

MEETING SUMMARY
Carroll County Planning and Zoning Commission

June 18, 2019

Location: Carroll County Office Building

Members Present: Richard Soisson, Chair
Jeffrey A. Wothers
Eugene A. Canale
Janice R. Kirkner (arrived at 9:05 a.m.)
Michael D. Gosnell, Alternate

Members Absent: Cynthia L. Cheatwood, Vice Chair
Daniel E. Hoff
Ed Rothstein, Ex-officio

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

CALL TO ORDER/WELCOME

Chair Soisson called the meeting to order at approximately 9:01 a.m.

ESTABLISHMENT OF QUORUM

Laura Bavetta took attendance and noted that four members of the Board were present, and a quorum was in attendance. Ms. Kirkner arrived at 9:05 a.m. and five members were present.

PLEDGE OF ALLEGIANCE

REVIEW AND APPROVAL OF AGENDA

On motion of Mr. Wothers seconded by Mr. Canale and carried, the Revised Agenda was approved.

REVIEW AND APPROVAL OF MINUTES

On motion of Mr. Wothers, seconded by Mr. Canale and carried, the Minutes from the May 29, 2019 and the June 5, 2019 meetings were approved.

COMMISSION MEMBER REPORTS

A. COMMISSION CHAIRMAN

Chair Soisson stated he has approved Academy Acres and Suffolk West since the last meeting.

B. EX-OFFICIO MEMBER

Commissioner Rothstein was not present.

C. OTHER COMMISSION MEMBERS

There were no other reports.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg noted a copy of the Carroll County Master Plan Amendment was provided to the Commission. A Public Hearing will be held and is tentatively planned for the August Business Meeting being held on August 20, 2019. Secretary Eisenberg also noted that a copy of the Bicycle – Pedestrian Master Plan was provided as well.

B. EXTENSIONS

Secretary Eisenberg reported there were no extensions since the last meeting.

C. BZA CASES

Secretary Eisenberg reported four cases were heard in May; Case No. 6141, Case No. 6147, Case No. 6148 and Case No. 6149. There are no cases to be heard in June.

D. OTHER

There were no other reports.

BOARD OF EDUCATION FACILITIES MASTER PLAN – DISCUSSION AND CERTIFICATION

Mr. Caine stated the Board of Education accepted the plan as is but will hold a work session to discuss the future of East Middle School.

On motion of Mr. Wothers, seconded by Ms. Kirkner and carried, the Commission voted to Accept and Certify the Board of Education Facilities Master Plan as consistent with the County Master Plan.

CONCEPT SUBDIVISION PLAN

SUBJECT: P-19-0032– Clas Property

LOCATION: 6828 White Rock Road, 500 feet north of W. Obrecht Road, E.D. 14

OWNER: Clas-Haven Living Trust, 6828 White Rock Road, Sykesville, MD 21784

DEVELOPER: Clear Ridge Developers, Inc., 1935 Babs Court, Marriottsville, MD 21104
M & J Capital, LLP, 113 Westminster Road, Suite 200 Reisterstown, MD 21136

SURVEYOR: Leon A. Podolak & Associates, L.L.C., 147 East Main Street, Westminster, MD 21157

ZONING: Agricultural/Conservation

ACREAGE: Acreage of lots: 8.9 acres Acreage of Remaining Portion: 150 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: 7 lots

FIRE DISTRICT: Sykesville-Freedom

SCHOOLS: Linton Springs Elementary, Sykesville Middle, Century High

MASTER PLAN: Agriculture

PRIORITY

FUNDING AREA: N/A

DESIGNATED

GROWTH AREA: Freedom

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a Concept Major Subdivision Plan. No action is required.

❖ **Existing Conditions:**

An existing residence with multiple farm structures is located on the 159 acre property. The Agricultural zoned portion contains numerous areas being utilized for crop farming. The Conservation zoned section is mostly wooded and contains a stream. A single use driveway from White Rock Road leads to the residence and associated farm buildings. This and all adjoining properties have their own private well and septic systems. Property adjacent to the north is zoned Agricultural with a residence and farm structures. Properties on the east side of White Rock Road are residential use and zoned R-40,000. Properties located along the south side of W. Obrecht Road are residential use and zoned R-40,000. Two off-conveyances, with access off of Dearest Lane, were created in 1979 from the property.

❖ **Plan Review:**

The property is comprised of 159 acres; 130 acres zoned Agricultural and 29 acres zoned Conservation. The owner proposes to create seven residential subdivision lots utilizing the Agricultural lot yield calculation as provided in Chapter 155. This subdivision will exhaust the §155.091 residential lot yield for the Agricultural zoned portion of this property.

§ 155.091 SUBDIVISION IN THE AGRICULTURAL DISTRICT.

(A) **Lot yield.**

(1) In addition to the ability to create off conveyances as provided for in this chapter, lots may be created for residential purposes from any tract of land pursuant to the following standard: where the tract to be subdivided is six to 20 acres, one new lot plus the remaining portion may be created; and for tracts over 20 acres, an additional new lot may be created for each 20-acre increment or part thereof. The area of a tract shall be calculated to the nearest 0.0001 acres. For purposes of this section, the standard is illustrated by this chart:

| Size of Tract to be Subdivided | New Lots | Remaining Portion | Total |
|--------------------------------|----------|-------------------|-------|
| Under 6 acres | 0 | 1 | 1 |
| 6 – 20 acres | 1 | 1 | 2 |
| 20.0001 – 40 acres | 2 | 1 | 3 |
| 40.0001 – 60 acres | 3 | 1 | 4 |
| 60.0001 – 80 acres | 4 | 1 | 5 |

The plan was subject to citizen involvement during a regularly held meeting of the May 24, 2019 Technical Review Committee. Several citizens spoke at the meeting with comments related to growth in this area, future development of this property, impact of houses on neighboring wells, school capacity, and construction noise. As of the writing of this report, no written comments have been received. After the Technical Review Committee meeting concluded, the citizens in attendance met with the developer to further discuss their concerns.

All lots will be served by a private well and septic system requiring Carroll County Health Department preliminary and final plan approval.

Access to the lots will be from a proposed 16 foot wide (670 feet in length) paved privately maintained use-in-common driveway that will serve all seven lots. The Development Review Manual states that use-in-common driveways are to be a minimum of 12 feet wide and if length exceeds 500 feet an 8 by 40 pullover and turnaround are required. The submitted plans do not show the required pullover. The use-in-common driveway will be named with addresses assigned in relation to the approved name. Driveway access for lots 1 and 7 will be restricted to the use-in-common driveway with no direct access to White Rock Road.

The following is a Section of Chapter 155 related to use-in-common driveways:

§ 155.025 IN-FEE ACCESS STRIPS; USE-IN-COMMON DRIVEWAY STANDARDS AND CRITERIA.

(L) **Modifications.** Where the Planning Commission finds that because of unusual circumstances of shape and topography or other physical features or conditions of the proposed subdivision, or because of the nature of adjacent developments, extraordinary hardship may result from strict compliance with the UIC design requirements of this § [155.025](#) and the Development Review Manual, there may be granted a modification when requested by the subdivider or developer. However, no such modification shall be granted which will have the effect of nullifying the intent and purpose of the Master Plan, the zoning regulations, this chapter or any other pertinent rules, regulations or laws of the county. Prior to considering such requests, the Planning Commission shall refer the matter for technical agency review, which will include the Office of Public Safety, which may request that the Fire Chief of the first due fire department provide input. In granting modifications, the Planning Commission will consider the comments from the technical review agencies and may require such conditions as will, in its judgment, secure substantially the objectives of the standards of the requirements so waived or [Chapter 155](#), Development and Subdivision of Land modified. The applicant shall submit a written request for a modification to the county. The request shall include the specific conditions necessitating a modification and include supporting documentation. Any modification for a particular subdivision or development shall be noted on the final plat and appear in the records of the Division.

The development is exempt from the requirements of Chapter 153 (Floodplain Management) and Chapter 154 (Water Resource Management). The plan complies with the concept plan requirements for Chapter 157 (Landscape Enhancement of Development) and Forest Conservation (Chapter 150).

Stormwater Management has granted concept approval. Drywells and a wide shoulder are being shown to address those requirements. Grading and Sediment Control has granted approval of the preliminary plan in accordance with Chapter 152 (Grading and Sediment Control).

The Department of Planning has stated that this plan is consistent with all applicable plan policies and recommendations and requires no further modifications at this time for approval from the Department of Planning. Attached are the Planning Department comments in regards to the 2014 Certified Freedom Bicycle-Pedestrian Master Plan.

The project is subject to the provisions of Concurrency Management, Chapter 156 of the Code, and will be tested prior to presentation of the preliminary plan to the Planning Commission. At concept stage schools, roads, and police are adequate; whereas, since emergency services data is not yet available from the Office of Public Safety, assessment of the standard cannot occur.

Discussion:

Clay Black presented the staff report.

Pete Podolak, Surveyor and Mark Powers, Powers Home and Clear Ridge Developers, Inc. were present.

The Commission and the Surveyor discussed the width of the driveway and the pull over area.

Hope Weber, citizen, questioned why the lots were not larger. Mr. Podolak explained the guidelines for the lot sizes in the Agricultural Zoning District. Mr. Podolak also described the process for drilling wells. Mr. Podolak stated each house will be required to have a sprinkler system.

William Sullivan, citizen, expressed concerns about sitting water and mosquitos. Mr. Podolak stated there are no expectations that there would be sitting water. Mr. Sullivan also expressed concerns over there being more than 7 lots, if there will eventually be public water and sewer, and building and noise disturbance. Mr. Sullivan noted a petition of 400 signatures to stop the development.

Lisa Summers, citizen, stated the petition has over 600 signatures and people are tired of the growth and development in the area.

Wayne Sharpe, citizen, expressed concerns regarding the impact on infrastructure and Emergency Services.

Mr. Wothers addressed the pull-off, he asked that conditions be noted regarding the approval of the modification.

Ms. Summers asked who the petition should be sent to. Chair Soisson stated the Planning Commission could accept the petition. Chair Soisson stated the Planning Commission will make sure regulations are being followed.

Mr. Wothers asked that sidewalks be addressed along White Rock Road in the Preliminary plan.

Decision:

Concept Plan, no action is required.

RECESS

SPECIAL REPORT

SUBJECT: Concept plan review process for retirement home development
LOCATION: Slacks Road, east side near intersection of Raincliffe and Arrington Roads, Election District 5
OWNER: EV LLC, 7035 Albert Einstein Drive #200, Columbia, MD 21046-1707
ENGINEER: CLSI , 439 East Main Street, Westminster, MD 21157
ZONING: R-20,000
PROPOSED USE: Retirement Home
ACREAGE: 68 acres

❖ **Background and Action Requested:**

On behalf of the property owner, Mr. John T. Maguire submitted the attached request to the Department of Land & Resource Management to consider an adjustment of the review process for this specific development. In accordance with Chapter 158, Zoning Regulations, the proposed development is a conditional use subject to Planning and Zoning Commission concept plan review and determinations prior to Board of Zoning Appeals authorization.

§ 158.073 R-20,000 RESIDENCE DISTRICT.

(D) **Conditional uses requiring BZA authorization.** Conditional uses requiring BZA authorization shall be as follows:

(1) Nursing homes, retirement homes, continuing care retirement communities and assisted-living facilities, hospitals (Class A), medical and dental clinics, subject to prior concept site development plan and traffic study review and determination of density, exterior design, and site layout by the Planning Commission;

Chapter 155, Development and Subdivision of Land, states the following as related to concept plans.

§ 155.055 CONCEPT PLAN.

(A) A developer shall, prior to preparing and submitting a preliminary subdivision plan or final site plan, present a concept plan of the proposed subdivision or site plan in compliance with this chapter and the Manual. The concept plan shall be reviewed by the Technical Review Committee (“TRC”).

The Technical Review Committee is comprised of technical review agencies. Technical agencies evaluate concept plans for a concept level of compliance with technical requirements of codes and manuals of: Stormwater Management, Floodplain, Grading, Water Resources, Forest Conservation, Landscaping, Utilities, Health Department, Roads and Storm Drains, Engineering, Fire Protection, Zoning, and Development Review.

Staff has met with the owner’s representative and stated that staff will not request the Planning and Zoning Commission to review this retirement home and make determinations

of site layout, density, and exterior design without the concept plan having addressed all concept level technical requirements.

The owner's representative has submitted a request for the Planning and Zoning Commission to allow for a concept plan review which is purposefully incomplete in regards to the concept level technical requirements of Stormwater Management. The plan would address all other agency's concept levels of compliance with technical requirements of codes and manuals.

Staff is requesting that the Commission review the proposal and provide direction. If Planning Commission were to approve this modified review proposal, staff recommends the following conditions of approval:

1. That this decision only applies to this specific request at this property.
2. If the Board of Zoning Appeals approves the conditional use, a complete concept plan package would than need to be submitted in accordance with all technical codes and checklists with that concept plan to be reviewed by the Planning & Zoning Commission once the concept plan meets all technical requirements.

Discussion:

Clay Black presented the staff report.

Matt Destino, Developer, John Maguire, Attorney, and Marty Hackett, CLSI were present.

The review process was discussed by the Commission, staff, and the engineer and attorney for the applicant.

Clark Shaffer, Attorney, supports the request of adjusting the review process.

The Commission is going to table the discussion briefly until staff and the attorneys develop recommended language for the motion.

The plan was recalled at approximately 10:32 a.m.

Mr. Maguire presented the proposed language: "In cases where the Code requires concept review by the Planning Commission before conditional use review at the Board of Zoning Appeals, the concept review submittal will be the same as in all other cases except storm water management submittal, under Carroll County Code Section 151.052, will be limited to the items in sub-section B1, A-D and storm water concept plan approval shall be deferred until after the Board of Zoning Appeals determination.

Decision:

On motion of Mr. Wothers, seconded by Ms. Kirkner and carried, the Commission voted to incorporate the newly proposed language as stated by Mr. Maguire.

CONCEPT SITE PLAN

SUBJECT: S-18-0036, Ottenberg Bakery Amended
LOCATION: 1413 Progress Way, Eldersburg, MD 21784, E.D. 5
OWNER: Ottenberg Bakery, Inc., c/o George Phillippou, 650 S. Exeter Street
Suite 200, Baltimore, MD 21202
DEVELOPER: Same as owner

ENGINEER: Morris & Ritchie Associates, Inc., 1220-C East Joppa Road, Suite 505, Towson, MD 21286

ZONING: I-R, Restricted Industrial

ACREAGE: 3.771 acres

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Sykesville Freedom District

MASTER PLAN: Industrial-Light – 2018 Freedom Community Comprehensive Plan

PRIORITY

FUNDING AREA: Freedom

DESIGNATED

GROWTH AREA: Freedom

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. **No action is requested.** The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

❖ **Existing Conditions:**

The property for the Ottenberg Bakery development consists of a total of 3.771 acres and is Lot 12A of Section One, Area One, Eldersburg Business Center, Plat Book 37, Page 108 (plat attached). Lot 12 of Eldersburg Business Center was created in 1989 and the re-subdivision occurred in 1993. The property lies in the I-R, Restricted Industrial, Zoning District with an established access onto Progress Way, which connects to MD-32 (Sykesville Road).

Adjoining properties, excluding the Talles-Robbins Development Co, LLC property to the south of Lot 12A, are located in the Eldersburg Business Center Subdivision. All adjoiners are in the 2018 Freedom Community Comprehensive Plan area, zoned I-R or B-G (General Business), and host industrial businesses or strip commercial centers. To the west of the Lot 12A subject property lies the Eldersburg Business Center, LLC's strip commercial center. To the east is lot 10 of Eldersburg Business Center Subdivision. The southern adjoiner is Eldersburg Marketplace, with The Home Depot, Kohl's, Chili's Bar and Grill, IHOP, and Martin's Food. The property across Progress Way is also Eldersburg Business Center, LLC's strip commercial center.

With the current business, the subject property slopes uphill to the southwest and includes a wooded portion on the southwest slope. The grade change at the southern- and easternmost property lines creates a steep slope which will require a retaining wall. No streams or floodplains exist on site.

❖ **Site Plan History:**

In 1993, "Eldersburg Bakery" was approved for the 31,680 square foot building with a future addition on the west side of the building that equaled ~15,000 square feet (see plan attached). Since the approval of the site plan, they have added a one story 1,089 square foot building and a 1,676 square foot office expansion; however, the future addition has not yet occurred.

❖ **Site Plan Review:**

Ottenberg Bakery proposes to construct a building expansion different than previously shown on the approved site plan, which therefore requires this amended site plan. The original expansion was on the western side of the warehouse, and was 57 feet by 264 feet (15,048 square feet). The proposed expansion is also on the western side of the warehouse, but is 67 feet by 241.8 feet (16,139 square feet). This expansion will be used to modernize the manufacturing warehouse and expand the parking/delivery area. A 414 foot retaining wall is also proposed on the southern (277 feet) and western (137 feet) side of the property.

The Concept Site Plan was initially submitted January 19, 2019. The plan was subject to citizen involvement at the February 25, 2019 meeting of the Technical Review Committee. There were no citizens in attendance and no phone calls or letters have been received in reference to the proposed site plan.

Per §158.079 (C)(1)(c) of the Carroll County Code of Ordinance, this use is permitted in the I-R Zoning District. §158.079(G) states the setbacks as the following;

📖 **§158.079 “I-R” RESTRICTED INDUSTRIAL DISTRICT.**

(G) **Bulk requirements.** The following requirements shall be observed, subject to the provisions of § [158.130](#):

- (1) Front yard: 50 feet;
- (2) Side yard: 30 feet;
- (3) Rear yard: 30 feet; and
- (4) Within a business park, the yard requirements may be reduced with the approval of the Planning Commission.

The proposed building is approximately 110’ from the front property boundary, 165’ from the rear property boundary, and 20’ from the side property boundary. The side yard setback for the I-R Zoning District is 30 feet from the property line. A variance to reduce the side yard setback from 30’ to 20’ was submitted and a hearing was held on February 6, 2019. The variance was granted in case ZA-1831 by the Zoning Administrator (attached).

Carroll County Code §158.079(F) limits the permitted building height in the I-R Zoning District to 50 feet. A rendering of the proposed expansion (attached) shows the building height at a maximum of 35 feet and is therefore complies with the code.

It was stated this building expansion will not result in additional staff being hired and therefore will not result in any additional parking space or a traffic study being required. The proposed expansion will have lights on the sides of the building.

On March 12, 2019, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. Comments and suggestions include:

1. More lighting details for the lights on the side of the building. The retaining wall should have a safety railing and a profile should be provided. The LOD around the retaining wall seems to be too close for the height that is proposed.

Details of the retaining wall and a photometric will be included in the final plan set.

This plan is exempt from the Code requirements of Floodplain Management and Forest Conservation. The concept plan is acceptable to Water Resources Review and Grading Review. Engineering Review and the State Highway Administration have approved the plan with existing access. Approval was granted by the Bureau of Utilities regarding the water and sewer usage. Site Compliance has stated that the site plan complies with the requirements of Maryland Accessibility Code. The use of a sprinkler system meets the requirements of Fire Protection.

The original site plan of Lot 12A required landscape and street trees; however, some of the landscaping installed per the plan has died and will be replaced as part of this plan approval. Additionally, a Class A screen is required between the storage and loading area and the commercial property to the south. A variance request was submitted to waive the required 10 foot wide landscape area and the limited space requirement of a 3 foot wide area to include climbing vines. The variance was approved in variance number V-LS-19-001 by Tom Devilbiss, Director.

The Bureau of Resource Management has granted concept Stormwater Management approval. Stormwater Management will be achieved via a sand filter for 75% of the site and the remaining runoff will bypass the sand filter and be treated by the regional facility.

In accordance with a site development plan memorandum from Clare Stewart of the Department of Planning, the proposed land use is consistent with the 2018 Freedom Community Comprehensive Plan land use designation of Industrial-Light.

The final site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

The Planning Commission may consider delegating approval of the final site plan to the Planning Commission Chair.

Discussion:

David Becraft presented the staff report.

Dave Buffington and James Malico, Morris & Ritchie Associates Inc. and David Bowersox, Attorney, were present.

Decision:

On motion of Mr. Wothers, seconded by Ms. Kirkner and carried, the Commission voted to delegate approval of the final site plan to the Chair.

RECESS

CONCEPT SITE PLAN

SUBJECT: S-17-0034, Liberty Road Car Wash
LOCATION: South side of MD Route 26, east of Ridge Road; E.D. 5
OWNER: Compass Real Estate, Inc., 8480 Baltimore National Pike, #415, Ellicott City, MD 21043

DEVELOPER: Jason Stilling, 6132 Edmondson Avenue, Catonsville, MD 21228
ENGINEER: DDC, Inc., 192 East Main Street, Westminster, MD 21157
ZONING: B-NR – Neighborhood Retail Business
ACREAGE: 0.72 acres
WATERSHED: Liberty Reservoir
FIRE DISTRICT: Sykesville
MASTER PLAN: Commercial-Medium – 2018 Freedom Community Comprehensive Plan
PRIORITY
FUNDING AREA: Freedom
DESIGNATED
GROWTH AREA: Freedom
SEWER/ WATER
DISTRICT: Freedom

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. **No action is required.**

❖ **Existing Conditions:**

The subject property is undeveloped land, platted and once retained by the State Highway Administration as Ridge Road right-of-way (plat attached). Ridge Road was relocated to align with the intersection of Oklahoma Road and MD Route 26 and the State Highway Administration then deeded the parcel to J & B Construction in 1988. Compass Real Estate purchased the property in 1997. While the roadbed and access onto MD Route 26 remain, the 100-foot-wide parcel has lain undeveloped through three ownerships since 1988.

Dense scrub brush, trees, and the roadbed are present on the parcel. There are no streams or floodplain on site. The property slopes from the southern portion down to MD Route 26 with a culvert running under the existing roadbed in the MD Route 26 right-of-way.

The property is surrounded by the lands of the Reservoir Ridge Condominium Association and split-zoned B-NR to the west of the subject property and R-10,000 to the south and east (plat attached). The B-NR segment of Reservoir Ridge's land is unbuilt. Adjoining to the west of this strip of land is a vacant bank. The R-10,000 portion of Reservoir Ridge's land is built with condominiums. The nearest condominium is approximately 42 feet from the southern property line. Cornwall Drive, with on-street perpendicular parking, lies between the condominiums to the east and the subject property.

The subject property is located in the Freedom Priority Funding Area and a Growth Area. It is in the Freedom Existing / Final public water and public sewer areas.

❖ **Plan Review:**

During the pre-submittal conference, the site development plan process was discussed. The Developer intended to seek a variance from certain requirements of the landscape ordinance. Staff's direction was that a full distribution and agency review, Technical Review Committee

public meeting, and Planning and Zoning Commission comprehensive plan review would precede a variance determination.

Prior to the initial plan package submittal on August 24, 2018, a landscape variance request was submitted on August 10, 2018 to the Bureau of Resource Management by the Engineer on behalf of the Developer. The Landscape Manual requires a 15-foot wide landscape buffer area at the east, south, and west property lines. The request was for a variance from 15 feet to 6 feet at the west and east property lines. The request was only for a reduction of width, not for a reduction in the planting units required.

The concept site plan was subject to citizen involvement at the September 24, 2018 meeting of the Technical Review Committee (TRC). No citizens signed or spoke regarding the Liberty Road Car Wash. Development Review received one inquiry to view the plan set.

On October 16, 2018 the plan was presented to the Planning and Zoning Commission (PZC) as a Special Report for consideration and comment prior to a variance request determination (minutes attached). Forty-nine postcards were mailed to adjoining property owners. No citizens attended the meeting. The Commission stated that they were not concerned with the variance requested at the western property line with the adjoining vacant strip of B-NR land B-NR zoning beyond. Discussion focused on the eastern property line and providing an adequate buffer – including addressing headlight trespass - at the adjoining residentially-zoned property. Suggestions included providing fencing and working collaboratively with the Condominium Association.

Following the PZC meeting, two citizens submitted written concerns via email to the Bureau of Development Review (emails attached). Michael Burket, 1826 Cassandra Drive, voiced concerns of neighborhood safety, property values, and light and noise pollution. Kristina Stacey, 6519 Dundee Drive, communicated concerns of aesthetics, noise, and safety.

With consideration of PZC and citizen comments, the variance request was granted on December 14, 2018 by the Director of the Department of Land and Resource Management with two conditions (decision attached):

1. Provide at least a six foot high solid fence adjacent to the eastern property boundary.
2. In consultation with the Bureau of Resource Management provide landscape which will maximize the aesthetic appearance of the fence on the Reservoir Ridge side. This should include at a minimum a continuous shrub planting along the fence line.

The developer proposes construction of a 4,095 square foot automated car wash and associated vacuum stations. Measuring 30 feet by 1,043 feet, the building is oriented north-south on the property. Access into the car wash is located on the south side of the building and vacuums and associated parking spaces are on the eastern side of the building.

With no median in MD Route 26 at this location, the parcel is accessible to both eastbound and westbound traffic. The proposed access is full movement. The State Highway Administration (SHA) has reviewed the plan and approved the full movement access with a request for plan details to be submitted. SHA recommends sidewalk at Liberty Road as per

the County Master Plan and is requiring a partial deceleration lane. Trip Generation numbers provided on sheet 1 indicate that peak hour trips are below the threshold for a Traffic Impact Study to be conducted. Engineering Review has reviewed the plan and trip generations.

Vehicular circulation is proposed to allow inbound vehicles to veer left or right dependent on the service desired. For car wash service, traffic will circulate counterclockwise. A single access drive lane on the west side of the building splits at two gated pay stations and merges back to a single lane through the building. In accordance with Code, one-way access drives are required to be 12 feet wide. No by-pass lane is proposed at the car wash queuing lane. For vacuum station service, inbound traffic will veer left towards the parking area and vacuums on the east side of the building.

Parking requirements are one space for every employee on maximum shift plus one space per bay. With two employees and one bay, total parking spaces required equals four. Twelve spaces are provided. Vehicle queuing required for a car wash equals five spaces per wash station. Five spaces have been depicted.

The proposed land use is consistent with the 2001 Freedom Community Comprehensive Plan, the applicable Plan at the time of the Department of Planning's review. Comments from Planning include a request to indicate the planning level alignment of Ridenour Way as depicted in the 2001 Freedom Community Comprehensive Plan. This alignment may be achieved through inter-parcel connectivity in lieu of a road being constructed. This was conveyed at the Technical Review Committee meeting with Planning recommending that the Developer explore the practicality of inter-parcel connectivity. Planning Department support will be provided if a connection is found to be viable and beneficial for the area.

Comprehensive Planning's review cites the 2014 Certified Bicycle-Pedestrian Master Plan and Assessment as recommending sidewalk along MD Route 26.

Building elevations are shown on sheet 6 of the drawing set. Building height is annotated as 16 feet at the curved corrugated metal roof and 30 feet at the panel feature. Building materials include; wave, polycarbonate, aluminum, and glass panels, a corrugated metal roof, and steel frame. Material colors are annotated as red, gray, and black gray.

A photometric plan is included on sheet 3. Four pole lights are depicted at a height of 20 feet in addition to building-mounted lights. Lighting levels at both property lines are higher than zero foot-candles. At the eastern property line are two parking lot pole lights, adjacent to the Reservoir Ridge parking lot. At the western property line, lighting levels are generated by three building-mounted lights, adjacent to the unbuilt portion of Reservoir Ridge's land.

A 25-foot high pylon sign is proposed to at MD Route 26. The sign board measures 8 foot wide by 6 foot high, with LED illumination and red lettering on a gray background. Building-mounted signage is depicted on the 30-foot-tall panel feature.

The plan is exempt from Floodplain and Forest Conservation codes. Water Resources codes must be addressed. Site Compliance shall be addressed. Stormwater Management is being addressed with two submerged gravel wetlands with associated drain pipes to discharge areas. Stormwater Management review has granted concept approval. A hydrant is proposed on-site for fire protection purposes. Grading Review, the Health Department, and Utilities have granted concept level approvals. Public water and sewer will serve the site.

The Landscape Manual requires a landscape screen at the east, south, and west property lines. With the approved variance and conditions, the east and west property line buffer widths are

reduced to 6 feet wide to accommodate the required plantings, and a fence with plantings along the Reservoir Ridge side. A 15-foot landscape buffer is proposed at the south property line to comply with the requirements of the Manual.

The site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

Discussion:

Laura Matyas presented the staff report.

Andy Stein, DDC, Jason Stilling, Owner and Clark Shaffer, Attorney, were present.

Chair Soisson expressed concern about the sign height.

Mr. Canale asked if there was any concern about cars and traffic backing up onto Route 26.

Ms. Matyas noted a partial deceleration lane required by State Highway. Mr. Shaffer and Mr. Stine stated the facility is staffed, there are queuing rules and regulations and there is a diversion to the right if someone chooses to exit the line.

Jordan Rosner, citizen, owns a car wash across the street from this proposed building. He would like to upgrade his sign if the applicant's sign is approved.

Mike Burket, citizen, would like increased screening to help dampen noise and lighting. Mr. Burket also had questions about the appeal process.

Mr. Stine stated shrubbery and evergreen trees will be included with the buffer.

The Commission discussed the height of the proposed sign in comparison to surrounding signs.

Mr. Shaffer stated visibility is important to both his client and the public. He stated they will work with staff to determine appropriate height.

Mr. Wothers suggested the fence wrap the south side of the property as well.

Decision:

Concept plan, no action required.

CONCEPT SITE PLAN

SUBJECT: S-19-0013, Legacy School, 2nd Amended
LOCATION: 115 Terrapin Drive, Sykesville, MD 21784, E.D. 14
OWNER: Abar Partnership, c/o Richard Kirkner, 1438 Liberty Road, Sykesville, MD 21784
DEVELOPER: Same as Owner
ENGINEER: Leon A. Podolak and Associates, LLC, 147 East Main Street, Westminster, MD 21157
ZONING: Agricultural
BZA CASE: 6110 – October 29, 2018
ACREAGE: 3.8 acres
WATERSHED: South Branch Patapsco
FIRE DISTRICT: Winfield
MASTER PLAN: Agricultural - 2018 Freedom Community Comprehensive Plan

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Freedom

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. **No action is requested.**

❖ **Existing Conditions:**

The subject property of 115 Terrapin Drive is a 3.86 acre property recorded in 2004 as Tract A in Section I of Terrapin Station within Plat Book No. 48, page 138 (attached). An amended plat was recorded in Plat Book No. 51, page 108 (attached) to remove the forest conservation area from the site and place it into a bank. The owner stated the property is currently being used as a K-8 school from 8AM to 3PM, with occasional after school activities spanning to 4:15 PM. "Camp Terrapin" is a co-ed summer camp for children ages 6-13 that operates on the subject property and runs for four weeks in July. One existing building and accessory structures including a climbing wall, in-ground swimming pool and basketball court exist on the subject property. There are 18 parking spaces provided on the school property with 17 parking spaces being required per Chapter 155.077. An existing dumpster is located to the west of the existing school with a landscaping berm and fence located to the south of the existing school. There is an existing sign at the school entrance from Terrapin Drive and building mounted lights. No free-standing lights are on the site.

Terrapin Drive is a 20 foot wide Use in Common (U-I-C) drive that provides access to the existing school as well as four properties; Lots 1A and 2A of Terrapin Station Section I (see plat attached) and Lots 1 and 2 of Terrapin Station Section II (see plat attached). All of the users, excluding the subject property and Lot 2 of Terrapin Station Section II (110 Terrapin Drive), are private residences; 110 Terrapin Drive is occupied by an assisted living facility (Sun Valley at the Homestead) and is also owned by ABAR Partnership. A Declaration of Maintenance Obligations was established and recorded simultaneously with the recordation of Terrapin Station Section I. Terrapin Drive connects to Klees Mill Road, a county maintained road. The school operates a bus service for the students, and accommodates parent pick-up and drop-off.

The entire site lies within the Agricultural zoning district. The site slopes down towards the northeast towards a pond that is off site and to a forest area. There are no streams or FEMA 100 Year Floodplain designation on site. All adjoining properties on the East side of Klees Mill road are zoned Agricultural; the property to the West side of Klees Mill road is Industrial Restricted (IR) zoned.

❖ **History:**

The initial site plan, previously Time for Kids Daycare, was presented to the Planning Commission on April 20, 2004. Staff recommended approval with the condition that a landscape berm be constructed to alleviate the noise pollution to the neighboring residences.

The decision of the Commission was to approve the Daycare, provided the following conditions were met; a landscaping berm be constructed between the play area and existing homes, the use of the pool be limited to 6:00 am to 6:00 pm Monday thru Friday, and an eight foot tall privacy fence be constructed (minutes attached)

A change of use permit was issued on August 2, 2011 to convert from a Daycare to a school, Legacy School. Per §158.070 (D)(9) of the Carroll County Code of Ordinance, schools are a principle permitted use in the Agricultural Zoning District. An amended site plan for the Legacy School was processed in 2013 to add a 2,760 square foot building expansion for additional classrooms (plan attached).

In the Carroll County Code of Ordinance, §158.070(H)(1) states the bulk requirements for an elementary school as the following;

§ 158.070 “A” AGRICULTURAL DISTRICT.

(H) **Bulk requirements.** The following minimum requirements shall apply, except as hereinafter modified in § [158.130](#):

(1) **Dwellings, schools, etc.**

| <i>Use</i> | <i>Lot Area</i> | <i>Lot Width (feet)</i> | <i>Front Yard Depth (feet)</i> | <i>Side Yard (Width Each Side Yard) (feet)</i> | <i>Rear Yard Depth (feet)</i> |
|------------|-----------------|-------------------------|--------------------------------|--|-------------------------------|
| Schools: | | | | | |
| Elementary | 5 acres | 400 | 150 | 100 | 50 |
| High | 10 acres | 500 | 150 | 100 | 50 |
| Colleges | 15 acres | 500 | 150 | 100 | 50 |

On April 3, 2013, the Zoning Administrator granted three variances in case number ZA-1425 for the existing school on the property (decision attached). The aforementioned case granted a 40 foot setback variance in lieu of the required 150 foot front yard requirement, a 30 foot setback variance in lieu of the required 100 feet side yard requirement, and a variance from the 5 acre minimum requirement to 3.86 acres.

The Planning Commission Chairman approved the plan July 16, 2013 (plan attached),

❖ Site Plan Review:

Legacy School, 2nd Amended is proposing a 2,450 square foot building on the West side of the property to expand their student population from 50 students to 75 students. The plan proposes the alteration of the west property line by way of an amended plat to accommodate the proposed building. The proposed building will reside where the existing barn is currently located.

The owner was granted front and side yard setback variances by the Board of Zoning Appeals in Case Number 6110 held October 29, 2018 (decision attached). The setbacks are from the proposed west property line adjustments abutting the assisted living facility property. The aforementioned case granted a 40 foot setback variance in lieu of the required 150 foot front yard requirement, and a 46 foot and 55 foot setback variance in lieu of the required 100 feet side yard requirement.

The Concept Site Plan was initially submitted April 22, 2019. The plan was subject to citizen involvement at the May 24, 2019 Technical Review Committee. There were no citizens in attendance with one phone call and email from Wanda Legore at 124 Dixon Lane (attached). Her concern involved object and noise trespass over the fence and onto her property and cars queuing on the U-I-C drive during student pick-up and drop-off.

The proposed one story building will have a front elevation of less than 35 feet and a walk out basement in the rear. No additional free standing signs are proposed and all proposed lights will be building mounted. An additional 15 parking spaces are proposed to be used by Sun Valley at the Homestead and the new proposed building. They will be located in front of the proposed building on both sides of the existing driveway to the assisted living facility. With eight of the proposed parking spaces residing on the assisted living facility property, a cross easement will be required. The new building and the existing school will remain on a private well and septic system. The average daily peak hour trips are 45 trips per AM peak hour and 31 trips per PM peak hour. A traffic study is not code required with the average daily peak hour trips being less than 50 trips per peak hour. Landscaping will be added along the southern fence to replace the necessary plantings that did not survive from the previous site plan.

This plan is exempt from the Code requirements of Floodplain Management. The requirements of the Forest Conservation Ordinance were previously addressed when the property was created through the subdivision process. Approval was granted by the Carroll County Health Department. Site Compliance has stated that the site plan complies with the requirements of Maryland Accessibility Code. The Office of Public Safety has granted approval and stated a sprinkler system is not required with fire hydrants in close proximity.

Stormwater Management will be addressed via downspout drywells, grass swales, and grading. Concept Stormwater approval was granted.

On May 14, 2019, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. Comments and suggestions include:

1. Provide lighting details and photometric plans for the proposed building mounted lights.
2. Provide elevation drawings for the remaining three sides of the proposed building.
3. Is there a reason half of the proposed parking is located on the neighboring [assisted living] property?

In accordance with a site development plan memorandum from Clare Stewart of the Department of Planning, the proposed land use is consistent with the 2018 Freedom Community Comprehensive Plan land use designation of Employment Campus.

The final site plan will be tested and reviewed for adequacy of public facilities in accordance with Chapter 155 of the Code of Public Laws and Ordinances of Carroll County Maryland.

Discussion:

Ms. Kirkner recused herself from the discussion and left the dais.

David Becraft presented the staff report.

Pete Podolak, Engineer, Jamie Caplan and Richard Kirkner, ABAR Partnership, were present.

Wanda Legore, citizen, expressed concern regarding noise. She requests that some of the outdoor activities be moved to a different location on the property. Ms. Legore also expressed concern over event parking and the ability for emergency vehicles to get by.

Mr. Podolak stated a free-standing building is being proposed away from her property and that should help with the noise impact on her property. Mr. Podolak stated there is an attempt to share parking with the assisted living facility.

The Commission and the owners discussed parking concerns.

Decision:

Concept plan, no action is required.

CHAPTER 155 (SUBDIVISION BILL) TEXT AMENDMENT – ACCEPTANCE

Clay Black reviewed the changes and corrections to the text since the last meeting. David Bowersox, Attorney, expressed concerns regarding the amendment. Ms. Lane clarified modified language regarding the concerns of Mr. Bowersox. Chair Soisson suggested holding meetings with staff and local attorneys to be thorough in this process.

After much discussion, on motion of Mr. Wothers, seconded by Ms. Kirkner and carried, the Commission voted to Accept the text amendment and forward it to the Board of County Commissioners for their consideration.

PUBLIC COMMENT

There were no public comments.

ADJOURNMENT

On motion of Ms. Kirkner, seconded by Mr. Gosnell and carried, the Commission adjourned at approximately 12:24 p.m.

Secretary

Approved