

MEETING SUMMARY
Carroll County Planning and Zoning Commission

August 20, 2019

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair
Cynthia L. Cheatwood, Vice Chair
Jeffrey A. Wothers
Eugene A. Canale
Ed Rothstein, Ex-officio

Members Absent: Lynda D. Eisenberg, Secretary
Daniel E. Hoff
Janice R. Kirkner
Michael D. Gosnell, Alternate

Present with the Commission were the following persons: Acting Secretary, Clay Black, Development Review; Mary Lane, Cody Spaid and Laura Bavetta, Department of Planning; 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 9:15 a.m.

ESTABLISHMENT OF QUORUM

Laura Bavetta took attendance and noted that five 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. Cheatwood and carried, the Agenda was approved.

REVIEW AND APPROVAL OF MINUTES

On motion of Mr. Wothers, seconded by Ms. Cheatwood and carried, the Minutes from the July 16, 2019 meeting were approved.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson reported that he approved three plans since the last meeting; Lot 6 Tevis, Sanner Estates Section 3 and Morgan Brooks Farm.

B. EX-OFFICIO MEMBER

Commissioner Rothstein acknowledged the work on the Comprehensive Rezoning Process, the MACO conference and topics for his upcoming town hall meetings.

C. OTHER COMMISSION MEMBERS

Vice Chair Cheatwood noted she approved Ruby Run re-subdivision of Lot 4 and Presidential Park while Chair Soisson was absent.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Acting Secretary Black noted the next meeting will be on Wednesday, September 4, 2019 at 6:00 p.m.

B. EXTENSIONS

Acting Secretary Black stated extensions will be reported at the next monthly business meeting on September 17, 2019.

C. BZA CASES

Cody Spaid reported three cases were approved since the last meeting; Case No. 6160, Case No. 6163, Case No. 6167 and Case No. 6169. Mr. Spaid stated staff is providing comments for two cases to be heard on August 27, 2019; Case No. 6152 and Case No. 6155 and Case No. 6172 will be heard on August 28th.

D. OTHER

There were no other reports.

CONCEPT SITE PLAN

SUBJECT: S-19-0017, Mausoleum at Lake View Memorial Park, Amended
LOCATION: 2724 Liberty Road, Sykesville, MD 21784
OWNER: Lake View Memorial Association, Inc., 15504 Quail Run Drive, North Potomac, MD 20878
DEVELOPER: Matthews International, c/o Tim Gorgas, 252 RIDC Park West Drive, Pittsburgh, PA 15275
ENGINEER: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157
ZONING: Conservation
ACREAGE: 78.98 acres (Development area: 29,000 square feet)
WATERSHED: Liberty Reservoir
FIRE DISTRICT: Sykesville-Freedom
MASTER PLAN: Resource Conservation (2018 Freedom Community Comprehensive Plan)
PRIORITY
FUNDING AREA: Outside
DESIGNATED
GROWTH AREA: Freedom

❖ Action Required:

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. **No action is required.** The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

❖ **Existing Conditions:**

The subject property is in the south eastern region of the county, just west of the Carroll/Baltimore county line on a peninsula that protrudes into the Liberty Reservoir. Liberty Road (MD Rt 26) borders the property to the south, and Oakland Mills Road is to the immediate east.

The site is zoned Conservation, as are adjacent properties to the west and south. Lands of the Liberty Reservoir are to the west and southwest, and there are residences to the south across Liberty Road. There is an area of Business Neighborhood Retail zoned properties to the southeast which contains a mix of business and residential uses, and Residential 20,000 zoned properties to the east and north of the property consist of residential uses.

The subject property is 79.98 acres in size, approximately 50 acres of which is a cemetery and the remaining acreage to the north is forested. There are streams that flow into Liberty Reservoir in the wooded area, and the cemetery area consists of grass fields with landscaped shrubs and trees. The cemetery's private road begins at the entrance on Liberty road and loops throughout the site before exiting back onto Liberty Road.

The property is in use as a cemetery and has two previously approved site development plans on file. A site plan was processed in 1996 (attached) to add a mausoleum to the existing cemetery, and a simplified site plan was processed in 2002 (attached) to add a second mausoleum adjacent to the first.

There are no floodplains on the property, and the site is outside of priority funding areas and water and sewer service areas. The property is within the Freedom designated growth area.

❖ **Plan Review:**

The developer proposes to build a new 66.32' x 31.13' mausoleum in the lawn on the eastern side of the property, adjacent to the existing cemetery road. The new mausoleum is located separately from the two existing mausoleums, which are clustered together in an area to the south of the build site.

A new driveway loop will be added to the eastern side of the road which will allow long vehicles to turn around in front of the mausoleum. The existing paving will remain intact, and no modification to the site's existing access from Liberty Road is proposed.

The mausoleum faces the new driveway loop to its south. The central portion of the building has a peaked roof that is approximately thirty feet and four inches in height, and the wings to the left and right have flat roofs that are nineteen feet in height. The front doors are centered in a large decorative window that is surrounded by a stone veneer. Granite panels and stucco trim are shown on the front and sides of the building, and the rear of the building consists of stucco. The front and sides of the mausoleum contain the memorial panels which also consist of granite materials. A single door is located in the rear of the building, and wall-mounted emergency egress lighting is located above both the rear and front doors. Sidewalk is proposed along the front and sides of the building to provide access to the front door and memorial panels.

The site is outside of the jurisdiction of Utilities, and the State Highway Administration, Roads, and Engineering have approved the plan with existing access. Floodplain is exempt, and both Forest Conservation and Landscaping are not applicable to this project.

The plan complies with the American Accessibility Code requirements and has been

approved by the Fire Protection Engineer. No wells or septic systems are proposed, and the Health Department has issued its approval.

Stormwater Management is being addressed by means of three drywells and grading along the new sidewalk and pavement. Concept Stormwater Management approval has been granted. Water Resource Management, Grading, and all other agencies have approved the concept plan.

As detailed in the Department of Planning's May 29, 2019 site development plan memorandum, the proposed land use is consistent with the *2018 Freedom Community Comprehensive Plan* land use designation of Resource Conservation.

The proposed site plan was subject to Citizen's Involvement during the June 24, 2019 Technical Review Committee meeting. There were no citizens who spoke at the meeting and 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:

Kierstin Eggerl presented the staff report.

Jon Lemmerman, RTF Associates and Ed Fox, General Contractor were present.

Mr. Wothers asked if there is a fire suppression system.

Mr. Fox stated the building is concrete and there are no combustible materials.

Decision:

On motion of Ms. Cheatwood, seconded by Mr. Canale and carried, the Commission voted to delegate final approval to the Chair.

FINAL SITE PLAN

SUBJECT: S-18-0014, Target Community & Educational Services, Inc.,
2nd Amended

LOCATION: 111 Stoner Avenue, Westminster, MD 21157

OWNER: County Commissioners of Carroll County, 225 North Center Street,
Westminster, MD 21157

DEVELOPER: Target Community and Educational Services, Inc., 111 Stoner Avenue,
Westminster, MD 21157

ENGINEER: Hanover Land Services, 194 East Main Street, Westminster, MD 21157

ZONING: Residential-20,000 (R-20)

ACREAGE: 4.9240 acres

WATERSHED: Double Pipe Creek

FIRE DISTRICT: Westminster

MASTER PLAN: Medium Density Residential – City of Westminster 2009 Comprehensive
Plan

PRIORITY

FUNDING AREA: Westminster

DESIGNATED

GROWTH AREA: Westminster

❖ **Action Required:**

The site 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 property is located south of the City of Westminster at the corner of Stoner Avenue and South Center Street, near the Carroll County Hospital. The property is owned by the County Commissioners of Carroll County and portions of the property are leased to the Developer, Target Community and Educational Services, Inc. (hereafter called Target). The property is improved with multiple buildings and two separate uses; Target operates a non-profit organization for children and adults with disabilities from the two existing buildings on the eastern side of the property, and a tea house occupies the historic William Winchester House buildings on the western side. The William Winchester House is included in Maryland's Inventory of Historic Properties as White's Level, and no disturbance to the historic building is proposed in conjunction with this site development plan. Target provides various on and off-site services for disabled people and their families, this site functions as a pick-up and drop-off location and houses administrative offices and classrooms.

Stoner Avenue and South Center Street, which border the property on two sides, follow the municipal border of the City of Westminster. Properties across Stoner Avenue to the north as well as those across South Center Street to the west are incorporated into the City of Westminster. The site itself is outside of the City of Westminster, but it is within its designated growth area as well as the priority funding area. It is also within the Westminster water and sewer area and presently utilizes existing connections.

The property directly to the north is a playground within the City limits that is zoned R-7,500 and is owned by the Mayor and Common Council of the City of Westminster. The property to the northeast, within the County's R-20 zoning district, is in use as a non-profit organization for people with disabilities called Change, Inc. To the southeast, in an R-20 zoned property which is outside of the City limits and owned by the County Commissioners of Carroll County, there is the Westminster Senior Center and a regional stormwater management pond, which is directly south of the site. To the west, across South Center Street, there are single family homes, townhouses, and apartments in the Middlebrooke subdivision, which has an R-10 zoning designation in the City limits.

The subject property as well as the adjacent property to the east are accessed via a use-in-common entrance from Stoner Avenue. There are large trees throughout the site and along the southern and eastern property lines. There are landscape features around the central parking lot and against the buildings. The eastern parking lot has paved sidewalks that connect to the Change, Inc. parking lot to the east and the Westminster Senior Center parking lot to the southeast. Two sheds and two dumpsters are also located on the edges of the eastern parking lot. There is a 20' drainage and utility easement for the City that crosses the corner of

the property at Stoner Avenue and South Center Street, a 26' wide drainage and utility easement running along and partially beneath the existing driveway, and a 20' wide drainage and utility easement along the eastern border of the property.

❖ **Plan Review:**

The two buildings that Target uses on the property are currently detached from each other and separated by an open grass yard. The doors to both buildings face different directions and there is no single main entrance. The Developer proposes to connect the two existing buildings with a new addition to function as a main entrance and reception area.

A new one-way drive in front of the addition, branching off from the existing entrance drive and connecting to the eastern parking lot, would add 5 parking spaces and provide drop-off access to the main entrance. A drive-through canopy that extends over the new driveway is proposed in front of the building's new entrance.

The proposed site plan was subject to Citizen's Involvement during the August 27, 2018 Technical Review Committee meeting. There were no citizens who spoke at the meeting and no written comments were forwarded to the Bureau of Development Review.

On April 9, 2019, the Planning and Zoning Commission reviewed the concept site plan (see attached minutes). There were no citizens who spoke at the meeting. The Commission had questions regarding how the site could be modified to mitigate the potential for congestion caused by vehicles dropping people off in the one-way portion of the drive lane. The Commission also recommended that additional sidewalk be provided along a portion of the existing parking.

In response to the Commission's comments, the plans now show new sidewalk proposed in the area discussed during the meeting and the drop-off area in front of the addition has been modified with a painted divider to separate the drop-off lane from the through-lane.

The new driveway paving is 20' wide at the entrance with 5 new angled parking spaces to the left. As it approaches the addition, it widens to 25' to allow through-traffic to move past vehicles parked in the loading area under the canopy. A three foot wide painted cross hash area divides the drop-off lane from the through-lane to prevent idling vehicles from blocking the flow of traffic to the eastern parking lot and the exit. The paving then becomes 15' wide where it connects to the existing eastern parking lot. Directional signs are provided at both ends of the one-way lane and directional arrows are shown along the length of the new paving. Four new shade trees are proposed along the new driveway's entrance and parking spaces.

Parking requirements are calculated for both uses on site, classifying Target as an office and the tea house as a restaurant. Per section 155.077 of the Code, the total number of required parking spaces for both uses combined is sixty-five. Seventy spaces are provided, thereby satisfying the parking requirements.

New sidewalk is proposed between the one-way drive and the building to connect the parking lots and existing sidewalks to the new entrance. New sidewalk is also proposed to the south of the addition, replacing existing sidewalk as well as providing a new connection from the western parking lot to both halves of the building. As requested by the Commission during

the concept meeting, new sidewalk is also shown along the edge of the existing eastern parking lot.

The Health Department approved the plan with existing public water and sewer use and no additional features or water use are proposed. Engineering Review, SHA, and the Roads Department have approved the plan with existing access. The site is compliant with ADA requirements, and Landscaping is being addressed by means of shrubbery to screen the dumpster site; while new trees are being provided along the one-way drive, they are not a landscaping requirement. Fire Protection approved the plan with the existing public water system and fire hydrants, and a sign stating the height of the ceiling will be posted on both sides of the proposed drive through canopy.

Final Stormwater Management approval has been granted. Stormwater is being addressed by means of drainage to the regional stormwater pond on the adjacent County property, as well as three drywells for the roof and grading adjacent to the new sidewalk south of the addition.

The Department of Planning reviewed the plan for consistency with the 2014 Carroll County Master Plan, the 2009 City of Westminster Comprehensive Plan, and the Carroll County Water and Sewer Master Plan. In Planning's August 27, 2018 site development plan memorandum, it was noted that the proposed land use is consistent with the land use designation of Medium Density Residential with a "Public Land" overlay.

The plan is exempt from Floodplain Management and Forest Conservation and all other agencies have issued approvals.

❖ 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.

Discussion:

Kierstin Eggerl presented the staff report.

Doug Barmoy, Hanover Land Services, Tom Zirpoli, CEO Target Services, and Dean Camlin, Architect were present.

Decision:

On motion of Ms. Cheatwood, seconded by Mr. Canale and carried, the Commission voted to approve the plan pursuant to Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County subject to the four conditions outlined in the staff report.

RECESS

FINAL SITE PLAN

SUBJECT: S-17-0032, Deer Park

LOCATION: 637 Deer Park Road, 700 feet east of the intersection with Sykesville Road (MD Route 32); E.D.4

OWNER: County Commissioners of Carroll County 225 N. Center Street, Westminster, MD 21157

DEVELOPER: County Commissioners of Carroll County c/o Department of Recreation and Parks, 300 S. Center Street, Westminster, MD 21157

ENGINEER: Carroll Land Services, Inc., 439 East Main Street, Westminster, MD 21157

ZONING: Agricultural

ACREAGE: 40 acres (current park)/18.8 acres (proposed expansion)

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Reese

MASTER PLAN: Village-Residential (existing park), Agricultural (proposed expansion)

PRIORITY

FUNDING AREA: Expansion - 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 and approval.

❖ **Existing Conditions:**

Deer Park, an active County owned park, is currently comprised of two properties; 25.35 acres and 14.9 acres. The entrance to the park property is located along Deer Park Road, approximately 700 feet east of the intersection with MD Route 32 (Sykesville Road). The park hosts several ballfields, walking trails, pavilions, picnic areas, tennis courts, restrooms, and parking areas. It is surrounded by numerous residential homes, a church and farm fields.

This and all adjacent properties are zoned agricultural and served by private well and septic systems. A stream is located near the on-site pond.

❖ **Plan History:**

At the December 20, 2016 Planning and Zoning Commission meeting, Mr. Jeff Degitz, Director of the Department of Recreation and Parks discussed a proposal to purchase land (approximately 18.8 acres) for expanding Deer Park. The Planning Commission voted that the additional purchase of land was consistent with the Master plan (minutes attached).

A concept plan of the development proposal was submitted to the Bureau of Development Review and distributed on November 27, 2017. The plan was subject to citizen involvement at the December 21, 2017 Technical Review Committee (TRC) meeting. Several citizens spoke in regards to the project. Concerns regarding after hours usage, lighting, parking, and access to Route 32 were raised. Jeff Degitz, Director, was in attendance and responded to discuss the park proposal with the citizens. Additionally, Recreation and Parks conducted a night meeting for the community at the adjacent church to explain the proposal and respond to any questions.

At the September 18, 2018 Planning and Zoning Commission meeting, the concept site plan was presented to the Planning and Zoning Commission. No action was needed. Citizens were present and stated concerns similar to the TRC meeting (minutes attached).

❖ **Plan Review:**

The final site plan proposes two multi-purpose fields to be constructed on the newly purchased property, along with the construction of parking spaces and a foot walking path over the entire property. No buildings are being proposed.

The two multi-purpose fields are to be constructed along the area that adjoins MD Route 32. A standard guardrail was proposed along Route 32 property frontage in the concept site plan, but has since been removed. During the final site plan review, State Highway Administration (SHA) stated the construction of a guardrail to deter roadside parking was not possible due to the guardrail itself being a hazard. SHA stated that with the close proximity of the utility poles and the proposed landscape berm, they feel roadside parking on MD Route 32 will not be an issue. Should problems arise after the park is open, MDOT SHA will review as needed.

A 2,482 linear foot by seven foot wide walking path will be constructed within the park. A walking connection to Karen Way, a County maintained road, will occur. "No Parking" signs were proposed at the end of Karen Way within the concept site plan, but have been removed via comments from the Department of Public Works Bureau of Engineering. If parking becomes an issue, then the use of the "No Parking" signs will be reevaluated.

Access to the site will occur via the existing Deer Park Road entrance with improvements to the entrance being proposed. The proposed curb and gutter within the improved entrance will eliminate the existing issue of ponding water. The width of the entrance will increase to allow a third lane for ingress/egress. Based on trip generation numbers, a traffic study was required. The proposed improvements were deemed adequate by Engineering Review.

Chapter 158.070(D)(6) of the Carroll County Code of Public Local Laws states that parks of a nonprofit nature are a principal permitted use within the Agricultural District. Chapter 155 of the Carroll County Code has no specific parking space number requirement. The final site plan proposes the construction of 156 parking spaces (formerly 165) to raise the total parking spaces on site to 327 spaces. The number of parking spaces provided was based on the usage

of County parks. A parking tabulation chart is included to illustrate the current and proposed parking.

The Bureau of Comprehensive Planning has indicated this project is consistent with the Carroll County Master Plan.

Forest Conservation will be addressed on-site through afforestation and retention easements. Landscape screening is being provided along the southern property line and at the various parking areas. To comply with the Water Resources Code, the final plan shows a variable-width stream buffer. The project is exempt from the Floodplain code.

Stormwater management has granted final approval. Stormwater management will be provided through the construction of grass swales and level spreaders.

❖ **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 be granted to the County Commissioners of Carroll County simultaneously with the Public Works Agreement.
3. That a Forest Conservation Easement be granted to the County Commissioners of Carroll County 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.

Discussion:

David Becraft presented the staff report.

Jeff Degitz, Director of Recreation and Parks, Jeff Ziegler, CLSI, and Rick Buchanan, Department of Recreation and Parks, were present.

There was much discussion regarding parking along Route 32, congestion and safety.

Gary Saylor, citizen in favor of the park is in support of the park and stated it will be a great asset, but he is concerned about parking along Route 32 and guardrail.

David Parker, citizen, stated he is concerned about parking along Route 32 and public safety.

Mr. Ziegler stated there will be landscaping to help deter illegal parking.

Ms. Cheatwood pointed out the additional parking spaces that are being added to the site.

Sue DiPietro, citizen, stated additional fields are needed and she is in favor of the plan. Ms. DiPietro stated large tournaments occur infrequently and suggested additional arrangements be made during those times.

Mr. Saylor suggested the county buy the field next to the church.

Frank Rothe, citizen in favor of the plan, stated there is a great need for the additional field space. Mr. Rothe suggested there be more of a barrier along Route 32 for safety reasons.

Commissioner Rothstein agreed that a barrier is needed, he suggested possible fencing along Route 32.

Mr. Degitz stated they can look at adding a fence along Route 32.

Decision:

On motion of Mr. Wothers, seconded by Ms. Cheatwood and carried, the Commission voted to approve the plan pursuant to Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County subject to the four conditions outlined in the staff report.

PRELIMINARY SITE PLAN

SUBJECT: P-17-0048, Mineral Hill Property
LOCATION: 5734 Mineral Hill Road - South side of Oklahoma Road at Mineral Hill Road, E.D. 5
OWNER: Mineral Hill Property, LLC, 11175 Stratfield Court, Marriottsville, MD 21104
(LLC members: Robert Scranton, Frank E. Potepan III)
DEVELOPER: Same as owner
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: R-20,000
ACREAGE: 9.2747 acres
WATERSHED: Liberty Reservoir
NO. OF LOTS: 14
MASTER PLAN: Residential Medium– 2018 Freedom Community Comprehensive Plan
PRIORITY
FUNDING AREA: Freedom
DESIGNATED
GROWTH AREA: Freedom
SEWER/WATER
DISTRICT: Freedom
PUBLIC FACILITIES IMPACTED
SCHOOLS: Freedom Elementary
Oklahoma Road Middle
Liberty High
ROADS: Oklahoma Road
FIRE & EMS: Sykesville
POLICE: Maryland State Police/Carroll County Sheriff's Office

❖ **Action Requested:**

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. Denial 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.

❖ **Existing Conditions:**

The subject property hosts one residence located at the corner of Mineral Hill and Oklahoma Roads and a barn outbuilding. Two existing driveway entrances, one at Mineral Hill Road and a second at Oklahoma Road, serve the property.

From Oklahoma Road, the property slopes downward towards the southern property line with approximately 100 vertical feet of elevation change. A springhead and stream form near the western property line towards the southern portion of the site. There are no FEMA Floodplains on site. Of the property's 9.27 acres, 4.57 acres are forested.

The property's sewer plan designation was previously split between Priority (0-6 years) and No Planned Service. On May 3, 2017, the Maryland Department of the Environment approved the Fall 2016 Amendment to the 2014 Water & Sewer Master Plan which included a reclassification of the property's 6.01 acres of No Planned Service into the Priority area. The subject property lies in the Existing / Final Planning Water Service area.

At the northwest corner of the property, two adjoining parcels host residences with access to Oklahoma Road. Bordered by Rolling View, a 1960s subdivision, to the east and south and a 10.63-acre Lot 1 of Ashby Estates to the west, the subject property shares an R-20,000 zoning designation with all adjoining properties. Rolling View is developed with single-family residences on lots that average 16,000 square feet.

❖ **Plan Review:**

The developer proposes to create fourteen new, clustered lots of subdivision on the property. Clustering is permitted in the R-20,000 zoning district in accordance with Chapter 155.095 of the Code of Public Local Laws and Ordinances of Carroll County. Both a conventional plan and a cluster plan were submitted for review.

Following a Technical Review Committee meeting on October 23, 2017, the Planning and Zoning Commission reviewed the project as a Special Report on December 19, 2017 for a determination regarding a cluster plan of subdivision and deviation from the open space requirements. The Commission accepted the cluster plan and the open space deviation.

On November 13, 2018, the Planning and Zoning Commission reviewed the concept plan of the cluster subdivision, Mineral Hill (minutes attached). At the concept stage, regarding Concurrency Management, Chapter 156 of the Code, Freedom Elementary School was rated approaching inadequate.

Lots range in size from 11,683 square feet to 24,142 square feet. Lot widths measure 80 feet at minimum. Setbacks are depicted as 25-foot front, 8-foot side, and 35-foot rear yards. Lot 1 hosts the existing dwelling and private driveway.

Access is proposed from Oklahoma Road onto Cobalt Court, a cul-de-sac and proposed County road. The intersection spacing distance to Mineral Hill Road does not meet the requirements of the Design Manual for Roads and Storm Drains. To address the deficiency, the developer submitted a waiver request to the Department of Public Works for a reduction from the required 500 feet to 340 feet. On November 2, 2017, the waiver was approved by the Deputy Director of Public Works.

In accordance with Engineering Review's comment letter, road improvements will be required along the property frontage on Oklahoma Road and Mineral Hill Road. Trip generations have been provided on sheet 1 and the totals indicate that a Traffic Impact Study is not required.

The Development Review Manual states, "Sidewalks are required on both sides of all roads designed for or contiguous to... residential development in the...R-20,000 zones." Sidewalk is proposed at Cobalt Court and along the extents of the subject property at Oklahoma Road and Mineral Hill Road. A guard rail and 8.5-foot-high retaining wall with safety fence are proposed along Cobalt Court on the west side at the entrance from Oklahoma Road.

A private use-in-common drive, Copper Drive, extends approximately 330 feet from the end of Cobalt Court to serve Lots 9, 10, 11, and 12. Code permits five users on a use-in-common drive in residential districts. A Declaration of Maintenance Obligations for Copper Drive will be recorded.

All lots will be served by public water and sewer systems. A water line will tie in to the existing line at Oklahoma Road. The proposed sewer line will connect to an existing line in Hanna Road. This necessitates crossing an adjoining property in the Rolling View subdivision. An easement agreement with the Copley adjoining property owner has been recorded. At the Special Report presentation to the Commission, the proposed sewer line was proposed to connect at Oklahoma Road, requiring uphill pumping from the lots. The revised sewer line instead utilizes gravity flow.

As required by cluster provisions, an area of open space of 1.219 acres (53,101 square feet) the difference between the 20,000 square foot minimum lot size and the proposed lot sizes is necessitated. The developer proposes Parcel C with 2.162 acres (94,174 square feet) of open space at the southern portion of the property.

In accordance with the Code, "a minimum of 10% of the required open space or one and one-half acres, whichever is greater, shall be suitable for active recreational use." For this proposal, 10% of the required open space equals 0.1219 acres, so a minimum of 1.5 acres is required. This active open space acreage requirement is greater than the required open space acreage. The Commission may approve deviations from the percentage requirements for properties containing less than 10 acres.

A total of zero acres on the open space parcel are proposed as active open space. With consideration of the stormwater facility being underground, which will allow active recreational uses to occur on Parcel B, the Commission approved the deviation from the Code requirement on December 19, 2017 at the Special Report presentation. The County has first right of refusal of Open Space Parcel C. Both Resource Management and Facilities have recommended that the County decline the parcel.

The subject property is in a Priority Funding Area and Designated Growth Area. The proposed land use is consistent with the 2018 Freedom Community Comprehensive Plan, as stated by the Department of Planning in their review.

The plan is exempt from Floodplain codes. A Water Resource Protection Easement at the variable stream buffer will be established and granted to the County. The easement will be located on both Open Space Parcel C and Stormwater Management Parcel B. Forest Conservation will be addressed off-site in a bank and on-site with retention and planting. A Forest Conservation easement will be granted to the County. The side yard of Lot 2 is screened at Oklahoma Road in accordance with Landscape Manual requirements. Stormwater management is addressed with an underground facility on Parcel B, grass swales, and drywells.

❖ **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 Cobalt Court be conveyed to the Carroll County Commissioners upon acceptance by the County.
3. That a Declaration of Maintenance Obligations for the use-in-common driveway, Copper Drive, serving Lots 9, 10, 11, and 12 be recorded simultaneously with recordation of the subdivision plat.
4. That a Water Resource Protection Easement be granted to the County Commissioners of Carroll County simultaneously with recordation of the subdivision plat.
5. That a Forest Conservation Easement be granted to the County Commissioners of Carroll County simultaneously with recordation of the subdivision plat.
6. That a Landscape Maintenance Agreement for the landscaping shown on the approved preliminary plan be recorded simultaneously with recordation of the plat.
7. 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.
8. That the area shown as Parcel A along Oklahoma Road and Mineral Hill Road be conveyed to the County Commissioners of Carroll County for right-of-way simultaneously with recordation of the subdivision plat.
9. That the area shown as Parcel B be conveyed to the County Commissioners of Carroll County upon acceptance of the facilities by the County.
10. That the areas shown as Parcel C be conveyed to the Homeowners Association by deed to be recorded simultaneous with recordation of the subdivision plat.
11. That any area labeled as a sewer easement, water easement, drainage and utility easement, or storm drain easement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneously with recordation of the subdivision plat.
12. 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, 2019 was 168,015. There are currently 235 sworn law officers with 12 positions currently in training; an additional 10 positions are funded. Based on a total of 257 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of June 2019 was 1.53. Based on a total of 247 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of June 2019 was 1.47. 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 Freedom Elementary, Oklahoma Road Middle, and Liberty High attendance areas. In accordance with the criteria established in Chapter 156, Oklahoma Road Middle and Liberty High are rated adequate for Fiscal Years 2020-2025. Freedom Elementary is rated approaching inadequate for Fiscal Years 2020, 2021, and 2025 and inadequate for Fiscal Years 2022, 2023, and 2024.

The January 2019 enrollment projections, prepared by Carroll County Public Schools, indicate that Freedom Elementary had an actual enrollment of 107.6% of state-rated capacity. The projections indicate that enrollment capacity percentages will be 113.7% in FY 2020, 116.5% in FY 2021, 121.9% in FY 2022, 122.5% in FY 2023, 122.3% in FY 2024, and 118.9% in FY 2025 at the end of the 6-year CIP cycle. There are approximately 17 subdivision lots in the Freedom Elementary attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. In this attendance area there are three additional residential developments, comprised of 23 lots, currently in the review process. An elementary school serving a proposed project is approaching inadequate, 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.

Although there are no improvements scheduled in the current approved Capital Improvement Program which will provide capacity, Bill Caine, Facilities Planner for the Board of Education indicated on the Certification form "A redistricting committee will be formed in fall 2019 to look at balancing enrollment in Freedom area." (see attached)

The January 2019 enrollment projections indicate that Oklahoma Road Middle had an actual enrollment of 93.3% of functional capacity. The projections indicate that enrollment is at 105.5% in FY 2024 and 103.0% in FY 2025, by the end of the 6-year CIP cycle. In this attendance area there are three additional residential developments, comprised of 23 lots, currently in the review process. There are approximately 30 lots in

the Oklahoma Road 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 January 2019 enrollment projections indicate that Liberty High had an actual enrollment of 92.2% of state-rated capacity. The projections indicate that enrollment will decrease to 88.3% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there are three additional residential developments, comprised of 23 lots, currently in the review process. There are approximately 30 residential subdivision lots in the Liberty 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 Sykesville fire and emergency medical services district. Emergency services data is not yet available from the Office of Public Safety; therefore, assessment of the standard is unable to occur. 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. The Director of the Department of Public Safety, Mr. Scott Campbell has indicated he will be in attendance to provide additional information.

Roads:

Oklahoma Road is rated adequate.

Sewer and Water:

The Bureau of Utilities rated the services as adequate. For water services, the facility is adequate if the maximum day demand is less than 85% of the total system production capacity. For sewer services, the facility is adequate if the projected annual average daily flow is less than 85% of the wastewater treatment facility permitted capacity.

❖ **Chapter 156 Recommendation:**

With regard to a preliminary plan, Chapter 156.06D(4)(a) states “If a public facility or service is inadequate or projected to be inadequate during the current CIP at the preliminary plan stage and no relief facility is planned in the six-year CIP to address the inadequacy or no mitigation is accepted by the county pursuant to § [156.06\(B\)](#), the plan shall be denied by the Commission. At the request of the developer, the plan may be placed in a queue and retested on an annual basis.”

In accordance with the Code, the Planning Commission shall deny the preliminary plan pursuant to Chapter 156.

Discussion:

Clay Black presented the staff report.

Linda Alexander, CLSI, Robert Scranton, Owner were present.

Commissioner Rothstein asked about the retaining wall and if there are others in the community

Ms. Alexander stated it will run along Cobalt Ct. and there will not be any other retaining walls within the community.

Bill Caine, CCPS, addressed the Commission regarding a redistricting committee that is to be formed in the Fall.

Scott Campbell, Director Public Safety, reviewed a memorandum that confirms this proposed subdivision does not pose a substantive nor unmanageable additional burden on the emergency services currently provided by the Sykesville – Freedom District Fire Department.

The Commission discussed the future of the review process for this plan based on future redistricting by CCPS.

Decision:

On motion of Ms. Cheatwood, seconded by Mr. Wothers and carried, the Commission voted to approve the plan pursuant to Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County subject to the twelve conditions outlined in the staff report.

On motion of Ms. Cheatwood, seconded by Mr. Wothers and carried, the Commission voted to deny the plan pursuant to Chapter 156

COMPREHENSIVE REZONING UPDATE

Ms. Lane updated the Commission on the Comprehensive Rezoning process and the work sessions with the Board of County Commissioners. Commissioner Rothstein discussed the vision for business parks.

Staff will present zoning maps at the next meeting.

Commissioner Rothstein does not recommend further public outreach as the whole process has invited public participation all along.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

On motion of Ms. Cheatwood, seconded by Mr. Wothers and carried, the Commission adjourned at approximately 11:24 a.m.

Secretary

Approved