

MEETING SUMMARY
Carroll County Planning and Zoning Commission

July 17, 2018

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair
Cynthia L. Cheatwood, Vice Chair
Eugene A. Canale
Jeffrey A. Wothers
Daniel E. Hoff
Janice R. Kirkner

Members Absent: Alec Yeo
Stephen A. Wantz, Ex-officio

Present with the Commission were the following persons: Lynda Eisenberg, Mary Lane, Arco Sen, Nokomis Ford and Laura Bavetta, Department of Planning; Clay Black, and Laura Matyas, 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 six members of the Board were present and a quorum was in attendance.

PLEDGE OF ALLEGIANCE

REVIEW AND APPROVAL OF AGENDA

Chair Soisson noted that the Bicycle Pedestrian Chapter 6 will not be distributed today. On motion of Mr. Wothers, seconded by Mr. Canale and carried, the Agenda was approved with that edit.

REVIEW AND APPROVAL OF MINUTES

The minutes from the June 19, 2018 meeting were approved via a motion by Mr. Wothers, seconded by Mr. Canale and carried.

PUBLIC COMMENTS

The public was instructed that Freedom Plan comments will no longer be accepted because the official comment period has closed. There were no public comments.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson stated he approved the Colonial Pipeline Plan and Runaway Estates since the last meeting.

B. EX-OFFICIO MEMBER

Commissioner Wantz was not in attendance.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg stated that comments received during the 60-Day comment period for the Freedom Community Comprehensive Plan will be reviewed during Item 16. Secretary Eisenberg discussed the Maryland Planning Association Conference that is scheduled for October. Mr. Hoff and Ms. Cheatwood expressed interest in attending. Secretary Eisenberg also noted that there will be a meeting on Wednesday, August 29th but the meeting scheduled for Wednesday, September 5th will be canceled.

B. EXTENSIONS

There were no extensions since the last meeting.

C. BZA CASES

Arco Sen reported that three cases were heard in June; Case No. 6082, Case No. 6078 and Case No. 6087 and one case will be heard on July 24th; Case No. 6095.

D. OTHER

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

BICYCLE-PEDESTRIAN MASTER PLAN – CHAPTER 7 DISCUSSION/DECISION –

Nokomis Ford reviewed the goal of Chapter 7, updated the Commission on the photo contest and reviewed the updates and changes to Chapter 7 since the last meeting.

The Commission discussed the Advisory Shoulder concept and other traffic calming techniques.

On motion of Mr. Wothers seconded by Ms. Cheatwood and carried, the Commission voted to approve Chapter 7.

SPECIAL REPORT

SUBJECT: AP-18-0012, Bethgate 3 (Reconfiguration/Deed of Add-on)
LOCATION: East side of MD Route 97 north, and on the east side of Bethgate Drive, E.D. 7
OWNERS: Mr. Clifton Hugh Carr, 111 Bachman Valley Road, Westminster, MD 21157
Donald E. Miller Family, LLC c/o Mr. Daryl V. Miller, 1656 Bullock Circle, Owings Mills, MD 21117
DEVELOPER: Same as Owners
SURVEYOR: D.R.S. & Associates 52 Winters Street, Westminster, MD 21157
ZONING: Agricultural
ACREAGE: 20.405 Ac. / 36.45Ac = 56.86Ac total
WATERSHED: Big Pipe Creek

NO. OF LOTS: 1 lot – Existing (36.46 Ac.)

FIRE DISTRICT: Westminster

MASTER PLAN: Agricultural

PRIORITY FUNDING AREA: N/A

DESIGNATED GROWTH AREA: N/A

❖ **Action Required:**

Staff is requesting direction from the Planning and Zoning Commission with regards to a request to enlarge a Remaining Portion currently 36.54 acres, Lot #3, of Bethgate 2, recorded in Platbook 54, Page 80-81 “see attached”.

This Amended Plat was presented to the chairman on June 18, 2018 for direction of the review process. The recommendation of the Chairman was that it should be presented to the full Commission as a special report; do to the +20 acreage being reconfigured / consolidated into Lot #3.

❖ **Background:**

Lot #3 of Bethgate 2 is located north of the City of Westminster on the east side of Littlestown Pike, Maryland Route 97 in the county. Lot #3 is located at the end of a use and common drive called Bethgate Drive located on the south side of Bachman Valley Road, Maryland Route 496.

The owner of Lot #3 is proposing a 20.405 acre portion of the adjoining Miller property to the south, to be consolidated with Lot #3 to create a new Lot #3A that will become a 56.86 acre remaining portion.

The current and all surrounding parcels are zoned Agricultural, and all have private well and septic systems.

Bethgate 2 was presented to the Planning and Zoning Commission for a reconfiguration of lots and lot yield tabulations in January 2015. Planning Commission approved Bethgate 2 (Planning Commission Report and Record Plat are attached).

The Miller Property Map 31, Block 13, Parcel 250; has a total of 68.03 acres currently. The transfer of the 20.405 acre portion into Lot#3 would leave the Miller Property with 47.625 acres.

The lot yield tabulation as shown on Bethgate 2 will remain in tack and no lot yield will be transferred with the 20.405 ac. parcel being consolidated into the existing Lot #3.

There are existing Forest Conservation Easements that will remain on all parcels.

❖ **Recommendation:**

Staff is requesting direction from the Planning and Zoning Commission with this Reconfiguration / Deed of add-on.

Discussion:

Clay Black presented the staff report.

Dan Staley, D.R.S. & Associates and Mr. Daryl Miller, owner, were present.

Decision:

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

RECESS

CONCEPT SITE PLAN

SUBJECT: S-17-0033, Carroll Hospital Center Access Drive
LOCATION: 200 Memorial Drive, Stoner Avenue to Memorial Avenue, E.D. 7
OWNER: Carroll Hospital Center, 200 Memorial Drive, Westminster, MD 21157
DEVELOPER: Same as owner
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: R-20,000
ACREAGE: 6.48 acres
WATERSHED: Double Pipe Creek
FIRE DISTRICT: Westminster
MASTER PLAN: Medium Density Residential – City of Westminster 2009 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.** The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

❖ **Existing Conditions:**

The 39.17-acre subject property is comprised of three parcels owned by the Carroll Hospital Center. On the largest parcel lies the Carroll Hospital Center campus and the Hospital's White Rabbit Thrift Store. The two smaller parcels each host residential structures, addressed as 552 and 560 Washington Road. The medical campus contains multiple structures including the main hospital building, Billingslea Building, Fisher Building, Dixon Building, cancer center, and a parking garage. At least twenty-four site plans have been processed and approved between 1987 and 2013 for the development of the Hospital campus.

Existing access points on Stoner Avenue, Gist Road, and South Center Street serve internal drives and parking lots on the Hospital campus. Pedestrian walkways are present internally

and along a portion of Stoner Avenue. At the corner of Stoner Avenue and Washington Road, the White Rabbit only has internal access from the hospital campus. To the south of the White Rabbit are 552 and 560 Washington Road, each with a private driveway from the State Highway.

At the corner of Stoner Avenue and Washington Road sits the subject area of the property, comprised of approximately 6.48 acres.

Along Stoner Avenue, the Hospital has three access points clustered within 300 feet. The one nearest Washington Road is posted as an exit only. Sidewalk exists to the west of the most western access and to the east of the easternmost access, but not between the three access points.

Although outside the City of Westminster corporate limits, the subject property is inside the Westminster Priority Funding Area, Designated Growth Area, and Existing / Final water and sewer service areas.

❖ **Plan Review:**

On January 22, 2018 a site plan for a new access road and parking lot reconfiguration at the Carroll Hospital Center was submitted to the Carroll County Bureau of Development Review and subsequently distributed to technical review agencies.

The proposed site plan was subject to citizen involvement during the February 26, 2018 Technical Review Committee meeting. There were no citizens who spoke at the meeting and no written comments were forwarded to the Bureau of Development Review.

The developer proposes to demolish two of the three clustered Hospital Center access points on Stoner Avenue, the westernmost and easternmost, reconfigure the central entrance, and connect it via a new access drive to Memorial Avenue. Stoner Avenue is a County road. Memorial Avenue is a private drive. Additional demolition includes parking areas, the internal exit-only drive, the White Rabbit, and the two residential structures along with their private drives to Washington Road.

Construction of the new access drive, grading, inlets and stormwater management, sidewalk to connect existing sidewalk on Stoner Avenue, ten new pole lights, and landscaping to address the requirements are included in the project scope.

In their review, the Bureau of Comprehensive Planning determined that the proposed plan is consistent with the land use designation; hospitals are a conditional use in the zoning district. The recommendation from Planning, to insure consistency with the bike and pedestrian elements of applicable plans, is to provide sidewalk not only along Stoner Avenue but within the site; along the new access road as well as Memorial Avenue. Applicable plans referenced by Planning include the 2007 Westminster Environs Community Comprehensive Plan, the 2009 City of Westminster Comprehensive Plan, and the 2014 Carroll County Master Plan.

One hundred fifteen existing parking spaces will be demolished and the reconfigured parking layout will include one hundred sixteen new spaces. Overall parking required at the hospital campus equals 554 spaces. There are 933 parking spaces. Proposed parking lot and access drive lights are pole lights mounted at 20 feet above grade. A photometric plan is provided.

Forest conservation will be addressed with off-site banking. Parking lot landscaping requirements must be met. The plan is exempt from Floodplain Management. The concept plan is acceptable to Water Resources Review. Grading Review granted concept approval. The plan is acceptable to Emergency Services Review (Fire Protection). Water and sewer

services are within the jurisdiction of the City of Westminster. A letter from the City states that they have no comments regarding the concept plan.

A regional facility will provide stormwater management for the site. Proposed on the site are a series of inlets and a storm drain pipe system. Engineering Review commented that details for the reconfigured entrance from Stoner Avenue must be provided on the final plans.

Future development concepts for the Carroll Hospital Center campus were discussed at the Pre-Submittal Conference for the access drive on October 12, 2017.

On April 20, 2018, a Pre-Submittal Conference for Carroll Hospital's development of a Nursing Facility along Washington Road between Stoner Avenue and Memorial Avenue was held. Plans were submitted on April 23, 2018 and that project is in the review process. Access is proposed from the new access drive, not Washington Road. Connecting sidewalk is depicted along the extents of the subject site along Washington Road.

The Nursing Facility will be presented to the Planning and Zoning Commission for concept site development plan and traffic study review and determination of density, exterior design, and site layout. Then it will proceed to the Board of Zoning Appeals for request for a conditional use of a Nursing Facility in the R-20,000 Zoning District.

Discussion:

Mr. Wothers recused himself because of his affiliation with Carroll Hospital Center.

Laura Matyas presented the staff report.

Jeff Ziegler, CLSI and Maurice Spielman, Carroll Hospital Center, were present.

There was discussion about the continuation of sidewalks during the concept site plan process for the new nursing facility.

Mr. Spielman stated the hospital has a purchased a nursing facility that will be relocated to this site.

Decision:

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

CONCEPT SITE PLAN

SUBJECT: S-16-0035, Roy's Body Shop (formerly Emory N. Stull)
Lot 35 Sect.2-D Central MD Service and Distribution Center, Amended

LOCATION: 5400 New Expansion Drive, E.D. 14

OWNER: 5400 Enterprise, LLC, 5400 New Expansion Drive, Sykesville, MD 21784
(LLC Members: Glenn Elliott)

DEVELOPER: Same as owner

ENGINEER: HLS, Inc., 194 East Main Street, Westminster, MD 21157

ZONING: I-R, Restricted Industrial

ACREAGE: 1.751 acres

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Winfield
MASTER PLAN: Industrial Restricted – 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 required.** The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

❖ **Existing Conditions:**

The subject property is Lot 35 in the Central Maryland Service and Distribution Center (CMSDC) subdivision, recorded in 1987 (see attached). Lot 35 hosts Roy's Body Shop which operates out of an 11,053 SF building with 8,053 SF of auto body shop space and 3,000 SF of office space. A fenced gravel yard serves as vehicle storage for the business. The office space faces Enterprise Street where a paved parking lot accommodates 8 parking spaces, grassed areas, landscaping, and a business sign.

Access exists from two points along New Expansion Drive. One entrance provides access to the paved parking lot and the second is a wide apron serving Roy's Body Shop garage bays along New Expansion Drive. An access point exists from Wise Pursuit Way as well.

All adjoining properties share the subject property's Industrial Restricted zoning and are part of the Central Maryland Service and Distribution Center. All adjoining properties are businesses that are commercial or light industrial in nature. The subject property and all of the surrounding properties are served by private wells and private septic systems. At the northwest corner of the site lie underground fire protection storage tanks.

The subject property is inside the Freedom Priority Funding Area, Designated Growth Area, and Priority water and Long Range sewer service areas.

❖ **Plan Review:**

On March 8, 2018 a site plan for an expansion of Roy's Body Shop was submitted to the Carroll County Bureau of Development Review and subsequently distributed to technical review agencies.

The proposed site plan was subject to citizen involvement during the April 23, 2018 Technical Review Committee meeting. There were no citizens who spoke at the meeting and no written comments were forwarded to the Bureau of Development Review.

The developer proposes to build a 7,983 SF addition on the rear of the existing building to expand the auto body shop. The peak height and roof line will match the existing building. Three overhead doors will face east towards New Expansion Drive in a continuation of the aesthetic of that building elevation. One overhead door is proposed on the west side of the addition. Building elevations are shown on sheet 6. Material and color annotations will need to be included in the final plan set.

The use is consistent with the land use designation of Restricted Industrial in the 2001 Freedom Comprehensive Plan.

With regard to the parking requirements, 35 spaces are required and 36 spaces are provided on both paved and gravel areas. Handicapped parking is provided in the paved lot. Building-mounted lighting is proposed and will be shown on the final plan elevations. No new signage is proposed. Fire protection exists in the form of underground tanks on site and Code is being addressed through fire separation of spaces within the building.

Forest conservation does not apply to this project. Landscaping was addressed under the previous site plan but portions are missing or have been rearranged. With this plan, the landscaping needs to be brought into compliance. The plan is exempt from Floodplain Management. Water Resources Review has requested additional information regarding floor drains and the handling of pollutants. Grading Review granted concept approval. The plan is acceptable to Fire Protection. The Health Department has approved the concept plan.

The Bureau of Resource Management has granted concept Stormwater Management approval. Stormwater management will be achieved with the installation of drywells.

The 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.

Mr. Keith Heindel, HLS, Inc. and Mr. Glenn Elliot, owner, were present.

Mr. Soisson asked what the existing concrete pad was being used for.

Mr. Elliott stated it was an entrance pad.

Mr. Hoff noted the gravel area can be used for extra cars.

Mr. Heindel stated the plan required designation of employee parking.

Mr. Canale asked if there were additional requirements for additional control of vehicle waste or emissions removal from the facility.

Ms. Matyas stated that is addressed in the water resource review.

Decision:

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

FINAL SITE PLAN

SUBJECT: S-17-0026, Dunkin Donuts Eldersburg, Amended

LOCATION: 6252 Sykesville Road (MD Route 32); west side Sykesville Road, north of Piney Ridge Parkway, E.D.5

OWNER: Shiv Properties, LLC, 1080 Berberi Road, Westminster, MD 21157
LLC Member: Shital Patel

DEVELOPER: Same as owner

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: B-G - General Business
VARIANCE: Case ZA-1739
ACREAGE: 0.55 acres
WATERSHED: South Branch Patapsco
FIRE DISTRICT: Sykesville
MASTER PLAN: Business General – Boulevard District – 2001 Freedom Community Comprehensive Plan

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

SEWER/ WATER

DISTRICT: Freedom

❖ **Action Required:**

The 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.

❖ **Site Plan History:**

A 1989 site development plan for a High's Dairy Store on the property was approved by the Planning and Zoning Commission. The plan only utilized parcel 254. In 2005, a change-of-use certificate was issued for the site for a New York J & P Pizza. There was no site development plan that accompanied the change-of-use. Expansion of the J & P Pizza parking lot onto the north adjoining property occurred following the change-of-use.

In 2010, a site development plan for Illiano Plaza Eldersburg on the subject property plus the adjoining parcels to the north and south was approved by the Planning and Zoning Commission. At the time, both parcel 254 and parcel 336 were under the same ownership. Following the sale of parcel 254 in September 2017, the developer of Illiano Plaza Eldersburg chose to allow the Illiano Plaza Eldersburg site plan approval to expire on February 25, 2018.

On September 5, 2017, a complete development plan package proposing a Dunkin Donuts with a drive-thru and a retail establishment on the site was distributed to review agencies.

The concept site plan was subject to citizen involvement at the September 25, 2017 meeting of the Technical Review Committee. One citizen signed in and voiced a desire for buffering the Piney Ridge Village community from the Dunkin Donuts building and drive-thru. Light trespass, noise, and privacy are all concerns of residents in the adjoining subdivision. Five emails and multiple phone calls came to Development Review with similar concerns, one from the Association Manager for Piney Ridge Village. The developer has communicated a willingness to work with the area residents to address their concerns. Landscaping and a fence installation at the common property line are intended to buffer Piney Ridge Village properties.

A concept site plan for the subject property was reviewed by the Planning and Zoning Commission on April 17, 2018 (see minutes attached). Commission concerns included: limited parking on-site as permitted via a variance, adequacy of on-site vehicle queuing for the drive-thru, and light trespass onto the Piney Ridge Village property from vehicles queuing in the drive-thru lane.

❖ **Existing Conditions:**

The subject property, parcel 254, is developed with a 4,350 square foot building, paved parking lots at the front and rear of the site, drive aisles, a pylon sign, landscaping at Sykesville Road, and a stormwater management infiltration trench and grass swale. There are no streams or floodplain on site. Vehicular connections to parking lots on both the north and south adjoining properties exist. The north (parcel 334) and south (parcel 336) adjoining properties are each under different ownership than the subject property. An easement exists on the subject property for ingress and egress for the northern adjoiner to their garage.

The property fronts Sykesville Road, MD Route 32, with one existing access point. Sykesville Road has a median, making the site accessible to southbound traffic with a right-in / right-out.

At the western property line there is an existing guardrail on site and an existing fence on the adjoining parcel. At the southern property line a low retaining wall exists. The existing pylon sign is situated at the eastern property line at the entrance from Sykesville Road.

Properties to the north and south are zoned General Business. The northern adjoining two parcels host a residence with a gazebo, garage, and parking lot. The southern adjoining parcel hosts a vacant residence. The adjoining property to the west is a 2.46-acre open space parcel owned by the Piney Ridge Village Homeowner's Association. Piney Ridge Village lies in the R-10,000 zoning district and is built with single-family townhouses. Properties across Sykesville Road lie in the B-G, General Business zoning district.

The subject property is located in the Freedom Priority Funding Area and a Growth Area. It is in the Freedom Existing / Final public water and public sewer areas.

❖ **Plan Review:**

The developer proposes to utilize the existing building for two new uses; a Dunkin Donuts and a retail operation. Dunkin Donuts will occupy 1,800 square feet on the south side of the building and include a drive-thru service. The retail establishment will occupy 2,550 square feet on the north side of the building. Public water and sewer facilities service the site.

Parking requirements for a fast food establishment are 14 spaces for every 1,000 square foot of floor area. Requirements for a retail store are 1 space for every 200 square feet of floor area. Parking calculates to 26 spaces for the Dunkin Donuts plus 13 spaces for the retail use for a total of 39 required spaces.

There are 24 existing parking spaces on-site. With the reconfiguration of the site to include a drive-thru, the developer proposes 19 parking spaces on-site. Additional vehicle spaces in the queuing line for a drive-thru shall be provided in accordance with the Code.

📖 **§ 155.078 DESIGN STANDARDS.**

(C) The following standards shall apply to required parking facilities:

(10) **Drive-through facilities.**

(a) In addition to the parking spaces required by § [155.077](#), uses with drive-through facilities shall provide on site sufficient spaces for vehicles queuing to be served by or otherwise waiting to do business at the facility; off site queuing is prohibited. Each space that is provided for queuing shall be at least 20 feet in length and ten feet in width. This space requirement shall be in addition to the space at the transaction station. These spaces shall not interfere with, block, or prevent the use or operation of parking spaces, parking aisles, access drives, or entrances.

(b) The following uses shall provide the adequate on site space for queuing required by this section, but in no case less than the number indicated hereafter:

1. Bank: five spaces per drive-through station;
2. Car wash: five spaces per wash station or line;
3. Gas station: one space per side per gas pump;
4. Pharmacy or drug store: four spaces per service lane;
5. Restaurant: seven spaces per station, five of which must be located in the area approaching the order board; and
6. Other: that number of spaces determined necessary by the Department.

For the Dunkin Donuts a “restaurant” use was applied requiring seven spaces, in addition to the space at the transaction station, with five of those in the area approaching the order board. An exhibit drawing submitted by the engineer depicts eighteen on-site spaces for vehicle queuing (see attached). Off-site queuing is prohibited.

A variance request was submitted for relief from the required number of parking stalls from 39 to 19. The Zoning Administrator granted the request on September 15, 2017.

Fourteen stalls are depicted at the front parking lot including one handicap space. A two-way drive aisle is proposed at the north side of the building providing access to and from the rear parking lot. Curbing and blacktop is proposed on the northern adjoining property to accommodate the two-way drive aisle. A written agreement was submitted by the northern adjoining property owner granting permission for the work on her property.

Five parking spaces, a dumpster, and a loading area are depicted in the rear lot. The drive-thru is proposed as a single lane around the rear of the building with the order board and pick-up window at the south side of the building. The developer proposes a post and chain fence to restrict vehicular access to the southern adjoining property.

On October 23, 2017, a waiver request from the requirement of a Traffic Impact Study was submitted by the engineer, on behalf of the owner, to the Department of Public Works. It included an explanation that a majority of traffic to the site equates to “pass through” traffic – convenience stops from vehicles traveling southbound on MD Route 32 enroute to a different destination – which would not unduly impact nearby intersections.

The request was approved by the Deputy Director of Public Works on November 2, 2017. The State Highway Administration (SHA) has reviewed the plan. The existing access from MD 32 meets the current commercial entrance standard and SHA has no objections to the proposal.

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

Building elevations are shown on sheets 3 and 4 of the drawing set. Building height is annotated as 17’-2”. Building materials are block, brick, and a standing seam metal roof.

Predominate colors are annotated as “Bittersweet Stem,” “Sand dollar,” “Smokey Topaz,” with “Obstinate Orange” trim and roof. A photometric plan is included on sheet 5. Four pole lights are depicted at a height of 21 feet in addition to building lighting. Lighting levels at the property lines are acceptable. The existing 14-foot high pylon sign is proposed to be reused.

Stormwater management (SWM) will be addressed by utilizing and improving the existing SWM system and adding a drywell. The plan is exempt from the Floodplain and Water Resources codes. Forest Conservation does not apply to this project.

The Landscape Manual requires a 15-foot wide landscape screen at the west property line which is depicted on the plan. Landscaping is required at the full length of the drive-thru. The developer obtained written consent from adjoining property owners to secure an exemption from Landscape Manual requirements at the drive-thru at the north and south property lines.

To address the Planning and Zoning Commission’s concerns of light trespass from drive-thru traffic onto the Piney Ridge Village property, a twenty-four foot long by six-foot high fence will be installed at the northwest corner of the site. At the recommendation of the Planning and Zoning Commission, employee parking will be located in the rear parking lot (see General Note 28). Twice the required queuing has been demonstrated and off-site queuing is prohibited.

❖ **Recommendations:**

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

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Utility Easement be granted to the County Commissioners of Carroll County and recorded by deed simultaneously with the Public Works Agreement.
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 any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

Discussion:

Laura Matyas presented the staff report.

Jeff Ziegler, CLSI and Shital Patel were present.

After much discussion regarding the limited parking, the Commission, on motion of Mr. Hoff, seconded by Mr. Wothers and carried, adjourned for a closed session for legal advice at 10:40 a.m.

Chair Soisson reconvened the meeting at 10:47 a.m.

Mr. Wothers asked if a double queue lane was considered because there are concerns about traffic backing up onto Route 32.

Mr. Ziegler stated they felt there was sufficient space in the existing lane but they would be willing to try the double lane.

Mr. Hoff asked if the Planning Commission could make a condition that when the retail space user is set, it would have to come back to the Planning Commission with proposed hours of operation and a sense of what the business would be.

Ms. Kessler stated the Planning Commission does not have a say of who can occupy the space and it is not appropriate. Ms. Kessler stated the Planning Commission can set the hours of operation now for the future occupant.

Mr. Ziegler and Mr. Patel stated they would consider setting limitations on the hours for the future occupant.

Mr. Wothers does not agree with mandating hours of operation for the retail space.

Mr. Hoff made a motion to approve the plan subject to additional conditions that the future retail user's hours not start before 10:00 a.m.

The motion failed for lack of a second.

Mr. Black addressed the issue of the double lane and stated he would bring it back to the Planning Commission for approval.

Citizen and partial owner of this project stated Westminster is the highest volume store and has never had more than 14 cars in line.

Decision:

The Commission, on motion of Mr. Wothers, seconded by Mr. Canale and carried, voted to approve the final site plan with the five conditions listed.

Mr. Hoff opposed the motion and stated his concern related to the limited parking spaces.

RECESS

FREEDOM COMMUNITY COMPREHENSIVE PLAN – APPROVAL DISCUSSION

Secretary Eisenberg reviewed the binder that contained comments received during the 60 day review period from May 9th – July 11th. This was provided to the Commission.

Chair Soisson stated he would like to get additional information on transportation and infrastructure items, wanting a more detailed transportation review. He referred to page 202, item 3 from the plan.

Mr. Hoff shared his thoughts about the public comments from the Public Hearing. Mr. Hoff would like to discuss the main items that were brought up by the public which included traffic, Luers Lane and high density residential. Mr. Hoff stated his frustration with some of the comments made by some of the members of the public.

Mr. Wothers brought up the settlement of the Warfield Complex. Mr. Wothers would like to review certain parts of the plan based on the current status of Warfield's settlement.

The Commission discussed receiving a briefing concerning the development of the Warfield Complex and site tour.

Mr. Canale agreed that an additional transportation study would be beneficial.

Secretary Eisenberg reviewed the results from the last transportation study. Secretary Eisenberg stated more specific and in-depth transportation studies would occur during site plan and development review processes.

The Commission would like staff to come back at the next meeting with suggestions about traffic studies.

The Commission would like to have an onsite visit at Warfield with the Owner/Developer.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

On motion of Mr. Hoff, seconded by Mr. Wothers and carried, the Commission adjourned at approximately 11:50 p.m.

Secretary

Approved