

MEETING SUMMARY
Carroll County Planning and Zoning Commission

April 18, 2017

Location: Carroll County Office Building

Members Present: Richard J. Soisson
Alec Yeo
Eugene A. Canale
Daniel E. Hoff
Cynthia L. Cheatwood
Dennis E. Frazier, Ex-officio

Members Absent: Matthew S. Helminiak, Chair
Jeffrey A. Wothers

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

CALL TO ORDER/WELCOME

Vice Chair Soisson called the meeting to order at approximately 10:09 a.m.

ESTABLISHMENT OF QUORUM

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

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Hager greeted the Commission and acknowledged the late start time due to the Legislative Wrap Up that was presented to the Board of County Commissioners.

REVIEW AND APPROVAL OF AGENDA

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

PUBLIC COMMENTS

There were no public comments.

REVIEW AND APPROVAL OF MINUTES

The minutes of the March 29th, 2017 and April 5th, 2017 meetings were approved on motion of Mr. Yeo, seconded by Ms. Cheatwood and carried.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Vice Chair Soisson 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

There were no Administrative Matters.

B. EXTENSIONS

Clay Black, Bureau Chief Development Review, reported that two extensions had been granted including: a sixth extension for Walkerwood Estates II in Election District 6; and a fifth extension for Frank's Way in Election District 9.

Mr. Black stated that the legal package for Medford Quarry has been completed.

Mr. Black updated the Commission on Antlitz Estates stating that they are going back to their original plan of not having dumpsters.

C. BZA CASES

Secretary Hager reported that staff provided comments to the BZA for Case No. 6005, Vertical Bridge Development II, LLC; Case No. 6006, Todd Schaeffer; Case No. 6011, James Christiansen; and Case No. 6012, Steven P. Murray.

Secretary Hager reported that there are three Cases to be heard on April 26th including: Case No. 6013, a request for Expansion of a Non-Conforming Use for reconstruction of a company shop; Case No. 6015, Expansion of a Non-Conforming Use for a salon; and Case No. 6016, a request for Conditional Use for a country inn.

D. OTHER

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

CONCEPT SITE PLAN REVIEW

P-14-0061, CEDAR RIDGE SECTION 2, RESUBDIVISION OF LOT 4

LOCATION: South side of John Owings Road west of Bachmans Valley Road,
E.D. 7

OWNER: Marris D. German, Jr., 437 John Owings Road, Westminster, MD
21158

DEVELOPER: Same as Owner

SURVEYOR: Leon A. Podolak & Associates, LLC, 147 E. Main Street,
Westminster, MD 21157

ZONING: Conservation

ACREAGE: 7.1034 acres

WATERSHED: Double Pipe Creek

NO. OF LOTS: 1 new (no new dwellings)
FIRE DISTRICT: Pleasant Valley
MASTER PLAN: Resource Conservation
PRIORITY
FUNDING AREA: Outside
DESIGNATED
GROWTH AREA: Outside

❖ **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 Major Subdivision Plan. **No action is requested.**

❖ **Existing Conditions:**

The subject property is Lot 4 of Cedar Ridge Section Two, a sixteen-lot subdivision recorded in four sections between 1980 and 1987 (plats attached). With 7.1034 acres in the Conservation Zoning District, the property hosts a primary dwelling unit and a detached accessory dwelling. In accordance with the Zoning Regulations, Chapter 158, detached accessory dwellings are an accessory use in the Conservation District.

📖 **§ 158.071 “C” CONSERVATION DISTRICT.**

(E) Accessory uses. Accessory uses shall be as follows:

- (7) Detached accessory dwelling units, provided that the lot or parcel is eligible to be subdivided to separate the detached accessory dwelling and which are subject to the following:
 - (a) Only one attached or detached accessory dwelling unit is permitted on any lot or parcel. Buildings converted in accordance with § [158.071\(C\)\(7\)](#) shall be considered detached accessory dwelling units;
 - (b) The property owner must occupy either the principal dwelling unit or the detached dwelling unit on the lot or parcel;
 - (c) The detached accessory dwelling unit must meet all applicable building construction and Maryland Department of Health and Mental Hygiene and MDE Codes;
 - (d) Two off street parking spaces must be provided for the detached accessory dwelling unit; and
 - (e) Detached accessory dwelling units shall not be subject to any size limits.

The minimum lot size in the Conservation Zoning District is 3 acres and minimum lot width is 300 feet. Setbacks are 50 feet at the front, side, and rear yards. On August 6, 2014 the owner applied for a variance for a reduction of the minimum lot width from 300 feet to 250 feet. It was granted by the Zoning Administrator (decision attached).

A detached accessory dwelling unit was permitted in 2015 and built through the Bureau of Permits and Inspections. Both residences are served by independent private well and septic systems. Two private driveways from John Owings Road serve the respective houses. Driveway location and sight distance were approved under the building permit process. A

drywell was installed for stormwater management purposes under the building permit. Fire Protection is provided by an automatic residential fire sprinkler system.

Lot 4 maintains a densely wooded area adjacent to John Ownings Road, open and gently sloping yard at the rear half of the property, and no streams or floodplains on site. South and west shared property lines have an established tree line.

Adjoining properties to the west, south, and east are zoned Conservation and built with single family residences. Across John Ownings Road to the north lie Agricultural zoned properties.

❖ **Plan Review:**

The owner/developer proposes to subdivide Lot 4 of Cedar Ridge, creating Lot 17 and Lot 4A.

The plan was subject to citizen involvement at the March 27, 2017 meeting of the Technical Review Committee. No citizens signed in or spoke at the meeting. One adjoining property owner contacted Development Review to view the plan.

Exemptions have been granted by Floodplain, Stormwater Management, and Landscape Review. The project engineer has noted exemption from Forest Conservation and Forest Conservation Review responded that an exemption request letter must be submitted.

The previous plat, Plat Book 25, Page 11, includes General Note 10, "The resubdivision of any lot shown hereon will require the improvements of John Ownings Road to County standards by the lot owner." Since the recordation in 1983, John Owings Road has been paved. Both Engineering Review and the Department of Public Works acknowledge the road as improved to County standards, meeting the intent of the General Note.

With no new residences, this project is not subject to Concurrency Management.

Laura Matyas presented the staff report to the Commission.

Discussion:

Mr. Yeo questioned the date of the Zoning Administrator's approval.

Mr. Podolak stated that a building permit was obtained in 2015.

Decision:

No action was requested.

This plan will come back to the Commission.

SPECIAL REPORT

GRO-16-0008, WESTMINSTER TRAILS PHASE II

LOCATION: North of Westminster Community Pond, west side of Sullivan Road 7th
ED

OWNER: Carroll County Commissioners, 225 N. Center Street, Westminster, MD 21157
Industrial Development Authority of Carroll County, 225 N. Center Street, Westminster, MD 21157

DEVELOPER: Carroll County Commissioners c/o Department of Recreation and Parks, 225 N. Center Street, Westminster, MD 21157

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

ZONING: Conservation/R-10,000

ACREAGE: 22.07 acres

WATERSHED: Liberty Reservoir

MASTER PLAN: Westminster Environs-Conservation

PRIORITY FUNDING AREA: Westminster

DESIGNATED GROWTH AREA: Westminster

Clay Black presented the staff report to the Commission.

❖ **Action Required:**

In accordance with the Annotated Code of Maryland, Land Use Article § 3-205, this plan is before the Planning and Zoning Commission to determine consistency with Master Plan.

❖ **Existing Conditions:**

The property is located north of the Westminster Community Pond and on the west side of Sullivan Road. The proposed trail is located on two properties. The northern property (owned by IDA) is vacant unimproved land with frontage on Snowfall Way. That property is identified as open space for Section Eight of Autumn Ridge, recorded in Plat Book 40 Page 137 (copy attached). The southern property, owned by County Commissioners, is vacant and unimproved as well, with a stream on the southern portion of the property with the Commerce Center SWM facility located along the western property line. That property is identified as Open Space Parcel E on the Autumn Ridge Section One plat, recorded in Plat Book 20 Page 100 with an amended plat recorded in Plat Book 41 Page 128 (copies attached).

The adjoining property to the south contains residential lots zoned R-10,000. The Westminster Community Pond is also adjacent to the property. Adjoining property to the west is the Commerce Center located in the City of Westminster and the adjoining property to the north and east is the Autumn Ridge subdivision. Those lots are served by public water and public sewer system.

The second phase of Westminster Trails will tie in to the existing phase one on the north side of Commerce Center pond to the Autumn Ridge subdivision with access from Snowfall Way, providing direct pedestrian access to the Westminster Community Pond.

❖ **Site Plan Review:**

A grading only plan for Phase 2 of Westminster Trails was submitted to the Bureau of Development Review. The developer plans to construct a 6 foot wide paved trail that will tie into a previously constructed portion of the Westminster Trail with a 900 foot extension that

will connect to the Autumn Ridge subdivision. Access will be provided from Snowfall Way to the Westminster Community Pond and will become a part of the Westminster Community Pond park and fall under the County Parks Ordinance (open sunrise to sunset, pets on leash, etc.) There are approximately 200 homes on the west of Sullivan Road that will now have access through sidewalks or the trails to the Community Pond Park.

A parking lot is proposed with ten parking spaces provided, two of which will be handicap accessible. This parking lot is designed for residents traveling to the Westminster Community Pond Park from north of Westminster as it will eliminate the need to access Route 140 and make a U-turn at the Sullivan Road light. Access to the proposed parking will be via Corporate Center Court. An easement for access to the Carroll County Commerce Center will need to be recorded prior to approval of the grading plans.

On March 2, 2017, the Department of Recreation and Parks held a public meeting at the Carroll County Office Building in regards to the project with 20 people with attendance. In an attempt to collect additional public input, a two question follow up survey was mailed to 228 residents of the Autumn Ridge community.

As of the writing of the report, survey totals are listed below:

Trail to Snowfall Way	78 Support 18 Do Not Support
10 Car Parking Lot at Commerce Center	63 Support 33 Do Not Support

Earlier phases of the Westminster Community Trail were completed as a previous capital project. Construction of the trail extension to Autumn Ridge is anticipated to begin in 2017.

Forest Conservation for this project was previously addressed under the forest conservation plan for Sullivan Road Phase II (S-12-011GO). The site is subject to the requirements of Storm Water Management, and Grading and Sediment Control.

This project is an extension of an existing approved trail (S-16-0006GO) and approved with a variance by Water Resource Management on June 28, 2016. Water Resource Management received a copy of the MDE Letter of Authorization for impacts to wetlands that were addressed in the June 2016 variance by Water Resource Management. Since the proposed plan does not involve any additional environmental impacts, approval of the proposed plan as presented is granted. This project is exempt from the requirements of Chapter 153, Floodplain Management.

In accordance with 158.049 of the Carroll County Code of Public Local Laws and Ordinances, County Public Buildings, Structures, and Uses

Notwithstanding anything herein to the contrary, uses of land, buildings, structures, or premises by the County Commissioners, including the location, erection, reconstruction, extension, enlargement, conversion, or alteration of buildings or structures or parts thereof may be located in any district as principal permitted uses and exempt from all subdivision regulations and bulk requirements. However, no land, building, structure, or premises owned or leased by the County Commissioners may be used without the approval of the County Planning Commission pursuant to Md. Code, Land Use Article, § 3.205.

In accordance with the Annotated Code of Maryland, Land Use Article § 3-205 the following is required:

(b) A publicly or privately owned street, square, park or other public way, ground, or open space, a public building or structure, or a public utility may not be authorized or constructed in the local jurisdiction or in geographic section of the local jurisdiction until the planning commission has approved the location, character, and extent of the developments as consistent with the plan.

❖ **Action Requested:**

Staff recommends that the Planning Commission find the grading only plan as consistent with the plan.

Discussion:

Mr. Soisson questioned the location and purpose of the parking lot near the Commerce Center.

The purpose is to avoid having to travel on Route 140.

Mr. Degitz, Department of Recreation and Parks, presented the Commission with the results of a survey that was mailed out to the community members impacted by the trail.

Mr. Degitz stated that adult recreation and more trails that connect to parks are the most common requests for improvements they receive.

Commissioner Frazier asked if a separate trail could be added to the trail if a parking lot was not approved.

Mr. Degitz responded by saying it would work if it were ADA accessible.

Mr. Yeo suggested a pull over lane that was handicapped only.

Mr. Yeo suggested that a parking restriction should be placed in front of the homes by the entrance of the trail.

Mr. Hoff stated it is a public road and asked if there can be restrictions on parking.

Marjorie Conner, citizen, owner of a house at the end of the trail. She is in opposition to the parking lot. Her concern is the public accessing her property.

Matthew Keel, citizen, is in opposition of the trail. He is concerned about the access the public will have near his residence.

Nancy Frick, citizen is in opposition of the trail and the potential problems it may cause.

Howard Kapthur, citizen, in support of the trail.

Donna Kap, citizen, in support of the trail.

Marjorie Conner, had complaints about police response in her community.

Son of Marjorie Conner, citizen, stated he has never seen police in the community. He is in opposition to the trail. He states the trails are used for partying.

Bud Bender, citizen, is opposed to the parking lot. He is concerned about public access to his community.

Mr. Hoff asked if the trail can exist without the parking lot.

Mr. Degitz stated the trail is for the residents of Autumn Ridge and the parking lot is for the benefit of citizens coming from the north or west so they don't need to make a U-turn at the light at Sullivan Road.

Secretary Hager stated that the purpose of the agenda item is to develop a finding of consistency. It is not a site plan review and the Commission does not have the authority to approve or disapprove the project. The Commission only needs to determine consistency with the Master Plan.

Decision:

Mr. Hoff made a motion that the plan is consistent with the Master Plan. Ms. Cheatwood seconded the motion.

Mr. Yeo asked for clarification of which part of the Master Plan this pertains to.

Andrea Gerhard stated this pertains to the 2007 Westminster Environs Plan.

Mr. Yeo would like more information about the 2007 Westminster Environs Plan before making a decision.

Mr. Black stated that in 1995 it was established as Open Space with an easement.

Vice Chair Soisson asked for a vote. On a vote of two in favor, three opposed, the motion failed.

This plan will come back to the Commission at a later date. The Commission requested that staff provide additional information from the 2007 Plan for review by the Commission at the May work session.

CONCEPT SITE PLAN REVIEW

S-17-0004, ADAMS PARADISE SENIOR HOUSING AMENDED

LOCATION: South side of Oklahoma Road, west of Westchester Hills Court, E.D. 5

OWNER: Minnie Aleta Adams & Arla A. Ely, Trustee et al., 5845 Oklahoma Road, Sykesville, MD 21784

DEVELOPER: BHH, LLC, 10220 Old Columbia Road, Columbia, MD 21046
(LLC Members: BHH, Inc. & Bethany H. Hooper)

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157-5539

ZONING: R-20,000 / Conservation

ACREAGE: 15.6380 acres (R-20,000 - 13.1422 acres, Conservation - 2.4958 acres)

WATERSHED: Liberty Reservoir

NO. OF UNITS: 109 Independent Living

MASTER PLAN: 2001 Freedom Community Comprehensive Plan - Medium Density Residential, Private Conservation

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

PUBLIC FACILITIES IMPACTED

ROADS: Oklahoma Road

FIRE & EMS:	Sykesville
POLICE:	Carroll County Sheriff's Office / Maryland State Police / Municipal Police
WATER:	Freedom
SEWER:	Freedom

❖ **Action Requested:**

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.**

❖ **Site Plan History:**

The property maintains a Conditional Use for a retirement home in the R-20,000 zoning district; granted by the Board of Zoning Appeals in Cases 5668 and 5669 and affirmed on June 17, 2015 by the Court of Special Appeals of Maryland.

On June 21, 2016, the Planning and Zoning Commission approved a site plan for a 160-unit senior living retirement home development, Adams Paradise, on the property. The plan provides 75 units for assisted living / Alzheimer's and 85 units for age-restricted independent living in a 3-story building of 178,000 square feet with a peak height at 40 feet above grade. (See attached plan and minutes.)

On October 26, 2016 the developer appeared before the Board of Zoning Appeals (BZA) with a request "to consider whether or not a revision of the layout for the retirement community approved in BZA Case 5668 and 5669 constitutes a substantial change requiring a new hearing before the Board of Zoning Appeals." The revision proposed a reduction in the density to 109 independent living units only and a reduction in the building square footage. The BZA equated "substantial change" to "impact" ("less is not more") and unanimously determined that "the proposed changes in the approved layout do not constitute a substantial change requiring a new hearing." (See attached decision.)

❖ **Existing Conditions:**

The property for the Adams Paradise development is 15.6380 acres split-zoned in the R-20,000 (13.1422 acres) and Conservation (2.4958 acres) zoning districts with frontage and existing access on Oklahoma Road, a County roadway. The site is largely wooded, though the area of the site closest to Oklahoma Road has been cleared and is lawn. A forest, stream, and associated floodplain are located in the southernmost area of the site. There are several structures on the property which are to be razed. An existing public utility structure and its access drive will remain. The property is in Freedom's Priority Funding Area, Designated Growth area, and Existing/Final Planning service area for water and sewer.

The property is adjoined on the east by the Westchester Hills community, which is zoned R-20,000 and comprised of single-family homes. The properties across Oklahoma Road are also zoned R-20,000 and improved with single-family homes. The adjoining property to the west is zoned R-20,000 and Conservation and is improved with a single-family home. The property to the southeast is zoned Conservation and is unimproved. The property to the south is zoned

R-20,000 and Conservation and is currently unimproved; the Rustic Rising 35-lot cluster subdivision is proposed for this site and on December 16, 2014 received final plan approval from the Planning and Zoning Commission.

❖ **Site Plan Review:**

On February 22, 2017, a one-building, 109-unit, age-restricted residential amended site plan was submitted to Carroll County Bureau of Development Review and subsequently distributed to technical review agencies.

The concept amended site plan was subject to citizen involvement at the March 27, 2017 meeting of the Technical Review Committee. Six citizens signed in at the meeting, one citizen spoke. The concern was of the finished floor elevation being four feet higher than the previous plan depicted. The engineer responded to the concern, stating that raising the finished floor elevation enabled reducing the extents of retaining wall #2 thereby reducing the construction disturbance for adjoining. Three citizens have contacted Development Review to request plan sets and inquire about the project.

The Zoning Ordinance specifies that for nursing homes and retirement homes with multi-family units the minimum lot area is 45,000 square feet. The property is 681,191 square feet. Minimum property line setbacks are 50 feet for the front and rear yards and 40 feet for the side yards. A 3-story building with 117,700 square feet of space, the peak height is dimensioned at 40 feet from grade on the building elevations on sheet 36.

Section 158.30(E) states that in Residential zoning districts, the height of a building may be extended to 3 stories, but not over 40 feet, if each side yard is increased in width ½ foot for each additional one foot of height above the normal maximum limit. The height requirement standard in the R-20,000 district is 35 feet, which necessitates an increased 2.5 foot side setback from 40 to 42.5 feet. The site plan shows the modified setback lines.

📖 **§ 158.073 R-20,000 RESIDENCE DISTRICT.**

(F) **Height regulations.** No principal structure shall exceed two and one-half stories or 35 feet in height, and no accessory structure shall exceed two stories or 20 feet in height, except as provided in § [158.130](#)(E).

📖 **§ 158.130 EXCEPTIONS AND MODIFICATIONS.**

(E) **Height.**

(2) In any “A”, “R”, or “B-NR” District, the height of a building may be extended to three stories, but not over 40 feet, if each side yard is increased in width one-half foot for each additional one foot of height above the normal maximum limit.

The proposed building is located 146 feet from the closest point on the easternmost property line, approximately 195 feet from the closest point on the northeast property line, and 105 feet from the closest point to the western property line. Westchester Hills subdivision is located on the east and northeast property lines.

The building measures 179.61 feet parallel to Oklahoma Road and 441.79 feet along the perpendicular length with the front entrance facing east towards the main parking lot. Public water and sewer will serve the building. For Fire Protection purposes, the building will be sprinklered and a fire hydrant exists at Oklahoma Road in front of the site.

Ingress and egress to the site will be via an existing access point on Oklahoma Road. The private driveway will be removed and a 24-foot wide commercial drive constructed to meet

County standards. A Traffic Impact Analysis was conducted in 2011 for the previous site plan. Engineering Review has requested more information to ascertain if an updated study will be necessitated. Acceleration, deceleration, and bypass lanes were required and are proposed on Oklahoma Road. The road improvements extend to the frontage at the western adjoining property at Oklahoma Road which is currently under the same ownership as the subject property. Parcel B at the adjoining property and Parcel A on the subject property will be dedicated to the County. At the County's request with the previous plan processing, the developer's engineer designed and submitted concept plans that could be utilized for future improvements to the intersection of Mineral Hill Road and Oklahoma Road.

Parking requirements for multi-family, age-restricted adult housing are 1.5 spaces per dwelling unit, totaling 164 spaces. There are 166 spaces proposed. The main parking lot with 125 parking stalls is situated between the building and the east and northeast property lines. It is designed at approximately 16 feet below the grade at the property line. The second parking lot containing 41 spaces is located near Oklahoma Road.

Development Review has requested the addition of an area for a possible future Carroll Transit System stop to be coordinated with the Department of Public Works.

Trash collection is proposed to be internal to the building with a pick-up area located in the southeast corner of the main parking lot. The same location will serve as the loading and delivery point for the facility.

A paved walkway is provided around the perimeter of the building with access to both parking lots and connection to a walking loop around a gazebo. Benches proposed along the walking trail provide resting places along the 1,992 linear feet of pathway. In accordance with the Development Review Manual, "Sidewalks are required on both sides of all roads designed for or contiguous to... residential development in the...R-20,000 zones." The plans do not indicate sidewalk at Oklahoma Road and Development Review has requested the addition of sidewalk along the extents of the subject property as well as Parcel B. The plan will need to comply with the applicable Americans with Disabilities Act Accessibility Guidelines.

Three retaining walls are proposed on the site. Retaining wall #1 flanks the northern parking lot and main access drive and stands approximately 25 feet high. Retaining wall #2 measures approximately 5 feet high and is proposed at the southern end of the main parking lot. Retaining wall #3, approximately 15 feet high, parallels the walking trail at the southeast corner of the building. Each wall includes a minimum 7 foot high split rail fence at the top.

Both decorative and utilitarian light poles comprise the site lighting. Pole heights are uniform at 16 feet as depicted on sheet 33. A lighting plan is provided on sheet 32 of the plan set. One sign is proposed at the access drive. The detail on sheet 19 shows a monument sign with a wood face with sandblasted letters supported by a stone base and columns. Overall sign dimensions are 6'-0" high and 9'-0" wide.

The building elevations are included on sheet 36 of the plan set. Residential exterior features are incorporated; gabled roofs, faux stone veneer and vinyl clapboard siding, front porch, balconies. Colors of materials shall be provided with the final plan.

The concept plan was presented to the Design and Architectural Review Committee on March 7, 2017. The Committee made the following recommendations:

1. Can the building height be reduced?
2. Taller landscape plantings are suggested at the shared property line on the east.

Stormwater Management will be addressed with an infiltration facility, drywells for rooftop disconnection, grass channels, and pervious paving at a portion of the main parking lot. A Non-Forested Water Resource Protection Easement and a Forested Water Resource Protection Easement will be granted to the County. Since there is no development proposed in the floodplain, the project is exempt from the Floodplain Code.

Forest Conservation will be met with 7.28 acres of off-site banking and 5.05 acres of on-site retention to be put into easement. Landscaping is provided at Oklahoma Road, the retaining walls, the parking lots, and residential adjoining property lines. The U-shaped building footprint lends itself to a large courtyard. Development Review has inquired as to any landscaping and amenities to be included in the courtyard.

The final site plan will be tested and reviewed for conformity with Chapter 156 of the Code of Public Laws and Ordinances of Carroll County Maryland: Adequate Public Facilities and Concurrency Management.

Laura Matyas presented the staff report to the Commission.

Staff has requested the addition of sidewalk per the Development Review Manual.

Discussion:

Mark Silverman, Developer; Marty Hackett, CLSI and Ryan Humphrey, BHH were present

Mr. Yeo asked about the parking lot data.

Mr. Hackett stated they will be porous pavement.

Mr. Yeo asked if Fire and EMS are okay with the increase of height from 35' to 40'.

Ms. Matyas stated that Fire and EMS are fine with the increased height.

Secretary Hager stated that the residential composition changed from assisted living to independent living and asked if a new traffic study should be considered.

Mr. Hoff asked how much it would cost to prepare a new traffic study.

Mr. Hackett stated approximately \$7,000-10,000.

Public Comment:

Dave Bowersox, attorney representing James Arnold, stated this is a new plan, has a new number, it is not the same plan that was approved in June 2016. Mr. Bowersox stated this is a Conditional Use that requires approval of the Planning and Zoning Commission.

Mr. Bowersox stated the nature of the use has changed.

Mr. Bowersox suggests a new traffic study be completed.

Marc Silverman presented the Commission with the benefits this project will provide for the County.

James Arnold, citizen, stated his concerns about the plan. He is in opposition of the plan.

Jan Carter, citizen, is in opposition of the plan.

Mr. Yeo would like a new traffic study conducted.

Mr. Yeo questioned why it is considered Amended and not a new plan.

Ms. Matyas stated that parts of the original plan are being used.

Mr. Yeo is challenging that it is an amended plan.

Mr. Hoff made clear that he would be very supportive of requiring a new traffic study if after being provided additional information by developer, the staff believes a new traffic would be advisable.

Secretary Hager stated that he will confer with legal counsel and Development Review to determine if this is considered an amended plan and provide a response to the Commission at the next planning commission meeting.

Development Review is waiting for more information from Engineering regarding the traffic study.

Secretary Hager stated this item will be included on the May 3rd Agenda.

Decision:

No action is requested.

PUBLIC COMMENT

There were no public comments at this time.

ADJOURNMENT

On motion of Mr. Hoff, seconded by Mr. Canale and carried, the Commission adjourned at 12:31 p.m.

Secretary

Approved