

**OFFICIAL MINUTES**  
**Carroll County Planning and Zoning Commission**

**April 21, 2009**

Location: Carroll County Office Building

Members Present: David L. Brauning, Chairman  
Dennis Wertz, Vice Chair  
Melvin E. Baile, Jr.  
Charles M. Chadwick  
Alec Yeo  
Julia Walsh Gouge, Ex Officio  
Robert B. Slade, Alternate

Members Absent: Wayne Schuster

The meeting opened at 9:00 a.m. Present with the Commission were the following persons: Steve Horn, Kelly Martin, and Rose Mann, Department of Planning; Terri Jones, Department of the County Attorney; Clay Black, Jeanne Joiner, Kim Brandt, Pat Varga, Ashley Wantz, and Kathryn Filemyr, Bureau of Development Review; Gale Engles, Janet Doody, and Brenda Black, Bureau of Resource Management; Daphne Daly, Bureau of Comprehensive Planning; Albert Eilbacher, Carroll County Public Schools; Jeff Degitz, Department of Recreation and Parks; Ralph Robertson, Agricultural Land Preservation Program; Mike Evans, Department of Public Works; Ted Zaleski, Department of Management and Budget; Charlie Zeleski, Carroll County Health Department; Mary Greenberg; Linda Donoff; Peter Pandolfini; Guy Ward; Charles Main II; Sam Andalora; Stephen C. Barnhart; Ron Perison; Sara Larson; Cindy Rill; Tim Leaman; Brett Boettner; Jim McKee; Virginia Purvis; Vi Kalluri; Beatrice Bordzol; Steve Solomon; Larry Melfa; Karl Mauck; Bill Boettner; Jessica Windsor; Clark Shaffer; Gina Mahlstedt; John Mahlstedt; Michael Greenwalt; John Lemmerman; Sal Purpora; Pamela Lubkams; Aaron Shipe; Richard Titus; Casey Clark; Charles Huber; Bryan Johnson; and members of the press.

**APPROVAL OF MINUTES**

a. March 17, 2009

**A. March 17, 2009**

The minutes of March 17, 2009 were approved, as written, on motion of Mr. Chadwick, seconded by Mr. Yeo and carried.

Commissioner Gouge entered the meeting.

**REPORT OF AGENCY REPRESENTATIVES:**

Board of Education – Mr. Albert Eilbacher presented the School Construction Report dated March 25, 2009: the Carrolltowne Elementary Open Space Enclosures project continues as scheduled; working on the last phase of the project; the completion date is forecast to be the end of June this year. The Full Day Kindergarten Classroom Addition at Freedom Elementary School is under roof with interior work continuing. The bridge structure is complete and site work has commenced on the entrance from Maple Grove Road for the Manchester Valley High

School; the stadium is excavated and the bleachers will be installed soon; preparing fields for spring seeding; BGE has energized the building with permanent power and natural gas; meeting held March 19 with the Town to discuss requirements of water system infrastructure.

Mr. Brauning asked whether Commissioner Gouge's question with regard to the insurance claim on the collapsed wall had been answered. Mr. Eilbacher indicated that issue had not yet been resolved.

Mr. Eilbacher reported that the site work was complete for the Fine Arts Addition at South Carroll High School; working on foundation for the addition; improvements to the parking lot are complete; the tennis courts have been turned over to the school. The bids were received and the award of contract was made for the Westminster High HVAC Replacement project. Mr. Eilbacher noted that construction documents are being reviewed for the Mt. Airy Elementary School Roof Replacement project; this project will go out to bid shortly with a June 2009 construction start. The building permit application package was submitted for the Northwest Middle School Open Space Enclosures project. The building permit application package was also submitted for the William Winchester Elementary Full Day Kindergarten Addition; that project is currently out to bid. Final site plan approval is complete for the Winfield Elementary School Full Day Kindergarten Addition; construction documents are complete; awaiting final word on the building permit application. The Construction Planning Committee continues with the preparation of the Educational Specifications for the Career and Technology Center Replacement Building. The initial meeting of the Construction Planning Committee was held with regard to the Robert Moton Elementary School Full Day Kindergarten Addition; a meeting was held to work on the development of the Educational Specifications on April 1. Mr. Eilbacher noted that the Aging School projects consist of the replacement of stairwell doors at North Carroll High and the partial asbestos abatement and replacement of fire rated doors at Westminster High.

Public Works – Mr. Mike Evans reported: The Freedom Water Treatment Plant project is complete, with a ribbon cutting ceremony scheduled for May 7; the plant actually went into production a month ago; staff are completing training modules; the water capacity in Freedom is 4 mgd for the new plant and 3 mgd for the old plant.

Mr. Baile questioned whether both plants will be run at the same time.

Mr. Evans indicated they could both be run, but there is not sufficient need at this time. The plan is to run the old plant once a week to keep the equipment in operating order.

Mr. Yeo questioned the demand in that area of the County.

Mr. Evans indicated the demand is 2.2 mgd.

Commissioner Gouge suggested that anyone interested in a tour of the plant should watch the Issues and Insights Video on the website. The episode shows the workings of the plant in great detail.

Development Review – Mr. Clay Black discussed a proposal for revisions to the processing of assisted living facilities. Staff requested the Chair be granted the authority to approve the site development plan and traffic study review and make a determination of density, exterior design,

and site layout on behalf of the full Commission for existing residences desiring to convert to an assisted living facility of no more than eight beds.

Mr. Brauning indicated that staff had mentioned the proposal to him, and he had requested that it be brought before the Commission for review.

Dr. Slade indicated his next door neighbor is an assisted living facility with less than eight beds. He noted that they make a great neighbor, but there is additional traffic from an assisted living facility than would otherwise be there.

Mr. Baile stated he did not have a problem with the Chairman being granted authority to make those decisions if it would expedite the process. He noted that any project of concern could be brought before the full Commission.

Mr. Yeo agreed, suggesting it was a good utilization of the authority of the Chairman. His only concern was the opportunity for public comment.

Mr. Black explained that the projects would still go through the Board of Zoning Appeals (BZA) process which would require posting of the property, notification of adjoining landowners, and a public hearing.

Dr. Slade questioned the parking requirements.

Mr. Black indicated one space is required for every four beds and one space for every two employees on the maximum shift.

Mr. Wertz questioned what would happen if someone wanted to pave their entire front yard to use for parking.

Mr. Black indicated there was nothing in the Code that prevented someone from doing that now.

Ms. Jones noted that in order to amend the Administrative Rules, a motion and vote was required of the Commission.

The Commission, on motion of Mr. Chadwick, seconded by Mr. Baile, and unanimously carried, directed staff to amend the Administrative Rules permitting up to eight-bed assisted living facilities to follow a minimalistic administrative path for approval.

Management and Budget – Mr. Ted Zaleski announced that the County's revenue picture was hurt by actions at the State level. The budget the Commissioners are proposing is \$354.5 million, compared to this year's budget of \$353 million. That is an increase of ½ percent. He noted that existing appropriations for two small bridge projects were removed and the scope of a gravel road project was reduced. The combined impact reduced debt service by about \$200,000 a year. Mr. Zaleski noted that the Carroll Community College appealed to the Board for the parking garage project, but it did not get added into the proposed budget.

Recreation and Parks – Mr. Jeff Degitz reported that construction is 35 percent completed on the Bark Hill Park; work is continuing on the athletic fields and then improvements will be made to Peace and Plenty Drive; ballfields will be completed later this spring for use 12 months after

seeding. Bid specifications are being reviewed for Krimgold Park; minor adjustments will be made before the project goes out to bid. Major traffic improvements have been required by the State Highway Administration for Leister Park; the park will be opened for passive use at this time, with the athletic fields and other uses opening when there is additional funding. A new eight-foot climbing wall shaped like a baseball glove was constructed at Bennett Cerf Park; a new pavilion is to be constructed this week. A new deck was constructed at the Piney Run Park near the boat house area; renovations are planned for the boat house and gate house. Construction is scheduled for the new practice park at Deer Park. Renovation is complete on two of the three athletic fields at Cape Horn Park; the first field that was renovated should be opening May 1<sup>st</sup>. Improvements at the Concession Building at the Sports Complex were completed to improve some drainage issues. Mr. Degitz noted that there is little new money coming in, but staff has been working with some current funding that had been available.

Commissioner Gouge questioned whether the County would be able to work with the Lions Club or the adjacent senior housing project to achieve access for Leister Park.

Mr. Degitz indicated it was something that staff could investigate. He noted that there have been discussions with the Lions Club regarding connecting the two parks via a walking trail.

Dr. Slade questioned when the park might be opened for passive use.

Mr. Degitz indicated written confirmation needs to be received from the State before the project can go out to bid. He estimated the park would be open for passive use sometime next year. Mr. Degitz noted that many of these projects are funded with Program Open Space dollars that can only be used for parkland acquisition or development.

Agricultural Land Preservation – Mr. Ralph Robertson reported that the County was able to secure easements on 28 farms, totaling 2,599 acres in 2008. He explained that the County annually submits an application through the State Rural Legacy Program for funding of preservation efforts along the Little Pipe Creek and Upper Patapsco watersheds. The County received \$1.5 million in 2009. Mr. Robertson indicated that smaller parcels and remainders are preserved through the Carroll County Land Trust and other conservancy groups. The County has provided \$85 million of the \$138 million that has been spent to purchase the 55,000 acres permanently preserved. Mr. Robertson explained that for the County to reach its 100,000 acre goal, it is impossible to continue to fund the program at the same levels. Staff has developed a new program to leverage IPA's in which the offers on farms are reduced in order to pay higher than market interest rates tax free to the owner. The County will purchase zero coupon bonds for 15-20 years at 50 percent of face value. Staff hopes to utilize this program to secure another 30,000 acres in the next 10 years.

Mr. Horn noted that earlier in the meeting, Mr. Al Eilbacher had reported on the \$80 million cost of the Manchester Valley High School. He noted that the County has preserved 55,000 acres with \$85 million which is an excellent investment for the County. Preserving land allows the County to avoid building additional facilities and services.

Mr. Robertson noted that Carroll County has the highest percentage of land under easement per capita than any other county in the United States.

**COMMISSION MEMBER REPORTS:**

Chairman – Mr. Brauning noted that he had signed several minor subdivisions since the last meeting. He indicated he had received an invitation to attend a workshop sponsored by the Maryland Cooperative Extension Service at which Mr. Robertson is scheduled to speak.

**DEPARTMENT OF PLANNING STAFF REPORT:**

Director – Mr. Horn reported that the legislative session has ended and a summary of those bills affecting the Commission will be prepared and presented next month.

Commissioner Gouge suggested Frank Johnson provide the Commission with an update.

Commissioner Gouge left the meeting.

**SPRING 2009 AMENDMENT TO THE CARROLL COUNTY MASTER PLAN FOR WATER AND SEWERAGE**

Ms. Daphne Daly, Planning Manager, presented proposed amendments to the Carroll County Master Plan for Water and Sewerage which would make the Master Plan consistent with the recently adopted Town of Manchester Comprehensive Plan update. She noted that the Health Department had reported that they have no comments since the staff report was drafted and forwarded to the Commission.

Commissioner Gouge reentered the meeting.

Dr. Slade suggested that removing the Woodhaven Property from the Water and Sewer Service Area does not make sense. He did not approve of the property being developed on private well and septic.

Ms. Daly explained that during the update of the Comprehensive Plan, the Town, as part of the Municipal Growth Element, had to identify where they anticipated extending public facilities. The area of the Woodhaven property was not identified for municipal growth, so the County Water and Sewer Master Plan is being amended to make it consistent with the Town's plan. She noted that the 1998 Manchester Comprehensive Plan was jointly adopted by the Town and County. When the County reviews the unincorporated area, the land use designations and zoning will be reviewed for that area to determine whether it should be considered for future development.

Mr. Horn stated the Town of Manchester is looking at very limited capacity for future wastewater treatment. In the review of the plan, the Town has identified areas they are able to expand their services and also areas where they need to eliminate service. He noted that the roadway proposed to go through the Woodhaven Property has affected the development capacity of that property. Mr. Horn explained that the Town has gone through a very comprehensive review process to come to this conclusion.

Mr. Baile noted that the Town has very limited ability for wastewater treatment, and they drew in their boundaries during the previous plan update as well.

Mr. Horn explained that wastewater treatment is a very expensive proposition for a town the size of Manchester. He indicated the Town is taking a very realistic approach as to what they will be able to afford. Mr. Horn stated the change is consistent with the Town's plan and their water and sewer system capacities.

The Commission, on motion of Mr. Chadwick, seconded by Mr. Baile, and carried (Mr. Baile, Mr. Wertz, Mr. Chadwick, Mr. Yeo, and Dr. Slade voted "Aye"; Commissioner Gouge abstained as the amendments will come before the Board of Commissioners), approved the map and text amendments for the Water and Sewer Master Plan and certified both requests as consistent with the County Master Plan.

**FINAL SUBDIVISION PLAN REVIEW:**

a. F-08-020, McGrew Property, Section 2

**A. F-08-020, MCGREW PROPERTY, SECTION 2**

LOCATION: Northern terminus of Orchard Dale Drive, south side of Klees Mill Road, 4<sup>th</sup> Election District

OWNER: William H. McGrew, Jr., Nora Andalora, and Mary Patricia Bernier, c/o HTI Contractors, 4539 Sykesville Road, Finksburg, MD 21048

DEVELOPER: Same as Owner

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

ZONING: R-40,000

ACREAGE: 14.127 Acres

WATERSHED: Liberty Reservoir

MASTER PLAN: Residential

Ms. Kimberly Brandt presented the background.

Action Required:

Two action items are required:

1. 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.
2. Approval of the Final 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 improved with a single-family dwelling and a detached garage. The dwelling is served by a private well and a septic system. The property is located outside of the water and sewer service areas. An area of wetlands and a forested stream corridor extend along the southwestern property line.

Off-conveyances and one subdivision lot have been created from the subject property. Lot 1 was recorded in 1986 and adjoins proposed Lot 7.

The plan was presented to the Planning Commission for a concept review at the December 19, 2006 meeting. The preliminary plan was approved by the Planning Commission at the April 15, 2008 meeting. The minutes of that meeting are attached to this report.

#### Subdivision Plan Review:

The developer proposes to create seven residential lots, including Lot 5 which contains the existing site improvements. The proposed use is consistent with the land use designation of Residential in the Master Plan.

Access to six of the lots will be via a new public road, McGrew Court. Lot 8 will have direct access to Klees Mill Road via a single-use driveway. Right-of-way for Klees Mill Road will be dedicated to the County. Shoulder improvements to Klees Mill Road will be made by the developer along the property frontage.

When the subdivision to the south was developed, Orchard Dale Drive was established as a temporary cul-de-sac that would be extended when the subject property was developed. Due to environmental and citizen concerns, site access was shifted to Klees Mill Road rather than via the extension of Orchard Dale Drive.

The developer will improve the terminus of Orchard Dale Drive to meet the County's standards for permanent cul-de-sacs. The temporary easements for the cul-de-sac will be converted to permanent easements via recordation of an amended plat of Lynn Lee Park II, Section 3 and recordation of deeds of easement. The reviewers for Engineering and Water Resources have approved the design of the permanent cul-de-sac.

The wetlands and stream on the site are included in Lots 7 and 8. The County will be granted floodplain, forested water resource protection, and forest conservation easements in this area. The easement areas are identified on the plat. The requirements of forest conservation will be satisfied with both retention and afforestation on the site.

All lots will be served by private wells and septic systems. To address the requirements of stormwater management, dry wells will be installed on all lots except Lot 6 and the wide shoulder technique will be employed along both sides of McGrew Court. Lot 6 will achieve stormwater management through grading.

#### Chapter 103 Recommendation:

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

1. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That a forest conservation easement be granted to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.
3. That a forested water resource protection easement be granted to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.
4. That a floodplain easement be granted to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.
5. That a stormwater management easement and maintenance agreement be granted to the Carroll County Commissioners as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneous with recordation of the plat.
6. That the drainage and slope easement areas shown on the plat be granted to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.
7. That the areas shown as Parcel A and Parcel B be dedicated to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.
8. That the temporary easements for the Orchard Dale Drive cul-de-sac be converted to permanent easements via recordation of an amended plat of Lynn Lee Park II, Section 3 and recordation of deeds of easement. Recordation of the amended plat and the deeds of easement must occur prior to or simultaneous with recordation of the plat of the McGrew Property, Section 2 subdivision.

#### CONCURRENCY MANAGEMENT REPORT

Mr. Patrick Varga presented the background.

Subdivision Plan: F-08-020, McGrew Property, Section 2

Number of  
Residential Units: 7 (6 new, 1 existing)

Schools: Mechanicsville Elementary  
Westminster West Middle  
Westminster High

Roads: Klees Mill Road

Fire and EMS: Gamber

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

Background:

Pursuant to Section 71-6E of the Code of Public Local Laws and Ordinances as adopted by Ordinance No. 04-13, once the Department of Planning has determined that the final 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:

Schools, Fire and EMS, and Roads were found to be adequate at the preliminary stage. Police was found to be approaching inadequate at the preliminary stage and was retested accordingly.

Police Services:

The estimated Carroll County population as of February 28<sup>th</sup>, 2009 was 174,717. 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. Since the staffing level at the Maryland State Police Barracks can change monthly, an average staffing level taken over the previous twelve months is used. The average staffing level at the Maryland State Police Barracks for the period March 2008 through February 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of August was 1.34.

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 1.32 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 officer positions every year.

Staff Recommendation:

The Planning Commission conditionally approved the preliminary plan for the McGrew Property on April 15, 2008, with written notification dated April 28, 2008. The preliminary plan was approved with tentative building permits reservations for 3 lots in FY09 and 3 lots in FY10, and a recordation schedule for all lots to be recorded within 24 months of preliminary approval, i.e. by April 28, 2010.

With regard to a final plan, Chapter 71-6E(4) of the Code of Public Local Laws and Ordinances of Carroll County states "For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Commission." Therefore, staff recommends that the Planning Commission approve the final plan with the following conditions:

1. Police, fire and EMS, roads and schools are considered adequate.

2. Revise the building permit reservations from 3 lots in FY09 and 3 lots in FY10 to 6 lots in FY09, provided that the plat be recorded prior to any permits being issued.
3. The recordation deadline be set for the date the sunset provision on the preliminary plan approval takes affect, April 28, 2010.
4. Building permit reservations be allowed to roll over annually until the sunset provision takes effect and the preliminary plan becomes void.

**Decision:**

In accordance with Chapter 103, the Commission, on motion of Mr. Wertz, seconded by Dr. Slade, and unanimously carried, approved the final plan subject to the eight conditions recommended by staff.

In accordance with Chapter 71, the Commission, on motion of Mr. Wertz, seconded by Mr. Chadwick, and unanimously carried, approved the final plan with the four conditions stated in the staff report.

**PRELIMINARY SUBDIVISION PLAN REVIEW:**

- a. P-07-002, Klees Mill Overlook

**A. P-07-002, KLEES MILL OVERLOOK**

LOCATION: North side of Klees Mill Road, west of Maryland Route 32, Election District 4

OWNER: Gail & Gregory Bowers, 10002 Old Providence Way, Apt. L, Cockeysville, MD 21030

DEVELOPER: HH Land, LLC, 1030 Liberty Road, Suite 100, Eldersburg, MD 21784 (D. Douglas Milburn, William Boettner)

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

ZONING: R-40,000

ACREAGE: 14.84

FIRE DISTRICT: Gamber

WATERSHED: Liberty Reservoir

MASTER PLAN: Residential

Ms. Kimberly Brandt presented the background.

Action Required:

Two action items 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 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 located between two established neighborhoods. Most of the property is field. There are areas of woods along the western property line and in the northwest corner.

Review History:

The subdivision was presented to the Planning Commission for a concept review at the May 15, 2007 meeting. The meeting minutes are attached. At the Planning Commission meeting and at the Technical Review Committee meetings on March 26, 2007 and October 29, 2007, there was much discussion of the proposed connection of Nottingham Road and Marianna Avenue. Large numbers of residents attended the meetings and submitted correspondence and petitions to the Bureau of Development Review objecting to the proposed road connection. There is considerable concern about cut-through traffic.

Many residents suggested that the property to be subdivided be accessed from an extension of Marianna only. This option was considered by the reviewers for Development Review, Engineering, and Emergency Services. All three offices agreed that generally connectivity is preferable; however, in this particular case it is not essential that Nottingham and Marianna be connected. The Bureau of Engineering has stated that foregoing the connection is preferable to having to install traffic calming devices on Nottingham and Marianna in the future to control vehicle speeds.

The developer's engineer noted that by accessing the property from Marianna only the amount of impervious surface associated with the proposed development is reduced, thereby reducing the size of the stormwater management facility. This was another area of concern for residents.

The staff presented a special report to the Planning Commission at the April 15, 2008 meeting to discuss this issue. The meeting minutes are attached. The Commission directed the developer to proceed with the preliminary plan depicting vehicular access from Marianna only.

Subdivision Plan Review:

The developer proposes to create nine residential lots. All lots will be served by private wells and septic systems. The proposed use is consistent with the land use designation of Residential in the Master Plan.

Access to all lots will be via the extension of Marianna Avenue. The developer will improve the terminus of Nottingham Road to meet the County's standards for permanent cul-de-sacs. The temporary easements for the cul-de-sac will be converted to permanent easements via recordation of an amended plat of White Pine Acres and recordation of deeds of easement.

Right-of-way will be conveyed to the County for Klees Mill Road.

During previous reviews there had been discussion of providing a pedestrian connection between Marianna and Nottingham. The terminus of Nottingham aligns with a forest retention area on Lot 1; thus, a pedestrian connection is not planned.

The requirements of stormwater management will be addressed with the installation of drywells on the lots and the installation of an underground infiltration facility on the stormwater management parcel.

To address the requirements of forest conservation, 1.57 acres of on-site forest will be retained and 1.40 acres of planting will occur off-site. For landscaping, street trees will be provided along the extension of Marianna Avenue. Also, a combination of evergreen and deciduous trees will be planted along a berm paralleling Klees Mill Road to screen the rear yards of Lots 5-7.

Chapter 103 Recommendation:

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

1. That the final subdivision plan meet the requirements of Chapter 71.
2. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
3. That the area shown as Parcel A be conveyed to the Carroll County Commissioners for Klees Mill Road right-of-way by deed to be recorded simultaneously with the plat.
4. That the area shown as Parcel B be conveyed to the Carroll County Commissioners upon acceptance of the Stormwater Management Facility.
5. That a forest conservation easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
6. 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.
7. That a landscape maintenance agreement for the landscaping shown on the approved preliminary plan be recorded simultaneous with recordation of the plat.
8. That the temporary easements for the Nottingham Road cul-de-sac be converted to permanent easements via recordation of an amended plat of White Pine Acres and recordation of deeds of easement.

## CONCURRENCY MANAGEMENT REPORT

Mr. Patrick Varga presented the background.

Subdivision Plan: P-07-002, Klees Mill Overlook

Number of  
Residential Units: 9

Schools: Mechanicsville Elementary  
Westminster West Middle  
Westminster High

Roads: Klees Mill Road

Fire and EMS: Gamber

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

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 February 28<sup>th</sup>, 2009 was 174,717. 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. Since the staffing level at the Maryland State Police Barracks can change monthly, an average staffing level taken over the previous twelve months is used. The average staffing level at the Maryland State Police Barracks for the period March 2008 through February 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of August was 1.34.

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 1.32 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 officer positions every year.

Schools:

The Carroll County Public Schools responded that Mechanicsville Elementary, Westminster West Middle, and Westminster High are adequate for all years FY09 through FY14.

The enrollment projections indicate that Mechanicsville Elementary will range between 92 and 97% of capacity during the current 6-year CIP cycle. In the Mechanicsville attendance area 7 additional residential developments, comprised of approximately 77 lots, are currently in the review process. There are approximately 57 lots in the Mechanicsville 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 West Middle will range between 87 and 98% of functional rated capacity during the current CIP. In the Westminster West attendance area 12 additional residential developments, comprised of approximately 283 lots are currently in the review process. There are approximately 109 lots in the Westminster West 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 Westminster High that the percentage of capacity will range from 84 to 96% of capacity during the 6-year CIP. In the Westminster attendance area 20 additional residential developments, comprised of approximately 442 residential lots, are currently in the review process. There are approximately 172 residential units in the Westminster 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 Gamber emergency services district. The 2008 4<sup>th</sup> quarter late and no response statistical data indicates that of the first due total fire calls in the Gamber district, 0.0% were categorized as no responses, and 0.0% as late and no responses. Of the first due emergency medical service calls in the Gamber district, 0.0% were categorized as no responses and 0.0% as late and no responses. Gamber meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 2/1/07 to 1/31/09 Gamber had an average response time of 6 minutes and 25 second – adequate.

With regard to emergency medical call response time, for the two-year period of 2/1/07 to 1/31/09 Gamber had an average response time of 6 minutes and 27 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 Marianna Avenue, an urban local road, will operate at a level of service “A” after completion of this project. The Department of Public Works also responded that Klees Mill Road, an urban minor collector, will

operate at a level of service “C” after completion of this project. Both designations are deemed adequate by the Department of Public Works.

**Staff Recommendation:**

With regard to the preliminary plan, Chapter 71-6D(4) states “If all public facilities and services are adequate during the current CIP, the Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations, subject to a building permit cap adopted by the Board of County Commissioners in effect at the time of application for building permits.”

There are no adopted building permits caps in geographic areas impacted by this development.

Therefore, staff recommends that the Planning Commission approve the preliminary plan with the following conditions:

1. Police, fire and EMS, roads and schools are considered adequate.
2. The tentative building permit reservations are for 9 lots in FY10, provided that the plat be recorded prior to any permits being issued.
3. The tentative recordation deadline be set for the date the sunset provision on the preliminary plan approval takes affect.
4. The building permit reservations be allowed to roll over annually until the sunset provision takes effect and the preliminary plan becomes void.

**Discussion:**

Ms. Linda Donoff, CLSI, indicated that with regard to Condition No. 8, the owner had made notification of the appropriate homeowners, and they do not wish to enter into permanent easements, although they are okay with the work that needs to be accomplished.

Ms. Brandt indicated that the Commission could grant preliminary plan approval and staff could work on this issue prior to the final plan stage. She noted that the permanent easements are requested in lieu of right-of-way dedication.

**Decision:**

In accordance with Chapter 103, the Commission, on motion of Mr. Yeo, seconded by Dr. Slade, and unanimously carried, approved the preliminary plan of Klees Mill Overlook with the eight conditions included in the staff report.

In accordance with Chapter 71, the Commission, on motion of Mr. Yeo, seconded by Dr. Slade, and unanimously carried, conditionally approved the preliminary plan with the four conditions outlined in the staff report.

**CONCEPT SUBDIVISION PLAN REVIEW:**

a. P-06-004, Castle Farms

**A. P-06-004, CASTLE FARMS**

LOCATION: East side of Houcksville Road, North side of Leith Drive, 8<sup>th</sup> Election District

OWNER: Houcksville Road, LLC, 401 Allegany Avenue, Towson, Maryland 21204-4256 (LLC: James McKee, Lawrence Melfa, William N. Butler, Dickee Howard)

DEVELOPER: Same as Owner

SURVEYOR: McKee & Associates, 5 Shawan Road, Suite 1, Cockeysville, Maryland 21030

ZONING: R-40,000

ACREAGE: 33.24 acres

FIRE DISTRICT: Hampstead

WATERSHED: Liberty Reservoir

MASTER PLAN: Residential

Ms. Kimberly Brandt presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 103 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept subdivision plan. No action is required.

Existing Conditions:

The subject property is a field. There are no structures on the site. The property adjoins the Town of Hampstead.

Plan Review:

The developer proposes to create 27 residential lots with private wells and septic systems. All of the lots are approximately one acre in size. The proposed use is consistent with the designation of Residential in the Master Plan.

Access to Lots 1-25 will be provided via two new County roads, Fortress Court and Majestic Court. Access to Lots 26 and 27 will be provided via driveways onto Houcksville Road. No access is proposed via Leith Drive.

Houcksville Road is classified as a collector. The Bureau of Engineering may require improvements to Houcksville along the property frontage.

The staff supports the lot layout shown on the concept plan; however, it has been recommended that access/frontage for Lot 17 be provided from Majestic instead of Fortress.

For stormwater management, drywells will be installed on the lots and two underground infiltration facilities will be installed on the property.

Staff has commented that the next submittal must show conceptual landscaping. The next submittal must also state how the requirements of forest conservation will be addressed.

The subdivision plan was subject to citizen involvement at the March 26, 2007 Technical Review Committee meeting. The adjoining property owners to the south, who are users of Leith Drive, expressed concern with proposed subdivision lots using Leith for access. Access via Leith is not proposed.

Discussion:

Dr. Slade questioned whether this property abuts the Leister Farm industrial boundary.

Ms. Brandt indicated the property adjoins land zoned for industrial use.

Dr. Slade questioned whether there was a landscape buffer between this property and the Leister property. He asked whether the Town of Hampstead had expressed any interest in annexing this site.

Mr. Clark Shaffer indicated the owner had not approached the Town and the Town had not approached the owner about annexation.

Dr. Slade questioned the responsibility related to the pre-treatment of the sewer systems.

Mr. Guy Ward, McKee & Associates, indicated the maintenance of the pre-treatment systems would be the responsibility of the homeowner.

Dr. Slade suggested that someone from the Health Department provide further information to the Commission.

Mr. Charles Zeleski, Carroll County Health Department, indicated that nitrate assessments are completed on all subdivisions over a certain size. He explained that the individual homeowner owns and maintains the nitrate reduction system. Mr. Zeleski noted that nitrate reduction systems that fail do not create a definite hazard to anyone in the neighborhood. He explained that the State is moving towards operating permits for those types of systems which means someone would have to maintain the system and submit a report.

Mr. Chadwick questioned the status of Lot 17.

Mr. Ward indicated access to Lot 17 would be moved to Majestic Court.

Public Comments:

Ms. Cindy Rill, 511 North Houcksville Road, indicated she was happy to see that the stormwater management facilities would be underground. She questioned whether there was a possibility of her lane (Leith Drive) being incorporated into the development since it was named. Ms. Rill explained that two survey markings were recently put on the lane and she was curious as to their purpose. She noted that at one time the plan was to run the drainage that comes from this property between her barn and house, through the pasture, to the drainage access at Spruce Meadows. Ms. Rill questioned who would pay for the fence removal, blacktop repair, etc. She also noted that she has cows on her property and questioned what happens if the new landowners complain about noise and smells.

Mr. Shaffer indicated Leith Drive would not be used for access to this development.

Mr. Jim McKee, McKee & Associates, indicated the drainage for this project is not going to go through the swale that runs through the Rill property, but through an existing easement on Spruce Meadow. He noted that survey work is being completed and Leith Drive was most likely marked with control points. Mr. McKee indicated a note could be added to the final plat stating this is a rural area commensurate with noise and smells.

Mr. Casey Clark, 3804 Devonshire Road, indicated the two orange markings on Leith Drive are 10 feet apart and correspond to the location of the driveway as shown on the last plan. He questioned whether the perc tests should be redone since they were completed in 2002. Mr. Clark indicated there is a problem with the wells in the area running almost dry in the summer. He expressed concern about the impacts of 27 new wells.

Mr. Zeleski indicated that perc tests completed between 2000 and 2009 are still representative of the soils existing in the area. He noted that if mass grading was done on the site or if another 10 years would pass, it would be necessary to retest the site.

Mr. McKee noted that he would check the markings in question. He explained that the project is in its infancy and only boundary work is being completed at this time.

**FINAL SITE PLAN REVIEW:**

a. S-06-025, Princess Shopping Center, 2<sup>nd</sup> Amended

**A. S-06-025, PRINCESS SHOPPING CENTER, 1<sup>ST</sup> AMENDED**

LOCATION: South side of Liberty Road (MD Route 26) and west of the intersection with Sykesville Road (MD Route 32), 5<sup>th</sup> Election District

OWNER: Stavlaou, LLC, 615 Shipley Road, Linthicum, MD 21090 (LLC  
Members: Micheal Stavlas, John Laou)

DEVELOPER: Same as Owner

ENGINEER: KCE Engineering, Inc., 3300 North Ridge Road, Suite 315, Ellicott City, MD 21043

ZONING: Business General (BG)

ACREAGE: 9.31 Acres

FIRE DISTRICT: Sykesville

WATERSHED: South Branch Patapsco River

MASTER PLAN: Business General

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 Planned Business Center is currently improved with two commercial buildings of 21,507 square feet, and 39,330 square feet, respectively. Lot 1 contains Building 1 and Building 3, as well as the proposed Building 2. Lot 2 contains a Bob Evans Restaurant, which is 5,227 square feet in size. There are currently 380 parking spaces which serve the two retail buildings. There are an additional 89 parking spaces which serve Bob Evans. Both Lot 1 and Lot 2 are part of the Princess Shopping Center Planned Business Center as approved by the Commission on March 19, 2002 (County File #S-00-036). Lot 2, the Bob Evans property, has been sold and is not owned by this developer. There is an existing full access intersection on MD Rt. 26 for this development, as well as a right-in, right-out on southbound MD Rt. 32.

The property is surrounded by BG zoned land to the north and east and R-10,000 zoned land to the south and west. The existing development is served by Freedom public water and sewer.

Site Plan Review:

The plan is incorrectly shown as Princess Shopping Center, 2<sup>nd</sup> Amended Site Plan. A 1<sup>st</sup> Amended plan does not exist. This site plan should be titled Princess Shopping Center, 1<sup>st</sup> Amended Site Plan. An amended plat was submitted, reviewed, and approved in 2003. Changing the title to reflect the correct project name is a condition of approval.

The Developer proposes to amend the approved site plan to reduce the size and orientation of Building 2. The site plan approved in 2002 indicated Building 2 would be 36,964 square feet with primary entrances on the east elevation. The Developer now proposes that Building 2 be 27,443 square feet with primary entrances on the north elevation. In addition, the building area

calculations for the Planned Business Center and parking tabulations are revised to reflect the fact that the lower level of Building 3 is currently used for retail tenants. Building 3 is two levels built into a grade such that the lower level is only accessible from the rear (south facing) elevation. Calculations in the original site plan were based on a single floor of Building 3 being used for retail and the lower level being for storage only.

Based on total floor area, the required number of parking spaces for the Planned Business Center would be 485. This development proposes 485 parking spaces.

No new entrances to the property are proposed in the site plan. Sidewalk will be constructed in the MD Rt. 26 right-of-way along the entire property frontage and along 65 feet of frontage on the property to the east.

The materials and colors of the proposed building 2 will match the existing building 1 and 3 on the property, as indicated by General Note 32. The elevations are shown on Sheets 8 and 9 and depict a brick building with a standing seam metal roof. The photometric plan shows minimal light trespass to the south and west. The fixtures in these areas are shown to be full cut-off fixtures. A landscape screen of mixed evergreens has been provided to the south and a board-on-board fence has been added to the west of the proposed building. There is an existing sign at the entrance to the property. There are no changes to the signage on the property. The details of the fence and sign are included in the approved site plan of the Princess Shopping Center. Staff has included a condition of approval that the sign and fence details be added to the site plan mylars.

The proposed site plan was subject to Citizen's Involvement. A public meeting was held on September 25, 2006 during a regularly scheduled meeting of the Subdivision Advisory Committee. No citizens were present for the review and no written comments were forwarded to the Bureau of Development Review. The concept site plan for this project was presented at the October 17, 2006 Planning and Zoning Commission meeting. At that time, there was some concern regarding landscaping and adequate screening for the properties to the south. A board-on-board fence runs along the entire western property boundary and a landscape screen runs along the entire southern property line. Questions were also raised about sidewalk construction. The developer will construct sidewalk along the frontage of this property, as well as along the frontage of the business to the east. There was additional concern regarding connectivity between buildings. Pedestrian striping has been added between buildings and parking areas to promote connectivity.

#### 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 simultaneously with the Public Works Agreement.
3. That the title on the mylars be changed to "Princess Shopping Center, 1<sup>st</sup> Amended Site Plan."

4. That the sign detail and fence detail as shown on the previously approved site plan of Princess Shopping Center, S-00-036, be added to the site plan mylars.

Discussion:

Mr. Yeo expressed concern with the high percentage of impervious surface on the site. He questioned whether stormwater management would be handled on site.

Mr. Vi Kalluri, KCE Engineering, indicated stormwater management would be handled by an underground facility. It was designed to address all three buildings, including the parking lot. He noted that the facility has existed for two years and is functioning properly.

**Decision:**

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

**CONCEPT SITE PLAN REVIEW:**

- a. S-08-027, Calvary Baptist Church
- b. S-08-019, Illiano Plaza Eldersburg
- c. S-08-011, Melrose Crossings, LLC

**A. S-08-027, CALVARY BAPTIST CHURCH**

LOCATION: West side of Maryland Route 27, Opposite Magin Lane, 9th E.D.

OWNER: Calvary Baptist Church, c/o Pastor Tim Leaman, 2127 W. Old Liberty Road, Westminster, Maryland 21157

DEVELOPER: Same as Owner

ENGINEER: RTF Associates, 142 East Main Street, Westminster, Maryland 21157

ZONING: Agricultural

ACREAGE: 6 acres

FIRE DISTRICT: Winfield

WATERSHED: Liberty Reservoir

MASTER PLAN: Agricultural

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 of a concept site plan. No action is required.

Existing Conditions:

The subject property is a field that slopes away from Maryland Route 27. The adjacent properties to the north, east, and south are improved with single-family dwellings. A driveway extends along the southern portion of the property frontage within the State Highway Administration right-of-way to a house on a property to the west.

Site Plan Review:

A 6,960-square-foot church is proposed for the subject property. Calvary Baptist Church is currently located on Old Liberty Road, east of Ridge Road. The proposed use is consistent with the land use designation of Agricultural in the Master Plan.

A small addition to house Sunday school classrooms is identified as Phase 2. A fenced play area and ball field are planned for the northernmost area of the site, which is also where the well and septic area are located. A storage shed is shown encroaching in the front yard and conflicting with the proposed landscaping. Staff has commented that it must be relocated.

SHA has commented that the entrance to the site should be adjusted so it aligns with Magin Lane. SHA has also commented that acceleration and deceleration lanes must be provided at the entrance. The existing shoulder has been deemed adequate to support these lanes. Shoulder reconstruction will not be necessary. SHA has requested a certified sight distance profile for the entrance.

To address the requirements of stormwater management, drywells will be installed for the building and underground stone reservoirs will be installed for the parking lot. Staff has commented that the runoff from the parking lot must discharge through grass prior to being conveyed into the underground stone reservoirs. It has been recommended that the inlets in the parking lot be moved into permanent swales.

The parking requirement for religious establishments is 1 space for every 4 persons based on the maximum capacity of the sanctuary. The capacity of the sanctuary is 410, so 103 parking spaces are required. A total of 140 spaces are proposed, 7 of which are handicapped spaces.

Staff has commented that a detailed plan showing the grading of the handicapped parking spaces, the loading/unloading drive, and accessible routes from each area to the access doors must be provided. The parking lot grades in the vicinity of the entrance appear to change significantly, which may pose accessibility problems.

The plan was reviewed at the March 12, 2009 meeting of the Carroll County Design and Architectural Review Committee. The Committee commented that the architectural elevations, which are plan Sheets 8 and 9, are very strong. The building is attractive with an excellent variety and quality of materials.

The Committee was concerned with the lighting plan, which is Sheet 7. The foot candles very quickly transition from 20 to 0.1. Given the pole height and wattage shown on the plan (15 feet, 70 watts), it is unclear why this is the case. It has been recommended that this be checked and if the values are not erroneous, the lighting plan be improved to provide a more even lighting level in the parking lot rather than extreme bright spots and dark patches.

A sign detail is provided on Sheet 2. A monument-style sign is proposed. The sign posts will be clad in stone to match the building.

The requirements of forest conservation will be addressed with off-site banking. The proposed landscaping is shown on Sheet 6 of the plan. Staff has commented that additional screening must be provided between the southernmost parking lot and Maryland Route 27. Additional interior landscaping must be provided in the parking lot as well.

The concept site plan was subject to citizen involvement at the March 23, 2009 Technical Review Committee meeting. No citizens attended the meeting for this project. The Bureau has received no correspondence concerning this project.

#### Discussion:

Mr. Yeo indicated there were several issues on the site plan with regard to landscape plantings in the middle of sidewalks, parking spaces that appear to be difficult to enter into and exit out of, etc. He questioned where the main entrance would be located and whether it was large enough to accommodate emergency vehicles or busses.

Mr. Lemmerman responded that he would address the corrections to the location of plantings on the next plan submittal. He noted the entrance was large enough for emergency vehicles and indicated the drop off zone could be striped for no parking.

Mr. Yeo questioned the parking spaces south of the water tank.

Mr. Lemmerman indicated they were part of the Phase 2 parking plan.

Mr. Wertz questioned whether the walkway in the southernmost parking lot could be extended all the way along the edge of the parking lot instead of ending at the handicapped parking spaces.

Mr. Lemmerman indicated the developer did not have issues with extending the sidewalk for accessibility.

Commissioner Gouge left the meeting.

Mr. Charles Huber, who lives across the street from the church, indicated he had no problem with the project, but wished to express his concerns with regard to the road conditions. He suggested the road is not wide enough for the current traffic pattern. Mr. Huber noted that his neighbor uses the entrance to the church property and questioned how he would access his property.

Mr. Lemmerman explained that his neighbor's driveway will be constructed with the church; there will be one access off the roadway. He noted a correction to the staff report that the driveway is not located within the State Highway Administration (SHA) right-of-way. Mr. Lemmerman indicated SHA has requested accel/decel lanes on the church side of the roadway.

Mr. Chadwick suggested that staff check with SHA with regard to the need for a dedicated left turn lane for the church.

Mr. Horn provided a summary of the Commission's major issues:

- address northbound left turn
- lighting plan inconsistencies
- walkway along south edge of parking lot
- landscaping detail clean up
- parking space accessibility issue
- no parking along driveway drop off area

Commissioner Gouge re-entered the meeting.

**B. S-08-019, ILLIANO PLAZA - ELDERSBURG**

LOCATION: West side of MD 32 (Sykesville Road), 5<sup>th</sup> Election District

OWNER: Francesco Illiano, P. O. Box 772, 1604-B1 Ridgeside Drive, Mount Airy, MD 21771; Ridgeside, LLC, P. O. Box 772, 1604-B1, Ridgeside Drive, Mount Airy, MD 21771; Patsy Henderson, 10807 Heathermore Place, Fox Chase, Spotsylvania, VA 22553

DEVELOPER: Illiano Properties, LLC, P. O. Box 772, 1604-B1, Ridgeside Drive, Mount Airy, MD 21771

ENGINEER: Juri Maiste, 2923 Chenoak Avenue, Baltimore, MD 21234

ZONING: BG – General Business

ACREAGE: 1.7314 acres

WATERSHED: South Branch Patapsco River

FIRE DISTRICT: Sykesville

MASTER PLAN: General Business

Ms. Jeanne Joiner presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Section 103-19 and Section 103-48 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan.

Existing Conditions:

The subject property consists of three parcels. One is improved with a 4,301 square foot restaurant. The other two each contain a single family dwelling. All three properties are accessed by MD 32 Sykesville Road. All three properties are served by public water and sewer.

Plan Review:

The developer is proposing the creation of a planned business center. The three parcels will be consolidated into one. The proposal includes a 1,800 square foot addition for retail use on the south side of the restaurant, and a 7,440 square foot addition for retail uses on the north side of the restaurant. Space for 6 new retail uses is proposed.

The expanded facility will utilize the existing restaurant entrance onto Maryland Route 32. The other two entrances will be closed. Parking standards require 5.5 spaces for every 1,000 square feet of floor area. The entire redevelopment project will be 13,541 square feet, requiring 74 parking spaces. The plan proposes a total of 87 parking spaces. The Design and Architectural Review Committee (DARC) requested that the grease trap be relocated to the rear of the building and that the ramps be more accessible to the handicapped parking spaces.

A building detail is included on Sheet 15 of the plan. The proposed building is primarily a one-story brick building. The proposed building is intended to look similar to the Illiano Plaza in Hampstead in terms of architectural style and color of materials. Public water and sewer service will be consolidated into one connection each to the public systems.

Signage for the entire planned business center is detailed on Sheet 3. The location of the proposed sign needs to be verified. Light fixtures are detailed on Sheet 14. A photometric plan is also provided on Sheet 14. Comments from DARC requested that the lighting plan be reworked to eliminate hot spots and light trespass on the property to the west.

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. DARC and the Bureau of Resource Management have commented about the need for additional screening. In addition to enhanced plantings, a berm along the adjoining residential property to the west has been recommended. The proposed berm to the south is recommended to be replaced with a fence or wall. Development Review has requested that a profile for the proposed retaining wall on the north side of the site be provided with materials and color noted.

The concept site plan was subject to citizen involvement at the March 23, 2009 Technical Review Committee meeting. There were no public comments. No correspondence regarding this development has been received by the Bureau of Development Review.

Discussion:

Mr. Wertz questioned whether the existing sign would be removed and replaced with one freestanding sign.

Ms. Joiner indicated the plan shows a monument style sign in place of the existing pole mounted sign.

Mr. Yeo stated his support for the staff comments with regard to the berm, fence, and increased landscaping.

Mr. Wertz questioned whether the applicant concurred with staff comments and they would be addressed on the next plan submittal.

Ms. Jessica Windsor, developer representative, indicated that was correct.

Mr. Wertz questioned whether there was any effort to acquire adjacent properties.

Ms. Windsor noted that some efforts were made with the corner property.

Mr. Horn provided a summary of the Commission's comments as follows:

- sidewalk issues
- sign removal and new sign location
- addressing comments contained in staff report

**C. S-08-011, MELROSE CROSSINGS, LLC**

LOCATION: East side of Hanover Pike (MD Rt. 30), south of Wentz Road, 6<sup>th</sup> Election District

OWNER: Melrose Crossings, LLC., c/o Nancy Greenwalt, 4440 Hay Drive, Manchester, MD 21102 (LLC Members: Michael Greenwalt and Nancy Greenwalt)

DEVELOPER: Same as Owner

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

ZONING: Business General (BG) and Agriculture (AG)

ACREAGE: 9.43 Acres

FIRE DISTRICT: Manchester

WATERSHED: Prettyboy Reservoir

MASTER PLAN: Business General and Agriculture

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 of a concept site plan. No action is required.

Existing Conditions:

The subject property consists of two parcels. These parcels will be consolidated as part of the site plan process. The developer will also transfer land to the adjoining property to the east and will receive land from that property owner as an enlargement of the subject property. The property is currently improved with a barn that is not for commercial use. There is an ice cream trailer located at the corner of Wentz and MD Rt. 30 that is in operation seasonally. The property owner was issued a zoning certificate in 2005 as a temporary use for a "Seasonal Food Trailer." The Zoning Administrator has notified the property owner that the trailer must be tagged and licensed and must be removed from the property at the end of each season and may not remain on site. The Zoning Administrator has also requested the status of the existing sign on the property which is an off-site sign for a church.

All surrounding properties that have frontage on to MD Rt. 30 are zoned BG and the properties to the northeast are zoned AG. In addition to the ice cream trailer at the intersection of MD Rt. 30 and Wentz Road, there is a bank, a gas station, and a single-family home. There is a commercial operation to the south and single-family homes surrounding the subject property.

Site Plan Review:

The developer proposes to construct 163 mini-storage units, an office, and the required parking for the development. The proposed use is consistent with the Master Plan land use designations of Business General and Agriculture.

The parking requirement for mini-storage is one parking space for every ten units. The development is required to have 17 parking spaces and 17 spaces are provided. The parking tabulation incorrectly indicates that 23 spaces are required and 16 spaces are required. Staff has recommended using the parking standard for a Carry Out Establishment for the ice cream trailer on site. The requirement is 6 spaces per 1000 square feet of floor area. The trailer is 250 square feet and 2 spaces would be required. The parking area is proposed to remain gravel.

The developer is currently working with the Health Department to address the concerns of the Bureau of Environmental Health. The proposed site plan does not show a well or septic for the property. The developer wishes to use a composting restroom with hand sanitizer and towelettes. The developer has indicated that water will be available for employees via a cooler in the office. The Department of Public Works will require a Traffic Impact Study to be completed as part of this development. The road improvement plans on Sheet 17 shows a right turn lane in to the subject property that will be constructed as part of this development. The road improvement plans do not however show the existing right turn lane on MD Rt. 30 on to Wentz Road. The developer will dedicate the area shown as Parcel A to the County Commissioners of Carroll County upon final site plan approval.

Easements will be required for Stormwater Management, Water Resources, Floodplain, and Forest Conservation. Areas of forest retention and afforestation are shown on the plan. Pervious concrete will be used in the mini-storage area to convey stormwater into a stone reservoir under the site. To meet the requirements of the Landscaping Ordinance, an offset row of evergreens runs along the south and west lengths of the buildings. A mix of flowering trees and shrubs is proposed between the buildings and MD Rt. 30.

The building elevations are shown on Sheet 16 of the plan and depict a beige metal building with a hunter green, standing seam metal roof. The roll-up doors for the units will also be hunter green to match the roof of the structures. There are 26 wall-pack lights spaced every 40 feet along the inside of the perimeter buildings. The lights will be mounted at a height of eight feet above ground level.

The sign detail is shown on Sheet 4 and depicts a masonry monument style sign. The sign will be off-white to match the storage units and the lettering is shown as blue. The Bureau of Development Review has recommended that the lettering match the hunter green shown on the building elevations to maintain a consistent appearance. A sign lighting detail is not included in the plan set and the Bureau of Development Review has recommended using a cutoff fixture to reduce offsite glare.

A black iron fence runs between the mini-storage units. A detail is shown on Sheet 4. General Note 5 on Sheet 1 indicates that the dumpster detail and location are shown on Sheet 4, however neither is present.

This plan was presented to the Design & Architecture Review Committee in May of 2008 and March of 2009. The DARC recommended that all light fixtures on the site be full cut-off. The DARC has recommended increasing the size of the Leyland Cyprus trees to 5 feet and that the caliper of the flowering trees be increased to 2 inches. The committee also commented that the color of the roof on the elevations is shown as a bright Kelly Green and not hunter green. It is recognized that this may be due to the printer used for the site plan.

The plan does not yet meet the requirements of Fire Protection. The site is located beyond 1000 feet from a water supply as required by the Fire Protection ordinance. An underground tank may be required to address the requirements.

The proposed site plan was subject to Citizen's Involvement. A public meeting was held on May 19, 2008 during a regularly scheduled meeting of the Technical Review Committee. No citizens spoke at the meeting and no written comments were forwarded to the Bureau of Development Review.

The property is **not** subject to the provisions of Concurrency Management, Chapter 71 of the Code of Public Local Laws and Ordinances of Carroll County. However, AFC's are required.

Discussion:

Dr. Slade questioned whether there was a stream on the site near the ice cream trailer.

Mr. Varga indicated there was a stream further back on the property.

Dr. Slade noted that Melrose is a gateway into Carroll County and Maryland, and therefore, measures should be taken to make the project attractive from the roadway. He requested enhanced landscaping along MD 30.

Mr. Wertz questioned whether DARC had made any comments with regard to the appearance of the building from MD 30 or the actual length of the building.

Mr. Varga indicated the plan had been reviewed twice by DARC. During their latest review, DARC recommended increasing the size of the Leyland Cyprus trees and sought clarification that the roof color was hunter green and not the bright Kelly Green shown on the elevations.

Mr. Yeo expressed concern about not having water and sewer available on site for the 20 x 20 office and the food trailer.

Mr. Charlie Zeleski, Carroll County Health Department, indicated unusual circumstances exist with this project. He noted that a mini-storage facility is being proposed on a property that will probably never pass a perc test, therefore, a septic system could never be installed. An office space is required with a mini-storage facility. The owner has indicated to the Health Department that the office will be installed, but use of the office will be minimal. Mr. Zeleski indicated the plan is an acceptable although unusual method for dealing with the situation.

Mr. Yeo questioned how the people in the food trailer meet public health standards.

Mr. Zeleski indicated that under the food laws, the project constitutes a mobile unit. There is a holding tank with water for the mobile unit which is refilled as necessary. Mr. Zeleski noted that the food regulations have changed, but this trailer is grandfathered in.

Ms. Terri Jones, Deputy County Attorney, explained that the recent zoning amendments created a temporary and seasonal use. This would require that the trailer be tagged and licensed and removed from the property at the end of the season. They do not get grandfathered in. It is necessary to acquire a zoning certificate or they would have to come in as a restaurant.

Mr. Yeo stated the size of trees needs to be increased and there were a dozen misspellings on the plans. He questioned the location of the dumpster which is not shown on the plan and mentioned the gate, ornamental fence, etc.

Mr. Bryan Johnson, BPR, indicated the mobile trailer will be removed at the end of the season. He noted that there will be no dumpster on site to prevent it from becoming a catch all for clients of the storage units.

Dr. Slade expressed concern that no dumpster will be available for use when the storage units are emptied, etc.

Mr. Michael Greenwalt, owner, indicated many mini-storage facilities do not provide dumpsters or they lock them so patrons cannot abuse them. He noted that only the office employees would be using the composting restroom facility. Mr. Greenwalt explained that Neil Ridgely met with the State Highway Administration in his previous capacity to determine the necessary tree plantings because the property is along a scenic byway.

Mr. Yeo suggested additional plantings could be added, but the minimum standards must be met.

Mr. Chadwick questioned the plans for the rear of the property where the barn is located.

Mr. Johnson indicated no improvements are planned for that area at this time; the barn and access road will remain.

Mr. Horn provided a summary of the Commission's comments as follows:

- enhanced landscaping, increasing the size of trees as stated in the staff report
- misspellings on plans
- location of ornamental fence
- photometric plan
- sign issue

Commissioner Gouge left the meeting.

**PRELIMINARY AND FINAL SUBDIVISION PLAN REVIEW:**

a. M-08-005, Devries

**A. M-08-005, DEVRIES SUBDIVISION**

Ms. Jeanne Joiner reported that staff had received a letter dated April 13, 2009, from Mr. John Maguire, attorney, requesting a rehearing of the project under the Administrative Rules.

Mr. Richard Titus spoke to the Commission on behalf of the owners, filling in for Mr. Maguire. He indicated the main reason for the plan's denial was the concern about the width of the new corner lot to be created and an alleged error by the Zoning Administrator in not applying the 125 foot lot width requirement. Mr. Titus noted that Commission members disagreed with the Zoning Administrator's decision and expressed concern about the size and compatibility of the proposed dwelling on the new lot. He indicated that since the Commission's vote on the plan, the clarifying and corrective amendments were passed by the County Commissioners. Mr. Titus explained that the footnote requiring the 125 foot lot width for corner lots has since been deleted from the Code, and the owner was requesting reconsideration of the Commission's denial. He noted that an appeal had been filed with the BZA pending the Commission's decision.

Mr. Wertz indicated that the plan appears to comply with current regulations with regard to lot width.

Ms. Jones noted that only Mr. Wertz, Dr. Slade, or Mr. Schuster could make a motion with regard to rehearing the project.

**Decision:**

The Commission, on motion of Dr. Slade, seconded by Mr. Wertz, and unanimously carried, approved the owner's request for reconsideration of M-08-005, Devries Subdivision, directing staff to place the item on the next regular meeting agenda.

**PUBLIC COMMENTS/PETITIONS:**

There were no public comments/petitions.

**CLOSED SESSION – PENDING LITIGATION**

Pursuant to State Government Article, Section 10-508(a)(7) and (8), Mr. Baile made a motion, seconded by Mr. Chadwick and carried, to close the meeting for the purpose of receiving legal advice and to consult with staff about pending or potential litigation. Mr. Wertz, Mr. Baile, Mr. Yeo, Mr. Chadwick, and Dr. Slade voted “Aye” on the motion to close; Mr. Brauning, sitting as Chair, did not vote; Commissioner Gouge did not vote as she entered the closed session after the vote to close was taken and left prior to completion of the closed session. The Commission entered into closed session in Room 037 at 12:10 p.m. Present with the Commission were the following persons: Ms. Terri Jones, Mr. Steve Horn, Mr. Clay Black, and Ms. Kelly Martin. Upon completion of the discussion concerning pending litigation from several deferral cases, the Commission voted, on motion of Mr. Yeo, seconded by Mr. Chadwick, and carried, to give the County Attorney’s Office authority to settle pending litigation on behalf of the Commission.

The Commission opened the meeting. There being no further business, the Commission adjourned at 12:20 p.m. on motion of Mr. Yeo, seconded by Mr. Chadwick, and carried.

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Secretary

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Approved