

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, April 5, 2006, at 1:30 pm, in the Economic Development Meeting Room. Members and guests in attendance at the meeting included:

George Brady	Joe McRobie	Paul Durham
Fred Holliday	Jeff Messenger	Charlie Thorne
Gary Fratz	Troy Ellington	William Weissgerber
Ruth Beitzel	John Nelson-staff	Edith Brock
Tim Schwinabart	William DeVore-staff	

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

A. Election of Officers of the Planning Commission.

Acting Chairman Brady was elected chairman of the Planning Commission.
Troy Ellington was elected vice-chairman and Ruth Beitzel elected secretary.

Note: The Planning Commission decided that elections of officers would be held annually at the regular April meeting, from this meeting forward.

B. Update of the Garrett County Comprehensive Plan.

John Nelson noted that bids for the Request for Proposal (RFP) for the Garrett County Comprehensive Plan Update are due by April 18. Mr. Nelson noted that additional elements might need to be added to the plan, such as a “water resources element”, due to proposals in the State legislature that may soon become law.

Discussion ensued regarding the water and sewer portion of the plan. Mr. Nelson noted that the Maryland Department of Planning reviews all water and sewer plans and all county and municipal comprehensive plans in Maryland, to see that they are consistent.

C. Review and discussion of the ERM recommendations regarding the Deep Creek Watershed Zoning Ordinance. John Nelson explained that with the adoption of the TVRU Ordinance, the County Commissioners wish to proceed with certain zoning amendments recommended in the ERM report. Recommendations from the consultant include specific recommended changes to the Deep Creek Zoning Ordinance and initiation of these amendments. Mr. Nelson noted that the Commission previously reviewed these recommendations and they would be presented to the County Commissioners after this review. Only the recommended changes to the zoning ordinance are being considered at this time. The Planning Commission proceeded to review the recommendations, in light of the enactment of the Transient Vacation Rental Ordinance and began with Section B of the ERM Report cited as “Other Recommendations.”

10. Consider the following changes to the Deep Creek Watershed Zoning Ordinance, the County Subdivision and the Sensitive Area Ordinances (Note: the Commission is only considering changes to the Zoning Ordinance at this time):

ii. Allow the Board of Appeals to approve alternative parking standards as a special exception to the zoning ordinance.

This recommendation would allow a special exception for alternative parking standards to allow more flexibility so that standards could be adjusted on a case-by-case basis. This change would eliminate the need for an appellate to show hardship or practical difficulty, the present requirement for a variance.

Originally, in May of 2005, the Commission recommended against this change to the zoning ordinance by a vote of 6 to 0, with 2 abstentions. At this meeting the Commission upheld their previous recommendation with no change to the ordinance regarding general parking standards.

iii. Reduce the parking requirements for transient vacation rental units (TVRU) that are in townhouse or multi-family developments. The consultant feels that these units in these type of developments are likely to derive benefits from shared parking and the one space per bedroom standard may be too stringent.

Originally in May of 2005, the Commission recommended this change should not be made to the zoning ordinance by a vote of 7 to 0, with 1 abstention. Following public hearings on the TVRU Ordinance, however, it was clear that the parking standard for multifamily developments was a major public concern.

Mr. Nelson explained that this amendment would best apply to existing and newly constructed townhouse or multi-family developments with at least 10- or more shared parking spaces in a single lot. William Weissgerber of Railey Reality presented information supporting the change to the ordinance. He feels the one space per bedroom regulation creates huge parking lots that are not being used. He also feels that some condominiums do not have any room to expand, such as Arrowhead and Ski Harbor. He feels the ordinance should be amended to allow 1.0 required parking space for each 1.5 bedrooms. All fractional spaces would be rounded up to the nearest whole space.

The Commission recommended reversing its earlier decision and supporting an amendment to ordinance, as presented, by a vote of 7 to 0, with 1 abstention.

iv. Allow heights up to 60 feet of six stories for multi-family and hotel structures as a special exception in the CR1 and CR2 districts.

Currently, these structures are permitted by special exception only in the TC zone. Mr. Nelson feels that the consultant's rationale is to make the ordinance consistent between commercially zoned areas regarding building height.

After discussion, the Commission upheld their previous decision and does not support this recommended change to the zoning ordinance.

v. Provide for standalone boat sales on sites less than two acres.

The Commission previously offered no recommendation on this issue due to the fact that the County Commissioners earlier turned down a provision for such an amendment to the ordinance. The Planning Commission voted not to support the amendment upon a second review of this recommendation.

In a separate but related issue, Mr. Nelson explained that inquires have been made to the Planning Office to change the setback requirements in the ordinance regarding boat show rooms only. Present setback requirements are 100 ft in the front, 50 feet on the side and 50 feet in the rear. In comparison to recreational vehicle sales, the requirements are 20 ft in the front, 15 ft on the side and 25 ft in the rear, in the Town Center zone. The Commission reviewed and discussed a "marina" as defined in the ordinance. The consensus was to not raise this subject defining boat show rooms at this time.

vi. Require parking lot landscaping. None is currently required.

The Commission did not support this recommended change to the zoning ordinance by a vote of 7 to 0, with 1 abstention in May of 2005. The Planning Commission voted once again to not support this recommendation.

vii. Bicycle parking. Provide a better definition for “suitable” in Section 602.I of the Zoning Ordinance.

The Commission did not support this recommended change to the zoning ordinance by a vote of 7 to 0, with 1 abstention in May of 2005. Upon further review, the Planning Commission once again voted not to support this recommendation.

10.2 Administration (*ERM comments in italics*)

i. Allow for Developer Agreements in the Zoning Ordinance

Under a developer agreement, a jurisdiction conditions its approval of a development on the developer providing benefits to the jurisdiction. Examples of benefits are road improvements, water and sewer infrastructure, land, recreation facilities, and fire and safety equipment. Authority to counties to allow developer agreements is provided in Article 66B, Maryland’s local planning enabling legislation.

In July of 2005, the Commission decided to support this recommendation to the County Commissioners. Once again, the recommendation was approved by a 6 to 0 vote with one abstention. The Commission reaffirmed their previous support of the change.

ii. Allow the SHA to comment on its needs if a project on a county road will affect a state road. No mechanism is currently in place to allow SHA comment.

The Commission decided to support these recommendations to the County Commissioners, as they are written. In July of 2005, the recommendation was approved by a 6 to 0 vote with one abstention. The Commission reaffirmed their support of the change.

iii.

iii. Allow for extensions to the time after a special exception approval within which a zoning permit must be obtained (Section 1011.b).

Currently a zoning permit, which is part of the building permit approval, must be obtained within one year. Extensions are not allowed, and if a permit is not obtained, reapplication for a special exception must be made. We think that routine extensions, say up to two years, could be handled administratively, with ability for Director of Planning and Land Development to refer cases to the Board of Appeals if deemed necessary, such as where the developer is not actively working on the project.

In July of 2005, the Commission decided to support a recommendation to the County Commissioners to extend the time allowed to apply for building permits after a variance or special exception has been obtained, for up to two years, instead of the current one year limit. The recommendation was approved once again by a

vote if 6 to 0 vote with one abstention. The Commission reaffirmed their previous support of the change.

10.3 Clean Up

i. Delete Section 304B.20.e. – Provisions for compatibility and neighborhood effect for transient vacation rental homes with five bedrooms or less.

Since homes with five or less bedrooms are permitted by right, this provision is not currently used or factored into the approval process.

In July of 2005, the Commission decided to support this recommendation to the County Commissioners, as they are written, by a vote of 5 to 1 with one abstention. The Commission reaffirmed their previous support of the change.

ii. Delete Section 604 of the Zoning Ordinance that allows for a parking space reduction if landscaping and pervious pavers are provided.

According to staff, this provision has never been used. Landscaping and planting should be a requirement of any development, not an incentive to reduce needed parking.

At the July 2005 meeting, the Commission decided to support this recommendation to the County Commissioners, by deleting this section. The recommendation was approved by a 6 to 0 vote with one abstention. The Commission reaffirmed their previous support of the change.

11. Review the regulations for grandfathered lots and development.

Section 402 of the Deep Creek Watershed Zoning Ordinance allows lots created prior to 1975 to not have to meet the current required minimum lot size. Many such lots currently cannot meet the Health Department's 60,000 square foot minimum lot size requirements for development on well and septic. Owners of deeded lots that do not meet the minimum lot size for development on well and septic have expectations of being able to develop such lots on public water and sewer, when it becomes available.

In July of 2005, the Planning Commission recommended the addition of specific criteria for granting variances to Section 1005 of the zoning ordinance for all variance requests. Possible criteria would include; that the variance will not impair an adequate supply of light and air to adjacent property, would not alter the character of the neighborhood in which the property is located, would not significantly impair views from the adjacent property owner and that the variance if granted would be the minimum variance necessary to afford relief and any other specific criteria that may be developed including limits on the extent or percentage of the variance that is allowed for specific properties. This recommendation was reaffirmed by a 6 to 0 vote with one abstention. The Commission did not make any recommendations in

July of 2005 regarding the examples that involve lot consolidation, largely due to their complex and controversial nature.

The Commission had no further comment on their previous support of the change to the ordinance.

16. Adjust the sign regulations to encourage signage more in keeping with the mountain resort atmosphere.

We do not think that wholesale changes are needed, rather some adjustments to the Deep Creek Lake watershed sign regulations to address some specific aspects of this issue:

i. Reduce the size of vacation rental home signs.

In July of 2005, the Commission voted to support these recommendations to the County Commissioners. The recommendation was approved by a 6 to 0 vote with one abstention.

William Weissgerber of Railey Realty requests that before the Commission comments on this proposal, he would like to investigate and propose a standard size sign that would be practical and economical. He said that he would report to the Commission at the next regular meeting and recommend a size for rental signs. The Commission decided to postpone comment until the next meeting.

ii. Amend the sign regulations to disallow scrolling message billboards.

Previously, the Commission decided to recommend limiting message billboard signs to “true scrolling” message signs only. The recommendation was approved by a 6 to 0 vote with one abstention. The Commission discussed the issue at length and decided to hold this issue for further discussion.

iii. Amend the sign regulations to disallow very large signs such as billboards.

In July 2005, the Commission recommended to support these recommendations to the County Commissioners, by amending the zoning ordinance. The recommendation was approved by a 6 to 0 vote with one abstention. The Commission reaffirmed their previous support of the change to the ordinance.

D. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, April 20, 2006, 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-369-** an application submitted by Michael Sabracos of Westward Way, LLC for a Special Exception permit to establish an 8-bedroom Transient Vacation Rental Unit. The property is located at 45 Westward Way (tax map 50, parcel 89) and is zoned Lake Residential.

After discussion, the Planning Commission had no recommendations regarding this case.

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.

6. Action on Major Subdivision Plats-

- A) **Poland Run Heights** – This is a 29-lot final plan for a major, cluster subdivision off Little Snaggy Mountain Road, for Bill Franklin of Thousand Acres Development. Mr. Nelson explained that final approval would be contingent on Stormwater Management, Sediment and Erosion approval and approval of the homeowner documents. The developer is creating a bank of open space area associated with the planned golf course, as part of the cluster development. The conveyance of the development rights for the open space area must be conveyed to the county. All lots will have public sewer and have individual wells. The final plan approval was granted unanimously, by a vote of 8-0, conditioned upon receipt of the required information and approvals.
- B) **Whispering Woods II** – This is a 5-lot major subdivision plan for John Congedo, off of Carriage Horse Way and Sam Friend Road. John Nelson noted that the first two lots of the subdivision were previously approved. The sediment and erosion control plan is still being reviewed, as of this date. Final plat approval was granted unanimously, by a vote of 8-0, conditioned upon receipt of the required information and approvals.
- C) **Bear Ridge III** – This is a 2-lot major subdivision plan for Tony Artice, off of an extension of Malachi Way. John Nelson noted that the first two lots of the subdivision were previously approved. The County Roads department and the Planning Office have reviewed and approved the road. Preliminary plat approval was granted unanimously, by a vote of 8-0, conditioned upon receipt of the required information and approvals.
- D) **Mill Creek Subdivision** – This plan is a request for revision of a previously approved major subdivision, on Dunfarmin Drive off of Pud Miller Road. This redevelopment includes the revision of lots 2, 3, and 4 along with the addition of lot 21. The

developer is Pud Miller, LLC. Final plat approval was granted unanimously, by a vote of 8-0, conditioned upon receipt of all required information.

E) **Commercial Lot for Garrett County Commissioners-** There has been a request for final approval for a commercial lot at the Southern Garrett County Industrial Park. The plat was approved in abstentia, providing it meets the requirements of the subdivision ordinance. Approvals have been acquired except for various signatures, which are being obtained at this time. Final plat approval was granted unanimously, by a vote of 8-0, conditioned upon receipt of any required information.

7. **Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Wednesday, **May 3, 2006**, in the Economic Development Meeting Room, at 1:30 pm.

8. Adjournment- 4:30 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator