

**PRELIMINARY SUBDIVISION REPORT**  
to the  
**Carroll County Planning and Zoning Commission**  
**April 19, 2022**

Prepared by  
**David Becraft, Bureau of Development Review**

**SUBJECT:** P-18-0084– Shamrock Estates  
**LOCATION:** Old Gamber Road, between Deer Park Road and Hughes Road, E.D. 4  
**OWNER:** Patapsco91 LLC, 2021-A Liberty Road, Sykesville, MD 21784  
**DEVELOPER:** Same as owner  
**SURVEYOR:** CLSI, 439 East Main Street, Westminster, MD 21157  
**ZONING:** R-40,000  
**ACREAGE:** 10.84 Acres  
**WATERSHED:** Liberty Reservoir  
**NO. OF LOTS:** 6 lots  
**MASTER PLAN:** Residential-Low Density  
**PRIORITY FUNDING AREA:** Outside  
**DESIGNATED GROWTH AREA:** Outside  
**PUBLIC FACILITIES IMPACTED**  
**SCHOOLS:** Mechanicsville Elementary  
West Middle  
Westminster High  
**ROADS:** Old Gamber Road  
**FIRE & EMS:** Gamber  
**POLICE:** Carroll County Sheriff's Office/Maryland State Police

❖ **Action Required:**

Two actions are required:

1. Approval of the Preliminary Plan of Subdivision pursuant to Chapter 155, *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 156, *Development and Subdivision of Land*, of the Code of Public Local Laws and Ordinances of Carroll County

❖ **Existing Conditions:**

The subject property is comprised of 10-acres within the R-40,000 zoning district. The property previously contained a residential structure that accessed Old Gamber Road, but the structure has been removed. Other properties that are either adjacent or contiguous are zoned R-40,000 or Conservation and contain single-family dwellings.

The property is outside of Designated Growth Areas, Priority Funding Areas, and water and sewer service areas. The subject property and all adjoining properties utilize private well and septic systems.

❖ **Plan Review:**

The owner/developer is proposing to create six residential subdivision lots ranging in size from 1.36 acres to 1.92 acres. Access to all lots will occur through construction of two use-in-common driveways utilizing Old Gamber Road (MD Route 849). Although the property has frontage on Gamber Road (MD Route 91), access will be restricted to the use-in-common driveways with Gamber Road access prohibited. Appropriate notes will be placed on the final plats.

Chapter 155.025(C) of the Carroll County Code permits a maximum of five users on a use-in-common driveway in the Residential districts. The plan proposes 3 users on each use-in-common driveway. A 450-foot-long use-in-common driveway (Fourleaf Drive) provides access for lots 3, 4, and 5. A 266-foot-long use-in-common driveway (Clover Drive) provides access for lots 1, 2, and 6. Both driveways will be 12 feet wide. Access for the lots will be restricted to the use-in-common driveways and a Declaration of Maintenance Obligations for each drive will be recorded. The Maryland State Highway Administration has approved the entrance locations with specific details to be included on the final plan and record plat.

All lots will be served by a private well and septic system requiring Carroll County Health Department final plan approval. All lots are in compliance with the Zoning Ordinance.

The plan was submitted on April 22, 2019 and distributed to review agencies. The plan was subject to citizen involvement during a regularly held meeting of the May 24, 2019 Technical Review Committee. No citizens spoke at the meeting nor have any written comments been received.

On July 21, 2020, the Planning and Zoning Commission reviewed the concept plan (minutes attached). No citizens spoke and there was minimal discussion by the Commission.

The development is exempt from the requirements of Floodplain Management and Water Resource Management. Landscape has granted preliminary approval with an approval of a variance requesting relief of the code-required dirt berm and a reduction in the landscape plantings required along MD Route 91. Forest Conservation has granted approval of the proposal and approved a variance for the removal of certain specimen trees on site. Grading and Sediment Control has granted approval of the preliminary plan.

Stormwater Management has granted preliminary approval. Drywells and a wide shoulder along the driveways are being shown to address those requirements. Two publicly owned stormwater management quantity control facilities will be created and granted to the County.

In their review, the Department of Planning determined that the proposed plan is consistent with the 2014 Carroll County Master Plan land use designation of Residential Low Density, as well as the 2014 Water and Sewer Master Plan.

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the preliminary plan subject to the following conditions:

1. That the Owner/Developer enters into a Public Works Agreement with Carroll County that guarantees completion of any required improvements.
2. That a Declaration of Maintenance Obligations for each use-in-common driveway be recorded simultaneously with recordation of the subdivision plat.
3. That the parcels shown on the plans as “Parcel A”, with a total acreage of 0.3346 acres, and “Parcel C”, with a total acreage of 0.3506 acres, shall be deeded to the Carroll County Commissioners simultaneously with the recordation of the subdivision plat.
4. That the parcel shown on the plans as “Parcel B”, with a total acreage of 0.6752 acres, shall be deeded to the State Highway Administration simultaneously with the 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 simultaneously with recordation of the subdivision plat.
6. That a Landscape Maintenance Agreement shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the recordation of the subdivision plat.
7. That any changes to the Preliminary Plan as submitted and approved by the Commission herein shall be resubmitted to the Commission for further review and approval.

**CONCURRENCY MANAGEMENT REPORT**

❖ **Background:**

Pursuant to Chapter 156 of the Code of Public Local Laws and Ordinances, once the Department has determined that the residential development plan may be presented to the Commission, the plan is reviewed for Available Threshold Capacity.

❖ **Agency Responses:**

**Police Services:**

The ratio shall be calculated by counting all sworn officers with law enforcement responsibility in an incorporated municipality or within the county and by counting the total population within the incorporated municipalities and within the unincorporated county.

The estimated Carroll County population as of February 2022 was 175,018. There are currently 240 sworn law officers with 15 sworn personnel currently in training; an additional 19 positions are funded. Based on a total of 274 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of February 2022 was 1.57. Based on a total of 255 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of February 2022 was 1.46. Including the development projects in the pipeline along with the funded positions, the ratio will be over 1.3. Services are adequate if the projected ratio of sworn law enforcement officers to population is 1.3:1,000.

**Schools:**

The proposed subdivision is located in the Mechanicsville Elementary, West Middle, and Westminster High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2022-2027.

The April 2021 enrollment projections, prepared by Carroll County Public Schools, indicate that Mechanicsville Elementary had an actual enrollment of 76.5% of state-rated capacity. The projections indicate that enrollment increases to 85.8% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area, there are 4 additional residential developments, comprised of 41 lots, currently in the review process. There are approximately 10 developments totaling 16 residential units in the Mechanicsville attendance area that has been recorded since the adoption of Concurrency Management (3/5/98) which has not been issued a building permit. An elementary school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

The April 2021 enrollment projections indicate that West Middle had an actual enrollment of 86.1% of functional capacity. The projections indicate that enrollment increases to 90.0% of functional capacity by the end of the 6-year CIP cycle. In this attendance area, there are 7 additional residential developments, comprised of 84 lots/units, currently in the review process. There are approximately 16 developments totaling 27 residential units in the West Middle attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have not been issued a building permit. A middle school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the functional capacity.

The April 2021 enrollment projections indicate that Westminster High had an actual enrollment of 82.6% of state-rated capacity. The projections indicate that enrollment increases to 84.6% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area, there are 4 additional residential developments, comprised of 41 lots, currently in the review process. There are approximately 10 developments totaling 16 residential units in the Westminster High attendance area that has been recorded since the adoption of Concurrency Management (3/5/98) which has not been issued a building permit. A high school serving a proposed project is adequate, for the purposes of Chapter 156, when current or projected enrollment equals or is less than 109% of the state-rated capacity.

**Fire and Emergency Medical Services:**

The proposed subdivision is located in the Gamber fire and emergency medical services district. The most recent data from the Office of Public Safety reports that for the two-year period of April 2020- March 2022, late and no response statistical data indicates that of the first due total fire calls in the Gamber district, 1.54% were categorized as no responses, and 4.62% as late and no responses. Of the first due emergency medical service calls, 1.00% were categorized as no responses and 1.00% as late and no responses. Gamber is rated adequate for late and no response criteria for fire and emergency medical services.

With regard to fire call average response time, for the same two-year period, Gamber had an average response time of 8 minutes and 40 seconds – approaching inadequate. With regard to emergency medical call average response time, Gamber had an average response time of 6 minutes and 37 seconds – adequate. Services are rated adequate if when utilizing an average over the previous 24 months, response time is 8 minutes or less from time of dispatch to on-

scene arrival with adequate apparatus and personnel. Services are rated approaching inadequate if when utilizing an average over the previous 24 months, response time is between 8 minutes and 10 minutes from time of dispatch to on-scene arrival with adequate apparatus and personnel.

The primary route from the firehouse to the proposed development does not include travel over bridges that cannot adequately support fire and emergency response apparatus – adequate.

**Roads:**

Old Gamber Road is rated adequate.

❖ **Chapter 156 Recommendation:**

With regard to a preliminary plan, Chapter 156.06D(4)(b) states “If a public facility or service is inadequate and a relief facility is planned in the six-year CIP to address the inadequacy or mitigation is accepted by the county pursuant to § 156.06(B), or a public facility or service is approaching inadequate during the current CIP, the Planning 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. “

Currently, police, schools, roads, and emergency medical services are considered adequate; fire is considered approaching inadequate. Per the above referenced code, the Planning Commission may conditionally approve the plan to proceed to the final stage and issue a tentative recordation schedule and tentative building permit reservations, subject to modification at the final plan stage.

Pursuant to Chapter 156, staff recommends that the Planning Commission conditionally approve the preliminary plan with conditions as follows:

1. Police, schools, roads, and emergency medical services are considered adequate; fire is considered approaching inadequate;
2. the building permit reservation is for 6 lots in FY23, subject to modification at the final plat stage;
3. the recordation schedule requires the plat 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.