



**FREDERICK COUNTY PLANNING COMMISSION**  
**October 14, 2015**

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**TITLE:** AutoZone Retail Auto Parts Store

**FILE NUMBER:** SP 84-08, AP 15453, APFO 15454, FRO 15455

**REQUEST:** **Site Plan Approval**  
The Applicant is requesting site plan approval for the construction of a 7,382 square foot retail auto parts store, on a .804-acre site.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 5719 Buckeystown Pike (MD 85), located just east of MD 85 and north of Grove Road

**TAX MAP/PARCEL:** Tax Map 77, Parcel 188

**COMP. PLAN:** General Commercial

**ZONING:** General Commercial

**PLANNING REGION:** Frederick

**WATER/SEWER:** W-1/S-1

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** AutoZone Development, LLC

**OWNER:** AutoZone Development, LLC

**ENGINEER:** MDM, LLC

**ARCHITECT:** N/A

**ATTORNEY:** N/A

**STAFF:** Tolson DeSa, Principal Planner II

**RECOMMENDATION:**

Conditional Approval

**ATTACHMENTS:**

Exhibit 1-AutoZone Site Plan Rendering  
Exhibit 2-AutoZone Modification Requests

# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting site plan approval for the construction of a 7,382 square foot retail auto parts store, on a .804-acre site. The proposed use is being reviewed as “Part Sales and Installation” land use under the heading of “*Automobile and Related Services*” per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the General Commercial (GC) Zoning District subject to site development plan approval, see Graphic #2.

#### Modification Requests:

1. Lighting Modification
2. Parking Area Landscaping Modification

## BACKGROUND

### Development History

This site had prior site plan approval for a 2,721 square foot fast food restaurant with a drive through, and is now being redeveloped to a 7,382 square foot retail auto parts sales store.

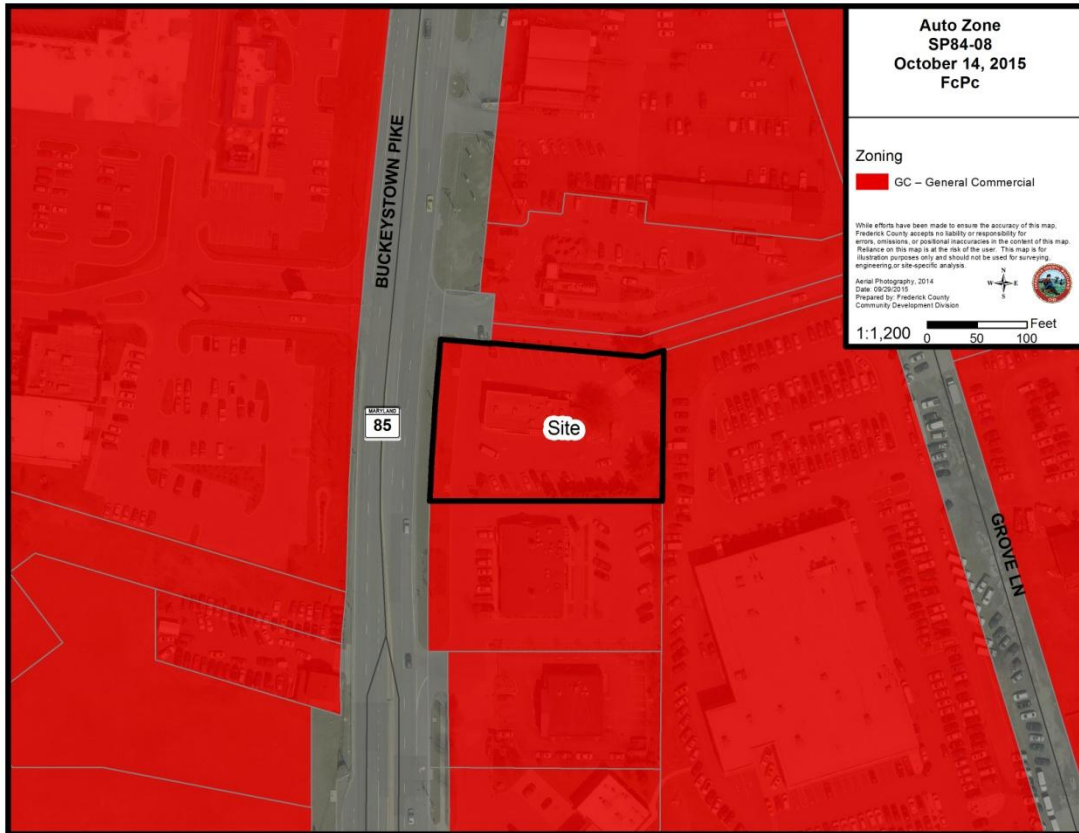
### Existing Site Characteristics

The site is currently zoned General Commercial, and is developed with a 2,721 square foot fast food restaurant with a drive through. The property to the north of the site is developed with a Checker’s fast food restaurant with a drive through, to the south the site is developed with a Popeye’s fast food restaurant with a drive through. The property to the east is developed with Frederick Nissan car dealership, the western boundary of the site is MD 85, see Graphic #1.

Graphic #1: Site Aerial



Graphic #2: Site Zoning



## **ANALYSIS**

### **Summary of Development Standards Findings and Conclusions**

Issues: The primary issues associated with this development proposal are pedestrian and vehicular connectivity with the adjacent GC uses, and increasing the amount of landscaping throughout the MD 85 corridor.

### **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 a Commercial Use in the General Commercial Zoning District.

The proposed setbacks for the AutoZone are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	12,000 SF	35,028 SF
Minimum Lot Width	100'	162'
Front Yard	25'	39'-5"
Side Yard	8'	73'-4" & 9'
Rear Yard	25'	39'-2"
Max Building Height	60'	19'

2. **Signage §1-19-6.300:** The Applicant is permitted to have 107.39 square feet of total signage based on the length of the facades facing the public street and the façade length with the primary public access. The signage calculation is listed in Signage Note #5 on Sheet 1 of the site plan. The Applicant proposes 107.22 square feet of signage including building mounted signs (67.22 SF) and a pole sign (40 SF). The total proposed amount of signage meets the requirements of the zoning ordinance.
3. **Landscaping §1-19-6.400:** The Applicant has provided a landscaping plan on Sheet 1 of the site plan. The landscaping plan proposes a mixed of evergreen and deciduous tree species in order to be compliant with the zoning ordinance as well as increase the aesthetic of the site and overall development.

In accordance with Z.O. § 1-19-6.400.(D)(1), the Applicant is requesting approval of a modification (see Exhibit #2) to allow the elimination of a landscaped island at the end of the parking row along the building near the loading area to accommodate the necessary truck turning area for deliveries. The Applicant is also seeking a modification to eliminate the landscaped island tree requirement at the south-western corner of the building due to the placement of a water meter vault. The Applicant has proposed two shrubs in lieu of the required tree and has significantly increased the overall landscaping throughout the site per Staff's request.

The proposed landscaping meets the remaining requirements listed in 1-19-6.400 of the Zoning Ordinance for canopy cover, parking area landscaping, buffering and screening and street trees. Staff has no objection to granting this parking area landscaping modification request.

4. **Screening §1-19-6.400:** The plan adheres to the screening requirements listed in the Zoning Ordinance.
5. **Lighting §1-19-6.500:** The Applicant has proposed a lighting plan, which is shown on Sheet 8 of the site plan. The Applicant is requesting a modification (see Exhibit #2) from the requirement to limit light spillage to 0.5 foot candles at the property line in the southwest corner of the building and the northeastern most lot light. The remaining light levels on site adhere to the requirement listed within Z.O. §1-19-6.500. Staff has no objection to granting this light spillage modification request.

## Conditions

1. **Parking Area Landscaping Modification (§1-19-6.400(D)(1)):** The Applicant is requesting approval to allow the elimination of a landscaped island at the end of the parking along the building near the loading area to accommodate the necessary truck turning area for deliveries. The Applicant is also seeking a modification to eliminate the landscaped island tree requirement at the south-western corner of the building due to a water meter vault.
2. **Lighting Modification (§1-19-6.500(D)):** The Applicant is requesting a modification from the requirement to limit light spillage to 0.5 foot candles at the property line in the southwest corner of the building and the northeastern most lot light.

**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 MD 85 is via a 39' wide common driveway that provides full movement access to and from MD 85 and is across from the main access to a shopping center on the west side of MD 85. The existing site access is via a shared private drive that runs north-south, parallel to MD 85 and also serves the adjoining Popeyes and Checkers restaurants. The present proposal eliminates one of the existing access points along the north-south access drive, and proposes a single 25' wide access
2. **Connectivity §1-19-6.220 (F):** Staff and the Applicant tried to work with the adjacent property owner to the north in order to establish a secondary connection to the private drive at the east end of the site. The property owner to the north was unwilling to grant such an access. The Applicant has provided a pedestrian connection to the property to the south. Staff and the Applicant also approached the property owner to the south in order to provide a comprehensive pedestrian connection across both sites, but they were also unwilling to cooperate.
3. **Public Transit:** This site is served by the #20 Francis Scott Key Mall Connector with a stop located nearby at the northeast corner of MD 85 and Grove Road.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** In accordance with the parking target requirements for a retail store one space is required for every 250 square feet of floor area excluding preparation and/or storage areas. The retail store customer service area is proposed to be 6,862 square feet.

Therefore, the required number of parking spaces is 27 with 2 ADA accessible spaces. The Applicant has provided 29 vehicle parking spaces, including 2 ADA spaces.

One loading space (50' x 12') is required and the plan proposes one loading space (50' x 12') at the rear of the building.

5. **Bicycle Parking §1-19-6.220 (H):** The Applicant is required to provide 2 bike racks; the Applicant has provided 2 bike racks at the northwest corner of the store near the entrance. A note has been added to the plan to require that the bicycle parking meet the standards of the Frederick County Bicycle Design Guide.

- 6. Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant has provided a 5' wide sidewalk along MD 85 in the grass area in between MD 85 and the north-south service road. The sidewalk is setback 20-25' from the existing curb, which should be sufficient to accommodate planned widening of MD 85. The Applicant also provided a pedestrian connection to the property to the south of the retail building. The Applicant and staff also approached the property owner to the south in order to provide a comprehensive pedestrian connection across both sites, but they were unwilling to cooperate.

**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 §[1-19-enter]:** The site is to be served by public water and sewer and is classified W-1, S-1. The entire site is in pressure Zone #1 with water coming from New Design Road Water treatment plant and Sewer flowing into the Ballenger McKinney Wastewater treatment plant.

**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 level with MD 85.
- 2. Vegetation:** The site is a previously developed site and void of natural vegetation.
- 3. Sensitive Resources:** The site does not contain wetlands, FEMA floodplain, flooding or wet soils.
- 4. Natural Hazards:** There are no natural hazards located on this 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 a place of business, there are no common areas proposed

### **Other Applicable Regulations**

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

**Stormwater Management – Chapter 1-15.2:** A stormwater concept/development plan has been submitted, reviewed and conditionally approved, see AP.

**APFO – Chapter 1-20:**

1. **Schools.** Schools are not impacted because the development of the property is a non-residential use.
2. **Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the project, the Applicant recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads.** This project is exempt from APFO roads testing since it will generate less trips during the peak hour than the previous fast food use on this site.

**Forest Resource – Chapter 1-21:** This development is exempt from FRO per 1-21-7(N); redevelopment of an area previously covered by impervious surface and within a Priority Funding Area.

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

**Summary of Agency Comments**

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

**RECOMMENDATION**

Staff has no objection to conditional approval of the site plan for the construction of a 7,382 square foot retail auto parts store, on a .804-acre site. 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. **Parking Area Landscaping Modification (§1-19-6.400(D)(1)):** The Applicant is requesting approval to allow the elimination of a landscaped island at the end of the parking area along the building near the loading area to accommodate the necessary truck turning area for deliveries. The Applicant is also seeking a modification to eliminate the landscaped island tree requirement at the south-western corner of the building due to a water meter vault.

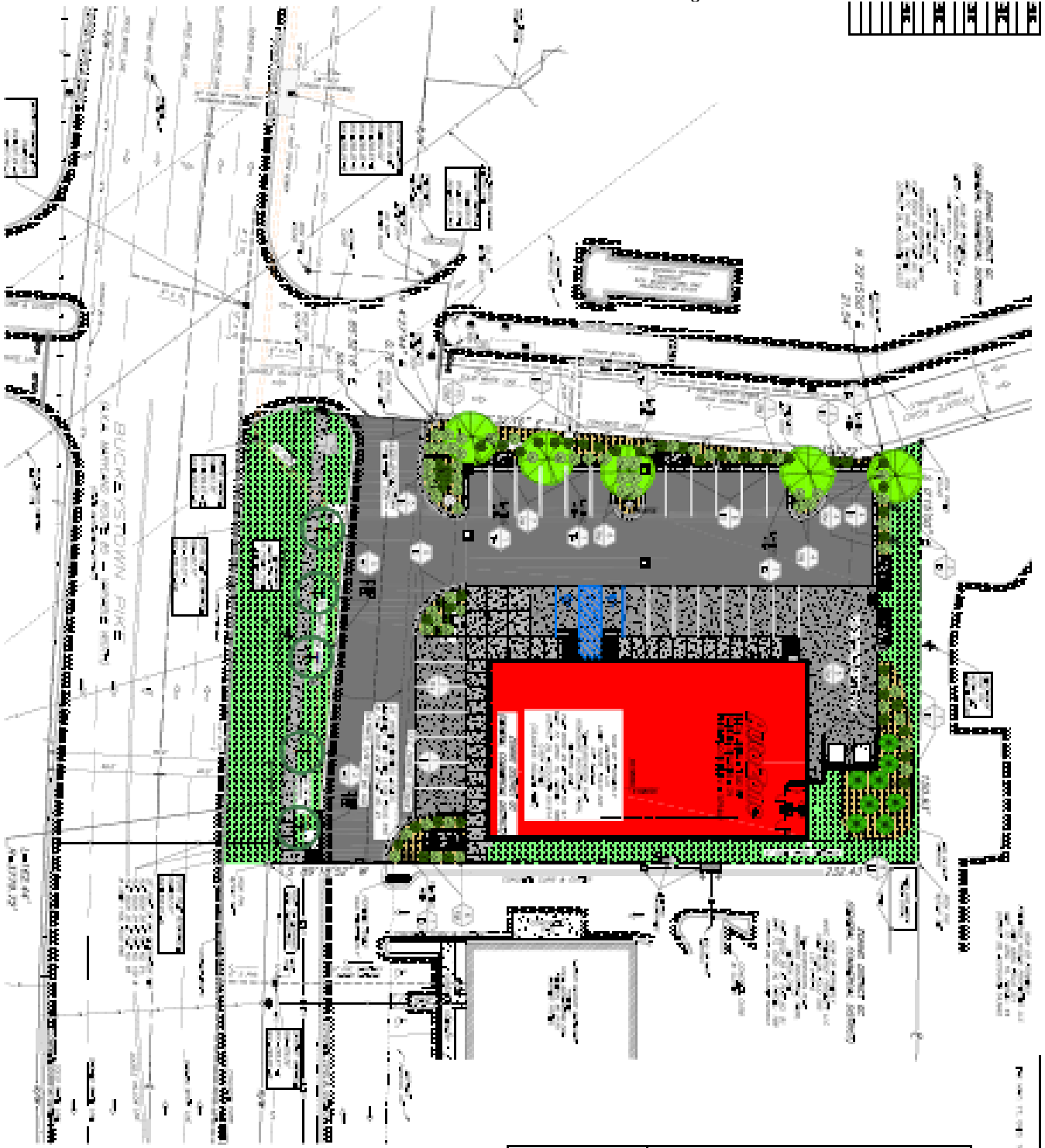
3. **Lighting Modification (§1-19-6.500.(D)):** The Applicant is requesting a modification from the requirement to limit light spillage to 0.5 foot candles at the property line in the southwest corner of the building and the northeastern most lot light.

**PLANNING COMMISSION ACTION**  
MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Plan SP 84-08 AP 15453 **with conditions** as listed in the staff report for the proposed the construction of a 7,382 square foot retail auto parts store, on a .804-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



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McILVRIED, DiDIANO, & MOX, LLC

"... That which does not kill us makes us stronger..."  
May 6, 2015 (Conan The Barbarian)

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Shawna Lemonds, Planning Manager  
Frederick County  
Development Review Planning  
30 N. Market Street  
Frederick, MD 21701  
301-600-1138

RE: AutoZone Store #6469  
5719 Buckeystown Pike, Frederick, MD 21704  
Frederick County, MD  
Modification Request/Justification Letter

Dear Ms. Lemonds:

In addition to our Land Development submittal for the proposed AutoZone redevelopment project, please accept this letter as our formal request for modifications for the project.

We request modifications for the above referenced AutoZone Store for Lighting and Parking Area Landscaping as follows:

1) Lighting Modifications:

Per Zoning §1-19-6.500(D) Lighting shall not exceed .50 ft. candles as measured from the property line.

Please note that some of the readings on the photometric plan exceed the 0.50 foot candle requirement at the property lines. The maximum reading at the property line is 0.90 foot candles, which occurs only in two places, one near the southeast corner (rear) of the building and the other at the northeastern most lot light that is close to the property line. The locations where the readings are greater than 0.50 foot candles are to the rear of the property and the rear portions of the side property lines of the site, which front an access road on the northeastern side of the site, and parking areas on the eastern and southeastern sides of the site. As the proposed site is adjacent to other commercial properties, the proposed lighting should not have any adverse impact on the adjoiners. We request a modification from the requirement of .50 foot candles maximum as measured from the property line.

2) Parking Area Landscaping Modifications:

Per Zoning §1-19-6.400(D)(1) Parking area minimum standards include: Parking areas shall be separated into bays with an average of no more than 10 parking spaces. Each parking bay shall contain no more than 15 continuous parking spaces. Between or at the end of each bay of parking spaces there shall be a planting area of at least 5 feet in width. Each planting area shall

contain 1 tree at least 6 feet in height at the time of planting and ground cover containing at least two shrubs for every 100 square feet of landscape area.

We request a modification for the landscape island at the end of the parking along the building near the loading area to accommodate the truck turning for deliveries.

We also request a modification from the tree requirement for the landscape island where the water meter vault will be located, as due to the size of the meter vault, it will not be possible to add a tree to the island. Note that two (2) shrubs will be able to be planted on this island as required. We have provided sufficient landscaping on the remaining four islands including more than the required number of shrubs. The remainder of the site is properly landscaped including keeping several of the mature trees already existing on the property.

Please contact us if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Berneburg', written over a horizontal line.

Jeff Berneburg  
Project Manager

Cc: Kevin Murphy, AutoZone  
MDM, LLC files