

PUBLIC MEETING MINUTES FOR THURSDAY, APRIL 23, 2014

Commissioner Blaine R. Young, *President*, called to order a public meeting of the Board of County Commissioners (“Board”) of Frederick County, Maryland, for Wednesday, April 23, 2014, at 6:00 p.m. in Winchester Hall. Present were Commissioners C. Paul Smith, *Vice President*; David Gray, Billy Shreve and Kirby Delauter. Also in attendance was Ms. Patti Morrow, Recording Secretary.

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

PUBLIC HEARING

Continuation of the Monrovia Town Center Planned Unit Development (PUD) Development Rights and Responsibilities Agreement (DRRA – 12-06) in Accordance with Chapter 1-25 of the Frederick County Code and to Consider a Combined Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) as Part of the DRRA Approval Process – Jim Gugel, Community Development Division and Kathy Mitchell, Office of the County Attorney

Commissioner Young swore in all who would give testimony.

Ms. Michelle Rosenfeld, Esquire, The Law Offices of Michelle M. Rosenfeld, LLC, representing several clients, cross-examined the applicants’ representatives (Mr. Noel Manalo, Esquire, Miles and Stockbridge, P.C.; Mr. Dave Ager, Townscape Design, LLC; Mr. Joseph Caloggero, The Traffic Group; and Mr. Ryan Rangle, McCrone, Inc.)

(The Board took a break at 7:25 p.m. and returned at 7:40 p.m.)

Public comment was heard from:

- Stephens Dempsey
- Pam Abramson
- Jason Harmon
- Bill Atwell
- Anya Crane
- Tom Kelly
- Patrick Schemp
- Trish Holahan
- Rolan Clark
- Meaghan Holahan
- Steve McKay
- Mary Susan Dinkel
- Charles Dinkel
- Matt Seubert
- Teddy Kroll
- Amy Reyes
- Pam McKay
- Kathy Snyder

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- Russ Snyder
- Mary Brandenburg
- Kathleen Meyer
- Wally Melnik

(The Board took at break at 9:00 p.m. and returned at 9:15 p.m.)

- Dave Honchalk
- Stan Mordensky
- Meaghan Holahan
- Lisa Jarosinski
- Ed Rozell
- Harry Lerch
- Eric Besch
- Jessica Warnick
- Brent Simmons
- Joe Mehra
- Micael Siegel
- Michelle Rosenfeld, Esquire, The Law Offices of Michelle M. Rosenfeld, LLC, representing several clients

Mr. Rand Weinberg, Esquire, The Law Offices of Rand Weinberg, LLC. Of Counsel to Miles and Stockbridge, P.C.; Mr. Noel Manalo, Esquire, Miles and Stockbridge, P.C.; Mr. Dave Ager, Townscape Design, LLC; and Mr. Joseph Caloggero, The Traffic Group., representing the applicants, gave a rebuttal on the public comments heard during the public hearing.

The Board questioned staff and the applicants' representatives.

Motion to approve Rezoning Case #R-12-02, to rezone 391.6 acres from Agricultural to PUD based on the finding that the request meets the Approval Criteria as set forth in the Zoning Ordinance 1-19-3.110.4; and adequately addresses the Planned Development District Approval Criteria as set forth in 1-19-10.500.3; and to direct staff to prepare an ordinance to bring back to the Board at a later date with the following conditions:

1. *A maximum of 1,250 dwelling units may be constructed.*
2. *A minimum of 50%, or 625 dwellings, shall be age-restricted to residents aged 55 and older. Covenants shall restrict these dwelling units to be age-restricted per the Federal Fair Housing Act of 1988 and Housing for Older Persons Act of 1995.*
3. *The percentage mix of dwelling types shall be a minimum of 70% single-family detached and a maximum of 30% townhouses or duplex dwellings.*
4. *Multi-family dwellings including 2 over 2's shall be prohibited.*
5. *Prior to the recording of the first residential lot, the Applicant shall dedicate and convey to the County a public use site no less than +/- 79 acres in size and located in Areas*

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3a, 3b, 5, and 6 as shown on the Concept Plan of the PUD PHASE I Plan (the "Public Use Site"). Within the Public Use Site, a +/- 30.0-acre portion, generally located as shown on the Concept Plan of the PUD Phase I Plan (the "Park Site") shall be designated for future discretionary use by the County as a park site. Also within the Public Use Site, a +/- 49.0-acre site, generally located as shown on the Concept Plan of the PUD Phase I Plan shall be designated for future discretionary use by the County as a school site (the "School Site"). Provided the Board of Education (BOE) approves the School Site, the Applicant and BOE shall enter into a Memorandum of Understanding (MOU) prior to unconditional approval of any Phase II/Preliminary Plans or Site Development Plans for the Project. In the event the BOE refuses or fails to accept the School Site, the Applicant shall then offer it to the County as a public use site, for the public uses purposes at the discretion of the County. The County acknowledges that should the County or the BOE acquire and begin construction on the Public Use Site prior to the Project being constructed, County public water or sewer likely would not be available to the Public Use Site, in which case the County shall be responsible for providing the water and/or waste disposal necessary to serve the Public Use Site.

- 6. The Applicant shall dedicate and convey to the County, prior to November 30, 2014, or the recording of the first residential lot, whichever comes first, a public use site which is no less than four (4) acres in size, generally located as shown on the Concept Plan of the PUD Phase I Plan (the "Fire Station Site"). The Applicant will provide access via the public road as provided for in the PUD Phase I Plan, and not via MD 80 (Fingerboard Road). If the County acquires and begins construction on the Fire Station Site prior to the Project being developed to the point when public roads are available to serve the Fire Station Site, the Developer shall provide temporary private access to the Fire Station Site in a location to be approved by the Developer and the County. The County acknowledges that should the County acquire and begin construction on the Fire Station Site prior to the Project being constructed, County public water or sewer likely would not be available to the Fire Station Site, in which case the County shall be responsible for providing the water and/or waste disposal necessary to serve the Fire Station Site.*
- 7. The Developer shall ensure that the design and layout of the PUD is functionally and aesthetically integrated into the adjoining commercial retail development planned for the 75-80 Dragway property and shall provide for adequate and direct vehicular and pedestrian connections between the two projects, integrated public and open spaces, and consistency between the architectural treatment of the structures in the commercial retail development and those adjacent structures in the PUD.*
- 8. Prior to the recordation of any plats, the Developer shall dedicate the necessary right-of-way for the east-west collector road connecting Ed McClain Road and MD 75. This improvement is a joint requirement of the Landsdale PUD and the Developer. This road shall be constructed, in whole or in part by the Developer as needed for access to adjacent residential lot sections, if not already constructed by developers of the Landsdale PUD, and in such a manner so as to prohibit access to Ed McClain Road*

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until the entire east-west collector road has been completed.

- 9. *The provision of vehicular and pedestrian connections (public or private) to the high school site/public use site from Areas E or F shall be considered as part of the Phase II/Preliminary Plan review of those sections. Such connections shall be planned to occur in the general vicinity of the locations identified on the Concept Plan so as to provide either private drive access and/or pedestrian access to the school facility.*

- 10. *All dwelling units situated within the “Areas of high visibility” corridors – as indicated on the Concept Plan – shall consist of alley-loaded structures. Beyond these “areas of high visibility” and within Area D, a majority of the dwelling units constructed shall consist of alley-loaded structures.*

- 11. *The Developer may dedicate and convey to the County a public use site no less than two (2) acres in size and located in Area 1 as shown on the Concept Plan (the “Water Tank Site”). This site shall be designated for the explicit use as the site for a public water tank. If it is subsequently determined by the Developer through a detailed site study, and agreed to by the County, that an alternate site will be utilized for this water tank, this Area 1 will be designated as Open Space in the PUD. If the County acquires and begins construction on the Water Tank Site prior to the Project being developed to the point when public roads are available to serve the Water Tank Site, the Developer shall provide temporary private access to the Water Tank Site in a location to be approved by the Developer and the County. In the event the Project is not developed to the point at which adequate public road access serves the Water Tank Site, the Developer shall not be responsible for bonding related to improvements to serve the Water Tank Site, until such time as the Developer intends to develop such portion of the Project.*

- 12. *Access to Weller Road from the residential area shall be prohibited. Access from Weller Road to the park site and high school only may be considered as part of development plans for those uses/sites.*

The motion passed 4-1.

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

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To Consider the Monrovia Town Center PUD Development Rights and Responsibilities Agreement (DRRA – 12-06) in Accordance with Chapter 1-25 of the Frederick County Code and to Consider a Combined Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) as Part of the DRRA Approval Process – Jim Gugel, Community Development Division and Kathy Mitchell, Office of the County Attorney

Motion to approve the DRRA-12-06 and direct staff to bring back to the Board at a later date the final draft of the DRRA for signature after signing the Rezoning Ordinance in Case No. R-12-02 – Passed 4-1.

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

Motion to make a finding of adequacy in accordance with the APFO and approve the APFO LOU for the Monrovia Town Center PUD as amended, and direct staff to bring the final draft of the LOU to the Board at a later date for signature after the signing of the Rezoning Ordinance in Case No. R-12-02 – Passed 4-1.

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

ADJOURN

The meeting adjourned at 11:00 p.m.

Patti Morrow
Recording Secretary