



FREDERICK COUNTY PLANNING COMMISSION
September 9, 2020

TITLE: Circle K / Liberty

FILE NUMBER: SP258845, APFO A258846, FRO F258847

REQUEST: Site Development Plan Approval

The Applicant is requesting Site Plan approval to construct a new 5,238 SF Circle K convenience store with 12 fueling stations on a 1.2 acre lot at the intersection of Corporate Drive and Ballenger Creek Pike.

PROJECT INFORMATION:

ADDRESS/LOCATION: 6459 Corporate Drive
TAX MAP/PARCEL: Tax Map 77, Parcel 266
COMP. PLAN: Planned Unit Development (PUD)
ZONING: Planned Unit Development (PUD)
PLANNING REGION: Frederick
WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Walkersville EZ Shop LLC
OWNER: James Carone ETAL Trustees
ENGINEER: Lingg Property Consulting

STAFF: Jerry Muir, Principal Planner I

RECOMMENDATION:

Approval

ATTACHMENTS:

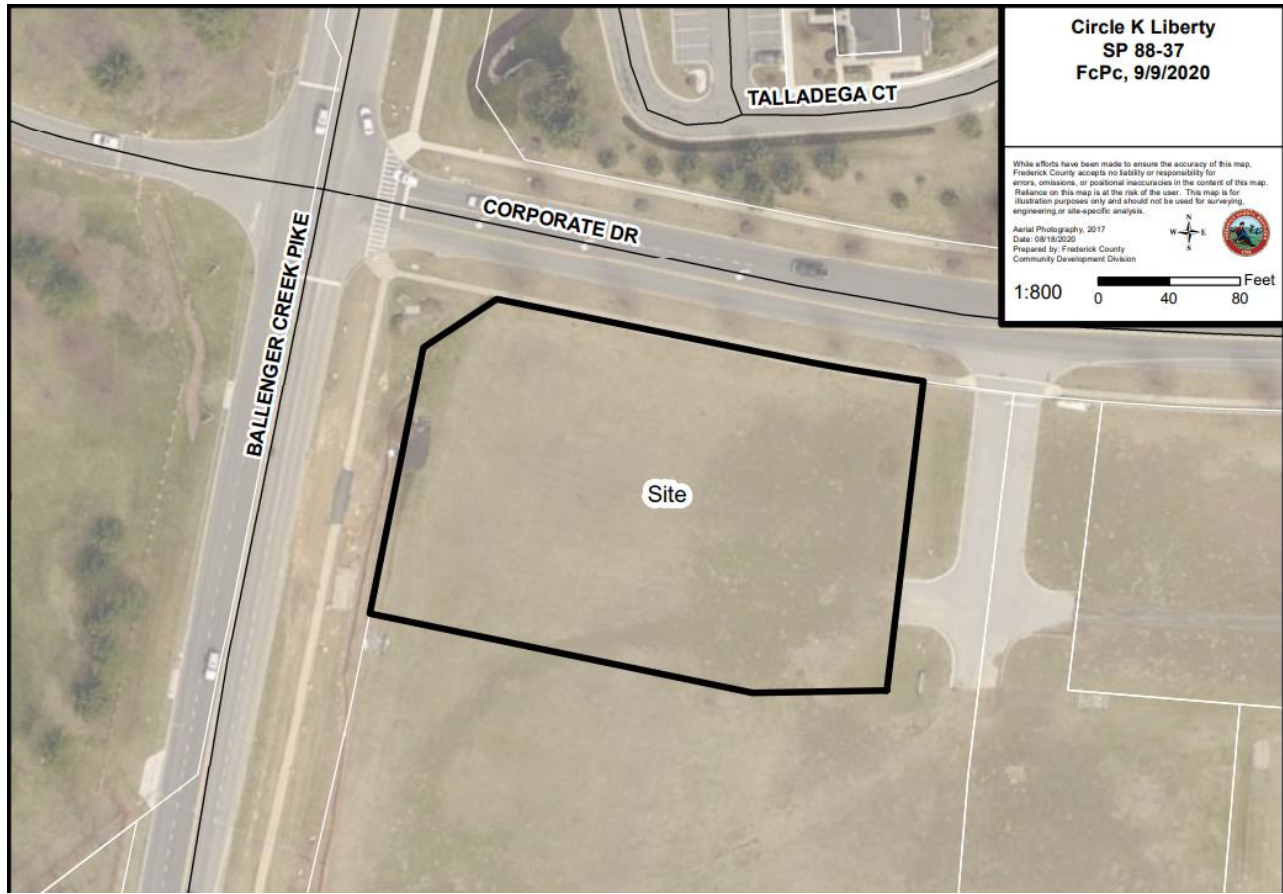
Exhibit 1 – Rendered Site Plan
Exhibit 2 – Modification Letter
Exhibit 3 – Elevations

STAFF REPORT

ISSUE

The Applicant is requesting Site Plan approval to build a new 5,238 SF convenience store with 12 fueling stations on 1.2 acres on a PUD zoned commercial use lot that is part of the Ballenger Creek PUD. The proposed use is being reviewed as a convenience store and gas station which is a permitted use in commercial use sites within a PUD, subject to site development plan approval.

Figure 1: Site Vicinity Map – Aerial Image



BACKGROUND

Development History: The Site is part of the Ballenger Crossing PUD and is part of the Rezoning Map Amendment approved by Frederick County on April 7, 1987 (Ord. # 87-7-439, case # R-86-28) that rezoned 140.6 acres of land from Agriculture (A) to Planned Unit Development (PUD). A condition of that Map Amendment was the commercial area be moved to this location and limited to no greater than 7.5 acres. The lot was platted as a single unit in April of 1990 (PB 43 Pg. 139). A Phase II PUD approval was granted in June, 2000 showing this commercial area as Section 3. A preliminary subdivision plan showing the four lots on the site today was approved by the County on January 10,

Sheetz Route 85 – Site Plan

January 9,, 2019

Page 2 of 13

2007. A Letter of Understanding for APFO was approved by Frederick County in September 2008. A final plat showing the four lots was recorded in January 2016 (PB96, PG 95).

Existing Site Characteristics: The Site is currently a mass graded open field.

Surrounding Land Uses: The Site is surrounded by a mix of existing residential uses across Corporate Drive and to the east and south. Ballenger Creek Park is across the road to the west.

ANALYSIS

Summary of Development Standards Findings and Conclusions

The site plan meets all dimensional and bulk standards, lighting, and landscape requirements. The Applicant has requested a parking modification as 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 the General Development Standards within The Planned Development Districts in Section 1-19-10.500.9.

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

Dimensional Requirements/Bulk Standards §1-19-10.500.6H(2): Per the PUD Design Requirements standards, bulk, setback and height requirements, shall be established by the Planning Commission consistent with the general development standards as provided in 1-19-10.9.500 reflecting the location of the project within the County with consideration of existing development pattern surrounding the proposed development. The required setbacks for this development were established at the Preliminary Plan hearing in 2007 (AP4794) and approved as follows:

	<u>Preliminary Plan</u>	<u>Proposed</u>
Minimum Lot Area	1.21 acres	1.21 acres
Minimum Lot Width	none	174+’ Ballenger Creek Pike
Front Yard	25’	37.8’ to store 52.5 to canopy
Side Yard	8’	50 & 171
Rear Yard	25’	NA-corner lot
Max Building Height	60	24’±

- 1. 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 150' of frontage on Ballenger Creek Pike and Corporate Drive. Therefore 122.06 SF of signage is permitted. The free standing signs are allowed a maximum height of 25' and a minimum setback of 12.5 feet. Applicant proposes a height of 8 feet and a setback of 12.5 feet with a total of 20.4 square feet of signage, which is in compliance with the Zoning Ordinance. Per the Ordinance, gas pricing signage is not included in the signage total. Additional signage on the building and the canopy will total no more than the remaining signage permitted.

2. 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 is in excess of 20% is in conformance with the Zoning Ordinance.

A total of 12 street trees are required (5 on Ballenger Creek and 7 on Corporate Drive) will be provided.

The dumpster is located in the southeast corner of the site and is screened with a combination of plantings and a brick/masonry enclosure.

- 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 (14' in height). The canopy and building mounted lights are in conformance with the Code. 14' pole lights are the permitted height in the PUD zone. They are noted to be shielded and downward directed with no more than .5 foot candles at the property lines.

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):** The Site contains two points of access. One 35' wide entrance is proposed off of an existing shared access road that provides connection to Corporate Drive. This access road is to be shared with future uses on the remaining subdivision parcels. With this plan the applicant proposes another access point, which is a 28' wide entrance off of Ballenger Creek Pike that is restricted to right in only movements. The right in only entrance directs traffic, entering the site, away from the Ballenger Creek Pike/Corporate Drive signal. This entrance will help to maintain the efficiency and safety of the intersection and improve overall site circulation. The right-in is also necessary for truck gas delivery access and circulation. The delivery trucks will enter the site at this location and exit via the shared access road onto Corporate Drive.

Pedestrian access will be facilitated by the existing sidewalks along both street frontages. A new crosswalk and associated sidewalk ramps will be constructed at the proposed Ballenger Creek Pike right-in only entrance. The site frontage on Corporate Drive has an existing 4' wide sidewalk, sidewalk ramps, and crosswalk on both sides of the existing shared entrance. There are existing crosswalks across Ballenger Creek Pike and Corporate Drive providing pedestrian access to and from the site (southeast corner of the intersection). A crosswalk exists on the private drive.



- 2. 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. There are no stops in the immediate area.

- 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 5,238 SF. The Applicant believes this number is far too low for this type of use and has requested that 28 parking spaces be approved for this site plan. **A**

modification request for Planning Commission approval of the additional 10 spaces has been included in this submittal. Such a modification is common for these types of uses due to the volume of short duration visits.

The proposed 28 spaces requires two handicapped spaces and two are provided.

4. **Loading §1-19-6.210.B:** One 12 X 50 loading space is required and one is provided on the south side of the building.
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 two are provided per code.

1-19-10.500.9 General Development Standards within a PUD

A. Site and Building Design

This section of the code lists general development standards for pedestrian design elements, building placement and design, parking, and other site details. This site is designed in accordance with these provisions.

The Site is well integrated into the surrounding transportation network, allowing access to vehicles, bicycles and pedestrians. Pedestrian cross-walks are in place. The building has been located to the front of the lot, allowing safe pedestrian access to the building. Parking and the gas canopy is located in the rear of the main structure. This arrangement helps separate pedestrian access from internal site traffic and hides the gas canopy from view from Ballenger Creek Pike. Architectural elevations have been provided showing the building has accounted for their prominent corner location. The dumpster is placed away from the public street and well screened by architecture and landscaping. Other services are to the side of the building. Shared access and interior drive aisles are encouraged, and this site has been designed to utilize the existing shared access and central drive aisle that will serve all four lots in this commercial land bay as well as the proposed right in common drive that will access all four lots..

B. Natural Features

This section of the code establishes the goal of maintaining insofar as practicable to preserve existing trees and terrain when siting buildings.

This site was mass graded years ago.

C. Public Facilities and Utilities:

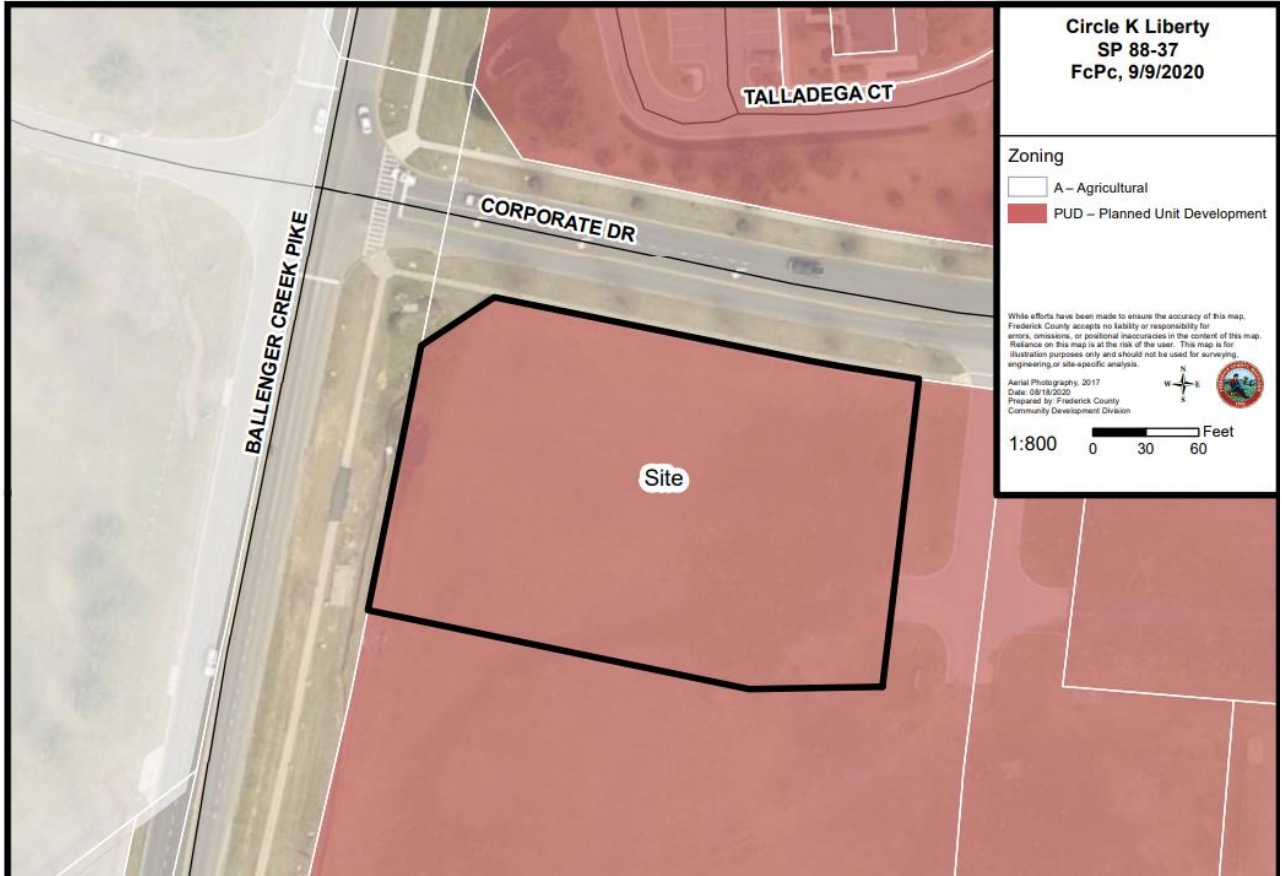
Location design and extent of the public facilities shall be provided in accordance with the county standards and Comprehensive Plan.

Water and sewer are in place to serve this lot. Transportation network for the site is developed. Utilities are in place underground to serve the site. A Use and Maintenance agreement for the private drives, utilities, etc. has been recorded in Bk7075 Pg542.

D. Modifications:

Modifications shall be limited to those provided for in Article VI: District Regulations

The modification request for additional parking is permitted under Article 6 of this Ordinance.



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:** Site has been mass graded
2. **Vegetation:** No vegetation of note currently exists on-site
3. **Sensitive Resources:** No constrained soils, 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 Combined SWM Concept and Development Plan has been submitted and is approved for this Application.

APFO – Chapter 1-20:

Water and Sewer: This Project is classified as W-1/S-1. The public sewer and water facilities are currently adequate to serve the Project.

Roads: This development met the requirements of APFO at preliminary plan. The approved APFO LOU Preliminary Plan approval for the Site (Lot 1A) allows for the development of Lot 1A to generate up to 170 am peak hour and 214 pm peak hour driveway trips. The proposed site development does not exceed the previously approved trip generation or original density or intensity assumptions confirmed at preliminary plat, and is therefore exempt from further APFO testing at site plan. (§1-20-7(E)). The conditions of the LOU have been met.

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

Forest Resource – Chapter 1-21: The Applicant has submitted an exemption from the Forest Resource Ordinance (FRO) because this property was previously mitigated in 2009 under AP 4796 via the purchase of forest banking credits. There is no forest or specimen trees on site.

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Public Works Development Review (PWDR):</i>	Approval
<i>Development Review Planning:</i>	Approval
<i>DUSWM:</i>	Approval
<i>Street Name Review</i>	Approval
<i>Health Dept.</i>	Approval

Other Agency or Ordinance Requirements	Comment
Office of Life Safety	Approval
Traffic Engineering	Approval
APFO	Approval
FRO	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 is valid for a period of three (3) years from the date of Planning Commission approval (valid through September 9, 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, APFO, 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 28.

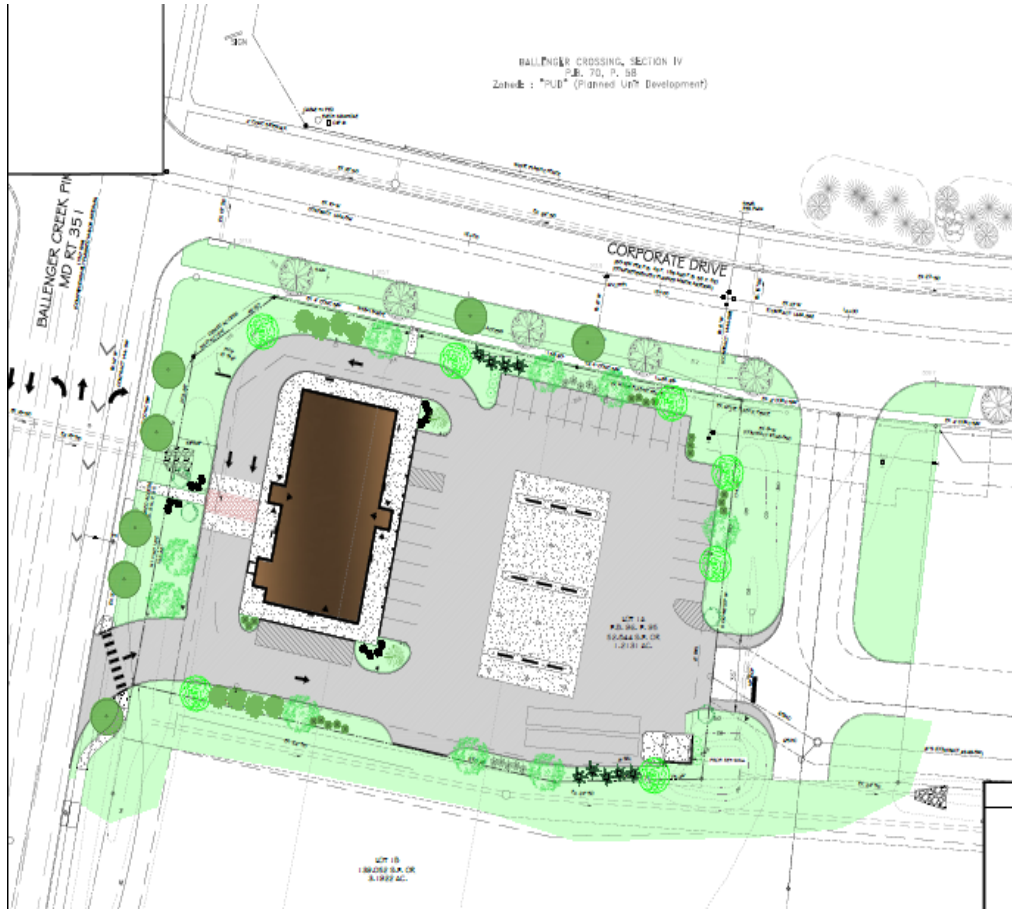
Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.

PLANNING COMMISSION ACTION
MOTION TO APPROVE

I move that the Planning Commission **APPROVE** SP258845, APFO A258846, FRO F258847, based upon the modifications and conditions as listed in the staff recommendations for the proposed Circle K/ Liberty, 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



PLANT SCHEDULE

SYMBOL	SYMBOL NAME	COMMON NAME	DBH	HEIGHT	QTY.
LANDSCAPE TREES					
1	AMERICAN BIRCH	BETULA PAPERIFERA	2.0-2.5"	8'10"	10
2	AMERICAN BIRCH	BETULA PAPERIFERA	2.0-2.5"	8'10"	10
3	AMERICAN BIRCH	BETULA PAPERIFERA	2.0-2.5"	8'10"	10
LANDSCAPE SHRUBS					
4	DOGWOOD	DOGWOOD	3.0-4.0"	8'10"	10
5	DOGWOOD	DOGWOOD	3.0-4.0"	8'10"	10
LANDSCAPE PERENNIALS					
6	DOGWOOD	DOGWOOD	3.0-4.0"	8'10"	10
7	DOGWOOD	DOGWOOD	3.0-4.0"	8'10"	10
GRASS					
8	PERENNIAL GRASS	PERENNIAL GRASS	10'0" W	10'0" H	10
9	PERENNIAL GRASS	PERENNIAL GRASS	10'0" W	10'0" H	10
10	PERENNIAL GRASS	PERENNIAL GRASS	10'0" W	10'0" H	10

NOTES:

- ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH THE CITY OF BALTIMORE PLANTING SPECIFICATIONS.
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SITE PLAN - LANDSCAPE PLAN

Circle K/Liberty

Convenience & Gas Facility

8400 CORPORATE DRIVE
BALTIMORE, MD 21244
PUNYA S. BATHURATHY (P) 410-326-1111
PUNYA S. BATHURATHY (E) 410-326-1111

EXHIBIT 2 Modification Letter



256 West Patrick Street, Suite 2A, Frederick, Maryland 21701
P: (301) 644-2121, F: (301) 698-3221, E: Lingg@C@wecu.net

May 21, 2020

Frederick County Planning Commission
c/o Mr. Jerry Muir, Principal Planner
Frederick County Department of Development Review
30 North Market Street
Frederick, Maryland 21701

Re: Circle K / Liberty Site Plan, County File #SP8837, AP #SP258845
FCPC Modification Request for Increase in Parking Spaces

Dear Jerry:

This letter serves as our formal request to the Frederick County Planning Commission for consideration of a modification for the above-referenced case as follows.

Authority to Modify

Section 1-19-6.220(A)(1) of the Frederick County Zoning Ordinance states that "An increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use..."

Requirement to be modified

Section 1-19-6.220(4) of the Frederick County Zoning Ordinance presents a table which sets forth the required parking spaces based on the proposed use of a property within Frederick County. This table does not specifically include the category of "Convenience Store with gas and food sales" and therefore, the proposed project falls under the "catch-all" category of "All other types of business or commercial uses permitted in any commercial district". This table requires that uses within that category provide 1 parking space for each 300 square feet of floor area. For the proposed Circle K / Liberty facility, as shown on the submitted Site Plan, this calculates to a requirement of 18 parking spaces. 27 parking spaces are proposed (including 2 handicap accessible spaces).

Modification Requested / Justification

18 parking spaces are required, while 27 parking spaces are proposed (including 2 handicap accessible spaces). Therefore, an increase of 9 parking spaces is requested.

The owner/developer of this project is Walkersville EZ Shop, LLC, who will also be the end-user/operator of the proposed facility. Walkersville EZ Shop already owns and operates an existing facility in the Town of Walkersville, MD. That facility is somewhat smaller in size than the facility proposed on the Site Plan currently under review on Ballenger Creek Pike. However, the Walkersville facility has 27 parking spaces and functions well with that number of spaces. The proposed facility will include convenience store sales, gas sales, and also food service sales (chicken, baked goods, etc.). Due to the fact that this owner/operators approach is

multi-faceted and they provide a variety of offerings, they find that, from time to time, more parking spaces are needed. Their real-time experience with their facility in Walkersville also confirms this fact. For these reasons, the applicant believes that the proposed 27 parking spaces are adequate for this project.

It should be noted that 2 of the proposed 27 spaces are only available to handicapped persons, therefore limiting the general available spaces to 25.

Lastly, the modification is being requested from a rather generic standard which, per the Frederick County Zoning Ordinance, applies to "All other types of business or commercial uses permitted in any commercial district". Therefore, in an effort to determine parking standards for this particular type of use in a real world situation, we researched a few similar facilities in the surrounding Ballenger Creek area to determine their ratio of building size to parking provided. The newly constructed Royal Farms on Buckeystown Pike contains approximately 4,850 s.f. and provides 43 parking spaces for a ratio of 1 space/113 s.f. The WeWa on Ballenger Creek Pike contains approximately 5,400 s.f. and provides 42 parking spaces for a ratio of 1 space/129 s.f. The Sheetz on MD. Rte. 85 contains approximately 5,700 s.f. and provides 39 parking spaces for a ratio of 1 space/146 s.f.

The resulting ratio for the proposed Circle K/Liberty Facility, which contains 5,238 s.f. and proposes to provide 27 parking spaces, is 1 space /194 s.f., which is still less than but closer to the ratios provided by these similar facilities in the immediate area.

Therefore, for all of these reasons above, and in accordance with Section Section 1-19-6.220(A)(1) of the Frederick County Zoning Ordinance, the applicant respectfully requests this modification be approved by the Frederick County Planning Commission to allow the increase of nine extra parking spaces as shown on the submitted Site Plan.

Please feel free to contact me with any questions or comments. Thank you for your consideration of this matter.

Sincerely,
Lingg Property Consulting



David A. Lingg RLA
President

cc: Project Team

Architectural Elevations

