

JUSTIFICATION STATEMENT FOR CROMWELL PUD APPLICATION

I. INTRODUCTION

This application is made pursuant to Section 1-19-3.110 et. seq. and Section 1-19-10.500 et. seq. of the Frederick County Zoning Ordinance (“Zoning Ordinance”)¹.

Cromwell Investments, LLC (the “Applicant”) requests the County Council’s consideration and approval of a PUD Application for a Phase I PUD Concept Plan to rezone the Cromwell Property (defined herein) from Agricultural to Planned Unit Development (PUD) (the “Project”). The Applicant is the contract purchaser of the Cromwell Property a ± 160.87 acre site, comprised of separate parcels under the ownership of Cromwell Heritage LLC, including TM78 P12 and TM79 P101, together to be referred to as the “Cromwell Property” or the “Site”.

II. SUMMARY OF REZONING REQUESTS

The Project is part of the intentional planning for the “town center” uses in this portion of the Community Growth Area. The planned Lake Linganore Boulevard extension to the Meadow Road Interchange and the robust open space are major organizing features of the land use elements of the Project. The resulting placement of these land use elements are naturally located in the context of the overall Community Growth Area.

The Project application proposes ±600 age-restricted dwelling units in an active adult community, and ± 4.0 acres of dedicated public use (potentially for a Regional Public Library and Senior Center location). In addition, the application requests that all or a portion of the residential land area be permitted to develop as a Continuing Care Retirement Community (CCRC).

¹ All section references, unless otherwise noted, are to the Zoning Ordinance.

It is important to maintain this flexibility, with the current and growing interest and demand for CCRCs in Frederick County. With the range of levels of care that a CCRC might provide, including perhaps independent living, larger tracts of acreage may be required. Such acreage is sometimes only available within a larger PUD. To attract these uses, it is necessary to have an existing inventory of zoned land suitable for CCRC uses.

The aging population in Frederick County continues to drive demand and create opportunity for communities designed for an active-adult/maturing buyer. The requested rezoning seeks to add to the diversity of housing product available in this Community Growth Area.

The Project is ideal for the planned regional library as well as a senior center. The location affords excellent accessibility to the elementary and middle schools as well as the active adult community itself. Further, being directly adjacent to Lake Linganore Boulevard provides convenient accessibility for residents within the extended serviceable area. Finally, the library/senior center public uses as planned could potentially facilitate the County's preference for a fee simple "public use outlot" unencumbered by Homeowners Association covenants.

The plan reflects the vision of the Countywide Master Plan to build out the 'Town Center' with a diversity of housing, employment, commercial, institutional and public uses and to create a 'civic focal point' for the Linganore Community.

The General **(SECTION 1-19-3.110.4)** and Specific **(SECTION 1-19-10.500.3)** Planned Development approval criteria are outlined in the remainder of the Justification Statement along with proposed conditions of approval.

III. PROPERTY DESCRIPTION AND EXISTING SITE CONDITIONS

The Project is located within the northwest portion of what is commonly known as the Linganore Town Center. It is broadly defined as the area between Lake Linganore to the north, Yeagertown Road to the east, I-70 to the south, and Meadow Road to the west. The ‘Town Center’ as noted above is not to be confused with the specific ‘Village’ within the Lake Linganore PUD known as “Linganore Town Center”, but more so as the broad area that County Comprehensive Plan documents have referenced in the past. Specifically, the ±16.87 acres comprising the PUD Property is bounded on the northwest by Meadow Road and Lake Linganore/Eaglehead Drive; on the east by Linganore Town Center and Oakdale Village; and on the south by Oakdale Elementary and the Delauter Property (the “concurrent MXD request”).

The PUD Property is in agricultural crop use, with a resident farmhouse and a few accessory structures. A forested streamvalley buffer extends from Lake Linganore along the eastern site boundary to within the vicinity of the proposed Project entrance at a proposed roundabout along Lake Linganore Boulevard. A separate buffer extends into the Project creating a narrower land bay to the north of the property along Meadow Road. The Site is rolling, with topography generally falling from the west along Meadow Road to the east adjacent to the streamvalley.

As per Section 1-19-10.500.5 (A), the following existing site condition exhibits are included in this application.

1. The **Vicinity Map** (*Exhibit B*) delineates all property within 2,000 feet of the Site (Section 1-19-10.500.5(A)(1)).
2. A **Boundary Survey** is included as *Exhibit F* (Section 1-19-10.500.5(A)(2)).
3. The **Transportation Map** (*Exhibit C*) indicates the location of the Site with respect to local, collector, and arterial streets, existing easements and rights-of-way on or abutting the Site, all existing bicycle and pedestrian facilities,

and existing and planned transit facilities including routes and stops (Section 1-19-10.500.5(A)(3)).

4. The **Land Use Map** (*Exhibit B*) shows the type, location, acreage and density of all existing land uses within a distance of 500 feet from the Site, the general street location and circulation pattern, and existing zoning and comprehensive plan designations (Section 1-19-10.500.5(A)(4)).
5. An **Aerial Photograph** is included as *Exhibit B* (Section 1-19-10.500.5(A)(5)).
6. The **Environmental and Natural Features Map** (*Exhibit E*) shows the delineation of soil types, forests and wetlands on the Site (Section 1-19-10.500.5(A)(6)).
7. Sites as listed on the MD Inventory of Historic Properties per Section 1-19-10.500.5(A)(7)). The existing house on the Cromwell Farm was inventoried as part of F-5-18 Frederick County as part of a Maryland Historic Sites Inventory effort but were not recommended by Maryland Historic Trust for eligibility.

IV. CONCEPT PLAN

Section 1-19-10.500.5(B) requires the submission of a **Concept Plan** outlining the proposed development plan, including proposed land use areas and densities. A **Concept Land Use Plan** are included as *Exhibit A*. A **Building and Spaces Visualization** exhibit is included as *Exhibit D*, illustrating the anticipated typical building architecture, bulk and site design elements for the respective project uses.

The **Concept Plan** illustrates the general location, scale and massing of proposed buildings within the Project and how these uses will be integrated to interact with the overall town center. The overall PUD design concept presented in this application accomplishes several community objectives and public infrastructure needs.

From the I-70/Meadow Road Interchange the planned extension of Lake Linganore Boulevard through the Delauter Property (a separate but concurrent MXD application) forms the MXD land bays. Following Lake Linganore Boulevard to the north and east, the stream crossing provides a natural transition of the mixed-use employment to the PUD active adult residential uses being proposed in this application.

The PUD itself is planned to accommodate a diversity of housing types and price points. The concept anticipates higher density multi-family condo minimum and potentially multi-family affordable rental units, as well as a mix of single-family detached and single-family attached (villas). The exact mix, location and types of units will be determined at the preliminary/site plan phase. The active adult community will have primary access from Lake Linganore Boulevard at a planned intersection (Street A) with Neuville Street, which connects into Oakdale Village. It is likely the final design will include a roundabout. Anchored on the corner is a proposed dedication of ±4.0 acres for a public use site for a potential regional public library and senior center. A secondary access point (Street B) will be determined as part of the final site design but will likely be west of this primary intersection and community entry. Attendees at the Project's required community meeting on May 7, 2019 raised concern about additional

vehicles using Meadow Road. The current land planning of the site does not anticipate an access onto Meadow Road. Particularly, the topography of the site does not lend itself to provide a primary access point onto Meadow Road without significant disruptions to the development area. Alternatively, proposed 'Street C' would provide sufficient redundant access into the northernmost land area of the site. A private clubhouse amenity is planned, along with numerous opportunities for pathways and trails that will connect to the existing pedestrian network, including the potential for a publicly accessible connection from Meadow Road to the Lake Lingnaore Boulevard. The final siting of the clubhouse will be determined at Preliminary Plan and will balance the need to provide for it in a convenient, accessible location, but also in a manner in which it can be constructed early in the development program.

The extent of the streamvalley buffer extending into the Site affords the opportunity to integrate the interior open space with the larger perimeter buffer areas. The design will lend itself to permit a large number of dwelling units to be immediately adjacent to or within close proximity of some sort of open space, either specifically programmed, or areas that include more natural and passive space. It will also allow for the proposed amenities to take advantage of the vast open space in the final design and building siting.

V. LAND USE MIXTURE

The PUD Project contains residential, and institutional uses, all of which are permitted uses in the PUD District pursuant to Section 1-19-10.500.6 as described in **Table 1 PUD Land Use Summary** and outlines the overall parameters of the development program in terms of land area as shown on the **Concept Plan (Exhibit A)**.

Table 1 – PUD Proposed Land Use Summary

Land Use	Permitted	Proposed
Residential: 3-6 DU of Gross Project Acreage for LDR 160.87 ac. x 3 DU - 6 DU =	± 482-964 acreage varies	600 DU ± 104.4 ac.
Non Residential: ⁽¹⁾ <i>Commercial/Employment/<u>Institutional</u></i> <i>(i.e. public use site)</i> ⁽¹⁾ Determined at Phase 1: =	Varies	± 4.0 ac.
Open Space: 30% exclusive of floodplain: 160.87 ac. x 0.30 = Total	± 48.2 ac.	± 48.6 ac. min. <i>Not including internal pocket parks/greens</i>
The remaining acreage is within Major right of Way	N/A	± 3.8 ac.
Total		± 160.8 ac

Note 1: The requirement of additional commercial and employment land uses shall be determined based on an evaluation of the following factors:

- (1) Whether the number and type of existing or proposed commercial/employment land uses located within a distance that may be reasonably expected to serve a majority of the proposed residential dwelling units adequately provide retail, business, and personal services to the proposed residential land use. ***The proposed non-residential uses include a public library/senior center. While other retail and services are in close proximity, due to the proposed location of the uses, they will also serve the greater community and have easy access to/from the interstate.***
- (2) Whether the design of the proposed development maximizes use of alternate modes of transportation (pedestrian, bicycle, and transit) reducing the need for vehicular movement between residential and commercial/employment land uses. ***The location of the proposed uses along the primary access route, limit the number of additional trips a resident would take. In addition, its location along Lake Linganore Boulevard would likely be the primary transit route into the community. Bike and pedestrian facilities are also being planned along this corridor.***
- (3) Whether the proposed development reflects a land use mixture consistent with the County Comprehensive, Community, and Corridor Plans. ***The Comprehensive Plan includes the proposed properties within the designated Town Center, and as such anticipates a mix of uses that respond to market demands.***

Sidewalks and pathways will be included as part of the Lake Linganore Boulevard project. In addition, there appears to be an opportunity to enhance the open space green area that adjoins the school parcels and the proposed public library/senior center to include some type of linear trail or connections to enhance the pedestrian experience in this area.

Per Section 1-19-10.500.6(H) (*Design Requirements: density, setbacks, and height within the PUD District*), the Project will address the design requirements as follows:

1. *Density.* Gross density is established at Phase I and may not exceed the maximum based on the residential land use designation of the subject property.

<i>Low Density Residential (LDR)</i>	<i>3-6 du/ac</i>
<i>Medium Density Residential (MDR)</i>	<i>6-12 du/ac</i>
<i>High Density Residential (HDR)</i>	<i>12-20 du/ac</i>

As the property is designated LDR, the density range is 482-964, as proposed the density would be set at 600 dwelling units.

2. *Setbacks and height.* Setbacks and height shall be determined by the Planning Commission at Phase II consistent with the general development standards as provided in § [1-19-10.500.9](#). It is anticipated that the tallest structures would be the multi-family units that would accommodate 4-5 stories, heights similar to existing multi-family product located throughout the County and the Town Center.

VI. PROPOSED PHASING PLAN

Section 1-19-10.500.5(D) requires a phasing plan to be submitted with a PUD floating zone reclassification application that describes the timing and sequence for dedication of public lands and development of public facilities and utilities.

Water and sanitary sewer service will be provided through developer funded design and construction of water and sewer facilities consistent with Frederick County's "East County Water & Wastewater Master Plans". The property currently has a Water/Sewer Category of "Planned Service" (PS) as identified on the County's Water/Sewer Maps 78 & 79. The developer funded design and construction of the water and sanitary sewer infrastructure associated with the development of the Cromwell Property are regional improvements that will benefit other as well as provide redundancy to the regions water service

Sanitary Sewer Service

Based on preliminary engineering analysis, including the property location, topography, location of existing county sanitary sewer facilities as well as review of Frederick County's "East County Wastewater Master Plan", we anticipate approximately 50% of the proposed residential units and community recreation facility wastewater will drain south via developer constructed sewer facilities to the existing "Holly Hills" sanitary sewer interceptor. The balance of the property's wastewater will drain north via developer constructed sewer facilities to the existing "Lake Linganore" Interceptor 3.

The wastewater flows will be conveyed via the existing county sewer infrastructure to the Ballenger – McKinney Wastewater Treatment Facility.

Water Service

Based on preliminary engineering analysis, including review of Frederick County's "East County Water Master Plan" and location of the existing county water infrastructure, we

anticipate water service will be provided by the extension of the existing 12" trunk water main located to the east within the adjacent Langanore Town Center. With the opportunity for a second water connection to the south within the adjacent Oakdale Village Community. Water distribution mains will branch off the 12" trunk line to provide both domestic water service and fire flows for the residential units and anticipated community recreation facility.

Public Roadways

The public roadway infrastructure immediately serving the Site is Lake Langanore Boulevard. This will be phased construction extending from east to the west including the planned intersection with Neuville Street into Oakdale Village. Lake Langanore Boulevard improvements will then continue to be extended further westward through the MXD project and intersect with the improvements at the I-70/Meadow Road Interchange. The interchange improvements are currently moving forward. Phase 1 of the interchange which includes the ramp improvements to provide access to westbound I-70, and it is currently underway with completion in 2019. Phase 2 would include the off-ramp from I-70 headed eastbound. The design and engineering is also underway, however the construction would likely be 2-3 years out. The proximity to the interchange is also expected to limit or eliminate any need for other off-site transportation improvements when the APF is evaluated at the time of Preliminary Plan.

Public Use Sites

The proposed public use site (± 4.0 acres) will be dedicated as part of the initial plats for residential uses as part of the active adult PUD. The timing will be finalized at preliminary/site plan.

VII. REVIEW AND APPROVAL PROCEDURES

A. Pre-application conferences were held with the Division of Planning and Permitting on April 4th 2019. The Applicant also held meetings with the Public Library Staff on February 22nd 2019; Parks and Recreation Staff on March 25th 2019; and Department of Aging on March 25th 2019, as required by Section 1-19-10.500.4(A) to gain a better understanding of and consider any specific needs into the proposed concept.

B. A neighborhood meeting was held on May 7, 2019, as required by Section 1-19-10.500.4(B). A project website has been created www.cromwellactiveadult.com to continue to engage the community and provide updates on the proposal. A summary of the pre-application and community meetings are provided in the *Appendix/Supplemental documents Tab* of the Binder.

C. The PUD property is currently zoned Agricultural.

1. The PUD property is classified as Planned Service, as identified on the Frederick County Water and Sewerage Plan. (Section 1-19-10.500.4(C)(1)).

2. A concept plan (*land use plan and illustrative sketch*) graphically illustrating the Project is included as part of this Phase I application (Section 1-19-10.500.4(C)(2)).

VIII. GENERAL APPROVAL CRITERIA (SECTION 1-19-3.110.4)

An application for a PUD floating zone must address the following general approval criteria in accordance with Section 1-19-3.110.4 of the Zoning Ordinance:

1. *Consistency with the Comprehensive Plan.*

The PUD district is restricted to those areas that are designated Low, Medium or High Density Residential. The Cromwell PUD properties are located on land that is designated as Low Density Residential which generally permits 3-6 dwellings per acre. This has not changed with the approval of the Livable Frederick Master Plan (LFMP) (*e.g. Comprehensive Plan*).

The LFMP lays out a variety of growth sectors or opportunities. The Cromwell PUD is located in an area that has been designated as a “Retrofit District” on the approved Countywide Thematic Map. As defined, “Retrofit Districts” are intended to support and improve existing suburbs to make suburban communities stronger by reinvesting in them with infill development and redevelopment that creates more opportunities to walk, shop, work and recreate closer to home. With existing or proposed development surrounding on all sides of the Cromwell PUD, this project is consistent with this intended approach to growth as defined in the LFMP.

This Plan proposes the build out of the Town Center as envisioned in the Countywide Comprehensive Plan. The proposal to include a public use site for a potential library/senior center will serve as a civic focal point of the community. It draws upon the existing public uses and will benefit from the proposed active adult community. The viability of MD 144/Old National Pike will be enhanced with the completion of Lake Linganore Boulevard. Lake Linganore Boulevard will relieve the historic road by providing capacity with this master planned road to access the regional road network via I-70. Further, the proposed PUD rezoning plan supports the following goals and initiatives (i.e. Supporting Initiatives, SI) of the Master Plan, including but not limited to:

SI #2 Mixed Use Density - Support policies and capital expenditures that result in the creation and enhancement of central public places within growth areas through the centralization and concentration of public community facilities, mixed land uses, and private development

SI #7 Mixed Use Density - Prioritize development - especially infill development and redevelopment - that maximizes the use of, or extension of, existing infrastructure systems while minimizing the creation of new infrastructure and loss of existing natural resources.

SI #5 – Interconnectivity - Consider stream corridors within Community Growth Areas for development as public linear parks to allow for greenway/trail linkages both within and between these areas.

SI #6 Conflict Mitigation - Continue to cooperate with the State of Maryland, The City of Frederick, and other local municipalities on planning and implementing the transportation network.

SI #6 Capacity Expansion - Pursue the shared use of existing and proposed publicly and privately owned utility right-of-ways for the purposes of establishing shared use path facilities

SI #7 Capacity Expansion - Ensure commercial and residential development constructs shared-use paths and on-street bikeways designated in county non-motorized transportation plans that pass through or are adjacent to their proposed development site.

SI #3 Optimization - Support standardized designs to accommodate additions, support colocation, and reduce design and construction costs in county facilities where appropriate

SI #4 Housing Options – Seek developer assistance in creating a marketplace conducive to housing types other than just single-family detached dwellings.

SI #1 Affordability – Expand public and private development efforts across the county to create housing that is affordable to working households earning low to moderate incomes

SI #1 Streetscape – Promote the design of communities that employ housing types that create walkable street frontages

SI #1 Active Living – Promote community design that encourages physical activity by providing walkable, interconnected streets where multiple modes of

transportation are available and where non-motorized modes of travel are emphasized.

SI #1 Accessibility – Promote the adoption of universal design standards to allow accessibility in residences and neighborhoods.

SI #1 Adult Learning - Expand public and private adult learning opportunities in the creative arts.

SI #1 Community Design - Focus on development patterns that create multi-modal accessibility supportive environments composed of walking, biking, transit, as well as driving.

SI #3 Community Design - Support the development of communities that are mixed use and higher density, where the distance between origins and destinations is compressed, thus allowing access by means other than automobiles.

SI #3 Green Space – Combine accessible passive green space with stormwater management and natural resource areas in new and existing developments in the county.

SI #3 Green Space - Increase the development of community gardens within new and existing communities to increase access to green environments.

SI #1 Neighborhoods and Place - Create places that are compact, mixed use, and walkable that afford social interaction and support safety and human comfort.

SI #1 Housing - Ensure that residential development occurs in county designated growth areas with minimal harm to the environment and adequate water, sewer, transportation choices, schools, and other county infrastructure needed to support a high quality of life.

SI #9 Educational Facilities - Support and expand opportunities for shared community space and uses at county-owned schools, libraries and other buildings to maximize the investment in public infrastructure and to expand the range of resources available.

SI #4 Environmental Supportive Design - Preserve natural resources during the development process.

SI #8 Transportation – Incentivize development of communities where residents can walk to shops, dental and doctor's offices, and general services.

Further with respect to Community Facilities as described in the Master Plan, the PUD Application supports the following principles.

- **Community facilities should** be located within Community Growth Areas where infrastructure is available (water and sewer facilities, roads, sidewalks, and public transit);
- **Community facilities should** be located within Community Growth Areas where the greatest population is concentrated to maximize pedestrian, bicycle and transit access to the facilities;
- **Community facilities should** support the joint use of buildings and sites to consolidate services and better serve the surrounding community;
- **Development proposals should** incorporate into the plans and contribute to the construction of community facilities as identified in County Plans.

Together, these goals, initiatives and policies of the Comprehensive Master Plan as well as the objectives of the PUD district can be met by development of the Project in the manner shown on the **Concept Plan** submitted with this application. The development program and design concepts will promote an active adult community that will be seamlessly integrated into the overall Town Center and provide the opportunity for a mix of employment, commercial and uses, linked by a pedestrian oriented circulation network, and efficiently served by public services and facilities which will be enhanced by the **inclusion of a public use site that will be a civic focal point of the community.**

2. *Availability of Public Facilities.*

The infrastructure needed to make the public facilities adequate to serve the Project are already located in and around the subject sites, and can and will be made adequate to serve the proposed PUD. The proximity of the Project to the regional roadway network and the Project's contribution to the completion of the master planned network (Lake Linganore Boulevard) not only benefit the Project itself, but **provide an enhanced public benefit for the remainder of the community.** The specific timing of any improvements or payments required to mitigate any inadequacy will be phased under an Adequate Public Facilities – Letter of Understanding (APFO-LOU) at the time of preliminary/site plan.

a. Schools

As the residential component of the Project is proposed as an age-restricted active adult community, no impact on public schools will be experienced.

b. Fire and Rescue and Police Services

Based upon meetings with County Staff, no additional fire and rescue or police facilities are needed in this area to serve the Project. The Project is served by the Frederick County Sheriff's Office and MD State Police. The Spring Ridge Fire Station is located approximately 1¼ mile from the Site. The New Market Fire Station is approximately 3 miles to the east, and a planned fire station is proposed for north of Lake Linganore along Gas House Pike.

c. Libraries

A Regional Public Library has been long planned for the Town Center. While there is currently a place holder in the Linganore Town Center Shopping Center for a potential library site, this plan proposes to donate a public use site for a library (and potentially joint use senior center). This site would be able to be delivered as a stand-alone parcel, where the County would not be subject to any HOA or other community covenants. It would be adjacent to the Oakdale Elementary School and situated along Lake Linganore Boulevard extended with excellent accessibility for the greater community and the overall service area.

d. Parks and Recreation Facilities

Old National Pike District Park is located 5 miles to the east of the Site. Three schools with recreational facilities are within walking distance including Oakdale Elementary school which currently utilizes the 'Park-School' concept for parks and recreation programs and camps. Based on discussions with County Parks and Recreation staff no additional public park land is necessary from the proposed developments. The staff did encourage that at the time of preliminary/final site plan, that as many bike and pedestrian type trails and connections be made particularly to link to the existing public uses within the Town Center.

e. Water and Sewer:

Water and sanitary sewer service will be provided through developer funded design and construction of water and sewer facilities consistent with Frederick County's "East County Water & Wastewater Master Plans". The property currently has a Water/Sewer Category of "Planned Service" (PS) as identified on the County's Water/Sewer Maps 78 & 79. The developer funded design and construction of the water and sanitary sewer infrastructure associated with the development of the Cromwell Property are regional improvements that will benefit other as well as provide redundancy to the regions water service

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3. *Adequacy of Existing and Future Transportation Systems.*

The subject properties are within ¼ mile of the I-70/Meadow Road interchange. This Project facilitates the completion of (and access from) the Lake Linganore Boulevard a Master Planned roadway connecting the Town Center and Eaglehead Drive to the interchange. Existing improvements to the I-70/Meadow Road Interchange are under final design, with planned construction over the next 1-3 years.

The transportation system is or will be made adequate, with any final local improvements identified as part of the Adequate Public Facilities approval.

4. *Compatibility with Existing and Proposed Developments.*

The Project is located within an area that has been long planned for employment and residential development. The Project is in close proximity to Oakdale Village, and Lake Linganore PUD/Linganore Town Center, and as evidenced on **The Concept Plan Illustrative**. The Applicant has planned and designed the Project as a fully integrated community. The Concept Plan illustrates the general location, scale and massing of proposed buildings within the Project and how these uses will be integrated through a comprehensive pedestrian and vehicular circulation network. The overall design

concept presented in this application accomplishes several key planning objectives, expanding upon and enhancing the overall community fabric of the Town Center in concert with the existing and proposed developments.

5. *Population Change.*

The additional population change expected from this PUD would yield:

- Cromwell 600 age-restricted du's x pph = range of 924-1,260 persons
(2.1 pph active adult based on 2009 Met Life Mature Market Institute 'Trends and Insights/Housing for the 55+ Market Report') = 600 du x 2.1 pph = 1,260 persons
(1.54 pph age restricted housing based on '2019 TischlerBise Cost of Land Use Fiscal Impacts prepared for City of Frederick & Frederick County MD') = 600 du x 1.54 pph = 924 persons

6. *The Timing of Development and Facilities.*

The anticipated schedule for development of the Project is for the PUD Phase I review and approvals to occur during 2019. The Phase II review & approval (Preliminary/Final Site Plan) would occur in 2020, dependent on market demand/conditions. Detailed site planning and engineering/improvement plan approvals are anticipated in the latter parts of 2020, with initial site development and possible recordation of final plats expected beginning in the late part of 2020 through 2021. The public use library/senior center will be dictated by the County Capital Improvement Program (CIP) process and the its funding priorities.

IX. PDD APPROVAL CRITERIA (SECTION 1-19-10.500.3)

An application for the PUD floating zone must address the following specific approval criteria in accordance with Section 1-19-10.500.3:

(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 Project will create an integrated, efficient and pedestrian oriented community where citizens can live, work, shop, recreate and be active in civic opportunities. Public facilities exist, will be extended from the existing developments or will be provided by the Project to serve the immediate Town Center and the greater community.

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

The Project is not within an area where a specific community or corridor plan has been developed. Nonetheless, the proposed building design and siting are consistent with the goals and policies of the Countywide Plan, employing compact mixed use elements, providing a variety of housing choices, and integrated into a walkable community that preserves its natural resources.

(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 Project will integrate seamlessly with the existing Linganore Town Center PUD, the Oakdale MXD and the public institutional uses existing in terms of site design, building architecture, and landscaping elements. As evidenced on the

Concept Plan, the overall design is in conformance with the General Plan for the Town Center in prior Countywide and Regional Comprehensive Plans. *(See Comparative Graphic on Exhibit C LTC Concept Plan from Countywide Comp Plan)*

(D) The proposed development provides a safe and efficient arrangement of land uses, buildings, infrastructure, and transportation circulation systems.

The design of the Project will provide a safe and efficient arrangement of uses, buildings, infrastructure and transportation circulation systems. Pedestrian connections between the various uses within the Project and to adjoining uses provide a safe and efficient circulation system. The street network, will be designed with limited dead-end street segments, and provide convenient & efficient accessibility options for all users.

(E) The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area.

As evidenced throughout this document, the completion of the Lake Linganore Boulevard a Master Planned roadway is accommodated by the development of the proposed Project. The subject property is within ¼ mile of the I-70/Meadow Road interchange. This Project facilitates the completion of (and access from) the Lake Linganore Boulevard a Master Planned roadway connecting the Town Center and Eaglehead Drive to the interchange. Existing improvements to the I-70/Meadow Road Interchange are under final design, with planned construction over the next 1-3 years.

Project capacity has been included in the regional transportation demand model used for the interchange improvement analysis; no impacts to on-street parking is anticipated; access will be provided by safe and efficient intersections with Lake Linganore Boulevard extension; and separate pedestrian facilities along this new roadway.

The transportation system is or will be made adequate, with any final local improvements identified as part of the Adequate Public Facilities approval.

(F) The proposed development provides design and building placement that optimizes walking, biking and use of public transit.

As illustrated on the Concept Sketch Plan, the design and placement of buildings along the proposed street network provides optimal walking, biking and transit options for the residents, workers and visitors. The proposed extension of the sidewalk and trail network will be integrated into the existing community and link key recreational nodes including the public schools and planned public use site (library/senior center) and commercial/employment areas.

(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.

The Project is served by the Frederick County Sheriff's Office and MD State Police. The Spring Ridge Fire Station is located approximately 1¼ mile from the Site. The New Market Fire Station is approximately 3 miles to the east, and a planned fire station is proposed for north of Lake Linganore along Gas House Pike.

(H) Natural features of the Site have been adequately considered and utilized in the design of the proposed development.

The design of the Project fully integrates and utilizes natural features of the Site into the overall design. The extent of the trail networks and recreational and open space amenities are planned around the existing streamvalleys. These streamvalleys will be protected via buffers and enhanced with native plantings via forest conservation as well as utilized for appropriate stormwater management facilities. In addition, as Lake Linganore Boulevard crosses a stream, staff and the developer are evaluating a

number of alternatives to minimize the impacts through appropriate modifications of the road design.

- (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 Project is not within an area where a specific community or corridor plan has been developed. As evidenced throughout this document the proposed rezoning furthers and is not contrary to the Countywide Comprehensive Plan. The mix of land uses has been anticipated in the current and prior planning efforts. Lastly, three key initiatives in this specific planning region are supported and furthered by this request including:

- *Support the build out of the Linganore PUD and the development of the Town Center to create a civic focal area for the Linganore community,*
- *How to facilitate improvements to the I-70/meadow road Interchange, and*
- *Consider viability of MD 144/Old National Pike as an arterial connection and how to maintain its designation as the Historic National Scenic Byway.*

And as more fully described beginning on page 12, (*Section VIII. GENERAL APPROVAL CRITERIA*) of this justification statement.

- (J) *Planned developments shall be served adequately by public facilities and services.*

As more fully evidenced above, the infrastructure needed to make the public facilities adequate to serve the Project are already located in and around the subject sites, and can and will be made adequate to serve the proposed revisions to the PUD as required per the County's APFO.

X. SPECIFIC DEVELOPMENT STANDARDS WITHIN THE PLANNED DEVELOPMENT DISTRICTS (SECTION 1-19-10.500.10)

Per Section 1-19-10.500.10 (B), If any development or portion thereof requests designation as an age-restricted community for the purpose of being exempt from the Adequate Public Facilities Ordinance (APFO) schools test under § [1-20-7\(E\)](#), this request must be made as part of the Applicant's Phase I application, indicating the number and location of the proposed age-restricted dwelling units. This application is requesting the PUD to be designated as an active adult/age-restricted community as described above.

The Planning Commission and the County Council, in their respective reviews of the proposed development, shall consider the following criteria to determine whether the Project or portion thereof may be approved for designation as an age restricted community:

- (1) Active and passive recreational amenities.

The active adult community will have its own program of active and passive amenities including walking trails and paths; a multi-purpose clubhouse with fitness center and pool; and additional active amenities. The final program of amenities will be determined as part of the final site development plan approval in accordance with County regulations.

Per § 1-20-7 (F)(5)(b) the construction and development of the Project must include a full program of amenities and other activities for older persons. At a minimum, the amenities must include:

- (a) A trail system, walking paths, and sidewalks for pedestrian accessibility;*
- (b) A clubhouse/multi-purpose building(s) or equivalent space sized at 20 square feet for every dwelling unit. A minimum of 1,500 sq. ft. must be provided. The maximum square footage required shall be 20,000 square feet;*

The final development program may very well include enough amenity area as required per Code. However, due to the nature and proximity of certain enhanced public uses being proposed/proffered (*in the form of a desired site that can accommodate a library/senior center*) with this application, the Applicant is requesting a condition regarding a partial credit of the required

amenity. In conjunction with § 1-20-7 (F)(6) the Planning Commission may grant modifications to those requirements (among others) considering and due to a number of circumstances including ‘*conditions of the development*’, or ‘*because of the nature of adjacent developments*’. To that end, we propose the following condition of the development at the time of Phase 1 Rezoning to read:

“Due to the nature of the proposed and adjacent developments including the proposal to donate a ±4.0 acre site for the potential use for a library/senior center immediately adjoining the Project, the Planning Commission shall consider this condition of development and may reduce the strict compliance of the square footage required for the clubhouse/multi-purpose or other equivalent space as required in 1-20-7 (F)(5)(b).”

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

A few support services are already existing particularly within the greater community. However, with the ongoing planned build out of the Linganore Town Center, combined with the addition of the MXD application that is being made concurrent to this application, more proximate support retail, commercial and employment services will be accommodated. These areas will build-out as the market demands and due to their zoning, the properties will be afforded the flexibility to address a variety of community needs in a more, timely manner.

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

Based on the best available data, the County’s current pipeline of development indicates a limited amount of age-restricted development approvals throughout the County. In the north, in Emmitsburg a conversion of 43 apartments in Seton Village was approved a couple years ago. The largest addition to the active adult housing supply is within the City of Frederick where the Bloomfields project was approved for up to 1,500 dwellings last year. Also in the City, Homewood

Retirement Community provides the continuing care of uses and includes some independent uses; additionally, a 100 unit Motter Square Project is under review. Two-hundred units in Ballenger Run are eligible for active-adult/assisted living type uses. In Urbana the Woodlands at Urbana recently received its preliminary plan approval for 566 units and is currently going through final improvement plans with mass grading, and initial construction already begun. Within closer proximity to the subject Site, Hamptons East in Lake Langanore is approved with the option to be age-restricted or all age and includes up to 435 approved units.

XI. REZONING CONDITIONS

The Applicant proposes the following conditions be placed on approval of the amendment to **PUD zoning request** for the Project:

- 1. THE PUD PROJECT SHALL BE PERMITTED TO DEVELOP UP TO 600 AGE-RESTRICTED DWELLING UNITS.**
- 2. SOME, OR ALL OF THE PROPOSED RESIDENTIAL LAND USE AREA FOR THE AGE-RESTRICTED DWELLINGS MAY BE DEVELOPED AS A CONTINUING CARE RETIREMENT FACILITY (CCRC). IF DEVELOPED AS CCRC, NURSING HOME/ASSISTED/INDEPENDENT LIVING FACILITY, THE NUMBER OF UNITS/BEDS WILL BE DETERMINED AS PART OF THE SITE DEVELOPMENT PLAN, AND NOT SUBJECT TO THE UNIT CAP ESTABLISHED IN CONDITION #1 AS IT IS AN INSTITUTIONAL USE.**
- 3. DUE TO THE NATURE OF THE PROPOSED AND ADJACENT DEVELOPMENTS INCLUDING THE PROPOSAL TO DONATE A ±4.0 ACRE SITE FOR THE POTENTIAL USE FOR A LIBRARY/SENIOR CENTER AS PART OF THE PROJECT, THE PLANNING COMMISSION MAY CONSIDER THIS CONDITION OF DEVELOPMENT AND REDUCE THE STRICT COMPLIANCE OF 'THE SQUARE FOOTAGE REQUIRED FOR THE CLUBHOUSE/MULTI-PURPOSE OR OTHER EQUIVALENT SPACE' AS REQUIRED IN 1-20-7 (F)(5)(B) ACCORDINGLY.**

XII. CONCLUSION

For the reasons set forth herein above, the Applicant respectfully requests approval for this zoning map pursuant to Sections 1-19-3.110.1 through 1-19-3.110.6, and Sections 1-19-10.500.1 through 1-19-10.500.8, of the Zoning Ordinance. As evidenced in this Justification Statement, the rezoning is consistent with the Comprehensive Plan, the Zoning Ordinance, and the general purpose and intent of the Rezoning Approvals.