TITLE: Hamptons West PUD

FILE NUMBER: S-829(AP-14802, APFO- 14803 & FRO-14804)

REQUEST: Combined Preliminary Subdivision/Site Development Plan Approval
The Applicant is requesting Combined Preliminary Subdivision Plan/Site Development Plan approval for 406 residential units (189 townhome lots and 217 single-family detached dwelling lots) on a 200-acre site.

PROJECT INFORMATION:
ADDRESS/LOCATION: South side of Gas House Pike, 3,300 feet east of Boyers Mill Road
TAX MAP/PARCEL: Tax Map 69 Parcels 52, 198 & Part of Parcel 169
COMP. PLAN: Low Density Residential & Natural Resource
ZONING: Planned Unit Development (PUD)
PLANNING REGION: New Market
WATER/SEWER: W-4, S-4

APPLICANT/REPRESENTATIVES:
APPLICANT: Oakdale Investments, LLC
OWNER: Oakdale Investments, LLC; Jack & Carolyn Anderson
ENGINEER: Harris, Smariga & Associates
ARCHITECT: N/A
ATTOURNEY: Noel Manalo, Esq.

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
EXHIBIT  1- Combined Preliminary Subdivision/Site Development Plan
EXHIBITS 2, 3 - Modification Requests
EXHIBIT  4- Specimen Tree Modification Request (Forest Resource Ordinance)
EXHIBIT  5- Project Graphic
Development Request
The Applicant is requesting Combined Preliminary Subdivision/Site Development Plan approval for development of 406 residential lots (189 townhomes and 217 single-family detached dwelling lots) on a 200-acre site within the Linganore Planned Unit Development (PUD):

- Single-family detached units: 217 units
- Townhomes, surface parked: 104 units
- Townhomes, front-loaded (integral garage): 85 units

The project is subject to the requirements of the Frederick County Code, specifically Chapter 1-16 Subdivision Rules and Regulations for the Preliminary Subdivision Plan review. The Site Plan portion of the project is being reviewed as “Townhouses” under the use heading of Residential per §1-19-5.310 (use table) in the Frederick County Zoning Ordinance and is a principal permitted use in the PUD Zoning District, subject to site development plan approval.

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

Modification Requests
- Panhandle Lots
- Cul-de-Sacs
- Common driveway spacing
- Open section roads
- Complete sidewalks
- Parkland/Recreation Area
- Parking space increase
- FRO Specimen Tree Removal

BACKGROUND

Development History
The subject property received Phase I PUD approval on July 11, 2013 through Ordinance No. 13-14-642, which rezoned 950 acres in various locations around the existing Linganore PUD community from Agricultural and Resource Conservation to PUD. The PUD rezoning established the maximum density in each Village; a cap of 450 units was approved for Hamptons West. 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 Oakdale Investments. The DRRA and LOU describe in detail the multiple transportation and water/sewer infrastructure improvements needed for the project. The following Phase I conditions are tied to the Hamptons West Combined Preliminary Plan/Site Plan submission, review, and approval.
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.

This condition has been met. A Memorandum of Understanding (MOU) between the Applicant and the Frederick County Board of Education was approved on August 27, 2014.

R-12-01 Rezoning Condition No. 4
Prior to initial Phase II preliminary plan or site plan approval in Westridge or Hamptons West, the Applicant shall complete or amend Maryland Inventory of Historic Properties (MIHP) Forms, in accordance with the Standards and Guidelines for Architectural and Historical Investigations in Maryland, for the following properties which may be adversely impacted by the development of this project as identified by the Frederick County Community Development Division:

1) Tax Map 68, Parcel 14, Property ID#13-301247
2) Tax Map 69, Parcel 52, Property ID#13-298130
3) Tax Map 69, Parcel 68, Property ID#13-296049

All materials shall be submitted to the Maryland State Historic Preservation Officer (MD SHPO) for review and written acceptance. Copies of the documentation material shall be delivered to the Frederick County Historic Preservation Planner after acceptance by the MD SHPO. Applicant shall not be required to obtain the MD SHPO’s acceptance prior to approval of any development plans or issuance of any permits in Westridge or Hamptons West.

This condition has been met. Completed MIHP forms for all properties have been submitted to both Frederick County and the Maryland State Historic Preservation Officer (Hamptons West includes parcels 52 and 68).

R-12-01 Rezoning Condition No. 5
Concurrent with Phase II preliminary plan or site plan submission for each development area, provide details—location, size, type, construction timeline—of the active recreation facilities to be provided.

The Hamptons West combined Preliminary/Site Plan shows a trail network with timelines for installation. In addition, 4 proposed recreation areas have been included in the plan. The location, size and type of recreation areas have been identified, however, no information on the timing of development for the 4 recreational areas is provided. A condition of approval has been added to meet this requirement.

R-12-01 Rezoning Condition No. 8
Incorporate a location for the extension of Eaglehead Drive to Gas House Pike in the Hamptons West Village as part of Phase II preliminary plan approval for the Hamptons West Village. This extension shall be open to traffic prior to the issuance of occupancy permits for more than 300 units in Hamptons West.

This condition has been met. The Hamptons West Plan shows the extension of Eaglehead Drive to Gas House Pike. The construction of the roadway will be tracked through the County’s Development
Obligation process and linked to building permit approval for Hamptons West. General Note No. 29 on the plan set cover sheet documents the elements necessary in meeting this condition.

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.

This condition has been met. A Memorandum of Understanding (MOU) between the Applicant and Frederick County was approved and signed on June 13, 2016 and includes details on Outlot recordation and Outlot transfer to the County.

R-12-01 Rezoning Condition No. 13
As part of Phase II approval for Hamptons West, document how the Smith property (M69 P66 ID#13-301034) will maintain access and how the applicant will ensure that access remains open and viable during all future development and construction phases.

This condition has been met. The Hamptons West Plan shows a 30-ft. access strip from Mandalong Way to the Smith property with a note on the Plan stating that access shall be open and viable at all times during construction.

The Hamptons West Combined Preliminary/Site Plan depicts areas for single-family lots and townhome lots, as shown on the 2013 Phase I PUD Concept Plan.

**Existing Site Characteristics**

The site has significant and sensitive environmental resources. The development site is predominately forested, with approximately 31 acres of open fields in the north-central portion of the property. In addition to the woodlands (and 70 specimen trees), the property contains four (4) first-order streams that flow into Linganore Creek and Lake Linganore. Lake Merle borders the subject property on the west and Lake Linganore to the south. Steep and moderate slopes are present within the development site, primarily adjacent to the 4 stream systems, but are also along Lake Linganore and portions of Linganore Creek.

Wetlands are associated with 3 of the stream systems, with a large complex connected with the centrally-located stream near the historic farm house and associated accessory structures. Mandalong Way is shown traversing the northern portion of these wetlands; a permit from the Maryland Department of the Environment and applicable federal permits are required for this planned wetland encroachment. A substantial rubbish and debris pile exists in the stream valley north east of the historic farm house. This trash dump will be removed prior to plat recordation of the first lot in phase II, as indicated in Plan Note No. 33 and approval condition No. 12.

A band of FEMA 100-year floodplain is located adjacent to Linganore Creek, in locations where the adjacent land is not steeply sloped. Glenville silt loam soils (GoC) are also present within 3 stream valley systems and mapped accordingly on the Plan. The Glenville soil series is regulated wet soil, per §1-19-9.300 of the Zoning Ordinance and §1-16-72 of the Subdivision Regulations.
Topographic elevations range from 306 feet at the edge of Lake Linganore to a high point of 544 feet, which is located on the future elementary school site in the center of the property.

The property has approximately 1.1 miles of frontage on Gas House Pike (see graphic 1 below), a Collector roadway as indicated on the County Comprehensive Plan (see graphic 2 below). The site is currently zoned PUD (see graphic 3 below) located at the northern boundary of the Linganore Community Growth Area. Other portions of the Linganore PUD surround the subject property to the west and south. To the east is the future Hamptons East development area. Agricultural land and large-lot residential uses are north of the subject property.

Graphic 1

Hamptons West Combined Preliminary Plan/Site Plan
August 10, 2016
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Graphic 2 – Comprehensive Plan

Hamptons West Combined Preliminary Plan/Site Plan
August 10, 2016
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ANALYSIS

Summary of Development Standards Findings and Conclusions

General Site Development, Layout and Design

Existing Eaglehead Drive is proposed for extension from its terminus in the adjacent Balmoral Village to Gas House Pike, which will provide additional Linganore PUD access and roadway connectivity within Hamptons West as well as the entire Linganore community. Mandalong Way is another primary roadway in Hamptons West and is a secondary access point to Gas House Pike. Dedicated turn lanes from Gas House Pike to both Eaglehead Drive and Mandalong Way are shown. Eaglehead Drive within Hamptons West will be a public street (as opposed to virtually all of the roads within the Linganore PUD which are private home owner association roadways) and will contain on-street parking spaces with sidewalks on both sides.

The higher density townhome section is concentrated in the north-central portion of the site and contains 3 active recreation areas (see sheets 21 & 22 of plan set). The recreation areas range in size from 0.24 acres, to 0.54 acres with tot-lot, and 0.69 acres with tot-lot. An additional 0.18 acre picnic area is provided in the area shown for single-family detached lots at the intersection of Eaglehead Drive and Clovis Court. All lots for single-family detached dwellings have frontage on Eaglehead Drive or Mandalong Way or are situated in 6 cul-de-sacs off Eaglehead Drive and Mandalong Way. The number of lots utilizing a cul-de-sac ranges from 10 lots (Whitmire Court) to 39 lots (Merle Court). A natural surface, pedestrian trail network is shown and provides neighborhood connectivity.

Eighteen (18) acres for institutional uses are provided within Hamptons West for a fire and rescue station (3 acres) and an elementary school (15 acres), but will be platted as Outlots separately from the Hamptons West residential lots. As prescribed in the subdivision regulations, these Outlots are not being reviewed as part of this combined preliminary/site development plan and will be conveyed to the County as described in separate Memorandums of Understanding (MOUs) between the Applicant and Frederick County and the Board of Education.

Density

Development density within the PUD zoning district is set at Phase I rezoning and is a function of the Comprehensive Plan land use designation, site characteristics and meeting the required parking, landscaping, other design requirements, and bulk standards. The maximum lot yield for Hamptons West was established at 450 residential units through the PUD Phase I approval (Ordinance No. 13-14-642) from 2013. The density proposed for just the Hamptons West Preliminary Plan/Site Plan and Moderately Priced Dwelling Unit (MPDU) requirements are as follows:

Gross Hamptons West Proposed Density: 406 Dwelling Units (DU)/200 acres = 2.03 DU/acre
Required MPDUs (12.5% of total DUs): 51 Dwelling Units

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

COMBINED ANALYSIS OF SUBDIVISION AND SITE DEVELOPMENT PLAN REVIEW

Preliminary Subdivision Plan approval is granted based upon the requirements found in Chapter 1-16 of the Frederick County Code. Site Development Plan approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria as well as the PUD review criteria listed in §1-19-10.500 of the Frederick County Zoning Ordinance.

SITE DEVELOPMENT

- Land Requirements §1-16-217(A) & (B)
  
  The land use pattern of the comprehensive development plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The County Comprehensive Plan dictates the general pattern of land uses and the proposed development site reflects a County Comprehensive Plan land use designation of Low Density Residential, which is an area targeted for residential uses. The zoning district regulations permit single-family residential attached and detached dwellings within a PUD. The project is designed with efficient access, and internal vehicular and pedestrian circulation within an area indicated for growth and development on the Comprehensive Plan.

The gross density of the Project is two (2) dwellings units per acre and includes single-family detached lots and single-family attached lots, including an area for a future elementary school and fire & rescue station.

  The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The uniqueness of the Hamptons West site is defined by its significant environmental resources, including steep slopes, forestlands, stream systems, wetlands, and adjacency to Lake Merle and Lake Linganore, a secondary supply of public drinking water for the County. Although these features are characteristic of the Resource Conservation zoning district, the site’s PUD zoning permits development to varying degrees.

With several exceptions, most of the lots in Hamptons West are not proposed on steep gradients. However, land development on and adjacent to steep and moderate slopes, as is proposed in Hamptons West, requires land alteration to level and balance a site for building, as well as grading to create “tie-ins” where grading is needed beyond the edge of lots, extending outward to taper-down and meet the existing natural topography.

The project is subject to, and complies with, the Linganore Watershed Protection Area (LWPA) waterbody buffer requirements as outlined in the DRRA. These Linganore buffer standards, established in 2007, required wider separation or buffering of waterways from grading and construction activities within the LWPA. These regulations were subsequently updated, modified and applied across the County in a more generalized manner. Therefore separate regulations for the LWPA no longer exist in the Zoning Ordinance.
Although many lots in the adjacent villages in the Linganore PUD were platted in the 1960’s and 1970’s on steep, forested slopes, today’s regulations, standards, and policies restrict or minimize this practice because of the impacts to terrestrial and aquatic systems and to the health, safety, and general welfare of County residents.

**Block Shape §1-16-218**

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

No block dimension is greater than 1,800 feet. The subdivision design includes multiple lot sizes and block lengths. Opportunities for pedestrian mobility are maximized through a sidewalk and a natural surface trail system that links all sections of the Hamptons West lots.

**Lot Size and Shape §1-16-219 (A)**

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

Within the PUD district, dimensional standards are approved by the Planning Commission at Phase II and governed by §1-19-10.500.6(H)(2). Setbacks and building heights must also be consistent with the General Development Standards described in §1-19-10.500.9. The Applicant is requesting Planning Commission approval of the development standards for lot area, minimum lot width, front, side and rear yard setbacks, as shown below. Staff has no objection to the proposed lot dimensions.

<table>
<thead>
<tr>
<th>Lot Type</th>
<th>Setback</th>
<th>Height</th>
<th>Lot Width</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front</td>
<td>Rear</td>
<td>Side</td>
</tr>
<tr>
<td>Single Family Detached</td>
<td>20’</td>
<td>20’</td>
<td>5’</td>
</tr>
<tr>
<td>Townhouse - Front Loaded Integral Garage</td>
<td>20’</td>
<td>20’</td>
<td>5’</td>
</tr>
<tr>
<td>Townhouse - Standard Surface Parking</td>
<td>10’</td>
<td>20’</td>
<td>5’</td>
</tr>
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</table>

**Lot Size and Shape §1-16-219 (C)**

*Panhandle lots may be approved by modification of the Planning Commission in major subdivisions only when it is determined by the Commission that “excellence of design” will be achieved or that such lots are inaccessible to the road due to odd shape and/or topographical constraints.*

The Applicant requests approval of a modification from the Planning Commission for 2 panhandle lots (215 and 216) on Hook Court within the Hamptons West Preliminary Plan. Hook Court is depicted with a total of 27 lots (including the proposed panhandle lots). Hook Court provides direct road frontage to 25 of these lots.
“Excellence of design” is based on the standards contained in 1-16-219(C)(2) and the Planning Commission must use the following criteria to grant modifications for panhandle lots in major subdivisions:

- Spatial relationship to other lots
- Odd shape
- Road inaccessibility
- Topography
- Existing utilities
- Well and septic constraints
- Natural environmental features
- Man made features

The design of the proposed panhandle lots on Hook Court deviates from the standard lot configuration in the Hamptons West project, which depicts all lots with full road frontage and direct orientation to the street. In addition, proposed panhandle lots 215 and 216 directly abut a sensitive wetland buffer, the stream buffer, and the FRO easement area. Proposed panhandle lot 215 also incorporates a portion of the critical root zone for Specimen Tree No. 19, a 30-inch DBH Beech tree. As an area proposed for new development, the original parcel on which Hook Court is located does not inherently necessitate panhandles to achieve density. Hook Court provides direct road accessibility and full road frontage for 25 lots.

The panhandle lots are proposed to be accessed via a 20’ wide common access easement with a 16’ wide paved surface.

The Applicant has provided a letter summarizing the modification request. The letter has been attached as Exhibit 2.

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

The proposed development is situated within the Langanore Community Growth Area, an area planned for future residential, commercial and employment uses. Public facilities (elementary school and fire & rescue station) are also planned within the Hamptons West project.

- **Signage §1-19-6.320.11:** As depicted on sheet 21 of the plan set, the Applicant is proposing 2 community identification signs along Eaglehead Drive: one adjacent to Balmoral Village and one at Gas House Pike. The signs shall adhere to the requirements of §1-19-6.320.11 of the Frederick County Zoning Ordinance. The final design, square footage and placement of the sign will be subject to further review at the sign permit stage.

- **Landscaping §1-19-6.400:** The Applicant has provided a landscaping plan in accordance with Section 1-19-6.400. The Combined Preliminary/Site Plan depicts a variety of native deciduous trees, evergreens, and shrubs on streets and within the four recreation areas. The requirements for streets trees is based on linear road frontage. The Plan provides 318 street trees, which exceeds the 311 street trees required by §1-19-6.400(A). Increased landscaping is provided at both Eaglehead Drive entrances to the development, including areas along Eaglehead Drive where the rear of lots are visible.
Lighting §1-19-6.500: Although the Applicant has prepared a lighting plan, it lacks details to determine full conformance with requirements of §1-19-6.500. The calculation summary on sheet 20 of the plan set notes that the maximum illumination will not exceed 0.5 foot candles at the property line except for the area adjacent to the western portion of the townhouse development. Since this area is interior to the project it does not require a modification. However, it is unclear that the proposed fixture will conform to the maximum height of 14’ (measured from the ground to the point of illumination) and that they will be fully shielded. Prior to final signature approval, the Applicant will need to resubmit the plan to include height of fixtures and shielding.

Findings: Based upon the review and analysis as provided above, staff finds that the proposed Hamptons West Combined Preliminary Subdivision Plan application meets the subdivision regulations contained in Chapter 1-16 of the Frederick County Code, except for §1-16-219, Lot Size and Shape, Subsection (C), Panhandle Lots, as described.

Conditions

- Prior to final approval of the Hamptons West Combined Preliminary Plan/Site Plan, the Applicant shall submit a complete lighting plan that demonstrates compliance with 1-19-6.500 of the Frederick County Zoning Ordinance including height of fixture and shielding.

TRANSPORTATION AND PARKING

- Street, Common Driveway and Sidewalk Construction§1-16-109
  The project shall provide for the complete construction of street improvements, including drainage facilities as provided in §1-16-234 through §1-16-241 of the Subdivision Regulations and in accordance with the Frederick County Design Manual.

The Plan depicts 5-ft sidewalks along both sides of the entirety of Eaglehead Drive within Hamptons West. Marked street crossings and stop signs along Eaglehead Drive, to accommodate the future elementary school students, will be evaluated during the site development plan review for the future elementary school. Mandalong Way is also shown with a 5-ft sidewalk on one side and the townhome section of the project contains complete sidewalks on all streets with strategically placed crosswalks for pedestrian safety. A natural surface trail system is provided throughout the open space, with multiple access points to the street network and the sidewalks to facilitate overall pedestrian movement and mobility in the community.

The subdivision regulations in §1-16-142 allow the Planning Commission to grant modifications to the subdivision regulations for PUD developments when the subdivision regulation objectives are substantially achieved and conformity to the comprehensive plan is achieved. In accordance with these regulations, the Applicant is requesting a modification to utilize the natural surface trail network in combination with the proposed sidewalks to meet the requirements in §1-16-109(B).

With the exception of Eaglehead Drive, all roadways within Hamptons West are proposed to be privately owned and maintained by the Lake Linganore Association, as indicated in Plan Note no. 19. The Applicant is requesting approval of a residential driveway spacing modification to allow 20 common residential driveways and one (1) individual residential driveway on a Collector status roadway (Eaglehead Drive).

The Plan proposes 41 single-family lots with direct frontage and access on Eaglehead Drive, a collector roadway as shown on the Comprehensive Plan. Shared, or common, driveways are proposed for 40 of these lots (lot 102 has its own private driveway access to Eaglehead Drive). The proposed plan will result
in 20 common driveways with access to Eaglehead Drive. The County’s Entrance Spacing policy does not recommend residential driveways on collector roadways, and states the need for Planning Commission review and modification of spacing distances between common driveways of 100 to 149 feet. The separation of the proposed common driveways on Eaglehead Drive serving 40 lots ranges from 100 feet to 120 feet. The common driveway serving lots 103 and 104 is located 58 feet from the individual entrance to lot 102 on Eaglehead Drive.

Residential lots with shared driveways on Eaglehead Drive, together with on-street parking, will help to slow traffic near the future elementary school. The placement of lots on Eaglehead Drive will also help to achieve realistic densities, given the project site’s significant environmental elements and numerous design challenges. Staff has no objection to the use of residential driveways (common and individual) on Eaglehead Drive, and no objection to the driveway spacing modification on Eaglehead Drive.

Lastly, as allowed in Section 1-16-142 of the subdivision regulations, the Applicant is requesting approval of a modification to section §1-16-109(A) that will allow the use of open section roadway construction within the Hamptons West project where closed section roadway construction would normally be required.

Section §1-16-109(A)(2) of the Subdivision Regulations states that open-section construction may be utilized when the lot frontage is at least 80 feet and the minimum lot size is at least 15,000 square feet. Closed section construction shall be utilized where the lot frontage is less than 80 feet or the minimum lot size is less than 15,000 square feet. The minimum width of the single-family detached lots within Hamptons West is 58 feet and lot sizes range from 6,321 square feet to 17,335 square feet. The proposed open section roadways reflect the existing development villages elsewhere in the Lake Linganore PUD. Staff has no objection to the modification request for the construction of open section roadways within Hamptons West.

The Applicant has provided a letter summarizing the modification request. The letter has been attached as Exhibit 2.

**Conditions**

- Approval of the modification request to utilize the natural surface trail network for the complete construction of sidewalks in the community as required in §1-16-109(B).

- Approval of the residential driveway spacing modification request to allow 20 common residential driveways and one (1) private residential driveway on a Collector status roadway (Eaglehead Drive).

- Approval of the request to modify §1-16-109(A) to allow the use of open section roadway construction within the Hamptons West project.

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

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

The Comprehensive Plan depicts a continuation of Eaglehead Drive through Hamptons West to Gas House Pike. This collector roadway is depicted on the Subdivision Plan as a 60-ft. right-of-way, public roadway with 12-ft. travel lanes, sidewalks on both sides, closed section with 49 on-street parking spaces (8-ft. x 22-ft) in the portion of Eaglehead Drive adjacent to the school parcel. The portion of Eaglehead Drive...
Drive not adjacent to the school is shown as an open-section roadway with a 60-ft. right-of-way, 12-ft. travel lanes and sidewalks on both sides of the road.

The other roads serving the single-family detached lots are shown as open section, with 10-ft travel lanes and grassed shoulders within a 50-ft. right-of-way. Island Drive in the far southern portion of the site is intended to provide access through Hamptons West to a possible future recreation area along Lake Linganore. Island Drive has a 50-ft right-of-way with two 9-ft. travel lanes and a sidewalk on one side of the road.

Roads within the townhome section have a 24-ft paved surface, with sidewalks adjacent to the drive aisle and surface parking scattered throughout this section of the project.

**Other Street Requirements. Development on Dead End Streets §1-16-236 (K):**

§ 1-16-236(K)(1)(c). Subdivisions on cul-de-sac or dead end streets shall be permitted only if approved by the Planning Commission (or county staff) in accordance with this division, the Design Manual, and the following provisions, as applicable.

In the R-3, R-8, R-12, R-16, VC, MX, LI, GI, GC, MXD, ORI, and PUD zones, the length of cul-de-sac or dead end street(s) may vary based on the density in the development section or land bay, property shape and size, topography, environmental constraints, lot size, unit types, and proposed land use. The density and length of cul-de-sac or dead end street(s) shall be reviewed by the Planning Commission and approved on a case by case basis. The Planning Commission shall consider the goals and principles of section 1-16-234 when considering the length and density of streets under this subsection.

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

(A) Design to consider the context of the proposed land use, including the existing and proposed land development patterns on adjacent parcels.
(B) Design for opportunities to create interconnections between adjoining parcels.
(C) Provide for adequate vehicular and pedestrian access to all parcels.
(D) Design local residential street systems to minimize through traffic movement and to discourage excessive speed.
(E) Provide reasonable direct access from local street systems to the primary transportation system.
(F) Local transportation systems and land development patterns shall not conflict with the efficiency of bordering arterial routes.
(G) Provide for safety, efficiency, and convenience of all users of the transportation system.
(H) Pedestrian-vehicular conflict points shall be minimized.
(I) Design to preserve, enhance, or incorporate natural, community, and historic resources.
(J) Be suitably located and designed/improved to accommodate prospective traffic, emergency service vehicles, and road maintenance equipment.
(K) Sidewalk, street design, right-of-way and paving shall be in accordance with these regulations and the County Design Manual.
The Hamptons West project proposes six (6) cul-de-sacs with varying number of lots, as shown below:

<table>
<thead>
<tr>
<th>Cul-de-Sac</th>
<th>Length</th>
<th>Number of Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whitmire Court</td>
<td>231 ft.</td>
<td>10</td>
</tr>
<tr>
<td>Mandalong Court</td>
<td>420 ft.</td>
<td>15</td>
</tr>
<tr>
<td>Hunter Court</td>
<td>495 ft.</td>
<td>15</td>
</tr>
<tr>
<td>Clovis Court</td>
<td>608 ft.</td>
<td>19</td>
</tr>
<tr>
<td>Hook Court</td>
<td>1,014 ft.</td>
<td>27 (includes 2 proposed panhandle lots)</td>
</tr>
<tr>
<td>Merle Court</td>
<td>1,2354 ft.</td>
<td>39</td>
</tr>
</tbody>
</table>

The challenges of the site regarding topography and environmental features dictated the layout and use of cul-de-sacs. Staff worked with the Applicant in some aspects of the overall project design to minimize the number of lots on cul-de-sacs and minimize the impact to the environmental features. However, Merle Court, as currently designed, exceeds 30 lots on a dead-end road system. Although the subdivision regulations allow the Planning Commission to approve the length of a dead-end street system serving more than 30 lots, Staff has consistently recommended that the number of houses on cul-de-sacs and dead-end roads not exceed 30. A single-point of egress and ingress for 39 lots can present public safety, health, and general welfare concerns for residents living on these roadways. For example, a large number of houses on a dead-end street, as proposed on Merle Court, can create access issues for emergency personnel when roadway blockades occur due to downed trees, vehicle accidents, or other emergencies. Adherence to sound design and good engineering practice dictate an efficient, convenient, and safe travel route for all users of the transportation system.

A reduction in the number of lots on Merle Court from 39 to 30 will further achieve compliance with §1-19-3.3004(B) and §1-19-10.500.9(B) by maintaining more of the site’s natural forested landscape condition adjacent to Lake Merle, and by minimizing tree and soil removal and disturbance.

Graphic 4 below provides a representation of the 39 lots on Merle Ct, the location of adjacent Whitmire Ct and the proximity of the future fire station. Staff would note that lots 66 & 67 are directly adjacent to the fire station lot with little to no buffer. Removing these two lots would not only bring the total number of lots on the cul-de-sac closer to the generally accepted maximum of 30, it would also increase the setback between the residential uses and the future fire station site activities.

Another option for achieving safe, convenient, efficient roadway interconnectivity and circulation within Hamptons West, required by §1-16-236, includes the design and extension of Whitmire Court as a through-street to meet Merle Court. Further engineering analysis would be needed to confirm this connection can be constructed to meet safe road design criteria.

Other than the recommendation for a reduction of the number of lots on Merle Court, Staff has no objections to the other proposed cul-de-sacs in the project.
Graphic 4 – 3-D representation of 39 lots proposed on Merle Court. Proposed Whitmire Court is also shown.
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.

The Hamptons West project proposes two points of access from Gas House Pike, and one through the existing Linganore PUD via the extension of Eaglehead Drive. With the exception of Merle Court (as described above), the proposed road network within Hamptons West promotes interconnectedness, will link existing and planned road networks, promote safe and efficient circulation, will allow shared access and circulation between properties and implement the road network as provided in the Comprehensive Plan.

Vehicular and Bicycle Parking.

The Applicant is proposing a combination of on-lot vehicle parking and surface vehicle parking to meet the intent of the Zoning Ordinance parking targets. Total required parking is 907 spaces (434 for single-family detached units, 260 for townhome units without garages, 213 spaces for townhome units with garages). The Applicant has provided a detailed parking distribution plan which shows a total of 1,179 spaces provided (651 for single-family detached, 273 for townhomes without garages, 255 for townhomes with garages). A surplus of 272 parking spaces has been provided for the project based on the policy of counting 50% of the garage space towards the required parking as well as achieving a 10% parking overage for townhome units. The Applicant has submitted a request for a parking space overage modification.

Section § 1-19-6.220 of the Zoning Ordinance requires 1 bicycle rack for each 10 units (townhomes) without garages. The Plan depicts a total of 104 townhome lots without garages, resulting in a requirement of 10 bicycle racks. The Hamptons West Plan shows 13 racks located throughout the townhome section.

Conditions

- Staff recommends that the Planning Commission approve no more than 30 lots on Merle Court or that Whitmire Court be extended and constructed as a through-street to meet Merle Court in order to provide efficient, safe and convenient roadway interconnectivity and circulation within the Hamptons West project.

- Approval of the modification request to allow 272 excess parking spaces within the project as specified in §1-19-6.220(A).

PUBLIC FACILITIES AND UTILITIES—Findings

Public Facilities - Road Adequacy/Water and Sewer Facilities §1-16-12; Public Utilities §1-19-3.300.4 (C) The proposed subdivision must have access to 1 or more paved collector or higher classification road(s) either directly, or via continuous and adequate public roads, in the direction(s) determined by the Planning Commission. The road(s) which provide the most direct access route to the proposed subdivision for the closest emergency response service must also be adequate.
For major subdivisions lots must directly access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width

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.

The subdivision has direct access to Gas House Pike, an existing roadway, with minor arterial status west of McKaig Rd and collector status east of McKaig Rd and a paved surface width in excess of 20’. The subdivision will access Gas House Pike by: 1) An extension of the existing Eaglehead Drive, which currently terminates at the entrance to the Balmoral Village; 2) Construction of a new local street, Mandalong Way. Within the project, Eaglehead Drive (a collector roadway) will have 12-foot travel lanes, complete sidewalks, and on-street parking on its northern portion. The proposed subdivision is within the New Market Volunteer Fire/Rescue Company service area and would be accessed via Gas House Pike.

The Hamptons West Combined Preliminary/Site Development Plan is subject to the APFO requirements as specified in the APFO LOU for Eaglehead–on-the-Lakes PUD, valid through 2038. The property is to be served by public water and sewer. The current water and sewer classification for the property is W-4/S-4. The site will be served by the New Design Road Water System and the Ballenger-McKinney Waste Water Treatment Plant for sewage treatment. A Water and Sewerage Plan classification change to W-3/S-3 is required for future connection to the public infrastructure lines after the subdivision is approved by the Planning Commission.

**Parks §1-16-111**

Per the Zoning Ordinance PUD regulations [§1-19-10.500.6(D)], the subdivision is required to provide a total of 60 acres of open space/green area. Per the subdivision regulations (§1-16-111), the project is required to provide 6.7 acres of neighborhood parkland, (726 square feet per dwelling unit). The Hamptons West project provides 109 acres of open space, comprised of 4 recreation areas that will be constructed by the Applicant, stream valleys and steeply sloped land, as well as the natural surface trail system. Sheet 21 depicts the four areas, comprising 1.65 acres, specifically identified for active recreation in the project. In addition, sheet 22 depicts nearby amenities within the overall Linganore development that provide active recreation, including the existing Westwinds Golf Course and a planned recreation area adjacent to Hamptons West that is planned as a separate project from the subdivision plan. Based on existing and proposed features, the project meets the overall open space requirement. The subdivision regulations outline that at least 50% of the overall neighborhood parkland requirement should be suitable for dry ground recreation. Although the proposed square footage of active area falls below the 50% threshold, the project is served by a combination of several existing and proposed amenities. Therefore, the Applicant is requesting a modification from the neighborhood parkland requirement by substituting this combination of amenities in the community for the remaining 3.35 acres of required dry ground recreational area.

**Fire and Rescue Station Site:** In accordance with Section 3.6 of the Development Rights and Responsibilities Agreement (DRRA), the Applicant is required to designate and convey to the County a minimum 3-acre, buildable site for a fire and rescue station in the Hamptons West, Hamptons East or Woodridge Section of the project. This site has been identified on the south side of Gas House Pike adjacent to the Hamptons West project, and all terms and conditions for the creation of the lot and its transfer to the County have been approved through an approved Memorandum of Understanding (MOU) between Frederick County and Oakdale Investments, LLC on June 13, 2016. Conveyance of the site Outlot (known as Outlot ‘A’ on the Hamptons West Outlot Plat, Hansen (#14816) shall be made in conformance with the MOU.

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Elementary School Site: In accordance with Section 3.4B of the Development Rights and Responsibilities Agreement (DRRA), the Applicant is required to provide land for an elementary school. The location for an elementary school has been identified in the southwest corner of Gas House Pike and the future Eaglehead Drive within Hamptons West. An MOU between the Applicant and the Frederick County Board of Education, dated August 27, 2014, specifies the school site and details the timing and conditions of conveyance of the 15-acre Outlot to the County. Conveyance of the site Outlot (known as Outlot ‘B’ on the Hamptons West Outlot Plat, Hansen (#16127) shall be made in conformance with the MOU.

NATURAL FEATURES--Findings

- **Land Requirements §1-16-217(B)**
  The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

- **General Development Standards §1-19-10.500.9(B) Natural features**
  Inssofar as practical, the landscape shall be preserved in its natural state by: Minimizing tree and soil removal or disturbance; Siting buildings to protect and enhance the relationship between the buildings and the natural terrain; Retaining existing tree lines, forested areas, and rock formations reducing visual impacts of development on surrounding properties, and rights-of-way; Establishing and preserving connectivity of and between natural features.

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

The project site has significant environmental resources, including steep and moderate slopes, over 130 acres of forestland, 4 stream systems, wetlands, and is adjacent to Lake Merle and Lake Linganore. Wet soils (Glenville—GoC) are present within 3 stream valleys and are depicted and noted on the Plan for regulatory compliance with §1-19-9.300 of the Zoning Ordinance and §1-16-72 of the Subdivision Regulations. The proposed development is adjacent to the existing Balmoral Village and will be integrated with the surrounding residential uses within the Linganore PUD through planned transportation networks.

The project complies with the Linganore Watershed Protection Area waterbody buffer provisions, which cover the majority of the steeply-sloped, forested stream valleys that drain directly to Lake Linganore, a secondary source of drinking water for the County. The stream and lake buffers, FEMA floodplain, flooding soils, and the majority of the wetlands and wet soils are located within planned forest conservation easement area. Wetlands not within the FRO easement areas have protective buffers, compliant with §1-19-9.110(B)(3). As previously described, wetlands near the historic farmstead are proposed to be filled for the planned alignment of Mandalong Way, but require approval from the Maryland Department of the Environment and applicable federal agencies. Some lots are proposed in or within 100 feet of wet soils and are subject to §1-19-9.300 and §1-16-72, as indicated on Plan Note No. 30.

- **Floodplain Developments §1-16-220**
The site contains flooding soils and a portion of FEMA floodplain adjacent to Lake Linganore and Linganore Creek. These elements are outside of all lot development areas and are targeted areas for forest conservation easements.
COMMON AREAS--Findings

□ Common Areas §1-19-3.300.4 (E)

If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.

The project proposes large areas indicated for open space. Four recreational areas are also provided within the proposed development and include tot-lots and other park amenities. Approximately 109 acres will remain undisturbed and comprises the largest open space/common area in the Project. Proposed open space/common areas will be owned and maintained by the Lake Linganore Association.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter 1-6A: Per DRRA Section 4.1, The Applicant is subject the MPDU ordinance and will pay a Payment-in-Lieu amount as required.

Stormwater Management – Chapter 1-15.2: A stormwater management concept plan was approved on February 2, 2015 (AP 15199). Stormwater Development and Improvement Plans must be approved prior to plat recordation.

APFO – Chapter 1-20: This Combined Preliminary/Final Site Plan is subject to the APFO requirements as specified in the July 11, 2013 APFO LOU for Eaglehead-on-the-Lakes PUD, valid through 2038.

1. Schools. This application proposes 406 dwelling units, which is less than the student generation intensity assumed in the 2013 LOU, where 450 dwelling units in Hamptons West was analyzed. Therefore, this Project does not increase the density of the original LOU and is exempt from further testing or mitigation.

2. Water/Sewer. The property has a current Water and Sewerage Plan classification of W-4/Dev., S-4/Dev. A Water and Sewerage Plan amendment for the W-3, S-3 categories is required and must be approved by Frederick County and the Maryland Department of the Environment. This process will occur after Combined Preliminary Plan/Site Plan approval by the Planning Commission.

3. Roads. As stated above, this application proposes 406 dwelling units, which is less than the road and student generation intensity assumed in the 2013 LOU, where 450 dwelling units in Hamptons West was analyzed. Therefore, this Project does not increase the previously determined intensity of the original LOU and is exempt from further testing or mitigation.

Forest Resource – Chapter 1-21:

The Applicant has submitted a Forest Stand Delineation and Preliminary Forest Conservation Plan. The property contains 137.20 acres of existing forest. The Applicant proposes to clear 66.59 acres of forest. The remaining 70.61 acres of forest will be placed under a perpetual forest conservation easement. No additional mitigation is required.

The site contains 70 specimen trees (trees that are 30 inches or greater in diameter). Per §1-21-40 of the FRO, nonhazardous specimen trees must be retained unless reasonable efforts have been made to
protect them, the plan cannot reasonably be altered, and the FCPC finds that that the requirements for granting a modification have been met.

Nine specimen trees are proposed to be removed. The removal of 7 of these trees has been approved at Staff level as they are deemed hazardous trees and therefore do not require a modification for their removal. The Applicant is seeking a modification of the FRO to permit the removal of 2 specimen trees that are not deemed hazardous.

<table>
<thead>
<tr>
<th>Tree ID #</th>
<th>Size and Species</th>
<th>Location</th>
<th>Condition</th>
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<tbody>
<tr>
<td>S14</td>
<td>32&quot; Red Oak</td>
<td>Mandalong Way, 250 ft south of Gas House Pike, Lot 186</td>
<td>Fair</td>
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<tr>
<td>S17</td>
<td>33.5: Tulip Poplar</td>
<td>Mandalong Way, 700 ft south of Gas House Pike, near Lot 179</td>
<td>Fair</td>
</tr>
</tbody>
</table>

The Applicant’s FRO Modification Request (Exhibit #3) discusses each tree, its condition, and why its removal is proposed.

- Tree S14 is in fair condition, though it has weak branch unions that could be prone to failure in the future. The Applicant states that the tree must be removed in order to construct Mandalong Way. The tree is 5 feet from the proposed edge of pavement. Mandalong Way will be constructed over an existing gravel driveway. This road would be difficult to relocate due to the intersection sight distance on Gas House Pike and challenging topography and adjoining environmental features on either side of the current alignment.
- Tree # S17 is in fair condition, though it has some possible signs of internal decay and a irregular branching structure. The Applicant states that the tree must be removed in order to construct Mandalong Way. The tree is 12 feet from the edge of the existing gravel drive, over which Mandalong Way is to be constructed. A climax forest consisting of 25 inch or greater Beech and Hickory trees, streams, and wetlands are situated to the east side of the proposed road, and ephemeral drainages would be impacted by shifting the road west.

§ 1-21-21. MODIFICATIONS.
(A) Modification requests. A person may submit a request to the Frederick County Planning Commission (FCPC) for a modification from this chapter or the requirements of Md. Code Ann., Natural Resources Article, §§ 5-1601 through 5-1612, if the person demonstrates that enforcement would result in unwarranted hardship to the person.
(B) Required information. An applicant for a modification shall:
1. Describe the special conditions peculiar to the property that would cause the unwarranted hardship;
2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;
3. Verify that the granting of the modification will not confer on the landowner a special privilege that would be denied to other applicants;
4. Verify that the modification request is not based on conditions or circumstances that are the result of actions by the applicant;
5. Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property; and
6. Verify that the granting of a modification will not adversely affect water quality.
(C) Modification approval. The FCPC must make a finding that the applicant has met the requirements in subsection (B) of this section and that enforcement would cause the applicant unwarranted hardship before the FCPC may approve any modification.

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In order for the FCPC to grant a modification to allow the removal of specimen trees, the FCPC must find;

- that reasonable efforts have been made to protect the specimen trees and that the plan cannot reasonably be altered (in accordance with § 1-21-40 (B)(1)), and;
- that the Applicant meets the six criteria outlined under §1-21-21 (B)

The Preliminary FRO plan must be approved prior to Preliminary Plan approval. A Final FRO plan must be submitted and approved and 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:** An historic farmstead (“Storm-Rippon” Farm) is present on the Hamptons West development site and is indicated for demolition. Another historic dwelling (“Lease”) is located on the site of the future fire and rescue station. Both the farmstead and its outbuildings and the “Lease” dwelling have been documented and inventoried per the 2013 PUD rezoning condition.

### Summary of Agency Comments

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

### RECOMMENDATION

If the Planning Commission approves the requested modifications including the FRO, the panhandle lots, and proposed cul-de-sacs, Staff has no objection to conditional approval of the Hamptons West Combined Preliminary Plan/Site Plan. The Preliminary Plan is valid for 5 years from the date of FCPC approval or the term of APFO approval, whichever is less. The Site Development Plan is valid for a period of 3 years from FCPC approval or the term of APFO approval, whichever is less. The APFO is valid until July 11, 2038. Therefore, the Preliminary Plan is valid until August 10, 2021 and the Site Development Plan is valid until August 10, 2019.
Based upon the findings and conclusions as presented in the Staff report the application meets or will meet all applicable zoning, subdivision, APFO and FRO requirements once the following modifications are approved and conditions met:

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

2. Planning Commission approval of the dimensional requirements as proposed by the Applicant on the Hamptons West Combined Preliminary Plan/Site Plan, and described on page 10 of the Staff report.

3. 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.

4. 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.

5. Planning Commission approval of the driveway spacing modification to allow 20 common residential driveways and one (1) private residential driveway on a Collector status roadway, per §1-16-240 of the Subdivision Regulations.

6. Planning Commission approval of the requested parking modification to allow a surplus of 272 parking spaces (providing 1179 where the target is 907).

7. Planning Commission approval of the request to allow the proposed combination of existing and proposed recreational amenities to satisfy the requirements of § 1-16-111 of the subdivision regulations.

8. No more than 30 lots shall be approved on Merle Court unless the construction of Whitmire Court to Merle Court is made.

9. The project is required to provide 51 MPDUs in accordance with the provisions of Chapter 1-6A of the Frederick County Code. Prior to final approval of the Hamptons West Combined Preliminary Plan/Site Plan, an MPDU agreement shall be executed.

10. Prior to final approval of the Hamptons West Combined Preliminary Plan/Site Plan, a wetlands and waterway permit from the Maryland Department of the Environment must be obtained for the wetland impacts caused by the construction of Mandalong Way.

11. All common driveways along Eaglehead Drive shall have a minimum of 12’ travelway width and must be constructed prior to lot recordation.

12. In accordance with § 1-16-109 of the Frederick County Subdivision Regulations, common driveways must be built prior to final plat recordation.

13. Prior to final signature approval of the Combined Preliminary/Site Development Plan, a note shall be added to the plan that the purchasers of the common driveway lots are responsible for maintaining the common driveway. Purchasers of these lots shall be notified of these responsibilities.

14. Prior to final signature approval of the Hamptons West Combined Preliminary/Site Plan, a lighting plan shall be submitted that demonstrates compliance with 1-19-6.500 of the Zoning
Ordinance including a maximum fixture height of 14 feet and that lighting is designed and will be installed to be fully shielded. A note shall be added to the plan that states, “Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky.”

15. In accordance with §§ 1-19-6.300 through 1-19-6.320 of the Frederick County Zoning Ordinance, the Applicant shall submit and receive approval for all necessary sign permits prior to erection of any signage for the project.

16. The dump site along Mandalong Way in the stream valley shall be completely cleared of all debris and rubbish, and disposed of properly, prior to the recordation of the first lot in Phase II of Hamptons West.

17. The construction of Open Space sites 1, 3, & 4, as depicted on sheet 22 of the Hamptons West Combined Preliminary/Site plan set shall be completed and open for use prior to issuance of the first residential permit in Phase 2 of the project.

18. 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.

19. 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, 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.

20. 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.
PLANNING COMMISSION ACTION

MOTION TO APPROVE #1  
(if panhandle lots are approved)

I move that the Planning Commission APPROVE the Hamptons West Combined Preliminary Subdivision Plan/Site Development Plan for 406 residential lots, including 2 panhandle lots, on a 200-acre site (Subdivision S-829/AP 14802) with modifications and conditions 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.

MOTION TO APPROVE #2  
(If panhandle lots are not approved)

I move that the Planning Commission APPROVE the Hamptons West Combined Preliminary Subdivision Plan/Site Development Plan for 404 residential lots, on a 200-acre site (Subdivision S-829/AP 14802) with modifications and conditions 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.
August 1, 2016

Mr. Tim Goodfellow, AICP
Frederick County Community Development Division
30 N. Market Street
Frederick, MD 21701

Re: Modification – Hamptons West
Project Number AP#14802
HSA Job No. 6097

Dear Tim:

As discussed during the review of the Phase 2 plan, we have provided a surplus of parking spaces when compared to the target requirements of the Frederick County Zoning Ordinance. Sheet 17 in the plan set further documents the parking requirements and the actual parking provided for the project. The project includes single family, garage townhome and non-garage townhome product. With the exception of the non-garage TH-2 townhome type, the other lots allow for both garage and surface parking on each lot. The TH-2 product, however, is a townhome product with no garages or driveway parking spaces on the lot. Parking for this product will be provided by the parking bays on the common open space areas. The 104 TH-2 units require 260 parking spaces, based on a 3 bedroom unit with 2.5 target spaces required per unit. To account for visitor spaces and those units that may have additional vehicles, 293 common ground parking spaces have been provided as shown on the plans.

For these reasons we are requesting Planning Commission approval of the 33 surplus of parking spaces over the Code target for this project. We look forward to discussing this with the Planning Commission at the hearing should there be any questions or concerns.

Sincerely,

[Signature]

Samuel Francis Zeller
Project Manager

cc: Jason Wiley

T:\6097-00WRA\CORRESPONDENCE\modification.timgoodfellow 08.01.16.docx
July 18, 2016

Mr. Tim Goodfellow
Frederick County Community Development Division
Comprehensive Planning
30 N. Market Street
Frederick, MD 21701

Re: Hamptons West – AP#14802 Modifications

Dear Tim,

Several modifications are requested as part of the Planning Commission’s approval of the Hamptons West Plan. This letter will outline the modifications necessary and the basis for the requests.

PANHANDLES:

Per section 1-16-219(C)(2) of the Subdivision Regulations, Planning Commission modification approval of two panhandle lots is requested. The panhandles are lots 215 & 216 located off Hook Court. Several unique spatial relationships within the property justify the approval of these panhandles. Lots 215 & 216 will be accessed by a 16’ wide common drive in a 20’ common access easement. The sites natural hill and valley topography permit the placement of these lots that will overlook a steeply sloped, heavily forested valley while still fronting an open space area. As designed these lots are in keeping with the natural environment and serene setting of many of the lots in the Lake Linganore PUD. The resulting design sites the houses on the higher ground with a walk out basement towards the valley. Rather than fighting the natural setting and greatly impacting this stream valley with the extension of the cul-de-sac, the use of the common driveway and panhandles results in significantly less environmental damage. Even if sufficient space were to exist the additional impervious blacktop and future maintenance necessary for either a new or extended cul-de-sac is not justifiable based on environmental impacts or from the Lake Linganore Associations fiscal responsibility.

OPEN SECTION ROADWAYS:

As is typical within the Lake Linganore PUD and the adjacent Balmoral Ridge section to which this subdivision connects, open section roads are proposed in the majority of Hamptons West. However, closed section roadways are proposed for the townhouse roads and Eaglehead Drive adjacent to the future school site. Eaglehead Drive from Gas House Pike to Balmoral Ridge is proposed as a public road. The Lake Linganore Association Road Standards notes that the preferred standard roadway cross section shall be an open section design with turf shoulders. In addition these are private roads maintained by the Lake Linganore Association. Given that open section roadways are a standard established in the balance of the Linganore PUD and the recent 2007 environmental site design to the maximum extent practicable storm water design standards that encourage open section road design in conjunction with adjacent grass shoulders that provide storm water management, Planning Commission approval of the open section roadways is requested.
SIDEWALKS:

Section 1-16-109(3)(b) notes that sidewalks shall ordinarily be provided on both sides of the streets. As is typical in the Lake Linganore community pedestrian access is provided by an extensive trail system and there are very few sections that have traditional sidewalks parallel to the roads. As shown on the preliminary plan a trail system is proposed that links the proposed lots to the existing trail system within Lake Linganore, the school site and other site features. It should be noted that sidewalks are proposed on both sides of the roads for the townhouse section, both sides of Eaglehead Drive and one side of Mandalong Way. The remaining courts do not have sidewalks. Planning Commission approval of this sidewalk placement is requested.

CUL-DE-SACS:

As is typical of all subdivisions, Planning Commission approval of the cul-de-sacs as shown on the plans is requested. The sites varied topography, with areas of flatter ground separated by areas of very steep slopes results in the use of cul-de-sacs for best access while minimizing site disturbance. The resulting grades precludes the interconnection of these roadways with the existing or proposed road network.

COMMON DRIVEWAYS EAGLEHEAD DRIVE:

Eaglehead Drive is a collector roadway on the Comprehensive Plan and the County Design Guidelines state that individual driveways are not recommended for this roadway classification. To reduce the number of driveways into Eaglehead Drive, one single driveway and 20 common driveways are proposed for the 41 lots that access directly to this road. Planning Commission approval of the driveway spacing as shown on the plan is requested.

PARKLAND:

Section 1.16.11 of the Subdivision Regulations requires 6.77 acres of parkland for Hampton West with 50% or 3.39 acres suitable for dry ground recreation use. As shown on the plan approximately 55% of the total site area or approximately 110 acres will be set aside as open space. As shown on the Amenities Plan there are 5 formal pocket parks within this proposed subdivision. These include the beach area on the north end of Lake Merle, a picnic area at Clovis Court, a community event space at Bodkin Way, a tot lot/play area near Brewerton Lane and a community focal space along Eaglehead and Saponi Drives. In addition, a 15 acre elementary school site will provide additional open space areas with its play fields and playground systems. Lastly, in addition to these elements there are the surrounding amenities of the Lake Linganore PUD with its other lakes, trails systems, beaches, pool, clubhouse etc. Planning Commission approval of the open space/parkland areas as shown on the plan is requested.

Sincerely,

Samuel F. Zeller
Project Manager

cc: Jason Wiley
LOT DISTRIBUTION LEGEND:
LOT COUNT:
COLOR KEY:
KEY DESIGNATION:

189 UNITS
TH - TOWNHOMES
217 UNITS
SF-1 SINGLE FAMILY HOMES
406 TOTAL UNITS
INSTITUTIONAL (FIRE STATION, SCHOOL)
FOREST
WATER

PROPOSED LAYOUT
HAMPTONS
LAKE LINGANORE PUD
May 12, 2016

Mr. Mike Wilkins,
Frederick County Community Development Division
Environmental Principal Planner
30 N. Market Street
Frederick, MD 21701

Re: Hamptons West – AP#14804
Request for FRO Modification – Specimen Tree Modification

Dear Mr. Wilkins:

On behalf of the owner / developer, Oakdale Investments, LLC, we are requesting a Modification from the provisions of § 1-21-40(B)(1)(e) of the Frederick County Code also known as the Forest Resource Ordinance (FRO) of Frederick County, to allow for the disturbance of trees in priority areas which include nonhazardous trees that, are specimen trees.

The owner is seeking a modification to permit the removal of two (2) non-hazardous specimen trees on their property to accommodate the proposed improvements for the Hamptons West subdivision.

Pursuant to §§5-1611 of the Natural Resources Article of the Maryland Annotated Code and §1-21-21 of the Frederick County Code, we respectfully submit this request for a Modification from Chapter 1-21 and provide the following justification explaining the special features, site circumstances or other information that demonstrates that enforcement of the Code would result in an unwarranted hardship to the Applicant.

This Modification Request accompanies the submission of a Combined Preliminary / Final Site Plan that proposes a 15 acre Elementary School, 3 acre Fire Station, 406 residential units, associated road network and open space parcels on a 200.55 acres site located on the south side of Gas House Pike west of Linganore Creek. A Preliminary Forest Conservation plan has also been prepared for the site that reflects a total of 70 specimen trees and approximately 21 acres of surplus forest retention.

Outlined below is an explanation of the proposed disturbance to the two trees

- Tree S-14 is a 32” Red Oak noted as Fair condition, forks at 20’ and west fork is dead / dying. This tree is located approximately 250’ from Gas House Pike and is on the immediate west edge of the existing dirt and gravel lane that extends into the Hamptons West site. In the past this lane provided access to several now vacant dwellings. This tree exhibits a weak V shaped codominant stem branching and many dead branches. There is a side bulge or ridge of included bark below the fork which is indicative of a weak union and the trees attempt to stabilize it. Weak branch unions of codominant trees are more susceptible to failure in wind and ice storms.

Given the curving hilly condition of Gas House Pike sight distance considerations establishes a fixed location for proposed Mandalong Way. This location happens to coincide with the existing
dirt gravel driveway location. As designed Mandalong Way follows this original cleared gravel driveway to the south where it crosses over a drainage way and associated waterbody buffer. This driveway and the alignment of Mandalong Way is ideally sited to follow the only natural terrace into and through this southeastern portion of the site. The 50’ to 70’ of vertical separation between Mandalong Way and Bockin Way results in the road network as proposed. This existing driveway defines the boundary between an ephemeral shallow drainage way on the west and a deeply incised and rapidly falling intermittent stream valley with wetland areas on the east side. This driveway also defines the edge of two forest types: a younger successional forest to west and older climax forest to east. The existing driveway crossing of this drainage establishes another fixed point for the Mandalong road alignment. The road alignment is further defined by a large existing rock outcrop east of Mandalong and the natural ephemeral drainage way west of Mandalong, both limit the ability to shift this road. Lastly, the vertical profile of Mandalong will be established by the need to achieve required sight distances on Gas House Pike and may have to be further raised from the existing driveway elevations based on the new pavement edges of widened Gas House Pike and the final geometry of the intersection improvements.

Given these constraints the resulting Mandalong Way pavement edge is approximately 5’ from the center of this tree and the tree falls within the ROW of the proposed road.

- Tree S-17 is a 33.5’ Tulip Poplar noted as Fair Condition. This tree is also located approximately 700’ from Gas House Pike and is adjacent to the existing dirt and gravel lane that extends into the site. This tree is located approximately 12’ west of the gravel driveway at the drainage way crossing. Tulip poplar is a common successional fast growing tree. The tree exhibits an asymmetrical branching pattern with the majority of the weight on the south side. This is a very tall slender tree with a profuse number of bulges on the side of the tree from top to bottom. Bulges are typically indicative of decay and it is likely that each bulge was a former branch that died off and left a direct opening for decay and insect entry into the trunk.

Although there are no units proposed nearby proposed fill associated with the Mandalong Way road grading does impact a portion of this tree’s critical root zone. This impact is on the same side where the existing gravel driveway is located. This original driveway much like its intersection with Gas House Pike crosses the drainage way at an ideal point. Downstream of the crossing an actual stream and associated wetlands deeply incises a valley with very steep side slopes. To shift the road to the east to save S-17 would result in the filing of the stream, wetland and result in impacting a greater area of existing forest and many near specimen sized trees located on the steeping valley slope. The resulting impacted trees are more valuable ecologically species typical of climax forest conditions and include a 29” and 25 ½” Beech & 26” Hickory, trees which produce a lot of mast nut crop for wildlife. Conversely, to shift the road west would impact the ephemeral drainage way.

Pursuant to § 1-21-21 of the Frederick County Code, a written request may be submitted to the Frederick County Planning Commission (FCPC) to request a modification from the Chapter or any regulation adopted under it if it is demonstrated that enforcement would result in unwarranted hardship to the person. Under § 1-21-21(B) Required Information, states that an applicant for a modification must:
1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship;

   The proposed removal of the two (2) specimen trees is the minimum necessary to implement the proposed Plans.

   As outlined earlier a number of constraints/conditions peculiar to the Subject Property affect the proposed road layout and which, enforcement of the Chapter would result in an unwarranted hardship. The limited intersection locations due to sight distance on Gas House Pike and the existing driveway crossing of the drainage way create fixed points to extend the road network into the site and result in the modification request for the removal of the specimen trees cited.

   Due to these conditions, if the request for the removal of these trees is denied, it would cause an unwarranted hardship to the applicant due to the significant loss of lots and otherwise developable land should the tree removal not be permitted.

2. Describe how enforcement of these rules will deprive the landowner of rights commonly enjoyed by others in similar areas;

   The preservation of these two (2) specimen trees would preclude the implementation of locating Mandalong Way on the existing gravel driveway and achieving required intersection sight distance at Gas House Pike and minimization of waterbody / wetland impacts. If the request is not granted, it will deprive the landowner of rights commonly enjoyed by others that develop similar properties without the special conditions unique to this site.

3. Verify that the granting of the modification will not confer on the landowner a special privilege that would be denied to other applicants;

   The Planning Commission has previously granted requests for specimen tree removal, therefore this will not give the applicant special privilege in a situation that would be denied to other applicants.

4. Verify that the modification request is not based on conditions or circumstances that are the result of actions by the applicant;

   The modification requests are not based on conditions or circumstances that are the result of the applicant but rather a result of existing conditions on the site. As the trees are located in close proximity to the existing gravel road which is the ideal location to build the new road to provide access. The applicant continues to adhere to the requirements of the Frederick County Subdivision and Zoning Ordinances in the development of this plan.

5. Verify that the request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property;

   The request for the removal of these two (2) specimen trees is based on special conditions unique to this property and is not based on conditions relating to buildings or land uses on any neighboring properties.

6. Verify that the granting of a modification will not adversely affect water quality.
The project is subject to the Frederick County Stormwater Management Ordinance and Sediment Erosion Control Ordinance which both are in accordance with State regulations. The removal or two (2) specimen trees included in this request will not result in measurable degradation to water quality. However, should Mandalong Way be relocated further east or west to save the two specimen trees a greater waterbody buffer and ephemeral drainage way impact results, which would adversely impact water quality.

Thank you for your consideration of this modification request. We believe that the supporting information presented in this letter provides adequate justification for the approval of the requested modification to remove Two (2) nonhazardous specimen trees. Please feel free to contact me at 301-662-4488 ext. 122 if you have any questions.

Sincerely,

Samuel Francis. Zeller, PLA.
Harris Smariga & Associates

CC: Jason Wiley Oakdale Investments, LLC
EX GRAVEL DRIVEWAY