

MEETING SUMMARY
Carroll County Planning and Zoning Commission

September 15, 2020

Location: Virtual

Members Present: Cynthia L. Cheatwood, Chair
Daniel E. Hoff, Vice Chair
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, Mary Lane, Price Wagoner, Hannah Weber, Cody Spaid, Clare Stewart and Laura Bavetta, Department of Planning; Clay Black, Laura Matyas, 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. Hoff seconded by Mr. Wothers and carried, the Agenda was approved.

REVIEW AND APPROVAL OF MINUTES

On motion of Mr. Hoff seconded by Mr. Canale and carried, the Minutes from the September 2, 2020 meeting were approved.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Cheatwood discussed updating the procedures for public comment during meetings. Mr. Hoff stated they are working with Michelle Ostrander, Attorney, to improve the process. Chair Cheatwood stated she approved one plan since the last meeting, Harry G. Schaeffer.

B. EX-OFFICIO MEMBER

Commissioner Rothstein urged people to continue proper social distancing and mask wearing to help prevent the spread of COVID-19.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg stated staff is working on improving the public comment process and accessibility of information on the website. Chris Swam reviewed updates to the website and the new public comment sign-up process.

B. EXTENSIONS

Clay Black stated there has been one extension since the last meeting, Hudson Forest Estates. Mr. Black announced his retirement and the promotion of Laura Matyas.

C. BZA CASES

Hannah Weber stated there were no BZA cases and they may resume once live hearings are allowed.

D. OTHER

There were no other reports.

MANCHESTER ANNEXATION – NO. 39 LIPPY PROPERTY

Clare Stewart presented the staff report for the Annexation. Mr. Wothers recused himself from this discussion. Marty Hackett, CLSI and Martin Hill, owner, were present.

The Commission, on motion of Mr Hoff, seconded by Ms. Kirkner and carried, voted to forward a favorable recommendation of the annexation request and zoning waiver to the Board of County Commissioners. Mr. Wothers abstained.

PRELIMINARY SUBDIVISION PLAN

SUBJECT: P-18-0038, Walnut Ridge 8
LOCATION: South side of Old Westminster Pike at Woodside Drive, E.D. 7
OWNER: D&D Enterprises, 580 Obrecht Road, Sykesville, MD 21784
DEVELOPER: same as owner
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: R-20,000
ACREAGE: 15.01 acres
WATERSHED: Liberty Reservoir
NO. OF LOTS: 6
MASTER PLAN: Medium Density Residential – 2009 City of Westminster Comprehensive Plan
PRIORITY
FUNDING AREA: Westminster
DESIGNATED
GROWTH AREA: Westminster

PUBLIC FACILITIES IMPACTED

SCHOOLS: Cranberry Station Elementary
Westminster East Middle
Winters Mill High

ROADS: Woodside Drive, Boxwood Avenue
FIRE & EMS: Westminster
POLICE: Maryland State Police/Carroll County Sheriff's Office

❖ 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, *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."

❖ Existing Conditions:

The subject property is undeveloped, zoned R-20,000, lies along Old Westminster Pike east of Woodside Drive, and slopes downhill towards the Pike with approximately 100 vertical feet of elevation change. A tree line bisects the property. There are no streams or floodplains on site. The property lies outside of the City of Westminster's water and sewer service areas.

Walnut Ridge subdivision has been recorded in sections between 1965 and 2007. Adjoining properties to the west and south are within Walnut Ridge, zoned R-20,000, and built with single-family residences. To the east, adjoining properties are zoned R-40,000 and built with single-family houses. Across Old Westminster Pike, residences sit on R-20,000 and R-40,000 lots.

❖ Plan History:

On July 24, 2013, the Planning and Zoning Commission approved a preliminary plan for five lots of subdivision developed by D & D Enterprises for Walnut Ridge (Section) 8. Three lots were to be accessed from Old Westminster Pike, one from Woodside Drive, and one from Boxwood Avenue. The final plan was approved on November 4, 2014 but the lots were not recorded and the preliminary plan approval expired on July 24, 2015.

On March 13, 2018, the Bureau of Development Review was contacted by CLSI with a request from D & D Enterprises to initiate the processing of a plan of subdivision, Walnut Ridge 8, on the same property.

❖ **Plan Review:**

On February 12, 2019 a concept subdivision plan for Walnut Ridge 8 was submitted to the Bureau of Development Review and distributed to technical review agencies.

The proposed subdivision plan was subject to citizen involvement during the March 25, 2019 Technical Review Committee meeting. Two citizens called Development Review to inquire about the plan proposal. One couple, adjoining at 900 Boxwood Avenue, emailed their concerns in advance of the meeting and attended the meeting to vocalize concerns. The proposed dwelling on Lot 117 is situated in close proximity to the existing house at 900 Boxwood Avenue. The neighbors petitioned the developer to move the house away from the common property line. In response, the house is shifted approximately 10 feet further from 900 Boxwood Avenue on the plan submitted for Planning and Zoning Commission concept review.

On April 9, 2019, the Planning and Zoning Commission reviewed the concept plan of Walnut Ridge 8 (minutes attached). Discussion focused on adding sidewalk at Old Westminster Pike, as advised by the Department of Planning in their review comments, and the location of the house on Lot 117 in proximity to the adjoining property. The preliminary plan includes sidewalk along Old Westminster Pike. The house on Lot 117 meets setback requirements yet, as stated by the engineer, the sand mound septic regulations restrict the location of the house.

The developer proposes to create six lots that vary in size from 1.26 to 4.81 acres. The lots will have private well and septic systems. One lot will access Woodside Drive, one lot will access Boxwood Avenue, and four lots will have access onto a use-in-common drive (UIC), Saylor Drive, from the cul-de-sac of Boxwood Avenue. Code permits five users on a use-in-common drive in residential districts. The UIC will require a Declaration of Maintenance Obligations and access easement to be recorded.

Engineering Review requested that the private driveway at Woodside Drive for Lot 121 be located as far south as possible. Even so, the intersection spacing to Old Westminster Pike and sight distance do not meet Manual requirements and necessitated variances. The sight distance variance was granted by the Department of Public Works (DPW) on March 5, 2020. The variance for intersection spacing was granted by DPW on March 23, 2020. A variance for sight distance was also necessary for Lot 117. The sight distance variance was granted by the Department of Public Works (DPW) on June 2, 2020. There is a note on sheet 1 pertaining to the variances.

The temporary cul-de-sac at the terminus of Boxwood Avenue will be converted to a permanent cul-de-sac. Right-of-way from the developer (Parcel A and Parcel B) will be dedicated to the County. Right-of-way from the adjoining property owner at 907 Boxwood Avenue is proposed (Parcel C) and will require granting by that property owner.

The subject property is in Westminster's Priority Funding Area and Designated Growth Area. In their review, the Department of Planning determined that the proposed plan is consistent with the land use designation. Planning advised providing sidewalk and trees along the property frontage at Old Westminster Pike.

Stormwater management (SWM) will be addressed with drywells on the lots, bio-swales, a wide shoulder at the UIC and a SWM facility on the 1.48-acre Parcel D. Parcel D will be conveyed to the County upon acceptance of the facility. A storm drain inlet at the Boxwood Avenue cul-de-sac and an associated storm drain pipe to the facility are proposed.

The plan is exempt from Floodplain codes. Forest Conservation will be addressed with the purchase of 2.99 acres in an off-site forest bank. The side yard of Lot 121 is screened at Old Westminster Pike in accordance with Landscape Manual requirements.

❖ **Recommendations:**

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

1. That the Owner/Developer enters into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That the areas shown as Parcel A, Parcel B, and Parcel C along Boxwood Avenue be conveyed to the County Commissioners of Carroll County for right-of-way simultaneously with recordation of the subdivision plat.
3. That the area shown as SWM Parcel D be conveyed to the County Commissioners of Carroll County upon acceptance of the facilities by the County.
4. That a Declaration of Maintenance Obligations for the use-in-common driveway, Saylor Drive, serving Lots 118, 119, 120, and 122 be recorded simultaneously with recordation of the subdivision plat.
5. That the area labeled as a drainage and utility easement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneously with recordation of the subdivision plat.
6. That the area shown as Public Access Easement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneously with recordation of the subdivision plat.
7. That a Landscape Maintenance Agreement for the landscaping shown on the approved preliminary plan be recorded simultaneously with recordation of the plat.
8. 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.
9. That a private easement over areas labeled as perpetual drainage easement be recorded by deed simultaneously with recordation of the subdivision plat.
10. 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.

CONCURRENCY MANAGEMENT REPORT

❖ **Background:**

Pursuant to Chapter 156 of the Code of Public Local Laws and Ordinances, once the Department has determined that the residential development plan may be presented to the Commission, the plan is reviewed for Available Threshold Capacity.

❖ **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 county.

The estimated Carroll County population as of June 30, 2020 was 168,063. There are currently 242 sworn law officers with 14 positions currently in training; an additional 14 positions are funded. Based on a total of 270 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of June 2020 was 1.61. Based on a total of 256 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of June 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 Cranberry Station Elementary, Westminster East Middle, and Winters Mill High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2021-2026.

The December 2019 enrollment projections, prepared by Carroll County Public Schools, indicate that Cranberry Station Elementary had an actual enrollment of 91.1% of state-rated capacity. The projections indicate that enrollment will be at 94.7% in FY 2025 at the end of the 6-year CIP cycle. In this attendance area there is 1 additional residential development, comprised of 102 lots, currently in the review process. There are approximately 59 subdivision lots in the Cranberry Station attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. An elementary school serving a proposed project is adequate, for the purposes of this subchapter, when current or projected enrollment is 110% to 119% of the state-rated capacity. An elementary school serving a proposed project is inadequate, for the purposes of this subchapter, when current or projected enrollment is equal to or greater than 120% of the state-rated capacity.

The December 2019 enrollment projections indicate that Westminster East Middle had an actual enrollment of 94.7% of functional capacity. The projections indicate that enrollment will be at 95.3% in FY 2025, by the end of the 6-year CIP cycle. In this attendance area there are 5 additional residential developments, comprised of 375 lots, currently in the review process. There are approximately 103 lots in the Westminster East Middle school area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. 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 December 2019 enrollment projections indicate that Winters Mill High had an actual enrollment of 80.6% of state-rated capacity. The projections indicate that enrollment will be at to 86.3% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there are 5 additional residential developments, comprised of 375 lots, currently in the review process. There are approximately 103 residential subdivision lots in the Winters Mill attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. 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 Westminster fire and emergency medical services district. The two-year period of August 2018-July 2020 late and no response statistical data indicates that of the first due total fire calls in the Westminster district, 1.35% were categorized as no responses, and 2.70% as late and no responses. Of the first due emergency medical service calls, 0.08% were categorized as no responses and 0.29% as late and no responses. Westminster is rated adequate for late and no response criteria for both fire services and emergency medical services.

With regard to fire call average response time, for the same two-year period, Westminster had an average response time of 7 minutes and 13 seconds. With regard to emergency medical call average response time, Westminster had an average response time of 6 minutes and 4 seconds. Services are rated adequate if when utilizing an average over the previous 24 months, response time is 8 minutes or less from time of dispatch to on-scene arrival with adequate apparatus and personnel.

Roads:

Woodside Drive and Boxwood Avenue are rated adequate.

❖ **Chapter 156 Recommendation:**

With regard to a preliminary plan, Chapter 156.06D(4)(c) states “If all public facilities and services are adequate during the current CIP, the Planning Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations, subject to a building permit cap adopted by the County Commissioners in effect at the time of application for building permits.

Pursuant to Chapter 156, staff recommends that the Planning Commission approve the preliminary plan with conditions as follows:

1. Police, schools, roads, and fire and emergency medical services are considered adequate;
2. the building permit reservation is for 6 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;
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:

Mr. Hoff and Ms. Kirkner recused themselves from this discussion.

Laura Matyas presented the staff report.

Linda Alexander, CLSI and the owners of the property were present.

Ms. Matyas stated the following should be corrected in the report:

Under Concurrency Management Report, Schools, 2nd paragraph (elementary schools) from “when current or projected enrollment is 110% - 119% of the state-rated capacity” change to “when current or projected enrollment equals or is less than 109% of the state-rated capacity”

Decision:

On motion of Mr. Soisson, seconded by Mr. Wothers and carried, the Commission voted to approve the plan in accordance with Chapter 155 and subject to the ten conditions listed in the staff report.

On motion of Mr. Soisson, seconded by Mr. Wothers and carried, the Commission voted to approve the plan in accordance with Chapter 156 and subject to the four conditions listed in the staff report.

PRELIMINARY/FINAL SUBDIVISION PLAN

SUBJECT: FX-18-0001 – Mamawnanna Manor, Section 3

LOCATION: West side of Fringer Road, North of Francis Scott Key Highway, E.D. 1

OWNER: Joseph & Dianna Kirby, 3490 Kirby Kountry Drive, Taneytown, MD 21787

DEVELOPER: same as owner

SURVEYOR: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157

ZONING: Agriculture

ACREAGE: 72.65 acres

WATERSHED: Upper Monocacy River

NO. OF LOTS: 1 lot

MASTER PLAN: Medium Density Residential-2010 Taneytown Community Comprehensive Plan

PRIORITY FUNDING AREA: Outside

DESIGNATED GROWTH AREA: Taneytown

PUBLIC FACILITIES IMPACTED

SCHOOLS: Taneytown Elementary
Northwest Middle
Francis Scott Key High

ROADS: Fringer Road

FIRE & EMS: Taneytown

POLICE: Carroll County Sheriff’s Office/Maryland State Police

❖ **Action Requested:**

Two actions are required:

3. Approval of the Preliminary and Final Plan of Subdivision pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.
4. Approval of the Preliminary and Final Plan of Subdivision pursuant to Chapter 156, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **History:**

The original property was comprised of 80.4 acres. In 2007, two Off-Conveyance lots were approved and recorded. In October of 2008, the Planning Commission Chair granted approval of a minor subdivision for Mamawnanna Manor. The lot yield tabulation shown on the preliminary plan, calculated from the overall parcel of 80.4 acres, entitled the property to five new lots plus the remaining portion. Recordation of the plat of Mamawnanna Manor, in Plat Book 51, Page 150, occurred in April of 2009 creating 2 lots; Lot 1, a 1.556-acre parcel and Lot 2, a 1.781-acre parcel. In August of 2009, the Planning Commission chair granted approval of the minor subdivision, Section Two of Mamawnanna Manor. Recordation of the plat of Section Two, in Plat Book 51, Page 231, occurred in December of 2009 creating Lot 3, a 2.126-acre parcel. A majority of the 72.65 acres is currently vacant pasture. Access is via Fringer Road. The property is outside of the Priority Funding Area but is located within the Taneytown Designated Growth Area. Currently, the property is within the “long range future” water and sewer area.

All lots have been developed with single-family residences, are zoned Agriculture, and are served by private well and septic systems. As part of the previous subdivisions, a Forest Conservation Easement was established on the subject property.

The surrounding properties, improved with single-family residences, are zoned Agricultural and are served by private well and septic.

Plan Review:

Originally, the developer proposed two new lots of subdivision plus the remaining portion. However, during the review process, the project has since been reduced to one new lot plus the remaining portion. Lot 4 is the proposed new 2.986-acre residential lot. After this lot has been recorded, the remaining portion will consist of 69.4-acres±; the regulations for the Agricultural District permit further subdivision of the area designated on the final plat as the Remaining Portion for one new lot plus the remaining portion.

Access to Lot 4 will be from a new driveway which will connect to Fringer Road. Conveyance of parcel ‘A’, 0.123 acres, to the Carroll County Commissioners will occur by deed with the recordation of the final plat.

The plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee (TRC) on March 27, 2017. Two citizens spoke at the meeting regarding this project. Both citizens spoke with concerns to the minimal drainage and standing water in the area that was proposed as Lot 5. Repairs to the broken drain tile and reconstruction of damaged storm drainage ditch to alleviate the drainage and standing

water issues have been completed by the developer. Following the TRC meeting, the Bureau of Development Review received a phone call from the owner of Lot 3 inquiring about the location of the new lots, he had no objection to the project. Two adjacent property owners came in and requested copies of the plans.

On November 21, 2017, the Planning and Zoning Commission reviewed the concept plan of subdivision (minutes attached). No citizens signed in or spoke at the meeting. Since then, there have been two phone calls with regard to the project. One citizen, who previously spoke at the TRC meeting, wanted to reiterate their concerns that were voiced previously and to see how the plan has changed. The other citizen, the owner of Lot 1, wanted more information on the proposed development but had no objection to the project.

Water Resource Management recommends approval of the proposed subdivision but will require a 0.456-acre± Non-Forested Water Resource Protection Easement. Forest Conservation is approved with purchase of forest bank. The plan is exempt from Landscaping requirements. Grading and Sediment Control has reviewed and approved the plan. Engineering Review and State Highway Administration have reviewed and approved the plan. Stormwater Management will be achieved with sheet flow to a level spreader. The Carroll County Health Department and the Bureau of Utilities have approved the plan.

Stormwater Management (SWM) has granted final approval of the plan. Achievement of stormwater management is via the utilization of a level spreader discharging into a conservation area and driveway disconnect areas. An easement will be required for the proposed SWM conservation area.

❖ **Recommendations:**

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

11. That the Owner/Developer enters into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
12. That the parcel shown on the plans as "Parcel A", with a total acreage of 0.123 acres, shall be deeded to the Carroll County Commissioners simultaneously with the recordation of the subdivision plat.
13. That a Stormwater Management Conservation Area Easement, with a total acreage of 0.540 acres, shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the recordation of the subdivision plat.
14. 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.
15. That a Non-Forested Water Resource Protection Easement, with a total acreage of 0.456 acres, shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the recordation of the subdivision plat.
16. That any changes to the Preliminary Plan and plat as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

CONCURRENCY MANAGEMENT REPORT

❖ Background:

Pursuant to Chapter 156 of the Code of Public Local Laws and Ordinances, once the Department has determined that the residential development plan may be presented to the Commission, the plan is reviewed for Available Threshold Capacity.

❖ 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 county.

The estimated Carroll County population as of June 2020 was 168,063. There are currently 242 sworn law officers with 14 sworn personnel currently in training; an additional 14 positions are funded. Based on a total of 270 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of June 2020 was 1.61. Based on a total of 256 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of June 2020 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 Taneytown Elementary, Northwest Middle, and Francis Scott Key High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2021-2026.

The December 2019 enrollment projections, prepared by Carroll County Public Schools, indicate that Taneytown Elementary had an actual enrollment of 74.8% of state-rated capacity. The projections indicate that enrollment will be at 76.9% in FY 2025 at the end of the 6-year CIP cycle. In this attendance area, there is 1 additional residential development, comprised of 146 lots, currently in the review process. There are approximately 14 developments of 166 residential units in the Taneytown attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. 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 December 2019 enrollment projections indicate that Northwest Middle had an actual enrollment of 88.6% of functional capacity. The projections indicate that enrollment will be at 89.2% in FY 2025 at the end of the 6-year CIP cycle. In this attendance area, there are 5 additional residential developments, comprised of 169 lots, currently in the review process. There are approximately 34 developments of 428 residential units in the Northwest attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. 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 December 2019 enrollment projections indicate that Francis Scott Key High had an actual enrollment of 73.5% of state-rated capacity. The projections indicate that enrollment will be at 69.0% in FY 2025 at the end of the 6-year CIP cycle. In this attendance area, there is 5 additional residential developments, comprised of 169 lots, currently in the review process. There are approximately 34 developments of 428 residential units in the Francis Scott Key attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. 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 Taneytown fire and emergency medical services district. The most recent data from the Office of Public Safety reports that for the two-year period of August 2018- July 2020, late and no response statistical data indicates that of the first due total fire calls in the Taneytown district, 3.16% were categorized as no responses, and 36.84% as late and no responses. Of the first due emergency medical service calls, 2.89% were categorized as no responses and 3.52% as late and no responses. Taneytown is rated approaching inadequate for late and no response criteria for fire but rated adequate for late and no response criteria for emergency medical services.

With regard to fire call average response time, for the same two-year period, Taneytown had an average response time of 9 minutes and 54 seconds –approaching inadequate. With regard to emergency medical call average response time, Taneytown had an average response time of 6 minutes and 10 seconds – adequate. Services are rated adequate if when utilizing an average over the previous 24 months, response time is 8 minutes or less from time of dispatch to on-scene arrival with adequate apparatus and personnel. Services are rated approaching inadequate if when utilizing an average over the previous 24 months, response time is between 8 and 10 minutes from time of dispatch to on-scene arrival with adequate apparatus and personnel.

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 – adequate.

Roads:

Fringer Road is rated adequate.

❖ **Chapter 156 Recommendation:**

As this is a one-lot subdivision with no County road improvements, the preliminary plan and final plan were simultaneously processed and reviewed.

With regard to a preliminary plan, Chapter 156.06D(4)(b) states “If a public facility or service is inadequate and a relief facility is planned in the six-year CIP to address the inadequacy or mitigation is accepted by the county pursuant to § [156.06\(B\)](#), or a public facility or service is approaching inadequate during the current CIP, the Planning Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage. “

Currently, police, schools, roads and emergency medical services are considered adequate; fire is considered approaching inadequate. Per the above referenced code, the Planning Commission may conditionally approve the plan to proceed to the final stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.

Pursuant to Chapter 156, staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

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

With regard to the final plan, Chapter 156.06-E(4)(d) states “For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Planning Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Planning Commission.” As the fire service is considered approaching inadequate, the Planning Commission may approve the plan, modify the recordation schedule and building permit reservation, or place the project within a queue.

Chapter 156.06-E(4)(e) states “For projects that received a recordation schedule and building permit reservations at the preliminary plan stage, the Planning Commission’s Secretary shall inform the developer whether any existing or proposed building permit cap would be applicable to the project.” There is no existing or proposed building permit cap that would be applicable to this project.

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

1. The building permit reservation is for 1 lot in FY21; provided the plat is recorded prior to any permits being issued;
2. The recordation schedule requires the plat to be recorded within 24 months of preliminary plan approval;
3. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Mr. Becraft presented the staff report.

John Lemmermen, RTF Associates, Inc. and Mr. Kirby, owner, were present.

Mr. Hoff asked for clarification of the two septic reserve areas.

Mr. Lemmerman stated the two lots were combined but with the two septic reserve areas, the owner has some options.

Thomas Michael Smith, citizen, is in opposition of the plan. He states the area is swampy, neighbors were not notified of approval of the lots and the driveways are not legal.

Commissioner Rothstein requested to follow up with Mr. Smith and Ms. Eisenberg another time.

Mr. Hoff asked for clarification of the drainage issues and how it is being addressed for the eventual owner of Lot 4.

Mr. Lemmerman stated he believes the damage to the roadside swale has been corrected.

Mr. Kirby stated all drainage issues have been addressed.

Mr. Becraft stated all review agencies have provided approval.

Decision:

On motion of Mr. Soisson, seconded by Mr. Wothers and carried, the Commission voted to approve the preliminary and final plan in accordance with Chapter 155 and subject to the six conditions listed in the staff report.

On motion of Mr. Soisson, seconded by Ms. Kirkner and carried, the Commission voted to conditionally approve the preliminary plan in accordance with Chapter 156 and subject to the four conditions listed in the staff report.

On motion of Mr. Soisson, seconded by Ms. Kirkner and carried, the Commission voted to approve the final plan in accordance with Chapter 156 and subject to the three conditions listed in the staff report.

RECESS

FINAL SITE PLAN

SUBJECT: S-17-0034, Liberty Road Car Wash
LOCATION: South side of MD Route 26, east of Ridge Road; E.D. 5
OWNER: Pops Properties LLC, c/o Jason Stilling, 7901 Frys Lane, Windsor Mill, MD 21244
DEVELOPER: Jason Stilling, 7909 Frys Lane, Windsor Mill, MD 21244
ENGINEER: DDC, Inc., 192 East Main Street, Westminster, MD 21157
ZONING: B-NR – Neighborhood Retail Business (pre-Dec. 2019 code change)
ACREAGE: 0.72 acres
WATERSHED: Liberty Reservoir
FIRE DISTRICT: Sykesville
MASTER PLAN: Commercial-Medium – 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 and approval.

❖ **Existing Conditions:**

The subject property is undeveloped land, platted and once retained by the State Highway Administration as Ridge Road right-of-way. Ridge Road was relocated to align with the intersection of Oklahoma Road and MD Route 26 and the State Highway Administration then deeded the parcel to J & B Construction in 1988. Pops Properties LLC, the developer, purchased the property in 2019. While the roadbed and access onto MD Route 26 remain, the 100-foot-wide parcel has lain undeveloped through four ownerships since 1988.

Dense scrub brush, trees, and the roadbed are present on the parcel. There are no streams or floodplain on site. The property slopes from the southern portion down to MD Route 26 with a culvert running under the existing roadbed in the MD Route 26 right-of-way.

The property is surrounded by the lands of the Reservoir Ridge Condominium Association which are zoned R-10,000, with the western adjoining portion being a narrow sliver of land. (Prior to the December 2019 code change, and in the Commission's review of the concept plan in June 2019, this sliver was zoned B-NR.) Adjoining to the west of this sliver is a vacant bank. Reservoir Ridge's adjoining land to the east is built with condominiums. The nearest condominium is approximately 42 feet from the southern property line. Cornwall Drive, with on-street perpendicular parking, lies between the condominiums to the east and the subject property.

The subject property is located in the Freedom Priority Funding Area and a Growth Area. It is in the Freedom Existing / Final public water and public sewer areas.

❖ **Plan History:**

During the pre-submittal conference, the site development plan process was discussed. The developer's intent was to seek a variance from certain requirements of the landscape ordinance. Staff's direction was that a full distribution and agency review, Technical Review Committee public meeting, and Planning and Zoning Commission comprehensive plan review would precede a variance determination.

Prior to the initial plan package submittal on August 24, 2018, a landscape variance request was submitted on August 10, 2018 to the Bureau of Resource Management by the engineer on behalf of the developer. The Landscape Manual requires a 15-foot wide landscape buffer area at the east, south, and west property lines. The request was for a variance from 15 feet to 6 feet at the west and east property lines. The request was only for a reduction of width, not for a reduction in the planting units required.

The concept site plan was subject to citizen involvement at the September 24, 2018 meeting of the Technical Review Committee (TRC). No citizens signed or spoke regarding the Liberty Road Car Wash. Development Review received one inquiry to view the plan set.

On October 16, 2018 the plan was presented to the Planning and Zoning Commission (PZC) as a Special Report for consideration and comment prior to a variance request determination. Forty-nine postcards were mailed to adjoining property owners. No citizens attended the

meeting. The Commission stated that they were not concerned with the variance requested at the western property line with the adjoining vacant strip of B-NR land and B-NR zoning beyond. Discussion focused on the eastern property line and providing an adequate buffer – including addressing headlight trespass - at the adjoining residentially-zoned and used property. Suggestions included providing fencing and working collaboratively with the Condominium Association.

Following the PZC meeting, two citizens submitted written concerns via email to the Bureau of Development Review. Michael Burket, 1826 Cassandra Drive, voiced concerns of neighborhood safety, property values, and light and noise pollution. Kristina Stacey, 6519 Dundee Drive, communicated concerns of aesthetics, noise, and safety.

With consideration of PZC and citizen comments, the variance request was granted on December 14, 2018 by the Director of the Department of Land and Resource Management with two conditions:

1. Provide at least a six foot high solid fence adjacent to the eastern property boundary.
2. In consultation with the Bureau of Resource Management provide landscape which will maximize the aesthetic appearance of the fence on the Reservoir Ridge side. This should include at a minimum a continuous shrub planting along the fence line.

The concept plan was reviewed by the Carroll County Planning and Zoning Commission at the June 18, 2019 Planning Commission meeting (minutes attached). Commission discussion revolved around lowering the height of the sign, proposed at 25 feet, and the extents of the fencing to include the south property line. One citizen was in attendance and voiced preferences of increased landscape screening for noise dampening and headlight trespass remediation. The final plan incorporates a lower sign height and fencing along the southern property line to respond to direction given at the concept plan review.

❖ **Plan Review:**

The developer proposes construction of a 4,095 square foot automated car wash and associated vacuum stations. Measuring 30 feet by 143 feet, the building is oriented north-south on the property. Access into the car wash is located on the south side of the building and vacuums and associated parking spaces are on the east side of the building.

With no median in MD Route 26 at this location, the parcel is accessible to both eastbound and westbound traffic. The proposed access is full movement. The State Highway Administration (SHA) has reviewed the plan and approved the full movement access. At concept review, SHA recommended sidewalk at Liberty Road as per the County Master Plan and is requiring a partial deceleration lane. Sidewalk is included in the final plan. Trip Generation numbers provided on sheet 1 indicate that peak hour trips are below the threshold for a Traffic Impact Study to be conducted. Engineering Review has reviewed the plan and trip generations.

Vehicular circulation is proposed to allow inbound vehicles to veer left or right depending on the service desired. For car wash service, traffic will circulate counterclockwise. A single access drive lane on the west side of the building splits at two gated pay stations and merges back to a single lane through the building. In accordance with Code, one-way access drives are required to be 12 feet wide. No by-pass lane is proposed at the car wash queuing lane.

For vacuum station service, inbound traffic will veer left towards the parking area and vacuums on the east side of the building.

Parking requirements are one space for every employee on maximum shift plus one space per bay. With two employees and one bay, total parking spaces required equals four. Twelve spaces are provided. Vehicle queuing required for a car wash equals five spaces per wash station. Five spaces are depicted.

The proposed land use is consistent with the 2001 Freedom Community Comprehensive Plan, the applicable Plan at the time of the Department of Planning's review. Comments from Planning include a request to indicate the planning level alignment of Ridenour Way as depicted in the 2001 Freedom Community Comprehensive Plan. Comprehensive Planning's review cites the 2014 Certified Bicycle-Pedestrian Master Plan and Assessment as recommending sidewalk along MD Route 26. As stated, sidewalk is included in the final plan.

Building elevations are shown on sheet 16 of the drawing set. Building height is annotated as 16 feet at the curved corrugated metal roof and 30 feet at the panel feature. Building materials include; wave, polycarbonate, aluminum, and glass panels, a corrugated metal roof, and steel frame. Material colors are annotated as red, gray, and black gray.

A photometric plan is included on sheet 14. Four pole lights are depicted at a height of 20 feet in addition to building-mounted lights. Lighting levels at both property lines are higher than zero foot-candles. At the eastern property line are two parking lot pole lights, adjacent to the Reservoir Ridge parking lot. At the western property line, lighting levels are generated by three building-mounted lights, adjacent to the unbuilt portion of Reservoir Ridge's land.

At Planning and Zoning Commission concept review, a 25-foot high pylon sign was proposed at MD Route 26. The sign board measured 8-foot-wide by 6-foot-high, with LED illumination and red lettering on a gray background. Building-mounted signage was depicted on the 30-foot-tall panel feature. While the building-mounted proposed signage remains the same, the pylon sign design has changed.

A sign detail is included on sheet 16 of the plan set. The proposed sign has been lowered from the 25 feet shown on the concept plan to 16'-7". Whereas the concept proposal depicted a single rectangular sign board with illuminated red letters on a gray background, the final proposal includes an oval illuminated sign with a second, lower, message board. The message board measures 5'-6" wide by 3'-3" high. A zoning variance was requested, heard on March 5, 2020 in case ZA-1906, and granted on March 20, 2020, to increase the allowable total square footage for signs from 120 to 163 square feet (decision attached). The sign details presented at the hearing match the details in the final plan set.

At the time of the writing of this report, Development Review has received two emails from citizens with concerns of light and sound trespass and community safety (see attached).

The Landscape Manual requires a landscape screen at the east, south, and west property lines. With the approved variance and conditions, the east and west property line buffer widths are reduced to 6 feet wide to accommodate the required plantings, and a continuous 6-foot-high fence is proposed along the property lines from the southwest corner to the northeast corner. The east property line fencing and plantings meet the conditions of the variance. A 15-foot landscape buffer is proposed at the south property line to comply with the requirements of the Manual. There is a dumpster location proposed in the northeast of the parking lot and an enclosure detail is provided on sheet 2 of the plan set.

The plan is exempt from Floodplain and Forest Conservation codes. Stormwater Management is being addressed with two submerged gravel wetlands with associated drain pipes to discharge areas. A hydrant is proposed on-site for fire protection purposes. Public water and sewer will serve the site. 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 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 prior to issuance of the building permit.
3. That a Landscape Maintenance Agreement be recorded by a deed to be recorded prior to issuance of the building permit.
4. 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 Matyas presented the staff report.

Andrew Stine, engineer and Kelly Shaffer-Miller, attorney on behalf of the applicant, were present

Mr. Hoff asked for clarification on the location and description of the fence.

Ms. Shaffer-Miller and Mr. Stine stated the landscaping will be most prominent, the fence will be inside the landscaping and it will be a solid fence.

Mr. Hoff asked for clarification of the landscaping and existing trees.

Mr. Stine stated the trees on the car wash side will be removed and replaced with evergreen, shade tolerant trees.

Commissioner Rothstein asked for clarification regarding access to the car wash from MD 26.

Mr. Stine stated there will be a deceleration lane.

No public comment.

Mr. Hoff acknowledged written public comment that has been received.

Decision:

On motion of Mr. Soisson, seconded by Mr. Wothers and carried, the Commission voted to approve the final plan in accordance with Chapter 155 and subject to the four conditions listed in the staff report

RECESS

COMPREHENSIVE REZONING - FINALIZE RECOMMENDATIONS FOR REQUESTED PROPERTIES FROM THE AUGUST 5TH MEETING ONLY

(Michael Wedekind, I2-14-2020-0003; Gerard Hollen, I1-14-2020-0021; Hale & Helen Stonesifer, C2-07-2020-0005; Sarah Eveler, C2-14-2020-0006; SMO Inc., C2-04-2020-0010; Tevis Real Estate Inc.,

C2-04-2020-0011; Dana Kyker, Jr., C2-07-2020-0024; Mary Jane Graf, TR, C2-06-2020-0015; 844 Professional Center Condominium, Inc., C3-07-2020-0017; Bokeh IV, LLC, C2-07-2020-0022)

0003 – The Commission, on motion of Ms. Kirkner, seconded by Mr. Soisson and carried, voted to forward this request with a favorable recommendation.

0021 – Mr. Hoff restated his concerns regarding this request. Mr. Wothers detailed his reasons why he thinks this request is acceptable. The Commission, on motion of Mr. Soisson, seconded by Mr. Canale and carried, voted to forward this request with a favorable recommendation. Mr. Hoff was not in favor of this motion.

0005 – The Commission, on motion of Mr. Hoff, seconded by Ms. Kirkner and carried, voted to forward this request with a favorable recommendation based on the assessment summary from the staff report.

0006 – Ms. Eisenberg acknowledged the two comments received in opposition of this request. Ms. Weber reviewed the BZA case with the Commission. Mr. Hoff stated concerns about changing the zoning to C-2. The Commission, on motion of Mr. Hoff, seconded by Mr. Soisson and carried, voted to forward this request with an unfavorable recommendation. Ms. Kirkner and Mr. Wothers were not in favor of the motion.

0010 – Mr. J Brooks Leahy, attorney, was on the line to answer questions. The Commission, on motion of Mr. Hoff, seconded by Ms. Kirkner and carried, voted to forward this request with a favorable recommendation.

0011 – Mr. J Brooks Leahy, attorney, was on the line to answer questions. The Commission, on motion of Mr. Hoff, seconded by Mr. Soisson and carried, voted to forward this request with a favorable recommendation.

0024 – Ms. Eisenberg acknowledged public comment that has been received in opposition to this request. Mr. Hoff expressed his concerns regarding this request. Mr. Soisson expressed his concerns as well. Mr. Hoff made a motion to forward this request with an unfavorable recommendation. Mr. Wothers expressed his thoughts why this request should be favorable. Ms. Kirkner and Mr. Canale agreed with Mr. Wothers' explanation of the best use of the land. Mr. Hoff's motion was not seconded. On motion of Mr. Wothers, seconded by Mr. Canale and carried, voted to forward this request with a favorable recommendation based on the reasons contained in the assessment summary of staff report. Mr. Hoff was not in favor of the motion.

0015 – Mr. Clark Shaffer, Attorney, was on the line to answer questions. Mr. Hoff agrees with the staff report based on the size of the property and the history of the property. The Commission, on motion of Mr. Hoff, seconded by Ms. Kirkner and carried, voted to forward this request with a favorable recommendation.

0017 – John Maguire, Attorney, was on the line to answer questions. Mr. Soisson agreed with the request based on the history of the property. The Commission, on motion of Mr. Soisson, seconded by Mr. Hoff and carried, voted to forward this request with a favorable recommendation. Mr. Soisson amended his motion to include the information in the summary assessment in the staff report to support consistency, seconded by Mr. Hoff and carried.

0022 – Mr. Hoff and Ms, Kirkner questioned why this request would not be approved. Mr. Wothers does not think the request is the highest and best use of the property and cited the staff report to show the inconsistencies with the Master Plan. After much discussion, Mr. Hoff made a motion to forward with a favorable recommendation for C-2, the motion was seconded by Ms. Kirkner. The motion did not carry. The Commission, on motion of Mr. Wothers, seconded by Mr. Soisson and carried, voted to forward this request with an unfavorable recommendation based on the assessment summary in the staff report. Mr. Hoff and Ms. Kirkner were not in favor of the motion.

PUBLIC COMMENT – COMPREHENSIVE REZONING BY REQUEST PROPERTIES

Secretary Eisenberg noted a request was made to speak regarding a property by Ms. Sarah Eveler but somehow was not able to call in.

ADJOURNMENT

On motion of Mr. Soisson, seconded by Mr. Hoff and carried, the Commission adjourned at approximately 1:00 p.m.

Secretary

Approved