



**FREDERICK COUNTY PLANNING COMMISSION**  
**June 14, 2017**

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**TITLE:** Frey's Farm Brewery Tasting Room

**FILE NUMBER:** SP-12-09, AP#17201 (APFO#17202, FRO #17204)

**REQUEST:** Site Development Plan Approval

The Applicant is requesting Site Development Plan approval for a 2,780 s.f. Farm Brewery Tasting Room (1,450 devoted to customer service) in conjunction with the existing Farm Brewery on a 126.16 acre parcel.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 8601 Mapleville Road; Located on the east side of Mapleville Road, approximately ½ mile south of its intersection with MD 26, near Libertytown.

**TAX MAP/PARCEL:** Tax Map 60, Parcel 27

**COMP. PLAN:** Agricultural/Rural

**ZONING:** Agricultural (A)

**PLANNING REGION:** Walkersville

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

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Adam Frey  
**OWNER:** - same -  
**ENGINEER:** VANMAR Associates  
**ARCHITECT:** N/A  
**ATTORNEY:** N/A

**STAFF:** Denis Superczynski, Principal Planner II

**RECOMMENDATION:**

Conditional Approval

**ATTACHMENTS:**

Exhibit 1 – Site Plan Rendering  
Exhibit 2 – Request for Approval of Alternate Landscape Plan (Modification)

# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting site development plan approval for a 2,780 square foot Farm Brewery Tasting Room (1,450 square feet devoted to customer service) in the Agricultural Zoning District, on an existing 126.16-acre parcel located approximately ½ mile south of the intersection of Mapleville Road and MD 26 near Libertytown. The proposed use is being reviewed as a “Farm brewery tasting room” land use under the heading of *Natural Resource Uses* per §1-19-5.310 Use Table in the Zoning Ordinance (Z.O.). A farm brewery tasting room is a principal permitted use in the Agricultural (A) Zoning District subject to site development plan approval.

The proposed development consists of the renovation of an existing 2,780 s.f. bank barn with associated gravel and concrete parking areas for up to 29 vehicles. Access to the tasting room is situated on the western (upper) side of the bank barn structure facing Mapleville Road. A 9’ x 20’ loading space is provided approximately 30 feet from the doorway into the tasting room for loading/unloading access. No dumpster is proposed since waste will be stored indoors (lower level) or contained and disposed through the farm’s nutrient management operations.

The tasting room use, which will occupy the upper level of the bank barn, is only permitted in conjunction with an approved Farm Brewery. The structure is designed for a total occupancy of no more than 99 persons. The Farm Brewery on this parcel was previously approved by the County.

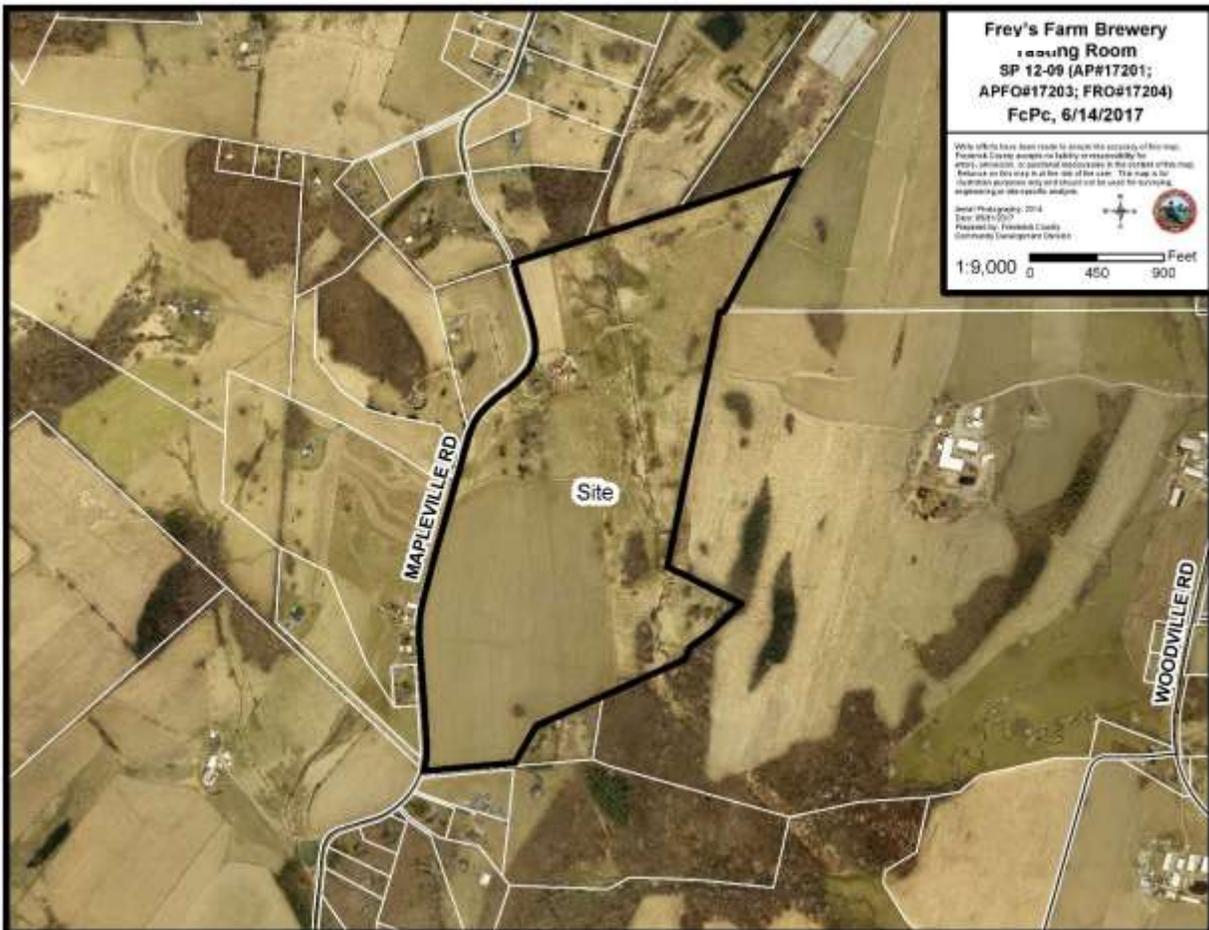
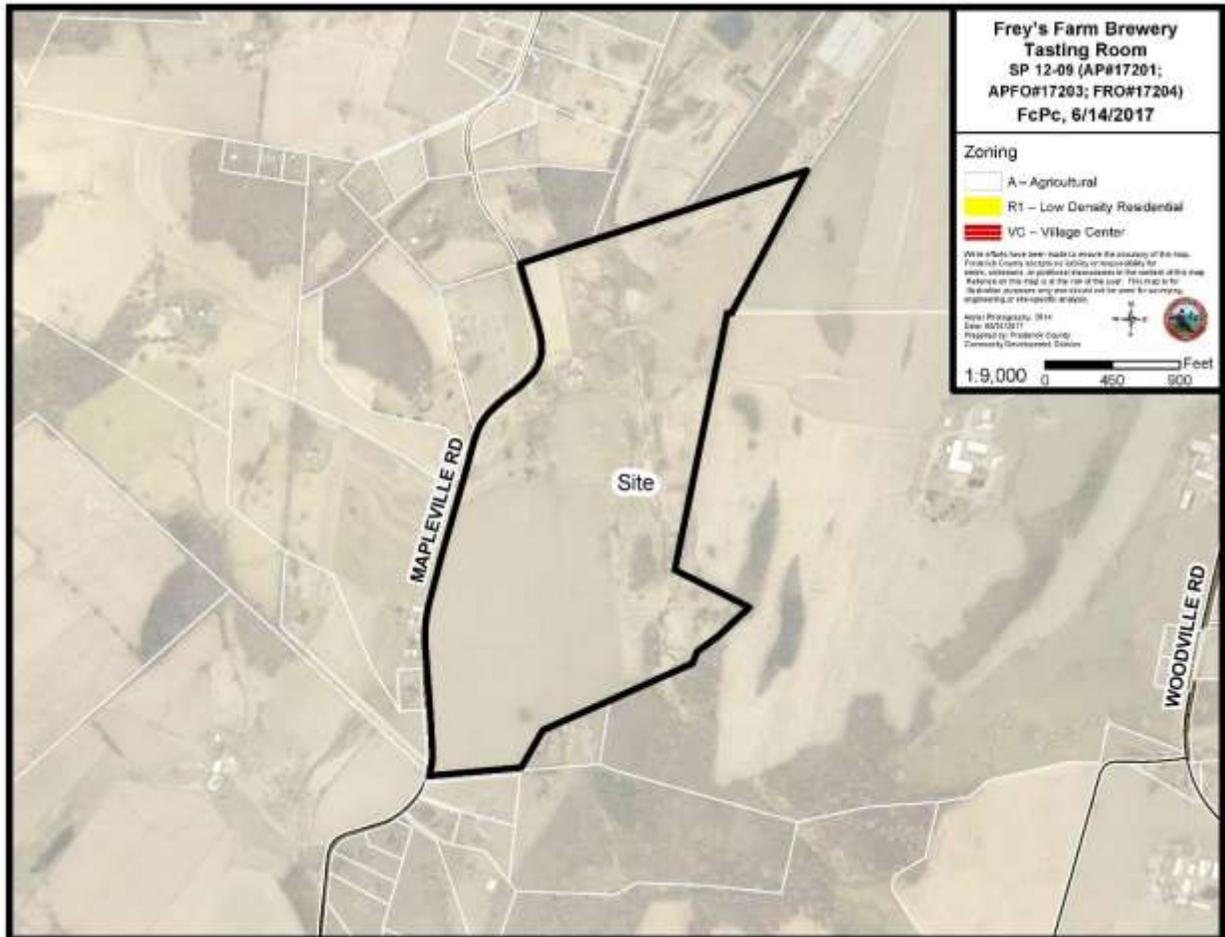


Figure 1: Site Vicinity Map – Aerial Image

## BACKGROUND

### Development History

The site is currently developed and in agricultural use including the previously approved Farm Brewery use, a farm residence, and several agricultural buildings.



**Figure 2: Site Vicinity Map – Zoning**

### Existing Site Characteristics

The proposed use would occupy a relatively small portion of the site dedicated to buildings and structures (approximately 2.5 acres) with the total disturbed area proposed as part of this site plan at 3,750 s.f.. The vast majority of the 126+ acres are in agricultural use (field crops/pasture). A small stream runs north to south along the eastern portion of the property while the general elevation along Mapleville Road remains relatively flat. A very small area of FEMA floodplain is located on the far southeastern corner of the site while flooding soils predominate along the narrow stream corridor located 500+ feet to the east of the tasting room activity. Several large specimen trees surround the existing 19<sup>th</sup> century farmhouse which is located adjacent to the bank barn.

### Surrounding Land Uses:

Land uses in the vicinity of this property are predominantly zoned Agricultural (A) and are comprised of a mix of low density, large lot residential and agricultural uses.

## **ANALYSIS**

### **Summary of Development Standards Findings and Conclusions**

The key issues associated with this site plan include:

- Provisions for visitor circulation and parking
- Vegetative screening of the parking areas and review of the alternate planting design



[LS1]

Figure 1- Aerial view of Site looking north

### **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

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adheres to the lot dimensions required for a *Natural Resource* use in the Agricultural (A) Zoning District as established in Section 1-19-6.100.

The proposed setbacks for the facility are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	5 acres	126.16 acres
Minimum Lot Width	300'	3,600+'
Front Yard	40'	80'
Side Yard	50'	950'
Rear Yard	50'	750+'
Max Building Height	30'	27' ( <i>staff estimate</i> )

The location of the existing barn structure to be renovated as the Tasting Room meets the dimensional standards established in the Zoning Ordinance. Building height is not indicated on the Site Plan and if approved by the Planning Commission the proposed height must be indicated prior to final signature approval of the final plan set.

- 2. Signage §1-19-6.300:** Per the Zoning Ordinance the maximum signage allowed for business identification in the Agricultural zoning district is 25 s.f. and may not exceed a height of 25 feet.

For this Site Plan proposal:

As provided in a note on sheet 1 of the plan set, the maximum signage for the project shall be: 25 s.f. at a maximum height of 15 feet and shall be set back a minimum of 20 feet from the road right-of-way. The note currently does not include the maximum height and indicates a setback of 12.5 feet; the signage note must be corrected prior to final approval of the signature set.

The plan note also indicates that no more than 6 s.f. of directional signage shall be installed on the site, consistent with Staff and Agency allowances to increase vehicular and pedestrian movement within the Site.

No specific sign has been proposed as part of the plan set. The Applicant must file for a sign permit *prior to construction/installation* of a business identification sign on the property.

- 3. Landscaping & Screening §1-19-6.400:** The proposed Site Plan indicates the planting of 17 inkberry shrubs to provide a vegetative screen of the proposed parking area. While the screen is sufficient, the potential for a largely shaded gravel parking area is missed with this proposal by not including additional large deciduous shade trees with broad canopies.

Ninety-eight (98) street trees are required along the 3,454 ft. frontage of the parcel (measured along Mapleville Road). The planting of nearly 100 street trees along Mapleville Road would be incongruous with the character of this agricultural landscape. Furthermore, there are few areas in the vicinity of the building cluster that would be suitable for planting trees and not reduce the flexibility for current or future agricultural operations. The Applicant has proposed the planting of two (2) American Sycamore trees adjoining the parking area. The Applicant has submitted a Modification Request seeking approval of an alternate landscaping plan by the Planning Commission (see *Exhibit 2*). The specific requirements from which the applicant is seeking relief include:

- 1) 98 Street trees – 1-19-6.400 calls for 1 tree for each 35 feet of public road frontage.
- 2) Tree canopy coverage of 20% over parking areas.

Staff recommends that the Planning Commission require the replacement of at least two of the

proposed inkberry shrubs with American Sycamore trees or other similar varieties capable of providing significant canopy cover over the proposed gravel parking area.

4. **Lighting §1-19-6.500:** The Applicant does not propose exterior lighting in association with the Tasting Room use.



Figure 2 - View of the Site (looking to the east) featuring the barn to be renovated as the tasting room

**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 existing gravel driveway from Mapleville Road will continue to serve both the farmhouse and the Farm Brewery and Tasting Room. This existing drive wraps around the northern end of the barn and joins the existing concrete pads installed to serve the agricultural use of the barn and surrounding outbuildings. The gravel drive will be widened to provide parking and access for 15 vehicles with the balance of the parking spaces (9 spaces) accommodated on the northernmost concrete pad. Some small amount of additional gravel surface will be added to facilitate the turning characteristics of vehicles where the drive transitions from gravel to concrete. Pedestrian circulation on the site is minimal and is limited to visitors moving between their vehicles and the front door to the Tasting Room. Two paved handicap landing areas will provide pedestrian access between the gravel parking area and the sidewalk situated along the front face of the barn.

2. **Connectivity §1-19-6.220 (F):** Other than conventional vehicular access, no specific connectivity requirements are relevant to the development of this agriculture-related business activity at this location. Due to the adjacent Agricultural zoning designation, environmentally-sensitive natural features in the vicinity, and existing surrounding residential and agricultural 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:** The Zoning Ordinance does not specifically provide parking requirements for Tasting Rooms. Staff has consistently required 1 parking space per 50 sq ft of customer service area similar to the requirement for Restaurant/dining room/tavern/night club.  
  
 Parking spaces required:  
 1 space per 50 s.f. of customer service area  
 (1,450 s.f. customer service area / 50 s.f. = 29 spaces  
  
 Parking spaces proposed:  
 29 spaces (9 spaces on existing concrete pad; 5 spaces on existing gravel; and, 15 spaces on proposed gravel surface)
5. **Loading §1-19-6.210.B:** For miscellaneous commercial uses between 1,000 - 5,000 square feet (total building net floor area), the Zoning Ordinance requires 1 small loading space. The gross area of the proposed building is 2,780 s.f. and therefore would require a single small loading space. The Applicant does demonstrate that there is a 9' x 20' clear area for a small, gravel-surfaced, loading space located to the rear of the southernmost handicap parking space. This area is sufficient to meet the standard set forth in the Zoning Ordinance, without the need for pavement markings since this area will likely be kept clear by the operator of the business.
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 will be little pedestrian activity at this site, other than movement between the parking areas and the door to the Tasting Room. A 6-ft.-wide sidewalk will facilitate movement between parking spaces immediately adjacent to the building entrances and will provide for ADA access. No pedestrian paths or sidewalks are constructed in the vicinity and none are planned.

**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 W-NPS, with 'No Planned Service' for public water in the Frederick County Water and Sewer Plan. The site is classified as S-NPS, with no planned public sewer service planned for the Site.

The Applicant will utilize an approved, on-site septic disposal system for wastewater treatment.

The business will utilize water from an existing on-site private well located 100 feet northwest of

the renovated barn structure. Bollards will be installed at the wellhead as part of the proposed site improvements to ensure that vehicles are not able to damage the well installation. An agricultural well, located 12 feet from the proposed gravel parking area will also be protected through the installation of bollards.

**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 elevation of the barn (tasting room) and surrounding buildings is between 460 and 480 feet. A lower area to the east includes the stream, while a knoll, situated on the southern end of the farm, reaches an elevation of 560 feet.
- 2. Vegetation:** Much of the Site is in active agricultural crop production and has been cleared for farming use. Three small pockets of forest/trees remain primarily on the southeastern corner of the Site. Several prominent specimen trees will remain. No activity proposed for this use will alter existing vegetation on the Site.
- 3. Sensitive Resources:** A portion of the soils on the Subject site are characterized as Flooding soils (HaD, Hatboro-Codorus silt loams) and are located entirely along the edges of the small stream flowing north to south across the farm, east of the proposed Tasting Room. With limited disturbance of the site, and no proposed development in the areas of the flooding soils, the proposed development activity associated with this Site Plan does not pose a threat to sensitive natural resources on this or surrounding properties. However, the Applicant must identify the required 50' setback from the existing stream along the southeastern portion of the site near the tasting room, identify the area of FEMA floodplain on the southern edge of the property, and indicate the existence of flooding soils along the stream prior to any signature set approval of the Site Development Plan.
- 4. Natural Hazards:** A small area of 100-year floodplain is present on the southernmost edge of the farm property situated along the existing stream. This floodplain area is located approximately 2,000 feet from the proposed tasting room and is not shown on the Site Plan. The FEMA floodplain must be indicated on the plan as well as the required 25-ft. buffer. The proposed activity will not impact the FEMA floodplain or the setback.

**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 a commercial place of business to be used as a Farm Brewery Tasting Room. Use of the site will be typically limited to Tasting Room employees and customers of this business. 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 Concept Stormwater Plan has been submitted and is Conditionally Approved for this Application.

**APFO – Chapter 1-20:**

1. **Schools.** No new residential uses are proposed for this Site.
2. **Water/Sewer.** This site will not utilize public water and is designated as ‘W-NPS’, *No Planned Service*, in the Frederick County Water and Sewer Plan. Water will be provided by a private, on-site well. Waste disposal will occur via an approved on-site septic system.
3. **Roads.** The proposed site is expected to generate 16 new trips during the PM peak hour of adjacent street traffic and does not trigger APFO road evaluation because the site will generate less than the fifty-trip APFO testing threshold. The impact of the site on nearby intersections with escrow accounts is negligible and therefore an LOU is not required. Special events are not expected to be scheduled with frequent regularity on typical weekdays throughout the year, and are exempt from APFO review due to their infrequent occurrences. A note has been placed on the Site Plan indicating that “Special events during PM peak hour shall be limited to thirty (30) per year.

**Forest Resource – Chapter 1-21:**

The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan (AP 17204), which has been reviewed and approved by Staff. The site of the brewery does not contain forest or specimen trees. The project generates an afforestation requirement of 0.02 acres, which has already been mitigated by payment of fee-in-lieu.

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

## Summary of Agency Comments

<b>Other Agency or Ordinance Requirements</b>	<b>Comment</b>
<b>Public Works Development Review (PWDR):</b>	<i>Conditional Approval</i>
<b>Development Review Planning:</b>	<i>Conditional Approval</i>
<b>State Highway Administration (SHA):</b>	<i>Waived</i>
<b>Street Name Review</b>	<i>Approved</i>
<b>Health Dept.</b>	<i>Conditional Approval</i>
<b>Office of Life Safety</b>	<i>Approved</i>
<b>Traffic Engineering</b>	<i>Approved</i>
<b>APFO</b>	<i>Conditional Approval</i>
<b>FRO</b>	<i>Conditional Approval</i>

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Frey's Farm Brewery Tasting Room 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 until June 14, 2020.

Based upon the findings, conclusions, and modifications 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. Prior to final signature approval the Applicant shall amend Note 7 to include maximum building height and proposed building height to demonstrate compliance with the Zoning Ordinance.
4. Prior to final signature approval the Applicant shall amend the signage note to include a maximum height of 15 feet and a front signage setback of a minimum of 20 feet from the road right-of-way
5. Planning Commission approval of the requested alternate planting design but with the inclusion of two (2) additional large, shade trees capable of providing additional significant canopy coverage over the proposed gravel parking area.
4. The Applicant shall obtain a sign permit in accordance with a maximum approved sign allowance of 25 square feet and prior to installation of any signage associated with the project.
5. Applicant shall identify the 50' setback from the existing stream along the southeastern portion of the site near the tasting room, identify the area of FEMA floodplain on the southern edge of the property, and indicate the existence of flooding soils along the stream.

## PLANNING COMMISSION ACTION

### MOTION TO APPROVE

I move that the Planning Commission **APPROVE** SP-12-09, AP 17201, including APFO approval, **with conditions and modifications** as listed in the staff report for the proposed Frey's Farm Brewery Tasting Room, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

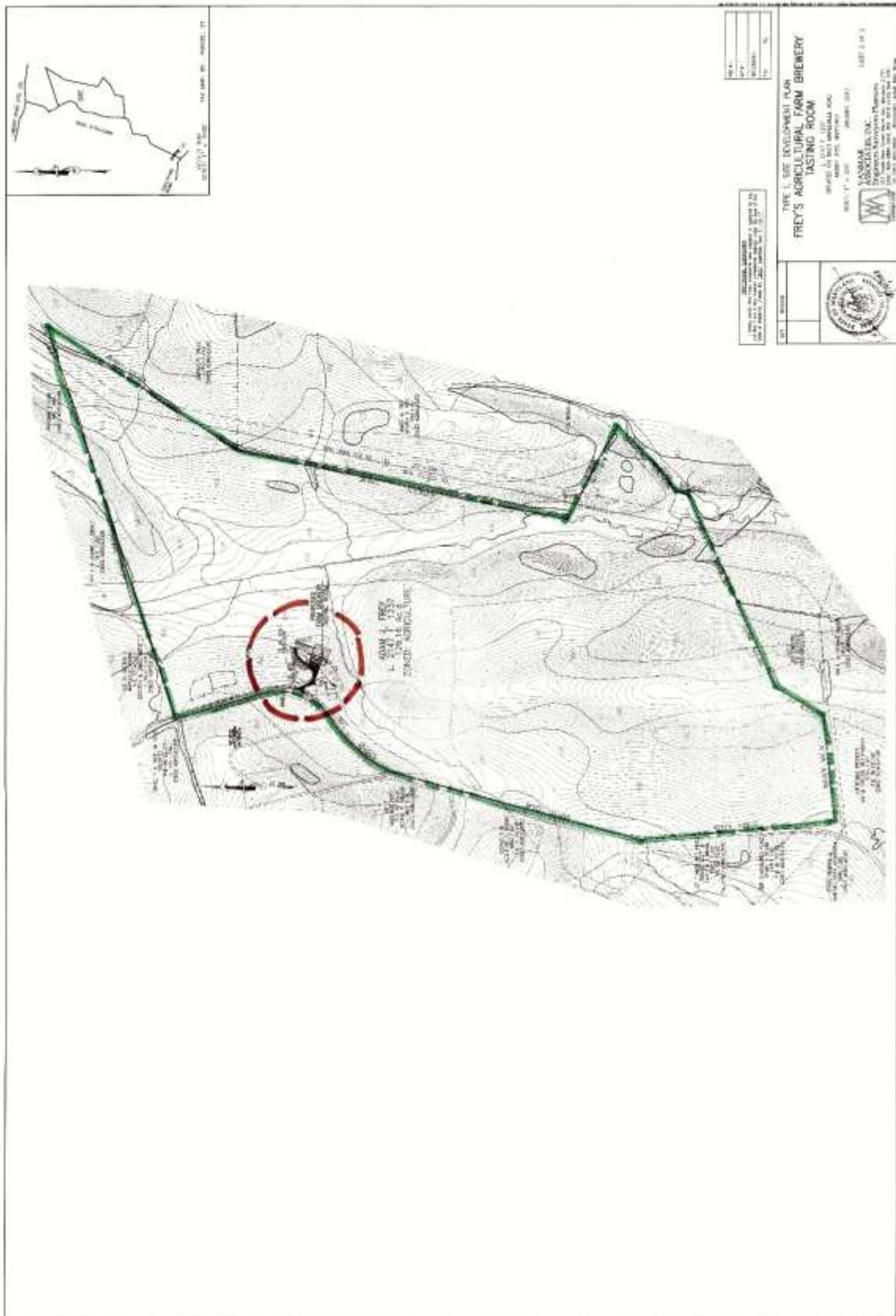


Exhibit 1a: Site Plan Rendering – Overall Parcel

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Exhibit 1b - Site Plan Rendering of 2.5 acre area surrounding the proposed tasting room



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May 30, 2017

Frederick County Department of Permitting and Development Review  
30 North Market Street, 3rd floor  
Frederick, Maryland, 21701  
Attn: Denis Superczynski, Principal Planner

RE: Frey's Agricultural Farm Brewery Tasting Room  
SP 1209 (AP# 17201) Site Development Plan

Dear Mr. Superczynski:

The Site Development Plan for the **Frey's Agricultural Farm Brewery Tasting Room (SP 1209)** is scheduled to be considered by the Planning Commission at its June 2017 meeting. ***This letter requests modifications of certain site plan criteria established in the Zoning Ordinance and provides a justification statement for these proposed modifications as follows:***

**Street Tree Landscaping Requirements:**

Section I-19-6.400(A) of the Zoning Ordinance establishes standards for the planting of street trees associated with site development plans. The Ordinance requires that one (1) tree shall be provided per 35 feet of roadway frontage and that an alternate on-site location may be approved by the Planning Commission with the approval of an alternate planting design by the Planning Commission. The Frey's Agricultural Farm Brewery Tasting Room is located on a working farm where one would typically not see street trees lining the fields. In addition, it is imperative to keep the active work area of the farm relatively unobstructed. Street trees are clustered around the existing buildings providing screening from the roadway. We request a modification of Section I-19-6.400(A)

**Parking Area Landscaping Requirements:**

Section I-19-6.400(A) of the Zoning Ordinance establishes standards for tree canopy of parking areas with site development plans. Specifically, the Ordinance requires that planting area trees be predominantly deciduous and provide at least 20% canopy cover at maturity. Planting area trees and shrubs are provided to shield the parking from the street. In addition, as a working farm, it is imperative to keep the active work area of the farm relatively unobstructed. We request a modification of Section I-19-6.400(A)

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We appreciate the consideration by the Planning Commission for the requested approval of these modifications as shown on the Site Plan (SP 1209; AP 17201). Please contact me if you require additional information regarding this request.

Sincerely,

VANMAR ASSOCIATES

Ronald E. Thompson, PE