

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, October 5, 2005, at 1:30 p.m. in the Economic Development Meeting Room. Members and guests in attendance at the meeting included:

George Brady	Gary Fratz- alternate	Joe Franklin
Fred Holliday	Ruth Beitzel	Bill Franklin
Tim Schwinabart	Dennis Margroff	Drew Fessler
Troy Ellington- alternate	William DeVore-staff	
Jeff Messenger	John Nelson-staff	

1. Call to Order – By Acting Chairman, George Brady, at 1:30 p.m.
2. The September minutes were unanimously approved, as submitted.
3. Reports of Officers – None
4. Unfinished Business –
 - A. **New Commission Member** - John Nelson introduced Gary Fratz as a new member of the Garrett County Planning Commission. Gary will serve as an alternate for the Commission.
 - B. **Ruth Beitzel suggested a right turning lane on Sang Run Road at U. S. 219.** – Mrs. Bietzel suggests that a right lane be established on Sang Run Road to avoid backups on the road at the Route 219 interchange.
5. New Business-
 - A. **Request for a Zoning Amendment to the Deep Creek Lake Watershed Zoning Ordinance.** Mr. Nelson explained that Joe and Bill Franklin of Thousand Acres Development has proposed an amendment to the Deep Creek Watershed Zoning

Ordinance to allow a clubhouse at the proposed public golf course and golfing community proposed on Thousand Acres.

Mr. Nelson explained that golf courses are permitted “by right” anywhere in the Deep Creek Watershed Zoning District, in the table of use regulations, 304(C) 14. Thousand Acres is proposing a golf course clubhouse. Additional amenities such as a lounge, restaurant, meeting rooms, pro shop, storage and maintenance facilities, and locker rooms are part of the proposed plans, but are not currently permitted in the Lake Residential (LR) District.

Joe Franklin of Thousand Acres explained that the golf course and clubhouse would be open to the general public. The lakefront, including a beach and boat docks will be part of a membership club. Plans will also be submitted for a private, membership club that will include a swimming pool and tennis courts.

Bill Franklin explained the necessity of the clubhouse as part of the public golf course. The private club and the public golf course will be separate entities, but will be located adjacent to one another. The restaurant and lounge will be ancillary to the golf course, but available to the general public. Members of the club will manage the operation.

Mr. Nelson outlined the specific, proposed text changes to the zoning ordinance:

1. Under Article 304 C, Insert a new paragraph 15 and renumber the following paragraphs 16-21. The new paragraph 15 to read as follows:
“15. Public golf course clubhouse associated with a public 18-hole golf course.”
Thousand Acres suggests the uses permitted for the new paragraph 15 would mirror those uses permitted for golf courses.
2. Under Article 401, Section B, paragraph 3 insert “public golf course clubhouse (See Section 304C.15)” into the definition with all other parameters to remain the same. This would accommodate the existing setback requirements for a private club, which is 40’ in the front, 30’ side and 50’ rear setbacks. The proposal adds private golf course clubhouse to this section along with private, membership clubs for lot size and setback requirements.
3. Under Article 2, insert a new definition for public golf course clubhouse.
Public Golf Course Clubhouse- a building associated with a public 18-hole golf course, in which facilities, services, and activities are provided as an accessory to the public 18-hole golf course. Facilities, services, and activities include: golf shop, restaurant, meeting, exercise, and locker rooms, and golf cart storage and maintenance.

Mr. Nelson suggested that the word “lounge” be added to this definition because the word is inadvertently omitted.

Mr. Nelson explained that the amendment to the ordinance might be more appropriate if the clubhouse use would be a Special Exception, in the LR district. Mr. Nelson said

a golf clubhouse might be fully appropriate at Thousand Acres, but possibly not somewhere else in the LR district, such as near an existing subdivision. Mr. Nelson further explained that the clubhouse use maybe appropriate to allow “by right” in any other zoning district.

Mr. Nelson explained that after Planning Commission review and comment, the Planning Commission’s report on the proposed amendment would go the Garrett County Commissioners. The amendment would then be advertised and a public hearing scheduled.

The Commission discussed whether a 9-hole course could be added to the amendment, instead of 18-holes, to allow courses up to 9-holes to have a clubhouse. The Planning Commission decided to recommend changes to the amendment to the zoning ordinance. The Commission proposes to allow 9-hole (or more) courses to have a public clubhouse with the proposed amenities. The Commission also recommends that a clubhouse be permitted by Special Exception in the LR zone, permitted “by right” in all other zones and that the word “lounge” be added to the amenities for the clubhouse.

After discussion, the proposal to amend the zoning ordinance was approved unanimously, by a vote of 7 to 0, with the recommended changes.

B. Review of the draft of the Garrett County 2005 Preservation, Parks and Recreation Plan.

Mr. Nelson explained that due to time constraints, the draft plan has already been forwarded to the Department of Natural Resources and the Maryland Department of Planning. Both departments require a 60-day review period. After a public hearing is held on the proposed plan, it is expected that the plan would be adopted by the end of this year.

The Commission elected to review and comment on the plan, page by page. Mr. Nelson noted the specific corrections, additions and changes to the draft plan and will forward those modifications to the county commissioners and the consulting firm of Redman and Johnston for inclusion in the draft.

Major points include the establishment of a sports complex at Adventure Sports International as well as the plan for the recreation-athletic center that will be operated by Garrett College, adjacent to Adventure Sports. This will help fulfill the current need for the community swimming pool and ice skating ring, shown in the plan.

Other recommendations for public park facilities are:

1. Consider the establishment of a Parks and Recreation Department for Garrett County. Mr. Nelson stated that the county commissioners are considering and evaluating the establishment of such a department. Rational is the lack of maintenance agreements for McHenry Park, Snowy Meadow Park at Crelin and the Broadford Park that is owned by the town of Oakland.
2. Consider the allocation of more funding to the municipal parks.
3. If a Recreation and Parks Department is established, begin to monitor trends and usage at the parks.
4. Begin the mandatory dedication of property for recreational purposes for residential subdivision development with dedicated maintenance. The Commission voted striking this recommendation from the plan by a vote of 7-0.
5. In lieu of mandatory dedication, fees may be substituted. The Commission also voted against approval of this recommendation. The Commission voted striking this recommendation from the plan, by a vote of 7-0.
6. The establishment of a Parks and Recreation circuit rider, to be funded by the county, to help the municipalities manage their various parks.

The Commission recommended various additional changes to the plan and stopped its review at page 3-45. The Commission decided to continue the review at the regular meeting in November.

Mr. Nelson explained that the plan is required to be renewed every six years in order to maintain eligibility for Program Open Space funding. John Nelson noted that the guidelines for the recreation plan have changed dramatically over previous submissions. In response to questions from the Commission, Mr. Nelson noted that cluster developments have been somewhat popular in the Deep Creek Lake area. The Commission also noted that Garrett County has a large amount of state and federal lands that are available to the general public for recreational purposes.

Discussion ensued regarding mandatory clustering and preservation of agricultural land in Garrett County. The Planning Commission will revisit those issues with the development of the new Comprehensive Plan later in the year.

D. Miscellaneous

1. **Zoning Appeals Cases** – The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, October 20, 2005, starting at 7:30 pm in the County Commissioners meeting room, Second Floor, Courthouse Annex, Oakland. The Board will review the following docketed cases:
 - a. **SE-365**- an application submitted by Jennings Mitchell for a Special Exception permit to establish an 8-bedroom Transient Vacation Rental Unit. The property is located on lot 1 of the Boulder Ridge Subdivision on the Wisp Mountain Road (tax map 49, parcel 123, Lot 1) and is zoned Lake Residential.

- b. **VR-598-** an application submitted by Howard C. Wiley, for a Variance to construct an addition to a residence that will come to within 30.5 feet of the rear property line, instead of the required 40.0 feet. The property is located at 2255 Turkey Neck Road and is zoned Lake Residential.
- c. **VR-599-** an application submitted by John Markey, for a Variance to construct an addition to a residence that will come to within 27.0 feet of the rear property line, instead of the required 40.0 feet. The property is located at 184 Sorbus Lane is zoned Lake Residential.

After discussion, the Planning Commission made no formal recommendations regarding these cases.

- d. **VR-600-** an application submitted by Gary Pfirrmann, for Variances to construct a service building that will come to within 2.0 feet of the front property line and to within 59.5 feet of a second front line, instead of the required 100.0 feet, and to within 2.5 feet of a rear property line instead of the required 50'. The property is located at 2000 and 2030 Deep Creek Drive is zoned Town Center.

After discussion, the Planning Commission recommends that this Variance not be approved due to the number and extent of Variances that are requested.

- 2. **Minor Subdivisions** – Mr. Nelson has approved, or is about to approve a number of minor plats, since the last Planning Commission meeting. Copies of the plats were included in the packet mailed to the Commission members.
- 3. **20' Setback Requirement** – Mr. Nelson noted that there currently is no 20' setback requirement from roads, for buildings in the Garrett County Subdivision Ordinance. That requirement was previously removed and was to be placed into the Sensitive Area Ordinance, but was not. Mr. Nelson feels that the requirement would fit best as an amendment to the Garrett County Building Code.

6. Action on Major Subdivision Plats

- A) **Sunnyside Estates** – Adam Lucas requests preliminary approval for this subdivision located off of Sunnyside Road, in an agricultural resource area, off of Route 219. This is 7-lot major subdivision located along an existing county road. After discussion, preliminary plat approval was granted unanimously.
- B) **Artice II** – Mountainview Engineering and Surveying requests approval for this subdivision located off of Malachi Way, south of Accident, on Route 42. This one-lot major subdivision involves the extension of an existing, private road for Tony M. Artice. Review and approval is needed for the homeowner's documents. After

discussion, preliminary plat approval was granted unanimously, pending approval of the homeowner's documents.

7. **Next Scheduled meeting** - The next regular meeting of the Commission is scheduled for Wednesday, **November 2, 2005**, in the Economic Development meeting room at 1:30 pm.
8. Adjournment- 4:00 p.m.

Respectfully submitted,

William J. DeVore
Zoning Administrator