



# Zoning Map Amendment

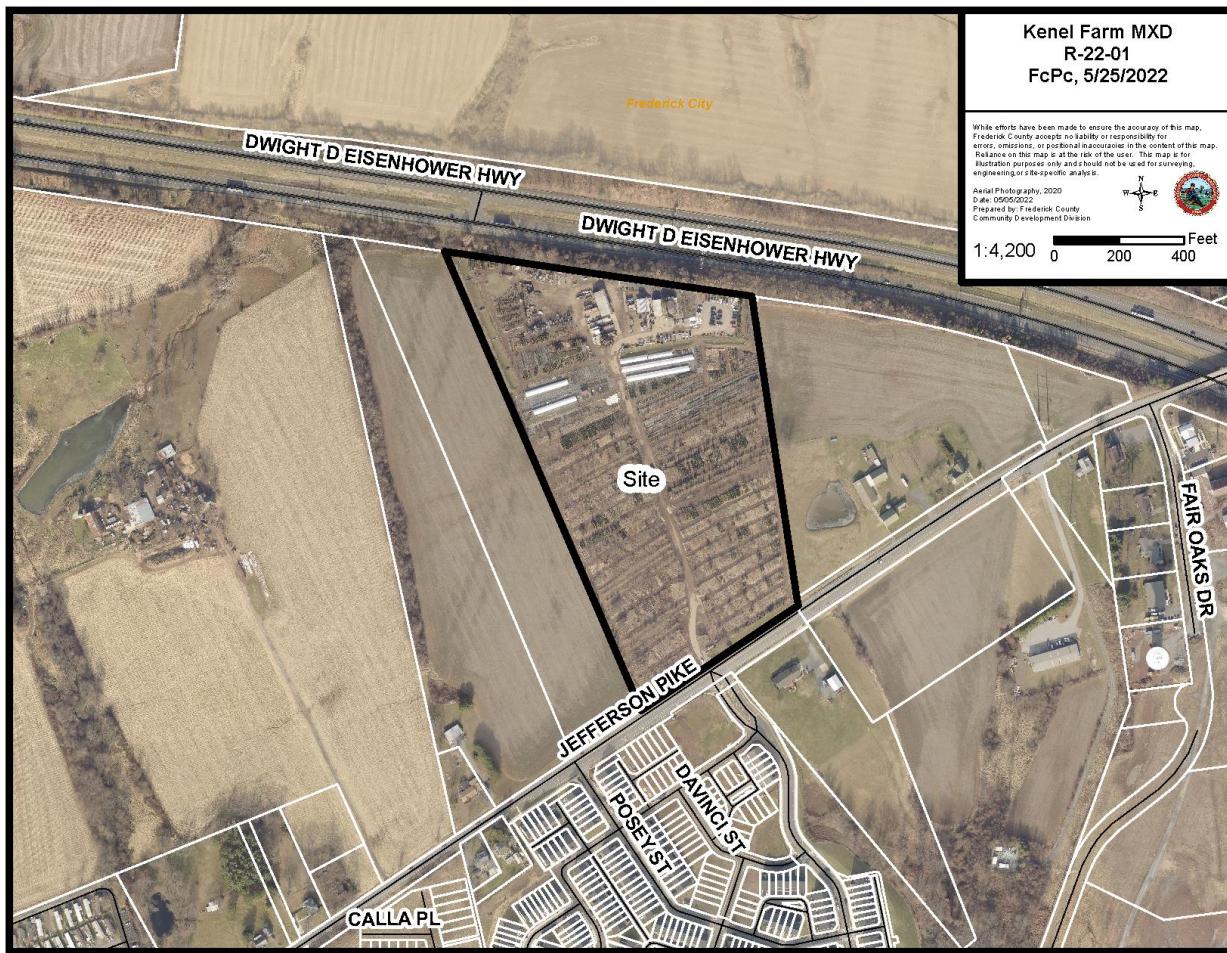
## Staff Report

Case #: R-22-01, Kenel Farm MXD

Applicant: SJP Acquisitions, LLC

Request: Rezone 19.662 acres from Agricultural (A) to Mixed Use Development (MXD)

## Site of Rezoning Request



## Applicant's Proposal

The Application proposes to rezone 19.662 acres from Agricultural (A) to Mixed Use Development (MXD). The Site is proposed for a mix of employment and commercial uses (proposed up to 270,000 square feet of enclosed single-story space) on nearly 16 acres, or 80% of the Site's land area. The Site is located in close proximity to the Jefferson Technology Park MXD and the Jefferson Pike Business Park.

The specific employment uses allowed in the MXD zoning district are those uses permitted in the ORI zoning district. Commercial uses allowed in the MXD zoning district are those uses permitted in the General Commercial zoning district (with some exceptions as provided in §1-19-10.500.7 of the County Code). The Application does not identify all specific employment or commercial uses for the Site, other than a reference to uses typically present in similar projects developed by St. John Properties (SJP) such as flex space/research and development, office/industrial/warehouse, and commercial services as indicated in the Applicant's Justification Statement.

Should this rezoning be approved by the County Council, specific uses will be subject to a subsequent Phase II site plan/subdivision review process.

# Application At-A-Glance

## **What:**

- Requesting a *rezoning* (a change to the existing zoning map) of a 19.662-acre Site currently occupied by a wholesale nursery and landscaping business.
- Seeking to apply the 'Mixed Use Development,' or MXD, zoning designation to the Site that is now zoned 'Agricultural' (A).
- The proposed development concept from St. John Properties follows an established model for employment uses utilized by the company at other sites in Frederick County.

## **Where:**

- The Site is located in the northwestern section of the Ballenger Creek Community Growth Area on the north side of Jefferson Pike, adjacent to I-70, and in close proximity to the Jefferson Technology Park MXD, the Jefferson Pike Business Park, and the City of Frederick.

## **Why:**

- The Applicant plans to develop 270,000 square feet of single-story, enclosed 'flex' space, including a range of uses such as light industrial, research, office, and commercial services. Existing structures on the Site will be demolished and the current use abandoned.

## **How:**

- The Zoning Ordinance allows an applicant to request the rezoning of a property under limited circumstances including the application of floating zones, such as the Planned Unit Development (PUD) or Mixed Use Development (MXD) designations.
- An applicant seeking the rezoning of a site must first conduct an advertised community meeting. The web-based virtual community meeting for this proposal was held on February 28, 2022.
- A rezoning application is subject to a two-step review process:
  - 1) *Planning Commission* conducts a public hearing to consider the application and accept public input, after which the Commission submits its recommendation to the County Council. The Planning Commission may suggest that certain conditions be placed on any approval of the Application.
  - 2) *County Council* holds its own public hearing to consider the application and accept public input, after which it decides whether or not to amend the zoning map. The Council may place conditions on the project if it decides to approve the rezoning request.
- The County is not required to approve a request for rezoning.

## **More:**

- If the application is approved and the zoning is changed to MXD, the project may proceed but will still have to complete all of the normal review and approval processes required of this type of development, including Subdivision Plan and Site Development Plan reviews by the Planning Commission. The project will also be subject to other regulations such as the Adequate Public Facilities Ordinance that considers the capacity of roads, water/sewer service, and schools (for projects that include a residential component).

### Proposed Land Use Mix

Proposed Land Uses	Acres/S.F.	Percentage (of net land area)*	Maximum Permitted or Minimum Required *
Commercial	<u>≤ 121,500 sf</u>	<u>≤ 45%</u>	45% maximum (121,500 sf)
Employment/Institutional	<u>≥ 148,500 sf</u>	<u>≥ 55%</u>	No maximum in MXD
Open Space	<b>3.93 ac</b>	<b>25%</b>	20% Commercial, Employment, Industrial area (15.73 acres); Minimum total of 3.15 acres required
Road right-of-way/other	<b>NA</b>	<b>NA</b>	NA
<b>TOTAL</b>	<b>19.662 acres and 270,000 sf of enclosed building space</b>		<i>Net Usable Area: <b>19.662 acres and 270,000 sf of enclosed building space (no sensitive environmental features identified on the Site)</b></i>

\* Maximum/minimum areas are based upon total gross enclosed building space (270,000 sf) as permitted in §1-19-10.500.7(C) of the Zoning Ordinance. Open Space is expressed as a percentage of total gross Site acreage. Minimal right-of-way areas for roads, utilities, and SWM will be absorbed in land area designated for Employment/Commercial uses.

### Land Use Mix

This Application for the rezoning of the Kenel Farm property, located just outside of the City of Frederick, seeks to establish an array of employment and commercial uses on the 19.662 acre Site, while maintaining an open space area along its Jefferson Pike frontage which faces residential uses directly across the roadway. Although a listing of specific planned uses within the established land use categories identified in the Zoning Ordinance is not a requirement of a rezoning application, an applicant must identify the broad use categories from which planned or proposed development on the application Site will derive.

As demonstrated in the table above titled 'Proposed Land Use Mix,' the Applicant has proposed a Concept Plan that meets or exceeds the standards for specific use categories as established in §1-19-10.500.7 of the Zoning Ordinance.

The following discussion describes each land use category as proposed in the rezoning Application. Please note that employment and commercial uses are expressed in square feet of enclosed building space as opposed to underlying acreage. This approach to calculating the land use mix in an application for rezoning is permitted in the instance where uses are likely to be comingled in a structure.

### **Commercial**

The MXD zone allows for a maximum gross project area set aside for commercial uses of 45% of the gross project acreage exclusive of floodplain and other environmentally-sensitive areas, of which there are none. The specific uses allowed would be those generally permitted in the General Commercial zoning district. The Concept Plan and Justification Statement identify potential commercial uses including retail shops, community services/businesses, educational (commercial school or education program), indoor recreation, and day care. The area designated for commercial uses on the Concept Plan is 121,500 sf, or 45% of the proposed enclosed building area.

### **Employment**

The MXD zone allows for the entirety of a project to be designated for Employment uses. The Concept Plan and Justification Statement submitted by the Applicant seek to establish a minimum of 148,500 sf of enclosed building area for Employment uses as defined in the Zoning Ordinance. The specific uses allowed would be those uses permitted in the ORI zoning district, including a limited number of commercial uses such as hotels/motels, banks, restaurants, medical clinics, and commercial schools. Specific uses identified in the Justification Statement include research, office, industrial, and warehousing uses. As there is no upper limit to the amount of Employment uses permitted under an MXD application, the proposal meets this standard.

### **Institutional**

The Plan proposes no specifically identified Institutional uses as part of its application for the MXD floating zone. However, the Justification Statement includes 'educational tenants' as a potential use in the project. Commercial schools and educational programs are permitted uses in the General Commercial (GC) zoning district. Private Schools may be permitted as Temporary uses in the GC and ORI zoning districts. Institutional uses are not subject to a land use percentage cap in §1-19-10.500.7 of the Zoning Ordinance.

### **Residential**

The Plan proposes no residential uses.

### **Open Space**

The areas designated for open space incorporate a largely forested intermittent stream and its buffer. The 3.93 acres of Open Space identified on the Concept Plan exceed the minimum requirement of 3.13 acres (20% of the area dedicated to employment/commercial uses). The Open Space areas constitute nearly 20% of the gross site acreage, and are located along the Site's Jefferson Pike frontage as well as along all property boundaries. A ring trail is identified as an Open Space amenity on the Concept Plan. The Justification Statement articulates that the internal path system would serve "...employees and visitors within the Project and...those in local residences outside the Project." The proposal meets the minimum Open Space requirements set forth in Section 1-19-10.500.7 of the Zoning Ordinance.

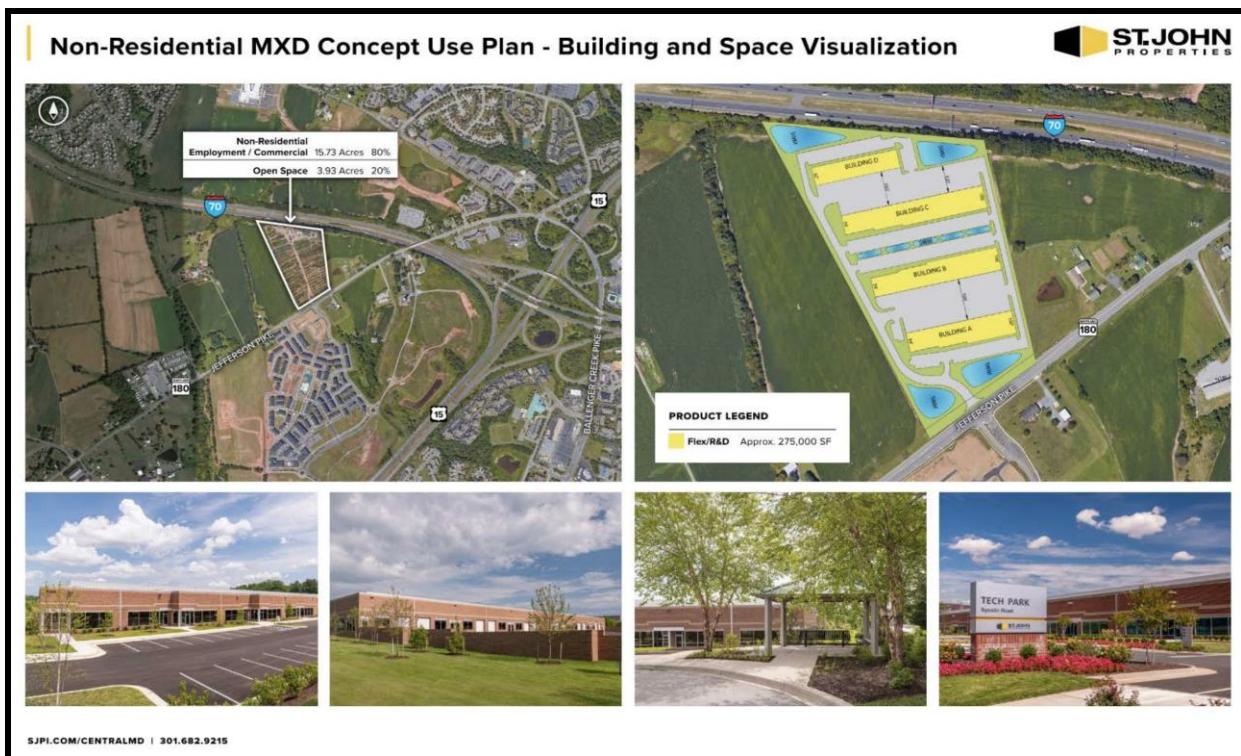
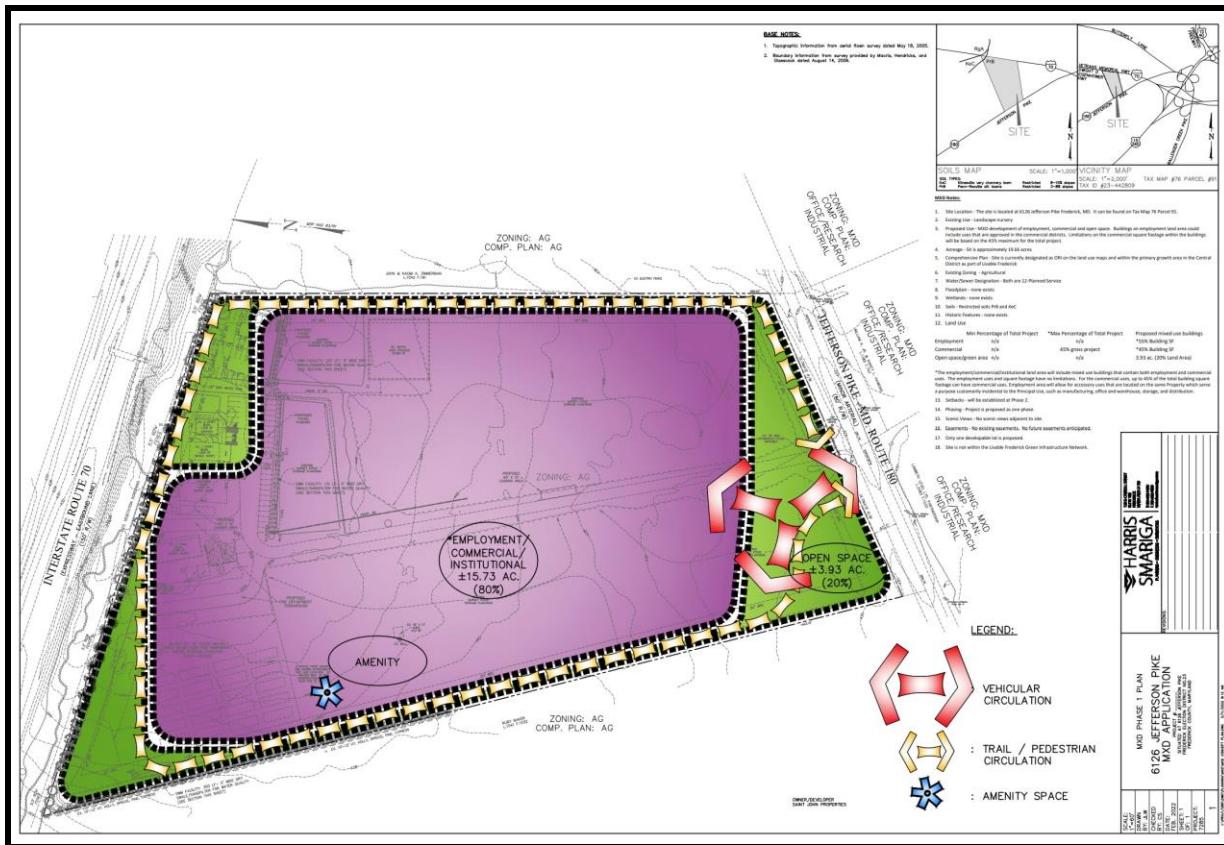
### **Right-of-Way/Other**

Rights-of-way are accommodated in the Plan's calculation of the Land Use Mix.

### **Land Use Mix - Summary**

As presented in the Justification Statement (revised March 15, 2022) and Concept Plan (revised March 15, 2022) the Land Use Mix is consistent with Section 1-19-10.500.7 of the Zoning Ordinance.

The County Council may in its sole discretion deny, reduce, or increase the size, type, location, and/or mixture of the various land use components if the County Council determines that the change is appropriate for the Site or overall area of the MXD and is necessary to achieve the purpose and intent of the MXD District.



### Figure 1 Applicant's Concept Plan (revised: 17 March 2022)

# Evaluation

## Consistency with the Comprehensive Plan Map - Land Use Designation

The Site has a land use plan designation of Office/Research/Industrial (ORI) and is within the Ballenger Creek Community Growth Area. An ORI land use plan designation permits the application of the MXD floating zone district. The ORI (originally 'Office/Research') land use plan designation was applied on this Site in the 2002 Frederick Region Plan. In the prior plan from 1992, the parcel had been designated for Low Density Residential uses.

The current Comprehensive Plan Land Use Map (2019) provides some additional detail regarding general plan consistency beyond that put forward in the Livable Frederick Master Plan. This northwestern corner of the Ballenger Creek Community Growth Area, north of US15/US340, is predominantly developed or planned for a mix of medium density residential and employment uses. The addition of a non-residential MXD project on the north side of Jefferson Pike (MD180) remains consistent with both the underlying land use designation for the Site and the general guidance provided in the Livable Frederick Master Plan.

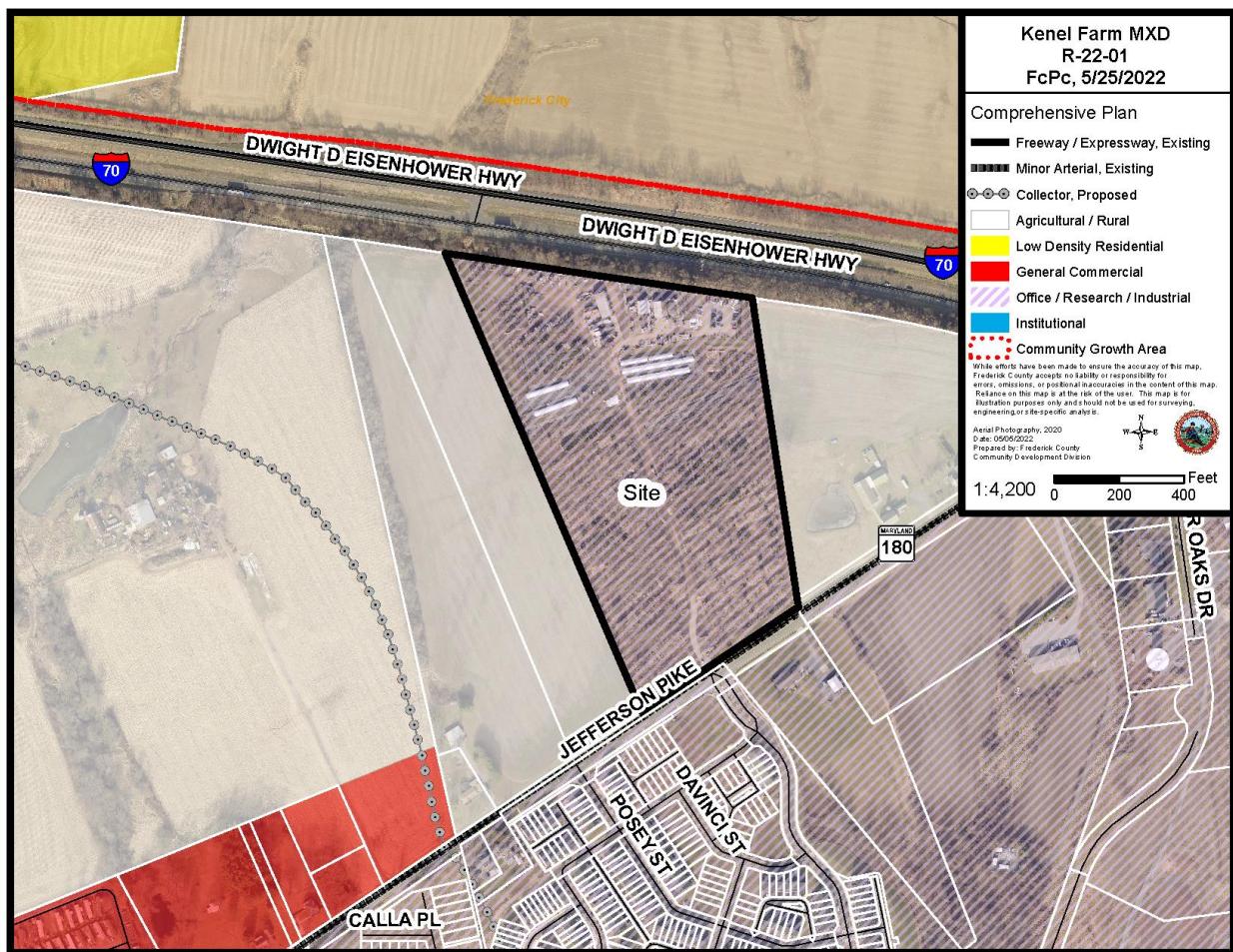
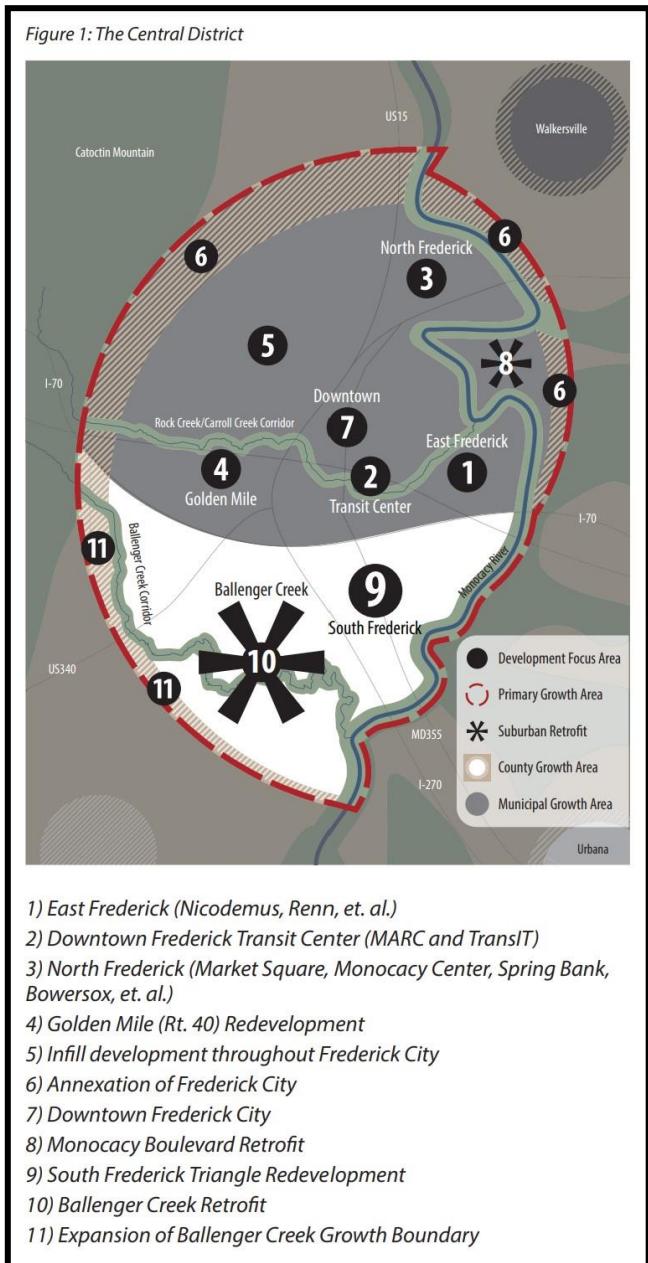


Figure 2 Comprehensive Plan Map (with Land Use designations)

Staff would consider the application of MXD zoning to be consistent with the Comprehensive Plan Land Use Map as it

would allow for employment uses while also providing flexibility for commercial uses to serve the evolving mixed use community in and around the Jefferson Technology Park, the Jefferson Business Park, and other development along the US15/US340 corridor.



## Consistency with the Livable Frederick Master Plan

The Livable Frederick Master Plan (LFMP) embodies a focus on policy and general growth strategy in order to articulate a clear direction for Frederick County in the face of future change. In concert with the Comprehensive Plan Map, future Community, Corridor, Large Area, and Functional plans, the LFMP constitutes Frederick County's Livable Frederick Comprehensive Plan.

This Application is consistent with the broad LFMP policies that seek to establish land uses that are generally supportive of the economic, employment, and service needs of our communities and neighborhoods located within designated Community Growth Areas such as the Ballenger Creek CGA within which the Subject Site is located (see the LFMP's *Central District* diagram to the left). The LFMP identifies this area as part of the County's Primary Growth Sector, seeking to take advantage of the site's location at the top of the US340 corridor which links the Brunswick and Jefferson Community Growth Areas, the City of Frederick (on the east), and communities in West Virginia and Northern Virginia beyond County borders.

## Current Zoning and Adjoining Land Uses

The Site has been zoned Residential (R1) and Agricultural (A) at various times in past decades but was most recently zoned Agricultural as part of the Frederick Region Plan update adopted in 2002. The surrounding neighborhood includes a mix of zoning ranging from Agricultural-zoned parcels to the west, to MXD- and ORI-zoned lands that have been in active development for 10 years on the south side of Jefferson Pike.

I-70 stands as a formidable barrier to direct access into City of Frederick jurisdiction to the north, however Jefferson Pike provides vehicular access to the north side of the interstate.

Residential development continues as part of the Jefferson Technology Park project, with apartments and single-family attached units predominating. Work continues on the development of employment uses in the Jefferson Business Park, adjacent to the residential neighborhoods which currently constitute most of the completed development in the MXD.

Staff finds the proposed MXD zoning to be generally compatible with surrounding zoning and land uses.

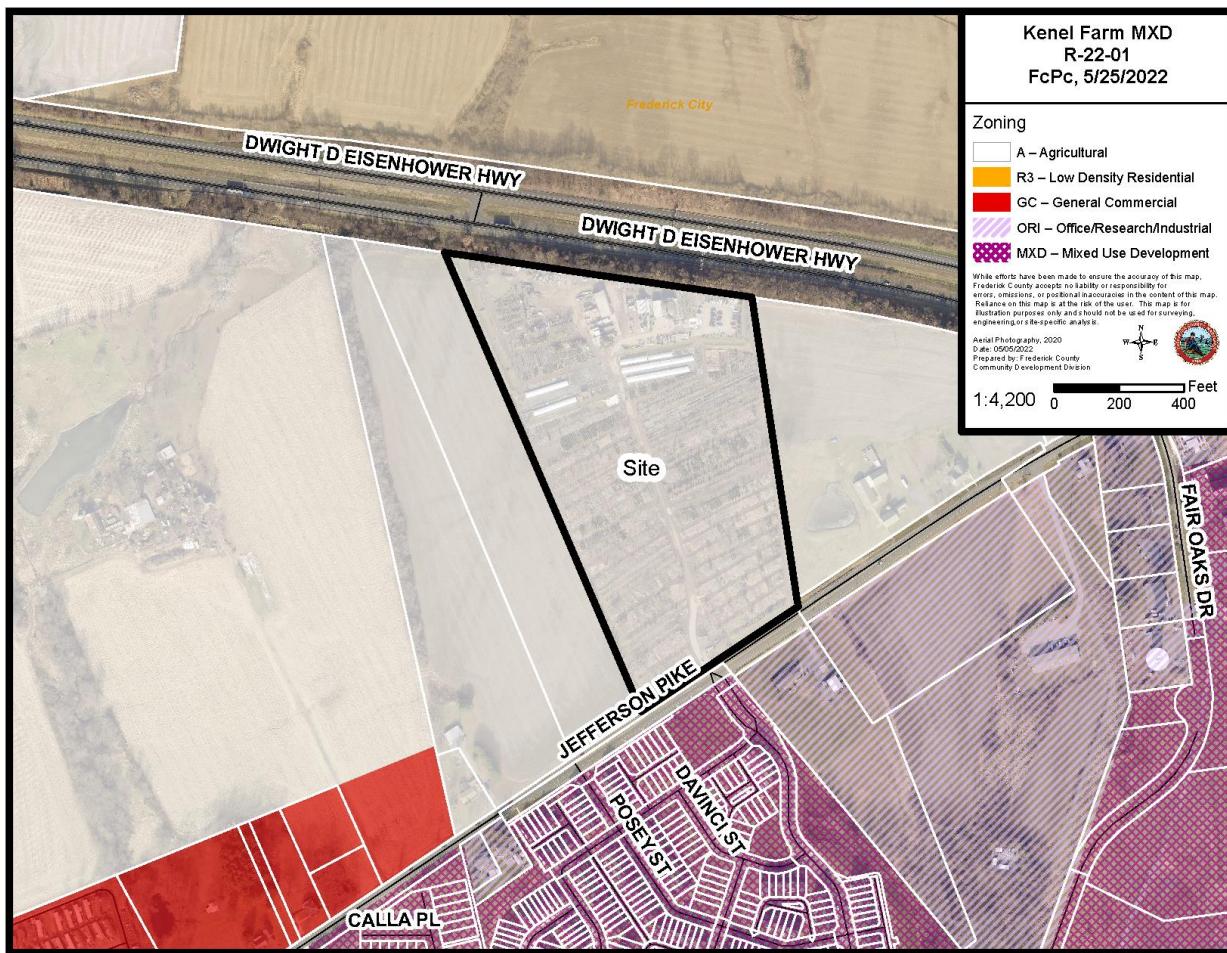


Figure 3 Zoning Map

## Population Change

No direct link to population change is anticipated as a result of this non-residential project.

## Timing/Phasing of Project

There are no significant public facility needs required to be met prior to development on the Subject Site, other than those network and system improvements typically required as part of a Phase 2 site development plan (e.g. road and intersection improvements or payments into escrow accounts). If this rezoning is successful, Phase 2 conditions will likely indicate the need to provide improvements concurrent with, or prior to, the establishment of the proposed uses. The Applicant indicates no specific phasing of the project buildup.

## Natural Features

The Site is currently operated as a wholesale nursery and landscaping business. Most of the land is planted in nursery stock, with buildings and sheds clustered along the I-70 (north) portion of the parcel. No sensitive environmental features are indicated in the Applicant's materials or are identified using County mapping resources. An existing stormwater facility is located in the far northwestern corner of the site and appears to be associated with I-70 stormwater management. The Site

is relatively flat with little topographical change across the parcel. Areas of lower elevation are conceptually illustrated by the Applicant as future SWM facilities on the Concept Plan.

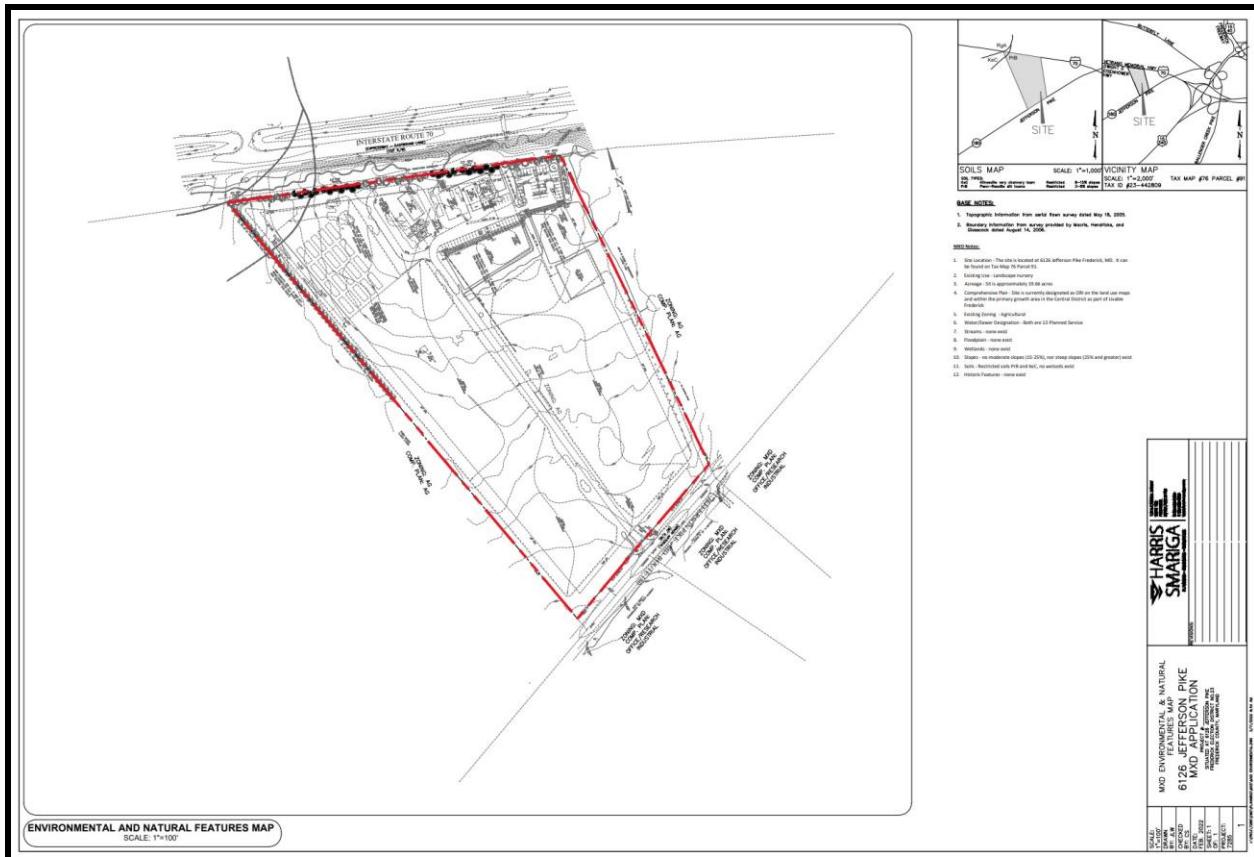


Figure 4 Applicant's Natural Features Map

## Cultural Resources

There are no identified historical or cultural resources associated with the area proposed for rezoning.

## Public Schools

This is a non-residential proposal; therefore, school capacity will not be directly impacted by this project.

## Water and Sewer

The Property carries a Planned Service category for both water and sewer on the Frederick County Water and Sewerage Plan. Access to the existing public water and sewer line mains exists via existing lines along Jefferson Pike. Water and sewer capacity is available on a first-come, first-served basis.

### Water Service

Water is supplied to the Site from the New Design Water Treatment Plant. This has a permitted withdrawal capacity of 16 million gallons/day (MGD) (average daily) and has a current average daily demand of approximately 6 MGD.

## **Sewer Service**

Sewage treatment is provided by the Ballenger-McKinney wastewater treatment plant (WWTP), which has a permitted capacity of 15 MGD and currently discharges into the Monocacy River. In 2020, average daily treatment flow at the Ballenger-McKinney WWTP was 7.3 MGD.

## **Public Safety**

The Site is situated approximately 3 miles from the United Fire Company (Station #3) at 79 S. Market Street in Frederick and 3.3 miles from the Westview United Station (#31).

Although the proposed rezoning Site is currently covered by the United Fire Company, the area will be served in the future by the Jefferson Tech Park Fire Station which is currently funded for design in FY 2027. Construction funding has not been scheduled within the current CIP, but it is expected that the station will be funded and built in FY 2029.

Police protection would be provided by the County Sheriff's Office.

## **Libraries**

Given the proposed Commercial, Employment, and Institutional land use categories planned for the Site, the proposed rezoning would likely have a minimal impact on local library facilities. Nonetheless, the C. Burr Artz Library is located approximately 3.6 miles from the Subject Site, in Frederick's downtown district.

## **Parks**

The proposed rezoning would not likely significantly impact park and recreation facilities. The Ballenger Creek District (regional) Park is located approximately 2.5 miles from the proposed rezoning Site. A proposed internal trail/path system within the proposed development would provide access to outdoor recreational activity for tenants, and perhaps visitors.

## **Transportation**

### **Existing Site Access Characteristics**

The Site has approximately 584 feet of frontage along Jefferson Pike (MD 180). Primary access to the Site will be from Jefferson Pike, most likely located at the 4-way intersection formed by Jefferson Pike, Jefferson Commons Way (JTP MXD), and the future driveway into the Kenel Farm MXD. There appear to be no significant topographical or sight distance challenges at the likely location of site access.

### **Comprehensive Plan Map Designations for Adjoining Roads**

MD 180/Jefferson Pike – *Minor Arterial*

Jefferson Commons Way – *Local*

I-70 – *Interstate Freeway/Expressway*

### **Pedestrian and Bicycle Facilities**

There are no existing sidewalks along the north side of Jefferson Pike/MD 180 in this segment of the roadway. The Jefferson Technology Park MXD project has constructed sidewalks and an on-street bike lane along the south side of Jefferson Pike for the entirety of the Kenel Farm frontage and extending at least 450 feet beyond to the west. Some sidewalk links exist along Jefferson Pike after it crosses I-70; however, no direct, connected pedestrian link currently exists that would allow for safe pedestrian traffic east of the Site.

The applicant will be required to provide pedestrian and bicycle connectivity via sidewalks and an on-street bikeway along their frontage on the north side of Jefferson Pike.

## **Transit**

Transit's Brunswick Jefferson Shuttle provides commuter service in the morning and afternoon, with a stop in the Jefferson Technology Park available by appointment only, Monday through Friday.

## **Planned Improvements**

There are no planned transportation improvements in the vicinity of the proposed rezoning Site that were included or analyzed as part of the TIA.

## **Traffic Impact Analysis (TIA) Highlights**

*Trip Generation:* The proposed rezoning will increase the density and intensity, and ultimately the trip generation, above prior valid approvals for the existing landscaping company.

Previous Approval: 18am/18pm trips

Proposed Rezoning: 110am/116pm trips (resulting in an increase of 92am and 98pm peak hour trips).

*Site Access:* Site access will likely require geometric modification in order to accommodate the increase in trip generation and provide adequate turning radii for larger vehicles.

*Signal Operation:* All existing signals studied in the TIA operate now, and will continue to operate, at acceptable levels of service.

The proposed rezoning and associated development would be expected to coordinate/provide necessary road improvements, or contribute pro-rata shares as part of the APFO approval process.

## **Transportation Summary**

Transportation network adequacy will likely be achieved through site access frontage improvements and site access geometric modifications.

# **Summary of Findings**

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

### **(1) Consistency with the comprehensive plan;**

The Site is designated Office/Research/Industrial on the current Comprehensive Plan Map which is consistent with the application of the MXD floating zone district. The proposed uses of the Site, including employment and commercial, would be appropriate in supporting the employment and residential uses in the vicinity.

### **(2) Availability of current and planned public facilities;**

The proposed uses on the Site will not impact school capacity, and will not significantly impact parks, public safety, 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 employment and commercial uses. Fire/Rescue/EMS services are generally available in the Ballenger Creek Community Growth Area, with primary coverage being provided through United Steam Fire Engine Co. (Station #3).

(3) Adequacy of existing and planned future transportation systems;

Existing planned projects, as well as modest improvements in the immediate vicinity of the proposed rezoning Site, will provide adequate functionality to the transportation network in the northwestern portion of the Ballenger Creek Community Growth Area. Limited transit service is available in the nearby Jefferson Technology Park.

(4) Compatibility with existing and proposed development;

The proposed employment and commercial uses are compatible with the existing and planned mix of residential, employment, and commercial uses in the area.

(5) Population change, including availability and location of land zoned to meet the ten-year need for residential development;

The proposed rezoning will not directly impact population estimates in the County. Furthermore, this project would not occupy land planned for future residential growth.

(6) The timing of development, planned future transportation systems and planned public facilities.

The Application does not propose a schedule for development of the Site. There is existing road access and capacity to allow development of the Site to occur after entrance improvements are completed and escrow funds have been deposited. There is water/sewer infrastructure existing or nearby, so there would not be an impediment to the timing of development of the Site related to the availability of facilities. The Site will be subject to subsequent subdivision, site plan, and APFO review.

(7) Sensitive environmental resources have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable.

No sensitive environmental resources have been identified on the Site.

(8) Historic resources have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable.

There are no identified historical or cultural resources associated with the area proposed for rezoning.

**§ 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 will have a relatively compact development due primarily to the small size of the parcel as well as some of the man-made site constraints (roadways and parcelization). The area has extensive existing infrastructure capacity including water/sewer lines and previous road improvements that would support the development of the 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 presents a clear visualization of the planned design for the development as well as for buildings to be constructed. The proposed design is not in conflict with any goals or initiatives put forth in the County's planning documents. There is no current 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;*

Nothing proposed in this Application – and illustrated on the Concept Plan – is out-of-character when compared to recent development approved or constructed in the immediate area. The low profile of the proposed structures is respectful of taller residential structures located in the JTP MXD on the south side of Jefferson Pike. A significant open space buffer is illustrated in the Concept Plan, providing additional physical separation between the proposed employment/commercial uses and the residential neighborhoods under development. The subsequent site plan review for the Site would address detailed design issues such as parking, landscaping, screening, building height, building massing/location, 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 subsequent Site Development Plan review will evaluate the safety and efficiency of the arrangement of on-site buildings and infrastructure. The concentration of open space areas along the entire perimeter of the parcel allows for considerable flexibility in the arrangement of buildings and infrastructure on this Site.

*(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;*

Transportation network adequacy will likely be achieved through a combination of planned improvements and site access modification (or a secondary site access). Limited transit service is currently available at the Jefferson Technology Park.

*(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 Application does not include specific uses or engineered layouts of the Site. However, the Applicant indicates that pedestrian connections to adjacent neighborhoods will provide two-way access for those on foot. Primary pedestrian access to the Site will occur along Jefferson Pike.

*(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 situated approximately 3.2 miles from the United Steam Fire Engine Company (Station #3) on N. Market Street in Frederick and 3.3 miles from the Westview United Station (#31). Police protection would be provided by the County Sheriff's Office.

*(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;*

Any identified natural features of the Site will be incorporated into the planned open space areas.

*(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 Office/Research/Industrial which allows for the application of the MXD floating zone. The addition of the employment and commercial uses to the employment and residential uses already established on nearby parcels is consistent with the intent of the MXD zone to provide the opportunity for employment and commercial uses to support the surrounding residential community, and is in keeping with the LFMP policy of supporting a mix of uses in the County's designated growth areas.

*(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.*

Existing infrastructural systems are sufficient to support the proposed development as described in this Application.

## Planning Commission Review and Action

The Planning Commission shall make its recommendation to the County Council, basing its findings on the information presented at the hearing. Such findings shall be 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 for the Mixed Use Development District as set forth in §1-19-10.500.

When approval criteria call for findings of consistency with the County's comprehensive plan, the Planning Commission shall consider the Livable Frederick Comprehensive Plan which includes the *Livable Frederick Master Plan (2019)*, the *Comprehensive Plan Map* (Land Use Map), and other plan elements as adopted by the County Council.

### § 1-19-3.110.4. APPROVAL CRITERIA. (for Zoning 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 current and planned **public facilities**;
- (3) Adequacy of existing and planned future **transportation systems**;
- (4) **Compatibility** with existing and proposed development;
- (5) **Population change** including availability and location of land zoned to meet the ten-year need for residential development;

- (6) The **timing of development**, planned future transportation systems and planned public facilities;
- (7) **Sensitive environmental resources** have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable; and
- (8) **Historic resources** have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable.

§ 1-19-10.500.3. APPROVAL CRITERIA. (for 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 and pipeline uses in the area. Factors to be evaluated include: roadway capacity, level of service and safety, on-street parking impacts, access requirements, neighborhood and natural resource impacts, projected construction schedule of planned improvements, pedestrian and bicycle safety, and results of travel demand modeling assessing the change in future daily travel volumes, with and without the proposed development;
- (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 protected 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;
- (K) **Sensitive environmental resources are protected** to the maximum extent practicable; and
- (L) All efforts have been made to promote the **protection, preservation, and integration of historic resources** into the planned development through reuse, adaptive use and rehabilitation.

The Planning Commission shall forward its recommendation to the County Council within 62 days of its first public hearing. A failure to make a recommendation within 62 days of the first public hearing shall be deemed as providing no recommendation on the request.

## Options for Planning Commission Action

The Planning Commission may take any of the three following actions regarding this application:

1. Recommendation for Approval of the request as presented by the Applicant;
2. Recommendation for Approval of the request with Conditions;
3. Recommendation for Denial of the Applicant's request.

## Proposed Conditions for Planning Commission Consideration

Should the Planning Commission choose to recommend approval of this application, the following condition is provided for the Planning Commission's consideration:

1. The Applicant shall establish and maintain no more than 94,500 square feet (approximately 1/3 of the enclosed building area) of commercial uses at any given time on the Subject Site.