

MEETING SUMMARY
Carroll County Planning and Zoning Commission

September 17, 2019

Location: Carroll County Office Building

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

Members Absent: Jeffrey A. Wothers

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, Clare Stewart, Cody Spaid and Laura Bavetta, Department of Planning; Clay Black, 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 9:07 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 Ms. Kirkner and carried, the Agenda was approved.

REVIEW AND APPROVAL OF MINUTES

On motion of Mr. Hoff, seconded by Ms. Cheatwood and carried, the Minutes from the August 20, 2019 meeting 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 the Public Hearing for the Comprehensive Rezoning effort will be on October 3rd in Room 003.

C. OTHER COMMISSION MEMBERS

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg confirmed the Public Hearing and stated the October 2, 2019 Planning Commission meeting has been canceled.

B. EXTENSIONS

Mr. Black stated there were five extensions since the last report; Lake Forest Estates, Liberty Road Crossing, Rosie Acres 3, Christopher Place and Hudson Forest Estates, 4.

C. BZA CASES

Cody Spaid reported three cases were approved since the last meeting; Case No. 6152, Case No. 6167 and Case No. 6172. Mr. Spaid reported four cases are scheduled for September; Case No. 6176, Case No. 6155, Case No. 6182 and Case No. 6183.

D. OTHER

There were no other reports.

PUBLIC HEARING - BICYCLE – PEDESTRIAN MASTER PLAN

Clare Stewart provided a brief overview of the Plan and what the process has been. There were no public comments. Chair Soisson closed the Public Hearing. Secretary Eisenberg reviewed the process going forward and how this Plan will fit into the Master Plan.

WESTMINSTER ANNEXATION #71 – EOB, LLC AND DASY CORPORATION

Clare Stewart briefed the Commission on Westminster Annexation No. 71. Andrea Gerhard, City of Westminster, stated there have been ongoing discussions about these properties being annexed for quite some time. On motion of Mr. Hoff, seconded by Ms. Kirkner and carried, the Commission voted to forward the Annexation to the Board of County Commissioners with a favorable recommendation.

MASTER PLAN CONSISTENCY – DEPARTMENT OF RECREATION & PARKS – PURCHASE OF PARKLAND NORTH OF TANEYTOWN

Jeff Degitz, Director of Recreation & Parks, briefed the Commission on this item. On motion of Ms. Cheatwood, seconded by Ms. Kirkner and carried, the Commission confirmed consistency with the Master Plan.

FINAL SITE PLAN

SUBJECT: S-14-0030, Westminster Veteran’s Memorial Park
LOCATION: East side of Crest Lane, north of Hook Road, E.D. 7
OWNER: County Commissioners of Carroll County, 225 North Center Street, Westminster, MD 21157
DEVELOPER: Department of Recreation and Parks, County Commissioners of Carroll County, 225 North Center Street, Westminster, MD 21157
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: R-20,000
ACREAGE: 32.697 acres
WATERSHED: Liberty Reservoir
FIRE DISTRICT: Westminster
MASTER PLAN: Medium Density Residential – City of Westminster 2009 Comprehensive Plan

PRIORITY

FUNDING AREA: Westminster (partial)

DESIGNATED

GROWTH AREA: Westminster

❖ **Action Required:**

The plan is before the Commission for compliance with the Annotated Code of Maryland Land Use Article Chapter 3-205(b) for review and approval based on consistency with the Carroll County Master Plan.

Article – Land Use

§3–205 Planning commission review

(b) *Prior approval required* - A publicly or privately owned street, square, park, or other public way, ground, or open space, a public building or structure, or a public utility may not be authorized or constructed in the local jurisdiction or in a geographic section of the local jurisdiction until the planning commission has approved the location, character, and extent of the development as consistent with the plan.

❖ **Existing Conditions:**

The undeveloped property, purchased by the County Commissioners of Carroll County in 2010, consists of 32.697 acres in the R-20,000 zoning district. It lies on the east side of Crest Lane, north of Hook Road. Currently, the property is leased for agricultural purposes. The terrain slopes downward towards the east and north corners of the property. There is a stream in the extreme eastern corner of the site. Trees edge the majority of property lines shared with residential adjoiners.

Adjoining properties are all zoned R-20,000 and a majority of the subject property adjoins single-family residential lots. To the west and north lies the Windemere Estates subdivision, approved in 1997. To the south lies Glover Acres, a 1964 subdivision. An 11-acre residential parcel adjoins the property to the east. To the west, across Crest Lane, the Seventh Day Adventist Church operates a church and a school. Also on the opposite side of Crest Lane is the Westminster Baptist Church. Both churches are accessed only via Crest Lane.

The subject property is partially located in a Priority Funding Area and fully located in a Growth Area. It is partially in the Future (7-10 year) Westminster water and sewer service areas.

❖ **Site Plan History:**

An initial site plan package was submitted to Development Review on January 26, 2015 and distributed for review. It depicted a County park which included a monument location, athletic fields, picnic shelters, a walking trail, and a future restroom. The plan was subject to citizen involvement at the February 23, 2015 meeting of the Technical Review Committee. Prior to the meeting, courtesy notifications were mailed to adjoining property owners as well as citizens on the Department of Recreation and Parks associated mailing list.

Nine citizens attended the Technical Review Committee meeting and six spoke. Development Review received two email communications and phone calls prior to the meeting and five additional emails following the meeting. While County citizens vocalized support of the proposed park, particularly the athletic fields, most adjoining property owners were opposed to

the proposed scope of amenities in the park. Concerns included access, traffic, emergency services access, visitors parking off-site, trash, noise, stormwater runoff, and privacy. Numerous people inquired about the design of the memorial.

On December 6, 2016, the Department of Recreation and Parks requested a budget transfer be approved by the Board of County Commissioners. With a land acquisition of 18 acres adjoining existing Deer Park, Recreation and Parks proposed relocating the athletic fields to Deer Park and limiting development of the Veteran's Park to passive elements only; a monument to veterans, limited parking, a playground, pavilion, and a trail. The Board of County Commissioners unanimously approved all related motions.

A revised site development plan reflecting the changes for the Westminster Veteran's Memorial Park was submitted to Development Review on April 25, 2017. As described by Jeff Degitz, Director of Recreation and Parks, "In the revised plan, the athletic fields were eliminated from the project, greatly reducing the traffic impacts and the park now contains only passive elements such as walking trails, veterans monument, a free play area, playground and picnic pavilion. This revised plan represents the full extent of development for the park and is consistent with the county's capital improvement program."

Courtesy notifications informing people of the change of scope were mailed to all citizens on the mailing list for the Westminster Veteran's Memorial Park.

❖ Site Plan Review:

On December 19, 2017, the Planning and Zoning Commission reviewed the concept site plan (see minutes attached). The Commission discussed vehicular patterns in exiting the park. Edward Boyd, president of the Windemere Farms Home Owners Association, relayed concerns of increased traffic and potential off-site parking as well as the management of stormwater.

The Department of Recreation and Parks proposes a dawn-to-dusk public Veteran's Memorial Park on County-owned property in the R-20,000 Zoning District. Included in the design is a location for a memorial, a playground area, an 800 square foot (20' x 40') pavilion shelter, two parking lots, and an 8-foot-wide asphalt walking trail. The Zoning Code, Chapter 158, outlines uses of County lands and renders parks a principal permitted use in any zoning district.

📖 § 158.049 COUNTY PUBLIC BUILDINGS, STRUCTURES, AND USES.

Notwithstanding anything herein to the contrary, uses of land, buildings, structures, or premises by the County Commissioners, including the location, erection, reconstruction, extension, enlargement, conversion, or alteration of buildings or structures or parts thereof may be located in any district as principal permitted uses and exempt from all subdivision regulations and bulk requirements. However, no land, building, structure, or premises owned or leased by the County Commissioners may be used without the approval of the County Planning Commission pursuant to Md. Code, Land Use Article, § 3.205.

(2004 Code, § 223-24) (Ord. 1E, passed 8-17-1965; Ord. 09-02, passed 4-7-2009)

Situated near Westminster, the site falls within the area encompassed by the City of Westminster Comprehensive Plan. As stated in the Department of Planning review, a goal of the plan is to "Provide a coordinated and comprehensive system of public and private parks, recreational facilities and programs, and open space that will meet the active and passive recreational needs of all citizens of the county and enhance community design, identity, and

vitality.” Planning found the site development proposal to be consistent with all applicable plans.

Access is proposed from Crest Lane. The initial 2015 plan proposed access from Edward Street. A Traffic Impact Evaluation (TIE), dated January 24, 2014 with a revision date of June 27, 2014, was conducted and submitted for review. Access from Edward Street presented challenges including deficient sight distance (left turn from Edward Street onto Hook Road and right turn from Crest Lane onto Hook Road), impacts related to the proposed widening of Edward Street, and the existing private drive for 1101 Edward Street being an extension of Edward Street. An Access Alternatives Study dated February 2, 2016 was submitted.

Following extensive review by County agencies, and support from Commissioner Frazier, the Edward Street access was removed from the plan and the single access point for the park is proposed from Crest Lane. The exit is a right-turn-only to direct traffic out to Poole Road rather than the Crest Lane and Hook Road intersection where sight distance is compromised. The design for the right-turn-only is pronounced and directional signage reiterates the direction of travel. In response to Engineering Review’s comments, the park access is aligned with the entrance to the Westminster Baptist Church. Crest Lane will be widened with curb and gutter constructed along the entire property frontage.

Area sidewalks exist on Crest Lane, north of the church parking lot parcel, in the Windemere Estates subdivision as well as on Chandler Drive in Windemere Estates. Alongside the vehicular entrance to the park, a pedestrian access with a 5-foot-wide concrete sidewalk will be constructed to connect to the walking trail within the park.

The access drive meets the minimum 18-foot-wide requirement for two-way traffic. Proposed parking includes 50 spaces (including 2 handicap spaces) in the lot at the pavilion and playground and 6 spaces (including 3 handicap spaces) in the lot at the memorial. The memorial has yet to be designed. This has been commented on by both citizens and Development Review.

An 8-foot-wide asphalt walking trail is proposed throughout the site. The trail will be accessible, complying with the 2010 Standards of Accessible Design and Maryland Accessibility Code. On the north side of the property the trail loops, navigating the perimeter of the property.

There are no dumpsters proposed. There are no lights proposed. There is no restroom proposed. A sign measuring 2-1/2 feet high and 6 feet wide, elevated above grade on two posts, will be placed at the entrance to the park. An image of the shelter, which has a tan tin roof and wood posts, is provided on sheet 14 of the drawing set. The open-air pavilion is post and gable roof construction on a concrete slab.

Forest Conservation will be addressed with on-site planting and a Forest Conservation Easement will be granted to the County. Landscaping is provided at the parking areas and as screening at adjoining residential properties. The plan is exempt from the Floodplain Code. Stormwater Management will be addressed with grass swales and a detention basin at the northern corner of the site with a new storm drain pipe to connect to existing storm drain network. All agencies have approved the plan.

❖ **Recommendations:**

Staff recommends the following action subject to the listed conditions:

1. Finding of consistency with the Carroll County Master Plan in accordance with the Annotated Code of Maryland Land Use Article Chapter 3-205(b).
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.
3. That a Forest Conservation Easement be granted to the County Commissioners of Carroll County by a deed to be recorded.
4. That a Landscape Maintenance Agreement be recorded by deed.
5. 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.

Jeff Degitz, Director of Recreation & Parks and Martin Rickell, CLSI were present.

Mr. Hoff asked why there are no bathrooms included in the plan.

Mr. Degitz stated that most passive parks do not require bathroom facilities. If a need is identified, portable bathrooms can be added.

Mr. Hoff asked what kind of activities are expected to happen at the park.

Mr. Degitz stated unscheduled play areas for families are expected.

Mr. Canale asked what the development schedule would be.

Mr. Degitz stated the bidding process would occur during the winter and initiate construction in the spring.

Ms. Mayas asked about the current status of the Memorial.

Mr. Degitz stated the design has not yet been initiated but staff will work with local veteran's groups.

Commissioner Rothstein asked how a flag would be addressed if there is no power at the park.

Mr. Degitz stated staff would look into solar powered lighting.

Jim Duncan, citizen, is concerned about traffic coming through the neighborhood.

Ms. Kirkner recused herself from the discussion as she was involved in the sale of the property.

Decision:

On motion of Mr. Hoff seconded by Ms. Cheatwood and carried, the Commission confirmed consistency with the Carroll County Master Plan in accordance with the Annotated Code of Maryland Land Use Article.

RECESS

COMPREHENSIVE REZONING – MAPS

Secretary Eisenberg reviewed the Comprehensive Rezoning process. Secretary Eisenberg briefed the Commission on the maps that have been uploaded to the website and how to access them.

Clark Shaffer, attorney, briefed the Commission on properties he is requesting zoning changes for.

On motion of Mr. Hoff, seconded by Ms. Cheatwood and carried, the Commission voted to change Parcel 136 from C1 to C2. Mr. Hoff amended his motion to clarify the property as Map 72 parcel 0136. Ms. Cheatwood seconded the amended motion and the Commission voted to approve the amended motion.

Mr. Shaffer asked for a change to a second parcel that is in Conservation. The Commission stated that parcel is not eligible for a change at this time.

On motion of Ms. Cheatwood, seconded by Ms. Kirkner and carried, the Commission voted to forward the Maps to the Board of County Commissioners with the one change noted.

PUBLIC COMMENT

There was no other public comment.

ADJOURNMENT

On motion of Mr. Hoff, seconded by Ms. Cheatwood and carried, the Commission adjourned at approximately 10:50

Secretary

Approved