



Frederick County, Maryland

Staff Report Concurrence Form

To: Office of the County Executive Date: 2/19/2020
 Division Director: Steve Horn Approved: [Signature]
 From: Denis Superczynski Division: Planning & Permitting
 Phone #: X11142

Staff Report Topic:

Cromwell PUD Rezoning R-19-01

Time Sensitive? Yes (if yes, deadline for approval: 2/21/2020) 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:

	Signature	Date	Comments (Page 3)
Budget Office	<u>[Signature]</u>	<u>2-19-20</u>	<u>N</u>
Finance Division	<u>[Signature]</u>	<u>2/19/20</u>	<u>N</u>
County Attorney's Office	<u>[Signature]</u>	<u>2/19/20</u>	<u>N</u>

Refer to County Council? Yes No (County Attorney's Office to complete)

<input type="checkbox"/> Chief Administrative Officer	<u>[Signature]</u>	<u>2/21/20</u>	<u>N</u>
<input checked="" type="checkbox"/> County Executive	<u>[Signature]</u>	<u>2/24/2020</u>	

Forward to Council? Yes No (County Executive to complete)

RECEIVED
FEB 21 2020
 Office of the
 County Executive



Frederick County, Maryland

Staff Report Concurrence Form

Other Reviewers: (Select from bank or identify other)

	Signature	Date	Comments (Page 3)
3.			
4.			
5.			
6.			
7.			
8.			
9.			

Reviewers:

Deputy Chief Administrative Officers

Finance Division: Accountants / Grant's Fiscal Managers

Divisions:

Animal Control, Citizens Services, Economic Development, Emergency Management, Fire & Rescue Services, Health Services, Human Resources, Interagency Information Technologies, Parks & Recreation, Planning & Permitting, Public Works, Senior Services, Sustainability & Environmental Resources, Transit Services, Utilities & Solid Waste Management, Volunteer Fire & Rescue Services

Agencies:

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



Frederick County, Maryland

Staff Report Concurrence Form

Comments:

From	Date	Comment



FREDERICK COUNTY GOVERNMENT


DIVISION OF PLANNING & PERMITTING


Jan H. Gardner
County Executive

Steven C. Horn, Division Director

TO: County Council

THROUGH: Jan H. Gardner, County Executive

THROUGH: Steven C. Horn, Director, Planning & Permitting Division 

FROM: Denis Superczynski, Principal Planner II 

DATE: February 19, 2020

SUBJECT: Cromwell PUD Rezoning R-19-01

ISSUE:

To consider an application from Cromwell Investments, LLC, to rezone 160.87 acres of land, located east of the intersection of Meadow Road and Hall Road, north of the Old National Pike, from Agriculture (A) to Planned Unit Development (PUD) in order to accommodate a 600-unit age-restricted residential community.

The application also proposes the option of having all or a portion of the project developed as a Continuing Care Retirement Community (CCRC), which may include nursing care, assisted living, and/or independent living components.

BACKGROUND:

Rezoning application R-19-01 was reviewed by the Frederick County Planning Commission (FCPC) during a public hearing conducted on January 22, 2020. The FCPC is advisory to the County Council on matters relating to the zoning of land. A copy of the FCPC Transmittal Memorandum to the County Council, dated January 30, 2020, containing its recommendations is attached (Attachment 1).

The applicants in this case must satisfy the approval criteria as outlined in section 1-19-3.110.4 (A) of the Frederick County Zoning Ordinance, entitled *Approval Criteria for Zoning Map Amendments*, and section 1-19-10.500.3 of the Frederick County Zoning Ordinance, entitled *Approval Criteria for Planned Development Districts*.


The site is located within the Linganore Community Growth Area and represents the last major uncommitted property within the growth area. It has been designated for Low Density Residential development since the adoption of the 1984 New Market Region Plan.

Land uses surrounding the site varies, including some large-lot, well/septic residential uses that were developed primarily in the 1960's, 70's, and 80's. To the north and east is the Linganore PUD, including the Alpine area to the north which has not yet developed, and the Linganore Town Center (1,185 dwellings with a mix of several dwelling types) currently under construction. The area immediately adjacent to this site is expected to develop with single-family detached houses and townhomes. The Oakdale Village development, located to the east of the site with 315 dwellings, includes a mix of single-family, townhouses, and two-over-two units. Oakdale Elementary and Middle Schools are located to the south of the site.

RECOMMENDATION:

The Planning Commission recommends approval of the application, conditioned on a number of actions put forward for the County Council's consideration as outlined in the FCPC Transmittal Memorandum.

Approve to forward to County Council? Yes ✓ No _____



Jan H. Gardner, County Executive
Frederick County, Maryland

2/24/2020

Date

FINANCIAL IMPACT: No

ATTACHMENT(S):

Forwarded w/o opinion

Attachment 1 – FCPC Transmittal Memorandum

Attachment 2 – FCPC Staff Report

Attachment 3 – Application Material



FREDERICK COUNTY PLANNING COMMISSION

Division of Planning & Permitting

30 North Market Street Frederick, Maryland 21701 (301) 600-1138

FcPc Transmittal Memorandum

TO: County Council
FROM: Frederick County Planning Commission
THROUGH: Steve Horn, Division Director *DS [Signature]*
DATE: January 30, 2020
RE: Cromwell PUD Rezoning – R-19-01

The Planning Commission held a public hearing on January 22, 2020 to consider the application from Cromwell Investments, LLC to rezone 160.87 acres from Agricultural (A) to Planned Unit Development (PUD) in order to accommodate a 600-unit, age-restricted residential community.

The Commission voted on the following recommendation to the County Council:

It was moved by Mr. Tressler to recommend APPROVAL of the application. Seconded by Mr. Rensberger.

Vote: 5 – 2 – 0 – 0
For: Bowie, Rensberger, Saurez, Sepe, Tressler
Against: Hicks, White
Absent:
Abstain:

The Commission also provided the following recommendation:

It was moved by Ms. Suarez, and seconded by Mr. Rensberger to recommend that the County Council place the following conditions on any approval of the proposed rezoning:

1. The project shall permit a **maximum of 600 residential**, age-restricted dwelling units. The Applicant shall clarify, at the time of Phase I Concept Plan approval by the County Council, the scale of any CCRC (Continuing Care Retirement Community), relative to the maximum number of dwelling units in the PUD, if such a development option is to be included in the proposed project.
2. There shall be no direct motorized vehicle access to Meadow Road from this project.
3. Covenants shall restrict 100% of the dwelling units in the Cromwell PUD 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 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.

4. The developer shall dedicate and convey to the County, the ± 4-acre public use site identified on the Concept Plan. The parcel shall be conveyed in a development-ready state (site graded, public water & sewer connections available to the site, and stormwater management facilities [for quantity] completed) prior to the recording of the first residential subdivision plat for development of the project.
5. Development phasing – expressed as limitations upon the number of recorded lots – shall be based on the proposed phased construction of Lake Linganore Blvd (from east to west) and shall be determined and memorialized in the APFO Letter of Understanding (APFO LOU).
6. If the historic structures are proposed for demolition, the Applicant shall provide the County with access to the site/s in order to document the house, outbuildings, and other related structures at least 90 days *prior to the start of demolition*.
7. The Applicant shall have a *qualified professional investigate and locate any cemetery or burial ground* that may be located on the site prior to Preliminary Plan approval and prior to any grading activities.
8. The Applicant shall address and resolve the issue of vehicular access to the property of Mary A. Stull & Martin E. Castle Sr. (TM 78, P. 0336).

Vote: 7 – 0 – 0 – 0

For: Bowie, Hicks, Rensberger, Saurez, Sepe, Tressler, White

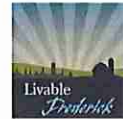
Against:

Absent:

Abstain:

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

Frederick County Government
Division of Planning and Permitting



Zoning Map Amendment

Staff Report

Case #: R-19-01

Applicant: Cromwell Investments, LLC

Request: Rezone 160.87 acres from Agricultural (A) to Planned Unit Development (PUD)

Site of Rezoning Request



Applicant's Proposal

Overview

The application proposes to rezone 160.8 acres from Agricultural (A) to Planned Unit Development (PUD) specifically as an age-restricted development with a maximum of 600 dwellings.

The application also proposes the option of having all or a portion of the project to be developed as a Continuing Care Retirement Community (CCRC), which could include nursing care, assisted living, and/or independent living components.

There is no commercial use proposed.

Proposed Concept Plan

Residential

The Cromwell PUD Concept Plan proposes a residential development, with an age-restriction, and a maximum of 600 dwellings. The application proposes a mix of dwelling types including:

- Single-family detached
- Single-family attached (villas)
- Multi-family (condo)
- Multi-family (affordable rental) - tentative

The Plan does not identify how many units of each would be developed, but leaves that open to be determined at the Phase II subdivision/site plan stage.

CCRC Alternative

An alternative development concept would involve all or a portion of the site to be developed as a Continuing Care Retirement Community (CCRC). A CCRC may include any or all of the following:

- Nursing care
- Assisted living
- Independent living

A decision to pursue a CCRC would be made at the Phase II review of the project. The maximum of 600 dwellings for an age-restricted development would not apply to the CCRC. The nursing care and assisted living components are typically counted as beds or rooms. Any independent living units would be similar to conventional dwelling units and could take the form of detached units, attached units, or a multi-family building.

Public Use/Institutional

A 4-acre public use Site on the south side of Lake Linganore Blvd is identified on the Plan. This Site is proposed for a regional library and would be dedicated to the County.

Proposed Land Use Mix - Cromwell PUD Concept Plan

Proposed Land Use	Acres	Percentage (of gross land area)	Maximum Permitted or Minimum Required
Residential/CCRC	104.4	64.9%	
Institutional/Public Use Site	4	2.5%	
Open Space	48.5 ¹	30.2%	30% minimum (48.2 acres)
Road right-of-way	3.8	2.4%	
TOTAL	160.8 acres	100%	

1. Does not Include pocket parks/greens to be identified within the residential area

Open Space

With a gross area of 160.8 acres the open space requirement is 30% or 48.2 acres. The Plan designates open space along the entire eastern boundary of the site (15.5 acres), which incorporates the existing woodlands, steep slopes, and several stream corridors. The perennial stream along the eastern property line flows into Lake Linganore. This open space also extends into the middle of the property (13.5 ac.) encompassing two intermittent streams and their buffers. A smaller open space area (3.5 acres) is in the southwestern part of the site encompassing existing woodlands and wetlands. The third open space area (11 acres) encompasses the parcel on the west side of Meadow Rd. that is wooded with moderate and steep slopes.

A 1-acre pocket park is shown on the south side of Lake Linganore Blvd. and a 4-acre Site is shown at the entry corner with Street A. Together these open space areas total approximately 48.5 acres. Not identified on the plan would be pocket parks/greens that would be incorporated within the residential blocks.

Phasing Plan

The application does not propose a specific phasing plan (page 9 of justification statement). Given that the project will be dependent on Lake Linganore Blvd for access the developer will be responsible for constructing that roadway at least for the portion within their site if not including the portion through the Delauter property to Meadow Rd. The justification statement notes that the construction of Lake Linganore Blvd will be phased from east to west.

The developer will also be responsible for constructing the necessary water and sewer infrastructure, which is already in the vicinity of the site.

The market conditions for either age-restricted development or demand for CCRC facilities will determine when the project is likely to get underway.

Evaluation

Proposed Land Use Mix and 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 160.8 acres and with the proposed maximum of 600 dwellings, would have a **gross density** of 3.7 dwellings/acre. A net density calculation, based on the residential area of 104.4 acres, would result in a **net density** of 5.7 dwellings/acre. These densities are consistent with the Comprehensive Plan range for Low Density Residential of 3-6 dwellings/acre. Development as a CCRC would not have a corresponding density figure.

Consistency with the Comprehensive Plan Map - Land Use Designation

The site is located within the Linganore Community Growth Area and represents the last major uncommitted property in the growth area. It has long been designated for Low Density Residential development as far back as the 1984 New Market Region Plan.

The application of PUD zoning with a gross density of 3.7 dwellings/acre is consistent with the Low Density Residential plan designation and is within the 3-6 dwelling/acre density range.

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

Consistency with the Livable Frederick Master Plan

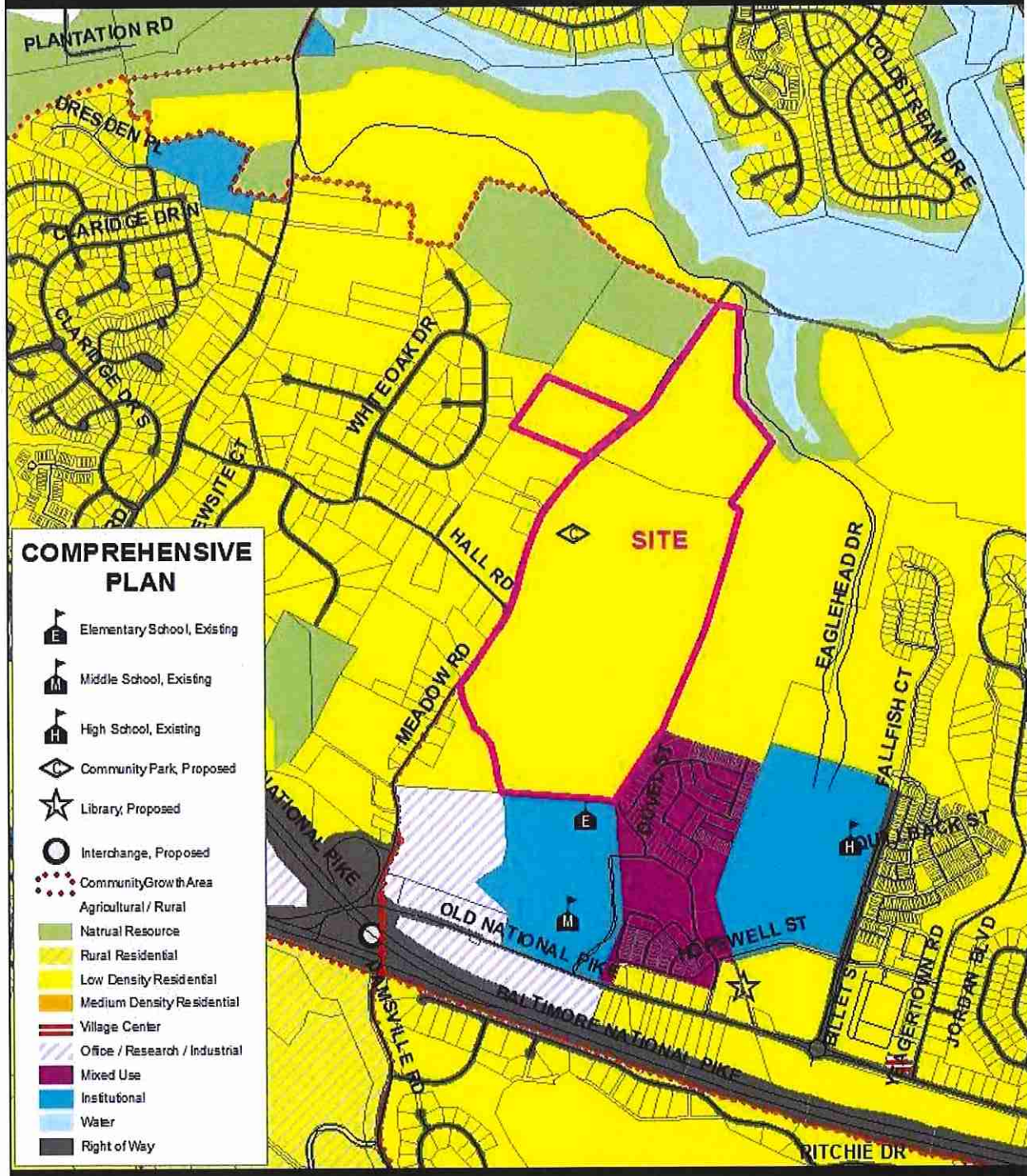
The Livable Frederick Master Plan (LFMP) embodies a focus on policy and general growth strategy in order to articulate a clear direction for Frederick County in the face of future change. In concert with the Comprehensive Plan Map, future community, corridor, large area, and functional plans, the LFMP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

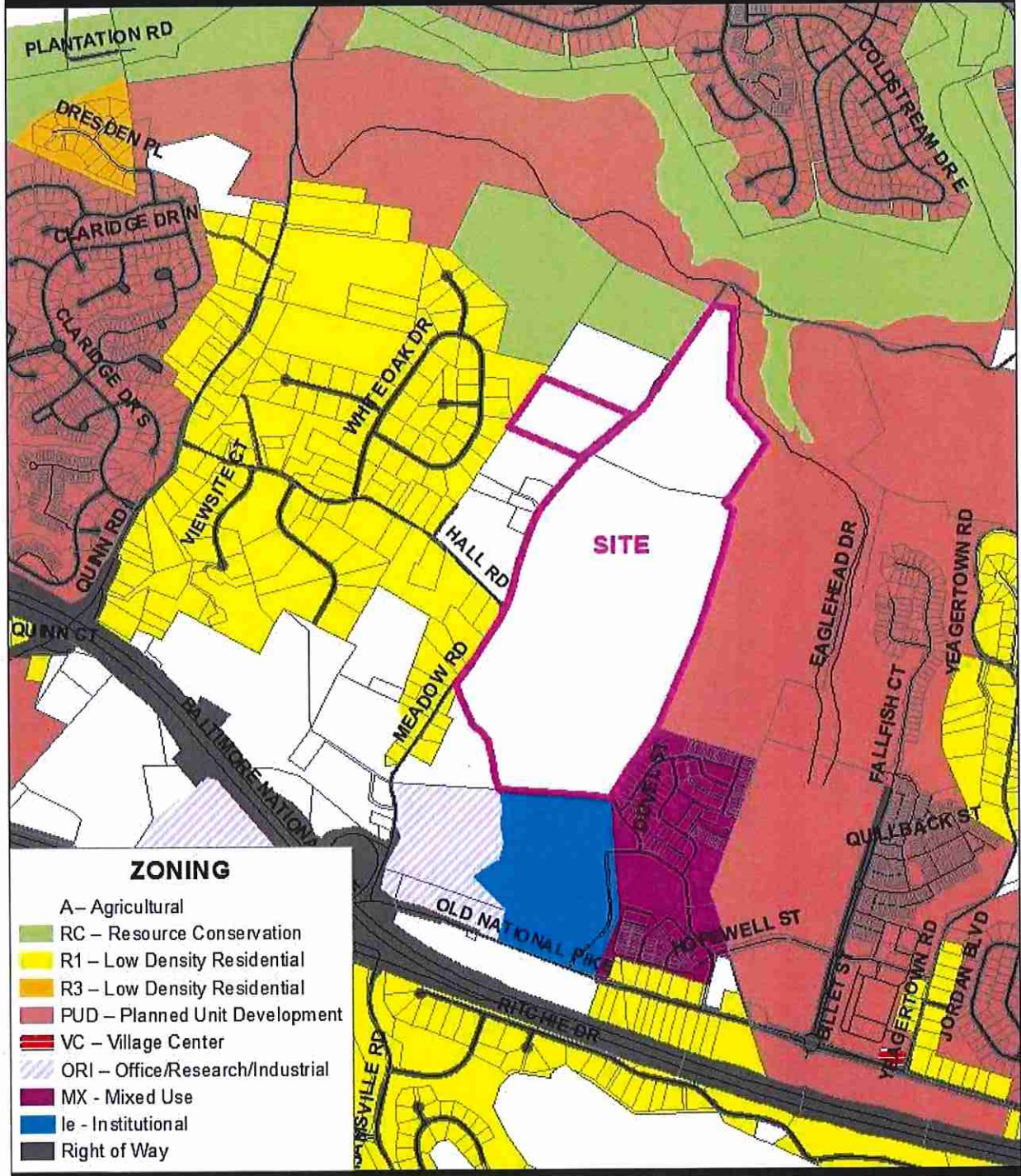
This Application is consistent with the broad LFMP policies that seek to establish land uses which are generally supportive of the residential and service needs of an increasingly older population, either through redevelopment or new development in communities and neighborhoods located within designated Community Growth Areas, such as the Linganore and Spring Ridge CGA's that surround this Site. The rezoning of the land that is the subject of this Application would create the potential for additional housing opportunities in an area long identified for such development in County planning documents. The proximity of local schools, commercial retail services, and a future library/senior center would provide for a richer mix of uses in this portion of the designated Community Growth Area.

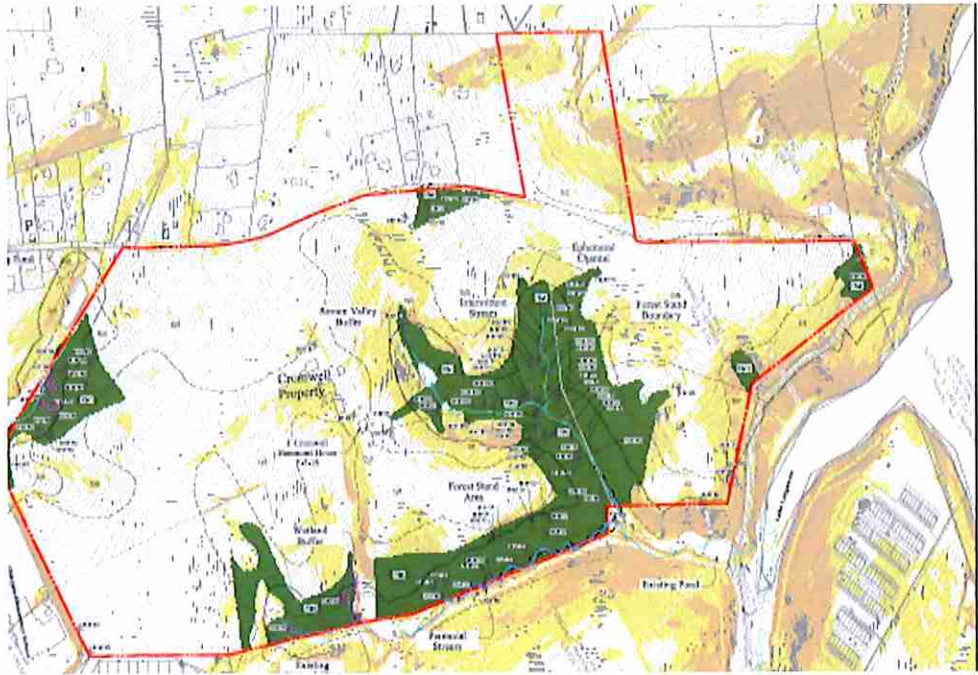
The LFMP's Thematic Plan Diagram (and supporting text) identifies the Spring Ridge, Linganore, and Bartonsville areas as places where the County may support 'suburban retrofit' policies including provisions for "finding locations for mixed use" and strengthening suburban communities "by reinvesting in them with infill development and redevelopment that creates more opportunities to walk, shop, work, and recreate closer to home.". Targeted residential development that provides additional local opportunities for older or retired Frederick County residents to remain in the County supports a diverse residential marketplace while increasing the chance that extended, multi-generational families can continue to live in close proximity to one another.

Compatibility with Adjoining Zoning and Land Uses

The area surrounding the site includes, on the west side of Meadow Road, large-lot, well/septic residential uses that were developed primarily in the 1960's, 70's, and 80's. To the north and east is the Linganore PUD, including the Alpine area to the north, which has not yet developed, and the Linganore Town Center area, which is under construction. The Linganore Town Center is approved for 1,185 dwellings with a mix of several dwelling types. The area immediately adjacent to this site will develop as single-family detached houses and townhomes. The Oakdale Village development is located to the east of the Site with 315 dwellings including single-family, townhouses, and two-over-two units. Oakdale Elementary and Middle schools are located to the south of the Site.







Legend

- Site Boundary
- Stream Corridor (100-foot Buffer)
- Stream Corridor (50-foot Buffer)
- Stream Corridor
- Stream Buffer (10-foot edge of streamlines or parkway when not applicable)
- 10% Slope
- 15% Slope
- 20% Slope
- Subdivision Line (of Potomac County Subdivisions)
- Utility
- Utility Temporary
- Property Interest
- Property Interest Subdiv
- Forest Stand
- Forest Stand Boundary
- 15% Slope
- 20% Slope
- Approximate North (based on UTM)

Natural Features

The Cromwell Site, like most of the Linganore area, has rolling topography with areas of moderate and steep slopes along the streams and along the north property boundary coming up from Lake Linganore. The existing woodland areas generally overlap with the stream corridors and the moderate/steep slopes. All of these areas are designated as open space on the Concept Plan.

Cromwell property looking northwest (Oakdale Elementary in lower corner)



Cultural Resources

The property includes the original farm residence built about 1835. There are several outbuildings on the site as well. The property is listed on the Maryland Inventory of Historic Places (MIHP) as the *J. Cromwell Hammond House* (F-5-18). The County's survey files also indicate a graveyard on the site, but includes no details as to a precise location. The application does not provide any information about whether the buildings will be adaptively reused in the proposed development project.



Schools

The application proposes a condition that the project will be age-restricted to residents aged 55 and over so there would be no impacts on school enrollments.

Water and Sewer

The site is classified *Planned Service (PS)* on the Water and Sewerage 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 withdraw capacity of 16 million gallons/day (average daily) and has a current average daily demand of approximately 6 MGD.

Sewer Service

Sewage treatment service 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. Current average daily demand at the Ballenger-McKinney WWTP is 7.3 MGD.

Based on the proposed 600 dwellings, and assuming 250 gallons/day/dwelling, the development would need approximately 150,000 gallons/day of both water supply and sewage treatment capacity. The developer will be

responsible for extensions and connections to the existing public water and sewer lines as well as constructing water storage tanks, pump stations etc. as required.

Public Safety

The Site is approximately 1.5 miles from the Spring Ridge Fire Station #33. Police protection for the Site is provided by the Frederick County Sheriff's Office.

Libraries

The Concept Plan proposes a 4-acre public use Site that would accommodate a new regional library. The accommodation for the library would address a previously imposed condition for the adjoining Linganore Town Center development, which is part of the Linganore PUD.

Planned Improvements

The Linganore Regional Library is referenced in the FY 2020-2025 Capital Improvements Program (CIP) but is not funded until after FY 2025.

Parks

The nearest County parks are Old National Pike Park (6 miles) and Pinecliff Park (5.3 miles). Pinecliff Park is fully developed with playing fields, playgrounds, picnic areas, and access to the Monocacy River. Old National Pike Park is partially developed.

The proposed site development would include a private clubhouse and pathways/trails within the site which would be maintained by an HOA. As an active adult/age-restricted community there is a decreased demand for the usual playing field and playground amenities. While the County Comprehensive Plan has a Community Park symbol on the site, the County Division of Parks and Recreation does not have any active plans to purchase land for a community park in this area.

Planned Improvements

The FY 2020-2025 CIP includes a project for Old National Pike Park Phase 2 for the construction of additional facilities in FY 2023.

Transportation

Existing Site Access Characteristics

The site has approximately 3,227 feet of frontage along the paved portion of Meadow Rd. Beyond this point Meadow Rd. is gravel and primarily serves as a private driveway to a residence where the road/driveway dead ends. The Concept Plan proposes no vehicular access to Meadow Rd.

Meadow Rd. looking north



North end of Meadow Rd. looking south



The primary site access will be the planned Lake Linganore Blvd, which the developer will be responsible for constructing within their project limits. The Concept Plan shows two access points onto Lake Linganore Blvd. The proposed Street A is across from a proposed extension of Neuville St. which will provide access to the Oakdale Village development.

Neuville St looking north into Cromwell property



Pedestrian and Bicycle Facilities

There are no existing sidewalks along either Old National Pike or Meadow Rd. The planned Lake Linganore Blvd will have sidewalks to provide pedestrian access primarily to the east towards the Linganore Town Center and Oakdale Village developments. The neighborhoods to the west of Meadow Rd. do not have any sidewalks.

There are no existing bicycle facilities in the area of the site, but bike lanes would be provided on Lake Linganore Blvd.

Existing and Future 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 the number of existing thru lanes) by the current average daily traffic (ADT) *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) 2015/2040	Volume/Capacity (VC) Ratio 2015/2040
Old National Pike – west of Boyers Mill Rd.	9,750/11,300	0.54/0.63
Meadow Rd. – north of I-70 Ramps	430/980	0.02/0.05
MD 144/Old National Pike – west of Meadow Rd.	19,100/17,550	0.56/0.52

Note that traffic on MD 144 would drop appreciably once the two missing interchange ramps with I-70 are constructed and opened to traffic, and would then slowly grow back to near today’s volume by 2040. The same would be true of Old National Pike when Lake Linganore Blvd is fully constructed.

The proposed 600 dwellings would have the following daily weekday trip generation (with Staff assumptions for

dwelling types solely for the purpose of estimating trip generation):

Single-Family (400 dwellings)	1,708 daily trips (4.27 trips/dwelling)
Townhouses (100 dwellings)	370 daily trips (3.70 trips/dwelling)
Multi-Family (100 dwellings)	202 daily trips (2.02 trips/dwelling)

Should a continuing care retirement community (CCRC) be *substituted* as a land use, the trip yield would be 2.40 daily trips per unit.

Comprehensive Plan Map Designations for Adjoining Roads

Old National Pike – Minor Arterial

Meadow Rd. – Minor Arterial (only between Old National Pike and the I-70 ramp access) Local Road north of the I-70 ramp access. The Minor Arterial designation was intended to reflect its incorporation into the planned alignment for Lake Linganore Boulevard.

Lake Linganore Boulevard – Minor Arterial

Planned Improvements

Lake Linganore Boulevard – a proposed Minor Arterial roadway, referred to on Comprehensive Plans as the Town Center Connector will connect Meadow Rd. at the I-70 interchange ramps to Boyers Mill Rd. A portion of the west leg to the eastern boundary of the Cromwell property will be constructed as part of the Linganore Town Center. The developers of the Delauter MXD and the proposed Cromwell PUD would be responsible for the remaining portion. The west leg will connect with Eaglehead Dr. The east leg would connect Eaglehead Dr. to Boyers Mill Rd. The road is proposed to be a 2-lane divided roadway (one lane in each direction).

I-70/Meadow Rd. Interchange – a new ramp (Phase 1) to westbound I-70 was opened to traffic on October 1st. Phase 2 will provide a new ramp from eastbound I-70 down to a reconstructed intersection with MD 144/Old National Pike. This phase is under design and expected to be completed in late 2021 or early 2022 .

Bicycle Facilities – MD 144/Old National Pike is designated as part of the on-street bikeway network on the County's Bikeways and Trails Plan (2018). This designation would support the application of bike lanes, improved shoulders, or pavement markings/signage as part of any roadway improvements to Old National Pike. Bike lanes would be provided on Lake Linganore Boulevard.

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 PUD is consistent with the Low Density Residential land use plan designation on the current Comprehensive Plan Map within the Linganore Community Growth Area. The gross density of 3.7 dwellings/acre is within the range of 3-6 dwellings/acre for low density residential development.

(2) Availability of public facilities;

Staff finds that parks, libraries, and public safety facilities are currently adequate to serve the proposed age-restricted residential development. Schools will not be impacted due to the age-restriction of 55 years of age and older for residents. For water/sewer service, the proposed 600 dwellings or CCRC facility can be served by the existing water/sewer facilities. There is approximately 10 MGD of available water supply in the New Design water system and

7.7 MGD of sewage treatment capacity currently available at the Ballenger-McKinney WWTP.

(3) Adequacy of existing and future transportation systems;

Staff finds the existing and planned road network to be adequate to accommodate the additional traffic that would be generated by either an age-restricted development or a CCRC. Old National Pike has a volume/capacity ratio less than 1.0 indicating the ability to accommodate additional traffic. The planned extension of Lake Linganore Blvd from the Linganore Town Center will provide the primary access to the site. Having this road connect directly to the recently opened westbound ramp to I-70 will minimize the amount of trips having to use MD 144 into Frederick.

(4) Compatibility with existing and proposed development;

The proposed development would be denser than existing residential uses to the west of Meadow Rd. The density and dwelling types would be similar to the adjoin Oakdale Village and Linganore Town Center developments to the east.

(5) Population change; and

The proposed maximum of 600 dwellings will result in a population increase of approximately 1,602 people based on an average household size of 2.67 persons/household. This additional population would be on the high side based on the age-restriction, which would likely have a smaller average household size.

(6) The timing of development and facilities.

The application does not have a specific phasing plan for the development. The market conditions for either an age-restricted development or CCRC will dictate how quickly any construction will proceed. Any development will not occur until Lake Linganore Blvd is constructed, which is the responsibility of the developer. Water and sewer infrastructure is in the vicinity of the site and will also be the developers responsibility to extend to the site.

§ 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 proposed development is in a location where existing water/sewer infrastructure is in place and planned facilities such as the Lake Linganore Blvd will provide access and connections to the surrounding community.

(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 the proposed PUD zoning is consistent with the Low Density Residential plan designation of the Comprehensive Plan. While the concept plan does not have building siting detail the proposed mix of dwelling types would support the County's Comprehensive Plan goals regarding efficient and well-planned development patterns supporting a mix of residential. There is no Community or Corridor Plan for this area.

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

The proposed development would be denser than existing residential uses to the west of Meadow Rd. The density and dwelling types would be similar and compatible with the adjoining Oakdale Village and Linganore Town Center developments to the east.

(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 proposed development will be able to connect with existing and planned infrastructure (water/sewer and roads) in the vicinity. The planned Lake Linganore Blvd will connect this site with the larger Linganore Town Center area to the east. The proposed public use site to accommodate a library will also help to establish a civic focus for the larger community.

(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;

With the planned Lake Linganore Blvd staff finds the transportation system will be adequate to accommodate the development. The recently opened ramp to westbound I-70 will provide a direct access to the west into Frederick that will alleviate traffic on MD 144. Currently Old National Pike/MD 144 to the east and west of the site have available capacity (VC ratios less than 1.0).

(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 concept plan does not have building design and location detail. The planned Lake Linganore Blvd. will connect the project to the Linganore Town Center development to the east.

(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 Spring Ridge Fire Station (Station #33) is approximately 1.5 miles from the site. This station has professional staff and a full complement of fire and rescue equipment.

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

The natural features including existing woodlands, moderate/steep slopes, and streams are incorporated into the open space areas of the development. The extent of the required stream buffers are also within the open space area. The open space area along the eastern boundary of the site will adjoin an existing open space corridor, in the

Linganore Town Center, centered along a stream.

(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 proposed age-restricted development will include a mix of dwelling types from single-family to multi-family with the specific proportions to be determined in Phase II.

(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 age-restricted residential development. Schools will not be impacted due to the age-restriction of 55 years of age and older for residents. For water/sewer service, the proposed 600 dwellings or CCRC facility can be served by the existing water/sewer infrastructure in the vicinity of the site. There is approximately 10 MGD of available water supply in the New Design water system and 7.7 MGD of sewage treatment capacity currently available at the Ballenger-McKinney WWTP.

§ 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 clubhouse with a pool and fitness center. Walking trails are also proposed within the project site.

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

The nearest existing medical offices or facilities are located in the New Market shopping center approximately 3.5 miles to the east at MD 75; an FMH facility in Urbana approximately 4.5 miles south; and at various locations in and around the City of Frederick approximately \pm 5 miles to the west. The adjoining proposed Delauter MXD (R-19-02) includes a commercial land use component that would provide an opportunity for medical offices and other support services. The proposed use for the public use site identified in this application is a new regional library.

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

There are two existing age-restricted developments in the County, Crestwood Village, in the Ballenger Creek area and a portion of the Greenview PUD located on Old National Pike at Mussetter Rd.. Two planned developments in the County include a portion of the Ballenger Run PUD (36 dwellings) and the Woodlands at Urbana project (566 dwellings). One age-restricted project is proposed in the City of Frederick on the Crum farm (Bloomfields) for up to about 1,500 dwellings.

Applicant Proposed Conditions

1. *The PUD project shall be permitted to develop up to 600 age-restricted dwelling units.*

Staff concurs with slightly different wording.

2. *Some or all of the proposed residential land use area for the age-restricted dwellings may be developed as Continuing Care Retirement Community (CCRC). If developed as a CCRC, nursing home/assisted/independent living facility, the number of units/beds will be determined as part of the site development plan, and not subject to the unit cap established in condition #1 as it is an institutional use.*

There should be some quantification of the number of beds/dwellings for a CCRC facility. A range could be provided based on whether part of the site or the entire site is developed as a CCRC.

3. *Due to the nature of the proposed and adjacent developments including the proposal to donate a 4-acre site for the potential use for a library/senior center as part of the project, the Planning Commission may consider this of development and reduce the strict compliance of 'the square footage required for the clubhouse/multi-purpose or other equivalent space' as required in Section 1-20-7 (F)(5)(B) accordingly.*

Staff would not object to this condition with the replacement of the word "shall" with "may." The Planning Commission has the ability to consider a modification to the code and there should not be a condition that takes away the Planning Commission's authority.

Planning Commission Action

Options for Planning Commission Action

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

1. Approval of the request as presented by the Applicant;
2. Conditional approval of the Applicant's request;
3. Denial of the Applicant's request.

RODGERS | Knowledge
CONSULTING | Creativity
Enduring Values

October 11, 2019

Mr. Jim Gugel Director,
Planning - Frederick County Maryland

Re: Cromwell Rezoning
County Project No: R-19-01
RCI Project No.: 643Q

Jim:

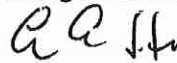
Accompanying this memo is a resubmittal of the Justification Statement and the Concept Plan to address certain minor clarifications/edits and amended proposed conditions as discussed at our September 5, 2019 review meeting.

As noted, on September 3rd, 2019, the County Council approved the Livable Frederick Master Plan (LFMP). The rezoning application for the Cromwell PUD was submitted in advance of the final approved Master Plan and therefore referenced the Goals and Policies of the prior Countywide Master Plan (in effect at time of application submittal). To that end, in an effort to provide a complete record, the Justification Statement was updated to address consistency with the current Comprehensive Plan (i.e. Livable Frederick). Please utilize the updated Justification Statement for the basis of review and the record.

We believe these edits sufficiently address the initial comments, which will allow the rezoning application to proceed to the Planning Commission review and recommendation phase.

Please do not hesitate to contact me at (301)948-4700 should you have any questions.

Sincerely,
Rodgers Consulting, Inc.



Eric E. Soter, AICP
Principal

Enclosure

cc: Cromwell File

N:\MD-Frederick\Fox Cromwell\documents\Technical\2019 PUD Rezoning\COPY of Cromwell for Property Owner Signature-Submittal\Resubmittal Docs Oct 19\Draft Memo Resubmittal Cromwell Delaater.docx



**DIVISION OF PLANNING AND PERMITTING
FREDERICK COUNTY, MARYLAND**

Office of the Zoning Administrator
30 North Market Street • Frederick, Maryland 21701
301-600-2572 • FAX 301-600-2309 • TTY: Use Maryland Relay
www.FrederickCountyMD.gov/planning

Zoning Map Amendment-APPLICATION (Phase 1)

Required for Submission

- Prior to, (at least 2 business days) your submission, email DevelopmentReviewIntake@FrederickCountyMD.gov or fax 301-600-1645
Completed application for processing and fees generated, to be paid upon initial submission.
Questions: contact Development Review at 301-600-1138
- Print out from the Maryland Department of Assessments and Taxation Real Property Data, (301) 815-5350
Website: www.dat.state.md.us of property.
- Fill out and attach Zoning and Planning Public Ethics Law- Applicant Disclosure Form

Tax Map(s) 78/79 Parcel(s) 12/101 Lot # _____ Acreage ±160.87 Tax ID# 09-232583 & 09-232575

Yes or No - Property Located ON or Along a State Highway

Property

Address / Location 6101 Meadow Road, Frederick MD 21701

Amendment Request

Current Zoning District Agriculture (A) Requested Zoning District Planned Unit Development (PUD)

Property Owner Contract Purchaser
(Attach letter of consent from Owner)
Printed Name Jason Wiley, Cromwell Investments LLC
Address 1355 Beverly Road, McClean VA 22101
Phone 703-734-9730
Signature *Jason Wiley*
Check one for notification:
 Mail Email jwiley@elmstreetdev.com

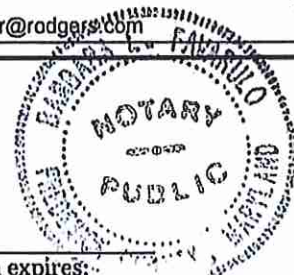
Attorney Agent Contact
Printed Name Eric Soter, AICP
Address 19847 Century Blvd, Suite 200 Germantown MD 20874
Phone 301-948-4700
Signature *Eric Soter*
Check one for notification:
 Mail Email esoter@rodgers.com

NOTARY PUBLIC

Subscribed and sworn to before me the day and year from above written.

Barbara L. Favaculo
NOTARY PUBLIC-printed name
Barbara L. Favaculo
NOTARY PUBLIC-signature

SEAL

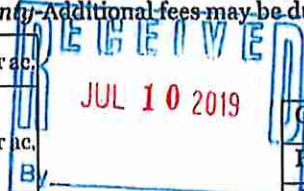


7/13/2022
My Commission expires:

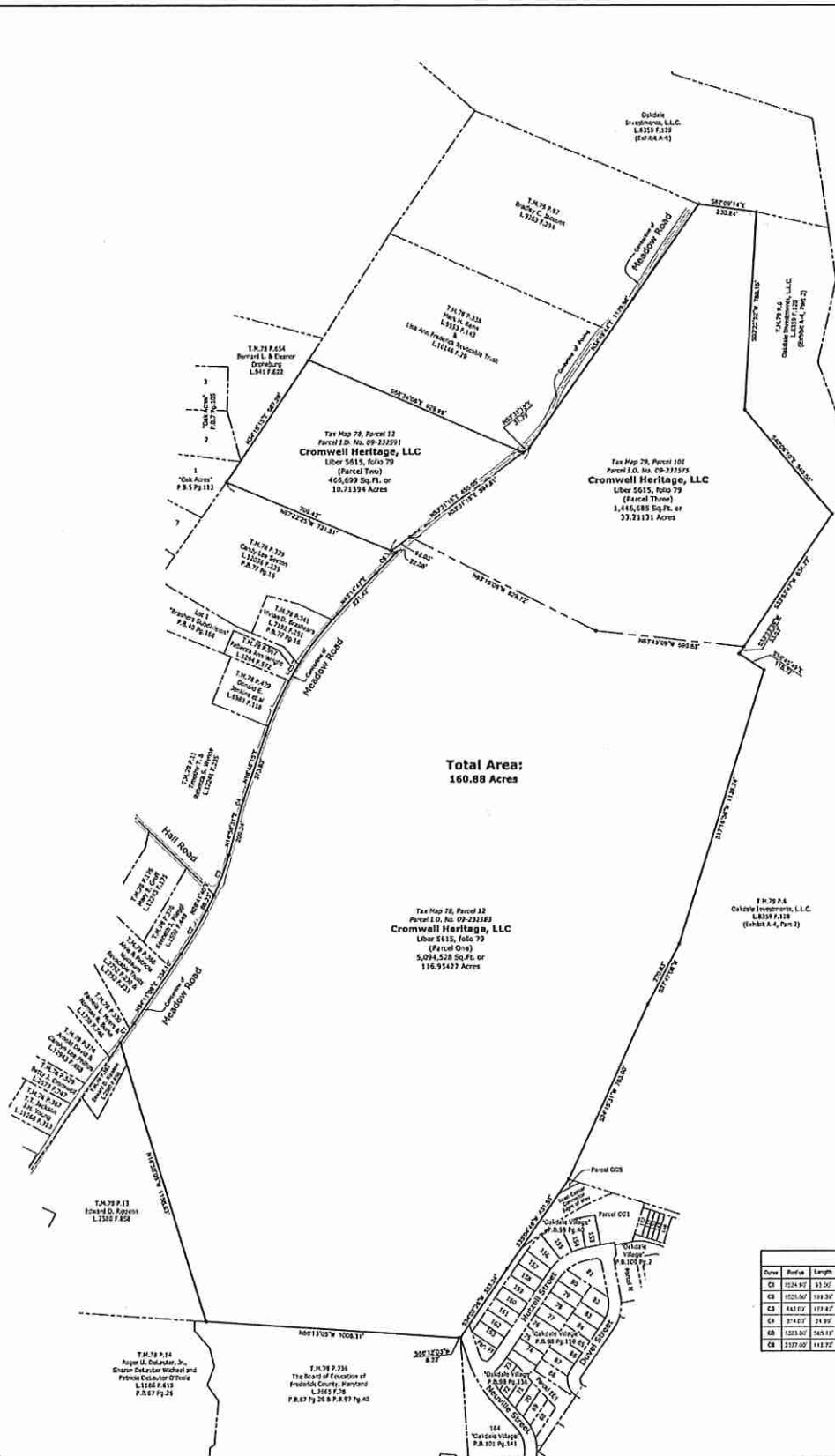
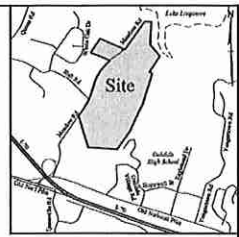
FEES

Checks made payable to Treasurer of Frederick County - Additional fees may be due per fee schedule FY2019

<input type="checkbox"/>	1. Piecemeal Euclidean Request (REZONE)	\$2290.00+ \$20.00 per ac.
<input type="checkbox"/>	2. Floating Zone Request (FLOAT)	\$2290.00+ \$20.00 per ac.
<input type="checkbox"/>	3. Amendment to Phase I (MAP) (PUD/MXD)	\$1262.00
Total =		



Case#	<u>R-19-01</u>
Filed Date:	<u>7/10/2019</u>
A/P#	<u>19731</u>
Planning Region:	



Curve	Radius	Length	Tangent	Chord	Bearing	Data
C1	1024.97	33.07	45.52	32.99	S20°14'30.73"	228°42'
C2	1024.97	199.30	60.34	199.22	S89°27'24.74"	728°23'
C3	843.09	172.87	48.79	172.81	S20°14'30.73"	170°55'
C4	234.07	24.36	12.50	24.48	S89°27'24.74"	218°42'
C5	1221.02	245.18	28.30	245.38	N10°10'21.73"	181°23'
C6	2197.00	112.92	28.37	113.71	N48°34'31.71"	247°22'

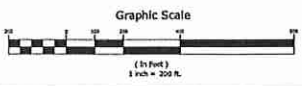
- General Notes:**
1. Courses and distances shown herein are in the Maryland Coordinate System (NAD83/2011), GCS NAD 83 (2011), U.S. Survey Feet) based on static GPS observations on RCP control points 9903 and 10096, post processed using the National Geodetic Survey's Continuously Operating Service (CORS). The average combined factor of adjustment for the same is 0.99997490. (Easting: North 834224.417, East 1223387.152, 110000; North 627156.447 East 1226456.476)
 2. The area depicted herein is currently zoned Agricultural (A).
 3. Adjacent information was taken from Maryland Department of Assessments and Taxation records.
 4. Existing features and structures are not shown herein.
 5. The Property Identification Plat is based upon a field run survey by Rodgers Consulting, Inc., dated June, 2015.
 6. This Property Identification Plat was prepared without the benefit of a title examination. Enclosing statements are not shown herein.

Surveyor's Certificate

I hereby certify that the Property Identification Plat is correct and is a part of the property acquired by Cromwell Heritage, LLC, a Maryland limited liability company, from Book 16, the recording instrument of Resolution 16, File, with date of April 20, 1993, dated August 31, 2003, and recorded among the Land Records of Frederick County, Maryland, in Liber 5615 of Page 79, and that the work reflected herein was prepared under my direct responsible charge and in accordance with COMAR Title 09, Subtitle 13, Chapter 06, Paragraph 13.

6-19-2019
Date of Signature

For: Rodgers Consulting, Inc.
By: Randolph Wilson
Professional Land Surveyor
Maryland Registration No. 21120
License Expiration Date: 12-23-2019



REVISION	DATE

Prepared For:
Elin Street Communities, Inc.
1355 Beverly Road, Suite 240
McLean, Virginia 22101
Mr. Jason Wiley

RODGERS CONSULTING

1947 Canary Boulevard, Suite 200, Germantown, Maryland 20874
Tel: 301-948-6700, Fax: 301-948-6356, www.rodgers.com

Property Identification Plat
Property Acquired by
Cromwell Heritage, LLC
Liber 5615, folio 79
New Market (No. 9) Election District, Frederick County, Maryland

SCALE: 1" = 200'

JOB No.	064304
DATE	June, 2019
Exhibit	F
SHEET No.	1 of 1

JUSTIFICATION STATEMENT FOR CROMWELL PUD APPLICATION

I. INTRODUCTION

This application is made pursuant to Section 1-19-3.110 et. seq. and Section 1-19-10.500 et. seq. of the Frederick County Zoning Ordinance (“Zoning Ordinance”)¹.

Cromwell Investments, LLC (the “Applicant”) requests the County Council’s consideration and approval of a PUD Application for a Phase I PUD Concept Plan to rezone the Cromwell Property (defined herein) from Agricultural to Planned Unit Development (PUD) (the “Project”). The Applicant is the contract purchaser of the Cromwell Property a ± 160.87 acre site, comprised of separate parcels under the ownership of Cromwell Heritage LLC, including TM78 P12 and TM79 P101, together to be referred to as the “Cromwell Property” or the “Site”.

II. SUMMARY OF REZONING REQUESTS

The Project is part of the intentional planning for the “town center” uses in this portion of the Community Growth Area. The planned Lake Linganore Boulevard extension to the Meadow Road Interchange and the robust open space are major organizing features of the land use elements of the Project. The resulting placement of these land use elements are naturally located in the context of the overall Community Growth Area.

The Project application proposes ±600 age-restricted dwelling units in an active adult community, and ± 4.0 acres of dedicated public use (potentially for a Regional Public Library and Senior Center location). In addition, the application requests that all or a portion of the residential land area be permitted to develop as a Continuing Care Retirement Community (CCRC).

¹ All section references, unless otherwise noted, are to the Zoning Ordinance.

and existing and planned transit facilities including routes and stops (Section 1-19-10.500.5(A)(3)).

4. The **Land Use Map** (*Exhibit B*) shows the type, location, acreage and density of all existing land uses within a distance of 500 feet from the Site, the general street location and circulation pattern, and existing zoning and comprehensive plan designations (Section 1-19-10.500.5(A)(4)).
5. An **Aerial Photograph** is included as *Exhibit B* (Section 1-19-10.500.5(A)(5)).
6. The **Environmental and Natural Features Map** (*Exhibit E*) shows the delineation of soil types, forests and wetlands on the Site (Section 1-19-10.500.5(A)(6)).
7. Sites as listed on the MD Inventory of Historic Properties per Section 1-19-10.500.5(A)(7)). The existing house on the Cromwell Farm was inventoried as part of F-5-18 Frederick County as part of a Maryland Historic Sites Inventory effort but were not recommended by Maryland Historic Trust for eligibility.

IV. CONCEPT PLAN

Section 1-19-10.500.5(B) requires the submission of a **Concept Plan** outlining the proposed development plan, including proposed land use areas and densities. A **Concept Land Use Plan** are included as *Exhibit A*. A **Building and Spaces Visualization** exhibit is included as *Exhibit D*, illustrating the anticipated typical building architecture, bulk and site design elements for the respective project uses.

The **Concept Plan** illustrates the general location, scale and massing of proposed buildings within the Project and how these uses will be integrated to interact with the overall town center. The overall PUD design concept presented in this application accomplishes several community objectives and public infrastructure needs.

From the I-70/Meadow Road Interchange the planned extension of Lake Linganore Boulevard through the Delauter Property (a separate but concurrent MXD application) forms the MXD land bays. Following Lake Linganore Boulevard to the north and east, the stream crossing provides a natural transition of the mixed-use employment to the PUD active adult residential uses being proposed in this application.

The PUD itself is planned to accommodate a diversity of housing types and price points. The concept anticipates higher density multi-family condo minimum and potentially multi-family affordable rental units, as well as a mix of single-family detached and single-family attached (villas). The exact mix, location and types of units will be determined at the preliminary/site plan phase. The active adult community will have primary access from Lake Linganore Boulevard at a planned intersection (Street A) with Neuville Street, which connects into Oakdale Village. It is likely the final design will include a roundabout. Anchored on the corner is a proposed dedication of ± 4.0 acres for a public use site for a potential regional public library and senior center. A secondary access point (Street B) will be determined as part of the final site design but will likely be west of this primary intersection and community entry. Attendees at the Project's required community meeting on May 7, 2019 raised concern about additional

vehicles using Meadow Road. The current land planning of the site does not anticipate an access onto Meadow Road. Particularly, the topography of the site does not lend itself to provide a primary access point onto Meadow Road without significant disruptions to the development area. Alternatively, proposed 'Street C' would provide sufficient redundant access into the northernmost land area of the site. A private clubhouse amenity is planned, along with numerous opportunities for pathways and trails that will connect to the existing pedestrian network, including the potential for a publicly accessible connection from Meadow Road to the Lake Lingnaore Boulevard. The final siting of the clubhouse will be determined at Preliminary Plan and will balance the need to provide for it in a convenient, accessible location, but also in a manner in which it can be constructed early in the development program.

The extent of the streamvalley buffer extending into the Site affords the opportunity to integrate the interior open space with the larger perimeter buffer areas. The design will lend itself to permit a large number of dwelling units to be immediately adjacent to or within close proximity of some sort of open space, either specifically programmed, or areas that include more natural and passive space. It will also allow for the proposed amenities to take advantage of the vast open space in the final design and building siting.

Sidewalks and pathways will be included as part of the Lake Linganore Boulevard project. In addition, there appears to be an opportunity to enhance the open space green area that adjoins the school parcels and the proposed public library/senior center to include some type of linear trail or connections to enhance the pedestrian experience in this area.

Per Section 1-19-10.500.6(H) (*Design Requirements: density, setbacks, and height within the PUD District*), the Project will address the design requirements as follows:

1. *Density*. Gross density is established at Phase I and may not exceed the maximum based on the residential land use designation of the subject property.

<i>Low Density Residential (LDR)</i>	<i>3-6 du/ac</i>
<i>Medium Density Residential (MDR)</i>	<i>6-12 du/ac</i>
<i>High Density Residential (HDR)</i>	<i>12-20 du/ac</i>

As the property is designated LDR, the density range is 482-964, as proposed the density would be set at 600 dwelling units.

2. *Setbacks and height*. Setbacks and height shall be determined by the Planning Commission at Phase II consistent with the general development standards as provided in § 1-19-10.500.9. It is anticipated that the tallest structures would be the multi-family units that would accommodate 4-5 stories, heights similar to existing multi-family product located throughout the County and the Town Center.

SI #2 Mixed Use Density - Support policies and capital expenditures that result in the creation and enhancement of central public places within growth areas through the centralization and concentration of public community facilities, mixed land uses, and private development

SI #7 Mixed Use Density - Prioritize development - especially infill development and redevelopment - that maximizes the use of, or extension of, existing infrastructure systems while minimizing the creation of new infrastructure and loss of existing natural resources.

SI #5 – Interconnectivity - Consider stream corridors within Community Growth Areas for development as public linear parks to allow for greenway/trail linkages both within and between these areas.

SI #6 Conflict Mitigation - Continue to cooperate with the State of Maryland, The City of Frederick, and other local municipalities on planning and implementing the transportation network.

SI #6 Capacity Expansion - Pursue the shared use of existing and proposed publicly and privately owned utility right-of-ways for the purposes of establishing shared use path facilities

SI #7 Capacity Expansion - Ensure commercial and residential development constructs shared-use paths and on-street bikeways designated in county non-motorized transportation plans that pass through or are adjacent to their proposed development site.

SI #3 Optimization - Support standardized designs to accommodate additions, support colocation, and reduce design and construction costs in county facilities where appropriate

SI #4 Housing Options – Seek developer assistance in creating a marketplace conducive to housing types other than just single-family detached dwellings.

SI #1 Affordability – Expand public and private development efforts across the county to create housing that is affordable to working households earning low to moderate incomes

SI #1 Streetscape – Promote the design of communities that employ housing types that create walkable street frontages

SI #1 Active Living – Promote community design that encourages physical activity by providing walkable, interconnected streets where multiple modes of

transportation are available and where non-motorized modes of travel are emphasized.

SI #1 Accessibility – Promote the adoption of universal design standards to allow accessibility in residences and neighborhoods.

SI #1 Adult Learning - Expand public and private adult learning opportunities in the creative arts.

SI #1 Community Design - Focus on development patterns that create multi-modal accessibility supportive environments composed of walking, biking, transit, as well as driving.

SI #3 Community Design - Support the development of communities that are mixed use and higher density, where the distance between origins and destinations is compressed, thus allowing access by means other than automobiles.

SI #3 Green Space – Combine accessible passive green space with stormwater management and natural resource areas in new and existing developments in the county.

SI #3 Green Space - Increase the development of community gardens within new and existing communities to increase access to green environments.

SI #1 Neighborhoods and Place - Create places that are compact, mixed use, and walkable that afford social interaction and support safety and human comfort.

SI #1 Housing - Ensure that residential development occurs in county designated growth areas with minimal harm to the environment and adequate water, sewer, transportation choices, schools, and other county infrastructure needed to support a high quality of life.

SI #9 Educational Facilities - Support and expand opportunities for shared community space and uses at county-owned schools, libraries and other buildings to maximize the investment in public infrastructure and to expand the range of resources available.

SI #4 Environmental Supportive Design - Preserve natural resources during the development process.

SI #8 Transportation – Incentivize development of communities where residents can walk to shops, dental and doctor's offices, and general services.

number of alternatives to minimize the impacts through appropriate modifications of the road design.

- (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 Project is not within an area where a specific community or corridor plan has been developed. As evidenced throughout this document the proposed rezoning furthers and is not contrary to the Countywide Comprehensive Plan. The mix of land uses has been anticipated in the current and prior planning efforts. Lastly, three key initiatives in this specific planning region are supported and furthered by this request including:

- *Support the build out of the Linganore PUD and the development of the Town Center to create a civic focal area for the Linganore community,*
- *How to facilitate improvements to the I-70/meadow road Interchange, and*
- *Consider viability of MD 144/Old National Pike as an arterial connection and how to maintain its designation as the Historic National Scenic Byway.*

And as more fully described beginning on page 12, (Section VIII. GENERAL APPROVAL CRITERIA) of this justification statement.

- (J) *Planned developments shall be served adequately by public facilities and services.*

As more fully evidenced above, the infrastructure needed to make the public facilities adequate to serve the Project are already located in and around the subject sites, and can and will be made adequate to serve the proposed revisions to the PUD as required per the County's APFO.

X. SPECIFIC DEVELOPMENT STANDARDS WITHIN THE PLANNED DEVELOPMENT DISTRICTS (SECTION 1-19-10.500.10)

Per Section 1-19-10.500.10 (B), If any development or portion thereof requests designation as an age-restricted community for the purpose of being exempt from the Adequate Public Facilities Ordinance (APFO) schools test under § 1-20-7(E), this request must be made as part of the Applicant's Phase I application, indicating the number and location of the proposed age-restricted dwelling units. This application is requesting the PUD to be designated as an active adult/age-restricted community as described above.

The Planning Commission and the County Council, in their respective reviews of the proposed development, shall consider the following criteria 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 active adult community will have its own program of active and passive amenities including walking trails and paths; a multi-purpose clubhouse with fitness center and pool; and additional active amenities. The final program of amenities will be determined as part of the final site development plan approval in accordance with County regulations.

Per § 1-20-7 (F)(5)(b) the construction and development of the Project must include a full program of amenities and other activities for older persons. At a minimum, the amenities must include:

- (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;*

The final development program may very well include enough amenity area as required per Code. However, due to the nature and proximity of certain enhanced public uses being proposed/proffered (*in the form of a desired site that can accommodate a library/senior center*) with this application, the Applicant is requesting a condition regarding a partial credit of the required

amenity. In conjunction with § 1-20-7 (F)(6) the Planning Commission may grant modifications to those requirements (among others) considering and due to a number of circumstances including ‘conditions of the development’, or ‘because of the nature of adjacent developments’. To that end, we propose the following condition of the development at the time of Phase 1 Rezoning to read:

“Due to the nature of the proposed and adjacent developments including the proposal to donate a ±4.0 acre site for the potential use for a library/senior center immediately adjoining the Project, the Planning Commission shall consider this condition of development and may reduce the strict compliance of the square footage required for the clubhouse/multi-purpose or other equivalent space as required in 1-20-7 (F)(5)(b).”

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

A few support services are already existing particularly within the greater community. However, with the ongoing planned build out of the Linganore Town Center, combined with the addition of the MXD application that is being made concurrent to this application, more proximate support retail, commercial and employment services will be accommodated. These areas will build-out as the market demands and due to their zoning, the properties will be afforded the flexibility to address a variety of community needs in a more, timely manner.

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

Based on the best available data, the County’s current pipeline of development indicates a limited amount of age-restricted development approvals throughout the County. In the north, in Emmitsburg a conversion of 43 apartments in Seton Village was approved a couple years ago. The largest addition to the active adult housing supply is within the City of Frederick where the Bloomfields project was approved for up to 1,500 dwellings last year. Also in the City, Homewood

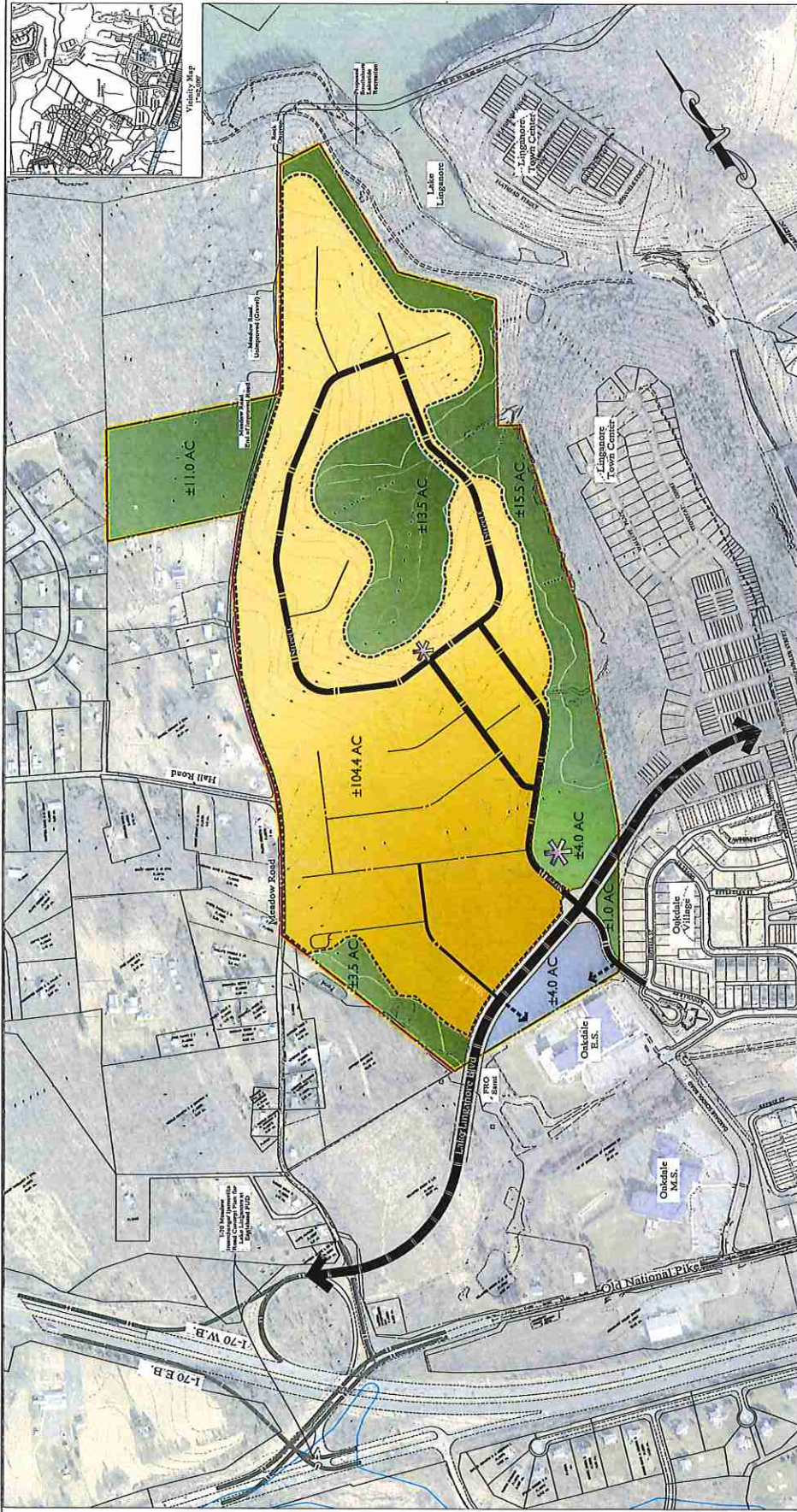
XI. REZONING CONDITIONS

The Applicant proposes the following conditions be placed on approval of the amendment to PUD zoning request for the Project:

- 1. THE PUD PROJECT SHALL BE PERMITTED TO DEVELOP UP TO 600 AGE-RESTRICTED DWELLING UNITS.**
- 2. SOME, OR ALL OF THE PROPOSED RESIDENTIAL LAND USE AREA FOR THE AGE-RESTRICTED DWELLINGS MAY BE DEVELOPED AS A CONTINUING CARE RETIREMENT FACILITY (CCRC). IF DEVELOPED AS CCRC, NURSING HOME/ASSISTED/INDEPENDENT LIVING FACILITY, THE NUMBER OF UNITS/BEDS WILL BE DETERMINED AS PART OF THE SITE DEVELOPMENT PLAN, AND NOT SUBJECT TO THE UNIT CAP ESTABLISHED IN CONDITION #1 AS IT IS AN INSTITUTIONAL USE.**
- 3. DUE TO THE NATURE OF THE PROPOSED AND ADJACENT DEVELOPMENTS INCLUDING THE PROPOSAL TO DONATE A ±4.0 ACRE SITE FOR THE POTENTIAL USE FOR A LIBRARY/SENIOR CENTER AS PART OF THE PROJECT, THE PLANNING COMMISSION MAY CONSIDER THIS CONDITION OF DEVELOPMENT AND REDUCE THE STRICT COMPLIANCE OF 'THE SQUARE FOOTAGE REQUIRED FOR THE CLUBHOUSE/MULTI-PURPOSE OR OTHER EQUIVALENT SPACE' AS REQUIRED IN 1-20-7 (F)(5)(B) ACCORDINGLY.**

XII. CONCLUSION

For the reasons set forth herein above, the Applicant respectfully requests approval for this zoning map pursuant to Sections 1-19-3.110.1 through 1-19-3.110.6, and Sections 1-19-10.500.1 through 1-19-10.500.8, of the Zoning Ordinance. As evidenced in this Justification Statement, the rezoning is consistent with the Comprehensive Plan, the Zoning Ordinance, and the general purpose and intent of the Rezoning Approvals.



LEGEND

- Proposed
- Existing
- Utility (Not Reconstructed)
- Utility (Reconstructed)
- Other Street

- NOTES:**
1. This map shows the proposed site plan for the subject property. It is not intended to be used for any other purpose.
 2. The proposed site plan is subject to the approval of the appropriate regulatory agencies.
 3. The proposed site plan is subject to the approval of the appropriate regulatory agencies.
 4. The proposed site plan is subject to the approval of the appropriate regulatory agencies.
 5. The proposed site plan is subject to the approval of the appropriate regulatory agencies.
 6. The proposed site plan is subject to the approval of the appropriate regulatory agencies.
 7. The proposed site plan is subject to the approval of the appropriate regulatory agencies.
 8. The proposed site plan is subject to the approval of the appropriate regulatory agencies.
 9. The proposed site plan is subject to the approval of the appropriate regulatory agencies.
 10. The proposed site plan is subject to the approval of the appropriate regulatory agencies.

Table 1 - PUD Proposed for the Property

Land Use	Proposed	Permitted
Residential	425 DU	425 DU
Office	150,000 sq. ft.	150,000 sq. ft.
Commercial	150,000 sq. ft.	150,000 sq. ft.
Community Center	150,000 sq. ft.	150,000 sq. ft.
Other	150,000 sq. ft.	150,000 sq. ft.
Total	1,275,000 sq. ft.	1,275,000 sq. ft.

Applicant:
Cromwell Investments, LLC
1352 Beverly Road, Suite 240
Frederick, MD 21704
Contact: Jason Wilsey
Phone: (703) 734-9730

PROJECT: _____
DATE: _____
SCALE: _____
BY: _____
CHECKED: _____

Concept Plan
PUD Rezoning Application

RODGERS CONSULTING
1000 Greenleaf Lane, Suite 200, Greenleaf, MD 21754
Tel: 703-734-9730 Fax: 703-734-9730 www.rodgers.com

CROMWELL
Tax Map 78 & 79, Parcels 12 & 101
9th Election District
Frederick County, MD