

MEETING SUMMARY
Carroll County Planning and Zoning Commission

December 19, 2017

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair
Cynthia L. Cheatwood, Vice Chair
Eugene A. Canale
Alec Yeo
Jeffrey A. Wothers

Members Absent: Daniel E. Hoff

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

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

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Eisenberg greeted the Commission and noted the length of the Agenda. Secretary Eisenberg stated the three minute timer will be in effect for the public comment periods.

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 from November 1, 2017 were approved on motion of Mr. Wothers, seconded by Mr. Yeo and carried.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson did not have anything to report.

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 reported that the Board of County Commissioners will be choosing a new Ex-officio at their next meeting. Secretary Eisenberg reviewed the inclement weather policy with the Commission.

B. EXTENSIONS

Clay Black, Bureau Chief Development Review, reported there was one extension granted since the last meeting; Shipley's Choice 2 was granted its tenth extension.

C. BZA CASES

Arco Sen reported that Case No. 6034 was approved December 1st. Staff provided comments to the BZA for six cases to be heard in January, Case No. 6052, Case No. 6055, Case No. 6056, Case No. 6057, Case No. 6058 and Case No. 6059.

D. OTHER

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

ADMINISTRATIVE RULES

Secretary Eisenberg reviewed the changes to the Administrative Rules. On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Administrative Rules were Adopted.

HAMPSTEAD ANNEXATION NO. 41 PATMOS

Clare Stewart reviewed the staff report for Annexation No. 41 Patmos. Clark Shaffer, Attorney, and Tammi Ledley, Town of Hampstead, were present. Secretary Eisenberg addressed the comment provided by the Department of Utilities. Secretary Eisenberg stated that there is currently no sewer infrastructure that goes to the property. Secretary Eisenberg stated there are challenges regarding how to connect this property with sewer and the Department of Utilities wanted the owner to be aware of these challenges.

Mr. Yeo asked if SHA is involved in this project.

Mr. Shaffer stated that information has been sent to SHA but they have not received a response.

Ms. Cheatwood asked why the surrounding properties were not being annexed as well.

Mr. Shaffer stated the other properties could have been involved but chose not to be.

On motion via Mr. Yeo, seconded by Mr. Wothers and carried, the Planning Commission voted to forward the Annexation request to the Board of County Commissioners with a positive recommendation.

FREEDOM COMMUNITY COMPREHENSIVE PLAN

VISION STATEMENT

The Commission discussed the language they wanted to use in the Vision Statement for the Freedom Community Comprehensive Plan.

Mr. Yeo read through the current Vision Statement and read language he would like to see incorporated into the Vision Statement.

Chair Soisson read language that he would like considered for the Vision Statement.

Secretary Eisenberg read a Vision Statement that Commissioner Rothschild submitted that was written by citizens.

Chair Soisson asked staff to write two different statements that incorporate all the information provided and to bring it back to the next meeting.

PLANNED UNIT DEVELOPMENT (PUD) AND LAND USE DEFINITIONS

Mary Lane reviewed what has been discussed regarding Residential-Medium and Residential-High Density Land Use Definitions and PUDs at previous meetings. Ms. Lane reviewed the purposes of, the eligibility for, the density and implementation of a Planned Unit Development technique.

Mr. Yeo questioned the use of the words parcel, project and lot and asked for staff to make the language more consistent.

The Commission discussed the definition of multi-family units and if they would be best suited in R-10,000 or R-7,500.

The Commission asked where duplexes would fall and would like staff to find out more about duplexes.

Secretary Eisenberg stated that staff will put different scenarios together and will revisit this issue at the next meeting.

QUESTIONS FOR THE BOARD OF COUNTY COMMISSIONERS

The Commission discussed the re-wording or removal of Goal 11 in the Freedom Plan per the recommendation of the Board of County Commissioners.

On motion of Mr. Wothers, seconded by Mr. Canale and carried, the Commission voted to leave Goal 11 unchanged.

RECESS

PUBLIC COMMENT

Marty Hackett, CLSI, offered suggestions concerning multi-family and PUD language. He offered to meet with the Commission and discuss this.

Michael Reeves, citizen, asked for the Commission to look at parcels in the Freedom Area and compare how they are zoned versus what is on the ground. He asked which properties would be considered for a PUD and what subdivisions are being planned in the Freedom Area. Mr. Reeves submitted a packet for the Commission to review.

Commissioner Rothschild mentioned properties that submitted land use changes and their requests were dismissed. Commissioner Rothschild asked the Commission to comment on this. The Commission stated they would review his concerns at the meeting on January 3rd.

SPECIAL REPORT

SUBJECT: P-17-0048, Mineral Hill Property
LOCATION: 5734 Mineral Hill Road - South side of Oklahoma Road at Mineral Hill Road, E.D. 5
OWNER: Mineral Hill Property, LLC, 11175 Stratfield Court, Marriottsville, MD 21104
(LLC members: Robert Scranton, Frank E. Potepan III)

DEVELOPER: Same as owner
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: R-20,000
ACREAGE: 9.2747 acres
WATERSHED: Liberty Reservoir
NO. OF LOTS: 14
FIRE DISTRICT: Sykesville
MASTER PLAN: Medium Density Residential – 2001 Freedom Community Comprehensive Plan
Residential Medium – 2017 Approved Freedom Community Comprehensive Plan
PRIORITY
FUNDING AREA: Freedom
DESIGNATED
GROWTH AREA: Freedom

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for a determination regarding a cluster plan of subdivision and deviation from the open space requirements.

❖ **Existing Conditions:**

The subject property hosts one residence located at the corner of Mineral Hill and Oklahoma Roads and a barn outbuilding. Two existing driveway entrances, one at Mineral Hill Road and a second at Oklahoma Road, serve the property.

From Oklahoma Road, the property slopes downward towards the southern property line with approximately 100 vertical feet of elevation change. A springhead and stream form near the western property line towards the southern portion of the site. There are no FEMA Floodplains on site. Of the property's 9.27 acres, 4.57 acres are forested.

The property's sewer plan designation was previously split between Priority (0-6 years) and No Planned Service. On May 3, 2017, the Maryland Department of the Environment approved the Fall 2016 Amendment to the 2014 Water & Sewer Master Plan which included a reclassification of the property's 6.01 acres of No Planned Service into the Priority area. The subject property lies in the Existing / Final Planning Water Service area.

At the northwest corner of the property, two adjoining parcels host residences with access to Oklahoma Road. Bordered by Rolling View, a 1960s subdivision, to the east and south and a 10.63-acre Lot 1 of Ashby Estates to the west (see plats, attached), the subject property shares an R-20,000 zoning designation with all adjoining properties. Rolling View is developed with single-family residences on lots that average 16,000 square feet.

Across Mineral Hill Road to the east lies the Estates at Liberty Reservoir subdivision. Single-family residential lots fronting Mineral Hill Road average one half acre, or 21,780 square feet (see plat, attached). Across Oklahoma Road to the north lies the High Point

subdivision, built with single-family residences on lots that average 25,000 square feet (see plat, attached).

❖ **Plan Review:**

The developer proposes to create fourteen new, clustered lots of subdivision on the property. Clustering is permitted in the R-20,000 zoning district in accordance with Chapter 155.095 of the Code of Public Local Laws and Ordinances of Carroll County.

📖 **§ 155.095 CLUSTER SUBDIVISIONS.**

(A) **Conditions requisite to approval in “R” and “H” Districts.** In the Heritage, R-40,000, R-20,000, and R-10,000 Districts, the Planning Commission may authorize the division of tracts or parcels of land into lots for R District uses, and lots and yards may be smaller than otherwise required in the R Districts in [Chapter 158](#), provided that the following conditions are met:

- (1) The total number of lots and dwelling units may not exceed the number that would be permitted if the area were developed in conformance with its topographic characteristics and the normal minimum lot size requirements in the zoning district in which they are located;
 - (2) The land derived from reduction of lot size shall be provided and maintained as open space or recreational areas for joint use by the residents of the cluster subdivision or offered to the county as agreed to by the Planning Commission, except where such additional reduction of lot size occurs as a result of utilizing TDRs pursuant to § [155.090\(D\)](#) and division (A)(5) of this section;
 - (3) Cluster subdivisions must be served by public water and sewerage facilities;
 - (4) Common open space shall not be less than 15% of the gross acreage of any tract submitted for cluster subdivision.
 - (a) A maximum of 50% of the required open space may be steep slopes, streams, ponds, watercourses, and floodplains;
 - (b) A minimum of 10% of the required open space or one and one-half acres, whichever is greater, shall be suitable for active recreational use and may not exceed a grade of 3%; and
 - (c) For tracts or parcels less than ten acres, the Planning Commission may approve deviations from these percentage requirements.
 - (5) A cluster subdivision receiving TDRs may increase density at two TDRs for every ten lots created in accordance with division (A) above;
 - (6) In order to be eligible for clustering, all lot yield from the entire property shall be included on the preliminary subdivision plan.
- (2004 Code, § 103-53)

Both a conventional plan and a cluster plan were submitted for review. The conventional plan depicts fifteen lots which range in size from 20,060 square feet to 24,654 square feet. Lot widths meet the minimum requirement of 100 feet in Chapter 158.073. Setback requirements of a 40 foot front, 12 foot side, and 50 foot rear yard are depicted. Lot 1 hosts the existing dwelling and private driveway. Access for the subdivision is proposed from Oklahoma Road. Road A, a cul-de-sac and proposed County road, measures approximately 890 feet and is designed to serve all 15 lots.

The cluster plan depicts fourteen lots which range in size from 11,683 square feet to 24,142 square feet. Lot widths measure 80 feet at minimum. Setbacks are depicted as 25 foot front, 8 foot side, and 35 foot rear yards. Lot 1 hosts the existing dwelling and private driveway. Access for the subdivision is proposed from Oklahoma Road. Road A, a cul-de-sac and

proposed County road, measures approximately 495 feet. A private use-in-common drive extends approximately 330 feet from the end of Road A to serve Lots 9, 10, 11, and 12.

Code permits five users on a use-in-common drive in Residential districts. The use-in-common drive will necessitate a name in accordance with Chapter 155.025(D) of the Code of Public Local Laws and Ordinances of Carroll County. A Declaration of Maintenance Obligations for the shared drive will need to be recorded.

§ 155.025 IN-FEE ACCESS STRIPS; USE-IN-COMMON DRIVEWAY STANDARDS AND CRITERIA.

(C) **Maximum number of users.** The maximum number of users for a UIC driveway, including subdivision lots, remaining portions, remainders, and off conveyances, if applicable, is seven in the “A” and “C” Districts and five in the Residential Districts.

(D) **Names.** All UIC driveways serving three or more lots shall be named. Names shall be approved by the Bureau. Street signs shall be installed in accordance with the Department of Public Works, or its successor agency, requirements.

(G) **Maintenance.** The developer shall make adequate provisions for UIC driveways and the methods of maintenance, including a Declaration of Maintenance Obligations, shall be recorded with the plat. A note to this effect shall appear on the subdivision plat.

All lots will be served by public water and sewer systems. The proposed sewer system on-site, a low pressure force main (LPFM), will be a private system requiring pumping uphill to Oklahoma Road. The Cluster plan, with residences nearer Oklahoma Road, shortens the length of the LPFM and reduces pumping required.

As required by the cluster provisions, an area of open space of 1.219 acres (53,082 square feet) the difference between the 20,000 square foot minimum lot size and the proposed lot sizes is necessitated. The developer proposes Parcel C with 2.162 acres (94,174 square feet) of open space at the southern portion of the property.

In accordance with the Code, “a minimum of 10% of the required open space or one and one-half acres, whichever is greater, shall be suitable for active recreational use.” For this proposal, 10% of the required open space equals 0.1219 acres, so a minimum of 1.5 acres is required. This active open space acreage requirement is greater than the required open space acreage. The Commission may approve deviations from the percentage requirements for properties containing less than 10 acres. A total of zero acres on the open space parcel are proposed as active open space. The County will have first right of refusal for the open space.

A Water Resource Protection Easement at the variable stream buffer will be established and granted to the County. On the cluster plan, the easement is within the Open Space Parcel C and Stormwater Management Parcel B. On the conventional plan, the easement is on both Lot 11 and the Stormwater Management Parcel. The developer anticipates on-site Forest Conservation with the cluster plan with an easement established on Open Space Parcel C.

Both plans propose access off of Oklahoma Road. Whereas the intersection spacing distance to Mineral Hill Road does not meet the requirements of the Design Manual for Roads and Storm Drains, the developer submitted a waiver request to the Department of Public Works. A reduction from the required 500 feet to 340 feet was requested. The waiver request was approved by the Deputy Director of Public Works on November 2, 2017.

In accordance with Engineering Review’s comment letter, road improvements will be required at Oklahoma Road and Mineral Hill Road. The Development Review Manual

states, "Sidewalks are required on both sides of all roads designed for or contiguous to... residential development in the...R-20,000 zones." Sidewalk will need to be provided at Road A and along the extents of the subject property at Oklahoma Road and Mineral Hill Road. Road A will be granted to the County.

The subject property is in a Priority Funding Area and Designated Growth Area. The proposed land use is consistent with the 2001 Freedom Community Comprehensive Plan, as stated by the Bureau of Comprehensive Planning in their review.

The subdivision plan was subject to citizen involvement on October 23, 2017 during the Technical Review Committee meeting. Seven citizens signed in. Two people spoke regarding the subdivision. One area citizen voiced concern over wildlife habitats in the area being developed. An adjoining property owner shared existing stormwater patterns which generate flow and pooling of water in the Rolling View subdivision and on the eastern side of the subject property. Another adjoining resident visited the County Office Building to view the plan and voice concerns over a tree in poor condition at the southeast corner of the site which the neighbors would prefer to see removed. Two citizens contacted Development Review via email to request a plan. No further emails were received.

Staff and the Developer are requesting a determination from the Commission regarding the proposed cluster plan with active open space requirement deviation.

Following a determination from the Commission, the preferred concept plan will be further developed and then presented to the Planning and Zoning Commission for concept review.

Discussion:

Laura Matyas presented the staff report.

Marty Hackett, CLSI and Frank Potepan, Mineral Hill Property, LLC were present.

Marty Hackett stated they requested a Special Report because they do not have storm water management approval yet. Planning Commission's decision regarding cluster plan versus conventional will provide direction to continue and submit a Concept Plan. Mr. Hackett stated the public cul-de-sac in the cluster plan will save the County money in regards to maintenance.

Mr. Yeo pointed out that the total impervious space calculations are similar in both plans although some portions are publically maintained and some are privately maintained.

Mr. Canale asked what the criteria and specifications are used for use-in-common driveways in the cluster plan.

Mr. Hackett stated the use-in-common driveway will be constructed to Code.

Mr. Potepan stated the construction traffic is what damages the use-in-common driveways the most. He stated the driveway will be topped after the last house is constructed.

Chair Soisson suggested developing trails in the the two acre wooded area.

Mr. Yeo stated the conventional plan is a much cleaner use of the property but he recognizes the incentives for clustering.

The Commission discussed the deviation of active open space and noted it really is not zero because the storm water facility will be underground with a grass field that will provide open space.

Decision:

On motion by Mr. Wothers, seconded by Ms. Cheatwood and carried, the Commission voted to approve the plan with the cluster plan of subdivision and with the deviation of active open space as presented.

CONCEPT SITE PLAN REVIEW

A. S-16-0033, Blacks Corner, Vertical Bridge Communications Tower

SUBJECT: S-16-0033, Blacks Corner, Vertical Bridge Communications Tower
LOCATION: 5214 Babylon Road, west side of Babylon Road, just south of Carroll County line, E.D.3
OWNER: Raymond & Tina L. Feeser, 5214 Babylon Road, Taneytown, MD 21787
DEVELOPER: Vertical Bridge Development II, LLC, 750 Park of Commerce Drive, Suite 200, Boca Raton, FL 33487
(LLC members: Vertical Bridge Holdco, LLC)
ENGINEER: Morrison Hershfield, c/o Yan Wang, PE, Two South University Drive, Suite 245, Plantation, FL, 33324
ZONING: Agricultural
BZA CASE: 6005 - March 28, 2017
ACREAGE: 35.52 acres
WATERSHED: Upper Monocacy River
FIRE DISTRICT: Pleasant Valley
MASTER PLAN: Agriculture
PRIORITY
FUNDING AREA: Outside
DESIGNATED
GROWTH AREA: Outside

❖ **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 subject property is a 35.5-acre Agricultural-zoned property which spans Babylon Road approximately 830 feet south of Carroll County's northern boundary line. The 18-acre portion of the property on the western side of Babylon Road is the subject site.

On the site there is an existing farmhouse residence, an outbuilding, one residential-scale garage, two commercial-scale garages, two fuel tanks, farm equipment, school buses, tank trucks, and strewn abandoned vehicles. The Office of Zoning Administration has determined that all operations are agricultural in nature, not commercial. The curtilage area is situated

near the existing gravel access at Babylon Road and includes a gravel area for vehicle parking, fueling, and maneuvering.

Gently sloping grassed farmland comprises the remainder of the site. No streams or floodplains exist on site. Trees line the western and southern property lines. All adjoining properties lie in the Agricultural zoning district and host single-family residences.

The property is outside of Priority Funding Areas, Designated Growth Areas, and public water and sewer service areas.

❖ **Plan Review:**

The developer proposes the installation of a 195-foot cellular communications monopole tower inside a 50' x 50' fenced compound at the rear of the curtilage area. Existing access from Babylon Road plus a proposed 12-foot-wide gravel drive will serve the tower.

In accordance with §158.039 of the Carroll County Code of Public Local Laws and Ordinances, communications towers are permitted as a conditional use in the Agriculture District:

📖 **§ 158.039 UTILITY EQUIPMENT AND TOWERS.**

(C) Communications towers.

(2) Communications towers are permitted as a conditional use in the "A" District and in the "C" District subject to the conditions and exceptions noted hereafter, imposed elsewhere in this division

(C), imposed elsewhere in this chapter, imposed elsewhere by law, and subject to the following:

- (a) A minimum setback of a distance equaling the height of the tower. The setback shall be measured from the base of the tower to the boundary line of the property owned, leased, or controlled by easement by the applicant;
- (b) Subject to a minimum distance requirement of a distance equaling the height of the tower plus 200 feet from all Residence Districts, the "H" District, and the "MHP" District or the nearest part of any existing dwelling, school, religious establishment, or institution for human care, in any other district;
- (c) Subject to a minimum setback from all overhead transmission lines of a distance equaling two times the height of the tower and all masts; and
- (d) Subject to site plan approval by the Planning Commission pursuant to § [155.059](#).

On March 28, 2017 in Case #6005, the Board of Zoning Appeals (BZA) approved a 195-foot monopole tower and accompanying compound at the location shown on the site development plan. Also approved was a reduction in the required driveway width from 18 feet to 12 feet (see decision, attached).

On May 22, 2017, an initial site development plan package was submitted to Development Review and distributed to review agencies. The site plan was subject to citizen involvement on June 26, 2017 during the Technical Review Committee meeting. One citizen signed in. One adjoining property owner phoned Development Review inquiring about a time line for installation of the tower. She communicated that area residence are supportive of the project.

All setback requirements for a communications tower are met. The tower will be unoccupied and will be visited on average once or twice a month for routine maintenance. Located at the rear of the curtilage area on the site, Verizon Wireless will lease a 100' x 100' area around the compound. Antennae for Verizon Wireless will be mounted at 195 feet above grade. A four-foot lightning rod sits above the antennae. Space is available for additional future carriers to be mounted on the tower, maximizing the use of the new tower. There are no

lights required or proposed on the tower. The proposed land use is consistent with the 2014 Carroll County Master Plan, as stated by the Bureau of Comprehensive Planning Review.

The existing gravel private drive entrance onto Babylon Road does not meet the County requirements for a commercial entrance. Commercial entrances shall be paved. The developer proposes to upgrade the entrance at Babylon Road to meet the requirements. A detail is included on sheet C-3 in the plan set.

The plan is exempt from the requirements of the Forest Conservation Ordinance. Landscaping is proposed around the compound for screening. A six-foot chain link fence with one foot of barbed wire at the top will enclose the compound. Stormwater Management (SWM) Review has granted a concept approval. SWM will be addressed through permeable paving and grass filter strips at the proposed access drive and adjacent to the compound area. A Stormwater Management Easement will be granted to the County.

The final site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

Laura Matyas presented the staff report.

Marc Marzullo, Engineer, and Harold Barnansakowski were present.

Discussion:

Mr. Canale asked if there were lights on the tower.

Mr. Marzullo stated that lights on the tower are not required because it is less than 200' tall.

Mr. Yeo stated this is a great location for the tower.

Decision:

On motion of Mr. Wothers, seconded by Mr. Yeo and carried, the Commission voted to Authorize the Chair to Approve the final site plan.

LUNCH RECESS

PRELIMINARY SUBDIVISION PLAN REVIEW

SUBJECT: P-16-0065– Silver Run Estates, Resubdivision of Lot 4
LOCATION: North side of Stone Road, west of Flickinger Road, E.D. 3
OWNER: Bryan and Jennifer Lentz, 2636 Stone Road, Westminster, MD 21158
DEVELOPER: James H. Belt, III, 185 Willis Street, Apartment 3, Westminster, MD, 21157
SURVEYOR: Leon A. Podolak and Associates, L.L.C., 147 East Main Street, Westminster, MD 21157
ZONING: Agricultural
ACREAGE: 18.532 acres
WATERSHED: Double Pipe Creek
NO. OF LOTS: 2 lots (1 new, 1 existing)
FIRE DISTRICT: Pleasant Valley

MASTER PLAN: Agricultural

PRIORITY

FUNDING AREA: N/A

DESIGNATED

GROWTH AREA: N/A

❖ **Action Required:**

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. Conditional approval of the Preliminary Plan of Subdivision pursuant to Chapter 156, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **Existing Conditions:**

Silver Run Estates, Section 1 was recorded in Plat Book 11, Page 1 in 1972 creating four lots, Lot 1, a 16.943-acre property, Lot 2, a 14.943-acre property, Lot 3, a 16.375-acre property and Lot 4, a 18.532-acre property (see attached). Lot 4, the subject property, is developed with a single-family residence zoned Agricultural, and served by a private well and septic system. A majority of the 18.532 acres is currently vacant pasture. Floodplain and a forested area occupy the northwestern portion of the property along with a stream and its associated Non-Forested Water Resource Protection Easement. Current access is via Stone Road.

The surrounding properties are zoned Agricultural and are served by private well and septic. One parcel across Stone Road remains undeveloped while the surrounding properties are built with single-family residences.

❖ **Plan Review:**

The developer proposes to divide existing lot #4 of the previously recorded subdivision (1972) and create one new lot. As the property is zoned Agricultural, the residential lot yield is based on the Agricultural lot yield formula as stated in Chapter 155. Since the property consists of 18 acres and existed prior to April 1978, the property would be entitled to one additional residential lot. In accordance with Chapter 155, a new subdivision lot created pursuant to the lot yield formula may not be further divided for residential purposes and the owner shall designate on the subdivision plat the new lot or lots being created and the remaining portion and whether the remaining portion may be entitled to further division. Both lot 4A

The existing structures will remain on Lot 4A and the lot will be reduced from 18.532 acres to 7.858 acres. The remaining portion will consist of 10.674 acres, and allow for construction of one residential structure. The concept subdivision plan was presented to the Planning Commission for review on January 17, 2017 (minutes attached). The preliminary plan is very similar to the concept plan that was presented to the Commission.

Access to the remaining portion will be from a new drive from Stone Road, which will follow the southern and eastern fence line in order to preserve as much pasture area as possible. Existing clear sight distance at Stone Road are 755 feet to the northwest and 490 feet to the southeast and does meet the sight distance requirements. The driveway entrance is restricted to a specified area.

Water Resource grants preliminary and final approval stating that remaining portions qualify the area impacted by water resources for exemption from Chapter 154 Water Resource Management in accordance with §154.16(C) for this area only. Delineation of the stream buffer is required on the remaining portion; however, no easement will be required. An easement is required for the stream buffer on Lot 4A; however, the easement will exclude the existing driveway of Lot 4A.

Floodplain Review has approved the preliminary and final plans; however, a floodplain easement is required. A forest conservation exemption review was performed for this project on June 19, 2017, the exemption is granted in accordance to Section 150.21(B)(1). The plan is exempt from Landscaping requirements.

Stormwater Management grants preliminary and final approval, achievement for stormwater management is being achieved through sheet flow to vegetative areas.

Grading and Sediment Control grant approval of the preliminary and final plans. A grading plan for the proposed house on the remaining portion is required when applying for the building permit.

Private well and septic will serve lot 4A and the remaining portion. The replacement sewage disposal system for Lot 4A is located on the remaining portion with a perpetual private sewerage disposal easement over the remaining portion for the benefit of Lot 4A.

The plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee on November 28, 2016. No citizens spoke at the meeting regarding this project. The Bureau of Development Review has received one phone call concerning this project. An adjacent property owner came in and inquired to the number of lots being proposed.

The proposed plan is consistent with the 2014 County Master Plan Land Use Map designation of Agricultural.

❖ **Recommendations:**

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

1. That a non-forested water resource protection easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.
2. That a floodplain easement be granted to the Carroll County Commissioners simultaneously with recordation of the subdivision plat.
3. That a note be shown on the final plat restricting the driveway entrance for the remaining portion to the area identified on the preliminary plan.
4. That any changes to the Preliminary Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

Chapter 156: Adequate Public Facilities and Concurrency Management

❖ Code:

§ 156.06 APPROVAL PROCESS

(D)(4) Planning Commission adequacy determination.

(a) **Denial.** If a public facility or service is inadequate or projected to be inadequate during the current CIP at the preliminary plan stage and no relief facility is planned in the six-year CIP to address the inadequacy or no mitigation is accepted by the county pursuant to § [156.06\(B\)](#), the plan shall be denied by the Commission. At the request of the developer, the plan may be placed in a queue and retested on an annual basis.

(b) **Conditional approval.** If a public facility or service is inadequate and a relief facility is planned in the six-year CIP to address the inadequacy or mitigation is accepted by the county pursuant to § [156.06\(B\)](#), or a public facility or service is approaching inadequate during the current CIP, the Planning Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.

(c) **Approval.** If all public facilities and services are adequate during the current CIP, the Planning Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations, subject to a building permit cap adopted by the County Commissioners in effect at the time of application for building permits.

❖ Facilities:

Schools

The proposed subdivision is located in the Runnymede, Northwest Middle, and Francis Scott Key High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2017-2022.

The December 2016 (FY 17) enrollment projections, prepared by Carroll County Public Schools, indicate that Runnymede Elementary had an actual enrollment of 91.0% of state-rated capacity. The projections indicate that enrollment will remain around the 90% capacity through the entire period. In this attendance area there are two additional residential developments, total of three lots, currently in the review process. There are approximately 79 subdivision lots that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. An elementary school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

The December 2016 (FY17) enrollment projections indicate that Northwest Middle had an actual enrollment of 83.1% of functional capacity. The projections indicate that enrollment will increase to 87% but decrease to 80% by FY 22. In this attendance area there are two additional County residential developments, comprised of three lots, currently in the review process. Several developments in the Taneytown, Union Bridge, and New Windsor municipalities, of approximately 625 lots, are currently in the review process. There are approximately 92 lots that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A

middle school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the functional capacity.

The December 2016 enrollment projections indicate that Francis Scott Key High had an actual enrollment of 76.1% of state-rated capacity. The projections indicate that enrollment will decrease to 70.1% of state-rated capacity by the end of the 6-year CIP cycle (FY22). In this attendance area there are two additional County residential developments, comprised of three lots, currently in the review process. Several developments in the Taneytown, Union Bridge, and New Windsor municipalities, of approximately 625 lots, are currently in the review process. There are approximately 92 lots that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A high school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

Fire and Emergency Medical Services

The proposed subdivision is located in the Pleasant Valley fire and emergency medical services district. The two-year period of June 2015-May 2017 late and no response statistical data indicates that of the first due total fire calls in the Pleasant Valley district, 0.49% were categorized as no responses, and 2.25% as late and no responses. Of the first due emergency medical service calls, 0.88% were categorized as no responses and 1.47% as late and no responses. Pleasant Valley is rated adequate for late and no response criteria for fire services and emergency medical services.

With regard to fire call average response time, for the same two-year period, Pleasant Valley had an average response time of 8 minutes and 32 seconds – approaching inadequate. With regard to emergency medical call average response time, Pleasant Valley had an average response time of 9 minutes and 58 seconds – approaching inadequate. Services are rated approaching inadequate if when utilizing an average over the previous 24 months, response time is between eight and ten minutes from time of dispatch to on-scene arrival with adequate apparatus and personnel.

The primary route from the firehouse to the proposed development does not include travel over bridges that cannot adequately support fire and emergency response apparatus – adequate.

Roads

Stone Road is rated adequate.

Police

The estimated Carroll County population as of October 31, 2015 was 173,778. As of that date, among the police forces in the County with staffing levels established by an annual budget including the Carroll County Sheriff's Office and the municipal police departments, there were 200 funded officer positions and 34 Maryland State Police officers. Based on a total of 234 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of October 2017 was 1.35. Including the development projects in the pipeline, the ratio remains over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000. The ratio shall be calculated by counting all sworn officers with law enforcement

responsibility in an incorporated municipality or within the county and by counting the total population within the incorporated municipalities and within the unincorporated county.

❖ **Recommendations:**

Pursuant to Chapter 156, staff recommends that the Planning Commission grant conditional approval of the preliminary plan with the following conditions:

1. The building permit reservation is for one lot in FY18, provided the plat is recorded prior to any permits being issued.
2. The recordation schedule requires the plat to be recorded within 24 months of preliminary plan approval. Preliminary plan approval was on December 19, 2017.
3. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Clay Black presented the staff report.

Pete Podolak, Engineer, James Belt, III and James Belt, Jr. were present.

Discussion:

Mr. Podolak asked Mr. Black what the emergency services response times were.

Mr. Black stated that fire response time is 8:32 and ambulance response time is 9:58. They are both approaching inadequate.

Mr. Black stated that agencies have provided Preliminary and Final approval for this plan.

Mr. Black stated the expectation is to bring this project back to the next meeting for Final approval.

Decision:

On motion of Mr. Yeo seconded by Wothers and carried, the Commission approved the Preliminary plan pursuant to Chapter 155 and subject to the four conditions outlined in the staff report.

On motion of Mr. Yeo seconded by Wothers and carried, the Commission voted to conditionally approve the Preliminary plan pursuant to Chapter 156 and subject to the three conditions outlined in the staff report.

CONCEPT SITE PLAN REVIEW

B. S-14-0030, Westminster Veteran's Memorial Park

SUBJECT: S-14-0030, Westminster Veteran's Memorial Park

LOCATION: East side of Crest Lane, north of Hook Road, E.D. 7

OWNER: County Commissioners of Carroll County, 225 North Center Street,
Westminster, MD 21157

DEVELOPER: Department of Recreation and Parks, County Commissioners of Carroll
County, 225 North Center Street, Westminster, MD 21157

ENGINEER: G.E. Fielder & Associates, 11831 Scaggsville Road #170, Fulton, MD 20759

ZONING: R-20,000

ACREAGE: 32.697 acres

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Westminster

MASTER PLAN: Medium Density Residential –2007 Westminster Environs Community Comprehensive Plan

PRIORITY

FUNDING AREA: Westminster (partial)

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.**

❖ **Existing Conditions:**

The undeveloped property, purchased by the County Commissioners of Carroll County in 2010, consists of 32.697 acres in the R-20,000 Zoning District. It lies on the east side of Crest Lane, north of Hook Road. Currently, the property is leased for agricultural purposes. The terrain slopes downward towards the east and north corners of the property. There is a stream in the extreme eastern corner of the site. Trees edge the majority of property lines shared with residential adjoiners.

Adjoining properties are all zoned R-20,000 and a majority of the subject property adjoins single family residential lots. To the west and north lies the Windemere Estates subdivision, approved in 1997 (see plats, attached). To the south lies Glover Acres, a 1964 subdivision (see plat, attached). An 11-acre residential parcel adjoins the property to the east. To the west, across Crest Lane, the Seventh Day Adventist Church operates a church and a school. Also on the opposite side of Crest Lane is the Westminster Baptist Church. Both churches are accessed only via Crest Lane.

The subject property is partially located in a Priority Funding Area and fully located in a Growth Area. It is partially in the Future (7-10 year) Westminster water and sewer service areas.

❖ **Site Plan History:**

An initial site plan package was submitted to Development Review on January 26, 2015 and distributed for review. It depicted a County park which included a monument location, athletic fields, picnic shelters, a walking trail, and a future restroom. The plan was subject to citizen involvement at the February 23, 2015 meeting of the Technical Review Committee. Prior to the meeting, courtesy notifications were mailed to adjoining property owners as well as citizens on the Department of Recreation and Parks associated mailing list.

Nine citizens attended the Technical Review Committee meeting. Six citizens spoke. Development Review received 2 email communications and phone calls prior to the meeting and 5 additional emails following the meeting. While County citizens vocalized support of the proposed park, the athletic fields in particular, a majority of adjoining citizens were opposed to the proposed scope of amenities in the park. Concerns included access, traffic, emergency services access, visitors parking off-site, trash, noise, stormwater runoff, and privacy. A number of people inquired about the design of the memorial. Citizen communications are attached.

On December 6, 2016, the Department of Recreation and Parks requested a budget transfer be approved by the Board of County Commissioners. With a land acquisition of 18 acres adjoining existing Deer Park, Recreation and Parks proposed relocating the athletic fields to Deer Park and limiting development of the Veteran's Park to passive elements only; veterans monument, limited parking, a playground, pavilion, and a trail. The Board of County Commissioners unanimously approved all related motions.

A revised site development plan reflecting the changes for the Westminster Veteran's Memorial Park was submitted to Development Review on April 25, 2017. As described by Jeff Degitz, Director of Recreation and Parks, "In the revised plan, the athletic fields were eliminated from the project, greatly reducing the traffic impacts and the park now contains only passive elements such as walking trails, veterans monument, a free play area, playground and picnic pavilion. This revised plan represents the full extent of development for the park and is consistent with the county's capital improvement program."

Courtesy notifications informing people of the change of scope were mailed to all citizens on the mailing list for the Westminster Veteran's Memorial Park. Development Review has heard from only one adjoining property owner who desired to view the revised plan. No comments have been received via in-person, phone, or email.

❖ Site Plan Review:

The Department of Recreation and Parks proposes a dawn-to-dusk public County park, a Veteran's Memorial Park, comprised of a memorial, a 2,500 square foot playground area, an 800 square foot (20' x 40') pavilion shelter, two parking lots, and a 6 foot wide asphalt walking trail on a property in the R-20,000 Zoning District. The Zoning Code, Chapter 158, outlines the use of County lands and renders parks a principal permitted use in any zoning district.

📖 § 158.049 COUNTY PUBLIC BUILDINGS, STRUCTURES, AND USES.

Notwithstanding anything herein to the contrary, uses of land, buildings, structures, or premises by the County Commissioners, including the location, erection, reconstruction, extension, enlargement, conversion, or alteration of buildings or structures or parts thereof may be located in any district as principal permitted uses and exempt from all subdivision regulations and bulk requirements. However, no land, building, structure, or premises owned or leased by the County Commissioners may be used without the approval of the County Planning Commission pursuant to Md. Code, Land Use Article, § 3.205.

(2004 Code, § 223-24) (Ord. 1E, passed 8-17-1965; Ord. 09-02, passed 4-7-2009)

Situated near Westminster, the site falls within the area encompassed by the 2007 Westminster Environs Community Comprehensive Plan. As stated in the Bureau of Comprehensive Planning review, a goal of the plan is to "Provide a coordinated and comprehensive system of public and private parks, recreational facilities and programs, and open space that will meet

the active and passive recreational needs of all citizens of the county and enhance community design, identity, and vitality.” Comprehensive Planning found the site development proposal to be consistent with all applicable plans.

Access is proposed from Crest Lane. The previous plan, from 2015, proposed access from Edward Street. A Traffic Impact Evaluation (TIE), dated January 24, 2014 with a revision dated June 27, 2014, was conducted and submitted for review. Access from Edward Street presented challenges including deficient sight distance (left turn from Edward Road onto Hook Road and right turn from Crest Lane onto Hook Road), impacts related to the proposed widening of Edward Street, and the existing private drive for 1101 Edward Street being an extension of Edward Street. An additional Access Alternatives Study, dated February 2, 2016 was submitted.

Following extensive review by County agencies, and support from Commissioner Frazier, access for the park is proposed from Crest Lane. The exit is a right-turn-only to direct traffic to Poole Road rather than the Crest Lane and Hook Road intersection where sight distance is compromised. In response to Engineering Review’s comments, the park access is aligned with the entrance to the Westminster Baptist Church. Additionally, as stated in Engineering Review’s comment letter, “Crest Lane should be widened to maintain 15’ paving width from the centerline of the road with curb and gutter for the entire property frontage.”

The access drive aisle meets the minimum 18-foot requirement and is intended for two-way traffic. Proposed parking includes 6 spaces (including 3 handicap spaces) in Lot A and 50 spaces (including 2 handicap spaces) in Lot B.

Parking Lot A adjoins the proposed memorial location. No design drawings, description, or proposal has been submitted for the monument. This omission has been commented on by both citizens and Development Review.

A 6 foot wide walking trail is proposed throughout the site with 7 picnic tables spaced along the path. The trail shall be accessible, complying with the 2010 Standards of Accessible Design and Maryland Accessibility Code, according to Site Compliance Review. On the north side of the property, the trail loops, navigating the perimeter of the property. The segment of the trail on the south side of the site parallels Crest Lane and terminates near the south property line. There are no sidewalks on Crest Lane south of the Westminster Baptist Church parking lot parcel or on Bezold Avenue. Development Review has recommended looping the trail.

Area sidewalks do exist on Crest Lane north of the Church parking lot parcel at the Windemere Estates subdivision and on Chandler Drive in Windemere Estates. Development Review has suggested providing trail access points to coordinate with existing area sidewalks.

There are no dumpsters proposed. There are no lights proposed. There is no restroom proposed. Development Review commented on the deprioritizing of restroom facilities when public amenities, in particular a playground, are proposed.

An image of the shelter is provided on sheet 2 of the concept site plan. The open-air pavilion is post and roof construction on a concrete slab. Colors and materials will need to be provided in the final plan set. Park signage and any off-site directional sign locations and details will need to be provided in the final plan set.

Forest Conservation shall be addressed with on-site plantings. A Forest Conservation Easement shall be granted to the County. Landscaping, to address requirements, is provided at the parking areas and as screening at adjoining residential properties. Additional landscaping

beyond the Manual requirements is proposed at adjoining residential properties, at the access drive, and in the parking areas. A Water Resource Protection Easement at the stream buffer will be established and granted to the County. The plan is exempt from the Floodplain code.

The Bureau of Resource Management has granted concept Stormwater Management (SWM) approval. SWM will be addressed through a grass swale, bio-retention facilities, and a connection to an existing storm drain pipe at the northwest corner of the site at Windemere Estates subdivision.

The final site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

Laura Matyas presented the staff report.

Jeff Degitz, Department of Recs and Parks, and were present.

Discussion:

Mr. Yeo asked for clarification on how vehicles would exit the park to get to Route 97 South.

Ms. Matyas explained that All exiting traffic would head north on Crest Lane to Poole Road and out to 97.

The Commission discussed different ways people may choose to exit the park.

Ms. Matyas stated there is signage stating "Right Turn Only" out of the park.

Jeff Degitz stated the park was downscaled and is predominantly passive usage and does not get large amounts of traffic at one time.

Edward Boyd, President Windemere Farms HOA, stated they have concerns about the volume of traffic and parking restrictions.

Mr. Degitz stated that when athletic fields were removed from the plan so did the parking restrictions.

Mr. Boyd expressed concerns about the intersection of Edward Street and Hook Road and the lack of site distance. He asked if a 4-way stop was ever considered for that location.

Mr. Degitz stated it was discussed but never acted upon.

Mr. Boyd also expressed concern about the drainage pipe culvert that will be emptying into the storm water management pond owned by Windemere Farms.

Mr. Degitz stated that is an issue that could be discussed with Public Works.

Mr. Yeo asked if signs can be posted to facilitate traffic flow leaving the park.

Mr. Degitz stated they would work with Public Works to come up with something for the final plan.

Decision:

No action is required.

C. S-17-0023, Eldersburg Crossing 2nd Amended

SUBJECT: S-17-0023, Eldersburg Crossing 2nd Amended
(formerly Walmart Property)

LOCATION: 1320 Liberty Road (MD Route 26); north side Liberty Road, east of
Sykesville Road (MD Route 32), E.D.5

OWNER: Quantum Eldersburg, LLC, c/o Frederick K. Wine, 4912 Del Ray Avenue,
Bethesda, MD 20814

(LLC members: Frederick K. Wine, Wine Family Eldersburg LLC,
Quiet Cove LLC, The Exempt Trust under the Stuart G. Brown
Irrevocable Trust III)

DEVELOPER: Same as owner

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

ZONING: B-G - General Business

ACREAGE: 16.11 acres

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Sykesville

MASTER PLAN: Restricted Industrial – Boulevard District – 2001 Freedom Community
Comprehensive Plan

Commercial High – 2017 Approved Freedom Community Comprehensive
Plan

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

❖ **Action Required:**

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

❖ **Existing Conditions:**

The property is located at the northeast quadrant of Liberty Road (MD Route 26) and Sykesville Road, (MD Route 32). The property contains a single 109,657 square foot vacant building that previously housed the Eldersburg Walmart, approved by the Planning and Zoning Commission in 1995. The Walmart store relocated to the Eldersburg Commons (formerly Carrolltowne Mall) in October, 2015.

An amended site development plan for the site was approved in April, 2016 by the Planning and Zoning Commission. The purpose of amendment was to revise the site from a single-use to a planned business center and to add new pylon signs (see plan and minutes, attached). Note, the header on the minutes incorrectly reads March 15, 2016). Planned Business Centers are a principal permitted use in the B-G zoning district.

Access to the site is thru existing entrances onto MD Route 26 and Bevard Road. Inter-parcel connectivity exists to the bank property located at the corner of Liberty Road and Sykesville Road. Based on the code requirement of 5.5 parking spaces for every 1000 square feet of floor area for a planned business center, 109,657 square feet calculates to 604 parking spaces required; 644 spaces currently exist on site.

The subject property is located in a Priority Funding Area and a Growth Area. It is in the Freedom Existing / Final public water and public sewer areas. There are no streams or floodplain on site.

The adjoining properties to the west, east, and south are zoned I-R, Restricted Industrial. The adjoining properties to the north are zoned B-G, General Business. Properties on the south side of MD Route 26 are zoned B-G; the property across MD Route 32 is zoned I-R. All properties in this area are served by public water and public sewer systems.

❖ **Plan History:**

Prior to the June 29, 2017 pre-submittal conference, a variance request was submitted to the Office of Zoning Administration for relief from parking requirements and sign area allowances. In Case ZA-1689, the Zoning Administrator, on November 17, 2016, granted a variance from 5.5 parking spaces for every 1000 square feet of floor area to 4.5 parking spaces for every 1000 square feet of floor area. The information provided to the Zoning Administrator used 86,770 square feet of leasable area in the existing building to calculate parking. The sign variance was granted with two conditions. (See decision, attached):

1. The existing ex-Walmart building is allowed to have the amount of signage as currently shown.
2. Only if and when the pad sites are developed, the total square footage for that pad site will be four times the length of the wall most nearly parallel to and closest to the road. The square footage shall include any / all freestanding signs associated with the pad site, and all wall, canopy, and building mounted signs.

❖ **Plan Review:**

A concept plan proposing an expansion of the existing Planned Business Center was submitted to Development review and distributed on July 24, 2017. The proposal includes two additions to the site; a 13,750 square foot multi-tenant retail building at the northwest corner of the site and a 4,737 square foot convenience store with 12 fueling stations at the southeast corner of the site. The plan indicates that the renovated existing building utilizes 86,770 square feet as retail area. The remainder of that building is used as a loading area. Additionally, a new access is proposed; a dedicated right-in from westbound MD Route 26.

Chapter 158, Zoning Regulations, defines a Planned Business Center (PBC) as “Three or more retail stores or service establishments designed as a unit and primarily served by common accessories such as signs, parking lots, arcades, and walkways.” Planned Business Centers are a principal permitted use in the B-G zoning district.

§ 155.094 (PBC) PLANNED BUSINESS CENTERS

- (A) **Approval of certain types of centers by Planning Commission.** In any “B-NR” or “B-G” Districts, the Planning Commission may approve a neighborhood-type shopping center or a

community-type shopping center subject to the provisions hereinafter set forth under this subchapter.

(B) Presentation of development plan; conditions.

(1) The development of any such planned business center project ("PBC") (prior to any construction) shall present to the Planning Commission for its review, a development plan of such proposed center. The development plan shall show such items as the size of the project, the location and approximate shapes of buildings, road ingress and egress patterns, parking areas, storm drainage and water and sewerage facilities, and such other information as is necessary for the Planning Commission to give the necessary consideration.

(2) It shall be the duty of the Planning Commission to ascertain whether the location, size, and other characteristics of the site, and the proposed plan, comply with the following conditions:

(a) The proposed PBC will not cause points of traffic congestion on existing or planned future roads in the areas of such proposed location;

(b) The plans provide for a PBC consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, so as to result in an attractive and efficient shopping center; and

(c) That any PWA determined necessary by the Planning Commission shall be provided to the County Commissioners ensuring the construction of the project in accordance with any approved plan or amendments thereto.

(C) Permitted uses. The uses permitted in a PBC shall be those retail business, commercial, and service uses and accessory uses permitted in the Business District in which the PBC is located. No heavy commercial or industrial uses shall be permitted or any use other than such as is necessary or desirable to supply goods and services to the surrounding area.

(E) General regulations. The following regulations shall apply to a PBC:

(1) **Building height.** No building height shall exceed the permitted height of the Business District in which the PBC is located, except as may be modified by § 158.130

(2) **Yards.**

(a) No building shall be erected within 50 feet of a public street right-of-way line, and no parking lot or other facility or accessory use, except permitted signs and planting, shall be located within ten feet of any public street right-of-way line.

(b) No building shall be located within 25 feet of any other boundary line, and any such line which adjoins a Residential District, if deemed necessary by the Planning Commission, shall be screened by a solid wall or compact evergreen hedge at least six feet in height, or by such other screening device as may be deemed appropriate and adequate.

(3) **Tract coverage.** Buildings shall not be permitted to cover more than 25% of the total project area.

(4) **Customer parking space.** Off street parking shall be provided as required in this chapter.

(5) **Loading space.** Off street parking space and facilities shall be provided as required in this chapter. Such facilities shall be in the rear of any building unless the Planning Commission, for good reason, approves a location at the sides of any such building, and shall not be included as part of any customer parking space required herein.

(6) **Signs.** In addition to signs permitted and as regulated in the "B-NR" or "B-G" Districts in which the shopping center project is located, the following signs may be permitted:

(a) For each interior business, signs may be permitted not to exceed an area four square feet for each linear foot of store frontage and located in accordance with a signage plan approved by the Planning Commission; and

(b) One additional sign not exceeding 200 square feet in area containing the names of the shopping center or the establishments located therein may be placed in any location within the boundaries of the project, but it shall not exceed 30 feet in height.

Any shopping center fronting on more than one street may be permitted such a sign within the required yard area along each street.

A traffic analysis was submitted to both the County and the State Highway Administration. Based on the projected trip generations shown for the current plan and a note on the previous Amended Site Plan, Engineering Review's letter dated August 1, 2017 states that "a Traffic Study is required for this project". The Amended Site Plan note reads:

**NOTE:
ANY FUTURE DEVELOPMENT WHICH CHANGES THE EXISTING CONDITIONS, SQUARE FOOTAGE, AND LAYOUT OF THE CURRENT SITE PLAN SHALL REQUIRE THE SUBMISSION OF TRIP GENERATION DATA BASED UPON THE LATEST EDITION OF THE ITE TRIP GENERATION MANUAL, OR OTHER APPROVED RATES, AND MAY REQUIRE THE PREPARATION AND SUBMISSION OF A TRAFFIC IMPACT STUDY AS DEFINED BY THE CARROLL COUNTY DEPARTMENT OF PUBLIC WORKS AND BUREAU OF DEVELOPMENT REVIEW.**

A waiver was submitted, by the developer, to the Department of Public Works for relief from the Traffic Impact Study. Upon review of waiver request, which indicated that intersections along the MD Route 26 corridor would continue to operate at acceptable levels of service, the waiver request was approved by the Deputy Director of Public Works on November 27, 2017.

The State Highway Administration (SHA) has reviewed the plan and approved the proposed right-in from westbound MD Route 26.

Parking requirements for a Planned Business Center are based on square footage. The parking tabulation for Eldersburg Crossing uses 86,770 square feet for the existing building, 13,750 square feet for the proposed multi-tenant retail building, and 4,737 square feet for the proposed convenience store. The variance granted to 4.5 spaces per 1000 square feet equates to a total 475 spaces required. The plan proposes 550 spaces. Whereas the parking requirements are based on a square footage specific to leasable area in the existing building, any changes to this area will require a reassessment of parking provided. A note to this effect shall be placed on the drawings.

The development is served by public water and sewer. The proposed land use is consistent with the 2001 Freedom Community Comprehensive Plan, as stated by the Bureau of Comprehensive Planning in their review.

Building elevations are shown on sheets 8, 9, and 10 of the drawing set. The convenience store height is shown as 23'-10". Building materials and colors are depicted as tan EIFS, a neutral stone veneer base, and gray and white metal trims. The twelve fueling stations are shown on sheet 9 with stone veneer piers and gray metal canopy framing to match the convenience store. The multi-tenant retail building elevations, on sheet 10, show a building height of 30 feet. Materials and colors will need to be annotated on the final plan set.

Two retaining walls are proposed at the retail building, one at the west side and one at the north and east sides. Details, including height, materials, and colors will need to be provided on the final plan set.

One new pylon sign is proposed near the new right-in from MD Route 26. An area location is depicted on sheet 4. Details, including height, materials, and colors will need to be provided

on the final plan set. Pole lights are proposed at new parking areas and building-mounted lights are depicted on the convenience store.

Utilities Review has requested detailed plans of the proposed relocation of the existing water main. With a relocation of the water line, an amended plat with a revised easement location will need to be processed.

Fire Protection Review commented that a new fire hydrant is needed in the area of the convenience store and fueling stations. In the area of the retail building, fire hydrants which are to be relocated must be shown. The building will be sprinklered.

Forest Conservation for the site was previously addressed. Landscaping is proposed in accordance with the Manual. Water Resources has requirements to be addressed regarding fuel storage tanks, drains, and runoff. The project is exempt from the Floodplain code.

The Bureau of Resource Management has granted concept Stormwater Management approval. Stormwater management (SWM) will be addressed through utilization of the existing on-site SWM facility and four new bio-retention facilities.

The concept site plan was subject to citizen involvement at the August 28, 2017 meeting of the Technical Review Committee. Two citizens signed in and no one spoke.

The final site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

Discussion:

Laura Mayas presented the staff report.

Fred Wine, Owner/Developer and Jeff Ziegler, CLSI were present.

Mr. Yeo asked for clarification on the parking tabulation because it was not based on the square footage of the building.

Ms. Matyas stated the Zoning Administrator granted two variances that affected the parking calculation.

Mr. Wine stated the space that was not calculated is a loading area that is not able to be used.

Mr. Yeo stated it is important to keep the parking formulas the same across the board. Mr. Yeo suggested keeping the parking spaces at 109 and asking the Zoning Administrator to change the multiplier accordingly.

Decision:

No action is required.

RECESS

FINAL SITE PLAN REVIEW

SUBJECT: S-15-0005, Crossroads Vehicle Repair Shop 1st Amended

LOCATION: Intersection of Old Gamber Road (MD Route 879) and Gamber Road (MD Route 91), E.D. 4

OWNER: Brian & Virginia DiMaggio LLC, 1940 Bethel Road, Finksburg, MD 21048

LLC members: Brian & Virginia DiMaggio

DEVELOPER: Same as owner
ENGINEER: Steven K. Broyles & Associates, 2022 Brown Road, Finksburg, MD
21048
ZONING: B-G (Business General)
ACREAGE: 4.45 acres
WATERSHED: Liberty Reservoir
FIRE DISTRICT: Gamber
MASTER PLAN: Very Low Residential

❖ **Action Required:**

The final 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.

❖ **Background:**

On November 17, 2009 the Carroll County Planning and Zoning Commission approved Crossroads Vehicle Repair Shop site plan (plan and minutes attached). That plan proposed a one-story, 10,000-square-foot automobile service center. Although the Commission approved that plan, the developer has not submitted to the County the required legal documents to complete the process. Several extensions have been granted with a current expiration date of May 31, 2018.

On December 19, 2013 the Board of County Commissioners adopted a motion to grant a rezoning petition for reclassifying the zoning of the property from Business Neighborhood (B-NR) to General Business (B-G) based upon a finding of “mistake” with Resolution dated January 30, 2014. The Circuit Court, on February 5, 2015 affirmed the decision of the Board of County Commissioners to rezone the property. The Court of Special Appeals on October 3, 2016 entered that the Circuit Court judgement was affirmed with respect to rezoning of the property.

The Board of County Commissioners by Resolution 937-2015 (February 26, 2015) exempted the property from the comprehensive rezoning process associated with the Adoption of the 2014 Carroll County Master Plan and further implementation activities.

In March 2015, the developer submitted a concept plan for development of the site with an 18,000 square foot building to replace the approved 10,000 square foot building. The project was presented at the April 27, 2015 Technical Review Committee. A concept site plan for the subject property was reviewed by the Planning and Zoning Commission on April 19, 2016 (see minutes attached). Numerous citizens were in attendance at both meetings and spoke in opposition to the project. Additionally, letters of opposition were included in the concept plan package.

❖ **Existing Conditions:**

The property is located at the northeast quadrant of MD Route 91 (Gamber Road) and MD Route 879 (Old Gamber Road). Other than the existing billboards (which will remain), the property is vacant. This and all adjoining properties utilize private well and septic systems. Property directly to the north/east consists of a farmhouse and several outbuildings and is

zoned R-40,000. Properties directly across Gamber Road are zoned Conservation and contain residential dwelling units. Properties to the north/west (across Old Gamber Road) are zoned R-40,000 and Conservation and contain residential dwelling units.

❖ **Plan Review:**

The developer proposes to construct an 18,000 (100 feet x 180 feet) square foot building that will house a vehicle repair shop. Chapter 158, Zoning Regulations, defines Vehicle Repair Shop as “Land or buildings where motor vehicles, trailers, or other types of equipment are repaired, stored, or equipped for operation including automotive repairs, body repairs, vehicle painting or spray booths, but not including wrecking, sale, or storage of junked vehicles.” Vehicle repair shops are a principal permitted use in the B-G zoning district with no maximum building size limitation.

Parking requirements for a vehicle repair shop are 1 space per each employee on maximum shift and 2 spaces per bay. In accordance with the parking requirements, 42 spaces are required and 43 are provided. Seven of those spaces are labelled for RV and bus parking.

Lighting proposed for the site consists of five building-mounted lights. These lights are full cut-off and shielded to keep light onsite. A detail of the lighting and the photometric plan are shown on sheet 20.

A non-illuminated 4' x 3' sign (shown on sheet 2) is being proposed at the driveway entrance. The double-sided painted wood sign will be six feet high mounted on two wood posts.

Based on the number of peak hour trips, a traffic impact study was required. The Maryland State Highway Administration and Carroll County reviewed the traffic study. Both agencies concurred with the conclusions of the traffic study that the existing road network will support the development proposal and no traffic mitigation is necessary. Access to the site is onto Old Gamber Road (MD Route 879), a MD SHA maintained road with an SHA approved commercial entrance. The developer proposes to install a no right turn sign for vehicles leaving the repair shop. No improvements to Old Gamber Road or Gamber Road were required by State Highway Administration.

The plan meets the requirements of Grading and Sediment Control (Chapter 152). Since no development is occurring within the floodplain, the property is exempt from the requirements of Floodplain Management (Chapter 153). The plan meets the requirements of Storm Water Management (Chapter 151). Stormwater management is being addressed by a combination of environmental site design practices and structural infiltration. The plan meets the requirements of Water Resource Management (Chapter 154). A Non-Forested Water Resource Protection Easement will be deeded to Carroll County that provides a buffer for the existing springhead on SHA property.

The developer has purchased into a Forest Bank to address the Forest Conservation requirements (Chapter 150). Landscaping will be provided to meet the requirements of Landscape Enhancement of Development (Chapter 157). The landscaping plan is located on sheet 19. A Class A screen consists of one planting unit per every 20 feet. Class A screening is shown along the east and north side of the building. A screened dumpster pad is located on-site. A mix of trees, shrubs, and evergreens will be planted along the property line adjoining MD Route 91 and Old Gamber Road that will provide additional screening of the facility. Class B screening is provided along Old Gamber Road in order to screen the parking spaces. A variance was granted by the Director of Land & Resource Management to eliminate the Class B screening associated with a portion of the parking lot that is located in the Colonial Pipeline right-of-way. The developer has shown plantings elsewhere on the property that

exceed requirements. Those areas include plantings in front of the residential structure and parallel to Colonial Pipeline.

A residential dwelling, with a private separate entrance onto MD Route 879 is proposed at the northern portion of the property. In the B-G zoning district, single family dwellings are permitted.

The 100 x 180 foot building is comprised of 2 distinct connected areas: a 100 x 150 vehicle repair area and a 100 x 30 office/customer/storage area. The building elevations are included on sheet 22 and the floor plan on sheet 23. The height of the building is 22 feet. It has a gabled, hunter green standing seam metal roof with a peak height of 34.5 feet. Vehicular access into the repair area will occur by four 14 feet x 14 feet hunter green overhead doors. A ramp at the front entrance provides an accessible route and an emergency access sidewalk from the rear exit complies with egress requirements per Emergency Services' comments. Exterior building materials include beige textured composite wall panels. The proposed 100' x 180' building will require installation of a fire sprinkler suppression system.

The Carroll County Health Department has approved the final site plan.

Attached is correspondence from Comprehensive Planning in regards to consistency with the Master Plan.

The concept site plan was subject to citizen involvement at both the April 27, 2015 Technical Review Committee and the April 19, 2016 Planning Commission meeting. Numerous citizens were in attendance at each meeting stating opposition to the project. Since the submittal of the final plans, staff has had regular communication with neighbors opposing this project. Attached are copies of citizen comments in regards to the project.

❖ **Recommendations:**

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

1. That the previously approved site plan, S-07-035, for this property become void upon approval of this amended site plan.
2. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements (landscaping, stormwater management).
3. 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.
4. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
5. That a Non-Forested Water Resource Protection Easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the Public Works Agreement.
6. 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.

Clark Shaffer, Attorney, Steve Broyles, Engineer and Brian DiMaggio were present.

Mr. Canale asked Mr. Black to characterize the conversations that Development Review has had with neighbors and if they were in favor of or against the project.

Mr. Black stated they were in opposition of the project.

Mr. Shaffer stated the plan presented has been carefully planned out and is a principal permitted use. Mr. Shaffer stated the plan has met all conditions and codes.

Joan Bradley, citizen, stressed the environmental hazard this facility may create. Ms. Bradley has concerns about the zoning and the site plan approval process dating back to 2009.

Tom Bartosiewicz, Engineer, presented Code violations of Maryland State Law regarding this plan.

Mr. Shaffer and Mr. Bartosiewicz discussed correspondence between the parties involved.

Tom Devilbiss, Director, Land and Resource Management, stated this plan has been reviewed and meets the regulations.

Jeff Moore, Attorney, stressed the health and environmental concerns of this project.

Mr. Devilbiss stated he has responded to letters and questions from Keep Finksburg Safe.

Mr. Bartosiewicz, Sr. stated he hasn't received responses from Mr. Devilbiss.

Mr. Wothers suggested the Commission take the information provided, review it and bring the plan back at another date.

Chair Soisson stated the Commission would discuss the information with staff.

Mr. Shaffer stated it wasn't fair for this to be delayed and questioned why the letter presented by the citizens wasn't shared with his client or the County before this date.

Laura O'Callahan, citizen, is against the plan and believes Mr. DiMaggio has worked the system to his advantage.

Bob Kurland, citizen, is in support of the plan. Mr. Kurland stated the owner is just trying to open a repair shop, not a nuclear facility. He stated that vehicles leak and drip fluids all the time and this facility will be repairing those problems.

Mickie Bartosiewicz, stated they have submitted many letters to the County since 2016. She reported that many wells in the Finksburg area are contaminated.

At 4:04 p.m., on motion of Mr. Wothers, seconded by Mr. Canale and carried, the Commission voted to close the meeting for legal advice.

4:34 the meeting is open.

Ms. Kessler stated the options available to the Commission. Ms. Kessler stated that a motion can be made to approve the plan, a motion can be made to deny the plan, or a motion can be made to table a decision until the next meeting and request additional information from staff.

Ms. Kessler stated that comments and questions from citizens are addressed in staff reports.

Ms. Kessler stated that county staff cannot respond to Health Department questions. Mr. Black stated staff will contact the Health Department.

Mickie Bartosiewicz referred to Chapter 154 and asked if a water resource review was performed. Ms. Bartosiewicz stated there were many PIA requests to the County inquiring about the water resource review.

Ms. Kessler stated staff will address hotspot, pretreatment and request the Health Department address the issue of the septic. The responses will be in writing and presented to the Commission at the next Business meeting.

Decision:

On motion of Mr. Wothers, seconded by Ms. Cheatwood and carried, the Commission voted to defer making a decision on this plan until January 16, 2018 to take into account additional information.

PUBLIC COMMENT

There were no other public comments.

ADJOURNMENT

On motion of Mr. Wothers, seconded by Mr. Yeo and carried, the Commission adjourned at approximately 4:45 p.m.

Secretary

Approved