

**PUBLIC MEETING MINUTES FOR TUESDAY, MAY 21, 2013**

A public meeting of the Board of County Commissioners (“Board”) of Frederick County, Maryland, for Tuesday May 21, 2013, was called to order at 7:00 p.m. by Commissioner Blaine Young, *President*. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also in attendance were Ms. Lori Depies, County Manager and Ms. Patti Morrow, Recording Secretary.

The meeting began with the invocation followed by the recitation of the Pledge of Allegiance.

**PUBLIC HEARINGS**

**Westview South Mixed Use Development (MXD) Phase I Rezoning Amendment #R-00-02(A) – John Dimitriou, Community Development Division**

Commissioner Young swore in all who would give testimony.

A public hearing was held, as duly advertised, on a proposed amendment to amend the Westview South MXD Phase I Plan and certain conditions of approval of the MXD zone previously amended, consisting of ± 200.7 acres.

Mr. Dimitriou presented the request to amend the Phase I Plan to add a residential land use component that would total 615 dwellings. The proposed land use mix would be 32.57% employment at 68.4 acres; 11.47% commercial at 24.1 acres; 30.10% open space at 63.2 acres and 19.97 residential at 41.9 acres.

Mr. Rand Weinberg, Esquire, and Mr. Noel Manalo, Esquire, Miles and Stockbridge; Mr. Karl Morris, Matan Companies, representing the applicant, and applicant Mr. Mark Matan commented on the rezoning amendment request.

No public comment was heard.

*Based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence, a motion was made to approve Westview South MXD Phase I Amendment #R-00-02(A) based upon: a review of the approval criteria as set forth in § 1-19-3.110.4; a finding that the project adequately addresses the Planned Development District approval criteria as set forth in § 1-19-10.500.3; and as proffered by the applicant and recommended by the Frederick County Planning Commission – Passed 4-1.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray				X		
Delauter			X			

It was noted the ordinance would be presented for signature at the meeting on Thursday, June 13.

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**Development Rights and Responsibilities Agreement for Westview South MXD – Eric Soter, Community Development Division and Kathy Mitchell, Office of the County Attorney**

Commissioner Young swore in all who would give testimony.

A public hearing was held, as duly advertised, on a draft DRRA and a draft Adequate Public Facilities (APFO) Letter of Understanding (LOU) for Westview South MXD.

Mr. Soter and Ms. Mitchell presented the proposed draft DRRA and the draft LOU.

Mr. Rand Weinberg, Esquire, and Mr. Noel Manalo, Esquire, Miles and Stockbridge; Mr. Karl Morris, Matan Companies, representing the applicant, and applicant Mr. Mark Matan commented on the DRRA.

No public comment was heard.

*Motion to approve the DRRA for the Westview South MXD and direct staff to prepare the final agreement for signature on June 13 to include additional wording as presented in 2.2B – Development Requirements – Passed 4-1.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray				X		
Delauter			X			

*Based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence, a motion was made to make a determination of adequacy and approve the APFO LOU for the Westview South MXD – Passed 4-1.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray				X		
Delauter			X			

It was noted the agreement would be presented for signature at the meeting on Thursday, June 13.

**PUBLIC COMMENTS AND/OR REQUESTS**

None.

**COMMISSIONER COMMENTS**

None.

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**ADJOURN**

The meeting adjourned at 8:15 p.m.

Patti Morrow  
Recording Secretary