

PUBLIC MEETING MINUTES FOR TUESDAY, JULY 8, 2014

Commissioner Blaine R. Young, *President*, called to order a public meeting of the Board of County Commissioners (“Board”) of Frederick County, Maryland, for Tuesday, July 8, 2014, at 7:10 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.

Commissioner Young congratulated the Board and county staff on the recent upgrading of the county’s bond rating.

PUBLIC HEARING

**Zoning Map Amendment #R-06-05 (A) Carroll Manor Planned Unit Development (PUD)
(Continued from 5/13/14) – Denis Superczynski, Community Development Division**

A public hearing continued on a request to amend the existing Phase I PUD Plan for the Carroll Manor PUD located on the Carroll Manor Fire Grounds (10.16 acres) between Adamstown Commons subdivision and the older community of Adamstown.

Commissioner Young swore in all who would testify.

Mr. Superczynski highlighted the changes in the proposed concept plan. He noted that staff recommended **approval** of the request to amend the Carroll Manor PUD - Phase I Plan, Case #R-06-05 (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 with the following conditions of approval:

1. A maximum of 47 residential dwelling units may be constructed.
2. The project shall provide a minimum of 87,120 square feet (2 acres) of open space/green area, which is a 34% reduction of the required 3.05 acres.
3. A diversity of single family lot sizes shall be incorporated into the project as illustrated in the Applicant’s Phase I Concept Plan.
4. The specific layout/design of the alley-loaded homes shall be evaluated at Phase II. The final orientation of the homes, roads, and alleys will be determined at Phase II, but no more than 12 dwellings shall gain driveway/garage access from the facing street frontage.

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The following recommendation was made by the Frederick County Planning Commission (FcPc):

Recommend **approval** of #R-06-05(A) with revisions based upon a review of the Approval Criteria as set forth in § 1-19-3.110.4 and a finding that the project, as amended in the following conditions, adequately addresses the Planned Development District Approval Criteria as set forth in § 1-19-10.500.3 and described in the staff report:

1. A maximum of 35 residential dwelling units may be constructed, no more than twelve (12) of which shall be duplexes;
2. Duplex dwelling units shall be located on the interior of the development;
3. The project shall provide a minimum of 3.05 contiguous acres of open space/green area, the majority of which shall surround the existing pavilion;
4. A diversity of single family lot sizes shall be incorporated into the project;
5. The street network within the PUD shall consist of a loop road comprising extensions of John Mills Road and Mae Wade Avenue and shall not include interconnections to Tuscarora, Adams, or Washington Streets.
6. The specific layout/design of the alley-loaded homes shall be evaluated at Phase II. The final orientation of the homes, roads, and alleys will be determined at Phase II.

A presentation was held on “Plan B” the proposed changes for consideration regarding Zoning Map Amendment #R-06-05(A). Representing the applicant were: Mr. Dave Severn, Esquire, Severn, O’Connor and Kresslein, PA; Mr. Dan Anderson, Dewberry; Mr. Victor White, Hogan Companies; and Mr. Tim Hogan, applicant, Hogan Realty Capital, LLC.

The applicant also presented the following potential conditions for approval of the Carroll Manor PUD (Phase I) Amendment #R-06-05(A):

1. A maximum of 44 residential dwelling units may be constructed with the following conditions:
 - a. No more than 12 of the units shall be single family attached (duplex); AND
 - b. No multifamily housing types shall be constructed as part of the project.
2. The project shall provide 3.05 acres of Open Space as required by the Frederick County Zoning Ordinance with the following conditions:
 - a. The existing pavilion located on the property shall be retained and preserved in perpetuity with covenants;
 - b. 1.5 acres of Open Space shall be located adjacent to the existing pavilion;

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- c. The pavilion and Open Space adjacent to the pavilion shall be dedicated to the to-be-created homeowners association for the proposed PUD with the intent that the pavilion and Open Space adjacent to the pavilion will be open for public use and said dedication shall be memorialized by a recorded instrument; and
 - d. The remaining 1.55 acres of Open Space shall be distributed throughout the remainder of the PUD with the majority of the remaining Open Space to be allocated near Adamstown Commons.
3. A diversity of single family lot sizes shall be incorporated into the project.
 4. The specific layout/design of the alley-loaded homes shall be evaluated at Phase II. The final orientation of the homes, roads, and alleys will be determined at Phase II.
 5. The street network within the PUD shall consist of a loop road comprising an extension of Mae Wade Avenue and one interconnection to Tuscarora Street.
 6. The project shall provide physical improvements to Adams Street, including a sidewalk and a wider travel way, which are designed and constructed to meet the requirements of the Frederick County Streets and Roads Design Manual for typical section for low density local access streets, as well as on-street parking areas;
 7. The project shall provide specific improvements to the intersection of Adams Street and Mountville Road by removing the existing split intersection and providing a vegetated median that deviates from the linear nature of the street to reduce vehicular speeds, which shall be reviewed and determined at Phase II.

Public comment was heard from:

- Deborah Armentrout
- Chris Bailey
- Greg Elder
- Sue Elder
- Andy Olson
- Martha Moked
- Nancy Knor
- Sharon Chaney
- Chris Chaney
- Christine Ott, Carroll Manor Fire Company
- Matt Ernest
- Joe Barth

(The Board took a break at 8:50 p.m. and returned at 9:00 p.m.)

- Grace Knor
- Shawn McHuoh
- Sue Johnson
- Ed Johnson

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- Hilary Schaub
- Ursula Stello
- William Michael
- Lauren Roman
- Steve Konrad
- Mark Ferrel, President, Adamstown Commons Homeowners, Association
- Ryan Chandler
- Jacqueline MacFaden
- Josh Hebner
- Ed Arnold, Carroll Manor Fire Company

The applicant's representatives gave a rebuttal on the public comments heard this evening.

Mr. Ron Burns, Community Development Division, commented on the traffic flow.

Actions taken by the Board:

- Commissioner Smith moved to approve Plan B with the following modifications: 42 dwelling units with half the units accessed from Adams Street and half from Mae Wade Boulevard; an upgrade to Adams Street and an emergency access somewhere. The motion did not receive a second.
- Commissioner Delauter moved to approve Plan B as presented including the applicant's seven (7) conditions. Commissioner Smith seconded the motion that failed 2-3 with Commissioners Young, Smith and Gray opposed.
- Commissioner Young moved to approve the FcPc recommendation with the following modifications: 40 dwelling units; no duplexes; street connections would be determined at Phase II; 3.05 acres in Open space with a minimum of 1.5 acres surrounding the pavilion that would be preserved indefinitely. Commissioner Smith seconded the motion that failed 2-2-1 with Commissioners Smith and Gray opposed and Commissioner Shreve abstained.
- Commissioner Young moved to approve Plan B with 40 single family dwelling units; street connection location to be determined at Phase II; 3.05 acres of open space including the 1.5 acres minimum surrounding the pavilion preserved with covenants in place; and including the applicant's seven conditions. Commissioner Delauter seconded the motion that failed 2-2-1 with Commissioners Smith and Gray opposed and Commissioner Shreve abstained.
- Commissioner Shreve moved to approve Plan B as presented with 43 dwelling units. The motion did not receive a second.

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- *Motion to approve Plan B as presented with the following conditions and to direct staff to prepare an ordinance for the Board’s signature to be presented at a future meeting – Passed 3-2.*
 1. *A maximum of 40 residential single family detached dwelling units may be constructed.*
 2. *The project shall provide 3.05 acres of Open Space as required by the Frederick County Zoning Ordinance with the following conditions:*
 - a. *The existing pavilion located on the property shall be retained and preserved in perpetuity with covenants;*
 - b. *A minimum of 1.5 acres of Open Space shall be located adjacent to the existing pavilion;*
 - c. *The pavilion and Open Space adjacent to the pavilion shall be dedicated to the to-be-created homeowners association for the proposed PUD with the intent that the pavilion and Open Space adjacent to the pavilion will be open for public use and said dedication shall be memorialized by a recorded instrument; and*
 - d. *The remaining 1.55 acres of Open Space shall be distributed throughout the remainder of the PUD with the majority of the remaining Open Space to be allocated near Adamstown Commons.*
 3. *A diversity of single family lot sizes shall be incorporated into the project.*
 4. *The specific layout/design of the alley-loaded homes shall be evaluated at Phase II. The final orientation of the homes, roads, and alleys will be determined at Phase II.*
 5. *The project shall provide physical improvements to Adams Street, including a sidewalk and a wider travel way, which are designed and constructed to meet the requirements of the Frederick County Streets and Roads Design Manual for typical section for low density local access streets, as well as on-street parking areas;*
 6. *The project shall provide specific improvements to the intersection of Adams Street and Mountville Road by removing the existing split intersection and providing a vegetated median that deviates from the linear nature of the street to reduce vehicular speeds, which shall be reviewed and determined at Phase II.*

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

PUBLIC COMMENTS AND/OR REQUESTS

None.

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ADJOURNMENT

The meeting adjourned at 10:55 p.m.

Patti Morrow
Recording Secretary