

# JUSTIFICATION STATEMENT FOR Delauter - Hutzell MXD 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”)<sup>1</sup>

The Applicants (more fully described below) request the County Council’s consideration and approval of a MXD Application for a Phase I MXD Concept Plan for the Delauter Property and Hutzell Property (both defined herein) (the “Project”). The ± 26.859 acre Delauter site is under the ownership of Roger U. Delauter Jr., Sharyn Delauter Michael and Patricia Delauter O’Toole and includes TM 78 P14 (the “Delauter Property”). The ± 0.727 acre Hutzell site, is owned by Hutzell Investments LLC, and includes TM 78 P 384 (the “Hutzell Property”). Together referred to herein as the “MXD Property” and comprise ± 27.60 acres.

## II. SUMMARY OF REZONING REQUESTS

Collectively, the Project includes ± 17.5 acres of potential employment/commercial land, excluding open space and right-of-way dedication. The final alignment of the Lake Linganore Boulevard directly affects the ultimate land bay configuration and will certainly influence the users that could be accommodated. In an effort to maintain flexibility, the land uses proposed may include employment, commercial, institutional or a combination thereof, in keeping with the limitations as set forth in Section 1-19-10.500.7. As an aside, a residential use exists on the ± 0.727 acre lot at the corner of Meadow Road and Old National Pike (Hutzell Property), it is expected that this residential use will continue until such time as a non-residential use would be established as part of redevelopment.

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<sup>1</sup> All section references, unless otherwise noted, are to the Zoning Ordinance.

This approach is consistent within the MXD regarding responding to market conditions. Wherein Section 1-19-10.500.1 “Purpose and Intent”. Subsection (H), provides that the floating zones are to *“Provide development flexibility to respond to market demands”*.

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 MXD Property is located at the intersection of the Meadow Road/I-70 Interchange and the proposed extension of Lake Linganore Boulevard. It is bounded by the Rippeon Property to the north and the Cromwell Property (“concurrent PUD application”) to the northeast; Oakdale Elementary and Middle Schools to the east; and Old National Pike to the South. The MXD Property is currently agricultural crop use, however it is bisected by a streamvalley buffer that creates a small residentially used land bay (although unoccupied for a period of time) along Old National Pike that currently includes a house, a springhouse, a bank barn, and garage/carport, some of it overgrown with a stream that leads into a farm pond. The Hutzell Property is less than an acre in size and includes an occupied residential home and some accessory structures, with access directly onto Meadow Road.

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 E* (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 D*) 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)). On the Delauter Property what was known as the Cordelia Dorsey House was inventoried as part of F-5-55 by Frederick County as part of a Maryland Historic Sites Inventory effort, but was not recommended by Maryland Historical 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 and Building and Spaces Visualization** exhibit is included as *Exhibit A*, illustrating the anticipated typical building architecture, bulk and site design elements for the respective project uses.

From the I-70/Meadow Road Interchange the MXD overlay will allow the greatest flexibility of employment/commercial and institutional uses to locate nearest to the interchange. This will accommodate both the needs of the immediate Town Center as well as the greater community including Spring Ridge and Bartonsville, among others. Following Lake Linganore Boulevard to the north and east, the stream crossing provides a natural transition of the mixed-use employment to the Linganore Community and the active adult residential use being proposed in a separate but concurrent PUD application.

The MXD employment/commercial opportunities would range from general office/commercial and flex-space uses to smaller professional business, including medical offices. It is anticipated that the employment/commercial uses will be in the form of single-story & two-story flex spaces, as the market dictates. This land bay also has a significant environmental feature that will naturally buffer it from the institutional uses to the east, and provide the opportunity for passive pedestrian connections to link to the Town Center.

**V. LAND USE MIXTURE**

The Land Use Mixture as set forth in Section 1-19-10.500.7 for the MXD is as follows:

**Table 1 – MXD Land Use Mix Determination** provides a breakdown of the proposed land uses and anticipated development yields within the various land bays comprising the Project. (Section 1-19-10.500.7(B)).

<b>Land Use</b>	<b>Permitted</b>	<b>Shown</b>
<b>Residential:</b> 25% of Gross Project Acreage – Floodplain: ac. – ac. FP = x 0.25 =	<b>N/A</b>	<b>± 0 ac.</b>
<b>Commercial: (where project includes no residential)</b> 45% of Gross Project Acreage - Floodplain: 27.59 ac. – 0 ac.= x 0.45 =	<b>± 12.4 ac.</b>	<b>± 12.4 ac.</b>
<b>Combined Residential &amp; Commercial:</b> <u>Lesser of:</u> 40% of Gross Project Acreage: ac. x 0.4 = 50% of Gross Project Acreage – Floodplain: ac. – FP = ± x 0.5 =	<b>N/A</b>	<b>N/A</b>
<b>Employment/Institutional/Civic:</b> --	<b>No Limit</b>	<b>± 5.1 ac.</b>
<b>Open Space:</b> 30% of Residential Acreage: ac. x 0.30 = ± ac. Plus: 20% of Comm./Emp. & Institutional Acreage: 17.5 ac. x 0.2 =.	<b>N/A</b>	<b>N/A</b>
<b>Master Planned Right-of-Way:</b>	<b>N/A</b>	<b>± 2.10</b>
<b>Total</b>		<b>± 27.6 ac</b>

	Employment/ Institutional/Civic	Commercial	Right of Way	Recreation/ Open Space	Land Bay Area Total
Land Bay / Parcel	Acreage / Yield	Acreage / Yield	Acreage du/ac	Acreage	Acreage
<b>MXD</b>	<b>± 5.1 ac.</b>	<b>±12.4 ac.</b>	<b>±2.10 ac.</b>	<b>± 8 ac.</b>	<b>± 27.60 ac.</b>
Percent Land Use Mix (Gross Area)	<b>± 18.5 %</b>	<b>± 45 %</b>	<b>± 6 %</b>	<b>± 30 %</b>	<b>--</b>

The land use mix provisions of the MXD floating zone permit both commercial and residential land uses. This MXD request does not propose any residential uses therefore the maximum percentage of commercial is permitted to be 45% of gross project acreage exclusive of floodplain, the remainder would be permitted to be employment and institutional uses.

The **MXD Concept Plan** identifies ± 12.4 acres, or around 45% of the total ± 27.60 acres of MXD, for commercial. Due to the overall size limitation and the constraints on the ultimate useable land bay including the final alignment of Lake Linganore Boulevard and the extent of the streambuffer, this plan proposes to allow the final location of the commercial components to be determined at preliminary/site plan, but maintains any land use percentage maximums as required per code.

Open space areas within the MXD must consist of *no less than thirty 30% of the total area devoted to residential uses and 20% of the total area devoted to commercial and employment/industrial uses.* As the Concept is only proposing employment/commercial uses, the 20% threshold will be required, which equates to roughly ± 3.5 acres of open space. However as stated previously a residential use exists on ±.72 acre lot adjacent to Meadow Road, and allowed to continue until such time a non-residential use would redevelop the site. The plan includes sufficient open space to also maintain this existing residential use.

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 1-19-10.500.7(F) (*Design Requirements: density, setbacks, and height within the MXD District*), the Project will address the design requirements as follows:

1. *Density.* Gross density is established at Phase I. No residential density is being proposed for the MXD Plan. The overall employment/commercial density will be limited to the  $\pm 17.5$  acres (*net developable is less considering right-of-way, utilities, stormwater etc...*) designated on the Concept Plan. The total square footage will ultimately be a result of the future uses, their parking needs and other site constraints. For reference purposes, a range of .15-.25 floor area ratio (FAR) would likely yield  $\pm 80K$ -125K sq. ft. of total floor area.
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](#).



## **VI. PROPOSED PHASING PLAN**

Section 1-19-10.500.5(D) requires a phasing plan to be submitted with a MXD floating zone reclassification application that describes the timing and sequence for dedication of public lands and development of public facilities and utilities including public road and water & sanitary sewer service.

Public water and sewer service will be provided by developer funded extensions of the existing 12" sanitary sewer located on the property and water service is anticipated to be provided by the extension of the existing 12" water line located just east within the Oakdale Village Community and the existing 12" water line just south in Old National Pike. Water and Sewer Service are required prior to any building permits.

Depending on the final road alignment, the MXD property could accommodate uses prior to Lake Langanore Boulevard being completed as the property has direct frontage on Meadow Road. The proximity to the interchange is also expected to limit or eliminate any need for other off-site transportation improvements when the Adequate Public Facilities ("APF") is evaluated at the time of Preliminary/Final Site Plan.

The public roadway infrastructure immediately serving the site is Lake Langanore Boulevard. Lake Langanore Boulevard improvements will continue to be extended 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 under final engineering with anticipated construction 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 1-3 years out.

The proximity to the interchange is also expected to limit or eliminate any need for other off-site transportation improvements when the Adequate Public Facilities is evaluated at the time of Preliminary Plan.

## VII. REVIEW AND APPROVAL PROCEDURES

A. Pre-application conferences were held with the Division of Planning and Permitting on April 4<sup>th</sup> 2019. The Applicant also held meetings with the Public Library Staff on February 22<sup>nd</sup> 2019; Parks and Recreation Staff on March 25<sup>th</sup> 2019; and Department of Aging on March 25<sup>th</sup> 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 summary of the pre-application and community meetings are provided in the *Appendix/Supplemental Documents Tab* of the Binder.

C. The MXD properties are currently zoned ORI.

1. A portion of the MXD is classified as W-1 Dev / S-1 Dev, with the remainder as W-5 Dev / S-5 Dev, 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 building spaces*) graphically illustrating the Project is included as part of this Phase I application (Section 1-19-10.500.4(C)(2)).



**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 #7 Supply** - Work with the State Highway Administration (SHA), the Maryland Transit Administration (MTA), local transit, municipalities, and surrounding jurisdictions to prioritize funding for those capital projects that remedy existing deficiencies.

**SI #1 Conflict Mitigation** - Improve safety, flow, and efficiency along roadways by employing access-management and transportation system management principles.

**SI #5 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 #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 #1 Adaptability** – Support the ability of our local economy to easily rebound and adapt to changing economic conditions by encouraging and supporting a diversity of industries in Frederick County.

**SI #1 Business Location** - Ensure the availability of a diverse inventory of appropriate potential business locations to meet the demands of a growing and diverse business community.

**SI # 2 Business Location** - Prioritize infill development and redevelopment within designated business growth areas, commercial corridors, and existing business communities to maximize investment in public infrastructure.

**SI # 3 Business Location** - Ensure that the County's land use and zoning ordinances allow adequate flexibility to adapt to changing commercial and industrial needs for existing and emerging businesses.

**SI #1 Business Support** – Support mixed-use commercial facilities that offer affordable options to small business owners.

**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.

Together, the goals and initiatives of the Comprehensive Maser Plan as well as the objectives of the MXD districts can be met by development of the Project in the manner shown on the **Concept Plan** submitted with this application. The development program will provide the opportunity for a mix of employment, commercial and uses, linked by a pedestrian oriented circulation network.

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 MXD. 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 a non-residential project, 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 Shopping Center for a potential library site, the concurrent PUD rezoning plan proposes to donate a public use site for a library (and potentially joint use senior center). It is proposed to 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.

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". A portion of the MXD currently has a Water – Sewer Classification of W-1Dev/S-1 Dev with the remainder as identified as W-5 Dev/S-5 Dev as identified on the County's Water/Sewer Plan Map 78. The developer funded design and construction of the water and sanitary sewer infrastructure associated with the development of the Delauter - Hutzell 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 sewer service for the proposed MXD will be provide by the extension of the existing 12" sewer main located within the southern part of the property. 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 either the adjacent Linganore Town Center or Oakdale Village Community or connecting to the existing 12" water main located at the southern property along Old National Pike. 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.

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

The subject properties are located at the intersection 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 the Oakdale Villages, and Lake Linganore PUD/Linganore Town Center, and as evidenced in **The Concept Plan**. 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 and in concert with the existing and proposed developments.

5. *Population Change.*

As a non-residential use, there is no expected changes to the population from this request:

6. *The Timing of Development and Facilities.*

The anticipated schedule for development of the Project is for the MXD Phase I review and approvals to occur during 2019. The Phase II reviews and approvals (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 construction of commercial/employment uses will be dictated by market and user needs.



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

An application for the MXD 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 and efficient community that meets the citizens' employment and commercial needs. Public facilities exist, and will be extended from 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, and consistent with other commercial and employment uses existing or proposed within the area, and the current County Code.

*(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. Existing improvements to the I-70/Meadow Road Interchange are moving forward and will be enhanced by the subject properties coming online.

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.

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

The Commercial/Employment area will provide accommodate walking, biking and transit options for the residents, workers and consumers. A proposed extension of the sidewalk and trail network will be part of the Lake Linganore Boulevard project linking the existing and proposed residential areas with the non-residential 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. In addition, the MXD zoning would permit additional private medical services to serve the community.

*(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 Applicant 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 11, (*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 MXD as required per the County's APFO.

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

- 1. THE MXD SHALL BE PERMITTED TO DEVELOP AND UTILIZE UP TO 45% OF THE LAND USE AS COMMERCIAL AS PERMITTED UNDER SECTION 1-19-10.500.7(A).**

## **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.