



FREDERICK COUNTY PLANNING COMMISSION
October 9, 2019

TITLE: Tallyn Ridge

FILE NUMBER: S-1166 (AP-19756, APFO-19757, FRO-19758)

REQUEST: **Preliminary Plan Approval**

The Applicant is requesting a new Preliminary Plan approval for a Planned Unit Development (PUD) with an active Combined Preliminary Plan/Site Plan approval that recently expired.

PROJECT INFORMATION:

ADDRESS/LOCATION: North side of Reichs Ford Road, 300 feet east of Pinecliff Park Road
TAX MAP/PARCEL: TM 78; Parcel 742, Lots 1, 2, 3, 4 & Parcel 55
COMP. PLAN: Low Density Residential
ZONING: Planned Unit Development (PUD) & Agricultural (A)
PLANNING REGION: New Market
WATER/SEWER: W-3; S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: MS Gladhill Farm, LLC
OWNER: - same -
ENGINEER: CBM Consulting, LLC
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Cody Shaw, Principal Planner I

RECOMMENDATION: Approval

ATTACHMENTS:

Exhibit 1: Graphic of Tallyn Ridge Current Plat and Construction Status
Exhibit 2: Graphic of Amenities Plan and Current Construction Status
Exhibit 3: Staff report for original approval (AP-14142).

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting a new Preliminary Plan approval for a Planned Unit Development (PUD) that has an active Combined Preliminary Plan/Site Plan approval that recently expired. The plan under review proposes no changes to the currently approved Combined Preliminary/Site Plan.

The complete Tallyn Ridge PUD development contains 441 dwellings (241-single family detached and 200 townhomes) on 146.6 acres of land. The Frederick County Planning Commission approved the Combined Preliminary/Site Development Plan application on September 10, 2014.

The Preliminary Plan approval is valid for five (5) years, or until September 10, 2019. The Site Development Plan approval validity period is three (3) years, but approval has been vested with "Start of Construction" as defined in § 1-19-11.100 of the Frederick County Zoning Ordinance.

This application continues to be subject to the approved Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU), executed on September 10, 2014, which is valid until September 10, 2022 (8 years).

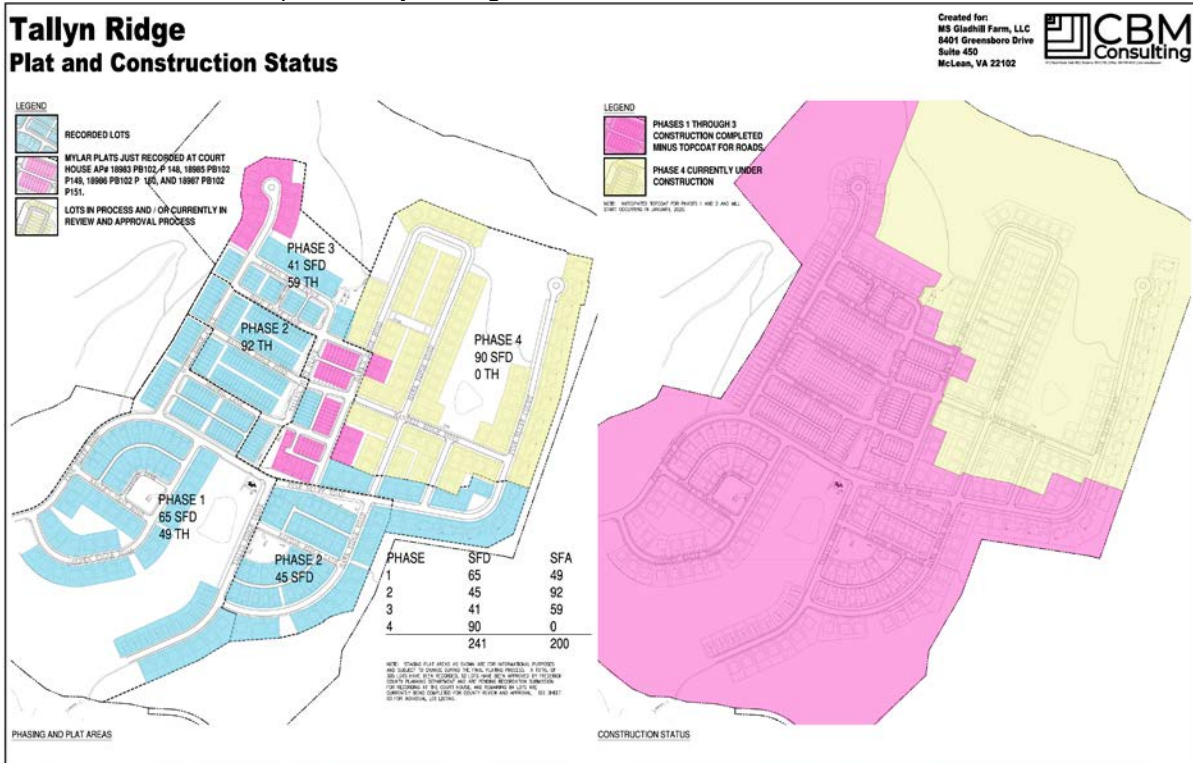
The development is progressing through later stages of the regulatory process with significant and ongoing lot recordation and building permit activity. To date 151 single family lots and 200 townhouse lots have been recorded. Given the recent expiration of the Preliminary Plan (September 10, 2019), the Applicant is seeking a new Preliminary Plan approval for the plan in order to resume lot recordation for the project.

An extension of the approval period might seem more appropriate in this case, where a project was previously approved, is currently underway, and has not changed. However, §1-16-71(R)(2) of the Subdivision Rules and Regulations of the Frederick County Code allows extensions only "when the developer has started construction of improvements which will be substantially affected by changes in applicable laws and regulations." As this is not the case with this project, a new approval is required.

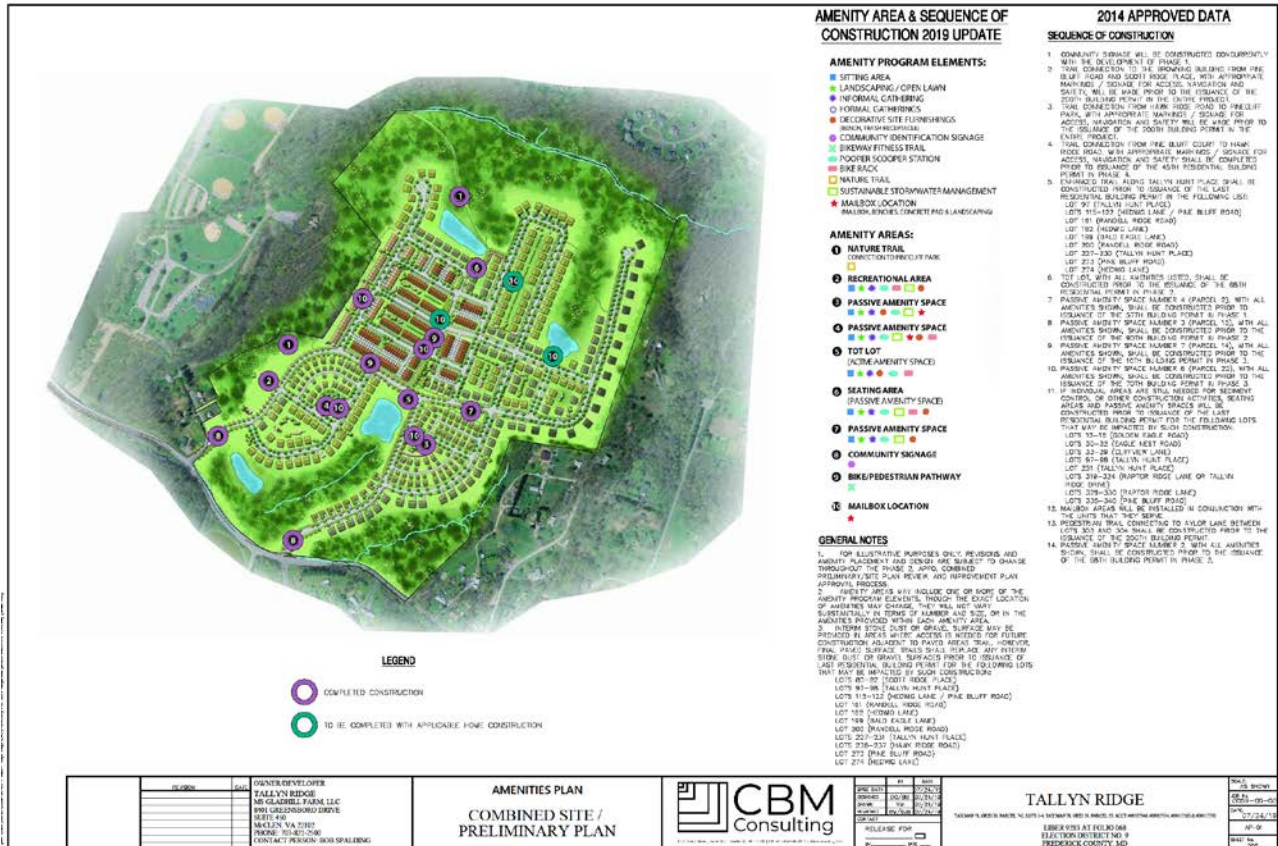
The application is substantively identical to the previously approved plan. There are no changes to dwelling unit mix or configuration, lot configuration, road configuration, amenities, or open space arrangement. The graphics included below illustrate the current status of the project. Graphic 1 depicts which lots are in the process of recordation, which lots have been recorded, and which lots are currently being reviewed. Graphic 2 depicts the amenities triggers and which amenities have been completed.

The staff report and all associated modifications originally submitted for AP-14142 Combined Preliminary/Site Development Plan are detailed in the staff report for the previously approved Preliminary Plan. A copy of this report is attached in support of this current application (AP-19756) for Preliminary Plan approval.

Graphic 1- TaylIn Ridge Current Plat and Construction Status:



Graphic 2 Amenities Plan and Current Construction Status:



Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Public Works Department	Conditionally Approved
Development Review Planning:	Approved
Div. of Utilities and Solid Waste Mgmt. (DUSWM):	Approved
Health Department	Conditionally Approved
Office of Life Safety	Approved
Development Review Transportation Engineering	Approved
Forest Conservation (FRO)	Approved
Adequate Public Facilities (APFO)	Approved
Street Name Review	Approved
Board of Education	Waived

RECOMMENDATION

Staff has no objection to the reapproval of the Tallyn Ridge Preliminary Plan, if the Planning Commission approves the previously approved modifications associated with AP-14142 Combined Preliminary Plan/Site Development Plan for Tallyn Ridge.

If the Planning Commission approves the Preliminary Plan, the Preliminary Plan is valid for the lesser of 5 years or the period of APFO approval (1-16-71Q). Therefore the Preliminary Plan would be valid until September 10, 2022

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

Planning Commission approval of the following modification request from the Applicant:

1. Planning Commission reapproval of the proposed setbacks and height as requested by the Applicant and as identified on the Preliminary Plan (as well as on the original Combined Preliminary Plan/Site Plan).
2. Planning Commission reapproval of the requested modification to lighting specifications to allow lighting of 0.5 foot candles to be exceeded beyond the property line on the adjacent roadway.

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The continued collection of the Moderately Priced Dwelling Unit payment in lieu fee.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE S-1166, AP-19756, with conditions and modifications** as listed in the original staff report (AP-14142 September 10, 2014) for the Tallyn Ridge Preliminary Plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.