

# **JUSTIFICATION STATEMENT FOR AMENDMENT TO CROMWELL PUD**

## **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”)<sup>1</sup>.

Cromwell Investments, LC (the “Applicant”) requests the County Council’s consideration and approval of an Amendment to the Approved PUD for the Cromwell Property. The Applicant is the owner 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”, or “Project”. The property was rezoned to Planned Unit Development (PUD) (**R-19-01**) via approval by the Frederick County Planning Commission on January 22<sup>nd</sup> 2020 and approved by the County Council on September 22<sup>nd</sup>, 2020.

Throughout the last year the applicant has worked with the County (among other things), toward the construction of the approved Master Planned Road extension of Lake Linganore Boulevard as well as locating the Library Site for the greater Linganore Town Center Area in conjunction with the Oakdale Crossing MXD and the Lake Linganore PUD projects.

As the applicant noted during the rezoning of the Approved Cromwell PUD a Public Use Library Site was identified on the southwest quadrant of Lake Linganore Boulevard and the Cromwell main entrance road. This ± 4 acre site was identified as Public Use on the Approved Cromwell PUD Concept Plan and a condition was added to the approval related thereto. While the County had a previously identified site within the commercial area of the Lake Linganore Town Center area, the County has since

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<sup>1</sup> All section references, unless otherwise noted, are to the Zoning Ordinance.

expressed a desire to have a larger site to accommodate a larger footprint than what was anticipated when the County agreed to that site in 2016. Hence, the Cromwell site became desirous for the County to locate the future library on. In addition, during this past year, **the County has indicated a desire to also locate a Senior Center** within the greater Linganore Town Center area. The developer identified a number of sites for the County to consider and through process of elimination asked the developer for additional ground within the Cromwell PUD that would accommodate a ±25,000 sq. ft. public use Senior Center.

It should be noted that this is not a result of any rezoning, subdivision, APFO or other site development requirement, but merely the developer working with the County to provide additional land for a desired public use. **To that end, the County has requested the developer to submit this application to amend the PUD to show the additional ± 2.4 ac. Public Use Site for a Senior Center on the PUD Concept Land Plan and to address conditions of rezoning related thereto.**

## II. **SUMMARY OF REZONING REQUESTS**

To facilitate the request, ***Condition #4*** (*of the Cromwell PUD Rezoning Ordinance 20-05-005*) should be amended to identify the addition of the ±2.4-acre public use site being provided for. In addition, ***Condition #13*** is requested to be deleted to accommodate more timely conveyance of the public use site and commencement of the overall project including the Master Plan Road. This condition was added at the very end of the Council's discussion on the prior approval, wherein the applicant did not have any opportunity to engage in the discussion. The condition is not warranted and only serves to delay when the project commences thereby delaying the conveyance of public use sites as well as the construction of a Master Planned Roadway.

### **Proposed Amendments to Ordinance 20-05-005 of Rezoning Conditions.**

1. \*\*\*no change\*\*\*
2. \*\*\*no Change\*\*\*
3. \*\*\*no Change\*\*\*
4. Prior to recordation of the first residential subdivision plat, the developer shall: (1) subdivide and convey to the County, the ± 4-acre, **AND ± 2.4-ACRE** public use site identified on the Concept Plan development-ready state (site graded, public water & sewer connections available to the site, and storm water management facilities (for quantity) completed; or (2), or at the County's sole discretion, enter into a mutually agreeable Memorandum of Understanding to provide for the conveyance of the ± 4-acre **AND ± 2.4-ACRE** public use site and the conditions(s) under which the Public use siteS will be conveyed.
5. \*\*\*no change\*\*\*
6. \*\*\*no change\*\*\*
7. \*\*\* no change\*\*\*
8. \*\*\*no change\*\*\*
9. \*\*\*no change\*\*\*
10. \*\*\* no change\*\*\*
11. \*\*\*no change\*\*\*
12. \*\*\* no change\*\*\*
13. \*\*\* ~~No building permits shall be issued, except for model homes, until five (5) years after the effective date of this Ordinance.~~ \*\*\*

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

The Project is ideal for the planned regional library as well as a senior center. The aging population in Frederick County continues to drive demand and create opportunity for communities designed for an active-adult/maturing buyer. The request to also co-locate a Senior Center on a portion of the PUD complements the existing approved active adult community being planned. The location affords excellent accessibility to the elementary and middle schools as well as the active adult community itself. Further, being directly adjacent to Lake Linganore Boulevard provides convenient accessibility for residents within the extended serviceable area. The approved active adult community adds to the diversity of housing product available in this Linganore Community Growth Area overall.

To that end, the Amended Plan continues to reflect the vision of the Countywide Master Plan to build out the ‘Town Center’ with a diversity of housing, employment, commercial, institutional and public uses and to create a ‘civic focal point’ for the Linganore Community.

The General **(SECTION 1-19-3.110.4)** and Specific **(SECTION 1-19-10.500.3)** Planned Development approval criteria are outlined in the remainder of the Justification Statement along with proposed conditions of approval.

### **III. PROPERTY DESCRIPTION AND EXISTING SITE CONDITIONS**

The ±160.87 acres comprising the Approved PUD Property is bounded on the northwest by Meadow Road and Lake Linganore/Eaglehead Drive; on the east by Linganore Town Center and Oakdale Village; and on the south by Oakdale Elementary and the Delauter Property (Oakdale Crossing MXD). The Site is rolling, with topography generally falling from the west along Meadow Road to the east adjacent to the streamvalley. The location of the amendment to the PUD is at the southern part of the community along planned Lake Linganore Boulevard.

As per Section 1-19-10.500.5 (A), the following existing site condition exhibits are included in this application. Note that nothing has changed substantially from the original approval and in consultation with staff, have updated those exhibits that may require additional information based on updated Planned Development District Criteria. As this is an amendment to rezoning, the case history and file remain part of the record and this is an amendment to the approved plan relative to the requested changes as proposed.

1. The **Vicinity Map** (*Exhibit 3A*) delineates all property within 2,000 feet of the Site (Section 1-19-10.500.5(A)(1)).
2. A **Boundary Survey** is included as *Exhibit 1E* (Section 1-19-10.500.5(A)(2)).
3. The **Transportation Map** (*Exhibit 3B*) indicates the location of the Site with respect to local, collector, and arterial streets, existing easements and rights-of-way on or abutting the Site, all existing bicycle and pedestrian facilities, and existing and planned transit facilities including routes and stops (Section 1-19-10.500.5(A)(3)).
4. The **Land Use Map** (*Exhibit 3A*) 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 3A* (Section 1-19-10.500.5(A)(5)).
6. The **Environmental and Natural Features Map** (*Exhibit 3C*) 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.

A condition was placed on the approved rezoning that stated *“If any historic structures are proposed for demolition, the applicant shall provide the County with access to the structure(s) in order to document the house, outbuildings, and other related structures at least 90 days prior to the start of demolition. ”*

*NOTE: this condition was met, an evaluation and documentation of the historical significance of buildings and structures was prepared by R. Christopher Goodwin & Associates, Inc. A summary of findings were provide to the County. As a result of the COVID-19 Pandemic, we coordinated with County staff to determine that this documentation was sufficient. At a meeting with County staff on February 8, 2021, staff indicated that the information prepared by R. Christopher Goodwin & Associates is acceptable as their professional staff are trained in the Secretary of the Interiors Professional Standards. In addition, staff asked for documentation that would be sufficient to update and revise data previously provided in a Maryland Inventory of Historic Places form prepared in 1978.*

#### 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. An **Amended Concept Land Use Plan (Exhibit 4A) together with the Building and Spaces Visualization (Exhibit 4B)**, illustrate the anticipated typical building architecture, bulk and site design elements for the respective project uses.

These exhibits have been updated to reflect the proposed public use sites illustrating 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. **Public Use Site Visualization/Rendering** (Exhibit 4C). The overall PUD design concept presented in this application continues to accomplish several community objectives and public infrastructure needs.

In addressing the new additional PDD requirements we note: The concept plan shows the comparative calculations of gross and net density. Both within the prescribed ranges even with the amendment for the additional  $\pm$  2.4 acres of dedicated public uses. With respect to scenic views, we continue to maintain no roadway access from Meadow Road per rezoning conditions, as this is the only existing public road identified with a viewshed onto or through the property. In addition, initial site layouts indicate the dwellings backing up to Meadow Road will be below grade due to overall site grading limitations, and the rear facades will be approximately 75' from the edge of pavement providing opportunity for landscape screening and berthing as needed and per the existing zoning conditions. Further, the developer has worked with the adjoining neighbors of Oakdale Village to address the condition of the Approved PUD relative to the buffering and screening along Lake Linganore Boulevard. These elements were included in the approved preliminary plan for the master planned road earlier this year.

With respect to identification of historic resources, 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. However, A condition was placed on the approved rezoning that stated "*If any historic structures are proposed for demolition, the applicant shall provide the County with access to the structures(s) in order to document the house, outbuildings, and other related structures at least 90 days prior to the start of demolition.*"

*NOTE: While the house is not historic, this condition was met relate and evaluation and documentation of the historical significance of buildings and structures was prepared by R. Christopher Goodwin & Associates, Inc. A summary of findings was provided to the County. As a result of the COVID-19 Pandemic, we coordinated with County staff to determine that this documentation was sufficient. At a meeting with County staff on February 8, 2021, staff indicated that the information prepared by R. Christopher Goodwin & Associates is acceptable as their professional staff are trained in the Secretary of the Interiors Professional Standards. In addition, staff asked for documentation that would be sufficient to update and revise data previously provided in a Maryland Inventory of Historic Places form prepared in 1978.*

Finally, the Natural Features Plan has been updated to identify the Maryland Green Infrastructure Corridor and Hubs data. Only a small part of which traverse the northern & western part of the land bay which were already identified as not being impacted.

## V. LAND USE MIXTURE

The Approved PUD Project contains residential, and institutional uses, all of which are permitted uses in the PUD District pursuant to Section 1-19-10.500.6 as described in **Table 1 PUD Land Use Summary** and outlines the overall parameters of the development program in terms of land area as shown on the **Amended Concept Plan (Exhibit A)**.

**Table 1 – Amended PUD Land Use Summary**

Land Use	Permitted	Approved	Proposed
<b>Residential:</b> 3-6 DU of Gross Project Acreage for LDR 160.87 ac. x 3 DU - 6 DU =  Gross Density 600/160.87= 3.73 DU/ac Net Density 600/102 = 5.88 DU/acre	<b>± 482-964 acreage varies</b>	<b>600 DU ± 104.4 ac.</b>	<b>600 DU ± 102 ac.</b>
<b>Non Residential:</b> <sup>(1)</sup> <i>Commercial/Employment/<u>Institutional</u> (i.e. public use sites)</i> <sup>(1)</sup> Determined at Phase 1: =	Varies	± 4 ac.	± 6.4 ac.
<b>Open Space:</b> 30% exclusive of floodplain: 160.87 ac. x 0.30 = <b>Total</b>	<b>± 48.2 ac.</b>	<b>± 48.6 ac. min. Not including internal pocket parks/greens</b>	<b>± 48.6 ac. min. Not including internal pocket parks/greens</b>
<b>The remaining acreage is within Major right of Way</b>	N/A	± 3.8 ac.	± 3.8 ac.
<b>Total</b>		<b>± 160.8 ac</b>	<b>± 160.8 ac</b>

*Note 1: The requirement of additional commercial and employment land uses shall be determined based on an evaluation of the following factors:*

- (1) Whether the number and type of existing or proposed commercial/employment land uses located within a distance that may be reasonably expected to serve a majority of the proposed residential dwelling units adequately provide retail, business, and personal services to the proposed residential land use. ***The proposed non-residential uses include a public library/senior center. While other retail and services are in close proximity, due to the proposed location of the uses, they will also serve the greater community and have easy access to/from the interstate.***
- (2) Whether the design of the proposed development maximizes use of alternate modes of transportation (pedestrian, bicycle, and transit) reducing the need for vehicular movement between residential and commercial/employment land uses. ***The location of the proposed uses along the primary access route, limit the number of additional trips a resident would take. In addition, its location along Lake Linganore Boulevard would likely be the primary***

*transit route into the community. Bike and pedestrian facilities are also being planned along this corridor.*

(3) Whether the proposed development reflects a land use mixture consistent with the County Comprehensive, Community, and Corridor Plans. *The Comprehensive Plan includes the proposed properties within the designated Town Center, and as such anticipates a mix of uses that respond to market demands.*

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.

<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, approved density is set at 600 dwelling units and no changes are proposed.

**Gross Density**  $600/160.87 = 3.73 \text{ DU/acre}$

**Net Density**  $600/102 = 5.88 \text{ DU/acre}$

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](#). As previously presented on the Approved PUD, 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. The County would be responsible for the site plan on the public use sites, and the current indication is that those would be one-story (institutional) structures, and heights compatible with the existing and planned uses.

## **VI. PROPOSED PHASING PLAN AND TRAFFIC ANALYSIS**

Section 1-19-10.500.5(D) requires a phasing plan to be submitted with a PUD floating zone reclassification application that describes the timing and sequence for dedication of public lands and development of public facilities and utilities.

### **Status of Current Timing and Sequence**

Water and sanitary sewer service will be provided through developer funded design and construction of water and sewer facilities consistent with Frederick County's "East County Water & Wastewater Master Plans". Since PUD Approval, the project has proceeded through the Water/Sewerage Amendment process and currently has a Water/Sewer Category of (W4/S4) as identified on the County's Water/Sewer Maps 78 & 79. The developer funded design and construction of the water and sanitary sewer infrastructure associated with the development of the Cromwell Property are regional improvements that will benefit others as well as provide redundancy to the regions water service.

The Master Plan public road has also proceeded through initial design and received preliminary plan approval in October of 2021.

### **Public Use Sites**

The planned/proposed public use sites ( $\pm 4.0$  ac. Library and  $\pm 2.4$  ac. Senior Center) will be dedicated as part of the initial plats for residential uses as part of the active adult PUD. The timing will be finalized at preliminary/site plan and in accordance with a future MOU between the developer and the County per the approved conditions of rezoning.

### **Sanitary Sewer Service**

Based on preliminary engineering analysis, including the property location, topography, location of existing county sanitary sewer facilities as well as review of Frederick County's "East County Wastewater Master Plan", we anticipate approximately 50% of

the proposed residential units and community recreation facility wastewater will drain south via developer constructed sewer facilities to the existing “Holly Hills” sanitary sewer interceptor. The APFO approval for Oakdale Crossing included the demand for Cromwell and was approved by the County this spring. The balance of the property’s wastewater will drain north via developer constructed sewer facilities to the existing “Lake Linganore” Interceptor 3, which is currently under final engineering for required upgrades.

The first connection point is provided by the 8” gravity sewer line which abuts the property under the approved Linganore Town Center – Part 9A Improvement Plans. The second connection is provided by the 8” gravity sewer which abuts the property line and is constructed and in-service under the approved Oakdale Village Improvement Plans. The third sewer connection for the property will be provided by a developer funded gravity sewer outfall connecting to the existing 15” sewer to the Holly Hills sewer interceptor. This outfall requires construction of approximately 560 feet of sewer main to bring service to the property.

### **Water Service**

Based on preliminary engineering analysis, including review of Frederick County’s “East County Water Master Plan” and location of the existing county water infrastructure, we anticipate water service will be provided by multiple points.

The first connection point is provided by the 8” waterline which abuts the property under the approved Linganore Town Center – Part 9A Improvement Plans. The second connection is provided by the 8” waterline which abuts the property line and is constructed and in-service under the approved Oakdale Village Improvement Plans. The third water connection point will be available from the 12” waterline in Lake Linganore Blvd. This waterline is currently under design to be extended through the adjacent

Linganore Town Center Property under the Linganore Town Center Part 11 Improvement Plan and is now in service, available in Spring 2022 to serve the Cromwell property.

### **Public Roadways**

The public roadway infrastructure immediately serving the Site is Lake Linganore Boulevard. This will be phased construction extending from (east to west) and (west to east) including the planned intersection with Neuville Street into Oakdale Village. The developer has acquired Preliminary Plan approval for the alignment and is finalizing the permits as well as securing the land dedications for public right of way. The interchange improvements are currently moving forward. Phase 1 of the interchange is complete and open to traffic. Phase 2 which includes the off-ramp from I-70 headed eastbound, construction is well underway and expect to be complete this year. The proximity to the interchange is also expected to limit or eliminate any need for other off-site transportation improvements when the APF is evaluated at the time of Preliminary Plan.

## **VII. REVIEW AND APPROVAL PROCEDURES**

A. For this amended PUD, a pre-application conferences was held with the Division of Planning and Permitting on March 7, 2022. as required by Section 1-19-10.500.4(A) to gain a better understanding of and consider any specific needs into the proposed amendment.

B. A neighborhood meeting was held on May 12, 2022, as required by Section 1-19-10.500.4(B). The project website ([www.cromwellactiveadult.com](http://www.cromwellactiveadult.com)) has been updated to continue to engage the community and provide updates on the project. A summary of the pre-application and community meetings are provided in the *Appendix/Supplemental documents Tab* of the Binder. Notification included beyond the “adjoining properties” and included those who made contacted via the project website from the prior rezoning approval, in addition to sending the notification to adjoining HOAs as well as the known HOA management companies to ensure we attempted to broadly notify the community.

C. The property is currently zoned Planned Unit Development (PUD).

1. The PUD property is classified as W4/S4, as identified on the Frederick County Water and Sewerage Plan. (Section 1-19-10.500.4(C)(1)).
2. A concept plan (*land use plan and illustrative sketch*) graphically illustrating the Project is included as part of this Phase I application (Section 1-19-10.500.4(C)(2)).

## **VIII. GENERAL APPROVAL CRITERIA (SECTION 1-19-3.110.4)**

An application for a PUD floating zone (or amendment) must address the following general approval criteria in accordance with Section 1-19-3.110.4 of the Zoning Ordinance:

1. *Consistency with the Comprehensive Plan.*

The PUD district is restricted to those areas that are designated Low, Medium or High Density Residential. The Approved Cromwell PUD properties are located on land that is designated as Low Density Residential which generally permits 3-6 dwellings per acre. This has not changed with the approval of the Livable Frederick Master Plan (LFMP) (e.g. *Comprehensive Plan*).

The LFMP lays out a variety of growth sectors or opportunities. The Approved Cromwell PUD is located in an area that has been designated as a “Retrofit District” on the approved Countywide Thematic Map. As defined, “Retrofit Districts” are intended to support and improve existing suburbs to make suburban communities stronger by reinvesting in them with infill development and redevelopment that creates more opportunities to walk, shop, work and recreate closer to home. With existing or proposed development surrounding on all sides of the Cromwell PUD, this project is consistent with this intended approach to growth as defined in the LFMP.

The proposal to include a public use site for a potential library/senior center will serve as a civic focal point of the community. It draws upon the existing public uses and will benefit from the approved active adult community, thereby maintaining consistency with the LFMP.

Further, the proposed Amendment to the PUD rezoning plan supports the following goals and initiatives (i.e. Supporting Initiatives, SI) of the Master Plan, including but not limited to:

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

Further with respect to Community Facilities as described in the Master Plan, the Amended PUD Application supports the following principles.

- **Community facilities should** be located within Community Growth Areas where infrastructure is available (water and sewer facilities, roads, sidewalks, and public transit);
- **Community facilities should** be located within Community Growth Areas where the greatest population is concentrated to maximize pedestrian, bicycle and transit access to the facilities;
- **Community facilities should** support the joint use of buildings and sites to consolidate services and better serve the surrounding community;
- **Development proposals should** incorporate into the plans and contribute to the construction of community facilities as identified in County Plans.

Together, these goals, initiatives and policies of the Comprehensive Master Plan as well as the objectives of the PUD district can be met by development of the Project in the manner shown on the **Amended Concept Plan** submitted with this application. The development program will be efficiently served by public services and facilities which will be enhanced by the **inclusion of a public use site that will be a civic focal point of the community.**

## 2. *Availability of Current and Planned Public Facilities.*

The infrastructure needed to make the public facilities adequate to serve the Project are already located in and around the subject site, and can and will be made adequate to serve the Amended PUD. The proximity of the Project to the regional roadway network and the Project's contribution to the completion of the master planned network (Lake Linganore Boulevard) not only benefit the Project itself, but **provide an enhanced public benefit for the remainder of the community.** The Lake Linganore Boulevard Master Plan Roadway has already received Preliminary Plan approval and the developer is continuing to proceed through the final approval and permitting process. The specific timing of any improvements or payments required to

mitigate any inadequacy will be phased under an Adequate Public Facilities – Letter of Understanding (APFO-LOU) at the time of preliminary/site plan, per county code.

a. Schools

Adding a location for a senior center to the approved age-restricted active adult community has no impact on public schools enrollment.

b. Fire and Rescue and Police Services

The Project is served by the Frederick County Sheriff's Office and MD State Police. The Spring Ridge Fire Station is located approximately 1½ mile from the Site. The New Market Fire Station is approximately 3 miles to the east, and a planned fire station is proposed for north of Lake Linganore along Gas House Pike. Based upon meetings with County Staff, no additional fire and rescue or police facilities were needed as part of the approved Active Adult PUD and the amendment to include a senior center does not change that.

c. Libraries

A Regional Public Library has been long planned for the Town Center. While there is currently a place holder in the Linganore Town Center Shopping Center for a potential library site, the approved plan proposed to donate a public use site for a library. This site would be able to be delivered as a stand-alone parcel, where the County would not be subject to any HOA or other community covenants. It would be adjacent to the Oakdale Elementary School and situated along Lake Linganore Boulevard extended with excellent accessibility for the greater community and the overall service area.

d. Parks and Recreation Facilities

Old National Pike District Park is located 5 miles to the east of the Site. Three schools with recreational facilities are within walking distance including Oakdale Elementary school which currently utilizes the 'Park-School' concept for parks and recreation programs and camps. Based on discussions with County Parks and Recreation staff no additional public park land was necessary from the Cromwell PUD when it was approved, as the level of private amenities and other public facilities was adequate. The staff did encourage that at the time of preliminary/final site plan, that as many bike and pedestrian type trails and connections be made particularly to link to the existing and proposed (now including a senior center site) public uses within the Town Center.

e. Water and Sewer:

Water and sanitary sewer service will be provided through developer funded design and construction of water and sewer facilities consistent with Frederick County's "East County Water & Wastewater Master Plans". The property currently has a Water/Sewer Category of (W4/S4) as identified on the County's Water/Sewer Maps

78 & 79. The developer funded design and construction of the water and sanitary sewer infrastructure associated with the development of the Cromwell Property are regional improvements that will benefit others as well as provide redundancy to the regions water service, including the needs for public facilities such as the planned library and this proposed senior center.

*Sanitary Sewer Service*

Based on preliminary engineering analysis, including the property location, topography, location of existing county sanitary sewer facilities as well as review of Frederick County's "East County Wastewater Master Plan", we anticipate approximately 50% of the proposed residential units and community recreation facility wastewater will drain south via developer constructed sewer facilities to the existing "Holly Hills" sanitary sewer interceptor. The balance of the property's wastewater will drain north via developer constructed sewer facilities to the existing "Lake Linganore" Interceptor 3.

The wastewater flows will be conveyed via the existing county sewer infrastructure to the Ballenger – McKinney Wastewater Treatment Facility.

*Water Service*

Based on preliminary engineering analysis, including review of Frederick County's "East County Water Master Plan" and location of the existing county water infrastructure, we anticipate water service will be provided by the extension of the existing 12" trunk water main located to the east within the adjacent Linganore Town Center. With the opportunity for a second water connection to the south within the adjacent Oakdale Village Community. Water distribution mains will branch off the 12" trunk line to provide both domestic water service and fire flows for the residential units and anticipated community recreation facility.

3. *Adequacy of Existing and Planned Transportation Systems.*

The location of the proposed senior center is within  $\frac{1}{4}$  mile of the I-70/Meadow Road interchange. This Project facilitates the completion of (and access from) Lake Linganore Boulevard a Master Planned roadway connecting the Town Center and Eaglehead Drive to the interchange. In fact, the senior center would be located directly adjacent to Lake Linganore Boulevard across from the planned library site. Existing improvements to the I-70/Meadow Road Interchange are under construction, with planned completion this year.

The transportation system is or will be made adequate, with any final local improvements identified as part of the Adequate Public Facilities approval. This is further evidenced in the transportation memo and supporting documents

submitted/referenced as part of this application.

4. *Compatibility with Existing and Proposed Developments.*

The amendment to provide for additional institutional use for a public senior center is compatible with the existing and proposed developments. The project is located within an area that has been long planned for employment and residential development. The Project is adjacent to Oakdale Village, and Lake Linganore PUD/Linganore Town Center, and as evidenced on **The Concept Plan Illustrative**, and is immediately adjacent/part of the Cromwell PUD. The Applicant has planned and designed the Project as a fully integrated community. The Concept Plan illustrates the general location, scale and massing of proposed buildings within the Project and how these uses will be integrated through a comprehensive pedestrian and vehicular circulation network. The overall design concept presented in this application accomplishes several key planning objectives, expanding upon and enhancing the overall community fabric of the Town Center in concert with the existing and proposed developments.

5. *Population Change.*

The additional population change expected from this PUD would yield:

- The approved Cromwell PUD 600 age-restricted du's x pph = range of 924-1,260 persons  
*(2.1 pph active adult based on 2009 Met Life Mature Market Institute 'Trends and Insights/Housing for the 55+ Market Report') = 600 du x 2.1 pph = 1,260 persons*  
*(1.54 pph age restricted housing based on '2019 TischlerBise Cost of Land Use Fiscal Impacts prepared for City of Frederick & Frederick County MD') = 600 du x 1.54 pph = 924 persons*
- ***NOTE: The amendment to the PUD to provide for additional institutional use for a public senior center does not change the population projections for the approved area including the land currently zoned to meet the 10-year need.***
- ***The Current County Pipeline (April 2022) totals 13,612 total dwelling countywide include municipalities. Using the prior ten-years absorption of avg. 1,800 units/year, the County has ± 7.5 years of residential dwelling availability.***

6. *The Timing of Development and Facilities.*

The Phase II review & approval (Preliminary/Final Site Plan) is on hold as the

Approved PUD included a condition that restricted building permit issuance for five years from the date of the Approved PUD on November 10, 2020. Detailed site planning and engineering/improvement plan approvals would commence in advance of the five years. with initial site development plans followed by recordation of final plats. The public use library/senior center will be dictated by the County Capital Improvement Program (CIP) process and the its funding priorities but wont be able to be conveyed to the County until the adjoining residential can commence.

## **IX. PDD APPROVAL CRITERIA (SECTION 1-19-10.500.3)**

An application for the PUD floating zone must address the following specific approval criteria in accordance with Section 1-19-10.500.3:

*(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 Amendment to the PUD continues to support an integrated, efficient and pedestrian oriented community where citizens can live, work, shop, recreate and be active in civic opportunities. Public facilities exist, will be extended from the existing developments or will be provided by the Project to serve the immediate Town Center and the greater community.

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

The Project is not within an area where a specific community or corridor plan has been developed. Nonetheless, the proposed building design and siting are consistent with the goals and policies of the Countywide Plan, employing compact mixed use elements, providing a variety of housing choices, and integrated into a walkable community that preserves its natural resources.

*(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 Amendment to the PUC will integrate seamlessly with the Approved PUD as well as the existing Linganore Town Center PUD, the Oakdale MXD and the other public institutional uses existing in terms of site design, building architecture, and

landscaping elements. As evidenced on the Concept Plan, the overall design remains in conformance with the General Plan for the Town Center in prior Countywide and Regional Comprehensive Plans.

*(D) The proposed development provides a safe and efficient arrangement of land uses, buildings, infrastructure, and transportation circulation systems.*

The amendment to locate a senior center into the project maintains a safe and efficient arrangement of uses, buildings, infrastructure and transportation circulation systems. Pedestrian connections between the various uses within the Project and to adjoining uses provide a safe and efficient circulation system. The street network, will be designed with limited dead-end street segments, and provide convenient & efficient accessibility options for all users.

*(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.*

As evidenced throughout this document, the completion of the Lake Linganore Boulevard a Master Planned roadway is accommodated by the development of the proposed Project. The subject property is within  $\frac{1}{4}$  mile of the I-70/Meadow Road interchange. This Project facilitates the completion of (and access from) the Lake Linganore Boulevard a Master Planned roadway connecting the Town Center and Eaglehead Drive to the interchange. Existing improvements to the I-70/Meadow Road Interchange are under final construction with completion expected this year.

Project capacity has been included in the regional transportation demand model used for the interchange improvement analysis; no impacts to on-street parking is anticipated; access will be provided by safe and efficient intersections with Lake Linganore Boulevard extension; and separate bike and pedestrian facilities along this new roadway. The master planned road is being carefully planned to minimize the impacts to the natural resources, particularly the crossing between Cromwell and

Oakdale Crossing as it extends to the interchange.

The transportation system is or will be made adequate, with any final local improvements identified as part of the Adequate Public Facilities approval. The addition of the senior center located within the approved Cromwell PUD will not affect the ability of the transportation system to be made adequate. This is further evidenced in the transportation memo and supporting documents submitted/referenced as part of this application.

*(F) The proposed development provides design and building placement that optimizes walking, biking and use of public transit.*

As illustrated on the Concept Sketch Plan, the Amended PUD continues the design and placement of buildings along the proposed street network and provides optimal walking, biking and transit options for the residents, workers and visitors. The proposed extension of the sidewalk and trail network will be integrated into the existing community and link key recreational nodes including the public schools and planned public use site (library/senior center) and commercial/employment areas.

*(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.*

The Project is served by the Frederick County Sheriff's Office and MD State Police. The Spring Ridge Fire Station is located approximately 1½ mile from the Site. The New Market Fire Station is approximately 3 miles to the east, and a planned fire station is proposed for north of Lake Linganore along Gas House Pike.

*(H) Natural features of the Site have been adequately considered and utilized in the design of the proposed development.*

The design of the Project fully integrates and utilizes natural features of the Site into

the overall design. The extent of the trail networks and recreational and open space amenities are planned around the existing streamvalleys. These streamvalleys will be protected via buffers and enhanced with native plantings via forest conservation as well as utilized for appropriate stormwater management facilities. In addition, as Lake Linganore Boulevard crosses a stream, staff and the developer are evaluating a 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 Amended PUD 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.

And as more fully described beginning in, (*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.

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

The amendment to the Approved PUD to locate a senior center at the entrance to the community and along Lake Linganore Boulevard does not impact sensitive environmental resources. Overall, the sensitive environmental resources on the Approved PUD are located generally within the protected stream valleys and are to be

protected to the maximum extent practicable as shown on the approved/amended Concept Plan and as evidenced on the Natural Resources Plan.

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

With respect to identification of historic resources, 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. However, A condition was placed on the approved rezoning that stated *“If any historic structures are proposed for demolition, the applicant shall provide the County with access to the structure(s) in order to document the house, outbuildings, and other related structures at least 90 days prior to the start of demolition. ”*

*NOTE: While the house is not historic, this condition was met and evaluation and documentation of the historical significance of buildings and structures was prepared by R. Christopher Goodwin & Associates, Inc. A summary of findings was provided to the County. As a result of the COVID-19 Pandemic, we coordinated with County staff to determine that this documentation was sufficient. At a meeting with County staff on February 8, 2021, staff indicated that the information prepared by R. Christopher Goodwin & Associates is acceptable as their professional staff are trained in the Secretary of the Interiors Professional Standards. In addition, staff asked for documentation that would be sufficient to update and revise data previously provided in a Maryland Inventory of Historic Places form prepared in 1978, which was provided.*

**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.

As the PUD is already approved as an Active Adult Community, this section was satisfied as part of the originally application. Further this amendment does not change the status of the active adult element and only adds additional institutional/public use site, therefore no additional specific elements need to be addressed for compliance

## **XI. REZONING CONDITIONS**

The Applicant proposes the following amended conditions (Ordinance 20-05-005) be placed on approval of the amendment to **PUD zoning request** for the Project:

### **Proposed Amendments to Ordinance 20-05-005 of Rezoning Conditions.**

1. \*\*\*no change\*\*\*
2. \*\*\*no change\*\*\*
3. \*\*\*no change\*\*\*
4. Prior to recordation of the first residential subdivision plat, the developer shall: (1) subdivide and convey to the County, the ± 4-acre, **AND ± 2.4-ACRE** public use site identified on the Concept Plan development-ready state (site graded, public water & sewer connections available to the site, and storm water management facilities (for quantity) completed; or (2), or at the County's sole discretion, enter into a mutually agreeable Memorandum of Understanding to provide for the conveyance of the ± 4-acre **AND ± 2.4-ACRE** public use site and the conditions(s) under which the Public use siteS will be conveyed.
5. \*\*\*no change\*\*\*
6. \*\*\*no change\*\*\*
7. \*\*\* no change\*\*\*
8. \*\*\*no change\*\*\*
9. \*\*\*no change\*\*\*
10. \*\*\* no change\*\*\*
11. \*\*\*no change\*\*\*
12. \*\*\* no change\*\*\*
13. \*\*\* ~~No building permits shall be issued, except for model homes, until five (5) years after the effective date of this Ordinance.~~ \*\*\*

## **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.