

MEETING SUMMARY
Carroll County Planning and Zoning Commission

August 22, 2017

Location: Carroll County Office Building

Members Present: Matthew S. Helminiak, Chair
Eugene A. Canale
Jeffrey A. Wothers
Cynthia L. Cheatwood
Commissioner Dennis E. Frazier, Ex-officio (9:27 am)

Members Absent: Richard J. Soisson
Alec Yeo
Daniel E. Hoff

Present with the Commission were the following persons: Lynda Eisenberg, Andrea Gerhard, Clare Stewart and Laura Bavetta, Department of Planning; Clay Black, Laura Matyas, Price Wagoner, and John Breeding, Development Review; Gail Kessler, County Attorney's Office.

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 four members of the Board were present and a quorum was in attendance.

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Eisenberg greeted the Commission and stated there was a full agenda.

REVIEW AND APPROVAL OF AGENDA

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

PUBLIC COMMENTS

There were no public comments

REVIEW AND APPROVAL OF MINUTES

The minutes of the August 2, 2017 meeting were approved on motion of Mr. Wothers, seconded by Mr. Canale and carried.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Helminiak reported he approved and signed off on three projects: Adam's Paradise, IHOP and Eldersburg Plaza.

B. EX-OFFICIO MEMBER

Commissioner Frazier was not present at this time.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg stated the August 30th meeting would be canceled and the October 17th meeting will be moved to October 10th.

B. EXTENSIONS

Clay Black, Bureau Chief Development Review, reported there were 4 extensions granted since the last meeting: Stillwater, Rustic Rising, Living Waters Green Center and Rosie Acres 3.

C. BZA CASES

Clare Stewart reported that staff provided comments to the BZA for three cases to be heard in August. Case No. 6032, Case No. 6036 and Case No. 6037.

D. OTHER

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

WATER AND SEWER SPECIAL SUMMER AMENDMENT

Andrea Gerhard presented a staff report to the Commission. This Request is to add the Schoolhouse Pump Station and Force main project to the Freedom SSA Priority Project table. This project is currently in the Design Phase. Before a Construction Permit can be issued by MDE, this project must be added to the Freedom SSA Priority Project Table as a planned project. Since this project could be ready to start construction within the next 12 months an amendment is necessary instead of accomplishing this action through the Water and Sewer Master Plan triennial update which is currently being updated.

The Commission, on motion of Mr. Canale, seconded by Mr. Wothers and carried, voted to Approve the table amendment and Certify this request as consistent with the Sykesville Master Plan, the 2001 Freedom Master Plan and the 2014 Carroll County Master Plan.

PROPOSED ZONING CODE AMENDMENT CHAPTER 158: FARM ALCOHOL PRODUCERS AND ASSOCIATED EVENTS

Tom Devilbiss, Jay Voight and Deb Bowers were present to discuss a Zoning Code Amendment to Chapter 158 regarding Farm Alcohol Producers and Associated Events. Mr. Devilbiss stated the purpose of this amendment is to address staff-identified concerns related to wineries, breweries and distilleries. Mr. Devilbiss reviewed the process of meetings that have been held and the groups of people that were involved in the meetings.

Mr. Devilbiss stated they wanted to allow special events with as a temporary use requiring a zoning certificate. Mr. Devilbiss stated that if a Producer was going to exceed the capacity of their Approved Site Plan they would need a temporary use zoning certificate.

Chair Helminiak asked if a Producer had to get a certificate for each event.

Mr. Devilbiss stated the certificates would be valid for a year.

Mr. Canale asked for clarification of what was meant by “exceeding the capacity of the Approved Site Plan”.

Mr. Devilbiss stated that the Site Plan was based on normal activities and, as an example; parking was approved for a certain number of spaces. If the event exceeds that parking allotment, a certificate would be necessary.

Secretary Eisenberg asked if there was a limit to the number of special use certificates a Producer is allowed in a calendar year.

Mr. Devilbiss stated there is no limit.

Commissioner Frazier asked how complaints during special events would be handle and how they would affect the remainder of the Producer’s special events.

Mr. Voight stated his office would address the complaint and speak with the Producer and possibly consider not allowing additional special events if the complaints persist.

Ms. Eisenberg asked if a Farm Alcohol Producer would be able to apply to be in the Easement Program.

Mr. Devilbiss stated that yes, a winery, brewery or distillery would be able to apply for the Easement Program unless they had a banquet facility or venue.

Mr. Canale questioned why language was added that specified additional bulk beverage needed to be purchased from a Maryland source and why the aggregate couldn’t exceed 25% of the annual production.

Mr. Devilbiss stated the goal is to reinforce the use of Maryland and Carroll County products and the 25% is used in the State licensing language as well.

Mr. Wothers asked if the processes used by other jurisdictions were researched.

Mr. Devilbiss stated there was no real consistency in how other jurisdictions regulate this process within Maryland or on a national level.

Mr. Wothers stated he appreciated the efforts of staff to include a broad spectrum of input and trying to make it as user-friendly as possible.

Deb Bowers stated that having a banquet facility on an easement is in violation of the easement.

Mr. Wothers asked for clarification of requirement #3 stating the alcoholic beverage must contain an ingredient from a Carroll County agricultural product produced on the licensed farm.

Ms. Dinne stated that a lot of the language came from state licensing requirements.

Virginia Baker, Old Westminster Winery, stated many of her comments and suggestions were not accepted during this process. She stated her opposition to the language used in the amendment. Ms. Baker would like the term “sells” added to the definition of a Farm Alcohol Producer. Ms. Baker would like to omit the Farm Alcohol Producer Special Event definition. She states the language regulates what their family business does on their family farm. Ms. Baker stated many of these conditions already exist in the Code and are required through the State licensure. Ms. Baker questioned the cost of the special use certificate. Ms. Baker does not agree with all authority over these conditions funneling through one person, Mr. Jay Voight as the Zoning Administrator.

Ms. Cheatwood asked why Ms. Baker does not like the Special Event definition. Drew Baker, Old Westminster Winery, stated their approved Site Plan only required nine parking spaces. At the time of Site Plan approval, they were granted permission to be allowed to park vehicles on a grassy knoll on the farm to keep the integrity of their farm. All of their special events exceed the nine spots and therefore they would be required to have a special event certificate under this new proposed language. Mr. Baker stated there are many jurisdictions that allow Farm Alcohol Producers on preserved land. He stated this is a way for young talented people to do interesting things on farmland that still preserves the integrity of the land.

Kevin Atticks, Grow and Fortify, agreed with Ms. Baker's idea to add "sells" to the definition of Farm Alcohol Producer. He was also concerned with the redundancy of certain language. Mr. Atticks addressed the prohibition of preservation easements. He stated that he believes it is outside of the purview of the Planning and Zoning Commission to preemptively prohibit properties subject to preservation easements. Mr. Atticks stated it is the purview of the preservation organization.

David Bowersox, Attorney, addressed the Ag Preservation prohibition. Mr. Bowersox stated that Zoning is not meant to be used to regulate Agriculture Preservation properties. Mr. Bowersox stated uniform zoning criteria is based on the site or the use, not on whether or not the owner participates in a particular program. Mr. Bowersox stated these properties should be examined on a case by case basis.

Ivan Browning, citizen, considering starting up a distillery as a Farm Alcohol Producer, asked for clarification of buying an ingredient for his product from another farm.

Ms. Eisenberg suggested Planning Commission think about comments and changes and bring this item back at the September meeting.

Ms. Cheatwood asked why wineries are a Conditional Use in the Ag District.

Mr. Voight stated it has been written in the Code like that for a long time.

Ms. Eisenberg stated the Code is being updated and the Ag District is one of the last areas to look at.

Ms. Baker asked for clarification as to how this item will proceed.

Ms. Eisenberg stated this item could come back on the Agenda at the September 19th Planning Commission meeting.

RECESS

CONCEPT SITE PLAN REVIEW

A. S-16-0025- Hagan & Son Tree Service, Contractor Storage Yard

SUBJECT: S-16-0025- Hagan & Son Tree Service, Contractor Storage Yard
LOCATION: North side of Pleasant Valley Road, East of Hughes Shop Road, 7th ED
OWNER: Wallace L Hagan III, c/o David Bowersox, 24 North Court Street
Westminster MD, 21157
DEVELOPER: Same as Owner
ENGINEER: RTF Associates, Inc., 142 East Main Street Westminster, MD 21157

ZONING: Agricultural
ACREAGE: 29.57 acres
WATERSHED: Double Pipe Creek
MASTER PLAN: Agricultural
PRIORITY FUNDING AREA: Outside
DESIGNATED GROWTH AREA: None
FIRE DISTRICT: Pleasant Valley

❖ **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:**

The property is located on the North side of Pleasant Valley Road, and East of Hughes Shop Road and contains an existing tree service business. A stream splits the area of the tree service business from the rest of the property. The adjoining properties as well as the properties across Pleasant Valley Road are zoned Agricultural. The property to the East is a part of the Maryland Agricultural Land Preservation Foundation (MALPF). All properties in this area are served by private well and septic systems.

❖ **Background:**

In February of 2015, Board of Zoning Appeals, case number 5810 (attached), granted a conditional use permit to the owner, for a contractor's storage facility less than one acre and variance for the setback requirement of 400 foot in the Agricultural district. The engineer submitted for review, by all applicable agencies, a simplified site plan. Upon review, staff informed the engineer that the area of disturbance on the simplified site plan was greater than 5,000 square feet; requiring a full site plan. Prior to submission of a full site plan, work and grading of the site for a contractor's storage facility began. A letter sent in October of 2016, from the Bureau of Resource Management identified multiple violations pertaining to Chapters 153, Floodplain Management and Chapter 154 Water Resource Management. The violations pertained to disturbance within the stream buffer, fill within the floodplain, and vehicular tracks across the stream crossing, as well as disturbed vegetation within the stream buffer and silt fencing not in place along the stream buffer.

❖ **Site Plan Review:**

The Bureau of Development Review, on September 13, 2016 accepted for distribution the concept site plan for the contractor's storage area and building. This plan is to bring the contractor storage yard into compliance with Chapter 155.059, Site Plan Requirements, of the Code of Public Laws and Ordinances. County agencies presented plan review comments to the surveyor at the October 24, 2016 Technical Review Committee meeting. Resubmission of the concept site plan, on June 19, 2017, addressed comments presented during the TRC meeting.

The plan shows a contractor equipment storage area of 35,831 square feet (0.82 acres), with a proposed 60 foot by 100 foot building. A dense graded aggregate stone area is proposed west of the building for wood and material storage. The building is closed on three sides with two overhead doors on the East and West elevations, the South elevation is open. The building

will have brown metal siding and a green metal seamed roof. The property fronts Pleasant Valley Road with two points of access to the site. The east entrance (#1) grants access to the overall property and the site, the west entrance (#2) provides access to the site only and will be upgraded to a commercial entrance. The Bureau of Engineering received a sight distance waiver for the east (#1) and west (#2) entrances. On March 3, 2017 the Bureau of Engineering granted a waiver to entrance #1. The Bureau of Engineering did not grant the waiver to entrance #2. The existing fence causes a minor obstruction in both directions; however, the significant obstruction to the left is the guardrail and the horizontal and vertical changes in the roadway. The significant obstruction to sight distance to the right is the vertical changes in the road. The June 19th re-submission proposes to raise the apron of the west entrance by 1 foot to improve sight distance. The Bureau of Development Review has verbally contacted the surveyor on separate occasions, advising submission of a sight distance waiver for the west entrance (#2) based on the improvements proposed for this entrance. To date, a waiver submission has not occurred.

A forest conservation plan addressing the previous and proposed disturbance is required. A notice of violation is on file; therefore, addressing forest conservation is required even if this project does not move forward. Landscaping, in accordance with the Landscape Manual, is required. A class (A) screen shall be provided between the site and Pleasant Valley Road, a class (C) screen, which shall extend to the end of the split rail fence, shall be provided between the site and the Judge property

Floodplain and Water Resource Management conducted a site visit on June 23, 2017 relating to the letter of violations sent in October of 2016. Protective super-silt fencing along the boundaries of the stream buffer noted. The areas of disturbance stabilized and vegetation was established. No vehicular tracks were noted across the stream. Overall, the stream buffer area looked to be in good condition. An easement area shown on the site plan matches the easement area approved as part of the variance request. A floodplain easement will be recorded as part of the public works agreement prior to the issuance of the building permit.

A variance request was submitted on January 9, 2017, with supplemental material submitted on March 23, 2017, requesting relief from § 153.035 (B) of the Code of Public Local Laws and Ordinances of Carroll County. The request for variance, granted on April 5, 2017, requested modification from the maximum floodplain setback as required in the Code. Floodplain Management and Water Resource Management have reviewed the revised plans and have granted approval.

Stormwater Management (SWM) has granted Concept approval. A permanent Sediment Control/SWM Best Management Practices (BMP) is proposed for a portion of the site that is and will be continually disturbed and a source of sediment. A level spreader and sheet flow proposes for the runoff from the stable portion of the site to flow into an area protected by floodplain and water resource easements. The plan meets the requirements of Chapter 152, Grading and Sediment Control, of the Code of public Laws and Ordinances of Carroll County; therefore, concept plan approval is granted.

The Bureau of Comprehensive Planning states that the plan is consistent with all applicable plan policies and recommendations and requires no further modifications, at this time, for approval.

All adjoining property owners did receive notification as of the date of this report. One person, an adjoiner, spoke at the TRC hearing pertaining to screening from Pleasant Valley

Road and current security lights. No written comments have been received. The Bureau did receive a walk-in pertaining to the site plan and review process.

Discussion:

Price Wagoner presented the staff report to the Commission.

David Bowersox, Attorney, and John Lemmerman, RTF Associates, Inc. were present.

The applicant requested a waiver from the Bureau of Engineering for site distance for both entrances. The waiver was accepted for entrance 1, not for entrance 2. The site plan was resubmitted proposing to raise the apron of the west entrance by 1' to improve site distance.

Commissioner Frazier asked if the Forest Conservation issues will be addressed.

Mr. Lemmerman stated they are waiting to see how the plan progresses before Forest Conservation issue are addressed. Mr. Lemmerman stated these issues will be addressed as part of the site plan package.

Mr. Bowersox addressed Commissioner Frazier's comment about Forest Conservation. He stated the extent of Forest Conservation required will be, in part, influenced by the scope of what is ultimately approved. He stated the property is extensively wooded and they are looking into using the existing forestation as his Forest Conservation area.

Dave Reece, Department of Public Works, addressed the request to waive the site distance for the second entrance. He stated they have not yet received the request proposing to raise the apron by 1'.

Mr. Lemmerman stated their client is not opposed to applying for another waiver but they were told the Planning Commission would be the appropriate body to grant the approval.

Mr. Black stated Development Review would like to see a waiver request for the site distance with the proposed raised height of the apron. Mr. Black stated the applicant would like to see if Planning Commission would grant the approval without the waiver.

Mr. Bowersox stated the modified concept plan has been filed with the improved second entrance and they are requesting that Planning Commission approve the improved site plan. Mr. Bowersox cites an opinion from a case involving Pizza Hut in Westminster. Chapter 156 states that the Planning Commission has the authority to grant approvals for entrances and exits.

Patricia Desautels, neighbor, stated entrance 2 didn't exist years ago.

Mark Judge, neighbor, stated he thinks it would be safer to use the second entrance with the improved, raised driveway. Mr. Judge stated he doesn't think adding screening is a good idea, he believes it would invite thieves and give them a place to hide. Mr. Judge asked why the security lights were no longer on.

Patricia Desautels stated she complained about the security lights because they blinded people.

Commissioner Frazier asked Mr. Reece how long it would take the Department of Public works to come back with an opinion on the second entrance with the proposed increase in apron elevation.

Mr. Reece stated it would take approximately two weeks from the time they receive the waiver request.

Ms. Deasutels submitted a picture.

Mr. Bowersox stated they would like Planning Commission to approve the revised Concept Plan Submittal with the second entrance elevation built up.

The Commission would like to hear the opinion of the Department of Public Works.

Decision:

No action is required.

B. S-17-0024, Performance Food Services - Maryland, Eighth Amended Site Plan

SUBJECT: S-17-0024, Performance Food Services - Maryland, Eighth Amended Site Plan

LOCATION: Southeast side of Avondale Road, northeast of Medford Road, E.D. 7

OWNER: Performance Food Group, Inc., 1333 Avondale Road, New Windsor, MD 21776

DEVELOPER: Primus Builders, Inc., 8294 Highway 92, Suite 210, Woodstock, GA 30189

ENGINEER: DRS and Associates, 52 Winters Street, Westminster, MD 21157

ZONING: IG – Industrial General

ACREAGE: 17.60 acres

FIRE DISTRICT: New Windsor

WATERSHED: Double Pipe Creek

MASTER PLAN: Industrial

PRIORITY FUNDING AREA: Westminster

DESIGNATED GROWTH AREA: Westminster

❖ Action Required:

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

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

❖ Existing Conditions:

The subject property is improved with a warehouse and associated employee and truck parking. The existing building is 145,141 square feet in size with office, cold storage, and distribution areas. There are two portable buildings in use for office space. Upon completion of the office addition, removal of these units will occur. There are 18 existing loading docks located on the west side of the building. A 400-foot retaining wall is located along the easternmost property line. An existing deed of easement allows Performance Food Services-Maryland to access the retaining wall from the adjoining property for maintenance of the wall.

Numerous site plans have been approved for this property as the need for expanded facilities has grown.

The properties to the northwest, north, and northeast are improved with industrial uses. The property to the south is an active quarry. The property to the east is unimproved and is zoned Agricultural. All other adjoining properties are zoned Industrial General. The parcels to the northwest, north and northeast are on private well and sewer.

A re-use waterline was extended from the City of Westminster treatment plant located at the intersection of MD Rt. 31 and Old New Windsor Pike. This water line was extended for use as both coolant for the refrigeration system and a water source for fire protection. A separate plan (S-11-021GO) showing the water line, was approved by County and City of Westminster staff. This water line is not a potable source of water and as such, no changes are proposed to the existing well or public sewerage connection on the subject property.

❖ **Background:**

The seventh amended site plan for Carroll County Foods (S-11-020), now known as, Performance Food Services, was submitted for review on August 23, 2011. The initial site plan submitted proposed 13,796 square feet of office space, a 1,586 square foot maintenance room and 72,665 square feet of warehouse storage. The initial site plan was presented at the September 26, 2011 meeting of the Technical Review Committee (TRC). The plan did not go in front of Planning Commission for concept review, as this was not required. Upon re-submission on January 17, 2012, Engineering Review commented, that as was discussed with the Engineer, a traffic impact study would be needed for the project. With the April 13, 2012 submission of plans, the scope of the project was reduced by deleting the office space and maintenance room as well as reducing the size of the warehouse to 40,593 square feet. Upon review of the site plan, Engineering Review had no further comments and granted approval. A note on the Engineering Review approval letter stated that when planning the next phase of building construction, a traffic impact study would be required. The seventh amended site plan was approved by the Chair of the Planning Commission on May 10, 2012.

❖ **Site Plan Review:**

The developer proposes to build two additions (office space and warehouse) to the existing building, previously shown on the initial submittal S-11-020 for the seventh amended site plan. The plan shows a 31,850 square-foot warehouse addition along the north side of the building. On the west side of the building, the plan shows a 15,720 square-foot addition to expand the office. A traffic study was required for the seventh amended site plan prior to the reduction of the warehouse area and the omission of the office space. The surveyor/engineer met with Development Review and Engineering on August 10, 2017 to discuss whether a traffic study is necessary for this site plan. Further information pertaining to this meeting will be available for Planning Commission at the August 22 meeting. With talks ongoing pertaining to traffic, staff would like to present the site plan and receive feedback on other aspects pertaining to the Concept Review.

The seventh amended site plan, S-11-020, reviewed by TRC on September 26, 2011, did include the office and warehouse addition shown on this eighth amended site plan. The required parking for the warehouse and offices is 171 parking spaces, the plan shows 206 spaces provided for cars with an additional 30 parking spaces for large trucks. The warehouse use is consistent with the land use designation of Industrial in the 2007 Westminster Environs Community Comprehensive Plan.

Building elevations, material and color lists shown on the eighth amended site plan match the existing structure with office façade consisting of beige masonry with aluminum window frames and doors and a standing seam metal roof. The warehouse addition will match the existing, being white in color. No new signage is proposed. Existing pole-mounted lights are scattered throughout the parking areas and will not change as part of this plan.

Stormwater management (SWM) granted both concept and final approval of this eighth amended site plan. The previous stormwater management approval, dated February 29, 2012, for the seventh amended site plan was prior to omission of the office addition and reduction in the warehouse size. Upon diversion, collection of runoff from impervious surfaces flows to an existing basin between the parking lot and Avondale Road. Retrofitting of the existing basin to meet current regulations and to treat the increased volume created by the previous expansion and current expansion occurred as part of the seventh amended site plan. A stormwater management easement and maintenance agreement executed as part of the consolidation plat and recorded prior to final signature approval of the seventh amended site plan is still valid.

Landscaping installed to screen the proposed truck parking lot and the existing dock area took place as part of the 7th amended site plan. No additional landscaping is shown. The surveyor does not propose additional Forest Conservation steps, as it previously addressed under the seventh amended by buying into a forest bank.

The site is exempt from Chapter 153, Floodplain Management. Review of the plan pertaining to Chapter 154, Water Resources Management results in no impact and approval of the plan is granted. The project is within an aquifer protection area, a note on the plan is needed.

The plan meets the requirements of Chapter 152, Grading and Sediment Control. All earth disturbances in excess of 5,000 sq. ft. requires a grading permit before work begins and new construction projects disturbing one acre of land or greater shall be required to apply for an individual or general permit (NOI) through the MDE for the discharge of stormwater associated with construction activities.

Discussion:

Clay Black, Bureau Chief and Price Wagoner presented the staff report to the Commission.

Mike Mattingly, President of Performance Food Management; Mr. Dan Staley, Engineer and Ms. Cheatwood asked how the traffic study will be noted on the 9th Amended Site Plan.

Mr. Staley stated the intersections used by the truck drivers are all rated “A”. Mr. Staley stated that due to the increased size of tractor trailers over the years, the next Amended Site Plan will include a way for the trucks to park safely on the side of the road.

Mr. Black stated there will be some condition regarding a traffic study when the final site plan is presented for approval.

Decision:

The Commission, on motion of Mr. Wothers, seconded by Commissioner Frazier, and carried, voted to authorize the Chair to Approve the Final Site Plan.

FINAL SITE PLAN REVIEW

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

SUBJECT: S-15-0010, TowerCom Hampstead-Mexico

LOCATION: East side of Gablehammer Road, North of Hampstead-Mexico Road (MD Route 482), 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

❖ 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.

❖ Existing Conditions:

The property is located on the East side of Gablehammer Road, and North of Hampstead-Mexico Road (MD Route 482), 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 10-foot driveway leading to the house, the tower compound access is via a proposed 12-foot drive from the residential drive. 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:**

The Bureau of Development Review accepted for distribution, on May 6, 2016, the concept site plan. County agencies presented plan review comments to the engineer at the June 27, 2016 Technical Review Committee meeting. Planning Commission reviewed the concept site plan on December 20, 2016 (minutes attached).

Numerous citizens attended the TRC meeting, some spoke with concerns pertaining to the existing width of Gablehammer Road, slope of the driveway, and stormwater runoff. Additional concerns to the number of site visits were made.

The 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 is 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, electric meter and disconnect and a CSC cabinet. Access to the site is via a 12 foot paved access road that bears off from the existing residential drive, to be repaved from Gablehammer to access drive. No lighting or signage is proposed for the site. The developer submitted a site distance waiver and plan that proposes to trim or remove vegetation and grade the existing bank from the edge of the roadway to the site distance line shown; therefore, Engineering approved the waiver and will require a Public Works Agreement (PWA) to insure the work is completed per the plan. The developer shows up to 10 trips per month to the site, these trips include four additional carriers utilizing the monopole and potential of two trips a month per carrier.

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, Forest Conservation is required. The Forest Conservation Plan shows .14 acres in Afforestation and 1.06 additional acres placed in a Forest Conservation Area. Landscaping of the site is in accordance with the Landscape Manual; therefore, the landscape plan has approval. The plan shows the perimeter of the tower compound planted with a row of mixed evergreen shrubs and trees.

The property is within the Surface Water Protection Area, a note added on the plan states there will be no use, storage, transfer, or handling of regulated substances on site. A flood plain analysis performed resulted in the site being exempt from the requirements of Chapter 153. Before work begins, a grading permit is required.

Stormwater Management has granted final approval. Stormwater management is addressed via an infiltration trench under the 60' x 60' compound, an 8-foot grass swell along the access road that will discharge into the conservation area and a 160 foot x 4 foot level spreader discharging into the forest conservation area.

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

As of the date of this report, notification to all adjoining property owners occurred. There have not been any telephone inquiries pertaining to the project or written comments received. There has been one walk-in inquiry pertaining to the scope of the project by the buyer of 1129 Beagle Chase Drive.

❖ **Action Requested:**

Approval of the site plan pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County with the following conditions:

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of improvements shown on the site plan, to include: (work along Gablehammer Road in order to improve site distance, stormwater management, landscaping, forest conservation, repair of the existing drive and construction of the access road).
2. That a Stormwater Management Easement and Maintenance Agreement be granted to the Carroll County Commissioners as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with Public Works Agreement
3. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
4. That a Forest Conservation Easement be granted to the Carroll County Commissioners to be recorded simultaneously with Public Works Agreement.
5. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

Discussion:

Price Wagoner presented the staff report to the Commission.

Chair Helminiak recalled that the main issues for this project were grade of driveway and if the road used a portion of the neighbor's driveway. Mr. Wagoner stated the survey they received does not show the road using the neighbor's driveway and that the steepness of the road is less than 17%.

Stephanie Petwey and Chloe Swann, NB+C, were present.

Chair Helminiak asked what changes have been made since the Concept Site Plan.

Mr. Wagoner stated the widening of the road was the main change which, in turn, required additional stormwater management.

Gail Summerhill, citizen, stated the access road intersects her driveway. She stated widening the road or changing the grading will not improve the erosion and safety issues.

Chair Helminiak asked if the driveway has been surveyed.

Ms. Swann stated a survey has been done and they are creating the required amount of site distance to make the project safer.

Ms. Swann stated this is an unmanned tower, truck traffic is very limited.

Ms. Petwey stated that after the initial construction there is not much traffic on the site at all.

Theresa Bethune, citizen, requested a survey for property lines along the back of the tower. She stated she has not seen any evidence of this. Ms. Bethune, is concerned that Gablehammer Road will be adversely affected by the construction.

Jason Leister, citizen, stated his concern about the safety of the access road onto Gablehammer Road. Mr. Leister asked if the grading would be following the Federal Clean Water Act. Mr. Leister stated the EPA will be out to investigate the site. Mr. Leister stated he has questions about the survey and the property lines. He would like a 3rd party to conduct a survey. Mr. Leister asked if the tower can be disguised to look like a tree. Mr. Leister questioned if the tower is necessary, he stated technology is changing and 5G towers are different.

Chair Helminiak stated that the idea of disguising the towers is brought up often and studies have shown that people notice the towers more when they look like giant trees.

Ms. Summerhill addressed damage that has been done to her property caused by the trucks using the access road. She stated she will do something to stop people from accessing her driveway.

Ms. Swann stated the improvements to the site distance will be completed prior to construction.

The Commission suggested Ms. Summerhill contact TowerCom to complain about her driveway.

Mr. Voigt, Zoning Administrator, stated the driveway dispute would be a civil matter.

Ms. Kessler stated if Ms. Summerhill thinks someone is crossing over her land then it is a civil matter. Ms. Kessler stated the Planning Commission is not capable of deciding whose land it is.

Decision:

The Commission, on motion of Mr. Wothers, seconded by Ms. Cheatwood and carried unanimously voted to approve the Plan pursuant to Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County with the five conditions stated in the staff report as well as a sixth condition that a survey be conducted regarding property lines before construction can begin.

RECESS

FINAL SITE PLAN REVIEW

B. S-17-0005, 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 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 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.

A concept site plan for the subject property was reviewed by the Planning and Zoning Commission on May 16, 2017 (see minutes attached). The Commission's foremost concern was whether there would potentially be an increase in school population with the relocation which would result in an increase in traffic to the site. Staff's response was that information would be solicited from the developer to clarify the projected total student and staff population post-relocation to re-assess the difference in traffic generation between post-development and pre-development conditions.

❖ **Existing Conditions:**

Holy Spirit Lutheran Church owns two adjoining parcels (parcels 549 and 357) in the R-40,000 zoning district which will 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 for children ages 2 to 5. It was recorded as Lot 1 of the Subdivision of Holy Spirit Lutheran Church in Plat Book 24, Page 73 in 1981. 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 357 has a relatively level clearing in the center with sparse vegetation along the property lines. Parcel 549 has two previously approved site development plans (1981 and 1995); one for the church and one for a fellowship hall. 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 prior to final signature approval on the site plan mylars. The developer proposes to erect a one-story, 3,515 square foot modular building to relocate their existing preschool program, 42 students and 11 employees, which is currently internal to the church building. The site plan indicates a maximum of 55 students and 11 employees in the new building. 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. "To help reduce the noise and visibility impact on this property (to the west), an additional screening shall be provided on the west side of the proposed building in addition to any screening required by any other code that would apply in the approval process." The developer obtained written consent from adjoining property owners to secure exemption from Landscape Manual screening requirements. Screening depicted is in fulfillment of the Zoning Administrator Case condition and has been approved by the Zoning Administrator and Landscape Review.

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. The church and preschool do not overlap days and hours of operation. To address Planning and Zoning Commission concerns of potential increased traffic to the site, expressed at the May 16, 2017 meeting, Engineering Review pursued clarifying information from the developer.

Current school population equals 42 students and 11 staff occupying a 4,214 square foot space within the church. Projected maximum school population equals 55 students and 11 staff occupying a 3,515 square foot building. The Institute of Transportation Engineers (ITE) Trip Generation Manual utilizes a formula for trip generation based on categorized use and building square footage. For a Daycare Center, trips generated are 12.46 trips per 1,000 squares feet. This calculates to a decrease in trips generated post-development; from 53 to 44. No traffic study was 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. Whereas the two uses do not overlap days and hours of operation, the existing parking

lot with 62 spaces plus 2 proposed spaces in front of the new building is sufficient. Total parking spaces proposed equals 64 stalls.

The existing dumpster has been relocated on site with landscape screening provided.

Water and sewer will be provided via public water and sewer systems. The nearest fire hydrant is across Liberty Road, approximately 800 feet from the existing building. A fire sprinkler suppression system is not required.

The building elevations are included on sheet 8 of the 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 and a paved path from the rear exit complies with egress requirements per Emergency Services' comments. Exterior building materials include beige plywood siding and EPDM rubber roofing.

Lighting proposed for the site is building-mounted as shown on the "Front" and "Rear" elevations at the entrance doors. No new signage is proposed. No outdoor public address system is proposed.

Stormwater Management will be addressed with a level spreader. A Forest Conservation variance request was granted by the Director on June 16, 2017 to allow the removal of one specimen tree in fair condition and disturb a second tree in fair condition. Forest Conservation will be addressed with 0.09 acres of off-site banking.

❖ **Recommendations:**

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

1. That an amended plat to consolidate the two parcels be recorded prior to final signature approval by the Planning and Zoning Commission on the site plan mylars.
2. A note shall be included on the plan indicating that vehicular ingress and egress to Hickory Knoll Lane from Lot 1A is prohibited.
3. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements (landscaping, stormwater management).
4. 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.
5. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
6. That a proof of purchase of the forest bank be included in the legal document submittal.
7. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

Discussion:

Laura Matyas presented the staff report to the Commission.

Marty Hackett and Linda Alexander, CLSI and Milton Taylor and Pastor Robin Linton, Holy Spirit Lutheran Church were present to answer questions about the plan.

Chair Helminiak stated the questions from the Concept Plan presentation have been addressed satisfactorily.

Decision:

The Commission, on motion of Mr. Wothers, seconded by Mr. Canale and carried, voted to approve the Plan pursuant to Chapter 155 and subject to the seven conditions outlined in the staff report.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

On motion of Mr. Wothers, seconded by Ms. Cheatwood and carried, the Commission adjourned at approximately 1:05 p.m

Secretary

Approved