

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

February 18, 2014

Location: Carroll County Office Building

Members Present: Alec Yeo, Chairman
Matthew S. Helminiak
Jeffrey A. Wothers
Richard S. Rothschild, Ex-Officio
Daniel E. Hoff, Alternate

Members Absent: Richard J. Soisson, Vice Chair
Eugene A. Canale
Cynthia L. Cheatwood

Present with the Commission were the following persons: Philip R. Hager, Tom Devilbiss, and Kelly Martin, Department of Land Use, Planning, and Development; Lynda Eisenberg, Scott Graf, and Andrea Gerhard, Bureau of Comprehensive Planning; Clay Black, Patrick Varga, Laura Matyas, and John Breeding, Bureau of Development Review; Tracy Eberhard and Theresa McCourt, Bureau of Resource Management; Ted Zaleski and Deb Effingham, Management and Budget; Bill Caine and Ray Prokop, Carroll County Public Schools; John Frock; Carroll and Betty Bish; Ben and Carol Baublitz; Keith Heindel; Steve Eline; Jeff Eline; James Thompson; George Manfred; Mark Lynn; Bill Link; John Lemmerman; Scott Miller; Dave Bowersox; Randy Heckler; Jeff Thornburg; Paul Holland; Marty Hackett; Bob Capalongo; and Dan Staley.

CALL TO ORDER/WELCOME

Chairman Yeo called the meeting to order at approximately 9:15 a.m.

ESTABLISHMENT OF QUORUM

Kelly Martin took the attendance of the Commission, noting that five members were present, and there was a quorum.

PLEDGE OF ALLEGIANCE

OPENING REMARKS/ADMINISTRATIVE MATTERS

Philip R. Hager, Secretary, noted that there was a full agenda today because several of the last meetings had to be cancelled due to weather.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved as written on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried.

REVIEW AND APPROVAL OF MINUTES

A. January 29, 2014

The minutes of January 29, 2014, were approved as written on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained).

COMMISSION MEMBER REPORTS

A. Commission Chairman
B. Ex-Officio Member

A. COMMISSION CHAIRMAN

Chairman Yeo indicated he had nothing to report.

B. EX-OFFICIO MEMBER

Commissioner Rothschild provided an update on HB 453 which would enable the Department of Housing and Community Development to make decisions regarding locations of lower income housing and bypass local government regulations. The Maryland Association of Counties took a position of support with amendments voting on this matter when many of the rural counties were not in attendance due to an ice storm.

DEPARTMENT OF LAND USE, PLANNING & DEVELOPMENT STAFF REPORTS

A. Deputy Director
B. Director

A. DEPUTY DIRECTOR

Tom Devilbiss, Deputy Director, introduced two new members of the Bureau of Resource Management: Theresa McCourt, Watershed Grants Analyst, and Tracy Eberhard, Water Resource Specialist. He noted that Ms. McCourt has been hard at work since August in identifying potential funding sources for resource management projects. Ms. Eberhard's position is tied directly to the field work which is very important with regard to NPDES compliance and water quality improvements.

B. DIRECTOR

Philip R. Hager, Director, reported that staff provided comments to the Board of Zoning Appeals (BZA) on four BZA cases, including: BZA Case No. 5739, Michael M. Domeier, request for a variance for the overall size requirements of wall mounted and pole mounted signage for Enterprise Rent-A-Car on a 0.82 acre property located at 437 Baltimore Boulevard, Westminster, within the County's General Business zone; BZA Case No. 5742, Pauline Coker, request for a variance to allow 6 users on a use-in-common driveway, Chadwick Drive, Westminster, within the County's R-20,000 zone; BZA Case No. 5743, Linda and Joseph Bunch, request for a conditional use for a country inn and catering hall on a 7.71 acre property located at 903 West Liberty Road, Sykesville, within the County's Agricultural zone; and BZA Case No. 5744,

Daniel W. Tamminga, Sr., request for multiple additional conditional uses on property currently in use as a local winery; specifically, for the addition of seasonal dog meets, recreational areas, a country inn, and a retreat area as possible uses on a 76.65 acre property located at 7933 Forest Stream Club Road, Keymar, within the County's Agricultural zone.

Mr. Hager reported that nine development extensions had been granted since the last meeting: a one-year extension for the minor subdivision plan of Amber's Choice, two lots and a remaining portion located on Dutrow Road, south of Neudecker Road; a sixth one-year extension for the subdivision plan of Shipley's Choice 2, two lots (one new and one existing) located on the south side of Pine Knob Road in the Sykesville area; additional one-year extension for the subdivision plan of Hidden Creek, based on the consent order; a third one-year extension for the site plan of Nell's Acres, Section 2, 296 units located on the south side of Liberty Road, east of Ridenour Way; a fifth one-year extension for the subdivision plan of Skiba Farms, 18 lots (two existing dwellings) located on the east side of Misty Meadows Road, south of Green Mill Road in the Finksburg area; a fourth one-year extension for the subdivision plan of Hewitt's Landing, 15 lots located on the west side of Murray Road, south of MD 140 in the Finksburg area; a third one-year extension for the site plan of Illiano Plaza Eldersburg, a planned business center located on the west side of MD 32; a second one-year extension for the minor subdivision plan of Pam's Delight, one residential lot and one remaining portion located on the south side of Tyrone Road at the intersection of Stone Road; and a one-year extension for the subdivision plan of Wasmere Acres, a cluster subdivision located on Murkle Road.

Mr. Hager noted that all aspects of the Finksburg Corridor Plan comprehensive rezoning have been completed. The Water and Sewer Master Plan was adopted by the Commissioners and transmitted to the Maryland Department of the Environment for review. The Stay on the review of the Adam's Paradise project has been released by the Court, but no decision has been issued. The Carroll County Volunteer Emergency Services Association (CCVESA) distributed a report to the Commission at their January 29 meeting; a work session will be held on March 5. A Code amendment regarding cluster provisions was adopted by the Commissioners as recommended by the Commission. The Commissioners held a public hearing on proposed amendments to Chapter 223 regarding electronic message boards; a motion to adopt failed to achieve the necessary majority. Additional changes were recommended by the Commissioners to proposed amendments related to accessory dwelling units and solar energy; staff will bring updated language to the Commission for review. The Commissioners received an overview of the Commission's proposal for staff to review parking standards; the Board directed staff to move forward with the review. The Commissioners adopted the proposed comprehensive rezoning for Hollow Rock. The Commissioners approved the applicant's rezoning request related to Rezoning Case 219, Long Reach Farms. The Board approved the petitioner's request for rezoning related to Rezoning Case 220, Gamber Road and Old Gamber Road; neighbors have filed an appeal in this matter.

FY15-20 PRELIMINARY RECOMMENDED CIP OVERVIEW

Ted Zaleski, Department of Management and Budget, introduced Deb Effingham, Bureau Chief of Budget, and noted that staff had distributed copies of the CIP Requests that were submitted as well as the Preliminary Recommended CIP. He explained that the Commission's role in this process is to Certify that the CIP is consistent with the County Master Plan. The Preliminary Recommended CIP will be utilized by Budget staff as a starting point for discussions with the Board of County Commissioners; it is not a final document. Mr. Zaleski noted that most of the

projects contained in the Recommended CIP take care of infrastructure. He noted that there are many school projects that were not included in the Plan. The focus for schools has been on modernizations, roof, and hvac projects. Mr. Zaleski noted that although there are space needs for the Sheriff's Office and the State's Attorney's Office, nothing has been included in the plan. He reported that the Board has funded improvements to the Public Safety Training Center, and additional pieces to that project are included in the plan.

Daniel Hoff, Commission member, noted that the school system has considerable overhead costs for facilities that are being utilized under their capacity.

Mr. Zaleski reported that the Board of Education had a Facilities Utilization Study performed, and they are currently sorting through the recommendations.

Chairman Yeo asked for clarification of the Commission's role in the CIP review process.

Mr. Zaleski explained that the Commission does not need to tackle the Commissioners' goals. The Commission is being asked to say that the plan as it currently exists is consistent with the Carroll County Master Plan as it exists. The Commission is being asked to review the report. At a future meeting, the Commission will be asked to certify the plan as consistent with the Master Plan and provide any additional comments in letter format.

Jeffrey Wothers, Commission member, questioned whether staff's representation to the Commission is that the plan is consistent with the Master Plan.

Mr. Zaleski indicated that was correct.

FINAL SITE PLAN REVIEW

- A. S-13-008, Medford Quarry – Addition of Reichlin Tract, Amended Site Plan
- B. S-12-003, Eline Funeral Home
- C. S-13-021, Antlitz Estates

A. S-13-008, MEDFORD QUARRY – ADDITION OF REICHLIN TRACT, AMENDED SITE PLAN

LOCATION: Southeast and northeast sides of Nicodemus Road, E. D. 11.

OWNER: Lafarge Mid-Atlantic, LLC, 1954 Greenspring Drive, Suite 250, Timonium, MD 21093 (LLC Member list attached)

DEVELOPER: Same as owner

ENGINEER: CNA Engineers, 215 Bynum Road, Forest Hill, MD 21050

ZONING: Agriculture – Mineral Recovery Overlay – MR & MRN

ACREAGE: 126.9 Acres

FIRE DISTRICT: New Windsor

WATERSHED: Double Pipe Creek

MASTER PLAN: Agriculture

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Outside

Patrick Varga presented

Action Required:

The plan is before the Planning and Zoning Commission per Section 103.19 of the Code of Public Local Laws and Ordinances of Carroll County for consideration and approval of a site plan.

Existing Conditions:

The site is bounded by Nicodemus Road to the northwest and southwest of the property and is just west of the existing pits of the Lafarge Medford Quarry. There is an historic home and outbuildings located at the northwestern corner of the property that is currently rented to a tenant. The site is bisected by a tributary of Turkeyfoot Run. The remainder of the site is in cropland.

The historic home on the site is known as the "Poulson-Englar Farmstead." It is a Maryland registered Historic Standing Structure (CARR 1391), dating from the early 19th century. The property and house are considered historically significant due to their association with Andrew Poulson, an early supporter of Methodism and Robert Strawbridge, one of the founders of the Methodist Church in Maryland and America. Deed research also suggests the possibility of an unmarked burial ground somewhere within an 84-acre portion of the property. The State of Maryland, in its review of the proposed quarry plans, required The Arundel Corporation to perform archeological investigations of the site as part of the State permitting process. The exact location of the cemetery is still unknown.

The subject property and all surrounding properties are served by private wells and private septic systems. All adjoining properties are zoned Agriculture. Properties to the northeast, southwest and northwest are designated as Mineral Resource Recovery Areas. Properties to the southeast are located within the Mineral Resource Notification Area. This is a half-mile buffer from the limit of the Mineral Resource Recovery Area in which development should be clustered away from the recovery area.

Project History:

A site plan for the subject property was approved by the Planning and Zoning Commission in June of 2000. At that time, the property was owned by The Arundel Corporation and the Reichlin Tract quarry was to operate on its own. The approved plan proposed a processing facility, including a crusher, as well as offices. A new commercial access point onto Nicodemus Road was also shown on the site plan, since it was to operate separately from the neighboring

Medford quarry pit. As part of the approved plan, the developer was required to improve Nicodemus Road from the intersection with Medford Road to the southernmost property boundary of the subject property (approximately 6,100 feet).

As part of the overall process to mine this property, the Maryland Department of the Environment issued a State Mining Permit to Arundel.

Arundel also entered into a "Memorandum of Agreement" (as agreed to by the U.S. Army Corps of Engineers, Maryland State Historic Preservation Officer, Advisory Council on Historic Preservation, The Arundel Corporation, and Maryland Department of the Environment dated February 11, 2000) regarding the steps necessary to preserve the historical integrity of the structures. The "Memorandum of Agreement" specifically required that The Arundel Corporation ensure that the archeological properties which contribute to the National Register eligibility of the Poulson-Englar Farmstead are protected during development and operation of the Reichlin Tract. A large portion of the property was hand-excavated to locate the area that was believed to contain graves. As part of the agreement, The Arundel Corporation was required to employ a qualified archeologist who will monitor and record the grading/stripping of that part of the Reichlin Tract suspected of containing the unmarked Poulson Family Cemetery. Specific steps will be taken in the event the cemetery is encountered during the excavation, as required by State law. As the permit and Memorandum of Agreement both transferred to Lafarge, the developer shall be responsible for meeting these same requirements.

A groundwater monitoring plan has been developed with the cooperation and assistance of Lafarge (previously Genstar), Arundel, State of Maryland, Carroll County Health Department and the Carroll County Bureau of Resource Management. The monitoring program was finalized on June 25, 1993, and approved by the Carroll County Planning and Zoning Commission on July 20, 1993. Monitoring well drilling commenced on November 22, 1993, and was completed by January 3, 1994. The monitoring of groundwater levels has taken place from April, 1994 to the present. Lafarge, the current owner, has incorporated several additional observation wells on the Reichlin Tract, between the proposed pit and Nicodemus Road, to monitor groundwater levels in the westernmost area of the site.

Lafarge purchased the property in 2011. At that time, Lafarge already owned the property immediately to the north, which is the Medford Quarry. The approved Reichlin mining permit was transferred to Lafarge on December 9, 2011. Lafarge will commence mining activities in accordance with the Memorandum of Agreement. This agreement is incorporated into the Surface Mining Permit (98 - SP - 0533) that became effective April 10, 2000. The transfer of the mining permit and steps taken by the developer have kept the "Memorandum of Agreement", grading permit, zoning certificate, and Surface Mining Permit active and valid.

The most recent site plan for expansion of the Medford Quarry was approved by the Planning and Zoning Commission on October 17, 1995 with a date of written approval of November 6, 1995. As this property and the Medford Quarry are both owned by Lafarge, the development of the Reichlin Tract is an amended site plan for the expansion of the Medford Quarry.

Site Plan Review:

The proposed plan shows the same mining extent as was shown on the plan approved in June of 2000, with the exception of the area that will tie the existing Medford pit to the Reichlin Tract.

The developer proposes to extend the mining pit from the existing recovery area in the adjoining Medford Quarry into the subject property. The developer proposes an approximately 57-acre mining pit in the center of the property. The pit will be approximately 375 feet deep, being mined from the existing ground surface, down to an elevation of 175 feet above sea level. There is no change from the approved site plan to this plan with regard to vertical mining depth. Overburden material will be used for stabilized, landscaped berms around the perimeter of the property. These berms will be located along the southeast, southwest, and northwest property boundaries.

As an indenture is required for all surface mining operations, the developer and the County will collaborate to merge the existing indentures for the Medford Quarry and for the Reichlin Tract that was established by Arundel into one document.

A 200-foot mining setback is shown around all parcel boundaries that are not under the same ownership as the subject property. This setback is shown in accordance with County Code.

The plan identifies two limits of mining. The first line indicates the limit of mining that will occur without the need to relocate the stream that traverses the southwestern portion of the property. The second line is the limit of mining that was previously shown on the approved site plan. The second limit is shown closer to Nicodemus Road and where mining would occur once an amended site plan is approved to relocate the stream in this area. This plan shows both limits so that an amended site plan for the mining limits would not be required. If the stream is never relocated, this plan stands on its own. Should the owner choose to relocate the stream, State and Federal permits are required for the relocation. These permits were secured during the previous site plan review, however they have expired. These permits are not required until such a time as the owner wishes to relocate the stream.

Access to the site will be through the existing access point for Medford Quarry on Medford Road leading from MD Rt. 31. A new entrance is not proposed as it was under the previously approved plan. Since a new entrance is no longer proposed, trucks will no longer travel the approximately 3,300 feet from Medford Road to the previously approved Reichlin entrance. Since no access is proposed onto Nicodemus Road, road improvements are no longer required by Carroll County. No new traffic is associated with this development as the pit enlargement will extend the life of the quarry, not increase production.

The Site Development Plan is exempt from the requirements of the Carroll County Forest Conservation Ordinance. The ordinance specifically exempts any non-coal surface-mining. A Water Resource Protection Easement will be granted to the County over the stream. Once a plan is approved for the relocation of the stream, the existing Water Resource Protection Easement will be extinguished and a new easement will be granted to the County. Floodplain requirements will also be addressed as part of the stream relocation plan.

Landscaping is shown around the perimeter of the property on the proposed berms. A variance was requested for a reduction in the amount of landscaping planting units required under the current code. The requested reduction would match the Landscaping requirements from 1989. The current requirement is for a planting unit every 200 square feet of exterior berm face. The requirement in 1989 was for one tree per 600 square feet of berm face and one shrub for every 200 square feet of berm face. The variance was granted for one planting unit for every 400

square feet of berm face with an equal mix of deciduous and coniferous trees. The variance response is attached.

The proposed site plan was subject to Citizens' Involvement during the September 23, 2013 Technical Review Committee meeting. Comments presented during the Technical Review Committee Meeting were presented to the Commission during the concept site plan review at the November 19, 2013 Planning and Zoning Commission meeting. The minutes from that meeting are attached.

Recommendation:

Staff recommends approval of the site plan subject to the following conditions:

1. That the Developer enter into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
3. That the developer comply with all requirements of the indenture to be executed between the developer and Carroll County.
4. That a forested water resource protection easement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneous with execution of the public works agreement.
5. That a non-forested water resource protection easement be granted to the County Commissioners of Carroll County by deed to be recorded simultaneous with execution of the public works agreement.
6. That any changes to the Site Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

Discussion:

Mr. Varga noted that the company was sold since the staff report was written, and Bluegrass Materials is the new owner. He explained that a new application will be required, but the site plan is exactly the same.

Chairman Yeo questioned whether it was Bluegrass Materials' intent to maintain the agreements that were established by the previous owner.

Mr. Varga explained that Bluegrass Materials will be required to provide written confirmation from the state conveying the mining permit. That permit is what keeps all the previous agreements in place.

Public Comments:

Jim Thompson, Nicodemus Road, noted that over the years the neighbors have developed a good working relationship with LaFarge with regarding to repairing sinkholes, well issues, etc. He stated he would hope that this relationship would continue. If it does not, then he objected to the site plan.

Jeff Thornburg, Bluegrass Materials, stated that Bluegrass Materials will continue to operate in the spirit of LaFarge. He noted that he was a LaFarge employee that has continued with the sale and has developed good relations over the years with the local governments and neighbors.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried (Commissioner Rothschild abstained), approved the site plan subject to the six conditions stated in the staff report.

B. S-12-003, ELINE FUNERAL HOME

LOCATION: West side of Bloom Road, north side of Gamber Road (MD Route 91),
E.D. 4.

OWNER: J.F. Eline & Sons, Inc., 934 S. Main Street, Hampstead, MD 21074
(Steven Eline)

DEVELOPER: Same as Owner

ENGINEER: Professional Surveys, LLC, 194 East Main Street, 2nd Floor, Westminster,
MD 21157

ZONING: Neighborhood Retail Business (B-NR)

ACREAGE: 4.00 Acres

FIRE DISTRICT: Gamber

WATERSHED: Liberty Reservoir

MASTER PLAN: Commercial

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Finksburg

Laura Matyas presented the background.

Action Required:

The site plan is before the Planning and Zoning Commission per Section 103.19 of the Code of Public Local Laws and Ordinances of Carroll County for consideration and approval.

Existing Conditions:

The property is located at the southwest corner of the intersection of Bloom Road and Gamber Road (Maryland Route 91) and contains no structures. Adjoining properties to the north and west are zoned R-40,000. The Greater Baltimore Temple is located on the adjoining property to the northwest and the properties to the west are single-family residential homes. Properties on the south side of Maryland Route 91 are zoned R-10,000 with residential homes located on those properties. The property located on the northeast side of Bloom Road is zoned B-G, General Business, and contains a residence. All properties in this area are served by private well and septic systems.

Site Plan Review:

On the vacant lot, the developer proposes to construct an 8,998 square foot funeral home served by private well and septic systems. The square footage includes an attached garage. There will be no crematorium on site. This use is consistent with the land use designation of Commercial in the adopted 2013 Finksburg Corridor Plan.

The development will have one access point on Bloom Road, a Carroll County maintained road. Although the property has frontage on Maryland Route 91, no direct access on Route 91 is proposed. A traffic study was not required since the majority of the trips will occur during off-peak hours. Locating the access drive a preferred and significant distance from the intersection of Bloom Road and Maryland Route 91 resulted in a sight distance variance request being filed and approved by Carroll County Department of Public Works.

Building elevations are included on Sheet 11 of the site plan drawing set. The structure is one-story with the garage entrance located remotely from the main entrance. Residential features including an expansive porch, shingled gabled and hip roofs, and red brick and tan facades comprise the public approaches to the building. A port cochere enables visitors to be dropped off and picked up in close proximity to the front entrance.

The minimum parking requirements are 10 for each public room or 1 for every 50 square feet of floor area in public rooms, whichever is greater. The total number of parking spaces required is 42; the plan shows 65 spaces. Staff has no concerns over the extra parking spaces.

The only signage proposed is one 5 foot by 10 foot, double-sided, illuminated monument sign at the corner of Bloom Road and Gamber Road. The Design and Architectural Review Committee (DARC) reviewed the plans and had a very favorable response to the building elevations and sign detail.

Sheet 12 shows details of the light poles along with their locations. The poles at the parking areas are 20-feet high with shielded fixtures. Two 10-foot high traditional lampposts light the entry walkway in combination with recessed fixtures at the port cochere and porch. In response to a concern regarding site lighting, the owner indicated that once visitation hours are over, the pole mounted lights will be turned off and only security lighting for the building will remain on.

A 10,000-gallon fire protection tank on-site in addition to two 20,000-gallon tanks on the adjacent property (Greater Baltimore Temple) satisfies the fire protection requirements.

Stormwater Management will be addressed with an on-site private stormwater management facility, drywells, and utilization of wide grass shoulders at the entry drive. An easement of access will be granted to the Carroll County Commissioners. There are no areas of floodplain on the property.

Landscaping requirements are met for the parking lot and steep slope at the northwest property line as well as screening at the southwest property line which adjoins a residential use. Off-site forest banking will be utilized to comply with the requirements of the Forest Conservation Ordinance. A variance for disturbance within the Critical Root Zone (CRZ) of a specimen tree was filed and approved with a condition by the Deputy Director of the Department of Land Use, Planning, and Development. The condition being that a Certified Arborist, Maryland Registered Forester, or a Qualified Professional provides documentation to the Bureau of Resource Management as to the completion of the proposed best management practices as shown and described on the "Forest Conservation Plan Eline Funeral Home."

The proposed site plan was subject to citizen involvement during the regularly scheduled meeting of the Technical Review Committee held on September 24, 2012. One citizen asked a question regarding the time of funerals and the impact on rush hour traffic. The owner stated that funeral times do not conflict with peak hour traffic. No written comments have been received by the Bureau of Development Review.

The concept site plan was presented to the Planning and Zoning Commission at the October 16, 2012 meeting. The meeting minutes are attached to this report.

Recommendation:

Staff recommends approval of the site plan subject to the following conditions:

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
3. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the Public Works Agreement.
4. That a Certified Arborist, Maryland Registered Forester, or a Qualified Professional provides documentation to the Bureau of Resource Management as to the completion of

the proposed best management practices as shown and described on the “Forest Conservation Plan Eline Funeral Home.”

5. That when visitation hours are over, the pole mounted lights will be turned off.

Discussion:

Chairman Yeo noted that his concern with the lighting was on the south side of the property next to the residences.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Wothers, seconded by Mr. Hoff, and carried (Commissioner Rothschild abstained), approved the final site plan with the five conditions in the staff report, amending the fifth condition to address the pole mounted lights on the south side of the parking lot.

C. S-13-021, ANTLITZ ESTATES

LOCATION: West side of Strawbridge Terrace, north of Compton Lane, E.D. 5.

OWNER: John Serra, Tony Rizzo, Dale Fogle, and Dave Fogle, 2021 Liberty Road, Suite F, Eldersburg, MD 21784

DEVELOPER: Same as Owner

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

ZONING: R-20,000

ACREAGE: 4.67 Acres

FIRE DISTRICT: Sykesville

WATERSHED: Liberty Reservoir

NO. OF UNITS: 21 (age-restricted)

MASTER PLAN: Medium Density Residential

PRIORITY
FUNDING AREA: Eldersburg

DESIGNATED
GROWTH AREA: Freedom

PUBLIC FACILITIES IMPACTED:

POLICE: Maryland State Police/Carroll County Sheriff’s Department

ROADS: Johnsville Road

FIRE AND EMS: Sykesville

WATER: Freedom

SEWER: Freedom

Patrick Varga presented the background.

Action Required:

Two action items are required:

1. Approval of the site plan pursuant to Chapter 103, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the site plan pursuant to Chapter 71, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is vacant. All surrounding properties are zoned R-20,000. To the west and south are single-family homes in the Stone Manor II subdivision. To the north and east is a 4.5 acre parcel with a house that is used as apartments. All surrounding properties are in the existing/final planning service area for water service. The properties to the west, south, and east are in the existing/final planning service area for sewer service. The subject property and the properties to the north are in the priority sewer service area.

The subject property is shown on an amended subdivision plat which is attached. A parcel and an existing subdivision lot were consolidated in 2012. This record plat created Forest Conservation, Stormwater Management, and Water and Sewer easements as part of this consolidation plat.

Project History:

The final site plan for Antlitz Estates was approved by the Planning and Zoning Commission on June 15, 2010, with a written approval date of June 24, 2010. Mylars were submitted, reviewed, and signed by all agencies. By code, the developer had until December 24, 2011 to apply for and be issued a grading permit or building permit. In November of 2011, the developer requested and received a one-year extension to December 24, 2012 for the site plan approval. The developer did not request a second extension; therefore, the project approval expired on December 24, 2012.

The use and density were approved by the Board of Zoning Appeals (BZA) in June of 2004. The BZA decision limited the development to 21 age-restricted units. In 2013, the BZA upheld this

density determination and conditional use request. The decision and verification letter from the BZA were reviewed as part of the concept site plan presentation.

As the original site plan expired, and the approved mylars became void, the developer submitted a site plan on September 17, 2013 for review to all agencies and for the Technical Review Committee agenda. The plan that was submitted was exactly the same plan that was approved by the Planning and Zoning Commission in 2010. The architectural elevations, layout, and overall design were exactly the same as what was approved.

Site Plan Review:

The developer proposes to establish a 55 and older community comprised of 21 condominium units. The units are shown as approximately 1,600 square feet in size. Each unit will be constructed with a one-car garage and a double parking pad. Parking will be restricted to the right (north) side of Sareno Drive, the private road that will access the units. Sareno Drive will access Strawbridge Terrace, a County road. Sareno Drive will be built with a width of 25 feet. A five-foot wide sidewalk will be provided along both sides of Sareno Drive and will also extend through the loop at the end of Sareno Drive. A four-foot sidewalk will be installed along Strawbridge Terrace across the entire property frontage. This will connect to existing four-foot sidewalk to the south of the subject property.

A masonry sign is shown at the entrance of the development. The signage will be augmented with wood rails and landscape plantings. The sign will not be illuminated in any way. There is a lighting detail shown on Sheet 12 of the plan which shows a cut-off fixture with a top-height of 6 feet 9 inches. The light fixture is residential in appearance and is shown with a 70 watt lamp. A light is shown in front of each unit for a total of 21 lights.

The units are shown on Sheets 18 through 23. The buildings are shown as brick and vinyl with several optional features available such as additional windows, porches, and a loft. The color options are Pebblestone Clay, Sandstone, and Wicker for the siding. The shutters can be Hunter Green or Burgundy. The proposed brick features are all Liberty Rose, while the mortar can be Mocha, Hazelnut, or Lehigh N (grey). All of the houses will have asphalt shingles.

The plan was presented to the Design and Architectural Review Committee (DARC) on September 30, 2013. Comments made by the DARC were reviewed during the concept site plan presentation to the Planning and Zoning Commission.

A hydrant on the property will address fire protection.

There is no floodplain on the property. Forest Conservation will be addressed with the retention of 0.40 acres of forest on the subject property and with the banking of 0.68 acres of forest off-site. Water Resources will be addressed by meeting water quality requirements for Stormwater Management. Stormwater requirements are met by providing inlets around the property to convey water to an infiltration facility under the loop at the end of Sareno Drive. Landscaping is shown along Sareno Drive and around the perimeter of the property. Landscaping is also shown in the island of Sareno Drive. A row of mixed coniferous trees was added to the property boundary shared with residents along Compton Lane to address concerns raised during the Planning Commission meeting in 2010 and the concept site plan review in November of 2013.

The proposed site plan was subject to Citizens' Involvement at a Technical Review Committee meeting held on October 28, 2013. Several citizens attended the meeting and spoke with concerns relating to forest retention and landscape screening. The minutes from the November 19, 2013 Planning and Zoning Commission meeting for this project are attached. The landscaping and lamp post locations have been revised per the Planning Commission discussion. No additional citizen comments have been received since this plan was presented as a concept site plan in November 2013.

Chapter 103 Recommendation:

Staff recommends approval of the site plan subject to the following conditions:

1. That the developer enter into a Public Works Agreement with Carroll County that guarantees the completion of the improvements.
2. That a Landscape Maintenance Agreement be recorded simultaneous with the Public Works Agreement.
3. That a stormwater management easement and maintenance agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneous with recordation of the Public Works Agreement.

CONCURRENCY MANAGEMENT REPORT

Patrick Varga presented the background.

Subdivision Plan: S-13-021, Antlitz Estates

Number of Units: 21 (age-restricted)

Roads: Johnsville Road

Fire and EMS: Sykesville

Police Services: Maryland State Police/Carroll County Sheriff's Department

Water: Freedom

Sewer: Freedom

Background:

Pursuant to Section 71-6E of the Code of Public Local Laws and Ordinances, once the Department of Land Use, Planning, and Development has determined that the final site plan may be presented to the Commission, Available Threshold Capacity forms are distributed for completion. The forms were distributed to the appropriate agencies. Chapter 71 states "Provided retirement homes are located within a public water and a public sewer service area,

retirement homes do not require adequacy approval as to schools but shall meet all other requirements of this chapter.”

Agency Responses:

Police Services:

The estimated Carroll County population as of December 31, 2013 was 170,199. As of that date, among the police forces in the County with staffing levels established by an annual budget including the Carroll County Sheriff’s Office and the municipal police departments, there were 195 funded officer positions. The number of Maryland State Police officers was 41. Based on a total of 236 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of December was 1.39. Services are adequate if the projected ratio of sworn law enforcement officers to population is equal to or greater than 1.3:1,000. The ratio shall be calculated by counting all sworn officers with law enforcement responsibility in Carroll County and all incorporated municipalities and by counting the total population of Carroll County. Including the projected population growth that would result from residential developments in the pipelines of the County and the municipalities, the ratio is projected to remain above 1.3 for the next 6 years.

Roads:

The Carroll County Department of Public Works responded that Johnsville Road, an urban major collector, is rated Level of Service C – adequate.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Sykesville fire and emergency medical services district. The two-year period of February 2012-January 2014 late and no response statistical data indicates that of the first due total fire calls in the Sykesville district, 1.00% were categorized as no responses, and 1.00% as late and no responses. Of the first due emergency medical service calls, 0.00% was categorized as no responses and 0.00% as late and no responses. Services are adequate if total number of late and no responses is less than 15% and the total number is less than 4% measured on a 24-month basis, updated monthly. Sykesville is rated adequate for late and no response criteria for both fire and emergency medical services.

With regard to fire call average response time, for the same two-year period, Sykesville had an average response time of 7 minutes and 49 seconds. With regard to emergency medical call average response time, Sykesville had an average response time of 7 minutes and 8 seconds. Services are rated adequate if when utilizing an average over the previous 24 months, response time is 8 minutes or less from time of dispatch to on-scene arrival with adequate apparatus and personnel. Sykesville is rated adequate for response time for both fire and emergency medical services.

The primary route from the firehouse to the proposed development does not include travel over bridges that cannot adequately support fire and emergency response apparatus – adequate.

Water Service:

The Carroll County Department of Public Works responded that the threshold capacity requirement for Freedom water service is adequate.

Sewer Service:

The Carroll County Department of Public Works responded that the threshold capacity requirement for Freedom sewer service is adequate.

Chapter 71 Recommendation:

With regard to a final plan, Chapter 71-6E(4) states “If adequacy was not determined by the Commission at the preliminary plan stage and the Commission determines that all public facilities and services are adequate, the Commission may approve the plan and issue a recordation schedule and building permit reservations.”

Therefore, staff recommends that the Planning Commission:

1. Find that police, roads, fire and emergency medical services, Freedom water and sewer are adequate.
2. Approve the site plan with the condition that the building permit be issued before the site plan becomes void, i.e. within 18 months of the date of written Commission approval.

Discussion:

George Manfred, Sapphire Court, questioned whether the site plan showed the location of a chain link fence that had been discussed and agreed to.

Mr. Varga explained that a standard construction fence which is orange in color is shown on the plan.

Mr. Manfred questioned the location of the fence. He noted that the original plan showed the fence located on his property, and Mr. Serra had agreed to relocate it 50-75 feet from the property line. Mr. Manfred expressed concern for the protection of his trees.

Marty Hackett, CLSI, noted that a supersilt fence line will be located 50-60 feet from the property line.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), approved the final site plan subject to the three conditions set forth in the staff report.

In accordance with Chapter 71, the Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and carried (Commissioner Rothschild abstained), approved the final site plan subject to the two conditions set forth in the staff report.

It was the consensus of the Commission to amend the agenda to move the Preliminary/Final Subdivision Plan Review for Hy-Crest before the Recess.

PRELIMINARY/FINAL SUBDIVISION PLAN REVIEW

A. P-12-008, Hy-Crest, Section 6, Lot 10

A. P-12-008, HY-CREST, SECTION 6, LOT 10

Daniel E. Hoff, Commission member, recused himself from this discussion.

LOCATION: Northwest Side of Relocated Stone Road near MD Rt. 97, 3rd Election District

OWNER: Mark E. Lynn, 508 Old Bachmans Valley Road, Westminster, MD 21157

DEVELOPER: Same as Owner

ENGINEER: RTF Associates Inc., 142 East Main Street, Westminster, MD 21157

ZONING: Agricultural District (Ag.)

ACREAGE: 5.16 acre

WATERSHED: Double Pipe Creek

NO. OF LOTS: 1 lot

MASTER PLAN: Agricultural

PRIORITY
FUNDING AREA: N/A

DESIGNATED
GROWTH AREA: N/A

PUBLIC FACILITIES IMPACTED:

SCHOOLS: Charles Carroll Elementary School
Westminster East Middle School
Winters Mill High School

ROADS: Relocated portion of Stone Road

POLICE: Carroll County Sheriff's Department

FIRE & EMS: Pleasant Valley Volunteer Fire Department

Clay Black presented the background.

Action Required:

Two actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Final Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.

Background:

The property was originally comprised of 163 acres. In accordance with the subdivision regulations for property zoned agricultural, the property was entitled to nine residential subdivision lots. Section 1 of Hy-Crest (Plat Book 29 Page 143), two lots, was recorded in 1988. Section 2 (Plat Book 32 Page 179), two lots, was recorded in 1990. Section 3 (Plat Book 34 Page 127), four building lots, was recorded in 1991. Section 4 (Plat Book 36 Page 105) a non-residential "Tract -A", was recorded in 1993. Section 5 (Plat Book 39 Page 175), one lot, was recorded in 1995 resulting in a 146 acre remaining portion.

With the cooperation of the property owner, Maryland State Highway Administration (SHA), and Carroll County Government, the Stone Road entrance onto Maryland Route 97 was relocated to a location further north on MD Route 97. This relocation required the deeding to Carroll County of 6.57 acres of property from the remaining portion of Hy-Crest. This deeded property divided the remaining portion into two non-contiguous properties, a 12.7 acre property and a 126 acre property. In accordance with the subdivision regulations, the 12.7 acres became a separate buildable residential parcel. A Memorandum of Understanding between Carroll County and the property owner, signed September 19, 2012, provided for the transfer of that residential buildable lot yield to the remaining portion.

Existing Conditions:

The subject property lies in the Agricultural zoning district, bordered by both New and Old Stone Road and by MD Route 97. The 126 acre portion contains a residence and several outbuildings. It is mostly cropland with some wooded areas with two ponds and several streams. The 12 acre property consists entirely of cropland. Properties zoned Agricultural are directly adjacent to the 12 acres. The entire farm is surrounded by properties zoned Agricultural and R-40,000 with nearby Conservation and Business General zoned properties.

Plan Review:

The developer proposes to transfer the existing buildable residential lot from the 12.7 acre property to a location on the 126 acre property. The lot and driveway location for lot 10 was determined during the early stages of the construction design for the relocated Stone Road so as to define an entrance while Stone Road was under construction. Access to the lot occurs via a

single use driveway. The lot is served by a private well and septic system. The proposed use is consistent with the land use designation of Agriculture in the Master Plan.

Hy-Crest, Section 6, Lot 10 was received in the Bureau of Development Review in September of 2012 and distributed to all review agencies. The comments from all reviewing agencies were presented to the Owner /Developer and the project's engineer at a Technical Review Committee held on October 22, 2012. The Bureau of Development Review commented that approval of the plan could not occur until the relocation of Stone Road was completed. The relocation of Stone Road is complete and operational.

All technical review agencies have granted approval of the plan. Stormwater management will be addressed through the installation of a drywell with an easement of access to be granted to Carroll County. The requirements of the Forest Conservation Ordinance were previously addressed by an easement being placed on a portion of the existing woods.

Public comments at the Technical Review Committee concerned the ultimate development proposal of the 12 acre property. On November 30, 2012, the Board of Zoning Appeals approved a park and commercial facility (case 5678) for the property. That decision has been appealed by adjoining property owners to the Carroll County Circuit Court. No site plan has been submitted to the Bureau for development of this property; however, Planning and Zoning Commission approval will be required for any site plan submitted.

The project is not subject to the provisions of Chapter 71, Adequate Public Facilities and Concurrency Management, as this is a transfer of an existing buildable parcel and not an increase in approved density.

Staff Recommendation:

Pursuant to Chapter 103, staff recommends approval of the preliminary and final plans subject to the following conditions:

1. That any changes to the Preliminary Plan and Plat as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.
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 simultaneous with recordation of the plat.

Discussion:

John Frock, adjacent property owner, noted that the property before the Commission is involved in a Board of Zoning Appeals (BZA) decision that is being appealed to the Circuit Court by adjoining property owners. He expressed concerns regarding issues with permitting existing housing units on the property and the utilization of these illegal housing units. Mr. Frock suggested that the utilization of sheds as housing units should eliminate the owner's ability to construct additional residences.

Mr. Black explained that Mr. Lynn has a garage on the property that was converted to a dwelling unit without the proper permits. He noted that the large remaining portion does not have a single-family residential house on it, but it does have a garage that is occupied.

Mr. Frock suggested that an equipment shed recently constructed includes 2-3 dwelling units inside.

Mr. Lynn indicated there are no living units in the shed which does not have water or heat. The property is occasionally utilized by a hunt club overnight.

Mr. Black noted that Mr. Lynn's comments parallel the Zoning Administrator's findings.

John Lemmerman, RTF, suggested that these other issues have no impact on the project before the Commission. The remaining portion is entitled to a residential unit.

Mr. Black agreed that the remaining portion has one residential lot yield.

Paul Holland, Stone Road, questioned how many dwelling units would be located on the north side of the new Stone Road.

Mr. Lemmerman indicated one residential dwelling unit is allowed on the north side of Stone Road.

Mr. Holland suggested that the owner wants to utilize that property for a soccer field and that three additional families are living on the parcel. He questioned the legality.

Mr. Black explained that the remaining portion has always been entitled to one residence. The plan is to transfer the lot yield from the south side to the north side of Stone Road. The relocation of Stone Road allows for this transfer of lot yield.

Philip R. Hager, Secretary, suggested that the applicant is asking the Commission to take action on a property that has two major issues pending.

Mr. Lemmerman stated that the outcome of the BZA case has no bearing on the property on the other side of the road.

Jeffrey Wothers, Commission member, questioned whether the Commission had to move forward with both the preliminary and final plan.

Mr. Black explained that the Commission could act on the plans separately and/or add additional conditions of approval.

Carol Baublitz, Stone Road, questioned the zoning on the property. She noted that her five-acre parcel was changed to residential zoning when the residence was built.

Mr. Black explained that the zoning is agricultural, but for tax purposes, the property would be listed as residential in use once a residence is constructed.

Mr. Lemmerman stated that the proposed use approved by the BZA is not relevant to the project before the Commission. He noted that the owner is currently working with the Permits Office and the Zoning Administrator to address the issues with the other property.

Decision:

Mr. Helminiak made a motion that pursuant to Chapter 103, the Commission approve the preliminary and final plans of subdivision subject to the two conditions in the staff report. The motion died for lack of a second.

In accordance with Chapter 103, the Commission, on motion of Mr. Wothers, seconded by Mr. Helminiak, and unanimously carried, approved the preliminary plan subject to the two conditions outlined in the staff report.

Mr. Lemmerman questioned the purpose of waiting another month to put the plan back on the agenda for final plan approval.

Mr. Wothers suggested an additional month would give the Commission time to see if progress had been made regarding the outstanding permitting issues. He noted that it is a matter of exercising discretion.

Chairman Yeo suggested that staff provide the Commission with some indication from the Permits Office that the owner is working towards compliance with permitting requirements.

Mr. Black questioned what type of movement would be necessary to place the final plan on the Commission's agenda and whether this was limited to the permitting issues or the Circuit Court Case.

Chairman Yeo indicated the Commission was not interested in the Circuit Court Case.

Mr. Hager suggested staff could provide a letter from the Zoning Administrator and Bureau Chief of the Permits Office stating that all requirements of permits and zoning have been met.

Chairman Yeo indicated his assumption that Health Department requirements would also be reviewed by the Permit Office.

Mr. Hoff returned to the meeting.

Commissioners Rothschild left the meeting.

CONCEPT SUBDIVISION PLAN REVIEW

A. P-13-008, The Fields at Pheasant Run

A. P-13-008, THE FIELDS AT PHEASANT RUN

LOCATION: North side of Kate Wagner Road, east of Kate Wagner Court, E.D. 7

OWNER: Link-Singer, LLC., c/o William and Jennie Link, 2625 Old Washington Road, Westminster, MD 21157(LLC Members: Bill Link & Elmo Singer)

DEVELOPER: Same as Owner

SURVEYOR: D.R.S. & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: R-40,000

ACREAGE: 6.92 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: 7 Lots

FIRE DISTRICT: Westminster

MASTER PLAN: Low Density Residential

PRIORITY
FUNDING AREA: Westminster

DESIGNATED
GROWTH AREA: Westminster

Patrick Varga presented the background.

Action Required:

The plan is before the Commission for determination of the Commission's preference of a cluster plan or a conventional plan and to determine setbacks for the residences.

Existing Conditions:

The subject property is undeveloped. This property is shown as non-residential Parcel A on the Law Farm plat from 1979 (attached). There are wetlands and a stream in the southernmost area of the site, toward the middle of the parcel. There are also trees and shrubs in this area that extend east to the property boundary. This property and all properties to the north, east, and west are in the existing/final planning service area for Westminster City public water and public sewer. Properties to the north and west of the subject property are zoned R-40,000, while properties to the east are zoned R-10,000. Properties on the opposite side of Kate Wagner Road are zoned Agriculture. Properties to the north and west are improved with single-family homes. Properties to the south are improved with residences with a large forested area as well. Properties to the east are improved with homes and small businesses.

A site plan was submitted for the subject property in 2006. At that time the developer proposed to construct 36 age-restricted town homes. Over the course of several Planning and Zoning Commission meetings, Board of Zoning Appeals hearings, and a Circuit Court case, the density

was reduced to 24 age-restricted town homes. Final plans were submitted for review, but the developer abandoned that development several years ago.

Plan Review:

The developer proposes to create seven new lots on the property. The developer has submitted both a conventional and cluster plan for review. The cluster provisions for properties zoned “R” or “H” were recently changed to allow a cluster subdivision to be approved on a property less than ten acres in size. The cluster code is as follows:

§ 103-53. Conditions requisite to approval in R and H Districts.

In the [Heritage](#), [R-40,000](#), [R-20,000](#), and [R-10,000](#) Districts, the Commission may authorize the division of tracts or parcels of land into lots for R District uses, and lots and yards may be smaller than otherwise required in the R Districts in [Chapter 223](#), provided that the following conditions are met:

- A. The total number of lots and dwelling units may not exceed the number that would be permitted if the area were developed in conformance with its topographic characteristics and the normal minimum lot size requirements in the zoning district in which they are located.
- B. The land derived from reduction of lot size shall be provided and maintained as open space or recreational areas for joint use by the residents of the cluster subdivision or offered to the County as agreed to by the Commission, except where such additional reduction of lot size occurs as a result of utilizing TDRs pursuant to § [103-29](#) and subsection E of this section.
- C. Cluster subdivisions must be served by public water and sewerage facilities.
- D. Common open space shall not be less than 15% of the gross acreage of any tract submitted for cluster subdivision.
 - (1) A maximum of 50% of the required open space may be steep slopes, streams, ponds, watercourses, and floodplains.
 - (2) A minimum of 10% of the required open space or 1.5 acres, whichever is greater, shall be suitable for active recreational use and may not exceed a grade of 3%.
 - (3) For tracts or parcels less than 10 acres, the Commission may approve deviations from these percentage requirements.
- E. A cluster subdivision receiving TDRs may increase density at two TDRs for every 10 lots created in accordance with subsection A.
- F. In order to be eligible for clustering, all lot yield from the entire property shall be included on the preliminary subdivision plan.

A conventional plan showing seven lots that range in size from 40,000 square feet to 1.26 acres was submitted for review as part of the plan. The development will be accessed by four private driveways and a use-in-common serving three lots. The lots will be served by public water and sewer from the City of Westminster. All lots will be served by drywells.

The cluster plan shows seven residential lots ranging in size from 20,918 square feet to 31,335 square feet. Each lot is served by public water and sewer service provided by the City of Westminster. A 16’ wide use-in-common (UIC) driveway will provide access from Kate Wagner Road. The UIC is a loop road connecting to Kate Wagner Road at two points. As this property is within the sewer service area for existing/final planned service, percolation tests are not required to establish lot yield, as they are required for clusters on private septic systems.

Setbacks for Conservation cluster subdivisions are specifically listed in Chapter 103; however, setbacks for “R” and “H” clusters are not listed in the code. In this case, the Commission can approve one set of setbacks for the entire subdivision or approve setbacks individually for each lot. The R-40,000 setbacks listed in the Zoning Code are: Front 40’, Side 20’, Rear 50’. The R-20,000 setbacks listed in the Zoning Code are: Front 40’, Side 12’, Rear 50’.

Open space, required by the cluster requirements, is shown as Parcels 1, 2, and 3. The active open space requirement for this development is a minimum of 10% of the required open space or 1.5 acres, whichever is greater. In this case, 10% of the open space is 0.2493 acres, so a minimum of 1.5 acres is required. A total of 2.493 acres is shown as active open space. A walking trail is shown traversing all three open space parcels to satisfy the active recreational requirement of the cluster provisions. A pavilion is shown between Lot 3 and Kate Wagner Road. This pavilion will be built for the benefit of the residences in this subdivision.

The developer has requested a Good Cause Waiver from the City of Westminster for water and sewer service. Although plans were sent to the City of Westminster for review, no response has been received regarding plan review issues or regarding the good cause waiver. The plan shows a water line being extended from Kate Wagner Court through the rear of the property and the sewer line being extended from MD Rt. 32 along Kate Wagner Road. A pump station will be installed to convey effluent by force main to MD Rt. 32.

The proposed land use is consistent with the 2007 Westminster Environs Community Comprehensive Plan land use designation of Low Density Residential.

Stormwater management will be addressed with the installation of drywells as well as a facility on Parcel 4. Landscaping will be provided along the south side of Lot 1 as the side of the home faces the public street. A water resource protection easement around the stream and wetlands will be shown on the plan in subsequent submittals. Afforestation of 1.384 acres is required.

The subdivision plan was subject to Citizen’s Involvement on December 23, 2013 during the Technical Review Committee (TRC) meeting. Questions were raised regarding access and development potential. Several citizens raised concerns regarding the impact of this development to their wells and septic systems. A series of retaining walls shown on the townhome site plan have been removed as they are not needed for single-family development. The neighbors wanted confirmation that this project would be served by public utilities and that they did not have to connect to the utilities when they were extended to this property. It was explained that the City of Westminster is the utility provider and it would be up to the City to require residents to connect to public water and sewer. This office has not received any comments from the City on this plan, nor have we received any indication that the City will require adjoining properties to connect to these facilities. The neighbors who attended the meeting all indicated they preferred single-family homes to the previous design of age-restricted town houses.

This project is subject to the provisions of Concurrency Management, Chapter 71 of the Code of Public Local Laws and Ordinances of Carroll County, and will be tested prior to the presentation of the preliminary plan to the Commission for approval. In previous discussions with Steve Horn, City of Westminster Director of Community Planning & Development, it has been conveyed that there is currently no water available for this site. They are working with the Maryland Department of the Environment to secure additional allocations for existing and future

development projects based on future well projects coming online to increase capacity. The developer is aware of the situation with the City and has been in contact with them for several years regarding this issue.

The Bureau of Development Review has no preference as to which plan is carried forward to the preliminary plan stage. The surveyor of record has indicated his preference for the cluster plan. Both plans have inherent design elements that are advantageous. The walking trail and pavilion create a sense of community for these seven houses, however, there is less paving needed under the conventional design. While the same number of trips is generated by this site, there are three fewer access points under the cluster design.

Discussion:

Daniel Hoff, Commission member, questioned who was responsible for maintaining the common parcels. Normally, with larger subdivisions it is a homeowners association.

Mr. Varga explained that open space parcels can be owned by the County, owned by a homeowners association, or included into another lot with an easement written over the use of the land. With this project, the developer plans to develop a homeowners' association.

Chairman Yeo questioned whether there was a circumstance where public water and sewer would be abandoned and the project would switch to private well and septic.

Mr. Varga indicated that is a possibility with an amendment to the Water and Sewer Master Plan, but the project would have to be developed as a conventional plan, under these conditions.

Dan Staley, D.R.S. & Associates, noted that the conventional plan is less expensive to build, but the owner would like to develop the cluster plan in order to create more of a community. He explained that after accomplishing the necessary reforestation for the project, an additional one acre of forest bank would be created to be sold by the homeowners association to provide some start up monies of approximately \$12,500. Mr. Staley explained that the pump station would also be owned and operated by the homeowners' association, but each lot would have their own septic tank to maintain. He discussed the use of stone trenches to address stormwater management along the driveway.

William Link, developer, provided information regarding similar projects he had developed in Crownsville and Pasadena, explaining why a cluster project provided more of a sense of community that he was looking to develop.

The Commission discussed providing general guidelines to staff and the developer regarding setbacks. The consensus of the Commission was 40 foot minimum rear setback, 15 foot minimum side setback, and 30 foot minimum front setback, with the exception of Lot 1.

Chairman Yeo suggested reconfiguring Lots 1 and 2 to approximately ½ acre in size to allow for more space on Lot 1.

Mr. Hoff suggested that the house on Lot 2 be angled more, so it does not look directly into the rear yard of Lot 1.

It was the consensus of the Commission that the developer move forward with the cluster plan.

It was the consensus of the Commission to amend the agenda to move Item Nos. 14 and 16 to the afternoon session and proceed with Item No. 15 before the lunch break.

OVERVIEW OF REZONING REQUEST CASE NO. 222 – DICKENSON RUN PROPERTY

Andrea Gerhard, Bureau of Comprehensive Planning, introduced a rezoning request to reclassify 2.2025 acres located on Dickenson Road next to the Oklahoma Middle School from R-20,000 to B-NR. She reviewed an aerial view of the property, neighborhood and regional zoning, designated land use, and existing use of land. Ms. Gerhard reviewed the neighborhood noting the similarities to the neighborhood used for Rezoning Case 221. She indicated staff would provide a full report to the Commission at the March meeting.

Philip R. Hager, Secretary, noted that the neighborhood had been developed by the applicant in consultation with staff.

Chairman Yeo indicated that the school property adjoins this property, and questioned the reason that property was not included in the neighborhood.

Dave Bowersox, attorney for the petitioner, stated that no one pushed for the inclusion of the school property. In his opinion, the two properties do not influence one another. He noted that the orientation of the school is such that it is away from the property. Mr. Bowersox explained that this property is the only remaining undeveloped parcel that was designated within the Boulevard District boundary in the 2001 Freedom Comprehensive Plan. He noted that the outline of the neighborhood is consistent with the limits of what was proposed as the Boulevard District limit.

2014-2015 TO 2023-2024 CARROLL COUNTY PUBLIC SCHOOLS ENROLLMENT PROJECTIONS

William Caine, Carroll County Public Schools (CCPS), distributed copies of the 2014-2015 to 2023-2024 CCPS Enrollment Projections. He noted that there were 356 less students overall compared to the previous year; the eighth straight year of decline. Mr. Caine explained that the number of births and net migration are the two main factors influencing the enrollment projections. He discussed enrollments by grade, noting that the number of kindergarten enrollments is declining.

Daniel Hoff, Commission member, questioned why birth numbers are projected to increase after 2020.

Mr. Caine explained that the County has been experiencing historic lows in terms of growth. His projections were done with a belief that the County would experience an increase in growth above what has been occurring the last five years.

Chairman Yeo repeated a request he had made last year, suggesting that the projections for the out years, beyond the numbers that are available for the number of children born, be highlighted

in a different color. He questioned whether the Board of Education (BOE) works in conjunction with staff to develop the projections or approves them once developed by staff.

Mr. Caine explained that he develops the projections and presents them to the BOE. They are then utilized to develop the Ten Year Facilities Master Plan which the BOE approves.

FREEDOM BICYCLE & PEDESTRIAN MASTER PLAN – REQUEST TO CERTIFY PLAN

Lynda Eisenberg, Bureau of Comprehensive Planning, noted that the Freedom Bicycle & Pedestrian Master Plan was reviewed by the Commission at its January 29 meeting. The Commission is being requested to Certify the Plan.

The Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and carried, Certified the Freedom Bicycle & Pedestrian Master Plan.

COMMUNITY FEEDBACK SURVEY: DRAFT MASTER PLAN

Lynda Eisenberg, Bureau of Comprehensive Planning, distributed the proposed survey cards to be utilized during the community involvement meetings. The Commission had previously discussed the survey cards at the January 29 meeting. She noted that the survey would also be available on the website through Survey Monkey.

The Commission directed staff to move forward with the proposed survey format.

MASTER PLAN DISCUSSION

Lynda Eisenberg, Bureau of Comprehensive Planning, noted that staff has been working with the Department of Economic Development to make recommendations for a future land use map, as well as modifications to the draft zoning definitions that were reviewed with the Commission in September. She indicated that work is almost complete on the existing land use map.

Philip Hager, Secretary, noted that through field work, combined with the EDLENS Study, Land Suitability Analysis, and discussions with Economic Development, staff have identified parcels in conjunction with the property owners to increase commercial/industrial rates.

Ms. Eisenberg stated that the Commission will be presented with the Land Use Chapter and associated mapping at the March 5 work session.

Chairman Yeo expressed concern regarding the Commission's lack of participation in the creation of the land use mapping.

Mr. Hager explained that what is being presented to the Commission is a staff draft. When the Commission is satisfied with the document, it will move forward to public review. He summarized the steps leading up to the Commissioners' Adoption.

Ms. Eisenberg reported that the timetable for the public outreach meetings were again revised. All March meetings have been rescheduled. The tentative start for the outreach meetings is April 3.

Chairman Yeo suggested that two work sessions would be necessary: one to review the information developed by staff, and the second with Economic Development to hear their perspective.

Daniel Hoff, Commission member, discussed a provision that was included in the Pathways Plan which preserved remaining portions. He suggested this was something that the Commission and staff should revisit. Mr. Hoff offered to work with staff to develop ideas. He suggested that approximately 14,000 acres could be preserved towards the County's 100,000 acre goal.

Mr. Hager noted that staff had recently received direction from the Commissioners to look into the possibility of preserving remaining portions.

ADMINISTRATIVE RULES OF PROCEDURE – FINALIZE MODIFICATIONS

Philip R. Hager, Secretary, reviewed the modifications made to the Administrative Rules based on the Commission's last review.

Clay Black, Bureau of Development Review, noted that no other jurisdictions address disclosure waivers in their procedures.

Mr. Hager explained that the County Attorney's Office feels the modifications regarding how development extensions are handled should be addressed through a Code change and not the Administrative Rules. Staff will work to prepare language to codify what was discussed by the Commission.

The Commission, on motion of Mr. Helminiak, seconded by Mr. Wothers, and unanimously carried, approved the Administrative Rules as proposed for modification.

Mr. Hager described another issue that needs to be addressed by the Commission. When an applicant receives approval for a development, they move forward to the Public Works Agreement (PWA) process. Fees are paid related to water and sewer. Sometimes these fees are in excess of \$18,000, and it takes several years before construction occurs. Staff would like concurrence to establish a task force of staff and members of the development community to discuss how to address this situation. Recommendations from the task force would be presented to the Commission for review and approval.

It was the consensus of the Commission to direct staff to move forward in this endeavor.

PUBLIC COMMENTS

There were no public comments.

There being no further business, the Commission adjourned at approximately 3:20 p.m.

Secretary

Approved