Zoning Map Amendment

CASE NUMBER: R-14-02 (Monocacy Glen PUD)
PLANNING REGION: Adamstown
APPLICANT: Hogan Land Company, LLC
REQUEST: Rezone +/-37.7 acres from Agricultural (A) to Planned Unit Development (PUD) with a maximum of 161 dwellings
LOCATION: South side of Michaels Mill Rd., east of Buckeystown Pike. Tax Map 95 Parcel 1202
I. **Background**

This is a request to apply the Planned Unit Development (PUD) floating zone to a 37.7 +/- acre site. The parcel that is subject to this rezoning request (the Site), is within the Adamstown Planning Region, within the Buckeystown Community Growth Area, and is identified as Tax Map 95 Parcel 1202 in the Frederick County land records.

The topography of the Site is severely irregular, with distributed “piles” of land surrounded by areas of flatter topography. This unusual topography is due to the Site’s previous use as a quarry. The Site was mined for clay for the manufacture of bricks, apparently as a surface mine of either the open-pit or strip mine variety.

Mining operations on the Site have been discontinued for a significant period of time, and natural regrowth of vegetation has occurred and matured enough to have resulted in a substantial stand of forested land.
II. Planned Unit Development Zone Summary

The Planned Unit Development (PUD) zone was established in the early/mid 1960’s and was approved for the first project in 1967. The PUD is a floating zone, which can only be applied to properties designated Low/Medium/High Density Residential on the County Comprehensive Plan. The PUD may also be applied over land designated Natural Resource if it is a minor portion of the project. Amendments to the PUD 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 minimum tract size for the application of PUD zoning (except for Continuing Care Retirement Communities - CCRC’s). Lot sizes, setbacks, and building heights shall be established by the Planning Commission at the Phase II review.

Open Space/Green Area Requirements – A minimum of 30% of the gross land use area for PUD’s with a gross density of 3-6 dwellings/acre, 35% at 6-12 du/ac, and 40% at 12-20 du/ac. Public parks and recreation land may also be required at the discretion of the Board of County Commissioners (BOCC).

Water and Sewer - Property shall have PS – Planned Service classification or higher to apply for PUD Phase I. Phase II review requires a W-4/S-4 classification.

Public Facilities – The 500 and 1,000 dwelling thresholds that were used to determine amount of land for schools, libraries, or fire stations has been deleted. The 1 acre per 100 dwellings ratio for school sites has also been deleted. May require sites for schools, libraries, fire stations as part of the Phase I review using established county standards of service. §1-19-10.500.8.B

Review Process – Has been changed to a two step process consistent with the MXD zone. Phase I is rezoning and Phase II is execution, which follows subdivision or site plan reviews as applicable.

Permitted Land Uses  §1-19-10.500.6

PUD’s may be all residential with the mix of dwelling types based on need, existing and proposed projects in the vicinity, and on recommendations from adopted community/corridor plans. Commercial and employment uses may be proposed based on several factors including need, existing/proposed uses in the vicinity, and on recommendations from the community/corridor plans. The mixture of land uses will be determined by the BOCC at the Phase I rezoning review.

Residential – Goal is to provide a mix of dwelling types. Permits all residential types including single-family, duplex, townhouses, multi-family, and CCRC’s. Gross density may not exceed the following:

- Low density – 3-6 dwellings/acre
- Medium density – 6-12 dwellings/acre
- High density – 12-20 dwellings/acre

Commercial – allows for any uses permitted within the Village Center (VC) zoning district. There is no longer a threshold of 500 dwellings to allow for commercial uses. The 1 acre of commercial per
100 dwellings allowance has also been deleted.

**Employment** – allows for any uses permitted in the Office/Research/Industrial (ORI) zoning district. There is no longer a threshold of a 1,000 dwellings to allow employment uses. The 5 acres of employment per 100 dwellings has also been deleted.

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

**Continuing Care Retirement Community (CCRC)** – This is a new use reference in the PUD. A CCRC may be approved for an entire PUD development (shall have a minimum 5 acre site) or as a portion of a PUD. CCRC’s may include a mix of independent living, assisting living and skilled nursing care facilities. see §1-19-10.500.6.A.6 and §1-19-10.500.10

**General Development Standards  §1-19-10.500.9**

**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 §1-19-10.500.9.A.
III. Approval Criteria

§ 1-19-3.110.4 APPROVAL CRITERIA (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 Board of County Commissioners 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 (Planned Development Districts)

The Board of County Commissioners 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 Board of County Commissioners 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

Land Use Proposal

<table>
<thead>
<tr>
<th>Description</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Site Area</td>
<td>± 37.74 acres</td>
</tr>
<tr>
<td>Total Proposed PUD Zone Area</td>
<td>± 37.74 acres</td>
</tr>
<tr>
<td>Proposed Land Use</td>
<td></td>
</tr>
<tr>
<td>Residential Area</td>
<td>20.62 acres</td>
</tr>
<tr>
<td>ROW Area</td>
<td>4.90 acres</td>
</tr>
<tr>
<td>Floodplain Area</td>
<td>.71 acres</td>
</tr>
<tr>
<td>Non Floodplain Open Space Area</td>
<td>11.51 acres</td>
</tr>
<tr>
<td>TOTAL</td>
<td>37.74 acres</td>
</tr>
</tbody>
</table>

Total Proposed Dwellings: 161 dwellings*

*mix of single family detached and townhouses

Gross Project Density: $\frac{161}{37.74} = 4.3$ dwellings per acre

Net Project Density (Residential Land Area Only): $\frac{161}{20.62} = 7.8$ dwellings per acre

Concept Plan

The overall plan for the development (the Project) is to provide 161 dwellings as a mix of single family detached and townhouse dwelling types. The preliminary breakdown by dwelling type is 83 single family detached and 78 townhouse dwellings, resulting in a ratio of 52% single family detached and 48% townhouse dwellings.

The physical layout of the project proposes an internalized grid, where street intersections primarily occur within the boundary of the property. Access to the external transportation system is proposed along Michaels Mill road at two locations. These proposed site entrances have little separation and are located near the FEMA floodplain of Rocky Fountain Run which parallels Michael Mill Rd. on its north side.

The proposed arrangement of dwellings is to divide the lot into discrete areas based on dwelling type. For example, the townhouses are proposed as a single separate group of blocks, flanked by distinct areas of single family detached houses.

Buckingham Lane projects into the Site from the west, and an interconnection to this street is proposed on the Concept Plan. This connection is necessary to support the integration of the proposed development into the surrounding transportation network, and to provide a secondary means of egress and entrance into the Site in the case of hazardous or impassable conditions on Michaels Mill Road.

Phasing Plan

The anticipated build out period for the Site is approximately 8 years, respective of market absorption conditions for housing in the region. Occupancy is projected to begin in 2016.
Concept Plan
V. Evaluation - Relationship to County Plans and Regulations

Proposed Land Use Mix and Density

The proposed land use within the project is residential. The concept plan proposes a total of 161 dwellings, composed of a mix of single family detached dwellings and townhouses. The proposed concept plan currently indicates 83 single family detached dwellings, and 78 townhouse dwellings.

The following is an analysis of the compliance of the development proposal to the requirements of the Zoning Ordinance in terms of land use and density.

“§ 1-19-10.500.6(H)(1)(a) Gross density of a proposed PUD development shall comply with the following table.

<table>
<thead>
<tr>
<th>County Comprehensive Plan Land Use Designation</th>
<th>Dwelling Units per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Density Residential</td>
<td>3-6 du/ac</td>
</tr>
<tr>
<td>Medium Density Residential</td>
<td>6-12 du/ac</td>
</tr>
<tr>
<td>High Density Residential</td>
<td>12-20 du/ac</td>
</tr>
</tbody>
</table>

The gross density may not exceed the maximum density specified by the County Comprehensive Plan residential land use designation of the subject property.”

Land Use Designation: Low Density Residential (LDR, 3-6 du/ac)
Land Area Designated LDR: 37.74 total site acres
Total Number of Proposed Dwellings: 161 dwellings
Gross LDR Density: 161/37.74 = 4.3 dwellings per acre

§ 1-19-10.500.6 (B) of the Zoning Ordinance states: “Residential land use mixture within the PUD District. A goal of the PUD district is to provide an optimal mixture of housing types, including single family dwellings, townhouses, and multifamily dwellings.”

The development proposal is for a mix of single family detached and townhouse residential. No multi-family is proposed.

Consistency with Comprehensive Plan

The Site is within the Buckeystown Community Growth Area (CGA) as designated on the County Comprehensive Plan and has a land use plan designation of Low Density Residential. The Buckeystown CGA encompasses all of the historic village development along Buckeystown Pike/MD85, as well as a large area of newer residential development to the southeast of the historic center, continuing to the Monocacy River on the east, and to just beyond Fingerboard Road/MD80 on the south. All of the area within the CGA and to the southeast of the historic core is designated Low Density Residential. Therefore development of the Site is consistent with the planned build out of the Buckeystown CGA as indicated on the Comprehensive Plan land use map.

The proposed gross density of the Project is 4.27 dwellings per acre. This falls within the planned density range of 3 to 6 dwellings per acre as defined in the Comprehensive Plan for the Low Density Residential designation.
Consistency with Community or Corridor Plan Guidelines

There has not been a specific Community or Corridor Plan developed for the vicinity of the Project Site. However, the County Comprehensive Plan outlines overall community development principles such as encouraging higher density development, a mix of land uses, providing distinctive design that contributes to a distinctive community character, efficiency of layout relative to public infrastructure, and general accessibility through multiple modes of transport as well as interconnectedness of the transportation network. The proposal is generally consistent with the guidelines mentioned above.

Compatibility with Adjoining Zoning and Land Uses

The Site has been zoned A since 1959. Directly to the east of the Site are two large parcels that also are zoned A. However, a request to rezone the parcel directly adjacent to the Site on the east from A to R1 was submitted and approved in 1988 (R-88-62). Similarly in 1977 and further east of the Site, another request was approved for a zoning change from A to R1 (R-77-09). During the 2001 Adamstown Region Plan, the zoning on both of these parcels was again changed, this time back to A, and the Low Density Residential designation was applied to the Site as well as the two adjacent properties described.

To the south of the Site and within the Buckeystown CGA, most land is zoned R1 and is developed. with lots generally one (1) acre in size or larger on well/septic. The Buckingham Hills subdivision (zoned R-1) to the east is on public water/sewer and has clustered lots of approximately 15,000 to 20,000 sq ft. The site adjoins the end of Buckingham Ln., which is composed of lots of approximately 11,000 sq ft with an overall density of approximately 3.2 dwellings/acre. Along MD 85 within Buckeystown the single-family lots range in size from approximately 25,000 sq ft up to 2 + acres.

VC zoned land adjacent to the northwestern corner of the Site contains two residential structures and one church. To the north of the Site along Michaels Mill Rd. are two General Industrial (GI) parcels, which are undeveloped, and one Limited Industrial (LI) parcel. A GI parcel to the west of MD85 is the location of Grant County Mulch. The LI parcel on the north side of Michaels Mill Road is used as a warehouse and storage yard. Also on the northern boundary of the Site along Michaels Mills Road, is a strip of land with Resource Conservation (RC) zoning. Most of this RC land is currently in residential use, with the exception of one undeveloped lot directly across the Site. At the intersection of MD 85 and Michaels Mill Rd. are several commercial uses.

Historic and Cultural Resources

A 280-acre area including the core village of Buckeystown and some adjoining farmland situated along MD 85 was designated as a National Register Historic District in 1982. Although the village was a transportation crossroads closely associated with the establishment of Charles Carroll’s Carrollton Manor in the 18th century, the primary historical significance of the village lie in its excellent, and relatively unchanged, examples of Queen Anne and Carpenter Gothic architecture. The farms included within the boundaries of the Buckeystown NR District (MIHP #F-1-029) are the properties which provide the transition between the surrounding agricultural countryside and the historic village. One property, the Newton Schaeffer House, located on the southeastern corner of Buckeystown Pike and Buckingham Lane is listed on the County Register of Historic Places.

Listing in the National Register of Historic Places provides formal recognition of a district’s historical, architectural, or archeological significance based on national standards used by every state and encourages preservation of historic resources by documenting the historic significance of individual
properties as well as the entirety of the district.

There are no restrictions on the use, treatment, transfer, or disposition of private property within an NR District. Likewise, listing does not lead to public acquisition or require public access nor does the designation invoke local historic preservation regulations. Opportunities for specific preservation incentives within an NR District may include:

- Federal, State, and County investment tax credits;
- Access to International Building Code fire and life safety code alternatives; and
- Involvement from the Advisory Council on Historic Preservation when a Federal agency project may affect historic property.

The Buckeystown community is within the Carrollton Manor Rural Legacy Area, which was established in 1996. In the vicinity of the site are several land preservation easements, two as agricultural easements on the Mayne farm to the west of MD 85 and a farm on the south side of MD 80, and a Maryland Environmental Trust (MDT) easement to the north along the west side of the Monocacy River.

**Natural Features**

The topography of the Site is severely irregular, with distributed “piles” of land surrounded by areas of flatter topography. This unusual topography is due to the Site’s previous use as a quarry. The Site was mined for clay for the manufacture of bricks, apparently as a surface mine of either the open-pit or strip mine variety. As such, steep slopes of greater than 25% occur throughout the site in a fine grained pattern, interspersed with areas of flatter land.

Mining operations on the Site have been discontinued for a significant period of time, and natural regrowth of vegetation has occurred and matured enough to have resulted in a substantial stand of forested land.

The Monocacy River is less than 1,500 feet from the Site to the northeast. Directly north of the Site, running parallel to Michaels Mill Road, is the Rocky Fountain Run, a third order headwater stream flowing directly into the Monocacy River. Also, Claggett Run, a first order headwater stream, flows along the eastern boundary of the Site into the Monocacy River. Land along these streams is designated FEMA floodplain, which surrounds the Site on the north and the east. However, the Site itself has only a small area of FEMA designated floodplain along a segment of its eastern boundary.

Given the surrounding hydrologic conditions, flooding occurs frequently in the vicinity. Notably, Michaels Mills Road along the Site’s northern boundary is subject to frequent flooding, creating potential access constraints.

Soils in the majority of the Site are Non-Restricted, with the exception of a small area of Flooding Soils at the southernmost corner. This area abuts a 5.36 acre Forest Resource Ordinance easement on the adjoining parcel.

**Population Change**

Current Neighborhood Population: 3983 persons (Census Tract 7523.02)

Potential Additional Population: 2.7 persons per household X 161 households = 435 persons

Potential Total Neighborhood Population: 4418 persons
Residential Density and Dwelling Types

§ 1-19-10.500.6 (B) of the Zoning Ordinance states: “Residential land use mixture within the PUD District. A goal of the PUD district is to provide an optimal mixture of housing types, including single family dwellings, townhouses, and multifamily dwellings.”

The maximum density of the Project (161 residential dwellings) shall be established at Phase I by the BOCC after review and evaluation of existing and planned availability of public facilities and utilities, access to existing or planned transportation networks, the physical characteristics of the site, the shape of the site, the design of the development, and any other relevant information. This report contains the relevant information related to evaluating these criteria.

Per §1-19-10.500.6 (B) of the Zoning Ordinance, “the specific mixture of housing types for each development project shall be established by the BOCC at Phase I, based on an evaluation of the following [criteria]:”

The relevant criteria includes evaluation of the County Comprehensive Plan, the need for a particular dwelling type, and the variety, mixture, and affordability of proposed dwelling types. The concept plan provided in conjunction with this application indicates a community design at the schematic level that appears to support, or have the potential to support, the Community Design Principles described in the Comprehensive Plan. The application proposes a limited mix of dwelling types that is composed of single family detached (52%) and townhouse dwellings (48%). While the Buckeystown community, both along MD 85 and in the newer subdivisions, are all composed of single-family detached dwellings the inclusion of townhouses in this proposal would support the goals and policies of the Comprehensive Plan to provide for a mix of dwelling types within our communities.

Public Parks

The Buckeystown Park is near the development to the east along Michaels Mill Road. Because public park services for the community of Buckeystown are available, an additional public park facility is not needed in conjunction with this development. Open space requirements and homeowners association owned parks and open space are proposed.

Open Space/Green Area

A minimum amount of open space is required and is calculated based on gross density, which is 4.3 dwellings per acre. The requirements for this project are as follows:

Gross Acreage = 37.7 acres (land designated Low Density Residential)

Required open space is 30% of Gross Acreage = 37.7 acres X 30% = 11.31 acres

This requirement must be met exclusive of land within the 100 year FEMA floodplain. The project currently proposes 11.51 acres of non-floodplain open space/green area within the PUD and therefore meets the requirements of the Code.
VI. Evaluation - Availability of Public Facilities and Services

Public Schools

Total Proposed Dwellings in PUD: 83 Single Family Detached, 78 Townhouses

<table>
<thead>
<tr>
<th>School Level</th>
<th>2013 Equated Enrollment¹/State Rated Capacity¹</th>
<th>% of State Rated Capacity</th>
<th>Total Projected Pupils²</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Single Family Detached</td>
</tr>
<tr>
<td>Carroll Manor Elementary School</td>
<td>556/696</td>
<td>80%</td>
<td>21</td>
</tr>
<tr>
<td>Ballenger Creek Middle School</td>
<td>692/870</td>
<td>80%</td>
<td>13</td>
</tr>
<tr>
<td>Tuscarora High School</td>
<td>1468/1606</td>
<td>91%</td>
<td>16</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>50</td>
</tr>
</tbody>
</table>


2. 2007 Pupil Yield Rates (BOE Educational Facilities Master Plan – 9/2013)

<table>
<thead>
<tr>
<th></th>
<th>SFD</th>
<th>TH</th>
<th>MF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carroll Manor ES</td>
<td>.27</td>
<td>.25</td>
<td>.05</td>
</tr>
<tr>
<td>Ballenger Creek MS</td>
<td>.16</td>
<td>.14</td>
<td>.02</td>
</tr>
<tr>
<td>Tuscarora HS</td>
<td>.20</td>
<td>.14</td>
<td>.03</td>
</tr>
</tbody>
</table>

The above table indicates projected enrollment resulting from the Monocacy Glen PUD relative to existing school facilities and existing school districts, and does not account for background growth or growth related to the build-out of approved developments in the vicinity. However, the APFO test for school adequacy accounts for background growth and growth resulting from approved developments. Ultimately, school needs are broadly evaluated through a public process through the development of the Educational Facilities Master Plan, which includes the determination of the need for such things as additional planned schools or redistricting.

Programmed Improvements

The 2014-2019 County Capital Improvements Program does not identify any school projects on or near the Site.

Planned Improvements

The County Comprehensive Plan does not identify any future schools on or near the Site.
Water and Sewer

Current Water and Sewer Plan Classification
The Site is classified Planned Service (PS) for water and sewer in the County Water and Sewerage Plan, indicating property planned to be serviced within a 11 to 20 year timeframe.

Public water will be provided through the New Design water system, which withdraws water from the Potomac River. The New Design Water Treatment Plant has a permitted capacity of 25 million gallons/day (MGD) and has a current average daily use of approximately 16 MGD. Sewer service/treatment will be provided by the Ballenger-McKinney wastewater treatment plant (WWTP). The current Ballenger WWTP has a treatment capacity of 7 MGD. With the McKinney expansion, which is under construction, capacity will be expanded to 15 MGD. The expansion project is expected to be completed in the fall 2014. Current average daily treatment flows at the Ballenger WWTP is 5.7 MGD. The Applicant is responsible for extensions and connections to the public water and sewer lines to serve the project site, and will also be constructing a sewer pump station to serve the Site.

Based on the proposed 161 dwellings, and assuming 250 gallons/day/dwelling, this project would need approximately 40,250 gallons/day of water and sewer capacity. Adequacy requirements for water supply and sewer service are prospective for the recordation of lots, and concurrent for the issuance of building permits. Water and sewer supply is evaluated at multiple points in the development review process, and recordation of lots or issuance of building permits cannot proceed unless capacity is determined to be adequate. The general assessment of water and sewer availability included in this report is not a statement about specific, dedicated adequacy for this project.

Programmed Improvements
The 2014-2019 County Capital Improvements Program does not identify any water or sewer projects on or near the Site.

Planned Improvements
A planned sewer pump station to be located to the east of the Site on Claggett Run is expected to be constructed by the developer. This pump station will convey sewage to the north to the Ballenger/McKinney WWTP.

Public Safety Facilities
The nearest fire station is the Carroll Manor Fire Station in the community of Adamstown, located approximately 4 miles from the Site. The County Comprehensive Plan identifies a planned site for a fire station in the vicinity of Adamstown Road and Buckeystown Road.

The 2014-2019 County Capital Improvements Program does not identify any public safety projects on or near the Site. Police protection for the Site is provided by the Frederick County Sheriff’s Office.

Libraries
The 2014-2019 County Capital Improvements Program does not identify any library projects on or near the Site. The nearest location where provide library services can be provided for the Site is the...
C. Burr Artz Library located on Patrick Street in downtown Frederick City.

**Parks and Recreation Facilities**

The County’s Buckeystown Park is located to the east of the Site along the Monocacy River and straddling Michaels Mill Road. This is a +/- 16 acre park offering play equipment, picnic facilities, open space, trails, horseshoe pits, grills, and access to fishing. The 2014-2019 County Capital Improvements Program identifies one project (PR2007) for this park. This project is for the replacement of existing pavement that has reached the end of its life cycle and/or to provide new paving to replace areas where the current condition of existing roadways has been degraded due to erosion or has become hazardous to public use. It is programmed for construction in the year 2015.

**Transportation Network**

**Existing Site Access Characteristics**

The site has approximately 630 feet of frontage along Michaels Mill Road. Buckingham Lane projects into the western boundary of the Site, but terminates at the Site boundary. Primary access can be obtained from Michaels Mill Road, with secondary access provided from Buckingham Lane.

**Existing Traffic Volumes and Capacity on Adjoining Roads**

<table>
<thead>
<tr>
<th>Location</th>
<th>AADT: 2013 Annual Average Daily Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>MD85 - .1 mile north of MD80</td>
<td>6,141</td>
</tr>
<tr>
<td>MD 80 – .1 mile east of MD 85</td>
<td>4,263A</td>
</tr>
</tbody>
</table>

A measure of additional capacity of a roadway can be generally determined through the calculation of the Volume/Capacity (V/C) ratio, which can be obtained by dividing the daily capacity of the road as designed (supply) by the average daily use, AADT (demand).

As a two lane roadway, MD85 has an estimated design capacity (Level Of Service E) of 16,900 daily trips (source: Guidelines for Preparation of Traffic Impact Analyses for Development Applications – Frederick County). Therefore:

<table>
<thead>
<tr>
<th>Location</th>
<th>Daily Traffic Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>MD85 - .1 mile north of MD80</td>
<td>6,141 daily volume / 16,900 daily capacity = .36</td>
</tr>
<tr>
<td>MD 80 – .1 mile east of MD 85</td>
<td>4,263 daily volume / 16,900 daily capacity = .25</td>
</tr>
</tbody>
</table>

**Comprehensive Plan Designations for Adjoining Roads**

MD 85 – Minor Arterial (80 foot right-of-way)

MD 80 – Minor Arterial

Michaels Mill Rd. – Local (50 foot right-of-way)

Manor Woods Road – Collector (60 foot right-of-way)

**Programmed Improvements**

The 2014-2019 County Capital Improvements Program does not identify any road projects on or near the Site.
VII. Summary of Findings

A. Staff finds that the project adequately addresses the approval criteria described in the Zoning Ordinance.

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

1) Consistency with the comprehensive plan;
The proposed PUD is located in an area with a land use plan designation of Low Density Residential (3-6 dwellings/acre) and is within a Community Growth Area. The PUD zone is designed to enhance the opportunities for integrated uses and densities in the County by allowing a greater variety of mutually reinforcing dwelling types and land uses to occur within a single development. Both the PUD floating zone and the Low Density Residential land use plan designation emphasize residential uses, and are therefore essentially compatible in application and intent. The proposed gross density of the Project is 4.3 dwellings/acre, which is within the targeted density range of 3-6 dwellings/ acres of the LDR designation.

2) Availability of public facilities;
Water is supplied by the New Design Water system and sewer is treated by the Ballenger McKinney WWTP, both of which have adequate capacity to serve this development. All of the three schools serving the site are currently under capacity (Carroll Manor Elementary School 80%, Ballenger Creek Idle School 80%, and Tuscarora High School 91%). There is adequate availability of park and fire/rescue facilities.

3) Adequacy of existing and future transportation systems;
The Project Site is near a minor arterial (MD 85) to the east, and is approximately four (4) miles from two I-270 interchanges: the MD 85 interchange to the north and the MD 80 interchange to the east. Based on current traffic volumes on MD 85 and MD 80, and no pipeline development in the greater Buckeystown area, there is available capacity to accommodate additional development. Michaels Mill Road is inadequate because it does not meet local rural road standards, in particular at the “blind curve” adjacent to 7119 Michaels Mill Road.

4) Compatibility with existing and proposed development;
The surrounding residential development in the Buckeystown Community Growth Area is slightly less dense than the proposed project and is composed of single-family detached dwellings. Surrounding densities range from 3.2 dwellings/acre for the Buckingham Lane cluster to 1.5 dwellings/acre for the Buckingham Hills R-1 subdivision to about 1 dwelling/acre for the R-1 subdivisions on well/septic. The proposed project has a gross density of 4.3 dwellings/acre, which would be considered compatible with the adjoining Buckingham Lane area.

While there are no townhouses in the Buckeystown community the existence of different dwelling types in older, historic areas is not uncommon and if properly located and buffered can be compatible with single-family residences. It should also be noted that the Village Center zoning along MD 85 would allow for any dwelling type to be constructed on either undeveloped parcels or parcels that are redeveloped.

Despite minimal dissimilarities of density and dwelling type between the existing surrounding development and the proposed development, compatibility in the sense that two or more things
can coexist without significant conflict, does not require exact similarity. Dissimilar developments in terms of density and dwelling mix can be and often are compatible, and in fact can potentially result in mutually beneficial arrangements. This proposition is a fundamental precept to the promotion of a mixture of uses in zoning categories such as the PUD, and is empirically observable in almost any settlement of substantial size.

(5) **Population change; and**
The potential additional population change as a result of the proposed 161 units equates to 435 persons, based on 2.7 persons per household.

(6) **The timing of development and facilities.**
Mitigation of impacts that development will have on public facilities are required to be satisfied as development proceeds through the development review process, which includes the requirements of the Zoning Ordinance and the Adequate Public Facilities Ordinance. Mitigation measures are accordingly required to be satisfied at development milestones, such as the recordation of plats, or the issuance of building permits. The Water and Sewer Plan dictates an amendment process that requires studies of adequacy and an appropriate design of infrastructure at several points during the development review process. Preliminary Plan approval is granted for a period of five years, so failing an application for an extension, mitigation requirements tied to plat recordation such as the School Construction Fee, must be satisfied within that time period. Site Plan approval is granted for a period of three years. Therefore mitigation requirements tied to issuance of a building permit, such as payment of impact fees for water, sewer, libraries, and schools, or payment into escrow accounts for road improvements, must be satisfied within that time period unless an extension is granted.

§ 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 161 dwellings result in a gross density of approximately 4.3 dwellings per acre. The project site is adjacent to developed land and is located in the Buckeystown Community Growth Area. Therefore, the project does not intensify the outward spread of urbanized land into rural areas, and employs an efficient development pattern.

(B) **The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans;**
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 surrounding existing residential development in the Buckeystown Community Growth Area is slightly dissimilar to the proposed project with respect to density and dwelling types proposed. Surrounding densities range from 3.2 dwellings/acre for the Buckingham Ln. cluster to 1.5 dwellings/acre for the Buckingham Hills R-1 subdivision to about 1 dwelling/acre for the R-1 subdivisions on well/septic. The proposed project has a gross density of 4.3 dwellings/acre, which would be considered compatible with the adjoining Buckingham Ln. area.

While there are no townhouses in the Buckeystown community the existence of different dwelling types in older, historic areas is not uncommon and if properly located and buffered can be compatible with single-family residences. It should also be noted that the Village Center zoning along MD 85 would allow for any dwelling type to be constructed on either undeveloped parcels or parcels that are redeveloped.

(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;

The physical layout of the project proposes an internalized grid, where street intersections primarily occur within the boundary of the property. The site has approximately 630 feet of frontage along Michaels Mill Road. Access to the external transportation system is proposed along Michaels Mill road at two locations.

(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;

Michaels Mill Road is proposed as the primary for entrance to the Site. However, access from Michaels Mill can be obstructed due to flooding. Additionally, site distance along Michaels Mills Road to the east of the proposed Site entrances is limited. As such, a connection to Buckingham Lane is necessary to provide an alternative means of ingress and egress into the Site. In much the same way that buildings are required by law to have a minimum of two means of egress in the case of an emergency, the flooding and site distance hazards along Michaels Mill Road dictate that a connection to Buckingham Lane be provided. To the east of the site Michaels Mill Road is geometrically inadequate to handle the traffic generated by this site and must be mitigated to the satisfaction of the County as part of this project’s future APFO findings, which may not include fair share contributions.

Buckingham Lane projects into the Site from the west, and an interconnection to this street is shown on the Concept Plan. This connection is necessary to support the integration of the proposed development into the surrounding transportation network, and to resolve potential hazardous conditions related to flooding and site distance along Michaels Mill Road.
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 arrangement of dwellings is to divide the lot into discrete areas based on dwelling type. For example, the townhouses are proposed as a single separate group of blocks, flanked by distinct areas of single family detached houses. The townhouse block is located at the existing terminus of Buckingham Lane. Extending Buckingham Lane into the proposed development influences this proposed configuration of land uses. A preferable scenario is to provide single family detached dwellings along an extended Buckingham Lane in order to provide continuity. The relocation of proposed single family detached dwellings along an extended Buckingham Lane can result in a less segregated division of land use. This is because the townhouse portion of the development would need to be relocated as well, which could be done in a less divisive manner.

Staff has proposed that dwellings fronting Michaels Mill Road face the street and have rear facing garages. This will result in a less internalized development that attempts to continue and integrate into the existing pattern of development in the Buckeystown Community. Corollary to this is the need to provide a sidewalk along Michaels Mill Road that could conceivably be extended in the future to the intersection of Michaels Mill Road and Buckeystown Pike. A short segment of sidewalk already exists along the south side of Michaels Mill Road adjacent to Buckeystown Pike. This pedestrian connection, in addition to a connection to Buckingham Lane, will provide an opportunity for the Project to have access to MD85 should transit services extend to Buckeystown in the future. School busing can also conceivably be facilitated through better connection to MD85.

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 nearest fire station is the Carroll Manor Fire Station in the community of Adamstown, located approximately 4 miles from the Site.

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 topography of the Site has been highly altered from its natural state due to previous mining operations, however existing features are planned to be utilized in the layout of the development. A steep grade differential exists along the western boundary of the Site adjacent to existing residences along Buckingham Lane. This is proposed to be maintained and used as a buffer. Several required areas of open space are shown on the Concept Plan.
(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 applicant proposes a mix of single-family detached and townhouse dwellings which are consistent with the Comprehensive Plan land use plan designation of Low Density Residential.

(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.

Water and sewer service is currently adequate to accommodate the proposed development. Buckeystown Community Park is located in the vicinity of the Site. Public safety facilities and services are adequate. The three schools serving the site are currently under capacity.
VIII. **Staff Recommendation**

Staff recommends APPROVAL of the request, R-14-02, to rezone the 37.7 +/- acres from Agricultural (A) to Planned Unit Development (PUD) based upon:

- A review of the Approval Criteria as set forth in §1-19-3.110.4; and
- A finding that the project adequately addressed the Planned Development District Approval Criteria as set forth in §1-19-10.500.3; and

Subject to the following conditions of approval:

1. A maximum of 161 dwellings may be constructed.
2. Provide a vehicular connection to Buckingham Lane with single family detached dwellings located in this area.
3. Provide front facing and rear loaded garage dwellings along Michaels Mill Road.
4. Provide a stub street connection to the adjoining property on the southern corner of the Site, identified as Tax Map 95 Parcel 13 in the Frederick County Land Records.
5. Provide a stub street connection to the adjoining property on the eastern border of the Site, identified as Tax Map 95 Parcel 206 in the Frederick County Land Records.
6. Provide a diversity of single family lot sizes.