



FREDERICK COUNTY PLANNING COMMISSION
May 21, 2014

TITLE: Westview South MXD – Residential Section

FILE NUMBER: S-905/SP-98-36 (AP 14262, APFO 14264, FRO 14265)

REQUEST: **Combined Preliminary Subdivision Plan/Site Plan**
The Applicant is requesting Combined Preliminary Subdivision/Site Development Plan approval for 518 dwelling units (90 alley loaded single family detached, 32 front-loaded single family detached, 178 alley loaded townhouses, 156 multi-family units, and 62 'two-over-two' units) of a +/- 42 acre property.

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.
Architect: N/A
ATTORNEY: N/A

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

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1 - Plan Rendering
EXHIBIT 2 – APFO Amended Letter of Understanding (LOU)
EXHIBIT 3 - Landscaping and Parking Modification Justification

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Combined Preliminary Subdivision Plan / Site Development Plan approval for development of 518 new residential 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

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 "Townhouse" and "Multifamily dwellings" under the use heading of *Residential* per §1-19-5.310 Use Table in the Zoning Ordinance.

Modification Requests

Reduction in street trees (see pg. 8 below)

Reduction in required number of on-lot parking spaces (see pg.9 below)

BACKGROUND

Development History

The Site of this preliminary/site plan was the subject of several previous rezonings. The Site was zoned Agricultural (A) from 1959 to 1986/87, at which time it was rezoned to Office/Research/Industrial (ORI). The Site is currently zoned MXD, which was originally applied in 1994 to 377 acres, a land area that included an additional 177 acres to the north of the current Westview South MXD Site. In 2001, the MXD was amended only for the southern portion of the Site, a land area totaling +/- 200 acres. At that time, the most significant change to the rezoning conditions was the removal of a residential land use component from the approved land use mixture.

The Westview South MXD began construction after the 2001 rezoning and several portions of the Project have been completed. The completed portions include a commercial area to the east along MD 85, portions of an employment area to the west along New Design Road, and major road connections. In addition, the Site includes areas within the Ballenger Creek Trail Master Plan, and a large portion of the trail has been constructed.

Given that the 1994 Westview MXD rezoning included a residential land use component, dedication of a school site was required as a condition of approval. While the Westview South MXD rezoning removed the residential land use component that was previously approved, a condition requiring the dedication of a school site that was previously included was carried over to the 2001 conditions.

In 2013, another rezoning was approved that resulted in the reintroduction of a residential land use component, not to exceed 615 dwellings. The previously required school site was eliminated from the conditions in favor of a rezoning condition requiring an \$800,000 lump sum payment toward acquisition, planning and/or construction of an elementary school in the vicinity of the proposed Project, to be made 30 days after final non-appealable approval by the FCPC and signature of the Phase II (combined preliminary/site) plan.

An addition plat was recorded in February of 2014 that modified parcel lines to advance satisfaction of condition #3 of Ordinance 13-10-638. Condition #3 requires public dedication, if desired by the county, of a 22.49 +/- acre public use site for parks purposes prior to recordation of the Project's first residential lot. Since the time of Phase I approval, the County has notified the Applicant that dedication of the 22.49 acre parcel will be required. Although the addition plat modified parcel boundaries to facilitate the correct land area necessary for eventual construction of a portion of the Ballenger Creek Trail, the dedication of the land to the County has not yet been completed.

Existing Site Characteristics

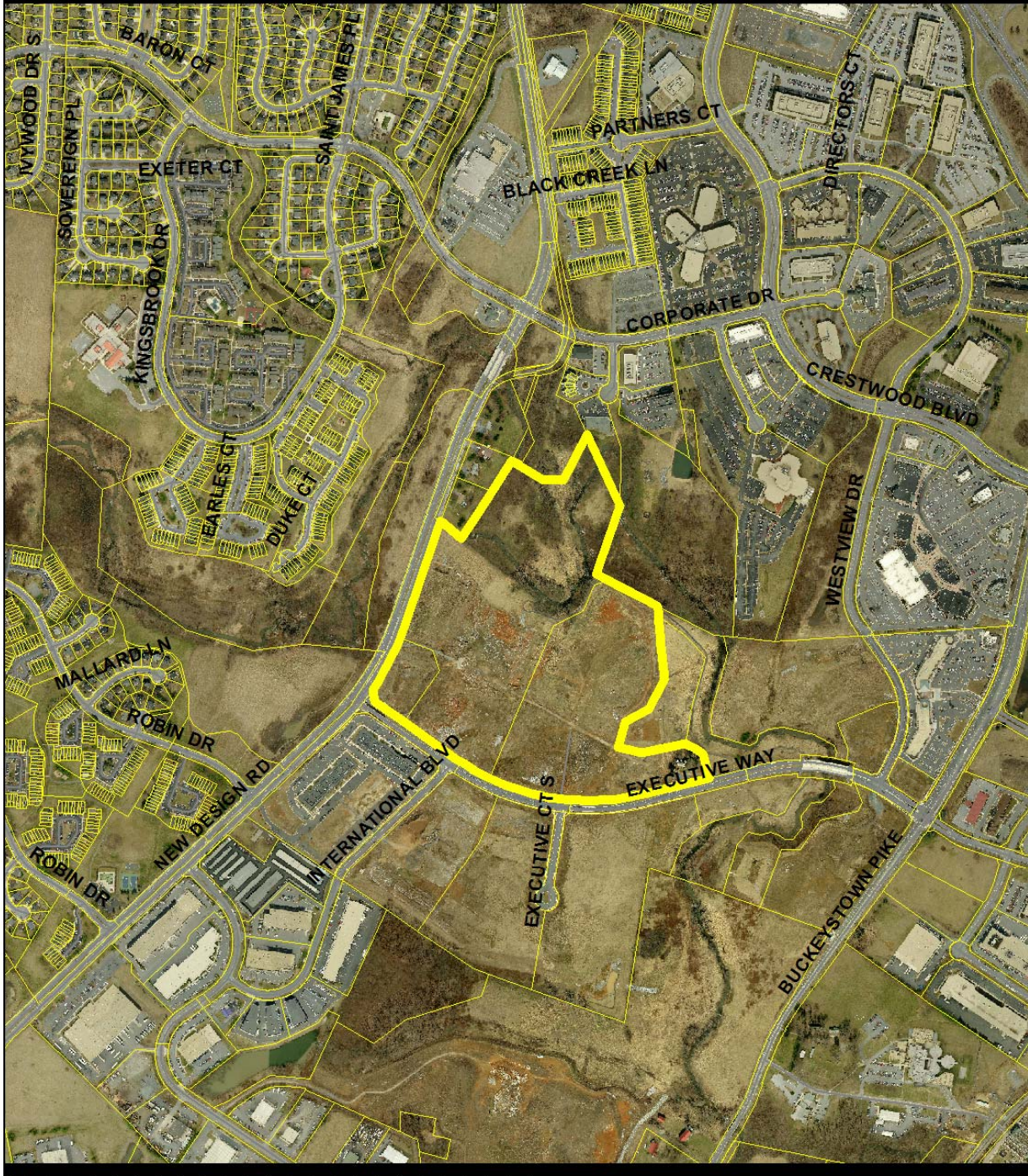
Surrounding the Project to the west are the residential subdivisions of Kingsbrook, Robin Meadows, and Wellington Trace. To the east are office and industrial uses, including the State Highway offices, the Omega Center and the Center at Monocacy. To the north is the Westview MXD, which includes office 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.

Ballenger Creek crosses the northern portion of the Site, flowing from northwest to southeast into the Monocacy River to the east. Areas of the Site along Ballenger Creek are within the Federal Emergency Management Agency (FEMA) 100 year floodplain. However, the floodplain is located within the area of the project to be dedicated to the County for parks purposes, and therefore no residential development is proposed within the floodplain. There are no steep slopes within the residential portion of the Project. Rough grading of the Site relative to previous plan approvals is currently underway.

The portion of the Site which is intended to be dedicated to the County for parks purposes is within the area defined in the Ballenger Creek Trail Master Plan for a comprehensive trail system serving the entire Ballenger Creek Community.

The Project Site has approximately 1,200 feet of frontage along New Design Road, and approximately 2,500 feet of frontage along Executive Way. Access to the Project is attained from New Design Road and Executive Way.

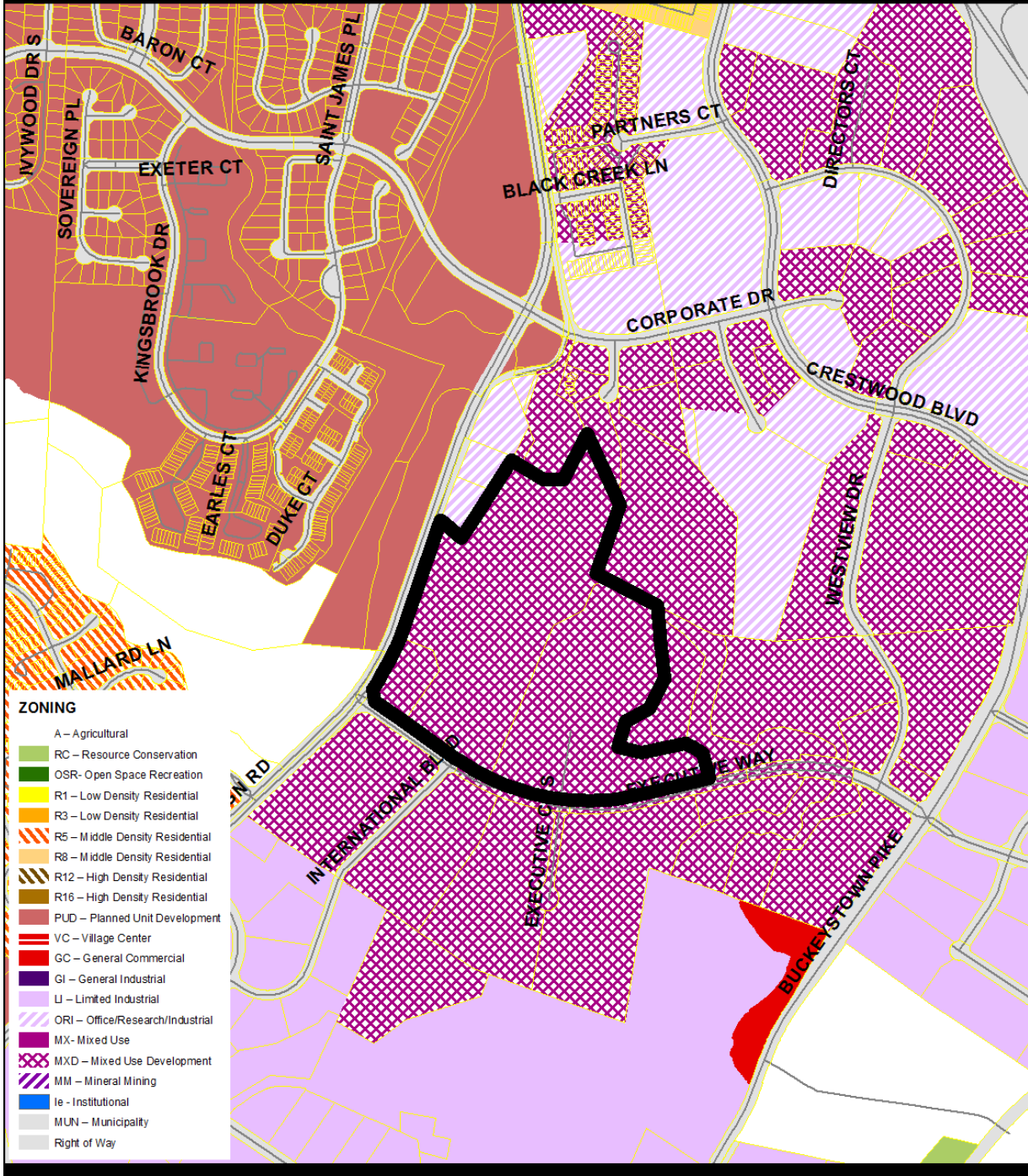
The Site is served by Tuscarora Elementary School, Crestwood Middle School, and Tuscarora High School.



Tax maps are copyright of the Maryland Department of Planning and may not be reproduced in any form. Tax maps may not be current and may contain positional inaccuracies. While efforts have been made to ensure the accuracy of this map, Frederick County accepts no responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user.

Frederick County Government
 30 North Market Street
 Frederick, MD 21701
 (301) 600 - 1138
 April 23, 2014





0 820 1,640 2,460 3,280 Feet

Tax maps are copyright of the Maryland Department of Planning and may not be reproduced in any form. Tax maps may not be current and may contain positional inaccuracies. While efforts have been made to ensure the accuracy of this map, Frederick County accepts no responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user.

Frederick County Government
 30 North Market Street
 Frederick, MD 21701
 (301) 600 - 1138
 April 23, 2014



ANALYSIS

Summary of Development Standards Findings and Conclusions

As indicated below, the Project meets the requirements of Chapter 1-16 and Chapter 1-19 of the Frederick County Code. The land use pattern of the comprehensive development plan and the district regulations of the zoning ordinance form the basic theme of the design pattern of the proposed subdivision. The subdivision design takes advantage of the uniqueness of the Site reflected by the surrounding natural, built, and planned landscape. 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 is or will be provided to the Site and the Site has the appropriate designation. Access to the Site is adequate and sight distance is sufficient at the proposed access points.

Setbacks and height restrictions are proposed and must be approved with this application. Modifications are requested for street trees and parking. The Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) outlining required public facility improvements was executed in September of 2005 with an amendment in June of 2013 in conjunction with the Westview South MXD rezoning (Case # R-00-02A). A second amendment is now required due to changes in the Project's residential use mix and the resulting increasing in pupil yield. Therefore, the LOU has been modified again and is attached.

Detailed Analysis of Findings and Conclusions

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 Development, which allows for a mixture of employment, residential, commercial, and/or civic uses within Community Growth Areas. The Project is within the Ballenger Creek Community Growth Area, and is part of the overall Westview South MXD, which includes a combination of commercial, employment, and residential uses. The Zoning Ordinance provides that the PUD and MXD zoning districts are established to provide for new development and redevelopment within identified growth areas that result in an integrated mixture of commercial, employment, residential, recreational, civic and/or cultural land uses. The uses are intended to be planned as a unit and among other purposes, result in efficient use of land, innovative design involving flexibility not permitted within the Euclidean zoning districts, and promote building and site design that reduces dependence on vehicular movement. An interconnected system of streets with on-street parking and sidewalks is proposed, and the development includes a variety of housing types such as 2-over-2 units, townhouses, multifamily buildings, and single-family houses. The proposed gross density of the residential portion of the Project is twelve (12) dwellings per acre based on a total of 518 dwelling units which is well below the approved Phase I maximum of 615 dwelling units. The proposed interconnected street network promotes transportation efficiency by creating a flexible

web of possible travel routes, distributing potential transportation load across the network. The design includes a pedestrian network that connects the different areas components of the development as well as connectivity to the adjacent future Ballenger Creek Trail. As such, the proposed design supports the intended land use pattern of the comprehensive development plan and the district regulations of the zoning ordinance.

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 integrates Ballenger Creek and an associated planned County trail network into the design of the development. The site is relatively flat and does not contain flooding or wet soils, wooded areas, or wetlands. The surrounding retail uses provide support services for the planned residential.

- **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 circulation is supported by neighborhood design and 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.

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 Applicant proposed setbacks and height restrictions are as follows:

	Single Family Detached	Single Family Attached (Townhouses)	Multifamily
Front Yard:	0'	0'	0'
Rear Yard:	3'	3'	3'
Rear Yard Accessory:	3'	3'	3'
Side Yard:	5'	5'	0'
Side Yard Accessory:	0'	0'	0'
Height:	50'	50'	65'

The plans have been reviewed by DUSWM and other agencies with the above proposed setbacks, with consideration given to required utility easements, and have received conditional approval. The proposed setbacks correspond to typical dimensions in urban settings, and are appropriate for this Project in that it is designed with an urban density range and style of layout.

- **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 Project is located in close proximity to schools, commercial uses, and employment. The Ballenger Creek Trail will provide a recreational amenity for future residents, and the Ballenger Creek Park is near the Site. The layout of the buildings in the Project have been designed to provide appropriate frontage to the surrounding features. The building fronts are oriented toward the existing surrounding public streets, as well as toward a trail head of the Ballenger Creek Trail public recreational feature. This design approach addresses the visual perception of the Project from the surroundings by establishing a frontage that is intended to be viewed from outside the development.

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 generally meets the code requirements by providing landscaping within open spaces and internal parking areas of the Project. Street trees are also provided throughout the Project.

The Applicant has requested a landscaping modification for a reduction in planting width as well as the tree spacing requirement (See Exhibit 3). The proposed plan does not include street trees along the east side of Judicial Way. The landscaping modification request explains why the trees cannot be provided and how the equivalent number of required trees are being supplied elsewhere on the Site. If the Planning Commission grants the modification, the plan will meet the intent of the landscaping requirements of the Zoning Ordinance.

At this time, no specific lighting is proposed for the project. However, the proposed plan does note that lighting will be provided by pole lights and architecturally mounted wall lights that will not trespass greater than .5 foot candles at the property line. The proposed plan does not at this time include a photometric study since the Applicant has not yet chosen specific lighting for the project. If the project is intended to include lighting, a photometric study will be required to be reviewed and approved prior to final approval of the site development plan.

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 marked street crossings at appropriate locations. The sidewalk network provides internal pedestrian mobility and facilitates movement to and from adjacent land uses. Sidewalks are provided that link the Project to the commercial uses to the east. The pedestrian network also connects the project to the Ballenger Creek Trail.

- **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 County Comprehensive Plan classifies New Design Road and MD 85 as Major Arterials. Executive Way is identified as a local road on the Comprehensive Plan. Right of way for these roads has been provided according to County standards and improvements to these roads have been or will be completed in the near future. Roads within the subdivision provide the standard right of way and paved surface widths required by the County.

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

The proposed project does not contain cul-de-sac or dead end streets. The Project layout meets the relevant requirements of this section.

- **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 one limited access point with New Design Road and multiple access points with Executive Way. The proposed road network will link existing and planned road networks, promote safe and efficient circulation and allow shared access and circulation between properties.

Parking standards for the Project are provided within Zoning Ordinance §1-19-6.220 and §1-19-3.300.4(B). The Applicant is requesting a modification for parking because the provided on-lot parking is less than what is required by the Zoning Ordinance. The Applicant has provided a justification for this request that describes how the provision of on-street parking provides available parking in excess of the requirement (See Exhibit 3). Similar to other recent projects with a mixture of dwelling types and density, the Applicant proposes a combination of on-street and on-lot parking to meet the target parking standards. Total required parking is 1,208 spaces: 244 required for single family residential, 445 required for townhouses, 155 required for 2-over-2 units, and 364 required for multifamily. The Project proposes parking spaces in the following quantities:

Unit Type & Quantity	Parking Spaces Provided¹	Parking Spaces Required¹
Single-family detached (112 du)	198	244
Townhouses (178 du)	413	445
2 over 2 (62 du)	93	155
Multifamily (156 du)	156	364
On-Street	502	
Total:	1362	1208

1) Based on the policy that only ½ of a garage parking space is counted toward provided parking (3 bedrooms per TH/2 over 2; 4-2 bedroom units/8-3bedroom units per MF)

Without the provision of 502 on-street parking spaces, the proposed parking would be deficient by 447 spaces based on the policy that only ½ of the garage spaces are counted towards provided parking. However, with the addition of 502 on-street spaces the total provided parking exceeds the number required. The Zoning Ordinance (section 1-19-6.220(A)(1)) provides that the Planning Commission may grant an increase or reduction in the number of required parking spaces based

on characteristics of the proposed use. The Applicant has submitted a justification statement in support of the modification.

PUBLIC FACILITIES AND UTILITIES

- **Public Facilities - Road Adequacy §1-16-12;**

The Project has one limited access point to New Design Road (no left out movement permitted), a major arterial, and three access points (two full movement and one right-in only) along Executive Way, a designated local road that functions as a collector. Access and proposed sight distance at entry points along Executive Way and New Design Road are adequate.

- **Parks §1-16-111**

The proposed development is part of the larger Westview South MXD development. At the time of Phase I rezoning, open space/green area requirements were set at 63 acres. Condition 3 of the Phase I rezoning approval (Ord. # 13-10-638) is dedication by the developer, if desired by the County, of a 22.49 +/- acre public use site for park purposes prior to recordation of the Project's first residential lot. Although an addition plat was recorded to set the boundaries of the portion of land that would ultimately be dedicated to the County for the purposes of construction of a missing portion of Ballenger Creek Trail, the dedication had not occurred at this time. The Division of Parks and Recreation has communicated with the Applicant that the dedication is desired and the the proposed combined preliminary/site plan project will be subject to this requirement. In addition to the 22 acre trail site and various small open space components throughout the development, the Applicant is proposing a neighborhood park of approximately 40,000 sf park which may contain a community center and/or pool. The details of the recreational amenities have not been finalized and therefore the Applicant will provide a detailed amenities plan for review and approval by Staff. In addition, a separate site development plan approval will be required for any community center that is developed as part of the neighborhood park.

- **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-3, S-3. The Site will be served by the New Design Water System and the Ballenger-McKinney Waste Water Treatment Plant.

As discussed in further detail below, an amended Adequate Public Facilities Ordinance Letter of Understanding (LOU) is being reviewed as part of the proposed development (See Exhibit 2). The amended LOU sets forth the minimum necessary improvements related to school mitigation and transportation. That LOU that is being amended as part of this proposed development application was originally approved in tandem with the rezoning.

NATURAL FEATURES

- **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.

A major feature of the Site that contributes to its uniqueness is the Ballenger Creek corridor and the associated trail network being developed along the length of the creek. The Project takes advantage of this adjacent feature by providing a planned connection to the open space corridor and trail along the Ballenger Creek. As part of this project, a 22 acre +/- dedication of open space will provide for construction of a portion of the trail system. The Site does not contain wet or flooding soils or wooded areas.

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

There is no development proposed in the mapped FEMA 100-year floodplain on the Project Site. However, the FEMA 100-year floodplain needs to be labeled on Sheet 8 of the combined preliminary/site plan and Note 8 on the plan Cover Sheet needs to be updated to include a reference to the applicable FEMA LOMR effective November 2007.

- **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 low topographical gradients and has undergone mass grading in preparation for development. The Site has no existing forest cover, and other existing natural resources such as the Ballenger Creek, have been identified, preserved, or integrated into the recreational amenity of the development in a fashion that maintains a natural state.

COMMON AREAS

- **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 a centrally located open area/field for use as a community park. With the exception of the Ballenger Creek Trail corridor, proposed open space and common areas will be owned and maintained by the community homeowners' association.

Other Applicable Regulations

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

Per Section 1-19-8.620.2, all residential developments consisting of 25 units or more on public water and sewer are required to provide no less than 12.5% of the total units as MPDU's. The proposed project includes 518 dwelling units and therefore would be required to provide 65 MPDU's. However, the Applicant has elected to utilize the Payment-in-Lieu of building option as allowed in accordance with §1-6A-5.1 of the Frederick County Code.

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

A stormwater management concept plan was approved on February 25, 2014. 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 100 elementary school students, 44 middle school students and 60 high school students, an increase from the 2013 APFO approval. The school adequacy test now only fails at the elementary school level. The Applicant has chosen to mitigate school inadequacy by paying School Construction Fees allowed 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-3/Dev, S-3/Dev and will be served by public water and sewer facilities.

Roads

Trip allocation for the Project was determined by the APFO findings of the Planning Commission in February 2003 and as memorialized in the original LOU from September of 2005, with total trip caps as follows: 2048 am and 2186 pm peak hour trips. Because trip generation as a result of the change in use from employment to residential is less than that approved by the LOU, a new traffic study was not required and no additional mitigation is required. The only improvements in the attached LOU are refinements of the only original improvements that have not yet been required to be made.

The LOU is valid until February 12, 2019, which is based on the original APFO approval date (February 12, 2013) plus two previously approved three year extensions

- **Forest Resource – Chapter 1-21:**

The FRO plan for this Project was approved in 2008 (AP7278) and the required FRO easements were recorded.

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

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

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE)	Conditionally Approved
Development Review Planning	Denied
State Highway Administration (SHA)	Waived
Division of Utilities and Solid Waste Management (DUSWM)	Conditionally Approved
Health Department	Waived
Office of Life Safety	Approved
Development Review Traffic Engineering	Approved
Historic Preservation	Approved
Forest Resource (FRO)	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the Combined Preliminary Subdivision/Site Development Plan.

If the Planning Commission conditionally approves the Combined Preliminary Subdivision/Site Development Plan, the Preliminary Plan is valid for the lesser of five (5) years from the date of Planning Commission approval or the period of adequate public facilities ordinance approval of the preliminary plan. Therefore the Site Development Plan is valid for a period of three (3) years from the date of Planning Commission approval and the Preliminary Plan is valid for a period of five (5) years or the term of the APFO approval, whichever is longer. The APFO approval is valid until February 12, 2019.

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. Planning Commission approval of the proposed setbacks and height as requested by the Applicant and as shown on the combined preliminary/site plan.
2. Planning Commission approval of the requested parking modification to allow a combination of on-street and off-street parking to be utilized to meet Zoning Ordinance parking requirements.
3. Planning Commission approval of the requested landscaping modifications to allow a reduction in street tree planting area width to between 5-6', with 4' in width allowed at the entrance on New Design and Executive Way and to allow a deviation from the street tree spacing requirement of one tree per 35' of road frontage while maintaining the overall number of required street trees.
4. The Applicant shall address all agency comments as the plan proceeds through to completion.
5. A common access driveway shall be provided to serve lots 6 & 7. The purchasers of the common driveway lots (Lots 6 & 7) are to be notified of the responsibilities of maintaining the common driveway.
6. Prior to final signature approval of the site development plan a photometric study shall be submitted for review and approval by DPDR Staff for conformance with provisions in section 1-19-6.500 of the Zoning Ordinance.
7. Prior to recordation of the Project's first residential lot, the developer of the Project shall dedicate and transfer to the County, a 22.49 +/- acre public use site generally located as shown on the Concept Plan of the Project's MXD Phase I Plan for park use by the County (Ordinance 13-10-638). The Applicant shall be responsible for preparing a deed, including a title letter, for acceptance by the County.
8. 30 days after final non-appealable approval by the FCPC and signature of Phase II plan, the Applicant must make a single lump sum payment of \$800,000 to the County to be used toward acquisition, planning and/or construction of an elementary school in the vicinity of the Project. This payment shall be in addition to, and not in lieu of, School Construction Fees or School Impact Fees, and shall not be eligible for any offsets.

9. A detailed amenities plan depicting development of the open space area within the development shall be submitted for review and approval by DPDR Staff prior to recordation of the Project's first residential lot. Any community center proposed as part of development of the open space area shall receive separate Site Development Plan approval prior to recordation of the first residential lot in Phase Two of the Project..
10. Prior to final signature approval of the site development plan the 100-year floodplain shall be labeled on Sheet 8 of the combined preliminary/site plan and Note 8 of the combined preliminary/site plan Cover Sheet shall be updated to include a reference to the applicable FEMA LOMR effective November 2007.
11. Complete execution of the attached amended Letter of Understanding.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** the Westview South MXD Combined Preliminary Subdivision/Site Development Plan for 518 residential dwellings on a +/- 42 acre site, (AP#14262, S-905, SP-98-36) **with modifications and 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.