



**FREDERICK COUNTY PLANNING COMMISSION**  
**February 14, 2018**

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**TITLE:** Get Air Sports: APFO Letter of Understanding (LOU)

**FILE NUMBER:** SP-81-16 (AP# 18000)

**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 34,840 square feet of recreational facility.

**PROJECT INFORMATION:**

**LOCATION:** Located on the east side of Industrial Lane, south of Guilford Drive.  
**TAX MAP/PARCEL:** TM 77, Parcel 204, Lot 23  
**ZONE:** Limited Industrial (LI)  
**REGION:** Frederick  
**WATER/SEWER:** W-1, S-1

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Get Air Sports  
**TRAFFIC ENGINEER:** The Traffic Group

**STAFF:** Charles Freeman, Traffic Engineer

**RECOMMENDATION:** Approval

**ATTACHMENTS:**

Exhibit #1 – Proposed LOU, AP#18000

## STAFF REPORT

### BACKGROUND

The attached Letter of Understanding (LOU) concerns itself with the 1.94 +/- acre parcel of land, which is zoned Limited Industrial, developed with an existing 34,840 square feet of Office / Warehouse, and located at 5719 Industry Lane, south of Guilford Drive. This APFO approval is associated with a change of use resulting in 34,840 square feet of Indoor Sports Recreational Facility use, which is currently under review as a Type II Staff level site development plan (AP#17999).

### ANALYSIS

APFO testing was evaluated based upon a Trip Generation Study authored by The Traffic Group, Inc., dated October 23, 2017. The study documents the development of trip generation factors based upon data collected at two operational Get Air Sports sites. Staff has reviewed the study and concurs with its conclusions. The study determined the Project will generate 40 weekday PM peak hour trips, 17 more than the previous use. During the weekday AM peak hour the Project will not be operational. Because the Project is below the 50 trip threshold for APFO testing, it is exempt from all requirements of 1-20-31.

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 as described in the attached Letter of Understanding.

Based on these findings the project is required to pay a total of \$13,878 in fair share contributions to existing escrow accounts as described in the Get Air Sports Letter of Understanding (AP#18000) (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 **APPROVE** the "Get Air Sports" APFO LOU for a change of use resulting in 34,480 sq ft of recreational facility as described in the Letter of Understanding (AP#18000).



# FREDERICK COUNTY GOVERNMENT

## DIVISION OF PLANNING & PERMITTING

Jan H. Gardner  
County Executive

Steven C. Horn, Division Director

# Exhibit #1

### ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

## Get Air Sports

Site Plan #SP81-16, APFO AP #18000

**In General:** The following Letter of Understanding (“Letter”) between the Frederick County Planning Commission (“Commission”) and Get Air Sports (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 Get Air Sports Trampoline Park 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 1.94 +/- acre parcel of land, which is zoned Limited Industrial (LI), developed within an existing 34,840 +/- square foot building, and located on the east side of Industrial Lane, south of Guilford Drive. This APFO approval will be for the re-use of the existing building, previously a warehouse, as a recreational facility, which is shown on the site plan for the above-referenced Project, currently under review for staff approval.

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

**Water and Sewer:** This site is designated W-1, S-1, Connected. 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.

**Road Improvements:** Based upon a Trip Generation Study authored by The Traffic Group, dated 10/23/17, this site will generate 40 weekday pm peak hour trips, 17 more than the previous use. During the weekday am peak hour the Project would not be operational. Because this site is below the 50 trip threshold for testing, it is exempt from all requirements of §1-20-31.

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 1.51%. Therefore the Developer hereby agrees to pay \$4,153 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 Drive. The estimated cost of the improvement is \$439,527. The Developer's proportionate share of this Road Improvement is 0.48%. Therefore the Developer hereby agrees to pay \$2,110 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 0.40%. Therefore the Developer hereby agrees to pay \$392 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 0.49%. Therefore the Developer hereby agrees to pay \$7,223 to the escrow account for this Road Improvement.

**Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$13,878 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 February 14, 2021.

**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]**

**Get Air Sports:**

By: Nathan Smith Date: 1-31-18  
Nathan Smith  
Director of Business Development

**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)*