



# FREDERICK COUNTY GOVERNMENT DIVISION OF COMMUNITY DEVELOPMENT

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## ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

### **Oakdale Village**

*Preliminary Plat #S-1163 AP #13855*

**In General:** The following Letter of Understanding (“**Letter**”) between the Frederick County Planning Commission (“**Commission**”) and Oakdale Properties, LLC (“**Developer**”), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Oakdale Village Preliminary Plan of Subdivision (the “**Project**”), in compliance with the Frederick County Adequate Public Facilities Ordinance (“**APFO**”).

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer’s 52.1 +/- acre parcel of land, which is zoned Mixed Use (MX) and located on the north side of Old National Pike between the Oakdale High School and Oakdale Middle/Elementary School complexes. This APFO approval will be effective for development of 48 single family detached, 115 attached townhouses and 152 two over two multifamily condominium dwelling units and a 4,000 sq. ft. day care facility, or any variation such that the generation of vehicle trips or students as noted below are not exceeded, which is shown on the preliminary plat for the above-referenced Project, which was conditionally approved by the Commission on January 8, 2014.

**Schools:** The Project is projected to generate 47 elementary school students, 30 middle school students and 30 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test fails at the elementary and middle school levels. The Developer has chosen the option to mitigate the school inadequacy by paying the School Construction Fees under Section 1-20-62 of the APFO. This Project is eligible to utilize the School Construction Fee option per the criteria set forth in Section 1-20-62 of the APFO. **The School Construction Fees shall be paid at plat**

**recordation** based on the specific fees required by Section 1-20-62(E), per unit type and the school level(s) to be mitigated.

**Water and Sewer:** The Property has a water and sewer classification of W-5 (Dev.), S-5 (Dev.). The water pressure is Zone #2.

**Road Improvements:** The Project will generate 200 am and 232 pm external weekday peak hour trips which requires APFO testing per Section 1-20-30. As a result, a Traffic Impact Analyses was performed by Wells and Associates dated June 10, 2013 and revised on November 20, 2013 to address APFO requirements and propose mitigation for failing facilities per Section 1-20-31. In addition, the Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H).

The road escrow accounts require contributions as follows:

1. MD 75/I-70 Eastbound Ramp Signal - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3251 for the existing signal. The estimated cost of the intersection improvement is \$ 120,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.0%. Therefore the Developer hereby agrees to pay \$2,400 to the escrow account for this Road Improvement
2. MD 75/I-70 Westbound Ramp Signal - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3252 for the existing signal. The estimated cost of the intersection improvement is \$ 120,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 4.2%. Therefore the Developer hereby agrees to pay \$5,040 to the escrow account for this Road Improvement
3. Old National Pike/Boyers Mills Signal - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3322 for the existing signal. The estimated cost of the intersection improvement is \$ 160,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 6.6%. Therefore the Developer hereby agrees to pay \$10,560 to the escrow account for this Road Improvement
4. MD 75 Relocated: South of CSX to Baldwin Road - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3891 for the realignment of MD 75. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 8 trips times \$17,171 per trip or \$137,368
5. MD 144/Linganore Road Intersection - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3936 for the existing intersection reconstruction. The estimated cost of the intersection improvement is \$ 400,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 12.7%. Therefore the Developer hereby agrees to pay \$50,800 to the escrow account for this Road Improvement
6. Meadow Road/I-70 Westbound On-ramp - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3937 for the existing interchange reconstruction. The estimated cost of the intersection improvement is \$ 3,000,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.9%. Therefore the Developer hereby agrees to pay \$87,000 to the escrow account for this Road Improvement

7. Meadow Road/I-70 Eastbound Off-ramp - the Applicant shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3938 for the existing interchange reconstruction. The estimated cost of the intersection improvement is \$ 8,000,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.8%. Therefore the Developer hereby agrees to pay \$224,000 to the escrow account for this Road Improvement
8. Old National Pike/Eaglehead Road Roundabout - the Applicant shall contribute the appropriate pro-rata share to a new escrow account to widen the existing roundabout from one to two lanes. The estimated cost of the intersection improvement is \$ 200,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 4.6%. Therefore the Developer hereby agrees to pay \$9,200 to the escrow account for this Road Improvement

Therefore, prior to the recordation of any residential plats, the Developer hereby agrees to pay \$526,368 to the escrow accounts for these Road Improvements. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Prior to combined preliminary/final plan signature, a separate interagency agreement shall be executed that accounts for the transfer of ownership and maintenance of the FCPS access lane. Prior to the recordation of any residential plats, improvement plans (IP's) for improvements to be made by the Developer on this lane and its access with Old National Pike shall be guaranteed. Such IP's shall accommodate the design of a future signal at Old National Pike and include underground signal hardware if the signal is not initially deemed necessary by the County or full signal installation if warranted and deemed necessary by the County.

Prior to the issuance of any building permit (except as necessary for model homes or sales trailers), the Developer shall use commercially reasonable efforts (as confirmed by Frederick County Division of Community Development) to work cooperatively with Frederick County Public Schools to implement operational changes to the circulation pattern at Oakdale High School to minimize the traffic impact to Old National Pike caused by the morning peak period backup from Oakdale High School.

Prior to the issuance of the 30<sup>th</sup> residential building permit, two points of access (inclusive of the access utilizing the FCPS access lane) between the site and Old national Pike shall be guaranteed and open to traffic within one (1) year of the guarantee being posted.

When requested by the County, the Developer shall perform one signal warrant analysis at the intersection of Old National Pike and the Oakdale Middle School Access Road, to determine if signalization is warranted and justified. The Developer shall install the traffic signal within 12 months of a determination by the County that a signal is warranted and deemed necessary.

**Vesting:** Upon full mitigation of APFO requirements as set forth above within the APFO approval period, the APFO approval for the Project shall be vested and shall not be subject to further APFO roadway testing unless there is an increase in student generation, site trips or a significant redistribution of site traffic because of a change in land use or increase in site density as defined in Section 1-20-31(H).

**Period of Validity:** The APFO approval is valid for eight (8) years from the date of Commission approval; therefore, the APFO approval expires on January 8, 2022.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**DEVELOPER: Oakdale Properties, LLC - Pleasants Enterprises, Inc., Manager**

By: \_\_\_\_\_ Date:

William D. Pleasants, Jr., President

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_ Date:

Robert Lawrence, Chair or William G. Hall, Secretary

**ATTEST:**

By: \_\_\_\_\_ Date:

Gary Hessong, Director, Permits & Inspections

*Planner's Initials / Date* \_\_\_\_\_

*County Attorney's Office Initials / Date* \_\_\_\_\_

*(Approved as to legal form)*