THURMONT PLANNING AND ZONING COMMISSION MEETING

9/26/19 AT 7:00 PM

Thurmont Town Office, Meeting Room

Agenda Topics

1.) APPROVAL OF 1/24/19, 2/28/19 & 3/28/19 MEETING MINUTES

2.) ZONING INSPECTORS REPORT

3.) DRAFT CONCEPTUAL PROPOSAL (FOR INFORMATIONAL PURPOSES ONLY) – SIMMERS PROPERTY AT APPLES CHURCH ROAD AND GRACEHAM ROAD

4.) PRELIMINARY SITE PLAN – PP-2019-05 - PERFORMANCE CAR WASH OF THURMONT – BUILDING ADDITION

5.) DISCUSSION – COMPREHENSIVE PLAN

6.) PUBLIC COMMENTS

Thurmont Planning and Zoning Commission Meeting
September 26, 2019

A meeting of the Thurmont Planning and Zoning Commission was held Thursday, September 26, 2019 at 7:00 p.m. Present were: Chairman, Randy Cubbedge; Commission members, Randy Waesche, Viktor Kraenbring, Bryant Despeaux, and Jim Wilkins; CAO, Jim Humerick; Sr. Administrative Assistant, Becky Long; Zoning and Utilities Inspector, Kelly Duty; Town Planner, Chris Jakubiak; Commissioner Liaison, Bill Buehrer; Daniel Cross; Bruce Dean; Rick Curry; David Reckley; Genevive Reckley; Jessica Reckley; Harry Criswell; Dick Lee; Chris Dean.

APPROVAL OF 1/24/19, 2/28/19 & 3/28/19 MEETING MINUTES

Commission Member Despeaux said "I make a motion to approve the January 24, 2019 minutes of the Thurmont Planning and Zoning Commission Meeting as presented." Commission Member Wilkins second. Vote: 5-0-0, motion carried.

Commission Member Kraenbring said "I make a motion that minutes for February 28, 2019 be approved as submitted." Commission Member Despeaux second. Vote: 5-0-0, motion carried.

Commission Member Despeaux said "I move that we approve the March 28, 2019 of the Thurmont Planning and Zoning Commission as presented." Commission Member Wilkins second. Vote: 5-0-0, motion carried.

ZONING INSPECTORS REPORT

Kelly Duty gave her Zoning Inspectors Report for 8-23-19 thru 9-26-2019 (see attached).

DRAFT CONCEPTUAL PROPOSAL (FOR INFORMATION PURPOSES ONLY) – SIMMERS PROPERTY AT APPLES CHURCH ROAD AND GRACEHAM ROAD

Chris Jakubiak said "Mr. Daniel Cross is here this even with Chris Dean, his attorney, to present concepts that he is developing for a 24-1/2 acre tract of land known as the Simmers parcel at intersection of Apples Church and Graceham Road. Part of this parcel is within the Town about 7 acres and the remaining acres are in the County, but it is within our designated growth area, is eligible for annexation, and the part within the Town is zoned agriculture, although the Comprehensive Plan or Master Plan designates it as high density residential and the Plan also designates the part outside of the Town as high density residential as the preferred recommended use. So Mr. Cross is here and we encouraged him to come and he certainly is happy to be here and I am sure he will take time to talk about his proposal. I thought rather than us presenting it at this stage, he could present it to you. I think it is entirely for informational purposes, but it does reflect the fact that we are beginning the process of doing the Land Use Plan for the Master Plan so we are getting into these types of discussions, so I think

we can really benefit from hearing what property owners and their proposed developers are contemplating."

Daniel Cross, developer, said "I appreciate the opportunity to be here, I am accompanied by my legal counsel, Mr.
Chris Dean, and I would point out that Ms. Simmers is here as the property owner. I came to Frederic in 1994, actually came much sooner to learn how to fly at Frederick Airport. I have been in the developing business since 1989 actually starting in St. Mary's County on a community we did down there on single family homes and in the end we did 83 single family homes. We look at this opportunity as a unique chance to come up and take advantage of the fact that you have a growth plan that shows you want R-5 on this parcel of ground. You have hard copy, and I wanted to share with you some of how we think about development, how I instruct my staff and what the vision we would like to get out of this parcel." Mr. Cross gave a slideshow presentation of what is proposed for this parcel of land.

Commission Member Waesche asked "what would be the estimate of the buildout for this whole project?" Mr. Cross said "what the market demands is my capitalist respond but obviously we can't do what you can't absorb, so in our discussions with you what can the sewer treatment plant take, what do we need to do at the lift station to get stuff there, where are we with water, etc.; but realistically, it is going to be a function of what your demand curve is. If a builder is coming in and putting townhouses up they are going to want to put up a full stack at once not one at a time. I am not trying to evade the answer, I simply don't know. Realistically, this is at minimum a four-year or more project. No bank is going to lend me the money to be the infrastructure unless I have lined up the senior care operator and gotten a commitment from them and we will also build it to their specifications. We won't be able to bring the apartment building structures out of the ground unless we have pre-leased or pre-sold a sufficient number of them to warrant coming out of the ground."

Chairman Cubbedge asked Mr. Cross if he had a verbal or some type of agreement for this assisted-living facility, do you have the resource that is going to oversee or manage, do you have something they are speaking to in regards to a daycare. Mr. Cross replied "honestly, not now as it is the cart before the horse issue. We are not far enough along to get their attention. The next step will be a formal annexation petition to the Town drawn up with Maryland law and we are socializing that, and frankly Jim Humerick helped us out at the County level ahead of time. I would rather not go through that whole effort if I can go with the votes on the County Counsel side and discover I am not going to get the express approval because waiting five years, capital doesn't want to wait five years."

Chairman Cubbedge said he looked forward and thanked Mr. Cross for coming to the meeting.

PRELIMINARY SITE PLAN – PP-2019-05-PERFORMANCE CAR WASH OF THURMONT – BUILDING ADDITION

Chris Jakubiak said "we have Performance Car Wash coming in with another proposal for its ongoing development of that property. What I hope to do tonight more than anything is help understand how this proposal fits into the overall scope of the project with the multiple projects that have been undergone or undergoing or improved as it is easy to lose track and to apply your zoning regulations

properly. This preliminary site plan does not incorporate all the changes that have been made necessarily, so we have to think through that and make sure it is up-to-date. I would like to encourage the Planning Commission to insist that all the changes that have been made on the site be documented on this site plan so we have one plan that reflects all the approvals both given by the Zoning Administrator previously and the Planning Commission perhaps tonight and previous meetings as well. There are a number of specific comments in the memo that Kelly and I prepared jointly and are fairly self-explanatory."

Kelly Duty presented the 17 staff comments (see attached memo)

Rick Curry from BNR Design Group said "I also have Harry Criswell here and Brian Carl for any questions I can't answer. I understand the confusion and our thinking in not showing everything from the previous site plan was it would make it more confusing because it would show things that had already been proposed and approved, but we can add those items to the plan and somehow either gray them out or something to show that they were approved under the previous plan so it is reflected in this plan and you can see everything and that is not a problem to add those items. I think this will help tremendously regarding what was approved previously and how that relates to this request for approval. "Chris Jakubiak asked Mr. Curry to go through the various approvals and summarize those for the Planning Commission like the construction retaining wall and filling in of space to build parking. Mr. Curry said "those all occurred and then the Site Plan came after that, after the retaining wall, landscaping was cleared there, the wall was done and then we proposed a Site Plan for the car wash and that was approved maybe at the August meeting." Mr. Jakubiak then asked about the building permit for the newly constructed drive-thru car wash facility. Mr. Curry said "right and in doing that there was a deal with the existing wall, there was no foundation for the existing building so that had to come down and a new foundation installed and built, so some things happened that we were not aware of and were out of our control from previous construction that led to that. Most of things listed here, I think, can be resolved with just adding the bicycle spaces and we will provide those. The goal at this point would be to have it on-line and underway in December if we can get conditional approval tonight. The lighting shown on the architectural plans for entrances and either they are going to change, either come off or just be at the entrances, and will incorporate them into our previous lighting plan. Those wall-mounted lights will not add anything to the previous lighting plan as additional photometric or lighting beyond just that height right in that general area so if it is added to that area it is not going to make that area that much brighter because those wall packs are not that bright compared to the overall pole-mounted lights; so they will either stay on there in the lighting plan or some of them may come off and just be at the entrance areas." Commission Member Wilkins asked Mr. Curry if the water run-off from car washing and detailing will be reconstituted back into the system. Mr. Curry said he did not know that maybe Mr. Criswell would have the answer to that.

Harry Criswell said "there is an oil and sand separator. Everything that is included in the facility goes through that system and I guess you guys are familiar with how those systems work. There is an existing system and we will be adding another system for the three additional stalls that we are proposing. As far as recycling goes, I am still trying to figure that out. I think Mr. Curry referred to the problems we had when we got involved with the construction. We found out that all of those walls out there had no footers underneath them which was a surprise to us, which has created I believe this entire process

from a Site Plan review because we went from a remodel to new construction almost. Frankly, I am surprised the walls didn't just blow down that is how dangerous it was. I am not sure how anybody built it and got away with it and Jim Humerick and I have talked about that. As soon as we realized we had a problem with no footers under the walls we contacted the inspectors, told them what are deal was, went back into Frederick County and revised the permit. The construction did not change, the only thing we had to do was put footers in. The car wash, I am not sure what year it was built and we have no existing plans for it. Every time we put a shovel in the ground we find something a little bit different, which we now have determined that we have to abandon the whole old process which had to do with heating coils in the floors so that they wouldn't freeze and we basically started all over again. What we are going to do is just pour a new 3" slab over top all of those. To answer Mr. Wilkins question about recycling, there is a recycling tank there. We are in the process right now of trying to determine exactly what feeds it and how we get the water back out it to recycle it. The determination at this point is it is cost-prohibitive to do the recycling. Now I have other car washes in other facilities that do a lot more volume than this one does and we do recycled water with that for very few functions, i.e. you can't rinse a car with recycled water it is just not clean enough; you can do undercarriage maybe on an auto wash or something like that, but to put recycled water on top of a new vehicle or a vehicle that you are trying to detail it just won't work. I seriously doubt that we will be recycling water there based on what we have found so far. The tanks are there, we have pumped all the tanks out and it a little bit of hodge-podge over there. We are gradually either abandoning things and starting from scratch or we are being able to figure out exactly what takes place with those tanks where the pipes and what is going on. I believe it is going to be cost-prohibitive for us to be able to recycle that water there though. To answer your question on the lights, there was a package that was approved and the reason that we are here today, I believe, is that we were trying to get this construction going so we can speed the process up. We were able to get the plans done for the front part of the self-service car wash. We applied for a permit with Frederick County, we got the permit and then we proceeded on with what was little bit more of a complicated process because we thought we were just remodeling the front but we are actually putting on an addition to the back of the building. When we first got involved in it I think the powers to be believed that an addition did not need a Site Plan review, am I correct Jim"…. Jim Humerick replied "that is correct and we have talked about that amongst the staff. The current zoning ordinance talks about Category I and Category II and as it states right now Category I deals with commercial buildings, the Category II states that building additions can be reviewed at the Category II level. So when we first read that we interpreted it as a building addition could be done at a Category II level because it says building additions could be. Then after we started talking about it we realized that that was not the intent, the intent was that all work on commercial structures and commercial projects should come before the Planning and Zoning Commission as a Category I review, so in our initial talks with Mr. Criswell representative we gave him the wrong information and told them it could be approved at a Category II level until we really sat down and talked about it and figured out that wasn't the intent of the zoning ordinance. Mr. Criswell and I just met today and we talked about clarifying that portion of the zoning ordinance so this mistake wouldn't happen again. So the original incorrect information came from staff and we take responsibility for that." Mr. Criswell said "which is not a problem. I want to compliment the Town of Thurmont because compared to some of the processes we go through in other jurisdictions this is actually a fun process, so this one has been a little more complicated. What we decided to do back there is the automatic car wash will stay in the same location where it is at. We are putting a brand new system in there and what we want to do is remodel that building that exists, I am

talking about the one behind where the automatic car wash is and not the one where the self-service is. You probably have seen that we are putting brand new block up; we have tried to put a nice split face on it and will have a nice architectural flare to it. While we are talking about this I want to make sure that you understand the lighting, which I went over with the electrician today, it is more of a decorative lighting rather than site lighting. The site lighting, which is approved and the bases are already in, is the only lighting we plan on putting up there. The only other lighting we had on the building was either decorative lighting or entrance lightning, i.e. overtop of an entry door or possibly a garage door going into a stall, it is not lighting that will canvas the entire area. As far as the parking goes, the only reasons those parking spaces are there was that we were trying to create some sense of order and use that property and as of today we are using that as a Detail Center. So the vehicles that are there are vehicles that are waiting to be detailed right now. There are no vehicles over there right because of the construction that is taking place, but that facility will be open to the public for details also so the parking spaces we put over there were temporary. The entire area will have a top coat of asphalt put down over top of it and the spaces will be whatever the required footage is and we will make sure that it is like that. Our intent is not to store cars over there and the only cars that would be over there are cars that would need reconditioning or customers who have dropped off vehicles that are waiting for a detail. So it is not a storage facility, it is a completely separate business. Both dealerships will sublet their work to that Detail Center and the reason we ended up doing this is in order to put detail centers into these dealerships it was just going to increase the size of the building and it was making it very difficult for us to make it financially feasible. The car wash project became available so we bought it and we are going to utilize it, it will be open to the public and we will utilize it for our own internal sales. I want to make sure you understand, it is a separate business so the dealerships pay for reconditioning over there, so the vehicles that will be sitting there a repair order will be written on it from Performance Car Wash, the cars will be delivered over there for them to go ahead and partake in that particular service and when they are finished they will be delivered back. It will be open to the public. On other thing I wanted to mention, the landscaping on the wall, which would be the back wall, it faces Frederick Avenue but it is behind the self-service car washes. On the Plan you will probably see when you come out of the automatic car wash the wall is just to your right when you are exiting the auto wash; first of all I don't know if I could get anything to grow there but I also think it would be very difficult for us to put landscaping in there with the exit of the car wash right there at that exit. I am not against landscaping and I will be more than happy to do whatever type of landscaping is sufficient. We do have a plan right now to create three islands out front; one will have a sign in it which will have landscaping surrounding it and obviously that will be low-lying landscaping; there are two light pole islands out front that will have landscaping in them also with curb gutter around it. The exits and entry areas there will require us to have more low-lying landscaping so that the vehicles can safely enter and exit the properties. An example of what I am talking about, at the corner of the Strip Center, the property adjoining us to the south on Frederick Road and I am sure when they planted those trees or bushes they were probably 2 feet tall and they are now 15 feet tall. When you try and come out of there at certain times of day it is probably dangerous. I believe that some of those plants are on my property so while we are reviewing this landscaping plan my suggestion is that we take those out and put something lower that might be safer for entrance and egress. As far as landscaping on the residential property next to us, I think we made a commitment to put a fence up, I think they referred to it as a white vinyl 6 foot fence and I believe that is in the Plan. I also told them that we would do landscaping on that side of the property and I would be more than happy to get with the property owner to find out what she would request.

There is an area there that has a fairly sharp drop off and I believe they are developing a plan right now where we would like to do curb and gutter from where the wall is out to the street and I have also told them that there is a bunch of broken sidewalk out there that I told them to replace the same thing we did with the other two properties that we developed out there just so it makes a nice presentation. If you have any other suggestions I am open to them, I would like for everyone to be happy."

Brian Carlin, attorney at 4419 East-West Highway, Bethesda, MD – "I have represented the Criswell Family for probably 30 years and as a testament for their facilities in Thurmont, when they make a commitment to a project it is top shelf, I mean landscaping, quality of the buildings and finishes and so forth. So when Harry Criswell stands here this evening and tells you something, it is a casual expression, but his word is his bond and if he is going to do it, it will get done. Unfortunately, I did not receive Staff comments until midafternoon and then because of commitments on my schedule I didn't have a chance to catch up with our engineer to figure out some of these gaps that Staff was questioning not reflected on the Plan, but I would suggest and obviously we think we can work through all the conditions for approval we are committed to working with Staff in the coming days to make sure the plans are updated appropriately to reflect what they want on the plans that have previously been approved and I think that would be easy to do working directly with Staff so we will make that commitment to you obviously."

Commission Member Despeaux said "so it looks like it would add 10 lights on the building at about 14 feet high roughly. So that would be added to the lighting plan if we approved it as it stood, so what does that mean to the lighting, do we have drawings on how that would impact the lighting that is already there? Jim Humerick said "they would have to provide that to us and add those additional lights into the old lighting plan." Commission Member Despeaux replied "so if we did a conditional approval we would rely on Staff to review that and approve it?" Harry Criswell said "as far as the lighting goes, they ran a casual photometric on that and the lights on the building, I believe preliminarily, did not affect the photometric at all, so the lights on the building are in areas where there is a vending area where you can get change or tokens. They are more centered on safety for entry and exit and the areas where the customers may be in the evening hours for safety. My intent is not to put anymore lights up there as I think we have plenty of lighting. We are very happy with the site lighting plan, we are just trying to create safety areas and not have shadowed areas for the customers."

Commission Member Wilkins said "I will add that I took it upon myself to visit the Criswell facilities down in Gaithersburg and they are really nice facilities. They are clean and well managed. These facilities are well organized, the lots are nice and I appreciate that you take the time to have a nice facility. It is good for the citizens just as well as your customers. I think it is a worthwhile project to improve a car wash that has been sitting there for all those years. I welcome it, thank you."

Chris Jakubiak said "Mr. Criswell did mention the landscaping strip along the property adjoining the house and it would be shown on the Plan. The current code requires 10 feet of open space planted vegetation on that strip, so that is what the regulations call for. I guess that would extend from the fence down to the intersection." Chairman Cubbedge replied "I go along with the vegetation. The adjacent area that vegetative growth is a safety hazard and that grass when you are sitting in a car you can't see at the adjoining property and I don't think we need to get to that so when we start talking

about a vegetative growth along that then let's try to keep it at a lower level so we don't get caught in that again. We can't go and tell them now 'go cut this down and maintain it'. We told them to put vegetative growth in and they did and it is growing big time so I don't want to see something like that again and will follow through with that as we go forward." Chris Jakubiak replied "this refers to the landscaping along the adjoining property, not up to the street because you would want to have safe sight distance. The staff would never approve that type of landscaping coming right up to Frederick Road or anywhere within the triangle of visibility. As to how to avoid that issue, when you approve a Site Plan with certain landscaping there is a maintenance responsibility attached to that that should be part of a Site Plan approval, so at any point you put a call into the owner and say 'maintain that, bring it down to a safe level like it was shown on your plan originally'. So it is not hands off, the Town could call and that person could bring those shrubs down as called for in the Plan." Jim Humerick stated that it is also enforceable through our Town code. Chairman Cubbedge asked that somebody look into that because it has become a safety hazard.

There were no public comments.

Chairman Cubbedge said "I entertain a motion for the preliminary Site Plan PP-2019-05."
MOTION: Commission Member Waesche said "I make a motion for conditional approval of the preliminary final site plan for the building addition Performance Car Wash dated September 7th and incorporate the comments and conditions stated by Staff #1-16 in the Staff Memo of September 24, 2019." Commission Member Wilkins second. Vote: 5-0-0, motion carried.

DISCUSSION – COMPREHENSIVE PLAN

Chairman Cubbedge said "before we get into the Comprehensive Plan, in your discussions could I just ask if anything needs to be torn down could that be part of it coming to the Planning and Zoning Commission if something is going to be built on top. If we get that far, I may be wrong but I will ask the Board, but it seems to me if it is at that degree it falls out of Staff at least we should be aware of what is going on." Jim Humerick replied "absolutely, so that would be conditioned upon demolition permit, which we already have that in place or just if there is a demo that is done, in this case an unexpected one, tell me what you are looking for." Chairman Cubbedge said "this kind of falls in a couple of places, it seems like we have had a couple of them. We had the car wash, we had preliminary approval and then the next thing you know we are looking at a demolition and the building materials were changed, we had a complete site plan change at least the construction phase; when the ice machine was put in, demolition of an existing building in the Town of Thurmont and a new one, whatever it as, was placed on so like a change of an existing site plan. So I would ask and hope that we could be notified at that point and whatever would occur. I hate to do it to people but it is a cease, you have to wait. If it happens the day before the meeting or whatever lets as a Board be lenient and take it as an emergency type deal. If the Board wants to be involved they have to be a little bit flexible too, I would hope. Not saying anything about staff, but in my personal opinion at that point I feel it needs to come to Board." Jim Humerick said they could put something together and bring it to next month's meeting for review.

Noting at this meeting as Chris Jakubiak did not know it would be on the agenda. This will discuss at next meeting.

There was a discussion of how upcoming projects in the pipeline would be handled in connection with possible zoning requests while working on the Comprehensive Plan.

Chris Jakubiak said "your opinions are extremely valuable about any future development or land use changes. If you see things that you want to correct or things you would like to aspire to, please share them with the staff so we can start reflecting on them and reflecting it back to you so we are not doing this in a vacuum. Of course, we will be going out to the public generally, but ultimately it is your Plan, the Planning Commission Plan, so feel free to sending anything to us, allow us to investigate things for you, don't just wait passively for us help us to direct this."

PUBLIC COMMENTS

***Viola Noffsinger**, not stated – I am here concerning the Zentz Property on the corner of Apples Church Road and North Carroll Street across from NVR. It is to be sold but we are trying to decide the best use for it, but you brought up that if a building is to be torn down do I need to come before you; in other words, if we wanted to take the barn down now do I need to come before the Planning Commission. Jim Humerick replied "as it stands right now you would have to fill out a demolition permit with the Town and I heard direction tonight that I would then bring that to the Chairman so he knows what is going on and he can make a decision from there whether he needs to discuss it with the rest of the Commission or not and that would be any buildings that are on the property. Give Kelly Duty a call and she can walk you through that.*

***Dick Lee, 13 Jermae St.** - I just want to thank you guys and the Staff because they came up with some stuff, the Appeals Board came up with some stuff, and you guys worked a lot of changes for us to make everything smoother and worked out. I just wanted to thank everybody for what was accomplished and I think it is a great deal for a team to work like that.*

Chairman Cubbedge said "as nothing further from anybody, I ask for a motion for adjournment."
MOTION: – Commission Member Kraenbring said "I move that we adjourn." Commission member Wilkins
second. Vote – 5-0-0, motion carried.

Without further discussion the meeting adjourned at 8:30 p.m.

Recording Secretary,

Debora Warrenfeltz

Debora Warrenfeltz

PLANNING & ZONING COMMISSION MEETING
THURSDAY, SEPTEMBER 26, 2019

PLEASE SIGN IN

	NAME	ADDRESS
1	DANIEL C. CROSS	5301 BUCKEYSTOWN PIKE #304 FDK 21704
2	BRUCE DEAN	31 W Patrick St Fred MD 21702
3	Rick Curry	300 W/ Patrick St. Fred. 21701
4	DAVID RECKLEY	THURMONT MD.
5	Genevieve Reckley	
6	Jessica Reckley	Thurmont MD
7	[illegible]	[illegible]
8	[illegible]	Beth. Md 20814
9	DICK LEE	13 JERMEE ST.
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11	Viola Noffsinger	
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TOWN OF THURMONT
THURMONT PLANNING AND ZONING COMMISSION
ZONING INSPECTOR'S REPORT
08/23/2019-09/26/2019

PERMIT NUMBER	APPLICANT	LOCATION	TYPE AND USE	APPL DATE
2019-000106	MARIANA PEREZ-ALBELA	518 GATEWAY DR W	RESIDENTIAL ACCESSORIES	08/23/2019
2019-000107	EARL A. EYLER LINDA D. TREGONING	18 SUMMIT AVENUE	RESIDENTIAL ACCESSORIES	08/27/2019
2019-000108	CRISWELL FAMILY LLC	118 FREDERICK ROAD	COMMERCIAL ACCESSORIES	08/30/2019
2019-000109	JAMIE TWIGG	5 MEADOW LANE	RESIDENTIAL ACCESSORIES	08/30/2019
2019-000110	ELIZABETH STROBEL	104 MOSER CIRCLE	RESIDENTIAL ACCESSORIES	09/03/2019
2019-000111	WILLIAM J ALLEN III	419 NORTH CHURCH STREET	NO ZONING REQUIRED	09/03/2019
2019-000112	JAMIE D THOMAS	5 EASY STREET	RESIDENTIAL ACCESSORIES	09/04/2019
2019-000114	CRISWELL FAMILY LLC	118 FREDERICK ROAD	ADDITIONS	09/10/2019
2019-000115	NUMBER ONE NAIL	213 TIPPIN DRIVE	COMMERCIAL ACCESSORIES	09/12/2019
2019-000116	JOSEPH WOLF	819 WOODLAND AVENUE	RESIDENTIAL ACCESSORIES	09/24/2019
2019-000117	ROBERT L FOLLIN JR	117 W MAIN STREET	RESIDENTIAL ACCESSORIES	09/24/2019
2019-000118	GLENN TREGONING	407 N CHURCH STREET	NO ZONING REQUIRED	09/24/2019
2019-000119	SHANNON BOONE	142 EMMITSBURG ROAD	RESIDENTIAL ACCESSORIES	09/24/2019
2019-000120	MICHAEL TOMS, J JENNIFER TOMS	421 OLD OAK PLACE	RESIDENTIAL ACCESSORIES	09/24/2019
2019-000121	CRISWELL FAMILY LLC	104 FREDERICK ROAD	COMMERCIAL ACCESSORIES	09/24/2019

* End of Report: TOWN OF THURMONT *

THURMONT PLANNING AND ZONING COMMISSION
ZONING INSPECTOR'S REPORT
08/23/2019 - 09/26/2019

CUMULATIVE ACTIVITY:	08/23/2019-09/26/2019	09/26/2019	09/26/2018
RESIDENTIAL ACCESSORIES			
BARN	0	0	0
CARPORT	0	0	0
DECK	0	11	17
DEM	0	0	1
FENCE	4	33	36
FIRE PIT	1	1	0
GARAGE	0	1	3
GAZEBO	0	0	0
GREENHOUSE	0	0	0
HANDIRAMP	0	0	0
HOME OCCUP	1	1	1
HOTTUB	0	0	0
LEANTO	0	0	1
PATIOCON	0	0	0
PAVILLION	0	0	0
POLEBLDG	0	1	0
POOLAG	0	2	2
POOLIG	0	0	1
PORCH	0	1	5
REPLACEMEN	0	0	0
ROOFCANOPY	0	0	2
SHED	2	4	11
SHEDRELOC	0	1	0
SIGN	0	2	4
SOLAR PANE	1	3	0
STAIRWAY	0	1	0
STORAGEBLD	0	0	0
WOODSHOP	0	0	0
WORKSHOP	0	0	0
RESIDENTIAL ACCESSO TOTAL:	9	62	84
ADDITIONS			
COMMERCIAL	1	1	0
RESIDENT	0	8	7
ADDITIONS TOTAL:	1	9	7
COMMERCIAL ACCESSORIES			
CONCESSSTA	0	0	0
CONSTTRAIL	0	0	1
DEMOLITION	0	1	0
DUGOUT ADD	0	0	0
ENR UPGRAD	0	0	0
EQUIPSHED	0	1	0
FACADE IMP	0	1	0
FENCE	0	1	3
FUEL TANK	1	1	0
GAZEBO	0	0	0

THURMONT PLANNING AND ZONING COMMISSION
ZONING INSPECTOR'S REPORT
08/23/2019 - 09/26/2019

CUMULATIVE ACTIVITY:	08/23/2019-09/26/2019	09/26/2019	09/26/2018
COMMERCIAL ACCESSORIES			
GUARDOFFIC	0	0	0
LEANTO	0	0	0
MINORUTIL	0	0	1
MONOPOLE	0	0	0
MOTELROOM	0	0	0
OCCUPANCY	1	5	9
POLEBLDG	0	2	0
PORTCLASS	0	0	0
RAMP	0	1	1
REPLACEMEN	0	1	0
RETAINING	0	1	0
ROOFCAN	0	1	0
SALESTRAIL	0	0	0
SHED	0	1	0
SIGN	0	4	2
SIGN TEMP	1	16	8
STAIRWAY	0	0	0
STORAGEBLD	0	0	0
STRIPTOWR	0	0	0
TEMPSHELTE	0	0	0
TEMTRAIL	0	0	0
TICKET BOO	0	0	0
TOILETTR	0	0	0
TRAILTEMP	0	0	0
COMMERCIAL ACCESSORI TOTAL:	3	37	25
NEW COMMERCIAL			
BANK	0	0	0
CAR DEALER	0	0	1
CARWASH	0	0	0
CHURCH	0	0	0
COM	0	0	0
DEMOLITION	0	0	0
FIRE DEPT	0	0	0
FUELTANKS	0	1	0
LIBRARY	0	0	0
OFFICEBLDG	0	0	0
PAVILLION	0	1	0
POLICE BLD	0	0	0
RESTAURANT	0	0	0
RETAILBLDG	0	0	0
SCHOOL	0	0	0
TRUSSBLDG	0	0	0
VET CLINIC	0	0	0
NEW COMMERCIAL TOTAL:	0	2	1

THURMONT PLANNING AND ZONING COMMISSION
ZONING INSPECTOR'S REPORT
08/23/2019 - 09/26/2019

CUMULATIVE ACTIVITY:	08/23/2019-09/26/2019	09/26/2019	09/26/2018
NEW RESIDENTIAL			
APART7	0	0	0
CONDO12	0	0	0
REPLACE	0	0	0
SINGLE	0	1	0
TOWNH4	0	0	1
TOWNH5	0	0	0
TOWNH6	0	0	0
TOWNH8	0	0	0
TOWNHC10	0	0	0
NEW RESIDENTIAL TOTAL:	0	1	1
NO ZONING REQUIRED			
OTHER	2	10	18
NO ZONING REQUIRED TOTAL:	2	10	18
TOTAL PERMITS ISSUED:	15	121	136

* End of Report: TOWN OF THURMONT *

Daniel Carroll Cross, CCIM
Captain, U.S. Navy (Retired)
Principal & Broker

CROSS & COMPANY, LLC
Real Estate Investment Development
Management & Brokerage

5301 Buckeystown Pike, Suite 304
Frederick, Maryland 21704
301-682-9015 office, 202-494-2948 mobile
Daniel@CrossAndCompany.com

20 September 2019

Mr. Jim Humerick
Chief Administrative Officer, Town of Thurmont
11 Water Street
Thurmont, MD 21788
via e-mail and via hand delivery
with large format attachments (20 copies)

REF: Creation of a new community on the "Simmers Parcel" at Apple's Church Road, Thurmont, Maryland.

Dear Jim:

I look forward to participating in a discussion with the Town of Thurmont Planning Commission on 26 September regarding the Town's ongoing work on their Master Plan and Comprehensive Re-zoning. I invite you to please share this letter with Town elected officials, the Planning Commission and Town staff ahead of the meeting.

Cross & Company, a veteran owned small business, is a real estate investment, development, management and brokerage company doing business in Frederick since 1997. The company is the contract purchaser of the approximate 24.5 acre "Simmers Parcel" abutting Apple's Church Road and Graceham Road (Parcel 1850). Subject to obtaining appropriate approvals, it is my intent to develop the property in the Town of Thurmont as an R5 zoned mixed-use inter-generational residential community with ancillary services. I have been meeting with Town staff and our consultants for over a year, and recently provided you a draft concept plan for initial review and discussion.

That draft plan shows my preliminary intent to provide a variety of inter-generational multi-family housing options, including townhouses (different types and sizes offered at different price points); some single story duplexes; apartments (some as age 55+ independent living) over structured parking; and a senior assisted living facility, possibly with a memory care and adult day care components.

The draft plan groups some of these residential functions around shared service building(s) and a community plaza open space area that provides food service, hospitality functions, and "attempted Amazon proof" limited community centric "pop-up" retail spaces that directly support the new community and nearby areas. I would like to explore "co-housing" units above some of these ancillary use buildings.

In addition, believing that children should arrive at day care via a stroller ride in their neighborhood versus a car seat ride to a distant location, the plan includes a full-size commercial day care center and abutting playground. Limited food service would need to be available in this center. These "mixed-use" ancillary services -- assisted living / memory care facility, child day care center, adult day care center, and pop-up retail mixed use -- are all economic benefit / job creation functions, but some may not initially be considered R-5 residential uses even though they compose an essential part of a successful multi-generational walkable new community. These zoning issues should be a matter of discussion between us.

I offer the following points, by no means as an all-inclusive list, for mutual consideration as we collectively begin the development process:

- The parcel appears in the tax records as 28.5 acres but ALTA surveys as only 24.5 acres.
- Approximately 7 acres are located within the Town's municipal boundaries (zoned A1, Agriculture) and approximately 17.5 acres are located outside the Town's municipal boundaries (zoned A, Agriculture, in Frederick County).
- The parcel is designated for High Density Residential development in the adopted 2010 Thurmont Master Plan.
- The proposed development of the parcel as an R5 zoned residential community with a variety of housing types and ancillary services is consistent with the adopted 2010 Thurmont Master Plan.
- I intend to submit a Petition for Annexation for that portion of the parcel located outside of the Town's municipal boundaries with a requested zoning classification of R5 to conform to the 2010 Thurmont Master Plan. The Petition for Annexation will be submitted in the next few months for consideration by the Town Planning Commission and ultimately, after Public Hearing, for approval by the Mayor and Board of Commissioners in accordance with your processes.
- You have indicated that the concept plan has been shared with Frederick County leaders. We are now seeking meetings to garner their support of the proposed annexation and rezoning by the Town and to ensure a path to obtaining the requisite "Express Approval" from the County for this Annexation.
- As the Town updates the 2010 Thurmont Master Plan and conducts a municipal Comprehensive Rezoning, it is critical that the entire parcel remain designated for High Density Residential development in the updated Master Plan.
- It is also critical that those acres (approximately 7) located inside the Town municipal boundaries and now zoned A1 be rezoned to R5 by the Town as part of the forthcoming Comprehensive Rezoning, with further consideration to allowing the mixed-use ancillary functions under this zoning (throughout the parcel).
- The Frederick County Water Service Areas category map (October 14, 2014) shows that part of the parcel in the Town of Thurmont as W-5 (planned service in 7-10 years) and that part in the County as PS (Planned Service 11-20 years). The entire parcel will need to be updated to W-3 as part of the Annexation and development process.

- The Frederick County Sewer Service Areas category map (October 14, 2014) shows the part of the parcel in the Town of Thurmont as NPS (no planned service) and that part in the County as PS (Planned Service 11-20 years). The entire parcel will need to be updated to S-3 as part of the Annexation and development process.
- Lastly, and as part of our contract of sale with Mrs. Simmers, a single-family home lot of 15,000 sq.ft. (approximately 1/3 acre) and modular home is proposed fronting on Apples Church Road (to the west) to provide for her continued residence in the Town. This SFH use must be approved in an R-5 Zoning area.

In conclusion, my team and I are excited to be starting our development process in the Town of Thurmont. I look forward to on-going discussions with the Town Planning Commission and staff over the next several months. I sincerely hope that they will please give due consideration to my proposed plan and the above points as they continue their work on the new Master Plan and Comprehensive Re-zoning.

Please feel free to call me if you have any questions.

Respectfully,

Daniel C. Cross, CCIM
Principal & Broker

cc:
Roger Wilson (Frederick County)
Helen Propheter (Frederick County)
Bruce Dean

Encl:
Draft Plan Color copies (11x17)
ALTA Survey (11x17)
Water & Sewer Category Maps (11x17)

DRAFT - WORK IN PROGRESS

CROSS & COMPANY, LLC
Real Estate Investment Development Management & Brokerage

PROSPECTIVE RESIDENTIAL DEVELOPMENT OF THE SIMMERS PROPERTY

CROSS & COMPANY LLC

NH #18112
29 JULY 2019

PARKING TABULATIONS

SHARED SERVICES BLDG:	36 SPACES (SURFACE)
ASSISTED LIVING FACILITY:	30 SPACES (SURFACE)
CHILDREN'S DAYCARE:	30 SPACES (SURFACE)
APARTMENTS:	116 SPACES (SURFACE)
	88 SPACES (GARAGE)
DUPLEX UNITS:	12 SPACES (SURFACE)
	12 SPACES (GARAGE)
TOWNHOME UNITS:	69 SPACES (SURFACE)
	52 SPACES (GARAGE)
TOTAL:	445 SPACES

UNIT TABULATIONS

DUPLEX UNITS:	6
TOWNHOME FAMILY DWELLINGS:	52
APARTMENT UNITS	88
TOTAL:	146

ASSISTED LIVING:

STANDARD A.L.:	40
MEMORY CARE:	20
TOTAL:	60

NOTE: THIS DESIGN ASSUMES FULL PROPERTY ANNEXATION INTO THE TOWN OF THURMONT, MD. AND R-5 ZONING FOR ENTIRE PROPERTY

THIS EXHIBIT IS MEANT TO SHOW CONCEPTUAL INTENT ONLY. S.W.M, ROADS, AND UTILITIES ARE STILL UNDER STUDY.

PRELIMINARY CONCEPTUAL DESIGN (09/06/19)

NORTH

0' 40' 1"=80' 160'

NOELKER AND HULL ASSOCIATES, INC.
ARCHITECTS

© 2019 Noelker And Hull Assoc. Inc.

GENERAL NOTES

1.) INFORMATION SHOWN HEREON HAS BEEN PREPARED PER ALTA/NSPS STANDARDS. SURVEY PERFORMED BY POTOMAC VALLEY SURVEYS APRIL 2019.

2.) THIS HORIZONTAL DATUM IS BASED ON MARYLAND STATE PLANE NAD 83/11. THE VERTICAL DATUM IS BASED ON NAVD-88.

3.) THE SUBJECT PROPERTY IS LOCATED ON TAX ASSESSMENT MAP NO. & TAX ACCOUNT NO. AS FOLLOWS:

#304 APPLES CHURCH ROAD
PARCEL 1850 – LOCATED ON TAX ASSESSMENT MAP NO. 751 WITH A TAX ACCOUNT NO. OF 15–338237.

4.) THIS ALTA/NSPS SURVEY IS FOR THE USE OF THE SPECIFIC ENTITIES LISTED IN THE SURVEYOR'S CERTIFICATE FOR ACQUISITION/ LENDING/ REFINANCING PURPOSES AND IS NOT INTENDED FOR DESIGN OR CONSTRUCTION PURPOSES, INCLUDING THE INSTALLATION OF FENCES OR CONSTRUCTION OF OTHER IMPROVEMENTS. UTILITY LINES MAY NOT BE SHOWN AS ACTUAL WIDTHS AND SIZES.

5.) THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON WERE PLOTTED VIA ABOVE GROUND EVIDENCE AND PLANS PROVIDED BY THE RESPECTIVE UTILITY COMPANIES AS NOTED IN THE UTILITY NOTE SHOWN HEREON. POTOMAC VALLEY SURVEYS, LLC MAKES NO GUARANTEES THAT THE UTILITIES SHOWN HEREON COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. POTOMAC VALLEY SURVEYS, LLC DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN HEREON ARE IN THE EXACT LOCATION INDICATED.

6.) THE SUBJECT PROPERTY IS LOCATED IN ZONE "X" (AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) MAP NO. 24021C0045D FOR FREDERICK COUNTY, MARYLAND, DATED SEPTEMBER 19, 2007.

7.) THERE IS NO OBSERVABLE EVIDENCE OF A CEMETERY OR BURIAL GROUNDS LOCATED WITHIN SUBJECT PROPERTY

8.) THERE IS NO OBSERVED EVIDENCE OF RECENT SITE WORK OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.

9.) THERE IS NO OBSERVABLE EVIDENCE OF FIELD DELINEATION MARKERS FOR WETLAND AREAS ON THE SUBJECT PROPERTIES.

10.) THERE IS NO EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.

12.) THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELD WORK.

13.) EXCEPT AS SHOWN HEREON, THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR ROADWAYS.
a.) AS SHOWN HERE ON, THE AREA OF THE PROPERTY AS SURVEYED IS ±24.48 ACRES AND THE RECORD AREA, AS NOTED IN THE TAX RECORDS, IS ±28.51 ACRES.

14.) COMMON BOUNDARY LINES WITH THE SUBJECT PROPERTY AND ADJOINING BOUNDARIES ARE CONTIGUOUS, WITH NO GAPS GORES OR OVERLAPS, UNLESS NOTED OTHERWISE HEREON.

16.) CONTOURS SHOWN HEREON OUTSIDE THE FIELD RUN TOPOGRAPHY LIMITS WERE OBTAINED FROM GIS INFORMATION PUBLISHED ON WWW.FREDERICKCOUNTYMD.GOV.

TITLE REPORT NOTES:

TITLE COMMITMENT PROVIDED BY: FIDELITY NATIONAL TITLE INSURANCE COMPANY
COMMITMENT DATE: JANUARY 28, 2019
COMMITMENT FOR TITLE INSURANCE No.: FNTIC-13440.0001
CASE No.: 13440.0001

SCHEDULE B
PART II
EXCEPTIONS

1.) ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS CREATED, ATTACHES, OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I – REQUIREMENTS ARE MET.
(DOES NOT APPLY TO SURVEY)

2.) STATE, COUNTY AND LOCAL REAL PROPERTY TAXES AND RELATED PUBLIC CHARGES SUBSEQUENT TO THE ORIGINAL LEVY FOR THE PERIOD ENDING JUNE 30, 2018, A LIEN NOW DUE AND PAYABLE BUT NOT YET DELINQUENT.
(DOES NOT APPLY TO SURVEY)

3.) ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING TITLE THAT WOULD BE DISCLOSED BY A CURRENT, ACCURATE, AND COMPLETE LAND SURVEY OF THE LAND.
(AS SHOWN ON SURVEY)
A.) STORMWATER MANAGEMENT POND– L.1870 F.944, L.1870 F.832
AS FURNISHED BY OTHER, NOT INCLUDED IN TITLE REPORT.
(PARTIAL COVERAGE OF POND)
B.) ROAD CULVERT
C.) ROAD CULVERT

4.) EASEMENTS OR CLAIMS OF EASEMENTS ON, ABOVE OR BELOW THE SURFACE OF THE LAND NOT SHOWN BY THE PUBLIC RECORDS.
(EASEMENTS SHOWN ON SURVEY PER PUBLIC RECORDS)

5.) RIGHTS OR CLAIMS OF PARTIES TO ACTUAL POSSESSION OF ALL OR PART OF THE LAND, NOT SHOWN BY THE PUBLIC RECORD.
(OWNERSHIP SHOWN ON SURVEY PER PUBLIC RECORDS)

6.) ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW, AND NOT SHOWN BY THE PUBLIC RECORDS.
(DOES NOT APPLY TO SURVEY)

7.) ANY RIGHT, INTEREST OR CLAIM THAT MAY EXIST, ARISE OR BE ASSERTED AGAINST THE TITLE UNDER OR PURSUANT TO THE PERISHABLE AGRICULTURAL COMMODITIES ACT OF 1930, AS AMENDED, 7 USC 499A ET SEQ., THE PACKERS AND STOCKYARD ACT OF 1921, AS AMENDED, 7 USC 181 ET SEQ., OR ANY SIMILAR STATE LAWS.
(DOES NOT APPLY TO SURVEY)

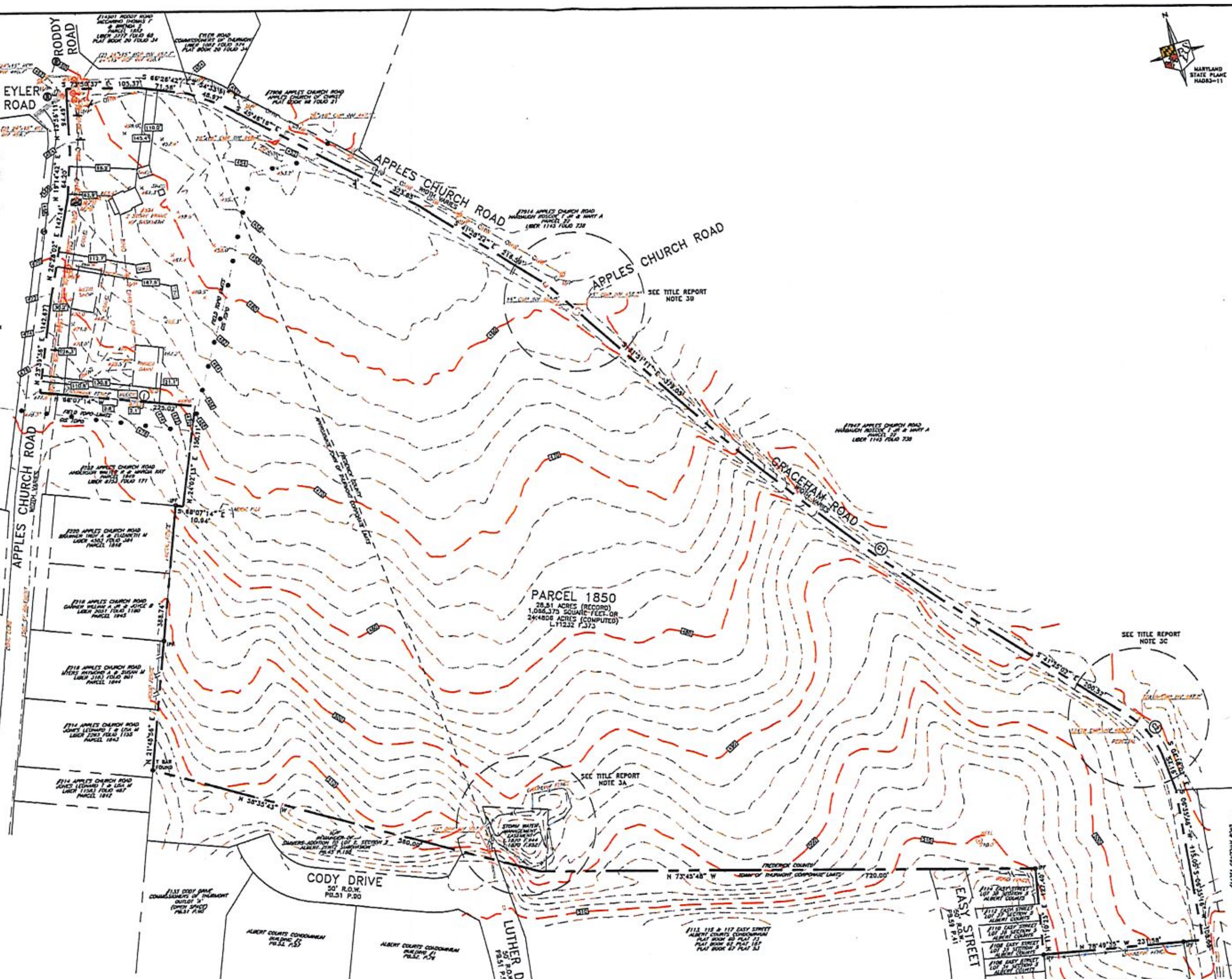
8.) RIGHTS OF TENANTS IN POSSESSION UNDER UNRECORDED LEASES.
(DOES NOT APPLY TO SURVEY)

9.) NOTWITHSTANDING THE RECITATION OF ACREAGE CONTAINED IN SCHEDULE A HEREOF THE COMPANY WILL NOT INSURE THE EXACT ACREAGE OR VOLUME OF LAND DESCRIBED HEREIN.
(AS SHOWN ON SURVEY)

10.) RIGHT OF WAY AGREEMENTS IN FAVOR OF THE POTOMAC EDISON COMPANY RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND IN:
a. LIBER 448 AT FOLIO 244*
b. LIBER 448 AT FOLIO 245*
c. LIBER 477 AT FOLIO 303*
d. LIBER 498 AT FOLIO 183*
*ITEMS APPEAR TO AFFECT THE PROPERTY BUT CANNOT BE SHOWN DUE TO LACK OF METES AND BOUNDS DESCRIPTION, SKETCH OR PLAT ATTACHED.

11.) DEED OF EASEMENT GRANTED TO THE COMMISSIONERS OF THURMONT RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND IN LIBER 898 AT FOLIO 193.
(ITEM DOES NOT AFFECT THE SUBJECT PROPERTY SURVEYED)

12.) RIGHTS OF PUBLIC IN AND TO SUCH PORTIONS OF THE LAND AS MAY LIE WITHIN PUBLIC RIGHT OF WAY OF APPLES CHURCH ROAD.



CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	5340.00'	475.29'	S 37°58'47" E	474.88'
C2	120.00'	78.19'	S 23°21'55" E	75.07'

VICINITY MAP
NOT TO SCALE

LEGEND

ELECTRIC LINE
OVERHEAD WIRE
SANITARY SEWER
STORM DRAIN
WATERLINE
CONC. CURB LINE
EDGE OF PAVEMENT
CHAIN LINK FENCE
WOOD FENCE
EASEMENT (AS NOTED)
PROPERTY LINE
FIELD TOPOGRAPHY LIMIT
UTILITY POLE
GUY WIRE ANCHOR
WATER METER
WATER VALVE
SEWER MANHOLE
STORM MANHOLE
STORM DRAIN INLET
SIGN
CONC. ......CONCRETE
SQ. FT. ...... SQUARE FEET
IPF ...... IRON PIPE FOUND
M/B ... MAIL BOX

SCALE: 1"=60'
0 60' 120' 180'

REVISIONS

04/11/19: SWM EASEMENT ADDED PER DEED PROVIDED (L.1870 F.944)
04/12/19: CLERICAL REVISION
04/19/19: CLERICAL REVISION
04/24/19: CLERICAL REVISION

THIS PLAN PREPARED FOR:
ADTEK ENGINEERS, INC.
130 E. EAST STREET
UNIT #201
FREDERICK, MD 21701
ATTN: SHAWN BENJAMINSON
PHONE: 301.662.4408
sbenjaminson@adtekengineers.com

JOB No. 19-033
DATE: 04/08/19
DRAWN BY: TWB
SHEET: 1 of 1

ALTA / NSPS LAND TITLE SURVEY
#304 APPLES CHURCH ROAD
PARCEL 1850
L.11232 F.373
FREDERICK COUNTY, MARYLAND

POTOMAC VALLEY SURVEYS
20010 FISHER AVENUE, SUITE F
POOLESVILLE, MARYLAND
1-888-349-5090

UTILITY NOTE

THE UNDERGROUND UTILITY LOCATIONS SPECIFICALLY NOTED IN THE TABLE BELOW AND GRAPHICALLY SHOWN HEREON HAVE BEEN LOCATED FROM A COMBINATION OF FIELD SURVEY INFORMATION AND/OR EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE INDICATED FROM THE INFORMATION NOTED IN THE TABLE BELOW WHICH COMPRISES THE RECORD INFORMATION OBTAINED BY THE SURVEYOR. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, UNLESS SPECIFICALLY NOTED ON THE DRAWING. THE FOLLOWING UTILITY COMPANIES HAVE BEEN SOLICITED FOR THEIR PLANS AND RECORD UTILITY DRAWINGS, LISTED BELOW ARE SPECIFIC PLAN/SHEET NUMBERS OF DRAWINGS PROVIDED BY THE UTILITY COMPANY OR LACK OF RESPONSE IS NOTED.

UTILITY COMPANY	PLAN # / SHEET #
VERIZON 3901 Calverton Boulevard – 3rd Floor Beltsville, Maryland 20705	NO RESPONSE
COMCAST 8098 Sandpiper Circle White Marsh, Maryland 21236	NO RESPONSE
WASHINGTON GAS/MD REPLACEMENT SECTION 6801 Industrial Road Springfield, VA 22151	NO RESPONSE
POTOMAC EDISON / LINES SERVICE & DESIGN 421 E. PATRICK ST / FREDERICK, MD 21701	NO RESPONSE
WATER & SEWER TOWN OF THURMONT 615 East Main Street, Thurmont, MD. 21788	NO RESPONSE

THE OWNER/DEVELOPER OF THE SUBJECT PROPERTY IS RESPONSIBLE FOR OBTAINING INFORMATION AND COORDINATING WITH ALL OTHER UTILITIES NOT LISTED IN THE TABLE ABOVE. THE OWNER/DEVELOPER IS ALSO RESPONSIBLE FOR CONTACTING "MISS UTILITY" 48 HOURS PRIOR TO CONSTRUCTION.

SURVEYOR'S CERTIFICATION:

TO:

-CROSS & COMPANY, LLC

-FIDELITY NATIONAL TITLE INSURANCE COMPANY

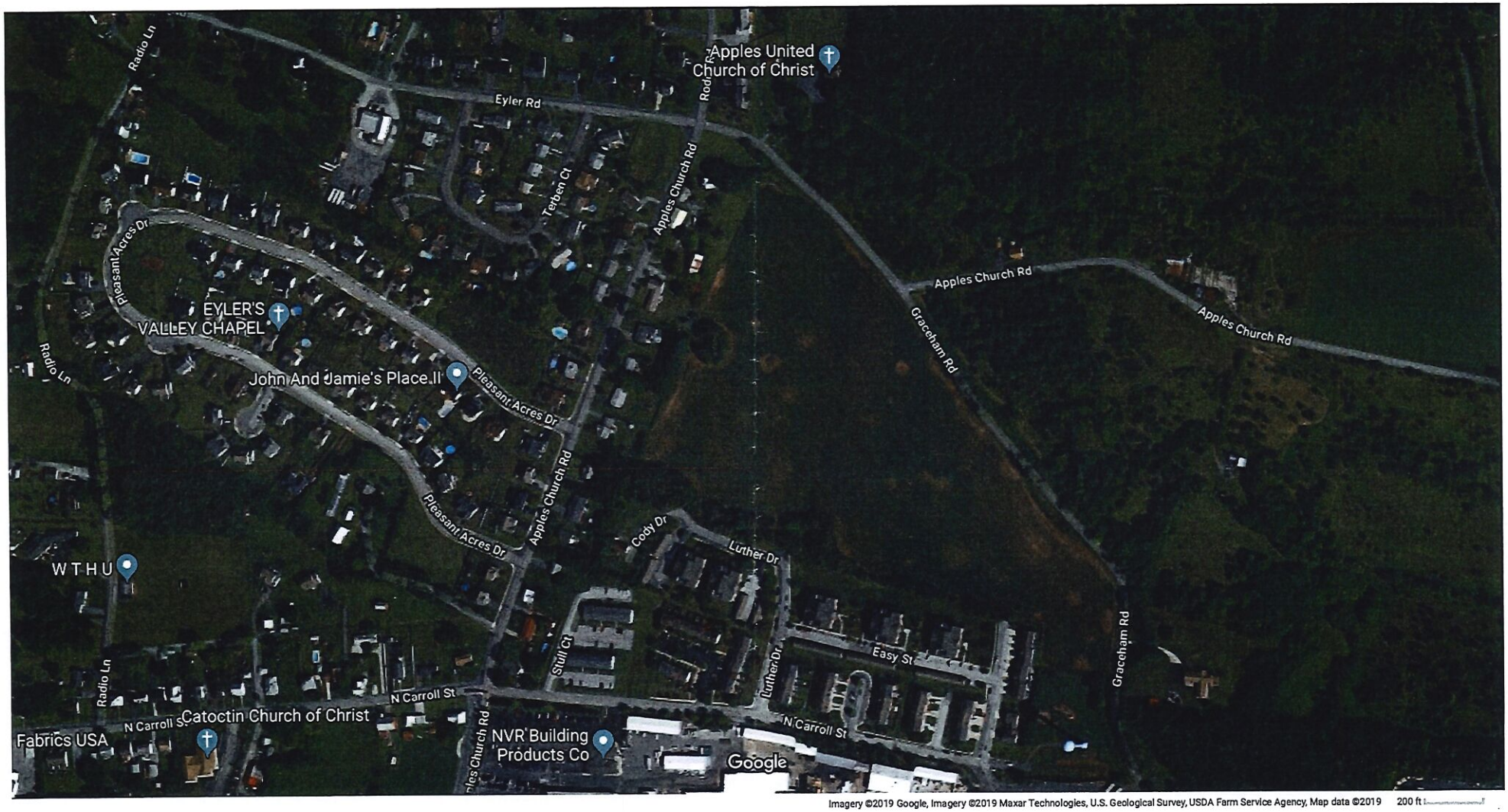
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 4, 8, 9, 10(a), 11, 13, 18 AND 19 OF TABLE A THEREOF.
THE FIELD WORK WAS COMPLETED ON APRIL 4, 2019.

STATE OF MARYLAND PROFESSIONAL LAND SURVEYOR

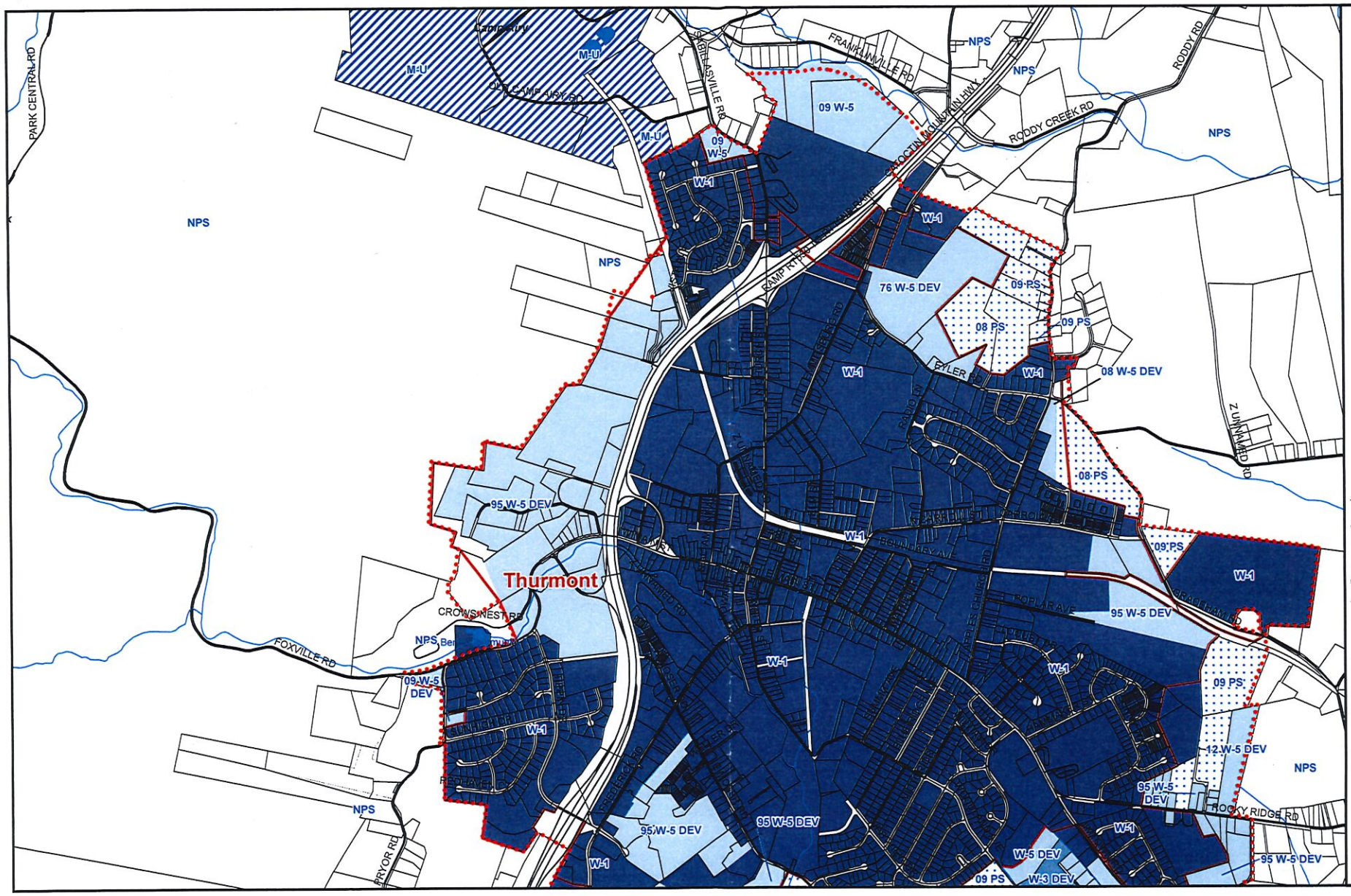
T. W. Bond DATE: 4.24.19

TRAVIS W. BOND
MARYLAND PROFESSIONAL LAND SURVEYOR
#21435
EXPIRATION/RENEWAL DATE: 01-19-21
E-MAIL: tbond@pvsurveys.com

Google Maps Cross & Company, Proposed Development Simmers Parcel



Imagery ©2019 Google, Imagery ©2019 Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2019 200 ft



Water Service Areas

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

N W E S

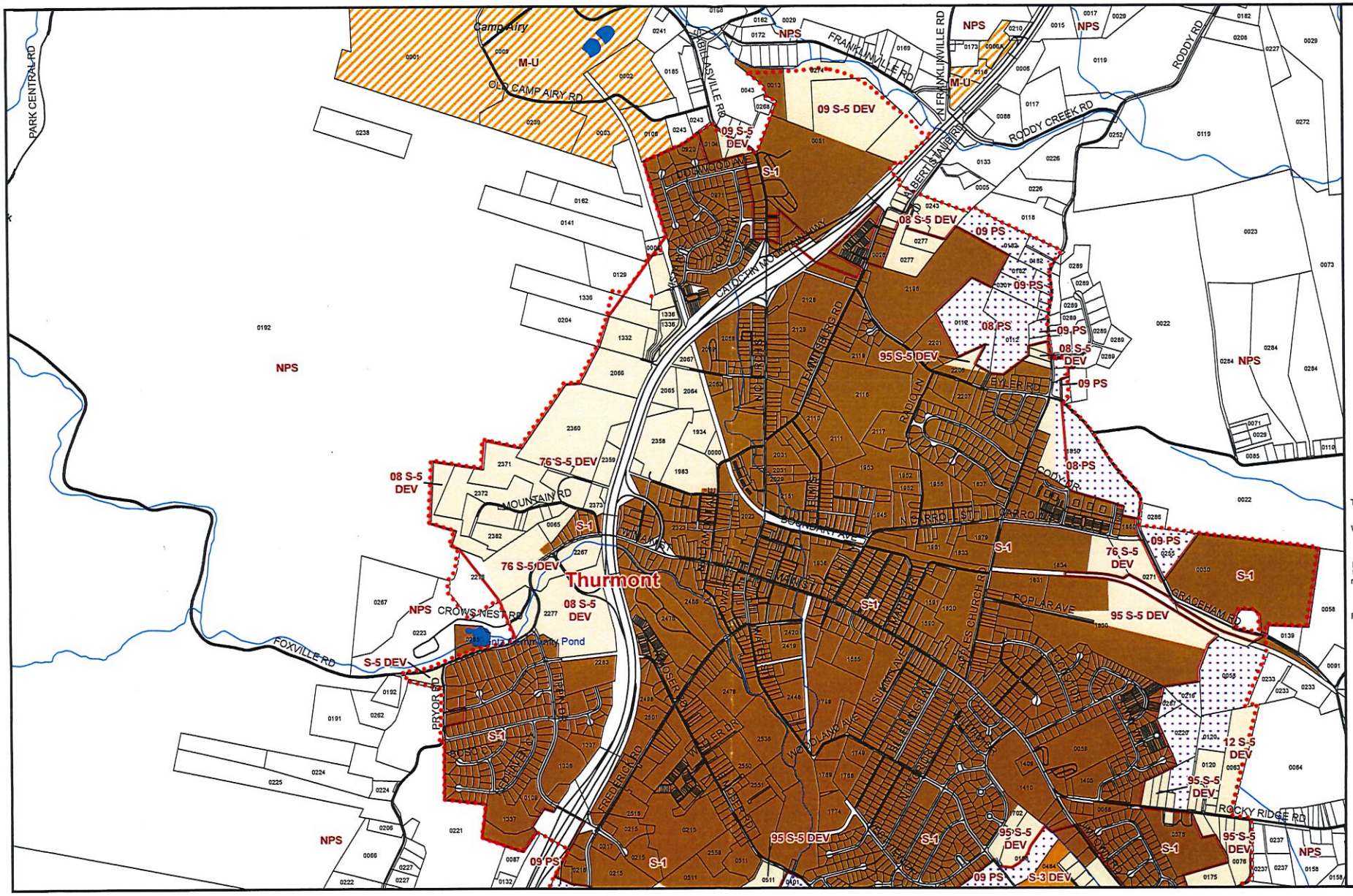
0 0.1 0.2 Miles

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

For detailed water service areas consult the offical Water Service Areas maps located at:
Community Development Division
Frederick County Government
30 North Market St.
Frederick, MD 21701
301-600-2324

October 14, 2014

Tax Map 19



Sewer Service Areas

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

N W E S

0 0.1 0.2 Miles

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For detailed sewer service areas consult the offical Sewer Service Areas maps located at:
Community Development Division
Frederick County Government
30 North Market St.
Frederick, MD 21701
301-600-2324

October 14, 2014

Tax Map 19

THE COMMISSIONERS OF THURMONT
615 East Main Street
P.O. Box 17
Thurmont, Maryland 21788
P: 301-271-7313
F: 301-271-2155

Memo

To: Planning and Zoning Commission

From: Kelly Duty, Zoning & Utility Inspector and Christopher Jakubiak, Town Planner

cc: Jim Humerick, CAO

Date: September 24, 2019

Re: Performance Car Wash of Thurmont Building Addition PRELIMINARY Plan

---

Background:

Performance Car Wash of Thurmont owners, Criswell Family LLC, propose a building addition to the rear structure located at 118 Frederick Road. In May 2019 the Planning and Zoning Commission reviewed and approved the addition plat for this site combining two parcels into one contiguous 1.07 acre lot. At the June Planning and Zoning Commission meeting the Performance Car Wash of Thurmont Preliminary Plan was granted conditional approval based upon the following: comply with staff report comments, landscaping plan to provide landscaping along Frederick Road and landscaping along the Reckley property line from the fence to the front of the lot, change the split rail fence to a 6' high fence preferably white vinyl, and sign plan.

To date the applicant has met these conditions of approval via revising the plan. In July, during planned renovations of the property, the applicant's contractor uncovered the non-construction-code-compliant construction of the existing structure. For public safety the applicant elected to immediately raze the walls, which Frederick County Permitting office echoed was a wise decision. Since the complete razing of the structure was outside of the parameters of the Zoning Certificate that had been issued, the applicant needed to revise construction plans that are under the purview of the County issued construction permit. (*It is important to note the zoning certificate was also revised to reflect the razing of the structure. However, the nature of the use, the internal workings of the site, nor the existing or proposed utilities had changed. The essential character of the site, which the Planning and Zoning Commission worked hard to standardize to code, had not been altered by the ultimate findings in the field.*)The applicant was permitted to clean up the site, but construction ceased until the County could review and approve revised construction plans. To date the review and approval has been issued by the County.

The applicant's property is zoned General Business, which allows a car wash and detailing as a permitted use. The applicant is proposing a building addition, which in accordance to the Zoning Ordinance, is being reviewed with the following comments:

Review Comments:

1. The site consists of one, 1.07 acre parcel zoned General Business, GB, with an existing car wash use.
2. The existing site: open bay car wash is 106' x 25'; automatic car wash is 33' x 42'. The site is under construction to replace the open bay car wash.
3. The applicant proposes new construction to consist of a 55' x 34' building to house 3-detailing bays with a utility room and an 8' x 22'structure to contain the oil dyke / compressor.
4. Ingress and Egress: consists of 1 entrance and 3 exits, which are marked on site via arrows painted on the asphalt.
5. This Preliminary Site Plan must include previous Plan elements. Based upon the plan provided, the conditions placed on prior approvals by the Planning & Zoning Commission appear not to be reflected. This plan must include the previously approved landscaping plan, lighting plan, sign plan etc. Due to multiple submissions it is difficult to review the plan based upon the end product. Rather than piecemeal the site, the overall end product is inherent to the integrity of the plan, as well as the character of the Town.
6. Applicant shall add the seal and signature of a Registered MD Land Surveyor and/ or the seal and signature of licensed Engineer or Landscape Architect as appropriate.
7. The applicant shall provide at least 2 bicycle parking spaces. Although, this is an automobile driven business, it is not exempt because employees may wish to bike to work.
8. Applicant shall explain how this building addition fits into their overall phasing schedule provided on the previous plan.
9. Applicant shall clarify: Preliminary plan states no additional lighting except at personnel entrances. However the elevations provided show building lights along all sides of the proposed structure. Applicant must clarify what shall occur on site, and explain its effect on the lighting plan. This goes back to the confusion expressed in the above comment number 5.
10. The landscaping areas along Frederick Road, on this plan, are depicted at varying sizes. Applicant shall correct the landscaping area around the light poles to be symmetrical, which was indicated on the previous plan. This goes back to the confusion expressed in the above comment number 5.
11. Landscaping along the building addition wall does not appear to be included. Section 6.4A of the Zoning Ordinance requires foundation planting along the side of the building facing the street.
12. The parking spaces do not comply with the dimensional standards. The spaces are only 15 feet long, with what appears to be a 3-foot wide open area between the back of the parking spaces and the retaining wall. The code requires that the spaces be 18 feet long. As a consequence of correcting this, it appears that some parking spaces may need to be removed in order to maintain a sufficiently wide drive aisle. This does not appear to affect the applicant's ability to supply the number of spaces required by the zoning code.
13. There is no handicap parking provided. At least one space should be provided.
14. It is not clear from the architectural drawings whether there will be roof top equipment and if so whether it will be screened as required. The applicant shall clarify.
15. In speaking with the applicant's representative, he believes the project is exempt from County storm water management review and forest conservation review. However, the forest resource ordinance does apply to this site. The questions is whether the applicant has obtained an exemption, which may or may not be permitted by the County. At minimum, the applicant will need to add a note to the plan to clarify and confirm that proper exemptions have been granted, where required, upon County

review of the composite of the development activities the applicant has sought (see #16 below). Written confirmation from the County to the Town will be needed before final site plan approval.

16. This plan must contain a full account of the site changes and development activities approved to date.

The Planning and Zoning Commission may wish to consider granting conditional approval based upon staff comments as well as findings during the review of the Preliminary Plan.