

JUSTIFICATION STATEMENT FOR AMENDMENT TO PHASE I PUD ZONING CLASSIFICATION

I. INTRODUCTION

6218 Yeagertown Road, LLC (the “Applicant”) is the owner and developer of 75.493 acres of land located at 6218 Yeagertown Road, New Market, Maryland 21774, and more particularly known as Parcel 0096 on Frederick County Tax Map 79 (the “Property”), which is located within the unincorporated community of Lake Linganore. As more particularly described below, this application is to amend the Property’s existing Phase I PUD Zoning classification, pursuant to Section 1-19-3.110 et. seq. and Section 19-10.500 et. seq. of the Frederick County Zoning Ordinance (the “Zoning Ordinance”), in order to establish an age-restricted community on the Property.

II. SUMMARY OF ZONING REQUEST

Frederick County (the “County”) previously applied the Planned Unit Development (“PUD”) zoning classification to the Property. Based on information and belief, the Property was incorporated into the Lake Linganore PUD as part of the 1973 PUD Concept Plan, but to the Applicant’s knowledge, it has not been the subject of an approved Preliminary Plan or Site Plan in the intervening years. As indicated in various County documents, the County has at times identified the Property as the “Resco” or “Resco Investments” property, with an approved density of 248 residential dwelling units. The Property is identified as part of the Lake Linganore PUD on the 1977 Frederick County Zoning Map, attached as **Exhibit A**.

The Applicant is filing this amendment to the current Phase I PUD zoning classification, in order to seek the designation of the property as an age-restricted community in accordance with the requirements of § 1-19-10.500.10 of the Zoning Ordinance. Furthermore, the establishment of an age-restricted community is governed by §1-20-7(D) of the County’s Adequate Public Facilities Ordinance (“APFO”). As the Property’s existing zoning approvals predate the County’s enactment of the APFO, it is the Applicant’s (and Frederick County Planning Staff’s) assumption that the County’s Phase I zoning approval did not include a designation of the Property as an age-restricted community, thus necessitating this application to amend the Phase I PUD zoning approval.

The Applicant intends to develop the Property with an age-restricted community containing approximately 248 Villa-style dwelling units, together with a Community Club Amenity area, as identified on the Concept Plan. No non-residential uses (other than open space and amenities) are being proposed for this PUD, given the somewhat remote nature of the Property as compared to the Linganore Town Center.

A small portion of the Property, containing approximately 1.72 acres and more particularly identified on **Exhibits E and F**, has mistakenly retained the Agricultural (A) zoning classification and was not zoned PUD, even though our surveying indicates that this has always been a part of the Property. However, as this Justification Statement indicates, the entire Property, including but not limited to this 1.72 acre portion, meets all of the requirements of the Zoning Ordinance for rezoning to PUD, and therefore as a part of this application, the Applicant requests that this 1.72

acre portion be rezoned from A to PUD. The Applicant is not requesting additional density for this small parcel.

Under the provisions of the current PUD section of the Zoning Ordinance (Section 1-19-10.500, which has been significantly amended since the Property was originally zoned PUD), the Phase I PUD approval procedure is the same as for zoning map amendments set forth in §§ 1-19-3.110.1 through 1-19-3.110.6. As amended by this application, the Phase I approval fully complies with the application requirements set forth in Section 1-19-10.500.5 of the Zoning Ordinance as set forth below.

III. PROPERTY DESCRIPTION AND EXISTING SITE CONDITIONS

A. Property Description

The Property is vacant land comprised of partially forested areas with no improvements. The topography of the Property is shown on **Exhibit H**. The Property fronts onto Yeagertown Road on the southeast side of the Property for an approximate distance of 1,456.11 linear feet. Opposite the Property on Yeagertown Road is the Clearview at New Market subdivision, consisting of approximately twenty residential single-family detached dwellings to the southeast, and with multiple single-family dwellings located on larger lots to the east which are zoned Agricultural and used for residential purposes. Quiet Cove Road runs east to west near the north boundary of the Property. Access to Yeagertown Road will be on the southeast corner of the Property. The Applicant proposes to develop the Property with an additional access connection in the northwest corner to provide connectivity to Golden Shiner Street, which is part of the future expansion of the Linganore Town Center. The Property is located within the Linganore Community Growth Area.

As indicated above, all but a tiny portion of the Property is currently zoned PUD, and the entire Property has a County Comprehensive Plan land use designation of Low Density Residential (LDR). The Property abuts undeveloped PUD lands to the west. Portions of the neighboring properties to the north, south, and east are zoned PUD, as well as R1 – Low Density Residential to the south, and with small pockets of Agricultural zoned land to the southeast and northeast. Most of the properties in the immediate vicinity of the Property are zoned PUD and have a land use designation of Low Density Residential. The following existing PUD communities are nearby: Summerfield to the southeast, Linganore Town Center to the west, Clearview at New Market to the south, Pinehurst to the northeast across Boyers Mill Road, Nightingale to the northwest before Lake Linganore, and Coldstream to the northwest across Lake Linganore. Additionally, the Gordon Mill and Casey (Cherry Run) projects are proposed for development to the northeast near Summerfield, and the Cromwell Active Adult Community PUD is approved for development to the southwest.

B. Existing Site Conditions

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

1. Vicinity Map, attached as **Exhibit B**, delineates all properties and streets within 2,000 feet of the Property (Section 1-19-10.500.5(A)(1)).
2. Boundary Survey, attached as **Exhibit C**, (Section 1-19-10.500.5(A)(2)).

3. Transportation Map, attached as **Exhibit D**, (Section 1-19-10.500.5(A)(3)) indicates the location of the Property with respect to local, collector, and arterial streets, existing easements and rights-of-way on or abutting the Property, all existing bicycle and pedestrian facilities, and existing and planned transit facilities including routes and stops.

4. Land Use Map, attached as **Exhibit E**, and Zoning Map, attached as **Exhibit F**, show the type, location, acreage, and density of all existing land uses within a distance of 500 feet from the Property, the general street location and circulation pattern, and existing zoning and Comprehensive Plan designations (Section 1-19-10.500.5(A)(4)).

5. Aerial Photograph, attached as **Exhibit G**, (Section 1-19-10.500.5(A)(5)).

6. Floodsoils Exhibit, attached as **Exhibit H**, and the Concept Plan with WetSoil Buffer, attached as **Exhibit I**, shows the delineation of soil types, forests, floodplains, topography, and wetlands on the Property (Section 1-19- 10.500.5(A)(6)).

7. Historical Exhibit, attached as **Exhibit J**, depicts the location of the cemetery on the Property. The Technical Report of the Historical Research and Geophysical Investigations at Price Family Cemetery, New Market, Frederick County, Maryland is attached as **Exhibit K**. The Property does not include any historical sites, buildings, or other objects listed on the National Register of Historical Places, Frederick County Register of Historic Places, or the Maryland Inventory of Historic Places.

IV. CONCEPT PLAN

The Applicant is proposing to construct an age-restricted community comprised of up to 248 villas (28' wide) together with an approximately one (1) acre community club amenity area, plus no less than 22 acres of open space, all as shown on the Concept Plan attached at **Exhibit L**. The amenities would include a clubhouse, community garden, community trails, and an outdoor recreation area. In addition, there are numerous opportunities for pathways and trails throughout the Property. The stream body buffer along the southern border of the Property affords an opportunity to integrate on-site open space with perimeter buffer areas. This design lends itself to providing a large number of the proposed dwellings to be located adjacent to or in near proximity to open space and amenity areas.

Pursuant to Section 1-19-10.500.6 of the Zoning Ordinance, a PUD development permits 3-6 dwelling units per acre for properties that are designated low-density residential by the Comprehensive Plan. With a gross acreage of 75.493 acres, this density range is 227-454. The County previously established a density of 248 dwelling units for the Property. The proposed 248 units have a gross density of 3.29 dwelling units per acre and a net density of 6.80 dwelling units per buildable acreage, consistent with the low-density residential plan designation.

The neighboring communities consist of single family homes, townhouses, and multifamily apartments and condominiums. For example, Linganore Town Center's 1240-dwelling units consist of 136 single family houses, 631 townhouses, and 322 multifamily apartments and 96 multifamily condominiums. Cromwell's 488-units age restricted community consists of 192 single family homes, 184 townhouses, and 112 multifamily units. Oakdale Village consists of single family homes, townhouses, and condominiums. The Summerfield, Pinehurst,

Nightingale, and Coldstream neighborhoods consist primarily of single family homes and some townhouse units.

The public roadway infrastructure immediately serving the Property consists primarily of Yeagertown Road. The Applicant proposes access to Yeagertown Road at the southeast corner of the Property. The Applicant anticipates conducting half-section widening and road layback where needed along the site's Yeagertown Road frontage. In addition, the Applicant will need to provide adequate sight distance at the proposed intersection location, which may include existing vegetation removal and grade adjustments to ensure proper sight distance necessary for a safe intersection based on vehicular design speed. The extent of improvements will be reviewed as a part of future subdivision plan reviews and approvals.

The Applicant proposes an additional access road in the northwest corner of the Property to connect to Golden Shiner Street in the neighboring Liganore Town Center, identified as Phase 3 North Land bay on the Liganore Town Center staff report. The new access road to be constructed by the Applicant will provide a second means of access for Liganore Town Center's 88 dwelling units currently proposed on a dead-end road system. The Liganore Town Center North land bay has already been mass graded, and a bridge has been constructed across Bells Branch and the flooding soils and FEMA floodplain in the neighboring Liganore Town Center. Future access to Eaglehead Drive and Meadow Road is planned through the Liganore Town Center development.

The Comprehensive Plan shows an arterial alignment through the Property that is unfeasible given the topography and is not respectful of sensitive natural features / resources. The conceptual Comprehensive Plan alignment proposes approximately 110' of vertical rise over approximately 400' or a grade that approaches 28%. In addition to the steep slope, the Comprehensive Plan alignment crosses Bells Branch at an area that contains flooding soils and a portion of FEMA floodplain. The Comprehensive Plan alignment was drawn without consideration of the natural features such as steep slopes, existing forested areas, sensitive resources, and natural hazards such as Bells Branch and its associated flooding soils.

V. PROPOSED PHASING PLAN

Section 1-19-10.500.5(D) requires a phasing plan to be submitted with a PUD application that describes the timing and sequence for dedication of public lands and development of public facilities and utilities. The Applicant propose to develop the Property over a three to five year period.

Water and sanitary sewer service will be provided through developer-funded design and construction of public water and sewer facilities consistent with Frederick County's "East County Water & Wastewater Master Plans". The Property is planned for public water and sewer service under the Frederick County Water and Sewerage Master Plan. The Property received a designation of W-5/Dev, S-5/Dev under a reclassification of multiple properties in the Liganore Community Growth Area as part of Case WS-00-40 in 2000. On March 19, 2024, the County Council approved reclassification of the Property to S-4 / W-4 – Concept Evaluation Phase in Case number WS-23-21. See the Water and Sewer Service Area Maps updated on June 25, 2024, attached as **Exhibit M** and **Exhibit N**.

A. Public Water Service:

The New Design Water Treatment Plant (NDWTP) provides water to this site. The NDWTP has a treatment capacity of 25 MGD but is only permitted to withdraw an average daily demand of 16.0 MGD from the Potomac River. The latest version of the County Master Water / Sewer Plan indicates an existing demand of 5.92 MGD. There is currently adequate capacity at the Water Treatment Plant.

The site is within the Zone 2 water pressure boundaries. The Applicant proposes that water and sewer service will be provided to the Property as part of future developer provided 12" water and 8" sewer lines that will be installed as part of an expansion of the Linganore Town Center property to the west. The Division of Water & Sewer Utilities has indicated that the 12" water line should be extended through the site as part of any future development to connect to other, existing water lines in the proximity of Boyers Mill Road to maintain functionality of the system in Pressure Zone 2. Future sewer service will function by gravity, and wastewater will be conducted to the northwestern corner of the property where it be transferred to the sewer lines within the Linganore Town Center property. See **Exhibits O and P**.

B. Sanitary Sewer Service:

The Ballenger McKinney Wastewater Treatment Plant provides sewer treatment for this site. The Ballenger McKinney WWTP's current design capacity is 15.0 MGD and the facility's three-year average flow from 2020 – 2023 was 6.6513 MGD. There is currently adequate capacity at the Wastewater Treatment Plant.

In addition to the developer provided 8" gravity connection to the existing sanitary sewer line that crosses through the site along Yeagertown Road, portions of the site that will drain north toward the Lake will discharge through a developer provided 8" gravity sanitary sewer line across the adjacent Oakdale Investments LLC Linganore Town Center townhouse site as shown on conceptual water and sanitary sewer extension plan.

The sewer will drain to two locations, 1) a gravity sewer close to Yeagertown Road, and 2) to a sewer area to the west on the Linganore Town Center property. See **Exhibits O and P**.

Pursuant to Zoning Ordinance Section 1-19-10.500.4, a pre-application conference was held with the County on February 8, 2024. A neighborhood meeting was held on June 25, 2024, at the New Market Grange. The formal record of this meeting is attached as **Exhibit Q**.

VI. REQUIREMENTS OF THE FREDERICK COUNTY ZONING ORDINANCE.

Section 1-19-3.110.4 of the Zoning Ordinance sets forth the general criteria which all requests for floating zone reclassification must meet, and it specifies that the Planning Commission and County Council shall consider 1) if a floating zone reclassification is consistent with the County's Comprehensive Plan; 2) availability of current and planned public facilities; adequacy of existing and planned future transportation systems; 3) compatibility with existing and proposed development; 4) population change, including availability and location of land zoned to meet the ten-year need for residential development; 5) the timing of development, planned future transportation systems and planned public facilities; 6) sensitive environmental resources have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable; and 7) historic resources have been identified and impacts to these resources are

avoided or minimized to the maximum extent practicable. Section 1-19-10.500.3 contains the specific approval criteria applicable for rezoning of a property to a PUD.

However, it needs to be understood that that the vast majority of the Property (other than the 1.72 acre portion discussed previously, which adds no density to the project) already has PUD zoning; while the application addresses all of the approval criteria, the only change being requested, other than PUD zoning for the 1.72 acre portion, is for the project to be established as an age-restricted community pursuant to Section 1-19-500.10 of the Zoning Ordinance. No other changes to the existing, approved zoning or to the density previously established for the Property are requested.

With that said, the Applicant's proposed establishment of an age-restricted community on the Property satisfies each of these general and specific requirements as explained more fully below.

A. General Requirements of Section 1-19-3.110.4 of the Zoning Ordinance.

1. This application is consistent with the purpose and intent of the Frederick County comprehensive plan;

The Property previously received PUD approval and has long been designated for Low-Density Residential development. LDR is applied to properties within growth areas and where public water/sewer is available or planned. With a gross density of 3.29 dwelling units per acre and a net density of 6.80 dwelling units per buildable acreage, the Property is within the targeted density range of 3-6 dwellings, consistent with the County's smart growth policies. The Livable Fredrick Master Plan (the "LFMP") envisions development and redevelopment of lands centrally located to public facilities, which this project fulfills through its close proximity to numerous neighboring PUDs.

The Thematic Plan Diagram of the LFMP identifies Lake Linganore as a Retrofit District. Pages 40 and 47 of the LFMP. Retrofit Districts are one of the two types of districts within the Secondary Growth Sector "identified to provide a framework for the continued growth and development of these areas of the county." Page 47 of the LFMP. Retrofit Districts are "intended to support and improve existing suburbs to make suburban communities stronger by reinvesting in them with infill development and redevelopment that creates more opportunities to walk, shop, work and recreate closer to home." Page 47 of the LFMP. The proposed project provides coordinated funding and construction of sidewalks, the connection of nearby streets, and non-autocentric access as intended by a Retrofit District.

2. Availability of current and planned public facilities;

There will be no impact on schools as the proposed project is proposed for solely age-restricted housing.

The closest public park is Old National Pike District Park located under 7 miles to the east of the Property. The proposed project includes community trails and a recreation area.

The Applicant is actively working with the Lake Linganore Association to submit an application to join the association. There are multiple walking paths in the surrounding Lake Linganore PUD. The surrounding 10-mile area includes multiple schools (Oakdale Elementary, Middle, and High schools, New Market Elementary and Middle schools, Deer Crossing

Elementary, and Blue Heron Elementary) with recreational facilities. Additionally, the Gordon Mill project is providing a future middle school site, and the Casey property is providing a future elementary school site.

The recently approved Cromwell Active Adult Community includes a four-acre public use site for a library and senior center.

The County Council approved reclassification of the Property to S-4 / W-4 – Concept Evaluation Phase in Case number WS-23-21.

The Property is located 3.4 miles from the New Market Fire Station and 5 miles from the Spring Ridge Fire Station. Additionally, a fire station is proposed on Gas House Pike near the Hamptons West neighborhood.

The Project is served by the Frederick County Sheriff's Office and Maryland State Police.

3. *Adequacy of existing and planned future transportation systems;*

The Property has access to Interstate 70 from the New Market Interchange and the newly constructed Meadow Road Interchange. To the south of the project, Old National Pike/ MD 144 has undergone significant improvements in recent years during the Oakdale development. To the north, Boyer's Mill Road will be improved during the upcoming Calumet and Gordon Mill projects, including a new traffic signal at Boyer's Mill Road and Pinehurst Drive. The Calumet and Gordon Mill projects also include a future New Market Bypass connecting Boyers Mill Road to MD75, providing alternate travel routes.

The Applicant engaged Lenhart Traffic Consulting, Inc. to conduct a traffic study of the site. The Traffic Study is attached hereto as **Exhibit R**. The Applicant will propose improvements to Yeagertown Road as a part of future subdivision plan reviews and approvals.

4. *This application is compatible with the existing and proposed development;*

The area surrounding the Property includes existing and proposed PUD developments of Summerfield to the southeast, Linganore Town Center to the southwest, Clearview at New Market to the south, Pinehurst to the northeast across Boyers Mill Road, Nightingale to the northwest before Lake Linganore, and Coldstream to the northwest across Lake Linganore. Additionally, the Gordon Mill, Casey, and Calumet projects are proposed for development to the northeast near Summerfield.

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

With the construction of the proposed 248 age-restricted dwelling units, the project will yield an estimated population increase between 1.5 persons per household (based on the NAHB rule of thumb) and 2.0 persons per household (American Community Survey average of households with a head of household 65 years or older), or 372 to 496 residents.

Pursuant to the U.S. Census Bureau, 2023 National Population Projections Tables: Main Series, the number of Americans ages 65 and older is projected to increase from 58 million in 2022 to 82 million by 2050 (a 47% increase), and the 65-and-older age group's share of the total population is projected to rise from 17% to 23%. The Frederick County Government website

reports that based on 2015 U.S. Census data, Frederick County will experience a 72.22% change in individuals over the age of 60 years from 47,708 in 2015 to 73,179 in 2025 and 82,165 in 2030. Pursuant to the Advocates for the Aging of Frederick County reports that based on information from a 2022 American Community Survey, the total number of Seniors (age 65+) living in Frederick County is 40,796 or 14.9% of the total population of 273,829.

In 2024, 29% of residents of Frederick County are over the age of 55, and this group has grown by more than 63% from 2010 to 2023, far outpacing the county's overall growth of 22% during the same time frame. See Exhibits II-1 and II-2 from the Applicant's Market Study attached hereto as **Exhibit S**.

6. *The timing of development, planned future transportation systems and planned public facilities;*

The Property is to be served by public water and sewer and the County Council approved reclassification of the Property to S-4 / W-4 – Concept Evaluation Phase in Case number WS-23-21 on March 19, 2024. The Applicant proposes to develop the Property over a three to five-year period.

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

The Property includes a small creek along the southwest boundary. There is no FEMA flood plain on the Property. The soils are predominantly Lower 1/3 Restricted, with areas of Flood Soils in the southern portion of the Property and Non-Restricted Soils on the western portion. The Property contains some steep slopes, which are predominantly located in the southern region of the Property, where open space is proposed.

The Applicant proposes a connection to the parcel to the northwest (Phase 3 North Land bay of Linganore Town Center PUD), where a bridge has already been constructed to cross the sensitive waterways, Bells Branch and the flooding soils and FEMA floodplain in the neighboring Linganore Town Center. Additional improvements are planned for Eaglehead Drive.

The Comprehensive Plan shows an arterial alignment through the Property that is unfeasible given the topography and is not respectful of sensitive natural features / resources. The conceptual Comprehensive Plan alignment proposes approximately 110' of vertical rise over approximately 400' or a grade that approaches 28%. In addition to the steep slope, the Comprehensive Plan alignment crosses Bells Branch at an area that contains flooding soils and a portion of FEMA floodplain. The Comprehensive Plan alignment was drawn without consideration of the natural features such as steep slopes, existing forested areas, sensitive resources, and natural hazards such as Bells Branch and its associated flooding soils. The Applicant's Concept Plan proposed alternate alignments that minimizes impacts to the sensitive environmental resources.

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

The Applicant has taken necessary steps to preserve the small area of existing grave sites on the eastern portion of the Property.

B. Specific Requirements of Section 1-19-10.500.3 of the Zoning Ordinance.

1. *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;*

As shown in the Concept Plan, residential uses are proposed for the northern portion of the Property, with the balance of the Property reserved for open space.

2. *The proposed development design and building siting are in accordance with the County Comprehensive Plan, and any applicable community and corridor plans;*

The County has not yet introduced a corridor plan for the region surrounding the Property. However, the design and building siting are consistent with the LFMP.

3. *The proposed development is compatible with existing or anticipated surrounding land uses with regard to size, building scale, intensity, setbacks, and landscaping, or the proposal provides for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping; or other design features in accordance with the County Comprehensive Plan, and any applicable community or corridor plans;*

The County has not yet introduced a corridor plan for the region surrounding the Property. However, the Comprehensive Land Use Plan primarily designates the surrounding area as Low-Density Residential. The proposed project will comply with the largely PUD communities surrounding Lake Linganore. As depicted in the Concept Plan, the design characteristics are comparable to those in the neighboring communities.

4. *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;*

The project provides safe pedestrian connections on the Property and future vehicular and pedestrian connections to the Linganore Town Center to the northwest.

The design of the project will provide a safe and efficient arrangement of uses, buildings, infrastructure, and transportation circulation systems.

5. *The transportation system is or will be made adequate to serve the proposed development in addition to existing and pipeline uses in the area. Factors to be evaluated include: roadway capacity, level of service and safety, on-street parking impacts, access requirements, neighborhood and natural resource impacts, projected construction schedule of planned improvements, pedestrian and bicycle safety, and results of travel demand modeling assessing the change in future daily travel volumes, with and without the proposed development;*

See the Traffic Study attached hereto as **Exhibit R**. The transportation system is or will be made adequate, with any final improvements identified as part of the Adequate Public Facilities approval.

The Property has access to Interstate 70 from the New Market Interchange and the newly constructed Meadow Road Interchange. To the south of the project, Old National Pike/ MD 144 has undergone significant improvements in recent years during the Oakdale and Linganore Town Center development. To the north, Boyer's Mill Road will be improved during the upcoming Calumet and Gordon Mill projects. The Calumet and Gordon Mill projects also include a future New Market Bypass connecting Boyers Mill Road to MD75, providing alternate travel routes.

The proposed connection to Golden Shiner Street in the northwest portion of the Property would connect to the neighboring property (Phase 3 North Land bay of Linganore Town Center), providing connection to Eaglehead Dive and Meadow Road.

6. *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 New Market, Oakdale, and Lake Linganore communities are not currently served by public transit. The project will include sidewalks, biking and walking paths. Yeagertown Road is not slated to accommodate pedestrian uses; however, the proposed connection in the northwest portion of the Property would connect to the neighboring property (Linganore Town Center), slated for future development, at which time the property could connect to sidewalks and trails within that neighborhood.

7. *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 Property is located 3.4 miles from the New Market Fire Station and 5 miles from the Spring Ridge Fire Station. Additionally, a fire station is proposed on Gas House Pike near the Hamptons West neighborhood.

The Project is served by the Frederick County Sheriff's Office and Maryland State Police.

Additionally, a Frederick Primary Care Associates medical office building was recently constructed on Old National Pike/MD 144 as part of the Commercial South development of the Linganore Town Center.

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

The Comprehensive Plan shows an arterial alignment through the Property that is unfeasible given the topography and is not respectful of sensitive natural features / resources. The conceptual Comprehensive Plan alignment proposes approximately 110' of vertical rise over approximately 400' or a grade that approaches 28%. In addition to the steep slope, the Comprehensive Plan alignment crosses Bells Branch at an area that contains flooding soils and a

portion of FEMA floodplain. The Comprehensive Plan alignment was drawn without consideration of the natural features such as steep slopes, existing forested areas, sensitive resources, and natural hazards such as Bells Branch and its associated flooding soils. The Applicant's Concept Plan proposed alternate alignments that minimizes impacts to the sensitive environmental resources.

9. *The proposed mixture of land uses is consistent with the purpose and intent of the underlying County Comprehensive Plan land use designation(s), and any applicable community or corridor plans;*

The proposed age-restricted community, consisting of residential and recreational uses, is an efficient use of land and efficient extension of public facilities under § 1-19-10.500.1 of the Zoning Ordinance because the property is surrounded on three sides by the growing communities of Lake Linganore, Oakdale, and New Market. The development of the project will promote continuity among the neighboring PUD communities while protecting the natural features of the nearby Lake Linganore.

10. *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;*

See VI.A.2. and VI.B.7. above.

11. *Sensitive environmental resources are protected to the maximum extent practicable; and*

See VI.A.7. above.

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

See VI.A.8. above.

C. Specific Development Standards for PUD.

In addition to the general criteria of Section 1-19-3.110.4 and specific criteria of Section 1-19-10.500.3, Section 1-19-10.500.10 of the Zoning Ordinance contains approval criteria applicable for designation of a project or a portion thereof as an age restricted community.

1. *Active and passive recreational amenities;*

The project will comply with the amenities required pursuant to Section § 1-20-7 (D)(5) of the APFO, which includes the following:

(a) A trail system, walking paths, and sidewalks for pedestrian accessibility;

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

(c) Active recreational open space (for the purpose of providing amenities, including but not limited to, a swimming pool, tennis courts, chip and putt course, bocce courts, horseshoe pits, and/or similar active recreational amenities at a rate of 1/3 acre per 100 dwelling units. A minimum of 1 acre must be provided. A single large-scale amenity, such as a golf course, may not be proposed as the sole means to satisfy this requirement. Only the physical structure (i.e. footprint) of the clubhouse/multi-purpose building(s), not the parking area(s), will be considered in determining the area of active recreational open space;

(d) Passive recreational space, including but not limited to, picnic areas, gazebos, pocket parks and/or other similar passive recreational amenities; and

(e) An appropriate phasing schedule in each phase of development to meet the needs of the residents.

The project proposes a one-acre Community Club Amenity Area in the center of the project, which will include a clubhouse, satisfying the requirements of Section 1-20-7 (D)(5)(b), as well as a community garden, community trails, and recreation area, pursuant to Section 1-20-7 (D)(5)(a),(c), and(d), along the exterior of the villas. The Applicant will provide a final list of amenities during the final site development plan approval process.

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

The Property is well situated between the Town of New Market, Linganore Town Center, and the Monocacy Boulevard/ Liberty Road area, all of which offer commercial services, such as retail and medical offices. In particular, a Frederick Primary Care Associates and Weis Grocery Store are under construction on the nearby Old National Pike as part of the Commercial South development of the Linganore Town Center.

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

Multiple age-restricted communities, such as Homewood Retirement Community, a small section of the Ballenger Run PUD, and the Woodlands at Urbana, exist in Frederick County; however, most of these neighborhoods have been completed. The County Council most recently approved rezoning the Knowledge Farms project in March 2024, which proposes five age-restricted apartment buildings, an assisted living facility, and a row of villas in Urbana. The Knowledge Farms project is capped at 150 assisted living beds and 147 age-restricted housing units.

The County Planning Commission approved a preliminary subdivision plan of 488 units for the Cromwell Active Adult Community in October 2023, including 192 single-family detached units, 184 townhomes, and 112 multifamily attached units. The Bloomfields project in the City of Frederick is under construction and received preliminary plan approval for 1,359 total units. England Woods in New Market is approved for 537 units. The Woodlands in Urbana is approved for 31 additional units, Foxfield section 6 is approved for 148 units, and Jefferson Village is approved for 47 townhomes or villas.

With proximity to health care, retail, and a wide range of amenities, Frederick County continues to be an attractive destination for individuals 55 years and older. The growing Lake

Linganore and New Market communities further enhance the area's appeal. Despite the pending projects, there is an inadequate pipeline of age-restricted developments for the projected population of Frederick.

VII. CONCLUSION

This request meets all of the general and specific requirements of the Zoning Ordinance for the approval of this Amendment to the Phase I PUD Approval, and the requirements for age-restricted communities in the APFO. The Applicant requests approval of this amendment and designation of the Property as an Age-Restricted Community.

As such, this Application requests confirmation that the proposed development conforms to the requirements of the APFO and that the program of amenities and other activities for older persons is to be encumbered by restrictive covenants that meet the requirements of Section 1-20-7 of the APFO.