

ZONING MAP AMENDMENT
JUSTIFICATION STATEMENT
7016 FISH HATCHERY ROAD

Introduction

Lewistown II, LLC (“**Applicant**”) submits this justification statement in support of its application for a zoning map amendment (“**the Application**”) for two contiguous parcels of improved real property located at the northeastern corner of Leatherman Road and Fish Hatchery Road, immediately east of U.S. Route 15 (“**Route 15**”), Lewistown Election District #20, Frederick County, described as: (1) Lot “2” containing 9.0390 acres, more or less, (“**Lot 2**”) on the plat of subdivision entitled “Lewistown II” recorded among the Plat Records of Frederick County, Maryland in Plat Book 6, page 87 (the “**Plat**”); and (2) Lot “3” containing 15.8880 acres, more or less, as shown on the Plat (“**Lot 3**” and hereinafter sometimes referred to collectively with Lot 2 as the “**Subject Property**”, being Tax ID #20-394595), as shown in the enclosed Exhibits.

The Subject Property is zoned Residential-1 Low Density Residential (“**R-1**”). The Applicant acquired the Subject Property on February 12, 2016 (Deed reference Liber 11005, folio 98). Under the Frederick County Comprehensive Plan Map adopted September 13, 2012, that was re-adopted as part of the Livable Frederick Master Plan on September 3, 2019 (collectively, the “**Comprehensive Plan**” or “**LFMP**”), the Subject Property has a Land Use Plan designation of Rural Community. As stated on page 199 of the LFMP regarding the Comprehensive Plan Map and the Rural Community designation, “The corresponding zoning districts include R-1 Low Density Residential, Village Center (VC), and General Commercial (GC).”

The Applicant requests rezoning of the Subject Property from R-1 to General Commercial (GC).

Based upon information and belief, the Applicant avers that prior to 1977 (after the construction of Route 15), the Subject Property was zoned as B3 General Business District. The Subject Property was zoned B3 General Business District on the 1972 Zoning Map. The Applicant avers that the Subject Property was downzoned to Agricultural in 1977 along with several other commercially zoned properties near intersections with Route 15 as part of Frederick County’s (the “**County**”) adoption of the 1977 Zoning Ordinance Update. As part of the 1984 Comprehensive Plan the Subject Property and the parcel located on the south side of Fish Hatchery Road) were designated for Low Density Residential land use (1-4 units per acre). Also shown is a planned interchange for the intersection of Route 15 and Fish Hatchery Road. As part of the 2002 Frederick Region Plan Update, the Subject Property was rezoned to R-1.

The Applicant avers that the Subject Property has continuously been used for limited commercial purposes as permitted in the Agricultural zoning district from 1978 to the present. It has served as the location for Ruritan Famous Barbeque Chicken and Treeland Nurseries (a commercial landscape business and wholesale nursery) consistent with a Frederick County (Board of Appeals) approved special exception, site plan, building, electrical and plumbing permits, some of which are enclosed with the Exhibits. Prior owners, as well as the Applicant when it acquired the Subject Property in 2016,

have continued these commercial uses on the Subject Property. The Subject Property is currently in use for commercial sales, service, and storage, including Ruritan Famous Barbecue Chicken Sales, AB Seas Marine sales and service, and Q3 Storage Containers. The Applicant maintains that these on-going commercial uses are legally non-conforming pursuant to Sec. 1-19-4.200(B) of the Zoning Ordinance, entitled “Nonconforming lots, structures and USES”.

In 1994, the Board of County Commissioners denied the Applicant’s request for the PUD rezoning of the Subject Property and adjacent parcels on the south side of Fish Hatchery Road. There was significant public opposition to that PUD request despite its Low Density Residential land use designation on the 1984 Comprehensive Plan land use map. Furthermore, despite a long history of failed percolation testing (50 failed attempts), public and private studies warning of health risks posed by failing septic systems in the area, the Applicant’s request for Water and Sewerage Plan amendments to establish a community wastewater system were denied by the County Commissioners due in part to public opposition to additional residential development.

Since the Spring of 2024, a dispute has arisen between the County Division of Planning & Permitting (“**Zoning Enforcement**”) and the Applicant regarding the use of a portion of the Subject Property leased to Q3 Storage Containers, LLC, for the **storage** of shipping containers. The Applicant maintains that the shipping containers are a legally existing non-conforming use of the Subject Property based on over forty (40) years of continuous commercial use, the approved site plan for Treeland Nurseries (SP86-22), recent correspondence submitted to Zoning Enforcement by prior owners, customers and neighbors of the Subject Property and plumbing and electric permits issued by the County.

The Subject Property is improved with two main buildings and several outbuildings. Additional improvements include, but are not limited to approximately 50 parking spaces, 3 commercial wells, 3 loading docks, approximately 1200 square feet of chain link fence, a septic system approved (on September 9, 1987), for commercial use by 30 employees, approximately 40,000 square feet of outdoor storage, and an outside intercom and sprinkler system. Three (3) driveways provide access to the southern portion of the Subject Property from Fish Hatchery Road and one (1) driveway provides access to the western portion of the Subject Property from Leatherman Road. Portions of the larger parcel of which the Subject Property was a part were conveyed to the State Highway Administration for the rights of way of Leatherman Road and Route 15 (U.S. Highway #15).

The Subject Property is currently shown as No Planned Service (NPS) on the County Water and Sewerage Plan for water and partially shown as Planned Service (PS) for sewer. (See enclosed Exhibits).

Justification

Below quoted in bold font are the relevant portions of the Frederick County Code, followed by the Applicant’s responses.

§ 1-19-3.110.4. APPROVAL CRITERIA

(A) Approval or disapproval of a request for an individual zoning map amendment or floating zone reclassification shall be determined through review of several criteria. The Planning Commission and County Council review will include, but not be limited to:

(1) Consistency with the comprehensive plan;

RESPONSE:

The LFMP supports this Application and the rezoning of the Subject Property to GC.

This designation (Rural Community) recognizes existing rural communities that have historically developed as crossroad communities with an identifiable concentration of residences and in some cases still support commercial uses. Their designation as Rural Community serves to maintain the rural and historical character and permits some limited infill development that would rely on individual well/septic systems. They are not identified as growth areas.” (emphasis added).

Part of the LFMP’s “Vivid Description” of its Vision is that:

Frederick County provides interesting and fulfilling JOBS and options for everyone to support their families.

We embrace businesses of all types and sizes to ensure a vibrant and STRONG ECONOMY.

We value our traditional industries while seizing the opportunity of THE FUTURE, healthcare biotech, advanced technology, and more. (LFMP at 25).

The requested GC rezoning will allow for continued employment uses to locate on the Subject Property, thus helping ensure a strong economy and opportunities for the future, consistent with the LFMP Vision’s Vivid Description.

The LFMP Thematic Plan (LFMP at 40) denotes the Subject Property as a “Agricultural Support” within the “Agricultural Infrastructure Sector.”. The Subject Property is also located proximate to the Lewistown Rural Hamlet/Agricultural Support area in the Agricultural Infrastructure Sector of the LFMP Thematic Plan Diagram (LFMP at 40). GC zoning would continue to conform the Subject Property to allow for uses that serve as support for agricultural uses in the vicinity.

This Application is consistent with LFMP Economy Vision Goals, including:

“Goal: Pro-Business Climate -- Attract, retain, and grow opportunities to create a business climate in Frederick County that is attractive to firms and supportive of the many diverse groups of people, with diverse expertise and experiences, who wish to live

and work in Frederick County.” (*Id.* at 160). By allowing for GC on the Subject Property, the rezoning will conform and grow business opportunities in the County and support existing local family and veteran owned businesses. Locating businesses at the Subject Property will attract diverse groups of people with diverse expertise and experiences.

“Goal: Infrastructure -- Ensure that infrastructure needed to support and maintain Frederick County as a great place to live and work is in place to meet the needs of residents and the business community by expanding, augmenting, or creating new infrastructure as opportunities expand to live and work in Frederick County.” (LFMP at 163). The Project directly addresses this Goal by facilitating improvements to roads, water and sewer, in this part of the County. The present owners of the Subject Property have recently designed, bonded, constructed, and funded the sewer line servicing the Lewistown community on Fish Hatchery Road.

General Commercial zoning is the most appropriate along the proximate travelways – highway roads (Route 15), frontage road (Leatherman Road) and collector road (Fish Hatchery Road) with multiple entrances as discussed above. With an existing approved site plan, redundancy of access, traffic circulation already accounted for, and sensitivity to screening, noise and lighting consistent with forty (40) years of continuous use, conformity of the zoning to the Subject Property’s uses would be consistent with the Comprehensive Plan.

If the Subject Property were to develop in accordance with the current R-1 zoning, the possibility arises of having single family homes along U.S. Route 15; sound planning principles would favor more compatible uses, which the requested zoning would facilitate. Residential development is also inconsistent with long standing documented health related septic issues in Lewistown, and inadequate public and private sewer.

(2) Availability of current and planned public facilities:

RESPONSE: The Subject Property has existing adequate roadway access, a private water system and private septic. The Subject Property is proximate to public sewer, but the Water and Sewerage Plan Map categories for the Subject Property do not align with public water and sewer service, and the capacity of the new WWTP is “reserved for” existing “septic failures” and existing “Lots of Record”. At the appropriate stage of development after rezoning, any plans proceeding for the Subject Property will comply with the County’s Adequate Public Facilities Ordinance (“**APFO**”) requirements for those facilities. Adequacy of existing and planned future transportation systems.

As stated above, the Subject Property has direct access at the confluence of a major highway, frontage roadway and collector roadway. Access to the Subject Property was previously approved by the County as part of the site plan for Treeland Nurseries. The Subject Property’s reliance on a private septic system and water system will limit the intensity of its use and impact on public facilities such as roads.

(3) Compatibility with existing and proposed development;

RESPONSE: General Commercial zoning would be compatible with the GC zoning on the parcels directly across Fish Hatchery Road (owned by the Applicant), as well as the numerous proximate businesses that characterize this portion of the Lewistown/Route 15 area. As discussed more fully below, such businesses include Beckley's RVs, Mountindale Convenience Store, Merchandise Discount Outlet, Eurotech Classics, 7-11 and Staley's Storage and Warehouse Park, Dorcas Construction Company, Inc., Dirt Cheap Discount Store, Dented Toolbox, Frederick Performance Center, and Staley's On-Site Services.

(4) Population change, including availability and location of land zoned to meet the ten-year need for residential development;

RESPONSE: Not applicable, as the requested zoning is non-residential.

(5) The timing of development, planned future transportation systems and planned public facilities;

RESPONSE: The commercial use of the Subject Property has been continuous for over 40 years. Rezoning the Subject Property to GC will conform to historical usage and will allow for continued contribution to the Lewistown/Route 15 area; with this area serving the needs of County residents, agricultural operations and other businesses in this part of the County. The Subject Property is already served by adequate roads, transportation systems and is ideally located for commercial usage.

(6) Sensitive environmental resources have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable; and

RESPONSE: There are no known floodplains, streams or sensitive environmental resources on the Subject Property. To the extent necessary, site designs will include appropriate tree area buffers. An extensive site work was previously engineered, developed, and approved by the County for Treeland Nurseries.

(7) Historic resources have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable.

RESPONSE: Not applicable; no such resources exist on or near the Subject Property.

(B) In addition to the criteria above, approval or disapproval of a request for an individual zoning map amendment shall be granted only where a finding has been made that there was:

(1) A substantial change in the character of the neighborhood where the Subject Property is located; or

RESPONSE:

In evaluating the Application, the County must determine that within the Subject Property's neighborhood, there is enough cumulative evidence of significant change, particularly the use of surrounding properties, since the last comprehensive rezoning, such that the question of whether a substantial change to the surrounding neighborhood has occurred is "fairly debatable". The last comprehensive rezoning of Frederick County occurred September 13, 2012, with the Board of County Commissioners Ordinance No. 12-22-617 ("**2012 Comprehensive Rezoning**").

The Neighborhood – 0.75 mile radius circle from Subject Property

The Supreme Court of Maryland (f/k/a the Maryland Court of Appeals) (the "**Maryland Supreme Court**") has held that in a piecemeal rezoning case, the concept of the neighborhood is a flexible one, and will vary according to the geographical locations involved, it being axiomatic that in a rural or semi-rural area the "neighborhood" **will be larger and more fluid** than in a city or suburban area. *Montgomery v. Board of County Comm'rs for Prince George's County*, 263 Md. 1, 280 A.2d 901 (1971). (emphasis added).

The Maryland Supreme Court has further held that while the area which reasonably constitutes the neighborhood of a property under consideration for rezoning need not be precisely and rigidly defined, it must be shown to comprise an area reasonably within its "immediate environs . . . not some area miles away; and the changes must occur in that immediate neighborhood of such a nature as to have affected its character." *Clayman v. Prince George's County*, 266 Md. 409, 292 A.2d 689 (1972).

A reasonable definition of the neighborhood would include the area within a 0.75 mile radius from the Subject Property (See Exhibits) (the "**Neighborhood**"). As so defined, the Neighborhood is not overly expansive, and it logically includes the Subject Property's transportation network and key adjoining and confronting properties.

Substantial change has been defined by decisions of the Maryland Supreme Court and the Appellate Court of Maryland (f/k/a the Maryland Court of Special Appeals) as strong evidence of significant change in a reasonably defined area surrounding the property since the most recent of the original or last comprehensive zoning affecting the property. *Mayor & Council of Rockville v. Rylyns Enters.*, 372 Md. 514, 814 A.2d 469 (2002). Maryland courts have also held that change occurring both prior to and after the last comprehensive rezoning can be relied upon in a finding of substantial change in the character of the neighborhood. The presumption of correctness afforded to original or comprehensive rezoning enacted via the legislative process, is overcome when substantial change occurs in the character of the neighborhood after that comprehensive rezoning that now supports a different zoning decision for a particular property.

As part of the 2012 Comprehensive Rezoning, the immediately adjacent property on the south side of Fish Hatchery Road containing 13.7 acres was rezoned from Agricultural to General Commercial at the request of the Applicant. This 13.7-acre parcel has since been developed with a metal Morton building leased to a commercial glass contractor. The strongest evidence of substantial change in the character of a neighborhood is the rezoning of a nearby or adjacent property and its subsequent

development pursuant to that zoning.

Significant changes have occurred in/to/on all other parts of the Neighborhood evidencing its transition to a more rural commercial character. These changes are partially illustrated in the aerials shown in the Exhibits. The County also purchased a 94-acre parcel on the west side of Route 15 on Putman Road for use as a highway maintenance facility. Other substantial changes to a more commercial character are the Mountindale Convenience Store constructed approximately 10 years ago that includes 20 fuel pumps for automobiles, 4 fuel pumps for trucks, and a 7,200 square foot accessory convenience store. In or around 2016, an additional Beckley's RV storage facility was constructed on the adjoining property to the north of the Subject Property, and another RV storage facility recently approved by the Board of Appeals. Improvements to the intersection of Angleberger Road at Beckley's, to replace the current intersection with a "J-turn" design have been proposed by MDOT/SHA with construction anticipated in the near future.

Based on the foregoing, particularly the rezoning of the Adjacent Parcel from Agricultural to GC, which has the same Rural Community land use designation as the Subject Property, a reasonable fact finder can conclude that the above is conclusive evidence of substantial change in the Neighborhood from a residential or agricultural to a commercial character proximate to Route 15.

(2) A mistake in the existing zoning classification.

The Appellate Court of Maryland (f/k/a the Maryland Court of Special Appeals) (the "ACM") has stated that in order to find mistake, there must be evidence that assumptions or premises relied upon by the legislature at the time of zoning were invalid. It is more than the exercise of bad judgment based on complete and accurate information. *Chesapeake Ranch Club v. Fulcher*, 48 Md. App. 223, 426 A.2d 428 (1981).

In order to overcome the presumption of validity of comprehensive rezoning and establish mistake or error, there must be probative evidence to show that the assumptions and premises relied upon by the legislature at the time of the comprehensive zoning were invalid. *Boyce v. Sembly*, 25 Md. App. 43, 334 A.2d 137 (1975).

There was no rezoning request filed by the then owner of the Subject Property during the 2012 Comprehensive Rezoning. The Applicant did not own the Subject Property at that time, but did own the Adjacent Parcel for which it submitted a rezoning request from Agricultural to GC.

When the Board of County Commissioners retained the R-1 zoning of the Subject Property during the 2012 Comprehensive Rezoning, the commercial uses of the Subject Property had been continuous up to that point. In addition, the Board of County Commissioners mistakenly believed at that time that the Subject Property had adequate individual water and wastewater treatment capability to support R-1 zoning. In fact, the Applicant submits that separate sanitary sewer surveys (1976 – Frederick County Health Dept, 1980 Water and Sewerage Plan, April & May 1994 – Frederick County Health Department and Frederick County Health Department Lewistown Sanitary

Survey October 2013, Revised June 18, 2014) all demonstrated that septic systems in the vicinity of the Subject Property posed potential threats to health, safety and welfare. In addition, there were over fifty (50) failed percolation tests at the Subject Property, the most recent of which occurred in 2011.

The Applicant and others in the vicinity of the Subject Property have made numerous requests to the County for a community wastewater treatment system, another feasible way to facilitate R-1 zoning at the Subject Property. However, these requests yielded no efforts. And again, the capacity for the new Lewistown community WWTP is “reserved for existing septic failures and existing Lots of Record, **NOT** new residential development.”

During the 2012 Comprehensive Rezoning, the Board of County Commissioners mistakenly believed there were no commercial uses on the Subject Property and that septic conditions were appropriate for residential use. This does not mean the Board of County Commissioners or Frederick County Planning Staff were negligent or made a mistake. For the purposes of rezoning based on mistake, it is legally sufficient to show that there were facts or circumstances of which the legislative body was not aware when it made its zoning decision.

Because the Board of County Commissioners was not aware of these facts and circumstances, it erroneously retained R-1 zoning on the Subject Property instead of rezoning it to GC as it did with the Adjacent Parcel which has the same Rural Community land use designation. The mistake becomes even more apparent when the result is the ability for single family lot homes to be located so close to a major highway. This impacts quality of life, especially as to highway noise. In similar situations, for example, the City of Frederick has instituted a Highway Noise Overlay zone prohibiting/discouraging residential uses from being so close to this same highway. But for the mistake in zoning, this incompatibility of land uses would not arise; it is highly unlikely that the Board of County Commissioners intended to site incompatible land uses in proximity, and therefore, the R-1 zoning of the Subject Property was a zoning mistake.

The frequent changes in zoning and land use designation for the Subject Property, evidence a pattern of uncertainty by the County in its plan and vision its appropriate development, ranging from commercial on the quadrant of a planned interchange with Route 15, to agricultural to residential. While there is no documentation evidencing that the County Commissioners specifically considered the Subject Property during the 2012 Comprehensive Rezoning, it is legally presumed that it did so. When very similar circumstances were raised by the owner of the Adjacent Property, the County Commissioners rezoned it GC.

Perhaps the most salient evidence of a zoning mistake during the 2012 Comprehensive Rezoning as related to the R-1 zoning of the Subject Property is that despite having been classified Low Density Residential since the 1984 Comprehensive Plan (almost 30 years at that time) and its comprehensive rezoning to R-1 in 2002 (10 years at that time), the Subject Property had not developed under that residential land use and zoning designation. The County Commissioners’ decision to continue that residential zoning designation during the 2012 Comprehensive Rezoning was therefore

based upon the assumption that residential development could and would occur, an assumption now undermined by the fact that 14 years later, the Subject Property has still not been developed for residential use.

By this request and based upon the Subject Property's zoning and land use history, location at an intersection with a major County highway, percolation and septic history, as well as the legal grounds set forth herein, the Applicant is asking the County to match the zoning designation of the Subject Property with its historical commercial use and nature.

For the above reasons, in conjunction with the exhibits and additional written and oral testimony provided and to be provided, the Applicant respectfully requests the grant of its rezoning request.

Frederick County
APPLICANT DISCLOSURE FORM

Note: While the application is pending, you must supplement this disclosure whenever there is a change in the information provided.

- I. Property that is the subject of the application (Tax Map, Parcel, street address):
Account # 20-394595; Tax Map 40, Parcel 378;
7016 Fish Hatchery Road, Lewistown, MD 21701
- II. Please identify all persons and entities who have any of the following interests in the land that is the subject of the application. (Include the holders of at least a 10% interest in the land):

- A. Title owners: Lewistown II, LLC

- B. Contract purchasers: _____

- C. Trustees (do not include trustees described in a mortgage or deed of trust):

- D. Agents (including consultants, engineers, attorney) -Provide agent name and their firm. Additional agents hired after submission of the application must be provided to the County.

Offit Kurman, P.A. - David A. Severn, Esq. and Noel S. Manalo, Esq.

- III. For each person or entity named in Part II above, indicate that person's or entity's status. If there is more than one person or entity who qualifies as an applicant, provide the name of the applicant that the information pertains to in the space provided:

_____ An individual (Name: _____)

_____ A partnership (Name: _____)

_____ General partnership

- ☐ Limited liability partnership
- ☐ Limited partnership
- ☐ Limited liability limited partnership
- ☐ Joint venture

Name all partners: _____

☐ A corporation (Name: _____)

Identify all officers and directors by name and title:

☒ Other business entity (Name: Lewistown II, LLC)

- ☐ Sole proprietorship
- ☐ An association
- ☒ Limited liability company

Name all owners/members/officers/directors:

Michael Kelly, Jr. - Member
J. Tyler Guynn - Member

☐ Receiver (Name: _____)

☐ Trustee (Name: _____)

☐ Guardian (Name: _____)

☐ Personal representative (Name: _____)

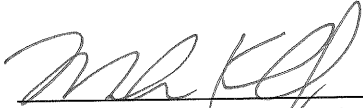
☐ Fiduciary (Name: _____)

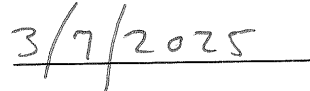
☐ Other representative (Specify: _____)

I hereby affirm under penalties of perjury and upon personal knowledge that the information provided herein is true. I also acknowledge that I understand that I have a duty to supplement the information provided herein should that information change while the application is pending.

Signature:

Date:


Name and title (if applicable)



Revised July 2018



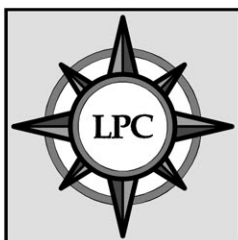
REZONING NEIGHBORHOOD EXHIBIT

PLAN REVISIONS :			
NO.	REVISIONS	BY	DATE

LAND DESIGN BY :	N/A
PRELIMINARY ENGINEERING FEATURES BY :	N/A
DRAFTED BY :	LPC
AUTOCAD VERSION	2014

Lewistown II, LLC

SITUATED AT 7016 FISH HATCHERY ROAD
THURMONT, MARYLAND 21788
TAX MAP 40, PARCEL 378
FREDERICK COUNTY, MARYLAND



LINGG
PROPERTY CONSULTING
259 West Patrick Street, Suite 2A
Frederick, Maryland 21701
www.LinggPropertyConsulting.com
LinggPC@ecuc.net - e
(301) 644-2121 - o
(301) 696-3221 - f

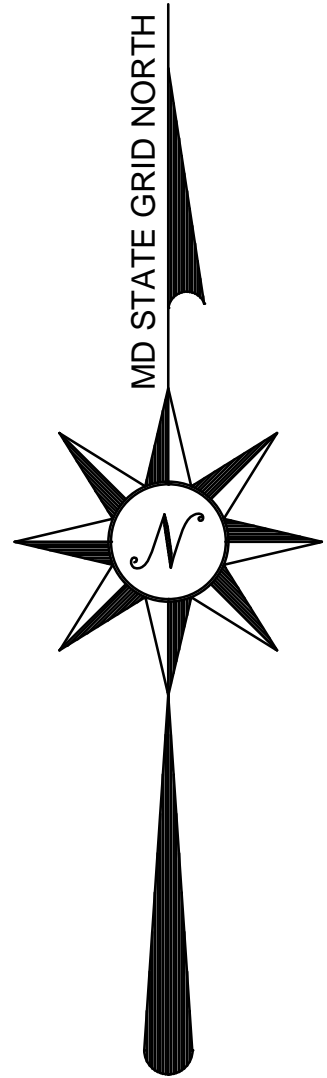
- Land Use Consulting
- Land Planning & Design
- Project Management
- Site Planning
- Subdivision Planning
- Zoning Entitlement Consulting
- Development Rights & Approval Strategies
- Civil Engineering & Land Surveying Management

SCALE:
1" = 300'

INITIAL DWG DATE:
DECEMBER, 2024

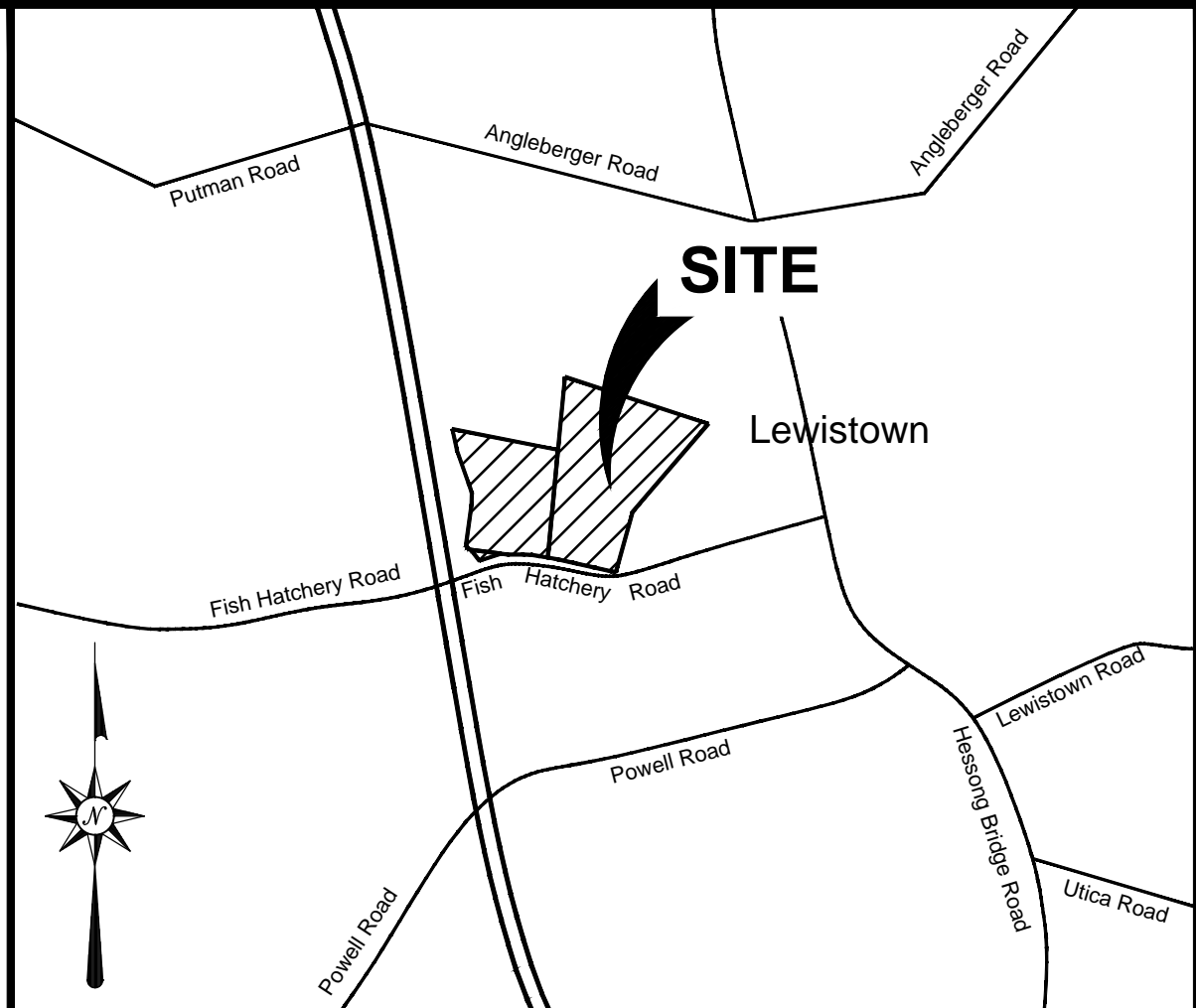
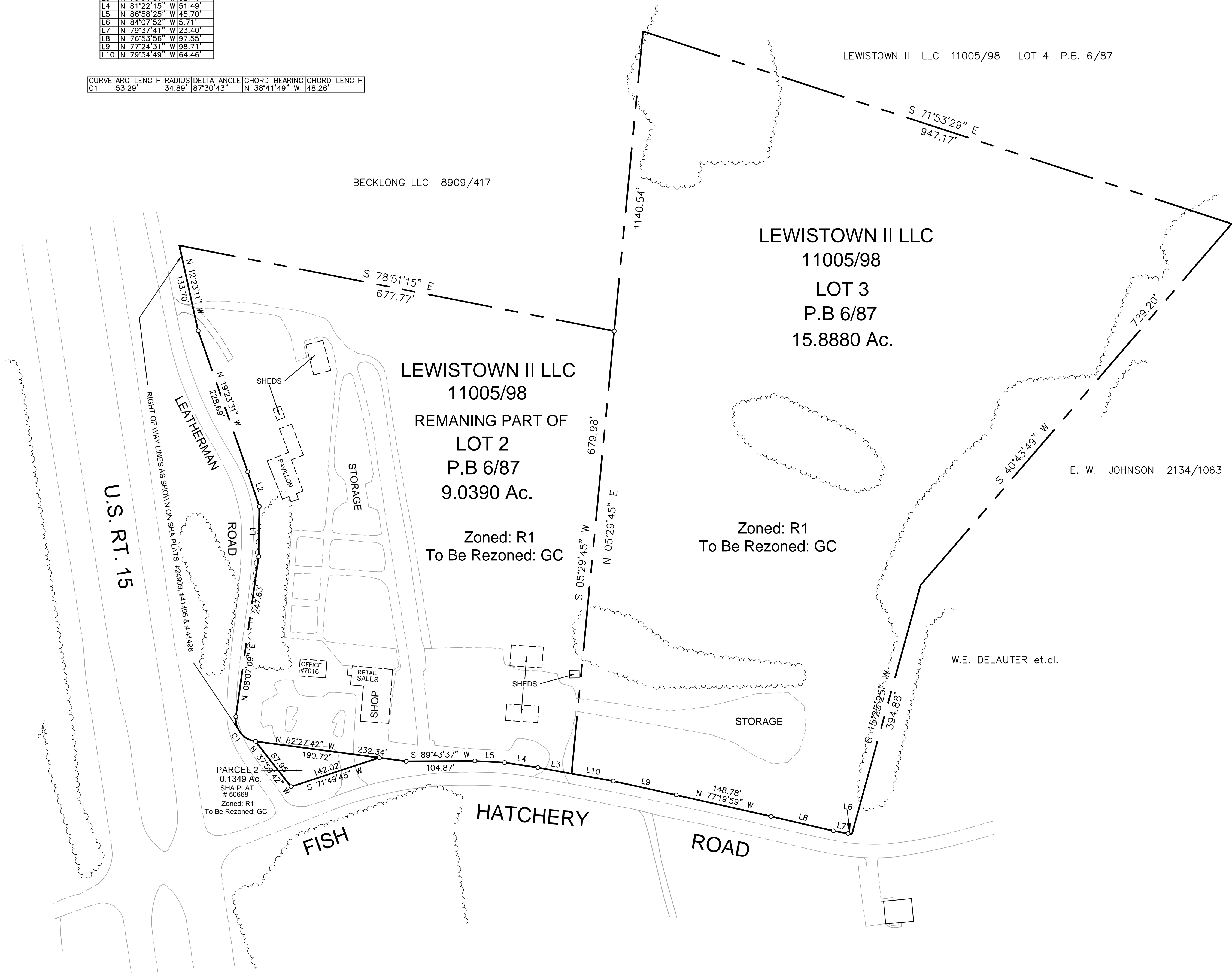
SHEET 1 OF 1

LPC PROJECT NO.
0080-01



LINE	BEARING	DISTANCE
L1	N 00°45'29" E	76.32'
L2	N 18°28'16" W	58.02'
L3	N 79°54'51" W	52.41'
L4	N 81°22'15" W	51.49'
L5	N 86°58'25" W	45.70'
L6	N 84°07'52" W	55.71'
L7	N 79°37'41" W	23.40'
L8	N 76°53'56" W	57.55'
L9	N 77°24'31" W	98.71'
L10	N 79°54'49" W	64.46'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	53.29'	34.89'	187°30'43"	N 38°41'49" W	148.26'



VICINITY MAP
SCALE: 1" = 300'
TAX MAP 40, PARCELS 378 & 437

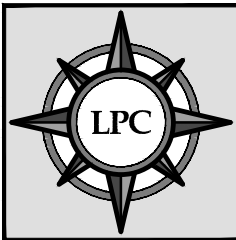
- NOTES:
- This Rezoning Exhibit utilizes a Boundary Survey prepared by R.F. Gauss & Assoc., Inc. of Emmitsburg, MD dated August 30, 2024. That survey was prepared without the benefit of a title report.
 - Proposed for rezoning from R-1 Low Density Residential to GC General Commercial is the following:
- | | |
|--|-------------|
| Lewistown II, LLC: | |
| Lot 3 - L.11005/F.98, P.B.6 @ P.87 - | 15.8880 Ac. |
| Remaining Part of Lot 2 - L.11005/F.98, P.B.6/P.87 - | 9.0390 Ac. |
| Parcel 2 - SHA Plat #50668 - | 0.1349 Ac. |
| Total Area to be rezoned from R-1 to GC - | 25.0619 Ac. |

D:\Projects\Lewistown II, LLC\Initial Rezoning Plan Exhibit.dwg

PLAN REVISIONS :			
NO.	REVISIONS	BY	DATE

LAND DESIGN BY :	LPC
PRELIMINARY ENGINEERING FEATURES BY :	DMW/LPC
DRAFTED BY :	LPC/DMW
AUTOCAD VERSION	2014

LEGEND:
● = REBAR FD/SET
⊙ = EXISTING WELL
○ = UTILITY POLE & WIRES
⊗ = FENCE POST



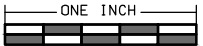
Land Use Consulting • Land Planning & Design • Project Management • Site Planning
Subdivision Planning • Zoning Entitlement Consulting • Development Rights & Approval Strategies
Civil Engineering & Land Surveying Management

LINGG
PROPERTY CONSULTING

256 West Patrick Street, Suite 2A
Frederick, Maryland 21701
www.LinggPropertyConsulting.com

LinggPC@xecu.net - e
(301) 644-2121 - o
(301) 698-3221 - f

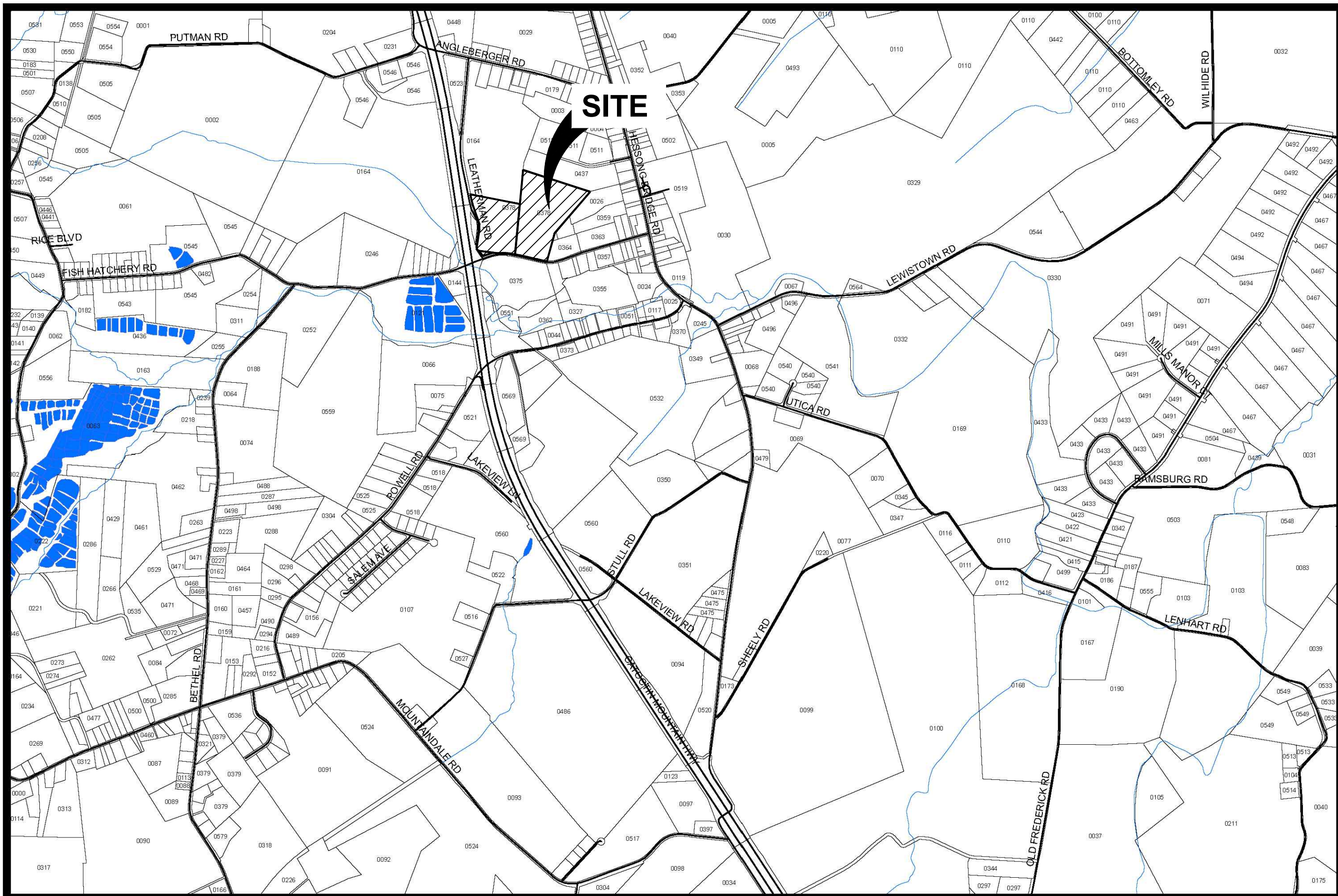
REZONING EXHIBIT



Lewistown II, LLC

SITUATED AT 7016 FISH HATCHERY ROAD
THURMONT, MARYLAND 21788
TAX MAP 40, PARCEL 378
LEWISTOWN ELECTION DISTRICT No. 20
FREDERICK COUNTY, MARYLAND

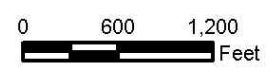
SCALE:
1" = 80'
INITIAL DWG DATE:
DECEMBER, 2024
SHEET 1 OF 1
LPC PROJECT NO.
0080-01



Water Service Areas



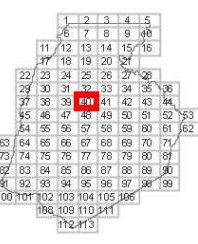
- W-1- Connected
- W-3- 1-3 Years
- W-4- 4-6 Years
- W-5- 7-10 Years
- PS- Planned Service 11-20 Years
- M-U- Multi-Use (Private)
- NPS- No Planned Service



This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. Created by GIS & Data Services Section, Frederick County Division of Planning.

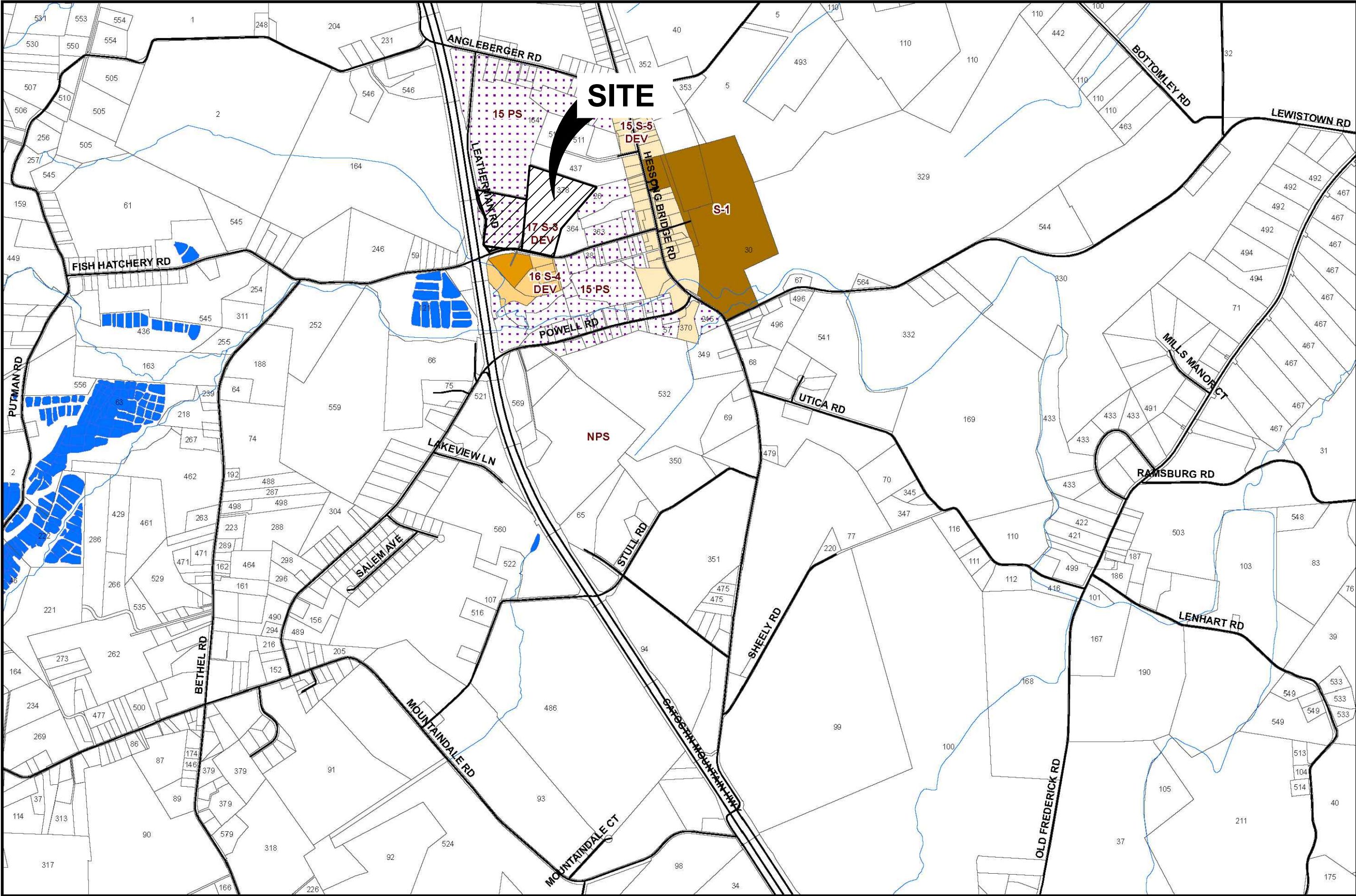
For detailed water service areas consult the official Water Service Areas maps located at:
Frederick County Division of Planning
12 East Church Street
Frederick, MD 21701
301-600-1138

Date: April 8, 2010.



Tax Map 40

EIST II R ERT



Sewer Service Areas



- S-1- Connected
- S-3- 1-3 Years
- S-4- 4-6 Years
- S-5- 7-10 Years
- PS- Planned Service (11-20 Years)
- M-U- Multi-Use (Private)
- NPS- No Planned Service

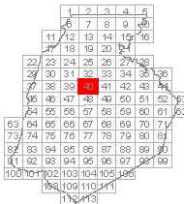


0 0.1 0.2 Miles

This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis. While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user.

For detailed sewer service areas consult the official Sewer Service Areas maps located at:
Division of Planning and Permitting
Frederick County Government
30 North Market St.
Frederick, MD 21701
301-600-1153

October 9, 2018



Tax Map 40

E IST II R ERT

