



FREDERICK COUNTY PLANNING COMMISSION
October 10, 2018

TITLE:

Econolodge, Lots 1 & 2

FILE NUMBER:

M-3188, AP #17900, APFO #17898, FRO #17899

REQUEST:

Combined Preliminary/Final Subdivision and APFO Approval

The Applicant is requesting subdivision approval to subdivide a 3.03-acre parcel into 2 lots. This minor subdivision will include a 1.20-acre lot (Lot 1) and a 1.83-acre lot (Lot 2).

PROJECT INFORMATION:

ADDRESS/LOCATION: 6021 Francis Scott Key Drive, east of Urbana Pike, MD 355 at Interstate 70.

TAX MAP/PARCEL: Tax Map 77, Parcel 104
COMP. PLAN: General Commercial (GC)
ZONING: General Commercial (GC)
PLANNING REGION: Frederick
WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Luthra Rupali & Havish Trustees
OWNER: Luthra Rupali & Havish Trustees
ENGINEER: Harris, Smariga & Associates, Inc.
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION: Conditional Approval

ATTACHMENTS:

Exhibit 1: Econolodge Lots 1 and 2 Letter of Understanding (LOU)

STAFF REPORT

ISSUE

The Applicant is requesting combined Preliminary/Final Subdivision Plan approval and APFO approval to subdivide an existing 3.03-acre parcel into two (2) new lots. Lot 1 will be 1.20 acres in size and Lot 2 will be 1.83 acres in size (See Graphic #1).

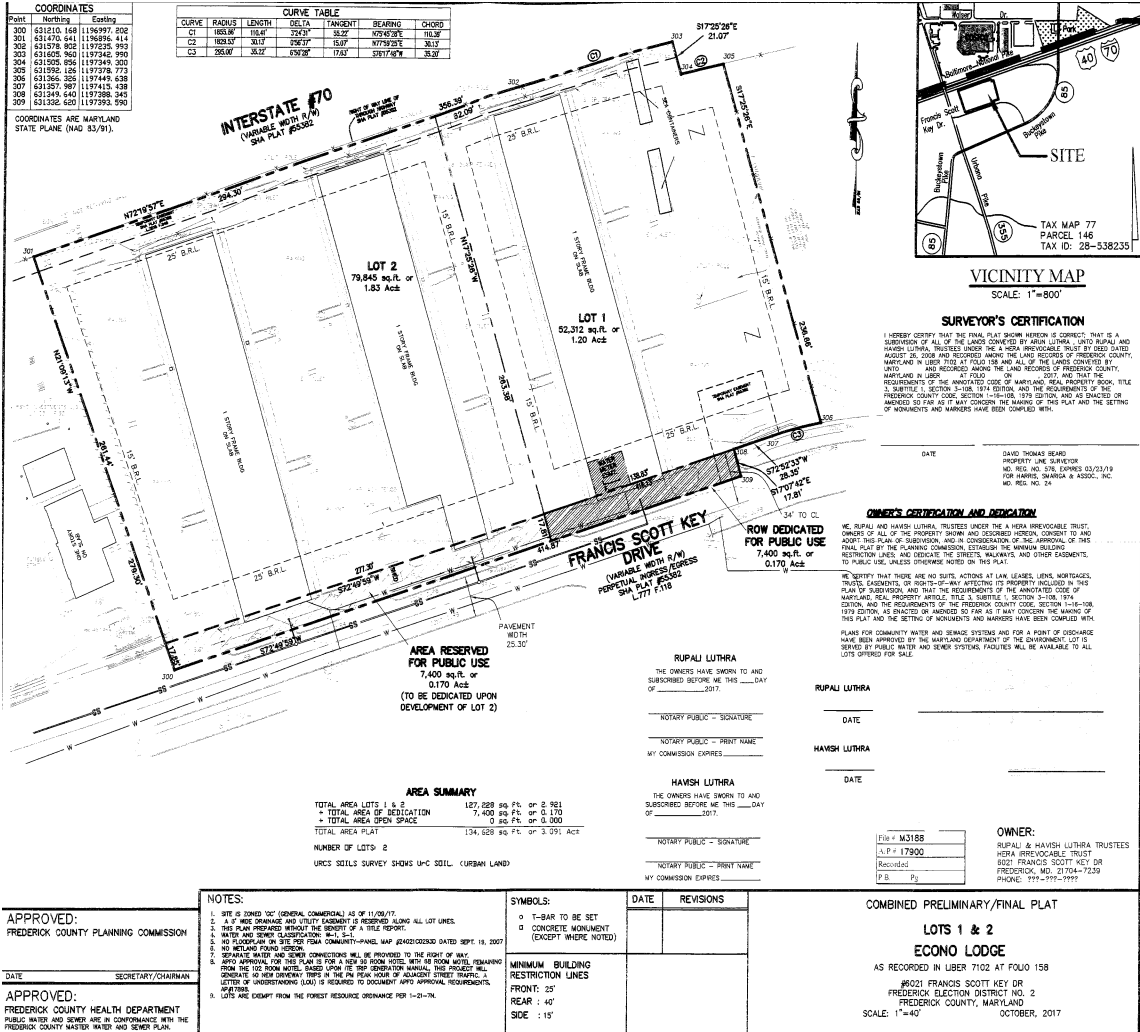
Development Request

Proposed Lot 1 is the site of a future 5-story Holiday Inn & Suites hotel; a separate site plan has been submitted for this new hotel (AP#17897). APFO approval for Lot 1 will be addressed with this combined preliminary/final subdivision plat. Proposed Lot 2 will retain two (2) existing hotel buildings and their associated parking.

The plat depicts the incorporation of 7,130.56 square feet (0.16 acres) of surplus State Highway Administration (SHA) right-of-way associated with the I-70/MD 85 Extended interchange project into Lot 1. The Applicant indicates that the acquisition process is on-going and underway with the SHA. The Liber Folio references for the addition plat are required to be shown on the Preliminary/Final Subdivision Plat prior to recordation.

The Adequate Public Facilities Ordinance states that both major and minor commercial/industrial subdivisions must be tested for APFO. Therefore, this subdivision is before the Frederick County Planning Commission for Combined Preliminary/Final Subdivision Plat and APFO approval.

Graphic #1 Econolodge Lots 1 & 2



BACKGROUND

Development History

The determination for a major/minor subdivision determination is based on the number of lots taken off a property since 1965. Subdivision of five (5) or fewer lots since 1965 is considered a minor subdivision.

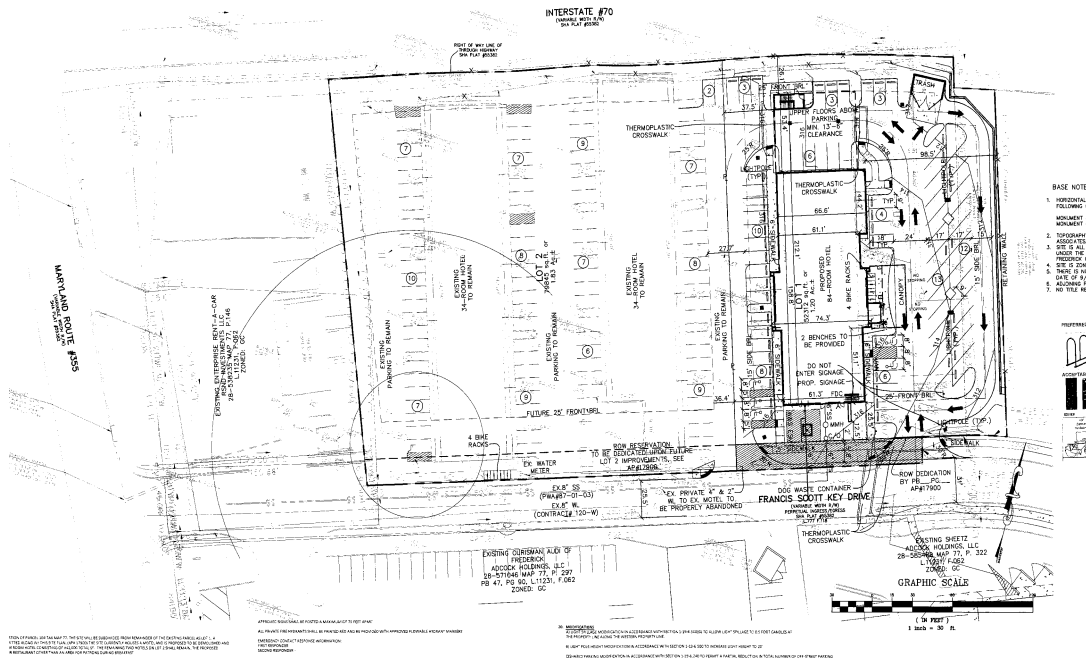
This property is described as a 5 acre parcel in a 1964 deed. In 1967 a 1.04 acre lot was taken off the parcel. A portion of the parcel was also conveyed to the State Highway Administration (this does not count towards the major/minor lot count). The proposed subdivision will create the second lot off the original parcel since 1965 and is therefore a minor subdivision.

Conditional site plan approval for a 110-rental unit "Knights Inn" hotel on the subject property was granted by the Planning Commission on November 12, 1986, followed by final approval on January 19, 1987. The 3 (three) one-story hotel buildings were constructed sometime in 1987 or early 1988, as the buildings are shown in the County's 1988 aerial imagery. Proposed Lot 1 includes a site plan application (AP#17897) for a new 84-room Holiday Inn & Suites hotel, which will replace one of the three existing hotel buildings. The remaining 2 (two) hotel buildings will remain on Proposed Lot 2.

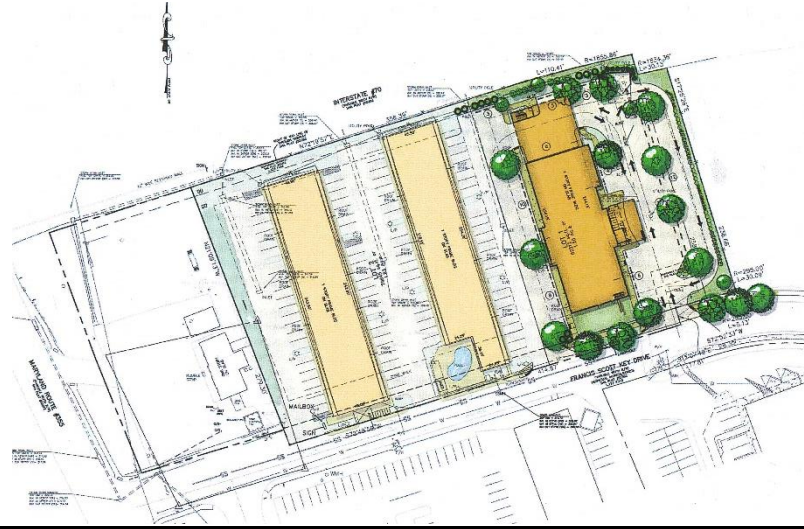
Existing Site Characteristics

The site is currently zoned General Commercial (GC), located within the MD 355/MD 85 Corridor, and is developed with an Econolodge Hotel and associated parking (See Graphic #3). The site is fully paved and is elevated approximately 20-30 feet above I-70, which directly borders the site to the north. Adjacent land uses include a car rental facility, a convenience store with gasoline pumps, plus an automobile sales center.

Graphic #2, Proposed Site Plan for Lot 1 (Holiday Inn & Suites)



Graphic #3, Proposed Site Plan Rendering for Lot 1 (Holiday Inn & Suites)



ANALYSIS

A. LAND, DIMENSIONAL, AND BULK STANDARDS

- 1. Land Requirements §1-16-217 (A):** *The land use pattern of the Comprehensive Plan and the district regulations of the zoning ordinance shall form the basic theme of the design pattern of the proposed subdivision.*

The General Commercial zoning district and land use designation are intended to provide general retail commercial and business services. The MD 355/MD 85 Corridor is an area with medium to high density commercial and employment land uses and development; the proposed subdivision meets the requirements for this district and comply with the intent of the land use designation.

- 2. Land Requirements §1-16-217 (B):** *The subdivision design shall take advantage of the uniqueness of the site reflected by topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.*

The site is currently developed with three (3) hotel buildings and parking lots, and therefore does not include unique topography, soils, wooded areas, or water bodies. However, the proposed subdivision design is consistent with existing lot configurations and established development patterns in the vicinity of the subject property.

- 3. Dimensional Requirements/Bulk Standards §1-19-6.100:** Section 1-19-6.100 of the Zoning Ordinance contains the setback requirements and the minimum lot area for the proposed use within

the zoning district. The setback requirements for a 'Hotel/Motel' in the GC zoning district are:

Front Yard	25'
Side Yard	15'
Rear Yard	40'
Max. Building Height	60'
Min. Lot Size	20,000 sq. ft.
Min. Lot Width	100 ft.

The Combined Preliminary/Final Subdivision Plat for Econolodge Lots 1 and 2 contain the following dimension and bulk standards:

Front Yard	25' (Francis Scott Key Drive)
Side Yard (east side)	91'
Side Yard (west side)	30'
Rear Yard (I-70 frontage)	26'
Building Height	48.4'
Lot Size (future Lot 1)	52,312 sq. ft.
Lot Width (future Lot 1)	202'

The proposed Preliminary/Final Plat meets the required Bulk/Dimensional requirements for the specific use of 'Hotel/Motel' in the General Commercial zoning district.

By virtue of their frontage with both Interstate 70 and Francis Scott Key Drive, and the fact that the proposed lots are not corner lots, proposed Lots 1 and 2 are considered "through lots" (§1-19-11.100). Applying the Design Modifications contained in §1 -19-6.130(B), *Front Yard Modifications for Through Lots*, the setback or Building Restriction Line (BRL) for the portion of lots that border I-70 is 20 feet, not 25 feet as shown on the plat.

Prior to final plat recordation, the BRL will need to be revised to show a 20-ft. BRL at the northern portions of Lot 1 and Lot 2 that border I-70.

- 4. Floodplain District Regulations (§1-19-9.110) and Waterbody Buffer Requirements (§1-19-9.400):** *A minimum setback of 25 feet shall be provided from all Floodplain district boundaries. No new development shall be permitted in areas of flooding soils. Waterbody buffer width shall be derived by calculating the gradient of the slope within a 175 foot cross section. The minimum waterbody buffer shall be 100 feet.*

The proposed lot is located within the boundaries of an existing paved parking area and therefore does not contain any floodplain, streams or sensitive soils, or critical environmental features. The proposed subdivision meets the requirements of §1-19-9.110 and §1-19-9.400.

Land, Dimensional, and Bulk Standards Findings/Conclusions

The proposed subdivision meets all land, dimensional, and bulk standards.

B. ACCESS

- 1. Public Facilities §1-16-12 (B)(3)(a):** *For minor subdivisions, the width at all points along the access roads from the site to the nearest collector road(s) must allow for 2 vehicle passability and provide access for emergency response vehicles and school buses, such that 2 opposing vehicles can safely pass. A 16-foot travelway width shall be the normal minimum standard required for 2 vehicle passability.*

Econolodge Lot 1 and Lot 2 have access and frontage on Francis Scott Key Drive (MD 85B), which is a State road with 2-way traffic and varying pavement widths from 25 feet (minimum) to 37 feet (maximum) along its 1,000 foot length. Francis Scott Key Drive is designated as a 'local' roadway on the County Comprehensive Plan and meets the minimum 16-ft width requirement to serve a minor subdivision.

- 2. Lot Access to Streets §1-16-240:** *(A) The Planning Commission shall have the right to approve or disapprove any point of ingress and egress to any lot... (B) The Planning Commission may require the subdivider to provide ingress and egress to a particular lot or tract through the remainder of the property...*

The Applicant proposes to retain and use all 4 (four) existing access points along Francis Scott Key Drive for the proposed subdivision. The boundary line for Lot 1 and Lot 2 bisects one of the access points along the street. The entrance that is split by this proposed lot line must be shown as a common ingress/egress easement

The Site Plan proposal for development of the Holiday Inn & Suites on Lot 1 also retains the 2 (two) existing access points and assumes hotel traffic circulation on a portion of Lot 2. The State Highway Administration (SHA) is requiring a 17.8-foot wide right-of-way reservation on Lot 1 be dedicated with the recordation of the subdivision plat. A similar 17.8-foot wide right-of-way reservation is shown on Lot 2; this right-of-way will be formally dedicated to public use upon redevelopment of Lot 2 per the SHA.

- 3. Driveway Entrance Spacing Policy:** *This policy, adopted by the FcPc in 2002 and amended in 2004, provides a system of evaluating driveway locations for public safety, to preserve the rural character of roads located in the rural parts of the County, and allowing tighter spacing in areas of the County designated for denser development.*

This Application is not subject to the entrance spacing criteria because no new driveway entrances are proposed.

Access Findings/Conclusions

The proposed lot will meet all County access requirements.

C. WATER AND SEWER FACILITIES

- 1. Public Facilities §1-16-12 (C):** *The proposed subdivision shall be disapproved unless each building lot has been approved for individual and/or community sewerage and water facilities by the Health Department.*

The existing hotel buildings on the site have both public water and public sewer connections and are currently served by the Division of Utilities and Solid Waste Management (DUSWM). The site is classified W-1, S-1 in the Water and Sewerage Plan. The DUSWM is requiring the creation of a public water and sewer easement along the frontage of Lot 2 that corresponds to the 0.170-acre right-of-way reservation shown on the plat. The shading for the water and sewer easement needs to be added to Lot 2, labeled for Lot 1, and clearly indicated in a legend on the plat prior to recordation.

D. OTHER APPLICABLE REGULATIONS

Stormwater Management – Chapter 1-15.2: Storm water management (SWM) shall be in accordance with the redevelopment section of the 2007 Maryland Storm water Design Manual, including all revisions and all supplements. A SWM concept plan (AP #18029) was approved on December 4, 2017 for the proposed hotel development on Lot 1. A SWM development plan shall be submitted and approved prior to final site plan approval for the proposed hotel on Lot 1.

Adequate Public Facilities Ordinance (APFO) – Chapter 1-20: This minor commercial subdivision is subject to APFO review in accordance with 1-20-8(A).

1. **Schools.** Schools are not impacted because this is a commercial development.
2. **Public Water/Sewer.** The proposed lots are classified W-1, S-1 in the County's Water and Sewerage Plan with both public water and sewer service provided by the County's DUSWM. While the public sewer and water facilities are currently adequate to serve the project, the Developer recognizes that capacity for future development on Lot 1 and Lot 2 is not guaranteed until purchased. APFO approval for sewer and water does not guarantee that plats will be recorded or that building permits will be issued. Plat recordation and building permit issuance are subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et seq. and all applicable County regulations, including, but not limited to, Sec. 1-16-106 of the Frederick County Subdivision Regulations.
3. **Roads.** Analysis assumed the development of a new 90 room hotel and the demolition of the existing 34 room motel on Lot 1, which would generate up to 40 new driveway trips during the weekday p.m. peak hour of adjacent street traffic, which is below the APFO testing threshold per Section 1-20-30. In satisfaction of APFO requirements to provide fair share contributions to existing escrow accounts per Section 1-20-12(H), the Developer shall pay \$29,251 to the road escrow accounts described in the APFO LOU. The site plan now only shows a new 84 room hotel, which is acceptable for APFO findings because it is less intense than the 90 room hotel assessed. Therefore, prior to lot recordation, the Developer hereby agrees to pay \$29,251 to the escrow accounts for these Road Improvements.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on October 10, 2021.

Forest Resource Ordinance – Chapter 1-21: The Applicant has received an exemption from the FRO per Section 1-21-7(N) due to the site's redevelopment of existing impervious cover within a Priority Funding Area (AP#17899).

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Conditional Approval
<i>Development Review Planning:</i>	Hold: Address all agency comments as the plat proceeds to completion.
<i>State Highway Administration (SHA):</i>	Approved
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Hold: Water & sewer easement must be fully shown on plat
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	N/A
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the proposed combined Preliminary/Final Subdivision. The Combined Preliminary/Final Plat approval may be granted for the lesser of five (5) years from Planning Commission approval or the period of APFO approval. If the Planning Commission conditionally approves the subdivision and APFO, the APFO approval will be valid for a period of three (3) years from the date of Planning Commission approval or October 10, 2021. Therefore, if approved, the Combined Preliminary/Final Plat approval will be valid until October 10, 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:

1. Address all agency comments as the plan proceeds through to completion.
2. Depict the Liber/Folio references on the plat from the acquisition of the 7,130.56-sq. ft. (0.61-acres), SHA surplus right-of-way to Lot 1.
3. Label the entrance that is split by the proposed lot line as a proposed common ingress/egress easement to serve Lots 1 and 2.

PLANNING COMMISSION ACTION

MOTION TO APPROVE AS MODIFIED

I move that the Planning Commission **APPROVE** M-3188, AP #17900, including APFO approval (AP 17898), **with conditions** as listed in the staff report for the proposed Econolodge Lots 1 & 2 Combined Preliminary/Final Subdivision, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

