



FREDERICK COUNTY PLANNING COMMISSION
February 18, 2015

TITLE: Harley Road Tasting Room

FILE NUMBER: SP-14-06, AP 14579, APFO 14580, FRO 15155

REQUEST: Site Development Plan Approval

The Applicant is requesting Site Development Plan approval for a 200 square foot farm winery tasting room, on a 28.3-acre site

PROJECT INFORMATION:

ADDRESS/LOCATION: 6219 Harley Road, located along Harley Road, south of Bennies Hill Road

TAX MAP/PARCEL: Tax Map 74, Parcel 243
COMP. PLAN: Agricultural and Natural Resource
ZONING: Agricultural and Resource Conservation
PLANNING REGION: Brunswick
WATER/SEWER: W-NPS, S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Eric Rice
OWNER: Eric Rice
ENGINEER: B&R Design Group
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

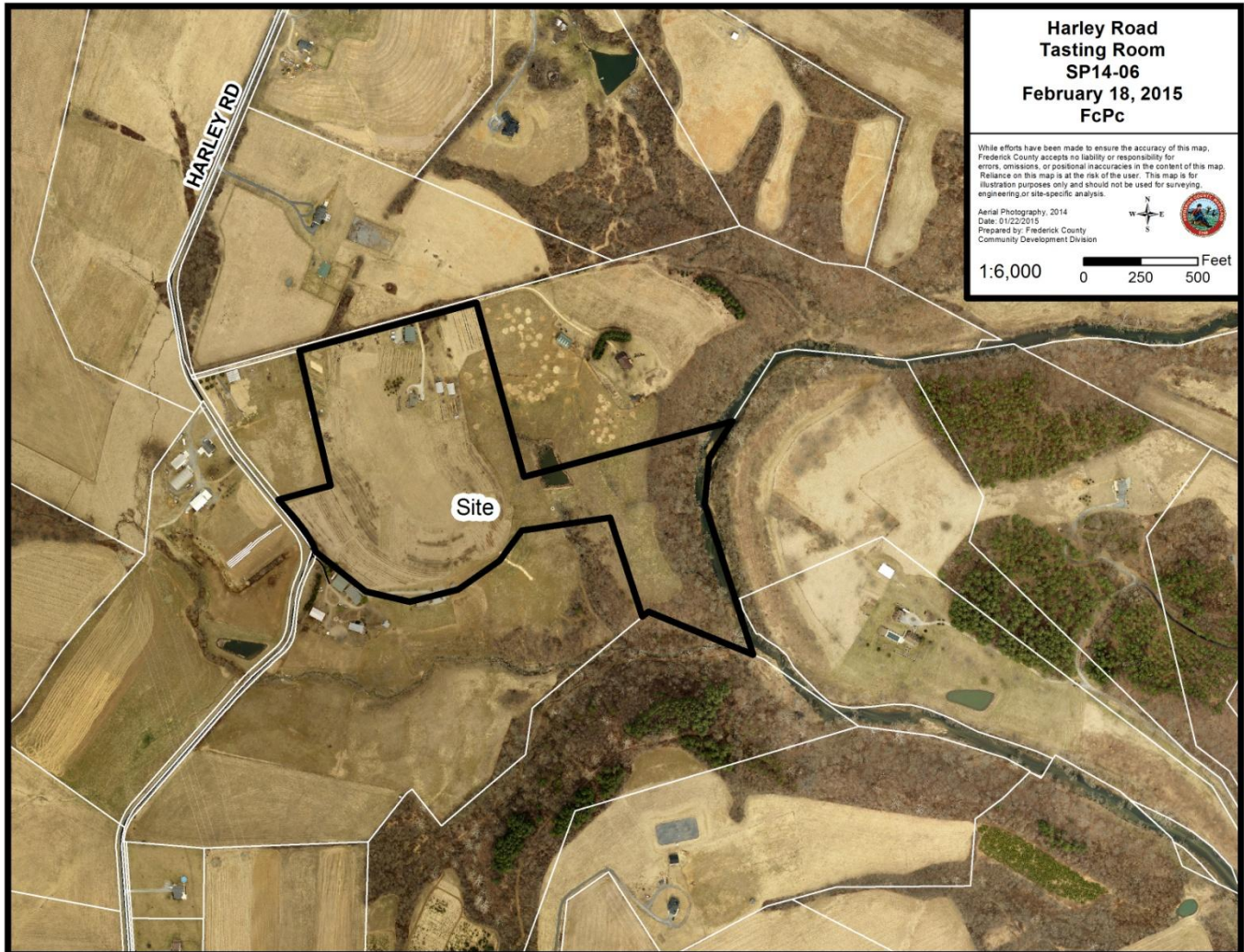
Exhibit 1-Site Plan Rendering
Exhibit 2-Harley Road Tasting Room Modification Requests

STAFF REPORT

ISSUE

The Applicant is requesting site development plan approval for a 200 square foot farm winery tasting room with associated parking. The proposed use is being reviewed as a "Farm Winery Tasting Room" land use under the heading of *Natural Resources* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the Agricultural Zoning District subject to site development plan approval. See Graphic #1 below.

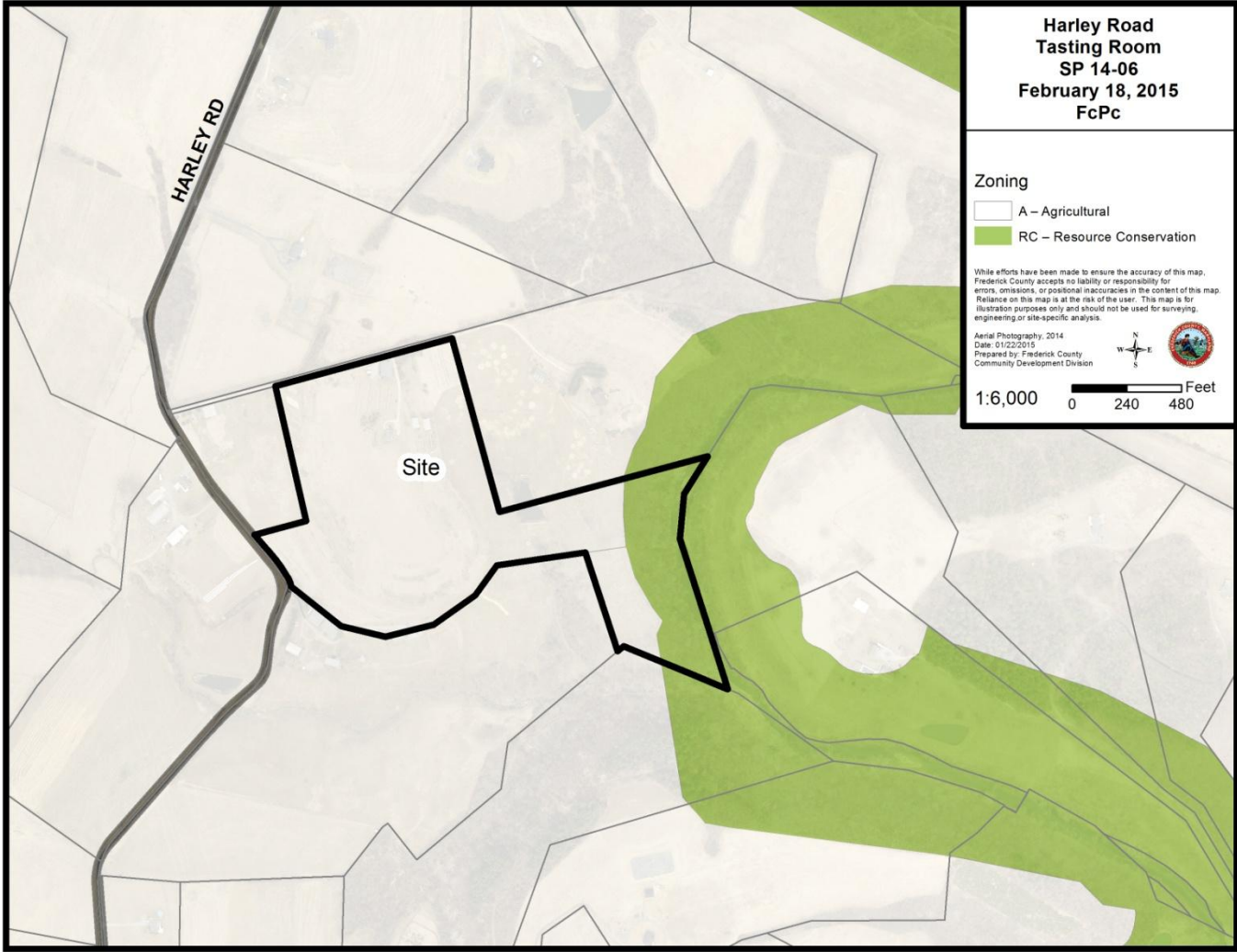
Graphic #1 Site Aerial



BACKGROUND

The site is currently zoned Agricultural and Resource Conservation, and is developed with a single family residence. See Graphic #2 below. The properties surrounding the site are developed with single family residences located on agricultural farms.

Graphic #2 Site Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issues associated with this development proposal were widening the farm lane access to comply with the Office of Life Safety requirements as well as complying with the necessary Zoning regulations associated with a Farm Winery Tasting Room use.

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:** Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. The tasting room will be located adjacent to the existing residence in the Agriculturally zoned portion of the Site. The setback requirements for a Natural Resource use in the Agricultural zoning district are 40-foot front yard and 50-foot rear yard, with 50-foot side yards. The maximum height allowed is 30 feet. The minimum lot size for a single family residence in the zoning district is 40,000 square feet and the minimum lot size for a Natural Resource use is 5 acres. The proposed 200 square foot tasting room will be located in a portion of the existing 4,880 square foot barn. The wine production and storage facility was reviewed and approved under an Agricultural accessory non-residential building permit and is located in an existing on-site bank barn. The proposed tasting room meets the Bulk/Dimensional requirements for Natural Resource uses in the Agricultural zone.
- 2. Signage §1-19-6.300:** The Applicant is proposing a 32 square foot sign as part of this application. The proposed signage adheres to the requirements of §1-19-6.320 of the Zoning Ordinance (ZO).
- 3. Landscaping §1-19-6.400:** The Applicant is proposing to plant 1 Willow Oak tree along the western boundary of the existing gravel parking lot. Per Z.O. Section 1-19-6.400.G the Applicant is seeking a modification from the 20% canopy coverage requirement; see Exhibit #2 Modification Request. The Applicant has stated that the parking area serves a dual purpose; as a staging area for the everyday operations of the orchard, as well as parking for the Tasting Room which will be operated on the weekends. The Applicant states that additional parking lot landscaping will interfere with the operations of the farm. Staff has no objection to granting this Landscaping Modification.
- 4. Screening §1-19-6.400:** The southern portion of this site contains approximately 28 acres of existing vineyard plants. The activities on site are agricultural in nature, the existing vegetation and planted vineyards fulfill the screening requirements of §1-19-6.400.
- 5. Lighting §1-19-6.500:** The Applicant is not proposing any freestanding lighting as part of this site plan application. The Applicant may provide low level sensor controlled security lighting, which are exempt from the lighting regulations in accordance with Z.O. Section 1-19-6.500.E.

Conditions

Landscaping Modification: In accordance with Z.O. Section 1-19-6.400.G: In order to provide 1 parking lot tree in lieu of the 20% canopy coverage requirement for parking areas.

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 this site will be via an existing 10' wide common access drive onto Harley Road that the Applicant proposes to widen to 16'. The Applicant is sharing this drive with two other residences along the access drive.
- 2. Connectivity §1-19-6.220 (F):** Due to layout of this property, topography, natural features and the adjacent residential properties and farms, there is no inter-parcel connectivity proposed as part of this site development plan.
- 3. Public Transit:** This site is not served by Transit.
- 4. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The required parking for a "Restaurant, Dining Room, Tavern, Night Club" land use is one space for every 50 square feet of customer service area, excluding food preparation and storage. The proposed Farm Winery Tasting Room is 200 square feet, which requires 4 parking spaces. The Applicant has proposed a total of 4 required parking spaces including 1 ADA accessible parking space, as well as 15 grass overflow parking spaces.

The Applicant is seeking a parking space modification in accordance with ZO §1-19-6.220.A.1, (See Exhibit #2) to allow for the overflow parking. Staff has no objection to the requested parking space modification.

In accordance with the requirements of §1-19-6.210, the Applicant is required to provide 1 small - 9'x20' loading space, the Applicant has complied with this requirement.

- 5. Bicycle Parking §1-19-6.220 (H):** No bicycle parking is required for the proposed use.
- 6. Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant has proposed a handicapped accessible walkway from the handicapped parking space to the proposed tasting room.

Conditions

Parking Space Modification: In accordance with ZO §1-19-6.220.A.1, for 15 overflow parking spaces.

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 to be served by private water and septic and is classified W-NPS, S-NPS. The Health Department has 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 contains slight slopes all of which are under 15%. The site slopes down from the north to the south, the highest portion of the site is where the existing bank barn and single family residence are located.
2. **Vegetation:** The majority of the site is comprised of actively farmed agricultural lands; there is a forested creek buffer along the far eastern property boundary.
3. **Sensitive Resources:** The far eastern portion of the site borders the Catoclin Creek. The property is encumbered by FEMA floodplain and floodplain buffer, any proposed disturbance is far removed from this portion of the site. There is also a farm pond that is bisected by a property line in the eastern side of the site. Both features are far removed from any proposed development.
4. **Natural Hazards:** There are no natural hazards being impacted by the proposed development.

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 a private residence and a place of business. There are no common areas proposed.

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 farm winery tasting is not disturbing more than 5,000 square feet; therefore this project is exempt from the SWM Performance Standards in Maryland.

APFO – Chapter 1-20:

1. **Schools.** The site is a non-residential use and therefore exempt from school testing.
2. **Water/Sewer.** The Property has water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan* and is therefore exempt. The site is served by private well and septic.

- Roads.** The project is exempt from APFO roads testing because it would generate less than 50 peak hour trips and there are no existing escrow accounts in the area of this site plan proposal.

Forest Resource – Chapter 1-21: This project is subject to FRO. A Combined Preliminary/Final FRO plan has been submitted and is conditionally approved. The development area (existing building, parking area, and drive) contains no forest or specimen trees. The Applicant proposes to mitigate the 0.02 acre FRO requirement by paying fee-in-lieu. The FRO plan must be approved prior to site plan approval. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.

Historic Preservation – Chapter 1-23: There are no sensitive historic resources on this property.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Development Review Engineering (DRE):	Approved
Development Review Planning:	Hold: Address all agency comments as the plan proceeds through to completion.
State Highway Administration (SHA):	N/A
Div. of Utilities and Solid Waste Mngt. (DUSWM):	N/A
Health Dept.	Conditional Approval
Office of Life Safety	Approved
DPDR Traffic Engineering	Approved
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the site plan. 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.

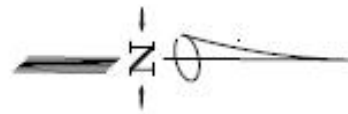
Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

- Address all agency comments as the plan proceeds through to completion.
- The FRO plan must be approved prior to site plan approval. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.
- Planning Commission approval of the requested parking space modification to allow for fifteen (15) overflow parking.
- Planning Commission approval of the modification to provide 1 parking lot tree in lieu of the 20% canopy coverage requirement for parking areas.

PLANNING COMMISSION ACTION
MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Plan SP-14-06, AP 14579 **with conditions** as listed in the staff report for the proposed 200 square foot farm winery tasting room, on a 28.3-acre site, 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: Harley Road Tasting Room



Harley Road Farm Winery Tasting Room

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Exhibit #2: Harley Road Tasting Room Modification Requests



300 West Patrick St. • Frederick • Maryland • 21701 • Phone: (301) 668-0505 • Fax: (301) 668-0507

December 23, 2014

Mr. Tolson Desa
Fred. Co. CCD
30 N. Market St.
Frederick, MD. 21701

Subject: Parking and Landscaping Modification Request
Harley Road
Hansen Project: 14579

Dear Tolson:

On behalf of the Owner, we hereby request a modification to Parking Section 1-19-6.200 - Generally and 1-19-6.220 - Parking Space Requirements for the overflow parking spaces that are located along the drive. We included the spaces on the plan to clarify the location of additional parking for any special events such as the Tourism's Council Winery Tour in the fall. The parking is not anticipated for the proposed tasting room use.

We are also requesting a modification to the Landscaping and Screening requirements for shading of the parking area under section 1-19-6.400. The reason for this modification is that the parking area serves two uses, one is the everyday hard surface staging for the orchard operation and the other is to provide parking spaces for the Tasting Room which will be operated on the weekends. We have provided one tree to shade the area but would request a modification from planting additional trees along the perimeter because it would infer with the farm operation.

We would ask for your consideration and approval of the modifications. If you have any questions or need any additional information, please contact our office.

Sincerely,

Bill Brennan, Jr.

Bill Brennan
B & R Design Group