

**Planning Commission Workshop:
September 16, 2013
2:00 P.M.**

Located in Conference Room C of the Municipal Office Annex, 140 West Patrick Street.

	PROJECT APPLICANT/ORGANIZATION	CASE PLANNER
PC13-460FSU Final Subdivision Plat	Golden Mile Gateway Soltesz (NAC # 5 & 8)	Reppert
PC13-672ZTA Text Amendment	Section 607, Private Shuttle Service in IST District Severn O'Connor & Kresslein, P.A.	Dunn
PC13-279MU Master Plan	Crumland Rodgers Consulting, Inc. (NAC # 3)	Mark
*PC12-364FSI Final Site Plan *PC12-366PSU Preliminary Subdivision Plat	Walmart Bowman Consulting (NAC #4)	Reppert
*Final Site Plan	Nicodemus Community Center Harris, Smariga & Associates (NAC #12)	Reppert

Please note all applications must be reviewed with the Neighborhood Advisory Councils (NAC's) before a project may be scheduled for a Planning Commission meeting.

*Denotes plans being brought forward for information purposes only. These items will not be scheduled for the subsequent month's Planning Commission hearing. For more information, contact the assigned planner.

During the Workshop meetings, it will be necessary for all (Master Plans, Preliminary and Final Site Plan, Annexation, and Zoning Map Amendment) applicants to pick up their signs to post the property as provided in Section 301 of the LMC. Posting verification affidavits must be returned to the Planning Department in accordance with approved policy and a photo of the sign placement on the property submitted to the project planner. Please remember to take down old signs if your project is continued and contact us for a new sign to assure being heard at the public hearing. You are still obligated to pick up your signs and post them on the appropriate date. Improper advertising may result in not being able to hear your case.

**Planning Commission Workshop
Project Summary**

Project Number	PC13-460FSU Final Plat
Project Name	Golden Mile Gateway
PC Workshop Date	September 16, 2013

Proposal:

The Applicant is requesting approval for a final plat to consolidate two parcels into one single, Lot 1R, for the Golden Mile Gateway project, formerly the State Police Barricks property, located along US 40.

Important Issues:

The consolidation of the parcels was a site plan condition of approval in order for the proposed shopping center to be constructed without crossing property lines.

Utilities. Per City Code, a single lot is only permitted one sewer and one water line connection. The Applicant shall show the existing water and sewer lines from US 40 to be abandoned and new water and sewer line connections are shown from Baughman's Lane. All utility easements shall be recorded prior to plat recordation

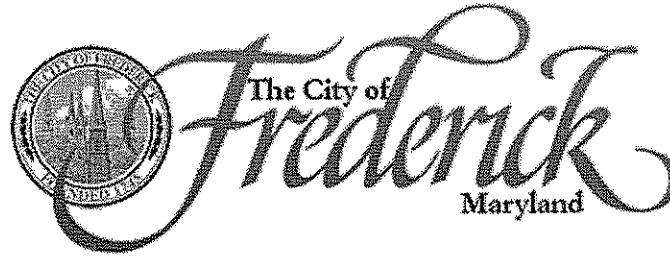
Accessibility. In coordination with the final site plan, the final plat shows the access easement agreement for the connection to the adjacent property to the west which is to be recorded prior to plat recordation. However, it appears that on the final site plan the connecting entrance distance from the southern property line is approximately 87 feet and on the plat the distance measures to approximately 75 feet. The easement location should be verified and corrected to coincide with the final site plan approval.

In addition, the final plat serves to provide dedication of right-of-way along Baughman's Lane and US 40 to increase widths closer to their arterial road classification and enable change of lane configurations. Located at one of the most congested intersections in the City, mitigating road improvements to Baughman's Lane were required to provide separate left turn lanes, a shared through/left-turn lane and a separate right-turn lane. The site shall be accessed by only right in and right out vehicular movements from both US 40 and Baughman's Lane. The Planning Commission granted modifications to Section 601(f) for the separation distances between the entrances as part of the final site plan approval.

Attachments:

- Final Plat
- DRC Letter

Randy McClement
Mayor



Aldermen

Karen Lewis Young
President Pro Tem

Michael C. O'Connor
Shelley M. Aloï
Carol L. Krimm
Kelly M. Russell

September 4, 2013

Ankur Patel
Soltész
2 Research Place, Suite 100
Rockville, MD 20850

Re: PC13-460FSU Final Consolidation Plat: Golden Mile Gateway (NAC #5&8)

Dear Mr. Patel:

Staff has reviewed the above-referenced plan. In order for this application to be in compliance, please address the following comments:

1. Note 2, spell out zones General Commercial (GC) and Highway Noise Overlay District (HNO).
2. Show existing water and sewer lines and label them to be abandoned prior to issuance of building permit.
3. Add arterial road classification to Baughman's Lane and West Patrick Street (US 40).
4. Add a note to document the approved modifications to Section 601(f) for access per Final Site Plan PC13-197FSI and the SHA approval for the US 40 access.
5. Edit the Area Tabulation – Proposed table to add the new square footage and acres for Parcels One and Two that sum Lot 1R and deleting the Book and Page references since this is the new area subtracting out the dedication areas.
6. Correct shared access easement area, as applicable.

Important

Once **all** of the comments have been addressed, please submit 10 paper copies (**one of which is highlighted**) of the plan and a response letter addressing all agency comments. This office shall receive the resubmission, with all comments addressed, of this plan no later than **September 23** to be placed on the **October 14, 2013** Planning Commission hearing agenda.

If you have any additional questions concerning this project, please feel free to contact me at 301-600-1718 or if you prefer by electronic mail at preppert@cityoffrederick.com.

Sincerely,

Pam Reppert
City Planner

**Planning Commission Workshop
Project Summary**

Project Number	PC13-627ZTA
Project Name	Section 607, <i>Parking and Loading Standards</i> , Private Shuttle Service in the IST District
PC Workshop Date	September 16, 2013

Proposal:

The Applicant is proposing an amendment to Section 607 of the Land Management Code (LMC) which generally establishes minimum and maximum parking requirements, design specifications for parking areas, and criteria under which these standards can be modified. The Applicant is seeking to introduce a new modification option which would allow the Planning Commission to reduce the number of required onsite and off-street parking spaces for development projects in the Institutional (IST) district subject to the provision of shuttle services governed by a parking management plan.

Important Issues:

Current Regulations:

As noted above the Applicant's proposal applies only to the IST zoning district. The following uses are permitted "by right" in the IST district and therefore, would be eligible to apply for this modification subject to compliance with all other applicable standards:

- Group Home
- Senior Living & Retirement Facility
- Nursing Home/Domiciliary Care/Adult Living Facility
- Conference Center
- Fairgrounds/Agriculture and Special Event Center
- Park
- Private Club
- Recreation, Social Service Center
- College
- Administrative Office, Public Building
- Cemetery
- Church
- Cultural Center (museums, libraries etc.)
- Hospital
- Public Safety (police, fire, ambulance)
- Public Storage Yard, Shops Maintenance Area
- Religious/Social Mission
- School, Private/Public
- Sheltered Workshop
- Vo-tech, Trade School & Training Centers
- Airfield/General Aviation
- Bus Depot
- Heliport
- Helistop
- Parking Lot, Garage Public
- Telecommunications antenna

- Agricultural Production

As noted in the Applicant's justification statement, the amendment is intended to accommodate future growth at Frederick Memorial Hospital; however it is important to take into consideration these other uses when evaluating the impacts of applying the proposed standards.

Under the current regulations, the Planning Commission may grant the following modifications to the minimum amount of required onsite parking:

- In the DB/DBO district the required number of parking spaces may be reduced by 25% for projects within 1,320 of a public transit or bus stop.
- Joint Use Parking where the parking for one use/activity is used to satisfy the parking requirement of another use provided that they are on the same or adjacent lots, that the uses do not operate at the same time, and that there is a joint use agreement executed.
- Off-site parking may be used to meet the minimum onsite parking requirement if:
 - the offsite parking is no further than 1,320 feet from the subject site,
 - if it does not account for more than 50% of the required parking (except in the DR, DB or DBO district where this criteria does not apply),
 - there is adequate parking at the offsite location for both the offsite use and the subject use,
 - if the two properties are under separate ownership, then a joint use agreement must be executed.
- In scenarios where modifying the parking requirement would allow for the retention of individual trees or forest area
- A reduction of one vehicle space may be granted per five bicycle spaces provided above the minimum number of bicycle spaces required.

Propose Regulations:

The Applicant is proposing to add a new subparagraph under paragraph (d), *Modification of Parking Requirements*. Subparagraph (3) will allow the Planning Commission to count offsite parking accessed by private a shuttle system towards the minimum onsite parking requirement for uses in the IST zoning district. In establishing the perimeters for the modification, the amendment should be revised to articulate if the offsite location also has to be zoned IST as well or if the offsite parking lot could be zoned otherwise.

A private parking lot is only permitted as a principal use in the PB, GC, M1, M2, DB, MU, and MXE districts; it is a conditional use in the DBO district. In all other districts, the parking facility would have to be an accessory to a permitted principal use. This could be problematic in that there must sufficient parking not only for the principal permitted use but the subject use as well without exceeding the maximum amount of parking allowed onsite or the impervious surface ratio. It should also be noted that offsite parking locations in other zoning districts, such as GC, might be at a higher demand to be used for other purposes or more likely to see more turnover in use which could all impact the continued, long term availability of parking for the subject use. Failure to maintain the offsite parking would result in zoning or occupancy becoming void. In principal this is logical, however, in practice voiding the zoning/occupancy certificate for an established use may be cumbersome.

The Applicant's draft criteria for evaluating a requested modification are consistent with some of the standards already incorporated into other parking modifications in the LMC including:

- that the offsite parking cannot account for more than 50% of the required parking,
- that an easement agreement be executed if the offsite parking and the subject site are under separate ownership,
- that the offsite parking lot have sufficient parking for the uses on that property as well as the subject site, and
- that loss of the offsite parking spaces will result in zoning or occupancy certificates becoming void.

In addition to these established criteria, the Applicant is also proposing the following new criteria specific to this individual modification:

- That the owner/tenant/operator of the development project provide a vehicular shuttle service to and from the subject site to an offsite, private parking area where shuttle users will park their vehicles;
- That the shuttle service be a non-profit, non-public, non-commercial private vehicular transportation service used solely by and for the employees/customers/invitees of the subject use;
- That the Applicant provide a parking management plan which includes a site plan for the offsite parking lot, proposed routes for shuttle service, number and size of shuttles, hours of operation, projected number of users, proposed means to ensure compliance and use by the employees/customers/invitees, evidence of ownership/lease/control of the offsite location; and
- The Applicant provides a Traffic Impact Study (TIS) for the offsite location if required.
- That the PC evaluates the request in the context of the purpose and intent of the IST district.

From a statutory perspective, Staff has some concerns about the level of specificity established by the draft ordinance. As drafted, this provision will be limited in its application. For example, requiring that the shuttle service be non-profit, non-public, and non-commercial could limit this from being an option for government offices which are a permitted use in the IST district. It also limits the ability of commercial enterprises from emerging to meet the needs of local institutions. The specification that the offsite parking lot be private also limits a government entity from using a public lot in a similar manner.

From an operations and policy perspective, the implementation of this modification will require that special attention be paid to the feasibility and practicality of the parking plan proposed by the applicant to ensure that parking issues do not arise in areas neighboring the subject site. Since the IST is a floating zone and can be placed on any base zone in the City, it is not uncommon to see IST properties in close proximity to, or interspersed with, residential areas. As such, should overflow parking spill out onto neighboring streets due to insufficient or an unenforceable shuttle system, nonresidential uses could become competition for on street parking currently being used for residences.

Additional considerations:

1. That subsection (3)(G)(a) be revised to clearly articulate that the offsite parking area is subject to Section 309, not merely that a site plan that meets the criteria of 309 accompany the management plan.
2. That subsection (3)(G)(a) be revised to clearly articulate that a TIS will be required for both the subject site and offsite parking facility.

**Planning Commission Workshop
Project Summary**

Project Number	PC13-279MU
Project Name	Crumland Mixed-Use Master Plan
PC Workshop Date	September 16, 2013

Proposal:

In accordance with Section 417 of the Land Management Code, the Applicant is requesting approval of a mixed use master plan located at 7612 Willow Road, known as the Crum Farm. The subject property is 537.2 acres. It was annexed into the City through two separate annexation agreements, 286 acres was annexed by resolution 09-18 in September 2009 and the remaining 252 acres were annexed in September 2012. The overall annexation was approved for a maximum of 1,200 residential units, 1.3 million square feet of commercial/office space, and a 15 acre school site. The project is proposed to be constructed in two phases, phase one consists of 450 residential units, the dedication of a 15 acre school site and the development of a 3 acre non-residential site for a potential daycare center. Phase two consists of the remaining 750 residential units and the commercial and office space. Overall, the project consists of approximately 175 acres of residential, 120 acres of non-residential, 98 acres of public space (open space, public use and right-of-way), 85 acres of private open space and 30 acres of dedicated parkland.

This is the second workshop for the proposal; all updated material is in bold font.

Important Issues:

Land Allocation

Per Section 417, Table 417-1, a mixed use project is required to allocate at least 5% of the project to parks and open space, between 15-85% of the land to nonresidential uses, and between 15-85% towards residential use. The Applicant has proposed 24% to parks and open space, 22% to nonresidential land uses, and 46% to residential uses.

APFO

The project is subject to the Adequate Public Facilities Ordinance (APFO); as such the proposal must receive APFO certificates for waterline capacity, sewer line capacity, roads and schools prior to moving forward. At this time, the project has only received a provisional certificate for adequate waterline capacity (CAPF-WL). The conditions of the provisional certificate are attached to this summary.

It should be noted that City and County staff are currently working on analyzing the technical information submitted by the Applicant to ensure adequacy for sewer, roads and schools. The project cannot be scheduled for a Planning Commission public hearing until provisional certificates, at a minimum, are issued.

The Applicant has submitted an amendment to the APFO which was approved by the Mayor and Board at the July 18th public meeting. The purpose of the

amendment is to allow developers to phase a mitigation plan. Prior to adoption of the recent changes, a mitigation agreement in which the infrastructure improvements necessary to bring about adequacy are established, had to be accompanied by bonding for all of the necessary improvements. With the adoption of the amendment, bonding may coincide with a phasing plan as approved by the Mayor and Board of Aldermen.

It should be noted that as part of the annexation agreement the developer is responsible for several improvements to mitigate the impact of development to local infrastructure. The phasing schedule below provides a more detailed list of required improvements.

Phasing

As required by Section 417 of the LMC, the project cannot construct more than 75% of any land use until such time as 25% of the complementary land use is provided, as such the Applicant proposes to construct the project in two phases, phase one consists of 450 residential units west of future Willowbrook road, and phase two consists of the remaining 750 residential units and 1.3 million square feet of commercial/office space. Per the annexation agreement phase one may begin upon completion of the development review process. Construction of phase two cannot commence until the interchange of Route 15 and Biggs Ford Road is completed, for which there is currently no funding for and therefore, the timing of which is unknown.

The schedule for phase one is as follows:

- a. Dedicate a school site containing approximately 15 acres of land to FCPS upon issuance of the 1st building permit.
- b. Dedicate approximately 30 acres of land to the City for a public park, future water tower site, and other uses deemed necessary by the City.
- c. Construct Phase I of Willowbrook Road (from Opossumtown Pike to connector road from Willowbrook Road to Sundays Lane).
- d. Transfer the "Central Green" open space areas to the Crumland HOA.
- e. Construct 250 residential dwelling units.
- f. Abandon a portion of Bloomfield Road and construct a connector road from Willowbrook Road to Sundays Lane;
- g. Construct 200 residential dwelling units; and,
- h. Construct the hiker/biker trail network show for Phase I on the Master Plan.

Upon the completion of the US 15/Biggs Ford Road interchange, the developer may proceed with the development review process for Phase 2. The improvements consist of:

- a. Construct the remaining portion of Willowbrook Road to the US 15/Biggs Ford Road Interchange, including a pedestrian underpass linking phase 1 to phase 2.
- b. Dedicate ROW for the US 15 interchange at US15/Biggs Ford Road (Willowbrook Road).
- c. Construct 450 residential units upon the completion and opening of the US15/Biggs Ford Road Interchange. (75% of the total residential units)
- d. Construct 325,000 square feet of non-residential (25% of the total nonresidential).
- e. Construct 300 residential units;

- f. Construct Willowbrook Road acceleration and deceleration lanes if required by the Director of Public Works at the time of APFO approval, with any required construction to be in accordance with City standards;
- g. Construct 975,000 square feet of nonresidential.

It is important to note that since the Master Plan was last reviewed, it was determined that the annexation agreement does not allow for the development for the three acre non-residential parcel southeast of the school site which is identified as a potential daycare site. The annexation specifically allows only 450 *residential* units to be constructed during Phase I pending specific improvements. The original intention of the Applicant was to create a synergetic atmosphere between the school and a 20,000sf daycare center, however since it is not permitted per the annexation agreement; the Phase 1 boundary must be revised to allocate the site to Phase 2. The other option would be to revise the annexation agreement to allow the development of the parcel in Phase 1. This would require approval from the Mayor and Board. At this time, it seems more appropriate to eliminate the property from Phase 1, until the time at which the school is constructed. If the school is constructed during Phase 1, it may be appropriate to then consider amending the annexation agreement to allow the development of the parcel. If the school is built during Phase 2, the agreement and master plan will not need to be amended.

Performance Standards

The proposal is subject to Section 407, Performance Stands for Flexible Zoning Techniques. Included in these criteria are the building and urban design standards of Section 604. Mixed Use project must comply with the design standards for single family, townhomes and commercial buildings, as such the Applicant has provided a narrative describing the how the project meets the design standards.

Moderately Priced Dwelling Units (MPDU)

The residential development is subject to Chapter 19 of the City Code which requires the Applicant to provide MPDU's. Under the newly approved amendment to Section 19, there is an option to pay a fee in lieu of constructing MPDU units. Accordingly, the Applicant has indicated that the proposal will meet the requirement through the payment of fee in in lieu. It should be noted that an MPDU agreement for that payment must be executed before the master plan can be unconditionally approved.

The Journey Through Hallowed Ground National Scenic Byway

As part of the annexation agreement the Applicant, in conjunction with the owners of COPT/Thatcher property, are required to draft a scenic byway plan for the US15 corridor adjacent to the site. The Applicant has proposed "The Journey Through Hallowed Ground National Scenic Byway" corridor management plan in response. **The corridor managment plan was presented to the Planning Commission at the July 15th workshop and was subsequently brought forward to the Mayor and Board for review at their August 21st Workshop. The Mayor and Board were generally supportive of the plan, however, recommended that the Applicant conduct additional outreach to the various stakeholders who may be impacted by this multi-state endeavor. The Applicant discussed the corridor plan with the Tourism**

