

## GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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### MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, March 7, 2007, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting include:

Troy Ellington	John Nelson-staff	Paul Durham
Tim Schwinabart	William DeVore-staff	Robert Purnell
Jeff Messenger	Bill Ingram	Michael Delligatti
Gary Fratz		

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

**A. Meetings on the Comprehensive Plan-** John Nelson, Director of the Office of Planning and Land Development, noted that a summary of comments regarding the visioning process for the Garrett County Comprehensive Plan has been posted on the county web site for the visioning meeting that was held on Monday, February 26<sup>th</sup>, 2007. Mr. Nelson noted that the Planning Office has not yet replied to some letters. Specifically, letters of reply are forth coming to the Forestry Board and the League of Women Voters. Mr. Nelson also noted that he is invited to upcoming meetings of the Soil Conservation Service and the Farm Bureau.

Mr. Nelson and the Commission noted that so far little has been heard from the development community regarding the visioning process. The Board feels that this is unusual because developers have a vested interest in the design of the Comprehensive Plan. Paul Durham of the Board of Realtors said that the Board would present their position at the next meeting of the Commission. Mr. Ellington noted that the Board should at least document their position in order for the Commission to hear from all sides on development issues and to help the Commission make the difficult decisions that are ahead.

The Commission generally feels that most of the people speaking at the February meeting seem to be in favor of “clustering” as a way of preserving farmland and open

space. Mr. Nelson explained that the remaining ground if retained by the original land owner, from a cluster development would require an easement to the county, which would insure that the balance of this preserved farmland or open space would remain undeveloped. The ground could be farmed, turned over to the homeowners association, conveyed to another farmer, turned into woodland or conveyed to a trust.

Mr. Nelson noted that another important topic of the previous meeting was groundwater quantity and quality. A water resource element of the Plan must be formulated and the draft guidelines are still not available. The Commission also suggests that the Health Department address the Planning Commission at some point in the process of devising the Comprehensive Plan, concerning water and septic issues.

Discussion ensued regarding the results of the Deep Creek Lake water analysis performed by ERM, presented at the February 27<sup>th</sup> meeting. The general conclusion is that there is no immediate cause for concern regarding the water quality of the lake. The Commission was impressed with the participation and knowledge level of the participants of the meeting.

In response to requests to having more meetings that can be accessed by the general public, the Commission has decided to have the next regular meeting of the Board on Wednesday evening, April 4, beginning at 7:00 pm in the County Commissioners Meeting Room. Also an important meeting of the Commission will be held on Tuesday, March 27, 2007, beginning at 6:00 p.m., in the Southern High School Auditorium. This meeting will be a "hands-on" exercise to revise and update the mapping for the Garrett County land use classification map.

**B. Amendment to the Deep Creek Watershed Zoning Ordinance regarding LED and LCD signs-** Mr. Nelson noted that letters have been received from individual members of the Garrett County Development Corporation, though a consensus of opinion was not provided from the Corporation. Mr. Nelson noted that Frank Vitez and Scott Johnson sent letters of support for regulation of this type of sign. Mr. Johnson feels that these types of electronic signs must be banned, countywide. He feels that the existing electronic signs should have no backlighting, no animation, be held to a five-second interval, have one color, and be phased out over a five-year period. Mr. Johnson feels that these signs are a safety hazard, gaudy and aesthetically unpleasant. Mr. Vitez supports the Johnson position.

Acting Chairman, Troy Ellington feels that there is a difference between a single-line message board sign and a multi-line, animated message board with graphics. Mr. Ellington feels that a four-second interval is reasonable for a multi-line display and a shorter time display is practical for a single-line board. He feels that a single-line board would be logical for new facilities, such as the Performing Arts Center. Mr. Ellington notes that recommendations on the use of these signs range from an outright ban to unrestricted use. He feels that some compromise is the best option. Mr. Ellington has submitted written recommendations to the Commission regarding electronic signage.

Mr. Ellington feels that the following controls on LED/LCD signs are appropriate and recommends the following:

1. LED/LCD type signs may be erected with constraints of their operation.
2. Single line, scrolling signs may change the message at one-second intervals
3. Multiple line presentations may change the message at four-second intervals.
4. No “flashing or animated signs or messages” are permitted.
5. No reverse images are permitted.
6. The illuminated portion of the sign will not exceed 25% of the total area at a time.
7. Displays are limited to a single color and toggling between colors is not permitted

William DeVore of the Garrett County Planning Office noted that the International Zoning Code classifies a sign as “flashing”, if “the cyclical period between on-off phases of illumination is less than four seconds”. Mr. DeVore noted that the Deep Creek Watershed Zoning Ordinance prohibits “flashing”, but a definition of this word is not provided in the Ordinance.

Mr. Nelson noted that any proposed change to the Ordinance would require advertising and public meetings on the subject. The Commissioners are free to modify any recommended change to the Ordinance. The director noted that the Planning Office enforces the Ordinance. Jeff Messenger of the Commission recommends that the Commission formulate standards, but the Commission should have self-enforcement of the proposed restrictions.

The Planning Commission recommended approval of regulation of these types of signs by a vote of 3 to 1. Mr. Nelson will formulate the specific, proposed amendment to the Ordinance and present the actual wording to the Commission at the next regularly scheduled meeting on April 4<sup>th</sup>.

## **C. Miscellaneous**

### **1. Deep Creek Watershed Zoning Appeals Cases**

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, March 15, 2007, starting at 7:30 pm, in the County Commissioners Meeting 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-382**- an application submitted by Arthur Holland and Michael Cumerlato for a Special Exception permit for a water treatment facility serving as a principle use. The property is located at 844 Paradise Heights Road, part of tax map 58, parcel 74, and is zoned Town Residential.

The Commission recommends by a vote of 4 to 0, for the Board of Appeals to request an explanation from the applicants, assuring the protection of the water

rights for the affected owners of the Yellowstone Condominium Association. This protection could be addressed in the covenants and restriction documents of the condominium association.

- b. **SE-383**- an application submitted by Stephen A. Harris for a Special Exception permit to modify and enlarge an existing singlewide mobile home. The property is located at 543 Maybury Lane tax map 67, parcel 415, and is zoned Lake Residential

The Planning Commission has no comment on this application.

- c. **VR-625**- an application submitted by Larry Smith for a Variance to allow the construction of a deck that would come to within 2.5 feet of a rear property line instead of the required 5.0 feet. The property is located at 19906 Garrett Highway, tax map 58, parcel 260 and is zoned Town Center.

The Planning Commission has no comment on this application.

- d. **VR-626**- an application submitted by Bill Ingram of Penn Marine Properties, Inc, for a Variance to allow the construction of a restaurant that would come to within 10.0 feet of a rear property line instead of the required 35.0 feet. The property is located at 19638 Garrett Highway, tax map 58, parcel 754, lot 21 and is zoned Town Center.

Michael Delligatti of Penn Marine Properties presented an overview of the proposed restaurant to the Planning Commission. Mr. Delligatti explained that the variance request is expected to be heard under the “relaxed standards” provision of the Ordinance, Section 1005E. Mr. Delligatti believes that this location is the best for fit for the property and will allow the best view for the existing, adjacent Alpine Village Motel.

Mr. Delligatti stated that the restaurant would be part of a franchise named “Up the Creek Fish Camp and Grill”. The applicant provided a booklet of information about the restaurant showing the site plan; with and without the variance, menu, floor plan, parking, and pictures of other “Up the Creek” restaurants. Construction is expected to begin this spring with a possible November opening date. The applicant stated that the project will comply with all state and county requirements including, parking, grading permit, and the entrance permit.

The Planning Commission recommended approval of **VR-626** by a unanimous vote of 4 to 0.

- 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- None**

- 4. Ag-land Preservation District Applications-** Jim Margroff has applied to form an Ag-land Preservation District for 110.92 acres located in northern Garrett County. This area is located within the Rural Legacy area of the Bear Creek Watershed. Funding for the purchase of the easements for the district will come from the Rural Legacy Program. The application was approved by a unanimous 4 to 0 vote.

**6. Action on Planned Residential Development (PRD)-**

- A) Modification to North Camp, Section 4C, Preliminary Plat.** The developers, DC Development LLC, have submitted a revised Preliminary Plat showing 28 duplex units. North Camp 4C, Ridge Run, is part of the Wisp Resort PRD and is located in a Rural land classification. The original Preliminary Plat approved during the January 3, 2007, Planning Commission meeting shows a mixture of 10 single family and 18 duplex units. The applicant sought preliminary approval of this revised submission. The Commission granted approval of this revised Preliminary Plat by a unanimous vote of 4 to 0.

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

- A) Major Subdivision – Jemsite Development, Inc. – Lowes-** The developer, Glotfelty Farm Partnership, proposes a one-lot commercial subdivision located off of Garrett Highway on Map 72, Parcel 43 in a Suburban Residential land classification. The lot is being created to transfer the property for further development. Future development will require further submissions for approval of the stormwater and entrance permits. The applicant is seeking preliminary and final approval of this subdivision. The Planning Commission granted approval of this Preliminary, Final and Record Plat by a unanimous vote of 4 to 0.
- B) Major Subdivision-Pilot Travel Center.** The developer, Pilot Travel Centers LLC, proposed a three lot commercial subdivision located off of Chestnut Ridge Road near Interstate 68. The property, owned by Gary and Susan Kamp, is located on Map 19, Parcels 165 and 205 in a Commercial land classification. The applicant is seeking preliminary approval of this subdivision. The Commission granted approval of this Preliminary Plat by a unanimous vote of 4 to 0.
- C) Major Subdivision- Bear Ridge Phase V.** The developers, Toney and Bonnie Artice, proposed three new lots in the ten-lot, Bear Ridge subdivision located off of Malachi Way. The property is located on Map 23 Parcel 115 in a Rural land classification. The applicant is seeking preliminary and final approval of this subdivision. The Commission granted approval of this Preliminary and Final Plat by a unanimous vote of 4 to 0.

**D) Major Subdivision-Green Lantern Farm.** The developers, Green Lantern Properties LLC, proposed a 6-lot subdivision along Green Lantern and Sam Crow roads. The property is located on Map 20 Parcel 8 in an Agricultural Resource land classification. The applicant is seeking preliminary and final approval of this subdivision. The Commission granted approval of this Preliminary and Final Plat by a unanimous vote of 4 to 0.

**8. Next Scheduled meeting** - The next regular meeting of the Planning Commission is scheduled for Wednesday, **April 4, 2007**, in the County Commissioners Meeting Room, at **7:00 pm**. Also please note, a special meeting of the Commission will be held on Tuesday, **March 27, 2007, beginning at 6:00 pm.**, in the Southern High School Auditorium.

**9.** Adjournment- 4:00 pm.

Respectfully submitted,

William J. DeVore  
Zoning Administrator