

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

January 20, 2015

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
Daniel E. Hoff, Alternate
C. Richard Weaver, Commissioner

Members Absent: Richard S. Rothschild, Ex-Officio

Present with the Commission were the following persons: Philip R. Hager, Tom Devilbiss, Brenda Dinne, Mary Lane, Tay Harris, and Kelly Martin, Department of Land Use, Planning, and Development; Gail Kessler, County Attorney's Office; Lynda Eisenberg, Scott Graf, and Nokomis Ford, Bureau of Comprehensive Planning; Clay Black, Laura Matyas, and John Breeding, Bureau of Development Review; Jay Voight, Zoning Administrator; Bryan Van Fossen, Office of Public Safety; Jeff Degitz, Recreation and Parks; Daryl Miller; James Belt; Pete Podolak; Billy Shrine; Joseph Lee; Mike Lee; Neal Roop; John Lemmerman; Dan Staley; and Steve Smith.

CALL TO ORDER/WELCOME

Chairman Yeo called the meeting to order at approximately 9:00 a.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, noted that there would be several staff members making brief presentations under Item No. 10, Department of Land Use, Planning & Development staff reports.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as distributed on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried.

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

A. December 16, 2014

The minutes of December 16, 2014 were approved as distributed on motion of Mr. Wothers, seconded by Mr. Canale, and carried.

REPORT OF AGENCY REPRESENTATIVES

- A. Public Safety
- B. Economic Development
- C. Management and Budget
- D. Recreation and Parks

A. PUBLIC SAFETY

Bryan Van Fossen reported that the Office of Public Safety has a new employee, Greg Dods, who will serve as Fire Protection Technician. One of the duties of this position will be the rural water supply resources and mapping of these resources in the County. Mr. Van Fossen noted that the radio system upgrade project is continuing.

Chairman Yeo noted that the Commission has been waiting for the Carroll County Volunteer Emergency Services Association (CCVESA) to report back to the Commission regarding last year's concurrency management discussion.

Mr. Van Fossen indicated he did not know the status of that effort.

B. ECONOMIC DEVELOPMENT

No report given; no representative present.

C. MANAGEMENT AND BUDGET

No report given; no representative present.

D. RECREATION AND PARKS

Jeff Degitz, Recreation and Parks, reported that most of the capital improvement projects for Recreation and Parks deal with park restoration—putting money into existing infrastructure. Projects include: replacing a pavilion at Hashawha that was constructed in the 1970's; roof replacement on the pavilion at Deer Park; new backboards on the basketball courts at Deer Park and Sandymount Park; and a new roof, siding, and windows at Piney Run Nature Center. Mr. Degitz noted that staff are continuing to work with the State Highway Administration regarding a trail along MD 27 and Hahn Road to connect with the existing trail in Bennett Cerf Park. The Westminster Community Pond is continuing to undergo extensive renovations. Mr. Degitz noted

that it has been a pleasure to work with the Bureau of Resource Management on this project, and they are anxious to reopen the park in the Spring.

Richard Soisson, Commission member, questioned the estimated time for the opening of Krimgold Park.

Mr. Degitz indicated that staff hopes to open the park in the Spring.

COMMISSION MEMBER REPORTS

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

A. COMMISSION CHAIRMAN

Chairman Yeo indicated that he had spoken with Commissioner Howard regarding the 2030 report. He suggested that the Commission receive a presentation from the group and follow that up with a discussion with the Commissioners. Chairman Yeo asked that Secretary Hager work with staff to get this scheduled.

Commissioner Weaver noted that a presentation was made to the Commissioners by the 2030 group. He agreed that a joint meeting between the Commissioners and Planning Commission was a good idea.

Chairman Yeo asked that a representative from the Economic Development Commission attend the 2030 discussion.

B. EX-OFFICIO MEMBER

Commissioner C. Richard Weaver reported that the Commissioners would be meeting next week to discuss appointments to Boards and Commissions, including the Planning Commission.

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 fifth one-year extension for the subdivision plan of Hewitt's Landing, 15 lots located off of Murray Road in the Finksburg area; a third one-year extension for the minor subdivision plan of Lippy's Legacy, one lot and a remaining portion located off of Carrollton Road in the Hampstead area; and a fifth one-year extension for the subdivision plan of Abbott Acres, 10 lots zoned Conservation located in the Finksburg area.

Lynda Eisenberg, Bureau of Comprehensive Planning, introduced Nokomis Ford, Planning Technician, who filled a long-time vacancy in the Bureau.

Ms. Ford indicated her background had been working with non-profits. She noted that she received her Master's Degree from Morgan State University. Ms. Ford explained that she would be handling annexation requests; rezonings; the Land Preservation, Parks, and Recreation Plan; as well as other duties.

Ms. Eisenberg reported that the Carroll County Master Plan was forwarded to the Board of County Commissioners on December 31, which starts the 60-day review period. She noted that the Carroll County Master Plan website had been updated to include the approved document as well as a static map image. Staff will be looking at some of the economic impacts and updating the Buildable Land Inventory based on information contained in the Plan.

Gail Kessler, County Attorney's Office, updated the Commission on the status of the Adam's Paradise case which is in the Court of Appeals.

Mr. Hager noted that there have been difficulties in filling a number of vacancies within the Department which has resulted in a savings of personnel expenditures. He explained that the Department, in the upcoming budget cycle, would be requesting additional personnel. One of these persons would be assisting in legislative matters. Because of the significant budget surplus, the Commissioners agreed to allow staff to hire a temporary contractual employee to address the current needs. Mr. Hager introduced Mary Lane, Special Projects Analyst, who will begin with the office on Thursday through the end of the fiscal year. Ms. Lane will be working on legislative tracking and monitoring, as well as Code changes requested by the Commission.

Ms. Lane indicated that she has a Master's Degree in Urban Studies, and most of her career was in Prince George's County. She has worked in Public Services Planning, as an Economic Development Coordinator, and with the County Council as a staff director for the Planning and Zoning Committee.

BRIEFING ON MEMORANDUM OF AGREEMENT (MOA) BETWEEN COUNTY AND MUNICIPALITIES RE: STORMWATER COST-SHARE AND RESPONSIBILITIES

Tom Devilbiss, Department of Land Use, Planning, and Development, noted that in September he had briefed the Commission on the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit and provided background information. He updated the Commission on recent developments, including the signing of a Memorandum of Agreement (MOA) on October 23, between the Commissioners and the Municipalities which was developed by the Water Resource Coordination Council. The MOA details a cost-share split of 80 percent County/20 percent Municipalities. Mr. Devilbiss reviewed the MOA in detail.

Matthew Helminiak, Commission member, mentioned an article in the newspaper stating that the Chesapeake Bay Foundation was challenging Howard County's Stormwater Management Agreement and possibly Carroll's as well.

Mr. Devilbiss explained that the permit was issued on December 29 and runs for five years. There is a judicial review period until January 29 in which anyone can challenge the permit. Staff will be meeting with the Board of County Commissioners to discuss whether they wish to file for a judicial review.

COUNTY & MUNICIPAL JOINT MEETINGS

Lynda Eisenberg, Bureau of Comprehensive Planning, noted that the Commission had requested that staff develop some possibilities for the County Planning Commission to reach out and meet with the local jurisdictions in order to create greater coordination amongst staff and the municipal planning commissions. She indicated that a planning liaison is assigned to each town planning commission.

Scott Graf, Bureau of Comprehensive Planning, reviewed a five-question survey that was developed to send to the individual municipal planning commission members, seeking responses as to whether a meeting was desired, a location for the meeting, and issues to be discussed.

Chairman Yeo expressed some concern that the survey results would be tallied county-wide rather than providing the issues and preferences of each individual municipal planning commission.

Daniel E. Hoff, Commission member, noted that the Commission had requested individual meetings with the municipal planning commissions.

After discussion, the Commission agreed to an initial joint meeting scheduled in March, with individual meetings being scheduled thereafter. Chairman Yeo asked that an invitation be sent to the municipalities providing the joint meeting date, noting that future individual commission meetings will be scheduled, and requesting agenda items. It was the consensus of the Commission that the survey be sent out prior to the joint meeting.

Chairman Yeo suggested that the liaison planners be provided an opportunity to update the Commission on activities within the municipal planning commissions. He noted that the Town of Mount Airy has already expressed an interest in a joint meeting with the County Planning Commission, so staff should move forward to schedule that meeting in April.

FREEDOM AREA PLAN STATUS UPDATE

Lynda Eisenberg, Bureau of Comprehensive Planning, introduced Tay Harris, Department of Land Use, Planning, and Development. She noted that during the February evening meeting, a work session will be held to discuss the Freedom Area Plan update.

FINAL SITE PLAN REVIEW

A. S-13-007, Living Water Garden Center

A. S-13-007, LIVING WATERS GARDEN CENTER

LOCATION: East side Maryland Route 27 at Lucabaugh Mill Road, 7th ED

OWNER: JHB MD Properties, LLC, P.O. Box 1330, Westminster, MD 21158
(LLC members: James H. Belt)

DEVELOPER: Belt Enterprises, Inc., P.O. Box 1330, Westminster, MD 21158

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

ZONING: Conservation

ACREAGE: 6.75 acres

WATERSHED: Liberty Reservoir

MASTER PLAN: Conservation

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

BZA CASES: 768, 3616, 5445, 5688

Laura Matyas presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Section 155.059 of the Code of Public Local Laws and Ordinances of Carroll County for consideration and approval of a site plan.

Existing Conditions:

The property currently hosts Living Waters, a garden and landscaping services center, approved as a conditional use followed by expansion of non-conforming uses by the Board of Zoning Appeals in Case Numbers 768 in 1972, 3616 in 1991, and 5445 in 2008. On January 29, 2013, the Board of Zoning Appeals approved Case Number 5688, a request by Belt Enterprises for the alteration / enlargement of an existing nonconforming use. In 1972 the property was in the Agricultural zoning district. In 1985 it was re-zoned to Conservation.

Seven buildings exist on the site including office, storage, retail, and greenhouse spaces. Forty-six existing parking spaces are delineated on the plan. The site utilizes private water and private sewer facilities.

The business's outdoor display area extends beyond the southern property line, occupying a portion of the State Highway right-of-way at Route 27. The State Highway Administration has approved the plan and acknowledged that it is not adverse to the current infringement as indicated on the plan.

Access to the site exists via an easement permitting ingress and egress to Lucabaugh Mill Road by use of the bed of Gahle Road, now Shandy Brook Drive. On the northern boundary of this 6.75-acre property there is a 30 foot wide easement or right-of-way for ingress and egress to the eastern adjoining property. Floodplain covers a majority of this boundary as well.

Progressive development of the site over time has resulted in a misalignment of the adjoiner's actual access via the subject property's drive and the recorded easement or right-of-way.

Site Plan Review:

The developer proposes the addition of three structures to the property; a two-story plus basement wood frame administrative building with a total of 3,000 square feet per floor, a one-story metal frame storage building totaling 1,350 square feet, and a 1,200 square foot greenhouse addition at the existing retail building. The greenhouse addition is annotated as phase two construction and will require a setback variance for encroachment on the 50 foot front yard setback before issuance of a building permit, as stated in the General Notes. Parking requirements will be met with the addition of eight new spaces at the proposed administrative building.

With this site development, the adjoining property's ingress and egress easement will be realigned to match existing conditions and a new deed recorded to reflect the adjustment.

The administrative building elevations are included on Sheet 2 of the site development plan set. In design, scale, and materials, it appears residential. The parking lot is situated on the north side at the elevation of the walk-out basement with a ramp extending through the landscape to the first floor level on the opposite elevation. Exterior wall and ceiling fixtures on this building comprise the extent of new lighting on the site.

A new septic system will be installed and the existing system will be abandoned under Health Department supervision. A 15,000-gallon fire protection tank on-site satisfies the fire protection requirements.

Stormwater Management will be addressed with an on-site stormwater management facility, rooftop disconnects, and a drywell at the office building. An easement of access will be granted to the Carroll County Commissioners.

Landscaping requirements are fulfilled with parking lot plantings and screening at the dumpster. A variance was applied for and granted providing relief from the minimum forest threshold related to afforestation and reforestation. The site was determined to be a special condition, an established business prior to the zoning change in 1985 and the adoption of the Forest Conservation Ordinance in 1992. With this variance, a business zone rather than a conservation zone standard was applied for the purposes of assessing forest conservation. Off-site forest banking will be utilized to comply with the requirements of the Forest Conservation Ordinance.

Fertilizer will be stored in the new storage building and per Water Resources requirements, no floor drains are permitted in this structure. The area of floodplain is indicated on the plan and there is no proposed work within the floodplain.

The concept site plan was subject to citizen involvement at the May 29, 2013 meeting of the Technical Review Committee. Although citizens were in attendance, no one spoke in reference to this project and no written correspondence has been received. The concept site plan was presented to the Planning and Zoning Commission at the June 18, 2013 meeting. The meeting minutes are attached to this report.

Recommendation:

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

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.
3. That phase two, the greenhouse, is conditionally approved contingent upon receipt of a setback variance and any changes to phase two as shown will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.
4. 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.
5. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
6. That a proof of purchase of the forest bank be included in the legal document submittal.
7. That a deed of easement for the realigned ingress and egress for the adjoining Supko property be recorded.

Discussion:

Richard Soisson, Commission member, noted that the retail operation had closed and questioned whether the developer felt there was still a need for a larger building.

James Belt, developer, noted that the Garden Center portion of the company had closed. He explained that the existing office space is located in the basement of the retail building. The offices will be moving upstairs. Mr. Belt indicated the plan addresses long-term needs.

Pete Podolak, Leon A. Podolak and Associates, indicated there is a 36" culvert that passes under MD 27 and drains through the center of the property. The storage shed will house fertilizer to prevent environmental problems that can occur with outside storage.

There were no public comments.

Mr. Podolak requested the removal of Condition No. 7 requiring recordation of a deed of easement for the realigned ingress and egress for the adjoining Supko property. The adjoining property owner has indicated they would sign the necessary paperwork, but they have not yet done so.

Philip R. Hager, Secretary, recommended that the Commission retain Condition No. 7. In the event, after a certain period of time, if the applicant is unable to get the paperwork signed by the adjoining property owner, an amended site plan will be necessary.

Chairman Yeo suggested that staff meet with the adjoining property owner in cooperation with the developer to facilitate the signing of the paperwork. He thought than an explanation of the need for the signature and the change to the easement from an unbiased source might assist in the process.

Decision:

Pursuant to Section 155.059, the Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Weaver abstained), approved the site plan subject to the seven conditions listed in the staff report.

SPECIAL REPORT

- A. M-14-0052, Rochester Oaks, Resubdivision of Lot 2
- B. Miller Property

A. M-14-0052, ROCHESTER OAKS, RESUBDIVISION OF LOT 2

LOCATION: West side of Salem Bottom Road, North of Nicodemus Road, E.D. 7

OWNER: Kevin P. & Linda L. Kirby, 2568 Salem Bottom Road, Westminster, MD 21157

DEVELOPER: Same as Owner

ENGINEER: RTF Associates, 142 East Main Street, Westminster, MD 21157

ZONING: Agricultural

ACREAGE: 8.186 acres

NO. OF LOTS: 2 Lots (1 existing, 1 proposed)

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Winfield

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 as to the applicability of General Note 14 on the original plat of Rochester Oaks.

Existing Conditions:

In 1976, Rochester Oaks subdivision was recorded in Plat Book 16, Page 13 (see attached). On the record plat, General Note 14 states, "No further subdivision of the lots and/or tracts shown hereon shall be permitted for the purpose of creating additional lots or tracts. Any modifications or plat reassembly shall be subject to approval by the Carroll County Planning and Zoning Commission." Rochester Oaks preceded the current standard for subdivision in the Agricultural Zoning District which was adopted in 1978. Lot 2, with 8.816 acres, meets the minimum lot size of 6 acres required for subdivision in the Agricultural Zoning District.

Created as Lot 2 of the three-lot subdivision, the subject property is a developed agricultural parcel with one single-family residence and two outbuildings. With no forest or streams on site, a majority of the property lies open with a gently sloping terrain. Landscaping at the western property line provides a screen at the adjoining property.

All adjoining properties lie in the Agricultural Zoning District and are built with single-family residences. The adjoining property to the north is Lot 1 of Rochester Oaks subdivision. Lot 3 of Rochester Oaks is situated to the southwest of the subject property. Lot 1 is heavily wooded for the extent of the common property line and the southern adjoining property maintains forest cover at the front half of the common property line.

Access off of Salem Bottom Road is via a use-in-common drive. An easement for ingress and egress to Parcel A, a cemetery parcel, exists by deed dating to 1902 and is indicated on the plat of Rochester Oaks.

Plan Review:

The developer proposes to create one new 2.963-acre residential lot and a 5.223-acre Remaining Portion. With this subdivision, the lot yield is exhausted; no further subdivision may occur. The size of the proposed Lot 4 accommodates the location of the successful percolation tests. Existing cemetery Parcel A will remain on Lot 2A. Access is proposed off of Salem Bottom Road.

If the Planning and Zoning Commission authorizes the resubdivision of Lot 2, it will be processed as a minor subdivision. 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 Chairman of the Planning and Zoning Commission.

Staff and the Developer are requesting direction from the Commission regarding the applicability of General Note 14 on the original plat of Rochester Oaks.

Discussion:

John Lemmerman, RTF Associates, indicated that the property owners were unable to attend today's meeting due to a death in the family, but they did ask that the project be heard in their absence.

Ms. Matyas indicated that she had heard from two neighbors that had no objection to the subdivision of the lot, but questioned the access. She explained that a decision on the access and agency review will occur if a positive decision is received from the Commission.

Mr. Lemmerman noted that the lot is to be utilized by the owner's daughter. He noted that the Commission had set precedence to allow this to occur when a similar project he was engineer for was allowed to move forward.

There were no public comments.

Decision:

After discussion regarding General Note 14, the Commission, on motion of Mr. Soisson, seconded by Mr. Helminiak, and unanimously carried, authorized the resubdivision of Lot 2 as a minor subdivision.

B. MILLER PROPERTY

Daniel E. Hoff, Commission member, recused himself from this discussion because of his relationship with the North Carroll Community School.

LOCATION: East side of MD Route 97 at intersection with Lamb Drive, E.D. 7

OWNER: Donald E. Miller Family, LLC c/o Daryl Miller, 13302 Red Coat Lane, Phoenix, MD 21131

North Carroll Community School, Inc. c/o Scott Lynn, 75 Lamb Drive, Westminster, MD 21158

JMDL Associates, LLC, 1731 Littlestown Pike, Westminster, MD 21157

Hugh Clifton Carr III, 111 Bachman's Valley Road, Westminster, MD 21158

DEVELOPER: Donald E. Miller Family, LLC c/o Daryl Miller, 13302 Red Coat Lane, Phoenix, MD 21131

ENGINEER: DRS & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Agricultural

ACREAGE: 136 acres

NO. OF LOTS: 11 lots and 2 remaining portions

WATERSHED: Double Pipe Creek

FIRE DISTRICT: Westminster

MASTER PLAN: Agriculture

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

Clayton R. Black presented the background.

Action Required:

The plan is before the Planning and Zoning Commission for approval to utilize adjoining tracts in calculation of lot yield.

Background:

The Miller Family LLC owns two properties, identified as parcels 249 and 250. These two properties are 68 acres each and in accordance with Chapter 155 of the Carroll County Code of Public Local Laws and Ordinances the residential lot yield for each property would be 4 new lots and a remaining portion. The publicly maintained road frontage for these properties occurs through a 50 foot in-fee strip, owned by Miller, out to Littlestown Pike. Lamb Drive is contained within this strip.

Adjoining the Miller Farm LLC properties are three separate properties that are each entitled to residential lot yield. The developer desires to utilize Section 155.091B of the Code in relocating that residential density onto his property.

§ 155.091 SUBDIVISION IN THE AGRICULTURAL DISTRICT.

(B) Utilization of adjoining tracts.

(1) When lots are created for residential purposes in the "A" District, the lots are to be located and sized so the agricultural land devoted to residential use is minimized, and the amount of land retained for agricultural use is maximized. The total density of adjoining tracts and legally created off conveyances may be used to comply with these standards, and the lots resulting from development of adjoining tracts may be located on one or more of the tracts. In computing density for purposes of this section, tracts which are subject to an Agricultural Preservation District agreement or easement may not be counted. Total number of residential lots shall be based upon yield from actual acres of various tracts.

(3) Whenever density from a transferring tract is relocated onto one or more adjoining tracts, the transferring tract shall retain at least one residential building right or the transferring tract shall be combined with another tract or tracts unless modified by the Planning Commission.

Lot 1A of Midway Farm, Plat Book 33 Page 92 (attached), was platted for a residential building unit. North Carroll Community School, a non-residential use, is currently located on that lot. Since this property was platted for a residential lot and no residential unit has been constructed, the developer desires to relocate that density onto the adjacent Miller property, parcel 249. That would then result in lot 1A being a non-residential tract.

Similarly, lot 2 of Midway Farm, Plat Book 24 Page 58 (attached), was also platted for a residential building unit. Piney Creek Management and Maintenance, a non-residential use, is located on that lot. Since this property was platted for a residential lot and no residential unit has been constructed, the developer desires to relocate that density onto the adjacent Miller property, parcel 249. That would also result in lot 2 being a non-residential tract.

The third property, owned by Mr. Carr (parcel 369), contains no structures and is comprised of 17 acres which would yield 1 residential lot and a remaining portion. The developer desires to relocate the one residential yield onto the adjoining Miller property, parcel 250. The 17 acres would then be identified on a record plat as only entitled to one residential density.

A concept plan, Bear Branch Estates P-02-029, was submitted in 2003 for 11 lots. That lot yield was calculated on property owned by the Miller's with all the lots to be located on parcel 249. No preliminary plan was submitted and in accordance with current development regulations each property is now limited to a maximum of seven lots, thereby hampering the ability to cluster all the lots in one location.

Included in the package is a proposed subdivision plan (sheet 3) that shows a potential layout if the Commission approves the relocation of the density onto the Miller parcels. That plan meets the requirements of locating no more than seven lots on each parcel.

If the density relocation is deemed acceptable to the Commission, amended record plats will be required for lots 1A and 2 to convert these lots into non-residential tracts. Also, an amended plat will be required that extinguishes one residential density unit for parcel 369.

The developer has had a preliminary meeting with Agricultural Preservation county staff regarding the process for placing the Miller property (parcels 249 and 250) into the Agricultural Preservation Program.

These adjoining property owners are in support of relocating the density onto the Miller property (parcels 249 and 250).

For Discussion:

Developer requests approval to relocate density from parcel 369 and lots 1A and 2 of Midway Farm onto the Miller properties (parcels 249 and 250).

Discussion:

Daryl Miller, developer's representative, explained that Lots 1A and 2 had expressed some interest regarding adding to their properties to provide a buffer. He noted that since the drawing was submitted, Lot 1A is exploring the possibility of selling their property, so they may or may not acquire additional property. Lot 2 and Parcel 369 are still interested in adding to their properties and transferring their lot yield to Lots 249 and 250. Lots 249 and 250 would expand to 13 lots instead of 10.

Chairman Yeo questioned the ability for the developer to request transferring residential lot yield from a property that has already been fully utilized as another use like Lots 1A and 2.

Dan Staley, DRS & Associates, explained that Lots 1A and 2 were originally approved as residential lots, but were developed as non-residential uses. The owners could come back and put a residential house on these properties. Mr. Staley indicated the property owners are willing to give up that right in exchange for additional land.

Gail Kessler, County Attorney's Office, noted that the property owner has visited the Agricultural Land Preservation office to discuss putting the property into the program. If the Commission transfers the lot rights, the cost to the County to put the property under easement increases.

Chairman Yeo suggested that information was irrelevant in the Commission's decision.

Daniel E. Hoff, speaking as a representative of the owner of Lot 1A, noted that Lot 1A is currently zoned agricultural with no residential use. A church was built on the property as a principle permitted use in the agricultural district. Mr. Hoff explained that when the property was sold, it was converted into a school which is also a principle permitted use in the agricultural district. The property retains its residential building right.

Mr. Black explained that Lots 1A and 2 could add a residential use as long as setbacks are met. If the residential lot yield transfer is approved, an amended plat would be recorded to eliminate the possibility of that occurring.

Secretary Hager indicated that the Commission must also consider the "benefits to agriculture" test. He suggested that allowing the transfer of yield and not leaving a residential lot yield would arguably be "rezoning" the property. Secretary Hager recommended that the Commission add a condition to any such approval that the property not be considered for the Agricultural Land Preservation Program. Transferring additional lots to these parcels will increase the appraisal value.

(Commissioner Weaver left the meeting.)

Decision:

After considerable discussion, the Commission, on motion of Mr. Soisson, seconded by Ms. Cheatwood, and unanimously carried, decided that the transfer of one residential lot yield from Parcel 369 would meet Section 155.091(B)(1) and (3) and approved the transfer.

The Commission, on motion of Mr. Soisson, seconded by Ms. Cheatwood, and carried (Ms. Cheatwood voted “No”), decided that the transfer of one residential lot yield from both Lots 1A and 2 does not meet the requirements of Section 155.091(B)(1) and (3) and disapproved the transfers.

CONCEPT SITE PLAN REVIEW

A. S-14-003, Taylorsville 7-Eleven, Amended Site Plan

A. S-14-003, TAYLORSVILLE 7-ELEVEN, AMENDED SITE PLAN

LOCATION: 4213 Ridge Road, Westminster, Maryland 21157

OWNER: James Kibbe, “Trustee for Taylorsville Association”, C/O High’s Dairy Store 28924, P.O. Box 711, Dallas, Texas 75221

DEVELOPER: The 7–Eleven Incorporated, 1800 Winterfield Road, Midlothian, Virginia 23113

SURVEYOR: Eco Land Solutions LLC, 223 N. Prospect Street, Suite 205, Hagerstown, Maryland 21740

ZONING: General Business (BG)

ACREAGE: 29,621 Sq. Ft.

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Winfield

MASTER PLAN: Business

PRIORITY

FUNDING AREA: Taylorsville (Rural Village)

John Breeding presented the background.

Action Required:

The Plan is before the Commission for guidance and comments on the concept site plan per Chapter 155 of the Carroll County Code of Public Local Laws and Ordinances.

Existing Conditions:

The property is located at the intersection of Maryland Route 27 (Ridge Road) and Maryland Route 26 (Liberty Road) in Taylorsville. The original building was a High’s Dairy store built in 1978; there is an existing site plan on file for the canopy which was approved in 1985.

A 7-Eleven convenience and fueling station is the current tenant at this location. The existing pump stations are all dual dispensers. Two of these gas pump stations are under the existing canopy, with the third, a diesel pump station, located along a curb on the north side of the lot. The current site has 28 parking spaces plus one handicap parking space in front of the store.

The property is zoned General Business and the current land use is Business. The site is served by its own well and septic system. Access to the site is an existing two-way commercial entrance onto Maryland Route 27. The adjoining properties are all zoned General Business with the surrounding properties being a mix of General Business, R40-000, Conservation and Agriculture.

Concept Site Plan Review:

The site plan was submitted to the Bureau of Development Review and distributed to the technical review agencies on April 4, 2014. The project was presented at a Technical Review Committee (TRC) meeting on May 22, 2014. No citizens spoke at the meeting, nor has the Bureau received any written correspondence.

Initially, the plan proposed a new canopy (14 feet in height) covering three new dual gas pump stations with the existing dual diesel pump station to remain along the curb on the north side of the site. That plan showed all of the existing parking spaces on the site to remain. The corner of the canopy was proposed about 35'-0" from the edge of Maryland Route 27. A small portion of the curbing was being removed near the building with the five parking spaces along the building remaining. That design led to the staff having concerns regarding traffic movement on the site causing potential blockage of the existing parking spaces and movement of traffic while other vehicles are fueling. As a result, the engineer revised the design of the site and resubmitted.

The revised plan now shows the canopy to be about 50'-0" from that same curb (instead of 35'-0"). The existing five parking spaces along the building are being reduced to three parking spaces with two spaces painted with stripping and labeled "No Parking". The plan shows some of the existing curbing to be removed to allow for a minimum 12'-0" single direction lane for vehicle movement into the pump stations. The existing ten parking spaces to the northeast will be removed completely to allow for a minimum 12'-0" single direction lane for exiting the pump stations. The existing diesel pump is now being removed.

A minimum of 12 parking spaces are required by §155.077 of the Carroll County Code of Public Local Laws and Ordinances. The plan proposes eighteen parking spaces including one handicap accessible space. There will be directional arrows on the pavement showing one-way movement around the pumping area. No new lighting is being proposed.

Although staff feels this design is much improved from the initial submittal, staff has additional concerns about the location of the diesel dispensing units. The engineer indicated that two of the three dual pump islands would be dispensing diesel in addition to gas. These two diesel pump islands would be the one closest to the building and the center pump island. Staff feels this could still cause a potential of blocking traffic movement near the entrance and exit of the site and suggests locating the diesel pump islands at the center island and the island furthest away from the building.

In accordance with the applicable codes, exemptions from Stormwater Management, Landscaping, and Forest Conservation Ordinances were granted. Floodplain, Water Resource Protection, Grading Inspection, Fire Protection, and Health Department have all approved the concept plan.

Since no changes are proposed for the entrance, the Maryland State Highway Administration had no issues with the plan as submitted and has approved the concept plan and the existing entrance. A traffic impact study was not required for this work.

Discussion:

The Commission discussed their concerns regarding the flow of traffic on-site, the number of parking spaces available, parking availability for trucks with trailers, relocation of the vacuum and air dispensers, etc. It was the consensus that the plan made the best of a bad situation.

Chairman Yeo asked that consideration be given to providing one double-long parking space to allow for the parking of trucks with trailers.

There being no further business, the Commission adjourned at approximately 1:45 p.m. The next Commission meeting is scheduled for Wednesday, February 4 at 6:00 p.m.

Secretary

Approved