



FREDERICK COUNTY PLANNING COMMISSION
September 10, 2014

TITLE: Red Shedman

FILE NUMBER: SP-14-05, AP 14539, APFO 14540, FRO 14615

REQUEST: **Site Development Plan Approval**

The Applicant is requesting Site Development Plan approval for a 1,766 square foot farm brewery tasting room in a portion of an existing Farm Brewery/Storage building located on a 229-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: 13601 Glissans Mill Road, located along Glissans Mill Road, west of Wilson Road.

TAX MAP/PARCEL: Tax Map 70, Parcel 28

COMP. PLAN: Agriculture

ZONING: Agricultural

PLANNING REGION: New Market

WATER/SEWER: W-NPS/S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Berrywine Plantations, Inc.

OWNER: Berrywine Plantations, Inc.

ENGINEER: Van Mar Associates, Inc.

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

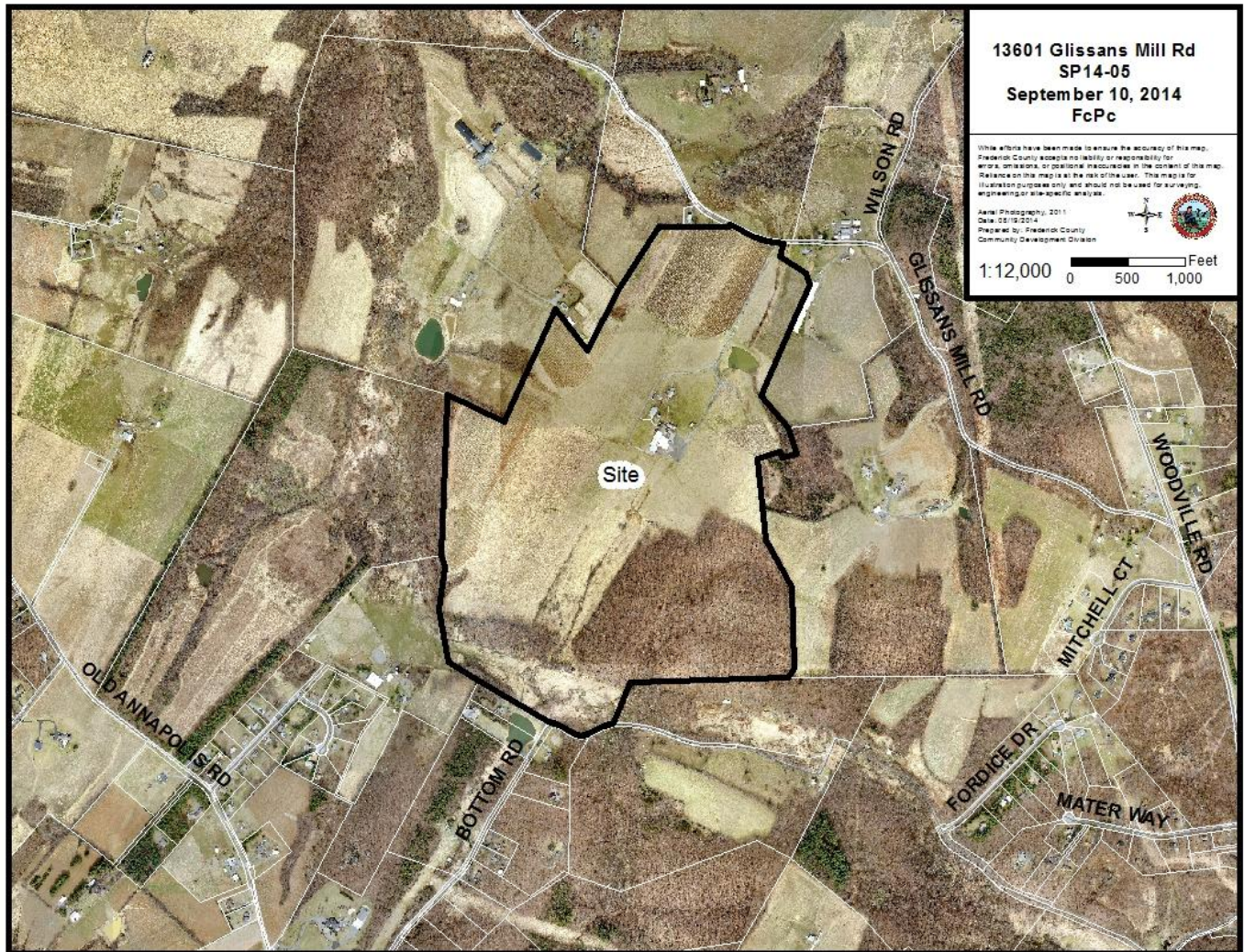
Exhibit 1-Site Plan Rendering

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting site plan approval for a 1,766 square foot farm brewery tasting room in a portion of an existing Farm Brewery/Storage building located on a 229-acre site. The proposed use is being reviewed as an "Farm Brewery Tasting Room" land use under the heading of *Natural Resource Uses* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the Agricultural (AG) Zoning District subject to site development plan approval. See Graphic #1 below.



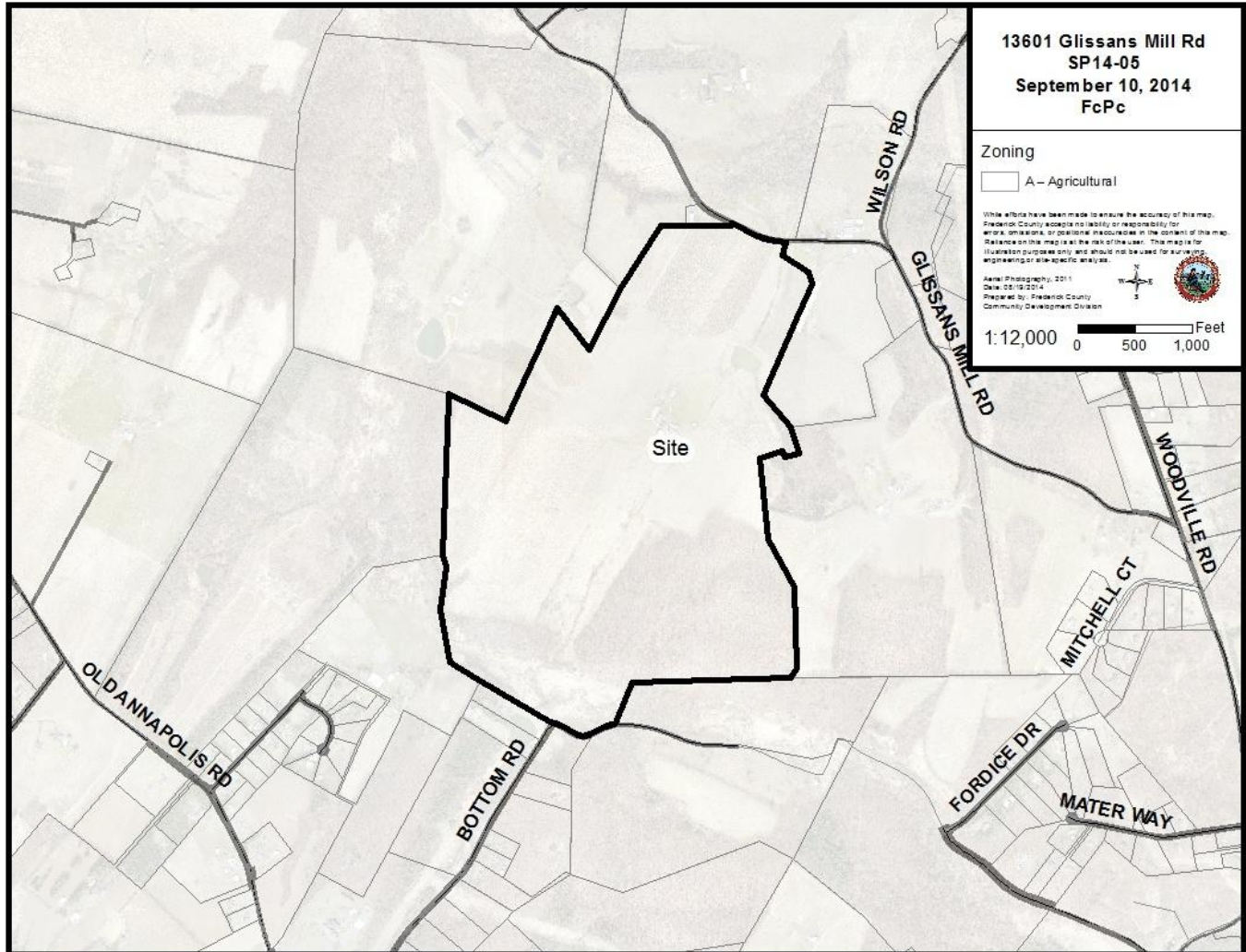
BACKGROUND

Development History

The site is currently developed with an existing farm winery, farm winery tasting room and farm brewery with an associated office and parking. The existing facility (developed prior to current zoning ordinance process requirements) is not being considered in the review of the proposed 'Farm Brewery Tasting Room' beyond coordination of parking and signage.

Existing Site Characteristics

The site is currently zoned Agricultural (AG), and is developed with a Farm Winery, Farm Winery Tasting Room and Farm Brewery with associated buildings for wine and beer processing, storage, and tasting. The surrounding properties are developed with a variety of farms. See Graphic #2 below.



Summary of Development Standards Findings and Conclusions

The primary issues associated with this development proposal were retrofitting a portion of an existing Farm Brewery/Storage Building into a Brewery Tasting Room and complying with the necessary Zoning regulations associated with that 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 Natural Resource use is 5 acres. The location of the proposed Brewery Tasting Room within the existing structure 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 other than directional way-finding signs, as part of this application. Per section 1-19-6.310 (J) of the Zoning Ordinance, on-site directional way finding signs are not included in calculating the maximum size sign permitted for a site.
- 3. Landscaping §1-19-6.400:** Due to the location of the proposed structure within the existing developed site, the gravel nature of the existing parking area, and location of the site within the Agricultural zone the landscaping requirements are not directly applicable to the proposed development. However, the Applicant is proposing to plant 3 Red Maple trees in combination with several dozen smaller bushes, shrubs and ornamental grasses in order to meet the intent of the Zoning Ordinance landscaping requirements. The proposed site plan complies with the intent of the requirements listed in ZO §1-19-6.400.
- 4. 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 20' wide dual access onto Glissan's Mill 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 overall site contains a total of 75 parking spaces for the existing winery and tasting room, offices, warehouse space as well as the proposed brewery tasting room. All of the parking is existing; and there will be no additional parking constructed on site.

The parking calculation for office uses is one space for each 300 square feet of area. The site contains 1,206 square feet of office space, which requires 4 parking spaces. The parking calculation for "Restaurant, Dining Room, Tavern, Night Club" uses (including tasting rooms) requires one space for every 50 square feet of customer service area, excluding food preparation and storage. . Seventy five parking spaces are required to serve the existing and proposed uses

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on-site. The Applicant proposes using 73 existing gravel spaces and 2 new paved ADA spaces to meet this requirement.

The proposed Farm Brewery Tasting Room is 1,776 square feet and has a customer service area of 1,423 square feet, which requires 29 parking spaces. The Farm Brewery also has 3 employees, which requires three additional parking spaces on site. The Applicant has proposed a total of 32 parking spaces including 2 paved ADA accessible parking spaces to serve the proposed Brewery tasting room. There are 75 parking spaces (73 existing gravel) proposed on-site to meet the 75 spaces required to serve the existing and proposed land uses.

In accordance with 1-19-6.210, one small loading space is required. The Applicant has provide one small; 9'x 20' loading space adjacent to the storage area and dock of Building "B".

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 spaces to the proposed Brewery Tasting Room.

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*. The Health Department has conditionally approved this proposal. This site is served by an existing private well and septic system.

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 northern portion of the site is relatively flat with slopes less than 15%, as the land travels south the slopes increase to over 25% as the site drops in elevation to the Woodville Branch streambed.
2. **Vegetation:** The site is primarily agricultural lands with forested lands located along the southern property borders.
3. **Sensitive Resources:** This site contains Wetsoils, Flooding soils, and Wetlands. The areas of Flooding Soils and Wetlands are located on the south side of the site and are not impacted by the proposed development. There are three fingers of wet soils that run into the site; from the north, south and west. However, no residential construction is proposed.

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:** There are no common areas or facilities proposed as part of this project.

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: Since the Brewery Tasting Room will be located within an existing structure the limit of disturbance for this plan is 1,339 square feet. Therefore the project is exempt from Stormwater Management requirements per the 2000 Maryland SWM Design Manual and the SWM Act of 2007.

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 6 peak hour trips and there are no existing escrow accounts in the area of this site plan proposal.

Forest Resource – Chapter 1-21: This project is subject to meeting FRO requirements. A combined preliminary/final FRO plan has been submitted and is conditionally approved by Staff. No forest or specimen trees are within the proposed development area. The Applicant proposes to meet their 0.03 acre FRO mitigation requirement by paying fee-in-lieu. The fee-in-lieu payment must be provided prior to site plan approval.

Historic Preservation – Chapter §1-23: There are no sensitive historic resources in the area of proposed development.

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.	Conditional Approval
Office of Life Safety	Approved
DPDR Traffic Engineering	Conditional Approval
Historic Preservation	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan for a 1,766 square foot Farm Brewery Tasting Room. 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 final site development plan approval.

PLANNING COMMISSION ACTION

I move that the Planning Commission **APPROVE** SP-14-05 **with conditions** as listed in the staff report for the proposed 1,766 square foot Farm Brewery 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: Site Plan Rendering: Red Shedman Farm Brewery Tasting Room

