

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

September 15, 2009

Location: Carroll County Office Building

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

The meeting opened at 9:00 a.m. Present with the Commission were the following persons: Steve Horn and Kelly Martin, 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; Daphne Daly, Bobbi Moser, and Andrea Gerhard, Bureau of Comprehensive Planning; Tom Rio, Department of General Services; Chris Letnaunchyn, Bureau of Engineering; Bryan Van Fossen, Office of Public Safety; Larry Twele, Department of Economic Development; Monika Weierbach and Kelly Ziad, Town of Mount Airy; Stan Smith; Shirley D'Angelo; Anthony Wisnieski; Donald Patton; Dennis Utz; Mary and Tom O'Brien; Terry Curtis; Debra Baginski; Randy Petkus; Martin Rickell; Pete Podolak; Michael Renald; J. Reed Fulton; Rich Weschke; Andrew Stine; Fredric Tomarchio; Laura Thorpe; Barbara DeCarlo; Brian O'Grady; Greg Barger; Michelle Dierker; Alexa Grauch; Debbie Stockdale; Bruce Dean; Dean Swank; Randy Bachtel; Clark Shaffer; Cyndi Nixon; David Hamil; Joe DeCarlo; Jim Hollinger; Sean Welch; Larry Stockdale; Dan Staley; Patty Richter; Kurt Wedekind; Jason Russ; Bill Knill; Jim Mathias; Tom Pilon; Ken Schmid; and members of the press.

APPROVAL OF MINUTES

- a. August 10, 2009
- b. August 18, 2009 – Regular Meeting
- c. August 18, 2009 – Work Session
- d. August 25, 2009

Mr. Schuster noted that he had provided minor editorial changes to Mr. Horn for the minutes of August 10 and 18.

The minutes of August 10, August 18 regular meeting, August 18 work session, and August 25 were approved as distributed with certain typographical errors to be corrected, on motion of Mr. Chadwick, seconded by Mr. Schuster, and carried.

COMMISSION MEMBER REPORTS:

Commission Chairman – Mr. Brauning indicated he signed a couple minor subdivisions since the last meeting. He noted that he had received a letter from Mr. William Harrison, Woodbine, requesting that he share the letter with the rest of the membership. The letter was postmarked

September 12 and expresses Mr. Harrison's concern about two previous work sessions discussing the value of agricultural land and how that is ascertained. Mr. Harrison is concerned about lot rights and the comment that there are loop holes in the Zoning Code. He stated there are no loop holes and the regulations are meant to do exactly what they have accomplished. Mr. Brauning offered his appreciation to the Commission members for their attendance at the work sessions.

DEPARTMENT OF PLANNING STAFF REPORT:

Director – Mr. Steve Horn indicated the Commission would reconvene after lunch for another Pathways work session. He noted that additional work session dates will be established.

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

Ms. Andrea Gerhard, Bureau of Comprehensive Planning, reviewed a request to add a 52.49 acre parcel known as the Robert Allen Property to the Priority Planning (S-3) category on the Freedom Area Sewer Service Area which is currently in the No Planned Service Area (S-7). The parcel is located in the 14th Election District at the intersection of Bennett Road and Oklahoma Road. The property is currently zoned R-40,000 and is used for agricultural purposes. A planned major street is delineated in the *2001 Freedom Community Comprehensive Plan* that would connect Bandy Avenue and Mycroft Street through the subject property. The Buildable Land Inventory (BLI) estimates 49 potential building lots, but development potential is significantly constrained due to a variety of environmental features on site that limit areas suitable for septic systems. The total sewer demand for the property based on the multiplier provided by the County is estimated at 9,000 gpd for 36 potential lots. Based on the 49 potential lots estimated by the BLI, the demand is 12,250 gpd. Ms. Gerhard reviewed comments received from the Carroll County Health Department and the Baltimore Reservoir Watershed Management Program.

Mr. Schuster questioned whether there was a specific need by the property owner to process this request right now. He noted that without this amendment, the property owner could not achieve the proposed lot yield. Mr. Schuster suggested that the treatment plant is being over dedicated and the request was premature without the benefit of the Water Resources Element.

Mr. Chadwick noted that the Commission would be reviewing this area in a comprehensive manner in several months.

Mr. Horn explained that a property owner is free to request plan amendments for his property and that the cycle amendment process was set up for that reason.

Mr. Randy Bachtel, BPR, indicated this is only the first step in a series of steps that have to occur. He noted that the cycle amendment process takes anywhere from 6 – 12 months. Mr. Bachtel stated the Commissioners would have to hold a public hearing on the proposed amendment.

Mr. Schuster mentioned conversations that are occurring as part of the Pathways process which may change the way the County deals with parcels that cannot achieve their density. He noted that the sewer treatment plant is already over committed based on its capacity.

Mr. Yeo questioned why the project was not placed in a queue until the County's Water Resources Element (WRE) is completed.

Commissioner Gouge entered the meeting.

Mr. Horn explained that once you add in all the priority and future service estimates you will exceed the plant's capacity. If an individual request goes to the Department of Public Works, they would find that there is current capacity to serve the specific site. He noted that if the Commission approved this amendment and it went to development, the Department of Public Works would have to say there is adequate capacity when it came back for plan review.

Mr. Schuster expressed concern that the owner would walk away feeling the County has made a commitment to go forward with the process without the WRE being completed.

Mr. Wertz questioned whether we run the risk of the property being underdeveloped if the amendment is not passed. He questioned whether the owner would move forward with development of the property on private septic.

Mr. Bachtel indicated that was a possibility.

Mr. Schuster questioned the estimated time for completion of the WRE.

Mr. Horn noted the final chapter was shared with the staff and municipalities last week for their review. They are hoping for a final draft by the end of the month.

Mr. Yeo suggested that comments should be forwarded that the Commission would like careful review and the exercise of caution. There needs to be an understanding that this is not approving anything further down the line. Mr. Yeo recommended the amendment not be approved until the WRE is completed and reviewed.

Ms. Daly noted that the action the staff is looking for from the Commission is certification that the amendment is consistent with the County Master Plan and the Freedom Comprehensive Plan.

Mr. Wertz questioned whether any sketch plans had been completed.

Mr. Bachtel indicated that no sketch plans had been completed with regard to water and sewer; a plan was done for well and septic systems. He noted that he could develop a concept plan for water and sewer for informational purposes.

Mr. Schuster expressed concern that any action by the Commission would possibly be precluding conversations the Commission will be having in the Pathways Plan process.

The Commission, on motion of Mr. Yeo, seconded by Mr. Schuster, and carried (Mr. Baile, Mr. Schuster, Mr. Wertz, Mr. Chadwick, and Mr. Yeo voted "Aye"; Commissioner Gouge abstained), tabled the discussion, requesting the applicant and staff come back next month with additional information and a concept plan.

Mr. Chadwick suggested the next staff report should outline what the staff is looking for from the Commission.

**MOUNT AIRY ANNEXATION NO. 37 – BUFFALO ROAD INVESTMENT LLC
(FORMER RIGLER PROPERTY)**

Ms. Bobbi Moser, Bureau of Comprehensive Planning, reviewed the above referenced annexation request, noting that the annexation area contains 8.3360 acres of land, located on the east and northeast sides of Buffalo Road, approximately 750 feet northwest of Scotch Heather Avenue. The property is currently zoned R-40,000 and is improved with a single-family house and freestanding storage building. The *2006 Mount Airy Environs Community Comprehensive Plan* identifies the property as a “Priority Annexation Area”. The *2003/4 Town of Mount Airy Master Plan* designates the property as a “Future Annexation Area”. Ms. Moser stated the current zoning does not correspond to the land use designation. She reviewed agency comments, including comments received from the Maryland Department of Planning. Ms. Moser noted that the property is located in the future service area for both water and sewerage.

Ms. Moser reviewed the staff’s recommendation as follows: Planning staff supports the annexation of this 8.3360-acre area of land into the Town of Mount Airy. In order to be consistent with the *2006 Mount Airy Environs Community Comprehensive Plan*, and to better conform to the density standards spelled out by the State for Priority Funding Areas, staff recommends that the Town consider zoning the property either R3 or R5 upon annexation. Either of these zoning categories would require a waiver of zoning from the Board of County Commissioners, since they are greater than fifty percent more dense than the existing zoning in the County. Staff recommends that the Commission recommend to the Commissioners that a waiver be granted in the event the Town agrees to zone the property to R3 or R5 upon annexation.

Mr. Yeo questioned whether the Town supports the annexation.

Ms. Kelly Ziad, Town of Mount Airy, noted that the Town Planning Commission did not make a favorable recommendation to the Town Council for annexation at this time. The Town Commission expressed concerns about the traffic volumes. A concept plan was presented for a sports complex, and the Commission felt the size and scale was too great for the area.

Mr. Yeo indicated the Town was opposed to the actual project, but the County Planning Commission is being asked to look at the annexation irrespective of the proposed use.

Mr. Bruce Dean, on behalf of Buffalo Road Investment, stated the annexation agreement and annexation resolution are for a straight R1 annexation request. Any request for a sports complex would require Board of Zoning Appeals approval. He suggested that the R1 residential density would be the highest density district that the Town would support at this point because of the water issues. Mr. Dean noted that he understood that a designation of R3 or R5 would be more consistent with the County’s Comprehensive Plan, but he did not believe there would be political support from the Town for that request. He requested the Commission’s favorable recommendation, noting that with the R1 request, no further action is required of the County.

Ms. Moser noted that the staff’s recommendation is to give the Town the option to zone the property R3 or R5.

The Commission, on motion of Mr. Wertz, seconded by Mr. Chadwick, and carried (Mr. Wertz, Mr. Chadwick, Mr. Yeo, Mr. Baile, and Mr. Schuster voted “Aye”; Commissioner Gouge abstained), adopted the staff recommendation that the Commission recommend the annexation for approval and that a waiver of zoning be granted in case the Town wishes to zone the property R3 or R5 upon annexation.

FINAL SITE PLAN REVIEW:

- a. S-08-026, Finksburg Plaza, 2nd Amended Site Plan
- b. S-06-038, Liberty Exchange

A. S-08-026, FINKSBURG PLAZA, 2ND AMENDED SITE PLAN

LOCATION: West side of Gamber Road (MD Rt. 91), south of Baltimore Boulevard. (MD Rt. 140), 4th Election District

OWNER: 141 Defense Highway, LLC, c/o Fred Tomarchio, Jr., P.O. Box 55, Glenelg, MD 21737 (LLC Members: Joe Tomarchio, Fred Tomarchio, George Clampet)

DEVELOPER: Same as Owner

ENGINEER: D.S. Thaler & Associates, Inc., 7115 Ambassador Road, P.O. Box 47428, Baltimore, MD 21244

ZONING: Neighborhood Retail Business (B-NR) and Conservation (C)

ACREAGE: 10.98 Acres

FIRE DISTRICT: Gamber

WATERSHED: Liberty Reservoir

MASTER PLAN: Neighborhood Business and Medium Density 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 consists of two parcels. These parcels will be consolidated by deed as part of the site plan process. The existing shopping center consists of a strip center and numerous pad sites including a day care center, a bank, and two restaurants. The primary tenant of the strip

center has traditionally been a grocery store. The development is served by a private well and septic system.

Site Plan Review:

The developer proposes to construct a new, right-in access point to the development from southbound Gamber Road. No changes are proposed for the remainder of the shopping center or to any structures on the property. The retaining wall has been moved on to the subject property, as required by the State Highway Administration. The developer will construct a wall that is 125 feet long and has a maximum height of six feet. A detail of the wall is shown on Sheet 6.

Based on the adopted 1981 Finksburg Plan, the development is consistent with the land use designation of Neighborhood Business, but is not consistent with the land use of Medium Density Residential. The 1981 map shows the northern half of the property at the MD Rt. 140/ MD Rt. 91 intersection as Medium Density Residential and the southern half of the property as Neighborhood Business. However, this property is shown with the land use designations of Boulevard and Conservation in the proposed Finksburg Corridor Plan.

The existing acceleration lane and the shoulder from the jug-handle exit to the far western side of the proposed right-in must be paved to meet the surface and depth requirements. This will create an acceleration/deceleration lane for the access points on MD Rt. 91.

The plan is exempt from the landscaping ordinance and there is no floodplain on the property. The development is subject to Forest Conservation because the cumulative total disturbance since 1992 has been over 40,000 square feet, including this proposed improvement. The developer will buy in to a forest bank to meet the requirements of Forest Conservation. The requirements for Water Resources have been met because the impervious area of the development is not increasing by more than 40,000 square feet.

The proposed site plan was subject to Citizen's Involvement. A public meeting was held on May 18, 2009 during the Technical Review Committee meeting. No citizens spoke at the meeting and no written comments were forwarded to the Bureau of Development Review. Two citizens have contacted Development Review to ask what was being proposed for the shopping center.

This plan was presented to the Planning and Zoning Commission as a concept plan in June of 2009 and at that time several issues were raised by the Commission. The minutes from that meeting are attached. The first issue was the inclusion of a retaining wall detail which is shown on Sheet 6. The second issue that was discussed was a striping plan. The striping plan is included with the staff report. This information is included with your plan and is currently being worked out with the SHA. The State Highway Administration granted conditional approval because the major comments and hydraulic comments had previously been addressed. All other comments from the SHA will be addressed as part of the permitting process. All SHA correspondence with regard to this plan is included with the staff report. The last issue that was discussed was landscaping changes. There is no landscape requirement for this development and no new landscaping is proposed.

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.

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 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.
3. That a deed of consolidation be recorded prior to final signature approval of the site plan.

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 three conditions in the staff report.

B. S-06-038, LIBERTY EXCHANGE

LOCATION: North side of Old Liberty Road, east side of Gera Way, 14th ED

OWNER: LST, Inc., P.O. Box 1814, Sykesville, MD 21784

DEVELOPER: St. John Properties, 2560 Lord Baltimore Drive, Baltimore, MD 21244

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

ZONING: IR & Conservation

ACREAGE: 40.15 acres

FIRE DISTRICT: Sykesville

WATERSHED: Liberty Reservoir

MASTER PLAN: Industrial

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 site plan.

Existing Conditions:

The subject property is currently developed with a golf driving range and mini-golf business. The northwest corner of the property includes a forested stream corridor. This area of the site is zoned Conservation. The property to the east is industrial. The properties to the north and west are residential.

Site Plan Review:

The developer has proposed redevelopment of the site as a business park. Business parks are defined in the Zoning Ordinance as: *two or more industrial uses, as those industrial uses are delineated in §§ [223-117A](#) and [223-117B](#), and as those uses are regulated in the I-R zoning district, on one or more lots or parcels, designed as a unit with a common development scheme, with special attention given to aesthetic considerations, lighting, landscaping, and open space, and primarily served by common accessories or amenities such as signs, parking, arcades, and walkways.*

The business park is comprised of nine buildings. A convenience store/gas station, bank, and restaurant are planned for the area of the site closest to Old Liberty Road. To the north of these buildings will be two retail buildings, two office buildings, and two flex buildings. The development will be served with public water and sewer.

The developer will be relocating Old Liberty Road as shown on the site plan. An easement will be granted to the County along relocated Old Liberty Road and between the road and the property line along Liberty Road. A private road, Exchange Drive, will provide access within the development.

A traffic impact study was required for the proposed development. Required off-site mitigation will include widening the existing travel lanes on Old Liberty Road and improving the Linton Road/Liberty Road intersection to create two lanes approaching Liberty Road. Likewise, the White Rock Road/Liberty Road intersection will be improved to create two lanes approaching Liberty Road.

On Liberty Road, acceleration and deceleration lanes will be installed at the entrance to the site and a dedicated left turn lane into the site will be created. A segment of Liberty Road immediately west of the Linton Road intersection will also be widened. The State Highway Administration has confirmed that with build out of the project, a signal on Liberty Road at the entrance to the site will be warranted.

The parking standard for business parks is 4 spaces per 1,000 square feet of building area. A total of 901 parking spaces are required for the development; 958 are provided on the site.

As recommended by the staff and the Design and Architectural Review Committee the pedestrian connections on the site have been strengthened and a gazebo/shelter structure is planned for the area between Buildings A/B and Buildings E/F. Also, as requested by staff, sidewalk will be provided along the north side of Old Liberty Road for the property frontage.

For stormwater management, a stilling basin will be constructed on the north side of Building D, the northernmost flex building. Smaller basins will be constructed in the vicinity of the proposed convenience store.

Building elevations for six of the nine buildings proposed are included in the plan on Sheets 39-42. The elevations for the three buildings on the pad sites will be included in the amended site plan submittal that will be required for each pad site.

A sign detail of the proposed freestanding sign is included on Sheet 25 of the site plan. The proposed height is 30 feet, the maximum height permitted in the Zoning Ordinance. A variance for a 46.75-foot-high sign was denied by the Zoning Administrator. A copy of the official decision is attached to this report. As was noted in the staff report for the concept site plan, the Design and Architectural Review Committee recommended that the height of the tower sign be reduced to 18 feet and that the sign display the name of the development, not identify each individual tenant. The sign is proposed for the area between relocated Old Liberty Road and Liberty Road.

In addition to the aforementioned sign, the layout sheets note the locations of monument-style signs to be installed along Old Liberty Road for the pad sites. Sign details will be provided when amended site plans are submitted for the pad sites.

Sheets 27-30 are the landscaping plan. Landscaping will be installed throughout the site and along the property boundary in the non-forested areas. The requirements of forest conservation will be satisfied with 7.8 acres of on-site forest retention, 1.6 acres of on-site reforestation, and 1.8 acres of forest credit purchased in an off-site bank.

Forest conservation, floodplain, and water resource protection easements to be granted to the County are shown on the subdivision plan that has been submitted for the site. A variance was granted in June of 2009 for temporary grading disturbance to the water resource protection easement and for the extension of a stormwater and sanitary sewer outfall through the water resource protection easement.

A retaining wall is proposed along a portion of the western property boundary in the vicinity of the convenience store. A retaining wall profile is included on Sheet 43 of the site plan. The wall will be approximately 15 feet high. A safety barrier will be required along the top of the wall.

The site plan was subject to citizen involvement at the October 29, 2008 and March 23, 2009 Technical Review Committee meetings. Numerous citizens attended both meetings and expressed concerns with increased traffic in the adjoining residential communities and the potential for gas spills and crime associated with the gas station/convenience store. A traffic light at the Liberty Road/Emerald Lane intersection was also requested.

The Bureau has received many emails and letters concerning this project. They are attached to this report for the Commission's consideration. The concerns most often expressed in the correspondence are increased traffic and the aesthetic and potential environmental issues associated with the gas station/convenience store.

The concept site plan was reviewed at the October 27, 2008 Planning Commission meeting. The minutes from that meeting are attached to this report.

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 all required improvements.
2. That a Landscape Maintenance Agreement be recorded simultaneous with the Public Works Agreement.
3. That an amended site plan for each of the pad sites, to include architectural elevations and sign details, be submitted to the County for review and approval.
4. That the subdivision plan showing the various environmental, utility, and road easements and the accompanying deeds of easement be recorded prior to or simultaneously with the Public Works Agreement.

Discussion:

Mr. Schuster apologized for not being present during the concept review of the plan. He questioned the square footage for retail shown in the plan and how that calculation meets the current regulations. Mr. Schuster indicated he agreed with the concern expressed by citizens with regard to pass through traffic on Old Liberty Road and Gera Way. He noted that he was not in favor of a 24-hour convenience store with gas pumps in such close proximity to a residential community.

Ms. Brandt explained the square footage calculations and noted that the Zoning Administrator has reviewed and approved same.

Mr. Yeo requested additional information with regard to the proposed road improvements and traffic changes.

Mr. Clark Shaffer, Attorney, introduced Mr. Ken Schmid, traffic expert working on the project. Copies of the traffic mitigation plan were distributed.

Mr. Schmidt noted that currently Liberty Road has one travel lane in each direction. He explained that past Emerald Lane, 600 feet prior to our intersection, the lanes will widen to provide two thru lanes and one right turn lane into the site. Mr. Schmidt indicated the second thru lane carries all the way through the Linton Road/White Rock Road intersection and 800 feet beyond that point. In the eastbound direction, a single lane will be maintained through the Linton Road/White Rock Road intersection. Mr. Schmidt noted that two thru lanes are created 600 feet prior to the project intersection with an exclusive left turn lane into our site. These two thru lanes carry through the intersection to the Emerald Lane intersection. He indicated this project will require a traffic signal. Mitigation efforts will take a current level of service "F" and make it an "A" or "B".

Mr. Shaffer noted the developer is making very significant off-site traffic improvements in an attempt to fix some general problems not related to this project.

Mr. Jim Mathias, DeMario Design Consultants, indicated some of these improvements were generated as a result of concerns heard at a community meeting and were not State requirements.

The Commission discussed queuing concerns and limiting traffic along Gera Way.

Mr. Tom Pilon, St. John Properties, indicated he had received a letter from the Sumner's Hollow Homeowners Association (HOA) listing some of their concerns with the project. He noted that he had met with several members of the HOA discussing traffic issues and the retaining wall. Mr. Pilon explained that the most recent letter from the HOA mentioned concerns with traffic coming through their subdivision. They requested that Old Liberty Road from Gera Way be designated as one-way eastbound. There was concern from one resident that he uses that crossover to go to and from his house. The roadway could also be posted for no thru trucks, but these actions would have to be taken by the County. He noted that speed bumps and choke points were also suggested.

The Commission discussed the traffic signal and the timing of installation, as well as the timing of the roadway improvements. They expressed concern about the gas station and 24-hour convenience store located next to a residential community. The Commission discussed noise, light, and groundwater pollution, as well as the need to restrict the hours of operation.

Mr. Shaffer stated that the hours of operation should not be restricted on land zoned "IR". He suggested that restrictions on the hours of operation would put his client at an unfair disadvantage in terms of marketing his property versus other properties along Liberty Road.

The Commission questioned whether any consideration had been given to locating the 24-hour convenience store on the east side of the parcel.

Mr. Pilon indicated they had reviewed three different locations for the gas station, but the access to the site forces the location as proposed. He suggested that placing the gas station in front of the other retail buildings would negate the intent of the architecture in the creation of a village type atmosphere.

The Commission discussed the proposed sign height and lighting plan.

Public Comments:

Mr. Terry Curtis, 416 Ronsdale Road, representing Sumner's Hollow Homeowners Association, indicated the Association and St. John Properties have reached agreements which will be finalized by their attorneys. The Association has agreed to provide the necessary easements to the developer for grading, drainage, and utilities. Mr. Curtis stated the Association supports the project, noting the plan will be amended to eliminate the retaining wall and modify the sewage outfall.

Mr. Wertz questioned whether it was premature for the Commission to approve the plan before agreements are finalized.

Ms. Brandt indicated the necessary changes can be worked out on the staff level.

Ms. Patty Richter, 5606 Gera Way, suggested that the Association is not speaking for the community at large. She questioned when the traffic study was completed, noting that Gera Way is used as a cut through for school traffic. Ms. Richter noted three or four other similar projects in the area that are at a standstill because of the economy. She mentioned the location of school bus stops on Gera Way and suggested the use of speed bumps or one-way traffic.

Mr. Yeo noted that it is not the role of the Commission to determine whether or not a project is financially feasible. A developer may choose to take that risk.

Mr. Chris Letnaunchyn, Bureau of Engineering, explained how the County's traffic program, which is very intensive when it comes to public involvement, works. The process takes place after build out and traffic data is collected at that time.

Mr. Curtis noted that the Department of Public Works does not support one-way traffic.

Mr. Larry Stockdale, 373 Liberty Road, indicated he had asked that the gas station be eliminated from the project or at least moved to the east side of the project to limit the impact on residential properties. He expressed the need for a restriction on the hours of operation and additional screening. Mr. Stockdale mentioned the possibility of residential property owners on the south side of the road being unable to exit or enter their properties because of the traffic lights and traffic queuing.

Mr. Greg Barger, 652 Tanglewood Drive, stated the original sign height was denied based on all the evidence presented at the hearing. He expressed concerns with regard to traffic. Mr. Barger indicated he was opposed to the development. He expressed concern about the lack of tenants and leaking at the gas station.

Mr. Jason Russ, 6200 Georgetown Boulevard, expressed his interest in this type of development in Carroll County. He noted that, citizen concerns notwithstanding, there is a need for this type of space in Carroll County.

Mr. Terry Curtis indicated he would be forwarding written comments. He expressed concern with regard to construction traffic coming through his development. Mr. Curtis suggested that the full traffic signal should be operational from the beginning.

Mr. Sean Welch, 590 Keystone Drive, indicated he has 50,000 square feet of similar construction in Landover and Dulles and there is tractor trailer traffic at all hours of the day. He noted that everything around the proposed development is residential. Mr. Welch stated that while he was not opposed to the development, per se, he does object to the scope of the development. He requested that the developer rethink the need for a gas station. Mr. Welch asked the Commission to limit the hours of the gas station. He expressed concern that the project has no lead tenants for 230,000 square feet when there is such a high vacancy rate in Carroll County. Mr. Welch noted concern for the children waiting at bus stops and the increased traffic generated from this development. He suggested the gas station could be moved to the other side of the project.

Mr. Joe DeCarlo, 659 Tanglewood Drive, noted his concurrence with the other comments. He expressed his opposition to the gas station and requested that the scope of the project be reduced. Mr. DeCarlo also noted traffic concerns.

Ms. Michelle Dierker, 650 Tanglewood Drive, stated her opposition to the project, especially the gas station. She noted her concerns with regard to the safety of the community with a 24-hour operation, traffic issues, and environmental issues.

Mr. Brian O'Grady, 665 Tanglewood Drive, noted his concurrence with the other comments. He stated he had recently purchased his home and expressed concern with regard to the decline in property values because of this development. Mr. O'Grady noted that a decline in property values will also mean a decline in County tax revenue.

Ms. Alexa Grauch, 5700 Meyerfield Court, indicated that most of her concerns had been raised by other citizens. She questioned the notification process for this hearing, indicating the sign was posted on the property yesterday.

Mr. Tom Rio, Director, Department of General Services, indicated the late notification was a failure by his department caused by a lack of communication. He noted that it was not done on purpose and apologized for any inconvenience.

Mr. Horn stated the County likes to have properties posted with large visible signs. He noted that extra steps were taken by staff to notify the community, including two e-mails sent on August 31 and September 4 and postcards which were mailed on September 1.

Mr. Wertz questioned whether there was a prescribed timeline for the posting of a sign.

Ms. Jones explained that there is no requirement for a sign to be posted, but it is staff's practice to post the property prior to any Planning Commission or Technical Review Committee meeting.

Ms. Patty Richter stated the gas station should be moved. She suggested the whole project affects the theme of the neighborhood.

Mr. Larry Twele, Director, Department of Economic Development, indicated that during his previous presentation to the Commission with regard to the Pathways Plan, he had spoken about the need for industrial land. Mr. Twele noted that one of the key discussion points of the Commission was use of existing industrial land. He stated this was a 40-acre piece of land that has been zoned Industrial for 30 years. Mr. Twele explained that a quality business park is ready to take advantage of that zoning. He noted that the State of Maryland has recently sent down an additional \$7.9 million in budget cuts. Projects like this are a way to raise revenue. Currently, this property pays \$20,000 in property taxes. At build out, it will bring \$800,000 of tax revenue as well as provide jobs for residents, including 200 construction jobs at the beginning. Mr. Twele noted that this is one of the highest quality business parks we will have in the County. Turning this underdeveloped piece of land into a high quality business park is the essence of economic development.

Mr. Schuster questioned how Mr. Twele would respond to residents' concerns about the absorption problem in Eldersburg—why build new in the face of existing vacancies.

Mr. Twele indicated that over four years ago when he first came to Carroll, a business came to him looking for 10,000 square feet in Eldersburg and there was not an inventory to meet that need. He noted that the business owner has stayed in touch and is now in need of 30,000 square feet of space which this project would supply.

Mr. Pilon explained that St. John Properties are real estate investors that own, operate, and manage the projects after construction. He noted that they maintain a less than 10 percent vacancy rate.

Mr. Sean Welch questioned how you address the absorption rate in the area. He noted that the majority of the opposition is with regard to the scope of the project. Mr. Welch suggested the jobs generated from the project are low income paying jobs.

Mr. Twele explained that the business he mentioned earlier that requires 30,000 square feet of the warehouse space consists of high-tech jobs with the average salary of \$70,000.

Decision:

A motion was made by Mr. Schuster that the Commission approve the site plan subject to the four conditions in the staff report, adding conditions to: restrict the hours of operation on the three pads from 6:00 a.m. to midnight; that Gera Way be signed for no construction traffic and monitored in the future to allow the County to work with the community to determine additional local traffic mitigation strategies; that the plan be revised to show the removal of the retaining wall and grading modifications; that the sign be limited to 30 feet; that a condition include the existing regulations regarding the ratio of retail to office and warehouse space; and that the traffic light needs to be a flashing signal from day one, working with the County and State to go to a full signal.

Mr. Baile seconded the motion.

Mr. Letnaunchyn explained that the County has no control over the traffic signal; that is under the jurisdiction of the State Highway Administration. He noted that all road work needs to be completed before the light can be installed.

Mr. Schuster amended his motion to remove the traffic signal language.

Mr. Baile agreed with the amendment.

Mr. Schuster asked that the general contractor ensure that Gera Way is not used for construction traffic.

Mr. Shaffer indicated the bank pad site will have an ATM machine and a restaurant pad site with a liquor license would be open until 1:00 a.m.

Mr. Yeo suggested that the hours of operation be limited to the convenience store pad site.

Mr. Schuster amended his motion to restrict the hours of operation for the 24-hour convenience store/gas station site to 5:00 a.m. to midnight.

Mr. Baile approved the amendment.

Mr. Wertz asked that the motion be restated.

In accordance with Chapter 103, the Commission, on motion of Mr. Schuster, seconded by Mr. Baile, and carried (Mr. Wertz, Mr. Chadwick, Commissioner Gouge, Mr. Baile, and Mr. Schuster voted “Aye”; Mr. Yeo voted “No”), approved the final site plan subject to the four conditions in the staff report, adding conditions to: restrict the hours of operation on the convenience store/gas station pad from 5:00 a.m. to midnight; that the plan be revised to reflect the removal of the retaining wall and grading modifications; that the sign be limited to 30 feet in height; that the applicant acknowledges the 25 percent proration of retail to office/industrial use according to the regulations; that construction staff on site monitor the use of Gera Way by construction vehicles, with the intent to prevent the use of Gera Way by construction vehicles, and the County work with the community to determine additional traffic mitigation strategies.

Commissioner Gouge left the meeting.

Dr. Slade entered the meeting.

Mr. Brauning noted that the Pathways Work Session that had been scheduled for 1:30 p.m. – 4:00 p.m. was cancelled because the Commission was approximately three hours behind in its agenda. The next work session will be held on Thursday, September 17, at 6:30 p.m.

PRELIMINARY AND FINAL SUBDIVISION PLAN REVIEW:

a. P-09-003, Liberty Exchange

A. P-09-003, LIBERTY EXCHANGE SUBDIVISION

LOCATION: North side of Old Liberty Road, east side of Gera Way, 14th ED

OWNER: LST, Inc., P.O. Box 1814, Sykesville, MD 21784

DEVELOPER: St. John Properties, 2560 Lord Baltimore Drive, Baltimore, MD 21244

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

ZONING: IR & Conservation

ACREAGE: 40.15 acres

FIRE DISTRICT: Sykesville

WATERSHED: Liberty Reservoir

MASTER PLAN: Industrial

NO. OF LOTS: 6

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 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.

Existing Conditions:

The subject property is currently developed with a golf driving range and mini-golf business. The northwest corner of the property includes a forested stream corridor. This area of the site is zoned Conservation. The property to the east is industrial. The properties to the north and west are residential.

Plan Review:

The developer proposes to create 6 lots for commercial and industrial development. Lots 1-5 range in size from 1.240 acres to 4.940 acres. Lot 6 is 25.372 acres in size and includes the forested stream corridor. Forest conservation, forested water resource protection, and floodplain easements will be granted to the County in this area. The subdivision is consistent with the Master Plan designations of Industrial and Conservation.

With the exception of Lot 3, all of the lots will be accessed from a private street to be constructed and maintained by the developer. A declaration of maintenance obligations for Exchange Drive will be recorded with the subdivision plat. Lot 3 will be accessed from relocated Old Liberty Road. Lots 1 and 2 can also be accessed from relocated Old Liberty Road. An easement will be granted to the County for the area of relocated Old Liberty Road and the area between the road and the property line along existing Old Liberty Road.

The property is in the existing service areas for public water and sewer. All lots will be connected to public water and sewer. Utility easements to be granted to the County are shown on the preliminary plan and plat.

As a non-residential subdivision, the plan is exempt from Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Chapter 103 Recommendation:

The staff recommends approval of the preliminary plan and the final plan of subdivision subject to the following conditions:

1. That a Public Works Agreement be entered into by the developer to ensure completion of all required improvements.

2. That a stormwater management easement and maintenance agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneous with recordation of the subdivision plat.
3. That a forested water resource protection easement be deeded to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.
4. That a floodplain easement be deeded to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.
5. That slope and utility easements (water and sewer) be granted to the Carroll County Commissioners by a deed to be recorded simultaneous with recordation of the subdivision plat.
6. That a Declaration of Maintenance Obligations for Exchange Drive be recorded simultaneous with recordation of the subdivision plat.
7. That easement area 'A', a perpetual easement to the Carroll County Commissioners as a public right-of-way for the relocation and maintenance of Old Liberty Road, be granted to the Carroll County Commissioners by a deed to be recorded simultaneous with recordation of the subdivision plat.
8. That a forest conservation easement be deeded to the Carroll County Commissioners by a deed to be recorded simultaneous with recordation of the subdivision plat.

Discussion:

Ms. Brandt added a ninth condition as follows: "That all lots shown on the subdivision plan are part of the Liberty Exchange Business Park and as such are subject to a phasing plan pursuant to Section 223-117 of the County Code. The ratio of retail or commercial space to industrial space which is constructed may not exceed 25% at any time until the business park is complete."

Mr. Chadwick questioned the need for a tenth condition regarding the slope and grading easement.

Ms. Terri Jones, Deputy County Attorney, indicated that was a private easement between the developer and property owner. She noted that the street light is covered under the utilities easement.

Decision:

Pursuant to Chapter 103, the Commission, on motion of Mr. Chadwick, seconded by Mr. Baile, and carried (Mr. Chadwick, Mr. Baile, Mr. Schuster, and Mr. Wertz voted "Aye"; Mr. Yeo voted "No"; Dr. Slade abstained), approved the preliminary and final plans of subdivision subject to nine conditions—eight conditions from the staff report and the ninth condition regarding the ratio of retail development.

FINAL SUBDIVISION PLAN REVIEW:

- a. M-07-033, Cox Hillside
- b. F-09-001, Crestview Meadows, Section 6

A. M-07-033, COX HILLSIDE

LOCATION: East side of West Deep Run Road, 3rd Election District

OWNER: William and Patricia Hahn, 369 West Deep Run Road, Westminster, MD 21158

DEVELOPER: Same as Owner

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

ZONING: Conservation

ACREAGE: 12.04 acres

WATERSHED: Double Pipe Creek

MASTERPLAN: Conservation

Mr. Patrick Varga presented the background.

Action Required:

Two actions 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 purpose of this plan is to bring the parcel in to compliance with County subdivision regulations. The property was deeded off as a third off-conveyance by the previous owner in 1977. The current owner purchased the property in 2007.

The subject property is a vacant, wooded parcel. The property is adjacent to an existing use-in-common driveway and has frontage on Deep Run Road. A tributary of Double Pipe Creek crosses the northern part of the property.

To the south and west are properties owned by the Shriver Family. To the east is another property owned by the developer. There are several residences to the north.

Plan Review:

The developer proposes to create a 12.04-acre lot, designated as Lot 1, which will be served by a private well and septic. The proposed use is consistent with the land use designation of Conservation in the Master Plan.

The lot will be accessed by the existing use-in-common (UIC) driveway. A 60-foot wide right-of-way exists over the three properties owned by the developer and one additional user on the driveway. The driveway will be improved to County UIC standards from Deep Run Road to the driveway for Lot 1. The users on the UIC will be given addresses on Heavens Gate Drive. The existing UIC is not named as it exists as a right-of-way. The developer of this property accounts for three of the four properties accessed by the UIC. The fourth user has provided a letter indicating they are willing to change their address from Deep Run Road, to Heavens Gate Drive. A declaration of maintenance obligations was recorded for the UIC in 2001.

Parcel A will be dedicated to the Commissioners as a road-widening parcel.

Although an area will be cleared for the house and driveway, 8.28 acres will be placed under a forest conservation easement for retention and 1.6 acres will be placed under an easement for reforestation. To satisfy the requirements of stormwater management, a drywell will be installed for the house. A wide-shoulder will also be used along the use-in-common driveway.

To meet the requirements of Grading and Sediment Control, the driveway must be paved. A substantial portion of the private driveway will be built at a 17% grade, the maximum allowed by code. The private driveway will be constructed over a culvert to be constructed by the developer. A 64" by 48" pipe is proposed to convey the stream under the driveway.

An area of wetlands, as well as the stream buffer, is included in a forested water resource protection easement. The total acreage for the easement is 2.01 acres. As a minor subdivision, the plan is exempt from landscaping requirements.

An easement for 100-year floodplain will be granted to the County for 0.69 acres. The limit of the easement extends on to neighboring properties. The adjacent property owners have agreed to the conditions of the floodplain easement and have provided letters to the County indicating they are willing to sign the easement documents. The developer has also provided the approved State and Federal permits for floodplain management. These documents were required in order for the subdivision plan to receive final floodplain approval. All other agencies have approved the record plat.

Recommendation:

Pursuant to Chapter 103, 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 forested water resource protection easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
3. That a floodplain easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
4. That a stormwater management easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat. This easement is for the wide shoulder of the use-in-common driveway.
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. This easement and maintenance agreement covers all facilities on Lot 1, including the drywell.
7. That the area shown Parcel A be conveyed to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: M-07-033, Cox Hillside

Schools: Charles Carroll Elementary
Westminster East Middle
Winters Mill High

Roads: Deep Run Road

Fire and EMS: Pleasant Valley

Police Services: Maryland State Police/Carroll County Sheriff's Dept.

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 (ATC) forms are distributed for completion. As police services, schools, and roads were found to be adequate at the preliminary plan stage, they were not retested. An ATC form was sent out for fire and EMS, which was approaching inadequate at the preliminary plan stage.

Agency Responses:

Fire and Emergency Medical Services:

The proposed subdivision is located in the Pleasant Valley emergency services district. The 2009 2nd quarter late and no response statistical data indicates that of the first due total fire calls in the Pleasant Valley district, 0.0% were categorized as no responses, and 0.00% as late and no responses. Of the first due emergency medical service calls in the Pleasant Valley district, 1.04% were categorized as no responses and 2.08% as late and no responses. Pleasant Valley meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 7/1/07 to 6/30/09 Pleasant Valley had an average response time of 9 minutes and 56 seconds – approaching inadequate.

With regard to emergency medical call response time, for the two-year period of 7/1/07 to 6/30/09 Pleasant Valley had an average response time of 9 minutes and 19 seconds – approaching inadequate.

The primary route from the firehouse to the proposed development travels over the County bridge on Hughes Shop Road over Bear Branch (bridge CL 264) and the County bridge on Deep Run Road over a tributary of Double Pipe Creek (bridge CL 279). The secondary route travels over bridges on Hughes Shop Road over Bear Branch (bridge CL 264), on Murkle Road over Big Pipe Creek (bridge CL 277) as well as on the County bridge on Deep Run Road over a tributary of Double Pipe Creek (bridge CL 279). Analysis completed in 2006 found all three bridges adequate for the emergency vehicles in the Pleasant Valley fire department fleet.

Recommendation:

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.”

Pursuant to Chapter 71 staff recommends that the Planning Commission conditionally approve the final plan as follows:

1. Fire and EMS is considered approaching inadequate.
2. Building permit reservation is for 1 lot in FY10 provided that the plat is recorded prior to any permit being issued.
3. The recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

The Commission discussed the possibility of an additional fire company in the Pleasant Valley area, adjusting boundaries for service areas in the Emergency Services Master Plan, revised standards for response times for large rural fire districts, mutual aid agreements, etc.

Decision:

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

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

B. F-09-001, CRESTVIEW MEADOWS - SECTION VI

LOCATION: Southeast side of Upper Beckleysville Road, west of Indian Court, Election District 8

OWNER: D & D Land, LLC, 10 Venture Way, Suite A, Sykesville, MD 21784 (LLC: David Patton, Donald Patton)

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

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

ZONING: Conservation

AREA: 18.5 acres

NO. OF LOTS: 4

WATERSHED: Prettyboy Reservoir

MASTER PLAN: Conservation

Ms. Kimberly Golden Brandt presented the background.

Action Requested:

Two action items are requested:

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 zoned Conservation and is currently undeveloped. The property to the south is also owned by the developer. The staff is reviewing a subdivision, Crestview Meadows V, for that property.

Final Plan Review:

The developer proposes to create 4 residential lots. The subdivision is a conventional Conservation development, with lot sizes ranging from 3.0105 acres to 4.4644 acres. The subdivision is consistent with the Master Plan designation of Conservation.

The four lots will be accessed from a new County street, Quiet Meadow Way, which will terminate in a temporary cul-de-sac on the adjoining Crestview Meadows V property. Access to Upper Beckleysville Road from Lot 31 is prohibited.

All lots will be served by a private well and a septic system. The Health Department has approved the plan.

The requirements of forest conservation will be satisfied with 3.7 acres of afforestation on the Crestview Meadows V site to the south. Landscaping will be provided along Upper Beckleysville Road and Quiet Meadow Way.

To address the requirements of stormwater management, drywells will be installed on the lots and wide grass shoulders will be provided along Quiet Meadow Way. A stormwater management parcel, Parcel A, containing an underground facility will be deeded to the County.

The subdivision plan was subject to citizen involvement during the Technical Review Committee meetings on January 29, 2007 and September 24, 2007. No concerns were voiced and no written comments have been received by the Bureau of Development Review.

The preliminary plan was presented to the Planning Commission for approval at the March 18, 2008 meeting. The meeting minutes are attached.

Chapter 103 Recommendation:

The staff recommends approval of the final plan, subject to the following conditions:

1. That a Public Works Agreement be entered into by the developer to ensure completion of all required improvements.
2. That a stormwater management easement and maintenance agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneous with recordation of the subdivision plat.

3. That parcel 'A' as shown on the plan be conveyed to the Carroll County Commissioners upon acceptance of the stormwater management facility.
4. That Quiet Meadow Way be conveyed to the Carroll County Commissioners upon acceptance by the County.
5. That slope and drainage and utility easements be granted to the Carroll County Commissioners by a deed to be recorded simultaneous with recordation of the subdivision plat.
6. That a forest conservation easement on the adjoining property (2872~115) be deeded to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.
7. That a 140' easement for construction, maintenance, and removal of a temporary cul-de-sac for Quiet Meadow Way on the adjoining property (2872~115) be deeded to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: F-09-001, Crestview Meadows, Section VI

Number of Lots: 4

Schools: Spring Garden Elementary
Shiloh Middle
North Carroll High

Roads: Upper Beckleystown Road

Fire and EMS: Hampstead

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 (ATC) forms are distributed for completion. As Fire/EMS and roads were found to be adequate at the preliminary plan stage, they were not retested. ATC forms were sent out for schools and police services, which were inadequate and approaching inadequate at the preliminary plan stage.

Agency Responses:

Schools:

The Carroll County Public Schools responded that Spring Garden Elementary, Shiloh Middle, and North Carroll High are adequate for FY 10 through FY 15.

The enrollment projections indicate that Spring Garden Elementary will range between 92 and 95% of capacity during the current 6-year CIP cycle. In the Spring Garden Elementary attendance area 3 additional residential developments, comprised of approximately 24 lots, are currently in the review process. There are approximately 4 lots in the Spring Garden 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 Shiloh Middle will range between 77 and 88% of functional rated capacity during the current 6-year CIP cycle. In the Shiloh attendance area 17 additional residential developments, comprised of approximately 178 lots, are in the review process. There are approximately 81 lots in the Shiloh 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 the capacity of North Carroll High will be reduced from 75 to 51% during the 6-year CIP. In the North Carroll High attendance area 18 additional residential developments, comprised of approximately 112 residential lots, are currently in the review process. There are approximately 214 residential units in the North Carroll High attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Police Services:

The estimated Carroll County population as of July 31, 2009 was 174,951. 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 August 2008 through July 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 July 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 1.33 - adequate. Based on the funding for new positions and the projected growth rate, the ratio is projected to remain above 1.3 for the next six years.

Chapter 71 Recommendation:

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.”

Pursuant to Chapter 71 staff recommends that the Planning Commission approve the final plan with conditions as follows:

1. Police services and schools are considered adequate.
2. Building permit reservations are for 4 lots in FY10.
3. The recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Dr. Slade requested signage regarding the temporary nature of the cul-de-sac.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Schuster, seconded by Dr. Slade, and unanimously carried, approved the final plan subject to the seven conditions in the staff report plus an eighth condition that a sign be posted by the developer that the temporary cul-de-sac is indeed temporary.

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

CONCEPT SUBDIVISION PLAN REVIEW:

- a. P-09-009, Poignant Acres 7
- b. M-09-012, Vangline Acres 3
- c. P-09-010, Wisnieski Property

A. P-09-009, POIGNANT ACRES 7

LOCATION: East side of Maryland Route 27, north of Sams Creek Road, 9th Election District

OWNER: Sheldon Steinmetz, 9 Milltown Road, New Fairfield, CT 06812

DEVELOPER: Same as Owner

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

ZONING: Agricultural
ACREAGE: 31.33950 acres
WATERSHED: Liberty Reservoir
MASTERPLAN: Agricultural

PUBLIC FACILITIES IMPACTED

SCHOOLS: Winfield Elementary
New Windsor Middle
South Carroll High
ROADS: MD Rt. 27
FIRE AND EMS: Winfield
POLICE: Maryland State Police/Carroll County Sheriff's Dept.

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 major subdivision plan. No action is required.

Existing Conditions:

The subject property is undeveloped. A stream and an area of woods are located in the easternmost area of the property. The Planning Commission recently approved a subdivision of the adjoining property to the north.

Plan Review:

The developer proposes to subdivide the property to create two lots and a remaining portion. The two lots are 1.55 and 2.53 acres in size. The larger of the two lots is so because of the locations of the successful percolation tests. The remaining portion is 27.24808 acres in size. Of that acreage, 7.3515 acres will be placed under forest conservation, floodplain, and forested water resource protection easements. With this subdivision, the lots and the remaining portion may not be further subdivided for residential purposes under the current Agricultural Zoning District standards.

Access to the lots and the remaining portion are proposed an existing use-in-common driveway, Sanders Drive. With the addition of the lots and the remaining portion, the use-in-common driveway would have seven users. This is the maximum number of users permitted in the Agricultural Zoning District.

The Development Review Manual limits the number of in-fee strips that may be designed together at five. The Planning and Zoning Commission has the authority to modify this standard. The developer has requested that the Commission allow seven in-fee strips. Staff supports the developer's request. Sanders Drive will be improved to meet the County's current standards for use-in-common driveways. Access to the proposed lots via Sanders Drive is preferred to access via a public road in this location.

The State Highway Administration has commented that no work within the Maryland Route 27 right-of-way is required for this project.

Lots 26 and 27 will satisfy the requirements of stormwater management with the installation of drywells. The remaining portion will satisfy the requirements with grading. No landscaping is required for this subdivision.

The subdivision plan was subject to citizen involvement at the August 24, 2009 Technical Review Committee meeting. There were no issues or concerns presented. The Bureau of Development Review has received no correspondence concerning this project.

Discussion:

Dr. Slade questioned whether the remaining portion could be further subdivided.

Ms. Brandt indicated it could not.

It was the consensus of the Commission to accept staff's recommendation and allow seven in-fee strips.

B. M-09-012, VANGLINE ACRES 3

LOCATION: South side of Schalk Road No. 1, 6th Election District
OWNER: Dennis Utz, 5227 Schalk Road No. 1 Lineboro, MD 21102
DEVELOPER: Same as Owner
ENGINEER: DRS & Associates, 52 Winters Street, Westminster, MD 21157
ZONING: Conservation
ACREAGE: 9.13145 acres
WATERSHED: Prettyboy Reservoir
NO. OF LOTS: 3 lots
FIRE DISTRICT: Lineboro
MASTER PLAN: Conservation

Ms. Jeanne Joiner 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 minor subdivision plan. No action is required.

Existing Conditions:

The subject property is zoned Conservation, is unimproved and is forested. An 18.14355 acre property remains to the rear of the planned subdivision that contains a stream, pond, house and farm buildings. Previous sections of Vangline Acres were recorded in 1975 and 1977.

Plan Review:

The developer proposes to create three lots that will be served by private well and septic. Lot 15 is 3.00000 acres, Lot 16 is 3.00001 acres, and Lot 17 is 3.00000 acres.

The lots will be accessed by a use-in-common driveway from Schalk Road No. 1 known as Vaughn's Meadow Drive. A declaration of maintenance obligations will be required. Right-of-way on Schalk Road #1 will be deeded to the County.

Development Review has requested that sight distance of Vaughn's Meadow Drive at Schalk Road #1 be provided. Engineering commented that the driveway apron does not appear to meet minimum sight distance requirements and requested that additional testing be performed.

The plan was submitted without percolation testing being performed. If the lot layout changes significantly as a result of the percolation tests, a revised concept plan will be required.

Forest Conservation, Chapter 115 of the Code of Public Laws and Ordinances of Carroll County, is being addressed with onsite retention. Each lot contains a significant area covered by a proposed forest conservation easement.

Stormwater management is being addressed on the lots with drywells. The use-in-common driveway will control stormwater through a wide shoulder disconnect.

The plan was subject to citizen involvement at the August 24, 2009 Technical Review Committee meeting. Several citizens spoke. Speed of traffic on Schalk Road and sight distance were the major concerns. Other concerns were potential impacts to existing wells, retention of the existing woods, and style and size of planned homes. The Bureau of Development Review has received no correspondence concerning this project.

This subdivision is subject to the Concurrency Management Ordinance and will be tested prior to review of the preliminary plan by the Planning Commission.

Discussion:

Mr. Schuster questioned whether the remainder was eligible for subdivision.

Ms. Joiner indicated the remainder is entitled to one additional lot.

Dr. Slade requested a wider area at the end of the use-in-common driveway where it meets the County road.

Mr. Schuster questioned what could be done to meet the sight distance requirements.

Mr. Dan Staley, DRS & Associates, indicated the Department of Public Works is requiring improvements to the road frontage of the property. These improvements include a six foot shoulder and ditch line which should fix the situation and provide adequate sight distance.

The Commission discussed the width at the “mouth” of the use-in-common driveway.

Mr. Staley suggested making the entrance 20 feet wide for a depth of 20 feet.

Mr. Wertz also requested a designated area for trash cans with a separate paved pad.

C. P-09-010, WISNIESKI PROPERTY

LOCATION: West side of Murray Road, north of Clarho Circle, 4th ED

OWNER: Anthony and Erin Wisnieski, 3249 Greenknoll Road, Baltimore, MD 21244

DEVELOPER: Same as owner

ENGINEER: Leon A. Podolak and Associates, LLC, 63 East Main Street, Westminster, MD 21157

ZONING: Conservation & R-40,000

ACREAGE: 16.36 Acres

FIRE DISTRICT: Reese

WATERSHED: Liberty Reservoir

MASTER PLAN: Private Conservation and Low Density Residential

Mr. Patrick Varga presented the background.

Action Required:

The plan is before the Commission for review of the concept plan of subdivision. No action is required.

Existing Conditions:

The subject property is currently unimproved. The property contains areas of wetlands, steep slopes, and 100-year floodplain. The property is split zoned Conservation and R-40,000. The property has 50 feet of in-fee frontage on Murray Road, which was deeded from lot 5A shown to the east of the subject property. The 50 foot wide portion of the property is zoned R-40,000 and the balance of the property is zoned Conservation. This property was created as an off-conveyance from the property to the north in 1994.

The adjoining properties to the east along Murray Road are all zoned R-40,000 and contain single family homes. The adjoining properties on all other sides of the subject property are zoned Conservation. The property to the west is owned by Baltimore City and is part of Liberty Reservoir. The properties to the south also contain single family homes. The property to the north is the Hewitt's Landing subdivision.

Concept Plan Review:

The developer proposes to create 4 residential lots ranging in size from 3.03 acres to 6.60 acres. The lots are to be accessed from a new use-in-common (UIC) driveway shown as Two Brothers Drive. Single family homes are consistent with the Master Plan designation of Conservation and Low Density Residential. The Bureau of Development Review has recommended that the lots be clustered because of the proximity of Liberty Reservoir. The developer has indicated that a clustered lot layout is not a design that is desirable. The developer wishes to retain the 6.60 acre lot shown as Lot 4. The lots do not meet the 300 foot lot width requirement at the midpoint of the lot. The developer has indicated that the houses can be rotated so the sides face the UIC and therefore meet the lot width requirement, but the houses then face the rears of the adjacent houses. The Bureau of Development Review and the Bureau of Comprehensive Planning have recommended that Lot 1 be redesigned because of the particularly odd shape of the property. The lots will be served by private wells and septic systems, however the lots have not yet been percolation tested except Lot 4, which was perc tested in 1994. The developer has been advised that because the property has not yet been perc tested, a revised concept plan must be submitted if the lot lines change.

Article XII, Special Design Criteria, (6) In-Fee Strips of the Carroll County Development Review Manual requires that "a single in-fee strip and driveway shall be designed such that the buildable area of any lot is within one thousand five hundred (1,500) feet of the center of a publicly maintained road. In-fee strips and UICs must be designed so access to the buildable area of any lot is within one thousand two hundred fifty (1,250) feet of the center of a publicly maintained road." The buildable area for Lot 4 exceeds the limit of 1500 feet. The office of Public Safety has also expressed concern regarding the distance the back two lots are from Murray Road.

The proposed entrance of the UIC does not meet current sight distance requirements. A clear line of sight of 445 feet is required for the UIC driveway and only 240 feet are shown to the right of the UIC. The plan must show adequate sight distance or apply for a variance of these requirements from the Department of Public Works. There are currently four users (Lot 5A, 10, 11, and the Hewitt's Landing property) as the note on Sheet 2 indicates, with access to their properties over the 50 foot wide right-of-way. Adding the four subdivision lots to the driveway will exceed the number of users allowed on the UIC. However, Lots 5 and 10, which are shown

as users on the UIC, were consolidated in 1999 with the creation of Lot 5A. The amended plat for this consolidation is attached. Lot 5A has its own driveway on Murray Road and does not use the UIC driveway. The developer will be required to amend any legal documents which show Lot 10 and Lot 5 or 5A as a user on the UIC driveway in order to meet the requirement for the number of users.

All lots will be served by downspout drywells. A wide grass shoulder is shown along Two Brothers Drive to address stormwater management for the UIC. The plan does not yet address the Forest Conservation Ordinance. Water Resources will be addressed with easements based on the stream buffer on the western portion of the property. A floodplain analysis is required at time the preliminary plan is submitted.

The concept plan was subject to Citizen's Involvement on August 24, 2009 during the Technical Review Committee meeting. At that time, two citizens spoke with regard to this project. The citizens were concerned with the sight distance for the UIC driveway, wells on the property impacting neighboring wells, and that the property was once part of the Hewitt's Landing property.

This project is subject to the provisions of Concurrency Management, Chapter 71 of the Code of Public Local Laws and Ordinances of Carroll County, and will be tested prior to the presentation of the preliminary plan to the Commission for approval.

Discussion:

Mr. Varga explained that the required sight distance of 445 feet is provided to the left, but only 240 feet are shown to the right. This lack of sight distance would require a variance from the Department of Public Works.

Mr. Pete Podolak, Leon A. Podolak and Associates LLC, indicated the issue with sight distance is not on site; the issue is Murray Road. He explained that there is a vertical curve in the road which probably does not comply with current County standards. There is nothing that can be corrected on site to address the sight distance issue. Mr. Podolak suggested that the applicant could try to pursue an in-fee strip off an adjoining property to mitigate this issue, request a variance, or do some reconstruction to Murray Road—which may be cost prohibitive to this project.

Mr. Anthony Wisnieski, owner, noted that Murray Road is a dead end road with very few homes on it and there is no ability for further subdivision that would increase traffic volumes.

Mr. Podolak noted that if the right-of-way can be acquired from the Bosley Property, then the project could meet the 1,250 foot requirement for the use-in-common driveway.

Dr. Slade questioned whether the City of Baltimore had reviewed the development plans.

Mr. Varga explained that the City would only be involved if this was a cluster project and the open space would be offered to the City.

Mr. Schuster stated this project is an example of the parcels he has been complaining about for a long time. He noted that with the number of variances needed for the project, four lots may not be realistic.

The Commission discussed the in-fee frontage on Murray Road, the environmental constraints on the property, the distance of the back lot from the road, the need for a stream crossing, etc.

Mr. Podolak indicated a stream crossing was not necessary to gain access. He noted that an ESD was submitted and approved by Mr. Tom Devilbiss.

Mr. Baile questioned how much of the acreage is comprised of slopes greater than 25 percent.

Mr. Podolak indicated a quarter to one-third of the acreage would fall in that category.

Mr. Schuster reiterated that the more variances you need to seek, the less density he could support for the property. He suggested the site was being given more density than it could handle.

Dr. Slade agreed with Mr. Schuster. He indicated his concerns with the environmental constraints. Dr. Slade noted that the entrance to the use-in-common driveway would need to be widened to allow space for pullovers and a separate pad for trash cans.

Mr. Wisnieski stated he had purchased the property 15 years ago. He noted issues with site erosion and the steps that had been taken over the years for mitigation. Mr. Wisnieski stated he has the same concerns regarding the integrity of the property. He noted he is creating the lots for his children and his retirement.

Mr. Baile requested information about the distance between the project and the headwaters of Liberty Reservoir. He noted concern that the property will be utilizing private septic systems in close proximity to the reservoir.

PUBLIC COMMENTS/PETITIONS:

Mr. Brauning engaged Mr. Bryan Van Fossen, Office of Public Safety, in a brief conversation regarding response times for Pleasant Valley, the possibility of allowing longer response times for larger areas, and mutual aid agreements with surrounding jurisdictions.

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

Secretary

Approved