

OFFICIAL MINUTES
Carroll County Planning and Zoning Commission

June 16, 2009

Location: Carroll County Office Building

Members Present: David L. Brauning, Chairman
Dennis Wertz, Vice Chair
Melvin E. Baile, Jr.
Wayne Schuster
Charles M. Chadwick
Julia Walsh Gouge, Ex Officio
Robert B. Slade, Alternate

Members Absent: Alec Yeo

The meeting opened at 9:00 a.m. Present with the Commission were the following persons: Steve Horn, Kelly Martin, Tom Devilbiss, and Ralph Robertson, 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; Daphne Daly, Bureau of Comprehensive Planning; Bryan Van Fossen, Office of Public Safety; Terry Cannon, Bureau of Budget; Larry Twele, Department of Economic Development; Larry Leitch, Carroll County Health Department; Ray Prokop, Albert Eilbacher, and Bill Caine, Carroll County Public Schools; Mike VanSant; Francine Dorsey; Joan Henley; Tom Dorsey; Brian Detweiler; Diane Grote; Paul Rill; Andy Komijk; Andrew Robinson; Dan Staley; Clark Shaffer; Martin Rickell; Mike Preston; Sal Purpora; David Johnson; Dave Hamil; Joe Tomarchio; Linda Donoff; and members of the press.

APPROVAL OF MINUTES

a. May 19, 2009

A. May 19, 2009

The minutes of May 19, 2009 were approved, as written, on motion of Mr. Chadwick, seconded by Mr. Schuster, and carried.

REPORT OF AGENCY REPRESENTATIVES:

Board of Education – Mr. Albert Eilbacher reported: seeking final inspections for use and occupancy permits for the Carrolltowne Elementary School Open Space Enclosures project; beginning renovation of office area and interior spaces for the Freedom Elementary Full Day Kindergarten Classroom Addition. Nearing completion of the Manchester Valley High project; administration staff will be moved in the next few weeks; final inspections will be ordered for the use and occupancy permits; school will be opening in August. A pre-construction meeting was held with the contractor, architect, and construction manager for the Northwest Middle Open Space Enclosure project; construction is beginning today with completion anticipated by next summer. Music rooms are being converted to PE space in working on the South Carroll High School Fine Arts Addition; lead paint has been discovered on some existing beams in the music rooms and is being removed based on MDE regulations. Geo-thermal wells are being drilled for the Westminster High School HVAC Replacement project; excavation is occurring for utilities.

Commissioner Gouge questioned how many wells were needed.

Mr. Eilbacher indicated 400 wells are drilled, typically 300 – 400 feet deep. Bid documents were re-released with a July start for the Mt. Airy Elementary School Roof Replacement project; no bids were received in the first round; but five bids are being evaluated from the second round. Approval of award of contract is being sought for the William Winchester Elementary Full Day Kindergarten Addition. Permits have been issued for the Winfield Elementary Full Day Kindergarten Addition. The Construction Planning Committee continues with the preparation of the Education Specifications for the Career and Technology Center Replacement Building; meetings with subcommittees continue to obtain specific requirements for each of the Career and Technology clusters. One double classroom building is being relocated from North Carroll High School to the Career and Technology Center; the site plan was approved by the Bureau of Development Review; waiting for issuance of building permits. Educational specifications have been submitted to the Public School Construction Program for review and comment for the Robert Moton Elementary Full Day Kindergarten Addition; the architect has been selected and a preliminary meeting was held. FY09 aging school projects include: the replacement of stairwell doors at North Carroll High and the asbestos abatement and replacement of fire rated doors at Westminster High. The Board of Education approved the 2009-2018 Facilities Master Plan which will be presented to the Commission later in the meeting.

Dr. Slade questioned whether the County has surplus relocatables.

Mr. Eilbacher indicated all of the units are still in use.

Mr. Schuster questioned the construction schedule for the South Carroll Fine Arts Addition.

Mr. Eilbacher indicated the project should be completed next summer.

Commissioner Gouge questioned whether Mr. Eilbacher had information with regard to the time in which the County will make up the initial expenditures of the geothermal wells.

Mr. Eilbacher indicated he did not have the numbers for Westminster High School, but the payback for Ebb Valley Elementary was seven years. He noted that well drillers are becoming more familiar with the drilling process and the payback period is narrowing. Mr. Eilbacher explained that the geothermal system uses more heat pumps than a conventional system. The question becomes whether having 24 heat pumps in a building is more labor intensive than a central plant. The Board has found it is much easier to get mechanics familiar with heat pumps than a central plant.

Economic Development – Mr. Larry Twele reported: permit applications have been down about one-third for commercial/industrial development; amount of square footage being renovated is down one-half; hotel tax is down by half; recent trends are showing some positive movement—flex vacancy is down one-half percent, still at 17 ½ percent; industrial vacancy is down from 8.8 percent to 8.2 percent; retail vacancy is down from 3.8 percent to 3.4 percent; unemployment spiked in February at 7.2 percent, but the latest numbers have it down to 5.9 percent—some of that is seasonal employment. Permits have been signed by the State Highway Administration (SHA) for the Gateway signs. Working on several business park projects; clients continue to make investments in engineering projects for the future.

Mr. Chadwick questioned whether there were any plans to increase signage at the entrances to the western part of the County near MD 75 and MD 140.

Mr. Twele indicated the hope was that the gateway sign project would continue over the next several years and that other locations may be considered for signage in the future. He noted that SHA will be placing 70 signs throughout the County directing people to various points of interest, e.g., historic downtowns, golf courses, wineries, etc.

Mr. Schuster noted that in preparation for the Pathways work sessions, it would be helpful to see the PB report and other information to help the Commission understand the placement of the employment areas and the amount of acreage that is being reserved.

Mr. Horn indicated the PB report is available on the website and that staff can make a presentation to the Commission.

Mr. Brauning asked for information and statistics regarding the saturation of commercial/ industrial development in neighboring counties to the point of build out to support the need for the employment areas in the County.

Mr. Horn indicated that information is available in the EDLENS study and is based on market conditions in surrounding jurisdictions. The report discusses surrounding area markets moving towards saturation in the next 10 years.

Mr. Brauning discussed the availability of cost analysis reports with regard to the costs to providing the necessary infrastructure for the employment areas and the time for payback.

Mr. Twele indicated that information was also part of the report. The employment areas are a long term vision with payoff being a sustainable tax base.

Mr. Wertz suggested the County needs to take a more detailed look at the employment areas that have been targeted and the necessary infrastructure in order to make decisions.

Mr. Horn indicated that extensive studies will be performed for any employment areas that survive the Pathways Plan process. He noted that preliminary studies have been completed, and the Water Resource Element (WRE) is being completed now, to determine water and wastewater needs. Mr. Horn explained that a very extensive effort is being put forth on water and sewer in conjunction with the municipalities. The municipalities are also required to complete a WRE under State law.

Mr. Wertz questioned why the County was putting the zoning there first before determining the infrastructure that is needed.

Mr. Horn explained that the County has conducted preliminary studies to anticipate the infrastructure needs and approximate costs. More detailed analysis is being prepared as part of the WRE, currently in progress. The Commission will have the draft WRE as soon as possible and before decisions relating to Pathways proposals are finalized.

Development Review – Mr. Clay Black indicated he had nothing to report.

Health Department – Mr. Larry Leitch reported: he is following the research on the H1N1 influenza virus (swine flu); e-mails are sent to the disaster preparedness group providing regular updates; the World Health Organization raised the pandemic to level 6; the State lab has confirmed Carroll County has two cases of H1N1; members of the public can go to the Carroll County Health Department website at www.carrollhealthdepartment.dhmh.md.gov to view official updates.

Dr. Slade questioned the success of the shingles vaccine.

Mr. Leitch indicated he was not sure how many shingles vaccines were administered, but they were very popular when they first came out.

Dr. Slade questioned the cost of the shingles vaccine.

Mr. Leitch stated the vaccine costs approximately \$165.

COMMISSION MEMBER REPORTS:

Commission Chairman – Mr. Brauning indicated he signed several minor subdivisions since his last meeting. He thanked the Commission members for their attendance at the Pathways Public Information Meetings and apologized for any personal attacks that were made by the citizens present.

Ex-Officio – Commissioner Gouge explained that she has not been attending the public information meetings with the Commission because the plan will be forwarded by the Commission to the Board of County Commissioners for review. She noted that she has always tried not to vote on something at the Commission level that will be coming before the Board at a later date. Commissioner Gouge indicated that citizens need to realize that the Commission is a volunteer board and that you put a lot of time into your efforts. She noted that Commission members are performing a service for the County, and the Board of Commissioners thanks them.

Other Members – Mr. Wayne Schuster indicated several personal accusations were made toward staff and the Commission at last night's meeting. He noted his opinion of the staff's quality service and indicated citizens did not understand that Commission members were not responding to comments because that was not their role at the meeting. Mr. Schuster explained that the Commission was there to listen and take notes—not to debate. He noted that some of the people at the meeting were the same people that attended the Map It Out session and supported development of the areas in question.

Mr. Wertz suggested the public hearing in July be scheduled at an earlier time.

The Commission briefly discussed what had been done in terms of public outreach for the Pathways process and additional measures that could be taken.

DEPARTMENT OF PLANNING STAFF REPORT:

Director – Mr. Horn had nothing additional to report.

CARROLL COUNTY PUBLIC SCHOOLS EDUCATIONAL FACILITIES MASTER PLAN 2009-2018

Mr. Bill Caine, Carroll County Public Schools, provided the Commission with an overview of the 2009-2018 Educational Facilities Master Plan. He spoke about the instructional program changes which mandate the full day kindergarten and science curriculum changes. Mr. Caine reviewed the capacity projects, including the modernization and addition at Mount Airy Middle, the addition at Sykesville Middle, and the new Southeast Area Elementary. He noted that total enrollment has dropped for the third straight year, but the Freedom area is an area where growth is expected to pick up. The elementary school was kept in the plan, and the need for the new school will be evaluated each year accordingly.

Mr. Wertz questioned whether there was a site for the new school.

Mr. Caine indicated the Board staff is working with the County staff on a joint committee. He noted that a site has been identified and continues to be evaluated. Mr. Caine explained that the modernization projects were slightly reordered with East Middle moving ahead of West Middle based on the criteria for State modernization funding. The County did not include the Replacement School for the Career and Technology Center in its CIP, so the Board of Education moved the project out a year. Mr. Caine reported on instructional program improvements, including: five kindergarten addition projects remaining, four high schools needing changes for their science curriculums, and open space enclosure projects. He explained that meetings are held with maintenance staff annually to adjust the timing of systemic renovation projects which focus on roof and HVAC replacements. Mr. Caine noted that the Board of Education has approved the plan and the document must be submitted to the Maryland Department of Planning by July 1 with a letter stating that the plan is consistent with the County Master Plan.

Mr. Wertz questioned whether staff agrees that the plan is consistent with the Master Plan.

Mr. Horn indicated the staff does agree.

The Commission, on motion of Mr. Chadwick, seconded by Dr. Slade, and unanimously carried, authorized the Chairman to sign a letter from the Commission to the Board of Education indicating that the Facilities Master Plan is consistent with the County Master Plan.

CARROLL COUNTY AGRICULTURAL LAND PRESERVATION CERTIFICATION REPORT FOR FISCAL YEAR 2008

Mr. Ralph Robertson, Program Manager, Agricultural Land Preservation Program, distributed a replacement page for the report which had originally not included Mr. Schuster in the membership of the Commission. He explained that the report was a little later than usual because of the requirement for identification of the Priority Preservation Areas. Staff waited until the Pathways Plan was released to include those areas in the certification report. Mr. Robertson reviewed the highlights of the report, noting the Rural Legacy grants that were awarded, the number of contiguous acres preserved, etc. He acknowledged the efforts of Mr. Bill Powel in developing the report. Mr. Robertson asked for the Commission to direct Mr. Horn, as Secretary, to sign a letter finding the report consistent with the Master Plan.

The Commission, on motion of Mr. Chadwick, seconded by Mr. Schuster, and unanimously carried, certified the report as consistent with the County Master Plan and directed the Secretary to sign a letter in this regard.

PRELIMINARY AND FINAL SUBDIVISION PLAN REVIEW:

a. P-07-018, Mich-Trace Estates, Section 2

A. P-07-018, MICH-TRACE ESTATES, SECTION 2

Mr. Baile recused himself from the discussion/decision of this project and left the meeting.

LOCATION: Northeast side of Grand Valley Road, 3rd Election District
OWNER: Mark Lynn, 508 Old Bachman Valley Road, Westminster, MD 21157
DEVELOPER: Same as Owner
SURVEYOR: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157
ZONING: Agricultural
ACREAGE: 1.951 acres
NO. OF LOTS: 1
WATERSHED: Conewago Creek
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 an area of field located between Lots 2 and 3 of Mich-Trace Estates, Section One (F-90-070), which was recorded in 2004. Lots 1-3 were created with the subdivision. Access to the three lots, the remaining portion, the Bosley property, and the Miller/Gabbert property is provided via a use-in-common driveway, Mich-Trace Drive.

A preliminary plan for Mich-Trace Estates (NC-89-022), a five lot subdivision, was approved by the Planning Commission on June 19, 1990. Rather than submitting a plat for that subdivision, the developer elected to submit Mich-Trace Estates, Section One for processing as a minor subdivision in the Agricultural Zoning District. Agricultural minors are not subject to review for Concurrency Management. The subject property was in the North Carroll High School attendance area; it is now in the Manchester Valley High School attendance area.

Plan Review:

The developer has proposed the creation of one new lot, Lot 4. The lot is 1.951 acres in size and is located between previously recorded Lots 2 and 3.

When the concept plan was presented to the Planning Commission at the May 20, 2008 meeting, Lot 5 was also proposed. Access to the new lots was proposed from Mich-Trace Drive, which already has six users. The developer was advised that the maximum number of users allowed for use-in-common driveways in the Agricultural Zoning District is seven.

Also, the Development Review Manual requires that in-fee strips and use-in-common driveways 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 5 did not satisfy this requirement. Lot 5 is no longer proposed. The minutes from the concept review are attached to this report.

To satisfy the requirements of Storm Water Management, Chapter 191 of the Code of Public Laws and Ordinances of Carroll County, a dry well will be installed on Lot 4.

The requirements of Forest Conservation, Chapter 115 of the Code of Public Laws and Ordinances of Carroll County, will be satisfied with 0.538 acres of forest retention on the remaining portion. Also, a 0.302-acre area of an existing forest conservation easement will be relocated to another area of the remaining portion with recordation of this subdivision.

The plan was subject to citizen involvement at the April 28, 2008 Technical Review Committee meeting. 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 an amended Declaration of Maintenance Obligations for Mich-Trace Drive to include Lot 4 be recorded simultaneously with the plat.
2. That a stormwater management easement and maintenance agreement be granted to the Carroll County Commissioners as an easement of access to the Commissioners or authorized representatives by a deed to be recorded simultaneously with the plat.
3. That an amended deed of forest conservation easement for the 0.302-acre area of forest conservation being relocated be recorded simultaneously with the plat.
4. That a forest conservation easement, with a total acreage of 0.538 acres, be granted to the Carroll County Commissioners by a deed to be recorded simultaneously with the plat.

CONCURRENCY MANAGEMENT REPORT

Ms. Kimberly Brandt presented the background.

Subdivision Plan: P-07-018, Mich-Trace Estates, Section 2

Number of Lots: 1 lot

Schools: Ebb Valley Elementary
North Carroll Middle
Manchester Valley High

Roads: Grand Valley Road

Fire and EMS: Manchester

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 distributed for comment. The forms were distributed to the appropriate agencies.

Agency Responses:

Police Services:

The estimated Carroll County population as of April 30, 2009 was 174,828. 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 152 funded officer positions. The average staffing level at the Maryland State Police Barracks for the period March 2008 through April 2009 was 84 officers. Based on a total of 239 positions,

the ratio of sworn law enforcement positions to the current Carroll County population as of the end of January was 1.37.

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 Ebb Valley Elementary, North Carroll Middle, and Manchester Valley are adequate for all years FY09 through FY14.

The enrollment projections indicate that the capacity of Ebb Valley Elementary will range between 80 and 85% during the current 6-year CIP cycle. In the Ebb Valley Elementary attendance area 10 additional residential developments, comprised of approximately 30 lots, are currently in the review process. There are approximately 91 lots in the Ebb Valley Elementary 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 the functional capacity of North Carroll Middle will range between 73 and 80% during the current CIP. In the North Carroll Middle attendance area 15 additional residential developments, comprised of approximately 39 lots, are currently in the review process. There are approximately 218 lots in the North Carroll 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 that the capacity of Manchester Valley High will rise from 44 to 54% during the 6-year CIP and the capacity of North Carroll High will be reduced from 75 to 51% during the 6-year CIP. In the North Carroll High attendance area 21 additional residential developments, comprised of approximately 94 residential lots, are currently in the review process. There are approximately 228 residential units in the North Carroll High 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 Manchester emergency services district. The 2009 1st quarter late and no response statistical data indicates that of the first due total fire calls in the Manchester district, 0.0% were categorized as no responses, and 6.67% as late and no responses. Of the first due emergency medical service calls in the Manchester district, 0.0% were categorized as no responses and 0.0% as late and no responses. Manchester meets adequate late and no response criteria.

With regard to fire call response time, for the two-year period of 5/1/07 to 4/33/09 Manchester had an average response time of 7 minutes and 31 seconds – adequate.

With regard to emergency medical call response time, for the two-year period of 5/1/07 to 4/30/09 Manchester had an average response time of 6 minutes and 17 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 Grand Valley Road, a rural local road, is rated Level of Service “B” – 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 the geographic area 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 FY10.
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 the geographic area 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 FY10.

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. Schuster questioned whether the remainder could be further subdivided.

Ms. Brandt indicated the yield exists for an additional lot, but there is a question with regard to access.

Dr. Slade questioned the size of the remainder.

Ms. Brandt stated the remainder is 84.8 acres.

Public Comments:

Mr. David Johnson, 5041 Grand Valley Road, suggested the intersection at the location of the ingress/egress of this project does not handle the current property owners and will be unable to handle additional property owners. It is also located on a curve. He indicated he was representing Ms. Millary Staub who was unable to attend the meeting. Mr. Johnson noted that Ms. Staub is very much opposed to the additional traffic that will be generated. He stated that he had no objection to the houses, but he had an issue with the ingress/egress. Mr. Johnson explained that children are driven to the bus stop at the end of the drive and there is no room for the cars to sit. He noted that there is a steep bank on either side of the roadway. Mr. Johnson indicated that trash cans on trash day further cut down on the width of the roadway. He noted that based on today's regulations, his driveway would never be approved.

Dr. Slade agreed that children being driven to the bus stop does cause congestion. He questioned the feasibility of making the driveway wider at the end.

Mr. Sal Purpora, RTF Associates, Inc., indicated the driveway does have adequate sight distance at this location, but he was unable to answer whether it was feasible to make the driveway wider.

Mr. Chadwick suggested this was a problem that is not limited to this particular project, but common to all use-in-common driveways. He suggested that staff look at the regulations as a whole, but he did not think it was something to impose on this individual developer.

Mr. Wertz indicated his concern with the placement of garbage cans. He questioned whether the County requires a designated area.

Ms. Brandt responded that a designated area is not required, but is sometimes provided.

Mr. Wertz noted his preference that there be a designated area for trash cans and mail boxes. He suggested this information be added to the regulations.

Mr. Purpora indicated the owner has fulfilled all the necessary requirements, and he could not speak to the requested changes without consulting his client.

Dr. Slade suggested the project be tabled for a month to enable the engineer to discuss the proposed changes with the owner.

Mr. Wertz questioned whether the Department of Public Works had reviewed and approved the plan.

Ms. Brandt indicated that every plan that comes before the Commission has received approvals from every agency.

Mr. Chadwick did not support tabling the plan.

Ms. Jones noted that the Commission would be putting a burden on one individual lot as opposed to an entire subdivision.

Dr. Slade suggested that these issues need to be reviewed for all use-in-common driveways.

Mr. Schuster noted the Department of Public Works had approved the plan and the plan meets all development regulations. He suggested that staff be directed to review the use-in-common driveway standards, but did not agree with delaying the project.

Decision:

In accordance with Chapter 103, the Commission, on motion of Mr. Chadwick, seconded by Mr. Schuster, and carried (Commissioner Gouge, Mr. Schuster, and Mr. Chadwick voted "Aye"; Mr. Wertz and Dr. Slade voted "No"; Mr. Brauning chose not to vote), approved the preliminary plan of subdivision and the final plan of subdivision.

Mr. Chadwick amended his motion that the approval was subject to the conditions contained in the staff report. The members were polled as to whether this amendment changed their vote. Their votes did not change.

In accordance with Chapter 71, the Commission, on motion of Mr. Chadwick, seconded by Mr. Schuster, and carried (Mr. Schuster, Mr. Chadwick, and Commissioner Gouge voted "Aye"; Mr. Wertz and Dr. Slade voted "No"; Mr. Brauning chose not to vote), approved the preliminary plan of subdivision and the final plan of subdivision subject to the staff conditions.

The Commission members requested that staff develop proposed amendments to the regulations regarding use-in-common driveways to address the concerns raised during the discussion.

Mr. Baile reentered the meeting.

CONCEPT SUBDIVISION PLAN REVIEW:

- a. P-09-005, Komiske Property

A. P-09-005, KOMISKE PROPERTY

LOCATION: North side of Gillis Falls Road, opposite John Pickett Road, 14th Election District

OWNER: Andrew & Julie Komiske, 2050 Gillis Falls Road, Woodbine, Maryland 21797

DEVELOPER: Same as Owner

SURVEYOR: VanMar Associates, 310 South Main Street, Mount Airy, Maryland 21771

ZONING: Conservation

ACREAGE: 12.99 acres

FIRE DISTRICT: Winfield

WATERSHED: South Branch Patapsco

MASTER PLAN: Conservation

Ms. Kimberly Brandt presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Chapter 103 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept major subdivision plan. No action is required.

Existing Conditions:

The subject property is improved with a residence that was built in 2008 and several outbuildings, including a springhouse. The farmhouse that had been on the property has been demolished, but is shown on the orthophoto provided with this report.

A pond and a stream are located in the eastern area of the site. A portion of the stream corridor is wooded. The westernmost area of the property is farmed. A farm and several residences adjoin the property. The property that the County has acquired for the Gillis Falls Reservoir is west of this property.

Plan Review:

The developer has proposed the creation of four residential lots. The proposed use is consistent with the designation of Conservation in the Master Plan.

Lots 1-3 are clustered in the western area of the property and are 1.27, 1.49, and 1.84 acres in size. Lot 4 is 7.81 acres in size and includes the existing residence, the outbuildings, and the pond. Lot 4 will be identified as such on future plan submittals rather than as 'Buildable

Remaining Portion.’ The term remaining portion is only used in the Agricultural Zoning District.

A conventional subdivision plan depicting four 3-acre lots was submitted with the concept cluster plan. Staff has confirmed that the conventional lots meet the County requirements for conventional Conservation lots.

The regulations for Conservation cluster subdivisions require that the land derived from the reduction in lot sizes, 4.4 acres in this case, be offered to the County. The County has refused ownership of the open space associated with the proposed cluster, thus it has been combined with Lot 4. The developer has been advised that an open space easement on the land derived from the reduction in lot sizes must be shown on the next plan submittal.

Staff supports the cluster layout with the open space incorporated into Lot 4. As there will be no homeowners association, creation of a separate open space parcel is not practical.

Access to Lots 1-3 will be from a new use-in-common driveway, Komiske Drive. Lot 4 will be accessed from the existing driveway on Gillis Falls Road.

To satisfy the requirements of Storm Water Management, Chapter 191 of the Code of Public Laws and Ordinances of Carroll County, dry wells will be installed on Lots 1-3 and a wide grass shoulder will run along the use-in-common driveway.

The requirements of Forest Conservation, Chapter 115 of the Code of Public Laws and Ordinances of Carroll County, will be satisfied with on-site afforestation and retention. Forest conservation easements will be granted to the County for the afforestation and retention areas.

Discussion:

Ms. Brandt indicated the daughters of the original property owners have called the office to voice their objection to the subdivision.

Mr. Schuster noted that the conventional plan states the existing house is under construction on Lot 4.

Ms. Brandt indicated the house is already built.

Mr. Schuster asked for clarification that the open space area on Lot 4 would not have any further subdivision capabilities.

Ms. Brandt indicated a note will be required on the plat regarding no further subdivision capabilities.

Dr. Slade acknowledged that there will only be three users on this use-in-common driveway, but asked that staff look into the queuing, making sure there are pull-over areas, etc.

Mr. Wertz requested that the trash collection and mail box areas be designated as well. He noted that the trash collection area should be a paved surface.

Mr. Mike VanSant, VanMar Associates, indicated he agreed with the staff report. He noted that the owners wanted to go with a cluster plan to keep the lots away from the environmental features on the property. All the easements will be located on Lot 4.

Ms. Brandt indicated the staff prefers the cluster plan.

Mr. Chadwick and Mr. Schuster noted their support for the cluster plan.

Mr. Horn provided a summary of the discussion items with regard to the plan:

- cluster plan is preferred
- pull-over areas
- trash collection on paved surface
- mail delivery in designated area

Public Comments:

Ms. Francine Dorsey indicated she grew up on the property and lives on an adjoining off-conveyance lot. She noted her opposition to the proposed subdivision because of a reduction in property value, over crowded schools, impact on streams, etc. Ms. Dorsey stated her family has two letters from builders that were going to buy the property but were told that there was not a sufficient amount of land to build on. Ms. Dorsey indicated the fire district is listed as Winfield, but she believes it to be Mount Airy. She questioned why four houses were being allowed on conservation zoning near the reservoir.

Ms. Joan Henley indicated she was the owner of the vacant off-conveyance lot which she had just purchased last week at a public auction. She stated she was not aware of this subdivision or that a house would be located right behind that lot. Ms. Henley indicated the family had been told that if the land was to be developed, only one lot would be allowed because of its proximity to Gillis Falls Reservoir. She noted that water is a big problem in the area. Ms. Henley stated she did not understand why the County would want to allow developers to come in from other counties and purchase small farms to develop them. She indicated the house that was torn down had been an historical home built in the 1900's. Ms. Henley noted her opposition to the proposed development based on traffic, water, schools, etc.

FINAL SITE PLAN REVIEW:

a. S-07-004, Rill's Bus Service

A. S-07-004, RILL'S BUS SERVICE

LOCATION: West side of Dutrow Road, north of Carrollton Road, 8th E.D.
OWNER: Paul Rill, 218 Dutrow Road, Westminster, MD 21157
DEVELOPER: Same as Owner
SURVEYOR: D.R.S. & Associates, 52 Winters St., Westminster, MD 21157
ZONING: Agricultural

ACREAGE: 8.8 acres
FIRE DISTRICT: Reese
WATERSHED: Liberty Reservoir
MASTER PLAN: Agricultural

Ms. Kimberly Brandt presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Section 103.19 of the Code of Public Local Laws and Ordinances of Carroll County for consideration and approval of a site plan.

Existing Conditions:

The subject property is improved with a commercial bus service operation and maintenance shop. The business operations for the use are currently located within a dwelling on an adjoining property, also owned by the developer.

Project History:

The proposed use is a conditional use in the Agricultural Zoning District. The conditional use for this site was approved by the Board of Zoning Appeals in Case 3283 on January 26, 1994.

The original Board of Zoning Appeals hearing for this use was held on November 29, 1989, during which the application for the conditional use was denied. The applicant appealed the decision to the Circuit Court for Carroll County in Case Number NV 8795. The court remanded the case to the Board, with a directive limiting their consideration to the conditional use request. During the second BZA hearing, held on July 26, 1991, the Board again denied the request for the conditional use. A second appeal was filed in the Circuit Court. The Court, in Case C-91-11592, reversed the Board's decision and remanded the case to the Board for approval of the conditional use. In a Confirmatory Order, dated January 26, 1994, the Zoning Administrator affirmed authorization of the conditional use. Copies of the findings from these hearings and the aforementioned Confirmatory Order are attached for review.

In a decision by the Zoning Administrator, dated January 13, 2005, the proposed building was deemed an accessory use to the existing bus service operation, requiring no additional action from the Board of Zoning Appeals. A copy of this decision is attached for review.

Site Plan Review:

The developer is proposing to expand the existing bus service operation with the addition of a 7,200-square-foot building to house their business operations, maintenance shop, and training facilities. The proposed use is consistent with the designation of Agricultural in the Master Plan. Currently, there are 38 school busses and 5 motor coaches that are parked at the facility. These numbers are not proposed to increase with the proposed expansion. In addition to the parking

spaces for the busses, 22 parking spaces are provided on the site. At the time of the concept site plan review, only 8 parking spaces were provided.

Access to the site will be from Dutrow Road, via two existing use-in-common driveways on either side of the subject property. These drives are shared by adjoining residential properties owned by the developer. The drives will be one-way beyond the residences that they serve. The two-way segments will be improved to a minimum 20-foot width. Declarations of Maintenance Obligations will be required as a condition of site plan approval.

Another condition of approval addresses the dedication of right-of-way to the County for Dutrow Road. The right-of-way parcel is identified as Parcel A on the site plan.

To address the requirements of fire protection, an existing wet pond located on a property 900 feet to the south will be used. Improvements to the pond will be required to increase the storage capacity to at least 60,000 gallons. A dry hydrant will be installed on Dutrow Road. The developer will be required to post a bond for this work. Staff is recommending a condition of site plan approval requiring the creation of an easement to the developer to allow for future access to and maintenance of the pond. The developer and the owner of the pond property are amenable to this condition.

Staff has advised the developer that the County will not be responsible for maintenance of the pond; the developer must ensure that the pond remains in an operational state. If at any time the pond becomes inadequate or unsuitable for fire protection, the developer will be required to comply with the fire protection ordinance by some other means.

The proposed building will be served by a private well and a septic system. The Health Department has approved the site plan.

As no forest will be cleared for this project, no reforestation is required; however, 0.82 acres of afforestation is required. The developer will address this requirement with tree planting in the westernmost area of the property. A forest conservation easement over this area will be granted to the County.

The landscaping to be provided is shown on Sheet 12 of the site plan. Three rows of Canadian hemlocks will be planted to screen the parking area in the vicinity of the bay doors, which are on the south side of the building. Trees and shrubs will also be provided along Dutrow Road, along a segment of the northern property line, and along a segment of the southern property line.

To address the requirements of stormwater management, an infiltration basin will be installed in the southeast corner of the site and a grass channel will be created on the hillside between the proposed building and the infiltration basin.

The building elevations are included on Sheets 14 and 15 of the plan. A white metal building with a blue pitched roof is proposed. There are windows or doors on each side of the building. Decorative architectural features include shutters with all windows, dormers on the east (Dutrow Road) side of the building, and cupolas. To illuminate the parking area for the buses and the entrance to the building, a total of five lights will be mounted on 20-foot-high poles. Building mounted lighting will also be provided above the exterior doors. The existing pole-mounted lighting will be removed. No new signage is proposed.

The building elevations and proposed lighting were reviewed by the Design and Architectural Review Committee in May of 2007. The Committee had a few minor comments, primarily requesting additional details. These comments were satisfactorily addressed by the developer.

The proposed site plan was subject to citizen involvement at the April 30, 2007 Technical Review Committee meeting. As was noted in the concept site plan staff report, numerous citizens were present for the review and voiced concerns regarding noise and diesel fumes from the site, site lighting, and bus traffic along Dutrow Road. Staff received several phone calls from neighbors echoing these concerns.

The final site plan was presented at the December 21, 2007 Technical Review Committee meeting. No written comments have been submitted to the Bureau of Development Review.

The minutes from the Planning Commission concept review, which occurred at the May 15, 2007 meeting, are attached to this report.

Recommendation:

Staff recommends approval of the site plan subject to the following conditions:

1. That the developer enter into a Public Works Agreement with Carroll County that guarantees completion of the improvements.
2. That the area shown as Parcel A on the site plan be dedicated to the Carroll County Commissioners for Dutrow Road right-of-way by a deed to be recorded simultaneous with the recordation of the Public Works Agreement.
3. 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 Public Works Agreement.
4. That a forest conservation easement be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneous with the Public Works Agreement.
5. That a Landscape Maintenance Agreement be recorded simultaneous with the Public Works Agreement.
6. That Declarations of Maintenance Obligations be recorded for the two use-in-common driveways simultaneous with the Public Works Agreement.
7. That a deed of easement allowing for access to and maintenance of the pond to be used for fire protection be recorded simultaneous with the Public Works Agreement.

Discussion:

Mr. Wertz questioned the statement in the staff report that the proposed use is consistent with the designation of Agricultural in the Master Plan.

Ms. Brandt explained that because the use is allowed in the Agricultural District, staff says that it is consistent with the Master Plan.

Mr. Schuster questioned the requirements of fire protection.

Mr. Bryan Van Fossen, Office of Public Safety, indicated that if the pond is not improved to meet fire protection requirements, or if the pond fails, tanks would have to be installed.

Mr. Schuster questioned who would determine that the pond has failed.

Mr. Van Fossen indicated fire companies in the County routinely check the ponds and tanks in their areas and bring inadequacies to the County's attention. There is a notification process by which property owners are called, letters are mailed, etc. Ultimately, it is the property owner's responsibility to comply with the ordinance.

Mr. Schuster questioned whether installation of a tank would require an amended site plan.

Ms. Brandt indicated it would.

Mr. Schuster questioned whether tanks are constructed above or below ground.

Mr. Van Fossen indicated tanks are installed below ground.

Mr. Wertz questioned whether consideration was given to limiting the number of buses or motor coaches allowed on the property.

Ms. Brandt indicated that none of the staff made those comments.

Mr. Dan Staley, D.R.S. & Associates, noted there is a prior BZA case that limits the number of buses and motor coaches. He indicated the numbers could be listed in the site plan narrative.

Mr. Wertz suggested the site plan narrative should be amended to list the number of school buses and motor coaches allowed on site.

Mr. Paul Rill, owner, indicated the court and BZA did not limit the number of buses or motor coaches.

Ms. Brandt indicated a condition could be added to the approval.

Mr. Schuster noted that the use is limited by the site plan. The owner must come back to the Planning Commission for any expansion. He suggested there was no need for a specific number to be placed on the site plan.

Mr. Wertz indicated a number restriction makes it more clear.

Ms. Diane Grote, owner, noted there are occasions when the Board of Education will have an immediate need for additional school buses. Taking time to amend the site plan would not allow the bus company to respond to the Board of Education's needs.

Mr. Rill indicated they have been in the process for this site plan approval for four years.

Ms. Grote noted it is not their intention to increase the number of buses at this time.

Ms. Brandt indicated an amended site plan would be done with limited distribution and brought before the Chairman for approval.

Dr. Slade questioned the maximum number of buses that could fit this facility.

Ms. Brandt indicated there are 53 bus spaces total which is 10 additional spaces than what is currently needed.

Dr. Slade questioned whether the project would still be adequate with 10 additional buses.

Ms. Brandt indicated it would.

Mr. Brauning asked for clarification that an amended site plan would not be required unless the number of buses exceeded the number of current parking spaces.

Ms. Terry Jones, Deputy County Attorney, indicated she was not familiar with the court file, but clearly discussion about school buses was not a part of it. School buses are allowed to be parked anywhere because there is a need for them. Buses could be parked where their drivers live if there was a need for additional buses.

Mr. Wertz questioned the number of parking spaces for passenger vehicles.

Ms. Brandt indicated the previous plan showed 8 spaces, but the current plan shows 22.

Decision:

In accordance with Chapter 103, the Commission, on motion of Dr. Slade, seconded by Mr. Chadwick, and unanimously carried, approved the site plan for Rill's Bus Service, S-07-004, with the seven staff conditions and with the addition of an eighth condition that the number of buses and motor coaches may not exceed the number of parking spaces approved on the site plan.

CONCEPT SITE PLAN REVIEW:

a. S-08-026, Finksburg Plaza, 2nd Amended Site Plan

A. S-08-026, FINKSBURG PLAZA, 2ND AMENDED SITE PLAN

LOCATION: West side of Gamber Road (MD Rt. 91), south of Baltimore Boulevard.
(MD Rt. 140), 4th Election District

OWNER: 141 Defense Highway, LLC, c/o Fred Tomarchio, Jr., P.O. Box 55,
Glenelg, MD 21737 (LLC Members: Joe Tomarchio, Fred Tomarchio,
George Clampet)

DEVELOPER: Same as Owner

ENGINEER: D.S. Thaler & Associates, Inc., 7115 Ambassador Road, P.O. Box 47428, Baltimore, MD 21244

ZONING: Neighborhood Retail Business (B-NR) and Conservation (C)

ACREAGE: 10.98 Acres

FIRE DISTRICT: Gamber

WATERSHED: Liberty Reservoir

MASTER PLAN: Neighborhood Business and Medium Density Residential

Mr. Patrick Varga presented the background.

Action Required:

The plan is before the Planning and Zoning Commission per Section 103.19 of the Code of Public Local Laws and Ordinances of Carroll County for consideration of a concept site plan. No action is required.

Existing Conditions:

The subject property consists of two parcels. These parcels will be consolidated by deed as part of the site plan process. The larger of the two parcels is 10.67 acres in size and is split by an access road for traffic traveling northbound on Gamber Road from eastbound Baltimore Boulevard. This intersection is also a right-in, right-out access point for the shopping center. This access road portion of the property was deeded to the State Highway Administration in 1991. The smaller of the two parcels, which borders the cemetery to the west, is 0.3056 acres in size. This property has no zoning designation. The property has been shown on the official zoning maps as a road parcel, but the parcel is not owned by Carroll County, nor is this area shown on the road inventory maintained by the Department of Public Works. The County Attorney's Office has stated that the B-NR and Conservation zoning designations should be applied to this parcel as it is applied to the 10.67 acre parcel to the south. The Boulevard Zoning District and Conservation Zoning District are shown on the proposed Pathways Zoning Map for both the 0.3056 acre parcel and the BNR zoned area of the 10.67 acre parcel.

The existing shopping center consists of a strip center and numerous pad sites including a day care center, a bank, and two restaurants. The primary tenant of the strip center has traditionally been a grocery store. The development is served by a private well and septic system.

Site Plan Review:

The developer proposes to construct a new, right-in access point to the development from southbound Gamber Road. The centerline of the right-in access is approximately 460 north of

Bloom Road. No changes are proposed for the remainder of the shopping center or to any structures on the property.

Based on the adopted 1981 Finksburg Plan, the development is consistent with the land use designation of Neighborhood Business, but is not consistent with the land use of Medium Density Residential. The 1981 map shows the northern half of the property at the MD Rt. 140/ MD Rt. 91 intersection as Medium Density Residential and the southern half of the property as Neighborhood Business. However, this property is shown with the land use designations of Boulevard and Conservation in the proposed Finksburg Corridor Plan.

The State Highway Administration has indicated that the proposed retaining wall, currently shown in the SHA right-of-way, must be located on the subject property. The existing acceleration lane and the shoulder from the outbound access to the far western side of the proposed right-in must be paved to meet the surface and depth requirements.

The plan is exempt from the landscaping ordinance and there is no floodplain on the property. The development is subject to Forest Conservation because the cumulative total disturbance since 1992 has been over 40,000 square feet, including this proposed improvement. The plan must address how the requirements of the Stormwater Management ordinance will be met. Requirements for Water Resources will be met when the developer verifies that the impervious area of the development is not increasing by more 10% or 40,000 square feet, whichever is less.

The Department of Economic Development has informed the owner of the property of the benefits of utilizing the Gateway Renovation Tax Credit program for this property. At this time, the owner has indicated there is no desire to enhance the buildings in any way.

The proposed site plan was subject to Citizen's Involvement. A public meeting was held on May 18, 2009 during the Technical Review Committee meeting. No citizens spoke at the meeting and no written comments were forwarded to the Bureau of Development Review. Two citizens have contacted Development Review to ask what was being proposed for the shopping center.

The property is **not** subject to the provisions of Concurrency Management, Chapter 71 of the Code of Public Local Laws and Ordinances of Carroll County. However, AFC's are required.

Discussion:

Mr. Schuster questioned the slope.

Mr. Varga showed photographs of the slope, indicating the trees are at the top of the proposed line.

Mr. Dave Hamil, D.S. Thaler, noted that a three percent grade transitions to an eight percent grade with a maximum grade of 10 percent. There is then a transition back to a four percent grade to meet the cross slope of the existing road on the property.

Mr. Wertz questioned whether the project was still viable given the State's comments that the retaining wall cannot be located in the SHA right-of-way.

Mr. Hamil indicated the developer has looked at moving the retaining wall up on the property and found that to be a viable option.

Mr. Chadwick questioned whether any trees would be lost.

Mr. Hamil indicated it would not change any of the disturbance already proposed in the area.

Mr. Wertz questioned whether there was a great need for this change.

Mr. Joe Tomarchio, owner, indicated they cannot get a food store to commit to the shopping center until there is an entrance.

Mr. Brauning stated MD 91 has always been a limited access highway.

Mr. Hamil indicated SHA did not have an issue with the one-way in entrance.

Mr. Chadwick questioned the distance from the existing jug handle.

Mr. Hamil indicated the distance is approximately 300 feet.

Mr. Chadwick questioned whether any traffic conflicts are anticipated south of MD 91.

Mr. Hamil noted that studies completed by the traffic consultant indicated that 90 percent of the traffic utilizes the jug handle to make a turn onto MD 91.

Mr. Schuster requested that retaining wall detail and a confirming letter from SHA regarding their requirements be provided at the next meeting.

Mr. Chadwick asked for detail regarding changes to existing landscaping. He also questioned how SHA will be striping the road to minimize conflicts.

Mr. Horn provided a summary of the comments from the Commission's discussion as follows:

- striping plan
- landscaping changes
- SHA correspondence
- retaining wall detail

SPECIAL REPORTS:

- a. F-07-021, Chapel Estates
- b. P-05-011, Garstlynn Overlook, Section 3

A. F-07-021, CHAPEL ESTATES

LOCATION: East side of Stone Chapel Rd., North of Chapel Rd., Election District 7

OWNER: Merson Homes, P.O. Box 126, Woodbine, MD 21797

DEVELOPER: Same as Owner
ENGINEER: CLSI, 439 E. Main St., Westminster, MD 21157
ZONING: Agricultural
ACREAGE: 82.97 acres (total), 26.34 acres (subdivision)
NO. OF LOTS: 7
WATERSHED: Liberty Reservoir
NUMBER OF RESIDENTIAL UNITS: 7 dwelling units

SPECIFIC PUBLIC FACILITIES IMPACTED:

SCHOOLS: Friendship Valley Elementary
Westminster West Middle
Westminster High
ROADS: Stone Chapel Road
FIRE AND EMS: Westminster
POLICE: Maryland State Police/Carroll County Sheriff's Dept.

Ms. Kimberly Brandt presented the background.

Action Required:

In response to a request from the developer, the following action is required:

Extend the recordation deadline pursuant to Chapter 71, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

Findings:

Chapel Estates is a seven-lot subdivision. The preliminary plan was approved on December 19, 2006, with written notification dated January 3, 2007. The final plan was approved on January 15, 2008.

At the October 21, 2008 Planning Commission meeting, the Commission granted a six-month extension of the application of the Chapter 103 sunset provision and the recordation deadline that was a condition of final approval under Chapter 71 to June 30, 2009.

The developer has since submitted record plat and construction mylars. The County Attorney's Office has prepared the required legal documents. The developer is working to obtain the

necessary signatures and bonding. It is possible, however, that the June 30, 2009 deadline will not be met. The developer is, therefore, requesting a one-year extension.

The purpose of the sunset provision is to ensure that subdivisions meet all current applicable regulatory requirements. After a review, it was determined that the plan still meets all the technical regulatory requirements.

Recordation deadlines are important for the Concurrency Management program because of the need to balance the number of lots being approved with the ability of the County to provide additional capacity in its public facilities and services. Lots on active subdivision plans hold allocations in the Concurrency model and are counted every time another project is tested for available capacity.

If the Planning Commission elects to extend the recordation deadline under Chapter 71 to June 30, 2010, the Director of Planning will extend the application of the Chapter 103 sunset provision to June 30, 2010 administratively.

Chapter 71 Recommendation:

Staff recommends extension of the recordation deadline that was a condition of final approval under Chapter 71 to June 30, 2010.

Discussion:

Mr. Chadwick questioned why a one-year extension was being requested.

Ms. Linda Donoff, CLSI, indicated the original language in the Code allowed Mr. Horn to grant one-year extensions to the recordation deadline. That is where the one-year timeframe came from.

Ms. Brandt noted that extensions are granted in one-year increments for Chapter 103, so this would keep the deadlines consistent.

Decision:

In accordance with Chapter 71, the commission, on motion of Mr. Schuster, seconded by Mr. Chadwick, and unanimously carried, extended the recordation deadline that was a condition of final approval to June 30, 2010.

B. P-05-011, GARSTLYNN OVERLOOK – SECTION 3

LOCATION: East side of Dennings Road, 11th Election District
OWNER: Donald L. Garst, 7 Dennings Road, New Windsor, MD 21776
DEVELOPER: Same as Owner
ENGINEER: CLSI, 439 East Main Street, Westminster, MD 21157-5539

ZONING: Agricultural

ACREAGE: 7.826 - lots, 161.6885 – remaining portion

NO. OF LOTS: 2 new lots, 4 total

WATERSHED: Liberty Reservoir

SPECIFIC PUBLIC FACILITIES IMPACTED:

SCHOOLS: Winfield Elementary
New Windsor Middle
South Carroll High

ROADS: Dennings Road

FIRE AND EMS: New Windsor

POLICE: Maryland State Police/Carroll County Sheriff's Dept.

Ms. Kimberly Brandt presented the background.

Action Required:

In response to a request from the developer, the following action is required:

Extend the recordation deadline pursuant to Chapter 71, *Adequate Public Facilities and Concurrency Management*, of the Code of Public Local Laws and Ordinances of Carroll County.

Findings:

Garstlynn Overlook, Section 3 is a four-lot subdivision. The preliminary plan and the final plan were approved at the June 19, 2007 meeting of the Planning Commission, with written notification dated June 28, 2007. Accordingly, the recordation deadline and the date that the sunset provision takes effect is June 28, 2009.

The developer has submitted record plat and construction mylars. The County Attorney's Office is in the process of preparing the required legal documents. It is possible, however, that the June 28, 2009 deadline will not be met. The developer is, therefore, requesting a one-year extension.

The purpose of the sunset provision is to ensure that subdivisions meet all current applicable regulatory requirements. After a review, it was determined that the plan still meets all the technical regulatory requirements.

Recordation deadlines are important for the Concurrency Management program because of the need to balance the number of lots being approved with the ability of the County to provide additional capacity in its public facilities and services. Lots on active subdivision plans hold allocations in the Concurrency model and are counted every time another project is tested for available capacity.

If the Planning Commission elects to extend the recordation deadline under Chapter 71 to June 28, 2010, the Director of Planning will extend the application of the Chapter 103 sunset provision to June 28, 2010 administratively.

Chapter 71 Recommendation:

Staff recommends extension of the recordation deadline that was a condition of final approval under Chapter 71 to June 28, 2010.

Discussion:

Mr. Chadwick suggested that the next time amendments were made to the Code, that an amendment be drafted to allow Mr. Horn as Secretary to approve extensions to recordation deadlines in less than one-year increments.

Decision:

In accordance with Chapter 71, the Commission, on motion of Mr. Schuster, seconded by Dr. Slade, and unanimously carried, approved the extension of the recordation deadline that was a condition of final approval to June 28, 2010.

PUBLIC COMMENTS/PETITIONS:

There were no public comments/petitions.

There being no further business, the Commission adjourned at 12:20 p.m.

Secretary

Approved