



Memorandum

TO: Arundel Planning Board

CC: Ann Tardif, Land Use Office Manager

FROM: Jamel Torres, Land Use Division Director, SMPDC

RE: **Conditional Use Review – Livfit Athletics, LLC**

DATE: July 30, 2024

Project Description

Livfit Athletics, LLC is proposing a conditional use review located at 26 Commerce Drive on Assessor's Tax Map 30, Lot 31A-04 for a private indoor fitness center that will provide personal training, private group classes and lifestyle coaching by appointment only. The 5,000 square foot space within the existing building was previously approved for vehicle storage & maintenance. The project is essentially a change of use proposal, since most of the site elements are proposed to remain the same.

This review memorandum is in response to the submission materials dated July 16, 2024 submitted by Christopher Gahm of Livfit Athletics, LLC.

Applicant: Livfit Athletics, LLC

Owner: BriMar Properties, LLC

Location: 26 Commerce Drive

Zoning: Downtown Business 2 (DB2) District

Tax Map Number: Map 30, Lot 31A-04

Existing Land Use: Vehicle Storage & Maintenance

Proposed Land Use: Private Indoor Fitness Center

Acreage: 1.52 acres

Complete Application: The Planning Board should determine whether the application is complete at the August 6, 2024 Board meeting.

Waivers: Land Use Ordinance:

- Section 5.12.3.5 – Required Parking Spaces
- Section 10.5.2.7 – Additional Submittals

Site Walk: The Planning Board should determine if they would like to schedule a site walk at the August 6, 2024 Board meeting.

Public Hearing: The Planning Board should determine when they would like to schedule a public hearing at the August 6, 2024 Board meeting.

Application Completeness

SMPDC staff has reviewed the application materials for the project and it appears that the application is missing the following conditional use submission requirements:

- A signature from the property owner indicating right, title or interest in the property.
- Lighting plans for the building and portion of the property where the change of use is proposed.
- Signage plans.
- Include the zoning district (DB2) on the plans.
- Letter of compliance from the Arundel Fire Chief.
- Letter of compliance from the Arundel Public Works Director.

Waiver Requests

The applicant is proposing two waiver requests:

- Section 5.12.3.5 – Required Parking Spaces
 - The applicant is proposing to delineate a total of 20 parking spaces on the site instead of the required 50 parking spaces for the proposed use. The applicant should be prepared to discuss this waiver request with the Board.
- Section 10.5.2.7 – Additional Submittals
 - The applicant is proposing to not conduct and submit an Environmental Impact Study, Traffic Study and Soil Study. The applicant should be prepared to discuss this waiver request with the Board.

Section 6.5 – Downtown Business District 2 (DB2) Zoning Standards Review

- Section 6.5.3 – Space & Bulk Requirements in the DB2 District
 - The applicant should indicate that the site is located in the DB2 zoning district on the plans.
- Section 6.5.4 – Signs
 - It is unclear to SMPDC staff if the applicant is proposing any signs (freestanding and/or building-mounted) for the project. If any signage is proposed, the applicant should provide details for these with future submissions to the Board.
- Section 6.5.6 – Lighting
 - It is unclear to SMPDC staff if the applicant is proposing any new lighting (freestanding and/or building-mounted) on the site. If any lighting is proposed, the applicant should provide details with future submissions to the Board.

Section 5.0 – Performance Standards Review

- Section 5.7 – Fire Protections
 - The applicant should coordinate with the Fire Department in regards to the requirements set forth in this section of the Land Use Ordinance. Additionally, the applicant shall provide a letter from the Fire Chief indicating they are comfortable with the proposed design of the project (buildings and site design).
- Section 5.10 – Lighting
 - In accordance with Section 5.10.1.1. in the Land Use Ordinance, lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Additionally, Section 5.10.4.3.a. in the Land Use Ordinance requires all lighting fixtures serving parking lots shall be full cut-off fixtures. If the applicant is proposing any new lighting on the site, they should provide additional information with future submissions to the Board to ensure that the proposed light fixtures are full cut-off fixtures.
- Section 5.12 – Off-Street Parking and Loading
 - The applicant should coordinate with the Public Works Director in regards to the proposed change of use. Additionally, the applicant shall provide a letter from the Public Works Director indicating they are comfortable with the proposed design of the project.

- Section 5.20 – Stormwater Management
 - In accordance with Section 5.20.3.2. in the Land Use Ordinance, all development plans shall define maintenance requirements and identify parties responsible for maintenance of the stormwater control system. Given that this parcel is part of a previously-approved subdivision and subsequent site plan review, the applicant should ensure that the maintenance requirements are still adequate for the site.

Other

- The applicant has requested permission that they can have a “soft opening” to their business prior to the required Planning Board approval. SMPDC staff would like to note that in accordance with Section 10.2.3 in the Land Use Ordinance, no land, building, or structure shall be constructed, used, or occupied, no earthmoving activity shall commence, and no building permit, sign permit, or certificate of occupancy shall be issued for any activity in the scope of this section unless a final plan of the proposed development has been approved with the procedures set forth below.” Therefore, the Planning Board shall approve of the proposal prior occupancy of the building.

Recommendations

A determination of application completeness by the Planning Board is required to advance further in the review process for the project. SMDPC staff’s review of the application materials finds it to be missing several required items as set forth in the site plan review submission requirements.

Next Steps

The application will be before the Planning Board at its August 6, 2024 meeting as a new business item. At the meeting, the applicant’s team will present the project to the Planning Board and the public. The Board will also deliberate on the provided application materials and waivers, determine application completeness, and set a date for the public hearing. The Planning Board should also determine whether a site walk should be completed for the project at the meeting.