TITLE: Southern States/Mullinix Agro, Lot 4

FILE NUMBER: SP-79-18, AP #16028, APFO#16029, FRO #16030

REQUEST: Planned Industrial Site Development Plan Approval
The Applicant is requesting Planned Industrial site development plan approval for a 1.19-acre liquid petroleum (propane) storage and distribution facility together with an existing Contractors Equipment and Material Storage Yard - on a 5.40-acre site.

PROJECT INFORMATION:
ADDRESS/LOCATION: Located on the north side of Agro Drive, near its intersection with Ballenger Creek Pike
TAX MAP/PARCEL: Tax Map 94, Parcel 85, Lot 4
COMP. PLAN: General Industrial
ZONING: General Industrial
PLANNING REGION: Adamstown
WATER/SEWER: NPS

APPLICANT/REPRESENTATIVES:
APPLICANT: Southern States Cooperative, Inc.
OWNER: Ralph E. & Judy A. Wright
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Denis Superczynski, Principal Planner II

RECOMMENDATION:
Conditional Approval

ATTACHMENTS:
Exhibit 1-Southern States/Mullinix Agro Lot 4 Site Plan Rendering
STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Planned Industrial site development plan approval for a 1.19-acre liquid petroleum (propane) storage and distribution facility, on a 5.40-acre site. The proposed use is being reviewed as an “Petroleum products storage” land use under the heading of Wholesaling and Processing together with an existing Contractors Equipment and Material Storage Yard per §1-19-5.310 Use Table in the Zoning Ordinance. Petroleum products storage is a principal permitted use in the General Industrial (GI) Zoning District subject to site development plan approval.

The site plan is also being reviewed as a Planned Industrial Development (Section 1-19-10.300) which allows for more than one (1) principal use or building on a single lot in the GI District.

The proposed facility consists of two (2), 30,000-gallon propane tanks (approximate footprint of 3,000 sf), four (4) delivery truck parking spaces, and an area set aside for the temporary storage of up to thirty (30) small residential propane tanks. Most of the 1.19-acre lease area for the Southern States facility is covered in existing compacted gravel. The facility will be fenced along its perimeter and access will be controlled at a single gated entrance onto Agro Drive.

Site Vicinity Map – Aerial Image
BACKGROUND

Development History
This 5.40-acre parcel is currently developed on its eastern half with a contractor’s equipment and material storage yard. An existing 14,080 sf structure currently occupies the area previously approved in October 2009 (AP 8686). The 2009 approval also permitted the operation of a salvage yard within the area now proposed for the propane storage use.

Existing Site Characteristics
The proposed liquid petroleum storage and distribution facility is proposed to be located on the western portion of the site and is currently surrounded by parcels which also carry General Industrial (GI) zoning. Setbacks as proposed in this site plan, do not require any extension due to surrounding sensitive land uses such as residential lots. The existing facility will remain unchanged and will continue to adhere to all previous approval requirements.

The property is currently served by three (3) driveways, with the westernmost driveway subdivided into two separate, gated entries. The proposed propane facility will utilize the existing, westernmost gated entry from Agro Drive.

An on-site septic field is located between the existing use and the proposed use. The septic field was originally permitted through MDE in conjunction with a discharge permit to accommodate the rinsing of refuse trucks and dumpsters on the site.

The site is not located within or near a wellhead protection area.
An existing approved FRO afforestation area of approximately 0.65 acres (AP 8689) runs along the entire northern boundary of the site.

**Previous Site Plan Approvals:** The original Site Plan for development of the site as a salvage and storage yard was approved by the Planning Commission in 1979 (SP-79-18). Two small structures appear to have been constructed as part of that approval and the site was in constant use as a storage and salvage yard throughout the following decades. However, both structures were subsequently removed after the October 2009 Site Plan approval which resulted in the construction of the new building on the eastern portion of the parcel.

In its October 2009 review, the FCPC approved the site for two (2) principal uses – ‘salvage yard’ and ‘contractors, equipment and material storage’ – but did not specifically address the standards set forth in Section 1-19-10.300 for a Planned Industrial Development.

**ANALYSIS**

**Summary of Development Standards Findings and Conclusions**
The key issue associated with this site plan is the layout of the two principal uses on the site. A secondary issue of access and internal circulation is addressed in this report as well.

**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.

**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 an industrial use in the General Industrial (GI) Zoning District.

   The proposed setbacks for the facility are the following:

<table>
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<tr>
<th>Requirement</th>
<th>Required</th>
<th>Proposed/[Lease Area Only]</th>
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<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>1 acre</td>
<td>5.40 acres [1.19 acres]</td>
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<tr>
<td>Minimum Lot Width</td>
<td>150’</td>
<td>564’</td>
</tr>
<tr>
<td>Front Yard</td>
<td>25’</td>
<td>94’ [89’]</td>
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<tr>
<td>Side Yard</td>
<td>15’</td>
<td>20’ [59’]</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>40’</td>
<td>55’ [203’]</td>
</tr>
<tr>
<td>Max Building Height</td>
<td>60’</td>
<td>10’ (bulkheads)</td>
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   Setbacks from the side and rear lot lines are calculated to the nearest point of the proposed outdoor storage area for residential LP tanks. The primary fixed storage tanks exceed the required minimum setbacks.

2. **Signage §1-19-6.300:** The Applicant does not propose any additional signage for the property other than those signs required for life safety.
3. **Landscaping & Screening §1-19-6.400:** In accordance with Z.O. §1-19-6.400.B.3, *buffering and screening for all other land uses shall be determined by the Planning Commission.* The Applicant has provided modest screening along the western property boundary in order to screen the tanks from the adjacent parcel. All contiguous parcels share GI zoning and thus do not require vegetative screening. Additional standards set forth in Section 1-19-7.610 state that outdoor storage is permitted when it does not occur within 500 feet of a residential district boundary, which is the case with this site plan.

4. **Lighting §1-19-6.500:** The Applicant proposes no additional lighting on the site plan other than those existing poles approved previously.

**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:** Access to the Southern States portion of Lot 4 is achieved via a 30’ wide existing gated driveway onto Agro Drive located on the western corner of the site.

2. **Connectivity §1-19-6.220 (F):** The lease area designated for the use of Southern States is a secured area surrounded by fencing and gated to prevent unrestricted access to the site. No connectivity requirements are relevant to the development of this Site.

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

4. **Vehicle Parking §1-19-6.220:** The proposed parking determination is based on the category of ‘All Industrial Use’ due to the proposed activities on-site, as well as the number of proposed employees. Required parking for the category of ‘All industrial uses’ is calculated at 1 space for every 2 employees (on the largest shift for which the building is designed) plus 1 for each motor vehicle used in the business. The Applicant is proposing that no regular and fixed activity will be conducted on the site other than: a) delivery of LP gas via tanker truck; b) arrival of employees via personal vehicles in the AM hours to allow for the transfer to LP gas delivery trucks; and, c) the return of the LP gas delivery trucks and the departure of employees via their private vehicles. Since the proposed use at the site is one of bulk product distribution and employee staging, the Applicant is not required to provide any parking spaces per the requirements listed within § 1-19-6.220. However, the four (4) spaces shown on the plan that are utilized for overnight storage of LP gas delivery trucks, will serve ‘double duty’ as employee parking during regular delivery hours when those employees are driving the delivery vehicles.

5. **Loading §1-19-6.210.B:** For industrial uses over 5,000 square feet, the Zoning Ordinance requires 1 large + 1 additional large loading space is required for each additional 10,000 sq. ft. of total building net floor area or part thereof over 5,000 sq. ft. There is no proposed building in this site plan thus no loading spaces are required. The Applicant does demonstrate adequate area within which the proposed delivery trucks may freely move without causing on-site interference with parked vehicles or fixed structures.

6. **Bicycle Parking §1-19-6.220 (H):** In accordance with Z.O. § 1-19-6.220, the Applicant is required to provide 1 bike rack per 40,000 SF of GFA, minimum 1, maximum 10. No structures – other than the propane tanks and tank supports – are proposed. No bike racks are required as part of this site development plan.

7. **Pedestrian Circulation and Safety §1-19-6.220 (G):** There is no pedestrian access to, or within, the site other than those casual routes utilized by employees of Southern States. No pedestrian improvements are required.

**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 ‘No Planned Service’ in the Frederick County Water and Sewer Plan and is therefore not served by public water and sewer infrastructure.

**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 overall site is generally flat; topography drops approximately 8 feet from Agro Drive to the rear property boundary on the northwestern corner of the site.

2. **Vegetation:** The site is sparsely vegetated and is mostly surfaced in gravel, compacted earth, and asphalt. Some shrub and grass areas exist along the fence lines.

3. **Sensitive Resources:** There are no sensitive environmental resources located on or adjacent to the site, however, the entirety of the parcel is situated on restricted soils (Type PrB). Soil infiltration of liquid petroleum in the event of a compromised tank is not a concern since the propane assumes a gaseous state at normal pressure.

4. **Natural Hazards:** There are no natural hazards located on 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:** The Site is an industrial place of business used for the storage and distribution of a bulk product and lacks a retail component. There are no common areas proposed or required.

Additional Detailed Analysis of Findings and Conclusions

**Planned Commercial/Industrial Development §1-19-10.300:** The Planning Commission shall make the final determination as to whether a planned commercial/industrial development shall be approved...In making a determination as to whether the development shall receive approval, the Planning Commission shall consider the purpose and intent of this section as well as the following design standards...

Findings/Conclusions

1. **Layout §1-19-10.300 (C)(1):** The proposed layout of the site, and in particular, the separation of truck and vehicle access between the two uses, is adequate to serve the proposed activities and consistent with other uses in the General Industrial (GI) Zoning District. The dual gate at the westernmost driveway is adequate in width and design to serve the proposed users of the site without the need for an additional point of access onto Agro Drive. The layout and location of the propane tanks allows for safe and convenient truck maneuvering within the site. The small storage area for residential propane tanks is placed at the rear of the property and is mostly screened from view except for within the site itself.

2. **Use. §1-19-10.300 (C)(2):** The proposed propane storage/distribution facility is modest in scale and makes use of an appropriately located and appropriately zoned parcel of land. The proposed and existing uses are consistent with the existing underlying GI zoning. Practical or logistical conflicts are minimized through the separation of vehicular access points.

3. **Bulk regulations. §1-19-10.300 (C)(3):** The underlying zoning for the site is GI. The Planned Industrial approval process provides that setback and height limitations are established by the Planning Commission based upon the underlying zoning. In this case, the Applicant proposes dimensional standards consistent with those for standard uses in the GI district.
4. **Building Separation. §1-19-10.300 (C)(4):** No new buildings are proposed in this Site Plan.

5. **Minimum off-street parking. §1-19-10.300 (C)(5):** The four (4) parking spaces proposed for the rear of the lot will serve a dual use. Overnight use of the spaces will be for the storage of the propane delivery vehicles. During business hours, employees will report to the site, park their vehicles in this area, and depart the site using the propane delivery trucks. At the end of the business day, employee drivers will return to the site to collect their personal vehicles and leave the delivery trucks in the vehicle storage area. No off-street parking is required for the tanker trucks that deliver propane to the two 30,000-gallon storage tanks.


7. **Supplementary district regulations. §1-19-10.300 (C)(7):** The proposed site plan complies with all supplementary regulations related to access, circulation, signage, storage/operations, refuse containment, and performance standards (Sections 1-19-7.600 through 1-19-7.610)

**Other Applicable Regulations**

*Moderately Priced Dwelling Units – Chapter 1-6A:* The proposed use is non-residential; therefore, MPDU’s are not required.

*Stormwater Management – Chapter 1-15.2:* This proposed activity results in the disturbance of not more than 5,000 sf of land area and is therefore exempt from stormwater management requirements.
APFO – Chapter 1-20:
1. **Schools.** This Site is a non-residential use and therefore is exempt from school testing.

2. **Water/Sewer.** This site will not utilize public water and sewerage systems and is designated as ‘NPS’, *No Planned Service*, in the Frederick County Water and Sewer Plan.

3. **Roads.** The proposed 1.19-acre propane storage and distribution facility, along with those structures already approved and built, do not trigger APFO road requirements. The proposed activity is therefore exempt from further review.

Forest Resource – Chapter 1-21: Prior FRO mitigation has been provided under AP 8689 via on-site easement and banking credit purchase. Therefore, Forest Resource Ordinance requirements for this lot were met and no further mitigation is required.

Historic Preservation – Chapter 1-23: There are no historic resources affected by the proposed activity.

Summary of Agency Comments

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<th>Other Agency or Ordinance Requirements</th>
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<tr>
<td>Public Works Development Review (PWDR):</td>
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<td>Development Review Planning:</td>
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<td>State Highway Administration (SHA):</td>
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<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
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<td>Office of Life Safety</td>
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<td>APFO</td>
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RECOMMENDATION

Staff has no objection to conditional approval of the 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, or March 9, 2019.

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

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 SP-79-18, AP 16028 with conditions as listed in the staff report for the proposed Planned Industrial 1.19-acre liquid petroleum (propane) storage and distribution facility, on the 5.4-acre Lot 4 of the Mullinix Agro Industrial Park, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.