



**FREDERICK COUNTY PLANNING COMMISSION**  
**December 13, 2017**

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**TITLE:** **Winners, LLC: APFO Letter of Understanding (LOU)**

**FILE NUMBER:** **SP87-48, AFPO AP# 17853**

**REQUEST:** **Letter of Understanding (LOU)**  
Requesting approval of the proposed Letter of Understanding, documenting requirements for Adequate Public Facilities Ordinance approval associated with a change of use resulting in 4,800 square feet of automotive repair and 2,100 square feet of office.

**PROJECT INFORMATION:**

**LOCATION:** Located at 5811 Grove Lane, north of Grove Road.  
**TAX MAP/PARCEL:** TM 77, Parcel 180  
**ZONE:** General Commercial (GC)  
**REGION:** Frederick  
**WATER/SEWER:** W-1, S-1

**APPLICANT/REPRESENTATIVES:**

**OWNER:** Winners, LLC  
**APPLICANT:** Winners, LLC  
**PLAN ENGINEER:** Vanmar Associates  
**TRAFFIC ENGINEER:** N/A  
**ATTORNEY:** N/A

**STAFF:** Charles Freeman, Traffic Engineer

**RECOMMENDATION:** Approval

**ATTACHMENTS:**

Exhibit #1 – Proposed LOU, AP#17583  
Exhibit #2 – Type II Site Plan, AP#17852 (informational only)

## STAFF REPORT

### **BACKGROUND**

The attached Letter of Understanding (LOU) concerns itself with the 0.5 +/- acre parcel of land, which is zoned General Commercial, currently developed with an existing 6,900 +/- square foot office and warehouse building, and located at 5811 Grove Lane, north of Grove Road. This APFO approval will be for the change of use of the existing structure to 4,800 square feet of automotive repair and 2,100 square feet of office, which is shown on the site plan for the above-referenced Project, and was conditionally approved by Frederick County Planning Staff on December 13, 2017.

### **ANALYSIS**

**Schools:** Schools are not impacted because this is a commercial development.

**Water and Sewer:** The property has water and sewer classification of W-1/S-1. While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

**Roads:** Based upon ITE trip generation rates, the proposed project will generate up to 10 new trips during the weekday PM peak hour, which is less than the APFO testing threshold per Section 1-20-30. In satisfaction of APFO requirements per §1-20-12(H), the project is required to pay a total of \$7,216 in fair share contributions to existing escrow accounts as described in the Winners, LLC Letter of Understanding (see Exhibit 1).

### **RECOMMENDATION**

Staff finds that this LOU satisfies requirements identified in the APFO and its Guidelines. Staff recommends approval of the LOU, subject to no additional conditions.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission find that adequate public facilities are achieved per §1-20-12(H) of the APFO and **APPROVE** the “Winners, LLC” APFO LOU for a change of use resulting in 4,800 square feet of automotive repair and 2,100 square feet of office as described in the Letter of Understanding (AP#17853).

**FREDERICK COUNTY GOVERNMENT**Jan H. Gardner  
*County Executive***DIVISION OF PLANNING & PERMITTING**  
Department of Development Review*Steven C. Horn, Division Director*  
*Michael L. Wilkins, Acting Director***ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING****Winners, LLC***Site Plan #SP87-48, APFO AP #17853*

**In General:** The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and Winners, LLC (the "**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 Winners, LLC Site Plan (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 0.5 +/- acre parcel of land, which is zoned General Commercial, currently developed with an existing 6,900 +/- square foot office and warehouse building, and located at 5811 Grove Lane, north of Grove Road. This APFO approval will be for the change of use of the existing structure to 4,800 square feet of automotive repair and 2,100 square feet of office, which is shown on the site plan for the above-referenced Project, and was conditionally approved by Frederick County Planning Staff on December 13, 2017.

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**Road Improvements:** The Project will generate up to 10 new trips during the weekday pm peak hour, which is less than the APFO testing threshold per Section 1-20-30. In satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per §1-20-12(H), the Developer shall pay into County-held escrow accounts the following pro rata contributions:

1. Escrow Account No. 3287 for capacity improvements at the intersection of MD 85 and MD 355. The estimated cost of the improvement is \$275,000. The Developer's proportionate share of this Road Improvement is 0.91%. Therefore the Developer hereby agrees to pay \$2,503 to the escrow account for this Road Improvement.
2. Escrow Account No. 3976 for the construction of second northbound left turn lane and westbound receiving lanes at the intersection of MD 85 and Guilford Road. The estimated cost of the improvement is \$439,527. The Developer's proportionate share of this Road Improvement is 0.50%. Therefore the Developer hereby agrees to pay \$2,198 to the escrow account for this Road Improvement.
3. Escrow Account No. 4292 for pedestrian improvements at intersection of MD 85 and Grove Road. The estimated cost of the improvement is \$98,000. The Developer's proportionate share of this Road Improvement is 0.16%. Therefore the Developer hereby agrees to pay \$157 to the escrow account for this Road Improvement.
4. Escrow Account No. 4025 for a southbound triple through lane at intersection of MD 85 and Spectrum Drive. The estimated cost of the improvement is \$1,474,010. The Developer's proportionate share of this Road Improvement is 0.16%. Therefore the Developer hereby agrees to pay \$2,358 to the escrow account for this Road Improvement.

**Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$7,216 to the escrow accounts described above for these Road Improvements. Should these payments 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.**

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on December 13, 2020.

**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.

**[Signatures Next Page]**

**Winners, LLC:**

By: Mayda Colon Tsaknis Date: 12/1/17  
Mayda Colon Tsaknis, Owner

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Anthony Bruscia, Chair or Carole Sepe, Secretary

**ATTEST:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Gary Hessong, Director, Permits & Inspections

Planner's Initials / Date \_\_\_\_\_  
(Approved for technical content)

County Attorney's Office Initials / Date \_\_\_\_\_  
(Approved as to legal form)

