TITLE: Fair Oaks, Lot 5

FILE NUMBER: SP-08-04, AP #16385 (APFO #16387, FRO #16388, SWM #16519)

REQUEST: Site Development Plan Approval

The Applicant is requesting Site Development Plan approval for the renovation of an existing house – including an addition – and a change of use that will result in a 4,263 sf (gfa) building for commercial business and personal services on a 40,854 s.f. lot.

PROJECT INFORMATION:
ADDRESS/LOCATION: East side of Fair Oaks Drive at its intersection with Jefferson Pike (MD180); 2,000 feet west of the I-70/MD340 interchange, near Frederick
TAX MAP/PARCEL: Tax Map 76, Parcel 472, Lot 5
COMP. PLAN: Office/Research/Industrial (ORI)
ZONING: Office/Research/Industrial (ORI)
PLANNING REGION: Frederick
WATER/SEWER: W-5/S-5

APPLICANT/REPRESENTATIVES:
APPLICANT: Acron Properties, LLC
OWNER: Acron Properties, LLC
ENGINEER/PLANNER: Harris Smariga

STAFF: Denis Superczynski

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
Exhibit 1 - Site Plan Rendering
Exhibit 2 - Architectural Renderings/Elevations
The Applicant is requesting Site Development Plan approval for the renovation of an existing 2-story residential structure – including a new addition – and a change of use that will result in a 4,263 sf (gfa) building for commercial business and personal services on the 40,854 s.f. Lot 5 of the Fair Oaks Subdivision. The proposed use is being reviewed as “office business/office professional” per Section 1-19-5.310 (Use Table) in the Zoning Ordinance. It is unknown at this time what specific office uses may occupy the building, however, the medical clinic use was utilized to generate assumptions regarding parking, water/septic disposal, and other potential site impacts. The proposed uses are principal permitted uses in the Office Research Industrial Zoning District subject to site development plan approval. The two primary building entrances will be located on the western and eastern sides of the renovated building with a third entrance located on the original front of the structure facing Jefferson Pike (MD 180). Vehicular access will be provided via a private driveway onto Fair Oaks Drive. Fair Oaks Drive may be utilized in the future as a tertiary access point into the Jefferson Tech Park development.
The Fair Oaks Subdivision, Section II, Lot 5 (S-208) received Subdivision Plan approval in December 1976. Lots 1 through 4 are located on the western side of Fair Oaks Drive and Lots 1-3 are improved with single-family detached houses. In 2008, the Planning Commission approved a Site Plan for a 4,000 s.f. commercial/warehouse structure on Lot 4. The existing terminus improvement to Fair Oaks Drive was completed at the time of this construction activity (See Figure 1).

Fair Oaks Drive remains a private roadway.

![Figure 1 - Commercial/warehouse structure on Lot 4 on the west side of Fair Oaks Drive (SP-08-04)]

**Existing Site Characteristics**

The proposed Fair Oaks-Lot 5 Site is currently developed as a single-family home site and is located at the intersection of Jefferson Pike (MD 180) and Fair Oaks Drive, immediately adjacent to I-70. The structure itself is identified in the Maryland Inventory of Historic Places as the Edward Howard Property (MIHP# F-3-235), a circa-1870’s frame farmhouse that once served as the anchor of a small agricultural operation. Associated farm buildings have been demolished or, in the case of two larger structures south of the house, subdivided into an adjacent parcel. The house, having lost its agricultural context, is not considered eligible for the National Register of Historic Places and similarly would not likely be listed on the County Register.

The subject Site is currently zoned Office/Research/Industrial (ORI) (see Figure below). The Site was rezoned to ORI in 2002 as part of the Frederick Region Plan update process.

As is visible in the aerial imagery of Figure 2, surrounding land uses in the vicinity of the proposed
medical clinic and offices, are varied. Residential uses are situated in the immediate vicinity to the west (on Fair Oaks Drive) while a few limited industrial uses are located nearby both north and west of the Site. On the north side of I-70, an electrical substation, two churches, a private religious school, an assisted living facility, and several single family homes are situated along Jefferson Pike within ¼ mile of the subject Site. Development of the Jefferson Technology Park MXD is underway south and southwest of the Site with a mix of residential and employment uses planned for the area. I-70 itself is also a dominant feature in the immediate vicinity of the Fair Oaks property, cutting across land that was once a part of the Edward Howard farm.
ANALYSIS

In addition to the general site plan review criteria, Staff worked with the Applicant on several key issues related to the proposed development including:

- Building orientation and general architectural design (ORI Performance Standards)
- Maximizing the efficiency and clarity of the internal circulation on the Site
- Managing pedestrian access between the building’s multiple entrances and the parking areas.
- Addressing the need to maintain and protect specimen trees on the Site while providing paved walking surfaces – and other improvements - in proximity to the existing house
- Accommodating site planning standards for multiple users in the single proposed structure

![Aerial view of the site](image)

Figure 2: Aerial view toward the east showing Site and vicinity. The rough-graded area on the upper right is the Jefferson Technology Park project under construction.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be based upon the criteria found in Section 1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

**Site Development, Section 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.
Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards, Section 1-19-6.100**: In the ORI Zoning District, setback requirements, lot dimension requirements, and maximum height limitations for the proposed use are located in Section 1-19-6.100 (Design Requirements for Specific Districts). In the ORI District, the required front yard for commercial uses is 50 feet; the side yard is 25 feet; and, rear yard is 40 feet. Per Section 1-19-6.140(C), in the case of corner lots, there shall be no required rear yard. These standards are satisfied in the proposed Site Plan via the variance approved by the Board of Appeals in Case # B-16-03 which provides for the actual front setback of 27.3 feet along the Fair Oaks Drive frontage. This decision also granted a variance from the minimum lot size requirement of 80,000 s.f. in the ORI District, permitting the existing lot to remain at 40,484 s.f. As a corner lot, there is no required rear yard.

![Figure 3 - View of the building's Jefferson Pike facade.](image)

Staff finds that the setbacks on the proposed site plan match the setbacks provided for in the variance decision. The height dimensions are also consistent with those permitted in the Zoning Ordinance.

- **Minimum Required Front yard setback (per variance):** 27.3 ft
- **Proposed Front yard setback (Fair Oaks Dr.):** 28 ft

- **Minimum Required Side yard setback (GC):** 25 ft
- **Proposed Side yard setback (southern boundary):** 77 ft
- **Proposed Side yard setback (eastern boundary):** 60 ft
2. **Signage, Section 1-19-6.300-6.340:** Signage proposed must comply with Zoning Ordinance Sections 1-19-6.300 through 1-19-6.340. The proposed signage plan identifies and distributes site signage based upon the following calculation:

- Maximum Signage Area Permitted: \( 100.0 \text{ sq. ft.} \)
- Signage Area proposed on Site plan: \( 139.0 \text{ sq. ft.} \)

Calculated 10 x Square Root of the Total Building Frontage:

Based on total public street-facing frontage (Jefferson Pike) plus the frontage providing the primary entrance to the building (Fair Oaks Drive): \( 39\text{-}6" + 60\text{-}0" = 99\text{-}6" \).

Permitted Sign Area = \( 10 \times 9.98 = 99.80 \text{ s.f.} \)

One free-standing pylon sign is permitted and is identified on the plan in an area which meets the required setback standard. The proposed sign is limited to 25 feet in height.

The signage note (Note #10) on Sheet SP-1 of the Site Development Plan provides that the Applicant will meet the requirements of the Zoning Ordinance for signs in the ORI Zoning District for the proposed uses. The signage area note currently reflects an incorrect calculation and must be revised to reflect the permitted total of 99.80 s.f.

3. **Landscaping, Section 1-19-6.400:** The Applicant has submitted a landscape plan in accordance with Zoning Ordinance Section 1-19-6.400. In addition to those plantings which fulfill the vegetative screening and tree shading requirements of the ordinance, a number of trees and shrubs have been proposed along the boundary with I-70 as well as along the southern property boundary supporting the stormwater facility.

The Zoning Ordinance requires one street tree per 35 feet of road frontage. A total of six (6) street trees are required by Section 1-19-6.400 (\( 205 \text{ ft.}/35 \text{ ft} = 5.9 = 6 \text{ trees} \)) and the Applicant is proposing to plant these 6 shade trees along the frontage of Fair Oaks Drive.

Vegetative screening of parking areas has been accomplished through the proposed planting of evergreen and deciduous shrubs at appropriate locations on the lot. The trash enclosure is also effectively screened through the planting of appropriate 4-season plantings.

Parking area landscaping is provided in compliance with the Zoning Ordinance and includes landscaped areas at the terminating ends of each parking bay. At 1,009 s.f. in area, tree canopy shading is provided in excess of the required 899 s.f.

4. **Lighting, Section 1-19-6.500:** The Applicant has provided a lighting plan in accordance with Zoning Ordinance Section 1-19-6.500. A single, shielded, pole-mounted light and 10 wall-mounted lamps are proposed for this Site. A lighting note has been added to the plan (Note #8) stating that building-mounted light fixtures will be shielded and shall not cast light at the property boundaries in excess of 0.5 footcandles. The specification for the pole-mounted fixture identifies a shielded lamp as well. The photometric plan submitted as part of this Application demonstrates that the proposed lighting meets the standards of Section 1-19-6.500.
Conditions: The Applicant must revise Note #10 to reflect the correct calculation of permitted sign area which is 99.80 square feet and revise Landscape Note (A) to identify the correct measured roadway frontage as 205 feet.

Transportation and Parking, Section 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 Applicant proposes to utilize the existing, shared Fair Oaks Drive (private road) for full movement access with MD 180 (Jefferson Pike). A small parking area gains access to Fair Oaks Drive via a single driveway and drive aisle. The roadway and parking lot drive aisle are sufficiently wide to provide for emergency vehicle access while minimizing the need for extensive paved surfaces. Fair Oaks Drive itself may serve as a secondary access point into the Jefferson Tech Park development in the future. Initial concepts identify a one-way street feeding into Fair Oaks Drive, from JTP, at its terminus (permitting use by exiting vehicles only). However, no condition is in place to prevent the establishment of a 2-way access point into what would be the employment section of the JTP MXD project.

2. Public Transit: This Site is not directly served by any current County or regional transit service. The #10 Mall-to-Mall Connector route runs in both directions along Ballenger Creek Pike (MD 351), Monday through Saturday. The route is located over ½ mile from the subject Site but is not easily accessed due to a deficiency in safe pedestrian routes between the two locations.

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

   Professional/Business Office
   A total of 15 parking spaces are required for the project. As provided by Zoning Ordinance: office uses are required to provide 1 space per 300 sf of floor area thus generating a parking space requirement of 15 spaces for the 4,263 s.f. gross floor area of the structure

   The Applicant has proposed a total of 15 on-site spaces to ensure that the most parking-intense use is accommodated in this Site Plan. The Applicant is proposing to construct additional spaces (up to four) along the Fair Oaks Drive property frontage. Having met the minimum parking standard, this off-site parking frontage improvement does not require a modification from the Planning Commission.

   The Zoning Ordinance requires 1 small loading space for office structures between 1,000 s.f. and 5,000 s.f. The Applicant is proposing one (1) small loading space – 9’ x 20’ – in the parking area that will serve primarily as pick-up space for the dumpster. This space and its location are sufficient to service the proposed uses of the building.
4. **Bicycle Parking:** The Zoning Ordinance requires bicycle parking to be provided for buildings 5,000 s.f. in size or greater. The gross floor area for this structure, including the proposed addition, is 3,600 s.f. No bicycle parking is required and no facilities are proposed.

5. **Pedestrian Circulation and Safety, Section 1-19-6.220:** Pedestrian access to the Site is limited. No public sidewalks exist along Jefferson Pike or Fair Oaks Drive and circulation improvements are limited to those that will facilitate safe and convenient pedestrian movement within the Site itself. Sidewalks of 4 feet in width link building entrances to vehicular parking areas while a wider 6 ft. sidewalk serves as a broader passage along the internal parking bay closest to the building. A sidewalk is also proposed to link the four proposed on-street parking spaces to the building entrance thus providing an internally convenient path as well as a possible segment in a broader off-site pedestrian network should one ever develop in the vicinity.

A handicap access ramp is located on the east side of the building providing a proximate and direct connection to the building’s central entrance.

**Public Utilities, Section 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.

**Findings/Conclusions**

1. **Public Water and Sewer Service:** The Site is to be served by private, on-site, well and septic facilities. An increase in the intensity of uses at this Site may require connections to the public water and sewer infrastructure.

**Natural Features, Section 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:** Lot 5 generally consists of a construction-ready, fully stabilized site within a designated Community Growth Area. The proposed Site Plan will maintain the general grade of the existing lot.

2. **Vegetation:** The Site is no longer in its pre-development vegetated state and has been prepared for development.

3. **Natural Hazards:** Based on available mapping, no wetlands, flooding soils, or FEMA floodplain are located on the Site.

**Common Areas, Section 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 area, property, and facilities for their intended purposes.

Findings/Conclusions

1. **Proposed Common Area:** In the ORI District, the minimum landscaped open space on any individual lot shall not be less than 20% of the land area of the lot. The Site Plan proposes open space areas (pervious and vegetated) comprising approximately 77% of the total lot area.

Other Applicable Regulations

**Stormwater Management – Chapter 1-15.2:** A stormwater management (SWM) Concept Plan for this Site has been conditionally approved. Detailed SWM plans will be reviewed with the submittal of Improvement Plans.

**APFO – Chapter 1-20:**

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

2. **Water/Sewer** – The Site is to be served by private well and on-site septic facilities.

3. **Roads** – The project is exempt from APFO road requirements as the proposed office uses will generate fewer than 5 peak hour trips. (APFO 16387).

**Forest Resource Ordinance (FRO) – Chapter 1-21:** The Applicant has submitted a Combined Preliminary/Final FRO plan, which is currently under review. The Site does not contain any forest. The required 0.14 acre afforestation mitigation will be provided by paying fee-in-lieu (current rate is $0.43 per square foot; 0.14 acres x $0.43/sq ft = $2622.32. Payment amount is based on the rate at the time payment is made).

The Site contains 7 specimen trees (trees that are 30 inches or greater in diameter). Per §1-21-40 of the FRO, nonhazardous trees that part of a historic site or are specimen trees must be retained unless a modification is approved by the Planning Commission. Four specimen trees are proposed to be removed by the Applicant. These four trees exhibit one or more structural defects and have potential targets, making them hazardous trees. The removal of these four hazardous trees has been approved by Staff.

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<th>Size and Species</th>
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<th>Condition</th>
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<td>1</td>
<td>35” Red Maple</td>
<td>Major wind damage, unbalanced, house is within fall zone.</td>
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<td>2</td>
<td>37” Red Maple</td>
<td>Cavities, rotten/deteriorated wood, house is within fall zone.</td>
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<td>4</td>
<td>45” White Oak</td>
<td>Dead/dying</td>
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<td>6</td>
<td>59.5” White Oak</td>
<td>Dead limbs, canker disease, root dieback, 35% dead, house and structures on adjacent parcel are within fall zone.</td>
<td>Poor</td>
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The other three specimen trees will be saved and protected during construction. These include a 45” White Oak, a 38” White Oak, and a 44” White Oak.

**Conditions:**
The FRO Plan must be approved prior to site plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits or whichever is applied for first.

**Historic Preservation – Chapter 1-23:** The structure itself is identified in the Maryland Inventory of Historic Places as the Edward Howard Property (MIHP# F-3-235), a circa-1870’s frame farmhouse that once served as the anchor of a small agricultural operation. Associated farm buildings have been demolished or, in the case of two larger structures south of the house, subdivided into an adjacent parcel. The house, having lost its agricultural context, is not considered eligible for the National Register of Historic Places and similarly would not likely be listed on the County Register.

**Office/Research/Industrial Performance Standards Section 1-19-7.620 of the Zoning Ordinance:** This development proposal adheres to all of the applicable standards listed in Section 1-19-7.620:

§1-19-7.620. (A) **Outside Storage.** No equipment, material, or products will be stored outside of the building or dumpster enclosure.

§1-19-7.620. (B) **Industrial Performance Standards.** The proposed development meets the design standards of this section.

§1-19-7.620. (C) **Open Space.** In the ORI District, the minimum landscaped open space on any individual lot shall not be less than 20% of the land area of the lot. The Site Plan proposes open space areas (pervious and vegetated) comprising approximately 77% of the total lot area.

§1-19-7.620. (D) **Architectural Design.** In the ORI District, the Planning Commission must review architectural renderings or plans to assure that the appearance, size, architectural materials, and other architectural characteristics are consistent with the purpose and intent of the ORI zone. The design of the renovated house and its associated addition are in keeping with the small-scale, generally-residential character of this northern end of Fair Oaks Drive. The newer architecture utilizes materials and design features which complement the older house without simply replicating elements in an unnatural way. The finished structure will be similar in scale to the existing house and its older addition, the latter of which is to be demolished due to damage incurred by a falling tree limb. (See Exhibit 2)

**Findings/Conclusions**

1. **ORI District Performance Standards:** Staff finds that the Site Plan meets the performance standards set forth in the ordinance including those architectural design standards listed in Section 1-19-7.620 (D).
Summary of Agency Comments

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<th>Other Agency or Ordinance Requirements</th>
<th>Comment</th>
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<td>Development Review Engineering (DRE):</td>
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<tr>
<td>Development Review Planning:</td>
<td>Conditionally Approved: Pending FCPC review/approval. Address all agency comments as the plan proceeds through to completion.</td>
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<td>DUSWM Div. of Utilities and Solid Waste</td>
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<td>Health Dept.</td>
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<td>APFO</td>
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RECOMMENDATION

Staff has no objection to Conditional Approval of the Fair Oaks, Lot 5 Site Development Plan subject to the conditions and modifications noted below. If the Planning Commission conditionally approves the Site Plan, the plan is valid for a period of three (3) years, or until October 12, 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. The FRO Plan must be approved prior to site plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.

3. The Applicant must revise Note #10 to reflect the correct calculation of permitted sign area which is 99.80 square feet and revise Landscape Note (A) to identify the correct measured roadway frontage as 205 feet.
PLANNING COMMISSION ACTION

MOTION TO APPROVE WITH CONDITIONS

I move that the Planning Commission APPROVE the Planned Commercial Site Development Plan SP-08-04 (AP 16385) with conditions and modifications as listed in the staff report for the proposed Fair Oaks (Lot 5), based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
Exhibit 2 – Architectural Renderings