



TYPE II SITE DEVELOPMENT PLAN REVIEW AND APPROVAL August 21, 2014

TITLE: Tilted Kilt Pub & Eatery

FILE NUMBER: SP 98-36, AP #14453, APFO #14454, FRO # 14455

REQUEST: Site Development Plan Approval

The Applicant is requesting Type II Site Development Plan approval for site plan revision for site plan amendments to renovate the 5,490 square foot restaurant by enclosing a 425 square foot patio and creating a total building square footage of 5,915 square feet, other improvement include the addition of a 700 square foot outdoor patio, on a 1.75-acre site. The proposed use is being reviewed as a Type II Site Development Plan Review and approval as provided in section 1-19-3.300.1(A)(2) of the Zoning Ordinance based on the approval criteria in section 1-19-3.300.4. The proposed land use is permitted as a principal permitted use in the General Commercial (GC) Zoning District subject to site development plan approval 'PS'.

A valid approval SP 98-36.

-AND-

The requested approval requires only a contribution to an existing escrow account(s).

PROJECT INFORMATION:

ADDRESS/LOCATION: 5605 Spectrum Drive, located south of Lowe's Lane
TAX MAP/PARCEL: Tax Map 77, Parcel 187
COMP. PLAN: Mixed Use Development
ZONING: General Commercial
PLANNING REGION: Frederick
WATER/SEWER: W-1/S-1

APPLICANT: Farruggio Properties III

STAFF: Tolson DeSa, Principal Planner II

ATTACHMENTS:

EXHIBIT 1 – APFO LOU (If applicable)

STAFF REPORT

ANALYSIS

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.

1. 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.

2. 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.

3. 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.

4. 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.

5. 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

This site plan revision is for a site plan amendment to renovate the existing 5,490 square foot restaurant by enclosing a 425 square foot patio and creating a total building square footage of 5,915 square feet, other improvement include the addition of a 700 square foot outdoor patio.

A Letter of Understanding (LOU) was developed by staff for the primary purpose of causing the applicant to contribute to existing road escrow accounts in accordance with 1-20-12(H) which requires all development to contribute to existing escrow accounts when 5 or more trips are generated.

On May 10, 1995, the Frederick County Planning Commission granted final plat/APFO approval for Section 5, Lots 2A – 2D, of the Harding Farm subject to conditions. An LOU was finalized and the plat recorded in November 1995. On October 9, 1996, the Planning Commission granted conditional approval for the Lone Star Steakhouse and Saloon on Lot 2A, finding that the LOU requirements of the subdivision were fully satisfied. The final approved site plan consisted of a 5,435 sq. ft. quick turnover restaurant with a 610 sq. ft. future expansion, which was never constructed.

The current site plan for the Tilted Kilt Pub and Eatery proposes a nominal expansion to 6,615 sq. ft., which includes a 700 sq. ft. outdoor seating area. This is in excess of the original approved site plan of 6,045 sq. ft. (5,435 + 610) by 570 sq. ft. Based on a review of the trip generation rate for a high turnover sit down restaurant of 9.85 trips per 1,000 sq. ft. of gross floor area in the pm peak hour, as indicated in the ITE Trip Generation Manual, there is a resulting increase of 6 additional trips during the PM peak hour, thus qualifying for contributions to existing road escrow accounts.

There are three existing qualifying escrow accounts in the immediate area of the restaurant at: MD 85/Guilford Road, MD 85/I-270 Northbound Ramps, and MD 85/Spectrum Drive. The attached LOU sets forth the contribution requirements from the project for each of these accounts.

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The Property has water and sewer classification of W-1 (Connected), S-1 (Connected) and the standard qualifying language from DUSWM is in the LOU. Schools are not impacted because the development of the property is a non-residential use.

This site plan adheres to all of the requirements listed in Z.O. Section 1-19-3.300, as well as APFO requirements of Z.O. Section 1-20.

DECISION

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

The site plan is valid for a period of three (3) years from the date of approval, of June 10, 2017.

The Type II Site Development Plan Approval is granted as provided for in § 1-19-3.300.1 (A)(2) for the property and requested land use as described above. If you have any questions, please contact me at (301) 600-1491.

Tolson DeSa



Principal Planner II

Date