

Exhibit C
Zoning Map Amendment / Rezoning Justification

Land Development Ordinance §15.1 Purpose and Intent:

The purpose of this section is to permit such flexibility and provide performance criteria which can result in planned developments which produce a maximum choice in the types of environment and living units available to the public; open space and recreation areas; a pattern of development which preserves trees, outstanding natural topography and geologic features and prevents soil erosion; a creative approach to the use of land and related physical development; an efficient use of land resulting in smaller networks of utilities and streets and thereby lower housing costs; an environment of stable character in harmony with surrounding development; and a more desirable environment than would be possible through the strict application of other sections of the Ordinance.

The Planned Development District is designed to provide for small and large scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. A planned development shall be a separate entity with a distinct character in harmony with surrounding development.

The Planned Development District is a floating zone restricted to sites of 2 acres or greater and for specific application to portions of New Market's growth area for the purposes described in the New Market Master Plan. Approval of a "Planned Development Master Plan" in accordance with the provisions contained hereunder will allow an applicant to continue through the development process including entering into a developer's rights and responsibilities agreement and/or final subdivision approval.

Response: Proposed is a residential master planned community of up to 550 units, along w/ associated open spaces, amenities, and trails. The development will infill a long vacant parcel on the eastern edge of the Town of New Market. The proposal provides for a highly pedestrian oriented community which also serves as a functional and aesthetically pleasing gateway into the Town.

Land Development Ordinance §15.2.1(a)

The applicant will collect sufficient information to provide the Town Council and the Planning Commission with a basis to approve the overall concept of the project and to amend the zoning map and set a maximum permitted land use density for the PDD. The following submission will be made at the time of application.

- a) A plan at showing 20 foot contours, all existing natural and man-made features, existing zoning and vicinity map.**

Response: Multiple plans within the PDD documents as well as the NRI/FSD highlight the existing features and adjoining conditions. The site design responds to the surrounding neighbors and access points.

- b) A schematic plan generally identifying location, densities and acreage of all proposed land uses.**

Response: The PDD Master Plan responds to the densities and acreages proposed.

- c) A requested land use density and justification for the total project.**

Response: The application in total justifies the density proposed, which is 550 units, or 5.87 du/ac at 93.739 acres. The proposed homes represent an efficient arrangement and allow for significant common open and recreational spaces. This type of community design is very desirable to today's residents.

- d) **A statement covering the considerations listed under paragraph b. following.**

Response: See below for response.

Land Development Ordinance §15.2.2

The Town Council and the Planning Commission in their respective reviews of the proposed development will consider all of the following criteria to determine whether an amendment to the zoning map allowing the establishment of a PDD should be approved or disapproved:

- a) **The relationship of any development with the comprehensive Plan, zoning regulations, and other established development policy guidelines;**

Response: The Planned Development District is designed to provide for small and large scale developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit. In particular, the PDD overlay zoning is intended to encourage planned communities with a distinct character in harmony with surrounding development.

- b) **The general location of the site and its relationship to existing land use in immediate vicinity;**

Response: The site is uniquely situated at the eastern gateway into the Town and is surrounded by commercial, agricultural, and residential neighbors. The site is prominently displayed along Old National Pike although often overlooked. The PDD allows for a creative and highly desirable community where a mix of residential uses will be incorporated to preserve open space while also permitting the residential density proposed, all served via pedestrian connectivity.

- c) **The long term implications the PDD would have on subsequent local development patterns and the demand for public facilities and services in the surrounding area;**

Response: Information will continue to be provided as need to better understand the impacts of the development. In particular, traffic analysis has been provided and water and sewer are readily available to the site since already located on it and planned for redevelopment. Fiscal impacts will also be quantified. The project's positive impact on the existing Commercial business along Old National Pike will be significant, providing a critical mass new residents that will have the ability to support existing Main Street businesses as well as a new "community hub" at the entrance to Town.

- d) **The topography and relationship to existing natural and man-made features, both on site and in the immediate vicinity;**

Response: The site inclines generally from south to north. The grading anticipated follows these overall parameters. Grades at Old National Pike will be maintained at their current levels. There are no manmade features. There is an existing forest stand at the highest point of the site, which will be maintained as much as possible and taken advantage of for residential views, and the focus of community amenities.

- e) **The PDD's proposed phasing schedule and how it relates to the provision of public services and facilities necessary to serve the PDD;**

Response: We intend to construct the project in several phases, in conjunction w/ site buildout.

- f) **The availability and suitability of vehicular access;**

Response: There are several roads proposed within the development. Streets will be publicly owned and maintained as well as private, and accessible by all visitors to the community. The community has been designed in a manner which encourages pedestrian traffic but recognizes the vehicular trips.

g) The availability of water and sewer facilities including a point of discharge and water appropriation.

Response: Water and sewer infrastructure are available to the site today. The project will follow the normal course of applications for water/sewer amendments but it has been planned for in the overall master plan for facilities.

Land Development Ordinance §15.3 Principal Permitted Uses

15.3.1 Single-Family Detached Dwelling, Two-Dwelling, Attached Dwelling, Townhouse, Multi-family Dwelling, and zero lot line dwellings.

Response: A mixture of Single-Family Detached, Attached/Townhouse, and Multi-family Dwellings are currently proposed.

Land Development Ordinance §15.4 Accessory Uses:

Accessory uses customarily incidental and subordinate to the permitted uses are allowed.

Response: No accessory uses, other than community amenities, are proposed at this time.

Land Development Ordinance §15.5 Special Exceptions:

There are no special exceptions in the PDD District.

Response: No special exceptions are proposed.

Land Development Ordinance §15.6 Development Standards:

15.6.1 In General: Applications for development in the PDD District shall meet the following standards in addition to all other applicable requirements of this Ordinance which do not conflict with the standards contained in this section. In cases where other standards within this title may be found to conflict with the standards contained in this section, only the standards contained in this section shall apply.

Response: All proposed development will follow standards within the ordinance, unless stated otherwise on the PDD Master Plan.

15.6.2 Use Mix: In a mixed-use development which includes commercial and/or other nonresidential uses, no more than ten percent (10%) of the developed portion (total site area less the required twenty five percent (25%) open space area) of a PDD development may be utilized for nonresidential use.

Response: No nonresidential uses are currently proposed.

15.6.3 Minimum Density: The residential density for a PDD District development shall be at least 3.5 dwelling units per acre for the gross site area of the development used for residential purposes. If the development consists of more than one parcel or lot, the acreage of the parcels

or lots may be combined to compute the allowable density and/or floor area, however the lots or parcels may not thereafter be considered separately in any subdivision or site plan.

Response: The site is approximately 93.739 ac., which equates to a minimum of 328 units at 3.5 du/ac. Up to 550 units are proposed, which equates to 5.87 du/ac.

15.6.4 Planning Commission final determination on density and floor area ratio:

- a) The Planning Commission may ask the Town Council to require a lower residential density and/or floor area ratio if it finds that the maximum permitted density or floor area ratio would result in development that would not be compatible with anticipated development in the surrounding area or would create an unacceptable adverse environmental impact on or adjacent to the site.
- b) The Planning Commission may also find that a proposed residential density and/or floor area ratio is too low and would not be an efficient use of limited lands zoned for planned development within a designated growth sub-area, and ask the Town Council to allow an increase in residential density or floor.

Response: The property was annexed into the Town of New Market on November 10th, 2022. The petition's proposed land use is residential, specifically for an age restricted over 55 residential community with up to 550 residential units. The petitioners committed to designate a minimum of 12.5% of these units as affordable housing with the annexation.

15.6.5 Open Space: Open Space shall comprise at least 25% of the total site area. At least 10% of the required common or public open space shall be utilized for outdoor recreational uses. If the open space is to be commonly owned, legal documentation ensuring it's continuance and maintenance must be submitted to and approved by the Planning Commission.

Response: 25% Open Space is required, which equates to a minimum of 23.43 ac. Approximately 30.39 ac. of open space is proposed, which equates to approximately 32.4%. Of the required 23.43 ac. of open space, 10% is required to be recreational open space, which equates to 2.34 ac. Approximately 2.58 ac. of recreational open space is proposed, which equates to approximately 11.0%.

15.6.6 Design Standards:

- a) Subject to the standards contained in this section, building setbacks, bulk standards, lot sizes, impervious coverage, height, landscaping, bufferyard, lighting, walkway, development density, and road standards shall be determined by the Planning Commission, for each individual development in the PDD District. In determining these requirements the Planning Commission shall consider such factors as the proposed intensity of the development, use mix, design and compatibility with existing or anticipated development on surrounding lands. The purpose of the Planning Commission's authority is to provide design flexibility, consistent with public health and safety, to the developer who develops property and constructs buildings in accordance with a unified and coherent plan of development.
- b) Notwithstanding the preceding, maximum building height shall not exceed 40'.

Response: The proposal for this PDD community considers how to efficiently locate residential units as well as open spaces and community amenities. We will continue to work with the Town of New Market on the design parameters but believe the proposal effectively balances the design parameters with the needs of today's residents to provide an exceptional gateway community. Building height would be requested to be met at the average finished grade at the front to the midpoint of the roof. This is an appropriate measurement considering the scale related to the neighboring communities.

15.6.7 Traffic Circulation and Pedestrian Linkages: On-site and off-site streets, traffic circulation patterns, and pedestrian linkages shall be adequate to accommodate the traffic generated by

the proposed development, when combined with existing traffic and traffic generated by other approved uses which are reasonably probable of fruition. Street systems shall be pedestrian friendly, connecting various neighbors with open space and parks. Where practical, streets and pedestrian linkages shall be designed to link with those of adjacent existing or future developments. Private internal streets/roads are permitted if such streets/roads will be adequate to carry projected traffic, will be properly maintained, and are more appropriate to the overall development design than public streets built to existing road standards. Private internal streets/roads may vary in right-of-way widths and standards of design from the Town Engineer's approval.

Response: A traffic impact analysis was submitted along with the annexation of the property in 2022. We completely agree with these parameters and have designated the site to provide an optimal pedestrian network. The greatest benefit of this community will be the integration of the proposed units around community amenities and common open spaces, further building upon the sense of community. Linkages will be provided between all uses on the site.

A traffic brief has been submitted which describes the anticipated trips. A gridded, connected street network is provided to assist in access and maneuverability.

15.6.8 Development Phasing: A unified development shall be master-planned as an integrated project with well-designed and coordinated transitions between various land uses and adjacent existing land uses. A phasing plan for various components of the development shall be approved by the Planning Commission as a component of approval.

Response: We intend to construct the project in several phases, in conjunction w/ site buildout.

15.6.9 Sign Standards: Sign standards for nonresidential development in the PDD District shall be established for each development by the Planning Commission.

Response: No nonresidential development is proposed for England Woods.

15.6.10 Parking and loading standards: Off-street parking and off-street loading standards for development in the PDD District are contained in Article V of this Ordinance unless otherwise modified by the Planning Commission.

Response: Parking and loading standards shall follow the standards established in Article V. A variance is being requested for minimum square footage per parking pad to be decreased from the minimum 180 sf to 162 sf (9' x 18' typical) for typical parking space dimensions.

Zoning Map Amendment Justification

Article III, Section 3.4: Before taking any action on any proposed amendment, supplement, change, modification, or repeal, the Town Council shall submit the proposal to the Planning Commission for review and recommendation. The Planning Commission may hold a hearing on any proposed amendment, supplement, or change before submitting its recommendation to the

Town Council. The Planning Commission may request any pertinent data and information as it deems necessary. In its recommendation, the Planning Commission shall address:

3.4.1. The public need for the proposed amendment; and

RESPONSE: With the planned age-restricted program and the affordable housing component, the development will provide much-needed housing options for Town residents in older age demographics and under-served income levels. Studies by numerous local government and private non-profit entities (including, but not limited to the Frederick County Division of Aging and Independence, United Way, and the Community Foundation) have identified affordable housing for seniors as a glaring public need.

3.4.2 Whether the proposed amendment is consistent with the Comprehensive Plan as established in Article 66B § 4.09.

RESPONSE: PDD development of the subject property is consistent with the municipal growth element of the town; it is identified for Town growth in the Annexation Areas Growth Area and in the Proposed Land Use Map of the Master Plan, including Economic Development Flex (EDF) and Low Density Residential (LDR) designations. The Town Master Plan states that the subject property is part of a group of properties designated as the "Mixed Uses Area East of MD-75" which represents a "growing mixed residential, commercial and industrial area along the Old National Pike corridor (Master Plan at 41). Consistent with the State's 12 Smart Growth Visions found in Chapter 1 of the Town's Master Plan, the proposed development would concentrate growth in the town, in an area planned for water and sewer service infrastructure; it would contribute to the creation of a mixed use walkable community and have density sufficient to meet the density threshold for residential areas in the State's Priority Funding Area. The proposed amendment carries forward all of the master plan goals and considerations articulated and discussed during the annexation process.

3.4.3 When reviewing an amendment to the zoning map, the Planning Commission shall address the suitability of the property in question for the uses permitted under the proposed zoning, and shall give consideration and make findings of fact with regard to the matters enumerated in Article 66B, § 4.05(a)(2) of the Annotated Code of Maryland.

RESPONSE: For the reasons stated above, and as supported by the application materials, the proposed zoning and the permitted uses therein are ideal for the subject property. The application material provide a sufficient basis upon which the Planning Commission can make the requisite findings of fact.