FREDERICK COUNTY PLANNING COMMISSION
February 18, 2015

TITLE: **Bowers R-3 Residential Cluster**

FILE NUMBER: **S-1132, AP 14812**

REQUEST: **Residential Cluster Concept Plan Approval**

The Applicant is requesting Residential Cluster Concept Plan approval for 26 single-family residential lots on a 12.3-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION:	West side of Bells Lane, south of Baltimore Road
TAX MAP/PARCEL:	Map 78, Parcel 528
COMP. PLAN:	Low Density Residential and General Commercial
ZONING:	R-3 Residential and General Commercial
PLANNING REGION:	New Market
WATER/SEWER:	W-4/S-4

APPLICANT/REPRESENTATIVES:

APPLICANT:	Hogan Development
OWNER:	Melvin H. Bowers, Jr.
SURVEYOR/ENGINEER:	Daft, McCune, Walker, Inc.

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1 – Concept Site Plan
EXHIBIT 2 – Lot Dimension Modification Request

STAFF REPORT

ISSUE

The Applicant is requesting Residential Cluster Concept Plan approval for 26 single-family residential lots on 12.3 acres. All proposed lots are located within the 11.28-acre portion of the property that is zoned R-3 Residential (see graphic below), with the majority of the project's cul-de-sac situated within the 1.09-acre General Commercial zoning district. The use is being reviewed as 'Single-family detached' under the heading of *Residential Uses* per §1-19-5.310 Use Table in the Zoning Ordinance.

In addition, Section 1-19-10.100 of the Zoning Ordinance and §1-16-161 of the Subdivision Regulations contain the requirements, conditions and procedures for utilizing the Residential Cluster Development Option. The Concept Plan must demonstrate how the proposed use will achieve the cluster development standards. If the Bowers R-3 Residential Cluster project receives Concept Plan approval, it would then be required to progress through the standard Preliminary Subdivision Plan process as specified in §1-19-71 of the Subdivision Regulations.

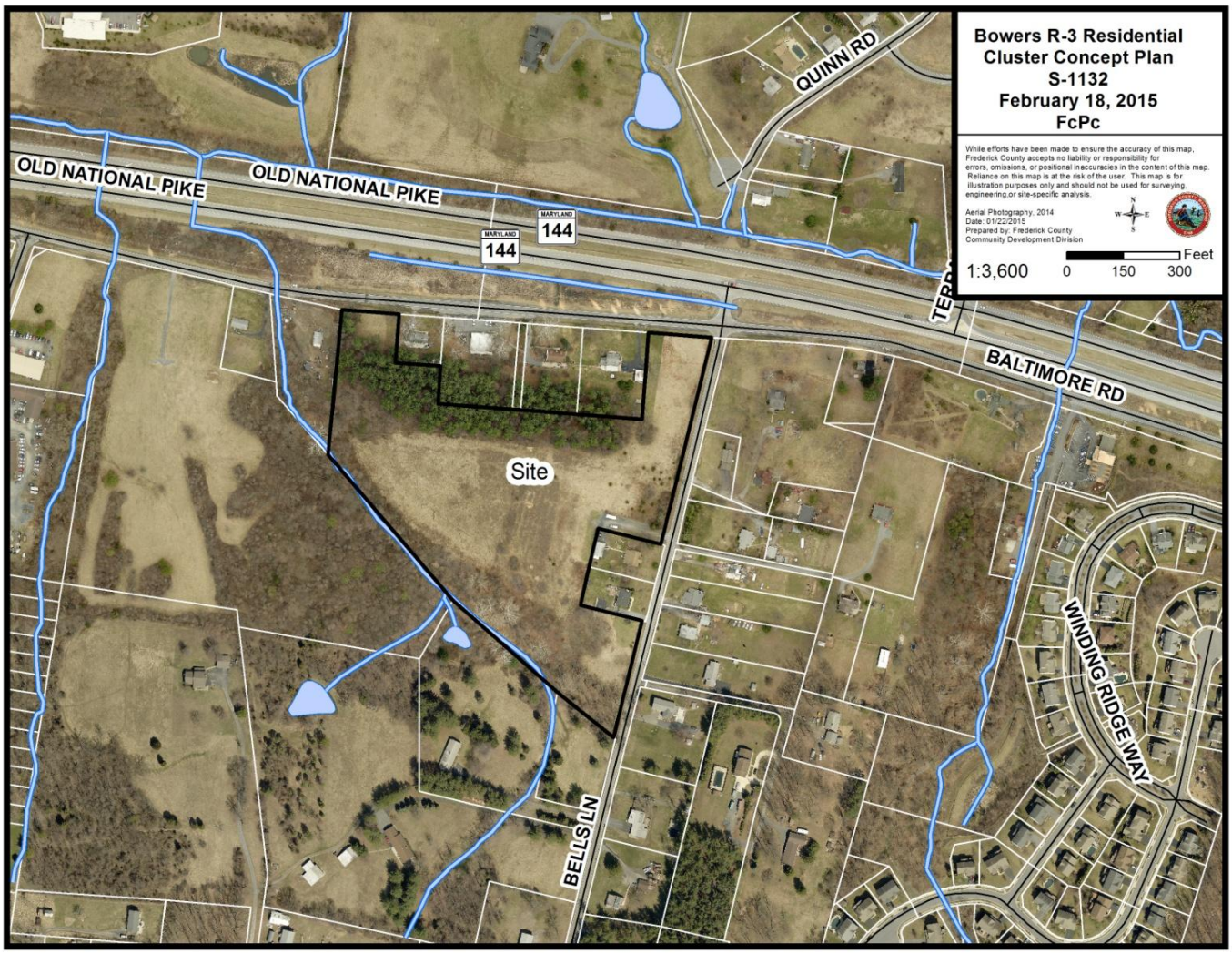
BACKGROUND

The 12.3-acre site of the proposed Bowers R-3 Residential Cluster is the remainder parcel created after one (1) commercial lot was subdivided in 1989, and (1) residential lot in 1999. The remainder has split zoning (R-3 Residential, 11.28 acres; General Commercial, 1.09 acres) and contains no structures or dwellings. Only a portion of a cul-de-sac is proposed on the GC-zoned portion of the site, situated in the far northwest corner of the property.

Existing Site Characteristics

The property is mostly open field with a grove of white pines along the northern property boundary. The topographic pinnacle is neatly situated in the center of the property, with gradients dissipating to the south and north. An un-named tributary to Long Branch bisects the southern property line with associated wetlands identified on the Forest Stand Delineation (FSD). The majority of the stream system is in a forested condition.

The residentially-zoned portion of the site has frontage on both Baltimore Road, a Minor Arterial roadway and Bells Lane a local roadway, as designated on the Comprehensive Plan. Surrounding the site to the east and south are residentially-developed parcels of varying sizes. Undeveloped properties with commercial zoning abut the subject property to the west. The site is located in the western portion of the Bartonsville-Spring Ridge Community Growth Area.


Bowers R-3 Residential
Cluster Concept Plan
S-1132
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FcPc
While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering,or site-specific analysis.
Aerial Photography, 2014
Date: 01/22/2015
Prepared by: Frederick County
Community Development Division
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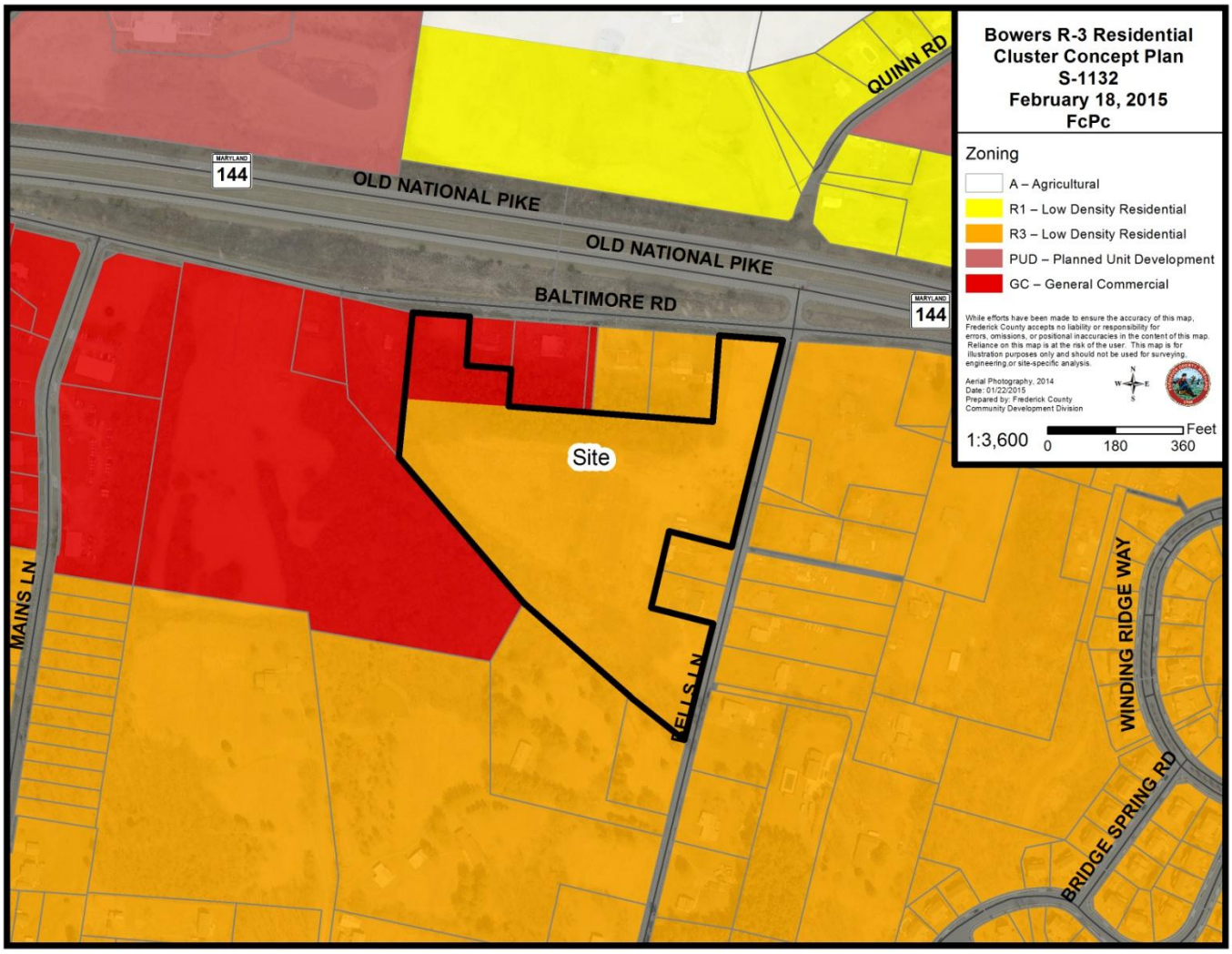
Bowers R-3 Residential
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Zoning
A – Agricultural
R1 – Low Density Residential
R3 – Low Density Residential
PUD – Planned Unit Development
GC – General Commercial
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BRIDGE SPRING RD

The current application is for a 26-lot single family residential subdivision being reviewed as a Cluster Development under 1-19-10.100 through 1-19-10.100.5 of the Zoning Ordinance. Section 1-19-10.100 requires:

(A) A Concept Plan is to be submitted to the Planning Commission at least 60 days prior to the Commission meeting at which it is to be considered which shows:

(1) The type of dwelling unit (single-family, townhouse, garden apartment, etc.) and building restriction lines; and
(2) Street layout; and
(3) Green area system; and
(4) Vicinity map and
(5) Topography with minimum 10 foot contours; and
(6) Number of acres in the entire tract; and
(7) Overall dwelling unit density.

(B) If the concept plan is approved by the Commission, the developer will then proceed with platting of the development in accordance with the subdivision regulations.

ANALYSIS

A. CLUSTER DEVELOPMENT REGULATIONS

1. ***Purpose §1-19-10.100:*** *The purpose of cluster development is to provide a method of development that permits variation in lot sizes without an increase in the overall density of population; that allows home buyers a choice of lot sizes according to their needs; that preserves green space, tree cover, scenic vistas, natural drainage ways, or preserves features of outstanding national topography; in order to prevent soil erosion and provide green areas for rest and recreation.*

   The Cluster Plan illustrates a variation in lot size without increasing the overall density. The lots range in size from 6,000 square feet to 12,279 square feet. Roughly 5.21 acres of the overall 12 acre R-3 zoned portion of the site will be owned and maintained as open space by a homeowners' association. The open space is located adjacent to a stream that runs along the southern property boundary. The majority of the proposed open space consists of the forested area adjacent to the stream system, which will be the location of the FRO easements. In addition, the Applicant has attempted to save a portion of an existing forested area (.60 tree save area) on the north side of the development behind and adjacent to existing residential/commercial development.

2. ***Districts Where Permitted §1-19-10.100.2:*** *In all R Districts, the Planning Commission in approving subdivision plats, may permit modifications in lot area, lot width, yards (building restriction areas) including zero lot lines, or other requirements. Use regulations are governed by the zoning district in which the development is located. Cluster development is not permitted unless public water and public sewer are provided.*

   The Residential cluster provisions in the Zoning Ordinance and Subdivision Regulations allow for Planning Commission modification to lot area, lot width, yards, or other requirements to achieve "variation in lot sizes without an increase in the overall density of population, that allows home

buyers a choice of lots sizes according to their needs, preserves green space, tree cover, scenic vistas, natural drainage ways or preserves features of outstanding topography." Any reduction in lot size is required to be reserved as green area, with conveyance to a home owner's association or the County.

The Applicant is requesting the following modifications to the standard R-3 development standards for development of 26 single-family residential lots:

	R-3 Zoning District	Proposed
Minimum Lot Size	12,000 sq. ft	6,000 sq. ft.
Minimum Lot Width	80 ft.	55 ft.
Front Yard BRL	30 ft.	15 ft.
Side Yard BRL	10 ft.	6 ft.
Rear Yard BRL	30 ft.	20 ft.

The Applicant is proposing 26 single family lots which would result in 312,000 square feet in lots under the standard R3 zoning. The Applicant has proposed a total of 200,022 square feet in cluster lots which is 111,978 square feet less than the standard development. As required by Ordinance, this reduction in lot size must be reserved as green area. The Applicant is proposing 227,276 square feet in green area which exceeds this minimum requirement.

The property has current water and sewer classifications of W4/S4 and the Applicant intends to serve the development with public water and sewer services.

3. ***Density Determination and Design Requirements* §*1-19-10.100.3:*** *The average dwelling unit density will be no greater than the permitted density for the district in which the units are located. For the purposes of this division,* ***DENSITY*** *means the maximum number of dwelling units which could be built on net developable land area in the zoning district. Net developable land is that land remaining after flooding soils areas and rights-of-way for principal highways have been deducted from the gross site area.*

   Lot sizes range from 6,000 square feet to 12,279 square feet, with an average of 7,693 square feet. There are no flooding soils within the Site boundary or road dedication required as part of this project. The project will be accessed via Bells Lane. Bells Lane is a local road as designated on the Comprehensive Plan and has an existing 50' right of way. This net developable area would permit a maximum of 40 lots under the standard R3 regulations. The Applicant is proposing 26 lots which does not exceed the density permitted within the district for single family dwellings.

4. ***Green Area Space Requirements* §*1-19-10.100.4:*** *Reduction of individual lot areas will be reserved as green area. The county may accept the conveyance of the green areas or it shall be conveyed to a nonprofit home[owner]s association.*

   The Zoning Ordinance and Subdivision Regulations state that the reduction of individual lot areas (below that required in the *Design Requirements* for specific zoning districts) in residential cluster developments will be reserved as green area. The amount of 'surplus' land area in the project resulting from the reduction of the 12,000 sq. ft. R-3 minimum lot size equates to 111,978 sq. ft. or 2.57 acres. The Applicant is providing 227,276 sq. ft (5.21 acres) of green space/open space, exceeding the green area requirement by 2.6 acres. A natural surface trail system and a 10,000 square foot active recreational area with a tot-lot are proposed within the green area in the project. The trail system links both ends of Street 'A,' running parallel to the stream with connection to Baltimore Road on the far western edge of the property.

Cluster Development Regulations Findings/Conclusions

The proposed subdivision will meet all cluster development regulations as provided in section 1-19-10.100 through 1-19-10.100.5 of the zoning ordinance.

B. SUBDIVISION REGULATION REQUIREMENTS

1. ***Land Requirements §1-16-217 (A):*** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The proposed land use and subdivision design complies with the Comprehensive Plan designation of low density residential and meets Zoning Ordinance requirements for the R3 zone as permitted through the cluster provisions.

2. ***Land Requirements §1-16-217 (B):*** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The site is primarily open field, with moderate gradients associated the stream system. Surrounding the site are residentially-zoned parcels of varying sizes. Undeveloped properties with commercial zoning abut the subject property to the west. The development proposal has attempted to take advantage of the wooded area along the northern property line to retain the existing vegetation and to buffer the existing development from proposed development. In addition, the development concentrates the green area along the stream within the southern portion of the Site.

3. ***Lot Size and Shape §1-16-219:***

The proposed subdivision includes 2 panhandle lots. The Subdivision Regulations provide that panhandle lots may be approved by modification of the Planning Commission in major subdivision only when it is determined by the Commission that "excellence of design" will be achieved or that such lots are inaccessible to the road due to odd shape and/or topographical constraints. The Applicant has requested a modification for approval of the panhandle lots at Preliminary Plan review based on the following factors:

- Retention of existing trees in northern project area
- Elimination of additional driveways off Bells Lane
- Adjustments to Road A's location and geometry to meet design criteria
- Provision of a relatively flat area for active recreation

A final determination of whether the Planning Commission will approve a modification for approval of the panhandle lots will be made at Preliminary Plan review.

Subdivision Regulation Requirements Findings/Conclusions

The proposed subdivision will meet the Subdivision Regulations as provided in ***Land Requirements §1-16-217 (A) and (B)***.

C. ACCESS

1. ***Public Facilities §1-16-12 (B)(3)(b):*** *For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.*

The subdivision will be accessed via Bells Lane which is an existing local road as designated on the Comprehensive Plan. Bells Lane has an existing 50' right-of-way with a paved surface width of 21 feet. A 980-ft. long cul-de-sac (street "A") is proposed to serve the majority (21) of the lots. Street 'A' is shown as a closed section roadway with 28-ft. of pavement and 5-ft. sidewalks on both sides of the road.

Street, Common Driveway and Sidewalk Construction §1-16-109: The development proposes three common driveways. A common driveway will serve lots 5 and 6 off Baltimore Road, and another will serve lots 4 and 7 off Bells Lane. The third common driveway will serve lots 1, 2, 22, & 23. The proposed common driveways for lots 5 and 6 as well as the drive serving lots 4 and 7 will require entrance spacing modifications as part of the Preliminary Plan review. The access for lot 3 is shown on a future Outlot that contains an existing driveway and deeded access for the adjacent parcel (Tax Map 78, Parcel 301).

The Subdivision Regulations (1-16-219.c.3) state that no more than 2 panhandle lots of any ownership may have adjoining entrances to a public right-of-way, except where common driveways are utilized, and then the number of panhandle lots may not exceed 4 Lots 1 and 2 are panhandle lots, with a proposed common driveway also serving lots 22 and 23. Since only 2 panhandle lots are proposed, the proposed development meets the requirement. The width of the common driveway will be finalized at Preliminary Plan review in accordance with the Subdivision Regulations and Office of Life Safety requirements.

2. **Other Street Requirements §1-16-236.K:**

(K) Subdivisions on cul-de-sac or dead end streets shall be permitted only if approved by the Planning Commission (or county staff) in accordance with this division, the Design Manual, and the following provisions, as applicable:

(1) For proposed development on new or existing cul-de-sac or dead end street(s), except existing dead end streets described in subsection (2) below, the following requirements apply:

(a) Applicant must demonstrate the existence of site specific circumstances that make the design and development of a through street practically infeasible.

(b) In the AG and R-1 zoning district, cul-de-sac or dead end street(s) shall not exceed 1,800 feet in length and shall not serve more than 30 lots, dwelling units, or parcels. The Planning Commission may approve development of a greater number of lots and/or on a longer cul-de-sac or dead end street if the Planning Commission considers the individual property characteristics and the goals and principles of § 1-16-234 as set forth below in § 1-16-236(K)(1)(c).

A total of 21 lots are designed with frontage on Street 'A,' which is proposed as a 980-ft. long cul-de-sac with 28 feet of pavement width and sidewalks on both sides. Due to the steep topography on the north and the stream system and its buffer on the south side of the property, the lots are concentrated on the northern portion of the site. These features led to the utilization of a cul-de-sac with the placement of a portion of the cul-de-sac 'bulb' in the GC-zoned portion of the property. No portion of the proposed lots are situated within the GC zoning district.

Staff has no objection to the proposed cul-de-sac. The Planning Commission will consider final approval of the cul-de-sac during Preliminary Plan review, which will follow concept plan approval.

Access Findings/Conclusions
Staff does expect the Applicant to fully address the cul-de-sac, panhandle lots, entrance spacing, and the common driveway pavement width issue at the Preliminary Plan stage.

D. WATER AND SEWER FACILITIES

1. ***Public Facilities §1-16-12 (C):*** *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The property has a W-4, S-4 water/sewer category. Residential cluster developments are required to be served by public water and sewer. While public water and sewer lines are present in Baltimore Road, details for line extensions and service connections will be part of the subsequent Preliminary Plan review and approval and the Water and Sewerage Plan Amendment.

E. OTHER APPLICABLE REGULATIONS

Stormwater Management – Chapter §1-15.2: This subdivision will address SWM at the time of Preliminary Plan application.

APFO – Chapter §1-20: This subdivision will address APFO schools, roads, public water, and public sewer at the time of Preliminary Plan application.

Forest Resource Ordinance – Chapter §1-21: Concept Plan review triggers the submission of a Forest Stand Delineation and Preliminary Forest Conservation Plan (as required per section 1-21-31 of the Frederick County Code), which identifies areas for reforestation, afforestation and priority areas for conservation, including retention of specimen trees (trees over 30 inches in diameter at breast height (dbh).

A Forest Stand Delineation (FSD) has been submitted and is approved. The site contains two forest stands; one along the stream in the southern portion of the property, and one along the northern boundary of the property. The FSD illustrates that the forest within the stream buffer will be retained. Some forest removal is proposed, mostly in the northern portion of the site. No specimen trees are proposed to be removed. A Forest Conservation plan must be submitted along with the next phase of this project.

Other Agency or Ordinance Requirements	***Comment***
Development Review Engineering (DRE):	Conditionally Approved. SWM requirements to be determined at Preliminary Plan stage.
Development Review Planning:	Hold. Must meet all agency and FcPc comments and conditions.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Approved. They will review the plan further at the Preliminary Plan stage.

Other Agency or Ordinance Requirements	***Comment***
Health Dept.	Approved.
Office of Life Safety	Approved. They will review the plan further at the Preliminary Plan stage.
DPDR Traffic Engineering	Hold. They will review the plan further at the Preliminary Plan and APFO stage.

FINDINGS/RECOMMENDATION

Based upon a review and analysis as provided above, Staff finds that the proposed application will meet all density, design, and green area requirements for Residential Cluster development contained in §1-19-10.100 of the Zoning Ordinance. If the Concept Plan is approved by the Planning Commission, a preliminary subdivision plan shall then be submitted following the standard preliminary plan procedures as specified in §1-16-71 of the Subdivision Regulations.

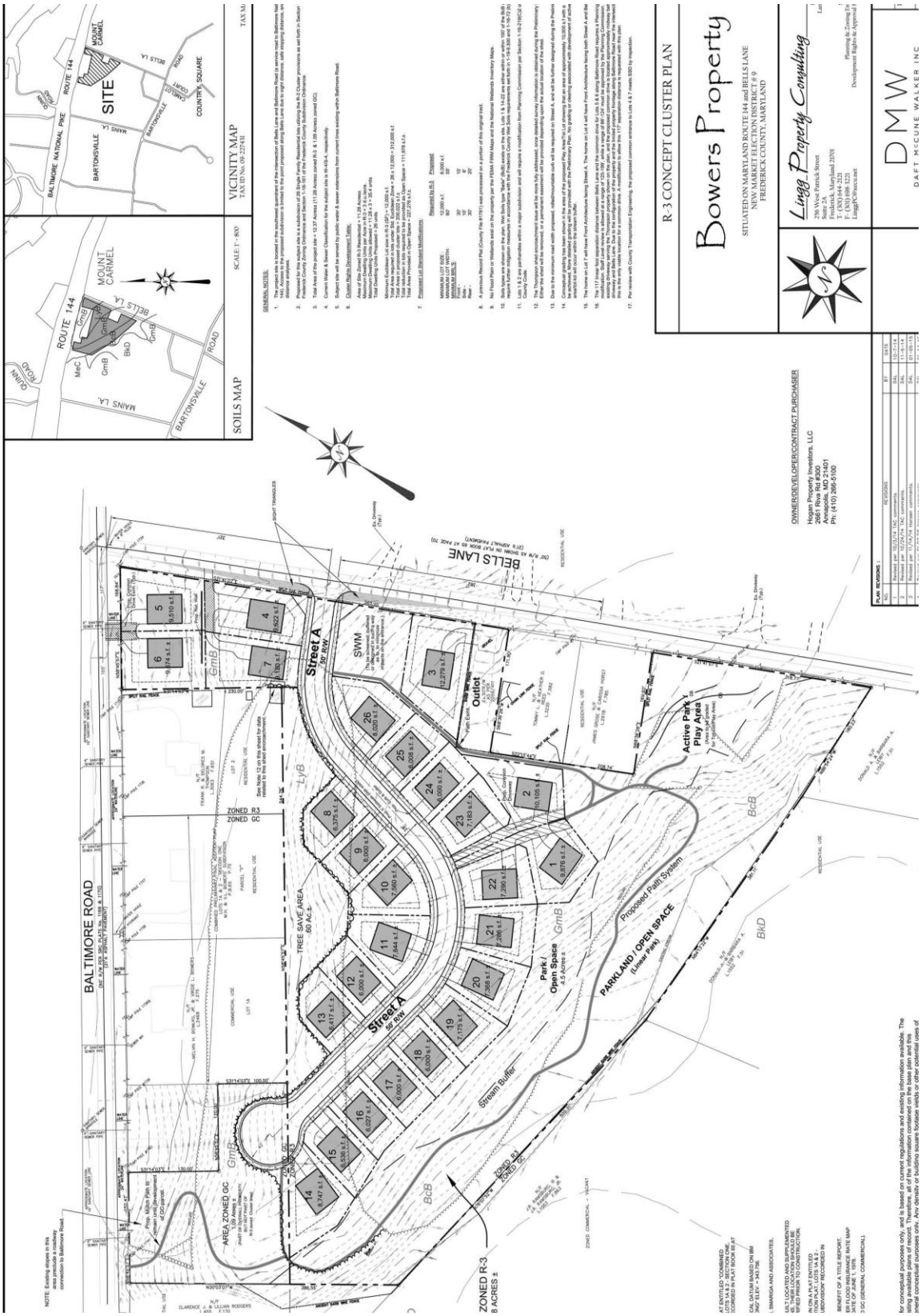
Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable Subdivision, Zoning, APFO, and FRO requirements at the time of Preliminary Plan review, therefore Staff has no objection to conditional approval of the Bowers R-3 Residential Cluster Concept Plan. Should the FCPC grant approval of this application (S-1132, AP #14812) and allow the Applicant to proceed to the Preliminary Plan stage, Staff recommends the following conditions be added to the approval:

1. The Applicant shall comply with all Staff and agency comments through completion of the plan.
2. The approval of this plan does not guarantee approval of future preliminary plans or final plats. All future applications shall be reviewed and approved in the normal manner in accordance with applicable regulations.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** the Bowers R-3 Residential Cluster Concept Plan for 26 single family lots **(S-1132, AP 14812)** with conditions as listed in the staff report, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



Bowers R-3 Residential Cluster Concept Plan

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