

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

November 18, 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: Commissioner Robin Frazier; Philip R. Hager and Kelly Martin, Department of Land Use, Planning, and Development; Lynda Eisenberg and Andrea Gerhard, Bureau of Comprehensive Planning; Clay Black, Laura Matyas, and John Breeding, Bureau of Development Review; Jay Voight, Zoning Administrator; Steve Horn, City of Westminster; Patrick Herold; Laury McGowan; Phillip Turner; Marshall Green; Marcie Koenig; and Pete Podolak.

CALL TO ORDER/WELCOME

Chairman Yeo called the meeting to order at approximately 9:10 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 a work session on the Master Plan is scheduled for the afternoon. If the morning session ends early, the Commission may wish to begin the work session prior to the lunch recess.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as distributed.

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

- A. October 21, 2014
- B. October 29, 2014
- C. November 5, 2014

The minutes of October 21, October 29, and November 5, 2014 were approved as written on motion of Mr. Wothers, seconded by Mr. Canale, and carried.

COMMISSION MEMBER REPORTS

- A. Commission Chairman

A. COMMISSION CHAIRMAN

Chairman Yeo reviewed several plans that he had approved since the last business meeting.

ELECTION OF COMMISSION CHAIRMAN, VICE CHAIR, AND SECRETARY

Chairman Yeo turned the meeting over to Secretary Hager for the Election of Officers.

Secretary Hager asked for nominations for the office of Chairman.

Alec Yeo was nominated as Chairman on motion of Mr. Wothers, seconded by Mr. Canale, and carried. The nominations were closed and Mr. Yeo was elected Chairman via acclamation on motion of Mr. Wothers, seconded by Ms. Cheatwood, and carried.

Richard Soisson was nominated as Vice Chair on motion of Mr. Wothers, seconded by Mr. Yeo, and carried. The nominations were closed and Mr. Soisson was elected Vice Chair via acclamation on motion of Mr. Wothers, seconded by Mr. Yeo, and carried.

Secretary Hager relinquished the gavel to Chairman Yeo.

Philip R. Hager was nominated as Secretary on motion of Mr. Soisson, seconded by Mr. Helminiak, and carried. The nominations were closed and Mr. Hager was elected Secretary via acclamation on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried.

REVIEW OF ADMINISTRATIVE RULES

Chairman Yeo referred the Commission to page 5 of the Administrative Rules suggesting that the Commission make better use of its ability to form committees to review issues.

Daniel E. Hoff, Commission member, requested that a typographical error on page 4 be corrected. In the first line of 3.12(b) Disclosure Waiver there is a reference to the provisions of 3.11(a). There is no 3.11(a). The reference should be changed to 3.12(a).

Secretary Hager requested that staff be provided the opportunity to make sure what the reference should be since several parts of this section were added/amended last year.

The Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried, approved the Administrative Rules as written without changes.

DEPARTMENT OF LAND USE, PLANNING & DEVELOPMENT STAFF REPORTS

A. Director

A. DIRECTOR

Philip R. Hager, Director, reported that five development extensions had been granted since the last meeting: a two-year extension for the site plan of 44 Liberty Road, a planned business center located on the north side of MD 26, east of Klees Mill Road; a seventh one-year extension for the major subdivision plan of Shipley's Choice 2, two lots (one existing and one new), located on the south side of Pine Knob Road east of Sykesville Road; a sixth one-year extension for the major subdivision plan of Skiba Farms, 18 lots, located on the east side of Misty Meadow Road, south of Green Mill Road in the Finksburg area; a second one-year extension for the major subdivision plan of Komiske Property, 3 new lots, located on Gillis Falls Road across from John Pickett Road; and an additional one-year extension for the major subdivision plan of Hidden Creek as part of a Consent Order, 7 lots, located in the Finksburg area.

Mr. Hager reported that staff had submitted comments on three Board of Zoning Appeals (BZA) cases since the last meeting: BZA Case No. 5775, Fred R. Rosen, appeal of the Zoning Administrator's Decision in Case ZA-1528, for an alarm installation and security system maintenance and service business on a 3.095-acre property located at 3011 Forever Drive, Finksburg, in the Conservation Zoning District; BZA Case No. 5778, Linda Hidey, request for a setback variance for the construction of a garage on a two-acre property located at 5608 Sierra Court, Mount Airy, in the Conservation Zoning District; and BZA Case No. 5787, PR Land LLC and Pheasant Ridge MHC LLC, for a variance and the expansion of a non-conforming use for improvements at an existing mobile home park and the expansion of the mobile home park by approximately 135 units on an adjacent 62.3-acre property located along MD 144 at Pheasant Ridge Drive, within the Conservation Zoning District.

After discussion, the Commission requested staff to provide copies of all BZA decisions to the Commission electronically. Secretary Hager indicated he would add an item to the agenda each month to update the Commission on the status of BZA cases.

Daniel E. Hoff, Commission member, requested that the Commission invest some time after the first of the year with regard to the role of the BZA and the Planning Commission. He also suggested that recommendations be made to the Board of County Commissioners with regard to Code changes, specifically to address the issues of the Hudson Forest Estates case.

Secretary Hager indicated he would talk with the new Board members about the possibility of a joint meeting with the Planning Commission after the first of the year. He asked the Commission how they would like staff to proceed with regard to individual meetings with the municipalities. The Commission requested that staff reach out to the municipalities offering to meet with their planning commissions and report back on the response.

Secretary Hager noted that the Department's new receptionist, Jennifer Quick, will be starting on Thursday. He stated that Stephanie Utz, Zoning Technician, had accepted a position with the

Department of Public Works. Secretary Hager reported that Patrick Varga had accepted a position in the Bureau of Resource Management leaving a vacant Development Review Coordinator position. He noted that the Preservation Specialist position became vacant in the Agricultural Land Preservation Office when Deborah Bowers accepted the Program Manager position. Ms. Bowers was introduced. She indicated she was looking forward to providing a presentation to update the Commission on the status of the Program. She also noted that offers are being made on a new batch of farms.

Richard Soisson, Commission member, indicated he was sorry to hear about the loss of Mr. Varga in the Bureau of Development Review. He noted that Mr. Varga did an excellent job, and he wished him well in his new position. The other Commission members concurred.

TANEYTOWN ANNEXATION NO. 45, STUMPTOWN I AND TANEYTOWN ANNEXATION NO. 46, STUMPTOWN II

Andrea Gerhard, Bureau of Comprehensive Planning, explained that the City of Taneytown has been requested to annex the two referenced properties because of failing septic systems. The annexation is necessary because the City will not provide services to properties outside of the City limits. Because the density will be increased by at least 50 percent, a zoning waiver is required for these annexations. Ms. Gerhard noted that she would be presenting a full staff report at the December meeting, with a presentation and request for issuance of a waiver by the County Commissioners to follow.

INTRODUCTION OF FY14 CONCURRENCY REPORT

Clay Black, Bureau of Development Review, distributed a draft FY14 Concurrency Report asking that the Commission review the report and be prepared to discuss its contents at the December meeting. No action is required by the Commission. Mr. Black asked that the Commission consider any recommendations that they would like to include on the last page of the report.

CONCEPT SITE PLAN REVIEW

A. S-14-007, Copper Ridge Amended Site Plan

A. S-14-007, COPPER RIDGE AMENDED SITE PLAN

LOCATION: North side of Obrecht Road at Norris Avenue, 5th Election District

OWNER: Episcopal Health Ministries, Inc., 576 Johnsville Road, Eldersburg, MD 21784

DEVELOPER: Episcopal Ministries to the Aging, Inc., c/o Marcie Koenig, 710 Obrecht Road, Sykesville, MD 21784

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

ZONING: R-10,000

ACREAGE: 13.95 acres
WATERSHED: Patapsco - South Branch
FIRE DISTRICT: Sykesville
MASTER PLAN: High Density Residential - 2001 Freedom Community Comprehensive Plan

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

Laura Matyas 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 hosts Copper Ridge, an outpatient and residential care facility for the memory impaired. In 1976, the Board of Zoning Appeals (BZA) approved a conditional use in the R-10,000 Zoning District for the 150 acre Fairhaven property for a daycare center and nursing home (see attachments). The subject property was a part of the Fairhaven property in 1976 and created by off-conveyance in 1992. In 1993, a site development plan was approved for the existing conditions: a 98,880 square foot building with three parking areas totaling 84 spaces (see attached). In the interim, 43 parking spaces have been added to the site, totaling 127 existing spaces. No amended site plans were submitted.

The 13.95 acre property has no forest cover, streams, or floodplains. It is located in the Freedom Area Priority Funding Area and Designated Growth Area. Public water and sewer facilities are utilized and there are fire hydrants located on-site. Access is from Obrecht Road, opposite Norris Avenue.

To the north lies a park in the Conservation Zoning District also owned by the Episcopal Ministries to the Aging. The adjoining property to the east shares the R-10,000 Zoning designation, is split by the County -Sykesville boundary line, and owned by Fairhaven, a continuing care retirement community. Properties across Obrecht Road to the south lie within the incorporated limits of the Town of Sykesville, are zoned R-10,000, and built with single-family residences.

Plan Review:

The developer proposes to build a 2,447 SF adult daycare addition with a vehicular drive for drop-off and 5 parking spaces (Parking Area 'B'), a 387 SF den addition at an interior courtyard to provide common space, two common area decks that are one story above grade, and a 43-space parking lot (Parking Area 'A'). With the elimination of 11 parking spaces and the addition of 48, there will be 164 spaces provided. Required parking for the site calculates to 82 spaces.

The subject property's land use designation in the 2001 Freedom Community Comprehensive Plan is High Density Residential which corresponds to the Zoning designation R-10,000. In 1976, when the BZA approved the conditional use in accordance with the Code, the property was already established in the R-10,000 Zoning District and a parallel land use designation of Suburban Residential was applied in the initial Freedom (Mini) Plan in 1977. The Mini Plan explicitly recognized that the zoning code permitted uses within residential districts that were not residential. The 2001 Comprehensive Plan retains the land use designation that corresponds to the R-10,000 Zoning District. The current land use designation provides continuity in the historical spectrum of the subject property and the proposed addition to Copper Ridge's established facility, and approved use, corresponds with this continuity.

Trip generation data has been requested by Engineering Review. The adult daycare facility will serve approximately 12 clients and a traffic impact study (TIS) is not anticipated.

Designed by the same firm that developed the 1993 architectural plans, the building elevations complement the existing structure in composition, materials, and color scheme. Sheet 10 shows the addition at a height of 22'-8", clad in vinyl siding and brick veneer, with an asphalt shingle roof to match existing conditions. The den addition and decks also match the design elements of the existing building. No new signs are proposed. Three 17-foot light poles are proposed at Parking Area 'A'.

Parking areas added between the 1993 approved site plan and the current proposal will be addressed in the current calculations to assure the entire site is in compliance with all codes.

Landscaping shown at the parking areas meets the code requirements. Forest conservation will be addressed through retention on the owner's adjoining property. The applicant met with County stormwater management staff several times to design a plan that addresses concept SWM requirements. Stormwater management necessitates addressing the entire site since it was not required in 1993. To bring the site development into compliance, the existing area stormwater management facility will be retrofit.

The concept plan was presented to the Design and Architectural Review Committee on August 6, 2014. The Committee made the following recommendation:

1. The proposed landscaping at the parking areas may be both challenging to procure locally and the trees' large size and delicate branches may make them particularly hazardous in a parking area. Consider alternatives.

The proposed site plan was subject to Citizen's Involvement during the August 25, 2014 Technical Review Committee meeting. There were no citizens who spoke at the meeting and no written comments were forwarded to the Bureau of Development Review.

The Commission may authorize the Chairperson to approve the final amended site plan.

Discussion:

Ms. Matyas noted that with regard to the comments from the Design and Architectural Review Committee, the developer has been able to procure the trees locally.

Chairman Yeo questioned what was driving the additional parking spaces.

Marcie Koenig, representing Copper Ridge, noted that there is an existing, significant lack of parking to accommodate the needs of the facility.

Chairman Yeo suggested that a traffic study might be necessary with the addition of 80 parking spaces.

Cynthia Cheatwood, Commission member, noted that the traffic is already there. This plan is only adding a 12-patient clinic.

Ms. Matyas indicated she would verify that all of the uses in the building were accounted for in the trip generation.

Decision:

The Commission, on motion of Mr. Helminiak, seconded by Mr. Canale, and carried, delegated authority to the Commission Chairman to decide final approval for the Copper Ridge Amended Site Plan.

SPECIAL REPORT

- A. M-14-010, Herold Property
- B. 903 Powder Horn Court
- C. 030-C-02, Chenopodium Acres

A. M-14-010, HEROLD PROPERTY

LOCATION: East side of Sykesville Road (Route 32), south of Almond Drive, E.D. 4

OWNER: Patrick M. & Renee Herold, 4333 Sykesville Road, Finksburg, MD 21048

DEVELOPER: Laury McGowan, 10101 Davis Avenue, Woodstock, MD 21163

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

ZONING: Agricultural

ACREAGE: 15.8327 acres

WATERSHED: Liberty Reservoir
NO. OF LOTS: 1 lot + Remaining Portion
FIRE DISTRICT: Gamber
MASTER PLAN: Agriculture
PRIORITY
FUNDING AREA: Outside
DESIGNATED
GROWTH AREA: Outside

Laura Matyas presented the background.

Action Required:

The plan is before the Commission for direction on lot size in the Agricultural Zoning District.

Existing Conditions:

The subject property was created as an off-conveyance by deed in 1974. A 15.8327 acre lot with one roadside residence and access from Sykesville Road, it has no forest cover, streams, or floodplains. During a site visit, a large garden and poultry were observed. Historical images depict approximately one fourth of the property being farmed in 2005. A private well and septic system serve the property.

Tree lines at the north, south, and east property lines provide screening between properties. All adjoining properties to the north, south, and east lie in the Agricultural Zoning District. Those to the north are two to four acres in size and built with single-family residences. To the south is a 23.48 acre property with a single-family residence. The east adjoining property is 137.26 acres of farmland with no residence on it. Across Sykesville Road lies a single-family residence on a 2.41 acre lot in the Conservation Zoning District.

Plan Review:

The developer proposes to create one new 6.3 acre residential lot and a 9.3 acre Remaining Portion. With this subdivision, the lot yield is exhausted; no further subdivision may occur. The developer intends that the existing residence on the 6.3 acre lot become a storage facility once a new residence is built. Before issuance of a Use and Occupancy Certificate, the existing septic and well facilities will be abandoned in accordance with Health Department regulations. Existing access from Sykesville Road will remain with upgrades as necessary to serve both new lots as a use-in-common drive.

In the Agricultural Zoning District, 6.0 acres is the minimum required acreage for subdivision potential. Although a General Note will address the property having no further lot yield, Development Review has suggested reducing the 6.3 acre subdivision lot to less than 6.0 acres for clarity of the exhaustion of the lot's yield.

The Rural Design Standards for Agricultural and Conservation Districts in the Code of Public Local Laws and Ordinances of Carroll County address the location and size of new lots with regard to the remaining portion and its land use. Since the property falls outside the descriptors in the Code, a determination from the Planning and Zoning Commission is required. When presented with the project description, the Chairman requested the proposal be brought before the entire Commission.

📖 § 155.024 RURAL DESIGN STANDARDS FOR AGRICULTURAL AND CONSERVATION DISTRICTS.

(A) Unless otherwise determined by the Planning Commission, new residential building lots proposed to be created in the “A” and “C” Districts shall be:

- (1) Located in low priority woodlands or on pasture land rather than productive cropland;
- (2) Located to avoid prevailing winds from blowing odors toward homesites from existing or future barnyards, silos, and other similar farm buildings or related uses;
- (3) Designed at a minimum lot size of one acre and clustered to achieve the maximum possible amount of land remaining in cropland in the “A” District;
- (4) Designed at a minimum lot size as required by [Chapter 158](#) in the “C” District, unless clustered in accordance with this chapter. This minimum lot size shall apply to the remainder and all proposed lots; and
- (5) Designed, whenever possible, to avoid the construction of new streets or additional entrances onto a public street.

(B) In the Agricultural District, agriculture is the preferred use and a notice to this effect shall be stated on a final plat creating residential building lots in the district:

“Agriculture is the preferred use in the agricultural district. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the district.”

(2004 Code, § 103-10) (Ord. 04-14, passed 4-20-2004)

As a minor subdivision, this project is not subject to a Technical Review Committee meeting or Concurrency Management and it may be approved as a preliminary/final plan by the Chairperson of the Planning and Zoning Commission.

Staff and the Developer are requesting direction from the Commission regarding lot size.

Discussion:

Larry McGowan, developer, indicated his grandfather owns the property, and he spent his youth on this farm. They currently have a number of chickens, pigs, goats, fruit trees, etc.

Patrick Herold, indicated he is a brother-in-law to Mr. McGowan and they plan to live on the farm with their families.

Chairman Yeo indicated he would like to address staff’s concern and have the smaller lot designed at slightly less than 6.0 acres.

Mr. McGowan indicated that was not a problem. The idea was to keep the houses as close together as possible in order to share the yard and retain the rest in field to minimize the unusable space. He noted that the existing residence will be disconnected from well and septic but utilized by the families for woodworking, a gym, etc.

Chairman Yeo asked the Commission whether they wished to delegate signature authority for this project to him as long as the lot size was reduced to under 6.0 acres.

It was the consensus of the Commission that Chairman Yeo could approve the project without bringing it before the full Commission.

B. 903 POWDER HORN COURT

LOCATION: South side of Powder Horn Court, east of Salem Bottom Road, E.D. 9

OWNER: Phillip Turner, 903 Powder Horn Court, Westminster, MD 21157

DEVELOPER: Same

ENGINEER: n/a

ZONING: Conservation

ACREAGE: 3.0236 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: n/a

FIRE DISTRICT: Winfield

MASTER PLAN: Conservation

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

Laura Matyas presented the background.

Action Required:

The plan is before the Commission for a determination regarding a request for waiver of a plat modification per Code section 155.020-F (5).

 § 155.020 SUBDIVISION CONTROL.

(F) Plat modification or reassembly.

(1) The Director, at his or her discretion, may waive:

(a) The requirement of seeking approval from the Planning Commission for a modification, plat reassembly, or other adjustment, correction, or change to a subdivision plat recorded among the Land Records of Carroll County; and

(b) The requirement of recording an amended plat.

(2) This waiver may be applied to modifications, adjustments, corrections, or changes to minimum building lines, setbacks, drainage and utility easements for which variances have been granted by the Zoning Administrator or other similar changes as determined by the Director.

(3) This waiver may be applied even though the subdivision plat contains a general note requiring any modification or plat reassembly to be subject to the approval of the Planning Commission or other similar language as determined by the County Attorney.

(4) This waiver may be applied even though the Planning Commission imposed a condition of approval requiring any changes in the preliminary or final plan to be resubmitted to the Planning Commission for further review and approval or other similar condition as determined by the County Attorney.

(5) The denial of a waiver request does not constitute an order, requirement, decision, or determination made by an administrative official, for the purposes of § [158.133](#). If a waiver request is denied by the Director, the modification, plat reassembly, or other change to a subdivision plat may be presented to the Planning Commission and a decision of the Planning Commission may be appealed to the BZA in accordance with § [158.133](#).

(2004 Code, § 103-6) (Ord. 04-14, passed 4-20-2004; Ord. 05-02, passed 3-15-2005; Ord. 2011-02, passed 5-17-2011)

Existing Conditions:

The subject property was created as Lot 15 of the Huntfield subdivision in 1978 (see attached). Huntfield resulted in 29 lots of subdivision in what was the Agricultural Zoning District when the preliminary plan was approved in 1976. While the zoning code typically regulates front yard setbacks, the front yard minimum building lines (MBLs) within Huntfield vary; 40 feet, 50 feet, 60 feet, 70 feet, 85 feet, 100 feet, 110 feet, 200 feet, and 240 feet are all depicted on record Plats A through D (see attached). The project file for Huntfield provides no definitive indication as to the determining factor(s) in the placement of those setback lines. Historically, MBLs were occasionally utilized as a way to restrict buildable areas for residences based on septic system locations. This may have informed the variation in Huntfield's MBLs.

Setback Line, as defined in Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County, is "That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which a structure may not be erected or placed." Lot 15 has a 240 foot front yard minimum building line and the principal structure lies within the property's buildable area (see attached).

Rezoned as Conservation in 1978 as part of a comprehensive rezoning of the Agricultural Zoning District, the 3.0236 acre subject property contains gently rolling terrain, tree lines along all property lines excluding the road frontage, no forest cover, streams, or floodplains. The front setback requirement for a dwelling in the Conservation Zoning District is 50 feet. Private well and septic systems serve the property, with the septic located behind the residence and the well in front. There are two outbuildings on the property.

Plan Review:

The owner has requested a waiver to plat modification to proceed with a building permit for a storage structure which will encroach 113 feet on the front yard minimum building line. The proposed 30 foot by 50 foot one-story metal pole building will accommodate the owner's personal storage needs. Vehicular access to the storage structure is desired. In an effort to minimize site disturbance and render the project cost effective, the owner proposes to locate the storage building in close proximity to the existing driveway and site it on the most level terrain on his property. The location complies with the Health Department requirement to maintain a 20 foot distance to all septic components.

A site visit by the Director of Land Use, Planning, and Development, the Chief Inspector of Grading and Sediment Control, and a Development Review Coordinator verified the proposed location as the least intrusive.

Since the property is on a record plat, a modification to the MBL requires an amended plat be recorded. The owner submitted a request for waiver of a plat modification to the Director in accordance with the Code. This waiver request was denied by the Director to enable it to come before the Planning and Zoning Commission as outlined in the Code. Staff and the Owner are requesting a determination regarding the request for waiver of a plat modification.

Decision:

After discussion, the Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and unanimously carried, waived the requirement for an amended plat to be filed for 903 Powder Horn Court.

C. 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

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.

Background/Update:

The property owner's attorney had requested an additional extension for the recordation of Phases 4 through 8 of Chenopodium Acres. The request was brought to the Commission on May 20, 2014 (minutes attached) where the Commission granted a 90-day extension to allow the applicant time to prepare a preliminary plan. The applicant was then in front of the Commission at the August 19, 2014 meeting (minutes attached) to discuss the status of the preliminary plan. The Commission voted that provided the concept plan was presented to the Commission at the November 2014 meeting, the deadline for submission of the preliminary plan would be extended to August 1, 2015.

On September 15, 2014 the owner submitted a letter to the Bureau of Development Review to stop processing the development plans for the property (letter attached).

Discussion:

Clay Black, Bureau of Development Review, noted that he was bringing the plan back before the Commission as requested at the August meeting to ensure that the Commission was aware that the project would not be moving forward.

Matthew Helminiak, Commission member, questioned whether the lots that had been held for this development would be removed from the queue.

Mr. Black indicated he would be removing 85-88 lots from the queue this afternoon.

MASTER PLAN DISCUSSION AND POTENTIAL CONSIDERATION OF APPROVAL RESOLUTION

(Commissioner Rothschild entered the meeting.)

Lynda Eisenberg, Bureau of Comprehensive Planning, distributed a letter received from David Bowersox with regard to the Warfield Property. At the work session on November 17, the

Commission voted to change the land use designation on the Warfield Property to Very Low Density Residential. Mr. Bowersox indicated that he had not been able to speak with his client, but asked that the Commission maintain the current R-40,000 zoning. Ms. Eisenberg explained that the Town of Mount Airy changed the land use designation to Conservation because of water allocation issues. It was the consensus of the Commission to leave the Very Low Density Residential land use designation that was voted on last night.

Ms. Eisenberg reviewed several mapping corrections involving clean ups and edits. It was the consensus of the Commission that staff make the corrections reviewed.

Secretary Hager distributed a proposed response to the Reservoir Technical Group's list of questions. It was the consensus of the Commission to accept the language drafted for a response.

Staff began a review of Clearinghouse comments.

Chairman Yeo suggested that a link to the County website be inserted to provide information regarding the current transportation provider.

Secretary Hager questioned whether the Commission wished for him to draft a response to the Feeser's most recent letter. It was the consensus of the Commission that there was no need for additional correspondence.

Staff noted that a map detailing the Designated Growth Areas and the Growth Area Boundaries would be added to the document.

Cynthia Cheatwood, Commission member, questioned whether there were enough water and sewer facilities available to accommodate the changes in land use designations that are made in the Plan.

Secretary Hager explained that the purpose of the planning document is to identify where you think you will be going that way you can allocate the necessary resources when you need them.

Steve Horn, City of Westminster Director of Community Planning and Development, noted that the City is reluctant to support the intensification of uses outside of the City's growth area. Because the City has been denying a number of properties water and sewer, it seems counterintuitive to expand the growth area without meeting the needs of the existing citizens. Mr. Horn suggested that City and County staff collaborate on a Westminster Community Comprehensive Plan update and consider the expansion of the growth area at that time. It is the City's concern that a change in land use designation will create expectations on the part of property owners that the zoning change will follow.

Secretary Hager suggested that the land use designation changes remain on the map but consideration of zoning changes be delayed in this vicinity until the Westminster Community Comprehensive Plan is completed.

Mr. Horn suggested that the map be changed back and staff incorporate a discussion of a list of properties the County and City should consider in developing the Comprehensive Plan.

It was the consensus of the Commission to leave the land use designation changes on the map and add language with regard to zoning changes being delayed until the Westminster Community Comprehensive Plan is completed.

Chairman Yeo requested a link be placed in the document to refer interested parties to the website containing the most updated information on preserved properties.

Commissioner Rothschild, speaking as the Ex-officio member of the Planning Commission, discussed Appendix A, reading excerpts of the language included in the Plan. He noted that the Planning Commission suggested two years ago that the Board include a letter detailing the Board's views.

Chairman Yeo acknowledged that he suggested that the Board write a letter, but he never offered that it be included as part of the Plan. He expressed dismay that Commissioner Rothschild was insinuating that the Commission was not honoring its commitment.

Chairman Yeo read the remainder of the language from the Annotated Code of Maryland that Commissioner Rothschild referred to, noting that the Commission was to consider comment from many other agencies and organizations, not just the Commissioners.

Richard Soisson, Commission member, expressed his strong opposition to the letter being included in the Plan. He noted that the Commission had decided to include the letter into the 60-day review document to allow public input. Mr. Soisson indicated a majority of the citizens indicated they wanted the letter removed.

Mr. Soisson made a motion that the Commission direct staff to remove the letter from Appendix A of the Carroll County Master Plan. The motion was seconded by Mr. Wothers.

Commissioner Rothschild asked that Mr. Soisson articulate his reasons for the motion.

Mr. Soisson indicated that he disagreed with the inclusion of the letter. It is too political and too property-rights driven.

Jeffrey Wothers, Commission member, indicated that some people spoke in favor of the letter, but many more comments were received against the inclusion of the letter. He referred to 3-201 of the Land Use Article, noting that none of the agencies that the Commission is required to consult with are entitled to put a letter in the Commission's document even though the Commission is required to consult with them. Mr. Wothers suggested it is equally inappropriate for the Commissioners to include a letter. He noted that it is unclear what affect the letter would have as the Commissioners and Commission apply the document. Mr. Wothers referred to testimony provided at the hearing by Mr. Chadwick. His point was that the letter is superfluous, as citizens presume and expect that the Carroll County Government will comply with all laws, etc.

Commissioner Rothschild argued that the Commission voted to include the letter in the document.

Matthew Helminiak, Commission member, suggested that parts of the letter be included that are important as implementation strategies.

Cynthia Cheatwood, Commission member, argued that the Master Plan is not a regulatory document; it is not the Code.

Commissioner Rothschild stated there are things that are not addressed in the statutes or ordinances that need to be addressed.

Ms. Cheatwood agreed, but suggested that the Master Plan was not the appropriate place for them to be addressed.

The motion passed with Mr. Canale, Mr. Soisson, Mr. Wothers, and Ms. Cheatwood voting "Yes"; Commissioner Rothschild and Mr. Helminiak voted "No".

The Commission discussed the Environmental Principles on page 2 of the Master Plan. Mr. Hoff indicated that a 2005 date is used. He questioned whether that was the latest version or whether the current Board had adopted Principles. The latest version was found to be dated October 5, 2011.

Secretary Hager suggested the Commission discuss the proposed Resolution.

The Commission indicated they were not comfortable Approving the document without reviewing a final version showing all of the changes that had been made over the past several work sessions. Secretary Hager indicated a final document would be provided to the Commission at the December 3 work session, with Approval scheduled for the December 16 meeting.

Ms. Eisenberg noted that the Town of New Windsor did not provide a formal letter, but indicated they were not willing to bring the Beacham property into the Town at this time. It was the consensus of the Commission to follow the same principles used with the City of Westminster.

There being no further business, the Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried, adjourned at approximately 3:35 p.m.

Secretary

Approved