Cambridge Farms Lot 1

FILE NUMBER: S-811, AP#14246, APFO#14248, FRO#14249

REQUEST: Combined Preliminary/Final Subdivision and APFO Approval
The Applicant is requesting major subdivision approval to re-subdivide the existing 9.39 acre parcel to create one (1) new 1.41 acre lot to be known as Lot 1.

PROJECT INFORMATION:
ADDRESS/LOCATION: North side of MD180/Jefferson Pike at Holter Road in the Community of Jefferson
TAX MAP/PARCEL: Tax Map 84, Parcel 65
COMP. PLAN: Village Center (VC)
ZONING: Village Center (VC)
PLANNING REGION: Brunswick
WATER/SEWER: W-5/S-1

APPLICANT/REPRESENTATIVES:
APPLICANT: Ty Davenport, ACDH Maryland
OWNER: Jefferson Village Center, LLC
ENGINEER: Frederick, Seibert & Associates, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: John Dimitriou R.A., Principal Planner

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
Exhibit 1-Combined Preliminary/Final Plat Rendering: Lot 1
Exhibit 2- APFO Letter of Understanding (LOU)
The Applicant is requesting major subdivision approval to re-subdivide an existing 9.39 acre parcel to create one (1) new 1.41 acre lot identified as Lot 1. The 9.39 acre parcel is a remainder of the Cambridge Farms subdivision (See Graphic 1 below), a major residential subdivision developed largely in the 1990’s with predominantly R5 zoning, and some R8 and VC zoning.

This site of the combined preliminary/final subdivision plat application will be the location of a proposed 9,100 square foot variety retail store on public sewer and private well water. Traffic APFO will be addressed with this combined preliminary/final subdivision plat, and a separate site development plan SP-89-19 (AP# 14247) has been submitted for the proposed store.

The lot to be created from the 9.39 acre lot is a portion of a remainder of the Cambridge Farms subdivision. More than 5 lots have been subdivided off the original tract to create the Cambridge Farms subdivision. As such, this application qualifies as a major subdivision and must be approved by the Planning Commission.

Additionally, the Adequate Public Facilities Ordinance states that all commercial/industrial subdivisions must be tested for APFO. Therefore, this subdivision is before the Frederick County Planning Commission for Combined Preliminary/Final Subdivision Plat and APFO approval.

Graphic 1 – Aerial Photo
BACKGROUND

Development History

The Cambridge Farms subdivision was approved in phases throughout the late 1980’s and 1990’s. The subdivision created a majority of single family detached residential lots, with some townhouses. The 9.39 acre portion under consideration today was left as a remainder. Subdivision of this parcel is being pursued in order to develop the site as a variety retail use.

The site is zoned Village Center (VC) (see Graphic 2 below). Where specifically required by the Zoning Ordinance (Section 1-19-7.500(D) for VC), development requiring site development plan review and approval shall receive concept plan approval as the first step in the development review process. The intent of the concept plan is to demonstrate the manner in which the zoning district design standards will be met by the proposed development. The Concept Plan for this site was submitted and received approval from the Planning Commission on November 13, 2013 (AP#13148).

Existing Site Characteristics

The site is currently undeveloped. The surrounding properties include the rest of the Cambridge Farms subdivision to the north of the site across Holter Road and along the northeastern boundary of the site. There are residential uses adjoining the site along the eastern boundary and facing the site to the south along MD180. Additionally, there are commercial uses to the south and west of the site, including an auto service facility facing the site along MD180. The H.C. Summers Feed and Supply Store adjoins the site on the southwest.

The overall 9.39 acre site has almost 1,300 feet of frontage along Holter Road, and almost 560 feet of frontage along MD 180. There are two existing entrances located along Holter Road. One is directly across from Camden Drive, which leads into the Cambridge Farms subdivision.

The subject property is not forested and slopes to the center-south portion of the site, with gradual slopes in the western portion of the site, and slightly steeper slopes in the eastern portion. The steepest portion of the site is along the eastern property boundary where the slope is approximately 10%. There are no wet soils or floodplain on the site.
ANALYSIS

A. LAND, DIMENSIONAL, AND BULK STANDARDS

1. Land Requirements §1-16-217 (A): The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The Village Center zoning district is intended to reinforce and enhance the historically mixed-use areas within rural communities and designated growth areas. The district provides for the location of a variety of limited commercial uses and a range of housing types while maintaining the compatibility of new development with existing development through design standards. A mix of uses is encouraged in the village center either within a single structure or as separate uses located throughout the district. The design pattern of the proposed subdivision complies with the approved concept plan, meets the requirements for this district and with the intent of the land use designation.

2. Land Requirements §1-16-217 (B): The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.
The existing site is currently undeveloped and there are no wooded areas or water bodies. The land slopes to the southern center boundary of the Site. The proposed subdivision design is consistent with the existing topography and natural features of the Site and is reflective of the established development pattern in the vicinity of the subject property.

3. **Dimensional Requirements/Bulk Standards §1-19-6.100:**
   In the VC zone, front, side, and rear setbacks are determined based upon the average setbacks for structures located on all lots facing and adjacent to the proposed development. Generally, the maximum allowed building height is 30’. The Zoning Ordinance does not require a minimum lot area for commercial uses within the VC zoning district. The Applicant has submitted setbacks based on surrounding structures as follows:
   
   Front: 27’6”
   Side: 10’
   Rear: 40’

   The proposed bulk and dimensional standards proposed by the Applicant meet zoning ordinance requirements for the VC zoning district.

**Land, Dimensional, and Bulk Standards Findings/Conclusions**

The proposed subdivision meets all land, dimensional, and bulk standards.

B. **ACCESS**

1. **Public Facilities §1-16-12 (B)(3)(b):** For major subdivisions; Lots must access a publicly-maintained road with a continuously paved surface that is at least 20 feet in width.

   The Applicant proposes one access point along MD180, and another access drive to the north at Holter Road (via a common access easement). Both MD180 and Holter Road are publicly-maintained roads with continuously paved surfaces greater than 20’ in width.

2. **Street, Common Driveway, and Sidewalk Construction §1-16-109: (D)** The developer of subdivisions utilizing (private) common driveways…shall provide for the complete construction of the common driveway in accordance with the plat.

   The Applicant has proposed a 40 foot wide common drive through the site to provide direct vehicular access to Lot 1 from MD 180 as well as providing a through access between Holter Road and MD 180. This proposed common drive is consistent with the approved Concept Site Plan and will set the stage for efficient and logical development of the remaining site acreage if it occurs in the future.

3. **Lot Access to Streets §1-16-240: (A)**The Planning Commission shall have the right to approve or disapprove any point of ingress and egress to any lot...(B) The Planning Commission may require the subdivider to provide ingress and egress to a particular lot or tract through the remainder of the property...

   The Applicant proposes one access point along MD180, and another access drive to the north at Holter Road. The proposed entrances meet sight distance requirements and have been approved by Development Review Transportation Engineering Staff and SHA.

   In an effort to reduce impact of vehicle lights on adjacent properties, site access along Jefferson Pike is positioned to align with an existing alley to the south, which was achieved by working with Applicant.
4. **Driveway Entrance Spacing Policy:** This policy, adopted by the FcPc in 2002 and amended in 2004, provides a system of evaluating driveway locations for public safety, to preserve the rural character of roads located in the rural parts of the County, and allowing tighter spacing in areas of the County designated for denser development.

The proposed driveway entrance spacing conforms to the policy standards.

**Access Findings/Conclusions**
The proposed lot will meet all County access requirements.

C. **WATER AND SEWER FACILITIES**

1. **Public Facilities §1-16-12 (C):** The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.

   The site is to be served by public sewer and private well water. The County Water and Sewerage Plan classification for the Site is W-5/S-1. While the public sewer is currently adequate to serve the Project, the Applicant acknowledges that capacity is not guaranteed until purchased. Per Section 1-16-88(B)(26)(a)4 of the Frederick County Code, final plats shall contain standard notes for subdivision where use of public sewer and private well is anticipated. This note as identified in the Code is not reflected on the plat and must be added prior to final approval.

D. **OTHER APPLICABLE REGULATIONS**

**Stormwater Management – Chapter 1-15.2:** A Stormwater Concept Plan has been submitted for the project and is under review. Stormwater and stormdrain deeds of easement and maintenance agreements must be recorded and noted on the final plat prior to approval. Guarantees and public works agreements must be in place prior to final plat approval.

**Adequate Public Facilities Ordinance (APFO) – Chapter 1-20:**

1. **Schools.** Schools are not impacted because the proposed development is a non-residential use.

2. **Public Water/Sewer.** The Property has a water and sewer classification of W-5/S-1. While the public sewer facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable county regulations, including but not limited to Sec. 1-16-106 of the Frederick County Subdivision Regulations.

3. **Roads.**

   As proposed in the traffic impact analysis (TIA) performed by Lenhart Traffic Consulting, Inc. dated January 24, 2014, the Project will generate 35 am and 62 pm weekday peak hour trips. All road improvements satisfy level of service standards per §1-20-31.

   In addition, the traffic consultant performed a speed study on Holter Road to determine if speeds are an issue. The study determined that the 85th percentile speed is 43 mph and the median speed is 38 mph. The study concluded that “while the operating speed is slightly above the posted speed limit (35mph), it is not outside the normal range of speeds for similar...
collector roadways. Furthermore, the existing sight distance exceeds AASHTO recommendations for safe Stopping and Intersection Sight Distance."

Per §1-20-12(H), the Developer shall pay into a County-held escrow account, prior to the issuance of a building permit, the following pro rata contribution: MD 180/Lander Road Intersection: Additional northbound approach lane provided under SHA permit. Contribute the appropriate pro-rata share (4.72% of $331,000) to Existing Escrow Account No. 3804 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $15,623.

**Forest Resource Ordinance – Chapter 1-21:**

The Applicant submitted a Combined Preliminary/Final Forest Conservation Plan (AP 14249) and has received approval. The site contains no forest or sensitive environmental features. FRO mitigation has been provided with the purchase of 0.46 acres of forest banking credits. FRO requirements for this project have been met.

Summary of Agency Comments

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<tr>
<th>Other Agency or Ordinance Requirements</th>
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<tr>
<td>Development Review Planning:</td>
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<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
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<td>Health Dept.</td>
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<td>DPDR Transportation Engineering</td>
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**RECOMMENDATION**

Staff has no objection to conditional approval of the proposed Combined Preliminary/Final Subdivision Plan. Approval may be granted for the lesser of five (5) years from Planning Commission approval or the period of APFO approval. Therefore, if approved, the Preliminary/Final Subdivision plan approval will be valid until August 13, 2017, based on the 3-year APFO approval discussed below. If the Planning Commission conditionally approves the subdivision and APFO, the APFO approval will be valid for a period of three (3) years from the date of Planning Commission approval or August 13, 2017.

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. Stormwater and stormdrain deeds of easement and maintenance agreements must be recorded and noted on the final plat prior to approval. Guarantees and public works agreements must be in place prior to final plat approval.
3. Execution of the APFO mitigation as set forth in the Letter of Understanding (LOU).
4. Prior to issuance of a building permit for Lot 1, the Developer shall pay $15,623 into a County-held escrow account No. 3804 for the MD 180/Lander Road Intersection: Additional northbound approach lane provided under SHA permit improvement.
5. The following notes shall be added to the plat prior to final approval:

   a. This subdivision is approved for interim individual water systems and a community sewage system and their use is in accordance with the Frederick County water and sewerage plan. The applicant or any future owner must discontinue use of these individual water systems and connect to the community system when the community system becomes available. The subdivision shown hereon is approved as being in conformance with the Frederick water and sewerage plan.

   b. Lot owners are responsible for maintenance of any common driveway serving their lots. The county shall not be responsible for maintenance of common driveways.

6. Label the remaining portion of the remainder lot as follows: “This is not a legally established lot under COMAR 26.04.03 and may not be considered for development until such time as either the parcel can be served by a community sewage disposal system or evaluation of the parcel demonstrates that the parcel meets the provisions set forth in the Code of Maryland Regulations for subdivision of land in place at the time the proposal is submitted. Furthermore, development must be consistent with applicable State and County codes, regulations and laws and the parcel may not be served by non-conventional means of on-site sewage disposal.

7. Prior to final approval:
   a. The proposed well shall be staked and field inspected.
   b. Sewer lines will be shown on the plat.
   c. Well will be drilled and shown on the plat as existing with the well tag number.

PLANNING COMMISSION ACTION

MOTION TO APPROVE AS MODIFIED

I move that the Planning Commission APPROVE S-811 AP #14246, including APFO approval AP #14248, with conditions as listed in the staff report for the proposed Jefferson Village Center Lot 1 Combined Preliminary/Final Subdivision, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Jefferson Village Center, Lot 1

Preliminary Plan #S-811 AP #14248

In General: The following Letter of Understanding ("Letter") between the Frederick County Planning Commission ("Commission") and ACDH of Maryland, LLC (the "Developer"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the Dollar General Site Plan (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements (or contributions to road escrow accounts, as specified below) are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with a portion of the Developer’s 7.91 +/- acre parcel of land, which is zoned VC (Village Center), and located on the north side of MD 180, east of Holter Road. This APFO approval will be for the development of a 9,100 sq. ft. variety store on a 1.48 acre lot, which is shown on the preliminary plan for the above-referenced Project, which was conditionally approved by the Commission on August 13, 2014.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer: The Property has a water and sewer classification of W-5/S-1. While the public sewer facilities are currently adequate to serve the project, the Developer recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded and building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations, including but not limited to §1-16-106 of the Frederick County Subdivision Regulations.
Road Improvements: As proposed in the traffic impact analysis (TIA) performed by Lenhart Traffic Consulting, Inc. dated January 24, 2014, the Project will generate 35 am and 62 pm weekday peak hour trips all road improvements satisfy level of service standards per §1-20-31. The Developer is however required to provide fair share contributions to existing escrow accounts per §1-20-12(H).

In satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per §1-20-12(H), the Developer shall pay into a County-held escrow account the following pro rata contribution: MD 180/Lander Road Intersection: Additional northbound approach lane provided under SHA permit. Contribute the appropriate pro-rata share (4.72% of $331,000) to Existing Escrow Account No. 3804 for improvement of this intersection by others. As determined by the County Traffic Engineer, pro-rata contribution to this road improvement is $15,623.

Therefore, prior to the recordation of the plat for Lot 1, the Developer hereby agrees to pay $9,440 to the escrow accounts described above for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on August 13, 2017.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission’s jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

DEVELOPER: ACDH of Maryland, LLC

By: [Signature]

Date: 8/1/14

Ty Davenport, Title:

[Additional Signatures on Page 3]
FREDERICK COUNTY PLANNING COMMISSION:

By: _________________________________ Date: 
    Robert Lawrence, Chair or Dwaine E. Robbins, Secretary

ATTEST:

By: _________________________________ Date: 
    Gary Hessong, Director, Permits & Inspections

Planner's Initials : Date ____________
County Attorney's Office Initials : Date ____________
(Approved as to legal form)