

## MINUTES

**The Garrett County Planning Commission** held its regular monthly meeting on Wednesday, January 2, 2013, at 1:30 p.m., in the County Commissioners Meeting Room. Members and guests in attendance at the meeting included:

Troy Ellington  
Tony Doerr  
Tim Schwinabart

Jeff Conner  
Jeff Messenger  
Paul Durham

John Nelson-staff  
William DeVore-staff

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

### **A. Election of Officers-**

*Troy Ellington* was reelected chairman by a unanimous vote of 5 to 0.

*Tony Doerr* was reelected vice-chairman by a unanimous vote of 5 to 0.

*Tim Schwinabart* was elected secretary by a unanimous vote of 5 to 0.

### **B. Further Discussion of Potential Amendments to the Deep Creek Watershed Zoning Ordinance-**

Mr. Nelson explained that the first two amendments, recommended by the Planning Commission last month are being actively pursued by the County Commissioners. A meeting will be held on Tuesday, January 8<sup>th</sup> at 11:00 a.m. concerning those amendments to the Ordinance. So far, there have been no comments on the amendments that mainly deal with the “findings of fact” requirement when amending the Zoning Ordinance.

The second set of amendments, which were discussed in detail at the last meeting, are described below. Copies of the potential amendments were distributed in the packets, before the meeting. Mr. Nelson explained that the two amendments,

known as “Amendments 3 and 4” deal largely with modifications and clarifications to the table of dimensional requirements.

***Amendment 3-*** Section 157.041E.2 in the Table of Dimensional Requirements; new text would be added to include the “C”-Commercial zone next to the “TC”-Town Center zone in the “zoning district” column. The Town Center (TC) and Commercial (C) zones typically have the same minimum land area requirement, so this change would correct this oversight.

Mr. Nelson also explained that Amendment 4 should be considered because of an error that occurred when the current Ordinance was re-codified and republished. In 1993 a new provision was added for shopping centers to allow a greater density of commercial uses within a shopping center, principally to permit the opportunity for shared parking. This provision for shopping centers was added to the Table of Dimensional Requirements, (current Section 157.041 E.3) in February, 1993. The column heading “Minimum Total Lot or Land Area per Use”, in the current Ordinance has been incorrectly listed as one acre instead of the intended area of 6,000 square feet. The current version also lists the “Minimum Average Lot Area per Dwelling Unit” column as 6,000 square feet and should have been blank.

Specific language in 157.041E. 3 should also be considered to clearly define those uses that can take advantage of the reduced minimum land area that is allowable in a shopping center. Amendment 4 would read as follows:

***Amendment 4-*** Modify Section 157.041E.3, in the Table of Dimensional Requirements, by replacing the existing Section with new text. The revised text in Section 157.041 E.3 should read: “Retail uses, service businesses and commercial recreational uses that are situated in shopping centers having a minimum land area of 1 acre. Only those retail, service and commercial recreational uses specified under this Article as requiring a minimum land area of 10,000 square feet in the TC and C Zoning Districts, are subject to the reduced minimum land area per use afforded by this Section”. Additionally, the text “six thousand (6,000) square feet” should be placed under the column heading “Minimum Total Lot or Land Area per Use.”

The language in Amendment 4 is intended to clearly distinguish that only those uses that require 10,000 square feet should be afforded the reduced land area criteria of 6,000 square feet, in a shopping center. The current wording in the Ordinance implies that a use, such as a hotel/motel that requires a minimum land area of one acre, could be allowed in a shopping center with 6,000 square feet, which was not the intent of the Ordinance. The amendment would clarify that retail, commercial recreation and service business uses that normally require 10,000 square feet would be eligible for the reduction to 6,000 square feet.

The allowance for “any other district”, in the current table, would also be stricken from the Ordinance because it does not afford any reduction of land area and is therefore, not necessary. The “Minimum Yard Width” in the table heading will be amended, to include the word “feet” as suggested at the previous meeting.

Chairman Ellington pointed out that these amendments are identical to the ones that were proposed last month and were deferred by the Commission. After

discussion, the Planning Commission passed a motion to endorse Amendments #3 and #4 and recommended that they be forwarded to the Board of County Commissioners for their action. The motion passed by a vote of 5 to 0.

**C. Miscellaneous**

- 1. Deep Creek Watershed Zoning Appeals Cases – None**
- 2. Minor Subdivisions –** Approved minor subdivisions were included in the packet mailed to the Commission members prior to the meeting.
- 3. Waiver Requests-None**
- 4. Mining Permit Applications – None**
- 5. Aqland Preservation District Applications-None**
- 6. Action on Planned Residential Development (PRD)-** The developers, Ridgeview Valley LLC, submitted a Final plat for Lot 82, located at the end of Falcon Way. The property is part of the Ridgeview Valley PRD and is located on tax map 50, parcel 14 in a Lake Residential 1 zoning district. The Planning Commission granted approval of the Final plat by a unanimous vote of 5 to 0.

**D. Action on Major subdivisions-None**

**E. Next Scheduled meeting -** The next regular meeting of the Planning Commission will be held on **February 6, 2013**, in the County Commissioners Meeting Room, at 1:30 pm.

**F. Adjournment-** 2:00 p.m.

Respectfully submitted,

William J. DeVore  
Zoning Administrator