TITLE: Orchard Park at Ballenger Run  
(Apartments, Swimming Pool and Clubhouse)

FILE NUMBER: SP-14-08, AP 16965 (APFO 16966, FRO 16967)

REQUEST: Site Development Plan Approval
The Applicant is requesting site development plan approval for the construction of four (4) multi-family residential buildings, a 3,200 square foot clubhouse, a swimming pool, storage building, and tot-lot on a 13.8-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: East side of Ballenger Creek Pike at the intersection of Black Locust Drive and Wild Plum Drive

TAX MAP/PARCEL: Tax Map 86, Parcel 53
COMP. PLAN: Medium Density Residential
ZONING: Planned Unit Development (PUD)
PLANNING REGION: Frederick
WATER/SEWER: W-3/S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: Orchard Development Corporation
OWNER: SED Maryland Development, LLC
ENGINEER: Daft, McCune, Walker, Inc./Lingg Property Consulting
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
Exhibit 1- Ballenger Run Apartments, Clubhouse, and Swimming Pool rendering
Exhibit 2- Clubhouse and Swimming Pool Parking Space & Loading Space Modification Request
STAFF REPORT

ISSUE

Development Request

The Applicant is requesting site development plan approval for the construction of four (4) multi-family residential buildings, with a total of 210 units in a combination of 1, 2, and 3-bedroom designs. The Plan also includes an outdoor swimming pool and a 3,200 square-foot clubhouse with meeting rooms, restrooms, and an exercise room with lockers, plus a 25’x15’ storage building, and a tot-lot on a 13.8-acre site. Further residential building details are shown below:

<table>
<thead>
<tr>
<th>Phase</th>
<th>Building</th>
<th>Building Size</th>
<th>Height/Floors</th>
<th>Unit Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>A</td>
<td>251’ x 69’</td>
<td>65’/4</td>
<td>104</td>
</tr>
<tr>
<td>II</td>
<td>B</td>
<td>252’ x 69’</td>
<td>65’/4</td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>C</td>
<td>251’ x 71’</td>
<td>65’/4</td>
<td>106</td>
</tr>
<tr>
<td>IV</td>
<td>D</td>
<td>281’ x 67’</td>
<td>65’/4</td>
<td></td>
</tr>
</tbody>
</table>

The Planned Development District allows multi-family residential dwellings and recreational/community activities within the PUD zoning district per Section 1-19-10.500.6(A)(1)&(4) of the Zoning Ordinance, and are subject to site development plan approval, specifically the criteria found in §1-19-3.300.4. Refer to site zoning in Graphic #2.

Modification Requests:
1. Swimming Pool and Clubhouse Parking Space and Loading Space Modification

BACKGROUND

Development History

This site is located on the 13.8-acre Lot B-1 of Ballenger Run, recorded at Plat Book 99, Page 59 in October 2017. The proposed multi-family residential land use and the clubhouse/community center were described and included in the 2014 Ballenger Run PUD Phase II approval (S-1143, SP-14-18, AP 14623). In addition to the multi-family component of the Ballenger Run PUD, the 2014 Phase II approval included 443 residential lots (single-family attached and detached), a site for a future Continuing Care Retirement Center, a 13-acre elementary school site (recorded in 2016), extensive open space and recreation areas, including construction of portions of the Ballenger Creek Trail. Construction of the Ballenger Creek Trail that borders the subject property is linked to building permit issuance thresholds for the entire Ballenger Run PUD.

Orchard Park at Ballenger Run Multi-Family Residential Swimming Pool and Clubhouse December 13, 2017
Existing Site Characteristics

The 13-acre site is located in the southern portion of the Ballenger Run PUD and is bisected by Black Locust Drive, a private subdivision roadway with a 50-ft right-of-way. Black Locust Drive provides access to all the residential buildings and the swimming pool and clubhouse.

The subject property also has frontage on, but no access to, Ballenger Creek Pike and Wild Plum Drive, which is an internal subdivision roadway. Bordering the property is a 13-acre lot for a future elementary school and the floodplain of Ballenger Creek. Tuscarora High School is directly across Ballenger Creek Pike from the site of the Ballenger Run Apartments.

The site is flat and portions are currently being used for staging for infrastructure construction/installation for the Ballenger Run PUD. Portions of the development site contain Adamstown-Funkstown (Afb) soil, which is a regulated ‘wet’ soil, requiring drainage systems for below-grade construction. Buildings “B” and “D” are located within the Afb wet soil, and the Applicant has indicated that all buildings are planned for on-grade construction, with no below-grade basements within any building.

Graphic #1: Site Aerial
Graphic #2 Site Zoning

Orchard Park at Ballenger Run Multi-Family Residential
Swimming Pool and Clubhouse
December 13, 2017
ANALYSIS

Summary of Development Standards Findings and Conclusions
The 2014 Ballenger Run PUD Phase II Plan established and approved the design, density, and layout for the entire PUD, including the location for the development of the multi-family residential component. The remaining issues include compliance with the general Site Plan Review criteria (Section 1-19-3.300.4), as described below.

Detailed Analysis of Findings and Conclusions
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. **General Development Standards—Planned Development Districts §1-19-10.500.6**: Setbacks and heights shall be established by the Planning Commission at Phase II consistent with the general development standards as provided in §1-19-10.500.9. The Applicant has proposed the following dimensional standards for the Ballenger Run Apartment buildings and the clubhouse and swimming pool, subject to approval by the Planning Commission:

<table>
<thead>
<tr>
<th>Apartment buildings</th>
<th>Dimensional Element</th>
<th>Proposed or Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>13.85 acres</td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>25 feet</td>
<td></td>
</tr>
<tr>
<td>Side Yard</td>
<td>15 feet</td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>15 feet</td>
<td></td>
</tr>
<tr>
<td>Max Building Height</td>
<td>65 feet</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clubhouse/Swimming Pool</th>
<th>Dimensional Element</th>
<th>Proposed or Existing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>13.85 acres</td>
<td></td>
</tr>
<tr>
<td>Front Yard</td>
<td>27 feet</td>
<td></td>
</tr>
<tr>
<td>Side Yard</td>
<td>15 feet</td>
<td></td>
</tr>
<tr>
<td>Rear Yard</td>
<td>15 feet</td>
<td></td>
</tr>
<tr>
<td>Max Building Height</td>
<td>20 feet</td>
<td></td>
</tr>
</tbody>
</table>
2. **Signage §1-19-6.300:** The project is permitted to have one 64-square foot sign per entrance. The Applicant is proposing a sign, measuring 13’ x 3.8’ (49.4 square feet), at each entrance to the multi-family community: Ballenger Creek Pike and Wild Plum Drive and Black Locust Drive and Wild Plum Drive. The signage note is listed in Note “F” on the cover sheet of the Plan and graphically depicted on sheet 2 of the Plan.

3. **Landscaping and Screening §1-19-6.400:** A landscaping plan is provided on Sheet Nos. 6—8 that shows street trees and landscaping in the parking lots and around the buildings. The Zoning Ordinance requires a total of 9 street trees adjacent to the existing public right-of-way along Ballenger Creek Pike; the Plan includes 22 trees along Ballenger Creek Pike that also serve to buffer the stormwater management pond located along the Ballenger Creek Pike frontage. A total of 19 street trees are required along Black Locust Drive; the Plan includes 21 street trees along this roadway.

Deciduous trees and shrubs are provided throughout the parking lot and achieve the canopy coverage requirements of §1 -19-6.400(C)(2). The perimeters of all buildings have a combination of deciduous species, evergreens, and shrubs. The Applicant has provided enhanced landscape screening and buffering on the sides of buildings A and B that are closest to Ballenger Creek Pike. Additionally, the side of the swimming pool is extensively buffered from Wild Plum Drive. Staff requested the Applicant provide deciduous trees for shading along the spur trails from buildings C and D that lead to the main Ballenger Creek Trail, which are shown on the Sheet no. 7.

4. **Lighting §1-19-6.500:** A lighting plan on Sheet No. 9 indicates 36 building-mounted lights (on buildings and on entry canopy/awnings), plus 41 light poles, 14-ft. in height, within the parking lot and along Black Locust Drive. Site Plan Note “H” describes the lighting including the statement that lighting shall be installed and designed to be fully shielded and directed downward to prevent glare and light trespass. The swimming pool and clubhouse will have a combination of building and canopy mounted lights as depicted on Sheet No 9.

**Conditions:**

1. Planning Commission approval of the proposed setbacks and building heights for the apartment buildings and clubhouse as described.
2. Revise Site Plan Note “J” to indicate that construction for the residential buildings will be on-slab, at-grade, with no below-grade basements in the residential buildings.

**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 residential buildings, the clubhouse and swimming pool have access from Black Locust Drive, a 26-foot wide, closed section public roadway with 5-ft. sidewalks on both sides, within a 50-ft right-of-way. Wild Plum Drive, fronts the property to the north, but no access for the project is from Wild Plum Drive. Black Locust Drive terminates at the edge of the project site, but will be extended with future development of the adjacent elementary school site.
Five (5) points of access from Black Locust into the parking lots are shown on the Plan with 24-ft. wide entrances. Interior circulation around the residential buildings and clubhouse is provided by 24-ft. travel lanes, sufficient for 2-way movement.

2. Public Transit: There is currently no public transit service to this area.

3. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220: Section 1-19-6.200 requires 1 parking space per dwelling unit, plus ½ space per bedroom. The Plan provides a total of 422 parking spaces (including 9 handicapped spaces), which is 17 spaces above the requirement in the Zoning Ordinance, as calculated below:

<table>
<thead>
<tr>
<th>Count</th>
<th>Count (total individual units in project)</th>
<th>Bedrooms</th>
<th>Parking Spaces Required (1-19-6.220)</th>
<th>Parking Spaces Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>46</td>
<td>296</td>
<td>1</td>
<td>23</td>
<td></td>
</tr>
<tr>
<td>296</td>
<td>48</td>
<td>2</td>
<td>148</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>210</td>
<td>3</td>
<td>24</td>
<td></td>
</tr>
<tr>
<td>210</td>
<td>Total</td>
<td></td>
<td>405</td>
<td>422 (includes 9 HC)</td>
</tr>
</tbody>
</table>

Based on the maximum capacity of the swimming pool, pool deck, and clubhouse, a total of 79 parking spaces are required per §1-19-6.200. The Applicant has submitted a request and justification statement to utilize the 17 additional parking spaces provided for the residential buildings to partially satisfy the pool and clubhouse parking requirements. The basis for this request is the utilization of the pool and clubhouse by only residents of the apartment community; these facilities will not be open to memberships from people outside of this particular community.

The proposed community clubhouse requires one small loading space per §1-19-6220. The Applicant has submitted a request to waive this requirement (see Exhibit No. 2).

The Office of Life Safety recommends that 5 (five) gate openings be added to the swimming pool deck perimeter fencing to accommodate emergency access to the swimming pool deck.

4. Bicycle Parking 1-19-6.220 (H): Multi-family residential dwellings are required to provide 1 bicycle rack for each 10 dwelling units, which equates to 21 racks (210/10 = 21). Commercial structures under 5,000 square feet in size are not required to provide bicycle racks; however, the Applicant has provided 2 (two) additional racks at the swimming pool entrance, for a total of 23 bicycle racks for the project.

5. Pedestrian Circulation and Safety §1-19-6.220 (G): Sidewalks are provided around the perimeter of each residential building and in front of the pool and clubhouse area. Access to the residential buildings is provided via front and rear entrances which are adjacent to and surrounded by parking spaces. Building ‘C,’ however, is positioned to directly face Black Locust Drive with all parking in the rear and not in the front of Building ‘C.’ This emphasizes the building, and not the parking lot, as the prominent streetscape element on Black Locust Drive.

Crosswalks are shown on Black Locust Drive to increase visibility and safety for pedestrians crossing this street. Painted markings need to be shown in the parking lots to demarcate pedestrian crossings from the residential buildings to the trash/recycling dumpsters, and from the front of Building ‘A’ to the swimming pool/clubhouse entrance.

Sidewalks are included on both side of Black Locust Drive, and a 5-ft asphalt path is shown from Buildings ‘C’ and ‘D’ that will connect to the main Ballenger Creek Trail.
Condition

1. Parking Space Modification (§ 1-19-6.220A)
The Applicant is requesting a modification in order to reduce the number of parking spaces required for the swimming pool and clubhouse from 79 to 17.

2. Loading Space Modification (§ 1-19-6.210A)
The Applicant is requesting a waiver to the requirement to supply 1 small loading space for the swimming pool/clubhouse.

3. Include five (5) gate openings in the design for the swimming pool and deck perimeter fencing and depict on the Improvement Plans for the project.

4. Indicate on the Plan pedestrian crosswalk markings in the parking lot from Buildings ‘A’ and ‘D’ to the trash/recycling dumpsters.

5. Revise Plan Note C-2 or the description on Sheet 5 to indicate whether 1 or 2 storage buildings are proposed.

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 will be served by connections to an 8-inch water and 8-inch sewer line within Black Locust Drive. The property is classified W-3 and S-3 on the Water and Sewerage Plan, with source, treatment, and service provided from the New Design Road Water System and the Ballenger-McKinney Wastewater Treatment Plant.

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

Findings/Conclusions

1. Topography: The site is relatively flat and cleared with temporary sediment ponds installed on site in conjunction with the overall development of entire Ballenger Run PUD.

2. Vegetation: There is no forest cover on site; aerial photography from the 1950’s shows the site in agricultural use with no woodlands present.

3. Sensitive Resources: The site contains Adamstown-Funkstown (Afb) wet soils in the southwestern portion of the site. The proposed multi-family buildings are not planned for below-grade construction; the Applicant has been requested to confirm this through a statement added to Plan Note No. “J.”

Orchard Park at Ballenger Run Multi-Family Residential Swimming Pool and Clubhouse December 13, 2017
4. **Natural Hazards:** There are no known natural hazards located on this 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 site contains 7.8 acres of open space areas including two (2) stormwater management ponds. The open space/common areas within the project also include a tot-lot, the preservation of four (4) specimen trees, plus paved trails to the Ballenger Creek Trail.

**Other Applicable Regulations**

*Moderately Priced Dwelling Units – Chapter 1-6A:* An executed MPDU agreement between the owner and the County was recorded at Plat Book 11362, Page 437 on September 9, 2016, which requires the owner and developer to construct 107 MPDUs within the multi-family section of the Ballenger Run PUD.

*Stormwater Management – Chapter 1-15.2:* A stormwater management concept plan for this project was approved through AP 14624 in August 2014.

**APFO – Chapter 1-20:**

1. **Schools.** The entire Ballenger Run PUD project was determined to generate 127 elementary school students, 70 middle school students, and 79 high school students at full build-out, as part of the 2014 overall Phase II approval. The Applicant has elected the option to mitigate the public school capacity by paying the School Construction Fees for the elementary and high school levels in accordance with the criteria set forth in Section 1-20-62 of the APFO, and in accordance with the DRRA.

2. **Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the project, the Applicant recognizes that capacity is not guaranteed until purchased. Building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations.

3. **Roads.** The Ballenger Run Multi-Family Residential project is expected to generate 107 a.m. and 133 p.m. trips during the peak hour of adjacent street traffic. This project is exempt from additional APFO review due to the previously-approved mitigation, funding of mitigation and phasing schedule for the required roadway facilities examined during the 2014 Ballenger Run PUD Phase II approval. Road improvements designed to enhance the safety and circulation of the road network serving the entire Ballenger Run PUD and the surrounding neighborhood were identified and established in the approved APFO LOU dated October 17, 2013.
Forest Resource – Chapter 1-21:
This site was mitigated for FRO in 2016 as part of the overall Ballenger Run PUD FRO plan (AP 15743). However, the overall FRO plan required an evaluation of specimen trees at the time the Ballenger Run Apartments was submitted. A FRO plan has been submitted to address the specimen trees (AP 16967) and has been conditionally approved by Staff.

The site of the apartments contains four specimen trees, all of which are Silver Maples with sizes ranging from 46” to 54”. These trees are located within the open space area below Building C. All four trees will be saved and protected.

The FRO plan (AP 16967) must be fully approved prior to Site Plan approval. Legal documents for the protection and inspection of the specimen trees must be executed prior to applying for grading permits or building permits, whichever is applied for first.

Historic Preservation – Chapter 1-23: Maryland Inventory of Historic Properties (MIHP) Forms were prepared for the historic farmstead on the property—the Lease-Myers Farm (MIHP #F-3-168). The Applicant completed the MIHP Form in anticipation of the required Section 106 process for determining the impacts on historic resources by planned development activity.

Follow-up documentation of the planned treatment for the structures (renovation, demolition, etc) to the Maryland Historical Trust and the County Historic Preservation Planner, as well as photographs of the development site with the historic structures must be submitted prior to final Site Plan approval.

<table>
<thead>
<tr>
<th>Other Agency or Ordinance Requirements</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Review Engineering (DRE):</td>
<td>Conditional Approval</td>
</tr>
<tr>
<td>Development Review Planning:</td>
<td>Conditional Approval</td>
</tr>
<tr>
<td>State Highway Administration (SHA):</td>
<td>N/A</td>
</tr>
<tr>
<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
<td>Conditional Approved</td>
</tr>
<tr>
<td>Health Dept.</td>
<td>Approved</td>
</tr>
<tr>
<td>Office of Life Safety</td>
<td>Approved</td>
</tr>
<tr>
<td>DPDR Traffic Engineering</td>
<td>Approved</td>
</tr>
<tr>
<td>Historic Preservation</td>
<td>Conditional Approval</td>
</tr>
</tbody>
</table>
RECOMMENDATION

Staff has no objection to conditional approval of the site plan for the construction of a four (4) multi-unit apartment buildings, a 3,200 square-foot clubhouse, a swimming pool, a storage building and a tot-lot on a 13.8 acre site. If the Planning Commission conditionally approves the site plan, the plan is valid for a period of three (3) years from the date of Planning Commission approval and therefore would be valid until December 13, 2020.

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

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

2. Planning Commission approval of the proposed setbacks and building heights for the apartment buildings and clubhouse as stated in the Staff report.

3. Planning Commission approval of the requested Parking Space Modification (1-19-6.220A). The Applicant is requesting a modification to reduce the number of required parking spaces for the clubhouse and swimming pool from 79 to 17.

4. Planning Commission approval to waive the requirement to provide 1 small loading space for the clubhouse per Section 1-19-6.210A of the Zoning Ordinance.

5. Prior to signature approval of the site development plan, the Applicant shall revise Site Plan Note "J" to indicate that construction of the residential buildings will be on-slab, at-grade, with no below-grade basements in the residential buildings to comply with Section 1-19-9.300 of the Zoning Ordinance.

3. Prior to signature approval of the site development plan, the Applicant shall revise the swimming pool perimeter fence details to show five (5) gate openings to accommodate emergency access. These details shall also be included on the future Improvement Plans for the project.

4. Prior to signature approval of the site development plan, the Applicant shall indicate pedestrian crosswalks in the parking lot from Buildings ‘A’ and ‘D’ to the trash/recycling dumpsters.

5. Prior to signature approval of the site development plan, the Applicant shall revise Plan Note C-2 or the description on Sheet No. 5 to indicate whether 1 or 2 storage buildings are proposed for the site.

6. The FRO plan (AP 16967) must be fully approved prior to Site Plan approval. Legal documents for the protection and inspection of the specimen trees must be executed prior to applying for grading permits or building permits, whichever is applied for first.

7. Prior to signature approval of the site development plan, submit documentation to the Maryland Historic Trust and the County Historic Preservation Planner that describes the disposition of the Lease-Myers Farmstead, including current photographs.
I move that the Planning Commission **APPROVE** Site Plan SP-14-08, AP 16965 with **conditions and modifications** as listed in the staff report for the proposed construction of four (4) multi-family residential buildings, a 3,200 square foot clubhouse, a swimming pool, a storage building and a tot-lot on a 13.8-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
Exhibit #1  Ballenger Run Apartments, Clubhouse and Swimming Pool
November 20, 2017

Mr. Tim Goodfellow, Planner
Frederick County Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

Re: Ballenger Run Apartments – Private Clubhouse/Pool Parking Modification Request
A/P #16965
DMW Project #16704.00

Dear Mr. Goodfellow:

In accordance with Section 1-19-6.220 (A)(1) of the Frederick County Zoning Ordinance, this letter sets forth the justification for the request to reduce the parking spaces required for the Private Clubhouse/Pool facility proposed with the Ballenger Run Apartment project. This letter also requests a waiver from the requirement of a small loading space for the proposed clubhouse, as required in Section 1-19-6.210 (B) of the Frederick County Zoning Ordinance, and sets forth the justification for that waiver as well.

The Ballenger Run Apartment project is situated on two lots on a 13.8 acre portion of the overall Ballenger Run P.U.D. As shown on the submitted Site Plan, a private clubhouse/pool amenity is proposed for the sole use of residents of the 210 unit apartment project. (Please note that a separate larger Community Center & Pool is proposed very near to this facility for the use of the residents of the larger overall Ballenger Run P.U.D. community in addition to this smaller pool facility for the apartments.)

The proposed private clubhouse/pool associated with the Ballenger Run Apartment project is located within a 900 linear foot walking distance to all 4 apartment buildings (well within the comfortable/accepted ½ mile walking distance). This proposed pool is only open for the summer season, which will be less than half of the calendar year, and with its attendance limited to the proposed 210 apartment units, the pool is not projected to reach its maximum capacity, except for possibly rare occasions on summer weekends.

No swimming meets are proposed at this facility, and the pool will only be available for use by residents of the apartment project. The clubhouse contains a small fitness room, game room, and community room, which are also only for use by the residents of the 4 apartment buildings.

As shown on the Site Plan (general note E-1), based on a "stand-alone" calculation, the clubhouse/pool would require 37 parking spaces. However, these types of facilities typically operate in a "shared parking" scenario whereby many of the users either walk or bike to the facility from their apartment residence. With the design of this apartment project providing adequate parking for each of the residential units, and the proposed clubhouse/pool being located within easy walking distance from the entire apartment complex, we feel that the actual demand for spaces solely dedicated to the clubhouse/pool will be far less that the stand-alone requirement. Therefore, the applicant requests a reduction in required parking for the clubhouse/pool of 24 spaces and proposes to provide 13 dedicated spaces for the clubhouse/pool, in addition to providing all of the parking required for the apartment units on the same parcels of land.
Also, per Section 1-19-6.210 (B) of the Frederick County Zoning Ordinance, one small loading space is required for recreation and community buildings between 1,000 – 5,000 s.f. This clubhouse building is a private clubhouse for use by the Ballenger Run Apartment residents only. As stated above, the clubhouse is proposed to include a small fitness room, a game room, and community room. No storage or food service or any other function which would require regular or periodic loading is proposed at this facility. Therefore, the applicant feels that a dedicated loading space for this building is not necessary, nor would it be utilized. Therefore, with this letter, a waiver from the requirement for 1 small loading space for the clubhouse is requested.

Please feel free to contact us should any additional information be required or if you have any questions in this regard.

Thank you for your consideration of this matter.

Sincerely,

Daft-McCune-Walker

Mark S. Crissman, P.E., P.L.S.
Vice President I Branch Office Manager

MSC/tb

cc: Mr. Scott Armiger, Orchard Development Corporation (via email only)
Mr. David Lingg, Lingg Property Consulting (via email only)
Mr. Steve Oder, Cavalier Development Consultants, Inc. (via email only)