

## **Zoning Map Amendment / Rezoning Justification**

### **Land Development Ordinance §16.1 Purpose and Intent:**

The TRC District is a floating zone and is restricted to sites of 2 acres or greater in MRS, MF, and MCI Districts and for application to portions of New Market's growth area for the purposes described in the New Market Master Plan. Approval of a "Master Plan" in accordance with the provisions contained hereunder will allow an applicant to continue through the development process including entering into a developer's rights and responsibilities agreement and final subdivision approval.

*Response: Proposed is a mixed use master planned community of 42 residential units and up to 22,000 sf of nonresidential retail, restaurant and office spaces. The development will infill a long vacant parcel on the eastern edge of the downtown core. The proposal provides for a highly pedestrian oriented community which also serves as a functional and aesthetically pleasing gateway into the Town.*

### **Land Development Ordinance §16.2.1(a)**

The applicant will collect sufficient information to provide the Town Council and the Planning Commission with a basis to approve the overall concept of the project and to amend the zoning map and set a maximum permitted land use density for the TRC.

- 1. A plan at showing 20 foot contours, all existing natural and man-made features, existing zoning and vicinity map.**

*Response: Multiple plans within the TRC documents as well as the NRI/FSD highlight the existing features and adjoining conditions. The site design responds to the surrounding neighbors and access points.*

- 2. A schematic plan generally identifying location, densities and acreage of all proposed land uses.**

*Response: The site layout and preliminary plat respond to the densities and acreages proposed.*

- 3. A requested land use density and justification for the total project.**

*Response: The application in total justifies the density proposed. The proposed homes represent an efficient arrangement and allow for significant common open and recreational spaces. This type of community design is very desirable to today's residents.*

- 4. A statement covering the considerations listed under paragraph b. following.**

*Response: See below for response.*

### **Land Development Ordinance §16.2.1(b)**

The Town Council and the Planning Commission in their respective reviews of the proposed development will consider all of the following criteria to determine whether an amendment to the zoning map allowing the establishment of a TRC should be approved or disapproved:

- 1. The relationship of any development with the comprehensive Plan, zoning regulations, and other established development policy guidelines;**

*Response: The master plan for New Market encourages and promotes infill opportunities such as this project. In particular, the TRC overlay zoning is intended to encourage mixed use development in areas in or adjacent to the Town's core.*

**2. The general location of the site and its relationship to existing land use in immediate**

*Response: The site is uniquely situated at the eastern gateway into the Town and is surrounded by both park, institutional and residential neighbors. The site is prominently displayed on East Main Street although often overlooked. The TRC allows for a creative and highly desirable community where a mix of uses will be incorporated to serve both the immediate neighbors and those in the downtown core via the pedestrian connectivity. The site will also be suited to handle visitors that arrive in cars also.*

**3. The long term implications the TRC would have on subsequent local development patterns and the demand for public facilities and services in the surrounding area;**

*Response: Information will continue to be provided as need to better understand the impacts of the development. In particular, traffic analysis has been provided and water and sewer are readily available to the site since already located on it and planned for redevelopment. Fiscal impacts will also be quantified. The project's positive impact on the existing Main Street business district will be significant, providing a critical mass of new, modern retail/office space, new residents that will have the ability to support existing Main Street businesses as well as a new "community hub" at the entrance to Town.*

**4. The topography and relationship to existing natural and man-made features, both on site and in the immediate vicinity;**

*Response: The site falls generally from north to south and west to east. The grading anticipated follows these overall parameters. The buildings proposed include some walkout conditions to limit the fill required for the site. Grades at East Main Street and South Alley will be maintained at their current levels. There are no manmade features. There is a swale offsite to the south of the site that will not be impacted.*

**5. The TRC's proposed phasing schedule and how it relates to the provision of public services and facilities necessary to serve the TRC;**

*Response: We intend to construct the residential component and commercial component concurrently, subject to pre-leasing success and tenant-specific requirements for the commercial component.*

**6. The availability and suitability of vehicular access;**

*Response: There is only one public road proposed which will involve the relocation of a current paper alley to better align with Marley Street. All other internal streets will be privately owned and maintained but accessible by all visitors to the community. The community has been designed in a manner which encourages pedestrian traffic but recognizes the vehicular trips and accommodates them behind homes and businesses.*

**7. The availability of water and sewer facilities including a point of discharge and water appropriation.**

*Response: Water and sewer infrastructure are available to the site today. The project will follow the normal course of applications for water/sewer amendments but it has been planned for in the overall master plan for facilities.*

## **Land Development Ordinance §16.6 Development Standards**

In General: applications for development in the TRC District shall meet the following standards in addition to all other applicable requirements of this Ordinance which do not conflict with the standards contained in this section. In cases where other standards within this title may be found to conflict with the standards contained in this section, only the standards contained in this section shall apply.

#### **Land Development Ordinance §16.6.2 Maximum Residential Density:**

The maximum gross residential density for a TRC District development shall be 4 dwelling units per acre the gross site area of the development used for residential purposes. If the Master Plan development consists of more than one parcel or lot, the acreage of the parcels or lots may be combined to compute the allowable density and/or floor area, however the lots or parcels may not thereafter be considered separately in any subdivisions or site plans.

*Response: The site acreage allocated to the residential land uses is 4.13 acres which with 42 units yields a density of 10.17 du/ac. This density is much more appropriate within a municipality and an infill location. The design clusters residential development yet still provides for adequate open and recreational spaces. This smart growth concept is much more efficient with such a scarce resource as land.*

#### **Land Development Ordinance §16.6.3 Maximum Floor Area Ration:**

Maximum floor area ratio for the nonresidential portion of a TRC District development is 0.40.

*Response: The proposed floor area ratio for the nonresidential portion is 0.39.*

#### **Land Development Ordinance §16.6.5 Open Space:**

**Common or public open space shall comprise at least 20% of the total site area. At least 10% of the required common or public open space shall be utilized for outdoor recreational uses. If the open space is to be commonly owned, legal documentation ensuring its continuance and maintenance must be submitted to and approved by the Planning Commission.**

*Response: 1.08 acres of the parcel is required to be open space and .11 acres is to be provided as recreational space. As shown on the site layout 1.14 acres has been provided as open space and .12 acres is provided as recreational space. These open spaces are within easy walking distance of all residents and will be commonly maintained. They will allow for gathering and reflection and will provide a great recreational opportunity for the residents and visitors.*

#### **Land Development Ordinance §16.6.6 (a) and 16.6.6(b) Design Standards:**

- a. Subject to the standards contained in this section, building setbacks, bulk standards, lot sizes, impervious coverage, height, landscaping, buffer yard, lighting, walkway, development density, and road standards shall be determined by the Planning Commission, for each individual development in the TRC District. In determining these requirements the Planning Commission shall consider such factors as the proposed intensity of the development, use mix, design and compatibility with existing or anticipated development on surrounding lands. The purpose of the Planning Commission's authority is to provide design flexibility, consistent with public health and safety, to the developer who develops property and constructs buildings in accordance with a unified and coherent plan of development.**
- b. Notwithstanding the preceding, maximum building height shall not exceed 35'.**

*Response: The proposal for this TRC community considers how to efficiently collocate residential and nonresidential units as well as open spaces and community amenities. We will continue to work with New Market on the design parameters but believe the proposal effectively balances the*

*design parameters with the needs of today's residents to provide an exceptional gateway community. Building height would be requested to be met at the average finished grade at the front to the midpoint of the roof. This is an appropriate measurement considering the scale related to the rest of the street and the site grades.*

#### **Land Development Ordinance §16.6.7 Traffic Circulation and Pedestrian Linkages:**

**Traffic Circulation and Pedestrian Linkages:** On-site and off-site streets, traffic circulation patterns, and pedestrian linkages shall be adequate to accommodate the traffic generated by the proposed development, when combined with existing traffic and traffic generated by other approved uses which are reasonably probable of fruition. Street systems shall be pedestrian friendly, connecting various neighbors with open space and parks. Where practical, streets and pedestrian linkages shall be designed to link with those of adjacent existing or future developments. Private internal streets/roads are permitted if such streets/roads will be adequate to carry projected traffic, will be properly maintained and are more appropriate to the overall development design than public streets built to existing road standards. Private internal streets/roads may vary in right-of-way widths and standards of design from that prescribed by the various Town standards with the Town Engineer's and Planning Commission's approval.

*Response: We completely agree with these parameters and have designed the site to provide an optimal pedestrian network. The greatest benefit of this community will be to integrate with the rest of the New Market main street and build upon the sense of community. Linkages will be provided between all uses on the site and particularly the neighboring park which is a luxury to have as an amenity.*

*A traffic brief has been submitted which describes the anticipated trips but only one public road is introduced which is a logical alignment with Marley Street. The remainder of the site uses private roads but still establishes a gridded street network so access and maneuverability is made readily available. South Alley exists but is in poor condition. The project will repave the alley in its current alignment and the direction of flow will likely be one way to the east. This will allow for safe access and will not introduce new stacking of vehicles on East Main Street.*

#### **Land Development Ordinance §16.6.8 Development Phasing:**

**A unified development shall be master-planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development shall be approved by the Planning Commission as a component of the Master Plan approval.**

*Response: The plan is designed as a master-planned community to be compatible w/ adjacent land uses.*

#### **Land Development Ordinance §16.6.9 Sign Standards:**

**Sign standards for nonresidential development in the TPD District shall be established for each development by the Planning Commission.**

*Response: As the plan progresses more detailed signage will be proposed. We believe the nonresidential component is a benefit to the Town and the signage should reflect the significance of the project.*

#### **Land Development Ordinance §16.6.10 Parking and Loading Standards:**

**Parking and loading standards: Off-street parking and off-street loading standards for development in the TPD District are contained in Section V of this Ordinance unless otherwise modified by the Planning Commission.**

*Response: The site layout plan has a table which identifies the requirements for parking as well as how it is being accomplished. We are fortunate to be able to provide at least the minimum parking requirement but in most cases we have a surplus.*

**Land Development Ordinance §16.6.3(b)2 and §6.6.3(b)3**

**§16.6.3(b)2 The proposed substantially conforms to the new Market Master Plan; and**

**§16.6.3(b)3 The Proposed Master Plan in conjunction with reasonably anticipated development in the surrounding neighborhood, will not create a substantial adverse impact on the adequate and orderly provision of public services and facilities for the area.**

*Response: The New Market Master Plan encourages the redevelopment of parcels within the towns core. The plan desires to expand and diversify its tax base. This project has the opportunity to create a new vision for the gateway to downtown New Market. The mix of uses emphasizes the importance of this type of neighborhood which is highly pedestrian friendly and all encompassing. Residents can walk to work, businesses, etc. It's completing in keeping with the Master Plan goals for infill expansion.*

**Land Development Ordinance §16.6.3(b)4**

**§16.6.3(b)4 The proposed Master Plan is planned in such a manner as to minimize adverse impacts to environmentally sensitive areas and important historic or cultural features on the site.**

*Response: Fortunately the site does not have any environmentally sensitive areas or important historic or cultural features. The site is an overgrown parcel with weed trees and shrubs. The Forest Stand Delineation highlights the existing conditions. Redevelopment of the site, however, will allow us to create a meaningful addition to the community that can someday be considered historic and part of the fabric of downtown.*

**Land Development Ordinance §16.6.3(b)5**

**§16.6.3(b)5 The proposed Master Plan is designed to be compatible with existing development in the surrounding neighborhood and/or the proposed development contains adequate screening, landscaping and buffer yards to protect the surrounding neighborhood.**

*Response: We believe the plan is both compatible with the existing neighborhood as well as providing buffering where appropriate. The goal is to incorporate our community into the larger downtown network yet buffer if required. The site plans provided detail the vision for where this can occur.*

## **Zoning Map Amendment Justification**

Article III, Section 3.4: Before taking any action on any proposed amendment, supplement, change, modification, or repeal, the Town Council shall submit the proposal to the Planning Commission for review and recommendation. The Planning Commission may hold a hearing on any proposed amendment, supplement, or change before submitting its recommendation to the Town Council. The Planning Commission may request any pertinent data and information as it deems necessary. In its recommendation, the Planning Commission shall address:

3.4.1. The public need for the proposed amendment; and

RESPONSE: As stated above, the development will infill a long vacant parcel on the eastern edge of the downtown core. Putting the subject property to the highest and best use provides benefit to public health, safety and welfare while supplying needed housing and retain uses. The development will infuse additional residents and customers into the downtown core.

3.4.2 Whether the proposed amendment is consistent with the Comprehensive Plan as established in Article 66B § 4.09.

RESPONSE: As stated above, the master plan for New Market encourages and promotes infill opportunities, such as is presented by this project. Providing mixed use in/adjacent to the Town's core advances the goals and policies of the Town's master plan.

3.4.3 When reviewing an amendment to the zoning map, the Planning Commission shall address the suitability of the property in question for the uses permitted under the proposed zoning, and shall give consideration and make findings of fact with regard to the matters enumerated in Article 66B, § 4.05(a)(2) of the Annotated Code of Maryland.

RESPONSE: For the reasons stated above, and as supported by the application materials, the proposed zoning and the permitted uses therein are ideal for the subject property. The application material provide a sufficient basis upon which the Planning Commission can make the requisite findings of fact.