

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

March 30, 2016

Location: Carroll County Office Building

Members Present: Richard J. Soisson, Vice Chair
Eugene A. Canale
Cynthia L. Cheatwood
Alec Yeo
Daniel E. Hoff, Alternate
C. Richard Weaver, Commissioner

Present with the Commission were the following persons: Philip R. Hager, Lynda Eisenberg, Mary Lane, Clare Williams, and Pamela Hare, Department of Planning; Todd Lang and Brian Ryder from BMC.

CALL TO ORDER/WELCOME

Vice Chair Soisson called the meeting to order at approximately 6:00 P.M.

ESTABLISHMENT OF QUORUM

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

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Philip R. Hager, Secretary, stated there would be two parts to the meeting tonight as the owner of TriStar Martial Arts had returned to conclude her case. Secretary Hager reviewed the draft agenda and recommended Item 8 from the Business Meeting portion replace Item 7 of the Work session.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved on motion of Mr. Canale, seconded by Mr. Hoff, and carried.

PUBLIC COMMENTS

There were no public comments.

SPECIAL REPORT

B. S-16-0013 Tri Star Martial Arts

LOCATION: 1840 Liberty Road; Election District 5
OWNER: TMAE LLC, c/o Deborah Thompson, 8 Sheppard Lane, Eldersburg, MD 21784
CONTRACTOR: DMS Sign Connection, 102 Lookout Avenue, Mt. Airy, MD 21771
ZONING: Business General
ACREAGE: .97 acres

Background and Action Requested:

The property owner has requested to replace the existing 15 foot high sign with a 29 foot high sign (drawings attached) in the same location. The owner proposes to keep the same sign cabinet but raise the pole height by 14 feet. The property is lot 2 of South Carroll Commercial Park (Plat Book 22 Page 6). In 1980, a site plan was approved for a Hardees restaurant; Tristar Martial Arts is the current user of the building.

Access to the site occurs via a shared entrance with lot 1. This and all surrounding properties are zoned Business General and are on public water and sewer.

The proposed sign meets the applicable zoning regulations for height, size, and location. Staff has brought to the owner's attention the Planning and Zoning Commission's history of scrutinizing the review of sign heights.

Staff forwarded the proposal to the Planning Commission Chair for input and direction. The Chair indicated that the entire Commission should review the proposal. The Carroll County Code of Public Local Laws and Ordinances § 155.059 SITE PLAN REQUIREMENTS states the following:

(A) General requirements.

- (1) Except as provided in division (A)(4) below, all principal permitted and conditional uses in any district shall be subject to a site plan review by all applicable review agencies as determined by the Director.
- (2) The site plan shall be presented to the Planning Commission, which shall have the authority to approve the plan as presented, approve the plan with modifications or conditions, or disapprove the plan.
- (3) No zoning certificate or building permit may be issued until the Planning Commission has approved the plan.

(B) Site development plans. In approving site development plans, the Planning Commission shall have the authority to:

- (1) Approve the location and design of all site improvements;
- (2) Limit the number and approve the location and design of entrances and exits;
- (3) Require a plan which shows how signs are to be located and designed and may approve, reject, or modify the sign plan to promote an attractive and pleasing appearance;
- (4) Require a plan which shows the location, design, and effect of any outside lights to be used on the property and the effect of any inside lights to be used if their use would affect adjacent, neighboring, or contiguous properties. The Planning Commission may approve, reject, or modify the plan where

appropriate to prevent visual interference to the traveling public on adjacent roadways, or glare or reflections on adjacent buildings or neighboring properties;

Staff is requesting that the Commission review the proposal and provide direction.

Discussion:

Ms. Thompson, owner, told the Commission, that after examining the site more carefully she agreed that the Commission was correct and she was happy to move her sign to 25 feet and not to 29 feet as she had originally requested.

Decision:

The Commission, on motion of Mr. Canale, seconded by Ms. Cheatwood, and carried (Commissioner Weaver abstained), the extension of the TriStar Martial Arts sign to 25 feet was approved.

There were no public comments.

The meeting was adjourned.

OPENING REMARKS

Philip R. Hager, Secretary, stated that the Work Session would now begin and welcomed Todd Lang and Brian Ryder from Baltimore Metropolitan Council.

BMC – TODD LANG AND BRIAN RYDER

BMC came to the meeting to present the transportation study they conducted in the Freedom area. With a Power Point Presentation Brian Ryder identified the focus of the study. He began with an operational analysis along MD 26 and MD 32. The priority intersections studied were:

- MD 26 & MD 32
- MD 26 & Walmart Driveway
- MD 26 and Georgetown Blvd.
- MD 26 and Hemlock Drive
- MD 26 & Oklahoma Road/Ridge Road
- MD 26 & Monroe Ave

BMC's Tasks were to compare current intersection operation to future projections using development and traffic growth assumptions. Road networks from 2015 and 2030 which included the proposed local road improvements were used.

BMC used the State Highway Administration's (SHA) critical lane analysis tool at the six intersections studied. This consisted of a spreadsheet that calculates the level of service (LOS) and the volume to capacity ratio (V/C) of the intersections with signals. The simulation was based on current traffic counts, road and intersection characteristics and traffic control.

Using a graphic to demonstrate LOS – the quantitative measure of traffic operational conditions, Mr. Ryder showed the six different levels of LOS which range from A (good operating conditions) through F (unsatisfactory conditions). Mr. Ryder compared LOS and V/C using traffic volumes for 2015 and 2030 from the peak morning hour between 7:00 to 8:00 AM. He then furthered the comparison for 2030 with projected Development Buildout, Full Road Improvements, Limited Road Improvements, and MD 26 Widening.

Mr. Ryder reviewed the results starting with the overall observations that the current road conditions operate with minimal congestion and pointed out that congestion increases with background traffic growth and intersection degrading. He also stated that most Intersections fail with parcel build out and that full and/or limited development of the local road system will relieve some congestions but not to a level of acceptable service.

Mr. Ryder concluded his presentation with a recommendation of the ultimate development of the local road system and to review the parcel build out allowance and the consideration of impact fees to assist in the widening of MD 26.

Lynda Eisenberg noted she had reached out to Todd Lang and Charles Baber to help with this study as they have specific expertise and resources that Carroll County does not. Ms. Eisenberg told the Commission that now the BMC had done their part the Planning Department had started working with the consulting firm, Pennoni, who would be using the information provided by BMC to draft the Transportation Element (of the Freedom Plan) and that this was all made possible by our membership in the BMC and our role on the Baltimore Regional Transportation Board which kept costs down.

Mr. Hoff stated that, while this is valuable information to have, projections make him nervous as he was part of the Growth Task Force in the early 2000's which ultimately lead to the deferral in Carroll County which lead to the overbuilding of schools that were not needed and the problems currently associated with that situation.

Ms. Eisenberg stated that something they were hoping to achieve with this study was that it would determine whether more internal connections are needed to take some of the pressure off of MD 26 and 32.

Mr. Hoff asked if Macbeth Way was ever going to get connected.

Ms. Eisenberg answered that there was \$100,000 bond that was secured by the County at the time that community was constructed, the bond expired and the money was put into a recreational trail fund and currently there is a trail being built with a bridge to connect the two areas. Ms. Eisenberg stated that she believed there to be a sidewalk on the West side that goes over the bridge, but on the east side there is no sidewalk and it leads to the road.

Mr. Hoff stated that as he was looking at Google Maps it was obvious that there should be a traffic light where Macbeth connected with 32.

Ms. Eisenberg stated that from looking back at minutes from past meetings it was decided not to do anything with Macbeth but that it had not been a formal decision so therefore it remained on the plan and because of that staff has kept it on the map.

Mr. Hoff stated that this happens often when someone decides they don't want the interconnection on a residential street and then all the traffic goes onto 26 and 32. He indicated that realistically, an interconnection needs to be put there.

Mr. Yeo asked if it was a lack of lanes that caused the problems and Mr. Ryder replied that it is the side streets leading in that cause the most issues.

FREEDOM COMPREHENSIVE PLAN: CONSIDERATION OF ENDORSEMENT OF ECONOMIC DEVELOPMENT ELEMENT 6

Secretary Hager stated to the commission that they have had a fair amount of time to look over the Economic Development element of the Freedom Plan. He stated that they had provided their reviews, their reviews had been incorporated and they have had the opportunity to review the element with the incorporated changes made and it would be consistent with our practices and procedure for the Commission to consider endorsement of the element.

Mr. Soisson asked if anyone had any questions regarding Element 6. Mr. Hoff answered that he would abstain since he had not been involved in any of the meetings due to his leave of absence. The Commission, on motion of Ms. Cheatwood, seconded by Mr. Canale, and carried, endorsed Element 6 of the Freedom Community Comprehensive Plan. (Commissioner Weaver and Mr. Hoff abstained)

Lynda Eisenberg distributed the Freedom Plan Binder. She explained what could be found inside (all of the endorsed Elements of the Freedom Plan and a map of the Freedom area, processes, information to be distributed, etc.) Ms. Eisenberg explained that each Planning Commission member and County Commissioner would be getting one with their name on it and as the Elements were endorsed they would be distributed for the members to add to their binders. Ms. Eisenberg stated that this was in preparation for a meaningful discussion at the joint work session planned for April 6. Ms. Eisenberg indicated that it would also be good for keeping everyone in sync as we came closer to Accepting the plan in the next few months.

Commissioner Weaver asked about the Community Outreach Meeting planned for April 27th.

Ms. Eisenberg stated that it was not the first outreach meeting but the first that had been held in a while with the new kind of setting and that it was being held at the South Carroll Senior Center from 7:00 to 9:00 P.M. Ms. Eisenberg also noted that the meeting information was posted on the Freedom Website, a press release had been crafted, and there was an email going out to all the recipients on the .gov list.

There was discussion among the Commission regarding future planned outreach and that though nothing else was planned there had been heavy involvement from the public since the beginning and that each Element was posted to the website. Ms. Eisenberg stated that there had been a lot of feedback from the public and encouraged the Commission to keep the plan moving so that it could be Adopted within the next few months.

Chair Soisson confirmed with Ms. Eisenberg that Element 6 would be given to the County Commissioners prior to the next work session.

Secretary Hager stated that many counties and towns don't have this level of public involvement during the drafting phases but instead wait until it is done. He stated that there were drawbacks to that method as it can create opposition and resistance and makes the public feel as if they have not been an important part of the process. Secretary Hager also noted there were drawbacks to involving the public too early on as they want to have something to look at and if there is nothing, it leads them to ask why have the event at all. Secretary Hager stated that the hope was to have maps and documents available at the coming meeting and that this compromise may be enough to have adequate participation and continued meaningful feedback.

MEDICAL CANNABIS

Secretary Hager thanked Clare Williams and Mary Lane for their research and assistance in putting the presentation together. He also noted that they had become quite knowledgeable on this issue. Secretary Hager told the Commission that Clare Williams, the Planning Assistant through the Intern Program and recent graduate of the University of Maryland, would be leaving at the end of June when her internship was over and that everyone would be sorry to see her go.

Secretary Hager began the presentation which started with the background. He pointed out that in 2015, the General Assembly had passed two pieces of Legislation. He indicated that they legalized the growing, processing, and sale of marijuana for medical purposes. The law allows the state to issue licenses to grow, process, and license dispensaries across the state.

Secretary Hager went over the additions made to Chapter 10 of COMAR. Three sections were added to allow the Commission (MMCC – Maryland Medical Cannabis Commission) to issue licenses for growing, processing, and dispensing of Medical Cannabis. The Commission is also allowed to rescind licenses if the facility is not operational within a year. Secretary Hager noted there were concerns with obtaining and having the facilities operational within a year.

The presentation continued with State Regulations and what the requirements would be for the Grower and Processor premises. Privacy and Security are primary concerns. The regulations require the premises to maintain a security alarm system and video surveillance that is operational and monitored at all times. Visitor supervision would also be required

Secretary Hager presented the State Regulations for Dispensary Premises. For the Dispensary Premises, security is also priority and is the same as the Growers/Processors Premises regulations. The Dispensary Premises should also be divided into two zones, public and operations. The regulations for the storage of the cannabis require that it be constructed to prevent unauthorized entry. It should have only one entrance, not be visible from a public area, not adjacent to an exterior wall, and meet commercial security standards.

Secretary Hager noted that the Cannabis Commission attempted to cover all possible areas but did not cover Planning and Zoning and that is how this becomes a part of the Planning and Zoning Commissions portfolio.

Secretary Hager continued the presentation with the Applications. To date there have been nearly 1100 applications submitted with Dispensing being the majority of those applications. Secretary Hager noted that the pre-approval of licenses was originally set to begin in the first quarter of 2016 but has been extended due to the high volume of applicants. The Commission plans to approve growing and processing applicants during the summer of 2016 and follow with the dispensing applicants.

Staff and members of the Commission discussed startup costs for operations. The conversation turned to the many aspects of this topic.

Banking has become a concern as well, with some individuals starting their own private bank.

Secretary Hager indicated that most reservations stem from misconception and the Commission, in their anticipation of how strongly the public may react, tried to be very stringent in the regulations placed on this issue.

Secretary Hager stated Zoning Regulations were not covered by this legislation and the state has stipulated that they don't want the local governments to make requirements so strict that it prevents someone from locating their business in that area. Secretary Hager pointed out that this left a door open for the local Planning and Zoning to exercise their preferences as to what regulations they might like to place on this use and thought it might be helpful for the Planning and Zoning Commission to see how other counties were handling this issue.

Secretary Hager reviewed provisions that had been developed in Baltimore County, Anne Arundel County, and Frederick County. Secretary Hager indicated that the Frederick County Farm Bureau, while not opposed to the growing of medical cannabis, did have concerns that the proposed legislation would result in lighter restrictions too much agricultural land converted to this use and away from traditional agriculture.

Following discussion, Secretary Hager addressed the following concerns:

- Consider indoor only activity – recommend Conditional Use in the Agriculture and two Industrial districts
- Consider permitting the processing of medical cannabis as Conditional Use in the Industrial Districts
- Consider permitting the dispensing of medical cannabis as an Accessory use in the Industrial Districts
- Discuss separation requirements and security measures
- The Planning Commission indicated they believed it to be important to make these uses subject to site plan approval

Mr. Yeo asked what role the BZA would have in this. To which Secretary Hager answered that if the BZA were given no further direction on this, they would have to consider this as a Conditional Use which would mean a hearing would be required and the public would need to be notified. It would also require that the Department of Planning review the applications for the facility and render a finding in regards to consistency with the Master Plan. The Commission requested that staff produce a draft proposal based upon the consensus of their discussion.

PUBLIC COMMENTS

There were no public comments.

There being no further business, the Commission adjourned at approximately 8:10 P.M.