TITLE: Mayne Property: Combined Preliminary/Site Plan Review

FILE NUMBER: S 1157 (AP#17978, APFO#17969 & FRO#17980)

REQUEST: Combined Preliminary/Site Plan
Requesting Combined Preliminary/Site Plan approval for a 193-unit residential development, comprised of 148 Single-family detached dwellings and 45 Townhouses, on a 62.38-acre site.

PROJECT INFORMATION:
LOCATION: Located north of Liberty Road, between Daysville Road and MD 550.
ZONE: Zoned: R-3 (Residential) and GC (General Commercial)
REGION: Walkersville
COMP. PLAN/LAND USE: Low Density Residential

APPLICANT/REPRESENTATIVES: (as applicable)
APPLICANT: RSB Holdings, LLC
OWNER: RSB Holdings, LLC
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT: Not Listed
ATTORNEY: Miles and Stockbridge

STAFF: Graham T. Hubbard, Principal Planner

RECOMMENDATION: Conditional Approval

Enclosures:
Exhibit #1: Combined Preliminary/Site Plan
Exhibit #2: APFO Letter of Understanding (LOU)
Exhibit #3: Parking and Street Tree Modification
Exhibit #4: FCPS Letter Concerning Off-Site Recreation
The Applicant has submitted a Preliminary/Site plan for a 193 unit, R-3 Residential development comprised of 148 Single-family detached dwellings and 45 Townhouses, on a 62.38-acre site.

The site is located between Daysville Road and MD 550, west of MD 26 and Libertytown. The site contains a 4.95-acre portion of ground that is zoned General Commercial (GC). There is no development proposed on the GC portion at this time.

The site is located across Daysville Road from Liberty Elementary School. The Applicant has proposed to place 1.59-acres of active recreation land, and a 450,000 gallon spheroid water tank/water treatment plant (WTP) across Daysville Road on a parcel under the same ownership adjacent to the Liberty Elementary School. The tank/WTP will be located on an Outlot that will ultimately be owned by the County.
Previous Approval History

Sketch Plan
On August 11, 2010, the Applicant submitted a Sketch Plan package in order to receive non-binding review and comment from the Frederick County Planning Commission (FCPC) on the Daysville/Woodsboro (MD 550) Road Connector. During that meeting, the Applicant also sought non-binding review and comment on the proposal to place the required active recreation lands across Daysville Road on a separate parcel, which is adjacent to existing fields that are a part of Liberty Elementary School.

Preliminary Plan
A Preliminary Plan for a 193-unit residential development, consisting of 148 Single Family detached dwellings and 45 Townhouses (including 25 Townhouse MPDU's) was conditionally approved by the Planning Commission on January 12, 2011. However, the Preliminary Plan was never signed/stamped-approved and therefore would have expired five years later on January 12, 2016 had an extension not been filed. A 3-year extension was filed and approved under the 2011 Extension Ordinance (11-03-569), extending the approval to January 12, 2019.

APFO LOU
The APFO LOU was approved by the Planning Commission on January 12, 2011. The APFO LOU would have expired six years later on January 12, 2017 had an extension not been filed. A 3-year extension was filed and approved under the 2011 Extension Ordinance (11-03-569), extending the approval to January 12, 2020.
ANALYSIS

**Land Use:** The proposed use is being reviewed as an R-3 zoned 193-unit residential development, (148 Single-family detached dwellings and 45 Townhouses) The Applicant is utilizing the reduced lot size, lot width, and yard measurements of the Moderately Priced Dwelling Unit program in accordance with §1-19-8.620.5.

The residential component consists of a 62.38-acre portion of the 67.33 acre property. As discussed above, the 4.71-acre area on the south side of Daysville Road is proposed to contain the active recreation area as well as the water tank and water treatment systems.

**Zoning:** The site is split-zoned although the majority is located within the R-3 Residential (R-3) Zoning District, shown in orange. There are approximately 4.95 acres located within the General Commercial Zoning District, shown in red. At the present there are no proposed plans for the 4.95-acre portion of the tract zoned GC.
The Frederick County Comprehensive Plan indicates that the land use for the Mayne Property subdivision is Low Density Residential. Agricultural zoning surrounds the site. The use proposed for the Mayne Property complies with the Land Use designation within the County Comprehensive Plan. This site is located within the Libertytown Community Growth Limit.

**Dimensional Requirements/Bulk Standards:** Section 1-19-8.620.5, Moderately Priced Dwelling Units (MPDU), stipulates the setback requirements and the minimum lot area for the proposed use. The bulk requirements for developments in the R-3 Residential Zoning District that utilize the MPDU density bonus are as follows:

- **Single Family detached:** 10-foot front yard, 25-foot rear yard, 4-foot side yard (with a minimum of 10 feet between structures), 40-foot height, and 40-foot lot width.
- **Townhouse:** 10-foot front yard, 20-foot rear yard, 4-foot side yard (with a minimum of 10 feet between structures), 40-foot height, and 16-foot lot width.

The minimum lot size for the zoning district is 4,000 square feet for single-family detached dwellings and 1,600 square feet for townhouses. The Combined Preliminary/Site Plan indicate that these Bulk/Dimensional requirements will be met.

**Mayne Property**

April 11, 2018
**Moderately Priced Dwelling Units:**
This project is subject to the MPDU Ordinance as outlined in Chapter 1-6A of the Frederick County Code. The Applicant has elected to pay a fee-in-lieu of providing MPDUs in accordance with 1-6A-5.1. The Applicant is seeking a 3% bonus density, thereby requiring the fee-in-lieu equivalent of 12.8% MPDU's. A total of 24.704 MPDU's is required. The fee-in-lieu must be paid at time of building permit application at a rate of 24.704 x $26,500 = $654,656/193 or approximately $3,392 per dwelling unit (based on the current rate. Payment is based on the rate at the time payment is made). A MPDU Agreement must be recorded in the Land Records prior to signature and final approval of the Preliminary/Site Plan. Note 11 on the plan must be revised to indicate the correct MPDU requirement and the recording reference for the MPDU agreement.

**Vehicular Parking:**
Vehicular parking is required per Section 1-19-6.220.

Single Family dwellings require 2 parking spaces per unit. The applicant proposes 2 parking spaces per unit comprised of a 2-car garage and single driveway space. Since 1-car garages count as ½ of a parking space, the proposed 2-car garages will count as 1 whole parking space. The single driveway space is 23' long which will accommodate a full size vehicle without blocking the sidewalk. In total, 296 spaces are required for the 148 Single Family dwellings. The applicant proposes 296 spaces.

Townhouses require 1 parking space per unit, plus ½ parking space for each bedroom. All townhouse units are 3 bedrooms which require 2.5 parking spaces for each unit. In total, 112.5 (113) parking spaces are required for the 45 Townhouses. The Applicant has proposed 126 spaces that are evenly distributed throughout the townhouse portion of the site. A modification has been requested for the additional 13 parking spaces over the requirement (see Exhibit #3).

The total vehicular parking proposed for the development is 422 spaces.

**Bicycle Parking:**
Per Section 1-19-6.200.H, townhouse units without garages are required to have 1 bicycle rack for each 10 units. Since none of the 45 proposed townhouses have garages, 5 bicycle racks are required. The Applicant has provided 5 bicycle racks, with 3 located at the recreational field and 2 located at the townhouse open space.

**Pedestrian Circulation and Bicycle Amenities:**
Throughout the Mayne Development there are sidewalks proposed on both sides of all major streets. The Applicant has proposed over 2,200 linear feet of trails, which provide an east-west connection from the proposed Whiskey Ridge Road to the existing sidewalks along MD 26. The proposed trail connection also connects the cul-de-sac at the terminus of Ronald Court to the proposed townhouses on Madeline Court.

The proposed plan also provides a possible connection from the townhouse portion of the development to the “Liberty Gardens” condominium parcel should the owner of Liberty Gardens have no objections, as well as a pedestrian connection from the cul-de-sac on Ronald Court in between Lots 63 and 64 to the 4.95-acre GC lot.
**Public Transit:** This site is not served by Transit.

**Access/Circulation:**

Daysville/Woodsboro (MD 550) Road Connector

The Applicant has provided the necessary 60’ right-of-way for this future collector road (Whiskey Ridge Road), albeit more in the form of a residential sub-collector, in order to achieve its assumed purpose. For the purpose of calming travel speeds and discouraging through traffic movements between MD 550 and Daysville Road, two right angle turns have been introduced on this “collector” road between Daysville Road and MD 550. Intersection sight distance (ISD) has been shown to be adequate for this proposed roadway’s intersections with both Daysville Road and MD 550.

Staff believes the general layout of the proposed collector, as currently proposed by the Applicant, can be found consistent with the masterplan while contextually sensitive to the needs of the residential community that it serves, and would be the preferred treatment for the development of this future residential community.

The proposed collector was reviewed by FCPC during their meeting on August 11, 2010 and approved by the FCPC on January 12, 2011.

**Internal Street Design**

The streets are laid out in each land bay with independent grid patterns. Whiskey Ridge Road will provide a spine road connection of the two land bays by virtue of “bridging” an unnamed perennial tributary of Coppermine Branch at the most environmentally preferred crossing point. All internal roads are public with the exception of Vansant Lane and Madeline Court. The streets in the southern land bay will be constructed in Phases 1, 2, and 3. The extension of Whiskey Ridge Road and the construction of Spain Drive and Hunting Ground Drive will be completed in Phase 4 to provide a secondary entrance to the development and a through connection from Daysville Road to MD 550. In an effort to control the phasing of construction, specifically to avoid a situation in which too many units are situated on a dead-end street system, this secondary entrance must be constructed prior to issuance of the 70th building permit.

**Recreation:** The required parkland calculation for this proposed development is 3.217 acres. The Applicant has provided 22.49 acres of HOA open space on the north side of Daysville Road which includes tot lots for the townhouses, walking trails, and picnic areas. The parkland regulations also require that 50% of the total parkland acreage is provided as dry ground recreation use area. The Applicant is proposing to create a 3.14 acre active recreational area outlot with a 1.61 acre graded field. As part of the previous Preliminary Plan application, Staff received a letter of support in favor of placing the required active recreation lands adjacent to the existing ball fields on the Liberty Elementary School from the Facilities Services Division of the Frederick County Public School System. See attached Exhibit #4.

In accordance with the “Safe Route to School” provisions outlined in the LOU, the applicant will construct a sidewalk and fund a crossing guard position between the site at Daysville Road and the main entrance to Liberty Elementary School, as defined and required by FCPS, prior to the recordation of any residential plats.
**Landscaping:** The site contains a variety of plant species. The Applicant has provided plantings in the courtyard areas and a 60 foot wide landscaped berm to screen the rear of the units that back up to MD 550. This berm will also attenuate traffic generated noise to some degree. The Applicant has added a note (#27) to the Combined Preliminary/Site Plan stating the following: “In accordance with Section 1-19-6.400(A) Street Trees shall be provided along the property line adjacent to the paved surface of an existing or proposed right-of-way. 1 Street Tree will be provided per 35’ of roadway frontage. Given the narrowness of planting strips within the right-of-way, Street Trees will be planted outside but adjacent to the right-of-way. All Street Trees shall maintain a 10’ minimum distance from all water and sewer service lines.” A Street Tree modification is requested to shift Street Trees from the right-of-way onto single family lots to provide the sufficient soil volume to allow the trees to thrive (see Exhibit #3). For this reason, a total of 175 Street Trees are proposed out of the 210 Street Trees required. The landscaping will be subject to the final location of utilities. Any loss of landscaping must be provided elsewhere on-site where appropriate to achieve the same effect.

**Open Space:** The proposed development contains 22.49 acres of Homeowners Association (HOA) open space. The proposed open space areas are distributed throughout the development.

A community entrance park, located in the north end of the development, features a winding path, benches and picnic tables. The path helps to divide the park into a series of outdoor rooms that facilitate different types of outdoor uses. A large open lawn panel provides for a generous active recreation area for Frisbee and other games of throw-and-catch. While on the other side of the pathway, picnic tables and benches provide seating for intimate conversation, while in close proximity to a tranquil landscaped rain garden.

A tot lot park, located in the south end of the development, features a play structure, picnic tables, and benches. This park has been enlarged from the previously approved plan by relocating two (2) single family detached units to the north end of the development. Ample vehicular and bicycle parking abound this park. Both parks are accessible by sidewalks and crosswalks connected to the surrounded community.

As previously mentioned under “Recreation”, the Applicant is also proposing to create a 3.14 acre active recreational area outlot with a 1.61 acre graded field located on the PUD-zoned parcel across Daysville Road, adjacent to the Elementary School.

**Stormwater Management:** Improvement plans will need to be submitted for review at future stages of the development. Stormwater quality and quantity will be handled by on site facilities in accordance with the Maryland 2007 Stormwater Management Act.

**Lighting:** A lighting plan is required to be submitted as part of the townhouse site plan submission. The Applicant has added a note (#30) to the Combined Preliminary/Site Plan stating the following; “Fourteen (14) foot pole mounted lighting is proposed in the townhouse section. Light spillage may not exceed 0.5 foot candles at the property line. Lighting shall be placed in such a manner as to eliminate glare onto adjacent properties and the nighttime sky.” No lighting is proposed or required for the single-family detached portion of the development.

**Adequate Public Facilities Ordinance (APFO):** This project was reviewed for potential impacts to schools, roads, and water and sewer infrastructure. A letter of understanding (LOU) outlining the proposed mitigation is attached as Exhibit # 2.
Schools: In accordance with §1-20-60, major residential subdivisions are required to be tested for determination of adequacy. This project was tested on January 26, 2018 and passed the schools APFO test on all levels.

Roads: The site will generate a total amount of 140 A.M. and 181 P.M. weekday peak hour trips, which required APFO testing per §1-20-30. In accordance with this section, a Traffic Impact Analysis by Traffic Solutions, Inc. dated November 30, 2017 was performed.

In accordance with the APFO and County Traffic Guidelines, the following improvements are required in order to mitigate inadequate public facilities within the timeframes specified:

1. Jones Road: Between MD 75 and South Street – Re-grade or cause to regrade the east side cut slope on the curve at the corner of the fire company property to meet AASHTO stopping sight distance (SSD) requirements, guaranteed prior to the recordation of any residential plats and completed prior to the recordation of the 30th lot;

2. Safe Route to School Provisions: construct a sidewalk and fund a crossing guard position between site at Daysville Road and main entrance to Liberty Elementary School – as defined and required by the Frederick County Public Schools (FCPS), guaranteed prior to the recordation of any residential plats and completed prior to the recordation of the 10th lot;

3. Escrow Account No. 4301 for the signalization of the intersection of MD 26 and MD 550. The estimated cost of the improvement is $300,000. The Developer's proportionate share of this Road Improvement is 17.9%. Therefore, the Developer hereby agrees to pay $53,700 to the escrow account for this Road Improvement prior to the recordation of the first residential lot.

4. MD 26/MD 550 signal: The Developer shall install a traffic signal within 12 months of a determination by the MDOT SHA that a signal is warranted, justified and deemed necessary. Should the signal not be warranted by the issuance of the final building permit, the Developer would no longer be responsible for its installation. All balances in Escrow Account No. 4301 would be reimbursed to the Developer in accordance with the County’s surplus capacity reimbursement procedures.

5. Site access at Daysville Road and MD 550 shall be built as shown on the preliminary plan, and open to traffic prior to any building permits being issued for any dwelling south of the Project dividing stream for Daysville Road and north of the stream for MD 550. Under no circumstances shall more than 70 building permits be issued until a second site access is open to traffic.

Water and Sewer: The Property is currently classified in the County’s Water and Sewerage Plan as S-4 (Dev.) and W-4 (Dev.). The Division of Utilities and Solid Waste Management (DUSWM) has provided a finding of conditional approval regarding sewer and water facilities to serve this project based upon water and sewer reports prepared by McCORNE (December 2010) and by Chesapeake Environmental (February 2010). In accordance with the APFO and DUSWM Design Manual, the following improvements are required in order to mitigate inadequate public facilities
within the timeframes specified:

A. Prior to recordation of any residential plats (unless otherwise noted), the Developer shall:

1. Design and construct a 450,000 gallon (nominal) welded steel elevated water storage tank to serve County pressure zone 3.

2. Design and construct a water treatment plant with a minimum capacity of 172 GPM and develop associated raw water production wells in accordance with recommendations made in the McCrone and Chesapeake Environmental reports. APFO approval for water cannot exceed the State MDE Water Appropriation permit. The current permit (No. FR2006G004 (03)) has capacity for only 139 Lots. New adequate raw water supply to support the additional 54 lots to achieve the total of 193 lots in the project must be permitted from MDE prior to recorrdation of the 140th lot.

3. Connect the existing Libertytown Apartment raw water supply into the new water treatment system constructed under item 2 above prior to recordation of the 101st new lot (total number of new lots in this service area no matter the project or developer).

B. Sewer: Prior to recordation of a total of 104 new lots (total number of new lots in this service area no matter the project or developer), the Developer shall:

1. Design and Construct a new Sewage Pumping Station (SPS) at the Libertytown WWTP site to replace the existing interim SPS. The new capacity shall be 300,000 gpd average daily flow and a peak capacity of 1.178 mgd.

2. Design and Construct improvements to the existing (receiving) gravity sewer in Westwinds as required to adequately convey, as approved by the DUSWM, the new Libertytown SPS peak flow rate to the Bens Branch SPS. The sewer lines to be upgraded according to analysis performed by ARRO Consulting, Inc. is MH 124 to MH 133, 134D to 134C, 134D to 135, MH 136 to MH 137, MH 138A to MH 139, MH 140 to MH 141 and MH 141 to MH 141A.

APFO approval for water and sewer does not guarantee that plats will be recorded and building permits issued. Plat recordation and building permit issuance is 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 Subdivision Regulations. Residential Plats cannot be recorded until the property obtains water and sewer classification of W-3/S-3.

Forest Resource Ordinance (FRO):
Applicant has submitted a Combined Preliminary/Final FRO plan. The Applicant proposes to retain 7.56 acres of forest (out of 17.46 acres of forest). The Applicant proposes to reforest 3.55 acres (3.10 acres within environmentally sensitive areas, 0.45 acres along Route 550) and plant 0.88 acres of Street Trees and Open Space Trees. The remaining forest mitigation requirement will be satisfied by either the purchase of 7.11 acres of NEW forest banking credits or 14.22 acres of EXISTING forest banking credits. The Applicant proposes to remove two (2) of the six (6) specimen trees. Specimen Tree #4, a 36" American Elm, in poor condition and Specimen...
Tree #5, a 31" Green Ash, in very poor condition. Neither tree is considered “non-hazardous” therefore the applicant does not need Planning Commission approval for their removal. The removal of both trees was approved at staff level in 2011 and that decision is continued to be supported by staff today.

OTHER AGENCY COMMENTS

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<thead>
<tr>
<th>Other Agency or Ordinance Requirements</th>
<th>Status and Comments</th>
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<tr>
<td>Board of Education (BOE):</td>
<td>Conditional Approval</td>
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<tr>
<td>Development Review Engineering (DRE):</td>
<td>Conditional Approval</td>
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<td>Development Review Planning:</td>
<td>A few minor drafting issues noted in Hansen, in addition to items listed in the report.</td>
</tr>
<tr>
<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
<td>Conditional Approval&lt;br&gt;Replace Note 35 with following:&lt;br&gt;The current permit (No. FR2006G004 (01) has limited capacity for only 139 Lots. New adequate raw water supply must be provided/_permitted and connected to the treatment works prior to recordation of the 140th lot.</td>
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<tr>
<td>Health Dept.</td>
<td>Conditional Approval&lt;br&gt;Any well being abandoned must be done by a well driller and the abandonment report submitted to the Health Dept. Make sure to contact the Health Dept. for septic abandonment. Will need all relevant water and sewer notes. Will need DUSWM approval at final plat stage for approval.</td>
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<tr>
<td>Office of Life Safety</td>
<td>Approved</td>
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<td>Traffic Engineering (DRTE)</td>
<td>Conditional Approval</td>
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FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met. Staff has no objection to conditional approval of this Combined Preliminary/Site Plan.

RECOMMENDATION

Should the Planning Commission conditionally approve this Combined Preliminary/Site Plan S-1157 (AP# 17978, APFO 17969 & FRO 17980) for the proposed Mayne Property, the motion for approval should include the following items:

1. Preliminary plan approval for a period of five (5) years from today’s date.
2. Site Plan approval for a period of three (3) years from today’s date.
3. APFO approval for a period of six (6) years from today’s date.

Mayne Property
April 11, 2018
Staff recommends that the following items be added as conditions of approval:

1. Comply with all agency comments.

2. Road and water/sewer improvements shall be completed in accordance with the attached LOU.

3. The Applicant must record a MPDU Agreement prior to Combined Preliminary/Site Plan signature and final approval in accordance with Section 1-6A-5.1(D) of the Frederick County Code.

4. A Combined Preliminary/Final Forest Conservation Plan must be approved prior to Combined Preliminary/Site Plan approval. Mitigation must be provided prior to lot recordation or grading permits (whichever is applied for first).

5. Stormwater Concept plan shall be approved prior to final approval of the Combined Preliminary/Site Plan.

6. The Applicant shall add a phasing plan to designate the 139 lots that will be recorded under the current MDE Water Appropriation Permit. The Phasing Plan must be approved by Development Review Planning, Transportation Engineering, and DUSWM.

7. In accordance with the “Safe Route to School” provisions outlined in the LOU, the applicant will construct a sidewalk and fund a crossing guard position between the site at Daysville Road and the main entrance to Liberty Elementary School, as defined and required by FCPS, prior to the recordation of any residential plats.
Exhibit #2: APFO Letter of Understanding (LOU)

FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING & PERMITTING

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Mayne Property

Preliminary Plat #S-1157  AP #17969

In General: The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and RSB Holdings, 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 water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Mayne Property 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 67.33 ± acre parcel of land, of which 62.38 acres is zoned R-3 and 4.95 acres zoned GC, located between Daysville Road and MD 550, north of MD 28. This APFO approval will be effective for development of 193 new residential lots on the R-3 zoned property only, which is shown on the preliminary plat (AP #17978) for the above-referenced Project, which was conditionally approved by the Commission on April 11, 2018.

Schools: The Project is projected to generate 46 elementary school students, 22 middle school students and 29 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test meets the standards of adequacy at all 3 levels.

Water and Sewer Improvements: The Property is currently classified in the County’s Water and Sewerage Plan as S-4 (Dev.) and W-4 (Dev.). The Division of Utilities and Solid Waste Management (DUSWM) has provided a finding of conditional approval regarding sewer and water facilities to serve this project based upon water and sewer reports prepared by McCRON (December 2010) and by Chesapeake Environmental dated February 2010. In accordance with the APFO and DUSWM Design Manual, the following improvements shall be performed in order to mitigate inadequate public facilities within the timeframes specified:

A. Water: Prior to recordation of any residential plats (unless otherwise noted), the Developer shall:

1. Design and construct a 450,000 gallon (nominal) welded steel elevated water storage tank to serve County pressure zone 3.

Frederick County: Rich History, Bright Future
30 North Market Street, Frederick, MD 21701 • 301-600-1138 • Fax 301-600-1645
www.frederickcountymd.gov

Mayne Property
April 11, 2018
2. Design and construct a water treatment plant with a minimum capacity of 172 GPM and develop associated raw water production wells in accordance with recommendations made in the McCrone and Chesapeake Environmental reports. APFO approval for water cannot exceed the State MDE Water Appropriation permit. The current permit (No. FR2006G004 (03)) has limited capacity for only 139 Lots. New adequate raw water supply to support the additional 54 lots to achieve the total of 193 lots in the project must be permitted from MDE prior to recordation of the 140th lot.

3. Connect the existing Libertytown Apartment raw water supply into the new water treatment system constructed under item 2 above prior to recordation of the 101st new lot (total number of new lots in this service area no matter the project or developer).

B. Sewer: Prior to recordation of a total of 104 new lots (total number of new lots in this service area no matter the project or developer), the Developer shall:

1. Design and Construct a new Sewage Pumping Station (SPS) at the Libertytown WWTP site to replace the existing interim SPS. The new capacity shall be 300,000 gpd average daily flow and a peak capacity of 1.178 mgd.

2. Design and Construct improvements to the existing (receiving) gravity sewer in Westwinds as required to adequately convey, as approved by the DUSWM, the new Libertytown SPS peak flow rate to the Bens Branch SPS. The sewer lines to be upgraded according to analysis performed by ARRO Consulting, Inc. is MH 124 to MH 133, 134D to 134C, 134D to 135, MH 136 to MH 137, MH 138A to MH 139, MH 140 to MH 141 and MH 141 to MH 141A.

APFO approval for water and sewer does not guarantee that plats will be recorded and building permits issued. Plat recordation and building-permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-912, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Subdivision Regulations. Residential Plats cannot be recorded until the property obtains water and sewer classification of W-3/S-3.

Road Improvements: The site will generate a total amount of 140 A.M. and 181 P.M. weekday peak hour trips, which requires APFO testing per Section 1-20-30. In accordance with Section 1-20-31, a Traffic Impact Analysis by Traffic Solutions, Inc. dated November 30, 2017 was performed.

In accordance with the APFO and County Traffic Guidelines, the following improvements shall be performed in order to mitigate inadequate public facilities within the timeframes specified:

1. Jones Road: Between MD 75 and South Street – Re-grade or cause to regrade the east side cut slope on the curve at the corner of the fire company property to meet AASHTO stopping sight distance (SSD) requirements, guaranteed prior to the recordation of any residential plats and completed prior to the recordation of the 30th plat;

Mayne Property Preliminary Plan LOU
Page 2 of 4
2. Safe Route to School Provisions: construct a sidewalk and fund a crossing guard position between site at Daysville Road and main entrance to Liberty Elementary School – as defined and required by the Frederick County Public Schools (FCPS), guaranteed prior to the recordation of any residential plats and completed prior to the recordation of the 10th plat;

3. Escrow Account No. 4301 for the signalization of the intersection of MD 26 and MD 550. The estimated cost of the Improvement is $300,000. The Developer's proportionate share of this Road Improvement is 17.9%. Therefore, the Developer hereby agrees to pay $53,700 to the escrow account for this Road Improvement prior to the recordation of the first residential plat.

4. MD 26/MD 550 signal: The Developer shall install a traffic signal within 12 months of a determination by the MDOT SHA that a signal is warranted, justified and deemed necessary. Should the signal not be warranted by the issuance of the final building permit, the Developer would no longer be responsible for its installation. All balances in Escrow Account No. 4301 would be reimbursed to the Developer in accordance with the County's surplus capacity reimbursement procedures.

5. Site access at Daysville Road and MD 550 shall be built as shown on the preliminary plan, and open to traffic prior to any building permits being issued for any dwelling south of the Project dividing stream for Daysville Road and north of the stream for MD 550. Under no circumstances shall more than 70 building permits be issued until a second site access is open to traffic.

**Common Obligations of Mill Creek LOU (Subdivision #S-1123, AP #16466):** It is acknowledged that certain construction obligations (water, sewer, roads) required of the Developer of Mayne Property are also required by reason of that certain Adequate Public Facilities Letter of Understanding for Mill Creek (as described above), which LOU was originally approved on April 12, 2017. In the event that the developer of Mill Creek shall construct certain of the improvements required of the Developer of Mayne Property herein, such construction by the Mill Creek developer shall be deemed to satisfy the obligation of the Mayne Property Developer for the improvements so constructed by the Mill Creek developer, and that the Mayne Property Developer shall not be responsible for any expenses borne by the Mill Creek Developer related thereto.

**Period of Validity:** The APFO approval is valid for six (6) years from the date of Commission approval; therefore, the APFO approval expires on April 11, 2024.

**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]
DEVELOPER:
RSB Holdings, LLC

By: ____________________________
   Bert Newcomer, Manager

Date: ____________________________

FREDERICK COUNTY PLANNING COMMISSION:

By: ____________________________
   Anthony Bruscia, Chairman or Secretary, Carole Sepe

Date: ____________________________

ATTEST:

By: ____________________________
   Gary Hessong, Director, Permits & Inspections

Date: ____________________________

Planner’s Initials / Date ____________________________
(Approved for technical content)

County Attorney’s Office Initials / Date ____________________________
(Approved as to legal form)
March 22, 2018

Graham Hubbard
Frederick County Development Review
30 N. Market Street
Frederick, MD 21701

RE: Mayne Parking & Street Tree Modification
    Hansen Number 17978
    HSA Job No. 7143

Dear Graham:

For this Combined Preliminary/Final Site Plan we request Planning Commission modifications: to allow 49 parking spaces in the recreational area along Daysville Road and to allow 13 parking spaces over target in the townhouse section and to place street trees on the lots adjacent to the public roads.

Section 1-19-6.220(A)
This project proposes the installation of a recreational field along Daysville Road. As there is no specific parking space calculation for open space or recreational fields in the Frederick County Parking Table the Planning Commission may grant an increase in the amount of parking spaces allowed onsite where the need for such increase is demonstrated. The recreational field along Daysville Road would be used for various sporting activities (practices and games). Games usually occur consecutively with little to no downtime between games and as a result the vehicular traffic for four teams would be in the parking area between games. The 49 spaces are proposed to alleviate congestion for these times by providing roughly 12.5 parking spaces per team for parking. In addition Liberty Elementary School has two baseball fields in close proximity and would be able to utilize the parking as overflow during sporting events that occur on those fields.

An additional 13 parking spaces over target is proposed for the townhouse parking area located on Madeline Court. A target parking count of 113 spaces is required and the proposed plan reflects 126 spaces. A modification for these additional spaces is requested to provide some surplus parking above the 2.5 spaces for each townhome for family holiday gatherings or other activities that require visitor parking.

Lastly a modification is requested for the placement of street trees on the adjacent lots rather than in the public right of ways of proposed streets. Similar to other projects a Planning Commission modification is requested to shift street trees from the Right of Way of the public streets onto the proposed single family lots and to modify spacing distance.

Per section 1-19-6.400(A) of the Zoning Ordinance, Street Trees shall be provided along the property line adjacent to the paved surface of an existing or proposed public right of way in a planting area no less than 7’ wide and consisting of one tree per 35’ of roadway frontage. If the required street trees cannot be accommodated within the public right of way an alternative planting design may be approved by the Planning Commission.

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Planning Commission approval of the planting of at the street trees within the adjacent single family lot is requested. There are several reasons for this request. The proposed road sections do not provide a 7' wide planting space within the public right of way. Average green space between the curb and sidewalk is approximately 3' on the majority of the proposed roads. Therefore, it is requested that the street trees be planted on the single family lots where sufficient width can be provided for the trees growth.

Planning Commission approval of spacing greater than 35' is also requested. At 60' minimum lot widths, physical site constraints prevent the placement of street trees every 35'. Limited space remains for tree planting when you consider the space required for the driveway and water and sanitary sewer laterals and the Division of Utilities and Solid Waste 10' planting separation distance to the laterals. Therefore, Planning Commission approval of the street trees placement as shown on the plans is requested.

Thank you for your consideration of these modifications. Please contact me if you need additional information.

Sincerely,

Fran Zeller
Vice President

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June 24, 2010

To: Tolson Desa

From: Ray Barnes

CC: Beth Pasierb, FCPS
    Fran Zeller, HSA

Re: Mayne Property Development -- Libertytown

This office is in receipt of a development plan for the Mayne Property located in Libertytown. We understand that this project is under review at the County DPDR offices.

The FCPS supports the establishment of additional recreation fields in the Libertytown area. While not necessarily needed for the Libertytown ES physical education program, additional fields would be useful to serve community youth groups that use the Libertytown ES fields on evenings and weekends.

The FCPS does not seek dedication of additional land for Liberty ES, it would support the construction of additional youth athletic fields on adjoining properties or elsewhere in the neighborhood.

Let me know if you have any questions or require further information.