TITLE: Damascus Road Community Church

FILE NUMBER: SP95-40A, AP 18763, APFO AP 18764, FRO AP 18765

REQUEST: Site Plan Approval
The Applicant is requesting Site Plan approval to construct a 13,735 sf (805 seat) sanctuary building on a 36.00 acre site.

PROJECT INFORMATION:
ADDRESS/LOCATION: 12826 Old National Pike, 500’ east of Bartholows Road
TAX MAP/PARCEL: Tax Map 89, Parcel 29
ZONE: Agricultural
REGION: New Market
WATER/SEWER: No Planned Service/Multi-Use
COMP. PLAN/LAND USE: Agricultural/Rural

APPLICANT/REPRESENTATIVES:
APPLICANT: DRCC Properties, LLC
OWNER: DRCC Properties, LLC
ENGINEER: Terra Solutions Engineering, LLC.
ARCHITECT: Not Listed
ATTORNEY: Not Listed

STAFF: Graham Hubbard, Principal Planner

RECOMMENDATION: Conditional Approval

Enclosures:
Exhibit #1 - Site Plan Renderings
Exhibit #2 - Parking Modification Request
Exhibit #3 - APFO LOU
Exhibit #4 - Architectural Sections, Perspective, and Isometric
ISSUE
Development Request

The Applicant is requesting Site Plan approval to construct a 13,735 sf (805 seat) sanctuary building on a 36.00 acre site. The proposed use is being reviewed as a **Place of Worship** use under the heading of **INSTITUTIONAL** per § 1-19-5.310 of the Zoning Ordinance. This proposed use is a principal permitted use subject to site development plan approval.

BACKGROUND

Development History

The Applicant submitted a site plan application in June 2007, requesting site plan approval for a Phase 1 Church building consisting of 22,520 square feet. The site plan was presented to the FCPC at a hearing on April 8, 2009 and was conditionally approved at that time. The structure was built, exists, and is currently utilized as the Damascus Road Community Church (DRCC), see Graphic #1.

On August 10, 2016 the Planning Commission approved a Site Plan to eliminate the previously approved buildings in Phase 2 while retaining the previously approved parking spaces.

Graphic #1: Aerial
The intent of the current application is to obtain approval to construct the Phase 2 sanctuary building with a maximum seating capacity of 805. The existing Phase 1 building will continue to be used for offices, classrooms, and a “teen haven”. A modest parking lot (smaller than the previously approved plan) will be constructed on the bluff above the Church.

**Existing Site Characteristics**
The site is zoned Agricultural and is currently developed with a 22,520 square foot church building. The property to the north of the site is developed with a storage yard; the properties to the east and west are vacant agricultural grounds, see Graphic #2.

**Graphic #2: Zoning**

![Zoning Map]

**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 for Institutional Uses within the Agricultural zoning district are 40’ front yards, 50’ rear yards, and 50’ side yards. The minimum lot size is 40,000 sf and minimum lot width is 200’. The project meets all dimensional lot requirements.

   **Building Height §1-19-6.160:** The building height limitations of this chapter do not apply to:
   
   §1-19-6.160(C): Churches, schools, institutional buildings, public utility buildings and structures provided that for each 3 feet by which the height of such structure exceeds the maximum height generally permitted for structures in the district, the required side and rear yards measurements will be increased by an additional foot.

   The proposed Sanctuary building will be 35’ in height, exceeding the 30’ height maximum by 5’. Therefore, the required side and rear yard setbacks are increased by 2’ (5/3=1.66) from 50’ to 52’.

2. **Signage §1-19-6.300:** No new signage is proposed.

3. **Landscaping §1-19-6.400:** The landscape plan provides adequate screening and shade cover for the parking lots, walkways, and access drives.

   - **Street Trees §1-19-6.400(A):** The code requires 1 street tree per 35 linear feet of road frontage, therefore requiring 14 Street Trees (493 / 35 = 14.1). The original Site Plan predated the 2009 Street Tree regulations. However, as required by staff under subsequent Site Plan amendments, 15 Street Trees were planted at the entrance to the site and along the monumented entrance drive. Therefore, no additional Street Trees are warranted for the proposed Phase 2 improvements.

   - **Land Use Buffering and Screening §1-19-6.400(B):** The existing forest and hedgerows provide an adequate landscape buffer from the surrounding properties and the public way. The proposed Sanctuary building and parking areas are situated far enough from adjacent properties and the public way as to not warrant additional screening beyond what is naturally afforded by the existing vegetation.

   - **Parking Area Buffering and Screening §1-19-6.400(C):** By virtue of the steep terrain, elevation difference, and long distance from the parking areas to the public way, the parking areas are secluded. Therefore, additional parking area buffering and screening is not warranted.

   - **Parking Area Landscaping §1-19-6.400(D):** The parking area shade tree canopy requirement of 20% has been met.

   - **Landscaping, Screening, or Buffering §1-19-6.400(E):** All landscape material must be maintained in a living condition. The proposed Landscape Plan emphasizes native species and no invasive/exotic species are specified. Landscaping has been designed to minimize adverse impacts on sightlines and visibility.

4. **Lighting §1-19-6.500:** The Applicant proposes the installation of new light poles, at a height of 18 feet, measured from the ground to the point of illumination. The Ordinance does not list a specific
light pole height requirement for institutional use. The Planning Commission may decide if a height of 18 feet is appropriate for the church based on the scale of the building and surrounding properties. All existing light poles are 20 feet in height. All lights will contain LED luminaires. Lighting has been designed to be fully shielded and will be directed downward to prevent glare and light trespass onto adjacent properties, roadways, and the nighttime sky. The Photometric Plan indicates that light trespass will not exceed 0.5 foot-candles from the property boundary.

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 Applicant will utilize the existing closed-section monumented entrance with a 14’ entrance lane and two 11’ exit lanes. The site access meets the minimum sight distance criteria for a safe entrance, adequate stopping site distance (SSD) but not the desirable standard, intersection site distance (ISD). It is not reasonable to attain ISD because of the rock formation blocking the view to the east, therefore, the applicant has agreed to remove and maintain vegetation and place a “Hidden Entrance” warning sign, to the east of the entrance along Old National Pike. There are no other alterations to site access proposed as part of this application.

2. Connectivity §1-19-6.220(F): This development proposal does not propose any further connections to adjacent properties due to the topography as well as the existing FRO easements on the eastern and western property boundaries. There are no alterations to site connectivity proposed as part of this application.

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

4. Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220: In accordance with §1-19-6.220.A.4, 1 space is required for every 5 seats in the sanctuary, therefore 805 seats requires 161 parking spaces. Previous site development plans for Phase I approved 110 parking spaces for the existing 22,520 square foot sanctuary. The Applicant is requesting approval for a total of 519 parking spaces including 11 handicap spaces. The parking will be composed of 267 existing spaces, 192 spaces on the bluff, and 60 new spaces below the church in the area previously approved for temporary grass overflow spaces.

The Applicant is seeking a parking space modification (Exhibit #2) in accordance with Z.O. Section 1-19-6.220.A.1 for a surplus of 358 parking spaces above the required 161. The Applicant performed car counts for all of the weekend services between May and November 2012. DRCC is averaging parking counts closer to one space for every 2.14 seats rather than the 1 space per every 5 seats as targeted in the Zoning Ordinance. It should be noted that the parking calculations within the Zoning Ordinance provide for the Place of Worship land use in many zoning districts other than Agricultural. Most of those zoning districts provide alternate means of transportation including public transit that would reduce the need for an individual parking space per person, or per couple of persons. Within the Agricultural zoning district these alternate modes of transportation are not available and thus increase the need for on-site parking, increase paved surface, and reduce opportunities for shared and joint parking.

The Applicant is seeking a modification from the FCPC, in accordance with 1-19-6.220.A.1 to approve the surplus of 358 parking spaces for a total of 519 parking spaces on-site (see Exhibit #2).
5. **Bicycle Parking §1-19-6.220 (H):** The Zoning Ordinance requires 1 bicycle rack for every 20,000 sf of Gross Floor Area (GFA). Based on the total 36,255 sf GFA (22,520 sf existing + 13,735 sf proposed), 2 bicycle racks are required. The Applicant is proposing 2 bicycle racks. The bicycle parking shall comply with the Frederick County Bicycle Parking Design Guidelines.

6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The Applicant designed a pedestrian sidewalk and crosswalk system to provide a safe pedestrian route to the proposed sanctuary from the proposed parking lot on the bluff.

**Modifications:**

1. Parking Space Modification under §1-19-6.200 to provide 358 additional parking spaces.

**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**

**Private Well and Septic:** The site is served by individual well and septic. The Health Department has conditionally approved this site plan. The proposed parking lot improvements will not result in an increase in church seats or activities during the week.

**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 slopes up significantly to the north rising from the proposed sanctuary building to the crest of the bluff.

2. **Vegetation:** The portions of the site not occupied with existing parking and structures are wooded sloping up from Old National Pike. The existing vegetation provides thick screening from Old National Pike. The bank of the slope and the crest of the bluff is vegetated with deciduous trees and shrubs. This vegetation is proposed to be preserved, and supplemented with additional landscaping.

3. **Sensitive Resources:** There are no sensitive resources located on site.

4. **Natural Hazards:** There are no natural hazards located on 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.

**Findings/Conclusions**
1. **Proposed Common Area:** The site is an institutional use, therefore there is no required common area associated with this development.

2. **Ownership:** The site is a privately owned institutional use.

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**Other Applicable Regulations**

**Stormwater Management – Chapter 1-15.2:** There are no alterations proposed to the previously approved Stormwater Management Plan as part of this application.

**APFO – Chapter 1-20:**

- **Schools:** Schools are not impacted because the development is a non-residential use.

- **Water and Sewer Improvements:** The Property is currently classified as *No Planned Service (NPS)* in the County’s *Master Water and Sewer Plan.* Individual well and septic currently serve this site.

- **Road Improvements:** The Project will generate 435 Sunday trips and 18 pm weekday peak hour vehicle driveway trips. This represents an increase of 9 trips (based on current ITE generation rates) over previous assumptions, during the weekday pm peak hour, which is the peak hour of the adjacent street.

  Section 1-20-31 (testing provisions) of the APFO does not apply since the Project does not generate more than 50 trips during the peak hour of the adjacent street. However, in accordance with the limited impact development option in Section 1-20-12(E) of the County Code, as a condition of the APFO approval of the Project, the Developer is required to pay its proportionate contribution toward existing area road escrow accounts, as outlined in the attached letter of understanding (LOU). The total required escrow account contribution is $5,910. These road escrow contributions must be paid full prior to release of the building permit.

- **Period of Validity:** The APFO approval is valid for three years from the date of the Commission approval of the current site plan; therefore, the approval would expire on February 13, 2022.

**Forest Resource – Chapter 1-21:** All FRO requirements for this property were met at the time of subdivision plat recordation. Existing FRO easements are located on the property and must be protected throughout the development of the project.

**Historic Preservation – Chapter 1-23:** There are no historic structures/features impacted by this development proposal.
## Summary of Agency Comments

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<th>Other Agency or Ordinance Requirements</th>
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<td>State Highway Administration (SHA):</td>
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## RECOMMENDATION

Staff has no objection to conditional approval of the Damascus Road Community Church 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 (February 13, 2022).

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 request from the Applicant:**

1. A parking modification under §1-19-6.200 to provide 358 additional parking spaces.

**Staff-proposed conditions of approval:**

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

## PLANNING COMMISSION ACTION

**MOTION TO APPROVE**

I move that the Planning Commission **APPROVE** Site Plan SP-95-40A, AP 18763 (APFO 18764) **with conditions and modifications** as listed in the staff report for the proposed site plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.
January 25, 2019

Mr. Graham Hubbard
Frederick County Division of
Planning & Permitting (DPP)
30 North Market Street
Frederick, MD 21701

Re: DRCC Properties, LLC
Damascus Road Community Church
Parking Modification Request
File #: SP-95-40A, Project No.: 18763

Dear Mr. Hubbard:

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 a total parking count of 519 parking spaces (9’ x 18’). Currently 379 parking spaces exist at the approved DRCC site (i.e., 273 paved parking spaces and 106 grass spaces), for the approved Church seating capacity of 520 people. With a maximum seating capacity of 805 people proposed in the new sanctuary, we are seeking approval for an increase of 358 parking spaces above the required minimum parking count of 161 spaces (i.e., 805 / 5 = 161 required). This request is based on years of monitoring the necessary parking requirements at the existing facility. It should also be noted that at one time this site (A/P #13643) was approved for a maximum parking count of 790 spaces, with 533 spaces being provided on the bluff above the Church. We are now requesting approval for only 192 paved parking spaces on the bluff and 60 paved spaces in the lower parking lot, which was previously approved for grass parking (A/P #16222).

Sincerely,

Terra Solutions Engineering, LLC

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

Cc: Mr. Mark Schaefer Schaefer Construction Management, Inc.
AMENDED AND RESTATED
Adequate Public Facilities Letter of Understanding

Damascus Road Community Church Expansion

Site Plan # 95-40A (AP #18764)

Background: The Frederick County Planning Commission ("Commission") and the DRCC Properties, LLC ("Developer"), first entered into a Letter of Understanding (LOU) dated April 8, 2009 (the "Original LOU"). The Original LOU was satisfied and the development completed. Subsequent LOUs were executed but not satisfied and are no longer valid. The Developer now proposes to add a sanctuary. As a result, additional road escrow accounts which were not then, but now are, in existence, must be added to those in the Original LOU to account for the additional trips resulting from the new sanctuary.

In General: As of the date of the last signature below, this Amended and Restated Adequate Public Facilities Letter of Understanding ("Amended LOU") rescinds and replaces the Original LOU and sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and roads that must be in place for the property identified below to be developed, as proposed under the approved site plan for the Damascus Road Community Church Expansion (the "Project"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("APFO").

The Developer, its successors or assigns, hereby agrees and understands that unless the required improvements are provided in accordance with this Amended LOU, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Amended LOU concerns itself with the Developer’s 36.0 +/- acre parcel of land, which is zoned Agriculture (A), and located with access on the north side of Old National Pike, just east of Bartholows Road. This APFO approval will be effective for expansion of a place of worship to include a new larger sanctuary containing 305 seats, which is shown on the site plan for the above-referenced Project, which was conditionally approved by the Commission February 13, 2019.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer Improvements: The Property is currently classified as No Planned Service (NPS) in the County’s Master Water and Sewer Plan. Individual well and septic currently serve this site.
Road Improvements: The Project will generate 435 Sunday trips and 18 pm weekday peak hour vehicle driveway trips. This represents an increase of 9 trips (based on current ITE generation rates) over previous assumptions, during the peak hour of the adjacent street, the weekday pm peak hour. Section 1-20-31 (testing provisions) of the APFO does not apply since the Project does not generate more than 50 trips during the peak hour of the adjacent street.

In accordance with the limited impact development option in Section 1-20-12(E) of the County Code, as a condition of the APFO approval of the Project, the Developer is required to pay its proportionate contribution toward the following existing road escrow accounts:

1. Existing Escrow Account at Old National Pike and Bartholows Road (Account # 3309). The estimated cost of the intersection traffic control improvement is $ 243,430. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.39%. Therefore the Developer hereby agrees to pay $3,384 to the escrow account for this Road Improvement.

2. Existing Escrow Account at Old National Pike and Morning Gate Court (Account # 3299). The estimated cost of the signal improvement is $ 219,147. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.67%. Therefore the Developer hereby agrees to pay $1,468 to the escrow account for this Road Improvement.

3. Existing Escrow Account at Old National Pike and Green Valley Road (MD 75) (Account # 4108). The estimated cost of the intersection improvement is $622,348. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.17%. Therefore the Developer hereby agrees to pay $1,056 to the escrow account for this Road Improvement.

The total required escrow account contribution is $5,910. These road escrow contributions must be paid in full prior to release of the building permit. Should this payment not be made within one year of the execution of this Amended LOU, the County reserves the right to adjust this amount, based on an engineering cost index.

Period of Validity: The APFO approval is valid for three years from the date of the Commission approval of the current site plan; therefore, the approval expires on February 13, 2022.

Disclaimer: This Amended LOU pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.
DEVELOPER: DROCC Properties, LLC

By: __________________________ Date: ____________

Debora Lawrence

FREDERICK COUNTY PLANNING COMMISSION:

By: __________________________ Date: ____________

Robert White, Chair or Sharon Suarez, Secretary

ATTEST:

By: __________________________ Date: ____________

Gary Hessong, Director, Permitting & Inspections

Planner’s Initials / Date

County Attorney’s Office Initials / Date

Approved or in legal form