TITLE: Frederick Preserve, Section 1, Lot 3
FILE NUMBER: SP02-29, AP 18485 (APFO 18486, FRO 18487)
REQUEST: Site Plan Approval
The Applicant is requesting Site Plan approval for a Planned Industrial Development for a 10,320 sf building for a Landscape Contractor’s Office and Storage use, and Landscape Contractor use on a 2.84-acre site.

PROJECT INFORMATION:
ADDRESS/LOCATION: 9754 Doctor Perry Road
TAX MAP/PARCEL: Map 105, Parcel 31, Lot 3
COMP. PLAN: Limited Industrial (LI)
ZONING: Limited Industrial (LI)
PLANNING REGION: Urbana
WATER/SEWER: W-5/S-5

APPLICANT/REPRESENTATIVES:
APPLICANT: Frederick Preserve Industrial, LLC
OWNER: JKJ Properties, LLC
SURVEYOR/ENGINEER: Terra Solutions Engineering, LLC
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Graham Hubbard, Principal Planner

RECOMMENDATION: Conditional Approval

ATTACHMENTS:
Exhibit 1- Site Plan Rendering
Exhibit 2- Lighting Modification
STAFF REPORT

ISSUE
The Applicant is requesting Site Plan approval for a Planned Industrial Development to include a 10,320 sf building for a landscape contractor’s office and storage use and a Landscape Contractor use on a 2.84-acre site. The proposed uses are permitted with site plan approval as a “Planned Commercial / Industrial Development” under Section 1-19-10.300. The Landscape Contractor 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 and is a principal permitted use in the Limited Industrial (LI) Zoning District subject to Site Plan approval. The Contractors Office and Storage use is being reviewed under the heading of Wholesaling and Processing per §1-19-5.310 (Use Table) in the Zoning Ordinance and is a principal permitted use in the Limited Industrial (LI) Zoning District subject to Site Plan approval.

BACKGROUND
The lot was previously platted as part of the Frederick Preserve Combined Preliminary/Final Plat for Lots 1-5, which was approved on February 13, 2008 and recorded on August 14, 2008 (PB.86 PG.100).

- In 2008, APFO Roads mitigation was provided for the entire 5-lot subdivision (AP 5338).
- In 2009, Lot 2 was approved for a Contractor’s Office and Storage (AP 8980).
In 2015, Lot 1 was approved for a Contractor’s Office and Storage (AP 14959)
Currently, the other three (3) building lots (including the subject Lot 3) remain undeveloped.

**Existing Site Characteristics**
The site is currently zoned Limited Industrial (LI) and is a vacant lot with the only improvement being a constructed apron. There are no streams, wetlands, FEMA floodplain, or floodplain soils on site.

The site adjoins other Limited Industrial (LI) zoned properties to the north and south. The large property to the east across Doctor Perry Road is split-zoned LI and Office, Research, and Industrial (ORI). The farmstead property to the west is also zoned ORI. All adjacent, confronting, and adjoining properties have identical Comprehensive Plan land use designations.
ANALYSIS

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 setback requirements and the minimum lot area within the LI zoning district have been met by the proposed use. The setback requirements in the LI zoning district are 25-foot front yard and 20-foot rear yard, with side yards equal to the height of the building (24'). The proposed plan meets the required Bulk/Dimensional requirements.

2. Signage §1-19-6.300: Signage allocation (max.) is 80 SF. A conceptual sign detail has been provided for the proposed freestanding sign. The final design will be submitted and reviewed at building permit stage.

3. Landscaping and Screening §1-19-6.400: A landscape plan has been submitted as part of the site plan. The landscaping is designed with a variety of predominantly native plant species, which are arranged to provide screening as well as aesthetics. Eight (8) Street Trees are required along Doctor Perry Road. The Applicant is meeting this requirement by planting all eight (8) Street Trees. A Sight Line Plan was prepared to demonstrate that views to the site from the public way will be adequately screened by the proposed landscaping. The planting schedule follows the standard sizes that have been consistently approved by the Planning Commission.
4. **Lighting §1-19-6.500:** A Photometric Plan has been submitted as part of the Site Plan set. Light pole height maximum for industrial use is 24 feet, measured from the ground to the point of illumination. The 18 foot tall light poles provided meet this requirement. Lighting shall be designed and installed to be fully shielded and directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky. The Photometric Plan provided demonstrates that light spillage from the property will not exceed the 0.5 foot-candle requirement for most of the perimeter, with the exception of one small area along the northern property line. A modification has been requested, which staff supports, to allow light spillage of up to 0.8 foot-candles along a small section of the adjacent common driveway, at the point of the bend (see Exhibit 3).

**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:** Site access will be achieved by the existing 24’ wide paved apron onto the 30’ wide paved common drive that also serves Lots 1 and 2.

2. **Connectivity §1-19-6.220 (F):** Due to the vehicular-dependent nature of the proposed use, no pedestrian connections are being provided to this site from adjacent lots or from the public way. Staff acknowledges that no public sidewalks exist along this section of Doctor Perry Road and supports the Applicant’s desire to limit pedestrian access from a safety standpoint.

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

4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** The required parking for a “commercial business and personal services” use is one space for every 300 square feet of floor area. Therefore, the Applicant is required to provide 35 parking spaces. The Applicant has proposed a total of 35 parking spaces including 1 handicap accessible parking space. In addition, the Applicant has provided 2 loading spaces in accordance with the requirements of 1-19-6.210.

5. **Bicycle Parking §1-19-6.220 (H):** In accordance with Z.O. Section 1-19-6.220, the Applicant is not required to provide bike racks.

6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The site is an industrial place of business used for a Landscape Contractor without any retail component. The Applicant has proposed an ADA accessible route from the proposed office to the ADA accessible parking space.

**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.

The site is currently served by private well and approved septic field and currently holds a W-5, S-5 classification. The property will be connected to public water and sewer when they become available, at the property owner’s expense. The Health Department has reviewed and approved the 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.

With the exception of a large dirt pile in the front, which will be removed during construction, the site slopes gently from northeast to southwest. The land has been mostly cleared of vegetation, save for some scrub/shrub growth on the dirt pile and a small area of early successional regeneration in the southwest tip of the property. There are no streams, wetlands, FEMA floodplain, or floodplain soils on site. There are no natural hazards located on this 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.

As previously discussed under the Access/Circulation section, site access will be achieved by the existing 24’ wide paved apron onto the 30’ wide paved common drive that also serves Lots 1 and 2. The County is not responsible for the maintenance of the common driveway. The owners of Lots 1, 2, and 3 will be responsible for the maintenance of the common driveway.

Other Applicable Regulations

Stormwater Management – Chapter 1-15.2: Stormwater management quality to be provided by the regional SWM facility for the entire Frederick Preserve Lots 1-5 Subdivision as prepared by Daft, McCune & Walker, Inc. and approved by the Planning Commission on 2/13/2008 (AP 6061).

APFO – Chapter 1-20:

1. Schools. The site is a non-residential use and therefore exempt from school testing.

2. Water/Sewer. The Property has water and sewer classification of W-5/S-5 in the County’s Master Water and Sewer Plan and will be served by private well and septic facilities.

3. Roads. In 2008, APFO Roads mitigation was satisfied for the entire 5-lot subdivision (AP 5338). Therefore this project is exempt from further testing unless the proposed use exceeds the maximum building GFA of 22,500 square feet. Not only is the proposed building considerably smaller than 22,500 sf, the Landscape Contractor use will generate fewer trips than the allocated General Office use.

Forest Resource Ordinance – Chapter 1-21:
Forest Conservation mitigation was provided for this lot in 2006 at the time of subdivision (under AP 5092). No further mitigation is required.

Historic Preservation – Chapter 1-23: There are no sensitive historic resources on this property.
Summary of Agency Comments

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<td>Development Review Planning (DPZ):</td>
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<td>State Highway Administration (SHA):</td>
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<td>Forest Resource Ordinance</td>
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<td>Div. of Utilities and Solid Waste Mngt. (DUSWM):</td>
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<td>Office of Life Safety (DOLS)</td>
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<td>Traffic Engineering (DRTE)</td>
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FINDINGS

Based on the discussion in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met. Staff has no objection to conditional approval of this Site Plan.

RECOMMENDATION

Should the Planning Commission conditionally approve this Site Plan for Frederick Preserve, Lot 3 (AP 18485, 18486, 18487), the motion for approval should include the following items:

1. Site Plan approval is valid for three (3) years from today’s date, or until September 12, 2023.

Based upon the findings, conclusions, and modifications as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modification is granted and conditions met:

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

1. A lighting modification under Section 1-19-6.500(G) to allow light spillage across the northern property line in excess of 0.5 foot-candles.

Staff-proposed conditions of approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.

2. Revise Site Plan Note 1b to state, “Storage of materials is allowed as part of Landscape Contractor or Contractor’s Office and Storage use.”

3. Revise Site Plan Note 12 to include, “Light pole height maximum for industrial use is 24 feet; provided height is 18 feet. Lighting shall be designed and installed to be fully shielded. Lighting shall be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky. A modification has been requested to allow light spillage across the northern property line in excess of 0.5 foot-candles.”
PLANNING COMMISSION ACTION
MOTION TO APPROVE

I move that the Planning Commission APPROVE Site Plan SP02-29 (AP 18485, 18486, 18487), including the requested lighting modification, with the conditions as listed in the staff report, for Frederick Preserve, Lot 3, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
August 17, 2018

Frederick County Division of
Planning & Permitting (DPP)
30 North Market Street, 3rd Floor
Frederick, Maryland  21701

Re:  Frederick Preserve – Lot 3
Lighting Modification Request – Planning Commission
Tax Map 105, Parcel 031
Situated at 9754 Doctor Perry Road
Site Plan No.: A/P 18485

Pursuant to the requirements of Frederick County Zoning Ordinances (§ 1-19-6.500):

Alternate Design Modification [§ 1-19-6.500(G)]:

"the Planning Commission may modify the lighting standards within this section based on characteristics of the proposed use, photometric studies, nationally recognized standards, or other documentation as approved by the Planning Commission."

This modification is for the approval of lighting spillage in excess of the approved limit across the property line by and for the subject project. According to Section § 1-19-6.500(D), the lighting shall not exceed 0.5 foot-candles at the property line. This project has a small area of light spillage that reaches a maximum intensity of 0.8 foot-candles across the property line in the vicinity of the second “rear” site entrance. The light spillage has dissipated to approximately 0.5 foot-candles at about 10-feet off the property line and is down to 0.1 foot-candles when you reach the adjacent common driveway. We anticipate no concerns or problems to be created by this minor amount of light spillage, especially since it falls within the limits of the Industrial Park, and could be beneficial as it will overlap a portion of the rear site entrance.

Thank you for your consideration and please feel free to contact us with any questions or comments related to this modification request.

Sincerely,

Terra Solutions Engineering, LLC

Gerald Lee Miller
Gerald Lee Miller, Jr., PE
President

Cc:  Mr. Paul Rasevic  Frederick Preserve Industrial, LLC