

MEETING SUMMARY
Carroll County Planning and Zoning Commission

January 15, 2019

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 (9:05 a.m.)
Ed Rothstein, Ex-officio

Members Absent:

Present with the Commission were the following persons: Lynda Eisenberg, Anusree and Laura Bavetta, Department of Planning; Clay Black, Kierstin Eggerl and David Becraft, Development Review.

CALL TO ORDER/WELCOME

Chair Soisson called the meeting to order at approximately 9:00 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. Ms. Kirkner arrived at 9:05 a.m.

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

On motion of Mr. Hoff, seconded by Mr. Yeo and carried, the Minutes from the December 18, 2018 meeting were approved.

PUBLIC COMMENTS

There were no public comments.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson did not have anything to report.

B. EX-OFFICIO MEMBER

Commissioner Rothstein did not have anything to report.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg stated that Gail Kessler, attorney, will not be present at the meeting. Secretary Eisenberg also noted that the January 30th meeting will be canceled. Secretary Eisenberg reviewed changes regarding the Financial Disclosure Forms and stated new forms would be available in the coming weeks. Secretary Eisenberg introduced Anusree Nair, the new Comprehensive Planner for the Department of Planning.

B. EXTENSIONS

There were no extensions to report.

C. BZA CASES

There were no BZA cases to report.

D. OTHER

FY20 PRELIMINARY RECOMMENDED CIP AND BOND AUTHORIZATION – INTRODUCTION

Mr. Ted Zaleski, Director of Management and Budget, introduced the first look at this year's plans for the Capital Budget. Mr. Zaleski reviewed the Community Investment Plan and the Bond Authorization. The Planning Commission provides a Letter of Consistency to the Board of County Commissioners. Mr. Zaleski stated this is a preliminary step and changes may be made before Commissioner Approval. The Commission will discuss the information during their meeting on February 6th.

ADMINISTRATIVE RULES – CONTINUED DISCUSSION

Secretary Eisenberg reviewed the changes made to the Rules. On motion of Mr. Yeo, seconded by Mr. Hoff and carried, the Commission voted to approve the amendments recommended by Ms. Kessler and authorize the Chair to approve and sign the Administrative Rules.

CONCURRENCY MANAGEMENT REPORT – DISCUSSION

Clay Black reviewed the Concurrency Management Report with the Commission.

During the discussion on Schools, Mr. Black stated the Board of Education is on the initial distribution list when projects come through Development Review so they are aware of future plans that may contribute to enrollment projections.

Commissioner Rothstein asked if the housing planned at Warfield were accounted for in the elementary school numbers.

Mr. Black stated he would speak with Mr. Bill Caine.

Fire and Emergency Services were discussed.

Scott Campbell, Director of Public Safety, addressed the inability to generate statistics from the last eight months of the year based on the transition of the County's Computer Aided Dispatch system. By November 2019, 24 month' worth of information will be available.

Mr. Yeo suggested a letter from the Department of Safety stating adequacy for projects be written in lieu of a lack of response due to the absence of information during the transition.

Secretary Eisenberg stated the Annual Report gives more detail regarding development and growth in the Municipalities.

On motion of Mr. Yeo, seconded by Mr. Canale and carried, the Commission voted to forward the Concurrency Management Report to the Board of County Commissioners with a favorable recommendation for Adoption and including a letter from the Department of Public Safety noting approval of projects in the absence of sufficient data and a discussion with Mr. Caine regarding school data.

RECESS

CONCEPT SITE PLAN

SUBJECT: S-18-0033, South Carroll Gateway Industrial Park, Lot 6
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: Tevis Propane, LLC, P.O. Box 26, Westminster, MD 21157
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: IG – General Industrial
BZA CASE: 6100 – September 5, 2018
ACREAGE: 1.6527 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.

❖ Existing Conditions:

The 1.65 acre subject property was created as Lot 6 of the South Carroll Gateway Industrial Park with a plan of subdivision recorded in Plat Book 50, Pages 97-99 in 2007 (see attached). The industrial park lies just north of the Carroll / Howard County line. Access to lot 6 is from Old Washington Road (Maryland Route 97) via a private use-in-common driveway, Wedekind Drive, which serves Lots 1-6 of the South Carroll Gateway Industrial Park.

Properties across Old Washington Road to the east lie within the Agricultural Zoning District and are built with single-family residences. Adjoining properties to the north, south, and west are in the South Carroll Gateway Industrial Park and share the General Industrial zoning. The property to the north, Lot 5, has a site development plan in process for a contractor's equipment storage yard for Utilities Unlimited, Inc. The property to the south, Lot 1A, has a site development plan that was approved in 2002 for Arbor Valley Landscaping. To the west, Lot 2 currently has a site development plan under review for a contractor's equipment storage yard for Crusher Enterprises, LLC. Lot 3 is also adjacent to the west and is currently occupied by Southern States with an approved site development plan from 2008.

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

On August 30, 2018, the Board of Zoning Appeals (BZA) heard a request for the conditional use of above ground petroleum storage tanks in excess of 2,000 gallons, and variances from applicable minimum distance requirements. Petroleum storage tanks are a conditional use in the General Industrial District with specific distance requirements:

§ 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.

§ 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.

The BZA case included an exhibit depicting the proposed distance variance requests:

- a. From 800' to 671' from the Mabe property (Tax ID 0714053638) for a variance of 129'
- b. From 800' to 747' from the Schuyler property (Tax ID 0714041338) for a variance of 53'
- c. From 800' to 182' from the Michaelides property (Tax ID 0714053956) for a variance of 618'
- d. From 800' to 712' from the Polk property (Tax ID 0714049002) for a variance of 88'
- e. From 800' to 627' from the Creekmore property (Tax ID 0714005838) for a variance of 173'

- f. From 800' to 493' from the Glass property (Tax ID 0714049177) for a variance of 307'
- g. From 800' to 512' from the Wagstaff property (Tax ID 0714000232) for a variance of 288'

The BZA approved the request as stated (see decision, attached).

❖ **Plan Review:**

The developer proposes to utilize the property as a liquid propane storage depot for an existing propane service company. The developer proposes to locate two liquid petroleum-product tanks on site, each with a capacity of 30,000 gallons. The use of the tanks would be to store liquefied propane for distribution to delivery vehicles as needed, which would then supply the propane to customers. The site would be unstaffed outside of delivery, transfer, and maintenance.

In addition to the two propane tanks, the plan shows guardrails surrounding the tanks, three emergency shutdown stations at various locations equipped with fire extinguishers, and a small utility shed located to the south of the tanks. A chain link fence is proposed around the perimeter of the property and three pole mounted lights (shown on the Landscape and Lighting Plan on Page 6) would be turned on overnight. The propane tank that is closest to MD Route 97 would have the Tevis Propane logo on its long side parallel to the road, but no additional signage is proposed.

While this use does not require parking spaces, two spaces are provided and are shown perpendicular to the storage tanks. The parking spaces and drive area surrounding the tanks are proposed to consist of gravel. The tanks themselves are to be supported by small concrete pads. An area of paving is proposed where the gravel meets Wedekind Drive in order to widen the existing paved apron to 35 feet.

As detailed in the December 19, 2018 site development plan memorandum from Clare Stewart of the Department of Planning, the proposed land use is consistent with the 2014 Carroll County Master Plan land use designation of Industrial-Heavy.

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. While the proposed use would not utilize water and sewer features, any proposed well and septic fields must meet Health Department requirements. Site Compliance has stated that the Maryland Accessibility Code is not applicable. An existing 60,000 gallon tank for the Industrial Park meets the requirements of Fire Protection.

The subdivision of the South Carroll Gateway Industrial Park required landscaping and street trees; however, plantings throughout the site have since diminished and must be replaced. Additionally, the proposed use requires a Class A screen adjacent to MD Route 97 per the Landscape Manual. 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 6. The site development plan proposes two on-site micro-bioretention facilities with storm drain pipes and grass swales to carry runoff to the regional facility.

The proposed site plan was subject to Citizen's Involvement during the December 20, 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 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:

Kierstin Eggerl presented the staff report.

Jeff Zigler, CLSI, Dave Honeycut and Mark Zier, Tevis Propane, LLC, were present.

Mr. Yeo asked why there isn't a concrete pad around the filling area. Mr. Yeo asked if spills are possible.

Mr. Zigler stated they are using heavier base gravel.

Mr. Honeycut stated propane does not contaminate the ground; it dissipates when it hits the air.

Mr. Canale asked if there is physical security at the site.

Mr. Zigler stated there is security fencing around the site.

Mr. Honeycut added there will be remote security cameras.

Decision:

The Commission, on motion of Mr. Yeo, seconded by Mr. Wothers and carried, voted to delegate final approval to the Chair.

SPECIAL REPORT

SUBJECT: 44 Liberty Road (S-18-0035)
LOCATION: North side of MD Route 26, east of Klees Mill Road; E.D.5
OWNER: 44 Liberty LLC, c/o Robyn Properties, 3201 Rogers Avenue, Suite 302, Ellicott City, MD 21043
DEVELOPER: same as owner
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: B-NR – Neighborhood Retail Business
ACREAGE: 3.81 acres
WATERSHED: South Branch Patapsco
FIRE DISTRICT: Winfield
MASTER PLAN: Commercial Medium – 2018 Freedom Community Comprehensive Plan
PRIORITY
FUNDING AREA: Freedom
COMMUNITY
PLANNING AREA: Freedom
SEWER/ WATER

DISTRICT: Existing Water/Sewer (Freedom)

❖ **Action Required:**

The plan is before the Planning and Zoning Commission for comments in regards to a proposed zoning variance hearing to setback distances. The owner has met with County staff in regards to the proposal and was advised that the Planning Commission would be requested to review/comment on the setback variance prior to the hearing. Staff is requesting feedback on the setback distance variance request.

❖ **Existing Conditions:**

The subject property is comprised of 3.81 acres (165,964 square feet) and hosts an existing residence. Dense scrub brush, trees, and the residence are present on the parcel. There are no streams or floodplain on site. The topography slopes downward from the west to the east.

The property to the west is zoned B-G and contains a Planned Business Center. The property to the east is zoned Agricultural and hosts a residential structure. To the rear of the property, zoned Agricultural, is Century High School. A row of dense evergreen and hardwood trees are located on the property line perimeter. The athletic fields are 100 feet from the property line and Century High is 800 feet from the property line.

On July 3, 2013, the Planning Commission approved a site development plan, S-07-019 (44 Liberty Road), for a Planned Business Center. Since plan approval, several extensions have been granted as the property owner has not completed the legal document portion.

❖ **Plan Review:**

The owner of the property has now proposed a 55-unit age-restricted retirement community which, if approved, will replace the previously approved site plan. Retirement homes are a principal permitted use in the B-NR zoning district with the bulk requirements being the same as specified in the R-20,000 zoning district. The density calculation is derived from the bulk requirements and is as follows: “as determined by the Planning Commission but not exceeding 1 DU/3,000 sq. ft.”.

§ 158.077 “B-NR” NEIGHBORHOOD RETAIL BUSINESS DISTRICT.

(C) **Principal permitted uses.** Principal permitted uses shall be as follows:

(6) Retirement homes, nursing homes, continuing care retirement communities and assisted-living facilities, or boarding homes;

(G) **Height regulations.** No structure shall exceed three stories or 40 feet

(H) **Bulk requirements.**

(1) **Minimum requirements.** The following minimum requirements shall be observed

| <i>Use</i> | <i>Lot Area</i> | <i>Lot Width (feet)</i> | <i>Lot Area per Family (sq. ft.)</i> | <i>Front Yard Depth (feet)</i> | <i>Side Yard (Width Each Side Yard) (feet)</i> | <i>Rear Yard Depth (feet)</i> |
|------------|----------------------|-------------------------|--------------------------------------|--------------------------------|--|-------------------------------|
| Dwellings | (Same as in R-10,000 | None | Principal permitted or | 40 | 101 | None ¹ |

| | | | | | | |
|--|--------------------------------------|--|---------------------|--|--|--|
| | District) | | conditional uses | | | |
| PBC | Subject to § 155.094 | | | | | |
| Retirement homes, nursing homes, continuing care retirement communities, assisted living facilities, and boarding homes | Same as in R-20,000 District | | | | | |
| ¹ Where adjoining any Residence District, not less than 25 feet. | | | | | | |

§ 158.073 R-20,000 RESIDENCE DISTRICT.

G) **Bulk requirements.** The following minimum requirements shall be observed

(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. ¹ | 50 ² | 40 ² | 50 ² |
| Retirement homes, multi-family units | 45,000 sq. ft. | 150 | As determined by the Planning Commission but not exceeding 1 DU/3,000 sq. ft. | 50 ² | 40 ² | 50 ² |
| Retirement homes, single-family and town homes | 45,000 sq. ft. | 150 | As determined by the Planning Commission but not exceeding 1 DU/7,500 sq. ft. | 50 ² | 40 ² | 50 ² |

¹ 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.

² 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 - required setback distance requirements are:

Front – 50 feet Side – 40 feet Rear – 50 feet

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 owner is planning to request a variance to allow the following setback distances:

Front – 25 feet Side – 25 feet Rear – 25 feet

Sketch plan “A” (attached) shows the proposed development with the Code required setback distances. Sketch plan “B” (attached) shows the development utilizing the proposed distances with the buildings moved towards the rear of the property and additional parking spaces. Chapter 155 of the Carroll County Code requires 1.5 parking spaces for each dwelling unit in age-restricted adult housing– multi-family. Overflow/guest parking may be required at the discretion of the Director. Both plans meet the Code requirement for parking spaces.

Once the Zoning Administrator rules on the setback variance request, a concept site plan will be submitted and reviewed as part of a Technical Review Committee. The Planning and Zoning Commission will then see the concept site development plan for initial review comment. Prior to final approval, 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.

The plan is before the Planning and Zoning Commission for comments in regards to a proposed zoning variance hearing to setback distances. The owner has met with County staff in regards to the proposal and was advised that the Planning Commission would be requested to review/comment on the setback variance prior to the hearing. Staff is requesting feedback on the setback distance variance request.

Discussion:

Clay Black presented the staff report.

Marty Hackett, CLSI, Nick Pirone and Lou Toth, Owners, and Craig Wyatt, Williamsburg Homes were present.

Mr. Hackett reviewed the history of the site.

Mr. Yeo asked if there had been any communication with the school.

Mr. Hackett stated there has not been communication with the school yet.

Mr. Black stated the school will be notified as an adjoiner once a Plan is submitted.

Mr. Yeo suggested offering additional screening to the schools if they would like it.

Decision:

Chair Soisson stated that the Planning and Zoning Commission does not have any comments or concerns regarding the setback request.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

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

Secretary

Approved