

PUBLIC MEETING MINUTES FOR TUESDAY, JULY 15, 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 15, 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 were Ms. Lori Depies, County Manager and Ms. Patti Morrow, Recording Secretary.

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

Recognition of Elisa Koehler of the Frederick Symphony Orchestra

The Board recognized Ms. Koehler for her many years as music director of the Frederick Symphony Orchestra.

PUBLIC HEARINGS

Zoning Map Amendment #R-13-03 - Casey Property – John Dimitriou, Community Development Division

Commissioner Young swore in all who would give testimony.

A public hearing was held, as duly advertised, on Zoning Map Amendment #R-13-03.

Mr. Dimitriou presented the request to rezone 634 acres located west of MD 75 along Crickenberger Road, north of New Market from Agricultural (A) to Planned Unit Development (PUD). He indicated the staff had recommended approval of #R-13-03, based upon a review of the Approval Criteria as set forth in §1-19-3.110.4; and a finding that the project adequately addressed the Planned Development District Approval Criteria as set forth in §1-19-10.500.3; and subject to the following conditions of approval:

1. A maximum of 1,017 dwelling units may be constructed.
2. Include a multi-family dwelling component at a minimum of 15% of the total number of proposed dwellings. The “2 over 2” dwelling type is acceptable as a multi-family dwelling.
3. Phasing of the project shall permit 200 lots to be recorded per year with a previous year's unused allocation permitted to be carried into the following year.
4. No more than 800 lots/dwellings may be recorded until the widening of MD 75 from just north of MD 144/Old National Pike to the site entrance has been guaranteed for construction.
5. The developer shall design the project in conformance with the approved Community Design Guidelines and Development Principles Manual.
6. The developer shall dedicate and convey to the County a 20+/- acre elementary school site. The developer will convey the approved 20+/- acre public elementary school site to the BOE, in fee simple, upon

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- i) the recordation of the subdivision plat for the 100th lot in the Project or within two (2) years of the recordation of the subdivision plat for the 1st lot in the Project, whichever occurs first; and
 - ii) BOE's acceptance of the conveyance of land for the Public School Site. The Charitable Foundation and BOE shall enter into a Memorandum of Understanding ("MOU"), which shall set forth the rights and responsibilities of the parties in connection with development of the school site, prior to final, unconditional approval of the Phase II (Execution) Plan for the portion of the Project that contains the school site.
7. Provide four (4) neighborhood parks of at least 20,000 square feet each to be centrally located in Land Bays A, E, G, and H.
 8. Provide a diversity of single family lot sizes.

Mr. Dimitriou noted the Frederick County Planning Commission recommended approval of #R-13-03 subject to the staff conditions and with the revision to the staff recommended condition #2 from 15% to 10% maximum for multi-family (two over two) dwellings; and include an additional 9th condition to require a buffer along the border with the Audubon Property and that section "E" of the project be limited to single family dwellings.

Ms. Michelle Rosenfeld, Esquire, The Law Offices of Michelle M. Rosenfeld, LLC, requested postponement of the proceedings based upon the fact they had not had an opportunity to review the supplemental transportation analysis that was provided this morning.

Ms. Kathy Mitchell, Office of the County Attorney, remarked that the Board could continue with the PUD rezoning hearing this evening and reschedule the DRRA public hearing for another night.

The following citizens cross-examined the staff:

- Stephens Dempsey
- Steve McKay
- Pam Abrahamson
- Betsy Smith
- Mike Dinmes
- Stan Mordensky
- Mike Sievers
- Michelle M. Rosenfeld, Esquire, The Law Offices of Michelle M. Rosenfeld, LLC
- Matt Seubert

The applicant, Eugene B. Casey Foundation, Betty Brown Casey, Trustee, was represented by Mr. Bob Dalrymple, Esquire, Linowes and Blocher LLP; Mr. Randy Frey and Mr. Mark Friis, Rodgers Consulting; Mr Peter Spizak, Wells and Associates; and Mr. Andrew Horman, Executive Director, Casey Management.

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The following citizens cross-examined the applicant's representatives:

- Steve McKay
- Michelle M. Rosenfeld, Esquire, The Law Offices of Michelle M. Rosenfeld, LLC
- Stan Mordensky
- Pam Abramson
- Betsy Smith
- Charlie Norris

Public comment was heard from:

- Carol Swanby
- Dan Adams
- Mike Dihmes
- Stephanie Cacopardo
- Janice Wiles
- Pam Abramson
- Steve McKay
- Dave Twigg
- Stephens Dempsey
- Betsy Smith
- Pam McKay
- Stan Mordensky
- Matt Seubert
- Karl Bickel
- Teddy Kroll
- Charlie Norris

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

Motion to approve Zoning Map Amendment #R-13-03 to rezone the 634 acres from Agricultural (A) to Planned Unit Development (PUD) based upon: a review of the Approval Criteria as set forth in §1-19-3.110.4; and a finding that the project adequately addressed the Planned Development District Approval Criteria as set forth in §1-19-10.500.3; and subject to the following conditions of approval. Staff was also directed to prepare an ordinance for the Board's signature to be presented at a future meeting – Passed 4-1.

1. *A maximum of 1,010 dwelling units may be constructed with a minimum of 70% single family detached and a maximum of 30% townhomes.*
2. *Phasing of the project shall permit 200 lots to be recorded per year with a previous year's unused allocation permitted to be carried into the following year.*
3. *No more than 800 residential building permits may be issued until the widening of MD 75 from just north of MD 144/Old National Pike to the site entrance has been*

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- guaranteed for construction.*
4. *The developer shall design the project in conformance with the approved Community Design Guidelines and Development Principles Manual.*
 5. *The developer shall convey in fee simple to the Board of Education (BOE), with no monetary consideration paid, a school site totaling 20 ± acres, to serve the project and the surrounding region. The public school site will be conveyed to the BOE upon: the recordation of the first subdivision plat for lots in the PUD project and BOE’s acceptance of the conveyance of land for the public school site. A separate Memorandum of Understanding (MOU) between the BOE and Developer shall be executed prior to conditional Phase II (Execution) approval of a combined preliminary/site plan for residential dwelling units in the project (assuming commercially reasonable efforts by both parties), which MOU shall establish and control other aspects of the public school site and the rights and responsibilities of the parties relative to the public school site and the construction of an elementary school. In the event that the BOE does not approve the public school site or determines not to accept conveyance of the public school site, then the developer shall retain fee simple ownership of the public school site, and may use the public school site in a manner consistent with other uses with the project.*
 6. *Provide four (4) neighborhood parks of at least 20,000 square feet each to be centrally located in Land Bays A, E, G, and H.*
 7. *Provide a diversity of single family lot sizes.*
 8. *No agency, department, division and/or branch of Frederick County shall issue any structural building permits, other than for models in the Project, prior to January 1, 2020.*
 9. *Developer shall provide landscape buffers along the project’s shared boundaries with the Audubon Property (Land Bay “E”) and the community of West Winds (Land Bay “H” adjacent to existing Panorama Drive and Cherry Tree Court), in an amount to be determined at Phase II (Execution) approval but in no event greater than 40 feet; provided that the developer shall have the right to utilize the buffer areas to satisfy the requirements of the Forest Resource Ordinance and/or the Stormwater Management Ordinance, and for the location of public or private utilities serving the project. Dwelling units located along the shared boundaries with the Audubon Property and community of West Winds (adjacent to Cherry Tree Court and Panorama Drive) shall be restricted to single family detached dwelling units.*
 10. *A buffer with a minimum of 50 feet shall be considered at Phase II PUD review around the Betsy Smith farm and the other residences along Crickenberger Road.*

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

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To Consider the Casey Property Development Rights and Responsibilities Agreement (DRRA #13-01) in Accordance with Chapter 1-25 of the Frederick County Code and to Consider a Combined Adequate Public Facilities Ordinance (APFO) Letter of Understanding as Part of the DRRA Approval Process – Jim Gugel, Community Development Division and Kathy Mitchell, Office of the County Attorney

Commissioner Young noted the DRRA public hearing for the Casey property would be scheduled for a date to be determined.

ADJOURN

The meeting adjourned at 10:30 p.m.

Patti Morrow
Recording Secretary