

MEETING SUMMARY
Carroll County Planning and Zoning Commission

May 16, 2017

Location: Carroll County Office Building

Members Present: Matthew S. Helminiak
Alec Yeo
Eugene A. Canale
Cynthia L. Cheatwood
Dennis E. Frazier, Ex-officio

Members Absent: Richard J. Soisson
Jeffrey A. Wothers
Daniel E. Hoff

Present with the Commission were the following persons: Philip R. Hager, Lynda Eisenberg, Andrea Gerhard, Mary Lane and Laura Bavetta, Department of Planning; Clay Black, Laura Matyas, John Breeding, Bureau of Development Review.

CALL TO ORDER/WELCOME

Chair Helminiak called the meeting to order at approximately 9:02 a.m.

ESTABLISHMENT OF QUORUM

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

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Hager greeted the Commission and asked that everyone silence their electronic devices. Secretary Hager stated that staff recommends approval of the Agenda as printed and distributed.

REVIEW AND APPROVAL OF AGENDA

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

PUBLIC COMMENTS

James Arnold, citizen, expressed his concern about public safety issues and the possible inaccessibility of the proposed Adams Paradise senior housing development for Emergency Services.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Helminiak stated that M&T Bank in Eldersburg Commons asked if they could change the façade of their building to make it match the rest of Eldersburg Commons and he said okay.

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 thanked the Department of Public Works and the Board of County Commissioners for their help and support of the construction of the new office space for the Department of Planning.

B. EXTENSIONS

Clay Black, Bureau Chief Development Review, reported that there have been 6 extensions granted since the last meeting. Orchard View Estates 2 in Election District 6, Gerstell Academy, Phase 5 in Election District 4, Fern Hill in Election District 5, Deer Trail Estates in Election District 4, Zepp Acres in Election District 6, and Grace Acres in Election District 6.

C. BZA CASES

Secretary Hager reported that staff provided comments to the BZA for three cases that were subsequently approved: Case No. 6013, Case No. 6015, and Case No. 6016.

Secretary Hager reported that there are three Cases to be heard in May including: Case No. 6018, Case No. 6019 and Case No. 6020.

D. OTHER

Secretary Hager stated that each Commission member has been provided with a copy of the CCPS Facilities Master Plan. The Commission is required to review the Facilities Master Plan, generate a finding of consistent or not consistent and provide comment to the Board of County Commissioners.

Secretary Hager stated that the Freedom Community Comprehensive Plan Public Hearing scheduled for June 8th is the same night as the Liberty High School graduation. He asked if the Commission would like to keep the hearing as scheduled, reschedule the Public Hearing or keep the hearing date and dedicate time at the June 20th meeting for members of the public to enter comments on the record.

Commissioner Frazier would like to keep the hearing as scheduled but also provide an additional opportunity for the public to submit comments.

After much discussion, the Commission determined to leave the public hearing as scheduled and look into allowing public comments to be read and heard through other means.

FINAL REVIEW: PROPOSED ZONING TEXT AMENDMENT, AGRICULTURAL DISTRICT

Secretary Hager introduced a memo written by Jay Voight, Zoning Administrator, and Clay Black, Chief, Bureau of Development Review. The memo details their comments and suggestions relative to the proposed zoning text amendment. Secretary Hager suggested the Commission review the changes in preparation for future discussion.

FINDING OF CONSISTENCY: WASHINGTON ROAD SIDEWALK

Lynda Eisenberg and Eric Burdine introduced this sidewalk project as part of the Safe Routes to School Program.

Mr. Canale asked the width of the sidewalk.

Mr. Burdine stated it was five feet wide.

Mr. Yeo asked if it was in conflict with any planned infrastructure projects.

Ms. Eisenberg stated it was not in conflict with anything.

Mr. Yeo asked what kind of signalization will be installed.

Mr. Burdine stated that the signal hasn't been decided upon yet.

Secretary Hager stated it is a Grading Only permit and that the Commission is required to determine consistency with the Westminster Environs Plan.

On motion by Mr. Yeo, seconded by Mr. Canale and carried, the Commission the Washington Road sidewalk project consistent with the Westminster Environs Community Comprehensive Plan.

RECESS

FINAL SITE PLAN REVIEW

S-16-0024, National Tire & Battery

SUBJECT: 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

❖ Action Required:

The site plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration and approval.

❖ **Site Plan History:**

The concept site plan was subject to citizen involvement at the 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. 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. A second citizen contacted Development Review following the TRC meeting to acquire a plan set.

A concept site plan for the subject property was reviewed by the Planning and Zoning Commission on December 20, 2016. Noise remediation, pedestrian traffic, the recycled tire area, and the sign height were the primary points of discussion (see minutes, attached).

❖ **Existing Conditions:**

The subject property is Lot 1 of two lots recorded in the Bonnie Brae Plaza subdivision on May 1, 2015. 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, a sidewalk along Liberty Road (Maryland Route 26), and a stormwater facility in accordance with an approved 2015 site plan for an Advance Auto on adjoining Lot 2. 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. This is noted on the plan.

❖ **Plan Review:**

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 as 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 an automobile service center 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 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. The TIS report concluded that the study intersections will continue to operate at an acceptable level of service and no improvements are required. The study was updated to reflect the current proposed use and square footage which did not alter the conclusions of the report.

Parking requirements for an automobile service station are 1 for each employee on maximum shift plus 2 for each service bay. The plan indicates 9 employees and 8 bays, totaling 25 required parking stalls. A parking variance was requested for a reduction of the number of parking spaces from 25 to 18. The Zoning Administrator granted the variance on March 10, 2017 in Case ZA-1708 (see attached). Advance Auto has a parking requirement of 35 spaces and 33 are provided on that site with an easement agreement enabling parking on the NTB site. Total parking spaces on the NTB site must equal 20; 18 for the automobile service station plus 2 additional spaces for the deficit on the Advance Auto site. There are 25 proposed spaces.

To address Planning Commission concerns regarding pedestrian safety at the parking drive aisle connection that serves to meet the intent of Ridenour Way, a speed hump and pedestrian crossing signs have been added at the western property line.

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 area 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 20 feet. In response to Planning Commission direction, the sign height has been reduced from the concept plan height of 25 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 in the parking areas and at the dumpster for screening. To screen the garage bays and in response to and the Planning Commission's concerns of sound remediation, a 6' high fence is proposed at the western property line. Forest conservation was addressed with the processing of the plan of subdivision and was met with off-site banking.

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.

❖ **Recommendations:**

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

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with the Public Works Agreement.
3. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
4. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

Laura Matyas presented the staff report to the Commission.

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

Discussion:

Commissioner Frazier asked if the stormwater management pond was going to be deeper or wider than initially proposed.

Mr. Podolak clarified it as an infiltration trench and stated it was going to be wider not deeper.

Mr. Frizzera stated they have really tried to work with neighbors and take the Commission's comments into consideration.

Decision

In accordance with Chapter 155, the Commission, on motion of Mr. Yeo, seconded by Ms. Cheatwood and carried, approved the final site plan with the four conditions outlined in the staff report.

CONCEPT SITE PLAN REVIEW

SUBJECT: S-17-0004, Adams Paradise Amended, Senior Housing

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 adjoiners. 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.

Marty Hackett, CLSI; Ryan Humphrey and Mark Silverman, Developers were present.

Discussion:

Ms. Matyas stated that Emergency Services has approved the plan with the proposed height change.

Mr. Yeo asked what the square footage reduction was.

Mr. Hackett replied it was down from 178,000 square feet to 117,700

Chair Helminiak asked if it is possible to get emergency equipment to the back of the building.

Mr. Hackett replied that a firetruck could drive around back.

Mr. Hackett stated that a photometric study was done after reducing the light height to 12' and the study shows no impact across the property lines.

Mr. Humphrey stated that they did their best with landscaping to shield the neighboring properties.

Mr. Yeo asked if there was a staffed front desk.

Mr. Humphrey stated it is a staffed building and typically in these types of properties there is a maintenance worker or porter living on site and available 24 hours a day for emergencies.

Chair Helminiak asked if there were sprinklers in the attic space.

Mr. Humphrey stated that the building has not been fully engineered yet but it will be constructed to code.

Mr. Hackett stated that a sidewalk was added to the frontage as requested.

Robert Heinsman, citizen, expressed his concern over boundary lines and provided copies of a survey he had done when he purchased his home. He also has concerns about stormwater management during construction.

Decision:

The Commission, on motion of Mr. Yeo, seconded by Mr. Canale, and carried, delegated authority to the Chairman to approve the final amended concept site plan on behalf of the Commission.

Secretary Hager suggested that Ms. Matyas incorporate a report that the Chair can read into the record that identifies the changes that Mr. Hackett stated he would be making have been changed in the appropriate fashion

RECESS

CONCEPT SITE PLAN REVIEW

S-17-000500, Holy Spirit Lutheran Church 2nd Amended

SUBJECT: S-17-0005, Holy Spirit Lutheran Church 2nd Amended

LOCATION: South side of Old Liberty Road east of Sunset Drive, E.D. 5

OWNER: Holy Spirit Lutheran Church, 2205 Old Liberty Road, Eldersburg, MD 21784

DEVELOPER: Same as owner

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

ZONING: R-40,000

ACREAGE: 5.29 acres (parcel 549 = 3.99 acres, parcel 357 = 1.3 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

❖ 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.**

❖ Existing Conditions:

Holy Spirit Lutheran Church owns two adjoining parcels in the R-40,000 zoning district which are to be consolidated in conjunction with the project proposal. With access off of Old Liberty Road, a County road, parcel 549 with 3.99 acres maintains a church with an existing internal early childhood learning center. It was recorded as Lot 1 of the Subdivision of Holy Spirit Lutheran Church in Plat Book 24, Page 73 in 1981 (see attached). The 1.3 acre parcel 357 lies at the rear of the larger parcel and hosts only a gravel parking area with a dumpster. While legal access to the 1.3 acres is via a right-of-way over Hickory Knoll Lane, the church accesses the rear parcel over its front parcel. Hickory Knoll Lane is a private drive serving three built residential properties with right-of-ways out to Old Liberty Road.

The unbuilt parcel 327 has a relatively level clearing in the center with sparse vegetation along the property lines. Parcel 549 has two previously approved site development plans; one for the church and one for a fellowship hall (see attached). A playground exists in the northeast corner of the site with a pedestrian bridge adjoining the parking lot. The bridge spans an existing stormwater management facility on site. Existing parking totals 62 spaces. A forest conservation easement was granted to the County with the processing of the previously

approved site plan. There are no streams or floodplains on site.

The subject properties are located in the Boulevard District in the 2001 Freedom Community Comprehensive Plan, a Priority Funding Area, and a Growth Area. They are in the existing Freedom public water and public sewer areas. A planned major street, Ridenour Way, is designated to transect the northern portion of the property. With the recording of the plat in 1981, a perpetual easement at the front of the subject property was granted to the County for future road construction and maintenance.

All adjoining properties are zoned R-40,000 and built with single-family homes with the exception of the eastern adjoining Freedom Masonic Lodge. Across Liberty Road (MD Rt. 26) is an R-20,000-zoned property with a single-family residence.

❖ **Plan Review:**

The two parcels owned by the Holy Spirit Lutheran Church will be consolidated by an amended plat to be recorded. The developer proposes to construct a one-story, 3,514 square foot building to relocate their existing preschool program which is currently internal to the church building. The plan indicates a total of 55 students and 11 employees. Schools are considered an accessory use to religious establishments which are a principal permitted use in the R-40,000 zoning district. Setbacks for religious establishments in the R-40,000 zoning district are 100 feet at the front yard and 50 feet at the side and rear yards.

On May 3, 2017 the owner / developer appeared before the Zoning Administrator in Case ZA-1716 with a request for an administrative variance for a side yard setback from 50 feet to 40 feet. The request was granted with one condition pertaining to enhanced screening. An official letter from the Office of Zoning Administration regarding the decision had not yet been drafted at the time of the writing of this report.

The land use designation in the 2001 Freedom Community Comprehensive Plan is Low Density Residential. This property is included as part of the proposed Boulevard District. In Comprehensive Planning's review of the site development plan, it was found to be consistent with all applicable plan policies and recommendations. Comprehensive Planning Review commented that, "The Planned Major Street, Ridenour Way, is designated to transect through the northern portion of the property. However, since the development taking place is on the southern end of the property no adjustments to the concept plan are needed at this time."

Access for the church exists on Old Liberty Road. Whereas the existing preschool is proposed to be relocated within the site and the church and preschool are not overlapping days and hours of operation, no additional traffic is being generated and therefore no traffic study is required.

Parking requirements for a religious establishment are 1 for every 4 persons based on maximum capacity of the sanctuary. With a 200 person capacity, the church requires 50 spaces. Parking requirements for a nursery school are 1 for each employee on the maximum shift plus 1 per 10 children. The plan indicates 11 employees and 55 children, equaling 17 spaces. Since the developer has indicated that the two uses shall not overlap, the existing parking lot with 62 spaces plus one proposed handicap space in front of the new building is sufficient. Development Review has requested that the days and hours of operation be specified in a General Note for clarification. Total parking spaces proposed equals 63 stalls.

A new location for the dumpster shown on the previous site plan shall be included in the plans or an alternate means of trash collection shall be indicated.

Water and sewer will be provided via public water and sewer systems.

The building elevations are included on sheet 5 of the concept site plan. The building measures 54'-11" x 64'-0". Depicted with an 8' ceiling height on the elevation drawings, the plan indicates the building finish floor elevation at 4'-3" above grade. A ramp at the front entrance provides an accessible route. Exterior building materials include plywood siding and EPDM rubber roofing. Colors shall be annotated with the final site plan.

Lighting proposed for the site is building-mounted as shown on the "Curb Side" and "Road Side" elevations at the entrance doors. No new signage is proposed.

On March 7, 2017, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. Comments and suggestions include:

1. Enhance the elevations to acknowledge the users; children. Suggestions include lowering the window sill heights, enlarging the glazing at the doors for visual connection, adding canopies, redefining the roofline to a greater pitch and incorporating overhangs.
2. Does the rear access require an accessible route? Emergency Services has commented that "exit doors being proposed will require paved walkways for egress per building code."
3. The visual connection to existing residences to the rear is unencumbered. Landscaping at the adjoining residences would provide a visual screen.
4. Provide additional information on lighting – it will be dark at the back of the property, especially in the winter.

The Bureau of Resource Management has granted concept Stormwater Management (SWM) approval. SWM will be addressed with a level spreader. Forest Conservation is proposed to be addressed with 0.04 acres of off-site banking. The site plan will need to comply with the Landscape Manual by providing screening at residential adjoining properties.

The concept site plan was subject to citizen involvement at the March 27, 2017 meeting of the Technical Review Committee. One citizen signed in and spoke with concerns of the accuracy of the survey of the church property and concerns of noise and lighting associated with the development proposal. No written correspondence has been received by Development Review.

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.

Laura Matyas presented the staff report to the Commission

Linda Alexander, CLSI and Milt Taylor, Holy Spirit Lutheran Church were in attendance.

Discussion:

Mr. Taylor stated that they will fill in some dead trees along the Flick property and the neighbor will sign off on landscaping.

Ms. Alexander stated that property owner, Mr. Downing, shares the access lane with the church and has complaints about the survey and the noise.

Ms. Alexander stated that during the survey they found a discrepancy in the property line and their Plat will show the correction.

Mr. Yeo wanted to clarify that the Zoning Administrator had that correct information when he made his decision regarding Case ZA-1716.

Ms. Alexander verified that he did.

Mr. Yeo asked where the playground is located.

Ms. Alexander stated that the current location of the playground will not change.

Mr. Yeo asked if there would be a paved pad in the back.

Mr. Taylor asked if they could use pavers instead.

Ms. Matyas said that request would go through Emergency Services.

Commissioner Frazier asked why the asked for the Variance.

Ms. Alexander stated there is a Forest Conservation Easement that effects the stormwater management plan.

Mr. Yeo asked how many children they are licensed for.

Mr. Taylor didn't know the answer to that question.

Commissioner Frazier asked if there would be more traffic if the new building was being used to capacity.

Mr. Taylor replied there would be an increase in traffic if the building was used to capacity.

Mr. Yeo asked what fire suppression was required.

Mr. Taylor stated no fire suppression was required.

Mr. Taylor stated that everything has been checked off except for Forest Conservation and Grading.

Ms. Matyas stated they were under the impression this was a relocation only and the numbers were going to stay the same.

Ms. Matyas stated that if there is a proposed increase they can request that those numbers be supplied to the Bureau.

Commissioner Frazier stated he would like to see those numbers and how much additional traffic that will generate.

Mr. Yeo asked if it was half day or full day preschool.

Mr. Taylor stated the students have different options.

Mr. Hackett clarified that a sprinkler system would not be required because the exits exit directly to the exterior.

Secretary Hager stated that the site plan indicates there will be no overlap in activities. Mr. Hager asked how this will be enforced and will failure to observe that be a violation of the site plan.

Secretary Hager also asked if it will be a condition of this plan that the owner give up access to the use-in-common driveway.

Ms. Alexander stated the there is a Right-of-Way on the church property for the use-in-common driveway. Ms. Alexander stated the church has no intention of accessing the building by the use-

in-common driveway. She suggested putting a note on the plat stating the church wouldn't access it.

Commissioner Frazier stated he would like it stipulated in the Deed that the church will not use the use-in-common driveway.

Mr. Yeo would like the current capacity listed on the plan.

Mr. Yeo asked if the addition of Ridenour going through the property reduce any parking.

Ms. Alexander stated that no parking would be lost.

Chair Helminiak stated that a sidewalk would need to be added to go around to the back of the building.

Mr. Yeo asked about the lighting.

Mr. Taylor said motion sensor lighting would be put on the path and back door.

Ms. Alexander stated there wouldn't be lighting poles.

Mr. Black confirmed that adding language in the plan that states the church may not use Hickory Knoll Drive can be a condition of approval.

Mr. Black stated that there will be clarification on the traffic impact as well.

Ms. Alexander asked if the Commission is comfortable with having the Chair sign-off on the Final Site Plan.

Mr. Yeo suggested meeting every two weeks if possible to keep the church on their timeframe but there are still too many components that need to be worked through.

Secretary Hager stated when Mr. Black informs the Department of Planning that the plan is ready to come back it will be added to the Agenda as quickly as possible.

Decision:

This plan will come back in front of the Commission for further review.

RECESS

REVIEW PROPOSED ZONING TEXT AMENDMENT: CLUSTER TEXT PROVISIONS

Secretary Hager reviewed the information that was provided to the Board of Commissioners.

Secretary Hager stated there will be a meeting with the Board on May 18th to Request Authorization for a Public Hearing.

FREEDOM COMMUNITY COMPREHENSIVE PLAN

A. Open House

Ms. Eisenberg briefed the Commission on the date, time, location and overview of the Open House format.

Ms. Eisenberg also briefed the Commission on the date, time, location and format of the Public Hearing set for June 8th.

B. Comment Update

Ms. Eisenberg reviewed information that has been received during the comment period thus far including Agency comments, hard copy distribution, views and downloads of the Accepted Plan and Future Land Use Map change requests.

C. Public Hearing – Discussion

The Commission reviewed the details associated with the Freedom Plan Public Hearing and decided that they would like to move forward with the Public Hearing on June 8th and close comments at a specific time during the June 20th meeting.

Sign up for speakers will be from 8:30 – 9:00 a.m.

PUBLIC COMMENT

Wendy Buerger, citizen, asked for clarification on the Cluster Provision in regards to BZA cases.

Kimberly Madeja, citizen, asked about staff meeting with the public to discuss issues.

Chair Helminiak stated that anyone can speak with staff in private but meeting with the Commission have to be in public.

Ms. Madeja asked how many dwellings per acre are in the Priority Funding Area.

Ms. Eisenberg replied that there are 1.3 units per acre in the entire Freedom Area.

Ms. Madeja asked that the June 8th meeting be changed.

Commission members reiterated that comments can still be taken in writing through June 20th.

ADJOURNMENT

On motion of Mr. Yeo, seconded by Ms. Cheatwood and carried, the Commission adjourned at 12:53 p.m.

Secretary

Approved