TITLE: Jefferson Veterinarian Hospital

FILE NUMBER: SP-97-11, AP# 15091, APFO#15093, FRO#14634, SWM #15092

REQUEST: Site Development Plan Approval
The Applicant is requesting Site Development Plan approval of an animal hospital to be located in a 6,436 s.f. building on an approximately 3.19 acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located on the north side of Round Tree Road approximately 900 feet west of Lander Road in Jefferson
TAX MAP/PARCEL: TM 84; Parcel 192, Lot 2
COMP. PLAN: Village Center
ZONING: Village Center
PLANNING REGION: Brunswick
WATER/SEWER: W-5; S-5

APPLICANT/REPRESENTATIVES:

APPLICANT: Brooks Ahalt, DVM
OWNER: Ahalt Family Enterprises LLC
ENGINEER: ADTEK Engineers, Inc.
ARCHITECT: Proffitt & Associates Architects
ATTORNEY: N/A

STAFF: John Dimitriou, R.A. Principal Planner

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
EXHIBIT 1 – Site Plan
EXHIBIT 2 – Modification Request
EXHIBIT 3 – APFO LOU
Development Request

The Applicant is requesting Site Development Plan approval for the construction of a new animal hospital within a one story, 6,436 sf building on a +/-3.189 acre site. This Site is zoned VC-Village Center and requires Concept Plan Approval as provided in §1-19-7.500(D) of the Frederick County Zoning Ordinance. Concept Plan Approval was granted by the Frederick County Planning Commission (FCPC) for the proposed Animal Hospital on November 12, 2014.

The proposed use is being reviewed as an “Animal Hospital or Veterinary Clinic” under the heading of Animal Care and Service per §1-19-5.310 Use Table in the Zoning Ordinance. The Site is currently vacant. The requested use is a principal permitted use as a special exception with site development plan approval in the VC Zoning District. A Special Exception for this use was granted by the Board of Zoning Appeals on May 30, 2014 in Case # B-14-13.

BACKGROUND

Development History

The Site was originally zoned R-2 in 1959. The 1972 zoning maps indicated the property was rezoned to B-2, a business zoning designation. The property was rezoned in 1977 to GC-General Commercial and remained so until it was rezoned again in 2010 to VC-Village Center.

The Site was formerly part of a larger parcel of land that included the properties directly to the east and west. In 1987, the larger parcel was subdivided into 3 separate lots, of which the Site is Lot 2. The lot to the east (Lot 1) was developed and is currently used as a commercial business. The lot to the west (Lot 3), is undeveloped. A common entrance for lots 2 and 3 is identified on the recorded plat, however no other legal instruments have been recorded to establish rights of use of the common entrance.

Existing Site Characteristics

The Site is currently vacant and unforested (see aerial photo below). When the property was subdivided, a well and a septic field were constructed, but no further development of the property has since occurred. The Site is not forested and does not contain FEMA floodplain. A portion of the Site along the eastern boundary contains wet soils. The Site has undergone some grading, and slopes toward the eastern boundary. A common entrance/drive between the Site and Lot 3 to the west is indicated on the plan and is partially constructed.
ANALYSIS

Summary of Development Standards Findings and Conclusions

The Site of this proposed animal hospital is in the Village Center (VC) zoning district and must comply with general Site Plan Review criteria (Section 1-19-3.300.4) as well as the Village Center Design Standards in section 1-19-7.500(C) of the zoning ordinance.

The concept plan demonstrated how the proposed development intended to meet the VC Design Standards at the time of Site Development Plan Review. The proposed Site Plan adheres to the approved Concept Plan therefore, the key issues related to the proposed Site Plan are limited to:
- Use of an identified common entrance for Site access
- Modification to permit alternate on-site location for two street trees

Detailed Analysis of Findings and Conclusions

Village Center Zoning District Design Standards §1-19-7.500(C):

Site Development and Layout
- Staff finds that the proposed configuration of the building relative to the parking areas establishes the principal face of the building and provides the orientation toward Roundtree Road.
- Staff finds that the proposed parking areas are located to the side and rear of the proposed building and therefore meet the requirements of the design standards and do not create a long expanse of empty street frontage.
- The Zoning Administrator has approved a minimum front yard setback of 63’. This front setback was utilized in the approved Concept Plan and has been carried forward in the proposed Site Development Plan.

Building Massing and Bulk
- Staff finds that the overall form of the proposed building has a combination of height, setbacks, roof pitch, and length of building frontage that is similar to the surrounding buildings.
- Staff finds that the generalized location and building footprint size indicated on the Site Development Plan is consistent with the overall pattern and form of buildings in the surrounding zoning district.
- The Applicant received approval for a 6,436 square foot building footprint at Concept _Plan. The proposed Site Development Plan adheres to this approved footprint size.
Site Development Plan Approval shall be granted based upon the criteria found in:

**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 Concept Plan review and approval. Using the setback averaging criteria described in the VC zone, a resulting front setback of 134.6’ was determined. However, due to Site constraints related to the location of an existing septic field, the Applicant requested a modification from the front setback requirement per §1-19-7.500 (B)(3)(a)1 of the Frederick County Zoning Ordinance.

This Site is not a part of or physically adjacent to the historic turnpike development along MD 180 where a pattern of consistent setbacks based on historic development have been established. It is located in a portion of the community that is physically separated by US 340 from the historic area and reflective of contemporary development patterns. Therefore, the character of development within the vicinity of the Site is generally not reflective of the architectural and streetscape features that the Village Center Zone and associated Design Guide are intended to preserve.

This modification request was reviewed by the Zoning Administrator and was granted based on a finding that the request was consistent with the intent and purpose of the Village Center Zoning District. The final front setback is established at 63’.

The dimensional requirements are as follows:

- Front Yard: 63’
- Side Yard: 15’
- Rear Yard: 40’

The Applicant proposed a building height of 28’ 4” at Concept Plan and has slightly increased that height in the proposed Site Development Plan to 28’5”. Maximum height in the VC zoning district is 30’ and no more than 2 stories.

The proposed site design does not locate the building within the required setbacks and the proposed building height does not exceed the height restriction.

2. **Signage §1-19-6.300:** The Applicant is proposing building mounted signage on the north building elevation, and a freestanding monument sign along Roundtree Road. Where buildings face multiple public streets both building frontages may be used in calculating maximum signage. The total amount of building frontage facing public streets is \( 10 \sqrt{F} \), where \( F = 106 \) feet along US340 + 106 feet along Roundtree Road. Therefore, the total allowable square feet of signage is \( 10 \sqrt{212} \), or 145.6 square feet.

The Applicant is proposing 38.3 sf of pin-mounted signage on the building face fronting along US 340, and 15.4 square feet of “monument” signage along Roundtree Road. The total proposed signage area is 53.7 square feet, which does not exceed the145.6 sf allowable limit.
3. **Landscaping §1-19-6.400:**

The Applicant is proposing a combination of evergreen and deciduous vegetation to meet minimum zoning ordinance requirements. The landscape plan does not include invasive species and proposes native species that includes red oak, red maple, American holly, and willow oak.

*Street Trees:* The Site has approximately 386’ feet of frontage along Roundtree Road, which at a rate of 1 tree per 35’ of frontage results in a requirement of 11 street trees. The Zoning Ordinance stipulates that an alternate on-site location for street trees may be approved by the Planning Commission when a specific finding is made that an alternate location is required due to physical site constraints.

An alternate planting design is proposed where six red oak trees are provided along the property line adjacent to the paved surface of the existing right of way of Roundtree Road, and four additional willow oak trees and one additional red maple are provided around the proposed parking area, totaling 11 trees. Additionally, 8 American Holly trees, 5 Norwegian Spruce trees, and 6 Colorado Blue Spruce trees form a buffer along US340 to the north of the Site.

The Applicant is requesting approval of the alternative planting design for streets trees due to physical constraints, such as a stormwater detention facility, that prevent additional trees along Roundtree Road. The proposed spacing of street trees mirrors the spacing of the existing tree line on the adjacent property to the east (lot 1).

*Land Use Buffering and Screening:* Buffering of residential land uses to the west of the Site, beyond the adjacent vacant parcel, is provided by a mixture of American Holly and Colorado Blue Spruce along the western property line. The proposed screening will reduce the visual impact of the proposed development and act as a buffer between the parking area and the adjacent undeveloped parcel and US 340.

*Parking Area Buffering and Screening:* The Zoning Ordinance states that parking areas shall be screened from roadways. The proposed parking area is located to the side and rear of the building and is not directly adjacent to surrounding roadways. However screening has been provided around the portion of the perimeter of the parking area that does not abut the proposed building.

*Parking Area Landscaping:* The proposed plan meets Zoning bay separation requirements. A total of 1000 square feet of planting area is provided in four locations. Each location contains the required tree, and shrubs are provided in excess of the required number of 2 per 100 sf of planting area. Parking area requirements of at least 20% tree canopy coverage at maturity have been met. The Applicant proposes canopy coverage at maturity of 40%.

4. **Lighting §1-19-6.500:** The lighting plan is intended to provide illumination of the parking area and pedestrian circulation to the building. The Zoning Ordinance states that pole and building mounted lighting shall not exceed a maximum height of 18’ for commercial uses. The Applicant proposes the use of three, 16’ 4” tall, sharp cut-off LED, pole-mounted light fixtures mounted on a 2’ tall base. As proposed, the total height of the fixture (base and pole) exceeds the maximum of 18’. Although building mounted accent down-lights will be installed, they will not provide measurable light on the parking lots or near any property line. The photometric plan submitted as part of the Site Development Plan application shows no areas of the Site where illumination levels exceed 0.5 foot candles.
Conditions:
The Applicant has requested a modification to allow alternate on-site location of street trees. Pole and building mounted lighting shall not exceed a maximum height of 18 feet.

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.

1. Access/Circulation: Access to the Site is proposed from an existing common entrance drive identified on the plat recorded in the Frederick County Land Records on book 40 page 67. The entrance is located directly across and to the north of Lewis Mill Court, and has been constructed from the edge of the paved surface of Roundtree Road to the edge of the property boundary of the Site. The existing paved surface of the common entrance will be incorporated into the entrance drive of the Project. Although the common driveway is existing, a note has been added to the plan to require that an access easement be granted to Lot 3 to reconstruct the driveway at such time as improvements to Lot 3 are approved by Frederick County.

The Applicant has demonstrated that the Site can meet the vehicular and pedestrian access requirements as established by the Zoning Ordinance and other relevant codes and standards.

2. Connectivity, Section 1-19-6.220 (F): The Site, as planned, will be well connected to the local road network through the placement and orientation of the access drive directly across from Lewis Mill Court. Interparcel connectivity is unnecessary due to the fact that commercial development is restricted to the parcels immediately adjacent to the Site.

3. Public Transit: The Site is not currently served by public transit.

4. Parking: Section 1-19-6.220 of the Zoning Ordinance:

The Zoning Ordinance provides that parking for Animal hospitals shall be provided at a rate of 1 space per 400 square feet of floor area excluding kennels, plus 1 space per examination room, plus 1 space per employee. The Applicant has provided the following calculations in meeting these requirements:

- 6 exam rooms at 1 space per room = 6 spaces
- 1 space per 400 sf of floor area (6,436 sf / 400) = 17
- 1 space per employee = 17
- Total required parking spaces = 40

Total proposed parking spaces = 40 spaces

In accordance with requirements of the VC district, the proposed parking has been located to the side and rear of the building.
Loading Spaces
A large loading space is identified on the northern side of the building. This loading space meets the minimum requirement of 1 loading space for the proposed use per Section 1-19-6.210 of the Zoning Ordinance.

4. Pedestrian Circulation and Safety §1-19-6.220 (G): There are no sidewalks along the right-of-ways of any adjoining or facing lots, or in the vicinity of the project. A streetscape enhancement project managed by SHA is underway along MD 180. However, the nearest proposed improvements for the SHA project end at Lander Road to the north of the overpass of US 340, approximately ½ mile from the Site. Therefore, no sidewalks are required to be constructed along the frontage of the subject property as part of this project.

5. Bicycle Parking §1-19-6.220 (H): The Applicant has provided for bicycle parking as follows in accordance with the Zoning Ordinance:

   1 rack per 20 parking spaces = 2 required bike racks. Two racks are proposed.

   The Applicant has included a note on the plan acknowledging compliance with the Frederick County Bicycle Parking Design Guide.

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. Private Well and Septic: The Site is classified W-5/S-5 in the Frederick County Water and Sewerage Plan and will be served by an on-site private well and an on-site septic system. The Health Department has reviewed and conditionally approved the proposed plan.

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 predominantly level in the central portion of the property with slopes in the southeast and northwest corners.

2. Vegetation: Most of the Site is vacant and covered with turf grass and a few shrubs.

3. Sensitive Resources: There are no sensitive resources located on Site that are negatively affected and unmitigated under this development proposal.

4. Natural Hazards: There are no natural hazards located on site that are affected by the development proposal.
Other Applicable Regulations

**Stormwater Management – Chapter §1-15.2:** A combined stormwater management concept/development/improvement plan has been submitted and is under review.

**APFO – Chapter §1-20:**

1. **Schools.** Schools are not impacted because the development of the Property is non-residential.

2. **Water/Sewer.** The project will be served by well and septic. The Health Department has reviewed the plan and provided a status of conditional approval.

3. **Roads.** As described in the LOU, the Applicant will pay $3,641 to an escrow account for the Lander Road widening approaching MD 180 (account #3804).

**Forest Resource – Chapter §1-21:** This development is subject to FRO. A FRO plan was submitted and has been approved. The Site contains no forest or specimen trees. The Applicant has provided FRO mitigation by purchasing banking credits (0.48 acres).

Summary of Agency Comments

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<td>State Highway Administration (SHA):</td>
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<td>Division of Utilities and Solid Waste Management (DUSWM):</td>
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<td>DPDR Traffic Engineering</td>
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**RECOMMENDATION**

Staff has no objection to conditional approval of the Site Development Plan and requested modification. If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

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.
2. Planning Commission approval of the requested modification of the alternate on-site location of two street trees.
3. Pole and building mounted lighting shall not exceed a maximum height of 18 feet, measured from the ground to the point of illumination.
4. Development of the Site is subject to the findings and decisions of the Board of Appeals as adopted on May 30, 2014 for Special Exception Case No. B-14-13.
5. Complete the requirements of the APFO LOU for the Jefferson Veterinarian Hospital.
PLANNING COMMISSION ACTION

MOTION TO APPROVE WITH CONDITIONS

I move that the Planning Commission APPROVE SP-97-11 with conditions and modifications as listed in the staff report, including APFO approval, for the proposed animal hospital/veterinary clinic, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
John, as a follow up to our conversation, we have amended the variance request due to the tree spacing. Please see below.

We request approval of an alternative planting design for streets trees because the spacing of trees required by the Zoning Ordinance results in an urban configuration more suited to the adjacent property to the east where trees are spaced at 45’ O.C. Due to the grading for the Stormwater Management Facility, there is a small area along the roadway that cannot be planted as the tree roots could penetrate the berm and cause a failure. We placed one tree between the driveway and the SWM grading.

An alternate planting design is proposed where 6 Red Oak trees are provided along the property line adjacent to the paved surface of the existing right of way of Roundtree Road, 5 Willow Oak trees and 5 Red Maples are provided around the proposed parking area, and 8 American Holly trees, 5 Norwegian Spruce trees, and 6 Colorado Blue Spruce trees form a buffer along US340 to the north of the Site.

Let me know if this is satisfactory.

Jason

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John,

We request approval of an alternative planting design for streets trees because the spacing of trees required by the Zoning Ordinance results in an urban configuration more suited to the historic turnpike development along MD 180. This Site is located in a portion of the community that is physically separated by US 340 from the historic area and is reflective of more rural and suburban development patterns. Therefore, more widely spaced and distributed trees is more reflective of the character of development within the vicinity of the Site.

An alternate planting design is proposed where four red oak trees are provided along the property line adjacent to the paved surface of the existing right of way of Roundtree Road, four additional Willow Oak trees are provided around the proposed parking area and 8 American Holly trees, 5 Norwegian Spruce trees, and 6 Colorado Blue Spruce trees form a buffer along US340 to the north of the Site.

Please let us know if staff finds this as an acceptable alternative.

Jason Fritz, PE
Civil Team Leader

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Adequate Public Facilities Letter of Understanding

Jefferson Veterinary Hospital

Site Plan #97-11 AP #15093

In General: The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and Jefferson Veterinary Hospital (the "Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Jefferson Veterinary Hospital Site Plan (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer’s 3.19 +/- acre parcel of land, which is zoned Village Center (VC) and located with access on the north side of Roundtree Road, south of US 340/15 and just west of Lander Road. This APFO approval will be for the development of a 6,436 +/- sq. ft. of animal hospital space/use, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on February 11, 2015.

Schools: Schools are not impacted because the development of the Property is non-residential.

Water and Sewer: The Property has a water and sewer classification of No Planned Service (NPS) in the County’s Master Water and Sewer Plan. The Project will be served by well and septic.

Road Improvements: The Project will generate up to 26 am and 30 pm weekday peak hour trips, which is under the APFO testing threshold per Section 1-20-30. However, the Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H).

In full satisfaction of APFO requirements to mitigate site-generated trips, the Developer shall pay into an escrow account (#3804): Lander Road widening approaching MD 180. The estimated cost of this Improvement is $331,000. As determined by DPDR-Traffic Engineering Staff, the Developer’s proportionate share of this Road Improvement is 1.10%. Therefore, the Developer hereby agrees to pay $3,641 to the escrow account for this Road Improvement. Therefore, prior to the issuance of a building permit, the Developer hereby agrees to pay $3,641
to the escrow account for this Road Improvement. Should this payment not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

**Period of Validity:** The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on February 11, 2018.

**Disclaimer:** This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

**JEFFERSON VETERINARY HOSPITAL**

By: [Signature]
Name: [Signature]
Date: 2/13/15

**FREDERICK COUNTY PLANNING COMMISSION:**

By: [Signature]
Date: [Signature]
Dwaine E. Robbins, Chair or William G. Hall, Secretary

**ATTEST:**

By: [Signature]
Date: [Signature]
Gary Hessong, Director, Permits & Inspections

Planner's Initials / Date
(Approved as to technical content)

County Attorney's Office Initials / Date
(Approved as to legal form)