

**MEETING SUMMARY**  
**Carroll County Planning and Zoning Commission**

**February 18, 2020**

Location: Carroll County Office Building

Members Present: Cynthia L. Cheatwood, Chair  
Richard J. Soisson  
Jeffrey A. Wothers  
Janice R. Kirkner  
Michael D. Gosnell, Alternate  
Ed Rothstein, Ex-officio

Members Absent: Daniel E. Hoff, Vice Chair  
Eugene Canale

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane and Laura Bavetta, Department of Planning; Clay Black, Laura Matyas, Kierstin Eggerl and David Becraft, Development Review; Gail Kessler, County Attorney's office.

**CALL TO ORDER/WELCOME**

Chair Cheatwood called the meeting to order at approximately 9:01 a.m.

**ESTABLISHMENT OF QUORUM**

Laura Bavetta took attendance and noted that six members of the Board were present, and a quorum was in attendance.

**REVIEW AND APPROVAL OF AGENDA**

On motion of Mr. Wothers seconded by Ms. Kirkner and carried, the Agenda was approved.

**REVIEW AND APPROVAL OF MINUTES**

On motion of Mr. Wothers, seconded by Ms. Kirkner and carried, the Minutes from the January 21, 2020 meeting were approved.

**COMMISSION MEMBER REPORTS**

**A. COMMISSION CHAIRMAN**

Chair Cheatwood did not have anything to report.

**B. EX-OFFICIO MEMBER**

Commissioner Rothstein did not have anything to report.

**C. OTHER COMMISSION MEMBERS**

There were no other reports.

**ADMINISTRATIVE REPORT**

**A. ADMINISTRATIVE MATTERS**

Secretary Eisenberg did not have anything to report.

**B. EXTENSIONS**

Clay Black stated there have been three extensions since the last meeting, Skiba Farms, Abbott Acres and Crossroads Vehicle Repair Shop.

**C. BZA CASES**

Mary Lane reported there are two cases being heard this month, Case No. 6218 and Case No. 6219.

**D. OTHER**

There were no other reports.

**FY21 PRELIMINARY RECOMMENDED CIP AND BOND AUTHORIZATION** (Ted Zaleski)

Secretary Eisenberg reviewed the Letter of Consistency the Planning Commission prepared regarding their recommendations for the CIP.

On motion of Mr. Soisson, seconded by Ms. Kirkner and carried, the Commission voted to forward the letter to the Board of County Commissioners.

**CONCEPT/PRELIMINARY MAJOR SUBDIVISION REPORT**

SUBJECT: P-19-0101, New Carroll Center Resubdivision of Lot 2C  
LOCATION: 1310, 1320, & 1330 Liberty Road (MD Route 26); north side Liberty Road, east of Sykesville Road (MD Route 32), E.D.5  
OWNER: Quantum Eldersburg, LLC, 4912 Del Ray Ave., Bethesda, MD 20814  
DEVELOPER: same as owner  
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157  
ZONING: B-G - General Business (submitted Dec. 20, 2019)  
ACREAGE: 16.11 acres  
WATERSHED: Liberty Reservoir  
NO. OF LOTS: 2  
FIRE DISTRICT: Sykesville  
MASTER PLAN: Commercial High – 2018 Freedom Community Comprehensive Plan  
PRIORITY  
FUNDING AREA: Freedom  
DESIGNATED  
GROWTH AREA: Freedom  
SEWER/WATER  
DISTRICT: Freedom

**❖ Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept major subdivision plan and one action is required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **Existing Conditions:**

The subject property is Lot 2C of New Carroll Center (plat attached). It was created in 1993 as Lot 2 of New Carroll Center, a two-lot subdivision (plat attached). In 1994, an amended plat was recorded to modify easements and depict right-of-way at MD Route 32 to be dedicated to the State Highway Administration. In 1995, a second amended plat was recorded to dedicate frontage for Bevard Road to the County and create utility easements on the lot (plat attached). In 2018, in conjunction with a site development plan for a multi-tenant retail building and a Wawa, an amended plat was recorded to depict right-of-way at MD Route 26 to be dedicated to the State Highway Administration and adjust easements accordingly (plat attached).

The property is located at the northeast quadrant of the Liberty Road (MD Route 26) and Sykesville Road (MD Route 32) intersection. It currently hosts a Planned Business Center comprised of an existing multi-tenant building (formerly Walmart) and a Wawa convenience store with fueling stations at the southeast corner of the site. A multi-tenant retail building at the northwest corner of the site is under construction. Site development plans for the Planned Business Center were approved by the Planning and Zoning Commission in 2017 and 2018.

Access to the site is via existing entrances from MD Route 26 and Bevard Road. Inter-parcel connectivity allows access to the bank on Lot 1 of New Carroll Center which is located at the corner of Liberty Road and Sykesville Road.

The subject property is within the Freedom Priority Funding Area and Growth Area and is currently served by public water and sewer. All adjoining properties are likewise commercially zoned and served by public water and sewer. There are no streams or floodplain on site. A stormwater management facility exists in the northeast corner of the site.

❖ **Subdivision Plan Review:**

The developer proposes to subdivide Lot 2C to create two new lots in New Carroll Center; Lot 3 and Lot 4. Lot 3, 1.9595 acres, will encompass the multi-tenant retail building that is under construction. Lot 4, 1.4645 acres, will encompass the existing Wawa store and fueling stations. Lot 2D, 12.6444 acres, will contain the existing multi-tenant building, pylon signs, and stormwater management facility. Parking and drive aisles are shared throughout the Planned Business Center. Cross easements will be established.

There are no new buildings, no disturbance, no new site development plans proposed in conjunction with this subdivision. The proposal is exempt from Floodplain, Water Resources, Forest Conservation, Landscaping, and Stormwater Management codes. The Zoning Administrator has approved the plan in accordance with the Zoning Code.

The concept site plan was subject to citizen involvement at the January 27, 2020 Technical Review Committee (TRC) meeting. No citizens were in attendance and no phone calls or emails have been received regarding New Carroll Center Resubdivision of Lot 2C.

As a non-residential subdivision, the plan is exempt from Chapter 156, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

With regards to a preliminary plan, Chapter 155.057(D)(2) states, “Final plans need not be brought before the Planning Commission for review of compliance with the approved preliminary plan and all other applicable regulations at its regular meeting, unless specifically requested by the Planning Commission. If final plan review is not requested by the Planning Commission, in accordance with this chapter, the Chairperson or the Secretary of the Planning Commission shall be empowered to approve and sign the final plan upon confirmation from the Bureau that the plan meets all requirements of this chapter and all conditions for approval of such plat have been met, or shall disapprove the final subdivision plan or may approve it with conditions with respect to the timing of recordation or building permits.”

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the preliminary plan subject to the following conditions:

1. That a cross easement agreement for shared facilities be recorded simultaneously with recordation of the subdivision plat.
2. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with recordation of the subdivision plat.
3. That any changes to the Preliminary Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

**Discussion:**

Mr. Gosnell recused himself from this presentation.

Laura Matyas presented the staff report.

Kelly Shaffer-Miller, Attorney, Fred Wine, Partner, and Jeff Zigler, CLSI were present.

Commissioner Rothstein asked for clarification on the purpose of subdividing.

Mr. Wine stated it is for flexibility for financing and possible future sale of the property.

**Decision:**

On motion of Mr. Soisson, seconded by Ms. Kirkner and carried, the Commission voted to approve the plan pursuant to Chapter 155 subject to the three conditions outlined in the staff report.

**PRELIMINARY SUBDIVISION PLAN**

SUBJECT: P-19-0032– Clas Property  
LOCATION: 6828 White Rock Road, 500 feet north of W. Obrecht Road, E.D. 14  
OWNER: Clas-Haven Living Trust, 6828 White Rock Road, Sykesville, MD 21784  
DEVELOPER: Clear Ridge Developers, Inc., 1935 Babs Court, Marriottsville, MD 21104  
M & J Capital, LLP, 113 Westminster Road, Suite 200 Reisterstown, MD 21136

SURVEYOR: Leon A. Podolak & Associates, L.L.C., 147 East Main Street, Westminster, MD 21157

ZONING: Agricultural/Conservation

ACREAGE: Acreage of lots: 8.9 acres Acreage of Remaining Portion: 150 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: 7 lots

FIRE DISTRICT: Sykesville-Freedom

SCHOOLS: Linton Springs Elementary, Sykesville Middle, Century High

MASTER PLAN: Agriculture

DESIGNATED GROWTH AREA: Freedom

❖ **Action Required:**

Two actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 156, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **Existing Conditions:**

An existing residence with multiple farm structures is located on the 159 acre property. The Agricultural zoned portion contains numerous areas being utilized for crop farming. The Conservation zoned section is mostly wooded and contains a stream. A single use driveway from White Rock Road leads to the residence and associated farm buildings. This and all adjoining properties have their own private well and septic systems. Property adjacent to the north is zoned Agricultural with a residence and farm structures. Properties on the east side of White Rock Road are residential use and zoned R-40,000. Properties located along the south side of W. Obrecht Road are residential use and zoned R-40,000. Two off-conveyances, with access off of Dearest Lane, were created in 1979 from the property.

❖ **Plan Review:**

The property is comprised of 159 acres; 130 acres zoned Agricultural and 29 acres zoned Conservation. The owner proposes to create seven residential subdivision lots utilizing the Agricultural lot yield calculation as provided in Chapter 155. This subdivision will exhaust the §155.091 residential lot yield for the Agricultural zoned portion of this property.

The plan was subject to citizen involvement during a regularly held meeting of the May 24, 2019 Technical Review Committee. Several citizens spoke at the meeting with comments related to growth in this area, future development of this property, impact of houses on neighboring wells, school capacity, and construction noise. The concept plan was then presented to the Planning Commission at the June 18, 2019 meeting (minutes

attached). Staff has had numerous phone conversations and met several times with citizens regarding this project.

Access to the lots will be from a proposed 16-foot wide (670 feet in length) paved privately maintained use-in-common named driveway that will serve all seven lots. The Development Review Manual states that use-in-common driveways are to be a minimum of 12 feet wide and if length exceeds 500 feet an 8 by 40 pullover is required at or near the midpoint of the driveway. Based on the length of the use-in-common driveway (670 feet) that would place the pullover around 335 feet, beyond the driveway locations for lots 1, 6, and 7. The developer has proposed that instead of a pullover at the midpoint, that the first 125 feet of the driveway will be 20 feet wide. Attached is the surveyor's response to this alternative design which staff does support.

The development is exempt from the requirements of Chapter 153 (Floodplain Management) and Chapter 154 (Water Resource Management). On site-forest retention on the property remainder will address the requirements for Forest Conservation (Chapter 150). To comply with Chapter 157 requirements (Landscape Enhancement of Development), a row of landscape planting units is provided along the White Rock Road frontage of lots 1 and 7.

Stormwater Management has granted preliminary plan approval. Drywells and a wide shoulder are being shown to address those requirements. Grading and Sediment Control has granted approval of the preliminary plan in accordance with Chapter 152 (Grading and Sediment Control).

All lots will be served by a private well and septic system. The Carroll County Health Department has granted preliminary plan approval.

The Department of Planning has stated that this plan is consistent with all applicable plan policies and recommendations. In response to the Planning Commission comments during the review of the concept plan, a sidewalk for the full White Rock Road property frontage has been added.

❖ **Concurrency Management Review:**

The project is subject to and was reviewed and tested in accordance with the provisions of *Adequate Public Facilities and Concurrency Management*, Chapter 156 of the Code.

**Agency Responses:**

**Police Services:**

The ratio shall be calculated by counting all sworn officers with law enforcement responsibility in an incorporated municipality or within the county and by counting the total population within the incorporated municipalities and within the unincorporated areas of the county. The estimated Carroll County population as of December 31, 2019 was 168,044. There are currently 246 Countywide sworn law officers with 10 positions currently in training with an additional 16 funded positions. Based on a total of 272 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of December 2019 was 1.62. Based on total of 256 positions, the ratio of law enforcement positions to Carroll County population as of the end of December 2019 was 1.52. Including the development projects in the pipeline along with the funded positions, the ratio will be over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000.

Schools:

The proposed subdivision is located in the Linton Springs Elementary, Sykesville Middle, and Century High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2020-2025.

The January 2020 enrollment projections, prepared by Carroll County Public Schools, indicate that Linton Springs Elementary had an actual September 2019 enrollment of 89.6% of state-rated capacity. The projections indicate that enrollment will increase to 101.0% of state-rated capacity during the 6-year CIP cycle. There are approximately 9 subdivision lots in the attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. There are two other residential projects of 5 lots in the attendance area that are currently in the review process. An elementary school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

The January 2020 enrollment projections indicate that Sykesville Middle had an actual enrollment of 108.9% of functional capacity. The projections indicate that enrollment decreases then rises back to 108.9% of functional capacity by the end of the 6-year CIP cycle. There are approximately 136 lots in the attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. There are five other residential projects of 22 lots, currently in the review process. A middle school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the functional capacity.

The January 2020 enrollment projections indicate that Century High had an actual enrollment of 108.9% of functional capacity. The projections indicate that enrollment decreases then rises back to 108.9% of functional capacity by the end of the 6-year CIP cycle. There are approximately 136 lots in the attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. There are five other residential projects of 22 lots, currently in the review process. A high school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Sykesville-Freedom fire and emergency medical services district. The two-year period of December 2017-November 2019 late and no response statistical data indicates that of the first due total fire calls in the district, 1.12% were categorized as no responses, and 5.97% as late and no responses. Of the first due emergency medical service calls, 0.48% was categorized as no responses and 0.56% as late and no responses.

With regard to fire call average response time, for the same two-year period, Sykesville-Freedom had an average response time of 6 minutes and 48 seconds. With regard to emergency medical call average response time, Sykesville-Freedom had an average response time of 6 minutes and 32 seconds.

The primary route from the firehouse to the proposed development does not include travel over bridges that cannot adequately support fire and emergency response apparatus.

Services are adequate if:

1. Total number of late and no responses is less than 15%, and the total number of no responses is less than 4% measured on a 24-month basis, updated monthly;
2. Using an average over the previous 24 months, response time is eight minutes or less from time of dispatch to on-scene arrival with adequate apparatus and personnel; and
3. All bridges and roads for the most direct route or acceptable secondary route to the project site are adequate to support fire and emergency response apparatus.

Roads:

White Rock Road is rated adequate.

Sewer and Water:

n/a

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends that the Planning Commission approve the preliminary plan subject to the following conditions:

1. That any changes to the preliminary plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.
2. That the Owner/Developer enters into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
3. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with recordation of the subdivision plat.
4. That a Forest Conservation Easement be granted to the Carroll County Commissioners by a deed to be recorded simultaneously herewith.
5. That a Declaration of Maintenance Obligations for the use-in-common driveway (Clas Drive) serving Lots 1 through 7 be recorded simultaneously with recordation of the subdivision plat.
6. That a Landscape Maintenance Agreement for the landscaping shown on the approved preliminary plan be recorded simultaneously with recordation of the plat.
7. That the area shown as Parcel A along White Rock Road be conveyed to the County Commissioners of Carroll County for right-of-way simultaneously with recordation of the subdivision plat.
8. That a note be shown on the final plat restricting driveway access for lots 1 and 7 to Clas Drive.



Pursuant to Chapter 156, staff recommends that the Planning Commission approve the preliminary plan subject to the following conditions:

1. Police, schools, roads, and fire and emergency medical services are considered adequate;
2. the building permit reservation is for 7 lots in FY21, subject to modification at the final plat stage;
3. the recordation schedule requires the plat to be recorded within 24 months of preliminary approval; and,
4. the building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

**Discussion:**

Clay Black presented the staff report.

Clark Shaffer, Attorney and Pete Podolak, Surveyor, were present.

Mr. Shaffer stated Mark and Jeff Powers and Mark Frizzera have taken title of the property since the last presentation.

The Commission discussed the width of the driveway and current requirements regarding pull overs.

Commissioner Rothstein commented on the adequacy of schools and fire and emergency services.

The Commission discussed school projections and other future development planned in the area.

Gary McGinnis, citizen, expressed concern over other properties in the area that will be developed and the possible strain on public services. Mr. McGinnis also stated the woods bordering his property and this property should be looked at because they are failing and falling. Mr. McGinnis also inquired about fire tanks and the length of the driveway.

Mr. Black stated fire tanks are not required and the driveway is 670 feet long.

Chair Cheatwood stated it isn't possible to project ahead with fire and EMS services, only past data is available.

Hope Weber, citizen, questioned the requirement of the sidewalk and who will maintain it.

Mr. Shaffer stated the sidewalk was a comment by County staff

Secretary Eisenberg clarified the sidewalk was included per the Freedom Community Comprehensive Plan and Bicycle Pedestrian Master Plan.

Mr. Podolak stated the sidewalk will be in the County public right of way and will be maintained by County.

**Decision:**

On motion of Mr. Wothers, seconded by Mr. Soisson and carried, the Commission voted to approve the plan pursuant to Chapter 155 subject to the eight conditions outlined in the staff report.

On motion of Mr. Wothers, seconded by Ms. Kirkner and carried, the Commission voted to approve the plan pursuant to Chapter 156 subject to the four conditions outlined in the staff report.

On motion of Mr. Wothers, seconded by Mr. Soisson and carried, the Commission voted to authorize final approval of the plan to the Chair.

**RECESS**

**SPECIAL REPORT**

SUBJECT: SF-20-0012, 2 bed Assisted Living Facility  
LOCATION: 2918 Hampstead Mexico Road (MD Route 482); Election District 08  
OWNER: Carlos & Mary Raver, 2918 Hampstead Mexico Road, Hampstead, MD 21074  
DEVELOPER: same as owner  
ZONING: Agricultural  
ACREAGE: 1.182 acres  
NO. OF LOTS: existing  
FIRE DISTRICT: Hampstead Volunteer Fire Company  
MASTER PLAN: Agricultural  
DESIGNATED GROWTH AREA: Outside

❖ **Action:**

The plan is before the Planning and Zoning Commission per section 158.070(E)(1)(r) of the Code of Public Laws and Ordinances of Carroll County. In accordance with the Code, assisted-living facilities are conditional uses in the Agricultural zoning district and are subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission. The developer is requesting approval to proceed to the Board of Zoning Appeals for the conditional use.

❖ **Property Overview:**

The subject property contains 1.182 acres and consists of an existing single-family dwelling. This and all surrounding properties are zoned agricultural. Properties to the immediate east and west contain existing single-family dwellings. Property being utilized for farming purposes are directly to the north and south. This and all properties utilize private well and septic systems.

❖ **Plan Review:**

The developer proposes to convert the existing residence to a 2-bed assisted living facility. There will be no changes to the exterior of the house and any building construction will take place inside the residence. No traffic study is required as it did not meet the minimal traffic study criteria.

Since total disturbance is less than 5000 square feet, a simplified site plan will be processed. In accordance with the administrative rules, "The Commission may also delegate the authority to approve certain site plans to the Commission Chair or the Commission Secretary for Assisted living facilities which do not involve disturbance in excess of 5,000 square feet."

❖ **Recommendation:**

Staff recommends that the Planning Commission approve the concept plan in regards to the traffic, density, exterior design, and site layout of the proposed assisted living facility subject to the following condition:

1. That the final site plan include any conditions placed by the Board of Zoning Appeals.

Staff recommends that the Planning Commission delegate final approval to the Chair.

**Discussion:**

Clay Black presented the staff report.

Carlos and Mary Raver, owners, were present.

**Decision:**

On motion of, Mr. Wothers seconded by Ms. Kirkner and carried, the Commission voted to approve the concept plan with regards to the traffic, density, exterior design and site layout of the proposed assisted living facility and subject to the one condition stated in the staff report and delegate final approval of the plan to the Chair.

**SPECIAL REPORT**

SUBJECT: S-19-0030, Heird Property Assisted Living  
LOCATION: East side of Houcksville Road, south of Saint Paul Road, E.D. 8  
OWNER: Steven Buchman Heird, 2728 Chestnut Run Road, York, PA 17402  
DEVELOPER: same as owner  
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157  
ZONING: Agriculture  
ACREAGE: 18.2764 acres  
WATERSHED: Liberty Reservoir  
NO. OF UNITS: 80 beds  
FIRE DISTRICT: Hampstead  
MASTER PLAN: Agriculture  
PRIORITY  
FUNDING AREA: outside  
DESIGNATED  
GROWTH AREA: outside

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 158.070(E)(1)(r) for review of the site development plan and traffic study, and determinations regarding density, exterior design, and site layout. **Action is required.**

❖ **Existing Conditions:**

On November 19, 2019, the Planning and Zoning Commission approved a final plan of subdivision for Heird Ridge & Amended Plat of Lot 1, Buchman Ridge which is now in the process of recordation (plat attached). The subject property is the 18.2764-acre Remaining Portion as noted on that plat.

The Remaining Portion has property frontage at Saint Paul Road with a 60-foot-wide strip of land connecting the bulk of the property to Saint Paul Road. There is a stream which bisects this strip. An access easement is depicted on the Heird Ridge plat, and will be recorded by deed, for the Remaining Portion to use the shared drive, Buchman Drive.

Buchman Drive will provide access from Houcksville Road for six residential lots and the Remaining Portion. They are all to be included in the Declaration of Maintenance Obligations which will be recorded with the subdivision plat.

The subject property is vacant. There are several single-family homes and farm buildings located in the vicinity. This property and all adjoining properties are zoned Agricultural and are served by private wells and septic systems. Immediately to the south is a property under a Carroll County Land Trust easement. Immediately to the north is a property in a Maryland Agricultural Land Preservation Foundation Easement.

❖ **Plan Review:**

On August 26, 2019, an initial site development plan package was submitted to Development Review and distributed to review agencies. The developer proposes an 80-bed assisted living community on the Remaining Portion of Heird Ridge. The facility is comprised of five 8,970-square-foot buildings with 16 beds each. The buildings are sited around an ellipse with an adjacent drive aisle and parking stalls. In the ellipse, walkways lead to a gazebo and benches.

Assisted living facilities are a conditional use in the Agricultural Zoning District requiring Board of Zoning Appeals authorization. Prior to BZA review, the Planning Commission shall review the site development plan and traffic study, and make determinations regarding density, exterior design, and site layout.

📖 **§ 158.070 “A” AGRICULTURAL DISTRICT.**

**(E) Conditional uses requiring BZA authorization.**

(1) Conditional uses requiring BZA authorization shall be as follows:

(r) Nursing homes, continuing care retirement communities and assisted-living facilities, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;

Chapter 158 of the Carroll County Code of Public Local Laws and Ordinances, the Zoning Ordinance, requires a minimum lot size of three acres for this use in the Agricultural Zoning District. The site is 18.2764 acres.

The Zoning Code states the density for assisted living facilities in the Agricultural Zoning District as 1 bed for every 3,000 square feet with the specification that for those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and Health Department. The development is on a property with an area of 796,120 square feet. The maximum density at a ratio of 1 bed for every 3,000 square feet

would be 265. This plan proposes 80 beds. The Health Department has commented that a well and septic plan with percolation test results and septic calculations must be provided.

Additionally, Chapter 158 sites the setbacks for assisted living facilities as 50 foot at the front, 40 foot at the side, and 50 foot at the rear with increased provisions for these distances being determined by the Planning Commission and Health Department. The Health Department has no comments pertaining to the minimum building lines as proposed.

**§ 158.070 “A” AGRICULTURAL DISTRICT.**

**(H) Bulk requirements.** The following minimum requirements shall apply, except as hereinafter modified in § [158.130](#):

**(2) Nursing homes and assisted living facilities.**

Use	Lot Area	Lot Width (feet)	Density	Front Yard Depth (feet)	Side Yard Width (each side yard) (feet)	Rear Yard Depth (feet)
Nursing homes, assisted living facilities	3 acres	150	1 bed/3,000 sq. ft. <sup>1</sup>	50 min. <sub>2</sub>	40 min. <sub>2</sub>	50 min. <sub>2</sub>
<p><small>1 For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Commission and the Health Department upon the review and approval of the site development plan.</small></p> <p><small>2 As lot area increases above minimum of 45,000 square feet, increased provision for front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.</small></p>						

Trip Generation Data on sheet 1 indicates that the use will generate 22 peak hour trips. Based on the Department of Public Works Design Manual Volume 1 for Roads and Storm Drains, generating 22 peak hour trips does not require a Traffic Study.

The plan indicates 80 beds and 20 employees on maximum shift (4 per building). Based on parking requirements of 1 per every 4 beds plus 1 for every 2 employees on maximum shift, the total numbers of parking spaces required for this development is 30 stalls. 63 parking spaces are shown on the site plan. Walkways connect the parking area with each individual building’s front porch and main entrance. One dumpster is located in the ellipse between building Unit #1 and building Unit #2. Screening is proposed as required by the Landscaping Ordinance.

Water and sewer will be provided via a private wells and septic systems. The buildings will be equipped with an automatic sprinkler system to comply with Fire Protection. Fire Protection commented that Buchman Drive shall be 20 feet in width for fire service access and consideration shall be given to ambulance parking on site, out of the drive aisle.

The building elevations are included on sheets 8 and 9 of the plan set. The buildings have the appearance of a Cape Cod style home with covered porches and gabled roofs. Residential-style lamp posts proposed in the parking lot are 12 feet high. One 4’-7” wide by 4’-0” high entrance sign is proposed at Houcksville Road as well as 3’-7” wide by 6’-0” high directional signs.

On September 10, 2019, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. There were no comments to be considered.

The plan was subject to Citizen's Involvement on September 23, 2019 during the Technical Review Committee (TRC) meeting. Two citizens were in attendance and voiced concerns about traffic and potential impacts to their residential wells. The Health Department was in attendance and responded that the proposed development will need to provide an adequate number of wells to support the assisted living facility.

The concept review is in the technical review process and the plan will be back before the Planning and Zoning Commission for review and consideration of a concept plan.

**Discussion:**

Laura Matyas presented the staff report.

Steven and Jesse Heird, owners, Clark Shaffer, Attorney, Jeff Zigler, CLSI, were present.

The Commission discussed zoning and where assisted living facilities are a permitted use.

Mr. Wothers asked for clarification on the width of the driveway.

Mr. Zigler stated the driveway can be as wide as necessary.

**Decision:**

On motion of Mr. Soisson, seconded by Ms. Kirkner and carried, the Commission voted to approve the plan density, exterior design and site layout as presented.

**PUBLIC COMMENT**

There was no other public comment.

**ADJOURNMENT**

On motion of Mr. Soisson, seconded by Mr. Wothers and carried, the Commission adjourned at approximately 10:48 a.m.

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Secretary

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Approved