TITLE: Longview Subdivision (Laneve Property)  
Lots 201-203

FILE NUMBER: S084 (AP 19110, APFO 19111, FRO 19112)

REQUEST: Preliminary Plan Approval
The Applicant is requesting Preliminary Plan approval to subdivide a 4.40 acre parcel into three (3) new lots and construct a new public road.

PROJECT INFORMATION:
ADDRESS/LOCATION: Finn Drive, approximately 400’ west of Boyer’s Mill Road
TAX MAP/PARCEL: Tax Map 79, Parcel 102
COMP. PLAN: Low Density Residential
ZONING: Low Density Residential (R-1)
PLANNING REGION: New Market
WATER/SEWER: W-5/S-4

APPLICANT/REPRESENTATIVES:
APPLICANT: Ronald S. Laneve
OWNER: Ronald S. Laneve
ENGINEER: Terra Solutions Engineering, LLC
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Graham T. Hubbard, Principal Planner I

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
EXHIBIT 1 – Existing Conditions Rendering
EXHIBIT 2 – Preliminary Plan Rendering
EXHIBIT 3 – Modification Requests
ISSUE

Development Request

The Applicant is requesting Preliminary Plan approval to subdivide a 4.40 acre parcel into three (3) new lots (Lots 201-203) and construct a new public road (Laneve Court). Also, the ten (10) existing platted lots (Longview Subdivision, Lots 4-13) along Boyers Mill Road are being reconfigured slightly and will access the proposed Laneve Court rather than accessing directly onto Boyers Mill Road.

Figure #1: Site Aerial
BACKGROUND

Origin of the Subject Parcel

This property was originally part of a 252 acre tract described in a 1962 deed (L.664 F.195). In 1966, a 20 acre property was conveyed by deed (L.740 F.449), of which a 4.40 acre portion is the subject of this Preliminary Plan. In 1970, the 20 acre property was conveyed by deed (L.825 F.544). The 1965 tax map shows the property being 4.4 acres.

Previous Subdivision Activity

In 1962, by a plat titled “Longview” (S084, P.B.4, PG.19), the 252 acre tract was subdivided, creating a 158.79 acre “Farm Parcel” of which a 4.40 acre portion is the subject of this Preliminary Plan. The current 4.40 acre property is also partially shown as an adjacent property on several Final Plats known as “Eaglehead Summerfield Division” (S829M, P.B.39 PG.139 & P.B.40 PG.3).

Existing Site Characteristics

The property is zoned Low Density Residential (R-1) and the vacant property is relatively flat. There are no streams, wetlands, steep slopes, flooding soils, or FEMA floodplain on site. The property is bordered by the Summerfield residential development and Kiddie Academy to the west, vacant lots to the north and east, and Finn Drive to the south. Deer Crossing Elementary School is located to the south across Finn Drive. The subject 4.40 acre property and remaining 10 unimproved residential lots are an enclave of R-1 zoning within an area of PUD zoning.
ANALYSIS

A. ZONING ORDINANCE REQUIREMENTS

1. Dimensional Requirements/Bulk Standards §1-19-6.100: §1-19-6.100 of the Zoning Ordinance stipulates the setback requirements for the R-1 zone and the minimum lot area for the proposed unit type (single family detached). The setback requirements are 40-foot front and 30-foot rear, and 10-foot side yards. The proposed plan meets the required Bulk/Dimensional requirements. All of the proposed lots meet the minimum 40,000 square foot (0.92 acres) lot size requirement. Lots range in size from 0.99 acres (Lot 201) up to 1.03 acres (Lot 203), with an average lot size of 1.01 acres. The required front, rear, and side setbacks are shown on the plan and meet the Zoning Ordinance requirements.

Zoning Ordinance Requirements Findings/Conclusions

The proposed subdivision will meet all Zoning Ordinance requirements.

B. SUBDIVISION REGULATION REQUIREMENTS

1. Land Requirements §1-16-217 (A): The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The proposed land use and subdivision design complies with the Comprehensive Plan designation of Low-
2. **Land Requirements §1-16-217 (B):** The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The property slopes gently from southeast to the northwest from an elevation of 522 along Finn Drive down to an elevation of 480 at the northern tip. There are no streams, wetlands, steep slopes, flooding soils, or FEMA floodplain on site.

3. **Preliminary Plan, Required Information §1-16-72 (B)(19)(a & b):** Soil types: (a) Soils type(s) information shall be provided and appropriate boundaries shown on the plan. In the event that "wet soils" are located on or within 100 feet of a proposed residential subdivision, a soils delineation report shall be prepared by a licensed soil scientist or professional engineer registered in the State of Maryland. The soils delineation report shall be submitted for review prior to Planning Commission approval of the plan. The Division may waive this requirement if the “wet soils” are located within open space areas. (b) If residential lots are proposed within “wet soils” then a geotechnical report is required to be submitted by a professional engineer registered in the State of Maryland. A note shall be placed on the plan that all construction shall be in conformance with the geotechnical report.

Existing mapping reveals that Glenville Silt loam (GoC) “wet soils” dominate most of the 4.40-acre property. A note must be added to the Preliminary Plan stating that construction of a residential structure with a basement within 100 feet of the wet soil boundary may require a geotechnical report and gravity drainage systems (or other similar solution acceptable to the County) at the time of building permit application. No flooding soils are mapped on site.

4. **Road Access Requirements. Public Facilities §1-16-12 (B)(3)(b):** For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.

The Preliminary Plan proposes Laneve Court as a 20’ wide public road (cul-de-sac) with a 50’ wide right-of-way and a length of approximately 900 feet. The entrance to this proposed road will be situated directly opposite the existing entrance to Deer Crossing Elementary School to create a full intersection with Finn Drive.

5. **Other Street Requirements. Land-locking of Adjacent Land §1-16-236 (C):** Rights-of-way for proposed streets shall be extended to the boundary lines of the proposed subdivision so that a connection can be made to all adjacent properties unless such extension is not feasible because of topography or other physical conditions, or unless, in the determination of the Planning Commission, such extension is not necessary or desirable for the coordination with existing streets or the most advantageous development of adjacent tracts. In any event, no subdivision shall be designed so as to create or perpetuate the land-locking of adjacent undeveloped land.

The proposed public road (Laneve Court) has been extended as far as possible to serve the development. No land-locking of adjacent undeveloped land results from the road design.

6. **Other Street Requirements. Development on Dead End Streets §1-16-236 (K):** Subdivisions on cul-de-sac or dead end streets shall be permitted only if approved by the Planning Commission.
(or county staff) in accordance with this division, the Design Manual, and the following provisions, as applicable:

(1) For proposed development on new or existing cul-de-sac or dead end street(s), except existing dead end streets described in subsection (2) below, the following requirements apply:

(a) Applicant must demonstrate the existence of site specific circumstances that make the design and development of a through street practically infeasible.

(b) In the AG and R-1 zoning district, cul-de-sac or dead end street(s) shall not exceed 1,800 feet in length and shall not serve more than 30 lots, dwelling units, or parcels. The Planning Commission may approve development of a greater number of lots and/or on a longer cul-de-sac or dead end street if the Planning Commission considers the individual property characteristics and the goals and principles of § 1-16-234 as set forth below in § 1-16-236(K)(1)(c).

(c) In the R-3, R-8, R-12, R-16, VC, MX, LI, GI, GC, MXD, ORI, and PUD zones, the length of cul-de-sac or dead end street(s) may vary based on the density in the development section or land bay, property shape and size, topography, environmental constraints, lot size, unit types, and proposed land use. The density and length of cul-de-sac or dead end street(s) shall be reviewed by the Planning Commission and approved on a case by case basis. The Planning Commission shall consider the goals and principles of § 1-16-234 when considering the length and density of streets under this subsection.

This property has frontage on Finn Drive. Because this dead-end road network exceeds 1,800 feet in length and serves more than 30 lots, this proposed subdivision requires an approval of a modification by the Planning Commission. Staff generally does not recommend approval of proposals that would result in more than 30 lots on such a long dead-end road system. However, since ten (10) of these lots are pre-existing lots of record, and coupled with the safety concerns of those 10 lots separately accessing directly onto a minor arterial roadway, staff recommends approval of this modification to add 13 lots to the existing dead-end road network, especially considering that these lots will access the first 400’ of the dead-end system.

7. Lot Size and Shape. Panhandle Lots §1-16-219 (C)(2): Panhandle lots may be approved by modification of the Planning Commission in major subdivisions only when it is determined by the Commission that “excellence of design” will be achieved or that such lots are inaccessible to the road due to odd shape and/or topographical constraints. In each case, the Planning Commission will determine “excellence of design” based on the spatial relationship of the panhandle lot to other lots and the public road. Only physical design criteria such as odd shape and road inaccessibility, topography, existing utilities, proposed and existing well and septic constraints (Health Department criteria) and natural or man-made features shall be used by the Planning Commission in granting modifications for panhandle lots in major subdivisions.

A panhandle modification is being requested. The justification letter explains how “excellence of design" has been achieved by proposing panhandles for existing Lots 11-13. By virtue of the proposed 12-foot wide common driveway extending from the cul-de-sac of Laneve Court (a local road), these 3 lots of record will not require the construction of individual driveways directly onto Boyer’s Mill Road (a minor arterial). See Exhibit 3 for the full justification letter.
8. Water and Sewer Facilities. Public Facilities §1-16-12 (C): The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.

The site shall be served by both public water (New Design WTP) and public sewer (Ballenger-McKinney WWTP). Currently, Lots 201-203 are classified W-1, S-4 (the W-1 shown on lots 201-203 is a mapping inaccuracy in the Water and Sewerage Plan Maps). A water and sewer category change is required for lots 4-13 which are classified as W-5, S-4. A sewer category change is required for lots 201-203. The existing waterline in Finn Drive is in pressure Zone 2. The Lots with ground elevation above 510’ shall be served by pressure Zone 3 waterline. The whole site can be served by the pressure Zone 3 with overflow elevation of 700 feet. The Zone 3 waterline is not available to the site, however, it is in County's CIP program. This proposed waterline can be converted to Zone 3 waterline. In the meantime, temporary wells will be drilled to serve any lots above elevation 510’.

Subdivision Regulation Requirements Findings/Conclusions

The project will meet all Subdivision Regulation requirements once all agency comments and conditions are met. The Applicant is seeking two (2) modifications from the Subdivision Regulations and staff is proposing one (1) condition:

**Modifications/Conditions:**

1. A modification under §1-16-219(C)(2) to reconfigure Lots 11-13 with panhandles to access Laneve Court by common driveway rather than constructing separate driveways onto Boyer’s Mill Road.

2. A modification under §1-16-236(K)(1) to allow over 30 lots on a dead-end road network (Finn Drive).

3. A note must be added to the Preliminary Plan stating that construction of a residential structure with a basement within 100 feet of the wet soil boundary may require a geotechnical report and gravity drainage systems (or other similar solution acceptable to the County) at the time of building permit application.

C. OTHER APPLICABLE REGULATIONS

Stormwater Management – Chapter 1-15.2: Stormwater Management is provided in accordance with the 2000 Maryland SWM Design Manual and the SWM Act of 2007. The impervious area of the 20' crowned roadway will be treated through Disconnection of Non-Rooftop Runoff (N-2) using 10' grass shoulders on either side of Laneve Court.

APFO – Chapter 1-20:

1. Schools and Roads. Testing for APFO is required for the 6th and subsequent lots created since 1991. Because no lots have been created since the 1991 adoption of APFO, up to 5 new lots could be created within the 1965 boundary before APFO would be triggered. As provided in Section 1-20-7(B), this subdivision is exempt from meeting APFO, being the 1st, 2nd and 3rd lots from the original parcel since 1991.

2. Water/Sewer. The site shall be served by both public water (New Design WTP) and public sewer (Ballenger-McKinney WWTP). Currently, Lots 201-203 are classified W-1, S-4 (the W-1 shown on lots 201-203 is a mapping inaccuracy in the Water and Sewerage Plan Maps). A water and sewer category change is required for lots 4-13 which are classified as W-5, S-4. A sewer
category change is required for lots 201-203. The existing waterline in Finn Drive is in pressure Zone 2. The Lots with ground elevation above 510’ shall be served by pressure Zone 3 waterline. The whole site can be served by the pressure Zone 3 with overflow elevation of 700 feet. The Zone 3 waterline is not available to the site, however, it is in County’s CIP program. This proposed waterline can be converted to Zone 3 waterline. In the meantime, temporary wells will be drilled to serve any lots above elevation 510’.

Forest Resource Ordinance – Chapter 1-21: No forest or specimen trees exist on the 4.40 acre subject property, however, a small amount of forest (1.22 acres) will be cleared to develop adjacent lots 11-13. FRO mitigation for this development and the adjoining 10 lots will be provided by transfer of Forest Banking Credits in the amount of 4.20 acres of NEW forest credit OR 10.50 acres of EXISTING forest credit. This mitigation must be provided prior to lot recordation, prior to applying for grading or building permits, and prior to any earth disturbance or tree clearing activities.

Summary of Agency Comments

<table>
<thead>
<tr>
<th>Other Agency or Ordinance Requirements</th>
<th>Comment</th>
</tr>
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<tbody>
<tr>
<td>Development Review Engineering:</td>
<td>Conditional Approval. Common driveway has to be constructed prior to recording of the lots. SWM and other Development Review Engineering issues will be reviewed with future plans in accordance with MD SWM Act of 2007.</td>
</tr>
<tr>
<td>Development Review Planning:</td>
<td>Conditional Approval. Address all agency comments as the plan proceeds through to completion.</td>
</tr>
<tr>
<td>State Highway Administration (SHA):</td>
<td>N/A</td>
</tr>
<tr>
<td>Div. of Utilities and Solid Waste Mgt. (DUSWM):</td>
<td>Hold. All public sanitary sewers and waterline within and outside public right-of-way must have easements deeded to the County. Easements are a minimum of 30-foot wide. If the easement is not paved, avoid landscaping within it. The easement must be able to accommodate vehicular maintenance in inclement weather. Looks like Lot 202 is in higher zone and should be on private well too.</td>
</tr>
<tr>
<td>Health Department:</td>
<td>Conditional Approval. Water and Sewer classification must be S-3 and W-3 or less for Health Department approval of final plat. Final Plat will require all Health Department required notes for public water and sewer. All wells that are to be drilled need to be shown on the plat, staked, field checked and drilled. The well number will be required on the next submittal thereafter.</td>
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<tr>
<td>Office of Life Safety:</td>
<td>Approved</td>
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<tr>
<td>Traffic Engineering:</td>
<td>Approved</td>
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<tr>
<td>Historic Preservation:</td>
<td>N/A</td>
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RECOMMENDATION

Staff has no objection to conditional approval of this Preliminary Plan to subdivide a 4.40 acre parcel into three (3) new lots (Lots 201-203), reconfigure existing lots 4-13, and construct a new public road (Laneve Court). If the Planning Commission conditionally approves the Preliminary Plan, it is valid for a period of five (5) years from the date of Planning Commission approval (May 8, 2024).
Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements. Should the Planning Commission grant approval of this application (S084, AP 19110), Staff recommends that the following items be added as conditions to the approval:

Planning Commission approval of the following modification requests from the Applicant:

1. A modification under §1-16-219(C)(2) to reconfigure Lots 11-13 with panhandles to access Laneve Court by common driveway rather than constructing separate driveways onto Boyer’s Mill Road.

2. A modification under §1-16-236(K)(1) to allow over 30 lots on a dead-end road network (Finn Drive).

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.

2. The Applicant shall construct a sidewalk along Finn Drive from Laneve Court to tie-in with the existing sidewalk in front of Kiddie Academy.

3. Revise Note 14 to state, "Application and approval of a Water and Sewerage Plan Amendment is required to change the water and sewer classification to W-3, S-3 for Lots 4-13. Application and approval of a Water and Sewerage Plan Amendment is required to change the sewer classification to S-3 for lots 201-203."

4. A note must be added to the Preliminary Plan stating that construction of a residential structure with a basement within 100 feet of the wet soil boundary may require a geotechnical report and gravity drainage systems (or other similar solution acceptable to the County) at the time of building permit application.

**PLANNING COMMISSION ACTION**

**MOTION TO APPROVE**

I move that the Planning Commission APPROVE S084 (AP 19110) with conditions and modifications as listed in the staff report for the proposed Preliminary Plan to subdivide a 4.40 acre parcel into three (3) new lots (Lots 201-203) and construct a new public road (Laneve Court), based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
Exhibit 1: Existing Conditions Rendering
April 15, 2019

Mr. Michael Wilkins, Director
Frederick County Division of Planning
And Permitting (DPP)
30 North Market Street, 3rd Floor
Frederick, MD 21701

Re: Modification Request for Panhandles
Longview Estates – Laneve Property
Tax Map 79, Parcel 103 & Lots 4 – 13 (P.B. 4, Pg. 19)
Situated along Boyers Mill Road and Finn Drive
File #: SP 0-84, Project No.: 19110

Dear Mr. Wilkins:

On behalf of our client, Mr. Ronald Laneve – Owner, we respectfully request that the County’s Planning Staff support our request for the modification and use of panhandles in accordance with the requirements of Section § 1-16-219(C)(2) (Lot Size and Shape – Panhandle Lots) of the Frederick County Subdivision Rules and Regulations. We are seeking this modification approval for the use of panhandles for the referenced subdivision in an effort to meet “excellence of design” as presented in the section outlined above.

Justification for the Modification (1-16-219):

Currently the owner has ten (10) existing lots (Lots 4 -13) purchased in June 1970 that are situated along Boyers Mill Road, which range in size from 1.12 acres to 1.40 acres, and a separate parcel (P.102) of land totaling some 4.16 acres, prior to its development. Working with the Frederick County Division of Public Works, the Owner is dedicating a portion of their property to the County for the construction and improvement of Boyers Mill Road. As part of that dedication, the County would like to limit access to Boyers Mill Road, which is classified as a minor arterial roadway, and is seeking a denial of access along the Owners frontage. In order to provide access to the existing lots and create access for the three (3) minor subdivision lots, a new cul-de-sac (Laneve Court) is being proposed off of Finn Drive across from the existing entrance to Deer Crossing Elementary School. Laneve Court will extend as far back as possible along the rear of existing Lots 4 – 10, until the property (Parcel 102) contracts and the minimum lot area (40,000 SF or 0.92 Ac.) can no-longer be maintained. In order to maintain the minimum lot acreage and work with the County to reduce the number of individual driveways accessing directly onto Boyers Mill Road from the historical lots, we are proposing that panhandles be utilized to access Lots 11 – 13, thereby providing access through a single 12-foot wide common driveway.

In summary, due to the road dedication and safety denial of access along Boyers Mill Road, and the contraction of parcel 102 as you travel towards the northwestern corner of the property, it makes sense to
utilize panhandles in order to provide a safer access location for Lots 11 – 13 into Laneve Court (local road) and maintain their minimum lot areas. For these major reasons, we believe the use of panhandles to access lots 11 -13 is justified and meets the requirement for “excellence of design” as discussed and outlined in the County Subdivision Rules and Regulations, as mentioned above.

**Authority for the Modification (§ 1-16-30):**

[“Where the Planning Commission finds that because of unusual circumstances of shape and topography or other physical features or conditions of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with this chapter, there may be granted a modification of this chapter when requested by the sub-divider or developer. However, no such modification shall be granted which will have the effect to nullifying the intent and purpose of the Comprehensive Development Plan, the zoning regulations, this chapter or any other pertinent rules, regulations or laws of the county. In granting modification, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objections of the standards of the requirements so waived or modified.”]

For the reasons stated above, we respectfully request on our Owner’s behalf that the Planning Staff support and the Planning Commission approve our request. Thank you for your consideration and please feel free to contact us with any questions or comments related to our modification request.

Sincerely,

**Terra Solutions Engineering, LLC**

**Gerald Miller**

Gerald Lee Miller, Jr., PE  
President

Cc: Mr. Ronald Laneve
April 15, 2019

Mr. Michael Wilkins, Director
Frederick County Division of Planning
And Permitting (DPP)
30 North Market Street, 3rd Floor
Frederick, MD 21701

Re: Modification Request for Access onto a Long Cul-de-sac
Longview Estates – Laneve Property
Tax Map 79, Parcel 103 & Lots 4 – 13 (P.B. 4, Pg. 19)
Situated along Boyers Mill Road and Finn Drive
File #: SP 0-84, Project No.: 19110

Dear Mr. Wilkins:

On behalf of our client, Mr. Ronald Laneve – Owner, we respectfully request that the County’s Planning Staff support our request for the modification and construction of thirteen (13) homes on a long cul-de-sac in accordance with the requirements of Section § 1-16-236(K) (Layout – Cul-de-sac) of the Frederick County Subdivision Rules and Regulations. We are seeking this modification approval to allow access onto Finn Drive, which is considered a dead-end street, as classified under Section § 1-16-236 above.

Justification for the Modification (1-16-236):

Currently the owner has ten (10) existing lots (Lots 4-13) purchased in June 1970 that are situated along Boyers Mill Road, which range in size from 1.12 acres to 1.40 acres, and a separate parcel (P.102) of land totaling some 4.16 acres, prior to its development. Working with the Frederick County Division of Public Works, the Owner is dedicating a portion of their property to the County for the construction and improvement of Boyers Mill Road. As part of that dedication, the County would like to limit access to Boyers Mill Road, which is classified as a minor arterial roadway, and is seeking a denial of access along the Owners frontage. In order to provide access to the existing historical lots and create access for the three (3) minor subdivision lots, a new cul-de-sac (Laneve Court) is being proposed off of Finn Drive across from the existing entrance to Deer Crossing Elementary School. As mentioned above, Finn Drive is considered a dead-end street, and will have more than 30 dwelling units utilizing it for access to the public road network; therefore, we are seeking Planning Commission approval to further exceed both the maximum dwelling unit requirement and maximum length for a dead-end road system.

As justification for our request, we believe the additional safety benefits provided by removing ten (10) individual residential driveways accessing onto Boyers Mill Road is considerable, and outweighs any additional concern for increasing the volume of traffic onto Finn Drive. We also believe that since Finn Drive is designed and constructed as a dual roadway (i.e. two access points) off of Boyers Mill Road, that
Laneve Court has two possible access drives, both 20-feet wide, for accessing Boyers Mill Road in the event of an emergency.

For these reasons, we believe granting access to the rerouted homes, which will be located along Laneve Court and utilize Finn Drive to access Boyers Mill Road, is justified and meets the requirement for Planning Commission approval as outlined in the County Subdivision Rules and Regulations described below.

**Authority for the Modification (§ 1.16.30):**

"Where the Planning Commission finds that because of unusual circumstances of shape and topography or other physical features or conditions of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with this chapter, there may be granted a modification of this chapter when requested by the sub-divider or developer. However, no such modification shall be granted which will have the effect to nullifying the intent and purpose of the Comprehensive Development Plan, the zoning regulations, this chapter or any other pertinent rules, regulations or laws of the county. In granting modification, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objections of the standards of the requirements so waived or modified."

For the reasons stated above, we respectfully request on our Owner’s behalf that the Planning Staff support and the Planning Commission approve our request. Thank you for your consideration and please feel free to contact us with any questions or comments related to our modification request.

Sincerely,

**Terra Solutions Engineering, LLC**

**Gerald Miller**

Gerald Lee Miller, Jr., PE
President

Cc: Mr. Ronald Laneve