TITLE: Frederick Crossing MXD

FILE NUMBER: R-97-03(A)

REQUEST: Phase I Zoning Map Amendment Approval
The Applicant is requesting amend the Phase I Plan for the Frederick Crossing MXD to increase the amount of permitted commercial area to 45% and change the land use designation for the 7.56 acre Site from “R&D/Office/Employment” to “Commercial.”

PROJECT INFORMATION:
ADDRESS/LOCATION: Southwest quadrant of MD85 and MD355
TAX MAP/PARCEL: Tax Map 77 Parcel 314
COMP. PLAN: Office/Research/Industrial
ZONING: MXD – Mixed Use Development
PLANNING REGION: Frederick
WATER/SEWER: W1/S1

APPLICANT/REPRESENTATIVES:
APPLICANT: Ourisman Chrevrolet Co., Inc.
OWNER: Lee Farm Management, LLLP
ENGINEER: Rodgers Consulting
ATTORNEY: Lerch, Early & Brewer

STAFF: John Dimitriou, RA, Principal Planner

RECOMMENDATION: Approval

ATTACHMENTS:
Exhibit 1-Agency Comments
Exhibit 2-Expert Witness Resumes
Zoning Map Amendment

November 18, 2015

CASE NUMBER: R-97-03 (A)
PLANNING REGION: Frederick
APPLICANT: Ourisman Chevrolet Co., Inc.
OWNER: Lee Farm Management, L.L.L.P.
REQUEST: Amend the Phase I Plan for the Frederick Crossing MXD to increase the amount of permitted commercial area to 45% and change the land use designation for the 7.56 acre Site from “R&D/Office/Employment” to “Commercial.”
LOCATION: Southwest quadrant of MD 85 and MD 355
I. Background

This rezoning request is to amend the Phase I Plan for the Frederick Crossing Mixed Use Development (MXD). The requested changes are for an increase in the amount of permitted commercial area for the entire MXD to 45% and to change the land use designation for Lot 8 (the Site) from “R&D/Office/Employment” to “Commercial.”

The Frederick Crossing MXD contains +/- 71.8 acres of land and is located in the Frederick Southeast Community Growth Area, to the north and southwest of Guilford Drive. The Site is located along the northern border of an existing Walmart, in the southwest quadrant of the intersection of MD355 and MD85, at the terminus of Frederick Crossing Lane. It is identified as Lot 8 and is on Tax Map 77 as Parcel 314 and contains +/- 7.56 acres of land.

The Frederick Crossing MXD floating zone map amendment was approved in October of 1997 (Ord. 97-15-193). A maximum permitted acreage for commercial land use within the MXD was established at 40.4% of the gross land area of the MXD. Therefore, at a gross acreage of 71.8 acres within the MXD, a total of 29.01 acres of commercial land was permitted. The Site was designated “R&D/Office/Hotel.”

Since 1997, development of the Frederick Crossing MXD has progressed. The Frederick Crossing Retail Center was constructed under the “Commercial” land use. The Conley Corporate Center, the Guilford Professional Center, and Guilford Office Center have been constructed under the “R&D/Office/Hotel” land use. Two parcels within the MXD remain undeveloped: Lot 7 (Tax Map 77 Parcel 94) on the western boundary of the MXD at New Design Road; and, the subject Site (lot 8, Tax Map 77 Parcel 314).
A parcel of land owned by the Maryland State Highway Administration (SHA) is adjacent to the northern boundary of the Site. A portion of an interchange between I-70 and MD355 was planned to be constructed on this site. Later, as the planned interchange was relocated to the east to the crossing of MD85 and I-70, the property slated for I-70/MD355 interchange was deemed surplus.

The SHA parcel is not a part of the Frederick Crossing MXD. However, a potential “land swap” was discussed during the previous rezoning process, and the rezoning ordinance makes reference to this property and to the desire of the Board of County Commissioners that the SHA site should be designated “R&D/Office/Hotel.” However, as this site was not a part of the rezoning, there was no binding ability to affect its designation. It is currently zoned GC-General Commercial and continues to be separate from the Frederick Crossing MXD. The applicant is in negotiation with SHA to purchase the surplus property to develop jointly with the MXD parcel.
II. **Mixed Use Development (MXD) Zone Summary**

The MXD zoning district is a floating zone, established in 1993, and allows for an integrated mix of commercial, employment, residential, recreational, and civic/cultural uses. As a floating zone the MXD zone can only be applied to properties, which are designated either Office/Research, Limited Industrial, or Mixed Use on the Frederick County Comprehensive Plan. The MXD may also be applied over land designated Natural Resource if it is a minor portion of the project. Amendments to the MXD zone, which are referenced below, were adopted in 2010.

The regulations for the PUD and MXD floating zone districts are now combined into a single section: **1-19-10.500 Planned Development Districts**

**General requirements**

- There is no longer a minimum tract size when applying for MXD.
- Lot sizes, setbacks, and building heights shall be established by the Planning Commission at the Phase II review.
- **Open space/Green Area** - shall be no less than 30% of the total area shown for residential development and 20% of the total area devoted to commercial and employment uses. Council has discretion to reduce this by no more than 50% (10.500.7 (B)).
- **Water and Sewer** - Property shall have PS – Planned Service classification to apply for MXD Phase I. Phase II review requires a W-4/S-4 classification.
- **Public Facilities** – May require sites for schools, libraries, fire stations based on need using established county standards of service. (10.500.8 (B))
- **Review Process** – Two step process, Phase I rezoning step and Phase II: Execution Phase which includes subdivision and/or site plan reviews as applicable.

**Permitted Land Uses (see Section 10.500.7)**

The land use mix is established during the Phase I rezoning review and is still oriented to the employment uses. The Council has discretion to deny or modify the land use mix. FcPc may approve minor modification of individual land use locations. Any land use mix changes to an approved Phase I plan must be approved through a revised/new Phase I application.

- **Residential** – Oriented to medium/high density residential and allows all types of residential uses now including single-family detached dwellings. Residential uses cannot exceed 25% of the gross project acreage.
- **Commercial** - includes all uses permitted in the General Commercial zone with exceptions noted in section 10.500.7 (A) (2). Cannot exceed 25% of gross project acreage when project includes a residential component. If there is no residential component, the commercial portion could include up to 45% of the gross project acreage exclusive of floodplain. When combined with a residential component cannot exceed 40% (both residential and commercial areas) of gross acreage or 50% exclusive of floodplain, whichever is less.
- **Employment** – employment uses, regardless of whether the MXD is applied to LI or ORI designated land, shall be limited to those uses permitted in the Office/Research/Industrial zoning district. Old language required MXD’s applied to LI designation to follow LI zone uses.
For projects with a residential component it is no longer required that some minimal amount of non-residential development be constructed first.

- **Institutional** - allow for recreational and community activities, public services/facilities, health care facilities, schools, and institutional uses referenced in Section 1-19-5.310 Use Table.

**General Development Standards** *(See Section 10.500.9)*

- **Site and building design** - addresses integration of land uses, orientation of buildings, parking design and access, pedestrian access, landscaping and open space design.

- **Natural Features** – addresses protection of natural features such as forest areas and visual impacts of development on surrounding properties. Lands with PUD zoning, but with a land use plan designation of *Natural Resource* may not be developed with residential or commercial/employment structures.

- **Public Facilities and Utilities** – location, design, and extent of proposed facilities shall be in accordance with County standards and the Comprehensive Plan.

- **Modifications** - as part of the Phase II Execution review the Planning Commission may approve modifications to parking, street design, landscaping, buffering, and general development standards in *Section 10.500.9 (A).*
III. Approval Criteria

§ 1-19-3.110.4. APPROVAL CRITERIA (for Zoning Map Amendments)

(A) Approval or disapproval of a request for an individual zoning map amendment or floating zone reclassification shall be determined through review of several criteria. The Planning Commission and the County Council review will include, but not be limited to:

1. Consistency with the comprehensive plan;
2. Availability of public facilities;
3. Adequacy of existing and future transportation systems;
4. Compatibility with existing and proposed development;
5. Population change; and
6. The timing of development and facilities.

§ 1-19-10.500.3. APPROVAL CRITERIA (for Planned Development Districts)

The County Council may approve or disapprove a request for rezoning of property to a Planned Development District if persuaded that granting the request is appropriate and serves the public interest. The approval or disapproval of a request for the application will be determined through evaluation of several criteria to establish whether the proposed project meets the purpose and intent of the zoning district. In addition to the requirements in § 1-19-3.110.4, the Planning Commission and County Council must find that the project adequately addresses the following criteria:

(A) The proposed development is compact, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities;

(B) The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans;

(C) The proposed development is compatible with existing or anticipated surrounding land uses with regard to size, building scale, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping; or other design features in accordance with the County Comprehensive Plan, and any applicable community or corridor plans;

(D) The proposed development provides a safe and efficient arrangement of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

(E) The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area. Factors to be evaluated include: roadway capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, projected construction schedule of planned improvements, pedestrian safety, and travel demand modeling;
(F) The proposed development provides design and building placement that optimizes walking, biking, and use of public transit. Factors to be evaluated include: extension of the street network; existing and proposed community development patterns; and pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

(G) Existing fire and emergency medical service facilities are or will be made adequate to serve the increased demand from the proposed development in addition to existing uses in the area. Factors to be evaluated include: response time, projected schedule of providing planned improvements, bridges, roads, and nature and type of available response apparatus;

(H) Natural features of the site have been adequately considered and utilized in the design of the proposed development. Factors to be evaluated include: the relationship of existing natural features to man-made features both on-site and in the immediate vicinity, natural features connectivity, energy efficient site design, use of environmental site design or low impact development techniques in accordance with Chapter 1-15.2 of the Frederick County Code;

(I) The proposed mixture of land uses is consistent with the purpose and intent of the underlying County Comprehensive Plan land use designation(s), and any applicable community or corridor plans;

(J) Planned developments shall be served adequately by public facilities and services. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards.
IV. Applicant’s Proposal

This rezoning request is to amend the Phase I Plan for the Frederick Crossing Mixed Use Development (MXD) to increase the overall amount of commercial land use to 45% and to change the land use designation for Lot 8, (the Site) from “R&D/Office/Hotel” to “Commercial.” The request would increase the permitted commercial use for the MXD from 40.4% to 45%, which is the maximum allowed in an MXD.

The request is being made in order to support the Applicant’s intended use of the Site as an automobile dealership. However, a change in designation of the Site to commercial allows for the development of any uses allowed under the GC-General Commercial zone of the Use Table (§1-19-5.310).

As described above, the MXD zone limits the amount of commercial land to a maximum of 45% of the gross land area for projects with no proposed residential land use. The current Phase I Plan was approved for 40.4% commercial use, or 29.01 acres.

The Site is 7.56 acres, so even if the permitted percentage of commercial land in the MXD were raised to the maximum allowed by zoning of 45% of the gross land area, the result would not provide enough commercial land to permit the conversion of the entire Site to commercial land use. Only 3.3 acres of the Site could be changed to commercial.

\[ 71.8 \text{ MXD acres } \times 45\% = 32.31 \text{ acres} \]
\[ 32.31 \text{ acres} − 29.01 \text{ acres} = 3.3 \text{ acres} \]
\[ 7.56 > 3.3 \text{ acres} \]

However, the Applicant is proposing that sufficient commercial acreage can be gained through the combination of: 1) an existing surplus of commercial land within the MXD; and 2) the increased acreage that would come from raising the maximum permitted commercial percentage to 45%.

The Applicant has demonstrated that not all of the 29.01 acres of permitted commercial land should be counted towards the commercial use and has determined that the actual amount of commercial land currently in use in the MXD is only 24.9 acres (see Figure 1). The rationale for this determination is tied to the open space requirements of the MXD zone.

The MXD zone requires that a minimum of 20% of the gross area dedicated to commercial and employment uses must be open space. At the time of approval, the function, configuration, or appearance of the open space required by the MXD zone was not specifically described in the Zoning Ordinance.

The Phase I approval of the Frederick Crossing MXD did not specifically delineate all of the required open space in graphic form. Open space was defined as any piece of land that was not covered by built structures (buildings, sidewalks, parking fields, etc.). Annotation was included in the rezoning documents that specified the provision of a minimum of 20% open space as the development progressed.

As construed in the progressive build out of the Frederick Crossing MXD, and as approved in the Site Development Plan for the Frederick Crossing Retail Center, all land without buildings or pavement is included in the open space tally (see Figure 1). For the commercial land in the MXD, this includes all landscaped parking islands, a “Guilford House Interpretive Walkway” area, and all residual land not covered by buildings or pavement within the Site. The subtraction of these open space areas from
the total permitted commercial land results in a surplus of 4.11 acres of undeveloped commercial land within the Frederick Crossing retail center parcel.

29.2 acres – Frederick Crossing Retail Center parcel
- 4.3 acres - Open Space
  24.9 acres – Net area of developed commercial land

29.01 acres – permitted (45% maximum) commercial land in the entire MXD
- 24.9 acres – net area of developed commercial land
  4.11 acres – Surplus area of commercial land in the MXD

This surplus of 4.11 acres from the Frederick Crossing Retail Center parcel added to the 3.3 additional acres that could be gained by converting the maximum of 45% of the MXD to commercial provides a total of 7.41 acres available for commercial use (32.3 acres total commercial).

The maximum available commercial acreage of 7.41 acres leaves a balance of 0.15 acres of the Site that cannot be designated for Commercial use.

This issue is resolved by applying the 20% open space/green area requirement to the Site. The amendment proposes 20% (1.5 acres) of the Site to be designated Open Space with approximately 6.0 acres to be designated Commercial use (see Figure 2). This is below the allowable 7.41 acres of commercial area, and does not exceed the total land area permitted for commercial uses (32.3 acres) to stay within the 45% maximum. The current and proposed land use allocations are shown in the following illustrations.
LAND USE ALLOCATION

<table>
<thead>
<tr>
<th>Land Use</th>
<th>± Acres</th>
<th>± % of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space (20% minimum per sub)</td>
<td>14.56</td>
<td>20%</td>
</tr>
<tr>
<td>Right of Way (originally estimated 60 ± 9.5 ac.)</td>
<td>13.62</td>
<td>18.9%</td>
</tr>
<tr>
<td>Commercial (45.3% max per zoning conditions)</td>
<td>29.01</td>
<td>40.4%</td>
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<tr>
<td>Office-Employment (10% of acreage per sub)</td>
<td>14.86</td>
<td>20.7%</td>
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<tr>
<td>TOTAL</td>
<td>±71.8</td>
<td>100%</td>
</tr>
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</table>

GENERAL NOTES

1. Originally Revised to MXD October 21, 1997 by Ordinance No. 45-97.
2. Areas depicted in the graphic represent the actual land use as per the most recently approved record plan & site development plans for the respective lots.
3. Total acreage percentage of Land Use. The area of original zoning was a factor of the 45.3% limitation on commercial use and the required 20% open space. The right of way is originally estimated at 9.5 acres, and the balance of the property was designated “Office-Employment.” For the purpose of this table, the currently approved site of 60 acres is used to compare the difference to the acreage with the proposed amendment.
4. Total Open Space will meet or exceed the maximum required with the additional open space area proposed for Lot 4.

Frederick Crossing – Generalized Land Use Plan
Current Approval – R-97-03

Figure 1: Applicant’s Interpretation of Current Phase I Plan

November 18, 2015
Figure 2: Applicant’s Proposed Phase I Plan

<table>
<thead>
<tr>
<th>LAND USE ALLOCATION</th>
<th>± Acres</th>
<th>± % of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Space (20% underneath roadway)</td>
<td>14.36</td>
<td>20%</td>
</tr>
<tr>
<td>Right of Way (originally estimated @ ± 9.5 ac.)</td>
<td>13.62</td>
<td>18.9%</td>
</tr>
<tr>
<td>Commercial (45% max. for open space)</td>
<td>22.31</td>
<td>45%</td>
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<tr>
<td>Office-Employment (balance if range for only)</td>
<td>11.56+</td>
<td>16.1%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>±71.8</td>
<td>100%</td>
</tr>
</tbody>
</table>

GENERAL NOTES

2. - Acres depicted in the graphic represent the actual land use now per the most recently approved record plan &/or development plans for the respective lots.
3. - Total acreage percentages of land use will vary as of original zoning was a factor of the 45% commercial & open space. This is consistent with the original approved rights of way.
4. - Any Open Space will meet or exceed the minimum required with the additional open space range proposed for Lot 8.

Frederick Crossing – Generalized Land Use Plan

Proposed Amendment – R-97-03 (A)
V. Evaluation - Relationship to the County Plans and Regulations

Consistency with Comprehensive Plan Designation and Guidelines
The Frederick Crossing MXD has a Comprehensive Plan land use designation of Office/Research/Industrial and is within the Frederick Southeast Community Growth Area. As such, the Site is within an area that has been targeted for growth and development, and therefore this request is consistent with the general policy in the Comprehensive Plan that supports the location of growth within designated areas. Additionally, the project’s Comprehensive Plan land use designation is consistent with the requirement for application of the MXD floating zone, namely that the MXD floating zone may only be applied to land with a plan designation of Mixed Use Development, Limited Industrial, or Office/Research/Industrial. Therefore, the proposed amendment of the MXD zone is consistent with the County Comprehensive Plan.

Comprehensive, Community and/or Corridor Plans
There has not been a specific Community or Corridor Plan developed for the vicinity of the Site. However, the proposed use of the Site as a car dealership is consistent with the uses in the existing surroundings as described below.

Current Zoning, Adjoining Land Uses
The Site is zoned MXD, which was originally applied in 1997. Adjoining the Site to the west is the Frederick Crossing Retail Center, to the north is I-70, and to the south is Walmart. Directly to the east of the Site is MD355 and MD85, beyond which are other commercial uses including the existing Ourisman car dealership, the Renn Kirby car dealership, a car rental use, a bank, and a motel. The proposed change from office to commercial on the Site would be compatible with the existing zoning and land uses on surrounding properties.

Land Use Mixture
The MXD zone allows a maximum commercial acreage of 45% of the gross acreage of the project land (exclusive of floodplain), and does not prescribe a minimum acreage for employment uses. The Applicant’s request to increase the maximum percentage for commercial land is therefore consistent with the requirements of the MXD zone.

Additionally, the request is consistent with the intent of the Planned Development Districts. The MXD zone (as a Planned Development District) is intended, in part, to provide development flexibility to respond to market demand. As stated in the Applicant’s Justification Statement, as substantiated by general feedback from other members of the development community, and as concluded by professional economic forecasts produced for the Frederick County region¹, a significant shortage of space for Office, Industrial, and Flex/R&D uses is not foreseen. Vacancy rates for these categories of use are high, reflecting a general regional trend related to growth in employment. Current demand characteristics support commercial uses, with a specific supply gap identified among auto dealerships². A change in land use allocation from employment to commercial will provide the stated flexibility outlined in the intent statement of the Planned Development Districts.

¹) “Economic, Demographic, and Real Estate Dynamics in Frederick, MD”, Sage Policy Group, Inc., October 2014
²) ibid. page 127
The gross project acreage of the Frederick Crossing MXD is 71.80559. The land use mixture requested by the Applicant is shown in Figure 2 above.
**Population Change**
As no residential development is proposed, there is no potential additional population change in the surrounding neighborhood as a result of the proposed zoning amendment and as measured by the existence or proposal of residential dwellings.

**Natural Features**
The Site does not contain wetlands, floodplain, wet soils, or steep slopes of any note. An existing, densely grown stand of trees is located along the northern boundary of the Site.
VI. Evaluation – Availability/Adequacy of Public Facilities and Services

Availability Public Schools, Water/ Sewer, Public Safety, Libraries, and Parks & Recreation

PUBLIC SCHOOLS
No residential land use is proposed in this revision; therefore schools will not be directly impacted by this project.

WATER AND SEWER
The Site is classified S-1/W-1 in the Master Water and Sewerage Plan. This denotes properties where publicly-owned community sewer or water systems are completed and operational.
Water is supplied to the Site from the Potomac River via the New Design Water Treatment Plant. Wastewater from the Site is treated at the Ballenger/McKinney Wastewater Treatment Plant along the Monocacy River.
There are no programmed improvements for water and sewer utilities in the FY2016-2021 Capital Improvements Program in the vicinity of the Project.

PUBLIC SAFETY FACILITIES
There are no programmed improvements for public safety facilities in the vicinity of the Site in the FY2016-2021 Capital Improvements Program. The Site is within the service area of the Westview/United Fire Company and borders the service area of both the United Steam Fire Engine Company #3 and the Citizens Truck Company. The nearest fire station is the United Steam Fire Engine Company located on Market Street in Downtown Frederick City approximately 1 mile from the Site.

LIBRARIES
The Frederick County C. Burr Artz Public Library is in downtown Frederick City serves this area. There are no library improvements programmed in the vicinity of the Site in the FY2016-2021 CIP.

PARKS AND RECREATION FACILITIES
There are no park improvements programmed in the vicinity of the Site in the FY2016-2021 CIP.

Adequacy of Transportation

EXISTING SITE ACCESS CHARACTERISTICS
The Site has approximately 600 feet of frontage along MD85 and has access on Frederick Crossing Lane, which terminates with a cul-de-sac at the western end of the Site. At this time there are no approved access points along MD85 for the Site.

The Applicant’s objective is to purchase the SHA parcel to the north of the Site and develop it under the General Commercial zone as a companion car dealership with internal site circulation that is continuous between the subject Site and the SHA parcel. The SHA parcel has frontage on MD355, and the Applicant has stated that an additional access point will be sought at this road frontage. Approval of access to MD355 will be at the discretion of SHA, but to date SHA has not been receptive to any access along MD355.
EXISTING TRAFFIC VOLUMES ON ADJOINING ROADS

<table>
<thead>
<tr>
<th>Location</th>
<th>AADT: 2014 Annual Average Daily Traffic</th>
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<tbody>
<tr>
<td>MD 355, .5 miles south of MD85</td>
<td>19,671</td>
</tr>
<tr>
<td>MD85 between MD355 and I-70</td>
<td>32,271</td>
</tr>
<tr>
<td>MD85 west of MD355</td>
<td>24,362</td>
</tr>
</tbody>
</table>

COMPREHENSIVE PLAN DESIGNATIONS FOR ADJOINING ROADS

The County Comprehensive Plan classifies MD355 and MD85 as existing Major Arterials. Frederick Crossing Lane is considered a local commercial street on the Comprehensive Plan. South of the Site, Guilford Drive is designated as an existing Collector Road.
VII. Summary of Findings

The following is an itemized analysis of the approval criteria for MXD zoning found in the Zoning Ordinance.

§ 1-19-3.110.4 (A) (Approval Criteria for Zoning Map Amendments)

(1) Consistency with the comprehensive plan;
The Frederick Crossing MXD is located in an area with an appropriate land use plan designation of Office/Research/Industrial and is within the Frederick Southeast Community Growth Area. The Frederick County Zoning Ordinance allows for the application of the Mixed Use Development floating zone (MXD) on properties with a Comprehensive Plan land use designation of Office/Research/Industrial. The proposed change to commercial use would be consistent with the Comprehensive Plan.

(2) Availability of public facilities;
Water is supplied by the New Design Water Treatment Plant. Sewer is treated by the Ballenger McKinney Wastewater Treatment Plant. Both systems currently have adequate capacity to serve the proposed commercial use. Water and Sewer services are provided to the surroundings, and connections will be required to be provided by the Applicant. Upon submission of a Site Development Plan, the project will be subject to Adequate Public Facilities Ordinance (APFO) review for Water/Sewer availability. Previous development applications for the MXD have received APFO approval. However, APFO review will be conducted to evaluate whether proposed future changes will result in the need to modify the improvement requirements outlined in the existing APFO Letter of Understanding (LOU).

(3) Adequacy of existing and future transportation systems;
The Site is located in a region of the County marked by the abundance of transportation infrastructure. Direct access to the Site is attained from Frederick Crossing Lane. The MXD has attained APFO approval during previous development applications for the MXD. However, the capacity of the surrounding roads and the impact that any new development project may have on those roads will be re-evaluated for adequacy relative to the pertinent proposal should the trip generating intensity increase over already approved levels. Access to State roads, if any, will be evaluated by SHA as part of a subsequent development review process.

(4) Compatibility with existing and proposed development;
The proposed commercial use is compatible with uses currently in operation in the area. Specifically, auto dealerships exist across MD355 and further south along MD355, including the existing Ourisman dealership, the Renn Kirby auto dealership, and the Hi Lo auto dealership.

(5) Population change; and
As no residential development is proposed, there is no potential additional population change in the surrounding neighborhood as a result of the proposed zoning amendment and as measured by the existence or proposal of residential dwellings.

(6) The timing of development and facilities.
The Site has access to an existing road and water/sewer infrastructure is also in place serving surrounding uses. There would not be any timing constraints for the development to proceed.
§ 1-19-10.500.3. (Approval Criteria for Planned Development Districts)

(A) The proposed development is compact, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities;

The Site is surrounded by developed land, and is located in the Frederick Southeast Community Growth Area. Development of the Site would not intensify the outward spread of urbanized land into rural areas, and employs an infill development pattern where infrastructure already exists.

(B) The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans;

The Frederick Crossing MXD is located in an area with an appropriate land use plan designation of Office/Research/Industrial and is within the Frederick Southeast Community Growth Area. The Frederick County Zoning Ordinance allows for the application of the Mixed Use Development floating zone (MXD) on properties with a Comprehensive Plan land use designation of Office/Research/Industrial. There is no Community and Corridor Plan for this area.

(C) The proposed development is compatible with existing or anticipated surrounding land uses with regard to size, building scale, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping; or other design features in accordance with the County Comprehensive Plan, and any applicable community or corridor plans;

The proposed commercial use is compatible with uses that are currently in operation in the area. Specifically, auto dealerships exist across MD355 and further south along MD355, including the existing Ourisman, the Renn Kirby, and the Hi Lo auto dealerships.

(D) The proposed development provides a safe and efficient arrangement of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space; A Site Development Plan must be submitted to proceed with development of the Site. The safety and efficiency of the arrangement of on-site buildings and infrastructure will be evaluated upon application for Site Development Plan approval. Access to the Site is being pursued by the Applicant, in cooperation with the SHA, to provide possible entrances at MD355 and/or MD85. Sidewalks are currently provided on all streets surrounding the Site, and Staff will work with the Applicant to explore appropriate on-site connections to off-site sidewalks.

(E) The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area. Factors to be evaluated include: roadway capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, projected construction schedule of planned improvements, pedestrian safety, and travel demand modeling;

The current Adequate Public Facilities Ordinance (APFO) Letter of Understanding addressed the roadway capacity and level of service needs of the surrounding transportation system. Required improvements have been completed. Any additional improvements, including pedestrian safety that may result from the proposed change of use within the MXD will be evaluated as the plan proceeds through the development review process. No on-street parking is proposed or needed at this time, and access to MD355 or MD85 is being pursued.
(F) **The proposed development provides design and building placement that optimizes walking, biking, and use of public transit. Factors to be evaluated include: extension of the street network; existing and proposed community development patterns; and pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;**

The proposed layout of the Site illustrates a potential drive aisle connection between Frederick Crossing Lane and either MD355 or MD85. Pedestrian connections from the Site to the surrounding road network can be easily provided either at Frederick Crossing Lane or MD355/MD85 (even if a vehicular connection to the State roads is not feasible).

(G) **Existing fire and emergency medical service facilities are or will be made adequate to serve the increased demand from the proposed development in addition to existing uses in the area. Factors to be evaluated include: response time, projected schedule of providing planned improvements, bridges, roads, and nature and type of available response apparatus;**

The Site is within the service area of the Westview/United Fire Company and borders the service areas of both the United Steam Fire Engine Company #3 and the Citizens Truck Company. The nearest fire station is the United Steam Fire Engine Company located on Market Street in Downtown Frederick City, approximately 1 mile from the Site.

(H) **Natural features of the site have been adequately considered and utilized in the design of the proposed development. Factors to be evaluated include: the relationship of existing natural features to man-made features both on-site and in the immediate vicinity, natural features connectivity, energy efficient site design, use of environmental site design or low impact development techniques in accordance with Chapter 1-15.2 of the Frederick County Code;**

The Site does not contain wetlands, floodplain, wet soils, or steep slopes of any note.

(I) **The proposed mixture of land uses is consistent with the purpose and intent of the underlying County Comprehensive Plan land use designation(s), and any applicable community or corridor plans;**

The Site is designated Office/Research/Industrial and zoned Mixed Use Development (MXD). The Office/Research/Industrial land use plan designation is described in the Comprehensive Plan as an employment designation. The Frederick County Zoning Ordinance allows for the application of the Mixed Use Development floating zone (MXD) on properties with a Comprehensive Plan land use designation of Office/Research/Industrial. The MXD zone is designed to enhance the opportunities for employment uses in the County by allowing a greater variety of mutually reinforcing land uses to occur within a single development. While an increase in commercial land use is proposed, employment uses continue to be a part of the MXD, thus employing the development flexibility offered by the MXD zone without eliminating employment uses altogether.

(J) **Planned developments shall be served adequately by public facilities and services. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards.**

As the Frederick Crossing MXD has proceeded through the development review process since its approval in 1997, mitigation requirements established by the APFO LOU have been satisfied. All necessary services and infrastructure to serve the Site are existing and adequate to handle the proposed commercial use.
VIII. **Recommendation**

Staff recommends APPROVAL of the request to amend the Phase I Plan for the Frederick Crossing MXD to increase the overall commercial use to 45% and to change the designation for the Site from Office/R&D/Hotel to Commercial based on the following findings:

1. The amendment meets the approval criteria as set forth in §1-19-3.110.4;
2. The amendment meets the Planned Development District approval criteria set forth in §1-19-10.500.3;
3. The proposed land use mix with a maximum of 45% in Commercial use is consistent with the requirements of the MXD zone;

And with the following conditions:

1. A maximum of 20% of the Site (Lot 8) may be open space/green area and will comply with the requirements for open space/green area set forth under §1-19-10.500 and §1-19-11.100 of the Zoning Ordinance.
2. The site development plan shall provide landscaping and architecture that are designed to provide aesthetically pleasing frontages for areas of the Site that are oriented toward MD 85 and MD 355.