

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, 2007, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting include:

George Brady	Chad Fike-staff	William Ashby
Tim Schwinabart	William DeVore-staff	Edith Brock
Gary Fratz	Karen Myers	Duane Yoder
Ruth Beitzel	Sam Housley	John Anderson
Troy Ellington	Dr. William Pope	Roger Cutright
Dennis Margroff	Steve Richards	Paul Durham
Joe McRobie	Terry Rodeheaver	Cecil Holtschneider
Fred Holliday	Robert Huebner	Lisa Mauricci
Jim Gibson	Michael Bell	John Nelson-staff

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

A. Habitat for Humanity Development Plan and Waiver Request- John Nelson, Director of the Office of Planning and Land Development explained Habitat for Humanity's request for a waiver from the dimensional requirements in the Suburban Residential (SR) land classification near Deer Park. This category requires a minimum lot size of 20,000 square feet, per the Garrett County Subdivision Ordinance. The Habitat Board's waiver request is for a minimum lot size of 10,000 sq. ft. The property has secured public water and sewer. Mr. Nelson expects this area to be part of a future Priority Funding Area (PFA), as a Town Residential (TR) category.

Mr. Huebner explained the increased density would help defray the high costs associated with infrastructure, including land and utilities. Mr. Huebner feels that the 10,000-foot lot size is more than adequate to provide for these homes and is a better use of the land. He also feels that this plan is consistent with the planned update to the Garrett County Comprehensive Plan.

Mr. Nelson explained that a PFA designation requires four units per acre. The PFA density requirement is consistent with the TR category. The updated Comprehensive Plan is expected to reflect this change from the SR to the TR classification. The PFA designation would allow for eligibility for certain State and Federal funding. Mr. Huebner stated that Habitat is planning to build four houses per year for 2007 and 2008. The request would pertain to the 2008 lots; this year's four homes will be on 20,000 sq. ft. lots.

Mr. Huebner explained, that in order to be eligible for this housing the applicant must currently live in substandard housing, have enough income to afford the interest free, monthly payments without earning too much income, and must partner with the organization for 250 hours of "sweat equity" from everyone over 18 years of age in the household.

After discussion, the Commission decided to approve the request by a vote of 6 to 0, with one abstention.

- B. Public Commentary and Discussion-** Dr. William Pope asked for clarification regarding the details of the Ag-land Preservation program. Mr. Nelson explained that there are two steps in order to qualify for the program. First, the applicant must form an Agricultural District, which is a voluntary measure by the applicant for a minimum of five years. Any time during the five-year period, the applicant can go to the next step for a permanent easement on the property. There are two programs available, the Ag-land Preservation program and the Rural Legacy program. Both programs are funded through the State and funding is limited. The State would offer to pay the appraised "development value", minus the "agricultural value" of the farm to the applicant, after completion of this two step process.

Chairman Brady noted that the Rural Legacy program does not require the owner to own the mineral rights of the property, as the MALPF program requires subordination by the mineral owner. Rural Legacy funds cannot be used outside of the Bear Creek watershed, the targeted County Rural Legacy area.

Terry Rodeheaver of the Farm Bureau questioned when the first draft of the Comprehensive Plan would be available and the process to make the public aware of the draft availability. Mr. Nelson explained that the first chapter would probably be available in October. All chapters will be available on line at the County website, as they become available. News releases will also accompany the availability of sections of the plan.

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, July 19, 2007, starting at 7:00 pm, in the County Commissioners Meeting Room, second floor, 203 South Fourth Street, Oakland. The Board will review the following docketed cases and hereby requests an advisory opinion from the Planning Commission for these cases:

- a. **SE-385-** an application submitted by Silver Tree Enterprises, LLC, Inc. for a Special Exception permit to allow construction of a hotel that will be up to six stories and 60 feet in height. The property is located at 567 Glendale Road, tax map 58, parcel 740 and is zoned Town Center.

At the June 13 meeting, the Planning Commission recommended that this request for Special Exception be denied due to concerns over parking and fire safety, by a vote of 5 to 2. Visibility of the structure from the lake was also a concern. Silver Tree requests that the Commission reconsider this decision after the applicant presents this case to the Commission and addresses their reservations. The applicant Roger Cutright of Silver Tree and John Anderson, architect for the project, specifically addressed these issues, namely fire, safety, parking and visibility.

Mr. Anderson noted that accommodations would be made so that restaurant patrons would continue to have lake view dining options. The architect stated that 179 parking spaces are currently available and this is more than adequate to meet the number of spaces required by the Ordinance. Mr. Anderson demonstrated by illustration that the view from Glendale road and from the lake would be virtually unchanged by this new 34-unit addition. Mr. Anderson noted that the new building would be only about four feet higher than the existing building.

Regarding fire safety, the applicants feel that coordination and full review by the State Fire Marshall before the building is approved will alleviate many concerns. The building will be built from noncombustible material, such as concrete and steel. A sprinkler system would also be required for the building. Access for emergency vehicles will be available, according to the applicants.

The Commission voted to modify their previous opinion and recommend approval of the application with conditions. The Commission recommends approval of the Special Exception by the Board of Appeals, conditioned that architectural plans be submitted to the Board illustrating that the building will be similar in design to the existing phase I building and that plans for road access to all sides of the structure are provided for fire and rescue vehicles to reach the building, before approval of the Special Exception is granted.

- b. **SE-386-** an application submitted by Silver Tree Marine, LLC, for a Special Exception permit to construct up to three additional indoor boat storage buildings on property currently being used for boat storage. The property is located at 4989 Rock Lodge Road, tax map 43, parcel 149, and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- c. **VR-630** an application submitted by Ehsan Khademi, for Variances to allow the construction of a principal structure that would come to within 32.0 feet of a front property line, to within 13.0 feet of a side property line and to within 10.0 feet of a second side property line. The applicant also requests to allow construction of the same principle structure to within 1.0 feet of a rear property line. The owner has purchased the buy-down from the State of Maryland. The property is located north of 427 Lake Shore Drive, tax map 57, parcel 141, and is zoned Lake Residential.

The Planning Commission expressed its concern to the Board of Appeals regarding approval of variances of this magnitude, on such narrow lots. The motion expressing this concern was approved by a unanimous vote of 7 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-

- a. **Cecil Holtschneider-** Mr. Holtschneider is seeking a waiver in order to subdivide his property, located at the corner of Doerr Road and Garrett Highway into three lots. The 4.4-acre parcel is located on map 33, parcel 99 in an Agricultural Resource land classification. Mr. Holtschneider requests permission to create a 1.0-acre lot and 2.4 acre lot around two existing homes located on the property and also create a 1.0-acre lot for a future building site. Mr. Holtschneider had the lots surveyed but did not record them, as of this date. The waiver is required due to the fact that the Agricultural Resource land classification requires a minimum lot size of three acres. After discussion, the Commission granted conditional approval of the waiver request by a unanimous vote of 7 to 0. Approval is conditioned upon increasing the existing 0.75-acre lot to a one-acre lot, subject to approval of an onsite septic area and on submission of a surveyed plat for each of the three proposed lots.

4. Ag-land Preservation District Applications-

- a. **Jim Sherbin** – The applicant has applied to form an Ag-land District for 162 acres located off of Milt DeWitt road. This area is located within the Rural Legacy area of the Bear Creek watershed. Mr. Nelson believes the application meets all of the requirements to form a district and consistent with the Comprehensive Plan. Funding for the purchase of the easements for the district will come from the Rural Legacy program. The application was approved by a unanimous 7 to 0 vote.
- b. **Joseph Yoder** - The applicant has applied to form an Ag-land Preservation District for 91.15 acres located off of the Dorsey Hotel road, north of Grantsville. Mr. Nelson believes the application meets all of the requirements to form a district and consistent with the Comprehensive Plan. Funding for the purchase of the easements for the district will come from the Rural Legacy program. The application was approved by a unanimous 7 to 0 vote.
- c. **Benjamin Vitez-** The applicant has applied to form an Ag-land Preservation District for 154.64 acres located off of the Frazee Ridge Road, north of Friendsville. Mr. Nelson believes the application meets all of the requirements to form a district and consistent with the Comprehensive Plan. The application was approved by a unanimous 7 to 0 vote.
- d. **Frank, Rebecca and Benjamin Vitez-** The applicants have applied to form an Ag-land Preservation District on an adjoining farm, with 54.83 acres, also located off of the Frazee Ridge Road. Mr. Nelson believes the application meets all of the requirements to form a district and consistent with the Comprehensive Plan. The application was approved by a unanimous 7 to 0 vote.
- e. **Reece Riley-** The applicant has applied to form an Ag-land Preservation District for 71.29 acres, with no exclusions. Mr. Nelson believes the application meets all of the requirements to form a district and consistent with the Comprehensive Plan. The application was approved by a unanimous 7 to 0 vote.

5. Action on Planned Residential Developments (PRD)-

- a. **Wisp Resort Phase 9A, B & C Lodestone Subdivision, Greenbrier Sections I & II.** The developers, DC Development, submitted a Final Plat showing a total of 29 lots located off Sandy Shores & Shingle Camp roads. Nine lots would have temporary wells and the remaining 20 lots will be served by public water. The property is part of the Wisp Resort PRD and is located on map 49, parcel 11, and map 57, parcel 618 in a Lake Residential zoning district. The Planning Commission granted preliminary approval for a total of 60 lots during their November 1, 2006 meeting. The Commission granted approval of this Final Plat by a unanimous vote of 7 to 0.

6. Action on Major Subdivision Plats-

- a. Preliminary and Final Plat- Silas Sines Manor North.** The developer, Irene Heine, proposes a three-lot subdivision along Swallow Falls road. The property is located on map 57, parcel 283 in a Rural land classification. The developer is seeking conditional approval, contingent on completion of the Stormwater and Sediment Control permit and approval of the homeowner's documents. The Commission granted conditional approval of this Final Plat by a unanimous vote of 7 to 0.
- b. Record Plat-North Shore West.** The developer, Bill Franklin has submitted a Record Plat for Lot 3, of the North Shore West subdivision. The Planning Commission granted final approval of the subdivision on July 2, 2003, and the developer has submitted Record Plats of individual lots for recording purposes.

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

8. Adjournment- 3:30 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator