

GARRETT COUNTY PLANNING AND LAND DEVELOPMENT OFFICE

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MINUTES

The Garrett County Planning Commission held its regular monthly meeting on Wednesday, May 7, 2008, at 1:30 pm, in the County Commissioners Meeting Room. Members in attendance at the meeting include:

Troy Ellington	Joe McRobie	Paul Durham
Tim Schwinabart	Ruth Beitzel	Bill Franklin
George Brady	John Nelson-staff	Dr. William Pope
Tony Doerr	William DeVore-staff	Sarah Moses
Gary Fratz	Edith Brock	Karen Myers

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

A. General discussion on the Final Draft of the Comprehensive Plan and the procedural requirements for adoption.

John Nelson, director of Planning and Land Development led the discussion regarding the status of the Comprehensive Plan. Mr. Nelson explained that a letter and copies of the Commissioner's final draft Plan were sent April 23 to the Maryland State Clearinghouse. That submission officially begins the 60-day review process for the Plan. The document is distributed to the appropriate agencies including the State Highway Administration, the Maryland Department of the Environment, State Planning, neighboring jurisdictions and other State agencies. All State agency comments should be received by June 23. These comments can then be reviewed and added to the Plan, if appropriate.

A joint public hearing with the Planning Commission and the County Commission will then be scheduled, possibly in mid-July. Final adoption of the Plan could be as early as the end of July. Mr. Nelson believes that the Plan has generally been well received by the Commissioners, though some details and

specifics have not been thoroughly discussed, such as the addition of ridge tops and wellhead protection into the Sensitive Areas Ordinance.

Discussion ensued regarding the changes in the requirements for the Agriculture Resource and Rural Resource districts. Mr. Nelson explained that review and approval by the Planning Commission would allow the minimum, set-aside protected area to be reduced from 80% to 66%. Criteria for the reduction are spelled out in the Plan. A sketch plan of the lots is also recommended in the Plan.

Mr. Nelson noted that he has budgeted for, and the commissioners have approved, the update to the Subdivision Ordinance, the Sensitive Areas Ordinance and the Deep Creek Watershed Zoning Ordinance. This effort would be bid out to consultants for assistance on the projects to make them consistent with the new Comprehensive Plan. Mr. Nelson expects that these programs to update the documents would probably begin before the end of the calendar year.

B. Public Commentary- None

C. Miscellaneous

1. Deep Creek Watershed Zoning Appeals Cases – To be held on Thursday May 15, 2008, at 7:00 pm. at the County Commissioners Meeting Room.

- a. SE-390-** an application submitted by Ridgeview Valley, LLC, Inc. for a Special Exception permit to conduct transient or temporary recreational activities. The applicant proposes to conduct annual activities such as mountain bicycle demonstrations, wine tasting, and concerts on the premises of Ridgeview Valley, less than 14 times per year. The property is located at 912 Gravelly Run Road, tax map 50, parcels 14 and 50 and is zoned Lake Residential.

After discussion, the Commission recommends that the Board consider imposing a limit on the hours for any concert events at the site. The recommendation was approved by a vote of 7 to 0.

- b. SE-391-** an application submitted by Keith Handyside of the Black Bear Tavern and Restaurant, for a Special Exception permit to extend the outdoor deck to add a covered stage area. The property is located at 102 Fort Drive, tax map 50, parcel 703, and is zoned Town Center.

After discussion, the Planning Commission has no comment on this application.

- c. **SE-392-** an application submitted by Keith Handyside of the Black Bear Tavern and Restaurant, for a Special Exception permit to reconsider and clarify certain specific special conditions previously imposed by the Board, regarding times for closing windows and doors in the building. The property is located at 102 Fort Drive, tax map 50, parcel 703, and is zoned Town Center.

After discussion, the Planning Commission has no comment on this application.

- d. **VR-645** an application submitted by Wesbanco Bank of Wheeling, Trustee, for a Variance to allow the subdivision of a two-acre lot into two, one-acre parcels that would be substandard in width, as measured at the front setback line. The property is located north of 2042 Paradise Point Road, tax map 58, parcel 104 and is zoned Lake Residential.

The Planning Commission has no comment on this application.

- e. **VR-646** an application submitted by Joan Bashore for a Variance to allow the construction of a second story deck that would come within 2.0 feet of a rear property line, instead of the grandfathered 14.61 feet. The owner has purchased the buy-down from the State of Maryland. The property is located at 853 Marsh Hill Road, tax map 50, parcel 588, and is zoned Lake Residential.

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-**

- a. **Rodeheaver and Georg-** Terri Rodeheaver and Ronald Georg, in a letter submitted by their surveyor Kerry Shultz, are seeking a waiver in order to subdivide property located along Accident Bittering Road. The property is located on tax map 33, parcel 99, in an Agricultural Resource (AR) land classification. The owners requested permission to create a one-acre lot around an existing home located on the property. The waiver is required because the AR land classification requires a minimum lot size of three acres. After discussion, the Commission granted approval of the waiver request by a unanimous vote of 7 to 0.

4. **Ag-land District Applications – None**

5. **Discharge Permit Application –None**

6. Open Pit Mining Operations- None

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

- 1. Revised Final Plat- Smith Pointe-** The developers, Franklin Trust and PSE Family LP, have submitted a revised Final plat of lot 11 of the Smith Pointe subdivision located off of Smith Pointe Road. The property is located on tax map 67, parcel 1, in a Lake Residential zoning district. The original 11-lot Smith Pointe subdivision received final approval in February 2003 and the lots have been recorded individually. Lot 11 was never recorded and is being reconfigured. The Planning Commission granted approval of this revised Final plat by a unanimous vote of 7 to 0.

- 2. Revised Preliminary Plat- North Shore West Phase II-** The developers, PSE Family LP, have submitted a revised Preliminary plat for a new 19-lot subdivision located off of North Shoreline and Smith Pointe Roads. The new subdivision is for lots 5 through 23. The property is located on tax map 67, parcel 1, in a Lake Residential zoning district. This plat revises an earlier ten-lot subdivision that received Preliminary approval in October 2007. The Planning Commission granted approval of this revised Preliminary plat by a unanimous vote of 7 to 0.

F. Next Scheduled meeting - The next regular meeting of the Planning Commission is scheduled for Wednesday, **June 4, 2008**, in the County Commissioners Meeting Room, at **1:30 pm**.

G. Adjournment- 2:15 pm.

Respectfully submitted,

William J. DeVore
Zoning Administrator

