

**PUBLIC MEETING MINUTES FOR THURSDAY, NOVEMBER 6, 2014**

Commissioner Blaine R. Young, *President*, called to order a public meeting of the Board of County Commissioners (“Board”) of Frederick County, Maryland, for Thursday, November 6, 2014, at 6:00 p.m. in Winchester Hall. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. .

Also in attendance were Mr. John Mathias and Mr. Michael Chomel, Office of the County Attorney; and Ms. Patti Morrow, Recording Secretary.

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

**PUBLIC HEARINGS**

**Zoning Map Amendment #R-14-03 - Blentlinger Planned Unit Development – John Dimitriou, Community Development Division**

A public hearing was held, as duly advertised, on Zoning Map Amendment #R-14-03.

Commissioner Young swore in all who would give testimony.

Mr. Jim Gugel, Community Development Division, presented the request to rezone 279 acres from Agricultural (A) to Planned Unit Development (PUD) located on the east side of Boyers Mill Road across from the Summerfield and Pinehurst sections of the Linganore PUD.

Mr. Gugel indicated the staff had recommended approval of #R-14-03 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 is subject to the following conditions of approval:

1. A maximum of 720 dwelling units may be constructed.
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 residential plat may be recorded until one of the following conditions is met:

Either the planned arterial through the Blentlinger PUD and the adjoining Casey PUD, as well as the improvements to MD 75 from the Casey project entrance to just north of the MD 75/MD 144 intersection is guaranteed or the planned New Market Parkway, as well as the improvements to MD 75 from the bypass to just north of the MD 75/MD 144 intersection is guaranteed.

4. The developer shall design the project in conformance with the approved Community Design Guidelines and Development Principles Manual.

**PUBLIC MEETING MINUTES FOR THURSDAY, NOVEMBER 6, 2014**

5. The developer shall dedicate and convey to the County a 24.5+/- acre middle school site to the Board of Education (BOE), in fee simple, upon:
  - a. The recordation of the subdivision plat for the 100th lot in the project or within two years of the recordation of the subdivision plat for the first lot in the project, whichever occurs first; and
  - b. The BOE's acceptance of the conveyance of land for the public school site. The applicant and the BOE shall enter into a memorandum of understanding, 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.
6. Provide two neighborhood parks of at least 20,000 square feet each to be centrally located with one in the northern land bay and the other in the central land bay.
7. Provide a diversity of single family lot sizes.

Mr. Gugel noted the Frederick County Planning Commission voted to recommend approval of Zoning Map Amendment #R-14-03 based upon a review of the Approved Criteria as set forth in § 1-19-3.110.4 and a finding that the project adequately address the Planned Development District Approval Criteria as set forth in § 1-19-10.500.3; and subject to the staff recommended conditions of approval, with the correction to Condition #5 to delete the phrase “to the county.”

The following citizens cross-examined the staff:

- Steve McKay
- Stephens Dempsey
- Targ O'Dell
- Brent Simmons
- Cynthia Weatherby
- Michele Rosenfeld, Esquire
- Pamela Pennington
- Bob Kimble, Lake Linganore Association

(The Board took a break at 7:30 p.m. and Commissioner Young reconvened the meeting at 7:45 p.m.)

The applicants, Lillian Blentlinger, LLC & William Blentlinger, LLC, were represented by Mr. Noel Manalo, Esquire, Miles and Stockbridge; Mr. Donovan Corum, Bowman Consulting; and Mr. Peter Spisszak, Wells and Associates.

The following citizens cross-examined the applicants' representatives:

- Jamison Bowman
- Steve McKay

**PUBLIC MEETING MINUTES FOR THURSDAY, NOVEMBER 6, 2014**

- Stephens Dempsey
- Pamela Pennington
- Teddy Kroll
- Brent Simmons
- Michele Rosenfeld, Esquire

Public comments were given by:

- Brent Simmons
- Jan Gardner
- Melanie Cox, League of Women Voters
- Michele Rosenfeld, Esquire
- Pamela Pennington
- Bob Kimble, Lake Linganore Association
- Jamison Bowman
- Janice Wiles
- Stephens Dempsey
- Steve McKay
- Laurel Ford
- Matt Seubert
- L.A. Reitz
- Betsy Smith
- Cynthia Weatherby
- Teddy Kroll

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

Commissioner Gray made a motion to deny Zoning Map Amendment #R-14-03. The motion received no second.

A motion to approve the Zoning Map Amendment #R-14-03 with the following conditions and direct staff to bring back the ordinance for signature on November 20 – Passed 4-1:

1. A maximum of 675 dwelling units (175 townhouses and 500 single family) may be constructed.
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 residential plat may be recorded until one of the following conditions is met:

Either the planned arterial through the Blentlinger PUD and the adjoining Casey PUD, as well as the improvements to MD 75 from the Casey project entrance to

**PUBLIC MEETING MINUTES FOR THURSDAY, NOVEMBER 6, 2014**

just north of the MD 75/MD 144 intersection is guaranteed or the planned New Market Parkway, as well as the improvements to MD 75 from the bypass to just north of the MD 75/MD 144 intersection is guaranteed.

4. The developer shall design the project in conformance with the approved Community Design Guidelines and Development Principles Manual.
5. The developer shall dedicate and convey to the County a 24.5+/- acre middle school site to the Board of Education (BOE), in fee simple, upon:
  - a. the recordation of the subdivision plat for the 100th lot in the project or within two years of the recordation of the subdivision plat for the first lot in the project, whichever occurs first; and
  - b. The BOE's acceptance of the conveyance of land for the public school site. The applicant and the BOE shall enter into a memorandum of understanding, 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.
  - c. Provide two neighborhood parks of at least 20,000 square feet each to be centrally located with one in the northern land bay and the other in the central land bay.
  - d. Provide a diversity of single family lot sizes.
  - e. The first building permit is not to be issued for five years (January 1, 2020).

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

**To Consider the Blentlinger Property Development Rights and Responsibilities Agreement (DRRA #14-05) in Accordance with Chapter 1-25 of the Frederick County Code – Jim Gugel, Community Development Division and Kathy Mitchell, Office of the County Attorney**

A public hearing was held, as duly advertised, on the Blentlinger Property Development Rights and Responsibilities Agreement (DRRA #14-05).

Commissioner Young swore in all who would give testimony.

Ms. Mitchell and Mr. Gugel presented the staff report and indicated that staff reviewed the documentation submitted by the applicant and determined that all of the required

**PUBLIC MEETING MINUTES FOR THURSDAY, NOVEMBER 6, 2014**

submittal material was received in accordance with § 1-25-03 and § 1-25-04 of the Frederick County Code, including the required contents of the DRRRA. It was noted the DRRRA does not have an Adequate Public Facilities Ordinance (APFO) component. It is, however, under review concurrent with a rezoning request for PUD zoning.

Mr. Gugel reported that the Frederick County Planning Commission reviewed the draft DRRRA and voted to find it to be consistent with the Frederick County Comprehensive Plan.

The following citizens cross-examined the staff:

- Michele Rosenfeld, Esquire
- Steve McKay
- Melanie Cox, League of Women Voters
- Betsy Smith

The applicants, Lillian Blentlinger, LLC & William Blentlinger, LLC, were represented by Mr. Noel Manalo, Esquire, Miles and Stockbridge; Mr. Donovan Corum, Bowman Consulting.

The following citizens cross-examined the applicants:

- Michele Rosenfeld, Esquire
- Steve McKay

Public comments were received from:

- Michele Rosenfeld, Esquire
- Steve McKay
- Melanie Cox, League of Women Voters
- Betsy Smith

A five minute rebuttal was provided by Mr. Manalo on the public comments heard this evening.

*Motion to approve the Blentlinger Property DRRRA #14-05 with the following change to Article III, Community Facilities and Infrastructure Improvements, Section 3.4 Schools, C. School Site Dedication – delete the word “conditional” and in its place add the word “unconditional,” and direct staff to bring back to the Board at a later date the final draft of the DRRRA for signature after signing the ordinance for the Blentlinger Property Zoning Map Amendment #R-14-03 – Passed 4-1.*

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

**PUBLIC MEETING MINUTES FOR THURSDAY, NOVEMBER 6, 2014**

**PUBLIC COMMENTS AND/OR REQUESTS**

- Steve McKay

**ADJOURN**

The meeting adjourned at 11:30 p.m.

Patti Morrow  
Recording Secretary