

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

January 20, 2009

Location: Carroll County Office Building

Members Present: David L. Brauning, Chairman
Dennis Wertz, Vice Chair
Wayne Schuster
Charles M. Chadwick
Melvin E. Baile, Jr.
Julia Walsh Gouge, Ex Officio

Members Absent: Alec Yeo
Robert B. Slade, Alternate

The meeting opened at 9:00 a.m. Present with the Commission were the following persons: Steve Horn and Tom Devilbiss, Department of Planning; Terri Jones and Kim Millender, Department of the County Attorney; Clay Black, Jeanne Joiner, Kim Brandt, Pat Varga, Ashley Wantz, and Kathryn Filemyr, Bureau of Development Review; Gale Engles, Martin Covington, and Jonathan Bowman, Bureau of Resource Management; Bruce Dutterer and Jeff Degitz, Department of Recreation and Parks; Ted Zaleski, Department of Management and Budget; Marie Truffer; Pam Short; Wanda Legore; Randy Bachtel; Andrew Stine; Michael Klein; Gail Holliday; Bob Sommerville; Christina Gennity; Sam Beeghley; Martin Rickell; Ken Hunter; Anne Frampton; John Knight; Benny Kirkner; Joel Kaufman; Evelyn McLaughlin; Peter Podolak; John Lemmerman; Donald Reuwer; Tom Green; and members of the press.

APPROVAL OF MINUTES

a. December 16, 2008

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The minutes of December 16, 2008 were approved as written.

COMMISSION MEMBER REPORTS:

Chairman – Mr. Brauning indicated he had nothing to report.

DEPARTMENT OF PLANNING STAFF REPORT:

Director – Mr. Horn reported that this afternoon the Commission will start the first in a series of work sessions. The Chairman will close the regular meeting and move into a more informal work session. The topic of today's discussion is ways to remove some of the less burdensome items from the Planning Commission agenda to facilitate administrative processes. Mr. Zaleski will also be providing the Commission with an overview of the CIP. This is the initial step in the process by which the Commission sends a letter of recommendation to the Board of County Commissioners for their consideration.

STORMWATER MANAGEMENT REGULATIONS – PROPOSED AMENDMENTS

Mr. Tom Devilbiss, Department of Planning, indicated he would like to brief the Commission on stormwater management updates taking place at the State level. There was legislation from Annapolis in 2007 which required the State to review the Stormwater Management Act with regard to how stormwater management is designed and regulated, recharge issues, etc. This review took place in 2008, and County staff participated in that process. Revised regulations were sent out for public review by the end of the year, and the County submitted formal comments. Today staff will be reviewing the new requirements and their impacts on the Planning Commission and the County as a whole.

The new regulations require implementation of Environmental Site Design to the maximum extent practical. The maximum extent practical is determined by the local approving authority. Carroll County has already been following this process in a more aggressive nature than other counties. Since 2004, the County requires a developer to provide a map showing where the environmental features are and to get approval of an environmental site delineation. The County will need to do more to reduce grading and use natural drainage pathways, and the stormwater management plan must now have concept plan approval which is not part of the current practice. The State also wants the counties to address redevelopment. Carroll County has been reviewing development proposals under these practices since 2004, so impacts to developers in the County will be minimal.

The County is waiting to hear back from the State as to whether there will be amendments based on the comments received. Once the State finalizes the new requirements, the counties will have until the end of this calendar year to incorporate those changes into their Codes. The State would like to receive Code changes from the counties by July in order to provide time for adequate review.

Mr. Baile questioned whether the State's wording "to the maximum extent practical" will water down Carroll's existing practices.

Mr. Devilbiss indicated that he had asked that specific question to the State, and they responded that it will be determined by the local jurisdictions.

Mr. Baile asked for the definition of an "infiltration berm".

Mr. Covington described it as a series of berms filled with number two stone wrapped with top soil running down the side of the hill creating leakage. He noted that he was concerned about this option and had made extensive comments to the State.

Mr. Baile stated that it appears the stormwater management plan will need to be much further along at the concept plan stage than the current practice.

Mr. Devilbiss explained that the State is requiring that all environmental site design practices must be established and shown by the concept plan stage. For most plans that may not be too much of a problem. He suggested there may be issues for commercial/industrial subdivisions where you do not know what types of businesses will be constructed on the individual lots. The County's concerns in this regard were presented to the State.

Mr. Baile questioned whether these new regulations had been reviewed with the developers/surveyors at their monthly meetings with the Development Review staff.

Mr. Devilbiss indicated this has been a State process, but those attendees have been informed that it was occurring and encouraged to provide comments.

Mr. Baile mentioned that changes may be necessary to the stormwater management plans based on the Commission's plan review at the concept stage. This may cause the stormwater management plans to be reengineered.

Mr. Devilbiss indicated the State wants everything approved at the concept stage because many jurisdictions do not have an approval process for stormwater management facilities. Or, stormwater management happens at the very end and something subpar gets pushed through because it was not addressed in a timely manner.

Commissioner Gouge questioned what the State would be reviewing.

Mr. Devilbiss stated that the County will have to make modifications to the Code to address the State's changes. These code changes will be reviewed and approved by the State. The County will be the final reviewing/approval agency.

Mr. Schuster indicated he is a proponent of open space requirements in non-residential districts. He questioned whether it would help to have a more predictable stormwater management design if there were some of these items in the County's Code.

Mr. Devilbiss indicated it could be helpful for the County to include that in our review of Code changes. He noted that the County utilizes open space at this time, but it is not as maximized as the State would like it to be.

Mr. Wertz questioned whether the Commission should consider looking at the opportunity to allow more informal sketch plans.

Mr. Horn recognized that these new regulations create additional bureaucratic challenges for individuals submitting plans. When changes were made to the Code in 2004, the concept plan review was created to eliminate the delays at the back end of the process. While sketch plans are not part of the formal process, staff will work with the developers, much like they do with design issues, to convey the Commission's desires.

Mr. Wertz questioned whether developers clearly have an opportunity to provide a sketch plan to the Commission.

Mr. Horn indicated that opportunity is available and it is something we may see more of with the addition of these regulations.

Ms. Gale Engles discussed another issue with the Commission. She explained that beginning January 1st MDE required a new general permit for construction sites with one acre of disturbance or more. The new process requires all applicants to make formal submissions to MDE to receive a Notice of Intent (NOI) before construction can begin on a site. She noted that this process has been contested by some local environmental groups, so an interim procedure

was created which requires a 60-90 day review period through MDE with public notification through local newspapers. Carroll County was previously allowed to issue grading permits with notification to the applicant that they were required to get a NOI through MDE. Now the County needs to hold the permit up until the NOI is submitted. The County sent out letters to local engineering companies to make them aware of this new process. The County must also hold up the issuance of grading permits on projects that currently have approvals until the NOI has been received. The State has suggested there will be a 60-90 day turn around time for this process.

Mr. Schuster questioned what happens after the 90 days.

Ms. Engle explained that during the 60-90 days, MDE will notify the public through the newspaper, giving the public an opportunity to request a public hearing, etc.

Mr. Baile questioned why the State is making these changes.

Mr. Devilbiss explained that these changes are not linked to the changes with the Stormwater Management Regulations; these changes are through the NPDES process. Under the NPDES program, permits must be issued by the State (this is an MDE process). The County must insure that all Federal and State permits have been issued before the grading permit can be issued.

Mr. Horn stated this is a bureaucratic nightmare. The consequences of this action are unknown, and the 60-90 day turn around is optimistic. There has been no action by MDE to bring on more staff to handle the additional processes. The County is going to do what it can in house to be ready once an applicant has been approved to proceed at the State level. Staff wanted the chance to bring the information to the Commission as an informational item. Parties of interest have been notified and supplied the State's press release.

Ms. Engles indicated that developers would be able to submit their plans to MDE for approval prior to waiting until all approvals have been received from the County.

Commissioner Gouge noted that the County has been fighting to make sure that the State does not pass legislation that would allow the State to regulate land use in the counties. Carroll has passed rules and regulations that are more strict than the State. She suggested that the State's regulations take away some of the Commission's discretion and place it in the State's hands. She suggested a Monday morning meeting with the Delegation to review this same presentation, so they fully understand what one of the State's agencies is doing. Commissioner Gouge suggested there are other jurisdictions as upset as the County and that MACo and MML should also be contacted.

Mr. Baile questioned how the State could broad brush regulations when you have such varying geology and soil types. He concurred with Commissioner Gouge's suggestion that the Delegation be brought in to discuss these issues.

Commissioner Gouge stated that Carroll is being sacrificed for other counties that have not been doing their jobs. She suggested the Council of Governments receive the presentation as well.

Ms. Terri Jones entered the meeting.

FINAL SITE PLAN REVIEW:

- a. S-06-009, Krimgold Regional Park
- b. S-05-040, Doroly Gardens
- c. S-08-020, Eldersburg Park, First Amended Site Plan
- d. S-06-019, Klein's Warehouse Facility
- e. S-08-010, David D. Green Professional Center

A. S-06-009, KRIMGOLD REGIONAL PARK

LOCATION: East side of Woodbine Road, south side of Buckhorn Road, 14th E.D.

OWNER: County Commissioners of Carroll County

DEVELOPER: Same as Owner

ENGINEER: Whitney, Bailey, Cox, Magnani, 849 Fairmount Avenue, Baltimore, MD 21286

ZONING: Conservation

ACREAGE: 139.72 acres

FIRE DISTRICT: Winfield

WATERSHED: Piney Run Reservoir

MASTER PLAN: Conservation

Ms. Kimberly Brandt presented the background.

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 final site plan.

Existing Conditions:

The subject property is mostly field with some areas of woods. Four ponds are located on the property. Ponds 1, 2 and 3 are connected by a stream. A dirt road on the property connects with a stone road near the Winfield Bible Chapel property.

Site Plan Review:

A regional park is proposed for the site. Parks and recreation facilities are principal permitted uses in the Conservation Zoning District. The proposed use is also consistent with the land use designation of Conservation in the Master Plan.

The site plan depicts a loop trail with a spur to Buckhorn Road, five soccer fields, four softball fields, three open play areas, five picnic shelters, a playground, and a restroom facility building. As recommended by staff, the trail will be six feet wide. The restrooms will be waterless facilities, similar to the restrooms at Cape Horn Park.

Vehicular access to the site will be from an entrance on Woodbine Road. The entrance will have one ingress lane and two egress lanes, one for right turns and one for left turns. A concept plan presented to the community in May of 2005 depicted an additional vehicular entrance on Buckhorn Road. In response to concerns raised at the meeting, this entrance was eliminated.

Development of the park will be phased. Phase 1 will consist of the internal road, the trail, the restrooms, the picnic shelters, three soccer fields, and the parking lots associated with these site features. Sight distance improvements at the Woodbine Road/Buckhorn Road intersection and widening Woodbine Road along the entire park frontage to accommodate two travel lanes, a bypass lane to the west, and a turn/merge lane to the east will also be completed in Phase 1.

Phase 2 will consist of the two remaining soccer fields, the four softball fields, a trail spur leading to the two easternmost softball fields, and the associated parking lots. The reconfiguration of the Maryland Route 26/Woodbine Road intersection to add left turn lanes on northbound Woodbine Road and southbound Salem Bottom Road will be completed in Phase 2. With the exception of the landscaping associated with the Phase 2 parking lots, all landscaping will be installed in Phase 1. In response to comments from the owners of adjoining residential properties, considerable landscaping is being provided along the property lines shared with residential properties in the developed areas of the site so park users can clearly identify where public property ends. This includes the landscaping installed along each side of the trail spur extending to Buckhorn Road.

All forest conservation planting, construction of the storm drain system, construction of the stormwater management facilities, and pond maintenance/restoration will be completed in Phase 1. Pond improvements will include the removal of woody vegetation from the embankments and repairing the principal and emergency spillways so they are functional. Work associated with the outfall of Pond 3 will require a state permit; a condition of approval addresses this issue.

A total of 479 parking spaces are provided on the site. Porous paving is planned for all parking areas.

The area believed to be the Jenkins Gillis cemetery will be fenced to prevent disturbance.

The hours of operation for the park will be sunrise to sunset, as there is no lighting proposed. Likewise, there is no public address system proposed. Signage will be limited to a freestanding sign along Woodbine Road identifying the park.

As was previously reported, the site plan was subject to citizen involvement at the March 26, 2007 Subdivision Advisory Committee meeting. A large number of citizens attended the meeting and commented on the proposed park. Several speakers remarked that there are too many ball fields planned for the site. Speakers commented that they would like the park to include equestrian trails, jungle gyms, and basketball courts.

A number of speakers stated that there is currently a problem with people trespassing on the property to consume alcohol, set fires, shoot guns, ride ATVs, and mud bog in trucks. The sheriff's office has been contacted by residents on numerous occasions about this.

Concerns were also raised about noise, particularly affecting area churches and nursing homes. Recreation and Parks has responded that similar park facilities are located near churches and there have been no problems with noise. As has been noted, there is no public address system proposed for the park.

Several citizens expressed concern with increased traffic on Woodbine Road. This issue and the others described are noted in the correspondence that was provided to the Commission with the concept site plan report.

The concept site plan was presented to the Planning Commission at the April 17, 2007 meeting. The meeting minutes are attached.

Recommendation:

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

1. That the work associated with the outfall for Pond 3 be completed prior to the issuance of the grading completion certificate.
2. That a forest conservation deed of easement be recorded prior to final signature approval.
3. That a water resource protection deed of easement be recorded prior to final signature approval.

Discussion:

Mr. Baile questioned whether the three ponds would be utilized as stormwater management facilities, so there would not be any fishing opportunities.

Mr. John Knight, Whitney, Bailey, Cox & Magnani, indicated they would be usable ponds.

Mr. Chadwick questioned whether anything would be done to prevent the use of the second access area to Buckhorn Road to the east. He asked whether signage was proposed or necessary.

Mr. Knight indicated there is a full stand of trees in that area. He explained that it is a natural area that is proposed to remain in its natural state.

Mr. Jeff Degitz, Department of Recreation and Parks, indicated the access could be monitored and signed if necessary.

Mr. Chadwick indicated that the project is located on two parcels. He questioned whether there were any plans for parcel consolidation as would be required of a private developer.

Ms. Brandt indicated the County requires parcel consolidation when there is a structure on the property. She noted that parcel consolidation could be made a condition of approval.

Mr. Chadwick stated his preference for parcel consolidation, so the County follows the same guidelines that would be required of a private developer.

Public Comments:

Ms. Marie Truffer, 1393 Buckhorn Road, indicated that she had met with staff on Friday to discuss the project. She noted that she had some questions with regard to discrepancies in the information distributed today. Ms. Truffer questioned whether the areas adjacent to her property would be landscaped in Phase 1 or Phase 2. She also questioned which phase the trail would be constructed.

Ms. Brandt identified the three parking lots that will be constructed in Phase 2 of the project and explained that only the landscaping associated with those parking lots would not be completed in Phase 1 of the project.

Ms. Truffer questioned whether any signage or speed bumps would be utilized to protect the pedestrians at the locations where the walking path crosses the road.

Mr. Degitz indicated that the County typically uses a crosswalk and/or strategically placed speed bumps in its parks.

Ms. Truffer noted that her well is approximately 30 feet from the edge of her property bordering the park. She questioned how many playing fields were being constructed.

Mr. Degitz explained that the scope of this project was reduced from the original 12 fields to 9 fields. The County has also included in the grading two areas that could be used as an open play area. Mr. Degitz noted that one of the comments the County routinely receives is that there are no open play areas at the parks because the athletic fields are so heavily scheduled. He explained that this is not an area that will be scheduled. It will be utilized for free play, i.e., picnics, kite flying, etc.

Mr. Schuster questioned the proposed water usage in the park.

Mr. Degitz responded that a waterless restroom is proposed similar to what is utilized at Cape Horn Park.

Ms. Truffer noted that she was not so much concerned about the water usage of the park as she is with the effects of moving that much ground in the area so close to private wells.

Mr. Tom Devilbiss, Department of Planning, explained that the disturbance will be put back into turf, so the actual recharge of the site is not going to change. He stated that it is really not a concern from the standpoint of private wells. Mr. Devilbiss suggested that the recharge will likely be better than it has been in the past with the flatter areas and turf. He noted that enhanced stormwater management practices will be utilized in this project because it is within the Piney Run Watershed area. The practices to be followed in this case are more stringent than current State requirements.

Mr. Schuster questioned whether there would be erosion and sediment control plans for construction impacts.

Mr. Devilbiss indicated there are approved erosion and sediment control plans for the project.

Ms. Anne Frampton, 1401 Buckhorn Road, asked for an explanation as to why all four ponds must be totally deforested. She indicated that a lot of habitat will be removed in order to maintain the ponds.

Mr. Devilbiss explained that the ponds located on the site were constructed several years ago in a farm pond style. In order to maintain those ponds and ensure their durability in the future, that vegetation, especially the vegetation on the embankments that block the water, needs to be free of woody debris or invasive plants. Mr. Devilbiss explained that the ponds were not maintained properly in the past, so the County is bringing them up to the proper standard and taking extra steps to ensure their durability.

Mr. Schuster questioned whether any of the areas around the ponds are classified as jurisdictional wetlands.

Mr. Devilbiss indicated the area to the north of pond 3 is wetland area. He noted that water resource protection easements are placed over those areas on the property.

Mr. Brauning noted for the record that an e-mail was received and distributed to Commission members and staff from Mr. Thomas Pearre expressing his concerns.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Schuster, seconded by Mr. Chadwick, and unanimously carried, approved the final site plan subject to four conditions – the three conditions contained in the staff report and a fourth condition that the parcels be consolidated.

B. S-05-040, DOROLY GARDENS

LOCATION: South side of Macbeth Way, north of Pommel Drive, 5th E.D.

OWNER: Patton Homes, Inc., 10 Venture Way, Suite A, Sykesville, MD 21784

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157-5539

ZONING: R-10,000

ACREAGE: 5.29 acres

FIRE DISTRICT: Sykesville

WATERSHED: Liberty Reservoir

MASTER PLAN: High Density Residential

Ms. Kimberly Brandt 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 improved with a single-family residence and several outbuildings. The property is accessed from Macbeth Way and is surrounded on all sides by residential properties zoned R-10,000.

Site Plan Review:

The developer proposes to establish a 55 and older community comprised of 28 condominium units. The units are clustered in attached groups of three and four. Each unit will be 1-1/2 stories with over 2,000 square feet of living space and a garage. Units 5 through 28 will include a basement. Depending upon the borings, Units 1 through 4 may also have basements. The units are 26 to 28 feet wide.

The existing buildings on the site will be demolished. The project will be served by public water and sewer.

The proposed use is a conditional use in the R-10,000 district. The Board of Zoning Appeals (BZA) approved the use. A copy of the decision is attached for the Commission's review. There are no conditions associated with the BZA approval.

The units are sited along a private internal road identified on the plan as Botanical Court. Sidewalks are depicted along both sides of Botanical Court, except along the east side of the entrance. There is a steep hillside in this area, where two proposed retaining walls are depicted on the site plan. The driveway to the house on the hillside extends across the subject property to Macbeth Way. The developer will be relocating the driveway and granting an ingress/egress easement to this property.

A traffic impact study was not required for this project.

A total of 74 parking spaces are provided for the development: 35 garage spaces, 35 driveway spaces and four guest spaces located near the entrance. Seven of the units have two-car garages; the remaining units have single car garages. A total of 42 parking spaces are required.

The building elevations for the condominium units are shown on Sheets 18 through 20 of the site plan. The exterior materials will include a mix of vinyl, brick and stone. The sign detail, which shows a five-foot-high monument sign, is included on Sheet 20.

A total of five pole-mounted lights are proposed for the development. The lights will be mounted on twelve-foot-high poles as shown on the detail on Sheet 22. The fixture includes a shield to direct lighting downward. The light pole locations are shown on the lighting plan, Sheet 23.

Regarding landscaping, a mix of deciduous and evergreen trees is proposed for the perimeter of the property, and deciduous trees will be planted along Botanical Court. Shrubs and ornamental trees are planned for several areas of the site where the fronts of units face the side of another unit. A gazebo will be provided to the west of Unit 15, near the terminus of Botanical Court.

To address the requirements of forest conservation, 0.14 acres of forest in the northwest corner of the site will be retained and 0.92 acres will be purchased in an approved off-site forest bank.

To address the requirements of stormwater management, drywells will be installed for each residential unit and an underground facility will be installed at the terminus of Botanical Court.

A note on the plan states that trash removal will be provided by a refuse contractor. There will be no dumpsters on the site. Mailboxes will be located at the individual units; there will be no gang boxes on the site.

The site plan was subject to citizen involvement at the Technical Review Committee meetings on December 27, 2005 and October 29, 2007. At the December 2005 meeting, a representative of the Brimfield Homeowners Community Association spoke in support of the project. The Bureau of Development Review has received no correspondence concerning the proposed development, but has received many phone calls from people interested in purchasing a unit for themselves or their parents.

The concept site plan was presented to the Planning Commission at the March 21, 2006 meeting. The meeting minutes are attached to this report.

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 completion of the improvements.
2. That a Landscape Maintenance Agreement be recorded simultaneous with the Public Works Agreement.
3. That a 25' ingress, egress and regress easement be granted to Hilltop, Lot 76 (L. 2891, F. 278) by a deed to be recorded simultaneously with the Public Works Agreement.

4. 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.
5. That a forest conservation easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneous with recordation of the Public Works Agreement.
6. That water and sewer easements be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneous with recordation of the Public Works Agreement.

CONCURRENCY MANAGEMENT REPORT

Mr. Patrick Varga presented the background.

Site Plan: S-05-040, Doroly Gardens
Roads: Macbeth Way
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 Planning has determined that the final site plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of November 30th 2008 was 174,576. 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 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period December 2007 through November 2008 was 83 officers. Based on a total of 234 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of November was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.31 by the end of FY 2009 – adequate.

The adopted Carroll County Government operating plan for FY 2009-2014 provides for planned funding for three new deputy positions every year.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Sykesville emergency services district. The 2008 3rd quarter late and no response statistical data indicates that of the first due total fire calls in the Sykesville district, 0.0% were categorized as no responses, and 3.57% as late and no responses. Of the first due emergency medical service calls in the Sykesville district, 0.0% were categorized as no responses and 0.22% as late and no responses. Sykesville meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 11/1/06 to 10/31/08 Sykesville had an average response time of 6 minutes and 30 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 10/1/06 to 9/30/08 Sykesville had an average response time of 6 minutes and 39 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Carroll County Department of Public Works responded that Macbeth Way, an urban minor collector, is rated adequate, i.e. Level of Service “C.”

Water Service:

Based on threshold capacity requirements for water services, Freedom water is inadequate to serve the proposed development. The current CIP includes a planned expansion to the Freedom water service facility. Construction is underway and the additional capacity is expected to come on-line in April 2009.

Sewer Service:

The Carroll County Department of Public Works responded on August 19, 2008 that the threshold capacity requirements for sewer services are 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, fire and EMS, roads, water, and sewer are considered 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:

Mr. Schuster questioned how the County can guarantee that this remains an age restricted (55 years and older) community.

Ms. Jones explained that prior to recording the Public Works Agreement, the developer is required to have covenants that meet the Federal Fair Housing Act standards.

Mr. Wertz noted that the landscaping plan does not show whether the cul-de-sac island will be landscaped.

Mr. Martin Rickell, CLSI, indicated regulations do not require that the cul-de-sac be landscaped, but the developer is willing to do so at the request of the Commission.

Mr. Wertz inquired as to the typical landscaping of cul-de-sacs.

Mr. Rickell indicated there are no landscaping requirements, so it is left to the developer's discretion.

Ms. Brandt explained that if a developer chooses to landscape the island, they do not currently receive any landscaping credit. The Commission could require low shrubs by way of a condition of approval.

Mr. Wertz indicated he was questioning the County requirements, but the Homeowners Association could determine what they would like done with the island.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Schuster, seconded by Mr. Chadwick, and unanimously carried, approved the site plan subject to the six conditions stated in the staff report.

In accordance with Chapter 71, the Commission, on motion of Mr. Schuster, seconded by Mr. Chadwick, and unanimously carried, approved the site plan subject to the two conditions in the staff report.

C. S-08-020, FIRST AMENDED SITE PLAN, ELDERSBURG PARK

LOCATION: North Side of Liberty Road, East of Sykesville Road, E.D. 5

OWNER: Simpsonville East II, LLC, 5300 Dorsey Hall Drive, Suite 102, Ellicott City, MD 21042 (LLC Members: Donald R. Reuwer, Jr., Richard B. Talkin)

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157-5536

ZONING: IR

ACREAGE: 4.99 acres

FIRE DISTRICT: Sykesville

WATERSHED: Liberty Reservoir

MASTER PLAN: Industrial Restricted

Mr. Patrick Varga presented the background.

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 final site plan for the Eldersburg Park Planned Business Center was approved on March 21, 2006. The plan was approved showing an existing bank on the site, a proposed 5,780 square-foot, one-story restaurant behind the bank, and a proposed 6,000 square-foot, single-story retail building at the rear of the property.

Construction of the restaurant building is well underway. The entire property has been graded and the parking lot is paved. The minutes from the March 21, 2006 meeting are attached.

Site Plan Review:

The developer proposes to increase the size of the retail building from 6,000 square feet to 9,120 square feet. The previous building was 40 feet deep by 150 feet long. The proposed building is 60 feet deep and 152 feet long. The building materials and elevations have not changed from the approved plans. The building will be brick with metal accents and glass storefronts.

A sewer line running behind the previous building must be relocated. The dumpster pad for the retail building must also be relocated. Both of these revisions are within the original limit of disturbance.

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.

Discussion:

Mr. Schuster questioned whether there were any changes made to the signage.

Mr. Varga responded that there were no proposed changes to the existing signage at the site for this plan.

Mr. Chadwick questioned whether this was the maximum development that could occur on this site or whether additional development could occur to the rear.

Mr. Ken Hunter, CLSI, explained that there is a protected waterway ditch to the rear of the property. The area could not be developed without extensive permitting to request permission to fill the ditch. Previous attempts to secure such permits failed.

Mr. Chadwick questioned whether the ownership had changed. He noted that previous minutes list the owner as Trails, Inc. at the same address.

Mr. Donald Reuwer, Simpsonville East II, LLC, explained that they had purchased the property from Trails, Inc. which just happened to be located in the same building. He noted that they had inherited the plan from the previous developer. Mr. Reuwer explained that the depth for the retail building does not meet the needs for several different users. He suggested the previous owner must have been looking for a single retail user.

Mr. Schuster indicated he could not find any signage details in the plans. He indicated he was fine with the wall signs but questioned whether there were any freestanding signs proposed.

Mr. Reuwer explained that there is a pylon sign out front shared with PNC Bank and a freestanding sign behind the PNC Bank.

Mr. Brauning asked that the record show that because there is a PNC Bank at this site, he will conduct the meeting, but not participate in the discussion.

Decision:

In accordance with Chapter 103, Mr. Chadwick made a motion that the Commission approve the final site plan subject to the two conditions included in the staff report.

Mr. Schuster asked whether a condition could be added with regard to including the details of the freestanding signs on the final plat.

Mr. Chadwick amended his motion to add a third condition that the signage be delineated on the final site plan.

Mr. Baile seconded the motion which was unanimously carried.

D. S-06-019, KLEIN'S WAREHOUSE FACILITY

LOCATION: West side of Klees Mill Rd., north of Dixon Lane, 14th ED

OWNER: Charles A. Klein & Sons, Inc.; 5220 South Klees Mill Rd.; Sykesville, MD 21784

DEVELOPER: Same as Owner

ENGINEER: BPR, Inc.; 150 Airport Dr., Suite 4; Westminster, MD 21157

ZONING: IR

ACREAGE: 9.39 Acres

FIRE DISTRICT: Winfield

WATERSHED: Liberty Reservoir

MASTER PLAN: Industrial Restricted

Mr. Patrick Varga presented the background.

Action Required:

One action item is 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.

Existing Conditions:

The subject property is a vacant lot in the Central Maryland Service and Distribution Center. To the east and southeast are existing businesses in the industrial park. The property to the south is the Carroll County Gun Club. To the west, there is a property containing power lines. To the north, there are two properties; there is an existing residence to the northeast and a vacant property due north. The residence is zoned agriculture. All other adjacent properties are zoned IR

Site Plan Review:

The developer proposes to construct a 40,000 square foot building and a 31,200 square foot building. Both buildings are to be used as warehouses for tenants. The concept site plan

proposed a single, 90,000 square foot building for use as a warehousing establishment. Both the concept and final plans proposed a total of seven tenants.

The site will be accessed by the existing use-in-common driveway. No changes are proposed to the entrance on to Klees Mill Road. The site will be served by well and septic. An easement has been recorded to allow Lot 4A to the south to use the septic area shown on the plan. Each lot has its own area for septic use, but an easement is placed on the area designated for Lot 4A.

Based on the use and the size of the building, 48 parking spaces are required and 132 spaces are provided. The developer has indicated that the additional parking is provided to meet the requirements of the businesses on the lot to the south, also owned by the Klein family. An easement has been recorded that will allow some of the additional parking on Lot 3A to serve Lot 4A. The Health Department will not allow the parking easement to be placed over the parking area on the east end of the site due to the location of the septic easement. Septic easements must be exclusive of all other easements.

The building elevations depict a one story, metal building on a brick foundation. The brick will be tan and the metal will be green. Tan trim will also be added around the corners and windows of the building as shown on Sheets 16 and 17.

An eight foot masonry monument sign is shown on Sheet 2. The sign is located at the entrance to the property. The sign will have a tan brick base and green façade to match the building elevations. The Development and Planning Policy Coordinator required Site Data Note 3 to be added to the plan. As the tenants to occupy the building are not yet known, each tenant will apply for a sign, which is limited to 2 feet by 5 feet in size.

The photometric plan shows 34 wall-pack lights however these fixtures are full cutoff. There are no lights in the parking area closest to the residential property to the northeast. There is minimal light trespass on to the industrial properties to the north and south.

The property is exempt from the requirements of the forest conservation code. The property was recorded in a subdivision prior to the adoption of the Forestry Ordinance. There is no floodplain on the property. To meet the requirements of Stormwater Management, six underground facilities will be used. The property is located within the surface watershed of Liberty Reservoir. There are no streams on the property. Landscaping is provided around the SWM facilities, in parking islands, and along the northern side of the building. An easement for SWM extends in to the Carroll County Gun Club property. Three of the six SWM facilities are located in this area. A landscape screen is also provided along the parking lot on the northeast property boundary.

The buildings will be sprinklered to meet the requirements of Fire Protection.

The proposed site plan was subject to Citizen's Involvement. A public meeting was held on July 28, 2008 during the Technical Review Committee. One citizen was present for the meeting to voice concerns regarding light intrusion and construction noise. At the discretion of the Planning Commission, a condition could be added to limit the hours of operation as was added for the Summit Electric site plan to the east. The hours of operation for that site plan were specified as 7 a.m. to 7 p.m. No additional comments were received.

The concept site plan was presented to the Planning Commission at the July 18, 2006 meeting. The meeting minutes are attached to this report.

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 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.

Discussion:

Mr. Schuster questioned whether it was necessary to readdress the adjacent property's site plan approval rather than providing an over abundance of spaces on this site to accommodate a use on another piece of property.

Mr. Varga explained that when the adjacent property's site plan was approved, it met all requirements with regarding to parking spaces. He noted that one of the tenant's is a vehicle repair shop, and there are more vehicles on the site than was originally anticipated. In order to become compliant with the site plan requirements, additional spaces were added to this site.

Mr. Brauning questioned whether a traffic study was required.

Mr. Varga indicated the trip generations numbers are shown on Plan Sheet 1—morning peak hours: 27 in, 6 out, for a total of 33; afternoon peak hours: 9 in, 26 out, for a total of 35.

Mr. Schuster questioned the applicant as to the agreement with the adjacent property owner to utilize parking on this site.

Mr. Michael Klein, Charles A. Klein & Sons, indicated he was the owner of both Lots 3 and 4 and was adding additional spaces to this lot to help alleviate congestion on the other lot.

Public Comments:

Ms. Gail Holliday, 5122 Klee Mill Road, owner of the adjacent property zoned agricultural, questioned whether the regulations allow for storage containers or large equipment in the large area of parking that will be created.

Mr. Varga indicated that any storage containers would have to be temporary.

Ms. Holliday noted that some additional parking was created at the front of one of the existing buildings which used to be grass and trees.

Mr. Klein indicated that was a temporary solution during the construction of Lot 3. He noted that the area will be returned to grass and trees once the additional parking area is completed.

Ms. Holliday questioned the size and height of the trees and plants that will be utilized in landscaping the site.

Mr. Randy Bachtel, BPR, indicated the landscape plan is detailed on sheet 14 and meets County specifications with regard to minimum shrub and tree sizes. He noted that the existing trees will remain.

Jon Bowman, County Landscape Reviewer, indicated the arborvitae is required to be 5 feet in height at installation and the zelcovas are required to be two-inch caliper trees at installation which would make them approximately 8 feet in height.

Ms. Holliday noted that she appreciated Mr. Varga's suggestion for an additional condition with regard to the hours of operations for construction.

Mr. Bachtel noted that the current grading permit includes the hours of operation for construction as instructed during the concept plan stage.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Chadwick, seconded by Mr. Baile, and unanimously carried, approved the final site plan subject to the three conditions stated in the staff report.

E. S-08-010, DAVID D. GREEN PROFESSIONAL CENTER

LOCATION: West side of Washington Rd. (MD Route 32), 7th ED

OWNER: Green Development, LLC, 1255 Baugher Road, Westminster, MD 21157

DEVELOPER: Green Builders, 1255 Baugher Road, Westminster, MD 21157

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

ZONING: R-10,000

ACREAGE: 5.4 acres

FIRE DISTRICT: Westminster

WATERSHED: Double Pipe Creek

MASTER PLAN: Suburban Residential

Mr. Patrick Varga presented the background.

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 subject property is currently improved with an auto repair service station. The building footprint is about 6,000 square feet. The main building and all other structures on the site will be razed. The building is currently accessed from two entrances on to MD Route 32.

The adjoining properties to the west are all improved with single family houses. The adjoining properties to the north and south are both improved with office buildings. The two parcels to the northeast are improved with a single family house.

Site Plan Review:

The developer proposes to build a three story, 58,650 square-foot office building. With the adoption of the revised parking standards, the parking garage and underground parking are no longer necessary and have been removed from the plan. The concept plan proposed 400 parking spaces. Based on the size of the building and the split usage between office and retail, 208 parking spaces are required and 209 spaces are proposed.

The building will be served by Westminster water and sewer. Westminster will allow the building to use the same amount of water that the existing building currently uses, which equates to 1,500 gallons per day. If total build-out were to occur, the property would use 3,300 gallons of water per day. In order to adhere to this water usage limit, the City will allow the developer to fit-out 28,000 square feet of space.

The proposed access to the site is from a single entrance on Route 32. Several review agencies, as well as the Planning Commission, indicated a strong preference for connections to the adjoining commercial properties. A vehicular connection has been made to the Phyllis S. Green Medical Center. The consultant hired for the traffic impact study originally indicated that the grade difference between the two Green properties is not compatible with a pedestrian walkway. The developer, based on concerns expressed during the November 18, 2008 Planning Commission meeting, added a sidewalk connection between the two Green buildings. The sidewalk had two sections of several steps each and was not ADA compliant. Therefore the Bureau of Permits and Inspections has required that the sidewalk be eliminated from the plan. The developer has indicated an ADA compliant sidewalk connection can be made, but the connection will consist of a series of switchback ramps. The connection to the Hunter Professional property has been removed to accommodate the additional parking required for the retail use. The developer indicated that the sidewalk connection would have stopped at the property line as the adjacent property owner did not wish to add sidewalk on the Hunter Professional property. Sidewalks are included along the frontage of the property along Washington Road.

The elevations depict a thirty-foot, six-inch high building. The footprint of the building will be 115 feet by 170 feet. The building will be primarily brick with aluminum accents and an aluminum standing seam roof. There will be a masonry, monument-style sign at the entrance to the building that will match the building in color and appearance. Sidewalk is shown around the building and leading from the parking lot to the office building. The building will be sprinklered to address the requirements of fire protection.

Sixteen-foot-high pole lights are shown with 175 watt fixtures. These lights are present around the building and spaced throughout the parking lot. Light trespass is shown on the photometric plan in two places: to the south facing the Hunter Professional Center, and to the north facing the residential property. The light trespass to the north will be limited by the proposed landscape screen between the parking area and the rear yard of the adjacent property. The Development and Planning Policy Coordinator has determined that this trespass will be minimized with the landscaping shown on the plan.

To meet the requirements of the Water Resource Ordinance, any underground storage tanks will need to be removed or abandoned and documented. General Note 21 was added to the plan to satisfy the concerns of the Planning Commission and Bureau of Resource Management. No tanks have been found to this point. The discovery of any tanks will require the contractor to contact MDE and the Bureau of Resource Management immediately. A landscaped screen will be planted along the residential properties to the northeast, west, and southwest. Forest Conservation will be addressed off-site with afforestation in a bank. Stormwater management will be addressed on site with the pond to the rear of the property.

The site plan was subject to Citizen's Involvement on April 28, 2008 during the Technical Review Committee meeting. No citizens spoke at the meeting and no letters concerning this development have been forwarded to the Bureau. The minutes from the May 20, 2008 and November 18, 2008 Planning Commission meetings 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 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.

Discussion:

Mr. Schuster questioned whether a traffic study had been performed and whether any off-site improvements were recommended.

Mr. Varga responded that both the State Highway Administration (SHA) and the Bureau of Engineering have agreed that the addition of retail trips do not justify any off-site improvements. The developer is improving the frontage of the property and dedicating right-of-way to the SHA.

Mr. Schuster questioned whether the retail proposal was compatible with the medical office building or standard community retail.

Mr. Tom Green, developer, indicated the retail will be community retail and to serve the buildings that surround the area.

Mr. Schuster questioned the height of the retaining wall.

Mr. Andrew Stine, DeMario Design Consultants, indicated the retaining wall is approximately 34 feet tall. The original 18-foot retaining wall was changed with the redesign to the stormwater management facility.

Mr. Schuster questioned the safety measures that will be taken around the retaining wall.

Mr. Stine indicated there will be a separation between the parking area and the wall and a chain link fence will be installed along the top, along with landscaping.

Mr. Schuster questioned whether there would be any liability to the County in approving a retaining wall of this height.

Ms. Jones responded that this is a private facility, and any liability would lie with the property owner.

Mr. Wertz questioned the reference to build out and asked whether a large part of the building would remain vacant for the foreseeable future.

Mr. Varga explained that a letter was received by the Health Department from the City of Westminster allowing 1,500 gallons per day which equals about half of build out. The City is working with MDE for more allocations.

Mr. Wertz questioned whether it was clear that no medical offices would be permitted.

Mr. Green indicated when they went before the Board of Zoning Appeals (BZA), they left the request open for any type of office space or office use.

Mr. Wertz questioned how that would affect the parking because the plan calls for general office use.

Mr. Green suggested that the non-conforming use on this property allows them to work outside of the zoning requirements. He noted that 300 spaces are available next door at the Phyllis Green Medical Center, with 70 spaces currently vacant with only 3,000 square feet remaining for build out in that facility.

Mr. Wertz questioned whether there is adequate parking on the site to accommodate medical office use.

Mr. Varga indicated there does not appear to be adequate parking for medical office use. There is adequate parking for the retail and general/professional office split.

Mr. Wertz questioned whether medical offices would be permitted.

Mr. Varga indicated the developer would have to come in with an amended site plan or revisions to the current site plan.

Mr. Chadwick questioned why the plan would have to come back if the office space was leased to a doctor.

Mr. Varga indicated they would have to come back in if they were adding parking.

Mr. Wertz indicated it appears that medical offices are not permitted because the plan states general office use and there would not be adequate parking for medical offices.

Ms. Jones noted that she did not have the BZA decision with her. She explained that this is an unusual situation because of the existing non-conforming use. Ms. Jones indicated the Commission could restrict medical offices with a note on the site plan because there is not adequate parking for medical offices. The BZA made the developer subject to full site plan review.

Mr. Baile stated he did not see how the Commission could grant the flexibility of medical office use in the absence of adequate parking.

Mr. Chadwick argued that as long as the building is not built out, they meet the parking requirement.

Mr. Schuster questioned whether there was excess parking at the Phyllis Green Medical Center.

Mr. Green indicated there are 70-80 vacant spaces with 3,000 square feet currently vacant in that building.

Mr. Schuster indicated a site plan is approved based on the ultimate build out.

Mr. Brauning questioned whether there was a connection between this property and the Phyllis Green Medical Center.

Mr. Varga indicated there is a vehicular connection. The pedestrian connection was proposed as a series of steps, but that is not ADA compliant. He noted that a condition of approval could be that the developer make the pedestrian connection with a series of ramps.

Mr. Chadwick suggested that pedestrian access could be accomplished through the driveway.

Mr. Brauning questioned whether a pedestrian walkway could be created along the driveway.

Mr. Stine indicated the driveway is approximately 8 percent grade, so any pedestrian walkway would entail ramps with switchbacks, etc.

Ms. Jones explained that if the sidewalk is required, it must be ADA compliant.

Mr. Chadwick questioned whether it would be less expensive for the developer to provide a connecting sidewalk between the two properties along MD 32.

Mr. Stine indicated that would require land acquisition, leading to increased costs, because there is not adequate public right-of-way.

Mr. Wertz noted that in approving the site plan, the Commission is approving the use which is listed as general office use and retail, not medical office use. Any medical office use on the site would be in violation of the site plan.

Mr. Green noted that would be correct in a traditional zoning situation, but this is a non-conforming use.

Mr. Baile suggested there were two choices—either there are no medical offices, or a revised site plan is brought back before the Commission to include the necessary parking for medical offices.

Mr. Horn questioned how many spaces would be necessary for medical office use.

Mr. Stine indicated that would depend on how the square footages were apportioned to each use.

Ms. Jones stated that the parking space requirements for medical office use are 5 spaces per 1,000 square feet; general office use is 3.3 spaces per 1,000 square feet; retail is 1 space per 200 square feet.

Mr. Brauning questioned how the parking would be affected if a condition was added that one floor, or approximately 20,000 square feet, could be developed for medical office use.

Mr. Chadwick indicated they would be 34 spaces short according to his calculations.

Mr. Brauning noted that there is additional parking available next door.

Ms. Brandt indicated that there is no additional parking next door according to the County's site plan requirements. The reason for the vacant spaces at this time is that the entire building is not yet leased. She noted that the subject site plan was reviewed as professional office space as it was presented to staff.

Mr. Chadwick stated that if any of the office space is rendered for medical use, the parking is not adequate.

Mr. Baile indicated the only real option for the Commission is to approve the plan without medical office space. If medical office space is necessary to the success of the project, then the developer will need to amend the plan to provide the necessary parking spaces.

Ms. Brandt stated that there has been a history with this project of information being presented to the Commission that is different from what staff has reviewed. Last meeting, the developer added retail space to the project which required the Commission to table the project so that staff,

particularly Engineering Review and SHA, could review the changes to see how they might affect their approval/recommendations. She noted that this change would require a similar analysis.

Mr. Varga read from the BZA decision that the applicant testified that he would use the building for professional offices and 8,000 square feet for retail offices. He noted that the plan before the Commission requests professional office space—there is no mention of medical offices.

Mr. Chadwick questioned whether there was any indication from the City of Westminster as to when additional water allocations would be provided to this project.

Mr. Varga indicated the City had given staff no indication.

Mr. Chadwick questioned whether restrictions could be granted as part of a conditional approval (e.g., so long as the site is not built out, medical office space may be utilized, and, if the building is build out, then no medical office space is permitted).

Mr. Baile indicated the site plan is for the 56,000 square foot building.

Mr. Chadwick suggested that in the interim, until water is made available, with only a portion of the building occupied, the parking requirements will be met.

Ms. Jones indicated it could be done, but at some point the tenants would have to be evicted from offices that are now outfitted for medical use. She noted that medical office use was never considered for this project. Ms. Jones explained that the developer would not have needed the non-conforming use for medical office space because it is a conditional use in this district.

Mr. Brauning questioned whether the Commission has the authority to permit a medical office use if it was not expressly approved by the BZA.

Ms. Jones stated she did not think the Commission could add medical office use at this point. She indicated the developer could go back to the BZA to get a clarification on their intent, but the BZA did require a site plan to review other aspects of the proposed development. Ms. Jones explained that the process of review for the BZA is different for a non-conforming use versus a conditional use. The developer requested a non-conforming use, not the conditional use of medical office space.

Mr. Wertz indicated the developer would need a parking variance to allow medical office use.

Mr. Green requested approval of the site plan as presented. He indicated he would go before the BZA if/when it became necessary to request a medical office use.

Mr. Baile questioned whether the site plan and building would impact the future ability of the site to absorb additional parking spaces.

Mr. Green indicated he would go to the BZA for approval of the use and to request a parking variance.

Mr. Wertz questioned whether there was potential for additional parking to be added to the site.

Mr. Green indicated that could be a possibility, but not at this time.

Mr. Stine noted that additional parking would probably require additional retaining walls.

Mr. Baile questioned whether the stormwater management facilities would be appropriately sized if additional parking spaces were added to the site.

Mr. Devilbiss indicated he could not answer that question at this time.

Mr. Varga stated that this is the same type of issue that caused the Commission to table the plan last time so that review agencies could analyze the changes.

Mr. Wertz indicated the plan before the Commission today, containing no reference to medical office uses, could be approved at this time.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Chadwick, seconded by Mr. Schuster, and carried (Mr. Wertz, Mr. Chadwick, Commissioner Gouge, and Mr. Schuster voted "Aye"; Mr. Baile voted "No"), approved the final site plan subject to the three conditions in the staff report and a fourth condition that no medical offices be permitted without approval from the BZA and approval of the amended site plan.

CONCEPT SITE PLAN REVIEW:

a. S-08-025, Sun Valley Assisted Living Facility, Amended Site Plan

A. S-08-025, 1ST AMENDED SITE PLAN OF SUN VALLEY ASSISTED LIVING FACILITY

LOCATION: East side of MD 27 (Ridge Road), 9th Election District

OWNER: Patricia S. Sivik and Kay Vanslooten, 851 Harbor Place Drive, Charleston, SC 29412, and Sun Valley, LLC, 1438 Liberty Road, Eldersburg, MD 21784

DEVELOPER: Benny Kirkner c/o Abar, Inc., 1438 Liberty Road, Sykesville, MD 21784

ENGINEER: Leon A. Podolak and Associates, LLC, 147 East Main Street, Westminster, MD 21157

ZONING: R-40,000 Residence District

ACREAGE: 7.502 acres

WATERSHED: Lower Monocacy River

FIRE DISTRICT: Mount Airy

MASTER PLAN: Residential

Ms. Jeanne Joiner presented the background.

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 of a concept site plan. The developer is requesting Planning Commission approval of the density, exterior design, and site layout of the proposed development so the project can proceed to the Board of Zoning Appeals for consideration of the use.

Existing Conditions:

The subject property is improved with a 23-bed assisted living facility. The building is a one-story brick and frame, 7,625 square foot facility that has a residential appearance. There is an entrance to the site from Maryland Route 27. The property is located in a No Planned Service Area for water and sewer.

Plan Review:

The developer is proposing an expansion of the existing assisted living facility with the construction of a separate 20-bed assisted living facility.

The expanded facility will utilize the existing entrance onto Maryland Route 27. Parking standards require one space for every 4 beds plus 1 space for every 2 employees on the maximum shift. A total of 19 parking spaces are required for the facility, 10 for the existing facility and 9 for the expansion. The plan proposes a total of 35 parking spaces, 15 for the existing facility and 20 for the proposed facility.

A building detail is included on Sheet 8 of the plan. The proposed building is a one-story with a basement, brick and frame building that has a floor area of 12,660 square feet. The proposed building is intended to look similar to the existing facility in terms of architectural style and color of materials. For fire protection, an automatic sprinkler system will be installed throughout the building. A separate private well and septic system will serve the proposed building.

The developer has stated that no additional signage is proposed. Light fixtures are detailed on Sheet 7. A photometric plan will be requested at a later point in the review process.

The requirements of Forest Conservation will be satisfied through the purchase of forest bank credits. The property will be screened in accordance with Landscape Requirements. The Bureau of Resource Management is requiring screening along the southeast property line that will be placed in a landscape berm.

The concept site plan was subject to citizen involvement at the December 22, 2008 Technical Review Committee meeting. Public comments addressed the location of landscaping and screening. No correspondence regarding this development has been received by the Bureau of Development Review.

The development is subject to the provisions of Concurrency Management, Chapter 71 of the Code of Public Local Laws and Ordinances of Carroll County.

Recommendation:

Staff recommends approval of the density, site layout and exterior design of the proposed development.

Discussion:

Mr. Schuster questioned the maximum density allowed for assisted living facilities on a parcel.

Mr. Pete Podolak, Leon Podolak and Associates, noted the density is one dwelling unit per 3,000 square feet of area.

Mr. Schuster questioned whether there were any plans for additional expansion after these two buildings.

Mr. Benny Kirkner, developer, indicated there was no further expansion planned.

Mr. Brauning questioned the sight distance on MD 27.

Mr. Podolak indicated the sight distance is adequate when measured from the existing entrance.

Mr. Brauning asked for the actual sight distance.

Mr. Podolak indicated he did not have that information with him.

Mr. Chadwick questioned the status of the relocation of MD 27.

Mr. Podolak indicated that the Taylorsville bypass has been removed from the Master Plan.

Mr. Horn noted that was correct.

Ms. Joiner noted that when the two properties are consolidated, an amended subdivision plat would be prepared and the roadway reservation would be removed at that time.

Mr. Podolak indicated that both parcels are located in the rural village of Taylorsville which is part of a priority funding area. He noted that part of the criteria to receive funding within a priority funding area requires a density of 3.5 dwelling units per acre. Mr. Podolak suggested that this project helps the community by bringing density to the area without being obtrusive. He noted that assisted living facilities have a significant demand. Mr. Kirkner owns four other facilities which all have waiting lists. Mr. Podolak indicated the project will be consistent with the surrounding community in terms of the appearance of a residential structure. He noted that there is not a concern for high trip generation with this type of facility.

Mr. Wertz questioned the width of the walkways on the site, including the width of the walkway at the perpendicular parking spaces, and whether they are sufficient.

Mr. Podolak responded that the walkways are four feet wide.

Mr. Wertz questioned whether that was adequate since this is an assisted living facility. He asked whether there would be wheel stops to prevent cars from hanging over onto the sidewalks.

Mr. Podolak indicated that there is a proposed curb, and the parking space width is 18 feet. He noted that the sidewalk could be widened or the parking space expanded to 20 feet.

Mr. Wertz questioned whether there was any provision for outdoor amenities.

Mr. Podolak indicated there is a patio on the lower level, but there were no other outside amenities proposed at this time in the concept plan review. He suggested a gazebo or garden plots could be provided.

Mr. Kirkner indicated there are three covered decks associated with the buildings themselves and a patio on the lower level.

Mr. Wertz questioned whether there was a rear elevation.

Mr. Podolak indicated the rear elevation would be consistent with the other elevations—brick to grade with vinyl siding.

Mr. Wertz asked that the rear elevation be shown in the next submittal.

Mr. Chadwick questioned whether there would be employee traffic between the two buildings.

Mr. Kirkner indicated that they will be licensed as separate facilities with individual cooks, staff, etc.

Decision:

The Commission, on motion of Mr. Schuster, seconded by Mr. Baile, and unanimously carried, approved the density, site layout, and exterior design of the proposed development.

Mr. Wertz asked that staff work with the developer in terms of the width of sidewalks, outside amenities, and the rear elevation before the next plan submittal.

PRELIMINARY PLAN REVIEW:

a. M-07-020, McLaughlin Meadow

A. M-07-020, MCLAUGHLIN MEADOW

LOCATION: North side of Sunshine Way, 7th Election District

OWNER: Evelyn K. McLaughlin, 312 Sunshine Way, Westminster, MD 21157

DEVELOPER: Same as Owner

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

ZONING: R-20,000 Residence District

ACREAGE: 4.064 acres

NO. OF LOTS: 3 lots (2 new lots)

DRAINAGE BASIN: Liberty Reservoir

MASTER PLAN: Medium Density Residential

Ms. Jeanne Joiner presented the background.

Action Required:

Two action items are requested:

1. Consideration 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. Consideration of the Preliminary Plan of Subdivision 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 zoned R-20,000 Residence District, is improved with an historic house and out buildings, and is located within an existing public water and sewer service area. The property is accessed from Sunshine Way.

Project History:

The Concept Plan of Subdivision was presented to the Planning Commission during a regularly held meeting on November 18, 2008. The meeting minutes are attached to this report.

Preliminary Plan Review:

The developer proposes to create three lots. The existing house is proposed to occupy 3.146 acres and two additional lots will be 20,000 square feet each in size.

The lots will be accessed by individual driveways from Sunshine Way. The location of the two 20,000 square foot lots was adjusted to obtain acceptable sight distance on Sunshine Way.

The plan is exempt from the requirements of Forest Conservation, Chapter 115 of the Code of Public Laws and Ordinances of Carroll County.

Lot 3, which contains the existing house, is exempt from the requirements of stormwater management. Stormwater management on Lots 1 and 2 will be addressed with drywells.

The Health Department has required an old hand-dug well on Lot 3 to be properly abandoned. The existing house on Lot 3 will not connect to the public water and sewer system. The existing well and septic system that serve this lot are functioning properly. The two 20,000 square foot lots will be connected to the Westminster public water and sewer systems.

Chapter 103 Recommendations:

The staff recommends approval of the Preliminary Plan subject to the following conditions:

1. That any changes to the Final Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.
2. That the preliminary plan complies with the provisions of Chapter 71, Adequate Public Facilities and Concurrency Management.
3. That a Stormwater Management Easement and Maintenance Agreement be granted to the Carroll County Commissioners of Carroll County by a deed to be recorded simultaneously with the recordation of the subdivision plat.

CONCURRENCY MANAGEMENT REPORT

Mr. Patrick Varga presented the background.

Subdivision Plan: M-07-020, McLaughlin Meadow

Schools: William Winchester Elementary
Westminster East Middle
Winters Mill High

Roads: Sunshine Way

Fire and EMS: Westminster

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

Water: City of Westminster

Sewer: City of Westminster

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of November 30th 2008 was 174,576. 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 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period December 2007 through November 2008 was 83 officers. Based on a total of 234 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of November was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.31 by the end of FY 2009 – adequate.

The adopted Carroll County Government operating plan for FY 2009-2014 provides for planned funding for three new deputy positions every year.

Schools:

The Carroll County Public Schools responded that William Winchester Elementary is adequate for FY09 and FY10 and is approaching inadequate for FY11 through FY14, Westminster East Middle, and Winters Mill High are adequate for all years FY09 through FY14.

The enrollment projections indicate that William Winchester Elementary will range between 109 and 117% of capacity during the current 6-year CIP cycle. In the William Winchester attendance area 5 additional residential developments, comprised of approximately 301 lots, are currently in the review process. There are approximately 59 lots in the William Winchester attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Westminster East Middle will rise from 91 to 103% of functional rated capacity during the current CIP. In the Westminster East attendance area 17 additional residential developments, comprised of approximately 547 lots are currently in the review process. There are approximately 172 lots in the Westminster East Middle school area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate for Winters Mill High that the percentage of capacity will range from 93 to 97% of capacity during the 6-year CIP. In the Winters Mill attendance area 17 additional residential developments, comprised of approximately 547 residential lots, are currently in the review process. There are approximately 172 residential units in the Winters Mill area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Westminster emergency services district. The 2008 3rd quarter late and no response statistical data indicates that of the first due total fire calls in the Westminster district, 0.47% were categorized as no responses, and 2.36% as late and no responses. Of the first due emergency medical service calls in the Westminster district, 0.20% were categorized as no responses and 0.30% as late and no responses. Westminster meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 11/1/06 to 10/31/08 Westminster had an average response time of 6 minutes and 1 second – adequate.

With regard to emergency medical call response time, for the two-year period of 10/1/06 to 9/30/08 Westminster had an average response time of 6 minutes and 26 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Carroll County Department of Public Works responded that Sunshine Way, an urban minor collector, is rated adequate, i.e. Level of Service “C.”

Water Service:

Based on threshold capacity requirements for water services, Westminster water is inadequate to serve the proposed development. The City of Westminster has indicated that they are unable to grant an allocation for this project due to the consent order by the Maryland Department of the Environment. The city is unsure of when this project will receive an allocation.

Sewer Service:

The City of Westminster responded on December 10, 2008 that the threshold capacity requirements for sewer services are adequate.

Staff Recommendation:

With regard to the preliminary plan, Chapter 71-6D(4) states “If a public facility or service is inadequate or projected to be inadequate during the current CIP at the preliminary plan stage and no relief facility is planned in the 6-year CIP to address the inadequacy or no mitigation is accepted by the County pursuant to § 71-5B, the plan shall be denied by the Commission. At the request of the developer, the plan may be placed in a queue and re-tested on an annual basis.”

The staff recommends that the Planning Commission:

1. Find that police, roads, fire and EMS, and sewer are considered adequate, schools are considered approaching inadequate, and water is considered inadequate.

2. Deny the preliminary plan and at the developer's request, place the plan in the queue for Westminster water service to be retested annually.

Discussion:

Mr. John Lemmerman, RTF Associates, asking for preliminary plan approval under Chapter 103, and placement in the queue for Westminster water.

Mr. Wertz questioned how condition 2 under Chapter 71 would work.

Mr. Varga explained that this was similar to previous actions by the Planning Commission regarding projects in the Freedom Water Service area and the Mount Airy Middle School.

Mr. Wertz questioned whether the language in condition 2 should be modified.

Ms. Jones explained that the language was taken from the Ordinance. The developer must request to be placed in the queue.

Mr. Chadwick questioned why the Commission would deny the plan rather than just place it in the queue.

Ms. Jones explained that the Commission must deny the plan because there is an inadequate facility and no relief facility is planned.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Schuster, seconded by Mr. Chadwick, and unanimously carried, approved the preliminary plan subject to the three staff report conditions.

In accordance with Chapter 71, the Commission, on motion of Mr. Schuster, seconded by Mr. Chadwick, and unanimously carried, denied the preliminary plan and placed the plan in the queue for Westminster water service to be retested annually; the Commission accepted the findings of the staff report on the adequacy of facilities.

FY10 PRELIMINARY CIP OVERVIEW AND BOND AUTHORIZATION

Mr. Ted Zaleski, Director, Department of Management and Budget, indicated staff will not be presenting their recommendations to the Commissioners until March. The plan before the Commission is a fundable plan based on the anticipated revenues and desired program of the Commissioners. He explained that the entire capital budget is \$136,000,000, with the enterprise funds, especially the airport runway expansion project, making up the majority. Mr. Zaleski noted that the total capital fund will be dropping considerably in the next couple years. He stated what is included in the plan is largely the existing CIP. Mr. Zaleski noted that the South Carroll Middle School project was eliminated from the recommendation and replaced with a modernization and addition at Mount Airy Middle. He indicated an addition will eventually also be placed in the plan for Sykesville Middle. South Carroll Elementary has been pushed out beyond the six-year program in reaction to changing enrollment projects. Mr. Zaleski indicated that the County expects a school will still be needed, so design/engineering money is included in

FY15. There were changes made to several road projects, taking money from existing projects and moving it to other projects. This was done to get money to projects that have economic development potential, particularly Georgetown Boulevard and Londontown Boulevard in Eldersburg. State revenues have fallen off, particularly program open space funding which is tied to the State transfer tax. The County is anticipating no new program open space funds in FY10 because of the reduced funding and overextension of existing funds this year. The State's funding for schools is anticipated to be less than the last several years. Mr. Zaleski highlighted several projects, including: Mount Airy Middle School modernization and addition, South Carroll Elementary School – 1.7 million in design/ engineering for FY15, and several kindergarten addition projects.

Mr. Schuster questioned what happens in the areas without kindergarten additions.

Mr. Zaleski explained that the kindergarten addition projects were scheduled based on a school's capacity. The schools that were not addressed immediately were the less crowded schools which were better able to accommodate the need for additional classroom space.

Mr. Schuster questioned the comment that County funding is contingent upon receipt of State funding.

Mr. Zaleski explained that the Commissioners have not made the commitment to fully fund these projects if the State funding is not available. There are some schools that are not yet a pressing problem. The State has been making this their highest priority. He reviewed several school projects that are not included in the recommended budget, including: a new Career and Technology Building at approximately \$80 million and the Sykesville Middle School addition. Mr. Zaleski noted that Ag Preservation funding continues much like it has in recent years. The County is moving toward an additional method of funding for agricultural land preservation with the purchase of zero coupon bonds. Landowners will be offered a reduced price in exchange for receiving money over an extended period of time with tax benefits. Staff is not comfortable that we will continue to receive the level of State funding that we have in the past. Mr. Zaleski reviewed a \$400,000 environmental compliance project which is an MDE order with regard to some stormwater pond issues. The County may be seeing more of these types of project thrust upon us, so money is needed in the pipeline to deal with them as they become identified.

Mr. Schuster indicated regional stormwater management facilities used to be the trend. He questioned the County's approach to this.

Mr. Horn suggested that would be a good work session topic. Carroll is widely recognized for its efforts in stormwater management. The conventional thinking is to move away from the stormwater management regional facilities and use ground infiltration rather than ponds.

Mr. Zaleski mentioned the Georgetown and Londontown Boulevard projects to improve traffic circulation on the northeast side of MD 26/MD 32. The two projects combine for approximately \$20 million. He noted that bridge projects have been accomplished to a great extent with Federal money. Mr. Zaleski indicated the County will not be able to do many Recreation and Parks projects because of the lack of POS funds and Development Impact Fee monies. He mentioned the upgrade of the 800 mhz system in 911, a \$22.5 million project which we will eventually be forced to do to keep up with the world around us. Mr. Zaleski mentioned that after the Bush/Gore election, the Federal Government told the states they had to change their voting

system. The State of Maryland told the County, here is your share of the cost. This is the last of the money budgeted toward that new system. There is also a project in the budget for another new voting system. The State will not be staying with the current voting system, but moving to another new system. Mr. Zaleski noted that the airport runway expansion is a \$74 million project with \$67 million in Federal Aviation Administration and Maryland Aviation Administration money. He explained that if the County does not do this project, we do not free up money for another project. The County's portion of this project is not general tax dollars; it comes from the airport enterprise fund. Mr. Zaleski reviewed a project to create a second entrance at the Northern Landfill to divide residential and commercial traffic. He also noted a utilities project to do enhanced nutrient removal from the Freedom Wastewater Treatment Plant at a \$10 million County share. This is a project required by the State.

Mr. Baile questioned whether there was an ability for the County to receive funds for this project from the State flush tax.

Mr. Zaleski said it could be possible, but it is highly unlikely – that money is being targeted at existing plants with bigger problems.

Mr. Wertz questioned whether there is adequate funding to replace surveillance cameras on school parking lots when they are no longer functioning.

Mr. Zaleski indicated that would not be part of the capital budget. There is an item in the operating budget for 'maintenance of plant', but it does not specifically designate money for surveillance cameras. His guess is that with all the budget cuts from the State and reduced funding from the County, there will not be funding for new surveillance cameras.

PUBLIC COMMENTS/PETITIONS:

There were no public comments/petitions.

There being no further business, the Commission adjourned the regular meeting at 1:00 p.m. and entered into a work session.

WORK SESSION – FACILITATING ADMINISTRATIVE PROCESSES

The Planning Commission met in work session for discussion regarding facilitating Planning Commission administrative processes.

Clay Black first discussed a proposal to amend Chapter 103 regarding extensions of the sunset on approvals of preliminary plans for projects that have been placed in the queue pursuant to Chapter 71. This amendment change would allow the Planning Director to extend the sunset of the preliminary plan approval. The Code currently requires the Planning Commission to review the request. The Commission was in favor of this Code change and requested that this amendment be put forward for review.

Kim Brandt then discussed a proposal regarding the processing of amended site plans. Currently, amended site plans are reviewed by staff and, upon receipt of all approvals, are presented to the Planning Commission for approval. The Commission could, however, authorize the Chair to approve amended site plans on behalf of the Commission. Amended site plans

would continue to be subject to the staff review and approval process. Once all review staff approvals have been obtained, the amended site plan would be presented to the Chair for approval. If in any particular case the Chair would prefer that the full Commission review the amended site plan, staff would place the project on the next Planning Commission agenda. Several recent amended site plans were discussed. Staff indicated that changes to road access would typically be brought to the full Commission. In accordance with §103-19D of the Code, the Commission authorized the Chair to act on its behalf in regards to amended site plans.

Wayne Schuster than discussed the possibility of the Commission reviewing and approving a consent agenda. Terri Jones indicated that with the Development Review agenda items brought to the Planning Commission, the public review process needs to be respected and continued. The public is notified initially of the plan submission, and the Commission desires public participation through the entire process. Ms. Jones expressed her concern with the appearance of approving a consent agenda based on the amount of public participation that the development projects receive. The Commission did not support pursuing the consent agenda.

Secretary

Approved