



FREDERICK COUNTY PLANNING COMMISSION
January 16th, 2013

TITLE:

BJ's Restaurant-FSK Mall

FILE NUMBER:

SP 74-01, AP #12931, FRO 12934

REQUEST:

Site Plan Approval

The Applicant is requesting site plan approval for a 10,642 square foot restaurant, on a 2.001-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: 5616 Spectrum Drive; south of Lowe's Lane, within the FSK Mall parking area.

TAX MAP/PARCEL: Tax Map 77, Parcel 187, Lot 8
COMP. PLAN: Mixed Use Development
ZONING: General Commercial (GC)
PLANNING REGION: Frederick
WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: P.R. Financing, Ltd.
OWNER: P.R. Financing, Ltd.
ENGINEER: Daft, McCune & Walker, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1-Site Plan Rendering: BJ's Restaurant

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting site plan approval for a 10,642 square foot restaurant, with 6,489 square feet devoted to customer service. The Applicant is also proposing 130 parking spaces, including 5 handicapped accessible spaces (See Graphic #1). The proposed use is being reviewed as a "Restaurant" land use under the heading of *Commercial Business and Personal Services* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the General Commercial Zoning District subject to site development plan approval.

Graphic #1

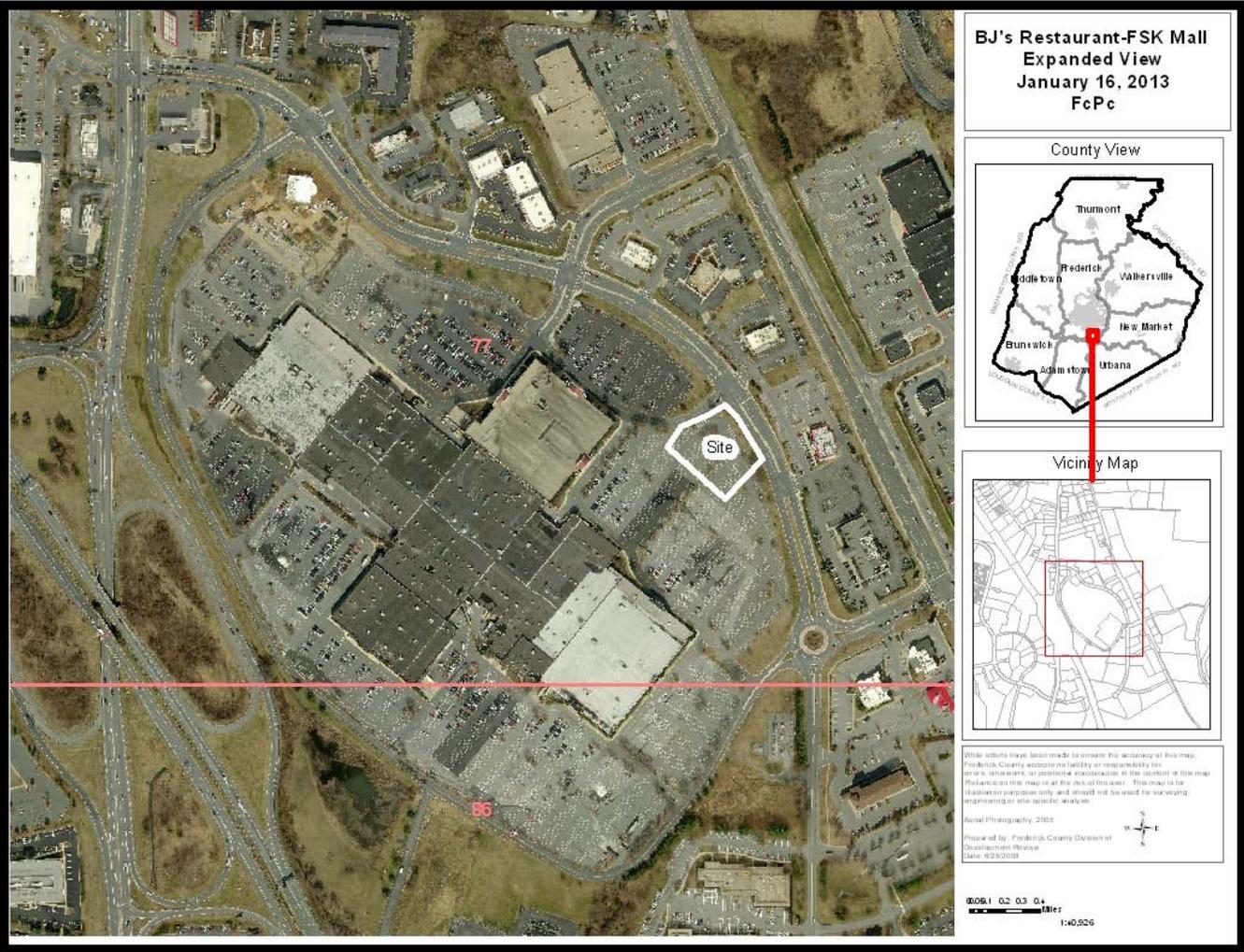


BACKGROUND

Development History

The FSK Mall was constructed in 1974; the portion of the site where the proposed restaurant will be located was originally constructed as a surface parking lot. The proposed restaurant will be located on the lot that is the subject of a Combined Preliminary/Final Plat (AP #13115) to create a 2.001 acre Lot 8, Section 5 of Harding Farm from the 50.04-acre remainder of Lot 1R (See Graphic #2). The Combined Preliminary/Final Plat (AP #13115) is also being reviewed by the Frederick County Planning Commission (FCPC) on January 16, 2013; this lot has yet to be recorded.

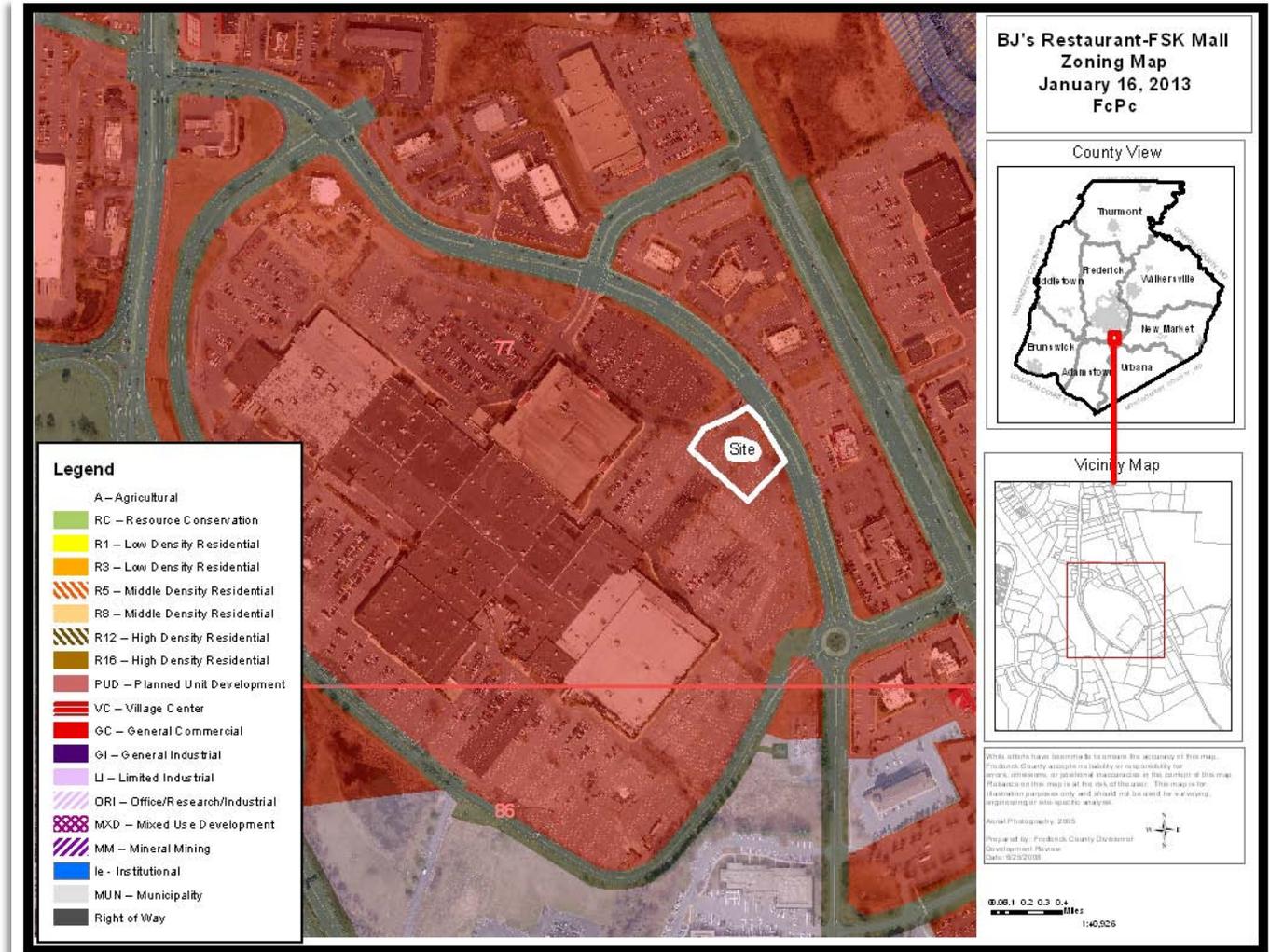
Graphic #2



Existing Site Characteristics

The site is currently zoned General Commercial (GC), and is developed as parking for FSK Mall (See Graphic #3). The property to the west of the site is developed with the FSK Mall, and 3,600 parking spaces.

Graphic #3



ANALYSIS

Summary of Development Standards Findings and Conclusions

The key issues related to this site are the following: integrated design of the buildings within the FSK Mall parking lot, pedestrian connections between the FSK Mall and the proposed restaurant, the proposed restaurant and the existing sidewalk network along the north side of Spectrum Drive, as well as retrofitting the surrounding parking lot with additional landscaped islands.

Staff and the Applicant worked on the overall design of the building in order to achieve an orderly entry into the site, with the building façade presented to Spectrum Drive and efficient circulation throughout the site. The Applicant has agreed to install a sidewalk and crosswalks from the north side of Spectrum Drive along the existing private entrance drive across landscaped islands, terminating at the existing sidewalk in front of the JC Penney Store.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

- 1. Dimensional Requirements/Bulk Standards §1-19-6.100:** Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The setback requirements for a 'commercial use' within the GC zoning district are a 25-foot front yard, a 25-foot rear yard, and 8' side yards. The maximum height allowed is 60 feet; the restaurant is proposed to be 35 feet in height. The proposed plan meets the required Bulk/Dimensional requirements.
- 2. Signage §1-19-6.300:** Signage will comply with Zoning Ordinance Section 1-19-6.300 through 1-19-6.320. Within the GC zoning district the maximum signage is calculated at $10 \sqrt{F}$, where F is the length of the side of the building facing a public street (measured in lineal feet). The Applicant is proposing a sign not to exceed 110 square feet with a maximum height of 25 feet for free standing signs, which complies with Zoning Ordinance requirements.
- 3. Landscaping §1-19-6.400:** The Applicant has proposed a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400. The proposed plan includes street trees and existing vegetation together with new plantings to be located along common property lines. The Applicant increased the amount of landscaping adjacent to the outdoor dining portion of the building as well as along the private entrance drive into the mall. The Applicant has also worked with Staff in order to retrofit numerous painted islands within the existing parking area into landscaped islands, as well as to construct new landscaped islands, in order to bring the FSK Mall parking lot closer to compliance with Section 1-19-6.400.D.1 & 2.

The Applicant has proposed the addition of 2,231 square feet of raised landscaped islands within the affected area, which is shown on sheet 4 of the Site Plan. The additional landscaped islands work to provide a substantial amount of increased green area within the existing FSK parking area as well as to break up long runs of parking spaces and help channelize parking rows and improve overall circulation routes throughout the western portion of the parking field. The addition of the landscaped islands and access improvements are reasonable improvements to the overall FSK Mall site in relation to the impact of the proposed BJ's restaurant.

Lighting §1-19-6.500: The Applicant has provided a lighting plan in accordance with Zoning Ordinance Section 1-19-6.500. The Applicant is proposing a mix of building mounted lights as well as utilizing the existing 50 foot tall poles within the FSK Mall parking lot. The lighting plan proposes six building mounted lights at a height of 12 feet. The Applicant's plan does not propose any lighting levels over 0.5 foot candles at the periphery of the property. The Applicant is requesting a modification in accordance with Zoning Ordinance Section 1-19-6.500.G which states:

(G) *The Planning Commission may modify the lighting standards within this section based on characteristics of the proposed use, photometric studies, nationally recognized standards, or other documentation as approved by the Planning Commission.*

Currently there is one 50 foot tall pole that is located within the 2.001-acre portion of the proposed Lot 8. The Applicant is proposing to utilize the existing 50 foot tall light pole in order to provide parking lot lighting for the proposed restaurant, rather than removing the existing pole and replacing it with multiple new light poles that meet the current maximum height of 18' for commercial uses. The Applicant has performed a lighting analysis which calculated the number of poles necessary based on the 18 foot tall requirement within Section 1-19-6.500 of the Zoning Ordinance. The conclusion of the lighting analysis was that if the 50 foot tall pole is removed seven or eight additional poles within Lot 8 would be required in order to achieve a safe and efficient level of parking lot lighting. Staff feels that the benefit to the overall site due to the reduction of one 50 foot tall light pole is de-minimis, and the seven or eight additional poles are not warranted based on the site improvements. Therefore, Staff supports the modification request to permit the existing 50 foot tall parking lot light pole to remain on site.

Conditions: Lighting Height modification in accordance with Zoning Ordinance Section 1-19-6.500.G, to permit the utilization of an existing 50 foot tall parking lot light pole.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

- 1. Access/Circulation:** The Applicant proposes to use the existing FSK Mall entrances off of Spectrum Drive to serve Lot 8. The entrance meets County standards for a commercial entrance. The proposed entrances meet sight distance requirements and have been approved by Development Review Engineering Staff. With the exception of the approved Lot 8 access via the existing FSK Mall entrances, road frontages along Spectrum Drive have been labeled as "Denied Access". Spectrum Drive meets the minimum 20 foot width requirement to serve major subdivisions.
- 2. Connectivity §1-19-6.220 (F):** The site's main access point is an existing private entry drive which is located off of Spectrum Drive. The intersection of the private entry and Spectrum Drive is a lighted intersection that permits a left or right onto Spectrum Drive. The Applicant will also install a sidewalk and crosswalks from the north side of Spectrum Drive along the existing private entrance drive across landscaped islands, terminating at the existing sidewalk in front of the JC Penney Store.
- 3. Public Transit:** This site is well served by County Transit: the Route-20 Francis Scott Key Mall Connector and Route 10 Mall to Mall Connector. Both bus routes drop off and pick up at the FSK Mall and Spectrum Drive, which is a short walk to and from the proposed restaurant.
- 4. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** Pursuant to §1-19-6.220 of the Zoning Ordinance, parking space requirements for a restaurant are 1 space for every 50 square feet of floor area devoted to customer service area. Therefore, the 6,489 square feet of customer floor area proposed by the Applicant, requires 130 spaces. The applicant is proposing 130 parking spaces, including 5 ADA accessible spaces.

Pursuant to §1-19-6.220 of the Zoning Ordinance, parking space requirements for shopping centers 100,000 square feet or greater, are 4.5 spaces for each 1,000 square feet of gross leasable area (GLA). The total GLA for FSK Mall is 705,692 square feet. Chart #1 below, details the parking calculations for FSK Mall prior to and after the BJ's restaurant construction as well as the remaining parking spaces after the proposed landscaped islands are built.

Chart #1

Store	Parking Spaces Provided	
	Existing Conditions	Proposed Conditions (After BJ's Restaurant)
Red Robin	73	73
BJ's	0	130
Macy's	751	751
Mall Remainder	2,849	2,601
Mall Totals +*	3,600	3,352
Parking Ratios *		
Spaces per 1,000 GFA	5.1**	4.7
* Mall Totals do not include the Red Robin and BJ's parking spaces because they are separate lots and do not have shared parking agreements with the mall		
** Existing conditions parking ratio is based on the mall gross leasable area (GLA) of 705,692 square feet		

The Macy's store and surrounding 751 parking spaces belong to a separate lot within the FSK Mall. There is a shared parking agreement between Macy's and the remaining FSK Mall. The total number of FSK mall parking spaces, including the Macy's lot, is 3,600 spaces, which is a ratio of 5.1 spaces per 1,000 GLFA. After the proposed landscaped islands are added to the FSK Mall parking lot and the BJ's lot is subdivided, the total FSK Mall parking spaces count will be 3,352 spaces, which is a ratio of 4.7 spaces per 1,000 sq ft GLFA (*This figure does NOT include the required parking for Red Robin and BJ's Restaurants because they are spate lots*).

5. **Bicycle Parking §1-19-6.220 (H):** The Zoning Ordinance requires 1 bicycle rack for each 20 auto parking spaces for commercial uses. Therefore, the Applicant is required to provide 6 bicycle racks. The Applicant is proposing 6 racks which complies with the code requirement.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant has proposed sidewalks around all sides of the proposed structure in order to provide safe and efficient pedestrian access into the restaurant from the adjacent parking areas. The Applicant will also install a sidewalk and crosswalks from the north side of Spectrum Drive along the existing private entrance drive across landscaped islands, terminating at the existing sidewalk in front of the JC Penney Store.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** The site is to be served by public water and sewer and is classified W-1, S-1. The entire site is in pressure Zone #1 with water coming from New Design WTP and Sewer flowing into the Ballenger McKinney WWTP. While the public sewer and water facilities are currently adequate to serve the Project, the Applicant acknowledges that capacity is not guaranteed until purchased.

Natural features §1-19-3.300.4 (D): Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.

Findings/Conclusions

1. **Topography:** Lot 8 is flat and an existing parking lot; the proposed plan will not significantly alter the existing topography on site other than what is to be expected during construction.
2. **Vegetation:** The Applicant is proposing a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400.
3. **Natural Hazards:** Based on available mapping, no wetlands or FEMA floodplain are located on the site.

This criterion has been met based upon the above findings and the fact that the site is an existing parking lot that will be enhanced by the landscaping as proposed by the applicant.

Common Areas §1-19-3.300.4 (E): If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.

Findings/Conclusions

1. **Proposed Common Area:** There are no common areas proposed as part of this development proposal.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: Storm water management (SWM) shall be in accordance with the 2009 Maryland Storm water Design Manual, including all revisions and all supplements. A SWM concept plan (AP #11610) was approved for this project on 3/17/2011. A SWM development plan (AP #12932) is currently under review. A final SWM plan will be provided with the Improvement Plans.

APFO – Chapter 1-20:

1. **Schools.** Schools are not impacted because the proposed development is a non-residential use.
2. **Water/Sewer.** Water and Sewer APFO was processed in conjunction with the Combined Preliminary/Final Subdivision Plat for Lot 8", Section 5 Harding Farm (AP# 13115).
3. **Roads.** Roads APFO was processed in conjunction with the Combined Preliminary/Final Subdivision Plat for Lot 8", Section 5 Harding Farm (AP# 13115).

Forest Resource – Chapter 1-21: A Forest Conservation plan (AP#12934) for this project was submitted and is currently conditionally approved. Mitigation requirements will be satisfied by the purchase of 0.30 acres of NEW forest credits OR 0.60 acres of existing forest credits. FRO mitigation must be provided prior to grading permits, building permits, or plat recordation, whichever is applied for first.

Historic Preservation – Chapter 1-23: There are no historic structures located on this site.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Conditional Approval
Development Review Planning:	Address all agency comments as the plan proceeds
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	Conditional Approval
Health Dept.	Approved
Office of Life Safety	Denied
DPDR Traffic Engineering	Conditional Approval
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan. If the Planning Commission conditionally approves the Site Plan, the Site Plan is valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report, the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Record Lot 8, Section 5 Harding Farm Final Plat and list proper Liber Folio on the BJ's Site Plan.
3. Lighting Height modification in accordance with Zoning Ordinance Section 1-19-6.500.G, to permit the utilization of an existing 50 foot tall parking lot light pole.
4. Prior to stamping of Final BJ's Site Plan the Final FSK Mall Parking Lot Modification Site Plan, must be stamped and signed.
5. A waste fixture count must be performed by the Frederick County DUSWM, Division of Engineering and Planning before a building permit can be approved.

PLANNING COMMISSION ACTION

MOTION TO APPROVE WITH CONDITIONS

I move that the Planning Commission **APPROVE** Site Plan SP 74-01d AP #12931 **with conditions** as listed in the staff report for the proposed BJ's Restaurant, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1: Site Plan Rendering of BJ's Restaurant



PLANT SCHEDULE	
1	PLANT SPECIES
2	PLANT SIZE
3	PLANT QUANTITY
4	PLANT NOTES
5	PLANT SYMBOL
6	PLANT CODE
7	PLANT NAME
8	PLANT HEIGHT
9	PLANT SPREAD
10	PLANT COLOR
11	PLANT TYPE
12	PLANT DENSITY
13	PLANT GROUP
14	PLANT SPECIES
15	PLANT SIZE
16	PLANT QUANTITY
17	PLANT NOTES
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