

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

**December 18, 2018**

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair  
Cynthia L. Cheatwood, Vice Chair  
Jeffrey A. Wothers  
Eugene A. Canale  
Daniel E. Hoff  
Alec Yeo  
Janice R. Kirkner, Alternate  
Stephen A. Wantz, Ex-officio (term ended)  
Ed Rothstein, Ex-officio (term began)

Members Absent:

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

**CALL TO ORDER/WELCOME**

Chair Soisson called the meeting to order at approximately 9:11 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 November 13, 2018 meeting were approved via a motion by Mr. Yeo, seconded by Mr. Canale and carried.

**PUBLIC COMMENTS**

Mary Kowalski, citizen, stated her suggestions and feedback regarding the Comprehensive Rezoning process.

**COMMISSION MEMBER REPORTS**

**A. COMMISSION CHAIRMAN**

Chair Soisson stated that he approved two Plans since the last meeting; Alloway Creek and Keymar Fertilizer.

**B. EX-OFFICIO MEMBER**

Commissioner Wantz thanked the Commission for their service as he stepped down from his position as Ex-officio. Commissioner Rothstein began his appointment as Ex-officio.

**C. OTHER COMMISSION MEMBERS**

There were no other reports.

**ADMINISTRATIVE REPORT**

**A. ADMINISTRATIVE MATTERS**

Secretary Eisenberg welcomed Commissioner Rothstein to the Planning Commission and noted that each member has been given a final copy of the Freedom Community Comprehensive Plan.

**B. EXTENSIONS**

Clay Black stated there were two extensions since the last meeting; 44 Liberty Road and Shipley's Choice.

Mr. Black introduced two new employees in the Bureau of Development Review; Andrea Barko, Engineering Reviewer and David Becraft, Development Review Coordinator.

Mr. Black also introduced the 2018 Concurrency Management Report. The Commission will review the report and at the next meeting Mr. Black will address any questions or comments.

**C. BZA CASES**

Arco Sen reported that the November case was dropped by the Applicant. Mr. Sen stated there are two cases to be heard in January, Case No. 6116 and Case No. 6117.

**D. OTHER**

**ADMINISTRATIVE RULES – CONTINUED DISCUSSION**

Secretary Eisenberg reviewed the changes that have been suggested in earlier meetings. The Commission and staff discussed recusals, applicant responsibilities, citizens stating their address during public comment and language regarding assisted living facilities. Staff will work on the changes and have the document ready for the next meeting.

**WATER AND SEWER MASTER PLAN TRIENNIAL UPDATE**

Secretary Eisenberg introduced background information regarding the Triennial Update and Price Wagoner presented the document to the Commission.

Mr. Canale suggested that a brief summary be incorporated into the document.

Mr. Yeo asked if the current record rainfall has caused any changes to the information or needed to be addressed anywhere in the update.

Mr. Wagoner stated he would check with MDE to see if there are additional comments to include regarding rainfall.

On motion of Mr. Yeo, seconded by Mr. Canale and carried, the Commission certified that the Triennial Update is consistent with the Freedom Community Comprehensive Plan and the Master Plan and voted to forward the Triennial Update to the Board of County Commissioners for approval and further consideration.

## **BICYCLE PEDESTRIAN MASTER PLAN – CHAPTER 8 INTRODUCTION**

Clare Stewart presented Chapter 8, Implementation Strategies, to the Commission. Ms. Stewart reviewed the Goals of Chapter 8 and presented an overview of the chapter. Ms. Stewart outlined the next steps for the Plan which includes full document acceptance and a 60-day review period with outreach meetings.

Mr. Yeo suggested changing “multi-mile” projects to “mutually beneficial” projects. Mr. Yeo also noted the reference to ads in the newspaper and suggested modifying the language based on recent amendments regarding newspaper postings by the Board of County Commissioners.

### **RECESS**

Upon returning from recess, Jeff Wothers, current Chairman of the Board of Carroll Hospital Center, and Alec Yeo, member of the Board of Directors of Carroll Hospital Center, noted their involvement with the hospital and stated it would not affect their ability to review the plans. The remaining members of the Planning Commission acknowledged their relationship with the hospital and did not object to including them in the review of the projects.

Clay Black reviewed the Development Review process for the benefit of Commissioner Rothstein, the new Ex-officio.

### **CONCEPT SITE PLAN**

SUBJECT: S-18-0013, Carroll Hospital Center Nursing Home Facility  
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: 39.17 acres  
WATERSHED: Double Pipe Creek  
NO. OF UNITS: 60 beds  
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 plan is before the Planning and Zoning Commission per Chapter 158.070(E)(1)(r) for review of the site development plan and traffic study, and determinations regarding density, exterior design, and site layout. **Action is required.**

❖ **Site Plan History:**

On July 17, 2018 the Planning and Zoning Commission reviewed a concept plan for a proposed access drive and parking lot reconfiguration at the Carroll Hospital Center. At that meeting, staff communicated the Carroll Hospital Center's plan for development of a nursing facility along Washington Road (MD Route 32) between Stoner Avenue and Memorial Avenue, with access proposed strictly from the new access drive. Plans for the nursing facility were submitted to Development Review on April 23, 2018.

The concept site plan was subject to citizen involvement at the May 29, 2018 meeting of the Technical Review Committee. No citizens signed in or spoke at the meeting. The Bureau Chief from the Bureau of Aging & Disabilities was in attendance to gain an understanding of the project. One citizen phoned Development Review for information on the plan proposal.

A nursing home is a conditional use in the R-20,000 zoning district. In accordance with the Code, the Planning and Zoning Commission shall review the concept site development plan and traffic study review for determination of density, exterior design, and site layout. This shall occur prior to the request to the Board of Zoning Appeals for a conditional use of a nursing home in the R-20,000 Zoning District.

📖 **§ 158.073 R-20,000 RESIDENCE DISTRICT.**

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

- (1) Nursing homes, retirement homes, continuing care retirement communities and assisted-living facilities, hospitals (Class A), medical and dental clinics, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;

❖ **Existing Conditions:**

The 39.17-acre subject area is comprised of three parcels owned by the Carroll Hospital Center. All parcels are in the R-20,000 zoning district. On the largest parcel lies the Carroll Hospital Center campus and the Hospital's White Rabbit Thrift Store, to be demolished in conjunction with the new access drive project. The two smaller parcels each host residential structures, addressed as 552 and 560 Washington Road, to be demolished in conjunction with the new access drive project. The demolition also includes removal of those properties' individual private drives to 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 Carroll Hospital Center campus.

Existing access points on Stoner Avenue, Gist Road, and South Center Street serve internal drives and parking lots on the Hospital campus. Existing Memorial Drive is an internal private drive intersecting South Center Street, bearing 90 degrees southeast, and connecting to Gist Road. This 90 degree bend is the terminus for the proposed new access road which runs parallel to Gist Road and intersects Stoner Road.

Pedestrian walkways are present within the campus, at the west side of South Center Street, partially along the property frontage at Gist Road, and partially along the property frontage at Stoner Avenue. The access road project proposes providing continuous sidewalk along Stoner Avenue by connecting the existing segments.

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.

The property is adjoined on the south by R-20,000-zoned lots built with single-family dwellings with private drives to Gist Road and Washington Road. Across Stoner Avenue to the east sits Carroll Hospital's Hospice Center. To the west, across South Center Street and in the Conservation Zoning District, is the Carroll County Farm Museum. Adjoining at the north property line, and also zoned R-20,000, are Carroll Springs School and the Westminster Senior and Community Center.

❖ **Plan Review:**

The developer proposes to construct a 60-bed, 45,780 square-foot nursing home across three parcels. An amended plat will be processed to consolidate the three parcels creating a single, 39.17-acre property. Chapter 158 of the Carroll County Code of Public Local Laws and Ordinances, Zoning Regulations, outlines the bulk requirements for nursing homes in the R-20,000 Zoning District.

📖 **§ 158.073 R-20,000 RESIDENCE DISTRICT.**

(G) **Bulk requirements.** The following minimum requirements shall be observed, subject to the modified requirements in § [158.130](#):

(2) **Nursing homes and assisted living facilities.**

Use	Lot Area	Lot Width (feet)	Density	Front Yard Depth (feet)	Side Yard (Width Each Side Yard) (feet)	Rear Yard Depth (feet)
Nursing homes, assisted living facilities	45,000 sq. ft.	150	1 bed / 3,000 sq. ft. <sup>1</sup>	50 <sup>2</sup>	40 <sup>2</sup>	50 <sup>2</sup>
<sup>1</sup> For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and the Carroll County Health Department upon the review and approval of the site development plan.						
<sup>2</sup> As lot area increases above the minimum of 45,000 square feet, increased provision for front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.						

The Code requires a minimum lot size of 45,000 square feet (1.03 acres) for nursing homes in the R-20,000 Zoning District. The consolidated parcels will result in a 39.17 acre lot. The minimum lot size is met.

Whereas the site exceeds 180,000 square feet, density shall be determined by the Planning and Zoning Commission and the Carroll County Health Department. The proposed 60-bed facility calculates to a density of 1 bed / 28,437 square feet. The Health Department has approved the plan with public water and sewer.

The Code states that as lot area increases above the minimum 45,000 square feet, increased provisions for front, side, and rear yard depth shall be determined by the Planning and Zoning Commission and the Carroll County Health Department. Minimum required front yard depth is 50 feet, side yard depth is 40 feet, and rear yard depth is 50 feet. On the plan, front yard depth is dimensioned as 83 feet and side yard depth is dimensioned as 140 feet. The Health Department has approved the plan with public water and sewer.

The first floor level of the T-shaped building has a footprint of 34,925 square feet. A partial lower level at the central part of the building has 10,855 square feet of space. The nursing facility fronts Washington Road with a one-story building elevation. A grade change results in a two-story rear building elevation with a walk-out lower level.

Height regulations are outlined in Chapter 158, Zoning Regulations. The developer proposes a one-story front building elevation measuring 29 feet from grade to the peak of the roof. The maximum building height permitted by Code is 35 feet. The design complies with 158.073(F) of the Code.

In accordance with 158.130(E) of the Zoning Code, an exception to building height is permitted on a lot with a grade change exceeding 7%. The grade change depicted is 15%. Code allows an additional story on the downhill side of a building provided the height limits are otherwise in compliance. The design complies with 158.130(E) of the Code.

 **§ 158.002 DEFINITIONS.**

**BUILDING HEIGHT.** The vertical distance from grade plane to the height of the highest roof surface.

 **§ 158.073 R-20,000 RESIDENCE DISTRICT.**

(F) **Height regulations.** No principal structure shall exceed two and one-half stories or 35 feet in height, and no accessory structure shall exceed two stories or 20 feet in height, except as provided in § [158.130\(E\)](#).

 **§ 158.130 EXCEPTIONS AND MODIFICATIONS.**

(E) **Height.**

(3) On any lot where the average finished slope adjoining the building exceeds 7% grade, one story in addition to the number permitted in the zone in which such lot is situated shall be permitted on the downhill side of any building erected, but the building height limit shall not otherwise be increased above that specified for the zone.

Access is proposed strictly from the new access drive. A loading area at the building's lower level is accessible directly from the access drive. The dumpster is annotated to be within the lower level of the building. Approximately 120 feet from the intersection at Stoner Avenue, the nursing home access drive aligns with a parking lot access point. The private drive, 24

feet wide to accommodate two-way traffic, climbs uphill to the nursing home parking lot. The site continues to climb in elevation toward Washington Road which sits at an elevation 10 feet above parking lot grade and building's first floor finished elevation.

Two symmetrical parking lots, each with 40 stalls, mirrors across a central porte cochere. The total numbers of parking spaces required for this development, based on 60 beds and 30 employees, is 30 spaces. There are 80 parking spaces shown on the site plan.

A two-way vehicular bypass for the port cochere drop-off and pick-up area is depicted with a retaining wall at its south edge. The retaining wall measures approximately 100 feet long and is dimensioned at a 6 foot maximum height on sheet 9. Material and color details will need to be provided in the final plan set.

Guardrail, sidewalk, and landscaping are proposed within the State Highway Administration (SHA) right-of-way. The sidewalk will connect sidewalk along Stoner Avenue, proposed in conjunction with the new access drive project, to existing sidewalk along Gist Road. Upon completion of both projects, sidewalk will be in place from the intersection of South Center Street and Gist Road to the northern most point of the property along Stoner Avenue.

Engineering Review required a Traffic Impact Analysis (TIA) which was reviewed by both the County and SHA. Both Engineering Review and SHA concurred with the TIA which found that no improvements were necessary.

Public water and sewer will serve the building. Water and sewer services are within the jurisdiction of the City of Westminster. The City has reviewed and approved the plan. The building will be equipped with an automatic sprinkler system to comply with Fire Protection.

In their review, the Department of Planning determined that the proposed plan is consistent with the land use designation. Recommendations from Planning to "address additional pedestrian safety and access, landscaping, and community design" and insure consistency with elements of the 2009 City of Westminster Comprehensive Plan and the 2014 Carroll County Master Plan were provided. Suggestions include reversing the location of the building and parking lot so that the building fronts on Washington / Gist Road, provide sidewalk along Memorial Avenue from Gist Road to the new access road, provide sidewalk along the length of the south side of the new access road, provide landscaping along the south side of the new access road, provide a crosswalk at the access drive to the nursing home.

A photometric plan is provided on sheet 5. Two 15-foot tall pole lights line the access drive. Four 20-foot tall pole lights illuminate the parking lots. Lighting levels at the property lines are indicated as zero. Any new signage must be depicted; location, details, dimensions, materials, and colors shall be included on the final plan set.

Building elevations are provided on sheets 7 and 8 of the concept plan set. The design uses brick veneer and vinyl siding with split-face concrete block at the lower level on the rear and side elevations. Roofing is annotated as asphalt shingles. Material colors shall be included in the final plan set.

On May 8, 2018, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. Comments and suggestions include:

1. A 3D rendering of the building, to include landscaping, the retaining wall, and the guardrail, would be beneficial. The building sits lower than Washington Road and has a steep pitched roof which will be a dominant feature. What is the view from the

- neighborhood across Washington Road? What is the view from Washington Road? Gist Road? Margaret Avenue?
2. The building elevations indicate extensive use of vinyl. A more substantial material would be preferable.
  3. Why is the roof pitch so steep?
  4. There are significantly large trees, 80 foot, proposed next to Washington Road. The species are suited for Maryland, but the heights are excessive.
  5. What are the materials and colors of the retaining wall?
  6. Where will the HVAC units be located?

The Bureau of Resource Management has granted concept Stormwater Management (SWM) approval. A regional facility will provide stormwater management for the site. Landscaping is proposed at the parking lot, along Stoner Avenue, and along Washington Road. Forest Conservation is being addressed with the site development plan for the Carroll Hospital Center Access Drive, S-17-0033. The plan is exempt from Floodplain Management. The concept plan is acceptable to Water Resources Review and Grading Review.

The final site plan will be tested and reviewed for conformity with Chapter 156 of the Code of Public Laws and Ordinances of Carroll County Maryland: Adequate Public Facilities and Concurrency Management.

### **Discussion:**

Clay Black presented the staff report.

Isaac Menasche, Attorney, Jeff Ziegler, CLSI, and Marty Spielman, Carroll Hospital Center, were present.

Mr. Spielman stated this is a replacement facility.

Mr. Hoff stated the number of beds being requested is within reason.

Mr. Yeo offered suggestions regarding designated ambulance parking spaces and a larger canopy to accommodate transport vehicles loading and unloading patients.

Mr. Hoff asked for clarification regarding the road, sidewalk, and steep slope down to the building. Mr. Ziegler stated a guardrail will be installed along the sidewalk.

Mr. Spielman stated the HVAC equipment will be hidden by a mansard in the roof.

Mr. Spielman also stated the bulk of the building is brick but they are trying to introduce other elements such as vinyl.

### **Decision:**

Pursuant to Chapter 158, the Commission, on motion of Mr. Hoff, seconded by Ms. Kirkner and carried, voted to approve the density of 60 beds, the traffic study, the exterior design and site layout. Mr. Yeo abstained from voting.



## **CONCEPT SITE PLAN**

SUBJECT: S-18-0028, Carroll Hospital Center Rehabilitative Services Building Expansion

LOCATION: 200 Memorial Drive at South Center Street, 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: 39.17 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.

### **❖ Site History:**

Carroll Hospital Center is currently processing three site development plans for their campus. Carroll Hospital Center Access Drive, S-17-0033, was submitted on January 23, 2018. Carroll Hospital Center Nursing Home Facility, S-18-0013, was submitted on April 23, 2018. The subject project, Carroll Hospital Center Rehabilitative Services Building Expansion, S-18-0028, was submitted on October 22, 2018. At least twenty-four site plans have been processed and approved between 1987 and 2013 for the development of the Carroll Hospital Center campus.

### **❖ Existing Conditions:**

The 39.17-acre subject area is comprised of three parcels owned by the Carroll Hospital Center. All parcels are in the R-20,000 zoning district. On the largest parcel lies the Carroll Hospital Center campus and the Hospital's White Rabbit Thrift Store, to be demolished in conjunction with the Carroll Hospital Center Access Drive, S-17-0033.

The two smaller parcels each host residential structures, addressed as 552 and 560 Washington Road, to be demolished in conjunction with the new access drive project. The demolition also includes removal of those properties' individual private drives to Washington Road. The Washington Road frontage is proposed to be developed with a nursing home under the site plan for the Carroll Hospital Center Nursing Home Facility, S-18-0013. An amended plat will be processed to consolidate the three parcels creating a single, 39.17-acre property.

The medical campus contains multiple structures including the main hospital building, Billingslea Building, Fisher Building, Dixon Building, cancer center, and a parking garage. 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 within the campus, at the west side of South Center Street, partially along the property frontage at Gist Road, and partially at Stoner Avenue. The access road project and the nursing home project propose extending the pedestrian network within the site and along the major roads that the property fronts. Upon completion of both projects, sidewalk will be in place from the intersection of South Center Street and Gist Road to the northern most point of the property along Stoner Avenue.

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.

The property is adjoined on the south by R-20,000-zoned lots built with single-family dwellings with private drives to Gist Road and Washington Road. Across Stoner Avenue to the east sits Carroll Hospital's Hospice Center. To the west, across South Center Street and in the Conservation Zoning District, is the Carroll County Farm Museum. Adjoining at the north property line, and also zoned R-20,000, are the Carroll Springs School and the Westminster Senior and Community Center.

❖ **Plan Review:**

The developer proposes to construct a 40,700 square-foot building addition at an interior corner of the hospital along the South Center Street façade. The basement level of the building has a footprint of 12,500 square feet. The first, second, and third floors each have a footprint of 9,400 square feet. Although the Hospital will gain 40,700 square feet of space, there will be no new beds and no new employees. The expansion will accommodate a reorganization of existing services within the Hospital.

Fronting South Center Street, the building expansion is situated at an internal corner of the Hospital where three mobile units currently sit. All mobile units will be removed and the building addition plus walkways to connect existing parking lots will be constructed. The corner will be built out such that the addition aligns with the face of the existing building. Overall height of the addition is two floors lower than the existing building.

Access to the site exists and parking lots exist. With no new beds and no new employees being added, there is no additional parking required and no traffic impact study required.

Water and sewer services will public. Water and sewer services are within the jurisdiction of the City of Westminster. The City has reviewed and approved the plan.

In their review, the Department of Planning determined that the proposed plan is consistent with the land use designation. Recommendations from Planning to insure consistency with elements of the 2009 City of Westminster Comprehensive Plan and the 2014 Carroll County Master Plan were provided. Suggestions include providing sidewalk along the east side of South Center Street to the northernmost point of the property, extending this sidewalk into the site along the north side of Memorial Avenue, and planting additional landscaping at both South Center Street and Memorial Avenue.

Building elevations are provided on sheet 6 of the concept plan set. The design uses brick, EIFS (exterior insulation and finish system), and a glass curtain wall system. The roof will

be a flat roof. Renderings provided show that the materials and colors proposed will match the existing building. Material colors shall be annotated in the final plan set.

On November 6, 2018, the Design and Architectural Review Committee, an advisory group, met to review the project. There were no comments or suggestions.

The Bureau of Resource Management has granted concept Stormwater Management (SWM) approval. A regional facility will provide stormwater management for the development. Forest Conservation will be addressed with off-site banking. The plan is exempt from Floodplain Management and Landscaping requirements. The concept plan is acceptable to Water Resources Review and Grading Review.

The proposed site plan was subject to Citizen's Involvement during the November 26, 2018 Technical Review Committee meeting. No citizens were in attendance and no written comments or calls have been received by 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:**

Clay Black presented the staff report.

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

The Commission, Mr. Ziegler and Mr. Spielman discussed the location of the HVAC equipment, the removal of the dumpsters and extending the sidewalk.

**Decision:**

On motion of Ms. Cheatwood, seconded by Ms. Kirkner and carried, the Commission voted to delegate final approval of the plan to the Chair subject to the sidewalks being in place along Center Street and Memorial Avenue. Mr. Yeo abstained.

**CONCEPT/PRELIMINARY SUBDIVISION PLAN**

SUBJECT: P-17-0078– Ruby Run, Resubdivision of Lot 4  
LOCATION: 2970 Nicodemus Road, Cabernet Drive, E.D. 7  
OWNER: Thomas and Donna Harris, 2970 Nicodemus Road, Westminster, MD 21157  
DEVELOPER: same as owner  
SURVEYOR: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157  
ZONING: Conservation  
ACREAGE: 14.965 acres  
WATERSHED: Liberty Reservoir  
NO. OF LOTS: 2 lots (1 new, 1 existing)  
FIRE DISTRICT: Gamber  
MASTER PLAN: Resource Conservation

**PRIORITY**

FUNDING AREA: N/A

**DESIGNATED**

GROWTH AREA: N/A

❖ **Action Required:**

Approval of the Preliminary Plan of Subdivision pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **Existing Conditions:**

Ruby Run, a four lot subdivision, was approved by the Planning Commission and subsequently recorded on June 18, 2007 in Plat Book 50 Page 134 (attached). Cabernet Drive, which serves lots 1-4, was constructed and built to use-in-common standards.

Lot 4, a 14.965-acre property, is developed with a single-family residence and a house under construction served by individual private well and septic systems. The property contains vineyards and is wooded towards the rear. Access to the existing residence is via Nicodemus Road.

Properties to the west are zoned Conservation and contain residences that are served by private well and septic systems. Properties to the east are zoned agricultural. The property directly to the east is subject to an AG Preservation Easement.

❖ **Plan Review:**

The developer proposes to divide existing lot #4 of the previously recorded subdivision and create one new lot. As the property is zoned Conservation, minimum lot size of each property must be at least three acres.

The property currently contains two dwelling units on the 14.965 acres. The owner/developer applied and was issued a building permit to construct an accessory dwelling. Lot 4-A will contain the "accessory" dwelling and lot 5 will contain the original house.

Access to lot 4A will be from Cabernet Drive, an existing use-in-common driveway that meets use-in-common criteria. A declaration of maintenance obligations was recorded with the original plat.

As a building permit was applied for, compliance with all environmental codes occurred during that process. The plan meets the requirements of Chapter 154, Water Resources with approval granted. The development is exempt from the requirements of Chapter 153, Floodplain. Grading granted approval and is currently inspecting the construction of the house. Stormwater is being met by placement of a drywell. A stormwater management easement will be required. No landscaping is required. The plan meets the requirements of Forest Conservation with the deeding of a Forest Conservation easement.

The Health Department has granted approval of the plan.

The plan was subject to citizen involvement during a regularly held meeting of the Technical Review Committee on April 23, 2018. No citizens spoke at the meeting regarding this project nor has the Bureau of Development Review received any inquires on this project.

The proposed plan is consistent with the 2014 County Master Plan Land Use Map designation of Resource Conservation.

The plan proposal is exempt from Chapter 156 *ADEQUATE PUBLIC FACILITIES AND CONCURRENCY MANAGEMENT*.

❖ **Recommendations:**

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

1. That a Forest Conservation Easement be granted to the County Commissioners of Carroll County and recorded by deed simultaneously with the Public Works Agreement.
2. 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.
3. That any changes to the Preliminary Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

**Discussion:**

Clay Black presented the staff report.

Mr. Harris, owner, and Mr. Lemmerman, surveyor were present.

Mr. Hoff asked about the shape of the remainder.

Mr. Lemmerman stated the vineyard and the woods dictated the shape.

Mr. Harris stated he wanted to retain some woods on his lot.

**Decision:**

Pursuant to Chapter 155, the Commission, on motion of Mr. Yeo, seconded by Ms. Cheatwood and carried, voted to approve the plan subject to the three conditions outlined in the report.

**SPECIAL REPORT**

SUBJECT: AP-18-0076 Amended Plat of Lot 7 & Remaining Portion of My Ladies Manor

LOCATION: 3273 Greenway Drive, E.D. 04

OWNER: Lot 7: Teresa Lyons & Steven King, 3273 Greenway Drive, Westminster, MD 21157

Remaining Portion: My Ladies Manor, LLC c/o Robert Fischer 2971 Bird View Road, Westminster, MD 21157

DEVELOPER: same as owners

ENGINEER: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21158  
ZONING: Agricultural/R-40,000  
ACREAGE: Lot 7: 1.159 acres Remaining Portion: 50.62 acres

❖ **Action Required:**

The developer requests that the Planning Commission allow for an agricultural zoned subdivision lot to be increased in size from 1 acre to 14 acres.

❖ **Background:**

My Ladies Manor, a three lot subdivision, was approved by the Planning Commission and subsequently recorded in 1988 (Plat Book 30 Page 45, attached). That subdivision was created from an adjoining property owned by the applicant.

My Ladies Manor 2 (a five lot subdivision) was approved by the Planning Commission and subsequently recorded on October 21, 2011 in Plat Book 52, Pages 197 & 198 (attached). The lot yield for that subdivision was based on the Agricultural zoning of the property. Lot sizes range from 1.15 acres to 2.2 acres leaving a remaining portion of 50.6 acres. The design of that subdivision complied with (3) of § 155.024 RURAL DESIGN STANDARDS FOR AGRICULTURAL AND CONSERVATION DISTRICTS of the Carroll County Code of Public Local Laws and Ordinances.

§ 155.024 RURAL DESIGN STANDARDS FOR AGRICULTURAL AND CONSERVATION DISTRICTS.

- (A) Unless otherwise determined by the Planning Commission, new residential building lots proposed to be created in the “A” and “C” Districts shall be:
- (1) Located in low priority woodlands or on pasture land rather than productive cropland;
  - (2) Located to avoid prevailing winds from blowing odors toward homesites from existing or future barnyards, silos, and other similar farm buildings or related uses;
  - (3) Designed at a minimum lot size of one acre and clustered to achieve the maximum possible amount of land remaining in cropland in the “A” District;
  - (4) Designed at a minimum lot size as required by [Chapter 158](#) in the “C” District, unless clustered in accordance with this chapter. This minimum lot size shall apply to the remainder and all proposed lots; and
  - (5) Designed, whenever possible, to avoid the construction of new streets or additional entrances onto a public street.

The residential building right that would have been associated with the remaining portion was included in the subdivision, as one of the lots, thereby rendering the remaining portion to a non-residential tract. Several notes on that plat state that prohibition.

Per a petition from Mr. Fischer, the Board of County Commissioners on December 13, 2012 approved Resolution 873-12 (attached) that rezoned a portion (1.54 acres) of the remaining portion from Agricultural to R-40,000. A Special Purpose Plat was subsequently recorded on March 19, 2013 in Plat Book 53 Page 37 (attached) that identified the area of the rezoning.

A one lot subdivision, My Ladies Manor 3, was then recorded on September 16, 2013 in Plat Book 53 Page 87 that created Lot 9. This lot (1.243 acres) is only a portion of that R-40,000

rezoned area. The 50 foot R-40,000 zoned in-fee strip remains part of the My Ladies Manor 2 agricultural zoned remaining portion.

The owner of the Remaining Portion now desires to add 13 acres to lot number seven. The 13 acres includes the 50 foot in-fee strip that is zoned R-40,000. The current acreage of the remaining portion, 50.62 acres will be reduced to 36.3 acres if this request were approved.

Staff reviewed the request and recognized the inconsistency with § 155.024(A)(3) of lot size in the Agricultural zoning district. Staff advised the property owner that the proposed add-on does not comply with the requirements of § 155.024(A)(3); however, as provided for in the Code, the Planning Commission can otherwise determine the agricultural lot size.

As this request does not involve the creation of any new lots (enlargement of existing platted lot), the proposal is not subject to the requirements of Concurrency Management.

The increase in the lot size, under current regulations and zoning designation, will not allow for lot 7 to be divided in order to create any new lots.

❖ **Decision:**

The property owner has requested that the Planning Commission review and approve the request. Staff is requesting direction on whether to proceed with the add-on request.

**Discussion:**

Clay Black presented the staff report.

Mr. Fisher, owner of remaining portion, and Robert Lemmerman, surveyor, were present.

Ms. Kirkner asked what happens with the remaining portion and how is it accessible.

Mr. Lemmerman stated it is accessible by Mr. Fisher's property. The owner of Lot 7 is asking for more land. Mr. Lemmerman stated it will not be developed; it isn't able to be developed.

Mr. Fisher stated his grandson is farming the land and part of the contract with the owner of Lot 7 is that he will be able to continue to farm the land.

Mr. Hoff stated it is inconsistent with Agricultural subdivision in Carroll County. Mr. Hoff stated the goal is to make the remainder as large as possible in order to continue to farm the remainder.

Mr. Yeo questioned the access to the land. Mr. Lemmerman stated there would still be access between Lots 8 and 9. Mr. Fisher stated there is also access to the property from Route 32.

Mr. Lemmerman stated the land would still be in cropland and would not be in conflict with the Code.

Mr. Lemmerman stated there is a possibility of rezoning the property.

Mr. Hoff made a motion to deny the applicant's request to reduce the size, seconded by Ms. Cheatwood.

Mr. Yeo asked Mr. Black why this project, specifically, came to the Commission. Mr. Black stated staff recognized the inconsistency with lot size in the Ag zone and, for that reason, brought the project to the Commission.

Mr. Fisher stated it's a way to sell some land and continue farming.

**Decision:**

On motion of Mr. Hoff, seconded by Ms. Cheatwood and carried, the Commission voted to deny the applicant's request to increase the size of an agricultural zoned subdivision lot from 1 acre to 14 acres. Mr. Wothers abstained from the vote.

**PUBLIC COMMENT**

There was no public comment.

**ADJOURNMENT**

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

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Secretary

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Approved