



Zoning Map Amendment

Staff Report

Case #: R-21-01

Applicant: DR Acquisitions LLC (Park Place at Ballenger PUD)

Request: Rezone 2.978 acres from Agricultural (A) to Planned Unit Development (PUD)

Site of Rezoning Request

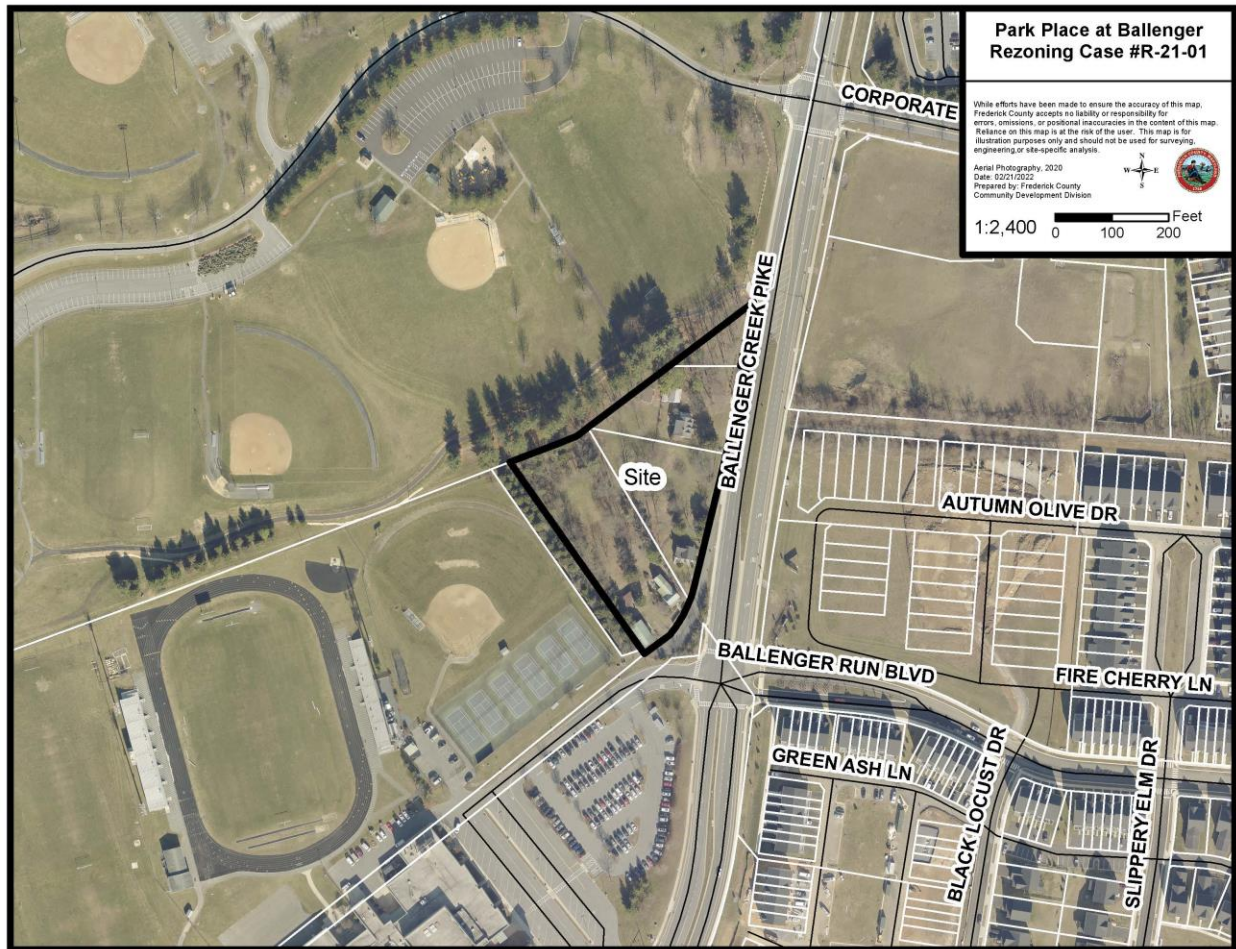


Figure 1 Aerial Map

Applicant's Proposal

The Application proposes to rezone 2.978 acres from Agricultural (A) to Planned Unit Development (PUD). The Site is proposed for the development of 29 Single-Family Attached (Townhouse) dwelling units, at a gross density of 10.3 dwellings per acre (Medium Density Residential).

The proposed Site consists of four separate parcels (5328, 5332, and 5344 Ballenger Creek Pike), two of which are developed with older single-family detached homes that will be demolished as part of this project if the rezoning is successful.

Although the largest parcel (P. 161) measures 1.28 acres in size, a narrow buffer strip of approximately 1/4th acre that was added to the parcel by the previous owner in 2009, cannot be included in this rezoning Application since its Comprehensive Plan Land Use designation remains 'Institutional' – a designation to which the PUD zoning cannot be applied.

Application At-A-Glance

What:

- Requesting a *rezoning* (a change to the existing zoning map) of a 2.978-acre Site currently occupied by two single family detached homes.
- Seeking to apply the 'Planned Unit Development,' or PUD, zoning designation to the Site that is now zoned 'Agricultural' (A).
- Although the land is zoned for agricultural use, it is not an actively farmed site.

Where:

- The Site is located in the Ballenger Creek Community Growth Area on the west side of Ballenger Creek Pike, between Tuscarora High School and Ballenger Creek Park, and across the road from the Ballenger Crossing and Ballenger Run PUD communities, south of the City of Frederick.

Why:

- The Applicant plans to develop a neighborhood of 29 townhouses, also known as *single-family attached* homes, and demolish the existing older homes on the Site.

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 June 15, 2021.
- 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 PUD, 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 schools, roads, and water/sewer service.

Proposed Land Use Mix

Proposed Land Uses	Acres	Percentage (of gross land area)	Notes
Residential (Single Family Attached)	0.77	26%	29 townhouses at density of (10.3 DU/ac); permitted range of 6-12 DUs
Open Space/Green Area	0.92	31%	35% minimum (1.04 acres) Applicant seeking reduction
Road right-of-way/Parking/SWM	1.28	43%	
TOTAL	2.978 acres		

Proposed Concept Plan and Land Use Mix

This Application for the rezoning of the property known as Park Place at Ballenger proposes the development of 29 market rate single-family attached homes (townhouses) on a 2.978 acre Site utilizing the PUD floating zone.

As demonstrated in the table above titled Proposed Land Use Mix, the individual home lots will occupy about one quarter of the Site. Open Space/Green Area is proposed for 31% of the Site, while the remainder will be used to accommodate local streets/sidewalks and rights-of-way, parking areas, and stormwater management infrastructure.

The conceptual layout of the Site shown on the Concept Plan illustrates multi-fingered, short, local streets serving the 29 homes, the majority of which front upon or face Ballenger Creek Pike. A small stormwater facility faces the intersection of Ballenger Creek Pike and the Tuscarora High School driveway entrance. A public sidewalk is shown as extending along the frontage of the Site, with pedestrian connections provided into the interior of the proposed development. The sole vehicular access to the project is shown conceptually as connecting directly onto Ballenger Creek Pike, a minor arterial roadway maintained by Frederick County. A compact trail system is illustrated as extending the interior pedestrian network and making a direct connection with the trail system in the adjacent Ballenger Creek Park (a County facility).

The proposed land use table confirms general conformity with the PUD regulations, demonstrating that the residential density derived from this Concept Plan will result in a project density that meets the requirements for Medium Density Residential uses as described in the Zoning Ordinance.

The Open Space/Green Area identified in the Concept Plan, 0.92 acres, falls short of the required 35% of the total project Site. The Applicant is seeking a reduction of this requirement as discussed later in this report.

Open Space

With a gross Site area of 2.978 acres, the open space requirement for Medium Density Residential uses is 35% or 1.04 acres. The Applicant seeks a minor reduction in the required amount of open space/green area for the proposed PUD given the adjacency of the large district park facility on the north side of the Site. The Plan designates 0.92 acres of open space/green area which consists of: an open space buffer along the entire western boundary of the Site incorporating the existing landscaped area between the project Site and the Tuscarora High School property; three connected open areas along the County park boundary, including an internal trail network and a connection to the park's trail system; and, smaller landscaped areas adjacent to the stormwater facility.

Phasing Plan

The Application proposes a single-phase project of 29 townhouses and their accompanying on-site amenities and infrastructure.

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). The developer will be responsible for constructing the necessary connections to water and sewer infrastructure, which is already operating in close proximity to the Site.

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 PUD and necessary to achieve the purpose and intent of the PUD District.

Evaluation

Proposed Land Use Density

Gross density of a proposed PUD development shall comply with the following table.

County Comprehensive Plan Land Use Designation	Dwelling Units per Acre
Low Density Residential	3-6 du/ac
Medium Density Residential	6-12 du/ac
High Density Residential	12-20 du/ac

The Site, with a gross acreage of 2.978 acres and with the proposed maximum of 29 dwellings, would have a **gross density** of 10.3 dwellings/acre. A net density calculation, based on the residential area (minus open space/green areas) of 2.06 acres, would result in a **net density** of 14.1 dwellings/acre. The gross density is consistent with the Comprehensive Plan range for Medium Density Residential of 6-12 dwellings/acre.

Consistency with the Comprehensive Plan Map - Land Use Designation

The Site is located within the Ballenger Creek Growth Area and represents an opportunity for what the Livable Frederick Master Plan calls 'Suburban Retrofit':

"Therefore, while Ballenger Creek is identified as being within the Primary Growth Sector, emphasis in this area will be on a suburban retrofit growth strategy. This will include a focus on making the existing infrastructure more multi-modal, providing new infrastructure where needed to support multi-modal accessibility, and finding opportunities for higher density redevelopment..."

The application of PUD zoning with a gross density of 10.3 dwellings/acre is consistent with the Medium Density Residential plan designation and falls within the 6-12 dwelling/acre gross density range.

There has not been a specific Community or Corridor Plan developed for the Ballenger Creek Growth Area, though a small portion of this geography is currently under study in the development of the South Frederick Corridors Plan.

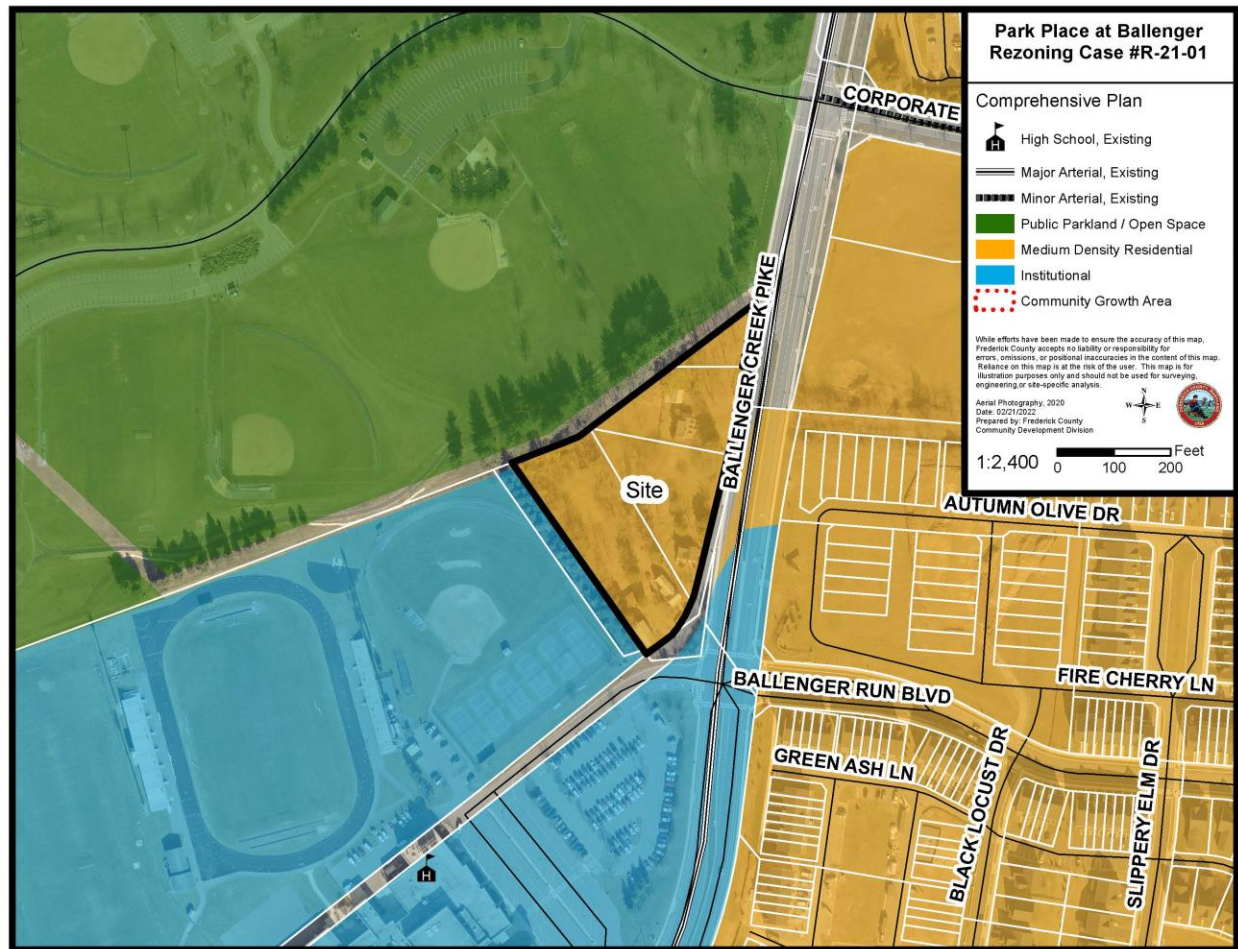


Figure 2 Comprehensive Land Use Plan Map

Staff would consider the application of PUD zoning to be consistent with the Comprehensive Plan Land Use Map as it would allow for medium density residential uses on a site that is currently designated for such development.

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 which are generally supportive of the compact and efficient development patterns necessary to support community infrastructure and services. The rezoning of the land that is the subject of this Application would allow for the placement of 27 additional homes within walking and transit proximity of schools, parks, shopping, and employment areas south of the City of Frederick.

The LFMP's Thematic Plan Diagram (and supporting text) identifies the Ballenger Creek Community Growth Area as playing

a significant role in the development, and redevelopment, of the County's Primary Growth Sector, and allowing Frederick County to grow its population while taking advantage of existing and improved community infrastructure. The LFMP's Action Framework is supportive of a wide variety of housing types including those that provide opportunities for more affordable options for families.

Current Zoning and Adjoining Land Uses

The Site has been zoned Agricultural (A) for many years, despite significant land use changes on adjoining lands including development of the Ballenger Creek Park to the north, Tuscarora High School to the south and west, the Ballenger Crossing and Ballenger Run PUD projects to the east, and a re-routing of Ballenger Creek Pike.

Although the properties are currently occupied by two older single-family detached homes and their associated outbuildings, parking areas, and driveways, the underlying land use designation of Medium Density Residential, applied during the era of Frederick County's Regional Plan updates, indicates an intent by past elected officials and planning commissions to entertain rezoning applications – or comprehensive rezoning efforts – that would redevelop this land for a more intensive residential use and make more efficient use of the public infrastructure and services.

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

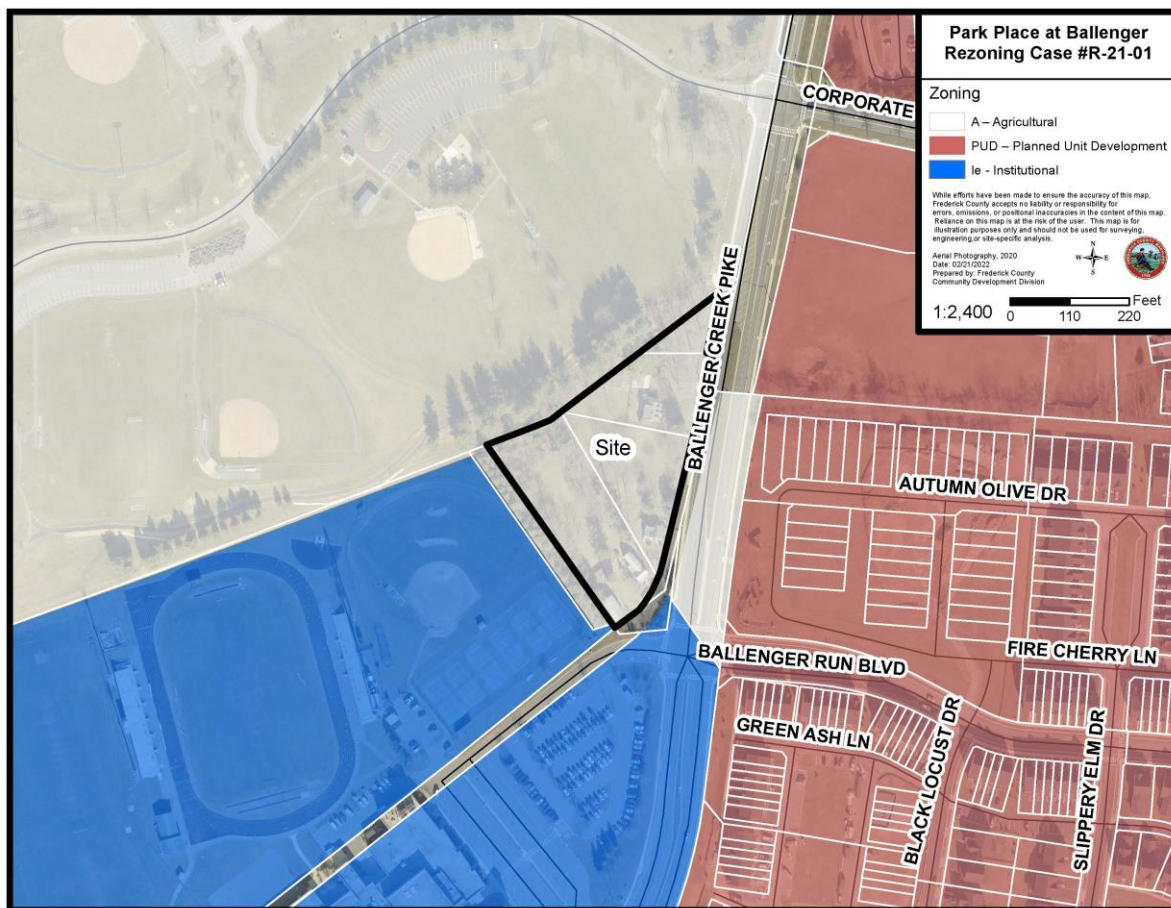


Figure 3 Zoning Map

Population Change

The Applicant has provided the following information regarding population change over the next 10 years and its relationship to this Application:

The LFMP states that in 4 years (2025) “the total number of adults age 65+ is projected to exceed the total number of school-age children (ages 5- 19) in the county.” (LFMP at 134). The Project provides much-needed housing at affordable pricing points to meet the demand of the aging population, many of whom are, or will be on, fixed incomes.

Staff makes the following determinations regarding population change as a result of the rezoning.

Proposal: **27 new dwelling units** (29 new townhouses minus the two existing houses to be demolished)

Countywide average household size: **2.65 persons per dwelling unit**

Potential Population Increase: **72 persons**

Staff concur with the notion that the Livable Frederick Master Plan encourages population growth in designated growth areas such as the Ballenger Creek Community Growth Area and that population projections support the need to direct new development to existing communities where infrastructural investments can be leveraged to manage the impacts of new employment, residential, and institutional uses.

Utilizing Frederick County’s average household size of 2.65 persons per household, it can be estimated that the net 27 new homes proposed in this Application could increase the County’s residential population by up to 72 persons.

The County’s population according to the 2020 Census was 271,717 persons. The Metropolitan Washington Council of Governments (MWCOG) estimates Frederick County’s population in 2045 to reach 346,642 persons. Past history has demonstrated that these estimates have been relatively accurate. Using the assumption of household size based upon current trends – 2.65 persons per household – leaves the County with a projected dwelling unit deficit of approximately 28,300 units. The County’s aging population, along with a continuing trend of increasingly smaller households, indicates that the need for additional units may be greater if average household size moves downward. This analysis assumes a deficit of 28,700 dwelling units between 2020 and 2045.

As of July 2021, the countywide residential development pipeline stood at 14,950 dwellings. This total included both County and municipal pipeline data. The County’s share stood at approximately 6,100 dwellings. If the existing pipeline units were to be completely built out between now and 2045, the number of additional dwellings needed to keep pace with population growth would stand at 13,750 units. Under this scenario, the County and its municipal partners would need to consider where and how those homes could be built to best sustain – and improve – livability in the community.

The Livable Frederick Master Plan established the need, through a key set of policies and goals, to shift some of the County’s future growth away from suburbanized environments outside of our designated growth areas and into areas that can be more readily served by public facilities, infrastructure, and services. A significant amount of the current residential pipeline (under County jurisdiction) does not meet this goal, so the actual number of dwellings needed to meet our anticipated population growth through 2045 may be higher than 13,750.

In the Ballenger Creek Community Growth Area, within which this rezoning application occurs, there are limited areas currently zoned for the medium density residential use proposed in this Application. The remaining vacant lands zoned PUD

are generally committed to residential development that has been previously approved, including those lands within the Ballenger Crossing and Ballenger Run PUDs, located on the opposite side of Ballenger Creek Pike. Other vacant areas within the vicinity of the proposed rezoning lack both appropriate zoning and a relevant land use designation. Opportunities for an increase in residential density through redevelopment certainly exist in select locations throughout the Ballenger Creek Community Growth Area. However, the vast majority of properties remain only recently developed, and would therefore be unlikely candidates for a redevelopment project.

Natural Features

The Site is currently in a developed state with two existing homes and their associated outbuildings, driveways, and residential landscaping. A vegetated buffer of trees and woody vegetation exists along the boundary with Tuscarora High School but is on land that is not formally part of this Application. No environmentally-sensitive resources are located on the Site. Application requirements of the Forest Resource Ordinance at Phase 2 will reveal any specimen trees present on the Site.

Cultural Resources

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

Public Schools

Students and families living in this proposed development would attend schools in the Tuscarora High School Feeder System, including Carroll Creek Elementary, Ballenger Creek Middle, and Tuscarora High Schools. Each of these schools currently – according to the FCPS *Enrollments and Capacity Report* for the period ending December 31, 2021 – remains under 100% capacity, with one, Tuscarora High School identified on the list of schools closed for out-of-district attendees.

Residential development proposals are formally tested for school adequacy at the time of APFO testing. Estimates below do not represent the official APFO calculation, but instead provide guidance for the Planning Commission and County Council when considering this Application for rezoning.

Projected student generation from this proposal, as well as current school enrollments and capacity, are as follows:

Pupil Generation for Park Place at Ballenger PUD

Note: Net totals account for two (2) existing single-family dwellings on the Site of the proposed rezoning

Elementary (Carroll Manor ES)		Middle (Ballenger Creek MS)		High School (Tuscarora HS)	
Yield Rate	# Students	Yield Rate	# Students	Yield Rate	# Students
0.44 (SFA-TH) x 29	12.76	0.14 (SFA-TH) x 29	4.06	0.13 (SFA-TH) x 29	3.77
0.19 (SFD) x 2	0.38	0.11 (SFD) x 2	0.22	0.13 (SFD) x 2	0.26
Net Total ES:	12.38	Net Total MS:	3.84	Net Total HS:	3.51

School Enrollments & Capacity (March 31, 2022): Revised for Council

	% Capacity (03/31/2022)	Projected Capacity (9/2022)	Available Seats (Equated)
Carroll Manor ES	87%	84%	82
Ballenger Creek MS	93%	93%	66
Tuscarora HS	94%	98%	30

While background development data will be considered when the formal APFO test is conducted for this project, the number of students generated using current available data does not result in school state-rated capacity to exceed 100% at any of the affected schools.

Water and Sewer

The Property carries a PS, Planned Service, category for water and for sewer service in the Frederick County Water and Sewerage Plan. Access to the existing public water and sewer line mains exists in close proximity to the Site. 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 plant 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 1.8 miles from the Westview/United Fire Company (Station #31) and is within the recommended maximum distance of 2 miles for high value commercial development. DFRS indicates that the anticipated increase in households and population as a result of this rezoning will not significantly impact fire, rescue, and EMS services in the area. Police protection would be provided by the Frederick County Sheriff's Office.

Libraries

The residents of this proposed development would be served by the C. Burr Artz Library located approximately 4 miles from the Site, in Downtown Frederick.

Parks

The proposed rezoning would not significantly impact park and recreation facilities, other than to provide a potential direct connection from this development's internal sidewalk and trail network to the trail system in the adjacent Ballenger Creek Park.

Transportation

Existing Site Access Characteristics

The Site has approximately 570 feet of frontage along Ballenger Creek Pike, a 4-lane major arterial roadway with a median along the much of the frontage of the Site. To the north of the Site is a signalized intersection at Corporate Drive and an unsignalized two way stop intersection at Ballenger Run Boulevard.

Comprehensive Plan Map Designations for Adjoining Roads

Ballenger Creek Pike – *Major Arterial*

Tuscarora HS Access Drive – *Local Access/No Designation*

Pedestrian and Bicycle Facilities

An existing service drive for the existing homes on the Site remains in place as does a contemporary sidewalk link providing pedestrian access along the west side of Ballenger Creek Pike. Ballenger Creek Pike is planned to be an on-street bikeway per the 2018 Bikeways and Trails Plan with east-west connections to New Design Road by Crestwood Boulevard and English Muffin Way.

The Ballenger Creek Linear Trail runs along Ballenger Creek Pike across the entire frontage of the Site, providing direct and convenient access to this county transportation and recreational resource.

Traffic Impact Analysis (TIA) Highlights

Trip Generation: Recent traffic impact analyses were conducted for Ballenger Creek Center Lot 9 and Crestwood Manor. These studies collected traffic data in the vicinity of the Site including data at the intersection of Ballenger Creek Pike and Crestwood Boulevard as well as other intersections to the north along Ballenger Creek Pike, and the results of these studies show acceptable levels of service and available capacity in future years. According to the Applicant's traffic study letter, submitted on October 27, 2021, the proposed rezoning will result in the following additional trips:

AM Peak Hour: 10 trips

PM Peak Hour: 13 trips

Site Access

Access to the Site will occur from a proposed local street connection onto Ballenger Creek Pike. Site access may consist of a right-in/right-out or full access and consolidation of the number of access locations from two to one.

Transportation Summary

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 network adequacy will likely be achieved through a combination of planned improvements and site access modification (or a secondary site

access). Existing pedestrian and bicycle infrastructure is exceptionally good due to the proximity of the Ballenger Creek Linear Trail as well as future planned improvements in the non-vehicular network.

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 Medium Density Residential on the current Comprehensive Plan Map which is consistent with the application of the PUD floating zone district. The proposed residential use of the Site would be appropriate in supporting the compact and efficient use of existing infrastructure and public services in the vicinity.

(2) Availability of current and planned public facilities;

The proposed uses on the Site will likely constitute a minimal impact on schools, 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 residential uses.

(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 Ballenger Creek Growth Area.

(4) Compatibility with existing and proposed development;

The proposed medium density residential uses are compatible with the existing and planned mix of residential, institutional, employment, and commercial uses in the larger neighborhood surrounding the Site.

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

The proposed rezoning would likely result in a modest number of new residents in the area. Accounting for the replacement of the two existing homes on the Site, the proposal would generate a net population of 69 persons.

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

The Application does not propose a specific schedule for development of the Site. There is existing road access and capacity to allow development of the Site to occur quickly after entrance improvements are approved and completed and escrow funds have been deposited. There is water/sewer infrastructure existing or nearby, so this would not constitute a significant impediment to the expedient development of the Site. 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.

The Site of the proposed rezoning is currently developed. Any applicable regulations regarding Environmental Site

Design, FRO (including specimen trees), or other sensitive natural resources will be addressed at the time of Subdivision and Site Plan review.

(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 put in place by surrounding development in the past 20 years. The area has extensive existing infrastructure including water/sewer lines, school facilities, park facilities, and road improvements that would support the residential 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 illustrates a conceptual layout of lots and buildings for the Site which appears to reflect similar patterns in the nearby PUDs. 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 is out-of-character for recent development in the vicinity of this Site. The subsequent site plan review for the Site would address detailed design issues such as parking, landscaping, screening, trail connections, building orientation, 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.

(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).

(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 engineered layouts of the Site. The primary pedestrian access will occur along Ballenger Creek Pike. The Concept Plan does indicate the potential for a direct trail connection between this development and the adjacent Ballenger Creek Park. Additionally, frontage improvements may increase the safety and efficiency of pedestrian and bicycle traffic along this route, and provide for safer access to Tuscarora High School from surrounding neighborhoods.

(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 1.8 miles from the Westview/United Fire Company (Station #31). The Site is within the recommended maximum distance of 2 miles for high value commercial development. Police protection would be provided by the Frederick 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 natural features of the Site will be incorporated into the planned open space areas/green space in the PUD. However, the Site is primarily developed currently as a residential use. No sensitive environmental resources are mapped on the proposed rezoning Site.

(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 Medium Density Residential which allows for the application of the PUD floating zone. The application of PUD zoning with a gross density of 10.3 dwellings/acre is consistent with the Medium Density Residential plan designation and falls within the 6-12 dwelling/acre gross density range. No Community or Corridor Plan has been adopted for this growth area.

(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 public infrastructural systems are adequate, or can be made adequate, to support the proposed development as described in this Application. If this rezoning Application is successful, the Site will be subject to subsequent subdivision, site plan, and APFO review.

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 Planned Unit Development (PUD) 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 develop the Site with no more than 29 dwelling units. (This represents a net total of twenty-seven (27) DUs after accounting for the two (2) existing single-family dwellings to be demolished as a result of this development).