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**FREDERICK COUNTY PLANNING COMMISSION**  
**August 12, 2020**

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**TITLE:** Royal Farms Store #357

**FILE NUMBER:** SP-05-15A, AP#18803, APFO 18804,  
FRO 18805

**REQUEST:** Site Development Plan Approval

The Applicant is requesting Site Plan approval to construct a new 5,154 SF Royal Farms convenience store with 16 fueling stations and an accessory carwash on a 2.8 acre lot.

**PROJECT INFORMATION:**

ADDRESS/LOCATION: 6730 English Muffin Way  
TAX MAP/PARCEL: Tax Map 86, Parcel p/o 1  
COMP. PLAN: Limited Industrial (LI)  
ZONING: Mixed Use Development (MXD)  
PLANNING REGION: Frederick  
WATER/SEWER: W-3/S-3

**APPLICANT/REPRESENTATIVES:**

APPLICANT: Royal Farms  
OWNER: Wellington III LLC  
ENGINEER: Harris, Smariga

**STAFF:** Jerry Muir, Principal Planner I

**RECOMMENDATION:**

Conditional Approval

**ATTACHMENTS:**

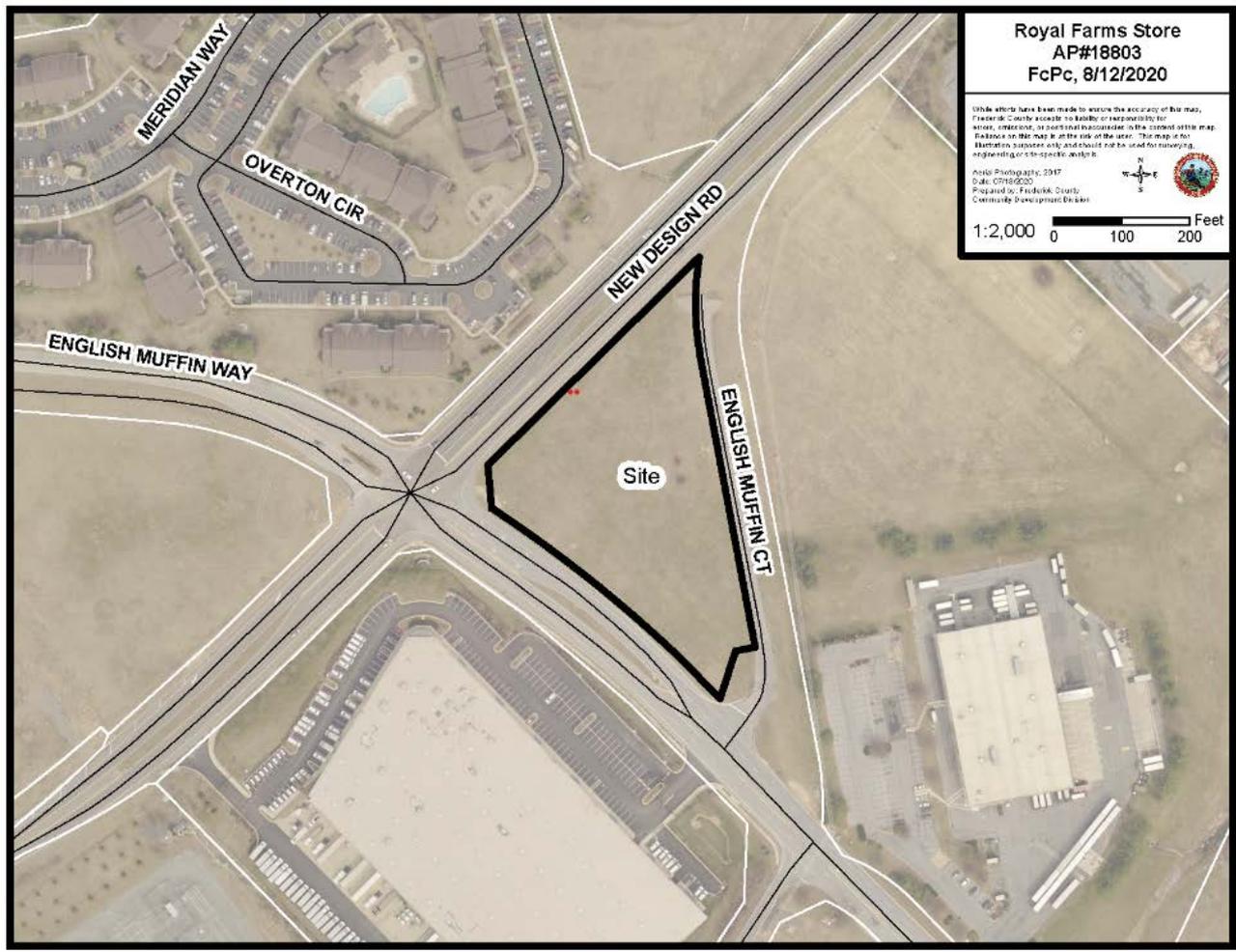
Exhibit 1 – Rendered Site Plan  
Exhibit 2 – Modification Letter  
Exhibit 3 – Elevations  
Exhibit 4 – Letter of Understanding (LOU)

## STAFF REPORT

### ISSUE

The Applicant is requesting Site Plan approval to build a new 5,154 SF convenience store with 16 fueling stations and an accessory carwash on 2.82 acres on a commercial lot that is part of the Wellington MXD. The proposed uses are being reviewed as a convenience store and gas station which is a permitted use in the commercial sections of MXDs subject to site development plan approval.

**Figure 1: Site Vicinity Map – Aerial Image**



### BACKGROUND

**Development History:** The Site was originally subdivided as part of the Wellington PUD development but has never been proposed for development. The Site is a mixed use development (MXD) overlay of an LI Limited Industrial zone. The MXD commercial use designation was approved by Frederick County per Ordinance 02-17-002

**Existing Site Characteristics:** The Site is currently a largely open field.

**Surrounding Land Uses:** The Site is surrounded by a mix of existing residential uses across New Design Road and light industrial uses.

## ANALYSIS

### **Summary of Development Standards Findings and Conclusions**

The site plan meets all dimensional and bulk standards, parking, lighting, and landscape requirements; the Applicant has requested modifications discussed later in this report.

### **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 as well as 1-19-10.500 Planned Development Districts.

**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:** Per 1-19-10.500.7(F)(2), setbacks and height shall be established by the Planning Commission consistent with the general development standards as provided in 1-19-10.500.9 reflecting the location of the project within the County with consideration of existing development pattern surrounding the proposed development. The adjoining properties are zoned and developed as Light Industrial.

2.

The required setbacks for automobile services in the LI and the proposed setbacks for the proposed facility are as follows:

	<u>Required in LI</u>	<u>Proposed</u>
Minimum Lot Area	20,000	2.82 acres
Minimum Lot Width	100'	437+'EnglishMuffinLane
Front Yard	20'	164' to canopy 20' to store
Side Yard	equal to height	NA 3 frontages
Rear Yard	20'	NA-corner lot
Max Building Height	60'	<38'

3. **Signage §1-19-6.300:** Per the Zoning Ordinance the maximum signage allowed for business identification in the zoning district is calculated based upon the following formula:

10 x the square root of the building frontage. The plan shows a total of 201' of frontage on both New Design Road and English Muffin Lane (although the lot has three frontages by Ordinance definition only two count for signage). In this case that works out to 142.06 SF

permitted. It was determined the accessory carwash is also eligible for signage and using the same calculation works out to 86.66', for a total sign pool of 228.72 SF of signage allowed. The Applicant proposes two free standing signs, one on New Design Road and one on English Muffin Way totaling 64 SF. Additional signage on the building and the canopy total of 163.15 SF which brings the overall total to 227.15 SF. The free standing signs are allowed a maximum height of 25' and a minimum setback of 12.5 feet. Applicant proposes a height of 25' and a setback of 12.5', which are in compliance with the Zoning Ordinance. Per the Ordinance, gas pricing signage is not included in the signage total.

#### **4. Landscaping & Screening §1-19-6.400**

The proposed on-site landscaping is in conformance with the zoning requirements. The planting area is adequate and in conformance with the Zoning Ordinance, consisting largely of native species. Parking area canopy coverage of 20% is in conformance with the Zoning Ordinance.

A total of 43 street trees are required for the three frontages and 43 have been provided.

- 4. Lighting §1-19-6.500:** The Applicant proposes to light the Site with a combination of building and canopy mounted lights (16 feet in height) and pole lights (18' in height). The canopy and building mounted lights are in conformance with the Code. **The Applicant has requested a modification to allow the 18' pole height rather than the 14' height limitation of an MXD lot.** There are also areas of light spillage shown on the photometric plan along New Design Road and English Muffin Lane. Two of the three areas of light spillage are at the two proposed entrances, and spillage at entrances have been approved by the Planning Commission on other sites. **A modification request to the Planning Commission has been submitted by the Applicant for this excess illumination.**

***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 & Pedestrian Circulation and Safety §1-19-6.220 (G):** There is currently an application for an open/close/alter procedure to allow the current English Muffin Court to be open to traffic from New Design Road. This application includes widening the intersection at the proposed English Muffin Lane (Court) and alterations to the existing New Design median and striping to allow lefts into the Site. Approval of the open/close/alter petition must be obtained prior to final approval of the site plan. A plat dedicating the additional right of way will also need to be recorded prior to final site plan approval.

Pedestrian access will be facilitated by the construction of new sidewalk along New Design Road and English Muffin Way along the site frontage that is well integrated into the site.

**Connectivity §1-19-6.220 (F):** The plan provides interconnectivity with the surrounding area in a controlled, safe manner.

**Public Transit:** The Site has close proximity to the TransIT Route #85 corridor, which includes stops on Governors Way and Executive Way.

- 3. Vehicle Parking §1-19-6.220:** Parking standards are established for Commercial Uses in the Zoning Ordinance with the requirements as follows:

Parking spaces required: 1 space per 300 SF of store floor area. This would require 18 parking spaces to be provided for this building's 5,154 SF. The Applicant believes this number is far too low for this type of use and has requested that 59 parking spaces be approved for this site plan. **A modification request for Planning Commission approval of the additional 41 spaces has been included in this submittal. Staff has no objection to the modification.**

**The applicant also requests a modification to allow wider drive aisles than the 24' allowed by the Ordinance.** Aisles in the vicinity of the gas pump island range from 44' to 51' wide.

The proposed 59 spaces will require three handicapped spaces and three are provided

- 4. Loading §1-19-6.210.B:** One 12 X 50 loading space is required and one is provided in the vicinity of the fuel tanks. One additional small loading space is also provided.
- 5. Bicycle Parking §1-19-6.220 (H):** In accordance with Z.O. § 1-19-6.220, one bike rack is required for every 20 spaces and three are provided per code.

### **Section 1-19-10.500.9 Development Standards within the Planned Development Districts.**

#### **A. Site and building design.**

The Site is well integrated into the surrounding transit system, allowing access to vehicles, bicycles and pedestrians. The building has been located to the front(s) of the lot, allowing safe access to the Site and placing parking and gas canopy to the side and rear of the main structure. Fencing has been added to both New Design and English Muffin Way to further direct safe pedestrian access to the site Architectural elevations have been provided showing the building has accounted for their somewhat unique all frontage location.

The primary pedestrian entrance is separate from internal traffic; located at the corner of New Design Road and English Muffin Way. The opening of English Muffin Lane will provide entrances to the Site away from the main traffic flow. Public transit does not have a stop in the immediate area but is nearby on Governors Way.

#### **B. Natural Features**

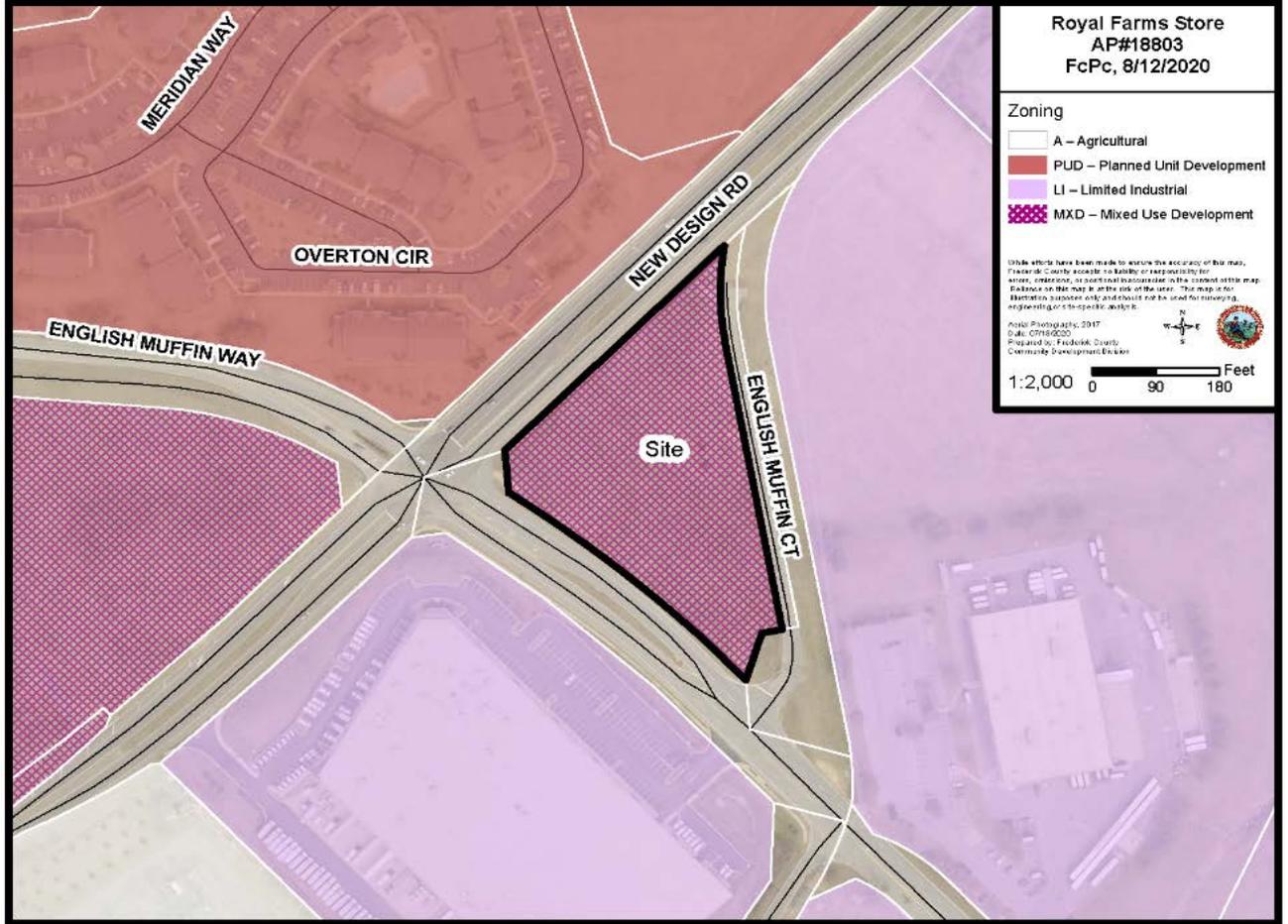
There are no natural features of note on this Site.

#### **C. Public facilities and utilities**

The Site is well integrated into the area's water and sewer, utilities, and transportation systems.

#### **D. Modifications**

The requested modifications are all permissible under Article VI: District Regulations



**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/Frederick County Health Department.

**Findings/Conclusions**

1. **Public Water and Sewer:** The Site is classified as W-1, S-1 with existing service for public water and sewer immediately adjacent to the lot.

**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:** The Site is slightly sloped.
2. **Vegetation:** No vegetation of note currently exists on-site
3. **Sensitive Resources:** No constrained soils, floodplains, or wetlands are present on the

Site.

4. **Natural Hazards:** No FEMA floodplain is identified on the Site.

### **Other Applicable Regulations**

**Stormwater Management – Chapter 1-15.2:** A Concept Stormwater Plan has been submitted and is conditionally approved for this Application.

### **APFO – Chapter 1-20:**

Roads Improvements: This development generates 470 am and 385 pm weekday peak hour trips. A Traffic Impact Analysis dated June 25, 2018 and revised most recently on February 28, 2020 was submitted for review and approval based on the requirements in section 1-20-31. The TIA found that all study area intersections met level of service standards, but staff determined from the information provided that there were marginal operational improvements needed along English Muffin Way. In accordance with Section 1-20-31, the following improvements must be guaranteed prior to the issuance of a building permit and completed prior to a Certificate of Occupancy (CoO):

1. Reconstruct English Muffin Way to restripe the westbound lane at New Design Road to allow left, through and through/right movements and adjust the signal. Also, lengthen the eastbound turn lane at English Muffin Lane.
2. Construct a sidewalk along the east side of New Design Road northward to the terminus of the existing sidewalk at Robin Drive.

In accordance with Section 1-20-12(H) of the APFO, the applicant is required to pay its proportionate contribution toward existing road escrow accounts equaling \$11,380. A Letter of Understanding documenting this requirement is attached.

Schools: This project is non-residential and not subject to testing.

Water & Sewer: This Project is classified as W-3/S-3. While the public sewer and water facilities are currently adequate to serve the Project, the Developer recognizes that capacity is not guaranteed until purchased.

**Forest Resource – Chapter 1-21:** The applicant has submitted an exemption from the Forest Resource Ordinance (FRO) because this property was previously mitigated in 2006 under AP 4940 via the purchase of 1.18 acres of existing forest banking credits.

### **Summary of Agency Comments**

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Public Works Development Review (PWDR):</i></b>	Approval
<b><i>Development Review Planning:</i></b>	Approval
<b><i>DUSWM:</i></b>	Approval

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Street Name Review</i></b>	Approved
<b><i>Health Dept.</i></b>	Approved
<b><i>Office of Life Safety</i></b>	Approval
<b><i>Traffic Engineering</i></b>	Approved
<b><i>APFO</i></b>	Approval
<b><i>FRO</i></b>	Approval

## **Recommendation**

Staff has no objection to conditional approval of this site development plan. If the Planning Commission conditionally approves the site development plan, the plan and the associated APFO approvals are valid for a period of three (3) years from the date of Planning Commission approval (valid through August 12, 2023).

Based upon the findings, conclusions, and modifications as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning and FRO requirements once the following modifications are granted and conditions met:

### **Modifications requested by the Applicant for approval:**

Section 1-19-6.220A: Applicant request for a modification to allow the number of parking spaces to be increased from the required 18 to a total of 59.

Section 1-19-6.220(B(2)): Applicant request for a modification to allow drive aisles wider than 24'.

Section 1-19-6.500D: Applicant request for a modification to be allowed to exceed the .5 foot candles of lighting at the property line in the areas of spillage onto public right of ways.

Section 1-19-5.500B: Applicant request for a modification to allow 18' pole heights for an MXD zoned lot.

### **Staff-proposed conditions of approval:**

1. Address all agency comments as the plan proceeds through to completion.
2. Complete the open/close/alter procedure and record the final plat prior to final approval of the site plan.

## **PLANNING COMMISSION ACTION MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** SP-05-15A (AP #18803, FRO 18804, FRO 18805), based upon the modifications and conditions as listed in the staff recommendations for the proposed Royal Farms Store #357, as based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

# EXHIBIT 1 Rendered Site Plan



# EXHIBIT 2

## Modification Letter



July 2nd, 2020

Jerry Muir  
Department of Development Review  
Division of Planning and Permitting  
30 North Market Street  
Frederick, MD 21701

Re: Royal Farms Store #357

Dear Commission Members,

As permitted by the Zoning Ordinance, on behalf of our client, we would like to request the following modifications for the Proposed Royal Farms store #357 Site Plan:

1. Light Pole Height

A modification to Section 1-19-6.500(B)(1) to allow pole lights with a height of 18' allowed for commercial uses as opposed to the 14' permitted by code for mixed use development.

While our property has a Mixed Use Development Zoning its proposed use will be commercial. In addition our site is surrounded by Limited Industrial zoning to the North, East and South, development in these surrounding areas would be permitted to use lights that are 18'-24' in height based on their use not their zoning. As the site is completely surrounded by public right-of-way the additional light height would not create glare onto adjacent properties. Use of an 18' light height on this site will provide a gradual transition of light heights from these industrial uses to the residential uses west of New Design Road. The additional light height would permit our client to adequately light the site for safety of customers visiting in the evening and nighttime hours, would reduce vertical clutter and reduce energy usage of the site.

2. Light Trespass over Property Line

A modification to Section 1-19-6.500(D) to allow lighting to exceed .50 foot-candles as measured from the property line.

While there are a few areas onsite where lighting exceeds .50-footcandles at the property line (South Driveway Entrance, North Driveway Entrance & at the Proposed Site Sign along New Design Road) they quickly return back to under .50 foot-candles. The lighting would provide extra-illumination at proposed entrances to the site to ensure safety during night-time hours. The light spillage at the property-line near the proposed sign quickly falls under .50 foot-candles and would not cause distraction to drivers along New Design Road.

C:\Users\izeller\Desktop\Royal Farms Modification Letter.docx



**3. Parking Space Modification**

A modification to Section 1-19-6.220 to allow an additional 41 parking spaces above the 18 required by code for a total of 59 parking spaces.

Royal Farms currently has 219 stores across Maryland, Delaware, Virginia, Pennsylvania and New Jersey. In their past experience they have been able to determine that with their fuel sales, convenience store and kitchen that they will need the amount of spaces proposed on the plan. The additional parking would ensure that patrons of Royal Farms would have adequate space to park so as to not create traffic issues onsite.

**4. Increase Drive Aisle Widths**

Increase the drive aisle widths stated in Section 1-19-6.220(B)(2).

We request the Planning Commission to grant a modification to allow larger drive-aisle widths to meet the standard Royal Farms design and circulation requirements. This will be a high-traffic area with a large amount of vehicle turnover and will require fuel trucks to navigate around the site. In order to avoid vehicular conflicts and enhance safety of patrons for the site we request the Planning Commission to grant this modification.

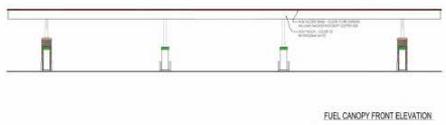
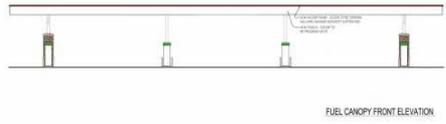
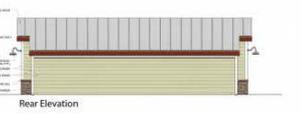
Thank you for your consideration.

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Sincerely,

Luke Zeller  
Designer

# Architectural Elevations



ELEVATIONS BY:  
**RATCLIFFE**  
 ARCHITECTURAL FIRM  
 1001 Westwood Blvd. - Westwood, Maryland 21158  
 410.426.1100

<p><b>HARRIS SMARIGA</b>          ARCHITECTURAL FIRM          1001 Westwood Blvd. - Westwood, Maryland 21158          410.426.1100</p>	<p>PROJECT:          ROYAL FARMS STORE #357          1001 Westwood Blvd. - Westwood, Maryland 21158          PROJECT NO: 1001-001          PROJECT DATE: 10/2011          PROJECT TYPE: ARCHITECTURE          PROJECT LOCATION: WESTWOOD, MARYLAND          PROJECT OWNER: ROYAL FARMS          PROJECT ARCHITECT: HARRIS SMARIGA ARCHITECTURAL FIRM          PROJECT ENGINEER: HARRIS SMARIGA ARCHITECTURAL FIRM          PROJECT CONTRACTOR: HARRIS SMARIGA ARCHITECTURAL FIRM          PROJECT SCHEDULE: 10/2011 - 10/2011          PROJECT STATUS: COMPLETED</p>
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# Letter of Understanding

## ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

### **Royal Farms Store #357 – Wellington III**

*AP #18804; APFO; #18803 SP; File #SP05-15*

**In General:** The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and Royal Farms ("Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the proposed Royal Farms Store site (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 2.82 +/- acre parcel of land, which is zoned MXD – Mixed Use Development and located in the northeast quadrant of New Design Road and English Muffin Way. This APFO approval will be effective for development of a convenience store with gas pumps, including car wash, as shown on the site development plan for the above-referenced Project, which was conditionally approved by the Commission on August 12, 2020.

**Schools:** The Project is non-residential and not subject to schools testing.

**Water and Sewer:** This Project is classified as W-3/S-3. While the public sewer and water facilities are currently adequate to serve the Project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

**Road Improvements:** This Project generates 470 am and 385 pm weekday peak hour driveway trips and is subject to APFO testing per Section 1-20-30. Multiple Traffic Impact Analyses (TIA) were performed, with the version dated February 28, 2020 serving as the TIA of record. In accordance with Section 1-20-31, the following Improvements must be guaranteed prior to the issuance of a building permit and completed prior to a Certificate of Occupancy (CoO):

1. Reconstruct English Muffin Way to restripe the westbound lane approach to New Design Road and adjust the signal to provide left, through and through/right lane approaches; lengthen the eastbound left turn lane at English Muffin Court.
2. Construct an off-site sidewalk along the east side of New Design Road northward to the terminus of the existing sidewalk opposite Robin Drive

In accordance with Section 1-20-12(H) of the APFO, the Developer is required to pay its proportionate contributions toward the following existing road escrow account in the Project area:

New Design Rd/English Muffin Way Signal - the Developer shall contribute the appropriate pro-rata share to Existing Escrow Account No. 3286. The estimated cost of the Intersection Improvement is \$350,000. As determined by Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 3.38%. Therefore, the Developer hereby agrees to pay \$11,830 to the escrow account for this Road Improvement

A total of \$11,830 for the escrow payment described above must be paid to the County by the Developer, its successors or assigns, prior to the issuance of any building permit for the Project. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on August 12, 2023.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

[Signatures on the next page]

Royal Farms - Wellington LOU

Month date, 2020

Page 3

**DEVELOPER: Royal Farms**

By: DocuSigned by:  
*Jeff Bainbridge*  
8710269871681416 \_\_\_\_\_ Date: 7/6/2020  
 Name: Jeff Bainbridge Title: MD

**FREDERICK COUNTY PLANNING COMMISSION:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Carole Sepe, Chair or Samuel Tressler, Secretary

**ATTEST:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Gary Hessong, Deputy Director

*Planner's Initials / Date* \_\_\_\_\_  
*(Approved for technical content)*

*County Attorney's Office Initials / Date* \_\_\_\_\_  
*(Approved as to legal form)*