TITLE: KV&A CPA, LLC

FILE NUMBER: SP-13-14, AP# 13979, APFO# 13980, FRO# 13981

REQUEST: Combined Concept/Site Development Plan
Requesting a combined Concept and Site Development Plan approval to convert an existing 2,150 s.f. single-family residence into an office-professional use located on an 11,700 s.f. (0.27-acre) site.

PROJECT INFORMATION:
ADDRESS/LOCATION: Located on the south side of Urbana Church Road at its intersection with Urban Pike, approximately 500 feet east of Urbana Elementary School.

TAX MAP/PARCEL: TM 96; Parcel 30
COMP. PLAN: Village Center
ZONING: Village Center
PLANNING REGION: Urbana
WATER/SEWER: W-5; S-5

APPLICANT/REPRESENTATIVES:
APPLICANT: Core Wealth Strategies LLC
OWNER: - same -
ENGINEER: Lavelle & Associates Inc
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Denis Superczynski

RECOMMENDATION: Approval

ATTACHMENTS:
EXHIBIT 1- Site Plan (rendering)
EXHIBIT 2- Parking Modification Request
The Applicant is requesting a combined Concept and Site Development Plan approval to convert an existing 2,150 square foot single-family detached house into an office-professional land use on a 0.27-acre Site.

The existing office use is in violation of the Zoning Ordinance. This Application for Concept/Site Development Plan approval represents the efforts of the Applicant to bring the Site into compliance with the Zoning Ordinance.

The primary use is being reviewed as: office-business/office-professional under the heading of Commercial Business and Personal Services per §1-19-5.310 Use Table in the Zoning Ordinance. All proposed uses are principal permitted uses in the VC Zoning District subject to Site Development Plan approval.

As required by Zoning Ordinance §1-19-7.500(D), Site Development Plan proposals in the VC Zoning District are required to submit plans to the Planning Commission (or its representative) for Concept Site Development Plan Approval. This Concept Site Development Plan must demonstrate how the proposed activity will meet development standards listed in §1-19-7.500(C).

The applicant is also requesting a modification to the parking requirements.
BACKGROUND

Development History
In 2013, the current owner of the property converted the existing single-family dwelling into professional offices for KV&A CPA. Significant alterations to the interior and exterior of the structure – as well as site modifications and septic system replacement – were accomplished without seeking Site Development Plan approval by the Planning Commission.

Existing Site Characteristics
The Site is currently zoned Village Center and is located in the central portion of the village of Urbana. The Site is currently developed with a single primary structure 2,150 s.f. in size with a 1,400 s.f. building footprint. The two previously existing outbuildings – a garage and a shed – have been removed and are not included in the Concept/Site Development Plan. The existing house was likely constructed in the 1870’s and, prior to its exterior alteration, represented an excellent example of the vernacular Queen Anne style of architecture prevalent in the late 19th century. The Maryland Historic Trust’s National Register Eligibility Form, completed in 1990, listed this building as one of the sixteen contributing resources establishing the local historic significance of the Urbana Survey District.

The Applicant has constructed a parking area along Urbana Church Rd. over the area once occupied by the two demolished outbuildings.

Land uses in the vicinity include the Smith Store, a County Register site at 3513 Urban Pike (across the street), small commercial establishments (north and west), a church, several existing single-family homes, and a landscaping business immediately adjacent to the west on Urbana Church Road. Worthington Square, a townhouse neighborhood, is being developed to the east of this Site on property once occupied by the Knott & Geisbert Farm Equipment business. The Villages of Urbana PUD is situated 300 feet north of the Site across Urbana Pike.

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Natural features of the Site include two existing mature trees, one of which, a 30” diameter Oak is identified as a specimen tree on the FRO plan (FRO# 13981). These trees will remain as part of this Site Plan.

The building is currently served by an existing well and septic system. Most of the rear yard is currently in turf. Areas not paved for parking, including the septic drain field, will remain in turf. The existing well is located in the rear yard near the south corner of the building.
Figure 3 – Side and rear view of structure from Urbana Church Road.

Figure 4 - Existing sign at front of building is approximately 30 s.f. in size.

Figure 5 - Existing sign encroaches on required setback.
Form and Layout
The conversion of the existing structure from residential to professional office use will not include any additional expansion of the building other than the construction of a handicapped access ramp leading to the rear (main) entrance. The existing parking area will be converted into on-street parking spaces and an off-street parking lot, with three spaces initially, is proposed to be constructed in the rear of the parcel.

No site lighting is proposed other than building-mounted lighting fixtures to meet building code and life safety regulations. The existing note on the Site Plan regarding lighting should be amended to indicate that site lighting will not exceed 0.5 foot candles at the property boundaries.

Development Density
Non-residential density in the VC district is not limited explicitly other than by practical site, circulation, design, dimensional regulations, and infrastructure constraints. No new structures or expansion of the existing structure are proposed for the Site.

Parking and Access
An off-street parking lot is proposed to be located to the rear of the building. The Phase I parking area proposes three spaces all of which are illustrated as standard spaces and no loading area. A note on the Site Plan, and the inclusion of an expanded access area to serve a handicap space, implies the intention to include one handicap space in Phase I. This parking area would be accessed from a short driveway off of Urbana Church Rd. There would be an additional three (3) on-street spaces provided along Urbana Church Rd. Phase 2 would provide the additional required on-site parking spaces and the small loading area required by the Zoning Ordinance. A Parking Modification Request has been submitted to the Planning Commission seeking approval of the Phase 1 parking area as an interim solution. Parking may be available along Urbana Pike in future years contingent upon implementation of street improvements along this segment of the County road.

Fire and Rescue services are available via the Urbana Volunteer Fire & Rescue Department located approximately 1,000 feet west of the Site on Urbana Pike. The main entrance to the building is located approximately 45 feet from the centerline of the roadway (Urbana Church Road) and the proximity to Urbana Pike would allow emergency response equipment direct access to the structure on its northeast and southeast sides.

Parks and Green Space
No formal open space is required by the Zoning Ordinance or proposed in the Concept Plan.

Public Facilities
The building is currently served by on-site well and septic facilities which will serve the office use until such time as public water and sewer service is available to the Site. The parcel is currently classified S-5/W-5 in the County’s Water and Sewer Plan.

Detailed Analysis of Development Standards

Concept Plan Approval for VC projects is required as provided in §1-19-7.500(D) Procedures – Concept of the Frederick County Zoning Ordinance.

**Site Development §1-19-7.500 (D):** 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 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.

Application Process

The application is being reviewed as a combined Concept and Site Development Plan since the use is currently in existence and significant alterations to the structure have already been accomplished. Staff believe that the Type 1 Site Development Plan application is the most expedient path to establishing a legal use of the property and compelling full compliance with County land use, health, and life safety regulations.

Site Development §1-19-7.500 (B),(C): Village Center Zoning District Overlay Standards

- **Conformity with Community or Corridor Plan** –
  - No county community or corridor plan has been adopted for the Urbana area therefore this criterion is not applicable.

- **Storage and Operations/Refuse and Recycling** –
  - Office professional activity proposed for the Site demonstrates general compliance with this item. The Site Plan as submitted does not preclude compliance with the Code and generally meets expectations for approval.

- **Signage (§1-19-6.320)** –
  - The sign area permitted on this Site is a function of the building frontage measurement of the side of the building on which is located the primary public access. In this case, the building’s northwestern side measures 33 feet, thus the permitted maximum sign area on this Site is 57.5 s.f.. The existing sign measures 30 s.f in size. The location of the existing sign must meet a setback equal to ½ the standard setback. With the existing building setback established as the current footprint of the structure, the sign must be located no farther than 12 feet from the front of the building as measured from the edge of the enclosed porch. This constitutes ½ of the distance between the existing structure and the ultimate right-of-way line established for Urbana Pike (shown on Site Plan as “Ultimate R/W”). The sign, in its current location, does not comply with the sign provisions of the Zoning Ordinance.

- **Site Development and Layout §1-19-7.500 (C)(3)** –
  - No new building construction is proposed in this Site Plan, but the Applicant has provided for the necessary site improvements to successfully integrate the proposed new uses into the neighborhood.
  - The proposed combined Concept and Site Development Plan adequately differentiates between areas of pedestrian access and areas of vehicular movement. A paved walkway is provided to bring pedestrians from the rear parking area to the building entrance.
  - On-street parking along Urbana Pike is not feasible at this time but may be possible in the future as improvements to Urbana Pike become feasible.
  - The current conversion of the existing house does nothing to preclude future connections to adjoining sites.

- **Building Massing and Bulk §1-19-7.500 (C)(4)** –
  - With no community or corridor plan in effect for the Urbana community, building massing and bulk will be limited only by the underlying zoning regulations. The building footprint
does not exceed the codified maximum of 5,000 s.f. for non-residential buildings. No expansions are currently planned for the existing structure.

- The building-width expanse of undifferentiated façade resulting from the complete enclosure of the front porch constitutes an insensitive treatment of a contributing structure in a locally-significant historic Survey District. Additionally, a new structure with a similar architectural approach to a primary façade proposed in the Village Center District would not likely be successful in gaining approval from Staff or the Planning Commission. §1-19-7.500 (C)(4)(f) of the Ordinance specifically states that such treatments shall not be included in any building design planned for the Village Center District.

- **Parking Arrangement §1-19-7.500 (C)(4)(e)**—
  - The parking area is located at the rear of the Site.

- **Roadside Sidewalks §1-19-7.500 (C)(3)(g)**—
  - No sidewalks are provided along Urbana Pike or Urbana Church Road. Given the likelihood of an altered street section along this County road segment, Staff does not recommend the construction of a single segment of sidewalk along the Urbana Pike road frontage at this time.

- **Dimensional Regulations (Height and Setbacks)**—
  - Per §1-19-7.500(B)(3) the VC district provides for the establishment of dimensional standards on a site-by-site basis, using adjoining and facing buildings as a guide. No expansions or exterior alterations, other than the handicapped access ramp at the side/rear of the building, are currently planned for the existing structure.

**Vehicle Parking and Loading, Section 1-19-6.200 through 1-19-6.220:**
Pursuant to Section 1-19-6.220 of the Zoning Ordinance, parking space requirements for the Office – Professional land use are as follows:

**Office (professional)**

- **Required:** 7 spaces (1 space per 300 sf of floor area excluding storage)
- **Provided:**
  - **Phase 1:** Three (3) spaces (off-street and three (3) on-street spaces along Urbana Church Road);
  - **Phase 2:** Four (4) additional spaces in the parking lot.
  - **Loading Space:** 1 small space required; 1 small space provided in Phase 2.

The Applicant estimates the use to include five (5) employees on a regular basis. On-street parking on Urbana Church Road will serve as an interim parking solution should the Planning Commission grant the Parking Modification requested by the Applicant.

The Applicant has requested a modification under Section 1-19-6.220(A)(1) to allow for a reduction of parking spaces on this Site. The Applicant proposes the expansion of the parking lot from 3 spaces (Phase 1 to be completed imminently), to the required 7 spaces (Phase 2, after public water and sewer service are established on this Site). The small loading area would also be provided at Phase One of the three spaces in Phase I should be appropriately labeled for handicap use.

**Landscaping, Section 1-19-6.400:**
The Applicant has submitted a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400. Landscaped screening of parking areas is sufficient as shown. The proposed street tree at the front corner of the Site should be shifted out of the ultimate road right-of-way where it is currently
illustrated. The proposed Red Sunset Maple tree adjacent to the Phase 1 parking area should be capable of attaining a canopy spread of 40 feet and will therefore provide shading of approximately 30% of the parking area (20% canopy cover required).

**Site Development Plan Approval Criteria §1-19-3.300.4:** Site Development Plan approval shall be granted when the Planning commission or its authorized representatives find that the application for development has met the following criteria based upon the standards and provisions of this chapter:

(A) Site development; (B) Transportation and parking; (C) Public utilities; (D) Natural features; and, (E) Common areas

- Based upon review of the general and specific criteria for Site Development Plans in the Village Center (VC) Zoning District, Staff believes that these issues have been adequately addressed in previous comments.

**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 Zoning Ordinance for the VC zoning district. Staff recommends that the Planning Commission require the relocation of the sign, accept the parking lot phasing plan/parking space modification, require a shift in the location of the Urbana Pike street tree, and require inclusion/revision of certain notes and symbols on the Site Plan.

**Other Applicable Regulations**

**Forest Resource – Chapter 1-21:**

This development is subject to FRO. A Combined Preliminary/Final FRO plan has been submitted and is approved. No forest removal is proposed. The Site contains one specimen tree (trees 30” or greater in diameter) which will be retained and protected. The required 0.03-acre afforestation requirement has been provided via payment of fee-in-lieu ($1,306.80).

**Historic Preservation – Chapter 1-23:**

The previously accomplished enclosing of the front porch, as well as the general treatment of the exterior alterations to the house, were completed prior to this Site Development Plan application and thus were not reviewed for design standard compliance by the Planning Commission. These alterations to the building’s public facades have diminished the integrity of one of the identified contributing structures within the Urbana Survey District.

**APFO – Chapter 1-20:**

1. **Schools.** This is a non-residential use and is therefore exempt from APFO school testing.

2. **Water/Sewer.** The Property is served with an on-site well and septic system and is not subject to the water/sewer APFO regulations.

3. **Roads.** An APFO exemption was approved for this Application on October 22, 2013.
Summary of Agency Comments

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

RECOMMENDATION
Staff recommends that the Planning Commission approve the Combined Concept/ Site Development Plan with the following conditions.

1) The Applicant shall address all agency comments as the project moves forward to final signature set submission.

2) The Applicant shall shift the location of the proposed street tree (Red Maple) out of the ultimate right-of-way for Urbana Pike.

3) The Applicant shall move the location of the sign so that it is in conformance with the sign setback requirement of the Zoning Ordinance.

4) The Applicant shall amend the lighting note to specify that site lighting will not result in illumination levels above 0.5 foot candles at the property boundaries.

5) The Applicant shall revise the calculation of the parking area to include both construction phases (Phases 1 and 2). Additionally, one of the three spaces in Phase I should be labeled for handicap use.

6) The Applicant shall add a general note #1 that states that the purpose of the Site Development Plan application is to change the use of the existing structure from ‘Single-Family Residential’ to ‘Office Professional’.

7) The Applicant shall amend the signage calculation figures to reflect the appropriate permitted...
signage area using 33 feet of building frontage (S) and a resultant sign area of 57.5 square feet.

8) Planning Commission approval of the requested modification of the parking requirements to allow 3 parking spaces (Phase 1) instead of the required 7 with the balance being accommodated with local on-street parking until such time as the site is served by public water and sewer service and the Phase 2 parking expansion is constructed.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission APPROVE the Combined Concept/Site Development Plan SP-13-14 (AP-13979, APFO 139780, FRO 13981), with conditions and modifications as listed in the Staff Report, to convert a single family residence to office professional use for the KV&A CPA development, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
May 30, 2014

Frederick County
Division of Permitting and Development Review
30 North Market Street
Frederick, MD 21701

RE: KV&A CPA, LLC (3528 Urbana Pike)
File #SP 1314

On behalf of the property owners, referenced above, this letter is to request from the Frederick County Planning Commission a modification for off-site parking.

Due to the location of the existing septic system off-site parking is proposed for a temporary period. When public water & sewer becomes available, applicant will connect to the public water and sewer system, abandon the septic system and complete the on-site parking requirements. Please refer to Parking Note: Type 1 Site Plan (Phase One & Phase Two).

If you should have any questions, please contact me.

Sincerely,

[Signature]

Daniel P. Lavelle, Prof. L.S.
President

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