

# **THURMONT PLANNING AND ZONING COMMISSION MEETING**

**1/23/14 AT 7:00 PM**

**Thurmont Town Office, Meeting Room**

## **Agenda Topics**

- 1.) APPOINTMENT OF CHAIRMAN AND VICE  
CHAIRMAN
- 2.) PUBLIC HEARING – REZONING REQUEST –  
STONEWALL ACRES LLC
- 3.) PUBLIC COMMENTS

# **Minutes from January 23, 2014 Planning and Zoning Commission Meeting**

A meeting of the Thurmont Planning & Zoning Commission was held on Thursday, January 23, 2014 at 7:00 p.m. Present were: Chairman, Randy Cubbedge; Planning Commission Members, Randy Waesche, Ray Williams, Wayne Martin and Sabrina Massett; Commission Liaison, Mayor Kinnaird; Commissioners Hamrick and Buehrer; CAO, Jim Humerick; Sr. Administrative Officer, Becky Long; County Planning Rep., Denis Superczynski; Barrett Irons, Noel Manalo, Marc Lessons, Fran Zeller, Mitzi Boswell and Nicole Burris.

## **Appointment of Chairman and Vice Chairman**

Commission member Martin made a motion to nominate Ray Williams as Vice Chairman. Commission member Waesche seconded the motion. Vote – all for. Motion carried.

Commission member Williams made a motion to nominate Randy Cubbedge as Chairman. Commission member Martin seconded the motion. Chairman Cubbedge stated for the record that his term officially ends in February, but he has resubmitted to the Board of Commissioners for another term. So if not approved, they would have to do this all again. Vote – all for. Motion carried.

## **Public Hearing – Rezoning Request – Stonewall Acres LLC**

Denis Superczynski presented the Staff Report on the proposed development (see attached). Staff recommends that the Planning & Zoning Commission continue the Public Hearing to allow the Applicant to address project design issues and to allow P&Z members, Town Staff, and the public to review the updated Concept Plan for Stonewall Acres.

The current proposal, while in many ways meets the general standards set forth in the TND, fails to address core design principles set forth in the TND ordinance. The existing proposed plan can be reconfigured to meet the standards centering on traditional streets. The inclusion of an alley way serving the internal block of townhouses would accomplish the necessary parking without the need to construct head-in parking bays which greatly interrupt the perception of a traditional street section. The addition of single-family detached dwellings at key points opposite the internal townhouse block would permit the Applicant to design streets more in line with those anticipated by the code.

Additional attention to the architectural design of the townhouses would go a long way toward diminishing the impact of so many identical homes – lacking any real connection to traditional small town building forms, let alone those of Thurmont – being constructed at this density (6 DUs/acre).

Mr. Superczynski stated that the density does meet the standards set forth in the TND ordinance and this could be best characterized as a good start in terms of putting forward a project that might ultimately receive a favorable recommendation from the P&Z Commission.

Commission member Waesche asked for clarification as to what their job as P&Z is. Mr. Superczynski said it is up to P&Z to determine if it meets the TND standards and then make a recommendation to the Board of Commissioner and it would be up to them to make the final decision as to the rezoning.

Mr. Superczynski gave a little history on this proposal. This Applicant first came seeking rezoning for this in 2006. At that time they wanted rezoned to an R2 District, which is very similar to the zoning surrounding it and that did not receive a favorable vote from the Commissioners at the time. The thought was if approved it would not give them any control as to what type of development would go in there and the TND Zone Ordinance was adopted and it could apply to any number of sites including this one. The Applicant has been very good about coming to the Town multiple times to have discussions with various personnel in order to address the pre-application requirement of the ordinance. They have worked thru several iterations of the planning over the past 2 or 3 years, going from the first version of the plan that covered virtually the entire site to this version. This current version addresses the storm water management in the most realistic way up to this point. He thinks it was understood early on that any development on this site would be severely constrained from using the entirety of the land area in that development scheme unless significant areas were turned over to storm water engineering purposes and the Applicant has accomplished that. He thinks where this particular iteration of the plan falls short is on some of the traditional street design issues, which are critical. They are fundamental to the whole idea of the TND. As noted in his Staff Report, he has no qualms with a high density development here, but having said that, the way in which this has been proposed and the form it has taken, it doesn't address the traditional elements that are key to this TND being successful. And again he thinks it is something that can be accommodated with design changes. But it is up to the Applicant to see if they can respond with something that is more in tune with the ordinance. We have been in contact with the Applicant and they are aware of these issues.

Commission member Martin asked if there was any reason they couldn't vote on this, pending all of these corrections. Mr. Superczynski said they could do that, but he wouldn't advise doing it.

Chairman Cubbedge asked if the 144 homes would put any impact on the current sewer capacity. Mr. Superczynski said that during the informal meetings it was determined he believes that our raw capacity to handle the water and sewer at that capacity was adequate.

Commission member Massett asked about how the Applicant came to the Storm Water Management offsite impact and if they could get a copy of the letter concerning the Storm Water Management. Mr. Superczynski had the letter and he hoped the Applicant would walk them thru their process of vetting their concept approach to dealing with storm water on the site. In 2007 the State of Maryland adopted a new way of doing Storm Water Management. One of the results of that change is a 3 part Storm Water Management planning and review process. The first level is the Concept Review Period and they have to meet the State MDE requirements and the County requirements. And he thinks the Applicant will address how they have met the standards as set forth in the TND Floating Zone, which goes beyond these requirements, in their presentation tonight. As he mentioned in his report that not developing over half the land is a good start in addressing the storm water issue. Storm Water Management for Maryland now requires management at a micro level. Ms. Massett then asked if this management dealt

with both water onsite and how it impacts the area around the site with water going off. Mr. Superczynski said that quantity and quality would have to both be addressed for water leaving a site. And the Ordinance state specifically that adjoining properties do not bear any adverse environmental impacts as a result of the proposed TND and they don't have to improve the storm water runoff to adjoining properties but they can't worsen it.

Chairman Cubbedge stated that we still currently have policies that state, development will not affect current existing property and we have the ability to require an outside engineering source to come in for storm water management at the applicant's expense for more clarification.

Noel Manalo (Law Offices of Miles & Stockbridge) representative for the applicant, Stonewall Acres LLC along with Marc Lessons (Stonewall Acres), Fran Zeller (Harris Smariga Civil Engineering and Land Planner) and Mitzi Boswell (Buckeye Development, a consultant on the project) were at the meeting. Mr. Manalo gave a brief history of the property and the attempts to have it rezoned. He feels that they now have met all the criteria to be rezoned to TND.

Mr. Manalo stated that after receiving the Staff Report from Mr. Superczynski and seeing his comments about the concepts, the layout and character that would more closely mirror and match the Town of Thurmont as it currently exists. In the past couple of days their team has responded to some of these comments and has tweaked the concept plan.

Fran Zeller stated since their last attempt to rezone this property they have had Geo Tech out and have done a lot of digging on the site and a lot of explorations of the soil. After gathering all of this information, they have generated a new plan. He then went over the diagram showing the storm water drainage. He stated that the problems that exist today with the ditch that runs under the power line that runs up to Fort Ritchie and with the water that backs up upstream of Emmitsburg Rd will still exist but they would not add to it. They will try to clean up the ditch line and let the water run thru there, but there is no plan to change that and we are not required to do anything with that existing drainage. But what we do have to do is manage our own water to pre-development rates and adhere to the quality requirements set by the State. This plan shows that we are going to keep the natural depressions with the really big trees in the NW corner of the property and in the forested area at Pleasant Acres and Radio Lane. In this preliminary sketch we are going to preserve most of the pasture and all of the forest and the idea would be to use the natural depression area closest to the NW corner at Emmitsburg Rd as a quality measure and it will also provide some quantity. We will also build an oversized storm water area on the upper part of the pasture and that would naturally drain to the natural channel that crosses thru the woods and passes to the south to two more natural depressions that will further filter that water and retain it before it continues its flow as it currently does downstream. We also have a smaller area to the southern corner that will also retain water and not release it at any greater quantity than it is today. These areas are designed to release water slower than it currently flows. As we move forward these plans will be detailed out.

Chairman Cubbedge asked with the engineering they had done so far, do they have any measurements for what the water flow is now to use as a baseline, since what they are proposing won't make the

storm water runoff worse. Mr. Zeller said they would be able to supply the Board with the volume of water going across the property before anything is done to the property and the measurement would be in cubic feet. Mr. Zeller said they would manage the water to a predevelopment rate or less.

Commission member Williams asked if they had thought about the need for a fence around the storm water retention areas and the visual aspects of it. Mr. Zeller stated if there was any fencing it would probably be black vinyl clad, nothing shiny, with maybe some landscaping along it to lessen the effect of a chain linked fence.

Chairman Cubbedge asked about the entry to the development from Emmitsburg Rd. Mr. Zeller stated that Emmitsburg Rd is a State road and they haven't gotten to that detail yet. Mr. Superczynski said there will probably have to be a traffic study done to see what might be needed in the engineering.

Chairman Cubbedge said his personal goal sitting on this Board is protecting the citizens of Thurmont and not impact their services and their rights. And if you only have one way in and one way out, you will not get his vote for this. We have told you this every time you have come before us. You need to have more than one access point. The gravel emergency access is not acceptable. Mr. Zeller stated that they are proposing an additional entry at both the north and south side of the property at the currently undeveloped properties. These properties will be developed in time and will provide the additional access points. Chairman Cubbedge said someday was great, but it doesn't help the situation at hand. We are looking at this development today, not what might be in the future, but that is just his personal opinion and he doesn't speak for the Board. Commission member Williams agreed that they need to have a second access point. Commission member Waesche said it was a matter of safety not having more than one access point and he can't get past this issue either. Mr. Zeller stated that the reason they only did the connection to Radio Lane as an emergency access was because of the concern it would become a cut thru for the Pleasant Acres Development and cause an even bigger problem on Emmitsburg Rd. Chairman Cubbedge told Mr. Zeller that this is not something new the Board is telling them. They have voiced their concerns over the access points to this development every time rezoning has been requested. And this is a big public safety issue.

Mr. Zeller then presented another option they were working on and had not been given to the Board to review yet. This proposal reduces the density down by having no multi-family units, 15 single family units and 99 townhomes; also we have introduced parallel parking. To get the parking to work we have created small parking courts off the road that would serve the townhouse section. But we still have the issue with the second connection. This design is more in line with what the TND describes. Chairman Cubbedge asked with the change in parking, what width the streets would be now. Mr. Zeller stated that in the original design it was around 60 feet, now it would be around 38 feet. Chairman Cubbedge then asked with parallel parking on both sides of the street, where would they put the cars to remove the snow. Mr. Zeller said they would have a private contracted snow removal company that would come in with small bobcats and backhoes to remove the snow and if need be dump trucks. Commission member Williams said that this design does put them closer to the TND, but they still lack a second entry.

Mr. Manalo said they are trying to incorporate everything the Board wants and now another factor to consider is the snow removal that was just brought up. And they will continue to take all of their comments back and get with Mr. Superczynski and refine this to get the Boards approval.

After a brief discussion among the Board members, Mr. Superczynski said if they were going to require the development to have a second access point, he would not suggest they ask for a traffic study at this time. Commission member Waesche stated that he thought asking for at least two access points was very reasonable. Mr. Superczynski stated that he thought Radio Lane was still a viable option to create a second access point, since it is a paved road even though it is not ideal.

Commission member Waesche asked how they could deal with any sort of conditional approval for the storm water measurements if after the development is completed and they find there is more going off than before. Once it's built out and sold to various property owners and the developer is out of it, then who's going to be liable. Commission member Williams said there again he would recommend that the Town use their option to rely on a third party engineer to tell us how to protect ourselves. The first thing we have to rely on is an engineer to tell us if it's going to work. Legally they can bond it for 1, 5 or 10 years based on the engineering design and they can bond it and the developer would be responsible especially until construction is complete.

Chairman Cubbedge said we have a policy that basically states, a new development cannot impact existing development. The Board then discussed problems that arose from the Pleasant Acres Development. Mayor Kinnaird said that's the problem with a mass grading permit, they graded it entirely differently than it should have been graded and they were within their right to do this, but it caused the runoff problems. And something that we had talked about is somehow putting teeth into it with the topographical plan that's there in the preliminary planning and that's still there when the project is finished out. The grading is a County issue.

Mr. Superczynski stated that by getting a third party engineering opinion, they will look at what is being proposed and tell you whether or not it is reasonable to assume that it will work. And you can go beyond that and have the engineer to say if there are alternatives to what is being proposed. After the zoning has been approved, you are then back to performance bonding and asking have the improvement plans actually been realized, but that's a whole other set of issues.

Chairman Cubbedge said that in essence until the Developer comes up with their final plan, we can't ask for a review by a third party.

### **Public Comments**

Barrett Irons stated his house is opposite the driveway to this proposed development and will see all of those 104 houses exit that property. He appreciates the Board for their concerns for the residence of Thurmont and looking out for our interests. He is back here again, asking for the zoning request to be denied. He supports the current zoning of the property, which allows for 6 homes. By living across the street he sees what goes on at the property. He gave the Board photos of the storm water issues at the property from a year ago. He also said traffic is an issue and the exit, because all of those headlights

coming out of this property will be directed right on his house. He talked to Geo Tech when they were out at the property digging holes all over. And he asked them about the area right next to the entrance, and he was told they got water after only drilling 8" down during a dry spell. Mr. Irons would like the Board to also look at what the property takes in, as well as what will be coming off of it.

Mr. Irons also stated that there is an erosion problem going on under the roadway from the water problem that is already there. He asked that they deny the rezoning request.

Nicole Burris stated that she has lived on the property for the past 7 years and the pasture is constantly soaked. The people responsible for mowing the hay in the summer don't usually mow it until the end because it is always wet. There is a section of driveway that if there is a heavy rain or when the snow melts it is completely covered.

Mr. Manalo asked if they were to use the right of way at Pleasant Acres as their secondary entrance to the property, would the Board consider that. Being this is already a platted existing right of way it would be the optimal place to do it and this would address the Boards concern of having another access point. They are still seeking the TND zoning and they will address the parking and the town fell as well as the secondary access point. Losing some of the trees there will be factored into the design.

Commission member Williams made a motion to postpone any decision and continue the Public Hearing until the March meeting to allow the applicant to provide more information and to get any staff comments and repost the Public Hearing for any foreseen properties that may be affected by the new design. Commission member Martin seconded the motion based on the information received since the meeting started.

Discussion was held and the applicant will need to submit the new information and plans by February 24, 2014 in order to advertise for the Public Hearing on March 27, 2014.

Commission member Williams amended his motion to postpone any decision and continue the application for rezoning request R-1301 to allow for additional information and redesign from the applicant with the stipulation that the applicant submits the new information to them for review by February 27th and to continue the Public Hearing to the March 27<sup>th</sup> meeting at 7 p.m.

Commission member Martin seconded the motion. Commission member Waesche wanted clarification that the applicant is still requesting rezoning to TND with this redesign. Chairman Cubbedge said yes. Vote – all for. Motion carried.

The next regularly scheduled meeting will be February 27<sup>th</sup>. If no plans are submitted, no meeting will be held.

Chairman Cubbedge asked where we stand with River Run Farms. Mayor Kinnaird said they are working thru some electrical issues now with power lines that run thru the site. They need to do a study and see what configuration needs to be done to the lines down there before the project moves forward and the applicant is aware of that, they have the paperwork.

Chairman Cubbedge then asked if there was any word on the demolition and cleaning up of the property for Advanced Auto. Mr. Superczynski stated that they have not submitted their FRO plan. There is a specimen tree more than 30" in diameter on the property and an Arborist is coming in to determine if this tree is damaged or if it needs to be protected. If it is not damaged then they will need to design the site around it. But, as of last week they had not filed anything.

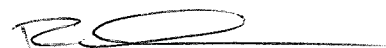
Chairman Cubbedge stated that they need to keep an eye on how long Advance Auto and River Run takes to begin building since they only have 2 years from the time of approval. Mayor Kinnaird stated that the time has run out for the site on N. Church Street for the townhouses and we are in the process now of getting them to put sidewalks back in. They had removed them because they wanted to put the townhouses right up against the sidewalks and it would be easier to do that after the townhouses were built.

Commission member Waesche asked about the 20 acres the Ambulance Company bought. Mayor Kinnaird said that property would remain in the County. Mr. Superczynski said that the property backs up to the Town boundary and the County had approved the site plan a couple months ago. They will have a nice driveway to serve the site along Woodland Ave., but if the Lawyer property is ever annexed into the Town then they will have to form and build a public road and pull the driveway in coordination with that. Mayor Kinnaird said water and sewer stops at the Town boundary and if they want to get water and sewer from the Town, it would be at their expense and they would need to get permission to go across other properties that are there. They would have to come up with an agreement and would have to maintain the lines. Mr. Superczynski stated that the plan for the property shows a really large building, parking area and a park area that shows 2 picnic pavilions. They stated in their application that they only plan to use lights as needed in the parking area. They also have a vegetative buffer to reduce headlight glare going towards the houses close to there. Commission member Martin stated the reason for the pavilions is because often when they wanted to use the ones at the Park, they were all booked up.

Chairman Cubbedge asked for a motion to dismiss. Commission member Williams made a motion to dismiss. Vote – all for. Motion carried.

Without further discussion the meeting adjourned at 9:20 p.m.

Respectfully submitted,



Robin Clem  
Recording Secretary



# Thurmont Planning Commission

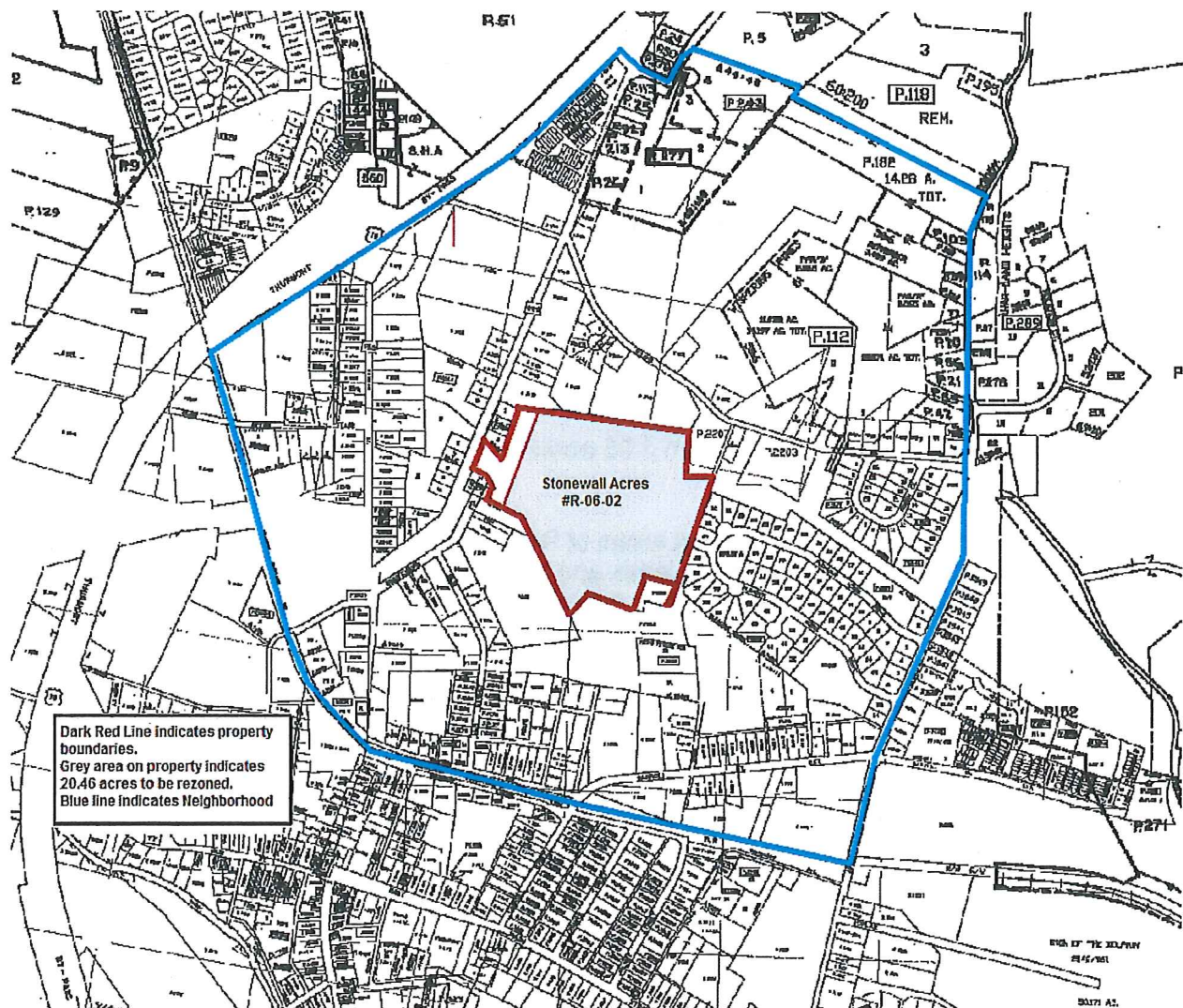
January 17, 2014

## STAFF MEMORANDUM

**APPLICANT** Stonewall Acres, LLC

**REQUEST** Zoning Map Amendment – Stonewall Acres Property  
Case #: R-13-01  
Site Area: 20.46 acres (portion of 23.51 acre parcel))  
Existing Zoning: A1 (Agricultural)  
Proposed Zoning: TND (Traditional Neighborhood Development)

**LOCATION** East side of Emmitsburg Road (MD 806); South side of Eyler Road Road; West side of Radio Lane and Pleasant Acres Subdivision



## **DESCRIPTION OF PROPOSAL**

Stonewall Acres LLC proposes the rezoning of 20.46 acres of their 23.51 acre parcel from A1 (Agricultural) to TND (Traditional Neighborhood Development). Much of the site has been zoned A1 (or equivalent) since the introduction of zoning to Thurmont in 1965. The applicant proposes the construction of a 140-unit residential development with primary access to Emmitsburg Road and emergency access to Radio Lane and Eyler Road. An existing farmstead complex, with driveway access to Emmitsburg Road, is situated in the center of the site. These existing structures are to be demolished. The project would include 104 townhouse dwellings and 36 multi-family dwellings in six buildings.

Based upon Thurmont's average household size of 2.6 persons, this project would generate approximately 364 residents, or, stated another way would increase the Town's population by 5.9% over the course of its development (presumably over multiple years). Thurmont's population in 2010, as recorded in the US Census, was 6,170 persons.

## **LAND USE**

The site is currently undeveloped with the exception of the farmstead mentioned previously.

Surrounding land uses in the neighborhood include a mix of residential, commercial, agricultural, recreational, and industrial uses. In the immediate vicinity of the proposal are scattered residential and agricultural uses with single family homes predominant along Emmitsburg Road, Carroll Street, and Elm Street. Low- and Medium Density single-family homes are prevalent along Apples Church and Eyler Roads to the north and east. The Pleasant Acres subdivision, immediately adjacent to the east along Radio Lane, contains 63+ single family homes. Light industrial uses exist to the south primarily along the Maryland Midland rail line while limited commercial uses are present on both ends of North Church Street (MD 550) between the railroad bridge and the US 15 interchange.

## **ZONING**

Zoning of the site is currently split between 3.05 acres of R-2 (Low Density Residential) and 20.46 acres of A1 (Agricultural) land.

Neighborhood zoning includes substantial areas of R-2 (Medium Density Residential #1), to the west and south with areas of General Business and Industrial along the southern end of North Church Street and along the railroad corridor. Areas to the north and east are a mix of R-2, R-1, A1, and OS.

The TND zoning, as requested, is intended to provide for residential development built to the scale and general arrangement of Thurmont's traditional town center neighborhoods.

Permitted uses in the TND District include: single-family detached dwellings, duplexes, triplexes, townhouses, two-family dwelling units, multi-family dwellings, agricultural uses (permitted in the A-1 district), live-work units, daycare centers, neighborhood commercial uses, and personal services.

Dimensional requirements vary based upon the uses proposed.

## **MASTER PLAN**

The site is designated for Medium Density Residential use in Thurmont's 1998 Master Plan. All

adjoining properties and most areas within the neighborhood are also designated for Medium Density Residential.

Application of the TND zoning district on the subject property would be consistent with the Master Plan.

## **PUBLIC SERVICES AND FACILITIES**

Traffic Study: The APFO requires a traffic impact study of any applicant seeking preliminary subdivision approval for a use generating at least 25 peak hour vehicle trips.

Schools: The APFO's school test would be applied to this property should it be developed as a residential use. Current school capacity (as of March 31, 2006) is as follows:

Thurmont Primary :	57% of state rated capacity (252 available seats)
Thurmont Elementary:	66% of state rated capacity (164 seats available)
Thurmont Middle:	68% of state rated capacity (287 seats available)
Catoctin High School:	84% of state rated capacity (175 seats available)

Based on the applicant's proposal for 104 townhouse dwellings and 36 multi-family dwellings, the following approximate pupil yield would result:

Elementary/Primary:	34
Middle:	22
High:	27

Water and sewer service: The site is classified as W-1/S-1 indicating the availability of existing service. Based on the proposal for 67 dwellings the development would require approximately 42,000 gallons/day of water and sewer capacity.

Access/Circulation: The site has frontage along Emmitsburg Rd. (MD 806) and Radio Lane. Emmitsburg Road is maintained by the State Highway Administration and is currently about 24 ft. wide with no curb and gutter. This roadway is classified as a Collector (60 ft. wide) in the Master Plan. Radio Lane is primarily a private road with a 14-16 ft. width and a gravel surface. The Master Plan classifies Radio Lane as a Local road with plans for eventual improvement as a public road constructed to local street standards (50 ft. right-of-way). The Master Plan also shows a new street connection that would connect Emmitsburg Road with Apples Church Road. A portion of this connection has been provided through the Pleasant Acres development between Apples Church Road and Radio Lane. At the time of eventual development of the Stonewall Acres property, the completion of this through-connection should be considered. The current proposed TND development identifies an emergency access road from the Stonewall property to Radio Lane.

Storm Water Management: The applicant would, if successful in this rezoning application, be subject to any and all stormwater management regulations and policies in effect in the county and town. A letter from the County's Development Review Engineering department indicates that "...it appears that all necessary precautions are being taken to eliminate any additional drainage problems while at the same time addressing the required stormwater management [regulations] on this site in accordance with the MDE Stormwater Management Design Manual." (from Dave Crable, Project Manager, dated March 8, 2013).

Parks and Recreation: Nearby facilities, including Eyler Road Park (north) and the 1-acre Pleasant Acres neighborhood park (east), would likely serve any development on the site, subject, however, to APFO and other development review standards.

Public Safety: Any development on the site would continue to be served by the Thurmont Police Department, Frederick County Sheriff's Office, Maryland State Police, Guardian Hose Company (fire and rescue), and the Thurmont Community Ambulance service. Fire & rescue facilities are located less than 1-mile from the subject property.

Libraries: This project would be served by Thurmont Regional Library on East Moser Road. Pedestrian access to the library is possible via the Thurmont Trolley Trail terminating at the carnival grounds on E. Main Street.

## TND STANDARDS

### Purpose

a) The TND Floating Zone District shall provide for residential development built to the scale and general arrangement of Thurmont's traditional town center neighborhoods.

*Staff Comment: The Applicant has not demonstrated how this proposal utilizes distinguishing characteristics of Thurmont's town center neighborhoods.*

b) Traditional site and building design will be mandated through these regulations and those set forth in the Town's Subdivision Regulations.

*Staff Comment: The Applicant has not demonstrated how this proposal utilizes distinguishing characteristics of traditional site and building design.*

c) The TND Floating Zone District shall provide for residential development at a scale and density similar to Thurmont's older neighborhoods located in and around the town center area.

*Staff Comment: The Applicant has not demonstrated that the proposed density and scale of the development is similar to Thurmont's town center neighborhoods.*

d) Street sections, building arrangement, building orientation, building massing, pedestrian and vehicular ways, public spaces, streetscaping, and other neighborhood design factors shall be deployed in such a way as to reflect the best and most elemental characteristics of the community's older places.

*Staff Comment: The Applicant has addressed pedestrian connections and future road connections to adjacent sites, but has not demonstrated how the proposed street section and building arrangement relates to Thurmont's older neighborhoods.*

e) An interconnected network streets, alleys, and sidewalks that provide multiple ways into, and out of, TND developments will be a required feature of new growth in the TND.

*Staff Comment: The Applicant has provided one primary access point into the proposed development. The Applicant attempted to gain direct access to Eyler Road but was not able to reach an agreement with an adjoining landowner. An emergency access roadway is identified on the proposed plan which would provide access to Radio Lane and Eyler Road for emergency vehicles only.*

f) The development of buildings and structures that take their architectural cues from the design, massing, and arrangement of buildings traditionally constructed in Maryland's small towns prior to 1950 will be a desired feature of development in the TND.

*Staff Comment: The Applicant has not demonstrated how the proposed structures exhibit architectural characteristics of older small town buildings.*

## Requirements

1) A TND development shall be a minimum of ten (10) acres in size, and no greater than fifty (50) acres in size, and may consist of a single parcel, a portion of a single parcel, or multiple parcels, under the ownership or control of one or more owners or developers;  
*Staff Comment: Requirement satisfied.*

2) An application to apply the TND Floating Zone shall be for a single project;  
*Staff Comment: Requirement satisfied.*

3) A TND application shall demonstrate the proposed development's consistency with the goals and policies of the Thurmont Master Plan;  
*Staff Comment: Requirement generally satisfied regarding proposed development within the Town's boundaries being a priority over annexation of additional land.*

4) A TND development shall provide for a mix of uses - which may include residential, civic, employment, and open space - arranged in close proximity to one another within the neighborhood. Employment uses will be limited to no more than three percent (3%) of the gross amount of land in any single project in the TND Floating Zone and under no circumstances may exceed 20,000 square feet of finished interior space in a single project;  
*Staff Comment: The Applicant is proposing two residential uses – townhouses and multi-family dwellings. While the ordinance provides for employment and civic uses to be incorporated into a TND, the application is consistent with this requirement.*

5) A TND development shall create a neighborhood that is compact, designed for the human scale, that incorporates a system of narrow, interconnected streets and sidewalks, that provides multiple routes to, from, and within the neighborhood for vehicles, bicycles, and pedestrians;  
*Staff Comment: The proposed plan does not integrate a system of narrow interconnected streets into the development. The proposed street section would result in a suburban-style conventional townhouse development with head-in parking on either side and very little physical articulation of an environment consistent with that of a traditional street.*

6) A TND development shall provide for the connection of its planned streets, alleyways, and sidewalks to existing and future developments;  
*Staff Comment: The Applicant has provided potential connection points to surrounding and adjacent lands in order to accommodate future development, should it occur.*

7) A TND development shall provide for a mix of housing types and sizes;  
*Staff Comment: The Applicant has provided for two building types. While the small number multi-family structures appear to be of the same footprint and design is defensible given the scale of the development, there has been no effort made to differentiate the townhouse structures in terms of scale or configuration.*

8) A TND development shall incorporate significant natural features into its design;  
*Staff Comment: The Applicant has allocated over one half of the base land area for open space, forest, and stormwater retention. The maintenance of the natural forested stormwater infiltration area pulls "double duty" as a stormwater management feature and a passive open space amenity.*

9) A TND development shall retain structures with local or regional historically significant features or characteristics that enhance the visual character of the neighborhood and make every reasonable effort to maintain structures or site features of local cultural significance;  
*Staff Comment: The Applicant does not propose to maintain any existing buildings on the*

site, but has identified the maintenance of the existing eponymous stone wall on the property.

10) An application to apply the TND Floating Zone shall demonstrate how the proposed development will provide appropriate and adequate buffers to adjacent lands with existing or planned uses that are incompatible with those uses in the TND Floating Zone.

*Staff Comment: No incompatible uses adjoin this site.*

11) An application to apply the TND Floating Zone shall demonstrate how the TND development will be designed and constructed so that adjoining properties, as well as other non-contiguous off-site lands, do not bear any adverse environmental impacts as a result of the proposed TND development.

*Staff Comment: The Applicant has provided evidence that the Frederick County Development Review Engineering office has reviewed the preliminary stormwater strategy for the site and has found that it would likely meet both County and State standards for on-site treatment and off-site impacts.*

### **Special Residential Design Standards**

a) A dwelling unit shall face the public street upon which the dwelling is located.

*Staff Comment: The vast majority of structures appear to face the internal streets upon which they are situated. Two proposed townhouse units located at the far southern edge of the site do not appear to meet this standard.*

b) The front entry door of each dwelling shall be oriented toward the street upon which the dwelling faces. At least 75% of that street frontage shall be visible from

1) the front door; or

2) a street-facing ground floor window (except a garage window); or

3) a street-facing second story window (minimum 4x4 ft. window placed no higher than 3 ft-6 in. from the floor to the bottom of the window sill.

*Staff Comment: The vast majority of structures appear to face the internal streets upon which they are situated. Two proposed townhouse units located at the far southern edge of the site do not appear to meet this standard.*

c) At least one of the following shall be provided:

1) Separate Walkway – A separate (minimum 3 ft. wide) hard-surfaced walkway directly from the public sidewalk to the front door; or

2) Combined Walkway – A minimum 3 ft. wide, hard-surfaced walkway directly from the public sidewalk to the front door combined at the edge of the driveway, as measured from the edge of any garage door.

*Staff Comment: Separate walkways are provided to the front doors of the proposed townhouses while combined walkways are provided for the multi-family units.*

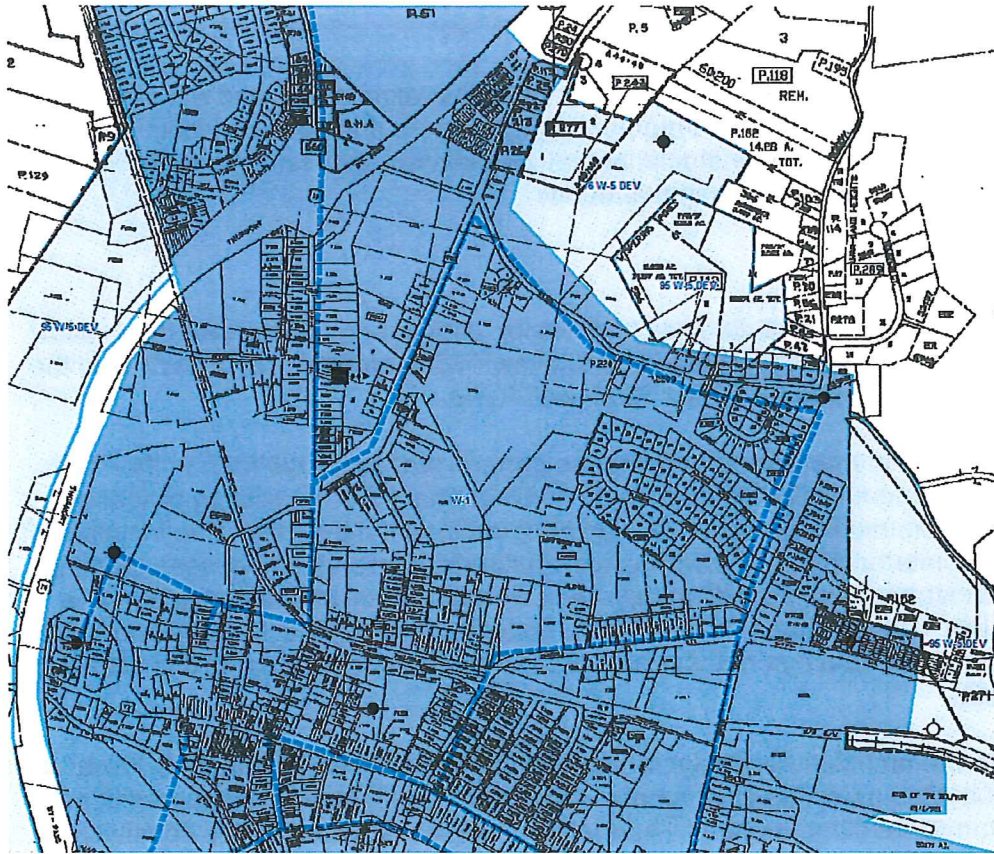
d) Existing lots of record not meeting the minimum dimensional requirements shall develop as follows:

1) Lots less than 8,000 s.f. shall meet the maximum lot coverage standard only.

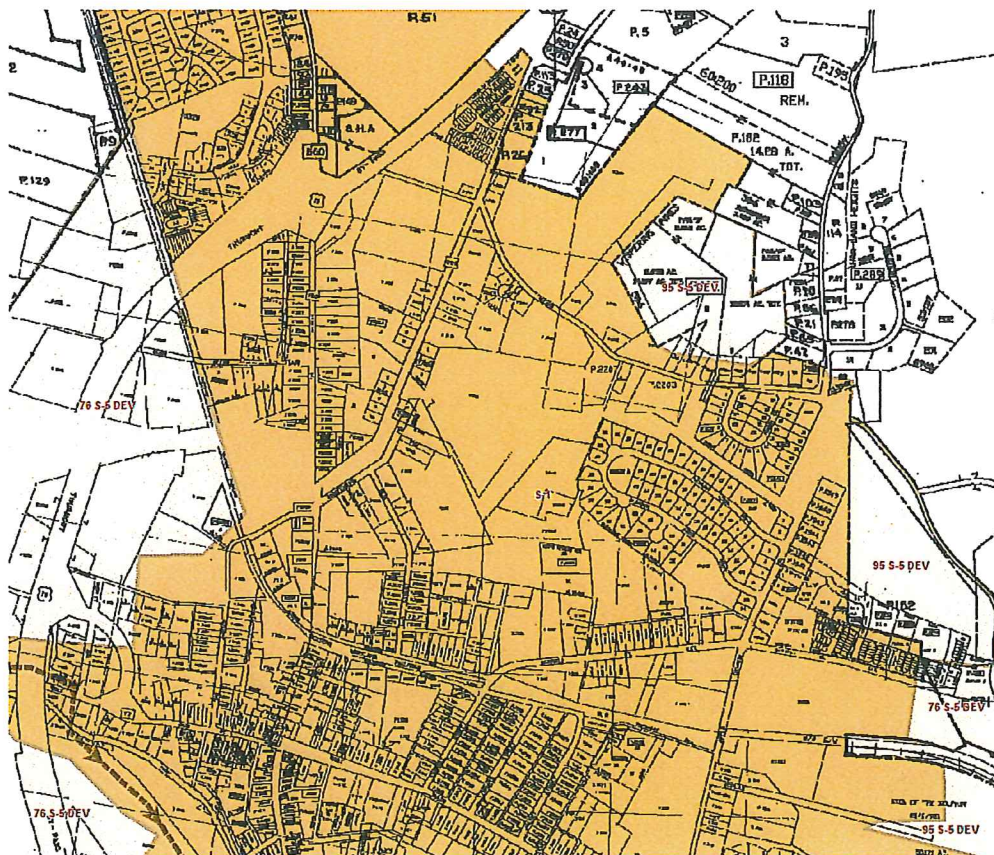
2) Lots 8,000 s.f. to 12,000 s.f. shall meet maximum lot coverage and side yard standards only.

*Staff Comment: Not applicable.*





Water & Sewer Plan Designation: Water Service, W-1



Water & Sewer Plan Designation: Sewer Service, S-1

## **GROWTH POLICIES AND ANNEXATION**

The Planning & Zoning Commission must consider, in its deliberation of this and other rezoning cases within the Town limits, that a robust argument against future annexations would likely include the idea that future development should be first considered upon lands already within the jurisdiction of Thurmont's planning and zoning authority.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning & Zoning Commission continue the public hearing to allow the Applicant to address project design issues and to allow P&Z members, Town Staff, and the public to review the updated Concept Plan for Stonewall Acres.

The current proposal, while in many ways meeting the general standards set forth in the TND, fails to address core design principles set forth in the TND ordinance. The existing proposed plan can be reconfigured to meet the standards centering on traditional streets. The inclusion of an alleyway serving the internal block of townhouses would accomplish the necessary parking without the need to construct head-in parking bays which greatly interrupt the perception of a traditional street section. The addition of single-family detached dwellings at key points opposite the internal townhouse block would permit the Applicant to design streets more in line with those anticipated by the code.

Additional attention to the architectural design of the townhouses would go a long way toward diminishing the impact of so many identical homes – lacking any real connection to traditional small town building forms, let alone those of Thurmont – being constructed at this density (6 DUs/acre).