TITLE: Urbana PUD-MXD Rezoning

FILE NUMBER: R-16-01

REQUEST: Staff will provide an informational briefing for rezoning Case # R-16-01 for the Urbana PUD-MXD developments.

STAFF: Jim Gugel, Planning Director
Denis Superczynski, Principal Planner

RECOMMENDATION: Information briefing only

Enclosures:
Staff memo
PUD and MXD Zoning District Summaries
Approval Criteria for PUD and MXD Zoning Map Amendments
Application binder for R-16-01
October 3, 2016

TO Frederick County Planning Commission

FROM Jim Gugel, Planning Director

RE Briefing on Urbana PUD-MXD Rezoning R-16-01

ISSUE
Staff will be providing an informational briefing on a rezoning application R-16-01 submitted by Natelli Communities. This application will involve the Villages of Urbana PUD, Northern Town Center MXD, and the Southern Employment MXD in a combined request. The purpose of the briefing will be to provide a general overview of the application components and to review the approval criteria as referenced in the Zoning Ordinance that relates to the Planned Development Districts – PUD and MXD.

BACKGROUND
This is a unique application in that it combines Phase I Plan amendments for three developments under a combined application. In addition to the Phase I Plan amendments is the proposed rezoning of 210 acres that would be added to the Southern Employment MXD. The attached map provides the location of each development component.

This combined application that includes three developments is allowed under § 1-19-10.500.5 (F) of the Zoning Ordinance which states:

A combined application for PUD and MXD Districts may be submitted where the subject property is to be divided into development areas which correspond to a different planned development category: and where each development area is identified by a separate legal description.

Summary of the Requests
Northern Town Center MXD
- Replace all of the Employment with Residential and increase maximum number of dwellings from 610 to 875.

Southern Employment District MXD
- Rezone 210 acres of land from Office/Research/Industrial (ORI) and add to the MXD.
- Revise the land use mixture, based on combining both MXD’s, to accommodate 700 age-restricted dwellings. The proposed residences will be located on the added 210 acres.

Villages of Urbana PUD
- Increase the maximum number of dwellings from 3,013 to 3,088 to accommodate 75 additional dwellings in the Town Center portion of the PUD.
RECOMMENDATION
This is an informational briefing only and no action is requested of the Planning Commission.

Attachments
PUD Zoning District Summary
MXD Zoning District Summary
Approval Criteria for the Review of PUD and MXD Map Amendments
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.

The regulations for the PUD and MXD floating zone districts are 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 (CCRCs)).
- Lot sizes, setbacks, and building heights shall be established by the Planning Commission at the Phase II review.
- **Open Space/Green Area** – Require 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 discretion of the County Council.
- **Water and Sewer** - Property shall have PS – Planned Service classification to apply for PUD Phase I. Phase II review requires a W-4/S-4 classification.
- **Public Facilities** – The County Council 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** – This is a two-step process consistent with the MXD zone: a Phase I rezoning step and Phase II Execution Phase, which includes subdivision or site plan reviews as applicable.

**Permitted Land Uses** *(see Section 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** – the 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.
• **Employment** – allows for any uses permitted in the *Office/Research/Industrial (ORI)* zoning district.

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

• **Continuing Care Retirement Community (CCRC)** – 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, assisted living and skilled nursing care facilities. *(see Sections 1-19-10.500.6 (A) 6) and 1-19-10.500.10)*

**General Development Standards** *(See Section 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 Section 1-19-10.500.9 (A).
Mixed Use Development (MXD) Zoning District 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.

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 when applying for MXD.
- Lot sizes, setbacks, and building heights shall be established by the Planning Commission at the Phase II review.
- Building heights would be established by the Planning Commission (1-19-10. 500.7 (F) (2).
- 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. The County Council has discretion to reduce this by no more than 50% (1-19-10.500.7 (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. (1-19-10.500.8 (B)
- Review Process – Twostep process, Phase I rezoning step and Phase II: Execution Phase. Phase II includes subdivision or site plan reviews as applicable.

**Permitted Land Uses (see Section 1-19-10.500.7)**

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

- **Residential** – Oriented to medium/high density residential and allows all types of residential uses including single-family detached dwellings. Residential uses cannot exceed 25% of the gross project acreage where there is no commercial uses proposed.
- **Commercial** - includes all uses permitted in the General Commercial zone with exceptions noted in section 1-19-10.500.7 (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 the combined residential and commercial areas cannot exceed 40% 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 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 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 *Section 1-19-10.500.9 (A).*
§ 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 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 (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.