

MEETING SUMMARY
Carroll County Planning and Zoning Commission

May 15, 2018

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair
Cynthia L. Cheatwood, Vice Chair
Eugene A. Canale
Alec Yeo
Stephen A. Wantz, Ex-officio (9:34 a.m.)

Members Absent: Jeffrey A. Wothers
Daniel E. Hoff
Janice R. Kirkner

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, Arco Sen and Laura Bavetta, Department of Planning; Laura Matyas and John Breeding, Development Review; Tom Devilbiss, Land and Resource Management; 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 four members of the Board were present and a quorum was in attendance. Commissioner Wantz arrived at 9:34 a.m. and five members were present.

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Eisenberg greeted the Commission.

REVIEW AND APPROVAL OF AGENDA

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

REVIEW AND APPROVAL OF MINUTES

The minutes from the April 17, 2018 meeting were approved via a motion by Mr. Yeo, seconded by Mr. Canale and carried.

PUBLIC COMMENTS

There were no public comments

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson did not have anything to report.

B. EX-OFFICIO MEMBER

Commissioner Wantz was not in attendance at this time.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg reviewed upcoming meeting dates. The May 30th evening meeting will be held as scheduled, the June 6th meeting has been cancelled and there will be a joint meeting with the Board of County Commissioners on June 11th. Secretary Eisenberg also stated the Public Hearing for the Freedom Community Comprehensive Plan will be held at Liberty High School on July 11th.

B. EXTENSIONS

There were no extensions since the last meeting.

C. BZA CASES

Arco Sen reported that three cases were heard in April; Case No. 6077, Case No. 6079 and Case No. 6080. Mr. Sen stated there are no cases in May.

D. OTHER

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

BRIEFING: EDUCATIONAL FACILITIES MASTER PLAN (WILLIAM CAINE, FACILITIES PLANNER, CCPS)

Mr. Caine presented the Facilities Master Plan to the Commission.

Mr. Canale asked how the buildings are assessed to determine the health of a building when looking at modernizing a school.

Mr. Caine explained the Facility Condition Index that is used to determine the physical and functional scores that are used in the assessment.

Mr. Canale asked if capacity included portables.

Mr. Caine stated they do not include portables.

Mr. Caine reviewed the Enrollment Projections.

Mr. Caine stated the County and State look at enrollment numbers differently. The criteria used to make projections differ between the County and State.

Mr. Yeo asked if the projected Freedom area density increases are taken into consideration for the projected enrollment figures.

Mr. Caine stated he is given information from Development Review regarding current projects that are in the works but forecasting on potential development is not taken into consideration.

Mr. Yeo suggested potential development should be considered.

Secretary Eisenberg stated staff will continue to make Mr. Caine aware of potential rezoning and future development plans. Secretary Eisenberg noted that regular communication between the departments will provide an annual checkpoint to keep projections as accurate as possible.

RECESS

CONCEPT SITE PLAN REVIEW

SUBJECT: S-17-0018, Verizon Tower at Carroll County Ag Center
LOCATION: 700 Agricultural Center Drive, E.D. 7
OWNER: Carroll County Agricultural Center, Inc., 700 Agricultural Center Drive,
Westminster, MD 21157
DEVELOPER: Verizon Wireless, 7600 Montpelier Drive, Floor 2 South-Network, Laurel,
MD 20723
ENGINEER: Morris and Ritchie Associates, Inc., 1220-C East Joppa Road, Suite 505,
Towson, MD 21286
ZONING: Conservation
BZA CASE: 6034 - December 1, 2017
ACREAGE: 13.63 acres
WATERSHED: Double Pipe Creek
FIRE DISTRICT: Westminster
MASTER PLAN: Conservation – 2007 Westminster Environs Community Comprehensive
Plan
PRIORITY
FUNDING AREA: Westminster
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 subject property is a 13.63-acre Conservation-zoned property owned by the Carroll County Agricultural Center. Part of the larger Agricultural (Ag) Center complex, the subject parcel hosts University of Maryland's Carroll County Extension Office, Burns Memorial Hall, the Medford building, Nathan A. Blizzard Memorial Hall, and two additional agricultural buildings. Agricultural Center Drive, an access road bisects the property with associated paved parking. At the eastern portion of the parcel sits a gravel parking lot for the Ag Center. On the western side lies a forest paralleled by an access road at the rear of the buildings. There are no streams or floodplains on site.

To the east and north is an adjoining property zoned Conservation and owned by the Carroll County Farm Museum. Adjoining to the west are lands of the County Commissioners of Carroll County with a split zoning of Conservation and R-20,000. Across Smith Avenue to

the south is a residential subdivision, Winchester Park. It is zoned R-20,000 and built with single family residences.

The property is within the City of Westminster's Priority Funding Area, Designated Growth Area, and Existing / Final Planning water and sewer service areas.

❖ **Plan Review:**

The developer proposes the installation of a 137-foot cellular communications tower within a 13'-6" x 41'-0" fenced compound at the rear of the Medford building. Access exists from Smith Avenue to Agricultural Center Drive to the 12-foot-wide access road.

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 December 1, 2017 in Case #6034, the Board of Zoning Appeals (BZA) approved the telecommunications tower and accompanying compound. Also approved was a reduction in the required driveway width from 18 feet to 12 feet (see decision, attached).

On February 15, 2018, 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 March 26, 2018 during the Technical Review Committee meeting. No citizens signed in at the meeting in relation to the Verizon Tower.

Setback requirements for a communications tower are met. The tower will be unoccupied. Engineering Review has requested a note be placed on sheet 1 indicating the trip generation - frequency of maintenance visits - for the tower. There are no lights required or proposed on the tower. The proposed land use is consistent with the 2014 Carroll County Master Plan and 2007 Westminster Environs Community Comprehensive Plan as stated by the Bureau of Comprehensive Planning Review.

The compound area will include a gravel pad for the extents of the enclosure and a 7'-0"-high chain link fence with 12" of barbed wire along the top. Access into the enclosure will be provided with a 12'-0"-wide gate as well as a 6'-0" wide gate. Inside the enclosure sits a 10'-0" x 16'-0" metal platform raising the equipment 1'-6" above grade.

Forest Conservation requirements will be met through off-site banking. The plan is exempt from the requirements of Landscaping, Floodplain Management, and Stormwater Management. Water Resources Review has requested additional information be placed on the final 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.

Joe Galindo, Verizon Wireless, and Jacob Toroney, Morris and Ritchie, Engineer, were present.

Mr. Soisson asked if the tower would hit the building if it fell over.

Mr. Toroney stated the tower is designed to withstand high winds and the way it is constructed it would not tip at the base but a third of the way up. Mr. Toroney stated it may still hit the building.

Commissioner Wantz asked if the highest elevation was chosen.

Mr. Toroney stated that yes, the highest elevation was chosen.

Decision:

The Commission, on motion of Mr. Yeo, seconded by Mr. Canale and carried, voted to authorize the Chair to approve the final plan.

CONCEPT SUBDIVISION REVIEW

SUBJECT: P-17-0047, Braddock Estates, Section Four, Resubdivision of Lot 45
LOCATION: South East side of Perry Road, South of Braddock Road, E.D. 9th
OWNER: Mr. Herbert L. Meade and Mrs. Regina L. Meade, 5159 Perry Road, Mount Airy, MD 21771
DEVELOPER: Same as Owner
SURVEYOR: CLSI, 439 E. Main Street, Westminster, MD 21157
ZONING: Residential (R-40,000)
ACREAGE: 3.05 acres
WATERSHED: South Branch Patapsco
NO. OF LOTS: 1 new (1.53ac.)
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 review of the concept plan of subdivision and direction as to the applicability of General Note 11 on the original plat of Braddock Estates, Section 4. That

requires the approval of the Planning and Zoning Commission of Carroll County for the purpose of creating additional lots, tracts, or any modifications or plat reassembly.

❖ **Existing Conditions:**

Lot 45 is an existing lot, recorded in Plat Book 17, Page 95 comprised of 3.05 acres, with a single family residence with an existing single use driveway accessing Perry Road. There is a Drainage and Utility from Perry Road over the property southeast toward the back of the Property.

Adjoining properties on both sides of the Perry Road are all zoned R-40,000 with single family residences. Across Perry Road to the west, lies Gilbert Road, all of the parcels on both sides of Gilbert road are also R-40,000 zoned properties.

❖ **Plan Review:**

The Concept plan was received by the Bureau of Development Review on March 22, 2018. The re-subdivision of Lot 45 was subject to citizen involvement at the April 23, 2018 Technical Review Committee meeting. No citizens signed in or spoke on this project

The owner/developer is proposes to re-subdivide Lot 45 of Braddock Estates, Section Four; previously recorded in Plat Book 17, Page 95 (plat attached) to create Lot 81(1.53ac) and Lot 45A(1.52ac).

The following are some of the comments that were presented to the owners and their engineer at the April 23, 2018 Technical Review Committee meeting. Engineering Review is requiring a sight distance form to be submitted at the next submission and sight distance to be shown on the next plan, and provide the single use driveway General notes and construction specifications and reference the appropriate driveway plate number on the plan.

The plan is exempt from Chapter 153 Floodplain ordinance. The Water Resource Protection had no comment and approved the Concept as submitted. The Carroll County Health Department is requiring a change to the Percolation Test #2 numbers and the percolation test certification needs to be signed by the surveyor stating that all percolation test/observation holes have been field located and are accurately shown on the plan.

The Plan was approved by Forest Conservation based on the Limits of disturbance being bellow 40,000 sq. ft., there is no landscaping required for this plan. This project will need to be tested and reviewed for Concurrency Management Chapter 156 of the Code of Public Law & ordinance of Carroll County Maryland at the Preliminary Plan submission.

❖ **Action Required:**

Staff is requesting direction on the applicability of General Note #11 from the previously recorded 1977 subdivision plan in Plat Book 17, Page 95.

General Note #11 reads, “No further subdivision of the lots or tracts, shown hereon shall be permitted for the purpose of creating additional lots or tracts. Any modification or plat reassembly shall be subject to approval by the Carroll County Planning and Zoning”

Discussion:

John Breeding presented the staff report.

Herb Meade, owner, and Linda Alexander, CLSI, were present.

Ms. Alexander stated the original Braddock Estates was zoned Ag which is why General Note #11 was created. The whole development is now zoned R-40.

The drainage will be in an easement to the County.

Mr. Yeo asked staff if there is any concern if other owners choose to subdivide these lots.

Secretary Eisenberg stated staff has not looked into that possibility.

Ms. Alexander stated it will depend if the lots will perc.

Mr. Breeding stated many of the other lots do not have road frontage and would not be permitted to subdivide.

Decision:

The Commission, on motion of Yeo, seconded by Ms. Cheatwood and carried, voted to allow the resubdivision of Lot 45 and override General Note #11.

RECESS

**COMPREHENSIVE REZONING – COMMERCIAL/INDUSTRIAL/EMPLOYMENT
CAMPUS – DISCUSSION**

Mary Lane presented the suggestions from the Concept Team regarding the Employment Campus proposal.

There was discussion regarding the 25% allocation of the Residential portion of the Employment Campus.

Mr. Yeo questioned how the phase-in construction would work.

Mr. Devilbiss explained the Commercial would be the first portion that would be constructed and the rest of the project would be dependent upon the design of the other structures.

Mr. Canale stated these projects will be market driven and does not want to have strict requirements regarding phasing and amenities.

Mr. Yeo suggests clarifying if having a Residential component is part of the goal of an Employment Campus.

The Commission agreed to keep Residential in but to have staff conduct more research of Employment Campuses in similar areas to clarify how the phase-in construction would work and how to best incorporate the Residential component.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

On motion of Mr. Canale, seconded by Ms. Cheatwood and carried, the Commission adjourned at approximately 12:05 p.m.

Secretary

Approved