

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

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

George Brady	Dennis Margroff	Jeff Gosnell
Troy Ellington	Matt Stephens-staff	Peter Versteegen
Fred Holliday	John Nelson-staff	Karen Myers
Ruth Beitzel	William DeVore-staff	Joe Franklin
Gary Fratz		Bill Franklin

1. Call to Order – By Chairman, George Brady, at 1:30 pm.
2. The June minutes were reviewed and Troy Ellington pointed out several minor corrections. Corrections included on page 3, second sentence, middle paragraph should read: He feels that.... *strike* “that a building of this type” *add* “ the type of building that he is proposing”. Also on page 7 item (D). Misc, (a) VR-610 was approved by a 7 to 0 vote, instead of an 8 to 0 vote. Corrected minutes were distributed to all members of the Commission and the Commission unanimously approved the minutes as amended.
3. Reports of Officers – None
4. Unfinished Business – None
5. New Business-

A. Update of the Garrett County Comprehensive Plan.

John Nelson noted that a kick off meeting for the update of the Comprehensive Plan was held at Garrett College on June 26. Mr. Nelson noted that the meeting was well attended with input from various groups and individuals. Mr. Nelson stated that this project will be a major undertaking and will take up to a year and one-half to complete a draft new plan.

Mr. Nelson explained that in order to use Appalachian Regional Commission (ARC) funding, State Planning has scheduled completion of a draft building-lot inventory and building capacity analysis, to be completed in September or October of this year. The transportation and public facilities elements of the plan depend on the analysis and will also be prepared with this ARC grant and will have a short turn-around period. Environmental Recourse Management (ERM) is continuing to work on the project.

B. Review of Phase I of the Ridge View Valley Planned Residential Development (PRD) in McHenry. John Nelson explained that because of a number of outstanding issues the project was not approved last month. Mr. Nelson indicated that most of the items have now been fulfilled for approval of Phase I of the PRD. The Department of Public Utilities has submitted a letter stating that sewer and water distributions lines have been approved.

Mr. Nelson explained that a good water source has been found as part of this project and Public Utilities intends to make this source part of the McHenry public water system, including a tank and a treatment system. The development of this water source will be specified in a Memorandum of Understanding between the county and the developer.

Jeff Gosnell of Ridge View Valley noted that the quantity of the well production is in excess of 100 gallons per minute and the quality of the water is also very good. The 29 lots of the first phase of the project have received all approvals except for the County Attorney's review of the homeowner's documents. The Memorandum of Understanding regarding the responsibilities for water and sewer facilities, between the developers and the county, and the letter of credit must also be submitted. Final plat approval for the PRD was granted unanimously, by a vote of 6-0, conditioned upon receipt of all required information.

C. Review and recommendations regarding amendments to the Deep Creek Watershed Zoning Ordinance. Mr. Nelson continued review of the recommended amendments to the ordinance beginning with Item number 11 in the memorandum from John Nelson, outlining the proposed changes.

1. Amend the Zoning Ordinance to reduce the frequency of changing messages on LCD and Scrolling Message Board Signs by adding a new Section 704F as follows:

Section 704F – Special Provisions for Liquid Crystal Display (LCD) and Scrolling Message Signs. Liquid Crystal Display or scrolling message board signs shall not change messages more frequently than 5-second intervals and shall not incorporate animation in the copy or change of copy of the sign. Lighting on any single sign shall be limited to a single color.

After discussion, the Commission voted to approve the above-recommended changes to the ordinance, as presented, by a vote of 5 to 0 with one abstention.

2. Amend Section 503 C to refer to the appropriate provisions in State law for the control of noise and vibration. This recommendation was forwarded to the Planning Commission by the Board of Zoning Appeals to avoid confusion in the reference to State statute.

Section 503C – Noise and Vibration prohibitions: All uses shall comply with Title 26 Department of the Environment – Subtitle 02-Chapter 03-Control of Noise Pollution, of the Annotated Code of Maryland (COMAR).

After discussion, the Commission voted to approve the above-recommended changes to the ordinance, as presented, by a vote of 5 to 0 with one abstention.

3. Amend Section 408 A to allow multi-family residential structures in the CR-2 zones and hotel structures in the CR-1 and CR-2 zones to exceed three stories in height as follows:

408 Height Regulations – No principal building or structure shall exceed 35 feet or 3 stories in height; provided, however, that in the TC and CR-2 zoning districts the Board of Appeals may authorize, as a special exception, the construction and use of multi-family residential structures and in the TC, CR-1 and CR-2 zoning districts, may authorize construction and use of hotel structures not exceeding 60 feet or 6 stories in height if the applicant for such construction provides satisfactory evidence from the State Fire Marshal regarding compliance with State requirements for fire protection.

After considerable discussion, the Commission voted to approve the above-recommended changes to the ordinance, as presented, by a vote of 5 to 0 with one abstention.

4. Karen Myers requested that the Commission reconsider amendment proposal #9 dealing with incentive for business development on water front lots. Karen noted that a building that her company is now constructing would not conform to the 50% of the gross floor area provision of the proposed regulations, though this particular business is grandfathered. She feels that it would be advantageous to allow more residential area above a business in order to encourage alpine architecture that includes a loft, normally associated with Deep Creek architecture. Ms. Myers stated that the original proposal might encourage flat roofs. After discussion, the Commission decided to amend the wording from the June meeting of the Section 304B.9, as noted below.

Create incentives for business development and encourage continued viability of traditional waterfront businesses in the Town Center zone by amending the requirements to eliminate additional lot area for accessory dwelling units built in conjunction with permitted commercial uses on “lakefront lots in the TC zones as follows:

A. Amend Section 304B.9 of the Table of use Regulations to read as follows:

Section 304B.9 – Dwelling Unit in conjunction with and incorporated into the structure of a permitted principal non-residential use (This use would be permitted as A-Accessory in all zoning districts).

B. Amend Section 401.6 of the Table of Dimensional Requirements to read as follows:

Section 401.6 Dwelling Units in conjunction with and incorporated into the structure of a permitted principal non-residential use.

	<u>Min. Total Land Area Per Use</u>	<u>Min. Average Lot Area Per Dwelling</u>	<u>Min. Lot Width</u>	<u>Min. Yard Width</u>
In the LR and CR 2 Zoning Districts	43,560 sq.ft.	For 1 accessory dwelling unit, no additional land required	Same as principal use requirement	Same as principal use requirement
In all other Zoning Districts	The Min. Land Area required is applicable to the principal non-residential use	For 1 accessory dwelling unit no additional land area required	Same as principal use requirement	Same as principal use requirement

C. Add a new Section 410 for Exceptions for Accessory Dwellings on lake front lots in the TC - Town Center Zoning District as follows:

Section 410 Exceptions for Accessory Dwellings

*Dwelling Units built in conjunction with and incorporated into the structure of a permitted principal non-residential use located on a lakefront lot in the TC-Town Center Zoning District may include up to three (3) accessory dwelling units without requiring additional land area. The floor area of these accessory dwelling units shall not exceed (strike: 50% of the gross floor area of the structure, add: “... **50% of the gross floor area of the structure or if 100 % of the ground floor area of the building is devoted to commercial use, then 1.5 times the floor area above the structure may be devoted to residential use.**”*

John Nelson will make these modifications based on this discussion and will forward the change as part of the recommended amendments to the Commissioners. After considerable discussion, the Commission voted to approve the above-recommended changes to the ordinance, as presented, by a vote of 5 to 0 with one abstention.

The Planning Commission voted to forward these 15 specific amendments to the zoning ordinance, as discussed, reviewed and amended, during this and previous meetings of the Commission. The Commission will forward these amendments to the Board of County Commissioners for their action, by a vote of 5 to 0 with one abstention. Mr. Nelson noted that these proposed amendments would also require a public hearing.

D. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –July meeting.

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, July 20, 2006, starting at 7:30 pm, in the County Commissioners Room, second floor, 203 South Fourth Street, Oakland. The Board will review the following docketed cases and hereby request advisory opinions from the Planning Commission for these cases:

- a. **VR-613-** an application submitted by Karen Myers of Wisp Resort Lakeside Club, LLC for a Variance to allow parking spaces with a stall width of 8.5 feet, instead of the required 9.0 feet, for a proposed parking garage. The property is located 1033-1077 Deep Creek Drive, tax map 50, parcels 26, 255, 256, and 672, and is zoned Town Center.

Karen Myers of Wisp Resort Lakeside Club presented various plans and diagrams of the proposed garage to the Commission. Ms. Myers feels that the variance would allow for more landscaping plus the additional, needed parking. Mr. Nelson explained that since this variance request is for a particular structure, he believes this issue could best be answered by the Board of Appeals as a variance, rather than proposing to amend the zoning ordinance parking space dimensions.

The Planning Commission has no comment on this application.

- b. **VR-614-** an application submitted by Don Nemith of Overlook Mountain, LLC for Variances to allow the construction of condominiums units that would come within 10.5 feet of a rear property line, instead of the required 15.0 feet, and decks to come within 1.0 feet of the same rear property line instead of the required 5.0 feet. The property is located at 19956 Garrett Highway, tax map 58, parcels 144 and 145, and is zoned Town Center.

The Planning Commission has no comment on this application.

- c. **VR-615**- an application submitted by Roger Cutright of Silver Tree Enterprises, LLC, for Variances to allow the construction of condominium units that would come within 5.0 feet of a rear property line, instead of the required 15.0 feet, and decks to come within 0.0 feet of the same rear property line instead of the required 5.0 feet. The property is located at 567 Glendale Road, tax map 58, parcel 740, and is zoned Town Center.

The Planning Commission recommended by a unanimous vote of 6-0 that the Silver Tree application not be acted upon until the applicant has received the “buydown” from the State of Maryland, if the variance is to be heard under the relaxed standards provision of the ordinance.

1. **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.
2. **Waiver Request** – Thousand Acres’ Developers have requested waivers to certain road standards for portions of two private roads in Thousand Acres that will be relocated to serve new residential subdivisions. The applicant is seeking a waiver from Section 1002G.6 of the Garrett County Subdivision Ordinance to allow the road to be designed at the private road standards instead of the public road standards. The waiver would allow a 3,900-ft section of relocated Thousand Acres Road and a 2,200-ft section of relocated Crows Point Road to be constructed with an 18 ft cartway with 2 ft shoulders and a 20 mph design speed instead of the required 20 ft paved cartway with 5 ft shoulders and a 30 mph design speed. According to Bill Franklin, the road will remain privately owned.

Mr. Nelson explained that the roads are required to be constructed to county road standards because the roads will serve over 100 dwelling units. Joe and Bill Franklin feel that the 30 mph design speed encourages high-speed traffic and is actually a safety detriment to the neighborhood. They also pointed out that the roads only serve the residential area and would not be used for through traffic. Bill Franklin explained that there are provisions in the deeds at Thousand Acres, prohibiting the owners from petitioning for public take over of the roads. Mr. Franklin presented a map showing the location of the proposed and existing roads. He explained that these roads would not be used to access the new golf course. Mr. Franklin feels that the lower design standards will promote a sense of community in the neighborhood and tie the existing road system together nicely. The homeowners will takeover maintenance of the road.

Mr. Nelson pointed out that a letter was received from county roads staff cautioning against approval of waiver of this type because of safety concerns and possible future county takeover.

The Planning Commission recommended approval of the waiver request by a unanimous vote of 6 to 0.

6. Action on Major Subdivision Plats-

A) Major Subdivision for Second Phase for Wisp Resort – Phase IX-A of Wisp Resort PRD-Fantasy Valley Section- Karen Myers has submitted a request for final approval of a 21-unit section of a PRD along Hoyes Run Road located in the “Rural” land classification district. The applicant acquired preliminary approval last month from the Commission. Highland Engineering is conducting engineering work for the project. All of the required information has been submitted except for the easement to the county for the dedicated open space associated with the golf course. The homeowner’s documents and the sediment and erosion control permit are not yet approved. The County Roads Department has approved the road design and the bond has been submitted for the roads and utilities. The Commission conditionally approved the final plat of the PRD by a unanimous vote of 6 to 0.

B) County Commissioners -Lot 9 Commercial lot- This property is located off of Resource Avenue in the Southern Garrett Business and Technology Park. The Commissioners are seeking conditional approval for this subdivision, pending approval of the road plan that includes a 200-ft extension of a road. The Planning Commission granted conditional approval of the final subdivision plat, by a vote of 5 to 0, with one abstention.

C) North Glade Meadows- Phase I- Application for lots 1 through 19 located off of North Glade Road. The developer is Brian Shreve of Towers, LLC, and Cabin Run Log Homes. Preliminary approval for Phase 1 was granted on March 1, 2006. The applicant is seeking final plat approval. The bond or letter of credit is pending. The Commission granted conditional approval of this final subdivision plat, by a unanimous vote of 6 to 0.

D) North Glade Meadows- Phase II- Application for 5 lots located off of North Glade Road -Lots 20 through 24. The developer is Brian Shreve of Towers, LLC, and Cabin Run Log Homes. The applicant is seeking preliminary plat approval. The Planning Commission granted preliminary approval of this subdivision plat, by a unanimous vote of 6 to 0.

7. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for Wednesday, **August 2, 2006**, in the Economic Development Meeting Room, at 1:30 pm.

8. Adjournment- 4:00 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator