



FREDERICK COUNTY PLANNING COMMISSION

July 10, 2019

TITLE: Meunier Division, Lots 1 - 3

FILE NUMBER: M-3216, AP 19199 (APFO N/A, FRO 19200/19201)

REQUEST: Driveway Entrance Spacing Modification

The Applicants are requesting a modification to allow a new single entrance driveway, which does not meet the minimum separation distances from existing driveways that is required for a Staff level approval.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located on the northwest side of Old Frederick Road, near the intersection with Links Bridge Road.
TAX MAP/PARCEL: Map 41, Parcel 75, Tax ID#20-398280
COMP. PLAN: Agricultural / Rural
ZONING: Agricultural (AG)
PLANNING REGION: Frederick
WATER/SEWER: No Planned Service

APPLICANT/REPRESENTATIVES:

APPLICANT: RF Gauss & Associates, Inc.
OWNER: Rob Meunier
SURVEYOR/ENGINEER: Chris Gauss
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Craig Terry, Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1 - Applicant's Justification Letter
EXHIBIT 2 - Applicant's Driveway Separation Exhibit
EXHIBIT 3 - Combined Preliminary/Final Plat
EXHIBIT 4 - FcPc Entrance Spacing Policy Table 6

STAFF REPORT

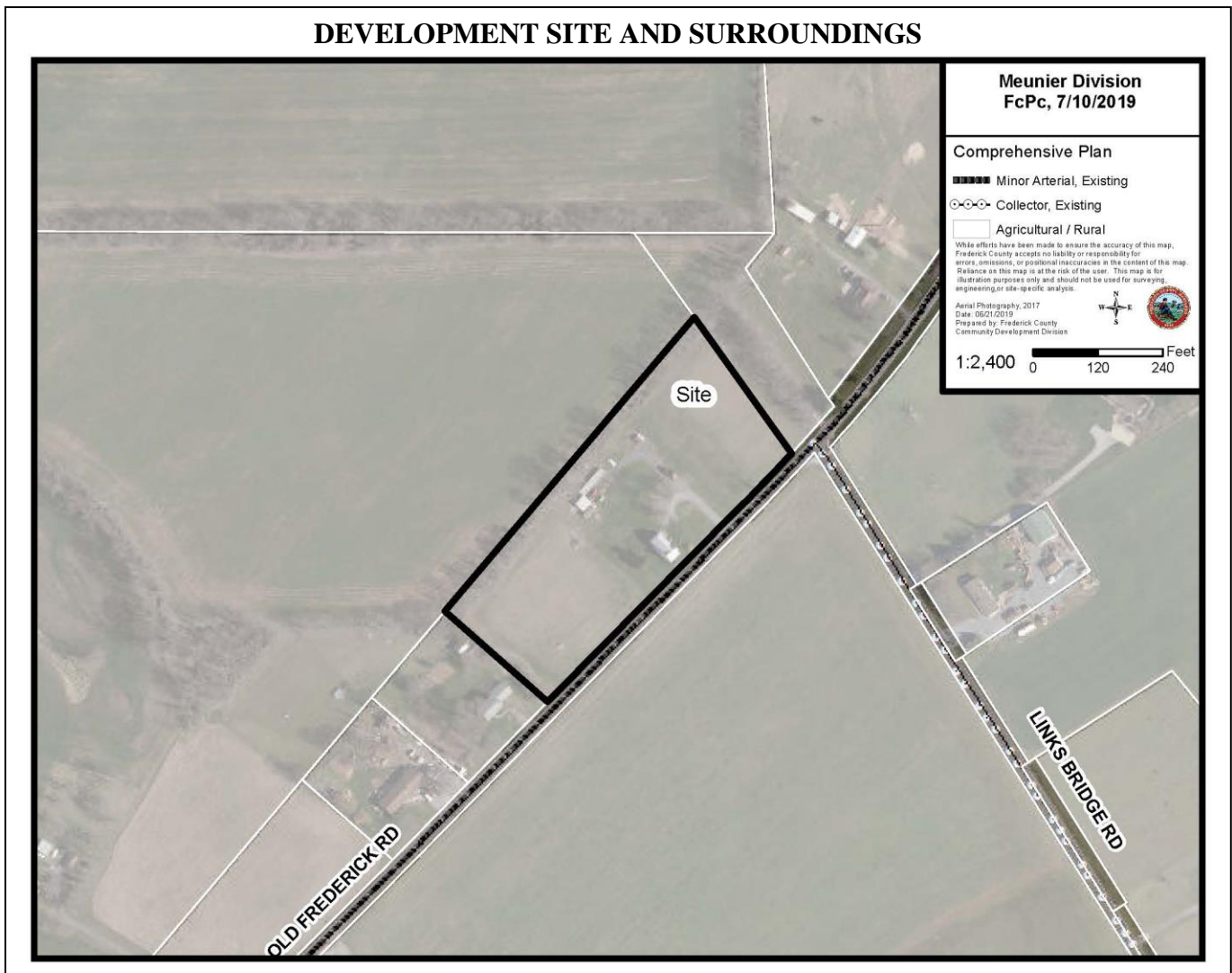
ISSUE

The Applicants are requesting a modification to the Entrance Spacing Policy to allow a new single entrance driveway that does not meet the minimum separation distances from existing driveways that is required for a Staff level approval.

BACKGROUND

The Applicants are proposing to subdivide the existing 4.5± acre parcel into 3 lots. The minor subdivision of the three lots is a Staff-level review and approval as required in accordance with the Subdivision Regulations. The portion of the proposed plat that is before the Planning Commission for review and decision is the request for a modification of the established policy for the distance between driveway access points for new residential lots.

In 2002 the Frederick County Planning Commission adopted a Driveway Entrance Spacing Policy. This policy was amended in 2004. The purpose of this policy is to limit the number of new entrances on public roads, to provide for a minimum separation distance between driveways, and therefore limit the number of locations along public roads where vehicles would be pulling out into traffic, slowing down to turn into the driveways, and to otherwise provide safer locations for ingress and egress.



**Driveway Spacing Modification
Meunier Division, Lots 1 – 3**

July 10, 2019

Page 2 of 5

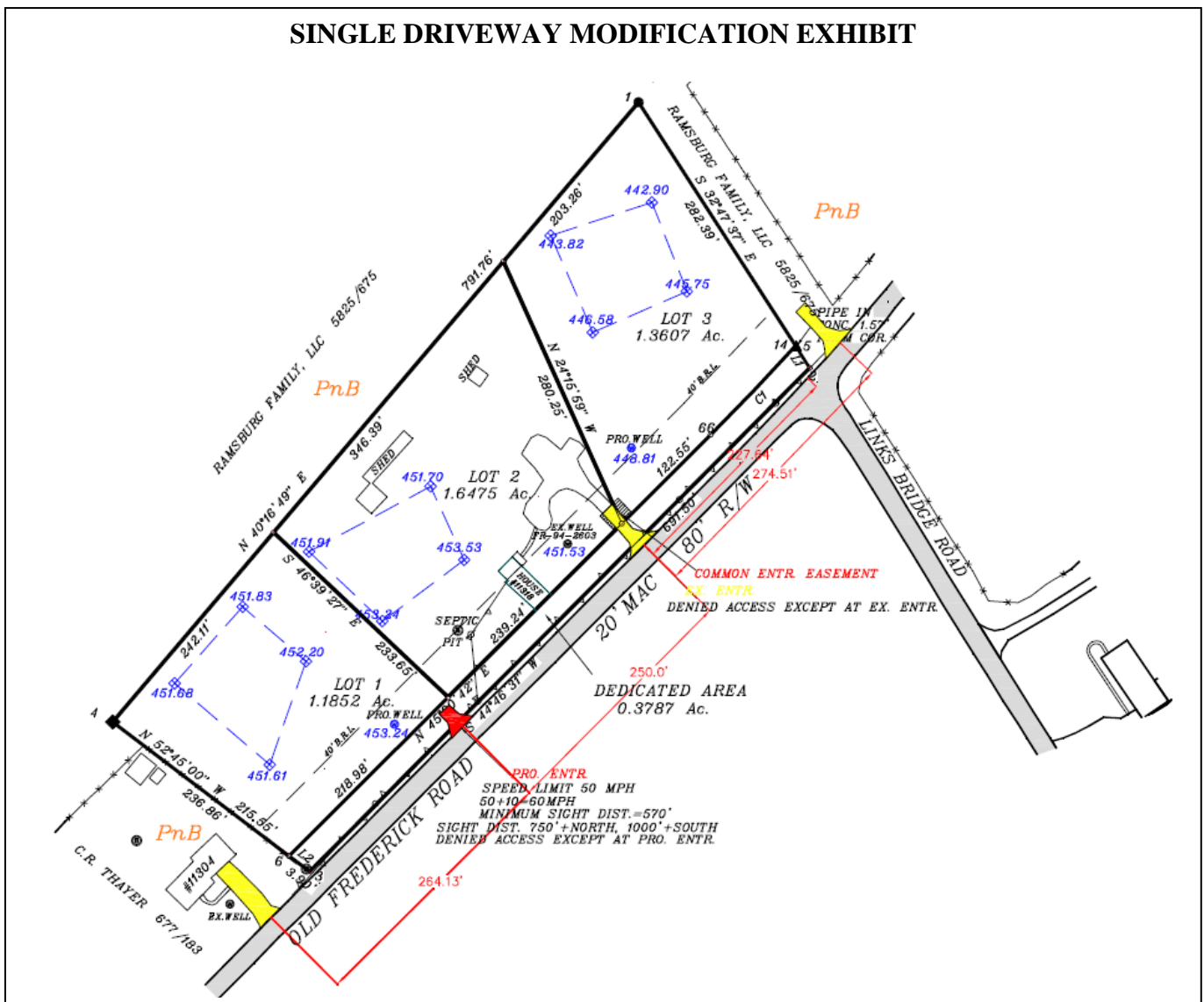
ANALYSIS

Old Frederick Road Access

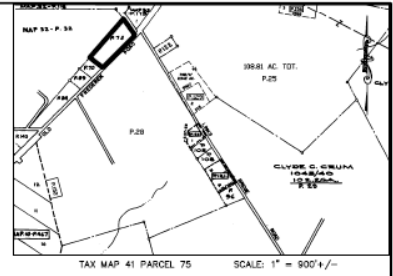
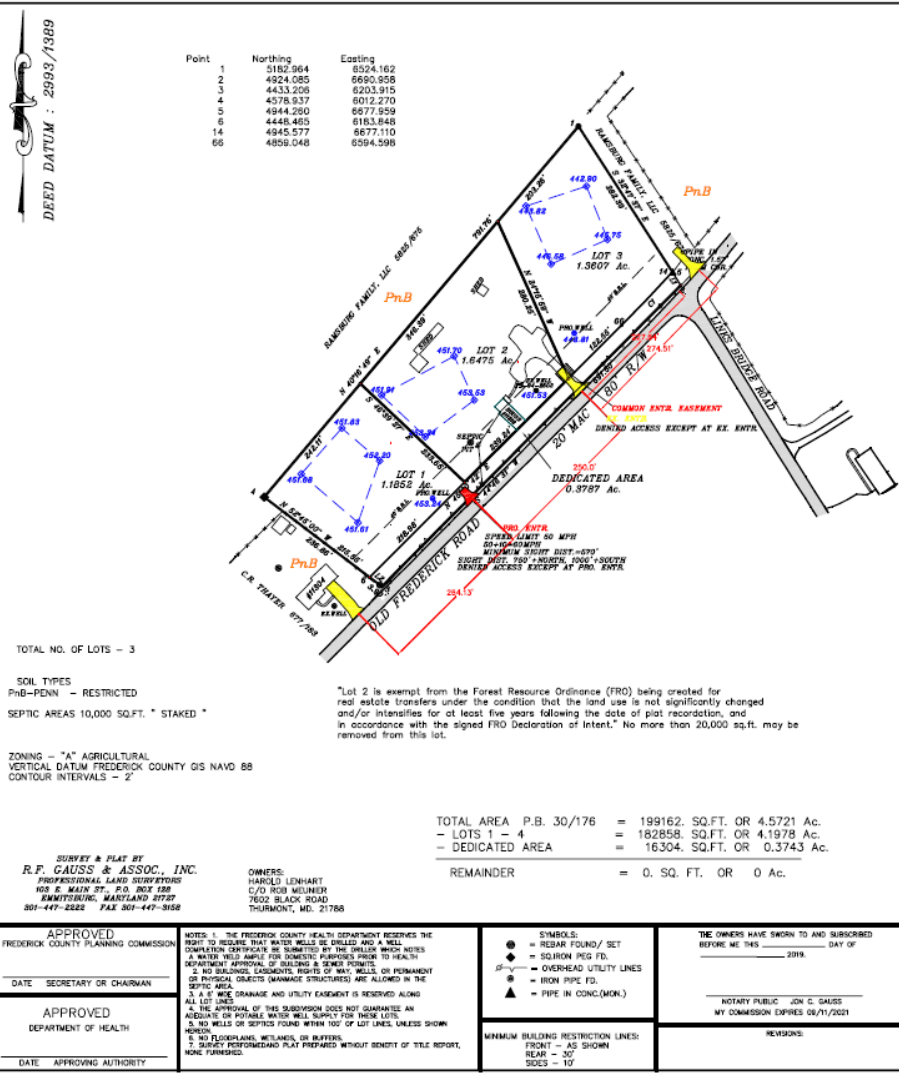
The proposed single entrance driveway accessing Old Frederick Road will serve proposed Lot 1. Old Frederick Road is classified as a Minor Arterial roadway (80' r/w) and requires an FcPc modification for Single Entrance Residential Driveways (see first entry in Table 6, attached hereto as Exhibit 4). The proposed single entrance location is 250 feet to the nearest existing (common) driveway to the north and approximately 264 feet from the existing driveway to the south.

The proposed new entrance location exceeds the minimum sight distance requirement for a safe location for ingress/egress.

The Applicants have noted in their justification letter that a common driveway to serve all 3 lots would not be practical, due to the shape of the land and location of the existing single-family dwelling. An attempt to coordinate with existing driveways on adjoining parcels was rejected by the owners, so the Applicants are requesting a modification to use a single driveway entrance.



COMBINED PRELIMINARY/FINAL PLAT



OWNER'S DEDICATION & CERTIFICATION

WE, HAROLD LEV LENHART, SR. & RUTH V. LENHART, OWNERS OF THE PROPERTY SHOWN & DESCRIBED HEREON HEREBY ADOPT THIS PLAN OF SUBDIVISION AND IN CONSIDERATION OF THE APPROVAL OF THIS SUBDIVISION BY THE PLANNING COMMISSION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE STREETS, WALKWAYS, AND OTHER EASEMENTS TO PUBLIC USE, UNLESS OTHERWISE NOTED ON THIS PLAT.

WE CERTIFY THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS, OR RIGHTS OF WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION, AND THAT THE REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY BOOK, TITLE 3, SUBTITLE 1, SECTION 3-10B, AND THE REQUIREMENTS OF THE FREDERICK COUNTY CODE, SECTION 1-16-10B, AS ENACTED OR AMENDED SO FAR AS IT MAY CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH.

(DECEASED)

DATE HAROLD LEV LENHART, SR. DATE RUTH V. LENHART

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, IS CORRECT THAT IT IS A SUBDIVISION OF ALL OF THE LAND CONVEYED BY HAROLD LEV LENHART, SR. UNTO HAROLD LEV LENHART, SR. & RUTH V. LENHART, BY DEED DATED 12 NOVEMBER, 2001 AND RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY IN LIBER 2993 FOLIO 1389, AND THAT THE REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY BOOK, TITLE 3, SUBTITLE 1, SECTION 3-10B, AND THE REQUIREMENTS OF THE FREDERICK COUNTY CODE, SECTION 1-16-10B, AS ENACTED OR AMENDED SO FAR AS IT MAY CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH.

DATE J. CHRISTOPHER GAUSS, P.L.S. # 572
MY LICENSE EXPIRES 3/20/19

TOTAL AREA P.B. 30/176 = 199162. SQ.FT. OR 4.5721 Ac.
- LOTS 1 - 4 = 182858. SQ.FT. OR 4.1978 Ac.
- DEDICATED AREA = 16304. SQ.FT. OR 0.3743 Ac.
REMAINDER = 0. SQ. FT. OR 0 Ac.

SURVEY & PLAT BY
R.F. GAUSS & ASSOC., INC.
PROFESSIONAL LAND SURVEYORS
105 E. MAIN ST., P.O. BOX 188
SMITHSBURG, MARYLAND 21783
301-447-3222 FAX 301-447-3058

OWNERS:
HAROLD L. LENHART, SR.
C/O RUTH L. LENHART
7602 BLACK ROAD
THURMONT, MD. 21786

APPROVED
FREDERICK COUNTY PLANNING COMMISSION

DATE SECRETARY OR CHAIRMAN

APPROVED
DEPARTMENT OF HEALTH

DATE APPROVING AUTHORITY

NOTES: 1. THE FREDERICK COUNTY HEALTH DEPARTMENT RECEIVES THE RIGHT TO REQUIRE THAT WATER WELLS BE DRILLED AND A WELL COMPLETION CERTIFICATE BE SUBMITTED BY THE DRILLER WHICH NOTES A WATER TEST MADE FOR DOMESTIC PURPOSES PRIOR TO HEALTH DEPARTMENT APPROVAL OF BUILDING A SEWER POINTS.

2. NO BURNING, CARBONITE, RIGHTS OF WAY WELLS, OR PERMANENT OR PHYSICAL OBJECTS (MANAGE STRUCTURES) ARE ALLOWED IN THE SEPTIC AREA.

3. A 6" WIDE DRAINAGE AND UTILITY EASEMENT IS RESERVED ALONG ALL LOT LINES.

4. THE APPROVAL OF THIS SUBDIVISION DOES NOT GUARANTEE AN ADEQUATE OR POTABLE WATER WILL SUPPLY FOR THESE LOTS.

5. NO WELLS OR SEPTICS FOUND WITHIN 100' OF LOT LINES UNLESS SHOWN HEREON.

6. NO FLOODPLAIN, WETLANDS, OR BUFFERS.

7. SURVEY REFORMED AND PLAT PREPARED WITHOUT BENEFIT OF TITLE REPORT, NONE FURNISHED.

SYMBOLS:

- = REBAR FOUND/ SET
- = SOLUTION PIPE TD.
- with line = OVERHEAD UTILITY LINES
- with dot = IRON PIPE TD.
- ▲ = PIPE IN CONC.(MON.)

MINIMUM BUILDING RESTRICTION LINES:
FRONT - AS SHOWN
REAR - 30'
SIDES - 10'

THE OWNERS HAVE SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 2019.

NOTARY PUBLIC JON C. GAUSS
MY COMMISSION EXPIRES 08/11/2021

WITNESSES:

COMBINED PRELIMINARY / FINAL PLAT
LOTS 1-3, SECTION ONE
MEUNIER DIVISION
SITUATED ON OLD FREDERICK ROAD
LEWISTOWN ELECTION DISTRICT # 20
FREDERICK COUNTY, MARYLAND
FREDERICK PLANNING REGION
DATE: 7 JANUARY, 2019 SCALE: 1" = 100'
PLAT NO. 41P-75 SUB ACCT. # 20-398280

File #	
A/P #	
Recorded	
P.B. Pg	

The Applicants have demonstrated adequate sight distance for the proposed driveway location and the location is consistent with driveway separation in the neighborhood, so staff supports the approval of this modification for this application (M-3216, AP 19199) subject to the following conditions:

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

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** the entrance spacing modification associated with **M-3216 (AP 19199) with conditions** as listed in the staff report for the Meunier Division project based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

ENTRANCE SPACING TABLE 6 EXHIBIT

Original FcPc Approved Policy - March 13, 2002
(and FcPc Approved Changes on October 20, 2004)

Table 6

MINOR ARTERIAL Road **Rural** Character Examples: New Design Rd. south of,
 and Manor Woods Rd. west of Adamstown Growth Limit Line (GLL)

Driveway Access Permitted

*Separation from: (Proposed Access)	*To: (Nearest Existing Entrance)	FcPc Review (Modification Needed)	Staff Review (Justification Required)	Approved (No Justification Needed)
Residential Driveway	Residential Driveway	Single Entrances Not Encouraged, Common: 100' - 249'	Common Entrances Required, 250' - 499'	Common Entrances + 500'
Residential Driveway	Commercial Driveway			
Residential Driveway	Public Street (Near-curb line)			
Commercial Driveway	Commercial Driveway	200-349'	350-499'	500'+
Commercial Driveway	Public Street (Near-curb line)			
Egress of Rt-in / Rt-out access (median condition)	Next street downstream	Below 'a', but not less than 275'	Use 'a', but in no case less than 350'	450'+
Local Street	Local Street	250-349'	350-749'	750'+
Local Street	Collector Street			
Local Street	Arterial Street			
Collector Street	Collector Street	375-499'	500-749'	750'+
Collector Street	(Minor or Major) Arterial Street			
Minor Arterial Street	(Minor or Major) Arterial Street	375-499'	500-749'	750'+
Median-Break for Driveways	Median-Break for Driveways	Use 'b', but in no case less than 250'	No Median Access	No Median Access
Median-Break for Driveways	Public Street (Near-curb line)			

*All values are measured from centerline, unless otherwise expressed.

- a) Must not impede the average stacking length, n, where n=number of vehicles of the 10 longest observed queues at closest intersection/s during peak hours. Criteria shall be [(n x 25') x 1.25] rounded up to the nearest 25', or 350', whichever is greater.
- b) Medians are not often constructed for this classification. However, when medians exist, then recommended minimum separations should equal the ideal street spacings. For non-intersection median break requests, the "absolute" minimum C/L-to-C/L separation is recommended to be midpoint between upstream and downstream breaks, but not less than 250'. The median break width "w" is recommended to be: 20' + width of travel way of the intersecting driveway/street.