



FREDERICK COUNTY PLANNING COMMISSION
August 14, 2019

TITLE: Ballenger Run PUD Land Bay D Final Site Plan

FILE NUMBER: SP-14-08, AP#19519

REQUEST: **Site Development Plan Approval**

The Applicant is requesting Final Site Plan approval to construct 36 townhouses within Land Bay D.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located on the north side of the intersection of Ballenger Run Blvd. and Ballenger Creek Pike in Ballenger Run PUD.
TAX MAP/PARCEL: Tax Map 86, Parcel 274,
COMP. PLAN: Medium Density
ZONING: PUD Planned Unit Dev
PLANNING REGION: Frederick
WATER/SEWER: W-3/S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: SED Md. Development LLC
OWNER: Same
ENGINEER: Harris, Smariga and Assoc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Jerry Muir, Principal Planner I

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

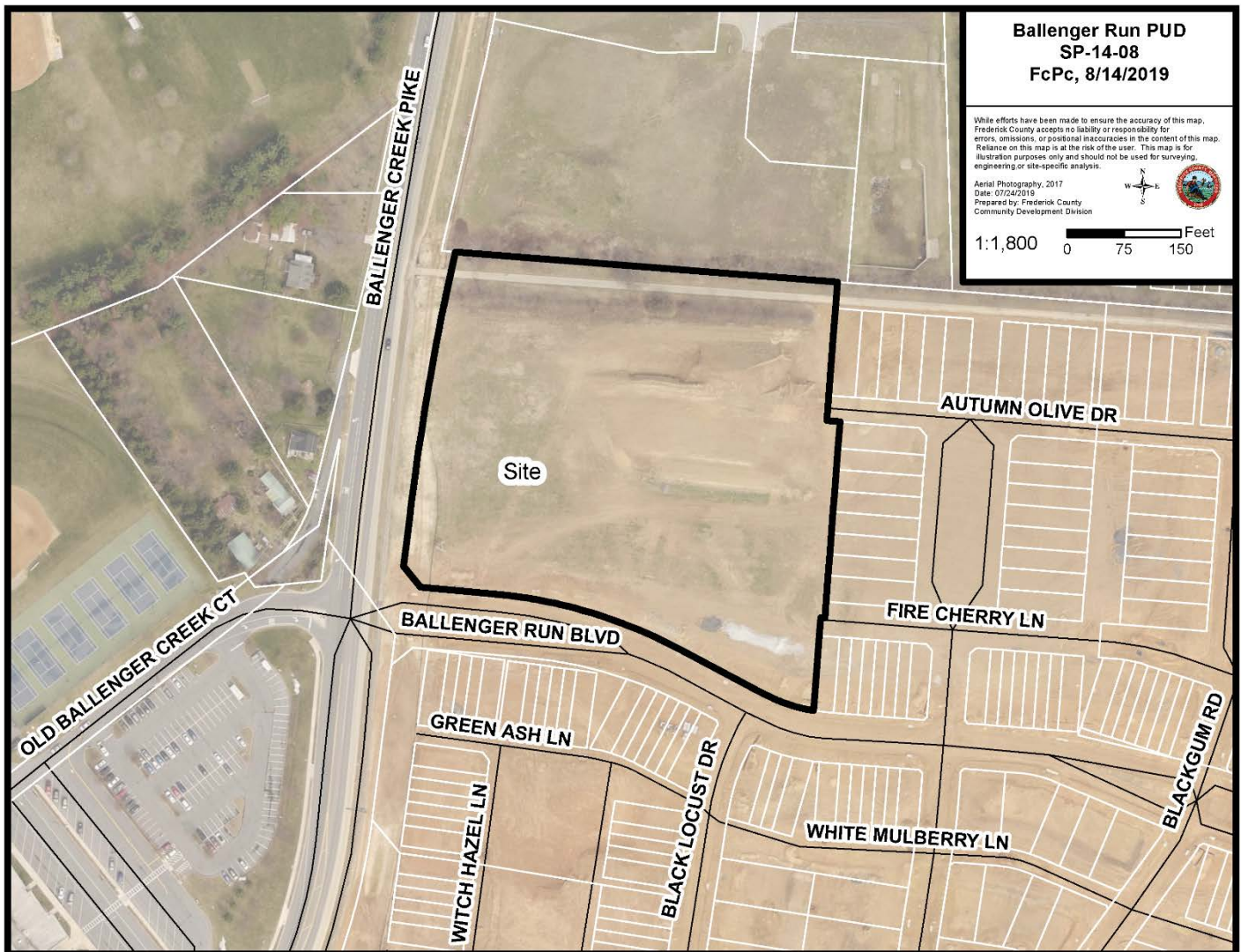
Exhibit 1 – Rendered Site Plan

STAFF REPORT

ISSUE

The Applicant is requesting Site Plan approval to construct 36 age restricted Townhouses in Land Bay D of the Ballenger Run PUD. The development encompasses 5.975 acres. The Plan is being reviewed per Sections 1-19-300.4 and 1-19-6 of the Frederick County Zoning Ordinance. Further requirements are listed in Section 1-19-10.500.9 "General Development Standards in the Planned Development Districts".

Figure 1: Site Vicinity Map – Aerial Image



BACKGROUND

Development History: The Ballenger Run PUD was initially approved in September of 2006 as an age restricted development. The removal of the age restriction and other various amendments to the PUD were approved in October 2013. A DRRA and an LOU for the development were also approved as part of the amendment process. This Site was identified on the Preliminary Plan/ Site Plan (S-1143/ SP 14-08) approved on October 8, 2014.

A First Amendment to the DRRA was approved in 2016 to allow revisions to unit types, moderately priced dwelling units and age restrictions originally approved in 2014. Land Bay D was identified as a 200 unit Continuing Care Community or as a 200 unit multi-family age restricted section.

Following that amendment, an MPDU agreement was approved to establish the construction of the PUD's MPDU requirement of 107 units in the multi-family Section "B", which is currently under construction. A total of 210 MPDUs are being constructed in Section B.

In June of this year, a PUD Phase I amendment and a Second Amendment to the DRRA were approved to allow development of Land Bay D with up to 200 age restricted units of any type.

Existing Site Characteristics: The Site is currently mass graded, but undeveloped.

Surrounding Land Uses: This Site is in an approved Planned Unit Development and is (or will be) surrounded by a mix of residential unit types, with additional open space and FRO areas to the east. A future multi-family section is planned to the rear and west of the Site.

ANALYSIS

Summary of Development Standards Findings and Conclusions

The Site Plan meets all dimensional and bulk standards, lighting, and landscape requirements.

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.

Findings/Conclusions

- 1. Dimensional Requirements/Bulk Standards §1-19-6.100:** Per 1-19-10.500.6, the Planning Commission establishes the setbacks and height in PUDs. Townhouse Section setbacks were previously established in the PUD in earlier sections.

The setbacks for townhouses are as follows:

Proposed	
Lot Area	1,440 SF
Lot Width	28'
Front Yard	25'
Rear Yard	15'
Side Yard	5'
Bld. Hgt.	35'
Rear Accessory	5'
Side Accessory	0'

The proposed townhouses meet the established setback dimensional requirements and exceed the minimum lot area (propose 3,220 SF)

- 2. Signage §1-19-6.300:** No signage for this townhouse section is proposed on the plan.

- 3. Landscaping & Screening §1-19-6.400**

The proposed on-site landscaping is in conformance with the zoning requirements. The planting area is adequate, consisting largely of native species.

The eight street trees are required along Ballenger Creek Pike and eight are provided per the Preliminary Subdivision Plan

Lighting §1-19-6.500: The Applicant proposes to light the Site with pole lights that match the rest of the subdivision which are 15'5" rather than 14'. The photometric plan showing these lights and minor light spillage was submitted with modification requests during the Preliminary Subdivision hearing (AP 19516).

Transportation and Parking §1-19-3.300.4 (B): *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.*

Findings/Conclusions

- 1. Access/Circulation & Pedestrian Circulation and Safety §1-19-6.220 (G):** The Site is integrated with the PUD pedestrian, bike and vehicular circulation system.

Pedestrian access will be facilitated by the existing sidewalks along all streets in the PUD. Handicap access is provided to the Site by routes from the public sidewalks. Crosswalks will be provided.

2. **Connectivity §1-19-6.220 (F):** The section is well connected to the rest of the PUD with a main entrance off Ballenger Run Blvd and secondary connections Fire Cherry Lane and Autumn Olive Drive.

3. **Public Transit:** The Site is not currently served by public transit.

4. **Vehicle Parking §1-19-6.220:** Parking standards are established for townhouses as follows:

One space per townhouse unit and ½ space per bedroom as noted on the plan.

The townhouses will have 2-car garages and two parking spaces in the driveway. Each garage space counts as 1/2 space therefore on-site parking will accommodate a dwelling unit of up to four bedrooms. The Applicant should speak to this issue and clarify that no units will have more than four bedrooms. The Applicant does provide an additional 22 on street parking spaces located along Autumn Olive Drive.

5. **Loading §1-19-6.210.B:** No loading spaces are required for this development.

6. **Bicycle Parking §1-19-6.220 (H):** No bike rack are required. Townhouses with garages are not required to provide bike 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. Where 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/Frederick County Health Department.

Findings/Conclusions

1. **Public Water and Sewer:** The Site is currently classified as W-3, S-3 with existing service for public water and sewer immediately available to the Site.

Findings/Conclusions

1. **Topography:** The Site is currently completely mass graded.
2. **Vegetation:** No vegetation of note currently exists on-site except for the street trees and two large River Birch, which will be saved.
3. **Sensitive Resources:** No constrained soils, floodplains, or wetlands are present on the Site.
4. **Natural Hazards:** No FEMA floodplain is identified on the Site.

Planned Development Standards: §1-19-10.500.9:

Section 1-19-10.500.9 of the Zoning Ordinance outlines the general design requirements for PUD developments. These design requirements have been met with the overall design of the PUD. The required architectural design, materials, and finishes that were previously approved for the overall PUD have been applied to this land bay, as documented in the notes on sheet SP-1.

Findings/Conclusions

Based upon the review and analysis as provided above, Staff finds that the proposed application meets the Development Standards within the PUD zoning district.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: A Concept Stormwater Plan has been submitted and is conditionally approved for this Application. Stormwater will be handled through a regional facility

APFO – Chapter 1-20:

This development has an approved and valid APFO Letter of Understanding that included up to 200 age-restricted units in land Bay D. The proposed 36 age-restricted townhouses are covered by the existing APFO approval.

Forest Resource – Chapter 1-21:

Forest Conservation was previously mitigated for this property in 2016 (AP 15743) by providing forest conservation easements within the residential development. No additional FRO mitigation is required. No forest or specimen trees are present within the area of disturbance. Two River Birch located within the Site will be relocated.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Public Works Development Review (PWDR):</i>	Conditional Approval
<i>Development Review Planning:</i>	Conditional Approval
<i>DUSWM:</i>	Approval
<i>Street Name Review</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Conditional Approval
<i>Traffic Engineering</i>	Approved
<i>APFO</i>	Approval

Recommendation

Staff has no objection to conditional approval of this Site Development Plan. Should the Planning Commission conditionally approve the Site Development Plan, the Plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through August 14, 2022).

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

Staff-proposed conditions of approval:

1. Address all agency comments as the Site Plan proceeds through to completion.
2. Address the signage element on the Site Plan.
3. Provide canopy coverage calculations.
4. Revise Notes 7 and 15 (APFO) to reflect the Preliminary Plan approval.
5. Lots must be recorded prior to applying for building permits.
6. The Preliminary Plan (AP 19516) must be signed/approved prior to Site Plan signature and approval.

PLANNING COMMISSION ACTION MOTION TO APPROVE

I move that the Planning Commission **APPROVE** SP-14-08 AP19519, APFO 19520, FRO 19521, Final Site Plan for Ballenger Run PUD Land Bay D, with the conditions as listed in the staff recommendations and based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

EXHIBIT 1 Rendered Site Plan

