TITLE: Monrovia Town Center (PUD)

FILE NUMBER: S-1148/SP13-03, AP 14501, APFO 14502,

REQUEST: Combined Preliminary Subdivision/Site Development Plan
The Applicant is requesting Combined Preliminary Subdivision/Site Development Plan approval for a 1,250-lot development (248 townhomes and 1,002 single family detached dwellings) on a 391.6-acre site.

PROJECT INFORMATION:
ADDRESS/LOCATION: Located on the north side of the intersection of Green Valley Road (MD 75) and Fingerboard Road (MD 80), east of Ed McClain Road
TAX MAP/PARCEL: Tax Map 97, Parcel 2 & p/o Parcel 0000; Tax Map 88, and Parcels 21, 22, & 27 and p/o Parcels 127 & 128.
COMP. PLAN: Low Density Residential (LDR)
ZONING: Planned Unit Development (PUD) and Agricultural (A)
PLANNING REGION: Urbana
WATER/SEWER: W-4/S-4

APPLICANT/REPRESENTATIVES:
APPLICANT: 75-80 Properties, LLC
OWNER: - same -
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Denis Superczynski, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
Exhibit 1- Combined Preliminary Subdivision/Site Plan Rendering
Exhibit 2- Phase 1 Concept Plan
Exhibit 3 - APFO Letter of Understanding
STAFF REPORT

ISSUE
The Applicant is requesting Combined Preliminary Subdivision/Site Development Plan approval for a 1,250-lot residential community zoned, Planned Unit Development (PUD) on a 391.6-acre site. This application incorporates the portion of the existing drag strip that is still zoned Agricultural due to a mapping error related to the water and sewer plan classifications. This narrow strip would be developed with open space and streets and does not have any residential lots extending into it.

The Plan proposes 248 (20%) single-family attached (townhouse) dwellings and 1,002 (80%) single-family detached (SFD) dwellings. The PUD is further subdivided into three distinct 'Neighborhoods' - two of which are age-restricted communities - with the following mix of dwelling unit types:

**Neighborhood 1 (age-restricted to residents 55 & older)**
- Townhouse (front-loaded): 63 DUs
- SFD (front-loaded): 316 DUs

**Neighborhood 2 (standard market units)**
- Townhouse (alley-loaded): 98 DUs
- SFD (alley-loaded): 232 DUs
- SFD (front-loaded): 295 DUs

**Neighborhood 3 (age-restricted to residents 55 & older)**
- Townhouse (front-loaded): 87 DUs
- SFD (front-loaded): 159 DUs

**Other Proposed Uses and Sites**
- Commercial Site – proposed 1.9 acre site. Permitted uses as listed in Village Center zoning district. Subject to a subsequent Site Development Plan approval.
- Fire Station site – 4.0 acres
- Water Tank site – 2.0 acres

**Modification Requests**
1. Modification to the parking requirements of Section 1-19-6.200 of the Zoning Ordinance to provide 3,739 parking spaces where 2,624 parking spaces are required.

2. Modification request of Section 1-16-219 of the Subdivision Regulations in order to create a panhandle lot for the purpose of accommodating the location of the pump station which is engineered based upon the topography and natural features of the Site.
Relationship with adjoining Commercial Site Plan

A Site Plan proposal for a commercial town center is the subject of a separate application (Monrovia Town Center GC; SP-13-03/AP 13427) by the same Applicant, though both projects utilize the planned road and utilities infrastructure envisioned for this Site and are designed to function as a unified community.

A small portion of the land considered in this Application is utilized for parking and circulation improvements necessary to meet the requirements of the commercial center project. Likewise, several points of interconnection into the local and regional roads network cross into the GC-zoned Monrovia Town Center commercial project. This sharing of site improvements and infrastructure is critical to the fundamental goal of the Applicant and County Staff to provide for a seamless integration of the land uses, public spaces, and built environments that will form the future neighborhoods in the heart of the Monrovia Community Growth Area.

Description of the Overall Plan Concept

Lot sizes in the proposed subdivision plan range from: 1,560 sf to 2,460 sf (alley-loaded 20'-wide townhouse lots); 3,000 sf to 4,400 sf (front-loaded 28'-wide townhouses); 3,575 sf to 7,000 sf (alley-loaded SFD); 4,600 sf to 11,000 sf (front-loaded SFD) including some larger lots in the lower-density areas of the community reaching into the 1/3 acre range. Lot sizes are generally appropriate for the housing types proposed and are very much influenced by the street patterns, proximity to the commercial town center, and the need to respect the boundaries of sensitive natural areas.
Of the total 1,250 houses proposed, just under 20% (248) are townhouses with the balance made up of 80% (1,002) front-loaded and alley-loaded single family detached dwellings.

The development phasing of the Monrovia Town Center PUD is tied to the organization of the project into three distinct neighborhoods. Neighborhood 2 is a 625 dwelling unit section that parallels MD 75 along its western side and ties into the main corridor of the planned commercial center (Town Center Drive) and two primary locations. The site of the Neighborhood 2 recreational amenities site transitions into a public ‘village green’ leading into a commercial plaza on the western end of the retail district. Neighborhood 2 densities are highest around the town center commercial area and gradually lessen as the streets progress northward on the site. Institutional – and some small scale commercial – uses are planned for the area of Neighborhood 2 situated west of the commercial center. One such use will be the relocated site of the Green Valley Fire Station. The residences planned for Neighborhood 2 are not age-restricted.
Neighborhood 1 is a 379-unit, age-restricted, section of the PUD that is situated along the Site’s western edge, parallel with Ed McClain Road and adjacent to the Landsdale PUD currently under construction. This neighborhood consists mostly of single-family detached dwellings (with front-loaded garages) stretching from the northernmost tip of the Site to an area just outside of the commercial center on the southern edge of the Site. The primary road connection (Monrovia Boulevard) to the Landsdale PUD occurs in this neighborhood and it forms the western gateway to the Monrovia Town Center PUD.

Neighborhood 3 is a 246-unit, age-restricted section of the PUD that is situated on the eastern side of MD 75, west of the future high school and park public use sites. A majority of the houses in this neighborhood are single-family detached dwellings with front-loaded garages. A forested stream valley runs nearly the entire length of this neighborhood effectively dividing the clusters of homes into three distinct sections. The primary road connection to the future high school from within the PUD is situated along the southern border of this neighborhood. The area south of this roadway is zoned General Commercial and is not currently developed. Access to some of this commercial property will likely occur via the street (Wilcom Farm Road) as direct access onto MD 75 is currently denied to the property owner.
BACKGROUND

Overview
The site was rezoned to Planned Unit Development (PUD) by the BoCC on May 29, 2014 as the Monrovia Town Center PUD in adopted Ordinance # 14-04-659. The PUD approval allows for a maximum of 1,250 dwelling units, with a minimum of 625 age-restricted dwelling units and furthered conditioned to have a minimum 70% single-family detached dwellings and a maximum of 30% townhouses.

The Monrovia Town Center PUD is subject to the terms of a DRRA approved by the Board of County Commissioners effective May 29, 2014. The DRRA incorporates all applicable APFO requirements for roads, schools, and water/ sewer for this project in an APFO Letter of Understanding (LOU) between the Applicant and the BoCC.

Substantial improvements to the regional infrastructure serving this PUD are planned to be completed in conjunction with the development of the adjoining Monrovia Town Center GC commercial center and the Landsdale PUD.

- MD 75 – realign north of MD 80 and widen to 4 lanes along the frontage of the site. A realignment of MD 75 south of MD 80 will be constructed to create a 4-way intersection with MD 80.
- Collector Roadway – this road will connect Ed McClain Rd. to MD 75. If the Monrovia Town Center development does not move forward, then this roadway will be constructed by the Landsdale PUD developers.
- Public Use Sites – though not within the PUD site itself a high school site and public park site, both on the east side of the electric transmission line, will be dedicated and conveyed to the county. A site for a fire-rescue station will also be dedicated and conveyed to the county.
- Water/Sewer Infrastructure – a 1 million gallon water storage tank will be constructed in conjunction with the Landsdale PUD.

Rezoning
Conditions from the rezoning (R-12-02) ordinance # 14-04-659 that are relevant to the proposed Preliminary Subdivision Plan and Site Development Plan have been provided below:

- A minimum of 625 of the total permitted 1,250 houses approved for this PUD shall be age-restricted dwelling units (residents aged 55 and older)
- No more than 30% of the dwellings shall be townhouses. No 2-over-2 dwellings are permitted.
- Prior to the recording of the first residential lot in the PUD, the Applicant shall dedicate the 79+/-acre public use site to the County for use as a site for a future high school and a public park.
- Prior to November 30, 2014, (or the recording of the first residential lot), the Applicant shall dedicate the 4-acre public use site to the County for use as the location for a future fire and rescue station.
- The Applicant shall ensure that the PUD is designed to be functionally and aesthetically integrated into the adjacent commercial town center development with adequate vehicular and pedestrian interconnections, integrated open and public spaces, and architectural design consistency between the PUD and GC developments in the vicinity of the boundary between the two projects.
- The Applicant shall provide for vehicular and pedestrian connections to the high school and park sites dedicated to the County as part of this PUD.

- Homes constructed along “Areas of High Visibility” Corridors (as identified on the Phase 1 Concept Plan) shall be alley-loaded dwelling units. The majority of dwellings within Area D that are outside of these corridors shall also be constructed as alley-loaded units.

- The Applicant may provide a 2-acre site for a water storage tank and under certain conditions be required to provide access to the site for the purpose of constructing and maintaining the tank. If not needed, the tank site would be retained by the Applicant and designated as open space.

- Access to Weller Road from the residential portion of the PUD is prohibited. Weller Road access may be permitted as part of an approved Site Plan for the public use site (park and high school).

Staff finds that with the exception of those conditions that cannot yet be practically satisfied in these early stages of review (lot recordation), and the condition requiring architectural consistency between the PUD and GC developments, the Application demonstrates fulfillment of these conditions. Demonstration of architectural consistency between the two developments shall be addressed as a condition of any approval of the Combined Preliminary Subdivision/Site Development Plan.

**Existing Site Characteristics**

Major portions of the site of the proposed Combined Preliminary Subdivision/Site Development Plan are currently in agricultural use. The Wilcom Farmstead remains occupied and fundamentally intact on the eastern side of MD 75, the area planned for Neighborhood 3. Portions of the former dragway – beyond the GC-zoned area planned for the commercial town center – remain as do some residential and farm-related structures elsewhere on the site’s western side between Ed McClain Road and MD 75. None of the remaining structures are proposed to be maintained in the plan.
ANALYSIS

The principal issues associated with this Combined Preliminary Subdivision/Site Development Plan application are:

- achieving a fully-functional series of residential neighborhoods that integrate with the planned commercial center and surrounding developments
- managing access to the existing and planned roads network with a focus on maximizing the route choices for vehicles seeking to move through the development
- ensuring that the new community is served by an adequate system of parks, open spaces, and recreational amenities
- configuring land uses on the site in a way that minimizes conflicts with natural features

Summary of Development Standards Findings and Conclusions

General Site Development and Layout

The proposed Monrovia Town Center development is comprised of 1,250 residences in three Neighborhoods situated on a 391-acre site within the Monrovia Community Growth Area at the intersection of MD 80 and MD 75. The townhouse units, and the higher density single-family detached dwellings, are primarily located around the commercial town center planned for an adjacent site along the southernmost portion of the Site. Each neighborhood is provided with a recreational site planned to include a clubhouse and other features for the common use of residents in that neighborhood. A ‘T-shaped’ collector roadway forms an east-west connection between MD 75 and Ed McClain Road as well as giving access to the commercial center to the south. Neighborhoods 1 and 2 are situated on the western side of MD 75 while Neighborhood 3 occupies the portion of the Site on the eastern side of MD 75. To the east of the electric transmission line, and not part of the PUD development, is a 79+-acre public use site that is the planned location of a public high school and public park.

Every effort has been made by the Applicant to ensure the integration of the residential neighborhoods and the commercial center. A grid of local streets and pedestrian facilities in this plan are identified as primary elements and organizing features in the laying out of residential blocks.

The proposed layout of the development follows a north-south orientation accommodating the elongated configuration of the subject parcels and allowing the steeply sloped lands along the stream valleys to remain untouched in the development of the Site. The east-west collector road proposed in this plan also serves as the primary connection between the adjacent Landsdale PUD and this project. Significant improvements to sections of both MD 75 and MD 80 within, and in the vicinity of, the PUD are planned including a realignment of the MD 75/80 intersection and widening of MD 75 to 4-lanes along the frontage of the PUD.

The proposed Site Development Plan provides for a low- to medium-density community with a system of streets and roads that results in an efficient and functional design for this new community.

Project phasing is likely to be based upon the logical development of the three Neighborhoods, two of which are planned as age-restricted communities. The timing of infrastructure improvements and the provision of private amenities are tied to the recordation of lots within the PUD, with some of the improvements being planned for construction in partnership with the developer of the adjacent Landsdale PUD.

Adequate Public Facilities Ordinance issues have been addressed previously through a DRRA and the approval of the APFO Letter of Understanding effective May 29, 2014.
§ 1-19-10.500.6 Land Use, Mixture, and Design Requirements Within the PUD District.

§1-19-10.500.6(H)(1): Gross Density may not exceed the maximum density specified in the County Comprehensive Plan residential land use designation of the subject property.

The gross residential density of the project is 3.2 DUs/acre and falls within the permitted density range of 3-6 dwellings/acre with an underlying land use designation of Low Density Residential.

§1-19-10.500.6(H)(2): Setbacks and height shall be established by the Planning Commission at Phase II consistent with the general development standards as provided in §1-19-10.500.9, reflecting the proposed development pattern and land use within the Phase I project concept plan or portion thereof ...

The proposed lots range in size from 1,560 s.f. to 16,850 s.f. and generally meets the minimum standards for lot sizes established in the Zoning Ordinance. The minimum lot size of 1,800 s.f. established in § 1-19-8.470 (Townhouse Development), is breached somewhat in the most dense areas of the proposed Plan, however the smaller lots are not inconsistent with overall design and work well within the context of this development proposal. Building Restriction Lines, as identified on Sheet 1 of the Site Development Plan submittal, are consistent with yards and setbacks established in other low- to medium-density developments in the County.

§ 1-19-10.500.9 General Development Standards (PUD District)
The configuration of the proposed lots will meet the minimum lot width (16 feet). The lots in the PUD are generally configured to orient buildings toward the street. The use of alley-loaded blocks serves to push the buildings toward the street and allows the development to develop at higher densities where appropriate in the overall scheme. The proposed common areas are located to maximize proximity and convenience for residents of the proposed development. Sensitive natural areas have been avoided in the laying out of streets and lots in this proposed plan.

Parking and Access
Due to the nature of the proposed land uses and surrounding neighborhood, the opportunity for shared parking is somewhat limited. Most of the vehicle parking provided is accommodated on individual lots in driveways and/or two-car garages. The Applicant also proposes on-street parking (423 spaces) along streets serving certain single-family detached units (SF-2 units which are generally located on smaller lots). Staff generally considers the inclusion of on-street parking to serve the dual purpose of providing convenient parking in dense residential and commercial areas while also helping to calm vehicle speed thus creating a safer pedestrian (and vehicular) environment. The detailed parking requirements and the proposed parking plan are discussed later in this report.

The proposed development has been designed around an internal street network that is interconnected and facilitates efficient movement through and within the site. A primary constraint for this project, with regard to the overall connectivity with the existing community, is the scale and configuration of the site. Internal local streets generally help to move vehicles between sections of the development while the primary collector system on the western portion of the Site (Monrovia Boulevard and Mallard Run Road) provide for through traffic.

Zoning Ordinance Requirements Findings/Conclusions: The Site is zoned Planned Unit Development (PUD) with the exception of the portion of the existing drag strip that remains zoned Agricultural. This Site Development Plan demonstrates the ability to comply with all applicable portions of the Zoning Ordinance. Detailed compliance is discussed below.
Site Development Plan Approval shall be granted based upon the criteria found in:

**Site Development §1-19-3.300.4 (A):** Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

### Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards:** The Planning Commission has previously established varying setback and building height requirements in other PUD projects such as the Villages of Urbana. Prior dimensional standards have been based upon building type, building density, surrounding development, topographical or other site constraints, and application of appropriate urban design principles. Section 1-19-10.500.6(H) of the Zoning Ordinance provides for this planning Commission role in establishing these standards within a PUD.

   The Applicant is proposing the establishment of the following dimensional requirements for the PUD

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<tr>
<th>Type</th>
<th>Front Yard</th>
<th>Side Yard</th>
<th>Rear Yard</th>
<th>Rear Yard Accessory</th>
<th>Min. Lot Area</th>
<th>Min. Lot Width</th>
<th>Max. Height</th>
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<tr>
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<td>3,500 sf</td>
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<td>Single-Family Attached TH (front loaded)</td>
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<td>0’/5’ (end unit)</td>
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<td>Single-Family Detached (Alley)</td>
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<tr>
<td>Single-Family Attached TH (alley)</td>
<td>0’</td>
<td>0’/5’ (end unit)</td>
<td>20’</td>
<td>3’</td>
<td>1,500 sf</td>
<td>20’</td>
<td>50’</td>
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   The request for approval of these dimensional standards is noted on Sheet 1 of the Combined Preliminary Subdivision/Site Development Plan submittal (cover sheet) in the “Proposed Building Dimensional Requirements” table (Note 3).

   The proposed setbacks are appropriate to the overall design and layout of the PUD and are in keeping with the patterns previously established in other similar developments. Attached units with no side yards have an effective side BRL of 0’.

2. **Signage §1-19-6.300:** The Applicant is not proposing any specific signage at this time. Future signage will be permitted as allowed in the Zoning Ordinance through the application for a sign permit.

3. **Landscaping §1-19-6.400:** The landscaping plan contains a variety of plant species, which provide screening, shade, delineation of public spaces, and represents a continuation of the

   **Monrovia Town Center (PUD) – Combined Preliminary Subdivision/Site Development Plan**

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street tree planting pattern seen in previously established PUDs. The planting schedule follows the standard sizes that have been previously approved by the Planning Commission. The Applicant has provided selective vegetative screening of building sides where they face the public street network. Shade trees are generally placed in such a way as to shade parking areas and other paved surfaces. A vegetated buffer is proposed between MD 75 and the adjacent home sites on the western side of that roadway. Vegetated screening is used successfully in the transition areas between the PUD and GC commercial center. The parking areas that will be utilized by the commercial center are also heavily screened with 4-season vegetation.

4. **Lighting §1-19-6.500:** The proposed lighting poles (12’ in height from lens to ground) and fixtures are appropriate to the residential neighborhoods. However, the Applicant must submit a lighting plan detailing pole location and illumination levels where appropriate.

**Conditions:**

1. The Applicant shall provide a detailed lighting plan for the PUD.

**Transportation and Parking §1-19-3.300.4 (B):** The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.

1. **Access/Circulation:** Vehicular access to the Site is planned to occur at several locations including:

   - **Monrovia Boulevard** – Connects Ed McClain Road and the Landsdale PUD to MD 80 near the future fire station site.

   - **Mallard Run Road** – Provides an east-west connection between MD 75 (and the eastern segment, Neighborhood 3, of the PUD) and Monrovia Boulevard. Together with Grand Parlor Road and Monrovia Boulevard, Mallard Run Road is one of two east-west roadways linking the two sides of the PUD.

   - **Monrovia Town Way** – A primary north-south roadway connecting Mallard Run Road and the Monrovia Town Center commercial center; intersects with MD 80 south of the planned grocery store.

   - **Central Connectors (PUD to GC)** - A series of north-south streets that start in the upper reaches of Neighborhood 2 and ultimately connect with the commercial center on the southern end of the Site consist of the following public streets: Apple Tree Green Road, Lamona Road/Merino Road, Tamworth Road/Jack Stock Road, and Westside Drive/Sweet Straw Drive. Westside and Sweet Straw intersect with Town Center Drive at a prominent public location in the commercial center serving to join the two developments.

   - **Wilcom Farm Road** – This east-west roadway connects the planned high school site east of the PUD with the lower edge of Neighborhood 3 and crosses MD 75 where it becomes Town Center Drive, the primary street through the commercial center that intersects with Monrovia Boulevard on the western edge of the PUD.

   - **Pleasant Plains Road** – Second road connection into the Landsdale PUD, crossing Ed McClain Road on the northern end of Neighborhood 1 in the Monrovia Town Center PUD.
Staff worked with the Applicant to provide multiple connections between the planned public and private roads of the PUD and the regional street network including the two State highway arterials serving the Monrovia Community Growth Area.

The layout of the internal street system in the PUD is designed in such a way as to maintain multiple routes to all but approximately 75 of the 1,250 residential lots. No single dead-end street or cul-de-sac serves more than thirty residential lots. A listing of proposed public and private streets is provided on Sheet 1 of the Phase II Plan. Integration of the street networks in the PUD and commercial town center has been achieved through the design of a simple, traditional, gridded pattern of streets and blocks that establishes a clear and straightforward circulation pattern for vehicles and pedestrians.

Staff finds the Access/Circulation characteristics of the Site to be adequate to meet the standards established in the Zoning Ordinance.

2. **Public Transit**: Public transit service is not currently available.

3. **Parking**: Pursuant to Section 1-19-6.220 of the Zoning Ordinance: The Applicant is providing a total of 3,739 parking spaces accomplished through the provision of garage, driveway pad, and on-street parking situated throughout the proposed Site. With the inclusion of private driveway parking pads and one- or two-car garages, the Applicant is able to provide 3,316 owner-controlled spaces. The additional 432 spaces consist of well-distributed on-street spaces for residents and guests. The County’s policy of discounting garage spaces by 50% belies an actual parking space availability of approximately 4,950 spaces overall. As designed, there are few homes in the development that will not have access to at least four actual parking spaces for personal use, if garage and driveway spaces are utilized for the parking of vehicles and not as on-site personal storage.

**Requirements**

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**Overflow**

Staff encourages the provision of 15% **overflow** spaces in higher density developments.

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<td>Townhouses (3-bedroom)</td>
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**TOTAL REQUIRED SPACES**

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**Proposed Parking Plan**

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**TOTAL PROPOSED**

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**15% overflow**

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Staff supports a modification request by the Applicant to allow parking in excess of the required 2,624 spaces since the majority of surplus spaces are the result of the inclusion of conventional driveway parking pads on individual home sites.

As an added benefit, the on-street parking will generally serve to suppress vehicle speeds and create a safer pedestrian environment along those street segments where it is provided. The Applicant has indicated that on-street parking spaces will not be demarcated when constructed. For the purposes of calculating the number of on-street spaces available, the plan illustrates these spaces to be 8’ x 22’ in size. Since a portion of the on-street parking will be used to satisfy the parking requirement for the SF-2 dwellings, Staff recommends that these spaces be demarcated at construction.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant is proposing a system of sidewalks throughout the proposed development. The Applicant also utilizes sidewalks as a method of defining the edges of the shared open spaces. Sidewalks serving front-loaded units should indicate uninterrupted sidewalks crossing these driveways. The Site Plan drawings are unclear and vary from sheet to sheet in terms of the graphical representation of the sidewalk/driveway interface.

At certain locations in the proposed development, the trail network intersects with the sidewalk network. This coordination is encouraged since the dual use of sidewalks for both transportation and recreation can provide connections onto the trail system without having to leave the pedestrian network. Staff suggests that the segment of sidewalk on the south side of Monrovia Boulevard – as it passes through the wooded area that includes the specimen trees – be well-illuminated to provide some level of pedestrian security and higher visibility by vehicles as they pass through this segment of roadway. This roadway may serve as a pedestrian link for students walking to and from the planned elementary school and both the perceived, and real, safety advantage of a well-lit sidewalk is clear. A safe pedestrian crossing of Monrovia Boulevard must also be provided in the segment of the roadway between Thistle Down Road and the northern edge of the forest retention area. This crossing is critical for connecting the sidewalk and trail network at a location within the development likely to see heavy use by walkers and runners. The Site Plan currently illustrates no crosswalk at Thistle Down Road however two short connecting sidewalk segments appear to be promoting a crossing near this intersection. A mid-block crossing, within the forest retention area, is shown on the Plan however no trail or sidewalk appears to extend to this proposed crossing point.

With the exception of the Monrovia Boulevard crossing point and the lack of illumination for the sidewalk segment crossing the forest retention area, Staff finds that the pedestrian circulation system proposed for the Site is adequate to meet the needs of the community.

**Conditions:**

1. Staff supports the additional parking provided in this plan through on-street spaces as well as through the use of on-site driveway spaces. A modification to allow parking spaces in excess of those required (2,624 required; 3,739 provided) shall be submitted and approved by the Planning Commission prior to final signature approval of the Combined Plan.
2. On-street parking spaces, where required to meet the parking requirements of the Zoning Ordinance, shall be demarcated at the time of construction.
3. Applicant must provide adequate illumination of the sidewalk segment located on the south side of Monrovia Boulevard as it passes through the forest retention area. The Applicant must also provide a safe pedestrian crossing of Monrovia Boulevard within the segment of the roadway between Thistle Down Road and the northern edge of the forest retention area.
Public Utilities §1-19-3.300.4 (C): Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

Findings/Conclusions

1. Public Water and Sewer: The site is to be served by public water and sewer and is classified W-4/S-4 in the Frederick County Water and Sewerage Plan. Water and sewer APFO is addressed in the Monrovia Town Center APFO LOU approved May 29, 2014. Public water and sewer infrastructure, wastewater treatment capacity, and water supply are sufficient and adequate to serve the 1,250 homes proposed in this Site Development Plan.

Natural features §1-19-3.300.4 (D): Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

Findings/Conclusions

1. Topography: The site is configured to take advantage of the rolling terrain while avoiding the development of the steepest slopes on the parcel.

2. Vegetation: An existing vegetated field break near the southern end of the site will not be maintained. Existing naturally-vegetated areas within the property’s stream valleys will remain after development of the site. Several specimen trees will be maintained on the site with the majority occurring in a cluster through which Monrovia Boulevard will pass. The roadway alignment has been designed to maintain this cluster and the adjacent forested area.

3. Sensitive Resources: A Waterbody Buffer Plan was submitted and approved by Staff. The plan maintains buffers adequate to protect steep slopes, wetlands and the stream corridors.

4. Natural Hazards: There are no natural hazards located on site that are affected by the development proposal.

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.

Each of the three recreational amenities sites is to include a clubhouse and amenities campus. Neighborhoods 1 and 3 provide additional features subject Section 1-20-7(F) of the County Code related to age-restricted developments. The 20 sf per dwelling clubhouse requirement is met in both neighborhoods as is the 1/3 acre per 100 dwellings requirement in the same section of the Ordinance. A detailed amenities plan is provided as part of this Plan (Sheets 50 and 51).

Findings/Conclusions

1. Proposed Common Area/Open Space: Open space requirements for the PUD are as follows:

Phase I Open Space Requirement: 30% of 391.645 ac. = 117.49 ac.
Open Space Provided: 154.16 ac. (HOA and Public Use)

Section 1-19-10.500.8 requires 726 sf of park and recreation facilities per 2,000 sf of GFA. 1,250 DUs result in a calculation of 20.83 acres required.

The combination of both requirements – 138.32 acres is exceeded in the proposed PUD.

Subdivision Regulations – Chapter §1-16: This application meets the requirements of the applicable subdivision regulations in Chapter §1-16.

1. Article I: In General - § 1-16-12 Public Facilities

   (B) Road Adequacy
   - All proposed lots will have frontage on public roads or privately maintained streets with continuously paved surfaces of at least 20 feet in width.
   - The subdivision will have direct access to MD 75, an existing Minor Arterial roadway which is of a higher classification than a Collector Roadway.
   - Emergency Services will access the subdivision via MD 80 and MD 75, each an existing Minor Arterial roadway.
   - All planned and existing roadways are considered adequate for emergency service access and meet the standards of this section.

   (C) Water and Sewer Facilities
   - The property is classified W4/S4 on the Frederick County Water and Sewerage Master Plan indicating improvements to, or construction of, publicly-owned sewerage or water systems are planned within a 4 to 6 year time period. Application has been made to amend the Frederick County Water and Sewer Plan to place a designation of W-3/S-3 on the property. The BoCC hearing is scheduled for November 20, 2014.

2. Article IV: Required Improvements - §1-16-109 Street, Common Driveway, and Sidewalk Construction:

   - The proposed Combined Preliminary/Site Plan includes 5’ sidewalks along all proposed streets. Crosswalks are provided at all appropriate locations including those points where the planned trail system crosses roadways as it integrates into the developed portions of the community, most notably at the mid-point of the east-west leg of Monrovia Boulevard.
   - Sidewalks must also be provided into the Recreational Amenities sites as those areas are developed and pursue individual Site Development Plan review.

3. Article VI: Design Standards and Requirements

   § 1-16-217. Land Requirements:

   - The designated land use in the Comprehensive Plan for the site is Low Density Residential (LDR). The proposed subdivision is within a Community Growth Area (CGA), and its design and configuration are consistent with the general pattern of development expected within a CGA as described in the Comprehensive Plan.
• The tracts of land upon which the entire PUD project is located sit at the intersection of two State highway arterial roadways. The design of the PUD uses MD 75 as a manmade dividing element separating Neighborhoods 2 and 3 while also taking advantage of the convenient access to this north-south corridor.

• The existing topography informs the overall layout, with the higher elevations delineated as areas of development, and the lower elevations delineated as undeveloped areas to be maintained in a more natural state. The topography and natural features effectively constrain development and limit the options for a local street network on the eastern side of MD 75.

• This site has met all of the size requirements for the PUD District as well as the prescribed permitted uses documented in the rezoning ordinance.

§ 1-16-218. Block Shape and Size:
• Block shape is fairly regular and is used to great advantage in the layout of the areas of the PUD closest to the commercial center. The northern half of Neighborhood 2 and the eastern portion of Neighborhood 3 are patterned more closely after conventional suburban layouts. In those areas, block configuration is not as well defined. Overall the Plan successfully addresses block shape and size by creating an integrated network of local streets, alleyways, and pedestrian facilities.

§ 1-16-219. Lot Size and Shape:
• Section 1-19-10.500.6 states that setbacks and building height standards shall be established by the Planning Commission at Phase II consistent with the design standards for PUD development listed in Section 1-19-10.500.9 of the Zoning Ordinance.
• The higher densities for Planned Development Districts require that individual lots be developed in an efficient and compact manner. Staff finds the range of lot sizes and building setbacks to be entirely appropriate within a Growth Area for the housing types proposed by the Applicant.
• Townhouse Lot Size Range: 1,560 sf to 4,400 sf
• SFD Lot Size Range: 3,572 sf to 16,850 sf
• A single panhandle lot is proposed on the eastern portion of the PUD (Neighborhood 3) to provide land for the sewage pumping station to be located on the north side of Grand Parlor Road (see Sheet 25 detail). A modification of Section 1-16-219 of the Subdivision Regulations is requested by the Applicant in order to accommodate the location of the pump station which is engineered based upon the topography and natural features of the Site.

§ 1-16-220 Floodplain Development:
• A Waterbody Buffer Plan, inclusive of floodplains on the Site, was submitted by the Applicant and approved by Staff. No development is proposed within the FEMA floodplain.

§ 1-16-235. Right-Of-Way and Paved Surface Widths:
• The public local streets will have 50’ rights-of-way serving the majority of residences. Proposed paved surface width (27’) is adequate for the anticipated uses. The proposed collector roadways have a 60’ r.o.w. with widths of 27’ - 34’. Private street and lanes of 20’ paved width and 24’ r.o.w. generally serve as alleyways and very local access lanes for limited numbers of users.

4. Driveway Entrance Spacing Policy

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Adopted by the FCPC in 2002 (amended 2004), this policy provides a system of evaluating driveway locations for public safety, to preserve rural character of roads located in rural parts of the County, and allowing tighter spacing in areas of the County designated for denser development. Proposed driveways have no spacing restrictions.

**Stormwater Management – Chapter 1-15.2:**
A Stormwater Concept Plan has been approved for this site (AP 14841).

**APFO – Chapter 1-20:**
This application has been previously approved for APFO compliance as part of the DRRA. The Monrovia Town Center PUD is subject to the terms of an APFO Letter of Understanding (LOU) between the Applicant and the BoCC dated May 29, 2014.

Specific requirements for amenities as set forth in Section 1-20-7(F)(5), are addressed in the Applicant’s Open Space and Lot Distribution Plan (Sheets 50 and 51). Staff finds that the Applicant has demonstrated compliance with the following items (a) through (d). Item (e) is addressed by Staff through the addition of a recommended condition of approval (see Condition #5 on Page 20 of this report):

5) The construction and development of the project must include a full program of amenities and other activities for older persons. At a minimum, the amenities must include:
   (a) A trail system, walking paths, and sidewalks for pedestrian accessibility;
   (b) A clubhouse/multi-purpose building(s) or equivalent space sized at 20 square feet for every dwelling unit. A minimum of 1,500 sq. ft. must be provided. The maximum square footage required shall be 20,000 square feet;
   (c) Active recreational open space (for the purpose of providing amenities, including but not limited to, a swimming pool, tennis courts, chip and putt course, bocce courts, horseshoe pits, and/or similar active recreational amenities at a rate of 1/3 acre per 100 dwelling units. A minimum of 1 acre must be provided. A single large-scale amenity, such as a golf course, may not be proposed as the sole means to satisfy this requirement. Only the physical structure (i.e. footprint) of the clubhouse/multi-purpose building(s), not the parking area(s), will be considered in determining the area of active recreational open space;
   (d) Passive recreational space, including but not limited to, picnic areas, gazebos, pocket parks and/or other similar passive recreational amenities; and
   (e) An appropriate phasing schedule in each phase of development to meet the needs of the residents.

**Forest Resource – Chapter 1-21:**
This development is subject to FRO. A Preliminary FRO plan has been submitted and is currently under review, but does not include the area of the proposed public use sites east of the power transmission line. The site contains 50.61 acres of forest, of which approximately 19.74 acres is proposed to be removed. The Applicant is meeting FRO requirements by preserving approximately 30.87 acres of existing forest and planting 58.52 acres of new forest. The Applicant is proposing to remove 4 specimen tree (trees 30” or greater in diameter). Per 1-21-40 (B) of the FRO, nonhazardous specimen trees must be retained unless a modification is granted by the FCPC. All four specimen trees are in poor condition, exhibiting structural defects, and are potentially hazardous. Hazardous trees may be removed without a FCPC modification. All other specimen trees will be retained and protected. The Preliminary FRO plan must be approved prior to Preliminary Plan approval, and a Final FRO plan must be approved and the required FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.

**Historic Preservation – Chapter 1-23:**
Historic resources located on this site are identified in the Maryland Inventory of Historic Places and Frederick County Historic Preservation field notes and other local files. The activities proposed in this Combined Preliminary Subdivision/Site Development Plan will trigger a Section 106 review by the Monrovia Town Center (PUD) – Combined Preliminary Subdivision/Site Development Plan

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Maryland Historical Trust (MHT) that will consider the impacts of the proposed activity on any historic or cultural resources in the vicinity. Both SHA highway access permits and MDE wetlands permits (for bridge crossings, culverts) will be required to complete the development and any such State-level permitting or licensure will require that the Applicant provide the information needed for the review by MHT. The Applicant has enlisted the efforts of a consultant to document the resources on this, and the adjacent commercial center (GC) site, which include notably, the 75-80 Dragway and the Wilcom Farmstead. If approved by the Planning Commission, neither the PUD nor the commercial center applications will receive final signature approvals until such documentation is complete and a copy of all documentation has been submitted to and accepted by the Frederick County Historic Preservation Planner. If other historic or cultural resources are discovered to require documentation for the purpose of satisfying Section 106 requirements, a copy of all such documentation shall also be sent to the County.

Agency Comments

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RECOMMENDATION

Staff recommends conditional approval of this Combined Preliminary Subdivision/Site Development Plan. If the Planning Commission conditionally approves the Preliminary plan, the Preliminary plan is valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Approval by the Planning Commission of the modification request to allow 3,739 parking spaces instead of the 2,624 spaces required by Section 1-19-6.200 of the Zoning Ordinance.
3. On-street parking spaces, where required to meet the parking requirements of the Zoning Ordinance, shall be demarcated (striped) at the time of construction.
4. A minimum of one (1) Bicycle rack (two bicycle spaces) shall be located at each pocket park and public open space (not already identified on the plan dated 10/6/2014) and shall be placed in a convenient location in close proximity to the public street or trail providing access to the park. A note referencing planned compliance with the Frederick County Bicycle Parking Design Guide shall be added to the Detail Sheet (Sheet 47).

5. The primary recreational community amenities site within each Neighborhood – as identified on Sheets 50 & 51 of the Plan - shall be substantially developed and available for use by members of the respective Neighborhood residents based on the following schedule of lot recordation:

   Neighborhood 1: Prior to recordation of 190th residential lot [1/2 of lots]
   Neighborhood 2: Prior to recordation of 312th residential lot [1/2 of lots]
   Neighborhood 3: Prior to recordation of 123rd residential lot [1/2 of lots]

Secondary open space areas and recreational amenity features may be developed and completed concurrently with the construction of the section of residential units most closely affiliated with the amenity.

6. Neighborhood recreation/club house/amenities sites that include buildings or structures requiring a building permit must receive Site Development Plan approval separate from any approval of this Site Development Plan (SP-13-03/AP 14501). The sidewalk/trails network of the PUD shall be extended into all primary recreational amenities sites.

7. The trails network proposed for the PUD shall be constructed and complete no later than the recordation of the 1,003rd residential lot.

8. The Village Green (adjacent to the Monrovia Town Center GC commercial center between Westridge Drive and Sweet Straw Drive) shall be developed and open for use no later than the earlier of the following:
   a) Issuance of Building Permit for Buildings 2 or 6 (commercial center)
   b) Issuance of Building Permit for any residential structure on the following residential lots – 2143 through 2156.

9. The Applicant shall prepare a diagram demonstrating that the majority of areas designated for open space/recreation – not including those areas set aside for the protection of natural resources on the Site – are not significantly encumbered by the placement of stormwater management facilities. If more than 35% of this acreage is encumbered, the Applicant shall modify the Site Plan such that 65% of the open space is unencumbered and usable for moderately active recreational activities.

10. The Applicant shall designate two sites within each Neighborhood for the development of play facilities appropriate for residents and visitors aged 12 and younger (pre-school and school-age).

11. The Preliminary FRO plan must be approved prior to the signing of the approved Preliminary Subdivision Plan, and a Final FRO plan must be approved and the required FRO mitigation must be provided, prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.

12. The Site Development Plan will not receive final signature approval until documentation of the Wilcom Farmstead and 75-80 Dragway is complete and a copy of all documentation has been submitted to the Frederick County Community Development Division (Historic Preservation Planner).
13. Proposed Building Restriction Lines documentation shall be made consistent and placed in tabular form under Note 3 on Sheet 1 of the Plan.

14. The Applicant shall provide a detailed lighting plan for the PUD.

15. Applicant must provide adequate illumination of the sidewalk segment located on the south side of Monrovia Boulevard as it passes through the forest retention area. The Applicant must also provide a safe pedestrian crossing of Monrovia Boulevard within the segment of the roadway between Thistle Down Road and the northern edge of the forest retention area.

16. The 1.94-acre commercial site will be subject to detailed Site Development Plan review when a specific user and plan for the site have been determined.

17. Approval by the Planning Commission of the modification request of Section 1-16-219 of the Subdivision Regulations in order to create a panhandle lot for the purpose of accommodating the location of the pump station which is engineered based upon the topography and natural features of the Site.

**PLANNING COMMISSION ACTION**

**MOTION TO APPROVE**

I move that the Planning Commission APPROVE the Combined Preliminary Subdivision/Site Development Plan S-1148/SP-13-03, AP 14501 with conditions and modifications as listed in the staff report, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
Frederick County Board of County Commissioners

Winchester Hall, 12 East Church Street, Frederick, MD 21701

ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Monrovia Town Center Planned Unit Development

Preliminary Plat # S148
AP # 13119

The following Letter of Understanding ("LOU") between the Frederick County Board of County Commissioners ("BOCC"), and 75-80 Properties, LLC and Payne Investments, L.L.C. (the "Developer") its successors or assigns, sets forth the conditions and terms which the BOCC deems the minimum necessary improvements dealing with roads, schools, water and sewer service that must be in place for the property described below (the "Property") to be developed in compliance with the Adequate Public Facilities Ordinance ("APFO"), which is codified as Chapter 1-20 of the County Code. Concurrent with the processing of this LOU for the Monrovia Town Center PUD, the Developer is seeking approval by the BOCC of a PUD Phase I, as well as the concurrent approval by the BOCC of a Development Rights and Responsibilities Agreement ("DRRA") under Section 1-25 of the County Code.

The Developer hereby agrees and understands that compliance with the terms and conditions of this LOU is required for the development of the Monrovia Town Center PUD and the Off-Site Commercial Properties (as defined below) to proceed. While this LOU is subject to approval by the BOCC through the process of, and concurrent with, the DRRA, it is expressly agreed that the LOU is a document which is separate and apart from the DRRA and that the LOU may be amended, by written amendment to be approved by the Frederick County Planning Commission, with no requirement to amend the DRRA.

The Property is comprised of several parcels totaling +/- 391.65 acres of land zoned PUD, Planned Unit Development, located east of Ed McClain Road and west and east of Green Valley Road (MD 75); and +/- 15.46 acres of land zoned General Commercial located in the northwest quadrant of the intersection of MD 75 and MD 80 (equating to approximately 162,000 square feet of commercial/shopping center use) (the "Off-Site Commercial Properties"). The Property, exclusive of the Off-Site Commercial Properties, will be developed with a maximum of 1,250 residential dwelling units, including 625 Age-Restricted units (375 single-family detached dwelling units; 250 attached units/townhome units/duplex units) and 625 all age units (525 single-family detached dwelling units; 100 attached units/townhome units/duplex units) (the "Monrovia Town Center PUD" or the "Project"). Or, any variation of dwelling unit mix, subject the following requirements: (A) a minimum of 50% of the Project’s residential dwelling units shall be Age-Restricted dwelling units; (B) a minimum of 70% of the total units shall be single-family detached units and a maximum of 30% shall be single-family attached units/townhome units/duplex units; (C) multi-family units/apartments are

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prohibited (for purposes of this LOU, "2-over-2" units shall be deemed multi-family units and shall be prohibited); and (D) the intensity of total peak hour vehicle trips or the school APFO analysis is not increased above that analyzed with the 1) Monrovia Town Center Traffic Impact Analysis prepared November 2, 2012, as amended February 27, 2013, and as further amended on July 24, 2013 and March 18, 2014, on behalf of the Developer by the Traffic Group (the “Monrovia Town Center TIA”) and 2) County APFO schools analysis test.

The Monrovia Town Center TIA also studied Off-Site Commercial Properties, which are not part of the Monrovia Town Center PUD, but are included for purposes of this LOU and are included in the properties covered by the DRRA. The term “Property” as used herein includes both the Monrovia Town Center PUD and the Off-Site Commercial Properties.

This LOU is express evidence that APFO approval has been granted for Monrovia Town Center PUD and the Off-Site Commercial Properties, subject to the terms of the LOU, and this APFO approval will be effective for a period of eighteen (18) years from the date of BOCC APFO approval.

PUBLIC WATER AND SEWER

The Property has a water and sewer classification of PS-Planned Service, indicating planned public water and sewer service within 11-20 years. The Project will be served by a network of both public and private water and sewer mains and service connections. Programmed improvements to the County's water and sewer systems serving this region will be provided to the Project through the following developer-funded and County CIP improvements, based on the “Monrovia Town Center Adequate Public Facilities Study, Frederick County, Maryland”, prepared by McCrone, Inc., dated March 19, 2014:

Water:

The proposed 16-inch water main will connect to the existing 18-inch water main in Baldwin Road. The preferred alignment of the 16-inch water main will run along Green Valley Road to a point approximately 1,600 feet north of Fingerboard Road. An alternative alignment over land adjacent to the New Market wastewater treatment outfall line to the Bush Creek Interceptor and then adjacent to the proposed Monrovia Town Center gravity sanitary outfall may be proposed by the Developer, or some combination of the preferred and alternative alignments, subject to review and approval by the Division of Utilities and Solid Waste Management (“DUSWM”), such review and approval not to be unreasonably withheld, conditioned or delayed. The waterline will then be extended through the Project to the site of the proposed 1,000,000 gallon elevated water storage tank in accordance with the Water Tank MOU (defined below).

The two distribution systems for the Landsdale PUD and the Project must be independently connected to the 18-inch water main in Baldwin Road, and both systems must be interconnected to each other prior to recordation of the Project’s 278th residential lot. The Developer will contribute fee-simple property for the elevated water storage tank in accordance

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with a three-party Memorandum of Understanding ("Water Tank MOU") between the Developer, the developer of the Landsdale PUD and Frederick County. The Developer will contribute its pro rata share of the management, design, inspection and construction costs ("Project Costs") of the water storage tank, to service the Project and the adjoining Landsdale Planned Unit Development (Ordinance Nos. 04-10-354 & 12-26-621) (the "Landsdale PUD" or "Landsdale"), and possibly other properties in the region. It is intended that the Developer and the developer of Landsdale PUD will work together on a formula for funding construction of the tank, and necessary connections, and that the Developer and the developer of the Landsdale PUD will provide appropriate cash and/or surety on a schedule to be agreed upon between the Developer, the developer of the Landsdale PUD and Frederick County in accordance with the Water Tank MOU.

Upon completion of the interconnection referenced above, the Project may proceed and shall not be subject to any cap on dwelling units by reason of the need for the storage tank, it being the County's responsibility to construct the tank and connect it to the public water system when necessary. The Developer shall have met its responsibility with regard to the storage tank by providing the cash and/or surety for its share of the storage tank Project Cost, in accordance with the Water Tank MOU to be executed by the Developer, the developer of the Landsdale PUD and Frederick County.

No record plats shall be recorded until an adequate public water line connection is available to serve the Project. Pursuant to Section 1-20-41(E) of the APFO, upon completion of the construction of the water line from Baldwin Road to the Project identified herein, the Project and the Off-Site Commercial Properties shall be considered vested for the water capacity created by the water line from Baldwin Road to the Project and shall not be subject to further APFO water testing unless the density or intensity of the development increases. Availability of record plats shall be in accordance with the County's current policy for Interpretation of §1-16-106 of the Frederick County Code, attached hereto.

Sewer:

The Project’s gravity sewer will convey the wastewater from all the development on the west side of MD Route 75 and the pumped wastewater from the east side of MD Route 75 to the sewer connecting Landsdale to the Middle Bush Creek Interceptor. The Project’s sewer will connect to the Landsdale sewer before it flows into the interceptor.

The Project’s wastewater collection system, including the pump station on the east side of MD Route 75, may serve the following properties on the east side of MD Route 75:

- 250 residential units in the Project
- 118,000 square feet of commercial uses on a portion of the public use/high school site (zoned Commercial)
- Public use/high school site, with a potential 1,600 students
- Public use/parkland site
- 504 student elementary school outside the Project but inside the growth area
• Fire Station outside the Project but inside the growth area
• Bank outside the Project but inside the growth area
• 30 acres of properties zoned Commercial, not under control of the Developer, outside the Project, but inside the growth area.

The pump station will be designed to pump 495 gallons per minute and convey an average daily flow of 195,160 gallons per day, or as otherwise approved by the DUSWM. Properties other than the Project and the Offsite Commercial Properties identified to be served by the proposed sewer system are included for system sizing purposes only and may or may not be included in the PUD. Identification of such properties other than the Project and the Offsite Commercial Properties does not indicate or provide any form of development approval for such properties.

Other:

APFO approval for water and sewer does not guarantee that plats will be recorded or building permits issued. Plat recordation and building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512 et seq. and all applicable County policies and regulations.

Based upon these proposed water and sewer infrastructure improvements, the BOCC has been able to make a determination that public water and sewer facilities will be adequate to serve the Property, however, water and/or sewer capacity is not guaranteed until purchased or otherwise contractually committed (with appropriate guarantees by the Project). Given the financial commitment that the Developer will be making to provide sewer service adequate to serve the Project and other master-planned build-out of this sewer shed, all in advance of receiving any record plats or building permits for the Project, the DRRA executed concurrently herewith is intended to provide necessary assurances to both the County and to the Developer that public infrastructure will be timely provided and that the Project, which is the primary funding source for the public improvements, will be allowed to proceed in accordance with an agreed-upon phasing schedule. If further assurances are deemed necessary by the Developer, the Developer reserves the right to request multi-year water and sewer tap agreements with the County reserving sufficient capacities to serve the Property.

ROAD IMPROVEMENTS

The Monrovia Town Center TIA was prepared to address APFO requirements stemming from the additional vehicle trips associated with the Project and the Off-Site Commercial Properties associated with site plan #SP13-03, and to propose mitigation and/or the funding of mitigation and a phasing schedule for required roadway facilities. The Monrovia Town Center TIA has determined that the Project and Off-Site Commercial Properties will generate 741 a.m. peak hour trips and 1,132 p.m. peak hour trips by the time of full build-out of the Project and the Off-Site Commercial Properties. Additional road improvements designed to enhance the safety and circulation of the road network serving the Project and the surrounding neighborhood have been identified and are set forth below.

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The roadway impacts for this Project will be mitigated through either construction, full fee-in-lieu payment, or a pro-rata contribution to existing County-held escrow accounts (where applicable) in accordance with Frederick County standards. The Developer agrees to construct or contribute to the following improvements and phasing schedule as identified in the Monrovia Town Center TIA in order to mitigate the effects upon the transportation network serving the Project:

A. APFO Road Improvements and/or Full Fee-in-lieu Funding:

The road improvements program based on the Monrovia Town Center TIA will provide ultimate capacity for 741 a.m. and 1,132 p.m. total external weekday peak hour vehicle trips. Developer will construct the road improvements in multiple phases, with each phase of road improvements allowing an incremental increase in development of uses in the Project.

1. **MD 75 Relocated - South of MD 80.** Developer shall construct or cause to construct MD 75 Relocated from just north of its present intersection with MD 80 on the west side, to the existing southern portion of MD 75 approximately ½ mile south of MD 80, as a two lane road widening to a 4 lane divided road just south of MD 80, all within a nominal 100’ right-of-way. This improvement shall be guaranteed (SHA permitted) prior to the recordation of the first plat for the Off-Site Commercial Properties (or building permit if no subdivision), the overall 300th residential unit, or when 50% of the funds are available in applicable escrow accounts, whichever comes first, and shall be open to traffic within 12 months after SHA access permit issuance. The County is responsible for right-of-way acquisition and its associated costs (per CIP No. HW5018), but if the County (or SHA) does not obtain a free and clear right-of-way to the land or SHA otherwise fails to grant the permits necessary for construction of the improvements described herein (and Developer has been in diligent pursuit of permits) in a timeframe necessary to meet the above phasing requirements, the Developer may provide a full fee-in-lieu of construction to the County for full satisfaction of this condition.

2. **MD 80 at Ijamsville Road/Big Woods Road.** Developer shall either construct or cause to be constructed an additional through lane in each direction along MD 80, while keeping exclusive lanes for right turns. The construction shall be guaranteed (SHA permitted) prior to recordation of the 1100th residential lot and shall be open to traffic prior to issuance of the 1150th building permit of the Project.

3. **MD 75/355 Signal and Extended northbound right turn lane.** Developer shall install and construct, or cause to be installed and constructed (such construction limited to the extent of the extended right turn lane), the signal and any SHA required road widening when deemed necessary by SHA. Improvements shall be guaranteed prior to recordation of the first residential record plat, and shall be installed prior to issuance of the first residential building permit. Should others install the signal or should SHA deem it unnecessary, the Developer shall pay a fair share contribution of $15,408 (7.70% of $200,000) for the signal.

4. **MD 75 at Northern Site Access (East-West Collector).** Developer shall perform signal warrant analyses when deemed necessary by the SHA/County, but no later than the issuance of the last building permit in the Project, to determine if signalization is warranted and

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justified. Developer shall install a traffic signal at this intersection within 12 months of the determination that a signal is warranted and justified. Should the signal still not be warranted and justified by the time of the issuance of the last building permit for the Project, then others shall thereafter be responsible for its completion.

5. MD 75 at Southern Site Access (Shopping Center). Developer shall perform signal warrant analyses when deemed necessary by the SHA/County, but no later than the issuance of the last building permit in the Project, to determine if signalization is warranted and justified. Developer shall install a traffic signal at this intersection within 12 months of the determination that a signal is warranted and justified. Should the signal still not be warranted and justified by the time of the issuance of the last building permit for the Project, then others shall thereafter be responsible for its completion.

6. MD 80 at Western Site Access. Developer shall perform signal warrant analyses when deemed necessary by the SHA/County, but no later than the issuance of the last building permit in the Project, to determine if signalization is warranted and justified. Developer shall install a traffic signal at this intersection within 12 months of the determination that a signal is warranted and justified. Should the signal still not be warranted and justified by the time of the issuance of the last building permit for the Project, then others shall thereafter be responsible for its completion.

7. MD 75 Relocated -- North of MD 80. Developer shall construct a 4 lane divided road from just north of MD 80 to the northern limit of the Property in a nominal 100’ right-of-way (plus additional right-of-way for possible future right turn lanes) as recommended by SHA and approved by the County. Median left turn lanes will be required at intersections with no outside right turn lanes constructed, unless mutually agreed to by the Developer and SHA. This improvement shall be guaranteed (SHA permitted) and constructed at such time that access would be required of it by adjacent residential lots. The eastern leg of the Southern Site Access, opposite the shopping center access would jointly serve the Project and adjacent property to the south.

8. MD 75/I-70 Interchange area: Old National Pike to Baldwin Road. The Developer will provide a $100,000 payment ($70,000 Residential and $30,000 Commercial) to Frederick County, and this money would be used to mitigate operational issues as deemed necessary by Frederick County and the SHA. This contribution shall be made prior to the first recorded plat.

B. Right-Of-Way Acquisition

1. In the event that some of the public infrastructure improvements, including items A.2, A.3 and off-site portions of A.7. above, required by this LOU to be made by Developer will require the acquisition of public right-of-way from third-party property owners, Developer shall exercise commercially reasonable efforts to secure such right-of-way without the assistance of the County.

2. In the event that Developer has demonstrated to the County that it is unable to secure any such public right-of-way despite its commercially reasonable efforts to do so in a
timely manner consistent with the construction of public infrastructure improvements, Developer may request the County (or SHA) to assist in the acquisition of the needed right-of-way at Developer’s sole cost and expense. If the County approves Developer’s request, then the County (or SHA) shall have two years to acquire the needed right-of-way.

3. Should the County (or SHA) decide not to acquire the right-of-way, or the two years has elapsed, then Developer may be permitted to make a contribution to the County, equal to the entire anticipated project development costs, which shall include but not be limited to costs for: design, engineering, right-of-way acquisition, management, inspection, etc. in lieu of constructing the public infrastructure improvements, except in the case of A.1 where only a fee-in-lieu of construction would be required. Also, should SHA unreasonably refuse or fail to grant the permits necessary for the construction of improvements referenced in section A. above, the Developer may be permitted to make a contribution to the County in the amount referenced above. Upon payment of a contribution in the appropriate amount referenced in this paragraph B.3., the Developer shall have satisfied its APFO obligation concerning the particular improvement and may proceed with development of the Property.

C. Escrow Accounts:

Pursuant to Section 1-20-12 of the APFO and in satisfaction of APFO requirements to fully mitigate site-generated trips (and in addition to the road improvements in section (A) above), prior to the recording of the first record lot for the Monrovia Town Center PUD, or prior to the recording of the first record lot for the Off-Site Commercial Properties, the Developer shall pay into County-held escrow accounts the following pro rata contributions:

1. MD 75 @ I-70 Westbound Ramps. The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3252. As determined by the County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 3.88% of $120,000 or $4,652 for Residential and 3.65% of $120,000 or $4,379 for Commercial.

2. MD 75 @ I-70 Eastbound Ramps. The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3251. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 4.61% of $120,000 or $5,536 for Residential and 3.49% of $120,000 or $4,190 for Commercial.

3. Old National Pike @ Morning Gate Lane. The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3299. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 0.61% of $184,369 or $1,133 for Residential and 0.61% of $184,369 or $1,133 for Commercial.

4. Old National Pike @ Boyers Mill Road signal. The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3322. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 0.46% of $160,000 or $731 for
Residential and 0.28% of $160,000 or $441 for Commercial.

5. MD 80/Campus Drive -- The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3249. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 9.17% of $106,565 or $9,770 for Residential and 10.58% of $106,565 or $11,273 for Commercial.

6. MD 80/Carriage Hill Drive -- The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3924. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 5.76% of $565,875 or $32,574 for Residential and 10.04% of $565,875 or $56,815 for Commercial.

7. MD 80/Carriage Hill Drive -- The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3925. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 13.54% of $175,000 or $23,698 for Residential and 5.83% of $175,000 or $10,208 for Commercial.

8. MD 80/Ijamsville Intersection -- The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3383. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 10.32% of $50,000 or $5,159 for Residential and 11.90% of $50,000 or $5,952 for Commercial.

9. MD 355 Relocated South of MD 80 -- The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3232. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 2.57% of $3,025,791 or $77,667 for Residential and 2.67% of $3,025,791 or $80,904 for Commercial.

10. MD 355/Firetower Road -- The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3288. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 7.37% of $401,969 or $29,638 for Residential and 7.68% of $401,969 or $30,873 for Commercial.

11. MD 80 @ Carriage Hill. The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3892. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 5.76% of $200,000 or $11,513 for Residential and 10.04% of $200,000 or $20,080 for Commercial.

12. MD 80 @ Pontius Court. The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3923. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 7.81% of $300,000 or $23,438 for Residential and 9.01% of $300,000 or $27,043 for Commercial.
13. MD 80 @ Royal Crest. The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3926. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 5.94% of $200,000 or $11,878 for Residential and 10.36% of $200,000 or $20,718 for Commercial.

14. MD 80 @ Royal Crest signal. The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3927. As determined by County Traffic Engineer, the Developer’s pro-rata contribution to this road improvement is 6.48% of $175,000 or $11,333 for Residential and 11.30% of $175,000 or $19,775 for Commercial.

Therefore, prior to the recordation of any residential plats, the Developer shall contribute $248,720 toward the above escrow accounts and prior to the recordation of any commercial lots (or prior to any building permit if no subdivision occurs), the Developer shall contribute $293,776 toward the above escrow accounts. Should any escrow account payments not be made within one year of the execution of this LOU, the County reserves the right to adjust the payment amount, based on an engineering cost index.

D. Other Road Improvements and Contributions:

In addition to the road improvements and escrow payments required of the Developer in satisfaction of the APFO requirements to fully mitigate site-generated trips as set forth in sections A. and C. above, the Developer agrees to the following additional road improvements and/or road infrastructure contributions to facilitate safe and adequate vehicular circulation in the area. The scope as described below may be amended by joint agreement of the parties hereto, in writing, but outside and independent of this LOU:

1. MD 75 Corridor. The Developer shall contribute the appropriate pro-rata share to Frederick County for Escrow Account #3891. This contribution is payable on a per-lot basis at $2,940 per lot, upon recordation of residential lots. This calculation is based on a unit type breakdown of 50% Age-Restricted (625 dwelling units) and 50% non-Age-Restricted (625 dwelling units). If the Developer revises the Project, resulting in an increase of Age-Restricted units, then in Developer’s sole discretion Developer may request the Frederick County Planning Commission amend this LOU for the purpose of revising the per-lot residential contribution set forth in this paragraph. The total commercial contribution will be $2,077,691. Such contributions are payable on a pro-rated per-lot basis, upon recordation of Off-Site Commercial lots (or prior to the issuance of any building permit if no subdivision) as determined by the County.

2. East-west Connector Road intersecting with MD 75 north of the intersection of MD 75 and MD 80 (traversing through the Project). This improvement is a joint requirement of the Landsdale PUD (APFO) and the Developer (site access). Prior to the recordation of any plats, this right of way shall be dedicated to public use. This road shall be constructed in whole or part by the Developer as needed for access to adjacent residential lot sections, if not already constructed by the Landsdale PUD, as conditioned in the Developer’s Phase I approval.

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E. Surplus Capacity Reimbursement Improvements

The parties agree that the requirements in Section A.1 through A.6 above have been determined to be “Surplus Capacity Reimbursement Improvements” (“SRC Improvements”) as that term is defined in the TIA Guidelines. In the event that other approved development projects add “trips” to any offsite road improvements listed above and thus are required to pay their pro rata share of the construction cost of said roads into escrow, the Developer shall be entitled to reimbursement of the cost of the SRC Improvements from available non-exempt developers of projects identified by the County Traffic Engineer, up to but not beyond their own fair share of the improvement, whether or not the SRC Improvements are located inside or outside of the contributing project’s study area. Reimbursement may be accomplished either through reimbursement of actual construction costs incurred by the Developer if the Developer constructs said roads or through the reimbursement of the full fee-in-lieu escrow funds paid by the Developer as provided above, in accordance with the requirements of Chapter 12 of the TIA Guidelines.

If any of the off-site road improvements listed above as a construction obligation of the Developer, per Sections A and C above, are constructed or funded by others, then the Developer shall pay its fair share of the construction costs for each such road improvement constructed or funded by others into an escrow account based on the impact of trips generated by the Project on such road improvement. Prior to approvals being issued by the County to other developer(s) to contribute toward any or all of the above-described improvements in Section A.1 through A.6 above, the Developer would be given the opportunity to review and comment on the County Traffic Engineer’s calculation of the “fair share” of the cost of such improvements attributable to the Project relative to other developers upon request by the developer or as offered by the County.

SCHOOLS

Since the Age-Restricted portions of the Project will be restricted to persons of 55 years of age or older, such portions will not have a direct impact on school enrollments. Section 1-20-7(F) of the County’s APFO exempts projects for “housing for older persons” from the school APFO test if certain described criteria are met. The Age-Restricted portions of the Project meet or will meet all of these prescribed criteria and, provided the Age-Restricted portions of the Project continue to meet these criteria, the schools APFO test is inapplicable to such portions.

The non-Age-Restricted portion of the Project is projected to generate 152 elementary school students, 100 middle school students, and 125 high school students at the time of full build-out. Based on these numbers and considering enrollment projections from pipeline development, the Project will not pass the school adequacy test at the elementary and high school levels. Accordingly, the Developer has elected the option to mitigate the inadequacy of the public school capacity by paying the School Construction Fees for the elementary and high school levels in accordance with the criteria set forth in Section 1-20-62 of the APFO (and in accordance with the DRRA).

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The Developer shall pay the School Construction Fee, based upon the fee schedule in effect at the time of subdivision plat recordation and payment, as set forth in Section 1-20-62(E) of the APFO, per unit type for the elementary, middle and high school levels.

**DISCLAIMER:** This LOU 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.

**CONCLUSION**

The effective date of this LOU for the commencement of all APFO approvals referenced herein shall be **May 29**, 2014, and it shall remain valid through **May 29**, 2032.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the date first above written.

**[SIGNATURES ON FOLLOWING PAGES]**
WITNESS:

75-80 PROPERTIES, LLC

By: STANLEY ENTERPRISES, LLC,
Managing Member

By: Roy E. Stanley, Managing Member

PAYNE INVESTMENTS, LLC

By: Howard F. Payne, Managing Member

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By: Blaine R. Young, President

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