



# FREDERICK COUNTY PLANNING COMMISSION

January 8, 2014

**TITLE:** Oakdale Village

**FILE NUMBER:** S-1163/SP- 13-06(AP-13853, APFO- 13855 & FRO-13556)

**REQUEST:** **Combined Preliminary Subdivision/Site Development Plan Approval**  
The Applicant is requesting Combined Preliminary Subdivision/Site Development Plan approval for 314 residential lots (48-single family detached, 114-townhouse, 152-'2-over-2' units), on a 52.1-acre site

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** North side of Old National Pike, 1,000 feet west of Eaglehead Drive

**TAX MAP/PARCEL:** 79, 112/162

**COMP. PLAN:** Mixed Use and Low Density Residential

**ZONING:** Mixed Use and R-1 Residential

**PLANNING REGION:** New Market

**WATER/SEWER:** W-5, S-5

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Oakdale Properties, LLC

**OWNER:** Oakdale Properties, LLC

**ENGINEER:** Rodgers Consulting, Inc.

**ARCHITECT:** N/A

**ATTORNEY:** Noel Manalo, Esq.

**STAFF:** Tim Goodfellow, Principal Planner II

**RECOMMENDATION:**

Conditional Approval

**ATTACHMENTS:**

EXHIBIT 1- Preliminary Subdivision Plan  
EXHIBIT 2- Site Plan Rendering  
EXHIBIT 3- APFO Letter of Understanding

# STAFF REPORT

## Development Request

The Applicant is requesting Combined Preliminary Subdivision/Site Development Plan approval for development of 314 residential dwelling units in the mixture indicated below. The project proposes to retain an existing single-family dwelling on the subject property, resulting in a total of 315 dwellings for the project site.

- Single-family detached: 33 units
- Single-family detached, rear loaded: 15 units
- Single-family attached (townhomes): 114 units
- Multi-Family (stacked, "2 over 2"): 152 units
- Institutional/Commercial Use – 1.3 acre parcel

The project is subject to the requirements of the Frederick County Code, specifically Chapter 1-16 Subdivision Rules and Regulations for the Preliminary Subdivision Plan review, and Section 1-19-3.300 through 1-19-3.300.4 for the Site Development Plan review. The Site Plan portion of the project is being reviewed as "Townhouses" and "Multifamily dwellings" under the use heading of *Residential* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the Mixed Use (MX) Zoning District subject to site development plan approval.

## Modification Requests

- Reduction of required dimensional standards including lot areas and building setbacks. (see pg. 9)
- Reduction in width of planting area for placement of street trees (see pg. 9)
- Reduction in required number of on-lot parking spaces (see pg.12)

## BACKGROUND

### Development History

The MX zoning district was applied to the subject property in 2012 through Ordinance No. 12-22-617, which amended the County's Comprehensive Zoning Map as part of the Comprehensive Plan and Zoning update. A panhandle at the eastern corner of the site out to Old National Pike is zoned R-1. The property was previously zoned R-5 and General Commercial in the 2006 New Market Region Plan. The R-5 and GC zoning was subsequently removed from the properties as part of the 2008 New Market Region Plan update. However, the properties have retained a Medium Density Residential land use designation on the Comprehensive Plan since the 2006 New Market Region Plan.

The 52-acre site of the proposed Oakdale Village is a remainder parcel created after a 2-acre subdivision lot (Lot 1, Hartman Property) was recorded in 1977 in the land records at Plat Book 16, Page 30. The site has two dwellings dating from the mid-20<sup>th</sup> century plus multiple farm buildings, a farm pond and an existing stormwater management facility utilized for Oakdale High School, but designed to also accommodate a portion of the proposed development. A sewer line and corresponding 30-ft wide public sewer easement traverse the property, in the general vicinity of the stream system.

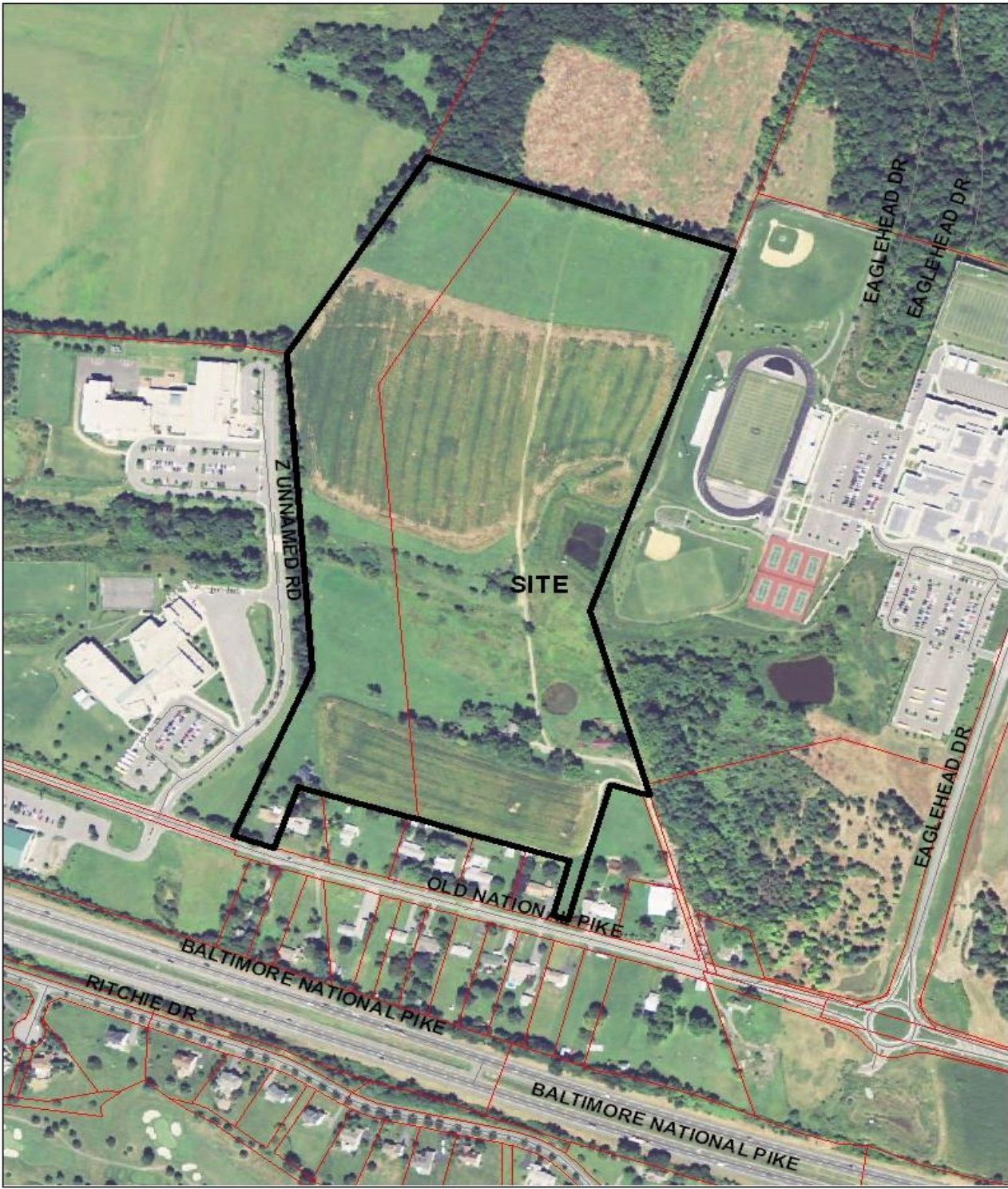
Section 1-19-7.520 (l) of the Zoning Ordinance requires any permitted use proposed in the MX zoning district that requires site development plan approval to receive Concept Plan approval from the Planning Commission prior to site plan approval. On July 10, 2013, the Planning Commission granted conditional approval to the Oakdale Village Concept Plan for development of 314 residential units (48 single family residences, 114 townhomes, and 152 '2-over-2' units). The Applicant has made slight modifications to the

project design as approved on the Concept Plan by adding townhouse units to the southern land bay; the total number of proposed dwelling units remains the same as the Concept Plan.

### Existing Site Characteristics

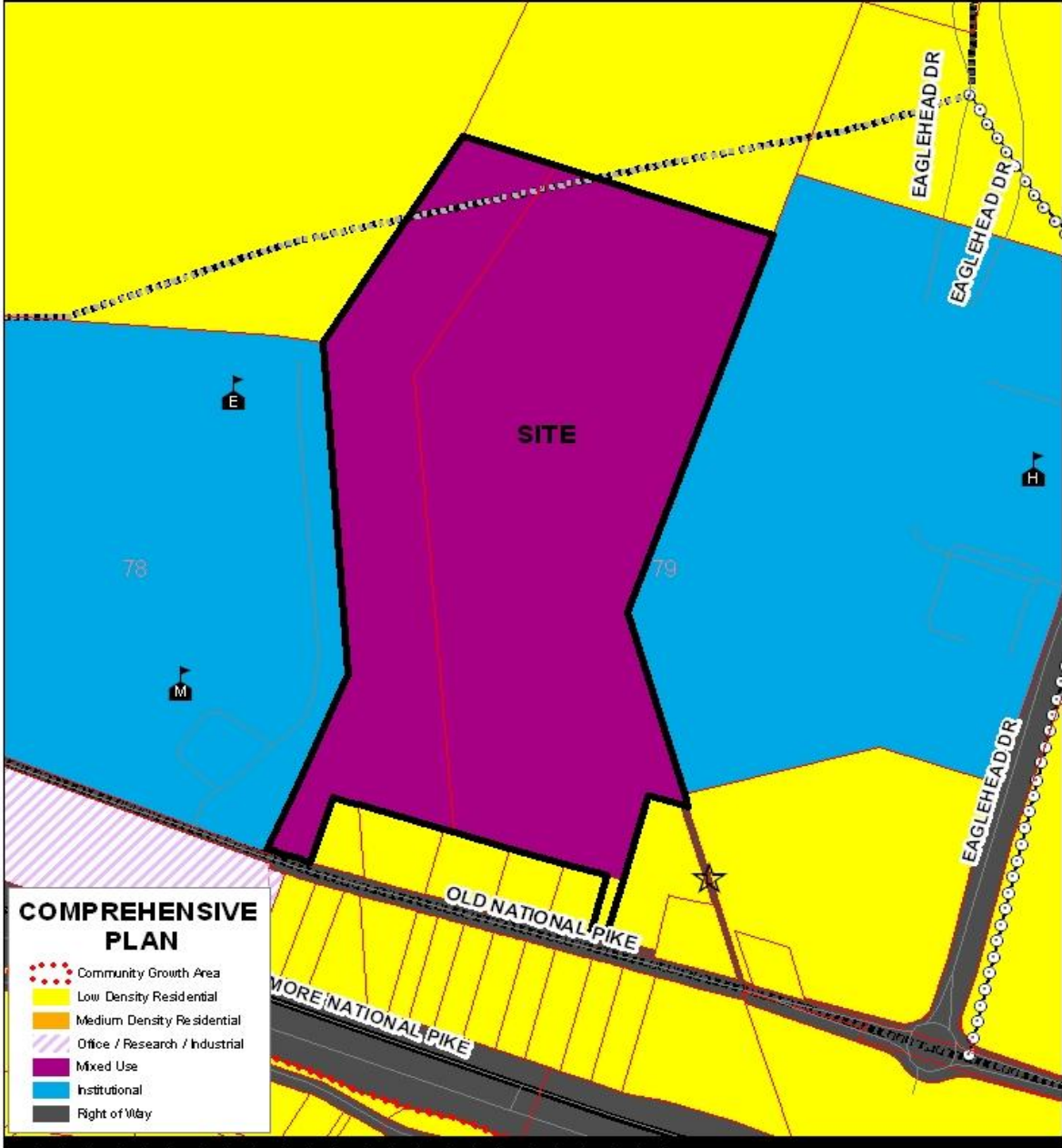
Bisecting the subject property in an east-west direction is a first-order tributary to Long Branch, which flows into Linganore Creek. The stream system contains 5.7 acres of flooding soils (HdA, Hatboro/Codorus) plus approximately 0.10 acre of wetlands as shown on the US Fish and Wildlife Service's National Wetlands Inventory, and is the topographical low point of the site at approximately 440' elevation. Gentle, rolling hills rise from the stream system to the topographic extremes at the southern edge of the property (elevation 500 ft), and the far northeast corner (elevation 520 feet). Current use of the property is cultivated land for corn and grain crops.

The property is located between the Oakdale schools; Oakdale High School adjoins the property to the east and both Oakdale Middle and Oakdale Elementary schools share the western property line with the subject property. The access road that serves both the middle and elementary schools is situated along this shared western property boundary. Seven (7) residential, developed lots border the property to the south and face Old National Pike. The property has two (2) frontages on Old National Pike: a 50-ft wide, deeded strip of land between two of the existing residential lots (proposed to become Oakdale Village Road) and 135 feet of direct road access (site of the existing single family residence on the subject property), which is just 200 feet east of the entrance to the Oakdale Middle and Elementary Schools.





OAKDALE VILLAGE



**COMPREHENSIVE PLAN**

- Community Growth Area
- Low Density Residential
- Medium Density Residential
- Office / Research / Industrial
- Mixed Use
- Institutional
- Right of Way

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# **ANALYSIS**

## **Summary of Development Standards Findings and Conclusions**

### **General Site Development, Layout and Design**

The stream system and associated floodplain and wetlands form a natural north/south separation of the subject property. The southern land bay is smaller and depicts a correspondingly smaller number of units (100) than the larger, northern development area (214), which contains all dwelling unit types; the southern land bay is populated only by townhomes and 2 over 2 units.

The Concept Plan proposes five (5) distinct types of residential dwelling units:

#### **Northern Land Bay**

- 1) Single-family detached with front or side loading/access [33 units]
- 2) Single-family detached with rear loading (alley access) [15 units]
- 3) Single-family attached (townhomes) with front loading/access [42 units]
- 4) Single-family attached (townhomes) with rear loading/access [14 units]
- 5) Multi-Family in a stacked townhome design or '2 over 2' units [110 units]

The development area north of the stream contains all varieties of units plus the approximately 1.30-acre, institutional or commercial lot, adjacent to Oakdale Elementary School. Single-family lots are shown with both a rear-loaded design (alley access) plus a conventional front-loaded style. The townhome lots include both standard front loading—integral garages with street access—and rear-loaded units with alley access to an integral garage. The proposed units have defined street frontages or are oriented to face open spaces and pedestrian ways as required in §1-19-7.520(E). The design includes a complete sidewalk network, interconnecting and linking the units to the proposed green plazas, tot-lots, the future institutional/commercial use site, as well as Oakdale Elementary School and Oakdale High School.

An approximately 56,000 square foot lot is included in the northern land bay for future Institutional uses, such as a day care facility. This site will require future separate site development plan approval from the Planning Commission prior to development.

#### **Southern Land Bay**

- 6) Single-family attached (townhomes) with front loading/access [58 units]
- 7) Multi-Family in a stacked townhome design or '2 over 2's units [42 units]

The land bay south of the stream system proposes a total of 100 units in both townhomes and multi-family ('2 over 2') units. All units have distinctive frontages on the interconnected, gridded street network or are oriented to the large open space surrounding the stream system as required in §1-19-7.520(E). Sidewalks link the units and provide two (2) direct pedestrian connections to the sidewalk along the Oakdale School access lane for students and others to walk or bike to both Oakdale Middle and Oakdale Elementary Schools. To address topographical and site gradient issues in the southern land bay, retaining walls are proposed for the area between Beerse Street and the seven (7) existing residential dwellings that face Old National Pike.

## Transportation Access and Connectivity

The project's main entrance will be made through the 50-ft wide deeded strip on the eastern corner of the site, between Parcels 88 and 16, due to the close proximity of the Oakdale Schools' entrance to the project site's 2<sup>nd</sup> frontage on Old National Pike. This primary entryway for the project ("Oakdale Village Road") is proposed to connect to the Oakdale Schools' access lane, north of the stream, which will promote interconnected streets in the project, link existing and planned road networks, and allow shared access and circulation between properties, achieving multiple development and transportation standards in the MX district.

The Oakdale Schools' access lane is at this time, essentially, a 'private' roadway, with the Frederick County Public Schools (FCPS) having sole ownership and maintenance responsibilities. In order to facilitate the connection of the proposed Oakdale Village Road to the FCPS access lane and achieve an integrated, public street network, the FCPS access lane must be transferred from the Board of Education (BOE) to Frederick County.

Another option would be to transfer both the FCPS access lane and adjacent surplus BOE land to the County. The County could then convey this land to the Applicant, while retaining a public access easement on the existing FCPS access lane and bridge. Final Preliminary Plan/Site Plan approval is dependent upon successful transfer of the FCPS access lane to the County with a public access easement secured.

The Community Development Division presented the road transfer issue, in broad terms, at the joint BOE/BOCC meeting on October 15, 2013. Consensus was reached at the joint meeting for the County and BOE/FCPS staff to continue working on all issues relating to the transfer of the FCPS access lane to Frederick County.

The Oakdale Village Plan proposes further transportation interconnectedness to surrounding areas with a future roadway into the Linganore Town Center at the southeast portion of the site; however, a final alignment of this road ("Future Street B") on the subject property will need to be determined prior to final Plan approval.

A planned linkage to the future Linganore Town Center Connector is also shown in the northwest corner of the project, with a right-of-way reservation made for the portion of the Town Center Connector conceptually located on the northern subject property.

The remaining streets indicated on the Preliminary Plan exhibit efficient internal circulation, incorporating sound lot configuration, layout and building orientation, sufficiently achieving MX design standards contained in §1-19-7.520.

## Density

The MX zoning district has no specified residential development density. Development density is a function of the site characteristics and meeting the required parking, landscaping, other design requirements, and bulk standards. To that end, the Oakdale Village site Development Plan proposed project density and Moderately Priced Dwelling Unit (MPDU) requirements are as follows:

Gross Oakdale Village Proposed Density:	314 Dwelling Units (DU)/52.1 acres = 6 DU/acre
Required MPDUs (12.5% of total DUs):	39 DUs

The Applicant proposes to satisfy the Moderately Priced Dwelling Unit (MPDU) Ordinance through payment-in-lieu of constructing the units, per the option contained in Section 1-6A-5.1 of the County Code.

**Oakdale Village Preliminary Plan/Site Plan**

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**COMBINED ANALYSIS OF SUBDIVISION AND SITE DEVELOPMENT PLAN REVIEW**

Preliminary Subdivision Plan approval is granted based upon the requirements found in Chapter 1-16 of the Frederick County Code. 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**

□ **Land Requirements §1-16-217(A) & (B)**

*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 County Comprehensive Plan for the site is Mixed Use, which is designed to accommodate a mixture of medium to high intensity residential, commercial, or civic uses within Community Growth Areas. The gross density of the project is six (6) dwellings units per acre and includes a variety of housing types permitted in the MX zoning district, including 2-over-2 units, townhomes and single-family homes. The project is designed with efficient transportation, access, connectivity, and internal circulation within an area indicated for growth and development on the Comprehensive Plan.

*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 project respects its orientation around the stream and its large floodplain (flooding soils) and wetland area and enhances these natural systems through Forest Conservation Act mitigation plantings. The proposed development will be well integrated with surrounding land uses and future adjacent uses through complimentary vehicular and pedestrian connectivity.

□ **Block Shape §1-16-218**

*The maximum block dimension shall be 1,800 feet.*

No block dimension is greater than 1,000 feet. Multiple housing styles and the location of open space create variety in the arrangement and size of blocks in the proposed development. Pedestrian movement is maximized through sound neighborhood design, appropriate building scale and bulk, and logical placement of sidewalks and paths.

□ **Lot Size and Shape §1-16-219**

*The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated and future utilities.*



The Applicant is requesting Planning Commission approval of a reduction in development standards for lot area, lot width, front, side, and rear yard setbacks as allowed within the MX district per section 1-19-7.520(G). The modifications are a reduction of the required dimensional standards contained in §1-19-6.100 and §1-19-8.470.5, as shown below. Proposed development standards are indicated parenthetically in italics.

Unit Type	Required Lot Area	Required Lot Width	Required Front Yard	Required Side Yard	Required Rear Yard
Single-family detached, alley loaded	6,000 sq. ft <i>(5,400 sq. ft.)</i>	60 ft. <i>(40 ft.)</i>	20 ft. <i>(10 ft.)</i>	8 ft. <i>(5 ft.)</i>	30 ft. <i>(20 ft.)</i>
Single-family detached, front loaded	6,000 sq. ft.	60 ft. <i>(55 ft.)</i>	20 ft.	8 ft. <i>(5 ft.)</i>	30 ft. <i>(20 ft.)</i>
Townhouse	1,600 sq. ft.	16 ft.	25 ft. <i>(20 ft.)</i>	10 ft. <i>(5 ft.)</i>	20 ft.
Multi-Family ('2 over 2')	N/A	100 ft. <i>(90 ft.)</i>	20 ft. <i>(10 ft.)</i>	Equal to height of structure <i>(5 ft.)</i>	Equal to height of structure <i>(20 ft.)</i>

Section 1-19-7.520(G) grants the Planning Commission authority to modify the development standards contained in the Zoning Ordinance provided that the modification provides for an improved design that furthers the goals within the adopted county comprehensive plan, community, or corridor plan, and that would not otherwise be possible within the existing regulations. The proposed deviations from the design requirements are warranted for Oakdale Village; they enable the Applicant to provide for diversity in unit type while addressing environmental challenges on-site, foster design excellence and promote efficient land use and densities, provide for efficient street layout, building scale and orientation, and block configuration.

□ **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.*

The proposed development is situated within the Linganore Community Growth Area, surrounded by three public schools and lands planned for future commercial, employment uses and high density residential development. As such, the multitude of interactions between the proposed development and these existing and future adjacent land uses require close examination and scrutiny. Impacts and synergies must be identified and analyzed.

Section 1-19-6.400 of the Zoning Ordinance requires landscaping, screening and buffering on a development site as part of the site plan review process. The project includes landscaping within open spaces and internal parking areas of the project. Street trees are also provided throughout the project, although the Applicant is requesting a modification from the 7-ft. wide planting area to one that is 4—6 ft. in width adjacent to proposed street rights-of-way. Some street widths accommodate the required 7-ft. wide planting strip, but many street sections are challenged to incorporate the 7-ft wide planting area due to lot design, sidewalk provision, unit variety and overall project layout.

The Zoning Ordinance requires screening when residential uses are adjacent to Institutional uses. The project proposes 25 townhouses backing up to the Oakdale High School stadium. The units directly behind the stadium will be approximately 6-8 feet lower than the elevation of the stadium's track. The plan proposes a 15 ft. wide, HOA-owned landscaping strip between the rear property line of the townhouses to the site property line. On the school property there is a 100+ foot open grass area from the site property line to the backside of the stadium bleachers.

**Findings:** Based upon the review and analysis as provided above, staff finds that the proposed application meets the subdivision regulations contained in Chapter 1-16 of the Frederick County Code as well as the site plan review criteria in §1-19-3.300(A) of the Zoning Ordinance.

### **TRANSPORTATION AND PARKING**

□ **Street, Common Driveway and Sidewalk Construction §1-16-109**

*The project shall provide for the complete construction of street improvements, including drainage facilities as provided in §1-16-234 through §1-16-241 of the Subdivision Regulations and in accordance with the Frederick County Design Manual.*

The Plan proposes sidewalks 5-ft in width with well-placed and marked street crossings. The sidewalk network provides good internal pedestrian mobility as well as facilitates movement to and from adjacent land uses. Sidewalks are provided to link the project to Oakdale High School by the construction of a pedestrian connection on the high school grounds, as well as pedestrian connections from the project site to the middle and elementary schools, via an existing sidewalk on the west side of the FCPS access lane.

□ **Right of Way and Paved Surface Widths §1-16-235**

*Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing, planned or platted roads.*

The Comprehensive Plan depicts a general alignment of the Town Center Connector along the northern portion of the subject property. This planned future minor-arterial roadway includes an 80-ft. right-of-way as shown on the proposed Plan. The 80-ft. right-of-way as shown shall be labeled as "Reservation for future 80-ft Town Center Connector Right-of-Way, to be conveyed at no cost to those who construct it" on the final approved Preliminary Plan/Site Plan and on final plats to be recorded, also including the 1,977 square foot Open Space Parcel "GG" in the reservation area. Future, detailed alignment studies for the Town Center Connector will determine the extent of this roadway's location on the project site.

The project proposes both public roads and private streets and alleys. Right-of-way widths for all public roads are 50 feet, the standard for local roadways as indicated on the Comprehensive Plan. Public and private roads include pavement widths of 22 ft., 24 ft., 28 ft., and 29 ft. On-street, parallel parking dimensions measure 7 ft. by 22 ft. Private alleys are shown with 20 feet of paved travel surface, with the exception of DeHoven Alley which is proposed for a 16-foot travel surface.

There are two options to achieve connection of the proposed Oakdale Village Road to the FCPS access lane and providing an integrated, public street network. With the first option, only the FCPS access lane would be transferred from the Board of Education (BOE) to Frederick County.

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This fee-simple transfer would require a formal agreement between the BOE and Board of County Commissioners, as well as approval from the Maryland Board of Public Works. Ideally, the transfer, with all associated agreements finalized, would occur prior to the actual construction of the connection between Oakdale Village Road and the FCPS access lane, or in conjunction with the connection between the two roadways being open to traffic.

The second option is to transfer both the FCPS access lane and adjacent surplus BOE land to the County. The County would then convey this land to the Applicant, while retaining a public access easement on the existing FCPS access lane and bridge. This scenario would allow the required pedestrian and stormwater management elements to be constructed without the need for an elaborate Memorandum of Understanding between the BOE and Applicant for design, construction, and maintenance of such elements, as the land on which these improvements are located would be owned by the Applicant. This possible scenario would also eliminate the need for the Applicant to obtain a temporary construction access easement and a stormwater management access easement from the BOE for development of portions of the project. Final Preliminary Plan/Site Plan approval is dependent upon successful transfer of the FCPS access lane to the County with a public access easement secured. The details of the transfer will be determined as the process moves forward to completion as outlined above, including appropriate approvals from the BOE, the BOCC, and the Maryland Board of Public Works.

□ **Other Street Requirements §1-16-236**

The proposed extension of Neuville Street, north of Hutzell Street, to the Town Center Connector is shown on the Plan with a 50-ft right-of-way extended to the limits of the project site's northwest boundary. This 50-ft. right-of-way shall be noted on the final Preliminary Plan/Site Plan and on final plats to be recorded, as "dedicated to public use" in order to facilitate future construction, by others, of this connection.

Beerse Street's extension east of Oakdale Village Road is labeled 'Street B' and is another proposed roadway extension onto adjacent properties, intended for connection to the Linganore Town Center. However, Street B's alignment assumes connection through the Board of Education property, north of the Linganore Town Center. A revised alignment of Street B on the subject property or an executed Memorandum of Understanding with the BOE on this issue is required prior to final Preliminary Plan/Site Plan approval.

□ **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.*

The site has access to the arterial road system with future, external connections to the Town Center Connector and Linganore Town Center shown on the Plan. Despite issues regarding roadway connections to adjacent properties that will be addressed as the project moves forward to completion, the proposed road network within Oakdale Village promotes interconnectedness, will link existing and planned road networks, promote safe and efficient circulation and allow shared access and circulation between properties.

Parking partially meets standards within §1-19-6.220 and §1-19-3.300.4(B). Total required parking is 723 spaces: 96 required for single family residential, 342 required for Multi-family (2-over-2 units), and 285 required for townhomes. The project provides on-lot parking spaces in the following configuration:

<b>On-lot Surface Spaces</b>	<b>On-lot Garage Spaces</b>	<b>On-lot Spaces Provided</b>
Single-family detached: 96	Single-family detached: 24	120
Townhouses: 129	Townhouses: 64	193
Multi-family: 152	Multi-family: 76	228
<b>Total Spaces Provided:</b>		<b>541</b>

The parking plan as provided is deficient by 182 on-lot spaces. The Applicant is proposing 311 on-street parking spaces. These additional 311 spaces cannot be applied to meet the required on-lot parking for the residential units. However, adding these 311 spaces to the on-lot spaces provided would result in an amount that exceeds the total number required for the project. A modification from the required number of on-lot parking spaces per §1-19-6.220 of the Zoning Ordinance must be granted by the Planning Commission.

**Conditions:**

- The following shall be added to the area of the 80-ft. Town Center Connector right-of-way on the final Preliminary Plan/Site Plan as well as on final subdivision plats to be recorded: “Reservation for future 80-ft. Town Center Connector right-of-way, to be conveyed at no cost to those who construct it.” This reservation label shall also be applied to the 1,977 square foot Open Space, identified as Parcel “GG” on the final Preliminary Plan/Site Plan as well as on final subdivision plats to be recorded.
- Label the 50-ft. right-of-way shown as the northern extension of Neville Street from Hutzell Street to the northwest property line as “Dedicated to Public Use” on the final Preliminary Plan/Site Plan and final subdivision plats to be recorded.
- Prior to final Preliminary Plan/Site Plan approval, resolve the exact alignment of “Street B” west of Oakdale Village Road in conjunction with the developer of the Linganore Town Center and the Frederick County Board of Education through a signed, approved Memorandum of Understanding (MOU) between all aforementioned parties that addresses conditions and timing of the public right-of-way easement transfer necessary if Street B is to be constructed on the adjacent BOE property.
- If the transfer of the FCPS access lane, from the BOE to the County, includes all land from the western curb of the FCPS access lane to the eastern property boundary with Oakdale Properties, LLC, the Applicant shall cooperate with the County to accomplish the transfer of ownership of the above-described land to the Applicant, and shall dedicate to the County a public access easement on the existing FCPS access lane, subject to terms and conditions agreed to by the Applicant and Frederick County. The Applicant shall then perform or cause to have performed the following:
  - Design and construct the two (2) pedestrian sidewalks from the proposed Oakdale Village development project site to the existing sidewalk adjacent to the FCPS access lane prior to recordation of the 150<sup>th</sup> residential lot in the subdivision.
  - Design and construct, per FCPS specifications, the reconfiguration of the parking, access and circulation at the Oakdale Elementary School to accommodate Oakdale Village Road’s connection to the FCPS access lane, prior to the opening of the aforementioned connection to vehicular traffic.

- If the transfer, from the BOE to the County, of the FCPS access lane includes only the existing travel lane and bridge, the Applicant shall perform or cause to have performed the following:
  - Prepare and record a stormwater management easement in the land records that details approved terms and conditions between Applicant and the BOE for access by Applicant through or across BOE property to Applicant's stormwater management facilities prior to issuance of first residential building permit for the project.
  - Prepare and execute a temporary construction access agreement between the Applicant and Board of Education for grading, clearing and construction activities associated with the proposed Oakdale Village project, prior to final approval of Preliminary Plan/Site Plan.
  - Enter into a signed, approved Memorandum of Understanding between the Applicant and the BOE addressing all aspects of the design, construction and timing of the parking, access and circulation reconfiguration at Oakdale Elementary School to accommodate Oakdale Village Road's connection to the FCPS access lane prior to final approval of Preliminary Plan/Site Plan
  - Enter into a signed, approved Memorandum of Understanding between the Applicant and BOE addressing all aspects of the design, construction, timing, and maintenance of the two (2) pedestrian sidewalks from the project site to the existing sidewalk along the FCPS access lane prior to final approval of Preliminary Plan/Site Plan

**PUBLIC FACILITIES AND UTILITIES--Findings**

- **Public Facilities - Road Adequacy/Water and Sewer Facilities §1-16-12; 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.*

The project is to be served by public water and sewer service and carries a current Water and Sewerage Plan classification of W-5, S-5. The site will be served by the New Design Water System and the Ballenger-McKinney Waste Water Treatment Plant for sewage treatment. A water and sewer reclassification of the subject property, including the existing dwelling at 10004 Old National Pike, must be obtained from Frederick County and the Maryland Department of the Environment in order to connect to the public systems.

An Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) will set forth the minimum necessary improvements related to school mitigation and transportation improvements. The APFO LOU must be executed for the project to be developed.

- **Parks §1-16-111**

The Code requirement for providing land for neighborhood parks has been met. Based on the standard of 726 square feet of parkland for each dwelling unit, 5.23 acres of project parkland is required. One-half of this requirement "shall be suitable for dry ground recreational use." The Applicant is providing 12.1 acres of open space surrounding the stream and wetland systems in the center of the site, plus over 4 acres of flat, dry ground in open space throughout the proposed development.

**Conditions:**

- Connect or have connected the existing dwelling located at 10004 Old National Pike to the public water and sewer system at such time that public water and sewer is provided to and connected to the dwellings on the lots bordering Beerse Street.

## **NATURAL FEATURES--Findings**

□ **Land Requirements §1-16-217(B)**

*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 project respects its orientation around the stream and its large floodplain (flooding soils) and wetland area and enhances these natural systems through Forest Conservation Act mitigation plantings. The proposed development will be well integrated with surrounding land uses and future adjacent uses through complimentary vehicular and pedestrian connectivity.

Bisecting the subject property in an east-west direction is a first-order tributary to Long Branch, which flows into Linganore Creek. The stream system contains 5.7 acres of flooding soils (HdA, Hatboro/Codorus) plus approximately 0.10 acre of wetlands as shown on the US Fish and Wildlife Service's National Wetlands Inventory, and is the topographical low point of the site at approximately 440' elevation. Gentle, rolling hills rise from the stream system to the topographic extremes at the southern edge of the property (elevation 500 ft), and the far northeast corner (elevation 520 feet).

□ **Floodplain Developments §1-16-220**

There is no mapped FEMA 100-year floodplain on the project site, although it does contain wetlands and flooding soils. These sensitive elements are outside of all lot development areas and are targeted areas for on-site Forest Conservation Act plantings.

□ **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.*

The project site has gentle topographical gradients, but some leveling and grading of the contours is proposed, as is commonplace when converting and preparing land for residential development. The site has virtually no existing forest cover, as it has been used for agricultural activities for many years. The sensitive resources--stream, wetlands and flooding soils--are identified and targeted for protection and enhancement through on-site Forest Conservation Action plantings.

## **Conditions:**

- The Preliminary FRO Plan must be approved prior to approval of the Preliminary Subdivision Plan. A Final FRO Plan must be submitted and receive approval, and FRO mitigation must be provided, prior to lot recordation, grading permits, or building permits, whichever is applied for first.



## **COMMON AREAS--Findings**

### □ **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.*

The project proposes multiple areas indicated for open space and they are strategically located and placed within the community. Two recreational “tot-lots” are also provided within the open space areas. An approximately 12-acre area surrounding the stream will remain undisturbed, planted with vegetation, and comprises the largest open space/common area in the project. Proposed open space/common areas will be owned and maintained by the community’s homeowners’ association.

## **Other Applicable Regulations**

### ***Moderately Priced Dwelling Units – Chapter 1-6A:***

The Applicant is subject the MPDU ordinance and will pay a Payment-in-Lieu amount as required.

### ***Stormwater Management – Chapter 1-15.2:***

A stormwater management concept plan was approved on October 8, 2013. Stormwater Development and Improvement Plans must be approved prior to final Preliminary Plan approval.

### ***APFO – Chapter 1-20:***

- **Schools**  
The project is projected to generate 47 elementary school students, 30 middle school students and 30 high school students. The school adequacy test fails at the elementary and middle school levels and the Applicant has chosen the option to mitigate school inadequacy by paying the School Construction Fees under §1-20-62 of the County APFO. The School Construction Fees shall be paid, per unit type and school levels to be mitigated, at plat recordation based on the specific fees required by §1-20-62(E) at the time of plat recordation.
- **Water/Sewer**  
The property has a current Water and Sewerage Plan classification of W-5/Dev., S-5/Dev. A Water and Sewerage Plan amendment must be approved by Frederick County and the Maryland Department of the Environment for the proper water and sewer classification and for approval of water and sewer infrastructure improvement plans to connect the subject property to the public water and sewer system.
- **Roads**  
The project will generate 200 a.m. and 232 p.m. external weekday peak hour trips, generated by both the housing and future 4,000 square foot day care center, which requires APFO testing per Section 1-20-30. As a result a Traffic Impact Analysis was performed by Wells and Associates dated June 10, 2013 and revised on November 20, 2013 to address APFO requirements and proposed mitigation for failing facilities per Section 1-20-31.

The off-site roadway system is inadequate to support this development and already approved pipeline development without mitigation. The following roadway elements in the study area fail:

1. MD 144 link over the Monocacy River
2. MD 144/I-70 EB Ramps/Quinn Orchard Road intersection
3. MD 144/Old National Pike intersection
4. Meadow Road/Old National Pike intersection
5. Old National Pike/Oakdale Schools' Access Lane
6. Old National Pike/Eaglehead Drive Roundabout

Items 1 through 4 are mitigated with fair-share contributions to the future Meadow Road Interchange at I-70. Item 5 is mitigated with a traffic signal and Item 6 mitigated with a fair-share contribution to the Eaglehead Drive Roundabout.

***Forest Resource – Chapter 1-21:***

A Preliminary Forest Conservation plan has been submitted and is conditionally approved. The development site contains no existing forest. The Applicant proposes to meet the Forest Resource Ordinance (FRO) requirements by planting 4.18 acres of new forest in the waterbody buffer, and by claiming 1.71 acres of afforestation credit for street tree plantings and plantings within stormwater management facilities.

An existing FRO easement is located on the Oakdale Elementary and Middle School site where the proposed road connection, pedestrian connection, and stormwater pond access is proposed. The Applicant has submitted a revised FRO plan for the school site and proposes to extinguish 0.18 acres of this existing easement. An additional 0.36 acres of FRO mitigation is being provided on the Oakdale Village site to satisfy the replacement requirement for the Oakdale school site.

The site contains 16 specimen trees (trees 30" or greater in diameter). The Applicant proposes to remove 11 of these trees. Per section 1-21-40 of the FRO, failure to retain a nonhazardous specimen tree requires the approval of a modification in accordance with 1-21-21. The FRO defines "nonhazardous tree" as a tree that is void of structural defects (such as basal cavities, trunk rot, cracks, breaks, splits, or unusual structure) that will not impact structures, roads, and walkways if the tree falls. All 11 of the trees proposed to be removed exhibit one or more structural defects and could fall on structures, roads, or sidewalks should the tree fall. Therefore, the 11 specimen trees do not qualify as "nonhazardous" and may be removed without a modification.

The Preliminary FRO Plan must be approved prior to approval of the Preliminary Subdivision Plan. A Final FRO Plan must be submitted and receive approval, and FRO mitigation must be provided, prior to lot recordation, grading permits, or building permits, whichever is applied for first.

***Historic Preservation – Chapter §1-23:***

No historically significant structures or other resources are present on this site.

**Conditions:**

## Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Stormwater Management Concept Plan conditionally approved
<b>Development Review Planning:</b>	Conditionally approved pending resolution of Preliminary Plan/Site Plan issues
<b>State Highway Administration (SHA):</b>	Waived
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	Conditionally approved with outstanding items addressed at Improvement Plan stage of development
<b>Health Dept.</b>	Conditionally approved
<b>Office of Life Safety</b>	Approved
<b>DPDR Traffic Engineering</b>	Conditionally approved pending resolution of Preliminary Plan/Site Plan issues
<b>Historic Preservation</b>	Approved
<b>Forest Resource (FRO)</b>	Preliminary Forest Conservation Plan conditionally approved

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Combined Preliminary Subdivision/Site Development Plan. However, Staff adds that, in addition to the conditions listed below, the application will not receive final Preliminary Plan/Site Plan approval until one of the scenarios regarding the transfer of the FCPS access lane is finalized. The transfer of the FCPS access lane will trigger additional conditions as described below.

If the Planning Commission conditionally approves the Combined Preliminary Subdivision/Site Development Plan, the Preliminary Plan is valid for five (5) years and the Site Development Plan is valid for a period of three (3) years from the date of Planning Commission approval. The APFO approval is valid for eight (8) years from the date of Planning commission approval.

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 of the modifications to lot area, lot width, front, side, and rear yard setbacks requirements as requested by the Applicant and depicted on the Site Development Plan.
2. Approval of the modification to the on-lot parking requirements as requested by the Applicant and depicted on the Preliminary Plan/Site Plan.
3. Address all agency comments as the plan proceeds through to completion.
4. The proposed commercial/institutional parcel shall receive separate Site Development Plan approval prior to development of the site.
5. Obtain all necessary wetland and waterway construction permits for the stream crossing from the

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Maryland Department of the Environment.

6. Approval of a reduction in street tree planting area from the required 7-ft. wide planting area to one that is 4—6 ft. in width adjacent to proposed street rights-of-way.
7. Stormwater Development and Improvement Plans must be approved prior to final Preliminary Plan approval.
8. The Preliminary FRO Plan must be approved prior to approval of the Preliminary Subdivision Plan. A Final FRO Plan must be submitted and receive approval, and FRO mitigation must be provided, prior to lot recordation, grading permits, or building permits, whichever is applied for first.
9. The Applicant shall adhere to the requirements as set forth in the APFO LOU for the project as executed.
10. Connect or have connected the existing dwelling located at 10004 Old National Pike to the public water and sewer system at such time that public water and sewer is provided to and connected to the dwellings on the lots bordering Beerse Street.
11. The following shall be added to the area of the 80-ft. Town Center Connector right-of-way on the final Preliminary Plan/Site Plan as well as on final subdivision plats to be recorded: “Reservation for future 80-ft. Town Center Connector right-of-way, to be conveyed at no cost to those who construct it.” This reservation label shall also be added to the 1,977 square foot Open Space identified as Parcel ‘GG’ on the final Preliminary Plan/Site Plan as well as on final subdivision plats to be recorded.
12. Label the 50-ft. right-of-way shown as the northern extension of Neville Street from Hutzell Street to the northwest property line as “Dedicated to Public Use” on the final Preliminary Plan/Site Plan and final subdivision plats to be recorded
13. Prior to final Preliminary Plan/Site Plan approval, resolve the exact alignment of “Street B” west of Oakdale Village Road in conjunction with the developer of the Linganore Town Center and the Frederick County Board of Education through a signed, approved Memorandum of Understanding (MOU) between all aforementioned parties that addresses conditions and timing of the public right-of-way easement transfer necessary if Street B is to be constructed on the adjacent BOE property.
14. Obtain a signed, approved Memorandum of Understanding between the Applicant and the BOE addressing all aspects of design, construction, timing and maintenance of the pedestrian sidewalk from the Oakdale Village project site to the Oakdale High School property, north of the existing stormwater management pond, near proposed lot 96, prior to final approval of Preliminary Plan/Site Plan.
15. If the transfer of the FCPS access lane, from the BOE to the County, includes all land from the western curb of the FCPS access lane to the eastern property boundary with Oakdale Properties, LLC, the Applicant shall cooperate with the County to accomplish the transfer of ownership of the above-described land to the Applicant, and dedicate to the County a public access easement on the existing FCPS access lane, subject to terms and conditions agreed to by the Applicant and Frederick County. The Applicant shall then perform or cause to have performed the following:
  - Design and construct the two (2) pedestrian sidewalks from the proposed Oakdale Village development project site to the existing sidewalk adjacent to the FCPS access lane prior to recordation of the 150<sup>th</sup> residential lot in the subdivision
  - Design and construct, per FCPS specifications, the reconfiguration of the parking,

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access and circulation at the Oakdale Elementary School to accommodate Oakdale Village Road's connection to the FCPS access lane, prior to the opening of the aforementioned connection to vehicular traffic.

16. If the transfer, from the BOE to the County, of the FCPS access lane includes only the existing travel lane and bridge, the Applicant shall perform or cause to have performed the following:
- Prepare and record a stormwater management easement in the land records that details approved terms and conditions between Applicant and the Frederick County Board of Education for access by Applicant through or across Board of Education (BOE) property to Applicant's stormwater management facilities prior to issuance of first residential building permit for the project.
  - Prepare and execute a temporary construction access agreement between Applicant and Board of Education for grading, clearing and construction activities associated with the proposed Oakdale Village project, prior to final approval of Preliminary Plan/Site Plan.
  - Enter into a signed, approved Memorandum of Understanding between the Applicant and the BOE addressing all aspects of the design, construction and timing of the parking, access and circulation reconfiguration at Oakdale Elementary School to accommodate Oakdale Village Road's connection to the FCPS access lane lane prior to final approval of Preliminary Plan/Site Plan
  - Enter into a signed, approved Memorandum of Understanding between the Applicant and BOE addressing all aspects of the design, construction, timing, and maintenance of the two (2) pedestrian sidewalks from the project site to the existing sidewalk along the FCPS access lane lane prior to final approval of Preliminary Plan/Site Plan

## PLANNING COMMISSION ACTION

### MOTION TO APPROVE

I move that the Planning Commission **APPROVE** the Oakdale Village Combined Preliminary Subdivision/Site Development Plan for 314 residential lots on a 52.1 acre site, (Subdivision S-1163, Site Plan SP-13-06) **with conditions** as listed in the staff report including APFO approval, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.