

**KNOWLEDGE FARMS
MIXED USE DEVELOPMENT (MXD)
REZONING APPLICATION
AMENDED AND RESTATED JUSTIFICATION STATEMENT**

Knowledge Farms Partners, LLC (“Applicant”) hereby submits this Amended and Restated Justification Statement in support of its request for rezoning the +/- 34.64 acres located at 3280 Urbana Pike, across from Campus Drive, in Urbana, Maryland (Tax ID # 07-201664) (the “Property”) from Office Research Industrial (ORI) to Mixed Use Development (MXD). The subject property is fronted by Urbana Pike on the eastern border and by The Woodlands of Urbana (500+ unit active adult community) along the western border. The requested rezoning will facilitate an intended plan that incorporates the existing 36,000 square foot medical office building, with a mixture of age-restricted senior housing (including age 55+ active adult senior living, and continuing care, which can include assisted living, independent living, and memory care), and other complimentary commercial uses and open space (the “Project”) on the Property.

Below are the applicable criteria requiring written justification, quoted from the Frederick County Zoning Ordinance in bold typeface, with responses.

This Amended and Restated Justification Statement is in support of all of the application materials submitted, including all plans, maps and exhibits, and specifically including the Concept Use Plan MXD Phase 1 Application and attached Land Use Mix Table.

§ 1-19-10.500.2. SIZE AND LOCATION.

(B) The MXD District may only be established where the tract of land receiving the MXD District has a County Comprehensive Plan Land Use designation of Mixed Use Development, Office Research Industrial, or Limited Industrial except as provided in § 1-19-10.500.2(D) below.

RESPONSE: The Property has a County Comprehensive Plan Land Use designation of Office Research Industrial. The Livable Frederick Master Plan (“LFMP”) designates the Property in the Urbana County Growth Area/Secondary Growth Sector (LFMP at 40), along the Interstate Corridor (*Id.* at 45). The Interstate Corridor is:

a corridor for growth and development along Interstate 270 leading from central Frederick City, through Ballenger Creek Community Growth Area and continuing along I-270 through the Urbana Community Growth Area and terminating at the northern edge of Hyattstown . . . This corridor emphasizes

transit-oriented, mixed-use development to be served by a practical and affordable transit line (e.g., Bus Rapid Transit, Transitway) . . . that parallels Interstate 270 and takes advantage of public and private infrastructure improvements extended to the Urbana Community Growth Area in recent decades. Additionally, the Interstate Corridor will continue to capitalize on significant access to regional employment centers by supporting policies that facilitate the development of this area as a prime employment corridor enhanced by livable, mixed-use neighborhoods between the City of Frederick and northern Montgomery County. (Emphasis added).

Therefore, as discussed more fully herein, the proposed mixture of residential and commercial/employment land uses to be provided in the Project is consistent with the applicable designations in the LFMP.

(C) The Planned Development Districts may only be established where the tract of land receiving the Planned Development District has a category of Planned Service or higher as shown on the Frederick County Water and Sewerage Plan.

RESPONSE: The Property has a W-5 DEV category for water and an S-4 DEV category for sewer on the Frederick County Water and Sewerage Plan. Access to the existing public water and sewer line mains exist via reciprocal easements with adjacent property owners.

§ 1-19-10.500.3. APPROVAL CRITERIA.

The County Council may approve or disapprove a request for rezoning of property to a Planned Development District if persuaded that granting the request is appropriate and serves the public interest. The approval or disapproval of a request for the application will be determined through evaluation of several criteria to establish whether the proposed project meets the purpose and intent of the zoning district. In addition to the requirements in § 1-19-3.110.4, the Planning Commission and County Council must find that the project adequately addresses the following criteria:

(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;

RESPONSE: The Project will incorporate an efficient arrangement of the residential, commercial and open space uses, generally oriented to optimize vehicular and pedestrian movement throughout the Project and the surrounding area. The

attached Concept Plan exhibit shows the general progress from commercial to residential, though the number of buildings and sizes will vary. In particular, the Project layout takes advantage of seamless integration with the patterns established with the existing roadway and pedestrian infrastructure serving Urbana Pike, Campus Drive, Thornapple Drive, the existing Knowledge Farms and the adjoining Woodlands of Urbana. Additional sidewalk and road improvements will be made to integrate the Project with the surrounding existing improvements.

The Property fronts Urbana Pike, a Major Arterial Road, just south of, and integrated with, the confluence of the road network serving the overall Urbana Community Growth Area, as shown on the Transportation Map exhibit. Thus, the Project efficiently utilizes the existing road network. With the Urbana High School on one side of the Property, and the Woodlands of Urbana on the other, the Project also will optimize efficient use of existing water and sewer infrastructure, which has been extended to the Property limits. Additionally, fire/safety and law enforcement facilities already serve the Property and the surrounding area, allowing for the natural, efficient extension of same to the Project.

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

RESPONSE: The Project's development design and building siting are in accordance with the County Comprehensive Plan and applicable provisions of the LFMP. The Project's ORI designation "allows for the application of the Mixed Use Development (MXD) floating zone" (LFMP at p.201).

The LFMP Action Framework → Category: Housing Design → Goal: Communities → Initiative: Active Living, seeks to: "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." (*Id.* at 110). The Project proposes a thirty-two foot (32') TransIT dedication, as shown on a plat recorded in the Plat Records for Frederick County, Maryland in Plat Book 77, page 20 (*see* Boundary and Property ID Plan exhibit), optimizing public transportation for the Project, but also for the overall Community Growth Area. The Project will orient its dwelling units, interior streets and sidewalks/walking trails in a way that optimizes pedestrian, bicycle and other non-motorized travel throughout the Project to its mix of uses and to the surrounding uses. By providing built pathways and sidewalks through the Property where such pathways and sidewalks do not currently exist, the Project's development design and building siting further assist in meeting the LFMP initiatives for the surrounding area. There is no current community or corridor plan applicable to the Property.

(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;

RESPONSE: The existing Knowledge Farms office use exists on site. The Woodlands of Urbana MXD (which achieved similar MXD rezoning in 2017) borders the majority of the Property to the west and the Urbana High School across Urbana Pike to the east (See Aerial, Vicinity and Land Use Plan exhibit). The proposed uses will seamlessly integrate with the architecture and scale of existing Knowledge Farms and several phases of the Woodlands at Urbana. The Project's layout and design is such that, once constructed, the Property will appear seamlessly integrated within the Urbana Community Growth Area.

(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;

RESPONSE: As shown in the application materials, including on the Transportation Map exhibit, the request for the Property integrates with the existing and previously approved Knowledge Farms buildings, the surrounding Urbana High School and Woodlands of Urbana, and the overall Urbana Community Growth Area. The proposed arrangement of land use, buildings, infrastructure and transportation circulation will integrate with the surrounding Woodlands of Urbana neighborhood via connection of the newly developed sidewalk system and with all of the Project via a pedestrian path system, which will be incorporated within the final site design. The Project is a natural evolution and completion of the area's development patterns (i.e., the Project's primary access is a shared access for the Woodlands of Urbana. The access road through the Project will create a spine road and path system connecting all buildings). It is important to maintain certain flexibility in the final design and final layout of the Mixed Use area shown on the Concept Plan so that access and environmental conditions can be adequately addressed during the site plan review process. During the site plan process, actual building footprints and uses will be reflected.

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

area. Factors to be evaluated include: roadway capacity, level of service and safety, on-street parking impacts, access requirements, neighborhood and natural resource impacts, projected construction schedule of planned improvements, pedestrian and bicycle safety, and results of travel demand modeling assessing the change in future daily travel volumes, with and without the proposed development;

RESPONSE: As more fully discussed and described in the updated traffic study prepared by Wells & Associates dated December 8, 2021 (the “Study”), the transportation network would adequately accommodate the Project. The Study accounts for existing traffic, regional growth, and pipeline development projects in the area. Similar to the traffic study conducted for the Woodlands of Urbana, the Study references a possible new traffic signal at the Route 355 and Thornapple Drive intersection that provides direct access to the Property. This will be predicated on the phasing of the proposed Project and other new developments in the Urbana Community Growth Area. Additional detailed transportation analyses will be provided at the Site Development Plan stage in order to address Adequate Public Facilities requirements.

(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;

RESPONSE: The Project will improve and complete the walking, biking and public transit network of the area, where desirable. The Project’s proposed transit dedication adjacent to Urbana Pike will greatly enhance connectivity and mobility for the Urbana community and Frederick County as a whole. Additionally, a shared use path is planned along the Route 355 frontage to enhance pedestrian and bicycle access in the area. The Transportation Map exhibit illustrates the County Comprehensive Plan alignment as currently proposed.

(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;

RESPONSE: With regard to transportation infrastructure, the Project follows the natural and recent build out of the overall Urbana Community Growth Area, along with its attendant area improvements. Based on information and belief, the fire

and emergency services to existing Knowledge Farms and the Urbana Community Growth Area (Urbana Volunteer Fire Company, Green Valley Substation of New Market Volunteer Fire Company) will be adequate for the Project's additional units and uses.

(H) Natural features of the site have been adequately considered and protected 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;

RESPONSE: As shown on the Natural Features Map, Overview Plan and Concept Plan exhibits, the Project will meet this criteria in its design and planning. The proposed improvements will be oriented in a manner that facilitates storm flows from the existing on-site improvements towards internal micro-bioretention island and environmental site design (ESD) features that will be located along the perimeter roadway. The Project integrates the proposed development along the western side of the Property and protects the potentially sensitive natural stream valley and steep slopes along the eastern side of the Property. The Project's planned trails and walking paths will highlight the surrounding natural features. In addition, planned stormwater management conveyance systems (*i.e.*, drainage ditches and piping) will be designed to maximize the potential ESD benefits, while integrating their construction within the natural site features.

(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;

RESPONSE: The ORI designation "allows for the application of the Mixed Use Development (MXD) floating zone." (*Id.*) Please see 1-19-3.110.4.(A).(1) for additional commentary.

(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;

RESPONSE: The existing Property is approved for 140,000 square feet of office, research or industrial development. The Applicant submits this rezoning

application in view of the various public facility and utility improvements made in the area (*i.e.*, extension of public water and sewer to the Property), especially in conjunction with the overall Urbana Community Growth Area. Because the proposed Project stands to have lesser impact on public facilities, the Applicant anticipates that existing public facilities will be adequate. All of the residential uses will be age-restricted senior living, which has a lower impact on public facilities and services, and no negative impact on school capacity. The Applicant will apply for Adequate Public Facilities Ordinance approval at the appropriate development stage.

(K) Sensitive environmental resources are protected to the maximum extent practicable; and

RESPONSE: Supplemented by 1-19-10.500.3(H), and as shown in the application materials, to the extent sensitive environmental resources are located within the area of influence from the Project, the proposed development accounts for such resources. However, the Applicant notes that existing forest, specimen trees, wetlands, streams, and hydrologically sensitive areas do exist along the eastern portion of the Property, but all of these potentially sensitive areas can and will be protected by an existing forest conservation easement that includes these areas, which will remain in place and undisturbed throughout the development of the Project.

(L) All efforts have been made to promote the protection, preservation, and integration of historic resources into the planned development through reuse, adaptive use and rehabilitation.

RESPONSE: Not applicable.

§ 1-19-3.110.4. APPROVAL CRITERIA.

(A) Approval or disapproval of a request for an individual zoning map amendment or floating zone reclassification shall be determined through review of several criteria. The Planning Commission and County Council review will include, but not be limited to:

(1) Consistency with the comprehensive plan;

RESPONSE: The ORI designation “allows for the application of the Mixed Use Development (MXD) floating zone”. (LFMP at 201).

Consistent with this, the Applicant is seeking approval of an MXD floating zone to allow for the redevelopment of the Property with a variety of non-residential uses (including the existing 36,000 square foot building of non-residential use), and a

variety of age-restricted senior residential dwelling units for marrying mixes of senior living housing products to be developed on-site. Additionally, the Project will be consistent with the other applicable recommendations of the LFMP, as follows:

- The LFMP encourages directing development to “Growth Areas,” including the “Urbana County Growth Area” (LFMP at 40 & 46) in which the Property is located:
 - *Support policies that direct growth to Growth Areas and that correspond to the growth strategies described in the Thematic Plan. Id. at 95.*
 - *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. Id. at 162.*

The Project will utilize existing road (subject to potential future improvements as discussed in the Study), school, sewer and water infrastructure. It will complement and build upon existing development in the Urbana Community Growth Area, including the adjacent Woodlands at Urbana.

- The LFMP promotes land use patterns that will support multi-modal mobility:
 - *Promote land use patterns that support accessibility and diversified mobility through the geographic concentration of multi-functional uses, activities and destinations. Id. at 95.*
 - *Ensure commercial and residential development constructs shared-use paths and on-street bikeways designated in county nonmotorized transportation plans that pass through or are adjacent to their proposed development site. Id. at 101.*
 - *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. Id. at 110.*
 - *Provide more transit service throughout the county with regular stops at senior centers, apartment complexes, shopping centers, medical services, and employment centers. Id. at 195.*

The Project supports accessibility and diversified mobility through the geographic concentration of multi-functional uses, activities and destinations. Specifically, the Project will incorporate interior streets and sidewalks/walking trails in a way that optimizes pedestrian, bicycle and other non-motorized travel from the Project to the adjoining properties. The proposed transit dedication will optimize the already available proximate public transportation right-of-way, bringing the total MD Route 355 right-of-way to one hundred and thirty feet (130') wide.

- The LFMP promotes diverse housing types:
 - *Require the provision of a mixture of residential dwellings in the Euclidean and floating Mixed Use zoning districts, with emphasis on providing multi-family housing and with exceptions for small sites, infill, and redevelopment. Id. at 112.*

The Project will include multifamily age-restricted senior housing in the MXD zone.

- The LFMP promotes mixed-use development:
 - *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. Id. at 140.*
 - *Create places that are compact, mixed use, and walkable that afford social interaction and support safety and human comfort. Id. at 149.*
 - *Support mixed-use commercial facilities that offer affordable options to small business owners. Id. at 168.*

The Project's mix of employment, age-restricted senior residential and other commercial uses will be developed with a pedestrian friendly and synergistic flow in mind.

- The LFMP encourages the incorporation of open and green space in development project:
 - *Provide and maximize native species natural landscaping and planting within street rights-of-way at commercial and residential development and within public and private open space as a part of community specific and corridor specific planning in the county. Id. at 141.*
 - *Protect critical open spaces within the built environment. Id. at 189.*

The Project will incorporate approximately 8.67 acres of open and green space.

- The LFMP broadly promotes development that will be in harmony with sensitive environmental resources:
 - *Critically examine the land use designations and zoning applied to Green Infrastructure and other sensitive environmental resources within Community Growth Areas. Id. at 187.*
 - *Preserve natural resources during the development process. Id. at 189.*

- *During the development review and approval process, ensure that the functional viability and stability of wetlands will be maintained. Id. at 191.*

The Applicant notes that existing forest, specimen trees, wetlands, streams, and hydrologically sensitive areas do exist along the eastern portion of the Property, but all of these potentially sensitive areas can and will be protected as part of the Project's development.

(2) Availability of current and planned public facilities;

RESPONSE: Per the responses to Sections 1-19-10.500.2(C) and 1-19-10.500.3(A),(E),(F),(G) and (J) above, current and planned public facilities account for the Project.

(3) Adequacy of existing and planned future transportation systems;

RESPONSE: Per the responses to Sections 1-19-10.500.3(D),(E) & (F) above, and in the Study, the combination of existing and planned future transportation systems are adequate for this Project.

(4) Compatibility with existing and proposed development;

RESPONSE: Per the responses to Section 1-19-10.500.2(B), 1-19-10.500.3(C) & (I) above, of most significance, the Project will be compatible (including architecturally) with the proximate Woodlands at Urbana, the existing Knowledge Farms and the overall Urbana Community Growth Area.

(5) Population change, including availability and location of land zoned to meet the ten-year need for residential development;

RESPONSE: The LFMP states that in 4 years (2025) "the total number of adults age 65+ is projected to exceed the total number of school-age children (ages 5-19) in the county." (LFMP at 134). According to the studies conducted by the Maryland Department of Aging, the 60+ population for Maryland, Frederick and neighboring counties will:

- Grow in MD by almost 70% between the years of 2015 and 2030.
- Increase by 71% in Frederick Co.
- Increase by 59% in Carroll Co.
- Increase by 63% in Howard Co.

- Increase by 39% in Montgomery Co.

In Maryland, the 80-84 age population is the fastest growing senior segment of all with growth projections of 236% between 2015 and 2040.

The demand for active adult and senior living offerings will continue to grow, especially in the “for rent segment” offering consumer flexibility.

(6) The timing of development, planned future transportation systems and planned public facilities;

RESPONSE: Per the responses to 1-19-3.110.4(A)(2) & (3) above, planned transportation and public facility improvements are phased in, if/when required and will be adequate to serve the Project.

(7) Sensitive environmental resources have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable; and

RESPONSE: Per the responses to Sections 1-19-10.500.3(H) & (K) above, the Applicant will minimize impact to environmental resources.

(8) Historic resources have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable.

RESPONSE: Not applicable.

For the above reasons, and as further described and identified in the application materials, the Applicant submits the application meets the criteria to support rezoning the Property to MXD. The Applicant will supplement the above and the application materials as needed, including with additional testimony during the public hearings on the application.

Proposed Land Use Mix

| Proposed Land Use | Prop. [Acres] | Percentage (Total Site) | Limits (Acres) | Maximum Permitted or Minimum Required |
|---|----------------------------|--------------------------------------|--------------------------------|--|
| Residential / Multi-Family (non-institutional): | 6.71 ± | 19.18% | | * 25% Gross project Area |
| Commercial: | 6.71 ± | 19.18% | | * 25% Gross Project Area |
| Combined Commercial / Residential: | 13.42 ± | 38.35% | 13.99 (Max.) 13.42 (Max.) | 40% Gross Project Area (0.4 x 34.99 Ac.) * 50% Max. Project less Natural Area (0.5 x 26.84 Ac.) |
| Employment, Civic / Institutional & Cultural: | 11.39 ± | 32.55% | No Limit | |
| Open Space / Green Area: | 8.67 ± | 24.78% | 1.34 ± (Min.) 2.01 ± (Min.) | 20% Commercial Area 30% Residential Area |
| Road Right-of-way / Other (Transit Dedication): | 1.51 ± | 4.32% | | |
| Gross Project Area: | 34.99 Ac. (Platted) | | | Net Usable Area: 26.84 Ac. |

*Exclusive of floodplain, stream buffer, steep-slopes (>25%), and forest conservation easement areas.