

MEETING SUMMARY
Carroll County Planning and Zoning Commission

February 19, 2019

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair
Cynthia L. Cheatwood, Vice Chair (9:07 a.m.)
Jeffrey A. Wothers
Daniel E. Hoff
Janice R. Kirkner, Alternate
Ed Rothstein, Ex-officio

Members Absent: Eugene A. Canale
Alec Yeo

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, Arco Sen and Laura Bavetta, Department of Planning; Clay Black, Kierstin Eggerl and David Becraft, Development Review; Tom Devilbiss, Land and Resource Management and Jay Voight, Zoning Administrator were present.

CALL TO ORDER/WELCOME

Chair Soisson called the meeting to order at approximately 9:00 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. Ms. Cheatwood arrived at 9:07 a.m. and six members were present.

PLEDGE OF ALLEGIANCE

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 Ms. Kirkner and carried, the Minutes from the February 6, 2019 meeting were approved.

PUBLIC COMMENTS

There were no public comments.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson reported that he approved South Carroll Gateway Industrial Park Lot 5, Roy's Body Shop, South Carroll Photovoltaic Facility and Blue Ridge Horizons.

B. EX-OFFICIO MEMBER

Commissioner Rothstein did not have anything to report.

C. OTHER COMMISSION MEMBERS

Mr. Hoff mentioned the Sykesville Main Street Economic Development presentation that is scheduled for Wednesday, February 27th.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg mentioned an email she forwarded to the Commission regarding the Maryland Planning Commissioners Association. Secretary Eisenberg also mentioned that Mount Airy would like a joint meeting including Frederick County as well to discuss planning in the surrounding areas. Secretary Eisenberg updated the Commission on the status of the Comprehensive Rezoning text. Mr. Hoff asked for an update on Residential. Secretary Eisenberg stated draft text may be ready for the Commission in April. Chair Soisson asked for an update on Medical Cannabis. Commissioner Rothstein stated the Commissioners are looking into how to handle the distribution of medical marijuana, setbacks and its proper place in the zoning code.

B. EXTENSIONS

Clay Black stated there were three extensions since the last meeting, Fields at Pheasant Run, Skiba Farms and Abbott Acres.

C. BZA CASES

Arco Sen reported there were two BZA cases since the last meeting, Case. No. 6116 and Case No. 6117, both were granted in January. One case will be heard in February, Case No. 6122.

D. OTHER

There were no other reports.

CONCEPT/PRELIMINARY SUBDIVISION PLAN

SUBJECT: P-18-0057, Suffolk West, Resubdivision of Lot 5
LOCATION: 2284 Baltimore Boulevard, Finksburg MD, 21048, E.D.4
OWNER: SMO Incorporated, 102 Centennial Street, Suite 100, La Plata, Maryland 20645
DEVELOPER: Tevis Real Estate, Inc., 82 John Street, Westminster, MD 21157
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: BG- Business Neighborhood Retail/R-40,000
ACREAGE: 1.2765 acres
WATERSHED: Liberty Reservoir
NO. OF LOTS: 1 new tract, 1 existing lot
MASTER PLAN: Commercial-Medium and Residential-Low Density
BZA CASE #: 6095
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 preliminary plan of subdivision.

One action is 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.

As the subdivision is non-residential in nature, Chapter 156, *Adequate Public Facilities and Concurrency Management*, is non-applicable.

❖ **Existing Conditions:**

The subject property was created as Lot 5 of the Suffolk West subdivision, as recorded in Plat Book 26, Page 99 (attached). Suffolk West is a five lot subdivision that was approved in 1984. Lot 5 is 1.278 acres in size, is dual-zoned Business Neighborhood Retail and R-40,000, and is currently developed with two commercial uses.

The portion of the property that is zoned Business Neighborhood Retail is in use as a gas station with a convenience store, as approved in a Site Plan from 1986. The R-40,000 zoned portion of the property contains a billboard that predates the gas station.

The existing site is a corner lot and can be accessed from two roadways; the County-maintained Suffolk Road provides full movement access from the south side of the property, and right in, right out access is provided for Baltimore Boulevard/Maryland Route 140 west-bound traffic.

The access points and the parking areas are generally flat, and to the north of the gas station the property begins to slope downward as it approaches the area containing the billboard. The slope is maintained with grass and is currently utilized to access the billboard. The land directly surrounding the billboard has steep slopes with trees and brush. A stream is also present in this portion of the property and storm water from the rest of the site is discharged to the stream. There is an existing 50' drainage and utility easement that spans across this northern portion of the property, as recorded on the original subdivision plat.

The other lots of the Suffolk West subdivision, located to the north and east of the subject property, are zoned R-40,000 and are built with residences. To the south is a planned business center that was approved in a 1983 Site Plan, zoned Business Neighborhood Retail. To the west, across Baltimore Boulevard, is an office building on Business Neighborhood Retail-zoned property with a Site Plan approved in 1997. All lots, including the subject property, are served by private wells and septic systems.

The property is outside of priority funding areas, designated growth areas, and water and sewer service areas.

❖ **Plan Review:**

The developer proposes to divide the existing Lot 5 of the previously recorded subdivision, thereby separating the billboard from the gas station. No disturbance is proposed in order to enact this subdivision and all features are existing. The resulting division will create Tract A, containing the billboard, and Lot 5A which consists of the gas station and the sloped lawn. Lot 5A still meets applicable bulk requirements for its zoning district. Tract A, at 5,929 square feet in size, does not meet bulk requirements as established in the Zoning code for the R-40,000 zoning district and required a variance hearing before the Board of Zoning Appeals (BZA). A BZA comment memo from the office of Zoning Administration stated that the proposed reductions and variances will create a non-buildable lot for residential uses.

§ 158.072 R-40,000 RESIDENCE DISTRICT.

(G) **Bulk requirements.**

(1) **Dwellings, religious establishments, schools, hospitals, etc.** The following minimum requirements shall be observed subject to the modified requirements of § 158.130:

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard Width (each side yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Other permitted or conditional uses	40,000 sq. ft.	150	60	25	75

On July 24, 2018, the Board of Zoning Appeals heard a request for deviations from Chapter 158 of the Code of Public Local Laws and Ordinances of Carroll County.

The decision for BZA Case 6095 (attached) was signed on August 3, 2018 and granted the following approvals as requested:

1. Variance of lot size in the R-40,000 district from 40,000 square feet to 5,924 square feet
2. Variance of front yard depth from 60' to 8'
3. Variance of side yard depth from 25' to 10'
4. Variance of rear yard depth from 75' to 45'
5. Variance of lot width from 150' to 70'

On August 22, 2018, 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 September 24, 2018. No citizens signed in or spoke regarding this project.

Access to Tract A is proposed via an ingress and egress easement over Lot 5A. The Bureau of Roads Operations and Engineering Review had no comments. The State Highway

Association reviewed the plan, noted the proposed easement across Lot 5A, and had no objection to the plan. A 20' wide drainage and utility easement within Tract A is proposed to span from the existing 50' drainage and utility easement to Lot 5A's northern property line.

Water Resource Management approval has been granted with a 0.2633 acre Water Resource Protection Easement being proposed within the variable stream buffer that exists on both Tract A and Lot 5A.

Zoning approval has been granted and BZA Case #6095 granted approvals for the variances to the lot size, lot width, and yard dimensions.

The Health Department has approved the plan.

No grading is proposed, and the plan has been approved by Environmental Inspections. Soil Conservation, Recreation and Parks, and Emergency Services had no comment. The project is exempt from Flood Plain, Forest Conservation, Landscaping, and Storm Water Management requirements.

Planning noted in a comment letter from September 20, 2018, that the plan is consistent with all applicable polices and recommendations.

The plan proposal is exempt from Chapter 156, Adequate Public Facilities and Concurrency Management.

Pursuant to Chapter 155, unless otherwise requested the final subdivision plan will be presented to the Chairperson or the Secretary of the Planning Commission for final approval.

155.057(D)

(2) Final plans need not be brought before the Planning Commission for review of compliance with the approved preliminary plan and all other applicable regulations at its regular meeting, unless specifically requested by the Planning Commission.

❖ **Recommendation:**

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

1. 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.
2. That a Water Resource Protection easement 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 simultaneous with recordation of the subdivision plat.
3. That an easement for ingress, egress, and regress to Tract A and a drainage and utility easement on Tract A be granted by deed to be recorded simultaneously with recordation of the subdivision plat.

Discussion:

Kierstin Eggerl presented the staff report.

Marty Hackett, CLSI, and Steve Larson, Tevis Real Estate, were present.

Mr. Hackett stated this plan is to separate the two properties because they are two different companies now.

Decision:

The Commission, on motion of Mr. Hoff, seconded by Ms. Kirkner and carried, voted to approve the Preliminary Plan of Subdivision pursuant to Chapter 155 and subject to the three conditions in the staff report and delegate final approval of the plan to the Chair.

TEXT AMENDMENT – I-R DISTRICT – BREWERIES – CONTINUED DISCUSSION

Kelly Shaffer and Tom Pilon were present.

Secretary Eisenberg and Mary Lane reviewed the changes to the draft amendment since the last meeting.

Tom Devilbiss reviewed the issue of percentage of accessory use in the recently passed Farm Alcohol Producers text amendment.

Ms. Cheatwood stated that language pertained to a farm in the Ag District and this amendment pertains to the I-R District. The Commission views the two differently.

Jay Voight addressed the percentage requirement and accessory uses.

Commissioner Rothstein stated the intent is not to over regulate and to keep in the standards of the State.

After much discussion, the Commission, on motion of Ms. Cheatwood, seconded by Ms. Kirkner and carried, voted to approve the changes as presented and forward the text to the Board of County Commissioners

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

On motion of Mr. Wothers, seconded by Ms. Kirkner and carried, the Commission adjourned.

Secretary

Approved