

Town Residential / Commercial Mixed Use District (TRC) Plan Justification to the New Market Town Council and Planning Commission.

Main Street Town Residential / Commercial Mixed Use District Application

Jabez Properties, LLC

**Prepared By Miles and Stockbridge P.C. and CBM Consulting, LLC updated
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Owner / Applicant

105 W. Main Street
Jabez Properties, LLC
2941 Green Valley Road
Ijamsville, MD 21754
301-748-6146
Attn: Tony Chemlik

113 W. Main Street
Lawson Et. Al.
113 W. Main Street
New Market, MD 21774

Attorney

Miles and Stockbridge P.C.
30 West Patrick Street, Suite 600
Frederick, MD 21701
Attn: Noel Manalo

Planning / Engineering / Environmental

CBM Consulting, LLC
Attn: Donavon Corum, RLA, AICP, LEED AP
47 East South Street, Suite 320
Frederick, MD 21701
Phone: 301-302-6321

Surveyor

Gary Castle and Associates
13631 John Cline Road
Smithsburg, MD 21783

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Introduction

Pursuant to §16.2 of the Land Development Ordinance (the “Zoning Ordinance”) for the Town of New Market, Jabez Properties, LLC. (the “Applicant”) requests the Town Council and Planning Commission to rezone (i.e., zoning map amendment) from the Mixed Residential Service District (MRS) to the Town Residential / Commercial Mixed Use District floating zone (TRC) of 2.7412 ± acres located along West Main Street in the New Market Planning Region of Frederick County, Maryland (the “Property”).

The proposed Town Residential / Commercial Mixed Use District (“TRC”) on the Property to be known as Main Street, will incorporate 27 residential townhouse dwelling units and two non-residential uses. The non-residential uses will be located in the existing single family dwelling and newly constructed building located in the general location of the existing Lawson building fronting West Main Street (the “Project”). The property is bound by the New Market Elementary and Middle schools with frontage along West Main Street in the Town of New Market. Proposed is a total of 23,881 square feet of open space with 2,388 square feet utilized for recreational use in form of sitting green area. No floodplain, forest, streams or wetlands exist on the site. The gross buildable area is approximately 2.7412 acres. Proposed is 1.9494 gross acreage for residential area for a density of 13.8 units per acre and approximately 0.7918 gross acres of non-residential for a Floor Areas Ratio (FAR) of 0.25 FAR.

Description of Property

The Property is comprised of two (2) parcels of land identified within Frederick County Tax Assessment Map 801 as Parcel 3881 and Parcel 3880 totaling approximately 2.7412 +/- acres, and more specifically shown on the attached preliminary plan set, EXHIBIT C of the Floating Zone and Master Plan Applications. Both parcels are located in the Town of New Market, Maryland. The Property is surrounded by New Market Elementary and Middle Schools and West Main Street. More specifically, the Property consist of a specialty retail store, tractor sales and repair store, 8 mobile homes and one residential single family detached dwelling. A total of 121 fixture units or 12.1 taps allotted to both properties.

The property lies entirely within the Lake Linganore drainage shed of the Lower Monocacy River (MDE 02140302) watershed and drains primarily to West Main Street storm drain. According to FEMA Flood Insurance Rate Map No. 245227, there are no FEMA floodplains mapped within the property. There are no wetlands, streams or wetlands on site. The site consist of existing structures with associated parking, outdoor storage, residential dwellings, landscaping and lawn areas.

Additional soils on site include the following:

CeB – Catoctin-Spoilsville complex, 3 to 8 percent slopes
MvB-Myersville Silt loam, 3 to 8 percent slopes

No hydric soils exist on site.

As per the Preliminary Natural Resource Inventory (EXHIBIT C within the Preliminary Plan sheet set to Applications) no wetlands, streams, or forest are located on the property.

In total, 3 specimen trees ($\geq 30''$ DBH) are identified on site, primarily of the species mentioned above and located on the attached NRI. Two of the three specimen trees are in pool to dying conditions.

Project Design

The project is identified as MRS on the Town of New Market zoning map and Mixed Commercial / Industrial and Low Density Residential on the 2016 Land Use Map. The property is identified as potential infill and conversion for residential dwellings. The Project proposes 27 total townhouse dwelling units and two non-residential buildings on the 2.7412 +/- acres.

The project is designed in conformity with the New Market Development Standards as defined in Section 16.6 of the Zoning Code. The proposed layout of the Project respects the recent main street frontage improvements while consolidating the two existing access points into one access point meeting current standards. The townhouse dwellings will front towards the school property while maintaining the orientation of the existing building fronting Main Street. The efficient design merges into the built landscape. The design is in keeping with the evolution of the Town of New Market by re-adapting the property with predominantly residential with a balanced mix of non-residential uses.

Layout

The Project will incorporate a mixed-use design consisting with the re-adaptive uses of the existing residential dwelling and recycling of Lawson's retail building area facing Main Street. The back half of the property will consist of 27 townhouse dwellings fronting the new Market middle and elementary schools and access roads. The two existing entrance will be relocated to a single ingress / egress access point in a general central location between the two existing school access points. A central green area will provide a recreational passive neighborhood space. The design creates a unique micro-neighborhood.

Stormwater Management

Stormwater Management quality and quantity control will be provided per the Frederick County Stormwater Management Ordinance and the Supplement No. 1 to the 2000 Maryland Stormwater Design Manual.

Environmental Site Design (ESD) will be implemented in the proposed development of the Project to the maximum extent practicable in an effort to minimize any impacts to the natural hydrologic conditions of the Property. Various ESD planning techniques and treatment practices will be implemented in combination with structural BMP's to ensure adequate quality treatment of the Property runoff, maintain recharge, prevent downstream channel erosion, and prevent flooding or impacts to the downstream waterways as a result from runoff of larger storm events (Q_p and Q_f). Stormwater

Management Concept Plan has been submitted to Frederick County Department of Engineering for review and approval (Exhibit D).

Erosion and Sediment Control

Sediment Control practices will be provided per the 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control regulations and as required by the State of Maryland Department of Environment and the Catoclin & Frederick Soil Conservation Districts.

LDO Criteria for Floating Zone Approval for Town Residential / Commercial Mixed-Use District

Land Development Ordinance §16.1 Purpose and Intent

The purpose and intent of the TRC is to allow sites with 2 acres or more in the MRS District to allow for growth in the Town of New Market as described in the New Market Master Plan.

Applicants Response to Section 16.1: As the attached plans and documents will show, the proposed Main Street layout is a prime example for infill and repurposing for parcels located within the Town core. The 18 additional residential dwelling units are in keeping with growth opportunity as identified in the Town of New Market Master Plan as stated prior in this justification. The proposed layout and site design features will all be provided in accordance with the New Market Planning Commissions direction.

Land Development Ordinance §16.2.1(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 TRC. The following submission will be made at the time of application.

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

Applicants Response to Section 16.2.1(a)(1): Preliminary NRI / Forest Conservation Plans have been submitted showing contours and existing natural and manmade features within Exhibit C. Vicinity Map is provided as Exhibit B and Existing Zoning is provided in Exhibit F.

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

Applicants Response to Section 16.2.1(a)(2): See Master Plan (Exhibit D) and Exhibit C with accompanying density and acreage information.

3. *A requested land use density and justification for the total project.*

Applicants Response to Section 16.2.1(a)(3): Submission in its entirety lists the requested justification for land use and density. Also see Development Standard response below for conformity.

4. *A statement covering the considerations listed under paragraph b.*

Applicants Response to Section 16.2.1(a)(4): See below under Zoning Ordinance 16.2.2 Approval Criteria

All documents, plans and exhibits requested above are attached as part of this application package.

Land Development Ordinance §16.2.1(b)

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 TRC should be approved or disapproved:

1. *The relationship of any development with the Comprehensive Plan, zoning regulations, and other established development policy guidelines.*

Applicants Response to Section 16.2.1(b)(1): As stated above Section V.C.1 of the New Market Master Plan (the “Master Plan”), the Property is part of the possible 26 residential dwelling units occurring in the infill and conversion category as identified as of July 2015 for additional capacity of residential units. Table 9 anticipates the need for about 1,229 new units to achieve the projected 2,035 population assuming the Town’s average household size remains at 2.65. The Master Plan anticipates a short fall of approximately 221 units. The Project proposes 27 townhouse residential dwelling units with the proposed overlay zone, Mater Plan and preliminary plan applications. Nine (9) existing residential dwellings exist on site today.

2. *The general location of the site and its relationship to existing land use in the immediate vicinity.*

Applicants Response to Section 16.2.1(b)(2): The layout of the Project responds to the adjacent schools and Main Street. The proposed townhouse dwellings will front the Board of Education property providing an aesthetic design and direct connection to the immediate property and land uses.

3. *The long term implications the TRC would have on subsequent local development patterns and the demand for public facilities and services in the surrounding area.*

Applicants Response to Section 16.2.1(b)(3): Separate analysis accompanies the TRC Zoning application and prepared for review and consideration by the Town of New Market and Frederick County Division of Solid Waste Management. The Analysis are:

- Fiscal Analysis statement (see Exhibit H);
- Traffic Trip Generation analysis and traffic moving exhibit (see Exhibit I); and
- Water Reclassification Analysis (see Exhibit J)

The Project anticipates private drives and parking areas, open space, internal sidewalks, stormwater managements, and internal landscaping to be owned and maintained by an association entity to be formed by the Applicant or its successors. Water and sewer will be maintained by Frederick County Division of Utility Solid Waste Management.

Public Works. The Project will create little demand on existing public facilities. No additional public roads or water and sewer infrastructure is needed to service the development. The storm drain, private common drives, parking, landscaping, lighting, and open space areas will be owned and maintained by Project association.

The attached Traffic Trip Generation Rates shows the existing and proposed weekday A.M. and P.M. peak hour trips. The proposed infill design anticipates:

- An additional 13 AM entrance trips,
- An additional 17 AM exit trips,
- An additional 40 PM entrance trips; and
- An additional 28 PM exit trips.

105 West Main has a W-1 / S-1 classification with 29 fixture units for 2.9 taps. 113 West Main has a W-5 / S-1 classification. The requested reclassification application from W-5 to W-3 has been submitted to the Frederick County for review and approval. The owner has paid for 92 fixtures for 9.2 taps. Both water and sewer infrastructure is located at the Project.

General Administration. The assumption is current Town staff and services will remain constant with the addition of 18 residential dwelling units.

Police Protection. It is anticipated that service increases by one full-time deputy for approximately 925 dwelling units. With the addition of only 18 residential dwelling units it is anticipated that exiting levels are adequate.

Fire and Rescue. The primary fire and rescue service provider to the Subject Property is the New Market District Volunteer Fire Company (“NMVFC”) located within 400 hundred feet. Other planned improvements for public safety include a new fire station on site in the Hamptons West area of the Liganore PUD on Gas House Pike. Statistically, Frederick County has a fire-rescue call volume of one (1) response per 7.5 people. The Town increases funding to the NMVFD as a percent of real property tax each year and should be adequate to service the subject property and the Project.

Waste Collection. Waste collection will occur on site and be paid for by the HOA.

Public Schools. The Town does not provide public education services and does not have an adequate public facilities ordinance. The County collects impact fees from new homes built within municipalities. Schools are funded by general obligation bonds. The County services the debt on these bonds from the revenues generated from impact fees and recordation taxes from the construction of new homes.

Parks, Recreation and Open Space. The Town owns and maintains two small public parks on East Main Street and a 100 acre open space parcel located north of the Subject Property (designated as open space on the Town Zoning Map) that is partially forested and partially used by LOUYAA for youth athletic fields.

The adjacent New Market Elementary and Middle Schools participate in Frederick County's School Community Center Program. The schools provide their facilities for a variety of youth and adult activities after school, evenings and weekends. Additionally, Frederick County's Division of Parks and Recreation operates a recreation center at Deer Crossing Elementary School.

The combination of existing parks and on site passive central open space by the Application will be more than adequately accommodate and serve the needs of the current and new residents of the Town.

Library. The Town does not currently have a public library. There is a planned regional library site shown in the Linganore Town Center.

Local Development Patterns. The Project follows the Master Plan Section X(A) keeps the West Main Street character by maintaining the building footprint placements of the existing Lawson retail building and readapted use of residential dwelling.

The proposed project is in keeping the physical connections and enhances the pedestrian connectivity with the infill Project. The Project meets the Master Plan Section X(C)(2) by expanding upon the recently newly constructed West Main Street improvements by extending the pedestrian sidewalk along the perimeter of the site. The sidewalk improvements extend additional pedestrian path options as they traverse from Main Street to New Market Middle and Elementary schools.

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

Applicants Response to Section 16.2.1(b)(4): The project takes advantage of existing topography which slopes from North to South. Drainage is designed to converge at the two existing storm drainage inlets along West Main Street. The proposed townhouse dwellings will

front along the east, north, and west property lines. The two existing structures facing West Main Street will maintain the existing orientation.

5. *The TRC's proposed phasing schedule and how it relates to the provision of public services and facilities necessary to serve the TRC.*

Applicants Response to Section 16.2.1(b)(5): The Project anticipates being constructed in one phase. Sequence of construction will be formalized during the improvement plan review and approval process. All existing infrastructure exist at the site.

6. *The availability and suitability of vehicular access.*

Applicants Response to Section 16.2.1(b)(5): The site has two existing access locations. The Project contemplates creating a single ingress / egress access point. The traffic analysis indicates consolidating the existing driveways to a single entrance should provide an improvement over current conditions by reducing turning movement conflicts along Main Street as well as providing additional separation between the west middle school driveway and the site entrance that would allow for improved sight distance.

7. *The availability of water and sewer facilities including a point of discharge and water appropriation.*

Applicants Response to Section 16.2.1(b)(5): Water and Sewer infrastructure existing at the site. 105 West Main has a W-1 / S-1 classification with 29 fixture units for 2.9 taps. 113 West Main has a W-5 / S-1 classification. The requested reclassification application from W-5 to W-3 has been submitted to the Frederick County for review and approval. The owner has paid for 92 fixtures for 9.2 taps. Both water and sewer infrastructure is located at the Project.

LDO Criteria for Master Plan Approval

Land Development Ordinance §16.6.3(b)1

The proposed Master Plan conforms to all applicable regulations contained in this Ordinance.

Applicants Response to Section 16.6.3(b)(1): As evidenced through this Statement and the Exhibits, the Application is entirely in conformance with the regulations and development standards of the LDO. The Application meets or exceeds the requirements of each of the following LDO "Development Standards" for the TRC:

16.6 Development Standards

Land Development Ordinance 16.6.2 Maximum Residential Density:

The maximum gross residential density for the TRC District development shall be 4 dwellings units per acre the gross site area of the development used for residential purposes. If the Master Plan development consist of more than one parcel or lot, the acreage of the parcels or lost may be combined to compute the allowable density and / or floor area, however the lots or parcels may not thereafter be considered seperately in any subdivision or site plans.

Applicants Response to Section 16.6.2: The project is identified as MRS on the Town of New Market zoning map and Mixed Commercial / Industrial and Low Density Residential on the 2016 Land Use Map. The property is identified as potential infill and conversion for residential dwellings. The Project proposes 27 total townhouse dwelling units and two non-residential buildings on the 2.7412 +/- acres. Proposed is 1.95 gross acreage for residential area for a density of 13.8 dwelling units per acre and approximately 0.7918 acres (34490.887 square feet) for a Floor Areas Ratio (FAR) of 0.25 gross FAR and is therefore in conformance with the Town of New Market 2016 Master Plan.

As mentioned in Section V.C.1 of the New Market Master Plan (the “Master Plan”), the Property is part of the possible 26 residential dwelling units occurring in the infill and conversion category as identified as of July 2015 for additional capacity of residential units. Table 9 anticipates the need for about 1,229 new units to achieve the projected 2,035 population assuming the Town’s average household size remains at 2.65. The Master Plan anticipates a short fall of approximately 221 units. The Project proposes an addition of 18 residential dwelling units with the proposed overlay zone, Mater Plan and preliminary plan applications.

Pursuant to §16.6.4(b) the Planning Commission may find that the proposed residential density of 4 dwelling units to the acre is too low and would not be an efficient use of the limited land zoned for potential infill and conversion. The property currently comprises of 9 dwelling units. The existing gross residential dwelling per acre is 4.8. The additional 18 dwelling units will result in an increase to 13.8 dwelling units to the acre with the redistribution of residential gross area. To fulfill the 2016 Master Plan this property can provide the additional housing units as identified in Town of Master Plan Section.

The land use density for the Project is in accordance with the Town’s Master Plan goals and principles of “Smart Growth” and Priority Funding Areas supported by the State of Maryland.

Land Development Ordinance 16.6.3 Maximum Floor Area Ratio:

Maximum floor area ratio for the nonresidential portion of a TRC District development is 0.40.

Applicants Response to Section 16.6.3: Pursuant to §16.6.4 the Planning Commission makes the final determination on density and floor area ratio (FAR). The proposed 0.25 FAR is in conformance with the §16.6.3 maximum floor area ration for the non-residential portion of the TRC. The existing FAR is 0.30.

Land Development Ordinance 16.6.5 Open Space:

Common or public open space shall comprise at least 20% 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 its continuance and maintenance must be submitted to and approved by the Planning Commission

Applicants Response to Section 16.6.5: In accordance with Section 16.6.5 of the LDO, the Property will incorporate a minimum of 23,881 +/- square feet (20% of the total site) of open space, with a minimum of 2,388 ± square feet (10% of required open space) of that being designated for recreational passive central area. The passive community pocket park provides a gathering opportunity. Common green space will be owned and maintained by an association entity to be formed by the Applicant or its successors.

Land Development Ordinance 16.6.6(a) and 16.6.6(b) Design Standards:

- a. *Subject to the standards contained in this section, building setbacks, bulk standards, lot sizes, impervious coverage, height, landscaping, buffer yard, lighting, walkway, development density, and road standards shall be determined by the Planning Commission, for each individual development in the TRC 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 35'.*

Applicants Response to Section 16.6.6: The Applicant intends to work cooperatively with Planning Commission to create an appealing yet consistent community on the Subject Property that will be in harmony with surrounding built environment. The Master Plan Application and Preliminary Plat evidence the Applicant's intentions and illustrate how this common goal can be achieved on the Subject Property. Proposed bulk standards are shown on the Preliminary Plat (Exhibit C).

The Applicant request the maximum building height of 35 feet measured from average finished grade at building front to the mid-point of the roof. This request is reasonable due to the relationship of the proposed townhomes and the New Market Elementary and Middle School buildings and open lawn areas. The closest residential dwellings to the proposed townhouse is 246 +/- feet.

Land Development Ordinance 16.6.7 Traffic Circulation and Pedestrian Linkages:

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 with the Town Engineers approval.

Applicants Response to Section 16.6.7: Main Street recently constructed sidewalk, street scape and on-street parallel parking along the Project frontage. These items will be maintained while consolidating the two existing entrances into one access point for the Project. A pedestrian sidewalk is proposed to occur along the perimeter of the site to provide pedestrian connectivity between the Project, existing schools and adjacent residences.

Internal vehicular circulation and parking will be privately maintained and owned.

The Project will create little demand on existing public facilities. No additional public road infrastructure is needed to service the development. As stated prior, the attached Traffic Trip Generation Rates (Exhibit I) shows the existing and proposed weekday A.M. and P.M. peak hour trips. The proposed infill design anticipates:

- An additional 13 AM entrance trips,
- An additional 17 AM exit trips,
- An additional 40 PM entrance trips; and
- An additional 28 PM exit trips.

Land Development Ordinance 16.6.8 Development Phasing:

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.

Applicants Response to Section 16.6.8: The Project anticipates being constructed in one phase with the newly proposed central ingress / egress point. Construction sequence will be formalized during the improvement plan review and approval process. All existing off-site infrastructure exist at the site. As the proposed layout becomes more detailed during the improvement plan review and approval process, the sequence of construction will be more defined based on the anticipated housing needs, budget, infrastructure design and overall timeline for The Project.

Land Development Ordinance 16.6.9 Sign Standards:

Sign standards for non-residential development in the TRC District shall be established for each development by the Planning Commission.

Applicants Response to Section 16.6.9: As the project moves into the site plan for the two non-residential uses and improvement plan stage for site infrastructure, signage will be refined and submitted with each submission for review and approval in accordance with LDO Article VII Sign Regulations.

Land Development Ordinance 16.6.10 Parking and Loading Standards:

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

Applicants Response to Section 16.6.10: As the project moves into the site plan for the two non-residential uses and improvement plan stage for site infrastructure parking will be refined for review and approval in accordance with LDO Article V. The Preliminary Plat (Exhibit C) indicates a total of 159 parking spaces. 43 spaces for the non-residential and 116 spaces for residential dwellings. The maximum allowed parking spaces for non-residential is 51 and the minimum parking spaces for residential is 68.

Land Development Ordinance §16.6.3(b)2 and §16.6.3(b)3

§16.6.3(b)2 The proposed substantially conforms to the New Market Master Plan; and

§16.6.3(b)3 The Proposed Master Plan in conjunction with reasonably anticipated development in the surrounding neighborhood, will not create a substantial adverse impact on the adequate and orderly provision of public services and facilities for the area.

Applicants Response to Section 16.6.3(b)(2) and 16.6.3(b)(3): The purpose of the New Market Master Plan (“Master Plan”) as adopted in 2016 is to establish the Town’s vision is to be a community where one can live, work, play, shop, dine, and go to school and can walk between these destinations (pg. 15).

The Master Plan states “With this plan, the Town seeks to preserve its ability to expand, diversity its tax base, preserve its role in the region...”. This will allow the design and development of the Property as a single unit while providing flexibility in design and maximizing the non-residential and residential design as provided.

The Vision (Section III.A)

The New Market Master Plan 2016, Section 3.A (“The Vision”) has adopted four visions that capture The Town’ of New Market vision to move forward into history. The 2016 Master Plan ideals of the Town are:

1. Careful management and preservation of New Market’s character and historic identity is at the heart of its social and economic vitality.

This Community incorporates a mixed-use infill design that expands upon the Town’s walkability, diversity in housing and retains and expands upon business uses. The design of Project fronts on all sides of the property expanding upon the physical character of the Town’s streetscape. Pedestrian walk along the perimeter of the site will create additional pedestrian connectivity to the two school sites from Main Street and surrounding residential dwellings.

The TRC Floating zone provides 13.8 dwelling units to the acre, meeting the Maryland Smart Growth Policy. The proposed dwelling unit to the acre provides for a compact community.

2. Prudent guidance of its geographic expansion and population growth has extended the characteristics of unity, variety, order and balance that typify the community.

As stated above, Section V.C.1 of the Master Plan, the Property is part of the possible 26 residential dwelling units occurring in the infill and conversion category as identified as of July 2015 for additional capacity of residential units. This Property is specifically targeted as a prime conversion and infill opportunity.

3. Economic development benefits historic preservation. New Market’s Historic District is a balanced mix of residences and local-serving and regional businesses with a distinctive market niche and historic character.

As stated above under applicant’s response for 16.2.1.(b)(3), the project anticipates minimal impacts while expanding and enhancing the Town’s business base and character of the western edge of Town. The scale and design of the Property maintains the orientation of existing and proposed business fronting West Main Street with residential dwelling units facing the New Market Elementary and Middle School properties. As noted above the Town’s public facilities appears to be adequate.

4. *The natural amenities and environmental resources of the New Market region have been protected to be enjoyed by and serve generations to come.*

There are no floodplain, wetlands, streams, historic structures, or forest existing on site. Three specimen trees exist on site. Two of the three specimen trees are dying with poor to dying status.

In general, these visions address the protection of the Town's character, historic identity, economic vitality and natural beauty. Of particular interest, maintaining business uses along West Main Street, expansion of pedestrian connectivity and expanding the Town's tax base with mixed-use infill and conversion of existing structures.

The Objectives (Section III.B)

The Master Plan takes the visions outlined above and translates them into 3 objectives that include:

1. To control our destiny as a Town rather than being driven by piecemeal growth over which the Town has no control. This requires that decisions be made by the Town and not for the Town.
2. To establish New Market as a leader in environmental stewardship and community design by paying strict attention to local and regional environmental needs and actively promoting neighborhood design that reflects the rural, village-like characteristics of New Market.
3. To ensure that growth not only pays for itself, but that it also be a source of ongoing revenue for the current and future infrastructure needs of the Town.

Other policies noted in the Master Plan that apply to the Main Street TRC request include the following:

Stormwater Management (Section VII.H.1)

The Town will incorporate the core principles of Environment Site Design (ESD) into new development.

The Stormwater Management quality and quantity control will be provided per the Frederick County Stormwater Management Ordinance and the Supplement No. 1 to the 2000 Maryland Stormwater Design Manual.

Environmental Site Design (ESD) will be implemented in the proposed development of the Project to the maximum extent practicable in an effort to minimize any impacts to the natural hydrologic conditions of the Property. Various ESD planning techniques and treatment practices will be implemented in combination with structural BMP's to ensure adequate quality treatment of the Property runoff, maintain recharge, prevent downstream channel erosion, and prevent flooding or impacts to the downstream waterways as a result from runoff of larger storm events (Qp and Qf).

As with any development within the Town, the owners or developer(s) of the Subject Property will be required by the LDO to design, construct, and maintain suitable stormwater management facilities for the Project. As recommended in the Master Plan, the development plan for the Subject Property is expected to be configured using conservation design techniques. Low Impact Design and Environmental Site Design practices and techniques will be implemented throughout the proposed development to reduce increases in stormwater runoff rates, prevent increases in stream erosion, sediment

transportation, and pollution, limit disturbance to natural features, reduce impervious surfaces, and promote point-source runoff treatment. Stormwater Management Concept Plan (Exhibit G) has been approved by Frederick County Engineering Division. The Stormwater Management Development Plan will be submitted for review and approval during the improvement plan review and approval process.

Sediment control practices will be provided per the State's 2011 Maryland Standards and Specifications for Soil Erosion and Sediment Control regulations and as required by the State of Maryland Department of Environment and the Catocin and Frederick Soil Conservation Districts.

Water Resources Goals and Objectives (Section VII.I)

Goal – To maintain a safe and adequate water supply and adequate capacities for wastewater treatment to serve projected growth; to take steps to protect and restore water quality; and to meet water quality regulatory requirements in the Monocacy River Watershed

Objectives

- **Assure that existing and planned public water systems meet projected demand.**
105 West Main has a W-1 / S-1 classification with 29 fixture units for 2.9 taps. 113 West Main has a W-5 / S-1 classification. The requested reclassification application from W-5 to W-3 has been submitted to the Frederick County for review and approval. The owner has paid for 92 fixtures for 9.2 taps. Water infrastructure is located at the Project. The preliminary water plan demonstrates the existing public system will meet the projected demand of this community.
- **Assure that existing and planned public wastewater collection and treatment systems meet projected demand without exceeding their permitted capacity.**
Sewer infrastructure is located at the Project. The preliminary wastewater plan demonstrates the existing public system will meet the projected demand of this community
- **Assure that the Town's stormwater management policies reflect the most recent state requirements, and encourage Low Impact Development practices in both new development and by existing homeowners.**
The project will meet all current State and Local Stormwater Management policies and regulations.
- **Maintain land use patterns that limit adverse impacts on water quality.**
The Community design will meet the Town of New Market's environmental zoning ordinance regulations and policies.
- **Continue to focus growth to areas best suited to utilize the existing and planned water and wastewater infrastructure efficiently.**
Existing water and sewer infrastructure exist to the site.

Land Development Ordinance §16.6.3(b)4

§16.6.3(b)4 The proposed Master Plan is planned in such a manner as to minimize adverse impacts to environmentally sensitive areas and important historic or cultural features on the site.

Applicants Response to Section 16.6.3(b)(4): As stated above no existing 100 year floodplain, streams, wetlands, or forest exist on site. Three specimen trees are located along the property lines. Two of the three specimen trees are dying.

Land Development Ordinance §16.6.3(b)5

§16.6.3(b)5 The proposed Master Plan is designed to be compatible with existing development in the surrounding neighborhood and / or the proposed development contains adequate screening, landscaping and bufferyards to protect the surrounding neighborhood.

Applicants Response to Section 16.6.3(b)(45): As stated prior the design of the infill project has all structures oriented towards all the all property lines. The two business will face West Main Street with the residential dwellings facing the two school properties. Proposed deciduous trees are proposed along the external of the site.

Conclusion

The Main Street property is identified in the Master Plan as being located in the New Market core area for infill and re-adaptive use. The Property has water and sewer infrastructure to the site with 105 West Main Street with a W-1 / S-1 classification with 29 fixture units for 2.9 taps. 113 West Main Street has a W-5 / S-1 classification. The requested reclassification application from W-5 to W-3 has been submitted to the Frederick County for review and approval. The owner has paid for 92 fixtures for 9.2 taps. As shown in this application, the proposed density is consistent with the TRC zone requirements and the layout conforms to the development standards identified in the Zoning Code. Given the surrounding developments and infrastructure, utilizing the Main Street property for the construction of 27 townhouse residential units and two non-residential uses will appease Town's needs, make the most efficient use of current and proposed infrastructure, and provide a boost in tax revenue needed for additional capital improvements. For these reasons, the Applicant respectfully submits the Property as suitable and appropriate for rezoning from MRS to TRC.