TITLE: Westview South MXD – Clubhouse and Pool

FILE NUMBER: S-905/SP-98-36 (AP 15160, APFO 15161, FRO 15162)

REQUEST: Site Development Plan Approval
The Applicant is requesting Site Development Plan approval for a private community center and pool in the Westview South development on a +/- .962 acre site.

PROJECT INFORMATION:
ADDRESS or LOCATION: Northeast corner of New Design Road and Executive Way
TAX MAP/PARCEL: Tax Map 86, Parcels 269 & 3
COMP. PLAN: Mixed Use Development
ZONING: Mixed Use Development (MXD)
PLANNING REGION: Frederick
WATER/SEWER: W-3, S-3

APPLICANT/REPRESENTATIVES:
APPLICANT: Matan Properties, Inc.
OWNER: WVS Parcel 300, LLC & WVS Parcel 400, LLC
ENGINEER: Harris Smariga Associates, Inc.

STAFF: John Dimitriou, R.A., Principal Planner

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
EXHIBIT 1 - Plan Rendering
EXHIBIT 2 - Modification Requests
STAFF REPORT

ISSUE

Approval Request

The Applicant is requesting Site Development Plan approval for development of private community center and pool in the Westview South development on a .962 acre site. The Project is subject to the requirements of the Frederick County Code, specifically Section 1-19-3.300 through 1-19-3.300.4 for Site Development Plan Review. The request is being reviewed as a “Civic Community Center” use under the heading of Institutional and a “Swimming Pool, Commercial” use under the heading Commercial Amusements per §1-19-5.310 Use Table in the Zoning Ordinance. The proposed use is being reviewed as part of the fulfillment of the Westview South MXD – Residential Section Combined Preliminary/Site Plan approved by the Planning Commission on 5/21/14 (AP 14262).

Modification Requests:
Reduction in the required number of on-lot parking spaces (see pg.7 below).
Reduction in the required number of on-lot loading spaces (see pg.8 below).
Permit illumination levels in excess of .5 footcandles at the property line (see pg.6 below).

BACKGROUND

Development History

The Site was zoned Agricultural (A) from 1959 to 1987, at which time it was rezoned to Office/Research/Industrial (ORI). The Site is currently zoned MXD, which was first applied in 1994. In 2001, the MXD was amended to remove residential from the approved land use mixture. In 2013, another rezoning reintroduced residential land use to the approved uses.

A Combined Preliminary/Site Plan was approved on 5/21/14 for the residential portion of the MXD. This includes 518 dwellings in the following mix:

- Single-family detached, front loaded: 32 units
- Single-family detached, rear loaded: 90 units
- Single-family attached (townhouses): 178 units
- Two over two dwellings: 62 units
- Multifamily: 156 units

Per the Phase II conditions of approval, a detailed amenities plan depicting development of the open space area within the development was submitted. The proposed clubhouse/pool is consistent with the approved amenities plan.
Existing Site Characteristics

The clubhouse/pool site is centrally located within the residential portion of the Westview South MXD, at the corner of proposed Judicial Way and Macon Street. The Site will be bordered on the south, east, and west sides by proposed streets, and on the north by proposed townhouses.

To the west of the Site, beyond the boundaries of the residential portion of the MXD, are the residential subdivisions of Kingsbrook, Robin Meadows, and Wellington Trace. To the east are office and industrial uses, including the State Highway offices, the Omega Center and the Center at Monocacy. To the north is the Westview MXD, which includes office and retail uses. The adjoining properties to the south are in office and industrial use, and include the Wedgewood Business Park and Tamko Asphalt. The Russell Property, a planned six lot industrial subdivision is currently in various stages of review. Near the property along MD 85 is the location of the Arcadia Mansion, a property on the National Register of Historic Places.
ANALYSIS

Summary of Development Standards Findings and Conclusions

As indicated below, the Project meets the requirements of Chapter 1-19 of the Frederick County Code. Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized. Water and sewer service will be provided to the Site and the Site has the appropriate designation. Access to the Site is adequate. A new lot will be created for the site of the proposed clubhouse and pool. A final plat application to create a lot for the development has been submitted and is currently under review (AP#15032). Final approval of this site plan application may only occur upon recordation of this plat.

Setbacks and height restrictions are proposed and must be approved with this application. Modifications are requested for lighting, parking and loading. The Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) was approved and executed as part of the Westview South Development Rights and Responsibilities Agreement (DRRA), and an exemption has been approved for the current application (APFO#15161). The FRO plan for this Project was approved in 2008 (AP#7278) and the required FRO easements were recorded.
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:**
   Setbacks and height within the Planned Development Districts (PUD & MXD) shall be established by the Planning Commission at Phase II as provided in §1-19-10.500.7(F)(2) of the Zoning Ordinance. The approved Phase II plan (AP#14262) established setbacks for the residential uses within the project. Setbacks for the clubhouse/pool use shall be established in conjunction with this application.

   A new lot will be created for the site of the proposed clubhouse and pool. A final plat application to create a lot for the development has been submitted and is currently under review (AP#15032). Final approval of this site plan application may only occur upon recordation of this plat.

   The proposed lot will have frontages on three sides. Per the Zoning Ordinance, “Where a lot contains 3 front yards the remaining yard shall be considered a side yard.” Therefore, the proposed setbacks are identified on the proposed plan as consisting of one side yard and three front yards. However, the setback proposed for all yards is 5 feet. The proposed clubhouse building and pool have been located to the interior of the lot with other amenities (pool deck and fire pit) located closer to the roadway. The proposed clubhouse is setback approximately 20’ from the nearest property line which is adjacent to Judicial Way.

   The proposed setbacks are compatible with the setbacks of the approved combined plan, where 0’ front yards and 5’ side yards are approved.

2. **Signage §1-19-6.300:**
   No signage is being proposed as part of this plan. Should signage be desired in the future, a separate sign permit would be required at that time.

3. **Landscaping §1-19-6.400:**
   **Street Trees**
   Street tree requirements have been met in conjunction with the approved combined plan (AP#14262). As a part of this approval, the Applicant provided trees in excess of the requirement distributed along the northern boundary and southwestern corner of the Site. These consist of two willow oaks, one red oak, two red maples, and one littleleaf linden. Additional trees are being proposed in the current application within the park space identified on the site plan, consisting of one red maple, one willow oak, and one red oak.

4. **Screening §1-19-6.400:**
   Proposed screening is provided along the shared boundary between the parking and the pool at the south and southwestern edges of the Site. A perimeter fence around the pool is proposed at a
height of 6 feet. Screening is not provided at the northern edge of the pool, resulting in greater openness and visibility between the park and the pool. This is a design approach that reinforces the perception of connection and continuity between the park and the pool, supporting the integration of these functions of the Site. The result is a conceptual design that treats the Site as a more unified community recreation space composed of multiple centers of activity rather than separate areas with distinct, and closed nodes of activity. Additionally, visibility between the park and the pool allows greater surveillance between the two uses. In practical application, this means that families can potentially use both aspects of the Site simultaneously, the park and the pool, without sacrificing the ability to supervise behavior.

5. **Lighting §1-19-6.500:**

Eleven building mounted lights and one freestanding pole light are proposed. Lighting exceeds .5 foot-candles in several locations along the proposed lot boundary of the Site. However, this is due to previously approved light levels related to the approved lighting plan for the Combined Preliminary/Site Plan.

Light levels are reviewed along lot lines, and are limited to .5 footcandles with the intent of preventing excessive illumination onto neighboring properties. Lighting levels within lot lines may exceed .5 footcandles. As such, existing approved light levels surrounding the clubhouse/pool Site are currently in excess of .5 footcandles. Therefore illumination limitations for the proposed parcel as dictated in the Code cannot be met with the lighting plan as proposed.

The Applicant has requested a modification for light levels in excess of .5 footcandles at the proposed clubhouse/pool Site lot boundary. Staff has no objection to this request. The clubhouse/pool Site is a prominently situated locus of activity within the development as a whole, attracting pedestrians from the surrounding development, and providing open space for group activity. As such, greater illumination will provide greater safety by increasingly visibility in a location where there will be a concentration of pedestrian and vehicular movement.

**Conditions/Modifications**

1. Lighting modification requested to allow illumination greater than .5 footcandles at the proposed property lines.
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:
   There are no vehicular entries, drive aisles or thoroughfares on the Site. Access to the Site from an automobile occurs by disembarking in the nearby parking areas.

2. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:
   Parking for the proposed uses is required at the following rates:

   - Civic Community Center: 1 for each 5 seats (conference room)
   - Commercial Swimming Pool: 1 for each 5 persons capacity, plus 1 for each 4 seats or 1 for each 30 square feet floor area used for seating purposes, whichever is greater

   This results in the following requirement:

   - Commercial Swimming Pool: 4,616 sf/15 = 308 persons/5 = 62 spaces
   - Swimming Pool Deck: 6,197 sf x .33 (assuming 1/3 seating area) = 2,045 sf/30 = 68 spaces
   - Civic Community Center (Clubhouse): 300 sf conference room/15 = 20 people / 5 = 4 spaces

   Total required = 134 spaces

   The Applicant is requesting a modification to waive parking requirements for the clubhouse and pool and utilize parking spaces surrounding the site approved with the Combined Preliminary/Site Plan. Staff supports this modification request because the pool and clubhouse as proposed in the plan are significantly less intense than the customary intensity associated with the applicable uses of the Zoning Ordinance.

   A “Commercial Swimming Pool” is typically a competition grade pool that is equipped to host swimming tournaments and is open to the public. The pool proposed in this plan is not a competition pool and is not intended to host tournaments or be open to the public. This means that users from outside the Westview South residential development generally would not utilize the pool, and no events generating a significant parking demand would occur at the pool.

   Users of the pool and the clubhouse will originate from the surrounding neighborhood, which is entirely within a 5 minute walk, further reducing the likelihood that parking demand will exceed supply. Additionally, the Westview South Preliminary/Site Plan was approved with an excess of parking. The requirement for parking was 1,208 and 1,362 spaces were provided. This is a surplus of 154 spaces. The parking surrounding the clubhouse/pool parcel was approved as part of the Combined Preliminary/Site Plan and will remain. Therefore, there is likely adequate supply to meet the demand for parking that may be generated by the clubhouse and pool uses.

   One on-site loading space is required as part of the proposed plan. The Applicant has requested
a modification to eliminate the on-site loading space requirement. Staff has no objection to this request. The clubhouse and pool are for the private use of residents of the development and therefore regular delivery of goods necessitating a designated loading space is not anticipated at this facility. Additionally, should loading be required, the existing street layout provides flexibility to accommodate loading from on-street parking spaces approved in the Combined Preliminary/Site Plan. As such, two spaces have been identified on street to provide loading, and have been annotated on the plan.

3. **Bicycle Parking §1-19-6.220 (H):**
   Bicycle parking is required at a rate of 1 rack for each 20 auto spaces required. At 134 required auto spaces, seven bicycle racks are required and will be provided.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):**
   The plan proposes an abundance of pedestrian access and connectivity to the surrounding development. Through-site access is available via the proposed park space in the north of the Site. Lighting levels along pedestrian pathways provide ample illumination to enhance pedestrian safety. Marked pedestrian crosswalks have been provided in conjunction the approved Combined Preliminary/Site Plan at the intersection of Delegate Place and Judicial Way.

**Conditions/Modifications**

1. Parking modification requested to eliminate the required number of on-site parking spaces and utilize spaces approved with the Combined Preliminary/Site Plan.

2. Loading space modification requested to eliminate the required on-site loading space.
**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/the Frederick County Health Department.

**Findings/Conclusions**

**Public Water and Sewer:** The Project is to be served by public water and sewer service and carries a current Water and Sewerage Plan classification of W-3, S-3. The Site will be served by the New Design Water System and the Ballenger-McKinney Waste Water Treatment Plant. The Division of Utilities and Solid Waste Management has reviewed and approved the proposed water and sewer facilities for the clubhouse/pool development.

**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.

**Findings/Conclusions**

There are no FEMA Floodplains, wet soils, or wetlands on the clubhouse/pool Site.

**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.

**Findings/Conclusions**

The park area and pool clubhouse are proposed to be under HOA ownership. The final plat will be annotated to state that property must be owned by an HOA or similar organization for the benefit and use of all the residents of the subdivision.
**Other Applicable Regulations**

**Moderately Priced Dwelling Units – Chapter 1-6A:**
No residential development is proposed on the clubhouse/pool Site.

**Stormwater Management – Chapter 1-15.2:**
A stormwater management concept plan was approved on February 25, 2014.

**APFO – Chapter 1-20:**
The Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) was executed as part of the DRRA for Westview South, and an APFO exemption has been approved for the clubhouse/pool application (AP#15161).

**Forest Resource – Chapter 1-21:**
The FRO plan for the Westview Combined Preliminary/Site Plan was approved in 2008 (AP#7278) and the required FRO easements have been recorded. A FRO exemption has been approved for the clubhouse/pool application (AP#15162).

**Historic Preservation – Chapter 1-23:**
No historically significant structures or other resources are present on this Site.

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**Summary of Agency Comments**

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RECOMMENDATION

Staff has no objection to conditional approval of the Westview South MXD – Clubhouse and Pool Site Development Plan. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and is therefore valid until June 10, 2018.

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. Planning Commission approval of the proposed setbacks and height as requested by the Applicant and as shown on the site plan.

3. Planning Commission approval of the requested parking modification to allow a reduction in the required number of spaces.

4. Planning Commission approval of the requested loading space modification to allow a reduction in the required number of spaces.

5. Planning Commission approval of the requested lighting modification to allow light levels in excess of .5 footcandles at the property line.

6. Prior to final signature approval of the Site Development Plan, the Applicant shall modify the bicycle parking section of note #4 on the cover sheet to read “Bicycle parking is required at a rate of 1 rack for each 20 auto spaces required. Based on 134 auto spaces, 7 bicycle racks are required.”

7. Prior to final signature approval of the Site Development Plan, the Applicant shall record the H.O.A Common Area lot on Westview South Section 1, Plat 1 of Westview South (AP# 15032) and list the Liber Folio on the Westview South MXD – Clubhouse and Pool Site Development Plan.
PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission APPROVE Westview South MXD Clubhouse/Pool Site Development Plan with conditions and modifications as listed in the staff report for the proposed Civic Community Center and Commercial Swimming Pool, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.