THE EFFECTIVE DATE OF THIS ORDINANCE IS May 16, 2023

ORDINANCE NO. 23-03-003

ORDINANCE
OF
THE COUNTY COUNCIL OF FREDERICK
COUNTY, MARYLAND

RE: CROMWELL PUD AMENDMENT
REZONING CASE R-22-02

OPINION/FINDINGS

I. HISTORY

Cromwell Investments, LLC ("Applicant") filed an application to amend the previous approval that rezoned 160.87 acres, more or less, from Agricultural to Planned Unit Development (PUD) (Case No. R-19-01). PUD was approved for 600 age-restricted units (55 or older). The property is located east of the intersection of Meadow Road and Hall Road, north of the Old National Pike.

In this application, the Applicant has requested two amendments to Ordinance No. 20-05-005: 1) Amend the PUD Phase I approval to include an additional 2.4-acre Public Use Site, and 2) Strike Condition 13 from the prior Ordinance which stated" "No building permits shall be issued, except for model homes, until five (5) years after the effective date of this Ordinance."

The Frederick County Planning Commission considered the requests in a public hearing on March 8, 2023, and recommended approval of the application.

The County Council of Frederick County, Maryland, held a public hearing on the application on April 11, 2023, and closed the record at the conclusion of the hearing. The application was approved by a majority vote of the County Council (6-1) on April 18, 2023.

Based upon all of the evidence submitted in this case, the County Council makes the following specific findings of fact for the items below as identified in the Annotated Code of Maryland, Land Use Article §4-204(b) and in Chapter 1-19 of the County Code:

II. ADDITION OF SECOND PUBLIC USE SITE

A. County Plans and Regulations

1. Concept Plan

There were no requested changes to the residential component of the Cromwell PUD Concept Plan, other than the designation of 2.4 acres for a public use site. The mix of dwelling types included: single-family detached, single-family attached (villas), multi-family (condos), and multi-family (tentative). The number of units of each dwelling type will be determined at the Phase II subdivision/site plan stage.

A 4-acre public use site on the south side of proposed Lake Linganore Boulevard identified in the original rezoning request remains unchanged and will be transferred to the County. The application proposed an additional 2.4-acre public use site be added on a portion of the property, currently designated residential use. The additional 2.4-acre public use site would be located on the north side of Lake Linganore Boulevard, directly across from the existing 4-acre public use site and would be transferred to the Country under the same terms and conditions as applicable to the 4-acre site.

The Application does not propose any change to the Open Space areas of the Cromwell PUD.

2. Phasing Plan

The application does not propose a specific phasing plan. The project will be dependent on proposed Lake Linganore Boulevard for access, and the Applicant remains responsible for

constructing that roadway. The Applicant also remains responsible for constructing the necessary water and sewer infrastructure, which is already in the vicinity of the Property. The timing of the development by the County of any potential public use sites for a potential regional library, senior center, or other such appropriate public facility will be finalized at the time of Preliminary Subdivision Plan/Site Plan review.

3. Land Use Proposal

The Property, with a gross acreage of 160.8 acres and with the proposed maximum 600 dwellings, would have a gross density of 3.7 dwellings/acre. A net density calculation, based on the residential area of 102 acres, would result in a net density of 5.9 dwellings/acre. These densities remain consistent with the Comprehensive Plan range for Low Density Residential of 3-6 dwellings/acre.

4. Consistency with the County Comprehensive Plan

The application is consistent with the County Comprehensive Plan. The Property is located within the Linganore Community Growth Area and represents the last major undeveloped land within the growth area. It has been designated for Low Density Residential development since the adoption of the 1984 New Market Region Plan.

The application for PUD zoning with a gross density of 3.7 dwellings/acre is consistent with the Low Density Residential plan designation and is within the 3-6 dwelling/acre density range.

The application also remains consistent with the Livable Frederick Master Plan (LFMP). The 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. This application is consistent with the broad LFMP policies that seek to establish land uses which are generally supportive of the

residential and service needs of an increasingly older population, either through redevelopment or new development in communities and neighborhoods located within designated Community Growth Areas.

5. Compatibility with Adjoining Zoning and Land Uses

The proposed amendments will not affect the compatibility of the proposed development with any adjoining uses or zoning. The proposed additional 2.4-acre Public Use Site has the potential to be the site of a County-developed senior center and is situated across future Lake Linganore Boulevard from the approved 4 acre public use site and sits in close proximity to significant private community amenity features in the Cromwell PUD.

6. Availability of Public Facilities and Services

The proposed amendments will not adversely affect the availability of public facilities and services. Schools will not be impacted due to the age-restriction of 55 years of age and older for residents. Future development of the two public use sites will enhance the availability of public facilities and services in the area.

B. Approval Criteria

§ 1-19-3.110.4 (A) – Approval Criteria for Zoning Map Amendments

(1) Consistency with the comprehensive plan;

The proposed amendments are consistent with the Low Density Residential land use plan designation on the current Comprehensive Plan Map within the Linganore Community Growth Area.

(2) Availability of public facilities;

The proposed amendments will not adversely affect the adequacy of public facilities.

(3) Adequacy of existing and future transportation systems;

The proposed amendments will not affect existing and future road networks.

(4) Compatibility with existing and proposed development;

The proposed amendments will not affect compatibility with the surrounding development.

(5) Population change;

There will not be any population change as a result of these proposed amendments.

(6) The timing of development and facilities;

The proposed amendments will not affect the timing of the construction of the development.

§ 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 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 proposed development is in a location where water/sewer infrastructure is in place and planned facilities such as Lake Linganore Boulevard will provide access to the surrounding community. The addition of a second Public Use Site further supports this criterion.

(B) The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community corridor plans;

The proposed PUD zoning is consistent with the Low Density Residential plan designation of the County Comprehensive Plan. There is no Community or Corridor Plan for this area. The addition of a second Public Use Site further supports this criterion.

(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 plan;

The proposed development would be denser than existing residential uses to the west of Meadow Road. The density and dwelling types would be similar and compatible with the adjoining Oakdale Village and Linganore Town Center developments to the east.

(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;

The proposed development will be able to connect with existing and planned infrastructure (water/sewer and roads) in the vicinity. The planned Lake Linganore Boulevard will connect this Property with the larger Linganore Town Center area to the east. The addition of a second Public Use Site will also help to establish a civic focus for the larger community.

(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;

The proposed amendments will not affect road network adequacy. With the completion of the planned Lake Linganore Boulevard by the Applicant, the transportation system will be adequate to accommodate the development, including the potential development of the second Public Use Site.

(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 concept plan does not have building design and location detail. The planned Lake Linganore Boulevard will connect the project to the Linganore Town Center development to the east. The location of the additional Public Use Site further optimizes non-automobile access within the Cromwell PUD and provides additional opportunities for regional and neighborhood-level pedestrian, bike, and transit access.

(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 Spring Ridge Fire Station (Station #33) is approximately 1.5 miles from the Property. This station has professional staff and a full complement of fire and rescue equipment. The addition of a second Public Use Site does not impact this criterion.

(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 including existing woodlands, moderate/steep slopes, and streams are incorporated into the open space areas of the development. The extent of the required stream buffers are also within the open space area. The open space area along the eastern boundary of the Property will adjoin an existing open space corridor, in the Linganore Town Center, centered along a stream. Revised Natural Features mapping indicates that the area of the second Public Use Site is not characterized by the presence of sensitive environmental resources.

(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 proposed age-restricted development will include a mix of dwelling types from single-family to multi-family with the specific proportions to be determined in Phase II. The proposed designation of an additional 2.4-acres for a Public Use Site further supports this criterion.

(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 parks, libraries, and public safety facilities are currently adequate to serve the proposed age-restricted residential development. Schools will not be impacted due to the age-restriction of 55 years of age and older for residents, as well as the minimum age restriction of 19 years. For water/sewer service, the proposed 600 dwellings can be served by the existing water/sewer infrastructure in the vicinity of the Property. The proposed designation of an additional 2.4-acres for a Public Use Site further supports this criterion

§ 1-19-10.500.10. – Specific Development Standards within the Planned Development Districts

(1) Active and Passive Recreational Amenities.

The project proposes to have a clubhouse with a pool and fitness center. Walking trails are also proposed within the project. The immediate proximity to a regional library and a potential senior center further enhances access to active and passive recreational amenities.

(2) Availability, sustainability and proximity of the development to planned support services.

The nearest existing medical offices or facilities are located in the New Market shopping center approximately 3.5 miles to the east at MD 75; a Frederick Health Hospital facility in Urbana approximately 4.5 miles south; and at various locations in and around the City of Frederick approximately ± 5 miles to the west. The adjoining proposed Delauter MXD (R-19-02) includes a commercial land use component that could provide an opportunity for medical offices and other support services. The proposed designation of an additional 2.4-acres for a Public Use Site further supports this criterion.

(3) The amount of existing and approved age-restricted development in the county and in proximity to the proposed development.

There are two age-restricted developments in the County, Crestwood Village in the Ballenger Creek area and a portion of the Greenview PUD located on Old National Pike at Mussetter Road. Two planned developments in the County include a portion of the Ballenger Run PUD (36 dwellings) and the Woodlands at Urbana project (566 dwellings). One age-restricted project is proposed in the City of Frederick on the Crum Farm (Bloomfields) for up to about 1,500 dwellings. The addition of a second Public Use Site does not impact this criterion.

III. REQUEST TO DELETE CONDITION No. 13

Condition No. 13 states that no building permits (except for model homes) shall be issued until five (5) years after the effective date of Ordinance No. 20-05-005. That five year period will expire on November 10, 2025.

The Applicant asserted that another condition of the rezoning, No. 5, requires the completion of construction of Lake Linganore Boulevard from Linganore Town Center to Meadow Road prior to recordation of any residential subdivision plat. The Application asserted that Condition No. 5 will provide an almost equivalent delay before construction of homes could occur. The Applicant also indicated that the impact on the residents in the neighborhood from ongoing construction activities would be lessened if they were allowed to proceed without interruption to onsite construction of homes after the completion of the Lake Linganore Boulevard improvements.

Based upon the findings herein and the record evidence, the County Council has determined that it is appropriate to grant the amended rezoning request in Case No. R-22-02.

ORDINANCE

BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that for the reasons set forth above, the condition No. 4 of Ordinance No. 20-05-005 for the Cromwell PUD, is hereby rescinded and replaced with the following:

4. Prior to recordation of the first residential subdivision plat, the developer shall: (1) subdivide and convey to the County, the +/- 4-acre, and the +/- 2.4-acre public use site identified on the Concept Plan in a development-ready state (site graded, public water & sewer connections available to the site, and storm water management facilities (for quantity) completed); or (2), or at the County's sole discretion, enter into a mutually agreeable Memorandum of Understanding to provide for the conveyance of the +/- 4-acre and +/- 2.4-acre public use site and the condition(s) under which the public use sites will be conveyed.

AND BE IT FURTHER ENACTED AND ORDAINED, that for the reasons set forth above, the condition No. 13 of Ordinance No. 20-05-005 for the Cromwell PUD, is hereby deleted;

AND BE IT FURTHER ENACTED AND ORDAINED, that the Zoning Administrator is hereby authorized and directed to make the appropriate changes to the zoning map as reflected in this decision.

The undersigned hereby certify that this Ordinance was approved and adopted on the 16th day of May, 2023.

ATTEST:

Ragen Cherney
Council Chief of Staff

COUNTY COUNCIL OF
FREDERICK COUNTY, MARYLAND

By: _____
Brad W. Young, President

_____
Kavonte Duckett, Vice President

_____
Jerry Donald, Council Member

_____
M.C. Keegan-Ayer, Council Member

_____
Renee Knapp, Council Member

_____
Mason Carter, Council Member

Council Member Steve McKay did not vote in favor of this rezoning.

Received by the County Executive on May 18, 2023.

County Executive Action: ✓ Approved ____ Vetoed _____ No Action

_____
Jessica Fitzwater, County Executive
Frederick County, Maryland

5/18/23
Date