TITLE: Jefferson Park West MXD

FILE NUMBER: S-1164, SP-18-02
(AP#18248, APFO#18249, FRO#18250)

REQUEST: Preliminary Subdivision Plan and Site Development Plan Approval
Preliminary Subdivision Plan approval for a total of 250 lots consisting of 235 residential lots (townhouse), and 15 commercial/employment lots (1 commercial, 6 commercial/employment, 8 employment) on a 102 acre property. Site Development Plan approval for the residential portion of the project.

PROJECT INFORMATION:

LOCATION: South side of MD180, west of Jefferson Tech Park
TAX MAP/PARCEL: Tax Map 76, Parcel 107
COMP. PLAN: Office/Research/Industrial
ZONING: Mixed Use Development (MXD) & Office/Research/Industrial (ORI)
PLANNING REGION: Frederick
WATER/SEWER: W-3, S-3

APPLICANT/REPRESENTATIVES:
APPLICANT: Pleasants Development, LLC
OWNER: Jefferson Park West, LLC
ENGINEER: Dewberry Consultants, LLC

STAFF: John Dimitriou, R.A., Principal Planner

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
Exhibit 1 – Site Plan Rendering
Exhibit 2 – Preliminary Plan Diagram
Exhibit 3 – Modification Requests
ISSUE

Development Request

The Applicant is requesting Preliminary Subdivision Plan approval for a total of 250 lots consisting of 235 residential lots (townhouse), and 15 commercial/employment (1 commercial, 5 commercial/employment, 9 employment) lots on an approximately 102 acre property zoned MXD. The Applicant is also requesting Site Development Plan approval for the residential portion of the project, consisting of the following mix of dwelling unit types:

- 20' Wide Rear-Loaded Townhouse 80 units
- 22' Wide Rear-Loaded Townhouse 49 units
- 24' Wide Front-Loaded Townhouse 46 units
- 28' Wide Front-Loaded Townhouse 60 units

Total Townhouse Dwellings 235 units

Lots are proposed for commercial and employment uses to be developed with a minimum of 32 acres of employment land use and a maximum of 9 acres of commercial land use per an approved floating zone amendment. Commercial and Employment lots will be the subject of separate, future site plan applications.

BACKGROUND

Development History

The Site of this preliminary plan was the subject of a floating zone map amendment in 2006. This changed the zoning on the property from ORI-Office/Research/Industrial to MXD-Mixed Use Development (November 2006, R-05-10, Ordinance No. 06-38-434).

The MXD floating zone may be applied to land that has an "Office Research Industrial" land use plan designation. However at the time of rezoning, the MXD floating zone could not be applied to land that had a "Resource Conservation" land use plan designation. As such, the land along Butterfly Branch, which is a first order creek running from north to south across the Site, remains ORI zoning. This land is within the 100-year FEMA floodplain and is included in the open space provision of the project. The ORI portion of the Site is approximately 20 acres.

The 2006 rezoning conditions included in ordinance 06-38-434 restrict development to the following land use quantities:

- Maximum residential land use: 18.7 acres
- Maximum commercial land use: 9 acres
- Minimum employment land use: 32 acres
- Minimum open space land use: 13.8 acres

The proposed project meets these conditions.

A previous Preliminary Subdivision Plan Approval was granted for this Site on August 13, 2014 (AP#13847). This established preliminary approval for a total of 340 lots composed of 325
residential dwellings and 15 commercial/employment lots, expiring on August 13, 2019. The current application requests 75 fewer residential lots. Adequate Public Facilities Ordinance approval for the project granted at this time is valid until August 13, 2022. Forest Resource Ordinance approval was also granted on August 13, 2014.

The current proposal builds on the land use pattern, urban design standards, and overall layout established in the adjacent Jefferson Technology Park MXD development to the east of the Site. Similar to the planned development of Jefferson Technology Park, the proposed type of development for the Jefferson Park West MXD includes residential, commercial, and employment uses.

The Jefferson Park West proposal occurs within a portion of an area identified by Frederick County as an "Advanced Technology Park" (ATP), comprising approximately 25% of the total 400+ acres of the ATP delineated in a February 2003 feasibility analysis. It is also within a "Regional Activity Center", one of only a handful in Frederick County, as designated by the MWCOG Transportation Planning Board for the National Capital Region. Regional Activity Centers are locations that are intended to accommodate the majority of the region's future growth.

**Existing Site Characteristics**

The Site has a gently rolling topography that slopes into Butterfly Branch Creek, a first order tributary of Ballenger Creek that crosses the land from north to south. The Site is located in the Ballenger Creek Watershed, draining to the south into Ballenger Creek and the Monocacy River. A 100-year floodplain extends along Butterfly Branch within the Site and is under laid by Rowland silt loam (RWA), a floodplain soil with a 0-3% slopes and a depth to water table of 2-3 feet. There are also areas of mapped wetlands adjacent to the stream. Overall, slopes range from less than 15% on the majority of the parcel to greater than 25% in some areas along the stream. The site contains wet soils. A fragmented bottomland forest runs along Butterfly Branch.

Adjacent to the site on the east is the Jefferson Technology Park (JTP), zoned Mixed Use Development (MXD) and currently proceeding through plat recordation and construction. An initial combined preliminary/site development plan approval for the residential portion of the JTP project was granted on August 14, 2013. South of the site is US 340/15, south of which is the Ballenger Creek Meadows subdivision zoned Planned Unit Development (PUD), and the Ballenger Creek Park. To the west is a combination church/private school facility and farmland, zoned Institutional Euclidean and Agriculture (A) respectively. To the north of the site is the remaining portion of the study area for the Frederick County Advanced Technology Park, developed land that is currently zoned General Commercial (GC), and active farmland zoned Agriculture (A). Also, further to the north in Frederick City are other residential developments. The Site is served by Butterfly Ridge Elementary School, Crestwood Middle School, and Frederick High School.
Comprehensive Plan
No county community or corridor plan has been adopted for the Urbana area. Generally, the proposal demonstrates adherence to principles for compact development outlined in the County’s Comprehensive Plan through seeking a mix and intensity of uses conducive to the continuing development of compact neighborhoods in areas served by public infrastructure and facilities.
Zoning
The site is zoned ‘Mixed Use Development (MXD)’. Much of the land surrounding the site to the south and east is zoned for residential, commercial, and employment uses, while areas to the west and north are zoned for agricultural, institutional, and commercial uses.
ANALYSIS

Summary of Development Standards Findings and Conclusions

Key issues of the proposed development include:

- Vehicular access to, and within, the site,
- Providing a workable layout of sidewalks, and open spaces,
- Establishment of appropriate setbacks,
- Providing adequate and convenient parking without creating unnecessary swaths of impervious paved areas,
- Providing clear and convenient interconnections and intersection alignments with adjacent streets,
- Providing sufficient street trees throughout the site.

Detailed Analysis of Findings and Conclusions

CHAPTER 1-19: ZONING

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: Sections 1-19-10.500.7(F) and 1-19-10.500.9 of the Zoning Ordinance provide for the Planning Commission’s role in establishing dimensional requirements within an MXD. Proposed dimensional requirements for MXD development applications shall be approved by the Planning Commission through Preliminary Plan or Site Development Plan application.

The previous preliminary plan approval (AP#13847 approved on August 13, 2014) created 10’ and 5’ front yard setbacks, 4’ side yard setbacks, and 15’ rear yard setbacks for proposed townhouse lots, and 5’ front yard setbacks, 5’ rear yard setbacks, and 15’ rear yard setbacks for proposed two-over-two lots. Setbacks for commercial/employment lots were also established. These previously approved setbacks will be replaced by upon approval of the current application.

The Applicant is proposing the establishment of dimensional requirements for the residential section of the MXD as listed on the following page:
The proposed dimensional requirements are influenced by, but not dependent upon, the proposed building type. Orientation of the buildings on the site, and to the public streets and open areas, appears to be the guiding characteristic in the Applicant’s determination of appropriate setbacks and yards.

The proposed dimensional requirements are appropriate to the overall design and layout of this residential section of the MXD and are generally in keeping with the patterns previously established in the adjacent Jefferson Tech Park MXD. The request for a maximum height of 45 feet is higher than the anticipated height range for the proposed building types, which is between 30 and 40 feet.

2. **Signage §1-19-6.300**: The Applicant is not proposing any signage in this section of the MXD at this time. Future requested signage for identification or directional purposes will be subject to individual site development plans submitted for the employment and commercial lots, as well as for any overall subdivision identification signage.

3. **Landscaping §1-19-6.400**: The landscaping plan contains a variety of plant species, which provide screening, shade, and delineation of public spaces. The landscaping proposal represents an effort to furnish the streets in the development with continuous lines of tall, deciduous, traditional street trees while maintaining adequate distance from utility easements and ESD facilities. The Applicant has provided selective foundation screening of building sides where they face the public street network.

The provision for street trees in the proposed development is regulated under Section 1-19-6.400(A)(1) of the Zoning Ordinance and states that the Applicant must provide “One tree, at least 6 feet in height at the time of planting…per 35 feet of [public] roadway frontage.”. The calculated total, public, roadway frontage for this Application is 9,973 feet, and the street tree requirement is as follows:

- Public road frontage: 9,973 ft.
- Required number of street trees: 285 trees (9,973/35=2850)
- Total # of trees provided along public streets: 206 trees
- Total # trees provided outside public ROW: 79 trees

The Applicant seeks a modification allowing the Planning Commission to grant approval for an ‘Alternate On-site Location’ for the planting of the required number of street trees. In certain sections of the planned community such as the street frontage along Dock Street, the tight spacing of individual driveways combined with the public utility easements create an inherent difficulty for the locating of traditional street trees. Given the number of trees planted throughout the Site, Staff has no objection to the granting of this modification by the Planning Commission.
This proposal demonstrates an integration of ESD stormwater facilities into the overall design of the public streets, open spaces, and private residential lots. The use of ESD areas along Garden Walk Drive provides an integration of utilitarian stormwater infrastructure with public space. Pedestrian access to, and through, the landscaped open areas is provided.

4. **Lighting §1-19-6.500:** The lighting plan is used primarily to provide illumination of the internal circulation network. The Applicant has provided a photometric plan documenting proposed lighting levels on the site. Lighting levels exceed .5 foot-candles at two locations, at the intersection of Jefferson Technology Boulevard and MD 180, and at the terminus of Calla Place at MD180. Given the potential safety benefits, Staff has no objection to the granting of this modification by the Planning Commission.

**Conditions/Modifications**

1. Approval of the proposed setbacks and height restrictions.
2. Approval of a modification to allow an alternate planting design for street trees.
3. Approval of a modification to allow lighting in excess of .5 foot-candles at the property line at the intersection of Jefferson Technology Boulevard and MD180, and at the terminus of Calla Place at MD180.

**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 proposed interconnected street network promotes transportation efficiency by creating a flexible web of possible travel routes, distributing potential transportation load across the network. Additionally, the proposed street alignment corresponds and connects to the street system of the adjacent Jefferson Tech Park development to the east, providing a leveraged and more robust circulation network. Proposed local roads will interconnect with existing local roads provided in the adjacent Jefferson Tech Park development. This will occur at Dock Street, Margarita Way, Murray Terrace, Lemon Grass Lane, and Appian Street in the commercial/employment area. The proposed internal road network of Jefferson Park West will tie into existing collector and arterial systems which have been constructed and improved as a result of adjacent development activity. The continuation of Jefferson Technology Boulevard will be constructed with this project, and a proposed spine road – Garden Walk Drive - will be constructed to intersect with Jefferson Technology Boulevard.

2. **Public Transit:** The Phase I rezoning included a condition to ensure that the development is capable of being serviced by public transportation. The proposed plan employs a development pattern that facilitates the integration of residential and non-residential uses and is designed at a density in which a large resident population is in proximity to potential future transit stops. Additionally, the proposed street network is interconnected and provides multiple points of ingress and egress. Sidewalks, pedestrian crosswalks, and street lighting are provided.
Public transit service via the Brunswick/Jefferson Shuttle is available in the adjacent Jefferson Tech Park Development. This provides service between the Brunswick MARC Station and the Frederick MARC Station in Downtown Frederick City. This shuttle runs Monday through Friday during the morning and afternoon rush hours. Additionally, the Mall-To-Mall Connector (Route #10) is located near the Site along MD 180, however there are no bus stops currently nearby.

A benefit of transit is the minimization of impact on the road network through the concentration of trips. The Project similarly supports a minimization of impact on the road network through the placement of employment, residential, and commercial uses within proximity of each other. This is a result of the ability to walk or bike to destinations instead of driving.

3. **Parking**: Pursuant to Section 1-19-6.220 of the Zoning Ordinance, 2.5 spaces are required for each 3-bedroom townhouse dwelling. The total parking target for this application is 588 spaces. The Applicant is providing a total of 588 parking spaces on-site. Additional flexibility for event and overflow parking is provided through the provision of 117 on-street parking spaces.

Prescribed parking stall width and depth per § 1-19-6.220 (B)(1) for parallel parking spaces is 8’ x 22’. A decrease in width dimensions from 8’ to 7’ feet is requested by the Applicant for parallel parking along residential roads. This request was granted for the adjacent Jefferson Tech Park development. Staff concurs with the Applicant’s justification and supports the request for a decrease in the dimensional requirement for parallel parking spaces along local roads.

4. **Pedestrian Circulation and Safety §1-19-6.220 (G)**: The Applicant has provided sidewalks throughout the proposed development along both side of most streets with the exception of Aster View Lane, which is private and which has a sidewalk along one side of the street, and Calla Place, which is also private and a portion of which is fronted by houses on only one side. Proposed sidewalks are 5’ wide.

5. **Bicycle Parking §1-19-6.220 (H)**: Bicycle parking is not required for townhomes with garages. Bicycle parking for commercial and employment uses will be evaluated upon submission of future site plans.

**Conditions/Modifications**

1. Approval of reduction in required width of parallel parking spaces from 8’ to 7’.
**Public Utilities §1-19-3.300.4 €:** 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 in the Frederick County Water and Sewer Plan.

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

**Findings/Conclusions**

1. **Topography:** The Site has a sloping topography with high points along the perimeter and low points along a central stretch of the property where Butterfly Branch Creek is located. Overall, slopes range from less than 15% on the majority of the parcel to greater than 25% in some areas along the stream. The Site is located in the Ballenger Creek Watershed, draining to the south into Ballenger Creek and the Monocacy River.

2. **Vegetation:** Much of the property was in cultivation and is fairly devoid of natural vegetation other than within the stream corridor. A fragmented bottomland forest runs along Butterfly Branch. It is likely that the post development condition of this property will result in more tree cover than at any time since at least 195

3. **Sensitive Resources:** A small wetland and flooding soils have been identified on the site. A 100-year floodplain extends along Butterfly Branch within the Site and is under laid by Rowland silt loam (RWA), a floodplain soil with a 0-3% slopes and a depth to water table of 2-3 feet. There are also areas of mapped wetlands adjacent to the stream. Butterfly Branch Creek, a first order tributary of Ballenger Creek that crosses the land from north to south. One roadway stream crossing (Jefferson Technology Court) is proposed. The final design of the crossing will be determined during the development of Improvement Plans for the project with MDE input.

4. **Natural Hazards:** FEMA 100-year floodplain areas have been identified on the site. Appropriate buffers have been established for floodplains, wetlands, steep slopes, and waterbodies identified on the site. Staff finds that the Application meets the requirements for these sensitive area buffers.
**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/Open Space:** Open space requirements affecting the development of this residential community are being met through the dedication of open spaces throughout the Project. Per the MXD approval, a minimum open space land area of 13.8 acres is required. A total of 17.86 acres is proposed. This is predominantly in the form of land along Butterfly Branch, but also is provided in the form of active and passive recreational space throughout the residential portion of the development.

   Staff finds that proposed common areas and open spaces meet or exceed the minimum requirement of 13.8 acres and are designed and allocated in such a way as to provide passive and active recreational opportunities for residents and visitors. In addition, passive, active, and recreational open space is provided in the adjoining Jefferson Tech Park Development.

**CHAPTER 1-16: SUBDIVISION RULES AND REGULATIONS**

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

The designated land use for the Site in the County Comprehensive Plan is Office/Research/Industrial, which is intended to support business, professional, and corporate office uses as well as research and development uses. The Mixed Use Development (MXD) floating zone is eligible to be placed on a tract of land with an ORI comprehensive land use designation. The MXD zone allows for a mixture of employment, residential, commercial, and/or civic uses within Community Growth Areas. The Project is within the Ballenger Creek Community Growth Area, is part of the Advanced Technology Park, and includes a combination of commercial, employment, and residential uses.

The Zoning Ordinance describes that the MXD zoning district is established to provide for new development and redevelopment within identified growth areas that result in an integrated mixture of commercial, employment, residential, recreational, civic and/or cultural land uses. Land uses are intended to be planned as a unit and among other purposes, result in efficient use of land, innovative design involving flexibility not permitted within the Euclidean zoning districts, and promote building and site design that reduces dependence on vehicular transportation.

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

The Project integrates Butterfly Branch into the open space system of the development, which includes existing areas of flooding or wet soils, wooded areas, or wetlands. The integration of
the development with the adjacent Jefferson Technology Park helps enhance a mutually reinforcing arrangement between the planned residential uses of Jefferson Park West and the planned retail uses of Jefferson Tech Park by bolstering the trade area of the retail while providing services for the residential.

Block Shape §1-16-218: The maximum block dimension shall be 1,800 feet.

No block dimension is greater than 1,000 feet. Multiple housing styles and the location of open space create variety in the arrangement and size of blocks in the proposed development. Pedestrian circulation is supported by neighborhood design and placement of sidewalks and paths.

Lot Size and Shape §1-16-219: The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated and future utilities.

Setbacks and height within the Planned Development Districts (PUD & MXD) shall be established by the Planning Commission at Phase II as provided in §1-19-10.500.7(F)(2) of the Zoning Ordinance.

The Applicant proposed setbacks and dimensional requirements for residential lots are indicated on the plans and have been described previously in this report.

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

Proposed streets are closed section with curb and gutter, and are designed according to County specifications. The Plan proposes sidewalks 5-ft in width with marked street crossings at appropriate locations. The sidewalk network provides internal pedestrian mobility and facilitates movement to and from adjacent land uses. Sidewalks are provided that link the Project to the proposed adjacent commercial and employment uses to the east. Alleys are provided for dwellings with rear access garages.

Right of Way and Paved Surface Widths §1-16-235: Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing, planned or platted roads.

The Applicant has included a combination of public and private streets as well as alleys to serve the transportation needs of the Project. The proposed transportation network extends the transportation network of the approved Jefferson Technology Park to the east.

The County Comprehensive Plan classifies MD 180 as a Minor Arterial. County standard right of way for this road is proposed and improvements will be completed per the requirements of the APFO LOU. Roads within the subdivision provide the standard right of way and paved surface widths required by the County.
**Other Street Requirements §1-16-236**
The project contains one proposed cul-de-sac which is planned to serve the commercial/employment lots in the southwestern portion of the project. In the MXD zone the Proposed Jefferson Technology Court is approximately 1,600 +/- feet in length and will serve the 6 commercial/employment lots. Although there is no maximum length or maximum number of lots to be served by a cul-de-sac within the MXD zone, the proposed cul-de-sac is well below the standard 1,800 foot length and 30 lot maximum discussed within the ordinance. Additionally, the proposed project contains one dead end street system at Calla Place that serves 20 dwellings, however the street is configured in a manner that provides ample ability to turn around.

**Highways, Streets, and Roads. Generally §1-16-234**
The street network is designed to support the context of the proposed land use and is designed for opportunities to create interconnections between adjoining parcels through the provision of 6 interconnections with the adjoining Jefferson Tech Park development. Adequate vehicular and pedestrian access to all parcels is provided through the provision of sidewalks along both sides of most roads. Through traffic safety is addressed through the provision of a "slip road" feature along Margarita Way. Direct access from the local street system to the primary transportation system is provided through connections to Jefferson Technology Boulevard, which connects to bordering arterial routes MD340 and MD180 without significantly impacting their efficiency. Safety, efficiency, and convenience of all users of the transportation system is provided by streets that accommodate pedestrians, bicyclists, and vehicles. Attempts to minimize pedestrian-vehicular conflict points have been made through the provision of rear loaded dwellings. The street network a enables an open space configuration along Butterfly Branch and throughout the development that supports the preservation, enhancement, and incorporation of natural resources.

**Public Facilities - Road Adequacy §1-16-12;**
The Project has one access point to Jefferson Pike (MD180), and six access points to the Jefferson Tech Park development to the east. The County Comprehensive Plan classifies MD 180 as a Minor Arterial. Access and proposed sight distance at entry points along MD180 are adequate.

The site will be served by United Fire Company located in Frederick City and approximately 2.75 miles from the site. In addition, the Jefferson Technology Park Phase II Plan has identified a 3 acre site for a fire and rescue station located on MD 180. Emergency response service to the site will utilize MD 180 or US 340 which are both adequate and meet the requirement of a paved collector or higher classification.

The subdivision will be primarily served by Jefferson Technology Blvd., a varying 2 to 4 lane collector road, which is a paved public street with a varying ROW width in excess of the collector road 60’ standard. Internal public streets are a minimum of at least 20’ in width.

**Parks §1-16-111**
Parks and open space requirements were reviewed during the floating zone application for this project. The Applicant proposes 17.86 acres of open space (13.8 acres are required). A linear "greenway" feature is proposed along Garden Walk Drive, with areas for passive and some limited, informal active recreation. Additionally, a park area of approximately 20,000 square feet is provided for active recreation.
**Floodplain Developments §1-16-220**
There is no residential, commercial, or employment development proposed in the mapped FEMA 100-year floodplain on the Site. The Applicant proposes a temporary sewer pump station within the floodplain district setback area.

**Other Applicable Regulations**

*Moderately Priced Dwelling Units – Chapter 1-6A:*
Per Section 1-19-8.620.2, all residential developments consisting of 25 units or more on public water and sewer are required to provide no less than 12.5% of the total units as MPDUs. The proposed project includes 235 dwelling units and therefore would be required to provide 30 MPDUs. As stated in general note 5 on sheet CS-1 of the Preliminary Plan, the Applicant plans to utilize the Payment-in-Lieu of building option as allowed in accordance with §1-6A-5.1 of the Frederick County Code. The note will be updated to include the total number of MPDUs required. A MPDU Agreement must be recorded in the land records prior to the approval of Preliminary Plan signature sets.

*APFO – Chapter 1-20:*
The APFO was approved by the Planning Commission on August 13, 2014, with an eight year validity period extending through August 13, 2022. A preliminary plan was concurrently conditionally approved on that same date.

**Schools**
The approved residential development mix in the original APFO approval was: 147 townhomes and 178 2 over 2’s, totaling 325 dwelling units. The new mix is 235 townhomes. This project is exempt from further schools testing since the new mix does not increase the student yield relative to the original approval.

**Water/Sewer**
The Property has a water and sewer classification of W-3 S-3. The developer will acquire the appropriate water and sewer classification necessary for the project to continue based on the stage of the development process. All terms of the original Letter of Understanding (LOU) remain unchanged for this project.

**Roads**
The project was originally approved to generate 643 am and 633 pm weekday peak hour trips as noted in the 2014 LOU. This project is exempt from further roads testing since the new mix does not increase the trip generation relative to the original approval.

*Forest Resource – Chapter 1-21:*
The Preliminary Forest Conservation Plan was approved by Planning Commission on August 13, 2014 and signature sets were approved September 15, 2015. The 102 acre property contains 6.95 acres of existing forest. The Applicant proposes to clear 0.74 acres of forest and place the remaining 6.21 acres of forest into a FRO easement. In addition, 9.93 acres of forest planting is proposed on site, including 0.04 acres to mitigate for the proposed partial release of 0.02 acres from a recorded FRO easement on the Jefferson Tech Park property at a ratio of 2:1 (0.02 acres x 2 = 0.04 acres). Total mitigation provided is 16.14 acres, comprised of 9.93 acres of forest planting and 6.21 acres of forest retention.
The site contains 37 specimen trees (trees 30” or greater in diameter). Two specimen trees are proposed to be removed. Due to their poor condition they do not qualify as “nonhazardous” specimen trees, and may be removed without an FcPc modification. All other specimen trees will be retained and protected. Approximately 7 specimen trees are located near the proposed sewer easement, and a portion of the critical root zones will be impacted. At the 2014 meeting, staff required a condition of FRO approval that a licensed arborist conduct root pruning prior to any earth disturbance around the trees in order to minimize the impact to these specimen trees.

**Conditions/Modifications**
1. A Final FRO plan must be approved and FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.

**Historic Preservation – Chapter §1-23:**
No historically significant structures or other resources are present on this Site.

**Rezoning Ordinance - Streetscape:**
Condition #3 of the rezoning for this project (R-05-10, Ordinance No. 06-38-434) states the following: “The Planning Commission must approve the architectural and streetscape guidelines for the project before any plats are recorded.”

The Applicant has not finalized the architecture for the project. Detailed guidelines will be reviewed and approved prior to final plat recordation.

**Conditions/Modifications**
1. Prior to plat recordation for any lots on the site, architectural and streetscape guidelines will be approved.

**Agency Review Status**

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<td>Division of Utilities and Solid Waste Management (DUSWM)</td>
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RECOMMENDATION

Staff has no objection to conditional approval of the Jefferson Park West Combined Preliminary Subdivision Plan/Site Development Plan. If the Planning Commission conditionally approves the site development plan, it will be valid for a period of three (3) years from the date of Planning Commission approval (valid through June 11, 2021). The Preliminary Subdivision Plan is valid for the lesser of 5 years or the period of APFO approval. The APFO is valid through August 13, 2022, therefore the Preliminary Plan will expire on August 13, 2022.

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

Planning Commission approval of the following modification requests from the Applicant:

1. Approval of reduction in required width of parallel parking spaces from 8' to 7'.
2. Approval of the proposed setbacks and height restrictions.
3. Approval of a modification to allow an alternate planting design for street trees.
4. Approval of a modification to allow lighting in excess of .5 foot-candles at the property line at the intersection of Jefferson Technology Boulevard and MD180, and at the terminus of Calla Place at MD180.

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. A Final FRO plan must be approved and FRO mitigation must be provided prior to applying for grading permits, building permits, or lot recordation, whichever is applied for first.
3. Prior to plat recordation for any lots on the site, architectural and streetscape guidelines must be submitted to and approved by the Planning Commission.
4. A MPDU Agreement must be recorded in the Land records prior to the approval of Preliminary Plan signature sets.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission APPROVE the Jefferson Park West MXD Preliminary Subdivision Plan for a total of 250 lots (235 residential and 15 commercial/employment), on a +/- 102 acre site, (AP#18248, S-1164 SP-18-02) and the Site Development Plan for a portion of the Site including 235 residential dwellings with conditions and modifications as listed in the staff report, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
Exhibit 2 – Preliminary Plan Diagram