

MEETING SUMMARY
Carroll County Planning and Zoning Commission

July 16, 2019

Location: Carroll County Office Building

Members Present: Cynthia L. Cheatwood, Vice Chair
Jeffrey A. Wothers
Eugene A. Canale
Daniel E. Hoff
Michael D. Gosnell, Alternate (9:05 a.m.)
Ed Rothstein, Ex-officio

Members Absent: Richard Soisson, Chair
Janice R. Kirkner

Present with the Commission were the following persons: Lynda Eisenberg, Anusree Nair and Laura Bavetta, Department of Planning; Clay Black, Laura Matyas, Kierstin Eggerl and David Becraft, Development Review.

CALL TO ORDER/WELCOME

Vice Chair Cheatwood called the meeting to order at approximately 9:01 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. Mr. Gosnell arrived at 9:05 and six members were present.

PLEDGE OF ALLEGIANCE

REVIEW AND APPROVAL OF AGENDA

On motion of Mr. Hoff seconded by Mr. Wothers and carried, the Agenda was approved.

REVIEW AND APPROVAL OF MINUTES

On motion of Mr. Wothers, seconded by Mr. Hoff and carried, the Minutes from the June 18, 2019 meeting were approved.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Vice Chair Cheatwood did not have anything to report.

B. EX-OFFICIO MEMBER

Commissioner Rothstein stated Comprehensive Rezoning Work Sessions are still occurring and citizen input is still welcomed.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg introduced Cody Spaid as a new member of the Planning Department. Secretary Eisenberg also addressed the July 31st evening meeting. The Commission decided to cancel that evening meeting. Secretary Eisenberg stated a Public Hearing will be scheduled during the August 20th meeting for the Master Plan Amendment.

B. EXTENSIONS

Secretary Eisenberg reported there were no extensions since the last meeting.

C. BZA CASES

Anusree Nair reported staff is providing comments for four cases to be heard in July, Case No. 6160, Case No. 6163, Case No. 6167 and Case No. 6169.

D. OTHER

There were no other reports.

CONCEPT SITE PLAN

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

❖ Action Required:

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

❖ **Existing Conditions:**

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

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

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

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

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

❖ **Project History:**

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

§ 158.079 “I-R” RESTRICTED INDUSTRIAL DISTRICT.

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

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

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

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

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

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

❖ **Plan Review:**

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

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

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

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

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

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

§ 155.078 **DESIGN STANDARDS.**

(C) The following standards shall apply to required parking facilities:

- (2) **Access drives.** Access drives which connect roads or parking areas shall be a minimum of 18 feet wide, except for one-way access drives which shall be a minimum of 12 feet wide;

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

On November 28, 2018 the engineer submitted a revised site development plan with a reduced scope; it eliminated multiple plant staging areas, the walking trail, the large tree staging area and associated parking, drive aisle, and two additional access points on Old Westminster Pike. This is the current plan in process. It depicts an 18-foot-wide access drive and the required commercial entrance. Existing stone walls flanking the entrance are noted to be relocated and modified with signage. The sign design is shown on sheet 5 of the plan set.

Engineering Review has reviewed the plan and trip generations. Trip Generation numbers provided on sheet 1 indicate that peak hour trips are below the threshold for a Traffic Impact Study to be conducted.

Engineering Review and Development Review commented that the subject property as well as adjoining properties on Old Westminster Pike have lot lines which extend to the center of the Pike. At the subject property, the developer will dedicate road frontage to the County, annotated as Parcel A and Parcel B.

The design proposal for upgrading the entrance to meet commercial standards extends beyond the lot lines of the subject property. With adjoining properties' front lot lines at the centerline of the Pike, the disturbance will be on adjoining properties. The developer is actively pursuing consent from property owners at 750 and 738 Old Westminster Pike. Development Review and Engineering Review are awaiting written agreements.

Parking requirements for the retail vintage shop are one space for every 200 square feet of floor area. With 1,500 square feet, eight spaces are required. Parking requirements for the greenhouse and garden center are six spaces for every 1,000 square feet of floor area and one space for every 1,000 square feet of outdoor display area. Seven spaces plus four spaces are required. Total parking required equals nineteen stalls. Thirty parking spaces are provided in two distinct parking lots; 13 spaces in the northern parking lot and 17 space in the southern lot.

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

Building elevations for the greenhouse are shown on sheet 5 of the drawing set. Building height is annotated as 12'-2" at the gable. Building materials and colors include brown metal framing, red brick, and clear plexiglass.

No lighting is being proposed. General Notes on sheet 1 indicate the operating hours as Monday – Sunday, 9am – 6pm (Spring season) and 10am – 5pm (all other). Maximum number of employees is noted as five.

The City of Westminster is reviewing the proposed water usage. The plans include a General Note stating that plant watering will be conducted with sources other than public water supply. The Health Department has stated that the septic system at the house which will be converted to a storage building shall be abandoned and its water connection removed.

A Floodplain Easement will be granted to the County as well as Water Resource Protection Easement and Forest Conservation Easement. Per the Water Resources code, a variance must be submitted for disturbance within the stream buffer. A Forest Conservation variance is being processed for disturbance within the critical root zone (CRZ) of specimen trees. Landscaping is proposed at adjoining residential property lines to comply with the Manual.

Stormwater Management will be addressed with three micro-bioretenion facilities.
Stormwater Management Review has granted concept approval.

The 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:

Laura Matyas presented the staff report.

Jeff Ziegler, CLSI, Stephanie Brophy, attorney and Linda Luke, owner, were present.

Mr. Hoff questioned the split zoning and what impact that has on the property and uses.

Ms. Matyas stated the owner has discussed the upgraded driveway request with the adjoining property owners and staff is awaiting written agreements from them.

Ms. Matyas reviewed the citizen emails that she provided to the Commission.

Mr. Wothers asked what is located behind the property.

Ms. Matyas showed a map of the area showing the businesses behind the property.

Mr. Black stated there is a provision in the Code that allows to cross zones for ancillary facilities. The parking would be considered an ancillary facility.

Mr. Hoff questioned the location of the staging area.

Ms. Brophy stated the staging area is north of the zoning line.

Mr. Ziegler stated any area that is infringing can be relocated.

Ms. Matyas stated staff will make sure the plan complies with all regulations.

Ms. Brophy submitted photos that depict the Owner's prior business.

Ms. Luke stated the goal is to provide a beautiful oasis, showcase the history, retain, restore and enhance the visual impact of the property.

Mr. Hoff suggested Ms. Luke work with the owner of 750 Old Westminster Pike to help mitigate the transition between commercial and residential use and add landscaping to their side.

Mr. Ziegler stated they could widen the driveway to the west and preserve more green space on the east side of the driveway.

Mr. Wothers pointed out that this business is a more pleasing option compared to other options that are allowable in IR

Timothy Carrigan, citizen, spoke against the plan. He is concerned about the parking area, staging area and dumpster location. Mr. Carrigan asked if that parking area could be relocated.

Ms. Luke stated there will be heavy landscaping around those areas and will not be seen by the neighboring houses. Ms. Luke also stated she will remove the dumpster from that location.

Decision:

Concept plan, no action is required.

RECESS

COMPREHENSIVE REZONING UPDATE

Secretary Eisenberg summarized the Work Sessions with the Board of County Commissioners and reviewed the outcomes of the Work Sessions. Commissioner Rothstein explained the Board's vision of the process.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

On motion of Mr. Wothers, seconded by Mr. Hoff and carried, the Commission adjourned at approximately 10:24 a.m.

Secretary

Approved