

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

**March 17, 2020**

Location: Carroll County Office Building

Members Present: Cynthia L. Cheatwood, Chair  
Daniel E. Hoff, Vice Chair  
Richard J. Soisson  
Jeffrey A. Wothers  
Eugene Canale  
Michael D. Gosnell, Alternate  
Ed Rothstein, Ex-officio

Members Absent: Janice R. Kirkner

Present with the Commission were the following persons: Lynda Eisenberg and Laura Bavetta, Department of Planning; Clay Black, Kierstin Eggerl and David Becraft, Development Review.

**CALL TO ORDER/WELCOME**

Chair Cheatwood called the meeting to order at approximately 9:18 a.m.

**ESTABLISHMENT OF QUORUM**

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

**REVIEW AND APPROVAL OF AGENDA**

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

**REVIEW AND APPROVAL OF MINUTES**

On motion of Mr. Soisson, seconded by and Mr. Canale and carried, the Minutes from the February 5, 2020 and February 18, 2020 meetings were approved.

**COMMISSION MEMBER REPORTS**

**A. COMMISSION CHAIRMAN**

Chair Cheatwood did not have anything to report.

**B. EX-OFFICIO MEMBER**

Commissioner Rothstein addressed the State and County State of Emergency.

**C. OTHER COMMISSION MEMBERS**

There were no other reports.

**ADMINISTRATIVE REPORT**

**A. ADMINISTRATIVE MATTERS**

Secretary Eisenberg addressed the updated meeting schedule and stressed the importance of taking the Census.

**B. EXTENSIONS**

Clay Black did not have any extensions to report.

**C. BZA CASES**

Hannah Weber reported there are five cases being heard this month, Case No. 6222, Case No. 6224, Case No. 6225, Case No. 6226 and Case No. 6227.

**D. OTHER**

There were no other reports.

**CONCEPT SITE PLAN**

SUBJECT: S-19-0019, Charles Carroll Community Center  
LOCATION: 3719 Littlestown Pike (MD Rt. 97), Westminster, MD 21158; E.D. 3  
OWNER: County Commissioners of Carroll County, 225 North Center Street,  
Westminster, MD 21157  
DEVELOPER: same as owner  
ENGINEER: KCI Technologies, 11830 West Market Place, Suite F, Fulton, MD 20759  
ZONING: Conservation / Agricultural  
ACREAGE: 13.71 acres  
WATERSHED: Double Pipe Creek  
FIRE DISTRICT: Pleasant Valley  
MASTER PLAN: Village – Residential (Silver Run Rural Village)  
PRIORITY  
FUNDING AREA: Outside  
DESIGNATED  
GROWTH AREA: Outside

❖ **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 site plan. **No action is required.**

❖ **Existing Conditions:**

Comprised of three parcels which are to be consolidated, the 13.71-acre subject area was the site of Charles Carroll Elementary School. The County Commissioners of Carroll County acquired the land from the Board of Education on November 22, 2016. In 2017, the Board of County Commissioners adopted the fiscal year 2018 budget which included a CIP allocation for demolition of Charles Carroll Elementary and construction of a gymnasium and community space on the site. The school building was demolished in April of 2018. Parking lots, drive aisles, accessory structures, tennis courts, playgrounds, and playing fields remain.

The property is mostly in Conservation zoning, with approximately 2.0 acres at the east side in Agricultural zoning. It is outside of Priority Funding Areas and Designated Growth Areas.

One access point exists from Littlestown Pike (MD Route 97), a State Highway Administration roadway. The access drive climbs uphill to the existing parking lots and it serves three adjoining residential properties with ingress and egress rights-of-way over the subject property.

In 1981, a site development plan was approved for the addition of tennis courts on the site.

The property is adjoined on the north, south, east, and across Littlestown Pike to the west by Agricultural-zoned lots built with residences. The property and all adjoining properties are on private well and septic systems.

❖ **Plan Review:**

The developer proposes to construct a lower parking lot adjacent to a new single-story, 12,000-square-foot community center to include a gymnasium with basketball court, meeting rooms, and computer center. At the peak, the building height measures 35 feet. The existing upper parking lot and access drive will be resurfaced. On Saturdays, the site will operate as a farmer’s market using the existing outdoor pavilion or gymnasium.

Public buildings, structures, and properties for recreation, culture, or administration are a principle permitted use in the Conservation zoning district. The bulk requirements are outlined in the Zoning Code, Chapter 158. With an area of 13.71 acres, the site meets the minimum lot area requirement of 5 acres. Setbacks are depicted on the plan and comply with bulk requirements.

📖 **§ 158.071 C CONSERVATION DISTRICT.**

**(C) Principal permitted uses.**

(8) Public buildings, structures, and properties of the recreational, cultural, or administrative type; or public service-type buildings or properties, including fire, ambulance, or rescue services;

(F) **Height regulations.** Except on farms and except as provided in § [158.130\(E\)](#), no building or structure shall exceed two and one-half stories or 35 feet.

**(G) Bulk requirements.**

(1) **Dimensions.** The following minimum requirements shall apply as hereinafter modified in § [158.130](#):

Use	Lot Area	Lot Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
Other uses	5 acres	300	50	100	50

Access is proposed from the existing access point on MD Route 97. The drive aisle is proposed at 24 feet wide and will accommodate two-directional traffic. There is no change proposed to the ingress and egress rights-of-way for the adjoining residential properties. Access to those properties will be maintained during construction.

A traffic brief was prepared and the State Highway Administration is requiring a partial northbound deceleration lane. Parking requirements for a community center are 1 space for

every 3 people, based on maximum capacity. The maximum capacity is noted as 325 people. Parking required is 109 spaces. There are 111 parking stalls provided.

The Department of Planning reviewed the plan and determined that the proposed plan is consistent with the all applicable plan policies and recommendations.

Building elevations are provided on sheet 10 of the concept plan set with colors of the masonry base, metal siding, and metal roof to be selected by the developer. Two retaining walls, with a maximum height of 7 feet, are proposed at the lower parking lot. Details are provided on sheet 11. The existing freestanding sign at MD Route 97 will be reused for the community center. A detail will be included in the final plan set. Eight light poles will light the perimeter of the parking area and walkways. A detail is included on sheet 7. A photometric plan will be included in the final plan set.

On October 8, 2019, the Design and Architectural Review Committee, an advisory group, met to review the project. Comments and suggestions providing more information and details as pertains to lighting and signage.

The Bureau of Resource Management has granted concept Stormwater Management (SWM) approval. Stormwater Management will be addressed with micro-bioretenion facilities, non-rooftop disconnection, and a grass swale. A stormdrain pipe will convey runoff to an existing inlet at MD Route 97, with a new culvert proposed under the roadway.

The plan is exempt from Floodplain Management. Water Resources Review has approved the plan. Forest Conservation will be addressed with off-site banking. Landscaping is provided at MD Route 97, along the Rowell residential adjoining property line, and at the parking areas in accordance with the Manual. Grading has approved the concept plan.

Fire Protection and Emergency Services Review commented on the proposed 25,000-gallon water storage tank, requesting additional information. Building code requirements will determine if the building must be sprinklered. The proposed use, with well and septic systems, is acceptable to the Health Department.

The proposed site plan was subject to Citizen's Involvement during the October 28, 2019 Technical Review Committee meeting. Two citizens were in attendance and no written comments or calls have been received by the Bureau of Development Review.

The final site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

**Discussion:**

Clay Black presented the staff report.

Nicholas Hill, Engineer, KCI Technologies, and Eric Burdine and Kirk Engle, Building Construction, were present.

Commissioner Wantz addressed the Commission and stressed the importance of this project.

Mr. Wothers asked how the Farmer's Market would occur.

Mr. Burdine stated the Farmer's Market would be held at the pavilion.

Mr. Hoff asked about the layout of the inside of the building.

Mr. Hill described the floor plan of the building.

Chair Cheatwood stated the record will remaining open for ten days for the public to comment.

**Decision:**

On motion of, Mr. Hoff, seconded by Mr. Wothers and carried, the Commission voted to delegate approval of the final site plan to the Chair.

**CONCEPT SITE PLAN**

SUBJECT: S-19-0042, Smoothie King Drive-Thru  
LOCATION: 1337 Liberty Road, Eldersburg, MD 21784; E.D. 5  
OWNER: Mathias/Schlee, LLC., 132 Peachtree Road, Ocean City, MD 21842  
DEVELOPER: Rolanda and Tiana Burnett, 1345 Liberty Road, Eldersburg, MD 21784  
ENGINEER: Adcock & Associates, LLC, 5389 Enterprise Street, Suites B-C,  
Sykesville, MD 21784  
ZONING: B-G, Business General (Submitted December 18, 2019)  
ACREAGE: 1.01 acres  
WATERSHED: South Branch Patapsco  
FIRE DISTRICT: Sykesville Freedom District Fire Company  
MASTER PLAN: Commercial-Medium - 2018 Freedom Community Comprehensive Plan  
PRIORITY  
FUNDING AREA: Freedom  
DESIGNATED  
GROWTH AREA: 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 site plan. **No action is requested.** The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

❖ **Existing Conditions:**

The subject property of 1337 Liberty Road is a 1.01-acre property that currently host a Planned Business Center (PBC). The PBC currently houses Smoothie King, an antique shop, a hair salon, and a flower shop. The property lies in the B-G, Business General, zoning district with two established accesses, both onto MD-26 (Liberty Road).

All adjoining properties are within the 2018 Freedom Community Comprehensive Plan area, zoned C-2 or C-3, and host commercial businesses or strip commercial centers. The adjoining property to the west of the subject property currently host Burger King. To the east is Lot 1 of Freedom Village which currently host a two-story office building. The southern adjoining property is Lot 2B of Freedom Village which host a PBC along with restaurants and banks. Across Liberty Road is Lot 2-C of New Carroll Center. All adjoining properties are served by public water and sewer.

There are existing dumpsters located on the southeastern side of the existing business and a few trees along the side and rear property lines. There is an existing pylon sign for the entire business center between the two entrances to the subject property from Liberty Road. The site currently offers 47 parking spaces; 16 residing behind the existing building and the remaining

31 located in the front. There are no streams or FEMA 100 Year Floodplain designation on site.

❖ **Site Plan Review:**

Smoothie King proposes to add a drive-thru to the existing business which would wrap around the PBC building. The proposed drive-thru will use the existing access drives which connect the rear parking area with the front of the building. With the existing access drives residing on portions of the adjoining properties, cross easements will be necessary. There is an existing cross easement agreement between the subject property and the western adjoining property, but another easement will be recorded to include the portion of the drive-thru not included in the existing easement. The owners of the eastern adjoining lot have agreed to grant an access and construction easement to accommodate the proposed drive-thru and the addition to the access drive's width. An additional easement will be required to accommodate the required landscape which is proposed on the adjoining property to the east.

Carroll County Code §155.078(C)(2), §155.078(C)(10)(a), and §155.078(C)(10)(b)(5) state the following;

📖 **§ 155.078 DESIGN STANDARDS.**

(C) The following standards shall apply to required parking facilities:

(2) **Access drives.** Access drives which connect roads or parking areas shall be a minimum of 18 feet wide, except for oneway access drives which shall be a minimum of 12 feet wide;

(10) **Drive-through facilities.**

(a) In addition to the parking spaces required by § 155.077, uses with drive-through facilities shall provide on site sufficient spaces for vehicles queuing to be served by or otherwise waiting to do business at the facility; off site queuing is prohibited. Each space that is provided for queuing shall be at least 20 feet in length and ten feet in width. This space requirement shall be in addition to the space at the transaction station. These spaces shall not interfere with, block, or prevent the use or operation of parking spaces, parking aisles, access drives, or entrances.

(b) The following uses shall provide the adequate on site space for queuing required by this section, but in no case less than the number indicated hereafter:

5. Restaurant: seven spaces per station, five of which must be located in the area approaching the order board;

The existing access drives connecting the front parking lot with the rear parking lot are in compliance since the one along the eastern property boundary is 15 feet wide and the one along the western property boundary is proposed to be 18 feet wide after the proposed widening. The plans show 6 drive-thru queuing spaces as 10 feet wide and 20 feet in length with room for more. This will leave an 8-foot-wide bypass lane from the rear parking lot to the front parking lot.

The Concept Site Plan was initially submitted on December 18, 2019. The plan was subject to citizen involvement at the January 27, 2020 Technical Review Committee. There were no citizens in attendance and no phone calls or letters have been received in reference to the proposed site plan.

The plan does not propose any changes to the existing building, with the exception of the proposed drive-thru window and awning. The Developer plans to update the existing pylon sign to advertise the drive-thru, as well as add drive-thru signs onto the property (pictures attached).

This plan is exempt from the Code requirements of Floodplain Management and Forest Conservation. Approval was granted by the Carroll County Health Department and Department of Public Works Bureau of Utilities. The concept plan is acceptable to Water Resources Review, Landscape, and Grading Review. Engineering Review and the State Highway Administration have approved the plan with existing access.

The Bureau of Resource Management has granted final Stormwater Management exemption. The proposed Limit-of-Disturbance for the project is less than 5,000 square feet, which means the exemption is in accordance with Carroll County Public Law 151, Section 151.016(c).

On January 3, 2020, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. Comments and suggestions include:

1. Provide landscape for the east side of the drive-thru.

Landscape has been added to the east side of the drive-thru to comply with the Landscape Code.

In accordance with a site development plan memorandum from the Department of Planning, the proposed land use is consistent with the 2018 Freedom Community Comprehensive Plan land use designation of Commercial Medium.

The final site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

### **Discussion:**

David Becraft presented the staff report.

Rolanda and Tiana Burnett, owners and Dennis Ream, Engineer, were present.

Mr. Hoff asked about the width of the access drive.

Mr. Becraft stated the access drive is 18 feet wide so cars can bypass the drive thru lane.

Mr. Wothers asked if it was possible to have a rear exit behind the building.

Mr. Ream stated the elevation in the back of the building doesn't make that possible.

Chair Cheatwood stated the record will remaining open for ten days for the public to comment.

### **Decision:**

On motion of, Mr. Wothers, seconded by Mr. Hoff and carried, the Commission voted to delegate approval of the final site plan to the Chair.

**PUBLIC COMMENT**

**Public Comment – In accordance with County COVID – 19 Protocol, written comments will be accepted, and the record will remain open for 10 days. Please email comments to the Planning Commission at [plancomm@carrollcountymd.gov](mailto:plancomm@carrollcountymd.gov).**

**ADJOURNMENT**

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

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Secretary

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Approved