TITLE: Patios Today

FILE NUMBER: SP-15-09, AP#15892 (APFO#15894, FRO #15895, SWM#15893)

REQUEST: Site Development Plan Approval
The Applicant is requesting site development plan approval for a Landscape Contractor Operation (Pools, Patios, Carpentry, Hardscapes, Property Maintenance) with a Caretaker Residence on a 2.25-acre parcel.

PROJECT INFORMATION:
ADDRESS/LOCATION: Located on the west side of N. Franklinville Road, near its intersection with Franklinville Road and US 15 north of Thurmont
TAX MAP/PARCEL: Tax Map 19, Parcel 196
COMP. PLAN: Limited Industrial
ZONING: Limited Industrial
PLANNING REGION: Thurmont
WATER/SEWER: NPS

APPLICANT/REPRESENTATIVES:
APPLICANT: Eric Hinerman
OWNER: - same -
ENGINEER: B&R Design Group
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Denis Superczynski, Principal Planner II

RECOMMENDATION:
Conditional Approval

ATTACHMENTS:
Exhibit 1 - Patios Today - Site Plan Rendering
Exhibit 2 – Request for Approval of Alternate Landscaping Plan (Modification)
ISSUE
Development Request

The Applicant is requesting site development plan approval for a Landscape Contractor (Pools, Patios, Carpentry, Hardscapes, Property Management) operation with a Caretaker Residence, on an existing developed 2.25-acre parcel located north of the Town of Thurmont. The proposed use is being reviewed as a “Landscape Contractor” land use under the heading of Commercial Business and Personal Services per §1-19-5.310 Use Table in the Zoning Ordinance. Landscape Contractor is a principal permitted use in the Limited Industrial (LI) Zoning District subject to site development plan approval. Caretaker Residence is a principal permitted use subject to site development plan approval taking place in conjunction with another principal permitted use.

The proposed development consists of an existing 19th-century home that has been converted to office use by the Applicant, several existing outbuildings and sheds, and a proposed 5,400 s.f. storage building to be located in the northeastern corner of the property. Stockpile bins of landscape/hardscape material are located along the southern edge of the site and will face a centralized staging area located behind the business office house and in front of the storage building (see aerial image below).

Visitation by customers will be limited as the Site is not designed to function as a retail facility. Two, one-way driveways will serve the Site (northeastern and southeastern corners of the property) with the center drive (currently serving the single family residence) proposed for removal.

Site Vicinity Map – Aerial Image
BACKGROUND

Development History

This 2.25-acre parcel is currently developed and used as a landscape contractor business, utilizing the existing older home as a business office and staging area for employees. An existing 1,300+ s.f., late 19th-century home has been adapted for use as a business office for the operation and will also serve as a caretaker residence in the future. The Site has been gradually developed without an approved Site Development Plan beginning between 2005 and 2007. The owner requested a change in zoning from R-1 to Limited Industrial in 2011 and the rezoning was approved in 2012 as part of the County’s comprehensive rezoning process (see zoning map below). The Applicant is seeking Site Development Plan approval to bring the site into compliance with zoning regulations.

Figure 1 - Site in 2005

Figure 2 - Site in 2014
Existing Site Characteristics

The proposed use currently occupies most of the Site with approximately 60% of the parcel in impervious surface (buildings, paving, compacted dirt/gravel, patio area, stockpiles). As late as 2005, the majority of the parcel remained in forest cover. The front portion of the property contains the house/business office, the entrance drives, and a patio/display area. The rear portion of the Site is set aside as a work and staging area for employees with material stockpiles, several smaller outbuildings, and a small area of existing forest cover (approximately 2,200 s.f. (see Figures 3 and 4)

The property is currently served by three (3) driveways, with two of the drives serving the business operations in the rear of the site and the original centrally-located driveway serving the business office. A small cluster of trees remains on the southeastern corner of the property between the south entrance and the house/business office.

An on-site septic field and well are located on the property and will continue to serve the business.
**Surrounding Land Uses:** Land uses in the vicinity of this proposal include the following:

North – The property bordering this Site on the north is in agricultural use. Northeast of the Site are several single-family homes (east side of N. Franklinville Road).

South – Immediately adjacent to this proposed use is a cabinet-maker/showroom approved by the FCPC in 2015. A small commercial center is located on the south side of Franklinville Road which includes a candy/ice cream shop, liquor store, and craft/home goods store.

East – A mostly vacant parcel of land is located directly across N. Franklinville Road from this Site. The parcel contains a small wastewater package plant which serves the Shamrock restaurant and motel located 600 feet to the north of the plant.

West – A small, 2.6 acre area of forest cover is located adjacent to the Site on its western edge with a half dozen single family homes located to the southwest along the north side of Franklinville Road.

US 15 intersects with Franklinville and N. Franklinville Roads 500 feet south of the Site and provides neighborhood at-grade access to this north county expressway.

**ANALYSIS**

**Summary of Development Standards Findings and Conclusions**

The key issues associated with this site plan include:

- Establishing compliance with site plan criteria for an existing use
- Layout of the proposed structures and contractor materials
- Access and internal circulation for contractor vehicles
- Vegetative screening of the site

![Figure 3 - View of the immediate vicinity - Patios Today site (view looking east)](image-url)
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:** The proposed Site Development Plan adheres to the lot dimensions required for an industrial use in the Limited Industrial (LI) Zoning District.

   The proposed setbacks for the facility are the following:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>20,000 s.f.</td>
<td>2.25 acres [98,010 s.f.]</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>100’</td>
<td>253’</td>
</tr>
<tr>
<td>Front Yard</td>
<td>25’</td>
<td>14’</td>
</tr>
<tr>
<td>Side Yard</td>
<td>Equal to height of structure</td>
<td>*new structure 25’</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>20’</td>
<td>30’</td>
</tr>
<tr>
<td>Max Building Height</td>
<td>60’</td>
<td>21’ maximum</td>
</tr>
</tbody>
</table>

   *Existing structures reflect varied heights as noted on plan. Any existing structure not meeting minimum setbacks would be considered a non-conforming structure during subsequent reviews.

   The site development plan reflects several existing buildings on-site with varying heights. The proposed new structure is 25' in height and therefore has been setback 25' from the north property line. The business office/caretaker residence – which does not meet the required front yard setback for the LI district - is a 19th-century home that pre-dates zoning regulations in Frederick County. Any future reviews or alterations/additions to structures not meeting required setbacks would be considered modifications to a non-conforming structure.

2. **Signage §1-19-6.300:** Per zoning ordinance the maximum signage allowed for a contractor land use is 32 square feet and a maximum of 12’ in height. The Applicant has proposed a sign that meets these maximum requirements. The Applicant must file for a sign permit prior to construction/installation of a commercial sign on the property.

   Any existing on-site signage requires review and approval as part of the overall Site Development Plan sign package or must be removed prior to the final approval of this Site Development Plan.
3. **Landscaping & Screening §1-19-6.400**: In accordance with Z.O. §1-19-6.400.B.1, *buffering and screening for adjacency to residential zoning districts*. The Applicant has provided landscape screening along the northern and southern property boundaries in order to screen the view of open business activity areas from the adjacent parcels. The existing forested area west of the Subject site is zoned R-1 and therefore requires a vegetative screen or buffer. An existing forested area runs along the property boundary between the subject site and the R-1 zoned property to the west. The Applicant has identified the existing tree line but has not noted on the plan that it must be maintained to satisfy the buffering and screening requirements. In addition, to the existing vegetation on-site, the Applicant has provided screening and buffering plantings along the southern property boundary where the planting will most effectively screen the operations from the existing house and yard. The proposed landscaping along the southern property boundary – when planted along the existing berm - serves to screen the concrete landscape materials storage bins from view of the adjoining commercial site and residential lot. The requirement for landscaping of the parking area is addressed through the mixed planting along the northern (Myers property) boundary. Given the industrial use of the Site, no terminating islands are required at the parking area.

Seven (7) street trees are required along the 253 ft. frontage of the parcel. The Applicant has proposed the planting of five trees and will maintain additional trees along the frontage of the Site (south of the business office). An early version of the Site Plan included the full number of street trees but two were removed to maintain safe sight distance for the driveways.

Additional standards set forth in Section 1-19-7.610 state that outdoor storage is permitted when it is screened by a wall, opaque fence, or landscaping. The Applicant has installed a concrete materials bin structure and will screen this wall with a variety of trees and shrubs planted on the berm separating the bins from the adjoining parcel as identified on Sheet SP-1. As proposed, the Applicant has worked with Staff to bring this existing site into conformance with the zoning
ordinance by adding landscaping and screening to the site as well as maintaining existing vegetation. The landscaping, as proposed, meets the intent of the landscaping provisions of the zoning ordinance provided the Planning Commission provides approval as an alternate landscaping plan.

4. **Lighting §1-19-6.500:** The Applicant proposes to retain the single pole-mounted lighting fixture in the center of the Site as well as the building-mounted fixture at Building B. The proposed Building C will have two building-mounted lamps (downward cast and shielded). The Applicant has provided that the existing and proposed lighting will meet the maximum 18’ height for commercial uses. In both the existing and proposed conditions, no more than 0.5 FC of illumination would be measured at any property line (See Lighting Plan on Sheet SP-4). Prior to final signature approval of the Site Development Plan the Applicant shall update note 17 to include the following language “Pole and building mounted lighting shall not exceed 18’ in height. Lighting shall be installed and designed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky.”

**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 the Patios Today site will be accommodated via two, one-way driveways. Vehicles will enter at the southern drive and exit the Site at the northern drive. The center drive which previously served the business office when it was a single-family residence is proposed for removal in this Site Plan. This circulation pattern allows for safe and adequate access to this industrial site while maintaining safe sight distance and the required 200 ft. separation between driveways. Each driveway entrance will be widened to provide for safer vehicle turns when entering or exiting the property.

   The northern driveway appears to extend slightly onto the adjacent parcel. A recorded common access easement must be provided by the Applicant prior to final signature approval of the Site Plan or the driveway location must be shifted to occur fully on the Subject Site.

2. **Connectivity §1-19-6.220 (F):** Other than conventional vehicular access, no specific connectivity requirements are relevant to the development of this industrial site at this location. Due to the adjacent residential zoning designation and existing surrounding residential and commercial uses, connections to adjacent properties are not proposed or required at this time.

3. **Public Transit:** This Site is not served by Transit.

4. **Vehicle Parking §1-19-6.220:** As a land use under the heading of ‘Commercial Business and Personal Services’ in the Use Table, the proposed parking determination is based on 1 space for every 300 sq ft of gross floor area. The proposed plan identifies the location of 9 parking spaces adjacent to the proposed new structure at the rear of the site (and a tenth space for handicap parking near the business office). Note 10 provides that the required parking is 6 spaces based on the office and caretaker land uses.

   The parking spaces are proposed for an area of permeable pavers located along the northwestern edge of the Site, with the exception of the handicap space which is located approximately 65 feet
from the entrance to the business office.

The Applicant must correct the parking note 10 on the Site Plan to reflect the actual number of spaces provided.

5. **Loading §1-19-6.210.B:** For commercial uses between 5,000 - 20,000 square feet, the Zoning Ordinance requires 1 large or 2 small loading spaces. The gross area of all existing and proposed buildings is 9,400 s.f. and therefore would require a single large (or 2 small) loading spaces. The Applicant does demonstrate that there is adequate area within the Site where trucks and equipment may freely move without causing on-site interference with parked vehicles or fixed structures. The Applicant is providing a single large loading space with the concurrence of staff.

6. **Bicycle Parking §1-19-6.220 (H):** In accordance with Z.O. § 1-19-6.220, no bike racks are required as part of this site development plan.

7. **Pedestrian Circulation and Safety §1-19-6.220 (G):** There is no pedestrian access to, or within, the site other than those casual routes utilized by employees of Patios Today. No pedestrian improvements 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 classified as ‘No Planned Service’ in the Frederick County Water and Sewer Plan and is therefore not served by public water and sewer infrastructure.

**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 overall site is generally flat; topography drops approximately 8 feet from the rear property boundary on the northwestern corner of the site to the southern driveway along N. Franklinville Road at the front of the property.

2. **Vegetation:** The site is sparsely vegetated and is mostly surfaced in gravel, compacted earth, and asphalt. Some shrub and grass areas exist along the fence lines.

3. **Sensitive Resources:** There are no sensitive environmental resources located on or adjacent to the site. There are no floodplain areas or wetlands located on the 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: The Site is an industrial place of business used for the operations of a contractor including the storage of appropriate materials and equipment and lacks a retail component. There are no common areas proposed or required.

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: A Combined Concept Stormwater, Development, and Improvement Plan has been submitted and is under review for this Site. Stormwater Management is Conditionally Approved for this Application.

APFO – Chapter 1-20:

1. Schools. The Caretaker Residence is an existing development and schools are not impacted as the development of the property is below the six residential unit threshold.

2. Water/Sewer. This site will not utilize public water and sewerage systems and is designated as ‘NPS’, No Planned Service, in the Frederick County Water and Sewer Plan.

3. Roads. The proposed 2.25-acre Landscape Contractor business does not trigger APFO road evaluation because the site is expected to generate less than the fifty trip APFO testing threshold and no escrow accounts are located in this area that would be eligible for contributions.

Forest Resource – Chapter 1-21: The Applicant has submitted a Forest Conservation Plan for review, which has been approved by Staff. The site originally contained 1.17 acres of forest, most of which was removed without approval. The FRO plan mitigates this forest clearing activity. The Applicant must provide 0.87 acres of new forest banking credit or 1.74 acres of existing forest banking credit. Because the forest has already been removed and substantial site improvements have already been made, Staff is requiring that FRO mitigation be provided prior to site plan approval (signature sets).

Historic Preservation – Chapter 1-23: There are no historic resources affected by the proposed activity.

Summary of Agency Comments

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<th>Other Agency or Ordinance Requirements</th>
<th>Comment</th>
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<td>Public Works Development Review (PWDR):</td>
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<td>Development Review Planning:</td>
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<td>State Highway Administration (SHA):</td>
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<td>Street Name Review</td>
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<td>Office of Life Safety</td>
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<td>FRO</td>
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RECOMMENDATION

Staff has no objection to conditional approval of the Patios Today Site Development Plan. If the Planning Commission conditionally approves the site development plan, the plan is valid for a period of three (3) years from the date of Planning Commission approval, or December 14, 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 Applicant must remove all non-permitted signage from the property prior to final approval of this Site Development Plan. The Applicant shall submit for review and approval of a sign permit prior to installation of on-site signage.

3. FRO mitigation must be provided prior to site plan approval (signature sets).

4. Prior to final signature approval of the Site Development Plan, the Applicant shall work with Staff to add a note to the plan adjacent to the graphic along the western property boundary depicting the “Existing Treeline”. The note shall state that “the treeline shall be maintained to satisfy buffering and screening requirements adjacent to the R-1 zoning district”.

5. Prior to final signature approval the Applicant shall update note 17 to include the following language “Pole and building mounted lighting shall not exceed 18’ in height. Lighting shall be installed and designed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky.”

6. Prior to final signature approval, the Applicant shall correct the parking note 17 on the Site Plan (Sheet SP-1) to reflect the modification request for 10 spaces where 6 spaces are required.

7. A common access easement between the Applicant and the property immediately to the north of the subject site shall be recorded, and the liber and folio added to Site Development Plan prior to final approval of the Site Plan, or the driveway shall be shifted south to occur entirely within the Subject Site.

8. Planning Commission approval of the proposed alternate landscape plan to allow the existing treeline along the western boundary to satisfy buffering and screening requirements and to allow 2 existing on-site trees to satisfy 2 of the required 7 street trees.
PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission APPROVE SP-15-09, AP 15892 with conditions and modifications as listed in the staff report for the proposed Patios Today Landscape Contractor (with caretaker residence), based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
Exhibit #1: Patios Today - Site Plan Rendering
December 5, 2016

Mr. Denis Supercznski  
Planning and Permitting  
32 N. Market St.  
Frederick, MD. 21701

Subject: Patios Today  
Hanson No. 15892  
B & R No. 15-644

Dear Denis:

The Owner is requesting that the Planning Commission approve an alternate landscaping plan for the planting of street trees under section 1-19-6.400 (A) Street trees. The alternate design would incorporate the existing tree near the right of way to meet the street tree requirement. The original design for the project did have the required number of trees planted along the existing street but the County’s traffic engineer requested that we eliminate one tree and modify the spacing to lessen any impact on the sight triangles for the driveways. The Planning Commission may allow an alternative on-site location under section 1-19-6.400 (A) (2) due to a physical constraint.

We thank you for your consideration of this request.

Sincerely,

[Signature]

William J. Brennan, Jr.  
B & R Design Group

Exhibit #2: Request for Approval of Alternate Landscaping Plan