TITLE: Westview South Residential, Phase III

FILE NUMBER: SP-98-36, AP 19265 (APFO 19266, FRO 19267)

REQUEST: Site Development Plan Approval
The Applicant is requesting site development plan approval for the development of 42 single-family attached dwellings (townhomes) on a 3.1-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: North side of Delegate Place, 800 feet northeast of the intersection of New Design Road and Executive Way

TAX MAP/PARCEL: Tax Map 86, Parcel 269
COMP. PLAN: Office/Research/Industrial (ORI)
ZONING: Mixed Use Development (MXD)
PLANNING REGION: Frederick
WATER/SEWER: W-3/S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: WVS Parcel 400, LLC (Matan Properties, LLC)
OWNER: WVS Parcel 400, LLC (Matan Properties, LLC)
ENGINEER: Harris, Smariga & Associates
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION:
Conditional Approval

ATTACHMENTS:
Exhibit 1 -- Westview South Residential Phase III Site Plan Rendering
STAFF REPORT

ISSUE

Development Request

The Applicant is requesting site plan approval for the development of 42 townhome lots in the final section of the Westview South Residential project. The 3.1-acre site was previously included as a remainder parcel for Section II of the project, and is now described as Phase III. All lots in the prior sections of Westview South Residential (Phases 1.1, 1.2, 1.3A, 1.3B, 1.3C and 2) have been recorded. Phase III proposes 42 townhome lots and will result in a total of 490 residential units within the overall project. Table 1.0 and Graphic #1 describe and depict the configuration and breakdown of lots and Phases within Westview South Residential.

The project is subject to the requirements of the Phase I rezoning, the Frederick County Code, Chapter 1-16 (Subdivision Rules and Regulations) for the Preliminary Subdivision Plan review and, for this report, Section 1-19-110.500 (Planned Development Districts – MXD Provisions), and Section 1-19-3.300 through 1-19-3.300 (Site Development Plan Review) of the Zoning Ordinance. This site plan portion of the project is being reviewed as “Townhouse” under the use of heading of Residential per §1-19-5.310 in the Zoning Ordinance.

Graphic # 1 Westview South Residential, Phase III – Project Phases
<table>
<thead>
<tr>
<th>Westview South- Residential Section</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dwelling Units – Type &amp; Quantity</strong></td>
<td></td>
</tr>
<tr>
<td>Currently Approved Plan (includes all Phases)</td>
<td>Proposed Phase 3</td>
</tr>
<tr>
<td>Single-family Detached</td>
<td>66 (front loaded: 29) (rear/alley loaded: 37)</td>
</tr>
<tr>
<td>“2 over 2” condo.</td>
<td>118</td>
</tr>
<tr>
<td>Multi-family</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>448</td>
</tr>
</tbody>
</table>
BACKGROUND

Development History

The Westview South Residential project is a portion of the overall Westview South MXD. The site was zoned Agricultural from 1959 to 1986, at which time it was rezoned to Office/Research/Industrial. The site is currently zoned MXD, applied in 1994.

Several portions of the overall Westview South project have been constructed, including a commercial area along MD 85 and an employment area along New Design Road and Executive Way. In addition, the site includes portions of the Ballenger Creek Trail, a community swimming pool, and a clubhouse/community center. The project is subject to a Development Rights and Responsibilities Agreement (DRRA) dated June 13, 2013.

The residential portion is currently under construction. Several revisions to the residential sections of Westview South have been made since its original 2014 subdivision and site plan approvals. Section III will complete the residential portion of the Westview South project, resulting in a total of 490 residential units.

Existing Site Characteristics

The project site is surrounded by MXD zoning to the north, south, east and west. The properties to the south are designated for employment uses with properties to the east beyond Ballenger Creek developed with a mixture of commercial uses. The project is bound on the west side by New Design road.

Ballenger Creek crosses the northern portion of the Westview South Residential project area, flowing from northwest to southeast into the Monocacy River to the east. Areas of the Site along Ballenger Creek are within the Federal Emergency Management Agency (FEMA) 100 year floodplain. However, the floodplain is located within the area of the project that was dedicated to the County for park purposes, and therefore no residential development is proposed within the floodplain. There are no steep slopes within the residential portion of the Project.

The Site has frontage and access along New Design Road and Executive Way. The Site is served by Tuscarora Elementary School, Crestwood Middle School, and Tuscarora High School.

The following graphic outlines the Phase III area within the Westview South Residential MXD project.
Graphic # 2 Westview South Residential, Phase III – Aerial Photography
ANALYSIS

Summary of Development Standards Findings and Conclusions
Phase III of Westview South Residential continues the variety of lay-out and design of townhomes in previously-approved sections of Westview South. A nearly equal mixture of designs in Phase III is made with conventional driveways and garages in the front of townhomes (‘front-loaded’) [23 units], and rear-loaded townhomes [19 units] with vehicular access to garages in the back of lots through alleys, which is a superior design for pedestrian safety, traffic efficiency and aesthetic considerations in a high-density residential neighborhood.

Detailed Analysis of Findings and Conclusions
Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

1. General Development Standards—Planned Development Districts §1-19-10.500.6:
Setbacks and heights shall be established by the Planning Commission at Phase II consistent with the general development standards as provided in §1-19-10.500.9. The following dimensional requirements are proposed for the townhome lots within Phase III of Westview South Residential, subject to approval by the Planning Commission:

<table>
<thead>
<tr>
<th>Dimensional Element</th>
<th>Front-Loaded Lots</th>
<th>Rear-Loaded Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>1,936 sq. ft</td>
<td>1,088 sq. ft</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>22 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Front Yard</td>
<td>20 ft.</td>
<td>N/A</td>
</tr>
<tr>
<td>Side Yard</td>
<td>5 ft.</td>
<td>5 ft.</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>15 ft.</td>
<td>3 ft.</td>
</tr>
<tr>
<td>Max Building Height</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
</tbody>
</table>

2. Landscaping and Screening §1-19-6.400: The Applicant has provided a landscaping plan on Sheet 3 of the site plan, which demonstrates compliance with the street tree requirements along Delegate Place. The Site Plan also includes deciduous and evergreen plantings on the north side of Ironsides Alley and Macdonough Place, both private streets. The landscaping shown along Ironsides Alley also serves as vegetative buffering of the parking lot and future houses in this location. Additional landscaping screening is provided along the east side of the lot 591. Landscaping for the previously approved Phase II portion of the project that adjoins Phase III is also indicated, with a note describing locational details.
3. **Lighting §1-19-6.500:** A lighting plan indicates five (5) 14-ft tall, strategically-placed, decorative light poles in Phase III, which meets the standard for pedestrian oriented developments in the MXD district. A photometric plan is included, with a note on the Plan stating that lighting shall be installed and designed to be fully shielded and directed downward to prevent glare and light trespass.

**Condition**

1. Planning Commission approval of the proposed dimensional standards as shown on the site plan and summarized on page 8 of the Staff Report.

**Transportation and Parking §1-19-3.300.4 (B), Pedestrian Circulation and Safety §1-19-6.220 (G):** The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

The Westview South Residential project has one access point with New Design Road and multiple access points with Executive Way. The vehicular transportation system in Phase III provides logical continuation and extension of the road network contained in the approved development phases surrounding Phase III: 1) Continuation of Ironsides Alley to MacDonough Place; 2) Extension of MacDonough Place to Constitution Street; 3) Connection of Revere Lane to MacDonough Place.

Phase III also contains the continuation of the sidewalk network from Phase II, promoting safe, efficient movement and completing the pedestrian network in the Westview South Residential community.

Parking standards for the proposed 42 townhome lots in Phase III require 2.5 on-lot parking spaces per unit, based on a 3-bedroom count for each townhome within Phase III. Each townhome contains a driveway, 15-ft. in width, sufficient for 2 on-lot parking spaces, plus a 2-car garage. The Planning Department operational policy considers ½ of the garage’s full parking potential to satisfy the site’s parking needs. Therefore, within Phase III, parking is provided in the following manner: each lot provides 3 on-lot parking spaces (a total of 126), a 14-space off-lot parking area, plus 9 on-street parking spaces (east side of Macdonough Place).

**Bicycle Parking §1-19-6.220 (H):** Bicycle parking was addressed and approved in the prior sections of the Westview South Residential project, and meets the standards of the Frederick County Bicycle Design Guide. No bicycle racks are located within Phase III. Sheet 7 (Parking) and Sheet 8 (Amenities) depict the locations of the previously-approved bicycle parking racks.

**Public Utilities §1-19-3.300.4 (C):** Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development.
proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

Like all other Phases within Westview South Residential, Phase III will be served by public water and sewer service, and carries a Water and Sewerage Plan classification of W-3, S-3. The site will be served by the New Design Road Water System and the Ballenger-McKinney Waste Water Treatment Plant.

**Natural features §1-19-3.300.4 (D):** Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

The site is essentially a flat, mowed field with no forest cover present. No FEMA floodplain or wetlands or other known natural hazards exist in the area known as Phase III Westview South Residential.

**Common Areas §1-19-3.300.4 (E):** If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.

Westview South Residential contains internal open space/green areas, a swimming pool and a community center/clubhouse. Portions of the Ballenger Creek Trail, directly adjacent to Westview South, were constructed by the project developer. A previously-approved amenities plan for the community is included on sheet 8 and lists the responsible entities for each feature and element, due to multiple developers connected to the overall project.

**Other Applicable Regulations**

**Moderately Priced Dwelling Units (MPDUs) – Chapter 1-6A:** Per Section 1-19-8.620.2, all residential developments consisting of 25 units or more on public water and sewer are required to provide no less than 12.5% of the total units as MPDUs. The overall Westview South Residential project contains 490 dwelling units, therefore 61 MPDUs are required. However, the Applicant has elected to utilize the Payment-In-Lieu of Building (PIL) option as allowed in accordance with § 1-6A-5.1 of the Frederick County Code as documented on the Preliminary Plan, AP 19262.

**Stormwater Management – Chapter 1-15.2:** A stormwater management concept plan for this project was approved on December 27, 2016.

**APFO – Chapter 1-20:** This development will meet the requirements of APFO at the preliminary plan stage and is therefore exempt from further APFO testing at site plan ($1-20-7(E)) . See Preliminary Plan AP 19262.
Forest Resource – Chapter 1-21:
The FRO plan for the overall Westview South Residential project was approved in 2008 (AP 7278) and the required FRO easements were recorded. The Phase III portion of the overall project does not impact the previously approved FRO.

Historic Preservation – Chapter 1-23: There are no historic resources on this property.

Summary of Agency Comments

<table>
<thead>
<tr>
<th>Other Agency or Ordinance Requirements</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Review Engineering (DRE):</td>
<td>Conditional Approval</td>
</tr>
<tr>
<td>Development Review Planning:</td>
<td>Conditional Approval</td>
</tr>
<tr>
<td>State Highway Administration (SHA):</td>
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<tr>
<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
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</tr>
<tr>
<td>Health Dept.</td>
<td>Approved</td>
</tr>
<tr>
<td>Office of Life Safety</td>
<td>Approved</td>
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<tr>
<td>DPDR Traffic Engineering</td>
<td>Approved</td>
</tr>
<tr>
<td>Historic Preservation</td>
<td>N/A</td>
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</tbody>
</table>

RECOMMENDATION

Staff has no objection to conditional approval of the site plan for the development of 42 townhome lots in within Phase III of the Westview South Residential project. If the Planning Commission conditionally approves the site plan, the plan is valid for a period of three (3) years from the date of Planning Commission approval and therefore would be valid until June 12, 2022.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.

2. Approval of the lot and yard dimensions as described on page 8 of the Staff Report and depicted on the Site Development Plan.
PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission APPROVE Site Plan SP 98-36, AP 19265 as listed in the staff report for the proposed development of 42 townhome lots on a 3.1-acre site within Phase III of Westview South Residential, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
Exhibit # 1 Westview South Residential, Phase III – Site Plan Rendering