

## Zoning Map Amendment

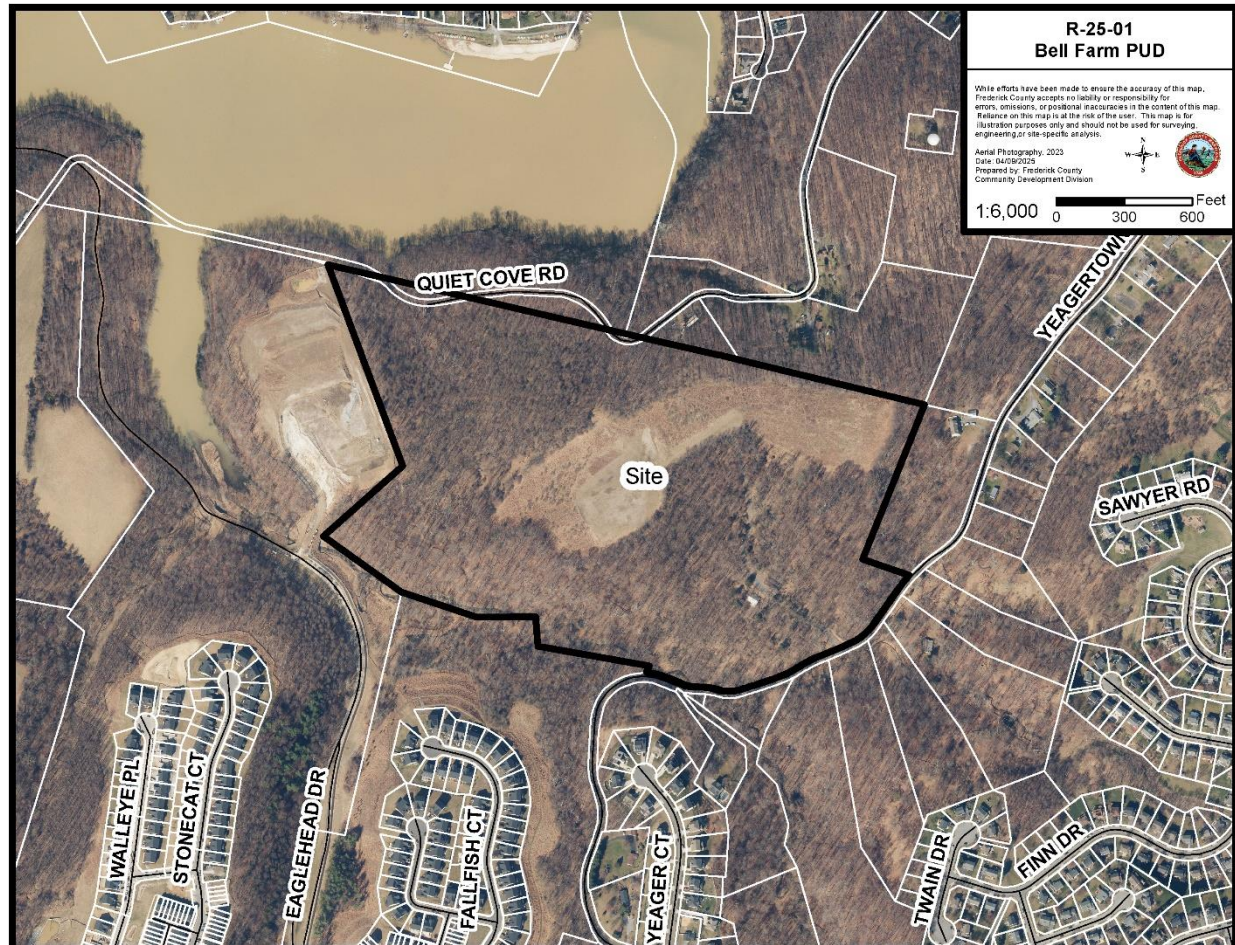
Case #: R-25-01

Applicant: 6218 Yeagertown Road LLC (Bell Farm PUD)

Request: Rezone 75.493-acre Site by Amending an Existing Phase I  
Planned Unit Development (PUD)

# Applicant's Proposal

## Site of Rezoning Request



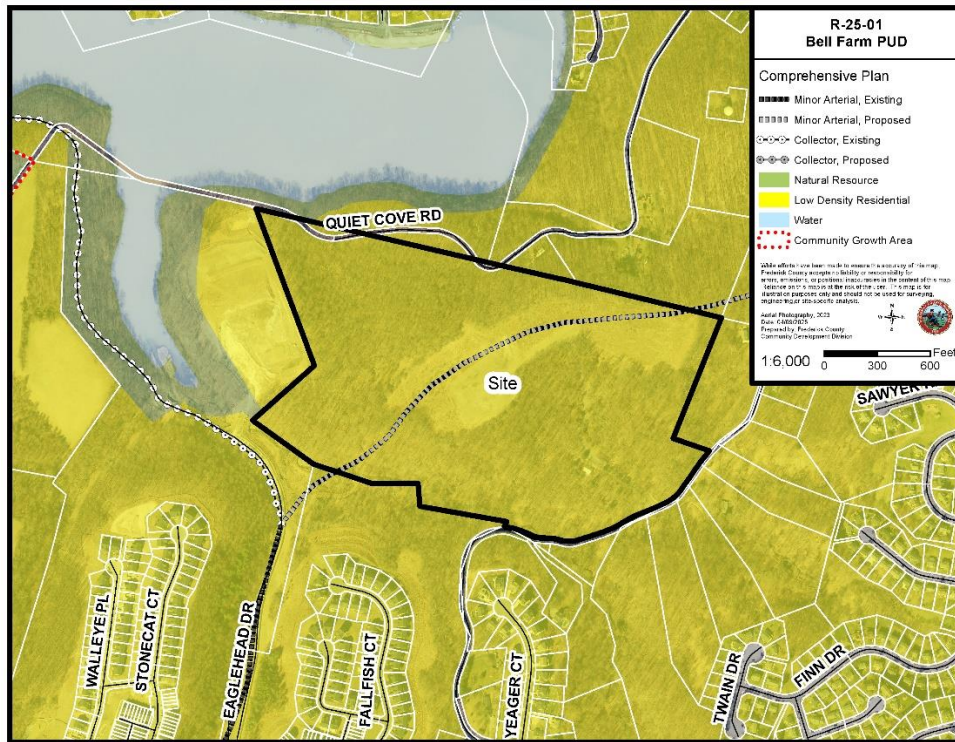
The Applicant proposes to develop an age-restricted community on the 75.493-acre Site known as Bell Farm (aka Resco Property) consisting of 248 Single-Family Attached (Townhouse) dwelling units at a gross density of 3.29 dwellings per acre, a community club, recreational amenities, active and passive open space areas, and new street connections to Golden Shiner Street on the east and Yeagertown Road on the west.

The Site consists of a single, vacant parcel at 6218 Yeagertown Road, located near Lake Linganore and within the Linganore Community Growth Area.

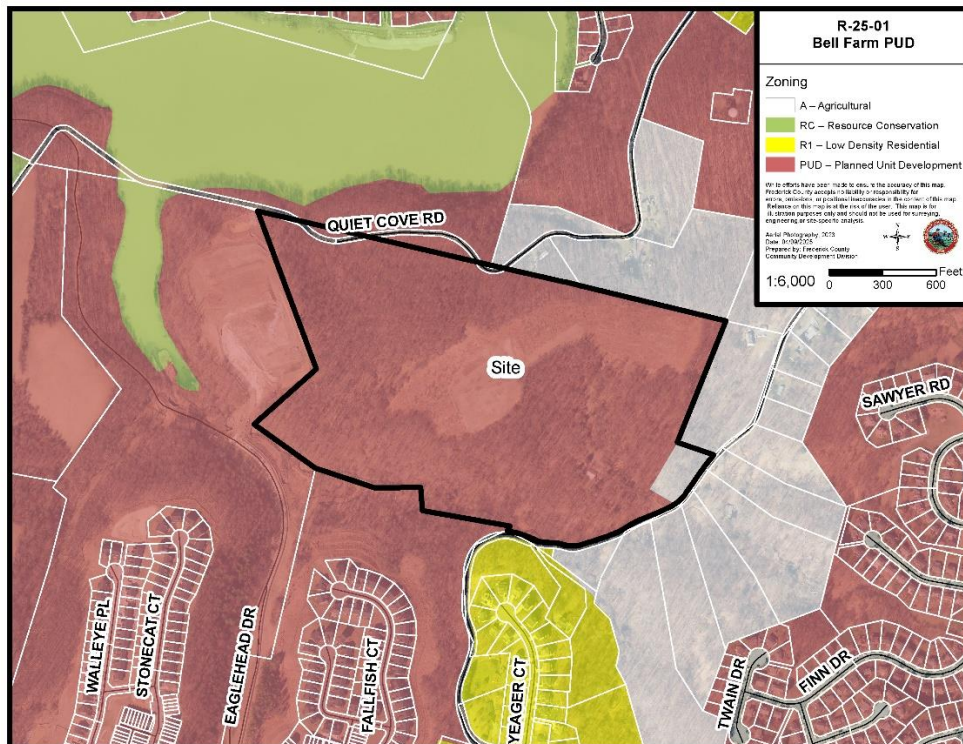
Nearly the entirety of the parcel has been zoned Planned Unit Development (PUD) since at least 1973, appearing on an official County Zoning Map adopted on January 24, 1977. The original approved residential density permitted up to 248 dwelling units, which remains unchanged in this proposal. A small 1.72-acre portion of the parcel located along Yeagertown Road is zoned Agricultural (A). The Applicant is seeking to amend the original PUD to allow for the development of this parcel as an age-restricted community, and to rezone the outlying 1.72 acres to PUD.



## Comprehensive Plan Map



## Existing Zoning Map



# Application At-A-Glance

## **What:**

- Requesting a *rezoning* (a change to an existing zoning map) of a 75.493-acre vacant Site located within the area identified as the Lake Linganore PUD.
- Seeking to amend the existing Planned Unit Development (PUD) to allow the approved 248-dwelling unit neighborhood to develop as an age-restricted community for residents 55 years & older.
- The Applicant also seeks to rezone a small (1.72-acre) portion of the parcel that remains zoned Agricultural (A) to Planned Unit Development (PUD).

## **Where:**

- The Site is located in the Linganore Community Growth Area on the north side of Yeagertown Road, south of Quiet Cove Road, and less than 200 feet from Lake Linganore.

## **Why:**

- The Applicant plans to develop an age-restricted neighborhood of 248 townhouses, also known as *single-family attached* homes, as well as a community club amenity on the Site.

## **How:**

- The Zoning Ordinance allows an applicant to request the rezoning of a property under limited circumstances, including the application of floating zones, such as the Planned Unit Development (PUD) or Mixed Use Development (MXD) designations. An Applicant may also request to amend a previously-approved rezoning. Procedurally, an *amendment* to a Planned Development District is identical to a newly-initiated rezoning.
- An applicant seeking the rezoning of a site must first conduct an advertised community meeting. The Applicant conducted its required community meeting for this proposal on June 24, 2024 at the New Market Grange. Frederick County staff attended this meeting.
- A rezoning application is subject to a two-step review process:
  - (1) *Planning Commission* conducts a public hearing to consider the application and accept public input, after which the Commission submits its recommendation to the County Council. The Planning Commission may suggest that certain conditions be placed on any approval of the Application.
  - (2) *County Council* holds its own public hearing to consider the application and accept public input, after which it decides whether or not to amend the zoning map. The Council may place conditions on the Project if it decides to approve the rezoning request.
- The County is not required to approve a request for rezoning, or an amendment to a previously-approved rezoning application.
- If the application for an amended PUD is approved, the Project may proceed but will still have to complete the normal review and approval processes required of this type of development, including Subdivision Plan and Site Development Plan reviews by the Planning Commission. The Project will also be subject to other regulations such as the Adequate Public Facilities Ordinance that considers the capacity of schools, roads, and water/sewer service.

### Proposed Land Use Mix

Proposed Land Uses	Acres	Percentage (of gross land area)	Notes
Residential (Single Family Attached)	36.47	49%	248 townhouses at gross density of (3.29 DU/ac); permitted range of 3-6 DUs/ac
Open Space/Green Area	23.72	31%	30% minimum (22.64 acres)
Road right-of-way/Parking/SWM/Amenities	15.30	20%	
<b>TOTAL</b>	<b>75.49 acres</b>		

### Proposed Concept Plan and Land Use Mix

This Application for an amendment to the approved Phase I Bell Farm PUD proposes the development of 248 market rate, single-family attached homes – ‘villa-style’ townhouses – on the 75+ acre Site utilizing the allowance for age-restricted development regulated through § 1-19-10.500.10(B. & C.), *Specific Development Standards Within the Planned Development Districts*.

As demonstrated in the table above, titled *Proposed Land Use Mix*, the individual home lots will occupy approximately one half of the Site. Open Space/Green Area is proposed for 31% of the Site, while the remainder will be used to accommodate local streets/sidewalks and rights-of-way, parking areas, recreational amenities, and stormwater management infrastructure.

The conceptual layout of the Site shown on the Concept Plan illustrates a series of small residential blocks arranged in an east-to-west pattern across the development, with local rectilinear loop streets (and a single cul-de-sac serving 24 homes on the parcel’s northeastern corner) providing multiple internal routes for travel within the community. The community club amenity site is situated centrally within the proposed neighborhood and backs up to the right-of-way for Quiet Cove Road. Vehicular access to the Project is shown conceptually as connecting directly onto Yeagertown Road on the southwestern corner of the Site. A second access point, onto Golden Shiner Street within the North Land Bay of the Linganore Town Center Project will be constructed by the Applicant, providing both a through-route for future residents of the Bell Farm PUD, as well as a secondary access point for the 88 future households currently approved on a dead-end road system.

The proposed land use table confirms general conformity with the PUD regulations, demonstrating that the residential density derived from this Concept Plan will result in a project density that meets the requirements for Low Density Residential uses as described in the Zoning Ordinance.

### Open Space

With a gross Site area of 75.493 acres, the open space requirement for Low Density Residential uses is 30% or 22.64 acres. Active recreational and amenity areas such as the community garden and community club are tucked in amongst the residential blocks. A proposed loop trail connects these amenities. Most of the open space provided in the Concept Plan is identified on the southern one-third of the Site, with much of this passive recreation area identified as having steep slopes (>25%), not uncommon within the Lake Linganore community.

The Open Space/Green Area, identified in the Concept Plan, includes the proposed 1.72 acres to be rezoned from Agricultural (A) to PUD. The Applicant is not requesting any additional development density other than that approved in the 1970's. The additional acreage, however, increases slightly the percentage of the Site to be set aside for open space and recreational uses.

#### Phasing Plan

The Application proposes a single-phase Project of 248 townhouses and their accompanying on-site amenities and infrastructure over the course of a 3-to-5-year period.

Water and wastewater service will be provided to the Site through developer-funded design and construction of public water and sewer facilities that will be consistent with Frederick County's East County Water & Wastewater Master Plans. The property is currently designated W-4/S-4 via County Council approval on March 19, 2024 (Case # WS-23-21).

#### Council Discretion

The County Council may in its sole discretion deny, reduce, or increase the size, type, location, and/or mixture of the various land use components if the County Council determines that the change is appropriate for the Site, or overall area of the PUD, and necessary to achieve the purpose and intent of the PUD District. The Planning Commission, in its review of the proposed rezoning application, may provide guidance in this regard to the County Council through its recommendation.

## Evaluation

### Proposed Land Use Density

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 Site, with a gross acreage of 75.493 acres and with the proposed maximum of 248 dwellings, would have a **gross density** of 3.29 dwellings/acre. A net density calculation, based on the residential area (minus open space/green areas) of 52.5 acres, would result in a **net density** of 6.80 dwellings/acre. The gross density is consistent with the Comprehensive Plan range for Low-Density Residential of 3-6 dwellings/acre.

### Consistency with the Comprehensive Plan Map - Land Use Designation

The Site is located within the Linganore Community Growth Area and represents an opportunity for what the Livable Frederick Master Plan calls 'Retrofit District':

*"...[as] 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.”*

The application of PUD zoning with a gross density of 3.29 dwellings/acre is consistent with the Low-Density Residential plan designation and falls within the 3-6 dwellings/acre gross density range.

There has not been a specific Community or Corridor Plan developed for the Linganore Community Growth Area.

Staff would consider the application of PUD zoning to be consistent with the Comprehensive Plan Land Use Map as it would allow for low-density residential uses on a site that is currently designated and zoned for such development.

## **Consistency with the Livable Frederick Master Plan**

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

This Application is consistent with the broad LFMP policies that seek to establish land uses that are generally supportive of the compact and efficient development patterns necessary to support community infrastructure and services. The rezoning of the Property would allow for the establishment of safe internal pedestrian connections, as well as future vehicular and pedestrian linkages to Linganore Town Center, enhancing access to nearby shopping, recreation, and employment areas.

The LFMP’s Thematic Plan Diagram (and supporting text) identifies the Linganore Community Growth Area as playing a significant role in the development, and redevelopment, of the County’s Primary Growth Sector, and allowing Frederick County to grow its population while taking advantage of existing and improved community infrastructure.

### Current Zoning and Adjoining Land Uses

The Site has been zoned Planned Unit Development (PUD) since 1973, remaining undeveloped despite significant changes in surrounding land uses, which include a mix of low- to high-density residential development. A 1.72-acre portion of the Property is zoned Agricultural and is not zoned PUD. The area surrounding the Property includes existing and proposed PUD developments, such as Summerfield to the southeast, Linganore Town Center to the southwest, Clearview at New Market to the south, and Pinehurst to the northeast across Boyers Mill Road.

The underlying land use designation of Low-Density Residential—applied during the era of Frederick County’s Regional Plan updates—reflects an intent by previous elected officials and planning commissions to consider rezoning applications or comprehensive rezoning efforts that support low-intensity residential redevelopment consistent with the surrounding land use pattern. Staff finds that the proposed PUD amendment is generally compatible with the zoning and land uses of the surrounding area.

## **Population Change**

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

*The LFMP states that in 4 years (2025) “the total number of adults age 65+ is projected to exceed the total number of school-age children (ages 5- 19) in the county.” (LFMP at 134). The Project provides*

*much-needed housing at affordable pricing points to meet the demand of the aging population, many of whom are, or will be, on fixed incomes.*

Staff makes the following determinations regarding population change as a result of the rezoning.

Proposal: **248 new dwelling units**

Countywide average household size: **2.65 persons per dwelling unit**

NAHB/ACS average household size range: **1.5-2 persons per dwelling unit**

Potential Population Increase: **372-496 persons**

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

Utilizing the National Association of Home Builders and American Community Survey household size estimations of between 1.5 (NAHB) and 2.0 (ACS) persons per household, it can be estimated that the net 248 new homes proposed in this Application could increase the County's residential population by up to 496 persons.

The County's population according to the 2020 Census was 271,717 persons, with more recent estimates indicating that the County is cresting 300,000 residents in 2025. The Metropolitan Washington Council of Governments (MWCOC) estimates Frederick County's population in 2050 to reach 428,000 persons. Past history has demonstrated that these estimates have been reasonably accurate. Using the assumption of household size based upon current trends – 2.65 persons per household – leaves the County with a projected dwelling unit deficit of approximately 59,300 units.

The County's aging population, along with a continuing trend of increasingly smaller households, indicates that the need for additional units may be greater if average household size moves downward. This analysis assumes a deficit of 78,500 dwelling units between 2020 and 2050. As of 2024, 29% of Frederick County residents were over the age of 55. Frederick County is expected to experience a 72.22% change in the population over the age of 60 from 47,708 in 2015 to 73,179 in 2025 and an anticipated jump to 82,165 in 2030. The proposed villa-style dwelling units are designed using universal design principles to accommodate residents of all ages, mobility levels, and life stages. These units typically include features such as single-level floor plans, wider doorways, and multilevel countertops to enhance accessibility and support aging in place.

As of December 2024, the countywide residential development pipeline stood at 14,715 dwellings. This total included both County and municipal pipeline data. The County's share stood at approximately 4,750 dwellings. If the existing pipeline units were to be completely built out between now and 2045, the number of additional dwellings needed to keep pace with population growth would stand at 13,985. Under this scenario, the County and its municipal partners would need to consider where and how those homes could be built to best sustain – and improve – livability in the community.

The Livable Frederick Master Plan established the need, through a key set of policies and goals, to shift some of the County's future growth away from suburbanized environments outside of our designated growth areas and into areas



that can be more readily served by public facilities, infrastructure, and services. A significant amount of the current residential pipeline (under County jurisdiction) does not meet this goal, so the actual number of dwellings needed to meet our anticipated population growth through 2045 may be higher than 13,985.

Within the Linganore Community Growth Area, where the subject property for this rezoning application is located, there are limited areas currently zoned for the type of low-density residential development proposed. Most remaining vacant lands zoned PUD are already committed to previously approved residential projects, such as the Cromwell PUD development. Other vacant areas in the vicinity lack both the appropriate zoning (Natural Resource) and supporting land use designations. While opportunities for increased residential density through redevelopment may exist in select locations within the Growth Area, the majority of properties have been recently developed and are therefore unlikely to support near-term redevelopment efforts.

## **Natural Features**

The Site is currently undeveloped (other than for previous agricultural uses) and consists primarily of partially forested areas. The Site is characterized by areas of steep slopes and is predominantly underlain by Lower 1/3 Restricted soils, with mapped Wet Soils present in the western portion of the property and Flooding Soils identified in the southern portion. A small unnamed stream is located along the southwestern boundary of the Site within the area proposed for open space. Lake Linganore itself is located within 200 feet of the northwestern boundary of the Site.

## **Cultural Resources**

The Linganore-New Market Area has some of the oldest extant buildings in Frederick County. The proposed rezoning of the Bell Farm PUD Site is not located within any surveyed historic property listed in the Maryland Inventory of Historic Places. However, the Site has been a historic farm since at least the late 1800s, passing through only three families (Price, Steel, and Bell) prior to being sold for development in the early 1980s. A small area of existing grave sites is located on the eastern portion of the property in an area dedicated to open space use. A technical report authored by Goodwin & Associates in May 2024 titled, "Historical Research and Geophysical Investigations at Price Family Cemetery, New Market, Frederick County, Maryland" provides detailed analysis of the historical research and field investigations into the family cemetery that included up to 18 interments during its active years.

## **Public Schools**

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

## **Water and Sewer**

The Property carries a W-4/S-4 classification for water and for sewer service in the Frederick County Water and Sewerage Plan, approved by the County Council in March 2024. Access to the existing public water and sewer line mains exists in close proximity to the Site. The Applicant proposes that water and sewer service will be made available to the Site as part of developer-provided 12" water and 8" sewer lines that will be installed as part of the expansion of the Linganore Town Center property (North Land Bay) to the west. Water and sewer capacity is available on a first-come, first-served basis.

## **Water Service**

Water is supplied to the Site from the New Design Water Treatment Plant. This plant has a permitted withdrawal

capacity of 16 million gallons/day (MGD) (average daily) and has a current average daily demand of approximately 6 MGD.

#### **Sewer Service**

Sewage treatment is provided by the Ballenger-McKinney wastewater treatment plant (WWTP), which has a permitted capacity of 15 MGD and currently discharges into the Monocacy River. In 2020, average daily treatment flow at the Ballenger-McKinney WWTP was 6.6 MGD.

#### **Public Safety**

The Site is situated approximately 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. DFRS indicates that the anticipated increase in households and population as a result of this rezoning will not significantly impact fire, rescue, and EMS services in the area. Police protection would be provided by the Frederick County Sheriff's Office and Maryland State Police.

#### **Libraries**

Residents of the proposed development would be served by the C. Burr Artz Public Library, located approximately eight miles from the Site in Downtown Frederick. In addition, the recently approved Cromwell Active Adult Community includes two public-use sites designated for a future library and senior center, which will serve as additional resources for residents of this community. These facilities will be constructed along Linganore Boulevard approximately 1.2 miles from the proposed Bell Farm PUD.

#### **Parks**

The proposed rezoning would not significantly impact existing park and recreation facilities, as the development proposes to include on-site community trails and a centrally-located Community Club Amenity Area. The nearest public park is Old National Pike District Park, located less than seven miles from the Site. Additionally, multiple walking paths and recreational amenities are available within the broader Lake Linganore PUD.

#### **Transportation**

##### **Existing Site Access Characteristics**

The Site is currently vacant land and has frontage along Yeagertown Road, a 2-way local roadway (one in each direction) with a north-south orientation. MD 144 is a two-lane roadway (one in each direction) with an east-west orientation. The area is also served by Boyers Mill Road to the north and east, Eaglehead Drive to the west and south, and Lake Linganore Boulevard, which provides connections west of the Town Center neighborhood.

##### **Comprehensive Plan Map Designations for Adjoining Roads**

Yeagertown Road is classified as a local road. The posted speed limit is 25 MPH within the vicinity of the Site.

MD 144 is classified as a major collector. The posted speed limit is 45 MPH.

### **Pedestrian and Bicycle Facilities**

New sidewalks will be proposed on-site. The new sidewalks will maintain access to the proposed senior multifamily units. The typical section of Yeagertown Road is a paved width of 20 feet, with one 10-foot travel lane in each direction. Due to the environmental constraints along the roadway (steep grades along the road edges and dense vegetation) no shoulders or sidewalks are provided along the length of Yeagertown Road. Pedestrian connectivity on-site will be further explored at the Site Plan stage.

### **Traffic Impact Analysis (TIA) Highlights**

*Trip Generation:*

AM Peak Hour: 50 trips

PM Peak Hour: 62 trips

### **Site Access**

Access to the Site will be provided with a single full movement access point along Yeagertown Road. A secondary access point is proposed via Golden Shiner Street at the northwest corner of the Site, connecting to the future Linganore Town Center development.

### **Transportation Summary**

The proposed rezoning and associated development would be expected to provide or coordinate necessary roadway improvements, or contribute a pro-rata share toward such improvements, in accordance with the Adequate Public Facilities Ordinance (APFO) approval process. Transportation network adequacy is anticipated to be achieved through a combination of planned infrastructure improvements and site access modifications. Notably, the County's Capital Improvement Program (CIP) includes a project entitled Yeagertown Road to upgrade the existing tar-and-chip roadway to accommodate future growth. This Project includes modifications to Boyers Mill Road, a minor arterial segment extending approximately 0.7 miles, with the remaining 1.1 miles to Old National Pike upgraded to local road standards.

## **Summary of Findings**

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

(1) Consistency with the comprehensive plan;

The Site is designated Low Density Residential on the current Comprehensive Plan Map which is consistent with the application of the PUD floating zone district. The proposed residential use of the Site would be appropriate in supporting the compact and efficient use of existing infrastructure and public services in the vicinity.

(2) Availability of current and planned public facilities;

The proposed uses on the Site will have no impact on schools, and will not significantly impact parks, public safety, or library facilities. Water is supplied by the New Design Water Treatment Plant. Sewer is treated by the Ballenger McKinney Wastewater Treatment Plant. Both systems currently have adequate treatment and supply capacity to

serve the proposed residential uses.

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

Existing planned projects, as well as improvements in the vicinity of the proposed rezoning Site, will provide adequate functionality to the transportation network in the Linganore Community Growth Area, while improving access to the North Land Bay of the Linganore Town Center development.

(4) Compatibility with existing and proposed development;

The proposed low density residential uses are compatible with the existing and planned mix of residential, institutional, employment, and commercial uses in the larger neighborhood surrounding the Site. The age-restricted character of the proposed 248 dwellings will provide additional opportunities for this growing segment of Frederick County's population.

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

The proposed rezoning would likely result in an increase of between 372 and 496 residents based upon an average household size of between 1.5 and 2.0 persons per household. County and national trends indicate that the rate of growth for people over the age of 55 continues to outpace the population as a whole. The need for additional housing units of all types remains strong in Frederick County for the foreseeable future

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

The Application indicates that completion of the Project would occur during a period of 3-5 years. Transportation network adequacy is anticipated to be achieved through a combination of planned infrastructure improvements and site access modifications. There is water/sewer infrastructure existing or nearby, so this would not constitute a significant impediment to the expedient development of the Site. Construction of the Linganore Public Library and Senior Center are expected to occur within the next 6-10 years. The Site will be subject to subsequent subdivision, site plan, and APFO review.

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

The Concept Plan provided by the Applicant illustrates a developed community, within a designated Community Growth Area, that can be integrated into the Site and the local neighborhood with minimal impacts on sensitive environmental resources. Any applicable regulations regarding Environmental Site Design, FRO (including specimen trees), or other sensitive natural resources will be addressed at the time of subdivision and site plan review.

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

Any proposed development of the Site will be subject to the County's review for historical and archeological resources. Pre-development identification and documentation of the Price Family Cemetery is underway and will guide the County's response to future subdivision and site plan proposals.

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

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

The Site will have a relatively compact development footprint for a Low Density Residential project. The residential housing blocks of single-family attached units are generally planned to occur beyond areas marked by steep slopes. The area has extensive existing infrastructure including water/sewer lines, school facilities, park facilities, and road improvements that would support the residential development of the Site and continued buildout of the Linganore Community Growth Area.

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

The Application illustrates a conceptual layout of lots and buildings for the Site which appears to reflect similar patterns in the nearby neighborhoods within the Lake Linganore PUD. There is no current Community or Corridor Plan for this area.

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

Nothing proposed in this Application is out-of-character for recent development in the vicinity of this Site. The 'villa-style' attached dwellings minimize the impacts of building height in the vicinity. The subsequent site plan review for the Site would address detailed design issues such as parking, landscaping, screening, trail connections, building orientation, etc.

(D) The proposed development provides a safe and efficient arrangement of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

The proposal to develop a linear pattern of development across the Site provided the opportunity for street connections to existing and planned roadways. The Golden Shiner Street connection will serve as a conduit for residents of the proposed development to the Linganore Town Center area. Pedestrian access will be provided to adjacent development while the internal trail and sidewalk system will serve to link Bell Farm PUD residents to an internal system of amenities and open spaces. A subsequent Site Development Plan review will evaluate the safety and efficiency of the arrangement of on-site buildings and infrastructure.

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

Transportation network adequacy is anticipated to be achieved through a combination of planned infrastructure improvements and site access modifications.



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

The Application does not include specific engineered layouts of the Site. The primary pedestrian access will occur along sidewalks internal to the Site that connect to the Linganore Town Center Development to the west along Golden Shiner Street. The internal trail network illustrated in the Concept Plan provides a connection to Site amenities including the centrally-located Community Club.

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

The Site is situated approximately 3.4 miles from the New Market Fire Station and 5 miles from the Spring Ridge Fire Station. An additional fire station is proposed on Gas House Pike near the Hamptons West neighborhood. DFRS indicates that the anticipated increase in households and population as a result of this rezoning will not significantly impact fire, rescue, and EMS services in the area. Police protection would be provided by the Frederick County Sheriff's Office and Maryland State Police.

(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;

Any natural features of the Site will be incorporated into the planned open space areas/green space in the PUD.

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

The Site is designated Low Density Residential which allows for the application of the PUD floating zone. The application of PUD zoning with a gross density of 3.29 dwellings/acre is consistent with the Low Density Residential plan designation and falls within the 3-6 dwelling/acre gross density range. No Community or Corridor Plan has been adopted for this growth area.

(J) Planned developments shall be served adequately by public facilities and services. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards.

Existing public infrastructural systems are adequate, or can be made adequate, to support the proposed development as described in this Application. If this rezoning Application is successful, the Site will be subject to subsequent subdivision, site plan, and APFO review.

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

The Concept Plan for the Site illustrates proposed areas of disturbance that largely avoid negative impacts on surrounding sensitive environmental features. The completed neighborhood would be sited to avoid steep slopes (>25%) and much of the forested acreage on the southern half of the property. No FEMA floodplain is directly impacted as a result of the development as illustrated in the Concept Plan provided by the Applicant. The County's Comprehensive Plan road alignment – applied to the Site decades ago and prior to any reasonable attempt at site design – is avoided in this development configuration through the use of an improved Yeagertown Road/Boyers Mill Road improvement, as well as utilization of infrastructural improvements implemented through the development of the Linganore Town Center project. The connection through the Linganore Town Center development to the west of the Site creates a different, but equally-functional, vehicular network improvement that will benefit projects beyond this Site.

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

No viable extant structures remain on the Site that could accommodate reasonable reuse or adaptive use. Efforts to document archeological resources, as well as the Price Family Cemetery, will continue as the Project moves forward for subdivision and site plan review.

#### **§ 1-19-10.500.10. – Specific Development Standards within the Planned Development Districts**

For a PUD that proposes to be age-restricted the following criteria shall be considered to determine whether the project or portion thereof may be approved for designation as an age-restricted community.

##### **1. Active and passive recreational amenities.**

The Project proposes to have a community club centrally-located on the Site. Walking trails are also proposed within the Site which will connect other open space and recreational amenities internal to the neighborhood. The Applicant's Justification Statement provides additional information regarding planned amenities and how they meet the requirements for active and passive open space and recreational amenities.

##### **2. Availability, suitability and proximity of development to planned support services.**

The nearest existing medical offices or facilities are located in Linganore Town Center, New Market, and Frederick. Commercial retail and retail services will be available in Linganore Town Center and along the Old National Pike corridor. The Linganore Branch Library and Senior Center projects will provide nearby support services when they are constructed along the western segment of Linganore Boulevard.

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

Age-restricted communities such as Homewood Retirement Community, the Woodlands at Urbana, Knowledge Farm (Urbana), England Woods in New Market, and Bloomfields (north Frederick) are currently occupied or under planning and construction. Based upon existing demand for these types of homes and communities, and in consideration of Frederick County's heightened population growth among those aged 55 and older, this proposal appears reasonably feasible. Additionally, as Frederick County's older suburban communities age, the need for local age-targeted housing increases allowing for residents to remain within, or close by, their existing family, friends, and community support systems.

# Planning Commission Review and Action

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

- A review of the Approval Criteria as set forth in §1-19-3.110.4; and
- A finding that the Project adequately addressed the Planned Development District Approval Criteria for the Planned Unit Development (PUD) District as set forth in §1-19-10.500.

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

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

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

- (1) Consistency with the **comprehensive plan**;
- (2) Availability of current and planned **public facilities**;
- (3) Adequacy of existing and planned future **transportation systems**;
- (4) **Compatibility** with existing and proposed development;
- (5) **Population change** including availability and location of land zoned to meet the ten-year need for residential development;
- (6) The **timing of development**, planned future transportation systems and planned public facilities;
- (7) **Sensitive environmental resources** have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable; and
- (8) **Historic resources** have been identified and impacts to these resources are avoided or minimized to the maximum extent practicable.

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

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

- (A) **The proposed development is compact**, employing design principles that result in efficient consumption of land, efficient extension of public infrastructure, and efficient provision of public facilities;
- (B) The proposed development **design and building siting** are in accordance with the County

Comprehensive Plan, and any applicable community and corridor plans;

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

(D) The proposed development provides a **safe and efficient arrangement** of land use, buildings, infrastructure, and transportation circulation systems. Factors to be evaluated include: connections between existing and proposed community development patterns, extension of the street network; pedestrian connections to, from, and between buildings, parking areas, recreation, and open space;

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

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

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

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

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

(J) Planned developments shall be **served adequately by public facilities and services**. Additionally, increased demand for public facilities, services, and utilities created by the proposed development (including without limitation water, sewer, transportation, parks and recreation, schools, fire and emergency services, libraries, and law enforcement) shall be evaluated as adequate or to be made adequate within established county standards;

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

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

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

### **Options for Planning Commission Action**

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

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

### **Proposed Conditions for Planning Commission Consideration**

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

1. The Applicant shall develop the Site with no more than 248 age-restricted dwelling units.
2. Covenants shall restrict 100% of the dwelling units in the Bell Farm PUD 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 PUD 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.
3. The Site shall be served by two road access points at Yeagertown Road, and at Golden Shiner Street, both to be constructed by the Applicant.



