

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, January 2, 2008, at 1:30 pm, in the County Commissioners Meeting Room. Members and guests in attendance at the meeting include:

Troy Ellington	John Nelson-staff	Bill Franklin
Tim Schwinabart	William DeVore-staff	Dr. William Pope
Jeff Messenger	Amy Nemith	Karen Myers
Ruth Beitzel	Kevin Potter	Paul Durham
Joe McRobie		
Tony Doerr		

1. Call to Order – By Acting Chairman, Troy Ellington at 1:30 pm.
2. The December minutes were unanimously approved as corrected. On page 4, the word “access” has been changed to “assess”. Also a memo from Karen Myers has been submitted as an addendum to the December minutes, for clarification concerning the Ocean City, Maryland, zoning ordinance.
3. Reports of Officers – Acting Chairman Ellington noted that according to Robert’s Rules of Order, a “second” is not required for motions from the floor, for a board of this size, unless the board decides that a “second” is necessary. Mr. Ellington also noted that any motion to “table” must be discussed and voted upon. Tabling also does not necessarily mean that the issue is dropped until the next meeting; the subject could be brought up again, after the board attends to more urgent business.
4. Unfinished Business - None
5. New Business-
 - A. **Tony Doerr introduced as a new member of the Planning Commission.** Tony Doerr will serve as an alternate member of the Commission beginning with this meeting.
 - B. **Citizen Planner Association** - Mr. Nelson noted that the Citizen Planner Association has sent requests for membership. The fee for the Planning Commission would be \$300. Mr. Ellington said that he would prefer to attend a meeting before the Commission joins the group. The Commission decided that it would defer joining the group until a representative is able to attend a meeting.

C. Request by the Garrett County Commissioners for an Amendment to the Deep Creek Watershed Zoning Ordinance. This proposed zoning amendment has originated from the Board of County Commissioners: The amendment reads:

Section 201(31) Hotel or Motel – Regardless how owned or titled, a “hotel or motel” is a building or group of buildings which shall:

- (1) Be operated exclusively as a place of temporary lodging for transient guests.*
- (2) Be open to the public generally rather than to a limited group.*
- (3) Contain a public lobby and guest registration office with guest rooms and suites.*
- (4) Provide full-time on-site management, guest registration personnel, daily maid service and maintenance to all guest rooms and suites.*
- (5) Limit the number of room keys to the number of guest rooms and suites approved by Garrett County.*
- (6) Not have individual utility connections metered separately, including water, sewer, and electric, to individual guest rooms and suites.*
- (7) Maintain a sign with the name of the hotel or motel on the outside of the property prominently displayed.*
- (8) Maintain records for all guest rooms and suites, for at least the most recent two years, including names and addresses of guests and term of stay.*
- (9) Contain sleeping accommodations and not more than one and one-half bathrooms and may contain a kitchenette consisting of a single bowl sink, refrigerator, up to an 18-inch dishwasher, countertop and cabinetry and may contain a microwave oven, but no other cooking facilities.*
- (10) Not be construed to include any building or structure defined as a multiple-family dwelling under this ordinance for the purpose of calculating minimum land area and off-street parking per room or suite. In the case of mixed uses, the required minimum lot area and parking requirements shall equal the sum of the requirements of the various uses computed separately.*

Mr. Nelson explained that the Commissioners’ proposal is similar to the alternative amendment that was prepared for the Planning Commission’s consideration last month, except that provisions in Section (9) do not include a three-burner cook-top. The Commissioners removed the cook-top option provision from the previous version that was tabled at the last meeting of the Commission. The Commissioners’ proposal corresponds with the historical definition of hotel/motel, as interpreted by the Planning office, since the enactment of the zoning ordinance.

Questions ensued concerning what constitutes a one-half bathroom. Mr. Nelson explained that any combination of the three, basic bathroom fixtures; sink, shower and

toilet would be a full bathroom. One or two of those fixtures would count as a half-bath.

Kevin Potter addressed the Planning Commission regarding his proposed hotel project at the Point View Inn. Mr. Potter noted that the Ocean City zoning ordinance does allow multiple bedroom, multiple baths and full kitchens in hotel units. Examples can be found at the Hilton Inn Suites and the Holiday Inn Suites. Mr. Potter updated the Commission regarding the status of his proposal to redefine hotel/motel in the Deep Creek Watershed Zoning Ordinance. Mr. Potter explained that he has withdrawn the request to change the ordinance and would like the Commission to review his proposal to include full kitchens in his hotel units.

Mr. Nelson explained that the Commission does not have the authority to review and approve zoning permits and that the Board of Zoning Appeals makes determinations on interpretive hearings. Mr. Nelson summarized that the Potter's request to amend the ordinance at the last meeting was tabled, and now the County Commissioner's have introduced a new proposal to redefine "hotel/motel". Mr. Nelson explained that another option could be to develop yet another alternative amendment, using the Ocean City, Maryland, ordinance as a guide.

Paul Durham believes there should be more discussion from a policy perspective and less discussion on ordinance language. If kitchens are desired in hotel units, then the ordinance could be adjusted to accommodate them, with the proper restrictions. He personally believes that full kitchens in hotel units are acceptable. Mr. Durham feels that hotel units should be distinct from dwelling units, such as apartment buildings. He also believes that a change to the ordinance to allow kitchens would help the existing hotels and motels at the lake.

Kevin Potter said that his research shows that Deep Creek does not provide for "empty nesters" and small families who may be looking for a two-bedroom getaway at the lake, who cannot afford a large rental home. He thinks that this type of quality accommodation would greatly benefit the Deep Creek community by fulfilling this need and making Deep Creek competitive with other resorts. Mr. Potter said that his plan includes fewer units than the maximum permitted, in order to provide the larger quality units with amenities.

Some members of the Commission feel that it is important to keep commercial establishments at Deep Creek and not allow them to be replaced by residential housing units. Some members feel that there should be restraints on suite size and the number of units and there should be a distinction between hotels and "condo-hotels".

Mr. Nelson said that the main concepts in the Ocean City ordinance include; a minimum land area per room, a maximum room size, and a parking requirement. The director feels that the Ocean City ordinance could be adaptable to the Deep Creek ordinance for regulation of hotels.

Amy Nemith believes that any provision for a modern hotel unit should allow two full bathrooms with two bedroom units, for the convenience of the guests.

Mr. Nelson noted that the larger hotel rooms and more bedrooms increase the chance that the users would bring a second vehicle, thus necessitating added parking spaces for the larger units.

Additionally, some members of the Commission feel that there should be some limitation on the length of stay at the hotel. The Commission generally feels that a 90-day limit maybe adequate. Kevin Potter and Karen Myers noted that the accommodations tax defines “transient” as less than 90 days. Mr. Potter stated that he is considering fractional ownership of the hotel units under a hotel management program that could be limited to one or two weeks.

Chairman Ellington made a motion to task Mr. Nelson and the Planning staff to develop a new hotel/motel definition, based on the Ocean City ordinance. The definition would allow up to two bedrooms and have certain land size requirements to restrict the number of units based on the size of the property. The new definition should keep the hotel/motel commercial in nature, not residential, and allow full kitchens. Parking would be regulated based on the size of the unit. Also the length of stay would be restricted.

Mr. Nelson clarified that the Commission would like to have standards similar to the Ocean City ordinance in terms of the square footage of the room size, providing they are inline with Garrett County density standards. The Commission directed Mr. Nelson to make the land area requirement for hotels approximately 1,000 square feet per unit. Parking requirements would be one space for one-bedroom units and one and one-half spaces for two bedroom units. Mr. Potter noted that his largest proposed suite is 1,050 square feet, with two bedrooms and two baths. His proposal includes 36 hotel units with a total of 46 bedrooms. The hotel would have one and two bedroom configurations. Mr. Nelson expects that a public hearing could be held sometime in late February.

D. General discussion on the progress of the Comprehensive Plan.

Mr. Nelson opened the discussion regarding the Comprehensive Plan and the November 19th meeting that was held at Garrett College. Mr. Nelson is working with ERM, the consultant on the plan, to address comments from the meeting. The director notes that one question is why the use of a maximum lot size and not a minimum size. Also a member of the Savage River Watershed Association is advocating one unit per ten acres, instead of the one in three, recommended in the plan.

Mr. Nelson is also reviewing four additional, draft chapters of the plan that he recently received from ERM. After review by Mr. Nelson, the draft will be distributed to each of the Commission members. It is anticipated that the complete plan will be available

at the March meeting of the Planning Commission. The plan could then be accepted and forwarded to the appropriate State agencies, in the Clearinghouse review process. The March meeting may need to be scheduled as an evening meeting and the date of the meeting may not be the customary, first Wednesday of the month.

Paul Durham questions whether the plan would have clarification of the county's position on windmills on public lands. Mr. Nelson noted that the current draft language regarding windmills, found on the county website, is endorsed by the Commissioners. The plan supports windmills in appropriate locations.

E. Public Commentary- None.

F. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases –

The Deep Creek Watershed Board of Zoning Appeals will conduct a public hearing on Thursday, January 17, 2008, 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 case and hereby requests an advisory opinion from the Planning Commission for this case:

- b. VR-642-** an application submitted by Don Nemith of Overlook Mountain, LLC for Variances to allow the construction of second story decks that would come within 7.0 feet of a rear property line, instead of the required 15.0 feet. The property is located at 19956 Garrett Highway, tax map 58, parcel 145 and is zoned Town Center.

The Planning Commission has no comment on this application.

- 2. Minor Subdivisions –** Approved minor subdivisions have been included in the packet mailed to the Commission members prior to the meeting.
- 3. Waivers Requests- None**
- 4. Discharge Permit Applications – None**

G. Action on Planned Residential Developments (PRD) and Major Subdivisions

- 1. Preliminary Plat- Thousand Acres II-** The developer, Appalachian Investment Properties, has submitted a Preliminary Plat and Yield Plan for a 150-lot cluster

development located along several new and realigned roads in the Thousand Acres development. The property is located on tax map 67, parcels 785 and 780 in a Lake Residential zoning district. The developer requests permission to submit Final plats of the development in a series of phases. The phases would comply with the approved Preliminary plat. The Planning Commission granted approval of the plat by a unanimous vote of 6 to 0.

Bill Franklin of Thousand Acres noted that Thousand Acres Development, Inc, is working to resolve an impasse with the county roads department regarding modification and upgrade to the entrance at Thousand Acres. Mr. Nelson noted that this impasse could create a problem for review and approval for each phase of the development. Mr. Franklin explained that the improvements requested by the county are on property that is not owned by Thousand Acres Development.

2. **Wisp Resort PRD- Sandy Shores Estates, Phase 11B and C, Section I.** The developers, DC Development LLC, submitted a Final plat for Section I, showing a total of nine lots located off of Sandy Shores Road. The property is part of the Wisp Resort Planned Residential Development and is located on tax map 57, parcel 618 in a Lake Residential zoning district. Preliminary approval for all 51 lots of Sandy Shores Estates Phase 11B and C was granted December 5, 2007. The Planning Commission granted approval of this Final plat by a unanimous vote of 6 to 0.

H. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for Wednesday, **February 6, 2008**, in the County Commissioners Meeting Room, at **1:30 pm**.

I. Adjournment- 3:50 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator