

## WINDRIDGE VINEYARD COUNTRY INN

### CONDITIONAL USE NO. CU202210



#### Description

Request for Conditional Use approval to add the Country Inn use to the already existing use of Farm Alcohol Production to obtain a second Alcohol License from the State of Maryland to alter hours of operations and convert a portion of the existing wine cellar into a tasting area to provide for upscale food and pairings.

No. CU202210

Completed: 9-23-2022

MCPB  
Item No. 7  
October 6, 2022

2425 Reedie Drive  
Floor 14  
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### LOCATION/ADDRESS

15700 Darnestown Road, Germantown 20874

### MASTER PLAN

2002 Potomac Subregion Master Plan

### ZONE

RC (Rural Cluster)

### PROPERTY SIZE

44.784 Acres

### APPLICANT

Windridge Vineyards LLC

### ACCEPTANCE DATE

June 24, 2022

### REVIEW BASIS

Chapter 59

### HEARING EXAMINER PUBLIC HEARING

October 21, 2022



### Summary:

- Staff recommends approval of the Conditional Use with one condition and transmittal to the Hearing Examiner.
- The application request approval for a Country Inn, which is an establishment for dining in the rural area.
- The Subject Site has an existing Farm Alcohol Production use pursuant to 59.3.2.10.B. The Proposal would allow the additional use of a Country Inn.
- The Property has an existing FCP, since no additional development is proposed, the applications is in conformance with the approved FCP.
- Staff has not received any public correspondence as of the date of this Staff Report.

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## SECTION 1: RECOMMENDATIONS AND CONDITIONS

### CONDITIONAL USE NO.CU202210

Staff recommends approval of Windridge Vineyard, Conditional Use No. CU202210, for a Country Inn, subject to the following condition:

1. The use is limited to Country Inn in addition to the existing use of Farm Alcohol Production.
2. All Limited Use requirements remain in full force and effect for the Farm Alcohol Production use per Section 59.3.2.10.B.

## SECTION 2: PREVIOUS APPROVALS

The Property has the following previous approvals:

1. Preliminary Plan and Forest Conservation Plan No. 120190020 approved on July 24, 2019
2. NRI/FSD No. 420170870 approved on March 10, 2017

## SECTION 3: NEIGHBORHOOD & SITE DESCRIPTION

### VICINITY

The Subject Property or Property outlined in yellow below is located at 15700 Darnestown Road, Germantown 20874.

The neighborhood is primarily low-density residential development along with agricultural uses, all in the RC zone. Directly northeast of the site is Black Rock Mill Estates, which is a low-density residential subdivision. To the south and southeast of the site is The Reserve at Black Rock, which is a low-density residential subdivision which is still developed. To the west of the site is a section of Seneca State Park owned by the State of Maryland. To the north and northwest of the site, is an active farm.

The Staff-defined Neighborhood (Figure 1).



*Figure 1: Vicinity Map with Staff-defined neighborhood highlighted in red*

Staff could not identify any approved conditional use/special exception within the defined neighborhood.



## PROPERTY DESCRIPTION

The Property consists of 44.874 acres identified as Lot 18, Block A, Windridge, recorded as Plat No. 25615. Windridge Vineyard is accessed through one location along Darnestown Road directly across from Bellingham Drive.

The topography of the Property slopes from a high point along Darnestown Road and flows downhill towards the western property line. The Property consists of two forest stands, one is along the northwest corner, and the other is along the southwest corner of the Property. There are two streams on the Property, which align with the two forest stands.

The Property is currently developed with an existing vineyard approved under the Farm Alcohol Production use (a Limited Use in the RC zone). The Property contains a 96,658 square foot winery building that includes a tasting room on the first floor with a production area and wine cellar in the lower-level, a separate pavilion and patio, and an extensive picnic table and seating area. There are vineyards surrounding these facilities.



*Figure 2 – Subject Property*

## SECTION 4: PROJECT DESCRIPTION

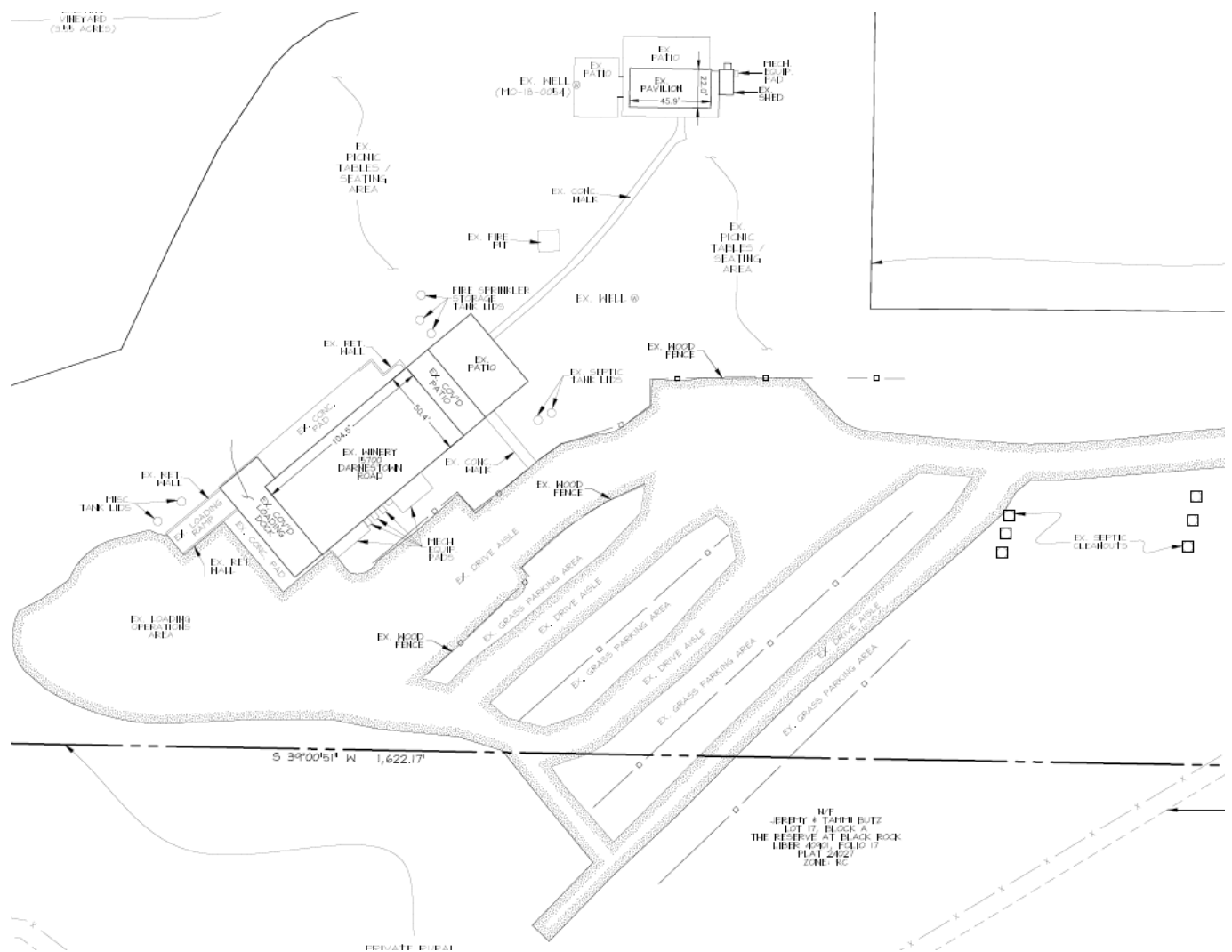
### PROPOSAL

The Applicant proposes to add the use of Country Inn to the previously approved Winery which falls under the Farm Alcohol Production use in the Zoning Ordinance. The current State of Maryland license issued for the winery allows the winery to stay open until 6pm. The additional use of Country Inn will allow the applicant to apply for a second State license that will allow them to stay open later for patrons to be able to enjoy the beautiful summer sunsets. All structures and parking are existing and no new structures or parking are being proposed with this application. Adding this additional use while utilizing all the existing structures and site conditions with no proposed exterior changes will allow Windridge to:

- Convert part of the existing lower-level wine cellar into a tasting area offering upscale food and wine pairings.
- Extend the hours of operations to allow customers to enjoy the sunsets most summer days. Other than events allowed per the Farm Alcohol Production, the applicant is not planning on staying open past 10:00 pm most days.



*Figure 3: Existing Site Conditions*



## ENVIRONMENT

## Natural Resource Inventory/Forest Stand Delineation and Environmental Guidelines

The Natural Resource Inventory/Forest Stand Delineation (NRI/FSD) 420170870 for this Property was approved on March 10, 2017. The NRI/FSD identifies the environmental constraints and forest resources on the Subject Property. The NRI/FSD calls out the Property to be a total of 44.72 acres of which 3.34 acres are high priority existing forest. The Property contains two streams and their environmental buffers, approximately 4.78 acres. The Property is located within the Seneca Creek Watershed, which is classified by the State of Maryland as Use Class I-P waters.

## Forest Conservation Plan



A Final Forest Conservation Plan No. 120190020 for the site was submitted and approved as part of the Preliminary Plan Application.

The FFCP showed no forest within the net tract area and did not propose removal of any forest. Accordingly, the Forest Conservation Worksheet resulted in a 1.1-acre afforestation/reforestation requirement. This requirement was met onsite at a 2:1 ratio of forest retention, or 2.22 acres. The Applicant placed all 3.34 acres of existing forest on Agriculturally exempt portion of the Property in a Category I Conservation Easement, exceeding the 2.22-acre afforestation/ reforestation requirement.

No new land disturbing activities are proposed with this application and the previously approved FFCP remains in effect and does not require an amendment.

## SECTION 5: ANALYSIS AND FINDINGS

### CONDITIONAL USE NO. CU202210

- 1. Per Section 59.7.3.1.E., to approve a conditional use application, the Hearing Examiner must find that the proposed development:**

- a) satisfies any applicable previous approval on the subject site or, if not, that the previous approval must be amended**

The application satisfies all the previous approvals for the Property. The Preliminary Plan No. 120190020 called Windridge Winery, allowed for a winery under the Farm Alcohol Production use in the Zoning Ordinance as a Limited Use. This application will allow Windridge to expand the tasting room within the existing wine cellar for wine pairings associated with the Farm Alcohol Production.

- b) satisfies the requirements of the zone, use standards under Article 59-3, and to the extent the Hearing Examiner finds necessary to ensure compatibility, meets applicable general requirements under Article 59-6; Use Standards for Country Inn, Section 59.3.5.3.A.2.b**

**Use Standards for Country Inn, Section 59.3.5.3.A.2.b:**

- i. The minimum lot area is 2 acres:** The Property is 44.72 acres.
- ii. The maximum coverage is 10%:** The Property has 0.85% coverage.

- iii. ***A minimum of 50% of the lot must be Open Space:*** The Property has significantly greater than 50% Open Space.
- iv. ***The minimum setback from any street is 50 feet. The minimum setback from any other lot line is 75 feet:*** The Country Inn use is more than 600 feet from Darnestown Road and more than 100 feet from the rear and side lot lines.
- v. ***Except in a building designated as a historic resource by the Master Plan for Historic Preservation, in the R-200 zone, the proposed site must have at least one property line abutting R, RC, RNC, or AR zoned property and the abutting property zoned R, RC, RNC, or AR must be at least 2 acres in size: The Property is surrounded by other properties over 2 acres and zoned RC.***

*Table 1: Conditional Use Development and Parking Standards (RC)*

<b>Development Standard Section 59.4.3.4.B</b>	<b>Permitted/ Required</b>	<b>Existing/Proposed*</b>
Minimum Lot Area	5 Acres	44.72 Acres
Minimum Lot Width at Front Building Line	300 ft	664.33 ft
Minimum Lot Width at Front Lot Line	50 ft	665.23 ft
Maximum Density		
Maximum Lot Coverage	10%	0.85%
Minimum Front Setback	50 ft	>50 ft
Minimum Side Setback	20 ft	>20 ft
Minimum Sum of Side Setbacks	40 ft	>40 ft
Minimum Rear Setback	35 ft	>35 ft
Maximum Height	50 ft	<50 ft
<b>Vehicle Parking Requirement (Section 59.6.2.4.B)</b>		
Winery/Country Inn: 10/1,000 patron area	25 spaces	>100 spaces
Production/Storage: 1.5/1,000 sq. ft.	11 spaces	

\*There is no proposed development with this Application.

**Screening:** Per Section 59.7.3.1.B.2.k, landscape plans were not required to be submitted because the applicant is not proposing any exterior changes or additional parking. However, the Property has substantial Category I Forest Conservation Easements on three sides to provide screening to the neighboring properties.

**Lighting:** Section 59.6.4.2, only applies if new exterior lighting is being proposed. The applicant is not proposing new light fixtures with this Application.

**Signage:** The existing signage is already in place for the vineyard use is permitted by right under the Farm Alcohol Production. The Country Inn use will utilize the same signage.

**c) substantially conforms with the recommendations of the applicable master plan;**

The Site is located within the 2002 *Potomac Subregion Master Plan* area and is zoned Rural Cluster. The Master Plan recommends this area to “provide a compatible mix of agricultural uses and low-density residential development that promotes agriculture and protects scenic and environmentally sensitive areas.” The existing winery with the additional use of a Country Inn will help support the continued farming/agricultural use and scenic areas on the Property.

***d) is harmonious with and will not alter the character of the surrounding neighborhood in a manner inconsistent with the plan; The proposal is harmonious with, and will not alter the character of, the surrounding neighborhood.***

The applicant is not proposing any new site or exterior changes at this time. Adding the Country Inn use with the extended hours to the existing winery will not change the character of the Property or the surrounding neighborhood.

***e) will not, when evaluated in conjunction with existing and approved conditional uses in any neighboring Residential Detached zone, increase the number, intensity or scope of conditional uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area; a conditional use application that substantially conforms with the recommendations of a master plan does not alter the nature of an area;***

Due to the fact there are no other Conditional Uses within the neighborhood, this application will not adversely affect or alter the character of the neighborhood. This Conditional Use will substantially conform to the recommendations of the Master Plan to keep the area agricultural and low-density in nature.

***f) will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public facilities. If an approved adequate public facilities test is currently valid and the impact of the conditional use is equal to or less than what was approved, a new adequate public facilities test is not required. If an adequate public facilities test is required and:***

- i. if a preliminary subdivision plan is not filed concurrently or required subsequently, the Hearing Examiner must find that the proposed development will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, or***
- ii. if a preliminary subdivision plan is filed concurrently or required subsequently, the Planning Board must find that the proposed development will be served by adequate public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, and storm drainage, and***

There are adequate public services and facilities to serve the proposed use as previously approved on Preliminary Plan 120190020 from 2019. The site is served with an approved well and septic system. These systems will support the additional hours of operation per DPS- Well & Septic Section. There are

no new peak trips being generated by the additional use of a Country Inn so the previous Traffic Study is still valid. Adding the Country Inn use to the existing winery does not change the APF requirements.

- g) will not cause undue harm to the neighborhood as a result of a non-inherent adverse effect alone or the combination of an inherent and a non-inherent adverse effect in any of the following categories:***
- i. the use, peaceful enjoyment, economic value or development potential of abutting and confronting properties or the general neighborhood;***
  - ii. traffic, noise, odors, dust, illumination, or a lack of parking; or***
  - iii. the health, safety, or welfare of neighboring residents, residents, visitors, or employees.***

Staff determined that the inherent physical and operational characteristics with the addition of the Country Inn use will not cause undue harm to the neighborhood. These characteristics are existing as it relates to the existing Farm Alcohol Production use already on the Property.

The inherent characteristics include:

- Vehicle trips to and from the Property
- The hours of operation
- Parking for employees and customers
- Noises or odors associated with vehicles
- Lighting

These characteristics are inherent and are typically associated with similar agriculture and low-density uses and do not exceed what is normally expected. All the abutting and confronting agricultural and low-density residential uses are well buffered from the Property with sufficient distance existing landscaping and existing Category I Forest Conservation Easements surrounding three out of the four sides of the Property.

The addition of the Country Inn use will not have any non-inherent effects at this location. The Property and surrounding properties have varied topography and existing buffers that help to reduce the visual impacts from the adjoining agricultural and low-density residential uses.

***2. Any structure to be constructed, reconstructed, or altered under a conditional use in a Residential Detached zone must be compatible with the character of the residential neighborhood.***

This property is in a Rural Cluster Zoner and not in a Residential Detached zone. However, the applicant is not making any exterior changes or building any new structures and therefore will not affect the character of the surrounding properties which are low-density residential uses.



3. ***The fact that a proposed use satisfies all specific requirements to approve a conditional use does not create a presumption that the use is compatible with nearby properties and is not sufficient to require conditional use approval.***

The use is compatible as discussed above.

4. ***In evaluating the compatibility of an agricultural conditional use with surrounding Agricultural or Rural Residential zoned land, the Hearing Examiner must consider that the impact does not necessarily need to be controlled as stringently as if it were abutting a Residential zone.***

This Section does not apply to this Application.

5. ***The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use to serve the population in the general neighborhood, considering the present availability of identical or similar uses to that neighborhood:***

- a) ***Filling Station;***
- b) ***Light Vehicle Sales and Rental (Outdoor);***
- c) ***Swimming Pool (Community); and***
- d) ***the following Recreation and Entertainment Facility use: swimming pool, commercial.***

This Section does not apply to this Application.

6. ***The following conditional uses may only be approved when the Hearing Examiner finds from a preponderance of the evidence of record that a need exists for the proposed use due to an insufficient number of similar uses presently serving existing population concentrations in the County, and the uses at the location proposed will not result in a multiplicity or saturation of similar uses in the same general neighborhood:***

- a) ***Funeral Home; Undertaker;***
- b) ***Hotel, Motel;***
- c) ***Shooting Range (Outdoor);***
- d) ***Drive-Thru***
- e) ***Landfill, Incinerator, or Transfer Station; and***
- f) ***a Public Use Helipad, Heliport or a Public Use Helistop.***

This Section does not apply to this Application.

## SECTION 6: COMMUNITY CORRESPONDENCE

As of the date of this Staff Report, Staff has not received any letters of correspondence from the community.

## SECTION 7: CONCLUSION

The proposed conditional use complies with the general conditions and standards of a Country Inn, subject to the recommended conditions of approval. The proposed use is consistent with the goals and recommendations of the 2002 *Potomac Subregion Master Plan*, will not alter the low- density residential and agricultural character of the surrounding neighborhood, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties. Staff recommends approval of the Conditional Use with conditions and transmittal of comments to the Hearing Examiner.