

**OFFICIAL MINUTES**  
**Carroll County Planning and Zoning Commission**

**October 21, 2014**

Location: Carroll County Office Building

Members Present: Alec Yeo, Chairman  
Richard J. Soisson, Vice Chair  
Eugene A. Canale  
Matthew S. Helminiak  
Jeffrey A. Wothers  
Richard S. Rothschild, Ex-Officio  
Daniel E. Hoff, Alternate

Members Absent: Cynthia L. Cheatwood

Present with the Commission were the following persons: Philip R. Hager and Kelly Martin, Department of Land Use, Planning, and Development; Lynda Eisenberg, Bureau of Comprehensive Planning; Clay Black, Patrick Varga, Laura Matyas, and John Breeding, Bureau of Development Review; Gail Kessler, County Attorney's Office; Jay Voight, Zoning Administrator; Bryan Van Fossen, Office of Public Safety; James Marks, Carroll County Public Schools; Ted Zaleski, Department of Management and Budget; Jeff Degitz, Recreation and Parks; Melvin Baile, Jr.; Lisa Lamb; Mark Eastman; Art Phillips; Gaspar Baskett; David Fogle; Clark Shaffer; Peter L. Podolak; Mark Frizzera; Chris Neill; Charles Haug; Peggy Haug; Dan Staley; and Linda Alexander.

**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 seven 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. He indicated that what has typically been the last item on the agenda, "Public Comments", has been moved to the beginning of the meeting. Mr. Hager explained that the Commission will not accept public comment during this meeting in association with the Master Plan. This is not done to curtail public comment. He suggested that allowing public comment regarding the Master Plan from those who showed up at the meeting is unfair to those that are not present.

## **REVIEW AND APPROVAL OF AGENDA**

The Commission, on motion of Mr. Wothers, seconded by Mr. Canale, and carried (Commissioner Rothschild voted “No”), approved the agenda as distributed.

## **REVIEW AND APPROVAL OF MINUTES**

A. September 16, 2014

The minutes of September 16, 2014 were approved as written on motion of Mr. Wothers, seconded by Mr. Hoff, and carried.

## **PUBLIC COMMENTS**

Melvin Baile, Jr., New Windsor, noted that he attended the Board of Zoning Appeals (BZA) hearing concerning Hudson Forest Estates on September 24. He expressed concern that there was no one present to represent the Planning and Zoning Commission on the appeal of the Commission’s Decision. The BZA noted there were valid reasons for protecting the wooded land rather than the 24 acres of agricultural land. Mr. Baile suggested this reasoning was in direct violation of the Carroll County Master Plan. He noted that he was bringing the matter to the Commission’s attention urging that the Commission appeal the Decision of the BZA, suggesting that they acted on philosophy rather than the law. Mr. Baile noted that the deadline for filing an appeal is October 24. He indicated he had to cross-examine the witnesses because there was no Commission representation. Mr. Baile questioned whether it was the Commission’s decision not to participate at the meeting, and if so, was that decision made in open session.

Gail Kessler, County Attorney, noted that the Commission voted unanimously to allow the yield with a split vote regarding the agricultural issue.

Richard Soisson, Commission member, noted that even though it was a split vote, there was a majority of the members voting against the matter.

Daniel E. Hoff, Commission member, expressed concern that there was no one present at the hearing representing the Planning Commission’s position.

Secretary Hager indicated the case was very difficult for staff to argue when the Commission allowed the previous vote in favor of parcel hopping to obtain yield. He noted that historically, Planning Commission participation in a BZA matter has almost guaranteed a negative outcome.

Commissioner Rothschild noted that he has already directed staff to develop Code amendments to address this issue.

Secretary Hager suggested that the Commission discuss the matter during a Closed Session later in the agenda.

Lisa Lamb, West Old Liberty Road, indicated she owns the property next to Hudson Forest Estates. She stated that she did not agree with the Decision of the BZA. Ms. Lamb noted that the Mudgett’s have already begun to perc the property.

## **REPORT OF AGENCY REPRESENTATIVES**

- A. Public Safety
- B. Board of Education
- C. Economic Development
- D. Management and Budget
- E. Recreation and Parks

### **A. PUBLIC SAFETY**

Bryan Van Fossen, Office of Public Safety, indicated he had nothing to report.

### **B. BOARD OF EDUCATION**

James Marks, Carroll County Public Schools, indicated he had nothing new since his last report to the Commission. He noted that system-wide security initiatives are moving forward and the CIP is moving through the review process.

### **C. ECONOMIC DEVELOPMENT**

No report given; no representative present.

### **D. MANAGEMENT AND BUDGET**

Ted Zaleski, Department of Management and Budget, indicated that nothing has changed since his last report to the Commission.

### **E. RECREATION AND PARKS**

Jeff Degitz, Recreation and Parks, reported that Leister Park in Hampstead was opened and dedicated in the Spring. Construction continues on Krimgold Park with completion this calendar year. He noted that the Westminster Community Pond is undergoing major construction which should be completed by the end of the year with the pond to double in size and the addition of a walking trail. Mr. Degitz reported that the second public meeting had been held for the concept planning of the Westminster Veterans Memorial Park. He distributed copies of the Annual Report for the Commission to read at its leisure.

## **COMMISSION MEMBER REPORTS**

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

### **A. COMMISSION CHAIRMAN**

Chairman Yeo indicated that he had been delegated signature authority and he had signed the final plan for the minor subdivision of Arrington Estates located in the Freedom area.

**B. EX-OFFICIO MEMBER**

Commissioner Richard Rothschild, Ex-Officio Member, provided an update to the Commission with regard to the Clean Chesapeake Coalition.

**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 major subdivision plan of Stansbury Hill, a two-lot major subdivision, located off of Bert Koontz Road in the Taneytown area; a fourth one-year extension for the site plan of Liberty Road Crossing, a planned business center, located on the south side of MD 26, east of MD 27 in the Winfield area; and a third one-year extension for the minor subdivision plan of Syda Choice 2, one lot, located on Old Hanover Road in the Agricultural District.

Mr. Hager noted that there are a number of vacancies within the Department that staff is actively working to fill.

**FINAL SUBDIVISION PLAN REVIEW**

A. F-13-022, Walnut Ridge, Section 8

**A. F-13-022, WALNUT RIDGE, SECTION 8**

LOCATION: South side of Old Westminster Pike, East of Woodside Drive, Election District 7

OWNER: D&D Enterprises (David & Dale Fogle), 580 Obrecht Road, Sykesville, MD 21784

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 East Main Street, Westminster, Maryland 21157

ZONING: R-20,000

ACREAGE: 14.97 acres

NO. OF LOTS: 5

FIRE DISTRICT: Westminster / Reese

WATERSHED: Liberty Reservoir

MASTER PLAN: Suburban Residential

**PRIORITY**

FUNDING AREA: Westminster

**DESIGNATED**

GROWTH AREA: Westminster

**PUBLIC FACILITIES IMPACTED**

ROADS: Old Westminster Pike

Patrick Varga presented the background.

**Action Required:**

Two actions are required:

1. Approval of the Final 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. Approval of the Final 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 is unimproved and slopes toward Old Westminster Pike. Most of the property is covered with grass; there are small clusters of trees.

**Review History:**

The concept plan was subject to citizen involvement at the October 29, 2007 and December 21, 2009 Technical Review Committee meetings. This plan was also presented to the Planning and Zoning Commission on April 15, 2008, January 19, 2010, and February 21, 2012. The Commission approved the entire preliminary plan with regard to Chapter 155 on July 16, 2013 and approved Lots 117 and 120 with regard to Chapter 156 on September 17, 2013. Lots 118, 119, and 121 were denied by the Commission with regard to Chapter 156 on September 17, 2013. On December 5, 2013, the Board of County Commissioners voted for a finding of exceptional circumstances with regard to Chapter 156 for Lots 118, 119, and 121. There has been no additional correspondence since the last meeting.

**Proposed Development:**

The developer proposes to create five lots that vary in size from 1.98 acres to 4.37 acres. The lots will have private wells and private septic systems. Three lots will have driveways out onto Old Westminster Pike, one lot will access Woodside Drive, and the fifth and final lot will access Boxwood Avenue. The temporary cul-de-sac at the terminus of Boxwood Avenue will be converted to a permanent cul-de-sac with mountable curbing. Right-of-way (Parcel A - 0.0305 acres and Parcel B - 0.0010 acres) from the developer will be dedicated to the County for the cul-

de-sac. Right-of-way from the adjoining property owner to the southeast of the Boxwood Avenue cul-de-sac is no longer required by the County as the property owner was not interested in conveying the land to the County.

Stormwater management (SWM) will be addressed with the installation of drywells on the lots. Parcel C, shown as 0.789 acres, will be a stormwater infiltration facility and will be conveyed to the County upon acceptance of the facility.

The requirements of forest conservation will be addressed with the purchase of 2.99 acres in an off-site forest bank. The developer has proposed removing trees along Old Westminster Pike. As it was determined that some of these trees had historical significance, a variance from the requirements of the forest conservation code was necessary. The County granted a variance for the removal of specimen trees with a condition of approval that required an alternate memorial to be installed on the subject property. A Northern Red Oak and plaque will be installed on Parcel C as a memorial to the Carroll County residents who lost their lives in World War I. The memorial plaque will be installed on County property as to not encumber a private property owner with maintenance of the plaque and tree. An access easement will be granted over Lot 121 from Boxwood Avenue to Parcel C, which is also the location of a proposed drainage easement to convey water from Boxwood Avenue to the SWM parcel via an underground pipe. This easement will allow visitors to the memorial plaque the ability to park at the end of Boxwood Avenue and walk down to the tree and plaque.

Recommendation:

Pursuant to Chapter 155, staff recommends approval of the final 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 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.
3. That the areas shown as Parcel A and Parcel B be conveyed to the County Commissioners of Carroll County by a deed to be recorded simultaneous with recordation of the subdivision plat.
4. That the area shown as Parcel C be conveyed to the Carroll County Commissioners upon acceptance of the Stormwater Management Facility.
5. That the area labeled as a drainage and utility easement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneous with recordation of the subdivision plat.
6. That the area labeled as a slope easement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneous with recordation of the subdivision plat.

7. That the area labeled as a perpetual easement for drainage facility and access be granted to the County Commissioners of Carroll County by deed to be recorded simultaneous with recordation of the subdivision plat.
8. That the property owner install the Northern Red Oak tree and memorial plaque on Parcel C prior to final signature approval of the record plat.

#### CONCURRENCY MANAGEMENT REPORT

Patrick Varga presented the background.

Subdivision Plan: F-13-022, Walnut Ridge

Number of Lots: 5

Roads: Old Westminster Pike

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:

Roads:

Old Westminster Pike is rated approaching inadequate.

Chapter 71 Recommendation:

With regard to a final plan, Chapter 156.06E(4)(b) states "If... a public facility or service is approaching inadequate, the Planning Commission may approve the plan subject to a phasing plan for recordation or may defer the project and place the plan in a queue to be retested on an annual basis."

With regard to a final plan, Chapter 156.06E(4)(d) states "For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Planning Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Planning Commission."

Pursuant to Chapter 156, staff recommends that the Planning Commission conditionally approve the final plan with conditions as follows:

1. Roads are considered approaching inadequate; Police and schools were found to be adequate at the preliminary stage; Fire and emergency medical services were found to be

inadequate but exceptional circumstances relating to this development were found to exist by the Board of County Commissioners.

2. Building permit reservations are for 5 lots in FY15;
3. The recordation schedule requires the plat to be recorded within 24 months of preliminary approval; and,
4. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

**Discussion:**

Gene Canale, Commission member, questioned the size of the tree to be planted.

Linda Alexander, CLSI, indicated the tree would follow the guidelines of the landscaping regulations with a 2" caliper. She noted that the tree would be planted as quickly as possible in order to satisfy that requirement.

Dan Hoff, Commission member, questioned whether consideration had been given to providing another access to the specimen tree and plaque.

Ms. Alexander indicated there is space for vehicles to pull onto the shoulder along Old Westminster Pike, as the roadway was widened as a part of this project.

Chairman Yeo asked that in the future staff reconsider the wording in paragraph one of Proposed Development. Based on the current wording, it appears that the Commission required something and the developer didn't want to do it, so they didn't have to.

**Decision:**

Pursuant to Chapter 155, the Commission, on motion of Mr. Helminiak, seconded by Mr. Soisson, and carried (Commissioner Rothschild abstained), approved the final plan of Walnut Ridge, Section 8, subject to the eight conditions in the staff report.

Pursuant to Chapter 156, the Commission, on motion of Mr. Helminiak, seconded by Mr. Soisson, and carried (Commissioner Rothschild abstained), conditionally approved the final subdivision plan for Walnut Ridge, Section 8, subject to the four conditions in the staff report.

**CONCEPT SITE PLAN REVIEW**

A. S-14-010, Advance Auto Parts – Eldersburg

**A. S-14-010, ADVANCE AUTO PARTS – ELDERSBURG**

LOCATION: South side of MD Rt. 26, west of Bonnie Brae Road, 5<sup>th</sup> Election District

OWNER: Clear Ridge Developers, Inc., c/o Mark Frizzera, 1935 Babbs Court,  
Marriottsville, MD 21104



DEVELOPER: Primax Properties, LLC, c/o Chris Neal, 1100 Morehead Street, Charlotte, NC 28204 (LLC Members: List Attached)

ENGINEER: Leon A. Podolak and Associates, LLC, 147 East Main Street, Westminster, MD 21157

ZONING: B-NR – Business-Neighborhood Retail

ACREAGE: 1.164 acres

WATERSHED: Patapsco - South Branch

FIRE DISTRICT: Sykesville/Freedom

MASTER PLAN: Medium Density Residential – Proposed Boulevard District – 2001 Freedom Community Comprehensive Plan

PRIORITY  
FUNDING AREA: Freedom

DESIGNATED  
GROWTH AREA: Freedom

Patrick Varga presented the background.

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 vacant and has sporadic tree coverage. The property was rezoned from R-20,000 to B-NR on February 6, 2014 (decision attached). Properties to the south are zoned R-20,000 and are improved with single-family homes. Properties to the west are also zoned R-20,000 and are improved with office buildings. These lots are part of the Frank's Place Subdivision. There is an existing use-in-common driveway that crosses the lots to the west and accesses MD Rt. 26 via Lot 2. The property to the east is zoned R-20,000 and is improved with a church and a multi-purpose field. The property on the opposite side of MD Rt. 26 is zoned Business General and is improved with a single-family home and several outbuildings. All surrounding properties are served by Freedom public water and public sewer.

Review History:

A concept subdivision plan for the subject property was reviewed by the Commission on July 15, 2014. The developer proposes to create two lots from the 2-acre parcel. The subject property, Lot 2, at the corner of Bonnie Brae Road and MD Rt. 26, is shown as 1.164 acres and Lot 1,

immediately to the west, is shown as 0.836 acres. The developer wishes to process two site plans for the individual lots. These site plans have been designated as priority review projects requiring an expedited review by County staff. While not tied to this plan, the developer wishes to build a retail center on proposed Lot 1. Both site plans will be developed in a manner that allows access to the existing use-in-common driveway to the west and access onto Bonnie Brae Road away from the intersection with MD Rt. 26. The developer will work with the lot owners in the Frank's Place subdivision to provide cross-easements for access over this property and the use-in-common driveway. This easement agreement will be a condition of approval for the subdivision.

As discussed as part of the subdivision review on July 15, 2014, the planned major street Ridenour Way is shown crossing this property across the entire frontage along MD Rt. 26. In discussions with the Bureau of Comprehensive Planning, it has been determined that the inter-parcel connectivity achieved through cross-easements between this property and the lots to the west addresses the intent of Ridenour Way. The memorandum addressing Ridenour Way is attached.

#### Plan Review:

The developer proposes to build a 6,895 square-foot Advance Auto Parts store. The required parking for a building of this size is 14 spaces, and 27 spaces are provided. An additional seven parking spaces are shown on the property to the west, which will be further developed under a separate file number. The developer wishes to install pervious paving for the parking spaces along the MD Rt. 26 frontage, so they wish to install all of the pervious paving at the same time for this and the future development of Lot 1. The developer will record a cross-easement for the parking spaces to be shared between the two commercial uses.

The land use designation in the 2001 Freedom Community Comprehensive Plan is Medium Density Residential. This property is included as part of the proposed Boulevard District overlay. The Freedom Plan dictates that properties designated as Medium Density Residential be reserved for single-family development at a density no greater than two units per acre. This proposed subdivision and subsequent commercial uses adhere 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. As such, the land use designation should be found to be consistent with the comprehensive plan.

A traffic impact study (TIS) is required for this development based on the proposed square-footage of proposed uses of both commercial lots. In order to expedite the review process for the subdivision and two sites plans for this property, the County has generated a TIS scope based on the proposed uses as well as background development and annual increases in traffic. Approval of the TIS will be tied to the subdivision but will be implemented as part of the site plans. A condition of final subdivision approval will be that any improvements required by the TIS be implemented as part of the two site plans for this property. The applicant's traffic engineer has met with staff to develop the scope, incorporate background developments, and present trip generation figures. The applicant is in the process of performing the analysis for the TIS.

The State Highway Administration has requested that sidewalk be built along the property frontage as part of their Highway Needs Inventory. Sidewalk is also desired as part of the 2001

Freedom Community Comprehensive Plan. Direction from the Commission is requested regarding the frontage sidewalk.

The proposed building is shown as 19' in height and will be comprised of brick. A sign will be installed above the entrance on the north side of the building and on the east side of the building. Both signs will have yellow letters on a red background. The Bureau of Development review, based on recent discussions with the Planning Commission, recommended that the developer vary the materials and colors on the elevations and that additional landscaping be provided at the rear of the property. The additional landscaping would be added in an effort to screen the dumpster and delivery area from the residences to the south. It was also recommended that all signage details be shown on the plan.

The concept plan was presented to the Design and Architectural Review Committee on July 8, 2014. The Committee made the following recommendations:

1. Provide a lighting plan.
2. Provide sign location(s) and details.
3. Provide the correct setback at the west side yard.
4. Enhance the rear yard landscaping with additional number and type of plantings to provide a more substantial buffer to the residential neighborhood.
5. Provide all four building elevations.
6. Significantly improve the building elevations (the Bonnie Brae elevation in particular) with additional details. Suggestions include: windows, a base, horizontal banding, and canopies. This is a corner lot with an opportunity to develop two front building elevations.

Landscaping is shown along the property frontage of MD Rt. 26, Bonnie Brae Road, and to the rear of the structure and rear of the property. The landscaping shown along the rear of the property does not currently meet the code requirements for commercial screening. Forest conservation will be addressed by off-site banking. Stormwater management (SWM) will be addressed by pervious paving and an underground infiltration facility located behind the proposed structure. There are no areas of floodplain or water resources on the property.

The applicant met with County stormwater management staff several times to design a plan that addresses concept SWM requirements. The infiltration facility and associated storm drain system will handle the 100-year storm for the entirety of the applicant's development and the 25-year storm for a portion of Bonnie Brae Road to reduce the impact of stormwater runoff downstream of the proposed development.

The proposed site plan was subject to Citizen's Involvement during the July 28, 2014 Technical Review Committee meeting. Numerous citizens spoke during the meeting in opposition to this plan. Several citizens commented that the proposed use was redundant as there are other auto parts stores in the area including an AutoZone store in proximity to this proposed store. They also expressed concerns with regard to additional traffic in a heavily-traveled area as well as

people using Bonnie Brae as a cut-through to avoid traffic signals on MD Rt. 26. There was concern from one citizen regarding stormwater from this and other developments flowing into an already burdened system. A petition opposing the development and several emails and letters are attached for the Commission's consideration.

Discussion:

Pete Podolak, Leon A. Podolak and Associates, indicated that because of the location of a cross-culvert at Heather Drive, his client had decided to bolster the site's stormwater management beyond what is required to manage the 25 year storm event from on-site and off-site. In making this decision, some of the pervious pavement will no longer be utilized and stormwater will be handled by infiltration trenches.

Mr. Varga posted elevations just provided by the developer that were not reviewed by staff or DARC.

Richard Soisson, Commission member, questioned why the building was 19 feet high.

Chris Neill, representing Advance Auto Parts, indicated that 19 feet is the design protocol with fixtures up to 12 feet and then HVAC and mechanical systems.

Daniel E. Hoff, Commission member, suggested that the landscaping be increased to create a distinction between the business property and residential properties.

Clark Shaffer, attorney representing the applicant, indicated that the applicant plans to do more landscaping than required.

The Commission discussed the issue of sidewalks along Bonnie Brae and/or MD 26.

Mr. Shaffer indicated additional information had been requested from the State Highway Administration regarding the request for sidewalks.

Chairman Yeo questioned whether once the parking spaces required for this project and the adjoining property were tabulated if there was any room for parking space reduction.

Mr. Podolak indicated an end user has not been identified for Lot 1, so he could not answer that question at this time.

After discussion, it was the consensus of the Commission that sidewalks be located along both MD 26 and Bonnie Brae.

The Commission discussed the building elevations, suggesting that changes like other colors of brick be utilized to make the building more interesting.

Chairman Yeo reminded the citizens present of the role of the Commission and County Government in reviewing this project. He stated that the owner of the property has the right to develop this property with anything allowed in this zoning district. Chairman Yeo reminded the public that it is a very accepted business model to go where your competitors are, providing the example of Lowes and Home Depot in Westminster. The Commission has no ability or desire to

choose the use for the site. Chairman Yeo noted that the Commission can address traffic issues such as ingress and egress.

Mr. Varga reported that the applicant has just indicated he would like a freestanding sign as well as the two building mounted signs included in the plan.

Chairman Yeo suggested that only half of the freestanding sign be utilized with the other space reserved for the other property user. He noted that the sign height should be reduced considerably.

Public Comments:

Gaspar Baskett, Sykesville, questioned whether the entrance to Bonnie Brae would be widened to address the truck traffic on this site. He noted that the intersection of MD 26 and Bonnie Brae is very dark.

Mr. Podolak indicated that the entrance to the site would be widened to accommodate truck traffic.

Mr. Neill noted that deliveries come once a week to the store with the intent of being off-peak hours.

Chairman Yeo asked that the developer consider the dark intersection of MD 26 and Bonnie Brae when developing the lighting plan.

Mark Eastman, Eldersburg, questioned whether an environmental impact study had been completed noting that auto parts stores are full of chemicals that end up in dumpsters and leach into the soil.

Mr. Neill noted that Advance Auto Parts is not a franchise but there are 5,200 corporate stores that go above and beyond to provide the community with a place to recycle oil and batteries in an environmentally safe manner.

Mr. Eastman questioned the impervious surface versus the pervious surface.

Mr. Podolak explained that concrete has so many voids in it that water can percolate through it.

Mr. Eastman questioned what would happen to the existing culvert.

Mr. Podolak explained that the culvert captures significant flow, but the underground infiltration trenches on site will reduce the flow of water to Heather Heights.

Charles Haug, Eldersburg, noted that he has been cleaning the drainage area for years. He expressed concern that adding sidewalks will contribute to the drainage in the culvert and the additional water will jeopardize his property.

Mr. Podolak indicated that the water from the sidewalk can be captured and redirected except for a small piece of sidewalk at the southern end of the property. The other stormwater changes to the property will net an improvement to the drainage situation.

Jeffrey Wothers, Commission member, questioned whether the dumpster enclosure was large enough to also encompass recycling.

Mr. Neill indicated he was not sure, but would check into the matter.

**SPECIAL REPORT**

A. M-14-006, Maidens Point 2

**A. M-14-006, MAIDENS POINT 2**

LOCATION: Northeast side of Roop Road, on the north side of Francis Scott Key Highway, E.D. 1

OWNER: Blaine A. Harman and Angela F. Harman, 1785 Stover Road, Taneytown, MD 21787

DEVELOPER: Same as Owner

SURVEYOR: D.R.S. and Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Agricultural

ACREAGE: Lot #2 -26.035 acres

WATERSHED: Piney Creek

FIRE DISTRICT: Taneytown

MASTER PLAN: Agricultural

**PRIORITY**

FUNDING AREA: N/A

**DESIGNATED**

GROWTH AREA: N/A

Clayton R. Black presented the background.

**Background and Action Requested:**

The Developer is requesting the Planning and Zoning Commission (the Commission) to rehear the Maiden's Point 2 application that was denied at the September 16, 2014 Planning Commission meeting. The minutes from that meeting are attached.

In accordance with the Administrative Rules for the Commission, §3.9 **Application denied** "If an application is not approved, the Commission may normally not vote on the application again for one year or unless the following occur:

- a) The applicant submits evidence in writing to the Secretary asking that it be reheard and listing material changes to the application that addresses the stated reason for the denial,
- b) One of the members who voted against the application moves to rehear the application and the Commission approves the motion”.

The evidence submitted by the engineer includes a proposed subdivision plan that identifies the areas where the remaining lot yield will be located and a National Resource Conservation Service farm plan.

If the Commission votes to rehear the application, the developer is requesting that the Commission approve the 26.035 acre lot size.

**Discussion:**

The Commission, on motion of Mr. Hoff, seconded by Mr. Helminiak, and unanimously carried, voted to rehear the proposal for Maidens Point 2 in order to receive the additional information provided by the developer.

Dan Staley, DRS and Associates, provided background information to the Commission that led to this request, noting that the division will create three farms rather than one farm.

Richard Soisson, Commission member, asked for additional information regarding the property’s two off-conveyances.

Mr. Black explained that the yield from the two off-conveyances would be utilized in the other lots and when developed deed consolidation would occur.

Mr. Soisson questioned whether cropland would be utilized if the lots could not be realized in the wooded area.

Daniel E. Hoff, Commission member, questioned whether the Commission could require the remaining portion to be at least 50 acres.

Mr. Staley indicated a note could be constructed regarding how much density goes into each remaining portion.

Mr. Black indicated that staff would work with the developer to address the Commission’s concerns. He noted that all further development of this property would be brought before the full Commission because it would fall under a major subdivision.

**Decision:**

The Commission, on motion of Mr. Hoff, seconded by Mr. Soisson, and carried (Commissioner Rothschild abstained), approved the creation of a minor subdivision lot of 26.035 acres in the Agricultural District with the understanding that staff and the engineer will work to address the Commission’s concerns related to off-conveyance one.

The authority to approve the minor subdivision was delegated to the Chairman.

## **CLOSED SESSION TO CONSULT WITH COUNSEL TO OBTAIN LEGAL ADVICE**

Pursuant to State Government Article, Section 10-508(a) (7), Mr. Soisson 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. Mr. Soisson, Mr. Wothers, Mr. Canale, Mr. Helminiak, Mr. Hoff, and Commissioner Rothschild voted “Aye” on the motion to close; Mr. Yeo, sitting as Chair, did not vote. The Commission entered into closed session in Room 003 at approximately 1:00 p.m. Present with the Commission were the following persons: Gail Kessler, Philip R. Hager, and Kelly Martin.

The Commission reopened the meeting at approximately 1:30 p.m.

## **MASTER PLAN**

- A. Timeline for Comment Review
- B. Discussion of Nonsubstantive Modifications

### **A. TIMELINE FOR COMMENT REVIEW**

Secretary Hager reported that the 60-day review period expires on October 23, but comments will be accepted until the close of the public hearing on November 5. At the October 29 meeting, the Commission will begin to review the comments received and approve, as appropriate, the nonsubstantive modifications that staff will review with the Commission today. Secretary Hager explained that during the meeting on October 29, prior to the November 5 public hearing, he is going to request that the Commission make a significant change in the Master Plan based on feedback from the public and from the City of Taneytown to remove the Heavy Industrial land use designation on the property south of Taneytown.

The Commission briefly discussed meeting dates following the November 5 public hearing. It was the consensus of the Commission that the Commission would meet on Monday, November 17 at 6:00 p.m. and Tuesday, November 18 at 9:00 a.m.

### **B. DISCUSSION OF NONSUBSTANTIVE MODIFICATIONS**

Lynda Eisenberg, Bureau of Comprehensive Planning, distributed a chart detailing the nonsubstantive changes she was proposing for the Commission’s review. She briefly reviewed the proposed changes focusing on landowner requests during the 60-day review process for changes to the Future Land Use Map.

Chairman Yeo suggested the Master Plan provide a link to the Carroll County Public Schools website to direct readers to the most up-to-date information.

Secretary Hager briefly reviewed plans for the public hearing on November 5.

Chairman Yeo noted that he met with some representatives from the Frederick Planning Commission, and they discussed the possibility of the two Commissions getting together to meet after the first of the year in the Mount Airy area. The Town of Mount Airy Planning Commission is also interested in meeting with the County Planning Commission.



Secretary Hager also suggested that the Commission invite the new Board of County Commissioners to an early January meeting.

Chairman Yeo suggested that invitations be sent from the County Planning Commission to the Town Planning Commissions offering a joint meeting upon request.

There being no further business, the Commission, on motion of Mr. Soisson, seconded by Mr. Wothers, and carried, adjourned at approximately 2:45 p.m.

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Secretary

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Approved