

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

March 17, 2009

Location: Carroll County Office Building

Members Present: Dennis Wertz, Acting Chair
Melvin E. Baile, Jr.
Wayne Schuster
Charles M. Chadwick
Alec Yeo
Julia Walsh Gouge, Ex Officio
Robert B. Slade, Alternate

Members Absent: David L. Brauning, Chairman

The meeting opened at 9:00 a.m. Present with the Commission were the following persons: Steve Horn and Kelly Martin, Department of Planning; Terri Jones, Department of the County Attorney; Clay Black, Jeanne Joiner, Kim Brandt, Pat Varga, Ashley Wantz, and Kathryn Filemyr, Bureau of Development Review; Bryan Van Fossen, Office of Public Safety; Albert Eilbacher, Carroll County Public Schools; Larry Twele and Gabe Zepp, Department of Economic Development; Ted Zaleski, Department of Management and Budget; Larry Leitch, Carroll County Health Department; F.I. Davidson; J. W. Hopkins; D. L. Davis; Gerald Rickell; Holly Frey; Dan Staley; Scott Wade; Randy Petkus; Linda Donoff; and members of the press.

APPROVAL OF MINUTES

- a. February 17, 2009
- b. February 23, 2009

A. February 17, 2009

The minutes of February 17, 2009 were approved, as written, on motion of Mr. Chadwick, seconded by Mr. Yeo and carried.

B. February 23, 2009

The minutes of February 23, 2009 were approved, as written, on motion of Mr. Yeo, seconded by Mr. Chadwick and carried.

Mr. Baile entered the meeting.

REPORT OF AGENCY REPRESENTATIVES:

Office of Public Safety – Mr. Bryan Van Fossen reported that the Office of Public Safety is working in cooperation with the CCVESA to update their master plan. This master plan is scheduled to be distributed to the fire companies for review in April. The plan will eventually be presented to the Board of County Commissioners for acknowledgement. Mr. Van Fossen indicated the Office of Public Safety has also been working with the CCVESA on the Future of EMS Master Plan.

Board of Education – Mr. Albert Eilbacher presented the School Construction Report dated February 25, 2009: Phase 2 of the Carrolltowne Elementary School Open Space Enclosures project is complete; working on Phase 3 of the project. Roof installation is underway on the Full Day Kindergarten Classroom Addition at Freedom Elementary; once the roof is installed, interior work will begin. The bridge deck is constructed at the Manchester Valley High School; work is continuing on two entryways to the school; the auditorium is complete; the classroom casework has arrived. Site work is complete for the South Carroll High School Fine Arts Addition; work has begun on the building; continuing to work within the building on electrical upgrade. The warranty ends this month for the Westminster West Middle HVAC Replacement project. Bids are being evaluated for the Westminster High School HVAC Replacement project; recommendations will be made to the Board of Education this month. Construction documents are complete for the Mt. Airy Elementary School Roof Replacement project; the project will be bid in March for a June start. Construction documents are complete and have been approved by the Board of Education for the Northwest Middle School Open Space Enclosures project. Site plans have been submitted to the Bureau of Development Review for the William Winchester and Winfield Elementary Full Day Kindergarten Additions. Educational specifications are being prepared for the Career and Technology Center Replacement Building. Funds were requested in FY10 for the Robert Moton Elementary School Full Day Kindergarten Addition. Mr. Eilbacher reviewed the aging school projects at North Carroll and Westminster High Schools.

Mr. Schuster entered the meeting.

Public Works – No report given; no representative present.

Economic Development – Mr. Larry Twele reported that unemployment in the County is up; the latest figures for the County are at 5 percent, but the data lags 2-3 months; workforce traffic is up 140 percent at BEREC; the gymnasium is being renovated to provide additional services for BEREC; the new space should open in May. Mr. Twele reported that technology based businesses seem to continue to grow in these economic times. He noted that the Gateway Tax Credit project continues to make progress; interest has been expressed by three property owners. The County is moving forward with the installation of gateway signs; the project will be presented to the Board this week for bid approval of construction.

Development Review – Mr. Clay Black reported that the Planning Commission reviewed the Concurrency Management Report several months ago and forwarded the report to the Board of Commissioners. The Commissioners recently adopted a resolution for maintaining building permit caps at the Mount Airy Middle School; the caps at North Carroll High School and in the Freedom water service area were lifted.

Management and Budget – Mr. Ted Zaleski reported that the revenue situation continues to deteriorate at the County and State levels. He noted that very little has changed from the preliminary recommended CIP to the document that will be presented to the Board of Commissioners next week.

Mr. Schuster questioned whether any thought had been given to having major policy level strategy meetings for concurrency management and adequate facilities, since the budget situation may cause projects to be deferred.

Mr. Zaleski indicated he did not expect to see a great impact on the County's ability to meet adequate facilities at this time. The County has spent considerable money over the last several years on schools which has put the County in a position where there is very little in the way of capacity problems. Mr. Zaleski explained that the biggest issue in the future will be middle schools, and there is a project in the CIP to address this concern. There is also a new elementary school included in the last year of the CIP for southeast Carroll.

Health Department – Mr. Larry Leitch reported that the Shoemaker Center will be reopening at the end of the month. This short-term substance abuse residential treatment center had been operating directly through the Health Department for many years. A year ago the County was informed by the Baltimore Alcohol and Drug Abuse Administration that the budget was cut for Shoemaker. Mr. Leitch explained that the program will now be run on a day to day basis by a vendor, with the Health Department overseeing admissions, discharges, policy decisions, etc. He noted that influenza vaccinations are still being given; approximately 4,000 vaccinations were given this year, compared to 7,500 in years past. Other organizations have made the vaccination available for citizens. Mr. Leitch noted that the Health Department is now giving the shingles vaccination. It is one of only two vendors in the County that provides this vaccination because of the storage and handling requirements of this vaccine. The vaccination costs \$171 and you must be over 60 years of age to receive it.

Mr. Baile questioned how long the shingles vaccination lasts.

Mr. Leitch indicated the vaccination is required only once.

Mr. Wertz questioned why the age cut off was 60.

Mr. Leitch suggested that is probably how it was approved by the FDA based on the clinical trials that have been completed thus far.

COMMISSION MEMBER REPORTS:

Acting Chairman – Mr. Wertz indicated he had nothing to report.

DEPARTMENT OF PLANNING STAFF REPORT:

Director – Mr. Horn reported that Thursday morning the Board of Commissioners will hold a public hearing on the clarifying and corrective amendments to the Zoning Ordinance. Staff conducted a public work session last Monday. Mr. Horn indicated that the County is participating on a regional level through the BMC to develop a vision for the greater Baltimore area in terms of linking transportation improvements with land use. He noted that land use modeling and scenarios will be developed and considered. Once completed, implementation measures, including transportation improvements, will be proposed. Mr. Horn reported on the first wave of funding from the Federal stimulus package with regard to the County's transportation priorities.

Dr. Slade questioned whether there was any update on the bills going through the State legislature.

Mr. Horn noted that staff is working with the County Attorney's Office, testifying for and against bills as appropriate. The County's position with the Smart Growth bills is that "smart growth" means different things in different parts of the State.

Mr. Schuster asked for a final report on the legislation that was passed during this session.

Ms. Jones indicated a report will be available in May.

PRELIMINARY SUBDIVISION PLAN REVIEW:

a. M-07-033, Cox Hillside

A. M-07-033, COX HILLSIDE

LOCATION: East side of West Deep Run Road, 3rd Election District

OWNER: William and Patricia Hahn, 369 West Deep Run Road, Westminster, MD 21158

DEVELOPER: Same as Owner

SURVEYOR: BPR, Inc., 150 Airport Drive, Suite 4, Westminster, MD 21157

ZONING: Conservation

ACREAGE: 12.04 acres

WATERSHED: Double Pipe Creek

MASTERPLAN: Conservation

Mr. Patrick Varga presented the background.

Action Required:

Two actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The purpose of this plan is to bring the parcel in to compliance with County subdivision regulations. The property was deeded off as a third off-conveyance by the previous owner in 1977. The current owner purchased the property in 2007.

The subject property is a vacant, wooded parcel. The property is adjacent to an existing use-in-common driveway and has frontage on Deep Run Road. A tributary of Double Pipe Creek crosses the northern part of the property.

To the south and west are properties owned by the Shriver Family. To the east is another property owned by the developer. There are several residences to the north.

Plan Review:

The developer proposes to create a 12.04-acre lot, designated as Lot 1. The proposed use is consistent with the land use designation of Conservation in the Master Plan.

The lot will be served by a private well and septic system. The Health Department has approved the preliminary plan.

The lot will be accessed by the existing use-in-common (UIC) driveway. A 60-foot wide right-of-way exists over three properties owned by the developer and one additional user on the driveway. The driveway will be improved to County UIC standards from Deep Run Road to the driveway for Lot 1. The users on the UIC will be given addresses on Heavens Gate Drive. The existing UIC is not named as it exists as a right-of-way. The developer of this property accounts for three of the four properties accessed by the UIC. The fourth user has provided a letter indicating they are willing to change their address from Deep Run Road, to Heavens Gate Drive. A declaration of maintenance obligations was recorded for the UIC in 2001.

Parcel A will be dedicated to the Commissioners as a road-widening parcel.

Although an area will be cleared for the house and driveway, 8.28 acres will be placed under a forest conservation easement for retention and 1.6 acres will be placed under an easement for reforestation. To satisfy the requirements of stormwater management, a drywell will be installed for the house. A wide-shoulder will also be used along the use-in-common driveway.

To meet the requirements of Grading and Sediment Control, the driveway must be paved. A substantial portion of the private driveway will be built at a 17% grade, the maximum allowed by code. A typical section of the 10-foot wide driveway is shown on Sheet 1. The private driveway will be constructed over a culvert to be constructed by the developer. A 64" by 48" pipe is proposed to convey the stream under the driveway.

An area of wetlands, as well as the stream buffer, is included in a forested water resources protection easement. The total acreage for the easement is 2.01 acres. As a minor subdivision, the plan is exempt from landscaping requirements.

An easement for 100-year floodplain will be granted to the County for 0.69 acres. The limit of the easement extends on to neighboring properties. Those adjacent property owners will be

required to sign the deed of easement. The developer and surveyor are working with the Maryland Department of the Environment to obtain the necessary Federal and State permits for floodplain management. All other review agencies have approved the final plan and record plat.

Recommendation:

Pursuant to Chapter 103, staff recommends approval of the preliminary plan subject to the following conditions:

1. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That a forested water resource protection easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
3. That a floodplain easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
4. That a forest conservation easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
5. That a stormwater management easement and maintenance agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneous with recordation of the plat.
6. That the area shown Parcel A be conveyed to the Carroll County Commissioners simultaneous with recordation of the subdivision plat.

Discussion:

Mr. Baile questioned how the third off-conveyance gained approval.

Mr. Varga explained how a previous owner purchased 128 acres in 1971, including this property. They went to the courthouse and recorded deeds for Lots A, B, C, and D. Lot A was the remaining portion, Lots B & C were the two off-conveyances, and this is Lot D. As a third off-conveyance, the lot is not buildable. That is why the project is before the Commission, to bring the lot into compliance.

Mr. Black explained that the third off-conveyance was not approved by the County, it was just created by deed.

Mr. Chadwick questioned whether the situation could be corrected if the lot was conveyed back to one of the other properties under the same ownership.

Mr. Black explained that nothing additional is gained by the property owner in reconciling the situation in this manner.

Ms. Jones noted that the parcel would not have been entitled to a building permit because it was not created in accordance with the Subdivision Regulations that were in effect at the time it was created.

Mr. Baile questioned why this was not determined during the selling process.

Mr. Black explained that at that time there were no approval requirements from Carroll County Government for off-conveyances; they went into effect in 1989.

Mr. Schuster asked whether someone could have come in and done this subdivision even if the parcel had not been deeded separately at an earlier time.

Mr. Black indicated they could.

Dr. Slade questioned whether the parcel was further subdividable.

Mr. Varga indicated the parcel does not have the necessary in-fee road frontage to be further subdivided.

CONCURRENCY MANAGEMENT REPORT

Mr. Patrick Varga presented the background.

Subdivision Plan: M-07-033, Cox Hillside

Schools: Charles Carroll Elementary
Westminster East Middle
Winters Mill High

Roads: Deep Run Road

Fire and EMS: Pleasant Valley

Police Services: Maryland State Police/Carroll County Sheriff's Department

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of January 31st 2009 was 174,696. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were

151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period February 2008 through January 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of January was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.32 by the end of FY 2009 – adequate.

The adopted Carroll County Government operating plan for FY 2009-2014 provides for planned funding for three new deputy positions every year.

Schools:

The Carroll County Public Schools responded that Charles Carroll Elementary, Westminster East Middle, and Winters Mill High are adequate for all years FY09 through FY14.

The enrollment projections indicate that Charles Carroll Elementary will range between 97 and 104% of capacity during the current 6-year CIP cycle. In the Charles Carroll attendance area 5 additional residential developments, comprised of approximately 16 lots, are currently in the review process. There are approximately 23 lots in the Charles Carroll attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Westminster East Middle will range between 91 and 103% of functional rated capacity during the current CIP. In the Westminster East attendance area 18 additional residential developments, comprised of approximately 533 lots are currently in the review process. There are approximately 171 lots in the Westminster East Middle school area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate for Winters Mill High that the percentage of capacity will range from 93 to 97% of capacity during the 6-year CIP. In the Winters Mill attendance area 18 additional residential developments, comprised of approximately 533 residential lots, are currently in the review process. There are approximately 171 residential units in the Winters Mill area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Pleasant Valley emergency services district. The 2008 4th quarter late and no response statistical data indicates that of the first due total fire calls in the Pleasant Valley district, 0.0% were categorized as no responses, and 0.00% as late and no responses. Of the first due emergency medical service calls in the Pleasant Valley district, 0.0% were categorized as no responses and 0.0% as late and no responses. Pleasant Valley meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 2/1/07 to 1/31/09 Pleasant Valley had an average response time of 9 minutes and 24 seconds – approaching inadequate.

With regard to emergency medical call response time, for the two-year period of 2/1/07 to 1/31/09 Pleasant Valley had an average response time of 9 minutes and 20 seconds – approaching inadequate.

The primary route from the firehouse to the proposed development travels over the County bridge on Hughes Shop Road over Bear Branch (bridge CL 264) and the County bridge on Deep Run Road over a tributary of Double Pipe Creek (bridge CL 279). The secondary route travels over bridges on Hughes Shop Road over Bear Branch (bridge CL 264), on Murkle Road over Big Pipe Creek (bridge CL 277) as well as on the County bridge on Deep Run Road over a tributary of Double Pipe Creek (bridge CL 279). Analysis completed in 2006 found all three bridges adequate for the emergency vehicles in the Pleasant Valley fire department fleet.

Roads:

The Department of Public Works responded that Deep Run Road, a rural minor collector, is rated adequate, i.e. Level of Service “A.”

Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4) states “If ... a public facility or service is approaching inadequate during the current CIP, the Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.”

Pursuant to Chapter 71 staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

1. Police, schools, and roads are considered adequate; fire and EMS are considered approaching inadequate.
2. Tentative building permit reservation is for 1 lot in FY09, provided that the plat be recorded prior to any permit being issued.
3. The tentative recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Mr. Baile questioned the stream crossing for the driveway.

Mr. Randy Petkus, BPR, indicated the developer is working with MDE for the necessary approvals for the stream crossing.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Chadwick, seconded by Mr. Schuster, and unanimously carried, approved the preliminary plan of subdivision subject to the six conditions in the staff report.

In accordance with Chapter 71, the Commission, on motion of Mr. Chadwick, seconded by Mr. Yeo, and unanimously carried, conditionally approved the preliminary plan subject to the four conditions stated in the staff report.

PRELIMINARY AND FINAL SUBDIVISION PLAN REVIEW:

- a. M-08-005, Devries
- b. P-07-011, The Reserve at Harrison Hills, Resubdivision of Lot 32
- c. M-07-012, Rickell Highlands
- d. P-07-014, Poignant Acres 6
- e. P-08-007, Berberi Hills 4

A. M-08-005, DEVRIES SUBDIVISION

LOCATION: South side of Old Liberty Road, 5th Election District

OWNER: Marisa and Luigi Gino, 745 W. Old Liberty Road, Sykesville, MD 21784

DEVELOPER: GYC Builders, 611 Nursery Road, Westminster, MD 21157

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157

ZONING: R-20,000 Residence District

ACREAGE: 0.9356 acres

WATERSHED: South Branch Patapsco

NO. OF LOTS: 1 new lot (1 existing lot)

Ms. Jeanne Joiner presented the background.

Action Required:

Four actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 71, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

3. Approval of the Final Plan of Subdivision pursuant to Chapter 103, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.
4. Approval of the Final Plan of Subdivision pursuant to Chapter 71, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is zoned R-20,000 Residence District and is improved with a single family home. It is located on the corner of Old Liberty Road and Piney Ridge Parkway. The existing house is served with public water and sewer.

Plan Review:

The developer proposes to create one new lot. The lot will be accessed by a driveway to Old Liberty Road. The new lot is 0.4543 acres in size. The lot with the existing residence is 0.4694 acres in size.

The plan is exempt from the requirements of Forest Conservation, Chapter 115 of the Code of Public Laws and Ordinances of Carroll County and the requirements of Landscape Enhancement of Development, Chapter 134 of the Code..

To satisfy the requirements of stormwater management, a drywell will be installed on Lot 2.

There is a 20' utility easement over Lot 2 for Lot 1A for the existing sewer connection of Lot 1A to the interceptor along Piney Ridge Parkway.

There is an 18' slope easement on Lot 1A to provide enough area for grading during construction of the house on Lot 2.

The subdivision is creating one lot in the R-20,000 Residence District and, as such, is subject to Concurrency Management.

Recommendation:

Pursuant to Chapter 103, staff recommends approval of the preliminary plan and plat subject to the following conditions:

1. That a Stormwater Management Easement and Maintenance Agreement shall be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by deed to be recorded simultaneously with the recordation plat.
- 2.. That a 20' Drainage and Utility Easement across Lot 2 shall be granted to Lot 1A by a deed to be recorded simultaneously with the recordation plat.

3. That an 18' Slope Easement across Lot 1A shall be granted to Lot 2 by a deed to be recorded simultaneously with the recordation plat.

CONCURRENCY MANAGEMENT REPORT

Mr. Patrick Varga presented the background.

Subdivision Plan: M-08-005, Devries Subdivision

Schools: Eldersburg Elementary
Sykesville Middle
Century High

Roads: Old Liberty Road

Fire and EMS: Sykesville

Police Services: Maryland State Police/Carroll County Sheriff's Department

Water: Freedom

Sewer: Freedom

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of January 31st 2009 was 174,696. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period February 2008 through January 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of December was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.32 by the end of FY 2009 – adequate.

The adopted Carroll County Government operating plan for FY 2009-2014 provides for planned funding for three new deputy positions every year.

Schools:

The Carroll County Public Schools responded that Eldersburg Elementary and Century High are adequate for all years FY09 through FY14, Sykesville Middle is approaching inadequate in years FY09 through FY11, and adequate for years FY12 through FY14.

The enrollment projections indicate that Eldersburg Elementary will range between 94 and 96% of capacity during the current 6-year CIP cycle. In the Eldersburg attendance area 1 additional residential development, comprised of 1 lot, is currently in the review process. There are approximately 5 lots in the Eldersburg attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Sykesville Middle will range between 105 to 115% of functional rated capacity during the current CIP. In the Sykesville attendance area 10 additional residential developments, comprised of approximately 234 lots are currently in the review process. There are approximately 29 lots in the Sykesville attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate for Century High that the percentage of capacity will range from 90 to 104% of capacity during the 6-year CIP. In the Century attendance area 10 additional residential developments, comprised of approximately 234 residential lots, are currently in the review process. There are approximately 29 residential units in the Century attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Sykesville emergency services district. The 2008 4th quarter late and no response statistical data indicates that of the first due total fire calls in the Sykesville district, 0.0% were categorized as no responses, and 0.78% as late and no responses. Of the first due emergency medical service calls in the Sykesville district, 0.0% were categorized as no responses and 0.0% as late and no responses. Sykesville meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 2/1/07 to 1/31/09 Sykesville had an average response time of 6 minutes and 40 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 2/1/07 to 1/31/09 Sykesville had an average response time of 6 minutes and 41 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Carroll County Department of Public Works responded that Old Liberty Road, a local urban road, is rated adequate, i.e. Level of Service “B.”

Water Service:

The Carroll County Department of Public Works responded on February 20, 2009 that based on threshold capacity requirements for water services, Freedom water is inadequate to serve the proposed development. The current CIP includes a planned expansion to the Freedom water service facility. Construction is nearing completion and the additional capacity is expected to come on-line in early March 2009.

Sewer Service:

The Carroll County Department of Public Works responded on February 20, 2009 that the threshold capacity requirements for sewer services are adequate.

Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4) states “If ... a public facility or service is approaching inadequate during the current CIP, the Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.”

Pursuant to Chapter 71 staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

1. Police, fire and EMS, roads, water, and sewer are considered adequate, schools are considered approaching inadequate.
2. Tentative building permit reservation is for 1 lot in FY09.
3. The tentative recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

With regard to a final plan, Chapter 71-6E(4) states “If ... a public facility or service is approaching inadequate, the Commission may approve the plan subject to a phasing plan for recordation or may defer the project and place the plan in a queue to be re-tested on an annual basis.

For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Commission.”

Pursuant to Chapter 71 staff recommends that the Planning Commission conditionally approve the final plan with conditions as follows:

1. Police, fire and EMS, roads, water and sewer are considered adequate; schools are considered approaching inadequate.
2. Building permit reservation is for 1 lot in FY09.
3. The recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Mr. Wertz indicated he had contacted staff yesterday and questioned whether the subdivision complied with the minimum lot width requirements for the R-20,000 district (100 feet for interior lots and 125 feet for corner lots). He noted that this subdivision consists of two lots that have a width of 100 feet and he questioned whether that complies with the zoning regulations. Mr. Wertz stated it is a mistake to reduce the width requirement on corner lots. He indicated he had talked with Ms. Brandt this morning, and she stated it was the interpretation of the Zoning Administrator that the subdivision does comply with the regulations.

Ms. Joiner noted that the Zoning Administrator's opinion was that this lot meets the zoning requirements and there are other approved corner lots in the County with similar dimensions.

Mr. Chadwick questioned whether only one of the front yards had to comply with the regulations.

Ms. Joiner indicated that was the interpretation of the Zoning Administrator.

Mr. Schuster questioned whether staff had checked to see whether all other setback requirements can be met. He asked whether it was possible to build a house comparable to the other homes in the area on the property and whether this lot would be included in a homeowners association.

Ms. Joiner indicated this lot is the same size as the lot with the existing house. She noted that the property is an off-conveyance and is not part of the homeowners association for Woodside Estates.

Ms. Linda Donoff, CLSI, indicated the lots in Woodside Estates are substantially smaller than these lots (12,000 square feet) and the lot width is reduced to 75 feet because it was a cluster development. She noted that these houses will have a greater setback. Ms. Donoff explained that the Zoning Administrator's interpretation was received at the very beginning of the process. The interpretation is that when you have a corner lot there are two minimum building lines, and at least one of the minimum building lines has to meet the 125 foot requirement.

Dr. Slade questioned whether there was any thought to utilizing a common apron since the access is in close proximity to the intersection.

Ms. Donoff indicated that would be difficult to do with garages and the space available.

The developer indicated this property was originally two lots. They were combined into one, and now a request is being made to divide them back into two.

Mr. Wertz questioned whether any consideration was given to constructing a sidewalk to connect to the existing sidewalk on Piney Ridge Parkway.

Ms. Joiner indicated that was not part of staff's review.

Mr. Schuster indicated he was not crazy about the location so close to the corner. He noted that he did not understand the Zoning Administrator's interpretation, and he did not believe a similarly sized house could be built on the lot.

Decision:

A motion was made by Mr. Yeo and seconded by Mr. Baile to approve the preliminary and final plans pursuant to Chapter 103 subject to the three conditions outlined in the staff report. The motion failed for lack of a majority (Mr. Chadwick, Mr. Yeo, and Mr. Baile voted "Aye"; Dr. Slade, Mr. Schuster, and Mr. Wertz voted "No").

Commissioner members voting "No" indicated that they disagreed with the Zoning Administrator's interpretation of the minimum lot width required for the corner lot.

Commissioner Gouge entered the meeting.

B. P-07-011, RESUBDIVISION OF LOT 32A, THE RESERVE AT HARRISON HILLS

LOCATION: North side of Heron Drive, East of Farmington Lane, 14th Election District

OWNER: Holly Harrison Frey, P.O. Box 659, Mt. Airy, MD 21771

DEVELOPER: Same as Owner

ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157

ZONING: Conservation

ACREAGE: 5.8094 acres

WATERSHED: South Branch Patapsco

MASTER PLAN: Conservation

NO. OF LOTS: 2

Ms. Kimberly Brandt presented the background.

Action Required:

Four actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.
3. Approval of the Final Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
4. Approval of the Final Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is 5.8094 acres in size and is zoned Conservation. The property is improved with a house and several outbuildings. Access to the property is provided via a use-in-common driveway, Heron Drive. A Declaration of Maintenance Obligations for Heron Drive has been recorded.

The subject property was included in The Reserve at Harrison Hills, a cluster subdivision that was recorded in 1999. A density of 52 lots was approved for the subdivision based on a conventional plan; however, only 50 lots were recorded in 1999.

In 2001, Lot 51 was created from Parcel I, which was shown on the plat of The Reserve at Harrison Hills as 'for agricultural purposes only' though notes within the parcel boundary identify two 'potential future lots.' The balance of Parcel I was added to Lot 32, which became Lot 32A.

Plan Review:

The developer has proposed resubdivision of Lot 32A, which will create Lot 32B and Lot 52. The proposed use is consistent with the land use designation of Conservation in the Master Plan.

Lot 32B contains the existing house and some of the outbuildings. It is 3.6057 acres in size. Lot 52 is 2.2037 acres in size. Each lot will be served by a private well and a septic system.

For stormwater management, a dry well will be installed on Lot 52. The requirements of forest conservation were addressed with the processing and recordation of The Reserve at Harrison Hills.

The open space requirements for the cluster subdivision, including consideration of the area designated as Parcel I, were also addressed with the processing and recordation of The Reserve at Harrison Hills. A total of 24 acres of open space were required; 36 acres of open space were provided.

As was noted in the previous staff report, the Bureau of Development Review received phone calls and emails from residents of the subdivision who believed that further subdivision of the subject property is prohibited by the covenants recorded for the development. In response to this, the developer provided the Amended and Restated Second Supplemental Declaration to Amended and Restated Declaration of Covenants, Restrictions, and Easements. This document was recorded in the County land records in 2001. It states that Lot 32A is not subject to the covenants, conditions, and restrictions.

The subdivision plan was subject to citizen involvement. A public meeting was held on August 25, 2008 during the regularly scheduled Technical Advisory Committee meeting. No citizens spoke at the meeting.

The concept plan was presented to the Planning Commission at the September 16, 2008 meeting. The meeting minutes are attached to this report.

Recommendation:

Pursuant to Chapter 103, staff recommends approval of the preliminary plan and final plat subject to the following conditions:

1. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneously with the plat.
2. That a deed of extinguishment for the drainage and utility easements along the non-road frontage lot lines be recorded prior to or simultaneously with the plat.

CONCURRENCY MANAGEMENT REPORT

Mr. Patrick Varga presented the background.

Subdivision Plan: P-07-011, Resubdivision of Lot 32A, The Reserve at Harrison Hills

Schools: Linton Springs Elementary
Sykesville Middle
Century High

Roads: Farmington Lane

Fire and EMS: Winfield

Police Services: Maryland State Police/Carroll County Sheriff's Department

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of January 31st 2009 was 174,696. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period February 2008 through January 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of December was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.32 by the end of FY 2009 – adequate.

The adopted Carroll County Government operating plan for FY 2009-2014 provides for planned funding for three new deputy positions every year.

Schools:

The Carroll County Public Schools responded that Linton Springs Elementary and Century High are adequate for all years FY09 through FY14, Sykesville Middle is approaching inadequate in years FY09 through FY11, and adequate for years FY12 through FY14.

The enrollment projections indicate that Linton Springs Elementary will range between 91 and 97% of capacity during the current 6-year CIP cycle. In the Linton Springs attendance area 7 additional residential developments, comprised of approximately 104 lots, are currently in the review process. There are approximately 25 lots in the Linton Springs attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Sykesville Middle will range between 105 to 115% of functional rated capacity during the current CIP. In the Sykesville attendance area 10 additional residential developments, comprised of approximately 234 lots are currently in the review process. There are approximately 29 lots in the Sykesville attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate for Century High that the percentage of capacity will range from 90 to 104% of capacity during the 6-year CIP. In the Century attendance area 10 additional residential developments, comprised of approximately 234 residential lots, are currently in the

review process. There are approximately 29 residential units in the Century attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Winfield emergency services district. The 2008 4th quarter late and no response statistical data indicates that of the first due total fire calls in the Winfield district, 0.0% were categorized as no responses, and 9.38% as late and no responses. Of the first due emergency medical service calls in the Winfield district, 0.0% were categorized as no responses and 0.56% as late and no responses. Winfield meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 2/1/07 to 1/31/09 Winfield had an average response time of 7 minutes and 51 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 2/1/07 to 1/31/09 Winfield had an average response time of 7 minutes and 40 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Carroll County Department of Public Works responded that Farmington Lane and Nature's Way are subdivision roads and were designed and constructed in accordance with County Standards. Both roads are adequate to serve the proposed development.

Staff Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4) states "If ... a public facility or service is approaching inadequate during the current CIP, the Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage."

Pursuant to Chapter 71 staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

1. Police, fire and EMS, and roads are considered adequate, schools are considered approaching inadequate.
2. Tentative building permit reservation is for 1 lot in FY09.
3. The tentative recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

With regard to a final plan, Chapter 71-6E(4) states “If ... a public facility or service is approaching inadequate, the Commission may approve the plan subject to a phasing plan for recordation or may defer the project and place the plan in a queue to be re-tested on an annual basis.

For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Commission.”

Pursuant to Chapter 71 staff recommends that the Planning Commission conditionally approve the final plan with conditions as follows:

1. Police, fire and EMS, and roads are considered adequate; schools are considered approaching inadequate.
2. Building permit reservation is for 1 lot in FY09.
3. The recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Ms. Linda Donoff, CLSI, stated that both of the current users of the use-in-common driveway have indicated they do not have a problem with another lot utilizing the drive.

Dr. Slade questioned whether the new lot will be incorporated into an existing homeowners association.

Ms. Donoff indicated it would not be included.

Dr. Slade indicated his preference would be that the lot be included in the homeowners association if possible.

Ms. Jones explained that could create a problem depending on how the homeowner’s association was created. It may take a vote of the majority of the members of the homeowners association, amendment of the original documents, etc.

Dr. Slade stated the homeowners association should be offered the opportunity to include the new lot if they choose.

Mr. Chadwick noted that sometimes developers intentionally exclude lots from the homeowners association in the beginning of the process because they do not wish for them to be included.

Ms. Frey indicated that her parents were the original developers, and it was their intention to exclude that lot from the homeowners association.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Chadwick, seconded by Mr. Baile, and carried (Mr. Yeo, Commissioner Gouge, Mr. Baile, Mr. Schuster, and Mr. Chadwick voted "Aye"; Dr. Slade voted "No"), approved the preliminary plan of subdivision and the final plat of subdivision subject to the two conditions stated in the staff report.

In accordance with Chapter 71, the Commission, on motion of Mr. Chadwick, seconded by Mr. Baile, and carried (Commissioner Gouge, Mr. Baile, Mr. Schuster, Mr. Chadwick, and Mr. Yeo voted "Aye"; Dr. Slade voted "No"), approved the preliminary and final plans conditionally subject to the four conditions stated in the staff report.

Commissioner Gouge left the meeting.

C. M-07-012, RICKELL HIGHLANDS

LOCATION: East side of Maryland Route 97, south of Silver Mine Road, 3rd Election District

OWNER: Gerald and Michael Rickell, 3022 Littlestown Pike, Westminster, MD 21158

DEVELOPER: Same as Owner

SURVEYOR: BPR, Inc., 150 Airport Drive, Suite 4, Westminster, MD 21157

ZONING: Conservation

ACREAGE: 17.14 acres

WATERSHED: Double Pipe Creek

MASTER PLAN: Conservation

Ms. Kimberly Brandt presented the background.

Action Required:

Four actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.

2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.
3. Approval of the Final Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
4. Approval of the Final Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is improved with a single-family dwelling that is accessed via a gravel driveway that extends from Route 97. The dwelling is served by a private well and a septic system. The property is located outside of the water and sewer service areas.

A man-made pond and a stream are located in the northwest area of the property. The County is the adjoining property owner to the east. The County property was acquired for the proposed Union Mills Reservoir.

Plan Review:

The developer proposes to subdivide the property into four lots that range in size from 3.096 acres to 6.086 acres. The proposed use is consistent with the land use designation of Conservation in the Master Plan.

The lots will be served with private wells and septic systems. The Health Department has approved the preliminary plan and the plat.

Access to the lots will be provided via Rickhuff Drive, a use-in-common driveway that has not yet been constructed. The driveway will be 20 feet wide at Route 97 and then taper to 12 feet wide.

The State Highway Administration has approved the location of the new entrance onto Route 97. The State is requiring shoulder improvements along the property frontage that include pavement widening and installation of guardrail.

The existing driveway to the house on the property (proposed Lot 4) will be removed; however, the existing entrance onto Route 97 will remain. It is used for access to an adjoining property.

To satisfy the requirements of Forest Conservation, existing forest on Lots 1, 2, and 3 will be placed under a retention easement and an area of Parcel 1 will be reforested and placed under easement. The County will also be granted floodplain and water resource protection easements on Lot 1.

To satisfy the requirements of Storm Water Management, dry wells will be installed on Lots 1, 2, and 3 and a stone reservoir will be installed on Parcel A, which is on the south side of the bend in the use-in-common driveway.

Recommendation:

Pursuant to Chapter 103, staff recommends approval of the preliminary plan and plat subject to the following conditions:

1. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That a forested water resource protection easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
3. That a non-forested water resource protection easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
4. That a floodplain easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
5. That a forest conservation easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
6. That the drainage easements shown on the plat be granted to the County Commissioners of Carroll County simultaneous with the recordation of the subdivision plat.
7. That a stormwater management easement and maintenance agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by a deed to be recorded simultaneous with recordation of the plat.
8. That Parcels A and B be granted to the County Commissioners of Carroll County upon acceptance of the stormwater management facility.
9. That a Declaration of Maintenance Obligations for Rickhuff Drive be recorded simultaneous with recordation of the subdivision plat.

CONCURRENCY MANAGEMENT REPORT

Mr. Patrick Varga presented the background.

Subdivision Plan: M-07-012, Rickell Highlands

Schools: Charles Carroll Elementary
Westminster East Middle
Winters Mill High

Roads: MD Rt. 97

Fire and EMS: Pleasant Valley

Police Services: Maryland State Police/Carroll County Sheriff's Department

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of January 31st 2009 was 174,696. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period February 2008 through January 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of January was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.32 by the end of FY 2009 – adequate.

The adopted Carroll County Government operating plan for FY 2009-2014 provides for planned funding for three new deputy positions every year.

Schools:

The Carroll County Public Schools responded that Charles Carroll Elementary, Westminster East Middle, and Winters Mill High are adequate for all years FY09 through FY14.

The enrollment projections indicate that Charles Carroll Elementary will range between 97 and 104% of capacity during the current 6-year CIP cycle. In the Charles Carroll attendance area 5 additional residential developments, comprised of approximately 16 lots, are currently in the review process. There are approximately 23 lots in the Charles Carroll attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Westminster East Middle will range between 91 and 103% of functional rated capacity during the current CIP. In the Westminster East attendance area 18 additional residential developments, comprised of approximately 533 lots are currently in the review process. There are approximately 171 lots in the Westminster East Middle school area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate for Winters Mill High that the percentage of capacity will range from 93 to 97% of capacity during the 6-year CIP. In the Winters Mill attendance area 18 additional residential developments, comprised of approximately 533 residential lots, are currently in the review process. There are approximately 171 residential units in the Winters Mill area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Pleasant Valley emergency services district. The 2008 4th quarter late and no response statistical data indicates that of the first due total fire calls in the Pleasant Valley district, 0.0% were categorized as no responses, and 0.00% as late and no responses. Of the first due emergency medical service calls in the Pleasant Valley district, 0.0% were categorized as no responses and 0.0% as late and no responses. Pleasant Valley meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 2/1/07 to 1/31/09 Pleasant Valley had an average response time of 9 minutes and 24 seconds – approaching inadequate.

With regard to emergency medical call response time, for the two-year period of 2/1/07 to 1/31/09 Pleasant Valley had an average response time of 9 minutes and 20 seconds – approaching inadequate.

The primary route from the firehouse to the proposed development travels over the County bridge on Hughes Shop Road over Bear Branch (bridge CL 264). The secondary route travels on Pleasant Valley Road to MD Rt. 97 and does not travel over any County bridges. Analysis completed in 2006 found bridge CL 264 adequate for the emergency vehicles in the Pleasant Valley fire department fleet.

Roads:

The Maryland State Highway Administration responded that MD Rt. 97 is rated adequate.

Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4) states “If ... a public facility or service is approaching inadequate during the current CIP, the Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.”

Pursuant to Chapter 71 staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

1. Police, schools, and roads are considered adequate; fire and EMS are considered approaching inadequate.
2. Tentative building permit reservations are for 3 lots in FY09, provided that the plat be recorded prior to any permit being issued.

3. The tentative recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

With regard to a final plan, Chapter 71-6E(4) states “If ... a public facility or service is approaching inadequate, the Commission may approve the plan subject to a phasing plan for recordation or may defer the project and place the plan in a queue to be re-tested on an annual basis.

For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Commission.”

Pursuant to Chapter 71 staff recommends that the Planning Commission conditionally approve the final plan with conditions as follows:

1. Police, schools, and roads are considered adequate; fire and EMS are considered approaching inadequate.
2. Building permit reservations are for 3 lots in FY09, provided that the plat be recorded prior to any permit being issued.
3. The recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Mr. Schuster questioned whether there are other options for stormwater management besides creating a parcel the County must maintain.

Mr. Randy Petkus, BPR, indicated the topography was too steep for other methods of stormwater management.

Ms. Brandt explained that this was a very difficult subdivision to design. Staff held multiple meetings with the State Highway Administration and Stormwater Management staff. This plan is what was proposed as the best solution.

Ms. Jones indicated another option is for a Homeowners Association (HOA) to own and maintain the stormwater management facilities. She noted that usually HOA's this small tend to fail and the County has to come in and take over the facility.

Mr. Baile stated that staff would rather have the stormwater management pond maintenance under County control where it is directly impacting water supplies or future water supplies.

Ms. Brandt agreed indicating staff believes it is better for the County to own the facility in this case, thereby assuring regular maintenance.

Commissioner Gouge re-entered the meeting.

Mr. Schuster questioned whether there was a guarantee that there would be no more subdivision on the property.

Ms. Brandt indicated this is all that is allowed under the current regulations for the Conservation District.

Mr. Schuster indicated there is a parcel that is six acres in size.

Mr. Chadwick indicated that parcel contains most of the environmental features on the land making it undividable in all practicality.

Mr. Schuster indicated his concern with regard to the subdivision entrance being located on a major highway. He noted that while he understood the project meets all requirements, he did not agree with the location or need for the project.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Baile, seconded by Mr. Yeo, and carried (Mr. Baile, Mr. Chadwick, Mr. Yeo, and Dr. Slade voted "Aye"; Mr. Schuster voted "No"; Commissioner Gouge abstained because she missed most of the presentation), granted preliminary and final approval of Rickell Highlands with the nine conditions listed in the staff report.

In accordance with Chapter 71, the Commission, on motion of Mr. Baile, seconded by Mr. Chadwick, and carried (Mr. Baile, Mr. Chadwick, Mr. Yeo, and Dr. Slade voted "Aye"; Mr. Schuster voted "No"; Commissioner Gouge abstained because she missed most of the presentation), conditionally approved the preliminary and final plans with the four conditions listed in the staff report.

D. P-07-014, POIGNANT ACRES

LOCATION: East side of Maryland Route 27, north of Sams Creek Road, 9th Election District

OWNER: Charlotte Sanders, 3633 Ridge Road, Westminster, MD 21157

DEVELOPER: Same as Owner

SURVEYOR: D.R.S. & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Agricultural

ACREAGE: 35.75 acres

WATERSHED: Liberty Reservoir

MASTERPLAN: Agricultural

Ms. Kimberly Brandt presented the background.

Action Required:

Four actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.
3. Approval of the Final Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
4. Approval of the Final Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Existing Conditions:

The subject property is improved with farm buildings and two single-family dwellings, a principle dwelling and a recently constructed detached accessory dwelling. The property owner's daughter and son-in-law live in the detached accessory dwelling. The property owner lives in the principle dwelling, which is located near the largest barn. The family raises miniature horses on the property.

The dwellings are served by private wells and septic systems. The property is located outside of the water and sewer service areas.

With the exception of the areas that have been cleared for the homes and farm operations, the site is wooded. A stream runs along the eastern property boundary.

Plan Review:

The developer proposes to subdivide the property to create three lots. A 4.19-acre lot will be created around the detached accessory dwelling and a 3.02-acre lot will be created for the property owner's other daughter. The remaining portion, Lot 22B, will be 28.53 acres in size. Of that acreage, 23.70 acres will be placed under forest conservation, floodplain, and forested

water resource protection easements. The lots, including the remaining portion, may not be further subdivided.

Staff has noted that the Development Review Manual states that in-fee strips and use-in-common driveways must be designed so access to the buildable area of any lot is within 1,250 feet of the center of a publicly maintained road. Lot 24 does not satisfy this requirement. The distance to the buildable area of the lot is approximately 1,470 feet.

The Planning and Zoning Commission has the authority to modify or waive this requirement. Staff supports approval of the subdivision as designed. Given the locations of the farm buildings, the two homes, and the environmental resources on the property, the proposed location of Lot 24 is the best option.

Access to the lots will be provided via Sanders Drive, which will be improved to meet the County's standards for use-in-common driveways. A Declaration of Maintenance Obligations that considers future lots has already been recorded. The State Highway Administration has commented that no work within the Maryland Route 27 right-of-way is required for this project. An ingress/egress easement will be granted for the portion of the driveway to Lot 25 that extends across Lot 22B.

Lot 24 will achieve stormwater management through grading. No landscaping is required for this subdivision.

The subdivision plan was subject to citizen involvement at the January 26, 2009 Technical Review Committee meeting. There were no issues or concerns presented. The Bureau of Development Review has received no correspondence concerning this project.

Recommendation:

Pursuant to Chapter 103, staff recommends approval of the preliminary plan and plat subject to the following conditions:

1. That the Owner/Developer enter into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That a forested water resource protection easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
3. That a floodplain easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
4. That a forest conservation easement be granted to the County Commissioners of Carroll County simultaneous with recordation of the subdivision plat.
5. That a 20' ingress/egress easement as shown on Lot 22B for Lot 25 be recorded simultaneous with the recordation of the subdivision plat.

CONCURRENCY MANAGEMENT REPORT

Mr. Patrick Varga presented the background.

Subdivision Plan: P-07-014, Poignant Acres

Schools: Winfield Elementary
New Windsor Middle
South Carroll High

Roads: MD Rt. 27

Fire and EMS: Winfield

Police Services: Maryland State Police/Carroll County Sheriff's Department

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of January 31st 2009 was 174,696. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period February 2008 through January 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of January was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.32 by the end of FY 2009 – adequate.

The adopted Carroll County Government operating plan for FY 2009-2014 provides for planned funding for three new deputy positions every year.

Schools:

The Carroll County Public Schools responded that Winfield Elementary, New Windsor Middle, and South Carroll High are adequate for all years FY09 through FY14.

The enrollment projections indicate that Winfield Elementary will range between 92 and 97% of capacity during the current 6-year CIP cycle. In the Winfield attendance area 5 additional residential developments, comprised of approximately 25 lots, are currently in the review

process. There are approximately 47 lots in the Winfield attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that New Windsor Middle will rise from 78 to 86% of functional rated capacity during the current CIP. In the New Windsor attendance area 8 additional residential developments, comprised of approximately 428 lots are currently in the review process. There are approximately 30 lots in the New Windsor Middle attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate for South Carroll High that the percentage of capacity will range from 87 to 92% of capacity during the 6-year CIP. In the South Carroll attendance area 12 additional residential developments, comprised of approximately 186 residential lots, are currently in the review process. There are approximately 240 residential units in the South Carroll attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Winfield emergency services district. The 2008 4th quarter late and no response statistical data indicates that of the first due total fire calls in the Winfield district, 0.0% were categorized as no responses, and 9.38% as late and no responses. Of the first due emergency medical service calls in the Winfield district, 0.0% were categorized as no responses and 0.56% as late and no responses. Winfield meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 2/1/07 to 1/31/09 Winfield had an average response time of 7 minutes and 51 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 2/1/07 to 1/31/09 Winfield had an average response time of 7 minutes and 40 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Maryland State Highway Administration responded that MD Rt. 27 is rated adequate.

Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4) states “If all public facilities and services are adequate during the current CIP, the Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations, subject to a building permit cap adopted by the Board of County Commissioners in effect at the time of application for building permits.”

There are no adopted building permits caps in geographic areas impacted by this development.

Pursuant to Chapter 71 staff recommends that the Planning Commission approve the preliminary plan with conditions as follows:

1. Police, schools, fire and EMS, and roads are considered adequate.
2. Tentative building permit reservation is for 1 lot in FY09.
3. The tentative recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

With regard to a final plan, Chapter 71-6E(4) of the Code of Public Local Laws and Ordinances of Carroll County states “For projects that received a recordation schedule and building permit reservations at the preliminary plan stage, the Commission shall inform the developer whether any existing or proposed building permit cap would be applicable to the project.

There are no adopted building permits caps in geographic areas impacted by this development.

Pursuant to Chapter 71 staff recommends that the Planning Commission approve the final plan with conditions as follows:

1. Police, schools, fire and EMS, and roads are considered adequate.
2. Building permit reservation is for 1 lot in FY09.
3. The recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservation is allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Dr. Slade questioned whether there are any restrictions for subdividing detached accessory dwellings.

Ms. Brandt indicated that a person must provide proof to the County that they can subdivide before being permitted to build a detached accessory dwelling.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Schuster, seconded by Mr. Chadwick, and unanimously carried, approved the preliminary plan and final plat subject to the five conditions in the staff report with the understanding that the Commission is waiving the requirement that the use-in-common driveway must be designed so that access to the buildable area is within 1,250 feet of a publicly maintained road.

In accordance with Chapter 71, the Commission, on motion of Mr. Schuster, seconded by Mr. Yeo, and unanimously carried, approved the preliminary plan and final plat subject to the four conditions in the staff report.

E. P-08-007, BERBERI HILLS 4

LOCATION: North side of Rochester Court, north of Gorsuch Road, 7th Election District

OWNER: Kimberly Homes, c/o Scott Wade, P.O. Box 6194, Baltimore, MD 21231

DEVELOPER: Same as Owner

SURVEYOR: D.R.S. & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Conservation

ACREAGE: 13.9377 acres

WATERSHED: Liberty Reservoir

Ms. Kimberly Brandt presented the background.

Action Required:

Four actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
2. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.
3. Approval of the Final Plan of Subdivision pursuant to Chapter 103, Development and Subdivision of Land, of the Code of Public Local Laws and Ordinances of Carroll County.
4. Approval of the Final Plan of Subdivision pursuant to Chapter 71, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

Project History:

In 1986, a two-lot subdivision entitled Berberi Hills was recorded. Berberi Hills 2, a conservation cluster subdivision located to the south of the original Berberi Hills, was recorded in 2005.

Based on a conventional plan, a total of twenty-four lots were approved for the cluster subdivision. Only twenty-one lots (Lots 3-23) were recorded with Berberi Hills 2. A note on the plat of Berberi Hills 2 states that 'Lot 23 may be further subdivided for residential purposes in accordance with the cluster subdivision provisions if submitted and approved by the Carroll County Planning and Zoning Commission.'

At the time that Berberi Hills 2 was recorded, the County zoning regulations did not allow Conservation cluster lots less than two acres in size. Thus, any future lots would have to be created from Lot 23, which is 8.5 acres in size. The zoning regulations for Conservation cluster subdivisions have changed; lots less than two acres in size are now permitted.

The developer has submitted an amended plat entitled Berberi Hills 5, revising the aforementioned general note that limits future subdivision to Lot 23.

Plan Review:

The developer proposes to reconfigure Lots 12, 13, 14, 15 and 16 to create Lots 24 and 25. The two new lots are just over an acre in size. Access to the lots will be provided via Rochester Court and Rochester Drive. Rochester Drive is a use-in-common driveway that has not yet been constructed. Rochester Court has been built.

As required by the Bureau of Development Review, the Berberi Hills 4 preliminary plan includes a table showing the open space required per lot for all lots in the cluster subdivision. The amount of open space required for the subdivision is now 20.31 acres. With the recordation of Berberi Hills 2, four open space parcels with a total acreage of 21.35 acres were created. The open space parcels are located along Gorsuch Road and are to be owned and maintained by a homeowners association.

The requirements of Forest Conservation were satisfied when Berberi Hills 2 was processed. Forest conservation easements were granted to the county with recordation of the plat. Likewise, the County was granted floodplain and forested water resource protection easements.

To satisfy the requirements of the Landscaping Ordinance, street trees will be planted along Rochester Court. To satisfy the requirements of Storm Water Management, dry wells will be installed on the lots.

The subdivision plan was subject to citizen involvement at the November 24, 2008 Technical Review Committee meeting. No citizens spoke on this project and no correspondence has been received by the Bureau of Development Review.

The concept plan was presented to the Planning Commission at the December 16, 2008 meeting. The meeting minutes are attached.

Recommendation:

Pursuant to Chapter 103, staff recommends approval of the preliminary plan and final plat subject to the following conditions:

1. That the owner/developer enter into a Public Works Agreement with Carroll County that guarantees the completion of all required improvements.
2. That a Stormwater Management Easement and Maintenance Agreement be granted to the County Commissioners of Carroll County as an easement of access to the County Commissioners or authorized representatives by deed to be recorded simultaneously with the plat.
3. That a Declaration of Maintenance Obligations setting forth the responsibilities for maintenance of Rochester Drive be recorded simultaneously with the plat.
4. That an amended plat of Berberi Hills 2 revising the general note concerning further subdivision of Lot 23 be recorded prior to or simultaneously with the recordation of Berberi Hills 4.

CONCURRENCY MANAGEMENT REPORT

Mr. Patrick Varga presented the background.

Subdivision Plan: P-08-0007, Berberi Hills 4

Schools: Cranberry Station Elementary
Westminster East Middle
Winters Mill High

Roads: Gorsuch Road

Fire and EMS: Westminster

Police Services: Maryland State Police/Carroll County Sheriff's Department

Background:

Pursuant to Section 71-6D of the Code of Public Local Laws and Ordinances, once the Department of Planning has determined that the preliminary plan may be presented to the Commission, Available Threshold Capacity forms are then distributed for review and comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of January 31st 2009 was 174,696. As of that date, among the police forces in the County with staffing levels established by an annual budget, including the Carroll County Sheriff's Office and the municipal police departments, there were 151 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period February 2008 through January 2009 was 84 officers. Based on a total of 235 positions, the ratio of sworn law enforcement positions to the current Carroll County population as of the end of January was 1.35.

Including the projected population growth that would result from residential developments in the pipelines of the county and the municipalities brings the estimated ratio to 1.32 by the end of FY 2009 – adequate.

The adopted Carroll County Government operating plan for FY 2009-2014 provides for planned funding for three new deputy positions every year.

Schools:

The Carroll County Public Schools responded that Cranberry Station Elementary, Westminster East Middle, and Winters Mill High are adequate for all years FY09 through FY14.

The enrollment projections indicate that Cranberry Station Elementary will range between 82 and 91% of capacity during the current 6-year CIP cycle. In the Cranberry Station attendance area 6 additional residential developments, comprised of approximately 202 lots, are currently in the review process. There are approximately 87 lots in the Cranberry Station attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate that Westminster East Middle will range between 91 and 103% of functional rated capacity during the current CIP. In the Westminster East attendance area 18 additional residential developments, comprised of approximately 533 lots are currently in the review process. There are approximately 171 lots in the Westminster East Middle school area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

The enrollment projections indicate for Winters Mill High that the percentage of capacity will range from 93 to 97% of capacity during the 6-year CIP. In the Winters Mill attendance area 18 additional residential developments, comprised of approximately 533 residential lots, are currently in the review process. There are approximately 171 residential units in the Winters Mill area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit.

Fire and Emergency Medical Services:

The proposed subdivision is located in the Westminster emergency services district. The 2008 4th quarter late and no response statistical data indicates that of the first due total fire calls in the Westminster district, 1.54% were categorized as no responses, and 0.51% as late and no responses. Of the first due emergency medical service calls in the Westminster district, 0.30% were categorized as no responses and 0.10% as late and no responses. Westminster meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 2/1/07 to 1/31/09 Westminster had an average response time of 6 minutes and 1 second – adequate.

With regard to emergency medical call response time, for the two-year period of 2/1/07 to 1/31/09 Westminster had an average response time of 6 minutes and 27 seconds – adequate.

The primary route from the firehouse to the proposed development does not include travel over any bridges.

Roads:

The Carroll County Department of Public Works responded that based on a 2004 Traffic Impact Study for this development, Gorsuch Road, an urban major collector road, will operate at a level of service "D" after completion of this project. Level of service "D" is approaching inadequate.

Staff Recommendation:

With regard to a preliminary plan, Chapter 71-6D(4) states "If ... a public facility or service is approaching inadequate during the current CIP, the Commission may conditionally approve the plan to proceed to the final plan stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.

Pursuant to Chapter 71 staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

1. Police, schools, fire and EMS, are considered adequate, roads are considered approaching inadequate.
2. The tentative building permit reservations are for 2 lots in FY 09, provided that the plat be recorded prior to any permit being issued.
3. The tentative recordation schedule requires the plan to be recorded within 24 months of preliminary approval.
4. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.

With regard to a final plan, Chapter 71-6E(4) of the Code of Public Local Laws and Ordinances of Carroll County states "If ... a public facility or service is approaching inadequate, the Commission may approve the plan subject to a phasing plan for recordation or may defer the project and place the plan in a queue to be re-tested on an annual basis.

Pursuant to Chapter 71 staff recommends that the Planning Commission conditionally approve the final plan with conditions as follows:

1. Police, schools, fire and EMS, are considered adequate, roads are considered approaching inadequate.
2. The building permit reservations are for 2 lots in FY 09, provided that the plat be recorded prior to any permit being issued.
3. The recordation deadline be set for the date the sunset provision on the preliminary plan approval takes affect.

4. Building permit reservations be allowed to roll over annually until the sunset provision takes effect and the preliminary plan becomes void.

Discussion:

Dr. Slade questioned the location of Lot 23. He asked whether the developer would receive additional lots from Lot 23 because of the changes to the zoning regulations.

Ms. Brandt indicated that the original lot yield is retained.

Dr. Slade questioned whether there was any consideration given to mitigation by the developer for Gorsuch Road.

Mr. Varga indicated Gorsuch Road is built to the County's specifications; the concern is the number of trips. He noted that this subdivision is only adding two houses.

Dr. Slade acknowledged the nice job the developer did with the open space along Gorsuch Road.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Schuster, seconded by Mr. Chadwick, and unanimously carried, approved the preliminary plan and final plat subject to the four staff conditions.

In accordance with Chapter 71, the Commission, on motion of Mr. Schuster, seconded by Mr. Yeo, and unanimously carried, conditionally approved the preliminary plan with the four conditions in the staff report and approved the final plan, conditionally, based on the four staff report conditions.

AMENDED PLAT REVIEW:

- a. F-09-004, Berberi Hills 5

A. F-09-004, BERBERI HILLS 5

LOCATION: South side of Berberi Road, north of Gorsuch Road, 7th Election District

OWNER: Kimberly Homes, c/o Scott Wade, P.O. Box 6194, Baltimore, MD 21231

DEVELOPER: Same as Owner

SURVEYOR: D.R.S. & Associates, 52 Winters Street, Westminster, MD 21157

ZONING: Conservation

ACREAGE: 8.59645 acres

WATERSHED: Liberty Reservoir

Ms. Kimberly Brandt presented the background.

Action Required:

One action is required:

Approval of the Amended Plat of Subdivision pursuant to Chapter 103, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County.

Project History:

In 1986, a two-lot subdivision entitled Berberi Hills was recorded. Berberi Hills 2, a conservation cluster subdivision located to the south of the original Berberi Hills, was recorded in 2005.

Based on a conventional plan, a total of twenty-four lots were approved for the cluster subdivision. Only twenty-one lots (Lots 3-23) were recorded with Berberi Hills 2. A note on the plat of Berberi Hills 2 states that 'Lot 23 may be further subdivided for residential purposes in accordance with the cluster subdivision provisions if submitted and approved by the Carroll County Planning and Zoning Commission.'

At the time that Berberi Hills 2 was recorded, the County zoning regulations did not allow Conservation cluster lots less than two acres in size. Thus, any future lots would have to be created from Lot 23, which is 8.5 acres in size. The zoning regulations for Conservation cluster subdivisions have changed; lots less than two acres in size are now permitted.

Plan Review:

The developer has submitted the subject amended plat to revise the aforementioned general note that limits future subdivision to Lot 23. Regarding future subdivision, the general note now states that the lots may be further subdivided for residential purposes if submitted and approved by the Carroll County Planning and Zoning Commission.

With the recordation of Berberi Hills 4, there will be one remaining lot that may be created if approved by the Commission.

Recommendation:

Pursuant to Chapter 103, staff recommends approval of the amended plat subject to the following condition:

That this amended plat of Berberi Hills 2 be recorded prior to or simultaneously with the recordation of Berberi Hills 4.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Schuster, seconded by Dr. Slade, and unanimously carried, approved the amended plat subject to the one staff condition.

PUBLIC COMMENTS/PETITIONS:

There were no public comments/petitions.

There being no further business, the Commission adjourned the regular meeting and began a public work session.

WORK SESSION – PATHWAYS PLAN UPDATE

Mr. Horn presented the Commission with an update on the scheduled regional Pathways meetings, scheduled for March 23, 24, 26, 31 and April 1 at local high schools. The Commission discussed the anticipated release of the Plan by the end of April, to be followed by a vigorous public review period expected to extend throughout the spring and summer of 2009. Adoption of the Plan and related implementation measures, such as zoning changes, is anticipated in the fall of 2009. Commission members were informed that staff would be checking their respective calendars for evening meeting availability during the mandated 60 day Plan review period after the document is released for public review.

There being no further business, the work session adjourned.

Secretary

Approved