

## 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 6, 2006, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

|                 |                      |              |
|-----------------|----------------------|--------------|
| George Brady    | Joseph McRobie       | Paul Durham  |
| Tim Schwinabart | John Nelson-staff    | Paul Shogren |
| Troy Ellington  | William DeVore-staff | Karen Myers  |
| Fred Holliday   | Carolyn Matthews     | Kathy Tunney |
|                 | Jonathan Kessler     |              |

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

A. **Discussion of the public informational meeting of November 30 at Garrett College concerning the new Garrett County Comprehensive Plan.** John Nelson explained that much of the meeting was devoted to the draft build out analysis and growth projections. By and large, there was little objection to the projected growth figures. Mr. Nelson said that one town has already responded that the projected growth figures are in line with their expectations. Also, there were various comments on density and how the capacity was completed. Members of the Commission were pleased with the level of participation and the input by the public.

Mr. Nelson noted that Kevin Dodge, Vice-President of Allegheny Highlands Association, suggested to expand the Rural Resource category to include some forest cover areas that are not currently within that designation. Present Rural Resource area includes forest in and around the Savage River State Forest, the Potomac River State Forest and the Youghiogheny River south or upstream of Miller's Run. Mr. Nelson

recalled that Charles Hoffditz, representing the Forestry Board, said that the Board has concerns about issues for tax incentives for managed forestry areas of six acres or more that qualify for the program.

Also the density issue was brought out in a letter to the Planning Office, by Fred Warther, of the Southern Ad Hoc Committee regarding reduced density in the southern portion of the lake, in the Lake Residential zone.

The Commission discussed the two scenarios prepared within the building capacity analysis regarding lowering the density in Agricultural Resource areas of the County. The first scenario would reduce density from one unit per three acres to one unit per six acres. A second scenario would be one unit per twenty acres. John Nelson said that real estate appraisals, used in the Rural Legacy Program, acknowledge and assume that the highest and best use, and market demand, of rural farm areas is six to eight-acre subdivided parcels.

Paul Durham stated that market dynamics will naturally occur and density would not have to be further regulated. He feels this approach will also limit the farmer's options. Paul Durham also feels that the build out analysis failed to address Garrett County's inherent, 30 to 40 percent open space including, government lands, steep slopes, ground that will not percolate, wetlands, flood plains and other protected areas. He also feels that the analysis should be broken down by zone and land classifications.

Karen Myers feels increasing the density requirement will adversely affect the price that buyers would be willing to pay for agricultural land. She also feels that Environmental Resource Management (ERM) should work with agencies that are working for affordable housing in the County. Mr. Nelson said that the planning group recognizes the need for increased densities in growth areas and within Priority Funding Areas (PFA's). Members of the Commission were also concerned that lowering densities could possibly limit the potential for clustering.

Jonathan Kessler said that a five-acre minimum lot size in a region of Pennsylvania disrupted farming in that area and created sprawl. He advocates some type of clustering to help protect land.

- B. Discussion of Allegheny Energy Transmission Line proposal** – John Nelson said that a meeting is scheduled for Thursday, December 7, at the Southern Rescue Squad building, from 5:00 to 8:00 pm. Mr. Nelson included a generalized location map of the proposed transmission line in the packet of information for this meeting. It is noted that only the general location of the proposed power line is known at this time, called the “corridor of study”. Mr. Nelson noted that this power line location might have impacts on some land that is located in the County's Ag-Resource Program and the line may also have impacts on certain infrastructure.

- C. Ag-land District Applications:** None

## D. Miscellaneous

### 1. Deep Creek Watershed Zoning Appeals Cases

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, December 21, 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 an advisory opinion from the Planning Commission for these cases:

- a. **SE-378-** an application submitted by Jonathan Kessler of McHenry Cove, LLC, for a Special Exception permit to allow construction of a hotel facility to be developed in conjunction with an indoor recreational use, specifically, a water park. The water park, hotel structure will have accessory or subordinate uses and services for guests and the general public which are listed independently as Special Exception uses in the Zoning Ordinance, including the following: restaurant and lounge, spa and fitness center, related retail businesses, commercial catering facility or banquet hall and commercial outdoor recreation areas. The property is located at 23900 Garrett Highway (tax map 50, parcel 600, lot 1A and 1B and parcel 243 lot 19) and is zoned Commercial Resort 2 (CR2).

**SE-379-** an application submitted by Jonathan Kessler of McHenry Cove, LLC, Inc. for a Special Exception permit to allow construction of a hotel that will be up to 60' in height. The property is located at 23900 Garrett Highway (tax map 50, parcel 600, lot 1A and 1B and parcel 243 lot 19) and is zoned CR2.

Jonathan Kessler of McHenry Cove, LLC, presented an overview of the project along with various plats, architectural renderings, aerial photos and designs for the new proposed water park. Mr. Kessler stated that the project would include approximately 225 rooms including 165 at the hotel along with 60 cabins located on the eastern portion of the property. Mr. Kessler does not want to limit the project to these numbers of rooms at this time. The cabins and the hotel rooms will have the same room style. Mr. Kessler feels that the hotel is appropriate for the property because of its location, in McHenry, in the CR zone and adjacent to the Garrett County Fair Grounds. Mr. Kessler noted that his architect, Bruce Robinson, of Cincinnati, Ohio designed the plans. The project will be a "North Woods Adirondack" theme. The structure will include two elevators, a wave pool, surfing area, game area, and the structure is planned to have a retractable roof. Accommodations will be made for day guests and groups of all ages. Local day passes may also be available. The

hotel will be about 50,000 square feet in size. Mr. Kessler expects typical hotel guests will be a family of 4 or 5 people who will stay about one to two days.

Mr. Kessler presented a cross section of the proposed hotel, water park showing the height of the building. The hotel will have four levels and will be approximately 60 feet in height. Water sources include a possible recovery system from the roof, a private system and, or tapping into the County system. Daily water consumption will be approximately 5,000 to 15,000 gallons per day. Mr. Kessler feels that the slide tubes located in the setback area can be moved so that they do not violate the setbacks. A Variance is not proposed as part of this Special Exception request.

The Planning Commission recommended approval of **SE-378** and **SE-379** by a unanimous vote of 5 to 0.

- b. VR-620-** an application submitted by Michael F. Annarelli, for a Variance to allow the creation of a lot that would be substandard in width. The lot would be 100 feet wide, as measured at the front setback line. The proposed lot will be 2.83 acres in size. The property is located at 1384 Green Glade Road, tax map 67, parcel 384 and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- c. VR-621-** an application submitted by Dennis R. Wraase for Variances to allow the construction of a principal structure that would come within 3.0 feet of a rear property line, and a deck to come within 0.0 feet of the same rear property line. The property is located at 236 and 246 McComas Beach Terrace, tax map 57, parcel 215 and 216 and is zoned Lake Residential.

The Planning Commission has no comment on this 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. **Waiver Requests-** Adrian T. Martin has requested a waiver from the 3.0 acre lot size for a parcel of land located at 1045 Pysell Crosscut Road, Oakland, on tax map 71, parcel 45. The applicant is seeking a waiver from the Agricultural Resource minimum lot size of 3.0 acres in order to subdivide a 1.47-acre lot from the 7.9-acre parent tract. After considerable discussion the Commission recommended denial of the waiver request by a vote of 3 to 2.
4. **Mettiki Mine Abandonment-**Members of the Commission have requested information from the Maryland Bureau of Mines concerning the status of the abandoned Mettiki deep mine off of Table Rock Road, especially water quantity

and quality at the mine. The Commission requests to receive updated mapping and a representative from the Bureau to explain these issues at the closed mine, at the Bureau's convenience.

5. **Mining Permits-none**

6. **Action on Major Subdivision Plats-**

A) **Major Subdivision - Frederick Holtschneider commercial lot.** The subdivision is located on Garrett Road, tax map 72, parcels 31 in the AgResource land classification. The applicant is seeking preliminary approval for the proposed 1-lot subdivision. The Planning Office staff feels that the plat meets the requirements of the subdivision ordinance. The Planning Commission granted approval of this subdivision plat, by a unanimous vote of 5 to 0.

B) **Major Subdivision – Bray Run - 29-lot cluster subdivision off of Oakland Sang Run Road.** Preliminary approval was granted on July 6, 2005. The applicant is seeking final approval, contingent on the required letter of credit for roads and utilities and stormwater management. This property is located on tax map 57, parcel 53. The owner is Kyle Newsome and the developer is Maryland Developers, LLC. The applicant is seeking final approval. The plat meets the requirements for conditional, final approval and was unanimously approved by a vote of 5-0.

C) **Major Subdivision- Jackson Place-** the owner developer is Ellwood R. Sanders. The applicant is seeking preliminary approval for this subdivision plat. The application is for 4 lots, tax map 71, parcel 63, located off of Sanders Lane in the Rural land classification. The Commission granted preliminary approval of this subdivision plat by a unanimous vote of 5 to 0.

7. **Next Scheduled meeting -** The next regular meeting of the Planning Commission is scheduled for Wednesday, **January 3, 2007**, in the County Commissioners Meeting Room, at 1:30 pm.

8. Adjournment- 3:15 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator

