



**FREDERICK COUNTY PLANNING COMMISSION**  
**July 13, 2016**

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**TITLE:** **TJ's Roadhouse & Country Store**

**FILE NUMBER:** **SP-10-05, AP #16147, APFO#16148, FRO #10747**

**REQUEST:** **Site Development Plan Approval**

The Applicant is requesting Planned Commercial site development plan approval for a 2,806 square foot (1,865 square foot addition to an existing 941 square foot building) proposed General Country Store/Variety Store, together with the existing 3,749 square foot Restaurant on a 1.62-acre site.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 11037 Liberty Road, Located along Liberty Road (MD 26), east of Chestnut Grove Road

**TAX MAP/PARCEL:** Tax Map 59, Parcel 67

**COMP. PLAN:** General Commercial

**ZONING:** General Commercial

**PLANNING REGION:** Walkersville

**WATER/SEWER:** W-NPS/S-NPS

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** James E. Summers, Ent. Inc.

**OWNER:** James E. Summers, Ent. Inc.

**ENGINEER:** Terra Solutions, LLC.

**ARCHITECT:** N/A

**ATTORNEY:** N/A

**STAFF:** Tolson DeSa, Principal Planner II

**RECOMMENDATION:** Conditional Approval

**ATTACHMENTS:**  
Exhibit 1-TJ's Roadhouse Site Plan Rendering  
Exhibit 2-Parking and Loading Modification  
Exhibit 3-Alternate Landscape Plan

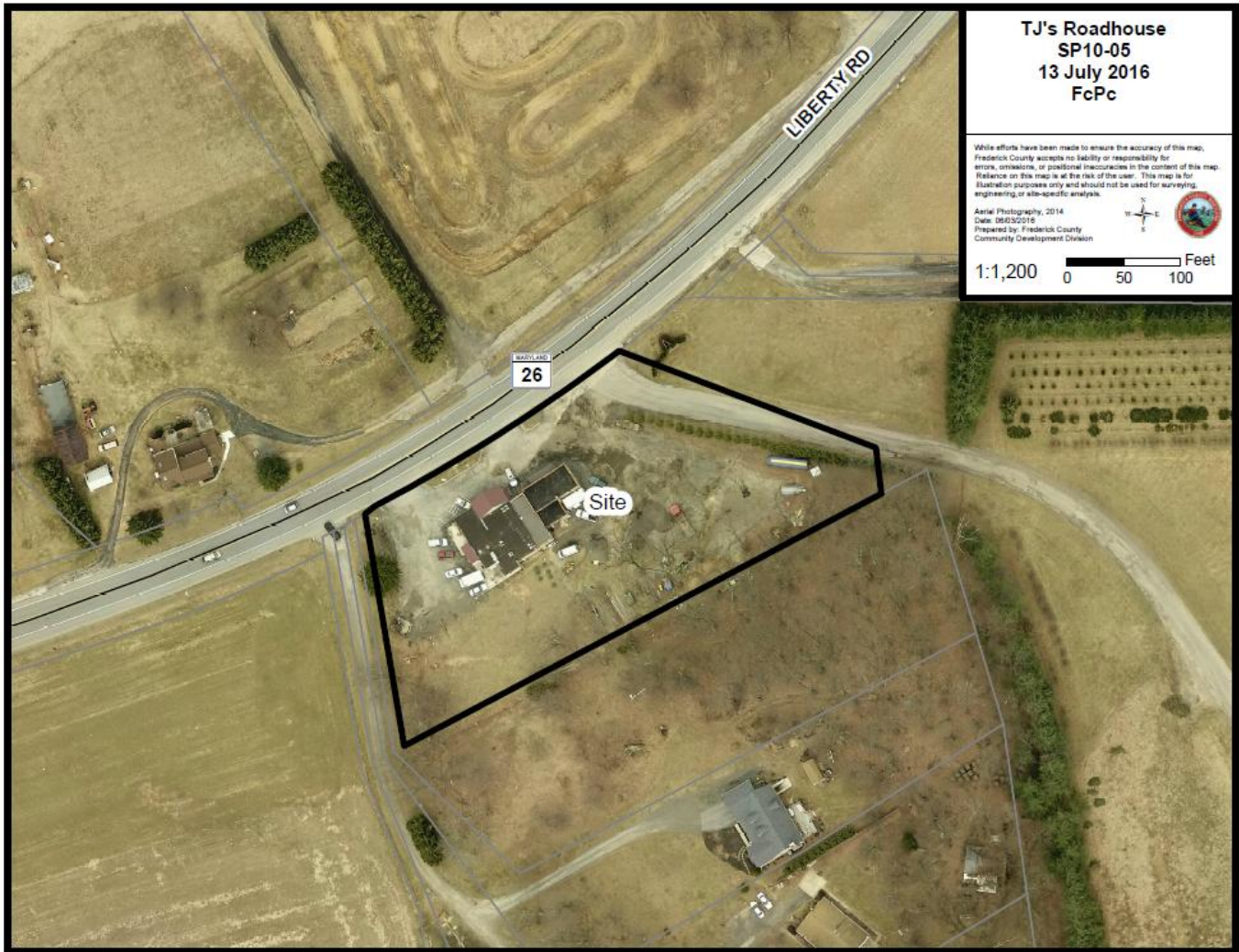
# STAFF REPORT

## ISSUE

The Applicant is requesting Planned Commercial site development plan approval for a 2,806 square foot (1,865 square foot addition onto an existing 941 square foot building) proposed General Country Store/Variety Store, together with the existing 3,749 square foot Restaurant on a 1.62-acre site.

The proposed Country Store land use is being reviewed as a 'Variety Store' under the heading of **Commercial Uses - Retail**, The existing 'Restaurant' land use is being reviewed as a 'Restaurant' under the heading of **Commercial Business and Personal Services** per §1-19-5.310 Use Table in the Zoning Ordinance (Z.O.). Both uses are principal permitted uses in the General Commercial (GC) Zoning District subject to site development plan approval, (see Graphic #1).

Graphic #1 TJ's Roadhouse Aerial



The project is subject to the Site Development Plan Review Criteria in section 1-19-3.300.4 of the Frederick County Zoning Ordinance. This project is also being reviewed and approved under the provisions of Zoning Ordinance Section 1-19-10.300 Planned Commercial/Industrial Development Standards. The purpose of the Planned Commercial/Industrial Development provisions, in part, is to allow for more than 1 principal use on a single lot in the GC, ORI, LI and GI zoning districts.

Modification Requests:

1. §1-19-6.220.A.1.: The Applicant is seeking a parking space modification for one additional space over target.
2. §1-19-6.210.D: The Applicant is seeking a loading space modification for an increase in the number of loading spaces on site from one large loading space to one large and one small loading space.
3. §1-19-6.400.I: The Applicant is seeking a landscaping modification to allow the relocation of one of the required street trees.

**BACKGROUND**

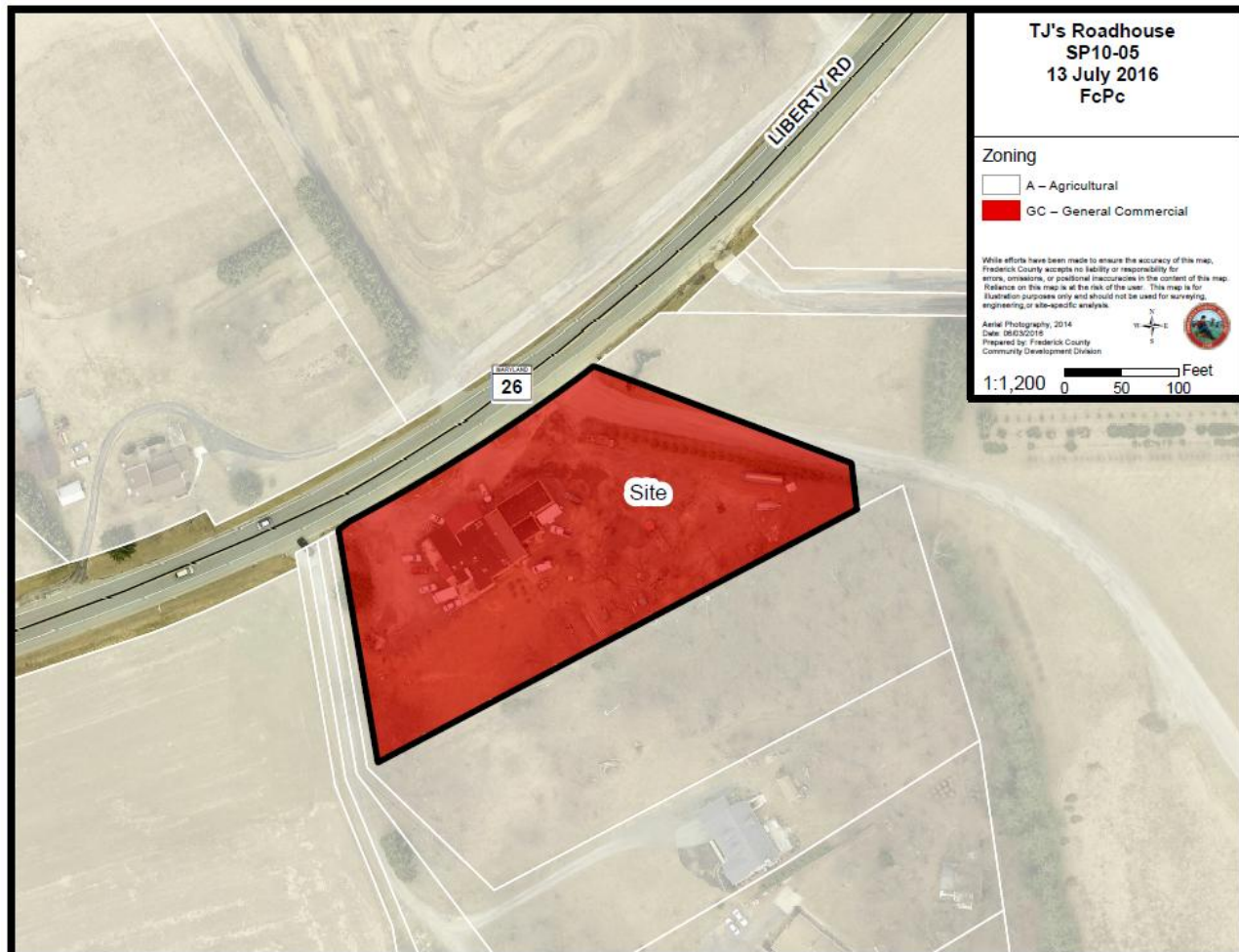
**Development History**

A restaurant/bar has been in and out of operation at this location since the structures on site were constructed in 1949. The original site contained two structures that were combined in 2012.

**Existing Site Characteristics**

The site is currently zoned General Commercial (GC), and is developed with a 5,511 square foot restaurant, see Graphic #2. The properties to the north, south, east and west of the site are zoned Agricultural. The properties to the north of the site are developed with single family residences, the properties to the south are four residential lots, the properties to the east and west are developed with large scale farming operations.

Graphic #2 TJ's Roadhouse Zoning



## Summary of Development Standards Findings and Conclusions

The primary issues associated with this proposal were the development of a landscape plan that was commensurate with the proposed improvements to the site. The Applicant provided the required number street trees on-site, parking lot canopy coverage, as well as screening to the side and rear of the site that abuts adjacent residential properties. Staff and the Applicant worked with The State Highway Administration on reducing the uncontrolled access points that exist at the site. The Applicant was also required to move the existing sign that was not located on their property, as well as reduce the size of the dumpster enclosure that did not meet required setbacks. As this is an existing commercial development, Staff worked with the Applicant to bring the site more into conformance with the Code relative to the amount of modification that is being proposed to the site.

## 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 for a Commercial Use in the GC zone and the minimum lot area for the proposed use. The setback requirements per Code are 25-foot front and rear, and 8-foot side yards with a maximum height of 60'. The proposed building location exceeds minimum setback requirements and the proposed building height is 24 feet. The proposed plan meets the required Bulk/Dimensional requirements.
- 2. Signage §1-19-6.300:** In accordance with Zoning Ordinance Section 1-19-6.320, the Applicant is entitled to 87 square feet of signage. The Applicant is proposing a combination of freestanding and building mounted signage not to exceed 87 square feet. The proposed 59 square feet of signage adheres to the sign setback requirements of Section 1-19-6.300.
- 3. Landscaping §1-19-6.400:** The Applicant has provided landscaping as part of the site plan. The landscaping plan proposes a mix of evergreen and deciduous tree species in order to be compliant with the Zoning Ordinance as well as increase the aesthetic of the site and overall development. A total of 6 street trees and 10 trees at the ends of the parking bays are required. The Applicant is limited by existing entrance locations and vehicle maneuverability in providing all 6 street trees adjacent to the right of way. All six (6) of the street trees have been provided on-site, however, one (1) of the street trees has been provided at an alternate location on-site along the southern property line.

The Applicant proposes to plant or retain a total of 41 trees to be located along the property boundaries, as well as around the parking bays. In addition, proposed shrubs act as buffering and screening along the property boundaries.

As part of the current application, the existing site does not fully comply with current parking lot screening, tree canopy and street tree landscaping requirements within the Zoning Ordinance. As is typical with existing developed sites, the Applicant worked with Staff to propose a landscape plan that is commensurate to the current proposed improvements being made to this site. The existing development location and lot configuration prohibits full compliance with the landscaping requirements listed in Z.O. §1-19-6.400.

Therefore, the Applicant has requested approval of an alternate landscape plan (see Exhibit #3) that concentrates on-site landscaping along the southern and eastern property boundaries while adding internal landscaping throughout the site in order to come into further compliance with the landscaping regulations listed within §1-19-6.400.

4. **Screening §1-19-6.400:** The Applicant has proposed a screening buffer along the southern and eastern property boundaries in order to further screen the two proposed outdoor storage/display areas from existing residential properties to the south and adjacent agricultural use to the east. The landscape screens consist of a mixture of over-story shade trees, evergreens and shrubs.
5. **Lighting §1-19-6.500:** No additional site lighting is proposed with this site plan, except for two security lights at the door to the new General Store portion of the site. The existing site lighting and existing security lighting along Liberty Road was previously permitted and shall be maintained. No existing site lighting will exceed 0.5 foot-candles at the property line in accordance with Z.O. §1-19-6.500.

#### **Modifications:**

1. 1-19-6.400.I: Landscaping modification to allow the relocation of one of the required street trees.

***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:** The site is served by 2, two-way, 41' wide existing access points onto Liberty Road (MD 26).
2. **Connectivity §1-19-6.220 (F):** Due to the location and surrounding agricultural zoning there are limited opportunities for adjacent parcel connections. There are no proposed interconnections to adjacent parcels 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 Zoning Ordinance requires 1 parking space for every 50 square feet of restaurant space dedicated to customer service. The Applicant is proposing 922 square feet of restaurant customer service area; therefore, 19 parking spaces are required, the Applicant is proposing 19 spaces for the restaurant use.

The Zoning Ordinance requires 1 parking space for every 250 square feet of General/Convenience Store space. The Applicant is proposing 2,806 square feet of General/Convenience Store space; therefore, 11 parking spaces are required, the Applicant is proposing 12 spaces for the General/Convenience Store use.

Based on these calculations, the Applicant is required to provide a total of 31 required parking spaces; the Applicant has provided 32 parking spaces, including 3 handicapped accessible parking spaces.

In accordance with Z.O. §1-19-6.220.A.1 the Applicant is seeking a parking space modification to increase the number of proposed parking spaces for one space over target (see Exhibit #2). Staff has no objection to granting this parking space modification.

- 5. Loading:** The Applicant is required to provide 1 large or 2 small loading spaces in accordance with Zoning Ordinance Section 1-19-6.210 to provide for both buildings. The Applicant has proposed one large and one small loading space on site.

In accordance with Z.O. §1-19-6.210.D the Applicant is seeking a loading space modification for an increase in the number of loading spaces on site from one large loading space to one large and one small loading space (see Exhibit #2). The loading modification is necessary in order to maximize the flexibility of the site and provide for sufficient loading based on the business needs. Staff has no objection to granting this loading space modification.

- 6. Bicycle Parking §1-19-6.220 (H):** The Zoning Ordinance requires 1 bicycle rack for every 20 parking spaces, for a total of 2 racks for this Site. The Applicant is proposing 2 racks which complies with the Zoning Ordinance requirement. The two bike racks are located to the west of the existing restaurant. The bicycle parking shall comply with the Frederick County Bicycle Parking Design Guide.
- 7. Pedestrian Circulation and Safety §1-19-6.220 (G):** Staff worked with the Applicant to provide for pedestrian safety and circulation within the existing developed site. Proposed 5' wide concrete sidewalks will connect parking areas and connect parking areas to the building. These internal sidewalks will provide safe pedestrian access throughout the site.

#### **Conditions:**

- In accordance with Z.O. §1-19-6.220.A.1 the Applicant is seeking a parking space modification to increase the number of proposed parking spaces for one space over target.
- In accordance with Z.O. §1-19-6.210.D the Applicant is seeking a loading space modification for an increase in the number of loading spaces on site from one large loading space to one large and one small loading space.
- The bicycle parking shall comply with the Frederick County Bicycle Parking Design Guide.

**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 site is to be served by private well and septic and is classified W-NPS, S-NPS. Existing septic area is based upon records provided by the Frederick County Health Department. The Health Department has conditionally approved this site plan.

**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 is quite flat, with a slight slope to the south.
2. **Vegetation:** The site contains two specimen trees, that are to remain, as well as several areas contacting clusters of evergreen and deciduous trees.
3. **Sensitive Resources:** There are no flooding soils, wetlands, or 100-year floodplain impacted by the proposed development.
4. **Natural Hazards:** There are no natural hazards located on site.

**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 includes commercial development and therefore, common areas requiring Planning Commission review of ownership, use, and maintenance are not proposed.

## **Other Applicable Regulations**

**Moderately Priced Dwelling Units – Chapter 1-6A:** The proposed use is non-residential; therefore, MPDUs are not required.

**Stormwater Management – Chapter 1-15.2:** Stormwater management (SWM) requirements shall be provided in accordance with the 2000 Maryland SWM Design Manual and the SWM Act of 2007. A SWM Concept Plan (AP 16369) was submitted and approved as part of the development planning and review for this project. The subject site development will meet all State and County SWM requirements.

**Planned Commercial/Industrial Development Standards-§1-19-10.300:** This development proposal adheres to all of the standards listed in Z.O. Section 1-19-10.300.

§1-19-10.300. (A) *Purpose and intent.* In summary, the Planned Commercial/Industrial Development process is intended to encourage a concentration of uses and limit strip development, to provide for controlled access/convenience/efficiency for users, and to allow more than 1 principal use or building on a single lot in the GC, ORI, LI and GI zoning districts where flexibility in planning can be permitted without disturbing the neighborhood. Within the Limited Industrial the Planned Commercial/Industrial development process allows the use and development of a site for multiple users that may rotate over time without the necessity of subdividing the property. It allows for efficient and full use of an existing site that is larger in size than what is needed by an individual user. Staff has worked with the Applicant to achieve the purpose and intent of the development process as it would apply to the General Commercial zoning district. The proposed development meets the requirements of this section.

§1-19-10.300. (C) *Design standards.* The proposed development meets the design standards of this section. The layout has been designed to provide safe and efficient arrangement of land uses facilitating vehicular access into and throughout the Site.

**APFO – Chapter 1-20:**

1. **Schools.** Schools are not required to be tested due to the commercial uses proposed.
2. **Water/Sewer.** This site is served by private well and septic and is therefore exempt from further testing.
3. **Roads.** The proposed use is expected to generate 38 trips during the weekday pm peak hour. The new trips added with the proposed General/Convenience Store use are under the 50 trip APFO threshold and there are no escrow accounts in the area. Therefore, the site is exempt from APFO testing.

**Forest Resource – Chapter 1-21:** A Forest Conservation Plan (FCP) was submitted and reviewed under AP 10747. The current Site Plan will address any FCP comments prior to final signature. Any required FRO mitigation for this project will be mitigated through the purchase of forest banking credits or via payment of fee in lieu. All mitigation must be provided prior to the Site Plan approval.

**Historic Preservation – Chapter 1-23:** There are no Historic Resources located on this Site.

**Summary of Agency Comments**

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Development Review Engineering (DRE):</b>	Conditionally Approved
<b>Development Review Planning:</b>	Hold: Address all agency comments as the plan proceeds through to completion.
<b>State Highway Administration (SHA):</b>	Approved
<b>Div. of Utilities and Solid Waste Mngt. (DUSWM):</b>	N/A
<b>Health Dept.</b>	Conditionally Approved
<b>Office of Life Safety</b>	Conditionally Approved
<b>DPDR Traffic Engineering</b>	Approved
<b>Historic Preservation</b>	N/A

**RECOMMENDATION**

Staff has no objection to conditional approval of the site development plan for a 2,806 square foot General Country Store/Variety Store, as well as a 3,749 square foot existing restaurant on a 1.62-acre site. If the Planning Commission conditionally approves the site development plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval and will therefore expire on July 13, 2019.

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. Prior to final signature approval the Applicant shall update Zoning Note 3 to state that “Bicycle Parking shall comply with the Frederick County Bicycle Parking Design Guide” and the bike rack dimensions, manufacturer, and model shall be added to the standard bike rack design detail shown on the plan.



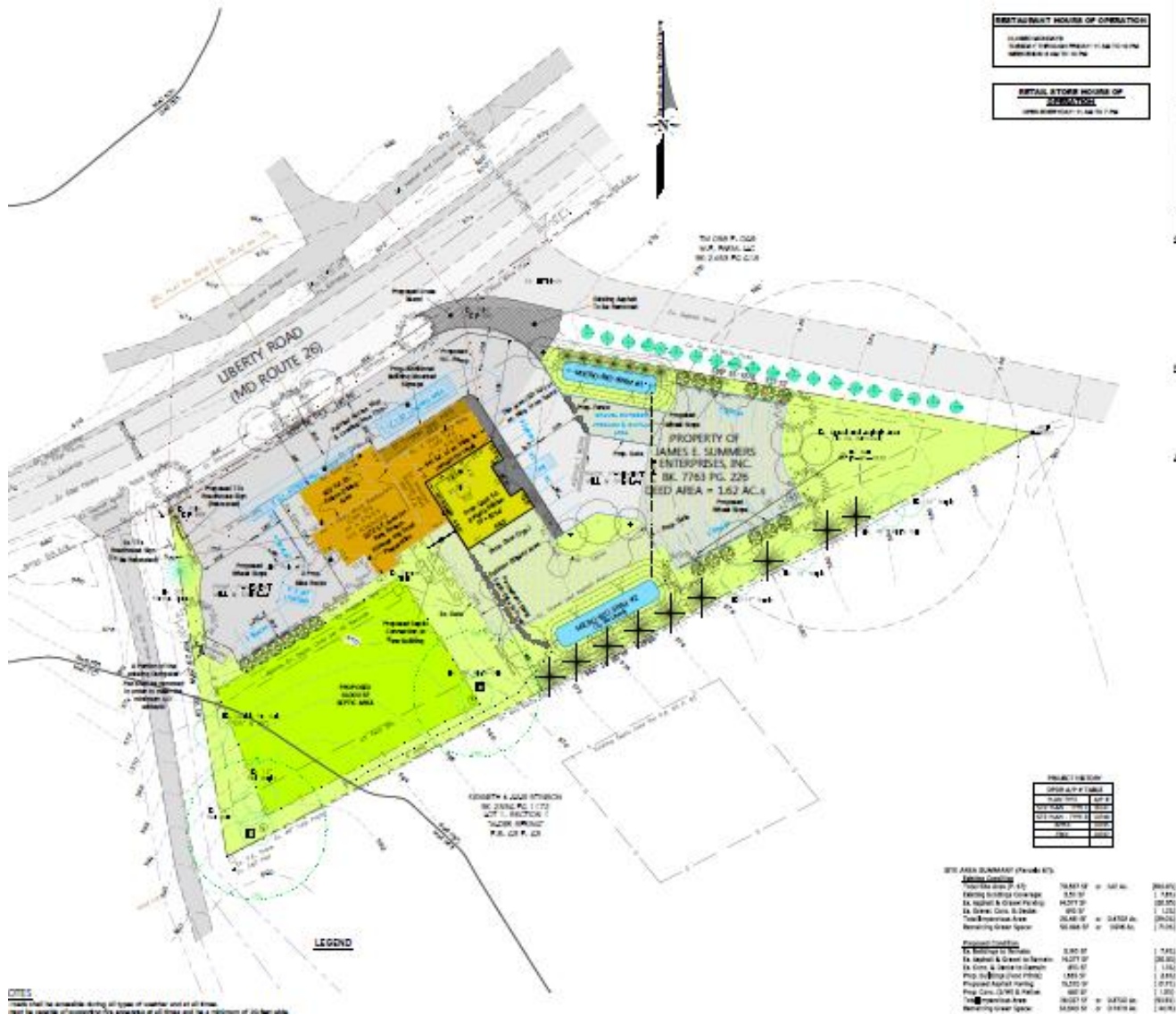
**Modification Requests:**

- a) In accordance with Z.O. §1-19-6.220.A.1 Planning Commission approval of a parking space modification to increase the number of proposed parking spaces to a total of 32, one space over target.
- b) In accordance with Z.O. §1-19-6.210.D Planning Commission approval of a loading space modification for an increase in the number of loading spaces on site from one large loading space to one large and one small loading space.
- c) In accordance with Z.O. §1-19-6.400.I, Planning Commission approval of a landscaping modification to allow the relocation of one of the required street trees on-site.

**PLANNING COMMISSION ACTION**  
**MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** SP-10-05 (AP #16147) **with conditions** as listed in the staff report for the proposed site plan for a 2,806 square foot General Country Store/Variety Store, as well as a 3,749 square foot existing restaurant on a 1.62-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit #1: TJ's Roadhouse Site Plan Rendering



**RESTAURANT HOURS OF OPERATION**  
 11:00 AM - 11:00 PM  
 11:00 AM - 11:00 PM  
 11:00 AM - 11:00 PM

**RETAIL STORE HOURS OF OPERATION**  
 11:00 AM - 11:00 PM  
 11:00 AM - 11:00 PM

**LEGEND**

**PROJECT SUMMARY**

Item	Quantity	Unit
Site Area	1.67	AC
Building Area	10,000	SQ FT
Parking Area	10,000	SQ FT
Landscaping Area	10,000	SQ FT

**SITE AREA SUMMARY (Includes RTD)**

Category	Area (SQ FT)	Area (AC)
<b>Building Footprint</b>	10,000	0.23
<b>Site Area</b>	16,700	0.38
<b>Exterior Storage Coverage</b>	1,000	0.02
<b>Ex. Asphalt &amp; Gravel Parking</b>	14,271	0.32
<b>Ex. Drive, Curb, &amp; Grade</b>	100	0.00
<b>Tree &amp; Landscape Area</b>	30,000	0.69
<b>Remaining Grade Space</b>	10,000	0.23
<b>Proposed Footprint</b>	10,000	0.23
<b>Ex. Building to Remove</b>	0	0.00
<b>Ex. Asphalt &amp; Gravel to Remove</b>	14,271	0.32
<b>Ex. Drive, Curb, &amp; Grade to Remove</b>	100	0.00
<b>Prop. to Strip (over parking)</b>	1,000	0.02
<b>Proposed Landscaping</b>	30,000	0.69
<b>Prop. Curb, Driveway &amp; Pavement</b>	100	0.00
<b>Proposed Site Area</b>	16,700	0.38
<b>Remaining Grade Space</b>	10,000	0.23

**NOTES**  
 Plans shall be available during all types of weather and at all times.  
 Plans shall be available at the location of all times and be a minimum of 10 days.

## **Terra Solutions Engineering, LLC**

*Commercial & Residential Land Planning and Engineering*

*"Solutions through experienced Engineering"*

5216 Chairmans Court, Unit 105  
Frederick, Maryland 21703-2881

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

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May 11, 2016

Mr. Tolson DeSa  
Frederick County Division of Permitting  
and Development Review (DPDR)  
30 North Market Street  
Frederick, MD 21701

Re: **TJ's Roadhouse & Country Store**  
**Site Plan Revisions**  
**Tax Map 59, Parcel 067**  
Situated at 11037 Liberty Road (MD Rte. 26)  
**File #: SP-10-05, Project No.: 16147**

Dear Mr. DeSa:

Pursuant to the requirements of Frederick County Zoning Ordinances (§ 1-19-6.210 & 1-19-6.220):

**Loading Space Modification (§ 1-19-6.210) :**

*["an applicant may request that the Planning Commission approve a modification to the requirements of § 1-19-6.200(B), § 1-19-6.210(A) or that the Zoning Administrator or Planning Commission authorized representative approve a modification to the requirements of § 1-19-6.210(B) of this section."]*

This modification is for the substitution of one large loading space (12' x 50') in place of a 2<sup>nd</sup> small loading space (9' x 20') and the continued use of a second small loading space in the rear of the facility. This modification is requested in place of using two small loading spaces as outlined in ZO § 1-19-6.210(B). Please understand that some deliveries to the restaurant and future country store require the use of larger full-sized tractor trailers; therefore, we are proposing that the front loading space be full-sized to accommodate the occasional tractor trailer delivery.

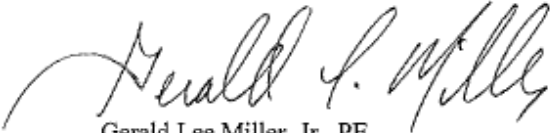
**Parking Space Modification (§ 1-19-6.220):**

*["an increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by ITE or other documentation as approved by the Planning Commission."],*

This modification request letter is also being submitted for approval of an increase of one (1) additional parking space to serve the existing TJ's Roadhouse Restaurant and new Country Store facility. We do not anticipate any problems being created by the addition of one (9' x 18') "Shared Parking" space for a total of thirty-two (32) parking spaces at this facility.

**TJ's Roadhouse & Country Store**  
**Site Plan Revisions**  
**Tax Map 59, Parcel 067**  
Situated at 11037 Liberty Road (MD Rte. 26)  
File #: SP-10-05, Project No.: 16147  
Page 2 of 2

Sincerely,  
**Terra Solutions Engineering, LLC**



Gerald Lee Miller, Jr., PE  
President

Cc: Mr. James Summers      James E. Summers Enterprises, Inc.

## **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

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May 27, 2016

Mr. Tolson DeSa  
Frederick County Division of Permitting  
and Development Review (DPDR)  
30 North Market Street  
Frederick, MD 21701

Re: **TJ's Roadhouse & Country Store**  
**Site Plan Revisions – 3<sup>rd</sup> Revision**  
**Tax Map 59, Parcel 067**  
Situated at 11037 Liberty Road (MD Rte. 26)  
**File #: SP-10-05, Project No.: 16147**

Dear Mr. DeSa:

Pursuant to the requirements of Frederick County Zoning Ordinance (§ 1-19-6.400 (A) (1)):

*[In accordance with the site plan review process, the Planning Commission may require landscaping, screening, and buffering along the property line and around and within the parking areas. Landscaping, screening, and buffering shall be provided in conformance with the following minimum standards:*

- (1) One tree at least 6-feet in height at the time of planting shall be provided per 35-feet of roadway frontage.]*

This modification request letter is being submitted for approval for the **reduction** of one (1) large street tree along the frontage of TJ's Roadhouse adjacent to Liberty Road (Maryland Route 26).

Based on the restaurant having a total road frontage of approximately 198-lineal feet along Liberty Road, we have determined that six (6) street trees would typically be required. Due to the limited open space along the frontage of our property, we are proposing to plant five (5) trees within the existing right-of-way as required. This modification is for the reduction of one tree, which we will be planting on-site around the perimeter of the property.

This reduction of one (1) large street tree has been discussed and appears supported by the Frederick County Planning Department Staff, and we are hereby requesting Planning Commission approval on behalf of our client, TJ's Roadhouse & Country Store.

TJ's Roadhouse & Country Store  
Site Plan Revisions – 3<sup>rd</sup> Revision  
Tax Map 59, Parcel 067  
Situated at 11037 Liberty Road (MD Rte. 26)  
File #: SP-10-05, Project No.: 16147  
Page 2 of 2

Sincerely,  
**Terra Solutions Engineering, LLC**

*Gerald Lee Miller*

Gerald Lee Miller, Jr., PE  
President

Cc: Mr. James E. Summers

James E. Summers Enterprises, Inc.