FREDERICK COUNTY PLANNING COMMISSION
August 11, 2021

TITLE: **Jefferson Tech Park – Lincoln West II**

FILE NUMBER: **SP06-07 AP SP263919**

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Development Plan approval for the construction of three (3) buildings (A-175,420 SF, B-29,432 SF, C-22,826 SF) for office and limited manufacturing and assembly on a 15.37-acre Site.

PROJECT INFORMATION:

ADDRESS/LOCATION:	Jefferson Station Ct., Approximately 950 ft. east from Jefferson Commons Way
MAP/PARCEL:	Tax Map 76, Parcel 109
COMP. PLAN:	ORI – Office/Research Industrial
ZONING:	MXD – Mixed Use Development
PLANNING REGION:	Frederick
WATER/SEWER:	W3/S3

APPLICANT/REPRESENTATIVES:

APPLICANT:	Harris Smariga & Associates
OWNER:	Jefferson Park Development, LLC
ENGINEER:	Harris Smariga & Associates
ARCHITECT:	Not Listed
ATTORNEY:	Not Listed

STAFF: Ashley M. Moore, Principal Planner

RECOMMENDATION: **<u>Conditional Approval</u>**

Enclosures:
Exhibit #1 – Site Plan Renderings
Exhibit #2 – Site Elevations
Exhibit #3 – Modification Letter

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Development Plan approval for the construction of three (3) buildings (A-175,420 SF, B-29,432 SF, C-22,826 SF) for office and limited manufacturing and assembly on a 15.37-acre Site. The proposed uses being reviewed are "***Business Office"*** and "***Limited Manufacturing and Assembly***" under the heading of **Commercial Business and Personal Services** and **Industrial Uses** per § 1-19-5.310 of the Zoning Ordinance and are permitted uses subject to Site Development Plan approval. Across the three buildings, there will be 116,948 sq. ft. of limited manufacturing and assembly and 34,840 sq. ft. of office. The remaining 75,890 sq. ft. is incidental service, storage, and mechanical areas.

BACKGROUND

Development History

The Site was originally zoned R-1 through 1990. The 1991 zoning maps indicated the property was rezoned to ORI, Office Research Industrial. In 2005, the property was rezoned to MXD, Mixed Use Development.

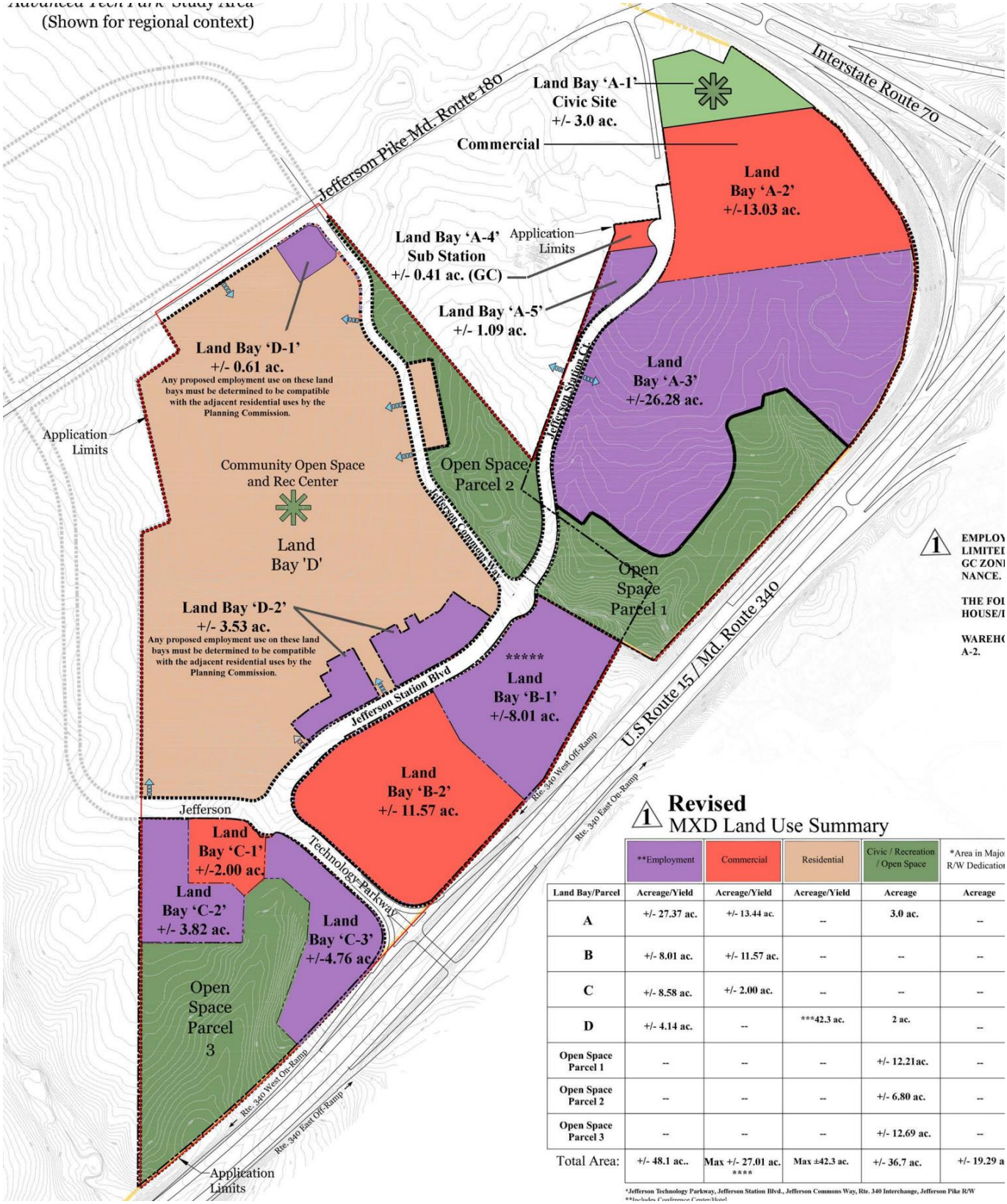
The Development Rights and Responsibilities Agreement (DRRA) was approved November 29, 2012. The current Amended and Restated Adequate Public Facilities Ordinance Letter of Understanding (APFO LOU) was approved November 29, 2012 and August 19, 2020, and it remains valid through December 14, 2025.

The original Phase II Combined Preliminary/Site Plan (AP #3380) was approved December 14, 2005. The Preliminary Plan (AP #9877) was extended on August 20, 2009, and then expired. The current Phase II Preliminary Subdivision Plan (AP #SP257617) was approved August 19, 2020. The Preliminary Subdivision Plan addressed the non-residential portion of the MXD and 108.45 acres were subdivided into 13 lots for commercial, employment, civic, and open space uses.

The Phase I MXD Land Use Plan was approved in 2005, and was amended on November 12, 2012, December 3, 2019 and July 8, 2020. As part of the current Phase I MXD Land Use Plan, this lot (Land Bay A-3) was designated for employment uses (See Graphic #1). As per § 1-19-10.500.7 (Land use, mixture, and design requirements within the MXD District) of the Zoning Ordinance (Chapter 1-19), Employment land uses permitted in the MXD District are those uses permitted within the Office/Research Industrial Zoning District.

Historical photos show the Site as part of a larger agricultural use. See Graphic #2. The approximate area of the Site has been mass graded and is clear of vegetation. See Graphic #3.

Graphic #1: Current Phase 1 MXD Land Use Plan



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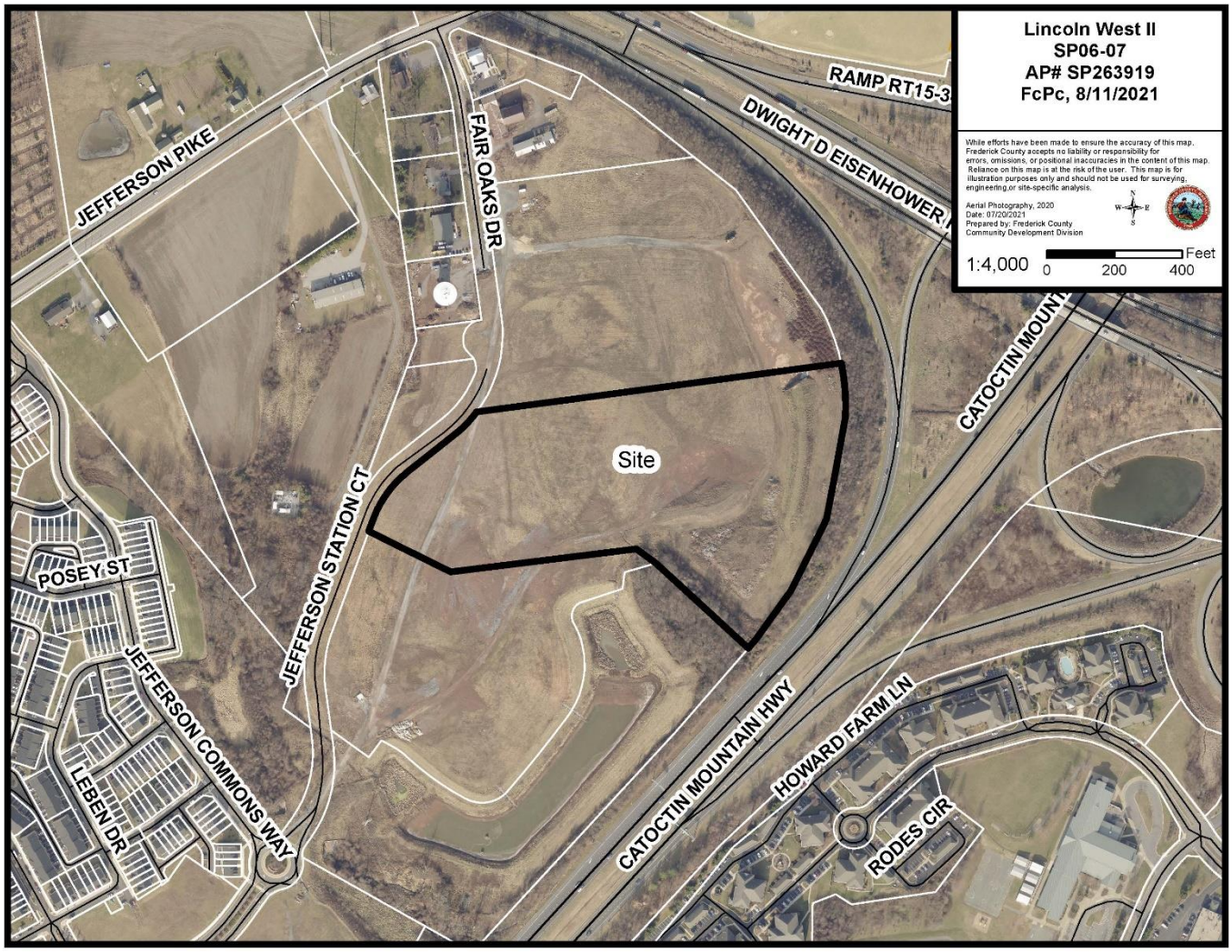
1 Revised MXD Land Use Summary

	**Employment	Commercial	Residential	Civic / Recreation / Open Space	*Area in Major R/W Dedication
Land Bay/Parcel	Acreage/Yield	Acreage/Yield	Acreage/Yield	Acreage	Acreage
A	+/- 27.37 ac.	+/- 13.44 ac.	--	3.0 ac.	--
B	+/- 8.01 ac.	+/- 11.57 ac.	--	--	--
C	+/- 8.58 ac.	+/- 2.00 ac.	--	--	--
D	+/- 4.14 ac.	--	***42.3 ac.	2 ac.	--
Open Space Parcel 1	--	--	--	+/- 12.21ac.	--
Open Space Parcel 2	--	--	--	+/- 6.80 ac.	--
Open Space Parcel 3	--	--	--	+/- 12.69 ac.	--
Total Area:	+/- 48.1 ac..	Max +/- 27.01 ac. ****	Max ±42.3 ac.	+/- 36.7 ac.	+/- 19.29 a

*Jefferson Technology Parkway, Jefferson Station Blvd., Jefferson Commons Way, Rte. 340 Interchange, Jefferson Pike R/W
**Includes Conference Center/Hotel

Graphic #2: Historical Aerial

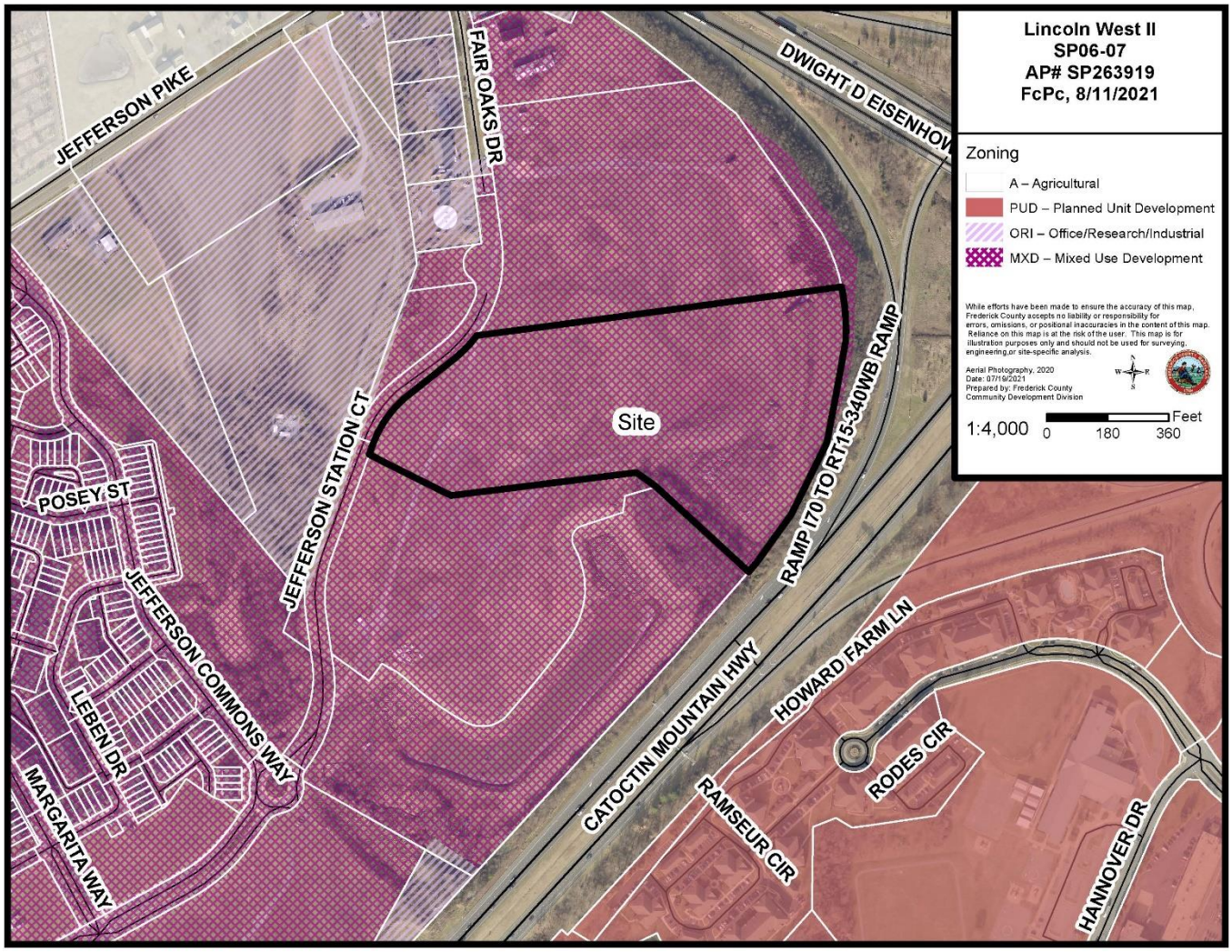
Graphic #3: Aerial



Existing Site Characteristics

The Site is zoned MXD, Mixed Use Development with a County Comprehensive Plan land use designation of ORI, Office/Research Industrial. The recenlty approved JTP Lincoln project is directly north of the Site (zoned MXD). South of the Site is a lot proposed for employment uses (zoned MXD). Across Jefferson Station Court and west of the Site is a lot designated for employment uses, zoned MXD. See Graphic #4 below.

Graphic #4: Zoning



ANALYSIS

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 Code (the "Code").

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 & 1-19-10.500.7:***
   The design requirements were established during the Preliminary Subdivision Plan. The requirements within the Mixed-Use Development for this lot are as follows: Front Yard – 10 ft., Side Yard – 8 ft., Rear Yard – 10 ft. The minimum lot size is 15,000 sq. ft. (669,304 sq. ft. provided) and the minimum lot width is 50 ft. (445 ft. provided). The maximum height requirement for proposed structures is 60 ft. The proposed building height is approximately 34 ft., as measured by the Ordinance. The proposed development meets all dimensional lot and building height requirements.

2. **Signage *§1-19-6.320*:** One freestanding sign is being proposed near the entrance. The signage equation per the code is (10)(√ F), where F equals the linear feet of the side of the building on which the primary entrance is located. Here, F = 764 ft. for building "A," 252 ft. for building "B," and 194 ft. for building "C." Therefore, the total allowable square footage signage is 284.25 sq. ft. for building "A," 158.75 sq. ft. for building "B," and 139.28 sq. ft. for building "C." A total of 582.82 sq. ft. for all buildings. The monument type sign will be 7'6" in height and does not exceed 25 ft. in height, which meets the zoning requirements (as shown on Sheet 6 of the Site Plan).

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. The frontage of the portion of the property being reviewed is approximately 471 ft., which would require 14 street trees (471 / 35 = 13.46) along Jefferson Station Court. The Applicant is providing 14 street trees. There are also existing trees densely planted along the eastern property line bordering US Rt. 15-340. Staff considers these trees to constitute compliance with the street tree requirement.

   - **Land Use Buffering and Screening *§1-19-6.400(B):*** The Ordinance states: "All other uses: buffering and screening for all other land uses shall be determined by the Planning Commission." The Applicant is proposing a landscape buffer between the Site and the original Lincoln project (north) and a future employment use development (south).

   - **Parking Area Buffering and Screening *§1-19-6.400(C)*:** The proposed trees and shrubs will screen the parking spaces from Jefferson Station Court.

   - **Parking Area Landscaping *§1-19-6.400(D)*:** The Applicant is required to provide a 20% canopy or 36,892 sq. ft. over the parking area with shrubs within the planting area. The Applicant is providing 37,005 sq. ft., or 20.1% canopy.

   - **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.

Lighting *§1-19-6.500*: There will be lighting around the Site in the form of both pole mounted and building mounted fixtures. Typically, a 14 ft. fixture mounted height is enforced in Planned Developments. Mounted heights are proposed at 18 ft. for all parking area poles and all building mounted fixtures throughout the Site.

The brightness levels do not exceed the maximum 0.50 foot-candle measurement at the property line. The fixtures are to be fully shielded and directed downward onto the Site.

Modification: A lighting modification to allow pole heights of 18 ft. which is typical of the heights allowed in commercial and industrial zoning districts, but is 4 feet higher than the code specifies for the Planned Development District.

The original Lincoln project was approved with 18 ft. mounting heights for poles in their northern parking lot area and for building mounted fixtures on the western side of the building. The original Lincoln project was also approved with 24 ft. mounting heights for poles in their southern parking and loading areas and for building mounted fixtures on the southern side of the building.

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 Site has two driveways that will be accessed from Jefferson Station Court. A third driveway offsite will allow truck circulation from the original Lincoln project. The northern driveway allows for vehicle access to the northern parking area. The southern driveway allows for vehicle and tractor trailer access to the southern parking areas and the large loading spaces. The proposed parking layout presents a significant intermixing of vehicle parking and loading spaces throughout the site. This intermixing presents an increased concern for vehicular conflict, specifically around Building C.

2. **Connectivity *§1-19-6.220(F)*:** There will be an access drive connecting Lincoln West with the previously approved Lincoln project north of the Site. The two sites have the same owner therefore an access easement is not required to be recorded at this time. However, if one of the properties are sold to a separate owner, an easement agreement will be required to be recorded.

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 Ordinance requires the limited manufacturing and assembly use to provide 1 per every 2 employees (on the largest shift for which the building is designed) plus 1 space for each motor vehicle used in the business. Since this is a speculative building and the tenant(s) are not certain, the applicant is requesting a modification to use the parking calculation for an office use. With this determination, building "A" would require 390 spaces.

   An office use greater than 5,000 sq. ft. is required to provide 1 space per 300 of net floor area, therefore 66 spaces are required for building "B," and 51 spaces are required for building "C." The incidental service, storage, and mechanical areas are subtracted by the gross floor area and are not included in the parking calculations. The total amount of parking proposed using the office use calculation for the proposed development is 507 spaces. The Applicant is providing 507 parking

spaces.

Modification: A parking modification to utilize office use calculation for the limited manufacturing and assembly use resulting in 507 total parking spaces.

Loading Spaces:
The office use with 5,000 sq. ft. or greater net floor area requires 1 large or 2 small loading spaces and 1 additional large loading space for each 15,000 sq. ft. or part thereof over 20,000 sq. ft., therefore 2 small loading spaces are required for building "B," and 2 small loading spaces are required for building "C." An industrial use 5,000 sq. ft. or greater net floor area requires 1 large plus 1 additional large for each additional 10,000 sq. ft. or part thereof over 5,000 sq. ft., therefore 13 loading spaces are required for building "A." The minimum amount of loading spaces required for the Site is 13 large and 4 small loading spaces or 17 total loading spaces. The Applicant is showing 17 loading spaces (13 large and 4 small). Depending on the tenant specifications, optional knockouts for loading spaces are available.

Staff has expressed concern about the significant intermixing of vehicle parking within the loading areas. For building "C" the design functions well for smaller box trucks but may experience issues if a tenant proposes or switches to larger trucks.

5. **Pedestrian Circulation and Safety *§1-19-6.220 (G)*:** Sidewalks are proposed along the main entrance of each building. The sidewalks connect every building. The sidewalks within the Site lead to the sidewalk proposed along Jefferson Station Court. The sidewalk proposed along Jefferson Station Court will be constructed as development occurs and will lead to the employment, commercial, and residential lots within the Jefferson Technology Park Planned Development.

6. **Bicycle Parking *§1-19-6.220 (H)*:** The Ordinance requires bicycle parking for MXD uses greater than 5,000 sq. ft. GFA to provide 1 bicycle rack per 40,000 sq. ft. of GFA with a maximum of 10 bicycle racks. The development requires 6 bicycle racks and the Applicant is providing 6 bicycle racks.

Section 1-19-10.500.9 Development Standards within the Planned Development Districts. A. Site and building design

Findings/Conclusions

A. **Site and Building Design:**
The Site will be integrated into the surrounding transit system, which allows access to vehicles, bicycles and pedestrians. The exterior façade provides consistent finishes and materials on all sides and breaks up the long facades with changing building planes, windows, wall patterns, colors, and defined entrances. There are also opportunities for additional windows due to the optional knockouts shown along frontages of each building, which would depend on the tenants. The entrances are accentuated with pedestrian scaled windows, doors, and canopies.

The development standards also require the parking to be predominately located to the side and rear of the buildings. Overall, 95% of the parking for the development is to the side and rear of building "B", which is the most visible building that will be situated along Jefferson Station Court. Individually, the buildings average 45% of their parking in the front or 55% of their parking to the side or rear, which does meet the requirement of the development standards.

B. **Natural Features:**
The existing tree line and steep slopes along the eastern boundary will be maintained.

C. **Public Facilities and Utilities:**
The Site will be integrated into the overall MXD's public water, public sewer, utility, and transportation system.

D. **Modifications:**
The requested modifications are 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/the Frederick County Health Department.*

Findings/Conclusions

Private Well and Septic: The Site is currently classified W-3 and S-3 in the Water and Sewerage Plan and will be served by a public water and sewer 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 Site slopes from the northwest toward the southeast. The slope is greater along the eastern property boundary.

2. **Vegetation:** There are existing trees lined along the southeastern and eastern boundary of the Site.

3. **Sensitive Resources:** The slopes are greater than 25% along the eastern property boundary. The project area is in a DNR Frederick County Sensitive Species Project Review Area.

4. **Natural Hazards:** There are no floodplains, wetlands, or flooding 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:** There are no required public common areas associated with this development.

2. **Ownership:** The Site is privately owned.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: Stormwater Management will be provided by an existing facility located south of the Site that was previously approved (AP #4011).

APFO – Chapter 1-20: This development met the requirements of APFO (#12751 and A257619) at previous preliminary plan approvals (via the LOU approved on November 29, 2012 and August 19, 2020), and this application does not increase the density or intensity assumptions confirmed at that time; therefore, it is exempt from further APFO testing at site plan (§1-20-7(E)). The Amended and Restated APFO LOU has been fully satisfied. The APFO LOU will remain valid through December 14, 2025, by which time all lots must be recorded to maintain APFO approval. The Site is anticipated to generate 96AM and 112PM peak hour trips, leaving a total of 1,167AM and 1,603PM peak hour trips remaining.

Forest Resource – Chapter 1-21: The property was previously mitigated in 2007 under AP #4308 by the recordation of FRO easements and payment of fee-in-lieu. The Site of the proposed development contains no forest and no specimen trees (trees 30" or greater in diameter).

Historic Preservation – Chapter 1-23: There are no historic buildings on the Site.

Summary of Agency Comments

Other Agency or Ordinance Requirements	***Comment***
Public Works Department	Approved
Development Review Planning	Approved
Division of Water and Sewer Utilities (DWSU)	Approved
Office of Life Safety	Approved
Development Review Transportation Engineering	Approved
Forest Conservation (FRO)	Exempt
Adequate Public Facilities (APFO)	Exempt
Street Name Review	Approved
State Highway	Approved

RECOMMENDATION

Except for the concern about the significant intermixing of vehicle parking within the loading areas, staff has no objection to conditional approval of the JTP Lincoln West II Site Development Plan. If the Planning Commission approves the Site Development Plan, the Site plan is valid for a period of three (3) years from the date of Planning Commission approval (August 11, 2024).

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

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

1. A lighting modification to allow pole heights of 18 ft. which is typical of the heights allowed in commercial and industrial zoning districts, but is 4 feet higher than the code specifies for the Planned Development District..
2. A parking modification to utilize office use calculation for the limited manufacturing and assembly use resulting in 507 total parking spaces.

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. Final Plat PL263926 must be recorded prior to the Site Plan being stamped approved.
3. Note 1 on the Site Plan must be completed with the final plat recordation information.

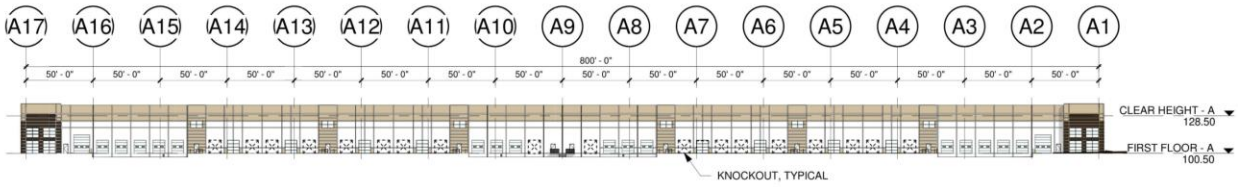
PLANNING COMMISSION ACTION

MOTION TO CONDITIONALLY APPROVE

I move that the Planning Commission **CONDITIONALLY APPROVE** Site Plan SP-06-07, AP SP263919 **with conditions and modifications** 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.

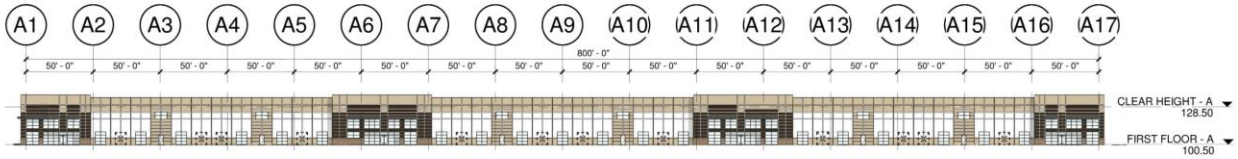
Exhibit #1 - Site Plan Renderings

PROPOSED ELEVATIONS BUILDING A



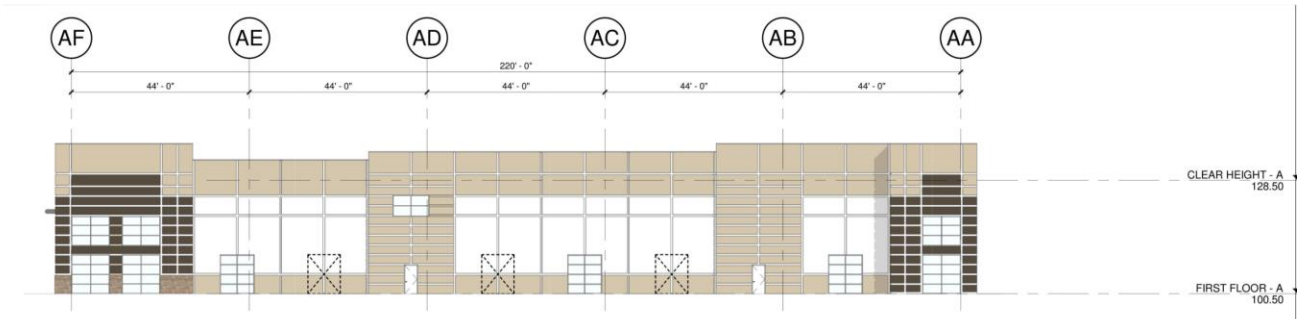
*KNOCKOUTS SHOWN ARE POTENTIAL DOOR/WINDOW LOCATIONS @ APPROX 50/50 MIX
VIEW SHOWN IS WITH ALL AVAILABLE LOADING SPACES UTILIZED

1 NORTH ELEVATION BLDG. A
1" = 60'-0"



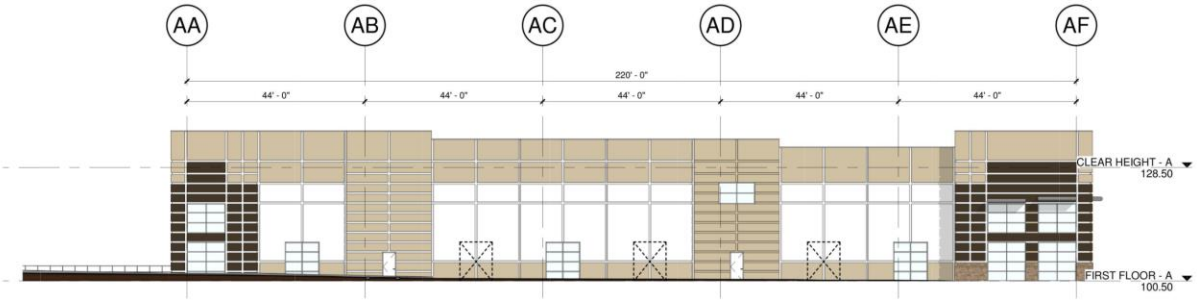
2 SOUTH ELEVATION BLDG. A
1" = 60'-0"

*KNOCKOUTS SHOWN ARE POTENTIAL WINDOW LOCATIONS



1 EAST ELEVATION BLDG. A
1" = 20'-0"

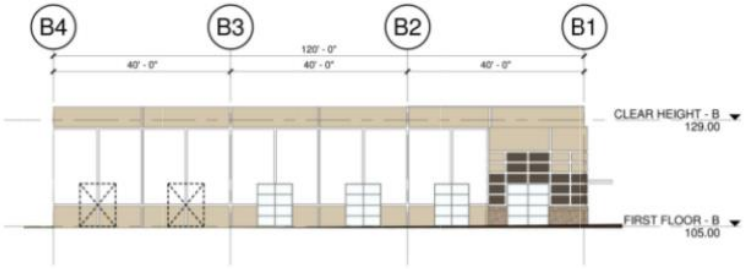
*KNOCKOUTS SHOWN ARE POTENTIAL WINDOW LOCATIONS



2 WEST ELEVATION BLDG. A
1" = 20'-0"

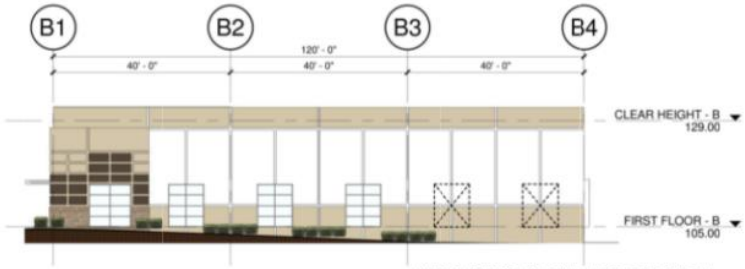
*KNOCKOUTS SHOWN ARE POTENTIAL WINDOW LOCATIONS

PROPOSED ELEVATIONS BUILDING B



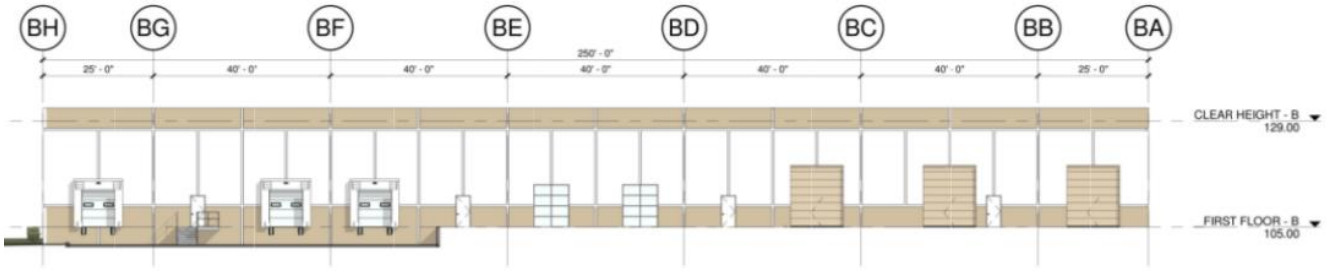
*KNOCKOUTS SHOWN ARE POTENTIAL WINDOW LOCATIONS

1 NORTH ELEVATION BLDG. B
1" = 20'-0"



*KNOCKOUTS SHOWN ARE POTENTIAL WINDOW LOCATIONS

2 SOUTH ELEVATION BLDG. B
1" = 20'-0"



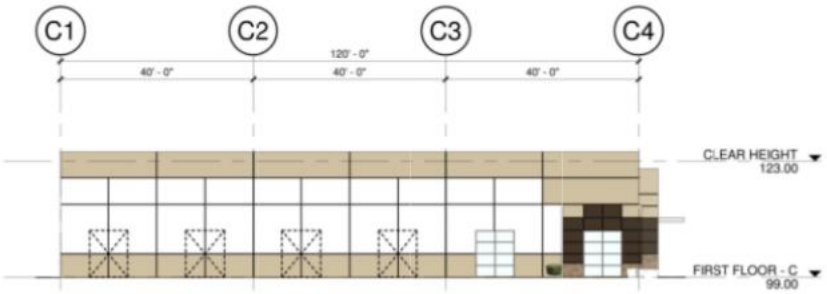
1 EAST ELEVATION BLDG. B
1" = 20'-0"

*VIEW SHOWN IS WITH ALL AVAILABLE LOADING SPACES UTILIZED

2 WEST ELEVATION BLDG. B
1" = 20'-0"

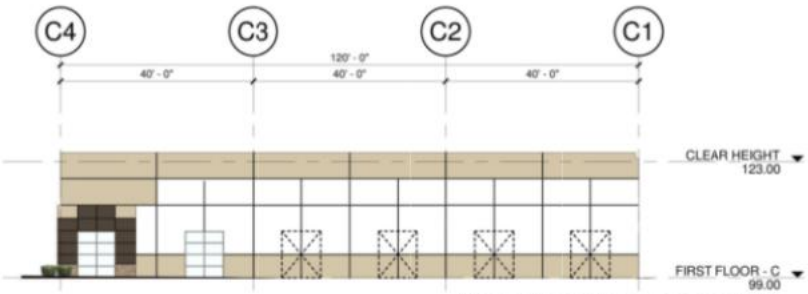
*KNOCKOUTS SHOWN ARE POTENTIAL WINDOW LOCATIONS

PROPOSED ELEVATIONS BUILDING C



① NORTH ELEVATION BLDG. C
1" = 20'-0"

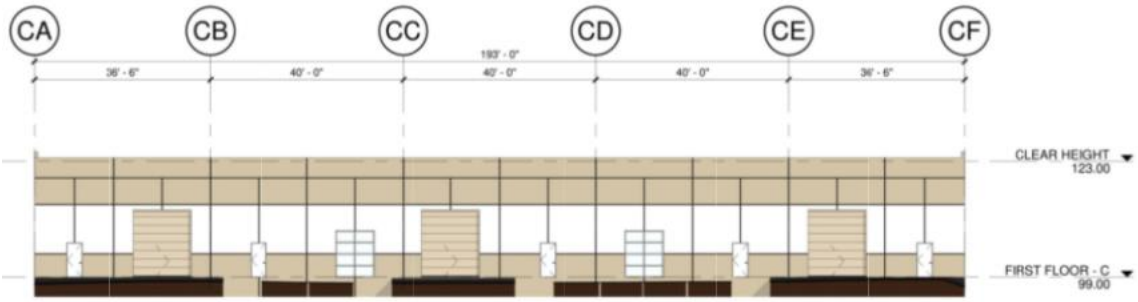
*KNOCKOUTS SHOWN ARE POTENTIAL WINDOW LOCATIONS



② SOUTH ELEVATION BLDG. C
1" = 20'-0"

*KNOCKOUTS SHOWN ARE POTENTIAL WINDOW LOCATIONS

① EAST ELEVATION BLDG. C
1" = 20'-0"



② WEST ELEVATION BLDG. C
1" = 20'-0"

*VIEW SHOWN IS WITH ALL AVAILABLE LOADING SPACES UTILIZED

HARRIS SMARIGA
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July 12, 2021

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

Re: Jefferson Technology Park- Lincoln West II

Dear Commission Members,

As permitted by the Zoning Ordinance, and on behalf of our client, we would like to request the following modifications for the Proposed Lincoln West II Site Plan:

> A modification to section 1-19-6.220(A) to allow Building A's parking calculation to be based on an Office use as opposed to an Industrial use.

While it is required for a site plan to have a specific use to proceed to Planning Commission this site is meant to function as a "flex" space/business park development similar to many existing and developing properties in the County. The County does not currently list a "flex" use in the zoning ordinance but has approved several flex properties in the County. Examples of these types of properties would include Arcadia Business Park by St John Properties or Center 85 at Westview South by Matan.

Our client's ultimate vision for this site to have a mix of uses as permitted by the Zoning Ordinance for the Office/Research Industrial district. Our client is in talks with several prospective users but has not finalized a tenant. Prospective tenants for Building A include both a Limited Manufacturing and Assembly user, a use calculated at an Industrial parking requirement and a Laboratory Research, Experimental or Testing user, a use calculated at an Office parking requirement. The industrial parking calculation is based upon the number of employees and company vehicles, a number that is not yet known while the office parking requirement is based on building square footage, a number that is known. Therefore, Planning Commission approval of a modification to park Building A as an Office use is requested.

> A modification to section 1-19-6.500(B)(1) to allow pole lights with heights of 18' as allowed for office uses within Mixed Use Development (MXD) areas.

This plan proposes 18' wall mounted and freestanding lights. Although the plan proposes increased light heights, we have maintained no spillage of more than 0.5 foot-candles as measured from the property line as required by County Code. The proposed lighting will be fully shielded and oriented downward to prevent light trespass onto adjacent properties, roadways, and the nighttime sky.

T:\7000's\7526-00000\Correspondence\JTP Lincoln West II Modification Letter.docx

HARRIS SMARIGA
PLANNERS • ENGINEERS • SURVEYORS

125 S. CARROLL STREET
SUITE 100
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MARYLAND 21701

P 301 662 4488
F 301 662 4906
www.harrissmariga.com

While our property has a Mixed-Use Development Zoning (MXD) designation the proposed Lincoln business office/warehouse by its nature is not a pedestrian oriented component in this MXD Development nor is it adjacent to this component of the MXD. Adjacent to the Lincoln West II site is the Lincoln West I site to the north, the existing Ballenger Water tank and proposed Alleghany Power Substation to the west, and employment uses to the south and west. Our site is almost entirely surrounded by properties that are or will be either commercial or employment with industrial/office related uses.

The existing residential areas of Jefferson Tech Park are located approximately 1/5 mile or approximately 1000'+ from the Lincoln Site. The existing forested areas associated with Pike Run further screen the site from the MXD residential areas. Lastly, future adjacent employment areas will further screen the 18' pole lights as the adjacent Lot A-3B develops.

The additional light height would permit our client to adequately light the site for safety in the evening and nighttime hours, would reduce vertical clutter and reduce energy usage. It is for these reasons we are requesting the additional height for site lighting.

Thank you for your consideration of these modifications.

Sincerely,

Luke Zeller
Designer

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