

MEETING SUMMARY
Carroll County Planning and Zoning Commission

October 15, 2019

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair
Cynthia L. Cheatwood, Vice Chair
Jeffrey A. Wothers (left at 11:38 a.m.)
Eugene A. Canale
Daniel E. Hoff (left at 11:38 a.m.)
Janice R. Kirkner
Michael D. Gosnell, Alternate
Ed Rothstein, Ex-officio

Members Absent:

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

CALL TO ORDER/WELCOME

Chair Soisson called the meeting to order at approximately 9:04 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 Ms. Kirkner and carried, the Agenda was approved.

REVIEW AND APPROVAL OF MINUTES

On motion of Mr. Wothers, seconded by Mr. Hoff and carried, the Minutes from the September 4, and September 17, 2019 meetings were approved.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson reported he approved the final plan for Garrett Dale since the last meeting.

B. EX-OFFICIO MEMBER

Commissioner Rothstein reported on the Public Hearing that was held on October 3rd regarding the Comprehensive Rezoning process.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg reviewed the Public Hearing and the process moving forward regarding the Comprehensive Rezoning. Secretary Eisenberg stated staff will brief the Board of Commissioners on Thursday, October 17th and present the comments that have been received. Secretary Eisenberg also briefed the Commission on the status of the 2020 Census committee. She also discussed the differences between the terms consistent, inconsistent and not inconsistent regarding BZA cases.

B. EXTENSIONS

There were no extensions to report.

C. BZA CASES

Cody Spaid reported five cases were approved since the last meeting; Case No. 6155, Case No. 6176, Case No. 6182, Case No. 6183 and Case No. 6195. Mr. Spaid reported four cases are scheduled for October 29th; Case No. 6191, Case No. 6192, Case No. 6193 and Case No. 6194.

D. OTHER

Secretary Eisenberg reminded the Commission that November's meetings will include elections and review of Administrative Rules and Procedures.

Commissioner Rothstein announced the County received AAA bond rating.

SPECIAL REPORT

SUBJECT: P-18-0005, Sun Valley Section 3 (formerly Van Slooten Property)
LOCATION: West side of Cherokee Drive, south of Sams Creek Road, E.D. 9
OWNER: KDC Group, Inc., 94 Tira Court, Eldersburg, MD 21784
DEVELOPER: Same as owner
ENGINEER: VanMar Associates, Inc., 310 South Main Street, P.O. Box 328, Mount Airy, MD 21771
ZONING: R-40,000
ACREAGE: 12.39 acres
WATERSHED: Double Pipe Creek
NO. OF LOTS: 6
FIRE DISTRICT: Winfield
MASTER PLAN: Residential Very Low Density
PRIORITY
FUNDING AREA: Outside
DESIGNATED
GROWTH AREA: Outside

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155.025(L) for consideration of a request for modification to the maximum number of users for a use-in-common driveway in a residential zoning district from five to six. **Action is required.**

❖ **Existing Conditions & Plan History:**

The subject property consists of two parcels; a 12.04-acre parcel and Parcel A on Plat D of Sun Valley which was recorded in 1977 (plat attached). The developer owns both parcels. Situated between Ridge Road (MD Route 27) and five residential lots in the Sun Valley subdivision, the 12.04 acres is not developed.

Parcel A, a 50-foot-wide strip connecting Cherokee Drive and the 12.04-acre parcel, is annotated as “Parcel A Reservation for Future Road” on the Sun Valley plat. While the 12.04 acres has frontage on MD Route 27, Parcel A was reserved to provide access to the property from Cherokee Drive.

On March 20, 2018, a Special Report was presented to the Planning and Zoning Commission for a determination as to a proposed private drive as a modification to the annotated “Future Road” on the approved 1977 Plat D of Sun Valley (minutes attached). The plan was presented with five lots of subdivision (four lots had successful percolation tests at the time) and a 16-foot-wide use-in-common (UIC) driveway. The Department of Public Works Design Manual for Roads and Storm Drains requires a minimum of 12 feet for the width of a use-in-common drive. The Commission voted to grant the developer’s request for modification, permitting a private drive designed to allow two cars to pass.

The 12.04 acres is generally flat and open with a stream and associated steep slope at the far southwest corner of the property. From the center of the northern property line, a stand of trees stretches southward into the property. Parcel A has an existing encroachment of a driveway which serves the adjoining property at 2208 Cherokee Drive.

Both subject parcels lie in the R-40,000 zoning district as do adjoining properties to the north, east, and south. Properties across MD Route 27 to the west lie in the Agricultural zoning district. All adjoining properties are developed with residential dwellings excluding the southern adjoining parcel which is not developed. Properties are outside of water and sewer service areas, Priority Funding Areas, and Designated Growth Areas.

❖ **Plan Review:**

On August 26, 2019, a concept plan of subdivision depicting six lots on the 12.04 acres, an increase of one lot from the plan seen by the Commission in March 2018, was submitted to Development Review and distributed. The plan includes a use-in-common driveway as previously approved by the Commission.

All lots will have private well and septic systems. The only proposed users of the private drive will be the new residential lots. Existing residences flanking Parcel A will continue to use their private driveways and retain their existing addresses. A Declaration of Maintenance Obligations for the shared drive will need to be recorded.

With the concept plan, the project engineer submitted a letter on behalf of the developer seeking relief from the number of users permitted on a UIC drive (letter attached). The maximum number of users on a UIC driveway is five in a residential zone. Arapaho Drive, at approximately 730 feet long, is proposed to serve six lots.

Arapaho Drive is shown as a 16-foot-wide drive which transitions to 12 feet wide near the private driveway for Lot 1 and includes a T-turnaround near Lots 3 and 4. No pullover is depicted. The Development Review Manual states that “Use-in-common driveways exceeding five hundred (500) feet in length shall include a vehicular pullover at or near the midpoint.” Engineering Review has commented that a pullover must be provided.

Ordinance No. 2013-10, passed on November 14, 2013, amended the Code of Public Local Laws and Ordinances of Carroll County Chapter 155.025 adding section “L”. Determination of a modification to the number of users allowed on a use-in-common driveway lies with the Planning and Zoning Commission.

§ 155.025 IN-FEE ACCESS STRIPS; USE-IN-COMMON DRIVEWAY STANDARDS AND CRITERIA.

(C) **Maximum number of users.** The maximum number of users for a UIC driveway, including subdivision lots, remaining portions, remainders, and off conveyances, if applicable, is seven in the “A” and “C” Districts and five in the Residential Districts.

(L) **Modifications.** Where the Planning Commission finds that because of unusual circumstances of shape and topography or other physical features or conditions of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with the UIC design requirements of this § [155.025](#) and the Development Review Manual, there may be granted a modification when requested by the subdivider or developer. However, no such modification shall be granted which will have the effect of nullifying the intent and purpose of the Master Plan, the zoning regulations, this chapter or any other pertinent rules, regulations or laws of the county. Prior to considering such requests, the Planning Commission shall refer the matter for technical agency review, which will include the Office of Public Safety, which may request that the Fire Chief of the first due fire department provide input. In granting modifications, the Planning Commission will consider the comments from the technical review agencies and may require such conditions as will, in its judgment, secure substantially the objectives of the standards of the requirements so waived or [Chapter 155](#), Development and Subdivision of Land modified. The applicant shall submit a written request for a modification to the county. The request shall include the specific conditions necessitating a modification and include supporting documentation. Any modification for a particular subdivision or development shall be noted on the final plat and appear in the records of the Division.

(2004 Code, § 103-11) (Ord. 04-14, passed 4-20-2004; Ord. 09-01, passed 4-7-2009; Ord. 2013-10, passed 11-14-2013)

The waiver request package was distributed to the Bureau Chief of Resource Management, Office of Public Safety, Department of Planning, and Engineering Review for comment. All agencies have responded with no objection to the relief request (letters attached). Engineering Review noted that their response is conditional to a pullover being provided.

The plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee on September 23, 2019. Seven citizens signed in for the Sun Valley project. Two citizens spoke with concerns of the additional mailboxes and trash receptacles, construction vehicle access, and existing encroachment issues.

The Bureau of Development Review has received written comments and an objection specific to the request for a sixth user on the UIC drive from the adjoiner at 2210 Cherokee Drive, Mr. Arrington (email attached).

Staff and the Developer are requesting a determination from the Planning and Zoning Commission regarding the request for modification of the number of users on the use-in-common driveway from five to six.

Discussion:

Laura Matyas presented the staff report.

Ron Thompson, VanMar Associates, was present.

Mr. Canale asked what the width of the use-in-common driveway will be.

Mr. Thompson stated the driveway would be 16' wide passed the first lot and then it would be 12' wide.

Mr. Hoff asked if any of the lots can access Route 27.

Ms. Matyas stated that has not been proposed.

Secretary Eisenberg stated the County wants to limit access to State highways.

Commissioner Rothstein asked for clarification on the driveway width regarding six lots versus five lots.

Mr. Thompson explained why the decision was made to decrease the width passed the sixth lot. Mr. Thompson also stated that if the determination is to limit the plan to five lots, the entire driveway would be 12' wide and they would look at having access to Route 27.

After much discussion regarding the language of "hardship", the width of the driveway, the number of lots, having a turn around and access onto Route 27, Ms. Kessler clarified the Planning Commission's purview for making a decision for this plan.

Mr. Matthew Avery, adjoining property owner, stated his concern over the use-in-common driveway and the plan. He expressed concern with the location of garbage and recycling cans and property lines.

Ms. Pam Rynkowski, neighbor, expressed her concern for the traffic, the number of lots, trashcans and mailbox placement. Ms. Rynkowski is in favor of the 16' driveway width for the entire length but they do not support the sixth lot.

Mr. Canale asked about mail delivery options.

Mr. Thompson stated the post office will require the mailboxes to be at the end of Cherokee Drive. Mr. Thompson stated the HOA would decide on a trash contractor.

The Commission adjourned for a short recess.

Ms. Kessler clarified Ms. Kirkner's position regarding this plan and stated Ms. Kirkner has not recused herself because all previous relationships with the seller and the development of the property have been resolved.

Ms. Kessler clarified the language used regarding special circumstances and extraordinary hardships.

The Commission questioned what the case of extraordinary hardship is for this plan.

Mr. Hoff suggested tabling the discussion until the owner/applicant can make his case for extraordinary hardship

Decision:

On motion of Mr. Hoff, seconded by Ms. Cheatwood and carried, the Commission voted to table the discussion until the Applicant/Owner can present a case for extraordinary hardship.

SPECIAL REPORT

SUBJECT: M-19-0047, Dandelion Ridge
LOCATION: 6935 Ridge Road, Marriotsville, MD 21104; Election District 5
OWNER: Jeannette & Michael Birger, 6935 Ridge Road, Marriottsville, MD 21104
DEVELOPER: Same as owner
ENGINEER: BPR, 150 Airport Drive, Suite 4, Westminster, MD 21157
ZONING: R-40,000
ACREAGE: 14.5 acres
WATERSHED: Liberty Reservoir
NO. OF LOTS: 2
FIRE DISTRICT: Sykesville Freedom District
MASTER PLAN: Medium Density Residential - 2018 Freedom Community Comprehensive Plan

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: Freedom

❖ Action Requested:

The project is before the Planning and Zoning Commission per Chapter 155.025(L) for review and determination of modification of the code requirements regarding the width of a use-in-common driveway, exemption from profiles and cross-sections being needed, and to waive the need for a T-turnaround. **Action is required.**

❖ Property Overview:

The subject property currently consists of two residences on a 14.50-acre parcel; a primary residence and a detached accessory dwelling. There is an existing use-in-common driveway that provides access from Ridge Road to both residences. During the building permit process for the detached accessory dwelling, 7.29 acres were placed into a Forest Conservation Retention Easement on the northern part of the property. The 14.50 acres is generally flat on the south side of the property with some steep slopes present on the North side of the property.

The subject property currently lies in the R-40,000 zoning district as do the adjoining properties to the north, east, and south. Adjoining properties to the west lie in the R-20,000 zoning district. All adjoining properties are developed with residential dwellings excluding the southern adjoining properties across Ridge Road which is currently farmland. The subject property is outside of water and sewer service areas and Priority Funding Areas but is located within the Freedom Designated Growth Area.

❖ **Plan Review:**

On June 21, 2019, a minor subdivision plan was submitted for a 3-lot subdivision on the 14.50-acre property. After the first round of comments were sent by the review agencies, a resubmission was received on September 17, 2019 that had removed one of the proposed lots and instead proposes to split the property to create two lots of subdivision. A request to go before the Planning and Zoning Commission for modification to the use-in-common driveway standards was also submitted on September 17, 2019 (attached).

An existing 510 feet long by 10-foot wide use-in-common drive provides access from the two dwellings to Ridge Road. For use-in-common driveways, Article XII(7) within the Development Review Manual states:

- “Use-in-common driveways exceeding five hundred (500) feet in length shall include a vehicular pullover at or near the midpoint and shall include a vehicular turnaround at or near the end of the driveway.”
- “A plan and profile with required sections may be required for all use-in-common driveways.”

Article XIV within the Development Review Manual and the plate illustrations within the Department of Public Works Design Manual show use-in-common driveways having a minimum width of 12-feet.

Ordinance No. 2013-10, passed on November 14, 2013, amended the Code of Public Local Laws and Ordinances of Carroll County Chapter 155.025 adding section “L”. Determination of a modification to the above-mentioned requirements on a use-in-common driveway lies with the Planning and Zoning Commission.

📖 **§ 155.025 IN-FEE ACCESS STRIPS; USE-IN-COMMON DRIVEWAY STANDARDS AND CRITERIA.**

(L) **Modifications.** Where the Planning Commission finds that because of unusual circumstances of shape and topography or other physical features or conditions of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with the UIC design requirements of this § 155.025 and the Development Review Manual, there may be granted a modification when requested by the subdivider or developer. However, no such modification shall be granted which will have the effect of nullifying the intent and purpose of the Master Plan, the zoning regulations, this chapter or any other pertinent rules, regulations or laws of the county. Prior to considering such requests, the Planning Commission shall refer the matter for technical agency review, which will include the Office of Public Safety, which may request that the Fire Chief of the first due fire department provide input. In granting modifications, the Planning Commission will consider the comments from the technical review agencies and may require such conditions as will, in its judgment, secure substantially the objectives of the standards of the requirements so waived or Chapter 155, Development and Subdivision of Land modified. The applicant shall submit a written request for a modification to the county. The request shall include the specific

conditions necessitating a modification and include supporting documentation. Any modification for a particular subdivision or development shall be noted on the final plat and appear in the records of the Division.

(2004 Code, § 103-11) (Ord. 04-14, passed 4-20-2004; Ord. 09-01, passed 4-7-2009; Ord. 2013-10, passed 11-14-2013)

While the use-in-common driveway is existing and not proposed, going through the minor subdivision process allows agencies to review all aspects of the project, existing and proposed. A Declaration of Maintenance Obligations for the shared drive will need to be recorded.

The waiver request was discussed with the Office of Public Safety and Engineering Review who have responded with no objection to the above-mentioned request. Engineering Review has provided a memorandum in which they recommend approval (attached).

Staff and the owners are requesting a determination from the Commission regarding the waiver of the above-mentioned criteria noted within the Development Review Manual.

Following a determination from the Commission, the plans will continue through the minor subdivision process as currently shown.

Discussion:

David Becraft presented the staff report.

Jeannette and Michael Birger, Owner, and Randy Bachtel, BPR, were present.

Mr. Birger stated the driveway is 30' wide in front of the house.

Mr. Bachtel stated the driveway is currently in compliance with stormwater management and believes the 10' width is more than sufficient for the inter-family transfer.

Mr. Black clarified the existing 10' wide driveway is in compliance with standards. This plan is to create a lot line between the two houses which makes it a minor subdivision going through the subdivision process.

Ms. Kessler stated the lots need to be brought up to current standards under the subdivision process.

Commissioner Rothstein expressed the practicality of granting the modification and his thoughts regarding the safety and circumstances of this request.

Mr. Wothers explained his view of the language in the code and his thoughts regarding granting the modification. Mr. Wothers listed the specific reasons this plan has unique circumstances, such as a flat driveway with an unobstructed view, a large turn around area, and that it is an inter-family transfer with only two homes and therefore, the request should be granted.

Ms. Kessler stressed the importance of clarifying the uniqueness of the plan and property.

Mr. Wothers stressed that the code provision allows the Commission to take into account each plan individually.

Decision:

On motion of Mr. Wothers, seconded by Mr. Hoff and carried, the Commission voted to grant the modification to the width of a private use-in-common drive from 12' to 10' in accordance with 155.0025 (L).

RECESS

CONCEPT SUBDIVISION PLAN

SUBJECT: P-19-0012, Mitchell Property
LOCATION: Upper Beckleysville Road, Hampstead MD, 21074, E.D. 8
OWNER: Todd Mitchell, 1213 Allview Drive, Hampstead MD 21074
DEVELOPER: Same as owner
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: R-20,000 (R20)
ACREAGE: 6.2508 acres
WATERSHED: Prettyboy Reservoir
NO. OF LOTS: 4 Lots
FIRE DISTRICT: Hampstead
MASTER PLAN: Residential-Low Density
PRIORITY
FUNDING AREA: Outside
DESIGNATED
GROWTH AREA: Outside
SEWER/WATER
DISTRICT: 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 Major Subdivision Plan. No action is required.

❖ Existing Conditions:

The subject property is a 6.25 acre parcel located on the north side of Upper Beckleysville Road, approximately a half mile northeast of the Town of Hampstead and just west of the Carroll-Baltimore County line. The land is currently an open field, and construction of a single family dwelling in the northeast corner of the property and a private driveway from Upper Beckleysville Road is underway following the issuance of a building permit in early 2019. The property is zoned R-20,000 (R-20), as are the adjoining properties to the east and west. There are dual-zoned properties that have Conservation-Residential zoning designations to the north and south, and there are Conservation zoned properties to the southeast. The properties in this vicinity are used for residential and agricultural purposes and use private well and septic systems.

There are no streams, wetlands, or forests on the property, and it is located outside of priority funding areas, designated growth areas, and water and sewer service areas.

❖ **Project History**

A building permit was issued in March of 2019 for a new single family residence on the existing parcel and construction is underway.

On April 12, 2019, a subdivision plan was submitted to the Bureau of Development Review and distributed for review.

The plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee on May 24, 2019. No citizens signed in or spoke regarding this project.

❖ **Plan Review**

The developer proposes to divide the parcel into four residential lots, ranging in size from 1.15 acres to 2.17 acres. Three new single family dwellings are proposed in addition to the dwelling that is already under construction in the proposed Lot 3.

The lots have been shown to meet the Zoning requirements for the R-20 zoning district, and the houses each face the use-in-common (UIC) driveway.

Engineering Review has approved the concept plan, which shows the new UIC drive as well as proposed improvements to Upper Beckleysville Road. The UIC drive, named “Beasley Drive”, will serve all four lots, and its apron is located directly across the road from the future proposed “Hidden Pond Way” of the Crestview Meadows subdivision. Construction of Beasley Drive as a UIC driveway is currently underway in conjunction with the active building permit. The county road improvement consists of Upper Beckleysville Road being widened along the frontage of the property by five feet with a five foot wide grass shoulder.

Forest Conservation requirements for this site were addressed by means of off-site banking when the building permit for the single family dwelling was processed. Landscaping is being addressed with landscaped screening between Lot 1 and Upper Beckleysville Road.

To satisfy the requirements of Stormwater Management, drywells will be installed on the lots, wide shoulders and underdrains are included along the length of the UIC drive, a swale is proposed in the rear of the property, and an infiltration basin is proposed in the northwest corner of the property. The basin is located within a 0.27 acre parcel to be deeded to the County and is accessed via a ten foot wide paved driveway along the border of two proposed lots. With the inclusion of these features, Stormwater Management has issued concept approval.

Water Resource Management has approved the concept plan, it is exempt from Floodplain Management, and the site is outside of the jurisdiction of Utilities. The Health Department has approved the plan with private wells and septic systems for each lot. All other agencies have issued approvals.

The Department of Planning noted in a comment letter from May 24, 2019 that the plan is consistent with all applicable polices and recommendations.

The project is subject to the provisions of Concurrency Management, Chapter 156 of the Code, and will be tested prior to presentation of the plan to the Commission for approval of the preliminary plan. At the Concept Stage, all facilities are adequate.

Discussion:

Kierstin Eggerl presented the staff report.

Jeff Ziegler, CLSI, and Todd Mitchell, Owner, were present.

Commission Rothstein asked if this is the limit of build out for the property.

Ms. Eggerl stated yes, this is build out as proposed in the plan.

Mr. Mitchell, owner, stated this plan is to give each child a lot.

Decision:

No action is required.

CONCEPT SITE DEVELOPMENT PLAN

SUBJECT: S-17-0022, Contractor's Equipment Storage Yard
LOCATION: 2664 Baumgardner Road, Westminster, MD 21158
OWNER: Robert E. & Christina K. Dougherty III, 2456 Tyrone Road, Westminster, MD 21158
DEVELOPER: Robert E. Dougherty III, 2456 Tyrone Road, Westminster, MD 21158
ENGINEER: Leon A. Podolak & Associates, L.L.C., 147 East Main Street, Westminster, MD 21157
ZONING: Agricultural
ACREAGE: 31.72 acres (Contractors Equipment Storage Yard area: 39,950 s.f.)
WATERSHED: Double Pipe Creek
FIRE DISTRICT: Pleasant Valley
MASTER PLAN: Agricultural
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:**

The subject property is in the northwest region of the county, approximately halfway between Taneytown and Westminster.

The site is zoned Agricultural, as are adjacent properties. Runnymede Elementary School adjoins the property on the southwest border. Single family residences and farmland adjoin the remaining property lines all utilizing private well and septic systems.

The entire property is 31.72 acres in size with a mix of cropland and wooded areas and an existing pond. Several agricultural use barns and a residential house are located on the farm property. The property utilizes a private well and septic system. A stream is located northwest of the pond. Access to the site is by an existing driveway utilized only by the property owner.

❖ **Plan Review:**

A conditional use and a variance to setback distances for a contractor's equipment storage yard was approved by the Board of Zoning Appeals (case 5877 attached) on December 2, 2015 with an extension granted in July 2016. A concept site plan was subsequently submitted in July 2017. The plan was presented to the Technical Review Committee on August 28, 2017.

The plan identifies a 39,950 square foot area that will contain the contractor's storage yard. In that area, vehicles will be stored and a 70 x 150 foot pole barn, for vehicle/equipment storage, is intended to be constructed on the existing stone surface. Four parking spaces are shown in front of the building (3 employees). Access to the site is via an existing 10' wide private driveway. On August 20, 2019 the Carroll County Zoning Administrator granted a variance from the 18' Code-required driveway width; therefore, no improvements to the driveway are being shown.

The following agencies have approved the concept plan as it meets their code requirements: Utilities, State Highway Administration, Roads, Engineering, Grading, Landscaping, and Water Resources. Concept Stormwater Management approval has been granted. Stormwater Management is being addressed by sheet flow into a vegetated conservation area. A Stormwater Management Easement will be required. The concept plan is exempt from Floodplain and ADA requirements.

The final plan will address the requirements of Forest Conservation and Health Department. The Department of Public Safety has commented that the proposed building will need to address Chapter 91 requirements with regards to providing water for fire protection.

The Department of Planning stated that the site development plan is consistent with all applicable plan policies and recommendations.

The concept site plan was subject to Citizen's Involvement during the August 28, 2017 Technical Review Committee meeting. There were two citizens who spoke at the meeting. Stated comments were as follows: Agricultural zoned property should not be used for any contractor's equipment storage yards, width and safety of Baumgardner Road, and how the property intended to be used. No written comments were forwarded to 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.

Robert Dougherty, III, Owner, and Pete Podolak, Engineer, were present.

Mr. Podolak stated variances have been approved.

Mrs. Mary Margaret Dean, neighbor, stated her concerns with the plan and presented the Commission with paper copies of her concerns.

Mr. Podolak and Mr. Dougherty commented on some of Mrs. Dean's comments regarding road traffic and safety.

Decision:

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

The Commission asked staff to review use-in-common driveway regulations per the Code.

Daniel Hoff left at 11:38 a.m.

FINAL SITE DEVELOPMENT PLAN

SUBJECT: S-18-0013, Carroll Hospital Center Nursing Home Facility
LOCATION: 200 Memorial Drive, Stoner Avenue to Memorial Avenue, E.D. 7
OWNER: Carroll Hospital Center, 200 Memorial Drive, Westminster, MD 21157
DEVELOPER: same as owner
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: R-20,000
ACREAGE: 39.17 acres
WATERSHED: Double Pipe Creek
NO. OF UNITS: 60 beds
FIRE DISTRICT: Westminster
MASTER PLAN: Medium Density Residential – City of Westminster 2009 Comprehensive Plan

PRIORITY

FUNDING AREA: Westminster

DESIGNATED

GROWTH AREA: Westminster

PUBLIC FACILITIES IMPACTED

ROADS: Stoner Avenue

FIRE & EMS: Westminster

POLICE: Carroll County Sheriff's Office / Maryland State Police / Municipal Police

WATER: Westminster

SEWER: Westminster

❖ **Action Required:**

Two actions are required:

1. Approval of the site plan 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 site plan pursuant to Chapter 156, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **Site Plan History:**

On July 17, 2018 the Planning and Zoning Commission reviewed a concept plan for a proposed access drive and parking lot reconfiguration at the Carroll Hospital Center. At that meeting, staff communicated the Carroll Hospital Center's plan for development of a nursing facility along Washington Road (MD Route 32) between Stoner Avenue and Memorial Avenue, with access proposed strictly from the new access drive. Plans for the nursing facility were submitted to the Bureau of Development Review on April 23, 2018.

The concept site plan was subject to citizen involvement at the May 29, 2018 meeting of the Technical Review Committee. No citizens signed in or spoke at the meeting. The Bureau Chief from the Bureau of Aging & Disabilities was in attendance to gain an understanding of the project. One citizen phoned Development Review for information on the plan proposal.

A nursing home is a conditional use in the R-20,000 zoning district. On December 18, 2018, in accordance with the Code, the Planning and Zoning Commission reviewed and accepted the concept site development plan and traffic study review regarding density, exterior design, and site layout prior to Board of Zoning Appeals review (minutes attached). On March 29, 2019, the Board of Zoning Appeals approved the conditional use (decision attached).

📖 **§ 158.073 R-20,000 RESIDENCE DISTRICT.**

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

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

❖ **Existing Conditions:**

The 39.17-acre subject area is comprised of three parcels owned by the Carroll Hospital Center. All parcels are in the R-20,000 zoning district. On the largest parcel lies the Carroll Hospital Center campus and the Hospital's White Rabbit Thrift Store, to be demolished in conjunction with the access drive project. The two smaller parcels had residential structures which have been demolished in conjunction with the access drive project. The demolition also includes removal of those properties' individual private drives to Washington Road.

The medical campus contains multiple structures including the main hospital building, Billingslea Building, Fisher Building, Dixon Building, cancer center, and a parking garage. At least twenty-four site plans have been processed and approved between 1987 and 2013 for the development of the Carroll Hospital Center campus.

Existing access points on Stoner Avenue, Gist Road, and South Center Street serve internal drives and parking lots on the Hospital campus. Existing Memorial Drive is an internal private drive intersecting South Center Street, bearing 90 degrees southeast, and connecting to Gist Road. This 90-degree bend is the terminus for the proposed new access road which runs parallel to Gist Road / Washington Road (MD Rt. 32) and intersects Stoner Avenue.

Pedestrian walkways are present within the campus, at the west side of South Center Street, partially along the property frontage at Gist Road, and partially along the property frontage at Stoner Avenue. The access road project will provide continuous sidewalk along Stoner Avenue by connecting the existing segments.

Although outside the City of Westminster corporate limits, the subject property is inside the Westminster Priority Funding Area, Designated Growth Area, and Existing / Final water and sewer service areas.

The property is adjoined on the south by R-20,000-zoned lots built with single-family dwellings with private drives to Gist Road and Washington Road. Across Stoner Avenue to the east sits Carroll Hospital's Hospice Center. To the west, across South Center Street and in the Conservation Zoning District, is the Carroll County Farm Museum. Adjoining at the north property line, and also zoned R-20,000, are Carroll Springs School and the Westminster Senior and Community Center.

❖ **Plan Review:**

The developer is consolidating the three parcels into a single, 39.17-acre property and proposes to construct a 60-bed, 45,780 square-foot nursing home. Chapter 158 of the Carroll County Code of Public Local Laws and Ordinances, Zoning Regulations, outlines the bulk requirements for nursing homes in the R-20,000 Zoning District.

📖 **§ 158.073 R-20,000 RESIDENCE DISTRICT.**

(G) **Bulk requirements.** The following minimum requirements shall be observed, subject to the modified requirements in § [158.130](#):

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

Use	Lot Area	Lot Width (feet)	Density	Front Yard Depth (feet)	Side Yard (Width Each Side Yard) (feet)	Rear Yard Depth (feet)
Nursing homes, assisted living facilities	45,000 sq. ft.	150	1 bed / 3,000 sq. ft. ¹	50 ²	40 ²	50 ²

¹ For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and the Carroll County Health Department upon the review and approval of the site development plan.

² As lot area increases above the minimum of 45,000 square feet, increased provision for front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site

development plan.

The Code requires a minimum lot size of 45,000 square feet (1.03 acres) for nursing homes in the R-20,000 Zoning District. The consolidated parcels will result in a 39.17-acre lot. The minimum lot size is met.

Whereas the site exceeds 180,000 square feet, density shall be determined by the Planning and Zoning Commission and the Carroll County Health Department. The proposed 60-bed facility calculates to a density of 1 bed / 28,437 square feet. The Planning Commission accepted the proposed density at the concept plan review on December 18, 2018. The Health Department has approved the plan with public water and sewer.

The Code states that as lot area increases above the minimum 45,000 square feet, increased provisions for front, side, and rear yard depth shall be determined by the Planning and Zoning Commission and the Carroll County Health Department. Minimum required front yard depth is 50 feet, side yard depth is 40 feet, and rear yard depth is 50 feet. On the plan, front yard depth is dimensioned as 83 feet and side yard depth is dimensioned as 140 feet. The Planning Commission accepted the setbacks at the concept plan review on December 18, 2018. The Health Department has approved the plan with public water and sewer.

The first-floor level of the T-shaped building has a footprint of 34,925 square feet. A partial lower level at the central part of the building has 10,855 square feet of space. The nursing facility fronts Washington Road with a one-story building elevation. A grade change results in a two-story rear building elevation with a walk-out lower level.

Height regulations are outlined in Chapter 158, Zoning Regulations. The developer proposes a one-story front building elevation measuring 29 feet from grade to the peak of the roof. The maximum building height permitted by Code is 35 feet. The design complies with 158.073(F) of the Code.

In accordance with 158.130(E) of the Zoning Code, an exception to building height is permitted on a lot with a grade change exceeding 7%. The grade change depicted is 15%. Code allows an additional story on the downhill side of a building provided the height limits are otherwise in compliance. The design complies with 158.130(E) of the Code.

§ 158.002 DEFINITIONS.

BUILDING HEIGHT. The vertical distance from grade plane to the height of the highest roof surface.

§ 158.073 R-20,000 RESIDENCE DISTRICT.

(F) **Height regulations.** No principal structure shall exceed two and one-half stories or 35 feet in height, and no accessory structure shall exceed two stories or 20 feet in height, except as provided in § 158.130(E).

§ 158.130 EXCEPTIONS AND MODIFICATIONS.

(E) **Height.**

(3) On any lot where the average finished slope adjoining the building exceeds 7% grade, one story in addition to the number permitted in the zone in which such lot is situated shall be permitted on the downhill side of any building

erected, but the building height limit shall not otherwise be increased above that specified for the zone.

Access is proposed strictly from the new access drive. A loading area at the building's lower level is accessible directly from the access drive. The dumpster is within the lower level of the building. Approximately 120 feet from the intersection at Stoner Avenue, the nursing home access drive aligns with a parking lot access point. The private drive, 25 feet wide to accommodate two-way traffic, climbs uphill to the nursing home parking lot. The site continues to climb in elevation toward Washington Road which sits at an elevation 10 feet above parking lot grade and building's first floor finished elevation.

Two parking lots are mirrored across a central porte cochere. The total number of parking spaces required for this development, based on 60 beds and 30 employees, is 30 spaces. There are 73 parking spaces shown on the site plan, including two ambulance parking spaces.

A two-way vehicular bypass for the port cochere drop-off and pick-up area is depicted with a retaining wall at its south edge. The retaining wall measures approximately 100 feet long and is 6-foot-tall at its highest point. The wall will be built of Versa-lok modular concrete units in a color to match the building.

Guardrail and sidewalk are proposed within the State Highway Administration (SHA) right-of-way. The sidewalk will connect sidewalk along Stoner Avenue, proposed in conjunction with the new access drive project, to existing sidewalk along Gist Road. Upon completion of these two projects and the Hospital's Rehabilitative Services Building Expansion project, sidewalk will be in place along the entire frontage of the Hospital property at South Center Street, Gist Road / Washington Road (MD Rt. 32), and Stoner Avenue.

Engineering Review required a Traffic Impact Analysis (TIA) which was reviewed by both the County and SHA. Both Engineering Review and SHA concurred with the TIA which found that no improvements were necessary. A parcel dedication along MD Rt. 32 will be made to the State Highway Administration.

Public water and sewer will serve the building. Water and sewer services are within the jurisdiction of the City of Westminster. The City has reviewed and approved the plan. The building will be equipped with an automatic sprinkler system to comply with Fire Protection.

In their review, the Department of Planning determined that the proposed plan is consistent with the land use designation.

A photometric plan is provided on sheet 8. Three 20-foot-tall pole lights line the access drive. Eleven 20-foot-tall pole lights illuminate the parking lots. Lighting levels at the property lines are indicated as zero. The exiting sign for the White Rabbit at the corner of Stoner Avenue and Washington Road (MD Rt. 32) will be converted to signage for the nursing home facility.

Building elevations are provided on sheets 11-16 of the final plan set. The design uses brick veneer, dark stain vinyl shake siding and beige vinyl horizontal siding, split-face concrete block at the lower level on the rear and side elevations, and white trim. Roofing is annotated as asphalt shingles.

All agencies have approved the plan. The Bureau of Resource Management has granted final Stormwater Management (SWM) approval. A regional facility will provide stormwater management for the site. Landscaping is proposed at the parking lot, the retaining wall, along Stoner Avenue, and along Washington Road. Forest Conservation was addressed with the site development plan for the Carroll Hospital Center Access Drive, S-17-0033. The plan is exempt from Floodplain Management.

❖ **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 simultaneously with the Public Works Agreement.
3. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
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.

CONCURRENCY MANAGEMENT REPORT

❖ **Background:**

Residential site plans are applicable to the requirements of Chapter 156 (Adequate Public Facilities and Concurrency Management). The review of the project for compliance with Available Threshold Capacity occurs when the final site plan is presented to the Commission. Chapter 156 defines residential development as “All proposed buildings or structures which will contain one or more dwelling units or equivalent dwelling units. This term includes an accessory dwelling, nursing home, continuing care retirement community, and assisted living facility. This term does not include a hospital, hotel, motel, or similar building used for transient overnight stays.”

❖ **Threshold Review:**

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 August 30, 2019 was 168,023. There are currently 238 sworn law officers with 11 positions currently in training; an additional 20 positions are funded. Based on a total of 269 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of August 2019 was 1.60. Based on a total of 249 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of August 2019 was 1.48. 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 development has no impact to schools.

Fire and Emergency Medical Services:

The proposed development is located in the Westminster fire and emergency medical services district. The Available Threshold Capacity form and plan were delivered to the appropriate agency for review and comment. Comments were not received within the allotted timeframe, therefore, per Chapter 156.06 D(2)(c), "If no response is received from any applicable agency within 30 days of the date the Department distributes the ATC form, the ATC shall be presumed adequate for the particular facility or service for which no response was received".

Roads:

Stoner Avenue is rated adequate.

Sewer and Water:

The project is within the City of Westminster water and sewer service areas and subject to the City's requirements. The plan has been reviewed and approved by the City of Westminster.

❖ Staff Recommendation:

With regard to a final residential site plan, Chapter 156.06-E(4)(c) states "If adequacy was not determined by the Commission at the preliminary plan stage and the Commission determines that all public facilities and services are adequate, the Commission may approve the plan and issue a recordation schedule and building permit reservations." Staff recommends that the Planning Commission approve the final plan as follows:

1. police, fire and emergency services, and roads are considered adequate; and,
2. that 60 beds equals 19 Equivalent Dwelling Units and no building permit phasing is necessary;
3. that the building permit be issued before the site plan becomes void, i.e. within 18 months of the date of written Planning Commission approval.

Discussion:

Laura Matyas presented the staff report.

Jeff Ziegler, CLSI, and Maurice Spielman, Carroll Hospital Center, were present.

Jeffrey Wothers recused himself from the discussion as he is Chairman of the Board of the Hospital. Mr. Wothers left at 11:38 a.m.

Dan Hoff left the meeting at 11:38 a.m. as well.

Mr. Spielman stated a facility is being relocated to this space.

Decision:

On motion of Ms. Cheatwood, seconded by Ms. Kirkner and carried, the Commission voted to approve the final plan in accordance with Chapter 155 and subject to the four conditions outlined in the staff report.

On motion of Ms. Cheatwood, 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 outlined in the staff report.

PUBLIC COMMENT

There was no other public comment.

ADJOURNMENT

On motion of Ms. Kirkner, seconded by Ms. Cheatwood and carried, the Commission adjourned at approximately 11:59

Secretary

Approved