

THE EFFECTIVE DATE OF THIS ORDINANCE IS July 11, 2017

ORDINANCE NO. 17-02-002

OPINION, FINDINGS AND ORDINANCE
OF
THE COUNTY COUNCIL OF FREDERICK
COUNTY, MARYLAND

RE: APPLICATION OF WELLINGTON III, LLC

REZONING CASE NO. R-07-01 (A)

OPINION/FINDINGS

Wellington III, LLC (“Applicant”) filed this application to change the zoning classification of 2.82 acres, more or less from the Limited Industrial (LI) zone to Mixed Use Development (MXD) and to add the parcel to the existing Wedgewood West MXD. The 2.82 acre parcel is located at the Northeastern corner of the intersection of New Design Road and English Muffin Way and was created as a result of the widening and relocation of New Design Road by the County in the 1990s.

The Wedgewood West MXD was originally approved in 2006 by Ordinance 06-40-436, formerly known as the Younkens MXD, and expanded in 2008 by Ordinance No. 08-10-486 by rezoning and adding to the MXD three (3) parcels containing 7.17 acres. Ordinances 06-40-436 and 08-10-486 limited uses within the MXD to commercial and employment uses with English Muffin Way providing a buffer for the residential uses in an adjacent PUD.

The applicant proposes that the 2.82 acre site to be rezoned will be designated for commercial use. Any specific use to be placed on the parcel will be subject to the site plan review process.

The MXD currently contains 53.76 acres, more or less, (after deducting road dedication acreage) and the addition of this 2.82 acre parcel would increase the MXD to 56.58 acres, more or less.

The maximum land use percentages established in Ordinance 08-10-486 are 49% employment; 25% commercial; 20% open space; and 6% right of way dedication subject to the Maximum Permitted Land Use Percentages of 65% employment and 45% commercial.

The Frederick County Planning Commission voted to recommend approval of the request with one condition, following its hearing on March 15, 2017.

The County Council of Frederick County, Maryland, held a public hearing on May 16, 2017 to consider the application and receive testimony. Based upon the information presented to the Council and contained in the record, the Council makes the following specific findings.

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

(1) Consistency with the comprehensive plan;

The site is designated Limited Industrial which is consistent with the application of the MXD floating zone district. The proposed use of the site for commercial would be appropriate to support the adjoining businesses and residential uses in the vicinity.

(2) Availability of public facilities;

The proposed commercial use on the site will not impact school, parks, or library 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 treatment and supply capacity to serve the proposed commercial use of approximately 35,000 square feet.

(3) Adequacy of existing and future transportation systems;

Both New Design Road and English Muffin Way have Volume/Capacity ratios well under 1.0 and thus have adequate capacity to serve the proposed commercial use of the site. Both roads are 4 lanes wide.

(4) Compatibility with existing and proposed development;

The proposed commercial use is compatible with the existing industrial uses on the east side of New Design Road and along English Muffin Way. The scale of the proposed commercial use would be compatible with the existing residential uses on the northwest quadrant of New Design Road and English Muffin Way.

(5) Population change;

No residential development is proposed on the 2.82 acre site, so there would not be a population change in the neighborhood.

(6) The timing of development and facilities.

The application does not propose a schedule for development of the site but it is likely the site will be developed in a single phase. Given that all of the adjoining road and water/sewer infrastructure is existing there would not likely be any impediment to the timing of development of the site related to the availability of facilities. The site will be

subject to subsequent site plan review and APFO review.

§ 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 in an area that is mostly built out. The area has extensive existing infrastructure including water/sewer lines and road improvements that would support the development of what is considered an infill site.

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

The application does not identify a specific business or user for the site so it is difficult to address building and site design at this stage. There is no Community or 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 the various limited industrial uses on the east side of New Design Road. The scale/size of the site is compatible with the residential uses on the west side of New Design Road. The subsequent site plan review for the site would address detailed design issues such as parking, landscaping, screening etc.

(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. The site will have a shared access via English Muffin Court to English Muffin Way with the adjoining UPS business. Access to New Design Road would be addressed as part of the subsequent site plan review. There are no sidewalks along English Muffin Way or on the east side of New Design Road, which would also be addressed at site plan review.

(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;

Both New Design Road and English Muffin Way have adequate capacity to accommodate the traffic from the proposed commercial use. Both roads have Volume/Capacity ratios well under 1.0.

(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 amendment does not specify a commercial use or layout of the site. As the site is separated from the main MXD development, pedestrian access could only be provided via crosswalks at the New Design/English Muffin intersection.

(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 in the Westview Fire Station service area, and the fire station is 1.5 miles to the north on New Design Road. This is within the recommended maximum distance of 2 miles for high value commercial development.

(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 is flat, open ground and does not contain any wetlands, floodplain, wet soils, or steep slopes.

(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 Limited Industrial which allows for the application of the MXD floating zone. The addition of the commercial use is consistent with the intent of the MXD zone to provide the opportunity for commercial uses to support the adjoining industrial/employment uses. This area does not presently have any supporting commercial uses.

(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.

The proposed commercial use will not impact schools, library, or park facilities. Fire/Rescue services are adequate to serve the Site. Any proposed site plan for the site will

be subject to the Adequate Public Facilities Ordinance (APFO) which will apply specific adequacy tests for traffic impacts and the availability of water and sewer services.

The requested change from Limited Industrial to MXD for the 2.82 acre parcel will be granted and the parcel added to the Wedgwood West MXD subject to the conditions stated below.

ORDINANCE

BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that for the reasons set forth in this Ordinance, Rezoning Case No. R-07-01(A) is hereby approved and the Wedgewood West MXD is hereby amended to include the 2.82 acre parcel, subject to the following condition:

The Wedgewood West MXD shall have a land use mix composed of 16% commercial; 64% employment; and 20% open space.

The condition placed upon the rezoning to MXD and incorporation into the Wedgewood West MXD is deemed necessary for the health, safety and welfare of the community; comprise an integral part of this approval; and is not separate or severable from the decision to approve the rezoning request. If for any reason, a Court finds the condition to be invalid or unenforceable, the property shall revert to its Limited Industrial classification.

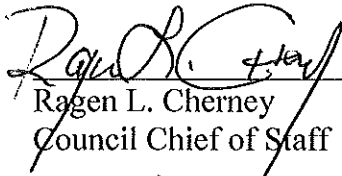
AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Zoning Administrator is

hereby authorized and directed to make the appropriate change on the Zoning Map to reflect the zoning classification granted herein.

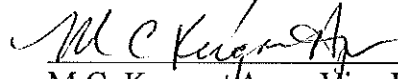
The undersigned hereby certify that this Ordinance was approved and adopted on the 11 day of July, 2017.

ATTEST:

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND

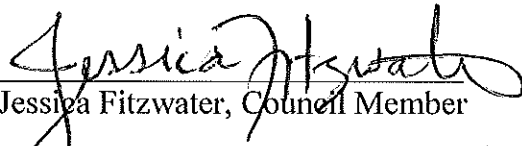

Ragen L. Cherney
Council Chief of Staff
UL 7/11/17


By: 
Bud Otis, President


M.C. Keegan Ayer, Vice President


Tony Chmelik, Council Member

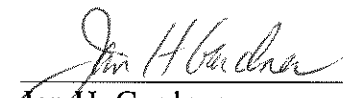

Jerry Donald, Council Member


Jessica Fitzwater, Council Member


Billy Shreve, Council Member

Council Member Delauter did not attend the public hearing or vote on this matter.

COUNTY EXECUTIVE ACTION: Approved Vetoed


Jan H. Gardner
Frederick County Executive