



FREDERICK COUNTY PLANNING COMMISSION

June 12, 2019

TITLE: Center 85 at Westview South MXD – Lots 201-203

FILE NUMBER: SP-98-36
Lot 201: AP 19326, APFO 19327, FRO 19328
Lot 202: AP 19329, APFO 19330, FRO 19331
Lot 203: AP 19332, APFO 19333, FRO 19334

REQUEST: **Site Plan (Multiple Lots)**
The Applicant is requesting Site Plan approval to construct office/warehouse buildings on Lots 201-203, on a 32.5-acre portion of the approved Westview South MXD project. This staff report presents three (3) separate applications in a single submittal packet to allow staff, the various agencies, and the Planning Commission the ability to review and comment upon a project site that will ultimately function as a coordinated unit of the MXD.

PROJECT INFORMATION:

ADDRESS or LOCATION: South side of Executive Way, between New Design Road and Buckeystown Pike (MD 85)
TAX MAP/PARCEL: Tax Map 86, Parcel 269, Lots 201-203
COMP. PLAN: Office/Research Industrial (ORI)
ZONING: Mixed Use Development (MXD)
PLANNING REGION: Adamstown
WATER/SEWER: W-3, S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: WVS Parcel 200, LLC, c/o Matan Properties, LLC
OWNER: WVS Parcel 200, LLC, c/o Matan Properties, LLC
ENGINEER: Harris Smariga Associates, Inc.

STAFF: Graham Hubbard, Principal Planner I

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

EXHIBIT 1 - Plan Renderings
EXHIBIT 2 - Lighting Modification Request

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Plan approval to construct office/warehouse buildings on Lots 201-203, on a 32.5-acre portion of the approved Westview South MXD project. This staff report presents three (3) separate applications in a single submittal packet to allow staff, the various agencies, and the Planning Commission the ability to review and comment upon a project site that will ultimately function as a coordinated unit of the MXD.

The proposed development includes the development of 456,900 sq. ft. of interior space in three buildings as follows:

- Lot 201: 116,800 sf office/warehouse (AP#19326)
- Lot 202: 64,000 sf office/warehouse (AP#19329)
- Lot 203: 276,100 sf office/warehouse (AP#19332)
- In addition to the building area noted above, the Applicant is requesting approval for mezzanine space in each building, up to 10% of the total building area in each structure. Such mezzanine space shall be utilized for storage and mechanical equipment only.

The Project is subject to the requirements of the Phase I rezoning and the Frederick County Code, specifically Section 1-19-10.500 Planned Development Districts – MXD provisions and Sections 1-19-3.300 through 1-19-3.300.4 for Site Plan approval. The site was designated for employment uses on the Phase I land use plan, but an unutilized percentage of the permitted commercial use designation is being applied to this property in accordance with the DRRA, which is further explained below. Uses proposed in this Application will contain a mix of Employment and Commercial uses commensurate with the Phase 1 rezoning for the Westview South MXD. *Employment uses* - those uses generally permitted in the ORI district such as offices, laboratory research, and limited manufacturing/assembly – are not capped in the MXD regulations in the County Code. *Commercial uses* in an MXD – those uses generally permitted in the GC district such as broadcasting studios, building contractors, and warehousing – are limited by the County Code to not more than 25% of the total land area of the MXD, exclusive of floodplain.

The MXD project is subject to a Development Rights and Responsibilities Agreement dated June 13, 2013. The DRRA allows the Applicant to revise the mix and location of Employment and Commercial uses in this plan within the maximum thresholds established in the Zoning Ordinance without the need to revise the Phase 1 (rezoning) plan. Up to 17.86 acres of Commercial use land remain available for placement in the Westview South MXD, thus resulting in a building area cap of 311,193 sf. If approved by the Planning Commission, the proposed buildings would be subject to a cross-referenced and updated 'Use Score Card' that would track the available Commercial building area remaining in the project as applications for building permits are submitted.

The Site Plan is being reviewed as "Office Business" under the use heading of *Commercial Business and Personal Services*, and "Warehouse" under the heading of *Wholesaling and Processing* per §1-19-5.310 Use Table in the Zoning Ordinance.

BACKGROUND

Development History

This project constitutes a portion of the overall Westview South MXD. The Westview South project was the subject of several previous rezonings. The Site was zoned Agricultural (A) from 1959 to 1986, at which time it was rezoned to Office/Research/Industrial (ORI). The Site is currently zoned MXD, which was applied in 1994. In 2001, a portion of the overall MXD was amended to remove the residential land use component from the approved land use mixture.

Construction on the Westview South MXD began after the 2001 rezoning, and since that time several portions of the project have been completed. The completed portions include a commercial area to the east along MD 85, portions of an employment area to the west along New Design Road, as well as major road connections. In 2013, another rezoning was approved that resulted in the reintroduction of a residential land use component, not to exceed 615 dwellings. A condition of the 2013 rezoning required public dedication of a 22.49 +/- acre public use site for park purposes prior to recordation of the Project's first residential lot. This public use site is planned to provide a portion of the Ballenger Creek Trail.

This property currently consists of three (3) recorded lots. Lot 204 (which is not proposed for development at this time) is an area of land added from an adjoining property that was zoned LI and incorporated into the MXD during the 2013 Phase I amendment process.

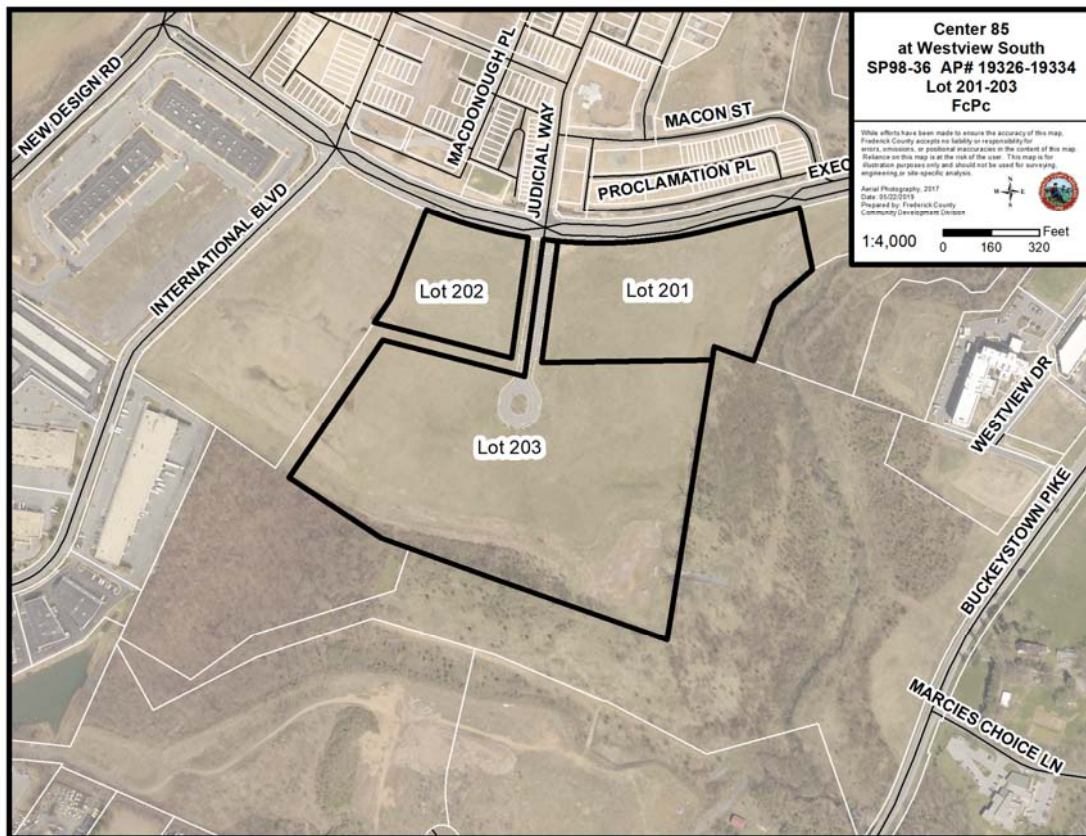
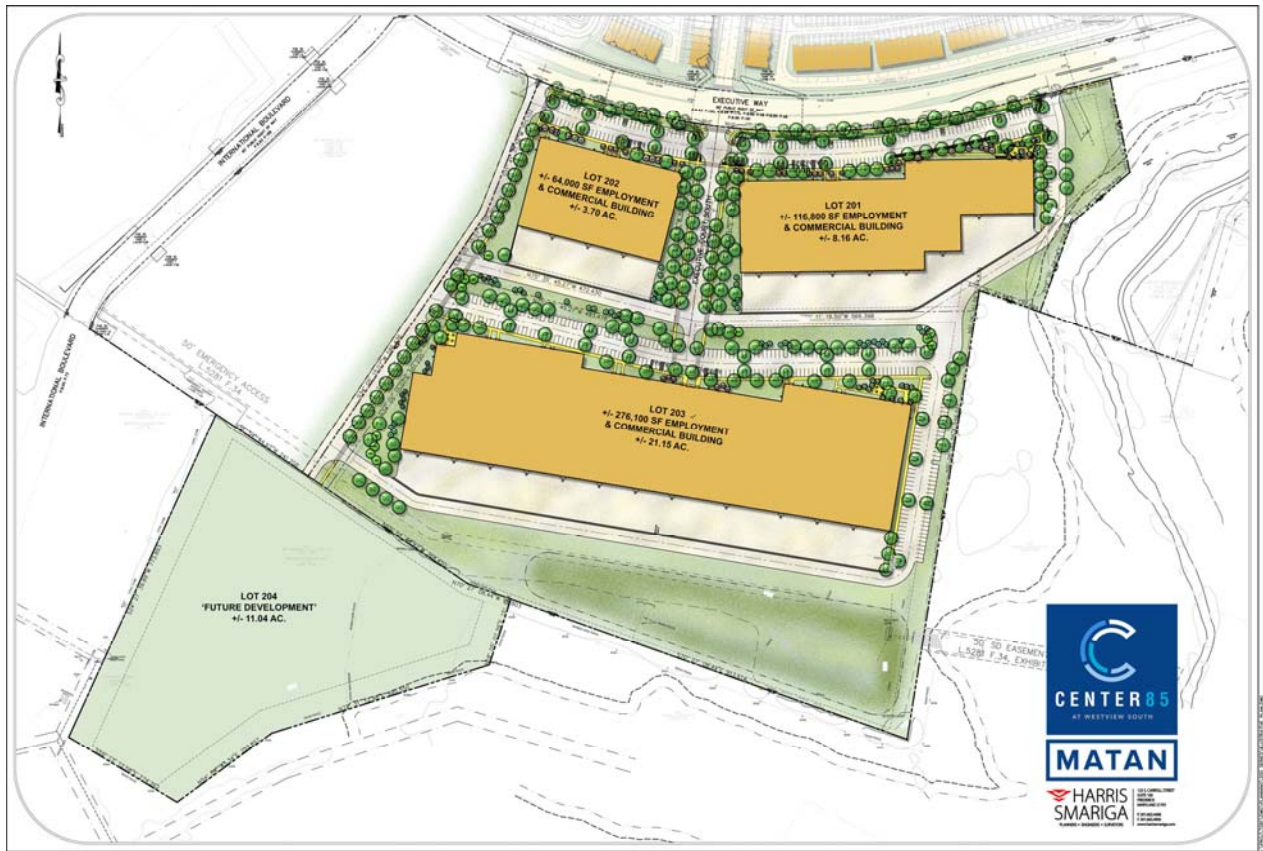
On May 9, 2018, the Preliminary Plan for Lots 201-204 and the Site Plans for Lots 201-203 were approved. These approvals set the parking targets as well as other design requirements and conditions for the development. However, these Site Plans were not afforded the usual three (3) year approval period, being limited by the term of the APFO approval. The Applicant is hereby seeking re-approval of these Site Plans due to the expiration date of 2/12/2019 having lapsed. The Preliminary Plan does not require re-approval, as the Final Plats for Lots 201-204 were recorded on August 24, 2018 at Plat Book 100, Pages 198-199.

Existing Site Characteristics

The project site is surrounded by MXD zoning to the north, east, and west. The properties to the south (including the recently approved Arcadia Business Park) are located outside of the MXD and are zoned for Limited Industrial uses. Residential uses, approved as part of the Westview South MXD (and most recently revised in 2017) are located to the north, directly across Executive Way.

Portions of the subject Site (Lots 201 & 202) have extensive frontage along Executive Way while Lots 203 and 204 possess frontage along this roadway via 50 ft. wide panhandles extending northward between Lots 201 and 202. The existing Executive Court South will be redesigned and configured to provide practical vehicular access for automobiles, vans, and small trucks, while larger trucks and tractor-trailers will utilize entrance/exit drives on the far western and eastern edges of the Site. Lot 204 will gain vehicular access via a circumferential road network including primary access via a driveway stub along the western edge of the Site.

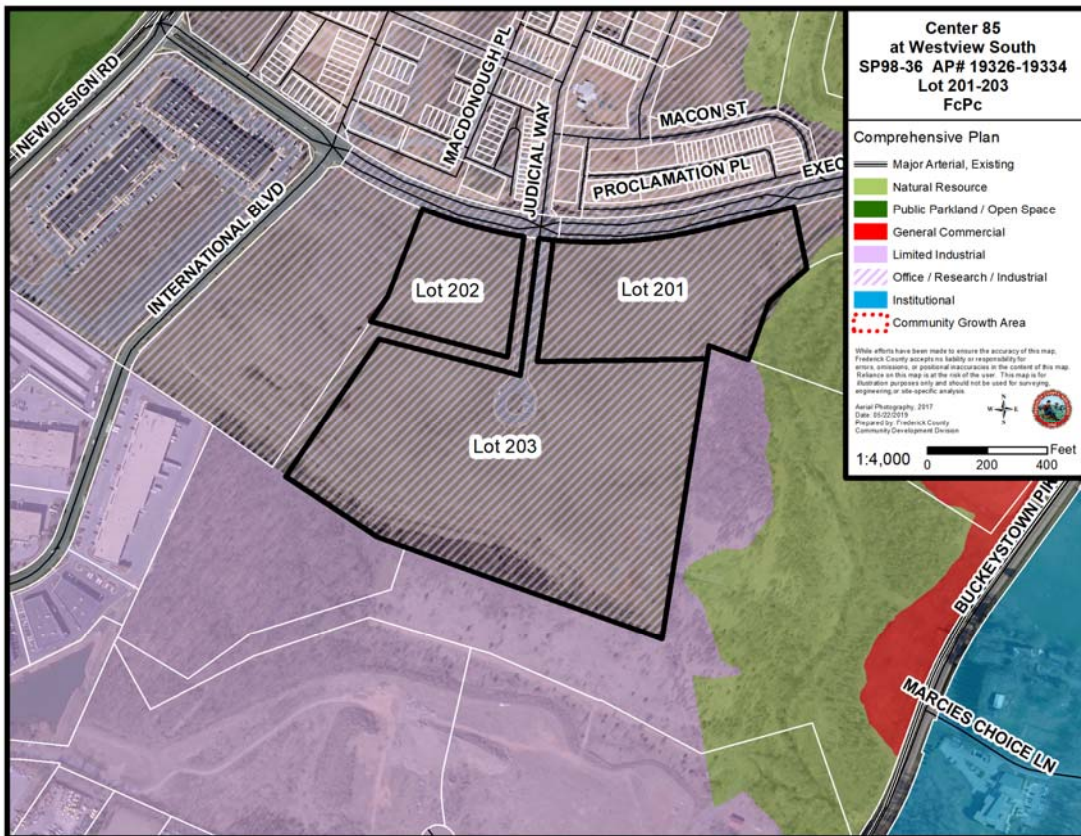
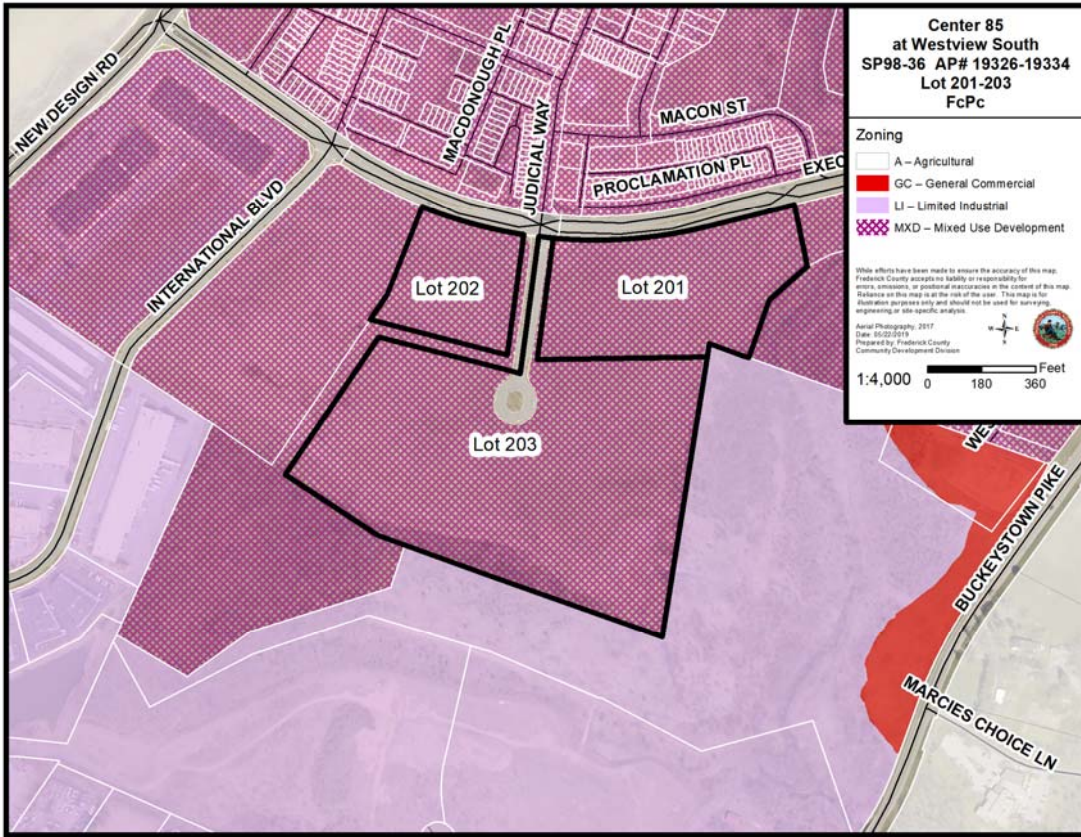
The existing site is mostly cleared of vegetation and is relatively flat varying 20 feet or less across much of its depth. The lowest point on the Site – the far southeastern corner of proposed Lot 203 - sits at a point approximately 50 below that of the Executive Way frontage. Lot 204 is currently forested.



Center 85 at Westview South, Lots 201-203 Site Plans

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ANALYSIS

Summary of Development Standards Findings and Conclusions

The proposed development of Lots 201-203 utilizes previously approved Phase 1 land uses as determined in the rezoning of the property to Mixed Use Development (MXD). While the project site was originally approved in the rezoning plan for Employment uses, the Applicant is utilizing a 17.86 acre surplus of land designated for Commercial uses in the MXD by applying previously unutilized Commercial capacity to the Subject Site under provisions set forth in the project DRRA. The proposed mix of office and warehouse uses will provide for employment opportunities within the MXD while minimizing both functional and aesthetic conflicts in the neighborhood through appropriate site and architectural design, sound traffic engineering, and the provision of enhanced landscaping, particularly along the property frontage.

Site Plan approval, including APFO review, is required for any future development of Lot 204.

The Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) outlining required public facility improvements was executed in September of 2005 with an amendment in June of 2013 in conjunction with the Westview South MXD rezoning (Case # R-00-02A). A second amendment was executed in May/June of 2014, which was required due to changes in the Project's residential use mix and the resulting increase in pupil yield. The current application does not exceed the thresholds established by the previous LOU, and therefore does not require an amended LOU.

Detailed Analysis of Findings and Conclusions

ANALYSIS OF SITE DEVELOPMENT PLAN REVIEW

Site Plan approval shall be granted if the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance are met.

SITE DEVELOPMENT

- **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.

Being primarily surrounded on three sides by non-residential development, much of the proposed use and design response reflects an effort to minimize the contrast between the medium density residential uses to the north and the proposed employment and commercial uses on this Site. An adequate landscaped buffer – and a narrow but important double row of parking spaces along the Executive Way frontage – do much of the heavy lifting in addressing how the MXD components relate to each other. The architectural treatment of the proposed buildings is critical to presenting a less imposing building face to future residents in the MXD. The Applicant has accomplished this through three strategies:

- Maintaining an overall building height of 38 feet, approximating that of many townhouses and small garden apartments;
- Breaking up the horizontal massing of the buildings through the use of vertical elements which have the effect of keeping the eye from focusing on the significant length of the structures. Each building segment becomes something akin to an individual attached

- commercial building or row house;
- Maintaining human-scaled entrance portals and significant fenestration at the street (pedestrian) level.

- **Signage §1-19-6.320**

The Zoning Ordinance allows for the following signage allotments:

Lot 201: 253 sf (for 640 ft. of building frontage)

Lot 202: 178 sf (for 318 ft. of building frontage)

Lot 203: 322 sf (for 1,040 ft. of building frontage)

Maximum height is 25' and setback 12.5' from front property lines.

Illustrative signage details are provided on the last sheet of each plan set.

- **Landscaping §1-19-6.400**

The Zoning Ordinance requires landscaping, screening and buffering on a development site as part of the site plan review process.

Street Trees - Street trees, of an appropriate variety, are provided in excess of the required number. Several trees have already been planted and established along the Executive Way frontage. For the internal circulation roads within the development, the Applicant has provided a significant number of larger deciduous trees that will provide a continuation of the pattern established along the public roadway frontage.

Street Trees required: 33 Street Trees provided: 33

Parking Lot Landscaping – Landscaping within and surrounding the parking areas on Lots 201-203 is proposed to exceed the minimum requirements of the Zoning Ordinance. Significant screening and buffering is provided throughout the Site, and tree canopy cover is provided in excess of the minimum 20% required by the County Code.

Lighting - A photometric plan has been provided that includes light fixtures that exceed the maximum height requirement, as measured from the ground surface to the midpoint of the source of illumination. Architecturally-mounted wall lights will be provided as well, however these fixtures appear to provide for required safety illumination. Per Section 1-19-6.500(B)(1) of the Zoning Ordinance, lighting fixtures in the MXD “...in pedestrian oriented developments including pedestrian components in...Mixed Use Development...” cannot exceed 14' in height. On May 9, 2018, the Planning Commission approved a condition (Condition #5) that light fixture heights not exceed 18' along the frontages of Lots 201 and 202. Given the mix of employment and commercial uses proposed for the Site, and the proximity of this development to the residential section located on the north side of Executive Way, staff recommends that the Planning Commission modify the light fixture heights to no more than 18' along the frontages of Lots 201 and 202 (per Section 1-19-6.500(G)), and no more than 24' throughout the remainder of the site. Staff recommends approval of the lighting modification to allow for some illumination in excess of 0.5 foot candles to cross property lines within the development for the purpose of providing additional lighting along drive aisles and internal circulation roads.

TRANSPORTATION AND PARKING

- **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.

The “Center 85 at Westview South” project includes multiple access points onto Executive Way, a designated local (4 lane divided) street that functions more like a collector road. Truck circulation throughout the site is facilitated by segregated access drives on the eastern and western edges of the property. Executive Court South will serve as a primary access road into the development and will provide small vehicle access to each of the four proposed lots, though Lot 204 will rely on a separate access easement as mentioned previously. In practical terms, Executive Court South will be the primary access road for all four lots. This project’s overall design of its proposed road network will link into the existing road network and will generally promote safe and efficient circulation.

The #10 Mall to Mall Connector services the site with daily service Monday through Saturday. The Connector runs on Executive Way and Westview Drive, immediately east of the site. Access with the Ballenger Creek Trail may be obtained across Executive Way.

Parking standards for the project are provided within Zoning Ordinance §1-19-6.220 and §1-19-3.300.4(B). The Applicant has provided a parking justification chart on Sheet SP-1 which compares the parking demand of similar developments against the required parking allocation of 1 space per 1,000 sf of employment space. Parking required for commercial uses varies by use and would not be covered by the 1 per 1,000 calculation.

Parking Spaces Required: 457
Parking Spaces Provided: 493

Loading Spaces (large) Required: 47
Loading Spaces (large) Provided: 47

Bicycle Parking Spaces Required: 12
Bicycle Parking Spaces Provided: 14

On May 9, 2018, the Planning Commission approved the cumulative parking and loading targets. A shared parking agreement will provide for shared access for users of the three buildings proposed. All parking, bicycle parking, and loading spaces meet County requirements regarding dimensions, location, design, and distribution.

PUBLIC FACILITIES AND UTILITIES

- **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.

The Project is to be served by public water and sewer service and carries a current Water and Sewerage Plan classification of W-3, S-3. The Site will be served by the New Design Water

System and the Ballenger-McKinney Wastewater Treatment Plant.

A second amended and restated Adequate Public Facilities Ordinance Letter of Understanding (LOU) was approved in May of 2014.

NATURAL FEATURES

- **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.

The Project Site has low topographical gradients and has undergone some mass grading in preparation for development. The Site has little existing forest cover (other than Lot 204) and other existing natural resources within the larger MXD have been identified, preserved, or integrated into off-site recreational amenities in a fashion that maintains a natural state.

COMMON AREAS

- **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.

No common areas are required by or provided in this Application.

Other Applicable Regulations

- **Stormwater Management – Chapter 1-15.2**

Stormwater management for this development is provided via a regional facility. (Approved July 2012 a part of AP#12688). Some additional newly designed and constructed ESD's are proposed on this site to accommodate stormwater quality requirements.

- **APFO – Chapter 1-20**

This development met the requirements of APFO at preliminary plat and does not exceed the trip generation intensity assumptions. While the Letter of Understanding covering this site has now expired, these lots (201-203) were platted prior to expiration and are now vested for APFO. Therefore it is exempt from APFO testing at site plan. (§1-20-7(E)).

- **Forest Resource – Chapter 1-21:**

The FRO plan for the overall Westview South MXD was approved in 2008 (AP 7278) and the mitigation requirements were satisfied through a combination of recorded FRO easements and fee-in-lieu payments.

- **Historic Preservation – Chapter 1-23:**

No historically significant structures or other resources are present on this Site.

Summary of Agency Approval Status

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE)	Conditionally Approved
Development Review Planning	Conditionally Approved

Other Agency or Ordinance Requirements	Comment
Division of Utilities and Solid Waste Management (DUSWM)	Approved
Health Department	Approved
Office of Life Safety	Approved
Development Review Traffic Engineering	Approved
Forest Resource (FRO)	Approved
Historic Preservation	Not Applicable

RECOMMENDATION

Staff has no objection to conditional approval of the three (3) “Center 85 at Westview South” Site Plans to develop 456,900 sf of gross floor area in three (3) structures for office and warehouse uses on Lots 201-203. If the Planning Commission conditionally approves the Site Plans, they will be 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 applications meet or will meet all applicable Zoning, APFO, and FRO requirements. Should the Planning Commission grant approval of these applications (AP 19326, 19329, 19332), Staff recommends that the following items be added as conditions to the approval:

Planning Commission approval of the following modification requests from the Applicant:

1. Planning Commission approval of the lighting modification to allow some illumination in excess of 0.5 foot candles to cross property lines within the development for the purpose of providing additional lighting along drive aisles and internal circulation roads.
2. Light fixture height of 18’ along the front of Lots 201 and 202 and 24’ elsewhere on the site, which is greater than the 14’ height prescribed in Section 1-19-6.500(B)(1) of the Zoning Ordinance.

Staff-proposed conditions of approval:

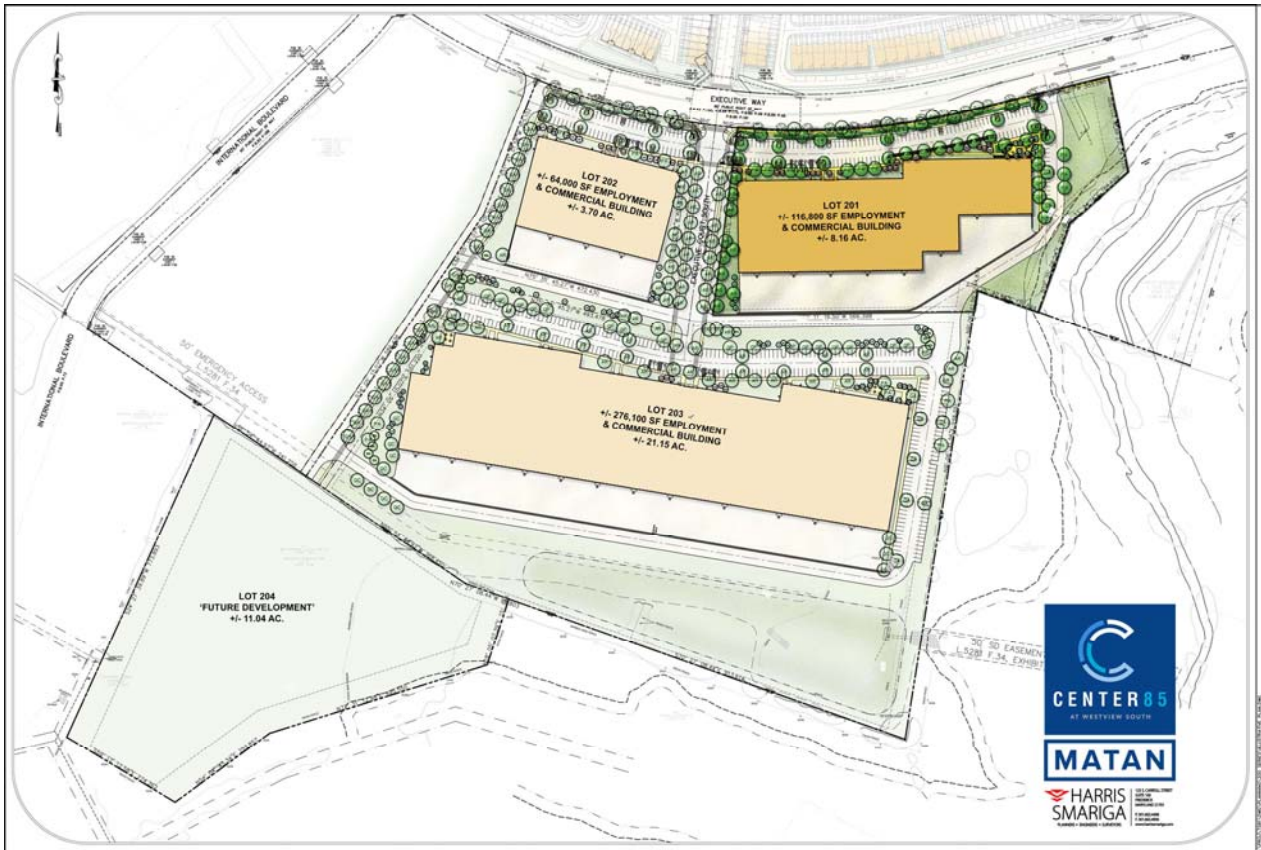
1. The Applicant shall comply with all Staff and agency comments through the completion of the three (3) Site Plans.

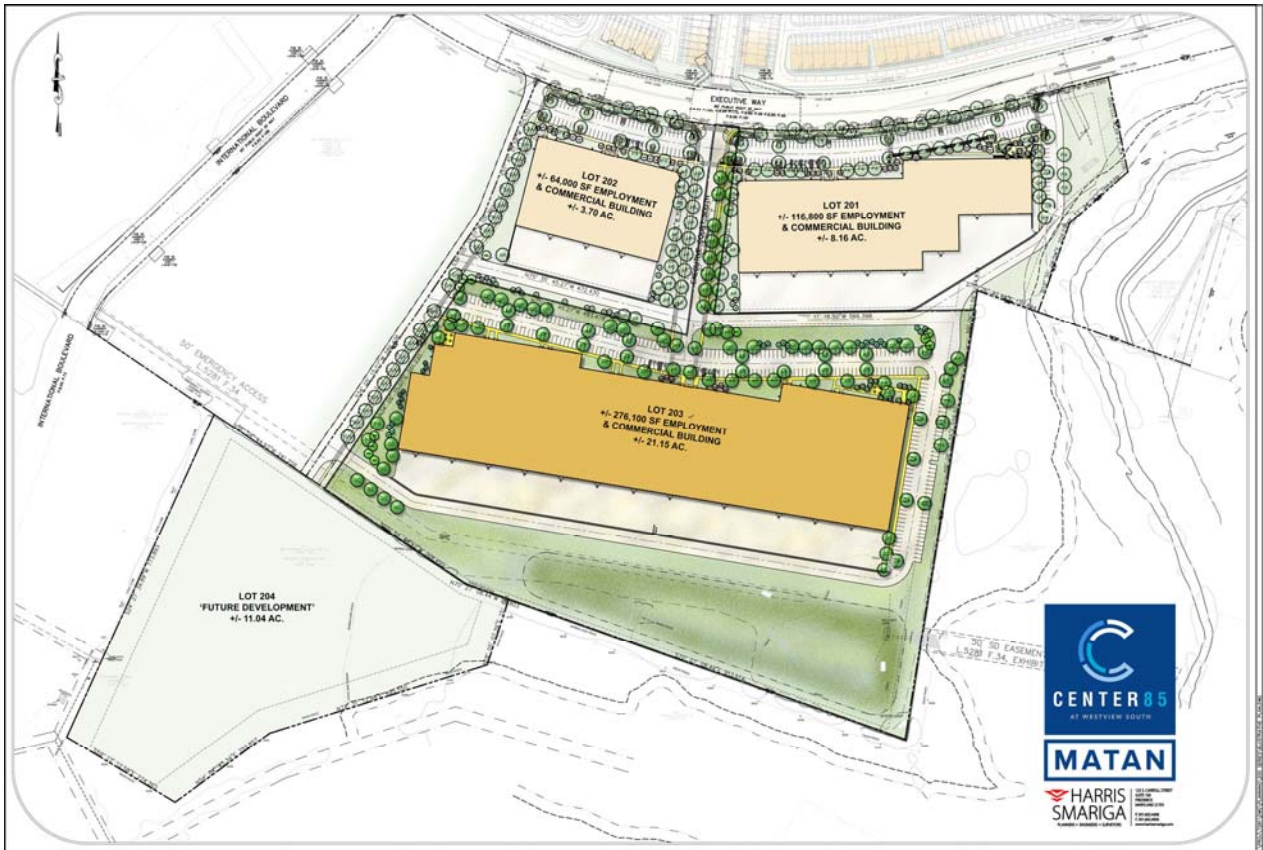
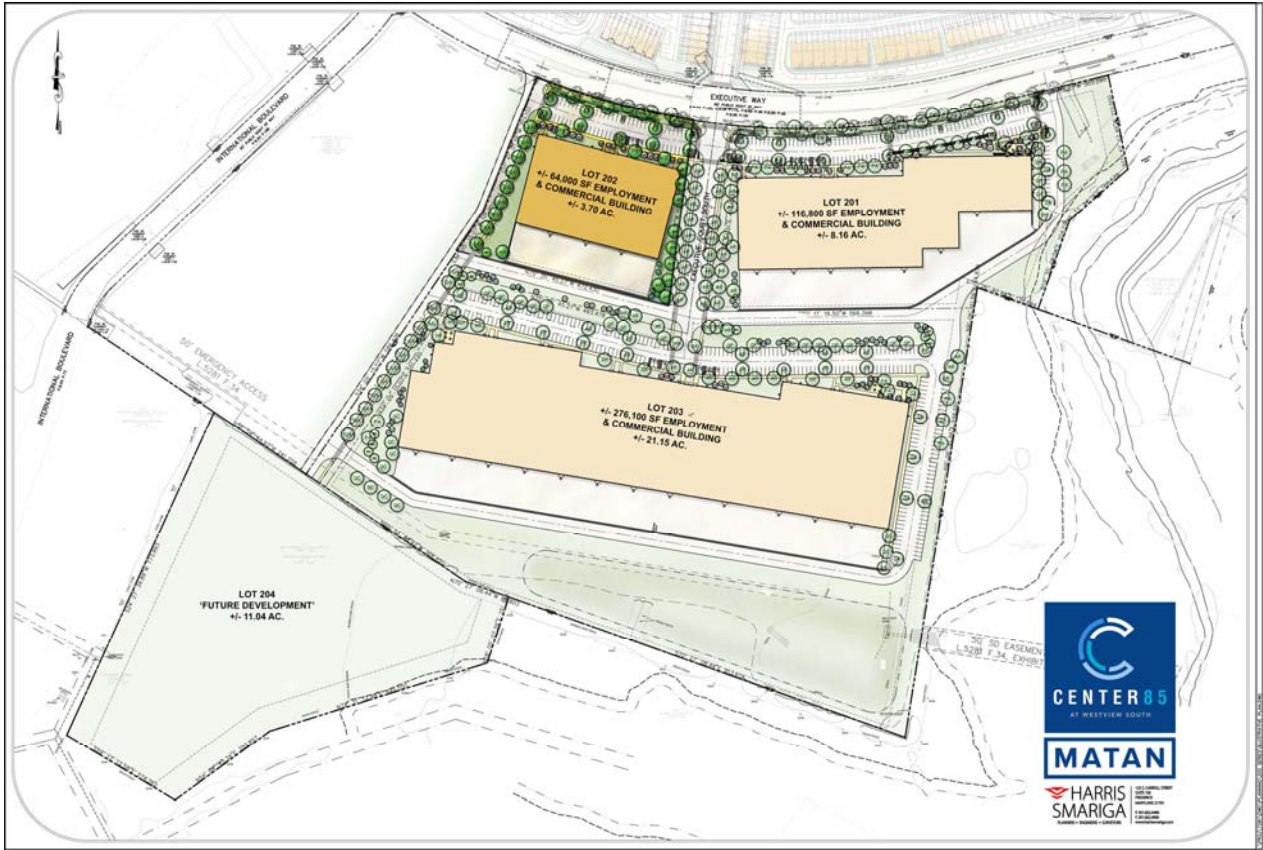
PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** the three (3) “Center 85 at Westview South” Site Plans (AP 19326, 19329, 19332) to develop 456,900 sf of gross floor area in three (3) structures for office and warehouse uses on Lots 201-203. The approval is made **with conditions and modifications** as listed and is based on the findings and conclusions of the staff report, the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit 1: Plan Renderings





Center 85 at Westview South, Lots 201-203 Site Plans

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Exhibit 2: Lighting Modification Request



May 29th, 2019

Graham Hubbard
Frederick County Development Review
30 N. Market Street
Frederick, MD 21701

Re: Lighting at Property Line & Lighting Pole Height Modification – Westview South Lot 201, 202, & 203

Project Numbers:
AP#19326 (Lot 201),
AP#19329 (Lot 202), &
AP#19332 (Lot 203)
HSA Job No. 7281-200SR

Dear Graham:

We are requesting a modification for lighting at Property Lines and a modification for Lighting Pole Heights. The modifications are as follows:

1. Lighting shall not exceed .50 foot-candles as measured from the property line – Section 1-19-6.500(D)
The ordinance states that lighting shall not exceed .50 foot-candles as measured from the property line.

In the case of this project, we are proposing that light spillage along the property lines, particularly with respect between adjacent lots 201, 202, & 203 be permitted. It is a necessary function of the overall design intent to create a cohesive pedestrian friendly environment between these uses. All four lots share vehicular drives, and pedestrian connections, therefore making light spillage a necessary factor in the safe design of these parcels.

2. Pole and building mounted lighting shall not exceed a maximum height of: - Section 1-19-6.500(B)(1)
The ordinance states that pole and building mounted lighting shall not exceed a maximum height of (1) 14 feet in pedestrian oriented developments including pedestrian components in Planned Unit Development (PUD), Mixed Use Development (MXD), Office Research/Industrial (ORI), and Planned Industrial/Commercial development.

In the case of this project, which was previously approved under AP#s: 18266, 18144, 18269, & 18272 in July of 2018, as a condition of approval, the plan was previously approved w/ light fixture heights of no more than 18 feet along the frontages of Lots 201 and 202, w/ 24' heights approved elsewhere in the project. This was approved, however, without the formal application of a modification to the standards. This plan does not alter the previous plan, and the applicant is requesting this previously established modification be honored w/ 18' poles proposed along Executive Way, and 24' poles proposed elsewhere on the project.

We look forward to discussing this with the Planning Commission at the hearing.

Sincerely,

Judy Walker

DesignerCC: Craig Rudy, Brian Morris, Karl Morris

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