



# 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:** Deborah A. Carpenter, AICP, Division Director

**DATE:** October 30, 2023

**RE:** Knowledge Farms MXD Rezoning (Amended Application, July 2023) – R-21-02

The Planning Commission held a public hearing on October 19, 2023 to consider the application (amended July 2023) from Knowledge Farms Partners LLC to rezone 34.99 acres from Office/Research/Industrial (ORI) to Mixed Use Development (MXD) in order to accommodate a proposed land use mixture of residential, employment, commercial, and institutional land uses.

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

It was moved by Ms. Sepe to recommend APPROVAL of the application as presented by the Applicant and with Conditions as stated in the Staff Report, and as added by the Motioner. The Motion was seconded by Mr. White. The Motion was amended by Mr. Hicks to: clarify the location and standards of the recommended signage on Thornapple Drive. This amendment was accepted by Ms. Sepe. The amended Motion was then seconded by Mr. White.

**Vote:** 4 – 1 – 0 – 1

**For:** Rensberger, Sepe, Tressler, White

**Against:** Hicks

**Abstain:**

**Absent:** Davis

The Commission's recommendation of APPROVAL of the Application by the County Council included the following recommendations:

That the County Council place the following conditions on any approval of the proposed rezoning:

1. The Applicant shall develop no more than 147 age-restricted dwellings and 150 assisted living beds, cumulatively, on the Subject Site;

2. Covenants shall restrict 100% of the dwelling units in the Knowledge Farms MXD project to be age-restricted per the Federal Fair Housing Act and the Housing for Older Persons Act of 1995. There shall be a further limitation on the minimum age of permanent residents being 19 years of age in order to qualify for an APFO exemption. These covenants shall be recorded prior to the recording of the first subdivision plat. The covenants shall be recorded and made part of the title for each dwelling unit. Every property owner within the age-restricted development (and HOA) shall be beneficiaries of the covenants with the ability to enforce them through administrative or judicial proceedings. These covenants are to be reviewed by the County Attorney's Office to ensure that the MXD zoning district will be 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 by the HOA (24 CFR<sup>1</sup> 100.307) shall be made available to the County for its review and records;
3. Any single-family attached (villa-style) dwelling units shall be limited to no more than 2-stories (or 30 feet) in height. Multi-family structures shall be limited to no more than 5-stories in height (4 levels of occupied residential space plus 1 level of above-ground structured parking). Any institutional structures shall be limited to no more than 3-stories in height. Any residential, commercial, or institutional structures located within 200 feet of any portion of a single-family attached dwelling unit fronting upon Thornapple Drive or Herb Garden Drive shall be limited in height to no more than 2-stories (or 30 feet);
4. The warrant analysis for the traffic signalization of the Urbana Pike/Thornapple Drive/Campus Drive intersection shall be completed prior to buildout of any commercial or institutional uses on the Subject Site;
5. Signage shall be installed by the Applicant, in accordance with the Maryland Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) and the rules and standards established by Frederick County's Division of Public Works, on Thornapple Drive (west of its intersection with the access drive serving the existing Knowledge Farms office building at 3280 Urbana Pike) that indicates 'No Through Traffic'; and
6. The business hours for any commercial uses or activities on the Subject Site shall not extend beyond 10 PM.

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<sup>1</sup> Code of Federal Regulations