

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

August 19, 2014

Location: Carroll County Office Building

Members Present: Alec Yeo, Chairman
Richard J. Soisson, Vice Chair
Eugene A. Canale
Jeffrey A. Wothers
Cynthia L. Cheatwood
Richard S. Rothschild, Ex-Officio

Members Absent: Matthew S. Helminiak
Daniel E. Hoff, Alternate

Present with the Commission were the following persons: Philip R. Hager and Kelly Martin, Department of Land Use, Planning, and Development; Lynda Eisenberg and Andrea Gerhard, Bureau of Comprehensive Planning; Clay Black, Patrick Varga, and John Breeding, Bureau of Development Review; Gail Kessler, County Attorney's Office; Tom Rio, Deborah Butler, and Chris Letnaunchyn, Department of Public Works; Marty Hackett; Robert Morelock; Joe Ucciferro; Jim Kohler; Bill Radford; Dan Wallace; Francis Bollinger; John Pfaff; Martin Rickell; David Bowersox; Thomas Beach; Dan Staley; and W. Roger Sauter.

CALL TO ORDER/WELCOME

Chairman Yeo called the meeting to order at approximately 9:05 a.m.

ESTABLISHMENT OF QUORUM

Kelly Martin took the attendance of the Commission, noting that five members were present, and there was a quorum.

PLEDGE OF ALLEGIANCE

OPENING REMARKS/ADMINISTRATIVE MATTERS

Philip R. Hager, Secretary, noted that there were no changes proposed to the agenda.

REVIEW AND APPROVAL OF AGENDA

The Commission, on motion of Mr. Wothers, seconded by Mr. Soisson, and unanimously carried, approved the agenda as distributed.

REVIEW AND APPROVAL OF MINUTES

- A. July 15, 2014
- B. July 30, 2014
- C. August 6, 2014

The minutes of July 15, July 30, and August 6, 2014 were approved as written on motion of Mr. Wothers, seconded by Mr. Canale, and carried.

(Commissioner Rothschild entered the meeting.)

COMMISSION MEMBER REPORTS

- A. Commission Chairman
- B. Ex-Officio Member

A. COMMISSION CHAIRMAN

Chairman Yeo indicated he had nothing to report.

B. EX-OFFICIO MEMBER

Commissioner Rothschild indicated that he had spent the previous week at the Maryland Association of Counties (MACo) Summer Conference hearing briefings from various agencies regarding land use. He reported that the Department of Housing and Urban Development (HUD) has changed its policies, and they are being embraced and adopted by the State of Maryland. Commissioner Rothschild indicated that HUD is suing communities across the country, forcing housing into communities with certain demographics. He suggested this is social engineering by government.

DEPARTMENT OF LAND USE, PLANNING & DEVELOPMENT STAFF REPORTS

- A. Director

A. DIRECTOR

Philip R. Hager, Director, reported that three development extensions had been granted since the last meeting: a third one-year extension for the minor subdivision plan of Rosie Acres, Section 3, two lots and a remaining portion, located on the south side of Bollinger Road at the intersection with Deer Park Road in the Agricultural district; a third one-year extension for the subdivision plan of Rustic Rising, 35 lots, located on the east side of Oklahoma Road, south of Bennett Road; and a one-year extension for the subdivision plan of Carroll Woods Estates, Resubdivision of Lot 59, 2 total lots (1 new), located on the east side of Pommel Drive.

Mr. Hager reported that since the last meeting, staff has had two requests for the erection of signs on plans that had already been approved. Details of those signs were circulated to the Commission members and authority was delegated to the Chairman to sign-off on the requests. A work session to establish a policy on this issue will be scheduled in the near future.

TRAFFIC CALMING DISCUSSION

Tom Rio, Department of Public Works, introduced Deborah Butler and Chris Letnaunchyn of the Bureau of Engineering. Mr. Letnaunchyn explained what traffic calming is, the goals and objectives of traffic calming, and provided examples of what “tools” the County has in its “tool

box". He explained that the County's policy is to work with the community when a problem is identified to develop the best ways to address that community's needs.

Jeffrey Wothers, Commission member, questioned who decides when a speed limit is changed.

Mr. Letnaunchyn explained that the Department of Public Works, in concert with the law enforcement community, make speed limit changes. Staff works closely with the Sheriff's Office and the Emergency Services community when placing traffic calming devices.

Chairman Yeo suggested that the Planning Commission has the opportunity to create extra space necessary for these traffic calming measures in the beginning of the process instead of being reactionary. He noted that traffic studies predict these situations and traffic has a predictable flow probability. He suggested the County should have the foresight to add these features in the beginning when the original construction is completed instead of waiting for a problem to happen. Chairman Yeo suggested that the Department of Public Works (DPW) and the Department of Land Use, Planning & Development (LUPD) work together to address these issues in the beginning. He questioned whether DPW would be amenable to making recommendations to the Commission as to what traffic calming devices would work better for a particular project.

Mr. Rio suggested that LUPD staff direct the developer to meet with DPW to see how the traffic calming can be addressed as they proceed with design.

Secretary Hager suggested that perhaps a group of experts could convene, similar to the Design and Architectural Review Committee (DARC) process, to review these projects and make recommendations for the best solutions.

Commissioner Rothschild expressed concern with traffic calming devices being made the rule versus the exception.

It was the consensus of the Commission that staff move forward to form a group of experts similar to the DARC.

FINAL SITE PLAN REVIEW

A. S-13-029, CVS – Eldersburg

A. S-13-029, CVS - ELDERSBURG

Jeffrey Wothers, Commission member, recused himself from this discussion.

LOCATION: On the west side of MD Rt. 32, north of Bartholow Road, 5th Election District

OWNER: SPJ, Inc., P.O. Box 26, Westminster, MD 21158

DEVELOPER: J. C. Bar Development, LLC, c/o Jason Mitchell, 415 Fallowfield Road, Suite 301, Camp Hill, PA 17011

ENGINEER: Bohler Engineering, 901 Dulaney Valley Road, Suite 801, Towson, MD 21204

ZONING: IR – Industrial Restricted

ACREAGE: 1.695 Acres

FIRE DISTRICT: Sykesville

WATERSHED: Liberty Reservoir

MASTER PLAN: IR – Industrial Restricted – Proposed Boulevard District

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

Patrick Varga presented the background.

Action Required:

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.

Existing Conditions:

The subject property (Lot 1B) is vacant. A grading only site plan was processed in 2011 allowing for the site to be mass graded. The property to the north (Lot 2B) is the recently constructed Chick-Fil-A Restaurant approved by the Commission in 2013. A funeral home is located to the north of

Chick-Fil-A on Lot 4. All three of these properties are zoned IR and are part of the non-residential subdivision known as Cross Country Plaza. This development was recorded in 1995 and the most recent plat is attached.

The properties to the west are also zoned IR and are light industrial uses. The property to the east, on the opposite side of MD Rt. 32, is the Eldersburg Marketplace Development and is zoned BG. This property was rezoned in 2011 from IR to BG. The property to the south is owned by BGE and contains a substation.

All adjoining properties are served by Freedom public water and public sewer. The County is in the process of designing and installing sidewalk along the east side of Bartholow Road from Liberty High School to the western property line of the subject site.

Site Plan Review:

The developer proposes to construct a one-story, 13,281 square-foot pharmacy with a drive-thru. For a building of this size, 67 parking spaces are required and 67 spaces are proposed. A retaining wall will be installed along the western property line. Sidewalk is shown along the frontage of both MD Rt. 32 and Bartholow Road. A pedestrian connection along the southwestern portion of the property to the building is shown crossing the drive-thru lane. Stairs will connect the building and parking area to the sidewalk along MD Rt. 32. An amended plat will be processed shortly to relocate or remove several easements.

The land use designation in the 2001 Freedom Community Comprehensive Plan is Industrial Restricted. This property is included as part of the proposed Boulevard District. The Freedom Plan defines properties designated as Industrial Restricted to include “activities involved in light manufacturing, research, processing, warehousing, assembly, and other similar industrial uses.” This proposed commercial use adheres to the intent of the proposed Boulevard District as it would “allow for a mixture of commercial, retail, professional office, and residential uses” as outlined by the Freedom Plan. This proposed use is a conditional use in the IR zoning district. A conditional use request for a drug store was granted by the Board of Zoning Appeals (BZA) in 2006. That decision is attached.

Access to this development will be from the existing entrance on MD Rt. 32 and the existing access point on Bartholow Road. The entrance on MD Rt. 32 currently allows for full movement in and out of the site. There would be no change to this access point as part of this site plan. An access road was constructed through the subject property to connect the Bartholow Road entrance to the Chick-Fil-A parking lot immediately prior to construction of that business. No road improvements are proposed, but the Bartholow Road entrance will be widened.

Building elevations are shown on Sheet 23 of the plan. The sides of the building which face Bartholow Road, MD Rt. 32, and Chick-Fil-A are shown as red and white masonry. The white masonry features were added based on the Commission’s desire to improve the appearance of the northern façade of the building. The side facing the proposed retaining wall is red masonry. Based on the discussion between the applicant and the Commission at the concept review, parapet walls were added on the side of the building that faces Chick-Fil-A. A six-foot high parapet wall is shown on the most visible portion of the roof and a four-foot parapet wall is shown for the remainder of the roof facing Chick-Fil-A. The building is 20 feet in height at the highest point.

A lighting plan is shown on Sheet 26 and shows eight poles with cutoff fixtures constructed at 20 feet above grade. There is also a large number of building mounted lights located at the entrance, delivery door, and along the sides of the building. A sign detail is shown on Sheet 24. The sign is shown as a monument style sign that is 10 feet in height. Stormwater Management will be addressed using underground infiltration trenches. There are no areas of floodplain on the property. Forest Conservation was previously addressed off-site. Landscaping is required inside of parking islands, as well as between the parking areas and MD Rt. 32 and Bartholow Road.

The proposed site plan was subject to Citizen’s Involvement during the February 24, 2014 Technical Review Committee meeting. No citizens attended the meeting and no phone calls have been received regarding this site plan.

The plan was presented to the Design and Architectural Review Committee in February of 2014. The committee's recommendations were discussed when the concept site plan was presented to the Commission for this plan.

The plan was presented to the Planning Commission as a concept plan on March 18, 2014. The minutes from that meeting are attached. The Commission discussed ADA access and sidewalks. The access to the perimeter sidewalk has been revised to allow an ADA compliant connection to the building in addition to the stairs leading down to the sidewalk along MD Rt. 32. The Commission also asked that the façade facing Chick-Fil-A be "dressed up" to fit in better with the architecture of the façades facing Bartholow Road and MD Rt. 32. The developer has added a parapet wall and white masonry features to this side of the building. In response to comments made by the DARC and by the Commission, the developer has incorporated bicycle parking near the southwest corner of the building while retaining the required 67 parking spaces. The developer has made use of painted directional signage on the pavement to guide customers to the drive-thru lane behind the building.

Recommendation:

Staff recommends approval of the site plan subject to the following conditions:

1. That the Developer enter 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 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 an amended plat relocating the use-in-common access easement over the subject property (Lot 1B) be recorded prior to final signature approval of the site plan.

Discussion:

Chairman Yeo congratulated the applicant on the appearance of the project, and thanked them for integrating the changes requested by the Commission.

Decision:

Pursuant to Chapter 155, the Commission, on motion of Mr. Soisson, seconded by Mr. Canale, and carried (Commissioner Rothschild abstained), approved the site plan subject to the four conditions in the staff report.

(Mr. Wothers re-entered the meeting.)

PRELIMINARY SUBDIVISION PLAN REVIEW

A. P-02-057, Hidden Creek

A. P-02-057, HIDDEN CREEK

LOCATION: Located on the south side of Kay's Mill Rd., opposite Tylers Court, Election District 4

OWNER: Westair21A LLC, 94 Tira Court, Eldersburg, MD 21784 (LLC Members: Jim Kohler and William Radford)

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 E. Main St., Westminster, MD 21157

ZONING: Conservation

ACREAGE: 28.04 acres

NO. OF LOTS: 7

WATERSHED: Liberty Reservoir

MASTER PLAN: Private Conservation – 1981 Finksburg Area and Environs Comprehensive Plan

PRIORITY
FUNDING AREA: Outside

DESIGNATED
GROWTH AREA: Outside

Patrick Varga presented the background.

Action Required:

One action item is required:

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.

Existing Conditions:

The subject property is zoned Conservation and is unimproved. Significant portions of the property are comprised of wetlands and 100-year floodplain. Two forested stream corridors traverse the site. A utility line runs through the eastern portion of the property through an existing right-of-way.

The title certificate for this property references a “possible burial ground” listed in a deed from 1947 when this property was 155 acres in size. The 1947 title deed references “the old Stocksdale burial lot” as being located on the 155 acres. However, when reviewing the 1992 Carroll County Cemeteries book researched and published by the Carroll County Genealogical Society, the Stocksdale Family Cemetery is located near the intersections of Gamber Road, Old Gamber Road, and Deer Park Road (excerpt attached). The cemetery guide does not show any burial grounds on this property or in the vicinity of this property. The Department’s point of contact for all cemetery inquiries, George Horvath, was contacted and given a copy of the plan in 2008 and the Bureau has not received any correspondence on a burial plot on this property from him or from anyone else.

Project History:

The Concept Plan of Subdivision was subject to Citizen Involvement during regularly held meetings of the Technical Review Committee on June 28, 2004, January 29, 2007, and February 25, 2008. Numerous citizens were present for the first two hearings and voiced concerns over forest and buffer retention, water quality issues and the use of the in-fee strip on the western side of the property for access to the site, which is not proposed with this development plan. Two citizens were present for the most recent hearing in 2008 and expressed comments regarding access and forest buffer. The access issue was resolved by that time as no proposed access is shown from South Kays Mill Road between the two existing residences. A Forest Conservation easement is shown on the southeastern portion of Lot 5 and 6 which will be held in perpetuity. This Bureau has been in contact with the adjoining property owner in this area and plans have been sent to this citizen.

The project was presented to the Planning Commission on March 20, 2007 for review of the concept plan of subdivision. Minutes from this meeting are attached for review. During the meeting, the Commission requested that the developer prepare a conceptual cluster plan for presentation at a future meeting. Comments received from the public to that point were included as part of the staff report to the Commission.

The project was also presented to the Planning Commission on May 15, 2007 as a special report. Between the March 20, 2007 meeting and the May 15, 2007 meeting, the developer created a cluster plan that was generally well-received by the Commission and the Community. The conventional plan reviewed in March of 2007 established the total lot yield for the property of seven lots and seven lots were used in the cluster plan. The minutes from that meeting are attached.

Litigation between the County and the developer has been settled through a Consent Order. Per the Consent Order, this subdivision is not subject to further review for the adequacy of public facilities. The final subdivision plat and construction drawings will be reviewed by staff and approved administratively as outlined in the Consent Order.

Plan Review:

The cluster plan uses the yield established by the conventional plan of seven lots. The lots range in size from approximately 1.61 acres to 11.45 acres. Five lots are below the required conventional lot-size, so open space is shown as a 4.88-acre open space easement on Lot 4. The County is not interested in owning the open space parcel, so the acreage has been recombined

with one buildable lot. This property falls outside of the current Finksburg Corridor Plan land use designations but within the 1981 Finksburg Area and Environs planning area. Single-family home development is consistent with the land use designation of Private Conservation in the 1981 Finksburg Area and Environs Comprehensive Plan.

Lot 1 will have a single-use driveway directly to Kay's Mill Road. Heidi Court will provide access to the rest of the lots from Kay's Mill Road; however, two of the lots will be accessed via a 12-foot wide use-in-common driveway, Heidi Drive, which is proposed to extend from the terminus of Heidi Court. Heidi Court is shown as 682 feet in length. Lots 2-4 and 7 will have direct access to Heidi Court and Lots 5 and 6 will be accessed by the aforementioned use-in-common driveway (UIC). The driveway is 1,115 feet in length and has a 40-ft by 8-ft pullover centered at a length of 671 feet.

The County will receive three road-widening parcels of 0.64 acres (Parcel A), 0.08 acres (Parcel B), and 0.05 acres (Parcel F) along Kay's Mill Road, Old Kay's Mill Road, and South Kay's Mill Road, respectively. The developer will also grant slope easements and drainage easements to the County along portions of Heidi Court. Parcels C, D, and G will be conveyed to adjoining property owners upon recordation of the subdivision.

All lots will have drywells to address stormwater management. Wide shoulders will be utilized along Heidi Court and Heidi Drive. Infiltration facilities will be located on a stormwater management parcel "E" of 0.21 acres in size and which will be conveyed to the County upon acceptance of the facility. With regard to forest conservation, 6.68 acres of forest will be retained on-site and 3.30 acres of trees will be planted on-site. An off-site bank planting of 0.91 acres will also be required. Floodplain and forested water resource protection easements will be granted to the County.

Chapter 155 Recommendation:

Staff recommends approval of the preliminary plan subject to the following conditions:

1. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That a forest conservation easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneous with recordation of the plat.
3. That a forested water resource protection easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneous with recordation of the plat.
4. That a floodplain easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneous with recordation of the plat.
5. 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 simultaneous with recordation of the plat.

6. That a landscape maintenance agreement be recorded simultaneous with recordation of the plat.
7. The new street shown hereon as Heidi Court is to be conveyed to the Carroll County Commissioners upon acceptance by Carroll County.
8. That a Declaration of Maintenance Obligations for Heidi Drive be recorded simultaneous with recordation of the plat.
9. That Parcel A be dedicated to the County Commissioners of Carroll County for Kay's Mill Road right-of-way.
10. That Parcel B be dedicated to the County Commissioners of Carroll County for Old Kay's Mill Road right-of-way.
11. That Parcel F be dedicated to the County Commissioners of Carroll County for South Kay's Mill Road right-of-way.
12. That Parcel C, D, and G be dedicated to adjoining property owners simultaneous with recordation of the plat.
13. That Parcel E be dedicated to the County Commissioners of Carroll County upon acceptance of the stormwater management facility.
14. That any area shown as a Drainage Easement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneous with recordation of the subdivision plat.

Discussion:

Mr. Varga noted that this project was last presented to the Commission in 2007. A red-lined plan was distributed to the Commission that was just developed by the applicant and has not been vetted by staff. Changes were made to address concerns of an adjoining property owner. The lots will now range in size from 1.61 to 7.34 acres, with 4.18 acres under open space easement. Mr. Varga explained that the project is subject to a Consent Order and will not be brought back before the Commission for final site plan review, but will be approved by the Commission Secretary. Based on the Consent Order, the project is not subject to Concurrency Management.

Public Comments:

Robert Morelock, Finksburg, indicated that he was the adjoining landowner, and it was his concerns that the developer was addressing with the modifications proposed to the plan. He asked that the Commission approve the plan with the proposed revisions.

Decision:

Pursuant to Chapter 155, the Commission, on motion of Mr. Soisson, seconded by Mr. Wothers, and carried (Commissioner Rothschild abstained), approved the red-line preliminary plan presented today subject to the 14 conditions contained in the staff report.

SPECIAL REPORT

A. 030-C-02, Chenopodium Acres

A. 030-C-02, CHENOPODIUM ACRES

LOCATION: Bollinger Road at the intersection with Hook Road, 4th Election District

OWNER: Francis L. & Mary Jean Bollinger, 1343 Bollinger Road, Westminster, Maryland 21157

DEVELOPER: Same as Owner

ENGINEER: D.R.S. & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: R-40,000, Agricultural

ACREAGE: 160 acres - 1973 preliminary plan

WATERSHED: Liberty Reservoir

NO. OF LOTS: 119 approved in 1973

MASTER PLAN: Residential

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

PUBLIC FACILITIES IMPACTED

SCHOOLS: Sandymount & Mechanicsville Elementary, Shiloh Middle, Westminster High

ROADS: Bollinger Road

FIRE & EMS: Reese

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

Clayton R. Black presented the background.

Action Requested:

The property owner's attorney has requested an additional extension for the recordation of Phases 4 through 8 of Chenopodium Acres.

Project History:

Chenopodium Acres, a residential subdivision consisting of 119 lots, was approved by the Carroll County Planning and Zoning Commission on October 29, 1973. At the time of plan approval, the property was zoned agricultural. The subdivision consists of 8 phases. Phase 1 (13 lots) was recorded on May 21, 1998. The Planning Commission approved a phasing plan for Phases 2 through 8 on June 21, 2005.

On April 16, 2006, the Commission approved a revised phasing plan that reduced the number of lots to be included in Phase 2 and increased the number of lots to be included in Phase 8. Phase 2 (8 lots) was recorded on June 29, 2006.

On November 27, 2006, the developer requested and was granted a one year extension of the deadlines for the remaining phases. Under that revised phasing plan, Phases 3 through 8 were subject to a series of deadlines that required Phase 3 to be recorded by July 1, 2008, Phase 4 to be recorded by July 1, 2009, and so forth.

On May 20, 2008, the developer requested another one year extension of the deadlines for the remaining phases. Staff recommended denial of the extension request. The Commission granted a two year extension, which required that Phase 3 be recorded by July 1, 2010.

At the July 21, 2009 meeting, the Commission approved an amendment to the phasing plan reducing the number of lots to be recorded in Phase 3 from 19 lots to one lot. The final plan of Chenopodium Acres, Phase 3 showing one lot was approved at the June 15, 2010 Planning Commission meeting and recorded on June 30, 2010.

At the July 20, 2010 Planning Commission meeting, the Commission authorized an extension of the recordation deadline to July 1, 2014 subject to the following conditions:

1. That an Environmental Site Delineation for the land area that comprises Sections 4 through 8 of Chenopodium Acres be completed and submitted to the County for review and approval.
2. That Sections 4 through 8 of Chenopodium Acres comply with the County Water Resources, Landscaping, and Forest Conservation ordinances in effect at the time of each submittal.

Chapter 155-056F(2) of the Carroll County Code states that “A preliminary plan of subdivision which was approved by the Planning Commission prior to July 22, 2003, shall become void 24 months after July 22, 2003 or as otherwise specified by the Planning Commission, unless such plan has received final approval by the Planning Commission and been recorded as a plat in the Land Records of Carroll County.” The phasing plan that was approved on June 21, 2005 was, in effect, an extension of the June 22, 2005 deadline specified by the code. The November 27, 2006 action by the Commission was a second extension. The May 20, 2008 action by the Commission was the third extension. The July 21, 2010 action was the fourth extension granted by the Commission.

Current Request:

The surveyor, on behalf of the property owner, requested an additional extension, citing the state of the economy and the real estate market. That request was presented at the May 20, 2014 Planning Commission meeting (minutes attached). The Commission granted a 90-day extension to come back to the Commission with a new preliminary plan meeting all codes and regulations. Although staff has met with the property owner and his surveyor, as of the date of writing this report, no plans have been officially submitted. On August 7th, the surveyor presented a sketch plan (attached) to staff with the goal to officially submit a concept/preliminary plan prior to the August 19th Planning Commission meeting.

Of the original 119 lots, 22 lots have been recorded leaving 97 remaining lots on an approved preliminary plan. There have been multiple changes in state and County laws, ordinances, and regulations since 1973 that would affect the project.

Options for Planning Commission Consideration:

- A. Denial of the Request** – The preliminary plan expires.
- B. Approval of the Request** - If the Planning Commission selects this option, extension dates will need to be determined by the Commission.

Discussion:

Clay Black, Bureau of Development Review, reported that late yesterday, the surveyor dropped off a submittal package to the County. Staff has not had a chance to review the package.

Thomas Beach, attorney for the applicant, noted that the matter was last before the Commission in May when the Commission granted a 90-day extension to submit a plan which was submitted yesterday. The applicant is requesting an extension to allow for the completion and filing of the revised plan. The perc testing is the primary step that requires additional time.

Dan Staley, D.R.S. & Associates, noted that the entrance to the development was realigned. He explained that the southern portion of the property had environmental features which made it a perfect area for open space which is an asset to the community. Three cul-de-sacs go down to the open space area to provide access. Mr. Staley noted that he had met twice with stormwater management staff on a new concept of a stone trench system. He explained the length of time it would take to perc all of the lots and discussed scheduling with the Health Department. Mr. Staley explained that the next step for this project should be a Technical Review Committee meeting to receive staff comments. Once those comments are addressed, the perc testing can begin. Those percs that are not wet-weather would be completed this fall, with the wet-weather percs completed in early 2015.

(Cynthia Cheatwood, Commission member, left the meeting.)

Mr. Black explained that the next step is for staff to schedule the project for the September Technical Review Committee Meeting. Provided the plan meets concept approval for stormwater management, it would be brought before the Commission in October.

Mr. Beach requested that the Commission grant an extension several months after the perc testing has been completed for a check-in.

Mr. Staley indicated he would prefer not to proceed to perc testing until after concept plan review before the Commission. He suggested there would be at least four months of solid perc testing.

Chairman Yeo suggested tighter management of this project as compared to others to ensure continued forward progress.

Mr. Black explained that once the Commission reviews the concept plan, the next checkpoint in front of the Commission would be preliminary plan review.

Chairman Yeo reiterated that if the developer stops forward progress on the project, the Commission will no longer grant extensions.

Decision:

The Commission, on motion of Mr. Wothers, seconded by Mr. Soisson, and carried (Commissioner Rothschild abstained), directed staff that provided the concept plan is before the Commission for review by November, 2014, the deadline for preliminary plan submittal to the Bureau of Development Review is extended to August 1, 2015.

CLOSED – TO CONSULT WITH COUNSEL TO OBTAIN LEGAL ADVICE ON A LEGAL MATTER

Pursuant to State Government Article, Section 10-508(a)(7), Mr. Canale made a motion, seconded by Mr. Wothers, and unanimously carried, to close the meeting for lunch, followed by a Closed Session for the purpose of consulting with counsel to obtain legal advice and discuss current litigation. Mr. Soisson, Mr. Wothers, Mr. Canale, and Commissioner Rothschild voted “Aye” on the motion to close; Mr. Yeo, sitting as Chair, did not vote. The Commission (including Ms. Cheatwood) entered into closed session in Room 205 at approximately 1:00 p.m. Present with the Commission were the following persons: Gail Kessler, Philip R. Hager, Clay Black, David Bowersox, and Kelly Martin.

The Commission reopened the meeting at approximately 2:40 p.m.

Chairman Yeo noted that the Commission closed the meeting for the purpose of receiving legal advice from counsel. No action was taken in closed session.

CARROLL COUNTY MASTER PLAN

- A. Final Updates
- B. Consideration of “Acceptance”
- C. Update: Public Outreach Strategies

Secretary Hager suggested that the Commission begin their session with a review of the Commissioners’ letter to be included in the Plan.

Commissioner Rothschild noted that a letter was not the first choice of the Board of County Commissioners, but they would like to see the Master Plan move forward. He noted that he and Secretary Hager have continued to review and modify the letter which has also been reviewed by Commissioner Howard. The Commission had requested that the letter be reviewed by legal counsel. Commissioner Rothschild requested a placeholder in the Plan for the letter subject to legal review.

The Commission discussed the placement of the letter in the Plan. After considerable discussion, a motion was made by Commissioner Rothschild and seconded by Mr. Wothers to move the letter containing implementation guidelines to the Appendices following legal review. The motion failed with Commissioner Rothschild, Mr. Wothers, and Ms. Cheatwood voting "Aye"; Mr. Soisson, Mr. Canale, and Chairman Yeo voted "No".

Following additional discussion about further modifying the language to remove "resolve" and insert "We support" or "We believe", and to change the title to "Guiding Principles", Chairman Yeo made a motion to reconsider. The Commission, on motion of Chairman Yeo, seconded by Mr. Canale, and carried, directed staff to incorporate a legally reviewed version of this letter that would be called "Implementation Guidelines", identified as from the Board of County Commissioners, with necessary administrative changes, at the end of Appendix A. The letter is to be included in the document brought out for public review and comment and if there is significant opposition or support, it will be reconsidered.

(Commissioner Rothschild left the meeting.)

A. FINAL UPDATES

Gene Canale, Commission member, noted that the word "is" should be removed from the BRTB and BMC paragraph on page 14.

Chairman Yeo asked that the first sentence of paragraph 2 on page 26 be removed.

It was the consensus of the Commission that all the quotes, including the Commissioner quotes, throughout the Master Plan document be removed.

Lynda Eisenberg, Bureau of Comprehensive Planning, noted that the concurrency management text on page 50 had been updated in conjunction with Clay Black, Bureau of Development Review. She reviewed the updates that were made to the Plan to reflect the latest data available to staff.

Mr. Canale suggested that the page before the "Note to the Reader" needs a title. It was decided that "Note to the Reader" would be moved to the previous page and "Letter from the Chairman" would replace it on the following page.

Chairman Yeo suggested that a map be the first page of the document, followed by the Resolutions.

B. CONSIDERATION OF “ACCEPTANCE”

The Commission, on motion of Mr. Soisson, seconded by Ms. Cheatwood, and carried, Accepted the Plan with the minor adjustments made to be presented to the public.

The Commission, on motion of Mr. Soisson, seconded by Mr. Canale, and carried, directed staff to formally initiate the 60-day review process.

C. UPDATE: PUBLIC OUTREACH STRATEGIES

Andrea Gerhard, Bureau of Comprehensive Planning, indicated staff has been working with ITS to update the website to provide access to the Plan, a link to on-line mapping, the ability for citizens to provide comments, and frequently asked questions. The public information meeting schedule was reviewed and staff noted that a press release would be sent out.

PUBLIC COMMENTS

There were no public comments.

There being no further business, the Commission adjourned at approximately 4:00 p.m.

Secretary

Approved