

MEETING SUMMARY
Carroll County Planning and Zoning Commission

July 19, 2016

Location: Carroll County Office Building

Members Present: Richard J. Soisson, Vice Chair
Eugene Canale
Cynthia L. Cheatwood
Jeffrey A. Wothers
Alec Yeo
Daniel Hoff
Richard Weaver
Philip Hager

Present with the Commission were the following persons: Philip R. Hager, Mary Lane, Clare Williams, Darby Metcalf, and Lynda Eisenberg, Department of Planning; Clay Black, Laura Matyas, John Breeding, and Martin Percy were in attendance representing Development Review and Gail Kessler, County Attorney's Office.

CALL TO ORDER/WELCOME

Vice Chair Soisson called the meeting to order at 9:00AM

ESTABLISHMENT OF QUORUM

Secretary Hager took attendance of the Commission noting that six members were present and a quorum was in attendance.

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Hager greeted everyone and noted that Mr. Helminiak was scheduled to be absent. Secretary Hager indicated that there were no changes proposed for to the agenda and recommended approval.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved via a motion by Mr. Wothers, seconded by Mr. Canale, and carried.

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

The minutes of the June 1, 2016 and June 21, 2016 meeting were approved on motion of Mr. Yeo, seconded by Mr. Wothers, and carried.

AGENCY REPORTS

Jeff Castonguay was introduced to the Commission as the new Director of the Department of Public Works.

Jeff Degitz, Director of the Department of Recreation & Parks provided an update on activities within his department.

COMMISSION MEMBER REPORTS

- A. Commission Vice Chair, Richard Soisson, had nothing to report
- B. Ex-Officio Member, Commissioner Weaver commended the work of Recreation & Parks Director Degitz on his efforts and noted that there would be significant work, coordination and decision-making needed to address the impact of school closures upon recreation. He indicated that there would be a community feedback opportunity in August.

ADMINISTRATIVE REPORT (PHILIP R. HAGER)

Secretary Hager began his report by thanking all of the Planning Commissioners for coming out for the Freedom Community Outreach meeting that took place on July 13. He complimented the Planning Commission on the job that do and manner in which they handle the challenge of their tasks. Mr. Hager reviewed the status of the composition of the Department's administrative team noted the recent loss of the Administrative Associate who also served as Clerk to the Planning Commission. He thanked the Commission for their understanding, flexibility and patience.

Secretary Hager then called upon Clay Black for a report on Extensions.

Clay Black, Bureau of Development Review, informed the Commission that there had been three extensions granted since the last Business Meeting. Mr. Black also announced that the Bureau would soon be losing the services of Engineering Reviewer, Martin Percy. He stated that he was moving forward on replacement actions.

Secretary Hager concluded the Administrative Report by reminding the Planning Commission that the next scheduled meeting of the Commission will be August 3.

FINAL SITE PLAN REPORT

SUBJECT: S-15-0013, North Carroll Community School

Prior to the start of the presentation, Mr. Hoff indicated that he was going to recuse himself from this item based upon his prior involvement with the property owner. Secretary Hager asked that the record reflect that Mr. Hoff had left the dais, however, the Commission still retained a quorum.

The staff report for the above-referenced project was presented by Laura Matyas.

**LOCATION: South side of Stone Road, west of Littlestown Pike (MD Rt. 97), E.D.
3**

**OWNER: Mark Lynn, 508 Old Bachman Valley Road, Westminster, MD
21157**

**DEVELOPER: North Carroll Community School, c/o Scott Lynn, 75 Lamb Drive,
Westminster, MD 21158**

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

ZONING: Agricultural
ACREAGE: 12.697 acres
WATERSHED: Double Pipe Creek
FIRE DISTRICT: Pleasant Valley
MASTER PLAN: Agriculture
PRIORITY
FUNDING AREA: Outside
DESIGNATED
GROWTH AREA: Outside

❖ **Action Required:**

The final site 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 and approval.

❖ **Site Plan History:**

The concept site plan was subject to citizen involvement at the October 26, 2015 meeting of the Technical Review Committee. One citizen spoke on the preservation and stewardship of agricultural lands, questioning the intended use of the site. Staff conveyed that schools are a principle permitted use in the Agricultural Zoning District. After the meeting, a second citizen arrived and communicated to staff a concern of potential increased traffic on Murkle Road. No written correspondence has been received by Development Review.

A concept site development plan for the subject property was reviewed by the Planning and Zoning Commission on November 17, 2015. Accommodating vehicles for drop off and pick up as well as providing overflow parking for events were the primary points of discussion. The meeting minutes are attached.

❖ **Existing Conditions:**

The North Carroll Community School currently operates on a property on the south side of Lamb Drive off of Littlestown Pike (MD Rt. 97).

Located approximately 1.5 miles north of the existing school grounds, the subject property for relocating the North Carroll Community School consists of 12.697 acres in the Agricultural Zoning District. Existing access is onto Stone Road, a County road. The property was created when the relocation of Stone Road, a State Highway Administration project, severed it from the parent parcel. Both the subject property and parent parcel are owned by Mark Lynn. For the road relocation project, a Traffic Design Analysis was conducted which led to turn lane configurations at the MD Rt. 97 / Stone Road intersection and the sighting and design of the access to the subject property from Stone Road. The study used a private school, church, and two ballfields as the proposed site development in the analysis. To the south of the subject property, the dead end Old Stone Road remains to serve five residential properties. There is no existing access to the site from Old Stone Road or MD Rt. 97.

Currently vacant, the subject property has been extensively landscaped and the southwest portion graded and stabilized for a playing field. Steep slopes along MD Rt. 97 create an approximately 25-foot drop in elevation. Guardrail lines the side of the state route and landscaping defines the slope. There are no streams or floodplains on site.

The lands to the north and west across Stone Road host a 120-acre farm and 10 lots of the Hy-Crest subdivision, recorded between 1987 and 2015. South across Old Stone Road, a 132-acre farm lies in an Agricultural Preservation Easement, an unbuilt property hosts 11.5 acres of open farm land, and a few small residential properties dot the dead end of Old Stone Road. Across MD Rt. 97 lies a farm property as well as the Carroll County Sports Complex. All properties share the Agricultural Zoning designation.

❖ **Site Plan Review:**

The developer proposes to construct a two-story, 20,018 square foot school to serve the private North Carroll Community School community of children in grades kindergarten through eight. Schools are a principle permitted use in the Agricultural Zoning District. A future gymnasium, Phase II, is depicted on the plans. While the gymnasium will be addressed with this plan for stormwater management purposes, an amended site plan will be required in the future to review the gymnasium parking requirements as well as the building elevations.

The Zoning Code, Chapter 158, outlines the bulk requirements for schools in the Agricultural Zoning District.

📖 **§ 158.070 “A” AGRICULTURAL DISTRICT.**

(H) **Bulk requirements.** The following minimum requirements shall apply, except as hereinafter modified in § [158.130](#):

(1) **Dwellings, schools, etc.**

<i>Use</i>	<i>Lot Area</i>	<i>Lot Width (feet)</i>	<i>Front Yard Depth (feet)</i>	<i>Side Yard (Width Each Side Yard) (feet)</i>	<i>Rear Yard Depth (feet)</i>
Schools:					
Elementary	5 acres	400	150	100	50
High	10 acres	500	150	100	50
Colleges	15 acres	500	150	100	50

With an area of 12.697 acres, the site exceeds the lot area requirement. Setbacks are met in accordance with the Zoning Code definition for a Front Yard.

📖 **§ 158.002 DEFINITIONS.**

YARD. An open area on the same lot with a principal building(s) which lies between such building(s) and the lot line and is open and unoccupied from the ground up.

(1) **FRONT YARD.** A yard extending across the full width of the lot and lying between the front lot line and the nearest line of the principal building. For the purpose of

determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as required herein, except that not more than one rear yard shall be required.

Access is proposed from the existing entrance on Stone Road. The access drive aisle meets the minimum 18-foot requirement and is intended for two-directional traffic. An additional 10-foot lane accommodates 21 vehicles for drop-off and pick-up queuing. Utilizing the entry lane as a second queuing lane increases the queuing potential to 40 vehicles. Development Review has emphasized to the developer that vehicles will not be permitted to queue onto Stone Road.

With a current enrollment of 115 students, the school staffs 21 total full-time and part-time employees. A projected enrollment of 200 students will increase staff and faculty to 35 total full-time and part-time people.

Two distinct paved parking lots are proposed with a total of 59 stalls, including 3 handicap spaces. The southern lot contains 24 spaces plus 3 handicapped stalls. The northern lot proposes 32 spaces. A gravel parking area at the north side of the access drive contains an additional 10 parking spaces.

The Developer has stated that all-school special events occur on average once each month. For event parking, utilizing the drop-off / pick-up lane for parallel parking 17 vehicles plus overflow parking for 14 on the stabilized grass area to the south of the drop-off / pick-up lane yields a site total of 100 parking spaces.

The Developer proposes that the grassed open area to the south of the access drive adjacent to the ball field will also be used to park vehicles during large scale events. The Engineer has indicated that 18 vehicles can be accommodated on the grass. Total site parking, including grassed overflow equals 118 spaces.

Staff has emphasized in its reviews that the large grass area to the north of the access drive may not be utilized for overflow parking. Stormwater Management's review letter states, "The grass non roof-top disconnect will not serve its Stormwater Management purpose if it is damaged by rutting and no longer maintains sheet flow."

Trash pick-up is on-site with no commercial dumpsters planned. A screened pad for trash receptacles is proposed at the far end of the southern parking lot.

Water and sewer will be provided via a private well and septic system. The building will be equipped with an automatic sprinkler system to comply with Fire Protection. A tank / pump system will be required per code.

The building elevations are included on sheets 9 and 10 of the final site plan. The building profile is low and long, 86'-0" x 232'-0" with a centered second story measuring approximately 43'-0" x 176'-0". Clerestory windows punctuate the second floor elevations. One cupola and two alternate cupolas adorn the roof. Exterior building materials include white vertical steel siding, blue metal posts, gray stone veneer, and a blue metal standing seam roof.

No commercial lighting is proposed for the site; only building-mounted lighting. The playing field will not be lit. A 9-foot by 4-foot unlit monument sign is proposed at the entry drive. Materials include gray stone veneer and masonry caps, and blue lettering on a white background.

Stormwater Management will be addressed through grass swales, downspout and non-downspout disconnects, and infiltration facilities. Forest Conservation for this parcel was previously addressed under the approved forest conservation plan for the Lynn property. Requirements of the Landscape Manual have been met. New proposed landscaping includes parking lot plantings and screening at the trash receptacle pad.

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the site development 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 a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with the Public Works Agreement.
3. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
4. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

At the conclusion of Ms Matyas' report, Mr. Soisson called upon representatives of the applicant to introduce themselves and provide any additional comments. John Lemmerman of RTF introduced himself and noted that parking had been increased based upon concerns previously raised by the Commission. He indicated that he believes the project is a public asset and that the building was designed to fit in with the landscape. In response to a question about timing, Mr. Lemmerman indicated that the owner was targeting a mid-school year opening date.

Commissioner Yeo suggested that the proposed queing lanes block the proposed parking overflow areas. Mr. Lemmerman responded that signage was intended to remedy that issue and school staff would be on-hand during special events to ensure the smooth flow of traffic.

Mr. Wothers asked why there was no Chapter 156 review. Ms Matyas responded that an adequacy test was performed for the site.

Mr. Weaver asked if provisions had been made to accommodate future solid waste disposal options. Mr. Lemmerman responded that they were and that the site plan included an 8 by 10 concrete pad for future dumpsters, etc.

There were no additional questions from the Commission. Mr. Soisson asked if there were any questions or comments from the public. There were none.

A motion by Mr. Wothers to approve the Final Site Plan pursuant to Chapter 155 and subject to the four conditions identified in the staff report was seconded by Ms Cheatwood. There were no further Commission comments. Secretary Hager recorded the vote and asked that the record reflect that all votes were in the affirmative.

RECESS

The Commission's next item of business was a recess. Mr. Soisson asked that the Commission re-convene in ten minutes.

FREEDOM COMPREHENSIVE PLAN UPDATE

Recap of July 13 Community Outreach Meeting

Lynda Eisenberg, Bureau Chief, summarized the July 13, 2016 Community Outreach meeting at Liberty High School. The meeting was held from 6:30 to 9:00 pm. It was estimated that there were approximately 100 people in attendance, and 10 people signed up to speak. Answers were provided verbally and in writing to 27 pre-submitted questions. Two types of comment cards were distributed: a white card for general comments that has been distributed throughout the process and is available on the Planning Department website, and a blue card soliciting comments regarding public facilities, the desire for an outreach meeting specifically for this purpose, and feedback from the current meeting. Six blue cards and five white cards were returned, with various issues addressed. The cards were distributed to the Planning Commission members for their review.

Mr. Hoff addressed the format of the meeting, particularly the public comment portion of the evening. He expressed his concern about the inappropriateness of an elected official, specifically a state delegate, speaking for an extended period of time. It was noted that all other citizens were given three minutes to express their opinions, and Delegate Krebs spoke for over twenty minutes, which disrupted the agenda that had been set by the Commission. This unexpected speech took away from the time allocated to the public at large, and many of the questions posed had already been addressed at prior Planning Commission meetings and worksessions. The members discussed this topic and unanimously agreed that at future meetings, all citizens should be treated in the same way, and the Chairman of the Commission should enforce the procedures that have been agreed to. There was particular concern that it needs to be understood that the Planning Commission is autonomous, and does not take direction from public officials. It was requested that this be discussed further with Chairman Helminiak upon his return, and this breach of protocol should not be allowed to occur at future meetings.

Future Land Use Map Discussion

Ms. Eisenberg stated that the Future Land Use (FLU) Map will be placed on the August 3 agenda for endorsement, and asked if there are any changes to the concurred upon FLU map that the Commissioners wish to discuss. Mr. Yeo asked if the Plan would include the rationale for changes in land use designations, in order to provide an explanation of the way the decisions were reached. There was general agreement to this concept and the need to maintain a record of the FLU decision making process. However, Mr. Hoff expressed concern that this would be difficult if specific to each property proposed for change, since there are many factors that each Commissioner considers when voting, and the weight given to each factor may differ. Mr. Wothers suggested that data points could be provided for the decision making process in order to give the public a better understanding of the FLU changes. Secretary Hager agreed to that request.

Mr. Yeo also expressed concern that there is a perception that land owner requests drive the decision making process for future land use. Chairman Soisson pointed out that at the beginning of the Plan development process, property owners get a chance to request a change in designation, but the request is not the basis of a decision to make a change.

Mr. Yeo requested that the Gibson property, currently proposed for a high density Residential land use designation, be addressed. Either the decision to designate it as high density should be reaffirmed, or additional comments should be attached explaining the rationale for the decision. He expressed concern that previous correspondence to the State regarding road improvement priorities have focused on the area of MD 32 south of MD26. Would designating higher density north of MD 26 be in conflict with past actions or send “mixed messages”? Secretary Hager pointed out that the CTP Priority Letters in recent years have focused on MD 32 south of 26 in order to alleviate current capacity problems and projected development, particularly the Warfield complex in Sykesville. At no time has the County made a commitment to disallow development in the MD 32 corridor north of MD 26. Furthermore, he stated that it must be kept in mind when evaluating changes in density that the incremental change between the two land use designations must be considered, not the difference between the current vacant land and the new land use designation. Mr. Hoff stated that the Gibson property is one of the last large tracts of residential land in the Freedom DGA, and with the availability of water sewer, must be at least medium density. Chairman Soisson asked the members if they would like to reconsider the high designation at this time. A motion was not made.

The Beatty property, on the south side of Bennett Road east of MD 32, was also discussed. Mr. Yeo asked if a summary of all information regarding discussions on the Beatty property could be made available to the public. The Commission members discussed the merits of keeping the property in a Light Industrial designation or reaffirming their earlier decision to designate it Commercial High. Chairman Soisson stated that he saw the merits of both designations. Commissioner Weaver noted that there are already a lot of commercial sites in Freedom. Secretary Hager noted that the Warfield Complex is not intended to be commercial, particularly retail, but more of an employment campus. Mr. Yeo expressed concern over losing valuable Industrial land. Mr. Hoff noted that in looking at the allowable uses, commercial uses are more compatible with the surrounding residential uses. Although there is industrial land abutting the property to the west, many of the current uses are commercial in nature. Chairman Soisson stated that he is not in favor of designating this property high density Residential. Secretary Hager reminded the Commission members of the review process for this property. It was designated Industrial, Conservation, and medium density Residential in the 2001 Freedom Community Comprehensive Plan. The property owner has requested that the entire property be designated Commercial High, or possibly high density Residential. Following numerous discussions, the Planning Commission voted to leave the southern portion in medium density Residential, keep the Resource Conservation designation of the area that has environmental constraints, designate the northern portion Commercial High, and designate a 200 foot buffer along Bennett Road medium density Residential. Mr. Yeo made a motion to keep this property in the 2001 land use designations. There was no second to the motion. Secretary Hager pointed out that the FLU map be on the agenda for endorsement on August 3, and changes may still be made at or even after that meeting.

The Commission next discussed the newly designated Commercial Low property at Klee Mill Road and MD 97, which had been the subject of public comment at the July 13 outreach meeting. Ms. Eisenberg explained that this change in designation evolved as the Commission discussed new employment opportunities in the Freedom area. The property abuts MD97, and is in proximity to several residential neighborhoods, which is in accordance with the definition of “Commercial-Low” from the Adopted County Master Plan. Mr. Yeo stated that this property is too big to serve small scale, locally oriented commercial uses. There was also concern that the State Highway Administration would not grant the needed access to this property. Secretary Hager will reach out to SHA prior to August 3 to discuss this issue.

Revisit Vision Statement

Ms. Eisenberg stated that in the interest of time, this discussion will be postponed to the August 3 worksession. She did give a brief review of the handout, which included the definition of a Vision Statement, the 2001 Freedom Community Comprehensive Plan Vision Statement, and the 2015 County Master Plan Vision Statement. Mr. Yeo noted that in the 2001 Vision Statement, the phrase ‘welcoming people of all ages...’ indicates growth, and that should be acknowledged. Mr. Hoff disagreed with that statement. The issue will be discussed further on August 3.

RECESS – Pursuant to the approved Agenda, the Commission recessed for approximately 10 minutes.

Water & Sewer Plan Amendments

Upon resuming session following recess, the Commissioners turned their attention to item #16, proposed Water & Sewer Plan Amendments. Bureau Chief Lynda Eisenberg began this presentation by announcing that she would be pinch hitting for Andrea Gerhard who had been hospitalized unexpectedly. Ms Eisenberg noted that the item before the Commission dealt with the Spring cycle amendments to the 2014 Water & Sewer Master Plan. She explained that the reason they are called Spring Amendments is because they are initiated in the Spring. She reminded Commission members that Amendment cycles are undertaken semi-annually: once in the Spring and again, in the Fall.

Specifically, the Planning Commission is being asked to review three amendments to determine consistency with the County Land Use Master Plan and to consider a formal referral to the BCC. Ms Eisenberg detailed two of the amendments which are located in Mount Airy and involve moving an area from “Future” to “Priority” in the Water Section of the Master Plan, and moving the same geographic area from “Future” to “Priority” in the Wastewater Section of the Plan. The third amendment merely pertains to the insertion of verbiage referencing the potential for the Hyde’s Quarry impoundment to be considered as a future water supply source. Following the Staff Report, Mr. Yeo asked for clarification about the capacity abbreviation and also about the extra capacity the amendment purportedly exhibits. Ms Eisenberg and Mr. Hager explained the abbreviation and also the fact that the numbers being utilized in the amendments were based upon actual usage number as opposed to standard “factors” and had been supplied by the Town. Mr. Yeo indicated that he had reservations concerning the amount of new growth that could occur if these amendments were approved and their impact upon Freedom. Ms Eisenberg confirmed that the language in the amendments reflected the Town of Mount Airy’s request, that it was based upon consumption numbers produced by Town Staff from actual usage data and the impacts were limited to areas falling geographically within the Town’s boundaries and do not impact the Freedom area.

Mr Hoff moved to certify the amendments. Mr. Yeo seconded and the motion carried unanimously.

Mr. Weaver asked for the costs for implementation of these improvements to be included in staff’s presentation to the BCC. Ms Eisenberg explained that the costs would be borne entirely by the Town. Mr, Weaver indicated that he believed that the County would be paying 80 percent of the costs for sewerage infrastructure. Ms Eisenberg stated that she would follow up with the Town and provide that information to the Board at the upcoming briefing scheduled for the 21st.

Update/Request for Direction – Medical Cannabis

Item 17 – Medical Cannabis. Mr. Hager updated the Commission on the status of the proposed recommendations which had last been discussed by the Planning Commission at their previous meeting. He explained that the BCC had indicated their support for the Ad Hoc Committee's recommendations and that they had unanimously directed staff to return the proposal to the Planning Commission to have the recommendations translated into a formal zoning text amendment for further legislative action.

Mr. Hager reviewed a draft of a potential text amendment and explained how the recommendations had been transformed into a legislative format. He noted that the zoning text amendment would consist of three new definitions and the modification of an existing definition. The remaining portion of the proposal would add language to the 'I-R' and 'I-G' districts to authorize the growing and processing of medical cannabis via Conditional Use and authorizes the dispensing of the finished product in both districts as an Accessory Use. He also noted that in the Section 158.059 new provisions would be included to require a 1,000' separation from schools; limit lighting to that required by the state regulations; mandate Site Plan Review; and prohibits any varying of the setback or separation requirements.

Mr. Wothers moved to endorse the text amendment and forward them to the BCC with a recommendation for Adoption. Mr. Canale seconded and the motion was approved unanimously.

Public Comments

Mr. Mike Reeves, Eldersburg, requested clarification from the Commission as to whether the letter presented by Delegate Krebs at the recent public outreach meeting was a letter from the Maryland House of Delegates or from Susan Krebs, private citizen. The Commission suggested that Mr. Reeves take that matter up with Ms Krebs but it was not their opinion that the letter was from the state. Mr. Reeves stated that he did not think that it was fair that average citizens were limited to three minutes and had to use little slips of paper to file questions and comments, yet Susan Krebs could use official state legislature letterhead. The Planning Commission responded that they could not agree more. Mr. Reeves also stated that it was necessary to make additional commercial lands available through the Plan and that it was inappropriate that individuals wishing to develop retail opportunities had to go through a long drawn out Conditional Use process. He feels that 40 years is enough time to recognize the commercial trends and that change is needed. The future is here and unnecessary limitations are not needed. He feels that the existing property owners of commercial parcels need to be involved in the conversation to meet economic development shortfalls. He urged the Commission to complete the Plan and incorporate appropriate change.

Linda Livesay indicated that she had received an email from Susan Krebs before the meeting and the email gave the impression that the public outreach meeting was the Delegate's meeting and not the Planning Commission's meeting. There were no further public comments. The meeting was adjourned at 12:29 PM.

There being no further business, the Commission, on motion of Mr. Soisson, seconded by Mr. Wothers, and carried, adjourned at approximately 12:30 PM.

Secretary

Approved