

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The **Garrett County Planning Commission** held its regular monthly meeting on Wednesday, December 7, 2005, at 1:30 pm, in the Economic Development Meeting Room. Members and guests in attendance at the meeting included:

George Brady	Pat Kelly-staff	Fred Thayer
Fred Holliday	Jim Torrington-staff	Steve Sherrard
Tim Schwinabart	Chad Fike-staff	Karen Myers
Dennis Margroff	Charlie Thorne	Paul Durham
Ruth Beitzel	Michelle Hull	Howard Strauss
Troy Ellington	Scott Johnson	Amol Deshpande
John Nelson-staff	Debra Savage	Jeff Gosnell
William DeVore-staff	Pete Versteegen	Morgan France

1. Call to Order – By Acting Chairman, George Brady, at 1:30 pm.
2. The November minutes were unanimously approved, as submitted.
3. Reports of Officers – None
4. Unfinished Business –

Tentative Plan and Request for Waivers by Century Engineering, Inc. for the Ridgeview Valley Planned Residential Development (PRD). At the previous meeting of the Commission, the members tabled a request for a waiver regarding length of cul-de-sac roads. The Subdivision Ordinance requires these roads not to exceed 1,000 feet in length, except when “the Planning Commission determines that the benefits for lengths, in moderate excess, outweigh the concerns that caused the length limitation to be set forth”. The maximum cul-de-sac road length proposed by Century is 2000’. The Commission withheld approval of the waiver request due to concerns about emergency vehicle access. Mr. Nelson explained that the Commission must also evaluate the completeness of the PRD at this meeting.

Mr. Nelson noted that Century Engineering has reevaluated the design to accommodate internal and emergency traffic flow and to provide secondary access for residents of the development. Century has proposed that two trails would be widened

to provide two 12' wide roads that would allow emergency access. The tentative plans show the new access roads and engineering details. Pete Versteegen, one of the developers of the property, spoke to address the concerns of the emergency access. Mr. Versteegen said that plans include the upgrade of existing trails to allow temporary access whenever it is necessary, even in inclement weather. He said that a full time road maintenance crew would be on hand, year round after the PRD is operational.

The owners of the development would also widen the shoulder of proposed Road D to a full 12' shoulder. This unpaved lane would provide an emergency access lane beyond the existing road requirements. The widened section of road would extend from Road C to the intersection with the parking area for the townhouse units, a distance of about 1200'. This widened section of the road will include a 6" gravel base.

The request for a waiver regarding the length of cul-de-sac roads was approved unanimously by a vote of 6-0, as modified by the addition of emergency access trails and widening of the above-specified road by 12', with a minimum of 6" gravel base. The Commission noted that any proposed, substandard roads must also be maintained, year round.

Chad Fike of the Planning and Land Development Office reviewed the Tentative Plan with the Planning Commission. The owners confirmed that commercial uses in the PRD are not planned at this time. Mr. Versteegen said that generally the owners would provide at least one parking space for each bedroom in the development. Mr. Nelson explained that roughly half of the total acreage for the PRD would be dedicated open space for use by the association. Amenities will include a clubhouse, gym, tennis courts, volleyball courts, basketball courts, open-air amphitheater, trails, all-purpose playing field and a library. Mr. Nelson noted that some water supply issues for the entire PRD are still being worked out because of an ongoing Public Utilities water project involving drilling of a new well near the site.

After discussion, the Commission found the PRD to be in compliance with the Zoning Ordinance and approved the Tentative Plan for the Ridgeview Valley PRD by a unanimous vote of 6-0.

5. New Business-

A. **Review of the draft of the Deep Creek Lake Transient Vacation Rental Unit Ordinance.**

The Planning Commission decided to review the draft of the Ordinance page by page. Mr. Nelson explained that an adhoc committee was assigned the task of drafting the Ordinance. The committee consists of Judge Thayer, Steve Sherrard, Jim Torrington, and Zack Taylor. Pat Kelly provided staff assistance.

Mr. Nelson introduced Pat Kelly as the new head of the Licensing Enforcement Office who will administer the Transient Vacation Rental Ordinance for the county.

Mr. Kelly began the review of the Ordinance. Discussions by the group included bear-proof containers, annual inspections, requirements for UV lights, liability insurance requirements, resident agents and other topics. Mr. Kelly explained that the process would include registration, approval and licensing of the TVRUs. Members of the Commission are generally sensitive to the costs for owners that rent TVRUs, but feel the new rules and regulations will help protect the owners, the renters and the general public in the Deep Creek Watershed.

The Planning Commission recommends that the Ordinance be changed to include a change to the liability insurance requirement in the new TVRU Ordinance. The Commission feels that units with 5 bedrooms or less should not be required to acquire \$1 million dollars or more of liability insurance. They propose that owners with 5 bedrooms or less would require at least \$300,000 worth of liability coverage. This recommended change to the Ordinance was passed by a vote of 5 to 0 with one abstention.

The Commission voted by a vote of 6 to 0, to alter Section 4.D (2)(ii) to read “ A posted Emergency Exit Plan” instead of the “Fire Evacuation Plan”, that is part of the rental ordinance.

The Commission voted for approval of the TVRU Ordinance, by a 4-1 vote, with one abstention from the vote. The date and place of the public hearing and the effective date of the proposed Ordinance is yet to be determined.

B. Review and discussion on the Draft Final Plan for North Camp, Phase I of Wisp Resort - Planned Residential Development (PRD).

John Nelson explained that the submission for North Camp is nearly complete for final plat approval. The Health Department, County Roads, Grading and Sediment Control, and Stormwater Management still must approve the application.

Mr. Nelson explained that two roads in the development are anticipated to serve more than 100 dwelling units in this PRD. John Sanders of Highland Engineering requests a modification to allow a design speed of 20 mph which would allow a greater design slope for roads that will serve more than 100 dwellings. The roads in question are roads A and H, as shown on the map presented to Mr. Nelson. Such roads are required to be designed to county road specifications. The Commission noted the severe terrain on the property and that these roads will not be “through roads” and a waiver from the PRD road standards is warranted for roads A and H, only. A motion to approve the waiver was made and approved by a vote of 5-0.

Mr. Nelson noted that several issues must be worked out such as water, homeowner's documents, stormwater, architectural drawings, and a grading permit. Mr. Nelson also explained that open space areas must be recorded as a separate plat and the acreage for the common areas tallied.

C. Miscellaneous

1. **Zoning Appeals Cases** – The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, December 15, 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. **VR-602-** an application submitted by Dennis Glotfelty of Double G-RV Park for Variances to allow travel trailer spaces to be rented for more than 60 days in any 6-month period. The Variance includes a request for allowance of 6 months for storage of trailers, during the off-season, at a newly proposed section of the RV Park. The property is located at 176 Double G Drive, tax map 42, parcel 64 and is zoned Commercial Resort 2.

After discussion, the Planning Commission was unable to reach an agreement for a recommendation to the Board of Appeals on this case.

- b. **VR-603-** an application submitted by Gary Pfirrmann for Variances to allow the construction of a proposed service building for a marina that will come to within 2.0 feet of a side property line, instead of the required 50.0 feet and to come within 2.5 feet of a rear property line instead of the grandfathered 16.12 feet. The property is located at 2000 and 2030 Deep Creek Drive, tax map 42, parcels 62 and 63 and is zoned Town Center.

After discussion, the Planning Commission recommended that this Variance not be approved.

- c. **VR-604-** an application submitted by Don Bowman for Variances to allow the construction of a residence to come within 18.0 feet of a rear property line, instead of the required 40.0 feet and a deck to come within 1.0 foot of a rear property line instead of the required 5.0 feet. The property is located on map 66, parcel 522, Lot 11 of the Reserve at Holy Cross, off of Holy Cross Circle, and is zoned Lake Residential.

After discussion, the Planning Commission made no comments on this permit application.

- d. **VR-605-** an application submitted by Hugh Umbel for a Variance to allow a proposed residence to come to within 6.0 feet of a rear property line instead of the required 40.0 feet. The property is located at 2147 State Park Road, map 58, parcel 137 and is zoned Lake Residential.

After discussion, the Planning Commission made no comments on this permit application.

- e. **VR-606-** an application submitted by Bernard and Eleanor McGinn for a Variance to allow an addition to a residence to come to within 1.0 foot of a rear property line instead of the required 40.0 feet. The property is located at 848 Beckman's Peninsula Park Road, map 58, parcel 714 and is zoned Lake Residential.

After discussion, the Planning Commission made no comments on this permit application.

- 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. **Ruth Yoder Waiver Request-** Ms. Yoder request to allow the reconfiguration of two, 2-acre parcels on her property, to allow three lots on these 4 acres. The property is located in the Agriculture Resource District, which requires a 3-acre minimum lot size. The Commission voted to allow the reconfiguration of the two existing grandfathered lots, perpendicular to their present configuration. The request for a third lot was not approved. A motion to approve the waiver, as amended, was made and approved by a vote of 5-0.

6. Action on Major Subdivision Plat and Final PRD Plats- There are no new major subdivision plats.

- A) **Wisp Resort PRD** – DC Development has submitted a final plat for Marsh Hill Road Lots, Phase VII, of the Wisp Resort PRD located along Marsh Hill, in the Lake Residential zoning district. Highland Engineering has provided the surveying and the plat for the eleven (11) lots, which are part of the original Rachuba PRD started in 1985. After discussion, approval for the final plat was granted unanimously, by a vote of 5-0, for Marsh Hill Road Lots, Phase VII. Mr. Nelson reminded Karen Myers that open space areas must be recorded as a separate plat.
- B) **Overlook Cabins, Phase IV** – D. C. Development has submitted a plat for Cabin's phase of the Wisp Resort. One of the units was rotated to allow for a basement that changed the location of a driveway and the road requirements. After discussion, approval was granted unanimously for this revised final plat for Overlook Cabins.

7. **Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Wednesday, **January 4, 2006**, in the Economic Development Meeting Room, at 1:30 pm.

8. Adjournment- 4:40 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator