



FREDERICK COUNTY PLANNING COMMISSION
June 11, 2014

TITLE: Orchid Cellar Winery

FILE NUMBER: SP-13-10, AP# 14424, APFO# 14426, FRO# 14427

REQUEST: **Site Development Plan Approval**
The Applicant is requesting site development plan approval for construction of a new 1,276 square foot farm winery tasting room to replace an existing 300 square foot residential basement tasting room on a 14.76-acre site

PROJECT INFORMATION:

ADDRESS/LOCATION: 8546 Pete Wiles Road, located along Pete Wiles Road, north of Westchester Court

TAX MAP/PARCEL: Tax Map 55, Parcel 217

COMP. PLAN: Agricultural/Natural Resource

ZONING: Agricultural

PLANNING REGION: Middletown

WATER/SEWER: W-NPS/S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Andrzej and Marzanna Wilk

OWNER: Andrzej and Marzanna Wilk

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
Exhibit 2- Parking Space Modification Statement

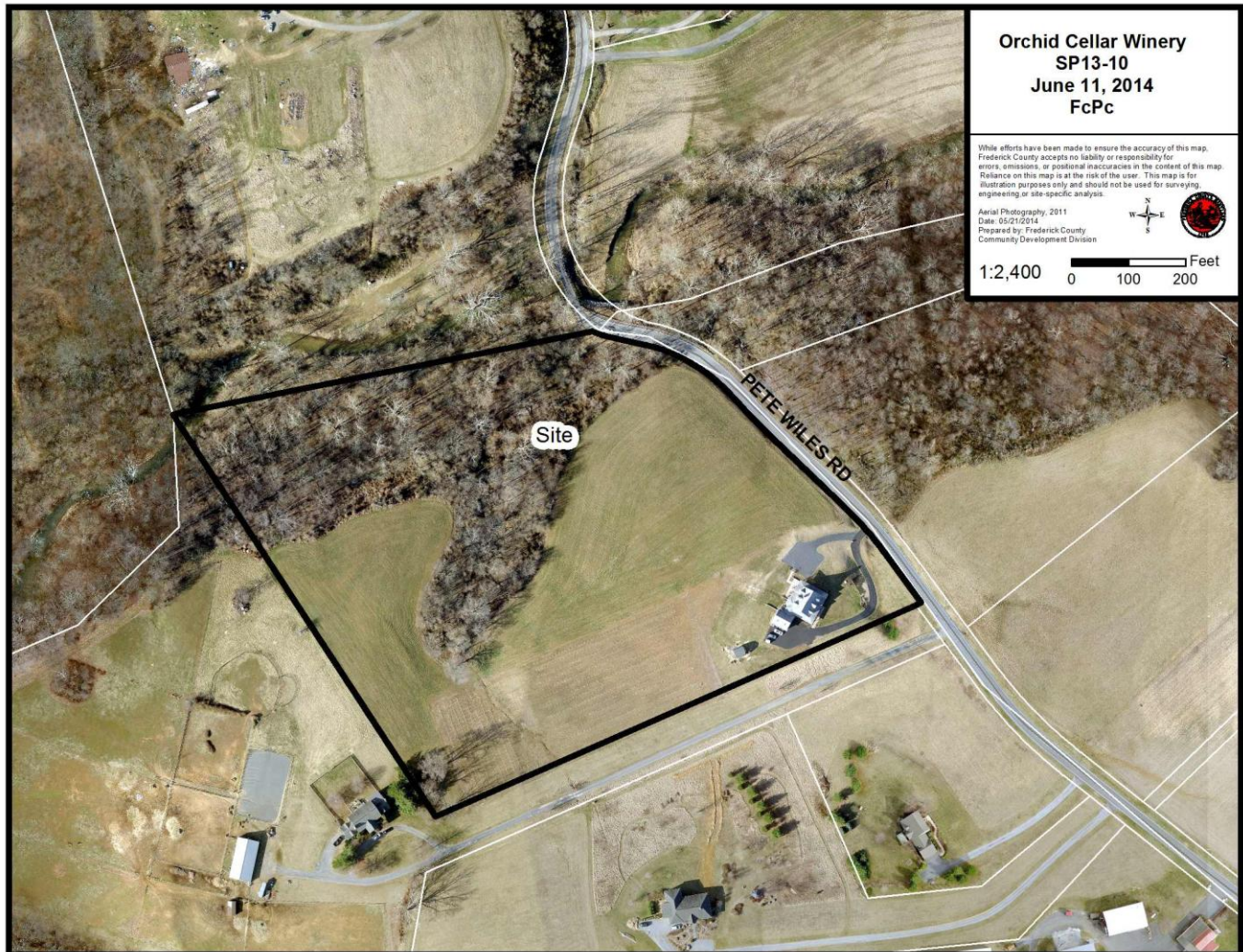
STAFF REPORT

ISSUE

Development Request

The Applicant is requesting site development plan approval for construction of a new 1,276 square foot farm winery tasting room to replace an existing 300 square foot residential basement tasting room, on a 14.76-acre site. The proposed use is being reviewed as an "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 three lot subdivision and a remainder. The subject lot was subdivided and recorded in April 1987 as a 14.76-acre remainder of the Brenthaven subdivision.

On December 11, 2013, this site received site plan approval from the Frederick County Planning Commission (FCPC) for a 300 square foot Farm Winery Tasting Room within the existing single family

Orchid Cellar Winery

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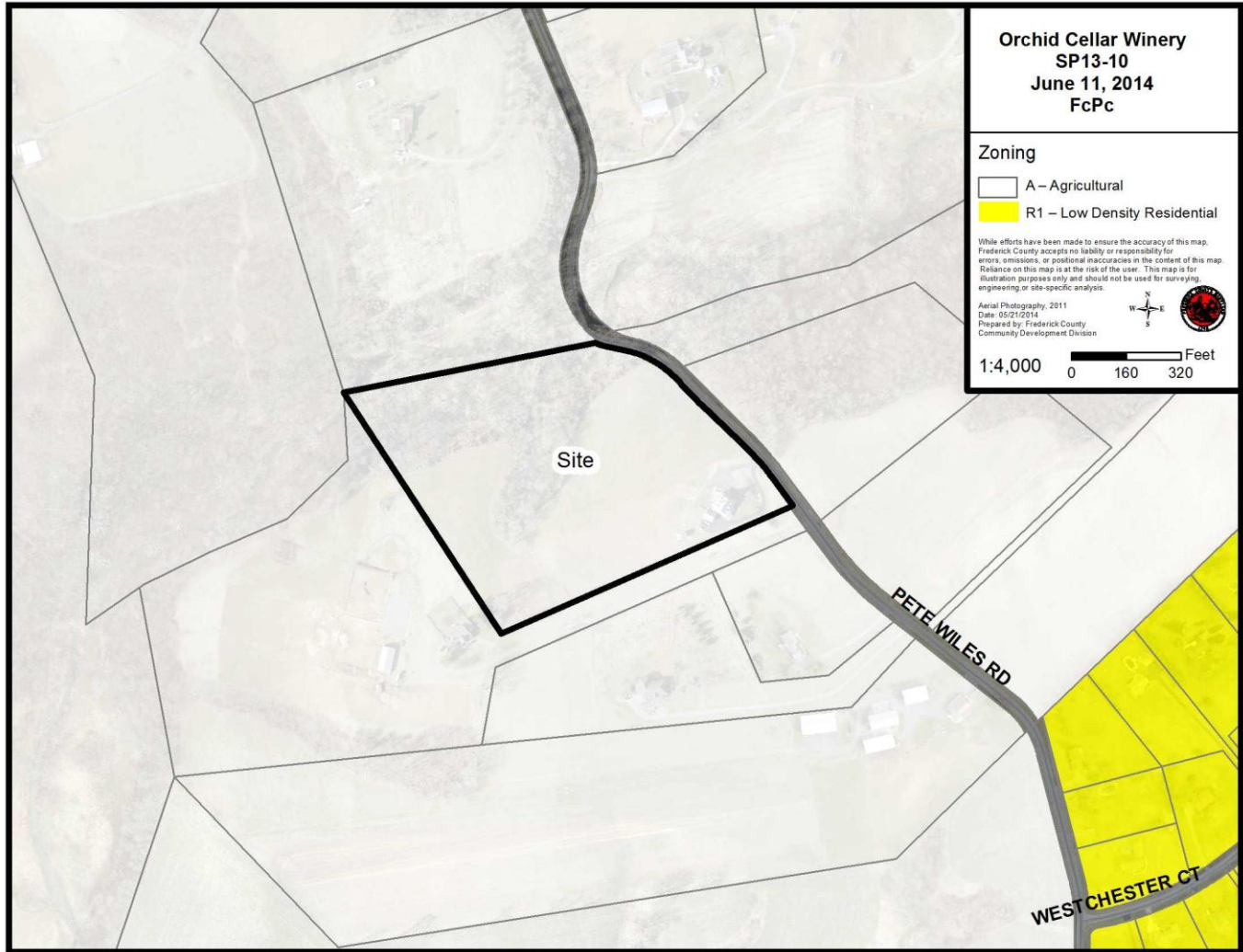
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residence. The Applicant is now proposing to construct a separate building for the storage and fermentation of their wines and shift the original tasting room out of the home and into this new facility. If the proposed 1,276 square foot tasting room is approved, the Applicant will abandon the existing 300 square foot tasting room approval.

Existing Site Characteristics

The site is currently zoned Agricultural, and is developed with a single family detached dwelling and an existing 300 square foot Farm Winery Tasting Room within the basement of the residential dwelling. See Graphic #2. The property to the east of the site is vacant with agricultural and forested lands; the properties to the west; north and south are developed with single family detached dwellings.

Graphic #2 Site Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

The primary issues associated with this development proposal were complying with the necessary Zoning regulations associated with a Farm Winery Tasting Room use, including parking, and landscaping.

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 meets the Bulk/Dimensional requirements for natural resource uses in the Agricultural zone.
- 2. Signage §1-19-6.300:** The Applicant is not proposing any additional signage as part of this application. The Applicant will utilize an existing 21 square foot sign. The existing 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 12 American Linden trees at each corner of the existing 10 space lot as well as the proposed 8 space 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 5.06 acres of existing forested areas. The activities on site are agricultural in nature and the existing residence partially screens adjacent properties from the proposed development. In addition, the existing vegetation and planted vineyards fulfill the intent of the screening requirements of §1-19-6.400.
- 5. Lighting §1-19-6.500:** The Applicant is not proposing any additional lighting as part of this site plan application.

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 30' wide dual asphalt access onto Pete Wiles 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 require one space for every 50 square feet of customer service area, excluding food preparation and storage. The proposed Farm Winery Tasting Room is 1,276 square feet, which requires 26 parking spaces. The Applicant has proposed a total of 18 parking spaces plus 1 ADA accessible parking spaces.

The Applicant is seeking a parking space modification in accordance with ZO §1-19-6.220.A.1, for 8 parking spaces under the target given the nature of the existing and anticipated business, See Exhibit #2. 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. In addition, the Applicant proposes a 4’ wide gravel walk between the existing parking area and the proposed parking area.

Conditions

1. Approval of the vehicle parking space modification in accordance with §1-19-6.220.A.1, for the 8 spaces under target.

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 Little Catocin Creek East runs adjacent to the northern property boundary of this site. There is an intermittent stream channel that runs south to north into the Little Catocin Creek East. The proposed development will not disturb the existing stream channels.
2. **Vegetation:** The northern portion of this site contains 5.06 acres of existing forested areas adjacent to the stream channels. The remaining acreage is comprised of agricultural lands and vineyards.

3. Sensitive Resources: This site contains a small band of FEMA floodplain, wet soils and flooding soils along the northern property line. The site also contains approximately 24,852 square feet of existing forested area within the 100 year floodplain of the Little Catoctin Creek. A 150' water body buffer protects the existing intermittent channel which feeds the Little Catoctin Creek. All of the sensitive resources on site are located outside of the proposed development area and not being impacted.

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, 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 14425) has been reviewed and approved for this development proposal.

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.
- 3. Roads.** The project is exempt from APFO 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 and is currently under review. No forest removal is proposed. The required 0.11 acre afforestation requirement will be provided via payment of fee-in-lieu (\$2,587.68). This 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):	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.	Approved
Office of Life Safety	Approved
DPDR Traffic Engineering	Hold: The Applicant must confirm adequate intersection sight distance at the site access.
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:

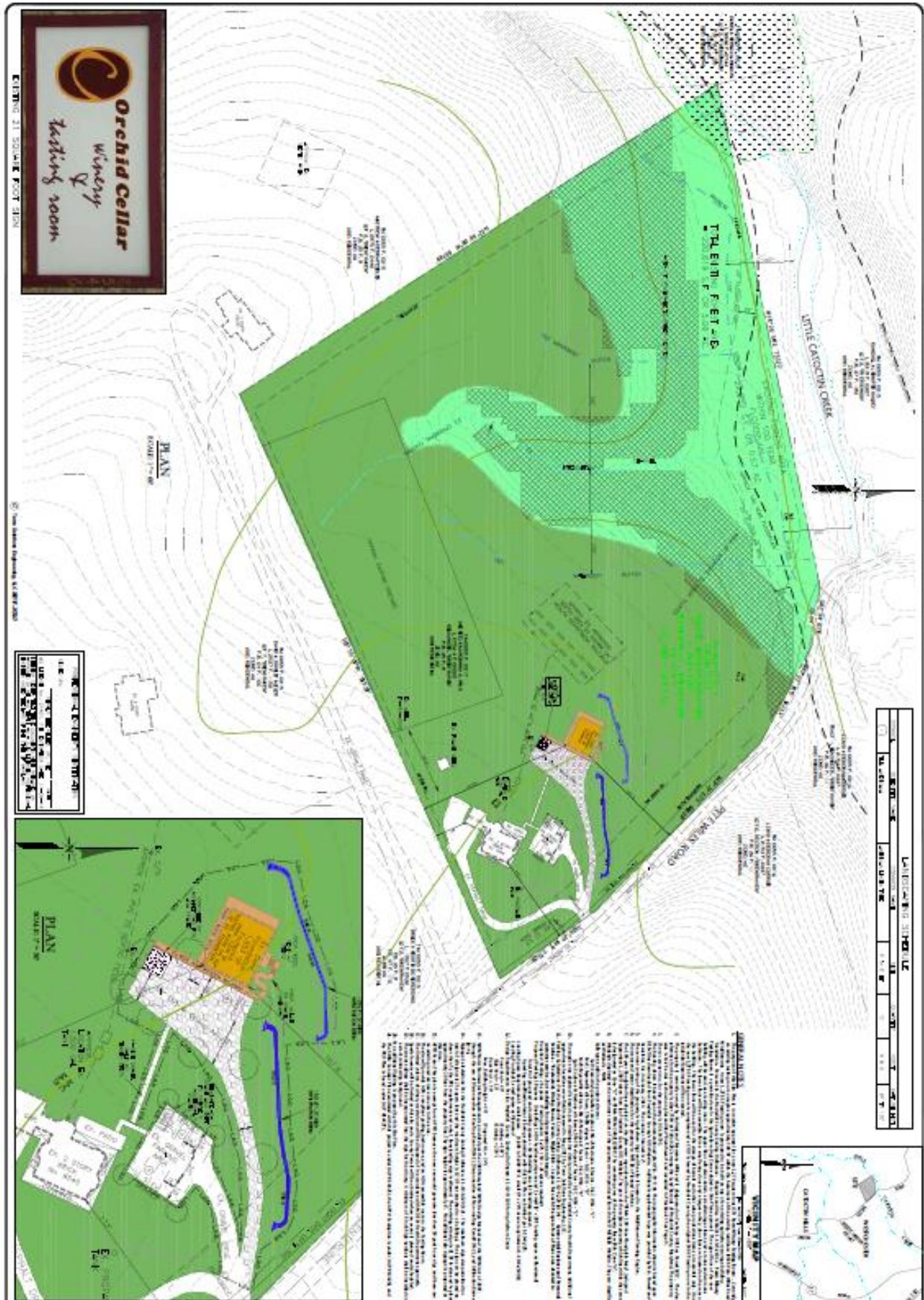
1. Address all agency comments as the plan proceeds through to completion.
2. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.
3. Approval of the vehicle parking space modification in accordance with §1-19-6.220.A.1, for the 8 spaces under target.
4. Adequate intersection sight distance for site access must be demonstrated prior to signature approval.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Development Plan SP-13-10 Orchid Cellar Winery, AP# 14424 **with conditions** and modifications as listed in the staff report for the proposed 1,276 square foot 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: Orchid Cellar Site Plan Rendering



Terra Solutions Engineering, LLC

Commercial & Residential Land Planning and Engineering

"Solutions through experienced Engineering"

5216 Chairman's Court, Unit 105
Frederick, Maryland 21703

Phone: 301-378-9842
Fax: 301-378-9846

March 28, 2014

Frederick County Division of Permitting and Development Review
30 North Market Street
Frederick, MD 21701
Attn: Tolson DeSa

RE: Orchid Cellar Winery
Hanson A/P #:14424
Modification Request for Reduction of Parking Space Requirements

Dear Mr. DeSa:

Within our concurrent Site Plan submission (A/P 14424), Orchid Cellar Winery is proposing 1,276 square feet of seating area within a tasting room to be built on the foundation of an existing storage building. Per the requirements of the Frederick County Zoning Ordinance (§ 1-19-6.220 (A) (4)), *Commercial Business and Personal Services - "Restaurant, Dining Room, Tavern, Night Club- 1 space for each 50 square feet of floor area devoted to customer service, but excluding food preparation and storage."*, the required parking spaces would have to be twenty-six (26). There are eight (8) existing spaces for the existing tasting room in the basement of the residence. The "upper" existing parking lot (near the residence) could accommodate up to ten (10) spaces as illustrated on the Site Plan. An existing gravel parking lot adjacent to the proposed tasting room can accommodate eight (8) spaces, including one (1) ADA space. Therefore the maximum number of spaces that could be provided onsite, without building further parking areas is eighteen (18) total spaces. Given the nature of the business, the applicant does not anticipate a need for more than the eighteen (18) spaces as shown on the Site Plan. We are requesting a reduction in the requirement. Thank you for your consideration.

Sincerely,

Terra Solutions Engineering, LLC



Michael Swanson, PE

Cc: Andrzej & Marzanna Wilk

Orchid Cellar Winery