

MEETING SUMMARY
Carroll County Planning and Zoning Commission

November 13, 2018

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair
Cynthia L. Cheatwood, Vice Chair
Daniel E. Hoff
Alec Yeo
Janice R. Kirkner, Alternate
Stephen A. Wantz, Ex-officio

Members Absent: Jeffrey A. Wothers
Eugene A. Canale

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

CALL TO ORDER/WELCOME

Chair Soisson called the meeting to order at approximately 9:02 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

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

REVIEW AND APPROVAL OF MINUTES

The minutes from the October 16, 2018 meeting were approved via a motion by Mr. Yeo, seconded by Mr. Hoff and carried.

PUBLIC COMMENTS

There were no public comments.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson stated he granted final approval of Benson Mill and the Verizon Tower at the Carroll County Agricultural Center.

B. EX-OFFICIO MEMBER

Commissioner Wantz recognized the Veterans in the room and thanked them for their service. Commissioner Wantz also spoke about the election and noted the two new Commissioners that will be taking office.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg presented a summary of her experience at the MPCA conference. Ms. Cheatwood also commented on the conference.

B. EXTENSIONS

There were no extensions.

C. BZA CASES

Arco Sen reported that one case was heard in October, Case No. 6110. There is one case to be heard in November, Case No. 6109.

D. OTHER

Commissioner Wantz and Secretary Eisenberg discussed the CTP Tour that was held on November 8th with Secretary Rahn and members of the cabinet.

ELECTION OF COMMISSION CHAIR, VICE CHAIR AND SECRETARY

Mr. Hoff nominated Lynda Eisenberg for the Board position of Secretary. The motion was seconded by Mr. Yeo and approved.

Mr. Soisson passed the gavel to Secretary Eisenberg for the election of Chair. Secretary Eisenberg declared the nominations open for the office of Chair. Mr. Hoff nominated Richard Soisson for the Board position of Chair. Mr. Yeo seconded the nomination. There were no other nominations. Mr. Soisson was voted in as Chair.

Chair Soisson declared the nominations open for the office of Vice Chair. Mr. Hoff nominated Cynthia Cheatwood for the office of Vice Chair. Mr. Yeo seconded the nomination and Ms. Cheatwood was voted in as Vice Chair.

ADMINISTRATIVE RULES – CONTINUED DISCUSSION

Secretary Eisenberg led the discussion on revising the Administrative Rules. Staff will make the recommended changes and present the updated Administrative Rules at the next meeting.

RECESS

CONCEPT SITE PLAN

SUBJECT: S-18-0019, South Carroll Gateway Industrial Park Lot 2
LOCATION: Wedekind Drive, west side of Old Washington Road (MD Rt. 97)
OWNER: SS97, LLC, c/o Chris Zumot, 1356 Beverly Road, Suite 250, McLean, VA 22101
DEVELOPER: Crusher Enterprises LLC, 901 Driver Road, Marriottsville, MD 21104

(LLC members: SALT LLC, Nabil Fahel, Bassam Zumot, Shahryar Y. Kashani, Saru Yaghi, James Caesar Ghaisar, William G. Carr)

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

ZONING: I-G – General Industrial

BZA CASE: 6079 - April 27, 2018

ACREAGE: 4.52 acres

WATERSHED: Patapsco - South Branch

FIRE DISTRICT: Sykesville

MASTER PLAN: Industrial - Heavy

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.

❖ **Property History:**

The subject property was created as Lot 2 of the South Carroll Gateway Industrial Park with a plan of subdivision recorded in Plat Book 50, Pages 97-99 in 2007 (see attached). Access is from Old Washington Road (Maryland Route 97) via a private use-in-common driveway, Wedekind Drive.

On April 26, 2018, the Board of Zoning Appeals (BZA) heard a request for a conditional use for a contractor's equipment storage yard and two above-ground 5,000-gallon petroleum storage tanks on the property and two variances from the distance requirements. In accordance with the Code of Public Local Laws and Ordinances of Carroll County, a contractor's equipment storage yard is restricted by distance requirements.

The request to the BZA included a reduction for the distance from a contractor's equipment storage yard to a lot less than three acres occupied by a dwelling at 7901 Old Washington Road from 600 feet to 323 feet for a total of 277 feet.

📖 **§ 158.080 "I-G" GENERAL INDUSTRIAL DISTRICT.**

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

- (3) Any conditional use set forth and as regulated in the "I-R" District.

📖 **§ 158.079 "I-R" RESTRICTED INDUSTRIAL DISTRICT.**

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

- (1) The following uses when the location of such use shall have been authorized by the BZA, provided that such use shall be subject to three times the distance requirements specified in

§[158.040](#):

- (c) Contractors' equipment and storage yards;

§ **158.040 DISTANCE REQUIREMENTS.**

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

- (1) Any lot in an Residence District;
- (2) Any lot of less than three acres occupied or intended to be occupied by a dwelling not located on the same lot as the said use or buildings;
- (3) Any lot occupied by a school, religious establishment, or institution for human care; or
- (4) The curtilage area within a lot of three or more acres improved by a dwelling.

Petroleum storage tanks are a conditional use in the General Industrial District with specific distance requirements. The request to the BZA included a reduction for the distance from the tanks to the property line from 100 feet to 70 feet for a total of 30 feet.

§ **158.080 "I-G" GENERAL INDUSTRIAL DISTRICT.**

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

- (1) The following uses, when the location of such use shall have been authorized by the BZA, provided that such use shall not be less than 1,000 feet from any Residence District governed by this chapter, except an "I-R" District, and four times the distance requirements as specified in § [158.040](#):

- (l) Petroleum products, refining or storage above ground in tanks in excess of 2,000 gallons, provided that all state and federal laws, as well as NFPA codes are complied with the storage of petroleum products shall comply with setback requirements as specified by NFPA, but not less than 100 feet from all property lines.

The BZA approved the use and the distance variance requests (see decision, attached).

❖ **Existing Conditions:**

The subject property is a 4.52-acre General Industrial-zoned property located on the west side of Old Washington Road (MD Route 97). In June, 2018 a grading investigation revealed activity on site and a Stop Work Order was posted. On July 23, 2018 this plan was submitted to address the proposed use for the site. Excluding a mobile crusher and material stockpile near the southern property line, the lot is vacant, generally level land. The grade elevation sits below the road elevation and a steep slope defines the western property line.

Access is from an existing use-in-common driveway, Wedekind Drive, which serves Lots 1-6 of the South Carroll Gateway Industrial Park. Wedekind Drive is accessed from Old Washington Road (MD Route 97). The Industrial Park lies just north of the Carroll / Howard County line.

The property is outside of priority funding areas, designated growth areas, and water and sewer service areas.

Adjoining properties to the north, east, and south are in the South Carroll Gateway Industrial Park and share the General Industrial zoning. The property to the south has an approved site development plan from 2002 for Arbor Valley Landscaping. The property to the north has an approved site development plan from 2008 and is occupied by Southern States. Lot 5 has a site development plan in process for a contractor's equipment storage yard. A Pre-submittal Conference was held on October 24, 2018 for adjoining Lot 4 to the east. It is proposed to

host a propane storage facility. Lot 6 has grading only plan in the review process. A grading only plan is also in process to correct existing inadequacies with the Industrial Park's stormwater management facility. Properties across Old Washington Road lie within the Agricultural Zoning District and are built with single-family residences.

❖ **Plan Review:**

The developer proposes two 5,000-square-foot buildings for material and equipment storage and office use for Crusher Enterprises, an ancillary business to an excavation and recycling operation owned by Mr. Ingram. In addition to the buildings, the site will be occupied by material stockpiles, a mobile crusher, and two 5,000-gallon above-ground petroleum storage tanks. The buildings will be served by a well and septic system.

In their review, the Department of Planning determined the proposed use to be consistent with the 2014 Carroll County Master Plan land use designation; Industrial - Heavy.

Both gravel and paved parking areas will serve the contractor's equipment storage yard. Required parking for the site calculates to 10 spaces and 10 parking stalls are provided at Building A. Site Compliance Review has commented that front main doors must be accessible and an accessible route must be provided to main entrances. The plan indicates a maximum of 6 employees to be on site.

Building elevations are shown on sheet 9 of the plan set. Height at the gable roof peak is dimensioned as 30 feet. The single-story, tan, metal-sided buildings with tan metal roofing and green metal trim maintain the typology of the buildings in the industrial park. Four overhead doors line a long elevation on each building and two person-doors provide access at office spaces. Minimal windows are depicted. Signage proposed includes a building-mounted sign above the office entrance. New lighting will be building-mounted.

With the subdivision of South Carroll Gateway Industrial Park, a Class B landscape screen was required along Wedekind Drive. The plantings have since diminished. With the proposed use, the Landscape Manual requires a Class A screen. Landscape Review commented that any acceptable remaining plantings may be used in combination with new plantings to comply with the Manual. Forest conservation was addressed with the subdivision plan.

With the subdivision plan for the Industrial Park, the regional stormwater management facility was designed to include the runoff from Lot 2. The site development plan proposes a bioswale to carry runoff to a storm drain pipe system discharging to the regional facility.

The plan is exempt from Floodplain Management. The concept plan is acceptable to Water Resources Review and Grading Review. Engineering Review and the State Highway Administration have approved the plan with existing access. The Health Department has approved the plan at a concept level with well and septic system. Site Compliance Review commented that main doors and path of travel to them shall be accessible. An existing 60,000-gallon tank for the entire Industrial Park meets the requirements of Fire Protection.

The concept plan was presented to the Design and Architectural Review Committee on August 14, 2018. The Committee made the following observations:

1. The windows are sizeable in relation to the person doors.
2. The window lite pattern is inconsistent.

The proposed site plan was subject to Citizen's Involvement during the August 27, 2018 Technical Review Committee meeting. One citizen signed in regarding the project but did not speak at the meeting and no written comments were forwarded to the Bureau of Development Review.

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.

Bill Ingram, Crusher Enterprises and Richard DeMario, DDC, Inc. were in attendance.

Mr. Yeo asked if the pavement from the handicapped spot goes up to the building.

Mr. DeMario stated there is a sidewalk that will go from the handicapped space to the door of the building.

Mr. DeMario stated the second building is an equipment building and handicapped parking spots are not required.

Mr. Yeo asked staff if there would be different requirements for a mobile crushing unit versus a permanent crushing facility.

Secretary Eisenberg and Ms. Mayas stated there would potentially be different requirements.

Mr. Hoff asked why the windows were not symmetrical around the door.

Mr. Ingram stated the intent is for them to be symmetrical and centered.

Decision:

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

CONCEPT SUBDIVISION PLAN

SUBJECT: P-17-0048, Mineral Hill Property

LOCATION: 5734 Mineral Hill Road - South side of Oklahoma Road at Mineral Hill Road, E.D. 5

OWNER: Mineral Hill Property, LLC, 11175 Stratfield Court, Marriottsville, MD 21104
(LLC members: Robert Scranton, Frank E. Potepan III)

DEVELOPER: Same as owner

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

ZONING: R-20,000

ACREAGE: 9.2747 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: 14

FIRE DISTRICT: Sykesville

MASTER PLAN: Residential Medium– 2018 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 Major Subdivision Plan. **No action is requested.**

❖ **Existing Conditions:**

The subject property hosts one residence located at the corner of Mineral Hill and Oklahoma Roads and a barn outbuilding. Two existing driveway entrances, one at Mineral Hill Road and a second at Oklahoma Road, serve the property.

From Oklahoma Road, the property slopes downward towards the southern property line with approximately 100 vertical feet of elevation change. A springhead and stream form near the western property line towards the southern portion of the site. There are no FEMA Floodplains on site. Of the property's 9.27 acres, 4.57 acres are forested.

The property's sewer plan designation was previously split between Priority (0-6 years) and No Planned Service. On May 3, 2017, the Maryland Department of the Environment approved the Fall 2016 Amendment to the 2014 Water & Sewer Master Plan which included a reclassification of the property's 6.01 acres of No Planned Service into the Priority area. The subject property lies in the Existing / Final Planning Water Service area.

At the northwest corner of the property, two adjoining parcels host residences with access to Oklahoma Road. Bordered by Rolling View, a 1960s subdivision, to the east and south and a 10.63-acre Lot 1 of Ashby Estates to the west, the subject property shares an R-20,000 zoning designation with all adjoining properties. Rolling View is developed with single-family residences on lots that average 16,000 square feet.

❖ **Plan Review:**

The developer proposes to create fourteen new, clustered lots of subdivision on the property. Clustering is permitted in the R-20,000 zoning district in accordance with Chapter 155.095 of the Code of Public Local Laws and Ordinances of Carroll County. Both a conventional plan and a cluster plan were submitted for review. Following a Technical Review Committee meeting on October 23, 2017, the Planning and Zoning Commission reviewed the project as a Special Report on December 19, 2017 for a determination regarding a cluster plan of subdivision and deviation from the open space requirements. The Commission accepted the cluster plan and the open space deviation (see minutes attached).

Lots range in size from 11,683 square feet to 24,142 square feet. Lot widths measure 80 feet at minimum. Setbacks are depicted as 25 foot front, 8 foot side, and 35 foot rear yards. Lot 1 hosts the existing dwelling and private driveway.

Access is proposed from Oklahoma Road onto Road A, a cul-de-sac and proposed County road. The intersection spacing distance to Mineral Hill Road does not meet the requirements of the Design Manual for Roads and Storm Drains. To address the deficiency, the developer submitted a waiver request to the Department of Public Works for a reduction from the required 500 feet to 340 feet. On November 2, 2017, the waiver was approved by the Deputy Director of Public Works.

In accordance with Engineering Review's comment letter, road improvements will be required along the property frontage on Oklahoma Road and Mineral Hill Road as well as at the intersection. The intersection improvements were required by the County to be designed as future improvements by the engineer of the Adams Paradise site development plan for

5825 Oklahoma Road. They will be realized with the development of this subdivision. Trip generations have been provided on sheet 1 and the totals indicate that a Traffic Impact Study is not required.

The Development Review Manual states, "Sidewalks are required on both sides of all roads designed for or contiguous to... residential development in the...R-20,000 zones." Sidewalk will need to be provided at Road A and along the extents of the subject property at Oklahoma Road and Mineral Hill Road.

A private use-in-common drive extends approximately 330 feet from the end of Road A to serve Lots 9, 10, 11, and 12. 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.

All lots will be served by public water and sewer systems. A water line will tie in to the existing line at Oklahoma Road. The proposed sewer line will connect to an existing line in Hanna Road. This necessitates crossing an adjoining property in the Rolling View subdivision. An easement agreement with the Copley adjoining property owner has been recorded. At the Special Report presentation to the Commission, the proposed sewer line was proposed to connect at Oklahoma Road, requiring uphill pumping from the lots. The revised sewer line instead utilizes gravity flow.

As required by cluster provisions, an area of open space of 1.219 acres (53,082 square feet) the difference between the 20,000 square foot minimum lot size and the proposed lot sizes is necessitated. The developer proposes Parcel C with 2.162 acres (94,174 square feet) of open space at the southern portion of the property.

In accordance with the Code, "a minimum of 10% of the required open space or one and one-half acres, whichever is greater, shall be suitable for active recreational use." For this proposal, 10% of the required open space equals 0.1219 acres, so a minimum of 1.5 acres is required. This active open space acreage requirement is greater than the required open space acreage. The Commission may approve deviations from the percentage requirements for properties containing less than 10 acres.

A total of zero acres on the open space parcel are proposed as active open space. With consideration of the stormwater facility being underground, which will allow active recreational uses to occur on Parcel B, the Commission approved the deviation from the Code requirement on December 19, 2017 at the Special Report presentation. The County has first right of refusal of Open Space Parcel C. Both Resource Management and Facilities have recommended that the County decline the parcel.

The subject property is in a Priority Funding Area and Designated Growth Area. The proposed land use is consistent with the 2018 Freedom Community Comprehensive Plan, as stated by the Department of Planning in their review.

The plan is exempt from Floodplain codes. A Water Resource Protection Easement at the variable stream buffer will be established and granted to the County. The easement will be located on both Open Space Parcel C and Stormwater Management Parcel B. The developer anticipates addressing Forest Conservation on-site with an easement established on Open Space Parcel C. The side yard of Lot 2 is required to be screened at Oklahoma Road in accordance with Landscape Manual requirements.

The Bureau of Resource Management has granted concept Stormwater Management approval. Stormwater management (SWM) will be addressed with an underground facility on Parcel B, grass swales, and drywells.

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. At the Concept stage, Freedom Elementary School is approaching inadequate.

Discussion:

Laura Matyas presented the staff report.

Frank Potepan, Mineral Hill Property LLC, and Martin Rickell, CLSI, were present.

Mr. Yeo asked about first floor sewer service only notes.

Mr. Rickell stated if the customer would like to put a bathroom in the basement it would require an ejector pit.

Mr. Hoff asked what the approximate square footage and price points would be for the homes.

Mr. Potepan stated the homes would be approximately 2,300 – 2,800 square feet and would start at the mid to upper \$400,000 range.

Mr. Yeo addressed the concern for a use in common driveway declaration of maintenance agreement.

Decision:

No action is required.

RECESS

CHAPTER 158 – BOARD OF ZONING APPEALS – PROPOSED TEXT AMENDMENT

Tim Burke, County Attorney, presented the proposed text amendment to the Commission. The purpose of the text amendment is to reduce or eliminate the requirement for newspaper postings for BZA cases.

Mr. Yeo questioned if there is a way to archive electronic postings for future reference.

Commissioner Wantz stated his concern for citizens who do not have access to the internet.

The Commission also discussed improvements to the signs.

On motion of Mr. Yeo, seconded by Mr. Hoff and carried, the Commission voted to forward text amendment version 1 (no advertising requirement) to the BCC with a favorable recommendation.

MOUNT AIRY ANNEXATION # 41 – DORSEYTOWN

Clare Stewart presented the staff report for the Annexation.

Noel Manalo, Attorney representing the petitioners, was present.

Mr. Yeo asked for information about the density change.

Mr. Manalo stated the annexation area currently consists of existing residents. Mr. Manalo stated the undeveloped portion would be approximately four to five additional units.

On Motion of Mr. Hoff, seconded by Ms. Kirkner and carried, the Commission voted to forward the Annexation with a favorable recommendation to the BCC.

PUBLIC COMMENT

There were no public comments.

The Commission discussed canceling the December 5th evening meeting. Staff will confirm and send out an email.

Mr. Yeo suggested setting up a joint meeting with the new Board of County Commissioners in January or February to discuss future expectations.

ADJOURNMENT

On motion of Mr. Hoff, seconded by Ms. Kirkner and carried, the Commission adjourned.

Secretary

Approved