

MEETING SUMMARY
Carroll County Planning and Zoning Commission

July 18, 2017

Location: Carroll County Office Building

Members Present: Matthew S. Helminiak, Chair
Richard J. Soisson
Alec Yeo
Jeffrey A. Wothers
Daniel E. Hoff
Cynthia L. Cheatwood
Dennis E. Frazier, Ex-officio

Members Absent: Eugene A. Canale

Present with the Commission were the following persons: Philip R. Hager, Lynda Eisenberg, Barbara Moser, Mary Lane, Clare Stewart and Laura Bavetta, Department of Planning; Clay Black, Laura Matyas, Development Review; Gail Kessler, County Attorney's Office.

CALL TO ORDER/WELCOME

Chair Helminiak called the meeting to order at approximately 9:03 a.m.

ESTABLISHMENT OF QUORUM

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

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Eisenberg greeted the Commission and thanked them for their support and nomination.

REVIEW AND APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Stephanie Brophy, Dulany Leahy Curtis & Beach LLP, representing Michael Reeves, presented a letter to the Commission and spoke on behalf of Mr. Reeves regarding the regulations of septic systems originally put in place in the 1970's in the Freedom area. According to the letter, many of these septic systems are failing and Ms. Brophy brought this to the attention of Commission at the request of Mr. Reeves.

REVIEW AND APPROVAL OF MINUTES

The minutes of the February 1, February 21, and July 11, 2017 meetings were approved on motion of Mr. Yeo, seconded by Mr. Wothers and carried.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Helminiak indicated that he signed off on a warehouse extension at Penguin Random House.

B. EX-OFFICIO MEMBER

Commissioner Frazier stated that the B-NR text amendment was tabled and not voted to move forward to the public hearing by the Commissioners.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Hager stated a memorandum was prepared announcing the election of Lynda Eisenberg as Secretary of the Planning & Zoning Commission. This memorandum will be signed by Chair Helminiak and forwarded to the Board of County Commissioners. Secretary Hager called upon Clay Black for a report on Extensions.

B. EXTENSIONS

Clay Black, Bureau Chief Development Review, reported there was one extension granted since the last meeting. This is the ninth extension for Lake Forest Estates.

C. BZA CASES

Clare Stewart reported that staff provided comments to the BZA for Case No. 6025. There are no cases for the month of July.

D. OTHER

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

FREEDOM COMMUNITY COMPREHENSIVE PLAN – REVIEW OF PUBLIC COMMENTS

Secretary Eisenberg discussed MDOT's recommendation about access management along MD 32 and MD 26. After much discussion the Commission agreed to include a recommendation for an access management plan in the Freedom Area along these routes and would like to work together with MDOT and the Board of County Commissioners on this project.

Ms. Lane stated that she updated the Census data sets to 2015 which is the most recent information available.

Secretary Hager introduced two proposed new land use element recommendations for the Commission to consider since the cluster incentive was not passed by the Board of County Commissioners.

Mr. Yeo asked if this is always used to increase density.

Secretary Hager explained that this is not always used to increase density. These recommendations would increase the tools available to staff, the Planning & Zoning Commission

and the Board of County Commissioners if there's an agreed upon course of action where they want something particular to occur.

Ms. Lane reminded the Commission of their recommendation in the Housing Element on page 64 of the Plan, to investigate a variety of new techniques and incentives including density bonuses and flexible lot sizes.

Mr. Hoff stated the importance of high density for providing extra funding for amenities.

For recommendation #13, the Commission would like to change the word "incentivize" to "facilitate".

The Commission on motion of Mr. Yeo, seconded by Mr. Soisson and carried, voted to accept the proposed new land use recommendations with new language changing the word "incentivize" to "facilitate".

The Commission questioned the septic issue brought to their attention by Ms. Brophy and Mr. Reeves.

Secretary Hager asked the Commission if they would like to include a recommendation for the Health Department and the Bureau of the Facilities to examine the resources in the area in question to the west of Gaither Road.

Commissioner Frazier stated the County is aware of this issue and is looking into it. He suggested asking for the Health Department's cooperation would be a good idea as well.

The Commission did not change the land use designation of Agriculture for the Clas property, the Primoff property or the Harrison property.

Mr. Soisson made a motion to change the residential portion of the Beaty property to Residential High. Mr. Wothers seconded the motion. Mr. Yeo asked the members to share their thoughts as to why they feel the Beaty property should be designated Residential High. Mr. Wothers cited specific goals and recommendations from the Plan that support a Residential High designation. He stated an important factor for his decision was that the area is a Designated Growth Area and under Residential High developers would be able to include other amenities and planned unit developments in the community which currently do not exist. Mr. Wothers cited Page 2 of the Plan and the second recommendation which states "encourage a variety of housing types and densities to serve all ages". According to Mr. Wothers, another recommendation from the Plan that supports the Residential High designation is the recommendation to increase the amount of land designated for Commercial and Light Industrial uses. Mr. Wothers stated in order to entice people to work and live in the area these designations are related. On Page 9 the Plan states that population studies show younger people are moving out of the Freedom area so a Residential High designation for this property would allow development that could bring younger populations into the area. Mr. Wothers stated that there are many recommendations, goals and visions specified in the Plan that stress the importance of diversified housing options for both older and younger populations as well as increasing commercial and light industrial opportunities for businesses in the area. Page 21 states the Planning Visions, Page 23 addresses Economic Development, Mr. Wothers referred to Page 27, Table 2 and on Page 29 he reiterated Goals 3 and 4. Mr. Wothers also cited pages 57, 62, 74, 75 and 78 to support his reasoning. He stated the only way to achieve these goals and visions is to provide land designated for Residential High development. Mr. Yeo stated he is in agreement with all of the reasons Mr. Wothers outlined but asked why the Beaty property specifically should be Residential High and not another property somewhere else in the Freedom area. The Commission agreed that the Beaty property's proximity

to commercial development as well as the fact that it has access to water and sewer are reasons as well.

After much discussion, the Commission, on motion of Mr. Soisson, seconded by Mr. Wothers and carried unanimously, voted to change the Residential portion of the Beaty property to Residential High.

The Commission discussed the land use designation for the Gibson property. Mr. Hoff stated that based on the area surrounding the Gibson property and the lot sizes of those parcels, he thinks Residential High is too intense for that area. Commissioner Frazier stated Residential Medium fits better based on the surrounding properties. Mr. Yeo summarized the reasons for choosing Residential Medium for the Gibson property are that it is situated across from Bennett, it is not surrounded by commercial development, and the residential development around it is medium to low. Mr. Hoff stated this property is not large enough to incorporate a town center with a surrounding neighborhood. Mr. Soisson stated that he supports Residential Medium for this property, but Residential Low would not be appropriate.

After much discussion, the Commission, on motion of Mr. Hoff, seconded by Mr. Yeo and carried unanimously voted to keep the Gibson property Medium Density Residential.

Mr. Hoff stated he would like to have a joint session with the Board of County Commissioners to meet and discuss the Planning Commission's decisions with regard to the Freedom Community Comprehensive Plan.

The Commission, on motion of Mr. Soisson, seconded by Mr. Hoff and carried, voted to amend the Agenda as follows: proceed with Items 13 and 14 as they currently are, Item 15 would be Review of Approval Resolution and Item 16 would be Consideration of Adoption of the Approval Resolution.

RECESS

MUNICIPAL GROWTH AREA – GENERAL DISCUSSION: PROCESS FOR MUNICIPAL GROWTH AREA MODIFICATION

Secretary Eisenberg and Barbara Moser reviewed proposed steps in the coordination process with the Municipalities for modifying their Municipal Growth Areas including a conflict/resolution step.

Secretary Eisenberg suggested adding this to the County/Town Agreements.

PRELIMINARY AND FINAL SUBDIVISION PLAN REVIEW

SUBJECT: F-17-0030, Cedar Ridge, Section Two, 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

Laura Matyas presented the staff report to the Commission.

❖ **Action Required:**

The 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 Final Plan of Subdivision pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **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. 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.

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 Owings 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 Owings 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.

On April 18, 2017, the Planning and Zoning Commission reviewed the concept plan of subdivision (see minutes, attached).

Exemptions have been granted by Stormwater Management, Floodplain, Forest Conservation, and Landscape Review.

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 Owings 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.

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the preliminary and final plans subject to the following conditions:

1. That any changes to the Preliminary Plan and Plat as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

Discussion:

Pete Podolak, Engineer and Marris German, property owner were present.

Decision:

The Commission, on motion of Mr. Yeo seconded by Mr. Hoff and carried, voted to approve the Preliminary and Final Subdivision Plan in accordance with Chapter 155 with the one condition outlined in the staff report.

REVIEW OF RESOLUTION OF APPROVAL OF THE FREEDOM COMMUNITY COMPREHENSIVE PLAN

The Commission reviewed the Resolution of Approval of the Freedom Community Comprehensive Plan.

After reviewing the document, the Commission and staff noted some minor grammatical changes that will be made.

The Commission, on motion of Mr. Soisson, seconded by Mr. Hoff and seconded and carried unanimously voted to adopt the Approval Resolution with the changes noted and forward to the Board of County Commissioners.

The Commission and Secretary Eisenberg discussed holding a joint meeting with the Board of County Commissioners to discuss the Freedom Community Comprehensive Plan.

PUBLIC COMMENT

Mike Reeves, citizen, thanked the Commission and staff for their work on the Freedom Community Comprehensive Plan.

ADJOURNMENT

On motion of Mr. Soisson, seconded by Mr. Yeo and carried, the Commission adjourned at 11:26 a.m.

Secretary

Approved