

**MEETING SUMMARY**  
**Carroll County Planning and Zoning Commission**

**March 20, 2018**

Location: Carroll County Office Building

Members Present: Cynthia L. Cheatwood, Vice Chair  
Eugene A. Canale  
Alec Yeo  
Jeffrey A. Wothers  
Janice R. Kirkner (9:25 a.m.)  
Stephen A. Wantz, Ex-officio

Members Absent: Daniel E. Hoff  
Richard Soisson, Chair

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, Nokomis Ford, 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**

Vice Chair Cheatwood called the meeting to order at approximately 9:04 a.m.

**ESTABLISHMENT OF QUORUM**

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

**PLEDGE OF ALLEGIANCE**

**OPENING REMARKS**

Secretary Eisenberg greeted the Commission and advised that the meeting will proceed unless the County Office Building closes early.

**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

**COMMISSION MEMBER REPORTS**

**A. COMMISSION CHAIRMAN**

Vice Chair Cheatwood 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 again readdressed the weather concerns.

### **B. EXTENSIONS**

Clay Black stated there were 3 extensions since the last meeting; Leader Heights, Walkerwood Estates II and Ruth's Hope.

### **C. BZA CASES**

Arco Sen reported that one case was approved in February: Case No. 6068. There are no cases for the month of March.

### **D. OTHER**

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

## **FY19 PRELIMINARY RECOMMENDED CIP AND BOND AUTHORIZATION**

Secretary Eisenberg reviewed the letter that was prepared for the Commission's approval. Secretary Eisenberg stated the Transportation Master Plan was included and the letter will be amended.

## **BICYCLE PEDESTRIAN MASTER PLAN CHAPTERS 3&4 – DISTRIBUTION**

(Nokomis Ford)

Ms. Ford reviewed the document that was distributed to the Commission.

Mr. Wothers asked if the 76 miles that are completed included the lanes on Route 140 and other State Roads. Ms. Ford stated that figure does not include SHA bike lanes.

Commission members stated their concern about bike lanes on major roadways and possibly rating bike paths.

Ms. Ford stated the importance of addressing safety issues because people are walking and biking on Route 140.

## **REZONING CASE NO. 225 – BOONE PROPERTY – INTRODUCTION** (Clare Stewart)

Clare Stewart briefed the Commission on the rezoning case. There were no comments or questions. Ms. Stewart will return on April 17<sup>th</sup> to present a detailed staff report.

## **RECESS**

## **CONCEPT SITE PLAN REVIEW**

**SUBJECT:** S-17-0036, McDonald's Eldersburg 2<sup>nd</sup> Amended

**LOCATION:** 1722 Liberty Road (MD Route 26); north side Liberty Road at Oklahoma Road, E.D.5

**OWNER:** McDonald's Real Estate Company, 6903 Rockledge Drive, Suite 1100, Bethesda, MD 20817

**DEVELOPER:** McDonald's Corporation, Baltimore / Washington Region, 6903 Rockledge Drive, Suite 1100, Bethesda, MD 20817

**ENGINEER:** Baltimore Land Design Group, 230 Schilling Circle, Suite 364, Hunt Valley, MD 21031

ZONING: B-NR - Neighborhood Retail Business  
ACREAGE: 1.002 acres  
WATERSHED: Liberty Reservoir  
FIRE DISTRICT: Sykesville  
MASTER PLAN: Business Local – Boulevard District – 2001 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 subject property is located at the northwest quadrant of the Liberty Road (MD Route 26) and Oklahoma Road intersection and developed with a 4,600 square-foot McDonald's Restaurant with a basement. An initial site plan was approved in 1979 with an amended site plan approved in 1994 for the addition of a playland structure (see attached). Access exists from Oklahoma Road. Although Oklahoma Road is a County road, the State Highway Administration (SHA) right-of-way for MD Route 26 includes a leg extension north on Oklahoma Road past the McDonald's access point. The access falls within SHA jurisdiction.

No access exists onto the site from Liberty Road and there is no inter-parcel connectivity with the western adjoining property. A grade change and a retaining wall on the adjoining property exist at the western property line.

The McDonald's has a single drive-thru lane and 53 parking spaces. A monument sign with a message board between brick piers exists at the corner of Liberty and Oklahoma Roads.

An uninterrupted concrete swale runs along the subject property within the SHA right-of-way along Liberty Road and north on Oklahoma Road to just south of the McDonald's entrance.

Sidewalk exists on Oklahoma Road north of Dickenson Road as well as along the north side of Dickenson Road. Along Liberty Road, sidewalk terminates two parcels west of the subject property. With the recent Eldersburg Commons development, a sidewalk ramp was constructed at the northwest corner of the Liberty Road / Oklahoma Road intersection to accompany the south-north crosswalk at Liberty Road. This ramp is in the SHA right-of-way at the southeast corner of the subject property. It is an isolated ramp with no connectivity.

The subject property and adjoining properties to the west and north are zoned B-NR (Neighborhood Retail Business). To the west is a one-story, multi-tenant commercial building. The northern adjoining property is vacant land with frontage on Oklahoma Road and Dickenson Road. Across Dickenson Road to the north lies Oklahoma Road Middle School. Properties to the east and south lie in the Business General zoning district. Across Liberty Road to the south is the Eldersburg Commons planned business center. The eastern adjoining property across Oklahoma Road is vacant land.

The subject property is located in a Priority Funding Area and a Growth Area. It is served by public water and public sewer systems. There are no streams or floodplain on site.

❖ **Plan History:**

In February of 2015 a site development plan for a complete demolition and rebuild of the McDonald's Restaurant property was submitted to Development Review. The plan was reviewed by the Design and Architectural Review Committee and subject to public involvement at a Technical Review Committee meeting in March of 2015, but the plan was not pursued further by the developer.

❖ **Plan Review:**

A concept plan proposing a complete demolition and rebuild of the McDonald's Restaurant property was submitted to Development Review and distributed on November 28, 2017. The plan reflects the 2015 proposal. The developer proposes to construct a one-story, 4,714 square-foot fast food restaurant with double drive-thru ordering lanes which converge to one lane for order pick-up.

While the full movement access drive will remain in the same location and configuration, it will be rebuilt and incorporate a trench drain. The restaurant will be re-oriented ninety degrees and relocated towards the center of the property. Vehicular circulation through the parking lot will be changed from two-way circulation to one-way circulation proceeding in a counter-clockwise direction. A dumpster enclosure is proposed at the northwest corner of the parking lot and a loading area is depicted on the north side of the building.

There are currently 53 parking spaces on the subject property. Parking requirements for a fast food establishment are 14 for every 1,000 square feet of floor area. Total number of spaces required equals 66 stalls. The plan proposes 40 parking spaces with the pursuit of a variance. On March 7, 2018, the Zoning Administrator heard Case ZA-1763 for a variance from the 66 required parking spaces to 40 parking spaces, for a total reduction of 26 spaces. The variance request was approved by the Zoning Administrator with a written decision forthcoming.

Pole lights will be installed throughout the parking lot. The plan proposes 21'-0" mounting heights for the fixtures. A photometric plan on sheet 11 indicates footcandle levels at all property lines to be zero.

Proposed signage is depicted on sheet 10. The existing 14'-0" monument sign will be demolished and is proposed to be replaced with a 25'-0" high x 6'-3" wide pylon sign in approximately the same location. Several building-mounted signs are proposed as well.

Sidewalk is proposed along the extents of the property frontage on MD Route 26 and Oklahoma Road. Approximately 115 feet of the existing concrete swale along Oklahoma Road will be removed and replaced with an underground storm drain pipe.

The building elevations are shown on sheet 12 and depict a masonry building, red brick and neutral stone veneer, with metal accents. The metal canopy and accents are yellow. At its highest point, the building is shown as 23'-4".

The site is served by the Freedom area's public water and sewer systems. The Bureau of Comprehensive Planning reviewed the plan and determined it to be consistent with all applicable plan policies and recommendations.

For fire protection, a fire hydrant exists at the intersection of Liberty Road and Oklahoma Road and an additional hydrant will be installed on site.

The Bureau of Resource Management has granted concept Stormwater Management approval. Stormwater management (SWM) will be addressed with a contribution to the regional facility.

With a total disturbance of more than 40,000 square feet, the project shall address the Forest Conservation code. The developer is proposing off-site banking to meet the requirements. Landscaping is shown around the perimeter of the parking lot and has a concept approval. There are no areas of floodplain or surface waters on the property.

The State Highway Administration (SHA) has reviewed the plan and has no objection to utilizing the existing access point onto Oklahoma Road, yet details must be provided. SHA has requested profiles of the proposed storm drain pipe as well as cross sections along the proposed sidewalk.

The previous, like concept plan was presented to the Design and Architectural Review Committee on March 18, 2015. The comments have been addressed with the current plan submittal. They included: connecting the sidewalk into the site, and providing adequate maneuvering space for vehicles accessing the dumpster.

The concept site plan was subject to citizen involvement at the December 21, 2017 meeting of the Technical Review Committee. No citizens attended and none have contacted the Bureau of Development Review regarding the McDonald's Restaurant site development plan.

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.

Kelly Shaffer, Attorney, Lee May, McDonald's, and Valek Zarski, Engineer were present.

Ms. Shaffer stated a parking variance was obtained but written documentation has not been received yet.

Mr. Yeo asked how large vehicles will be accommodated.

Mr. May stated the site is small and does not have much room for large vehicles.

It was agreed that spaces along the Southwest corner can be extended and delineated as truck/bus parking.

Mr. Yeo asked if there would be a Playland and how that will have an impact on parking and traffic.

Mr. May stated a smaller play element is being considered and the dine-in area is smaller than in the existing building.

Mr. Yeo questioned the location of the handicapped spaces across the parking lot from the building.

Mr. May stated the placement was due to concerns about the possible back up of the drive thru lane. Mr. May stated they can consider adding a spot along the building if they need to.

Mr. Canale asked if the sign height can be lowered.

The applicant stated they will compare the sign heights with others in the area.

**Decision:**

The Commission, on motion of Mr. Wothers, seconded by Ms. Kirkner and carried, voted to delegate final approval of the plan to the Chair.

**CONCEPT SITE PLAN REVIEW**

SUBJECT: S-17-0007, Keymar Fertilizer, 1<sup>st</sup> Amended Site Plan  
LOCATION: 1809 Francis Scott Key Highway, 4000 feet north of Sharrett Road, E.D.  
10.  
OWNER: Keymar Fertilizer, Inc., P.O. Box 156, Keymar, MD 21757  
DEVELOPER: same as owner  
ENGINEER: BPR Inc., 150 Airport Drive, Suite 4, Westminster, MD 21157  
ZONING: Agricultural  
ACREAGE: 145 acres  
FIRE DISTRICT: Taneytown  
WATERSHED: Double Pipe Creek  
MASTER PLAN: Agricultural  
BZA CASE: 4143  
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.** 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 Maryland Route 194 (Francis Scott Key Highway), Keymar Fertilizer is an existing facility that has been in operation at this site since 1996/1997. The Board of Zoning Appeals on November 15, 1996 granted a conditional use for the storage and retail sale of fertilizer. A site plan (Keymar Fertilizer, S-97-036) was subsequently approved and completed in 2000. Since that time several building additions and grading modifications have occurred without amending the site plan. This plan will bring the site into compliance by addressing those outstanding violations. A grading permit was issued in 2017 to allow the developer to address the Stormwater violations.

**❖ Existing Conditions:**

The entire property and all surrounding properties are zoned Agricultural. This property and all surrounding properties are on private well and septic systems. The neighboring residential

dwellings are located at the front of the property along MD Route 194 (approximately 1000 feet in distance from the Keymar Fertilizer structures).

The property is mostly cropped with a railroad bisecting the property. A wooded area is located in the rear of the property. Access to the site is over an existing driveway from MD Route 194.

❖ **Site Plan Review:**

On February 2, 2018 an initial site development plan package was submitted to the Bureau of Development Review and distributed to review agencies. The site plan was subject to citizen involvement on February 26, 2018 during the Technical Review Committee meeting. Although a few citizens attended the meeting, no citizens spoke about the project. The citizens that have contacted this office regarding this proposal inquired as to the project's purpose.

The plan identifies the structures that were built without valid building permits and addresses the land disturbance associated with those additions. Those two additions (sheet 3 and 9) are being utilized as warehouse storage and a repair shop. The owner has applied for building permits to bring the structures into code compliance. Elevations of the building are shown on sheet 10.

The amended site plan is being processed to address all the requirements associated with land development. To address the requirements of Stormwater Management, two surface ponds have been constructed in accordance with regulations. Forest Conservation is being addressed through a retention area on a portion of the woods located at the rear of the property. The development is exempt from the requirements of the Floodplain and Water Resources code.

The plan will need to address the requirements of the Health Department regarding replacement area for the septic system.

The Maryland State Highway Administration has determined that the current access is adequate for the site and has no objection to the plan.

The development will need to address the requirements of Chapter 91, Fire Protection. The developer and the Office of Public Safety are working together to address this requirement.

The Bureau of Comprehensive Planning has stated this proposal is consistent with the 2014 Carroll County Master Plan. The plan meets the requirements of the Zoning Ordinance.

The property 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:**

Clay Black presented the staff report.

Randy Bechtel, BPR and Keith Warner, Owner were present.

Mr. Yeo asked if there are additional requirements because it is for fertilizer.

Mr. Bechtel stated there is nothing hazardous on the property.

**Decision:**

The Commission, on motion of Mr. Yeo, seconded by Mr. Wothers and carried, voted to delegate final approval of the plan to the Chair.

## **CONCEPT SITE PLAN REVIEW**

SUBJECT: S-17-0025, M. G. Fulton Services  
LOCATION: 133 White Way, E.D. 14.  
OWNER: Michael G. Fulton, 133 White Way, Sykesville, MD 21784  
DEVELOPER: same as owner  
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157  
ZONING: Agricultural  
  
ACREAGE: Property-30.7 acres Site Plan-1 acre  
FIRE DISTRICT: Sykesville  
WATERSHED: South Branch Patapsco  
MASTER PLAN: Agricultural-2001 Freedom Community Comprehensive Plan  
BZA CASE: 6020- Conditional Use for Contractor's Equipment Storage Yard  
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:**

Located at 133 White Way with access also to Rockvale Road, the property contains 30.7 acres and hosts a residence, several farm buildings, and a contractor's equipment storage yard. The Board of Zoning Appeals on May 30, 2017 (case 6020), granted a conditional use for a contractor's equipment storage yard and distance variances to three adjacent properties (attached). As required by Chapter 155, Development and Subdivision of Land, "(1) ... all principal permitted and conditional uses in any district shall be subject to a site plan review by all applicable review agencies as determined by the Director. (2) The site plan shall be presented to the Planning Commission, which shall have the authority to approve the plan as presented, approve the plan with modifications or conditions, or disapprove the plan."

### **❖ Existing Conditions:**

The majority of the property is zoned Agricultural exclusive of a small area at the northeastern corner of the property which is zoned R-40,000. The properties to the north, west and south are zoned agricultural. The residential properties to the east are zoned R-20,000 and are part of the White Rock subdivision that was recorded in 1976. This property and all surrounding properties are served by private well and septic system.

Although partially wooded, the majority of the property is open ground with several fenced pastures. Access to the residential structure is through White Way with access to the contractor's equipment storage yard through Rockvale Road, both Carroll County maintained roads.



❖ **Site Plan Review:**

On May 30, 2017 the Board of Zoning Appeals granted a conditional use for an existing contractor's equipment storage yard and distance variances to three adjacent properties. In accordance with Chapter 158, Zoning Regulations, contractor's equipment storage yards are a conditional use in the Agricultural zoning district and can comprise no greater than 43,560 square feet.

As required by Chapter 155, a concept site plan was submitted on August 25, 2017 to the Bureau of Development Review and distributed to review agencies. The site plan was subject to citizen involvement on September 25, 2017 during the Technical Review Committee meeting. No citizens signed in at the meeting and no citizens have sent correspondence regarding this project.

The plan proposes the contractor's storage yard in two separate locations, the combined area being less than one acre. As depicted on sheet one, the 28,700 square foot area currently contains a structure which will be removed and replaced with two 30 x 40 buildings and the 14,830 square foot area contains an existing building, which will remain. As stated in the BZA case, Mr. Fulton (property owner) intends to store his equipment and vehicles inside the buildings. Basic building elevations are shown on sheet 3. The two areas are separated by a stream with access between the two area over an existing gravel road.

The existing gravel entrance onto Rockvale Road will be upgraded to a commercial entrance. The property will need to meet the requirements of the Carroll County Health Department.

Floodplain management has granted approval of the site plan with a floodplain easement to be granted to Carroll County. The plan meets the requirements of the Water Resource Code and a Water Resource Protection easement will need to be granted to Carroll County as part of the final site plan approval. The existing structures located inside the buffer area will be removed. Concept stormwater management approval has been granted and is being addressed through construction of a bioretention facility. The plan will need to address Forest Conservation through retention of existing forest. Although landscaping is being provided along the adjoining 123 White Way property, additional landscaping will be required for those residential zoned adjoining properties.

The development will need to address the requirements of Chapter 91, Fire Protection. The Bureau of Comprehensive Planning has stated this proposal is consistent with the 2014 Carroll County Master Plan. The plan meets the requirements of the Zoning Ordinance.

The property 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:**

Clay Black presented the staff report.

Jeff Ziegler, CLSI and Mike Fulton, Owner were present.

Mr. Ziegler stated a waiver request is being submitted to allow a landscaping strip of a single row of evergreen trees for screening. Mr. Fulton's neighbors have provided letters stating they would be satisfied with that type of buffer.

**Decision:**

The Commission, on motion of Ms. Kirkner, seconded by Mr. Wothers and carried, voted to delegate final approval of the plan to the Chair.

**CONCEPT SUBDIVISION PLAN REVIEW**

SUBJECT: P-16-0091– Benson Mill 3  
LOCATION: Benson Road, 200 feet east of Benson Mill Court, E.D. 4  
OWNER: Susan White-Bowden, 2863 Benson Mill Road, Finksburg, MD 21048  
DEVELOPER: Same as owner  
SURVEYOR: BPR Inc., 150 Airport Drive, Suite 4, Westminster, MD 21157  
ZONING: Agricultural  
ACREAGE: 2.087 acres  
WATERSHED: Liberty Reservoir  
NO. OF LOTS: 1 lot  
FIRE DISTRICT: Gamber  
SCHOOLS: Mechanicsville Elementary, West Middle, Westminster High  
MASTER PLAN: Agricultural  
PRIORITY  
FUNDING AREA: N/A  
DESIGNATED  
GROWTH AREA: N/A

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a Concept Major Subdivision Plan. No action is required.

❖ **Existing Conditions:**

Benson Mill Section One, three lots, was approved by the Planning Commission on October 21, 1997. The lot yield tabulation provided on the plan identified that the property would yield eight new lots. Benson Mill Section One was recorded on June 5, 1998 in Plat Book 43 Page 85 (attached). Benson Mill Section 2, four lots, was approved by the Planning Commission on October 20, 1998 and subsequently recorded April 27, 1999 in Plat Book 44 Pages 41-42 (attached).

The property is bordered by single family dwellings which are all on private well and septic. The remaining portion borders the Liberty Reservoir, which is zoned Conservation. The properties to the west of this proposal are all zoned agricultural. The remaining portion is a mix of cropland and wooded areas.

❖ **Plan Review:**

The owner proposes to create lot 8 from the previously identified remaining portion. This division will exhaust the remaining portion residential lot yield as currently specified in the Code of Public Local Laws and Ordinances.

The plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee on February 26, 2018. No citizens spoke at the meeting regarding this project nor have any citizens contacted the Bureau regarding this proposal.

The lot will be served by a private well and septic system. The Carroll County Health Department has granted approval of the preliminary plan.

Access to the lots will be from an existing driveway that currently serves two other users. Those users have an existing right-of-way over the driveway. To comply with the code, the driveway will be named as it serves three users. The property owner is working through the process to name the driveway and contact the existing users.

The development is exempt from the requirements of Chapter 153 (Floodplain Management) and Chapter 154 (Water Resource Management). The plan is exempt from Chapter 157 (Landscape Enhancement of Development). The plan will need to address the requirements of Forest Conservation (Chapter 150).

Stormwater Management has granted concept approval. Drywells are being shown to address those requirements. Grading and Sediment Control has granted approval of the preliminary plan in accordance with Chapter 152 (Grading and Sediment Control).

The proposed plan is consistent with all applicable plan policies and recommendations contained in the Carroll County Master Plan per the Bureau of Comprehensive Planning review.

The project is subject to the provisions of Concurrency Management, Chapter 156 of the Code, and will be tested prior to presentation of the plan to the Commission for approval of the Preliminary Plan.

**Discussion:**

Clay Black presented the staff report.

Randy Bechtal, BPR was present.

Susan White-Bowden was in attendance but left early due to the weather.

**Decision:**

The Commission, on motion of Mr. Yeo, seconded by Mr. Wothers and carried, voted to delegate final approval of the preliminary and final plan to the Chair if concurrency management is adequate.

**RECESS**

**SPECIAL REPORT**

SUBJECT: P-18-0005, Van Slooten Property  
LOCATION: West side of Cherokee Drive, south of Sams Creek Road, E.D. 9  
OWNER: Kay A. Van Slooten, 851 Harbor Place Drive, Charleston, SC 29412  
DEVELOPER: Same as owner  
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157  
ZONING: R-40,000  
ACREAGE: 12.39 acres  
WATERSHED: Double Pipe Creek  
NO. OF LOTS: 5  
FIRE DISTRICT: Winfield

MASTER PLAN: Residential Very Low Density

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

❖ **Action Required:**

The plan is before the Commission for a determination as to a proposed private drive as a modification to the annotated “Future Road” on the approved 1977 Plat D of Sun Valley.

❖ **Existing Conditions:**

The subject property consists of a 12.04 acre parcel and Parcel A on Plat D of Sun Valley which was recorded in 1977 (see attached). The developer owns both parcels. Situated between Ridge Road (MD Route 27) and the rear of five residential lots in the Sun Valley subdivision, the 12.04 acres is not developed.

Parcel A, a 50-foot-wide strip connecting Cherokee Drive and the 12.04-acre parcel, is annotated as “Parcel A Reservation for Future Road” on the Sun Valley plat. While the 12.04 acres has frontage on MD Route 27, Parcel A was reserved for a future road to provide access to the property from Cherokee Drive.

The 12.04 acres is generally flat and open with a stream and associated steep slope clipping the far southwest corner of the property. From the center of the northern property line, a stand of trees stretches into the property. Parcel A has existing encroachments from adjoining properties, including a fence and a driveway.

Both subject parcels lie in the R-40,000 zoning district as do adjoining properties to the north, east, and south. Properties across MD Route 27 to the west lie in the Agricultural zoning district. All adjoining properties are developed with residential dwellings excluding the southern adjoining parcel which is not developed. Properties are outside of water and sewer service areas, Priority Funding Areas, and Designated Growth Areas.

❖ **Plan Review:**

The developer proposes to create five residential lots of subdivision on the 12.04 acres. All lots will have private well and septic systems. A 16-foot use-in-common drive from Cherokee Drive, over Parcel A, is the proposed access for the lots.

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.

The only proposed users of the private drive will be the new residential lots. Existing residences flanking Parcel A will continue to use their private driveways and retain their existing addresses.

While the acreage of the subject property could potentially yield more than five lots, seven lots is the maximum which may be approved as a septic minor subdivision for the purposes of the Carroll County Health Department. Successful percolation testing for four lots has been conducted with a location for the fifth test proposed.

Plan review was specific to the request for a use-in-common driveway versus a County road. It was reviewed by staff from the Bureau of Roads, Fire and Emergency Services, the Bureau of Resource Management, and the Bureau of Comprehensive Planning. All agencies support the proposal of a use-in-common driveway.

Staff and the Developer are requesting a determination from the Commission regarding the proposal of a use-in-common drive versus the plat annotation which indicates a road.

Following a determination from the Commission, the initial plan package will be submitted to Development Review for the processing of a major plan of subdivision.

### **Discussion:**

Laura Matyas presented the staff report.

Linda Alexander, CLSI and Dave Bowersox, Attorney were present.

Ms. Alexander stated the Developer may put in a 12' wide use in common and then may expand to a 16' wide within the site. She also stated there may only be four lots.

Mr. Bowersox stated the original plat shows a public road was planned. Mr. Bowersox stated his client wants to be sure that the plan can move forward with something other than a public road.

Virginia and Howard Kirby, citizens who live along the proposed driveway, stated it is a walking neighborhood, there is a blind curve and it is not safe to add a roadway. Ms. Kirby also stated trash cans and trash trucks will cause problems. Mr. Kirby stated a wide road to access the property may be a better idea so mailboxes and trashcans won't be at the end of their driveways. Mr. Kirby suggested access from Route 27.

Ms. Kirkner recused herself from the discussion because she has a business relationship with both Mr. Strange and Ms. Van Slooten.

Ms. Alexander stated that SHA would not allow access from Route 27 because of the proposed and approved road that exists on the plat.

Clay Black stated the county does not have a unified trash service and it would be up to the trash collection service to determine if they would go back into the cul-de-sac to pick up trash.

Mr. Yeo stated there are three options; a 12 or 16" use-in-common road or a 18' County Road.

Ms. Matyas stated that the Bureau of Roads, Fire and Emergency Service and Resource Management suggested and preferred a private road.

### **Decision:**

The Commission, on motion of Mr. Yeo, seconded by Mr. Wothers and carried, voted to utilize a use-in-common drive for this plan that will allow two cars to pass by each other.

Ms. Kirkner abstained.

### **LUNCH RECESS**

## **FREEDOM COMMUNITY COMPREHENSIVE PLAN**

### **Approval of Revised Future Land Use Definitions**

Mary Lane presented the revised definitions. Mr. Yeo stated additional changes that he had. Staff will include those changes.

The Commission, on motion of Mr. Yeo, seconded by Mr. Wothers and carried, voted to approve the Future Land Use Definitions with the additions suggested by Mr. Yeo.

### **Future Land Use Map**

#### **Property Owner Requests**

As directed by the Commission, staff asked Jeff Castonguay, Director of Public Works to address the current water and sewer capabilities of the County for the Freedom Area.

Mr. Castonguay stated the County is at the maximum nutrient load it is permitted by MDE for sewer standards.

Mr. Wothers asked if there would be more capacity going forward.

Mr. Castonguay stated the County would have to get an increase in its allocation from MDE or change the water treatment process.

Mr. Wothers asked if a new facility could be built.

Mr. Castonguay and Secretary Eisenberg stated that yes, a new facility could be built but the process would include conducting environmental studies, allocating funding and requesting that MDE increase the nutrient load capacity.

Stephanie Brophy, Attorney representing Michael Reeves and Williams Quarters, LLC, recognized the opportunities and challenges presented by rezoning the Primoff and Harrison properties but stressed these properties are part of the designated growth area and there are private entities that are willing to help the county with the water and sewer infrastructure. Ms. Brophy suggested the opportunity might be lost if this does not happen now.

Michael Reeves, citizen, provided comments regarding the rezoning of the Primoff and Harrison properties.

Mr. Yeo asked Ms. Kessler if the County would be responsible for providing water and sewer to a parcel of land that they zoned High Density.

Ms. Kessler stated she would have to research that topic.

#### **Finalize Other Properties**

After much discussion, the Commission, on motion of Mr. Yeo, seconded by Mr. Wothers and carried, voted to designate the Primoff property as Low Density Residential not including the Flood Plain portion of the property. Commissioner Wantz abstained from voting.

The Commission, on motion of Mr. Yeo, seconded by Mr. Wothers and carried, voted to designate the Harrison property as Medium Density Residential.

The Commission, on motion of Mr. Wothers, seconded by Ms. Kirkner and carried, voted to designate the Clas property as Medium Density Residential.

The Commission, on motion of Ms. Kirkner, seconded by Mr. Wothers and carried, voted to designate the Beaty property to High Density Residential.

Secretary Eisenberg announced the building will be closing at 2:00 p.m. due to the snow storm. Secretary Eisenberg stated the discussion will continue at the next meeting.

The Commission agreed to begin the April 4<sup>th</sup> meeting at 4:00 p.m.

**PUBLIC COMMENT**

There were no public comments.

**ADJOURNMENT**

Due to inclement weather the County Office Building was closing early.

On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Commission adjourned at approximately 1:50 p.m.

---

Secretary

---

Approved