FREDERICK COUNTY PLANNING COMMISSION
November 18, 2020

TITLE: **Digging and Rigging**
Lot 13 Mulllinix Industrial Park

FILE NUMBER: **SP258834**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Plan approval to develop a new 30,000 SF storage building and two building additions (totaling 15,600 SF) on a 25.17 acre lot previously developed as a contractor's equipment and material storage yard.

PROJECT INFORMATION:

ADDRESS/LOCATION:	5264 Agro Drive, Mullinix Ind. Park,
TAX MAP/PARCEL:	Tax Map 94, Parcel 85
COMP. PLAN:	General Industrial (GI)
ZONING:	General Industrial (GI)
PLANNING REGION:	Adamstown
WATER/SEWER:	W-5/S-5

APPLICANT/REPRESENTATIVES:

APPLICANT:	J. S. & Bs II, LLC
OWNER:	– same -
ENGINEER:	Triad Engineering

STAFF: Jerry Muir, Principal Planner I

RECOMMENDATION:
Approval

ATTACHMENTS:
Exhibit 1 – Rendered Site Plan

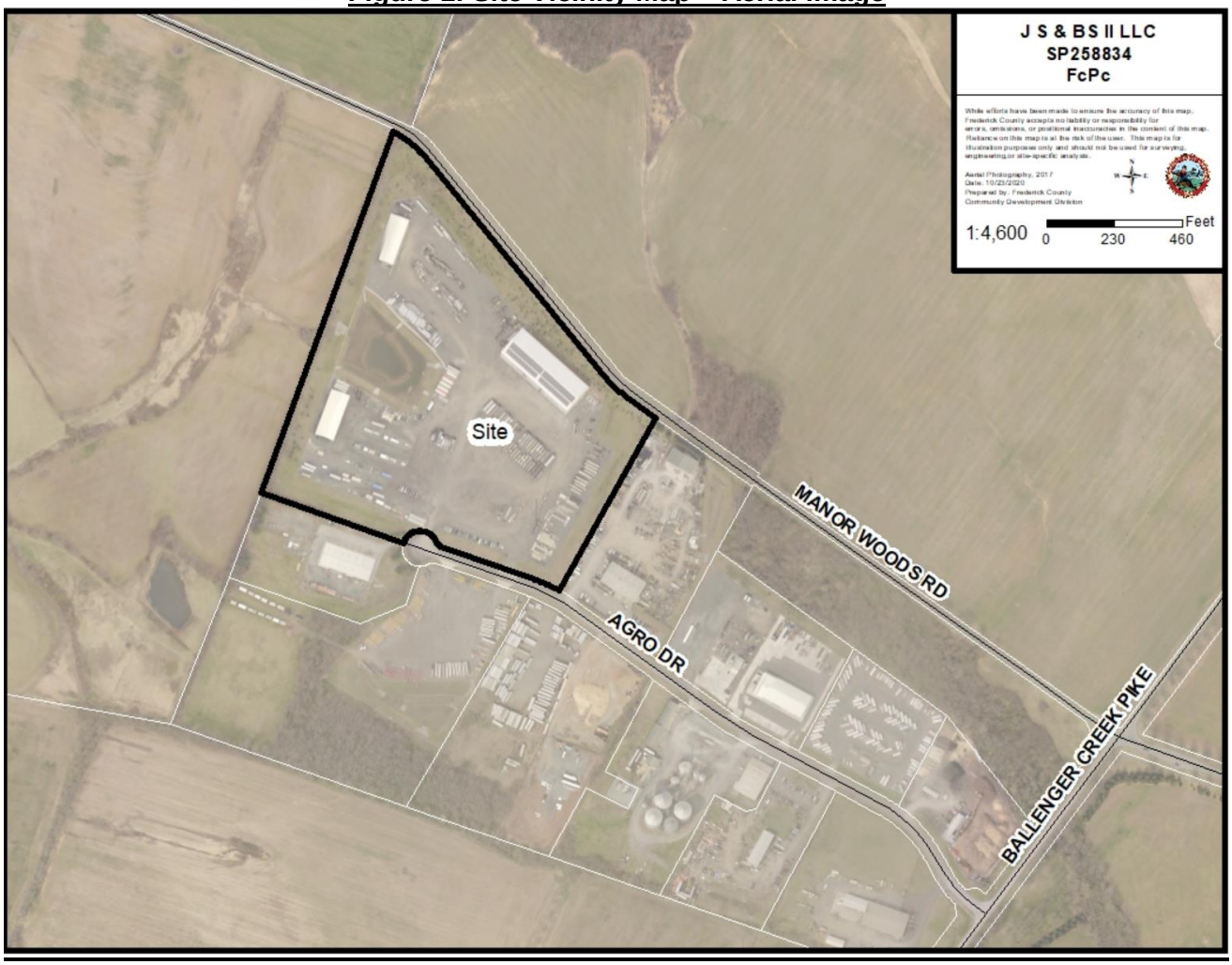
STAFF REPORT

ISSUE

The Applicant is requesting Site Plan approval to develop a 30,000 SF storage building and approval to construct additions to two existing pole buildings, (a 6,000 SF addition to the existing 9,600 SF building and a 9,600 SF addition to the existing 6,000 SF building). All the proposed structures are for storage and parking of Digging and Rigging equipment and temporary storage of new construction materials associated with the business. The proposed use is being reviewed as a contractors equipment and material storage yard under §1-19-5.310 (Use Table) of the Zoning regulations. It is a principal permitted use in the General Industrial (GI) Zoning District subject to site development plan approval.

The existing development on the lot consists of a single building and two pole barns and a large gravel lot.

Figure 1: Site Vicinity Map – Aerial Image



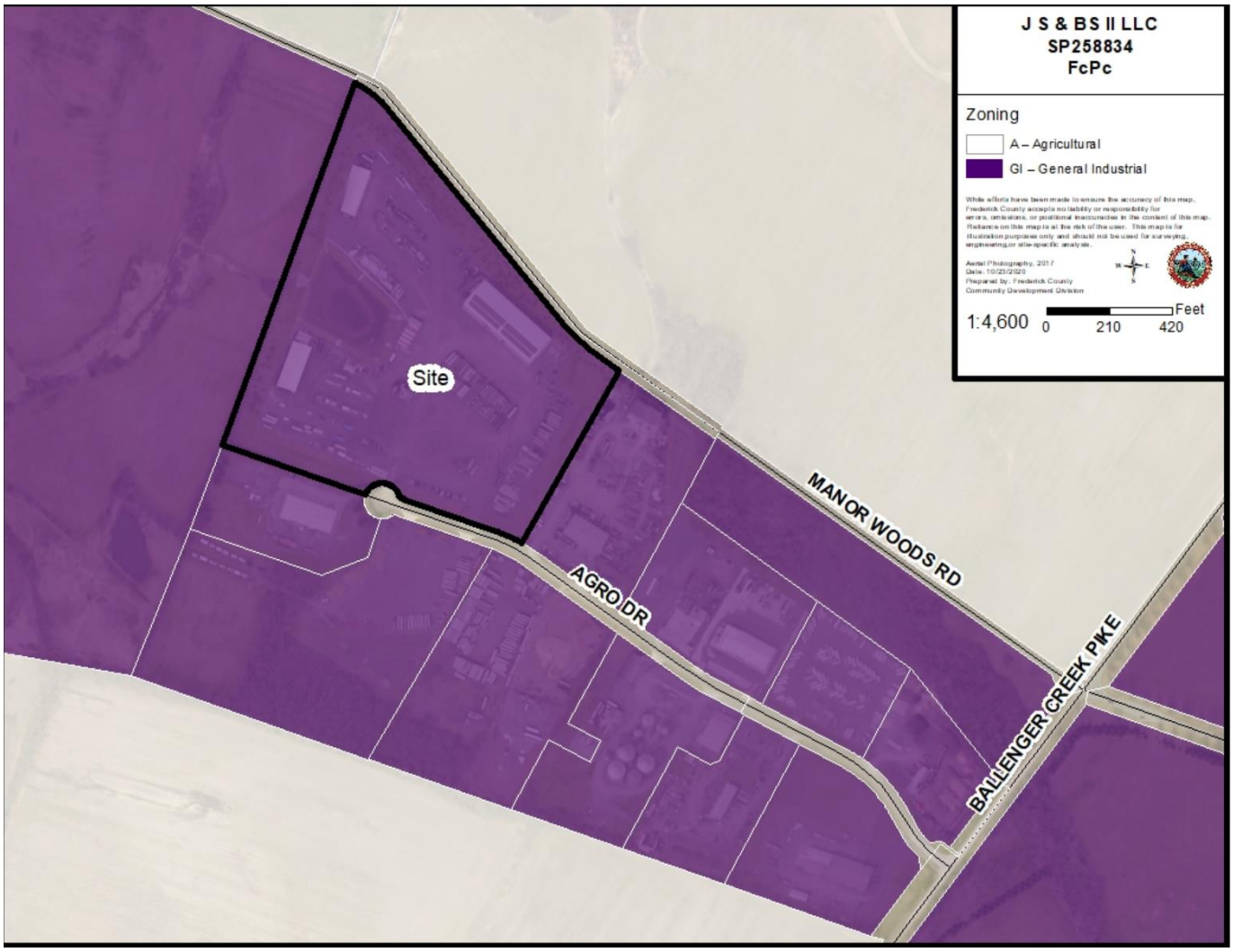
BACKGROUND

Development History: The lot was originally approved for the 30,000 SF building for use as a

contractor's office and storage under Site Plan 79-18. An additional Type III site plan (AP 14691) was approved in 2014 for the two pole barn additions. The two additions were never built and the plan has since expired.

Existing Site Characteristics: The Site is a relatively flat and graveled with the single building and two barns. There is minimal vegetation other than road side trees and the FRO easement along Manor Woods Rd.

Surrounding Land Uses: The lot adjoins other largely developed GI zoned properties within the Mullinix Agro Industrial Park, with agricultural land to the north across Manor Woods Road and undeveloped GI zoned land to the west.



ANALYSIS

Summary of Development Standards Findings and Conclusions

The Site is well suited to the expansion of the existing use and presents no particular design or access issues. All signage, lighting, landscaping, and access requirements are met.

Detailed Analysis of Findings and Conclusions

Site Development 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 regulations are satisfied.

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*:** The proposed Site Development Plan adheres to the lot dimensions required for a use in the GI zone as established in Section 1-19-6.100.

   The proposed setbacks for the facility are the following:

	Required	**Proposed**
Minimum Lot Area	1 acre	25.17 ac.
Minimum Lot Width	150'	1063'
Front Yard	25'	708'
Side Yard	15'	282'
Rear Yard	40'	94'
Max Building Height	60'	45'

2. **Signage *§1-19-6.300*:** Per the Zoning regulations the maximum signage allowed for business identification in an Industrial Park in the GI zoning district is calculated based upon the following formula:

   30 x the square root of the building frontage equals 520 SF of signage. The maximum height allowed is 40 feet.

   For this Site Plan proposal, there was a previously approved sign 23 SF in area and 7' in height that was never constructed. It will be constructed per this plan approval as noted in Note L. This complies with the requirements.

3. **Landscaping & Screening *§1-19-6.400***

   There is no additional proposed on-site landscaping with this plan. There is an existing FRO easement along the Manor Woods Road frontage and street trees are in place on Agro Drive.

4. **Lighting *§1-19-6.500*:** The Applicant proposes no additional exterior lighting with this site plan. There is a photo-metric plan attached the Site Plan illustrating the previously approved and installed lighting which shows no off site light spillage in conformance with the Zoning regulations. Lighting does not exceed 0.50 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):** Access to and from the Site is adequate. The access into and out of the Site is located along Agro Drive. Pedestrian access is not a feature of this industrial area. Sidewalks do not exist anywhere along Agro Drive.

2. **Connectivity *§1-19-6.220 (F)*:** Site circulation is connected by Agro Drive to Ballenger Creek Pike, as are all the other lots in the Industrial Park. There is no interconnectivity between lots. A reservation was established on previous approval of the Mullinix Industrial Park to allow Agro Drive to extend westward through the adjoining GI zoned property and connect to Cap Stine Road. This future road extension is shown on the County Comprehensive Plan and will be constructed with the development of the adjoining property.

3. **Public Transit:** This Site is not served by public transit.

4. **Vehicle Parking *§1-19-6.220*:** Parking standards for this use are included in note B(1) on the Site Plan. The Site requires 8 spaces. 14 spaces currently exist on site, including one HC space. A HC route has been noted to be constructed between the existing building and the new storage building. All parking is existing and per previously approved site plans.

5. **Loading §1-19-6.210. (B)**: For this proposed 90,000 SF of GI space, nine loading spaces would be required (1 for first 5,000 and one for every 10,000 thereafter). Although the spaces are not called out on the lot, the entire area is open gravel and has been in heavy construction use for 40 years. As can be seen on the vicinity plan, the entire lot is available for loading and unloading as required.

6. **Bicycle Parking *§1-19-6.220 (H)*:** In accordance with § 1-19-6.220 of the County Code, no bicycle parking is required for this use.

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 classified as W-5, S5 with no planned service. The well and the septic field were previously approved by the Health Department.

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 generally flat and graveled.
2. **Vegetation:** No vegetation of note currently exists on the Site. There is a FRO easement along Manor Woods Road and the western side of the lot.
3. **Sensitive Resources:** No wet or flooding soils, floodplains, streams, or wetlands are present on the Site
4. **Natural Hazards**: No FEMA floodplain is identified on the Site.

Other Applicable Regulations

Industrial District Performance Standards §1-19-7.610 Note 22 on the Site Plan states that the Site shall comply with the Industrial District Performance Standards.

Stormwater Management – Chapter 1-15.2: Due to the already impervious nature of the Site, SWM will be addressed at construction drawing review.

APFO – Chapter 1-20:

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

Road Improvements: This development generates less than 6 trips during the peak hour of the adjacent street and is therefore exempt from APFO testing and contribution to existing area road escrow accounts. (§1-20-12(H)).

Water and Sewer: This Site is classified as W-5/S-5 and does not utilize public water or sewer.

Forest Resource – Chapter 1-21: The Applicant has submitted an exemption from the Forest Resource Ordinance (FRO) because this property was previously mitigated in 2011 under AP 10341 by the recordation of on-site forest conservation easements.

Summary of Agency Comments

Other Agency or Code Requirements	***Comment***
Public Works Development Review (PWDR):	Approval
Development Review Planning:	Approval
DUSWM:	Approval
Street Name Review	Approval
Health Dept.	Approval
Office of Life Safety	Approval
Traffic Engineering	Approval
APFO	Approval
FRO	Approval
	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 November 18**,** 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:

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** SP258834 with the condition as listed in the staff report for the proposed Digging and Rigging facility, 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

Digging and Rigging – Site Plan

November 18, 2020