



FREDERICK COUNTY PLANNING COMMISSION
April 9, 2014

TITLE: Catoctin Breeze Winery

FILE NUMBER: SP-13-16, AP# 14083, APFO# 14085, FRO# 14086

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Development Plan approval for a 759 square foot Farm Winery Tasting Room, on a 25.12-acre site

PROJECT INFORMATION:

ADDRESS/LOCATION: 15184 Roddy Road, located along Roddy Road, north of Roddy Creek Road

TAX MAP/PARCEL: Tax Map 13, Parcel 247

COMP. PLAN: Agricultural

ZONING: Agricultural

PLANNING REGION: Thurmont

WATER/SEWER: W-NPS/S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Wojciech and Alicja Fizyta

OWNER: Wojciech and Alicja Fizyta

ENGINEER: Terra Solutions Engineering, LLC

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1 - Site Plan Rendering

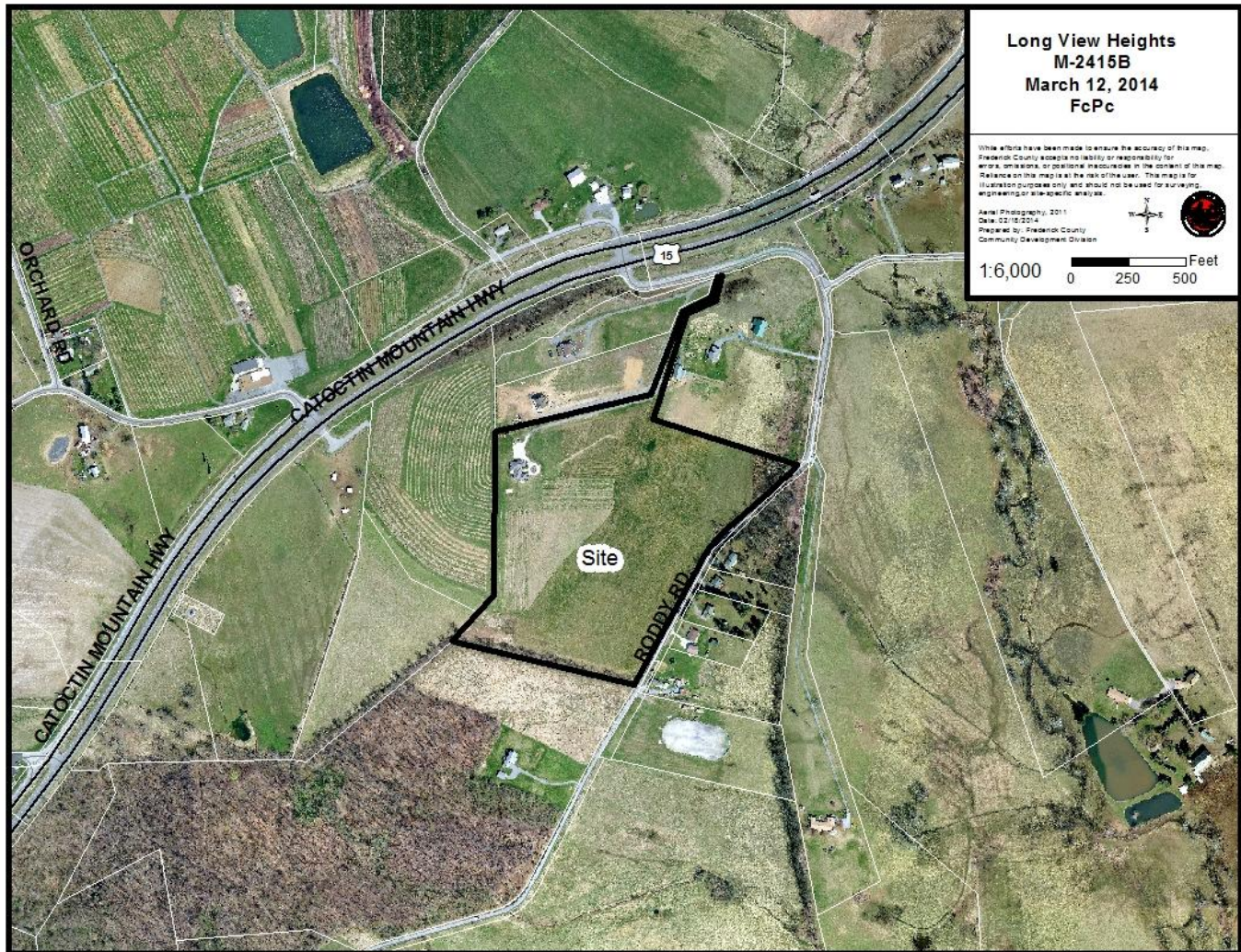
STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Development Plan approval for a 759 square foot Farm Winery Tasting Room, on a 25.12-acre site. The proposed use is being reviewed as a “Farm winery tasting room” land use under the heading of *Natural Resources Uses* 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

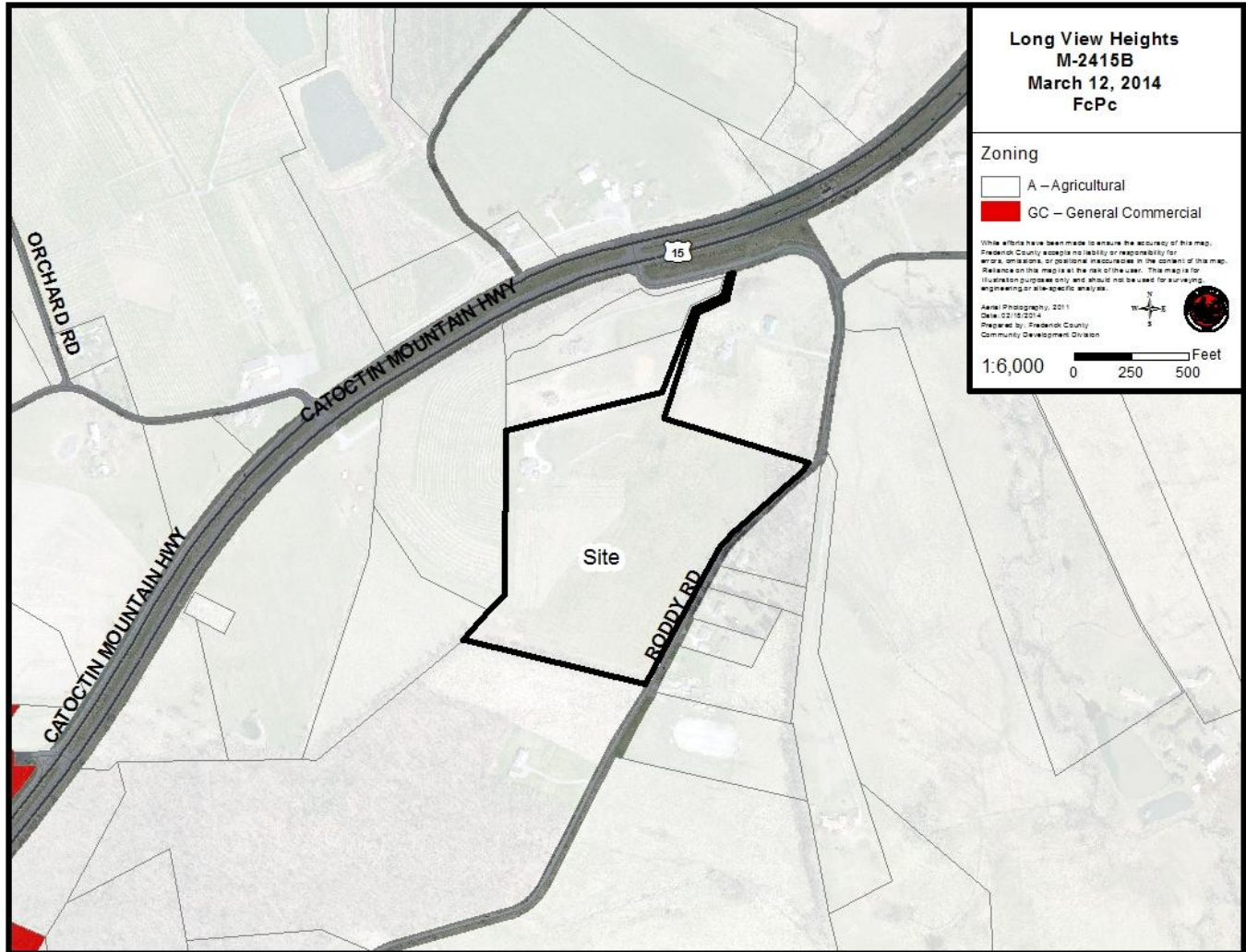
Development History

This site had prior subdivision plan approval for a two lot subdivision and a remainder and is now being redeveloped to Farm Winery Tasting Room. The subject lot was subdivided and recorded in October 2005 as a 25.12-acre remainder of the Long View Heights subdivision.

Existing Site Characteristics

The site is currently zoned Agricultural (A), and is developed with a single family detached dwelling. See Graphic #2. The property to the north of the site is developed with single family detached dwellings. The property to the south of the site is developed with a single family detached dwelling along with a small agricultural area and forested lands. The properties to the east are all small lot, single family residential dwelling which front along Roddy Road. The property to the west is vacant agricultural land abutting US Rt 15.

Graphic #2 Site Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issues associated with this development proposal involved shifting the existing entrance farther north along Roddy Road in order to achieve proper separation distance from an existing driveway as well as improving the overall sight distance for a commercial access point onto Roddy Road. The Applicant was also required to submit a correction plat in order to show the proposed driveway shift, as well as the removal of the existing driveway, and to remove the “Denied Access” note across a small portion of the eastern right-of-way line in order to allow a commercial access point along Roddy Road.

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:** Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the minimum lot area for the proposed use. 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 tasting room will be located in a portion of the existing 3,325 square foot wine storage cellar. The wine storage cellar was reviewed and approved under an Agricultural accessory non-residential building permit. 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 an 18 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 8 Red Maple trees and 8 Pin Oaks along the relocated drive, as well as along the southern and eastern boundaries of the existing gravel parking lot. The proposed site plan complies with the requirements listed in ZO §1-19-6.400.
- 4. Screening §1-19-6.400:** The northern portion of this site contains approximately 5 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.

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 a proposed 20' wide access onto Roddy Road.

2. **Connectivity §1-19-6.220 (F):** Due to layout of this property, topography, natural features and the adjacent large residential properties, 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 “Restaurant, Dining Room, Tavern, Night Club” uses is one space for every 50 square feet of customer service area, excluding food preparation and storage. The proposed Farm Winery Tasting Room is 759 square feet, which requires 16 parking spaces. The Applicant has proposed a total of 17 parking spaces (including 1 ADA accessible parking space).

In accordance with the requirements of §1-19-6.210, the Applicant is not required to provide a loading space for a building area of 1,000 square feet or less. The Applicant’s daily operations do not require a large amount of deliveries that require a dedicated loading zone; therefore Staff supports the elimination of the loading space in accordance with Z.O. Section 1-19-6.210.

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.

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 Property has water and sewer classification of No Planned Service (NPS) in the County’s *Master Water and Sewer Plan*. This site is served by a private well and septic system. The Health Department has conditionally approved this proposal.

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 south to north, the highest peak of the site is to the north and is where the existing single family structure is sited. The overall site contains slopes which are less than 15% in grade.
2. **Vegetation:** The northern portion of this site contains approximately 5 acres of planted vineyards. The remaining acreage is comprised of agricultural lands and vineyards.
3. **Sensitive Resources:** This site contains a portion of wet soils along the southern property line. The wet soils are classified as “Wet Soils restricted for the construction of homes with basement” as shown on the Soil Survey for Frederick County. There is a very small area of flooding soils and wetlands located in the north-east property corner along Roddy Road. This area is not proposed to be disturbed as part of this development proposal.

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.

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: Stormwater Management (SWM) for this project will be provided by on-site drainage swales, roof-top and non-roof top disconnection, and infiltration berms, that will all be designed and approved in accordance with the 2000 Maryland SWM Design Manual and the SWM Act of 2007. A stormwater concept plan (AP 14084) has been reviewed and approved for this development proposal.

Subdivision Regulations – Chapter 1-16: There is no subdivision activity proposed on this property.

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.
- 3. 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 development is subject to FRO. A Combined Preliminary/Final FRO plan has been submitted. No forest removal is proposed. The 0.17 acres of required mitigation shall be provided by providing 0.17 acres of new forest banking credit or 0.34 acres of existing forest banking credit. This FRO mitigation must be provided prior to final site plan approval.

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):	Conditional Approval
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 Development 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:

1. Address all agency comments as the plan proceeds through to completion.
2. FRO mitigation must be provided prior to final site plan approval.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Development Plan SP-13-16 Catoctin Breeze Winery, AP# 14083 **with conditions** as listed in the staff report for the proposed Farm Winery Tasting Room, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1: Catoctin Breeze Vineyard Site Plan Rendering

