

MEETING SUMMARY
Carroll County Planning and Zoning Commission

November 17, 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
Cynthia L. Cheatwood
Richard S. Rothschild, Ex-Officio
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, Bureau of Comprehensive Planning; Isaac Menasche; Melissa Appler; Denise Duvall; Joan Huff; and Chuck Boyd.

CALL TO ORDER/WELCOME

Chairman Yeo called the meeting to order at approximately 6:10 p.m.

ESTABLISHMENT OF QUORUM

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

PLEDGE OF ALLEGIANCE

OPENING REMARKS/ADMINISTRATIVE MATTERS

Philip R. Hager, Secretary, distributed copies of an expanded agenda to the Commission.

REVIEW AND APPROVAL OF AGENDA

The Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried, approved the agenda as written.

PUBLIC COMMENTS

There were no public comments.

MASTER PLAN WORK SESSION

Lynda Eisenberg, Bureau of Comprehensive Planning, noted that staff provided a gray comment book to the Commission on October 29, containing comments received through October 24. She distributed a blue booklet containing all of the comments received including a summary of those

from the public hearing. Ms. Eisenberg referred the Commission to the Public Hearing tab, reviewing a synopsis of the comments received at the hearing and any written correspondence submitted.

Secretary Hager distributed a letter received after the public comment period had ended from Adams County, Pennsylvania, in support of the Plan.

Ms. Eisenberg noted that she had met with Isaac Menasche, attorney representing River Valley Ranch, to discuss the mapping adjustment proposed by the Commission. She also distributed a memorandum from Jay Voight, Zoning Administrator, regarding the property.

Mr. Menasche explained that he has represented the River Valley Ranch (RVR) before the Board of Zoning Appeals (BZA). It is a 437-acre multi-parcel property that is comprised of Conservation and Agricultural zoning. The BZA has granted the RVR a non-conforming use designation. Mr. Menasche explained that the proposed strip of Conservation land use designation makes the buildings erected in that area non-conforming as well. If any of the buildings in the designated area were changed, the RVR would have to go before the BZA instead of just applying for a permit. Mr. Menasche indicated that the RVR is designated by the BZA as an evangelical church. He explained that by leaving the RVR with its current land use designations everything is able to continue to function.

The Commission, on motion of Mr. Helminiak, seconded by Ms. Cheatwood, and carried (Commissioner Rothschild abstained), directed staff to change the land use designation from the proposed Conservation back to Agriculture for the center section of the River Valley Ranch property that was changed because of the FEMA floodplain area.

Secretary Hager illustrated a similar situation in the Taylorsville area where staff used the same logic to map the floodplain area, and it crosses a number of different parcels. He indicated that staff would have no objection to the Commission utilizing the same considerations as the previous case and adjusting the “green area” on the map to Agriculture.

The Commission, on motion of Mr. Helminiak, seconded by Mr. Soisson, and carried (Commissioner Rothschild abstained), directed staff to return the land use designation for this area along Roop Road that was designated Conservation back to Agriculture.

Ms. Eisenberg reviewed a comprehensive plan map provided by the Town of Mount Airy. She noted that the Town had removed the parcel labeled D, Warfield Property from the Designated Growth Area. This change to the map requires a change to the County Master Plan Future Land Use Designation Map. She explained that the property is zoned R-40,000, but questioned whether it will support R-40,000 outside of the Municipal Growth Area. Ms. Eisenberg suggested that the Commission designate the property Very Low Residential because service would not be extended into the property. She noted that the Town of Mount Airy is comfortable with the Very Low Residential designation.

The Commission, on motion of Mr. Helminiak, seconded by Ms. Cheatwood, and carried, directed staff to designate Parcel D, Warfield Property with a Future Land Use Designation of Very Low Density Residential.

Secretary Hager provided the background regarding the property located at Gamber Road and Old Gamber Road. There was considerable discussion by the Commission regarding the current litigation.

A motion was made by Commissioner Rothschild that the Commission not designate this land but simply put a footnote in the document that the Planning and Zoning Commission is going to defer applying a land use designation until after the Court renders an Opinion. If the Court decides that this property should be BNR, then the Commission will designate it as Light Commercial. If the Court determines that the BG decision was correct by the Board of County Commissioners, then the land will be designated Medium Commercial. The motion was seconded by Ms. Cheatwood, but failed with Mr. Helminiak and Commissioner Rothschild voting "Yes"; Mr. Soisson, Mr. Wothers, Mr. Canale, and Ms. Cheatwood voted "No".

After additional discussion, the Commission, on motion of Mr. Soisson, seconded by Ms. Cheatwood, and carried (Mr. Soisson, Mr. Wothers, Ms. Cheatwood, and Mr. Canale voted "Yes"; Mr. Helminiak and Commissioner Rothschild voted "No"), directed staff to change the future land use designation for the DiMaggio Property to Very Low Density Residential.

The Commission discussed the comments received from the Maryland Department of Planning (MDP).

Chairman Yeo suggested that a reference be added to the document to make the reader aware that Implementation Strategies are located in the Appendices. It was the consensus of the Commission to direct staff to make this addition.

Regarding the MDP comment to include a map showing the Designated Growth Areas and the Growth Area Boundaries, it was the consensus of the Commission to direct staff to add a map to the front of the document detailing more information than the map located on page 12.

The Commission discussed the MDP comment regarding the 2012 Ag Census. Ms. Eisenberg explained that the data had just been made available in the Spring, following the Commission's review of this chapter.

The Commission adjourned at approximately 9:00 p.m.

Secretary

Approved