

THURMONT PLANNING AND ZONING COMMISSION MEETING

6/25/15 AT 7:00 PM

Thurmont Town Office, Meeting Room

Agenda Topics

- 1.) APPROVAL OF 5/28/15 MEETING MINUTES
- 2.) ZONING INSPECTORS REPORT
- 3.) SITE PLAN- CRISWELL CHEVROLET – 111
FREDERICK ROAD
- 4.) THURMONT ZONING ORDINANCE REVIEW-
CHRIS JAKUBIAK

Minutes from the June 25, 2015 Planning and Zoning Commission Meeting

A meeting of the Thurmont Planning and Zoning Commission was held on Thursday, June 25, 2015 at 7 p.m. Present were the following: Chairman Cubbedge; Planning Commission Members, Randy Waesche, Sabrina Massett and Bryant Despeaux; Commission Liaison, Wes Hamrick; CAO, Jim Humerick; Sr. Administrative Officer, Becky Long; Town Planner, Chris Jakubiak; Bill Brennon (B&R Design), Dick Lee and Bill Buehrer.

Approval of 5/28/15 Meeting Minutes

This item was postponed.

Zoning Inspectors Report

Town Planner, Chris Jakubiak presented Mr. Brown's Zoning Inspectors Report.

Site Plan – Criswell Chevrolet – 111 Frederick Road

Chris Jakubiak stated that the Applicants Engineer, Mr. Bill Brennon was here tonight to present the Site Plan for Criswell Chevrolet at 111 Frederick Road. The site is currently used as an auto sales dealership and the proposal is to expand the existing building considerably and to expand the area on the site that would be used for the display of vehicles. The Applicant has submitted a site plan (see attached). Based on some discussion between himself and the Engineer, who is here this evening, several revisions to that site plan were made and that revised site plan is sitting in front of them. One of your principle responsibilities is to review and approve site plans if they comply with the Zoning Ordinance and reflect a good planning and development principles and practices and otherwise contribute to the quality of the Town. Tonight he thought they would have a wide ranging discussion of this plan and discuss the Zoning standards that are applicable and give the Applicant a chance to present his site plan. Mr. Jakubiak asked Chairman Cubbedge as a standard practice to call on him again after the Applicant has made his case, so he can address any particular issues and present his staff report.

Bill Brennon (B & R Design Group) stated he was representing Criswell Chevrolet. Mr. Criswell purchased the property from Mr. Bogley and he is preparing to replace the existing original metal building that is well past its service life. Because this is an existing business, Mr. Criswell can't just tear the building down. So, this site plan he is proposing would be constructed in two phases. The existing service center is going to remain, which is to the right side of the existing building. They will be removing the existing sales area first. Looking at the site plan, to the left hand side there is a proposed service center and that will be the first phase of the construction, up to the existing building. Once that new service area is issued a temporary Use and Occupancy, they will move the service center over into that section, and then they will tear down the existing service center and build the new sales area. Mr. Criswell is planning to keep, as part of the site for now, the existing metal building that is approximately 2500-2600 square feet to the rear of the property.

One of the notes on the site plan is that during construction they need not only an area to stage the contractor but also an area to store some of their cars. Mr. Criswell would like to temporarily use the existing Cozy site during the construction. They are not planning at this time to use it as a permanent display area. Mr. Criswell has not closed on that property yet and the architect is doing some studies as to what the best use of that property might be. If they do incorporate any of the Cozy site into this site, they will come back before this Board and let them know what the site will be used for.

To give you an idea, the existing building is about 11,000 sq. ft. and he is proposing a new service center that is approx. 11,600 sq. ft. Also, he is proposing a new sales area that is approx. 4,800 sq. ft., which the existing building is 2,600 sq. ft. They will be redoing all of the parking lot and the parking lot will basically have a storm water management system underneath it. They will be using porous paving to meet environmental site design criteria for the project. Mr. Brennon said this site does qualify as a redevelopment site, so they get a 50% credit for storm water on the site right now.

One issue that they discussed with Mr. Jakubiak was providing some landscaping. The initial plan was void of that and they have added some additional landscaping out front and to the side. They have talked to Frederick County, the environmental site design plan for storm water has a conditional approval on it and they still have some items dealing with the forest conservation plan for the site on the left hand side of the property. He stated they will address that as they move thru the review process.

One item they were asked to review was signage. When Mr. Criswell moved to town and he asked for two permits to replace the existing sign on Frederick Road and to construct an additional pylon sign to the rear of the property. Those are current Chevrolet designs and they will not be replacing those signs. They don't know yet what the new sign package will be for the new building, but when they get that package from Chevrolet, they would like to come back to the Board and show them what the building signage package is.

Chairman Cubbedge asked Mr. Brennon to explain the surface that they would be using, since this is not standard asphalt. Mr. Brennon said the best example he could give them was the Wegman's parking lot, it would be that type of material. Some of that is of a porous design and when it rains it doesn't look wet. The water percolates thru and there is approx. 2 ft. of stone chamber underneath that with an underdrain. That is the method that would be used in order to meet the storm water requirements for the site. That would be utilized for the entire area if necessary.

Commission Member Massett asked Mr. Brennon to explain what he meant when he said as a redevelopment site they qualify for a 50% credit for storm water. He said that under the State criteria, they recognize that if you are doing a redevelopment site, you are in a developed area and certain facilities such as the storm drain system is already designed and they give you a credit for the previous impervious areas that were not treated for storm water. So, we only have to treat 50% of the existing impervious areas and all of the new impervious areas. We have to meet the current criteria. You get a credit for existing pavements that have been there prior to storm water management being implemented. Ms. Massett asked what the ratio was for the existing versus new. Mr. Brennon said the

existing onsite pavement was about 53,000 and the new proposed area is about 81,000, basically they are adding about 30,000 sq. ft. of pavement.

Commission Member Despeaux asked if the signage permits came before the Planning and Zoning Commission. Jim Humerick said it came before the Planning and Zoning Commission and then it went before the Board of Appeals. Mr. Despeaux then asked if the signage was back on the table for review, since this is a new site plan for redevelopment of this property. Mr. Jakubiak said yes you can review it all and it is important that they do. There are some issues here and the Ordinance says that each site should have one free standing sign and this one has two. And the Ordinance says that no sign should be greater than 10 ft. and the free standing signs are considerably more than 10 ft. It also says that total signage area for a given commercial site should not exceed 75 sq. ft. total. He suspects that if they were to add up those two signs out there now, they would come close to 75 sq. ft. or well in excess of it. That is an issue that they will have to grapple with. They can't dismiss the fact that they have been approved by the Board of Appeals and have a legal standing. But that doesn't mean you can't open up that can and decide how best to proceed. Certainly the signs are to be provided as part of the site plans and the Zoning Code says that in two places, that you review the signs at the same time as you review the site plan.

Chairman Cubbedge asked, since those two signs had already been approved by the Board of Appeals, would they then be discussing the additional signage. Those two signs are already there and they already exist and are not part of the redevelopment. What he understands is that the redevelopment phase would be the buildings and any other signage. Mr. Jakubiak said that is a reasonable approach, but the Ordinance says there is a maximum amount of sign area you can have. He thinks that if you add the building signage, which looks perfectly reasonable, in combination with the large highway oriented signage you are not going to be in compliance with the Ordinance. It may be that you can't act on any request for signage until a Board of Appeals ruling on this issue is resolved. He doesn't know that they have the flexibility in the current Code to modify that standard. The Applicant has put himself in a box. Commission Member Waesche asked how the Applicant put himself in a box, since he went thru the procedure and got approval for the larger sign. Mr. Jakubiak said the applicant maxed out his allowable signage. He sought approvals and accommodated the signage he could have on two poles rather than distributing that signage across the whole site. Chairman Cubbedge said then they were most likely looking at a Board of Appeals. Mr. Jakubiak said he thought so.

Mr. Brennon said he would rather defer the signage for now, but under the Zoning Ordinance there are two sections of signage. One is commercial identification signs, which when you look under your Zoning Ordinance, that appears to be the pylon signs or the individual signs that would be a 75 sq. ft. max and 10 ft. high. And he agrees with that totally, but there is also an individual store sign that is sized at 1.5 sq. ft. per building, which he thinks is the standard that the building would follow. Mr. Jakubiak said he thought that would be relevant if it were part of a planned shopping center. If you look at that table, it says shopping center and under that table there is a subtitle that applies to the individual stores within a shopping center. And this is clearly a standalone commercial use, so he doesn't know that that would apply here. Mr. Brennon said he knows the Ordinance needs updating when a large business typically, a single use business with a large building is limited to 75 sq. ft. of signage and a shopping center will

have a 1.5 sq. ft. per building frontage. So if you have a long length that faces the street you are penalized by being one user as opposed to being multiple users. Mr. Jakubiak said you could say that, but he wouldn't say it was penalizing. That 1.5 per linear ft. could result in a massive amount of space or a limited amount of space, it depends on the size. He thinks the intent of the Code is to relate the total area to the linear footage on the street. Be that as it may, we are not here to change the code at the current date. But it is an issue and the Planning Commission needs to decide how to proceed with your review tonight given this signage question.

Mr. Brennon would like to defer the signage tonight, because Mr. Criswell would like to start the process with the building. Especially since we are limited with a time frame and have additional reviews. We would like to obtain a conditional approval for the site plan for the building and the parking lot, so we could move forward with that and submit a building plan and be able to start phasing this construction. Hopefully to begin construction by September and have the building up prior to the winter and be able to keep moving forward. He knows the signage is an important issue but it sounds like they will have to deal with the Board of Appeals on a variance. Commission Member Waesche said he thinks that is the key thing, the Board of Appeals granted a variance. To him that means they allowed additional, above and beyond what the Ordinance provides for. So, he doesn't know why they can't proceed with what the Ordinance says plus the variance. And what Mr. Jakubiak is saying is that they have used up all of their allowable sign space for the whole site, because they gobbled it up with the variance and he doesn't agree with that. Mr. Jakubiak said that was fair and if you follow your interpretation, you might say what was the total area of signage on the existing building, because they were reviewing a building plan. They were looking at the existing building and so you would add the two pole signs and the signage on the existing building and say that's where things max. He assumes even if you do that that you would go over the 75 sq. ft. And maybe that is the pathway to a solution here.

Chairman Cubbedge said they should move forward, because it doesn't matter what they say it's going to go to the Board of Appeals. If we say they are done and we are not going to allow them anymore, they are going to the Board of Appeals to request a variance. They are not going to have this building and not have their name and Chevy logo on it and we know this is where it is going to go. Mr. Brennon said he would appreciate some time with Mr. Jakubiak and Becky to take a look at what the record was and see where they really are with the signage. Then come back and make a reasonable presentation to them.

Chairman Cubbedge asked if the total impervious area was 74.1% of the site. Mr. Brennon said that is correct. So does that mean that as we look at this parking lot, 74% of that will become impervious? Mr. Brennon said no, that's the total impervious area, it includes the building, paving and the sidewalks. Chairman Cubbedge then asked how many vehicles would be on this site, because the plan looks like a parking lot. Mr. Brennon said that in the Zoning Ordinance they are required to meet certain areas and what they have done is try to designate the uses. The service center requires (42) spaces and the automobile sales requires (12) spaces for a total of (54) spaces. In front of the service bays we figure that is where customers would be dropping off and we have (11) parking spots in that area. To the rear if cars are waiting for parts or are delayed, we have the remainder of this parking for the service areas in the back. So they shouldn't be filled up with display vehicles. For the area to the right where the sales

centers are, we have that surrounded with (3) handicapped and (12) spaces in that area. Under the canopy to the right, this is the new car pickup. All the remaining parking areas that you don't see designated, we anticipate to be used to display vehicles. Chairman Cubbedge asked how long they would estimate storing the sales vehicles on the Cozy site. Mr. Brennon said as stated on the site plan, it would be used during construction; once construction is complete he anticipates everything will be moved back. He doesn't think they will be able to get grading permits until September and with the two facilities it will probably take a year to complete. There will be some new vehicles, contractor's vehicles and some employees that will park on the Cozy site. Chairman Cubbedge said in regard to that, how do they plan on bringing in the construction vehicles. Mr. Brennon said there will probably be a stone entrance on the Criswell site for those.

Commission Member Despeaux said he knew they wouldn't generate any school children from the dealership, but are there any APFO concerns? Mr. Jakubiak said there are no school impacts, water and sewage impacts will be addressed by the Public Works Staff here and he doesn't foresee any impacts for that. He does anticipate that there will be some additional traffic; a larger facility should attract more customers. But he doesn't think it will generate a demand that affects the flow of traffic or the area intersections. Mr. Brennon said the restaurant was a big traffic generator. Mr. Despeaux said that is a separate site.

Chairman Cubbedge said Mr. Brennon made a comment that their engineers were going to figure out what to do with the Cozy site and asked how that was impacting this plan before them now. You have a very large open space that the Board is not to look at, at this time and you have already said that you may be playing with that. So he is kind of curious and concerned. Mr. Brennon said that right now the current use will be during the construction for the storage of the vehicles and the contractor vehicles. And he hopes that maybe by September they might have an idea, if there is another use coming in for that site what might happen. Right now he is looking for Mr. Criswell, if they expanded his display area to that site for a portion of it that would impact the grading and if that makes sense, we would come back before you for an addition plat to change the property line and also a site plan to show you what that area is. But right now it is a lot of what ifs and Mr. Criswell is focused on getting the building replaced and getting a modern facility constructed.

Chairman Cubbedge said it sounds like the what ifs are leaning more in the pro side of moving additional space for the Dealership into that section of Cozy. Mr. Brennon said that's one possibility or there might be another restaurant in there. If a national chain or if a restaurant comes in, it could very well be leased to a restaurant. Chairman Cubbedge said his concern is, Frederick Road is a crowded road and how many cars are going to be coming into the Dealership and how many are going to be going into somewhere else, especially with another roadway right within 200 ft. (Moser Rd.) and the next intersection at Water Street. We are talking about this plan now, but then you have this other site that we are not looking at now and could become something different. And he doesn't want to see the people here impacted unnecessarily. He does agree that right now it doesn't warrant an APFO for the traffic study, but if things change it could. Right now we are sitting in a limbo state just as much as you are and you want us to agree to something, when we don't know what you are going to do with all of it. Mr. Brennon said he would guarantee them that if they make application or amend the site plan for

additional square footage or a different use, APFO is part of that review and if we trigger it, we will address that as required. If we knew what our uses were you might see both of the properties together, but right now they are open to suggestion.

Commission Member Waesche asked Mr. Brennon if he had said that Mr. Criswell had not closed on the Cozy site. That it had not even been bought yet. Mr. Brennon said that as part of the Cozy site the building had to be taken down and now that it has been, things are moving forward on that.

Commission Member Despeaux stated that in the Commissions policy on outdoor lighting for commercial uses the Commission recommends less wattage, more lights, lower poles and a max of 250 watts. Some of the lights on your plan are 448 and 413 watts and you don't specify the pole height, you just say that it is a max of 18 ft. He wanted to know if there was a way to reconfigure the lighting to be more within our policy without impacting safety. Mr. Brennon said he is not a lighting expert, but if there are concerns and you have some suggestions you could forward them to Mr. Jakubiak and he would be glad to have his lighting consultant work with the staff. Chairman Cubbedge suggested that the pole height be incorporated into the lighting plan, so you can determine where the ambient light will end up. He also asked if all lights will be on 24 hrs. a day, would it be reduced for a certain time period for security instead of for advertisement. Mr. Brennon said they can reduce the lighting based on the hours of operations and night time use. On the site plan they notated that the pole heights weren't higher than 18 ft., but they can get with the lighting consultant to work with staff and put variable heights on there if required. Mr. Despeaux said it would be good to identify the height of the poles and some of the lights are more wattage than what we recommend. Mr. Brennon said that lights are more lumens now and the wattage configuration is getting more antiquated, because the LED's are based on lumens and light temperature. Chairman Cubbedge asked if that would also change with the signage package, if those signs would be illuminated also. Mr. Brennon said he wasn't that familiar with the signage package for Chevrolet, so he couldn't really answer that. Mr. Despeaux said that would be something that would need to be addressed, because he sees a lot more of this LED lighting with the lumens instead of wattage. Mr. Brennon said he had been told that with the new energy code if you use the old style lights you don't heat your building, so any of your newer parking lots have the LED lights due to the energy code.

Chris Jakubiak said he would address a number of points and referred to his Staff Report (see attached). On page 2 under Streets and Access, there are two driveway entrances onto Frederick Road and two inter-parcel connections to the former Cozy site. Each driveway on the revised cover sheet of the site plan shows a marked pedestrian crossing thru it and that is a positive thing. The main entry that is lined up with the central part of the building has a pedestrian striped crosswalk leading up to the front door of the property, which is what we want minimally to allow public access. The item that he wanted to focus on was the curb line, as you travel on Frederick Road you notice there are sections where the curb drops down where there was a curb cut like there was at some point another driveway into this site. He would like to see this curb line repaired and restored, so it is a continuous curb the full length of the frontage of the property, of course leaving room for the proposed accesses points that are shown on the plan. The engineers put a note on the site plan that the depressed curb from the older entrance is to be removed and replaced in order to prevent cars from driving on the sidewalk.

The next point is signage, a few moments ago he asked Becky to pull up that approved Board of Appeals approval for the signage and he thinks it might answer the question and it addresses Mr. Waesche's comment, so perhaps we can move forward on it. On June 6, 2010 Zoning Administrator, Jim Humerick describes what the Board of Appeals decided (see attached). The decision of the Board was to grant your variance to allow two freestanding signs on the property, a variance of 18' in height to relocate the existing 28' high sign in the rear of the property and a variance of 37' in height to construct a new 47' high sign in the rear of the building and a variance of 525 square feet of signage to allow a total of 600 square footage of signage for the property. So what the Board of Appeals has said is that you have a total of 600 sq. ft. of signage for the property and he thinks that is definitive. It's pretty clear, so he thinks what they need to see is the Applicant submit a signage plan that conforms to that number of 600 square feet. And if it doesn't then a different course of action may need to be followed, but you as a Planning Commission have the flexibility of adjusting that variance since it applies to the property. Commission Member Despeaux asked even with a new site plan? Mr. Jakubiak said he is not quite sure the more he thinks about it, since it is so definitive with this Board of Appeals decision. It may be something they would want to refer to the Town's Attorney about. He thinks the signs are there now and if they were strictly to bring the site into compliance with the Zoning Ordinance, those signs would go completely and one new pylon sign would be built. But the Applicant would have the ability to go thru the Board of Appeals and seek relief again. He said if they would like they could talk to the Town's Attorney to get a sense of what is available as far as additional signage. But he thinks the onus is on the Applicant and it isn't their job to figure this out. At this point the Applicant needs to come in with a sign proposal like the Ordinance says, then you can respond appropriately, but this decision does set the current max square footage at 600. Mr. Despeaux asked if the State was contacted about the sign, since it was along the highway. Becky Long said they were told to contact the State Highway and there is an email from the State in with the approval. The email says the State Highway Administration approves the appeal for Criswell Chevrolet, but the larger sign to be erected along US 15 is to be on their property and must not overhang into the SHA ROW. You could act if you chose to approve this tonight, but he thinks the approval would have to be conditioned on the resolution of the sign issue and the direction would be for the Applicant to submit a sign proposal for the entire site and once you receive that you can make a decision on how to move forward.

Commission Member Despeaux wanted to know if they did a conditional approval and they get the signage plan back and they don't agree with the plan, what happens then, because we have already conditionally approved it. The Applicant may have already started; does everything stop at that point? Mr. Jakubiak said your condition could be that you approve the sign package and you are not signing off on the site plan until you have a sign package that you approve. Or you could just table this until you get a complete application with a sign package and then take it up at a later meeting. That way there is no indication that you feel one way or the other in terms of favoring the application and you can reserve judgement until you review that sign application. Commission Member Waesche pointed out that whether it's conditional or whether we delay it, they can't do anything. Mr. Jakubiak said they can't do anything until the specific improvements plan gets approved by the Town, until the final site plan is approved. Until grading permits are issued by the County and the erosion control regulations are approved.

Mr. Jakubiak said the next item is Water and Sewer. The waterline at the front of the site is being relocated; this is the Municipal waterline which traverses the property. He is requesting an easement be shown on the site plan. It should be a 20' easement according to Mr. Brown's comments. There is also a waterline along the rear of the property and the applicant is proposing on this revised plan a 30' waterline easement to the Town of Thurmont at the hillside on the back of the property. He is not sure that they need 30', but he would see what Mr. Brown thinks based on his review of the site, he said 20'. There is also a sewer line that runs along the property on Frederick Road that dips a little bit into the property and we will need to see an easement over that as well.

Forest Conservation on page 3, he believes about a year ago the owner of this property removed woodland from the hillside between the building and US Rt. 15. The site plan for this site has triggered a review by the County of the Forest Resource Ordinance. The County is saying to the Applicant, we haven't forgotten about that lost forest there and they will have to mitigate for that loss. They will have to place an easement with some forest elsewhere to protect it or to plant forest elsewhere to comply with the Forest Resource Ordinance. Our preference to the extent possible is that planting takes place within the Towns jurisdiction. Zoning requirements are pretty clear, when you can't meet your forest mitigation requirements on site, the preference is to meet them in town along streams to establish stream buffers. The Town will need to work with the County to review a Forest Conservation Plan and allow the Applicant to identify sites for us to evaluate. He said this is an issue that is out there and he believes the County would like them to withhold any final approval on this plan until the forest conservation plan is established and finalized. Commission Member Waesche said he had wanted to know when Mr. Criswell had taken ownership of this site, because online sources say it was January of this year, which was six months after that deforestation took place. So, he is wondering how this Applicant can be liable for that. The Cozy site is the same thing, they just removed trees and this Applicant has not bought that property yet. To what extent are new owners culpable and have to mitigate situations that were not of their doing. Mr. Jakubiak said to the extent that they are required by the State and the County that administers the State law. Commission Member Massett stated that you buy the property, you buy the package. Someone removed the forest and they shouldn't have and you bought that, so you are responsible, is the way she would see it. Mr. Waesche said he wasn't sure what the characteristics of it were, but he can't imagine it was a forest in the sense of the word that most normal people would regard a forest and he said that if they are not the enforcing agent, then he wasn't going to devote a lot of breath to it.

Commission Member Massett asked what defines forest. Mr. Waesche said if you look at the Ordinance, it is rather broad. Again if we are not the agency that has anything to do with this, then why worry about it. He just thinks it's a shame that they are being forced to do that. Ms. Massett thinks it is incumbent on them that they uphold the other agencies.

Mr. Jakubiak said it is also worth noting that the comprehensive plan is pretty clear about preserving these wooded slopes and identifies them as a sensitive area and should not be disturbed. So, one condition the Forest Resource Ordinance requires is that a forest plan be established and it is likely to involve the Town in identifying where that condition could be satisfied within the Town's boundaries, if it can be. The second condition that the County has placed on this is that there be a buffer along the

southern edge of the property, the side that is shared with Advanced Auto. The County is requiring a 25' buffer along the drainage way that is along the side property line. That means that a row of parking will be removed to allow for the plantings. Chairman Cubbedge said that is what they are asking for. Mr. Jakubiak replied no, that is what they are requiring. Their first comment was it should be 50' and the Applicant challenged that and the revised comment is a 25' space. Chairman Cubbedge asked what their leeway was to that. In other words, we have nothing to say, when the County says this is what it is. Mr. Jakubiak said yeah, he thinks so. Chairman Cubbedge asked if there was a reason why the County wanted to do that between two businesses, since there is already a designated and operational drain management that is not going to be disturbed. Mr. Jakubiak doesn't have the reasoning; he only has the comments that were provided to him. Chairman Cubbedge said the County made no claim between the auto store and Mountain Gate. Commission Member Despeaux said he thinks it is because there is no pavement along that area. Chairman Cubbedge stated, there again it is over our heads and there is nothing we can do about it, it's up to the County and this is what they want. Mr. Jakubiak noted that the Town's Ordinance requires landscaping along the perimeter of the site, so this allows for some overlapping of that requirement. The Counties requirements for forest conservation would be bigger than what the Towns requirements for landscaping would be. Chairman Cubbedge asked if all the spaces along that line would be gone. Mr. Jakubiak stated that only ten parking spaces would be affected, the ones that abut the trees or the shrubs that are planted there. Commissioner Member Waesche is not sure that the Ordinance says that they have to landscape around the perimeter. He thinks the Ordinance says appropriate landscaping and appropriate to him is whether or not it is even required, shall be provide for screening and shade along adjoining streets. To him this is an auto dealership and they need to display their product and what they have shown is adequate. Chairman Cubbedge noted they do have the planting of a hedge on there.

Mr. Jakubiak said the first draft of this plan showed no planting along Frederick Road and the Applicant has responded with some revisions to add some landscaping along the road. He has said at minimum the bump outs along Frederick Road should be planted with trees or shrubs and new landscaping areas should be located midway between the two driveways, the Applicant actually did that. Planting along the foundation wall of the building, which the Applicant has proposed. And the last thing that he mentions is the planting of some trees along US Rt.15, that buffer could be reestablished. That could help provide some filtered views on to the property and also help with reestablishing that green space of trees along US 15. Chairman Cubbedge said he was sure the trees were removed so the lot could be seen from US 15. Commission Member Despeaux thinks that a buffer of trees would help deflect some of the noise from the highway coming onto the homes in that part of town. Chairman Cubbedge wanted to know if planting trees would interfere with the engineering of that shouldering. He wants to know before they start saying this is what you need to do, first of all is that their property to do it or is it the State Highways? Mr. Jakubiak said the property line on the site plan extends quite a ways up the slope and he is only talking about the site plan. Chairman Cubbedge said yes it is their site plan, but it impacts the highway. He thinks their opinion would be nice to know. There may be a reason why they allowed the trees to be removed, we don't know that. He is just asking that they find out before they go saying we want you to put trees there. Commission Member Waesche said he agrees and it could be they removed them because they didn't want to have to pick up trash. If you look up at the Food Lion

side you can see all of that trash that is caught up in that scrub. He thinks this is an attractive auto dealership and it looks nice back there with the grass and any trash can blow down to where someone can pick it up. Rather than us telling them they have to put trees on that slope, he would just assume since the forest conservation portion of this with the County, if they want to satisfy it on their own and put trees on that slope it would be their call, otherwise we have to mitigate it elsewhere in town. Again, this is just his opinion.

Mr. Jakubiak noted that he was not hearing much support for wanting to establish a tree buffer along Rt. 15. Commission Member Massett said he didn't hear that from her, she doesn't think typically you can go wrong with trees. Chairman Cubbedge reiterated that he would ask State Highway what their opinion is. Commission Member Despeaux asked if the Applicant would be fine with putting some trees in. Mr. Brennon said the existing water line was in the middle of that and if they are going to give the Town an easement, they are not typically allowed to plant any trees in the Town waterline easements. We gave a 30' easement because of the slope. Chairman Cubbedge said do you want to plant trees on the waterline and have roots getting into it. He stated again that they need to ask someone who has more knowledge than this board and if the State Highway says that's great we think you should, but he is with Mr. Waesche, there are a lot of other places. There had to have been a reason and someone must think it looks good right now or they would have done something about it already and they have not. Ms. Massett thinks the waterline issue and the easement is a concern, she is not so much worried about the State Highway. But she does think they should look into that aspect of it. Mr. Jakubiak stated that the waterline and trees have been there and they have grown up around it. This is a question that he is hearing a lack of support for and maybe they should just move on, but it is not uncommon for jurisdictions to help establish buffers to allow for filtered views into development, to provide a more attractive passageway as you travel on a highway through a town. And trees have the ability of doing that. He just wanted to bring it to their attention and provide them the opportunity. He thinks they have the grounds if they wanted to apply their landscaping requirements to this and the County could probably also help establish this all back into forest by requiring mitigation back on the hillside. He wouldn't bring this up if it weren't in their comprehensive plan and what he is saying is consistent with their comprehensive plan and the direction of what it seems to suggest about protecting hillsides like this and trees on a hillside. And they do help stabilize a hillside. Ms. Massett said that a bunch of trees do mitigate a bunch of asphalt and a bunch of cars. It is common knowledge now that trees are going to mitigate temperature. And she still thinks it is worth exploring.

Mr. Jakubiak said in terms of planting or landscaping along the road, there are on the site plan, some trees and shrubs planted at each of the ends of the parking areas at the street except for the main entry way. And at several locations throughout the area as well, there is some additional tree planting. Mr. Jakubiak asked if Mr. Brennon could comment on why the main entrance was not improved with landscaping. Mr. Brennon stated it was due to site distance. He knows folks like to shrub up entrances and in the beginning they are nice and small, but over the years at a main entrance it does create a site distance problem. We could probably do some grasses or something if you want, but he really wants to stay away from the shrubberies because they grow and cause issues and the stop line technically is at the crosswalk. Mr. Jakubiak asked why they don't see that as an issue at the first entrance on the

Northside. Mr. Brennon thinks that will be more of a delivery entrance and customers will be coming into the front of the building for service and sales. Mr. Jakubiak then asked if the space between the sidewalk and the row of parking would be grass like it is now. Mr. Brennon said yes, it would be. Chairman Cubbedge made a suggestion and asked him not to plant what was across the street from them. That is a prime example of landscaping gone amuck for site lines. It is the absolute worst when you try to come out of where Fitness and Dunkin are, because of the grasses. They look good and he was all for it when it was proposed, but now we can do nothing about it because it is private property. Getting out of there if you are in a small car, you cannot see the roadway. So, he is in favor of their main entrance staying flat, you are trying to break it up with the plantings and he is more of a safety person. Commission Member Massett said she doesn't see a 10' tree as being a problem with seeing to get out of there. Chairman Cubbedge said but the tree has to get there and someone has to maintain it. He said that getting in and out of a facility shouldn't be any more difficult than what it already is. People, signs, plantings he doesn't care, he is a safety person and he wants to see what is going up and down that roadway to try and get in and out of there. And he believes in an entrance being clean and clear. He will be the first to admit his fault with the neighbor across the street, yes he wanted the grass in there, and unfortunately that in his opinion is landscaping run amuck. It is a sight hazard and he continually lets the Town know this. Ms. Massett agrees with the issue, but a tree would be better than a shrub or a grass because it wouldn't necessarily affect your sight line depending on where it is placed.

Commission Member Waesche asked if the power lines were on the other side of the street. Chairman Cubbedge said there were power lines on that side of the roadway. Mr. Waesche stated then you would have to watch out for trees. Ms. Massett asked if that meant all the trees would be gone then. Mr. Brennon said all those trees are small. Mr. Jakubiak said they wouldn't interfere with the power lines. Ms. Massett asked what the difference was if they won't interfere with the power line or the site line if they were going to be technical.

Mr. Jakubiak said to finish his report the last thing was the architectural standards the Code derives that the Planning Commission may require that architectural renderings of the proposed building be presented with the site plan. Now is your chance if you would like to get into that question. The Applicant did provide a color rendering of the front façade, but that has been changed a little bit. Mr. Brennon did not have one for the revised plan. Mr. Jakubiak asked if the materials had changed in any way. Mr. Brennon said the only change from the original site plan that was presented is that the service bay that was cut back a little bit, is now out and even with the canopy at the front, but the materials are staying the same.

Mr. Jakubiak said that those were the points that he had wanted to go thru and asked if there were any questions that he could answer.

Chairman Cubbedge asked if there were any questions, comments or concerns.

Chairman Cubbedge addressed Mr. Brennon, when you are talking about your storm water, what you are doing basically encompasses the rainfall comes down, it hits the surface, soaks thru, goes to the lower bed and is absorbed into the groundwater table, from that are you looking at piping to draw it off

to take it to the storm water management lines. How are you thinking this is going to work? Mr. Brennon responded that the soils in Thurmont at this site, he believes are "B" soils, which allows for infiltration. They are very good infiltrators. The design is to have a large stone reservoir underneath the parking lot about 2' thick, but right underneath the pavement about every 20 feet you have small underdrains so that if that reservoir does fill up it doesn't go up into the pavement. So, it decants off the top and runs to a collection system and out to the drainage ditch out front, but that would only happen when the reservoir fills up completely. Chairman Cubbedge said, so there is the potential that there could be water in the ditch in the front of the property. Mr. Brennon agreed there could be. Chairman Cubbedge then asked if the runoff from that ditch is held in that ditch, is it absorbed or where does it go? Mr. Brennon stated that between this property and Advance Auto there are twin culverts that go underneath the roadway and so that ditch drains to those culverts and heads across the street into that storm drain system. Chairman Cubbedge said so it goes into the wetland area behind Dunkin Donuts. Mr. Brennon said that is correct. Chairman Cubbedge thanked Mr. Brennon for clarifying that for them.

Commission Member Despeaux asked Mr. Jakubiak if the 25' buffer area on the County would be an area adequate for some of the replanting, to comply with the forest conservation requirements. Mr. Jakubiak said potentially it would be up to the County, it may be a little narrow to meet the depth requirements. Mr. Brennon said they don't agree with the County but for some reason when Advance went in, they showed the same drainage ditch and the County didn't require them to do the 25' or plant the area with understory plants within that 25'. Between September 2013 and today, the ditch has been reclassified, but we will comply with them because we would like to move this forward and obtaining site plan approval tonight. Their FRO plan was basically a worksheet, because when they went out, there wasn't any forest on this site and we have to mitigate. The County came back with the 25' buffer area and when we look at mitigating off site, it's a ratio of 2 to 1 and he spoke with Mr. Jakubiak about that and they would like to get approval. The Town has to identify certain areas for us to plant and we would like to work with you as we are moving forward, in order to identify those areas and put the plantings in the Town, instead of buying banking credits from somebody in the County. Commission Member Masset asked if they move forward tonight, they are not challenging the 25' buffer. Mr. Brennon stated they went back and took a look at the soils map and on the west side of the highway there was a system that had some intermittent streams and blue lines, which stopped at the culverts on the western side under US Rt. 15 and once it discharged the blue line streams didn't pick back up until the wetlands area again. That whole area in Town has been developed and the hydrology is not correct. Maryland Department of Environment has a system and they don't even show the blue line streams on the western side of Rt. 15. So, we made our presentation and we asked what has changed with Advance and we haven't received an answer, except to say provide us with a 25' and do some under story. And we are going to say fine, we just need to move on.

Chairman Cubbedge asked for any last comments or questions.

Commission Member Waesche made a motion for a conditional approval of the site plan for Criswell Chevrolet. The conditions are as follows: the submission of a sign package in compliance with the Zoning Ordinance, which may include the Board of Appeals consideration. Compliance with Frederick

County Forest Resource requirements, to the satisfaction of both the County and the Applicant. And Compliance with the Frederick County water course buffer requirements as agreed upon by the County and the Applicant.

The motion died for lack of a second.

Chairman Cubbedge stated that they have the option of making a motion to move forward or to table it. He apologized for his oversight.

Commission Member Waesche asked what the hang up was. Commission Member Despeaux said he was fine with his motion with some amendments. Chairman Cubbedge said as far as signage he would like to see a clear conditional with their approval of the site for the signage. He knows where this might go, but he wants people to comply with what their requirements are. And they have their options if it doesn't go the way they like it. He wants something here that is written down and we would like you to comply with it and if you are not then you will have to continue forward. Discussion was held.

Commission Member Masset would like to first reevaluate where the slope can be replanted to the extent practical. She would like a little more reevaluation of that. Because her sense is that if they just put what Mr. Waesche said they are just going to go to their preferences and not plant trees there. And she would like to give it a little more exploration. Discussion was held.

Chairman Cubbedge opened the floor for a motion for Criswell Chevrolet.

Commission Member Masset made a motion to approve the site plan with the condition they present a signage plan, that they comply with the Forest Resource Ordinance with emphasis on mitigation to be within the Town limits, that they plant up to 10-15 trees clustered in such a way that does not interfere with existing waterline, and that they meet the requirements for a 25' buffer planted along the watercourse on the property. Chairman Cubbedge seconded the motion with addition of compliance of Staff and Agency comments. Mr. Jakubiak stated that most of the Agency comments had been met in the revised plan. He then read into the meeting Staff comment pertaining to Item #20 on the site plan which references the former Cozy Restaurant Site as though it is a part of the existing Criswell property at 111 Frederick Road (see attached). It is very clear you are not approving anything for the Cozy property. The Applicant's next step in other words is to prepare an improvements plan, so that the Staff and engineers here can review it and makes sure that the water flows right and that the water and sewer operates effectively. And at that time we can deal with his statement about the width of the easements in the improvements plan. He doesn't think there is anything they need to change in the motion based on Mr. Brown's comments. He asked if they could amend the motion to add #5 to include the catch all, compliance with Agency approvals.

Chairman Cubbedge stated the motion on the floor for approval of the Criswell site plan contingent upon the sign plans, the FRO compliance, 10-15 trees being planted on the property, the 25' buffer, and the Agency comments are met. Commission Member Waesche asked Mr. Brennon if the 25' buffer and the 10-15 trees were a problem. Mr. Brennon said that would be ok, they would find a spot for the trees. Mr. Humerick wanted it noted that the 10-15 trees were not part of the Planning and Zoning

requirements. Chairman Cubbedge asked if there was any further discussion. There was none. He said there was a motion on the floor and it had been seconded. Vote – 4-0-0, motion carried.

Thurmont Zoning Ordinance Review – Chris Jakubiak

Mr. Jakubiak presented a Table of Permitted Uses by Zoning District to add to the Town of Thurmont Zoning Ordinance (see attached). What he has done with this is not to recommend any changes, but to place the permitted uses within a table format. In the Ordinance if you see for example Permitted, subject to conditions, right now there are a couple of asterisk within the text and you have to go to the bottom of the page in foot note form to see what the conditions would be. In the future what we will do is, when there is an exception under Use Regulations, we will put the actual reference to it, exception number....

There are a number of uses that are typically found in Zoning Ordinances that are not found in Thurmont's and he has listed them at the bottom of the page. These are residential uses emphasizing special services. These uses are required by law and if you have an application at some point, you are going to have to wrestle with it and you will have to approve it even if your Ordinance doesn't make room for that. What we are going to do is propose some language for you so that now you can proactively deal with those situations. And you are not caught in the situation where denial would be a violation of State and Federal Law.

On page 3 there are a couple of commercial uses that were added. A kennel or cattery, if it is the Towns intent to exclude kennels that is one thing, but if it is not then we should make room for that somewhere. An automotive body shop is different than an auto service station and we should address that and assign a location for that within the Towns commercial districts. Commission Member Despeaux said he is not suggesting that they not allow any of these, but if there was a particular one they didn't want to allow, in the past it was just left out of the text, now should they have a column for not allowed and actually state that. Mr. Jakubiak said that if it was something that would be disruptive to the health and safety and welfare of the Town. Mr. Despeaux said for instance a fireworks factory. Mr. Jakubiak added or a shooting range, you could say that is not allowed. Commission Member Massett asked about historical towns that don't allow fast food restaurants. He said they still allow fast foods, but they are very strict about how they might look. They might say no franchise architecture permitted here. You can't simply say you won't allow any fast food restaurants, you could say for instance, no fast food restaurant with a drive thru window are allowed in the historic part of Thurmont. If that were the case now would be the time to address it. Mr. Despeaux said that is apparently not specifically addressed in our Ordinance, since there is nothing listed here. That is what Mr. Jakubiak meant to indicate here. You just have restaurants and they are permitted, so you could have a restaurant with a drive thru on Main Street. You would hope that as Planning Commission, your involvement would result in a project that looks like it belongs in Thurmont, but that's not guaranteed. Ms. Massett asked if that would necessitate defining an historic area. Mr. Jakubiak stated it may be, but that is not what he is proposing to do here. He thinks they should look to the Comprehensive Plan for guidance on that and deal with it, if it's not there in the next cycle of updating the Comprehensive Plan. Because that is a big

issue and you would be applying additional restrictions on properties within that designated area and you would want to go thru a pretty active public involvement process.

On the next page is listed Educational, Cultural uses and Day Care Centers are permitted across the board and that is fine, but what is a Day Care Center? Right now you can have a forty kid day care center anywhere in any residential zone, which could be very disruptive to the quality of life in the community. So he would advise and would like to propose that he give them some clarity on what day care centers are appropriate in what areas. He would encourage them to continue wherever they can be, but think about what intensity of day care centers. Day care centers aren't just for kids; they can be adult day care centers as well.

Moving onto Industrial uses, the uses that are allowed in the GB Districts (General Business) are also allowed in the Industrial Districts, which means, if you think you are reserving your industrial land for just industry and jobs, you could easily lose that, because somebody could come in and open up a McDonalds on the industrial tract or open up a day care center. Often what jurisdictions say is those types of uses can only be an accessory to an industrial use, that way they preserve their land base for the industry that is there. They don't create conflicts between say a restaurant and a factory that moves in next door.

The current Code just says Churches and we need to expand that to make our Code comply with the federal law governing restrictions on religious institutions, so it is all religious institutions. Houses of Worship are the typical thing, because any house of worship would be permitted under that code regardless of whether it's a church or a synagogue.

A nursing home is not an assisted living and we don't have any provisions for an assisted living. There have been requests since he has been here of where can I put an assisted living and we can kind of make an interpretation that maybe it's a nursing home, but it is clearly different. So, we need to add assisted living or senior living into the permitted use tables.

Miscellaneous uses are fairly straight forward except that agricultural uses are allowed in your residential zones, which may not ever be an issue until someone decides to raise hogs or put extra manure down on a field and you could be creating nuisance conditions. If you look at the map, there is quite a bit agricultural zoned property in the town. He thinks they might want to offer some clarification on that issue, but it is entirely up to them, but it may be a concern.

What is not in this table are the Mixed Use and the TND Districts, they are already in a table, but he is going to move TND into a separate table, because it is an overlay district and he is going to move the Mixed Uses into this table.

Right now there is a series of about eight or nine separate chapters for each thing and we are going to do away with all of that and instead you will have one table of the permitted uses and one table of bulk standards and setback standards. And then one chapter on general requirements that apply everywhere, like lighting parking, loading and landscaping and those types of issues. So, it is going to feel much more streamlined.

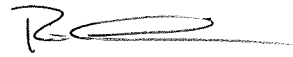
Commission Member Despeaux asked when they were going to hammer out these things they need to consider. Mr. Jakubiak said he would like to bring them to the next meeting. That would give them time to think about it and decide where to go. He stated that they started this with the idea they were not making many substantive changes, but along the way where things that should really be fixed, we should do it now. Where it is reasonable and we are not reaching too far to make any changes, but some subtle changes they should do now.

The next regularly scheduled meeting will be July 23rd. Chairman Cubbedge asked if there were any other comments.

Commission Member Masset made a motion to adjourn. Vote – 4-0-0, motion carried.

Without further discussion, meeting adjourned at 9:18 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robin Clem', with a long horizontal flourish extending to the right.

Robin Clem
Recording Secretary

PERMIT NUMBER	APPLICANT	LOCATION	TYPE AND USE	APPL DATE
2015-000039	LARRY CARTY	132 N CARROLL ST	ADDITIONS	06/08/2015
2015-000040	JOHN A & SHERRY SPRULL	99 SUNHIGH DRIVE	RESIDENTIAL ACCESSORIES	06/10/2015
2015-000041	ERIC & LAURA BOSTIAN	1 CATOCTIN HIGHLANDS CT	RESIDENTIAL ACCESSORIES	06/10/2015
2015-000042	SCOT E HOPKINS	125 IRONMASTER DRIVE	RESIDENTIAL ACCESSORIES	06/10/2015
2015-000043	PATRICK WAY	17 IRONMASTER DRIVE	RESIDENTIAL ACCESSORIES	06/12/2015
2015-000044	REGINALD R & AN BARBER	12 NORTH CARROLL STREET	RESIDENTIAL ACCESSORIES	06/15/2015
2015-000045	THURMONT HOWARD APT LLC	21 & 23 HOWARD STREET	RESIDENTIAL ACCESSORIES	06/22/2015
2015-000046	GEORGE N FRYE & PATRICIA SPARKMAN	100 TIPPIN DRIVE	RESIDENTIAL ACCESSORIES	06/23/2015
2015-000047	JEAN REINHART-A JEFFREY ALLEN	6 TAMMY COURT	RESIDENTIAL ACCESSORIES	06/23/2015

* End of Report: TOWN OF THURMONT *

THURMONT PLANNING AND ZONING COMMISSION

ZONING INSPECTOR'S REPORT

05/28/2015 - 06/25/2015

CUMULATIVE ACTIVITY: 05/28/2015-06/25/2015 06/25/2015 06/25/2014

RESIDENTIAL ACCESSORIES

BARN	0	0	0
CARPORT	0	1	0
DECK	2	6	1
FENCE	3	9	13
GARAGE	0	0	2
GAZEBO	0	0	0
GREENHOUSE	0	0	0
HANDIRAMP	0	0	0
HOTTUB	0	0	0
LEANTO	0	0	0
PATIOCON	0	0	0
PAVILLION	0	0	0
POLEBLDG	0	1	0
POOLAG	1	1	1
POOLIG	0	0	0
PORCH	0	0	0
ROOFCANOPY	0	0	0
SHED	1	10	7
SHEDRELOC	0	0	0
SOLAR PANE	1	1	0
STAIRWAY	0	0	0
STORAGEBLD	0	0	0
WOODSHOP	0	0	0
WORKSHOP	0	0	0

RESIDENTIAL ACCESSO TOTAL:	8	29	24
----------------------------	---	----	----

ADDITIONS

COMMERCIAL	0	0	0
RESIDENT	1	4	6

ADDITIONS TOTAL:	1	4	6
------------------	---	---	---

COMMERCIAL ACCESSORIES

CONCESSSTA	0	0	0
CONSTTRAIL	0	0	0
DUGOUT ADD	0	0	0
ENR UPGRAD	0	0	0
EQUIPSHED	0	0	0
FENCE	0	0	0
GAZEBO	0	0	0
GUARDOFFIC	0	0	0
LEANTO	0	0	0
MINORUTIL	0	1	0
MONOPOLE	0	0	0
MOTELROOM	0	0	0
POLEBLDG	0	0	0
PORTCLASS	0	0	0
RAMP	0	0	0

CUMULATIVE ACTIVITY: 05/28/2015-06/25/2015 06/25/2015 06/25/2014

COMMERCIAL ACCESSORIES

RETAINING	0	0	0
ROOFCAN	0	0	0
SALESTRAIL	0	0	0
SHED	0	1	0
STAIRWAY	0	0	0
STORAGEBLD	0	0	0
STRIPTOWR	0	0	0
TEMPSHELTE	0	0	0
TEMTRAIL	0	0	0
TICKET BOO	0	0	0
TOILETTR	0	0	0
TRAILTEMP	0	0	0

COMMERCIAL ACCESSORI TOTAL:	0	2	0
-----------------------------	---	---	---

NEW COMMERCIAL

BANK	0	0	0
CARWASH	0	0	0
CHURCH	0	0	0
FIRE DEPT	0	0	0
FUELTANKS	0	1	0
LIBRARY	0	0	0
OFFICEBLDG	0	0	1
POLICE BLD	0	0	0
RESTAURANT	0	0	0
RETAILBLDG	0	0	0
SCHOOL	0	0	0
TRUSSBLDG	0	0	0
VET CLINIC	0	0	0

NEW COMMERCIAL TOTAL:	0	1	1
-----------------------	---	---	---

NEW RESIDENTIAL

APART7	0	0	0
CONDO12	0	0	0
REPLACE	0	0	0
SINGLE	0	0	1
TOWNH4	0	0	0
TOWNH5	0	0	0
TOWNH6	0	0	0
TOWNH8	0	0	0
TOWNHC10	0	0	0

NEW RESIDENTIAL TOTAL:	0	0	1
------------------------	---	---	---

NO ZONING REQUIRED

OTHER	0	11	13
-------	---	----	----

THURMONT PLANNING AND ZONING COMMISSION

ZONING INSPECTOR'S REPORT

05/28/2015 - 06/25/2015

CUMULATIVE ACTIVITY: 05/28/2015-06/25/2015 06/25/2015 06/25/2014

NO ZONING REQUIRED

NO ZONING REQUIRED TOTAL:	0	11	13
---------------------------	---	----	----

TOTAL PERMITS ISSUED:	9	47	45
-----------------------	---	----	----

* End of Report: TOWN OF THURMONT *



THE COMMISSIONERS OF THURMONT

Thurmont Planning and Zoning Commission Staff Comments Site Plan – Criswell Chevrolet June 25, 2015

Local Staff has only a few comments to add to Chris's comments:

Item #20 on the Site Plan references the former Cozy Restaurant Site as though it is a part of the existing Criswell property at 111 Frederick Road when in fact it is a totally separate group of parcels making up the Cozy Site.

The acreage and former building on the Cozy property cannot be used to compute any requirements for the Criswell property that is being considered at this time by the Planning Commission. Any use of the former Cozy property will be addressed when a formal Site Plan is presented to the Planning Commission for the parcels that make up the Cozy Property. The only permit that has been issued for the Cozy properties is a demolition permit, and no use of the property other than stabilization of the grounds after demolition is permitted at this time.

If the Site Plan for the Criswell site at 111 Frederick Road is approved then Improvement Plans may be submitted to the Town of Thurmont Department of Public Works for review and approval of any changes to the existing water and sanitary sewer lines that exist on the property. A twenty foot easement centered on any existing or relocated water or sanitary sewer lines will be required prior to any of these lines being relocated. Any costs of relocating any existing utilities will be at property owner's expense.

Fourteen (14) complete sets of Improvement Plans will be needed for distribution and review by appropriate Planning & Zoning and Public Works personnel.

Jim Brown
Zoning/Utility Inspector

MEMORANDUM

To: Town of Thurmont Planning Commission

From: Christopher Jakubiak, AICP, Town Planner

Date: June 22, 2015

RE: Criswell Site Plan, Auto Sales



Background

This memorandum pertains to a commercial site plan scheduled for review at the June 25, 2015 Thurmont Planning Commission meeting at Town Hall beginning at 7:00 PM. Criswell Family, LLC submitted a site plan for the redevelopment of the Criswell site located at 111 Frederick Road. The property is zoned General Commercial and auto sales in a permitted use.

The property is currently improved with two buildings, parking lots, and two driveway entrances onto Frederick Road. The site plan provides for the development a new combined auto service, customer service, and sales area to be housed in one large building in the central part of the site. The existing one-story metal building in the northern corner of the property would remain.

The site plan package I reviewed for this memorandum consists of four sheets: Site Plan, SWM Concept Plan, Site Photometric Design and Details (lighting), and an Existing Conditions Sheet. The applicant has also submitted a proposed building elevation for the new building. Upon discussion of the project with the site engineer, some minor revisions have been made to the plans since their original submittal to the Town and the applicant will bring these to the Planning Commission meeting.

Article X, Section 7.0 of the Zoning Ordinance addresses site plan review. It says that *"In the review of a site plan the Planning Commission shall review the site plan for compliance with the provisions of this Ordinance and principles of good plan and design, so as to further the intent and purposes of this Ordinance and to assure development is compatible with the surrounding properties and public facilities"*. The section goes on to say that the Planning Commission *"may require such additional information as may be reasonably required by the Commission to adequately review the site plan and may require any reasonable changes to comply with the requirements of this Ordinance"*.

Comments

Streets and Access

The two driveway intersections with Frederick Road are being upgraded and improved. I have requested more details on the intersections to ensure that proper design of pedestrian ways at the driveway crossings are secured. The sidewalks will deflect somewhat from their path parallel with Frederick Road, turning into the site slightly before crossing the driveways. In so doing the pedestrian crossings will need to be stripped for safety and be made compliant with ADA.

Under existing conditions, midway between the two driveway entrances, the curb is depressed indicating that there may have been another driveway entrance in the past. This depressed curb (or curb cut) will need to be restored to town specifications and made consistent with the curb line along the full section of the road.

The site plan shows two connections to the former Cozy site on the north side of the site. This is apparently intended to provide access to the former Cozy site for the "proposed overflow display storage area" shown on the plan. These inter-parcel connections are acceptable except that no improvements are permitted on the former Cozy site until a site plan or a site plan addendum is prepared and submitted for approval for this property. More information is needed on the possible use of the adjoining site. Review and approval of this site plan does not pertain to the adjoining site.

Signage

Section 7.4 (E) of the Zoning Ordinance requires that proposed signage be submitted with the site plan for the Planning Commission's review and approval. There is no signage accompanying the site plan. The redevelopment of the site is an opportunity to modernize the signage and replace the tall sign on Frederick Road with a lower monument sign, which is more compatible with this section of roadway. The site also has a tall sign at the rear of the property, which is closer to U.S. Route 15.

Water and Sewer

There is an existing public water line that runs on the property along the rear of the site. It is not protected with an easement. An easement should be placed over this water line. There is also an existing water line in the front part of the site. It would be replaced (relocated) with a new waterline. This new line should be protected with an easement. The existing sewer line runs mostly in the Frederick Road right-of-way but it does cross into the property and to the extent that this line is on private property it too should be protected with the platting of an easement to the Town.

Forest Conservation

The applicant previously removed the woodland along the slope on the western side of the property nearest U.S. Route 15. Frederick County, which administers the Forest Resource Ordinance (FRO), is requiring that this forest removal be mitigated through the woodland planting or protection elsewhere off-site. The Thurmont Master Plan provides that reforestation required by the FRO, which cannot be handled on-site, should be located along streams in the Town. The Town will need to investigate possible sites for this off-site mitigation, but first should evaluate whether the slope can in fact be replanted to the extent practical. The balance of forest conservation can then be accomplished elsewhere. The trees that had grown on this sloped area provided an attractive buffer between the highway and the rear of the commercial site and provided an environmental function too. Importantly, because of the steep slopes of this hillside, this area was intended to be protected as a *sensitive environmental area* under the Town's Master Plan. Removal of this woodland was counter to the Town's environmental policies set forth in its Master Plan. The site plan will need to be in full compliance with forest conservation laws before the Planning Commission can grant final site plan approval.

In the review of the preliminary forest conservation plan, the Frederick County Department of Inspections commented that a 50-ft wide buffer should be planted along the watercourse on the southern side of the property and protected by an easement. The applicant is challenging this finding. Resolution of this issue is required prior to the Town's final site plan approval. A 50-foot buffer would impact the arrangement of parking shown on the southern side of the site so resolution of this matter is a material issue for the Planning Commission.

Landscaping

The Town's site plan provisions require that landscaping be installed and the Thurmont Master Plan provides that native species be used. The site plan presently shows no landscaping and this deficiency will need to be remedied. At minimum, the bump-outs along Frederick Road (including at the driveway entrances) should be planted with trees and shrubs, a new landscaping area should be created midway between the two driveways and planted with a tree and shrubs, landscaping should be added along the building foundation wall especially along that section of the building housing the auto service center which features a long and mostly blank wall, and lastly landscaping including trees should be planted along the perimeter of the site including on the northern and southern sides and along the side of the property frontage onto U.S. Route 15. Trees along the U.S. Route 15 side should be planted to help at least partially restore the woodland buffer that was removed; providing for partial views of the site from U.S. Route 15, for example. A list of native species of vegetation by number of items to be planted should be provided on the approved site plan. The zoning ordinance provides that the ends of parking rows should be provided with landscaping too but this is not shown on the site plan. Applying this last parking standard to the entire site would present practical difficulties for the intended use as a auto sales center since almost the entire site is parked.

Architectural

The applicant submitted a proposed front elevation of the building, but I understand it has changed somewhat so the applicant may submit a new version in time for the Planning Commission's review. The Planning Commission should also see the elevation for the two sides of the building, facing north and south, since these will be visible from the public street as well. Section 7.2(D) provides that the Planning Commission may require architectural renderings of the proposed building to ensure that the appearance, size, type of building material, or other aspects of the building address the goals and policies of the Master Plan. The Planning Commission may wish to evaluate these factors by seeking information from the applicant's engineer and/or architect at the meeting and I would suggest a review of the Master Plan is relevant here.

Recommendation

There are still several issues that need to be addressed prior to final approval. Improvements are needed to this site plan in the area of landscaping, for example. A substantive issue related to Forest Conservation – the 50-foot buffer-- is still outstanding. The applicant has not submitted sign proposal with the application package and this is required by Code. The Planning Commission may benefit from seeing new proposed renderings of the building.

I anticipate that leading up to the Planning Commission's meeting, additional information will be submitted by the applicant. If and when I receive it, I will assist the Planning Commission by preparing additional guidance and technical support, including a list of conditions that the Commission may wish to consider if it chooses to grant a preliminary approval at its meeting on June 25th. That information will be made available during the meeting.

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Douglas H. Simmons, Acting Administrator

June 11, 2015

Mr. Chris Jakubiak
Town Planner
615 East Main Street
P.O. Box 17
Thurmont MD 21788

15-656
Rec'd 6/17/15

RE: Frederick County
Frederick Road (town roadway)
Criswell Chevrolet
Town of Thurmont

Dear Mr. Jakubiak:

Thank you for the opportunity to review the site plan for the proposed Criswell Chevrolet in Thurmont, Frederick County. The State Highway Administration (SHA) review is complete and we find the plans acceptable. Access is from a town roadway.

Please reference/include our comments in your staff report to the Planning Commission. If you have any questions or require additional information please contact Scott Newill at 410-545-5606, by using our toll free number in Maryland at 1-800-876-4742, ext. 5605, or via email at snewill@sha.state.md.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark W. Crampton'.

Mark W. Crampton
District Engineer

cc: B & R Design Group, 300 West Patrick Street, Frederick MD 21701

[Return to List](#)

Project Number: 15541

15-656Status: **Open**Type: **FRO -- FOREST RESOURCE PROJECT**Added: **5/26/2015
2:25:54 PM**Contractor: **B&R DESIGN GROUP**Address: **300 WEST PATRICK STREET
FREDERICK, MD
21701-**Contact: **CRISWELL FAMILY LLC
Address: 503 QUINCE ORCHARD ROAD
GAITHERSBURG, MD
20878**

Expires:

Latest

Resubmittal

Date:

Project **TOWN THURMONT-CRISWELL CHEVROLET-**Name: **COMBINED PRELIMINARY/FINAL FOREST
CONSERVATION PLAN DESCRIPTION-PROPOSED
APPROVAL OF THE SITE STORMWATER DESIGN
TOWN THURMONT WATER AND SEWER**Comments Due: **6/18/2015**Subdivision: **TOWN OF THURMONT (THURMO)**Comments: **TOWN THURMONT-CRISWELL CHEVROLET-COMBINED
PRELIMINARY/FINAL FOREST CONSERVATION PLAN**

Outstanding

Balance Due Prior
to Next **\$0.00**
Submission:

DEPARTMENT PROCESSING

	Assigned To	Department	Dept. Phone	Issued	Type	Status	Comments Made	Comments Due*
Show Details	WILKINS	FRO	(301)600-2329 x	05/28/15	FRO REVIEW	Hold	6/9/2015	6/18/2015

*If "Comments Due" date is not provided within four (4) working days of submittal, please contact 301-600-1138 to discuss with a CDD Staff Member the due date of that submittal.

PLANNING CONDITIONS

Type	Comments	Reviewed By	Added	Modified
PFCP Req'd: Other Information	The PFCP shall contain the following data: other information the Department determines is necessary to implement this Ordinance. FRO plan must be approved prior to site plan approval. FRO mitigation must be provided prior to applying for grading permits or building permits.	M WILKINS	06/09/15	
PFCP Req'd: Other Information	The PFCP shall contain the following data: other information the Department determines is necessary to implement this Ordinance. cant deduct the stream from the NTA	M WILKINS	06/09/15	
PFCP Req'd: Other Information	The PFCP shall contain the following data: other information the Department determines is necessary to implement this Ordinance. if the overflow display area is over the existing parking lot next door, and no changes to that lot are proposed, then show/label that area as existing. Otherwise it must be included in the FRO worksheet	M WILKINS	06/09/15	
			06/09/15	06/25/15

PFCP Req'd: Other Information	The PFCP shall contain the following data: other information the Department determines is necessary to implement this Ordinance. provide a 50' stream buffer. This area is a priority area for FRO mitigation and must be planted and placed into easement 6/25/15: Provide a 25' buffer from the bank of the hydrologic feature. The 25' buffer will be too narrow for a FRO easement, but plant the area with understory native shrubs (such as inkberry holly, highbush blueberry, red osier dogwood, etc. shrubs that will work with the wet conditions and full sun)	M WILKINS			
PFCP Req'd: Other Information	The PFCP shall contain the following data: other information the Department determines is necessary to implement this Ordinance. revise and resubmit worksheet per deduction comments	M WILKINS	06/09/15		
PFCP Req'd: Other Information	The PFCP shall contain the following data: other information the Department determines is necessary to implement this Ordinance. additional \$220 review fee is required since there is an onsite priority area and planting will be required.	M WILKINS	06/09/15		
PFCP Req'd: Other Information	The PFCP shall contain the following data: other information the Department determines is necessary to implement this Ordinance. between 2013-2014 a large area of forest (aprox 1 acre) was removed from this property. You will need to claim this as existing forest on the worksheet and mitigate for forest clearing accordingly.	M WILKINS	06/19/15		

[Return to List](#)

Project Number: 15540

Status: **Open**Type: **PWCONSTRUC -- CONSTRUCTION DRAWINGS**Added: **5/26/2015
2:17:56 PM**Contractor: **B&R DESIGN GROUP**Address: **300 WEST PATRICK STREET
FREDERICK, MD
21701-**Contact: **CRISWELL FAMILY LLC
Address: 503 QUINCE ORCHARD ROAD
GAITHERSBURG, MD
20878**

Expires:

Latest Resubmittal Date: **6/18/2015**Project **TOWN THURMONT-CRISWELL CHEVROLET-SWM CONCEPT PLAN DESCRIPTION-
Name: PROPOSED APPROVAL OF THE SITE STORMWATER DESIGN TOWN THURMONT
WATER AND SEWER**Comments Due: **7/2/2015**Subdivision: **TOWN OF THURMONT (THURMO)**Comments: **TOWN THURMONT-CRISWELL CHEVROLET-SWM CONCEPT PLAN
DESCRIPTION-PROPOSED APPROVAL OF THE SITE STORMWATER**Outstanding Balance Due
Prior to Next Submission: **\$0.00**

DEPARTMENT PROCESSING

Assigned To	Department	Dept. Phone	Issued	Type	Status	Comments Made	Comments Due*	
Show Details	WILKINS	FRO	(301)600-2329 x	06/09/15	FRO REVIEW	Hold	6/23/2015	7/2/2015
Show Details		TOWN REVIEWERS	05/28/15	TOWN OF THURMONT REVIEW	Incomplete			
Show Details	KAPOOR	DEVELOPMENT REVIEW,ENGINEERING	(301)600-1560 x	05/28/15	PUBLIC WORKS DEVELOPMENT REV	Conditional Approval	6/15/2015	7/2/2015

* If "Comments Due" date is not provided within four (4) working days of submittal, please contact 301-600-1138 to discuss with a CDD Staff Member the due date of that submittal.

PLANNING CONDITIONS

Type	Comments	Reviewed By	Added	Modified
Plan View Requirements (SD1)	Storm Drainage Plan - Required for Profile View With future plans, computations will be required showing the impacts to the existing downstream storm conveyance system.	DAVE CRABLE	06/15/15	06/19/15
PFCP Req'd: Other Information	The PFCP shall contain the following data: other information the Department determines is necessary to implement this Ordinance. see ap15541 for FRO comments. FRO plan must be approved prior to the approval of this plan.	M WILKINS	06/09/15	



THE COMMISSIONERS OF THURMONT

10 Frederick Road
P.O. Box 17
Thurmont, Maryland 21788
301-271-7313
Fax: 301-271-2155

June 6, 2014

Criswell Chevrolet
C/O Gary Moser
111 Frederick Road
Thurmont, MD 21788

RE: Docket #A14-05

Dear Mr. Moser,

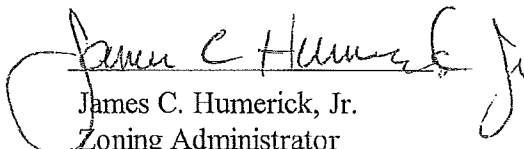
The following disposition of your appeal case was made by the Thurmont Board of Appeals on Thursday, June 5, 2014.

The decision of the Board of Appeals was to grant your variances to allow two(2) free standing signs on the property, a variance of 18' in height to relocate existing 28' high sign in rear of property to front, a variance of 37' in height to construct a new 47' high sign in rear of building and a variance of 525 square footage of signage to allow a total of 600 square footage of signage for the property.

You will need to apply at the Thurmont Town Office for Sign Permit (see attached) and with Frederick County Permits and Inspections for a Building Permit prior to construction.

If you have any questions please contact me at 301-271-7313.

Respectfully yours,


James C. Humerick, Jr.
Zoning Administrator

A review of permitted and special exception uses in the Town's zoning districts. For the TND MX districts, refer to the Mixed Use tables in the Zoning Ordinance. This is not intended to be a recommendation, only a listing of current uses by current zoning district.

TABLE 1: PERMITTED USES BY ZONING DISTRICT	P: Permitted PC: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions
--	---

[illegible]

TABLE 1: PERMITTED USES BY ZONING DISTRICT		P: Permitted PC: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions										
Land Use	Zoning Districts											Use Regs.
	R-1	R-2	R-3	R-4	R-5	TB	GB	I	OC	OS		

Commercial, Office, and Service

Retail Shops, including service/repair such as clock, jewelry, repair							P	P	P		
Antique and/or craft shop						SC	P	P	P		
Food Store							P	P	P		
Convenience, grocery, department, variety, hardware, dry goods stores							P	P	P		
Pet Shops											
Nursery for plants, greenhouses							P	P	P		P
Banks and financial institutions							P	P	P	P	
Barber and beauty shops							P	P	P	P	
Professional office						SC	P	P	P	P	
Business offices, including finance, insurance, real estate							P	P	P	P	
Dry cleaning and laundromats							P	P	P	P	
Clinics or physicians/dentist office											
Business services, plumbing shops, contractor shops								P	P		
Small-scale manufacturing and assembly such as cabinet making, furniture upholstery; carpet cleaning								P	P		

Land Use	TABLE 1: PERMITTED USES BY ZONING DISTRICT										
	P: Permitted PC: Permitted, subject to conditions SE: Special Exception SC: Special Exception, subject to conditions										
	Zoning Districts										
	R-1	R-2	R-3	R-4	R-5	TB	GB	I	OC	OS	Use Regs.

Commercial, Office, and Service - CONTINUED

Television, radio, computer repair shops, small appliance repair, similar											
Boat sales and service							P	P			
Farm implements storage and sales, service							P	P			
Lumber Yard							P	P			
Animal hospital, veterinarian clinic						P	P	P			
Kennel, cattery											
Funeral Parlor											
Auto (Motor vehicle) sales (or rental)							P	P			
Auto part sales							P	P			
Filling stations, service stations							P	P			
Trucks Stops						P	PC	PC			
Automotive body shop											
Carwash							P	P			
Restaurants, standard							P	P	P		
Restaurants, fast food, drive-in, drive thru											
Hotels, motels						P	P	P	P		
Resorts											
Pubs, Bars, taverns (dance halls, nightclubs, cocktail lounges)						P	P	P	P		

