



FREDERICK COUNTY PLANNING COMMISSION
July 11, 2018

TITLE: **New Hope Orthodox Presbyterian Church**

FILE NUMBER: **SP-76-09, AP# 18131, APFO# 18132, FRO# 18133**

REQUEST: **Site Plan and APFO Approval**

The Applicant is requesting site plan approval for Planned Commercial development to allow the construction of an 18,545 s.f. building for a Place of Worship (approximately 14,000 s.f.) and 4,500 s.f. of professional office space. The plan will require the demolition of two existing buildings and the retention of a 9,400 square foot building currently being used by the church.

PROJECT INFORMATION:

ADDRESS/LOCATION: 5305 Jefferson Pike, located on the west side of MD 180, just to the south of Mount Zion Road

TAX MAP/PARCEL: Tax Map 76, Parcel 471

COMP. PLAN: General Commercial

ZONING: General Commercial

PLANNING REGION: Frederick

WATER/SEWER: W-NPS, S-NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: New Hope Orthodox Presbyterian Church

OWNER: Valley Auction and Antiques, Inc.

ENGINEER: Terra Solutions Engineering, LLC

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Jerry Muir, Principal Planner I

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1 – Aerial Site Vicinity Map

Exhibit 2 – Modification Request to allow 68 more parking spaces than required.

Exhibit 3 – Zoning Administrators' determination regarding the existing church building.

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting site plan approval for a planned commercial development consisting of an 18,500 s.f. building to be used as a church sanctuary (14,000 sf) and 4,500 s.f. for potential lease as professional office space. Two existing buildings will be removed from the site and one 9,400 s.f. building currently being used by the church will remain for Sunday school and youth activities.



Figure 1: Rendered Site Plan

BACKGROUND

Development History

A site plan for the Fogle Auction House was approved in 1976. The site is currently operated by Valley Auctions and Antiques. The church moved into their current location in 2012.

Figure 2: Site Vicinity Map – Zoning

Existing Site Characteristics

The Site is currently currently developed with three buildings; one housing the auction house, a storage building and the church building. There is asphalt parking in the front and graveled areas to the rear. The

Applicant has working with the Health Department to expand the existing septic area to accommodate the new proposed uses. The site is bounded by General Commercial uses to the north and across Route 180. Low density residential lies to the south and west.

ANALYSIS

Summary of Development Standards Findings and Conclusions

The key issues associated with this site plan include:

- Approving the Planned Commercial Development request to allow the place of worship and professional office uses in a single building/lot.
- Approving the Applicant's request for 68 additional parking spaces

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) and §1-19-10.300 (Planned Commercial/Industrial Development) of the Frederick County Zoning Ordinance.

Planned Commercial/Industrial Development §1-19-10.300:

(A) *Purpose and intent.*

(1) *Encourage concentration of complementary uses grouped adjacent to major thoroughfares, thus limiting sprawling strip commercial and industrial development.*

(2) *Provide for well-planned development on sites with adequate frontage and depth to permit controlled access and maximum convenience and efficiency for users of such facilities.*

(3) *Allow for more than 1 principal use or building on a single lot in the GC, ORI, LI and GI zoning districts where due to the size and location of the development, and its relationship to the surrounding properties, flexibility of planning may be permitted without disturbance to the harmony of the neighborhood.*

Planned Commercial is identified in the Zoning Ordinance as an approved Optional Method of Development. It allows for more than one use to be located on a single lot in the GC district where due to the location of the site and its relationship to the surrounding properties, flexible planning may be permitted without disturbing the harmony of the neighborhood.

Typically a planned commercial/industrial development includes similar types of uses. This application is unique in that the place of worship and professional office uses are not similar. Arguably, the two proposed uses are *complementary* in that the place of worship is primarily a Sunday use and the professional office is primarily a Monday-Friday use. The office use would utilize what would otherwise be an empty parking lot 5 days of the week.

Per §1-19-10.300(B); *The Planning Commission shall make the final determination as to whether a planned commercial/industrial development shall be approved. In making a determination as to whether the development shall receive approval, the Planning Commission shall consider the purpose and intent of this section...*

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:** Section 1-19-6.100 of the Zoning Ordinance stipulates the setback requirements and the maximum building height for the proposed use. The setback requirements for an Institutional land use within the General Commercial zoning district are as follows:

| | Required | Provided |
|-------------------|-----------------|-----------------------------------|
| Front Yard | 40 feet | 210 feet |
| Side Yard | 40 feet | 110 feet (south)/110 feet (north) |
| Rear Yard | 40 feet | 340 feet |
| Height | 30 feet | 30 feet |

Maximum building height allowed is 30 feet. The Applicant has noted the height restriction in Note 1 and states the building will comply with this requirement as the architecture is being developed.

The existing church building, planned to be retained, was developed under the commercial use requirements and has only the required 8' setback per that standard. The Applicant has discussed this issue with staff and the Zoning Administrator has issued a letter stating this building may be retained for the church use but may not be expanded beyond the current footprint without receiving a variance for the construction.

Section 1-19-10.300(C)(3-4) provides additional language regarding dimensional requirements and bulk standards:

(3) *Bulk regulations.*

(a) *Project area.* A planned commercial/industrial development may only be approved for tracts of land with underlying zoning of GC, ORI, LI, or GI.

(b) Setbacks and height shall be established by the Planning Commission based upon the underlying zoning, the location of the proposed development within the county, consideration of existing and planned development surrounding the proposed development, and applicable county community and corridor plans.

(4) *Building separation.* Unless buildings are built to a common party wall, they shall be separated by a minimum distance of not less than 10 feet.

This property is zoned GC and the setbacks and height meet the underlying zoning. There are no planned developments adjoining the site and a neither a community nor corridor plan exists for this area.

The proposed plan meets the Bulk/Dimensional requirements per 1-19-6.100 and 1-19-10.300 of the Zoning Ordinance.

2. **Signage §1-19-6.320:** The site is subject to the signage requirements set forth in Zoning Ordinance Section 1-19-6.320 under "*commercial and industrial owner identification and product, place of worship*" Signage allowed is $10\sqrt{80}=88$ s.f. A signage calculation note needs to be added to the plan.

The Applicant is not proposing any changes to the current sign, which is 29 s.f. but is proposed to be relocated in order to comply with the required 20" signage setback.

3. **Landscaping and Screening §1-19-6.400:** The Applicant is meeting Zoning Ordinance

landscaping requirements with the submitted plan. The code requires 1 street tree per 35 feet of road frontage. Nine trees are required and 9 are provided. Parking bays average 10 spaces per bay. Screening from the adjacent residential areas is provided by the existing tree lines which are to be retained. A calculation showing the 20% required canopy coverage of the parking areas needs to be added to the landscape table. It has been determined that the “burning bush” proposed in the landscaping plan is in fact an invasive species and must be replaced with a native inkberry or juniper.

Lighting §1-19-6.500: A lighting plan has been submitted that conforms with the requirements of the Zoning Ordinance. Lighting does not exceed 0.50 foot-candles as measured from the property line. Pole heights are proposed to be 11’ (with downward directed heads), which is less than the 14’ allowed in Planned Industrial/Commercial developments. The lighting plan note needs to be expanded to document the pole height and add the standard “lighting shall be directed downward to prevent light trespass onto adjacent properties, roadways and the nighttime sky.”

Conditions

- The Applicant shall provide an elevation prior to final approval that demonstrates the building height complies with the 30’ height limitation.
- Address the lighting, landscaping and signage comments noted above.

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

Access/Circulation: Access to the site will be via an existing entrance from Jefferson Pike. The site plan does not propose any changes to the site access. On site circulation is adequate to serve the proposed site design. The existing church facility will largely be served by pedestrian access, including HC access). There is a service drive that will also provide vehicular access to the building should the need arise.

1. **Public Transit:** This site is not served by Transit.
2. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The parking target for the church use is one space per every five seats. In this case 500 seats would indicate 100 spaces. The Applicant has submitted a request for a parking modification that would allow them to provide the 168 spaces shown on the site plan. The Applicant states in their letter that they have studied their parking needs for some time and have concluded that one space for every three seats better suits the congregation’s needs. The plan shows 140 paved spaces and another 28 located to the rear as overflow using grass pavers.

The 4,500 s.f. of office use has a target number of 15 parking spaces. The plan includes a detailed church activity schedule showing very limited use during the week other than Sunday. The office use will utilize the church parking and does not necessitate additional parking.

The Zoning Ordinance requires the provision of 1 large loading space for this use and one has been provided.

3. **Bicycle Parking §1-19-6.220 (H):** The Zoning Ordinance requires the provision of 1 bike rack for every 40,000 square feet of a Planned Commercial development. One bike rack has been provided on this plan.
4. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The plan provides adequate access for pedestrian use throughout the site. As noted above, the existing building will be largely accessed by only pedestrian movements but does have the ability to allow vehicles to approach the rear of the building to provide more immediate access if required. Given the location of the site and the nature of the surrounding development, it appears the site would not require the accommodation of offsite pedestrian activity. There are no sidewalks along this section of MD 180.

Conditions

- The Applicant must receive Planning Commission approval for the modification request to exceed the target of 100 parking spaces per the Zoning Ordinance.

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 well and septic. The existing septic field is not adequate to accommodate the proposed new uses. The Applicant has been working with the Health Department regarding approval for expanding the field as shown on this plan. The existing well will be used to provide adequate {?} water to the site. The Health Department has conditionally approved the proposed site 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 site is already entirely developed and there will be minimal changes to the current topography.
2. **Vegetation:** The site contains an area of vegetation in the rear that will largely remain other than the clearing necessary for the septic approval. Landscaping will meet current Zoning Ordinance requirements and be an improvement since the site has virtually no plantings now.
3. **Sensitive Resources:** There are no sensitive environmental features located on this site.
4. **Natural Hazards:** No flood plain exists on the site.

Existing Site Conditions

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: Stormwater Management (SWM) shall be provided in accordance with the 2000 Maryland Stormwater Design Manual, and according to the 2007 SWM Act.

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 septic and is classified NPS, and is therefore exempt from APFO Water/Sewer testing.
- 3. Roads.** The proposed site will generate less than 20 trips during the peak hour of adjacent street traffic; which is less than the currently approved uses and intensity and will therefore be exempt from APFO roads review.

Forest Resource – Chapter 1-21: The Applicant has submitted a Preliminary/Final Forest Conservation Plan, which has been conditionally approved by Staff. The existed vegetation on site does not qualify as forest. The afforestation requirement is 0.90 acres, which is being mitigated by claiming 0.09 acres of credit for the 21 landscaping/street trees and purchasing 0.81 acres of forest banking credit. Zoning Note 4 on the site plan should be expanded to reflect the final disposition of the FRO requirements for the site.

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

Historic Preservation – Chapter 1-23: There are no historic properties located on this site.

Summary of Agency Comments

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

RECOMMENDATION

Staff has no objection to the conditional approval of the Site Plan. 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 (through July 11, 2021).

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:

Planning Commission approval of the following modification requests from the Applicant:

1. Parking Modification to allow an additional 68 parking spaces over the target of 100 spaces.

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. The Applicant shall provide an architectural rendering that demonstrates the 30' height requirement is being met.
3. The Applicant shall amend the various notes on the plan as discussed in the Staff report.
4. Adjust the landscape planting species as noted in the staff report
5. The FRO plan must be approved prior to site plan approval. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Site Plan SP-04-13 (AP# 17884) including APFO approval, **with conditions and modifications** as listed in the staff report for the construction of a 10,640 s.f. addition to the private school building to include classrooms, a multi-purpose room, and a cafeteria expansion on the 20-acre site, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



Rendered Plan Exhibit 1

Terra Solutions Engineering, LLC

Commercial & Residential Land Planning and Engineering

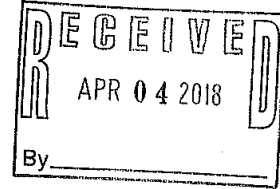
"Solutions through experienced Engineering"

5216 Chairmans Court, Unit 105
Frederick, Maryland 21703-2881

Phone: 301-378-9842
Fax: 301-378-9846

April 4, 2018

Mr. Jerry Muir
Frederick County Division of Permitting
and Development Review (DPDR)
30 North Market Street
Frederick, MD 21701



RE: **New Hope Orthodox Church**
Tax Map 076, Parcel 471
Situated at 5305 (A, B & C) Jefferson Road
Frederick County A/P No.: 18131
Site Plan Parking Count - Modification Request

Dear Mr. Muir:

Pursuant to the requirements of Frederick County Zoning Ordinances (§ 1-19-6.220):

Parking Space Modification (§ 1-19-6.220):

["an increase or reduction in the number of required parking spaces may be granted by the Planning Commission where the applicant or Planning Commission authorized representative can demonstrate need based on characteristics of the proposed use, hourly parking demand studies published by ITE or other documentation as approved by the Planning Commission."],

This modification request is for the approval of an **increase** in the total number of provided on-site parking by sixty-eight (68) spaces. The subject Site Plan is proposing the following parking breakdown:

- 122 new asphalt spaces
- 18 existing asphalt spaces, and
- 28 gravel overflow spaces


168 total parking spaces

The total proposed parking count will be one hundred sixty-eight (168). According to the Frederick County Zoning Ordinance (§ 1-19-6.220), a house of worship has a required parking count of one (1) space for every five (5) seats; therefore, with a proposed sanctuary seating capacity of 500 people, we are required to provide a minimum of one hundred (100) parking spaces. Historically, one (1) parking space per five (5) seats is insufficient for most modern churches. New Hope Orthodox Presbyterian Church has conducted a parking study of their requirements for months, and has determined that a parking count ratio of three (3) seats per parking space is a better ratio for their congregational needs. This is the reason we have sized our parking facility to accommodate a count of one hundred sixty-eight (168) spaces, as mentioned above.

Mr. Jerry Muir
New Hope Orthodox Church
Tax Map 076, Parcel 471
Situated at 5305 (A, B & C) Jefferson Road
Frederick County A/P No.: 18131
Site Plan Parking Count - Modification Request
Page 2 of 2

We would like to thank you for your consideration of our Site Plan and parking count modification approval. Please feel free to contact us with any questions or comments related to our reasoning for this request.

Sincerely,
Terra Solutions Engineering, LLC



Gerald Lee Miller, Jr., PE
President

Cc: Mr. William Wright

New Hope Orthodox Presbyterian Church



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING
Department of Development Review

Jan H. Gardner
County Executive

Steven C. Horn, Division Director
Michael L. Wilkins, Director

April 13, 2018

Terra Solutions Engineering, LLC
c/o Gerald Lee Miller
5216 chairman's Court, Unit 105
Frederick, MD 21703-2881

Re: New Hope Orthodox Presbyterian Church
5305 Jefferson Pike
Tax Map 76, Grid 21, Parcel 471, Lot 1
Tax ID #23-437775
AP#97699, SP-76-09

To Whom It May Concern,

This office received your request for Zoning Verification on March 26, 2018. In your request you state New Hope Orthodox Church ("Church") is seeking to purchase the subject Property for construction of a new church. You indicate the Church wishes to retain the existing building on the east side of the Property (5305-A Jefferson) for the use of the Church, although this structure does not meet the side yard setback of 40 feet required for an Institutional type use (as per Ordinance Section 1-19-6.100).

The above referenced property (Property) is currently zoned General Commercial (GC) under the Frederick County Zoning Ordinance (Ordinance). Adjacent properties to the east and across Jefferson Pike are also zoned GC. Properties to the west and rear of the subject Property are zoned Residential-1 (R1).

As per Building Permit AP #97699, issued on September 24, 2012, the Church was approved to use the "east building" (5205-A Jefferson) as a Place of Worship.

As per the above, the Church may continue to occupy the existing "east building" (5305-A Jefferson) for a Place of Worship. The Church shall not be permitted to make future modifications to the existing footprint of the "east building" unless it can be demonstrated that the 40 foot setback requirement will be met, or an appropriate variance is granted by the County Board of Appeals.

Any modification in use, occupation, structure, etc. will be subject to site plan and permit review by local County, State and Federal agencies prior to approval.

If you have any questions or need further assistance, please contact me at 301-600-1491.

Sincerely,

Tolson DeSa
Zoning Administrator

cc: ZV18-12, AP#18403
ec: Michael Wilkins
Michael Chomel
Tolson DeSa

Frederick County: Rich History, Bright Future
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New Hope Presbyterian Church- Planned Commercial Site Plan

July 11, 2018