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# FREDERICK COUNTY PLANNING COMMISSION

## January 13, 2021

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**TITLE:** S & R Management

**FILE NUMBER:** SP20-06 AP SP260355, A260357,  
F260212

**REQUEST:** **Site Development Plan Approval**

The Applicant is requesting Site Development Plan approval for the construction of a 2,850 sq. ft. addition to an existing 2,925 sq. ft. building for a Carpentry use located on a 2.08-acre Site.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 9800 Liberty Road, at the intersection of Liberty Road and Dance Hall Road  
**MAP/PARCEL:** Tax Map 58, Parcel 93  
**COMP. PLAN:** Rural Community  
**ZONING:** VC – Village Center  
**PLANNING REGION:** Walkersville  
**WATER/SEWER:** No Planned Service

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** S & R Management Group, LLC  
**OWNER:** - same -  
**ENGINEER:** B & R Design Group  
**ARCHITECT:** The CAD Studio LLC  
**ATTORNEY:** Not Listed

**STAFF:** Ashley M. Moore, Principal Planner

**RECOMMENDATION:** **Conditional Approval**

**Enclosures:**

Exhibit #1 – Site Plan Rendering  
Exhibit #2 – Architectural Rendering

# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting Site Development Plan approval for the construction of a 2,850 sq. ft. addition to the existing 2,925 sq. ft. building located on the 2.08-acre Site. The proposed use being reviewed is “**Carpentry**” under the heading of **Commercial Business and Personal Services** per § 1-19-5.310 of the Zoning Ordinance and is a permitted use subject to Site Development Plan approval.

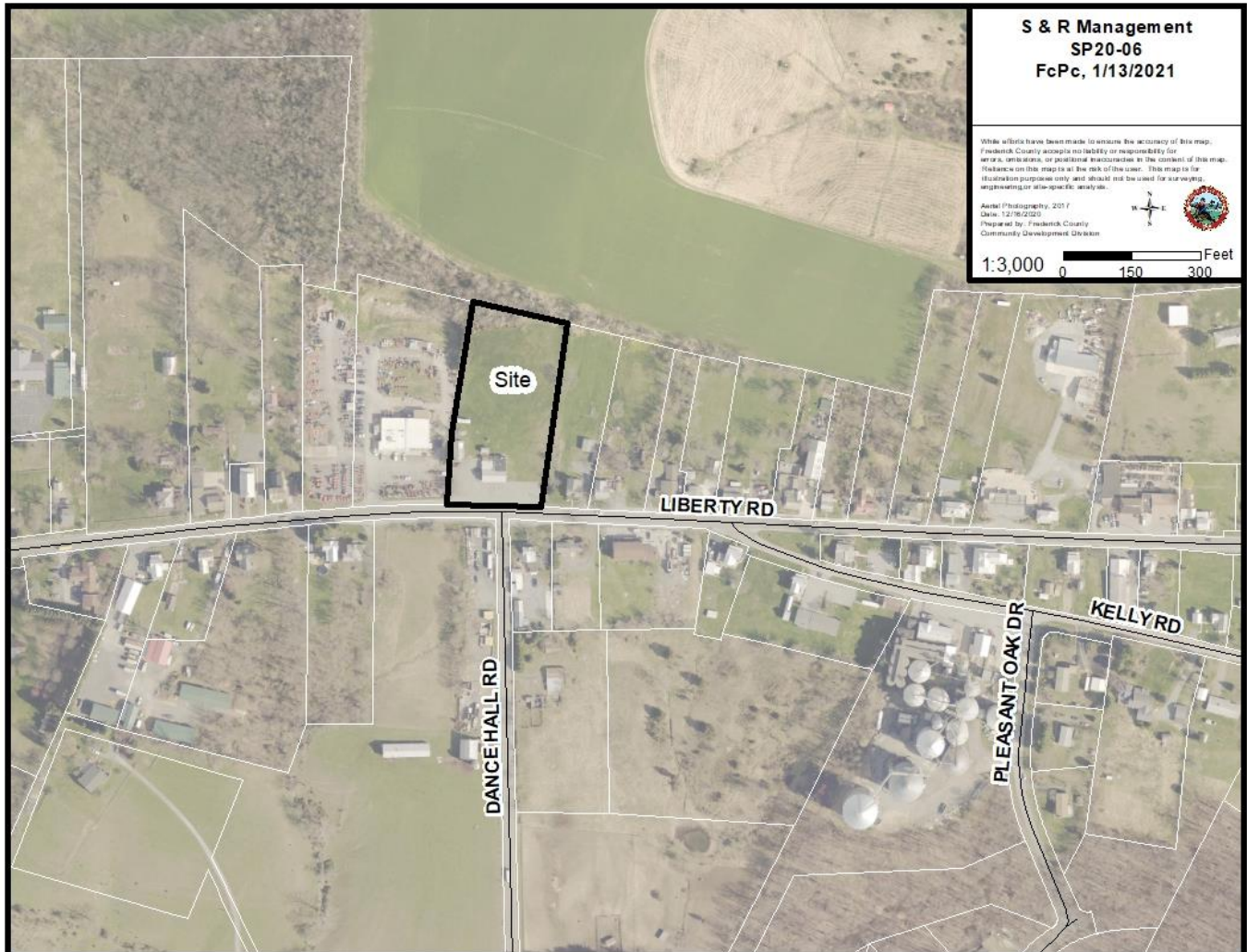
## BACKGROUND

### Development History

The Site was originally zoned B-1 Neighborhood Business District from 1959 to 1977. The 1977 zoning maps indicate the property was rezoned to VC – Village Center District and has remained VC through today.

As required by Zoning Ordinance §1-19-7.500(D), Site Development Plan proposals in the VC Zoning District are required to submit plans to the Planning Commission or their authorized representatives for Concept Site Development Plan Approval. Due to the limited size of the proposed footprint, the application was reviewed at a staff level and approved on August 6, 2020. See Graphic #1 below.

Graphic #1: Aerial

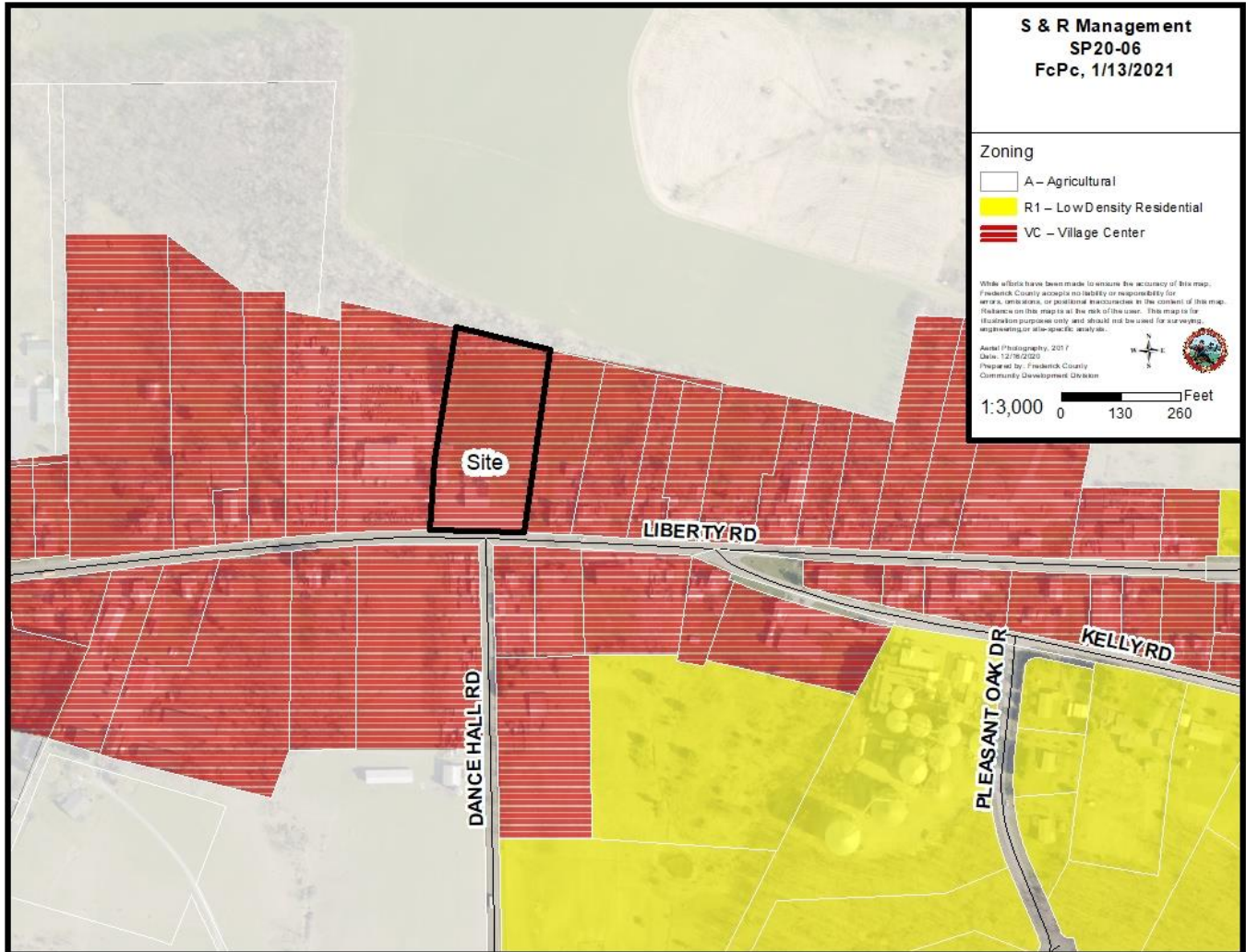


### Existing Site Characteristics

The Site is currently accessed by an unrestricted entrance, spanning the entire front width of the lot. The Site has two existing buildings; 9800 Liberty Road (commercial) and 9800B Liberty Road (residential). Aerial photography shows both buildings have been in existence since the early 1970s.

The Site is zoned VC, Village Center with a County Comprehensive Plan land use designation of Rural Community. The Site sits north of both an agricultural use and a residential dwelling (zoned VC), east of an existing commercial use (zoned VC), south of an agricultural use (zoned A), and west of a single family dwelling (zoned VC). See Graphic #2 below.

Graphic #2: Zoning



## **ANALYSIS**

### **Detailed Analysis of Development Standards Findings and Conclusions**

#### **Design Standards §1-19-7.500(C)(1):**

*All new development within the Village Center Zoning District shall incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance. New development will use existing development as a guide when determining site development, layout, bulk, and form of proposed structures within the Village Center District. New development should be designed and built to reflect existing neighborhood characteristics including shape, height, massing, roof shapes, and door and window placement and proportions.*

### **Findings and Conclusions**

#### **Site Development and Layout §1-19-7.500 (C)(3):**

- Orientation – The existing commercial building and its principal face will remain oriented toward Liberty Road. The garage and service doors are oriented away from Liberty Road.
- Multi-story Buildings – Both the commercial building and single-family dwelling are one story. The proposed addition will match the height of the existing commercial building.
- Parking – The existing parking is located in front of the building. Although the architectural rendering shows parking in the front of the building, the proposed parking lot will be reconfigured to provide parking on the side of the commercial building.
- Sidewalks – There are no sidewalks proposed for this development.
- Refuse and Recycling – The Applicant anticipates the use generates a small amount of trash and a 50 gallon trash receptacle is sufficient.

#### **Building Massing and Bulk §1-19-7.500 (C)(4):**

- Form – The architectural rendering shows the proposed building elements and materials. There is a mixture of single and double story buildings within Mount Pleasant. The proposed addition will match the height of the existing building and will be compatible with the height and scale of the buildings with frontage along Liberty Road.
- Building Footprint – The proposed building will have a 5,000 sq. ft. footprint, which meets the base footprint allowance for non-residential buildings in the VC District guidelines. In comparison, the neighboring commercial use to the west of the Site has a structure of approximately 6,500 sq. ft.
- Building Designs – The façade with frontage along Liberty Road shows a pedestrian scaled porch similar to the residential porches found in this VC District. The porch includes a covered entry, posts, railings, and glass storefront. To aid in keeping the building compatible with buildings within Mount Pleasant, the building also features a side gable roof, brick and siding facades, brick sills and lintels, which are architecture features commonly found in the community. The existing windows along the side of building will be reused and are proposed to be incorporated in the new construction.

### **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 Chapter 1-19 (Zoning) of the Frederick County Ordinance (the “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:**

Dimensional standards for projects in the VC District are established during the Concept Plan review and approval and are determined on a site-by-site basis, using the adjoining and facing buildings as a guide. The Site is located along Liberty Road (Route 26), which is the predominant location of this community's VC District.

Even though there will be alterations to the front of the existing building and porch that would keep the same setback as what is currently there, for new construction the yard setbacks are considered average of the nearby structures. West of the approximate location of the proposed development is a commercial use which is over 100 ft. away from the property line. East of the property is a residence which is 15 ft. away from the property line. The immediate properties provide a significantly larger average setback (approximately 65 ft.) than the average of other nearby properties (approximately 21 ft.).

In order to accurately determine yard setbacks, the Applicant has provided average front yard setbacks from 9702 -9714 Liberty Road (east) and 9604-9628 Liberty Road (west).

Using the setback and height averaging criteria described in the VC District, the following dimensional requirements were determined:

Front Yard: 21 ft. (average setback along Liberty Road)

Side Yard: 25.7 ft.

Rear Yard: 40 ft.

The Applicant proposed a building height of approximately 24 ft. and is one story. The addition will meet the height of the existing portion of the building.

The dimensional standards remain the same as the approved Concept Site Development Plan approved by the Department of Development Review and Planning on August 6, 2020.

- 2. Signage §1-19-6.320:** One freestanding sign is being proposed at the southwestern end of the Site. The total amount of building frontage facing a public street is  $(10)(\sqrt{F})$ , where  $F = 50$  feet along Liberty Road. Therefore, the total allowable square footage signage is  $(10)(\sqrt{50})$ , or 70.7 sq. ft. The proposed sign is 70.7 sq. ft. and will not exceed 25 ft. in height, which meets the zoning requirements.

**3. Landscaping §1-19-6.400:**

- **Street Trees §1-19-6.400(A):** The Ordinance requires 1 street tree per 35 linear feet of road frontage, therefore requiring 6 street trees ( $207 / 35 = 5.91$ ) along Liberty Road. The Applicant is providing 6 street trees.
- **Land Use Buffering and Screening §1-19-6.400(B):** Since this proposed commercial use is adjacent to a residential use, land use buffering must be provided. Minor landscaping has been provided on the eastern side of the site closest to the residence to aid in buffering.
- **Parking Area Buffering and Screening §1-19-6.400(C):** The relocated parking area will be screened by proposed landscaping at the front and western portion of the Site adjacent to Liberty Road.
- **Parking Area Landscaping §1-19-6.400(D):** The Applicant is required to provide 20% canopy or 693.8 sq. ft. over the parking area with shrubs within the planting area. The Applicant is providing 804 sq. ft. or 23%.

- **Landscaping, Screening, or Buffering §1-19-6.400(E):** All landscape material must be maintained in a living condition. The proposed Site plan emphasizes native species and no invasive/exotic species are specified.
4. **Lighting §1-19-6.500:** There will be no proposed pole mounted lighting on the Site. However, there will be residential style lighting located on the building for emergency or safety purposes as required by the building code, electrical code, or otherwise within the County code. This type of lighting is exempt from the requirements of the Zoning Ordinance.

**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 existing Site has an open driveway spanning the width of the lot. The Applicant is proposing to limit the driveway access only to the eastern portion of the Site due to the Site distance issues coming from the west. There will be a vehicle turnaround on the eastern side of the building.
2. **Connectivity §1-19-6.220(F):** There are no connections proposed as part of the Site plan.
3. **Public Transit:** This Site is not served by public Transit.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**  
The commercial portion of the business is required to provide 1 space per 300 sq. ft. of net floor area and the woodshop portion of the building requires 1 parking space per 1,000 sq. ft. Incidental service, storage, and mechanical areas were subtracted from the gross floor area. Therefore 2,230 sq. ft. of the commercial office requires 7 parking spaces and the 2,100 sq. ft. of the workshop space requires 2 parking spaces. The existing residence requires 2 parking spaces. A total of 11 parking spaces are required for the Site. The Applicant is providing 11 total parking spaces to accommodate both the residence and the commercial use.

#### Loading Spaces:

A commercial use between 1,000 - 5,000 sq. ft., requires 1 small loading space. One small loading space is being provided along the western side of the proposed commercial building.

5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** No sidewalks are being proposed along the front portion of this Site. There are no sidewalks in the immediate area to make connections. There is a small portion of sidewalk four houses east of the Site, which only extends further east for approximately 370 ft. Internally, there will be a concrete walk along the western side of the commercial building leading pedestrians to the entrance.
6. **Bicycle Parking §1-19-6.220 (H):** The Ordinance requires 1 bicycle rack for every 20 auto spaces. Therefore 11 spaces / 20 auto spaces = 0.6 or 1 bicycle rack. One bicycle rack is being provided on the east side of the building.

**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**

**Private Well and Septic:** The Site is currently classified No Planned Service and is served by a private well and septic system.

**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 property slopes from the southwestern portion of the Site, where the existing buildings sit, toward the northeastern and eastern portions of the Site. The drop in elevation from the existing building is over 35 ft.
- 2. Vegetation:** There is an existing tree line located at the northwestern boundary of the Site.
- 3. Sensitive Resources:** There are no sensitive slopes or habitats of threatened or endangered species on this Site.
- 4. Natural Hazards:** There are no floodplains, wetlands, or wet soils indicated on the Site.

**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:** At least 1,815 sq. ft. of common plaza/green space is required for multiple principal structures on the same lot. The green space behind the proposed structure provides 70,733 sq. ft. or 78% of green space.
- 2. Ownership:** The Site is privately owned by S & R Management LLC.

### **Other Applicable Regulations**

**Stormwater Management – Chapter 1-15.2:** The Stormwater Management will be controlled on-site with an Environmental Site Design facility in accordance with Maryland Stormwater Management Act of 2007.

### **APFO – Chapter 1-20:**

**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)).

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

**Water and Sewer Improvements:** The Property is on well and septic and is exempt from APFO testing.

**Forest Resource – Chapter 1-21:** A Combined Preliminary/Final Forest Conservation Plan has been submitted and approved (F260212). FRO will be mitigated through the purchase of banking credits. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first. The area of disturbance of the proposed carpentry use contains no forest however there is forestry located in the northwestern area of the property. No specimen trees (trees 30” or greater in diameter) are noted.

**Historic Preservation – Chapter 1-23:** The property is located in the Mt. Pleasant Survey District, identified on the Maryland Inventory of Historic Places with an inventory number F-8-129. The property was formerly the site of Public School No. 47, in the 1850s, later Public School No. 3 built in 1890 and demolished in the early 1930’s. The current building was constructed about 1936 and was known as the Avalon Restaurant. According to MIHP form F-8-129, this building retains the inscription stone of the school near its northwest corner: “Mt. Pleasant Public School No. 3, Election District No. 13, 13, 1890.”

#### Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Public Works Department</b>	Approved
<b>Development Review Planning:</b>	Approved
<b>Office of Life Safety</b>	Approved
<b>Development Review Transportation Engineering</b>	Approved
<b>Forest Conservation (FRO)</b>	Approved
<b>Adequate Public Facilities (APFO)</b>	Approved
<b>Street Name Review</b>	Approved
<b>Division of Utilities and Solid Waste Management (DUSWME)</b>	Approved

## **RECOMMENDATION**

Staff has no objection to conditional approval of the S & R Management Site Development Plan. If the Planning Commission conditionally approves the Site Development Plan, the Site plan is valid for a period of three (3) years from the date of Planning Commission approval (January 13, 2024).

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

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

1. The Applicant shall comply with all Staff and agency comments through the completion of the project.
2. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.



## **PLANNING COMMISSION ACTION**

### **MOTION TO CONDITIONALLY APPROVE**

I move that the Planning Commission **APPROVE** Site Plan SP-20-06, application number SP260355 (APFO- A260357; FRO- F260212) **with conditions** including APFO approval, as listed in the staff report for the proposed Site plan, 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



LIBERTY ROAD  
(MARYLAND ROUTE 26)

ROW Varies - 60' ROW in this area

Comp Plan Classification is Minor Arterial

Village Center Zone  
Use - Commercial

DANC  
HALT  
50' RW  
(Local)

Village Center Zone  
Use - Commercial

Sight Distance Requirements for 35 MPH posted 45mph Design  
Intersection Sight Distance - Left turn from Stop - 500 Ft - Provided 433'  
Intersection Sight Distance - Right turn from Stop - 430 Ft - Provided <1,000'

