

MEETING SUMMARY
Carroll County Planning and Zoning Commission

September 19, 2017

Location: Carroll County Office Building

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

Members Absent: Eugene A. Canale

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, Clare Stewart and Laura Bavetta, Department of Planning; Clay Black, Laura Matyas, Price Wagoner, and John Breeding, Development Review.

CALL TO ORDER/WELCOME

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

ESTABLISHMENT OF QUORUM

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

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Eisenberg greeted the Commission and stated there would be a special election for Vice Chair since Matt Helminiak resigned his Chair position. According to the Administrative Rules and Procedures, Vice Chair Soisson will step in to the Chair position and a new Vice Chair will be voted in until the Annual Elections are held in November.

ELECTION FOR VICE CHAIR

Mr. Wothers nominated Cynthia Cheatwood as Vice Chair. Mr. Hoff seconded the nomination. Via a unanimous vote, Cynthia Cheatwood was elected Vice Chair.

REVIEW AND APPROVAL OF AGENDA

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

PUBLIC COMMENTS

There were no public comments

REVIEW AND APPROVAL OF MINUTES

The minutes of the August 22, 2017 meeting were approved on motion of Mr. Yeo, seconded by Mr. Wothers and carried.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson did not have anything to report.

B. EX-OFFICIO MEMBER

Commissioner Frazier reported that the Board of Commissioners would not be sending the Freedom Community Comprehensive Plan back to the Planning Commission.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg discussed the 2017 MPCA Annual Conference with the Commission. Secretary Eisenberg also reported that Darby Metcalf has become a full time staff person helping the Department with GIS Mapping and a new Planner has been hired, Arco Sen, and he will start on October 5th.

B. EXTENSIONS

Clay Black, Bureau Chief Development Review, reported there was one extension granted since the last meeting: Rosie Acres 3, the 6th extension in Election District 4.

C. BZA CASES

Clare Stewart reported that staff provided comments to the BZA for two cases to be heard in September. Case No. 6034, a Conditional Use and Variance for a Telecommunications Tower and Case No. 6035, a Conditional Use and Variance for a Country Inn and Wedding Facility.

D. OTHER

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

MISSION STATEMENT: DISCUSSION

Staff and the Commission have been directed to develop a Mission Statement for the Planning and Zoning Commission. Members of the Commission discussed including meeting frequency clarification, and term limits. This topic will be discussed again during the next Work Session.

COMPREHENSIVE REZONING DISCUSSION: PROCESS AND TIMING

Secretary Eisenberg and Mary Lane explained the process of the Focus Group and updated the Commission on the status of the mailing and feedback that has been received so far. Secretary Eisenberg clarified that under Administrative Rules and Procedures, if a Board member had lead the focus group, the Open Meeting laws would have gone into effect and the process would not have been as fluid as was desired and may not have included the technical aspect that was needed.

Ms. Lane outlined the process, timing of future drafts and discussions for the different districts.

Mr. Hoff asked if the maps would be sent to the Board of County Commissioners at the same time. Secretary Eisenberg stated that staff recommends submitting the text first.

Mr. Yeo asked if the concept of adding additional commercial zones would be incorporated into this process.

Secretary Eisenberg stated it depended on how specific the language would be regulating the use.

Mr. Hoff suggested not being too specific and allow market forces and the development review process to unfold.

Mr. Yeo suggested discussing any additional zone and submit a written response to the Board of County Commissioners.

Mr. Hoff suggested exploring that topic during the zoning text discussions.

The Commission discussed possibilities of different zoning types and intensities in the Commercial District.

Mr. Hoff asked for clarification between Conditional Uses and Special Exceptions.

Clark Schaffer, Attorney, clarified that Conditional Uses and Special Exceptions are the same thing.

Jay Voight, Zoning Administrator, stated in the Land Use law they are the same.

RECESS

CONCEPT SUBDIVISION PLAN REVIEW

SUBJECT: P-17-0025, Liberty Exchange Resubdivision of Lot 6

LOCATION: North side of Liberty Road (MD Rt. 26), at Exchange Drive, E.D. 14

OWNER: LST Properties c/o St. John Properties, 2560 Lord Baltimore Drive, Baltimore, MD 21244

DEVELOPER: St. John Properties, 2560 Lord Baltimore Drive, Baltimore, MD 21244

ENGINEER: Development Design Consultants, Inc. 192 East Main Street, Westminster, MD 21157

ZONING: Restricted Industrial (I-R) / Conservation

ACREAGE: 25.372 acres (I-R = 17.812 acres / Conservation = 7.56 acres)

WATERSHED: Liberty Reservoir

NO. OF LOTS: 2

FIRE DISTRICT: Sykesville

MASTER PLAN: Industrial Light (Approved 2017 Freedom Community Comprehensive Plan)

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

SEWER/WATER

DISTRICT: 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 Major Subdivision Plan. No action is requested.

❖ **Existing Conditions:**

The subject property is Lot 6 of the Liberty Exchange subdivision located north of Liberty Road (MD Route 26) at Exchange Drive. Recorded in Plat Book 52, Page 001-004 on May 21, 2010, the Liberty Exchange has a total of six lots (see plat attached). All of the lots within the Liberty Exchange subdivision are part of the Liberty Exchange Business Park. Both the subdivision and the site development plan were approved by the Planning and Zoning Commission on September 15, 2009 (see site plan attached). In November 2015, a redline drawing which divided Building D into two separate buildings, D1 and D2, was submitted to Development Review and approved (see plan attached).

Business Parks are a principal permitted use in the Restricted Industrial (I-R) Zone and permitted across multiple lots.

📖 **§ 158.079 “I-R” RESTRICTED INDUSTRIAL DISTRICT.**

(C) **Principal permitted uses.** Principal permitted uses shall be as follows:

(r) Business parks, subject to a minimum size of ten acres. Retail and commercial uses, which are delineated as accessory uses in division (E)(2) below or principal permitted uses in § [158.077\(C\)\(1\)](#) and (C)(5), may be located on separate lots or parcels within a business park

Lot 6 sits at the northern portion of the subdivision with an in-fee strip to Liberty Road. An existing, private, use-in-common drive, Exchange Drive, serves the Business Park. Lots 1, 2, and 3 may also be accessed from relocated Old Liberty Road.

Buildings A and B (Lot 5), C and D1 (Lot 6), E and F (Lot 4) of Liberty Exchange Business Park are constructed. The approved site development plan locates flex Buildings C, D1, and D2, on Lot 6. Building D2 is not yet constructed.

Lot 6 is split-zoned Restricted Industrial and Conservation. The Conservation-zoned portion of Lot 6 hosts a stream and forest and existing environmental easements; Forest Conservation, Floodplain, and Forested Water Resource Protection. An existing Stormwater Management pond is situated on the northeast portion of the Lot 6.

The Business Park is served by public water and sewer systems.

❖ **Subdivision Plan Review:**

The developer proposes the resubdivision of the 25.372-acre Lot 6 of Liberty Exchange to create two new lots; Lot 7 and Lot 8. Lot 6A, 5.27 acres, will encompass existing Building C. Lot 7, 4.27 acres, will encompass existing Building D1. Lot 8, with 15.82 acres, will contain

the approved future Building D2 and maintain the existing environmental easements and stormwater management facility.

No new buildings, no new site development plan, is proposed in conjunction with this subdivision. The proposal is exempt from Floodplain, Water Resources, Forest Conservation, Landscaping, and Stormwater Management codes.

The bulk requirements for Business Parks are outlined in the Zoning Code. In the Zoning Administrator's review, he commented that "The property line that runs between the buildings (D1 and D2) is considered to be a side yard and the required setback is 30' from the property line to each building." A variance request for reduction of side yard setbacks between buildings D1 and D2 from 30 feet to 20 feet was heard on September 6, 2017. Verbal approval was granted by the Zoning Administrator on September 7, 2017. A written decision will follow.

Exchange Drive will serve Lots 7 and 8 in addition to Lots 1-6A. The existing Declaration of Maintenance Obligations includes any future lots abutting the access easement area.

The concept site plan was subject to citizen involvement at the July 24, 2017 Technical Review Committee (TRC) meeting. No citizens were in attendance regarding Liberty Exchange. Two citizens contacted Development review in advance of the TRC meeting to inquire about the nature of the project.

As a non-residential subdivision, the plan is exempt from Chapter 156, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Discussion:

Laura Matyas presented the staff report.

Clark Schaffer, Attorney; Andy Stein, DDC, Inc. and Tom Pilon, St. John Properties were present.

Mr. Schaffer stated they will be seeking a variance for side yard setback from 30' to 20'. The Zoning Administrator has given a verbal approval and they expect to have written at time of Preliminary/Final Plan Review. Mr. Shaffer stated the Purpose of this Plan is mainly for marketing and financing.

Mr. Yeo asked what the current spacing is between the two buildings in the front.

Mr. Stein stated it is about 44 feet between the the buildings.

Mr. Yeo asked if there would be vehicle access between the buildings.

Mr. Stein stated there would be vehicle access between the buildings.

Mr. Black addressed the issue of being able to handle this type of process administratively versus formally. He stated staff is going to review the Administrative Rules to see if there is a way to facilitate this process.

Decision:

No action is required.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

On motion of Mr. Wothers, seconded by Mr. Yeo and carried, the Commission adjourned at approximately 10:42 a.m

Secretary

Approved