TITLE: Libertytown Garden Condominiums

FILE NUMBER: SP-13-18, AP# 14147, FRO# 14148

REQUEST: Concept Site Development Plan Approval
The Applicant is requesting Concept Site Development approval for a mixed use structure to include 14 residential units and 3,056 s.f. of commercial/retail space on a 0.89-acre property.

PROJECT INFORMATION:
ADDRESS/LOCATION: Located on the north side of Main Street (MD 26) at the western terminus of North Street in Libertytown.
TAX MAP/PARCEL: TM 51; Parcel 123
COMP. PLAN: Mixed Use Development
ZONING: Mixed Use (MX)
PLANNING REGION: Walkersville
WATER/SEWER: W-1; S-1

APPLICANT/REPRESENTATIVES:
APPLICANT: Frall Developers, Inc.
OWNER: - same -
ENGINEER: VanMar Associates, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Denis Superczynski

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
EXHIBIT 1- Site Rendering
STAFF REPORT

Development Request

The Applicant is requesting Concept Site Development Plan approval for a mixed use project consisting of fourteen (14) residential units and 3,056 s.f. of commercial/retail uses in a single structure on a 0.89-acre site.

As required by Zoning Ordinance §1-19-7.520(l) mixed use developments requiring site development plan review shall first receive concept plan approval from the Planning Commission. The concept plan must demonstrate how the proposed activity will meet development standards listed in §1-19-7.520 MIXED USE (A through F, and H).

The proposal includes a single structure, 3 stories in height, with commercial office/retail uses and two residential units on the first floor and six residential units on each of the remaining two levels. The primary proposed uses are being reviewed as: general commercial retail land uses under the heading of Commercial Uses – Retail and Commercial Uses – Business and Personal Services (specific users have not been identified for the commercial/retail portion of the project, therefore several headings in the Use Table may apply); and, multi-family dwellings under the heading of Residential Uses per §1-19-5.310 Use Table in the Zoning Ordinance. All proposed uses are principal permitted uses in the MX Zoning District subject to Site Development Plan approval. Further details regarding the commercial retail uses may be provided as part of the Site Development Plan application.

Additionally, this Concept Plan proposal is being reviewed under the Mixed Uses provision of per §1-19-7.520(H)(1) of the Zoning Ordinance which permits multiple principal uses within a single structure with a finding from the Planning Commission that the listed criteria of that section have been met.
BACKGROUND

Development History

In January 1988, the Planning Commission approved a modification to allow the three lots of Parcel 123 – which include the 7-Eleven convenience store (Lot 1), the two existing condominium buildings (Lot 2), and the proposed condominium structure (Lot 3) – to share the common entrance onto Main Street/Liberty Road (MD 26). The June 1992 Condominium Plat illustrates the two existing buildings and identifies Lot 3 as being “Reserved for Expansion” showing a proposed condominium building and associated parking area in the area of this current proposal.

Previously zoned Village Center (VC), the subject Site was rezoned to Mixed Use (MX) in September 2012.

Existing Site Characteristics

The Site is currently vacant with a small wooded area located along the eastern boundary of the lot. No wetlands or FEMA floodplain exist on the site. A row of street trees lines a portion of the western boundary along the shared driveway serving the convenience store, the two existing condominium buildings, and the subject parcel. The site also has several utility easements, ranging in width from 20-30 feet, for water/sewer lines crisscrossing the site.

To the north of the Site are the two existing, 2-story condominium buildings with a total of 36 units (SP-88-08). To the west is the 7-Eleven convenience store and gas station. Both uses share the common drive onto MD 26 which forms the southern edge of the subject Site. The surrounding neighborhood in Libertytown is primarily residential in character, though a small church is located on North Street to the east of the Site. A small, cff-site garage building is located on an intervening lot between the subject Site and MD 26.

The proposed project site is situated adjacent to the Libertytown Survey District (Maryland Inventory of Historic Places #F-8-63) and its development as described in this application would have no adverse effect on contributing historic structures in the vicinity.
ANALYSIS
Summary of Development Standards Findings and Conclusions

Form and Layout
In its conceptual form, the proposed Libertytown Garden Condominiums mixed use building is composed of 14 residential units and 3,056 s.f. of commercial/retail uses. All non-residential uses are proposed for the first floor of the structure (along the southern façade of the building) with the apartments distributed as follows: 1st floor – 2 units; 2nd floor – 6 units; and, 3rd floor – 6 units.

The 30 ft. tall, 3-story structure is situated on its lot in such a way as to avoid existing utility easements, gain access from the shared private road serving the site, and orient itself such that commercial uses face the MD 26 frontage.

While the building is setback approximately 200 ft. from its MD 26 frontage, a segment of the property – shown as open space and parking area on the Concept Plan – extends from the front door of the building nearly to the sidewalk along MD 26. The odd shape of the lot, and the existing configuration of the utility easement across the property, create a limited buildable area and thus drive most of the site design decisions.

The structure itself is designed to avoid the look and feel of a plain, rectangular mass. While its primary width and length dimensions result in a building that is essentially square, the pushing forward and pulling back of wall planes results in a more interesting structure. Changes in building materials as well as the utilization of traditional design elements help to distinguish public (commercial) spaces from private (residential) spaces. The use of hipped and gabled roof forms also contributes to a more village-friendly style of architecture that is appropriate for this neighborhood.

Mixed use development is encouraged in the MX district through the allowance of a mixture of land uses within a single structure or within multiple structures on a site. Multiple principal uses on a single lot, as proposed by the Applicant, are permitted in the MX district (Sect. 1-19-7.520) when approved by the Planning Commission via the Type I Site Plan Review process (Sect. 1-19-3.300 through 1-19-3.300.4). If the Applicant receives Concept Site Plan approval, the project may then move forward with an application for a Type I Site Plan Review.

Development Density
The Concept Site Development Plan proposed project density is as follows:

Proposed Residential Density - 15.8 DUs/acre

Non-residential density in the MX district is not limited explicitly other than by practical site, circulation, design, and dimensional regulations.

Parking and Access
In accordance with requirements for use within the MX district, the proposed development utilizes a distributed parking concept. Parking has been located to the side or rear of buildings where possible. The location and orientation of the building on the site, as well as the mixed use nature of proposal, have dictated to some extent the placement of vehicular parking. Some of the parking is accommodated in what would be considered the front yard of the lot in order to maintain the first floor commercial units with front-facing exposure to MD 26. The rear of the structure thus becomes the primary access for those occupying the residential units. While proposed parking remains in the front yard, the rear and side yard parking bays provide all but one of the required spaces necessary to meet the code requirement for the residential use (2 spaces per dwelling unit). Although specific parking space numbers, dimensions and circulation will be reviewed at the Site Development Plan application, the concept plan reflects 54 parking spaces within the development distributed as follows:

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Residential use 28 spaces
Commercial use 12 spaces
Additional spaces 14 spaces
Motorcycle spaces 4 spaces
TOTAL PROPOSED 58 spaces (includes 4 motorcycle spaces)
TOTAL REQUIRED 40 spaces

Most of the surface parking spaces are physically located in areas that allow for easy and convenient sharing between uses. Furthermore, the likely staggering of peak times and days between the commercial/retail uses, and residential uses will likely result in a parking plan more than adequate to meet the needs of the Site as conceptually proposed. A large loading space is identified on the eastern side of the building and would primarily serve the commercial/retail uses. If the Applicant continues forward with additional parking spaces beyond the 40 spaces required by the Zoning Ordinance, a modification must be sought from the Planning Commission at Site Development Plan application.

The Site would be accessed from the existing 28 foot wide driveway/private access that also serves the convenience store and existing condominiums. This private driveway will be reconstructed as necessary along the Site's frontage to provide two access points into parking areas as well as eight parking spaces along the west side of the building.

Existing and new sidewalks will provide pedestrian access - through the site - to the sidewalk system along MD 26 serving both the proposed building and the existing condominiums.

The Applicant has demonstrated that the site can accommodate parking and access requirements as the plan proceeds to Site Development Plan review.

Green Space
The zoning ordinance in Sec. 1-19-7.520 (H)(1)(c) requires 363 s.f. of common plaza/green area per 2,000 s.f. of gross floor area. The project will include approximately 16,119 s.f. of floor area, which would require 2,925 s.f. (approximately 0.07 acres) of green space. The concept plan proposes 0.32 acres (13,939 s.f.) of green space including an area that could be used as a common plaza.

The majority of the green space provided in the Concept Plan is located on the far southern end of the site along MD 26. The commercial front of the building (facing MD 26) provides a modest paved area (720 s.f.) which could serve as a plaza area. The green space on the western side of the building could also serve as a common plaza. Although the green area is somewhat dispersed and therefore not ideal in its location, the Applicant has attempted to address this standard within the site utility easement and lot shape constraints.

Public Facilities
Public water and sewer service is intended to be utilized to serve this development. The Site is currently classified S-1/W-1 in the County's Water and Sewer Plan. The current system is insufficient to serve the proposed use and the proposal will be subject to an APFO water and sewer test at Site Development Plan application. Should the project propose to make use of on-site water and septic facilities, several issues identified by the Health Department and Office of Life Safety will need to be addressed.

Detailed Analysis of Development Standards

Concept Plan approval for MX projects is required as provided in §1-19-7.520(I) Procedures – concept of the Frederick County Zoning Ordinance.

Site Development §1-19-7.520 (I): Development requiring site development plan review, as provided in §1-19-5.310 Use Table, shall receive concept plan approval from the Planning Commission or its Libertytown Garden Condominiums – Concept Plan

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authorized representative as the first step in the development review process. The concept plan, submitted in conformance with §1-19-3.301.2 (B) shall demonstrate:

(a) The manner in which the standards within this section have been met by the proposed development; and,

(b) The manner in which the proposed development conforms to adopted county community or corridor plans for the area where the development is proposed.

- **Conformity with Community or Corridor Plan**
  - No community or corridor plan has been adopted for the Libertytown community growth area. Generally, the proposal demonstrates adherence to the general principles for compact development outlined in the County’s Comprehensive Plan through seeking a mix and intensity of uses conducive to the continuing development of compact neighborhoods in areas generally served by public infrastructure and facilities.

- **Storage and Operations/Refuse and Recycling/Signage**
  - Commercial activity proposed for the Site must demonstrate detailed compliance with this item at the time of Site Plan review. The Concept Plan as submitted does not preclude compliance with the Code and generally meets expectations for approval at the time of Site Plan Review. Signage is not yet addressed at this stage of review.

- **Site Development and Layout**
  - An effort has been made by the Applicant to ensure that the building faces the public way, primary internal drive, and pedestrian network. While the western façade could be improved to provide a more pedestrian friendly structure, it is clear that the Applicant has focused efforts on the commercial façade. Going forward, care should be taken to provide overhead shelter at entry points into the building as this is both a benefit to the end user as well as to the aesthetic goals of the design standards in the Zoning Ordinance.
  - As the retail and office uses move through the development review process in the future, the visual screening of undesired views of service facilities and activities will need to be carefully thought out and resolved at the time of Site Plan review.
  - The proposed Concept Plan adequately differentiates between areas of pedestrian access and areas of vehicular movement. The potential vehicular or pedestrian connection to the east acknowledges and plans for future development/redevelopment along North Street.
  - The opportunity for joint- or shared parking is strong. The Applicant has proposed shared spaces serving all uses thus meeting the intent of this standard.
  - The proposed development has been designed around an internal driveway network that is interconnected and facilitates efficient movement through and within the Site.

- **Building Massing and Bulk**
  - With no community or corridor plan in effect for the Libertytown community growth area, building massing and bulk will be limited only by the underlying zoning regulations. (See comments on Page 4, Form and Layout)
  - The building is oriented to show its access/entry features to the public or private internal drive or court. The concept plan maintains human-scaled architectural elements but could benefit from additional design work to this end.
  - Although specifics regarding materials and finishes will be determined at the time of Site Plan review the visualization material typically submitted for the Concept Plan generally provides information related to building shape, height, massing and window and door placement. The Applicant has submitted renderings of the structure itself for review by the Planning Commission. Generally, the Applicant has made efforts to address the use of traditional architectural forms and materials as they might be applied to this type of structure.
The Planning Commission should address whether or not the Applicant has demonstrated adherence to standard F(3) regarding a primary pedestrian entrance onto a street, square, or plaza. Given the limitations in size, configuration, and orientation of the site, it appears that with very little additional effort, this standard could be met at Site Development Plan review.

- **Multiple Structures and Mixed Uses** –
  The proposed uses include a mixture of commercial and residential uses integrated within a single structure. This is an appropriate response to both the zoning of the parcel as well as the surrounding uses in the vicinity. In meeting the standards set forth for design in the MX district, it appears that the specific criteria for this allowance have been met, or can reasonably be met at the time of Site Development Plan application.

- **Dimensional Regulations (Height and Setbacks)** –
  In §1-19-6.100 the dimensional standards for Multifamily dwellings in the MX district are established. The proposal meets these minimum standards as follows:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Allowed</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Height</td>
<td>60 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Front Yard Required</td>
<td>20 ft.</td>
<td></td>
</tr>
<tr>
<td>Front Yard Provided</td>
<td>20+ ft.</td>
<td>(measured to façade facing private road frontage)</td>
</tr>
<tr>
<td>Side Yard Required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side Yard Provided</td>
<td></td>
<td>30+ ft.</td>
</tr>
<tr>
<td>Rear Yard Required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear Yard Provided</td>
<td></td>
<td>35+ ft.</td>
</tr>
</tbody>
</table>

**Findings/Conclusions**
Based upon the review and analysis as provided above, Staff finds that the proposed application generally meets the intent of the Development Standards within the MX zoning district. Staff will continue to work with the Applicant as the project moves through the development process to address all outstanding items as discussed within the Staff Report. Staff anticipates that the application will meet the site plan review criteria as set forth in §1-19-3.300.4 including items related to site development, transportation, parking, public utilities, natural features, and common areas.

**Other Applicable Regulations**

**Forest Resource – Chapter 1-21:**
Concept Plan review triggers the submission of a Forest Stand Delineation (as required per section 1-21-31 of the Frederick County Code). Through the Forest Resource review process, areas for reforestation, afforestation and priority areas for conservation are identified, including retention of specimen trees (trees over 30 inches in diameter at breast height [dbh]).

A Combined Preliminary/Final FRO plan has been submitted and is under review. The site does not contain forest. The 0.13 acre mitigation requirement will likely be met by purchasing banking credits or paying fee-in-lieu. The FRO plan must be approved prior to the final approval of a Site Development Plan. FRO mitigation must be provided prior to any grading or building permits being issued.
Historic Preservation – Chapter 1-23:
The proposed condominium building site is situated adjacent to the Libertytown Survey District (Maryland Inventory of Historic Places #F-8-63) and would have no adverse effect on contributing historic structures in the vicinity.

Findings/Conclusions
The Applicant is required to address these other applicable regulations as part of the Site Development Plan approval process moving forward after this Concept Plan has been approved or approved with conditions.

RECOMMENDATION
Staff recommends that the Planning Commission approve this Concept Site Development Plan with the following conditions to be addressed at Site Development Plan application.

1) The Applicant shall provide additional architectural articulation at the pedestrian level with particular emphasis on entryways and fenestration.

2) The Applicant shall address all agency comments as the project moves forward to Site Development Plan Review. The Applicant shall address all Office of Life Safety, DUSWM, and the Health Department requirements as they relate to the provision of water and sewer service to the site.

3) A final FRO plan must be approved prior to final approval of any Site Development Plan.

PLANNING COMMISSION ACTION

MOTION TO APPROVE
I move that the Planning Commission APPROVE the Concept Plan #SP13-18 (AP-14147, FRO 14148) for the proposed Libertytown Garden Condominium development, with conditions as specified in the Staff Report.