



September 13, 2023

Bruce N. Dean
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VIA ELECTRONIC MAIL

Kimberly Gaines
Livable Frederick Director
Frederick County Government
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

RE: South Frederick Corridors Plan / Saint John's Catholic Prep Property

Dear Kim:

As you know, this firm represents St. John's Literary Institution at Prospect Hall, Inc., the owner of 3989 Buckeystown Pike, Buckeystown, Maryland 21717, consisting of 69.22 acres, more or less, (the "Property"), which is the location of the Saint John's Catholic Prep and located within the planning area of the South Frederick Corridors Plan (the "Plan"). The purpose of this letter is to request an amendment to the April 2023 draft Plan. We ask that this letter be circulated to the members of the Planning Commission and included in the official record of the Planning Commission's SFCP proceedings.

The Property is located within the Ballenger Creek East Sector, the Lime Kiln District, and the Industry Square Subdistrict of the Plan. The Plan currently applies the proposed form designation of Industrial Center ("IC") to the northeastern portion of the Property, shown as blue on the enclosed **Exhibit A**, with Institutional applied to the balance of the Property except for the strip of agricultural buffer along a portion of the MD Route 85 frontage. Our office and the Property owner met with County planning staff to discuss the Property and its relationship to the Plan in August 2022 and again in May 2023. By email dated June 15, 2023, our office requested that staff recommend that additional lands, as shown in green on the enclosed **Exhibit A**, be considered for the designation of IC. By email dated June 28, 2023, County staff advised that they thought it was a reasonable revision and would recommend it to the Planning Commission.

Therefore, the Property owner respectfully requests that the Planning Commission amend the draft Plan to designate an additional ten acres, more or less, of the Property shown in green on **Exhibit A**, as the form designation of Industrial Center. Expanding the IC form designation on the Property will further the goals and objectives of the Plan to achieve a location "where industry

Ms. Kimberly Gaines

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and community can combine to form places that provide competitive advantages.” Page 59 of the Plan. Designating that portion of the Property to IC is consistent with the proposed uses and designations of the northern portion of the Property as well as neighboring properties to the north, including the proposed location of the looping access road through the IC, as shown on Map 09: Proposed Comprehensive Plan Map: Street and Road Designations on page 64 of the Plan. We would ask that the proposed road be located as far to the east of the Property as possible so as to retain the greatest amount of developable acreage.

Thank you for your attention to and consideration of this submittal. Should you have any questions, please feel free to contact me.

Sincerely,

McCurdy, Dean & Graditor, LLC



Bruce N. Dean

Enclosures a/s

cc: John Dimitriou, RA, Livable Frederick Design Planner
Denis Superczynski, AICP, Livable Frederick Planning Manager
Will Knotek
Patrick Crowley

VIA ELECTRONIC MAIL

Kimberly Gaines
Livable Frederick Director
Frederick County Government
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

Re: South Frederick Corridors Plan
7315 Governors Way (Lot 8B), Executive Way (Lot 9A),
7301 Executive Way (Lot 9B), and Lot 9C on Buckeystown Pike
(collectively, the “Properties”)

Dear Kim:

This firm represents Buckeystown Properties LLC and LMB Investors LLC (the “Owners”), owners of the above-referenced Properties. Of the Properties, Lot 9B is improved with a Sheetz gas station and convenience store and the remaining Properties are currently vacant and undeveloped. All of the Properties are currently zoned Light Industrial (LI). The purpose of this letter is to supplement the oral testimony offered at the June 29th public hearing before the Frederick County Planning Commission (the “Planning Commission”) on the South Frederick Corridors SFCP (“SFCP”). We ask that this letter be circulated to the members of the Planning Commission and included in the official record of the Planning Commission’s SFCP proceedings.

The Properties are located within the Ballenger Creek East Sector, the Crestwood Corridor District, and the Westview Subdistrict as defined in the SFCP. The Crestwood Corridor District is recommended for a diverse mix of land uses, including residential, commercial, industrial, and office uses. The SFCP envisions redeveloping many of the existing and perhaps underutilized parking lots within the Crestwood Corridor, and transitioning some office development to mixed use in order to create 3,200 new residential dwelling units. This redevelopment is intended to provide a transitional zone between the dedicated residential land to the west and a commercial mixed-use emphasis along MD Route 85. The Westview subdistrict will absorb a target of 1,760 new residential dwellings through the integration of residential use along the commercial spine of MD Route 85 and in the warehouse development to the east of MD Route 85.

The SFCP signals Frederick County’s intent to utilize a new form-based code to govern the form of this redevelopment. The Westview District is one of three subdistricts that the County will prioritize for applying new form-based zoning regulations. As shown in Exhibit A, the SFCP has applied the

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proposed Form Designation of Urban Corridor/ Center (“UC”) to Lots 9B and 9C fronting MD Route 85, and Urban Neighborhood (“UN”) on Lots 9A and 8B. UC is intended to result in higher density mixed use buildings that accommodate retail, offices, and a wide variety of multi-family housing types. The buildings will often combine multiple uses, range in height of 2 to 8 stories, and will not include residential use on the ground floor. UC proposes wide sidewalks, regular and consistent street planting, and buildings set close to the sidewalks to preserve and encourage pedestrian-oriented development. UN is intended to result in neighborhoods with a wide range of multi-family residential and compatible integrated commercial building types, with a typical building height of 1 to 4 stories. UN proposes buildings oriented towards the street with curbs and sidewalks to create medium sized blocks.

As we stated at the June 29 public hearing, the Owners are proposing to develop the undeveloped lots within the Properties with retail users, most likely utilizing one-story buildings similar to the vast majority of the retail development along the MD Rt. 85 corridor. To reiterate my testimony at the public hearing, the Owners would like Staff and Planning Commission support of the rezoning of the Properties from Light Industrial to General Commercial during the implementation phase of the SFCP. The Owners would also like written clarification in the SFCP that the UC and UN Form Designations would not preclude developing the Properties with one-story retail buildings at this time.

On behalf of the Owners, we thank you in advance for your consideration of these requests. Should you or any of your staff ever have any questions regarding the Properties, please feel free to contact us.

Very truly yours,

Bruce N. Dean

Bruce N. Dean

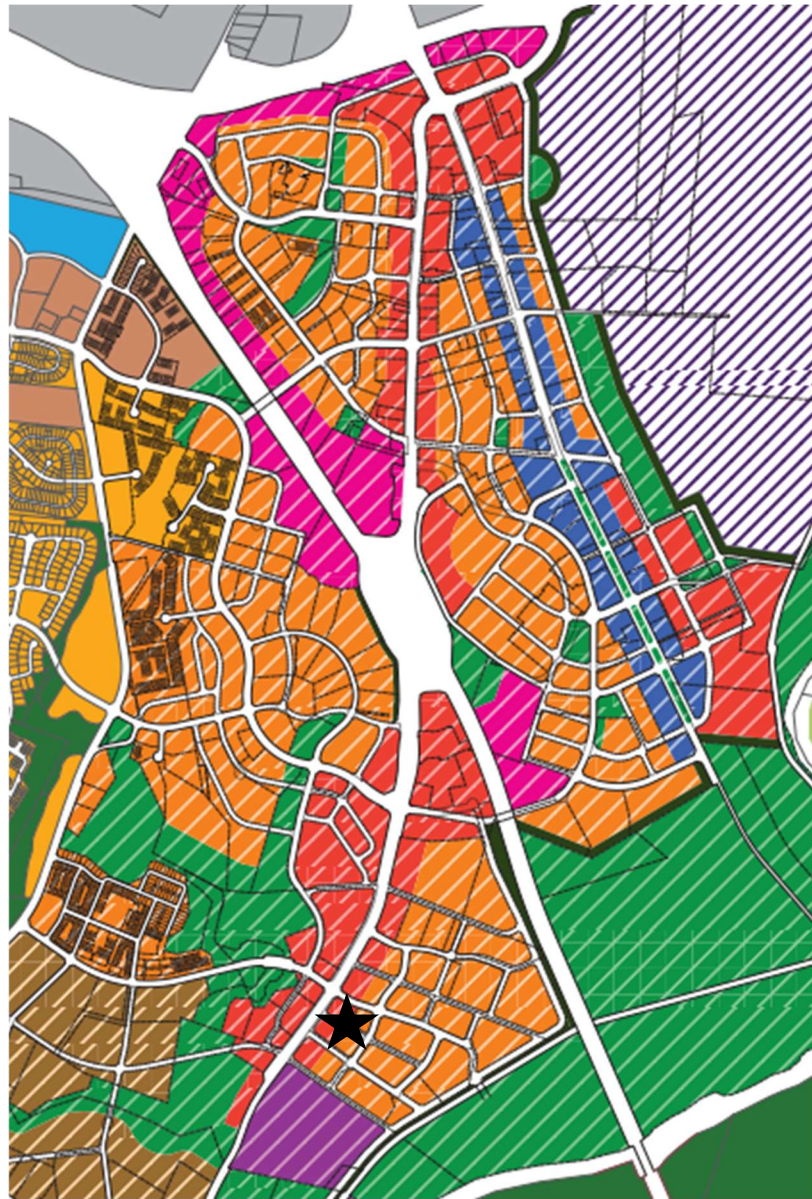
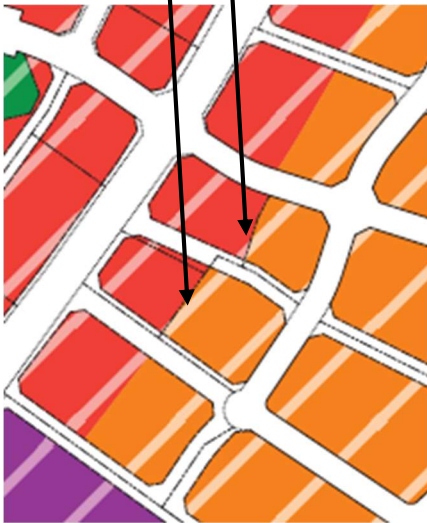
cc: John Dimitriou
Denis Superczynski
Gregory Burgee
Jim Mackintosh
Gary Large

Exhibit A

MAP 07: PROPOSED COMPREHENSIVE PLAN MAP: FORM AND USE DESIGNATIONS

SUBJECT PROPERTIES

7315 Governors Way (Lot 8B), Executive Way (Lot 9A),
7301 Executive Way (Lot 9B),
Buckeystown Pike (Lot 9C)



Form Designations

- Urban Skyline
- Urban Corridor/Center
- Cultural Corridor
- Urban Neighborhood
- Industrial Center
- Industrial Neighborhood
- Open Space
- Natural Screening

Use Designations

- Agricultural / Rural
- Natural Resource
- Public Parkland / Open Space
- Rural Community
- Rural Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential

- Village Center
- General Commercial
- Limited Industrial
- Office / Research / Industrial
- General Industrial
- Mixed Use
- Mineral Mining
- Institutional

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VIA ELECTRONIC AND REGULAR MAIL

Kimberly Gaines
Livable Frederick Director
Frederick County Government
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

Re: South Frederick Corridors Plan
Westview Promenade Property
5201 through 5285, 5277 through 5279,
Buckeystown Pike, Frederick, MD 21704

Dear Kim:

As you know, this firm represents, Frederick Westview Properties, LLC ("FWP"), owner of three parcels of land which contain, in the aggregate, 34.75 acres, more or less (the "Property"), and which have been developed with the Westview Promenade Shopping Center, an outdoor shopping mall with approximately twenty-eight restaurants and retail shops, My Organic Market grocery store, a Regal Theater, six individual pad sites, and a community plaza (the "Promenade" or the "Shopping Center"). The purpose of this letter is to supplement the oral testimony offered at the June 29th public hearing before the Frederick County Planning Commission (the "Planning Commission") on the South Frederick Corridors Plan ("SFCP"). We ask that this letter be circulated to the members of the Planning Commission and included in the official record of the Planning Commission's SFCP proceedings.

Westview Promenade was originally constructed in 2002. It was then, and still is, Frederick County's only outdoor regional shopping center, containing some of the County's most popular eateries and shops, all connected through a pedestrian-oriented Promenade and plaza. The six individual pad sites that are part of the Shopping Center are located around the perimeter of the Property and are accessed via internal drive aisles that connect to two entrances into the Promenade from Crestwood Boulevard and MD Route 85. The lease agreements for the six pad sites require FWP to maintain visibility to each of the pad sites from Crestwood Boulevard or MD Route 85 (as applicable), and to provide designated parking, in individualized amounts tailored to the traffic generation of the specific pad site tenant. Leases for tenants of spaces within the Promenade portion of the Shopping Center contain similar visibility and minimum parking requirements, and also designate portions of the Property as "no build zones" in order to ensure adequate and convenient parking areas for retail visitors of the Promenade. These existing lease

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obligations are anticipated to remain in effect for the next 15-20 years, given the existing lease terms currently in effect and optional tenant extension rights. The Shopping Center is served with water, sewer and electrical service through private extensions from public connections located within Crestwood Boulevard. These private extensions extend across the existing parking lots and drive aisles to connect to the Promenade portion of the Shopping Center, and traverse nearly the entire Property in order to serve all of the individual pad sites as well as the Promenade.

FWP is exploring the feasibility of expanding upon the Promenade's success by integrating multi-family residential uses, so that future residents can truly live, eat, work, and play at the Promenade. The long-term leasing obligations and existing utility locations described above make redevelopment of the eastern portion of the Property infeasible in the short term. Thus, FWP has focused its redevelopment efforts on the western portion of the Property. FWP has procured preliminary architectural renderings for converting existing surface parking behind the Regal Theater into a first-class apartment complex with multiple rooftop amenities with structured parking serving the residents and patrons of the Promenade. In many ways, FWP's redevelopment vision aligns well with the SFCP recommendations for the Property, which recommends integration of residential uses, and for the Crestwood Corridor District, which seeks to repurpose underutilized parking lots, increase residential opportunities and encourage mixed use development along MD Route 85. However, FWP's proposed redevelopment will only be able to move forward if the SFCP and its future implementing regulations facilitate incremental redevelopment.

Because the South Frederick Corridors planning area is largely a built environment, flexibility will be critical in order to jump start and sustain redevelopment efforts. The implementation section of the SFCP should acknowledge this by including an affirmative statement in support of incremental development. The policy statement should specifically acknowledge that: 1) regulations governing street frontage, pedestrian connections, building orientation and other design regulations should be flexibly applied in the context of redevelopment of existing structures and improved sites, 2) modifications should be generously available where a property owner demonstrates that the modification is necessary, is consistent with the goals of the SFCP, and compensating design or architectural features are proffered (this would allow, in the specific context of shopping centers, for complicated long-term leasing obligations and utility locations to be adequately and appropriately considered); and 3) implementing regulations should facilitate incremental redevelopment efforts by allowing site improvements recommended on the SFCP (such as new or improved roadways) but not located within boundaries of the current development phase, to be deferred to a future phase. In the case of the Promenade, FWP would request that such flexibility extend to the prohibition on residential development on the ground floor of residential buildings. As noted above, the Promenade already contains an abundance of commercial and retail development, and future regulations should allow for flexibility on a site like the Promenade, that contains an active mix of uses on other portions of the site and is subject to co-tenancy agreements among existing tenants that limit the ability to integrate commercial uses into the residential building.

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While many of the SFCP recommendations for the Promenade are consistent with FWP's future redevelopment efforts, the roadway recommendations for the Property stand in direct conflict with this redevelopment vision. The SFCP recommends that all of the existing drive aisles within the Shopping Center be upgraded to public streets, with the connections between the Shopping Center and Crestwood Boulevard and MD Route 85 being upgraded to R3 (Subdistrict Road) standards and the interior drive aisles to the S5 (Neighborhood Street) standards. As shown on the graphic attached to this letter as **Exhibit A**, if upgraded to these standards, portions of the existing structures within the Promenade would be rendered nonconforming, as there is insufficient land area to accommodate both the required roadway improvements and the concurrent building setbacks. In addition, the R3 connection between Westview Drive and MD Route 85 extends into the area of the parking lot proposed for redevelopment and would reduce the building envelope for FWP's future residential building. The cumulative impact of these roadway upgrades is a loss of approximately 265 standard parking spaces and 19 seasonal motorcycle spaces, which would be extremely problematic given FWP's existing lease obligations.¹ Perhaps most importantly, these public roadways cut the Promenade off from nearly all of the existing parking, requiring retail patrons (even people visiting My Organic Market to do their grocery shopping), to cross a public street every time they want to enter or exit a shop from the Shopping Center's main parking area. The Promenade's retailers already struggle to maintain visibility and foot traffic due to Frederick County's restrictive signage regulations. Upgrading the existing drive aisles to public road standards would threaten the viability of the Promenade entirely.

The flexible development standards requested above could mitigate the impact of the SFCP street recommendations for the Property to some extent (by allowing redevelopment to move forward in phases with the only required roadway improvements being those serving the portion of the site proposed for redevelopment). However, as a policy matter, the roadway recommendations for the Property simply seem inappropriate. The Shopping Center's existing internal drive aisles were designed to and currently function as D1 (Drive/Alleys) as described in the SFCP, in that they "coordinate, on-site vehicular access where vehicular access is prohibited or discouraged along other adjoining roads." See SFCP at pp. 68. Consistent with this D1 standard, there are no new site connections between the Property and Crestwood Boulevard and/or MD Route 85 anticipated or proposed in the SFCP. As shown on the graphic attached as **Exhibit B**, the existing drive aisles simply facilitate travel within the site and to the adjoining retail property and have much smaller footprints than public roads. Moreover, as noted above, the two S5 roadways are proposed on portions of the Property that FWP will not be in a position to redevelop (due to existing lease obligations) for a minimum of fifteen years. In the interim, the S5 classification would require on-street parking adjacent to expansive parking lots. Moreover, although the SFCP states that S5

¹ These calculations are based upon those spaces that are impacted directly by the new road network and does not account for making the remaining spaces "functional" now that the parking lot is segmented so severely; so, once functional parking lots are actually designed in the "remaining area", the actual impact would likely be much greater than the numbers listed above.

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roadways are intended to provide access across sectors, on this Property they do not provide direct connections to any adjoining roadways (they only lead drivers to other sections of the Shopping Center), and they create a circular road network around a portion of the Property that is a designated “no build area” and must remain a parking lot for the foreseeable future.

In conclusion, the current SFCP recommendation that internal drive aisles be upgraded to S5 standards within portions of the Property that will continue to be parking lots throughout the duration of the planning period serves no important policy objection; upgrading the entrances into the Property to R3 standards will impede FWP’s ability to transform an underutilized parking lot into the type of residential community the SFCP recommends and will also render nonconforming existing portions of the Promenade that are the type of community oriented, pedestrian gathering spaces envisioned in the SFCP; and taken together, these roadway recommendations threaten the viability of the Shopping Center by physically isolating the Promenade and requiring patrons to navigate public roadways each and every time they wish to visit its tenants. The D1 standards are appropriate for the Property now, will continue to be appropriate for the foreseeable future, and FWP requests that all of the existing roadways and drive aisles on the Property be classified D1 (Drive/Alleys) on the SFCP. On behalf of FWP, we thank you in advance for your consideration of these requests. Should you or any of your staff ever have any questions regarding the Property, please feel free to contact us.

Very truly yours,



Lisa Lawler Graditor



Bruce N. Dean

cc: John Dimitriou
Denis Superczynski
Danielle Beyrodt
Brandon Rowe
Joseph J. Ucciferro

EXHIBIT A



BOHLER //

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WESTVIEW

COUNTY ROAD EXHIBIT

FREDERICK COUNTY, MARYLAND

DATE: AUGUST 1, 2023



EXHIBIT B



BOHLER

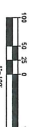
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Phone: (410) 821-7500
Fax: (410) 821-7587
MD@BohlerEng.com

WESTVIEW

EXISTING ROAD EXHIBIT

FREDERICK COUNTY, MARYLAND

DATE: AUGUST 10, 2023



September 15, 2023

VIA ELECTRONIC MAIL

Kimberly Gaines
Livable Frederick Director
Frederick County Government
Division of Planning and Permitting
30 North Market Street
Frederick, MD 21701

Re: South Frederick Corridors Plan
Corporate Center LLC Property
5240 Corporate Drive

Dear Kim:

This firm represents Corporate Center LLC (“Corporate Center”), owner of the 5.31-acre property located at 5240 Corporate Drive (the “Property”). The Property is currently vacant and undeveloped. The purpose of this letter is to supplement the oral testimony offered at the June 29th public hearing before the Frederick County Planning Commission (the “Planning Commission”) on the South Frederick Corridors SFCP (“SFCP”). We ask that this letter be circulated to the members of the Planning Commission and included in the official record of the Planning Commission’s SFCP proceedings.

The Property is located within the Ballenger Creek East Sector, the Crestwood Corridor District, and the Central Crescent Subdistrict. The Crestwood Corridor District is recommended for a diverse mix of land uses, including residential, commercial, industrial, and office uses. The SFCP envisions redeveloping many of the existing and perhaps underutilized parking lots within the Crestwood Corridor, and transitioning some office development to mixed use in order to provide a proposed 3,200 new residential dwelling units in this District. This redevelopment is intended to provide a transitional zone between the dedicated residential land to the west and a commercial mixed-use emphasis along MD Route 85. The Central Crescent subdistrict is intended to absorb a target of 1,440 new residential dwellings.

The SFCP also signals Frederick County’s intent to utilize a new form-based code to govern the form of this redevelopment. As shown in Exhibit A, the SFCP has applied the proposed Form Designation of Urban Neighborhood (“UN”) to the Property. UN is intended to result in neighborhoods with a wide range of multi-family residential and compatible integrated commercial building types, with a typical building height of 1 to 4 stories. UN proposes buildings oriented towards the street with curbs and sidewalks to create medium sized blocks. Corporate Center is exploring the feasibility of developing the

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property for multi-family residential development, so that future residents can truly live, eat, work, and play in this neighborhood. Therefore, Corporate Center agrees with and supports the proposed UN Form Designation for the Property.

While many of the SFCP recommendations for the Property are consistent with Corporate Center's future development efforts, the roadway recommendation for the Property conflicts with this vision. The SFCP recommends requiring a new road bisecting the Property from east to west before heading south to link up with Advisors Court across Corporate Drive. As shown on the attached graphic, if this road remains in its current location, it would render a great deal of the Property undevelopable (particularly north of the proposed new road), and ignores an existing stubbed street to the north. Corporate Center believes that the emphasis of the SFCP should be on interconnectivity and not on insisting on specific road alignments which render significant portions of the Property undevelopable or in a manner which makes connecting the Property to the adjacent townhouse community unfeasible.

We would ask that the Planning Commission instead of trying to force a road across the Property which so negatively impacts its future development potential, the Planning Commission instead include language in the SFCP that promotes flexibility and interconnectivity that relates both to the future development potential of the Property (without unnecessarily impinging on this development potential) and to neighboring properties where such interconnectivity has been planned and is available.

Additionally, the Road Designation section (starts on page 64) of the SFCP calls for essentially all of the planning area's existing roads to be redeveloped into 1 of 9 proposed new street types. In particular as it would apply to the Property, Corporate Drive currently sits within an 80' Right of Way which contains numerous existing public and private utilities, SWM infrastructure, and other existing improvements that would make it unfeasible for any improvements to Corporate Drive to occur incrementally as called for in the SFCP as projects are moved forward.

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On behalf of Corporate Center, we thank you in advance for your consideration of these requests. Should you or any of your staff ever have any questions regarding the Property, please feel free to contact us.

Very truly yours,

Bruce N. Dean

Bruce N. Dean

cc: John Dimitriou
Denis Superczynski
Andrew Welker
Jeremy Holder

Exhibit A

MAP 07: PROPOSED COMPREHENSIVE PLAN MAP: FORM AND USE DESIGNATIONS

