

MEETING SUMMARY
Carroll County Planning and Zoning Commission

July 1, 2015

Location: Carroll County Office Building

Members Present: Alec Yeo, Chairman
Richard J. Soisson, Vice Chair
Matthew S. Helminiak
Jeffrey A. Wothers
Cynthia L. Cheatwood
Richard S. Rothschild, Ex-Officio
C. Richard Weaver, Commissioner

Members Absent: Eugene A. Canale
Daniel E. Hoff, Alternate

Present with the Commission were the following persons: Philip R. Hager and Kelly Martin, Department of Planning & Governmental Affairs; Tom Devilbiss, Department of Land and Resource Management; Gale Engles, Bureau of Resource Management; Jay Voight, Zoning Administrator; John Breeding, Bureau of Development Review; Brooks Leahy; Dave Bowersox; and Sam Mangione.

CALL TO ORDER/WELCOME

Vice Chair Soisson called the meeting to order at approximately 6:05 p.m.

ESTABLISHMENT OF QUORUM

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

PLEDGE OF ALLEGIANCE

OPENING REMARKS/ADMINISTRATIVE MATTERS

Secretary Hager reported that the amendments to the Water and Sewer Master Plan that were reviewed by the Commission last month were approved by the Board of County Commissioners and forwarded to the Maryland Department of the Environment. He noted that Carroll County will be hosting the Maryland Sustainable Growth Commission meeting in Sykesville. Mr. Hager indicated the Board will be meeting tomorrow to deliberate on the Nonconforming Use legislation forwarded by the Commission. He reminded the Commission that ITS is looking for a representative to serve on the Fiber Advisory Panel. Mr. Hager reported that yesterday was the last day of the fiscal year and also the last day for Special Projects Analyst, Mary Lane. He noted that Ms. Lane's efforts were instrumental in helping the department. The Board has set aside a small amount of money and will determine which of 14 positions requested by all County departments will be funded by this money. Mr. Hager noted that he is hopeful the Board will look favorably upon funding Ms. Lane's position. He explained that at the conclusion of tonight's meeting, the Commission will move into a Closed Session to discuss pending litigation. Mr. Hager noted that staff at the Board of Education (BOE) have indicated the BOE declined to

make the requested changes to the Carroll County Public Schools Educational Facilities Master Plan. A draft letter was distributed for Commission review.

REVIEW AND APPROVAL OF AGENDA

The Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried (Commissioner Rothschild abstained), approved the agenda as written.

PUBLIC COMMENTS

There were no public comments.

DISCUSSION – PROPOSED MODIFICATIONS TO THE B-NR ZONING DISTRICT

Secretary Hager noted that several weeks ago attorney Brooks Leahy presented a proposed text amendment to the Commission that would address larger lots in the B-NR District.

(Chairman Yeo entered the meeting.)

Secretary Hager indicated he met with staff to review the draft language and modifications were made and forwarded to Mr. Leahy for his review. The language provided to the Commission on the yellow paper is the result of these meetings and review. The Commission also received copies of the current language in the Code. Secretary Hager noted that only five parcels in the B-NR District are larger than five acres. He reviewed the proposed language.

Secretary Hager explained that there are a number of property owners in the Freedom area interested in having their property rezoned. Staff is trying to address these issues through the Freedom Comprehensive Plan update process. Secretary Hager noted that with the recent loss of staff, the completion date of the plan and associated comprehensive rezoning will be extended.

Chairman Yeo cautioned that the Commission not make changes to the Code for particular properties.

Brooks Leahy, attorney representing Sam Mangione, noted that the County has a policy not to allow change/mistake rezoning requests when the County is undergoing a comprehensive plan update. He indicated his client would prefer a piecemeal rezoning to a proposed Code amendment, but that was not an option at this time.

Commissioner Rothschild asked whose decision it was to defer piecemeal rezoning requests.

Secretary Hager noted that staff was planning to request that the Board of County Commissioners ask for a moratorium on applications until the Approval/Adoption of the Plan.

Matthew Helminiak, Commission member, asked the best case scenario with regard to a timeframe for Approval/Adoption.

Secretary Hager indicated that staff had hoped to be at that point within 18-24 months, but Mary Lane had been doing a lot of the work associated with the plan and her contract ended yesterday.

The Commission agreed that a two-year moratorium was not acceptable.

Secretary Hager noted that there is a list of approximately 18 property owners requesting rezonings.

Mr. Helminiak asked how long these people have already been waiting.

Secretary Hager indicated some have been waiting as long as a year. He suggested that if the Commission wished to expedite these requests and take action prior to the proposed moratorium that letters be mailed requesting applications for piecemeal rezonings. These applications could be limited to the MD 26 corridor. Staff would work to process those while others continue working on the Freedom Plan and the Zoning Ordinance Recodification. He noted that once the Freedom Plan is Adopted, the County still has to complete the comprehensive rezoning process.

Chairman Yeo asked how quickly staff could work through the recodification process for the Zoning Ordinance. He suggested pulling out the "C-1", "C-2", and "C-3" Commercial zones and working on the recodification for those designations to be used in the Freedom Plan.

Secretary Hager noted that he thought it could be possible to have those elements adopted by the Board of County Commissioners by October, if there is adequate staff resources, specifically the return of Mary Lane.

Mr. Leahy questioned whether the piecemeal rezoning applications would be accepted now and begin processing or whether they would be waiting until after the adoption of the new zones in October.

Secretary Hager indicated that applications could be processed now with "BG" and "B-NR" used as placeholders.

Secretary Hager summarized the Commission's direction as follows: the Commission directs staff to put together the Ordinance language associated with implementation of the "C-1", "C-2", and "C-3" zones for Commission review as soon as possible and to the Board of County Commissioners for acceptance to move forward with Commission review; the Commission will review and ultimately approve the language for adoption by the Board of County Commissioners. Everyone in the queue in the Freedom area can apply for change/mistake rezonings choosing from the "C-1", "C-2", or "C-3" districts.

The above direction was approved by the Commission, on motion of Mr. Wothers, seconded by Mr. Soisson, and carried (Commissioner Rothschild abstained).

Chairman Yeo suggested that letters also be sent to the local land use attorneys to make them aware of the application period for piecemeal rezonings.

FLOODPLAIN CODE AND MAP UPDATE

Tom Devilbiss, Department of Land and Resource Management, provided background to the Commission regarding the Federal Emergency Management Agency (FEMA) Revised Flood Insurance Rate Maps, noting that the current maps became effective in 1981. The process to revise the maps has been underway since 2004 and a letter of determination was finally issued in

April 2015, with the maps becoming effective October 2, 2015. Mr. Devilbiss explained that the new maps are digital, contain more accurate surface elevation data, and provide up-to-date surface runoff estimates. Approximately 3,309 properties are designated within the FEMA 100-year floodplain, along with 182 residential structures. Carroll County and the municipalities have six months to make the necessary revisions to the existing Code. Mr. Devilbiss explained that most of the municipalities delegate the responsibilities to regulate the Floodplain Code back to Carroll County. Staff is in the process of updating the Code. Changes to the Code include additional or revised definitions required by FEMA and the Maryland Department of the Environment (MDE), clarification of the existing process, and designation of the agencies responsible for the implementation of Floodplain Management. Mr. Devilbiss indicated staff will be meeting with the Board to request to move forward to a public hearing, the process of Code modification should be completed by the October 2 deadline. He noted that a drafting error on some of the maps in the southern part of the County was brought to the attention of FEMA and MDE, but the maps were not revised. Nine of the 56 panels will need to be revised, and this should occur within six months after adoption. County staff are using the revised maps for any projects that are reviewed and brought before the Commission for action.

The Commission offered their support and positive recommendation in the pursuit of adoption of the proposed Code changes.

CLOSED – TO CONSULT WITH STAFF, CONSULTANTS, OR OTHERS ABOUT PENDING OR POTENTIAL LITIGATION

Pursuant to State Government Article, Section 10-508(a) (8), Mr. Soisson made a motion, seconded by Mr. Helminiak, and unanimously carried, to close the meeting for the purpose of consulting with staff, consultants, or other individuals about pending or potential litigation. Mr. Soisson, Mr. Wothers, Ms. Cheatwood, Mr. Helminiak, and Commissioner Rothschild voted “Aye” on the motion to close; Mr. Yeo, sitting as Chair, did not vote. The Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried, approved a motion to adjourn the meeting following the completion of the Closed Session. The Commission entered into closed session in Room 003 of the County Office Building at approximately 7:40 p.m. Present with the Commission were the following persons: Commissioner C. Richard Weaver, Philip R. Hager, and David Bowersox. The Commission met in Closed Session until approximately 9:15 p.m.

Secretary

Approved