TITLE: Carroll Manor PUD

FILE NUMBER: S-1153 (AP #14798, FRO #14801, APFO #8515, SWM #14799)

REQUEST: Preliminary Subdivision Plan Approval
The Applicant is requesting Preliminary Subdivision Plan approval for 40 single-family lots on a 10.15-acre site

PROJECT INFORMATION:
ADDRESS/LOCATION: Located west of Tuscarora Street, north of Tracey Bruce Drive, and east of Bill Dorsey Boulevard in the village of Adamstown
TAX MAP/PARCEL: TM 103; Parcel 882
COMP. PLAN/LAND USE: Low Density Residential (LDR)
ZONE: Planned Unit Development (PUD)
REGION: Adamstown
WATER/SEWER: W-1/S-3 & W-4/S-4

APPLICANT/REPRESENTATIVES:
APPLICANT: Hogan Realty Company
OWNER: Carroll Manor Recreation Council
ENGINEER: Dewberry Consultants, LLC
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Denis Superczynski

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
EXHIBIT 1 - Preliminary Subdivision Plan
EXHIBIT 2 – Project Rendering
EXHIBIT 3 – Adams Street Improvements
EXHIBIT 4 – Modifications Request (Street Trees, Vehicle Parking, and Site Lighting)
EXHIBIT 5 – Landscape & Lighting Plan (2 sheets)
EXHIBIT 6 – Amended APFO Letter of Understanding (LOU)
ISSUE
The Applicant is requesting Preliminary Subdivision Plan approval for 40 single-family residential lots on a 10.15 acre land area located between Tuscarora Street, Tracey Bruce Drive, and Bill Dorsey Boulevard in the village of Adamstown. The primary proposed use is being reviewed as a single-family detached use under the heading of Residential Uses per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the PUD Zoning District. No Site Development Plan application is required for single-family detached dwellings in the PUD. The Preliminary Subdivision Plan review is subject to the Subdivision regulations in Chapter 1-16 of the Frederick County Code. The PUD is subject to the Planned Development Districts regulations in section 1-19-10.500 of the Zoning Ordinance.

BACKGROUND
The Carroll Manor PUD R-06-05 was originally approved in November 2006 to include a total of fifty (50) dwelling units located on 10.16 acres located between the Adamstown Commons subdivision and the older community of Adamstown. This proposal included single-family detached dwellings as well as multi-family dwellings. The multi-family units were to be developed within the expanded and renovated former Adamstown Elementary School building. Prior to the Phase I rezoning, the Site had been zoned R-1 Residential.

A PUD Phase II Plan was approved for the Site in March 2009 which established a specific range of housing types to be developed on the property including 20-25 single-family detached dwellings and 25-30 multi-family dwellings. The Phase II Plan provided for 3.1 acres in open space including retention of the pavilion structure on the Site.

In 2014, the Applicant requested an amendment to the PUD Phase I Plan and certain conditions of approval for the 10.16-acre parcel that resulted in an approved amended PUD Phase 1 Plan that reduced the number of dwellings permitted on the Site to no more than 40 single-family units (Ordinance No. 14-28-683; November 24, 2014). This approval also included certain conditions including:

- provision of at least 3.05 acres of open space including preservation of the existing pavilion;
- incorporation of a diversity of lot sizes into the project;
- physical improvements to the existing Adams Street from Tuscarora Street to Mountville Road;
- improvements to the intersection of Adams Street and Mountville Road
- resolution of the issue of vehicular connectivity between Adamstown Commons and the Village of Adamstown as determined by the Planning Commission during Phase II approval

Existing Site Characteristics
Land Use
The Site is currently zoned PUD (see maps below), and is predominantly in open space use including the existing park pavilion and the former FCPS school structure. The project Site is a relatively flat property (0-3% slopes). There is minimal woody vegetation; trees are located along property lines. The majority of the property is in turf grass. There are no known floodplains, streams, or wetlands on the project Site. The Frederick County Soil Survey identifies Duffield-Ryder silt loam soils (DtB) on Site; these soils are labeled “Non-Restricted” by the Natural Resources Conservation Service.
Areas to the east are designated and zoned Village Center, which allows for a mix of commercial and residential uses. The Adamstown Commons community is similarly designated LDR (Low Density Residential) and zoned R-3 (3 dwellings/acre), while the parcels immediately adjacent to the Carroll Manor PUD on its northern boundary are designated and zoned LDR/R-1. The immediately surrounding land uses are all single-family detached residential uses. The net land use densities of surrounding land uses, ranging from approximately 4.0 DUs per acre in the older sections of Adamstown to approximately 5.0 DUs per acre in the adjacent Adamstown Commons development, are similar to that proposed by the Applicant at 5.4 DUs per acre.
ANALYSIS

Summary of Development Standards Findings and Conclusions

General Site Development and Layout
The proposed Carroll Manor development is comprised of forty (40) single-family detached residences. House lots and open spaces are arranged in a way that promotes the blending of the two adjacent neighborhoods – Adamstown Commons and the historic village of Adamstown. A modest, well-located and usable, open space area is situated along Tuscarora Street around the existing carnival grounds pavilion allowing access to the area by both the proposed development and the existing neighbors. Fourteen of the dwellings have front-loaded integral garages which feed directly into the local street system. The remaining twenty-six homes are served by alley-loaded garages. This design allows the majority of the homes to face public streets or vegetated common areas and landscaped buffer areas.

Every effort has been made by the Applicant to ensure that buildings face the public ways (roads, pedestrian network). Three of the lots face Bill Dorsey Blvd and contribute to the visual and functional integration of the two newest neighborhoods in the community. Pedestrian facilities in this plan are illustrated as primary elements and organizing features in the laying out of the subdivision and form natural connections to both Adamstown Commons and the older village on the east.
Interconnection to the existing street network is accomplished through the extension of Mae Wade Avenue from the south and to Adams Street on the east via an indirect public street connection from the proposed Carrollton Manor Avenue into the existing village where Adams Street and Tuscarora Street intersect. Two ‘hammerhead’ turnarounds are provided at the ends of Carrollton Manor Avenue and Mae Wade Avenue to accommodate the turning of service vehicles. Otherwise, local alleyways provide circulation loops which limit dead-end drives. Twenty-six of the forty homes will front upon public streets with fourteen facing private lanes.

The proposed Preliminary Subdivision Plan provides for a logical ‘bridging’ of the two adjacent neighborhoods while maintaining a local park and facility valued by the existing citizens of Adamstown.

Rezoning
The November 24, 2014 (Ordinance No. 14-28-683) rezoning included seven conditions, all of which resulted in design elements and physical improvements to the proposed subdivision and immediate vicinity.

- **Density** – project limited to no more than 40 single-family detached dwellings.
  Condition Satisfied: Proposed development includes 40 single-family homes.

- **Open Space/Pavilion** – requirement for the provision of at least 3.05 acres of open space including preservation of the existing pavilion, a minimum of 1.5 acres of open space adjacent to the pavilion, and dedication of the pavilion and surrounding open space to the Carroll Manor HOA.
  Condition Satisfied: This condition is satisfied in terms of the design requirements. Adequate open space area is provided around the pavilion. The total amount, distribution, and configuration of proposed open space areas are adequate to meet this condition of rezoning.

- **Lot Size Variety** - incorporation of a diversity of lot sizes into the project.
  Condition Satisfied: While 45% of the lots measure within 100 s.f.(+/-) of a typical 5,000 s.f. dimension, the remaining lots deviate by as much as 750 s.f.(+/-) providing some limited diversity among the proposed home sites. Given the physical constraints of the Site (size, existing street locations, pavilion site/required open space), Staff considers this condition to have been satisfied.

- **Adams Street** - physical improvements to the existing Adams Street from Tuscarora Street to Mountville Road.
  Condition Satisfied: The Applicant has provided a conceptual improvement plan for Adams Street (Exhibit 3) which shows 10’-11’ travel lanes, a 5 ft. wide continuous sidewalk from the Carroll Manor project to the Adams Street/Mountville Road intersection, and several areas for potential on-street parking. The Applicant and County Staff will seek input from owners/residents of Adams Street regarding specific improvements as the project develops. As proposed, the improvements provide for improved traffic flow and pedestrian access while offering on-street parking opportunities for residents and visitors of the neighborhood. Improvements shall be designed and bonded prior to final plat recordation and shall be open to traffic prior to the issuance of the building permit for the 10th dwelling unit in the project.

- **Mountville Road Improvements** - improvements to the intersection of Adams Street and Mountville Road.
  Condition Satisfied: Improved design of this intersection accommodates the anticipated increase in vehicles entering and exiting the neighborhood at this location.

- **Design/Layout of Alley-Loaded Homes** - building design/orientation and vehicular/pedestrian access shall be evaluated and determined at Phase II.
  Condition Satisfied: The alley-loaded homes in this project are generally oriented toward the public street or way, with a few homes fronting upon public open spaces. Circulation patterns onto, off of, and within the Site are optimized through the use of alleyways.

- **Vehicular Connectivity** - resolution of the issue of vehicular connectivity between Adamstown Commons and the Village of Adamstown as determined by the Planning Commission during Phase II approval.
  Condition Satisfied: The employment of an indirect route – via a proposed public street

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February 11, 2015
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connection between Adams Street, Tuscarora Street, and Carrollton Manor Avenue – between the two existing communities in Adamstown and this proposed development, allows for multiple points of connection into the existing street network while minimizing the potential for disruptive, higher-speed through-traffic. Stop signs at the southern terminus of Tuscarora Street and the southbound approach to Carrollton Manor Avenue will further diminish any impact from through-traffic along these local streets.

Zoning Ordinance Requirements

§ 1-19-10.500.6  Land Use, Mixture, and Design Requirements Within The PUD District.

§1-19-10.500.6(H)(1): **Gross Density** may not exceed the maximum density specified in the County Comprehensive Plan residential land use designation of the subject property.

Density Proposed in Preliminary Subdivision Plan - 40 single-family detached DUs

Overall gross residential development density of the project is 3.9 DUs/acre and falls within the permitted density of between 3-6 du/ac allowed in a PUD with an underlying land use designation of Low Density Residential.

§1-19-10.500.6(H)(2): **Setbacks and height** shall be established by the Planning Commission at Phase II consistent with the general development standards as provided in §1-19-10.500.9, reflecting the proposed development pattern and land use within the Phase I project concept plan or portion thereof ...

The proposed lots range in size from 4,275 s.f. to 5,764 s.f. with a majority of lots averaging 5,000 s.f. in size. The Applicant has proposed the following setbacks for Planning Commission review and approval:

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<th>Type of Lot</th>
<th>Front</th>
<th>Rear</th>
<th>Side</th>
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<tbody>
<tr>
<td>Single Family Detached Front Loaded</td>
<td>20'</td>
<td>20'</td>
<td>5'</td>
</tr>
<tr>
<td>Single Family Detached w/ Detached Garage</td>
<td>15'</td>
<td>20'</td>
<td>5'</td>
</tr>
<tr>
<td>Corner Lot</td>
<td>10'</td>
<td></td>
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</tr>
<tr>
<td>Accessory Structure</td>
<td></td>
<td>5'</td>
<td>5'</td>
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Building Restriction Lines, as proposed on the Preliminary Subdivision Plan, are consistent with yards and setbacks established elsewhere in neo-traditional neighborhoods in the County. Residents living in three-quarters of the proposed homes would find themselves within 15 paces of a public open space or park area as measured from a front or rear door. The requested height limit of 45 feet may be excessive in the context of the surrounding neighborhoods. The proposed height – even with an accommodation for an integral garage – seems more suited to the scale and massing of narrower attached townhomes. The Applicant should demonstrate that the proposed architecture would require a maximum height limit beyond 35 feet.

§1-19-10.500.8: **Public Facilities and Utilities**

Conditions of the Phase 1 PUD Concept Plan adopted in November 2014 require that the Applicant provide no fewer than 3.05 acres of open space (30% of the gross land area in the PUD) and that 1.5 acres of this area be adjacent to the existing pavilion. Additionally, the pavilion and the 1.5 acres are to be dedicated for public use after being turned over to the community HOA.

The proposed subdivision exceeds the standard of providing 726 s.f. of parks and recreation facilities per 2,000 s.f. of proposed gross floor area. Assuming an average of 4,000 s.f. per dwelling,
the requirement for this project would be approximately 58,500 s.f.. The Applicant exceeds this requirement in the pavilion park area which measures 65,340 s.f.. Four additional ‘pocket park’ areas are distributed through the southern portion of the development as required by the Phase I conditions.

The quantity of open space provided meets the requirements set forth in the rezoning decision by providing 3.05 acres (total) with 1.5 acres set aside around the existing pavilion (to remain). The Applicant has, to the extent feasible, located and arranged the distributed stormwater bio-retention facilities in a manner that limits incursions into active open space areas.

§ 1-19-10.500.9 General Development Standards (PUD District)
The configuration of the proposed blocks, lots, and streets meets the standards for land use integration, safety, and convenience established for developments in the PUD District. As previously discussed, dimensional standards are established by the Planning Commission. Lots are configured to orient buildings toward the street. The proposed common areas are located to maximize proximity and convenience for residents of the proposed development. Sensitive natural areas have been avoided in the laying out of streets and lots in the proposed subdivision. Generally, Staff finds that the general standards for site and building design are met by this Application.

Parking and Access
Due to the nature and characteristics of the proposed land uses and surrounding neighborhood, the opportunity for joint- or shared parking is extremely limited. Most of the vehicle parking provided is accommodated on individual home sites in drives and garages. However, the Applicant has proposed some on-street parallel parking along Carrollton Manor Avenue and Mae Wade Avenue (public streets) to address needed minimum parking requirements and to provide some modest overflow parking as well. Of the eighty required spaces (40 dwellings @ 2 spaces per dwelling = 80 parking spaces), the Applicant is providing 14 of these as on-street parking spaces. Additionally, the Applicant is including 15 overflow spaces (in excess of the 80 required), provided as on-street parking space. Staff has no objection to the proposed modification.

The proposed development has been designed around a hybrid internal street network - comprised of public streets, private lanes, and private alleyways - that is interconnected and facilitates efficient movement through and within the Site. A primary element of concern of some residents in the community during the rezoning process was the level of interconnectivity between this proposed development and the surrounding neighborhoods. Some local residents living within the older village of Adamstown voiced concerns over a street layout that would encourage convenient pass-through traffic emanating from, and heading to, the Adamstown Commons neighborhood located west of the Subject Site. In working with the Applicant as well as neighbors in the vicinity of this project, County Staff have endeavored to find a street pattern that would:

a) allow the new Carroll Manor neighborhood to be connected to both Adamstown Commons and the older village neighborhood for the purpose of providing convenient vehicular access to all areas of Adamstown, old and new;

b) provide emergency service vehicles, utility vehicles, and others the ability to move through the new development and through these several merging neighborhoods with a minimal number of dead-ends;

c) provide multiple routes to each property within the new development – redundancy; and

d) encourage street and road design that will calm traffic, reduce vehicle speeds, while still permitting limited through-traffic without encouraging the use of private alleys as de facto through streets.
The plan put forward by the Applicant accomplishes all of these goals and does so without significant disruption to the general layout of lots, homes, and open spaces in the proposed subdivision.

Street Lighting

While Site Development Plan Review is not a requirement for developments comprised of single-family detached dwellings, the Applicant must demonstrate compliance with applicable zoning regulations. Illumination of subdivision streets is not required by code, however the Applicant wishes to provide for street lighting and has provided a photometric plan identifying proposed fixture locations and the resultant illumination levels calculated across the Site. The Applicant is seeking a modification of the permitted lighting levels across property boundaries so that additional illumination can be provided at the two points where proposed streets will link to the existing road network.

Zoning Ordinance Requirements Findings/Conclusions: The entirety of the Subject Site is zoned Planned Unit Development (PUD). The Preliminary Subdivision Plan demonstrates the ability to comply with the applicable portions of the Zoning Ordinance. Detailed compliance will be accomplished should the Planning Commission grant approval of all modifications as well as the proposed dimensional requirements set forth by the Applicant.

Subdivision Regulation Requirements

Subdivision Regulations – Chapter 1-16: This application is subject to the requirements of the subdivision regulations in Chapter 1-16.

1. Article I: In General - § 1-16-12 Public Facilities
   - All proposed lots will access publicly- or privately-maintained roads with continuously paved surfaces of 20 feet in width. The proposed subdivision has access to Mountville Road, an existing paved collector, via Adams Street, Washington Street, and Mae Wade Avenue via Adamstown Commons Drive. The subdivision is within the Carroll Manor Fire Company service area. The Fire Company is located on Adams Street just to the east of the proposed subdivision.
   - The Applicant has proposed improvements to Adams Street including a wider travel way and a sidewalk in accordance with the Phase I rezoning conditions (see Exhibit 3).
   - The property is classified W-1/S-3 & W-4/S-4 on the Frederick County Water and Sewerage Master Plan indicating improvements to, or construction of publicly-owned community sewerage or water systems are planned within a 4 to 6 year time period. The proposed subdivision will be served by public water and sewer facilities.

2. Article IV: Preliminary Plan, Required Information - §1-16-72(B) (19) (a) Soil Types
   - There are no known floodplains, streams, or wetlands on the project Site. The Frederick County Soil Survey identifies Duffield-Ryder silt loam soils (DtB) on Site; these soils are labeled “Non-Restricted” by the Natural Resources Conservation Service. No additional soils information is required for this Preliminary Subdivision Plan.

3. Article IV: Required Improvements - §1-16-109 Street, Common Driveway, and Sidewalk Construction:
• Required minimum width for sidewalks is 4 feet. All sidewalks provided are a minimum of 5 feet wide. The Applicant agrees to construct a wider multi-use connection to accommodate walkers and bicyclists on the sidewalk segment connecting Jacob Thomas Mews with Bill Dorsey Blvd.

• The Applicant is proposing closed section construction as required by subdivision regulations for lot frontage of less than 80 feet and minimum lot size less than 15,000 square feet.

• No common driveways are proposed within the subdivision.

4. Article VI: Design Standards and Requirements

§ 1-16-217. Land Requirements:

- The land use pattern of the comprehensive development plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision. The designated land use in the Comprehensive Plan for the Site of this project is Low Density Residential (LDR). The subject property is located within a Community Growth Area and meets the intent of the applicable land use designation. The subject property is zoned PUD with a proposed subdivision project that meets the intent of the Planned Development District regulations and Phase I rezoning conditions.

The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing. The existing Site is flat, cleared, and carries no significant environmental constraints. The Applicant takes advantage of the Site's relationship to adjoining development by proposing a design with vehicular and pedestrian links to both the older Adamstown community and the newer Adamstown Commons neighborhood. The development will be well-integrated with surrounding development through the continuation of public streets, a new street connection to the existing Adams and Tuscarora Streets, pedestrian and bicycle connections, building arrangement and overall site layout.

§ 1-16-218. Block Shape:

- No block dimension is greater than 1800 feet. Pedestrian walkways are provided to enable safe and efficient movement within the Site and to adjacent properties and transportation systems. Block arrangement within this proposed development is driven to a large degree by the shape and configuration of the parcel as well as the existence of existing street connection locations. Residential blocks are interrupted to provide for practical and visually appealing open spaces within the neighborhood.

§ 1-16-219. Lot Size and Shape:

- Within the PUD district, dimensional requirements are established by the Planning Commission at Phase II approval. The Applicant has proposed overall lot dimensions and configurations similar to those approved in other PUD developments. Lots range in size from 4,275 square feet to 5,764 square feet. As previously discussed, the Applicant is requesting setback and height approval for development of the project with this Application. The proposed unit type for this project is a detached single-family dwelling with a maximum building height of 45’. No panhandle lots are proposed as part of the subdivision.

§ 1-16-234. Highways, Streets and Roads:
• The Applicant has used the principles laid out in Section 234 of the subdivision regulations as a guide in designing the local street network within the proposed subdivision. Specifically, the Applicant has considered: the context within which this proposed development is planned; proposing interconnections between the planned development and the two existing neighborhoods; minimizing through-traffic movements by creating indirect street linkages, and in doing so, suppressing regular vehicle speeds through the subdivision; provision of direct access to the primary roads network; suitable design to accommodate likely traffic patterns; street network designed to enhance community resources; and, design elements which minimize conflict points between pedestrians, bicyclists, and motor vehicles.

§ 1-16-235. Right-Of-Way and Paved Surface Widths:
• Public streets created as a result of the subdivision of this Site - Mae Wade Avenue (extended) and Carrollton Manor Avenue - meet the standards of the Subdivision Ordinance in terms of right-of-way width and proposed paved surface width.

§ 1-16-236. Other Street Requirements:
• Per subsection (K) of the Subdivision Ordinance, the Applicant is proposing three, short, private, dead-end lanes within the subdivision. These lanes – akin to short private drives - will serve eleven (11) homes collectively. In all cases, the use of these short dead-end alleys or lanes permits the homes to face a public street or open space. This arrangement is preferred by staff since it restricts the view of side and rear facades from the existing public road. Staff worked extensively with the Applicant to achieve needed redundancy in the transportation network for both efficiency and safety purposes while limiting opportunities for cut-through traffic. The use of a combination of short private drives and public roadways achieves these objectives.

• Transitions from public street to private alley – At locations where the proposed public street will terminate and transition into a private street or alleyway (Mae Wade Avenue & Greenfield Hills Way, and Carrollton Manor Avenue & Meredith Davis Lane), the Applicant has provided a “T-turnaround” for utility vehicles, delivery trucks, snow plows, and others wishing to remain on the public roadway.

5. Driveway Entrance Spacing Policy
Adopted by the FCPC in 2002 (amended 2004), this policy provides a system of evaluating driveway locations for public safety, to preserve rural character of roads located in rural parts of the County, and allowing tighter spacing in areas of the County designated for denser development.
Proposed driveways are all located on local residential streets, which have no spacing restrictions.

Applicable Regulations

Stormwater Management – Chapter 1-15.2:
Stormwater management will be provided in accordance with the Maryland SWM Act of 2007. A SWM Concept Plan has been submitted and is conditionally approved.

Moderately Priced Dwelling Units – Chapter 1-6A:
The Applicant is subject to the MPDU ordinance and will pay a Fee-In-Lieu amount as required. The proposed plan for 40 dwelling units requires a Fee-In-Lieu payment of $87,500. (40 x 12.5% = 5 required MPDUs @ $17,500/per unit).
**APFO – Chapter 1-20:**
All applicable APFO requirements for roads, schools and water/sewer for this project are included in an amended and restated APFO Letter of Understanding (LOU) between the Applicant and the Planning Commission (See Exhibit 6).

Schools: The development is projected to generate 11 elementary school students, 6 middle school students and 8 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test meets the standards of adequacy at all 3 levels.

Public Water/Sewer:
The Site is currently classified S-3 Dev. and S-4 Dev. and W-1 and W-4 in the County’s sewer and water categories, and public sewer and water main lines are immediately available to serve the development as proposed.

Roads:
In accordance with the September 4, 2008 Traffic Impact Analysis by Wells and Associates, as amended by staff, the uses on the Site are capped at a total amount of 44 AM and 51 PM weekday peak hour trips for the Subject Site. The Developer is required to pay its proportionate contribution to the escrow account: Improvements at US 15/Mountville Road (Escrow Account # 3336). This road escrow contribution of $13,090 must be paid in full prior to recordation of any residential plat.

**Forest Resource – Chapter 1-21:**
The Applicant has submitted a Forest Stand Delineation and Combined Preliminary/Final Forest Conservation Plan. The Site contains no existing forest and no priority forest planting areas (streams, wetlands, floodplains, etc). The Applicant proposes to mitigate the afforestation requirement by purchasing 1.52 acres of forest banking credit.

The Applicant is proposing to remove 4 specimen trees (trees 30” or greater in diameter). Per 1-21-40 (B) of the FRO, nonhazardous specimen trees must be retained unless a modification is granted by the FCPC. All 4 specimen trees are in poor condition, exhibiting structural defects (cavities, decay, splits, breaks, significant dieback, etc) and are potentially hazardous. Hazardous trees may be removed without a FCPC modification. The FRO plan must be approved prior to Preliminary Plan approval, and the required FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.

The FRO plan must be approved prior to Preliminary Plan approval, and the required FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.

**Historic Preservation – Chapter 1-23:**
The former Adamstown Elementary School – a two-level brick structure constructed in the 1920’s and modified in the 1950’s in the wake of the Brown v. Board of Education ruling – is situated at the end of Adams Street and is listed as a contributing structure in the Adamstown Survey District (F-1-185). Although the structure has not been specifically listed on the County or National Registers it should be documented prior to demolition.

**Public Safety**
The Office of Life Safety (OLS) had originally identified some design considerations that typically arise when proposed dwelling units face a green, common area, or open space area. OLS concerns regarding the safety and viability of emergency access to the affected lots have been satisfactorily addressed by the Applicant. All Life Safety issues related to the Preliminary Subdivision Plan have been successfully resolved by the Applicant.
Findings/Conclusions
Based upon the review and analysis as provided above, Staff finds that the proposed application meets the intent of the Zoning Ordinance and the subdivision regulations within Chapter 1-16 of the Frederick County Code, and furthermore meets the conditions set forth in County Ordinance #14-28-683 (Rezoning).

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<td>Development Review Planning:</td>
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<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
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Findings/Conclusions
The Applicant has addressed the applicable regulations as part of the Preliminary Subdivision Plan review process. Relevant comments will be addressed upon application for Final Plat approval associated with the development of the Site. No Site Development Plan approval is necessary since the proposed development consists entirely of single-family detached dwellings.

RECOMMENDATION
If the Planning Commission approves the three dead end private streets, Staff has no objection to conditional approval of the Carroll Manor PUD Preliminary Subdivision Plan for 40 single family lots.

If the Planning Commission conditionally approves the Preliminary Subdivision Plan the Preliminary Plan is valid for the lesser of five (5) years from the date of Planning Commission approval or the period of APFO approval. The most recently Amended/Restated Letter of Understanding (LOU) is valid until November 14, 2017. Therefore, the Preliminary Plan is valid until November 14, 2017.

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 modifications are approved and conditions are met:

1) Approval by the Planning Commission of an alternate planting design to allow 20 street trees and 54 trees to be located in open space and HOA parcels throughout the development.

2) Approval of the parking modification request to allow a combination of 14 on-street spaces and 66
on-lot spaces to be utilized to meet parking requirements and to allow for an additional 15 on-street spaces to be provided beyond the 80 required by the Zoning Ordinance.

3) Approval of the modification to permit illumination levels exceeding 0.5 fc at certain areas to provide lighting at critical points of ingress/egress to the proposed subdivision as shown on the Lighting Plan.

4) The FRO plan must be approved prior to Preliminary Plan approval, and the required FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.

5) The Applicant shall provide at least ten (10) days’ notice prior to seeking a demolition permit for existing structures on the Site affiliated with the former public school use. Notice shall be delivered to the Historic Preservation staff person in the Community Development Division.

6) The Project is required to meet the MPDU provisions in accordance with the Frederick County Code.

7) Complete the requirements of the APFO LOU for the Carroll Manor PUD.

8) Improvements to Adams Street and the Adams Street/Mountville Road intersection – as required in Conditions #5 and #6 of the PUD rezoning (Ordinance #14-28-683) – shall receive approval and be appropriately bonded prior to recordation of any final plat for this project and shall be open to traffic prior to the issuance of a building permit for the 10th dwelling.

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

PLANING COMMISSION ACTION

MOTION TO APPROVE
I move that the Planning Commission APPROVE WITH CONDITIONS AND MODIFICATIONS as listed in the staff report, the Preliminary Subdivision Plan S-1153 (AP #14798, FRO #14801, APFO #8515, SWM #14799) for the proposed 40 single-family lots within the Carroll Manor PUD development, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
December 19, 2014

Denis Superczynski  
Frederick County Government  
Community Development Division  
30 N. Market Street  
Fredrick, MD 21701

RE: Carroll Manor Fire Company Property – Preliminary Plan (A/P#14798)  
Modification Request

Dear Mr. Superczynski,

On behalf of our client, Hogan Realty Capital, LLC, we respectfully submit for consideration by the Planning Commission this request for modifications to requirements set forth in the Frederick County Zoning Ordinance. In addition we are providing justification for each requested modification.

Street Tree Modification

Pursuant to §1-19-6.400(A) of the Zoning Ordinance, one (1) street tree must be provided for every 35 feet of roadway frontage along the paved surface of an existing or proposed public right of way. If the number of required street trees cannot be accommodated within the public right of way and alternative planting design may be approved by the Planning Commission. A total of 74 street trees are required along the total proposed public right of way which totals approximately 2,600 linear feet. Due to sight distance and street tree location requirements set forth in the Guidelines for Traffic Control Devices, Street Lights and Street Trees for New Developments, in addition to avoidance of conflicts with proposed street lights, fire hydrants and underground utilities (water and sewer), we request a modification to provide 20 street trees within the right of way and 54 trees located in open space HOA parcels throughout the subdivision.

Lighting Plan Modification

Pursuant to §1-19-6.500(D) of the Zoning Ordinance, lighting shall not exceed .50 foot-candles as measured from the property line. The Planning Commission may modify the lighting standards within this section based on characteristics of the proposed use, photometric studies, nationally recognized standards, or other documentation as approved by the Planning Commission. We request a modification to allow spillover of light over the property line at the following locations:

1. The proposed extension of Mae Wade Avenue (along the southern property line) which provides access to the proposed subdivision.
2. Along the eastern property line adjacent to Tuscarora Street.

The spillover will provide needed illumination to Mae Wade Avenue, since there are no existing light fixtures currently along the approximately 150’ length from Tracey Bruce Drive and needed illumination at the intersection of Edward Hebb Lane and Tuscarora Street.
Parking Modification

Pursuant to §1-19-6.200 of the Zoning Ordinance, permanent off-street parking is required as part of any proposed improvement to real property or structures. We request that of 80 required spaces, 14 spaces be utilized on the proposed public streets within the subdivision to accommodate parking that cannot be located on individual lots. In addition, we request that 15 on-street spaces be allowed to be utilized for overflow/visitor parking. The spaces are accounted for within the proposed subdivision on Mae Wade Avenue and Carrollton Manor Avenue.

If you have any questions or concerns related to our understanding written above, or any of the submitted documents, please do not hesitate to contact me at your convenience.

Sincerely,

[Signature]

William ‘KC’ Reed, PE
Associate / Project Manager

Cc: Victor White, Hogan Realty Capital, LLC
AMENDED AND RESTATED ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Carroll Manor

Preliminary Plat #S-1153 AP #8515

Background: On April 8, 2009, the Frederick County Planning Commission (“Commission”) and Carroll Manor Fire Company entered into a Letter of Understanding (the “Original LOU”) in connection with a 10.166 +/- acre parcel of land, which is zoned Planned Unit development (PUD), and located just south of the CSX railroad, west of Mountville Road and just north of Tracey Bruce Drive (the “Property”). The Property was subsequently transferred to Hogan Realty Capital, LLC (“Developer”). The Developer submitted a Preliminary Plan of Subdivision, which increases the projected number of students to be generated by development of the Property. Therefore, this Amended and Restated Adequate Public Facilities Letter of Understanding (“Letter”) rescinds and replaces the Original LOU.

In General: This Letter sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved Carroll Manor Preliminary Plan of Subdivision (the “Project”), in compliance with the Frederick County Adequate Public Facilities Ordinance (“APFO”).

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Property, and the APFO approval will be effective for development of 40 new single family detached homes, which are shown on the subdivision plat for the above-referenced Project, which was conditionally approved by the Commission on February 11, 2015.

Schools: The Project is projected to generate 11 elementary school students, 6 middle school students and 8 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test meets the standards of adequacy at all 3 levels.

Water and Sewer: The Property is currently classified S-3 Dev. and S-4 Dev. and W-1 and W-4 in the County’s sewer and water categories, and public sewer and water main lines are immediately available to serve the Project.
While the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits issued. Plat recording and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

Road Improvements: In accordance with the September 4, 2008 Traffic Impact Analysis by Wells and Associates, as amended by staff, the uses on the site are capped at a total amount of 44 AM and 51 PM weekday peak hour trips for the Subject site.

As a condition of the APFO approval of the project, the Developer is required to pay its proportionate contribution to the following escrow account: Improvements at US 15/Mountville Road (Escrow Account # 3336). The estimated cost of the Road Improvement is $2,380,000. As determined by DPDR-Traffic Engineering Staff, the Developer’s proportionate share of this Road Improvement is 0.55%. Therefore the Developer hereby agrees to pay $13,090 (i.e., $2,380,000 x 0.0055) to the escrow account for this Road Improvement. This road escrow contribution must be paid in full prior to recording of any plat.

Period of Validity: The APFO approval expires on November 14, 2017; nine years after the original APFO approval (three years from FCPC approval of APFO, plus two – three year extensions).

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission’s jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures on next page]

30 North Market Street, Frederick, MD 21701 • 301-600-1153 • Fax 301-600-1645
www.FrederickCountyMD.gov
DEVELOPER: Hogan Reality Capital, LLC

By: [Signature]  Date: 1/20/2015

Name: Victor White

FREDERICK COUNTY PLANNING COMMISSION:

By: [Signature]  Date:

Dwaine E. Robbins, Chair or Anthony Bruscia, Secretary

ATTEST:

By: [Signature]  Date:

Gary Hessong, Director, Permits & Inspections

Planner’s Initials / Date  (Approved for technical content)

County Attorney’s Office Initials / Date  (Approved as to legal form)

30 North Market Street, Frederick, MD 21701  •  301-600-1153  •  Fax 301-600-1645
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