

Williamson, Linda

From: Brenda Swiger [bswiger@comcast.net]
Sent: Tuesday, April 12, 2011 5:21 PM
To: Planning Commission
Cc: Williamson, Linda; Cooke, Erica; Soter, Eric
Subject: Proposed Change to Village Center Zoning

Dear Planning Commission Members,

I am aware of tomorrow's FCPC meeting and the potential to change the zoning size of Village Centers in the county. I reside in Jefferson and request that the current zonings be left as is at 8,000 square feet. As stated in both of the March 15 and March 31 reports to the FCPC on Zoning Ordinance Text Amendments:

"...the intent of the maximum footprint was to maintain the historic character of the districts by requiring new development to reflect the massing of existing buildings. The 8,000 square feet permitted in growth areas by Planning Commission approval was created based upon an examination of existing structures within Village Center zoning districts across the County. Although the 8,000 square feet is larger than most buildings within these zoning districts, there are instances of existing buildings larger than 8,000 square feet."

As noted in the last sentence of the above quote, there are instances of existing buildings larger than the 8,000 square feet. However, such buildings/businesses may only cater to a specific, limited clientele having a small footprint within the community. By increasing the zoning size above the 8,000 square feet, there is a very real possibility that a business could be allowed into the community requiring substantial modification to that community's existing infrastructure to accommodate the increased traffic associated with that business. The impact resulting from such action more than affects the historic character of a community; it forever changes the quality of life that community once enjoyed.

Sincerely,
Brenda Swiger

Lemons, Shawna

From: Soter, Eric
Sent: Tuesday, April 12, 2011 12:40 PM
To: Lemonds, Shawna
Subject: FW: Village Center Zoning Changes (Jefferson, MD)

FYI and for files.

From: melden123@comcast.net [mailto:melden123@comcast.net]
Sent: Tuesday, April 12, 2011 9:14 AM
To: Planning Commission; Williamson, Linda; Cooke, Erica; Soter, Eric
Subject: Village Center Zoning Changes (Jefferson, MD)

To Whom it May Concern:

I am a resident of Cambridge Farms in Jefferson, MD and am writing you in concern for the possibility of changing the Village Center Zoning.

We chose to move here 12 years ago to enjoy the relatively rural area of western Frederick County. We appreciated the mom and pop feel of Jefferson with its own bakery, meat market, convenience store, and sandwich shop. We could enjoy the rural look and feel of Jefferson and still be close enough to the Frederick for shopping.

I am very concerned about the Village Center zoning regulation changes the Planning Commission is proposing to enact. Not only is there a proposal to remove the restriction of 8,000 sq. ft. but also evaluating Village Center zoning district boundaries differently, i.e. granting a larger footprint than 8,000 sq. ft in certain circumstances in growth areas. What determines the "certain" growth areas? What are the "certain circumstances"?

I agree with Frederick County adopting a "Business Friendly" Philosophy but let us not forget about the residents who live and built this wonderful county. To accommodate everyone in this public hearing process regarding Village Center zoning changes, holding the hearing in the middle of day limits the number of residents that can attend, and appears to lean favorably towards developers, lawyers, etc. An evening hearing is much more suited to the general public.

I was dismayed to learn the Planning Commission is considering entertaining a request to increase the Village Center zoning on the Jefferson neighborhood property to 30,000 sq. ft. With the Woodbourne Manor subdivision already slated to be built along Route 180, a building of this size will add additional burdens on our water table, sewer system, and traffic. Jefferson already has a history of water shortages, with water having to be trucked into at least one of our neighborhoods during dry periods. A grocery store or other commercial interest would tax an already struggling water and sewer system. This would add more stress on Catocin Creek, a tributary that I believe is already endangered. Traffic will be increasing

with the new subdivision and adding an additional structure with its additional employees and daily traffic would exacerbate an already busy and dangerous intersection. While I disagree with building a large commercial interest on this neighborhood property, I have no objections to a smaller village center (<8,000 sq. ft). I feel the right type of shops offered in a village center could be supported and encouraged by the local population. I even suggest hold a town meeting in Jefferson to see what uses the people envision for the neighborhood property.

Respectfully,

Mary T. Elden

Virginia L. Floyd
3901 Shadywood Court
Jefferson, Maryland 21755
301-473-7883
April 13, 2011

To: Frederick County Planning Commission

Re: Priority 1 Zoning Text Amendments

Dear Planning Commissioners:

I have thoroughly read the Village Center Text Amendment, but will not be commenting directly to the language of any of the Text Amendments. However, I must comment on the time of day that the "Public Hearing" is scheduled. In my opinion, if you want to have a Public Hearing, it should be scheduled so that the public can attend without having a "negative economic impact" to them. The attorney's for the developers are being paid to be at this hearing, the general public is not.

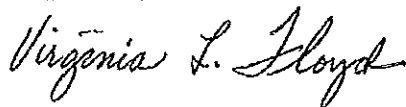
There are 228 action items in the new "Frederick County's Business Friendly Improvement Areas." You are dealing with just a few today. In this 12 page, very small print Action Item list on page 10, ZON 4 is a Village Center "problem." It states, "Revise the VC zoning regulations so the maximum building size is not restricted to 8,000 s. f. and recognize that all VC districts are not the same and should not be subject to the same requirements. That is what needs to be done. From the County's perspective, that means increasing the square footage. Is this the correct action to take? Jefferson's Village Center properties are not like those in Urbana or Buckeystown or Adamstown or other parts of the county.

The course of action on this list is, "Evaluate VC zoning district boundaries in certain growth areas and consider rezoning properties, or evaluate whether to permit FCPC to grant a larger footprint than 8,000 sq. ft. in certain circumstances in growth areas."

Now, my questions are: What **certain growth areas** will be looked at for rezoning? What determines what those **certain growth areas** are? What are the **certain circumstances** that permit the FCPC to grant larger footprints? Why should any of the Village Center properties be looked at for rezoning other than at the time of a Comprehensive Plan update?

Thank you for the time to speak and please give consideration to the fact that all Village Center Districts are not the same.

Respectfully,



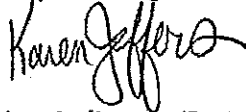
Virginia L Floyd

Memorandum to Record

Date: April 13, 2011

To: Frederick County Planning Commission

From: Karen Jeffers



Ref: Priority 1 Zoning Ordinance Test Amendments

Subj: Comments on Changes to Village Center Zoning—Cambridge Farms Parcel

Once again we meet to discuss the need, or lack thereof, of text changes to the Village Center Zoning square footage requirements. It would have been nice to hold this meeting in the evening, and it is requested that future meetings on this matter be conducted in that manner, to allow full participation of the Jefferson community.

The report given to the BOCC by Eric Soter and Shawna Lemonds, ARTICLE VII Division 5, 1-19-7.500, paragraph 5, states that the currently allowed 8,000 square foot maximum "has had a negative economic impact on the potential to fully develop..." Jefferson is considered a growth area and as such, the 5,000 square foot maximum has been superseded to be 8,000 square foot. This is already a sixty percent (60%) increase. Even if you doubled the standard applied to other areas of the county not considered a "growth area" the maximum would be 10,000 square feet. I believe that if the test of reasonableness is applied here you would agree that allowing the Village Center zoning for the Cambridge Farms parcel to increase to 30,000 square feet, as requested by the developer, is inappropriate. All Village Center property is not the same, even if it is the same in size.

Further, in the same ARTICLE VII, paragraph 6, states that "the 8000 square feet permitted in growth areas is larger than most buildings within these zoning districts.

Paragraphs 7 and 8 of the same Article VII goes on to state the intent of the standards to "ensure that new development is compatible with existing development on adjacent parcels. I beg to differ, but a 30,000 square foot grocery store will not meet this requirement. A 30,000

square foot grocery store will clearly not be consistent with the massing of existing businesses in Jefferson.

In closing, I am sorry that the developers purchased the subject parcel of land with full knowledge of the Village Center Zoning standards. I am sorry for their "after-the-fact" perceived negative economic impact. My question is whether the developer, or the county, is sorry for the VERY REAL "negative economic impact" the Jefferson Community will incur as a result of their usage of existing rural well and sewer resources that are barely adequate for current capacity usage.

I will save my views on the "compatibility with the unique historic characteristics of each community" for the BOCC meeting in May, 2011.

Williamson, Linda

From: Cooke, Erica
Sent: Wednesday, April 13, 2011 8:14 AM
To: Williamson, Linda
Subject: FW: Planning Commission Public Hearing- April 12, 2011

Here's another....not sure it you got this

Erica Cooke
Community Development Division
Office of the Zoning Administrator
80 North Market Street
Frederick, MD 21701
301-600-2572
ecooke@FrederickCountyMD.gov

From: manheim23@comcast.net [mailto:manheim23@comcast.net]
Sent: Tuesday, April 12, 2011 9:53 PM
To: Planning Commission; Cooke, Erica; Soter, Eric; Lwilliamson1@frederickcountymd.gov; rmfloyd1@aol.com
Cc: manheim23; VLFLOYD13
Subject: Planning Commission Public Hearing- April 12, 2011

Hello,

Is this truly a public hearing? How do you suppose the majority of Frederick County residents (i.e public, other Frederick County employees, Frederick County citizens employed in other counties and surrounding states) can attend a public hearing in the middle of the week at 9:30 am? I cannot attend this hearing and communicate my comments and recommendations in person due to my personal conflict which is work.

Many of you are aware that Jefferson, Maryland has a parcel of land that is approximately 9-11 acres. It is zoned Village Commercial. I am gravely concerned that the ambiguity of the draft text language will negatively impact Jefferson. Specifically, the draft text listed below are a few of my serious concerns:

1. Pages 6 & 7 apply to the Village Center zoning. Please note on page 7.

As it stands now, buildings in the Village Center zone may be a maximum of 8,000 square feet because Jefferson is considered to be in a "growth area." I recommend this size remaining the same (no change). If a change has to be made a maximum square foot limit should be imposed. The square footage should be determined by the size of the parcel and not to exceed 5,000 square foot per 20 acre parcel. Simply stated a 13,000 footprint (8,000+ 5,000) would be the maximum allowable structure for a 20 acre parcel.

2. Page 7, paragraph 7 of the report states "the option to rezone larger parcels should be considered." What is the definition of a larger parcel? I respectfully recommend that a definition of larger parcel should be any VC zoned lot larger than 25 acres. Since a specific definition is not included in the draft, I would like to suggest a specific definition of "larger." Please keep in mind that 95% of Jefferson residents attended the "evening" public hearing last year opposing any changes to the current Village Commercial zoning lot that is centrally located in our neighborhood. Over 600 Frederick County citizens signed a petition opposing any changes

to the VC since it would negatively impact the community and livelihood of Jefferson businesses. You may recall, the current property owners are determined to build a grocery store (i.e. Food Lion, Bottom Dollar, etc) in Jefferson. In order to do this, the footprint requirements for VC would have to be increased from the current maximum allowable size. The draft text opens the door for the developers/owners to build a structure with a larger footprint. I oppose any language that will allow loop holes.

3. { Please take time to review the archive public hearing to refresh your memory of the comments, level of opposition and testimony made against a commercial endeavor of this nature.}
4. In addition, the language should specifically state that, "Only one building structure (per parcel) of land that is under 15 acres can have one structure over 8,000 square feet. This is critical because it will prevent developers from building multiple buildings one one parcel.
5. The structure must conform to the neighborhood and blend with the community.
6. If the size of the current footprint is amended, there must be added language that requires an increase in the buffer requirements by an equal amount.
7. If the footprint is increased larger than 8,000 square feet, there must be language that requires an increase in the setback(s) requirements by an equal amount. Every increase in the square footage should include an equal amount of for both buffer and setbacks not combined with one another. Separate and equal amounts should be mandatory.

Please address why this draft addresses only non residential land? Mix use in VC seems more appropriate. I am curious to know why this land option was overlooked?

Thank you for accepting email as an option.

Respectfully submitted,
Brenda Harding

Soter, Eric

From: Planning Commission
Sent: Thursday, April 14, 2011 3:32 PM
To: Soter, Eric
Subject: FW: Consideration of Modifications to Village Zoning Criteria

From: Wyn Duggan [<mailto:wynduggan@gmail.com>]
Sent: Monday, April 11, 2011 11:35 PM
To: Planning Commission
Subject: Consideration of Modifications to Village Zoning Criteria

I understand the Planning Commission will review proposed revisions to current Village Zoning in Frederick County. I would like to offer these observations and opinions considered:

1. Regarding increasing the size of buildings from 8000 to 30,000 square feet for an individual building, I am opposed to such a large increase in size. In this type of setting I would think that 16,000 would be more than adequate.
2. The wording in the proposed revision should be amended to include that there be a maximum of one building per lot. There should also be a scale of proportion of how many "compatible" maximum size buildings could be included depending upon the total acreage of the given parcel of land.
3. The Planning Commission should not make changes to proposed plans during Commission meetings, as is currently proposed. Areas of concern should be pointed out to the petitioner for correction by the Planning Commission during the meeting so that a qualified engineer, surveyor or other professional retained by the petitioner can make alterations that would then be reviewed by the Planning Commission staff for compliance.
4. The use of the term "non-residential" eliminates the possibility of "mixed use" buildings which are common to many village scenarios. The existing wording would preclude the use of residences such as condos above retail storefronts.

Thank you for your consideration
Dawn W (Wyn) Duggan

April 12, 2011

Frederick County Commissioners and Frederick County Division of Planning
Winchester Hall
12 East Church Street
Frederick, MD 21701

Dear Commissioners,

My name is Hood Geisbert and my family owns a parcel of land zoned VC in Urbana. Our family has owned and operated a farm machinery business on this property for over 100 years. I am 75 years old and the farming market has moved away from this area and we have been trying to sell the property. I am trying to retire however I have essentially been forced to maintain the business to pay the taxes on the property each year.

We have had numerous inquires and contracts over the years and when potential buyers see the VC zoning limitations they withdraw their interest. These limitations were never on my property until just a few years ago.

We asked the former commissioners for re-zoning and were told there was no interest in re-zoning the property. We ask that you consider re-zoning or at least expanding the VC ordinance limitations.

Some of the current VC zoning limitations seem illogical to me. It appears the footprint limitation is the same for a half acre lot or a 250 acre lot. This makes no sense as one would assume the footprint would expand for bigger parcels. Ours is approximately 3 acres.

It also appears that different towns around the county such as Burkittsville, Jefferson, Liberty and Urbana are all being treated as if they are the same type of town. These towns are vastly different and VC zoning should mean different things in different places.

Fannie Mae, Banner Life, McDonald's, and several banks and possibly a new Social security building will surround my parcel. It seems that a city is built around me and my hands are tied as to the size and type of business that can go on my large lot.

I need your support on expanding the size and height limitations you currently have imposed on VC property. Thank you for your time.

R. Hood Geisbert III
8350 Layton Court
Frederick, MD 21704

Joseph and Donna Knott

8970 New Cut Road • Rocky Ridge, Maryland 21778 • 301.271.7227

April 12, 2011

Frederick County Division of Planning

Winchester Hall

12 East Church Street

Frederick, Maryland 21701

Dear County Commissioners, Planning Commissioners, and Frederick County Planning Staff:

I am writing you regarding my properties known as: the Knott and also, Knott and Gelsbert. We have had a business there for over one hundred years.

I am requesting a consideration of amending the Village Commercial text for more flexibility in building size. I understand a half acre lot can have an 8,000 sq ft building. We have approximately 3.25 to 3.5 acres. Our property has been devalued by half because you changed the building footprint. If you could please change the square footage to 20,000 sq ft or more, we would be able to sell our property. We have been approached by potential buyers however, once the potential buyers learn the building size limitation, they are no longer interested.

Our business has never moved in over one hundred years. When we hired employees they stayed, because we took care of them. When one generation turned the business over to the next, the new generation took care of the past and so on, and so on. Now it is time for us to retire our monies have been cut in half with the Village Commercial text. We have paid taxes for one hundred years on this property, supported the community. Francis Knott, who is my grandfather, had a son named Henry who gave a great deal of money to Mount Saint Mary's College.

We are only asking for what we all worked hard for, that is being able to sell our property for a reasonable amount.

If you would like to talk to us, our number is 301.271.7227(Home), 301.964.0595 (Cell).

Thank you for your time and understanding in this matter.

Sincerely,

Joseph Knott

Donna Knott

CHARLES E. SEYMOUR

8923 Fingerboard Road ▪ Frederick, Maryland 21704 ▪ 301.831.8232

Frederick County Division of Planning
Winchester Hall
12 East Church Street
Frederick, Maryland 21701

April 13, 2011

Dear Planning Commissioners and Frederick County Planning Staff:

Please consider my comments regarding the Knott & Geisbert property, the Urbana Fire Hall, Turning Point, the Giesler Farm, The Landon House (all in Urbana), and any other larger VC properties affected by the past VC Text Amendment which limits the building footprint in this Zoning District. While this text amendment may have been well intentioned in the tiny villages where smaller older single dwellings prevail on minimal lots, it was not well designed to encompass the development issues of properties of larger size and of true commercial use. The VC Zoning should be amended to eliminate the building footprint restriction on these larger properties. The following points should be considered:

There are many tracts of land over one acre, some as great as 10 to 20 acres. The Urbana Fire Department property is an example. The UVFD may wish to sell or lease a piece of their land to a larger commercial user, which would help sustain their "day to day" operational expenses. A larger building in the back of the property fronting I-270, with a shared parking concept, would make tremendous sense. Unfortunately, if the zoning is not amended, larger tracts of land such as this would have no alternative but to develop with many, many similarly sized buildings of 5,000 square feet.

Properties with land on multiple road frontages and properties adjacent to other larger buildings, should be allowed larger footprints with increasing or diminishing scale based on the character and size of adjacent buildings and roadways. For example; Urbana Fire Hall already has one building exceeding 23,000 square feet fronting old Rte 355, and also has additional land on old Rte 355 and also I-270. It would make sense that a larger building be permitted on I-270 mirroring other buildings in a similar scale along I-270, and also that a larger building of similar scale be permitted adjacent to their existing building on Rte 355 which neighbors the Elementary School. Knott & Geisbert fronts three roads (Old 355, Sugarloaf Parkway, and Route 80), and it would make sense that they would be allowed to construct something that is of greater scale on their 3.25 acres, especially since it is across the street from the new 115,000 square foot Banner Life building. A Pharmacy building of 15,000sf would not be out of character or scale on a 3.25 acre lot. The Turning Point Center developed 31,500sf on 4.2 acres of VC prior to the text amendment, the largest building being 15000sf. .

Regarding any residential requirement to VC zoning, this shouldn't apply or be encouraged in all VC properties. For example, mixing Residential Uses above something like automotive repair doesn't work. Please also consider that building height was decreased from 45 feet in the original VC Zone to 30 feet in the Text Amendment. Height should be reconsidered for larger buildings. It would not make much sense to allow for a 60,000 SF building but only allow for 30 feet in height.

Charles E. Seymour

Charlie@TurningPointCommercial.com

CHARLES E. SEYMOUR

8923 Fingerboard Road ▪ Frederick, Maryland 21704 ▪ 301.831.8232

Frederick County Division of Planning
Winchester Hall
12 East Church Street
Frederick, Maryland 21701

March 09, 2011

Dear Planning Commissioners and Frederick County Planning Staff:

Please consider my comments regarding the Knott & Geisbert property, the Urbana Fire Hall, Turning Point, the Giesler Farm, The Landon House (all in Urbana), and any other larger VC properties affected by the past VC Text Amendment which limits the building footprint in this Zoning District. While this text amendment may have been well intentioned in the tiny villages where smaller older single dwellings prevail on minimal lots, it was not well designed to encompass the development issues of properties of larger size and of true commercial use. The VC Zoning should be amended to eliminate the building footprint restriction on these larger properties. The following points should be considered:

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Regarding any residential requirement to VC zoning, this shouldn't apply or be encouraged in all VC properties. For example, mixing Residential Uses above something like automotive repair doesn't seem to make sense and should be the property owners decision not a requirement of planning. Thank you for your time and consideration. I would look forward to the opportunity to further comment on and discuss this Text Amendment.

Charles E. Seymour

Charlie@TurningPointCommercial.com