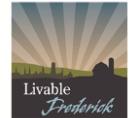


*Jan H. Gardner, County Executive*  
*Steve C. Horn, Director*

**Frederick County Government**  
Division of Planning and Permitting



# Zoning Map Amendment

## Staff Report

Case #: R-19-02

Applicant: Roger Delauter et al, Sharyn Delauter Wichael, Patricia Delauter O'Toole, Hutzell Investments, LLC

Request: Rezone 27.58 acres from Office/Research/Industrial (ORI) to Mixed Use Development (MXD)



**Site of Rezoning Request**



# Applicant's Proposal

The application proposes to rezone 27.6 acres from Office/Research/Industrial (ORI) to Mixed Use Development (MXD). The Site is proposed for both employment and commercial uses. In addition, the application cites the flexibility to have institutional uses as well. The application does not include a residential component. The specific commercial uses allowed in the MXD zoning district are those uses permitted in the General Commercial zoning district with some exceptions. The application does not identify a specific use/business for the Site. Specific uses will be subject to a subsequent Phase II site plan/subdivision review process.

## Proposed Land Use Mix

Proposed Land Uses	Acres	Percentage (of gross land area)	Maximum Permitted or Minimum Required
Commercial	12.4	45%	45% maximum (12.4 acres)
Employment/Institutional	5.1	18.5%	No maximum
Open Space	8.0	29%	20% minimum <sup>1</sup> (3.5 acres)
Road right-of-way	2.1	7%	
<b>TOTAL</b>	<b>27.6 acres</b>	<b>100%</b>	

1. *Calculated as 20% of the total area devoted to employment/commercial/industrial uses*

## Land Use Mix

The Concept Plan does not include a residential component. The Plan seeks to have flexibility with the proposed employment, commercial, and institutional uses and does not identify specific locations for each use. Rather the Plan proposes specific acreages that could be applied anywhere within the 17.5 acre development area.

### Commercial

The MXD zone allows for a maximum commercial use of 45% of the gross acreage of the Site (exclusive of floodplain) when there is no residential component. The proposed Concept Plan table shows 12.4 acres (45%), which is the maximum allowed for commercial use. The Plan, however, does not identify a specific land bay or area for the commercial uses, but would allow this activity anywhere within the 17.5 acre development area (up to the proposed 12.4 acre total). The 12.4 acres of commercial uses would not have to be located in a particular land bay but could be distributed throughout the Site. The specific uses allowed would be those generally permitted in the General Commercial zoning district.

### Employment

The MXD zone allows for the entirety of a project to be designated for employment uses. The Plan, however, proposes 5.1 acres of employment uses, which like the commercial uses, could be distributed anywhere within the 17.5 acre development area. The specific uses allowed would be those uses permitted in the ORI zoning district. These include a limited number of commercial uses such as hotels/motels, banks, restaurants, medical clinics, and commercial schools.

#### **Institutional**

The Plan also proposes institutional uses either in combination with employment uses or for the entire 5.1-acre employment area. The institutional uses could be distributed anywhere within the three development land bays identified on the Plan. These uses could include assisted living facilities, nursing homes, health care facilities, child care centers, places of worship, or private schools.

#### **Open Space**

The area designated for open space incorporates the two stream corridors, including their buffers which extend 100 feet from each side of the stream. The existing pond and most of the existing woodlands are also within the proposed open space area. The 8 acres proposed as open space exceeds the minimum 3.5 acres (20% of area for commercial and employment) required by the ordinance.

## **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 Linganore Community Growth Area. An ORI land use plan designation permits the application of the MXD floating zone district. The ORI land use plan designation, as well as the General Commercial (GC) designation, was initially applied on this Site in the 1993 New Market Region Plan. The 2006 New Market Region Plan removed the General Commercial designation.

While the land around this interchange was deemed desirable and suitable for office development in previous decades, the market for office uses has changed dramatically. Typical office uses are now gravitating to mixed use, urbanized areas with access to transit options. Interstate highway interchanges are no longer a determining factor in identifying marketable sites for office employment uses.

As a result of these market trends, staff would not expect this Site to be developed for conventional office use. 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 and institutional uses to serve the surrounding community growth areas along the I-70 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 which are generally supportive of the economic, employment, and service needs of our communities and neighborhoods located within designated Community Growth Areas such as the Lingnore and Spring Ridge CGA's that surround this Site. The rezoning of the land that is the subject of this Application would continue to allow for non-residential, employment, commercial retail, and institutional uses in an area long identified for such development in County planning documents.

The LFMP's Thematic Plan Diagram (and supporting text) identifies the Spring Ridge, Linganore, and Bartonsville areas as places where the County may support 'suburban retrofit' policies including provisions for "finding locations for

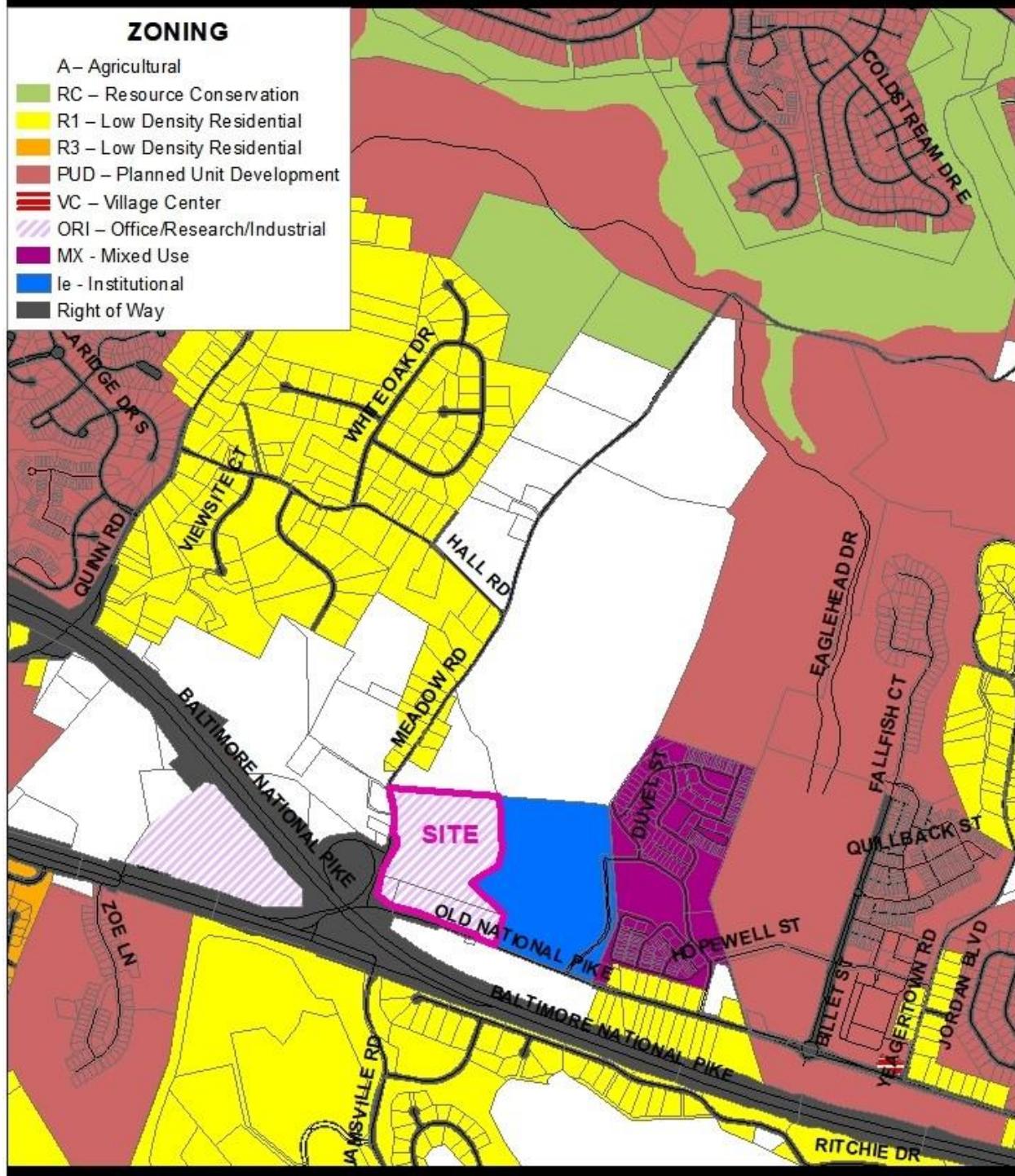
mixed use" and strengthening suburban communities "by reinvesting in them with infill development and redevelopment that creates more opportunities to walk, shop, work, and recreate closer to home."

## **Current Zoning and Adjoining Land Uses**

The Site has been zoned Office/Research/ Industrial (ORI) since 2006 as part of the New Market Region Plan update adopted that year. The surrounding neighborhood has a mix of zoning from Agricultural, Resource Conservation, R-1, Institutional, PUD and Mixed Use. The Amvets property on the southwest quadrant of I-70/Old National Pike is also zoned ORI.

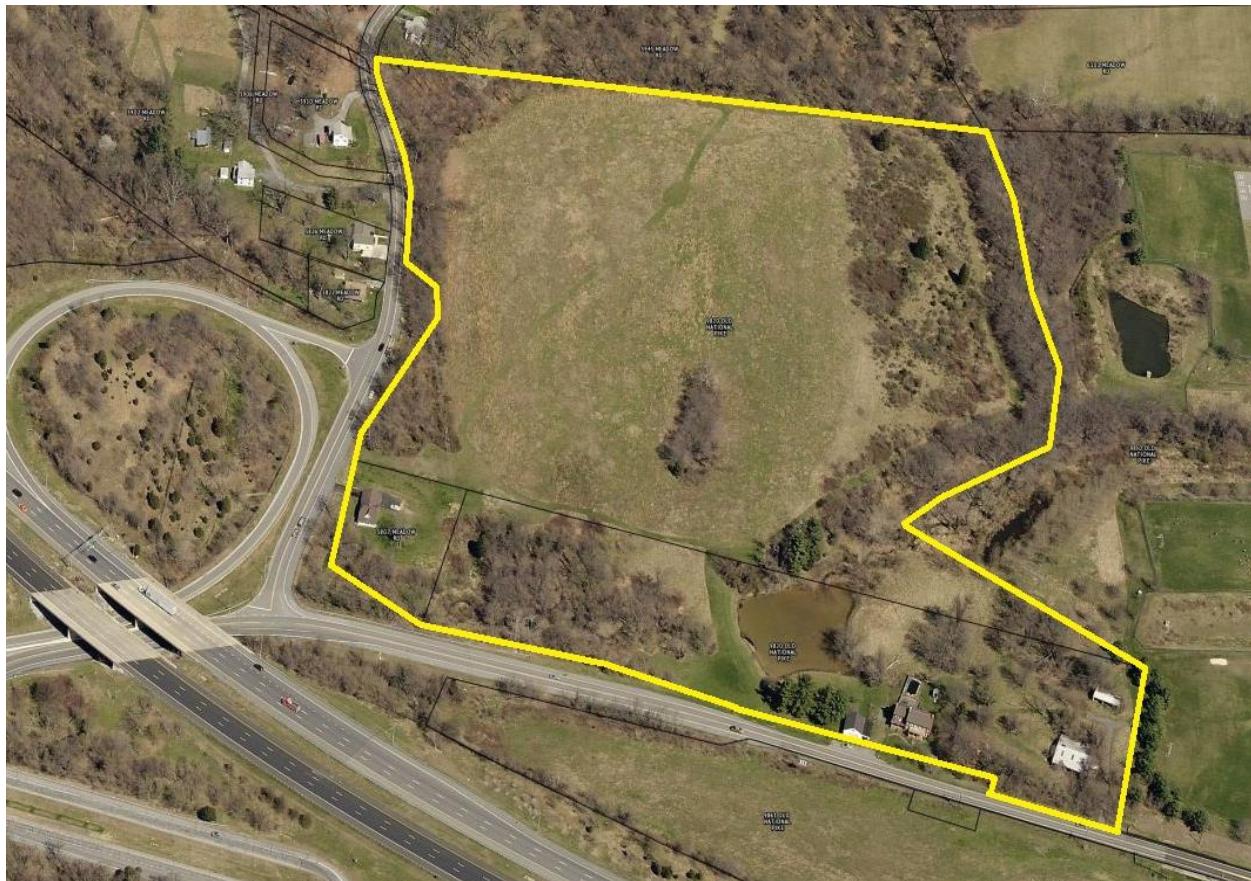
Existing land uses range from low density, well/septic residential to the west of Meadow Road to medium density residential with townhouses to the east in Oakdale Village. Oakdale Elementary and Middle schools adjoin the Site to the east. The Amvets property across I-70 is currently used as a picnic grounds for the organization. The property to the south of Old National Pike is zoned Agricultural and has a church on the eastern portion with the remaining land undeveloped.

Staff finds the proposed MXD zoning to be generally compatible with surrounding zoning and land uses, as well as with potential development options within the ORI District.



## Natural Features

The Site is relatively flat along the Old National Pike frontage with moderate slopes along Meadow Road and through the northern portions. The Site is mostly open fields with wooded areas along the streams. There are two intermittent streams traversing the southern and eastern portions of the Site that are tributaries to Long Branch. There is a pond and some wetlands along the stream that feeds into the pond.



## Cultural Resources

On the Delauter parcel on Old National Pike there is an existing 2-story frame house, a spring house, a barn, and a garage. The house, referred to as the Cordelia Dorsey House, dates to approximately 1825 and is on the County's historic sites inventory (F-5-55). Portions of the house were utilized as a National Pike tavern and the house continues to architecturally reflect its historic time period of 1830s. The application does not indicate whether an adaptive reuse of the house is proposed or even feasible. Only the rear western corner of the house is within the waterbody buffer so it may be feasible to maintain the house for adaptive reuse. Since the house is at the very western edge of the 2.5-acre land bay, it would not compromise the development of Land Bay D.



Old National Pike is designated as the Historic National Road (All American Road) under the federal scenic byways program. This designation was applied in 2002 and includes the entire length of Old National Pike, MD 144, and US 40A through Frederick County and is part of a larger corridor from Baltimore, through Maryland to Illinois. Milestone marker number 40 is located on the southern portion of the property and is listed on the State's historic sites inventory (F-5-70) and on the National Register of Historic Places. The state has prepared design guidelines for development along the Historic National Road in an effort to preserve its scenic and historic resources.

The existing house located at 5807 Meadow Road (Hutzell parcel) was built approximately 1930. The house was evaluated for listing on the State's historic sites inventory and was found not eligible due to the building's original features having been obscured or destroyed by later additions.

## Public Schools

No residential land use is proposed; therefore schools will not be directly impacted by this project.

## Water and Sewer

The Site has several Water and Sewerage Plan classifications:

- Hutzell parcel - S-1/W-3
- Delauter parcel (Old National Pike) – S-1/W-1
- Delauter parcel (north side) – S-5/W-5

There are existing water and sewer lines in the vicinity of the Site.

## Water Service

Water is supplied to the Site from the New Design Water Treatment Plant. This has a permitted withdraw capacity of 16 million gallons/day (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. Current average daily treatment flows at the Ballenger-McKinney WWTP is 7.3 MGD.

### **Public Safety**

The Site is approximately 1.5 miles from the Spring Ridge Fire Station (Station #33). The Site is within the recommended maximum distance of 2 miles for high value commercial/industrial development. Police protection would be provided by the County Sheriff's Office.

### **Libraries**

The proposed rezoning would not impact library facilities.

### **Parks**

The proposed rezoning would not impact park and recreation facilities.

### **Transportation**

#### **Existing Site Access Characteristics**

The Site has approximately 1,240 feet of frontage along Old National Pike and 1,030 feet of frontage along Meadow Road. Access to the Site will be from Old National Pike for the southern (2.5 acre) land bay and from the planned Lake Linganore Boulevard that will bisect the northern land bay. There may also be some access to Meadow Road.

Old National Pike is a 2-lane roadway with paved shoulders and is maintained by the County. Meadow Road is a 2-lane roadway with little if any shoulder and is a County road.

#### **Old National Pike looking west**



### **Pedestrian and Bicycle Facilities**

There are no existing sidewalks along either Old National Pike or Meadow Road. The planned Lake Linganore Blvd. will have sidewalks to provide pedestrian access primarily to the east towards the Linganore Town Center and Oakdale Village developments. The neighborhoods to the west of Meadow Road do not have any sidewalks.

There are no existing bicycle facilities in the area of the Site, but bike lanes would be provided on Lake Linganore Blvd.

### **Existing Traffic Volumes on Adjoining Roads**

A measure of additional capacity of a roadway can be generally determined through the calculation of the Volume/Capacity (V/C) ratio, which can be obtained by dividing the **capacity** of the road (based on # existing thru lanes) by the current average daily traffic **volume**.

4-lane arterial capacity – 34,000 vehicles/day

2-lane arterial capacity – 18,000 vehicles/day

A V/C ratio below 1.0 indicates that capacity is available.

<b>Count Location</b>	<b>Average Annual Daily Traffic (AADT) 2015/2040</b>	<b>Volume/Capacity (VC) Ratio 2015/2040</b>
Old National Pike – west of Boyers Mill Rd.	9,750/11,300	0.54/0.63
Meadow Rd. – north of I-7- Ramps	430/980	0.02/0.05
MD 144/Old National Pike – west of Meadow Rd.	19,100/17,550	0.56/0.52

Note that traffic on MD 144 would drop appreciably once the two missing interchange ramps with I-70 are constructed, then slowly grow back to near today's volume by 2040. The same would be true of Old National Pike when the Lake Linganore is constructed.

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

Old National Pike – *Minor Arterial*

Meadow Road – *Minor Arterial* (only between Old National Pike and the I-70 ramp access) Local Road north of the I-70 ramp access. The Minor Arterial designation was intended to reflect its incorporation into the planned alignment for Lake Linganore Blvd.

Lake Linganore Blvd. – *Minor Arterial*

### **Planned Transportation Improvements**

Lake Linganore Boulevard – proposed Minor Arterial roadway, referred to on Comprehensive Plans as the Town Center Connector. Will connect Meadow Rd. at the I-70 interchange ramps to Boyers Mill Rd. A portion of the west leg will be constructed as part of the Linganore Town Center. The developers of the

Delauter MXD and the proposed Cromwell PUD would be responsible for the remaining portion. The west leg will connect with Eaglehead Dr. The east leg would connect Eaglehead Dr. to Boyers Mill Rd. The road is proposed to be a 2-lane divided roadway (one lane in each direction).

I-70/Meadow Road Interchange – the new ramp (Phase 1) to westbound I-70 opened to traffic on October 1<sup>st</sup>.. Phase 2 will provide a new ramp from eastbound I-70 down to a reconstructed intersection with MD 144/Old National Pike. This phase is under design and expected to be completed in late 2021 or early 2022.

Bicycle Facilities – MD 144/Old National Pike is designated as part of the on-street bikeway network on the County's Bikeways and Trails Plan (2018). This designation would support the application of bike lanes, improved shoulders, or pavement markings/signage as part of any roadway improvements to Old National Pike. Bike lanes would be provided on Lake Linganore Blvd.

## 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, commercial and institutional, would be appropriate in supporting the employment and residential uses in the vicinity.

(2) Availability of public facilities;

The proposed uses on the Site will not impact school, parks, 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.

(3) Adequacy of existing and future transportation systems;

Old National Pike has a V/C ratio well under 1.0 and thus has adequate capacity to serve the proposed uses of the Site. The new ramp to westbound I-70 will provide direct access to the interstate from the Site. The planned Lake Linganore Blvd. will provide additional capacity to serve the Site as an alternative to Old National Pike.

(4) Compatibility with existing and proposed development;

The proposed employment and commercial uses, especially given the small area of the Site would be compatible with the existing and planned residential uses in the area. The small land bay acreages will keep the scale of any employment and commercial development in line with the surrounding low to medium density residential developments.

(5) Population change;

As no residential development is proposed, there would not be a population change, resulting from the development, for the neighborhood.

(6) The timing of development and facilities.

The application does not propose a schedule for development of the Site. There is existing road access and capacity to allow some development of the Site prior to the construction of Lake Linganore Blvd. 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.

**§ 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 land bays as the property will be split by the planned Lake Linganore Blvd. The area has extensive existing infrastructure including water/sewer lines and 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 does not identify a specific business or user for the Site so it is difficult to address building and site design at this stage. 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;

The proposed employment and commercial use is compatible with existing and planned residential development in the surrounding area. The small size of the Site along with the small land bays will keep the scale of development to buildings with small footprints at 1-2 stories. The subsequent site plan review for the Site would address detailed design issues such as parking, landscaping, screening 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 Site will have an access on Old National Pike and on the planned Lake Linganore Blvd., which connects to the Linganore Town Center development to the east. The primary pedestrian access will be along Lake Linganore Blvd. as there are no existing sidewalks along Old National Pike to the east of the 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;

Both Old National Pike and the planned Lake Linganore Blvd. has or will have adequate capacity to accommodate the traffic from the Site and more importantly will provide alternative routes in the area. Old National Pike has a

Volume/Capacity ratio under 1.0. The soon to open ramp to westbound I-70 will also provide access to the west into Frederick City and alleviate such traffic on MD 144.

(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 a specific employment or commercial use or layout of the Site. The primary pedestrian access will be along Lake Linganore Blvd. as there are no existing sidewalks along Old National Pike to the east of the Site to connect with.

(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 served by the Spring Ridge Fire Station which is 1.5 miles to the west on MD 144. This is within the recommended maximum distance of 2 miles for high value employment/commercial development.

(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;

The 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 commercial use is consistent with the intent of the MXD zone to provide the opportunity for commercial uses to support the surrounding residential community, and is in keeping with the LFMP policy of supporting 'suburban retrofit' in appropriate 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.

The proposed employment/commercial uses will not impact schools, library, or park facilities. Fire/Rescue services are adequate to serve the Site. Any proposed subdivision or site plan for the Site will be subject to the Adequate Public Facilities Ordinance (APFO) which will apply specific adequacy tests for traffic impacts and the availability of water and sewer.

## Applicant Proposed Conditions

The applicant proposes the following condition:

1. *The MXD shall be permitted to develop and utilize up to 45% of the land use as commercial as permitted under Section 1-19-10.500.7 (A).*

The proposed Concept Plan specifies 12.4 acres of commercial as an allowable maximum which would be binding with a Phase I Plan approval. Since the allowable land uses would be specified in an approval of the request, it is not necessary to have a specific condition as proposed by the Applicant.

## Planning Commission Action

### Options for Planning Commission Action

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

1. Approval of the request as presented by the Applicant;
2. Conditional approval of the Applicant's request;
3. Denial of the Applicant's request.