



DEPARTMENT OF PLANNING AND ZONING FREDERICK COUNTY, MARYLAND

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TO: Board of County Commissioners

FROM: Eric Soter, Director; Shawna Lemonds, Project Manager

DATE: July 26, 2010

RE: Planned Development Districts and Mixed Use (Euclidean) Draft Text Amendments

ISSUE

Staff has received direction from the Board of County Commissioners (BOCC) as well as public input, and has continued to meet with representatives of the development community to address concerns and issues related to the proposed Planned Development Districts and Mixed Use (Euclidean) text amendments. As a result of these meetings, amendments have been made to the proposed Planned Development Districts text amendment, and dialog continues regarding the Mixed Use (Euclidean) text amendment.

Staff requests review of the attached amendments, as reflected in red within the Planned Development Districts text amendment, and further direction regarding both proposed text amendments.

BACKGROUND

MIXED USE (EUCLIDEAN)

The BOCC held a worksession on May 4th to review and provide direction regarding the draft text amendment. The amendment was then presented to the Frederick County Planning Commission (FCPC) for comment.

The BOCC held a second worksession on June 15, 2010 to provide direction to Staff regarding the draft text amendment as well as the comments and recommendations received from the Planning Commission. The following direction was provided at the worksession:

- By consensus the BOCC agreed with the Staff recommendation to address cross referencing to the proposed multiple structure provisions (recommended by the FCPC) as a separate project to be undertaken at a later date
- By consensus the BOCC agreed to the addition of 'Commercial swimming pool' as a permitted use within the MX zoning district

- The BOCC requested further information regarding the consideration of permitting a reduction in the common plaza/green area requirement through utilization of a green roof. At the worksession it was discussed whether green roof should be added to the definition of green area within the zoning ordinance or whether it should be added to the specific provisions related to the MX zoning district. Staff reviewed the zoning ordinance and located several instances where the term green area is used within the existing development approval provisions. The addition of green roof to the definition of green area may alter the intent of green area requirements for other development types, and therefore Staff recommends adding green roof as an option in meeting green area requirements within the proposed MX zoning district provisions
- The BOCC requested further consideration and information regarding the common plaza/green area calculation. Staff reviewed the proposed MX zoning district common plaza/green area calculation within section 1-19-7.520(H) Multiple Structures and Mixed Uses. After review and consideration of the calculation Staff is comfortable that the proposed requirement of 363 square feet of common plaza/green area per 2,000 square feet of gross floor area is not excessive

At the conclusion of the worksession the BOCC directed Staff to return at a future worksession with information on the topics as outlined above. At this time changes have not been made to the Mixed Use (Euclidean) and Highway Service zoning districts text amendment.

PLANNED DEVELOPMENT DISTRICTS

The Board of County Commissioners held a worksession on May 25, 2010 to review and provide guidance on the proposed Planned Development Districts draft text amendment.

The Draft text amendment was then presented to the FCPC on June 16, 2010 to provide an opportunity for review and comment. At the worksession the FCPC made several recommendations for BOCC consideration:

- Open space/green area requirements (1-19-10.500.6 (D) & 1-19-10.500.7(B)) should be required to include useable land and should not be met solely through steep slopes, floodplain and stream beds
- Height standards (1-19-10.500.6(H)(2)(b) & 1-19-10.500.7(F)(2)(b)) should be a recommendation as a starting point rather than a requirement. The Planning Commission regularly provides modifications to height requirements and a recommendation would provide flexibility
- Height standards should be:
 - Maintained at 100' in HDR as the market will define the maximum that is reached
 - Increased for Commercial/employment structures if the residential maximum is 100'
 - Increased to 45' for LDR multifamily
- Concerns continue regarding a lack of a requirement within the land use mixture standards within the PDE district for concurrent build out to achieve a mixture of uses (1-19-10.500.7 (B))
- General development standards (1-19-10.500.9) should include the flexibility to be modified by the Planning Commission

Public comment at the Planning Commission worksession included recommendations regarding several sections of the text amendment. Since the Planning commission worksession, Staff has met with the development community to address comments and concerns. Based on BOCC direction, recommendations from the Planning Commission, and continued dialog with the development community, the following amendments and edits were made to the Planned Development District text amendment:

- 1-19-10.500.1 Purpose and Intent has been amended to include a reference to Comprehensive, Community, or Corridor plans
- 1-19-10.500.1(H) Purpose and Intent has been added to include existing text within the PUD provisions (1-19-10.700.2(A)(1)(b)) referencing the flexibility to respond to market demands
- 1-19-10.500.3(E), (G), & (J) Approval Criteria have been amended to provide the opportunity to consider planned or mitigated facilities to meet the adequacy requirement as required by the approval criteria
- 1-19-10.500.4(D) Review and Approval Procedures have been updated to include a requirement that APFO approval shall be obtained prior to Phase II approval
- 1-19-10.500.5(A)(6)(b) within the Application requirements has been edited to provide for consideration of amendments to the FEMA maps reflecting the 100-year floodplain, such as a letter of map amendment (LOMA)
- 1-19-10.500.5(A)(6)(f) within the Application requirements has been amended to clarify the reference to forest. The term “buffers” has been replaced with the term “areas”
- 1-19-10.500.5(B)(2) within the Application requirements has been amended to clarify the level of detail expected regarding proposed lot dimensions
- 1-19-10.500.5(B)(6) has been amended to reflect the specific components that are to be excluded from the net density calculation
- 1-19-10.500.5(B)(7) within the Application requirements has been amended to provide increased flexibility. The term “shall” has been replaced with the term “may”
- 1-19-10.500.6(B) Residential Land Use Mixture with the PDR District was edited to provide the BOCC the flexibility to establish the mixture of dwelling types based on previously proposed evaluation factors
- 1-19-10.500.6(C)(1) Commercial Land Use Mixture within the PDR District has been amended to replace the text referring to a review of existing or proposed commercial/employment land uses within 1 mile of the proposed development to “a distance that may be reasonably expected to serve” the proposed development. The amendment will provide flexibility in conducting the evaluation throughout the County’s diverse growth areas
- 1-19-10.500.6(D) has been amended to permit a reduction in the open space green area requirement where open space green area can be found in close proximity to the proposed development
- 1-19-10.500.6 (G) within the land use mixture requirements of the PDR District has been amended to clarify that the processing of an amendment to a Phase I approval shall be consistent with the proposed regulations or permitted subject to the transitional provisions (1-19-10.500.11)
- 1-19-10.500.6(H)(2)(a) Setbacks within the PDR District have been amended to remove specific setback numbers and provide the Planning Commission with the authority to establish the setbacks at Phase II based on several evaluation factors
- 1-19-10.500.6(H)(2)(b) Height within the PDR District has been amended based on a general consensus reached by the Planning Commission that the maximum height limitation in areas of LDR should be increased from 35’ to 45’. In addition, the table reflecting maximum permitted height, has been removed and replaced with a sentence outlining permitted height which has been generalized to reflect 45’ in LDR, 60’ in MDR, and 80’ in HDR except for single family dwellings which may not exceed 35’ in any of the three land use designations. A cross reference has also been added to provide direction to the modifications to height requirements as permitted in section 1-19-10.500.9(D)
- 1-19-10.500.7(B)(4) Land Use Mixture within the PDE District has been amended to permit a reduction in the open space green area requirement where open space green area can be found in close proximity to the proposed development

- 1-19-10.500.7(F)(2) Setbacks within the PDE District have been amended to remove specific setback numbers and provide the Planning Commission with the authority to establish the setbacks at Phase II based on several evaluation factors
- 1-19-10.500.7(F)(2)(b) Height within the PDE District has been amended to remove the table which has been replaced with a sentence outlining permitted height which has been generalized to not exceed 35' for single family and duplex dwellings, and 60' for all other land uses
- 1-19-10.500.8 Public Facilities and Utilities has been utilized as a separate section for the location of Phase I Public Facilities and Utilities requirements
- 1-19-10.500.8(B) Public Facilities and Utilities has been amended to provide clarity that additional sites for other public facilities and utilities will be required where the BOCC determines that a need exist based on County standards
- 1-19-10.500.9 General Development Standards has been modified to provide clarity to the application of the standards at Phase II
- 1-19-10.500.9(A)(5) General Development Standards has been amended to generalize the requirement of a maximum block length and maximum building footprint to permit approval based on project specifics rather than a predetermined number
- 1-19-10.500.9(A)(6) has been amended to provide flexibility in the application of design and construction on all sides of buildings
- 1-19-10.500.9(B)(1)(c) Natural Features has been modified to replace forest “buffer” with “forested areas” consistent with changes to 1-19-10.500.5(A)(6)(f) as noted above
- 1-19-10.500.9(C)(5)(a) and (b) within Public Facilities and Utilities have been modified to clarify text related to ownership and maintenance of streets, alleyways, and parking lots
- 1-19-10.500.9(D) Modifications text has been amended to provide the Planning Commission the authority to modify the General Development Standards related to site and building design
- 1-19-10.500.11 Transitional Provisions have been amended to more clearly differentiate between processing of projects with only Phase I approval, and those with Phase I and Phase II approval

Exhibits

Exhibit 1 – Mixed Use (Euclidean) Draft Text Amendment

Exhibit 2 – Planned Development Districts Draft Text Amendment