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**FREDERICK COUNTY PLANNING COMMISSION**  
**February 13, 2019**

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**TITLE:** Discovery Center 7-11

**FILE NUMBER:** SP-86-09, AP#19001, APFO 19002, FRO 19003

**REQUEST:** **Site Development Plan Approval**  
The Applicant is requesting Site Plan approval to demolish the existing on-site carwash and construct a new 3,010 SF 7-11 Convenience Store and Automobile Filling Station on a newly combined lot of .91 acres (39,655 SF)

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** Intersection of Woodsboro Pike (MD 194) and Stauffer Road

**TAX MAP/PARCEL:** Tax Map 58, Parcels 81

**COMP. PLAN:** General Commercial (GC)

**ZONING:** PUD Planned Unit Development

**PLANNING REGION:** Walkersville

**WATER/SEWER:** W-1/S-1

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** Vertical Construction Management

**OWNER:** Emam Mohammad

**ENGINEER:** Kimley Horn and Assoc.

**ARCHITECT:** N/A

**ATTORNEY:** N/A

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

**RECOMMENDATION:**

Conditional Approval

**ATTACHMENTS:**

Exhibit 1 – Rendered Site Plan  
Exhibit 2 – Modification Letter  
Exhibit 3 – Architectural elevations

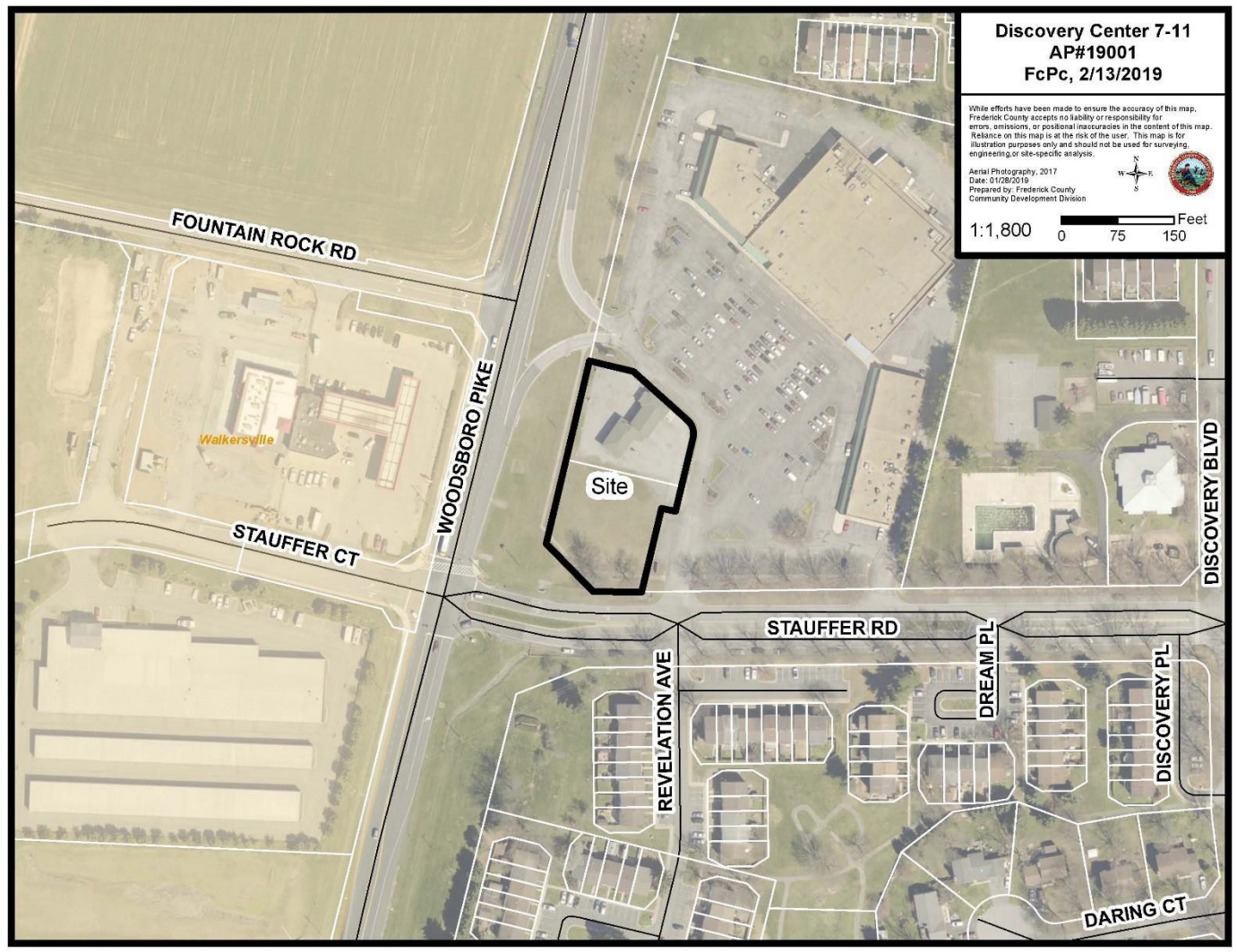
# STAFF REPORT

## ISSUE

The Applicant is requesting Site Plan approval to demolish the existing carwash in order to build a new 3,010 SF convenience store and an automobile filling station. An addition plat for the current two lots (one of 4.28 acres and one of 4.82 acres) is currently under review by Development Review staff. The proposed uses are being reviewed as a “convenience store” land use under the heading of *Commercial Uses-Retail* and “Automobile Filling Station” land use under the heading *Automobile and Related Services* per §1-19-5.310 Use Table in the Zoning Ordinance. The Planned Unit Development zoning allows those uses permitted under the Village Center (VC) Zoning. The proposed uses are principal permitted uses in the Village Center Zoning District, subject to development plan approval per Section 1-19-7.500.

The Site will utilize the existing two entrances, a right in/ right out off of MD 194 and the main two way entrance at Stauffer Drive. The existing internal entrance to the carwash will be reconfigured to the south.

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



**BACKGROUND**

**Development History:** The site was an element of the Discovery PUD, one of the first approved in Frederick County in the mid- 1980s. The shopping center was given site plan approval in May 1988, with two lots shown on the plan. The carwash was approved on Lot 2 in 1990 and operated until its recent closure. A plan has never been submitted for Lot 3.

**Existing Site Characteristics:** The Site is currently completely developed with commercial uses except for the vacant lot 3.

**Surrounding Land Uses:** This Site is in an approved shopping center. To the south is a townhouse section of Discovery PUD. To the east is the pool and community center, with a mix of townhouses and detached houses beyond. Across MD 194 to the west is the Sheetz store and a self storage facility. To the north are more PUD townhouses with single family sections beyond.

**ANALYSIS**

**Summary of Development Standards Findings and Conclusions**

The Site is suited for the proposed use with the addition of the acreage from the carwash lot. This is a major intersection and none of the existing entrances to the shopping center are proposed to be changed.

The site plan meets all dimensional and bulk standards, parking, lighting, and landscape requirements and the Applicant has requested three modifications discussed later in this report.

**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:** Per 1-19-10.500.6, the Planning Commission establishes the setbacks and height in PUDs. The site plan proposes 25' front yard and 8' rear yard setbacks, which are typical setbacks in the PUD.

The proposed setbacks for the facility are the following:

	<b><u>Required</u></b>	<b><u>Proposed</u></b>
Minimum Lot Area	NA	39,655 sf
Minimum Lot Width	NA	250+' MD 194 140+' Stauffer
		Road
Front Yard	25" est. by plat	26.5'
Side Yard	8'	42' store east 50' canopy north
Rear Yard	NA-corner lot	
Max Building Height	40'	20' building 17.6' canopy

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

10 x the square root of the building frontage.

The building has two fronts, 70' on Stauffer and 43' on MD 194, which allows 106 sf of signage for the lot. The plan shows 105 square feet of total signage on the lot, divided between the free standing sign and on building signage. The free standing sign is allowed a maximum height of 25' and a minimum setback of 12.5 feet. Applicant proposes a height of 25'. The free standing sign is included in the signage exhibit but has been left off the site plan. It must be shown on the plan and demonstrated to meet the 12.5' setback. Per the Ordinance, gas pricing signage is not included in the regulated signage calculation.

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

The proposed on-site landscaping is in conformance with the zoning requirements. The planting area is adequate, consisting largely of native species. Parking area canopy coverage is 23%, which exceeds the 20% required by the Zoning Ordinance.

A total of eight street trees are required for the 250 linear feet of frontage on MD 194 and 4 street trees are required along Stauffer Road. The Applicant has provided eight new trees on MD 194 and will retain the three existing trees along Stauffer Road. One more street tree is required on this frontage (it appears the Applicant used the straight frontage but the angled frontage would also count). One more tree must be added here; considering future work by SHA at this intersection staff would support the tree being located behind the sidewalk.

4. **Lighting §1-19-6.500:** The Applicant proposes to light the Site with a combination of building and under canopy mounted lights (18 feet in height) and pole lights (18" in height). Under the current Ordinance, in a PUD light height is limited to 14', rather than the 18' in commercial areas. The original approval of the shopping center and the subsequent carwash both allowed pole lighting at a height of 30'. **The applicant has submitted a modification request to allow the 18' tall pole lights, noting they will be removing the three 30' carwash light poles, which are the closest to MD 194. Staff has no objection to this request.**

There is some minor light spill on the west side of the site that will have no impact on MD 194 traffic. **A modification request to the Planning Commission has been submitted by the Applicant for this excess illumination. Staff has no objection to this request.**

***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 & Pedestrian Circulation and Safety §1-19-6.220 (G):** The current shopping center entrances will not change with this application. The main site access will be internal to the shopping center parking lot. The State Highway Administration has acquired right of way in this area of 116' from the current centerline of MD 194. The dualization of this roadway is on the SHA priority list for Frederick County but no timeline has been established for construction.

Pedestrian access will be facilitated by the existing sidewalks along both street frontages, which serve the residential community surrounding the center. Handicap access is provided to the site by a rather circuitous route due the steep grades created by the open section drainage in this area.

**Connectivity §1-19-6.220 (F):** The proposed site development has no effect on the existing connectivity of the shopping center.

**Public Transit:** The site is currently served by public transit. A bus stop is at the intersection of Stauffer Road and Dream Way.

- 3. Vehicle Parking §1-19-6.220:** Parking standards are established for Commercial Uses in the Zoning Ordinance with the requirements as follows:

Parking spaces required: 1 space per 300 SF of store floor area. This would require 11 parking spaces be provided for this building's 3,010 SF. The Applicant requests a modification to allow an additional five spaces, for a total of 16 on the site. One HC space is required and provided. **A modification request for Planning Commission approval of the additional 5 spaces has been included in this submittal. Staff has no objection to the modification.**

- 4. Loading §1-19-6.210.B:** One small loading space is required and one is provided in the vicinity of the dumpster area.
- 5. Bicycle Parking §1-19-6.220 (H):** In accordance with Z.O. § 1-19-6.220, no bike racks are required for this size building. However, in recognition of the number of youths in the neighborhood, a bike rack has been provided.

**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/Frederick County Health Department.*

## **Findings/Conclusions**

- 1. Public Water and Sewer:** The Site is classified as W-1, S-1 with existing service for public water and sewer provided to the current carwash lot. During this construction the Applicant will remove the existing utility service rebuild new connections off the service lines that serve the center. The water serving this site belongs to the Town of Walkersville. The sewer is Frederick County's. Prior to construction approval, the Applicant must obtain approval from the Town to connect into their system. Also, there does not seem to be an easement for the existing County sewer line. The easement for service to this site must be approved and recorded prior to site plan approval.

**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 currently completely developed with commercial uses.
2. **Vegetation:** No vegetation of note currently exists on-site except for three oak trees, which will be saved.
3. **Sensitive Resources:** No constrained soils, floodplains, or wetlands are present on the Site.
4. **Natural Hazards:** No FEMA floodplain is identified on the Site.

**Planned Development Standards: §1-19-10.500.9:** The following general development standards shall be met at the time of Phase II execution unless modified by the Planning Commission as provided in 1-19-10.500.

- A. **Site and Building Design:** Parking, loading, lighting and landscaping are in conformance with the Zoning Ordinance with the inclusion of the three modifications noted above in the staff report. Uses in the PUD are required to provide pedestrian and vehicular accessibility, which is accomplished by the existing sidewalks on MD 194 and Stauffer Road and no changes (other than internally) are proposed to the entrances or traffic patterns of the site. The building is relatively small and is constructed of materials similar in appearance to the adjoining shopping center. Architectural features have been added to the side of MD 194 and Stauffer Road to break up plain wall sections and present a better orientation and frontage to the streets. The service areas are located away from the street and pedestrian frontage. Screening is constructed from materials matching the architecture of the building. As noted, there is a public bus stop in the immediate area of the site and is connected via a sidewalk. The parking area for the use does not lie between the building and the street frontages. The parking area is rather small and does not impact the interconnectivity with the rest of the shopping center or the existing road network. This type of use is not considered a noise generator and will have no impact on the public amenities currently in place in the PUD.
- B. **Natural Features:** Half of the site is currently occupied by the carwash. There will be approximately six feet of fill added to the building pad in order to create a pad that will accommodate the building and the gas pumps. The three existing oak trees along Stauffer Road will be retained.
- C. **Public Facilities and Utilities:** The public water and sewer to serve this site are already in place. The water is owned by the Town of Walkersville and connections must be reviewed and approved by the Town. The sewer is owned by Frederick County and as noted previously, a utility easement must be established prior to plat recordation or site plan approval. There will be no changes to the public streets or other utilities in the area. A maintenance agreement of the common shopping center areas (including the entrances, was recorded in the Land Records when the main buildings were constructed in 1988.

**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 PUD zoning district.

**Other Applicable Regulations**

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

**APFO – Chapter 1-20:**

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

Water/Sewer: The site is classified W-3/S-3 Connected but while the public sewer and water facilities are currently adequate to serve the Project, the Applicant is aware that capacity is not guaranteed until purchased.

Roads: This site will generate 122 am and 148 pm weekday peak hour driveway trips. When accounting for the previous car wash use and pass-by trips (those trips already on the road that access the site), the net increase in off-site generated trips is 43 am and 20 pm weekday peak hour trips. A Traffic Impact Analysis performed by Kimley-Horn found all nearby intersections operating at acceptable levels of service based on the requirements of Section 1-20-31 of the APFO. There are not any road escrow accounts in the area, so no escrow contributions are required in accordance with §1-20-12(H).

While it must be recognized that there are operational problems associated with the entire MD 194 corridor, primarily the inability to go straight or turn left from un-signalized approaches, and the potential for crashes that exist on an undivided road such as MD 194, nothing short of the dualization of the highway could mitigate these difficulties. This improvement, which is contained annually in the County’s Priorities Letter to the Maryland Department of Transportation, would cost millions of dollars to complete and is clearly beyond the ability of this Applicant to afford to construct.

**Forest Resource – Chapter 1-21:**

The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan. No forest is present onsite. The one (1) specimen tree located onsite will be saved and protected during construction, along with two (2) smaller trees. The existing 0.40 acre car wash site (Lot 2) meets the FRO exemption criteria under Section 1-21-7(N) for previously developed areas covered by impervious surface and located within a priority funding area. Therefore, the Applicant must provide mitigation for only the additional 0.51 acres of unimproved land (Lot 3) to be impacted by the proposed 7-Eleven site. The Applicant has proposed to pay fee-in-lieu to satisfy the mitigation requirement.

**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>	Approved
<b><i>Office of Life Safety</i></b>	Conditional Approval
<b><i>Traffic Engineering</i></b>	Approved
<b><i>APFO</i></b>	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 February 13, 2022). The APFO approval is also valid for a period of three (3) years from the date of Planning Commission approval (valid through February 13, 2022).

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 modifications are granted and conditions met:

### Modifications requested by the Applicant for approval:

Section 1-19-6.220A: Applicant request for a modification to allow the number of parking spaces to be increased from the required 11 to a total of 16.

Section 1-19-6.500B Applicant request for a modification to allow 18' high lights, rather than 14'.

Section 1-19-6.500D: Applicant request a modification to be allowed to exceed the .5 foot candles of lighting at the property line in the area west of the gas canopy along MD194.

### Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. The addition plat for these lots must be recorded prior to site plan approval and the recording reference noted on the plan.
3. The County sewer easement must be recorded and noted on the site plan.
4. Add the building height to the bulk table and the pole height to the lighting notes.
5. Provide one more street tree along Stauffer Road. Location to be approved by staff.
6. Locate the free standing sign on the plan and demonstrate it meets the 12.5' setback
7. Obtain approval from the Town of Walkersville to connect to their water lines
8. The Office of Life Safety requires a fire hydrant be added to the site. This will also need to be coordinated with the Town of Walkersville.

### PLANNING COMMISSION ACTION MOTION TO APPROVE

I move that the Planning Commission **APPROVE** SP-86-09, including APFO (AP #19001, APFO #19002, FRO #19003), with the modifications and conditions as listed in the staff recommendations for the proposed Discovery Center 7-11, and based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



# EXHIBIT 1 Rendered Site Plan



## EXHIBIT 2 Modification Letter



January 4, 2018

Mr. Jerry Muir Frederick County  
Division of Planning and Permitting 30 N. Market  
Street  
Frederick, MD 21701

Re: **7/11 Convenience Store and Automobile Filling Station 8411  
Woodsboro Pike, Walkersville, MD  
Modification Request**

Dear Mr. Muir,

On behalf of the developer responsible for the proposed 7/11 located at the intersection of Woodsboro Pike and Stauffer Road in Walkersville, MD, I hereby submit this modification request for the following requirements:

1. Section 1-19-6.500(D): "Lighting shall not exceed 0.50 foot-candles as measured from the property line."

A light modification is requested to allow for the proposed lighting to exceed 0.50 foot-candles along the west property line, near the proposed fuel canopy. The shrub line along the west property line will reduce the lumen levels at the property line to meet the required 0.5 foot-candle maximum restriction.

2. Section 1-19-6.500(B)(1): "Pole and Building mounted lighting shall not exceed a maximum height of: 14 feet in pedestrian oriented developments including pedestrian components in Planned Unit Developments (PUD), Mixed Use Development (MXD), Office Research/Industrial (ORI), and planned Industrial/Commercial development.

A light modification is requested to allow pole mounted lighting height to be up to a maximum of 18 feet in height, which meets maximum height for commercial uses in 1-19-6.500(B)(2). The existing retail center has light poles 30 feet in height; proposed height would not have an adverse impact on the retail center or community. The proposed building mounted light fixtures along the pedestrian sidewalk are up to 10 feet in height and are compliant with the maximum height within the pedestrian component of the site. Only the lights for the parking area and the canopy are above the 14-foot height. The 14-foot height restriction would add additional lighting poles and a custom design canopy, which would cause an undue hardship.

3. Section 1-19-6.220 (A)(1): “For the purpose of this chapter, the parking space requirements in the following table will apply. Parking shall be limited to the number of spaces required based on an evaluation of each proposed use, hours of operation, and joint or shared parking agreements. 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 the Institute of Transportation Engineers (ITE), or other documentation as approved by the Planning Commission.”

A parking modification is requested to allow 5 parking spaces in excess of the 11 required by the Frederick County ordinance. Per the Discovery Center shopping center’s previously recorded Declaration of Rights, Restrictions, and Easements (liber 1524 folio 0236) the proposed 3,010 building requires a minimum of 16 parking spaces. This agreement has been provided with this letter for reference.

Thank you for your consideration of these requests. Please contact me at (703) 674-1311 or [todd.magiera@kimley-horn.com](mailto:todd.magiera@kimley-horn.com) should you have any questions or need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Magiera".

Todd Magiera, PE  
Kimley-Horn and Associates

Exhibit 3  
Architectural Elevations

