

# 2015 Annual Planning Report

**FREDERICK COUNTY, MARYLAND**



**MANY PLACES, ONE COMMUNITY**

**Maryland Department of Planning Annual Report**

Prepared by:  
Frederick County Planning & Permitting Division



# **Frederick County, Maryland**

## **2015 Annual Planning Report**

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# Summary

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The 2015 Planning Report for Frederick County, Maryland was prepared pursuant to the requirements of the Land Use Article of the Annotated Code of Maryland. This report provides a summary of the year's planning activities undertaken by the Community Development Division and also documents development activity.

This report also includes the Maryland Department of Planning Annual Report starting on page 20. This report documents development data, comprehensive plan implementation, ordinance revisions, and various measures and indicators relative to the Priority Funding Areas (PFA's).

The changes in development patterns are found to be consistent with the County Comprehensive Plan as amended on September 13, 2012. The amendments to the County Zoning Ordinance are consistent with the County Comprehensive Plan and implement the State visions.

## Project/Activity Highlights

- Acquired 17 land preservation easements on 1,996 acres.
- Processed 29 Board of Zoning Appeals applications, down from 33 cases in 2014.
- Completed reviews for one (1) zoning map amendment.
- Processed one (1) Zoning Ordinance Text Amendments for revisions to the waterbody buffer regulations.
- Processed 13 Water and Sewerage Plan amendments, down by over half from the 27 requests in 2014.
- In October 2015 the County Executive announced an initiative, Livable Frederick, to update the County Comprehensive Plan. Livable Frederick will involve extensive outreach efforts and is expected to take approximately two years to complete.

## Development Activity Highlights

- The estimated county population, as of January 2015, was 242,559. This is an increase of 2,599 or 1% for 2014. Since 2010 the population has increased by 9,174 at an average annual rate of 0.8%/year.
- The 1,158 permits issued for new residential dwellings in 2015 is a slight decline from 2014 (1,318 permits) and breaks a four year trend of increasing residential permit activity. Permit activity in Frederick City took a significant decline from 2014 (673 permits to 296) and was lower than the county for the first time in two years.
- Commercial and industrial construction permit activity in 2015 (1,042 permits) was up slightly from 2014 (928 permits). The level of activity is still far greater than average activity of approximately 700 permits/year during the recession period.
- The approval of preliminary subdivision plans declined significantly from an all-time high of 3,359 lots/dwellings in 2014 to 1,053 lots in 2015.
- The construction of multi-family housing declined from 2014 (577 units) to 429 units in 2015. However, multi-family dwellings still made up a slight majority (37%) of the total number of dwellings permitted.

# Planning Commission and the Division of Planning & Permitting

The Frederick County Planning Commission was established in July 1955 with the responsibility for preparing and administering plans and development regulations for the County. The seven member Planning Commission is appointed by the County Council to serve five year terms. The Planning Commission has final authority over site plans, subdivision plats, modifications to the subdivision regulations and determination of Adequate Public Facilities (APFO) for new developments. On items such as zoning map amendments, zoning or subdivision text amendments, and water/sewer plan amendments, the Planning Commission has an advisory role through the provision of a recommendation to the County Council, who have the final authority to adopt or amend these plans and regulations. With regard to Comprehensive Plans, the Commission has recommending role and forwards such Plans to the County Council for final adoption.

## Planning Commission members during 2015

- Bill Hopwood, Chair
- Anthony Bruscia , Vice-Chair
- Bob White , Secretary (since April)
- William Hall
- Dwaine Robbins (through May)
- Audrey Wolfe
- Bob Lawrence (through June)
- Carole Sepe (since July)
- Sharon Suarez (since July)

## Division of Planning & Permitting

In 2015 the Community Development Division was renamed to the Division of Planning & Permitting. Other organizational changes included shifting the Dept. of Business Development and Retention under the County Executive's Office and creating a new Department of Development Review.

### Department of Planning

- Comprehensive planning including preparation of the Countywide Comprehensive Plan and the community/corridor plans.
- Responsible for functional planning areas including water and sewer, transportation, historic preservation, and environmental planning.
- Land preservation program administration

### Department of Development Review

- Conducts planning/engineering reviews of site plans and subdivisions and administers Forest Resource Ord. and the Adequate Public Facilities Ord.

### Zoning Administration

- Provides Zoning administration and enforcement of the Zoning Ordinance. Administers the Board of Appeals.

### Office of Sustainability and Environmental Resources

- Manages watershed restoration projects and federal storm water permitting.
- Oversees sustainability projects.

### Department of Permits and Inspections

- Administers building permit services and inspections
- Includes Office of Life Safety which is responsible for fire code reviews of building plans.
- Conducts grading permit reviews and inspections

The following commissions and boards are served by the Division staff:

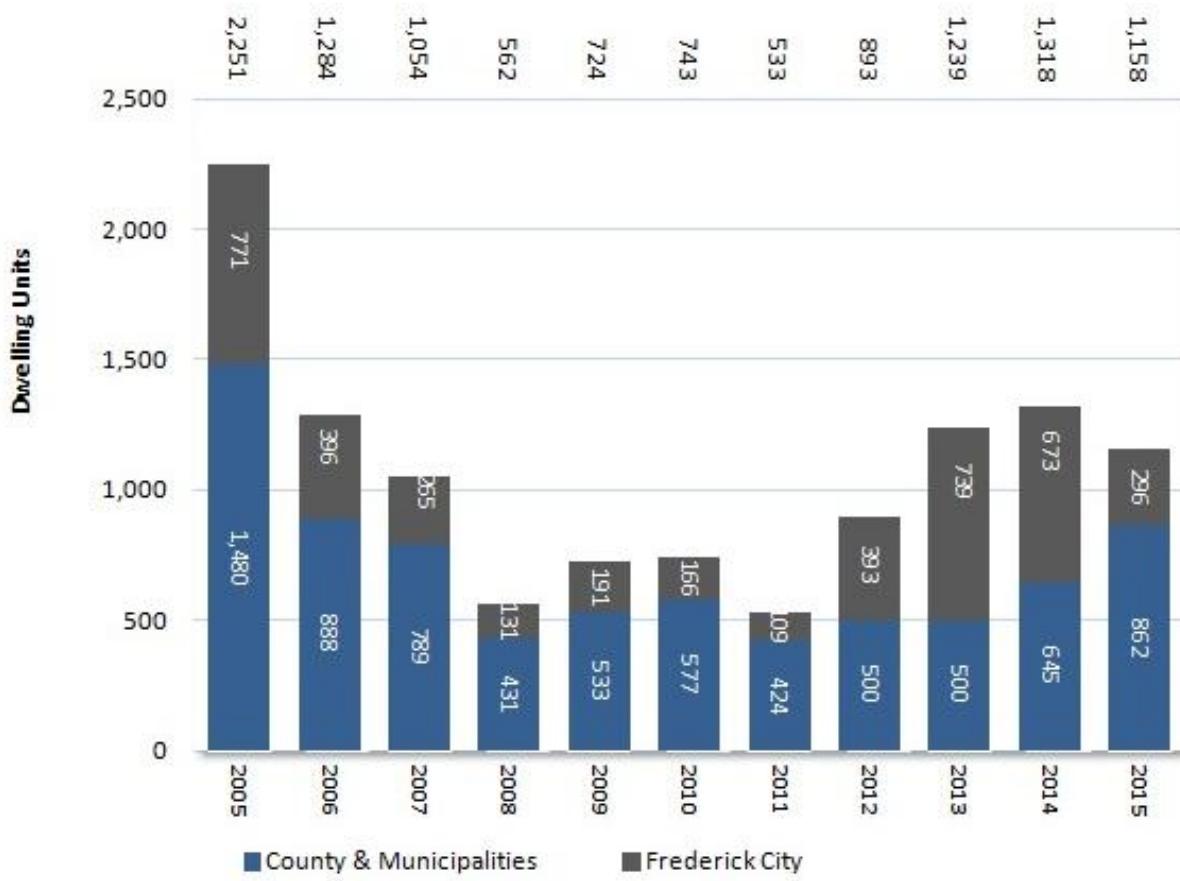
- Board of Zoning Appeals
- Planning Commission
- Agricultural Preservation Advisory Board
- Agricultural Reconciliation Committee
- Historic Preservation Commission
- Monocacy Scenic River Board
- Transportation Services Advisory Council
- Sustainability Commission

# Development Activity

## Housing Construction and Permits

In 2015, the number of permits issued for residential dwellings declined by 160 dwellings from 2014. A major factor contributing to this decline is the activity in the City of Frederick, which declined by 377 dwellings from 2014 (673 dwellings) to 2015 (296 dwellings). Activity in the County and other municipalities increased from 645 dwellings in 2014 to 862 dwellings in 2015. For the four post-recession years 2012 through 2015 the county saw an average of 1,152 dwellings/year. This is still well below the historic activity levels prior to the recession. The period of 2000 to 2010 saw an average of 1,600 dwellings/year. The county's peak decade for new housing permits occurred during the 1990's with an average of 2,000 dwellings/year.

**Figure 1: Housing Unit Permits: 2005-2015**



Source: Frederick County Planning and Permitting Division

## Dwelling Type

Table 1 below shows the breakdown of dwelling type for new residential dwelling permits for the entire county and the municipalities. Over this 7-year period 43% of the dwellings were single-family, 26% townhouses, and 30% multi-family. For 2015 the number of multi-family units has declined from 2014 (577 to 429) though it is still significantly higher than historical averages. As in overall dwelling permits the City of Frederick experienced a significant decline in multi-family activity from 489 units to 131, while the county saw an increase from 88 units to 298 units. This shift in multi-family activity from the City to County projects is likely to continue for another several years as multi-family projects including Urban Green, Jefferson Place, and the Linganore Town Center progress through the development process.

**Table 1. Dwelling Unit Type Permitted**

	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Dwelling Type	No. of unit % of total						
Single Family detached	415 57%	463 62%	366 69%	448 50%	405 33%	389 30%	371 32%
Townhouse	218 30%	223 30%	121 23%	168 19%	312 25%	352 27%	358 31%
Multi-Family	90 12%	57 8%	46 9%	277 31%	522 42%	577 44%	429 37%
<b>Total</b>	<b>723</b>	<b>743</b>	<b>533</b>	<b>893</b>	<b>1,239</b>	<b>1,318</b>	<b>1,158</b>

## Residential Subdivision Activity

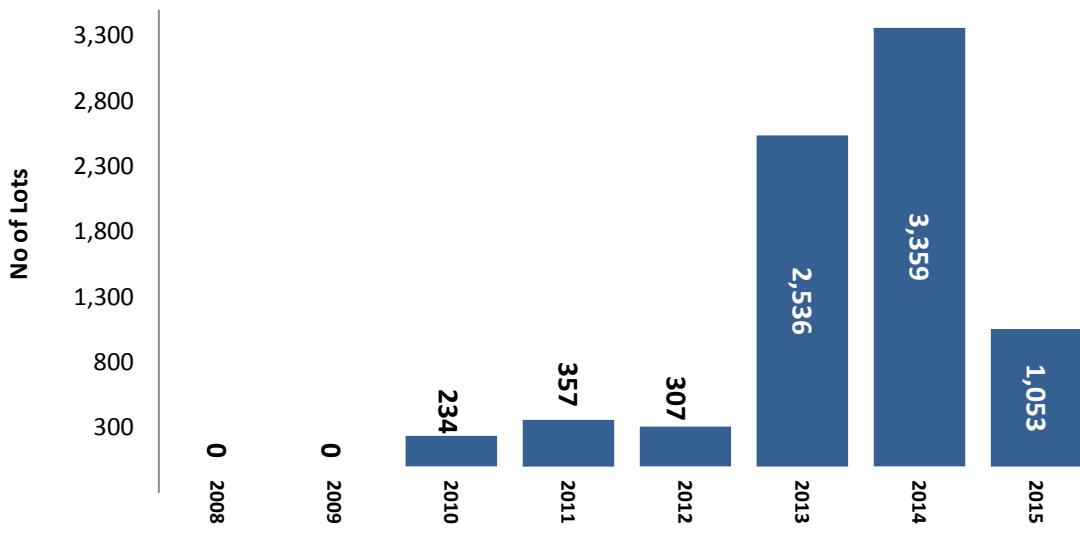
Subdivision activity for the approval of preliminary subdivision lots declined from an all-time high of 3,359 lots in 2014 to 1,049 lots in 2015. This decline reflects the last few PUD projects that were rezoned in 2014. This activity is expected to continue declining for the near future. These figures only include the preliminary plan approval of individual lots for single-family detached and townhouses. The approval of 2 over 2 and multi-family dwelling units are done through a site plan and are not accounted for in these numbers. See page 6 for the subdivision location map.

**Table 2. Approved Preliminary Subdivision Plans - 2015**

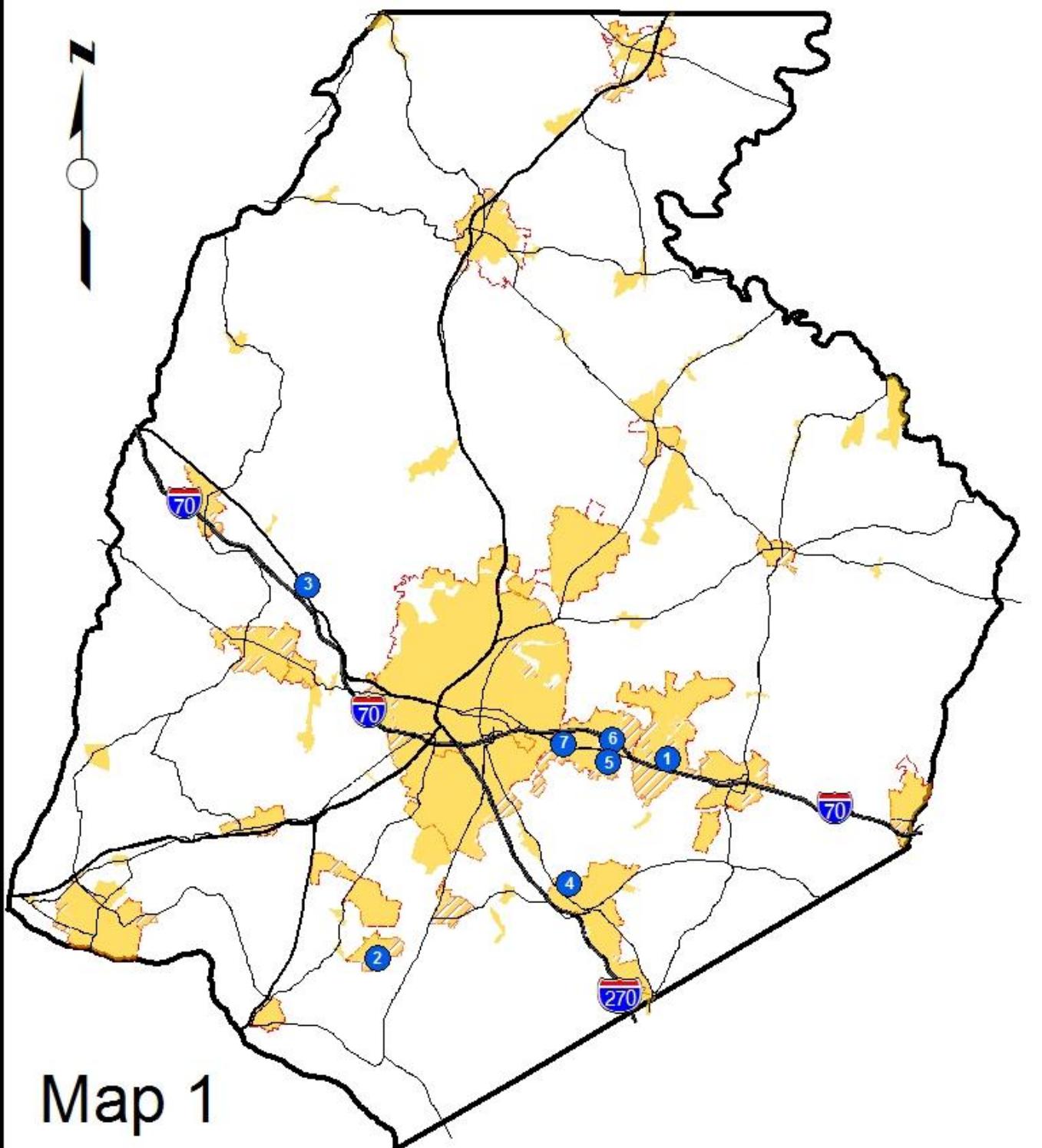
SF (single family), TH (townhouse), MF (multifamily), 2/2 (two-over-two)

Map	Project	Lots/dwelling units Approved	Acres	Zoning
1	Linganore Town Center	1 commercial lot, 1 community center lot, 136 SF lots, 576 TH lots, 110 2/2 units, 418 MF units. Total - 1,240 dwelling units	240.8	PUD
2	Carroll Manor PUD	40 SF lots	10.1	PUD
3	Harmony Hollow Lot 301	1 SF lot and a remainder	190.8	A, RC
4	Urbana VC East	2 SF lots, 5 TH lots	0.77	VC
5	The Preserve at Long Branch PUD (Rayburn)	147 SF lots	80.3	PUD
6	Ridges at Long Branch (Ratley)	43 SF lots	23.6	PUD
7	Overlook at Long Branch	103 SF lots	53.9	R3, R1, A

**Figure 2. Approved Preliminary Subdivision Lots: 2008-2015**



Source: Frederick County Planning & Permitting Division



## 2015 Approved Preliminary Subdivision Projects

 Heritage Area in Locally Designated Growth Areas

 PFA

 PFA Comment Area

 Community Growth Area

 Project location

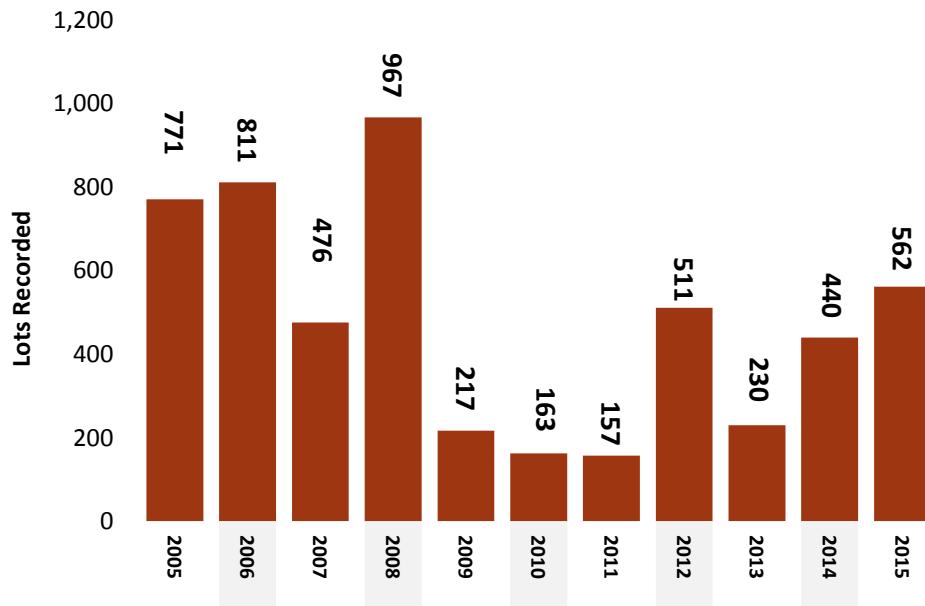
PFA Mapping Certified (September, 2010)

**Table 3. Residential Lots Recorded, 2015****County Subdivisions Only**

<b>Zoning District</b>	<b>Number of Lots Recorded</b>	<b>Total Acreage</b>	<b>Density acres/dwelling</b>
Resource Conservation (RC)	2	27.5	13.8
Agricultural (A)	30	147.4	4.9
Agricultural/R-1 (split zoning)	8	29.8	3.7
A/RC (split zoning)	1	10.0	10.0
Mixed Use (MX)	35	1.4	25.0 du/ac
Mixed-Used Development (MXD)	52 <sup>1</sup>	12.6	0.9 du/ac
Planned Unit Development (PUD)	317	79.3	4.1 du/ac
R-1 Low Density Residential	100	166	0.5 du/ac
R-3 Low Density Residential	17	17.9	0.9 du/ac
<b>Total</b>	<b>562</b>	<b>491.9</b>	

1. Includes 3 lots for multi-family dwellings, which total 242 dwellings. The actual density for the 52 lots would be 23 dwellings/acre.

The graph below shows the residential lot recordation activity since 2005. This graph includes lots zoned Agricultural, Resource Conservation, and residential and only includes County subdivisions. During the 1990's the average number of residential lots recorded was 947 lots/year.

**Figure 3. Residential Lots Recorded: 2005-2015****County Subdivisions Only**

Source: Frederick Planning &amp; Permitting Division

## Residential Pipeline Summary

The pipeline illustrates how many residential lots/dwelling units have received some level of development approval but are not yet built. The pipeline data below captures residential developments approved under the County's jurisdiction as well as by the municipalities.

Under the County's jurisdiction the pipeline includes any lot or dwelling unit approved for residential use including those zoned Agricultural and Resource Conservation in addition to developments zoned residential, Planned Unit Development (PUD), or Mixed Use Development (MXD).

**Table 4. Residential Development Pipeline as of January 2015**

Jurisdiction	Traditional Pipeline	Recorded Lots/Dwellings Available	Unrecorded Pass APFO	Pending APFO
Municipalities (except Frederick City)	1,974	246	1,468	1,028
City of Frederick	6,933	1,519	4,512	1,278
<b><i>Municipal Subtotal</i></b>	<b><i>8,907</i></b>	<b><i>1,765</i></b>	<b><i>5,980</i></b>	<b><i>2,306</i></b>
Minor sub's/ Lots of Record	1,912	1,912	0	0
Major Projects	14,297	895	9,422	3,019
<b><i>County Subtotal</i></b>	<b><i>16,209</i></b>	<b><i>2,807</i></b>	<b><i>9,422</i></b>	<b><i>3,019</i></b>
<b>Total</b>	<b>25,116</b>	<b>4,572</b>	<b>15,402</b>	<b>5,325</b>

Traditional Pipeline: Lots/Dwellings with Preliminary Plan or Phase I PUD or MXD Plan approval less the number of building permits Issued.

Unrecorded Pass APFO: The number of lots in a subdivision which have not yet been recorded but have passed APFO.

Pending APFO: The number of lots in a subdivision which have not passed the APFO.

Source: Frederick County Planning & Permitting Division, City of Frederick Planning Department.

## Commercial Construction and Site Plan Activity

The table below lists the site plans approved by the County Planning Commission during 2015. The map on page 11 shows the locations of the site plans relative to the community growth areas and Priority Funding Areas (PFA's). The number of site plans approved in 2015 (28) is up slightly from the 21 site plans in 2014. The breakdown of building area (square feet) by type is listed below:

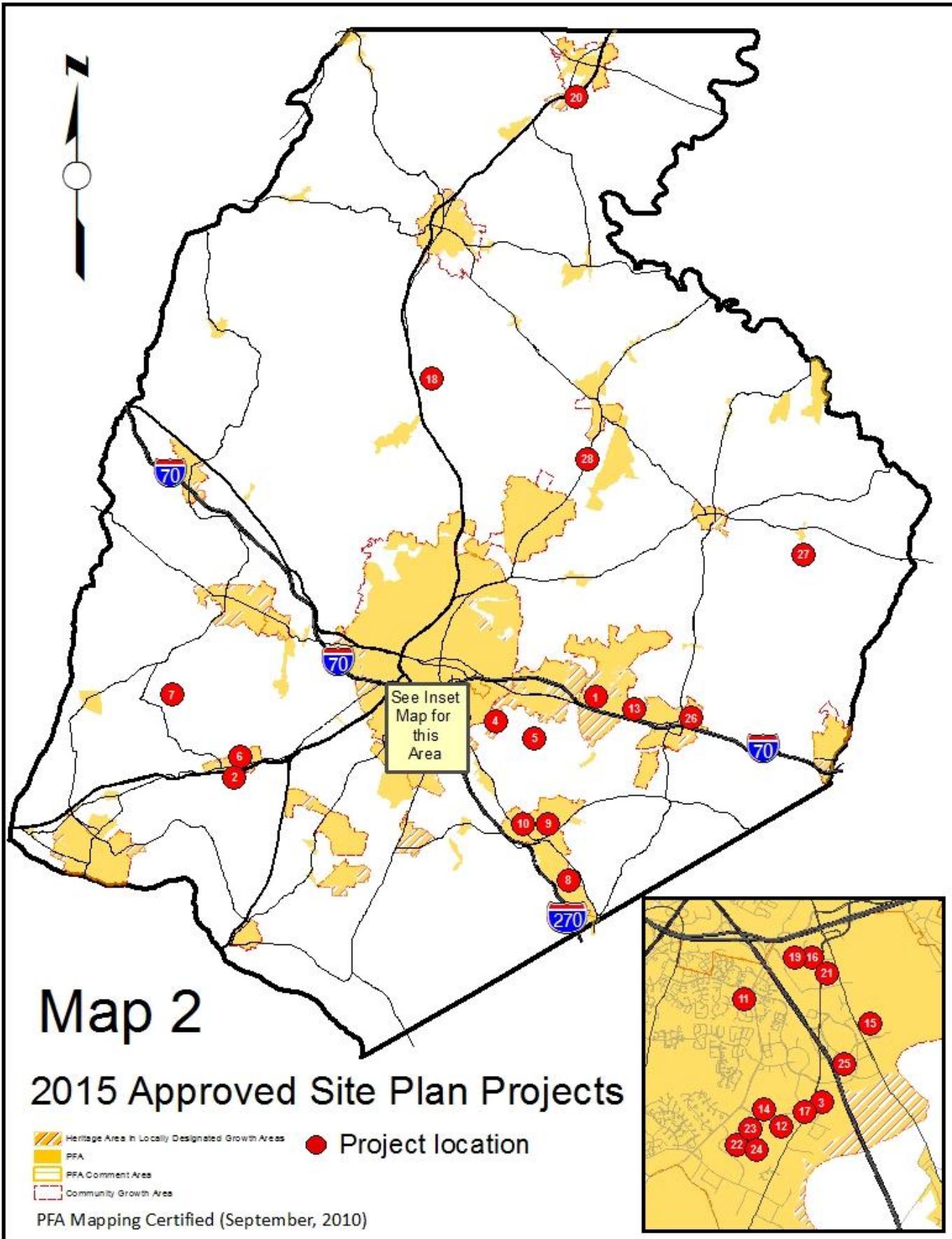
- Office/Industrial 220,033 sq ft
- Commercial/Service 198,978
- Retail 67,485
- Restaurant 22,620
- Miscellaneous Com. 12,390
- Institutional 10,664

The overall commercial and industrial permit activity increased to 1,042 permits in 2015, which is up from 928 permits in 2014. Types of commercial and industrial permits include new buildings or businesses, additions to existing buildings, and changes in tenancy within commercial buildings. During the past 5 years, there has been an average of 872 such permits issued annually.

**Table 5. Approved Site Plans - 2015**

Map	Name	Description	Zoning
1	Linganore Town Center	Combined Preliminary / Site Development Plan for 1 commercial lot, 1 lot for a community center/pool, and 1,240 residential units on a 240.8 acre site.	PUD
2	Jefferson Veterinarian Hospital (Jefferson Junction)	Site Development Plan for an animal hospital to be located in a 6,436 sf building on a 3.19 acre site.	VC
3	Chili's Restaurant (Center at Monocacy - Lot 1)	Planned Industrial Development Site Plan for a 6,084 sf restaurant and a 8,515 sf restaurant on a 3.116 acre site.	LI
4	Fred Co. Public Safety Training Facility	NON-BINDING review and comment on a 161'-6" communication tower, with a 5,250 sf equipment compound on the Frederick County Public Safety Training Facility site.	A
5	Frederick County Landfill Communication Monopole	NON-BINDING review and comment on a 107' communication monopole, with a 2,500 sf equipment compound on a portion of the Frederick County Landfill.	A
6	Saint Paul Lutheran Church (Jefferson)	Site Development Plan for a 2,764 sf 2-story addition to the existing church and a 4,900 sf single story addition to the existing parish house to create a new social hall of 5,880 sf.	VC
7	Harley Road Tasting Room	Site Development Plan for a 200 sf farm winery tasting room on a 28.3 acre site.	A
8	Frederick Preserve Lot 1: C.W. Wright	Site Development Plan for a 672 sf contractor's office and storage yard on a 2.47 acre site.	LI
9	Urbana VC East	Combined Preliminary Subdivision / Site Development Plan for 7 residential lots on a 0.77 acre site.	VC
10	Village Commons - Casa Bella	Concept Site Plan for a Village Center mixed-use development of three structures to include 8,550 sf office and retail uses and one residential apartment on a one acre site.	VC
11	Villas at Manchester	Site Development Plan for a multi-family group land use consisting of 78 dwelling units within 13 buildings and 1 existing single family detached dwelling to remain on a 9.52 acre site.	R-16
12	Westview South Lots 107-108	Site Plan for a 20,750 sf shopping center on a 2.66 acre site.	MXD
13	New Market Self Storage	Site Plan for a mix of Self Storage and RV Storage areas, consisting of 165 new RV spaces and 48 existing RV spaces on a 16.5 acre site.	GC
14	Westview South MXD - Clubhouse and Pool	Site Development Plan for a civic community center and pool on a 0.962 acre site.	MXD
15	Chick-Fil-A Riverview Plaza	Site Development Plan for replacement of an existing restaurant with a new 4,890 sf restaurant and drive through including an 818 sf outdoor dining area on a 1.48 acre site.	GC
16	MGP Retail Consulting	Site Development Plan for a 30,803 sf grocery store on a 3.45 acre site.	GC
17	Silver Diner (Westview South - Saul Center)	Site Development Plan for replacement of an existing restaurant with a new 5,815 sf restaurant on a 0.35 acre site.	MXD
18	Beckley RV Storage Center	Site Development Plan for a 229 space Recreational Vehicle Storage facility to include a 5,000 sf maintenance structure and Caretaker's Residence on a 29.55 acre site.	A
19	Auto Spa	Site Development Plan for a 5,120 sf automated car wash on a 1.46 acre site.	GC

20	Holtzople HVAC	Site Development Plan for a 3,200 sf storage building on a 4.45 acre site with an existing HVAC contractor operation.	GI
21	AutoZone Retail Auto Parts	Site Plan for 7,382 sf retail auto parts store on a 0.804 acre site.	GC
22	Russell Property - Lot 1	Site Development Plan for 30,120 sf office / warehouse building on a 3.84 acre site.	LI
23	Russell Property - Lot 2	Site Development Plan for two buildings "B" & "C" totaling 82,240 sf of office/warehouse buildings on a 6.63 acre site.	LI
24	Russell Property - Lot 6	Site Development Plan for two buildings "I" & "H" totaling 81,240 sf of office/warehouse buildings on a 9.29 acre site.	LI
25	Holiday Inn (Harding Farm)	Site Development Plan for reconstruction of a hotel containing 205 guest rooms, a restaurant/bar, and a banquet/conference center on a 14.44 acre site.	LI
26	Popeye's Restaurant (New Market Retail Center)	Site Development Plan for a 3,400 sf restaurant with drive-through service on a 1.39 acre site.	GC
27	Frey Sawmill	Site Development Plan for an existing 22,561 sf sawmill operation within 6 existing structures on a 236 acre site.	A
28	Glamourview Farms Solar Array	Site Development Plan for a 29'x160' 'nongovernmental utility' solar Array, on a 146.2 acre site.	A



# Land Preservation Activities

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The Division administers five land preservation programs including three State programs: the Maryland Agricultural Land Preservation Program Foundation (MALPF), Rural Legacy and Conservation Reserve Enhancement Program (CREP); and two County programs, Critical Farms and Installment Purchase Program (IPP). The County also coordinates with the Federal Farmland Protection Program (FRPP) and the State's Maryland Environmental Trust (MET) program. As of December of 2015 the County had a total of 52,937 acres under permanent preservation easements. An additional 5,295 acres of property is currently participating in the temporary MALPF District agreement.

## Critical Farms Program

This is a County program established in 1994 that is used to assist full-time farmers in buying farmland. The properties involved are subsequently preserved under one of the other preservation programs.

## Rural Legacy Program

This is a State Program established in 1999 and funded through grants from the Department of Natural Resources (DNR) with County matching funds. The County currently has two designated Rural Legacy Areas: The Mid-Maryland Rural Legacy Area located in the Middletown valley, and the Carrollton Manor Rural Legacy Area located in the Adamstown Region. The Mid-Maryland Rural Legacy Area in Frederick County was awarded the second largest grant amount in the State in 2015 of \$1.1 million.

## MALPF

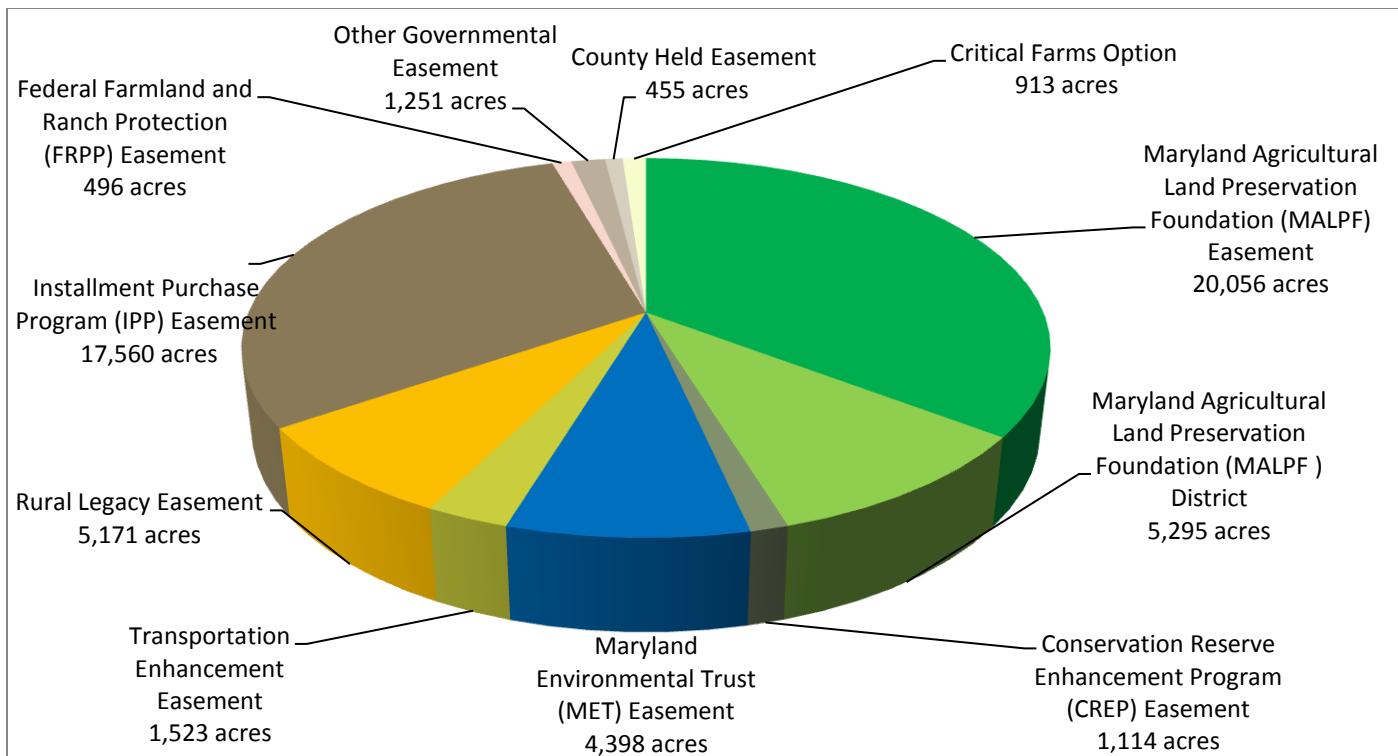
The Maryland Agricultural Land Preservation Foundation (MALPF) was established in the 1970's and is the primary state program for land preservation. The county has participated in this program since 1979.

## Installment Purchase Program (IPP)

A County program created in 2002, purchases easements using Zero Coupon Bonds and revenue from a 10% share of the County's Recordation Tax. This process enables the County to leverage existing funding to purchase more easement acreage than through traditional lump-sum-easement purchase programs.

**Table 6. Easement Acquisitions – 2015**

Program	Number of Easement's Acquired	Acreage
MALPF	3	429
IPP/County Held	4	572
DNR & CREP	6	507
Rural Legacy	4	488
<b>Total</b>	<b>17</b>	<b>1,996 acres</b>



### Frederick County Land Preservation Programs

#### Acres Preserved by Program

as of December 31, 2015

# Zoning Administration

The Zoning Administration Office handled 29 Board of Appeals applications during 2015 down slightly from the 33 cases heard in 2014. Consistent with previous years is the predominance of special exception cases (15) followed by variances (10) and claims of administrative error (3). There was a single case for an activity in a floodplain.

**Table 7. Board of Appeals Cases - 2015**

Case #	Applicant	Request	Decision
B-15-01	Elizabeth Burrow	Request for a Variance of 14.9 ft. from the required front yard setback and 22.2 ft. from the 25 ft. required FEMA Floodplain setback for a Single Family Dwelling. located on Nightingale Place ( Tax Map 79, Parcel 208) Zoned Planned Unit Development (PUD)	Granted
B-15-02	Friends of Frederick County	Claim of Administrative Error in Decision of the Planning Commission in the ruling of approval of Jefferson Technology Park Preliminary and Site Plan located on the south side of MD 180 (Tax Map 76, Parcel 108), Zoned Mixed Use Development (MXD)	Withdrawn
B-15-03	James & Frances Wimmer c/o Diane Davis & Mary Ann Ferguson, Esq.	Request for Special Exception to establish a detached Accessory Apartment Larger than 800 sq. ft., located on Sidney Road ( Tax Map 90, Parcel 134) Zoned Agricultural (A)	Granted
B-15-04	K&G K9 Services, LLC c/o Andrew DiPasquale, Esq.	Request for Special Exception to establish a Kennel (a Dog Training Facility), located at 6533 Ford Road, Tax Map 48, Parcels 12 and 278) Zoned Agricultural (A)	Granted / later Withdrawn by application
B-15-05	Kenneth & Patricia Keyes c/o Andrew DiPasquale, Esq.	Request for Special Exception to establish a Historic Structure as a "Facility for Functions", located 10102 Fingerboard Road, Tax Map 97, Parcel 24) Zoned Agricultural (A)	Granted
B-15-06	D&D Solutions c/o Carlos Pacheco	Request for Special Exception to establish an Accessory Apartment Larger than 800 sq. ft., located at 12613 Fingerboard Road, Tax Map 98, Parcel 126) Zoned Residential (R-1)	Withdrawn
B-12-03	Monocacy Montessori Communities, Inc. c/o Mustafa Karakus	Request to continue a previously granted Temporary Special Exception for a public Charter school, located at 7215 Corporate Drive, Tax Map 86, Parcel 215, Lot 17), Zoned Office Research Industrial (ORI)	Granted
B-15-07	Paradise Energy Solutions, LLC	Request for Special Exception to establish a Non-governmental Utility (Solar Array), located on 9847 Woodsboro Pike, Tax Map 49, Parcel 12) Zoned Agricultural (A)	Granted
B-15-08	David Bodnar	Request for a Variance of 34 ft. from the required 40 ft. front yard setback for an Accessory Structure (garage), located on 17655 Old Sabillasville Road, Tax Map 1, Parcel 94) Zoned Agricultural (A)	Granted

B-15-09	RALE, INC c/o Michele Rosenfeld, Esq	Appeal of Administrative Error regarding Monrovia Town Center	Appeal rejected
B-15-10	Elm Tree Properties, LLC c/o Brandy Peeples, Esq.	Request for Special Exception for conversion of an existing Historic Site to a Facility for Functions, located on 2220 Thurston Road, Tax Map 105, Parcel 33) Zoned Resource Conservation (RC)	Granted / Withdrawn by applicant
B-15-11	Edward R. B. Russell, Jr.	Request for a Variance of 9ft. from the required 21.ft. maximum building height for an accessory structure, located on 9770 Ormonds Terrace, Tax Map 78, Parcel 53) Zoned (R-1)	Granted
B-15-12	James M. Frey	Request for a Special Exception to establish a Sawmill in the Agricultural zoning district, located 8520 Woodville Road, Tax Map 60, Parcel 28) Zoned Agricultural (AG)	Granted
B-15-13	Douglas Rice	Request for an Activity Within a Floodplain for an interior remodel of an existing dwelling located 6213 Mountaintdale Road, Tax Map 39, Parcel 4) Zoned Residential (R-1)	Granted
B-15-14	RALE, Inc. c/o Michele Rosenfeld, Esq.	Appeal of Administrative Error in regard to Zoning Administrator's decision letter, dated 3-30-2015, rejecting Appeal of Administrative Error (AP#15297) regarding the Decision of the Planning Commission from February 19, 2014 in the matter of Combined Preliminary and Site Plan for Monrovia Town Center PUD.	Appeal Denied
B-15-15	Jeffrey & Carolyn Williford	Request for a Variance of 30 feet from the 40 foot front yard setback requirement for construction of a 20X30 detached garage, located at 8711 Water Street Road, Tax Map 59, Parcel 341, Lot 201) Zoned Agricultural (AG)	Dismissed without prejudice
B-15-16	Joselene Hills, LLC	Request for Special Exception for conversion of an existing Historic Site to a Facility for Functions, located at 7701 Dance Hall Road, Tax Map 68, Parcel 9) Zoned Agricultural (AG)	Granted
B-15-17	Aaron Rosenzweig & Jen-Lien Fang	Request for Special Exception for Limited Agricultural Activity for the keeping of chickens and dwarf goats, located on 6189 Viewsite Drive, Tax Map 78, Parcel 666, Lot 27) Zoned Residential (R1)	Granted
B-15-18	TMGN LLC c/o Robert Krop	Request for a Variance of 12 feet from the 15 foot side yard setback requirement to retain an existing HVAC system, located southwest of Reichs Ford Road (7910 Reichs Ford Road, Tax Map 77, Parcel 183, Lot 2) Zoned General Industrial (GI)	Granted
B-15-19	Hostetter Grain Inc, c/o Barry Hostetter	Request for Special Exception to Expand a Nonconforming Use to add one additional silo, located on south side of Kelly Road (9819 Kelly Road, Tax Map 58, Parcel 76) Zoned (R1)	Granted
B-15-20	William & Mary Miller	Request for a Variance of 20 feet from the 40 foot front yard setback for an addition to a single-family dwelling on a corner lot, located at 8203 Old Hagerstown Road, Tax Map 55, Parcel 91, Lot 15) Zoned Residential-1 (R1)	Granted
B-15-21	Greer T. Llewellyn	Request for a Variance of 3.27 acres from the 10 acre minimum lot size to add buildable area to an adjoining lot, located on the south side of Peters Road (8191 Peters Road, Tax Map 104, Parcel 30, Lot 3) Zoned Resource Conservation (RC)	Withdrawn

B-15-22	Walter C. Martz, II & Diane G. Martz	Request for a Variance of 4 feet from the 6 foot side yard setback for an accessory structure to construct a garage, located on the west side of Walter Martz Road (8872 Walter Martz Road, Tax Map 57, Parcel 258, Lot 1) Zoned Agricultural (AG)	Granted
B-15-23	OneEnergy Development LLC	Request for a Special Exception to establish a Nongovernment Utility as a solar farm, located at the intersection of Old Frederick Road and Creagerstown Road (12331 Old Frederick Road, Tax Map 33, Parcel 87) Zoned Agricultural (AG)	Granted
B-15-24	Monocacy Montessori Communities, Inc.	Request for a Temporary Special Exception request to expand a previously approved charter school, located on 7215 Corporate Court, Tax Map 86, Parcel 0215, Lot 17) Zoned Office/Research/Industrial (ORI)	Granted
B-15-25	Tibetan Meditation Center c/o Julie Blair	Request for a Variance of 6.6 acres from the 10 acre minimum lot size required for a Place of Worship to add an accessory structure garage, located on 9301 Gambrill Park Road, Tax Map 47, Parcel 97) Zoned Resource Conservation (RC)	Granted
B-15-26	Alan M. Hancock	Request for a Variance of 3 feet from the 80 foot front yard setback, and 6 feet from the 30 foot rear yard setback to retain a reconstructed single family dwelling, located on 14850 Liberty Road, Tax Map 61, Parcel 134) Zoned Agricultural (AG)	Granted
B-15-27	Cleanlight Power + Energy LLC	Request for a Special Exception to establish a Nongovernment Utility as a solar farm, located 2518 Ballenger Creek Pike, Tax Map 103, Parcel 38) Zoned Agricultural (AG)	Denied
B-15-28	Mountainside Day Camp, NJR LLC c/o Brandy Peeples, Esq.	Request for a Special Exception to add a Child Care Center / Nursery School use to a previously approved Camp or Retreat, located northwest of Roderick Road (2914 Roderick Road, Tax Map 96, Parcel 55) Zoned Agricultural (AG)	Granted

## Zoning Ordinance Text Amendments

Table 8

Case #	Text Amendment
ZT-15-01 Bill # 15-12	<b>Waterbody Buffer Regulations</b> - amendment to eliminate some activities and structures from placement within the waterbody buffer.

# Comprehensive Planning

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The Comprehensive Planning activities include the preparation and updating of the County Comprehensive Plan as well as the preparation of community/corridor plans. Staff also has responsibility for functional planning areas including transportation, water and sewer, historic preservation and environmental planning.

## Community and Corridor Planning

The 2010 County Comprehensive Plan established a new planning process that will allow for plan updates to occur at three levels: County Plan, Community Plans, and Corridor Plans. Another update process will involve coordination with municipal plan updates, which may result in amendments to the County Comprehensive Plan to maintain consistency between the county and municipal plans.

In the fall 2015 the County announced the process to update the County Comprehensive Plan that was adopted in 2010. The update initiative is called Livable Frederick and will involve a steering committee and extensive public involvement. The update is expected to take approximately two years.

## Zoning Map Amendments

In 2015 only one (1) application for a zoning map amendment (i.e. rezoning) was submitted for review (see Table 10).

**Table 9. Zoning Map Amendments**

Case	Applicant	Request	Status	Date
R-97-3 (A)	Ourisman Chevrolet Co, Inc	Amend the Frederick Crossing MXD Phase I Plan to increase the amount of commercial use to 45% and change the designation of Lot 8 from Office to Commercial	Approved	2/2/2016

## Development Rights and Responsibilities Agreements (DRRA)

There were no DRRA's submitted in 2015.

## Historic Preservation

The Historic Preservation staff oversees updates of the Historic Preservation Plan, last updated in 2007 and the Historic Preservation Ordinance, which was adopted in 1997. Staff is also responsible for administering the Historic Preservation Commission. Staff serves a coordinating role with the following organizations and activities:

- Maryland Heritage Areas Authority Board related to the Heart of the Civil War Heritage Area (HCWHA). Participates in the annual review of grants to local organizations.
- Catoctin Mountain Scenic Byway Advisory Committee.

## County Register of Historic Places

The County maintains The County Register of Historic Places which currently consists of eight sites. The following requests for placement on the County Register were reviewed in 2015:

- CR-14-03 Trout Run – Denied by County Council (April 7, 2015)

- CR-15-01 Singleton Burgee House – HPC completed its review, no review scheduled for the County Council
- CR-15-02 George House Farmstead – No HPC recommendation. Application withdrawn
- CR-15-03 Samuel Cook Farmstead – Still pending as of December 2015

The County Executive issued an executive order (#02-2015) that suspended the acceptance of petitions for placement on the County Register for a period of six (6) months beginning June 9, 2015.

## **Environmental Planning**

The Division staff primarily serves in a coordinating role with various environmental planning activities. The Office of Sustainability and Environmental Resources is responsible for watershed restoration projects, the County's stormwater permit (National Pollutant Discharge Elimination System), and coordinating the County's Watershed Implementation Plan related to the Chesapeake Bay TMDL requirements. The Division also is the primary staff to the Monocacy Scenic River Board.

## **Monocacy Scenic River Board**

In addition to their advocacy work on behalf of the State-designated Scenic Monocacy River, the Monocacy Scenic River Citizens' Advisory Board conducted its second annual tire removal project, removing approximately 100 tires from the banks and channel of a 1-mile stretch of the River in Woodsboro in August.

Work was initiated on an update of the Monocacy Scenic River Management Plan that was first prepared by the Maryland Department of Natural Resources in 1990. This update is being managed by Frederick County planning staff in coordination with Carroll County staff. A draft plan is expected to be completed in the spring 2016.

## **Transportation Planning**

The Community Development Division is responsible for coordinating a variety of transportation plans and studies, which involve highway, transit, and bicycle/pedestrian facilities. Primary responsibilities include long range planning and coordination with inter-agency and inter-jurisdiction transportation projects. Activity highlights for 2015 include the following:

- Prepared population, household, and employment projections for the update of the Round 9.0 Cooperative Forecasts with the Metropolitan Washington Council of Governments.
- Coordinated the Annual Transportation Priorities Review with the County Executive, Planning Commission and the County Council.
- Continued participation in the Metropolitan Washington Transportation Planning Board (TPB) including the TPB Technical Committee and the Travel Forecasting Sub-Committee.

## **Municipal Planning Services**

The Division continues to provide liaison services to the County's 12 municipalities. In 2014 the Division ended its municipal planning services, which was started in the 1970's. In 2014 the Town's of Woodsboro and Thurmont took over their own planning function leaving only the Village of Rosemont under the Division's planning service. The Division continues to have its staff serve as liaisons to the municipalities. The following activities occurred in 2015:

- Review of the Town of Burkittsville comprehensive plan

## Water & Sewer Planning

The Division administers regular spring, summer, and fall amendment cycles to the County's Water and Sewerage Plan. During 2015, 13 applications for Water and Sewerage Plan reclassification, infrastructure amendments, and text changes to the Plan were reviewed.

**Table 10. Water and Sewer Plan Amendments**

Case	Applicant	Location and Request	Decision
WS-15-01	City of Frederick	Reclassify Sanner parcel on Walter Martz Rd. from PS to W-3/S-3.	Approved
WS-15-02	Verdant Development Group	Reclassify 25 acre parcel on Biggs Ford Rd. in Walkersville from S-5/Dev to S-3 Dev.	Approved
WS-15-03	Hogan Realty Capital LLC	Reclassify Carroll Manor PUD property from W-4/Dev and S-4/Dev to W-3/Dev and S-3/Dev	Approved
WS-15-04	Christopher's Crossing LLC	Reclassify 49 acre Bartgis property on Walter Martz Rd. from NPS to W-5/Dev, S-5/Dev	Approved
WS-15-05	County Community Development Div.	Reclassify Shoemaker property on Devilbiss Bridge Rd. from PS to S-3/Dev	Approved
WS-15-06	Millies Delight LLC	Reclassify 24 acre property on Rocky Springs Rd. from S-5/Dev, W-5/Dev to S-3/Dev, W-3/Dev.	MDE Review Pending
WS-15-07	Spring Bank, LLC	Reclassify 10 acre property on Wormans Mill Rd. from W-5/Dev, S-5/Dev to W-3/Dev, S-3/Dev	MDE Review Pending
WS-15-08	Beshers Land Co.	Reclassify 119 acre property on Plantation Rd. from NPS to S-5/Dev	Denied by County
WS-15-09	Yankee Land, LLC	Add a sewage pump station symbol on property located along Yellow Springs Pike	MDE Review Pending
WS-15-10	Hogan Realty Partners, LLC	Reclassify 80 acre Rayburn property on Baltimore Rd. from W-4/Dev, S-4/Dev to W-3/Dev, S-3/Dev	MDE Review Pending
WS-15-11	County Planning Division	Various text amendments from MDE to the 2014 Water/Sewer Plan triennial update	Co. Review Pending
WS-15-12	County Planning Division	Text amendment to provide data on New Design Water Treatment plant description. Add a sewage discharge symbol for New Design Water plant	Co. Review Pending
WS-15-13	County Planning Division	Out of sequence amendment to establish a Lewistown Sewer Service Area. Text amendment to describe Lewistown system and map amendment to reclassify service area from NPS to S-1, S-5, and PS on various properties	Co. Review Pending

# Maryland Dept. of Planning – Annual Report

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This portion of the Annual Planning Report addresses the reporting requirements of the Maryland Department of Planning.

Jurisdiction: Frederick County

Contact: Jim Gugel, Planning Director, Department of Planning (Division of Planning & Permitting)

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## Plan Implementation and Development Process (5-Year Report)

### Frederick County – 2011 – 2015

#### Development Trends

- New residential permit activity increased each year with an exception in 2015, which saw a slight dip from 2014. The average annual residential permit activity for the period was 1,028 dwellings/year, which is still well below historical activity levels. The period 2000 – 2010 had an average annual permits of 1,600 dwellings/year.
- Multi-family housing had a significant increase as a proportion of total new housing. In 2011 only 9% of new housing permits were multi-family while in 2014 44% were multi-family. This declined to 37% in 2015. A majority of the multi-family units have been rental versus condominium.
- Subdivision activity for new approval of preliminary subdivision lots hit historical highs in 2013 and 2014. This was due to having a large number of planned unit development (PUD) projects under review.
- Majority of non-residential development has been stand alone commercial/retail businesses and hotels.

#### Comprehensive Plan Implementation

In 2011 the prior Board of County Commissioners (BOCC) initiated a Comprehensive Plan Update with a comprehensive rezoning process and amendments to the land use plan map. These amendments were primarily derived from property owner requests. The amended zoning and land use plan maps were adopted in September 2012. The text document of the 2010 County Comprehensive Plan was not amended.

#### Program, Ordinance, Regulatory Changes

The county undertook a series of mostly Zoning Ordinance revisions beginning in 2011 that were focused on business friendly revisions to the Zoning Ordinance.

- 2011 – 13 amendments
- 2012 – 14 amendments
- 2013 – 9 amendments
- 2014 – 3 amendments. Includes the Agricultural Subdivision Rights Transfer Ordinance.
- 2015 – 2 amendments

There were also several amendments to the County's Adequate Public Facilities Ordinance (APFO) during this period.

#### State Program, Ordinance, Regulatory Impacts

None

## Future Land Use Challenges/Issues

- How to address significant amount of undeveloped employment/office land given the very low demand for office development in the region. Related is how to repurpose existing, vacant office buildings.

## Comprehensive Plan Updates

In October 2015 the County initiated an update to the Comprehensive Plan to be called Livable Frederick. This effort will update the 2010 County Comprehensive Plan document and the land use plan map. There will not be a comprehensive zoning process. A draft plan is expected to be completed in early 2017.

## Amendments and Growth Related Changes in Development Patterns

(A) Were any new comprehensive plan or plan elements adopted? No

(B) Were there any growth related changes in development patterns? Yes

(C) Were any amendments made to the zoning regulations Yes  
One amendment to the Zoning Ordinance (Bill 15-12) made minor amendments to the existing waterbody buffer regulations.

(D) Were any amendments made to the zoning map? Yes  
One zoning map amendment (Case # 97-3 A) that amended a Phase I Plan for the Frederick Crossing MXD to increase amount of commercial development on a 7-acre parcel. The existing MXD zoning did not change.

## Mapping and GIS Shapefiles

Frederick County does utilize GIS to document and prepare various planning and development related maps. At this time we do not have mapping specific to development changes that have occurred in 2015.

## Consistency of Development Changes

Any growth related changes that have occurred in the county are reviewed for consistency based on the particular review criteria identified in the Zoning Ordinance or other appropriate ordinances. The only consistency review that is relevant changes related to zoning map amendments or other reviews relates to the county's own Comprehensive Plan. In general we would find that the changes that have occurred are consistent with the County Comprehensive Plan.

## Plan Implementation and Development Process

(A) Is the adoption of your comprehensive plan prior to January 1, 2010 No

(B) In the current reporting year, did your jurisdiction identify and recommendation for improving the planning and development process within the jurisdiction? No

(C) In the current reporting year, did your jurisdiction adopt any ordinances or regulation needed to implement the 12 planning visions under the Land Use Article? No

## Measures and Indicators

### MDP 1. New Residential Permits Issued (Frederick County only)

	PFA		Non-PFA		Total
	No.	(%)	No.	(%)	
New Dwelling Units Permit Issued	626	78%	176	22%	802

### MDP 2. Amount of Residential Growth (Frederick County only)

	PFA		Non-PFA		Total
	No.	%	No.	%	
Residential Lots Recorded	421	75%	141	25%	562 lots
Residential Lots recorded Acreage	111 ac.	22%	381 ac.	78%	492 acres
Lots/Dwellings Approved <sup>1</sup>	1,658	99%	1	1%	1,659 lots/dwellings
Approved Residential Acreage <sup>1</sup>	410 ac.	68%	191 ac.	32%	601 acres

<sup>1</sup>Approved Preliminary Subdivision Plan and Site Plan

### MDP 3. Amount of Commercial Growth (Frederick County only)

Approved Commercial Uses	PFA		Non-PFA		Total
	area	%	area	%	
Land Area – acres	107 ac.	76%	33 ac. <sup>1</sup>	24%	140 acres
Building Area – square feet	486,038	95%	22,761	5%	508,799 sq. ft.

- Includes farm winery tasting room and a sawmill operation. The sawmill is on a 236-acre parcel so only 5 acres is assumed for location of the buildings.

## Locally Funded Agricultural Land Preservation

In 2015 the County acquired a total of 572 acres (4 farms) of agricultural/land preservation easements funded through the County's Installment Purchase Program (IPP). The County also contributed local match funding for three (3) MALPF easements totaling 429 acres and four (4) Rural Legacy easements totaling 488 acres. A detailed breakdown of land preservation by all programs can be found on page 12.

## Local Land Use Percentage Goal

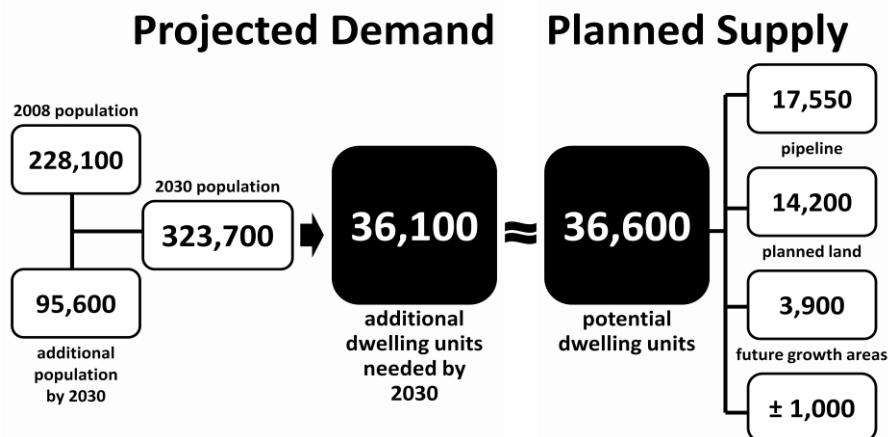
The County does not have a percentage goal regarding the amount of land that is expected to be within a Priority Funding Area (PFA). Within the county's jurisdiction only properties within a designated community growth area (CGA) would be expected to be in a PFA other than for designated Rural Villages. All of the land within a particular CGA would not be in a PFA until all of the criteria regarding zoning and water/sewer classification are met.

The County's 2010 Comprehensive Plan includes several goals to support development within the community growth areas. The 2010 Plan continues the implementation of the Community Concept, which was first developed in the County's 1972 Plan that focuses growth into the municipal growth areas and unincorporated growth areas.

- Reduce non-rural development outside of CGA's while maintaining opportunities for compatible agricultural support services and uses in Rural Communities.
- Increase the proportion – and 'per acre' unit density – of new residential development occurring within CGA's while minimizing new residential development outside of the County's CGA's.
- Establish as a targeted goal for the development and redevelopment of lands within CGA's, an average density of 7.5 dwellings/acre by the year 2025.

## Development Capacity Analysis

A development capacity analysis was prepared as part of the 2010 County Comprehensive Plan. A separate report, *Residential Needs and Development Capacity Analysis* was completed in June 2010. A summary of the capacity analysis is illustrated below:



In September 2012 the previous Board of County Commissioners adopted a Comprehensive Plan/Zoning Review, which included revisions to the land use plan designations and zoning. While a comprehensive update of the 2010 Residential Needs and Development Capacity Analysis report has not yet been prepared noted below is the additional residential development potential from the 2012 Comprehensive Plan amendment.

- Zoning Changes – result in an additional 2,368 dwellings.
- Plan Changes – result in an additional 12,467 dwellings.

It should be noted that approximately 1,000-2,000 of these potential dwellings are already counted in the 2010 capacity analysis in either the planned land or future growth area categories.

## Adequate Public Facility Ordinance (APFO) Restrictions

The county adopted an Adequate Public Facilities Ordinance (APFO) in 1991 that addresses roads, schools, and water & sewer facilities. The APFO only applies to county developments as several municipalities have their own APFO's.

School capacity is the only APFO related restriction within Priority Funding Areas (PFA's).

### Schools

The County's Adequate Public Facilities Ordinance (APFO) establishes the school adequacy threshold at 100% for all school levels. Based on the Frederick County Public Schools *Enrollment and Capacity Report as of September 30, 2015* there were 13 elementary (includes one charter school), two (2) middle, and one (1) high school at or over 100% of the state rated capacity. Many of these school districts include areas in both the county and a municipality.

In 2011 an amendment to the APFO was adopted that established the School Construction Fee Option. This option allows a development to pay a fee if a school serving the development is over 100% of capacity but less than 120%. This fee, which is paid at the time of lot recordation, would be in addition to the school development impact fee.

**Elementary** – Four of the affected elementary schools are located within the City of Frederick. Four schools are located in the Urbana, New Market, and Linganore communities in the eastern part of the county. One school, Tuscarora, is located in the Ballenger Creek community south of the City of Frederick. Only one school, Yellow Springs, has a school district that is mostly outside of a Priority Funding Area (PFA). Four schools, Centerville (148%), Hillcrest (140%), Urbana (135%) and Waverley (137%) are at or over 120% of capacity (as of September 2015) and would not allow for a county development to use the School Construction Fee Option.

**Middle** – The one middle school, Oakdale MS, is located in the eastern part of the county. The other school is a charter school located in the City of Frederick.

**High** – The one high school, Urbana HS, is located in the Urbana community in the eastern part of the county.

### Planned School Projects – 2015 Educational Facilities Master Plan (EFMP)

- Elementary – seven (7) elementary school projects that would add 3,498 new seats. Two projects are renovation/additions, one project is a replacement and four are for new schools.
- Middle – one (1) middle school project for a renovation of Middletown MS, which will not add any capacity.
- High – two (2) high school projects to replace the existing Frederick High building (add 223 seats) on the same site and a renovation of Middletown HS, which will not add any capacity.

### Programmed School Projects – Frederick County CIP FY 2016-2021

- Urbana Middle – 300 seat fit out opened fall 2015
- Frederick High – new replacement school to open fall 2017
- Sugarloaf Elementary – new 725 seat school to open fall 2017
- Butterfly Ridge Elementary – new 725 seat school to open fall 2019
- Urbana Elementary – replacement to open fall 2020
- Waverly Elementary – 200 seat addition to open fall 2021
- East County Area Elementary – new school to open after 2021