

MEETING SUMMARY
Carroll County Planning and Zoning Commission

October 10, 2017

Location: Carroll County Office Building

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

Members Absent: Daniel E. Hoff

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, and Clare Stewart, 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 9:00 a.m.

ESTABLISHMENT OF QUORUM

Secretary Eisenberg 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.

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 September 19, 2017 meeting were approved on motion of Mr. Yeo, seconded by Mr. Canale and carried.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson noted that he approved a façade upgrade to Arby's Restaurant in Finksburg Plaza.

B. EX-OFFICIO MEMBER

Commissioner Frazier had stepped out at this time.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg introduced Arco Sen and Darby Metcalf to the Commission and stated the Department will be advertising for a Planner II position to replace Andrea Gerhard.

B. EXTENSIONS

There were no Extensions to report.

C. BZA CASES

Clare Stewart reported that staff provided comments to the BZA for one case that was heard in September, Case No. 6035, a Conditional Use and Variance for a Country Inn and Wedding Facility. Case No. 6034, a Conditional Use and Variance for a Telecommunications Tower was rescheduled for November 30th.

D. OTHER

Gail Kessler, County Attorney's office, clarified information following the previous meeting's discussion regarding Open Meetings and Ethics.

ADMINISTRATIVE RULES – PRELIMINARY DISCUSSION

Clay Black, Bureau Chief, presented information regarding site plan and subdivision plan review and approval. He proposed to the Commission if they would consider, on a case by case basis, authorizing the Chair to sign off on plans to create a simplified process.

Mr. Yeo asked for clarification on parameters of which plans this would be for.

Mr. Black stated a simplified plan would encompass plans that are less than 5000 square feet of disturbance, there are no new entrances and the zoning is in place.

Mr. Yeo asked if using email was an acceptable way to communicate among the members to make a decision about a plan.

Ms. Kessler stated that would be a violation of the Open Meetings Act.

Mr. Canale stated he is not agreeable to authorizing the Chair for new projects.

Mr. Wothers suggested that staff develop a draft of the changes proposed for Section 8 of the Administrative Rules and Procedures.

Mr. Black was asked to return in November with draft language for the Planning Commission to review.

Mr. Wothers suggested a correction on Page 4, Section 3.12(b).

Secretary Eisenberg asked the Commission if they had any other suggestions or changes to the Administrative Rules and Procedures.

There were no other suggestions or changes.

FINAL SITE PLAN REVIEW

SUBJECT: S-15-0023, OHW Inc. Tree Service
LOCATION: 5514 Old Washington Road, South of Old Liberty Road, 14th ED
OWNER: William Lee Rash & Brenda Denise Rash, 3422 Pine Circle South,
Westminster MD, 21157
DEVELOPER: William Lee Rash & Brenda Denise Rash, 3422 Pine Circle South,
Westminster MD, 21157
ENGINEER: RTF Associates, Inc., 142 East Main Street Westminster, MD 21157
ZONING: Agricultural
ACREAGE: 17.063 acres
WATERSHED: Patapsco River – South Branch
MASTER PLAN: Agricultural
PRIORITY FUNDING AREA: Outside
DESIGNATED GROWTH AREA: None
FIRE DISTRICT: Winfield

❖ 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 and approval of a final site plan.

❖ Existing Conditions:

The property is located on the West side of Old Washington Road, and South of Old Liberty Road and contains an existing storage building. An existing 20-foot Right-of-Way agreement for access to an adjoining parcel encumbers the property. The adjoining properties zoning is agricultural and the properties across Old Washington Road are zoned conservation. The properties to the West and South are agricultural and the properties to the East are residential. Private well and septic systems serve all properties in this area.

❖ Background:

The property owner received a building permit, # 13-0316, in 2013 for the construction of a farm building for a commercial nursery. Completion of the building occurred in December of 2013. Upon the business growing and acquiring more equipment along with expanding the services offered, the owner was granted a conditional use permit, Board of Zoning Appeals case: # 5750 (attached) in May of 2014, for a contractors equipment and storage area as well as a variance for the setback requirement in the Agricultural district. The owner did receive an additional building permit, # 15-0874, for the existing sign for OHW, Inc. Tree Service.

In accordance with Chapter 155 of the Code of Public Local Laws and Ordinances, a site plan is required for all principal permitted and conditional uses in any district. The Bureau of Development Review accepted for distribution, on November 5, 2015, a site plan for the existing contractor's storage area and building. The plan will bring the contractor storage

yard into compliance with Chapter 155.059, Site Plan Requirements. County agencies presented technical plan review comments to the surveyor at the December 21, 2015 Technical Review Committee meeting. The Planning Commission reviewed the concept site plan at the January 19, 2016 meeting (minutes attached).

❖ **Site Plan Review:**

On November 3, 2016, the Bureau of Development Review accepted the final plan for distribution. The plan shows the current building is comprised of 13,200 square feet. There is a propane tank and above ground fuel and oil tanks located on the South side of the site. The building has the appearance of a modern barn, with large roll up doors on the North and South elevations. The building is metal painted blue with a white standing seam metal roof. Access to the site is via an existing 20-foot wide drive from Old Washington Road, landscaped with a four (4) foot split rail fence attached to a stonewall and pillars. The MD State Highway Administration has approved the access with no additional improvements required.

There is an existing well on site; with no office space, employees or bathroom facilities in the existing storage building the Health Department approves the site plan.

Forest conservation and landscape review has given final approval. With the total cumulative disturbed area of the site encompassing 82,111 square feet; a forest stand delineation and forest conservation plan were submitted in accordance with Chapter 150.21 of the Forest Conservation Ordinance. The plan shows 0.688 acres, along the southern property line, placed in a forest conservation easement in perpetuity. Landscaping of the site is in accordance with the Landscape Manual. There is an existing class (B) screen as well as seven foot Arborvitae along the frontage of Old Washington Road and along the northern edge of the contractor storage yard. An existing 40 by 6 foot high vinyl privacy fence screens the rear of the storage yard from Old Washington Road.

The site is not in a flood zone; therefore, the property is exempt from the requirements of the floodplain management ordinance. Water resource management has granted final approval. The propane tank and the above ground fuel and oil tanks are under a separate roof structure, which eliminate the exposure to rainfall and prevents contamination of stormwater runoff.

Stormwater management has given final approval. Stormwater will be addressed thru a grass swale, rooftop disconnect, trench drains placed in the existing drive with drywells and a level spreader to discharge into the Forest Conservation Easement.

Grading and Sediment Control grant final approval of the plan. A grading permit will be required.

Fire Protection grants final approval. In order to meet the requirements of Chapter 91.022 of the Fire Protection Ordinance the plan shows a 20,000-gallon underground storage tank. To meet the International Building Code requirements for fire separation, interior renovations will occur. A change of use building permit will be required.

Notification of all adjoining property owners occurred as of the date of this report. There have been two telephone inquiries pertaining to the scope of the project, both from adjoining property owners. Both inquiries stated how well kept the site is and how well the building fit into the rural character of the area. No written comments have been received.

❖ **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: (stormwater management, landscaping, forest conservation, and installation of a 20,000-gallon underground tank).
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:

Clay Black presented the staff report.

John Lemmermen, RTF Associates, Inc. was present.

Chair Soisson asked about the sign.

Mr. Black clarified that everything is existing with the exception of the underground storage tank and the storm water management.

Decision:

On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Commission Approved the Site Plan pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County subject to the five conditions outlined in the staff report and amending Condition #1 to an underground storage tank, striking 20,000 gallon.

PRELIMINARY/FINAL 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
ZONING CASE:	ZA-1741
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 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 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. 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. In November 2015, a redline drawing which divided Building D into two separate buildings, D1 and D2, was submitted to Development Review and approved.

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 approved by the Zoning Administrator in Case ZA-1741 on September 19, 2017.

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.

On September 19, 2017, the Planning and Zoning Commission reviewed the concept plan of subdivision (see minutes, attached). Additional citizens have contacted the Bureau of Development Review since that meeting to inquire about the scope of the project. With an explanation of the previously approved Business Park site plan and the currently proposed subdivision, there have been no concerns from the inquirers.

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.

❖ **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.

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 recordation of the subdivision plat.
3. That a private sewer easement on Lot 7 for the benefit of Lot 8 be recorded.

Discussion:

Clay Black presented the staff report.

Clark Shaffer, Attorney, Andy Stine, Engineer, and Thomas Pilon, Developer were present.

Decision:

On motion of Mr. Yeo seconded by Mr. Wothers and carried, the Commission Approved the Preliminary and Final plans Pursuant to Chapter 155 and subject to the conditions outlined in the staff report.

MUNICIPAL GROWTH AREA

Secretary Eisenberg and Bobbi Moser presented a general discussion regarding steps to facilitate a process to amend each municipality's Municipal Growth Area.

Commissioner Frazier asked if there was ever a time when a Town wanted to annex property and the County wasn't agreeable to it.

Ms. Moser stated that many years there was a case in Taneytown when the County did not grant a waiver.

Mr. Yeo asked what happens with property that is outside of a Town's MGA, doesn't have water and sewer, the County doesn't have plans for the property.

Secretary Eisenberg stated that all Towns have had their MGA well established for quite some time. Secretary Eisenberg stated that Towns have to demonstrate why they need the land.

Chair Soisson asked if the other Municipalities will be going through this process.

Secretary Eisenberg stated other Municipalities are interested in growing so a process needs to be in place.

Secretary Eisenberg stated there is no detriment to the County if Towns wish to annex property. She stated it doesn't erode from the County's tax base, it just limits in the land use authority.

Secretary Eisenberg stated staff would work on a briefing and staff report for the November meeting.

FREEDOM COMMUNITY COMPREHENSIVE PLAN – FUTURE LAND USE DEFINITIONS

Tentative dates for the Public Hearing were discussed. The Commission suggested January 15th with a backup date of January 30th in the event of weather issues. Secretary Eisenberg stated she will direct staff to look into scheduling the Public Hearing.

Mary Lane presented information regarding Future Land Use Definitions.

Mr. Wothers pointed out that this will affect the County Master Plan as well as the Finksburg and Freedom Plans.

Secretary Eisenberg stated the County Master Plan would be reevaluated and recommended an Amendment to the Plan. Secretary Eisenberg stated the draft definitions provided by staff are not contrary to the Master Plan but they are a broader description of what is in the Master Plan.

Commissioner Frazier would like to omit the word “approximately” from the proposed Agriculture definition.

The Commission discussed the land use definition for Resource Conservation. The Commission would like to add language that encompasses geographical features that may have an impact on lot yields.

Secretary Eisenberg stated that staff will work on the definitions with Clay Black as discussed by the Commission.

The Commission discussed descriptions of multi-family dwellings and apartment complexes, townhomes and attached/detached single family homes. The discussion centered around the vision for the properties designated as Residential High in the Freedom Plan. Commission members discussed if there should be a separate category of Residential Very High Density that would include attached, more dense unit types. Commission members questioned where Planned Unit Developments (PUDs) would be allowed and whether there should be a separate category, or add language to the existing Residential High Density category, that would include townhouses, apartments and condos. Secretary Eisenberg suggested, and there was agreement from some Commission members, that staff add language to the existing Residential High Density category.

The Commission adjourned for a brief recess.

Ms. Lane presented information regarding the Commercial, Industrial and Employment Campus Land Use definitions and the changes proposed by staff.

Mr. Yeo asked how a convenience store would fit into the categories with regard to traffic volume based on the written criteria for each category.

Ms. Lane stated that is why words like “typically” and “generally” are used because there is no way to capture every use and fit it into a category.

Mr. Yeo suggested adding language that addressed parcel size in the Commercial Medium Intensity definition.

Mr. Canale asked for clarification regarding the definition of a major road. Routes 32, 97 and 26 are major roads for the County. The Commission suggested changing the definition to read “will be located near a Principal Arterial Road” for Light Industrial and Employment Campus.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

On motion of Mr. Canale, seconded by Mr. Yeo and carried, the Commission adjourned at approximately 1:00pm.

Secretary

Approved