

MEETING SUMMARY
Carroll County Planning and Zoning Commission

November 15, 2016

Location: Carroll County Office Building

Members Present: Matthew S. Helminiak, Chair
Richard J. Soisson, Vice Chair
Cynthia L. Cheatwood
Jeffrey A. Wothers
Alec Yeo
Daniel E. Hoff
C. Richard Weaver

Members Absent: Eugene A. Canale

Present with the Commission were the following persons: Philip R. Hager, Mary Lane, Andrea Gerhard and Laura Bavetta, Department of Planning; Clay Black, Laura Matyas, John Breeding, and Price Wagoner, Development Review; and Gail Kessler, County Attorney's Office.

CALL TO ORDER/WELCOME

Chairman Helminiak called the meeting to order at approximately 9:01a.m.

ESTABLISHMENT OF QUORUM

Secretary Hager stated that Mr. Canale was very sick and would not be in attendance today. Seven members of the Board were present and there was a quorum.

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Hager greeted everyone and thanked the Board for their hard work and effort. Due to concerns about some of the analysis of the Freedom Transportation Report, staff recommends that this report be removed from the Agenda and postponed until the November 30th meeting in order to have the most accurate and up to date information available to the Board.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved via a motion by Mr. Soisson, seconded by Mr. Wothers, and carried. Secretary Hager suggested if any members of the public are present to discuss the Freedom Plan they should be allowed to speak since they may have made special arrangements to be here today. Chairman Helminiak agreed.

PUBLIC COMMENTS

There were no public comments.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chairman Helminiak presented the Board with an example of a notepad that was distributed at the Planning Commissioner's Association meeting and asked the Board if they thought they would be interested in using them. At the Association meeting there was a training session on Medical Marijuana and Ex Parte Communications. The Board would be interested in having the facilitator come work with the Board as a training opportunity.

B. EX-OFFICIO MEMBER

Commissioner Weaver thanked the Board for attending the joint board meeting. It was productive and periodic joint meetings may be helpful for tough issues. Mr. Weaver thanked the Board for their time and effort.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Hager thanked Chairman Helminiak for attending the Maryland Planning Commissioner's Association meeting. He also noted that the Association is looking for ways to provide services and training to local Planning Departments and Planning Commissioners.

Secretary Hager introduced Laura Bavetta, the new Clerk of the Planning & Zoning Commission.

B. EXTENSIONS

Clay Black reported that one extension has been received and granted since the last meeting, it is the 5th extension for 1 lot, Agricultural Sub Division in Election District 1, Stansbury Hill, Section 2.

C. BZA CASES

Secretary Hager briefed the Board on three cases. BZA Case No. 5949, Four Thistles, trading as Birchview Vineyard, this has been approved. BZA Case No. 5980, a Conditional Use for a Country Inn and catering, this was denied because it is inconsistent with the land use designation within the Master Plan. BZA Case No. 5981, conditional use and variance for a furniture store and a garden shop, this was approved. There are three new cases for which staff is providing comments to the Board of Zoning Appeals and the Planning Commission will be briefed on those at the December meeting.

D. OTHER

There were no further items to report upon within the Administrative portfolio.

PRESENTATION OF STAFF REPORT-FALL 2016 WATER & SEWER AMENDMENT

Andrea Gerhard, Planning Department, explained that amendments to the Carroll County Water and Sewer Master Plan are processed twice per year. She provided an overview of the proposed amendment to the Freedom and Westminster Sewer Service Areas which includes adding 6.01 acres to the Priority Planning Sewer Service Area (S-3) category on the Freedom Sewer Service Area map and adding 7.80 acres to the Existing/Final Planning Sewer Service Area (S-1) category on the Westminster Sewer Service Area map. Ms. Gerhard also provided an overview of the proposed amendment to the Westminster Water Service Area which includes adding 7.80 acres to the Existing/Final Planning Water Service Area (W-1) category on the Westminster Water Service Area map.

Staff recommends approval of the requested map, text and table amendments. Staff is recommending that the Carroll County Planning and Zoning Commission Certify these requests as consistent with the 2014 Carroll County Master Plan.

The Commission, on motion from Mr. Hoff, seconded by Mr. Wothers, and carried, found the Fall 2016 Water and Sewer Amendment to the 2014 Carroll County Water and Sewer Master Plan is consistent with the 2014 Carroll County Master.

The Commission, on motion from Mr. Hoff, seconded by Mr. Wothers, and carried, will forward their recommendation of approval to the Board of County Commissioners.

REVIEW OF ADMINISTRATIVE RULES

Every November the Planning Commission reviews the current Administrative Rules. Secretary Hager noted that based upon practical experience over the past 12 months and feedback from Planning Commission members, staff was not recommending any modifications.

Following a discussion regarding term limits for Commission Officers, Commissioner Hoff made a motion that the Chair and Vice Chair may serve no more than 3 consecutive terms.

That motion died for a lack of a second.

Commissioner Hoff made a motion that the Chair and Vice Chair may serve no more than 2 consecutive terms. Commissioner Yeo seconded the motion but then asked for clarification as to whether this change would be effective immediately or if it would be retroactive.

The Commission decided, via a consensus, it would be effective immediately, from this point forward.

Commissioner Hoff amended his motion to state these terms would start today, it would not be retroactive. The amended motion, seconded by Mr. Soisson was carried and approved.

Mr. Hager noted that this Amendment will be made to the Administrative Rules and they will be distributed at the December 20th meeting and ratified.

Commission Yeo asked if the presenter from the Maryland Planners Association Meeting would be willing to look at the Ex Parte rules (Number 11) and advise on any changes.

Commissioner Weaver questioned if Section 2.3 and 3.4 should read differently if meeting dates are changed. The Commission discussed changing the wording about Agenda deadlines to “ at least 7 calendar days in advance of a business meeting.”

Mr. Yeo moved to change the wording, seconded by Mr. Wothers, carried and approved.

ELECTION OF COMMISSION CHAIRMAN, VICE CHAIR AND SECRETARY

Chairman Helminiak asked if there were any nominees for the Board position of Secretary. Commissioner Yeo nominated Phil Hager for the Board position of Secretary. The motion was seconded and approved.

Mr. Helminiak passed the gavel to Secretary Hager for the election of Chair. Secretary Hager declared the nominations open for the office of Chair. Commissioner Cheatwood nominated Matt Helminiak, Commissioner Wothers seconded the motion. Commissioner Helminiak accepted the nomination. There were no other nominations. Commissioner Yeo made a motion to close the nominations and elect by acclamation Mr. Helminiak for Chair. The motion was carried and approved. Mr. Helminiak was voted in as Chair.

Chair Helminiak declared the nominations open for the office of Vice Chair. Mr. Wothers nominated Richard J. Soisson for the office of Vice Chair, seconded by Mr. Yeo and accepted by Mr. Soisson.

Chair Helminiak nominated Ms. Cheatwood for the office of Vice Chair, seconded by Daniel Hoff and accepted by Ms. Cheatwood.

Secretary Hager distributed ballots. The Commissioners were to write their choice for Vice Chair on the paper.

There was some discussion on if the Ex Officio votes. Secretary Hager referred to Robert’s Rules and clarified that the Ex Officio can choose to vote or abstain from voting.

Ballots were counted and Mr. Soisson was re-elected to Vice Chair for another term.

RECESS

CONCEPT SITE PLAN REVIEW

A. S-16-0020, Penguin Random House Warehouse #7 Expansion, 8th Amended

LOCATION: West side of Manchester Road (MD Rt. 27) north of Bennett Cerf Drive, E.D.7

OWNER: Random House, Inc. c/o Bryan Bixler, 400 Hahn Road, Westminster, MD 21157

DEVELOPER: Penguin Random House, Inc., c/o Ryne Barrall, 400 Bennett Cerf Drive, Westminster, MD 21157

ENGINEER: BPR, Inc., 150 Airport Drive, Unit #4, Westminster, MD 21157

ZONING: I-G – General Industrial

ACREAGE: 42.23 acres

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Westminster

MASTER PLAN: Industrial –2007 Westminster Environs Community Comprehensive Plan

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Westminster

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. **No action is required.**

Per Section 155.059 D of the Code of Public Local Laws and Ordinances of Carroll County, in regards to final approval of this amended site development plan, the Planning Commission may authorize the Chair to act on its behalf. Staff requests direction regarding the final approval authority.

📖 **§ 155.059 SITE PLAN REQUIREMENTS.**

(D) **Delegation.** The Planning Commission may authorize the Chair or Secretary to act on its behalf for purposes of this section. When so authorized, the person so acting has all of the powers and duties of the Planning Commission which may be imposed or granted by this section. The Chair or Secretary of the Planning Commission or the applicant may request that the site plan be reviewed by the Planning Commission.

❖ **Existing Conditions:**

The subject property is extensively developed, accommodating 824,574 square feet of warehouse space for Penguin Random House Incorporated. Fronting Manchester Road (MD Route 27), the facility utilizes three direct access points to Bennett Cerf Drive, a County-maintained road. This segment of Bennett Cerf Drive is only accessible from MD Route 27 and serves only the Penguin Random House facility and the County's Bennett Cerf Park. There is an existing traffic signal at the intersection of MD Route 27 and Bennett Cerf Drive. On the subject property an existing gravel service road completes access around the perimeter of the site, connecting the paved parking areas.

Bennett Cerf Drive is a planned major street on the 2014 County Master Plan Future Land Use Map and the 2007 Westminster Environs Community Comprehensive Plan to extend north to Sullivan Road, but environmental challenges eclipse its potential for realization. Bennett Cerf Drive was previously planned to connect through to Sunshine Way and the County owns parcels associated with this former road improvement configuration.

With the Random House 6th Amended Site Plan for this property in the year 2000, the State Highway Administration responded to then-proposed access onto MD Route 27 by stating, “This section of MD 27 is a Controlled Access Arterial Highway, and consequently no permanent access will be permitted directly from MD 27 to this site.”

Primary adjoining properties include lands of the Westminster Rescue Mission and Crosswinds Church, respectively zoned I-R and R-40,000. The City of Westminster owns an adjoining split-zoned property to the west between Penguin Random House and the Eden Farms subdivision. That property boasts extensive forest, a stream, a sanitary sewer line, and a walking trail connecting Hahn Road to Sunshine Way via Bennett Cerf Park.

In 1999, the subject property acquired 9.7574 acres from the adjoining Westminster Rescue Mission. Generally corresponding with the area that was acquired, 7.8 acres currently lies outside of the water and sewer service areas. The remainder of Penguin Random House’s properties lie in the Westminster existing / final water and existing / final sewer service areas. A petition to extend the water and sewer service areas to be inclusive of the entire Penguin Random House property has been filed with the Department of Comprehensive Planning and is in process.

The northernmost part of the property hosts an existing stormwater management pond, extensive forest, a forest conservation easement, and a stream with associated floodplain.

❖ **Plan Review:**

The concept site plan was subject to citizen involvement at the September 26, 2016 meeting of the Technical Review Committee. No citizens spoke.

The developer proposes to construct a 190,801 square foot warehouse building measuring primarily 355’x 515’ with a building height of 38 feet. Penguin Random House has designated the warehouse addition for storage purposes and indicated an increase of 20 employees on maximum shift. Warehousing is a principal permitted use in the I-G Zoning District. The plan is consistent with the land use designation of Industrial in the 2007 Westminster Environs Community Comprehensive Plan.

Parking requirements for a warehouse are 1 for every 1.5 employees on the maximum shift or 1 for every 1,500 square feet of floor area, whichever is greater. The plan proposes demolition of a portion of parking lot with the newly proposed parking lot resulting in a net gain in spaces. Based on the total number of facility employees on maximum shift, 291, required parking equals 194 spaces. With the current proposal, cumulative warehouse square footage is 1,015,374 square feet. Required parking based on square footage equals 667 spaces. Taking a 1996 Zoning Administrator variance relief of 113 spaces into account (see decision attached), 564 total spaces are currently required for the entire site. 443 spaces are indicated as provided in the tabulation. A variance from the parking requirements will need to be obtained. The engineer is aware of the need for a variance.

No new access is proposed. Based on the anticipated peak hour increase of new traffic, a traffic impact study (TIS) is not required for this development. Engineering Review commented that “any change of use or new additions will need to include a study that identifies existing level of service.”

Building elevations are shown on sheet 21 of the drawing set and annotated as 38 feet at the eave. Bulk requirements permit a maximum height of three stories or 50 feet. Adjoining Warehouse #5 is 70 feet high, permitted via a variance in 1996. Adjoining Warehouse #6 stands 45 feet high. Material and color annotations must be included in the final plan set.

New lighting proposed is building mounted and no new signage is proposed. Locations of lights will need to be included in the final plan set. There are no new dumpsters proposed.

Two extensive retaining walls flank the entire north and east sides of the building addition. Details and profiles are included on sheets 10 and 11. The north wall is approximately 580 feet in length and the east wall measures approximately 765 feet. Both walls are about 20 feet high with steel railings along the top. Material and color annotations must be included in the final plan set.

The concept plan was presented to the Design and Architectural Review Committee on September 8, 2016. There were no comments to relay.

Fire Protection will be achieved with a sprinklered building and the existing waterline loop around the site will be expanded with this development. The segment of access road at the addition will be upgraded from gravel to a paved surface.

The addition is proposed to be served by the City of Westminster's public water and sewer service systems with extension of the existing services on Penguin Random House property. The Bureau of Comprehensive Planning is scheduled on the November 15, 2016 Planning and Zoning Commission agenda to present a petition to extend the water and sewer service areas to be inclusive of the entire Penguin Random House property.

Landscaping is required at the base of the retaining walls as well as in the parking lot. The existing forest conservation easement is proposed to be modified. A release of easement must be submitted with a justification for the request. Forest conservation shall account for the released easement area plus new development.

Floodplain and Water Resources review have requested additional information. Both a floodplain easement and water resources easement will be required.

The Bureau of Resource Management has granted concept Storm Water Management approval. Storm Water Management (SWM) will be addressed by a combination of expansion of the existing SWM pond and converting it from a wet to a dry facility along with Environmental Site Design (ESD) practices: a grass channel along the service road and parking lot, and a bio retention facility in center of the parking lot.

The site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

Staff supports the Commission granting final approval authority to the Chair.

Discussion:

Mr. Hoff questioned how many parking spaces existed currently and if there were any parking issues.

Ryne Barrall responded by stating that parking can be tight on Wednesdays during shift change but there is overflow parking on the Bennett Cerf side and they will be adding a turnstyle for security.

Richard Soisson questioned if the 25' wall cutout between the buildings could be used for parking.

Ryne Barrall stated that was an industrial equipment path.

The Commission was concerned if the Warehouse would bring an increase of truck traffic.

Ryne Barrall stated it will eliminate some truck traffic since the product will now be stored on site as opposed to being brought in from other locations.

Decision:

In accordance with Chapter 155, the commission, on motion of Mr. Wothers, seconded by Mr. Yeo, and carried, granted the Chairman authority to approve the Amended Site Plan on behalf of the Commission.

SPECIAL REPORT

- A. S-16-0018, Liberty Road Crossing, Planned Business Center, Amended**
- LOCATION:** South side of Liberty Road (MD Route 26), West of Ridge Road (MD Route 27) 9th E.D.
- OWNER:** 2515 Liberty LLC, P.O. Box 345, Westminster MD, 21158
(Members-Donald Souder, Kevin Bell, Heidi Major & Dave Baxter)
- DEVELOPER:** Same as Owner
- ENGINEER:** Hanover Land Services Inc., 585 McAllister Street, Hanover PA, 17331
- ZONING:** B-G (General Business)
- ACREAGE:** 6.38 acres
- WATERSHED:** South Branch Patapsco & Lower Monocacy River
- MASTER PLAN:** Village Commercial/Industrial
- PRIORITY FUNDING AREA:** Outside
- DESIGNATED GROWTH AREA:** None
- FIRE DISTRICT:** Winfield
- ❖ Action Required:**

This plan is before the Planning and Zoning Commission to review a revised sign and landscape plan.

❖ **Site Plan Review:**

The concept site plan, S-16-0018, Liberty Road Crossing-Amended was presented to the Planning Commission on October 18, 2016 for review. The Commission provided comments in regards to the height and electronic message center of the proposed signage as well as onsite landscaping, especially as it pertains to shielding the retail shops from the mini-storage. Based on the comments raised by the Planning Commission, a revised sign and onsite landscaping plan was submitted by the developer to Development Review for presentation and review by the Planning Commission.

The plan reviewed by the Commission proposed a 20 foot aluminum pylon double faced sign located near the full movement entrance. The proposed sign was to be internally illuminated with a 6' 4" by 10' 8" electronic message center and three sign cabinets.

The revised plan proposes a sign similar to the sign shown in the approved site plan S-05-038. The new sign will be a brick monument located near the center of the site, with an overall width of 18' 8" and a height of 9' 2". The back lit tenant box will be topped with an synthetic stucco arch with the shopping center name finished in dark bronze metal lettering and flanked on each side by pillars topped with decorative lamps.

The plan reviewed by the Commission proposed a six foot chain link fence separating the mini-storage and retail shops; however, landscape screening was not shown. The plan did not show landscaping of the interior islands and parking areas. Planning Commission provided comments pertaining to onsite landscaping as well as providing a buffer between the mini-storage and retail shops.

The revised landscape plan shows the proposed layout for landscaping of the interior islands, and landscape buffer between the retail shops and mini-storage. A decorative six foot high fence is now proposed between the retail shops and mini-storage, and is continued around toward the mini-storage office and incorporates a decorative gate for ingress and egress.

❖ **Action Requested:**

Review and comment on proposed revisions.

Discussion:

The Board stated that all of their concerns had been addressed and they are pleased with the changes.

Decision:

In accordance with Chapter 155, the Commission, on motion of Mr. Yeo, seconded by Mr. Soisson, and carried, granted the Chairman authority to approve the Final Site Plan on behalf of the Commission.

Seated in front of the Commission were Brooks Leahy, Sam Mangione, and Stephanie Brophy

Mr. Leahy proposed a BNR Zoning Text Amendment that reads “10,000 square foot limitations would not apply to a lot in excess of 5 acres. For a lot in excess of 5 acres, the limitation would be 40,000 square feet.”

If the Board agrees to review this Amendment, they will be given a copy of the formal request and information packet provided by Mr. Leahy.

Mr. Leahy’s argument is that the limitation inhibits any kind of comprehensive, reasonable, development of those larger parcels.

The Commissioners agree that the text should be reviewed. Secretary Hager explained the process how the text amendment would work. There would need to be a discussion and would involve a public process, a recommendation to the Board of County Commissioners for further action, then a public hearing and a vote on the text amendment.

The Planning Department would gather information and present it to the Planning Commission Board.

John McGuire, Attorney for the Freedom Village Shopping Center, is in opposition to this text amendment. He suggests this case should be part of Comprehensive Planning for the area.

The Board agrees to a work session on this issue.

Secretary Hager presented a letter to the Board signed by Linda Coyne, a Homeland resident. There is also a petition from other residents of Homeland that are opposed to this text amendment.

Mr. Yeo states that the text amendment needs to be looked at as a countywide change, not for a particular property. Mr. Yeo is not in favor of looking at a text amendment for a specific property. He would like the letters and petition to be a part of the Freedom Comprehensive Plan, not in conjunction with the text amendment request.

Mr. Soisson asked for clarification as to what the letters are in opposition of.

Secretary Hager stated that the letters are property specific, they are in opposition of the Lures Lane property being rezoned.

Mr. Hoff states that most zoning text amendments are born out of a particular property but they are looked at for countywide implications.

The Commissioners will receive the letter from Mr. Leahy and Mr. Hager will schedule a worksession.

RECESS

The committee adjourned for a brief recess.

FREEDOM COMMUNITY COMPREHENSIVE PLAN

- A. Discussion: November 30th Work Session
- B. Strategies for December 5th Public Outreach Meeting
- C. Other

A. DISCUSSION: NOVEMBER 30TH WORK SESSION

Secretary Hager reminds the Board of the Public Outreach Meeting on December 5th and that there will be no meeting on December 7th.

The Board discussed and decided against a holiday party for the December 20th meeting.

The Meeting on November 30th will begin at 5:00 p.m.

The Transportation Element will be discussed and the Public Facilities Element will be presented.

Secretary Hager stated that the final report for the Transportation Element will need to be reviewed and a decision needs to be made as to what would be carried forward into the final plan.

The Commission conducted a follow up discussion of the Citizens Advisory Committee Concept from prior meetings, especially the joint Board of County Commissioners-Planning Commission meeting.

Commissioner Soisson made a motion to continue to meet with the public through outreach meetings but not have a Citizens Advisory Committee at this time, seconded by Commissioner Cheatwood and carried by unanimous vote.

Chair Helminiak noted that there has been more public outreach for the Freedom Plan than the Master Plan.

Commissioner Yeo suggests announcing future plans on a billboard to eliminate members of the public saying they were unaware.

Commissioner Wothers notes that the public may not be aware of the intricacies of what is involved in this process. Mr. Wothers asks if there is a way to educate the public on this process.

Secretary Hager tells the Board they will be receiving a draft on the Facilities Element to review.

Commissioner Hoff would like input from Economic Development concerning the Beatty property.

Secretary Hager will speak with Economic Development about the Beatty property.

B. STRATEGIES FOR DECEMBER 5TH OUTREACH MEETING

The meeting will be held at the South Carroll Senior Center at 6:00 p.m. There will be a sign in and Map Gallery from 6:00-7:00 p.m.

Formal presentation will begin at 7:00 p.m.

Public Facilities and Transportation will be the primary focus of this meeting.

The public may comment on any element from this Plan, however, they are hoping the focus will remain on the Transportation and Public Facilities Elements.

The Commissioners discussed if there should be time limits for speakers.

The Commissioners agree on 3-5 minutes per speaker but will make a final decision based on how many people are in attendance.

C. OTHER

Secretary Hager invites the Planning Commission Board to meet with him at any time if they wish as part of an annual review.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

There being no further business, the Commission, on motion of Mr. Soisson, seconded by Mr. Wothers, and carried, adjourned at approximately 12:03p.m.

Secretary

Approved