

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

December 15, 2015

Location: Carroll County Office Building

Members Present: Matthew S. Helminiak, Chair
Richard J. Soisson, Vice Chair
Alec Yeo
Eugene A. Canale
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, Mary Lane, and Kelly Martin, Department of Planning; Lynda Eisenberg, Nokomis Ford, and Andrea Gerhard, Bureau of Comprehensive Planning; Clay Black, Laura Matyas, and Price Wagoner, Bureau of Development Review; Jay Voight, Zoning Administrator; Heather Norris; William Vernall; Mike Eikenberg; Bill Ensor; and Arla Ely.

CALL TO ORDER/WELCOME

Chair Helminiak called the meeting to order at approximately 1:30 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

Philip R. Hager, Secretary, referred the Commission to Agenda Item No. 16. Freedom Plan Work Session, Economic Development Element (tentative). He noted that staff does not feel it is appropriate to distribute this Element when comments have not been received from all agencies. Secretary Hager asked that the Commission remove this discussion item from the agenda.

REVIEW AND APPROVAL OF AGENDA

The Commission, on motion of Mr. Wothers, seconded by Mr. Canale, and carried, approved the agenda as distributed with the deletion of the Economic Development Element (tentative) item.

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

A. November 17, 2015

The minutes of the November 17, 2015 meeting were approved on motion of Mr. Soisson, seconded by Mr. Yeo, and carried.

COMMISSION MEMBER REPORTS

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

A. COMMISSION CHAIR

Chair Helminiak indicated he had nothing to report.

B. EX-OFFICIO MEMBER

Commissioner Rothschild reported on the outcome of the American Farm Bureau Federation lawsuit against the Environmental Protection Agency regarding the Chesapeake Bay clean up.

ADMINISTRATIVE REPORT

- A. Administrative Matters
- B. Extensions
- C. BZA Cases
- D. Other

A. ADMINISTRATIVE MATTERS

Philip R. Hager, Secretary, reported that the Board of County Commissioners held a public hearing and concurred with the Planning Commission's findings with regard to the Walmart rezoning. He noted that last week was the Winter MACo Conference which provided an opportunity for staff to interface with state-level officials. Secretary Hager reported that Secretary Craig, Maryland Department of Planning, will be spending a day in the County in January. The Commission will be provided an opportunity to participate in that day. Secretary Hager noted that staff is still working to fill the vacancy created from Tay Harris' departure following the position's second advertisement. He noted that another vacancy will be created as Kelly Martin will be moving to the Department of Land and Resource Management in January. She will continue to assist the Commission through the month of March.

B. EXTENSIONS

Clay Black, Bureau of Development Review, reported that one extension had been granted since the last meeting: a sixth one-year extension for the site plan for Bethania Home Care, a 16-bed assisted living facility located in Election District 7. The extension was granted to ensure the project was wrapped up before the deadline.

C. BZA CASES

Secretary Hager reported that staff provided comments to the Board of Zoning Appeals (BZA) on four cases as follows: BZA Case No. 5909, Joshua Cole, request for an expansion of a non-conforming use for an addition to the house on 0.391 acres of property at 1325 Pleasant Valley Road in Westminster in the County's Agricultural District; BZA Case No. 5910, James H. Masimore, Jr., request for a conditional use for a contractor's equipment storage yard on 3.71 acres of property at 4744 Maple Grove Road in Hampstead in the County's Agricultural District; BZA Case No. 5911, David T. & Barbara A. Coyle, request for a conditional use and variance for a contractor's equipment storage yard on 4.007 acres on Deer Park Road in Westminster within the County's Agricultural District; and BZA Case No. 5912, James W. Brathuhn, Jr., request for a conditional use and variance for a blacksmith welding shop on 8.36 acres at 1300 Brodbeck Road in Hampstead in the County's Conservation District.

D. OTHER

Secretary Hager indicated he had nothing further to report at this time.

SPECIAL REPORT

A. S-15-0025, New Sign at Countryside Driving Range

A. S-15-0025, NEW SIGN AT COUNTRYSIDE DRIVING RANGE

LOCATION: 1199 S. Pleasant Valley Road; Election District 2

OWNER: Countryside Driving Range LLC, 1199 S. Pleasant Valley Road, Westminster, MD 21158

CONTRACTOR: Gable Signs and Graphics, 7440 Fort Smallwood Road, Curtis Bay, MD 21226

ZONING: Agricultural

ACREAGE: 31.19 acres

Clayton R. Black presented the background.

Background and Action Requested:

On behalf of the property owner, the Contractor has requested to locate a new sign at the Countryside Driving Range (location attached). In 2000, the Carroll County Planning and Zoning Commission approved a site plan for Countryside Driving Range that included a sign detail shown on sheet 10. The approved signage would be mounted on a fence that would be located on both sides of the driveway entrance to Pleasant Valley Road. The site plan is attached to this report. An amended site plan was approved in 2005 that added the miniature golf course. No additional signage was shown on that plan.

Access to Countryside Driving Range is off of South Pleasant Valley Road. This and all surrounding properties are zoned agricultural. Carroll Lutheran School is located directly across

the south side of Taneytown Pike. Jehovah's Witnesses is the owner of the contiguous property directly to the west of the driving range.

The proposed sign (attached) is 22 feet in height and may include an electronic message center in the golf ball location. The proposed sign meets the applicable zoning regulations for height, size, and location. Staff has brought to the contractor's attention the Planning and Zoning Commission's history of scrutinizing the review of sign heights and electronic message features. Staff forwarded the proposal to the Planning Commission Chair for input and direction. The Chair indicated that the entire Commission should review the attached proposal. The Carroll County Code of Public Local Laws and Ordinances § 155.059 SITE PLAN REQUIREMENTS states the following:

(A) General requirements.

(1) Except as provided in division (A)(4) below, all principal permitted and conditional uses in any district shall be subject to a site plan review by all applicable review agencies as determined by the Director.

(2) The site plan shall be presented to the Planning Commission, which shall have the authority to approve the plan as presented, approve the plan with modifications or conditions, or disapprove the plan.

(3) No zoning certificate or building permit may be issued until the Planning Commission has approved the plan.

(B) Site development plans. In approving site development plans, the Planning Commission shall have the authority to:

(1) Approve the location and design of all site improvements;

(2) Limit the number and approve the location and design of entrances and exits;

(3) Require a plan which shows how signs are to be located and designed and may approve, reject, or modify the sign plan to promote an attractive and pleasing appearance;

(4) Require a plan which shows the location, design, and effect of any outside lights to be used on the property and the effect of any inside lights to be used if their use would affect adjacent, neighboring, or contiguous properties. The Planning Commission may approve, reject, or modify the plan where appropriate to prevent visual interference to the traveling public on adjacent roadways, or glare or reflections on adjacent buildings or neighboring properties;

Staff is requesting that the Commission review the proposal and provide direction.

Discussion:

Mike Eichenberg, Countryside Driving Range, indicated that the business name on the sign was changed to more clearly reflect what it is.

The Commission discussed the height and location of the proposed sign.

Grayson Gable, Gable Signs and Graphics, indicated the sign was located where the existing sign sits on the edge of the property. He explained that the golf ball portion of the sign is a fully programmable screen.

Chair Helminiak asked how close the sign brings the owner to the maximum allowable square footage.

Mr. Black explained that the proposed sign is the maximum square footage allowed.

Daniel E. Hoff, Commission member, asked what would happen to the existing signs at the end of South Pleasant Valley Road.

Jay Voight, Zoning Administrator, indicated the signs at the entrance would need to be removed.

Mr. Eichenberg stated he was not aware that the new sign maximized his square footage.

Mr. Voight explained how the square footage is calculated.

Chair Helminiak suggested that the size of the sign be reduced enough to allow for at least one sign at the entrance on South Pleasant Valley Road.

Decision:

The Commission, on motion of Mr. Yeo, seconded by Mr. Wothers, and carried (Commissioner Rothschild abstained), directed staff to allow Countryside Driving Range, LLC, to proceed with the sign as presented with regard to height and design. If they so choose, however, the developer is given the flexibility to reduce the height of the proposed sign as long as the total square footage of all signs on site shall not exceed the maximum square footage allowed by the Code.

An amended site plan will be brought before the Commission Chair for approval in the near future.

INTRODUCTION TO THE CARROLL COUNTY BICYCLE AND PEDESTRIAN MASTER PLAN AND BIKE/PED SURVEY

Lynda Eisenberg, Bureau of Comprehensive Planning, explained that a Greenways, Bicycle, and Pedestrian Facilities Network technical report was prepared in 1994, but never adopted. In 2014, staff removed the Freedom Bicycle and Pedestrian Plan from the Freedom Plan update and received Planning Commission certification. Ms. Eisenberg noted that two of the top-rated sidewalk projects in the Plan have been implemented.

Nokomis Ford, Bureau of Comprehensive Planning, discussed the draft outline for the Bicycle and Pedestrian Master Plan. She reviewed in detail data collected from the Sheriff's Department regarding bicycle and pedestrian collisions from January 2012 to August 2015.

(Mr. Hoff left the meeting.)

Ms. Eisenberg reviewed staff's outreach efforts, including meetings with Commissioner Frazier, Baltimore Metropolitan Council, Sheriff's Department, Department of Public Works, and GIS staff. The Commission discussed the questions in the draft survey.

Ms. Ford thanked Tara Myers for her work in the development of the plan cover.

Chair Helminiak suggested that staff consider posting the survey on the Sykesville On-Line Facebook Page in order to reach a large number of citizens at no cost.

Alec Yeo, Commission member, suggested that the link to the survey be forwarded to the members of the Carroll County Master Plan database, as well as the Freedom Plan database.

FALL 2015 AMENDMENTS TO THE 2014 CARROLL COUNTY WATER AND SEWER MASTER PLAN – RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS

Andrea Gerhard, Bureau of Comprehensive Planning, distributed a revised staff report to the Commission. She reported that the Spring Amendments to the Carroll County Water and Sewer Master Plan were just approved by Maryland Department of the Environment (MDE). Ms. Gerhard reviewed the Fall Amendments to the Mount Airy and Sykesville Water Service Areas which included: (1) extending Mount Airy's Priority Water Service Area (W-3) to include the portions of the Leishear property that lie within the Town's Ultimate Growth Boundary; (2) amending Mount Airy's Long Range Planning Water Service Areas (10+ year) (W-6) to establish consistency with the Town's newly adopted master plan; and (3) amending the Freedom chapter map and table to reflect modifications resulting from a new state-county agreement on allocations. She then reviewed the Fall Amendments to the Mount Airy, New Windsor, and Sykesville Sewer Service Areas which included: (1) extending Mount Airy's Priority Sewer Service Area (S-3) to include the portion of the Leishear property that lies within the Town's Ultimate Growth Boundary located within their newly adopted master plan; (2) amending Mount Airy's Long Range Planning Sewer Service Areas (10+ year) (S-6) to establish consistency with the Town's newly adopted master plan; (3) adding a footnote to the Town of New Windsor's Table 27 line on "Table 27 – Projected Sewerage Demands and Planned Capacity" to address an I&I project that the Town anticipates completing to address the 9,000 gpd deficit that exists in the Future Planning Category; and (4) amending the Freedom chapter map and table to reflect modifications resulting from a new state-county agreement on allocations.

Following review, the Commission, on motion of Mr. Soisson, seconded by Mr. Wothers, and carried (Commissioner Rothschild abstained), Certified the request as consistent with the 2014 Carroll County Master Plan.

MEDICAL MARIJUANA UPDATE: REQUEST FOR FURTHER DIRECTION

Secretary Hager had previously forwarded to the Commission a briefing that was presented to the Board of County Commissioners. He noted that HB 1101 created the Maryland Medical Cannabis Commission. The Commission developed policies, procedures, and regulations necessary to implement a medical cannabis growing, processing, and distributing program for qualifying patients in Maryland. Secretary Hager explained that as an agricultural activity, the growing of marijuana is a legal activity in all zoning districts. Processing would be a permitted

activity in the two industrial zones. Dispensing would be a principle permitted use in the BG and B-NR zones and a permitted accessory use under certain conditions in the industrial zones.

The Commission asked whether staff could describe what a dispensing station would look like.

Mary Lane, Department of Planning, indicated that some jurisdictions are adopting certain hours of operation and signage laws for dispensing facilities. She noted that she could bring illustrations to a future meeting.

William Vernall, Manchester, noted that the requirements for dispensaries are very specific, including signage, how far they are located from a school, etc. He compared a dispensary to a jewelry store where the customer would receive one on one assistance with products on display. Mr. Vernall explained that only the person with the required medical card will be granted access to the facility and provided the specific amount allowed. He noted that medical cannabis can treat cancer, post-traumatic stress disorder, seizures, etc.

(Commissioner Rothschild left the meeting.)

Bill Ensor, Manchester, indicated that he has been a part of the County's Agricultural Land Preservation Program for many years and is looking at the growing aspect of this rather than the processing or dispensing. He noted that the state has very stringent requirements related to security at any growing facility.

Jeffrey Wothers, Commission member, asked whether dispensaries would be located near a medical facility, expressing his concern about the safety of individuals once they purchase the product at the dispensary.

Alec Yeo, Commission member, expressed concern that the requirements of the state were not presented other than by verbal testimony from an applicant. He noted that the state could relax the regulations upon the opening of facilities if complaints are received. The County would no longer have the restrictions in place that it based its decision upon.

Jay Voight, Zoning Administrator, noted that the state will handle licensing and inspections, etc., by staff whose salaries are derived from the license fee charges.

Cynthia Cheatwood, Commission member, suggested that the County require a site plan review which would open it up to a public process.

Secretary Hager indicated that staff would provide the Commission with additional information for discussion at one of the January Commission meetings.

STATUS UPDATE: STRATEGIES FOR ZONING CODE MODIFICATION FOR MASTER PLAN IMPLEMENTATION (INDUSTRIAL DISTRICTS)

Mary Lane, Department of Planning, noted that the Commission directed staff to form a committee consisting of members of the Department of Planning, Department of Land and Resource Management, and the Department of the County Attorney to prepare Zoning Code modifications. The Committee has met three times, with another meeting scheduled next week. The focus has been on the industrial districts, and the Use Table format will be utilized. Ms.

Lane explained that the uses for the Light Manufacturing and Heavy Manufacturing will be included in the definition rather than on the table. The Committee is discussing whether uses permitted in the commercial districts should be allowed in the industrial districts. Criteria is being developed to determine whether a use should be designated as permitted, conditional, etc.

Secretary Hager noted that once the Committee has completed its review of the industrial districts, the information will be brought to the Commission for review.

FREEDOM PLAN WORK SESSION

PC Consideration of Endorsement: Element 4

Chair Helminiak asked for public comment with regard to Element 4. There were no public comments.

The Commission, on motion of Mr. Soisson, seconded by Mr. Wothers, and carried Endorsed Element 4.

Work Session: Element 5

Mary Lane, Department of Planning, reviewed the changes made to Element 5 since the Checkpoint at the last meeting. She explained that some of the comments received by other agencies were included, but the second handout distributed to the Commission contains the comments received from Land and Resource Management and staff's response to those comments.

Lynda Eisenberg, Bureau of Comprehensive Planning, reviewed photographs of different types of developments to see what types the Commission is interested in pursuing in the Freedom area. The Commission needs to consider whether it wants to incentivize or make changes to the Code in order to promote more of a Planned Unit Development style of development. Ms. Eisenberg noted that this type of development allows for the more expensive single-family homes along with the moderately priced townhomes.

Chair Helminiak asked if there was any area in Freedom that was large enough to accommodate this type of development.

Ms. Eisenberg displayed a draft Future Land Use Map showing what lands remain available for development, including properties along Oklahoma and Bennett Roads. She noted where water and sewer services are available and where lines would need to be extended.

Secretary Hager suggested that properties in question could be identified on a map by staff and visited in the field by the Commission.

Cynthia Cheatwood, Commission member, asked whether the Designated Growth Area for Freedom could be extended beyond its current boundaries to accommodate additional growth.

Ms. Eisenberg reminded the Commission that the Town of Sykesville will need to expand their growth area into the County's growth area and will require water and sewer facilities.

PUBLIC COMMENTS

There were no public comments.

There being no further business, the Commission adjourned at approximately 5:00 p.m. on motion of Mr. Soisson, seconded by Mr. Wothers, and carried.

Secretary

Approved