

MEETING SUMMARY
Carroll County Planning and Zoning Commission

January 16, 2018

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair
Eugene A. Canale
Alec Yeo
Jeffrey A. Wothers
Stephen A. Wantz, Ex-officio

Members Absent: Daniel E. Hoff
Cynthia L. Cheatwood, Vice Chair

Present with the Commission were the following persons: Lynda Eisenberg, Nokomis Ford, 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 9:04 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 deferred her comments to the Administrative Report.

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 21, 2017 were approved on motion of Mr. Yeo, seconded by Mr. Canale and carried.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson did not have anything to report.

B. EX-OFFICIO MEMBER

Commissioner Wantz did not have anything to report.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg reported that a new Alternate Member has been appointed. Ms. Janice Kirkner is expected to begin on January 31st. Secretary Eisenberg reminded Commission Members to complete the Financial Disclosure Statements and informed them of the dates and locations of the Public Outreach meetings that are scheduled by Commissioner District to inform the public about the Comprehensive Rezoning effort. Secretary Eisenberg also discussed planning a field trip to look at Planned Unit Developments.

B. EXTENSIONS

There were no extensions to report.

C. BZA CASES

Arco Sen reported that six cases were approved in January: Case No. 6052, Case No. 6055, Case No. 6056 and Case No. 6057, Case No. 6058 and Case No. 6059.

D. OTHER

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

FY19 PRELIMINARY RECOMMENDED CIP AND BOND AUTHORIZATION

Mr. Ted Zaleski introduced the first look at this year's plans for the Capital Budget. Mr. Zaleski reviewed the Community Investment Plan and the Bond Authorization. Mr. Zaleski stated this is a preliminary step and changes may be made before Commissioner Approval. Secretary Eisenberg asked if the County Transportation Master Plan was included. Mr. Zaleski stated it is included in the recommendation. Mr. Yeo stated he would like to add a specific line item supporting the Transportation Master Plan in their Letter of Consistency. The Commission will review the information and discuss at a future meeting.

BICYCLE PEDESTRIAN MASTER PLAN CHAPTER 5 – CONTINUED DISCUSSION

Nokomis Ford reviewed the information she presented to the Commission previously and asked the Commission if they had any further questions or comments about Chapter 5. The Commission did not have any further questions or comments. On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Commission voted to Approve Chapter 5 of the Bicycle Pedestrian Master Plan.

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.

The final plan was previously presented to the Planning and Zoning Commission for approval on December 19, 2017. At that meeting, a citizen provided testimony and submitted material questioning the approvals for stormwater management and Health Department (septic system size and shared system). The Planning Commission voted to table the plan until January 16, 2018 and directed staff to review the material and provide a response to the Commission. Attached are those responses.

❖ **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 reminded the Commission that this plan is being brought back after the decision from the December 19th meeting. Mr. Black acknowledged there were emails in opposition of the plan that were sent to the Commission since the December 19th meeting. Mr. Black stated the plan has been reviewed by the Health Department and by Storm Water Management.

Brian DiMaggio, Owner; Steven Broyles; Engineer and Clark Shaffer Attorney were present.

Mr. Yeo asked if there were any other Variances that were part of the project aside from the one granted.

Mr. Broyles stated there were no other Variances.

Chair Soisson asked about the residence and what would happen to the property in the future.

Mr. Black stated the property is zoned Business General and is comparable to R-20,000 and is able to be subdivided. If and when someone wanted to subdivide the property it would have to go through the subdivision plan process.

Mr. Yeo referred to the emails and letters that have been provided to the Commission as background information. Mr. Yeo stated the Commission is not usually privy to this information but it has allowed them to further scrutinize the information.

Mr. Wothers stated this has been a long, detailed process that staff and citizens have both weighed in on.

Chair Soisson stated this process has spanned more than ten years. Chair Soisson acknowledged the professionals and members of the public that have participated in this process.

Chair Soisson opened public comment for new information and discussion only.

Mr. Bartosiewicz, citizen, addressed comments from MDE and questioned if MDE had actually seen the plan, reports or computations. He also referred to Martin Covington's response and stated he only quoted a portion of the Code in his response.

Mr. Bartosiewicz, Sr, citizen, expressed concerns about the site plan and possible well water contamination. He suggested there are errors in the plan and submitted letters and documentation.

Gale Engles, Bureau Chief, Resource Management, addressed the concerns of Mr. Bartosiewicz, Sr. and referred to a meeting she and Clay Black had with him.

Bob Kurland, citizen, stated the numerous amount of regulations that facilities, such as the one proposed, have to adhere to. Mr. Kurland stated he feels the public just doesn't want this type of facility in the area.

Mr. Bartosiewicz addressed the hazards that hydraulic lifts can create.

Tom Warren, citizen, expressed concerns regarding public health and safety this projects poses.

Mr. Shaffer addressed the implications by the public of the rigged system; this project has been thoughtfully planned out and meets all county requirements.

Mr. Yeo stated the scope of the PZC and referred to professional opinions that state this project is in compliance and has met all the technical requirements.

Mr. Wothers stated it is inappropriate to impugn the motives of staff and professionals of the County.

Mr. Bartosiewicz stated the citizens are not trying to denigrate anyone but only trying to make sure public health and safety is paramount and the Code is being followed.

Decision:

On motion of Mr. Wothers, seconded by Mr. Canale and carried, the Commission voted to approve the final site plan in accordance with chapter 155, subject to the six conditions in the staff report.

Commissioner Wantz abstained from voting.

RECESS

CONCEPT SITE PLAN REVIEW

SUBJECT: S-17-0027, Kabik Korner

LOCATION: 7891 Old Washington Road; east side of Old Washington Road
(Maryland Route 97), south of Hoods Mill Road, E.D. 14.

OWNER: Jason E. Mabe, 7891 Old Washington Road, Woodbine, MD 21797

DEVELOPER: Same as owner

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

ZONING: Agricultural

ZONING CASES: BZA Case #6019, May 30, 2017, conditional use for a contractor's
equipment storage yard and variances to three adjacent properties

ACREAGE: 17.69 acres

FIRE DISTRICT: Sykesville

WATERSHED: South Branch Patapsco

MASTER PLAN: Agricultural –2001 Freedom Community Comprehensive Plan

PRIORITY

FUNDING AREA: Outside

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 required. The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

❖ **Project History:**

Situated on the east side of Old Washington Road (MD Route 97) in the Agricultural zoning district, the subject property is the 17.69-acre Remaining Portion in the Kabik Korner Section Two subdivision recorded in 2001 (see attached). It hosts a residence as well as a gravel area and trailer for storage of equipment associated with the property owner's contracting business.

On May 30, 2017, the Board of Zoning Appeals (BZA) heard a request for a conditional use for a contractor's equipment storage yard on the property and a variance from the distance requirements to three adjacent properties. In accordance with the Code of Public Local Laws and Ordinances of Carroll County, a contractor's equipment storage yard is restricted by area and distance requirements.

§ 158.070 "A" AGRICULTURAL DISTRICT.

(E) Conditional uses requiring BZA authorization

(1) Conditional uses requiring BZA authorization shall be as follows:

(c) Contractor's equipment storage located in an area of the property comprising no more than 43,560 square feet and which shall comply with at least twice the distance requirements of § [158.040](#);

§ 158.040 DISTANCE REQUIREMENTS.

(A) Any uses or buildings subject to compliance with this section shall be located at least 200 feet from:

(1) Any lot in an Residence District;

(2) Any lot of less than three acres occupied or intended to be occupied by a dwelling not located on the same lot as the said use or buildings;

(3) Any lot occupied by a school, religious establishment, or institution for human care; or

(4) The curtilage area within a lot of three or more acres improved by a dwelling.

(B) The distance requirements herein shall not be applicable where lands not governed by this chapter are classified or reclassified to a zoning classification which permits, or conditionally permits, residential uses, schools, religious establishments, and/or institutions for human care, provided that such classification or reclassification occurs subsequent to the establishment of the county's zoning district in effect at the time of such classification or reclassification.

(2004 Code, § 223-16) (Ord. 1E, passed 8-17-1965; Ord. 01-01, passed 1-3-2001; Ord. 09-02, passed 4-7-2009)

The Board of Zoning Appeals case included an explanation that the existing structure would be replaced with a new storage building. A drawing depicting the proposed one-acre

contractor's equipment storage yard was presented to the BZA. Dimensions were provided from the perimeter of the yard area and distance variance requests were:

- a. from 400' to 379' for a variance of 21' from parcel 388 (307 Hoods Mill Road)
- b. from 400' to 146' for a variance of 254' from parcel 427 (565 Alvin Drive)
- c. from 400' to 140' for a variance of 260' from parcel 427 (555 Alvin Drive)

Testimony heard by the BZA included an explanation of existing environmental violations – of the existing Water Resource Protection Easement and the Forest Conservation Ordinance – cited by the Bureau of Resource Management (see letters, attached). The BZA approved the conditional use request and three variances with a condition that the violations be addressed (see decision, attached).

❖ Existing Conditions:

The subject property is a 17.69-acre Agricultural-zoned property located on the east side of Old Washington Road (MD Route 97). On the site there is an existing residence, a trailer, sea containers, and strewn equipment and vehicles concentrated at the north end of the property. A single access exists at MD Route 97 and serves both the residence and the storage area.

Along Old Washington Road, a swath of the property approximately 170 feet wide remains clear of trees with a gently sloping terrain. An existing 65-foot wide Colonial Pipeline right-of-way bisects the property from northwest to southeast (see plat). Apart from the swath at Old Washington Road, the curtilage area, and the Colonial Pipeline right-of-way, the remainder of the site is forested.

Two springheads exist on the property with corresponding Forested Water Resource Protection Easements (see plat). The subject property encompasses one residential lot, also in the Agricultural zoning district. Adjoining properties to the east and north lie in the Agricultural zoning district and host single-family residences. Adjoining properties to the south lie in the Conservation zoning district and host single-family residences. Across Maryland Route 97, the South Carroll Gateway Industrial Park has a zoning designation of IG, General Industrial.

The property is outside of the Priority Funding Area, but within the Designated Growth Area for Freedom. It lies outside of the public water and sewer service areas.

❖ Site Plan Review:

On September 25, 2017, an initial site development plan package was submitted to the Bureau of Development Review and distributed to review agencies. The plan proposes the demolition of the existing structure and the construction of a 1,656 square foot storage building measuring 36' x 46'. The site plan was subject to citizen involvement on October 23, 2017 during the Technical Review Committee meeting. No citizens spoke or signed in regarding Kabik Korner.

The property owner operates a three-person electrical contracting business and the proposed building is intended for storage of equipment. In testimony to the BZA, Mr. Mabe stated that no shipments will be received at the site and no business conducted on the site.

On the site plan, the extents of the contractor's equipment storage yard are highlighted and annotated as 40,601 square feet. The maximum area permitted by code is 43,560 square feet. Regarding the location of the yard and setback variances, the Board found the property to be unique and unusual; affected by the existing Colonial Pipeline right-of-way and the existing

Forested Water Resource Protection Easement areas. The contractor's equipment storage yard area depicted on the site plan is generally in the location of the area seen by the BZA. Dimensions shall be added at the setbacks to verify compliance with the variances granted.

No new access to MD Route 97 is proposed. The existing gravel area will serve as parking for the three employees. No new light fixtures or signs are included in the plan. Sheet 2 includes building elevations with tan tin siding and burgundy tin roofing on a gable roof. Two people doors and two overhead doors area shown. The height of the building shall be dimensioned on the final plan set.

Stormwater Management will be addressed with the use of level spreaders and drywells. The Water Resource Protection Easement violation shall be addressed. There are no areas of floodplain on the property. The plan shall address cumulative forest clearing and provide mitigation. As currently designed, no landscaping is required.

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 Matyas presented the staff report.

Jason Mabe, Owner and Jeff Ziegler, CLSI were present.

Commissioner Wantz asked if the storage building needed to have sprinklers.

Mr. Mabe stated it is less than 5,000 square feet so it does not require sprinklers.

Decision:

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

PRELIMINARY/FINAL SUBDIVISION PLAN REVIEW

SUBJECT:	M-17-0022– Morgan Chapel Estates, Section 1, Resubdivision of Tract No. 3
LOCATION:	East side of Woodbine Road, north of Hoods Mill Road, E.D. 14
OWNER:	Gregory A. and Mary Beth Culver, 14261 Triadelphia Mill Road, Dayton, MD 21036
DEVELOPER:	Same as owner
SURVEYOR:	BPR Inc., 150 Airport Drive, Suite 4, Westminster, MD 21157
ZONING:	Agricultural
ACREAGE:	6.1622 acres
WATERSHED:	South Branch Patapsco
NO. OF LOTS:	2 lots (1 new, 1 existing)
FIRE DISTRICT:	Winfield
MASTER PLAN:	Residential-Very Low Density
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. 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:**

Morgan Chapel Estates, Tract 3 was recorded in Plat Book 9, Page 98 in 1971 (plat attached). That plat showed four tracts: tract 3, a 6.08 acre property; tract 7, a 5.71 acre property; tract 8, a 12.27 acre property; and tract 9, a 6.98 acre property. Tract 3 fronts onto Woodbine Road and the other three tracts adjoin Hoods Mill Road (approximately 2000 feet from tract 3).

Tract 3, the subject property is currently cropland. Two small sheds are located on the property.

The property is bordered by single family dwellings which are all on private well and septic. The properties on the east side of Woodbine Road are zoned Agricultural and those on the west side are zoned Agricultural and Conservation.

❖ **Plan Review:**

The owner proposes to divide tract #3 of the previously recorded subdivision 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 over six 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.

General note #4 on Plat Book 9 Page 98 states “No further subdivision will be allowed of any parcel of less than 10 acres and in no event without approval of the Planning and Zoning Commission.” Staff has seen various renditions of this note on other plats that were recorded prior to April, 1978 for Agricultural zoned properties. In keeping with past practices, the development plan is presented to the full Planning and Zoning Commission for their action. The property shown as tract #8 was divided in 1975 into 4 lots (Plat Book 14 Page 95, attached).

A dwelling unit will be constructed on each lot and served by a private well and septic system. The Carroll County Health Department has granted approval of the preliminary and final plans.

Access to the lots will be by individual driveways from Woodbine Road. Engineering Review has granted approval.

The development is exempt from the requirements of Chapter 153 (Floodplain Management). The plan is in compliance with Chapter 154 (Water Resource Management). The plan is exempt from Chapter 157 (Landscape Enhancement of Development). To satisfy the requirements of Forest Conservation (Chapter 150), the owner will purchase into a forest bank.

Stormwater Management grants preliminary 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 in accordance with Chapter 152 (Grading and Sediment Control). A grading plan for the proposed house on the remaining portion is required when applying for the building permit.

The proposed plan is consistent with the 2014 County Master Plan Land Use Map designation of Residential-Very Low density.

❖ **Recommendations:**

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

1. That proof of purchase of forest bank credit be submitted and approved prior to final approval.
2. 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 Linton Springs Elementary, Sykesville Middle, and Century 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 Linton Springs Elementary had an actual enrollment of 84.4% of state-rated capacity. The projections indicate that enrollment will remain around the 80% capacity through the entire six-year period. In this attendance area there are approximately eight other lots that are in the review process or have been recorded and not issued a building permit since the adoption of Concurrency Management (3/5/98). 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 Sykesville Middle had an actual enrollment of 107.7% of functional capacity. The projections indicate that enrollment will increase to 94% by FY 22. In this attendance area there are approximately 197 additional residential lots (14 developments) that are currently in the review process or have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. One development of 145 lots (Warfield-located in Town of Sykesville) is the bulk of those projects. 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 Century High had an actual enrollment of 80.2% of state-rated capacity. The projections indicate that enrollment will decrease to 76.6% of state-rated capacity by the end of the 6-year CIP cycle (FY22). In this attendance area there are approximately 197 additional residential lots (14 developments) that are currently in the review process or have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. One development of 145 lots (Warfield-located in Town of Sykesville) is the bulk of those projects. 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 Winfield fire and emergency medical services district. The two-year period of November 2015-October 2017 late and no response statistical data indicates that of the first due total fire calls in the Winfield district, 0.11% were categorized as no responses, and 1.43% as late and no responses. Of the first due emergency medical service calls, 0.42% were categorized as no responses and .48% as late and no responses. Winfield 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, Winfield had an average response time of 7 minutes and 10 seconds – adequate. With regard to emergency medical call average response time, Winfield had an average response time of 7 minutes and 27 seconds – adequate. Services are rated adequate if when utilizing an average over the previous 24 months, response time is eight minutes or less 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

Woodbine Road is rated adequate.

Police

The estimated Carroll County population as of October 31, 2017 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:

There are currently no building permit caps. Since all facilities were determined to be adequate, the project is not tested during the final review process, subject to the recommended conditions.

Pursuant to Chapter 156, staff recommends that the Planning Commission grant 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 January 16, 2018.
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.

Discussion:

Clay Black presented the staff report.

Mr. Bachtel, BPR, was present.

Mr. Black stated this plan is only up for Preliminary approval at this time.

Mr. Bachtel stated there was a development over the weekend and asked for a 30' panhandle instead of 20' for screening for neighbor.

Mr. Black stated that is okay.

Decision:

On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Commission voted to approve the preliminary subdivision plan pursuant to Chapter 155 and subject to the two conditions outlined in the staff report.

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

On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Commission voted for the Chair to approve the final plan.

FINAL SUBDIVISION PLAN REVIEW

SUBJECT: FX-17-0003– 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:

3. 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.
4. Approval of the Final 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 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. Access to the existing residence 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 preliminary plan was presented by staff and approved by the Planning Commission on December 19, 2017. No citizens spoke about the project.

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. A new subdivision lot created pursuant to the Agricultural lot yield formula may not be further divided for residential purposes and a note is shown on the final plat indicating that the new lot being created and the remaining portion may not be entitled to further division.

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.

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. The driveway entrance is restricted to a specified area.

Water Resource grants final approval. 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 final plans; however, a floodplain easement is required. The development is exempt from the Forest Conservation requirements. The plan is exempt from Landscaping requirements.

Stormwater Management grants final approval, stormwater management is being achieved through sheet flow to vegetative areas. Grading and Sediment Control grant approval of the 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 subdivision is consistent with the 2014 County Master Plan Land Use Map.

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the final 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 any changes to the Preliminary Plan as approved by the Commission shall be resubmitted to the Commission for further review and approval.

Chapter 156: Adequate Public Facilities and Concurrency Management

On December 19, 2017 the Planning Commission granted conditional approval of the preliminary plan. Fire and emergency services was rated as approaching inadequate and schools, police and roads were rated as adequate.

❖ **Code:**

§ 156.06 APPROVAL PROCESS

(E)(4) **Planning Commission adequacy determination.**

(d) Conditional approval. For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Planning Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Planning Commission.

❖ **Facilities:**

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 November 2015-October 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 1.67% as late and no responses. Of the first due emergency medical service calls, 0.88% were categorized as no responses and 1.37% 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 23 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.

The emergency medical average response time has ranged between 9:55 and 9:58 for the last 10 months.

❖ **Recommendations:**

Pursuant to Chapter 156, staff recommends that the Planning Commission grant approval of the final 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.

Discussion:

Clay Black presented the staff report.

James Belt, and Jay Belt, Owners, and Pete Podolak, Engineer, were present.

Mr. Podolak questioned the Ordinance Chapter 155 and the definition regarding major and minor subdivisions.

Mr. Yeo asked if the septic easement has to be included in the conditions outlined for Chapter 155.

Mr. Black stated it would be a good idea to add it to the conditions of approval.

Decision:

On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Commission voted to approve the final subdivision plan pursuant to Chapter 155 and subject to the three conditions outlined in the staff report and a fourth as added by Clay Black and as stated on the Record Plat regarding the septic easement.

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

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Commission adjourned at approximately 11:30 a.m.

Secretary

Approved