TITLE: Tallyn Ridge

FILE NUMBER: S-1166/SP- 13-17 (AP-14142, APFO- 14143 & FRO-14144)

REQUEST: Combined Preliminary Subdivision/Site Development Plan Approval
The Applicant is requesting Combined Preliminary Subdivision/Site Development Plan approval for 441 residential lots (241-single family detached and 200 Townhouses) on a 146.6-acre site.

PROJECT INFORMATION:
ADDRESS/LOCATION: North side of Reichs Ford Road, 300 feet east of Pinecliff Park Road
TAX MAP/PARCEL: Tax Map 78 Parcel 742, Lots 1, 2, 3, 4 & Parcel 55
COMP. PLAN: Low Density Residential
ZONING: Planned Unit Development (PUD) & Agricultural (A)
PLANNING REGION: New Market
WATER/SEWER: Planned Service (PS)

APPLICANT/REPRESENTATIVES:
APPLICANT: Gladhill Farm, LLC
OWNER: M. Gladhill
ENGINEER: Bowman Consulting
ARCHITECT: N/A
ATTORNEY: Noel Manalo, Esq.

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
EXHIBIT 1- Combined Preliminary Subdivision/Site Development Plan
EXHIBIT 2- Lighting Standards Modification Justification and Graphic
EXHIBIT 3- Specimen Tree Graphic, plus Justification narrative
EXHIBIT 4- Amenities Plan
EXHIBIT 5 -APFO Letter of Understanding
STAFF REPORT

Development Request

The Applicant is requesting Combined Preliminary Subdivision/Site Development Plan approval for development of 441 residential lots (241 single-family and 200 townhouses) on a 146-acre site, situated on Reichs Ford Road at Pinecliff Park Road.

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 project shall also comply with Section 1-19-10.500.6, Land Use, Mixture, and Design Requirements within the PUD District and 1-19-10.500.9 General Development Standards with the Planned Development Districts within the Zoning Ordinance.

Modification Requests
- Modification to 1-19-6.500(A)(D) Lighting Requirement see pg. 9 below

BACKGROUND

Development History

The subject property received Phase I PUD approval on December 5, 2013 through Ordinance No. 13-26-654, for development of 441 residential dwelling units. The subject property was initially included within an expanded Community Growth Area (CGA) in 2006 and given a Low Density Residential (LDR) land use designation during the New Market Region Plan update. The 2008 revisions to the New Market Region Plan contracted the CGA and removed both the LDR land use designation and the subject property from the CGA. The 2012 revision to the County Comprehensive Plan restored the LDR land use designation to the subject property and placed the property within the CGA.

The 146-acre site of the proposed Tallyn Ridge subdivision is zoned PUD (see Graphic 2 below) and is comprised of four (4) farm lots, recorded July 9, 2002 at Plat Book 73, Page 30. The four farm lots are required to be ‘extinguished’ through a correction plat or addition plat process, prior to recordation of the first plat for the project, to ensure the existing lot lines do not overlap the future lot boundary lines. No dwellings are present on any of the farm lots, but remains of a barn and a stone wall are present on lot 2. An adjacent 8-acre parcel (Tax Map 78, Parcel 55) on Pinecliff Park Road is zoned Agricultural and will be utilized for open space and a second access point into the project. No residential lots will be developed on the 8-acre parcel. However, a portion of the Agricultural lot will be utilized for a future Outlot, which will be the location of a sewage pump station.

Existing Site Characteristics

Moderate to severe gradients, in a natural forested condition, rise from each of the four (4) stream systems on the property and level off at fields used for cultivated cropland (see Graphic 1 below). Wetlands associated with the stream systems comprise approximately 2 acres of the site. Approximately 0.4 acres of FEMA 100-year floodplain is present along the far northwest corner of the property. Natural forest cover is present on nearly 50 acres of the site and surrounds the wetland and aquatic resources, plus the topographic gradients. Soils with flooding and wet characteristics—Melvin-Lindside soils (MaA)—are present on the far northwest portion of the site around the stream system, but are approximately 300 feet from any proposed lots.
The property has 1,960 feet of frontage on Reichs Ford Road and will utilize approximately 120 feet along Pinecliff Park Road for a secondary access point. Bordering the property to the east is existing large-lot residential development on Aylor Drive and Beall Drive. The County’s Pinecliff Regional Park adjoins the property on the west and affords pedestrian access opportunities for future residents to utilize the Park’s amenities. To the north of the site are two (2) forested open space parcels in Forest Resource Easement associated with the River Oaks Subdivision.
ANALYSIS

Summary of Development Standards Findings and Conclusions

General Site Development, Layout and Design

The steep, forested slopes and stream systems on the north and south of the project site dictate the shape of the overall development area. Interconnectivity between the proposed project and surrounding development is limited by on-site environmental features, the public park to the west, and existing residential development served by cul-de-sacs to the north and east. Higher densities populate the central portion of the project site, with both front-loaded (integral garages with street access) and rear-loaded (alley access to an integral garage) townhomes situated in this area. A long row of front-loaded townhomes are strategically placed on the western edge of the property, adjacent to Pinecliff Park, in order to give the highest number of units direct visual and physical proximity to the forestlands in the park.

A variety of single-family lots are situated in the south, east and north portions of the site. Four (4) different single-family lot sizes are dispersed in these areas with the following garage access designs:

1) Conventional front-loading
2) Recessed front-loading (garage set farther away from street than house)
3) Rear-loading units with garages integral to the house
4) Rear-loading units with detached garages

The subdivision layout utilizes a well-designed, interconnected street grid that links all areas of the project in a general linear arrangement, with two (2) cul-de-sacs, and no panhandle lots. The proposed lots have defined street frontages or are oriented to face open spaces and pedestrian ways. Open Space parcels are designed and located to maximize their proximity, convenience, and physical accessibility to future residents in the community. Open space amenities include tot-lots, bike racks, benches, trash cans, dog waste containers.

Strategically placed sidewalks, paths, and natural surface trails provide multiple opportunities for pedestrian mobility throughout the development. A trail from the project into Pinecliff Park to connect to the Park’s existing trails will be constructed by the Applicant. A landscape buffer is shown along the entire eastern property line to help visually screen the proposed houses from the adjacent houses on Beall Drive and Aylor Drive.

Transportation Access and Connectivity

The property has 1,960 feet of frontage on Reichs Ford Road, a collector status roadway on the Comprehensive Plan. The project’s main access (Tallyn Ridge Drive) off Reichs Ford Road includes a monumented entrance and is opposite Reels Mill Road. Transportation access details include a 14-ft. entrance lane (ingress) and two (2) 9-ft. lanes for egress, plus a 5-ft. sidewalk on the full length of Tallyn Ridge Drive from Reichs Ford Road to its end at Pine Bluff Road. The Reichs Ford Road entrance meets minimal stopping sight distance (SSD) safety requirements and intersection sight distance (ISD). Acceleration, deceleration and left turn lanes will be provided on Reichs Ford Road.

The project’s second point of access is from Pinecliff Park Road, a local roadway that serves Pinecliff Park as well as 6 existing residences. This access traverses the 8-acre parcel adjacent to the project site,
and is owned by the Applicant, but was not part of the 2013 PUD rezoning of the adjacent development parcel.

Connections to the nearby surrounding roadways of Tobery Road, Winding Oaks Court, Slate Hill Circle and Slate Hill Place are constrained by the extremely steep ravine present north of the project site. Aylor Drive, bordering the subject property to the east, is an unpaved, private road, with less than 10 feet of pavement in sections and serves 9 houses. For these reasons, no road connection is made to Aylor Drive.

Density
Development density within the PUD zoning district is set at phase I rezoning and is a function of the Comprehensive Plan land use designation, site characteristics and meeting the required parking, landscaping, other design requirements, and bulk standards. The Tallyn Ridge Site Development Plan proposed project density and Moderately Priced Dwelling Unit (MPDU) requirements are as follows:

Gross Tallyn Ridge Proposed Density: 441 Dwelling Units (DU)/146 acres = 3 DU/acre
Required MPDUs (12.5% of total DUs): 56 Dwelling Units

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.

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 Site reflects a County Comprehensive Plan land use designation of Low Density Residential, which is targeted for residential uses. The gross density of the project is three (3) dwellings units per acre and includes a variety of housing types. The project is designed with efficient access, and internal vehicular and pedestrian 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 systems and steep, forested slopes present on the property. The site’s unique proximity to a large regional park (Pinecliff Park) is enhanced through multiple trail connections into the park. The subdivision design accentuates both the physical and visual proximity of the park’s natural and recreational resources to the project.
Block Shape §1-16-218
The maximum block dimension shall be 1,800 feet.

No block dimension is greater than 600 linear feet. Multiple lot sizes, block lengths, 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.

Dimensional standards for development in the PUD district must be approved by the Planning Commission at Phase II and are governed by §1-19-10.500.6(H)(2). Setbacks and building heights must also be consistent with the General Development Standards described in §1-19-10.500.9. The following lot setbacks and heights are proposed by the Applicant, which reflect the general development patterns and land use as shown on the approved PUD Phase I Concept Plan, and are consistent with the PUD General Development Standards. The proposed dimensions foster design excellence and promote efficient land use and densities, provide for efficient street layout, building scale, orientation and block configuration. Staff recommends approval of the proposed setbacks and building heights:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Lot Area</th>
<th>Proposed Building Height</th>
<th>Proposed Front Yard</th>
<th>Proposed Side Yard</th>
<th>Proposed Rear Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached, front</td>
<td>Range: 4,675 sq. ft. to 21,765 sq. ft.</td>
<td>40 ft</td>
<td>15 ft.</td>
<td>5 ft. and 15 ft. (corner lots)</td>
<td>20 ft.</td>
</tr>
<tr>
<td>detached, rear loaded</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Townhouse, front loaded</td>
<td>Range: 1,800 sq. ft. to 2,845 sq. ft.</td>
<td>40 ft</td>
<td>10 ft.</td>
<td>4 ft.</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Townhouse, rear loaded</td>
<td>Range: 1,800 sq. ft. to 2,845 sq. ft.</td>
<td>40 ft</td>
<td>10 ft.</td>
<td>4 ft.</td>
<td>5 ft.</td>
</tr>
</tbody>
</table>

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 Spring Ridge-Bartonsville Community Growth Area, surrounded by a County park and existing residential development. The site contains a large portion of a significant forested stream valley corridor, the vast majority of which will be protected on site through Forest Resource Ordinance conservation easements. Although the project is
adjacent to similar and compatible land uses to the east, visual impacts will be minimized by the planting of landscape screening along the entire eastern boundary. The project includes landscaping within open spaces and street trees are provided throughout the project, as required in Section 1-19-6.400 of the Zoning Ordinance.

The Applicant is requesting a modification to specific lighting standards contained in §1-19-6.500 (D). The lighting plan as proposed depicts a foot candle of greater than 0.5 that ‘spills’ onto Reichs Ford Road, beyond the property line, as indicated in the Photometric Plan (see Exhibit 2).

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., 6-ft., 8-ft. and 12-ft. in width, with well-placed and marked street crossings. The sidewalk network provides many opportunities for internal pedestrian mobility as well as facilitating movement throughout the entire development, and linking open space areas. Access from the project to Pinecliff Park is provided in three (3) locations: 1) A 6-ft. wide paved path from both Pinebluff Road and from Scott Ridge Place into Pinecliff Park to connect with the park’s existing trail network; 2) A natural surface trail originating at Hawks Ridge Road, running westward to the far northwest corner of the project’s property line with Pinecliff Park. Another natural surface trail through the forest is shown that links the two most-eastern streets together: Pine Bluff Court and Hawk Ridge Road.

☐ 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 proposed street design incorporates an interconnected grid system in the higher density portions of the project that also link to the single-family areas of the project. Opportunities for connecting to the surrounding development areas are limited due to the prevalence of existing cul-de-sac development adjacent to the subject property. In addition, a forested stream valley with severe gradients is present on the northern portion of the project site, which physically limits roadway connectivity.

☐ Other Street Requirements §1-16-236

In the PUD zone, the length of cul-de-sacs and dead end streets may vary based on the density in the development section or land bay, property shape and size, topography, environmental constraints, lot sizes, unit types, and proposed land use. The density and length of cul-de-sac or dead end streets shall be reviewed by the Planning Commission and approved on a case by case basis. The Planning Commission shall consider the goals and principles of §1-16-234 when considering the length and density of streets.

§ 1-16-234: In designing highways, streets, roads, or common driveways, the subdivider shall be guided by the following principles.

(A) Design to consider the context of the proposed land use, including the existing and proposed land development patterns on adjacent parcels.
(B) Design for opportunities to create interconnections between adjoining parcels.
(C) Provide for adequate vehicular and pedestrian access to all parcels.
(D) Design local residential street systems to minimize through traffic movement and to discourage excessive speed.
(E) Provide reasonable direct access from local street systems to the primary transportation system.
(F) Local transportation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.
(G) Provide for safety, efficiency, and convenience of all users of the transportation system.
(H) Pedestrian-vehicular conflict points shall be minimized.
(I) Design to preserve, enhance, or incorporate natural, community, and historic resources.
(J) Be suitably located and designed/improved to accommodate prospective traffic, emergency service vehicles, and road maintenance equipment.
(K) Sidewalk, street design, right-of-way and paving shall be in accordance with these regulations and the County Design Manual.

The Plan proposes two access points to the site. The western connection will be made through construction of a connection to Pine Cliff Park Road. The eastern connection will be made through a new access and construction of Tallyn Ridge Drive. Based on the proposed phasing plan submitted by the Applicant, both access points will be constructed in the first phase of the development and serve a total of 114 dwelling units. Without construction of the second access point onto Reichs Ford Road the proposed development is served by a dead end street network. Therefore, to provide for safety, efficiency, and convenience of all users of the transportation system the proposed development shall follow the phasing schedule as proposed by the Applicant.

Two (2) cul-de-sacs are shown on the Plan: Scott Ridge Place and Pine Bluff Court. Scott Ridge Place ends in a cul-de-sac that is 350 feet in length with 12 proposed adjoining single-family lots on the northwestern corner of the development site. Prior to the cul-de-sac, Scott Ridge Place is populated with a high concentration of townhome lots (48), all with a front-loaded design. Staff has no objection to the transition of Scott Ridge Place to a cul-de-sac design with lower density at the northern limit of the development. The second cul-de-sac, Pine Bluff Court, forms where Pine Bluff Road meets Randell Ridge Road on the far eastern edge of the development. This proposed cul-de-sac contains 17 lots and extends 950 feet, deep into a portion of the project site that is wedged between forested fingers, in an inverted “U” shape. This forested area also contains several specimen trees, one of which is a 35-inch (diameter at breast height—DBH) White Oak. This large tree is identified for removal to accommodate one proposed lot (424) at the northwest tip of the cul-de-sac ‘bulb.’ In Staff’s opinion, the specimen White Oak tree could easily be retained through a simple redesign of the cul-de-sac with relocation or transfer of lot 424 to another spot on Pine Bluff Court or through a reconfiguration of nearby lot sizes.

For these reasons, and as described under the Forest Resources section of this report, Staff does not support the current, proposed length and development density of Pine Bluff Court due to the proposed removal of the 35-inch specimen White Oak tree to accommodate the development indicated on Pine Bluff Court as shown on the Tallyn Ridge Combined Preliminary/Site Plan.

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 two (2) public roadways, Reichs Ford Road and Pinecliff Park Road. The proposed road network within Tallyn Ridge promotes interconnectedness, links existing road networks, and provides safe and efficient traffic and pedestrian circulation.
Parking standards for the project are described within §1-19-6.220 of the Zoning Ordinance. The project provides the required number of on-lot parking spaces, as described below, plus 398 additional on-street parking spaces to accommodate over-flow parking in the development. These totals utilize the policy that only ½ of the garage parking spaces is counted toward provided parking for the lots.

<table>
<thead>
<tr>
<th>Unit Type &amp; Quantity</th>
<th>On-lot Parking Provided</th>
<th>Parking Required, § 1-19-6.220</th>
</tr>
</thead>
<tbody>
<tr>
<td>Townhouse (200 du)</td>
<td>507 spaces</td>
<td>500 spaces</td>
</tr>
<tr>
<td>Single-family (241 du)</td>
<td>799 spaces</td>
<td>482 spaces</td>
</tr>
<tr>
<td><strong>Totals:</strong></td>
<td><strong>1,306 spaces</strong></td>
<td><strong>982 spaces</strong></td>
</tr>
</tbody>
</table>

The project also proposes on-street parallel parking with parking stall dimensions of 7 ft. by 22 ft. The parallel parking dimension standard within the zoning ordinance is identified as 8’ X 22’. However Staff has no objection to the proposed reduction in parallel parking stall width from 8’ to 7’ as proposed for the project. The reduction is allowed by approval of the Development Review Traffic Engineer per section 1-19-6.220 (B)(3)) of the zoning ordinance.

**PUBLIC FACILITIES AND UTILITIES**

□ Public Facilities - Road Adequacy/Water and Sewer Facilities §1-16-12; Public Utilities §1-19-3.300.4 (C)

As proposed the project would access to two (2) public roadways, Reichs Ford Road and Pinecliff Park Road. Reichs Ford Road is designated a collector roadway on the County Comprehensive Plan. The site is bisected by the United and the Spring Ridge Fire Station service area boundaries. Both fire stations would utilize Reichs Ford Road to access the subject property.

The project proposes both public roads and private alleys internally. Within the project public roadways are proposed with a 50 foot right-of-way and paved widths between 28-29 feet. Private alleys are proposed with a 20-ft. right-of-way and 16 ft. of pavement. Ten (10) variations of street details are included in the Combined Preliminary/Site Development Plan.

The project is to be served by public water and sewer service and carries a current Water and Sewerage Plan classification of Planned Service (PS). Section 1-19-10.500.4(D)(1) of the Zoning Ordinance requires a property to be classified at least W4/S4 on the Frederick County Water and Sewerage Plan prior to Phase II application. However, on July 10, 2014 The BOCC approved the reclassification of 147 acres in the Tallyn Ridge PUD from planned service (PS) to W4/S4. The Maryland Department of the Environment (MDE) was notified of this decision. MDE has a 90-day window to review the decisions and either approve, deny, or request additional time. The reclassification is generally not considered approved until receiving the MDE decision. On August 7, 2014 the Applicant requested that the BOCC utilize its authority to make the reclassification of the 147 acres in the Tallyn Ridge PUD from PS to W4/S4 effective immediately. The request was approved at that meeting. An application for reclassification to the W-3, S-3 categories is currently under review as part of the summer 2014 cycle of Water and Sewerage Plan amendments.

The site will be served by the New Design Water System and the Ballenger-McKinney Waste Water Treatment Plant for sewage treatment. Sufficient capacity exists in both systems to serve the project. A water and sewer reclassification of the subject property must be obtained from Frederick County and the Maryland Department of the Environment in order to connect to the public systems.
**Parks §1-16-111**

Gross acreage for parks and open space requirements were reviewed and approved with the Phase I Concept Plan at rezoning (R-13-02, Ordinance 13-26-654). The Applicant is providing 79 acres of passive and active HOA recreation areas, open space, plus forest conservation easements. Over 4 acres of the proposed Open Space is suitable for dry ground recreational activity, meeting the intent of the County Code. The project will have direct pedestrian access to Pinecliff Park and its amenities (see attached Exhibit 4).

**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.

The project’s overall footprint is designed around the streams, wetlands, slopes, and forestlands present on the property. The vast majority of these environmental resources will be permanently preserved through forest conservation easements or undeveloped as community open space. The adjacent residential development to the east will be screened through a linear landscape buffer.

**Floodplain Developments §1-16-220**

There is a small portion of mapped FEMA 100-year floodplain on the northwest corner of the project site, which is included within a forest conservation easement. This area also contains flooding soils and wet soils, although the area of wet soils is 300 feet from the nearest proposed lot on the site.

**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 contains a mixture of cultivated fields and steep forested slopes. The stream systems contain wetlands and the majority of these forest and aquatic resources will be maintained through protective forest conservation easements or as open space.

**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 multiple areas indicated for common open space and they are strategically located and placed within the community. Within these areas a recreational “tot-lot” will be provided along with other open space amenities such as benches, bike racks, trash receptacles, and dog waste stations (see Exhibit 4). Multiple trail systems will be provided throughout the extensive forested areas on the site, with connections to Pinecliff Park. 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 January 29, 2014. A combined Stormwater Development/Improvement Plan is currently under review and must be approved prior to final Combined Preliminary/Site Development Plan approval.

**APFO – Chapter 1-20:**
- **Schools**
The proposed development is projected to generate 92 elementary school students, 59 middle school students and 70 high school students. The school adequacy test fails at the elementary, middle and high school levels. 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 Planned Service (PS). A request for reclassification to the W-4, S-4 categories was approved by the Board of County Commissioners on August 7, 2014. An application for reclassification to the W-3, S-3 categories is currently under review as part of the summer 2014 cycle of Water and Sewerage Plan amendments. A sewage pump station is required to be constructed to provide sufficient operational capacity to serve the project plus a 15% County reservation for health emergencies and public needs. Main line pressure reducing valves (PRVs) are required with final locations to be determined at the Improvement Plan stage.
- **Roads**
The project will generate 269 a.m. and 339 p.m. weekday peak hour trips. The study area for testing includes Reichs Ford Road between the site and Monocacy Blvd. and the Monocacy Blvd/I-70 westbound off-ramp intersection; all but the latter intersection passing with Level of Service E or better. Due to future queuing problems associated with the Monocacy Blvd/I-70 intersection, the Applicant/Developer is required to mitigate per §1-20-31. The Applicant/Developer shall therefore pay into County-held escrow accounts for its pro-rata contributions for the Meadow Road/I-70 Westbound On-Ramp project, as fully described in attached Exhibit 5, which when built would eliminate the failure. The APFO approval is valid for eight (8) years from the date of Planning Commission approval; therefore, the APFO approval expires on September 10, 2022.

**Forest Resource Ordinance – Chapter 1-21:** A Preliminary Forest Conservation plan has been submitted and is under review. The site contains 51.56 acres of existing forest. The Applicant proposes to meet the FRO requirements by retaining 40.13 acres of existing forest. A Final FRO plan must be submitted following the approval of the Preliminary FRO plan. FRO mitigation must be provided prior to lot recordation, grading permits, or building permits, whichever is applied for first.

The site contains 54 specimen trees (trees that are 30 inches or greater in diameter), most of which are located in the undevelopable portions of the site. Per §1-21-40 of the FRO, nonhazardous specimen trees must be retained unless reasonable efforts have been made to protect them, the plan cannot reasonably be altered, and the FcPc finds that that the requirements for granting a modification have been met.
§ 1-21-40. CONSERVATION AND FORESTATION PRIORITIES.

(A) In general. In the implementation of any subdivision or development project, priority shall be given:

(1) First, to conservation of existing on-site forest areas according to the sequence listed in subsection (B) of this section;

(2) Second, to forestation of on-site areas according to the sequence listed in subsection (C) of this section;

(3) Third, to forestation or mitigation off-site according to the sequence listed in subsection (D) of this section.

(B) Priority areas for on-site conservation.

(1) Trees, shrubs, and plants in priority areas shall be retained and protected and shall be left in an undisturbed condition. The applicant must demonstrate to the satisfaction of the Department that reasonable efforts have been made to protect them and that the plan cannot reasonably be altered.

Priority areas include:

(a) Hydrologically-sensitive areas, including the 100 year floodplain and all other floodplains listed in the Zoning Ordinance, § 1-19-9.100, as amended; streams and their buffers; steep slopes (25%) contiguous to or within 50 feet of hydrologically-sensitive areas; and wetlands;

(b) Forest segments that connect large forested or heavily vegetated tracts of land within or adjacent to the site;

(c) Areas that contain trees, shrubs, or plants identified as rare, threatened, or endangered under the Federal Endangered Species Act of 1973 in 16 U.S.C. §§ 1531-1544 and in 50 CFR 17, or under COMAR 08.08.08;

(d) Critical habitat areas for sedentary animal species; identified as threatened, endangered or in-need-of-conservation under the Maryland Nongame and Endangered Species Conservation Act, Md. Code Ann., Natural Resources Article, §§ 10-2A-01 through 10-2A-09.

(e) Nonhazardous trees that:

1. Are part of a historic site;

2. Are associated with a historic structure;

3. Have been designated by the state or the Department as a national, state, county, or municipal champion tree; and

4. Are specimen trees, or are 75 percent or more of the diameter, measured at 4.5 feet above the ground, of the current state champion tree of that species as designated by the Department of Natural Resources.

(2) Any of the priority areas listed in subsection(B)(1) of this section that are not retained shall be deemed a modification requiring approval under § 1-21-21 of this chapter, unless the exception is authorized by § 1-19-9.110, as amended, of the Zoning Ordinance.

Twelve specimen trees are proposed to be removed. The removal of 10 of these trees has been approved at Staff level: 3 are invasive species (Tree of Heaven) that must be removed for ecological reasons, and 7 exhibit structural defects that do not qualify these trees as “nonhazardous” trees that require protection.

The Applicant is seeking a modification of the FRO to permit the removal of 2 specimen trees. Tree # 1 is a 35” White Oak in good condition that is located within the proposed Lot 424 at the end of Pine Bluff Court. Tree # 41 is a 30” American Elm in fair condition that is located 300 feet southeast of the proposed pump station and along the north side of the existing 20’ gas easement. The removal of these two nonhazardous specimen trees requires a modification in accordance with §1-21-21 of the FRO.

§ 1-21-21. MODIFICATIONS.

(A) Modification requests. A person may submit a request to the Frederick County Planning Commission (FCPC) for a modification from this chapter or the requirements of Md. Code Ann., Natural Resources Article, §§ 5-1601 through 5-1612, if the person demonstrates that enforcement would result in unwarranted hardship to the person.

(B) Required information. An applicant for a modification shall:
(1) Describe the special conditions peculiar to the property that would cause the unwarranted hardship;
(2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
(3) Verify that the granting of the modification will not confer on the landowner a special privilege that would be denied to other applicants;
(4) Verify that the modification request is not based on conditions or circumstances that are the result of actions by the applicant;
(5) Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
(6) Verify that the granting of a modification will not adversely affect water quality.

(C) Modification approval. The FCPC must make a finding that the applicant has met the requirements in subsection (B) of this section and that enforcement would cause the applicant unwarranted hardship before the FCPC may approve any modification.

In order for the FCPC to grant a modification to allow the removal of specimen trees, the FCPC must find:
- that reasonable efforts have been made to protect the specimen trees and that the plan cannot reasonably be altered (in accordance with § 1-21-40 (B)(1); and
- that the Applicant meets the six criteria outlined under §1-21-21 (B); and
- that enforcement (i.e., retention of the specimen trees) would cause the applicant “unwarranted hardship”.

Staff believes that the two specimen trees may be retained with some reasonable changes to the plan. Tree #1 can be saved by eliminating Lot 424 (and possibly Lot 425) and shortening the cul-de-sac street. These lots can be relocated elsewhere within the site so that there is no loss of density. Tree # 41 is within a grading area below a proposed SWM pond, but the Applicant has not provided justification to Staff why the grading cannot be altered to save the tree.

The Applicant submitted a justification statement (see Exhibit 3) to staff, dated May 8, 2014, which discusses the six criteria that must be met to be granted a modification. The Applicant submitted additional FRO materials on August 15, 2014 with an amended justification statement, but there was not time to review and evaluate these materials prior to completing this report. Therefore, the discussion below is based on the original May 8, 2014 FRO modification request.

1. Describe the special conditions peculiar to the property that would cause the unwarranted hardship:
   In the May 8 justification statement, the Applicant does not describe special conditions that are peculiar to this property. The property features discussed in the justification statement are common on large development sites. The justification statement also notes that any additional loss of development area will “cause the site to not meet its development requirements”, which is not a true statement. The loss of one or two lots out of 441 proposed lots is not an unwarranted hardship, and Staff believes the loss of one or two lots to save Tree #1 can be made up by relocating these lots elsewhere in the project.

2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
   The May 8 justification statement argues that saving the two specimen trees will prohibit the Applicant from creating “a functional development.” This statement is not correct. Relocating one or two lots and exploring alternatives to the proposed grading for the SWM pond will not make the development non-functional.

3. Verify that the granting of the modification will not confer on the landowner a special privilege that would be denied to other applicants;
   Because the Applicant has not demonstrated why the plan cannot be reasonably altered, granting this modification would confer a special privilege. Other developments where modifications were granted provided details about the required grading, infrastructure, and lot design to demonstrate...
how saving a tree would have far greater impacts than what is being described in the May 8 justification statement.

4. Verify that the modification request is not based on conditions or circumstances that are the result of actions by the applicant;
   The justification statement argues that the location of the specimen trees is not a result of actions by the Applicant, and notes the other forest conservation and park dedication areas being protected. However, the failure to reasonably alter the plan is an action by the Applicant, and the amount of forest conservation and parkland dedication (which has not been confirmed yet) is not a criterion for granting a modification under this Chapter.

5. Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property;
   Staff agrees that this request is not generated by condition of land or building use on a neighboring property.

6. Verify that the granting of a modification will not adversely affect water quality.
   Staff agrees that granting this modification will not adversely affect water quality.

Based on the May 8 justification statement, Staff does not find that the Applicant has demonstrated to the satisfaction of the Department that reasonable efforts have been made to protect the specimen trees and that the plan cannot reasonably be altered. Staff also does not find that the Applicant has met the six criteria outlined under §1-21-21 (B), nor has it shown that retention of the specimen trees would cause “unwarranted hardship.”

Staff recommends that the FcPc grant conditional approval of the FRO (AP 14144) subject to the following conditions:
   1. Remove or relocate Lot 424 (and Lot 425 if necessary) and shorten Pine Bluff Court to facilitate saving specimen tree #1.
   2. The Applicant shall work with Staff to redesign the project to save specimen tree #41.
   3. Should the Applicant be unable to save specimen tree #1 and/or #41, then it must submit proper documentation as noted above to meet the requirements for a modification (i.e., reasonable efforts to that reasonable efforts have been made to protect the specimen trees and that the plan cannot be reasonably altered; the criteria under §1-21-21; and unwarranted hardship).

Summary of Agency Comments

<table>
<thead>
<tr>
<th>Other Agency or Ordinance Requirements</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Review Engineering (DRE):</td>
<td>Stormwater Management Concept Plan approved</td>
</tr>
<tr>
<td>Development Review Planning:</td>
<td>Hold pending resolution of Preliminary Plan/Site Plan issues</td>
</tr>
<tr>
<td>State Highway Administration (SHA):</td>
<td>Waived</td>
</tr>
<tr>
<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
<td>Conditionally approved with outstanding items addressed prior to final Preliminary Plan/Site Plan approval</td>
</tr>
</tbody>
</table>
Other Agency or Ordinance Requirements | Comment
--- | ---
Health Dept. | Approved
Office of Life Safety | Approved
DPDR Traffic Engineering | Conditionally approved pending resolution of Preliminary Plan/Site Plan issues
Historic Preservation | Approved
Forest Resource (FRO) | Hold pending resolution of specimen tree issues and approval of Preliminary Forest Conservation Plan

RECOMMENDATION

Staff has no objection to conditional approval of the Tallyn Ridge Combined Preliminary Subdivision/Site Development Plan, if the Planning Commission approves the proposed cul-de-sacs in accordance with 1-16-236(K), based upon a minor redesign of the project as described in the Staff report and subject to the conditions listed below, and with approval of a modification to the lighting standards contained in §1-19-6.500 of the Zoning Ordinance.

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 will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met and modification approved:

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 identified on the Combined Preliminary Subdivision/Site Development Plan.
3. Planning Commission approval of the requested modification to lighting specifications to allow lighting of 0.5 foot candles to be exceeded beyond the property line on an adjacent roadway.
4. The project is required to provide 56 MPDUs in accordance with the provisions of the Frederick County Code.
5. The Applicant shall develop the project as depicted on the phasing plan to include two vehicular access points concurrent with development of Phase I (via construction of a connection to Pine Cliff Park Road and construction of a new access to Reichs Ford Road). Vehicular connections must be constructed and open to traffic prior to issuance of the first residential building permit.
6. The Preliminary FRO Plan must be approved prior to final 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.
7. Complete execution of the attached APFO Letter of Understanding.

Tallyn Ridge Combined Preliminary/Site Plan
September 10, 2014
Page 17 of 19
8. Prior to recordation of the first plat for the project, a Correction Plat to extinguish the four (4) existing farm lots that comprise the subject property must be submitted to the Community Development Division for review and approval and recorded in the Frederick County land records.

9. Eliminate the reference to “Park Use Easement” on the parcel west of Scott Ridge Place that adjoins Pinecliff Park. The Division of Parks and Recreation has indicated their non-interest in such an easement. This area is within a planned forest conservation easement.

10. Replace Sequence of Construction Note No. 5 on the Amenities Plan with the following, “Enhanced trail along Tallyn Hunt place shall be constructed prior to issuance of the last residential building permit in the following list:

- lots 115-122 (Hedwig Lane/Pine Bluff Road)
- lot 161 (Randell Ridge Road)
- lot 162 (Hedwig lane)
- lot 199 Bald Eagle Lane)
- lot 200 (Randell Ridge Road)
- lots 227-230 (Tallyn Hunt Place)
- lot 273 (Pine Bluff Road)
- lot 274 (Hedwig Lane)

11. Revise Sequence of Construction Note No. 6 on the Amenities Plan to reference Phase 1.

15. Revise Sequence of Construction Note No. 9 on the Amenities Plan to reference Phase 2.

16. Replace Sequence of Construction Note No. 11 on the Amenities Plan with the following, “If individual areas are still needed for sediment control or other construction activities, seating areas and passive amenity spaces will be constructed prior to issuance of the last residential building permit for the following lots that may be impacted by such construction:

- lots 12-14 (Golden Eagle Road)
- lots 30-32 (Eagle Nest Road)
- lots 33-39 (Cliffview Lane)
- lot 98 (Tallyn Hunt Place)
- lot 231 (Tallyn Hunt Place)
- lots 319-324 (Raptor Ridge Lane or Tallyn Ridge Drive)
- lots 335-340 (Pine Bluff Road)

17. The following note shall be added to ‘General Notes’ No. 1 on Amenities Plan: “….are subject to change but will not vary substantially in terms of number or size throughout the phase 2…..”

18. The following note shall be added to ‘General Notes’ No. 3 on Amenities Plan: “…..However, final paved surface trails shall replace any interim stone dust or gravel surfaces prior to issuance of last residential building permit for the following lots that may be impacted by such construction:

- lots 80-81 (Scott Ridge Place)
- lot 98 (Tallyn Hunt Place)
- lots 115-122 (Hedwig Lane/Pine Bluff Road)
19. The Applicant shall remove or relocate Lot 424 (and Lot 425 if necessary) and shorten Pine Bluff Court to facilitate saving specimen tree #1.

20. The Applicant shall work with Staff to redesign the project to save specimen tree #41.

21. Should the Applicant be unable to save specimen tree #1 and/or #41, then it must submit proper documentation as noted above to meet the requirements for a modification (i.e., reasonable efforts to that reasonable efforts have been made to protect the specimen trees and that the plan cannot be reasonably altered; the criteria under §1-21-21; and unwarranted hardship).

**PLANNING COMMISSION ACTION**

**MOTION TO APPROVE**

I move that the Planning Commission APPROVE the Tallyn Ridge Combined Preliminary Subdivision/Site Development Plan for 441 residential lots on a 146.6 acre site, (Subdivision S-1166, Site Plan SP-13-17) 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.
August 22, 2014

Frederick County Development Review and Engineering
30 N. Market Street
Frederick, MD 21701
Attn: Tim Goodfellow

SUBJECT: Tallyn Ridge – County File Numbers: Adequate Public Facilities AP#14143, Combined Preliminary / Site Plan AP# 14142, Preliminary Forest Conservation Plan AP#14144
Lighting Modification Letter
BGC Project No. 5747-01-002

Dear Tim:

We formally request a lighting modification to Section 1-19-6.500(D). The modification will allow the foot-candle to exceed the 0.50 level as measured at the property line at the location of the entrance street (Tallyn Hunt Place) of the proposed community and Reich’s Ford Road public right-of-way. Two street light fixtures have been placed at the Community’s main entrance to increase night time visibility at this location.

Please accept this lighting foot-candle modification request to exceed the 0.5 level within the public right-of-way. If you have any questions or concerns please contact us via email at dcorum@bowmancg.com or by phone at 410-224-7590.

Sincerely,
Bowman Consulting Group

[Signature]

Donavon Corum, RLA, AICP, LEED AP

Cc: MS Gladhill Farm, LLC
    file
May 8, 2014

Frederick County Planning Commission
Winchester Hall
12 E. Church Street
Frederick County, Maryland 21701

Re: Tallyn Ridge – Combined Preliminary (AKA Glad Hill Property)
File # S1166, Project Number AP#14144
BCG Project #5747-01-002
FRO Modification Request

Dear Commissioners,

On behalf of the Applicant, Bowman Consulting Group (BCG) is writing to respectfully request variance from COMAR 08.19.03.01(7.2)(C)(1) in connection with the above-referenced preliminary plan application. We are providing justification for the removal of two (2) specimen trees on the Tallyn Ridge site by demonstrating that there is no feasible alternative plan that could be approved which would save these trees. We are also providing supplemental information per requirements of Natural Resources Article, §5-1601 through 5-1612.

The Applicant has been working with Frederick County for several years in order to develop an environmentally sensitive design, while achieving the project's goals. In developing the plan, the Applicant was mindful of the location of all specimen trees on the site. The plan was developed to require the minimum possible variance request. At the project's inception, more than 530 lots were proposed as part of the preliminary plan. As a result of extensive coordination with Frederick County, the community, and other stakeholders; several design iterations have occurred to avoid and minimize environmental impacts. During that time, the density was reduced to 500 lots to meet updated Stormwater Management (SWM) Manual requirements. The density was further reduced and is currently at a total of 441 lots in order to comply with Smart Growth requirements. It would be no longer feasible for the Applicant to lose any additional lots. BCG has involved its environmental and arboriculture experts throughout the iterative design process to develop acceptable solutions while preserving the natural resources of Frederick County.

Given the fact that there are currently 54 specimen trees onsite, the Applicant has made reasonable efforts

Tree #1 – see Exhibit 1 for photographic documentation and condition.
Tree #41 - see Exhibits 2 and 3 for photographic documentation and condition.

(1) Describe the special conditions peculiar to the property that would cause the unwarranted hardship
The property contains significant topography and environmental features onsite, which includes
0.5-acre of floodplain buffer, 36 acres of wetland and waterbody buffers, 53 acres of forest, and a
total of 54 specimen trees. Additionally, there is an existing gas easement along the perimeter of
the property, which totals over 2.2 acres, of which approximately 1-acre is forested. Given the
extent of existing site constraints, the developable space is limited on the property.

(2) Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed
by others in similar areas
As a result in legislation changes and SWM Manual updates, the waterbody and other
environmental buffers have increased significantly onsite, thereby limiting the number of lots and
developable space on the property. The inability to remove the two (2) specimen trees would
prevent the Applicant from developing the property in the manner allowed in PUD zones in this
area. The proposed preliminary plan reflects a significant density reduction which would reduce
the impact on trees and other environmental features.

(3) Verify that the granting of the modification will not confer on the landowner a special privilege
that would be denied to other applicants
The proposed preliminary plan already reflects a significant reduction in density which will reduce
the impact on trees and other environmental features. After a discussion with Frederick County
FRO staff on April 10, 2014, grading has been revised to save two (2) additional trees onsite.

(4) Verify that the modification request is not based on conditions or circumstances that are the result
of actions by the applicant
Not applicable. The Applicant is readily preserving 40.13 acres of forested area in conservation
easements, of which, approximately 8 acres shall be land dedication to permanent easement under
Frederick County Parks.

(5) Verify that the request does not arise from a condition relating to the land or building use, either
permitted or nonconforming, on a neighboring property
(6) Not applicable. The Applicant is readily preserving 40.13 acres of forested area in conservation
easements, of which, approximately 8 acres shall be land dedication to permanent easement under
Frederick County Parks.

(7) Verify that the granting of a modification will not adversely affect water quality
no measureable degradation in water quality will be experienced because effective mitigation measures have been provided.

We believe that the foregoing, as well as the information contained in the Preliminary Forest Conservation Plan and Application materials clearly demonstrate that the grant of the variance is appropriate in this case. If you have any questions or require additional information for your review of this request, please contact us.

Sincerely,

Nasrin M. Dahlgren, PWS, CFM  
Project Manager  
Bowman Consulting Group

Attachments:  
Photograph Exhibit 1  
Photograph Exhibit 2  
Photograph Exhibit 3  
FSD/NRI  
FCP

cc: Mike Wilkins, Frederick County
Photo #1: Specimen Tree #1. 35" White Oak – Tree is in FAIR condition. Exhibits potentially hazardous large and small deadwood throughout canopy, minor invasive vine cover & the presence of cankers/fungi.
Photo #1: Specimen Tree #1. 35" White Oak – Tree is in FAIR condition. Exhibits potentially hazardous large and small deadwood throughout canopy, minor invasive vine cover & the presence of cankers/fungi.
ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Tallyn Ridge

Preliminary Plan #S-1166 AP #14143

In General: The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and MS Gladhill Farm, LLC (the "Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Tallyn Ridge Preliminary Plan (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

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

This Letter concerns itself with the Developer's 155.0 +/- acre parcel of land, 146 +/- acres of which are zoned PUD, and located on the north side of Reichs Ford Road, just east of Pinecliff Park. This APFO approval will be for the development of up to 241 single family detached and 200 single family attached residential lots, which is shown on the preliminary plan for the above-referenced Project, which was conditionally approved by the Commission on September 10, 2014.

Schools: The Project is projected to generate 92 elementary school students, 59 middle school students and 70 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test fails at the elementary, middle and high school levels.

The Developer has chosen the option to mitigate the school inadequacy by paying the School Construction Fees under Section 1-20-62 of the APFO. This Project is eligible to utilize the School Construction Fee option per the criteria set forth in Section 1-20-62 of the APFO. The School Construction Fees shall be paid at plat recordation based on the specific fees required by Section 1-20-62(E) at the time of plat recordation, per unit type and the school level(s) to be mitigated.
**Water and Sewer:** The Property has a water and sewer classification of S-4/W-4, indicating planned public water and sewer service within 4-6 years. The Division of Utilities and Solid Waste Management ("DUSWM") has provided a finding of conditional approval regarding sewer and water facilities to serve the Project. The Project will be served by a network of both public and private water and sewer mains and service connections. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

**Water:**
The New Design Water distribution and treatment system is deemed adequate to serve the project. Water improvements include extension of finished water piping from the Zone 2 water main at the end of Pinecliff Park Drive and from the River Oaks development. Main line pressure reducing valves ("PRVs") are required with final locations being determined at the Improvement Plan stage.

**Sewer:**
The Project will be served with public sanitary sewer service, with treatment capacity provided by the Ballenger-McKinney Wastewater Treatment Plant, which currently is adequate to serve the Project pursuant to Section 1-20-51(B) of the County Code as the programmed improvement is already fully funded in the County's Capital Improvements Program ("CIP"), and is scheduled for construction completion (publicly funded) in the first two years of the CIP (and is currently under construction with expected substantial completion during the summer of 2014). In addition, the Developer shall construct or cause to be constructed the following sanitary sewer improvement listed below, which is necessary to provide sanitary sewer service to the Project. Sanitary sewer lines to serve the Project will be appropriately sized and approved pursuant to DUSWM requirements and connected at appropriate connection points, and shall be further identified and engineered as the Project progresses through the development approval process.

**New Sewage Pump Station:**
The Developer shall design and construct a pump station and force main to provide sufficient operational capacity to serve the Project plus 15% County reservation for health emergencies and public needs. Station design and connection point at existing pressure sewer shall be as approved by the DUSWM.

**Road Improvements:** As proposed in the traffic impact analysis ("TIA") performed by Wells and Associates dated December 30, 2013 and revised March 13, 2014, the Project will generate 269 am and 339 pm weekday peak hour driveway trips and the Developer is required to mitigate all road improvements that do not satisfy the level of service standards per §1-20-31.

In full satisfaction of APFO requirements to mitigate site-generated trips, the Developer shall pay into County-held escrow accounts its pro rata contributions (as further described herein) for the Meadow Road/I-70 Westbound On-Ramp project ("Road Improvement"). The Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3937 for the existing interchange reconstruction for the Road Improvement. The estimated cost of the entire interchange improvement for the Road Improvement is $3,000,000. As determined by the Division of Permits and Development Review-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 8.72%. Therefore the Developer hereby
agrees to pay $261,600 to the escrow account for this Road Improvement prior to the recodation of any residential plats. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for eight (8) years from the date of Commission approval; therefore, the APFO approval expires on September 10, 2022.

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

**DEVELOPER:** MS Gladhill Farm, LLC
By: Miller and Smith, Inc., Manager

By: [Signature] Date: [Signature]
Charles F. Stuart, Jr., Senior Vice President

**FREDERICK COUNTY PLANNING COMMISSION:**

By: [Signature] Date: [Signature]
Robert Lawrence, Chair or William G. Hall, Secretary

**ATTEST:**

By: [Signature] Date: [Signature]
Gary Hessong, Director, Permits & Inspections

*Planner's Initials / Date ________________________________
County Attorney's Office Initials / Date ________________________________
(Approved as to legal form)*