

Specht, Jennifer

From: Cherney, Ragen
Sent: Thursday, September 1, 2022 9:17 AM
To: Brandt, Kimberly G.
Cc: Mitchell, Kathy (Legal)
Subject: FW: Long range plan for Sugarloaf Mountain area
Attachments: Need for Better Forest Protection, Sugarloaf Plan; Sugarloaf Treasured Landscape Management Plan

Sugarloaf record.

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049



From: Anne T Sturm <annets1@aol.com>
Sent: Thursday, September 1, 2022 8:09 AM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>
Subject: Long range plan for Sugarloaf Mountain area

[EXTERNAL EMAIL]

Dear Council Members,

I live just across the border in MoCo, MoCo, MD. and the beautiful Sugarloaf Mountain area has been my go to place for over fifty years. Besides enjoying the offerings of the natural beauty, I have attended many a lovely party, dance and wedding on the mountain in the building that Stronghold rents out.

I am a member of Sugarloaf Regional Trails which has a book and website with all the trails of historic importance in the area. I delivered our material to your wonderful land planning team at the first open house on this long range plan pre-Covid.

I support the 1-270 boundary of the current draft plan. We have fought many unwise ideas for the Sugarloaf Mountain area and Frederick County has been WISE in not approving them.

Thank you for your hard work and consideration.

Sincerely,

Anne T. Sturm
P.O. Box 341
Barnesville, MD. 20838

From: Steve Poteat <cspoteat@gmail.com>
Sent: Wednesday, August 31, 2022 5:40 PM
To: Council Members
Subject: Need for Better Forest Protection, Sugarloaf Plan
Attachments: 8-31-22 Sugarloaf Plan Forestry.docx

[EXTERNAL EMAIL]

Please find below our comments on the Sugarloaf Treasured Landscape Management Plan in support of the enhanced protection of forests provided by the proposed Overlay Zone. Thank you, Steve and Blanca Poteat

Testimony on the Sugarloaf Treasured Landscape Management Plan in support of the proposed Overlay Zone by Steve and Blanca Poteat of Sugarloaf Mountain Road, August 31, 2022

Need for Better Forest Protection – Ode to Trees

We have undertaken three harvest cuts of our 50 acres of woods on Sugarloaf Mountain Road over the past 40 years. During that time we have harvested almost 1,500 trees equaling about 625,000 board feet of lumber. Having taken all the appropriate forestry classes with the Extension Service, we thought we were being good stewards of our woodlands. We have done everything the State and County have required and recommended.

We have had prepared three successive State Forestry Management Plans during these 40 years and paid for annual inspections. We have engaged three separate Maryland approved private registered foresters over these 40 years to mark and inventory all the trees to be cut, prepared detailed harvesting plans with landing yards and skid roads, supervised the timber auctions, contract signings and bond arrangements, developed sediment control plans, and arranged for prereview of the logging operations by the Frederick County Forestry Board. Everything was done by the book.

But we have learned the quality of forest protection all gets down to who signs the contract to harvest the trees and how careful they are in the harvesting. By custom or professional practice our contract forester only reviewed the harvesting perhaps two or three times during the typical three month harvesting period. We learned that enforcing the bond protection requirements is very difficult since the contract forester is more attuned to the “customs” of harvesting and the cutters’ needs than to the necessary level of forest protection. “This is the way it has always been done.” In addition, the Forestry Board has never done a post-harvest inspection.

On the one hand, the forest seems to have benefited by thinning the mature trees. However, on the other hand, the cumulative damage to remaining standing trees along skid roads, exposure and root disturbance at landing areas where the trees are loaded, and injury to other trees struck and damaged by falling cut trees has simply become unacceptable to us, especially as the climate crisis becomes so obvious. We contracted for the harvest cuts before we understood the importance of maintaining mature trees to sequester carbon from the atmosphere.

We don’t blame the current institutions involved in forest land management. They go about their businesses the way they always have, guided by current knowledge. They believe they are doing “right” based on the

professional customs of the industry that views trees, forests and timber as commodities rather than as vital resources for dealing with the existential threat of climate change. We predict that in the near future, mature trees will be given endangered species protection so they can help ameliorate climate change.

Our society needs a significant paradigm shift in forest management. The enhanced woodland protection provided by the Overlay Zone in the Sugarloaf Treasured Landscape Management Plan is a good first step. Let's respect and husband our woodlands as if our lives depend on them, because they do.

Sent from [Mail](#) for Windows

Speccht, Jennifer

From: Cherney, Ragen
Sent: Thursday, September 1, 2022 1:32 PM
To: Brandt, Kimberly G.
Cc: Mitchell, Kathy (Legal)
Subject: FW: Natelli Properties Downzoning in Urbana re Testimony on Sugarloaf Treasured Landscape Management Plan
Attachments: 7.18 R-16-01(B) - Northern Town Center MXD_1.pdf; Staff Report Urbana MXD-PUD R-16-01_FINAL_Web.pdf

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From: Steve Poteat <cspoteat@gmail.com>
Sent: Thursday, September 1, 2022 1:25 PM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>
Subject: Natelli Properties Downzoning in Urbana re Testimony on Sugarloaf Treasured Landscape Management Plan

[EXTERNAL EMAIL]

Councilmembers: In my testimony on the Sugarloaf Treasured Landscape Management Plan on August 30, I referred to a downzoning initiated by Natelli Properties that removed 4 million square feet of employment development on the east side of I-270 in Urbana in 2017. The bases of my comments were two Planning Staff reports. The first staff report was dated 12/19/2016 and the second staff report clarifying the first was dated 7/11/2017, both are attached above.

The 12/19/2016 report indicates on page 7 the employment potential of the properties before rezoning was 5.6 million square feet and after the rezoning would be 2.1 million square feet, a reduction of 3.5 million square feet. The second clarifying report dated 7/11/2017 notes on page 6 a reduction from 5.6 million square feet to 2.2 million square feet, a reduction of 3.4 million square feet. So the net reduction would be 3.4 to 3.5 million square feet. I had indicated in my testimony that the reduction was 4 million square feet and I stand corrected.

The reduction of 3.5 million square would be the loss of thirty five 100,00 square feet buildings in the east side of I-270 Technology Corridor. The owner of the subject land, Tom Natelli was quoted in the Frederick Post on February 21, 2017 as saying:

"The market for office space has changed dramatically with the invention of the internet and other technology, leading to the request for the zoning change. The change has led to companies needing less office space and a resulting drop in demand. We are here because the world is changing....We built an office park [in Urbana] that's completely ready to go, and there's no demand for it, Natelli said "

It is also noted that the replacement development on the east side of I-270 was largely 55+ age restricted housing, not really housing for workers in the Technology Corridor. As reported in the Frederick Post on June 21, 2022, another employment center in Urbana, Knowledge Farms, is asking to do the same thing, convert employment land to age restricted housing.

I must also wonder if Kite Pharma would have come to Urbana without the deep State and County inducements including a Frederick County \$200,000 commercial and industrial business tax credit, a 10 year real property tax credit and a State \$2 million conditional loan as reported in the Frederick Post on June 18, 2019. By the way the Natelli reduction of 3.5 million square feet would have accommodated almost 13 more Kite facilities of 279,000 square feet.

In summary the Natelli zoning modifications have severely injured the I-270 Technology Corridor on the east side of I-270. It has already taken an inordinately amount of time and money to attract technology development to the Urbana area. Lets stop this misguided, costly and outdated effort and concentrate development around Frederick where it needs to go.

Thank you for considering my comments. Steve Poteat, Sugarloaf Mountain Road

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Speccht, Jennifer

From: Margaret Koogle <misspons@gmail.com>
Sent: Wednesday, August 31, 2022 3:44 PM
To: Council Members
Subject: Sugarloaf Treasured Landscape Management Plan

[EXTERNAL EMAIL]

The proposed Sugarloaf Treasured Landscape Management Plan is a violation of property rights. The proposed area is the least developed in Frederick County with the last development constructed in the 1970's. Which supports the fact that the current zoning is maintaining this rural area.

As a landowner, you have a bundle of rights: 1) possession, 2) control, 3) exclusion, 4) enjoyment, and 5) disposition. This plan violates your right of control.

The proposed plan includes downzoning 125 properties from Agricultural to Resource Conservation. This adversely impacts local farmers; example.: a third-generation farm owner has been told by the county that she will no longer be able to farm 3 acres of her farm that is currently fenced for cows to graze. She asked, would this impact her property taxes? The reply. Unchanged. The county will take away her property right of control with no compensation nor lower her taxes!

The State of Maryland Department of Planning, in their letter dated May 5, 2022 in response to their review of the plan on the top of page 6 suggests that the county justify why they think this change in zoning is necessary.

HOA's serve a purpose in a development where properties are close together and uniformity for the community as an entity is the goal. In the county where properties are spread out, most structures aren't seen from the road, the landowner shouldn't have restrictions placed on their property, especially after the fact. In the state of MD, a Buyer of a property with an HOA has 5 days to review the HOA and walk away from the contract if the Buyer is not in agreement with the restrictions and in this case, HOA type restrictions are being imposed on property owners that have owned their land for generations. I'm opposed to this and strongly encourage that the Sugarloaf Rural Heritage Overlay be removed entirely. It is a dangerous precedent for the county to establish.

Lastly, the plan states that speeding is of great concern on Park Mills Road and Thurston Road. I would have to say in my personal opinion the most speeding in the Sugarloaf area, even in all of Frederick County, is on Lily Pons Road, which has been used as a drag strip for generations. So much so that there are permanent tire marks on the bridge. I encourage the Council to add cameras and/or other means to control the excessive speeding on Lily Pons Road.

Thank you for your consideration,

Margaret Koogle
6800 Lily Pons Road
Adamstown, MD 21710

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Margaret Koogle
misspons@gmail.com
Lilypons Water Gardens: 301.874.5133 x 1004
lilypons.com
Cell: 301.676.4750
Re/max Results: 301.698.5005

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From: Cherney, Ragen
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Thank you for considering my comments. Steve Poteat, Sugarloaf Mountain Road

ent from [Mail](#) for Windows



FREDERICK COUNTY, MARYLAND STAFF REPORT CONCURRENCE FORM

To: Office of the County Executive

Date: 07/11/2017

Through (Name of Div. Dir.):

From (Name & Division): Steve Horn, Director, Planning & Permitting Division *SH*

Phone #: 301-600-1153

Staff Report Topic:

Zoning Map Amendment R-16-01 (B) - Urbana Northern MXD

(Applicant - Urbana Investment Properties II, LLC)

RECEIVED

JUL 11 2017

Office of

Administrative Officer

Time Sensitive? Yes (if yes, deadline for approval: _____) No

Action Requested by County Executive:

Signature Approval

OR

Information Only

Staff Report Review:

This staff report has been thoroughly reviewed first by the appropriate divisions/agencies noted on Page 2 followed by those outlined below:

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N (Page 2)</u>
<input type="checkbox"/> Budget Office	_____	_____	_____
<input type="checkbox"/> Finance Division	_____	_____	_____
<input checked="" type="checkbox"/> County Attorney's Office	<i>MTC</i>	<i>7/11/17</i>	<i>N</i>
Refer to County Council? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			(To be completed by the Co. Attorney's office.)
<input checked="" type="checkbox"/> Chief Administrative Officer	<i>DWJ/D</i>	<i>7/11/17</i>	<i>N</i>
<input checked="" type="checkbox"/> County Executive	<i>JW</i>	<i>7/11/17</i>	
Approval to forward to Council? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			

For Office Use Only

Council Meeting Date: *7.18.17*

Presenter: *Dennis Superczynski*

Public Hearing? Yes No

Requires Council President's Signature? Yes No

Other Reviewing Divisions/Agencies:*(Click to place a check mark in the following appropriate spaces.)*

		<u>Initials</u>	<u>Date</u>	<u>Comments Y/N (noted below)</u>
-	- Animal Control			
-	- Citizens Services			
-	- Economic Development			
-	- Emergency Management			
-	- Fire & Rescue Services			
-	- Health Services			
-	- Human Resources			
-	- Interagency Information Technologies			
-	- Parks & Recreation			
-	- Planning & Permitting			
-	- Public Works			
-	- Sustainability & Environmental Resources			
-	- Transit Services			
-	- Utilities & Solid Waste Management			
-	- Volunteer Fire & Rescue Services			
-	- Other: _____			
-	- Other: _____			
-	- Other: _____			

Elected Officials or Independent Agencies:

		<u>Initials</u>	<u>Date</u>	<u>Comments Y/N (noted below)</u>
-	- Board of Education			
-	- Board of Elections			
-	- Board of License Commissioners			
-	- Frederick Community College			
-	- Frederick County Public Libraries			
-	- Internal Audit			
-	- Sheriff's Office			
-	- Social Services			
-	- State's Attorney's Office			

Comments:

1. From: _____ Date: _____

2. From: _____ Date: _____

3. From: _____ Date: _____

4. From: _____ Date: _____



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

TO Frederick County Council
FROM Jim Gugel, Planning Director *JG*.
DATE June 28, 2017
SUBJECT Urbana PUD and MXD Amended Rezoning Applications

ISSUE

The amended applications for the three rezoning cases: R-16-01 (A) Villages of Urbana PUD; R-16-02 (B) Northern Town Center MXD; and R-16-01 (C) Southern Employment MXD will be presented at a public hearing. The Council is requested to make decisions for each individual case.

BACKGROUND

A combined application that included all three developments was submitted in July 2016. This application was reviewed by the County Planning Commission in October 2016 and by the County Council in February 2017. The Council voted on March 7, 2017 to deny the combined application. Subsequently the applicant submitted a request for a reconsideration of the decision and to allow for the submission of an amended application. The request for reconsideration was approved by the Council on May 23, 2017.

The applicant submitted an amended application on June 2, 2017, which separates the three developments into distinct rezoning requests for review and decision. A summary of the requests and any revisions from the initial combined application are noted below:

R-16-01 (A) - Villages of Urbana PUD

- Increase the maximum number of dwellings from 3,013 to 3,038 to allow 25 additional dwellings in the Market District portion of the PUD.
- This is a decrease from the 75 additional dwellings requested as part of the initial combined application.

R-16-01 (B) - Northern Town Center MXD

- Reduce the Employment area by approximately 26 acres and expand the Residential area but maintain the maximum number of dwellings at 610.
- This request is mostly unchanged from the combined application with the exception that the combined percentage of residential and commercial land use is decreased slightly from 43% (79 acres) to 40% (72 acres).

R-16-01 (C) - Southern Employment District MXD

- Rezone 210 acres of land from Office/Research/Industrial (ORI), Limited Industrial (LI), and Resource Conservation (RC) and add to the MXD as a residential component.
- Revise the land use mixture, to accommodate 700 age-restricted dwellings. The proposed residences will be located on the added 210 acres. An option for the residential area would permit

July 10, 2017

Frederick County Division of Planning & Permitting
Zoning Map Amendment
Staff Report

Case #: R-16-01 (B)
Applicant: Urbana Investment Properties II, LLC
Request: Amend the 181-acre Northern Town Center MXD (a.k.a. Urbana Town Center Employment District MXD) Phase I Plan to replace approximately 26 acres of employment uses with residential uses while keeping the maximum number of permitted dwellings at 610.



I. Background

This development was rezoned from Office/Research/Industrial (ORI) to Mixed Use Development (MXD) in 2006 (R-06-1). The Phase I concept plan proposed employment, residential (500 dwellings including 200 age-restricted units), and some supporting commercial uses on a 181-acre land area located north and west of the Villages of Urbana PUD, between MD355 and I-270 in Urbana. The Phase I Plan was amended in 2012 (R-06-1 A) to increase the residential component to 610 dwellings and to eliminate the age-restricted condition on 200 of the dwellings. The employment area remained the same. The current land use plan includes 67 acres for employment use with the potential for approximately 1.95 million square feet of office space.

As of April 2017 permits have been issued for eight (8) dwellings.

II. Applicant's Proposal

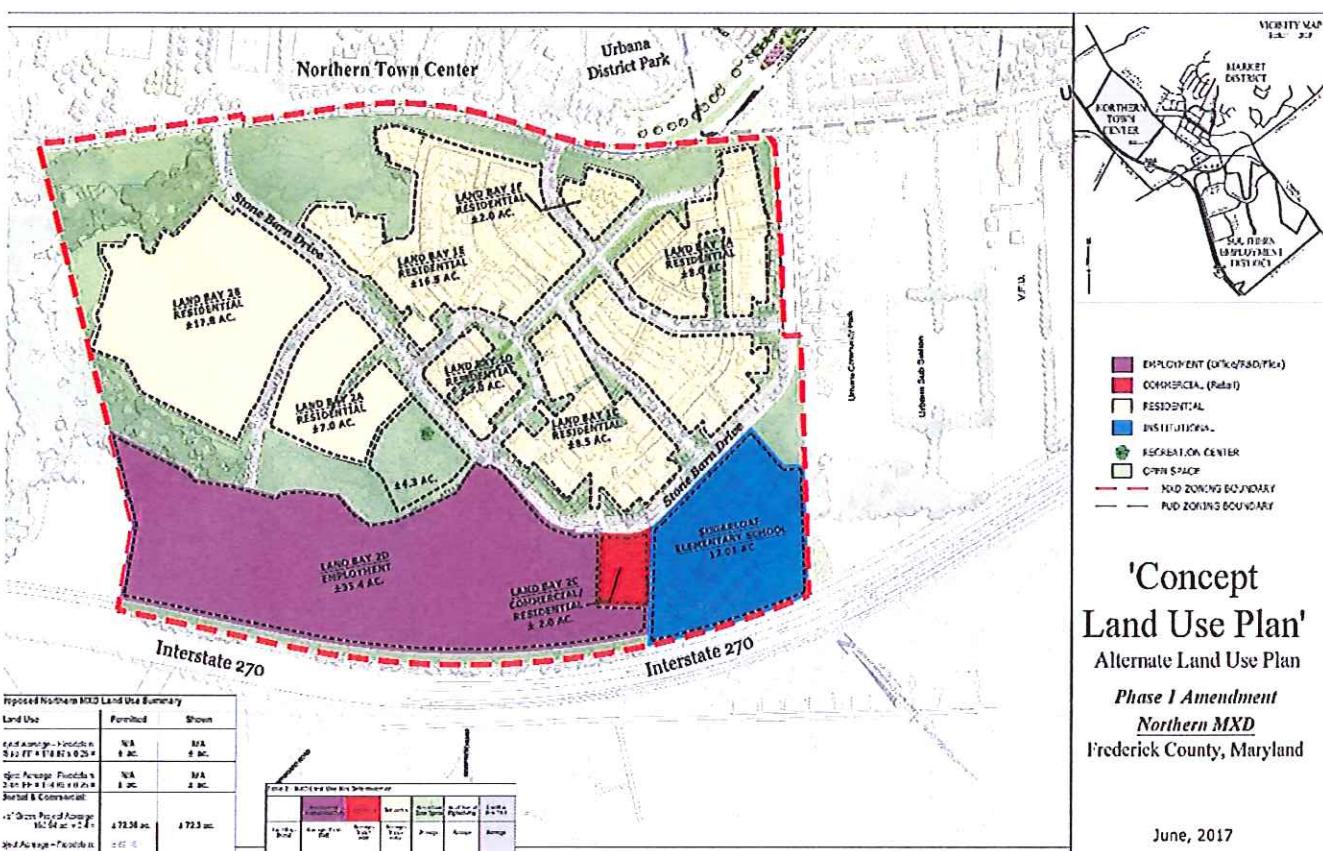
Overview

The proposed Phase I Plan seeks to revise the land use mix in the Northern MXD by removing approximately 26 acres set aside for employment uses and expanding the land area available for the development of the previously-approved 610 residential dwellings. The Applicant seeks to replace the opportunity for employment development with residential development in the 25.9-acre Land Bay 2A area. The remaining employment land area of approximately 32 acres in Land Bay 2C would maintain the potential to accommodate up to 697,000 sf of office space at an FAR of 0.5. Land Bay 2C may accommodate up to 20,000 sf of commercial uses. The Applicant has proposed no additional residential dwellings for this portion of the project.

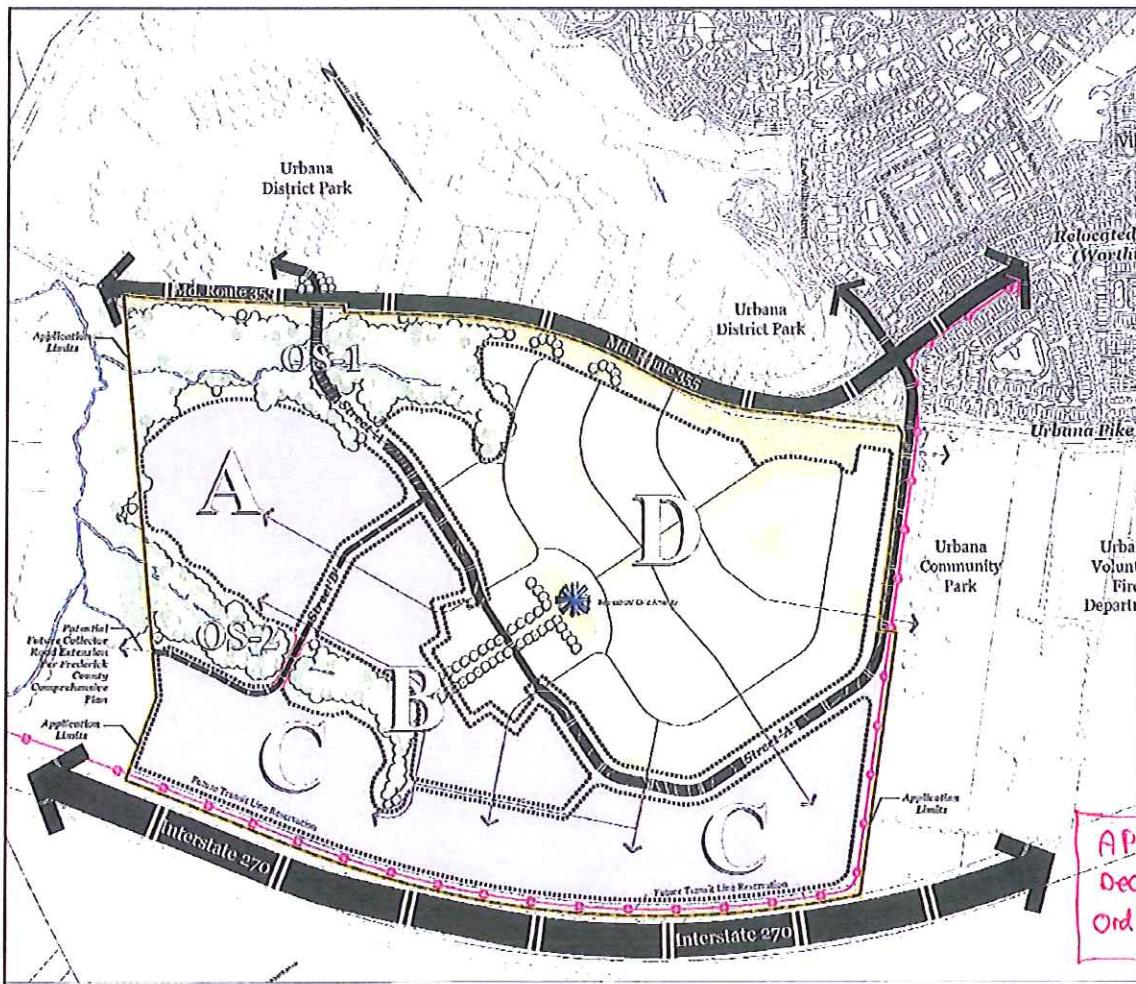
Concept Plan Proposal

The following concept plans and charts illustrate the mix of land uses currently approved for the Northern MXD development and what is proposed with the amended application.

Proposed Concept Plan - 2017



Northern Town Center MXD - 2012



Land Use Area (acres)

Gross MXD Area	181
Floodplain	4

Net MXD Area	177	
Employment	80	1,950,000 sf
Commercial	may be co-located with employment uses	50,000 sf maximum
Residential	44	610 du
Civic/Recreational/Open Space	27	
Road/Transit ROW	26	

The proposed land use plan meets the threshold criteria of the Zoning Ordinance laid out in Section 1-19-10.500 as follows:

Existing & Proposed Land Use Mix Summary

Land Use	Existing MXD		Proposed MXD		Maximum Permitted or Minimum Required
	Acres	Percentage (total land area)	Acres	Percentage (total land area)	
Residential	44		70.3		
Commercial	included in Employ- ment area	24%	2.0	40%	40% maximum ¹
Employment/Institutional ²	80	44%	47.4	26%	No maximum
Open Space/Recreational/ Floodplain	31	17%	43.2	24%	31 ac minimum
Right-of-Way	26	15%	17.9	10%	N/A
TOTAL	181 ac	100%	181 ac	100%	

1. Of the gross acreage (181 acres) including floodplain
2. Includes the 12-acre Sugarloaf Elementary School site

Open Space Criteria

The Zoning Ordinance requires the provision of open space at the following rates in an MXD:

Residential uses - 30% of total residential acreage = 21.1 ac

Commercial/Employment/Institutional uses - 20% of combined acreage = 9.9 ac

The required amount of Open Space for this MXD is 31 acres. The Applicant is proposing 43.2 acres which exceeds the requirement significantly.

Employment Potential

The Northern Employment MXD application (R-16-01 (B), and the Southern Employment MXD application (R-16-01 (C), filed as separate applications, propose to shift a significant amount of land from employment use to residential or institutional uses. The table below summarizes both applications and the difference in acreages for each development/property as currently exists and with the proposed revisions.

Development/Property	Existing (acres)	Proposed (acres)
Northern MXD	68	35
Southern MXD (undeveloped land only)	67	67
Urbana Office Research Center (ORI)	54	0
Raystock property (ORI)	71	0
Total Acres	258 acres	102 acres
Building Potential (square feet)	5.6 million¹	2.2 million¹

1. Assumes a Floor Area Ratio (FAR) of 0.5

Concept Plan

The Concept Plan demonstrates a continuation of design principles previously utilized by the Applicant throughout the development of the associated Urbana projects. Proposed development areas are illustrated as compact neighborhoods utilizing a modified block patterns with a clear hierarchy of streets serving a variety of building types and responding sensitively to the natural features and environmental constraints of the land.

The **Northern Town Center MXD**, as modified from its currently approved mix of employment, commercial, and residential uses, proposes an expansion of attached and detached homes into at least one area previously slated for office uses (Land Bay 2A), while retaining proposed employment and commercial uses along the lands immediately adjacent to I-270. This redistribution of residential dwellings into areas previously planned for employment uses has the effect of decreasing the net residential density of the proposed neighborhood. The street pattern very closely aligns with the currently approved Preliminary Subdivision Plan for the project with the difference being that residential structures would replace some portion of the office buildings. The plan makes good use of the site by providing a spine road (Stone Barn Parkway) that travels deep into the property connecting at key intersections on both ends – at the Urbana District Park entrance on the north end, and at Lew Wallace Street, adjacent to Urbana Community Park on the south end. A community center and amenities cluster is located in the center of the property capping a $\frac{1}{4}$ mile axial connection between this development and the Market District at the heart of the PUD. The Sugarloaf Elementary School is tucked into the southwestern corner of the project site adjoining the Urbana Community Park.

Northern MXD Site – Overview Looking Northeast



Phasing Plan

The site has been mass graded and utilities/roads are currently under construction. Model home construction began in the spring of 2017. Lot recordation for the sections not affected by the proposed residential area is expected to continue in 2017.

For the proposed residential development, there would be an additional development review process that could occur in late 2017/early 2018, followed by engineering and improvement plans in 2018, thereby allowing for initial lot recordation in the 2018/2019 timeframe.

III. Evaluation - Relationship to the County Plans

Proposed Land Use Mix and Density

The Land Use Mix proposed in this Application provides for a range of uses anticipated in areas designated in the Comprehensive Plan for Mixed Use Development. In summary:

Employment/Institutional	26%
Residential	39%
Commercial	<1%
Open Space	24%
Other	10%

The Residential Density of the MXD can be measured in two ways:

Gross Density 610 du/181 acres = 3.4 dwellings/acre

Net Density 610 du/70.3 acres = 8.7 dwellings/acre

The proposed net residential density of 8.7 DUs/acre falls squarely within the Medium Density Residential range (6-10 dwellings/acre) in the County Comprehensive Plan (*Managing Our Growth*, p. 10-25).

Consistency with Comprehensive Plan

The I-270 corridor in Frederick County has been targeted as a primary employment area as far back as the County's first Comprehensive Plan in 1959. The first industrial zoning in the corridor was applied in 1969. In the late 1990's the I-270 corridor in both Frederick and Montgomery county's was first marketed as the I-270 High Technology Corridor to recognize the type of development occurring in Montgomery County and to promote the entire corridor. While the initial view of the land along I-270 was to be solely employment the County has facilitated the ability to create mixed employment/residential developments to address the market and the shift away from the isolated office campus type development. The County Comprehensive Plan references the desire for mixed developments in the following policies:

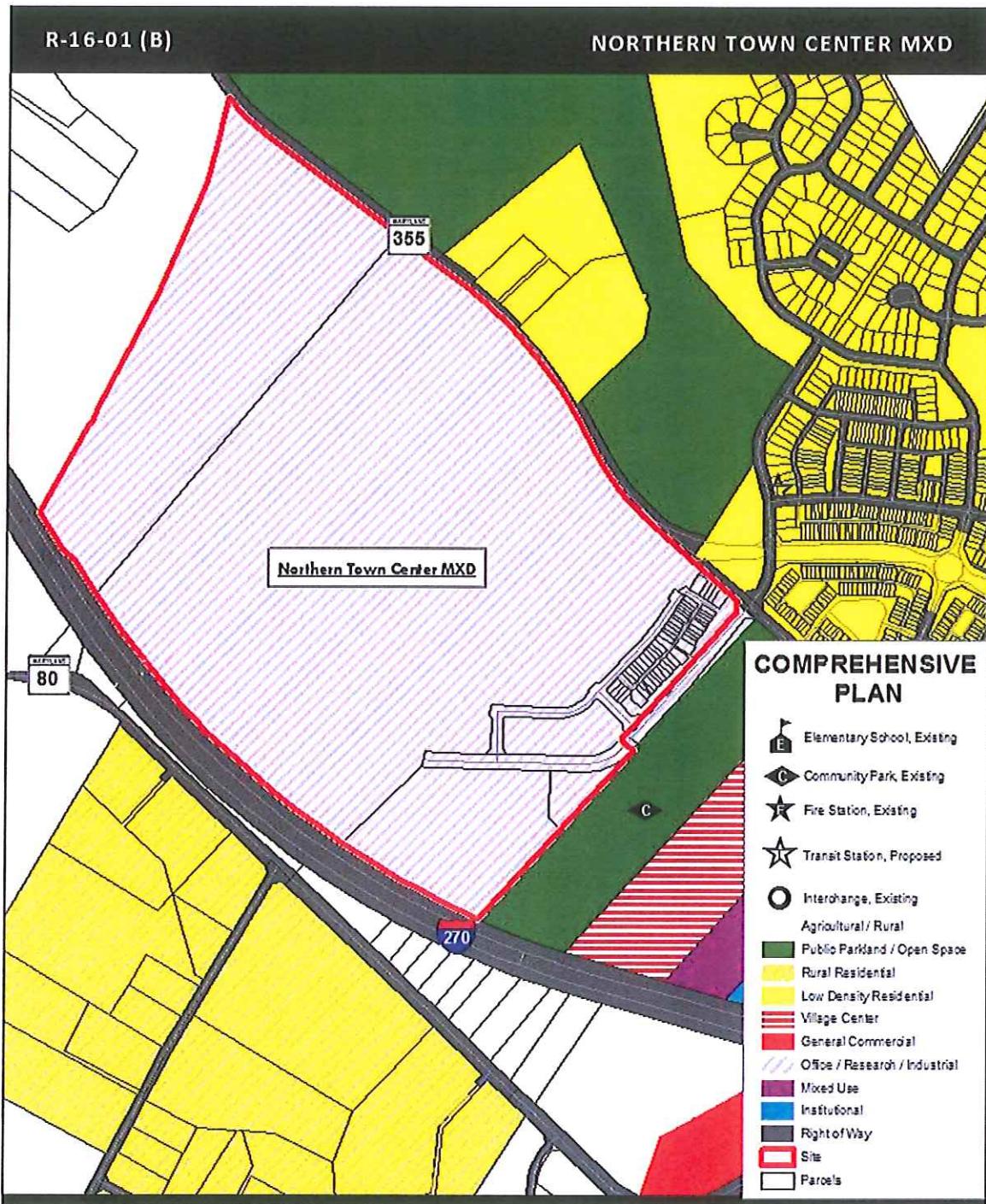
ED-P-02 Locate employment uses in community growth areas where they can take advantage of existing/planned infrastructure and proximity to the workforce & other services.

ED-P-03 Integrate compatible employment, commercial and residential uses when possible to achieve a mixed-use environment.

ED-P-07 Advocate for the efficient use of limited land resources zoned for employment that accommodates the County's targeted industries.

MG-P-19 Substantially limit development along major highway corridors such as I-270 and US 340 to those uses that maximize employment opportunities.

Staff recognizes the current market conditions, trends and absorption rates related to office development in the larger Washington metropolitan region. Irrespective of those trends, staff supports the revised Concept Plan submitted by the Applicant that maintains Land Bay 2D for employment uses.

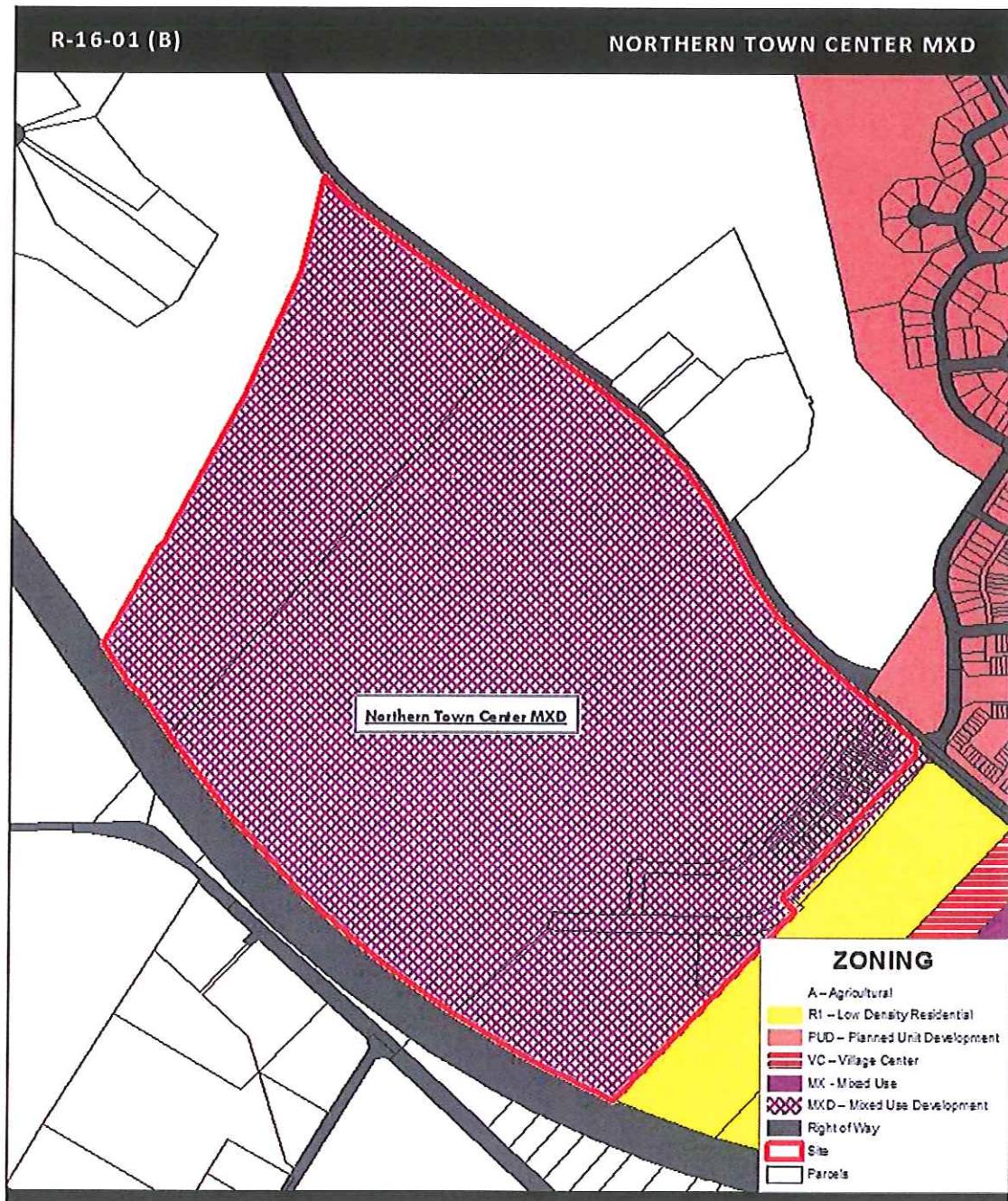


Compatibility with Adjoining Zoning and Land Uses

Adjoining zoning districts surrounding the Northern MXD include Residential (R1), Agricultural (A), and Planned Unit Development (PUD). Along the I-270 boundary, the MXD area adjoins vast areas zoned Agricultural (A).

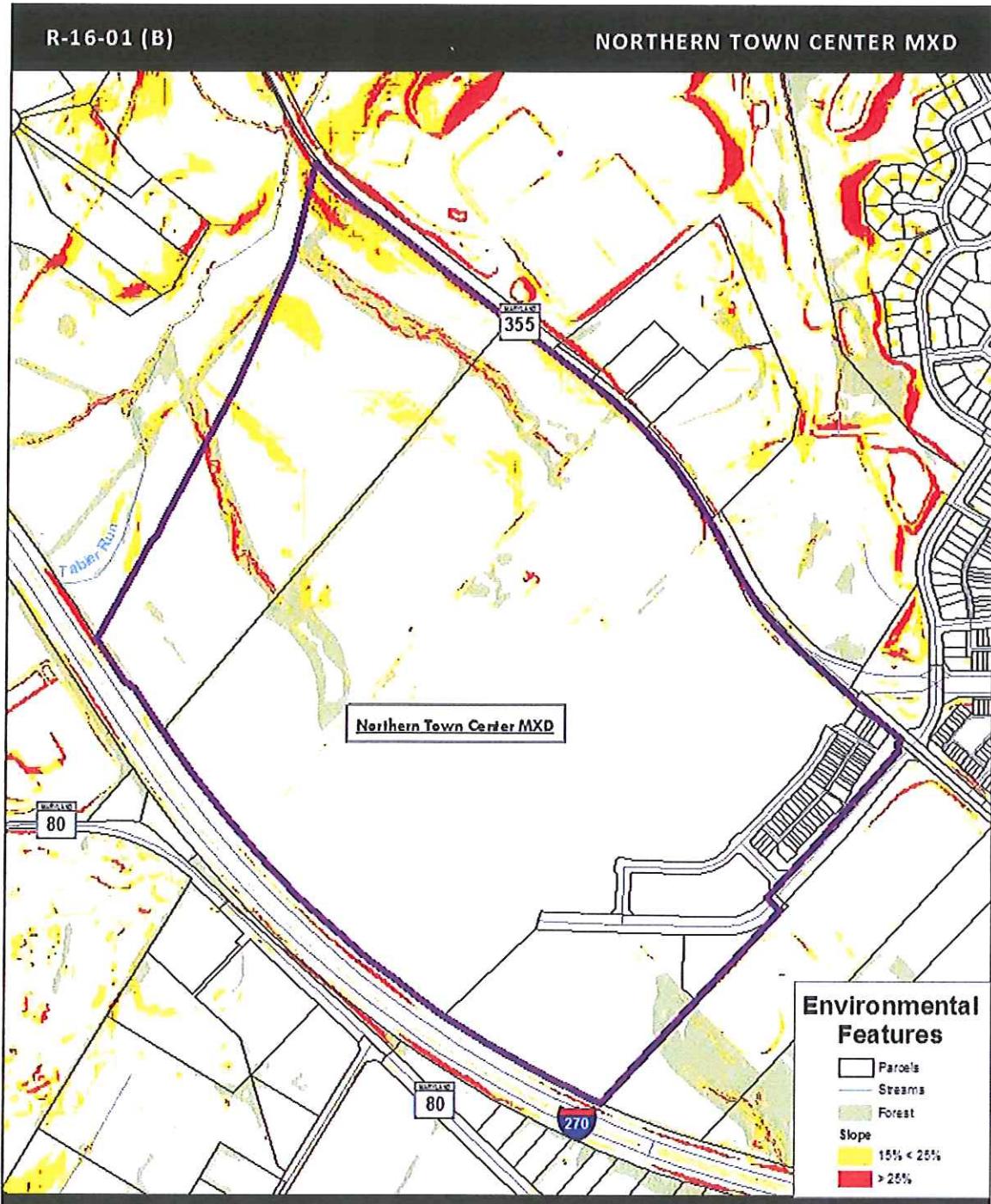
Surrounding land uses include some large lot residential to the east and north, two county parks and additional large lot residential on the west side of I-270. The southeast corner of the site adjoins residential uses (townhouse) in the Villages of Urbana PUD.

The proposal is compatible with adjoining zoning and land uses.



Natural Features

The Northern Town Center MXD site has rolling topography with mostly cleared, agricultural lands. There are two streams/swales that drain into Tabler Run, which traverses the northern border of the site and is a tributary of Bush Creek. There are narrow bands of woodlands along the two streams and along Tabler Run.



IV. Evaluation - Adequacy of Public Facilities and Services

Schools

This application does not propose an increase in the number of dwellings (610) currently approved. The Northern Town Center MXD received Adequate Public Facilities Ordinance (APFO) approval in June 2013.

Programmed Improvements (Adopted FY 2018-2023 CIP)

Sugarloaf Elementary School – New 725-seat school to open in the fall 2018. This school will be located in the Northern Town Center MXD development. For the first two years it will accommodate the students from Urbana Elementary while that school is demolished and replaced with a new building to open in 2020.

Urbana Elementary School – Replacement school on the same site with expansion from 511 seats to 725 seats (additional 214 seats). Proposed to open in 2020.

In the fall 2020 there will be 939 new seats at the elementary level to accommodate continued build out in the Urbana community and to provide relief for Centerville Elementary.

Planned Improvements

East County Area Elementary School – New 725-seat school, location to be decided (either in the Linganore PUD or Landsdale PUD), as contained the current approved FY 2018 – 2023 CIP. The project is planned to be constructed in 2023. At this time, FCPS is not anticipating that capacity from this project will provide relief in Urbana.

Middle School – The Comprehensive Plan identifies a planned 900-seat middle school site, east of Boyers Mill Rd., which is part of the Blentlinger property PUD. This site has not been dedicated or conveyed to the County, and it is not anticipated to provide relief in Urbana. While Windsor Knolls Middle School has some capacity available, any redistricting would be a Board of Education decision.

High School – The Comprehensive Plan identifies a planned 1600-seat high school site in the Monrovia community growth area. This site has not been dedicated or conveyed to the County. A new high school is needed to accommodate already planned and approved development.

Water and Sewer

The Northern Town Center MXD is currently classified as S-3/W-3 (service in 3 years) in the County Water and Sewer Plan.

Water Supply - Public water is provided through the New Design water system, which withdraws water from the Potomac River. The New Design Water Treatment Plant has a permitted capacity of 25 million gallons/day (MGD) and has a current average daily use of approximately 16 MGD.

Sewer Service - Sewage treatment service is provided by the Ballenger-McKinney wastewater treatment plant (WWTP), which has capacity of 15 MGD and currently discharges into the Monocacy River. Current average daily treatment flows at the Ballenger-McKinney WWTP is 5.7 MGD.

The Northern Town Center MXD development received APFO approval for water/sewer in June 2013. The developer will be required to construct various infrastructure components to

accommodate the MXD development.

Programmed Improvements (FY 2018-2023 CIP)

There are no projects in the Urbana area.

Public Safety

The nearest fire station is the Urbana Volunteer Fire Department (Station #23), located on Urbana Pike next to Urbana Elementary School. The County's Division of Fire and Rescue Services plans to add 9 Firefighters to the Urbana Fire Station to fully implement tactical unit staffing. Staffing is a result of the 2016 FEMA Grant. The Northern Town Center MXD is approximately 1,100 feet from the Urbana Fire Station.

Police protection for the Site is provided by the Frederick County Sheriff's Office.

Programmed Improvements (Adopted FY 2018-2023 CIP)

Green Valley Fire Station – Replacement of the existing station (Station #25), located near the intersection of MD 75/80. The site has been dedicated and conveyed to the County. The station is proposed to be open in 2023 and will have space for the County Sheriff's Office.

Planned Improvements

There are no additional planned public safety related improvements

Libraries

Urbana is served by the Urbana Regional Library located in the Villages of Urbana PUD Town Center. There are no library improvements programmed in the FY2018-2023 CIP.

Parks

There are two existing County parks in the vicinity of Urbana. The County's Urbana District Park (95 acres) is a regional park located on MD 355 across from the Northern Town Center MXD development. The other is the County's Urbana Community Park (20 acres) located on Urbana Pike adjacent to the Northern Town Center MXD. Both parks are fully developed with play fields, playgrounds, and trails.

The Northern Town Center MXD will have their own HOA managed pool/club house facilities. The Frederick YMCA is proposing a full YMCA facility including an aquatics center on property between the Urbana High and Middle schools. The County is proposing to contribute funding towards the pool component to allow some public use.

Programmed Improvements (FY 2018-2023 CIP)

No programmed improvements for parks in the vicinity

Planned Improvements

Special Park – The County owns a 19-acre site in the Villages of Urbana next to Centerville Elementary School that would be available for future park facilities.

Sugarloaf Elementary School will be constructed as a Park/Rec school, including an oversized gymnasium designed to offer expanded recreational programs.

Transportation

Existing Site Access Characteristics

This site has frontage along MD 355 and will have three access points on MD 355, one across from the entrance to the Urbana District Park, a second approximately 1,600 feet to the east of the park entrance, and a third via Stone Barn Dr. across from Lew Wallace St.

Existing Traffic Volumes and Capacity on Adjoining Roads

A measure of additional capacity of a roadway can be generally determined through the calculation of the Volume/Capacity (V/C) ratio, which can be obtained by dividing the *capacity* of the road (based on # existing thru lanes) by the current average daily traffic *volume*.

4-lane arterial capacity – 34,000 vehicles/day

2-lane arterial capacity – 18,000 vehicles/day

A V/C ratio below 1.0 indicates that capacity is available.

Count Location	Average Annual Daily Traffic (AADT)	Volume/Capacity (VC) Ratio
MD 355 – north of Worthington Blvd	10,990	18,000, V/C -0.61
MD 355 – north of MD 80	8,050	34,000, V/C – 0.24
MD 355 – south of Campus Dr.	8,750	18,000, V/C – 0.49
MD 80 – west of I-270	7,060	18,000, V/C – 0.39
MD 80 – west of Urbana Pkwy	19,600	34,000, V/C – 0.58
MD 80 – east of MD 355	19,510	34,000, V/C – 0.57

Comprehensive Plan Designations for Adjoining Roads

MD 355 – Major Arterial

Urbana Pkwy - Collector

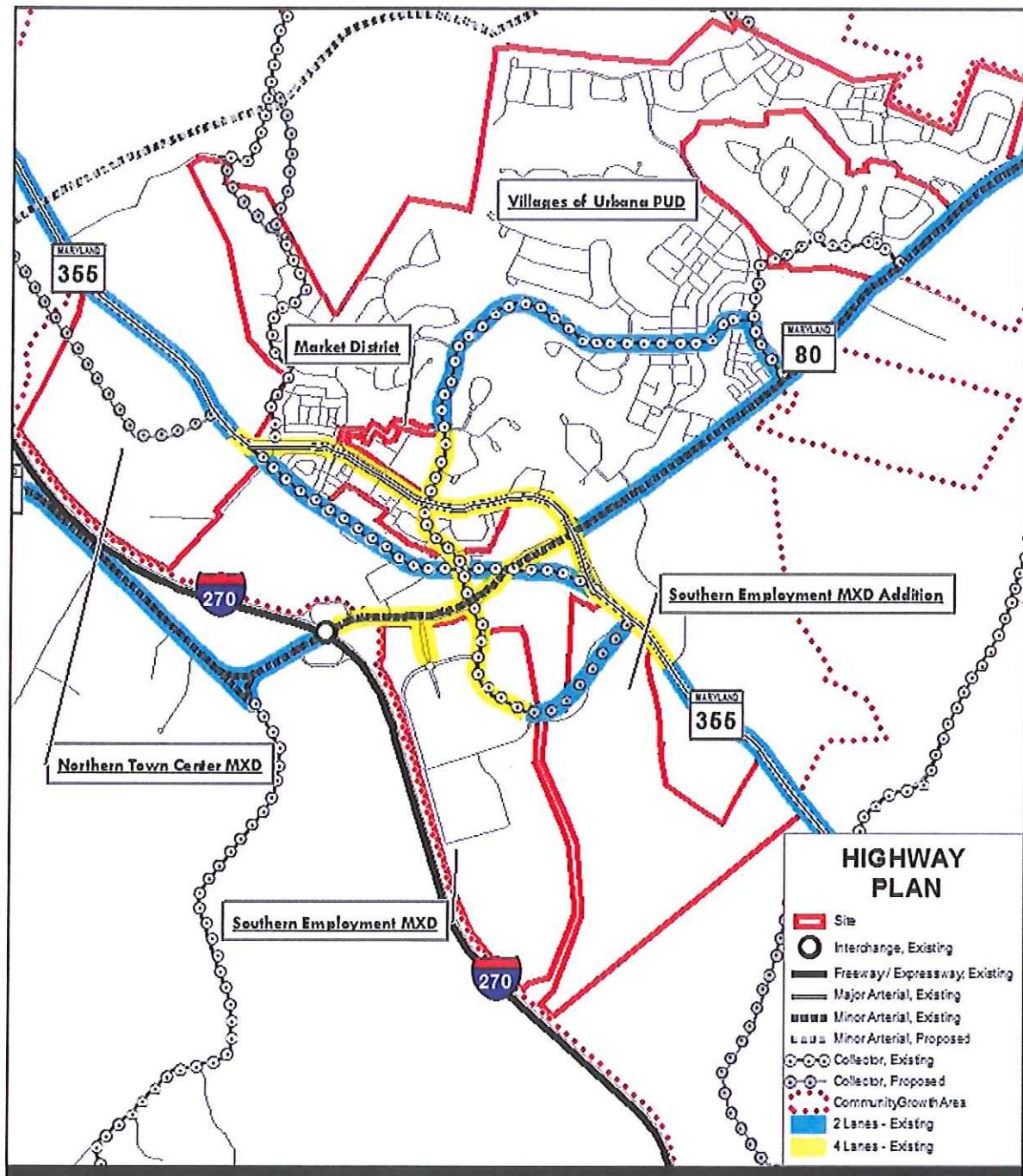
Urbana Pike (old MD 355) - Collector

Programmed Improvements (Adopted FY 2018-2023 CIP)

There are no County road improvements in the current CIP.

Planned Improvements

I-270/MD 80 Interchange – Through prior APFO approvals the applicant is responsible for constructing a new ramp from northbound I-270 to eastbound MD 80. This ramp will replace an existing ramp that requires traffic to make a left turn onto eastbound MD 80 at a traffic signal.



V. Approval Criteria and Summary of Findings

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

(1) Consistency with the comprehensive plan;

Staff finds that the proposed amendment to the Northern MXD maintains a sufficient mix of land uses - including employment uses - to be considered consistent with the underlying Office/Research/Industrial Comprehensive Plan designation.

(2) Availability of public facilities;

Staff finds that parks, libraries, and public safety facilities are currently adequate to serve the proposed development. The construction of a replacement Green Valley fire station (station #25) in 2023 will help to maintain adequate fire/rescue services. There is approximately 9 MGD of water supply and 9.3 MGD of sewage treatment capacity currently available in the New Design water system and the Ballenger-McKinney WWTP.

Regarding school adequacy, the total number of dwellings currently approved (610) is not proposed to increase. The residential component of this MXD received Adequate Public Facilities approval in June 2013.

(3) Adequacy of existing and future transportation systems;

Staff finds the existing roads to be adequate to accommodate additional traffic. Both MD 80 and MD 355 throughout the immediate Urbana area have volume/capacity ratios less than 1.0 indicating the ability to accommodate additional traffic. Current Adequate Public Facility Ordinance (APFO) approvals will require additional improvements to MD 80 east of MD 355 and on MD 355 in the vicinity of the Urbana District Park.

(4) Compatibility with existing and proposed development;

Staff finds that proposed changes to the MXD are generally compatible with existing and proposed development. The remaining employment area in the Northern MXD will be separated from the residential uses by a natural buffer (stream valley and open space areas).

(5) Population change; and

The current population of Urbana proper is approximately 9,800. The proposed amendment will not increase the population beyond the 610 dwellings currently approved.

(6) The timing of development and facilities.

The water/sewer and road infrastructure are mostly in place to accommodate the MXD development. At the elementary level, capacity provided by the new Sugarloaf ES and an Urbana ES replacement will not be available for new students until at least the fall of 2020.

§ 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;

Staff finds that the proposal for the Northern Employment MXD is relatively compact and efficient in its

consumption of land and infrastructure in this section of the MXD. A complex mix of medium-density residential, employment, commercial, and open space/recreational uses are woven together to maximize privacy and separation where necessary and to encourage interconnection between residential neighborhoods and the services and facilities needed to sustain them.

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

Staff finds that general Phase I design components of the Northern MXD proposal are consistent with the County's Comprehensive Plan goals regarding efficient and well planned development patterns supporting future mixed residential and employment areas. Currently, there are no Community or Corridor Plans 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;

To the extent discernible in a Phase I Land Use Concept Plan, the proposal for the Northern MXD appears to reflect a development scheme that makes wise use of natural and man-made features to diminish differences in intensity, building scale, and appearance between the proposed employment uses and the proposed residential. As such, staff finds the development proposal to be compatible with current and future land uses in the community.

(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;

Staff finds that the proposed arrangement of land uses in the Northern Town Center MXD provides adequate buffering between the employment and residential uses while maintaining an appropriate mix of land uses. The concept plan preserves the well-planned physical connections between residential neighborhoods, schools, and recreational facilities.

(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;

Staff finds the transportation system to be adequate. Both MD 80 and MD 355 throughout the immediate Urbana area have volume/capacity ratios less than 1.0 indicating the ability to accommodate additional traffic. Current Adequate Public Facility Ordinance (APFO) approvals will require additional improvements to MD 80 east of MD 355 and on MD 355 in the vicinity of the Urbana District Park.

(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 network of streets and pedestrian facilities proposed in this application appears to have expanded organically into the land areas previously planned for office employment uses in the Northern Town Center MXD. Staff finds that the Applicant has maximized connectivity in the MXD by providing multiple pedestrian paths, apparent vehicular/pedestrian interconnections to previously developed parcels, and placed the highest density residential structures in closer proximity to existing and planned commercial development in the PUD and older village, the new elementary school under construction, the existing Urbana Community Park, and potential transit routes along Worthington Boulevard, Urbana Pike, and Stone Barn Drive.

(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 nearest fire station is the Urbana Volunteer Fire Department (Station #23), located on Urbana Pike next to Urbana Elementary School. The County's Division of Fire and Rescue Services plans to add 9 Firefighters to the Urbana Fire Station to fully implement tactical unit staffing. Staffing is a result of the 2016 FEMA Grant. The Northern Town Center MXD is approximately 1,100 feet from the Urbana Fire Station.

(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 proposed concept land use plan maintains the open space areas from currently approved plans. These open space areas protect several stream corridors that include woodlands, and moderate slopes. Sensitive natural areas and open spaces are utilized strategically to provide natural land use buffers and provide opportunities for passive and active recreational amenities to serve both residential and employment uses in the MXD.

(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;

Staff finds that the proposed mix of land uses that would maintain employment uses along I-270 while allowing for an expanded residential area is consistent with the intent of the Office/Research/Industrial Comprehensive Plan land use designation.

(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.

Staff finds that parks, libraries, and public safety facilities are currently adequate to serve the development. The construction of a replacement Green Valley fire station in 2023 will help to maintain adequate fire/rescue services. There is approximately 9 MGD of water supply and 9.3 MGD of sewage treatment capacity currently available in the New Design water system and the Ballenger-McKinney WWTP.

VI. Proposed Condition Revisions by the Applicant

The following conditions reflect previous revisions to the Northern Town Center MXD approved in 2012 (Ordinance # 12-31-626) and 2014 (Ordinance # 14-12-667).

Language with a ~~strike-through~~ is proposed to be deleted and language in all CAPITALS is new.

1. A maximum of 610 dwelling units may be constructed within the MXD site. In lieu of construction of the required MPDUs, the requirement to provide MPDUs may be satisfied through a payment in lieu of construction as provided for by Section 1-6A-5.1 of the County Code.
2. The developer shall follow a phasing plan for the MXD as described below:
 - a. Building permits for no more than 150 single-family detached and attached units may be issued per year with a previous year's unused allocation permitted to be carried into the following year.
 - b. 128 multifamily flats may be developed with timing based upon market demand and shall not be counted against the maximum of 150 single-family detached and attached building permits per year.
 - c. Non-residential employment and commercial uses shall be developed according to market demand, consistent with the applicable requirements contained in the APFO LOU associated with the project.
 - d. Timing and sequence of infrastructure improvements (roadways, water, and sewer) shall be approved under the project's APFO Letter of Understanding.
3. The developer shall reserve up to a 70 ft. wide transit right-of-way for the ultimate use of the I-270 Transitway project -- as described in the County Comprehensive Plan – the precise location of which shall be determined during the Phase II process.

4. The developer shall prepay \$250,000 of the total amount of School Construction Fees assessed on residential units in the MXD that fail the APFO schools test, in accordance with Section 1-20-62 of the Adequate Public Facilities Ordinance. Such prepayment shall be made within six (6) months of the signing of the Letter of Understanding (LOU) covering the Urbana Northern MXD. The \$250,000 prepayment shall be credited against the School Construction Fees due for the first residential units to be platted in the MXD and all subsequent units until the \$250,000 fee has been fully credited, at which time the developer shall resume payment of required School Construction Fees. (NOTE: THIS CONDITION HAS BEEN SATISFIED).
5. Consistent with the County Comprehensive Plan for this site, the developer shall design the roadway network within the MXD in a manner as to accommodate the possible future connection to Park Mills Road.
6. The developer shall provide convenient and safe connections to both the Urbana District Park and the Urbana Community Park through the provision of direct links between the vehicular, pedestrian, and trail systems in the park facilities and the MXD ~~development~~. These connections shall be developed in such a way as to provide safe, controlled access points to the parks.
7. Site plans for residential and non-residential components of the MXD shall comply with Section 1-19-10.500.9 and consistent with Section 1-19-10.500.5 (B) (7) building and Spaces Visualization.
8. THE NORTHERN MXD SHALL BE DEVELOP AND UTILIZE UP TO 40% OF THE COMBINED LAND USE AS RESIDENTIAL AND COMMERCIAL AS PERMITTED UNDER SECTION 1-19-10.500.7(A).

VII. Staff Recommendation

Staff recommends APPROVAL of the request (R-16-01 B) to amend the Phase I Plan for the Northern Town Center MXD to replace approximately 26 acres of employment area with residential, based on the following findings:

Based on the findings, described in Section V of the staff report, relative to:

- the Approval Criteria as set forth in §1-19-3.110.4 of the Zoning Ordinance; and,
- the Planned Development District Approval Criteria as set forth in §1-19-10.500.3 of the Zoning Ordinance.

Staff further recommends APPROVAL of the applicant's condition revisions/additions:

Staff would recommend deleting condition #4, which has been satisfied. The remaining recommended conditions are listed below:

1. A maximum of 610 dwelling units may be constructed within the MXD site. In lieu of construction of the required MPDUs, the requirement to provide MPDUs may be satisfied through a payment in lieu of construction as provided for by Section 1-6A-5.1 of the County Code.
2. The developer shall follow a phasing plan for the MXD as described below:
 - a. Building permits for no more than 150 single-family detached and attached units may be issued per year with a previous year's unused allocation permitted to be carried into the following year.
 - b. 128 multifamily flats may be developed with timing based upon market demand and shall not be counted against the maximum of 150 single-family detached and attached building permits per year.
 - c. Non-residential employment and commercial uses shall be developed according to market demand, consistent with the applicable requirements contained in the APFO LOU associated with the project.
 - d. Timing and sequence of infrastructure improvements (roadways, water, and sewer) shall be approved under the project's APFO Letter of Understanding.
3. The developer shall reserve up to a 70 ft. wide transit right-of-way for the ultimate use of the I-270 Transitway project -- as described in the County Comprehensive Plan – the precise location of which shall be determined during the Phase II process.

4. Consistent with the County Comprehensive Plan for this site, the developer shall design the roadway network within the MXD in a manner as to accommodate the possible future connection to Park Mills Road.
5. The developer shall provide convenient and safe connections to both the Urbana District Park and the Urbana Community Park through the provision of direct links between the vehicular, pedestrian, and trail systems in the park facilities and the MXD development. These connections shall be developed in such a way as to provide safe, controlled access points to the parks.
6. Site plans for residential and non-residential components of the MXD shall comply with Section 1-19-10.500.9 and consistent with Section 1-19-10.500.5 (B) (7) building and Spaces Visualization.
7. The Northern MXD shall develop no more than 40% of the total acreage as residential and commercial land uses as permitted under section 1-19-10.500.7(A).



FREDERICK COUNTY PLANNING COMMISSION

December 13, 2016

TITLE: Combined Urbana PUD – MXD Rezoning

FILE NUMBER: R-16-01

REQUEST: **Urbana Northern Town Center MXD** – amend Phase I Plan to replace some employment area with residential (keep approved 610 dwellings).

Southern Employment MXD – amend Phase I Plan to add 210 acres proposed to be rezoned from ORI, LI, and RC to MXD. Propose added area as residential for 700 age-restricted dwellings and/or an assisted living/nursing care facility.

Villages of Urbana PUD – Increase the maximum permitted dwellings to 3,088 to allow additional 75 townhouse dwellings in the Market District.

PROJECT INFORMATION:

LOCATION: MD 355 north and south of Urbana

ZONE: PUD and MXD

REGION: Urbana

COMP. PLAN/LAND USE: Residential and Office/Research/Industrial

APPLICANT/REPRESENTATIVES:

APPLICANT: Urbana Investment Properties II, Monocacy Land Co. LLC

OWNER:

ENGINEER: Rodgers Consulting

ATTORNEY: Krista McGowan

STAFF: Denis Superczynski, Principal Planner

RECOMMENDATION: Approval w/conditions

Enclosures:

Staff report

Revised Concept Plan

Applicant letter and addendum material

Agency and Public comments received

Frederick County Division of Planning & Permitting
Zoning Map Amendment
Staff Report

Case #: R-16-01

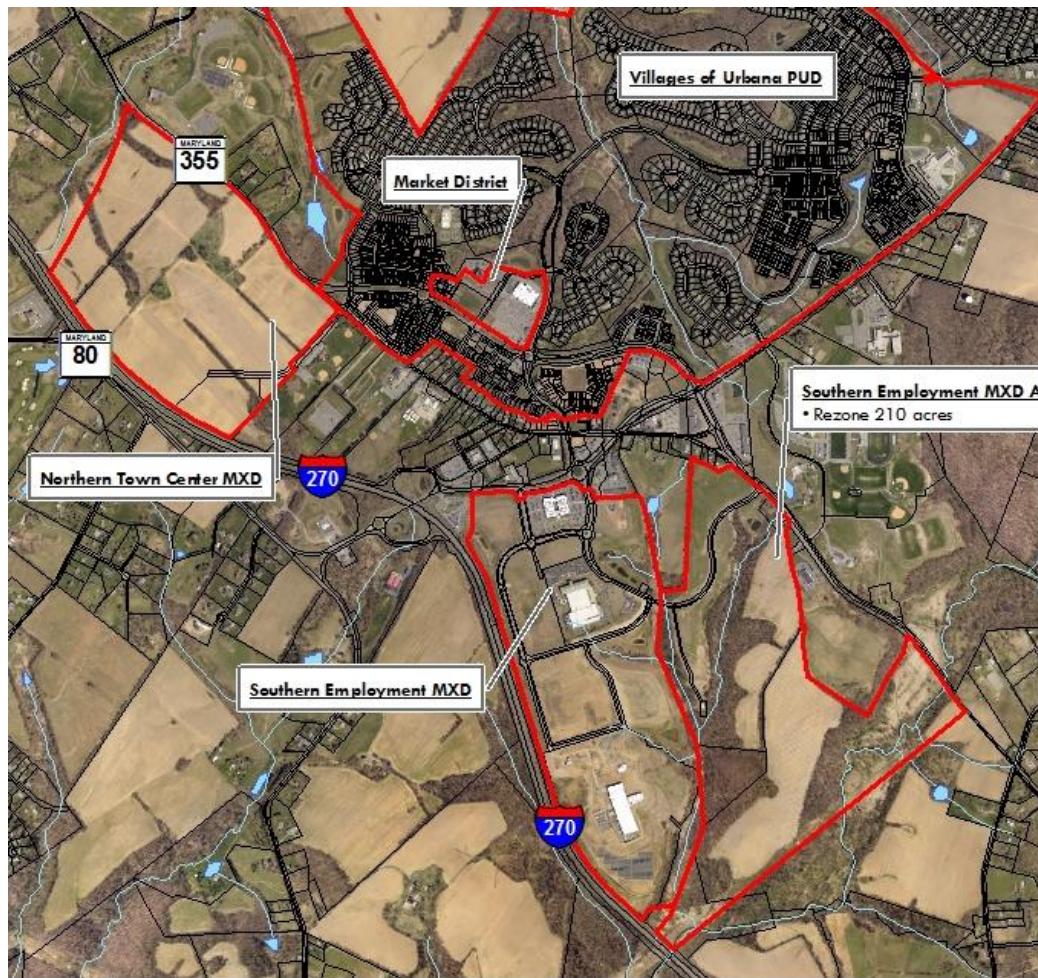
Applicant: Urbana Investment Properties II and Monocacy Land Co., LLC

Request: Combined rezoning application including the following:

Northern Town Center MXD – Amend the Phase I Plan to replace approximately 26 acres of employment uses with residential uses while keeping the maximum number of permitted dwellings at 610.

Southern Employment MXD – Rezone 166.9 acres of Office/Research/Industrial (ORI), 42.5 acres of Resource Conservation (RC), and 0.7 acres of Limited Industrial (LI) to Mixed Use Development (MXD) and add to the existing Southern Employment MXD. This 210-acre area is proposed as an age-restricted residential development with 700 permitted dwellings and/or an assisted living/nursing care facility.

Villages of Urbana PUD – Increase the number of permitted dwellings from 3,013 to 3,088 with an additional 75 townhouse dwellings in the Market District area of the PUD.



I. Background

This is a combined application that proposes amendments to individual Phase I Plans for the respective previously approved developments and also proposes the rezoning of additional land to be incorporated into the Southern Employment MXD development. The ability to submit a combined application is addressed in the Zoning Ordinance § 1-19-10.500.5 (F) and reads as follows:

A combined application for PUD and MXD Districts may be submitted where the subject property is to be divided into development areas which correspond to a different planned development category; and where each development area is identified by a separate legal description.

While the three existing developments described below were rezoned and received development approvals as separate projects, they are under the same development ownership and were part of a combined Development Rights and Responsibilities Agreement (DRRA) and Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) approved on June 13, 2013.

The combined application also recognizes the physical contiguity of the three developments via public road right-of-ways to allow for the single combined application. This is necessary to consider the two MXD developments as a single, combined development.

Villages of Urbana PUD

The Villages of Urbana PUD was initially rezoned to Planned Unit Development (PUD) in 1973 (R-73-2). At that time at least part of the development was proposed as a retirement community. The development went through numerous ownership changes but it was not until the mid-1990's that it progressed through its final development review process. The first building permit was issued in 2000. The current extent of the PUD zoning includes two separate developments with a total area of 1,114 acres. The Villages of Urbana is 1,030 acres with 3,013 approved dwellings and Urbana Highlands is 112 acres with 471 approved dwellings and are completely built out.

Northern Town Center MXD (Urbana Town Center Employment District MXD)

This development was rezoned from Office/Research/Industrial (ORI) to Mixed Use Development (MXD) in 2006 (R-06-1). That approval proposed employment, residential (500 dwellings including 200 age-restricted units), and some supporting commercial uses. The Phase I Plan was amended in 2012 (R-06-1 A) to increase the residential component to 610 dwellings and to eliminate the age-restricted condition on 200 of the dwellings. The current land use plan includes 67 acres for employment use with the potential for approximately 1.95 million square feet of office space.

Southern Employment MXD (Urbana Office/Research Center MXD)

This development, more specifically known as the Urbana Office Research Center, was rezoned from ORI to MXD in 1998 (R-98-1) proposing only employment and commercial uses (no residential uses). The Phase I Plan was amended in 2009 (R-98-1 A) to adjust the amount of permitted commercial uses to accommodate a planned outlet mall. In 2012, a second amendment to the development was approved (R-98-1 B) that significantly reduced the commercial uses to accommodate the proposed Social Security Administration data center. There is approximately 67 acres of net acreage available to accommodate additional employment and commercial development. If developed entirely as employment with a Floor Area Ratio (FAR) of 0.5 this land has the potential for approximately 1.4 million square feet of office space.

II. Applicant's Proposal

Overview

This application proposes to amend two previously-approved MXD projects and a small section of the approved Villages of Urbana PUD.

In the Villages of Urbana PUD, the Applicant seeks to garner an additional 75 dwelling units (townhouses) in order to bring the development of the PUD to a conclusion with the completion of the Market District area – the commercial and institutional heart of the PUD.

In the Southern Employment MXD, the Applicant is seeking a significant expansion and revision of the land use mix previously approved. The proposal maintains the original employment areas in the 211+ acre MXD development that is already home to several employers including the Social Security data center, Fannie Mae data center, and Legal and General (insurance company). The proposed 210-acre expansion area south and east of the existing MXD would create an opportunity for the development of a 700-unit age-restricted residential community, absorbing not just the undeveloped Raystock property but the land bays previously zoned for ORI development along Urbana Parkway. This portion of the proposal would add a residential component to an MXD project that currently includes only non-residential uses. This area may also accommodate an institutional use, which would permit an assisted living/nursing care facility on all or a portion of proposed residential area.

The third component seeks to revise the land use mix in the Northern MXD by removing approximately 26 acres set aside for employment uses and expanding the land area available for the development of the previously-approved 610 residential dwellings. The Applicant seeks to replace the opportunity for non-residential development with residential development in the 25.9-acre Land Bay 2A area. The remaining employment land area of approximately 32 acres in Land Bay 2C would maintain the potential to accommodate up to 697,000 sf of office space at an FAR of 0.5. Land Bay 2C may accommodate up to 20,000 sf of commercial uses. The Applicant has proposed no additional residential dwellings for this portion of the project.

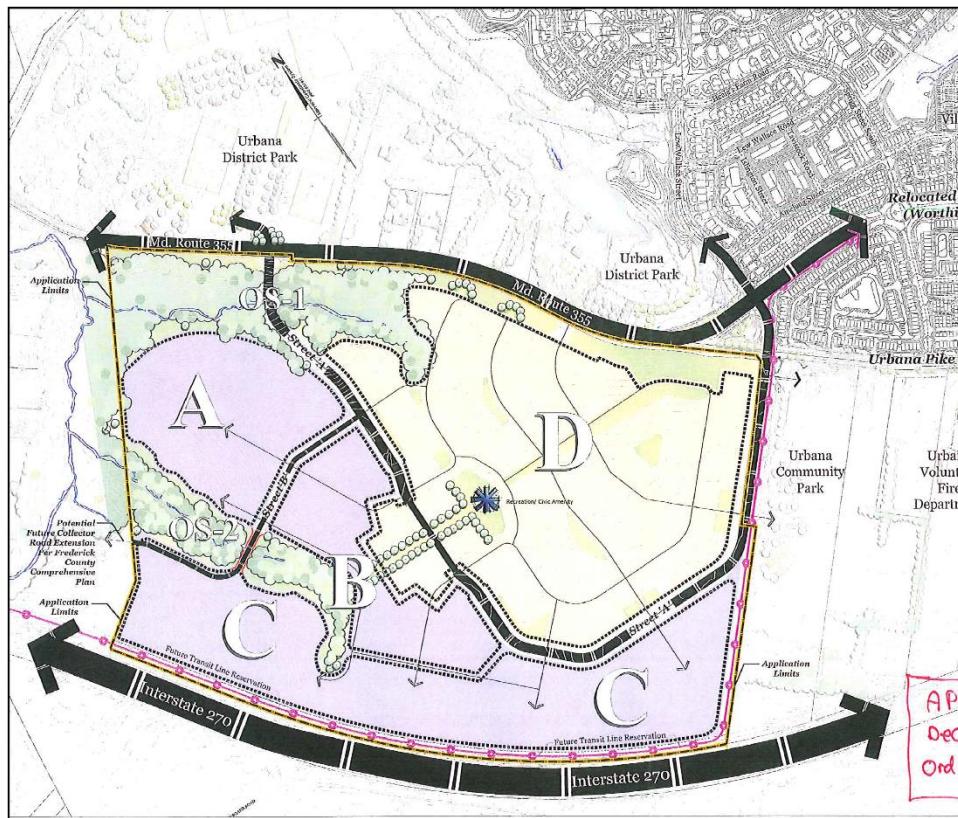
In summary the Application proposes:

- Add 75 all-age dwellings to the Villages of Urbana PUD for a maximum of 3,088permitted dwellings.
- Rezone and add 210 acres to the combined Northern and Southern MXD developments;
- Add 700 age-restricted dwellings to the Southern MXD with the option to develop all or a portion of this area with an assisted living/nursing care facility.
- Increase the total number of dwelling units in the MXD and PUD by 775 dwellings, to include 700 age restricted units and 75 non-age restricted units.

Concept Plan Proposal – Northern and Southern MXD's

The following concept plans and charts illustrate the mix of land uses currently approved for the Northern and Southern MXD developments. The third graphic shows the proposed concept plan and the proposed land use mix for the combined MXD development.

Northern Town Center MXD - 2012



Land Use Area (acres)

Gross MXD Area	181
Floodplain	4

Net MXD Area	177	
Employment	80	1,950,000 sf
Commercial	may be co-located with employment uses	50,000 sf maximum
Residential	44	610 du
Civic/Recreational/Open Space	27	
Road/Transit ROW	26	

Southern Employment District MXD - 2012



Land Use Area (acres)

Gross MXD Area	212
Floodplain	7
Net MXD Area	205
Employment	140
Commercial	17 may be co-located with employment uses
Residential	0
Civic/Recreational/Open Space	25
Road/Transit ROW	23
	1,950,000 sf retail/services: 35,000 sf restaurants: 38,000 sf hotel: 150 rooms

Combined MXD (current proposal)

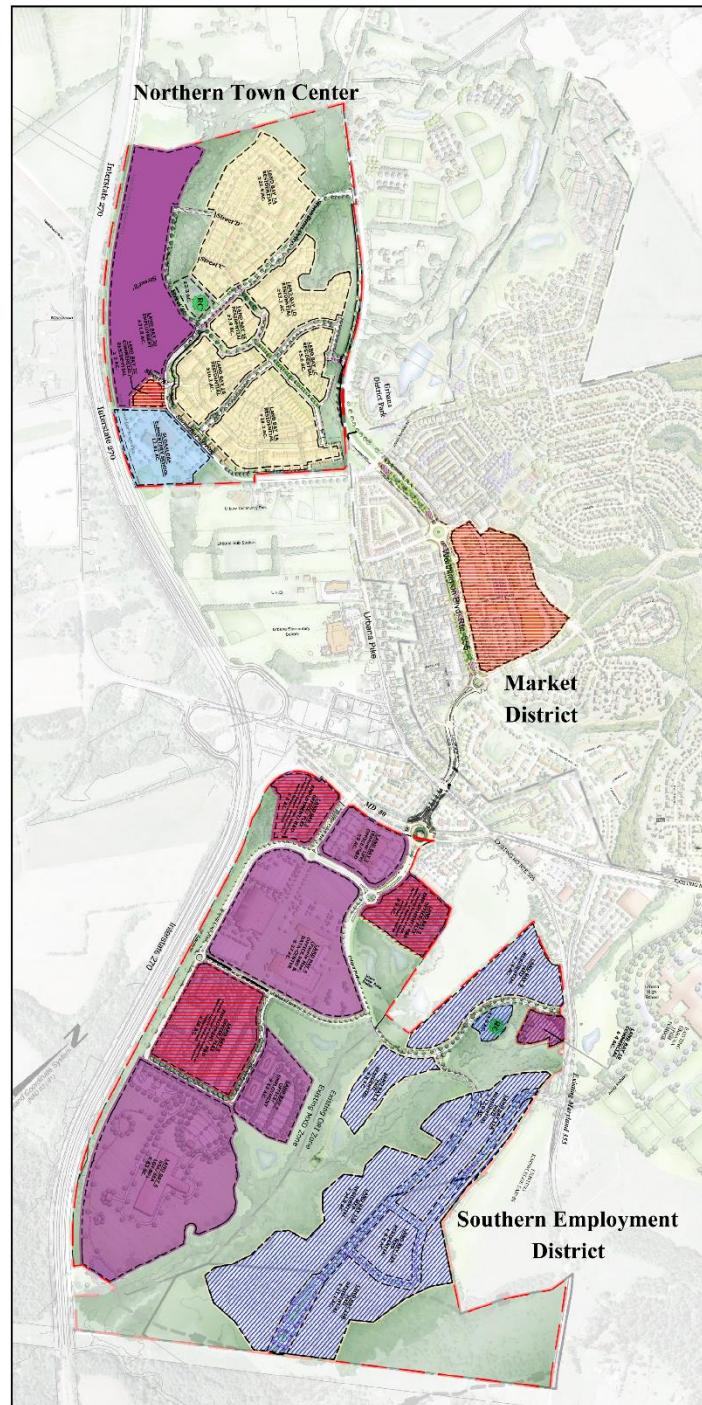
Gross MXD Area	603 acres
Floodplain	37 acres
Net MXD Area	566 acres

Northern Portion

Employment	44 (includes 12 acre school site)
Commercial	2 acres 20,000sf
Residential	77 acres 610 du
Civic/Rec/Open Space	38 acres
Road/Transit ROW	20 acres
TOTAL	181 acres (w/o school site)

Southern Portion

Employment	140 acres
Commercial	21 acres 80,000 sf
Residential	99 acres 700 du
Civic/Rec/Open Space	130 acres
Road/Transit ROW	32 acres
TOTAL	422 acres



The proposed combined land use plan meets the threshold criteria of the Zoning Ordinance laid out in Section 1-19-10.500 as follows:

Proposed Land Use Mix Summary for the Combined MXD

Land Use	Acres	Percentage (total land area)	Maximum Permitted or Minimum Required
Residential – 176 ac.	199	33%	40% maximum ¹
Commercial – 23 ac.			
Employment/Institutional ²	184	30%	No maximum
Open Space/Recreational	168	28%	96.1 ac minimum
Right-of-Way	52	9%	N/A
TOTAL	603 acres		

1. Of the gross acreage (603 acres) including floodplain (37acres)
2. Includes a 12-acre school site in the Northern MXD

Employment Potential

The most significant change proposed in this application is the amount of land to be shifted from employment use to residential or institutional uses. The table below summarizes the difference in acreages for each development/property as currently exists and with the proposed revisions.

Development/Property	Existing (acres)	Proposed (acres)
Northern MXD	67	32
Southern MXD (undeveloped land only)	67	67
Urbana Office Research Center (ORI)	54	0
Raystock property (ORI)	71	0
Total Acres	259 acres	99 acres
Building Potential (square feet)	5.6 million¹	2.1 million¹

1. Assumes a Floor Area Ratio (FAR) of 0.5

Villages of Urbana PUD

The land use mix for the Villages of Urbana PUD is unaffected by the proposal for an additional 75 dwelling units to be constructed in the Market District area. With a gross area of 1,030 acres, the proposed maximum dwellings of 3,088 works out to a **gross density** of 2.9 dwellings/acre. The residential density remains in the 3 – 6 DUs/acre range and the proposed siting of these additional units would occur in an area already approved for the construction of a mix of uses (including a potential for a mix of housing types, such as townhomes and multi-family units).

Open Space Criteria

The Zoning Ordinance requires the provision of open space at the following rates in an MXD:

Residential uses - 30% of total residential acreage = 61.1 ac

Commercial/Employment/Institutional uses - 20% of combined acreage = 35 ac

The required amount of Open Space is 96.1 acres. The Applicant is proposing 168.1 acres which exceeds the requirement significantly.

Concept Plan – Northern and Southern MXD's

The Concept Plan for this combined application demonstrates a continuation of design principles previously utilized by the Applicant throughout the development of the associated Urbana projects. Proposed development areas are illustrated as compact neighborhoods utilizing a modified block patterns with a clear hierarchy of streets serving a variety of building types and responding sensitively to the natural features and environmental constraints of the land.

The **Northern Town Center MXD**, as modified from its currently approved mix of employment, commercial, and residential uses, proposes an expansion of attached and detached homes into at least one area previously slated for office uses (Land Bay 2A), while retaining proposed employment and commercial uses along the lands immediately adjacent to I-270. This redistribution of residential dwellings into areas previously planned for employment uses has the effect of decreasing the net residential density of the proposed neighborhood. The street pattern very closely aligns with the currently approved Preliminary Subdivision Plan for the project with the difference being that residential structures would replace some portion of the office buildings. The plan makes good use of the site by providing a spine road (Stone Barn Parkway) that travels deep into the property connecting at key intersections on both ends – at the Urbana District Park entrance on the north end, and at Lew Wallace Street, adjacent to Urbana Community Park on the south end. A community center and amenities cluster is located in the center of the property capping a $\frac{3}{4}$ mile axial connection between this development and the Market District at the heart of the PUD. The planned Sugarloaf Elementary School is tucked into the southwestern corner of the project site adjoining the Urbana Community Park.

Northern MXD Site – Overview Looking Northeast



The Southern Employment MXD concept plan provides a level of detail that demonstrates a new approach to this expanded geographical area of the Urbana community. In addition to a continued buildout of the office/employment bays previously improved for development (streets, water/sewer, lighting, sidewalks), the plan illustrates the proposed age-restricted project in two distinct sections: a higher-density series of residential structures surrounding a community center, situated along the existing Urbana Parkway; and, what appears to be a slightly lower-density 'peninsula' of varying types of residences laid out along a hairpin-shaped loop road with connections to MD 355 on the east and Urbana Parkway on the west. These two sections are separated by a largely undeveloped, wooded, stream valley. A comprehensive trail system that connects the sub-areas of the community to one another and to the greater Urbana area is illustrated as a key element in providing interconnectivity to other destinations and land uses in neighborhood. The road network is linked together through a robust series of streets designed to provide convenient access from I-270, MD 80, and MD 355. Land areas immediately adjacent to Sugarloaf Parkway provide sites for anticipated, previously-approved retail, restaurant, and hotel uses.

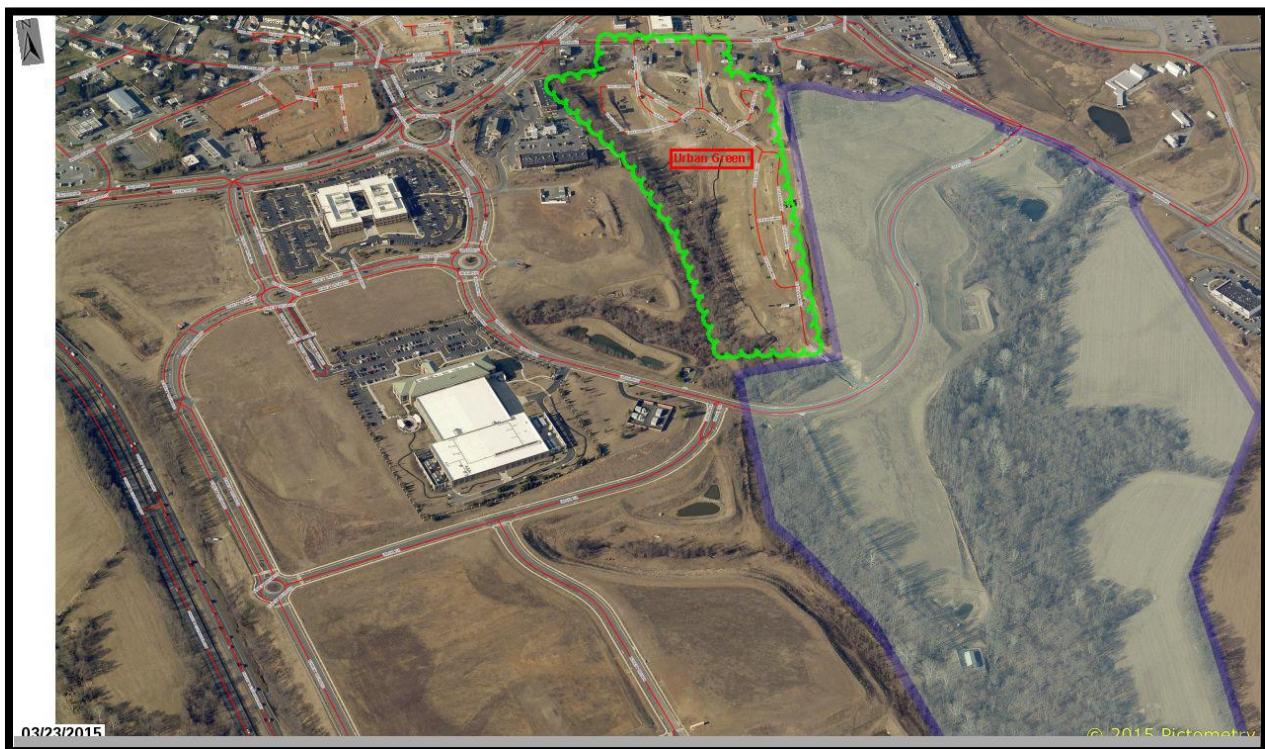
Southern MXD Site – Overview Looking West – Employment Area



Southern MXD Site – Raystock/ORI Age-Restricted Residential - Overview Looking Southwest



Southern MXD Site – Raystock/ORI Age-Restricted Residential - Overview Looking Southwest



Concept Plan – Villages of Urbana PUD

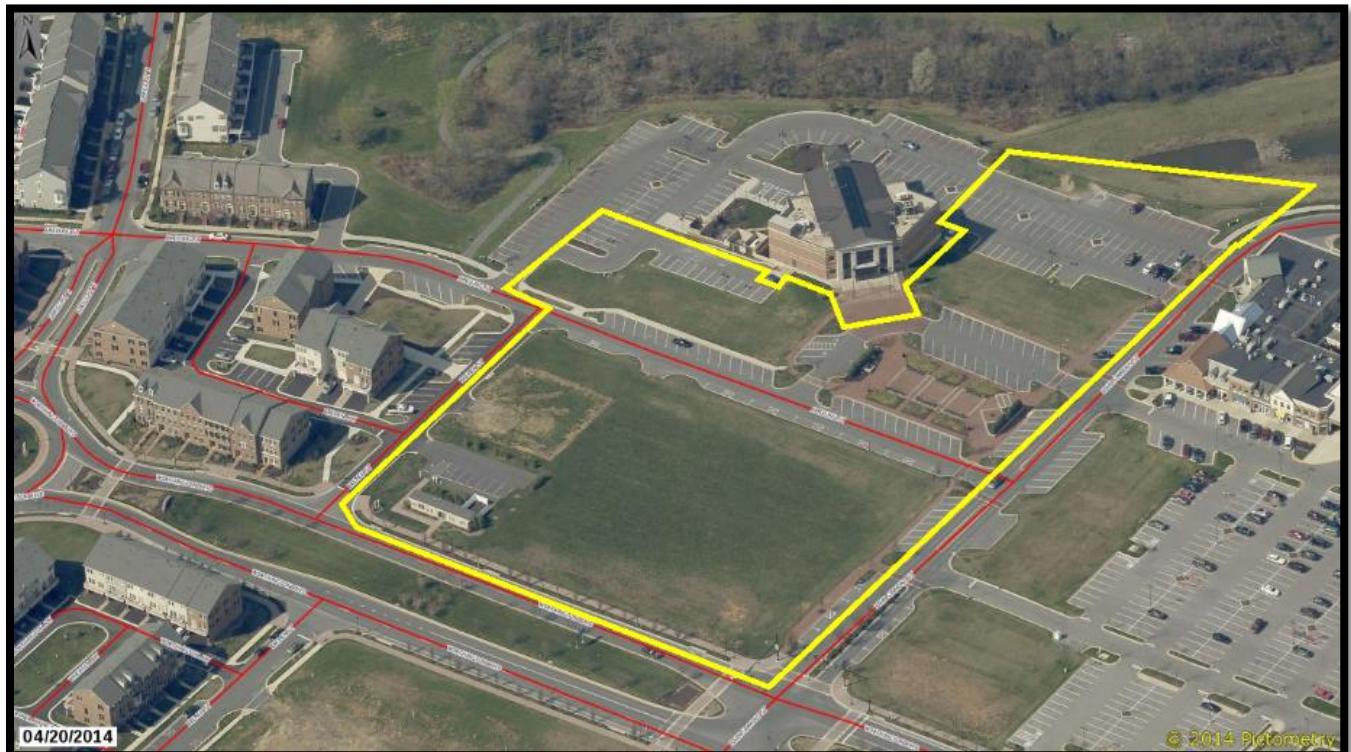
When the Villages of Urbana PUD was rezoned in 1973 it did not have a Phase I Plan land use concept as we have required in more recent PUD applications. When the PUD was going through its Phase II Plan reviews in the late 1990's and into the 2000's a Market District designation was applied to the area in the northeast corner of Worthington Blvd and Sugarloaf Pkwy. The concept of the Market District is to create a commercial/town center/civic core for the PUD and the larger Urbana community. The Market District area is approximately 18 acres in size and includes the existing grocery store and retail center, commercial pad sites, the Urbana Regional Library and the mostly undeveloped land area that is subject to this application.

Market District Site



The primary undeveloped area is approximately 5.5 acres is within the larger Market District area (approximately 19 acres) and includes an undeveloped block of approximately 2.5 acres, parking lots around the library, and a plaza in front of the library. The plan appears to show several rows of townhouses that would likely have rear alleys with the fronts facing Worthington Blvd, and John Simmons St. and perhaps the two other side streets. This site may also still be developed with commercial/retail uses in combination with any residential uses. The Applicant is illustrating an arrangement of structures that appear to generally reinforce the "Main Street" pattern of the Market District. While the application specifies the additional dwellings to be townhouses, Staff would recommend that multi-family dwellings also be permitted, which would provide a much needed diversity of housing choices in the PUD.

Market District Site – Vacant Areas



Phasing Plan

Villages of Urbana PUD

Mass grading and the installation of utilities, streets, and other supporting infrastructure for previously approved development has already been completed within the Villages of Urbana PUD. Depending on market conditions the applicant indicates that final plats could be recorded and building permits issued for these units as early as late 2018/early 2019.

The development of an additional 75 residential units, potentially including a mix of townhouses and multi-family units in the Market Square District of the PUD, would require further application approval through the development review process.

Northern Town Center MXD

It is anticipated that the development of the 610 currently approved dwellings will continue with the recording of final plats and the issuance of building permits for the first several sections in the 2016/2017 timeframe. The site has been mass graded and utilities/roads are currently under construction. An additional 128 multi-family flats that are currently approved have been removed from the Concept Plan. The speed at which those units are reincorporated into the development is dependent upon the outcome of this rezoning and the speed with which the Applicant can revise the current Combined Preliminary/Site Plan for this project.

For the proposed additional residential there would be an additional development review process allowing for initial lot recordation in the 2018/2019 timeframe.

Southern Employment MXD

The employment areas of this MXD are essentially complete in terms of shared infrastructure and site preparation. Additional employment uses may proceed through the development review process (6 – 9 months) and otherwise be unencumbered in terms of construction.

The areas along Urbana Parkway that would transform from office/research uses to the proposed age-restricted residential community are in a development-ready state with roads and utilities available. The southernmost sections of the age-restricted site are in a pre-development state and would require significant effort to be ready and available for development. Site Development Plan application is anticipated for this section during the 2017-2018 timeframe. No other phasing information is available in the application. Initial construction of the residential component could occur in the 2018/2019 timeframe.

III. Evaluation - Relationship to the County Plans

Proposed Land Use Mix and Density

Villages of Urbana PUD

Gross density of a proposed PUD development shall comply with the following table.

County Comprehensive Plan Land Use Designation	Dwelling Units per Acre
Low Density Residential	3-6 du/ac
Medium Density Residential	6-12 du/ac
High Density Residential	12-20 du/ac

The Villages of Urbana PUD has a gross acreage of 1,030 acres and with the proposed maximum of 3,088 dwellings would have a gross density of 2.9 dwellings/acre.

While the application proposes 75 townhouses these could be developed in combination with a mix of commercial/retail uses which would be consistent with the concept for the Market District.

Northern and Southern MXDs

The Land Use Mix proposed in this Application provides for a range of uses anticipated in areas designated in the Comprehensive Plan for Mixed Use Development. In summary:

Employment/Institutional	30%
Residential	33%
Open Space	28%
Other (core functions)	10%

Measured in land area (acres), the mix is distributed across both the Northern and Southern MXDs in the revised Concept Plan.

The Residential Density of the combined MXD can be measured in two ways:

Gross Density 1,310 du/603 acres = 2.2 dwellings/acre

Net Density 1,310 du/176 acres = 7.4 dwellings/acre

The proposed net residential density of 7.4 DUs/acre falls squarely within the Medium Density Residential range (6-10 dwellings/acre) in the County Comprehensive Plan (*Managing Our Growth*, p. 10-25).

§ 1-19-10.500.6 (B) of the Zoning Ordinance states: "*Residential land use mixture within the PUD District*. A goal of the PUD district is to provide an optimal mixture of housing types, including single family dwellings, townhouses, and multifamily dwellings."

As stated in the Zoning Ordinance, a goal of the PUD district is to provide an optimal mixture of housing types, including single family dwellings, townhouses, and multifamily dwellings. The inclusion of multi-family dwellings in this goal is intended to serve several purposes. One of the primary considerations is housing affordability, as mentioned in item 2 below and described in detail in the *2005 Frederick County Affordable Housing Council Study of Workforce Housing Needs* and the *Housing Element* of the *Serving Our Citizens* chapter of the *Frederick County Comprehensive Plan*. Despite the recent economic downturn, housing costs have generally continued to increase relative to median income in Frederick County. Multi-family housing can

provide affordable housing options for County residents. It is also appropriate that affordable housing options be available throughout the County and not just where there is already a concentration of such housing.

Providing multi-family housing is a prudent approach to insuring that the County has a diversified housing stock that can accommodate the changing social and economic drivers of demand. For example, multi-family housing is an important source of housing options for families in different demographic categories. Young families as well as the growing demographic of empty nesters are often seeking to downsize, and multi-family housing can provide this opportunity.

The availability of a range of housing opportunities in our Community Growth Areas is of paramount importance as we consider current and future investments in the public infrastructure that supports higher residential densities. Close proximity to schools, libraries, parks, shops, daycare centers, and medical facilities are a benefit to all residents, but are particularly important to those most sensitive to the cost of transportation. The ability to procure and retain an affordable home is often linked directly to the cost of mobility.

For these reasons, Staff recommends that some component of multi-family housing be provided in the Northern Town Center MXD, as previously approved in the 2012 MXD concept plan. Staff would also recommend that the additional dwellings proposed for the Villages of Urbana PUD Market District allow for multi-family and not just townhouses.

Consistency with Comprehensive Plan

Villages of Urbana PUD

The Market District Site is within the Urbana Community Growth Area as designated on the County Comprehensive Plan and has a land use plan designation of Low Density Residential.

With its Low Density Residential designation (3-6 dwellings/acre) and its location within a Growth Area, it is identified as an area that has been targeted for growth and development and is therefore consistent with the general policy in the Comprehensive Plan that supports the location of growth within growth areas.

There has not been a specific Community or Corridor Plan developed for the Urbana community

Northern and Southern MXD Amendments

The I-270 corridor in Frederick County has been targeted as a primary employment area as far back as the County's first Comprehensive Plan in 1959. The first industrial zoning in the corridor was applied in 1969. In the late 1990's the I-270 corridor in both Frederick and Montgomery county's was first marketed as the I-270 High Technology Corridor to recognize the type of development occurring in Montgomery County and to promote the entire corridor. While the initial view of the land along I-270 was to be solely employment the County has facilitated the ability to create mixed employment/residential developments to address the market and the shift away from the isolated office campus type development. The County Comprehensive Plan references the desire for mixed developments in the following policies:

ED-P-02 Locate employment uses in community growth areas where they can take advantage of existing/planned infrastructure and proximity to the workforce & other services.

ED-P-03 Integrate compatible employment, commercial and residential uses when possible to achieve a mixed-use environment.

ED-P-07 Advocate for the efficient use of limited land resources zoned for employment that accommodates the County's targeted industries.

MG-P-19 Substantially limit development along major highway corridors such as I-270 and US 340 to those uses that maximize employment opportunities.

Staff recognizes the current market conditions, trends and absorption rates related to office development in the larger Washington metropolitan region. Irrespective of those trends, staff supports the revised Concept Plan submitted by the Applicant that maintains Land Bay 2D for employment uses.

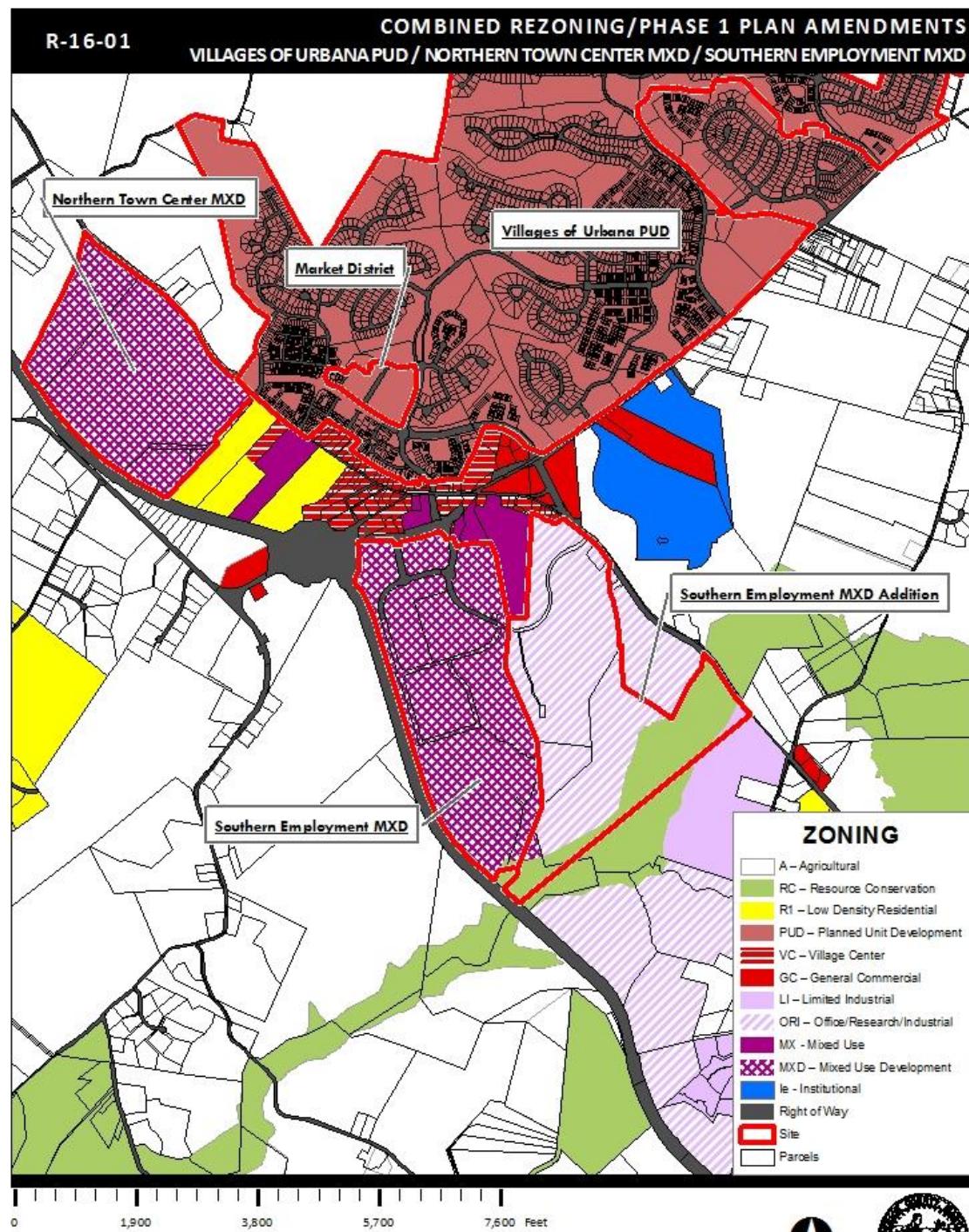
Compatibility with Adjoining Zoning and Land Uses

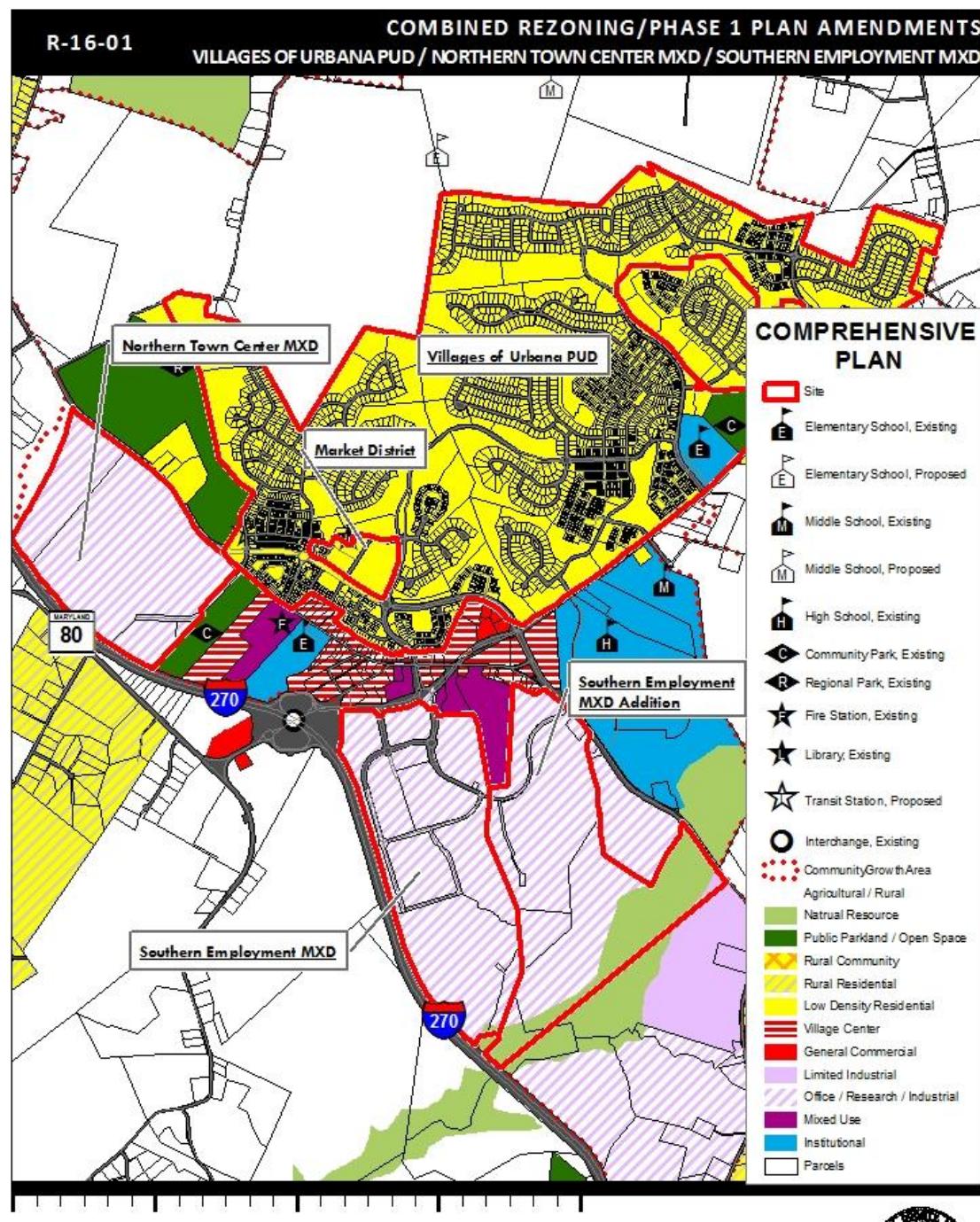
Villages of Urbana PUD

The land area surrounding the Market District site is zoned PUD. Existing land uses are primarily residential with some live/work units on the west side of Worthington Blvd, the neighborhood commercial center on its eastern section, and the Urbana Public Library on its northern edge. A mix of townhouses and multi-family units would be compatible with the surrounding residential and commercial uses.

Northern and Southern MXD's

Adjoining zoning districts surrounding the Northern & Southern MXDs include Village Center (VC), Residential (R1), Office/Research/Industrial (ORI), Limited Industrial (LI), General Commercial (GC), and Planned Unit Development (PUD). Along the I-270 boundary, the MXD areas adjoin vast areas zoned Agricultural (A). This boundary serves as the physical limit of the Urbana Community





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Growth Area along its entire western edge. On the south, the proposed Southern Employment MXD boundary abuts a swath of Resource Conservation (RC) acreage, a portion of which would be incorporated into the revised MXD. The mix of intensive uses generally permitted by the zoning of the abutting properties is consistent with the continued development of the growth area.

Surrounding land uses include commercial shopping centers, high-density residential apartments, active recreational park facilities, and the Villages of Urbana PUD.

The proposal is generally compatible with adjoining zoning districts and land uses.

Natural Features

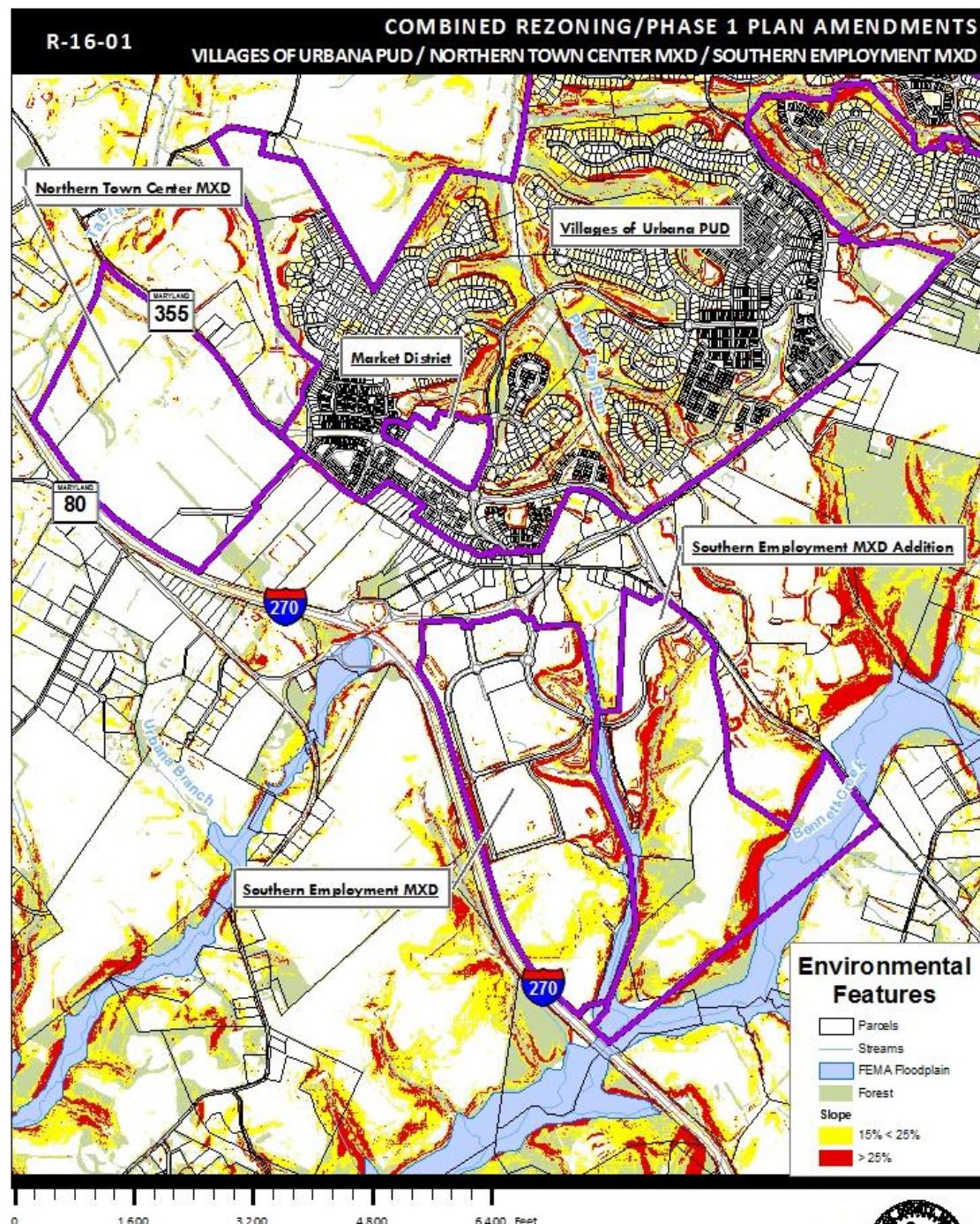
Villages of Urbana PUD

The Market District Site is already graded and cleared for development and does not retain any sensitive environmental features. The site does include streets and some parking areas.

Northern and Southern MXD's

The Northern Town Center MXD site has rolling topography with mostly cleared, agricultural lands. There are two streams/swales that drain into Tabler Run, which traverses the northern border of the site and is a tributary of Bush Creek. There are narrow bands of woodlands along the two streams and along Tabler Run.

The Southern Employment MXD site is also characterized by rolling topography with cleared open land and woodlands primarily adjacent to the streams. There is a stream corridor that separates the proposed residential component from the existing Southern MXD site. The stream is a tributary to Bennett Creek and has a narrow band of 100-year floodplain. The area proposed to be rezoned to MXD includes a portion of Bennett Creek and its adjacent 100-year floodplain.



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IV. Evaluation - Adequacy of Public Facilities and Services

Schools

Proposed Additional Dwellings

- Villages of Urbana PUD – 75 (based on townhouses though could include multi-family)

The proposed 700 dwellings in the Southern Employment District MXD will be age-restricted and are not included in the calculation of pupil yield.

School	Equated Enrollment ¹ / State Rated Capacity ¹	% of State Rated Capacity	Projected Pupil Yield		
			Townhouses (75 du's)	Multifamily	TOTAL
Urbana Elementary School	700/511	137%	30	0	30
Urbana Middle School	866/900	96%	10	0	10
Urbana High School	1690/1636	103%	11	0	11
	Total		51	0	51

1. Frederick County Public Schools (FCPS) Quarterly Enrollment Report, September 30, 2016

Programmed Improvements (Adopted FY 2017-2022 CIP)

Sugarloaf Elementary School – New 725-seat school to open in 2018. This school will be located in the Northern Town Center MXD development. For the first two years it will accommodate the students from Urbana Elementary while that school is demolished and replaced with a new building to open in 2020.

Urbana Elementary School – Replacement school on the same site with expansion from 511 seats to 725 seats (additional 214 seats). Proposed to open in 2020.

Planned Improvements

East County Area Elementary School – New 725-seat school, location to be decided, as contained the current approved FY 2017 – 2022 CIP. The project is planned to be constructed after 2022. At this time, FCPS is not anticipating that capacity from this project will provide relief in Urbana.

Middle School – The Comprehensive Plan identifies a planned 900 seat middle school site, east of Boyers Mill Rd., which has PUD zoning approval. This site has not been dedicated or conveyed to the County.

High School – The Comprehensive Plan identifies a planned 1600 seat high school site in the

Monrovia community growth area. This site has not been dedicated or conveyed to the County.

Water and Sewer

The developments in this application have the following Water and Sewer Plan classifications:

Northern Town Center MXD – S-3/W-3 (service in 3 years)

Southern Employment District MXD – developed parcels are S-1/W-1 (existing service). Other portions with subdivision approval are classified S-3/W-3. The Raystock property is classified S-4/W-4 (service in a 4-6 year timeframe).

Villages of Urbana PUD – the developed portions are S-1/W-1 (existing service) and the remaining areas are S-3/W-3 including the subject site in the Town Center area.

Water Supply - Public water is provided through the New Design water system, which withdraws water from the Potomac River. The New Design Water Treatment Plant has a permitted capacity of 25 million gallons/day (MGD) and has a current average daily use of approximately 16 MGD.

Sewer Service - Sewage treatment service is provided by the Ballenger-McKinney wastewater treatment plant (WWTP), which has capacity of 15 MGD and currently discharges into the Monocacy River. Current average daily treatment flows at the Ballenger-McKinney WWTP is 5.7 MGD.

Based on the proposed additional 775 dwellings, and assuming 250 gallons/day/dwelling, the developments would need approximately 193,750 gallons/day of both water supply and sewage treatment capacity. The Applicant is responsible for extensions and connections to the existing public water and sewer lines as well as constructing water storage tanks, pump stations etc.

The proposed 775 dwellings will use less than 50% of the capacity needed for the approximately 2 million sq. ft. of office use that would be replaced with the residential.

Programmed Improvements (FY 2017-2022 CIP)

There are no projects in the Urbana area.

Public Safety

The nearest fire station is the Urbana Volunteer Fire Department (Station #23), located on Urbana Pike next to Urbana Elementary School. All of the respective developments in this application are within 2 miles of the Urbana Fire Station. Police protection for the Sites are provided by the Frederick County Sheriff's Office.

Programmed Improvements (Adopted FY 2017-2022 CIP)

Green Valley Fire Station – Replacement of the existing station (Station #25), located near the intersection of MD 75/80. The site has been dedicated and conveyed to the County. The station is proposed to be open in 2023 and will have space for the County Sheriff's Office.

Planned Improvements

There are no additional planned public safety related improvements

Libraries

Urbana is served by the Urbana Regional Library located in the Villages of Urbana PUD Town Center. There are no library improvements programmed in the FY2017-2022 CIP.

Parks

There are two existing County parks in the vicinity of Urbana. The County's Urbana District Park (95 acres) is a regional park located on MD 355 across from the Northern Town Center MXD development. The other is the County's Urbana Community Park (20 acres) located on Urbana Pike adjacent to the Northern Town Center MXD. Both parks are fully developed with play fields, playgrounds, and trails.

The Northern Town Center MXD and the proposed active adult residential component in the Southern MXD will have their own HOA controlled pool/club house facilities. The Frederick YMCA is proposing a full YMCA facility on property between the Urbana High and Middle schools. The County is proposing to contribute funding towards the pool component.

Programmed Improvements (FY 2017-2022 CIP)

No programmed improvements for parks in the vicinity

Planned Improvements

Special Park – The County owns a 19-acre site in the Villages of Urbana next to Centerville Elementary School that would be available for future park facilities.

Sugarloaf Elementary School will be constructed as a Park/Rec shool, including an oversized gymnasium designed to offer expanded recreational programs.

Transportation

Existing Site Access Characteristics

Northern Town Center MXD – this site has frontage along MD 355 and will have three access points on MD 355, one across from the entrance to the Urbana District Park, a second approximately 1,600 feet to the east of the park entrance, and a third via Stone Barn Dr. across from Lew Wallace St.

Villages of Urbana PUD – the parcel subject is within the Market District and has road frontage on all four sides of the site including MD 355, John Simmons St, Amelung St., and Bremen St.

Southern Employment District MXD - the developed portion of the MXD has frontage along MD 80 with two full access points, one controlled by a traffic signal and the other at a roundabout. A third access point is provided via Urbana Pkwy, which runs through the MXD to MD 355. The proposed residential area will have a connection to Urbana Pkwy and a direct access point (currently an existing driveway access to Knowledge Farms) to MD 355 across from Campus Dr.

Existing Traffic Volumes and Capacity on Adjoining Roads

A measure of additional capacity of a roadway can be generally determined through the calculation of the Volume/Capacity (V/C) ratio, which can be obtained by dividing the **capacity** of the road (based on # existing thru lanes) by the current average daily traffic **volume**.

4-lane arterial capacity – 34,000 vehicles/day

2-lane arterial capacity – 18,000 vehicles/day

A V/C ratio below 1.0 indicates that capacity is available.

Count Location	Average Annual Daily Traffic (AADT)	Volume/Capacity (VC) Ratio
MD 355 – north of Worthington Blvd	10,990	18,000, V/C -0 .61
MD 355 – north of MD 80	8,050	34,000, V/C – 0.24
MD 355 – south of Campus Dr.	8,750	18,000, V/C – 0.49
MD 80 – west of I-270	7,060	18,000, V/C – 0.39
MD 80 – west of Urbana Pkwy	19,600	34,000, V/C – 0.58
MD 80 – east of MD 355	19,510	34,000, V/C – 0.57

The proposed 725 dwellings would have the following daily weekday trip generation:

Townhouses (75 dwellings)	436 daily trips
Senior detached (700 dwellings)	258 daily trips
Total Daily Trips	694

Comprehensive Plan Designations for Adjoining Roads

MD 80 – Minor Arterial

MD 355 – Major Arterial

Urbana Pkwy - Collector

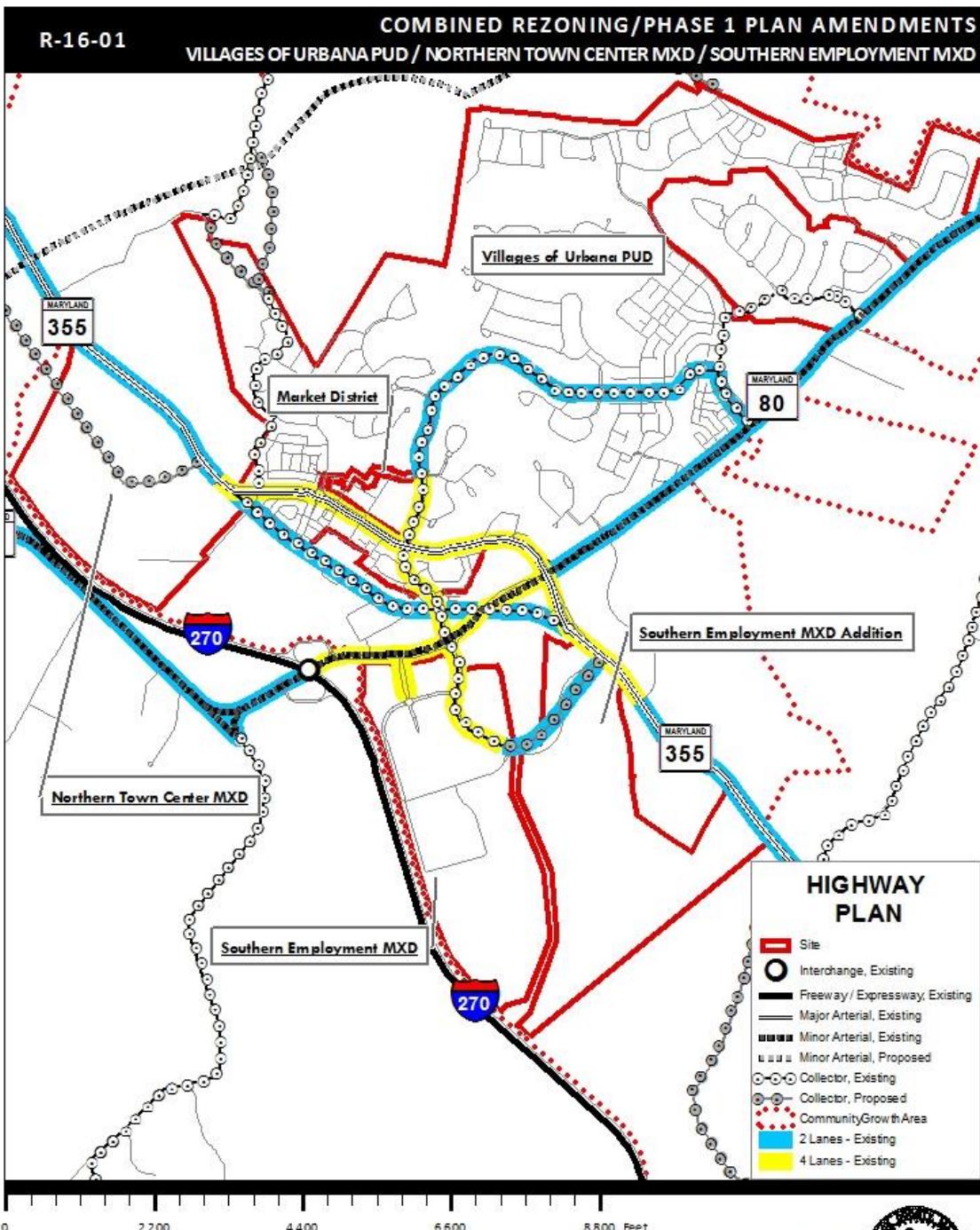
Urbana Pike (old MD 355) - Collector

Programmed Improvements (Adopted FY 2017-2022 CIP)

There are no County road improvements in the current CIP.

Planned Improvements

I-270/MD 80 Interchange – Through prior APFO approvals the applicant is responsible for constructing a new ramp from northbound I-270 to eastbound MD 80. This ramp will replace an existing ramp that requires traffic to make a left turn onto eastbound MD 80 at a traffic signal.



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V. Approval Criteria and Summary of Findings

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

(1) Consistency with the comprehensive plan;

Staff finds that the proposed amendments to the Northern and Southern MXD's maintains a sufficient mix of land uses, including employment, that Staff would find consistent with underlying Office/Research/Industrial Comprehensive Plan designation.

(2) Availability of public facilities;

Staff finds that parks, libraries, and public safety facilities are currently adequate to serve the proposed residential development. The construction of a replacement Green Valley fire station (station #25) in 2023 will help to maintain adequate fire/rescue services. For water/sewer service, the proposed 775 dwellings will require less than 50% of the capacity than the employment uses it is proposed to replace. There is approximately 9 MGD of water supply and 9.3 MGD of sewage treatment capacity currently available in the New Design water system and the Ballenger-McKinney WWTP.

Regarding school adequacy, staff finds that the impact of an additional 51 projected students at the elementary, middle, and high school levels cannot be accommodated by programmed improvements. At the elementary level, through the facilities planning and Capital Improvements Programming process, capacity may be available to accommodate students generated by the 75 new residential units. However, at the middle school and high school levels, no additional capacity is pending. These additional dwellings will be subject to subsequent APFO testing for school adequacy.

(3) Adequacy of existing and future transportation systems;

Staff finds the existing road to be adequate to accommodate additional traffic. Both MD 80 and MD 355 throughout the immediate Urbana area have volume/capacity ratios less than 1.0 indicating the ability to accommodate additional traffic. Current Adequate Public Facility Ordinance (APFO) approvals will require additional improvements to MD 80 east of MD 355 and on MD 355 in the vicinity of the Urbana District Park. The potential daily weekday trip generation of 694 trips from the proposed residential can be adequately accommodated given current traffic volumes and volume/capacity ratios.

(4) Compatibility with existing and proposed development;

Staff finds that proposed changes to the MXD/PUD are generally compatible with existing and proposed development. The remaining employment area in the Northern MXD will be separated from the residential uses by a natural buffer (stream valley and open space areas).

In the PUD Market District site, staff finds that the proposed addition of 75 residential dwellings is compatible with the existing commercial and residential uses, including the commercial uses currently under construction on the south side of John Simmons St. Staff would further find that a mix of housing types, including multi-family dwellings and townhouses, would also be compatible and, in fact, more desirable within a town center growth area.

(5) Population change; and

The current population of Urbana proper is approximately 9,800. The proposed 775 additional dwellings will result in a population increase of approximately 1,600 people based on an average household size of 2.67 persons/household for the 75 non age-restricted dwellings and 2.0 persons/household for the 700 age-restricted dwellings.

(6) The timing of development and facilities.

For the MXD developments the water/sewer and road infrastructure are mostly in place to accommodate the age restricted residential development and/or an assisted living/nursing care facility. For the additional dwellings proposed in the PUD there are no new school capacity projects planned or programmed at the middle and high school levels for at least the next 10 years. At the elementary level, capacity provided by the new Sugarloaf ES and an Urbana ES replacement will not be available for new students until at least the fall of 2020. Staff is recommending a condition that the proposed 75 additional dwellings be constructed in line with the opening of Sugarloaf Elementary to new students in the fall of 2020. These additional dwellings will also be subject to subsequent APFO testing for school adequacy.

§ 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;

Staff finds that the proposal for the Southern Employment MXD is relatively compact and efficient in its consumption of land and infrastructure in this section of the MXD. A complex mix of medium-density residential, employment, commercial, and open space/recreational uses are woven together to maximize privacy and separation where necessary and to encourage interconnection between residential neighborhoods and the services and facilities needed to sustain them.

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

There is no Community and Corridor Plan for this area. The Phase I Plan concept plans do not include building locations or significant development design components.

(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;

To the extent discernible in a Phase I Land Use Concept Plan, the proposal for the Southern Employment MXD appears to reflect a development scheme that makes wise use of natural and man-made features to diminish differences in intensity, building scale, and appearance between the existing employment uses and the proposed residential or assisted living/nursing care facility.

In the Northern Town Center MXD, staff finds that the remaining employment uses along I-270 is appropriate and is adequately buffered from the expanded residential area by open space.

(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;

Staff finds that the proposed development of the Southern Employment MXD provides a safe and efficient arrangement of land uses, whether it is developed as age-restricted or with an assisted living/nursing care facility. The road network that is mostly existing provides alternative access points while also providing some degree of separation of traffic generated by the employment uses.

Staff finds that the proposed arrangement of land uses in the Northern Town Center MXD provides adequate buffering between the employment and residential uses while maintaining an appropriate mix of land uses. The concept plan preserves the well-planned physical connections between residential neighborhoods, schools, and recreational facilities.

(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;*

Staff finds the transportation system to be adequate to accommodate additional traffic. Both MD 80 and MD 355 throughout the immediate Urbana area have volume/capacity ratios less than 1.0 indicating the ability to accommodate additional traffic. Current Adequate Public Facility Ordinance (APFO) approvals will require additional improvements to MD 80 east of MD 355 and on MD 355 in the vicinity of the Urbana District Park. The potential daily weekday trip generation of 694 trips from the proposed 775 residential dwellings can be adequately accommodated given current traffic volumes and volume/capacity ratios.

(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;*

While the network of streets and pedestrian facilities appears to have expanded organically into the land areas previously planned for office employment uses in the Northern Town Center MXD, the proposed expansion of a significant residential component (700 DUs) into the southernmost land areas of the Southern Employment MXD creates a challenge for connecting future residents to the jobs, shopping areas, and institutions critical to a successful community. Staff finds that the Applicant has maximized connectivity in the southernmost sections of the MXD by providing multiple pedestrian paths, apparent vehicular/pedestrian interconnections to previously developed parcels, and placed the highest density residential structures in close proximity (within 500 feet) to existing commercial development and potential transit routes along Urbana Parkway, Urbana Pike, and Fingerboard Road.

(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 Urbana Fire Co. (Station #23) is within 2 miles of the three developments included in this application. This station has professional staff and a full complement of fire and rescue equipment. The Green Valley Station #25 is approximately 5 miles from the respective developments and would serve as the second due station.

(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 proposed concept land use plan maintains the open space areas from currently approved plans. These open space areas protect several stream corridors that include woodlands, and moderate slopes. Sensitive natural areas and open spaces are utilized strategically to provide natural land use buffers and provide opportunities for passive and active recreational amenities to serve both residential and employment uses in the MXD.

(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;*

Staff finds that the proposed mix of land uses that would maintain employment uses along I-270 while allowing for an expanded residential area is consistent with the intent of the Office/Research/Industrial Comprehensive Plan land use designation.

Staff does find the proposed residential land use in the Southern MXD component to be consistent as it provides for an integrated mix of land uses in an area that is currently limited to employment and commercial uses.

(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.*

Staff finds that parks, libraries, and public safety facilities are currently adequate to serve the proposed residential development. The construction of a replacement Green Valley fire station in 2023 will help to maintain adequate fire/rescue services. For water/sewer service the proposed 775 dwellings will require approximately less than 50% of the capacity than the employment uses it is proposed to replace. There is approximately 9 MGD of water supply and 9.3 MGD of sewage treatment capacity currently available in the New Design water system and the Ballenger-McKinney WWTP.

Staff finds that the impacts of the additional 75 dwellings on schools (30 elementary, 10 middle, 10 high) will be minimal. The recommended condition that building permits not be issued until January 2020 will provide a measure of adequacy at the elementary level with the opening of Sugarloaf Elementary to new students in the fall of 2020. While there are no addition projects at the Urbana Middle and High schools the pupil yield impacts are minimal. If the additional 75 dwellings are approved they will be subject to subsequent APFO testing for school adequacy.

VI. Proposed Condition Revisions by the Applicant

Northern Town Center MXD

The following conditions reflect previous revisions to the MXD approved in 2012 and 2014.

Language with a ~~strikethrough~~ is proposed to be deleted and language in all CAPITALS is new.

1. A maximum of 610 dwelling units may be constructed within the MXD site. In lieu of construction of the required MPDUs, the requirement to provide MPDUs may be satisfied through a payment in lieu of construction as provided for by Section 1-6A-5.1 of the County Code.
2. The developer shall follow a phasing plan for the MXD as described below:
 - a. Building permits for no more than 150 single-family detached and attached units may be issued per year with a previous year's unused allocation permitted to be carried into the following year.
 - b. ~~128 multifamily flats may be developed with timing based upon market demand and shall not be counted against the maximum of 150 single-family detached and attached building permits per year.~~
 - c. Non-residential employment and commercial uses shall be developed according to market demand, consistent with the applicable requirements contained in the APFO LOU associated with the project.
 - d. Timing and sequence of infrastructure improvements (roadways, water, sewer) shall be approved under the project's APFO Letter of Understanding.
3. The developer shall reserve up to a 70 ft. wide transit right-of-way for the ultimate use of the I-270 Transitway project -- as described in the County Comprehensive Plan – the precise location of which shall be determined during the Phase II process.
4. The developer shall prepay \$250,000 of the total amount of School Construction Fees assessed on residential units in the MXD that fail the APFO schools test, in accordance with Section 1-20-62 of the Adequate Public Facilities Ordinance. Such prepayment shall be made within six (6) months of the signing of the Letter of Understanding (LOU) covering the Urbana Northern MXD. The \$250,000 prepayment shall be credited against the School Construction

Fees due for the first residential units to be platted in the MXD and all subsequent units until the \$250,000 fee has been fully credited, at which time the developer shall resume payment of required School Construction Fees.

Staff Note: the \$250,000 prepayment has been made though it has not been entirely credited through the number of lots that have been recorded to date.

5. Consistent with the County Comprehensive Plan for this site, the developer shall design the roadway network within the MXD in a manner as to accommodate the possible future connection to Park Mills Road.
6. The developer shall provide convenient and safe connections to both the Urbana District Park and the Urbana Community Park through the provision of direct links between the vehicular, pedestrian, and trail systems in the park facilities and the MXD development. These connections shall be developed in such a way as to provide safe, controlled access points to the parks.
7. Site plans for residential and non-residential components of the MXD shall comply with Section 1-19-10.500.9 and consistent with Section 1-19-10.500.5 (B) (7) building and Spaces Visualization.
8. THE NORTHERN AND SOUTHERN MXD'S SHALL BE DEVELOPED AS A COMBINED PROJECT AND UTILIZE UP TO 40% OF THE COMBINED LAND USE AS RESIDENTIAL AND COMMERCIAL AS PERMITTED UNDER SECTION 1-19-10.500.7(A).

Southern Employment MXD

The following conditions reflect previous revisions to the MXD approved in 2012.

Language with a ~~strike~~through is proposed to be deleted and language in all CAPITALS is new.

1. The proposed street connections between the employment uses and commercial uses shall be maintained in a way that allows for pedestrian access through the development of the project. Furthermore, these pedestrian/street links between employment and commercial uses shall be strengthened through the use of wider and generously landscaped walkways.
2. The MXD project shall be subject to the *Frederick County Community Design Guidelines and Development Principles* (adopted July 16, 2002) throughout the Planning Commission's review process.

3. Convenient bicycle and pedestrian access shall be established and maintained in order to fully interconnect the Villages of Urbana PUD with the Urbana Office/Research Center MXD. Such access shall accommodate reasonable attempts to find convenient connections to the NEWLY INCORPORATED MXD ORI lands east of the EMPLOYMENT AREA OF THE MXD.
4. An integrated trail/walkway shall be constructed for the use of employees of, and visitors to, employment and commercial uses in the MXD.
5. Applicant shall coordinate with Frederick County's Transit Division in order to optimize future transit service to the MXD.
6. An extension of Bennett Creek Avenue through Fannie Mae site, either as a pedestrian or vehicular thoroughfare, shall be indicated on the land use plan and illustrative document so as to protect the opportunity for access to the central Land Bay.
7. The applicant shall confirm and demonstrate at or prior to the time of MXD Phase II (preliminary plan) approval through a traffic review to the satisfaction of County staff that the traffic impacts, including distribution of trips, resulting in any proposed change in use are not greater than the traffic impacts resulting from the current approved uses under the APFO LOU amended as part of this application.
8. THE SOUTHERN AND NORTHERN MXD'S SHALL DEVELOPED AS A COMBINED PROJECT AND UTILIZE UP TO 40% OF THE COMINED LAND USE AS RESIDENTIAL AND COMMERCIAL AS PERMITTED UNDER SECTION 1-19-10.500.7(A).
9. THE MXD PROJECT SHALL BE PERMITTED TO DEVELOP UP TO 700 AGE-RESTRICTED DWELLING UNITS.

VII. Staff Recommendation

Staff has the following recommendations for the individual components of the request, R-16-01.

Based on the findings, described in Section V of the staff report, relative to:

- The Approval Criteria as set forth in §1-19-3.110.4 of the Zoning Ordinance; and
- The Planned Development District Approval Criteria as set forth in §1-19-10.500.3 of the Zoning Ordinance.

Villages of Urbana PUD Component

Staff recommends APPROVAL of the request to increase the maximum number of dwelling units from 3,013 to 3,088 – for a total of 75 additional units - in the Market District area of the PUD.

The following condition shall apply:

1. A maximum of 3,088 total dwellings may be constructed within the Villages of Urbana PUD.
2. Building permits for the 75 additional dwellings in the Market District (beginning with the 3,014th dwelling) shall not be issued any earlier than January 1, 2020 so that occupancy of the dwellings would not occur until after Sugarloaf Elementary is open to new students in August 2020.
3. Construction of the additional 75 dwelling units shall be limited to the area known as the Market District as delineated on the revised Concept Plan (approximately 19 acres).
4. The 75 additional dwellings may consist of townhouses, multifamily dwellings, or a combination of these housing types.

Northern Town Center MXD Component

Staff recommends APPROVAL of the request to replace a portion of the employment uses with residential uses to spread out the currently approved 610 dwellings. Staff further recommends retaining condition # 2b as previously approved for the residential component of the MXD. Staff concurs with the other proposed conditions as revised by the Applicant with the exception of Condition #8. Staff proposes the following text to be added to condition #8:

The Northern and Southern MXDs shall be developed as a Combined Project with the following Land Use Mix:

Land Use Mix – Combined MXD (Northern and Southern MXDs)

Employment/Institutional	No minimum or maximum
Residential/Commercial	33%
Open Space	28%

Southern Employment District MXD Component

Staff recommends APPROVAL of the request to rezone approximately 210 acres from ORI, LI, and RC to MXD, and to add this land area to the Southern Employment District MXD for the purpose of developing an age-restricted residential use and/or an assisted living/nursing care facility. The following additional conditions shall apply:

1. A maximum of 700 dwelling units may be developed in the Southern Employment District MXD. One hundred percent (100%) of these dwelling units shall be age-restricted. *(NOTE: this condition may replace the applicants condition #9)*
2. Some, or all, of the proposed residential land use area for the age-restricted dwellings may be developed as a Nursing Care/Assisted-Living facility.
3. As proffered by the applicant, covenants shall restrict 100% of the dwelling units in 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.

4. Staff proposes the following addition to condition #8:

The Northern and Southern MXDs shall be permitted to develop as a Combined Project with the following Land Use Mix:

Land Use Mix – Combined MXD (Northern and Southern MXDs)

Employment/Institutional No minimum or maximum

Residential/Commercial 33%

Open Space 28%

Specht, Jennifer

From: Cherney, Ragen
Sent: Tuesday, September 6, 2022 8:34 AM
To: Brandt, Kimberly G.
Cc: Mitchell, Kathy (Legal)
Subject: FW: SUGARLOAF MOUNTAIN

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049

-----Original Message-----

From: Zoë Büki <zbuki@me.com>
Sent: Friday, September 2, 2022 4:17 PM
To: Donald, Jerry <JDonald@FrederickCountyMD.gov>; Fitzwater, Jessica <JFitzwater@FrederickCountyMD.gov>; Council Members <CouncilMembers@FrederickCountyMD.gov>; McKay, Steve <SMcKay@FrederickCountyMD.gov>; Blue, Michael <MBlue@FrederickCountyMD.gov>; Keegan-Ayer, MC <MCKeegan-Ayer@FrederickCountyMD.gov>; Hagen, Kai <KHagen@FrederickCountyMD.gov>; Dacey, Phil <PDacey@FrederickCountyMD.gov>
Subject: SUGARLOAF MOUNTAIN

[EXTERNAL EMAIL]

Hi County Council members,

I am emailing to let you know that I am a constituent of yours and I wanted to tell you that I support the Plan's I-270 boundary from Montgomery County to the Monocacy. I also support the Overlay and the Plan's preservation goals for the Sugarloaf area.

In a world where wildlife and nature are getting harder and harder to find, Sugarloaf is very important to me as it gives me a chance to unplug and relax. It would be devastating for me and future generations. I voted for you guys because I genuinely believe you'll do the right thing. Please leave the rural area on the west side of 270 alone!!!

I oppose the paragraph on page 54 and want to prevent developers from destroying what little forest we have left.

I really hope you'll listen to the voices of people desperate to conserve our precious natural spaces.

Thank you so much for your time,
Zoë Büki

Speccht, Jennifer

From: smordensky@aol.com
Sent: Sunday, September 4, 2022 11:00 AM
To: Council Members; jangardnerexec@mailgun.smore.com
Subject: Fwd: Thirsty Anyone? - WP did recent story Damascus & nearby areas (SE FC) are experiencing most sever drought in over 50 years

[EXTERNAL EMAIL]

Good morning county council and county executive,

The Washington Post recently ran a story, "**Damascus (& other SE & FC) areas experiencing the worst drought in over 50 years**".

The map provided is very helpful.

We need to "preserve & protect" this natural resource. Even Phil, who has been very quiet on the Sugarloaf Treasured Landscape Management Plan, should be able to agree w/that!

To learn more please visit:

<https://wapo.st/3CFSCD7>

I would hope you can use your influence to get more public awareness out there on this important issue.

I am honestly surprised our FNP, FC Health Department & other FC departments has not been more proactive on this important matter.

The lag time from falling raindrops to becoming available in underground storage is 9 to 12 months. This summer's drought will be impacting county residents in May 2023 and into the future.

Water wells fail!

I know of families in several areas of FC that have lost their water for various reasons over many years. Drilling new wells is expensive and there is no guarantee water will be found. One family in Loch Haven drilled a new well around 600 feet costing almost \$20,000.00

I hope you can help educate our residents both long-time and new ones.

Sincerely,

Stan Mordensky C 301-639-8584

-----Original Message-----

From: smordensky@aol.com
To: citydesk@newpost.com <citydesk@newpost.com>; gwilson@newpost.com <gwilson@newpost.com>
Sent: Sun, Sep 4, 2022 10:40 am

Subject: Thirsty Anyone? - WP did recent story Damascus & nearby areas (SE FC) are experiencing most sever drought in over 50 years

Good morning FNP,

I would hope the FNP & maybe FC Health Department could do an informational story on the need to conserve water, especially well water for our new residents very soon, especially for conserving ground and well water.

As I drive thru newer communities with w/sidewalks, curbs & street lights I see lawn watering systems doing their thing in the early morning. Some of these communities are on wells like Windsor Knolls.

Individuals in planned communities are not alone. As I drove thru a 40-plus-year-old community built on one-acre lots I saw a long time 40 plus year old resident watering w/the greenest lawn in Voting District #2.

In SE FC schools like Kemptown ES & Windsor Knolls MS and other FCPS school use are dependent upon well water.

I typed what I had meant to be a short mention of, "Anyone Thirsty?" on Ijamsville Next Door.

I would hope the FNP would have posted something each month for the past 5 months.

Sincerely,

Stan Sr.,

Stan Mordensky, Sr.
11401 Meadowlark DR.
Ijamsville, MD 21754
Cell Phone: 301-639-8584 (Best choice)

Specht, Jennifer

From: Cherney, Ragen
Sent: Tuesday, September 6, 2022 4:56 PM
To: Brandt, Kimberly G.
Cc: Mitchell, Kathy (Legal)
Subject: FW: Future of Sugarloaf

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049

-----Original Message-----

From: redpig911@gmail.com <redpig911@gmail.com>
Sent: Tuesday, September 6, 2022 4:50 PM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>
Subject: Future of Sugarloaf

[EXTERNAL EMAIL]

Dear Councilmen and Councilwomen,

My name Robert J Karn. I am not a resident of Frederick County, but have owned and occupied a 30 acre farm in western Montgomery County since 1973 raising several generations of children here. We have been supported of Frederick businesses and institutions. We are good neighbors.

As a professional architect and planner, I should like to re-emphasize the uniqueness of Stronghold and Sugarloaf Mountain. In combination with our agricultural zone, it represents one of the finest examples of natural beauty, history, and recreational opportunities in our National Capital region. It is even more important to the future of Frederick County and Frederick City. It did not become this way by accident, but by defending it's natural beauty at every opportunity. What is unique today can become mundane tomorrow if we are not all vigilant.

Thank you,

Sent from my iPhone

Specht, Jennifer

From: Cherney, Ragen
Sent: Tuesday, September 6, 2022 3:42 PM
To: Brandt, Kimberly G.
Cc: Mitchell, Kathy (Legal)
Subject: FW: Floating zone question

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049

-----Original Message-----

From: Nick Carrera <[mjcarra@comcast.net](mailto:mjcarrera@comcast.net)>
Sent: Tuesday, September 6, 2022 3:41 PM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>; Planning Commission <PlanningCommission@FrederickCountyMD.gov>; County Executive <CountyExecutive@FrederickCountyMD.gov>
Cc: Carrera, Nicholas <[mjcarra@comcast.net](mailto:mjcarrera@comcast.net)>
Subject: Floating zone question

[EXTERNAL EMAIL]

Council members, Planning Commissioners, County Executive,

I'm not sure I understand the "floating zone" concept. Does it enable the county to describe a "zone" solely by its size and intended use, then to look around the county, find where you could shoe-horn it in and declare, "Here's my floating zone location!" and plop it down, regardless of the existing zoning at that location and the zoning and use of neighboring properties? It would mean you could put anything virtually anywhere. This sounds like eminent domain run amok! It undermines the utility of the whole zoning concept. Please tell me I'm wrong, and what a floating zone really is.

Thank you.

Nick Carrera,

Recusal Issue Comments to Council, September 6, 2022, final

Nick Carrera; 2602 Thurston Rd; Frederick 21704

I'm speaking regarding the Sugarloaf Plan.

From their first meeting in September 2021, most members of the Planning Commission were critical of the Cutout, the boundary change introduced without public discussion in the July 2021 draft Sugarloaf Plan. The Cutout included 380 acres of property owned by Tom Natelli. Commissioners wanted to know who authorized the Cutout and what was its purpose. Answers they got were confused and unconvincing, and they removed the Cutout. Commissioner Rensberger pressed especially hard for answers, and appeared to favor a clean boundary along I-270.

At this year's February ninth meeting, Commissioner Rensberger recused himself from further consideration of the Sugarloaf Plan. The archived video shows this was a difficult decision for him, and was prompted by outside pressure. The proximate reason for his recusal? – his mother has a farm of 16 acres within the Sugarloaf Plan area. It was alleged that this could give the appearance of bias on his part. It's not convincing, but county officials won't say more, so it stands as the reason.

Campaign contributions can be searched at campaignfinance.maryland.gov; click on "Disclosures," then click on "View Contributions/Loans." Search on contributor's last name; then try searching on his business address, for gifts coming through him. You find that Tom Natelli has made and directed donations to many county officials, from high to low, in both parties. Two Council members received \$3000 and \$5750 this way. They should recuse themselves from Sugarloaf Plan decisions that concern Natelli properties. Although the dollar amounts are modest, Mrs. Rensberger's 16-acre farm is also modest. Just as her son was pressed to recuse himself, here too, to avoid any appearance of bias in dealing with Natelli properties, the two Council members should recuse themselves.



McNees Wallace & Nurick LLC
8490 Progress Drive, Suite 225
Frederick, MD 21701

Noel Manalo
Telephone: 301.241.2014
Fax: 717.237.5300
nmanalo@mcneeslaw.com

September 8, 2022

VIA E-MAIL & USPS

County Executive
County Council
Frederick County, Maryland
12 East Church Street
Frederick, Maryland 21701

RE: Sugarloaf Plan

Honorable County Executive & County Council:

On behalf of Stronghold, Incorporated, we appreciate the efforts by some of you to attempt to address our serious concerns with the Planning Commission's Draft of the Sugarloaf Treasured Landscape Plan (the "Plan").

At this time my client reiterates their opposition to the Plan.

While we acknowledge the potential effort by County Council members to craft amendments that may or may not address my client's concerns, we believe the process, momentum and timing will not realistically allow for the thoughtful and considered approach we were hoping for three years ago, when we first began to learn the import of the County's initiative.

A deliberate, thoughtful and rational approach is appropriate for any attempt to understand Stronghold's stewardship of the +/- 3,400 AC of Sugarloaf Mountain, and how any new County regulations may or may not assist Stronghold in its continued stewardship.

In light of these considerations, again, my client will continue to oppose the Draft Plan.

If, however, the County Council forwards a draft to public hearing that:

- (1) shows Stronghold's holdings as having Natural Resource (NR) land use designation;
- (2) removes Stronghold's holdings from the proposed Sugarloaf Overlay rezoning;
- (3) preserves the Resource Conservation (RC) zoning for Stronghold's holdings;
- (4) deletes Initiative 3E (page 42 of the Planning Commission draft); and

County Executive
County Council
September 8, 2022
Page 2

(5) deletes "Stronghold Survey District Form (pp 1-12) (survey file F-7-32)" (pages A-38 through A-49 of the Planning Commission Draft), or, in the alternative adds a note to this portion of the Appendix -- *"For Informational Purposes Only, not Regulatory; This Survey Form Was Completed Without the Appropriate Consent of Owner"*;

-- then my client will not oppose the Plan.

Thank you for your consideration of the above.

Sincerely,



Noel Manalo
MCNEES WALLACE & NURICK LLC

cc: Stronghold, Incorporated
Robert A. McFarland, Esquire, Maryland Department of Natural Resources

Specht, Jennifer

From: Cherney, Ragen
Sent: Monday, September 12, 2022 8:03 AM
To: Brandt, Kimberly G.
Cc: Mitchell, Kathy (Legal)
Subject: FW: Rezoning of Sugarloaf Rural Heritage Overlay Zoning District

Ragen Cherney
Chief of Staff/Legislative Director
Frederick County Council
Winchester Hall
12 East Church Street
Frederick, Maryland 21701
301.600.1049



From: Amanda Ohlke <ohlke3706@gmail.com>
Sent: Friday, September 9, 2022 5:33 PM
To: Council Members <CouncilMembers@FrederickCountyMD.gov>
Subject: Rezoning of Sugarloaf Rural Heritage Overlay Zoning District

[EXTERNAL EMAIL]

Dear Council Members,

I am writing in regard to the proposed rezoning. I was raised on Ira Sears Road at the base of Sugarloaf Mountain. I live in DC, but own property on Ira Sears Road and also Mount Ephraim Road. I am not in support of this plan. My experience with the county has been that large developers can do as they wish, and farmers and smaller property owners have to jump through hoops and are denied the opportunity to use their land as they see fit. Please consider the rights of individuals who have stewarded this property for generations.

Sincerely,

Amanda Ohlke
3706 Reno Rd NW, Washington, DC 20008