



**FREDERICK COUNTY PLANNING COMMISSION**  
**November 14, 2018**

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**TITLE:** Chaconas Property  
3561 Urbana Pike

**FILE NUMBER:** SP-18-15, AP#18751 (APFO#18752, FRO  
#18753)

**REQUEST:** **Site Development Plan Approval**  
The Applicant is requesting Site Plan approval to change the use of an existing residence on a 42,000 SF lot in the Village Center Zone (VC) into a 1,516 square foot professional office space.

**PROJECT INFORMATION:**

ADDRESS/LOCATION: 3561 Urbana Pike  
TAX MAP/PARCEL: Tax Map 96, Parcel 62  
COMP. PLAN: Village Center (VC)  
ZONING: Village Center (VC)  
PLANNING REGION: Urbana  
WATER/SEWER: W-5/S-5

**APPLICANT/REPRESENTATIVES:**

APPLICANT: Peter Chaconas  
OWNER: - same -  
ENGINEER: Harris, Smariga  
ARCHITECT: N/A  
ATTORNEY: N/A

**STAFF:** Jerry Muir, Principal Planner I

**RECOMMENDATION:**

Conditional Approval

**ATTACHMENTS:**  
Exhibit 1 – Rendered Site Plan

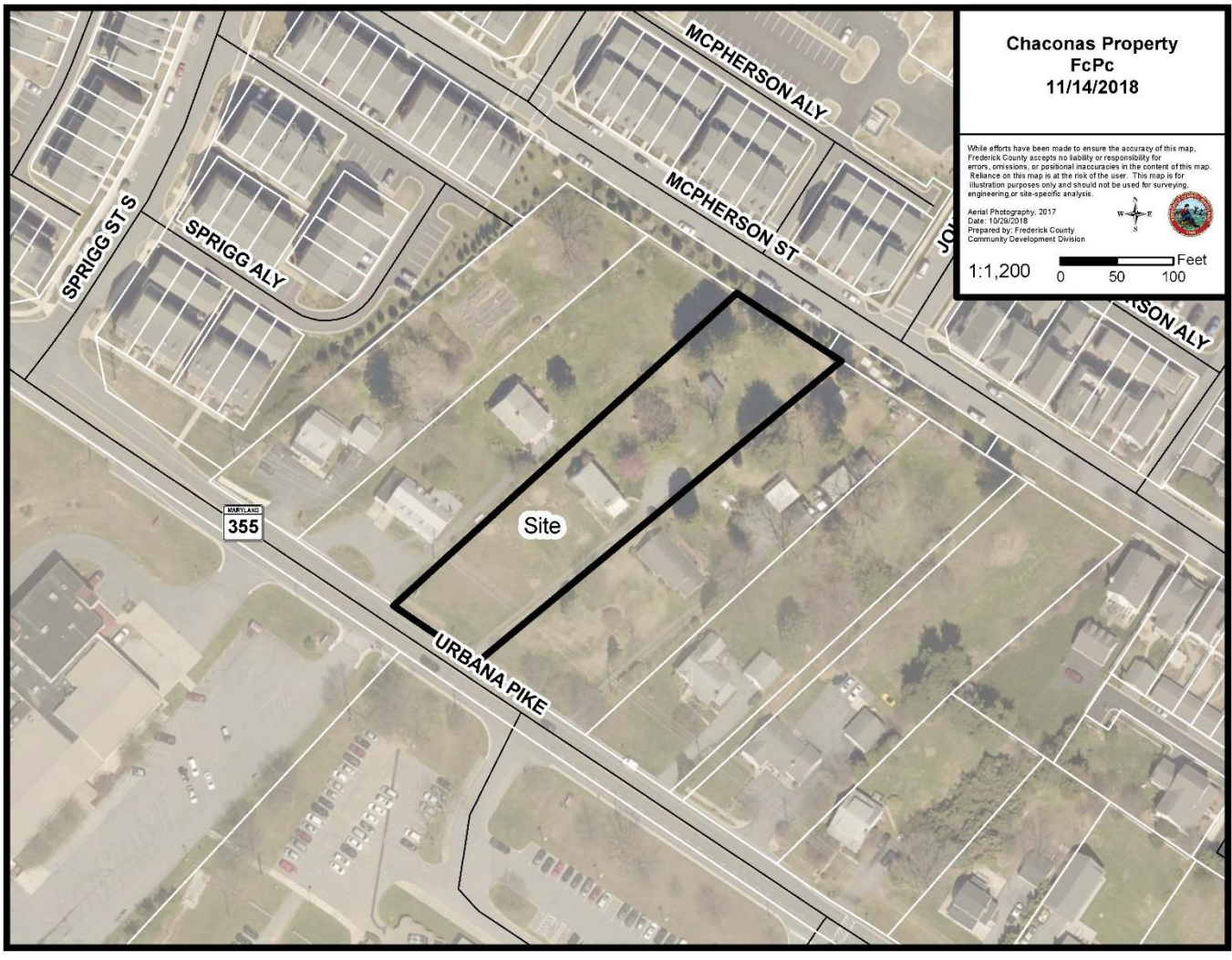
# STAFF REPORT

## ISSUE

The Applicant is requesting Site Plan approval to establish a professional office use on this existing Village Commercial lot. The proposed use is being reviewed as a professional office under §1-19-5.310 (Use Table) of the Zoning Ordinance, and also under the provisions of 1-19-7.500, Village Center District. Professional Office is a principal permitted use in the Village Center (VC) Zoning District subject to site development plan approval. Professional Office is defined as “rooms or buildings used as the office of a member of a recognized profession, including doctors, dentists, lawyers, accountants, engineers, or veterinarians, but not including medical or dental clinics or veterinary clinics.”

The proposed development consists of the conversion of a single residential building into professional office space and the addition of parking for employees and clients. The plan proposes to utilize the existing 1,040 SF house as well as enclosing the covered porch and adding some entrance improvements; bringing the total square footage to 1,516 SF

**Figure 1: Site Vicinity Map – Aerial Image**





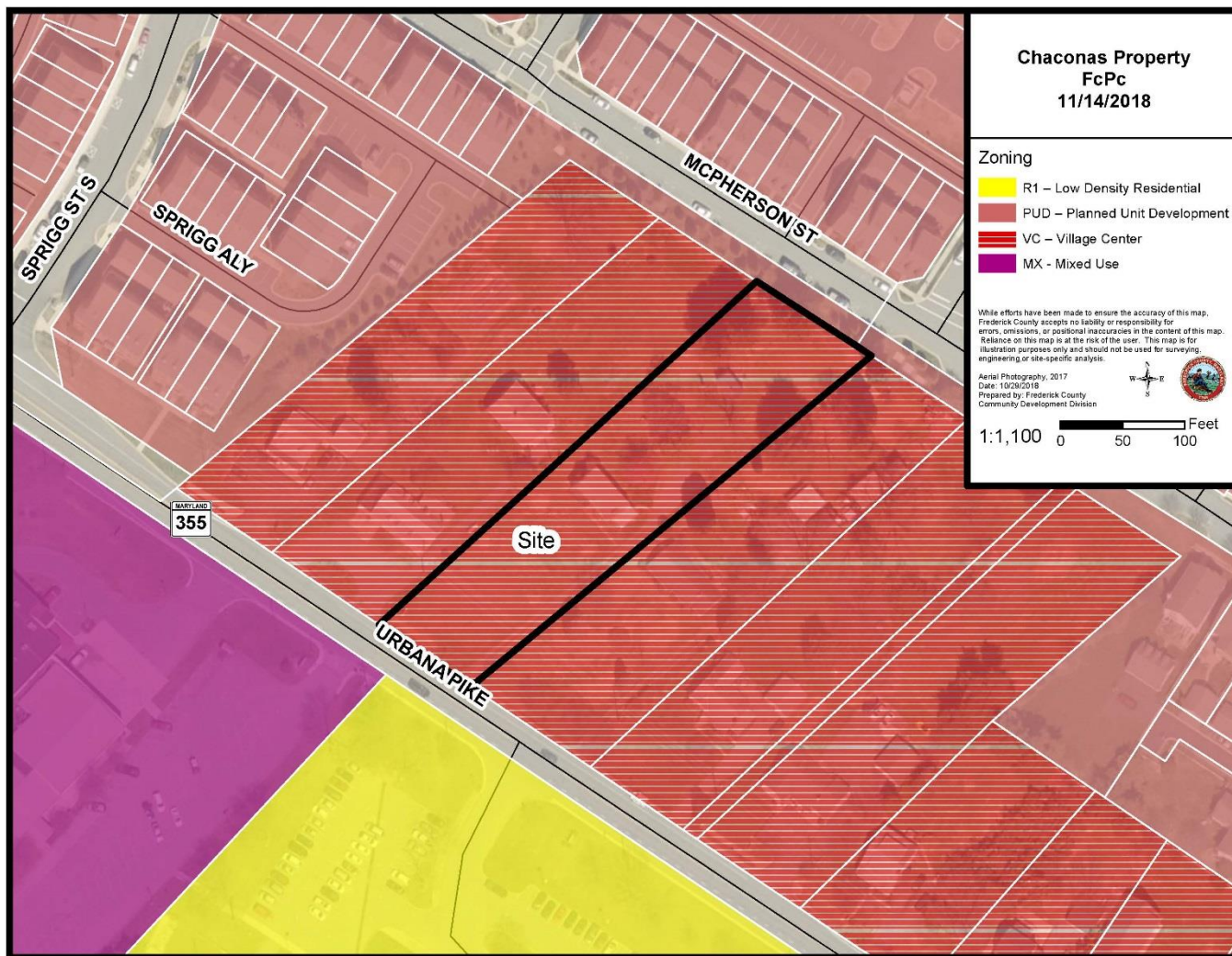
## **BACKGROUND**

**Development History:** The existing dwelling was constructed in the early 1950's and has since been a residence.

**Existing Site Characteristics:** The Site is a relatively flat open lot with a single structure and minimal vegetation.

**Surrounding Land Uses:** The lot adjoins other Village Center properties on either side. To the rear is a section of townhouses across McPherson Street in the Urbana PUD. The Urbana Fire Department and the Urbana Elementary School are directly across the street from the lot.

Zoning Map



## ANALYSIS

### Summary of Development Standards Findings and Conclusions

The Site is well suited to the proposed use and presents no particular design or access issues. The proposed vegetated screening will significantly reduce any visual impact upon the adjoining residential homes.

### 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:** In the Village Center Zone, there are no specified yard requirements for an existing structure. For new structures (including additions to existing structures) setbacks are determined based on the average setbacks for structures located on all lots facing and adjacent to the proposed development. The proposed entrance additions extend five feet beyond the front of the structure and ten feet to the rear, both well within the permitted building envelope. The proposed Site Development Plan setbacks for the building are as follows:

	<u>Proposed</u>
Lot Area	42,000 SF
Lot Width	100'
Front Yard	170'
Side Yards	23' & 20.8'
Rear Yard	191'
Max Building Height	20'

- 2. Signage §1-19-6.300:** Per the zoning ordinance the maximum signage allowed for business identification in the VC zoning district is calculated based upon the following formula:

10 x the square root of the building frontage (52 ft) equals 72 SF of signage. The maximum height allowed is 25 feet.

For this Site Plan proposal, they propose a free standing sign of approximately 9 square feet and 5' in height. This complies with the requirements. The site plan also shows building mounted signage. No final user has been identified for the location; final approvals for the site must include building mounted signage calculation. Note 11 on the site plan must indicate the amount of signage allocated for the free standing sign and the building mounted signage.

- 3. Landscaping & Screening §1-19-6.400**

The proposed on-site landscaping is in conformance with the zoning requirements. The small parking lot to the rear (4 spaces and a loading space) are screened by shrubs on either side and a Red Oak tree will provide sufficient canopy coverage. The required accessible parking space is located in the front due to accessibility needs and is also screened with shrubbery.

Three (3) street trees are required and have been proposed along Urbana Pike.

- 4. Lighting §1-19-6.500:** The Applicant proposes no on site lighting other than building mounted safety lighting at the doorways. Given the setback distances, it would appear this type of lighting will not exceed 0.50 foot candles at the property lines.

**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 & Pedestrian Circulation and Safety §1-19-6.220 (G):** Access to and from the Site is considered adequate for this use, which is a low traffic generator. Sidewalk pedestrian access is yet to be in place for this and the neighboring lots. It is anticipated that in the near future, the County will initiate a CIP item to fill in this road improvement gap between the two sections of the Urbana PUD with a complete 40' wide street (2 lanes plus parallel parking), accommodating bicyclists and pedestrians.
- 2. Connectivity §1-19-6.220 (F):** *Where a proposed parking area is adjacent to a site with the same or similar zoning district, the proposed parking area must be designed to connect to the existing or future adjacent parking. The Planning Commission may wave this requirement where it is deemed to be impractical.*

The adjacent lots are zoned VC but are still used for residential purposes, making parking lot connection impractical. However, the location of the parking and drive aisle along the eastern property line would not preclude a future connection should the adjoining lot be redeveloped in the future.

- 3. Public Transit:** This Site is not served by public transit.
- 4. Vehicle Parking §1-19-6.220:** Parking standards are established for professional office uses in the Zoning Ordinance at a rate of 1 space for every 300 square feet of floor area. This 1,510 square foot office requires five parking spaces and five are provided, including the HC space in the front of the building.
- 5. Loading §1-19-6.210.B:** For this use one small loading space is required and one is provided.
- 6. Bicycle Parking §1-19-6.220 (H):** In accordance with Z.O. § 1-19-6.220, one bike rack is required and one is provided. The proposed rack is located within 8. of a primary entrance (on a hard surface) and provides convenient and safe access for cyclists.

**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-5, and utilizes a private well. The Site is classified as S-5 and utilizes a private septic system.

**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 generally flat.
2. **Vegetation:** No vegetation of note currently exists on the Site.
3. **Sensitive Resources:** No wet or flooding soils, floodplains, streams, or wetlands are present on the Site.
4. **Natural Hazards:** No FEMA floodplain is identified on the Site.

**Site Development §1-19-7.500 :** *All new development within the Village Center Zoning district shall incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance; The Planning Commission shall consider these standards in its review of all development within the Village Center Zoning District.*

### **Site Development and Layout §1-19-7.500(C)(3)**

- **C.3.(a)/C.3.(b)- Building Orientation/Multiple Uses:** No new structures are proposed for the site and the proposed building modifications will maintain the primary building façade orientation toward Urbana Pike.
- **C.3.(i) - Storage and Operations/Refuse and Recycling:** Commercial activity proposed for the site does not generate refuse or recycling concerns.
- **C.3.(c) - Service and Utility Facades:** The proposed use has some architectural updates with the existing footprint. The front and rear of the property will largely retain a residential character.
- **C.3.(g)/C.3.(h) - Sidewalks/Street Interconnectivity:** as noted earlier in the report, the County will improve the frontages of this section of Urbana Pike with a CIP project in the near future.
- **C.3.(f) – Shared Parking:** No shared parking is proposed.

### **Building Massing and Bulk §1-19-7.500(C)(4)**

- **C.4.(a)/C.4.(b) – Form/Height:** The roof line of 20' will be maintained. There is no appreciable change to the footprint.
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- **C.4.(d) – Non-residential Building Footprint:** The existing footprint is to be retained.
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- **C.4.(f) – Building Design:** The proposed elevations attached to the plan generally provide adequate information related to building shape, height, massing and window and door placement. The building will maintain most of its current massing and scale.

**Findings/Conclusions**

Based upon the review and analysis as provided above, Staff finds that the proposed application meets the intent of the Development Standards within the VC zoning district.

**Other Applicable Regulations**

**Storm-water Management – Chapter 1-15.2:** A Concept Stormwater Plan has been submitted and is Conditionally Approved for this Application.

**APFO – Chapter 1-20:** This development will generate no more than five new trips during the critical PM peak hour and is therefore exempt from APFO testing or road escrow account contribution requirements.

The use is non-residential and will not impact schools.

It has a classification of W-5/S-5 and is served by a private well and septic system.

**Forest Resource – Chapter 1-21:** The Combined Preliminary/Final Forest Conservation Plan was approved on August 23, 2018. FRO mitigation was satisfied by payment of fee-in-lieu on September 28, 2018.

**Summary of Agency Comments**

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

## **RECOMMENDATION**

Staff has no objection to conditional approval of this 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 (valid through November 12, 2021).

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

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. Provide a final signage plan to the staff prior to final site plan approval.
3. FRO mitigation must be provide prior to final site plan approval.

## **PLANNING COMMISSION ACTION**

### **MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** SP-18-15, AP 18751 **with the conditions** as listed in the staff report for the proposed Chaconas professional office use, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



