



FREDERICK COUNTY PLANNING COMMISSION
April 8, 2015

TITLE: 2014 Annual Planning Report

FILE NUMBER: N/A

REQUEST: **Approval**
Review for approval and to forward to the
Maryland Department of Planning

PROJECT INFORMATION:

LOCATION:
ZONE:
REGION:
WATER/SEWER:
COMP. PLAN/LAND USE:

APPLICANT/REPRESENTATIVES: (as applicable)

APPLICANT:
OWNER:
ENGINEER:
ARCHITECT:
ATTORNEY:

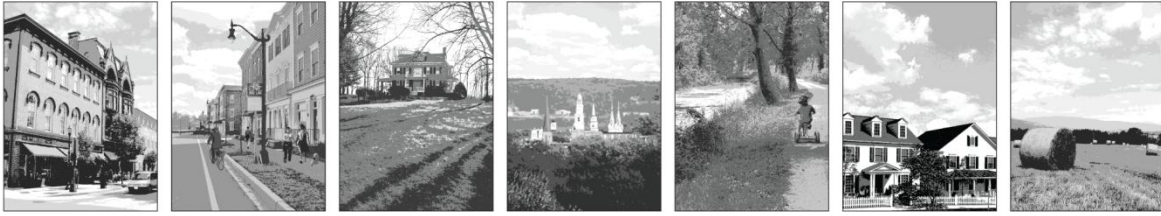
STAFF: Jim Gugel

RECOMMENDATION: Staff recommends approval and to forward to
the MDP.

Enclosures:
2014 Annual Planning Report

2014 Annual Planning Report

FREDERICK COUNTY, MARYLAND



MANY PLACES , ONE COMMUNITY

Maryland Department of Planning Annual Report

Prepared by Frederick County Community Development Division
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301-600-1138
www.frederickcountymd.gov/planning

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Introduction

The 2014 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 24. 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.

This report was reviewed by the Frederick County Planning Commission on April 8, 2015.

On December 1, 2014 the County formally transitioned to charter government when the County Executive and County Council took office.

Project/Activity Highlights

- Acquired 13 land preservation easements on 1,837 acres.
- Processed 33 Board of Zoning Appeals applications, up from 19 cases in 2013.
- Completed reviews for two (2) zoning map amendment applications submitted in 2013. An additional five (5) zoning map amendments for PUD zoning were submitted and reviewed in 2014.
- Processed three (3) Zoning Ordinance Text Amendments including the establishment of the Agricultural Rights Transfer Option.
- Processed 27 Water and Sewerage Plan amendments, down by just one case from the 28 requests in 2013.

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 1,318 permits issued for new residential dwellings in 2014 continue an upward trend from the low point of the recession in 2011 (533 new dwellings). For the second consecutive year permit activity in the City of Frederick continued to exceed the permits issued in the county though by a much smaller margin (28 dwellings) than in 2013 (239 dwellings).
- Commercial and industrial construction permit activity in 2014 (928 permits) was down slightly from 2013 (967 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 reached an all-time high of 3,359 lots/dwellings in 2014. In 2013 2,536 lots received preliminary subdivision plan approval.
- The development of multi-family housing continues to experience increases with 577 units permitted in 2014 up from 522 units in 2013. Multi-family dwellings made up 44% of the total number of dwellings permitted. Most of this activity is in the City of Frederick.

Planning Commission and the Community Development Division

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 2014

- Robert Lawrence, Chair
- William Hall, Vice-Chair
- Dwaine Robbins, Secretary
- Audrey Wolfe
- Bill Hopwood
- Anthony Bruscia
- Blaine Young, BOCC Liaison

Community Development Division

In February 2011 the Division of Planning and the Division of Permitting and Development Review were reorganized and merged with several other offices to form the Community Development Division, which was organized with five departments/offices.

Department of Planning and Development Review

- 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.
- Conducts planning/engineering reviews of site plans and subdivisions and administers Forest Resource Ord. and the Adequate Public Facilities Ord.
- Provides staff assistance and coordination with the County's 12 municipalities.
- Land preservation program administration

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

Department of Business Development and Retention

- Focuses on economic development marketing and business retention.

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

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

County Commissions and Division Staff

Board of County Commissioners

Blaine R. Young, *President*
C. Paul Smith, *Vice President*
Billy Shreve
David P. Gray
Kirby Delauter

Planning Commission

Robert Lawrence, *Chair*
William Hall, *Vice-Chair*
Dwayne Robbins, *Secretary*
Anthony Bruscia
Bill Hopwood
Audrey Wolfe
Blaine Young, *Commissioner Liaison*

Board of Zoning Appeals

Al Duke, *Chair*
Mike Bowersox, *Vice-Chair*
Robert Fenimore, *Secretary*
Wayne Robinson
John Capoccia
John Greenwell, *Alt.*

Agricultural Preservation Advisory Board

Richard Grossnickle, *Chair*
Zene Wolfe, *Vice-Chair*
Paul Spurrier
Mehrle Ramsburg, Jr.
Samuel Tressler

Historic Preservation Commission

Gary Baker, *Chair*
Nicholas Redding, *Vice-Chair*
G. Bernard Callan, Jr.
Tyler Bastian
Barbara Wyatt
Joan Porter
Kristie Baynard
Anthony Moscato, Jr.
Steven Pippin
Jennifer Grove

Ron Burns
Eytan Moked

Monocacy Scenic River Citizens Advisory Board

Bill Hensley; Jim Dertzbaugh, *Vice-Chair*; Jack Lynch;
Andrew Aughenbaugh; Bob Whiting; Scott Scarfone
Sam Roop; Jim Wieprecht; George Grillon

Division Staff

Gary Hessong, *Acting Division Director*

Dept. of Permits and Inspections

Gary Hessong, *Director*
Bryon Mitchell, *Manager Life Safety*; Pam Moulton,
Manager Permitting Services

Dept. of Planning and Development Review

Jim Gugel, *Planning Director*
Shawna Lemonds, *Planning Manager*; Todd Weidman

Historic Preservation

Denis Superczynski (AICP)

Transportation

Ron Burns; Dial Keju

Water and Sewer

Tim Goodfellow (AICP)

Principal Planners

Tolson DeSa; John Dimitriou (RA)
Denis Superczynski (AICP); Mike Wilkins

Land Preservation

Anne Bradley

Zoning Administration

Larry Smith, *Zoning Administrator*
Craig Terry; Justin Horman; Bill Bigelow

Sustainability and Environmental Resources

Shannon Moore, *Director*; Heather Montgomery; Lisa
Orr

Dept. of Business Development and Retention

Helen Propheter, *Manager*
Jodie Bollinger; Sherman Coleman; Sharon Hipkins;
Sandy Wagerman

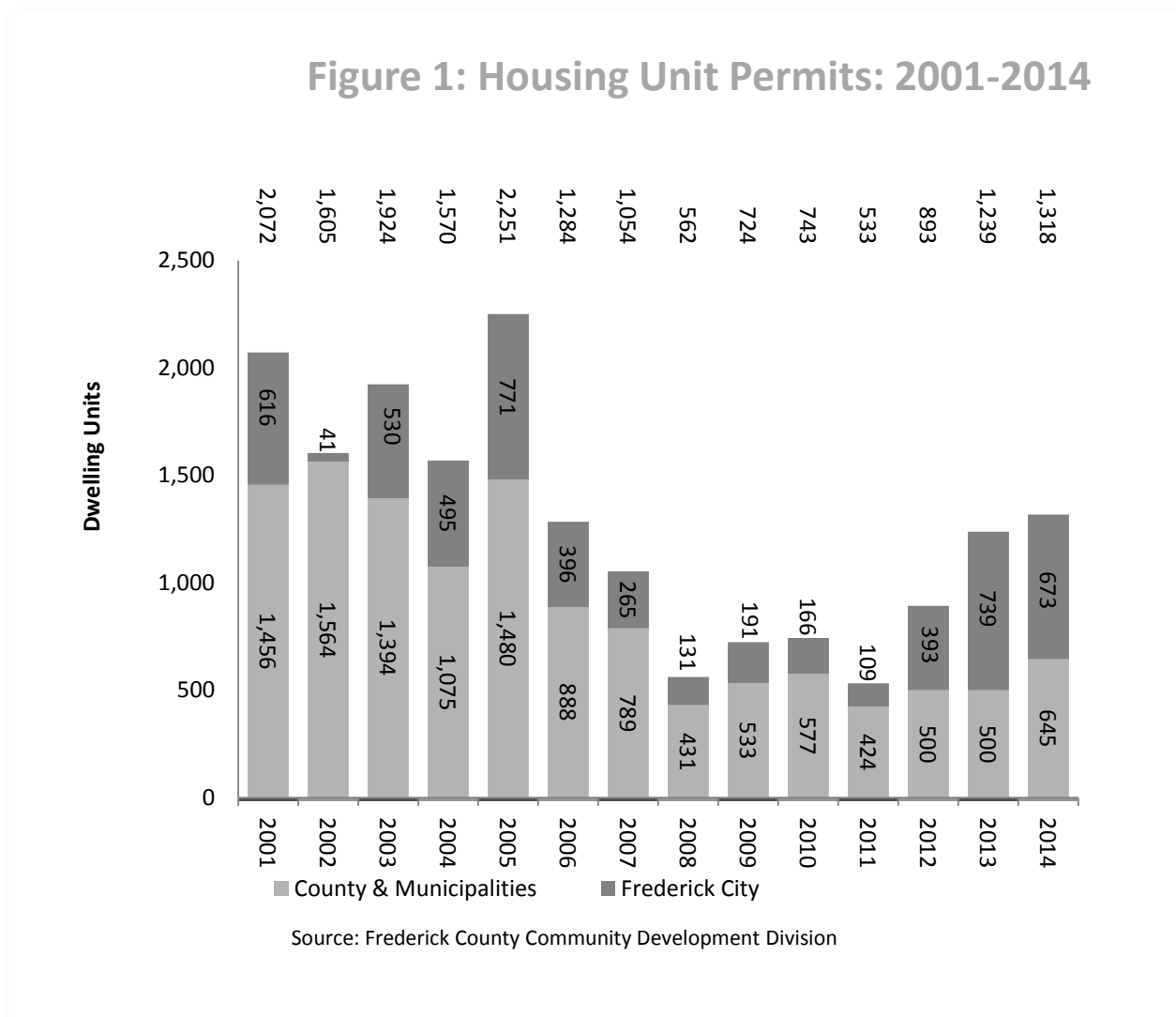
Administrative/Technical Support Staff

Lori Barlet-Chapman; Erica Cooke; Emily Roche; Linda
Williamson; Patti Wolfgang

Development Activity

Housing Construction and Permits

In 2014, the number of permits issued for residential dwellings continued its year over year increase from the low point of the recession in 2011 when only 533 dwelling unit permits were issued. For the second consecutive year more new dwellings were permitted in the City of Frederick than in the rest of the county. However, the difference (28 dwellings) in 2014 was very slight compared to 2013 (239 dwellings). On average the City has typically accounted for about 1/3 of new dwelling permits in the county. The start of the 2010 decade shows a five-year average of 945 dwellings/year. 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.



Dwelling Type

Table 1 on the following page shows the breakdown of dwelling type for new residential dwelling permits for the entire county and the municipalities. Over this 7-year period 47% of the dwellings were single-family, 25% townhouses, and 28% multi-family. For 2014 the number of multi-family units continues to increase to an overall proportion of dwellings that the county has likely never experienced before. This may be due to a long term lack of supply for multi-family projects as well as an outfall from the recession and housing bubble, which has pushed more people into the condominium and rental apartment market. Since 2012 a significant majority of the multi-family construction has been primarily in the City of Frederick. The County experienced an increase in multi-family dwellings from 15 in 2013 to 88 in 2014.

Table 1. Dwelling Unit Type Constructed

	2008	2009	2010	2011	2012	2013	2014
Dwelling Type	No. of unit % of total	No. of unit % of total	No. of unit % of total	No. of unit % of total	No. of unit % of total	No. of unit % of total	No. of unit % of total
Single Family detached	361 64%	415 57%	463 62%	366 69%	448 50%	405 33%	389 30%
Townhouse	109 19%	218 30%	223 30%	121 23%	168 19%	312 25%	352 27%
Multi-Family	92 16%	90 12%	57 8%	46 9%	277 31%	522 42%	577 44%
Total	562	723	743	533	893	1239	1318

Residential Subdivision Activity

Subdivision activity for the approval of preliminary subdivision lots continues to increase. With a correction to the 2013 number of preliminary subdivision lots approved to 2,536 lots, 2014 saw a significant jump to 3,359 lots, which is an all-time high. The previous high was 2,782 lots in 1988. These figures only include the 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. Residential lot recordation almost doubled from 2013 though it is still below historical averages for the pre-recession period. See page 7 for the subdivision location map.

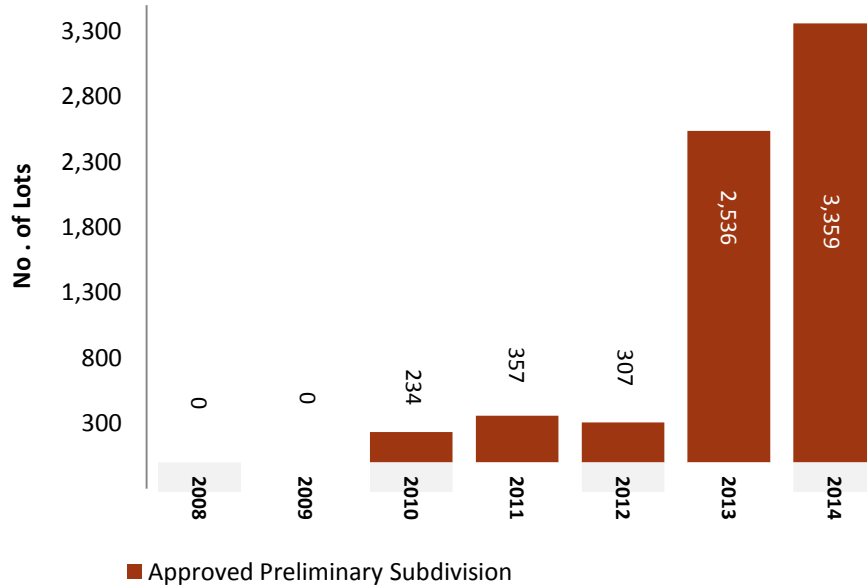
Table 2: Approved Preliminary Subdivision Plans, 2014

SF (single family), TH (townhouse), MF (multifamily)

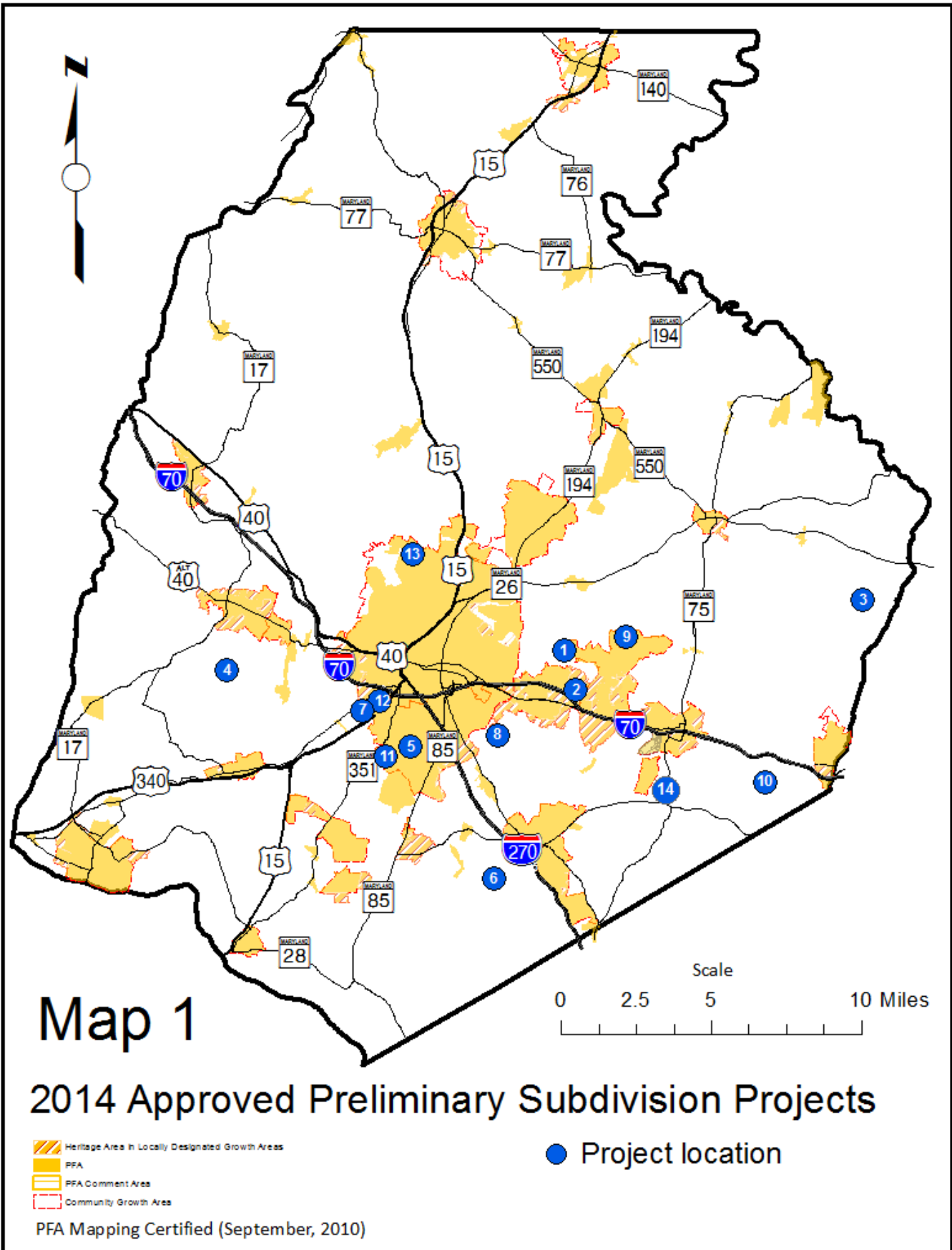
Map	Project	Lots/dwelling units Approved	Acres	Zoning
1	Beshers Property	21 SF	36.7	R-3
2	Oakdale Village	315 unit (48 SF, 115 TH, 152 2-over-2)	3.16	MX & R-1
3	Talbot Ridge Farm	5 SF	137.9	A
4	Middletown Valley	2 SF	3.2	A
5	West View South	518 lots (122 SF, 178 TH, 156 MF, 62 2-over-2)	42	MXD

Map	Project	Lots/dwelling units Approved	Acres	Zoning
6	Ramsburg Property	57 SF	123.8	R-1
7	Jefferson Park West	325 lots (147 TH and 178 2-over-2)	11.41	MXD
8	Tallyn Ridge	441 lots (241 SF, 200 TH)	146.6	PUD
9	Woodridge - Section V	150 SF	81	PUD
10	Treasure Mountain	24 SF	54.9	R-1
11	Ballenger Run	443 lots (207 SF, 236 TH)	197	PUD
12	Jefferson Place at JTP	465 lots (345 TH, 120 2over2)	53	PUD
13	Enclave at Clover Hill	11 SF	10	R-3
14	Monrovia Town Center	1250 lots (1,002 SF, 248 TH)	391.6	PUD

Figure 2. Approved Preliminary Subdivision: 2008-2014



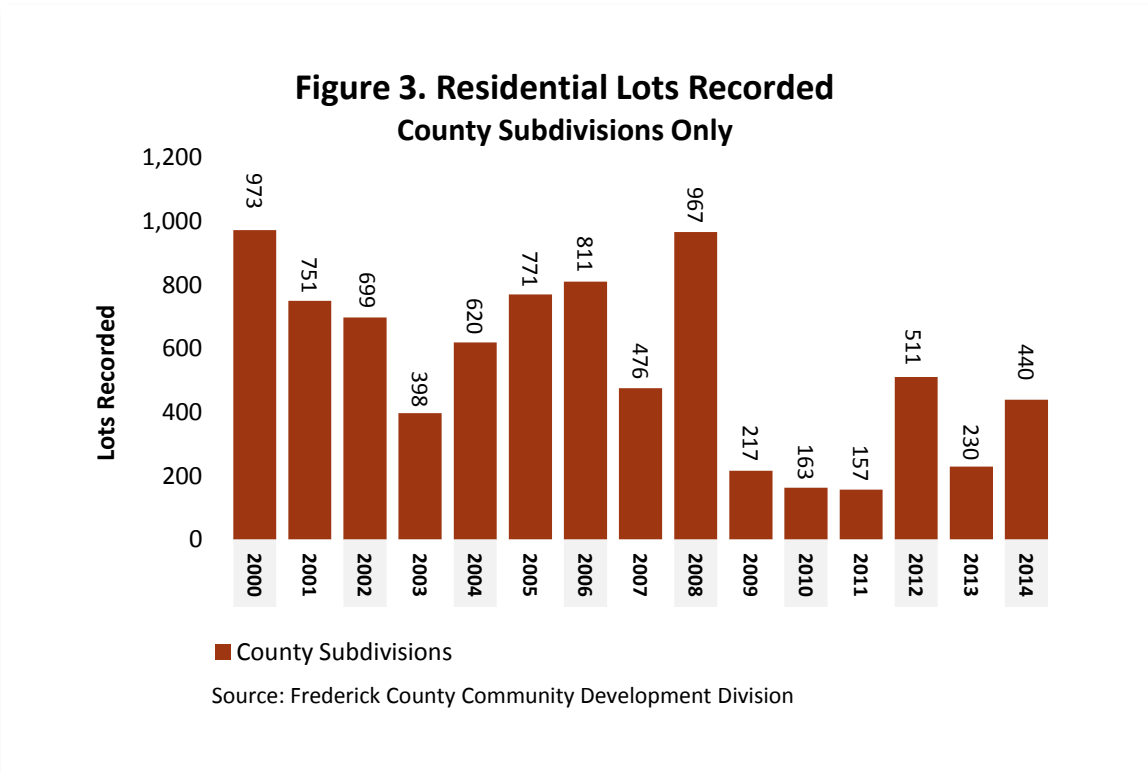
Source: Frederick County Community Development Division



**Table 3. Residential Lots Recorded, 2014
County Subdivisions Only**

Zoning District	Number of Lots/units Recorded	Total Acreage	Density acres/dwelling
Planned Unit Development	180	21.4	8.4 du/ac
Mixed-Used Development	79	20.4	3.9 du/ac
R-1 Low Density Residential	155	130.3	1.2 du/ac
Agricultural	21	176.7	8.4
Ag/RC (split zoning)	1	17.5	17.5
R-3/RC (split zoning)	1	1.5	1.5
RC	3	29.8	9.9
Total	440 lots/units	397.6 acres	

The graph below shows the residential lot recordation activity since 2000. 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.



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
Municipal Subtotal	8,907	1,765	5,980	2,306
Minor sub’s/ Lots of Record	1,912	1,912	0	0
Major Projects	14,297	895	9,422	3,019
County Subtotal	16,209	2,807	9,422	3,019
Total	25,116	4,572	15,402	5,325

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 Community Development 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 2013. 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 2013 (21) is a significant increase from 2012 (9).

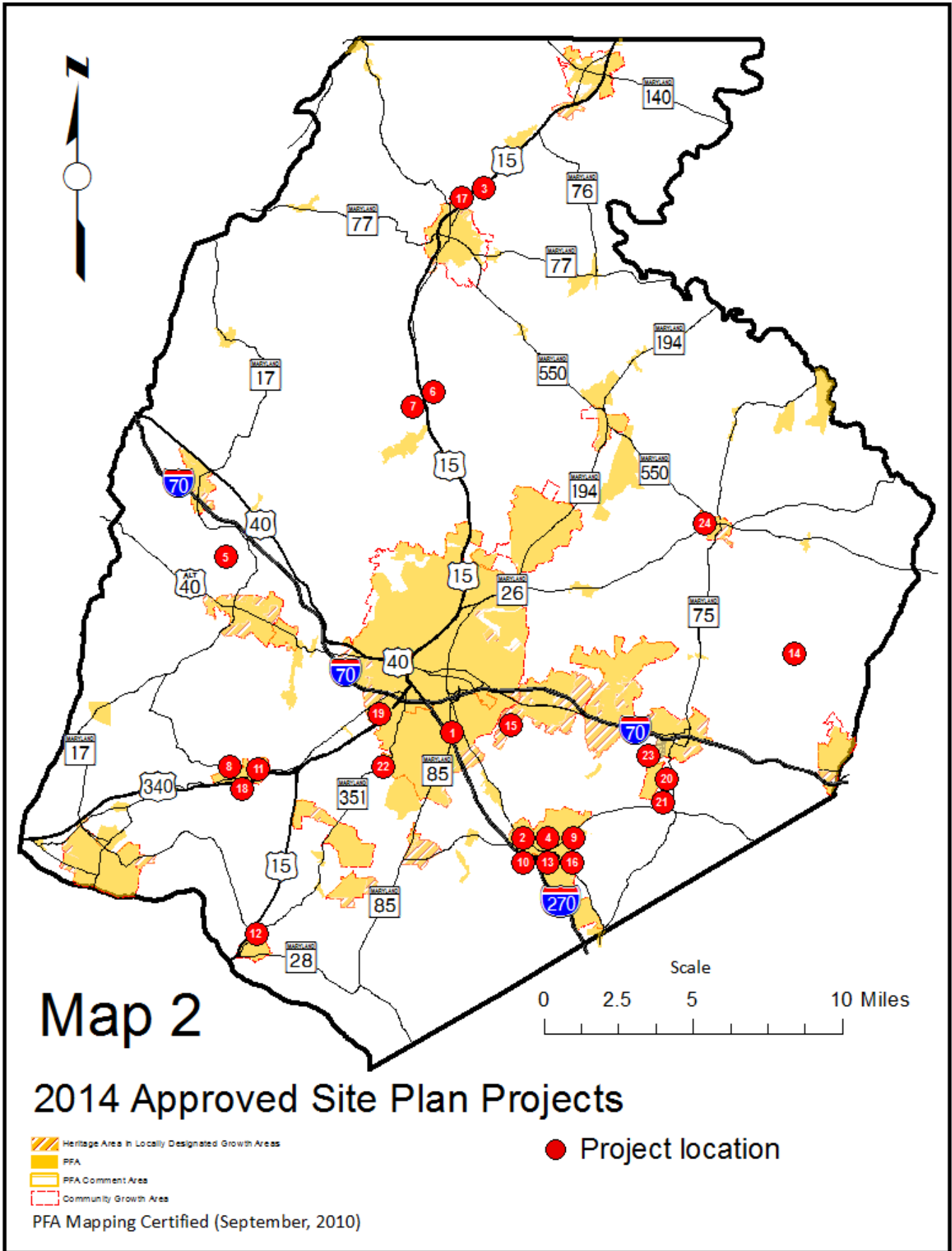
While the overall commercial and industrial permit activity increased to 755 permits in 2012, which is up from 666 permits in 2011 the activity just within the County and other municipalities excluding Frederick actually decreased (452 to 447). The 755 permits is a five-year high and is due primarily to a significant increase in activity in the City of Frederick where permits increased from 214 to 308 (94 permits, 44% increase). 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 690 such permits issued annually.

Table 5. Approved Site Plans, 2014

Map	Name	Description	Zoning
1	Dicks Sporting Goods	Retail store, 50,180 sq ft retail addition onto the existing FSK mall on a 48.06 acre site	GC
2	Royal Farms Conv. Store	Convenience store/gas station, and car wash on a 1.99 acres site	GC
3	Catoctin Breeze Vineyard	Winery tasting room, 759 sq ft on a 25.12 acre site	A
4	Allstar Group Property	To Convert a 1,316 sq ft home to a commercial office, located on a .39 acre site	VC

Map	Name	Description	Zoning
5	Orchid Cellar Winery	Winery tasting room, 1,276 sq ft on a 14.76 acre site	A
6	Beckleys Camping Center	RV repair facility addition, 6,370 sq ft building addition located on 9.82 acre site	GC
7	Mountaindale Convenience Store	Convenience store/gas station, 7,200 sq ft on a 4 acre site	GC
8	Saint Paul Lutheran Church	Church addition, 2,586 sq ft addition to the existing church and a 4,900 sq ft addition to the parish house located on a 1.27 acre site	VC
9	Landon House Complex	Five commercial buildings including: retail, office, medical, restaurant and residential uses on 5.7 acres.	VC
10	KV&A CPA, LLC	To convert a 2,150 sq ft home into a office-professional use on a .27 acre site	VC
11	Dollar General	Retail store, 9,100 square foot on a 1.41 acre site.	VC
12	Ambulatory Surgical Center	Health care facility, 6,816 square foot on a portion of a 3.17 acre site.	PUD
13	Sugarloaf Elementary School	Public school, a 725-student capacity, 2-story elementary school, (95,355 square feet) on a 12 acre lot.	MXD
14	Red Shedman	Brewery Tasting Room, 1,766 square foot in a portion of an existing Farm Brewery/Storage building located on a 229-acre site.	A
15	Tallyn Ridge	Preliminary Subdivision/Site Development Plan approval for development of 441 residential lots (241 single family detached and 200 Townhouses) on 146.6 acres site.	PUD & A
16	Burger King	Fast food restaurant (Burger King/Philly Pretzel), 3,328 s.f. situated on a 38,296 s.f. site.	GC
17	Seiss Custom Woodworking and Tile	Custom woodworking shop, 7,800 s.f. located on a 1.7 - acre site.	GC
18	Jefferson Veterinary Hospital	Vet clinic, 6,436 s.f. building located on a +/- 3.19 acre site.	VC
19	Jefferson Technology Park	Combined Preliminary Subdivision/Site Development Plan approval for Phase 2 - 5 for a total of 465 units including 263 townhouses, 120 Two Over Two's, and 82 Back To Back's on a 34.5 acre site.	MXD

Map	Name	Description	Zoning
20	Monrovia Town Center	Combined Preliminary Subdivision/Site Development Plan approval for a 1,250 – lot (development located on a 391.6 - acre site.	PUD
21	Monrovia Commercial Complex	Commercial center, 154,722 s.f. (14 buildings) Planned Commercial development located on a 15.46 - acre site.	GC
22	Linton at Ballenger IV	Combined Preliminary Subdivision/Site Development Plan approval for 28 single family detached lots and 28 Townhouses, on a 13.5 - acre site.	PUD
23	Costco Distribution Center	Warehouse distribution facility, 593,480 square foot, on a 111.6 - acre site.	GI
24	Libertytown Gardens	Mixed use condominium and commercial/retail space. 14 residential condominium units and 2,479 s.f. of commercial space on a 0.89 - acre site.	MX



Land Preservation Activities

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 2014 the County had a total of 51,243 acres under permanent preservation easements. An additional 5,362 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 largest grant amount in the State in 2014 of \$2.1 million.

MALPF

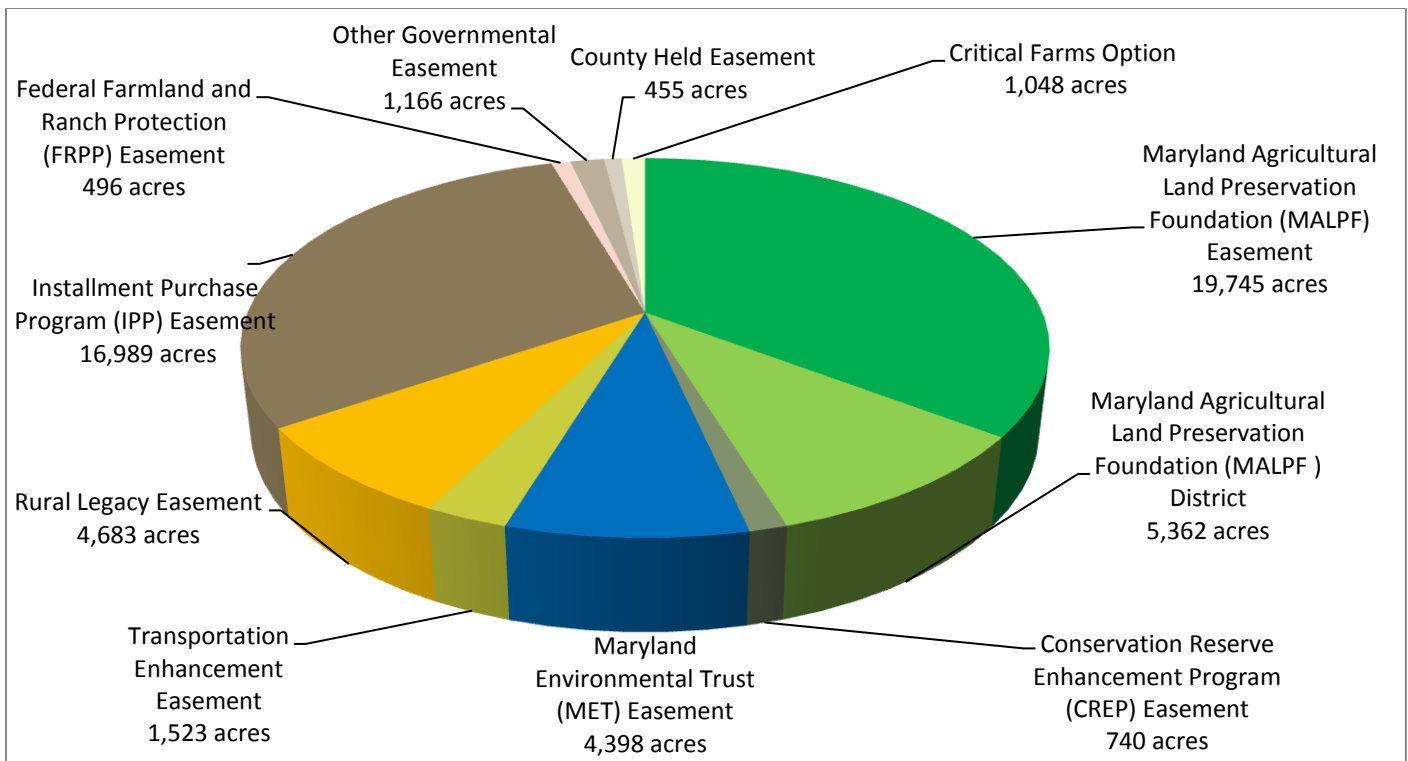
The Maryland Agricultural Land Preservation Foundation (MALPF) was established in the 1970's and is the primary state program for land preservation. The county has participated in this program since 1979.

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 – 2014

Program	Number of Easement's Acquired	Acreage
Critical Farms	7	856
IPP/County Held	4	486
DNR	1	292
Rural Legacy	1	203
Total	13	1,837 acres



Frederick County Land Preservation Programs
Acres Preserved by Program
as of December 31, 2014

Zoning Administration

The 33 Board of Appeals applications filed during 2014 was a significant increase in activity from the previous 5 years. In 2013 there were 19 cases considered. The type of requests heard for 2014 included 18 Special Exceptions, 9 Variances, 6 Administrative Appeals and 1 Activity within a Floodplain. Special Exception cases ranged from Limited Agricultural Activity applications to allow farm animals on smaller residential lots to event facility applications.

Table 7

Case #	Applicant	Request	Decision
B-12-03	Monocacy Montessori Communities Inc.	Requesting review and renewal of a temporary special exception approval for a public charter elementary school for an additional (1) year	Granted for 1 Year
B-14-01	Town of Emmitsburg (Standard Solar Inc.)	Special Exception to establish a non-governmental utility (Solar Farm) per Zoning Ordinance Section 1-19-8.339	Granted
B-14-02	RALE Inc., et al	Claim of Administrative Error in the decision of the Zoning Administrator as per letter dated October 24, 2013, stating "The Zoning Administration issues determination letters resulting from requests by property owners, developers, land use attorneys and others with a financial, contractual proprietary interest in the property for which the determination is requested", a Zoning interpretation relative to the Monrovia Town Center Rezoning Application (#R-12-02) to rezone 457 +/- acres from Agricultural (A) to Planned Unit Development (PUD)	Denied- Upheld Zoning Administrator's Decision
B-14-03	Robin M. Trout & Peggy Trout	Claim of Administrative Error in the decision of the Zoning Administrator relative to the denial of Permit # 112268 for a storage building expansion as per Zoning Ordinance Sections 1-19-3.230 and 1-19-8.240 (B)	Denied
B-14-04	Mark & Carol Sheffler	Claim of Administrative Error in the decision of the Zoning Administrator relative to the denial of Permit # 114241 for consideration of whether or not an addition is considered to be a dwelling unit.	Approved- Upheld the Appellant's Claim
B-14-05	Cristina Brittan	Special Exception to establish a Limited Agricultural Activity in the Residential zoning district to allow farm animals (chickens) in a residential property less than 3 acres per Zoning Ordinance Section 1-19-8.325	Granted
B-14-06	Randy & Kathi Stockman	Variance of 1 acre from the 10 acre minimum lot size in the Resource Conservation Zone as per Ordinance sections 1-19-6.100 and 1-19-3.220	Granted
B-14-07	Becklong LLC c/o Craig Beckley	Special Exception to establish an RV (Recreational Vehicle) Storage Facility adjacent to existing sales and service business as per Ordinance Section 1-19-8.344	Granted
B-14-08	Ajay & Renu Prakash	Request for modification to the Findings and Decisions relative to a previously approved Special Exception for a Country Inn (Board of Appeals Case # B-11-17) in order to subdivide property	Granted

Case #	Applicant	Request	Decision
B-14-09	Ian Twentey	Variance of 16 ft. from the required 25 ft. FEMA Floodplain Setback	Granted
B-14-10	Bert & Deborah Newcomer	Request for Special Exception to establish a Country Inn	Denied
B-14-11	Anthony & Tara Bentz	Variance of 12.5 ft. from both of the 50 ft. required side yard setbacks, for construction of a dwelling	Granted
B-14-12	Carol L. Herman	Variance of 14 ft. from the required 65 ft. total front yard setback for an addition to a single family dwelling	Granted
B-14-13	Brooks A. Ahalt, DVM	Special Exception to establish an Animal Hospital	Granted
B-14-14	Timothy Wolfe	Special Exception to establish a Limited Agricultural Activity in the Residential zoning district to allow farm animals (chickens) in a residential property less than 3 acres per Zoning Ordinance section 1-19-8.325	Granted
B-14-15	Robert & Caridad Hansen	Variance of 4 ft. from the side yard setback and 5 ft. from the front yard setback for a garage addition	Granted
B-14-16	Mark Lynch	Special Exception to establish a Historic wedding venue	Withdrawn
B-14-17	KELKIMRIC Properties LLC	Special Exception to establish a Kennel in the Agricultural zoning district as per Zoning Ordinance section 1-19-8.338	Granted
B-14-18	Kelly L. Miller	Special Exception to establish a Kennel and a request for Variances of 3 acres from the 5 acre minimum acreage size, 107 ft. from the required 150 ft. outdoor run setback for front and rear, & 7 feet from 50 foot use setback at rear as per Ordinance Sections 1-19-3.210, 1-19-3.220 and 1-19-8.338	Granted
B-14-19	Randy D. Sowers	Variance of 9ft. from the required 65 ft. front yard setback for constructing a loading dock.	Granted
B-14-20	Playground Specialists Inc. c/o Tilford Jones	Claim of Administrative Error relative to Zoning Administrator's decision regarding a property in violation of the Zoning Ordinance	Denied- Upheld Zoning Administrator's Decision
B-14-21	Hostetter Grain Inc, c/o Barry Hostetter	Special Exception to expand a non-conforming use by adding 18,000 gallon propane tank for grain dryer as per Zoning Ordinance Section 1-19-4.230(c)	Granted
B-14-22	Christopher A. White	Special Exception to establish a Limited Agricultural Activity in the Residential zoning district to allow farm animals (chickens) in a residential property less than 3 acres as per Zoning Ordinance Section 1-19-8.325	Granted
B-14-23	Old Line Arsenal LLC c/o William J. Valois, Jr.	Special Exception to establish a shooting range/club as per Zoning Ordinance Section 1-19-8.355	Withdrawn
B-14-24	Debra Dewitt Brunink	Special Exception for the Conversion of a Historic Structure or Site for use as a Facility for Functions as per Zoning Ordinance Section 1-19-8.600.	Granted
B-14-25	Abdul Kamara	Activity within a Floodplain as per Zoning Ordinance Section 1-19-9.120 and a Variance of 25 Ft. from the Floodplain setback.	Granted

Case #	Applicant	Request	Decision
B-14-26	St. John Properties Inc.	Variance of 7 ft. from the 40 Ft. required yard setback for Child Care Centers per Zoning Ordinance Section 1-19-8.329(C)	Granted
B-14-27	Joseph Reid	Claim of Administrative Error relative to the decision of the Planning Commission on July 30, 2014 in the approval of the Ramsburg Preliminary Subdivision Plan application (File # S-933, AP# 13629, APFO # 13630, FRO # 13631)	Denied- Upheld Planning Commission's Conditional Approval
B-14-28	Keith Schoonover	Special Exception to construct an Accessory Structure of 3,200 sq. ft. (40 x 80) for a Home Occupation as per Zoning Ordinance Section 1-19-8.240(A)(5)(B)(3)	Denied
B-14-29	Anthony Wackerle	Variance of 5.4 acres and 9.02 acres from the 10 acre minimum lot size to swap lot lines of two existing lots as per Zoning Ordinance Section 1-19-3.220 (C)	Granted
B-14-30	Robert Donovan c/o Powell Flynn LLP	Claim of Administrative Error in the opinion of the Zoning Administrator in a response dated September 23, 2014 to Applicant's request for Interpretation and Enforcement of County Code Section 1-19-2.140, relative to subdivision rights of property located on Timmons Road	Dismissed
B-14-31	Debby Ellen Moone	Special Exception to establish a Bed and Breakfast as per Ordinance Sections 1-19-8.410 and 1-19-3.210	Granted
B-14-32	Sam Martin	Variance of 7 ft. from the required 30 ft. setback for a residential addition as per Ordinance Section 1-19-3.220	Granted
B-14-33	Lysia Stonemetz c/o Mike Muren	Variance of 37 ft. from the front, 21 ft. from the left side, and 33 ft. from the rear, all from the required 50 ft. setback in the Resource Conservation Zoning District	Granted

Zoning Ordinance Text Amendments

Table 8

Case #	Text Amendment
ZT-14-01	Accessory Structure - Proposed amendment to Accessory Structure requirements for properties in the Residential Zoning Districts.
ZT-14-02	Agricultural Subdivision Potential Transfer Option - Established an agricultural to agricultural transfer of subdivision rights within the Agricultural (A) zoning district. otential Transfer Option.
ZT-14-03	Farm Brewery/Commercial Roadside Stand - Proposed text amendment to add Farm Brewery license holder activities as an accessory use to a Commercial Roadside Stand and amend the definition of Commercial Roadside Stand.

Zoning Administration Activities

Table 9

Activity	FY 2014
Zoning Enforcement Site Visits	532
Zoning Violation Complaints	135
Zoning Verification Letters	120
Lot of Record Determination	18
Development Impact Fee Waivers	13
Yard Modifications	8

Comprehensive Planning

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.

During 2014 there were no active community or corridor plan updates underway.

Zoning Map Amendments

In 2014 seven (7) applications for zoning map amendments (i.e. rezonings) were submitted for review (see Table 10). In addition two (2) applications submitted in 2013 completed their reviews in 2014 including:

- R-13-03 – Casey PUD, effective October 23, 2014
- R-13-04 – Rayburn Property PUD, effective May 8, 2014

Table 10. Zoning Map Amendments

Case	Applicant	Request	Status	Date
R-14-01	Hogan Realty Capital, LLC	Ratley property, Rezone 23.6 ac. To PUD	Approved	7/22/2014
R-06-05 (A)	Hogan Realty Capital, LLC	Amend a prior Phase I Plan for the Carroll Manor PUD in Adamstown	Approved	11/24/2014
R-14-02	Hogan Land Co., LLC	Fegan property, Rezone 37.7 ac. to PUD	Denied	11/3/2014
R-14-03	Blentlinger, LLC	Rezone 279 Acres to PUD; proposes 1,017 dwellings	Approved	11/6/2014
R-12-01 (A)	Oakdale Investments, LLC et al	Rezone 51.6 ac. to PUD on several parcels to be added to the Linganore PUD	Approved	10/9/2014
R-14-04	RSB Holdings, LLC	Mayne property - Rezone 60 acres to PUD	Approved	11/13/2014
R-88-50 (A)	Lawrence and Ilona Hogan	Amend a condition of prior rezoning case	Approved	6/17/2014

Development Rights and Responsibilities Agreements (DRRA)

In 2014 seven (7) petitions were submitted for a Development Rights and Responsibilities Agreement (DRRA) all but one in conjunction with rezoning applications. Two DRRA's submitted in 2012 and 2013 became effective in 2014. The DRRA's have been reviewed concurrently with the zoning map amendments. Reviews completed in 2014 include:

- DRRA-12-06 – Monrovia Town Center PUD project, effective May 29, 2014
- DRRA-13-01 – Casey PUD, effective October 23, 2014

DRRA petitions submitted and reviewed in 2014:

- DRRA-14-01 – Monocacy Glen PUD property, not approved as the rezoning was denied
- DRRA-14-02 – Rayburn property PUD, effective October 9, 2014
- DRRA-14-03 – Ratley property PUD, effective October 9, 2014
- DRRA-14-04 – Woodbourne Manor development, effective July 24, 2014
- DRRA-14-05 – Blentlinger property PUD, effective November 11, 2014
- DRRA-14-06 – Daysville Glen property PUD, effective November 24, 2014
- DRRA-14-07 – Hogan family New Design Rd. property, effective October 9, 2014

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.

County Register of Historic Places

Through the Plan and the Ordinance the County maintains The County Register of Historic Places which currently consists of eight sites. Work performed on these designated landmarks is reviewed by the County's Historic Preservation Commission (HPC) for compliance with the Interim Design Guidelines. Its approval is issued as a Certificate of Appropriateness (COA).

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.
- Catocin Mountain Scenic Byway Advisory Committee.

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.

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 2014 include the following:

- Continued work on the Travel Demand Model including updates to the TAZ's, land use data, and countywide roadway network edits.
- Coordinated the Annual Transportation Priorities Review with the Planning Commission and the Board of Commissioners.
- Continued participation in the Metropolitan Washington Transportation Planning Board (TPB) including the TPB Technical Committee and the Travel Forecasting Sub-Committee.

Maryland DOT Project Coordination

Transportation planning staff participates on the Project Teams for State highway projects and studies. The following were active in 2014.

- US 15/Monocacy Boulevard Interchange
- MD 85 Phase I

Municipal Planning Services

The Division continues to provide planner and liaison services to the County's 12 municipalities. In 2014 the Division ended its municipal planning services, which was started in the 1970's. 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 2014:

- Continued with quarterly municipal planner meetings.

Water & Sewer Planning

In 2014, the Division completed the Triennial Update of the Water and Sewerage Plan, as required by the State of Maryland every three (3) years. The Triennial Update of the Plan includes data revisions, plus policy and procedure modifications for the provision of public water and sewer service in the County. The Plan was approved by the Board of County Commissioners on November 6, 2014 and transmitted to the Maryland Department of the Environment (MDE) for final review and approval. Staff is currently revising the Plan in response to comments from the MDE.

The Community Development Division administers regular spring, summer, and fall amendment cycles to the County's Water and Sewerage Plan. During 2014, 27 applications for Water and Sewerage Plan reclassification, as well as infrastructure amendments, and text changes to the Plan were reviewed.

Table 11. Water and Sewer

Case	Applicant	Location and Request	Decision
WS-14-01	Yankee Land Trust	Reclassification from W-5, S-5 to W-3, S-3. Yellow Springs Road at Walter Martz Road in the City of Frederick.	Approved
WS-14-02	Nicholas/Emilie Gessler	Reclassification from S-5 to S-3. South of Baltimore Road, west of Bells Lane	Approved
WS-14-03	MS Gladhill Farm, LLC	Reclassification from PS to W-4, S-4, plus the depiction of a sewage pump station symbol on the Sewer Map. Reichs Ford Road at Pinecliff Park Road.	Approved
WS-14-04	Michael and Lorriane Staley	Reclassification from W-5, S-5 to W-3, S-3. West side of Glade Road in the Town of Walkersville.	Approved
WS-14-05	Beshers Land Company No. 2	Reclassification from W-5, S-5 to W-3, S-3. Dresden Place within the Spring Ridge PUD	MDE Review Pending
WS-14-06	PVI, LLC	Reclassification from W-4, S-4 to W-3, S-3. Ballenger Creek Drive at Lockhouse Drive and Fletchers Drive	MDE Review Pending

Case	Applicant	Location and Request	Decision
WS-14-07	MS Justron Farm, LLC	Reclassification from PS to W-4, S-4. Boyers Mill Road within the Town of New Market	MDE Review Pending
WS-14-08	MS Charlyn Farm, LLC	Reclassification from PS to W-4, S-4. Boyers Mill Road within the Town of New Market	MDE Review Pending
WS-14-09	MS Gladhill Farm, LLC	Reclassification from W-4, S-4 to W-3, S-3. Reichs Ford Road at Pinecliff Park Road.	MDE Review Pending
WS-14-10	WBP Partners II, LLC & ITB2, LLC	Reclassification from W-5, S-5 to W-3, S-3. international Boulevard at Executive Court	MDE Review Pending
WS-14-11	Payne Investments, LLC	Reclassification from W-4, S-4 to W-3, S-3. East side of Ed McClain Road at MD 75	MDE Review Pending
WS-14-12	75-80 Properties, LLC	Reclassification from W-4, S-4 to W-3, S-3. West side of MD 75, north of MD 80	MDE Review Pending
WS-14-13	Wilcom Family Partership/75-80 Properties, LLC	Reclassification from W-4, S-4 to W-3, S-3. East side of MD 75, north of MD 80	MDE Review Pending
WS-14-14	75-80 Properties, LLC	Reclassification from W-4, S-4 to W-3, S-3. Northwest intersection of MD 75 and MD 80	MDE Review Pending
WS-14-15	75-80 Properties, LLC	Reclassification from W-4, S-4 to W-3, S-3. Southwest side of Weller Road, west of power line	MDE Review Pending
WS-14-16	Hogan Realty Capital, LLC	Reclassification from PS, W-5, S-5 to W-4, S-4. Terra Firma Road at Quinn Road	MDE Review Pending
WS-14-17	Hogan Realty Partners, LLC	Reclassification from PS to W-4, S-4. Baltimore Road, west of Bartonsville Road	MDE Review Pending
WS-14-18	Number intentionally skipped		MDE Review Pending
WS-14-19	Crumland Farm Development, LLC/ Foulger-Pratt Development, LLC	Reclassification from W-5, S-5 to W-3, S-3. Willbrook Road at Bloomfield Road and Willow Road in the City of Frederick	MDE Review Pending
WS-14-20	Eugene Casey Foundation	Reclassification from PS to W-4, S-4 plus the depiction of an elevated water storage tank symbol on the Water Map. Crickenberger Road at MD 75	MDE Review Pending
WS-14-21	Jefferson Park West, LLC	Reclassification from W-4, S-4 to W-3, S-3 plus the depiction of a sewage pump station symbol to the Sewer Map. MD 180 at US 340	MDE Review Pending
WS-14-22	Oakdale Investments, LLC	Reclassification from W-4, S-4 to W-3, S-3. Old National Pike at Eaglehead Drive	MDE Review Pending
WS-14-23	West Park Village, LLC	Reclassification from W-5, S-5 to W-3, S-3. Mt. Phillip Road at Old National Pike in the City of Frederick	MDE Review Pending
WS-14-24	Frederick County Division of Community Development	Text amendment to Chapter 1 to clarify denied-access policies	MDE Review Pending

Case	Applicant	Location and Request	Decision
WS-14-25	LT Ventures & Gas House Pike Real Estate, LLC	Reclassification from PS to W-4, S-4 plus the depiction of a sewage pump station symbol on the Sewer Map. Gas House Pike at Linganore Road	Pending County Council hearing
WS-14-26	Dryden Investments, LLC	Reclassification from PS to W-4, S-4. Old National Pike at Eaglehead Drive	Pending County Council hearing
WS-14-27	Oakdale Investments, LLC	Reclassification from W-4, S-4 to W-3, S-3. Gas House Pike at Woodridge Road	Pending County Council hearing
WS-14-28	Lawrence Wrinn	Reclassification from W-5 to W-3. Wicomico Court in the Town of New Market	Pending County Council hearing

Maryland Dept. of Planning – Annual Report

This portion of the Annual Planning Report addresses the reporting requirements of the Maryland Department of Planning, which is further supported by recently approved legislation.

Jurisdiction: Frederick County

Contact: Jim Gugel, Planning Director, Department of Planning and Development Review

Contact Phone Number: 301-600-1144

Contact Email: jgugel@frederickcountymd.gov

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

Of the three (3) amendments only one may impact development patterns. The approval of the Agricultural Subdivision Rights Transfer option allows for the transfer of residential rights between properties zoned Agricultural. The ordinance does prohibit a receiving parcel from being located within a Rural Legacy Area or a Priority Preservation Area. In a letter dated December 5, 2014 the Maryland Department of Planning withdrew their Tier IV (Growth Tier) exemption that was granted to the county in May 2013. This would have the effect of prohibiting any major subdivisions (more than 5 lots) from being approved until such time as the county substantiates that the agricultural transfer program would not adversely impact the Tier IV density under which the exemption was granted.

- (D) Were any amendments made to the zoning map? Yes

Six zoning map amendments were approved in 2014 that rezoned 1,129 acres from Agricultural to Planned Unit Development (PUD) for the Casey, Blentlinger, Oakdale, Ratley, Rayburn, and Mayne properties. One case only amended conditions of a prior rezoning approval and a second case amended a previously approved PUD Plan.

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 2014.

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	411	75%	134	25%	545

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

	PFA		Non-PFA		Total
	No.	%	No.	%	
Residential Lots Recorded	259	59%	181	41%	440 lots
Residential Lots recorded Acreage	42 ac.	10%	356 ac.	89%	398 acres
Lots/Dwellings Approved ¹	2,241	55%	1,800	45%	4,041 lots/dwellings
Approved Residential Acreage ¹	399 ac.	31%	895 ac.	69%	1,294 acres

¹Approved 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	106 ac.	64%	60 ac. ¹	36%	166 acres
Building Area – square feet	837,064	82%	179,893	18%	1,016,957 sq. ft.

- Includes three agricultural uses; two winery tasting rooms and a brewery tasting room totaling 43 acres, which includes the entire vineyard parcels for the winery tasting rooms. The Brewery tasting room is on a 229-acre farm parcel so only 3 acres was assumed for the tasting room.

Locally Funded Agricultural Land Preservation

In 2014 the County acquired a total of 981 acres (6 farms) of agricultural/land preservation easements funded through the County's Installment Purchase Program (IPP) and the Rural Legacy program. The County also supported an additional 856 acres (7 farms) through its Critical Farms program, which requires these farms to enter into a land preservation program. A detailed breakdown of land preservation by all programs can be found on page 12.

Local Land Use Percentage Goal

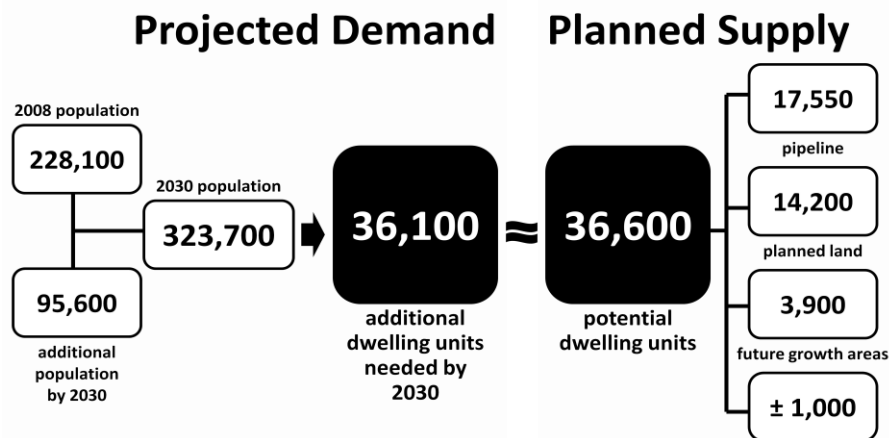
The County does not have a percentage goal regarding the amount of land that is expected to be within a Priority Funding Area (PFA). Within the county’s jurisdiction only properties within a designated community growth area (CGSA) would be expected to be in a PFA other than for designated Rural Villages. 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 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, 2014* there were 15 elementary and three (3) middle schools 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 – Five 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). Three schools, Centerville (147%), Hillcrest (137%), and Waverley (138%) are at or over 120% capacity (as of September 2014) and would not allow for a county development to use the School Construction Fee Option.

Middle – Two of the affected middle schools, Urbana MS and Oakdale MS, are located in the eastern part of the county. Urbana was at 133% in September 2014. The other school is a charter school located in the City of Frederick.

Planned School Projects – 2014 Educational Facilities Master Plan (EFMP)

- **Elementary** – seven (7) elementary school projects that would add 3,239 new seats. Three projects are renovation/additions and four are for new schools.
- **Middle** – two middle school projects for an addition to Urbana Middle which will add 300 seats and a renovation of Middletown Middle school that would not add any new capacity.
- **High** – one high school project to replace the existing Frederick High building on the same site. This project would add 223 new seats.

Programmed School Projects - FY 2015-2020 CIP

- North Frederick Elementary –opened in fall 2014
- Urbana Middle – 300 seat fit out to open in fall 2015
- Frederick High – new replacement school to open fall 2017
- Sugarloaf Elementary – new 725 seat school to open in fall 2018
- Waverly Elementary –200 seat addition to open in fall 2020
- West Frederick City Area Elementary – new 725 seat school to open in fall 2020
- Urbana Elementary – modernization and addition to open in fall 2020
- North Frederick City Area Elementary – new school to open in fall 2020