TITLE: Woodridge V (Lake Linganore PUD)

FILE NUMBER: S-829(AP #14112, APFO #14113
FRO#14114)

REQUEST: Modification to Preliminary Subdivision Plan
Conditions of Approval

PROJECT INFORMATION:
ADDRESS/LOCATION: South side of Gas House Pike, 1,000 feet east of Dance
Hall Road
TAX MAP/PARCEL: Tax Map 68 Parcel 36 & Part of Parcel 162
COMP. PLAN: Low Density Residential
ZONING: Planned Unit Development (PUD)
PLANNING REGION: New Market
WATER/SEWER: W-3, S-3

APPLICANT/REPRESENTATIVES:
APPLICANT: Oakdale Investments, LLC
OWNER: Oakdale Investments, LLC
ENGINEER: Harris, Smariga & Associates
ARCHITECT: N/A
ATTORNEY: Noel Manalo, Esq.

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
Exhibit 1 - Woodridge V FCPC Decision Letter
Exhibit 2 - Frederick County Planning Commission (FCPC) Approved Preliminary Subdivision Plan
STAFF REPORT

Development Issue
Changes are proposed to 2 (two) existing conditions of approval for the Woodridge V Preliminary Subdivision Plan relating to the recordation and transfer of Outlots to the County. The changes are proposed to reflect the Memorandum of Understanding (MOU) between Frederick County Government and Oakdale Investments that has been signed by the County Executive subsequent to the Woodridge V Preliminary Plan FCPC approval. The intent of the MOU is to outline the timing and conditions of conveyance of the Fire Station Site.

BACKGROUND

Development History
On October 8, 2014, the Planning Commission approved the Woodridge V Preliminary Subdivision Plan, a 150-lot residential subdivision within the Linganore PUD. The project consists of 150 residential lots for development of single-family detached dwellings. The property is the northern limit of the existing Woodridge Village (see Graphic 1 below), and will include the extension of Woodridge Road north to Gas House Pike, creating the 2nd entrance into the Linganore PUD.

The subject property received Phase I PUD rezoning approval (see Graphic 2 below) (Case R-12-01; Ordinance 13-14-642, dated July 11, 2013) as part of an overall application for various locations totaling 950 acres around the existing Linganore community. In conjunction with the 2013 Phase I PUD approval, a 25-year Development Rights and Responsibilities Agreement (DRRA) and an Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU), which included the subject property, were executed between the Board of County Commissioners (BOCC) and the Applicant, Oakdale Investments.

Numerous conditions were added to the 2013 Phase I PUD rezoning, including the following, which pertain to the current Woodridge V Preliminary Subdivision Plan modification request:

R-12-01 Rezoning Condition No. 2:
Designate and convey to Frederick County/Board of Education, an area of land that contains a 15-acre, buildable site acceptable to Frederick County Public Schools, for an elementary school in one of the four (4) development areas (Westridge, Woodridge, Hamptons West, Hamptons East). An MOU between the Applicant and the Board of Education identifying the elementary school site and detailing the timing and conditions of conveyance shall be prepared, approved, and recorded prior to the Planning Commission’s approval of any Phase II preliminary plan or site plan for any development area in the Westridge, Woodridge, Hamptons West, or Hamptons East of the PUD.

R-12-01 Rezoning Condition No. 11
Designate and convey to Frederick County, an area of land that contains a 3—5 acre, buildable site that meets Frederick County Division of Fire and Rescue Service guidelines and standards, for a fire and rescue station in the Hamptons West or Woodridge Villages. Conveyance of such land shall occur in conjunction with the first Phase II preliminary plan or site plan approval for any development in the Hamptons West or Woodridge Villages.
ANALYSIS

During the review of the 2014 Woodridge V Preliminary Subdivision Plan, it was agreed to by Frederick County Fire and Rescue, Frederick County Public Schools Facilities Staff, and Frederick County Planning Staff that the fire and rescue site as well as the elementary school site would be located in the Hamptons West Village. Therefore, Staff added—and the Planning Commission approved—the conditions for the Woodridge V Preliminary Plan that addressed the 2013 PUD rezoning conditions #2 and #11, for the provision of land for a future elementary school and for a future fire and rescue station within Hamptons West. In addition, these Preliminary Plan conditions of approval (#12, & #13 as provided below) established specific timing details for the recollection of outlots and conveyance of lands to the County for the elementary school and fire station as follows:

12. Prior to the final approval of the Woodridge V Preliminary Subdivision Plan, an Outlot plat must be recorded to provide for a future elementary school site located within the area of the Hamptons West subdivision in compliance with Ordinance No. 13-14-642 condition 2. Conveyance of the Outlot from Oakdale Investments, LLC to the Frederick County Board of Education (BOE) shall be made at the request of the BOE, but no earlier than December 31, 2015, and no later than December 31, 2020 and as more fully described in the signed Memorandum of Understanding (MOU) between Oakdale Investments, LLC and the Frederick County Board of Education, dated August 27, 2014.

13. Prior to final approval of the Woodridge V Preliminary Subdivision Plan, an Outlot plat must be recorded to provide for a future fire and rescue station site within the area of the Hamptons West subdivision in compliance with Ordinance No. 13-14-642 condition 11. An MOU between the Applicant and the Frederick County Division of Fire and Rescue detailing the fire and rescue site timing and conditions of conveyance, site preparation and grading, as well as any necessary developer obligations/cooperation regarding access to the Site shall be prepared, approved, and recorded prior to final approval of the Woodridge V Preliminary Plan. Conveyance of the fire and rescue site Outlot from Oakdale Investments, LLC to Frederick County shall be made prior to final approval of the Woodridge V Preliminary Subdivision Plan, per condition No. 11 contained in Rezoning Ordinance 13-14-642.

Subsequent to the Planning Commission Woodridge V preliminary plan conditional approval, an MOU was drafted to meet the requirements of condition #13 as noted above. The MOU was reviewed and approved by Frederick County Fire and Rescue Staff, Division of Public Works Staff, Development Review Staff and the Office of the County Attorney. The MOU was then forwarded to the County Executive for review and signature. The document was signed and recorded.

Since the 2014 Woodridge V Preliminary Plan conditional approval, locations for the future elementary school and for the future fire and rescue station have been identified within the Hamptons West Village (currently under review by the County), and Outlot plats for these facilities have been submitted for review. Additionally, both the Frederick County Board of Education (BOE) and the County have entered into separate Memorandums of Understanding with the Applicant, Oakdale Investments, to specify the timing and transfer of Outlots to the BOE and the County, site grading, and other details. These signed and recorded MOUs satisfy the specific needs of the BOE and the County, as well Rezoning Ordinance No. 13-14-642 conditions #2 and #11, described on page 2 of the Staff report.

Staff is therefore recommending that conditions #12 and #13 from the 2014 Woodridge V Preliminary Subdivision Plan approval be amended to:

Woodridge V Preliminary Plan
Condition of Approval Modification
July 13, 2016
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- Remove the requirement that the Outlot plats for the school site and for the fire and rescue station be recorded prior to final approval of the Woodridge V Preliminary Subdivision Plan; and
- Change the timing of transfer of the fire and rescue station Outlot to the County.

The revised Woodridge V Preliminary Plan conditions would read as follows [text to be deleted shown in strikethrough and new text shown in bold]:

12. Prior to the final approval of the Woodridge V Preliminary Subdivision Plan, an Outlot plat must be recorded to provide for a future elementary school site located within the area of the Hamptons West subdivision in compliance with Ordinance No. 13-14-642, condition 2. Conveyance of the Elementary School Outlot (known as Outlot ‘B’ on the Hamptons West Outlot Plat; Hansen #16127) from Oakdale Investments, LLC to the Frederick County Board of Education (BOE) shall be made at the request of the BOE, but no earlier than December 31, 2015, and no later than December 31, 2020 and as more fully described in the signed Memorandum of Understanding (MOU) between Oakdale Investments, LLC and the Frederick County Board of Education, dated August 27, 2014.

13. Prior to final approval of the Woodridge V Preliminary Subdivision Plan, an Outlot plat must be recorded to provide for a future fire and rescue station site within the area of the Hamptons West subdivision in compliance with Ordinance No. 13-14-642, condition 11. An MOU between the Applicant and the Frederick County Division of Fire and Rescue detailing the fire and rescue site timing and conditions of conveyance, site preparation and grading, as well as any necessary developer obligations/cooperation regarding access to the Site shall be prepared, approved, and recorded prior to final approval of the Woodridge V Preliminary Plan. Conveyance of the fire and rescue site Outlot (known as Outlot ‘A’ on the Hamptons West Outlot Plat; Hansen #14816) from Oakdale Investments, LLC to Frederick County shall be made in conformance with the signed Memorandum Of Understanding (MOU) between Oakdale Investments, LLC and Frederick County, dated June 13, 2016, prior to final approval of the Woodridge V Preliminary Subdivision Plan, per condition No. 11 contained in Rezoning Ordinance 13-14-642.

**RECOMMENDATION**

Staff recommends approval of the revised conditions for the Woodridge V Preliminary Subdivision Plan.

**PLANNING COMMISSION ACTION**

**MOTION TO APPROVE**

I move that the Planning Commission APPROVE the proposed revisions to conditions 12 and 13 of the Woodridge V Preliminary Subdivision Plan (S-829/AP #14112) as described in the Staff report.
FCPC DECISION LETTER
October 10, 2014

Oakdale Investments, LLC
1355 Beverly Road
Suite 240
McLean, VA 22101

Dear Sir or Madame:

This letter is to inform you that the Frederick County Planning Commission (FCPC) approved the Woodridge V Preliminary Subdivision Plan for 150 single family residential lots (S-829, AP#14112, APFO#14113, FRO #14114) on October 8, 2014, with approval of the following modifications:

1. Planning Commission approval of the dimensional requirements as proposed by the Applicant and as provided on the Woodridge V Preliminary Plan.

2. Planning Commission approval of the requested modification, pursuant to §1-16-142, to street requirements contained in §1-16-109(A)(2) in order to allow open section roadways for lots with less than 80 feet of frontage and the minimum lot size is less than 15,000 square feet.

3. Planning Commission approval of the requested modification, pursuant to §1-16-142, to §1-16-109(B) to allow the natural surface trails to substitute for the complete construction of sidewalks.

4. Planning Commission approval of the proposed cul-de-sacs in accordance with 1-16-236(K).

Subject to the following conditions:

1. Address all agency comments as the plan proceeds through to completion.

2. The project is required to provide 19 MPDUs in accordance with the provisions of Chapter 1-6A of the Frederick County Code. This requirement shall be met either through payment in lieu or construction of the MPDUs as provided in the Frederick County Code.

3. An MPDU agreement shall be executed prior to final approval of the Preliminary Plan.

4. Approval of the modification to permit four panhandle lots (58, 59, 88 & 89) in accordance
with Section 1-16-219(C).

5. The purchasers of the panhandle lots (58, 59, 88, & 89) are to be notified of the responsibilities of maintaining the panhandle area and common driveway.

6. A note shall be added to the final plat indicating that the houses to be located on panhandle lots will be constructed facing the common driveway so as to eliminate the fronts of houses facing into the backs of other houses.

7. All common driveways (lots 88 & 89, lots 111 & 112, and lots 57, 58, 59 & 60) shall provide a minimum of 12’ travelway width and must be constructed prior to lot recordation.

8. The Applicant shall work with Staff to provide an acceptable paved path along one side of the Woodridge Road from the open space area to Gas House Pike.

9. Complete the requirements for Woodridge V under the approved APFO LOU, dated July 11, 2013 between Oakdale Investments, LLC and Frederick County, Maryland.

10. Construction of the Woodridge Road connection to Gas House Pike shall begin prior to recordation of the first lot in Woodridge V and shall be completed prior to the issuance of the first building permit in Woodridge V.

11. 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 permit or building permit, whichever is applied for first.

12. Prior to final approval of the Woodridge V Preliminary Subdivision Plan, an Outlot plat must be recorded to provide for a future elementary school site located within the area of the Hamptons West subdivision in compliance with Ordinance No. 13-14-642 condition 2. Conveyance of the Outlot from Oakdale Investments, LLC to the Frederick County Board of Education (BOE) shall be made at the request of the BOE, but no earlier than December 31, 2015, and no later than December 31, 2020 and as more fully described in the signed Memorandum of Understanding (MOU) between Oakdale Investments, LLC and the Frederick County Board of Education, dated August 27, 2014.

13. Prior to final approval of the Woodridge V Preliminary Subdivision Plan, an Outlot plat must be recorded to provide for a future fire and rescue station site within the area of the Hamptons West subdivision in compliance with Ordinance No. 13-14-642 condition 11. An MOU between the Applicant and the Frederick County Division of Fire and Rescue detailing the fire and rescue site timing and conditions of conveyance, site preparation and grading, as well as any necessary developer obligations/cooperation regarding access to the Site shall be prepared, approved, and recorded prior to final approval of the Woodridge V Preliminary Plan. Conveyance of the fire and rescue site Outlot from Oakdale Investments, LLC to Frederick County shall be made prior to final approval of the Woodridge V Preliminary Subdivision Plan, per condition No. 11 contained in Rezoning Ordinance 13-14-642.
Please resubmit review copies to all “denied” agencies. When denied agencies are “approved” or “conditionally approved”, then five (5) copies of the preliminary plan listing the above conditions of approval on the cover sheet will be requested. The final plan will then be stamped and signed as approved when these conditions have been satisfied. Should you have any questions, please feel free to contact me. The Preliminary Plan approval is valid for five (5) years from the date of FePc approval. The Adequate Public Facilities Ordinance (APFO) approval for this project was approved on July 11, 2013 and is valid for a period of 25 years. Therefore, the Preliminary Plan expires on October 8, 2019 and the APFO expires July 11, 2038.

Sincerely,

[Signature]

Tim Goodfellow, Principal Planner II
Division of Community Development
Phone: 301-600-6729
Email: TGoodfellow@FrederickCountyMD.gov

Cc: Christine Graham, IIT
Frank Zeller, Harris, Smariga & Associates
File #S-829K (Woodridge Village)