FREDERICK COUNTY PLANNING COMMISSION
April 12, 2017

TITLE: Landon House Complex
(Kiddie Academy Revision)

FILE NUMBER: SP-98-29 (AP# 16772, FRO# 16773,
APFO# 16774, SWM# 13838)

REQUEST: Site Development Plan Approval
The Applicant is requesting Site Development Plan
approval for a revision to a previously approved mixed
use Village Center project to expand the footprint of
Building C from 4,472 square feet to 5,845 square feet to
accommodate a change of use from Medical/Office to
Child Care Center located on a 5.7-acre site in Urbana.

PROJECT INFORMATION:
ADDRESS/LOCATION: Located on the north side of Urbana Pike at its junction
with MD 80, across from the site of the former Cracked
Claw/Peter Pan Inn, south and west of Worthington
Boulevard in Urbana

TAX MAP/PARCEL: TM 96; Parcel 38
COMP. PLAN: Village Center (VC)
ZONING: Village Center (VC)
PLANNING REGION: Urbana
WATER/SEWER: W-3; S-3

APPLICANT/REPRESENTATIVES:
APPLICANT: PCR Ventures, LLC
OWNER: - same -
ENGINEER: Terra Solutions Engineering, LLC
ARCHITECT: CMW Group, Inc.
ATTORNEY: N/A

STAFF: Denis Superczynski

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
EXHIBIT 1 & 2- Site Rencerings
EXHIBIT 3- Architectural Renderings
EXHIBIT 4- Building Height Comparison
EXHIBIT 5 - Parking Modification Request
EXHIBIT 6 - APFO LOU
STAFF REPORT

Development Request

The Applicant is requesting Site Development Plan approval for a revised mixed use project to expand the footprint of Bldg C from 4,472 to 5,845 to accommodate a change of use from Medical/Office to a Child Care Center on a 5.7 acre Site. The previously approved uses include:

- The main house which is being adaptively reused as a restaurant (cellar and first level), offices (second level), and two apartment units (third "attic" level). The previously approved plan included a 5,161 s.f. addition for use as a banquet hall in association with the restaurant (total footprint: 9,982 s.f.). This portion of the plan remains unchanged.
- Total Landon House building (w/additions) to include gross floor area (gfa) 20,147 s.f.
- One, 2-story building for medical/office (7,300 gfa; building footprint – 4,472 s.f.) this portion of the plan remains unchanged.
- One 2-story building for retail/general office (7,300 gfa; building footprint – 4,472 s.f.). This portion of the plan remains unchanged.
- One single-story building for retail (3,000 gfa). This portion of the plan remains unchanged.
- One, 2-story building for child care facility (11,690 gfa; building footprint – 5,845 s.f.) where medical/office was previously proposed.

The primary proposed use is being reviewed as: child care center/nursery school under Institutional per §1-19-5.310 Use Table in the Zoning Ordinance. The proposed use is a principal permitted uses in the VC Zoning District subject to Site Development Plan approval.

Additionally, this Site Development Plan proposal is being reviewed under the Mixed Uses provision of §1-19-7.500(B)(4) of the Zoning Ordinance which permits multiple principal structures on a single lot with a finding from the Planning Commission that the listed criteria of that section have been met.

As required by Zoning Ordinance §1-19-7.500(D), Site Development Plan proposals in the VC Zoning District are required to submit plans to the Planning Commission (or its representative) for Concept Site Development Plan Approval prior to Site Development Plan approval. As permitted by section 1-19-7.500(D) of the Zoning Ordinance, the Concept Plan for this revised project was approved by Development Review staff on March 3, 2017.

BACKGROUND

Recent Development History

The Concept Plan for this revised project – accommodating an enlarged Building C for the use of a child care center - was approved on March 3, 2017 with the following conditions, some of which carry over from the 2014 Site Development Plan approval by the FCPC:

1) Applicant will work with Staff to amend the design of Building E to more closely adopt the form and profile of a traditional carriage house utilizing a standard traditional roof (no flat roof on this structure).

2) The Applicant shall provide additional architectural articulation of the three proposed buildings (Buildings A, B, and C) to reduce the impact of extended, undifferentiated building facades. Furthermore, the Applicant shall submit architectural renderings for review by Staff of Buildings A and B, prior to the issuance of Final Site Plan approval in order to demonstrate that the appearance

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of these two structures is in keeping with the original Concept Plan approval by the Planning Commission on February 12, 2014.

3) The reconstructed stone chapel shall be sited as far to the west as possible to diminish the visual impact of this newly added structure along the front of the property.

4) The Applicant shall demonstrate that all possible safeguards are in place to protect the three specimen trees planned for retention on the site both during and after construction of the project.

Existing Site Characteristics:
The Site is currently occupied by a single structure known as the Landon House. The entirety of the Site is listed on the National Register of Historic Places (NR) (#F-7-3, Stancioff Property) for both its architectural character and for its association with events during the Civil War. All previously existing outbuildings have been demolished or disassembled during the past three years in preparation for renovation of the main structure which dates from the early 19th Century. Based on the best evidence available, the Landon House is thought to have been constructed or re-constructed utilizing materials or components from an earlier structure, possibly an industrial building. Extensive reconstruction of the structure, foundation, and exterior of the main building by the current owner was substantially completed.
in 2015. Clearing of dead and damaged vegetation, as well as significant site work in the vicinity of the planned rear addition permitted under the previously approved Type 2 Site Development Plan (AP 14362), constitutes the most significant alteration of the NR Site since its listing in April 1975. The recent site work has increased the visibility of, and from, the Site and has reinforced the visual prominence of the property within the context of both older and newer Urbana.

The Applicant’s Site sits atop an elevated rise which causes the house, and the proposed new buildings on the Site, to assume a dominant position in the Urbana landscape, particularly when viewed from the north and east.

Current vehicular access to the Site is confined to the existing driveway entrance onto Urbana Pike. The original driveway entrance to Urbana Pike has been closed off. A future vehicular access point from Welmar Drive on the eastern side of the site will be constructed as part of the approved plan.

The Site is surrounded by a variety of existing and planned land uses. Along its western boundary, townhouses have been constructed as part of the continuing development of the Villages of Urbana (Section M-1F). A renovated historic structure (Cockey House) situated west of the service entrance to the Landon property is currently used as offices. The southern tip of the Site faces the junction of MD 80 and Urbana Pike. A McDonald’s restaurant is located directly across from the service drive on the south side of Urbana Pike. Along the southeastern boundary of the Landon Site - across MD 80 – is the former Cracked Claw/Peter Pan Inn site which is currently in the final phase of an extensive redevelopment as a small retail commercial center. On its northeastern and northern boundaries, the Landon House Site adjoins a planned commercial/office center (Urbana Commons) with which the Landon Site will share vehicular access via Welmar Drive connecting Worthington Boulevard and MD 80. Frederick Memorial Hospital currently operates medical offices in a facility immediately north of the Landon Site. A Royal Farms convenience store is currently situated adjacent to the Landon House, with an auto parts store, and dental office currently under construction in close proximity.

The Urban Green project – a multi-building apartment community – is nearing completion and includes 352 residential units as well as commercial retail and office space situated directly on Urbana Pike facing the Landon House site.
ANALYSIS

Summary of Development Standards Findings and Conclusions

Form and Layout
The revised proposal for the Landon House Complex remains fundamentally unchanged from its prior form, being comprised of five (5) primary structures – (four proposed buildings and one existing building) proposed to contain 49,437 s. qfe of retail, medical office, general office, restaurant, child care facility, and residential land uses. The proposed development consists of the following: a 2-story building for use as a Kiddie Academy private child care facility.

A previously approved service drive – shaped roughly like an upside down fish hook – will provide internal site circulation and provide access to most of the parking planned for the property. This internal circulation drive will connect with the shared drive at the northeast corner of the Site and will allow traffic to enter the Site from Worthington Boulevard (MD 355) and from MD 80, across from the former Cracked Claw/Peter Pan Inn property.

The original loop drive would remain – providing service to the front of the Landon House as well as an additional 35 parking spaces and a loading space. This historic drive would remain unpaved and allow the front yard of the historic home to remain relatively free of new construction and modern visual intrusions. The primary loading space is located behind the main building (northeast corner) and is situated to provide the most convenient and least disruptive (operationally) point for deliveries and service calls to the restaurant and banquet hall facility.
The previously approved structures planned for construction on the Site – as well as the banquet hall addition to the historic home - have been scaled to minimize the visual competition with the main house. Application materials illustrating the architectural treatment of all new construction and reconstruction on the property were submitted to Staff for review of compliance with the design standards of the Village Center zoning district. The revised architecture, increased footprint, addition of play yards in lieu of a third parking bay, and change of use to the Kiddie Academy building drove the need for a revised Concept Plan and reflect the only substantial visual changes to the existing approved site plan. The increase in the size of the building footprint for Building C – from 4,472 s.f. to 5,845 s.f. – does little to alter the fundamental relationship between this proposed structure and the main house. Although the building shifts forward on the site approximately 75 feet, the new structure would remain well behind the front face of the Landon House. The revised design of this structure continues to result in a supporting role for Building C when compared to the more prominent Landon House, with a finished height well below that of the main house and a placement on the site behind and to the side of the building that is the primary focal point of the complex.

Mixed use development is encouraged in the VC district through the allowance of a mixture of land uses within a structure or within a site. Multiple principal structures and uses on a single lot, as proposed by the Applicant, are permitted in the VC district when approved by the Planning Commission via the Type I Site Plan Review process (Sect. 1-19-3.300 through 1-19-3.300.4). The Applicant received Concept Site Plan approval for the revised Subject Site reflecting approval of the mixed use/multiple structures nature of the complex.
Development Density
The Site Development Plan proposed project density is as follows:

Residential Density Proposed in Concept Plan - 2 DU$s or 0.35 DU$s/acre
Maximum Residential Density (in growth area) - 5 DU$s/acre

Non-residential density in the VC district is not limited explicitly other than by practical site, circulation, design, dimensional regulations, and infrastructure constraints. The residential density remains unchanged with the proposed plan amendments.

Parking and Access
In accordance with requirements for multiple principal uses/structures on a single lot within the VC district, the proposed development utilizes a shared parking concept to serve the mix of uses envisioned for the Site. Parking has been located to the side or rear of buildings where possible – and diminished in scale and depth - in an attempt to maintain a more pleasant pedestrian environment along the internal drive.

Most of the surface parking spaces are physically located in areas that allow for easy and convenient sharing between uses. Furthermore, the likely staggering of peak times and days between the medical offices, restaurant, banquet hall (predominantly utilized on weekends), retail, child care facility, and residential uses will likely result in a parking plan more than adequate to meet the needs of the Site as planned, even with the proposed deficit of 38 spaces for which the Applicant has submitted a parking modification request (see Exhibit 5). The previously approved parking modification from the 2014 site plan approval indicated a parking deficit of 7 spaces with the understanding that the staggered periods of highest usage by the assortment of approved uses on the site would create an opportunity for shared parking across the property. A prominent example would be the relative lack of overlap between the day care facility (early AM – 5:30 pm) and the retail/restaurant uses which will not see significant parking demand until later in the morning, or perhaps the lunchtime hours. It is also notable that the child care facility (173 students, 24 staff) requires 53 spaces though the likely impact on parking will be brief during the drop-off and pick-up hours for the school. The special events activities are limited to evenings and weekends only and will thus significantly limit any noticeably acute parking impacts on the overall site. For these reasons, Staff is satisfied that the parking spaces provided by the Applicant are adequate to serve this multi-use site, and is supportive of the parking space modification request submitted by the Applicant.

The site will have two driveways / access points: Urbana Pike and Welmar Drive. One driveway will access Urbana Pike, a County road, and will operate as a right-in / right-out driveway with left turns restricted though channelization and a raised median on Urbana Pike. The second site driveway will allow full access to Welmar Drive, a private circulation road connecting Worthington Drive and MD 80.

Parks and Green Space
In addition to the large open space areas along, and within, the loop drive which occupy approximately 25% of the Site, a few smaller green areas are distributed around the Site and are illustrated on the Site Development Plan. The Zoning Ordinance in Sect. 1-19-7.500 (B)(4)(c) requires 726 s.f. of common plaza/green area per 2,000 s.f. of gross floor area. The project will have a total of approximately 49,437 s.f. of floor area, which would require 17,945 s.f. of open space. The Site Plan proposes just under 2.5 acres (approximately 107,000 s.f.) of open space and common plaza area, including two active play areas for the use of the Kiddie Academy facility.

Public Facilities
Public water and sewer service has been extended to this site by the Applicant. The Site – situated in a Community Growth Area - is currently classified S-3/W-3 in the County’s Water and Sewer Plan.

**Detailed Analysis of Development Standards**

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

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

**Findings/Conclusions**

1. **Dimensional Requirements/Bulk Standards §1-19-5.100:** Per §1-19-7.500(B)(3), the VC district provides for the establishment of dimensional standards on a site-by-site basis, using adjoining and facing buildings as a guide. In this revised Site Plan, Building C (Kiddie Academy) is located approximately 2 feet closer to the side yard BRL, but will remain 10.5 feet from the property boundary and in compliance with the previously established setback of 10 feet.

2. **Signage §1-19-6.300:** Signage will comply with Zoning Ordinance Sections 1-19-6.300 through 1-19-6.320. The total amount of building façade for the purpose of calculating the allowable signage has increased slightly in this revised Site Plan to 633 linear feet. This would result in an allowance of 251 s.f. for the entire site, with a free-standing sign limited to 25 feet in height.

3. **Landscaping §1-19-6.400:** The Applicant has proposed a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400. The Applicant is providing 22 street trees in this Site Development Plan in addition to the maintenance of some two dozen existing small trees along this same street frontage. This remains unchanged from the previous approved Site Plan.

   Vegetative screening of parking areas is provided on all sides of the Site and meets the standards of Section 1-19-6.400(C). The Burning Bush plantings from the previously approved plan have been replaced with non-invasive species in this application.

4. **Lighting §1-19-6.500:** The Applicant had previously proposed the installation of (33) 12 ft. tall, traditional pole lamps utilizing two type/styles of fixture. The Applicant must prepare and submit an amended photometric plan demonstrating that the revised lighting plan does not cast illumination exceeding 0.5 footcandles at the property boundaries.

**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.

**Findings/Conclusions**

1. **Access/Circulation:** The Applicant proposes to provide two access points to the Site including the existing Urbana Pike entrance as well as the proposed connecting drive providing access to Welmar Drive, the shared driveway to the east of the site. Welmar Drive will permit visitors to

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access the Landon House complex from MD 355, a major arterial, and MD 80, a minor arterial. The proposed entrances meet sight distance requirements and have been approved by Development Review Engineering and SHA Staff. Additionally, FCPS staff has provided input regarding school bus circulation within the site in order to maintain the option for student pick-ups and drop-offs. A turning template for school buses has been provided on Sheet 3 of the application. The school bus turning radius templates on the plan should be modified to indicate that "clockwise" bus circulation can be achieved as discussed during review of the Application.

2. **Connectivity §1-19-6.220 (F):** In addition to the multiple road interconnections proposed in the approved Site Development Plan, a future local alleyway or other low speed vehicular connection is reserved at a point south of Building A providing a link to the adjacent site (Cockey House) west of the Subject Site. Vehicular interconnectivity is maximized on the proposed Site Development Plan without sacrificing the older loop driveway associated with the historic house.

3. **Public Transit:** This site is not served directly by local or regional transit services, however the right-of-way for the planned I-270 transitway is secured along the Worthington Boulevard corridor and would provide proximate service to the Site if and when such a facility were ever built.

4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** Pursuant to §1-19-6.220 of the Zoning Ordinance, parking space requirements for this project are detailed on the Site Development Plan in tabular form.

This mixed use project utilizes the following parking space requirements based on the defined areas of use:

<table>
<thead>
<tr>
<th>Area</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail/Office</td>
<td>1 space per 300 s.f.</td>
</tr>
<tr>
<td>Medical Office</td>
<td>1 space per 200 s.f.</td>
</tr>
<tr>
<td>Assembly</td>
<td>1 space per 5 seats (at 15 s.f. per occupant)</td>
</tr>
<tr>
<td>Restaurant</td>
<td>1 space per 50 s.f.</td>
</tr>
<tr>
<td>Residential</td>
<td>1 space per unit plus 0.5 spaces per bedroom</td>
</tr>
<tr>
<td>Child Care</td>
<td>1.5 spaces per staff person; 1 space per student</td>
</tr>
</tbody>
</table>

The parking plan for the project is detailed on the Site Development Plan but can be summarized, by location on the Site, as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bldgs A, B, and C</td>
<td>98</td>
</tr>
<tr>
<td>Landon House (rear)</td>
<td>30</td>
</tr>
<tr>
<td>Original Loop Drive</td>
<td>35</td>
</tr>
<tr>
<td>Bldg E</td>
<td>41</td>
</tr>
<tr>
<td><strong>TOTAL PROPOSED</strong></td>
<td><strong>204</strong></td>
</tr>
<tr>
<td><strong>TOTAL REQUIRED</strong></td>
<td><strong>242</strong></td>
</tr>
</tbody>
</table>

The proposed parking space allotment falls 38 spaces short of the target number for this particular mix of uses after incorporating the change in use for Building C. The approved Site Plan maintained a deficit of 7 spaces and a parking modification request was granted by the Planning Commission in 2014. In accordance with Zoning Ordinance Section 1-19-6.220.A.1, the Applicant is requesting a parking space modification from the target number of spaces. The Zoning Ordinance §1-19-6.240 allows for shared parking and it appears that the number of spaces provided – and the distribution of those parking areas – is sufficient for the existing and proposed uses. The Applicant worked with Staff to achieve protection of the Critical Root Zone of the specimen trees and to reduce the overall amount of impervious surface on the site by eliminating as many parking spaces as was feasible in this project. The proposed mix of uses on the Site (medical, office, restaurant, retail, residential, child care facility, and special events) will not likely result in peak parking demand overwhelming.
the parking area supply as the uses do not share extensively overlapping hours of operation. Staff has no objection to the requested parking space modification.

**Loading §1-19-6.210:** No changes to the loading space requirement is proposed and the number of spaces provided will remain the same in this revised Site Plan application.

5. **Bicycle Parking §1-19-6.220 (H):** The Zoning Ordinance requires 1 bicycle rack for each 20 auto parking spaces for commercial uses. Therefore, the Applicant is required to provide 11 bicycle racks (2 bicycles per rack, or 22 bicycle parking spaces). The Applicant is proposing 5 bicycle rack locations (165 s.f. each) which complies with the code requirement if each location is noted to accommodate a sufficient number of racks. Each location shall contain parking for a minimum of four (4) bicycles with an additional rack needed at one of the locations in order to reach the minimum requirement of 22 spaces. The rack areas shown are generally sufficient to contain the required number of racks, but the Applicant must demonstrate that there are sufficient bicycle parking spaces provided on-site.

6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant has proposed sidewalks or provided for safe pedestrian access throughout the Site. The Applicant has also proposed pedestrian connections to the adjacent Royal Farms site in the vicinity of Building E. However, it is unclear that a safe paved pedestrian pathway is provided as part of Phase I from Bldg C to Urbana Pike. Based on the proposed use of a Child Care Center, the Applicant shall demonstrate the provision of this improvement as part of Phase I.

**Conditions:**

- Provide a total of (11) bicycle racks in compliance with §1-19-6.220 (H).

- Planning Commission approval of the requested parking space modification in accordance with Z.O. Section 1-19-6.220.A for (38) parking spaces below the target number.

- Applicant provision of a safe paved pedestrian pathway from Building C to Urbana Pike as part of the Phase I improvements.

**Public Utilities §1-19-3.300.4 (C):** Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.

**Findings/Conclusions**

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-3, S-3. The entire site will be served with water coming from New Design WTP and sewer flowing into the Ballenger McKinney WWTP. Public sewer and water facilities are currently adequate to serve the project.

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

1. **Topography:** The portion of the Landon House site slated for the construction of new structures is relatively flat. The Site does slope down toward the Urbana Common site (Royal Farms/FMH Clinic) and the proposed plan incorporates the previous regrading of this eastern edge of the property to accommodate the construction of Welmar Drive. Generally, the proposed Site Development Plan will not significantly alter the existing topography of the property other than what is to be expected during construction. Where site grading activities will result in potential impact to specimen trees, the Applicant will be required to undertake proactive efforts to prevent damage to these trees.

2. **Vegetation:** The Applicant is proposing a landscape plan in accordance with Zoning Ordinance Section 1-19-6.401. A combination of existing trees and shrubs will be combined with extonsice new plantings to provide for compliance with landscaping requirements. Five (5) specimen trees are being retained on the Site and significant care has been taken in the design and layout of the project to minimize the impact on these trees.

3. **Natural Hazards:** Based on available mapping, no wetlands or FEMA floodplain are located on the site.

*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.

Findings/Conclusions

1. **Proposed Common Area:** The Zoning Ordinance in Sect. 1-19-7.500 (B)(4)(c) requires 728 s.f. of common plaza/green area per 2,000 s.f. of gross floor area. The project will have a total of approximately 49,437 s.f. of floor area, which would require 17,945 s.f. of open space. The revised Site Plan proposes just under 2.5 acres (approximately 107,000 s.f.) of open space and common plaza area, including two active play areas for use by the Kiddie Academy child care facility.

**Concept Plan Approval** for VC projects is required as provided in §1-19-7.500(D) Procedures – concept of the Frederick County Zoning Ordinance.

**Site Development §1-19-7.500:** All new development within the Village Center Zoning district shall incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance; The Planning Commission shall consider these standards in its review of all development within the Village Center Zoning District.

**Site Development and Layout §1-19-7.500(C)(3)**

- **C.3.(a)/C.3.(b) - Building Orientation/Multiple Uses:** New structures proposed for the site are designed to be visually subservient to the main building and do not generally face the public street. The redesign of the Kiddie Academy structure – Building C – continues this approach, even with the slightly enlarged footprint and modest increase in building height employed in the new architectural design.

- **C.3.(l) - Storage and Operations/Refuse and Recycling:** Commercial activity proposed for the Site must demonstrate detailed compliance with this item. The dumpster enclosures proposed are designed to provide full screening of the trash/recycling receptacles

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o **C.3.(c) - Service and Utility Facades:** The visibility of rear building facades is minimized through careful arrangement of the mixed use structures along existing lines of vegetation. The Kiddie Academy building continues this pattern along the western edge of the property that adjoins residential development in the Villages of Urbana.

o **C.3.(g)/C.3.(h) - Sidewalks/Street Interconnectivity:** Pedestrian facilities in this Plan are illustrated as primary elements and organizing features in the laying out of the Site while maintaining practical access for vehicles on the property. Furthermore, the Plan illustrates several interconnection points to adjoining properties both for pedestrian and vehicular access. The Applicant must make provisions to accommodate pedestrian access between Building C and Urbana Pike prior to the development of Buildings A and B. This may require installation of a temporary sidewalk surface until a later project Phase permits construction of the ultimate sidewalk network on the Site.

o **C.3.(f) – Shared Parking:** The design and layout of the structures and uses on the Site demands the use of a shared parking regime. In order to maintain the primacy of the historic Landon House, its front landscape, and the traditional gravel drive, the Applicant has skillfully arranged new development in such a way as to maximize the shared parking and circulation infrastructure planned for the property.

**Building Massing and Bulk §1-19-7.500(C)(4)**

o **C.4.(a)/C.4.(b) – Form/Height:** With no community or corridor plan in effect for the Urbana community, building massing and bulk is limited only by the underlying zoning regulations. The primary goal of Staff throughout the review process has been to protect the character of the Landon House by ensuring that any design or engineering approach to this project respects this building’s preeminence on this Site.

o **C.4.(d) – Non-residential Building Footprint:** The Landon House structure will remain the dominant architectural feature on this Site. The revised design for Building C, with its increased building footprint, does not change this relationship.

o **C.4.(f) – Building Design:** The visualization material submitted for the Site Development Plan generally provides adequate information related to building shape, height, massing and window and door placement.

The design of the proposed Kiddie Academy building (Building C) represents the only change since the approval by the Planning Commission in 2014. The new design, while differing in some key aspects (roof overhang/wrap-around porch, main entrance feature design, window proportions) from Buildings A & B, does maintain the look and feel of a 1½ story structure with the 2nd level minimized by its placement behind the roof. Multiple dormers provide light to the 2nd level space without undermining the intent to decrease the appearance of height. The cantilevered 2nd level provides for a covered 1st level porch area on three sides of the building including the primary entrance facing the Landon house Banquet Hall addition. And while the finished height and length of the proposed Kiddie Academy are somewhat greater than the predecessor structure (generic Building C on 2014 plan), the building’s physical presence clearly remains secondary to the main house. The length of the revised Building C increases from 96 ft to 123 ft while the building height increases by less than 1 foot (23'-10" to 24'-4"). The proposed location of the child care facility shifts southward toward Building B, but remains behind the line of the projected face of the main house. The Kiddie Academy will exist in what would be the side yard of the Landon House structure, allowing the main house to maintain its prominence for those approaching the buildings from Urbana Pike. The play areas – required under Maryland law for this type of facility – soften the ends of the Kiddie Academy building in ways that the parking

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areas of the 2014 plan did not. Overall, despite the increase in building size, the proposal for development of the Landon House Complex site maintains the most critical element of the approved plan – the hierarchy of buildings.

The use of a traditional blue stone gravel on the old driveway, grass pavers along the Urbana Pike entrance parking bays, and porous pavement material throughout the hard-surfaced drive aisles and parking bays on the remainder of the Site provide textural interest and lessen the visual and environmental impacts of the otherwise extensive areas of impervious surface.

**Multiple Structures and Mixed Uses §1-19-7.500(B)(4)**

The proposed uses include a mixture of commercial, institutional, and residential uses integrated within the Site and, in one instance, within a single structure. The only change proposed in this revised Site Development application is to replace the medical/office use with that of a child care center while incorporating changes in the architecture and surrounding parking/green spaces to accommodate this changed use.

**Findings/Conclusions**

Based upon the review and analysis as provided above, Staff finds that the proposed application generally meets the intent of the Development Standards within the VC zoning district. Staff will continue to work with the Applicant as the project moves through the development process to address all outstanding items as discussed within the Staff Report. Staff anticipates that the application will, with certain conditions, meet the site plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas as well as the specific Village Center design standards set forth in §1-19-7.500. Specifically:

1) The Applicant shall ensure that the landscaping mix of shrubs planted to establish a four-season visual screen along parking areas is sufficient to establish a minimum 30 inch tall continuous vegetative screen at the time of planting. The current planting schedule indicates plantings will be installed at a height of 18 inches – 24 inches which is insufficient for vegetative screening of the parking areas.

2) The Applicant shall amend the Site Plan to acknowledge the request for vehicle and bicycle parking modifications as well as to ensure a correct and consistent accounting of numerical data (total proposed gfa of buildings, accurate reference to historic designation of property, corrected signage allotment).

3) The Applicant shall amend the Site Plan to ensure that the illustrated bus turning template indicates the preferred internal circulation direction (clockwise) for these vehicles.

4) The Applicant shall ensure that a safe and direct pedestrian connection between Building C (Kiddie Academy) and Urbana Pike is installed prior to the issuance of an occupancy permit for that structure.

5) The footprint of Building C shall be limited to 5,845 square feet and the structure shall adhere to the architectural design for Building C (Kiddie Academy) as presented in this Application and in compliance with section 1-19-7.500 of the Zoning Ordinance.

**Other Applicable Regulations**

**Forest Resource – Chapter 1-21:**

The FRO review for this project was covered under AP 13839, which is the FRO plan covering the entire

**Landon House Complex – Site Plan**

April 12, 2017

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Landon House Complex project, and has been approved. The required mitigation, which includes 0.21 acres of landscaping credits, the purchase of 0.65 acres of forest banking credit, and protection of the five specimen trees, must be provided prior to applying for a grading permit or building permit, whichever is applied for first. Multiple structures and grading/building activities are proposed on this property, therefore the FRO mitigation must be provided prior to the first of these projects applying for permits.

**Historic Preservation – Chapter 1-23:**
Although this Site is listed on the National Register of Historic Places, no state or federal funding, permitting, or relevant licensure is required that would trigger Section 106 procedures of the Historic Preservation Act. It is possible that recent and planned activities on the Site, including removal of outbuildings, grading, building renovations, and construction of new structures on the Site, could jeopardize the National Register listing. The Applicant has discussed the project informally with the Historic Preservation Commission (October 0, 2013) and the HPC has issued a similar warning to the Applicant regarding the NR status as well as the potential for listing on the County Register. Since the Applicant is not seeking federal or state tax credits, and is not in need of any special zoning consideration available through historic designations, the sole remaining historic preservation issue is the need for the Applicant to address the Village Center design standards as they relate to existing and planned buildings within that zoning district. In addition, the required note indicating the corrected NR status of the Site (including a reference to the MIHP listing), the Applicant shall also provide a copy of any report or survey (or relevant portion thereof) conducted by an historic preservation professional in association with this project that indicates the current or anticipated National Register status of the structures and site as a result of the development proposed or undertaken under this Site Development Plan or any previous activity since April 22, 2013.

**Moderately Priced Dwelling Units – Chapter 1-6A:** The proposed use consists of less than 25 dwelling units on public water and sewer; therefore, MPDU’s are not required.

**Stormwater Management – Chapter 1-15.2:** Stormwater Management (SWM) for this project will be provided by on-site facilities designed and approved in accordance with the 2000 Maryland SWM Design Manual and the SWM Act of 2007. Improvement Plans – based upon the 2014 approved site plan - have been reviewed and approved for this site under SWM#13838.

**APFO – Chapter 1-20:**

1. **Schools.** The site does not contain more than 5 dwelling units and is therefore exempt from APFO school testing.

2. **Water/Sewer.** The Property has water and sewer classification of W-3/S-3 in the County’s *Master Water and Sewer Plan*. Connection to public water and sewer facilities is required prior to the issuance of building permits on the Site.

3. **Roads.** As proposed in the traffic impact analysis (TIA) performed by Street Traffic Studies, Ltd dated October 4, 2016, the Project will generate 261 AM and 265 PM external trips during the weekday peak hour of adjacent street traffic and is required to mitigate all road improvements that do not satisfy level of service standards per §1-20-31. In addition, the Developer is required to provide fair share contributions to existing escrow accounts per §1-20-12(H).

The study area for this project includes MD 80 intersections with: I-270 northbound ramps, Sugarloaf Parkway, Urbana Pike, MD 355 (Worthington Blvd), Campus Drive and Single:on Drive, the intersection of Urbana Pike and Sugarloaf Parkway, and the indirect site access with MD 355 opposite Tabard Lane. All intersections and links in the study area meet current adequacy standards except the indirect site access at MD 355 opposite Welmar Drive, where

**Landon House Complex – Site Plan**
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the egress approach fails due to excessive delay from the existing stop condition. SHA is not yet in a position to determine its preferred improvement at this location, which would likely be either a traffic signal, when warranted and justified, or a median channelization that would limit access to right-in/right-out/left-in. The mitigation would also impact existing residents on Tabard Lane who would benefit from the safety and operational improvement.

In full satisfaction of APFO requirements to mitigate site-generated trips, and because the site itself does not generate sufficient impact to require full construction, per §1-20-31, the developer is required to contribute to the two following new escrow accounts:

1. MD 355 / Tabbard Lane: Contribute to the appropriate pro-rata share (5.57% of $65,000) to New Escrow Account No. 4576 for improvement by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $3,621. Funds from this escrow will be used to construct a left turn diverter in the MD 355 median opening and right in / right out channelization on Tabbard or funds may be used toward signalization or other traffic control device as deemed appropriate by SHA when intersection operation failures begin to occur.

2. MD 355 / MD 80: Contribute to the appropriate pro-rata share (1.78% of $35,000) to New Escrow Account No. 4577 for improvements by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $623. Funds from this escrow will be used to fund modification of MD 355 median between Tabbard Lane and MD 80 to extend left turn storage for traffic approaching MD 80, as deemed necessary by SHA.

In satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per §1-20-12(H), the developer shall pay into County-held escrow accounts as described in the attached LOU.

As stated in the LOU, prior to building permit issuance, the Developer agrees to pay $296,229 to the escrow accounts specified and the APFO approval will be valid for three years from the date of Commission approval.

Summary of Agency Comments

<table>
<thead>
<tr>
<th>Other Agency or Ordinance Requirements</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Development Review Engineering (DRE):</td>
<td>Conditional Approval</td>
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<tr>
<td>State Highway Administration (SHA):</td>
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<tr>
<td>FRO:</td>
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<tr>
<td>Office of Life Safety:</td>
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<tr>
<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
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<td>Health Dept.:</td>
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<td>APFO:</td>
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<td>DPDR Traffic Engineering:</td>
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<td>Historic Preservation:</td>
<td>Conditional Approval</td>
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<tr>
<td>Board of Education</td>
<td>Conditional Approval</td>
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Findings/Conclusions
The Applicant is required to resolve remaining staff/agency issues prior to the release of any final approved Site Development Plan including:

1) Resolution of historic preservation nomenclature through a revised note on the Site Plan.

2) FRO mitigation must be provided in accordance with AP 13839 prior to applying for any grading permits or building permits for any of the structures or other site improvements approved as part of the Landon House Complex. A plan for protection of on-site specimen trees must be in place prior to the commencement of site preparation (see Condition #6 in Staff Recommendation)

3) Approval of this Site Development Plan incorporates the site development phasing plan as illustrated on Sheets 4 & 5 of this Site Plan Application.

RECOMMENDATION
Staff recommends that the Planning Commission approve the Landon House Complex Site Development Plan application with the following modifications and conditions:

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

2) The building footprint for Building C (Kiddie Academy) shall be limited to 5,845 square feet.

3) The Applicant shall adhere to the architectural design for Building C (Kiddie Academy) as presented in this Application and in compliance with section 1-19-7.500 of the Zoning Ordinance.

4) Planning Commission approval of a Parking Space Modification allowing for the provision of 204 parking spaces where the target number is 242 spaces.

5) Prior to signature approval, the Applicant shall provide for 11 bike racks on site in locations meeting the requirements of the Frederick County Bicycle parking design guide.

6) The short connecting driveway linking the Subject Site to Welmar Drive must be constructed prior to, or concurrent with, the Subject Site improvements and be open to traffic prior to the issuance of a Certificate of Occupancy (temporary or permanent) of any new buildings on this Site. Furthermore, all improvements identified in Phase 1 (Sheet 4) shall be complete prior to issuance of a Certificate of Occupancy (temporary or permanent) for any new buildings on this Site.

7) Prior to signature approval, the Applicant shall update the plan to clearly demonstrate the provision of a paved pedestrian pathway leading from Building C to Urbana Pike and separated from the vehicle drive aisle.

8) The Applicant shall demonstrate that all possible safeguards are in place to protect the five specimen trees planned for retention on the site before, during, and after construction of the project. The Applicant shall ensure that a licensed arborist conduct root pruning prior to any earth disturbance around the specimen trees identified in the FRO plan (AP 13839) including the 58” Northern Red Oak located directly behind the historic Landon House.

9) The Applicant shall ensure that the landscaping mix of shrubs planted to establish a four-season visual screen along parking areas is sufficient to establish a minimum 30 inch tall continuous vegetative screen at the time of planting.
10) FRO mitigation must be provided in accordance with AP 13839 prior to applying for any grading permits or building permits for any of the structures or other site improvements approved as part of the Landon House Complex.

11) The Applicant shall add a corrected note to the Site Development Plan indicating the Maryland Inventory of Historic Places (MIHP) reference number for the Subject Site as well as an acknowledgement of the National Register of Historic Places listing of the main house and site. The Applicant shall also provide a copy of any report or survey (or relevant portion thereof) conducted by an historic preservation professional in association with this project that indicates the current or anticipated National Register status of the structures and site as a result of the development proposed or undertaken under this Site Development Plan or any previous activity since April 22, 2013.

12) The Applicant shall amend the Site Plan to ensure that the illustrated turning templates indicates adequate circulation with the preferred internal circulation direction (clockwise) for school bus vehicles.

13) Complete the APFO mitigation requirements as set forth in the Landon House Complex Letter of Understanding (LOU).

14) The Applicant shall ensure that a safe and direct pedestrian connection between Building C (Kiddie Academy) and Urbana Pike is installed prior to the issuance of an occupancy permit for that structure.

PLANNING COMMISSION ACTION

MOTION TO APPROVE
I move that the Planning Commission APPROVE Site Development Plan #SP-98-29 (AP 16772, FRO 16773, SWM 13838, APFO 16774), including APFO approval, for the revised Landon House Complex development reflecting proposed changes to Building C (Kiddie Academy) including an increased building footprint, revised architecture, and associated changes to the green spaces, parking areas, and site infrastructure with conditions and modifications as specified in the Staff Report.
Exhibit 2: Previously Approved Site Plan (2014)
Landon House

View from South-East
April 3, 2017

Mr. Denis Superczynski  
Frederick County Division of Permitting  
and Development Review (DPDR)  
30 North Market Street  
Frederick, MD 21701

Re: Landon House Complex (w/ Kiddie Academy)  
Request for Parking Reduction  
Tax Map 96, Parcel 38  
Situated at 3401 Urbana Pike  
File #: SP-9829, Project No.: 16772

Dear Mr. Superczynski:

Pursuant to the requirements of Frederick County Zoning Ordinance (§ 1-19-6.220 (A)(1)):

"an increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by ITE or other documentation as approved by the Planning Commission."

This modification request letter is being submitted for approval of a total parking space reduction of thirty-eight (38) parking spaces to serve the new Landon House Complex (w/ Kiddie Academy), of which forty-seven spaces will be grass-pavers.

Based on a total parking count requirement of 242 spaces, the proposed Landon House Complex will provide a total of 204 spaces as designed. The provided parking count is less than that required based on the total building square footages and types of proposed uses, but due to the off-hour uses anticipated by the restaurant and the event banquet hall, we do not anticipate needing the maximum parking count, as typically required by the Frederick County Zoning Ordinance. In order to reduce the overall impervious area or paved surfaces, we are asking for approval to reduce the final parking count to a total of 204 parking spaces, which should provide the anticipated parking needs for this site. This reduction has been discussed and is supported by Frederick County Planning Department Staff.

Sincerely,

Terra Solutions Engineering, LLC

Gerald Lee Miller

Gerald Lee Miller, Jr., PE

CC: Dr. Praveen Bolarum, MD  
PCR Ventures, LLC

Terra Solutions Engineering, LLC

Exhibit 5 - Request for Parking Modification

Landon House Complex – Site Plan  
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Adequate Public Facilities Letter of Understanding

Landon House Complex

Site Plan #SP 98-29, APFO #AP #16774

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

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

This Letter concerns itself with the Developer's 5.71 +/- acre parcel of land, which is zoned Village Center (VC), and located on the east side of Urbana Pike and north of MD 80, with direct access on Urbana Pike and indirect access with MD 355. This APFO approval will be for the development of a mixed use development, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on April 12, 2017.

Schools: Schools are not impacted because the development of the property does not contain more than 5 dwelling units and is therefore exempt from APFO testing.

Water and Sewer: The Property has a water and sewer classification of W-3/S-3. While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recording and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable county regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

Road Improvements: As proposed in the traffic impact analysis (TIA) performed by Street Traffic Studies, Ltd dated October 4, 2016, the Project will generate 261 am and 265 pm weekday peak hour external trips and is required to mitigate all road improvements that do not satisfy level of service standards per §1-20-31. In addition, the Developer is required to provide fair share contributions to existing escrow accounts per §1-20-12(h).

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30 North Market Street, Frederick, MD 21701 • 301-600-4138 • Fax 301-600-1615
www.FrederickCountyMD.gov

Exhibit 6 - APFO LOU

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In full satisfaction of APFO requirements to mitigate site-generated trips per §1-20-31, the Developer is required to contribute to the two following new escrow accounts:

1. MD 355 / Tabbard Lane: Contribute to the appropriate pro-rata share (5.57% of $65,000) to New Escrow Account No. 4576 for improvement by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $3,621. Funds from this escrow will be used to construct a left turn diverter in the MD 355 median opening and right in right out channelization on Tabbard or funds may be used toward signalization or other traffic control device as deemed appropriate by SHA when intersection operation failures begin to occur.

2. MD 355 / MD 80: Contribute to the appropriate pro-rata share (1.76% of $35,000) to New Escrow Account No. 4577 for improvements by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $623. Funds from this escrow will be used to fund modification of MD 355 median between Tabbard Lane and MD 80 to extend left turn storage for traffic approaching MD 80, as deemed necessary by SHA.

In satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per §1-20-12(f), the Developer shall pay into County-held escrow accounts the following pro-rata contributions:

1. Worthington Boulevard (MD 355) Relocated - south of MD 80. Contribute the appropriate pro-rata share (4.69% of $3,024,791) to Existing Escrow Account No. 3232 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $147,912.

2. MD 80/I-270 Northbound Ramps: Restripe/reconstruct to provide an additional westbound through lane. Contribute the appropriate pro-rata share (3.16% of $100,000) to Existing Escrow Account No. 3921 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $3,150.

3. I-270/MD 80 Interchange: Add northbound to eastbound directional ramp. Contribute the appropriate pro-rata share (0.08% of $1,370,000) to Existing Escrow Account No. 3579 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $9,316.

4. MD 80/Sugarloaf Parkway Roundabout: Add additional eastbound and westbound approach lanes. Contribute the appropriate pro-rata share (2.93% of $200,000) to Existing Escrow Account No. 3922 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $5,860.

5. MD 355/Urbana Pike: Signal, Movement Restriction or Roundabout. Contribute the appropriate pro-rata share (5.84% of $300,000) to Existing Escrow Account No. 4043 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $17,520.

6. MD 80/Urbana Pike Intersection: Contribute the appropriate pro-rata share (9.70% of $50,000) to Existing Escrow Account No. 4049 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $4,850.

7. MD 80/Pontius Court: Provide a second eastbound receiving lane and a replacement eastbound right turn lane. Contribute the appropriate pro-rata share (1.84% of $300,000) to Existing Escrow Account No. 3923 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $5,620.
8. MD 80/Campus Drive: Restripe the eastbound right turn lane to provide an eastbound through lane and right turn lane and construct the receiving lane as an auxiliary lane turning into the right turn lane into Pontius Court. Contribute the appropriate pro-rata share (2.15% of $402,900) to Existing Escrow Account No. 3249 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $8,862.

9. MD 355/MD 75: Signal. Contribute the appropriate pro-rata share (6.87% of $175,000) to Existing Escrow Account No. 3847 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $12,023.

10. MD 355/Fire Tower Road: Intersection improvements. Contribute the appropriate pro-rata share (4.81% of $401,969) to Existing Escrow Account No. 3268 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $19,335.

11. MD 80/Carriage Hill Drive: Add additional westbound through lane, providing a replacement westbound right turn lane. Contribute the appropriate pro-rata share (0.92% of $398,000) to Existing Escrow Account No. 3892 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $3,662.

12. MD 80/Carriage Hill Drive: Add additional eastbound through lane, providing a replacement westbound right turn lane. Contribute the appropriate pro-rata share (0.92% of $300,000) to Existing Escrow Account No. 3924 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $2,760.

13. MD 80/Carriage Hill Drive: Signal. Contribute the appropriate pro-rata share (3.18% of $200,000) to Existing Escrow Account No. 3925 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $6,360.

14. MD 80/Royal Crest Drive: Restripe the westbound right turn lane at the intersection to provide a through/right turn lane, extending the receiving lane as required by SHA. Contribute the appropriate pro-rata share (0.95% of $200,000) to Existing Escrow Account No. 3926 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $1,800.

15. MD 80/Royal Crest Drive: Signal. Contribute the appropriate pro-rata share (1.35% of $175,000) to Existing Escrow Account No. 3927 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $2,363.

16. MD 355/Campus Drive: Signal. Contribute the appropriate pro-rata share (1.82% of $250,000) to Existing Escrow Account No. 3801 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $4,550.

17. MD 355/Campus Drive: Second northbound through lane. Contribute the appropriate pro-rata share (1.92% of $362,322) to Existing Escrow Account No. 3801 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $6,857.

18. MD 604/270 Southbound Ramps: Additional northbound right turn approach lane at the terminus of the southbound off-ramp and modify the southbound on-ramp to provide two (2) lanes, narrowing to one lane at its merge with the I-270 mainline, extending the I-270 acceleration lane. Contribute the appropriate pro-rata share (4.33% of $200,000) to Existing Escrow Account No. 3920 for improvement of this intersection by others. As
determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $9,680.

19. MD 355/Ox. Perry Road/Big Woods Road: Signal. Contribute the appropriate pro-rata share (8.25% of $260,000) to Existing Escrow Account No. 3931 for Improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $20,625.

Therefore, prior to building permit issuance, the Developer hereby agrees to pay $296,229 to the escrow accounts described above for these Road improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on April 12, 2020.

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

[Signatures on next page]
PCR Ventures, LLC:

By: ___________________________ Date: 3/1/17
              Dr. Praveen Bolarum, CEO

FREDERICK COUNTY PLANNING COMMISSION:

By: ___________________________ Date: __________
              William Hopwood, Chair or Robert While, Secretary

ATTEST:

By: ___________________________ Date: __________
              Gary Hessong, Director, Permits & Inspections

Planner's Initials/Date: ___________________________
(Approved for technical content)

County Attorney's Office Initials/Date: ___________________________
(Approved as to legal form)