



FREDERICK COUNTY PLANNING COMMISSION
August 10, 2016

TITLE: Harding Farm-Holiday Inn at FSK Mall
Redevelopment

FILE NUMBER: SP-74-01, (AP#16389, APFO#16390,
FRO#16391)

REQUEST: Site Development Plan Approval

The Applicant is requesting Site Development Plan and Adequate Public Facilities approval for redevelopment of a site with a 205 room hotel with a bar/restaurant and conference center (south hotel), and a 109 room hotel with a 9000sf restaurant (north hotel), on a 14.4 acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: 5400 Holiday Drive, located along Holiday Drive on the west side of the FSK Mall to the east of I-270.
TAX MAP/PARCEL: Tax Map 86 Parcel 217
COMP. PLAN: Mixed Use Development
ZONING: LI-Limited Industrial / Planned Industrial Commercial
PLANNING REGION: Frederick
WATER/SEWER: S1/W1

APPLICANT/REPRESENTATIVES:

APPLICANT: 5400 Holiday Drive, LLC.
OWNER: 5400 Holiday Drive, LLC.
ENGINEER: Fox and Associates, Inc.

STAFF: John Dimitriou, RA, Principal Planner

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1 - Site Plan Rendering
Exhibit 2 - Lighting Modification Request
Exhibit 3 - Parking Modification Request
Exhibit 4 - Loading Modification Request
Exhibit 5 - APFO Letter of Understanding (LOU)

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Development Plan and Adequate Public Facilities Ordinance approval for redevelopment of a site with a 205 room hotel with a bar/restaurant and conference center (south hotel), and a 109 room hotel with a 9000sf restaurant (north hotel), on a 14.4 acre site (see Exhibit #1). The proposal contains two separate hotel uses, which results in two principal uses on a single parcel. Therefore, this application is submitted as a Planned Commercial/Industrial development, which allows more than one principal use on a single parcel per §1-19-10.300 of the Zoning Ordinance.

This project will replace an existing 155 room hotel, bar/restaurant and conference center. The proposed uses are being reviewed as “Motel, hotel” under the heading of *Temporary Housing* per §1-19-5.310 Use Table in the Zoning Ordinance, which is a principal permitted use in the LI-Limited Industrial Zoning District subject to site development plan approval (PS) (see Fig. 2).

BACKGROUND

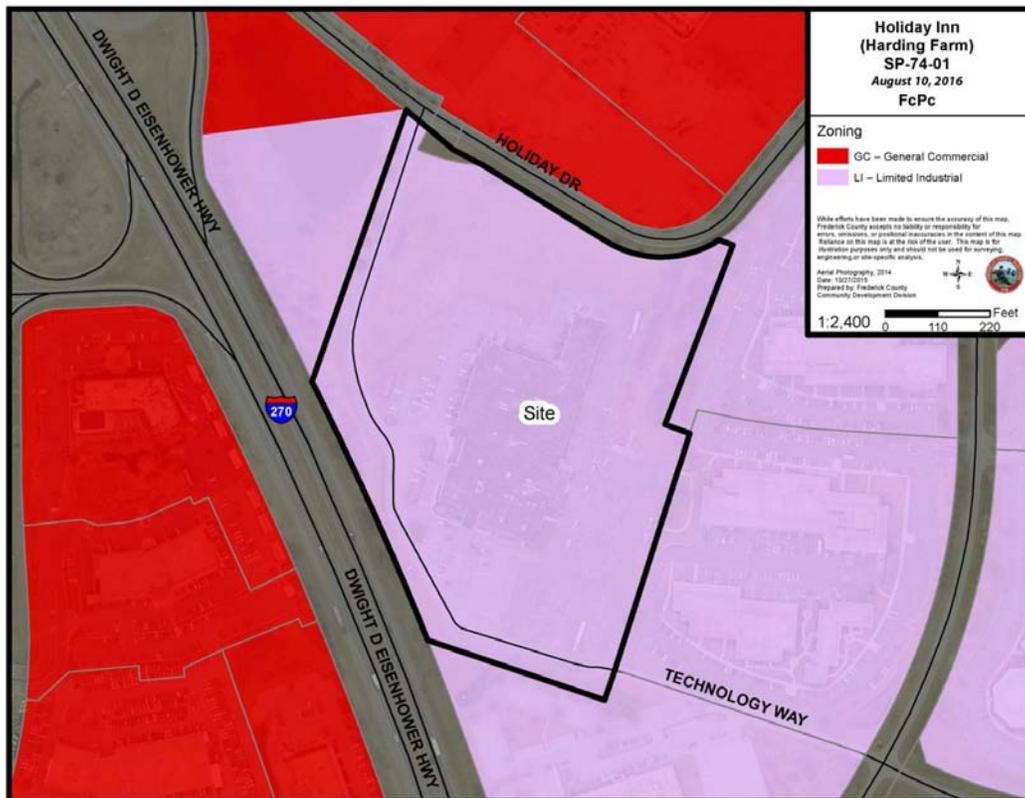
Existing Site Characteristics

The site is currently zoned LI-Limited Industrial (see figure 2 below), and is developed with a 155 room hotel and conference center with bar/restaurant and 527 parking spaces (see figure 1 below). The property to the north of the site is developed with the Francis Scott Key (FSK) Mall, to the east and south are several office buildings within the Frederick Office and Research Park, to the west is I-270.

Figure 1



Figure 2



ANALYSIS

Summary of Development Standards Findings and Conclusions

In November of 2015, the Planning Commission approved a site development plan for this site that included redevelopment into a 205 room hotel with restaurant/bar/banquet/conference center – referred to as the South Hotel (AP 15646). That application received signature approval in April of 2016. The current proposed site development plan, if approved, will void the previously approved 2015 plan. The current application addressed the primary site development issues in the existing approved site plan application (AP#15646). At that time, the primary issues were related to the right-of-way requirements for improvements along I-270, and the decision by the Applicant to phase the development of the site.

The currently approved plan, AP#15646 (approved plan), proceeded through the approval process despite potential impacts to the plan layout that would be created by the future need for the State Highway Administration (SHA) to acquire additional right of way along the site's shared border with I-270. The approved plan shows several parking bays and an existing sign post that are in compliance with requirements relative to the existing property boundary of the site, but would be non-compliant if the SHA land acquisition occurs. Therefore, a note was provided on the approved plan stating that any affected parking and signage must be relocated or removed if future SHA land acquisition affects the property boundary and subsequently the required setbacks. Based on the current status of the land acquisition process, the current application has removed the potentially affected parking from the anticipated area of SHA right of way acquisition. The proposed sign remains in the location shown on the approved plan. Therefore a note concerning the relocation of the sign remains in the current application.

The approved plan moved forward in anticipation of the eventual request for approval of the north hotel. Therefore, although the approved site plan included only the south hotel, the site improvements (parking, lighting, landscaping etc.) were reviewed and approved for the ultimate project which includes the north and south hotel (AP#15646). With the exception of the parking changes resulting from the SHA land acquisition process (discussed below), the Applicant is not proposing any significant modifications to these previously approved site improvement elements. With the introduction of the north hotel, the application is being reviewed as a Planned Commercial/Industrial development and is designed to comply with the requirements associated with full build out of 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. The application is also subject to the Planned Commercial/Industrial development standards in section 1-19-103.00 of the 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:** There are no dimensional requirements specified in the Design Requirements Table for a hotel use in the LI zone. In conjunction with the review of the approved plan, the Zoning Administrator determined that the dimensional requirements described for a hotel use in the MX-Mixed Use zone are appropriate for the site because the resulting development will create a collection of uses in the vicinity that fits a mixed use profile related to functional affinity between different types of use. For example, there is a mutually supportive functional relationship between the hotel, the entertainment uses of the surrounding bars and restaurants, and the specialty retail uses of the FSK Mall. In addition, the underlying comprehensive plan land use designation of the site is Mixed Use, which indicates that the Mixed Use zoning district has been contemplated for placement in this area in the future. Development of this site based on the MX dimensional standards would result in a conforming structure placement under the new zoning district if that concept were to move forward.

The setback determination of the Zoning Administrator was made relative to the proposed design of the full build out of the site, which has not substantively changed between the approved plan and this application. Therefore the setback determination carries forward to this application.

The dimensional requirements specified for a hotel use in the MX-Mixed Use zone, and that apply to this application, are shown in the following table:

Front Yard	20'
Side Yard	15'
Rear Yard	35'
Max Building Height	60'

The proposed plan complies with the required setback and height dimensions. The building placement on the Site is as follows:

Front Yard	70' at I-270 frontage, +/-70' at Holiday Drive frontage
Side Yard	+/-170' at eastern boundary, +/-68' at southern boundary, +/-280' at western boundary

Both hotels are proposed to contain 6 stories. The proposed building height of the south hotel is 60' to the extent of occupied space, with the parapet/penthouse extending to 72'. The parapet/penthouse is excluded from consideration of the overall permitted height, as allowed by the Zoning Ordinance (section 1-19-6.160 (A)). The architectural design of the north hotel has not been completed, however the building height of a future design must conform to the 60' limitation.

The site has two road frontages, one along Holiday Drive and the other along I-270. The State Highway Administration is implementing improvements to MD 85 at I-270 to upgrade MD 85 to a multi-lane divided highway from south of English Muffin Way to north of Grove Road. In conjunction with these improvements, SHA is in the process of acquiring additional right of way along the I-270 site frontage.

Two right of way lines have been identified on the site plan relative to land acquisition tied to the MD 85 improvements, and are indicated below in Figure 3. The first (in blue) is an "ultimate right of way" identified in the I-270/US15 Multi-Modal Corridor Study, speculatively planned to accommodate an Express Toll Lane leading to I-70. This is based on preliminary planning and subject to change, and there is no related funding or detailed design for this project.

A second line is shown on the plan related to the acquisition of land by SHA that is funded in the Maryland Consolidated Transportation Program (CTP). This right of way is related to the improvements currently underway at MD 85 and serves the purpose of providing space for an extended exit lane from I-270 to MD 85. This is shown below in Figure 3 with the red line.

Principal buildings in the proposed plan are located outside of the required 20' front setback, whether measured from the existing property line, the "pending" property line (in red) that would occur upon acquisition of right of way by the SHA, or the more speculative ultimate right of way line (in blue).

The Zoning Ordinance requires that parking areas and loading spaces may not be closer to the right-of-way line than one-half the normally required setback for principal structures (section 1-19-6.200). As measured from the existing property line, and as measured from the "pending" property line that would stem from the SHA acquisition, the proposed parking layout complies with this requirement. This is a difference between the current application and the approved plan, which shows 15 spaces within the setback requirement that would be created should the SHA acquire additional right of way along I-270.

To achieve this, the proposed site plan identifies parking in locations not shown on the approved plan. Of 15 spaces that were affected by the setback issue in the approved plan, 9 have been relocated in the current application. This results in a net loss of 6 parking spaces between the approved plan and the current application, which brings the application to 714 total spaces provided with 720 required. The Applicant has provided replacement parking where appropriate in the current application, and the operations of the plan will not be hindered by the minimal reduction in spaces. In addition, considerable parking is available adjacent to the site at the nearby FSK Mall. Although there is no formal shared parking agreement, Staff is comfortable with the requested reduction. Therefore, the Applicant has requested Planning Commission approval of a modification to allow a reduction in the target number of parking spaces.

3. Landscaping §1-19-6.400:

The Applicant has provided a landscaping plan on sheet 5 of the application drawing set. The landscaping plan proposes a mix of evergreen and deciduous tree species in a quantity and configuration that complies with the requirements of the Zoning Ordinance. Street trees are provided along I-270 and Holiday Drive that, along with existing trees, meet quantity and configuration requirements. Parking areas are screened from roadways, and internal parking area landscaping meets requirements. Tree canopy coverage of parking areas is provided at a rate of 22%. The application meets a requirement from the previous approval to relocate required street trees to places within the property boundary.

4. Lighting §1-19-6.500:

The Applicant has proposed a lighting plan, which is shown on sheet SL-1 of the application drawing set. The Applicant is requesting a modification (see Exhibit #2) from the requirement to limit light levels to 0.5 foot candles at the property line at two locations. The increased light levels are due to the use of existing light poles and the need for increased lighting in an area of higher traffic volume. The remaining light levels on site adhere to the requirement listed within §1-19-6.500 of the Zoning Ordinance. Staff has no objection to granting this modification request for lighting.

Conditions

1. Lighting Modification §1-19-6.500(D): Planning Commission approval of a modification from the requirement to limit light spillage to 0.5 foot candles along the northern boundary of the site as it intersects an existing entrance drive as depicted on the Holiday Inn site development plan, and at the proposed north east site entrance near the proposed Transit bus stop.

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 proposed to have three access points: two existing entrances; and one additional proposed entrance. One existing access point currently serves as the principal entrance to the site and is proposed to remain. This is located at the northern corner of the site and provides access to the site via an entrance drive. A second new access point is proposed at the eastern corner of the site and will connect to Holiday Drive. An existing access point is at the southern corner of the site and connects a drive aisle on the adjacent site to the internal drive aisles within the project site. This existing third access will remain.

2. Connectivity §1-19-6.220 (F):

The proposed plan supports the connectivity of the site to the surroundings. Aside from an existing entrance along Holiday Drive, there are two additional access points to the site, one existing and one proposed. The second existing access point at the southern corner of the site is not a primary entrance but rather serves to provide interconnectivity between adjoining properties.

A transitway corridor that was identified in the I-270/US15 Multi-Modal Corridor Study (MMCS) is located near the site. This transitway project is conceptual and based on preliminary planning. There is no related funding or specific design proposed for this project foreseeable in the near or far term. Accordingly, a specific alignment for the transitway has not been identified. A nebulous alignment was shown in the MMCS that hypothesizes a route along the existing access drive of the site. An alternative alignment proposed by Frederick County has also been identified to provide a more direct route to the existing MARC station and would align with existing rights-of-way. This County alignment is proposed through the eastern portion of the Applicant's property.

As mentioned, this transitway project is far from realization. However, in order to prevent the limitation of alignment options should this project ever come to fruition, the Applicant has agreed to label a 70' wide swath of the property as a transitway "reservation", and has designed the site such that no permanent buildings are located within this reservation area.

3. Public Transit:

There is an existing Frederick County Transit bus stop within the Holiday Inn site for connector routes #10 and #20. Transit has expressed the preference to discharge passengers along Holiday Drive instead of entering the site. They identified a location for a future shelter pad on Holiday Drive that the Applicant has agreed to provide according to Transit's specifications. The Applicant has worked with Frederick County Staff to accommodate Transit's request to relocate the bus stop to Holiday Drive.

4. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:

a. Parking:

The total required parking for the application is 720 spaces. To meet potential future requirements stemming from a potential future right of way acquisition by the SHA, the proposed site plan eliminates and replaces some previously approved parking spaces, resulting in a deficit of 6 spaces from the required 720. Therefore, 714 parking spaces are proposed. The operations of

the plan will not be hindered by this minimal reduction in spaces. Therefore, the Applicant has requested Planning Commission approval of a modification to allow a reduction in the required number of parking spaces from 720 to 714. This request is provided as Exhibit #3.

b. Loading:

The loading space calculations in the Zoning Ordinance are based on building square footage and therefore result in a requirement of 7 large spaces or 6 large and 2 small loading spaces for the South Hotel (a refined number from the approved plan as the project has progressed through architectural plans) and 4 large or 3 large and 2 small spaces for the North Hotel. The total requirement for both hotels would be 11 large spaces or 9 large and 4 small spaces.

This exceeds the number of spaces the Applicant has determined meets the operational requirements of the hotel/conference center. Therefore, based on the characteristics of the proposed land use operation, the Applicant is requesting a modification to the requirement for loading spaces to allow 2 large loading spaces and 4 small loading spaces for the south hotel and 2 large loading spaces for the north hotel (attached as Exhibit #4).

5. Bicycle Parking §1-19-6.220 (H):

The Applicant is required to provide 10 bike racks. Three racks are located near the main western entrance of the south hotel, four racks are proposed in the central green area on the eastern side of the south hotel, and three racks are proposed to be provided on the east side of the north hotel. The bicycle parking shall adhere to the Frederick County Bicycle Parking Design Guide.

6. Pedestrian Circulation and Safety §1-19-6.220 (G):

The Applicant has provided an ADA accessible paved walkway from the proposed eastern entrance adjacent to the proposed Transit stop leading into the site. The walkway is necessary to provide a safe pedestrian route from the Holiday Drive entrance to the south hotel/conference center. This is proposed to be provided in conjunction with the phase 1 development of the site (south hotel), with possible temporary relocation during construction of phase 2 (north hotel). Sidewalks are proposed throughout the site, with complete circumferential access provided around both principle uses and access providing linkages the internal uses of the site.

Conditions

1. Parking Modification §1-19-6.220 (A)(1): Planning Commission approval of a modification in order to provide a total of 714 parking spaces where the target number is 720 spaces.
2. Loading Modification §1-19-6.210 (D): Planning Commission approval of a modification to the requirement for loading spaces to allow for 2 large and 4 small loading spaces for the south hotel and 2 large loading spaces for the north hotel where either 12 large loading spaces or 2 small spaces plus 11 large loading spaces are required.

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. **Public Water and Sewer.** The site is served by public water and sewer and is classified S-1/W-1. Public water will be supplied to the site from the New Design Road Water Treatment Plant and sewage will be treated at the Ballenger McKinney Wastewater Treatment Plant. The Division of Utilities and Solid Waste has reviewed and approved the proposed 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 majority of the site is level throughout the central portion, with downward slopes around the northern and eastern perimeter of approximately 10' of elevation difference.
2. **Vegetation**
The site is previously developed and contains little natural vegetation.
3. **Sensitive Resources**
The site does not contain wetlands, FEMA floodplain, flooding or wet soils.
4. **Natural Hazards**
There are no natural hazards located on this 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:** There are no common areas proposed to be collectively owned by multiple property owners. One central open space area is planned to serve the operations of the conference center and to provide exterior passive recreational space for users of the site.

Other Applicable Regulations

Planned Commercial/Industrial Development Standards 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 precluding future subdivision. Within the Limited Industrial district the Planned Commercial/Industrial development process allows the use and development of multiple structures and

principal uses on a single parcel - without the necessity of subdividing the property. Staff has worked with the Applicant to achieve the purpose and intent of this development process. Staff specifically worked with the Applicant on building placement, pedestrian and auto circulation to ensure that the buildings and uses met the requirements of the planned development process. These efforts began during review of the approved plan and moved forward with review of the current plan. 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 and pedestrian access into and throughout the Site.

Moderately Priced Dwelling Units – Chapter 1-6A:

The proposed use is non-residential; therefore, MPDUs are not required.

Stormwater Management – Chapter 1-15.2:

A stormwater concept/development plan for the redevelopment project has been submitted, reviewed and conditionally approved, see AP#15482.

APFO – Chapter 1-20:

1. Schools.

No residential development is proposed; therefore schools will not be directly impacted by this project.

2. Water/Sewer.

While the public sewer and water facilities are currently adequate to serve the project, the Applicant recognizes that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee building permits will be issued. Building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations.

3. Roads.

A Letter of Understanding is attached (Exhibit #5) that sets forth the Applicant's obligations associated with the construction as depicted on the site plan. A traffic impact analysis (TIA) was performed for this Project (April 7, 2015 and revised on July 1, 2015). Based on the ITE trip generation rates, the approved site plan will generate the following new peak-hour trips: 145 Friday mid-day, 145 Friday PM, and 163 total Saturday. Any future modification to the site plan which would have the effect of increasing the projected trip generation will be subject to new analysis under APFO.

In full satisfaction of APFO requirements per §1-20-31 and §1-20-12(H), the Applicant is required to pay pro rata contributions into County-held escrow accounts. Prior to this issuance of a building permit, the Applicant agrees to pay \$206,142 to the escrow accounts listed below (see LOU for additional information):

No. 4292: Pedestrian improvements at the intersection of MD 85 at Grove Road.

No. 4025 for MD 85/Spectrum Dr. Intersection: Addition of a third southbound through lane, outside lane being a through/right turn lane.

No. 3976: Additional northbound left turn lane on MD 85 at Guilford Drive.

Forest Resource – Chapter 1-21:

The Applicant has submitted a Combined Preliminary/Final FRO plan. The site does not contain forest. The Applicant proposes to mitigate the 0.90 acre planting requirement by planting native trees and shrubs in the bioretention areas. This form of mitigation is permitted per 1-21-44 of the FRO. The legal documents required to execute this mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Conditions

1. The legal documents required to execute the required FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

Historic Preservation – Chapter 1-23:

There are no historic resources on this property.

Summary of Agency Comments

Development Review Engineering (DRE):	Approved
Development Review Planning:	Hold
State Highway Administration (SHA):	Approved
Division of Utilities and Solid Waste Management (DUSWM):	Approved
Health Department	Conditionally Approved
Office of Life Safety	Conditionally Approved
Development Review Traffic Engineering	Approved

RECOMMENDATION

Staff has no objection to conditional approval of the site development plan for the construction of a 205 room hotel, with a bar/restaurant and conference center (south hotel), and a 109 room hotel with a 9000sf restaurant (north hotel), on a 14.4 acre site. 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 and will therefore expire on August 10, 2019. The APFO approval is valid for 3 years from the date of Planning Commission approval and will therefore expire on August 10, 2019.

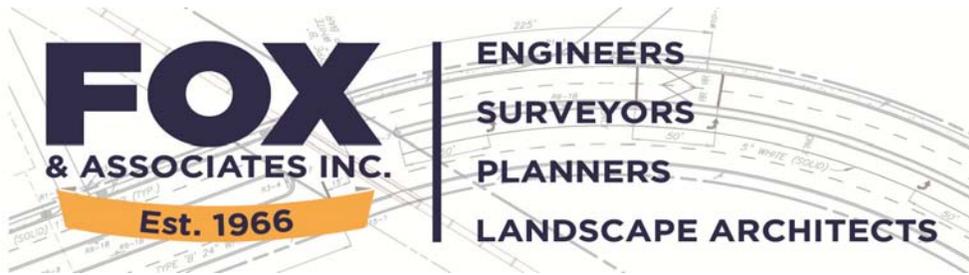
Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once all conditions are met and modifications are granted:

1. Lighting Modification §1-19-6.500(D): Planning Commission approval of a modification from the requirement to limit light spillage to 0.5 foot candles along the northern boundary of the site as it intersects an existing entrance drive as depicted on the Holiday Inn site development plan, and at the proposed north east site entrance near the proposed Transit bus stop.
2. Parking Modification §1-19-6.220 (A)(1): Planning Commission approval of a modification in order to provide a total of 714 parking spaces where 720 are required.
3. Loading Modification §1-19-6.210 (D): Planning Commission approval of a modification to the requirement for loading spaces to allow for 2 large loading spaces and 4 small loading spaces where either 12 large loading spaces or 2 small spaces plus 11 large loading spaces are required.
4. The bicycle parking shall adhere to the Frederick County Bicycle Parking Design Guide.
5. The legal documents required to execute the required FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.
6. Complete the requirements of the Holiday Inn APFO LOU.
7. Address agency comments as the plan proceeds through completion prior to final signature approval.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Development Plan SP-74-01 **with conditions** as listed in the staff report **including APFO approval and approval of requested modifications** for the proposed Holiday Inn south hotel and conference center, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



82 Worman's Mill Ct
Suite G
Frederick, MD 21701
Phone: 301-695-0880
Fax: 301-293-6009

May 31, 2016

Frederick County Planning and Permitting Division
30 N. Market Street
Frederick, Maryland 21701

Attn: Mr. John Dimitriou, R.A.
Principal Planner

Re: Holiday Inn & Conference Center
Harding Farm Section 5 – Lot 3
County Project AP #16389
Site Lighting Modification Request

Dear John:

On behalf of the owner, 5400 Holiday Drive LLC, we are hereby requesting a modification of Frederick County Zoning Ordinance Section 1-19-6.500(D).

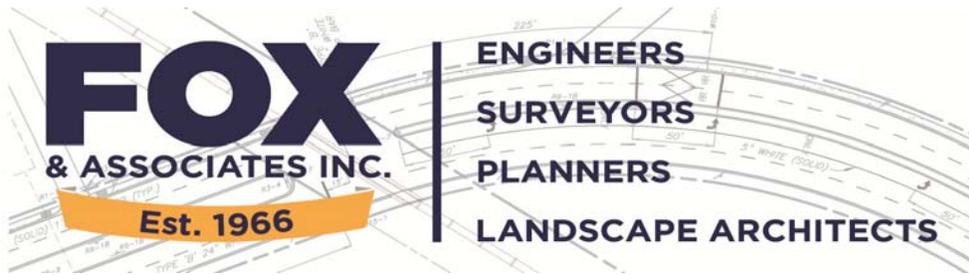
Section 1-19-6.500(D) states "*Lighting shall not exceed .50 foot-candles as measured from the property line*". The proposed site lighting exceeds .50 foot-candles at two locations. The first location is along the existing entrance drive at the western property line where a portion of the existing entrance drive is located on an adjacent property but within an existing ingress/egress easement. Lighting for this portion of the driveway is provided by two exiting light poles which will remain in order to provide lighting for the driveway. Due to the relationship of the driveway and existing light poles to the property line and the need to light the driveway, lighting levels exceed the maximum allowable at this location.

The second location is at the north east entrance to the site near the proposed Transit bus stop and pedestrian walkway. Lighting in this location will be provided for safety purposes for the bus stop and pedestrians using the walkway. Due to the relationship of the bus stop being within the public right-of-way and pedestrian walkway being immediately adjacent to the property line, lighting levels exceed the maximum allowable at this location.

For these reasons, we request approval of the site lighting modification for this site plan application.

Sincerely,
Fox & Associates, Inc.

John E. Mazelon, VP
Principal Project Manager
Cc: Randy Cohen – 5400 Holiday Drive, LLC



82 Worman's Mill Ct
Suite G
Frederick, MD 21701
Phone: 301-695-0880
Fax: 301-293-6009

May 31, 2016
Frederick County Planning and Permitting Division
30 N. Market Street
Frederick, Maryland 21701

Attn: Mr. John Dimitriou, R.A.
Principal Planner

Re: Holiday Inn & Conference Center
Harding Farm Section 5 – Lot 3 Phase 1
County Project AP #16389
Parking Modification Request

Dear John:

On behalf of the owner, 5400 Holiday Drive LLC, we are hereby requesting a modification of Frederick County Zoning Ordinance Section 1-19-6.220(A)(4) for the above referenced site plan.

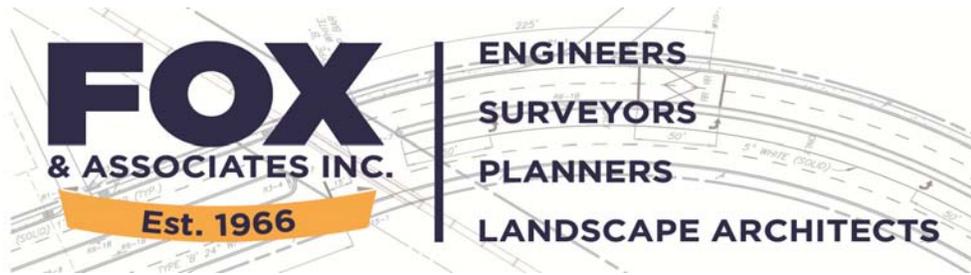
Section 1-19-6.220(A)(4) states *"Hotel, motel – 1 per each sleeping room, plus 1 for each 2 employees"* and *"Restaurant – 1 space per 50 square feet of floor area devoted to customer service, but excluding food preparation and storage"*. This site is proposed to be developed in two phases, Phase 1 is proposed as a 205 room hotel and conference center and future Phase 2 is proposed as a 109 room hotel and 9,000 SF Bar/Restaurant of which 6,000 SF will be used for public & seating area.

The total parking requirement for Phase 1 is 483 spaces and Phase 2 total parking requirement is 237 for a total parking requirement of 720 spaces. The actual parking spaces proposed is 714 and falls short of the requirement by 6 spaces due to the State Highway Administration right of way acquisition for future I-270 improvements. A total of 15 spaces needed to be removed within the proposed SHA I-270 right of way but we were able to relocate some of the spaces resulting in a net loss of 6 spaces.

For these reasons, we respectfully request approval of the parking modification for this site plan application.

Sincerely,
Fox & Associates, Inc.

John E. Mazelon, VP
Principal Project Manager
Cc: Randy Cohen – 5400 Holiday Drive, LLC



82 Worman's Mill Ct
Suite G
Frederick, MD 21701
Phone: 301-695-0880
Fax: 301-293-6009

May 31, 2016

Frederick County Planning and Permitting Division
30 N. Market Street
Frederick, Maryland 21701

Attn: Mr. John Dimitriou, R.A.
Principal Planner

Re: Holiday Inn & Conference Center
Harding Farm Section 5 – Lot 3
County Project AP #16389
Loading Space Modification Request

Dear John:

On behalf of the owner, 5400 Holiday Drive LLC, we are hereby requesting a modification of Frederick County Zoning Ordinance Section 1-19-6.210(B).

Section 1-19-6.210(B) states the loading space requirement for a commercial use with total net floor area greater than 5,000 sq. ft. shall be 1 large or 2 small loading spaces plus 1 additional large space for each additional 15,000 sq. ft. or part thereof over 20,000 sq. ft. The net floor area for the South Hotel (initial phase) calculated from architectural plans is 90,197 sq. ft. and the net floor area for the North Hotel (future phase) is 40,319 sq.ft. Therefore, 7 large spaces or 6 large and 2 small loading spaces are required for the South Hotel and 4 large or 3 large and 2 small spaces are required for the North Hotel. The total requirement for both hotels would be 11 large spaces or 9 large and 4 small spaces.

We are proposing 2 large and 4 small loading spaces for the South Hotel and 2 large loading spaces for the North Hotel which will be adequate for the respective hotels. The number of spaces proposed is based on the owners understanding of the operational needs for the proposed use and experience in the hotel industry.

For these reasons, we request approval of the loading space modification for this site plan application.

Sincerely,
Fox & Associates, Inc.

John E. Mazelon, VP
Principal Project Manager
Cc: Randy Cohen – 5400 Holiday Drive, LLC



AMENDED AND RESTATED
ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Harding Farm - Holiday Inn

Site Plan #SP74-01 AP #16390

Background: The Frederick County Planning Commission ("**Commission**") and 5400 Holiday Drive, LLC ("**Developer**"), entered into a Letter of Understanding (AP#15647) approved by the Planning Commission on November 18, 2015 (the "**Original LOU**"). The Developer has modified the amount and mix of uses for the Harding Farm - Holiday Inn (the "**Project**"), as shown on the Harding Farm - Holiday Inn Planned Industrial Site Plan, AP#16389, and has re-tested for compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**") in compliance with the piecemeal provisions of §1-20-30.

In General: As of the date of the last signature below, this Amended and Restated Adequate Public Facilities Letter of Understanding ("**Amended LOU**") rescinds and replaces the Original LOU and 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 approved site plan for the Project, in compliance with the APFO.

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements and 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 the Developer's approximate 14.44 acre parcel which is zoned LI (Light Industrial), and located between Holiday Drive and I-270. This APFO approval will be for the renovation and expansion of an existing 155 room hotel to include a conference center, the construction of a new hotel, and construction of a restaurant. The new site use proposes a total of 314 guest rooms, as shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission on August 10, 2016.

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-1, S-1, and is currently developed with a 155 room hotel. While the public sewer and water facilities are currently adequate to serve the Project, the Developer acknowledges that capacity is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that building permits will be issued. Building permit issuance is subject to compliance with the

Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations.

Road Improvements: A traffic impact analysis (TIA) was performed for this Project by Street Traffic Studies, Ltd. dated April 7, 2015 and revised on July 1, 2015. Based on the ITE trip generation rates, the approved site plan will generate 145 Friday mid-day, 145 Friday PM, and 163 total Saturday, new peak hour driveway trips. This Letter sets forth the Developer's obligation associated with the construction as depicted on the above referenced site plan; any future modification to the site plan which would have the effect of increasing the projected trip generation would be subject to new analysis under APFO to the extent of the increase in projected trips.

In full satisfaction of APFO requirements per §1-20-31 and §1-20-12(H), the Developer is required to provide fair share contributions to existing escrow accounts that are impacted by the proposed development of the site. The Developer shall pay into County-held escrow accounts the following pro rata contributions:

1. No. 4292: Pedestrian improvements at the intersection of MD 85 at Grove Road: The estimated cost of this Improvement is \$98,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 2.5%. Therefore, the Developer hereby agrees to pay \$2,450 to the escrow account for this Road Improvement.
2. No. 4025 for MD 85/Spectrum Dr. Intersection: Addition of a third southbound through lane, outside lane being a through/right turn lane. The estimated cost of right-of-way and construction for this improvement is \$1,474,010. The Developer's proportionate share of this Road Improvement is 12.0%. Therefore the Developer hereby agrees to pay \$176,881 to the escrow account for this Road Improvement.
3. No. 3976: Additional northbound left turn lane on MD 85 at Guilford Drive: The estimated cost of this improvement is \$439,527. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 6.1%. Therefore, the Developer hereby agrees to pay \$26,811 to the escrow account for this Road Improvement.

Therefore, prior to this issuance of any building permit, the Developer hereby agrees to pay \$206,142 to the escrow accounts 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 10, 2019.

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.

[Signatures next page]

5400 Holiday Drive, LLC:

By: _____ Date: JUL 08 2016
Randy Cohen

FREDERICK COUNTY PLANNING COMMISSION:

By: _____ Date: _____
William Hopwood, Chair or Robert White, Secretary

ATTEST:

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

Planner's Initials / Date _____
(Approved for technical content)

County Attorney's Office Initials / Date _____
(Approved as to legal form)