TITLE: Summer 2014 Cycle of Water and Sewerage Plan Amendments

REQUEST: Finding of Consistency

PROJECT INFORMATION: Refer to Staff Reports

STAFF: Tim Goodfellow

RECOMMENDATION: Refer to Staff Reports

ATTACHMENTS:
Exhibit 1  Staff Reports
Exhibit 2  Applicants’ Submissions
Frederick County Community Development Division  
Staff Report  
Frederick County  
Water and Sewerage Plan Amendments  
Planning Commission Review – September 24, 2014  

Summer 2014 Cycle Amendment Requests  

WS 14-05  Beshers Land Company Number Two  
WS 14-06  PVI, LLC  
WS 14-07  MS Justron Farm, LLC  
WS 14-08  MS Charlyn Farm, LLC  
WS 14-09  MS Gladhill Farm, LLC  
WS 14-10  WBP Partner II, LLC & ITB2, LLC  
WS 14-11  Payne Investments, LLC  
WS 14-12  75-80 Properties, LLC  
WS 14-13  Wilcom Family Partnership/75-80 Properties, LLC  
WS 14-14  75-80 Properties, LLC  
WS 14-15  75-80 Properties, LLC  
WS 14-16  Hogan Realty, LLC  
WS 14-17  Hogan Realty Partners, LLC  
WS 14-19  Crumland Farm Development, LLC/Foulger-Pratt Development, LLC  
WS 14-20  Eugene Casey Foundation  
WS 14-21  Jefferson Park West, LLC  
WS 14-22  Oakdale Investments, LLC  
WS 14-23  West Park Village, LLC  
WS 14-24  Division of Community Development  

ISSUE  
The Planning Commission is requested to review the amendment requests for a finding of consistency with the County Comprehensive Plan.  

BACKGROUND  
The purpose of the Planning Commission’s review is to determine whether each amendment request is consistent with the County Comprehensive Plan. The Land Use Article of the Annotated Code of Maryland defines consistency with the comprehensive plan as addressing the location, character, and extent of the request. A finding with regards to consistency may reference the comprehensive plan map and the text document, specifically the goals and policies. For properties located within a municipality
the municipal comprehensive plan and municipal land use plan designation is referenced.

A finding of consistency does not reference whether a case meets the specific criteria, described in the Water and Sewerage Plan, for the requested classification. That determination is made by the Board of Commissioners in their review.

If the Planning Commission finds a request to be inconsistent with the comprehensive plan then the request is not forwarded to the Board of Commissioners.

**RECOMMENDATION**
Staff recommendations are noted in the individual case descriptions.
IV. COUNTY WATER AND SEWERAGE PLAN
CLASSIFICATION SYSTEM

A. General

A classification system has been established for properties that will be served by publicly owned community water and sewer systems. The classification system reflects a progression toward the attainment of public water and sewer service so as to implement the County Water and Sewerage Plan, as well as County or municipal Comprehensive Plans.

The classification system is designed to show need and intent of the County, its municipalities and the private developer for establishing or extending publicly-owned community water and sewer systems.

Classifications which indicate anticipated improvements within the next six (6) years should be part of an action plan to be implemented within the constraints of funding and various required agreements and approvals. The classification system is not intended to prevent development of publicly-owned community water and/or sewerage systems or facilities prior to or later than the time periods indicated; rather it is the best estimate at the time of adoption as to when such development may be expected to occur. Every effort should be made by the County, municipalities, and developers to progress with water and sewer projects to the point that construction may occur in accordance with the Plan. However, after having achieved one level, there is no guarantee that the next level classification will be granted.

B. Water and Sewerage Plan Classifications:

Tracts of land where publicly-owned community water and/or sewer facilities are proposed to be extended by developers or where the County or municipalities anticipate that development may occur within 20 years may be assigned a classification with the suffix "Development" or "Dev." A “Dev.” designation means that the extension or construction of publicly-owned community systems or facilities is dependent upon developer or land owner action and funding.

The year of adoption of a piecemeal Water and Sewerage Plan amendment is noted within the water and sewer classification designations for properties in 4 and 3 categories, (e.g. 90-S-3 means the sewer priority classification of S-3 was approved by the County in 1990).

NPS – No Planned Service:
A classification assigned during the Comprehensive Planning Process to land, which is not planned or projected to be served by publicly-owned community water or sewer systems within the timeframe of the current County Comprehensive Plan.

PS – Planned Service:
A classification assigned during the Comprehensive Planning Process to an area shown on the Comprehensive Plan for growth utilizing publicly-owned community water and/or sewer systems, or within the Community Growth boundary of a community to be served by public water and sewer in the adopted County Comprehensive Plan, within the 11-20 year time period. Properties within this classification have designations other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.
S-5/W-5 – Mid-Range Plan Phase:
A classification assigned through the Comprehensive Planning Process where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 7-10 year time period. Properties classified S-5/W-5 are not required to, but may, connect to the community system. Properties requesting this classification shall meet the following criteria:

a. Have a land use plan designation other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.
b. Have zoning other than Agricultural or Resource Conservation.
c. If located within a municipality where the municipality provides community water and sewer, the property shall be designated in the municipal plan to be provided services in the 7-10 year time frame.
d. Be located within a Planned Service Area as shown on the Frederick County Water and Sewerage Plan map.
e. Demonstrate that there is sufficient capacity planned in the systems serving the property within the 7-10 year period.

This classification may be assigned through the piecemeal application process to property:

1) Annexed into a municipal corporation; or
2) Granted a Planned Unit Development (PUD) or Mixed Use Development (MXD) floating zone classification; or
3) Zoned Agricultural, if all the criteria set forth above and in Section II (E)(8) are satisfied; or
4) To provide public water and/or sewer service to Public Service Facilities, if applicable criteria in Section II(E)(8) are satisfied.

S-4/W-4 – Concept Evaluation Phase:
A classification assigned through the piecemeal application process to properties having an S-5/W-5 classification, and designated residential, commercial, or industrial, or in general, a category other than Agricultural/Rural or Natural Resource on the most recently adopted County Comprehensive Plan, and where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 4-6 year time period. Properties classified S-4/W-4 shall connect to the public system when service lines abut the property. Properties requesting this classification
shall meet the following criteria:

a. The criteria required for the S-5/W-5 classification have been met.

b. The application shall include documents that show conceptually how the applicant plans extensions of water and sewer lines to serve the property, including topographic information from appropriate sources and an estimate of construction costs. Water concept submissions shall consider the County's water pressure zones to develop the concept, e.g., water booster pumping stations or pressure reducing valves. Sewerage concepts shall consider gravity service as the preferred method (see II (E) (5)(E)). All concept plans shall distinguish between County planned and developer provided facilities.

c. Adequate capacity shall exist or be programmed within the County or a municipal CIP for the system, which will serve the site. If adequate capacity does not exist, the property owner will either wait for public improvements to be programmed or propose how such service can be provided by the developer/applicant.

d. After a S-4/W-4 classification has been granted, an application may be submitted to the Maryland Department of the Environment for Water and/or Sewerage construction permits, as applicable.

S-3/W-3 – Preliminary Design Phase:
A classification assigned through the piecemeal application process to properties where improvements to, or construction of, publicly-owned community sewer or water systems are planned to be completed and operational within 3 years. If applicant has not obtained approved water and sewer improvement plans for onsite work within three years or the Preliminary Plan/Site Plan/Phase II Plan expires, they may lose their “3” classification and revert to the “4” classification at the next amendment cycle. Properties classified S-3/W-3 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

a. Criteria required for the S-4/W-4 classification have been complied with.

b. Applicant shall provide a study of the components of the existing water and wastewater system and identify inadequacies that may result from the development of the property. This study may be performed in conjunction with the Adequate Public Facilities Ordinance (APFO) studies.

c. A preliminary subdivision plan, site plan, or Phase II Plan (in the case of PUDs and MXDs) has been approved by the Planning Commission.

d. A discharge permit, where appropriate, has been approved by all appropriate State agencies.

e. A hydrogeologic study, where appropriate, supports the establishment of a community water system, which will not be detrimental to adjoining wells or surface waters. The hydrogeologic study is typically required to
appropriate both ground (well) or surface waters. A Water Appropriation and Use Permit, where appropriate, has been approved by all appropriate State agencies.

f. If County funded CIP project(s) are needed to provide service, then construction funds for each project must be contained in the first or second year of the County's approved CIP.

g. If service is to be provided by developer initiated and funded projects, the developer must have approved and signed water/sewer improvement plans and an approved cost proposal for all improvements required to bring adequate water and sewer service to the site. This “service to the site” requirement is considered “met” if adequate water and sewer lines abut the site and are located within a public right-of-way or a public water/sewer easement which abut the site.

h. Satisfaction of Items f. and g. will create a rebuttable presumption in favor of the applicant that service will be available within 3 years.

S-2/W-2 – Engineering Phase:
This classification is not mapped. Properties are assigned this category by County staff and shall meet the following criteria:

a. All criteria required for the S-3/W-3 classification have been complied with.

b. Improvement plans for water and sewer lines and preliminary design of treatment plants and other infrastructure, as appropriate, have been approved.

c. Location of facilities, i.e. tanks, pumping stations, treatment plants have been located on the Water and Sewerage Map by prior amendment.

d. Properties classified S-2/W-2 shall connect to the publicly owned system when service lines abut the property.

During the S-2/W-2 phase, final construction design drawings and documents are prepared, rights-of-way are determined and the necessary acquisitions are pursued, various construction related permits are applied for and obtained, a public works agreement, allocation of taps including multi-year tap agreements and improvement guarantees are approved. Final plats may then be recorded, where appropriate.

S-1/W-1 – Existing Service:
A classification assigned to properties where publicly-owned community sewer or water systems are existing and are connected to and serving a structure on the property. Properties are assigned this classification by County staff to reflect projects recently completed or structures connected to the public water or sewer system. The County

1 See Sec. 1-16-106 of the County Code for additional requirements.
Water and Sewerage Plan map will be revised to reflect this status at regular updates.

**Multi-Use Water System:**
A classification assigned during the piecemeal application process to a single parcel or lot utilizing a water supply system having the capacity to supply more than 5,000 gallons of water per day and serves a number of individuals.

**Multi-Use Sewerage System:**
A classification assigned during the piecemeal application process to a single parcel or lot having a maximum discharge or output capacity in excess of 5,000 gallons per day.
STAFF REPORT

Case # WS-14-05

APPLICANT: Beshers Land Company Number Two, LLC


LOCATION: At the terminus of Dresden Place, adjacent to the Spring Ridge PUD.
(Tax Map 78, Parcel 480. Property ID#09-224211)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential on the Comprehensive Plan within the Spring Ridge/Bartonsville Community Growth Area.

Zoning — R-3 Residential

Development Status — The property received Preliminary Subdivision Plan approval on January 8, 2014 for development of 21 single-family residential lots.

Water & Sewerage Plan Status — The subject property will be served through an extension of the existing 8-inch water line and 8-inch sewer line present on Dresden Place and Spring Forest Road, which are adjacent to the subject property.

STAFF RECOMMENDATION:
The subject property is located within a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Comprehensive Plan for Case WS-14-05.
STAFF REPORT
Case # WS-14-06

APPLICANT: PVI, LLC
LOCATION: Bordered by Ballenger Creek Pike, Lockhouse Drive and Fletchers Drive in Point of Rocks.
(Tax Map 102, part of Parcel 23. Property ID#01-002449)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential within the Point of Rocks Community Growth Area.

Zoning — Planned Unit Development (PUD)

Development Status — The subject property received conditional Site Development Plan approval from the Planning Commission on August 13, 2014 for development of a 6,816 square foot health care facility.

Water & Sewerage Plan Status — An 8-inch water line and an 8-inch sewer line are present on Fletchers Drive, at the southern edge of the subject property. These lines will be extended onto the subject property to serve the proposed facility.

STAFF RECOMMENDATION:
The subject property is located within a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS-14-06.
APPLICANT: MS Justron Farm, LLC (Smith Farm)

REQUEST: To reclassify 91 acres from Planned Service (PS) to W-4/Dev., S-4/Dev.

LOCATION: West side of Boyers Mill Road within the Town of New Market (Tax Map 79, Parcel 213. Property ID#09-255826)

BACKGROUND:

Comprehensive Plan — The property is designated Planned Residential Development on the Town of New Market Comprehensive Plan with the amended Municipal Growth Element.

Zoning — R-2 Residential (Town Zoning)

Development Status — The property was annexed into the Town of New Market through Resolution 2014-12, effective May 25, 2014, and given R-2 Residential Zoning. The application materials indicate plans for a 925-unit residential development (‘Hazelnut Run’) on the subject property as well as on the adjacent property (addressed in case WS-14-08, “MS Charlyn Farm, LLC”).

Water & Sewerage Plan Status — The Board of County Commissioners and the Town of New Market executed a Water Service Area Agreement (WSAA) in April 2003. This agreement, and all of its subsequent revisions, identifies the County as the sole provider of water and sewer service to the Town of New Market and contains an allocation schedule for providing water taps to the Town for the Town to allocate to existing County sewer customers. The WSAA includes details in paragraphs X and XIII that require an amendment to the WSAA be made when “subdivision, development or further annexation occurs.” Therefore, the WSAA will be required to be amended.

The property has an existing dwelling that utilizes an individual septic system and private well. If the dwelling (or any other building) remains as part of the future development of the property, it (they) must connect to the public water and sewer system. The private well(s) must be physically disconnected from the interior plumbing for the potable water supply and, per State regulations under COMAR 26.04.04.11, the well must be subsequently abandoned and sealed by or under the supervision of a master well driller licensed by the State or a representative of the
Frederick County Health Department. The septic system(s) must also be abandoned per Health Department guidelines.

Ultimate sewer conveyance will be made via a connection to an existing 10-inch sewer line present along Mussetter Road in the adjacent Greenview PUD. Materials submitted with the application mention a possible need for a sewage pump station for this development. A future Water and Sewerage Plan amendment is required to depict this infrastructure item on the Sewer Map if the pump station is determined to be needed.

Existing 12-inch and 16-inch water lines bisect the subject property and correspond to different water pressure zones (elevations) on and around the subject property. Water modeling for the proposed development indicate 8-inch lines will service the future residential community on the property.

STAFF RECOMMENDATION:
The subject property is located within a municipality, a community growth area, and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Town of New Market Comprehensive Plan for Case WS 14-04.
STAFF REPORT

Case # WS-14-08

APPLICANT: MS Charlyn Farm, LLC (Cline Farm)

REQUEST: To reclassify 170 acres from Planned Service (PS) to W-4/Dev., S-4/Dev.

LOCATION: East and west sides of Boyers Mill Road within the Town of New Market (Tax Map 79, Parcel 29. Property ID#09-227245)

BACKGROUND:

Comprehensive Plan — The property is designated Planned Residential Development on the Town of New Market Comprehensive Plan with the amended Municipal Growth Element.

Zoning — R-2 Residential (Town Zoning)

Development Status — The property was annexed into the Town of New Market through Resolution 2014-12, effective May 25, 2014, and given R-2 Residential Zoning. The application materials indicate plans for a 925-unit residential development (‘Hazlenut Run’) on the subject property as well as on the adjacent property (addressed in case WS-14-08, “MS Charlyn Farm, LLC”).

Water & Sewerage Plan Status — The Board of County Commissioners and the Town of New Market executed a Water Service Area Agreement (WSAA) in April 2003. This agreement, and all of its subsequent revisions, identifies the County as the sole provider of water and sewer service to the Town of New Market and contains an allocation schedule for providing water taps to the Town for the Town to allocate to existing County sewer customers. The WSAA includes details in paragraphs X and XIII that require an amendment to the WSAA be made when “subdivision, development or further annexation occurs.” Therefore, the WSAA will be required to be amended.

The property has an existing dwelling that utilizes an individual septic system and private well. If the dwelling (or any other building) remains as part of the future development of the property, it (they) must connect to the public water and sewer system. The private well(s) must be physically disconnected from the interior plumbing for the potable water supply and, per State regulations under COMAR 26.04.04.11, the well must be subsequently abandoned and sealed by or under the supervision of a master well driller licensed by the State or a representative of the Frederick County Health Department. The septic system(s) must also be abandoned per Health
Department guidelines.

Ultimate sewer conveyance will be made via a connection to an existing 10-inch sewer line present along Mussetter Road in the adjacent Greenview PUD. Materials submitted with the application mention a possible need for a sewage pump station for this development. A future Water and Sewerage Plan amendment is required to depict this infrastructure item on the Sewer Map if the pump station is determined to be needed.

Existing 12-inch and 16-inch water lines bisect the subject property and correspond to different water pressure zones (elevations) on and around the subject property. Water modeling for the proposed development indicate 8-inch lines will service the future residential community on the property.

STAFF RECOMMENDATION:
The subject property is located within a municipality, a community growth area, and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Town of New Market Comprehensive Plan for Case WS 14-04.
STAFF REPORT

Case # WS-14-09

APPLICANT:  MS Gladhill Farm, LLC (Tallyn Ridge)

LOCATION:  North side of Reichs Ford Road, east of Pinecliff Park Road
(Tax Map 78, Parcel 742, lots 1, 2, 3, 4. Property ID#09-317546, 09-317554, 09-317562, 09-317570)

BACKGROUND:

Comprehensive Plan — The properties are designated Low Density Residential within the Spring Ridge-Bartonsville Community Growth Area.

Zoning — Planned Unit Development (PUD)

Development Status — The subject properties were rezoned from Agricultural to PUD in December 2013 through Ordinance No. 13-26-654 for development of 241 single-family detached dwellings and 200 townhome units. A PUD Phase II Plan with combined Preliminary Subdivision Plan and Site Development Plan for the entire project, Tallyn Ridge, was granted conditional approval by the Planning Commission on September 10, 2014.

Water & Sewerage Plan Status — Two connections to adjacent public water lines will be made to provide water service to the subject properties: Construction of a 10-inch extension of the water line present in Slate Hill Circle (or Winding Oaks Court, depending on easement acquisition) to the north within the River Oaks Subdivision plus a connection to the existing 12 inch water line at the end of Pinecliff Park Road. Sewage will drain to the west, with a line constructed on the edge of the adjacent Pinecliff Park to convey flows southward via gravity to a sewage pump station, followed by construction of a 6-inch force main with ultimate connection to the 36-inch sewer line present within Pinecliff Park.

The subject property was reclassified from the Planned Service (PS) category to the W-4, S-4 categories as part of the Spring 2014 cycle of amendments and this particular case became effective on August 7, 2014 (approved by the BOCC). However, this case is still subject to final approval by the Maryland Department of the Environment before the “4” classification is depicted on the County’s Water and Sewerage Plan Maps; hence, the maps still show “PS.” below.
STAFF RECOMMENDATION:
The subject property is located within the Spring Ridge/Bartonsville Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-09.
STAFF REPORT

Case # WS-14-10

APPLICANT: WBP Partners II, LLC & ITB2, LLC


LOCATION: East side of International Boulevard, at the southwest corner of Executive Way and Executive Court South.
(Tax Map 86, Parcel 237, lot 26 in the Wedgewood Business Park. Property ID#01-037889)

BACKGROUND:

Comprehensive Plan — The property is designated Limited Industrial (LI) and Office Research Industrial (ORI) within the Ballenger Creek Community Growth Area.

Zoning — Mixed Use Development (MXD) and Limited Industrial (LI)

Development Status — The subject property contains two warehouse structures. An addition plat was recorded on August 8, 2014 which combined lot 26 (9.3 acres) in the Wedgewood Business Park with lot 204 (13.9 acres) in the adjacent Westview South to create a new lot 204, comprised of 23.2 acres. The MXD portion is likely to be developed as part of the Westview South MXD.

Water & Sewerage Plan Status — The existing warehouse structures are connected to public water and sewer lines present along their frontage on International Boulevard. An 8-inch water line and an 8-inch sewer line are present in Executive Court South and will serve future development on the expanded lot 204.

STAFF RECOMMENDATION:
The subject property is located within the Ballenger Creek Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the Comprehensive Plan for Case WS 14-10.
While efforts have been made to ensure the accuracy of this map, Frederick County accepts no responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. GAS00092
STAFF REPORT

Case # WS-14-11

APPLICANT: Payne Investments, LLC


LOCATION: East side of Ed McClain Road, west of MD 75.
(Tax Map 88, Parcel 22. Property ID#09-254145)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential, within the Monrovia Community Growth Area.

Zoning — Planned Unit Development

Development Status — The property was rezoned to PUD through Ordinance 14-04-659, effective May 29, 2014. A combined Preliminary Subdivision Plan/Site Plan has been submitted for 1,250 residential units and is now under review. This parcel is a component of the Monrovia Town Center.

Water & Sewerage Plan Status — A 16-inch water line will be extended from the vicinity of Baldwin Road south to the Monrovia Town Center. Sewage conveyance will be provided through a connection to the adjacent Landsdale PUD, flowing to the 24-inch Middle Bush Creek Interceptor, and ultimately the Ballenger-McKinney Waste Water Treatment Plant. Approved water and sewer infrastructure Improvement Plans will be required prior to obtaining the W-3, S-3 classifications.

The subject property was reclassified from the Planned Service (PS) category to the W-4, S-4 categories as part of the Fall 2013 cycle of amendments and approved by the BOCC on May 29, 2014. However, this case awaits final approval by the Maryland Department of the Environment before the “4” classification is depicted on the County’s Water and Sewerage Plan Maps; hence, the maps still show “PS.”

STAFF RECOMMENDATION:
The subject property is located within the Monrovia Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-11.
STAFF REPORT

Case # WS-14-12

APPLICANT: 75-80 Properties, LLC


LOCATION: West side of MD 75, Green Valley Road, north of MD 80, Fingerboard Road.
(Tax Map 88, Parcel 27. Property ID#09-253912
Tax Map 97, Parcel 2. Property ID#09-589614
Tax Map 88, Parcel 21. Property ID#09-225218)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential, within the Monrovia Community Growth Area.

Zoning — Planned Unit Development

Development Status — The subject properties were rezoned to PUD through Ordinance 14-04-659, effective May 29, 2014. A combined Preliminary Subdivision Plan/Site Plan has been submitted for 1,250 residential units and is now under review. These parcels are components of the Monrovia Town Center.

Water & Sewerage Plan Status — A 16-inch water line will be extended from the vicinity of Baldwin Road south to the Monrovia Town Center. Sewage conveyance will be provided through a connection to the adjacent Landsdale PUD, flowing to the 24-inch Middle Bush Creek Interceptor, and ultimately the Ballenger-McKinney Waste Water Treatment Plant. Approved water and sewer infrastructure Improvement Plans will be required prior to obtaining the W-3, S-3 classifications.

The subject properties were reclassified from the Planned Service (PS) category to the W-4, S-4 categories as part of the Fall 2013 cycle of amendments and approved by the BOCC on May 29, 2014. However, this case awaits final approval by the Maryland Department of the Environment before the “4” classification is depicted on the County’s Water and Sewerage Plan Maps; hence, the maps still show “PS.”
STAFF RECOMMENDATION:
The subject property is located within the Monrovia Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-12.
STAFF REPORT

Case # WS-14-13

APPLICANT: Wilcom Family Partnership/75-80 Properties, LLC


LOCATION: East side of MD 75, Green Valley Road, north of MD 80, Fingerboard Road. (Tax Map 88, a portion of Parcel 28. Property ID#09-261834)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential, within the Monrovia Community Growth Area.

Zoning — Planned Unit Development

Development Status — The subject property was rezoned to PUD through Ordinance 14-04-659, effective May 29, 2014. A combined Preliminary Subdivision Plan/Site Plan has been submitted for 1,250 residential units and is now under review. This parcel is a component of the Monrovia Town Center.

Water & Sewerage Plan Status — A 16-inch water line will be extended from the vicinity of Baldwin Road south to the Monrovia Town Center. Sewage conveyance will be provided through a connection to the adjacent Landsdale PUD, flowing to the 24-inch Middle Bush Creek Interceptor, and ultimately the Ballenger-McKinney Waste Water Treatment Plant. Approved water and sewer infrastructure Improvement Plans will be required prior to obtaining the W-3, S-3 classifications.

The subject property was reclassified from the Planned Service (PS) category to the W-4, S-4 categories as part of the Fall 2013 cycle of amendments and approved by the BOCC on May 29, 2014. However, this case awaits final approval by the Maryland Department of the Environment before the “4” classification is depicted on the County’s Water and Sewerage Plan Maps; hence, the maps still show “PS.”

STAFF RECOMMENDATION:
The subject property is located within the Monrovia Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-13.
STAFF REPORT

Case # WS-14-14

APPLICANT:  75-80 Properties, LLC


LOCATION:  Northwest intersection of MD 75, Green Valley Road and MD 80, Fingerboard Road. (Tax Map 97, Parcel “0.” Property ID#09-253890)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential and General Commercial, within the Monrovia Community Growth Area.

Zoning — Planned Unit Development (20.74 acres) and General Commercial (15.45 acres)

Development Status — A portion of the subject property was rezoned to PUD through Ordinance 14-04-659, effective May 29, 2014. A portion of the property is zoned General Commercial. A PUD Phase II Plan with a combined Preliminary Subdivision Plan/Site Plan has been submitted for 1,250 residential units and is now under review. A separate Site Development Plan for a shopping center has also been submitted and is currently under review. This parcel is a component of the Monrovia Town Center.

Water & Sewerage Plan Status — A 16-inch water line will be extended from the vicinity of Baldwin Road south to the Monrovia Town Center. Sewage conveyance will be provided through a connection to the adjacent Landsdale PUD, flowing to the 24-inch Middle Bush Creek Interceptor, and ultimately the Ballenger-McKinney Waste Water Treatment Plant. Approved water and sewer infrastructure Improvement Plans will be required prior to obtaining the W-3, S-3 classifications.

The PUD-zoned portion of the subject property was reclassified from the Planned Service (PS) category to the W-4, S-4 categories as part of the Fall 2013 cycle of amendments and approved by the BOCC on May 29, 2014. However, this case awaits final approval by the Maryland Department of the Environment before the “4” classification is depicted on the County’s Water and Sewerage Plan Maps; hence, the maps still show “PS.”
STAFF RECOMMENDATION:
The subject property is located within the Monrovia Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-14.
STAFF REPORT

Case # WS-14-15

APPLICANT: 75-80 Properties, LLC


LOCATION: Southwest side of Weller Road.
(Tax Map 88, a portion of Parcel 127. Property ID#09-253939)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential, within the Monrovia Community Growth Area.

Zoning — Planned Unit Development

Development Status — The subject property was rezoned to PUD through Ordinance 14-04-659, effective May 29, 2014. A combined Preliminary Subdivision Plan/Site Plan has been submitted for 1,250 residential units and is now under review. This parcel is a component of the Monrovia Town Center.

Water & Sewerage Plan Status — A 16-inch water line will be extended from the vicinity of Baldwin Road south to the Monrovia Town Center. Sewage conveyance will be provided through a connection to the adjacent Landsdale PUD, flowing to the 24-inch Middle Bush Creek Interceptor, and ultimately the Ballenger-McKinney Waste Water Treatment Plant. Approved water and sewer infrastructure Improvement Plans will be required prior to obtaining the W-3, S-3 classifications.

The subject property was reclassified from the Planned Service (PS) category to the W-4, S-4 categories as part of the Fall 2013 cycle of amendments and approved by the BOCC on May 29, 2014. However, this case awaits final approval by the Maryland Department of the Environment before the “4” classification is depicted on the County’s Water and Sewerage Plan Maps; hence, the maps still show “PS.”

STAFF RECOMMENDATION:
The subject property is located within the Monrovia Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-15.
STAFF REPORT

Case # WS-14-16

APPLICANT: Hogan Realty Capital, LLC (Ratley Property)


LOCATION: East and west sides of Terra Firma Road.
(Tax Map 78, Parcel 122. Property ID#09-221395)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential, within the Spring Ridge/Bartonsville Community Growth Area.

Zoning — Agricultural and R-1 Residential

Development Status — The subject property was rezoned to PUD (Case R-14-01) by the Board of County Commissioners on July 22, 2014 for development of up to 43 residential dwellings. The W-4, S-4 classifications must be obtained prior to the submission of a PUD Phase II Preliminary Plan or Site Development Plan.

Water & Sewerage Plan Status — The concept to serve the subject property shows an 12-inch water line connecting to the existing 20-inch water main, located approximately 1,400 feet to the west of the subject property. Sewer service is planned to the site via an 8-inch line connection to the existing 18-inch sewer main, also located 1,400 feet to the west of the subject property. The planned acquisition of a 30-ft. easement is also shown on the concept plan in order to bring the 12-inch water line and 8-inch sewer line to the site.

STAFF RECOMMENDATION:
The subject property is located within the Spring Ridge/Bartonsville Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-16.
STAFF REPORT

Case # WS-14-17

APPLICANT: Hogan Realty Partners, LLC (Rayburn Property)

REQUEST: To reclassify 80 acres from Planned Service (PS) to W-4/Dev, S-4/Dev.

LOCATION: South side of Baltimore Road, west of Bartonsville Road (Tax Map 78, Parcel 327. Property ID#09-255605
Tax Map 78, Parcel 752, Lot 1. Property ID#09-588414
Tax Map 78, Parcel 752, Lot 2. Property ID#09-588415)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential, within the Spring Ridge/Bartonsville Community Growth Area.

Zoning — Planned Unit Development

Development Status — The subject properties were rezoned to PUD (Case R-13-04) by the Board of County Commissioners on April 1, 2014 for development of up to 160 residential dwellings. Rezoning Ordinance 14-03-658 became effective on May 8, 2014. The W-4, S-4 classifications must be obtained prior to the submission of a PUD Phase II Preliminary Plan or Site Development Plan.

Water & Sewerage Plan Status — An existing 24-inch water line and existing 15-inch sewer line are both present within a 30-ft. easement, extending for approximately 800 feet on the northern portion of the subject property. Future connections to these existing lines will be made to serve the subsequent development.

STAFF RECOMMENDATION:
The subject property is located within the Spring Ridge/Bartonsville Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-17.
WATER & SEWERAGE PLAN AMENDMENTS
Summer 2014 Cycle

STAFF REPORT

Case # WS-14-19

APPLICANT: Crum Farm Land Development, LLC/Foulger-Pratt Development, LLC


LOCATION: Bounded by Bloomfield Road, Willowbrook Road and Willow Road within
the City of Frederick
(Tax Map 48, Parcel 17. Property ID#02-589846
Tax Map 57, Parcel 102. Property ID#02-589844
Tax Map 57, Parcel 105. Property ID#21-420093
Tax Map 57, Parcel 10. Property ID#02-466406)

BACKGROUND:

Comprehensive Plan — The properties are designated Mixed-Use and “Area of Interest” on the City of Frederick 2010 Comprehensive Plan.

Zoning — MU-1 (Mixed-Use)

Development Status — The subject properties were annexed into the City of Frederick through Resolution 12-30, effective September 6, 2012. The City Planning Commission granted Master Plan approval for the project on February 10, 2014. A preliminary subdivision plan for development of “Alderbrook, Phase I” (450 residential units) is currently under review by the City.

Water & Sewerage Plan Status — The City has granted provisional APFO water line capacity approval on September 25, 2013 for the project. Full APFO sewer line capacity approval was granted for the project on September 27, 2013. The City of Frederick allocates treatment capacity at the building permit stage of development.

STAFF RECOMMENDATION:
The subject property is located within a municipality, a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the City of Frederick Comprehensive Plan for Case WS 14-19.
STAFF REPORT

Case # WS-14-20

APPLICANT: The Eugene Casey Foundation

REQUEST: To reclassify 639 acres from Planned Service (PS) to W-4/Dev, S-4/Dev. plus depiction of an elevated water storage tank on the Water Map.

LOCATION: West side of MD 75, Green Valley Road, along Crickenberger Road.
- Tax Map 69, Parcel 30. Property ID#09-243518 [174 acres]
- Tax Map 79, Parcel 4. Property ID#09-243496 [133 acres]
- Tax Map 79, Parcel 11. Property ID#09-243461 [143 acres]
- Tax Map 79, Parcel 122. Property ID#09-242341 [188 acres]
- Tax Map 79, Parcel 123. Property ID#09-243488 [0.50 acres]

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential, within the Linganore Community Growth Area.

Zoning — Agricultural

Development Status — The subject properties were rezoned to PUD (Case R-13-03) by the Board of County Commissioners on July 15, 2014 for development of up to 1,010 residential lots. Within the PUD zoning district, the W-4, S-4 classifications must be obtained prior to the submission of a Phase II Preliminary Plan or Site Development Plan.

Water & Sewerage Plan Status — An existing 12-inch water line will be extended to the property from the Westwinds Village to the north. A water tank with distribution lines and loop lines to facilitate connection to the adjacent Delaplaine property are also proposed. A new 15-inch sewer interceptor will be constructed to convey flows from the Casey parcels and the adjacent Blentlinger property to the Ben’s Branch Sewage Pump Station for ultimate conveyance to the Ballenger-McKinney Waste Water Treatment Plant via the Linganore Interceptor. Additional sewer infrastructure improvements (Upper and Lower Lake Sewer Interceptors, Ben’s Branch Pumping Station upgrade) identified with the Oakdale-Lake Linganore PUD may be needed for the project.

STAFF RECOMMENDATION:
The subject property is located within the Linganore Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-20.
APPLICANT: Jefferson Park West, LLC


LOCATION: South side of MD 180, Jefferson Pike, adjacent to the Advanced Technology Park. (Tax Map 76, Parcel 107. Property ID#23-440504)

BACKGROUND:

Comprehensive Plan — The property is designated Office Research Industrial, within the Ballenger Creek Community Growth Area.

Zoning — Mixed Use Development (MXD) and Office/Research/Industrial (ORI)

Development Status — The subject property received conditional Preliminary Plan approval from the Planning Commission on August 13, 2014 for development of 340 residential lots and 15 commercial/employment lots.

Water & Sewerage Plan Status — Infrastructure improvements planned for the adjacent Jefferson Advanced Technology Park (described in Water and Sewerage Plan amendment WS 13-08) will be utilized for Jefferson Park West, including extension of an 18-inch sewer line from the adjacent Hannover/Ballenger Creek subdivisions and construction of a 16-inch water line under US 340. Approximately one-half of the subject property will served by the planned sewage pump station and the remaining will utilize gravity flow for sewage conveyance.

STAFF RECOMMENDATION:
The subject property is located within the Ballenger Creek Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-21.
APPLICANT: Oakdale Investments, LLC


LOCATION: North side of Old National Pike at Eaglehead Drive within the Lake Linganore PUD. (Tax Map 79, Parcel 6. Property ID#27-519172; Tax Map 79, Parcel 17. Property ID#27-519202)

BACKGROUND:

Comprehensive Plan — The property is designated Low Density Residential, within the Linganore Community Growth Area.

Zoning — Planned Unit Development (PUD)

Development Status — A combined Preliminary Plan/Site Plan for approval of up to 1,224 residential lots, plus a commercial lot is now under review. This project is known as the Linganore Town Center.

Water & Sewerage Plan Status — An existing 12-inch water line will be extended eastward from the vicinity of the Oakdale Middle School along Old National Pike and then north along Eaglehead Drive to provide water service for the project. Eight-inch service lines are shown throughout the development. Sewer infrastructure for the project includes a connection to the existing 12-inch sewer line present on Eaglehead Drive, just south of the Oakdale High School. Eight-inch sewer service lines are also shown throughout the development. Water and sewer infrastructure Improvement Plans for the entire project are required to be signed and approved prior to approval of the ‘3’ categories.

STAFF RECOMMENDATION:
The subject property is located within the Linganore Community Growth Area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the County Comprehensive Plan for Case WS 14-22.
APPLICANT: West Park Village, LLC


LOCATION: East side of Mt. Philip Road at US-40A within the City of Frederick (Tax Map 411, Parcel 2125. Property ID#02-157500
Tax Map 411, Parcel 2121. Property ID#02-157497

BACKGROUND:
Comprehensive Plan — The properties are designated Mixed-Use on the City of Frederick’s 2010 Comprehensive Plan.

Zoning — MU-1 (Mixed-Use)

Development Status — The West Park Village Master Plan was approved by the City Planning Commission on February 24, 2014 for development of up to 285 units. The plan also includes 3.5 acres for future commercial uses. A Preliminary Plan for the project will be heard by the City Planning Commission in the fall of 2014.

Water & Sewerage Plan Status — The City has granted provisional APFO sewer line capacity approval and full APFO water line capacity approval for the project. The existing, 16-inch City water distribution line on Mt. Phillip Road will be extended into the subject property. A network of 8-inch, gravity sewer lines will convey effluent from the project to the existing 15-inch sewer line that exists on the subject property. The City of Frederick allocates treatment capacity at the building permit stage of development.

STAFF RECOMMENDATION:
The subject property is located within a municipality, a community growth area and within a water and sewer service area. Staff recommends the Planning Commission make a finding of consistency with the City of Frederick Comprehensive Plan for Case WS 14-23.
STAFF REPORT
Case # WS-14-24

APPLICANT: Division of Community Development

REQUEST: To amend Section IV (B) of Chapter 1 to establish the process for a reclassification to be requested under the denied access policies in Section II (E)(7) of the Water and Sewerage Plan.

BACKGROUND:
The Water and Sewerage Plan allows properties zoned Agricultural or designated Agricultural/Rural or Natural Resources limited opportunities to connect to public water and/or sewer service under certain conditions in specific circumstances. One of these circumstances involves the connection to denied access water or sewer lines, which are located outside of Community Growth Areas (CGA). Areas outside of CGAs are classified ‘No Planned Service’ on the Water and Sewerage Plan..

There are three specific scenarios by which a property designated Agricultural/Rural or Natural Resources can connect to denied access lines as listed in Section II (E)(7), shown below:

- To provide service to properties where a written agreement with the County, executed prior to the creation of the denied access designation, obligated the County to permit access to the particular line to provide service to a specific property.
- To provide service to areas where the Health Department determines access is necessary to solve an existing health related problem and the County Commissioners agree to permit access to the line.
- To provide service to Public Service Facilities

However, there is no corresponding language in Section III (Review and Amendment Procedures) and Section IV (Water and Sewerage Plan Classification System) within Chapter 1 to facilitate a classification request for properties to seek access to a denied access line under the Denied Access Policies in Section II (E)(7).
The proposed text amendment to Section IV (Classification System) will allow a property to apply for a “5” classification through the piecemeal application in order to utilize the County’s denied access policies. The proposed change is shown on the following page in bold font.

STAFF RECOMMENDATION:
Staff recommends a finding of consistency with the Comprehensive Plan for Case WS 14-24, as the existing Denied Access policies contained in the current Water and Sewerage Plan were previously found consistent with the Comprehensive Plan by the Planning Commission on October 19, 2011 as part of the 2011 Triennial Update of the Plan. The proposed text amendment allows an opportunity for a property owner to request a reclassification to implement the current denied access policy; any specific reclassification request will be evaluated on its own merits for consistency with the Comprehensive Plan.
**S-5/W-5 – Mid-Range Plan Phase:**
A classification assigned through the Comprehensive Planning Process where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 7-10 year time period. Properties classified S-5/W-5 are not required to, but may, connect to the community system. Properties requesting this classification shall meet the following criteria:

a. Have a land use plan designation other than Agricultural/Rural or Natural Resource on the County Comprehensive Plan.

b. Have zoning other than Agricultural or Resource Conservation.

c. If located within a municipality where the municipality provides community water and sewer, the property shall be designated in the municipal plan to be provided services in the 7-10 year time frame.

d. Be located within a Planned Service Area as shown on the Frederick County Water and Sewerage Plan map.

e. Demonstrate that there is sufficient capacity planned in the systems serving the property within the 7-10 year period.

This classification may be assigned through the piecemeal application process to property:

1) Annexed into a municipal corporation; or
2) Granted a Planned Unit Development (PUD) or Mixed Use Development (MXD) floating zone classification; or
3) Zoned Agricultural, if all the criteria set forth above and in Section II (E)(8) OR IF APPLICABLE, SECTION II (E) (7) are satisfied; or
4) To provide public water and/or sewer service to Public Service Facilities, if applicable criteria in Section II(E)(8) are satisfied.

**S-4/W-4 – Concept Evaluation Phase:**
A classification assigned through the piecemeal application process to properties having an S-5/W-5 classification, and designated residential, commercial, or industrial, or in general, a category other than Agricultural/Rural or Natural Resource on the most recently adopted County Comprehensive Plan, and where improvements to, or construction of, publicly-owned community sewerage or water systems are planned within the 4-6 year time period. Properties classified S-4/W-4 shall connect to the public system when service lines abut the property. Properties requesting this classification shall meet the following criteria:

a. The criteria required for the S-5/W-5 classification have been met.