

MEETING SUMMARY
Carroll County Planning and Zoning Commission

May 19, 2020

Location: Virtual Meeting

Members Present: Cynthia L. Cheatwood, Chair
Daniel E. Hoff, Vice Chair (left meeting after Item #7)
Richard J. Soisson
Jeffrey A. Wothers
Eugene Canale
Janice R. Kirkner
Michael D. Gosnell, Alternate
Ed Rothstein, Ex-officio

Members Absent: None

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

CALL TO ORDER/WELCOME

Chair Cheatwood called the meeting to order at approximately 9:00 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. Canale and carried, the Agenda was approved.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Cheatwood did not have anything to report.

B. EX-OFFICIO MEMBER

Commissioner Rothstein reported CARES Act funding has been received by the State. Commissioner Rothstein also addressed the County's response to the current pandemic, the State's orders and the County Budget process.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

Secretary Eisenberg reviewed virtual meeting procedures. Secretary Eisenberg introduced Michelle Ostrander, Attorney, as an advisor to the Commission. Secretary Eisenberg reviewed the upcoming meeting schedule.

BOARD OF EDUCATION – FACILITIES MASTER PLAN

William Caine, CCPS, reviewed the BOE Facilities Master Plan with the Commission. Mr. Caine explained the Facility Condition Index to the Commission and gave an update on the Career and Tech Center construction timeline. Mr. Caine and the Commission also discussed possible redistricting needs and committees. The Commission asked for Mr. Caine to come back for the June 3rd meeting for further discussion.

Mr. Hoff left the meeting.

FINAL SITE PLAN

SUBJECT: S-17-0012, Village Gardens
LOCATION: 744 Old Westminster Pike, Westminster, MD 21157; E.D. 7
OWNER: Village Gardens, Inc., c/o Linda Luke, 935 West Liberty Road, Sykesville, MD 21784
DEVELOPER: same as owner
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: Restricted Industrial (I-R) / R-20,000
BZA: Case #5981 - October 28, 2016
ZA: Case #1727 - June 21, 2017
ACREAGE: 11.97 acres
WATERSHED: Liberty Reservoir
FIRE DISTRICT: Westminster
MASTER PLAN: Industrial / Medium Density Residential – City of Westminster 2009 Comprehensive Plan
PRIORITY
FUNDING AREA: Westminster
DESIGNATED
GROWTH AREA: Westminster
SEWER/ WATER
DISTRICT: Private / Westminster

❖ 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 and approval.

❖ Existing Conditions:

The subject property is developed with two residences, two sheds, an animal enclosure, and an outbuilding. The houses are served by independent private septic systems and Westminster public water. An existing 12-foot-wide private driveway provides access from Old Westminster Pike, a County roadway. Low, curved stone walls flank the entrance.

The driveway is paved at the entrance at Old Westminster Pike and transitions to gravel near an existing culvert. The culvert connects a pond to the west of the drive with a stream to the east. Environmental features including a pond, stream, a vast area of wetlands with low vegetation, and FEMA floodplain, bisect the property in an east-west direction. The existing driveway traverses the wetlands to provide access to the residences. At the residences, the gravel drive loops to provide a turn around. Specimen trees are present across the property.

A zoning boundary line divides the property into I-R zoning (Restricted Industrial) to the north and R-20,000 zoning (Residential) to the south. (The plan was submitted for processing prior to the December 2019 zoning code changes.) Existing dwellings and outbuildings lie in the I-R-zoned portion. The R-20,000 portion contains the entrance, the curved stone walls, and approximately three acres along Old Westminster Pike at the easternmost area of the site. The three-acre area is connected to the rest of the property by an approximately 130-foot-wide strip of land encumbered with FEMA floodplain. The driveway lies within an approximately 50-foot-wide in-fee strip. Between the three-acre area and the driveway lies an adjoining property, 750 Old Westminster Pike.

The encompassed residential lot at 750 Old Westminster Pike is also split-zoned R-20,000 and I-R. Adjoining properties to the north and northeast of the subject property lie in the I-R zoning district and host businesses accessed from Baltimore Boulevard, MD Route 140. Adjoining properties to the east and west along Old Westminster Pike are in the R-20,000 zoning district and are built with single-family residences. Across Old Westminster Pike to the south are single-family residences in the R-20,000 zoning district.

The subject property is in the Westminster Priority Funding Area and Growth Area.

❖ **Project History:**

On October 26, 2016, the Board of Zoning Appeals (BZA) heard a request for a conditional use on the property for a vintage furniture and garden shop and a variance to the lot size requirement. In accordance with the Code of Public Local Laws and Ordinances of Carroll County, furniture stores and garden shops are conditional use in the I-R district and a principal permitted use in the B-NR.

§ 158.079 “I-R” RESTRICTED INDUSTRIAL DISTRICT.

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

- (2) Any use permitted and as regulated as a principal permitted use or conditional use in the “B-NR” or “B-G” Districts...on a lot or parcel of land no greater than five acres in size and that was depicted on a plat or described in a deed recorded in the Land Records of Carroll County prior to March 9, 2004

§ 158.077 “B-NR” NEIGHBORHOOD RETAIL BUSINESS DISTRICT.

(C) **Principal permitted uses.** Principal permitted uses shall be as follows:

- (1) Local retail business or service shops, including:
 - (n) Florist or garden shops;
 - (r) Furniture and upholstering stores;

Testimony heard by the BZA included an explanation of existing conditions which were not created by the applicant. Five citizens attended the hearing and spoke in opposition to the project. Concerns included traffic and the use of the site in proximity to residences. The BZA approved the conditional use and variance to the lot size requirement.

On March 31, 2017, an initial site development plan package was submitted to the Bureau of Development Review and distributed to review agencies. The plan proposed utilizing the existing house (the one on axis with the driveway) as the vintage furniture shop and building an 1,100-square-foot greenhouse addition on the west side of the house. The nearest outbuilding was to remain and the associated shed to be moved. The existing driveway was proposed for access. A new parking lot was proposed at the vintage shop and a dumpster was proposed at the driveway loop.

At the northeast corner of the property, the second house was proposed to be converted to storage and the animal enclosure and shed razed. An outdoor plant staging area with adjacent parking lot was proposed to the south of the pond and west of the access drive, behind adjoining properties at 736 and 738 Old Westminster Pike.

During the pre-submittal conference, the environmental challenges of the site were discussed. The initial site plan submitted on March 31, 2017 and reviewed at the Technical Review Committee meeting on April 24, 2017 was broad in scope with multiple plant staging areas, a large tree staging area with an access drive and parking lot at the three-acre portion of the property along Old Westminster Pike, and a walking path connecting the southwest parking lot with the vintage shop.

It was designed and submitted with the intention of seeking variances from certain requirements of resource management codes; disturbance within a stream buffer and disturbance of critical root zones of specimen trees. Additionally, a variance from the width of an access drive from 18 feet to 12 feet was to be requested.

At the Technical Review Committee meeting, eight citizens signed in regarding the project and three spoke. Concerns included traffic, screening and buffering adjoining residential properties from site activity, site lighting and headlight trespass, and impacts to the area wetlands and groundwater.

On June 7, 2017, the Zoning Administrator heard Case ZA-1727 requesting a reduction of the access drive width from 18 feet to 12 feet.

§ 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 one-way access drives which shall be a minimum of 12 feet wide;

The Zoning Administrator denied the request, finding no practical difficulty or unreasonable hardship which prevents compliance with the code.

❖ **Plan Review:**

On November 28, 2018 the engineer submitted a revised site development plan with a reduced scope; it eliminated multiple plant staging areas, the walking trail, the large tree staging area and associated parking, drive aisle, and two additional access points on Old Westminster Pike.

The plan proposes utilizing the existing house (the one on axis with the driveway) as the vintage furniture shop and adding an 1,100-square-foot greenhouse to the west side of the house. The nearest outbuilding is to remain and the associated shed to be moved. The existing drive will be upgraded to an 18-foot-wide access drive with a commercial entrance. Existing stone walls flanking the entrance are noted to be relocated and modified with signage. The sign design is shown on sheet 7 of the plan set. A new parking lot is proposed

at the vintage shop with a second parking lot at the south side of the property. There are five outdoor plant display areas proposed; three at the northern area and two at the southern area.

A concept site plan for the subject property was reviewed by the Planning and Zoning Commission on July 16, 2019 (minutes attached). The concept plan included two dumpsters, one at the northern driveway loop and one at the southern parking lot. One citizen spoke with concerns of the location of the southern parking lot, dumpster, and plant staging areas in relation to the residences along Old Westminster Pike. In response, the owner / developer stated that the dumpster at the southern parking lot would be removed. On the final plan, both dumpsters have been removed. Trash will be collected curbside.

The Commission's discussion revolved around the split-zoning of the property as it relates to the proposed use. Buffering adjoining residences from the proposed business was a Commission suggestion. In response, the final plan extends the landscaping to line the full length of the western property line of 750 Old Westminster Pike. Landscaping is still proposed at the property line shared with the residences at 736 and 738 Old Westminster Pike.

Engineering Review has reviewed the plan and trip generations. Trip Generation numbers provided on sheet 1 indicate that peak hour trips are below the threshold for a Traffic Impact Study to be conducted. The developer is dedicating road frontage along Old Westminster Pike to the County, annotated as Parcel A and Parcel B.

Engineering Review and Development Review commented that the subject property as well as adjoining properties on Old Westminster Pike have lot lines which extend to the center of the Pike. The design proposal for upgrading the entrance at Old Westminster Pike to meet commercial standards extends beyond the lot lines of the subject property in the easterly direction. With the adjoining properties' front lot lines at the centerline of the Pike, the disturbance extends onto the eastern adjoiner's property. The owner / developer pursued and obtained written consent from that property owner at 750 Old Westminster Pike. Engineering Review has reviewed and approved the entrance design.

Parking requirements for the retail vintage shop are one space for every 200 square feet of floor area. With 1,500 square feet, eight spaces are required. Parking requirements for the greenhouse and garden center are six spaces for every 1,000 square feet of floor area and one space for every 1,000 square feet of outdoor display area. Seven spaces plus six spaces are required. Total parking required equals twenty-one stalls. Twenty-one parking spaces are provided in two distinct parking lots; 13 spaces in the northern parking lot and 8 spaces in the southern lot. The southern lot includes an area for future expansion for 10 additional spaces.

The Department of Planning reviewed the plan and determined that while it is not consistent with the objectives in the 2007 Westminster Environs Community Comprehensive Plan, the Board of Zoning Appeals did grant the conditional use. Also noted by Planning is that the house proposed for use as a vintage furniture shop is on the Maryland Inventory of Historic Properties. Consultation with the Maryland Historic Trust was recommended.

Building elevations for the greenhouse are shown on sheet 7 of the drawing set. Building height is annotated as 12'-2" at the gable. Building materials and colors include brown metal framing, red brick, and clear plexiglass. No lighting is proposed. General Notes on sheet 1 indicate the operating hours as Monday – Sunday, 9am – 6pm (Spring season) and 10am – 5pm (all other). Maximum number of employees is noted as five.

The City of Westminster approved the plan within the water service area. The plans include a General Note stating that plant watering will be conducted with sources other than public

water supply. The Health Department has stated that the septic system at the house which will be converted to a storage building shall be abandoned and its water connection removed.

A Floodplain Easement, Water Resource Protection Easement, and Forest Conservation Easement will be granted to the County. Per the Water Resources code, a variance was submitted and approved for the proposed disturbance within the stream buffer. A Forest Conservation variance was processed for disturbance within the critical root zone (CRZ) of specimen trees. Landscaping is proposed at adjoining residential property lines to comply with the Manual. Stormwater Management will be addressed with micro-bioretenion facilities. All agencies have approved the plan.

❖ **Recommendations:**

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

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That the areas shown as Parcel A and Parcel B along Old Westminster Pike be conveyed to the County Commissioners of Carroll County for right-of-way simultaneously with the Public Works Agreement.
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 the Public Works Agreement.
4. That a Forest Conservation Easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the Public Works Agreement.
5. That a Water Resource Protection Easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the Public Works Agreement.
6. That a Floodplain Easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the Public Works Agreement.
7. That a Landscape Maintenance Agreement be recorded by deed simultaneously with the Public Works Agreement.
8. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

Discussion:

Laura Mayas presented the staff report.

Stephanie Brophy, Attorney, Linda Luke, Owner and Jeff Zigler, CLSI were present.

Ms. Matyas reviewed the comments received regarding the project.

Mr. Wothers noted the previous concerns from the prior meeting have been addressed.

Decision:

The Commission, on motion of Mr. Soisson, seconded by Ms. Kirkner and carried, voted to approve the plan subject to the eight conditions in the staff report. Secretary Eisenberg took a roll call vote and all five members voted yes.

At 11:00 a.m., Mr. Soisson modified the motion to show the record will remain open for 10 days, pending additional public comment. Ms. Kirkner seconded the motion and it was approved.

CONCEPT SITE PLAN

SUBJECT: S-19-0037, 7-Eleven Eldersburg
LOCATION: 6323 Sykesville Road, Sykesville, MD 21784, E.D. 5
OWNER: QH Eldersburg LLC, P.O. Box 58759, Raleigh, NC 27658
DEVELOPER: New Coastal Development, c/o Tim Hoerner, 22 Spindrift Way, Annapolis, MD 21403
ENGINEER: Bohler Engineering, 901 Dulaney Valley Rd, Ste. 801, Towson, MD 21204
ZONING: B-G, Business General (Submitted November 14, 2019)
ACREAGE: 1.57 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.**

❖ **Existing Conditions:**

The subject property of 6323 Sykesville Road is a 1.57 acre multi-parcel property which currently consists of a Pizza Hut restaurant and parking area. The property lies in the B-G, Business General, zoning district with established access onto MacBeth Way.

Adjoining properties to the north, south, and west are currently zoned Commercial-Medium (C-2) and host commercial and industrial businesses. The adjoining properties to the east are currently zoned Residential-High and host private residential dwellings. All adjoining lots are located within the 2018 Freedom Community Comprehensive Plan and the Freedom Growth Area. The subject property and adjoining properties are all served by public water and sewer.

Along with the Pizza Hut, there is an existing dumpster located on the north side of the existing business and a few trees along the side and rear property lines. There is also an existing 30-foot tall pylon sign for the existing Pizza Hut and 80 parking spaces. There are no streams or FEMA 100 Year Floodplain designation on site.

❖ **History:**

The previous site plan for the property was presented to the Planning and Zoning Commission on November 17, 1998. The biggest concern from the Planning and Zoning Commission at the time was the need for a traffic signal at the intersection of MacBeth Way and Sykesville Road. The site plan proposed the 4,630 square-foot Pizza Hut which resides on the property now, but also a 3,600 square-foot Planned Business Center (PBC). Due to unknown reasons, the PBC was never constructed.

❖ **Site Plan Review:**

The owner/developer is proposing to remove the existing Pizza Hut and construct a 7-Eleven convenience store, fuel station, and an automated car wash. Since the proposed uses will span across the multi-parcel property, the parcel will be consolidated as part of the site plan process. The hours of the store and car wash have not been noted on the plan, but will be included onto the final site plan.

The property will use the existing access to MacBeth Way and will also create an additional right-only entrance from Sykesville Road (MD-32). The existing acceleration lane from MacBeth Way will also serve as a deceleration for the proposed right-only entrance. State Highway Administration (SHA) has stated they would allow the entrance from Sykesville Road as long as a tractor trailer can use the entrance from the deceleration lane without impacting neighboring lanes.

The Concept Site Plan was initially submitted November 14, 2019. The plan was subject to citizen involvement at the December 23, 2019 Technical Review Committee. There were citizens in attendance as well as phone calls and emails (attached). The concerns ranged from the additional traffic this would create, noise concerns, light concerns, hours of the carwash/store, and ecological concerns.

The proposed 4,500 square foot convenience store will be placed in the middle of the site, with the fuel station in the front and automated car wash in the rear. The fuel station will house 6 double-sided pumps and the automated car wash will be roughly 991 square foot. As part of the site plan, the existing Pizza Hut sign will be replaced with a 20-foot freestanding pylon sign which will also show the gas prices. The site proposes the use of both building mounted and pole lights. A photometric plan will be included as part of the final site plan.

Chapter 155.077 of the Carroll County Public Local Law and Ordinance states:

§ 155.077 MINIMUM NUMBER OF SPACES.

The minimum number of parking spaces required for uses not specifically listed below shall be the same as that required for the most similar specified use as determined by the Director. For the

following uses for buildings hereafter erected, or increased in size by 20% of the size existing on August 17, 1965, or uses thereafter established, changed, or enlarged, off street parking facilities shall be provided as hereafter set forth. The minimum number of parking spaces required may be reduced by the Director if the use is located within 500 feet of any public parking lot or a parking lot on private property where sufficient spaces are permanently available during times of operation and a parking easement is granted. Square footage in the following text refers to gross square feet

<i>Use</i>	<i>Number of Spaces Required</i>
Retail store, including department store, less than 50,000 square feet of floor area	1 for every 200 square feet of floor area, except as provided under "furniture and appliance store" above

The project is proposing 36 parking spaces, with 23 being code required. A traffic impact study, dated October 29, 2019, was submitted to the County and SHA for review. The traffic study outlined the existing access located on MacBeth Way currently has stopping sight distance, but does not have intersection sight distance due to the curvature of the roadway. As this is the best location of access onto MacBeth Way, the traffic engineer for the project has submitted a sight distance request package which has been granted approval by the Department of Public Works.

This plan is exempt from the Code requirements of Floodplain Management. Although the requirements of the Forest Conservation Ordinance were previously addressed when the property went through the previous site plan, some minor updates were needed. Approval was granted by the Bureau of Utilities and the Office of Public Safety. The Bureau of Engineering Review has granted approval and the State Highway Administration has provided comments which will be addressed through the final site plan.

The Bureau of Resource Management has granted concept Stormwater Management approval. The site will utilize four micro bioretention facilities.

On December 10, 2019, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. Comments and suggestions include:

1. Landscape should also be along the "Optimus" property and the residential properties.
2. Trees appear to be within the stormwater management facilities.
3. Provide lighting details within the plan set.

The engineer has since moved the landscaping from the stormwater management facilities, placed landscape along the Optimus and residential property boundaries to be in compliance with the Landscape Ordinance, and stated a photometric plan will be provided as part of the final site plan.

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 (C-2).

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:

David Becraft presented the staff report.

Eric McWilliams, Boller and Tim Horner, Developer were present.

Mr. Becraft reviewed the comments that were received and included in the packet.

Chair Cheatwood asked if the fence in the drawing is existing or proposed.

Mr. McWilliams stated it is proposed.

Chair Cheatwood questioned the height of the sign and the carwash hours.

Mr. McWilliams stated the carwash and convenience store will both operate 24 hours per day.

Mr. Wothers questioned the placement of the vacuums and the impact on the residential properties.

Mr. McWilliams stated the elevation of the property and the fence will provide noise mitigation but they can look at moving the vacuums.

After much discussion, the Commission stated they would like to see a smaller sign on Macbeth Way.

Decision:

Concept plan, no action is required.

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.

ADJOURNMENT

On motion of Mr. Wothers, seconded by Mr. Soisson and carried, the Commission adjourned at approximately 11:05 a.m.

Secretary

Approved