

MEETING SUMMARY
Carroll County Planning and Zoning Commission

December 20, 2016

Location: Carroll County Office Building

Members Present: Matthew S. Helminiak, Chair
Jeffrey A. Wothers
Alec Yeo (9:35 a.m.)
Eugene A. Canale
Daniel E. Hoff
Dennis E. Frazier, Ex-officio

Members Absent: Cynthia L. Cheatwood
Richard J. Soisson

Present with the Commission were the following persons: Philip R. Hager, Lynda Eisenberg, 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

Laura Bavetta took attendance and noted that five members of the Board were in attendance and a quorum was present.

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Hager greeted everyone and reminded them to silence their electronic devices. Secretary Hager welcomed Commissioner Dennis E. Frazier as the new Ex-officio member. Secretary Hager stated that staff recommends approval of the Agenda as distributed.

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 from November 15, 2016 were approved as distributed on motion of Mr. Wothers, seconded by Mr. Canale, and carried.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Helminiak indicated that he had nothing to report.

B. EX-OFFICIO MEMBER

Commissioner Frazier indicated that he had nothing to report.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Hager reviewed the changes to the Administrative Rules that the Board had agreed upon at the November 15th meeting. Mr. Wothers moved to approve and ratify the changes to the Administrative Rules, the motion was seconded by Mr. Hoff, and carried, unanimously.

B. EXTENSIONS

Clay Black reported that several extensions had been granted since the last meeting including: the 4th extension of the Komiske property, a 3 lot subdivision in Election District 13; a Consent Order for Hidden Creek, a 7 lot subdivision in Election District 4; the 2nd extension of Medford Quarry site plan; the 7th extension of Crossroads Automotive in Election District 4; the 2nd extension of a site plan on 44 Liberty Road in Election District 5; the 9th extension of Shipley's Choice, a 1 lot subdivision off of Pine Knob Road in Election District 5; and the 1st extension of Verizon Addison in Election District 6.

Mr. Canale asked if there were limits on Extensions. Mr. Black read from the Code stating that there are no limits on Extensions provided there have been no changes in State or County Laws or Ordinances that affect the property.

C. BZA CASES

In the interest of time, Secretary Hager suggested the Board move to Item 10. The BZA report was postponed to the January meeting.

D. OTHER

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

REVIEW FOR MASTER PLAN CONSISTENCY (TED ZALESKI)

- A. Courthouse
- B. Deer Park

A. Courthouse

A \$90,000 project will be created to make changes to the Courthouse Annex Building to accommodate the Circuit Judges' needs through some renovations of the building. Mr. Hoff made a motion that this project is consistent with the Westminster Environs Master Plan, seconded by Mr. Wothers and carried.

B. Deer Park

A \$200,000 project will be created to purchase 18.85 acres of land to expand an existing park. Jeffrey Degitz, Director of the Department of Recreation and Parks was there to express their desire to purchase this property. There was a motion by Mr. Hoff that the additional purchase of land for Deer Park is consistent with the Master Plan, seconded by Mr. Wothers and carried.

(Alex Yeo arrived at 9:35 a.m.)

PRESENTATION OF STAFF REPORT-FALL 2016 WATER & SEWER AMENDMENT

Andrea Gerhard, Planning Department, presented an Amendment for Taneytown Water and Sewer Plan Chapter. This is for a 20 acre parcel owned by Evapco, Inc. for a 140,000 sq. foot expansion. They are requesting to be brought into the Priority Service Area.

There were no Agency comments. The City of Taneytown certified that this amendment is consistent with their Master Plan.

Staff asks the Board to certify that the Taneytown Amendment is consistent with the Master Plan.

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

RECESS

No Recess was taken.

CONCEPT SITE PLAN REVIEW

A. S-15-0010, TowerCom Hampstead-Mexico

LOCATION: East side of Gablehammer Road, North of Hampstead Mexico Road, 6th E.D.

OWNER: Michael P. Stout, 1850 Gablehammer Road, Westminster, MD 21157

DEVELOPER: TowerCom IV LLC, C/O Alexandra Bull, NB+C, 6095 Marshalee Drive, Suite 300, Elkridge, MD 21075

ENGINEER: NB+C Engineering Services, LLC, 6095 Marshalee Drive, Suite 300 Elkridge, MD 21075

ZONING: Agricultural

ACREAGE: 23.23 acres

WATERSHED: Liberty Reservoir

MASTER PLAN: Agricultural

PRIORITY FUNDING AREA: Outside

DESIGNATED GROWTH AREA: None

FIRE DISTRICT: Hampstead

Price Wagoner presented the background.

❖ Action Required:

This plan is before the Planning and Zoning Commission for concept review of a site plan. No action is required.

❖ Existing Conditions:

The property is located on the East side of Gablehammer Road, and North of Hampstead Mexico Road and contains a single family dwelling and open agricultural fields. The 23 acre parcel is the remaining portion of the Fox Ridge Hunt subdivision and has one lot right left. The elevation of the property increases from 766 feet at Gablehammer Road to 940 feet where the tower compound will be located. There is an existing 12 foot driveway leading to the house, a 12 foot wide access drive will be bear off from the residential drive towards the tower compound. The adjoining properties to the north are zoned Conservation, properties across Gablehammer Road and adjoining to the east and south are zoned Agricultural. All properties in this area are served by private well and septic systems.

❖ Background:

The owner was granted a Conditional Use (BZA case # 5873, October 28, 2015, attached) for a telecommunication facility, including variances as to the width of the access road, reducing it down from 18 feet to 12 feet.

❖ Site Plan Review:

A concept plan for the proposed telecommunications facility was submitted to the Bureau of Development Review on May 6, 2016. County agencies presented plan review comments to the developer and engineer at the June 27, 2016 Technical Review Committee meeting.

Numerous citizens were in attendance at the TRC meeting, some spoke with concerns pertaining to the existing width of Gablehammer Road, slope of the driveway, and stormwater runoff. Additional concerns were made pertaining to the number of times the site would be visited.

The proposed plan is to construct a telecommunications facility to consist of a 195 foot monopole with a four foot lighting rod located at the top and 12 panel antennas to be installed at a proposed height of 195 feet. Additional space will be provided on the tower for four future carrier antennas. The tower will be within a 60' by 60' gravel and fenced in compound, the fence will have a height of seven feet with one foot of barbed wire on top. Also proposed within the compound is a 12' by 17' outdoor equipment area, a 13' ice bridge, Verizon electric meter and disconnect and a Verizon CSC cabinet. Access to the site is via a 12 foot wide gravel access road which bears off from the existing residential drive. No lighting or signage is proposed for the site.

The site will be unoccupied; therefore, facilities for water and septic are not proposed. The Health Department has approved the site plan.

The cumulative area of disturbance of the entire parcel is greater than 40,000 square feet; therefore, the project must address forest conservation, including providing a forest stand delineation and forest conservation plan. The site will need to be landscaped in accordance to the Landscape Manual. The plan shows the perimeter of the tower planted with shrubs. A row of mixed evergreen shrubs should be planted behind the shrubs proposed as required in the Landscape Manual.

The property is within the Surface Water Protection Area, a note needs to be added on the plan prior to final approval stating there will be no use, storage, transfer, or handling of regulated substances on site. A flood plain analysis was performed resulting in the site being exempt from the requirements of Chapter 153.

Stormwater management will be addressed through the use of an infiltration trench under the 60' x 60' compound, grass swells and sheet flow discharging into the forest conservation area. Stormwater management has given concept approval.

The Bureau of Comprehensive planning states that the plan is consistent with the Carroll County master plan and the County water and sewer master plan and other functional plans as applicable.

All adjoining property owners have been contacted as of the date of this report. There have not been any telephone inquiries pertaining to the scope of the project. No written comments have been received.

- ❖ Action Requested:
No action is required.

Discussion:

Alexandra Bull and John Rupp from Network Building and Consulting (NB+C) stated that they received a Variance from the standard width requirement from the BZA for the driveway to be 12 ft. wide. Site visits will be less than one per month because it is managed remotely.

Mr. Hoff suggested additional landscaping /screening on the East side of the property.

Jason Leister, citizen, lives to the East of the property. He is concerned with the grade of the property as it pertains to runoff.

Mr. Hoff questioned the Code requirements for this particular use. Clay Black clarified the driveway width requirements. Not all technical aspects of the driveway have been addressed yet. He noted that if improvements to the drive are made, all Codes will have to be addressed.

Mr. Hoff asked what the grade of the driveway is. Mr. Black stated the maximum grade of a driveway is 17% and if the grade is above 10%, Code requires it to be paved. All concerns about grading and stormwater management will be addressed as the process continues.

The Commission asked Jason Leister how he felt about additional landscaping. Caroline Leister, property owner, raised concerns about setbacks.

Gail Summerhill, property owner adjacent to proposed site, expressed concerns about trucks using her driveway, runoff and safety issues.

Chair Helminiak clarified the purpose of the Concept Site Plan Review, stating that the Committee cannot stop the existence of the tower, they can only decide if the Site Plan addresses the requirements set forth in the applicable chapters of the County Code.

Mr. Leister, citizen, emphasized the steepness of the driveway.

Secretary Hager advised the Commission that they may suggest some options that will allay some concerns for the neighbors regarding the driveway. He also asked the applicants to provide the survey and demonstrate where the property lines are during their presentation for the Final Site Plan.

Mr. Hoff expressed his concerns about the driveway and making sure it will be in compliance with current Code. He also would like to see additional landscaping along the property line.

The Commissioners emphasized that they are unable to overturn any rulings by the BZA.

Mr. Black stated that Mr. Wagoner will meet with the neighbors and review their concerns.

Decision:

No action was required.

Recess

CONCEPT SITE PLAN REVIEW

B. S-16-0024, National Tire and Battery

LOCATION: South side of Liberty Road (MD Rt. 26), west of Bonnie Brae Road, E.D.5

OWNER: Clear Ridge Developers, Inc. c/o Mark Frizzera, 1935 Babbs Court, Marriottsville, MD 21104

DEVELOPER: Same as owner

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

ZONING: B-NR, Neighborhood Retail Business

BZA CASE: 5984, conditional use

ACREAGE: 0.836 acres

WATERSHED: Patapsco - South Branch

FIRE DISTRICT: Sykesville / Freedom

MASTER PLAN: Medium Density Residential – Boulevard District – 2001 Freedom Community Comprehensive Plan

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

Clay Black presented the background.

❖ **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 requested.**

❖ **Existing Conditions:**

The subject property is Lot 1 of two lots recorded in the Bonnie Brae Plaza subdivision on May 1, 2015 (see attached). Both lots in the Bonnie Brae Plaza subdivision were rezoned from R-20,000 to B-NR on February 6, 2014. The subject property is partially built with parking spaces, drive aisles, and a stormwater facility in accordance with an approved 2015 site plan for an Advance Auto on adjoining Lot 2 (see attached). The remainder of the property is gently sloping grassed terrain with a few trees. There are no streams or floodplains on site.

Properties to the south are zoned R-20,000 and are improved with single-family homes. Properties to the west are also zoned R-20,000 and are improved with office buildings. These lots are part of the Frank's Place subdivision. The western adjoining property, Lot 3 of Frank's Place subdivision, possesses an in-fee, 69.25 foot wide strip of land buffering the southern subdivision from the subject property. This strip is relatively forested. The property on the opposite side of MD Rt. 26 is zoned Business General and is improved with a single-family home and several outbuildings.

The subject property is located in the Boulevard District in the 2001 Freedom Community Comprehensive Plan, a Priority Funding Area, and a Growth Area. It is in the existing Freedom public water and public sewer areas.

The three lots in Frank's Place subdivision have an existing use-in-common drive with an access point onto MD Rt.26 from the center lot of Frank's Place. With the processing of a site development plan for the Advance Auto on Lot 2 of Bonnie Brae Plaza, the intent of Ridenour Way, a planned major street, was met by constructing a vehicular way via a drive aisle from Bonnie Brae Road to the property line of Frank's Place. An ingress, egress, regress, and parking easement for Lots 1 & 2 of Bonnie Brae subdivision was established with the plan of subdivision for Bonnie Brae Plaza and recorded in L.F. 7960 / 7.

Furthermore, it was intended that a cross-easement agreement be established with the owners of Lots 3 & 2 of Frank's Place to permit vehicular thru-traffic. The owner is still in pursuit of that agreement.

❖ **Plan Review:**

The concept site plan was subject to citizen involvement at the September 26, 2016 meeting of the Technical Review Committee. One citizen requested a plan set and relayed their comments in an email to Development Review (see attached). Concerns were extensive, focusing primarily on operational procedures, noise, and lighting as it impacts the adjoining neighborhood. These comments were relayed at the TRC meeting and forwarded to the developer. The developer responded in writing to the citizen (see attached). A second citizen contacted Development Review following the TRC meeting to acquire a plan set.

The developer proposes to construct a 6,934 square foot building for use as a National Tire and Battery (NTB) operation. A determination by the Zoning Administrator recognized the use an automobile service center, a conditional use in the B-NR Zoning District requiring

Board of Zoning Appeals (BZA) approval. Case 5984 was heard on November 29, 2016. The BZA granted approval for the NTB on the site.

The land use designation in the 2001 Freedom Community Comprehensive Plan is Medium Density Residential. This property is included as part of the proposed Boulevard District. The Freedom Plan dictates that properties designated as Medium Density Residential be reserved for single-family development at a density no greater than two units per acre. This proposed subdivision and subsequent commercial uses adhere to the intent of the proposed Boulevard District as it would “allow for a mixture of commercial, retail, professional office, and residential uses” as outlined by the Freedom Plan. As such, the land use designation should be found to be consistent with the comprehensive plan.

The Bureau of Comprehensive Planning reviewed the site plan, and found that whereas, “This plan addresses Ridenour and as long as this aspect of the of the plan does not change the Bureau of Comprehensive Planning does not have any additional comments.”

Access is existing per the development of the adjoining property to the east and the established easement agreement. A traffic impact study (TIS) was required with the processing of the subdivision and Advance Auto site plan for the development of both lots based on proposed square-footages of an auto part sales use and a specialty retail business. Engineering Review has requested that the study be updated to reflect the current proposed use and square footage.

Parking requirements for an automobile service station are 1 for each employee on maximum shift plus 2 for each service bay. The plan indicates 8 bays and 25 parking spaces on site. Development Review has requested that the number of employees on maximum shift be provided and the parking tabulation on sheet 1 updated. Advance Auto has a parking requirement of 35 spaces and 33 are provided on that site with the easement agreement enabling parking on the NTB site. The total parking spaces required for NTB must meet the minimum for the use plus 2 additional spaces for the deficit on the Advance Auto site.

Proposed building measurements are 138’-8”x 50’ with a building height of 24 feet. Building elevations are depicted on sheet 9 of the plan set. The “Front Elevation” faces Liberty Road and “Right Elevation” with the entrance and service bay doors faces the office building on the adjoining property to the west. The “Left Elevation” is approximately 17 feet from the adjoining Advance Auto to the east with approximately 60 feet at the rear protruding beyond the extents of the Advance Auto. Materials include EIFS (exterior insulation and finish system), stone veneer, concrete masonry units, and aluminum detailing. Colors revolve around a neutral beige and brown scheme with yellow and blue used for signage and detailing. Building-mounted light fixtures are included on the elevations.

New lighting proposed in the parking includes 5 pole lights at a height of 15 feet above grade. A new 10’ x 5’ pylon sign is proposed at Liberty Road. Sheet 9 includes a sign detail drawing with a dimensioned height of 25 feet. Development Review commented that the Planning Commission approved the Advance Auto pylon sign at a height of 20 feet. One new dumpster is proposed to be located at the rear of the building with an adjoining tire recycling enclosure containing a drum for used oil filters.

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

National Tire and Battery will be equipped with an automatic sprinkler system to comply with Fire Protection requirements. The building will be served by public water and sewer service.

Landscaping exists along Liberty Road and at the rear property line of the site. Proposed landscaping is shown at the western property line near the rear of the property and in the parking areas. Landscaping Review has commented that the dumpster will need to be screened in accordance with the Landscape Manual. Forest conservation was addressed with the processing of the plan of subdivision and was met with off-site banking.

The Bureau of Resource Management has granted concept Stormwater Management approval. Stormwater Management (SWM) will be addressed by enlarging the existing SWM trench facility along with Environmental Site Design (ESD) practices: a grass channel and swales at both east and west property lines.

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.

Discussion:

Mr. Frizzera, Developer/Owner; Clark Shaffer, Attorney and Pete Podolak, Engineer were in attendance.

Chair Helminiak asked what was being proposed to keep noise levels from impacting the neighboring Doctor's office.

Mr. Shaffer stated that they have not received any feedback from the neighboring properties concerning noise levels. He also stated that most of the work will be performed indoors.

Mr. Frizzera has met with Dr. Pearl and they have discussed landscaping and fencing options.

Mr. Yeo stated the sign height would need to be lowered to twenty feet. He encouraged Mr. Frizzera to ensure that the recycled tire area will be large enough to accommodate the number of tires and that it be neat in appearance.

Safety issues concerning Ridenour Road pedestrian traffic were addressed. Striping or marking a pedestrian area were suggested by Mr. Yeo.

Mr. Frizzera stated that he and Dr. Pearl have discussed having a speed bump.

Chair Helminiak questioned the cross parking easement and shared parking.

Mr. Hoff encouraged the possibility of extra parking in the event future use of the property demands more parking.

There were no public comments.

Decision:

No action was requested.

PRELIMINARY SUBDIVISION PLAN REPORT

SUBJECT: P-13-008, The Fields at Pheasant Run
LOCATION: North side of Kate Wagner Road, east of Kate Wagner Ct., E.D. 7
OWNER: Link-Singer, LLC., 2625 Old Washington Road, Westminster, MD 21157 (LLC Members: William Link)
DEVELOPER: William and Jeanne Link, 2625 Old Washington Road, Westminster, MD 21157
SURVEYOR: D.R.S. & Associates, 52 Winters Street, Westminster, MD 21157
ZONING: R-40,000
ACREAGE: 6.92 acres
WATERSHED: Liberty Reservoir
NO. OF LOTS: 7 Lots
FIRE DISTRICT: Westminster
WATER/SEWER: City of Westminster (W1/S1)
MASTER PLAN: Low Density Residential
PRIORITY FUNDING AREA: Westminster
DESIGNATED GROWTH AREA: Westminster

❖ Action Required:

Two actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 155, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 156, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ Existing Conditions:

The subject property is undeveloped. This property is shown as non-residential Parcel A on the Law Farm plat from 1979 (attached). There are wetlands and a stream in the southernmost area of the site, toward the middle of the parcel. There are also trees and shrubs in this area that extend east to the property boundary. This property and all properties to the north, east, and west are in the existing/final planning service area for Westminster City public water and public sewer. Properties to the north and west of the subject property are zoned R-40,000, while properties to the east are zoned R-10,000. Properties on the opposite side of Kate Wagner Road are zoned Agriculture. Properties to the north and west are improved with single-family homes. Properties to the south are improved with residences with a large forested area as well. Properties to the east are improved with homes and small businesses.

❖ Plan Review:

The developer proposes to create seven new lots on the property. A concept plan of subdivision was reviewed on February 18, 2014 by the Planning and Zoning Commission (minutes attached). The Commission reviewed both a conventional and cluster layout. It was the consensus of the Commission that the developer move forward with the cluster plan with 40 foot rear setbacks, 15 foot side setbacks, and 30 foot front setbacks.

The cluster code is as follows:

§ 155.095 CLUSTER SUBDIVISIONS.

(A) Conditions requisite to approval in “R” and “H” Districts. In the Heritage, R-40,000, R-20,000, and R-10,000 Districts, the Planning Commission may authorize the division of tracts or parcels of land into lots for R District uses, and lots and yards may be smaller than otherwise required in the R Districts in [Chapter 158](#), provided that the following conditions are met:

(1) The total number of lots and dwelling units may not exceed the number that would be permitted if the area were developed in conformance with its topographic characteristics and the normal minimum lot size requirements in the zoning district in which they are located;

(2) The land derived from reduction of lot size shall be provided and maintained as open space or recreational areas for joint use by the residents of the cluster subdivision or offered to the county as agreed to by the Planning Commission, except where such additional reduction of lot size occurs as a result of utilizing TDRs pursuant to § [155.090\(D\)](#) and division (A)(5) of this section;

(3) Cluster subdivisions must be served by public water and sewerage facilities;

(4) Common open space shall not be less than 15% of the gross acreage of any tract submitted for cluster subdivision.

(a) A maximum of 50% of the required open space may be steep slopes, streams, ponds, watercourses, and floodplains;

(b) A minimum of 10% of the required open space or one and one-half acres, whichever is greater, shall be suitable for active recreational use and may not exceed a grade of 3%; and

(c) For tracts or parcels less than ten acres, the Planning Commission may approve deviations from these percentage requirements.

(5) A cluster subdivision receiving TDRs may increase density at two TDRs for every ten lots created in accordance with division (A) above;

(6) In order to be eligible for clustering, all lot yield from the entire property shall be included on the preliminary subdivision plan.

Open space, required by the cluster requirements, is shown as Parcels A, B, and C. The open space requirement is no less than 15% of the gross acreage; which equates to 1.038 acres. The amount of open space provided is 2.7536 acres. A minimum of 10% of the required open space or 1.5 acres, whichever is greater shall be suitable for active recreational use. In this case, 10% of the required open space is 0.1038 acres, so a minimum of 1.5 acres is required. This active open space acreage requirement is greater than the required open space acreage. The Commission may approve deviations from the percentage requirements for properties containing less than 10 acres. A total of .326 acres is identified as active open space. A four foot wide walking trail is shown as active recreational requirement of the cluster provisions. A pavilion is shown between Lot 3 and Kate Wagner Road. This pavilion will be built for the

benefit of the residents in this subdivision. A Forest Conservation Bank will be established on the open space parcels. The area of the bank will satisfy the developer's forest conservation code requirements plus allow for additional area that can be credited to other development projects located in the County.

The plan shows seven residential lots ranging in size from 20,551 square feet to 30,059 square feet. Each lot is served by public water and sewer service provided by the City of Westminster. A 16' wide paved use-in-common driveway (Decoy Drive) will provide access from Kate Wagner Road. The use-in-common is a loop driveway connecting to Kate Wagner Road at two points. There will be no individual driveway access points onto Kate Wagner Road. A fully functional traffic signal is located at the intersection of Kate Wagner Road and MD Route 32 (Washington Road).

On October 24, 2016 a Good Cause Waiver from the City of Westminster for water and sewer service was approved to connect seven, single-family residences to the City of Westminster public water and public sewer system. Each home will have its own grinder pump that would be connected to a common sewer force main. The plan shows a water line being extended from Kate Wagner Court through the rear of the property and the sewer line being extended from MD Rt. 32 along Kate Wagner Road. A pump station will be installed to convey effluent by force main to MD Rt. 32.

Stormwater management will be addressed with the installation of an infiltration trench on both sides of the driveway, and 1 drywell for each residential structure. Landscaping will be provided along the south side of Lot 1 as the side of the home faces the public street. The preliminary plan meets the requirements for Floodplain and Water Resource codes. A floodplain and water resource protection easement around the stream and wetlands will be deeded to the County upon final plat recordation. An on-site forest bank is being established to address the afforestation requirements.

The subdivision plan was subject to Citizen's Involvement on December 23, 2013 during the Technical Review Committee (TRC) meeting. Citizen questions raised were addressed during that meeting. No citizen comments have been received.

The proposed land use is consistent with the 2007 Westminster Environs Community Comprehensive Plan land use designation of Low Density Residential.

❖ Recommendations:

Pursuant to Chapter 155, staff recommends approval of the preliminary plan subject to the following conditions:

1. That a note be placed on the final plat restricting access for all lots to the use-in-common driveway.
2. That a Declaration of Maintenance Obligations for the use-in-common driveway, Decoy Drive, be recorded simultaneously with recordation of the subdivision plat.
3. That the Owner/Developer enters into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
4. That a water resource protection easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.
5. That a floodplain easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.

6. That a forest conservation easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.
7. That a landscape maintenance agreement for the landscaping shown on the approved preliminary plan be recorded simultaneously with recordation of the plat.
8. 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 recordation of the subdivision plat.
9. That the area shown as Parcel D be conveyed to the County Commissioners of Carroll County upon acceptance of the stormwater facilities by the County.
10. That the area shown as Parcels E and F be conveyed to the adjoining property simultaneously with recordation of the subdivision plat.
11. That any changes to the Preliminary Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.
12. That a homeowners association for ownership of parcels A, B, and C be created simultaneously with recordation of the subdivision plat.
13. That a ready for use certification of the forest bank be provided prior to final approval.

CONCURRENCY MANAGEMENT REPORT

❖ Background:

Pursuant to Chapter 156 of the Code of Public Local Laws and Ordinances, once the Department has determined that the residential development plan may be presented to the Commission, the plan is reviewed for Available Threshold Capacity.

❖ Agency Responses:

Police Services:

The estimated Carroll County population as of October 31, 2016 was 172,952. As of that date, among the police forces in the County with staffing levels established by an annual budget including the Carroll County Sheriff's Office and the municipal police departments, there were 201 funded officer positions and 39 Maryland State Police officers. Based on a total of 240 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of October 2016 was 1.39. Including the development projects in the pipeline, the ratio remains over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000. The ratio shall be calculated by counting all sworn officers with law enforcement responsibility in an incorporated municipality or within the county and by counting the total population within the incorporated municipalities and within the unincorporated county.

Schools:

The proposed subdivision is located in the Friendship Valley Elementary, Westminster West Middle, and Westminster High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2017-2022.

The December 2015 enrollment projections, prepared by Carroll County Public Schools, indicate that Friendship Valley Elementary had an actual enrollment of 92.87% of state-rated capacity. The projections indicate that enrollment will decline to 87.5% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there are no additional residential developments currently in the review process. There are approximately 14 subdivision lots that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. An elementary school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

The December 2015 enrollment projections indicate that Westminster West Middle had an actual enrollment of 98.5% of functional capacity. The projections indicate that enrollment decreases to 83.3% of functional capacity by the end of the 6-year CIP cycle. In this attendance area there are seven additional residential developments, comprised of 135 lots, currently in the review process. There are approximately 49 lots that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A middle school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the functional capacity.

The December 2015 enrollment projections indicate that Westminster High had an actual enrollment of 86.7% of state-rated capacity. The projections indicate that enrollment will decrease to 84.1% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area there are 11 additional residential developments, comprised of 154 lots, currently in the review process. There are approximately 144 residential subdivision lots that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A high school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Westminster fire and emergency medical services district. The two-year period of December 2014–November 2016 late and no response statistical data indicates that of the first due total fire calls in the Westminster district, 0.16% were categorized as no responses, and 0.25% as late and no responses. Of the first due emergency medical service calls, 0.38% were categorized as no responses and 0.55% as late and no responses. Services are rated adequate if total number of late and no responses is less than 15%, and the total number of no responses is less than 4% measured on a 24-month basis.

With regard to fire call average response time, for the same two-year period, Westminster had an average response time of 6 minutes and 30 seconds. With regard to emergency medical call average response time, Westminster had an average response time of 6 minutes and 24 seconds. Services are rated adequate if when utilizing an average over the previous 24 months, response time is 8 minutes or less from time of dispatch to on-scene arrival with adequate apparatus and personnel.

The primary route from the firehouse to the proposed development does not include travel over bridges that cannot adequately support fire and emergency response apparatus. Services are rated adequate if all bridges and roads for the most direct route or acceptable secondary route to the project site are adequate to support fire and emergency response apparatus.

Roads:

Kate Wagner Road is rated adequate.

Water and Sewer Services:

Property to be served by City of Westminster. A good cause waiver has been approved.

❖ Chapter 156 Recommendation:

With regard to a preliminary plan, Chapter 156-6D(4)(c) states “If all public facilities and services are adequate during the current CIP, the Planning Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations, subject to a building permit cap adopted by the County Commissioners in effect at the time of application for building permits.”

Pursuant to Chapter 156, staff recommends that the Planning Commission approve the preliminary plan with conditions as follows:

1. Police, schools, roads, and fire and emergency medical services are considered adequate;
2. the building permit reservation is for 7 lots in FY17, subject to modification at the final plat stage;
3. the recordation schedule requires the plat to be recorded within 24 months of preliminary approval;
4. the building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Clark Shaeffer, Bill Link and Dan Staley were in attendance.

Dan Staley stated that rain tanks will be encouraged to recycle water back into the homes for nonpotable use.

Mr. Yeo questioned how trash and mail would be handled.

Mr. Link stated that mailboxes would be clustered and they would consider an efficient way for trash removal.

Mr. Helminiak asked what kind of material the trails will be made from.

Mr. Staley said they would be mulch trails.

Mike Beaver, neighbor, asked how many pump stations there would be.

Mr. Staley stated that there would be no pump stations because the City suggested they use grinder pumps in the houses and build a public force main.

Mr. Beaver asked where the water access into the property would be and if the access road would remain grass.

Mr. Staley confirmed that there were no plans for a paved access.

Robin Sutton, neighbor, would like there only to be one access point onto Kate Wagner because it is a busy road. She is happy there will only be seven units.

Mr. Beaver asked if current owners would have to hook up to water and sewer.

Mr. Staley responded no.

Mr. Yeo stated the Commission supports the deviation with regards to the active open space and acknowledge the size consideration.

Decision:

Pursuant to Chapter 155, the Commission, on motion of Mr. Yeo, seconded by Mr. Wothers and carried, approved the Preliminary Plan subject to the thirteen conditions in the staff report.

Pursuant to Chapter 156, the Commission, on motion of Mr. Yeo, seconded by Mr. Wothers and carried, approved the Preliminary Plan subject to the four conditions in the staff report.

SPECIAL REPORT

SUBJECT: S-16-0014, Lot 2A of Nells Acres, Section 2

LOCATION: South side of Liberty Road (MD Route 26), east of Fallon Road, E.D.5

OWNER: Nells Acres Land LLC, 10 Venture Way, Suite A, Sykesville, MD 21784
(LLC Members: Donald H. Patton & David S. Patton)

DEVELOPER: Same as owner

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157

ZONING: R-40,000

BZA CASE: 4129, August 28, 1996
5053, April 28 & July 26, 2005 & January 6, 2016

ACREAGE: Lot 2A: 1.6861 acres
Nells Acres Section 2: 25.97 acres

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Sykesville

MASTER PLAN: Low Density Residential - Boulevard District – 2001 Freedom
Community Comprehensive Plan

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

Clay Black presented the background.

❖ **Action Required:**

Lot 2A is before the Planning and Zoning Commission per Chapter 158.072(D)(3) for review and determinations prior to a December 28, 2016 hearing before the Board of Zoning Appeals, Case 5990, for a request for modification of the conditional use for a retirement home granted in BZA Case 5053 (attached), to allow 9 additional units on an adjacent lot. **Action is required.**

📖 **§ 158.072 R-40,000 RESIDENCE DISTRICT.**

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization are as follows:

- (3) Nursing homes, retirement homes, continuing care retirement communities and assisted-living facilities, hospitals (Class A), medical and dental clinics, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;

❖ **History:**

Nells Acres is a retirement community, accommodating a population age 55 and over, on the south side of Liberty Road (MD Rt. 26), just west of the Liberty Reservoir. It is comprised of five properties all in the R-40,000 Zoning District (see plat, attached). Conditional uses were sought and granted by the Board of Zoning Appeals for Tract A, Lot 1A, Lot 2A, and the Future Section Two parcel. Parcel A is an Open Space parcel.

Tract A accommodates Nells Acres Section 1 on the west side of Fallon Road, approved by the BZA in Case 4150 for the conditional use for a retirement community of up to 120 units. The site plan was approved in 1997 with 108 condominium units in 9 buildings, now built.

Lot 1A, at Liberty Road on the west side of Fallon Road, is developed with a medical office building in accordance with BZA Case 4130 and an approved site plan in 1997.

The Future Section Two parcel on the east side of Fallon Road, approved in BZA Case 5053 for the conditional use for a retirement community with 312 condominium units, has an approved 2005 site plan with 296 units in 26 buildings. The approved plan is unbuilt.

Lot 2A adjoins the Future Section Two parcel and is situated at Liberty Road on the east side of Fallon Road. The BZA approved a conditional use for a day care center in Case 4129. An approved site development plan from 1997 is unbuilt.

On January 6, 2016, the developer appeared before the BZA requesting a determination as to “whether or not a revision of the layout for the retirement community approved in BZA Case 5053 constitutes a substantial change requiring a new hearing before the Board of Zoning Appeals.” The plan presented to the BZA included “about 130 units” on the Future Section Two parcel. The BZA determined it was not a substantial change.

On August 1, 2016, a revised site plan for the Future Section Two parcel and Lot 2A was submitted to Development Review proposing 133 townhouse units; 124 on the Future Section Two parcel and 9 on Lot 2A. Development Review is processing the plan and has commented that Lot 2A requires BZA approval.

The December 28, 2016 agenda for the BZA includes, “Case 5990, a request for modification of the conditional use granted in BZA Case 5053, to allow 9 additional villa style townhomes on an adjacent lot.”

In accordance with the Code, the Planning and Zoning Commission is charged with determinations of density, exterior design, and site layout prior to a BZA determination for the conditional use.

❖ **Existing Conditions:**

Lot 2A is 1.6861 acres in the R-40,000 Zoning District with frontage on Fallon Road, a County road, and MD Route 26. The property is currently vacant, open land. All surrounding properties lie in the R-40,000 Zoning District. The property across Fallon Road hosts a

medical office building. The adjoining property to the south is vacant with an approved site development plan for 296 age-restricted condominium units and a current site plan being processed together with Lot 2A for 133 total age-restricted townhouse units. Properties across Liberty Road are built with single-family residences. The plat annotates no vehicular access is permitted from Fallon Road and no access is permitted from MD Route 26.

All properties are within the Freedom existing public water and sewer services areas as well as the Designated Growth Area and Priority Funding Area.

❖ **Lot 2A Review:**

The developer proposes to construct nine two-story townhouse units on Lot 2A as part of a 133-unit age-restricted retirement home development, Nells Acres Section 2. The townhouses create a four-unit building and a five-unit building facing an internal private road, Road C, with sidewalk proposed on both sides of the road. Driveways branch from Road C to access townhouses measuring approximately 1,950 square feet including attached two-car garages. Road C dead-ends at Road A which connects to Fallon Road, a County Road. Road A is intended for access to the entirety of Nells Acres Section 2. It is depicted as a divided roadway with a median and no direct left turn onto Road C. A Traffic Impact Analysis was required for the entirety of the Nells Acres Section 2 site development and is in review.

With the long orientation of the townhouse buildings facing Road C, landscaping is provided on Lot 2A at both Liberty Road and Road A to screen the side elevations. Building elevations are included in the plan set. Proposed colors include tan, brown, and gray with white trim and garage doors. Although materials are not annotated, the rendering appears to depict siding, stone veneer, and asphalt shingled roofs. Decorative garage doors, trim details, rooflines, shutters, light fixtures, and custom windows adorn the facades.

The concept site plan for Nells Acres Section 2 is currently in the review process and will be brought before the Planning and Zoning Commission in its entirety following the Board of Zoning Appeals determination on Lot 2A, a stormwater management concept approval, and an analysis of Traffic Impact Analysis recommendations.

❖ **Recommendations:**

Staff recommends that the determination of density, exterior design, and site layout of the retirement home on Lot 2A be subject to the following conditions:

1. That the determinations for Lot 2A are understood to be derived with respect to the development of the Future Section Two parcel as currently proposed.
2. That the plat be amended to consolidate Lot 2A with the Future Section Two parcel.

Discussion:

Clark Shaffer, Attorney; Marty Hackett, CLSI and Donald Patton, owner were in attendance.

Mr. Shaffer explained that the original three story buildings that were approved by the BZA were changed to two story buildings per the concerns of the Planning Commission regarding building height along Route 26.

Mr. Hoff asked why the adult daycare idea or developing the parcel as commercial use was changed.

Mr. Shaffer stated that it was originally zoned R40 which limited their options. The adult daycare was supported by the market.

Mr. Hoff asked if elevators would be in the two story building.

Michael Shearer stated the dwellings have first floor master suites and laundry and that the upstairs is for loft space or guest rooms.

Mr. Hoff asked why the units are facing Road C.

Mr. Hackett stated they were looking for a boulevard type of entrance. This way there is one access point instead of eight or nine driveways.

Mr. Yeo asked if the age restricted retirement development was the owner's first choice.

Chair Helminiak asked about the Ridenour Way connection; it ends at Mr. Patton's property.

Secretary Hager asked if Road C would connect to Liberty Road and suggested there be clear language to everyone that this road will not connect to Liberty Road.

Mr. Black and Mr. Shaffer stated that Road C would not connect to Liberty Road.

Decision:

On motion by Mr. Yeo, seconded by Mr. Wothers and carried, the Planning Commission approved that the determinations for Lot 2A are understood to be derived with respect to the development of the Future Section Two parcel as currently proposed and that the plat be amended to consolidate Lot 2A with the Future Section Two parcel.

LUNCH RECESS

FREEDOM COMMUNITY COMPREHENSIVE PLAN

A. Recap of December 5th Community Outreach Meeting

Lynda Eisenberg and Mary Lane reviewed attendance, comment cards and feedback from the meeting. The Commission stated that public feedback is important and that it is used as an important part of the overall plan development process.

B. Discussion: Element 7, Land Use

Lynda Eisenberg and Mary Lane reviewed Land Use Designation Concepts and Future Land Use Change proposals.

Mr. Hoff would like to have feedback from Economic Development regarding making decisions about certain parcels.

C. Element 11, Transportation – Work Session

Postponed until January 4th due to a loss of a quorum.

PUBLIC COMMENT

Clark Shaffer emphasized that the Gibson property is in the Designated Growth Area and has access to public water and sewer and can accommodate a High Density Designation.

Marty Hackett, CLSI, gave his opinions on parcels in the Freedom Area and how they should be designated in order to fully maximize their growth potential.

Beth Gray, citizen, stated she will come back on January 4th to discuss her concerns about road connections.

ADJOURNMENT

There being no further business the Commission, on motion by Mr. Wothers, seconded by Mr. Hoff and carried, adjourned.

Secretary

Approved