkardgroup.com)>; Robert Scheer <[rscheer@ScheerPartners.com](mailto:rscheer@ScheerPartners.com)>; Matthew Brown <[mbrown@SOUTHDUVALL.COM](mailto:mbrown@SOUTHDUVALL.COM)>; csmariga <[csmariga@harrissmariga.com](mailto:csmariga@harrissmariga.com)>  
**Subject:** 7200 Bank Court  
**Importance:** High

**[EXTERNAL EMAIL]**

Dear Kim, Denis and John: Attached please find a letter and concept plan regarding the property located at 7200 Bank Court in the South Frederick Corridors Plan. We look forward to working with your team and participating in the Planning Commission's review of this important development initiative.

Please keep us advised of any opportunity to directly engage with the Planning Commission as the Plan moves forward.

Thanks, Bruce

Bruce N. Dean  
Partner

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McCurdy, Dean & Graditor, LLC  
31 W. Patrick St  
Suite 130  
Frederick, MD 21701

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Direct: 240.503.1455  
Office: 301.620.1175  
Cell: 301.471.5908  
E-mail: [bdean@mdglawfirm.com](mailto:bdean@mdglawfirm.com)  
Website: [www.mdglawfirm.com](http://www.mdglawfirm.com)

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January 27, 2023

**VIA ELECTRONIC AND REGULAR MAIL**

Kimberly Gaines  
Livable Frederick Director  
Frederick County Government  
Division of Planning and Permitting  
30 North Market Street  
Frederick, MD 21701

Re: South Frederick Corridors Plan/7200 Bank Court Property

Dear Kim:

I am writing to thank you and your staff for meeting with our team on January 9 to discuss 7200 Bank Court (the “Property”) and its relationship to the draft South Frederick Corridors Plan (the “SFCP”). We really appreciate your willingness to listen to our concerns and explain in such detail how you and your staff envision the SFCP unfolding and how it can benefit this Property. We also thank you for offering to keep us involved in the process and to continue to engage with us as needed as the SFCP moves forward toward adoption.

Based on our review of the SFCP and what we believe would be the best use of the Property in the future, we have included for your review a proposed Concept Sketch for the Property. As you can see, it includes 454 seven-story multi-family units (5 stories over 2 stories of podium parking), along with 80 two over two-style condominiums. We have included a street grid similar (but not identical) to the street grid shown on Map 02: Detailed Concept Plan, found on page 11 of the SFCP.

The enclosed Concept Sketch meets several of the goals and policies established by the SFCP in its current, December 2022 draft. The Property is located in the Town Center area of the SFCP as depicted on Fig. 3, Design Vision Concept Diagram found on page 10 of the SFCP. The Town Center is described by the SFCP as less urban in character than the Urban Center area located across I270 to the north and east of the Property (pg.10).

The Property is further described as being a part of the Ballenger Creek East Planning Sector, which includes “residential and office uses in the northern portion, and industrial uses,

Kim Gaines  
January 27, 2022  
Page 2

with some residential, in the southern portion, and the Monocacy River with its associated riparian resources forming the eastern edge" (SFCP, pg. 39). More specifically, the Property is located in the Central Crescent subdistrict of the Crestwood Corridor District of this Planning Sector, and the SFCP envisions the existing office development west of I270 transitioning over time to a more mixed-use neighborhood with more residential opportunities than exist today (1440 new dwelling units allocated by the SFCP to this subdistrict). For all of these reasons, we support the SFCP's proposed development patterns for this Planning Sector and the Crestwood Corridor District.

With that said, we believe that the form designation for the Property of "Urban Neighborhood" unnecessarily and overly restricts and limits the development potential of the Property. Being located along I270 provides both benefits and burdens on developing the Property. It is highly visible from the highway, and provides a unique opportunity as a gateway site to the Frederick community. Because of this unique location, limiting the future development to no higher than four-stories seems inappropriate.

We believe that the more inclusive and prominent "Urban Skyline" or "Urban Corridor" form designation is much more appropriate for the Property, allowing significantly taller buildings. While we understand that Staff and the Planning Commission do not want to create a "tunnel effect" for drivers along I270, we believe that through thoughtful planning and urban design, such an effect can be alleviated. The Concept Plan we have included shows a mixture of 7 story and 4 story buildings along the I270 frontage along with significant landscaping, and thus precludes the "tunnel effect" from occurring. Furthermore, the height and density of the proposed development "steps down" as it approaches Crestwood Boulevard and the existing, lower density residential uses across the street to the west. A similar example to this type of mixed building heights fronting along I270 can be found in the Park Potomac development at Montrose Road and I270 in Montgomery County, where a mixture of 10 story multi-family buildings have been placed adjacent to shorter townhouses, offices and a grocery store, all fronting on I270 and providing a varied and interesting mixture of building styles all visible from the highway. We believe this is a perfect example of good urban planning, and would hope to achieve a similar look and feel with the proposed re-development of the Property for residential use.

Kim Gaines  
January 27, 2022  
Page 3

I hope this information and Concept Plan is helpful to you, your staff and the Planning Commission in its review and revision of the draft SFCP. Should you or any of your staff ever have any questions regarding our site, please feel free to contact me.

Very truly yours,  


Bruce N. Dean

cc: John Dimitriou  
Denis Superczynski  
Fred Underwood  
Chris Smariga



DEVELOPMENT SUMMARY:  
+/- 454 Multifamily Units  
(5 story over 2 podium)  
880 Podium Parking Spaces  
(1.9 / unit)

80 -Two over Two Condos

534 Units Total

CONCEPT SKETCH  
FOR  
BANK COURT

HSA PROJ: #5306  
SCALE: 1"=50' 01.19.23

**HARRIS**  
**SMARIGA**  
PLANNERS • ENGINEERS • SURVEYORS

**From:** [Arun Luthra](#)  
**To:** [Dimitriou, John](#); [hluthra24@gmail.com](mailto:hluthra24@gmail.com)  
**Subject:** Econo Lodge Site on 70 and 355 / 6021 Francis Scott Key Drive  
**Date:** Tuesday, February 28, 2023 3:33:09 PM  
**Attachments:** [FSKPlaza\(SitePlan\).pdf](#)  
[230225\\_Draft01\\_BirdView1.jpg](#)  
[230225\\_Draft01\\_BirdView2.jpg](#)  
[230225\\_Draft01\\_BirdView3.jpg](#)

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**[EXTERNAL EMAIL]**

Hello John

In our previous discussion we wanted to be the Pilot Program in the Frederick County under the new Zoning Ordinance,

We had an Urban designer design the site as a clustered site. As we need underground parking in the residential building.

This will only make sense financially if we could get maximum use of the site

- \* Residential building with Retail stores on first floor with one drive thru
- \* Underground Parking in Residential building
- \* 2x2 town home condos
- \* One car Garage town homes
- \* 12 too 15 Electric Charging station for electric cars as we will be on exit of I-70
- \* Portions of State Highway land already acquired and extra parking land parcel in process

Please look at the first pdf which is the concept site plan and let me know how we can proceed with this concept.

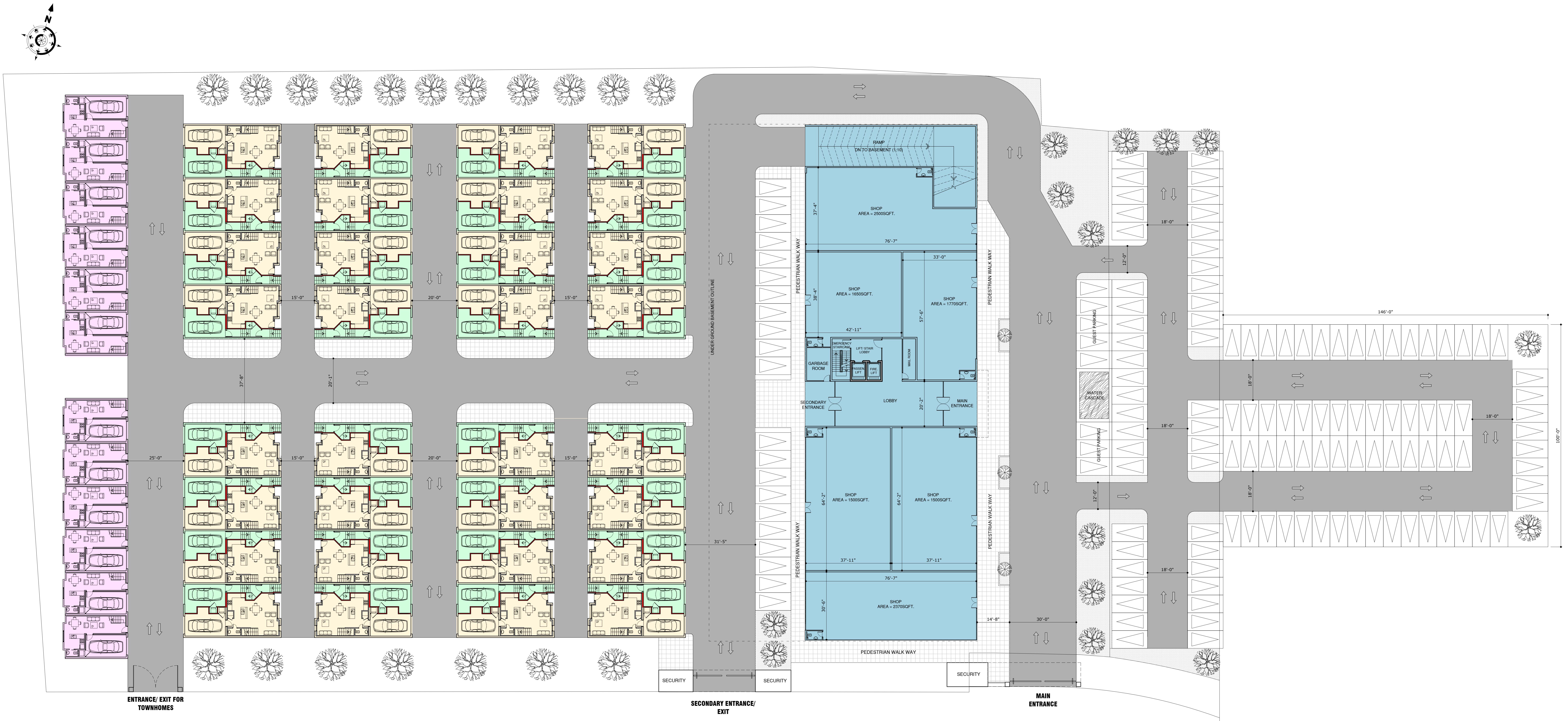
I would like to bring engineers onboard and buy the extra land from State highway for parking, when I can get

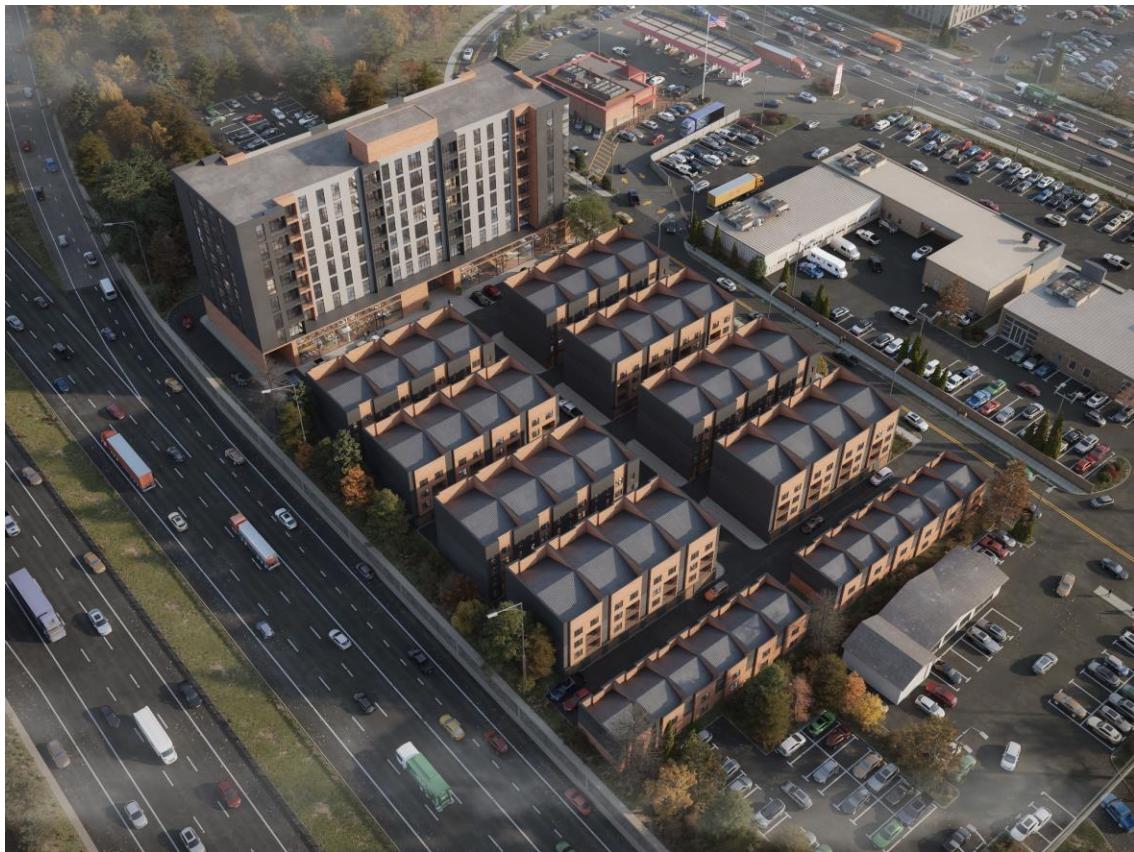
some assurance that this concept will be approved. I would also like to involve economic development once this project is on the move.regarding TIF financing

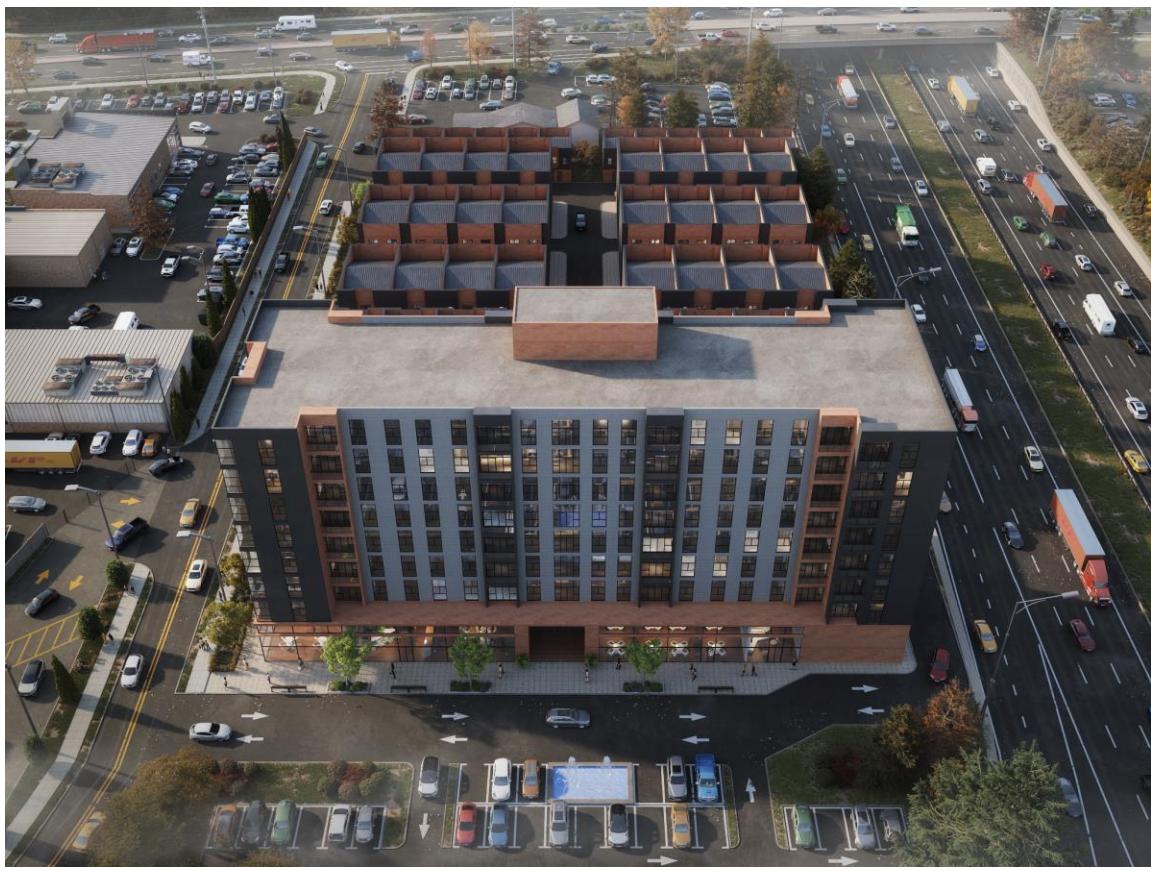
I think this project will create a ripple effect for new similar projects in pretext to the new zoning ordinance.

Looking forward to hearing from you

Arun Luthra  
301-529-5164







**From:** [Dimitriou, John](#)  
**To:** [tracie@theclabaughlawfirm.com](mailto:tracie@theclabaughlawfirm.com); [mike.wiley@wormald.com](mailto:mike.wiley@wormald.com); [ed.wormald@wormald.com](mailto:ed.wormald@wormald.com); [Robert Barrick](#)  
**Cc:** [Superczynski, Denis](#); [Gaines, Kimberly](#); [Sinton, Thomas](#); [Mitchell, Kathy \(Legal\)](#)  
**Subject:** RE: South Frederick Corridors Plan - Agenda Item #5 - March 15, 2023 Planning Commission Hearing  
**Date:** Tuesday, March 14, 2023 1:05:00 PM  
**Attachments:** [image001.png](#)

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Hello and thank you for your comments. In an effort to be helpful and offer clarification on the sometimes confusing dynamics of planning and zoning, please see the information below.

Planning staff strive to describes factual situations, communicate planning intentions, and explain procedural risks. Specific courses of action are often recommended relative to planning and zoning processes, but only when procedures are certain and the regulatory context is defined, not when they are in development. Planning staff does not provide real estate investment advice or consultation.

There have been three publicly released drafts of the South Frederick Corridors plan to date, an initial draft (May 2022), an FCPC first draft (December 2022), and an FCPC second draft (February 2023). All of these drafts have identified a site for a new elementary school in the area in question. No change to this has been proposed or recommended during the plan's development and review process.

Historically, specific geographical locations of school sites at the parcel level are not determined by the mapping components of a comprehensive plan. There is no "school" land use or zoning designation recommended in the plan. Rather, symbols have been used that indicate a generalized need for new school facilities within a neighborhood or district. As the schools elements of our comprehensive plans are not intended to function as proxies for a site selection analysis, the general practice has been to characterize school symbols as "floating," indicating that a new school facility is proposed in the vicinity of the symbol shown on the map. Consequently, the different graphics that illustrate school locations provided in the various versions of the South Frederick Corridors Plan indicate slightly varying graphical locations for school symbols even within the same document.

At the March 15, 2023 Planning Commission meeting, planning staff will present revisions to the graphical depiction of new school facilities in the South Frederick Corridors Plan. A boundary, rather than a discrete marker, is proposed that may clarify misapprehension regarding school locations while also asserting the essential need for the provision of an adequate educational infrastructure in a planning area designated for significant residential growth.

<https://www.frederickcountymd.gov/8141/South-Frederick-Corridors-Plan>

Thanks,

**John Dimitriou, RA**

Livable Frederick Design Planner  
[jdimitriou@frederickcountymd.gov](mailto:jdimitriou@frederickcountymd.gov)  
(301) 600-1150

**Livable Frederick Planning and Design Office**

30 North Market Street  
Frederick, MD 21701  
(301) 600-1138  
Web links:  
[Frederick County Government](#)  
[Division of Planning and Permitting](#)  
[Livable Frederick Planning and Design Office](#)

---

**From:** Tracie Clabaugh <[tracie@theclabaughlawfirm.com](mailto:tracie@theclabaughlawfirm.com)>

**Sent:** Tuesday, March 14, 2023 6:49 AM

**To:** Planning Commission <[PlanningCommission@FrederickCountyMD.gov](mailto:PlanningCommission@FrederickCountyMD.gov)>

**Cc:** Mitchell, Kathy (Legal) <[KMitchell2@FrederickCountyMD.gov](mailto:KMitchell2@FrederickCountyMD.gov)>; Gaines, Kimberly <[KGaines@FrederickCountyMD.gov](mailto:KGaines@FrederickCountyMD.gov)>; Superczynski, Denis <[DSuperczynski@FrederickCountyMD.gov](mailto:DSuperczynski@FrederickCountyMD.gov)>; Sinton, Thomas <[TSinton@FrederickCountyMD.gov](mailto:TSinton@FrederickCountyMD.gov)>; Mike Wiley <[mike.wiley@wormald.com](mailto:mike.wiley@wormald.com)>; Ed Wormald <[ed.wormald@wormald.com](mailto:ed.wormald@wormald.com)>; Robert Barrick <[robert.barrick@wormald.com](mailto:robert.barrick@wormald.com)>

**Subject:** South Frederick Corridors Plan - Agenda Item #5 - March 15, 2023 Planning Commission Hearing

Dear Planning Commission Members:

Please accept the attached letter on behalf of Wormald Westview 27C, LLC, a Maryland limited liability company, for property located at 5205 Chairman's Court, Frederick, Maryland, adjacent to the Westview 27C Condominium, and more particularly described as "Remainder Ballenger Creek Linear Park" on a final plat of subdivision entitled, "Addition Plat Wormald Westview 27B, LLLC Addition to Wormald Westview 27C, LLC", and recorded among the Land Records of Frederick County, Maryland, in Plat Book 89, page 173.

We respectfully request your consideration as provided on the attached.

Thank you.

Tracie

Tracie L. Clabaugh, Esq.

The Clabaugh Law Firm

2 S. Wisner Street

Frederick, Maryland 21701

240.439.3787

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March 13, 2023

**VIA ELECTRONIC DELIVERY ONLY**

Frederick County Planning Commission  
Winchester Hall  
12 E. Church Street  
Frederick, Maryland 21701

RE: The South Frederick Corridors Plan Objection

Dear Planning Commission Members:

Please accept this letter as a second request from Wormald Westview 27C, LLC, a Maryland limited liability company (the “**Property Owner**”) for property located at 5205 Chairman’s Court, Frederick, Maryland, adjacent to the Westview 27C Condominium, and more particularly described as “Remainder Ballenger Creek Linear Park” on a final plat of subdivision entitled, “Addition Plat Wormald Westview 27B, LLLC Addition to Wormald Westview 27C, LLC”, and recorded among the Land Records of Frederick County, Maryland (the “**Land Records**”) in Plat Book 89, page 173 (the “**Property**”).

The Property is located in “The South Frederick Corridors Plan”. As indicated in our letter to the Planning Commission, dated January 10, 2023, the Property Owner met with Denis Superczynski and Kimberly Golden Brandt on September 29, 2022 to discuss the potential rezoning of the Property from commercial to residential (the “**Meeting**”). At the Meeting, the Property Owner was notified that it should request a rezoning of the Property as part of “The South Frederick Corridors Plan” instead of submitting a rezoning application.

According to “The South Frederick Corridors Plan” draft, the County placed a proposed elementary school site on the Property. At no time during our Meeting was the Property Owner aware that the County considered the Property for an elementary school site. In fact, the County did not previously discuss this change with the Property Owner and this proposed elementary school location for the Property was not discussed during the Meeting by Staff.

The Property Owner reiterates its objection to the designation of the Property as an elementary school site. As indicated in our previous letter, the Property is better situated for residential use as discussed at the Meeting. The designation of the Property as an elementary school will not only devalue the Property, it is not the highest and best use for the Property.

We respectfully request your consideration with our request for the Property. Thank you for your time.



Sincerely,

Tracie L. Clabaugh

Cc: Denis Supereczynski (via email)  
Kimberly Golden Brandt (via email)  
Kathy Mitchell (via email)  
Thomas Sinton (via email)  
Mike Wiley (via email)  
Edward Wormald (via email)  
Robert Barrick (via email)

**From:** [Brian Morris](#)  
**To:** [Dimitriou, John](#)  
**Subject:** Livable Frederick / South Corridor Plan  
**Date:** Wednesday, March 15, 2023 2:05:08 PM  
**Attachments:** [image001.png](#)  
[Bartlett Concept Sketch 2023\\_400 buffer.pdf](#)

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**[EXTERNAL EMAIL]**

Hi John,

Thanks again for listening to our feedback and working with us. You and Denis are definitely doing a great job on such a heavy lift for the County, but ultimately, I think everyone is excited for the final outcome. Hats off to you both.

I just wanted to pass along the attached plan to get your reaction and feedback. The "green" buffer drawn on the plan is about 175' from the centerline of Buckeystown Pike. The red line is roughly 400' from the centerline (100' buffer plus 300' setback).

As you can see, 400' is significant. My hope would be that the buffer and setback is not prescriptive and such a hard line. I think there are ways we can work in a buffer and setback with language in the document, but then evaluate more at the site plan level.

Let me know when you have time to chat.

Thanks!

P.S.

The below road was from the old plan, so we have not updated based on today's role out of new plans.



Brian Morris | [MATAN Companies](#) | Office (301) 815-9984 | Cell (240) 440-4543



# CONCEPT SKETCH FOR BARTLETT PROPERTY

SCALE: 1"=200' 02.02.23

ARROLL STREET  
00  
ICK  
AND 21701  
52.4488  
52.4906  
arrissmariga.com

**From:** [Bruce Dean](#)  
**To:** [Gaines, Kimberly](#); [Superczynski, Denis](#); [Dimitriou, John](#)  
**Subject:** St John's Catholic Prep property  
**Date:** Thursday, June 15, 2023 3:43:32 PM  
**Attachments:** [SJCP Subdevised Plat 2022-8-15.pdf](#)

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**[EXTERNAL EMAIL]**

Good afternoon Kim, Denis and John: I am attaching for your consideration a colorized plat of the SJCP property north of Buckeystown. My client asked me to send this to you to see if it would be possible for staff to support including the area shown in green on the attached drawing as additional industrial land in the proposed SFCP, especially in light of the requirement that a significant portion of the property shown in blue that fronts on 85 is being reserved as a swath of undeveloped agricultural lands. In any event, please take a look and let me know your thoughts.

Thanks as always for your time and consideration.

Best, Bruce

Bruce N. Dean  
Partner

---

McCurdy, Dean & Graditor, LLC  
31 W. Patrick St  
Suite 130  
Frederick, MD 21701

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E-mail: [bdean@mdglawfirm.com](mailto:bdean@mdglawfirm.com)  
Website: [www.mdglawfirm.com](http://www.mdglawfirm.com)

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## CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD BRS.	CHORD DIST.
C1	1,582.08	02204.08°	49.91'	24.98'	N31°37'37"E	49.91'
C2	3,622.39	05033.22°	318.00'	159.10'	N29°37'58"E	317.90'
C3	40.00	30702.31°	20.97'	10.73'	N14°21'57"E	20.73'

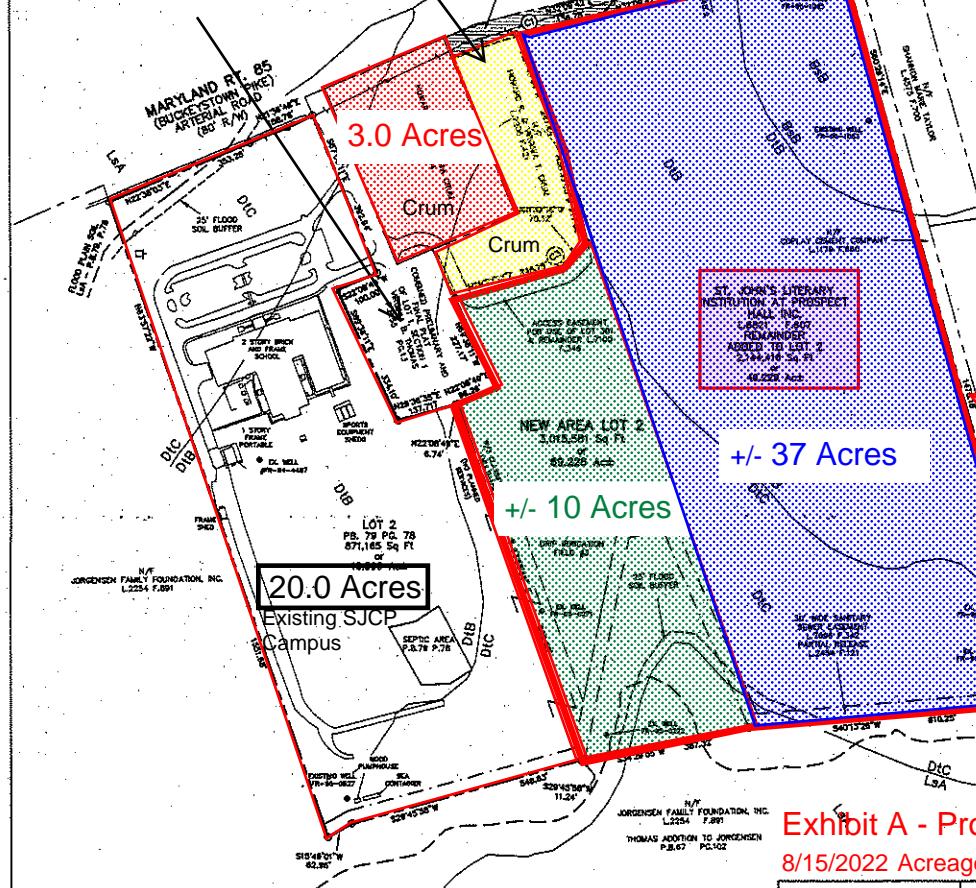
## AREA SUMMARY

AREA LOT 2 (PB.79 PG.78) 871,165 sq. ft. or 19.999 AC.±  
+ AREA REMAINDER (PB.86 PG.190) 2,144,115 sq. ft. or 49.229 AC.±  
NEW AREA LOT 2 3,015,381 sq. ft. or 69.228 AC.±

TOTAL NUMBER LOTS: 1

2.5 Acres

Post Office 2.3 Acres



NO ROADS GUARANTEE NEEDED

GTH 12/7/18

TO THE CLERK OF THE COURT:  
THIS PLAT COMPLIES WITH SECTION 1-16-7  
OF THE FREDERICK COUNTY CODE.

12/7/18 *Jim Dugay*  
DATE  
FREDERICK COUNTY  
PLANNING DIRECTOR

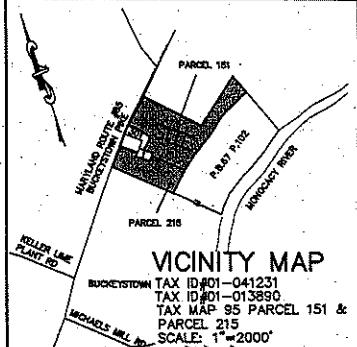
## SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAT SHOWN HEREIN IS CORRECT AND IN COMPLIANCE WITH MARYLAND MINIMUM STANDARDS AND PRACTICES, THAT IT IS BASED ON A FIELD SURVEY PERFORMED, UNDER MY DIRECT SUPERVISION, THAT IT IS AN ADDITION OF ALL OF THE LANDS CONNECTED BY ST. THOMAS MORE ACADEMY, INC. A MARYLAND CORPORATION UNTO ST. JOHN'S LITERACY INSTITUTION AT PROSPECT HALL, INC. A MARYLAND CORPORATION BY CONFORMING DEED DATED AUGUST 23, 2002, AS RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND IN LEBER 8231 AT FOLIO 587 ON AUGUST 31, 2002 AND PART OF THE LANDS OF CHARLES A. THOMAS, INDIVIDUALLY, AND MAUREEN D. THOMAS AND GEORGE L. THOMAS, IV, CO-TRUSTEES OF THE CHARLES A. THOMAS TRUST, AS TRUSTEE, UNDERTAKEN IN THE NAME OF ST. JOHN'S LITERACY INSTITUTION AT PROSPECT HALL, INC., A MARYLAND NON-PROFIT CORPORATION BY DEED DATED DECEMBER 3, 2007 AND RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND IN LEBER 8231 AT FOLIO 587 ON DECEMBER 6, 2007 AND THAT THE REQUIREMENTS OF THE MARYLAND PLAT ACT, THE MARYLAND PLAT REGISTRATION ACT AND THE MARYLAND PLAT ACT, AS ENACTED OR AMENDED SO FAR AS IT MAY CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH.

DEC. 6, 2018 *Jim Dugay*

DATE

DAVID THOMAS REARD  
PROPERTY LINE SURVEYOR  
MD. REG. NO. 574 EXPIRES 3/31/19  
FOR HARRIS, SMARIGA & ASSOC., INC.  
MD. REG. NO. 24



## VICINITY MAP

BUCKEYSTOWN TAX ID#01-041231  
TAX ID#01-013850  
TAX MAP 85 PARCEL 151 &  
PARCEL 215  
SCALE 1"=2000'

## OWNERS' CERTIFICATION AND DEDICATION

WE, ST. JOHN'S LITERACY INSTITUTION AT PROSPECT HALL, INC. OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HERIN, CONSENT TO AND ADOPT THIS PLAN OF ADDITION, AND IN CONSIDERATION OF THE APPROVAL OF THE ADDITION PLAT BY THE STATE PLAT DIRECTOR, DO HEREBY CERTIFY THAT THE ADDITION PLAT IS FOR THE USE OF THE STATE, HIGHWAYS, AND OTHER EASEMENTS, TO PUBLIC USE, UNLESS OTHERWISE NOTED ON THIS PLAT.

WE CERTIFY THAT THERE ARE NO SUITE ACTIONS AT LAW, LEASES, MORTGAGES, TRUST EASEMENTS, OR RIGHTS-OF-WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF ADDITION, AND THAT THE ADDITION PLAT IS FOR THE USE OF THE STATE, HIGHWAYS, AND OTHER EASEMENTS, TO PUBLIC USE, UNLESS OTHERWISE NOTED ON THIS PLAT.

WE, ST. JOHN'S LITERACY INSTITUTION AT PROSPECT HALL, INC.

12/5/2018 *Thomas Powell*  
DATE PRESIDENT

THE COLUMBIA BANK

12/5/2018

MAT HESS

COMBINED PRELIMINARY/FINAL PLAT

LOT 1, SECTION 2 "GARDEN"  
PARK RD. P.178H.A. ROSSOC D. BARTLETT, JR.  
L.738 F.113RODGE D. BARTLETT, JR.  
ELLEN BROWN BARTLETT  
L.738 F.231KATHY L. KIRKMAN  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires December 25, 2021

12/5/2018

MAT HESS

**From:** [Eric Soter](#)  
**To:** [Planning Commission](#); [Gaines, Kimberly](#); [Superczynski, Denis](#); [Dimitriou, John](#)  
**Cc:** [Peter Mathieson \(Pete@abramdevelopment.com\)](#); [Matt Abrams](#)  
**Subject:** Abrams Bank Court and Westview Parcels So Fré Plan PH Comments 06-29-2023  
**Date:** Thursday, June 22, 2023 8:02:26 AM  
**Attachments:** [image001.jpg](#)  
[Abrams Bank Court and Westview Parcels FCPC SoFré Plan PH Comments 06-22-2023.pdf](#)

---

**[EXTERNAL EMAIL]**

Commissioner Hicks/Members of the Planning Commission

On behalf of my client Abrams Development Group, please consider the attached comments for the South Frederick Corridor Plan as it relates to two of their separate holdings one on Bank Court and another in Westview South along New Design.

While I am not able to attend the hearing on June 29<sup>th</sup>, I look forward to future workshops to engage with the Commission on the issues.

Thank You!

Eric

**Eric E. Soter**

Principal, AICP/EcoDistricts AP<sup>TM</sup>

19847 Century Blvd, Ste. 200, Germantown, MD 20874  
d.240.912.2125 o.301.948.4700 c.301-820-8110  
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June 16, 2023

Fredrick County Planning Commission  
30 North Market Street,  
Frederick, Maryland 21701

**Re: The South Frederick Corridors Plan and Danac Parcel & Westview South Parcel.**

Dear Chairman Hicks and Members of the Planning Commission:

On behalf of AAK FREDERICK II-A LLC and AAK WESTVIEW SOUTH I LLC, Abrams Development Group is submitting this letter into the Planning Commission record for the following properties within The South Frederick Corridors Plan (i.e. "The Plan"):

- 7221 Bank Court (Danac Remainder Parcel 32 Lot B , or "The Danac Parcel"), and
- 4992 International Boulevard (including multiple buildings on Westview South I Lot 210, or "The Westview South I Parcel") respectively.

After review of the Planning Commission Draft Plan dated April 2023, we have concern for the extent to which the public roadways are being planned for and memorialized within The Plan. While a considerable amount of time has been put into The Plan on higher order planning elements, there seems to be a disconnect regarding the existing built environment, existing approvals and limitations or encumbrances potentially being put on the individual properties.

**7221 Bank Court**

7221 Bank Court (The Danac Parcel) is an improved and 'pad ready' build-to-suit site. Existing infrastructure is in place including parking, public utilities, storm drain and stormwater management quantity and quality structures. The site is currently approved for office/research/lab uses. The attached Exhibit A is the current plan for a ±40,000 sq. ft., two -story building under existing site plan approval SP94-10.

Exhibit B shows the existing conditions aerial overlayed with the Planning Commission Draft Plan. It is evident that a planned public road extends from the existing Bank Court terminus further east and a new north-south road is planned, that first bisects the existing adjacent building at 7211 Bank Court and then bisects the planned building on The Danac Parcel. The Draft Plan also encumbers the southern boundary of the property with another new road extending out to Crestwood Boulevard and a portion of another road on the eastern limits of the property. The Danac Parcel will now be bounded and/or encumbered by public road right-of way dedication on the western, eastern and southern boundaries as well as being bisected by another new road running north-south, through the middle of the parcel.

Development of the site is already limited due to private investment of infrastructure namely the location of the 15" -24" storm drain and their respective easements that cannot be built within, without removal and reconstruction.

## **South Frederick Corridor Plan, Bank Court and Westview South Parcel**

June 16, 2023

While we understand the benefit to provide inter-parcel access and connectivity, (which is already designed and exists with Parcel A and Parcel B), encumbering these parcels with and additional public roads will only limit the potential for any future development or redevelopment and in the interim raises concern with non-conforming status and/or the need to provide for public right-of way reservation when a subsequent site plan may be submitted for the Danac Parcel. In fact, as we currently have site plan approval, but no specific user or building under construction, we have immediate concerns regarding the question of conformity of the existing site plan to the proposed plan if it were to be adopted as is.

In addition, we have also begun to look at alternative uses for this site that could accommodate residential (as proposed in the Draft Plan). To achieve any marketable density, we will need to maximize the site development and not have it encumbered with public road rights-of-way bisecting or limiting its potential. To that end, any additional public roadway within the site will limit the development potential and cause undue uncertainty moving forward.

### **The Westview South I Parcel**

**The Westview South I Parcel** is an improved and flex-office warehouse site with three existing buildings and a fourth under construction. The proposed public roadway would effectively extend from Robin Drive to International Boulevard in an area where we already have a site drive and internal parking for our respective tenants. Any public road would limit parking and increase traffic through the site, encouraging residential traffic through the industrial park which is not necessary with sufficient capacity in the existing network.

Similarly, a new public road will put in questions uncertainty of conformity with setbacks of the existing and planned (under construction) buildings as well as any future modifications, no matter how minor they may be for a particular building. See exhibit C for Existing Conditions and Comp Plan Proposed Roads.

In summary, while we recognize and appreciate that Frederick County is trying to provide some flexibility for the opportunity for additional types of uses through a 'form based' method, the current approach does not take into consideration the existing site conditions and limitations that are routinely on individual parcels, or potential issues with non-conformity as this plan and any redevelopment area wide will be incremental and spread over a long period of time. To that end, we request that the proposed road designations outlined in this letter be removed as currently drafted and to add narrative to the plan and implementing regulations addressing any non-conformity issues.

Sincerely,



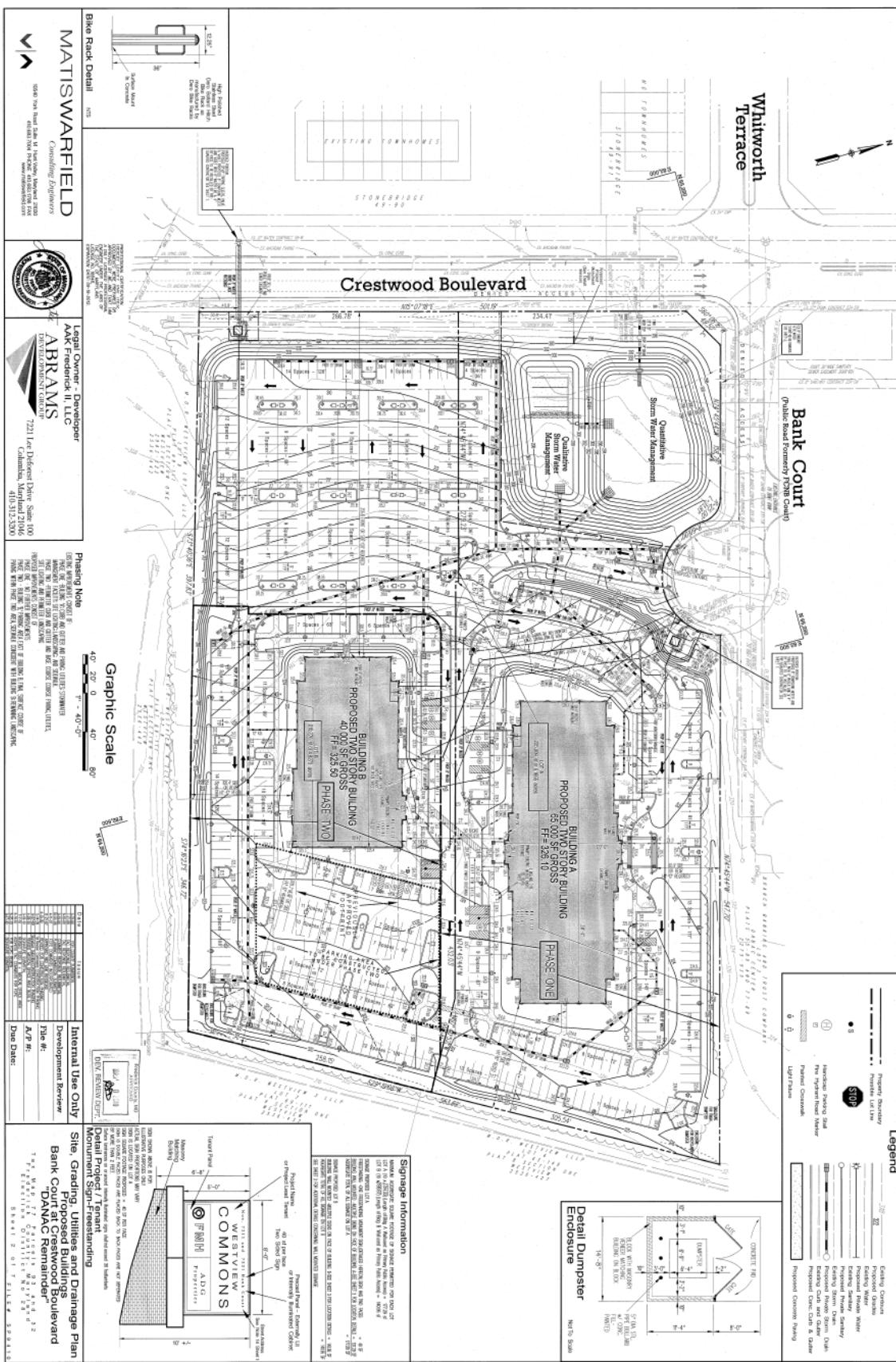
Eric E. Soter, AICP/Eco-District AP

Cc: Pete Mathieson, Abrams Development

## **South Frederick Corridor Plan, Bank Court and Westview South Parcel**

June 16, 2023

## **Exhibit A – Site Plan 7221 Bank Court**



**South Frederick Corridor Plan, Bank Court and Westview South Parcel**

June 16, 2023

**Exhibit B – FCPC Draft Comprehensive Plan Roads (Bank Court Parcel and Vicinity)**



**South Frederick Corridor Plan, Bank Court and Westview South Parcel**

June 16, 2023

**Exhibit C – FCPC Draft Comprehensive Plan Roads (Westview South Parcel and Vicinity)**



**From:** [Eric Soter](#)  
**To:** [Planning Commission](#); [Gaines, Kimberly](#); [Superczynski, Denis](#); [Dimitriou, John](#)  
**Cc:** [Peter Mathieson \(Pete@abramsdevelopment.com\)](#); [Matt Abrams](#)  
**Subject:** Lot 5 Danac Parcel Crestwood Boulevard SoFre Plan Comments PH 06-29-2023  
**Date:** Thursday, June 22, 2023 8:00:03 AM  
**Attachments:** [image001.jpg](#)  
[Abrams Lot 5 Danac FCPC SoFre Plan PH Comments 06-22-2023.pdf](#)

---

**[EXTERNAL EMAIL]**

Commissioner Hicks/Members of the Planning Commission

On behalf of my client Abrams Development Group, please consider the attached comments for the South Frederick Corridor Plan as it relates to Lot 5 Danac Parcel, located along Crestwood Boulevard.

While I am not able to attend the hearing on June 29<sup>th</sup>, I look forward to future workshops to engage with the Commission on the issues.

Thank You!

Eric

**Eric E. Soter**

Principal, AICP/EcoDistricts AP<sup>TM</sup>

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d.240.912.2125 o.301.948.4700 c.301-820-8110  
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June 16, 2023

Fredrick County Planning Commission  
30 North Market Street,  
Frederick, Maryland 21701

**Re: South Frederick Corridor Plan and Lot 5 Danac Parcel**

Dear Chairman Hicks and Members of the Planning Commission:

I am submitting this letter on behalf of my client, AAK FREDERICK III LLC and Abrams Development Group with respect to their property within the South Frederick Corridor Plan (i.e. "The Plan") known as Danac Center Lot 5. See *Exhibit A: Copy of Plat of Record*.

The ±6.28 Ac. parcel has Office Research Industrial (ORI) Land Use Plan designation and Zoning and is situated at the curve along Crestwood Boulevard north of Stonebridge residential development and east of Foxcroft residential. The property is encumbered with a 100' wide Potomac Edison right-of-way that bisects roughly 1/3<sup>rd</sup> of the parcel and leaves an effective developable area of ±4.0 acres. This, combined with its location immediate adjacent to residential, has limited the opportunity/market to develop an appropriately scaled ORI use.

After review of the Planning Commission Draft Plan, we have found that the opportunity exists to consider alternative uses in an effort to achieve the County's overall arching plan goals. That being, introducing up to 10,000 units in the planning area; provide for missing middle type housing; and to provide for an appropriate transition to a more dense 'urban mixed use form' being planned for the core of the Planning Area.

It is evident that this parcel is on the fringe of the planning area and literally abuts existing medium density residential (R8 zoning), constructed in the mid 1990's. We believe that providing for similar land use and zoning designations on the subject parcel will afford the opportunity to build out this remaining parcel in a manner compatible with the current land uses and maintain consistency with the future South Frederick Plan. We don't believe a large footprint residential structure would be appropriate for this parcel and that building it out with townhouse scaled development is more appropriate given the existing constraints. In fact, we have developed a concept that could yield up to 50 townhome units on the parcel in a layout that is in keeping with the neighboring residential and has been well received in the market.

Our discussions with staff indicate that one approach being considered is to provide for the necessary land use and zoning for parcels such as this fringe parcel to develop under traditional "Euclidean Zoning" with the opportunity to have the future 'form based zoning' as some type of overlay or 'optional method of development'. At this time, we would not object to such a strategy, provided the appropriate Euclidean zoning (i.e. R-8) would be placed on the property as part of the current planning and zoning effort. Your current Plan (Map-07, see excerpt on Exhibit C) indicates Urban Neighborhood land use designation. Again, we don't oppose this designation change provided that a Euclidean zoning designation be applied and the form based be optional.

**South Frederick Corridor Plan and Lot 5 Danac Parcel**

June 16, 2023

While I am not able to be present for the Planning Commission public hearing June 29<sup>th</sup>, I will be available for future workshops and look forward to discussing the Plan and the opportunity for this project to move forward. In the meantime, thank you for your service and consideration of our request.

Sincerely,



Eric E. Soter, AICP/Eco-District AP

Cc: Pete Mathieson, Abrams Development

## **South Frederick Corridor Plan and Lot 5 Danac Parcel**

June 16, 2023

## **Exhibit A – Plat of Record Lot 5 Danac Center**

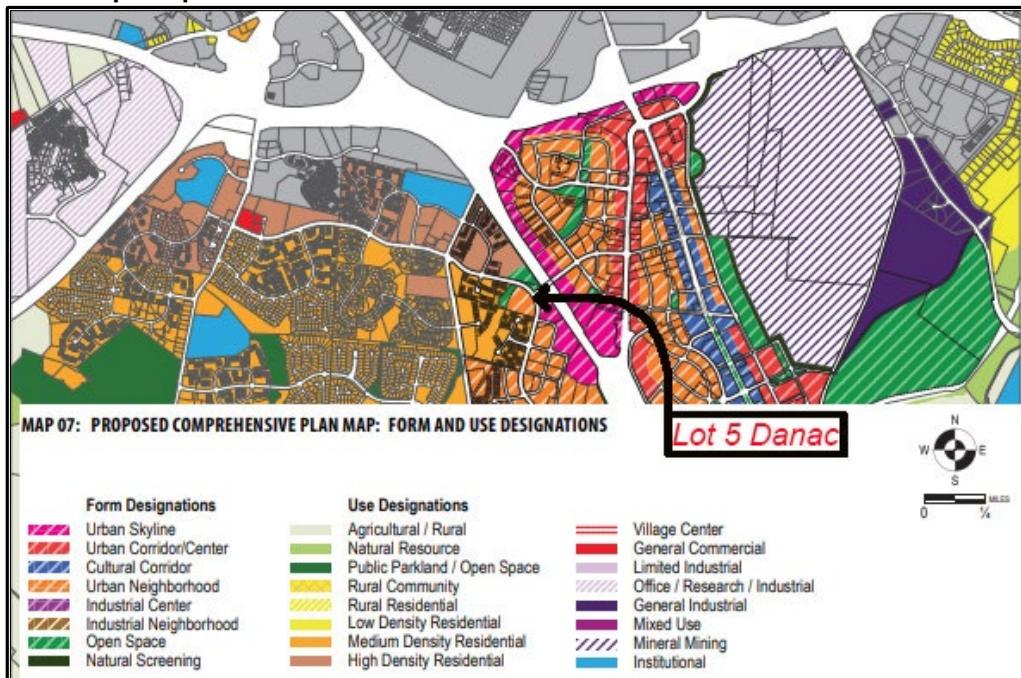
## South Frederick Corridor Plan and Lot 5 Danac Parcel

June 16, 2023

### Exhibit B – Existing Conditions Aerial Lot 5 Danac



### Exhibit C – Excerpt Map 07 FCPC South Frederick Plan



**From:** [Joe Bartlett](#)  
**To:** [Dimitriou, John](#); [Superczynski, Denis](#); [Gaines, Kimberly](#); [Whitmore, Amanda](#); [Hessong, Gary](#)  
**Subject:** Comments to the Planning Commission for June 29 meeting  
**Date:** Monday, June 26, 2023 9:03:51 AM  
**Attachments:** [Planning Comission Presentation Gayfield Manor.pdf](#)

---

**[EXTERNAL EMAIL]**

Good morning team! I just wanted to send you all a quick FYI with some comments our family prepared and submitted to the Planning Commission.

Thank you again for all your time and help, it is very much appreciated. Have a great day!

Thanks so much!  
Joe Bartlett  
cell: 301.788.3381  
eFAX to: 443-458-6732  
Mail to: 204 Ridge Road, Riva, MD 21140

**Bartlett Real Estate Solutions**  
MHIC #77368

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## The Future of Gayfield Manor

Open Letter prepared for the  
Frederick County Planning Commission

by

The Bartlett Family

June 29, 2023

Dear members and other interested persons,

While the County moves through the South Frederick Corridors Plan process, as a family we wanted to share with you a little history of Gayfield Manor and our plans to preserve the core historical and cultural legacy of key elements of the Manor. We are taking the preservation of Gayfield very seriously, but we need your help to ensure the future protection of appropriate areas around the significant structures.

Our family is just the 3rd family to steward the Gayfield Manor house and accompanying buildings throughout the approximately 175 year history of the grounds. The Manor House and large Bank Barn were originally built in circa 1848 by Thomas and Margaret Jarboe. The Jarboe's daughter, also named Margaret, commissioned a major renovation and addition in 1895 that added the stunning turret and profound stone water tower, among other improvements. The Moran family, including the famous bladesmith Bill Moran who grew up on the grounds, purchased the Manor House and grounds in 1925. The Bartlett family purchased the property in 1960 and continue its care today.

Our family now plans to entrust the future care of the grounds to sons Joe and Ross. Approximately 18 months ago the two brothers began an earnest effort to restore the aesthetics and tidiness of the grounds, improve the vetting process of non-family residents, return structures to serviceability, stabilize the 1898 stone water tower, and restore and renovate the culturally significant Manor House.

A lot of work has been done, but there is much left to accomplish. For instance during the Summer of 2022 we began work on the incredibly unique 1898 stone water tower. We removed much of the English ivy overgrowth that obscured and threatened the tower, removed the significantly collapsed roof structure, and removed about 1 ton of various deteriorated materials from inside of the water tank.

Much more restorative work is planned for this marvel of engineering from the end of the 19th Century!



In the Manor House we have restored and refinished virtually all of the original heart pine flooring throughout the house, patched and painted much of the interior, enhanced serviceability of systems, and completed permitted renovations.



Also over the Summer of 2022 we removed the overgrowth and scrub trees from around the very historically significant Bank Barn on the South side of the farm building complex. The Bank Barn was built concurrently with the Manor House and served as the primary resource for care of livestock and storage of essential materials and equipment. In the future we plan to clear the building of debris, take further steps to ensure the Bank Barns structural integrity, and restore the interior and exterior.



A few months ago our family was quite honored to receive a visit from Marian O'Brien and her husband Keith. Marian is the great great granddaughter of Thomas and Margaret Jarboe. She has done a splendid job of detailing and formalizing the historical significance of Gayfield Manor in a document that has been submitted to planners and the Planning Commission.

Gayfield is clearly a core element in the history of Frederick County, and once work is complete our family would like to make much of the grounds and buildings open to the general public at appropriate times. For this to be practical, and to make large-scale renovations and restoration work worthwhile, we need the Planning Commissions help by providing an appropriate and enduring buffer from development around the building complex that includes all the historically significant buildings.

The entire Bartlett family very much appreciates the hard work that the staff and workgroups, the Planning Commission, and the Council have done and will do as we collectively move through this process. We understand this is a collaborative effort between planners, property owners, business interests and involved citizenry. We are happy to make ourselves available for questions, visits and suggestions in a collective effort to give Frederick County residents the best possible future for the South Corridor.

Sincerely,

*The Bartletts*

**From:** [Dimitriou, John](#)  
**To:** [tracie@theclabaughlawfirm.com](mailto:tracie@theclabaughlawfirm.com); [mike.wiley@wormald.com](mailto:mike.wiley@wormald.com); [ed.wormald@wormald.com](mailto:ed.wormald@wormald.com); [Robert Barrick](#)  
**Cc:** [Superczynski, Denis](#); [Gaines, Kimberly](#); [Sinton, Thomas](#); [Mitchell, Kathy \(Legal\)](#)  
**Subject:** RE: South Frederick Corridors Plan - Agenda Item #5 - March 15, 2023 Planning Commission Hearing  
**Date:** Tuesday, March 14, 2023 1:05:00 PM  
**Attachments:** [image001.png](#)

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Hello and thank you for your comments. In an effort to be helpful and offer clarification on the sometimes confusing dynamics of planning and zoning, please see the information below.

Planning staff strive to describe factual situations, communicate planning intentions, and explain procedural risks. Specific courses of action are often recommended relative to planning and zoning processes, but only when procedures are certain and the regulatory context is defined, not when they are in development. Planning staff does not provide real estate investment advice or consultation.

There have been three publicly released drafts of the South Frederick Corridors plan to date, an initial draft (May 2022), an FCPC first draft (December 2022), and an FCPC second draft (February 2023). All of these drafts have identified a site for a new elementary school in the area in question. No change to this has been proposed or recommended during the plan's development and review process.

Historically, specific geographical locations of school sites at the parcel level are not determined by the mapping components of a comprehensive plan. There is no "school" land use or zoning designation recommended in the plan. Rather, symbols have been used that indicate a generalized need for new school facilities within a neighborhood or district. As the schools elements of our comprehensive plans are not intended to function as proxies for a site selection analysis, the general practice has been to characterize school symbols as "floating," indicating that a new school facility is proposed in the vicinity of the symbol shown on the map. Consequently, the different graphics that illustrate school locations provided in the various versions of the South Frederick Corridors Plan indicate slightly varying graphical locations for school symbols even within the same document.

At the March 15, 2023 Planning Commission meeting, planning staff will present revisions to the graphical depiction of new school facilities in the South Frederick Corridors Plan. A boundary, rather than a discrete marker, is proposed that may clarify misapprehension regarding school locations while also asserting the essential need for the provision of an adequate educational infrastructure in a planning area designated for significant residential growth.

<https://www.frederickcountymd.gov/8141/South-Frederick-Corridors-Plan>

Thanks,

**John Dimitriou, RA**

Livable Frederick Design Planner  
[jdimitriou@frederickcountymd.gov](mailto:jdimitriou@frederickcountymd.gov)  
(301) 600-1150

**Livable Frederick Planning and Design Office**

30 North Market Street  
Frederick, MD 21701  
(301) 600-1138

Web links:

[Frederick County Government](#)  
[Division of Planning and Permitting](#)  
[Livable Frederick Planning and Design Office](#)

---

**From:** Tracie Clabaugh <[tracie@theclabaughlawfirm.com](mailto:tracie@theclabaughlawfirm.com)>  
**Sent:** Tuesday, March 14, 2023 6:49 AM  
**To:** Planning Commission <[PlanningCommission@FrederickCountyMD.gov](mailto:PlanningCommission@FrederickCountyMD.gov)>  
**Cc:** Mitchell, Kathy (Legal) <[KMitchell2@FrederickCountyMD.gov](mailto:KMitchell2@FrederickCountyMD.gov)>; Gaines, Kimberly <[KGaines@FrederickCountyMD.gov](mailto:KGaines@FrederickCountyMD.gov)>; Superczynski, Denis <[DSuperczynski@FrederickCountyMD.gov](mailto:DSuperczynski@FrederickCountyMD.gov)>; Sinton, Thomas <[TSinton@FrederickCountyMD.gov](mailto:TSinton@FrederickCountyMD.gov)>; Mike Wiley <[mike.wiley@wormald.com](mailto:mike.wiley@wormald.com)>; Ed Wormald <[ed.wormald@wormald.com](mailto:ed.wormald@wormald.com)>; Robert Barrick <[robert.barrick@wormald.com](mailto:robert.barrick@wormald.com)>  
**Subject:** South Frederick Corridors Plan - Agenda Item #5 - March 15, 2023 Planning Commission Hearing

**[EXTERNAL EMAIL]**

Dear Planning Commission Members:

Please accept the attached letter on behalf of Wormald Westview 27C, LLC, a Maryland limited liability company, for property located at 5205 Chairman's Court, Frederick, Maryland, adjacent to the Westview 27C Condominium, and more particularly described as "Remainder Ballenger Creek Linear Park" on a final plat of subdivision entitled, "Addition Plat Wormald Westview 27B, LLLC Addition to Wormald Westview 27C, LLC", and recorded among the Land Records of Frederick County, Maryland, in Plat Book 89, page 173.

We respectfully request your consideration as provided on the attached.

Thank you.

Tracie

Tracie L. Clabaugh, Esq.

The Clabaugh Law Firm

2 S. Wisner Street

Frederick, Maryland 21701

240.439.3787

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**From:** [Blanca Poteat](#)  
**To:** [Planning Commission](#)  
**Cc:** [Gaines, Kimberly](#); [Dimitriou, John](#); [Superczynski, Denis](#); [Steve Poteat](#)  
**Subject:** South Frederick Corridors Plan  
**Date:** Monday, June 26, 2023 1:05:40 PM

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**[EXTERNAL EMAIL]**

To: Members, Frederick County MD Planning Commission  
From: Blanca and Steve Poteat, Sugarloaf Mtn. Rd. (Frederick County)  
Thank you for your consideration of these comments.

### **South Frederick Corridors Plan**

**Core Opportunity:** Recognize that the region surrounding the City of Frederick is the County's core economic development generator.

Frederick County should concentrate its economic development resources and incentives cost-effectively where adequate public facilities infrastructure and zoning are available.

**Action:** Avoid encouraging more development in the South County area, both east and west of I270, which will dilute and siphon off the South Frederick area's business attraction and redevelopment initiatives.

**Past assumptions:** Economic growth originates in the DC metro area and will inevitably migrate north along I270 to Frederick.

This is an obsolete basis for Frederick County's future land use planning efforts. It is based on pre-digital and pre-pandemic business and economic development dynamics.

Past County economic development target industries - "high tech, R&D, high paid jobs, headquarters, clean industries" - and their employees, perceived in the past as optimal tax revenue generators, no longer regard physical proximity to DC-area federal agencies and labs as a locational "magnet" or requirement.

**Current Challenge:** The County's past and existing zoning and land use policies and practices have enabled the South Frederick corridors' commercial/industrial sprawl and its inexorable tendency to spread to undeveloped areas rather than to redevelop existing but obsolete developed areas.

**Action:** Add to the SFCP strong recognition of the importance of past, present and future businesses in skilled trades, delivery and other business services, construction and manufacturing industries to the County's and South Frederick area's economic success and sustainability.

**Implications for SFCP:** Most current businesses and workers require on-site, in-person responsibilities without remote work and public transportation options. Many private sector employees work in 24/7 industries (health care, sales, food, manufacturing, building maintenance, roads, utilities, etc.)

#### **Land use planning and this SFCP are future-oriented.**

-The SFCP notes that focused, concentrated development and redevelopment requires less public infrastructure construction and maintenance, therefore less taxpayer costs.

-The SFCP acknowledges the importance of consistent reliable high speed internet and data access for mobile and stationary workers, students and schools, research and development and manufacturing.

### **South Frederick Corridor Plans Suggestions**

**Action:** Integrate “Strategies for Implementation,” now on page 75, as “Action Steps” within the relevant Plan sections (like the Policies and Initiatives in the Sugarloaf Treasured Landscape Management Plan).

**Action:** Add recognition of significant shifts in employment patterns, including increased and continuing remote work, that are affecting market demand for traditional business and office space and undercutting commercial real estate financials. (A quick look at existing clusters of commercial, office and flex space in the Plan area are evidence of these trends.)

**Action:** REQUIRE installation of solar panels in the SFCP area on ALL building roofs and paved parking areas, existing and redeveloped, business and residential, and incentivize with density bonuses in terms of building heights, number of residential units or business space, to promote the County’s energy sustainability and achieve climate related goals.

**Action:** Identify a handful (2-4) of existing businesses and property owners to lead (champion) SFCP redevelopment effort by example, make significant impact, create momentum, increase the area’s attraction for new businesses and residents, and demonstrate/quantify for others the specific actual financial and other (employee, community, environmental) benefits of redevelopment.

**Action:** Create County assistance targeted specifically to SFCP redevelopment initiatives to provide some short term implementation energy.

**Action:** Establish a capital support revolving loan program providing no-interest loans to existing and new businesses to help with approved redevelopment projects (model: MD child care capital support revolving loan fund).

**Action:** Identify existing County and State incentives and assistance (grants, loans, tax incentives and rebates, other) and provide businesses and property owners with assistance to access them.

Sent from [Mail](#) for Windows

**From:** [Marian O'Brien](#)  
**To:** [Planning Commission](#)  
**Subject:** Submission for 6-29 Public Hearing South Frederick Corridors  
**Date:** Monday, June 26, 2023 11:30:25 AM  
**Attachments:** [Email 6-7-2023 THE HISTORICAL RELEVANCE OF GAYFIELD MANOR.pdf](#)

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**[EXTERNAL EMAIL]**

Please find attached a document I have prepared to provide some context for the historical relevance of Gayfield Manor and farm in the Lime Kiln district on Buckeystown Pike.

I will not be able to attend the session in person, but will be online and available to answer questions via text or email while the Commission is in session.

Thank you for your time and consideration,

Marian O'Brien

--  
Marian O'Brien  
4501 Baker Valley Road  
Frederick, MD  
(360) 298-2506



## **Historical Relevance of Gayfield Manor**

Frederick County Planning Commission  
June 2023

Presented by  
Marian O'Brien  
Great-Great Granddaughter  
of  
Thomas Randolph Jarboe & Margaret Lauretta Eagle

Gayfield Manor farm has its roots in the foundations of Frederick County. The farm sits on a portion of the land patents carved out of Carrollton Manor in the 18<sup>th</sup> century.

In 1848, Thomas Randolph Jarboe leased, first one patent, then numerous others. This young man's parents, William and Maria Shafer Jarboe were married in Frederick County, settling at Columbia Farm in the Jefferson district in 1835. Thomas Jarboe was of the 9<sup>th</sup> generation of Jarboes in America.



*In 1867, Jarboe completed the purchase of 175 acres of the land he had been leasing. This transition and progress from tenant farmer to successful landowner is emblematic of the process that provided the foundation for the establishment and growth of Frederick County during its first century.*



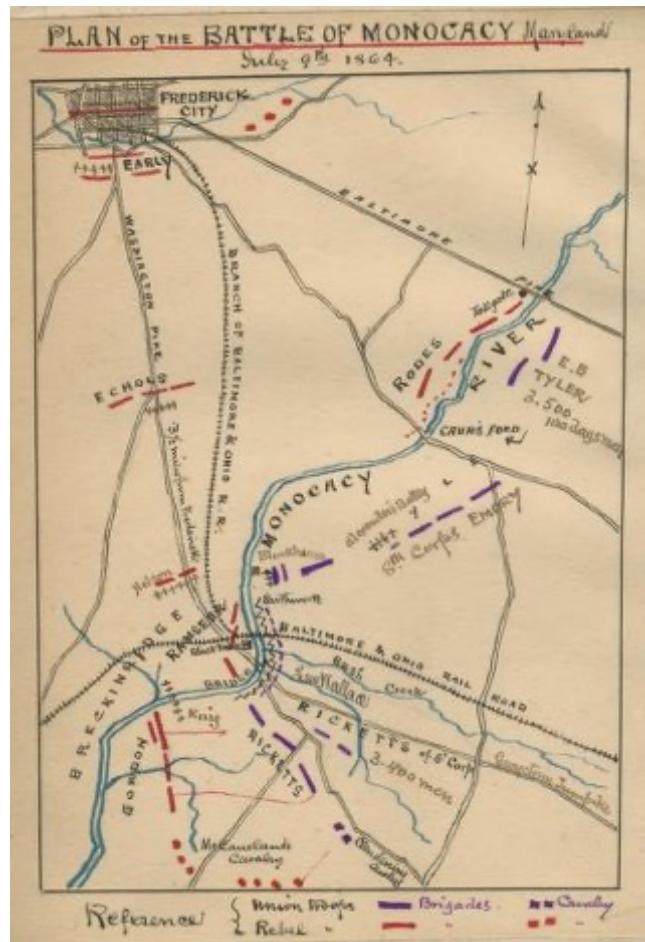
*Margaret Louretta Eagle and Thomas Randolph Jarboe*

Thomas married in 1850, and he and his wife, Margaret Eagle Jarboe were contributing members of their community. Thomas served many roles, including County Commissioner for two terms, in addition to being a successful farmer. He employed young men on the farm as apprentices, teaching them farming skills, and some of them went on to lease and buy their own properties. He was a Director at

Central Bank when \$44,000 was allocated to contribute to the \$200,000 ransom demanded by the Confederate army to spare Frederick from being burned. He was an active participant in the formation of the Buckeystown Pike organization. Early on in the Buckeystown Canning Company, he assisted in the development of business operations. He raised horses, grew wheat, and built a bank barn and dairy barn that still stand today on the property.



In 1862, Jarboe negotiated with General Robert E. Lee, agreeing to allow the Confederate troops to utilize the farm's stores of dairy and wheat, if they would leave his horses alone, unless purchasing by agreement, and not pillage or plunder the farm.



*In 1864, during the Battle of Monocacy, General McCausland's cavalry gathered on Jarboe's property bounding the river. The Summer kitchen at the back of Jarboe's home was used to care for soldiers wounded in battle.*





The Jarboe's only child, Margaret Eagle Jarboe was born after the Civil War. She attended St. Joseph's Academy and married Charles Rohrback, who had attended Mount St. Mary's Prep School and College. Charles was the son of Martin Newcomer Rohrback from Sharpsburg, a prominent merchant in Frederick town, and Ellen Catherine Brunner of Frederick's Shifferstadt families.

After Margaret married Charles Rohrback, they lived at Gayfield and eventually inherited the farm from Thomas and Margaret Jarboe. The Rohrbacks raised five children at Gayfield Manor, four daughters and a son.



*Rohrbacs c3 Fabian Posey*

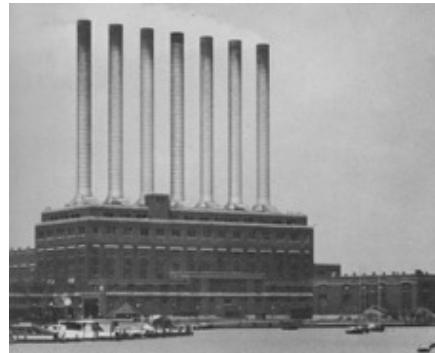


*Mother Rohrback with the girls of St. Joseph's*

Gayfield came to have many notable visitors at events and celebrations over several decades. Weddings and graduations brought guests from across the country. Among them was Alex Dow, who electrified the city of Detroit and was Manager of the Edison Illuminating Company of Detroit for over 28 years (which later became Detroit Edison).



*Alex Dow's daughters attended St. Joseph's College with the Rohrback daughters. Dow (left), in gratitude to the Rohrbacks for their years of care for his two daughters, named one of the "Seven Sisters" stacks at his Conners Creek plant for their daughter Frances.*



Over a period of years, three of the Rohrback sisters, Lauretta, Ellen and Frances, who had attended St. Joseph's married three Golibart brothers, Simon, Victor and Mark, who had attended Mount St. Mary's. The brothers were sons of Simon and Stella O'Brien Golibart.



*Wedding Party of Frances & Victor Golibart*

*Rohrback Parents*

Simon and Stella's fathers, Simon Golibart and Matthew O'Brien from Baltimore were both employed at the Adams Express Company, which was to become an integral component of the Southern Express Railway. Golibart and O'Brien were trusted members of railroad president Henry Plant's staff. Matt's brother, Michael, one of "Plant's Lieutenants" was Superintendent and later President of the Southern Express Company with significant responsibilities during the Civil War.

Another notable guest, Cardinal Gibbons of Baltimore, as a young priest was a family friend of the O'Brien's and had many dinners at their homes in Baltimore and Washington, DC. He later, at their invitation, addressed the graduating classes of the Rohrbacks' daughters from Saint Joseph's College.

Across the Jarboe, Rohrback and Golibart legacy from the mid-1800's to today, over four dozen family members have attended St. Joseph's Academy and College, and Mount St. Mary's Preparatory School and College. Four of those women became Daughters of Charity, including Sr. Madeleine O'Brien, who as a young nun was a tutor in Richmond for Jefferson Davis's daughter, Margaret. Sr. Madeleine and other Daughters also worked in the hospitals there tending to wounded soldiers until the end of the Civil War.

*The Rohrback family lost Gayfield and the surrounding properties to foreclosure in 1924 after Charles had invested heavily in converting parts of the farm operation to chicken production. The manor house and grounds, along with the original 1850's bank barn, outbuildings and substantial farmland, were purchased by William F. Moran Sr., an industrialist from Pennsylvania.*



*Margaret & Charles Rohrback*

## \$42,937.72 FROM SALE OF ROHRBACK FARMS HELD TODAY

William F. Moran Buys "Gayfield", at Lime Kiln, For  
\$22,447.87.

179 ACRE PROPERTY  
SOLD CLARENCE DUTROW

His Bid \$14,397—Wm. J. Grove  
and Charles Wertheimer  
Other Purchasers.

A total of \$42,937.72 was realized from the public sale of the five pieces of property, owned by Margaret E. and Charles Rohrback, and which was sold this morning at public sale at the court house. The property is located in Buckeystown district, near Lime Kiln.

The farm having a frontage on the State road of about 2,500 feet and what is commonly known as the "Home Farm," was sold to William E. Moran for \$22,447.87, or \$150 per acre. This property consists of more than 149 acres of land, improved with a handsome dwelling house containing about 20 rooms, with all modern improvements and is held to be one of the finest residences in Frederick county. About 42 acres of this property is out in growing wheat. Mr. Moran also purchased the prospective wheat crop for \$210. Mr. Moran intends to make the property, which is known as "Gayfield," his home.

The property consisting of more than 179 acres of land, having a western frontage on the Buckeystown road, and lying northeast of the "Home Farm," was sold to Clarence Dutrow for \$14,397, or \$80 per acre. This property is improved with a 12 room frame dwelling house and all necessary outbuildings. One hundred acres of growing wheat were bought by Dutrow at \$5 per acre.

The tract of land adjacent to Lime Kiln, on the south, and containing more than 50 acres, was purchased by William J. Grove for \$4,026.85, or \$80 per acre. About 28 acres of this property is out in growing wheat and was purchased by Mr. Grove for \$140.

A lot of ground improved with a two story frame dwelling house located on the south side of the road leading to the B. & O. station, in Lime Kiln, was also sold to Mr. Grove for \$1,00.

About 27 acres of land located in Sugar Loaf mountain, and which is well set with second growth timber, was sold to Charles Wertheimer for \$216, or \$8 per acre.

Jacob Rohrback was the attorney and Wm. E. Darnar the auctioneer.

### PUBLIC SALE

—OF—

THE VALUABLE FARM LANDS, called "Gayfield," the property of Mrs. Charles Rohrback, at Lime Kiln, Frederick County, Md.

As attorney for Margaret E. Rohrback and Charles Rohrback, I will offer at public sale at the Courthouse, in Frederick city, Md., on

WEDNESDAY, FEBRUARY 27, 1924,

at 10:30 a. m.

all of the valuable real estate known as "Gayfield," formerly at Lime Kiln, Frederick county, Md., on which the owners now reside, and which was the property of the late Thomas R. Jarboe, and which comprises one of the most fertile and finest improved tracts of real estate in Frederick county.

For the convenience of purchasers the property will be offered in three separate parcels, and will be sold in parcels or all together as three separate farms subdivided as follows:

First. A farm northeast from the farm now owned by J. Dean Zeller, and having a frontage on the state road of about 2,500 feet, extending in an easterly direction to the Monocacy river and what is commonly known as the Home Farm, containing

149 ACRES, 3 ROODS AND 24.4 SQUARE PERCHES

of land, more or less, and which is improved with the large and

HANDSOME DWELLING HOUSE with about 20 rooms, with all modern improvements, and which is one of the finest country residences in Frederick county. This farm is further improved with a large bank barn, 45x55 feet, with silo, a fine cut-stone water tower, wagon sheds, ice house, chicken houses and hog pens, all in fine condition.

There are about 42 acres of

GROWING WHEAT

on this farm, and this farm is divided into six acres, and has a fine spring of running water, with spring house thereon, and is finely watered with its meadow lands along the Monocacy river.

Second. All that other farm immediately northeast from the above described farm and lying southeast from the farm of William J. and Thomas McKinney, with a western frontage on the Buckeystown state road and running eastwardly to and along the Monocacy river, containing

179 ACRES, 3 ROODS AND 24.4 SQUARE PERCHES

or land, more or less, and is improved by a large

FRAME DWELLING HOUSE with 12 rooms, a large bank barn, 50x80 feet, wagon sheds, corn house and other necessary outbuildings.

There are about 100 acres of

GROWING WHEAT

on this farm, and this farm is divided into six fields.

Third. All that other tract of land, lying immediately adjacent to and south from the village of Lime Kiln, between the state road along which it runs about one-sixth of a mile, and the B. & O. Railroad along which it runs about one-half of a mile, and containing

50 ACRES, 1 ROOD AND 13 7-10 SQUARE PERCHES

of land, more or less, and which is well underlaid with a fine quality of limestone, and which has been tested and found well adapted for high-grade lime and cement purposes.

There are about 28 acres of

GROWING WHEAT

on this property, which will be offered and sold separately from the land.

Fourth. A lot of ground, improved with a two-story

FRAME DWELLING HOUSE

located on the south side of the road leading from the state road to the B. & O. Railroad Station, in the village of Lime Kiln, and which has been occupied by tenant.

Fifth. All that lot of mountain land, located in the Sugar Loaf mountain, in Urbana District, and containing

7 ACRES OF LAND,

more or less, and is well set with second growth timber. This land adjoins the mountain lands of Messrs. Kanode, Mebley and Dixon.

The first and second farms will be offered each with and without the growing wheat crop thereon, and likewise collectively, with and without the growing wheat crop thereon. Terms of Sale.—One-fourth of the purchase price of the two farms to be paid in cash money at the time of sale, the residue in three equal payments, in six, twelve and eighteen months from the date of sale, the purchaser or purchasers giving him or them promissory notes, with approved sureties and bearing interest from the date of sale, or all cash, at the option of the purchasers.

One-third of the purchase price of the third and fourth lots of land to be paid in cash money at the time of sale, the residue in two equal payments, in six and twelve months from the date of sale, and the purchasers giving their promissory notes, with approved sureties and bearing interest from the date of sale, or all cash, at the option of the purchasers.

All cash will be required of the purchaser of the woodland at the time of sale.

All conveyancing costs, including U. S. Revenue Stamps to be paid by the purchasers.

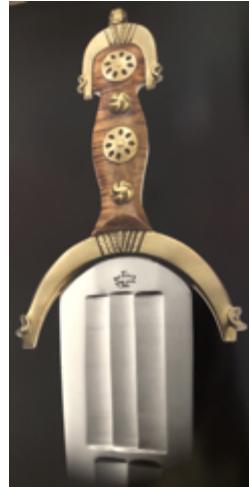
JACOB ROHRBACK, Attorney.

William E. Darnar, Auctioneer.

The Moran family lived at Gayfield for almost 40 years. William F. Moran Jr. was born and grew up there. It was at Gayfield that he developed an interest in bladesmithing and where he re-developed the forging process for Damascus steel that eventually would earn him world renown as a pre-eminent master bladesmith of the 20<sup>th</sup> century.



*Bill Moran built his first forge at Gayfield, from the remnants of a blown down silo and he made knives there until 1961. Some (with the Lime Kiln mark) are among those most-prized by collectors worldwide.*



After his parent's passing, in 1961 Bill Moran sold Gayfield so that he could dedicate himself entirely to bladesmithing. He established a new forge at Middletown which was in use until his death in 2006. The forge has now become a museum, and a bladesmithing and related training facility has been built on the property. Moran's Foundation will ensure his legacy of craftsmanship and education for the future.



*Margaret and Bill Moran  
Roscoe and Ellen Bartlett*

In 1961 Gayfield was purchased from Moran by Roscoe Bartlett Jr., who owns the property to this day. Mr. Bartlett worked for the federal government and was granted many patents for the specialized equipment and processes that he developed. He taught medical studies at Loma Linda University, Howard University, US Naval Medical School and Johns Hopkins Applied Physics Lab, and was a researcher at NIH and IBM. Roscoe ultimately ran successfully for the United States Congress and served as Representative for Maryland's 6<sup>th</sup> Congressional District for twenty years.

Over the past 62 years, Mr. and Mrs. Bartlett have raised their family and cared for the farm at Gayfield. Three sons and members of their families are currently maintaining the property.

Gayfield Manor and farm sits at a natural dividing line between the developed immediate surroundings of the city of Frederick and the historic rural districts of Lime Kiln and Buckeystown. It is situated just south of the intersection of Buckeystown Pike and the B & O Railroad. It is bounded by Buckeystown Pike and the historic Lime Kiln district on the west, the railroad to the north, the Monocacy river on the east and, on the south, the property of Saint John's Literary Institute of Prospect Hall and that of Hedgeapple Farm, which the Jorgensen Family Foundation has protected with a perpetual conservation easement granted to the Maryland Environmental Trust.

Had it not been for the economic tragedy that caused the Rohrback family to lose Gayfield in 1924, Thomas and Margaret Jarboe's descendants would have continued to be integral members of Frederick's ongoing history. Because of that loss, the legacy of Gayfield Manor and farm has been little known to the public since then. Members of Generation 13 of the Jarboe, Shafer, Rohrback, Brunner, Golibart and O'Brien families have offered to share what history they have with the Planning Commission to help restore the awareness of those contributions alongside those of other founding families who have maintained an ongoing history here.

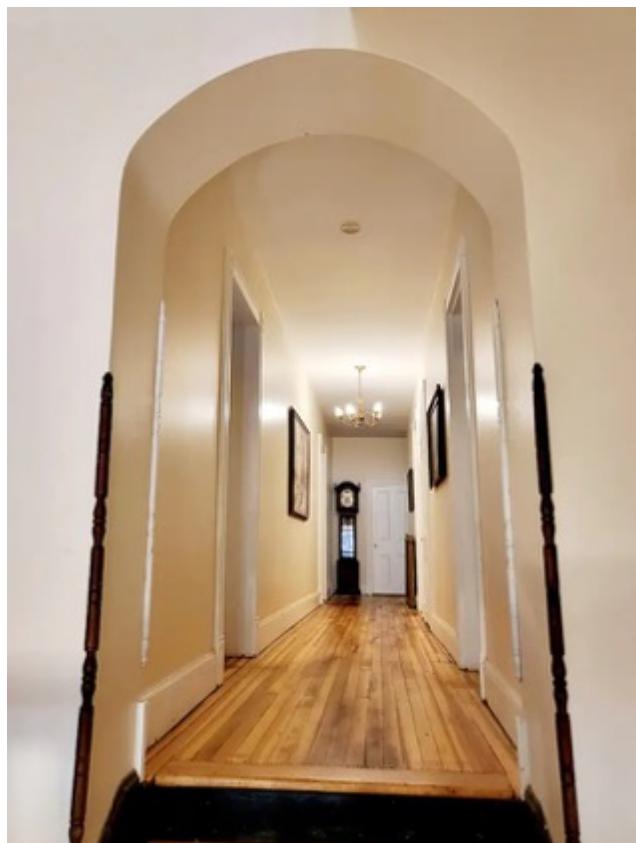
It is our hope that the Commission will consider granting Gayfield Manor and farm its utmost consideration and collaboration as it aims to preserve sites of historical importance in Frederick and its environs, in this case along the Buckeystown Pike corridor. We believe that the Bartlett family's contractual responsibilities can be successfully and symbiotically merged with this preservation process, resulting in a positive outcome for the residents of the Lime Kiln Historic District, as well as for Frederick's residents and visitors who cherish the rich and diverse history this place represents and can offer on into the future.

*Gayfield Manor and Farm 2023*











**From:** Eric Soter <[esoter@RODGERS.com](mailto:esoter@RODGERS.com)>  
**Sent:** Tuesday, June 27, 2023 10:54 PM  
**To:** Planning Commission <[PlanningCommission@FrederickCountyMD.gov](mailto:PlanningCommission@FrederickCountyMD.gov)>; Gaines, Kimberly <[KGaines@FrederickCountyMD.gov](mailto:KGaines@FrederickCountyMD.gov)>; Dimitriou, John <[JDimitriou@FrederickCountyMD.gov](mailto:JDimitriou@FrederickCountyMD.gov)>; Superczynski, Denis <[DSuperczynski@FrederickCountyMD.gov](mailto:DSuperczynski@FrederickCountyMD.gov)>  
**Cc:** Mark Coletta ([mcoletta@aventoncompanies.com](mailto:mcoletta@aventoncompanies.com)) <[mcoletta@aventoncompanies.com](mailto:mcoletta@aventoncompanies.com)>  
**Subject:** Aventon Companies - Potomac Valley Brick PH comments SOFRE Plan PH 06-29-2023

**[EXTERNAL EMAIL]**

Chairman Hicks/Members of the Planning Commission.

Please consider the attached comments on behalf of Aventon Companies, contract purchasers of the Potomac Valley Brick site in the South Frederick Plan.

While I am not able to be at the hearing, I look forward to following up with the Commission during your worksessions on the plan.

Thank You,  
Eric

**Eric E. Soter**  
Principal, AICP/EcoDistricts AP™



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d.240.912.2125 o.301.948.4700 c.301-820-8110

[www.rodgers.com](http://www.rodgers.com)

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June 26, 2023

Fredrick County Planning Commission  
30 North Market Street,  
Frederick, Maryland 21701

**Re: South Frederick Corridor Plan  
Potomac Valley Brick Site –  
Aventon Companies**

Dear Chairman Hicks and Members of the Planning Commission:

I am submitting this letter on behalf of my client, Aventon Companies who are contract purchasers of the Potomac Valley Brick Site (i.e., The Property, The Project, or PVB Site) located at 5219 Urbana Pike, and with respect to the property within the South Frederick Corridor Plan (i.e., “The Plan”).

The property is comprised of ±15.37 acres and located on the east side of Urbana Pike - MD Route 355, north of the Monocacy National Battlefield and has General Industrial (GI) Zoning and an MX Land Use Designation. This property has long been considered as one of the initial opportunities in this corridor as evidence of the Mixed-Use Development land use designation placed on the property, years ago. In fact, prior to the County undertaking this effort, we debated whether to submit for a MXD floating zone application which is permissible with the Mixed-Use land use. We engaged County staff and were encouraged that the South Frederick Plan was about to commence and that any zoning change to permit residential development would occur concurrent with the planning effort. To that end, we decided against submitting a piecemeal application and instead engaged through this corridor planning effort.

Upon review of the Planning Commission Draft Plan, we generally support the concepts being considered for the corridor. However, we feel that the specificity of certain elements immediately pre-disposes a certain type of development and does not recognize the flexibility needed for the initial catalyst projects to come to fruition and creating momentum for furthering the overall plan vision.

Specifically, the potential public road network extending through the site; the split property designations; and the limitations of no ground floor residential for the Urban Corridor will hinder our project from moving forward as envisioned.

Encumbering the ±15-acre site with a public road through the front portion limits design flexibility without understanding the site-specific issues that we are conceptually designing around, including a roughly 3.5 acre exiting Forest Conservation Easement on the eastern boundary. While we can remove the easement and pay the fee-in-lieu or ‘re-establish’ in some other manner, there are benefits for all or a portion of the forested area to remain. The forested area provides a natural buffer (noise/visual) from the CSX tracks to the east. In addition, some of this is already on a slope that would make it difficult to develop. Being adjacent to the Monocacy Battlefield to the south, provides an additional context sensitive neighbor that we must take into consideration in terms of use and massing. To the north is the existing shopping center, including a regional SWM facility and the MARC Station. While we do not object to providing inter-parcel connectivity at an appropriate location that would be mutually beneficial, a public road should not be considered firm in the final design solution.

Secondly, and of greatest concern is the split land use designations provided on the property without context as to what the zoning would be on the overall parcel. Is it the County’s intent to provide a single zoning type? Or would there be separate zoning for each area delineated in the plan? We request that a single land use designation and single zoning be applied to the property. The two split land use

## Potomac Valley Brick Site - South Frederick Plan

June 26, 2023

designations that are currently proposed for the property Cultural Corridor (CC) and Urban Corridor (UC) would allow/ us to provide for residential on all floors of the buildings closest to MD 355, (within the CC) designated area, but we would not be permitted ground floor residential on the bulk of the site, including that land nearest the Monocacy Battlefield and in the back of the site near the existing forest easement that is designated Urban Corridor (UC)

This particular site is surrounded by a significant amount of existing commercial retail and office/intuitional uses and would benefit from maximizing the residential opportunity for the site, considering its location directly adjacent to the MARC.

We do understand the overall vision and goals of creating a mixed-use corridor (both via vertical and horizontal mixed-use opportunities). However, the County must consider that the market is not altogether in a position to dictate such urban form for each of these parcels within the planning area at this time. As noted before, this property has been designated mixed use with the intent to provide the opportunity for the much needed and desired residential component of the corridor. There was never any prior intent to require additional retail or limit the ground floor to non-residential uses only. By forcing additional commercial retail or first floor office in this area, it will absolutely stymie the catalyst that is needed to provide residential in this sub-district. This is a subdistrict that the plan itself indicates a 2,700 dwelling unit allocation. The PVB site is one of the larger single-use sites in the corridor that is ripe for residential redevelopment. The County should be doing everything possible to encourage as much residential in this particular subdistrict without limitations given the proximity to the MARC station and the significant amount of commercial retail already in place.

Our current concepts can provide all the other design intent, by pushing buildings up against MD 355, limiting parking to the rear/internal site, providing appropriate massing along the battlefield border and designing in inter-parcel access to the north.

To that end, we urge the county to reconsider the land use designation for the PVB site, and either provide the Cultural Corridor designation to the entire site, or to redefine the Urban Corridor to permit ground floor residential. We believe the Cultural Corridor is appropriate given our location immediately adjacency to the Monocacy Battlefield but also feel the Urban Corridor with ground floor residential would provide the same opportunity.

While I am not able to be present for the Planning Commission public hearing June 29<sup>th</sup>, I will be available for future workshops and look forward to discussing the PVB site in an effort to move this project forward. Thank you for your service and consideration of our request.

Sincerely,



Eric E. Soter, AICP/Eco-District AP

Cc: Mark Coletta, Aventon Companies

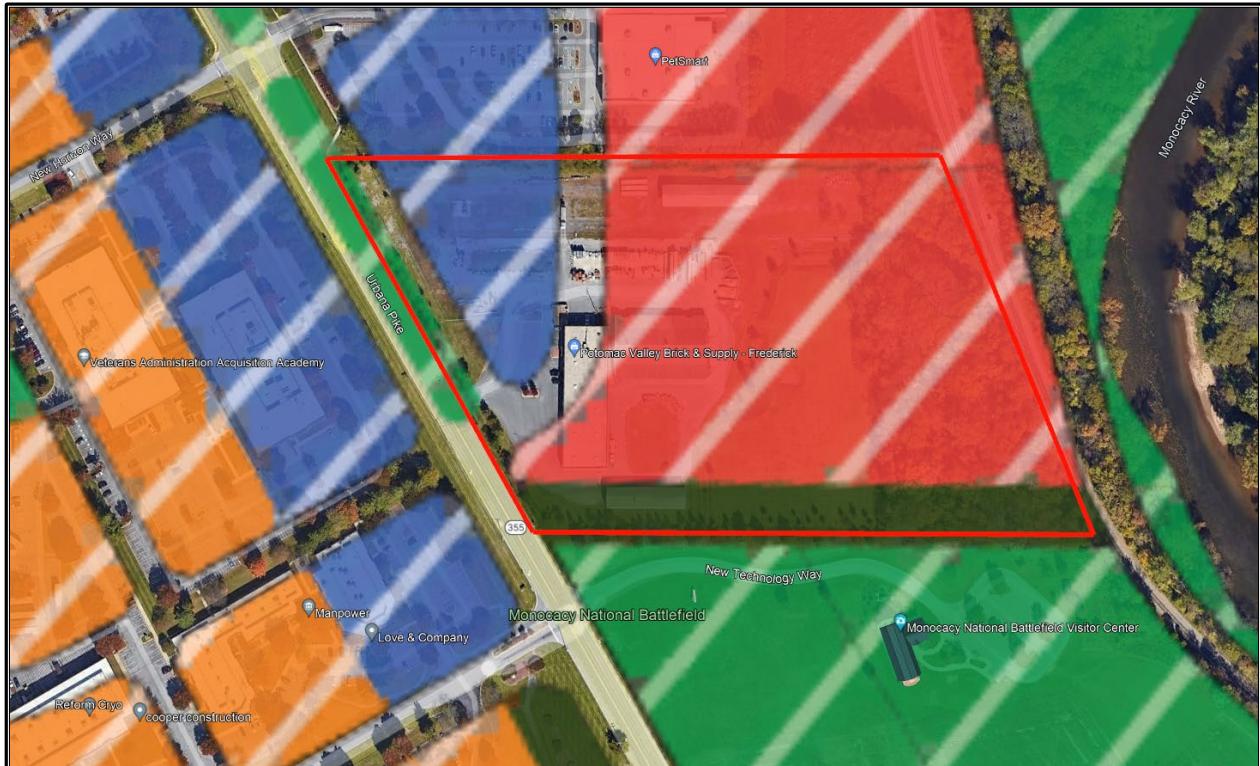
## Potomac Valley Brick Site - South Frederick Plan

June 26, 2023

### Exhibit A – Existing Conditions PVB Site



### Exhibit B – Excerpt Map 07 FCPC South Frederick Plan overlaid with Existing Conditions



**James, Karen**

---

**From:** Garrett Gillespie <garrettgillespie54@aol.com>  
**Sent:** Sunday, July 9, 2023 11:31 AM  
**To:** Planning Commission  
**Subject:** South Frederick Corridors Plan - Public Comment  
**Attachments:** Gillespie July 2023 SFCP Public Comment.pdf

[EXTERNAL EMAIL]

Good Morning,

Attached are my comments on the current South Frederick Corridors Plan.

Thank you,  
Garrett Gillespie

July 9, 2023

Frederick County Planning Commission Members,

I, Garrett Gillespie, am writing in reference to the proposed South Frederick Corridors Plan (the “Plan”) that is currently under review by the Planning Commission. As a real estate agent serving Frederick County and a law school student particularly interested in protecting private property rights, the Plan in its current state is concerning.

## **I. THE PLAN IS FACIALLY AMBIGUOUS AND UNCLEAR.**

The South Frederick Corridors Plan, as written, is vague and unclear. In its current state, the Plan’s ambiguous verbiage will leave most readers with far more questions than answers. The Plan reads more like a corporate sales pitch than a government policy proposal. Most notably, it fails to set forth the precise regulatory steps needed for implementation.

The Plan’s lack of information regarding implementation at this juncture is a disservice to the public. The Plan should have a fully proposed regulatory framework and implementation plan for the public to comment on.

## **II. THE PLAN WILL INFRINGE ON PRIVATE PROPERTY RIGHTS.**

While the precise regulatory framework for the Plan has not been articulated, it is nevertheless evident that the current Plan will infringe on the private property rights of citizens in Frederick County. The Plan proposes numerous new roads, schools, parks, trails, plazas, and buildings. These proposals will require the County government to acquire new property. In instances where private property owners have no desire to sell their land to the government, if the County wishes to proceed with its Plan, it will have to engage in either a partial or total taking. Using the government’s power to take private property for public use should not be taken lightly. Despite being permissible in a small subset of cases, it is an extraordinary use of government power that contradicts our notions of private property rights and individual rights. The fundamental nature of private property rights is recognized in the Fifth Amendment’s Takings Clause, which provides that “...nor shall private property be taken for public use, without just compensation.” U.S. Const. amend. V. Private property rights are further recognized in the Fourteenth Amendment’s Due Process Clause, which states that “...nor shall any State deprive any person of life, liberty, or property, without due process of law.” U.S. Const. amend. XIV. §1.

The Constitution places stringent limits on the government’s ability to take private property. The Takings Clause limits the government to takings for “public use.” Additionally, the government must provide the property owner with “just compensation” for any taking. Just compensation requires the government to pay the fair market value, the amount a “willing buyer would pay in cash to a willing seller.” *United States v. Miller*, 317 U.S. 369, 374 (1943). At a minimum, the Plan should expressly state that the Frederick County government intends to fully adhere to these constitutional requirements in the event takings of private property are used to implement the Plan.

However, the best course of action would be for the Plan to expressly guarantee that the government will not engage in any partial or total takings of private property whatsoever. This commitment would show citizens in Frederick County that the government values the protection of private property rights over its preferred policy objectives.

Any negotiation between the government and a private property owner regarding the sale of property is coerced. Implied in the negotiation is a threat that the government will engage in a taking if the private property owner does not sell. As the Institute for Justice correctly points out, “the government’s ability to condemn property is so ominous that the mere threat of eminent domain influences all ‘negotiations.’” The power imbalance in the negotiation process could be remedied by a provision in the Plan assuring the public that the County will not engage in any takings of private property to implement its Plan.

The Planning Commission and County Council should bear in mind that the Takings Clause “was designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.” *Armstrong v. United States*, 364 U.S. 40, 49 (1960). In alignment with this principle, the County should refrain from taking private property to implement its Plan. In implementing the Plan, the County should first attempt to purchase desired private property for the fair market value. If the property owner is unwilling to sell, the County should look to the open real estate market to find other properties to purchase from willing sellers. Inevitably, this means that the Plan will not be implemented exactly as the County envisions. However, a commitment to protecting fundamental private property rights is far more important than the implementation of the government’s ideal plan.

### **III. PRIVATE PROPERTY RIGHTS AND THE PLAN CAN COEXIST; HOWEVER, WHEN AT ODDS, PRIVATE PROPERTY RIGHTS ARE OF MARKEDLY HIGHER IMPORTANCE.**

During the Planning Commission’s meeting on June 29, 2023, in response to public comment, one member of the Planning Commission stated that nobody wants their private property “taken,” however, “I’m just hearing everybody saying no, but it’s gonna have to happen.” The commission member went on to say that “somebody is gonna have to give in somewhere. Otherwise, this Plan is just gonna be put back on the shelf.” There are three notable points to make about these comments.

First, the burden to compromise should not rest with the private property owners. Instead, it must rest with the government. The County has formulated the Plan, which in its view, is the ideal path forward for the South Frederick Corridors. It is the County’s duty to convince private property owners that this Plan is mutually beneficial to them, and therefore, they should sell their property. If the County is unable to do this, then it carries the burden to compromise and find alternative properties with willing sellers.

Second, a version of the Plan can be implemented without taking private property as long as the County is willing to remain flexible. Yet, if the Plan and private property rights remain at odds, private property rights undoubtedly supersede the importance of the Plan.

Gillespie - July 9, 2023

Finally, taking private property is one of the most serious uses of government power imaginable. It not only strips property owners of their land, contra our notion of private property rights, it also deprives property owners of the freedom to contract. One should be mindful of the remarkable power they seek to exert when discussing potential private property takings.

Thank you very much for your consideration. If you are interested in further discussing the protection of private property rights in this plan, please contact me.

Garrett Gillespie