

MEETING SUMMARY
Carroll County Planning and Zoning Commission

August 31, 2016

Location: Carroll County Office Building

Members Present: Matthew S. Helminiak, Chair
Cynthia L. Cheatwood
Eugene A. Canale
Richard J. Soisson
Jeffrey A. Wothers
Alec Yeo
Daniel E. Hoff
Dick Weaver, Ex-officio

Members Absent: None

Present with the Commission were the following persons: Philip R. Hager, Mary Lane, Lynda Eisenberg and Department of Planning; Paige Sunderland, Department of Economic Development, Laura Matyas, Clay Black, Development Review; Gail Kessler, County Attorney's Office.

CALL TO ORDER/WELCOME

Chairman Helminiak called the meeting to order at approximately 6:00 PM.

ESTABLISHMENT OF QUORUM

The Secretary took attendance and noted that all members of the Board were present and a quorum was in attendance.

PLEDGE OF ALLEGIANCE

OPENING REMARKS

Secretary Hager greeted everyone and reminded them to silence their electronic devices. Mr. Hager noted that there is an update to be presented this evening on the County Website and a presentation reflected additional work that had been performed by staff on the draft Land Use Element of the Freedom Plan. In light of that, staff is recommending approval of the Agenda with a modification adding a Future Land Use update.

REVIEW AND APPROVAL OF AGENDA

The agenda was approved, as amended, via a motion by Mr. Yeo, seconded by Mr. Wothers, and carried.

PUBLIC COMMENTS

Michaela Omaera of Westminster spoke in support of the Dede World project scheduled for review later in the meeting.

ADMINISTRATIVE REPORT

Secretary Hager provided a status update on filling the Departmental Administrative position.

WATER AND SEWER MASTER PLAN AMENDMENT UPDATE

Andrea Gerhard updated the Commission on the addition of a supplemental amendment to the previously-certified Water & Sewer Plan Amendment. The additional amendment pertains to the extension of a sewer line to serve the administrative offices at the Lehigh Quarry expansion site, currently underway.

CONCEPT SITE PLAN REVIEW

SUBJECT: S-16-0005, Dede World Business Center

LOCATION: East side of Dede Road, north of Baltimore Boulevard (MD Rt. 140), E.D. 4

OWNER: Dede World, LLC, c/o Randy L. Cohen, P.O. Box 278, Monrovia, MD 21770 (LLC members: Randy Cohen, Terrence McPherson)

DEVELOPER: Same as owner

ENGINEER: Fox & Associates, Inc., 82 Wormans Mill Court, Suite G, Frederick, MD 21701

ZONING: B-G, General Business

ACREAGE: 5.4465 acres (Lot 11A - 1.8995 acres) (Lot 12 - 3.5470 acres)

WATERSHED: Liberty Reservoir

FIRE DISTRICT: Reese

MASTER PLAN: Commercial – Finksburg Corridor Plan, 2013

PRIORITY

FUNDING AREA: Finksburg

DESIGNATED

GROWTH AREA: Finksburg

❖ 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 property for the Dede World Business Center development consists of a total of 5.4465 acres and is comprised of two properties; Lot 11A and Lot 12 of Walnut Park Industrial Subdivision, Plat Book 53, Page 263 (plat attached). Lot 11 of Walnut Park Industrial Subdivision was created in 1987 (see attached) and the re-subdivision occurred in 2014. Both properties lie in the B-G, General Business, Zoning District with an established, yet unbuilt, access onto Dede Road, a County road. Lot 11A's access is via an ingress and egress easement over Lot 12 as recorded on the plat and in deed, Liber Folio 7815, Page 455.

Lot 11A's access easement corresponds with a 40' Service Road Easement for Future Public Ingress and Egress. The 2013 Finksburg Corridor Plan (see attached) includes a planned

service road, Walnut Park Road, to serve the industrial / commercial area located on the north side of MD Rt.140 between Liberty Reservoir and Dede Road. The service road easement was established on the 1987 plat for Lot 11 and carried forward to the 2014 plat with a recorded document, Liber Folio 7815, Page 448, outlining the terms and conditions.

Adjoining properties, excluding the Watts property to the east of Lot 11A, are located in the Walnut Park Industrial Subdivision. All adjoining are in the 2013 Finksburg Corridor Plan area, zoned B-G or B-NR (Neighborhood Retail Business), and host commercial businesses or strip commercial centers. To the west of the Lot 11A subject property lies the United States Postal Service. To the east is the Watt's strip commercial center with multiple businesses. The northern adjoiner is C.J. Miller. Properties across Dede Road include the Mudgett Business Center, Carroll Racquet Club, and Allied Waste Services.

Currently vacant, the subject property slopes gently downhill to the east and includes a forested portion at the northeast corner. The grade change at the easternmost property line creates a steep slope between Lot 12 and the Watts Center property. No streams or floodplains exist on site.

❖ **Site Plan History:**

On June 21, 2011 Dede World was presented as a concept plan to the Planning and Zoning Commission. Although the site was not yet subdivided, Lot 11 of Walnut Park Industrial Subdivision was proposed to accommodate two distinct buildings; one for a Planned Business Center and the other for a restaurant and / or bank (see plan and report, attached). Although final site plans were not submitted to the County for review, the owner / developer did process the re-subdivision of Lot 11 in 2014.

The uses, building dimensions, siting, parking, access, stormwater management, well and septic, and building elevations currently proposed are substantially the same as the 2011 plan.

Prior to the adoption of the 2013 Finksburg Corridor Plan, Lot 11 was located in the Industrial Restricted (I-R) Zoning District. Planned Business Centers and restaurants are both conditional uses in the I-R Zoning District. The uses were approved by the Board of Zoning Appeals in Case #5531 on January 6, 2010 (see attached). With the adoption of the 2013 Finksburg Corridor Plan, the property was re-zoned to B-G. All proposed uses are principal permitted uses in the B-G Zoning District.

The concept site plan was subject to citizen involvement at the June 27, 2016 meeting of the Technical Review Committee. Three citizens attended and no one spoke. One phone call requesting a copy of the site plan was received by Development Review.

❖ **Site Plan Review:**

On Lot 12, the developer proposes to construct a Planned Business Center; a single two-story, 30,000 square foot building to accommodate retail, professional offices, and medical offices. On Lot 11A, the developer proposes to construct a 3,753 square foot Steak 'n Shake restaurant. The plans are being processed as one development, Dede World Business Center. Both lots will share access to Dede Road at the previously established easement location. A second access to Lot 12 is proposed at its northernmost point of the property onto Dede Road. No access is proposed from MD Route 140.

The Planned Business Center shall meet the general regulations required by Code.

§ 155.094 PBC PLANNED BUSINESS CENTERS.

(E) **General regulations.** The following regulations shall apply to a PBC:

- (1) **Building height.** No building height shall exceed the permitted height of the Business District in which the PBC is located, except as may be modified by § [158.130](#).

The permitted building height in the B-G Zoning District is 50 feet. Building height shall be annotated and addressed to meet Code on the final plan submittal.

(2) **Yards.**

- (a) No building shall be erected within 50 feet of a public street right-of-way line, and no parking lot or other facility or accessory use, except permitted signs and planting, shall be located within ten feet of any public street right-of-way line.
- (b) No building shall be located within 25 feet of any other boundary line, and any such line which adjoins a Residential District, if deemed necessary by the Planning Commission, shall be screened by a solid wall or compact evergreen hedge at least six feet in height, or by such other screening device as may be deemed appropriate and adequate.

The proposed building is approximately 150' feet from the Dede Road right-of-way. The parking lot is approximately 15 feet from the public street right-of-way. At the northwest corner of the building, the setback from the portion of Lot 11A containing the septic field is 25 feet.

- (2) **Tract coverage.** Buildings shall not be permitted to cover more than 25% of the total project area.

At 30,000 square feet, the building covers 19% of the 154,507 square foot lot.

- (3) **Customer parking space.** Off street parking shall be provided as required in this chapter.

Parking requirements for the Planned Business Center (PBC) on Lot 12 total 165 spaces based on the building square footage. 213 spaces are provided, equaling 48 extraneous spaces.

- (5) **Loading space.** Off street parking space and facilities shall be provided as required in this chapter. Such facilities shall be in the rear of any building unless the Planning Commission, for good reason, approves a location at the sides of any such building, and shall not be included as part of any customer parking space required herein.

Loading space accommodations that comply with the Code must be included on the final site plan submittal.

(6) **Signs.** In addition to signs permitted and as regulated in the “B-NR” or “B-G” Districts in which the shopping center project is located, the following signs may be permitted:

- (a) For each interior business, signs may be permitted not to exceed an area four square feet for each linear foot of store frontage and located in accordance with a signage plan approved by the Planning Commission; and
- (b) One additional sign not exceeding 200 square feet in area containing the names of the shopping center or the establishments located therein may be placed in any location within the boundaries of the project, but it shall not exceed 30 feet in height. Any shopping center fronting on more than one street may be permitted such a sign within the required yard area along each street.
(2004 Code, § 103-52)

Two signs are depicted on the site plan, one at MD Rt. 140 on Lot 11A and one at Dede Road on Lot 12. Details will need to be provided. Zoning Review has requested a signage plan be submitted showing location, size, height, and setback for all signs.

Parking requirements for the restaurant on Lot 11A total 53 parking spaces and 47 are depicted. Per the Code:

 **§ 155.077 MINIMUM NUMBER OF SPACES.**

The minimum number of parking spaces required may be reduced by the Director if the use is located within 500 feet of any public parking lot or a parking lot on private property where sufficient spaces are permanently available during times of operation and a parking easement is granted.

The plan depicts a parking easement at Lot 12 for the benefit of Lot 11A. While this easement puts the restaurant site in compliance with the Code, Development Review suggests considering a blanket easement for parking and drive aisles.

A Traffic Impact Study (TIS) was submitted and is under review by the State Highway Administration (SHA) and Carroll County. The SHA has reviewed the site plan and is requiring a 10 foot wide right-of-way dedication for future improvements to MD Route 140. This is in addition to the 10 foot dedication depicted on the record plat of re-subdivision of Lot 11.

Following the State Highway Administration’s determination of a 10 foot wide dedication at MD Route 140, the owner / developer applied for two variances related to the right-of-way line. The first was a variance to reduce the required minimum 15 foot wide parking setback from a public street right-of-way to 5 feet at the front lot line of Lot 11A. It was approved by the Zoning Administrator on August 11, 2016.

The second was a variance was applied for and approved by the Director of Land and Resource Management on August 15, 2016 to reduce the required minimum 10 foot wide landscape strip between the MD Route 140 right-of-way and the parking lot to 5 feet. The reduction in width will not impact the ability to meet the required number of planting units. Commercial dumpsters are proposed on both lots with landscape screening provided. Parking lot landscaping as well as landscaping at lot lines adjacent to commercial uses or zones shall be provided.

Water and sewer will be provided via a private well and septic system. The developer and engineer have been working closely with the Health Department to meet the challenges of two intensive uses on private well and septic systems. Wells are located at the northwest corner of the plan. A Drainage & Utilities Easement to accommodate the utility lines to the proposed building location on Lot 11A was recorded following the recordation of the re-subdivision plat. Two septic fields are proposed; one under the western parking lot of Lot 12 and one on the northern appendage of Lot 11A.

An existing tank and pump system, located opposite the site on Dede Road, serves the industrial park for fire protection purposes. Additionally, the buildings may need to be equipped with an automatic sprinkler system to comply with Fire Protection.

Building renderings are included on sheet 4 of the concept site plan set. The Planned Business Center is substantially the same as the elevations provided with the 2011 site plan. The rendering for the Steak n' Shake reflects the franchise restaurant's standard building design. Elevations for all facades will need to be provided with the final site plan and annotated with heights, materials, colors, and dimensions.

A site lighting plan is provided on sheet 5 with details on sheet 6. Pole-mounted lights stand at 20'-0" above grade in the parking lots of Lots 11A and 12.

On June 6, 2016, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. Comments and suggestions include:

1. The length of parking stall at the Planned Business Center building's walkway is depicted as 18' deep. Code permits a reduction of parking stall depth from 20' to 18' provided sidewalks and other traveled routes are not obstructed. Verify clearance.

The Bureau of Resource Management has granted concept Stormwater Management approval. Stormwater Management requirements are being addressed with a shared infiltration facility located on Lot 12. Forest Conservation Review has requested a Forest Stand Delineation (FSD) to determine reforestation / afforestation requirements.

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:

Mr. Weaver asked how this project complies with the Finksburg Area Planning Council Architectural Guide Book.

Clark Shaffer said they met with the Finksburg Area Planning Council previously about this project and they were enthusiastic.

Mr. Yeo clarified that there were no requirements that needed to be complied with the Guide Book was simply examples of aesthetically pleasing guidelines for construction.

Mr. Yeo asked what has been done to reduce the amount of parking spaces and provide additional green space in the parking area. This issue was the only opposition from the early

plan from 5 years ago and he doesn't see where anything was changed to accommodate this concern.

Mr. Randy Cohen, owner, stated that there was a lot of work that had to be done to satisfy stormwater management and well and septic. There was a lot of additional expense incurred.

Mr. Soisson asked for clarification on the parking space numbers.

Mr. Hoff asked why so many extra parking spaces are provided above the regulation required. He suggested reducing the parking and adding more greenery.

Mr. Soisson is concerned about the right away being so narrow.

Mr. Shaffer assured the Planning Commission that they will look into reducing the number of parking spaces and adding some landscaping.

Mr. Soisson stated that the Commission will be looking at signage height. He also asked that the owner work closely with Steak and Shake and ensure an aesthetically pleasing building.

Decision:

No action is requested.

RECESS

The Planning Commission reconvened at approximately 7:02 PM.

FREEDOM COMMUNITY COMPREHENSIVE PLAN DISCUSSION

Staff briefly discussed Element 9 and responded to questions. Mr. Yeo moved to Endorse the Element, Mr. Soisson seconded that motion and was passed via a unanimous vote.

Staff reviewed the details of the upcoming Fall Community Outreach Meeting scheduled for Saturday, September 24th at Oklahoma Middle School, beginning at 10 AM. The Planning Commission praised staff for going above and beyond the call in their efforts to facilitate public involvement.

Mr. Hager indicated October 5 as a possible date for a joint PC/BCC meeting.

Staff updated the Commission on the status of the remaining elements of the Freedom Plan.

Ms Eisenberg noted that November is being targeted as the timeframe for the next public outreach event.

Staff revisited the Freedom Plan Vision Statement and briefed the Commission on the new information that has been added to the Freedom Plan Website, including the Interactive Mapping Tool. Staff demonstrated the Interactive Mapping Tool for the members. Staff showed how the tool allows viewers to evaluate multiple pieces of information for individual properties in the Freedom Planning Area.

Staff led a discussion on a new document that staff is proposing for integration into the Freedom Plan Website. Staff reviewed the volume of questions being received from the community and the types of questions being asked. Staff noted that the vast preponderance of questions were about the same topics or the same considerations. In an effort to increase efficiency, staff has prepared a Frequently Asked Questions (FAQ) document with the questions and staff-generated

responses. The Planning Commission voiced their support for this document. The Planning Commission also discussed a series of questions that had been directed to them by Delegate Susan Krebs. The Planning Commission indicated that their preference would be that staff provide responses to those questions as well and integrate – where appropriate – those Q & A into the FAQ document. The Commission also thanked staff for insulating them from the stress imposed by the BCC relative to the Freedom Plan completion.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

On motion of Mr. Wothers, seconded by Mr. Soisson and carried, the Commission adjourned.

Secretary

Approved