

FINAL SITE PLAN REPORT
to the
Carroll County Planning and Zoning Commission
October 17, 2023

Prepared by
Kierstin Marple, Bureau of Development Review

SUBJECT: S-19-0030, Heird Property Assisted Living
LOCATION: East side of Houcksville Road, south of Saint Paul Road, C.D. 2
OWNER: Steven Buchman Heird, 2728 Chestnut Run Road, York, PA 17402
DEVELOPER: Same as owner
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: Agriculture
ACREAGE: 18.2764 acres
WATERSHED: Liberty Reservoir
NO. OF UNITS: 80 beds
FIRE DISTRICT: Hampstead
MASTER PLAN: Agriculture
PRIORITY FUNDING AREA: Outside
DESIGNATED GROWTH AREA: Outside
PUBLIC FACILITIES IMPACTED
ROADS: Houcksville Road
FIRE & EMS: Hampstead
POLICE: Carroll County Sheriff's Office / Maryland State Police

❖ Action Required:

Two actions are required:

1. Approval of the site plan pursuant to Chapter 155, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the site plan pursuant to Chapter 156, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **History:**

On November 19, 2019, the Planning and Zoning Commission approved a final subdivision plan for Heird Ridge & Amended Plat of Lot 1, Buchman Ridge, which has since been recorded in Plat Book 56, Page 98 (plat attached). The subject property is the 18.2764-acre Remaining Portion as noted on that plat.

The Remaining Portion is now proposed to be developed as a 5-building, 80 bed assisted living facility. On August 26, 2019, an initial site plan package was submitted to Development Review and distributed to review agencies.

The plan was subject to Citizen's Involvement on September 23, 2019, during the Technical Review Committee (TRC) meeting. Two citizens were in attendance and voiced concerns about traffic and potential impacts to their residential wells. The Health Department was in attendance and responded that the proposed development will need to provide an adequate number of wells to support the assisted living facility.

Assisted living facilities are a conditional use in the Agricultural Zoning District, thus the use required Board of Zoning Appeals (BZA) approval. Prior to BZA review, this use required a presentation to the Planning Commission for determination of density, exterior design, and site layout per Section 158.070(E)(1)(r) of the Code.

On February 18, 2020, the Planning Commission reviewed the site development plan (minutes attached) and approved the plan density, exterior design & site layout as presented.

The use was subsequently approved by the BZA in case #6229 for an 80 bed assisted living facility on December 8, 2020 (decision attached).

The plans continued through the site plan review process and were presented to the Planning and Zoning Commission again as a concept plan on August 16, 2022. No members of the public spoke at this meeting, however the Planning Commission discussed that the concept plan showed excess parking spaces available to the site. It was also discussed that the facility will be a level-three facility, which is for residents that need a high level of assistance to complete activities of daily living. Residents in level- three facilities are not generally independent or driving, thus use of the parking lot and driveway would be primarily by staff and visitors.

❖ **Existing Conditions:**

The Remaining Portion has frontage to a public road at Saint Paul Road to its north, with a 60-foot-wide strip of land which connects the bulk of the property to the road. There is a stream which bisects this strip. To the west of the property, there is an access easement that allows for the Remaining Portion to use a shared driveway, Buchman Drive. All seven users of the driveway are included in the Declaration of Maintenance Obligations, which was previously recorded by deed simultaneously with the subdivision plat.

The subject property is vacant. Adjoining properties comprise of single-family homes and farm buildings. This property and all adjoining properties are outside of the limits of municipalities and growth areas, are zoned Agricultural, and are served by private wells and septic systems.

Immediately to the south is a property under a Carroll County Land Trust preservation easement. Immediately to the north is a property in a Maryland Agricultural Land Preservation Foundation easement.

❖ **Plan Review:**

The developer proposes an 80-bed assisted living community on the Remaining Portion of Heird Ridge. The facility is comprised of five 8,970-square-foot buildings with 16 beds each. The buildings are sited around a landscaped ellipse with an encircling drive aisle and parking stalls. In the ellipse, accessible walkways lead to a gazebo and benches.

The plan indicates 80 beds and 20 employees on maximum shift (4 per building). Based on parking requirements of 1 per every 4 beds plus 1 for every 2 employees on maximum shift, the total numbers of parking spaces required for this development is 30 stalls. 53 parking spaces are shown on the site plan.

Walkways connect the parking areas along the perimeter of the ellipse, and sidewalks connect this main path to each individual building's front porch and main entrance. There is also a walking path through the ellipse. Two dumpsters are located on opposite sides of the ellipse, each with screening that complies with Landscaping requirements and consist of 6' tall white vinyl privacy fences bordered by evergreen shrubs.

The buildings are white with black roofs and have the appearance of a Cape Cod style home with covered porches and gabled roofs. Residential-style lamp posts proposed in the parking lot are 12 feet high. One 4'-7" wide by 4' tall wooden entrance sign is proposed where Buchman Drive meets Houcksville Road, and a 3'-7" wide by 6' tall wooden directional sign is proposed where Buchman Drive meets the internal drive aisle. Lights are not proposed for either sign.

Water and sewer will be provided via individual private wells and septic systems for each building, and the Health Department has issued final approval of the plans. The buildings will also be equipped with an automatic fire sprinkler system. Each building will have their own 4,000 gallon water tank and control system, which complies with Fire Protection requirements. Fire Protection has approved the plan, which also shows that the full length of Buchman Drive will be 20' wide in order to accommodate emergency vehicles.

The Health Department has issued final approval of the plan, which includes 5 independent wells and septic systems to serve the 5 buildings.

The State Highway Administration approved the plan with no comment, as access is to a County road. Engineering Review has approved the plan, which uses a private use-in-common driveway to access an existing County Road.

Site Compliance has approved the plan, which provides adequate accessible parking spaces and indicates that all walkways will meet accessibility requirements.

The plan has received final Stormwater Management approval. Requirements are addressed by means of 7 micro-bio retention ponds throughout the site that are connected by underground pipes, and one area of grading that will serve as a quantity management area to absorb water into the grass.

Zoning has approved the plan, and Planning has confirmed that the plan complies with the applicable master plans.

Soil conservation and Grading have approved the plan, Water Resource Management has approved the plan with no comments, and Floodplain is exempt.

Forest Conservation will be addressed with on-site forest conservation easements. The plan shows three areas of forest conservation easements on the northeastern side of the site. Two easement areas are located where the parcel narrows and connects to Saint Paul Road. A stream bisects this strip of land, and there is a 0.31 acre and a 1.18 acre forest conservation area on the north and south sides of the stream, respectively. An additional 1.30 acre easement area is also provided on the main portion of the property, to the northeast of the stormwater quantity management area.

Landscaping is approved. The plan shows a variety of landscape plantings throughout the site, including trees and shrubs around the bulk of the perimeter, trees and planting beds around the drive aisle and parking areas, and shrubs around the dumpster enclosure.

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the site development plan subject to the following conditions:

1. That the Developer enters into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That a Forest Conservation Easement be granted to the Carroll County Commissioners simultaneously with the Public Works Agreement.
3. 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 the Public Works Agreement.
4. That a Landscape Maintenance Agreement be recorded simultaneously with the Public Works Agreement.
5. That any changes to this plan will require an amended site development plan to be approved by the Carroll County Planning and Zoning Commission.

CONCURRENCY MANAGEMENT REPORT

❖ **Background:**

Residential site plans are applicable to the requirements of Chapter 156 (Adequate Public Facilities and Concurrency Management). The review of the project for compliance with Available Threshold Capacity (ATC) occurs when the final site plan is presented to the Commission. Chapter 156 defines residential development as “All proposed buildings or structures which will contain one or more dwelling units or equivalent dwelling units. This term includes an accessory dwelling, nursing home, continuing care retirement community, and assisted living facility. This term does not include a hospital, hotel, motel, or similar building used for transient overnight stays.” The ATC forms were distributed to the appropriate agencies.

The site plan is for approval of 80 assisted living units. In accordance with Chapter 156, a dwelling unit is defined as “A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.” The code defines multi-unit residential developments units that do not contain complete dwelling units as equivalent dwelling units. The calculation to convert to dwelling units is as follows:

- (1) For the first eight occupants, one dwelling unit; and
- (2) For every three occupants after the first eight occupants, one additional dwelling unit. In accordance with the Code, the 80 assisted living units would convert to 25 equivalent dwelling units.

In accordance with § 156.04 BUILDING PERMITS

(E) Building permit limits:

- (2) For multi-unit residential site plans, the county shall not issue a building permit or permits for more than 50 residential dwelling units or equivalent dwelling units, as applicable for the project, per fiscal year.

❖ **Threshold Review:**

Police Services:

The estimated Carroll County population as of August 2023 was 176,438. There are currently 222 sworn law officers with 14 sworn personnel currently in training; an additional 35 positions are funded. Based on a total of 271 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of August 2023 was 1.53. Including the development projects in the pipeline along with the funded positions, the ratio will be over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000.

Fire and Emergency Medical Services:

The proposed development is located in the Hampstead fire and emergency medical services district. The two-year period of September 1, 2021 through August 31, 2023, late and no response statistical data indicates that of the first due total fire calls in the Hampstead district, 1.7% were categorized as no responses, and 16.94% as late and no responses. Of the first due

emergency medical service calls, 1.11% were categorized as no responses and 1.26% as late and no responses. Hampstead is rated approaching inadequate for late and no response criteria for fire services, and adequate for emergency medical services late and no response criteria.

With regard to fire call average response time, Hampstead had an average response time of 8 minutes and 31 seconds – approaching inadequate. With regard to emergency medical call average response time, for the same period, Hampstead had an average response time of 5 minutes and 48 seconds – adequate. Services are rated adequate if when utilizing an average over the previous 24 months, response time is less than 8 minutes from time of dispatch to on-scene arrival with adequate apparatus and personnel.

The primary route from the firehouse to the proposed development does not include travel over bridges that cannot adequately support fire and emergency response apparatus – adequate.

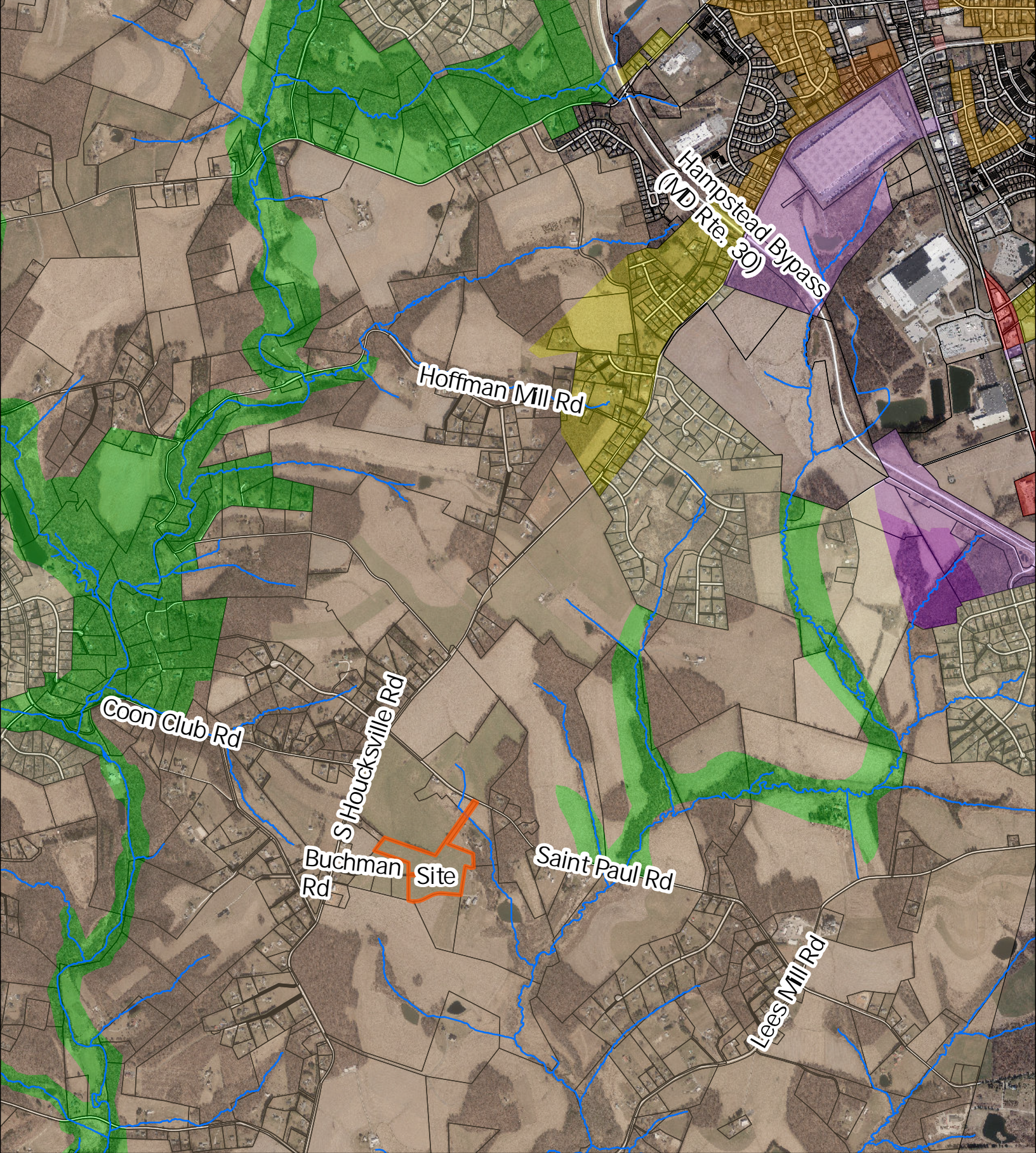
Roads:

Houcksville Road is rated adequate.

❖ Staff Recommendation:

With regard to a final residential site plan, Chapter 156.06-E(4)(c) states “If adequacy was not determined by the Commission at the preliminary plan stage and the Commission determines that all public facilities and services are adequate, the Commission may approve the plan and issue a recordation schedule and building permit reservations.” Staff recommends that the Planning Commission approve the final plan as follows:

1. police, fire and emergency services, water and sewer services, and roads are considered adequate; and,
2. that a building permit be issued before the site plan becomes void, i.e. within 18 months of the date of written Planning Commission approval.



Zoning_County	 R-40,000	 C-2
Zoning	 R-20,000	 I-1
	 R-10,000	 I-2
	 R-7,500	 C-1
	 Agriculture	 HYD_StreamsLidar
	 Conservation	

Heird Property Assisted Living S-19-0030



Property line shown hereon are from tax maps and therefore are approximate and are shown for illustrative reference only. Photograph date: Spring 2020



**Heird Property
Assisted Living
S-19-0030**



Property line shown hereon are from tax maps and therefore are approximate and are shown for illustrative reference only. Photograph date: Spring 2020

❖ **Recommendation:**

Staff recommends that the Planning Commission approve the concept plan in regards to the traffic, density, exterior design, and site layout of the proposed assisted living facility subject to the following condition:

1. That the final site plan include any conditions placed by the Board of Zoning Appeals.

Staff recommends that the Planning Commission delegate final approval to the Chair.

Discussion:

Clay Black presented the staff report.

Carlos and Mary Raver, owners, were present.

Decision:

On motion of, Mr. Wothers seconded by Ms. Kirkner and carried, the Commission voted to approve the concept plan with regards to the traffic, density, exterior design and site layout of the proposed assisted living facility and subject to the one condition stated in the staff report and delegate final approval of the plan to the Chair.

SPECIAL REPORT

SUBJECT: S-19-0030, Heird Property Assisted Living
LOCATION: East side of Houcksville Road, south of Saint Paul Road, E.D. 8
OWNER: Steven Buchman Heird, 2728 Chestnut Run Road, York, PA 17402
DEVELOPER: same as owner
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: Agriculture
ACREAGE: 18.2764 acres
WATERSHED: Liberty Reservoir
NO. OF UNITS: 80 beds
FIRE DISTRICT: Hampstead
MASTER PLAN: Agriculture
PRIORITY
FUNDING AREA: outside
DESIGNATED
GROWTH AREA: outside

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 158.070(E)(1)(r) for review of the site development plan and traffic study, and determinations regarding density, exterior design, and site layout. **Action is required.**

❖ **Existing Conditions:**

On November 19, 2019, the Planning and Zoning Commission approved a final plan of subdivision for Heird Ridge & Amended Plat of Lot 1, Buchman Ridge which is now in the process of recordation (plat attached). The subject property is the 18.2764-acre Remaining Portion as noted on that plat.

The Remaining Portion has property frontage at Saint Paul Road with a 60-foot-wide strip of land connecting the bulk of the property to Saint Paul Road. There is a stream which bisects this strip. An access easement is depicted on the Heird Ridge plat, and will be recorded by deed, for the Remaining Portion to use the shared drive, Buchman Drive.

Buchman Drive will provide access from Houcksville Road for six residential lots and the Remaining Portion. They are all to be included in the Declaration of Maintenance Obligations which will be recorded with the subdivision plat.

The subject property is vacant. There are several single-family homes and farm buildings located in the vicinity. This property and all adjoining properties are zoned Agricultural and are served by private wells and septic systems. Immediately to the south is a property under a Carroll County Land Trust easement. Immediately to the north is a property in a Maryland Agricultural Land Preservation Foundation Easement.

❖ **Plan Review:**

On August 26, 2019, an initial site development plan package was submitted to Development Review and distributed to review agencies. The developer proposes an 80-bed assisted living community on the Remaining Portion of Heird Ridge. The facility is comprised of five 8,970-square-foot buildings with 16 beds each. The buildings are sited around an ellipse with an adjacent drive aisle and parking stalls. In the ellipse, walkways lead to a gazebo and benches.

Assisted living facilities are a conditional use in the Agricultural Zoning District requiring Board of Zoning Appeals authorization. Prior to BZA review, the Planning Commission shall review the site development plan and traffic study, and make determinations regarding density, exterior design, and site layout.

☐ **§ 158.070 “A” AGRICULTURAL DISTRICT.**

(E) Conditional uses requiring BZA authorization.

(1) Conditional uses requiring BZA authorization shall be as follows:

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

Chapter 158 of the Carroll County Code of Public Local Laws and Ordinances, the Zoning Ordinance, requires a minimum lot size of three acres for this use in the Agricultural Zoning District. The site is 18.2764 acres.

The Zoning Code states the density for assisted living facilities in the Agricultural Zoning District as 1 bed for every 3,000 square feet with the specification that for those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Planning Commission and Health Department. The development is on a property with an area of 796,120 square feet. The maximum density at a ratio of 1 bed for every 3,000 square feet

would be 265. This plan proposes 80 beds. The Health Department has commented that a well and septic plan with percolation test results and septic calculations must be provided.

Additionally, Chapter 158 sites the setbacks for assisted living facilities as 50 foot at the front, 40 foot at the side, and 50 foot at the rear with increased provisions for these distances being determined by the Planning Commission and Health Department. The Health Department has no comments pertaining to the minimum building lines as proposed.

§ 158.070 “A” AGRICULTURAL DISTRICT.

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

(2) Nursing homes and assisted living facilities.

Use	Lot Area	Lot Width (feet)	Density	Front Yard Depth (feet)	Side Yard Width (each side yard) (feet)	Rear Yard Depth (feet)
Nursing homes, assisted living facilities	3 acres	150	1 bed/3,000 sq. ft. ¹	50 min. ₂	40 min. ₂	50 min. ₂
<p>¹ For those areas in excess of 180,000 square feet, the determination of the density factor will be made by the Commission and the Health Department upon the review and approval of the site development plan.</p>						
<p>² As lot area increases above minimum of 45,000 square feet, increased provision for front, side, and rear yards shall be determined by the Planning Commission and the Carroll County Health Department based on the site development plan.</p>						

Trip Generation Data on sheet 1 indicates that the use will generate 22 peak hour trips. Based on the Department of Public Works Design Manual Volume 1 for Roads and Storm Drains, generating 22 peak hour trips does not require a Traffic Study.

The plan indicates 80 beds and 20 employees on maximum shift (4 per building). Based on parking requirements of 1 per every 4 beds plus 1 for every 2 employees on maximum shift, the total numbers of parking spaces required for this development is 30 stalls. 63 parking spaces are shown on the site plan. Walkways connect the parking area with each individual building’s front porch and main entrance. One dumpster is located in the ellipse between building Unit #1 and building Unit #2. Screening is proposed as required by the Landscaping Ordinance.

Water and sewer will be provided via a private wells and septic systems. The buildings will be equipped with an automatic sprinkler system to comply with Fire Protection. Fire Protection commented that Buchman Drive shall be 20 feet in width for fire service access and consideration shall be given to ambulance parking on site, out of the drive aisle.

The building elevations are included on sheets 8 and 9 of the plan set. The buildings have the appearance of a Cape Cod style home with covered porches and gabled roofs. Residential-style lamp posts proposed in the parking lot are 12 feet high. One 4’-7” wide by 4’-0” high entrance sign is proposed at Houcksville Road as well as 3’-7” wide by 6’-0” high directional signs.

On September 10, 2019, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. There were no comments to be considered.

The plan was subject to Citizen's Involvement on September 23, 2019 during the Technical Review Committee (TRC) meeting. Two citizens were in attendance and voiced concerns about traffic and potential impacts to their residential wells. The Health Department was in attendance and responded that the proposed development will need to provide an adequate number of wells to support the assisted living facility.

The concept review is in the technical review process and the plan will be back before the Planning and Zoning Commission for review and consideration of a concept plan.

Discussion:

Laura Matyas presented the staff report.

Steven and Jesse Heird, owners, Clark Shaffer, Attorney, Jeff Zigler, CLSI, were present.

The Commission discussed zoning and where assisted living facilities are a permitted use.

Mr. Wothers asked for clarification on the width of the driveway.

Mr. Zigler stated the driveway can be as wide as necessary.

Decision:

On motion of Mr. Soisson, seconded by Ms. Kirkner and carried, the Commission voted to approve the plan density, exterior design and site layout as presented.

PUBLIC COMMENT

There was no other public comment.

ADJOURNMENT

On motion of Mr. Soisson, seconded by Mr. Wothers and carried, the Commission adjourned at approximately 10:48 a.m.

Secretary

Approved

Tax Map/Block/Parcel
No. 47-12-145,516,515,517,518
Case 6229

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Jesse and Steven B. Heird
P.O. Box 383
Finksburg, MD 21048

ATTORNEY: Clark Shaffer, Esq.
Shaffer and Shaffer, LLP
73 East Main Street
Westminster, MD 21157

REQUEST: A request for a conditional use for an approximately 80 bed assisted living facility.

LOCATION: The site is located on the East side of Houcksville Road and South of Saint Paul Road in Finksburg, Maryland, on property zoned "A" Agricultural District in election District 8.

BASIS: Code of Public Local Laws and Ordinances, Section 158.070(E)(r).

HEARING HELD: December 2, 2020

FINDINGS AND CONCLUSION

On December 2, 2020, the Board of Zoning Appeals (the Board) convened to hear a request for a conditional use for an approximately 80 bed assisted living facility. Based on the testimony and evidence presented, the Board made the following findings and conclusions.

Martin W. Hackett testified that his company, CLSI, worked on this project. He was qualified as an expert witness in land use, land planning, design, and zoning. The Board accepted him as an expert witness. He stated that a concept plan has already been reviewed and approved by the Planning Commission. The assisted living facility would include five buildings and there would be sixteen beds in each building. The buildings would be residential looking and have a low profile. A conceptual storm water management plan has been completed and is available. The use in common driveway would be extended out to twenty feet. He stated that the site plan review process would include a lighting plan, and it would show bleeding across property lines. He was responsible for the Exhibit 1 documents created by CLSI.

Steven Heird testified as an applicant in the case. He is a medical doctor with a practice in Pennsylvania since the 1990s. He explained to the Board the genesis for the project. His brother Jesse was an airplane pilot. After the experience of finding a place of quality for his

mother, he and his brother wanted to offer a service for end of life care to seniors. He and his brother are in a service industry. Jesse is retired and would be directly involved in the management and operations of the assisted living facility. He would still need to go through a licensing process through the Maryland State Department of Health and Mental Hygiene. It is the expectation that most of the residents would not have automobiles. There would be limited outdoor activities for the residents. He wanted to model the project after the Golden Crest product.

C. Nicholas Driban, P.E. PTOE, who works for Lenhart Traffic Consulting, Inc. testified as a traffic engineer. He was accepted as an expert in traffic engineering by the Board. He is responsible for the traffic report noted in Exhibit 3. He wrote that per Carroll County staff, a full traffic impact study is not required since the site generates fewer than 30 peak hour trips. The proposed assisted living facility would place a very low volume of new trips onto area roadways. Given the low volumes and more than adequate sight distance along Houcksville Road, safety concerns for the site access are minimal.

Jesse Heird testified as a co-applicant. He obtained letters in support of the assisted living facility as reflected in Exhibit 4-6. One was from his nephew's fiancée. He stated that his nephew lived with Kari Totten, the person who wrote Exhibit 5. The people in Exhibit 4 are in the process of building a house. He discussed the employees that work at the assisted living facility. He would have a manager, a cook, caregivers, an activities person, and overnight caregivers. Caregivers would be in each building, but the manager and cook may work in multiple buildings.

There is a letter in the file from Susan and Leon Fleming. They had concerns about water/wastewater, emergency services and roads.

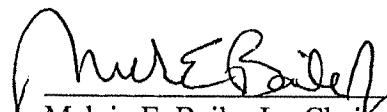
There is a November 3, 2020 letter in the file from Peggy Horner. She was in opposition to the proposed assisted living facility. Her concern was that Houcksville Road is already overburdened by traffic. She assumed that an 80 bed facility would mean 80 daily visitors. She considered three shifts of employees also coming to the site.

A November 2, 2020 memorandum from the Department of Planning and Hannah Weber, Planning Technician, stated that the staff finding was that this request is consistent with the *2014 Carroll County Master Plan as amended in 2019* and would not have an adverse effect on the current use of the property.

The Board was convinced that authorization of the request with regard to a conditional use for approximately eighty beds was consistent with the purpose of the zoning ordinance, appropriate in light of the factors to be considered regarding conditional uses of the zoning ordinance, and would not unduly affect the residents of adjacent properties, the values of those properties, or public interests. Based on the findings of fact made by the Board above, the Board found that the proposed project would not generate adverse effects (i.e. noise, traffic, dust, water issues, lighting issues, property depreciation, etc.) greater here than elsewhere in the zone. The Board approved the conditional use requested by the applicant.

12-08-2020

Date



Melvin E. Baile, Jr., Chairman

Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Land Use Article, Section 4-401 of the Annotated Code of Maryland.

Pursuant to Section 158.133 (H)(3) of the County Code, this approval will become void unless all applicable requirements of this section are met. **Contact the Office of Zoning Administration at 410-386-2980 for specific compliance instructions.**

Pursuant to Section 158.132 of the County Code:

(3) Approvals.

(a) If the application is approved by the BZA which does not require a **site plan**, the approval shall become void unless a building permit conforming to the plans for which the approval was granted is obtained within six months.

(b) An approval for which a building permit is not required shall become void unless the use or variance is implemented within one year of the date of the written decision.

(c) An approval for which a **site plan** is required shall become void unless the concept **site plan** has been submitted for distribution to the reviewing agencies and accepted by the Bureau of Development Review, or its success agency, within six months from the date of the written decision. An approval for which a **site plan** is required may become void if the property owner or developer fails to take action to secure an approval of the **site plan** from the Planning Commission in a timely manner, as determined by the Bureau of Development Review.

Ms. Larkin stated the panels are about nine feet tall and are fixed, they do not track the sun and do not move.

John Frock, citizen, owns the neighboring farm and would like the site treated like the surrounding residential area. Mr. Frock would like the existing vegetation between the site and his farm to be removed and to be replaced with new landscaping around the site and is not in favor of the setback request.

Mark Wehland, citizen, is concerned about the visual effect of the solar site and making sure it is screened thoroughly.

Ms. Shaffer-Miller stated they will look into the Commission's comments and be prepared to answer them when they are back for the Concept Plan.

Decision:

The Commission, on motion of Ms. Kirkner, seconded by Mr. Kane and carried, voted to approve the setback reduction in accordance with Chapter 158.153 (D)(3).

CONCEPT SITE PLAN

SUBJECT: S-19-0030, Heird Property Assisted Living
LOCATION: East side of Houcksville Road, south of Saint Paul Road, E.D. 8
OWNER: Steven Buchman Heird, 2728 Chestnut Run Road, York, PA 17402
DEVELOPER: same as owner
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: Agriculture
ACREAGE: 18.2764 acres
WATERSHED: Liberty Reservoir
NO. OF UNITS: 80 beds
FIRE DISTRICT: Hampstead
MASTER PLAN: Agriculture
PRIORITY
FUNDING AREA: Outside
DESIGNATED
GROWTH AREA: Outside

❖ **Action Required:**

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

❖ **Existing Conditions:**

On November 19, 2019, the Planning and Zoning Commission approved a final plan of subdivision for Heird Ridge & Amended Plat of Lot 1, Buchman Ridge which has since been recorded in Plat Book 56, Page 98 (plat attached). The subject property is the 18.2764-acre Remaining Portion as noted on that plat.

The Remaining Portion has frontage to a public road at Saint Paul Road with a 60-foot-wide strip of land which connects the bulk of the property to the road. There is a stream which bisects this strip. An access easement is depicted on the Heird Ridge plat allows for the Remaining Portion to use the shared drive, Buchman Drive.

Buchman Drive provides access from Houcksville Road for six residential lots and the Remaining Portion. All users of the driveway are included in the Declaration of Maintenance Obligations, which was recorded simultaneously with the subdivision plat.

The subject property is vacant. Adjoining properties comprise of single-family homes and farm buildings. This property and all adjoining properties are zoned Agricultural and are served by private wells and septic systems. Immediately to the south is a property under a Carroll County Land Trust preservation easement. Immediately to the north is a property in a Maryland Agricultural Land Preservation Foundation easement.

❖ **Plan Review:**

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Assisted living facilities are a conditional use in the Agricultural Zoning District, thus the uses requires Board of Zoning Appeals (BZA) approval. Prior to BZA review, On February 18, 2020, the Planning Commission reviewed the site development plan (minutes attached), and made determinations regarding density, exterior design, and site layout per Section 158.070(E)(1)(r) of the Code. The Commission voted to approve the plan density, exterior design and site layout as presented.

📖 **§ 158.070 “A” AGRICULTURAL DISTRICT.**

(E) Conditional uses requiring BZA authorization.

(1) Conditional uses requiring BZA authorization shall be as follows:

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

The use was approved by the BZA in case #6229 for an 80 bed assisted living facility on December 8, 2020 (decision attached).

The plan indicates 80 beds and 20 employees on maximum shift (4 per building). Based on parking requirements of 1 per every 4 beds plus 1 for every 2 employees on maximum shift, the total numbers of parking spaces required for this development is 30 stalls. 63 parking spaces are shown on the site plan. Walkways connect the parking area with each individual building’s front porch and main entrance. One dumpster is located in the ellipse between building Unit #1 and building Unit #2. Screening is proposed as required by the Landscaping Ordinance.

Water and sewer will be provided via private wells and septic systems. The buildings will be equipped with an automatic sprinkler system to comply with Fire Protection.

The building elevations are included on sheets 8 and 9 of the plan set. The buildings are white with black roofs and have the appearance of a Cape Cod style home with covered porches and gabled roofs. Residential-style lamp posts proposed in the parking lot are 12 feet high. One 4'-7" wide by 4' tall wooden entrance sign is proposed where Buchman Drive meets Houcksville Road, and a 3'-7" wide by 6' tall wooden directional sign is proposed where Buchman Drive meets the internal drive aisle. Lights are not proposed for either sign.

On September 10, 2019, the Design and Architectural Review Committee (DARC), an advisory group, met to review the project. There were no comments to be considered.

The plan was subject to Citizen's Involvement on September 23, 2019 during the Technical Review Committee (TRC) meeting. Two citizens were in attendance and voiced concerns about traffic and potential impacts to their residential wells. The Health Department was in attendance and responded that the proposed development will need to provide an adequate number of wells to support the assisted living facility.

This project is not within the jurisdiction of public utilities and the plans show individual septic systems with reserve areas for each of the five buildings, and two wells. The Health Department has not yet issued approval; their latest comment letter states that "an individual well for each building will need to be shown on the plan". It also states that if "the average annual water usage is to exceed 5,000 gallons per day", the applicant would need to process a Groundwater Appropriation Permit and work with the Office of Comprehensive Planning to add the project to the County Water and Sewer Master Plan prior to permit issuance. These comments will need to be addressed on the final plan.

Zoning has approved the plan, however, the note regarding the BZA approval of the conditional use as an assisted living facility references the wrong case number. This will be corrected on the final plans.

Fire Protection has approved the plan, which shows that the existing portions of Buchman Drive will be widened from 12' to 18' in order to accommodate emergency vehicles. The new portions of Buchman Drive are proposed to be 20' in width.

The State Highway Administration approved the plan with no comment, as access is to a County road. Engineering review has required that sight distance figures and other details be shown on the plan, and suggested that the curves where Buchman Drive meets the internal access drive be made more gradual/wider.

Site Compliance has comments that will need to be addressed on the final plan regarding accessible routes being provided for accessible parking without passing through traffic travel lanes, and that all sidewalks, entrances, and the gazebo are demonstrated to be accessible.

Planning has recommended that a 5-foot-wide sidewalk be provided "around the perimeter of the parking area, connecting the five buildings and providing safe movement for residents, staff, and visitors to the facility"

Soil conservation has approved the plan with no comment, and Grading has comments about inlets that will be addressed via the final site plan.

The plan has received concept Stormwater Management approval. Requirements are addressed by means of 7 micro-bio retention ponds throughout the site and one area of grading that will serve as a quantity management area to absorb water into the grass.

Water Resource Management has approved the plan with no comments, and Floodplain is exempt.

Forest Conservation will be addressed with both on-site and off-site means. The plan shows a 0.99 acre proposed forest conservation easement on the northern side of the site, where the parcel narrows and connects to Saint Paul Road. A stream bisects this strip of land, and the 0.99 acre forest conservation area is divided into two portions that border both the north and south sides of the stream. An additional 1.57 acres of trees will be provided in an off-site forest bank.

Landscaping is approved. The plan shows a variety of landscape plantings throughout the site, including trees and shrubs around the bulk of the perimeter, trees and planting beds around the drive aisle and parking areas, and shrubs around the dumpster enclosure.

Discussion:

Kierstin Eggerl presented the staff report.

Jeff Zigler, CLSI, Clark Shaffer, Attorney and Dr. Steven Heird, Owner, were present.

Chair Wothers questioned the extra parking. Mr. Zigler stated the parking spaces can be reduced but they thought they needed more than the required spaces.

Mr Zigler explained how the storm water management and runoff is addressed in the plan.

Ms. Kirkner stated she thinks the parking is sufficient and would not recommend reducing it. Ms. Kirkner also asked about the septic reserve areas. Mr. Zigler stated each facility has enough space for the original septic and two replacements.

Mr. Kane asked about the level of care provided at the facility. Dr Heird stated this will be level three care.

There was no public comment.

Decision:

The Commission would like to see the plan for final approval.

RECESS

CONCEPT SITE PLAN

~~SUBJECT: S-20-0014 – New Beginnings, Lot 1
LOCATION: 2325 Feeser Road, Taneytown, Maryland 21787; E.D. 1
OWNER: Alyssa Taylor Properties LLC, c/o Craig Bowen, 2655 Baumgardner Road,
Westminster, MD 21158
(Members: Craig Bowen, Jennifer Bowen)
DEVELOPER: Same as owner
ENGINEER: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157
ZONING: Industrial Light (I-1)
ACREAGE: 4.81 acres
WATERSHED: Double Pipe Creek
FIRE DISTRICT: Taneytown Volunteer Fire Company
MASTER PLAN: Industrial-Light – 2014 Carroll County Master Plan~~