

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

April 15, 2008

Location: Carroll County Office Building

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

Members Absent: Robert B. Slade, Alternate

The meeting opened at 9:00 a.m. Present with the Commission were the following persons: Steve Horn, Tom Devilbiss, and Kelly Franklin, Department of Planning; Terri Jones, Department of the County Attorney; Clay Black, Jeanne Joiner, Kim Brandt, Brian O'Malley, Pat Varga, and Ashley Wantz, Bureau of Development Review; Derek Meyers, Scott Graf, Daphne Daly, and Brenda Dinne, Bureau of Comprehensive Planning; Ron Church, Bureau of Engineering; Steve Barnhart; William McGrew; Rob Andalora; Richard Anderson, Sr.; Teresa and Kurt Dahlke; Ann Coburn; Carl Coburn; Virginia Purvis; Paula Kleiman; Mary Greenberg; Maryann and Jack Veara; Brad Lauer; Stacy Sobieck; Mary Decker; Raymond Miles, Jr.; Virginia Marriott; Rick Williams; Martin Rickell; Ken Hunter; Kim and Bob Meekins; Randy Bachtel; Maurice Spielman; Danielle Fleegle; Brett Boettner; Michelle Jenkins; Constance Herb; Donald Jenkins; Lynn Hoff; Richard Hoff; Sam Andalora; Dan Staley; Margaret Hanchak; Jim Kohler; Peter Pandolfini; Sara Larson; John Maguire; Linda Donoff; Michael Phau; and members of the press.

Mr. Clay Black served as Acting Secretary until Mr. Horn's arrival.

Mr. Brauning welcomed new Commission member Mr. Alec Yeo.

Mr. Yeo indicated he has been a Carroll County resident for approximately ten years. He noted that he owns the Goddard School in Eldersburg and is currently constructing a new building so he has experience with the development process from the developer's point of view. Mr. Yeo indicated he was looking forward to serving the County in this capacity.

APPROVAL OF MINUTES

- a. March 18, 2008
- b. March 31, 2008

A. MARCH 18, 2008

Mr. Wertz indicated he had a correction to the last paragraph on page 16. He requested that the words "across from" be replaced with the word "near" in the second sentence. The sentence should read: "He noted that the project is located near the hospital and other amenities."

The minutes of March 18, 2008 were approved, as amended, on motion of Mr. Chadwick, seconded by Mr. Schuster, and unanimously carried.

B. MARCH 31, 2008

Mr. Wertz requested a change to paragraph 10 on page 5. He indicated that he had not requested one or the other, but a connection between the parking areas.

The Commission briefly discussed their conversation from March 31 with regard to this issue. It was the unanimous consensus that the Commission wanted a connection between the two properties in the rear. Mr. Schuster suggested a second sentence be added with regard to working with the State Highway Administration on the access points to MD 32. The paragraph was rewritten to read as follows: "Mr. Wertz indicated staff should make it clear that the Commission wants a connection between the parking areas, as well as pedestrian access. He also noted that staff should work with the State Highway Administration to determine the number of access points on MD 32."

The minutes of March 31, 2008 were approved, as amended, on motion of Mr. Wertz, seconded by Mr. Chadwick, and unanimously carried.

COMMISSION MEMBER REPORTS:

Chairman – Mr. Brauning indicated he had nothing to report.

DEPARTMENT OF PLANNING STAFF REPORT:

Mr. Black indicated that Mr. Horn will be arriving shortly. He noted that the Builders for the Bay will be meeting to finalize their report on Wednesday, April 23, 2008 at 8:00 a.m. at the Westminster Senior Activities Center.

REZONING CASE NO. 211 – MARRIOTT PROPERTY

Mr. Derek Meyers, Comprehensive Planner, reviewed the staff report, noting that the rezoning case had been introduced to the Commission the previous month. He indicated the petitioner, Virginia A. Marriott, had requested reclassification of 3.79 acres of land from "A" Agricultural District to either "B-NR" Neighborhood Retail Business or "BG" General Business District. Mr. Meyers noted that the petition site is located on the south side of MD 26, just west of Klees Mill Road in Election District 14 and the area comprises one tract of land in its entirety. He indicated a copy of the petition was sent to several agencies seeking comment and that the only written comment received was from the State Highway Administration, indicating all future access to the parcel must be from West Old Liberty Road. Mr. Meyers noted that it was staff's opinion that no mistake in zoning is evident. He indicated that in February 2007, the Board of County Commissioners (the Board) found a substantial change in the character of the same neighborhood. Specifically, the Board found that significant changes occurred due to construction of two schools and the extension of public water and sewer into the area. Mr. Meyers stated that Rezoning Case No. 210 expanded this small crossroads commercial area, resulting in an additional change in the neighborhood. He explained that staff findings are that this change applies only to the immediate crossroads commercial area and not the surrounding neighborhood. Based on the findings in the staff report, and in consideration of Article XXX

(Section 223.197) of the Code of Public Local Laws and Ordinances of Carroll County, and Section 4.05 of Article 66B of the Annotated Code of Maryland, staff recommended that the property be rezoned to Business Neighborhood Retail “B-NR” on the basis that a change in the neighborhood has occurred as a result of the decision set forth by Case No. 210.

Mr. Schuster noted that page 3 of the staff report states that the petition area is in the No Planned Service Area.

Mr. Meyers indicated the limits of the service area are across Liberty Road from the property.

Mr. Schuster indicated that part of this parcel was designated for commercial use in the Freedom Mini Plan.

Mr. Meyers indicated that while that is correct, the zoning was not changed.

Mr. Schuster referred to page 5 of the staff report, item 10, regarding substantial change in the character of the neighborhood. He indicated that staff notes that this change applies to the immediate crossroads commercial area and not the greater surrounding neighborhood. Mr. Schuster asked for clarification of this statement.

Mr. Baile reminded the Commission that staff and the Planning Commission had found no evidence of substantial change in the neighborhood with regard to Rezoning Case 210, but the Commissioners (by a 2-1 vote) had decided there was a change based on the schools that were recently constructed. Mr. Baile indicated he did not feel the decision on that rezoning case constituted a change in the neighborhood.

Mr. Schuster agreed. He noted that there did not appear to be a substantial change in the area.

Mr. Baile explained that a piece of property zoned R-40,000 that has always been farmed is not a change to the neighborhood when it is developed according to its original zoning. He indicated he did not understand the Commissioners’ logic with regard to Rezoning Case 210.

Mr. Schuster indicated staff has changed its recommendation on this rezoning case as opposed to Rezoning Case 210. He asked why staff now supported this request.

Mr. Meyers noted that in both the 2001 and 1977 plans, commercial land use is limited to the intersection of Klees Mill Road and Liberty Road and not planned to extend east to MD 32. He noted the decision on Case 210 was found to support the change argument.

Ms. Jones indicated the Board found a substantial change in the neighborhood that could not be ignored by staff. She noted that while it may be appropriate to recognize this change in this crossroads, it may not be appropriate in the entire neighborhood.

Mr. Wertz asked for clarification that staff is saying the most appropriate zoning for this property is “B-NR”.

Mr. Meyers indicated that was correct.

Mr. Wertz asked whether any sketch plans had been prepared as to how the property might be developed. He questioned whether the irregular shape would require any variances.

Mr. John Maguire, attorney, introduced Ms. Virginia Marriott, owner, Mr. Jim Mathias and Mr. Rick Williams, DeMario Design Consultants. He indicated the engineers have looked at the feasibility of commercial development on the site. Mr. Maguire explained that the structure would probably be located on the western part of the site. He indicated there was 200 feet of State Highway right-of-way to the north and to the south there will probably be some roadway dedication for Old Liberty Road.

Mr. Wertz questioned whether the developer could get an appropriate parking layout on the site and asked whether there were any prospective users for this property.

Mr. Maguire indicated there was no sketch plan to show any proposed development at the site. He noted that there are no potential users at this time.

Mr. Wertz indicated he could not get a feel for the site itself because of the scale of the map provided. He questioned whether "B-NR" was the most appropriate zoning classification and questioned whether the developer could prepare a site plan without the need for variances.

Mr. Williams indicated there would be no need for variances. He noted that no layouts had been prepared, but they had reviewed the setbacks in relation to the site. Mr. Williams stated the parking requirements would depend on the user, but there should be adequate space for parking. He noted that there does not appear to be any environmental features on the site.

Mr. Wertz questioned whether the only constraint on the site is the triangular shape.

Mr. Williams indicated that was correct.

Mr. Schuster questioned the adjacent land use to the west.

Mr. Meyers indicated the zoning is agricultural with single-family homes on large lots served by well and septic.

Mr. Maguire questioned whether there was a comprehensive rezoning when the Freedom Mini Plan was adopted. He noted that his understanding was that that the last comprehensive review and rezoning went back to 1978. Mr. Maguire indicated that several spot rezonings in the area were overturned by the court in the late 1990's. He noted that this property was not among those reviewed at that time. Mr. Maguire suggested that you have to go back as far as 1965, the original zoning, to see a true comprehensive zoning of this area. He indicated that the staff report recites several rezonings back in the 1970's that qualify as legal change. Mr. Maguire acknowledged that if you are looking at this as change since the year 2000, it becomes a much more difficult case. He suggested that you need to look beyond that to the original zoning, and consider that the analysis of change goes deeper than the year 2000 or 2001. Mr. Maguire indicated the Commission should review the ruling of the Commissioners in Rezoning Case 210. He noted their review considered the establishment of the two schools, several piecemeal rezoning cases, development in the area, and change that occurred in the area over the last couple decades. Mr. Maguire noted that everyone is aware of the change in the area, including industrial development in the Central Maryland Service and Distribution Center which

dramatically changed the character of the rural crossroads. He stated that three corners at that intersection are currently utilized for commercial uses with this being the last corner of that intersection. Mr. Maguire indicated that Mrs. Marriott has lived on the property for over 50 years. He noted that when it comes time for someone else to use the property, it will not be residential. Mr. Maguire indicated that he shared the staff's concern about where the crossroads ends but noted that it certainly includes the intersection. He acknowledged that if you go out into the neighborhood, the analysis gets more difficult. Mr. Maguire read a letter of support for the rezoning from the Industrial Development Authority. He noted that the only comment from agencies was from the State Highway Administration indicating that access would be onto Old Liberty Road. Mr. Maguire stated that his engineers have determined there is adequate sight distance. He indicated that Mrs. Marriott has talked to many of her neighbors about this request, and she has their support. Mr. Maguire acknowledged the proximity of the water and sewer planned service area. He noted that the owner's engineers have looked at the soils and concurred that they are suitable for private septic. Mr. Maguire suggested the next logical area to be considered for water and sewer expansion would be across Liberty Road. He noted that the property has been functioning on private well and septic for the existing house. Mr. Maguire asked that the Commission recommend "BG" zoning for the property. He suggested that zoning classification gives the owner more flexibility in terms of available uses and dimensional requirements. Mr. Maguire indicated that other adjacent commercial properties are actively being utilized with "BG" zoning, He noted that would be the preferred zoning on the property.

Mr. Wertz asked whether the applicant or staff were aware of any opposition to the requested rezoning.

Mr. Meyers and Mr. Maguire indicated they were not aware of any opposition.

Mr. Schuster questioned a mistake in zoning because the 1977 plan shows part of this parcel as being commercial. He indicated he did not agree there was substantial change in the neighborhood. Mr. Schuster stated that an area developing in accord with its zoning does not constitute a change in the neighborhood. He noted that the parcel fronts on Old Liberty Road, and the State Highway Administration will not support access onto MD 26 which is another reason "B-NR" would be more appropriate than "BG" zoning. Mr. Schuster indicated he was concerned about setting a precedence for adjacent parcels, but staff has covered that with their note with regard to the crossroads area.

Mr. Chadwick questioned whether the change in zoning as a result of Rezoning Case 210 constitutes a change in the neighborhood.

Ms. Jones indicated that is an additional change in the neighborhood.

Mr. Schuster indicated Rezoning Case 210 is across the street. He questioned how far that decision reaches. Mr. Schuster indicated he did not concur, and the Planning Commission did not concur, with that decision.

Mr. Wertz questioned whether there was a basis for saying there was a mistake.

Ms. Jones indicated there was never a change on the plan from agricultural zoning, and the development of the road does not make the original zoning a mistake.

Mr. Schuster indicated the designation for commercial zoning at the crossroads was not changed to match the land use designation on the comprehensive plan. He noted that zoning should follow the comprehensive plan designation. Mr. Schuster suggested that is a mistake in zoning. He noted that he did not find a substantial change in what the petitioner is defining to be the neighborhood.

Ms. Daphne Daly explained that the commercial designation appeared on the 1977 Plan but was not carried through on the 2001 Plan. So even though there was not a rezoning that matched the 1977 land use designation, when the most recent plan was adopted, it essentially matched the designation with the zoning. She suggested there was a reexamination of the land use/zoning discrepancy with the most recent plan review.

Mr. Maguire suggested the mistake was compounded in 2001. He noted that there was a zoning of "BG" at this intersection and it was built out on three corners. Mr. Maguire indicated that another plan came through and it reverted back to the original zoning.

Mr. Wertz noted a correction to page four of the staff report which lists only one rezoning request within the neighborhood boundary that received an unfavorable recommendation from the Planning Commission. He stated that staff should revise the report to include information regarding Rezoning Case 210.

Mr. Meyers indicated that staff would address that change in the report to the Commissioners.

Decision:

The Commission, on motion of Mr. Schuster, seconded by Mr. Yeo, and carried (Mr. Schuster, Mr. Wertz, and Mr. Yeo voted "Aye"; Mr. Baile and Mr. Chadwick voted "No"; Mr. Brauning chose not to vote), directed staff to forward a report recommending Rezoning Case 211 favorably to the Board of County Commissioners based on a mistake in zoning and a mistake in the process of comprehensive planning between the 1977 and 2001 comprehensive plans. The Commission further noted that it did not find a substantial change in the neighborhood. The Commission recommended "B-NR" zoning as the preferred Zoning District because the site access will face the neighborhood across the street.

FINAL SITE PLAN REVIEW:

- a. S-07-021, Carroll Hospital Center Parking Garage
- b. S-07-030, Golden Crest Sheltered Housing Facility, 1st Amended Site Plan

A. S-07-021, CARROLL HOSPITAL CENTER – PARKING GARAGE

LOCATION: North side of Gist Rd., East side of Center Street, 7th ED

OWNER: Carroll Hospital Center, 200 Memorial Ave., Westminster, MD 21157

DEVELOPER: Same

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

ZONING: R-20,000

ACREAGE: 16.4 acres

FIRE DISTRICT: Westminster

DRAINAGE BASIN: Little Pipe Creek

Mr. Clay Black 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 an existing hospital center located between Gist Road and Center Street. The main entrance to the hospital is located off Center Street

Site Plan Review:

The developer proposes to construct a five story 745 space parking garage on an existing paved parking lot that currently contains 139 parking spaces. During a hearing on July 26, 2007 (Case #5340) the Board of Zoning Appeals granted approval of variances for the front setback from 150 feet to 15 feet, a height variance from 20 feet to 46 feet; and, a variance from the 3-story to a 5-story structure to allow the construction of a parking garage. The approval was granted with a condition that the two lots where the garage is situated to be consolidated.

The concept site plan was presented to the Commission on October 16, 2007. Minutes of that meeting are attached for reference. The Bureau has not received any written comments from the public in regards to this project.

Access to the site will be via the existing Center Street hospital entrance. No new entrances are proposed. The garage will not contain any restroom facilities.

Stormwater management is being satisfied by the conveyance of the stormwater to an outfall on the adjacent Carroll County Farm Museum property. Requirements of the Forest Conservation Ordinance were addressed via a previous hospital project. The Carroll County Bureau of Engineering and Maryland State Highway Administration had no road improvement requirements as a result of the construction of this parking garage. Lighting will consist of a combination of wallpack, ceiling lights and 10 foot pole mounted lights. The fixtures will be full cutoff for both the roof mounted and pole mounted lights. The garage will be constructed of brick facing to match the current architecture of the hospital. The lighting and building elevations meet staff approval. Signage will consist of directional signs as part of the interior structure.

Recommendation:

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

1. That the Developer shall enter into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That prior to final signature approval the two lots on which the parking garage is located will be consolidated.

Discussion:

Mr. Chadwick indicated that the concept plan showed the garage contained 662 spaces, but this plan shows over 700 spaces.

Mr. Maurice Spielman, Carroll Hospital Center, indicated there will be 716 total spaces, not the 745 shown on the plan. He noted that the final mylars would be changed to reflect the correct number of spaces. Mr. Spielman explained that the number of spaces changed from concept to now because of the configuration of the ramps.

Mr. Baile questioned whether the footprint of the building had changed.

Mr. Spielman indicated it had not changed.

Mr. Chadwick noted that he had visited the hospital and work was already underway for this project.

Mr. Spielman indicated that work had begun on stormwater management. He noted that because of the size of the project, this was allowed by County regulations.

Mr. Brauning questioned the size of each parking space.

Mr. Spielman indicated the spaces are 9' x 20'.

Mr. Schuster questioned whether there were emergency call boxes in the parking garage.

Mr. Spielman indicated there are emergency call boxes throughout the Hospital campus, and they will be placed in the garage, as well.

Mr. Baile questioned whether access to the parking garage would be free.

Mr. Spielman indicated that was still under discussion, but as of now, it would be free.

Mr. Yeo questioned whether any regular parking spaces closer to the building would be reclassified to handicapped parking once the garage was operational.

Mr. Spielman noted that additional handicapped parking had been added closer to the building.

Mr. Yeo questioned whether there was any consideration for a series of spaces designated as a drop off area close to the main entrance.

Mr. Spielman indicated that the brick circle at the main entrance accommodates ten cars for that purpose. He noted that the consolidation of parcels was almost complete.

Decision:

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

Mr. Steve Horn entered the meeting.

B. S-07-030, GOLDEN CREST SHELTERED HOUSING FACILITY, 1ST AMENDED SITE PLAN

LOCATION: East side of Maryland Route 30, South side of Evergreen Drive, 8th E.D.

OWNER: DKR Enterprises, LLC, 3703 Wine Road, Westminster, MD 21158-2416
(LLC: Bob & Kim Meekins)

DEVELOPER: KRM Properties (Bob & Kim Meekins), 3703 Wine Road, Westminster, MD 21158-2416

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

ZONING: R-10,000

ACREAGE: 0.9087 acres

FIRE DISTRICT: Hampstead

WATERSHED: Liberty Reservoir

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 improved with the Golden Crest Sheltered Housing Facility. The facility is 3,634 square feet in size and includes semi-private bedrooms with a total of 15 beds. Water is provided via a well on the east side of the property; the building is connected to County sewer. Access is provided via Evergreen Drive, a use-in-common driveway that was widened from 12 feet to 20 feet with the construction of the facility.

Sheltered housing is a principal permitted use in the R-10,000 Zoning District. Sheltered Housing is defined in the Zoning Ordinance as housing provided by a resident family for 4 to 15 adults who are capable of living in the community but incapable of independent living due to disability or advanced age.

The site plan for the facility (S-98-047) was approved by the Planning Commission in May of 1999. The concept site plan for the proposed addition was discussed at the December 18, 2007 meeting of the Planning Commission. The meeting minutes are attached to this report.

Site Plan Review:

The developer proposes to construct a one-story 1,288-square-foot addition to the existing facility. This, combined with interior renovations, will allow for the conversion of the semi-private bedrooms to private bedrooms for residents. The total number of beds will continue to be 15.

There are no changes proposed to site access or parking. There are seven parking spaces on the property; five spaces are required.

There is currently no signage on the site and no signage is proposed. There is an existing residential light pole adjacent to the driveway; no new pole-mounted lighting is proposed. The existing facility has the appearance of a ranch style home. The developer has advised staff that the addition will be built in this same style.

Landscaping will be installed to screen the dumpster enclosure on the east side of the building and to further screen the parking area from the adjacent residence. To address the requirements of stormwater management, a drywell and an underground stone reservoir will be installed on the property.

The owner/developer presently uses Butler for non-emergency medical transportation of facility residents. The developer intends to execute a contract with Butler for non-emergency medical transportation for the subject facility and the facility proposed for Saint Paul Road. The concept site plan for that project was reviewed at the March 2008 meeting of the Planning Commission.

For fire protection, the addition will be tied into the existing sprinkler system.

The site plan was subject to citizen involvement at the December 18, 2007 meeting of the Technical Review Committee. No citizens were present to comment on this plan and no correspondence has been received by the Bureau of Development Review.

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 be granted to the County Commissioners of Carroll County as an easement of access for the Commissioners or authorized representatives by a deed to be recorded prior to or simultaneous with recordation of the Public Works Agreement.

Discussion:

Mr. Wertz questioned whether the architecture of the addition would be consistent with the existing building.

Ms. Brandt showed a picture of the rear of the building and indicated the architecture of the addition would be the same style. She noted that staff had elected not to require elevations for this project.

Mr. Chadwick questioned whether the existing parking was adequate.

Mr. Bob Meekins, owner, indicated the existing parking is adequate.

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 two conditions in the staff report.

FINAL SUBDIVISION PLAN REVIEW:

- a. P-05-012, Shipley's Choice 2
- b. F-07-015, The View at Morgan Run

A. P-05-012, SHIPLEY'S CHOICE 2, RESUBDIVISION OF LOT 3

LOCATION: South side of Pine Knob Road, East of Sykesville Road, 5th ED

OWNER: John Griffin, 1709 Pine Knob Road, Sykesville, MD 21784

DEVELOPER: Patapsco Homes, 13898 Forsythe Road, Sykesville, MD 21074

ENGINEER: DRS & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: R-40,000

ACREAGE: 7.63341 acres

WATERSHED: S. Branch Patapsco River

Ms. Kimberly Brandt presented the background.

Action Required:

Two action items are required:

1. Approval of the Final Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Final Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is improved with a single-family residence and outbuildings that are accessed from an existing use-in-common driveway, Livesay Drive. The lot was created with the Shipley's Choice, Section One subdivision in 1997. The other two lots created via Section One are located on the east side of Livesay Drive.

Plan Review:

The developer proposes to re-subdivide Lot 3 to create Lot 4, which is 5.9 acres in size. With the resubdivision, Lot 3 will become 1.6-acre Lot 3A. Lot 4 will be accessed from the existing use-in-common driveway that extends to Pine Knob Road. An amended Declaration of Maintenance Obligations will be required.

Lot 4 will be served by public water and a septic system. The well on Lot 3A will be abandoned and the existing house will be connected to public water. For stormwater management, a dry well will be installed on Lot 4.

The requirements of forest conservation will be satisfied with on-site retention. A 4.7 acre forest conservation easement will be deeded to the County with recordation of the plat.

The concept plan was subject to citizen involvement at the January 30, 2006 Subdivision Advisory Committee meeting. No citizens spoke at the meeting. The Bureau of Development Review has received no correspondence regarding the proposed subdivision.

The preliminary subdivision plan was approved under Chapter 103 at the December 19, 2006 meeting of the Planning Commission.

Chapter 103 Recommendation:

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

1. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That a forest conservation easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.

3. That a stormwater management easement be granted to the County Commissioners of Carroll County as an easement of access for the Commissioners or authorized representatives simultaneous with recordation of the subdivision plat.
4. That an amended Declaration of Maintenance Obligations be recorded for Livesay Drive simultaneous with recordation of the subdivision plat.

CONCURRENCY MANAGEMENT REPORT

Mr. Brian O'Malley presented the background.

Subdivision: P-05-012, Shipley's Choice 2, Resubdivision of Lot 3

No. of Residential
Units: 2 (1 existing and 1 new)

Schools: Freedom Elementary
Oklahoma Road Middle
Liberty High

Roads: Pine Knob Road

Fire and EMS: Gamber

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

Water: Freedom/Sykesville

Background:

Pursuant to Section 71-6E of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the final plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of January 31st, 2008 was 173,903. 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 148 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 February 2007 through January 2008 was 79 officers. Based on a total of 227 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of January was 1.31.

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 1.28 by the end of FY 2008 – approaching inadequate.

Schools:

The Carroll County Public Schools responded that Freedom Elementary is approaching inadequate for FY 08 through FY 13; Oklahoma Road Middle is adequate for all years FY 08 through FY 13; and Liberty High is approaching inadequate for years FY 08 through FY 11, and adequate for years FY 12 and FY 13.

The enrollment projections indicate that Freedom Elementary will range between 111 and 119 percent of capacity during the current 6-year CIP cycle. In the Freedom Elementary attendance area 7 additional residential developments, comprised of approximately 100 lots, are currently in the review process. There are approximately 59 lots in the Freedom 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 Oklahoma Road Middle will range between 90 and 110 percent of capacity during the current 6-year CIP cycle. In the Oklahoma Road attendance area 14 additional residential developments, comprised of approximately 260 dwelling units are currently in the review process. The Eldersburg Ventures development accounts for 101 of the dwelling units currently in the pipeline. There are approximately 317 lots in the Oklahoma Road Middle area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate for Liberty High that the percentage of capacity will fall from 114 to 103 during the current 6-year CIP. In the Liberty High attendance area 14 additional residential developments, comprised of approximately 260 dwelling units, are currently in the review process. There are approximately 317 residential units in the Liberty High area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Water:

Based on threshold capacity requirements for water services, Freedom water is inadequate to serve the proposed development. Resolution No. 717-08, adopted by the Board on January 31, 2008, established a cap of zero building permits to be issued in the Freedom water service area through the end of FY 08. The current CIP includes a planned expansion to the Freedom water service facility which is expected come on-line in February 2009.

Fire and Emergency Medical Services:

Fire and emergency medical services were found to be adequate at the preliminary plan stage and in accordance with Chapter 71 the plan was not retested for the final plan stage.

Roads:

Roads were found to be adequate at the preliminary plan stage and in accordance with Chapter 71 the plan was not retested for the final plan stage.

Chapter 71 Recommendation:

On February 19, 2008 the Planning Commission granted conditional approval of the preliminary plan for Shipley's Choice, Section 2 in accordance with Chapter 71, with tentative building permit reservations for 1 lot in FY 09, and a recordation schedule for all lots to be recorded within 24 months of preliminary approval pursuant to Chapter 103, i.e. by December 19, 2008.

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

1. Fire and emergency medical services and roads are considered adequate, police and schools are considered approaching inadequate, and water service is considered inadequate.
2. The project be placed in the queue to be retested for police service, schools, and water service.

Pursuant to Chapter 103, the sunset provision will cause the Preliminary Plan to become void 24 months after the date of preliminary approval by the Commission unless the plan has received final approval by the Commission and been recorded. Placement in a queue does not change the terms of the sunset provision. For projects in the queue, the Director of Planning may extend the time to obtain final approval or for recordation of the subdivision plat if and to the extent reasonably necessary.

Decision:

Pursuant to Chapter 103, the Commission, on motion of Mr. Schuster, seconded by Mr. Baile, and unanimously carried, approved the final plan subject to the four conditions in the staff report. Mr. Staley questioned the year for the building permit reservations.

Mr. O'Malley explained that the preliminary plan had set building permit reservations in FY09, but there is no date right now because the project is being placed in the queue. When retested, if all three facilities are adequate, staff can release the project from the queue. If any of the facilities are approaching inadequate or inadequate, the project will have to come back before the Commission.

Pursuant to Chapter 71, the Commission, on motion of Mr. Schuster, seconded by Mr. Baile, and unanimously carried, conditionally approved the final plan subject to the two conditions in the staff report.

B. F-07-015, THE VIEW AT MORGAN RUN

LOCATION: South side of Bloom Road, west of the intersection with Salem Bottom Road, 9th Election District

OWNER: Morgan Run Stables, LLC, 175 Klees Mill Road, Sykesville, MD 21784

DEVELOPER: Same as Owner

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

ZONING: Agricultural – 50.74 acres; Conservation – 13.07 acres

ACREAGE: 63.81 acres

NO. OF LOTS: 5 proposed

WATERSHED: Liberty Reservoir

Mr. Patrick Varga presented the background.

Action Required:

Two action items are required:

1. Approval of the Final Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Final Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is improved with a single-family residence, a barn and outbuildings that are accessed from the south side of Bloom Road. The hangover parcel has been consolidated with the Kaufman property to the east. The area of the property along Salem Bottom Road, south of the existing and proposed development, is wooded, steeply sloping and traversed by another unnamed tributary of Morgan Run. This portion of the property is zoned Conservation; the balance of the property is in the Agricultural Zoning District. Two off-conveyances have been created from the property. The developer has dedicated 2.50 acres for the right-of-way for Bloom Road.

The preliminary subdivision plan was reviewed and approved at the May 15, 2007 Planning Commission meeting. The minutes from that meeting are attached to this report.

Plan Review:

The developer proposes to create five lots ranging in size from 1.34 acres to 1.99 acres. The proposed lots will be accessed from a use-in-common driveway, Equine Drive. The entrance onto Bloom Road will be approximately 300 feet east of the current driveway entrance. At the new location, the driveway satisfies the County's sight distance standards.

Equine Drive will be sixteen feet wide for the first 550 feet. This portion of the driveway will be used by the proposed lots and the remaining portion. Just beyond this point, the driveway will serve only the proposed lots and gradually narrow to twelve feet in width. The required pullover and turnaround are depicted on the plan.

The lots will be served by private wells and septic systems. For stormwater management, dry wells will be installed. To satisfy the requirements of forest conservation, a 3.23-acre area of the site will be placed under a forest conservation easement. An easement will also be granted to the County for the floodplain areas.

There have been no citizen inquiries since approval of the preliminary plan was given in May of 2007. The concept plan was subject to citizen involvement February 27, 2006 during the Subdivision Advisory Committee meeting. The citizen correspondence was included with the previous staff report.

Chapter 103 Recommendation:

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

1. That any changes to the Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.
2. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
3. That a forest conservation easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat
4. That a floodplain easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
5. 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 simultaneously with recordation of the plat.
6. That a Declaration of Maintenance Obligations setting forth the responsibilities for maintenance of the use-in-common driveway be recorded simultaneous with recordation of the subdivision plat.

CONCURRENCY MANAGEMENT REPORT

Mr. Brian O'Malley presented the background.

Subdivision: P-07-015 The View at Morgan Run

Schools: Winfield Elementary
New Windsor Middle
South Carroll High

Roads: Bloom Road

Fire and EMS: Winfield

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

Background:

Pursuant to Section 71-6E of the Code of Public Local Laws and Ordinances as adopted by Ordinance No. 04-13, once the Department of Planning has determined that the final plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of January 31st, 2008 was 173,903. 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 148 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 February 2007 through January 2008 was 79 officers. Based on a total of 227 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of January was 1.31.

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 1.28 by the end of FY 2008 – approaching inadequate.

Schools:

Schools were found to be adequate at the preliminary plan stage and in accordance with Chapter 71 the plan was not retested for the final plan stage.

Fire and Emergency Medical Services:

Fire and emergency medical services were found to be adequate at the preliminary plan stage and in accordance with Chapter 71 the plan was not retested for the final plan stage.

Roads:

Roads were found to be adequate at the preliminary plan stage and in accordance with Chapter 71 the plan was not retested for the final plan stage.

Chapter 71 Recommendation:

On May 15, 2007 the Commission conditionally approved the preliminary plan for the View at Morgan Run, issuing tentative building permit reservations for 5 lots in FY08, and a recordation schedule for all lots to be recorded within 24 months of preliminary approval, i.e. by May 15, 2009.

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

1. Fire and emergency medical services, roads and schools are considered adequate, and police are considered approaching inadequate.
2. Building permit reservations are for 5 lots in FY 09, provided that the plat be recorded prior to any permits being issued.
3. The recordation deadline be set for the date the sunset provision on the preliminary plan approval takes affect – May 15, 2009.
4. Building permit reservations be allowed to roll over annually until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Mr. Baile indicated the project had previously come before the Commission with 80.27 acres, and now it was reduced to 63.81 acres.

Mr. Varga explained that the "missing acreage" consisted of a 15-acre hangover parcel and 2.5 acres of County road dedication. He noted that two lots were taken from the hangover parcel, so the hangover parcel was consolidated with an adjoining property. Mr. Varga indicated the lot yield was based on 50 acres of agricultural zoning east of Bloom Road and 15 acres on the west side of Bloom Road, totaling five lots and a remainder.

Mr. Baile asked for clarification that the ground on the other side of Bloom Road is a non-buildable lot.

Mr. Varga stated that the yield from that property was placed across the road.

Mr. Baile questioned whether a note was placed on the consolidation deed that there was no buildable lot.

Mr. Martin Rickell, CLSI, indicated that was noted in the consolidation deed. He also mentioned that a majority of the property was in floodplain or forested buffers.

Decision:

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

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

PRELIMINARY SUBDIVISION PLAN REVIEW:

a. P-03-007, McGrew Property

A. P-03-007, MCGREW PROPERTY

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

OWNER: William McGrew, c/o HTI Contractors, 4539 Sykesville Road, Finksburg, MD 21048

DEVELOPER: Same as Owner

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

ZONING: R-40,000

ACREAGE: 14.127 Acres

WATERSHED: Liberty Reservoir

Ms. Kimberly Brandt presented the background.

Action Required:

Two action items are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

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

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

The preliminary plan was presented to the Planning Commission for a concept review at the December 19, 2006 meeting. The meeting minutes are attached to this report.

Subdivision Plan Review:

The developer proposes to create seven residential lots, including Lot 5 which contains the existing site improvements. Access to six of the lots will be via a new public road, McGrew Court. Lot 8 will have direct access to Klees Mill Road via a single-use driveway. Right-of-way for Klees Mill Road will be dedicated to the County. Shoulder improvements to Klees Mill Road will be made by the developer along the property frontage.

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

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

In reviewing the plans for construction of the permanent cul-de-sac, the concerns with drainage that were expressed by an adjoining property owner during the Planning Commission concept review were considered and addressed. The reviewers for Engineering and Water Resources have approved the design of the permanent cul-de-sac.

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

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

The subdivision was subject to citizen involvement during the Subdivision Advisory Committee meetings on April 28, 2003, August 30, 2004 and December 27, 2004. Citizens who spoke at the meetings and correspondence from citizens included with the previous staff report expressed concern with the extension of Orchard Dale Drive into the site for access. As has been stated, this is not proposed. Concerns were also expressed with additional wells being installed in the area.

Chapter 103 Recommendation:

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

1. That the final subdivision plan meet the requirements of Chapter 71.
2. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
3. That a forest conservation easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
4. That a water resource protection easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
5. That a floodplain easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
6. That a stormwater management easement and maintenance agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneous with recordation of the plat.
7. That the areas shown as Parcel A and Parcel B be dedicated to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
8. That the temporary easements for the Orchard Dale Drive cul-de-sac be converted to permanent easements via recordation of an amended plat of Lynn Lee Park II, Section 3 and recordation of a deed of easement. Recordation of the amended plat and the deed of easement must occur prior to or simultaneous with recordation of the plat of the McGrew Property subdivision.

CONCURRENCY MANAGEMENT REPORT

Mr. Brian O'Malley presented the background.

Subdivision: P-03-007, McGrew Property

No. of Residential

Units: 7 (6 new, 1 existing)

Schools: Mechanicsville Elementary
Westminster West Middle
Westminster High

Roads: Klees Mill Road

Fire and EMS: Gamber

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

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of January 31st, 2008 was 173,903. 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 148 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 February 2007 through January 2008 was 79 officers. Based on a total of 227 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of January was 1.31.

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 1.28 by the end of FY 2008 – approaching inadequate.

Schools:

The Carroll County Public Schools responded that Mechanicsville Elementary, Westminster West Middle, and Westminster High are adequate for all years FY 08 through FY 13.

The enrollment projections indicate that Mechanicsville Elementary will increase from 94 to 106% of capacity during the current 6-year CIP cycle. In the Mechanicsville Elementary attendance area 7 additional residential developments, comprised of approximately 71 lots, are currently in the review process. There are approximately 56 lots in the Mechanicsville attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Westminster West Middle will range between 102 and 92% of capacity during the current 6-year CIP cycle. In the Westminster West attendance area 16 additional residential developments, comprised of approximately 255 dwelling units are currently in the review process. The Roop's Mill development in the City of Westminster accounts for 141 of the dwelling units currently in the pipeline. There are approximately 98 lots in the Westminster West area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate for Westminster High that the percentage of capacity will fall from 95 to 82 during the current 6-year CIP. In the Westminster High attendance area 27 additional residential developments, comprised of approximately 403 dwelling units, are currently in the review process. The largest is the Roop's Mill development consisting of 141 units. There are approximately 162 residential units in the Westminster High area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Gamber emergency services district. The 2007 4th quarter late and no response statistical data indicates that of the first due total fire calls in the Gamber district, 0.00% were categorized as no responses, and 0.00% as late and no responses. Of the first due emergency medical service calls in the Gamber district, 0.00% were categorized as no responses and 0.00% as late and no responses. Gamber meets adequate late and no response criteria.

With regard to fire call response time, for the one-year period of 1/1/07 to 12/31/07 Gamber had an average response time of 5 minutes and 35 seconds – adequate.

With regard to emergency medical call response time, for the one-year period of 1/1/07 to 12/31/07 Gamber had an average response time of 6 minutes and 31 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over County bridges – adequate.

Roads:

The Carroll County Department of Public Works responded that Klees Mill Road, an urban minor collector, is rated adequate, i.e. Level of Service "C" or better. The projected traffic count of 2,551 Average Daily Trips on an urban minor collector is considered Level of Service "B."

Staff Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4) states "If . . . a public facility or service is approaching inadequate during the current CIP, the Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage."

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

1. Fire/EMS, roads, and schools are considered adequate, police are considered approaching inadequate.
2. The tentative building permit reservations are for 3 lots in FY 09 and 3 lots in FY 10.
3. The tentative 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.

Public Comments:

Mr. Richard Hoff, 1013 Orchard Dale Drive, questioned whether the drainage would change if the cul-de-sac was changed to permanent status.

Mr. Ron Church, Bureau of Engineering, explained that Orchard Dale Drive was originally recorded as a temporary cul-de-sac with the understanding that when the next property was developed it would be continued. He noted that based on the current environmental regulations, staff felt it would be advisable to allow the cul-de-sac to remain to protect the environmentally sensitive areas. Mr. Church explained that Mr. Jim Mirfin from Roads Operations has determined that the stormwater drain is functioning properly and no changes will be required. He noted that the blacktop curb would be removed and replaced with concrete curb which is permanent.

Mr. Kurt Dahlke, 1009 Orchard Dale Drive, stated with the current drainage situation, soils are eroding away from his trees and they are being undermined. He noted that the drainage system was supposed to be temporary. Mr. Dahlke requested that the drainage be directed to the stream. He indicated the County has been out to the site and placed rocks in the ditch, but it is only a temporary fix until the next year.

Mr. Barnhart, BPR, indicated that the trees Mr. Dahlke is speaking of are planted in a permanent drainage and utility easement as noted on the recorded plat.

Mr. Church noted that the area where the trees are located was created as a permanent easement when Lynn Lee Park was created. He indicated he had looked at the area in the field, and it appeared to be stable. Mr. Church noted that Roads Maintenance staff did not find any issues with the drainage area.

Mr. Baile questioned whether the water was coming from the existing development.

Mr. Church indicated that was correct.

Mr. Schuster questioned whether any improvements could be made when the cul-de-sac was changed from temporary to permanent to help Mr. Dahlke with his drainage issues.

Mr. Church stated that if there are trees planted in that area, they are planted within a permanent easement.

Mr. Chadwick suggested that Mr. Church speak to Mr. Dahlke after the meeting.

Decision:

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

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

PRELIMINARY AND FINAL SUBDIVISION PLAN REVIEW:

a. M-07-044, Herb Estates

A. M-07-044, HERB ESTATES

LOCATION: Terminus of King Arthur Court, Southwest of Robin Hood Way, 4th Election District

OWNER: Ronald & Constance Herb, 2800 Branton Avenue, Sykesville, MD 21784

DEVELOPER: Donald Jenkins, 2800 Branton Avenue, Sykesville, MD 21784

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

ZONING: Conservation

ACREAGE: 5.386 acres

NO. OF LOTS: 1

WATERSHED: Liberty Reservoir

Ms. Kimberly Brandt presented the background.

Action Required:

Four actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

3. 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.
4. 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 unimproved. A relatively small area of the property closest to King Arthur Court has been cleared; most of the property is wooded. A stream crosses the northwest corner of the site. The Maryland Department of Natural Resources is the adjoining property owner to the west and south.

Plan Review:

The subject property was included in a 34.85-acre tract described in a deed dated July 20, 1961. In 1973, 29.82 acres of the property was platted with the recordation of London Bridge Estates, Section 4. A copy of the subdivision plat is attached to this report.

The subject property is the balance of the tract. It is an irregularly shaped parcel in the Conservation Zoning District. In 1980, the Board of Zoning Appeals granted a variance to reduce the minimum required lot width from 300 feet to 150 feet. A copy of the decision is attached to this report. The lot satisfies the minimum lot size and building setback requirements of the Conservation District.

The house proposed for the lot will be served by a private well and a septic system. The requirements of stormwater management will be satisfied through grading. No landscaping or forest conservation is required. A forested water resource protection easement will be granted to the County along the stream in the northeast corner of the site.

Access to the lot will be provided via a private driveway on King Arthur Court. The developer is required to install a permanent terminus for King Arthur Court. This will be constructed partially on the lot; the County will be granted an easement for maintenance and use of the terminus. The Department of Public Works has stated that a Public Works Agreement and bond will not be required for this work, but the work must be completed prior to the issuance of a Use-and-Occupancy permit.

The Bureau of Development Review has received no correspondence concerning this development.

Chapter 103 Recommendation:

Staff recommends approval of the Preliminary Plan and the Final Plan subject to the following conditions:

1. That any changes to the plans as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.
2. That the area shown as a Forested Water Protection Easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with recordation of the plat.
3. That the area shown as a Special Purpose Easement for placement, use and maintenance of a permanent terminus be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with recordation of the plat.

Discussion:

Ms. Brandt distributed copies of a letter from an adjoining property owner. She noted that Ms. Terri Fair, Bureau of Resource Management, had visited the site that morning. Ms. Brandt indicated that Ms. Fair found that no trees or debris were deposited on State land, and the trees being removed are within the property owner's right. She noted that all approvals have been received.

Mr. Schuster questioned whether staff had evaluated the large maple tree located on the property line that was mentioned in the letter.

Ms. Brandt indicated that she had provided Mr. Jenkins with a copy of the letter and requested that he work with the adjoining property owner.

Mr. Chadwick questioned whether the property owner who submitted the letter was still concerned after Ms. Fair's visit.

Ms. Brandt indicated that Ms. Fair had spoken with the property owner, and they no longer seemed concerned after Ms. Fair's visit to the site.

CONCURRENCY MANAGEMENT REPORT

Mr. Brian O'Malley presented the background.

Subdivision: M-07-044, Herb Estates

Schools: Mechanicsville Elementary
Westminster West Middle
Westminster High

Roads: King Arthur Court

Fire and EMS: Gamber

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

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of February 28th, 2008 was 173,978. 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 148 funded officer positions. Since the staffing level at the Maryland State Police Barracks can change monthly, an average staffing level taken over the previous twelve months is used. The average staffing level at the Maryland State Police Barracks for the period March 2007 through February 2008 was 79 officers. Based on a total of 227 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of February was 1.30.

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 1.28 by the end of FY 2008 – approaching inadequate.

Schools:

The Carroll County Public Schools responded that Mechanicsville Elementary, Westminster West Middle, and Westminster High are adequate for all years FY 08 through FY 13.

The enrollment projections indicate that Mechanicsville Elementary will increase from 94 to 106% of capacity during the current 6-year CIP cycle. In the Mechanicsville Elementary attendance area 7 additional residential developments, comprised of approximately 76 lots, are currently in the review process. There are approximately 56 lots in the Mechanicsville attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Westminster West Middle will range between 102 and 92% of capacity during the current 6-year CIP cycle. In the Westminster West attendance area 16 additional residential developments, comprised of approximately 260 dwelling units are currently in the review process. The Roop's Mill development in the City of Westminster accounts for 141 of the dwelling units currently in the pipeline. There are approximately 98 lots in the Westminster West area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate for Westminster High that the percentage of capacity will fall from 95 to 82 during the current 6-year CIP. In the Westminster High attendance area 27 additional residential developments, comprised of approximately 408 dwelling units, are currently in the review process. The largest is the Roop's Mill development consisting of 141 units. There are approximately 162 residential units in the Westminster High area that have been

recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Gamber emergency services district. The 2007 4th quarter late and no response statistical data indicates that of the first due total fire calls in the Gamber district, 0.00% were categorized as no responses, and 0.00% as late and no responses. Of the first due emergency medical service calls in the Gamber district, 0.00% were categorized as no responses and 0.00% as late and no responses. Gamber meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 3/1/06 to 2/29/08 Gamber had an average response time of 6 minutes and 20 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 3/1/06 to 2/29/08 Gamber had an average response time of 6 minutes and 30 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over County bridges – adequate.

Roads:

The Carroll County Department of Public Works responded that King Arthur Court, a local urban road, is rated adequate.

Staff Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4) states “If . . . a public facility or service is approaching inadequate during the current CIP, the Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.”

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

1. Fire and emergency medical services, roads and schools are considered adequate, police are considered approaching inadequate.
2. The tentative building permit reservation is for 1 lot in FY 09.
3. The tentative 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.

With regard to a final plan, Chapter 71-6E(4) of the Code of Public Local Laws and Ordinances of Carroll County states “For projects that received a conditional approval and tentative

recordation schedule at the preliminary plan stage, the Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Commission.” Therefore, staff recommends that the Planning Commission approve the final plan with conditions as follows:

1. Fire and emergency medical services, roads and schools are considered adequate, and police service is considered approaching inadequate.
2. The building permit reservation is for 1 lot in FY 09, provided that the plat be recorded prior to any permit being issued.
3. The recordation deadline be set for 24 months from the date of preliminary approval.
4. Building permit reservations be allowed to roll over annually until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Mr. Donald Jenkins, 2800 Branton Avenue, requested the building permit reservation be changed to FY08 instead of FY09 if the project is approved.

Ms. Brandt indicated that a Public Works Agreement is not required for this project. She noted that the construction of the permanent turnaround would be conditioned on the use and occupancy permit. Ms. Brandt stated that it was possible the project could be recorded within the next month.

Mr. Schuster questioned whether staff had any objections to the request.

Mr. O’Malley indicated he had no objection.

Mr. Chadwick questioned whether there would be a problem if the building permit reservation was not used in FY08.

Mr. O’Malley noted that the fourth condition of approval allows the building permit reservations to roll over until the sunset provision takes effect.

Mr. Wertz indicated the zoning certificate was issued in 1980. He questioned whether there was an expiration date.

Ms. Terri Jones indicated they had probably been issued a zoning certificate and were therefore vested. She noted it would have to be researched.

Ms. Brandt stated that the Office of Zoning was provided with the plan and did not raise any concerns.

Decision:

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

In accordance with Chapter 71, the Commission, on motion of Mr. Chadwick, seconded by Mr. Schuster, and unanimously carried, conditionally approved the preliminary plan amending the second condition to read FY08, but subject to the four conditions, as amended. The Commission also approved the final plan subject to the four conditions contained in the staff report changing the Fiscal Year from 09 to 08.

CONCEPT SUBDIVISION PLAN REVIEW:

a. P-05-007, Walnut Ridge, Section 8

Mr. Baile noted that he and Mr. Fogle serve on the Carroll County Fair Board together.

A. P-05-007, WALNUT RIDGE, SECTION 8

LOCATION: South side of Old Westminster Pike, East of Woodside Drive, Election District 7

OWNER: D&D Enterprises, 580 Obrecht Road, Sykesville, MD 21784

DEVELOPER: Same as Owner

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

ZONING: R-20,000

ACREAGE: 15 acres

FIRE DISTRICT: Westminster

WATERSHED: Liberty Reservoir

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 unimproved.

Plan Review:

The developer proposes to create five lots that vary in size from 1.49 acres to 6.22 acres. The lots will have septic systems and be served with Westminster water.

Access to proposed Lot 120 will be via a single-use driveway on Woodside Drive. Access to proposed Lots 117, 118, 119 and 121 will be from an extension of Boxwood Avenue, a County road. The existing temporary cul-de-sac that was constructed with Walnut Ridge, Section 5 will be removed.

Stormwater management will be achieved via installation of drywells on the lots and an underground facility on the east side of the cul-de-sac. The requirements of forest conservation will be addressed with the purchase of forest bank credits.

The concept plan was subject to citizen involvement at the October 29, 2007 Technical Review Committee meeting. The citizens present asked questions about the location of the lots and access. No concerns or objections were voiced. One letter has been received. It is attached along with the Bureau of Development Review response.

Discussion:

Mr. Wertz questioned whether there was a drainage way or stream located in the wooded strip.

Mr. Martin Rickell, CLSI, indicated there was no drainage way in the wooded strip. He noted it is an area of woods with steeper slopes, a hillside.

Mr. Chadwick questioned the principals making up D&D Enterprises.

Ms. Brandt indicated they were David and Dale Fogle. She noted that she would make sure that information was provided in the next staff report.

Mr. Schuster asked staff to be prepared at the next review to discuss the overall plans for Old Westminster Pike and ultimate right-of-way dedication.

Mr. Wertz expressed concerns with Lots 119, 120, and 121 and screening along Old Westminster Pike. He questioned the basis for the request of a 12 foot minimum building line (MBL).

Mr. Rickell indicated the 12 foot MBL would be considered the rear setback. He noted that these plans do not show the heavy landscaping that is required along Old Westminster Pike per the Landscape Ordinance.

Mr. Wertz stated that the 12 foot setback was inadequate, and the regulations require a greater setback. He read the language from the Code and interpreted the regulations as requiring a 40 foot setback.

Mr. Rickell indicated that was not a problem.

Mr. Wertz noted that a 50 foot setback is preferable. He expressed a need to see the ultimate right-of-way for Old Westminster Pike. Mr. Wertz questioned how yard areas along Old Westminster Pike would be screened and how fences and sheds would be handled.

Mr. Rickell indicated a Class A screen is required by the Landscape Ordinance.

Mr. Wertz stated that screening should be between the Old Westminster Pike and any fences. He suggested that the dwelling on Lot 121 be moved closer to the cul-de-sac and further from Old Westminster Pike to give it more of a rear yard.

Mr. Rickell indicated that could be fine tuned at the preliminary plan stage.

Mr. Wertz questioned what kind of stormwater management facility would be utilized at the cul-de-sac.

Mr. Rickell indicated an underground infiltration trench will be utilized.

Mr. Wertz questioned who would maintain the facility.

Mr. Rickell indicated that while it would be County owned, the homeowners association would mow it because it is an underground facility.

SPECIAL REPORTS:

- a. P-07-002, Klees Mill Overlook
- b. P-05-016, Candle Light

A. P-07-002, KLEES MILL OVERLOOK

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

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

DEVELOPER: HH Land, LLC, 1030 Liberty Road, Suite 100, Eldersburg, MD 21784 (Brett Boettner)

ENGINEER: CLSI, 8445 Progress Drive, Suite BB, Frederick, MD 21701

ZONING: R-40,000

ACREAGE: 14.83

FIRE DISTRICT: Gamber

WATERSHED: Liberty Reservoir

NO. OF LOTS: 9

Ms. Kimberly Brandt presented the background.

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

It has been suggested by many residents that the property to be subdivided be accessed from an extension of Marianna only. This option has been considered by the reviewers for Development Review, Engineering and Emergency Services. All three offices agree that generally connectivity is preferable; however, in this particular case it is not essential that Nottingham and Marianna be connected. The Bureau of Engineering has stated that foregoing the connection is preferable to having to install traffic calming devices on Nottingham and Marianna in the future to control vehicle speeds. The developer is amenable to installing a pedestrian connection between Nottingham and Marianna for walkers and cyclists if the Planning Commission supports that. The developer's engineer has noted that by accessing the property from Marianna only the amount of impervious surface associated with the proposed development is reduced, thereby reducing the size of the stormwater management facility. This was another area of concern for residents.

The staff recommends that the developer be permitted to proceed with the preliminary plan depicting vehicular access from an extension of Marianna Road only.

Discussion:

Mr. Wertz asked whether there was support for the pedestrian connection.

Ms. Linda Donoff, CLSI, indicated that some wooded area would need to be removed if a paved path was installed. She suggested the installation of a more natural path with wood shavings that meandered through the wooded area. Ms. Donoff stated that the developer would do whatever the Commission wished with regard to the path. She noted that she was looking for some direction from the Commission as far as making the connection of Marianna and Nottingham.

Ms. Brandt noted that during the last review before the Commission, a citizen requested a traffic study. She indicated that a scoping meeting was held, but Mr. Letnaunchyn did not think a traffic study would answer the question as to whether the road connection needs to be made.

Mr. Schuster questioned whether police agencies or fire and emergency services personnel were contacted with regard to their preferred option. He noted that the plats for both subdivisions indicated the roadways would be connected.

Ms. Brandt stated that this is not a situation wherein the property owners claim they had no idea with regard to the connection. She noted that their concern is that the connection will be used as a cut through and not carry neighborhood traffic. Ms. Brandt indicated that staff had spoken to

emergency services and they generally like to see connections, but in this case, it could work either way.

Mr. Wertz questioned whether there was any support for the connection from the public.

Ms. Brandt indicated there was no support from the public for the connection.

Mr. Baile questioned the length of Marianna Road.

Ms. Donoff indicated that the policy regarding 1,500 feet is from the last intersection. She noted that from Dewberry forward, Marianna is nowhere close to 1,500 feet.

Mr. Wertz noted that the dwelling on Lot 6 will be located close to the landscape berm that will provide screening along Klee Mill Road. He questioned whether the dwelling could be moved closer to the cul-de-sac.

Ms. Donoff indicated the dwelling has been moved closer to the cul-de-sac and the next drawing will provide more detail on the berm. She noted there is approximately 50 feet from the landscaped berm to the back of the house.

Public Comments:

Ms. Mary Greenberg, 3428 Nottingham Road, thanked the developer for making the changes with regard to the roadway connection. She provided staff with photographs of recent storm runoff. Ms. Greenberg indicated teenagers currently cut through the woods. She noted that the current proposal addresses the needs of the community.

Ms. Margaret Hanchak, 3811 Beamers Court, expressed concern about the traffic conditions at the intersection of Klee Mill Road and MD 32. In particular, she mentioned the difficulty in pulling out onto MD 32 when cars are parked in the last row of parking at the establishment on the corner. Ms. Hanchak suggested that a study be conducted and changes made to the parking area.

Mr. Peter Pandolfini, 3603 Oxwed Court, indicated he had spoken before the Commission previously and requested a traffic study be conducted. He noted that the report is very responsive to the requests of the community. Mr. Pandolfini stated his support for the extension of Marianna and suggested the pedestrian access would benefit both communities.

Ms. Stacy Sobieck, 3400 Nottingham Road, indicated she was not in support of connecting the roadways because of the cut through traffic.

Ms. Virginia Purvis, 1040 Klee Mill Road, stated that extending Marianna would be much more acceptable to the community. She noted that the traffic generated by nine houses is preferable to a cut through situation. Ms. Purvis indicated that she would prefer any pathway in the wooded area to disturb as few trees as possible. She thanked the Commission for taking another look at the project.

Mr. Wertz questioned whether the scope of the traffic study had been finalized.

Ms. Brandt questioned whether the Commission still wanted a traffic study. She noted that Mr. Letnaunchyn had explained that a traffic study will look at the impact of nine new households on the area. He had suggested that the Commission would not receive much benefit from a traffic study.

Mr. Wertz asked about the intersection of Klee Mill and MD 32.

Mr. Brauning suggested the proposed nine houses would not affect that intersection.

Mr. Baile noted that if the road connection is not going to be made, there is no need for a traffic study.

Mr. Chadwick agreed.

Mr. Horn suggested that County staff could work with the State Highway Administration to revisit the intersection of Klee Mill and MD 32. He noted that burden should not be placed on this developer.

Mr. Pandolfini indicated his original request for a traffic study was to address the road connection.

Mr. Schuster stated his support for the roadway connection. He noted that the roadway has been planned for a number of years and will benefit the larger community. Mr. Schuster indicated more burden will be placed on the intersection of MD 32 and Klee Mill Road without this connection. He noted that he understood the concerns of the neighbors, but roadway connections are important.

The Commission briefly discussed the proposed pathway. Mr. Schuster indicated he was not in favor of a pedestrian path without hearing from police and emergency services personnel.

Ms. Brandt summarized the direction of the Commission as follows: no connection will be made with Nottingham and Marianna, no traffic impact study will be completed, and no pathway will be provided.

Mr. Wertz indicated he was in favor of the pathway.

Mr. Chadwick stated he did not have a preference.

Mr. Brandt explained that the pathway was to provide additional space to ride bikes or walk. She indicated she would check with emergency services and police and provide information to the Commission in writing at the next review.

B. P-05-016, CANDLE LIGHT

LOCATION: Southwest corner of Ridge Road and Marvin Avenue, 5th Election District

OWNER: Levi Curtis, et al, 6731 Marvin Avenue, Sykesville, MD 21784

DEVELOPER: Trinity Homes, 3675 Park Avenue, Suite 301, Ellicott City, MD 21043

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

ZONING: R-10,000

AREA: 11.25 Acres (concept plan), 15.95 (proposed preliminary)

NO. OF LOTS: 36 (concept plan), 49 (proposed preliminary)

FIRE DISTRICT: Sykesville

WATERSHED: South Branch Patapsco River

Ms. Kimberly Brandt presented the background.

On September 19, 2006 the Planning Commission reviewed the concept plan of the subject subdivision. The meeting minutes are attached. The concept plan depicted 36 lots accessed from Monroe Avenue, Marvin Avenue and an internal street connecting Monroe and Marvin, but not extending beyond this development. A preliminary plan has since been submitted and has been approved by many of the reviewing agencies.

In meetings with the developer, Bureau of Development Review staff requested that they consider acquiring the properties to the south for inclusion in the development so the final segment of Monroe Avenue connecting MacBeth Way and Ridge Road could be built. Monroe Avenue is a planned major street. Barley Road, which currently terminates in a temporary cul-de-sac, could also be extended to Marvin Avenue as planned with the inclusion of these additional properties. Barley extends to Cable Drive, which connects back to Ridge Road. The Monroe and Barley connections are extremely important improvements for the area.

The developer approached the three owners of the properties to the south; all three have expressed interest in selling their properties. A sketch plan showing the proposed subdivision layout with the addition of these properties has been submitted for Planning Commission consideration. The sketch plan depicts 49 lots accessed from Monroe and Marvin. The internal street connecting Monroe and Marvin has been replaced with the extension of Barley.

The developer is seeking Planning Commission approval of the revised layout including these properties before entering into contracts to purchase the properties to the south. The Bureaus of Development Review and Engineering support the layout shown on the sketch plan. It is recommended that the developer be permitted to proceed with the layout and density shown on the sketch plan. If this is permitted, a revised preliminary plan will be submitted to all reviewing agencies, including those that have approved the preliminary plan showing 36 lots.

Discussion:

Mr. Wertz questioned the purpose of the two open space areas at the intersection of Barley Road and Monroe Avenue.

Mr. Martin Rickell, CLSI, indicated they would be landscaped areas, but there are no open space requirements for this subdivision.

Mr. Wertz indicated they could be more of a liability than an asset. He questioned whether any thought had been given to making the lots wider and eliminating those areas. Mr. Wertz expressed concern about who would maintain those areas. He questioned the purpose of parcels D, E, and F on Ridge Road.

Mr. Rickell indicated they were part of an open space area along Ridge Road in the original plan.

Mr. Wertz questioned whether that is a steep slope area.

Mr. Rickell indicated the area along Ridge Road is definitely a steeply sloped area.

Mr. Wertz requested that the developer consider keeping the same number of units while making the lots wider. He noted that the open space areas do not serve any real purpose. Mr. Wertz questioned whether there were any standards with regard to the maximum length of blocks. He noted that the block created between Ridge Road and Barley Road is fairly long. Mr. Wertz questioned whether there was any consideration for a mid-block connection between Monroe Avenue and Marvin Avenue.

Mr. Rickell indicated the houses that are marked were part of the original plan. He noted that on the original plan there was a road that connected Monroe Avenue and Marvin Avenue. Mr. Rickell explained that when the developer met with staff, they wanted Barley Road connected, so that road was extended instead.

Mr. Wertz requested that another connection be considered before the plan is brought back. He questioned whether all streets will have sidewalks.

Ms. Brandt indicated they would have sidewalks.

Mr. Wertz questioned whether there would be any off-site sidewalk improvements.

Mr. Rickell indicated the developer is reviewing the right-of-way situation with regard to tying in the sidewalk on Ridge Road.

Mr. Wertz questioned the width of the Monroe Avenue extension.

Mr. Rickell indicated Monroe Avenue would be 30 feet wide.

Mr. Wertz noted that he was trying to get an idea of how much through traffic could be generated and how much on street parking is anticipated. He stated the houses will have two-car garages and double wide driveways.

Mr. Michael Phau, developer, indicated that on-street parking would be discouraged.

Mr. Wertz questioned the width of the roadway.

Mr. Rickell indicated the road would be 30 feet wide.

Mr. Wertz questioned the width of Monroe Avenue near Macbeth Way.

Mr. Rickell indicated the road is 30 feet wide. He noted that the idea was to keep the road widths the same.

Mr. Wertz questioned the possibility of vertical curbs versus mountable curbs on Monroe Avenue to prevent individuals from parking on the curbs.

Mr. Rickell indicated he would discuss the possibility with Engineering Review.

Mr. Wertz questioned whether the width of Barley Road between Monroe Avenue and Marvin Avenue was 30 feet.

Mr. Rickell indicated the plan was to tie into the existing roadway and match that width.

Mr. Wertz suggested that 30 feet is excessive at that location.

Mr. Yeo indicated that the extension of Monroe Avenue from the site to Liberty Road has some existing traffic calming devices. He asked whether there was any consideration for traffic calming devices in the subdivision.

Mr. Rickell indicated there are no traffic calming requirements in the Manual. He suggested that once the roadway is constructed, calming devices may be considered.

Mr. Schuster indicated it was difficult to comment on the layout of the lots without having more information on the overall traffic impacts of the connection of Monroe Avenue to MD 26. He stated his support for the connection, but the rights-of-way, the amount of traffic from Macbeth to Ridge Road to MD 26, and the width of the roadways may have an impact on this subdivision layout. Mr. Schuster noted that he would like to take a better look at it. He mentioned that he was not sure what kind of amenities the community would have.

Mr. Phau indicated he was a little surprised the Department of Public Works wanted to extend the road. He stated that he was committed to making this development work. Mr. Phau indicated that in light of these economic times, he did not want to sign contracts to purchase property from three landowners without knowing whether the Commission will follow through. He noted that before he could make a financial commitment to three homeowners, he needs assurances that the Commission supports the layout as proposed.

Mr. Wertz indicated he did not have a problem with the overall layout and connection.

Mr. Chadwick stated the overall plan looks good, but the Commission will need further details along the way. He noted his support of the roadways and general layout.

Mr. Schuster indicated he did not understand how much traffic will be generated from Macbeth Way to MD 26. Having this information will help the Commission to understand right-of-way needs on Monroe Avenue which may affect the depths of the lot, amount of off-street parking provided, etc. Mr. Schuster indicated he was generally supportive of the subdivision as proposed.

Mr. Chadwick questioned how the developer would determine the volume of traffic anticipated to use the roadway.

Mr. Schuster indicated a traffic impact study would be required to provide that information.

Mr. Wertz suggested that the right-of-way needs would not change.

Mr. Rickell indicated there is a 50 foot right-of-way that is required for collector streets.

Mr. Phau stated that these connections allow for improved connectivity.

Mr. Horn summarized the position of the Commission, noting that there is general consensus on the layout. He suggested that this project has very unique circumstances because the property owners adjacent to this property are willing to work with the County and the developer to get this connection made. Mr. Horn noted that tweaks will be made along the way, but the developer will be allowed to proceed with this general lot layout.

PUBLIC COMMENTS/PETITIONS

There were no public comments/petitions.

Mr. Brauning questioned whether there would be a meeting on the evening of Monday, April 28.

Mr. Horn indicated there were no agenda items at this time, but he would let the Commission know whether a meeting was necessary.

There being no further business, the Commission adjourned at 12:15 p.m.

Secretary

Approved