



FREDERICK COUNTY PLANNING COMMISSION
November 9, 2016

TITLE: Toms Creek Church Cemetery

FILE NUMBER: SP-08-30 (AP #16567, APFO#16568, FRO #16569)

REQUEST: Site Development Plan Approval

The Applicant is requesting site development plan approval for a 3,344 plot cemetery, on a 5.43-acre portion of a 43.2 acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: 10918 Taneytown Pike, Taneytown Road, north and west of Tom's Creek Church Road

TAX MAP/PARCEL: Tax Map 9, Parcel 12

COMP. PLAN: Agricultural/Rural

ZONING: Agricultural

PLANNING REGION: Thurmont

WATER/SEWER: W-NPS/S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Tom's Creek Church

OWNER: Tom's Creek Church

ENGINEER: RF Gauss

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1-Tom's Creek Church Cemetery Site Plan Rendering

STAFF REPORT

ISSUE

Development Request

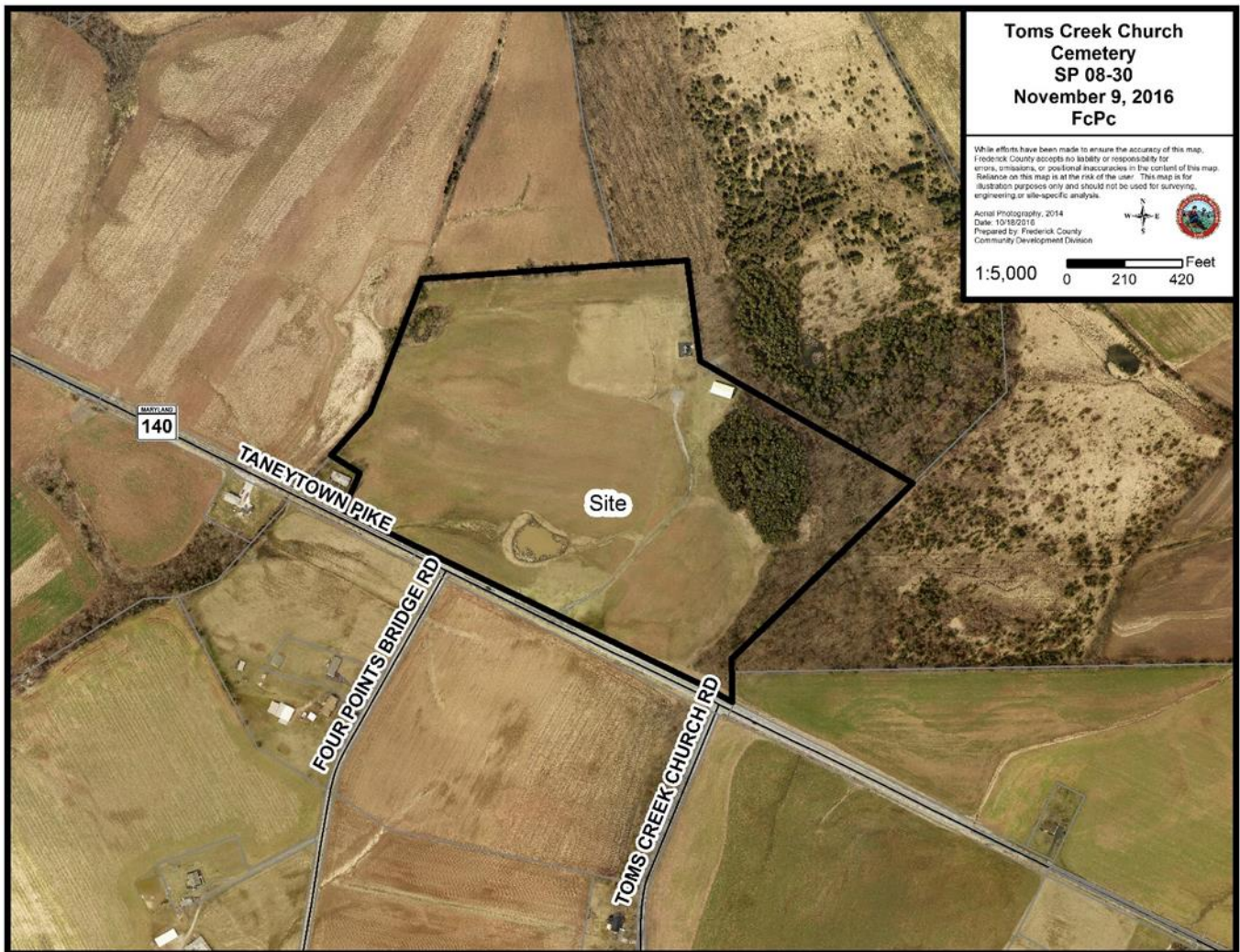
The Applicant is requesting site development plan approval for a 3,344 plot cemetery, on a 5.43-acre portion of a 43.2 acre site. The proposed use is being reviewed as an "Cemetery/memorial gardens" land use under the heading of *Open Space and Institutional* per §1-19-5.310 Use Table in the Zoning Ordinance and is a principal permitted use in the Agricultural Zoning District subject to site development plan approval.

BACKGROUND

Development History

This site, purchased by Tom's Creek Methodist Church in 1991, contains an existing access roadway which leads back to a church playground and pavilion, see Graphic #1.

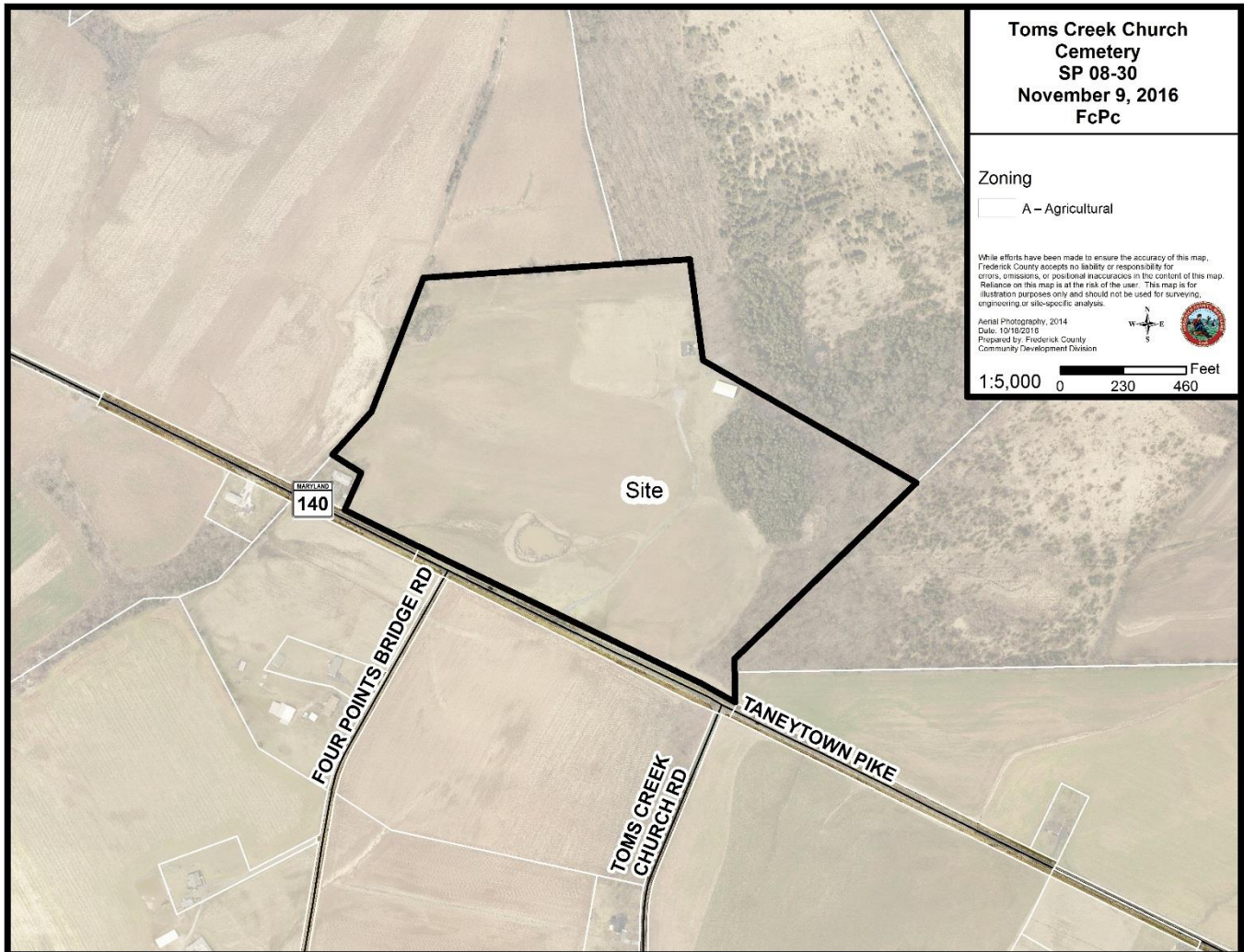
Graphic #1: Tom's Creek Church Cemetery: Site Aerial



Existing Site Characteristics

The site is currently zoned Agricultural, the 5.43 acre portion of the over 43.2 acres is farmland. The remaining 37.8 acres contains a gravel drive, church pavillion and playground for the Tom's Creek Church parishioners. The surrounding properties are all farmland, see Graphic #2.

Graphic #2: Tom's Creek Church Cemetery: Site Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

Issues: The primary issue associated with this proposal was the development of a parking, circulation and access plan that worked with the funeral operations, while also facilitating overall circulation of emergency vehicles.

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.

Tom's Creek Church Cemetery

November 9, 2016

Findings/Conclusions

- 1. Dimensional Requirements/Bulk Standards §1-19-6.100:** The proposed Site Development Plan adheres to the dimensional standards required for an “*Institutional Use*” in the Agricultural Zoning District. As proposed the plan identifies minimum setbacks of 40’ front, 50’ side, and 50’ rear. No structures are proposed as part of this application.
- 2. Signage §1-19-6.300:** Per Zoning Ordinance, the Applicant is permitted to have 25 square feet of total signage with 15’ maximum height based on item (13) “*Golf course, cemetery/memorial garden*” sign type. The signage calculation is listed in Signage Note #14 on Sheet 1 of the site plan but will need to be updated prior to signature approval to reflect the maximum height. The Applicant intends to utilize 25 square feet of allotted signage for a monument sign at the existing entrance on Taneytown Road. The total proposed amount of signage meets the requirements of the zoning ordinance.
- 3. Landscaping §1-19-6.400:** The Applicant has shown proposed landscaping on 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 13 street trees are required, and 13 White Pines and Red Maples are proposed along Taneytown Road and at the entry of the site.
- 4. Screening §1-19-6.400:** There are no proposed structures or parking lots, therefore no additional screening is required.
- 5. Lighting §1-19-6.500:** There is no lighting required or proposed.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

- 1. Access/Circulation:** Access to this site will be via one 25’ wide existing access point onto Taneytown Road (MD 140). The Applicant is not proposing any significant alterations to the existing access point location, but would be required to obtain an access permit from SHA for improvements to the driveway within the SHA right-of-way.
- 2. Connectivity §1-19-6.220 (F):** Due to the rural nature of the area and surrounding farmland uses, no connectivity is proposed between the subject site and surrounding parcels.
- 3. Public Transit:** This site is not served by TransIT.
- 4. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** A cemetery is not a use that requires parking or loading per Zoning Ordinance. Staff worked with the Applicant in order to provide two 9’x75’ areas for vehicles to pull over during a service along the proposed secondary access drive. The pull over areas are designed to permit parking on both sides while maintaining a 10’ wide lane for vehicular circulation.
- 5. Bicycle Parking §1-19-6.220 (H):** A cemetery is not a use that requires bicycle parking per Zoning Ordinance.
- 6. Pedestrian Circulation and Safety §1-19-6.220 (G):** 10’ wide grass walkways are proposed in between the plot clusters in order to provide easy pedestrian access throughout the cemetery.

Tom’s Creek Church Cemetery

November 9, 2016

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:** This site is served by private on site well and septic, although the Applicant is not proposing any activities that require well or septic service. The Health Department is conditionally approved.

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 topography rises from 420' along Taneytown Road to 436' at the northern end of the site, which results in a slope of less than 15%.
2. **Vegetation:** The site is active farmland with existing forested areas along the north and east property borders.
3. **Sensitive Resources:** The site contains two ponds that are considered wetlands but are located outside of the 5.43 acre proposed cemetery. There is no FEMA floodplain or flooding soils features located on site.
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:** There are no common areas 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: This site plan has a SWM Concept/Development/Improvement Plan AP #16681. Stormwater management will be provided through the use of non-rooftop disconnection credits via the 10' wide proposed grass shoulder on the downstream side of secondary access road.

APFO – Chapter 1-20:

1. **Schools.** The site is a non-residential use and therefore exempt from school testing.
2. **Water/Sewer.** This site is served by private well and septic, and therefore is exempt from water/sewer testing.
3. **Roads.** The proposed cemetery does not generate more than 5 AM/PM weekday peak hour trips and is therefore exempt from roads testing.

Tom's Creek Church Cemetery

November 9, 2016

Forest Resource – Chapter 1-21: The Applicant has submitted a Combined Preliminary/Final FRO plan, which has been approved. The site of the proposed cemetery does not contain any forest. The required 1.09 acre afforestation mitigation will be provided by placing a forest conservation easement over 2.18 acres of existing forest on a portion of the property that is not included in the site plan project area. 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

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

RECOMMENDATION

Staff has no objection to conditional approval of the site plan for a 3,344 plot cemetery, on a 5.43-acre portion of a 43.2 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 November 9, 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. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.
3. An SHA access permit is required prior to the issuance of a grading permit
4. Prior to final signature approval of the site development plan, the Applicant shall update signage note #14 on Sheet 1 to include “a maximum height of 15 feet”.

PLANNING COMMISSION ACTION
MOTION TO APPROVE

I move that the Planning Commission **APPROVE SP-08-30, AP 16567 with conditions** as listed in the staff report for the proposed 3,344 plot cemetery, on a 5.43-acre portion of a 43.2 acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

43.284 Ac.

PROPOSED CEMETERY
5.4348 Ac.

APPROVED
SEPTIC AREA

