

Minutes

Walkersville Planning Commission Meeting

April 25, 2023

Commission Chairman David Ennis called the meeting to order at 7:00 p.m. with members Mike Kuster, Gary Baker, Dick Brady, Nathan Shatto, Ray Santullo and Russ Winch present. Also present were Town Planner Susan Hauver, Town Manager Sean Williams, Town Attorney Leslie Powell, and Communications Specialist Ashley Bailey. The meeting was also live-streamed on the Town's website.

1. Minutes

Member Winch made a motion, seconded by Member Brady, to approve the minutes of the April 11, 2023 meeting. The minutes were approved on a vote of 7-0.

2. FoodPRO, 8908 Fountain Rock Rd, 106 acres. Comprehensive Plan designation request: From Agricultural Buffer (77 acres) & Limited Industrial (29 acres) to Limited Industrial (106 acres)

Planner Hauver presented the attached staff report.

Member Brady asked about the relationship between changing the Plan designation on the property and annexation. He felt the process was backwards—that the property should be annexed before the Comprehensive Plan designation was changed. He expressed concern that the Comprehensive Plan designation would be changed but the applicant could seek to develop the property under Frederick County's jurisdiction.

Member Winch asked about the industrial land annexed to the Town in 2010, and noted that none of it has been developed. He wondered why they were considering this request when none of that land was in use.

Chairman Ennis asked about whether the conditions of that annexation would still apply if the property were to be developed.

FoodPRO was represented by Mr. Noel Manalo of McNees, Wallace & Nurick LLC; Mr. Chris Smariga of Harris, Smariga & Associates; and Mr. Scott Brunk of FoodPRO. Mr. Manalo expressed their excitement at the prospect of coming into Walkersville.

Mr. Manalo explained that the business in Frederick needs to re-locate to expand. They are requesting a change in the Comprehensive Plan designation of the property since the Town is currently updating the Plan. He noted that updating the Plan designation and annexation would be parallel processes if the Town were not currently updating the plan. He emphasized that they want to annex into the Town, and they could possibly file for annexation before the Comprehensive Plan is finalized. They believe industrial would be an appropriate use of the property.

Mr. Manalo said they approached property owners that have industrially zoned land in the Town but the owners were not interested in selling. With regard to the Comp Plan, he said the Town could look at all properties designated industrial and change the designation on other properties to balance the total acreage available for industrial development. He said that their application for annexation would be consistent with goals stated in the existing Comprehensive Plan, and noted the planned industrial corridor along the Fountain Rock Road and Retreat Road. He noted all the reviews and approvals that would be required after annexation.

Mr. Smariga said the floodplain area in the middle of the site would come in as parks and open space use and could tie into the Town park system. Fountain Rock Road and Retreat Road have been planned as an industrial corridor. The property could be developed in Frederick County as a residential PUD, although there are challenges with that. He noted that the applicant is not a speculator; Mr. Brunk has a specific use. The impacts of the development would be similar whether the development were to be located on Fountain Rock Road, Retreat Road, or on the FoodPRO property. Impacts would be considered in the site plan phase. He thinks the proposed use is consistent with the Town plan.

Mr. Manalo requested approval of their request.

Member Brady asked about the number of employees. He thought the last time they came they said 50 to 65 employees but now they said 170 employees. Mr. Brunk clarified that 50 to 65 employees work in the office, and they have truck drivers and sales people who are off site most of the time.

Mr. Brady asked for clarification as to which neighbors they talked to. Mr. Brunk spoke informally to some neighbors at previous meetings and they are willing to speak to neighbors. They contacted owners of nearby industrial properties prior to purchasing their property.

Mr. Winch noted the amount of industrial land in Town and wanted to know which properties they inquired about. They confirmed they reached out to Dr. Nathan, who owns the property formerly known as Century Center. He was not interested in selling.

Mr. Santullo confirmed that FoodPRO is a 24/7 operation and a trucking operation. Mr. Brunk confirmed the trucks leave at 4 a.m., a non-peak hour. The trucks return between noon to 3 pm. There would not be truck traffic on road during peak hour travel times.

Mr. Ennis asked about deliveries received. That starts at 6 am daily until 1 or 2 p.m.

Mr. Baker asked whether the facility would fit on the southern part of the property that is designated LI. Mr. Brunk said it would fit there but it would be tight and disruptive. There would be less visual impact to the north, and they could use Biggs Ford Road for the trucks.

Mr. Ennis asked about the size of the facility and Mr. Brunk said it is 100,000 square feet on a 7 acre site on 5th Street. They would hope to expand on a phased basis up to 500,000 sf.

Mr. Santullo asked if they felt Walkersville was a residential or industrial community? Mr. Manalo noted the Town has a range of zones and the Town Planning Commission is charged with planning for the future.

Mr. Shatto asked about the time of construction after all plans reviewed. Mr. Smariga noted that annexation plan reviews would take 1 ½ - 2 years and construction would take 1 year, so the use would be established in in 3-4 years.

Public Comments:

Ms. Maryann Carraghan, 210 Swallow Falls Court, spoke in opposition to the request, noting the proximity of her property to the site as well as traffic and safety impacts of truck traffic. She said the intersection of Biggs Ford Road and U.S. 15 is not safe for truck traffic. She also noted noise and light impacts on the neighbors. Property values would decline.

Ms. Kathi Shea, 209 Swallow Falls Court, spoke in opposition to the request, noting the proximity of her property to the intersection of Fountain Rock Road and Biggs Ford Road. She is concerned about traffic, safety, and quality of life impacts of a 24/7 facility. Their family was impacted by a family member's accident at the intersection of 15 and Biggs Ford Road.

Ms. Beth Schwartz, 205 Swallow Falls Court, spoke in opposition to the request. They would not have moved to Walkersville if they had known this kind of development would occur by their home.

Ms. Bonnie Volovar, 8409 Grossnickle Court, spoke in opposition to the request. She said she lives a half mile from the site. She noted the quality of the farmland on the site, and expressed concerns about runoff, noise pollution, and the impact on residences surrounding the site. The business belongs in an industrial park.

Mr. Patrick Volovar, 8409 Grossnickle Court, spoke in opposition to the request. His concerns are the same as the other speakers. He noted that the company will be growing so there will be more trucks.

Mr. Chuck Velnoskey, 204 Tylerton Court, thanked Commissioners for their service. He noted the need for responsible growth. This request is not responsible, when considering the infrastructure. He said there is a big difference between Lonza and FoodPRO. He noted the desired growth of the facility, and said the Town needs to consider where they will be in five years. He noted the difficulty of going southbound on 15 from Biggs Ford Road.

Mr. Domenico Macera, 16 Kenneth Drive, asked if FoodPRO served Baltimore and Washington DC. Mr. Brunk said yes. He said that infrastructure is a challenge for the future. He wondered whether FoodPRO would improve the area roads.

Ms. Ann Moldenhauer, 258 Deer Run Drive, noted that members of her 500 person Facebook group were in opposition. Why annex a property when we have a daytime water ban? She wondered why the Town would consider this last minute request when the Comp Plan update has been going on for two years. She also mentioned the provisions in the law that would require the annexation be the subject of a referendum if 20% of the residents sign a petition.

Ms. Sandy Turney, 220 Glade Boulevard, expressed concern about the impact of the trucks on the area roads and the need to maintain the roads. She said they would not bring employment to Walkersville since they would be moving from Frederick. She also questioned why the City and County are not helping them find an appropriate location. She doesn't understand why they would come to Walkersville.

Mr. Kevin Quick, 234 Vista Glen Road, spoke in opposition to the request, noting concerns about the noise impacts on area residents of the trucks driving on Fountain Rock Road in the early morning hours. He is also concerned about lights and the impact on his view.

Ms. Suzanne Koppanen, 210 Zinnia Terrace, spoke in opposition to the request. She spoke about bald eagle nesting sites along the Monocacy River. She questioned the company's honesty and integrity. She said the parent company was a cooperative based in Atlanta, so they are not under local ownership. She expressed concerns about environmental impacts of a 24/7 operation.

Mr. Andrew Toms, 211 Stauffer Court, noted, with regard to change in the neighborhood, that a lot of property owners along the river in the vicinity have placed their farms under agricultural preservation easements. He said this is not an industrial corridor. Retreat Road is an agricultural corridor and the roads are inadequate for industry. He questioned whether local people would be employed on site.

Mr. Doug Medcalf, 204 Brashears Court, spoke in opposition to the request. He moved back to Walkersville from 5th Street in Frederick and wanted to escape the use. He noted road and traffic concerns. The facility would not make Walkersville better.

Mr. Suman Regulagadda, 230 Vista Glen Road, spoke in opposition to the request. They moved to Walkersville because it is family friendly and residential. He is concerned that it is 24/7, and noted they cannot necessarily restrict the truck traffic to particular times of day or night.

Ms. Melanie Carey, Spring View Estates, is a new resident of Walkersville. She chose to buy her home because of the large lot size. She owns a trucking company and said that trucking does not belong in a residential area. She cited concerns about increased truck traffic, diesel fumes, pollution, stormwater runoff and the impacts on infrastructure, health and safety. The use would be a nuisance, and approving it will open up the way for other industries. The impact of the proposed use will devastate the community. Land values will be reduced. The town would be choosing profits over healthy, thriving communities.

Mr. Tom Flores, Kenneth Drive, said he has worked with FoodPRO for over twenty years. He said they are a high integrity company that takes safety seriously. He did not think their integrity should be questioned and blamed the city of Frederick for the situation FoodPRO is in, and also noted that the use of this land will change as agricultural uses are phased out. He said he prefers sharing the roads with professional truck drivers over other drivers.

Ms. Diane Lord, 214 Braeburn Drive, noted that her daughter lives in Spring View Estates as well. She is concerned about the impact of the use on the roads, noting the difficulty of going southbound on U.S. 15 at the Biggs Ford Road intersection. Her experience working at the hospital gave her perspective on traffic safety issues. She cited the noise of trucks on MD 194 that she attributes to Rutters, and said the FoodPRO trucks would be noisy.

Mr. Manalo offered applicant rebuttal. He noted that FoodPRO is a member of a cooperative, as noted by Ms. Koppanan, but the cooperative is not a parent company as she suggested. They would like to discuss the issues brought up at the hearing at the site plan stage. They are familiar with APFO requirements. They are attuned to the concerns cited and know they would have to address them. The tool of annexation allows the Town and applicant to enter a discussion, and add conditions and proffers.

He suggested they take other land out of the LI category if they are concerned about the amount of land designated for industrial development. He emphasized they were just there for the Comprehensive Plan designation change request.

Mr. Chris Smariga said that the Town has an agricultural buffer. That designation does not work for the property owner, and this property is different. He noted the ability to apply conditions at the time of annexation.

Mr. Manalo noted the low density residential designation on the property on the County Plan, but said they would rather annex to the Town and develop under the Town regulations.

Member Winch noted the intent and purpose of the Limited Industrial district and said the uses should have a "minor nuisance value".

Member Ennis said that on the one hand, he wants the property to be annexed to have some say over the way the land develops. On the other hand, there is so much undeveloped industrial land in the town, it is hard to justify adding more to it. He felt the future expansion up 500,000 square feet was disheartening and extreme. He is also concerned about what might happen if they approach Frederick County to develop the property.

Member Brady noted his appreciation for those who attended the hearing. He felt FoodPRO could start the development process on the southern part of the property, and that they could do that without any input from the Town. He feels the development of this part of the property would be most jarring to the surrounding neighbors. He feels the annexation and Comp Plan change need to go hand in hand. If this property is going to be developed, he would like it to happen under Town control. He is in favor of having control of what develops there and feels the concerns could be addressed by the Town. He is in favor of the request if tied to annexation.

Member Kuster is also concerned about the Town not having control of the property, but he would hate to see the agricultural land change. He would like the Plan to be changed on the southern part of the property. He is against the request.

Member Santullo feels the Town should remain residential. Any industrial development in Town should be low impact, and the proposed use would not be low impact.

Member Shatto said he does not feel that everything would be fleshed out through the site planning process.

Member Baker said wondered why FoodPRO bought the property without having the Comp Plan and zoning in place. He does not think they are a good fit for the property.

Chairman Ennis said the site plan phase is too late to address impact concerns, noting that the Planning Commission was limited in what they could do when Rutters was proposed on land already zoned for the use.

Member Winch made a motion, seconded by Member Kuster, not to allow the change in the Agricultural Comprehensive Plan designation for the northern part of the property. The motion passed on a vote of 6-1 (Brady opposed).

Member Winch made a motion, seconded by Member Kuster, to change the Comprehensive Plan designation on the southern part of the property from Limited Industrial to Agricultural. The motion passed on a vote of 7-0.

There being no other business, the meeting was adjourned.

Respectfully submitted,

Susan J. Hauver