

MEETING SUMMARY
Carroll County Planning and Zoning Commission

August 21, 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
Alec Yeo
Stephen A. Wantz, Ex-officio

Members Absent: Janice R. Kirkner, Alternate

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

CALL TO ORDER/WELCOME

Chair Soisson called the meeting to order at approximately 9:06 a.m.

ESTABLISHMENT OF QUORUM

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

PLEDGE OF ALLEGIANCE

REVIEW AND APPROVAL OF AGENDA

On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Agenda was approved.

REVIEW AND APPROVAL OF MINUTES

The minutes from the August 1, 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 stated he approved the final plan for McDonald's in Eldersburg and noted the sign height had been lowered. Chair Soisson also approved the final plan for River Valley Ranch.

B. EX-OFFICIO MEMBER

Commissioner Wantz thanked the Board for their participation and service to this Commission.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg reviewed the Warfield visit that occurred on August 9, 2018. The Commission members expressed the positive result of their tour. Mr. Wothers reviewed his notes which included site plan facts presented by the Developer. The Commission discussed how the Warfield project impacts the Freedom Area. Mr. Yeo suggested adding language to the Freedom Community Comprehensive Plan acknowledging the Warfield project and how the potential development may influence the decisions made by the Commission. The Commission discussed a joint meeting with the Sykesville Planning Commission.

B. EXTENSIONS

Clay Black stated there were four extensions since the last meeting; Living Waters, Stillwater, Lake Forest Estates, and Rosie Acres.

Mr. Black announced personnel changes in the Bureau of Development Review; Kierstin Eggerl joined the Bureau, John Breeding is leaving the County.

C. BZA CASES

Arco Sen reported that one case was approved in July, Case No. 6095, and staff provided comments for five cases to be heard in August; Case No. 6026, Case No. 6099, Case No. 6100, Case No. 6101 and Case No. 6104.

D. OTHER

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

BUTTERCUP ANNEXATION - SYKESVILLE

Clare Stewart presented the staff report to the Commission. Ms. Stewart reviewed the Agency comments that were received.

Mr. Hoff asked if the owner would be drilling a well.

Staff stated the owner would not be drilling a well.

Secretary Eisenberg stated that Brooks Leahy, Attorney and Aretha Adams, Town of Sykesville, were in attendance if there were any questions.

On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Commission voted to forward the annexation, with the one condition outlined in the staff report, to the Board of County Commissioners with a positive recommendation.

CONCEPT SITE PLAN

SUBJECT: S-17-0042, Eldersburg Station

LOCATION: Intersection of Londontown Boulevard (south side) and Bevard Road (east side); E.D.5

OWNER: Main Street Eldersburg LLC, MSMI LLC, One West Pennsylvania Avenue, Suite 975, Towson, MD 21204

(Managing member: Dixon Harvey)

DEVELOPER: Black Oak Associates, One West Pennsylvania Avenue, Suite 975,
Towson, MD 21204

ENGINEER: DDC Inc., Development Design Consultants, 192 East Main Street,
Westminster, MD 21157

ZONING: B-G - General Business

ACREAGE: 7.97 acres

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Sykesville

MASTER PLAN: Restricted Industrial – 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 property is located at the southeast quadrant of Londontown Boulevard and Bevard Road. The property is currently vacant of any structures-an open field.

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

All adjoining properties to the west, east, and south are zoned either I-R (Restricted Industrial) or B-G (General Business). A Safeway grocery store is located directly to the west and a Home Depot directly to the north. All properties in this area are served by public water and public sewer systems.

❖ **Plan History:**

A site development plan, Main Street Eldersburg, was previously approved by the Planning Commission in 2008. Although approved by the Commission, no construction ever took place and that project approval expired.

The proposed Eldersburg Station development is located on lots 2A and 3A of Main Street Eldersburg, previously recorded in Plat Book 50 Pages 141 - 143.

❖ **Plan Review:**

A concept plan of the development proposal was submitted to Development Review and distributed on February 16, 2018. The plan identifies two buildings to be constructed: a 12,853 square foot/floor four-story Candlewood Suites Hotel (89 rooms) on amended lot 2B

and a one-story 6,000 square foot restaurant on amended lot 3B. Lots 2A and 3A will be reconfigured, through the amended plat process.

Hotels and restaurants are principal permitted uses in the B-G (Business General) zoning district. As only two uses are being proposed, this proposal does not meet the definition of a Planned Business Center (Chapter 158 defines Planned Business Center as "Three or more retail stores or service establishments designed as a unit and primarily served by common accessories such as signs, parking lots, arcades, and walkways.")

Access to the site will be by two new access points, a shared entrance from Bevard Road and a shared entrance from Londontown Boulevard. Cross easements will be established for the shared entrance and to permit vehicles to travel between both lots. Staff has commented on redesigning the Bevard Road entrance. The developer agrees.

Based on the projected trip generations a traffic study was submitted to both the County and the State Highway Administration. The Carroll County Department of Public Works has been working with the developer towards a traffic mitigation plan.

The State Highway Administration commented "No roadwork is proposed within MDOT SHA right-of-way and none is required. MDOT SHA has no objection to the proposed site development and requires no further review of this development proposal."

In accordance with § 158.078 (F.) of the Code "No structure shall exceed 50 feet in height..." Building elevations of the hotel are shown on sheets 9 and 10 of the drawing set. The height is shown as 47 feet. The B-G bulk requirements limit hotel structures to three stories. In case ZA-1774 (attached), the Zoning Administrator on May 2, 2018 granted a variance from three stories to four stories.

Chapter 155 of the Carroll County Code states that parking requirements for a hotel are "1 for each bedroom, plus 1 for each employee on the maximum shift" and restaurants are "1 for every 3 persons, based on maximum capacity". The parking tabulation identifies that the hotel would need 129 spaces; the plan proposes 131 parking spaces. The parking tabulation indicates that the restaurant would need 184 spaces while the plan proposes 187 parking spaces (the parking tabulation chart will be updated).

The development is served by public water and sewer. The Bureau of Comprehensive Planning has stated that although the existing land use designation is Restricted Industrial, on August 26, 2010, Rezoning Case 213 changed the zoning designation from Restricted Industrial to General Business and therefore the development proposal is consistent with the change. Additionally, the project is consistent with the April 2018 Planning Commission accepted Freedom Community Comprehensive Plan.

The hotel building materials and colors are depicted as a variety of earth tones EIFS with a neutral stone veneer base. Additional architectural elevations will be presented at the Planning Commission concept meeting. Architectural details for the restaurant have not been submitted; the restaurant area will be labeled as future restaurant and an amended site plan will be required for this structure at which time the architectural details will be provided.

A 5 foot high retaining wall is proposed at the north side of the site. Details, including height, materials, and colors will need to be provided on the final plan set.

A sidewalk will be constructed along Bevard Road and Londontown Boulevard for the full frontage of the property owned by Main Street Eldersburg (lots 2A, 3A, and 4A). A sidewalk is currently located along Londontown Boulevard beginning at MD Route 26.

One new 26' high pylon sign is proposed near the corner of Londontown Blvd. and Bevard Road. An area location is depicted on sheet 2. Sign details are shown on sheet 6. Individual sign details for each building will need to be included on the final plan set. Pole lights (32 feet mounted height) are proposed at new parking areas and building-mounted lights are depicted on both structures. A photometric plan is included in the set on sheet seven.

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

The plan will comply with requirements of fire protection. Fire hydrants are being provided with the location to be determined during final review. The building will be sprinklered.

Forest Conservation for the site was previously completed under Main Street Eldersburg development (purchase into an off-site bank). Landscaping is proposed in accordance with the Manual. Water Resources has approved the concept plan. The project is exempt from the Floodplain code.

Stormwater management will be provided through the construction of 3 bioswales, 6 micro-bioretenion facilities, pervious paving, and two pipe manifolds for 10 year storm event storage.

The concept site plan was subject to citizen involvement at the March 26, 2018 meeting of the Technical Review Committee. Four citizens signed in and no one spoke.

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

Discussion:

Clay Black presented the staff report.

Dixon Harvey and Ray Kiel, Black Oak Associates and Clark Shaffer, Attorney, were in attendance.

Mr. Harvey noted the letter from Jack Lyburn, Department of Economic Development, in support of the project.

Mr. Yeo asked how the rooms were set up.

Mr. Harvey stated there are kitchenettes in the rooms.

Mr. Soisson asked which entrance is expected to be used more and where the sign would be.

Mr. Harvey could not predict which entrance would be used more. Mr. Harvey stated the sign would be on the corner of Londontown Boulevard and Bevard Road.

There was discussion about the property being a planned business center. Mr. Black and Mr. Shaffer stated a hotel is not allowed in a planned business center.

Mr. Yeo asked how pedestrians will cross the roads.

Staff and the Engineer stated crosswalks will be included in the final plan.

Mr. Yeo asked if there was concern about the sharp turn at the end of Londontown Boulevard.

Mr. Shaffer stated there was no discussion about the sharp turn.

Mr. Wothers asked about foot traffic around the area.

Mr. Harvey stated a path would be possible.

Mr. Wothers asked what the complaints about the hotel were.

Kelly Shaffer, Attorney, stated it was generally about the hotel drawing undesirables, and wildlife that cross the road.

There was no public comment regarding the plan.

Decision:

Concept plan, no action requested.

RECESS

FINAL SITE PLAN

SUBJECT: S-17-0023, Eldersburg Crossing 2nd Amended
LOCATION: 1320 Liberty Road (MD Route 26); north side Liberty Road, east of Sykesville Road (MD Route 32), E.D.5
OWNER: Quantum Eldersburg, LLC, c/o Frederick K. Wine, 4912 Del Ray Avenue, Bethesda, MD 20814
(LLC members: Frederick K. Wine, Wine Family Eldersburg LLC, Quiet Cove LLC, The Exempt Trust under the Stuart G. Brown Irrevocable Trust III)
DEVELOPER: Same as owner
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: B-G - General Business
VARIANCE: ZA-1689 & ZA-1764
ACREAGE: 16.11 acres
WATERSHED: Liberty Reservoir
FIRE DISTRICT: Sykesville
MASTER PLAN: Restricted Industrial – Boulevard District – 2001 Freedom Community Comprehensive Plan
PRIORITY
FUNDING AREA: Freedom
DESIGNATED
GROWTH AREA: Freedom
WATER / SEWER
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.

❖ **Existing Conditions:**

The property is located at the northeast quadrant of Liberty Road (MD Route 26) and Sykesville Road, (MD Route 32). The property contains a single 103,518 square foot building with an additional 6,139 square feet of outdoor garden space. The entire 109, 657 square feet previously hosted a Walmart which was approved by the Planning and Zoning Commission in 1995. The Walmart store relocated to Eldersburg Commons in October, 2015.

An amended site development plan for the site was approved in April, 2016 by the Planning and Zoning Commission. The purpose of the amendment was to revise the site from a single-use to a planned business center and to add new pylon signs. Planned Business Centers are a principal permitted use in the B-G zoning district. The plan indicated a 109,657 square feet building, 6,139 square feet of which has been clarified as outdoor garden space.

Access to the site is via existing entrances from MD Route 26 and Bevard Road. Inter-parcel connectivity exists to the bank property located at the corner of Liberty Road and Sykesville Road. Code requires 5.5 parking spaces for every 1,000 square feet of floor area for a planned business center. There are 644 spaces currently on site which complies with Code requirements.

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

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

❖ **Plan Review:**

A concept plan proposing an expansion of the existing Planned Business Center was submitted to Development Review and distributed on July 24, 2017. The proposal includes two additions to the site; a 15,985 square foot multi-tenant retail building at the northwest corner of the site and a 4,737 square foot Wawa convenience store with 12 fueling stations at the southeast corner of the site. A new access has been approved by the State Highway Administration; a dedicated right-in from westbound MD Route 26.

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

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

On March 20, 2018, the Planning and Zoning Commission reviewed the concept site plan (see minutes attached). The Commission questioned the data utilized in calculating the parking requirements. In the Code, parking requirements for a Planned Business Center are based on square footage. The proposed parking at concept review was based on leasable area, as presented in a variance hearing on November 17, 2016, prior to the initial plan submittal.

In Case ZA-1689, the information provided to the Zoning Administrator used 86,770 square feet of leasable area in the existing building to calculate parking. The Zoning Administrator granted a variance from 5.5 parking spaces for every 1000 square feet of floor area to 4.5 parking spaces for every 1000 square feet of floor area.

At concept review, the Planning and Zoning Commission directed that the developer and engineer shall use the total square footage of the buildings, rather than leasable area, to calculate the parking requirements. The Commission acknowledged that this may necessitate another variance request.

A second variance request was made to the Zoning Administrator and heard on March 7, 2018 in Case ZA-1764. The request, taking into account the total building square footage, was for a variance from 5.5 parking spaces for every 1000 square feet of floor area to 3.82 parking spaces for every 1000 square feet of floor area. On April 4, 2018, the Zoning Administrator granted a variance to 4.23 spaces for every 1000 square feet of floor area, a multiplier to meet the required parking but not overextend the reduction.

The parking tabulation for Eldersburg Crossing uses 103,518 square feet for the existing building, 15,985 square feet for the proposed multi-tenant retail building, and 4,737 square feet for the proposed convenience store. The variance granted to 4.23 spaces per 1000 square feet equates to a total of 526 spaces required. The plan proposes 532 spaces.

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

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

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

The proposed land use is consistent with the 2001 Freedom Community Comprehensive Plan, as stated by the Bureau of Comprehensive Planning in their review. The development is served by public water and sewer. An existing water main along MD Route 32 will be relocated. Utilities has reviewed and approved the plan. An amended plat of New Carroll Center with revised utility easements and a parcel dedication to the State Highway Administration along MD Route 26 was processed and has been approved by all agencies. The plat and associated deeds shall be recorded simultaneously with, or prior to, the Public Works Agreement for Eldersburg Crossing 2nd Amended.

Building elevations are shown on sheets 22-26 of the drawing set. The Wawa convenience store height is shown as 23'-10". Building materials and colors are depicted as tan EIFS, a neutral stone veneer base, and gray and white metal trims. The twelve fueling stations are shown on sheet 23 with stone veneer piers and gray metal canopy framing to match the convenience store. The multi-tenant retail building elevations, on sheets 24-26, show a building height of 30 feet. Materials and colors include natural split face concrete, gray white, lariat, and limestone EIFS, and bronze aluminum storefront and detailing.

One 10-foot-high gray concrete retaining wall is proposed at west side of the retail building parking lot, running generally parallel to MD Route 32. One new 20'-0" x 7'-6 1/2" Wawa pylon sign is proposed near the new right-in from MD Route 26. A detail is provided on sheet 29. Pole lights mounted at 17'-0" and 20'-0" are proposed at new parking areas and building-mounted lights are depicted on the Wawa convenience store. A photometric plan is provided on sheets 19 and 20.

Fire Protection is being addressed with on-site hydrants and the retail building will be sprinklered. Forest Conservation for the site was previously addressed. Landscaping is proposed in accordance with the Manual. Water Resources has approved the plan. The project is exempt from the Floodplain code. Stormwater management (SWM) will be addressed through utilization of the existing on-site SWM facility and new bio-retention facilities.

❖ 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 the amended plat of New Carroll Center and associated deeds be recorded simultaneously with, or prior to, 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:

Clay Black presented the staff report.

Frederick Wine, Owner, Jeff Ziegler, CLSI and Kelly Shaffer, Attorney were present.

Ms. Shaffer revisited the parking tabulation and stated a new variance was granted after re-reading the code.

Mr. Yeo asked about sidewalks along Brevard Road section.

Ms. Shaffer stated sidewalks were not part of the original thought process with this site.

Mr. Yeo suggested there should be some way to connect to the Safeway plaza to promote connectivity.

Mr. Wothers agreed with the suggestion.

Ms. Shaffer stated this is a new suggestion for Mr. Wine and further investigation and discussions with Public Works and Black Oak Enterprises may be beneficial.

After much discussion, Mr. Wine stated if sidewalks can be worked out they will be added.

There was no public comment regarding this plan.

Decision:

On motion of Mr. Yeo, seconded by Mr. Canale and carried, the Commission voted to approve the Final Site Plan per Chapter 155 and subject to the five conditions listed in the staff report.

RECESS

FREEDOM COMMUNITY COMPREHENSIVE PLAN – UPDATE

Secretary Eisenberg and Mary Lane provided an update to the Commission regarding the BMC Freedom Traffic Study scope of work and timeline. The Commission agreed to wait for the newest data to become available and then begin the study. The Commission agreed to include various scenarios for the properties in question.

On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Commission voted to work with BMC to update the traffic study and include various scenarios for each of the three properties using 2017 data.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

On motion of Mr. Yeo, seconded by Mr. Wothers and carried, the Commission adjourned at approximately 11:35 p.m.

Secretary

Approved