

Jan H. Gardner, County Executive
Steve C. Horn, Director

Frederick County Government
Division of Planning and Permitting



Zoning Map Amendment

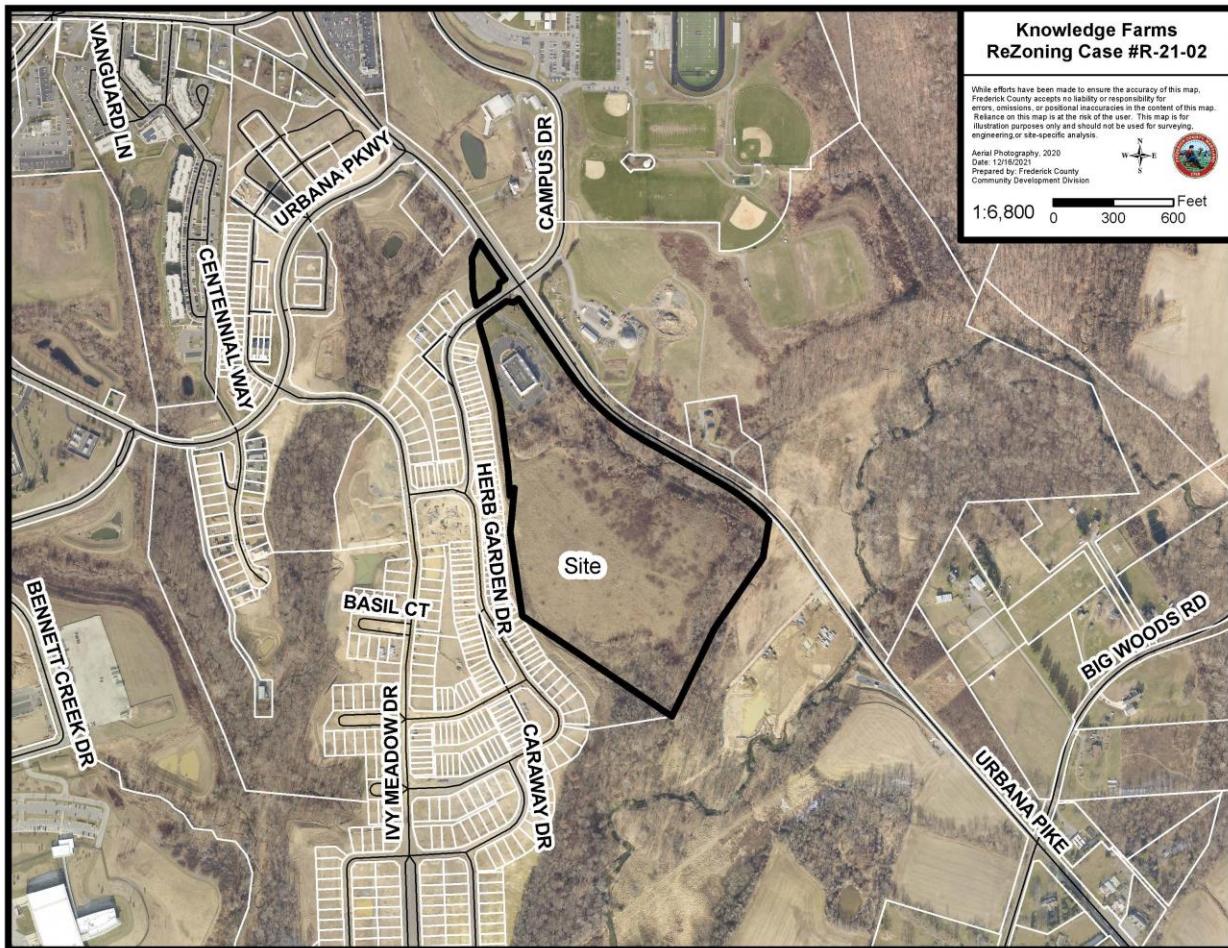
Staff Report

Case #: R-21-02

Applicant: Knowledge Farms Partners LLC

Request: Rezone 34.99 acres from Office/Research/Industrial (ORI) to Mixed Use Development (MXD)

Site of Rezoning Request



Applicant's Proposal

The Application proposes to rezone 34.99 acres from Office/Research/Industrial (ORI) to Mixed Use Development (MXD). The Site is proposed for a mix of employment uses (existing 36,000 s.f. building on 3.41 acres), commercial uses (proposed on up to 6.71 acres), residential uses (proposed age-restricted housing for residents 55+ years and older on up to 6.71 acres), and institutional uses on up to 7.98 acres.

The specific commercial uses allowed in the MXD zoning district are those uses permitted in the General Commercial zoning district (with some exceptions as provided in §1-19-10.500.7 of the County Code). The Application does not identify all specific commercial uses for the Site, other than the reference to medical offices, daycare, and self-storage facilities as indicated on the Applicant's Concept Plan.

Should this rezoning be approved by the County Council, specific uses will be subject to a subsequent Phase II site plan/subdivision review process.

Proposed Land Use Mix

Proposed Land Uses	Acres	Percentage (of net land area)*	Maximum Permitted or Minimum Required *
Commercial	6.71	25%	25% maximum (6.71 acres)
Employment/Institutional	11.39	42.4%	No maximum in MXD
Residential (non-institutional)	6.71	25%	25% maximum (6.71 acres)
Combined Commercial/Residential	13.42	50%	50% Net Project Acreage (13.42 acres) maximum
Open Space	8.67	32%	20% Commercial area (1.34 acres); 30% of Residential area (2.01 acres) Minimum total of 3.35 acres required
Road right-of-way/other	>1.5	>4.3%	
TOTAL	34.99 acres		<i>Net Usable Area: 26.84 acres</i>

* Maximum/minimum acreages are based upon total gross acreage of the proposed rezoning area minus the required exclusion areas including streams and stream buffers, steep slopes (>25%), and Forest Conservation Easement areas, or 26.84 acres.

Land Use Mix

This Application for the rezoning of the Knowledge Farms property in Urbana seeks to establish an array of uses on the 34.99 acre Site, while maintaining an existing office/research building originally constructed in the mid-2000's as part of a larger approved Site Plan (SP-01-11 approved in 2003) to establish up to 140,000 s.f. of ORI-compliant uses in three planned structures. While a listing of specific planned uses within the established land use categories identified in the Zoning Ordinance is not a requirement of a rezoning application, an applicant must identify the broad use categories from which planned or proposed development on the application site will derive.

As demonstrated in the table above titled 'Proposed Land Use Mix', the Applicant has proposed a Concept Plan that meets or exceeds the standards for specific use categories as established in §1-19-10.500.7 of the Zoning Ordinance.

The following discussion describes each land use category as proposed in the rezoning Application.

Commercial

The MXD zone allows for a maximum gross project area set aside for commercial uses of 25% of the gross project acreage (exclusive of floodplain and other environmentally-sensitive areas) when there is a proposed residential component of the project. The specific uses allowed would be those generally permitted in the General Commercial zoning district. The Concept Plan identifies potential commercial uses including medical offices, daycare, self-storage facilities, and other uses as permitted in the General Commercial zoning district. The area designated for commercial uses on the Concept Plan is 6.71 acres, or 25% of the gross project (net developable) acreage.

Employment

The MXD zone allows for the entirety of a project to be designated for Employment uses. The Concept Plan and Justification Statement submitted by the Applicant seek to establish the 3.41-acre land area that includes the existing 36,000 s.f. office building, as well as other land within the 21.4-acre area identified on the Concept Plan as 'Mixed Use Area' for Employment uses as defined in the Zoning Ordinance. The specific uses allowed would be those uses permitted in the ORI zoning district, including a limited number of commercial uses such as hotels/motels, banks, restaurants, medical clinics, and commercial schools. The minimum area requested for Employment uses is 3.41 acres, or 12.7% of the gross project area. As there is no upper limit to the amount of Employment uses permitted under an MXD application, the proposal meets this standard.

Institutional

The Plan proposes up to 7.98 acres of Institutional uses in the form of an assisted living facility, including continuing care and memory care units. Institutional uses, as part of an application for the MXD floating zone, are not subject to a land use percentage cap in §1-19-10.500.7 of the Zoning Ordinance. As there is no upper limit to the amount of Institutional uses permitted under an MXD application, the proposal meets this standard.

Residential

The Plan proposes senior age-restricted, multi-family residences for a 6.71-acre portion the Site. Although the initial Justification Statement for this Application described the number of residential units as being between 150 and 225 senior living units, the revised Justification Statement and Concept Plan submitted on February 14, 2022 does not provide a specific number of units. The Applicant's Traffic Impact Analysis (December 2021) assumes a residential buildout on this Site of 220 attached residential dwelling units serving senior residents. The 6.71 acres proposed for Residential uses are identified and illustrated on the Concept Plan within the area labeled 'Mixed Use Area.' Residential uses in an MXD application are limited to an area no greater than 25% of the gross project acreage. The area designated for Residential uses on the Concept Plan – as shown on the Applicant's proposed land use table - is 6.71 acres, or 25% of the gross project (net developable) acreage, and therefore meets the standard established in §1-19-10.500.7.

Open Space

The areas designated for open space incorporate a largely forested intermittent stream and its buffer. The 8.67 acres of Open Space identified on the Concept Plan exceed the minimum requirement of 4.03 acres (20% of the area dedicated to employment/commercial uses plus 30% of the area dedicated to residential uses). The Open Space areas constitute nearly 25% of the gross site acreage, and are located along more than half of the MD 355 frontage as well as the entirety of the eastern property boundary.

Right-of-Way/Other

The Plan also includes rights-of-way for the existing Thornapple Drive, the I-270 Transitway, and a small isolated land area on the north side of the Thornapple Drive/MD 355 intersection.

Land Use Mix - Summary

As presented in the Justification Statement (revised Feb. 14, 2022) and Concept Plan (revised Feb. 11, 2022) the Land Use Mix is consistent with Section 1-19-10.500.7 of the Zoning Ordinance.

The County Council may in its sole discretion deny, reduce, or increase the size, type, location, and/or mixture of the various land use components if the County Council determines that the change is appropriate for the Site or overall area of the MXD and is necessary to achieve the purpose and intent of the MXD District.

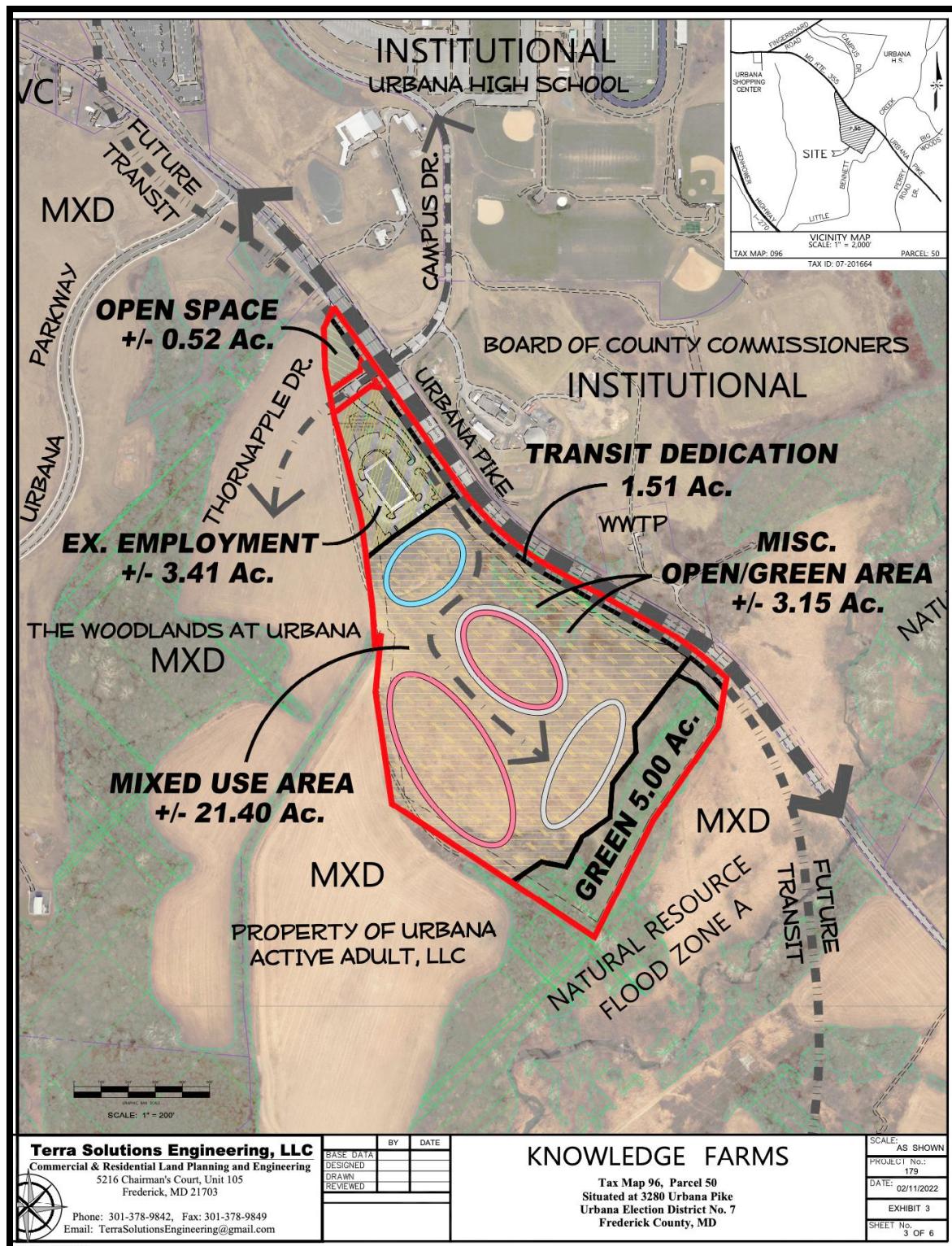


Figure 1 Applicant's Concept Plan (revised: 11 Feb 2022)

Evaluation

Consistency with the Comprehensive Plan Map - Land Use Designation

The Site has a land use plan designation of Office/Research/Industrial (ORI) and is within the Urbana Community Growth Area. An ORI land use plan designation permits the application of the MXD floating zone district. The ORI (originally 'Office/Research') land use plan designation was applied on this Site in the 1993 Urbana Region Plan.

While the land along the MD 355/I-270 corridor has been developed for office and research uses in previous decades, the market for office uses has changed dramatically over the past 5 years. Typical office uses are now being developed in mixed use, urbanized areas with better access to transit options and nearby amenities for workers. The COVID-19 pandemic has only accelerated this shift away from conventional suburban office employment campuses, and, as a result, the County is experiencing heightened interest from landowners for alternative development options on sites that are planned and zoned for office/research uses.

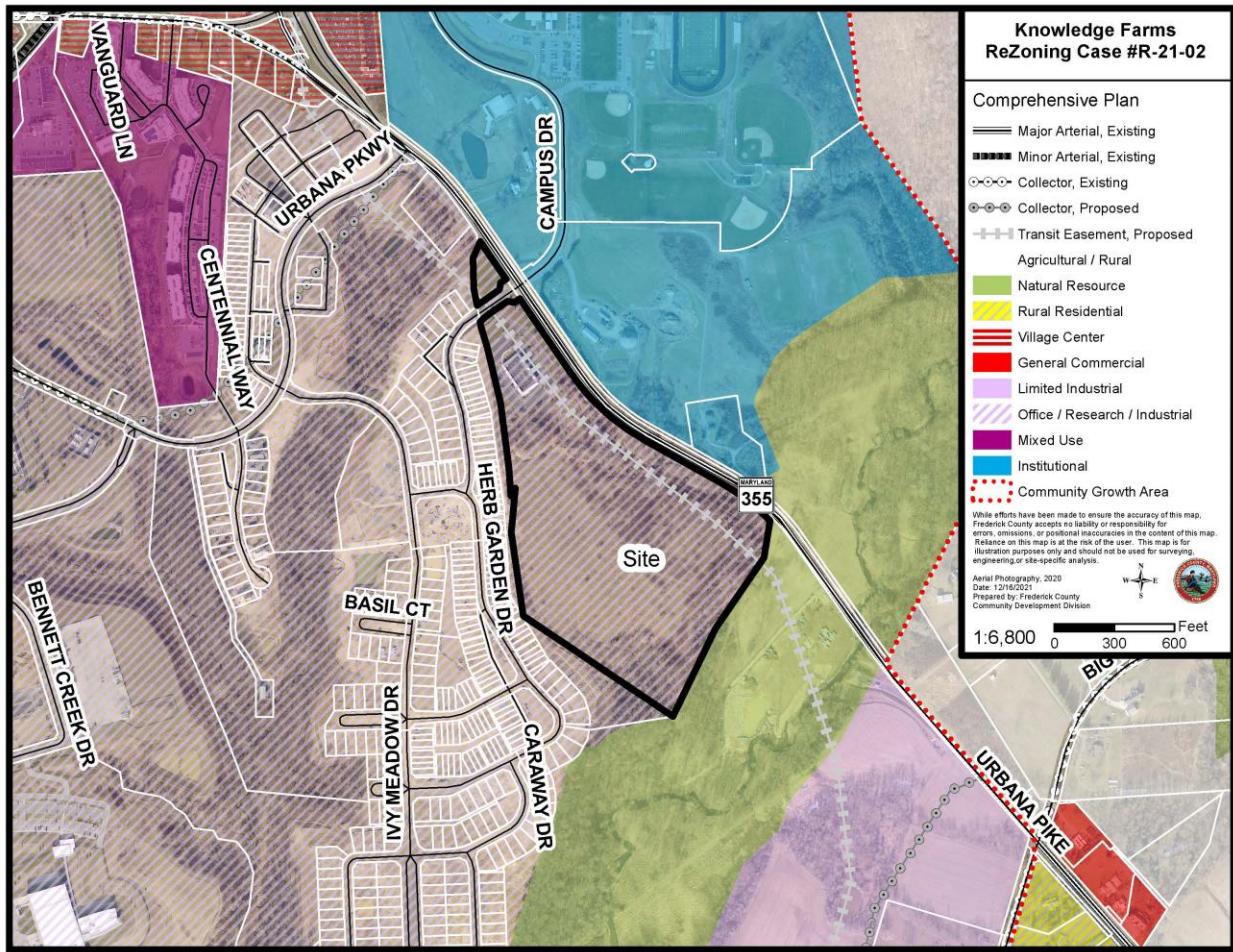


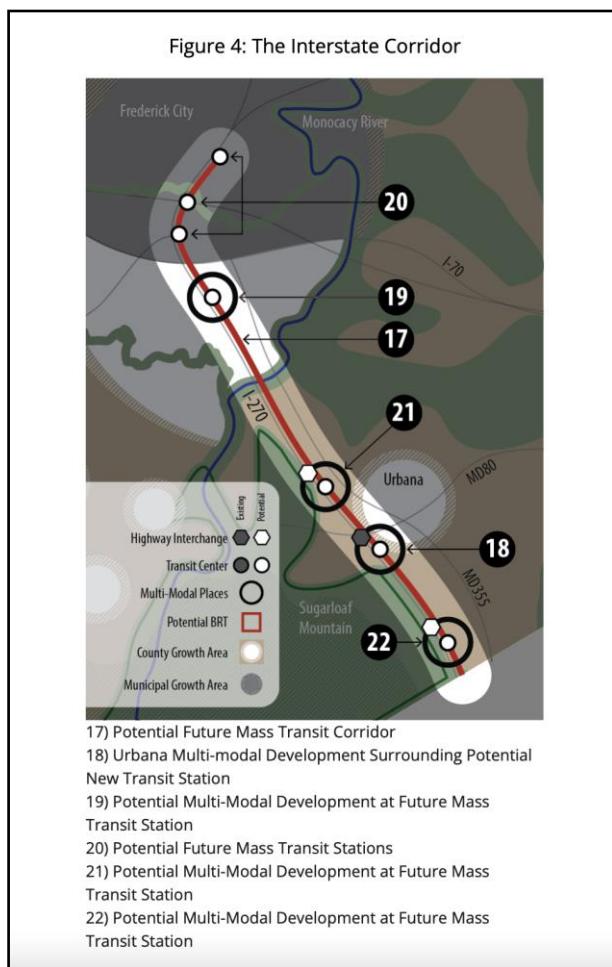
Figure 2 Comprehensive Plan Map (with Land Use designations)

Staff would consider the application of MXD zoning to be consistent with the Comprehensive Plan Land Use Map as it would allow for employment uses while also providing flexibility for commercial, residential, and institutional uses to serve

the evolving community growth areas in Urbana and along the I-270 corridor.

Consistency with the Livable Frederick Master Plan

The Livable Frederick Master Plan (LFMP) embodies a focus on policy and general growth strategy in order to articulate a clear direction for Frederick County in the face of future change. In concert with the Comprehensive Plan Map, future Community, Corridor, Large Area, and Functional plans, the LFMP constitutes Frederick County's Livable Frederick Comprehensive Plan.



This Application is consistent with the broad LFMP policies that seek to establish land uses that are generally supportive of the economic, employment, and service needs of our communities and neighborhoods located within designated Community Growth Areas such as the Urbana/I-270 Corridor CGA within which the Subject Site is located (see the LFMP's *Interstate Corridor* diagram to the left). The rezoning of the land that is the subject of this Application would continue to allow for additional employment, commercial, age-restricted residential, and institutional uses in an area long identified for such development in County planning documents.

The LFMP's Thematic Plan Diagram (and supporting text) identifies the Urbana growth area as playing a significant role in the development of the County's Primary Growth Sector, and allowing Frederick County to grow its employment base and population while taking advantage of existing and improved community infrastructure. The LFMP's Action Framework is supportive of a wide variety of housing types including those for our aging population while focusing this future growth in existing growth and activity centers.

Current Zoning and Adjoining Land Uses

The Site has been zoned Office/Research/ Industrial (ORI) since 1993 as part of the Urbana Region Plan update adopted that year. The surrounding neighborhood includes a mix of zoning ranging from County-owned and Agricultural-zoned parcels on the east side of MD 355 directly across the state highway that are utilized by the County's Public Works Division, to MXD-zoned lands that have been transformed in recent years into The Woodlands at Urbana, a 565-unit age-restricted community currently being completed that was the subject of a previous and successful rezoning effort in 2017. The Woodlands community includes multi-family units, townhomes, and single-family detached dwellings. The units located immediately adjacent to the Subject Site along Herb Garden Drive are predominantly single-family attached townhomes

(approximately 50 dwellings).

The campus of Urbana High School is located approximately 400 feet northeast of the intersection of Thornapple Drive and MD 355. As Thornapple Drive crosses MD 355 it becomes Campus Drive, the access road providing vehicular access to the high school as well as Urbana Middle School further north at MD 80.

On the northernmost portion of the Subject Site, the first of three site-plan-approved office buildings has been constructed and occupied for over 15 years. The 36,000 s.f. building houses primarily medical and professional offices.

Staff finds the proposed MXD zoning to be generally compatible with surrounding zoning and land uses.

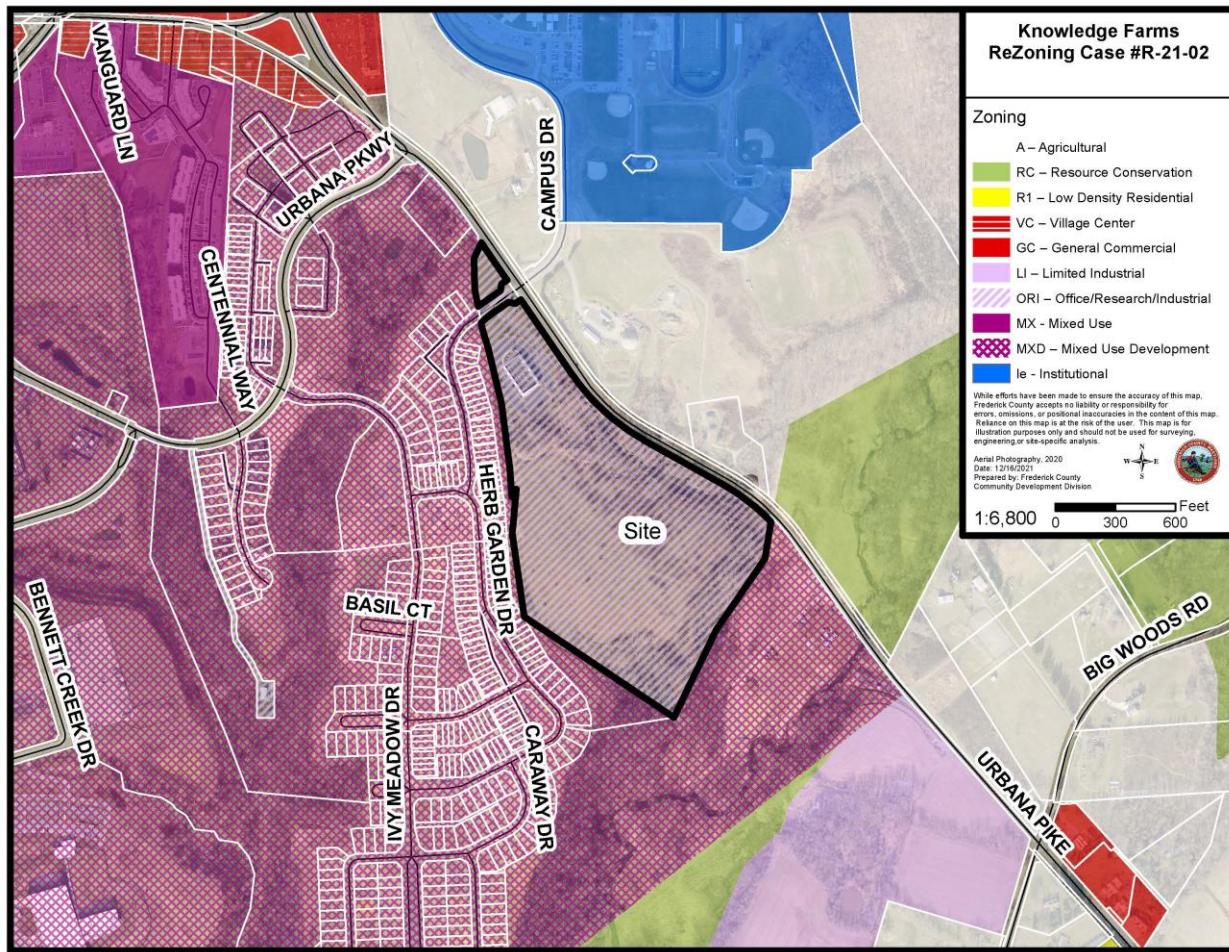


Figure 3 Zoning Map

Population Change

The Applicant has provided the following information regarding population change over the next 10 years and its relationship to this Application:

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.

Staff concur with the notion that the Livable Frederick Master Plan encourages employment and population growth in designated Growth Areas such as the Urbana Community Growth Area and that population projections support the need to direct new development to existing communities where infrastructural investments can be leveraged to manage the impacts of new employment, residential, and institutional uses.

Utilizing the residential use assumptions highlighted in the Applicant's Traffic Impact Analysis, the estimated population increase as a result of the construction of 220 senior age-restricted residential dwellings would range between 1.5 persons per household (based on NAHB rule of thumb) and 2.0 persons per household (American Community Survey average of households with a head of household 65 years or older), or 330 to 440 residents. This calculation does not consider the population associated with assisted living units which would be counted under the Census category of 'group housing.'

The County's population according to the 2020 Census was 271,717 persons. The Metropolitan Washington Council of Governments (MWCOG) estimates Frederick County's population in 2045 to reach 346,642 persons. Past history has demonstrated that these estimates have been relatively accurate. Using the assumption of household size based upon current trends – 2.65 persons per household – leaves the County with a projected dwelling unit deficit of approximately 28,300 units. The County's aging population, along with a continuing trend of increasingly smaller households, indicates that the need for additional units may be greater if average household size moves downward. This analysis assumes a deficit of 28,700 dwelling units between 2020 and 2045.

As of July 2021, the countywide residential development pipeline stood at 14,950 dwellings. This total included both County and municipal pipeline data. The County's share stood at approximately 6,100 dwellings. If the existing pipeline units were to be completely built out between now and 2045, the number of dwellings needed to keep pace with population growth would stand at 13,750 units. Under this scenario, the County and its municipal partners would need to consider where and how those homes could be built to best sustain – and improve – livability in the community.

The Livable Frederick Master Plan established the need, through a key set of policies and goals, to shift some of the

County's future growth away from suburbanized environments outside of our designated growth areas and into areas that can be more readily served by public facilities, infrastructure, and services. A significant amount of the current residential pipeline (County jurisdiction) does not meet this goal, so the actual number of dwellings needed to meet our anticipated population growth through 2045 may be higher than 13,750.

In the Urbana Growth Area, within which this rezoning application occurs, there are extremely limited areas currently zoned for the uses proposed in this Application. The remaining vacant lands zoned PUD are generally committed to residential development that has been previously approved, including those lands within the Villages of Urbana PUD, the project known as the Urbana 'Northern PUD' (between I-270 and Urbana Pike), and the development immediately adjacent to the Subject Site, the Woodlands at Urbana – and age-restricted community of 565 dwellings currently under construction. Commercial-zoned land in the Urbana Growth Area has generally been developed or is currently in some phase of engineering or construction. Opportunities for uses such as medical offices and smaller flex office/employment spaces are very limited, though there is some opportunity for smaller-scale redevelopment on lands zoned Village Center in the older areas of Urbana. An institutional use such as an Assisted Living facility is not defined as a residential use in the Zoning Ordinance and can occur within several zoning districts including the GC, MX, VC, and all of the R-districts.

Timing/Phasing of Project

There are no significant public facility needs required to be met prior to development on the Subject Site, other than those network and system improvements typically required as part of a Phase 2 site development plan (e.g. road and intersection improvements or payments into escrow accounts). The existing approved Site Plan for the property has met its regulatory requirements and could proceed as originally planned. If this rezoning is successful, Phase 2 conditions will likely require additional or alternative conditions to be met in order to address the impacts of the revised development concept.

Natural Features

The portions of the Site that have not been developed are mostly open, high, and flat, with the notable exception of those forested areas along MD 355 and along the southern property boundary. Those areas sit much lower than the open portions of the parcel and in some cases are more than 120 feet below the highest point on the Site. The Site is mostly open fields with wooded areas buffering the intermittent stream and drainage channels. Forest Conservation easements are located along the southern portion of the Site and along the intermittent stream that runs parallel to MD 355 and both of these areas are proposed as open space/green area in the Concept Plan.

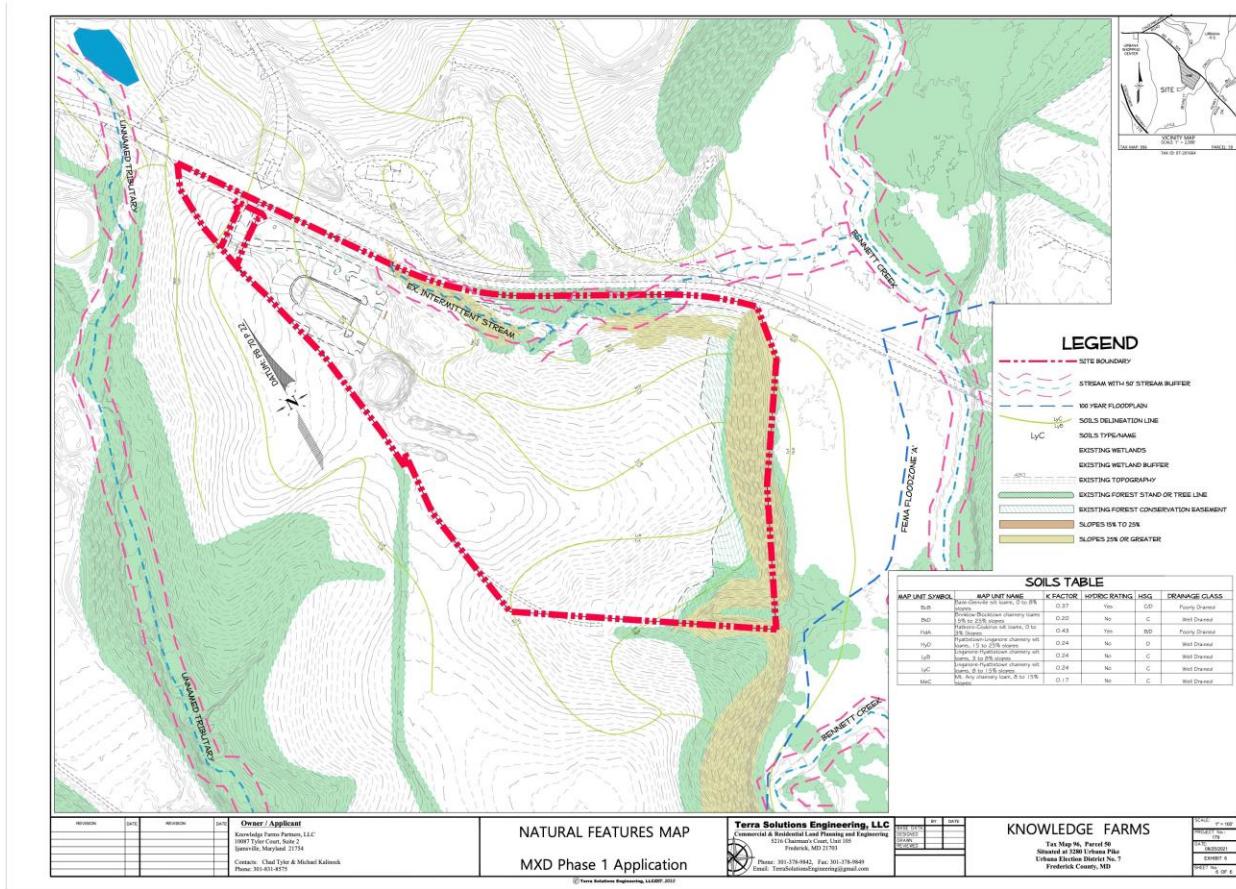


Figure 4 Applicant's Natural Features Map

Cultural Resources

There are no identified historical or cultural resources associated with the area proposed for rezoning.

Public Schools

Only age-restricted residential or institutional land uses are proposed for this Site; therefore, school capacity will not be directly impacted by this project.

Water and Sewer

The Property carries 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 exists via reciprocal easements with adjacent property owners. Water and sewer capacity is available on a first-come, first-served basis.

Water Service

Water is supplied to the Site from the New Design Water Treatment Plant. This has a permitted withdrawal capacity of 16 million gallons/day (MGD) (average daily) and has a current average daily demand of approximately 6 MGD.

Sewer Service

Sewage treatment is provided by the Ballenger-McKinney wastewater treatment plant (WWTP), which has a permitted capacity of 15 MGD and currently discharges into the Monocacy River. In 2020, average daily treatment flow at the Ballenger-McKinney WWTP was 7.3 MGD.

Public Safety

The Site is situated approximately 1.2 miles from the Urbana Volunteer Fire Company (Station #23) and is within the recommended maximum distance of 2 miles for high value commercial development. Calls for service to the Urbana station did not increase significantly between 2019 and 2021. However, DFRS indicates that calls for service will increase as new development – including age-restricted residential development such as that within The Woodlands at Urbana – continues toward eventual build-out. It is also noted that the existing Station #23 facility has the capacity to support additional EMS equipment, and that DFRS will continue to monitor development activity in the Urbana area to ensure an adequate level of service within the growth area.

Police protection would be provided by the County Sheriff's Office.

Libraries

Given the proposed Commercial, Employment, and Institutional land use categories planned for the Site, the proposed rezoning would likely have a minimal impact on local library facilities. Nonetheless, the Urbana Regional Library and Senior Center is located approximately 1.2 miles from the Subject Site, in the town center area of the Villages of Urbana.

Parks

The proposed rezoning would not likely impact park and recreation facilities. The Urbana Community Park and Urbana District (regional) Park are located approximately 1.3 to 1.5 miles from the Knowledge Farms Site. A robust system of sidewalks and pathways allows for good pedestrian and bicycle connectivity to these community resources.

Transportation

Existing Site Access Characteristics

The Site has approximately 2,000 feet of frontage along MD 355 and 205 feet of frontage along Thornapple Drive. Primary access to the Site will likely occur from the existing connection at Thornapple Drive. The possibility may exist for direct access onto MD 355 as well. There is a significant elevation difference between MD 355 and the Knowledge Farms Site along much of its 'midsection.' At both the northern and southern portions of the Subject Site, the state highway is roughly level with the parcel.

MD 355 (Urbana Pike) is a 2-lane state highway for much of its path along the Knowledge Farm frontage. However, the road transitions into a 4-lane roadway approximately 500 feet south of its intersection with Thornapple Drive/Campus Drive and continues northward into Urbana where it becomes Worthington Boulevard, north of MD 80.

Comprehensive Plan Map Designations for Adjoining Roads

MD 355/Urbana Pike – Major Arterial

Thornapple Drive – *Local Street/No Designation*

Campus Drive – *Local Street/No Designation*

Pedestrian and Bicycle Facilities

There are no existing sidewalks along MD 355 in this segment of the roadway. The developer of the Woodlands project will be constructing segments of sidewalk/shared use path along its MD 355 frontage prior to the completion of that community. Those segments will provide links to existing pedestrian and bicycle facilities serving South Urbana. The network under construction in the Woodlands community provides direct links to Urbana Parkway, which provides multiple connections into the town center area of the Villages of Urbana.

The Applicant will be required construct a 10' wide shared use path parallel with MD 355 to comply with the 2018 Bikeways and Trails Plan.

Planned Improvements

Planned transportation improvements in the vicinity of the proposed rezoning Site include:

Worthington Boulevard (MD Route 355) / Campus Drive / Thornapple Drive

- 1) Additional eastbound egress lane for a total of two eastbound approach lanes.
- 2) Additional southbound through lane for a total of two southbound through lanes.
- 3) Traffic signal installed. Under existing conditions a signal is not warranted at this intersection; however, this intersection is planned to be signalized and will likely be warranted for safe and efficient site access prior to occupancy of any new uses developed at the Knowledge Farms Site.

Traffic Impact Analysis (TIA) Highlights

Trip Generation: The proposed rezoning will increase the density and intensity, and ultimately trip generation, above prior valid approvals for the existing Knowledge Farms site plan (SP-01-11).

Previous Approval: 159am/157pm trips

Proposed Rezoning: 256am/303pm trips (resulting in an increase of 97am and 146pm peak hour trips).

Site Access: Site access and/or the MD 355/Thornapple intersection will likely require geometric modification in order to accommodate the increase in trip generation due to the limited queuing capacity of Thornapple Drive's outbound movements, and limited inbound left turn queuing capacity coming into the Site (as well as the potential conflicts between these two movements). Further evaluation by MDOT SHA at the time of APFO may allow for the consideration of, or require, a secondary point of vehicular access onto MD 355.

Signal Operation: All existing signals studied in the TIA operate now, and will continue to operate, at acceptable levels of service.

Several unsignalized intersections will not operate with acceptable levels of service under background development or buildout conditions, including intersections at MD 355/Urbana Parkway, MD 355/Sugarloaf Parkway roundabout, and MD 80/MD 355.

The proposed rezoning and associated development would be expected to coordinate/provide necessary road improvements, or contribute pro-rata shares as part of the APFO approval process.

Transitway Reservation: As the possibility for the development of a viable Transitway using MD 355 as its path recedes, it is unlikely that the County would require any further transit-related reservation on the Knowledge Farms Site. This issue would be discussed at Phase 2 if the proposed rezoning is successful.

No fixed route local transit service serves the Site.

Transportation Summary

Transportation network adequacy will likely be achieved through a combination of planned improvements and site access modification (or a secondary site access).

Summary of Findings

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

(1) Consistency with the comprehensive plan;

The Site is designated Office/Research/Industrial on the current Comprehensive Plan Map which is consistent with the application of the MXD floating zone district. The proposed uses of the Site, including employment, commercial, residential, and institutional, would be appropriate in supporting the employment and residential uses in the vicinity.

(2) Availability of current and planned public facilities;

The proposed uses on the Site will not impact school capacity, and will not significantly impact parks, public safety, or library facilities. Water is supplied by the New Design Water Treatment Plant. Sewer is treated by the Ballenger McKinney Wastewater Treatment Plant. Both systems currently have adequate treatment and supply capacity to serve the proposed employment and commercial uses. Fire/Rescue/EMS services are generally available in the Urbana area, with some capacity remaining at Station 23 to accommodate an additional ambulance vehicle when service needs require this additional equipment and staff.

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

Existing planned projects, as well as modest improvements in the immediate vicinity of the proposed rezoning Site, will provide adequate functionality to the transportation network in Urbana.

(4) Compatibility with existing and proposed development;

The proposed commercial, residential, and institutional uses are compatible with the existing and planned mix of residential, employment, and commercial uses in the area.

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

Population change resulting from the further development of the Knowledge Farms site would be limited to the residential and institutional uses proposed by the Applicant. An institutional (assisted living) use would serve surrounding communities, as well as local Urbana residents requiring such a facility. For the purposes of calculating population change,

the following assumptions can be made (according to the National Center for Assisted Living):

- The majority of residents are over 85 years old (70% are female);
- The national occupancy rate hovers around 87%; and,
- The average length of stay for a resident is 22 months.

If the Applicant is pursuing simple age-restricted, independent living residences, a per unit household size of 2.0 persons per household stands as a current national average for residents between the ages of 55 and 74, and would result in a population increase of up to 440 residents (220 age-restricted units). Zoned land to accommodate additional residential dwellings or assisted living facility beds is severely limited in the Urbana Growth Area.

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

The Application does not propose a schedule for development of the Site. There is existing road access and capacity to allow development of the Site to occur after entrance improvements are completed and escrow funds have been deposited. There is water/sewer infrastructure existing or nearby, so there would not be an impediment to the timing of development of the Site related to the availability of facilities. The Site will be subject to subsequent subdivision, site plan, and APFO review.

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

Areas of the Site which are characterized by sensitive environmental resources are generally not identified for development activity. An existing Forest Conservation easement is located along the southern portion of the Site and along the intermittent stream that runs parallel to MD 355. The stream and its buffer, as well as the FRO area, are proposed as open space/green area in the Concept Plan.

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

There are no identified historical or cultural resources associated with the area proposed for rezoning.

§ 1-19-10.500.3. (Approval Criteria for Planned Development Districts)

(A) The proposed development is compact, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities;

The Site will have a relatively compact development due primarily to the small size of the parcel as well as some of the natural site constraints. The area has extensive existing infrastructure including water/sewer lines and road improvements that would support the development of the Site.

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

The Application does not identify a specific business or user for the Site so it is difficult to address building and site design at this stage. There is no current Community or Corridor Plan for this area.

(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 commercial use can be made compatible with surrounding uses through careful design and siting of new structures. Nothing proposed in this Application – and illustrated on the Concept Plan – is out-of-character when compared to recent development approved or constructed in Urbana. The subsequent site plan review for the Site would address detailed design issues such as parking, landscaping, screening, building height, building massing/location, etc.

(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;

A subsequent Site Development Plan review will evaluate the safety and efficiency of the arrangement of on-site buildings and infrastructure. The concentration of environmentally-constrained areas along the northern and eastern edges of the parcel allow for considerable flexibility in the arrangement of buildings and infrastructure on this Site.

(E) The transportation system is or will be made adequate to serve the proposed development in addition to existing uses in the area. Factors to be evaluated include: roadway capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, projected construction schedule of planned improvements, pedestrian safety, and travel demand modeling;

Transportation network adequacy will likely be achieved through a combination of planned improvements and site access modification (or a secondary site access).

(F) The proposed development provides design and building placement that optimizes walking, biking, and use of public transit. Factors to be evaluated include: extension of the street network; existing and proposed community development patterns; and pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

The Application does not include specific uses or engineered layouts of the Site. The primary pedestrian access will be along Thornapple Drive, Urbana Parkway, and Urbana Pike.

(G) Existing fire and emergency medical service facilities are or will be made adequate to serve the increased demand from the proposed development in addition to existing uses in the area. Factors to be evaluated include: response time, projected schedule of providing planned improvements, bridges, roads, and nature and type of available response apparatus;

The Site is situated approximately 1.2 miles from the Urbana Volunteer Fire Company (Station #23). The Site is within the recommended maximum distance of 2 miles for high value commercial development. Police protection would be provided by the County Sheriff's Office.

(H) Natural features of the site have been adequately considered and utilized in the design of the proposed development. Factors to be evaluated include: the relationship of existing natural features to man-made features both on-site and in the immediate vicinity, natural features connectivity, energy efficient site design, use of environmental site design or low impact development techniques in accordance with Chapter 1-15.2 of the Frederick County Code;

The natural features of the Site will be incorporated into the planned open space areas, as well as protected through Forest

Conservation easements already in place.

(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 Site is designated Office/Research/Industrial which allows for the application of the MXD floating zone. The addition of the commercial, residential, and institutional uses to the employment uses already occupied on the Site is consistent with the intent of the MXD zone to provide the opportunity for commercial uses to support the surrounding residential community, and is in keeping with the LFMP policy of supporting a mix of uses in the County's designated growth areas.

(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.

Existing infrastructural systems are sufficient to support the proposed development as described in this Application. The Site is situated approximately 1.2 miles from the Urbana Volunteer Fire Company (Station #23). The Site is within the recommended maximum distance of 2 miles for high value commercial development. Police protection would be provided by the County Sheriff's Office.

Planning Commission Review and Action

The Planning Commission shall make its recommendation to the County Council, basing its findings on the information presented at the hearing. Such findings shall be based upon:

- A review of the Approval Criteria as set forth in §1-19-3.110.4; and
- A finding that the project adequately addressed the Planned Development District Approval Criteria for the Mixed Use Development District as set forth in §1-19-10.500.

When approval criteria call for findings of consistency with the County's comprehensive plan, the Planning Commission shall consider the Livable Frederick Comprehensive Plan which includes the *Livable Frederick Master Plan* (2019), the *Comprehensive Plan Map* (Land Use Map), and other plan elements as adopted by the County Council.

§ 1-19-3.110.4. APPROVAL CRITERIA. (for Zoning Amendments)

(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**;
- (2) Availability of current and planned **public facilities**;
- (3) Adequacy of existing and planned future **transportation systems**;
- (4) **Compatibility** with existing and proposed development;
- (5) **Population change** including availability and location of land zoned to meet the ten-year need for residential development;

- (6) The **timing of development**, planned future transportation systems and planned public facilities;
- (7) **Sensitive environmental resources** have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable; and
- (8) **Historic resources** have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable.

§ 1-19-10.500.3. APPROVAL CRITERIA. (for Planned Development Districts)

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

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

The Planning Commission shall forward its recommendation to the County Council within 62 days of its first public hearing. A failure to make a recommendation within 62 days of the first public hearing shall be deemed as providing no recommendation on the request.

Options for Planning Commission Action

The Planning Commission may take any of the three following actions regarding this application:

1. Recommendation for Approval of the request as presented by the Applicant;
2. Recommendation for Approval of the request with Conditions;
3. Recommendation for Denial of the Applicant's request.

Proposed Conditions for Planning Commission Consideration

Should the Planning Commission choose to recommend approval of this application, the following conditions are provided for the Planning Commission's consideration:

1. The Applicant shall develop no more than 225 age-restricted dwellings and assisted living beds, cumulatively, on the Subject Site.
2. Covenants shall restrict 100% of the dwelling units in the Southern MXD project to be age-restricted per the Federal Fair Housing Act and the Housing for Older Persons Act of 1995. There shall be a further limitation on the minimum age of permanent residents being 19 years of age. These covenants shall be recorded prior to the recording of the first subdivision plat. The covenants shall be recorded and made part of the title for each dwelling unit. Every property owner within the age-restricted development (and HOA) shall be beneficiaries of the covenants with the ability to enforce them through administrative or judicial proceedings. These covenants are to be reviewed by the County Attorney's Office to ensure that the MXD zoning district is invalid if these covenants are not recorded and do not restrict age as proffered in a binding and enforceable manner. The required biannual federal surveys (24 CFR 100.307) shall be made available to the County for its review and records.

