



**DIVISION OF PLANNING
FREDERICK COUNTY, MARYLAND**

Winchester Hall 12 East Church Street Frederick, Maryland 21701 (301) 600-1138

To: Frederick County Planning Commission
FROM: Eric Soter, Director, Division of Planning
DATE: October 13, 2009
RE: Parking, Landscaping, and Lighting *Draft* Text Amendment

A worksession with the Planning Commission to review the Parking, Landscaping, and Lighting Draft Text Amendment was originally scheduled on September 16, 2009. Due to the length of the agenda on that day the item was rescheduled to October 21, 2009.

Please bring your packet of information from the original meeting to review on the 21st. If you are unable to locate your original packet please contact Staff and a copy will be forwarded to you.

Two letters have been received in regards to the Parking, Landscaping, and Lighting *Draft* Text Amendment which have been attached to this memo for your review.

Attachments:
Miles and Stockbridge P.C. comments
Harris, Smariga & Associates, Inc. comments

RECEIVED

AUG 21 2009

MILES & STOCKBRIDGE P.C.

PLANNING DEPT

Krista A. McGowan
301-698-2312
kmcgowan@milesstockbridge.com

August 21, 2009

HAND DELIVERY

Eric Soter, Director
Planning Division
Winchester Hall
12 East Church Street
Frederick, MD 21701

Re: Parking Space Requirements - Zoning Ordinance § 1-19-6.220

Dear Eric:

I am writing on behalf of Pennsylvania Real Estate Investment Trust ("PREIT"), owner of the Francis Scott Key Mall ("FSK"), with regard to the parking space requirements for "shopping centers" under Section 1-19-6.220 of the Zoning Ordinance. We believe the requirements under this section should be reduced from "5.5 spaces for each 1,000 square feet of gross leasable area" to 4.5 spaces for each 1,000 square feet of gross leasable area. It is our understanding that Frederick County will be revisiting parking standards under the Zoning Ordinance in the near future, so we wanted to take this opportunity to make this request and offer information to the County for consideration.

The current 5.5 space requirement has been the same standard in the Frederick County Zoning Ordinance since the late 1970s. Current practices in land use and site development dictate that the County should revisit this standard and evaluate whether it is still appropriate.

In the experience of PREIT, which has investments in 56 enclosed malls and community shopping centers throughout the United States, enclosed malls that have undergone recent redevelopment operate under a lower parking requirement. For example, Newport News officials recently approved a ratio of 4.4 spaces/1,000 square feet of gross leasable area for Patrick Henry Mall in Newport News, Virginia. Another example is PREIT's Cherry Hill project. Cherry Hill, which serves as the regional mall for Southern New Jersey, recently completed a major renovation which added five restaurants, a parking deck and a Nordstrom department store. The total parking rate for this 1,204,000 square foot mall (including surface and structured parking) is 4.5/1,000.

Parking regulations for surrounding jurisdictions in Maryland include a range of parking rates for shopping centers, going as low as 4.0 /1,000 in Carroll County and Harford County. 5.5/1,000

was the highest rate for the eight counties we reviewed. The average for the eight counties reviewed was 4.75/1,000, although it is noteworthy that two counties had lower rates for larger shopping centers. The City of Frederick requires 4.0/1,000. This standard was reduced from 5.0/1,000 in 2005 with the adoption of the integrated Land Management Code which was prepared with the assistance of a nationally recognized consulting firm.

Recommended industry standards for parking are also lower. The Urban Land Use Institute/International Council of Shopping Centers recommends 4.0/1,000 for shopping centers that are 25,000-400,000 gross leasable area square feet in size, and 4.5/1,000 for shopping centers of 600,000 and over gross leasable area in square feet.¹

The lower requirements more accurately reflect actual rates of parking. For the 85th percentile of parking rates measured, the ITE Parking Generation Manual (3rd ed.) shows parking rates lower than 4.5 for 11 months of the year. It is only in December where parking space demand exceeds 4.5. A number of national anchor tenants, which have a considerable interest in the provision of adequate parking for their stores, have accepted 4.5/1,000 in many other PREIT-owned malls. PREIT has analyzed parking demand at its various malls and shopping centers and has found that but for a handful of days each year around the Christmas holiday season, malls with parking capacity of 5.5 are substantially over-parked.

Not only is a parking rate of 5.5/1,000 for shopping centers excessive, but compelling policy reasons exist as well to support a lower parking requirement for malls. Public and private parties are increasingly concerned with minimizing impervious surfaces and maximizing green space in order to achieve environmental benefits of reducing stormwater runoff and heat island effect. In the context of site development and land use, these environmental concerns, combined with a desire to realize energy savings and reduce vehicle emissions, would stimulate interest in facilitating mass transportation, ride sharing, shared parking, pedestrian and bike-oriented design, and other measures to minimize parking. To further these objectives, Leadership in Energy and Environmental Design (LEED), the leading green building certification program, offers a credit for parking capacity reduction and an exemplary performance credit for a comprehensive transportation management plan. Your Planning Commission seems to understand these concerns. Individual members often lament the fact that proposed buildings are surrounded by a "sea of parking" when they review site plans and have expressed a desire to reduce on-site parking areas to improve aesthetics, provide more green space, and protect the environment.

We believe that it makes sense for Frederick County to have a more realistic rate that reflects actual parking usage throughout the 90% of the year and that provides significant environmental and aesthetic benefits. For those few times during the year with higher actual parking usage, a

¹ Urban Land Institute/International Council of Shopping Centers (ULI/ICSC). *Parking Requirements for Shopping Centers* (1999).

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Traffic Management Plan could be required at site plan approval to be implemented during those seasonal periods (for example, certain days during the Thanksgiving and Christmas holidays are peak shopping times) when demand is high.

The benefits of minimizing the "sea of parking" at shopping centers in Frederick County far outweigh any residual benefit of an out-dated parking standard that is inappropriate during the vast majority of the year. We therefore respectfully request that Frederick County consider revising the Zoning Ordinance Section 1-19-6.220 parking space requirement for shopping centers to 4.5 spaces for each 1,000 square feet of gross leasable area.

We would like to meet with you and other staff members involved in revisions of the parking standards to discuss the issues outlined above and to offer further information to support our conclusions. Please let us know when you would be available for such a meeting. Thank you for your consideration.

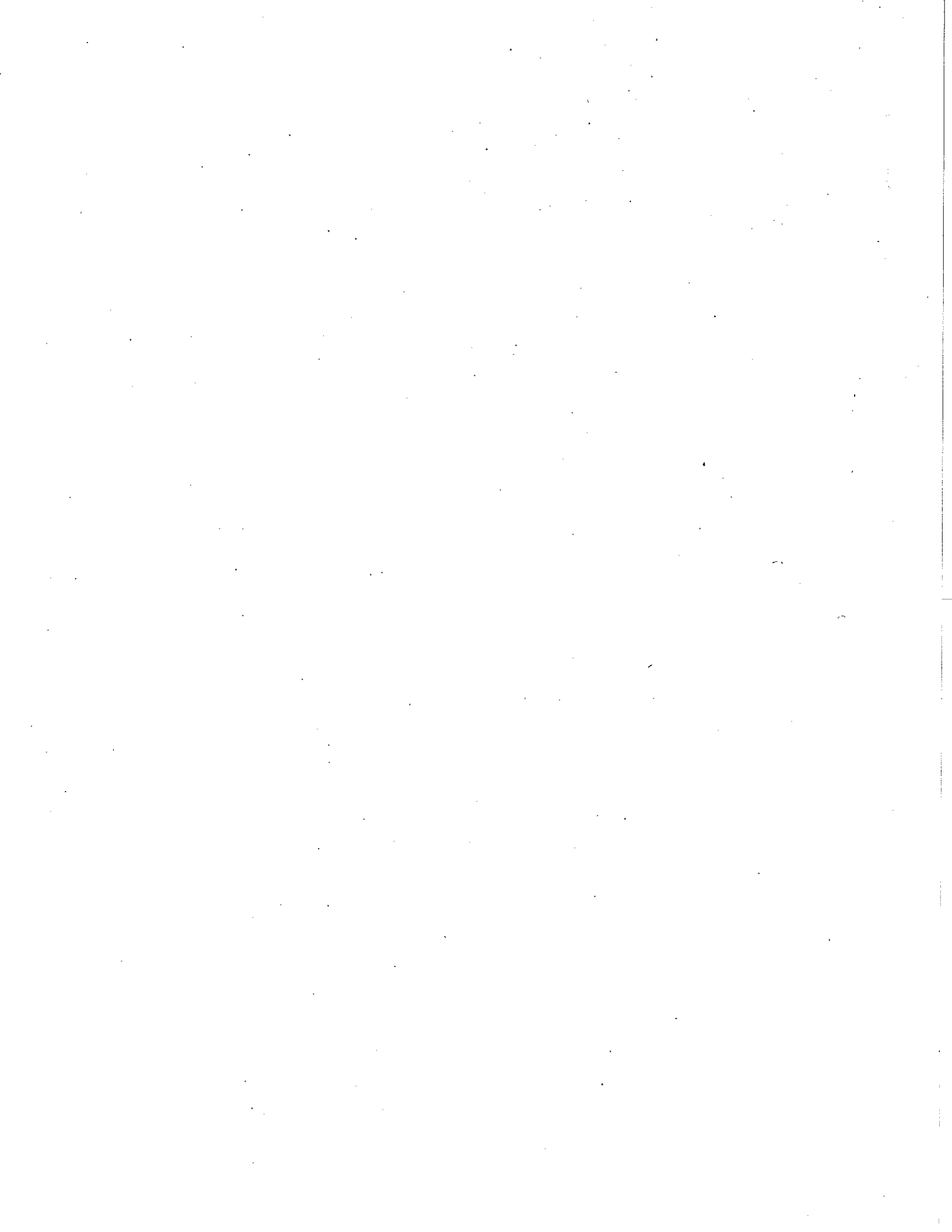
Sincerely,



Krista A. McGowan, J.D., LEED AP

KAM/nsm

cc: Shawna Lemonds, Planning Department
Kathy Mitchell, Esquire
Andrew Bottaro, PREIT
Joe Caloggero, Traffic Group





Harris, Smariga & Associates, Inc.

Planners/Engineers/Surveyors

125 South Carroll Street, Suite 100 Frederick, MD 21701

(301) 662-4488, FAX (301) 662- 4906

September 15, 2009

Mr. Mark Depo, Frederick County Planning
Winchester Hall
Frederick, Maryland 21701

RE: **Zoning TXT Amendment: Parking, Landscape & Lighting Draft Text Amendment**

Dear Mark:

Please find our comments for the staff's consideration regarding the above text amendment.

1-196.400 (A)(1) Landscaping and Screening ,Street Trees

The planting of one street tree for every 35 feet of roadway frontage is excessive. Although this may create a continuous canopy cover, it also reduces visibility into properties and in the case of a retail or other business or office sites, be detrimental to business. Planting a street frontage so heavily also makes it difficult for a driver to determine if he has reached his proper destination if signage is not visible. A more reasonable standard would be a minimum of 1 tree per 100 feet of frontage on higher classification roads where the vehicle speed is higher, such as an arterial or collector. One per fifty feet apart is more appropriate for the lower classification roads.

1-196.400 (C)(1)

This provision further highlights the problems identified in the above comment. Parking is often located against the right of way within a site for efficiency of design and circulation and to minimize asphalt drive aisles in most office and retail projects. This provision creates more difficulty for commercial and other business sites located on a collector road. The site will be too heavily screened from the roadway with the use of evergreen trees per 35 feet of road frontage. It is our opinion that this provision be eliminated from the text amendment. If these two landscaping provisions do remain, the staff should consider increasing the height and size of allowable signage.

The staff should not use the term 'predominately' in discussing the amount of evergreen shrubs that need to be planted around parking areas. Predominately is not measurable. A conflict also exists between the DPDR requirement that 60% native species be used in planting. There are many native species shrubs that can be used in a parking lot setting, however they are mostly deciduous, many with an interesting winter habit. There is only one or two useable evergreen native species shrubs, such as Inkberry Holly (*Ilex glabra*).

1.196.400 (D)(1)

The standards for laying out parking lots into ten foot bays is too rigid. The need for canopy in a lot is understandable but can also be achieved with planting the buffer edges of the lot. Every site's topography and circulation needs are different and one lot layout standard does not fit all situations. By introducing so many islands into the lot and losing parking spaces, the limits of the overall footprint of the lot may actually increase. The current standard of 15 continuous parking spaces average has worked well in the past, offers more design flexibility and should be retained as the design standard.

The Frederick County Community Design Guidelines and Development Principles has been an effective design tool. The guidelines combined with staff and Planning Commission review and discussions has also worked well with projects. It would not be in the best interest to set up rigid standards, but allow flexibility in design.

Thank you for your time and consideration.

Sincerely,

Christine S. Mayo
Project Manager