

PRELIMINARY SUBDIVISION REPORT
to the
Carroll County Planning and Zoning Commission
October 17, 2023

Prepared by
David Becraft, Bureau of Development Review

SUBJECT: P-18-0063 – Bradleys Overlook

LOCATION: West side of Cherry Tree Lane, north of Bartholow Road; C.D. 05

OWNER: Cherrytree, LLC., 112 S. Main Street, Mount Airy, MD 21771
(Members: CBI Homes, LLC)

DEVELOPER: CBI Homes, LLC (T/A Catonsville Homes), 112 S. Main Street, Mount Airy, MD 21771 (Members: Robert A. Scranton)

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

ZONING: Conservation

ACREAGE: 29.63 acres

WATERSHED: Liberty Reservoir

NO. OF LOTS: 4 Lots

FIRE DISTRICT: Gamber and Community Fire Company

MASTER PLAN: Resource Conservation – Freedom Community Comprehensive Plan 2018

PRIORITY FUNDING AREA: Outside

DESIGNATED GROWTH AREA: Freedom

PUBLIC FACILITIES IMPACTED

SCHOOLS: Eldersburg Elementary
Oklahoma Road Middle
Liberty High

ROADS: Cherry Tree Lane

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 undeveloped, zoned Conservation, and lies on the west side of Cherry Tree Lane, a county road. The property is mostly wooded, with the open areas previously being used as an equestrian center. There are streams and floodplains located on site. From the northern property line, the property slopes downhill to the south-east to a central low point which follows the stream. From this low point, the land slopes uphill to the east with approximately 130 vertical feet of elevation change. Adjacent properties are zoned Conservation and Agriculture. Many are developed with single-family homes along with farmland. The property lies outside of the water and sewer service area; thus, all properties are served by private well and septic systems.

❖ Plan Review:

On March 25, 2019, a concept subdivision plan for the subject property was submitted to the Bureau of Development Review and distributed to technical review agencies. As this project was submitted prior to the Conservation zoning district and Conservation clustering Code changes in 2022, the Code in place at the time of this project submittal still applies.

The proposed subdivision plan was subject to citizen involvement during the April 22, 2019 Technical Review Committee meeting. Four citizens expressed their concerns of stormwater runoff and soil erosion during the meeting. Three adjoining property owners, one of whom spoke at the meeting, also emailed/mailed their concerns in advance of the meeting.

On October 20, 2020, the Planning and Zoning Commission was presented a concept subdivision plan (minutes attached). No citizens signed in or spoke at the meeting. Sometime thereafter, the developer and engineer for the project changed. With the change, a revised site layout was provided to the County.

On May 16, 2023, the Planning and Zoning Commission was presented a special report requesting authorization to process the plan as a cluster subdivision (minutes attached). One citizen expressed concern for run-off from the property. The engineer of the project stated the proposed project will not adversely affect the erosion conditions. After the meeting, the same citizen provided pictures of the erosion on their property (pictures attached). Another citizen sent an email outlining concern of the development's proximity to the Liberty Reservoir as well as wildlife on the property (email attached).

The owner/developer is proposing to create four clustered residential lots of subdivision. The four new lots will range in size from 1.75 acres to 2.01 acres, leaving the resulting land at 27.27 acres. The proposed clustered lots meet the conditions for clustering within the Conservation zoning district outlined within Chapter 155.095 of the Code of Public Local Laws and Ordinances of Carroll County. All lots are to be located on the northern portion of the property and will utilize private well and septic systems.

The land derived from clustering, reducing lot sizes below the 3-acre required minimum lot size in the Conservation zoning district, calculates to 4.37 acres. An Open Space Calculation table on sheet one shows 4.46 acres of open space being provided as an open space easement on the resulting land.

Access to the lots is proposed from a new use-in-common drive from Cherry Tree Lane. The use-in-common drive, Kenard Drive, is to be utilized by the proposed four subdivision lots, as well as two off-conveyance lots. A Declaration of Maintenance Obligations and an access easement for the shared drive will be recorded simultaneously with the public works agreement. A sight

distance waiver was granted for Kenard Drive by the Department of Public Works. The resulting land will have direct access to Cherry Tree Lane via a private driveway.

§ 155.025 IN-FEE ACCESS STRIPS; USE-IN-COMMON DRIVEWAY STANDARDS AND CRITERIA.

(C) **Maximum number of users.** The maximum number of users for a UIC driveway, including subdivision lots, remaining portions, remainders, and off conveyances, if applicable, is seven in the “A” and “C” Districts and five in the Residential Districts.

(D) **Names.** All UIC driveways serving three or more lots shall be named. Names shall be approved by the Bureau. Street signs shall be installed in accordance with the Department of Public Works, or its successor agency, requirements.

(G) **Maintenance.** The developer shall make adequate provisions for UIC driveways and the methods of maintenance, including a Declaration of Maintenance Obligations, shall be recorded with the plat. A note to this effect shall appear on the subdivision plat.

Stormwater Management has issued preliminary approval for the proposed subdivision, which utilizes drywells and bio-swales to meet requirements. Grading and Sediment Control have approved the plan. Forest Conservation, Water Resources, and Floodplain have approved the plan and will each require easements on-site. Landscape has granted approval of the plan. With all lots utilizing private well and septic systems, additional information will need to be provided to the Carroll County Health Department. All remaining review agencies have approved the preliminary plan as presented.

In their review, the Bureau of Comprehensive Planning determined that the proposed plan is consistent with the 2018 Freedom Community Comprehensive Plan land use designation of Resource Conservation as well as the 2019 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 the use-in-common driveway, Kenard Drive, be recorded simultaneously with the public works agreement.
3. That the parcel shown on the plan as “Parcel A”, with a total acreage of 0.32 acres, shall be deeded to the Carroll County Commissioners simultaneously with the public works agreement.
4. 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 public works agreement.
5. That a Landscape Maintenance Agreement shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the public works agreement.

6. That a Forested Water Resource Protection Easement shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the public works agreement.
7. That a Forest Conservation Easement shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the public works agreement.
8. That a Floodplain Easement shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the public works agreement.
9. That an Open Space Conservation Easement be recorded simultaneously with the public works agreement.
10. That a Drainage and Utility Easement be recorded simultaneously with the public works agreement
11. 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.
12. That the Preliminary Plan approval shall become void 24 months after the date of written approval unless such plan has received final approval by the Planning Commission and has been recorded as a plat in the Land Records of Carroll County or an extension has been approved by the Director of Planning and Land Management for recordation of the subdivision plat.

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 August 2023 was 176,438. There are currently 222 sworn law officers with 14 sworn personnel currently in training; an additional 35 positions are funded. Based on a total of 271 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of August 2023 was 1.53. 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 Eldersburg Elementary, Oklahoma Road Middle, and Liberty High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2024-2029.

The April 2023 enrollment projections, prepared by Carroll County Public Schools, indicate that Eldersburg Elementary had an actual enrollment of 82.6% of state-rated capacity. The projections indicate that enrollment increases to 95.1% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area, there is 1 additional residential development, comprised of 1 lot, currently in the review process. There is approximately 1 development totaling 2 residential units in the Eldersburg Elementary 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 2023 enrollment projections indicate that Oklahoma Road Middle had an actual enrollment of 93.3% of functional capacity. The projections indicate that enrollment increases to 108.2% of functional capacity by the end of the 6-year CIP cycle. In this attendance area, there are 9 additional residential developments, comprised of 295 lots, currently in the review process. There are approximately 15 developments totaling 17 residential units in the Oklahoma Road 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 2023 enrollment projections indicate that Liberty High had an actual enrollment of 87.1% of state-rated capacity. The projections indicate that enrollment increases to 101.1% of state-rated capacity by the end of the 6-year CIP cycle. In this attendance area, there are 9 additional residential developments, comprised of 295 lots, currently in the review process. There are approximately 15 developments totaling 17 residential units in the Liberty 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 September 2021 - August 2023, late and no response statistical data indicates that of the first due total fire calls in the Gamber district, 1.33% were categorized as no responses, and 8.00% as late and no responses. Of the first due emergency medical service calls, 1.56% were categorized as no responses and 1.62% 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 32 seconds – approaching inadequate. With regard to emergency medical call average response time, Gamber had an average response time of 6 minutes and 42 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:

Cherry Tree Lane is rated adequate.

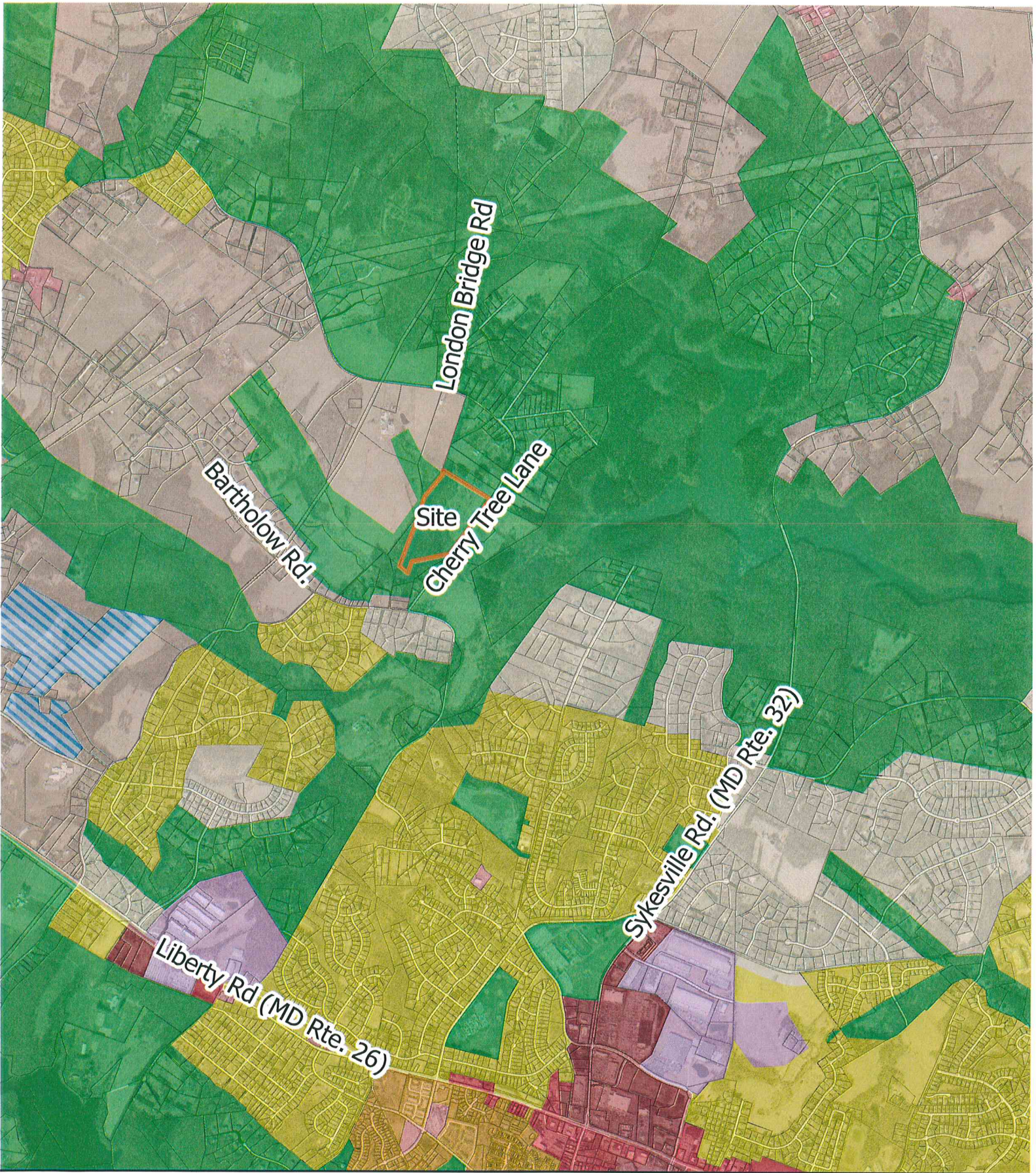
❖ **Chapter 156 Recommendation:**

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 4 lots in FY24, 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.



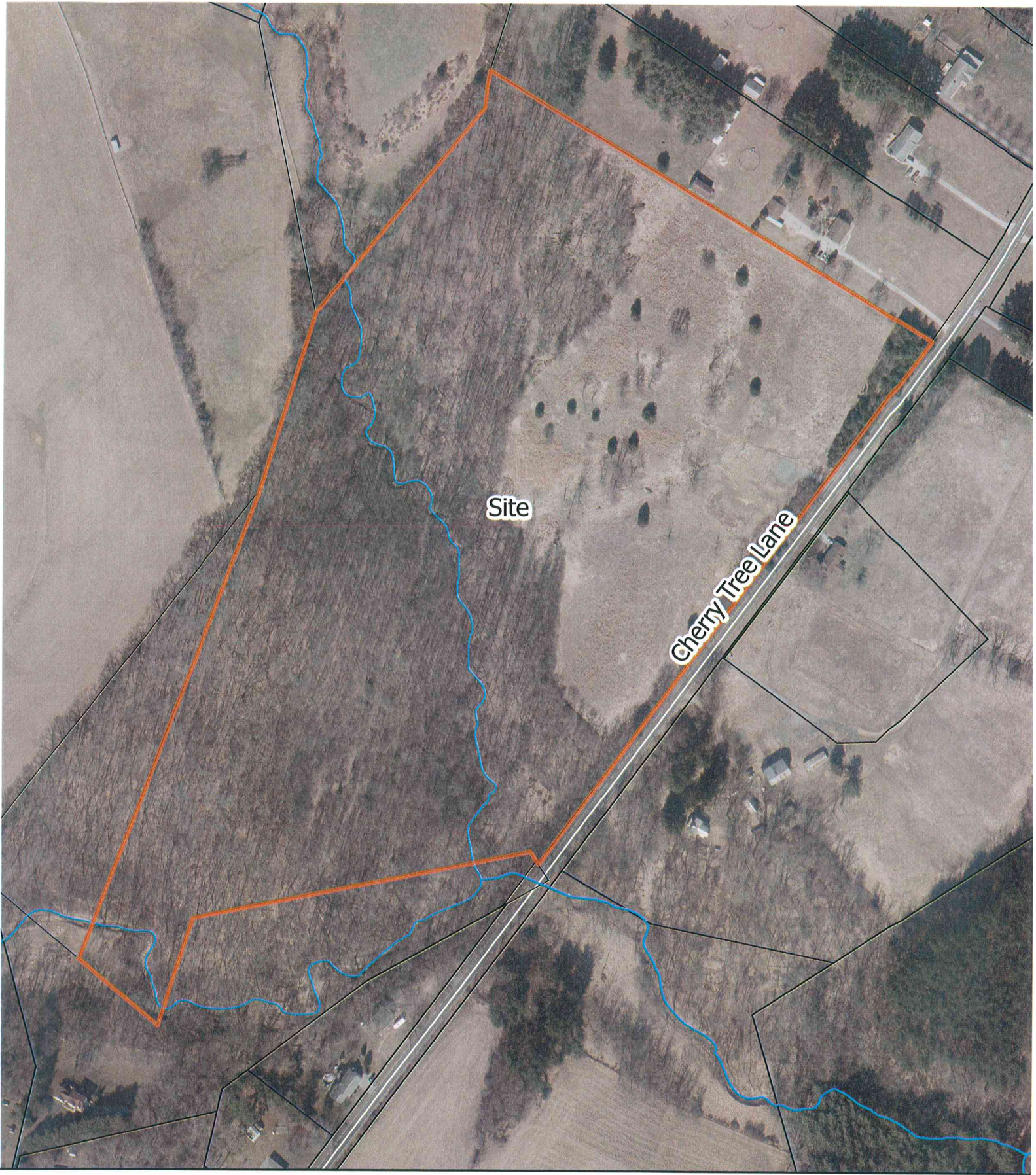
Zoning_County	R-40,000	C-2
Zoning	R-20,000	C-3
	R-10,000	I-1
	Agriculture	C-1
	Conservation	Employment Campus

Bradleys Overlook

P-18-0063



Property line shown hereon are from tax maps and therefore are approximate and are shown for illustrative reference only. Photograph date: Spring 2020



— HYD_StreamsLidar

Bradleys Overlook P-18-0063



Property line shown hereon
are from tax maps and therefore
are approximate and are shown
for illustrative reference only.
Photograph date: Spring 2020

Decision:

The Commission, on motion of Mr. Wothers, seconded by Mr. Soisson and carried, voted to delegate final approval of the plan to the Chair.

RECESS

CONCEPT SUBDIVISION PLAN

SUBJECT: P-18-0063 – Bradleys Overlook
LOCATION: West side of Cherry Tree Lane, north of Bartholow Road, E.D. 05
OWNER: Cherrytree, LLC., 2003 Rudy Serra Drive, Unit 1-A, Sykesville, MD 21784
(Members: John Glenn Santmyer, Jean Carr, John Bradley, Kenneth Keepers, and Fred Keepers)
DEVELOPER: Same as Owner
SURVEYOR: Vogel Engineering + Timmons Group, 3300 North Ridge Road, Suite 110, Ellicott City, MD 21043
ZONING: Conservation
ACREAGE: 29.63 acres
WATERSHED: Liberty Reservoir
NO. OF LOTS: 4 Lots and a Buildable Remainder
FIRE DISTRICT: Gamber and Community Fire Company
MASTER PLAN: Resource Conservation – Freedom Community Comprehensive Plan 2018

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Freedom

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 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 undeveloped, zoned Conservation, and lies on the west side of Cherry Tree Lane. The property is mostly wooded, with the open areas previously being used as an equestrian center. There are streams and floodplains located on site. From the northern property line, the property slopes downhill to the south-east to a central low point which follows the stream. From this low point, the land slopes uphill to the south-east with approximately 130 vertical feet of elevation change. Adjacent properties are zoned Conservation and Agriculture. Many are developed with single-family homes along with farmland. The property lies outside of the water and sewer service area; thus, all properties are served by private well and septic systems.

❖ **Plan Review:**

On March 25, 2019 an off-conveyance plan and a concept subdivision plan for Bradleys Overlook were submitted to the Bureau of Development Review and distributed to technical review agencies.

Within the subdivision plan, the developer proposes to create four new lots of subdivision and a buildable remainder on the property. The four new lots will range in size from 3.08 acres to 3.72 acres, leaving the buildable remainder at 17.07 acres. The proposed lots meet the standard minimum size of three acres, lot width of 300', and setback requirements of 50' from all property lines as applicable to the Conservation zoning district, outlined in Chapter 158.071. All lots shown on the plans will utilize private well and septic systems.

Access to the lots and the buildable remainder is proposed from a use-in-common drive (UIC) from Cherry Tree Lane. A bridge will be needed for the UIC driveway to access the proposed buildable remainder which is located on the opposite side of the stream on site. The use-in-common drive will necessitate a name in accordance with Chapter 155.025(D) of the Code of Public Local Laws and Ordinances of Carroll County. A Declaration of Maintenance Obligations and an access easement for the shared drive will need to be recorded.

📖 **§ 155.025 IN-FEE ACCESS STRIPS; USE-IN-COMMON DRIVEWAY STANDARDS AND CRITERIA.**

(C) **Maximum number of users.** The maximum number of users for a UIC driveway, including subdivision lots, remaining portions, remainders, and off conveyances, if applicable, is seven in the "A" and "C" Districts and five in the Residential Districts.

(D) **Names.** All UIC driveways serving three or more lots shall be named. Names shall be approved by the Bureau. Street signs shall be installed in accordance with the Department of Public Works, or its successor agency, requirements.

(G) **Maintenance.** The developer shall make adequate provisions for UIC driveways and the methods of maintenance, including a Declaration of Maintenance Obligations, shall be recorded with the plat. A note to this effect shall appear on the subdivision plat.

The proposed subdivision plan was subject to citizen involvement during the April 22, 2019 Technical Review Committee meeting. Four citizens expressed their concerns of stormwater runoff and soil erosion during the meeting. Three adjoining property owners, one of whom spoke at the meeting, also emailed/mailed their concerns in advance of the meeting (see attachment).

Stormwater Management has issued concept approval for the plan, which utilizes drywells and micro-bioreentions to meet requirements. Engineering Review and Grading and Sediment Control have approved the concept plan. Forest Conservation has granted approval and will require easements. Landscape is required along Cherry Tree Lane on Lots 1 and 4 and will be addressed with the existing hedgerow. Floodplain and Water Resource Management have provided approval of the plans and will require easements on the property.

In their review, the Department of Planning determined that the proposed plan is consistent with the 2018 Freedom Community Comprehensive Plan land use designation of Resource Conservation.

The project is subject to the provisions of Concurrency Management, Chapter 156 of the Code, and will be tested prior to presentation of the plan to the Commission for approval of the Preliminary Plan.

Discussion:

David Becraft presented the staff report.

Rob Vogel and Eric Salmi, Engineers, were present.

Clark Shaffer, Attorney, and Fred Keepers, owner, were present.

Commissioner Rothstein asked which facilities were approaching inadequate in the report.

Mr. Becraft stated Gamber Fire Department and Oklahoma Road Middle School would be approaching inadequate.

There was no public comment.

Decision:

Concept plan, no action required.

ANNUAL REPORT

Cody Spaid was present to review the Annual Report and answer any questions.

The Commission, on motion of Mr. Soisson seconded by Ms. Kirkner and carried, voted to approve and certify the Annual Report.

COMPREHENSIVE REZONING BY REQUEST RESIDENTIAL – INTRODUCTION – R20-05-2020-0040/R20-05-2020-0041 (ZABEL PROPERTY) AND R20-05-2020-0042 (BEATY PROPERTY)

Secretary Eisenberg, Clare Stewart and Hannah Weber introduced the properties for the Residential By Request phase. Secretary Eisenberg stated there will be further discussion and public comment for these properties at the November 4th and 17th meetings.

PUBLIC COMMENT

J. Brooks Leahy, Attorney, was present to answer any questions the Commission had.

Kristen Moranelli, citizen, not in favor of the property requests stating safety and school overcrowding concerns.

Jeanne Barker, citizen, not in favor of the property requests stating safety concerns.

Patrick Morenelli, citizen, not in favor of the property requests stating safety and school overcrowding concerns.

Pete Dixon, citizen, not in favor of the property requests stating safety, traffic and school overcrowding concerns.

Katie Gehrety, citizen, not in favor of the property requests stating safety, traffic and school overcrowding concerns.

Kelly Robinson, citizen, not in favor of the property requests stating safety, traffic and school overcrowding concerns.

ADJOURNMENT

On motion of Mr. Canale, seconded by Mr. Soisson and carried, the Commission adjourned at approximately 11:25 a.m.

ADMINISTRATIVE REPORT

A. ADMINISTRATIVE MATTERS

Secretary Eisenberg noted four text amendments will be coming forward this summer, planned commercial centers, adult use cannabis, bulk requirements for self-storage facilities adjacent to residential zoning and food services in the agricultural zone.

B. EXTENSIONS

There were no extensions.

C. BZA CASES

Andrew Gray reported there were two BZA cases since the last meeting; Case No. 6387 and Case No. 6450.

D. OTHER

There were no other reports.

ELECTION OF VICE CHAIR

On motion of Mr. Lester seconded by Mr. Hoff and carried, Mr. Kane was nominated for the office of Vice Chair. There were no other nominations. On motion of Mr. Lester, seconded by Mr. Smith and carried, Mr. Kane was elected to the office of Vice Chair.

WESTMINSTER ANNEXATION NO. 76 – ELLSWORTH CEMETERY

Hannah Weber presented the staff report. Kelly Miller, Attorney, and Tom Groehl and Marshall Green, CLSI, were present.

The Commission, on motion of Mr. Lester, seconded by Mr. Smith and carried, voted to forward the annexation request to the Board of County Commissioners with a favorable recommendation.

RECESS

Due to technical difficulties, the Commission went into recess.

SPECIAL REPORT

SUBJECT: P-18-0063 – Bradleys Overlook
LOCATION: West side of Cherry Tree Lane, north of Bartholow Road; C.D. 05
OWNER: Cherrytree, LLC., 2003 Rudy Serra Drive, Unit 1-A, Sykesville, MD 21784 (Members: John Glenn Santmyer, Jean Carr, John Bradley, Kenneth Keepers, and Fred Keepers)
DEVELOPER: CBI Homes, LLC (T/A Catonsville Homes), 112 S. Main Street, Mount Airy, MD 21771
SURVEYOR: CLSI, 439 East Main Street, Westminster, MD 21157
ZONING: Conservation
ACREAGE: 29.63 acres
WATERSHED: Liberty Reservoir
NO. OF LOTS: 4 Lots
FIRE DISTRICT: Gamber and Community Fire Company
MASTER PLAN: Resource Conservation – Freedom Community Comprehensive Plan 2018

PRIORITY

FUNDING AREA: Outside

DESIGNATED

GROWTH AREA: Freedom

❖ **Action Required:**

The plan is before the Planning and Zoning Commission per Chapter 155 of the Code of Public Local Laws and Ordinances of Carroll County for review of a revised concept plan and authorization to cluster.

❖ **Existing Conditions**

The subject property is undeveloped, zoned Conservation, and lies on the west side of Cherry Tree Lane. The property is mostly wooded, with the open areas previously being used as an equestrian center. There are streams and floodplains located on site. From the northern property line, the property slopes downhill to the south-east to a central low point which follows the stream. From this low point, the land slopes uphill to the south-east with approximately 130 vertical feet of elevation change. Adjacent properties are zoned Conservation and Agriculture. Many are developed with single-family homes along with farmland. The property lies outside of the water and sewer service area; thus, all properties are served by private well and septic systems.

❖ **Plan Review:**

On March 25, 2019, a concept subdivision plan for the subject property was submitted to the Bureau of Development Review and distributed to technical review agencies. As this project was submitted prior to those Code changes/reconfiguration in 2022, the Code in place at the time of this project submittal still applies.

The proposed subdivision plan was subject to citizen involvement during the April 22, 2019 Technical Review Committee meeting. Four citizens expressed their concerns of stormwater runoff and soil erosion during the meeting. Three adjoining property owners, one of whom spoke at the meeting, also emailed/mailed their concerns in advance of the meeting.

On October 20, 2020, the Planning and Zoning Commission was presented a concept subdivision plan (minutes attached). No citizens signed in or spoke at the meeting. Sometime thereafter, the developer and engineer for the project changed. With the change, a revised site layout was provided to the County.

Previously, the developer proposed to create four new lots of subdivision which ranged from 3.08 acres to 3.72 acres, leaving the remainder at 17.07 acres. The current developer still wishes to create four new lots of subdivision but is looking to cluster the lots towards the northeastern portion of the property. The Planning and Zoning Commission may authorize clustering in the Conservation zoning district provided conditions outlined in Chapter 155.095 of the Code of Public Local Laws and Ordinances of Carroll County are met.

§ 155.095 CLUSTER SUBDIVISIONS.

(B) **Conditions requisite to approval in "C" District.** In the "C" District, the Planning Commission may approve a residential cluster subdivision, which includes the division of land into lots which may be smaller than otherwise required in this district, subject to the following conditions:

- (1) Individual lots shall be a minimum of one acre in size, a minimum of 150 feet in width. The front yard shall be 40 feet, the side yard shall be 20 feet, and the rear yard

shall be 50 feet;

- (2) The total number of lots and dwelling units shall not exceed the number that would be permitted if the area would be developed in conformance with its topographic characteristics and normal minimum lot size requirements. The Planning Commission may require percolation tests to determine the total number of lots that may be clustered;
- (3) All individual lots shall be designed and located to minimize potential environmental degradation of the natural resources;
- (4) The land derived from reduction of lot sizes shall be provided and maintained as open space or recreational areas;
- (5) The open space shall be offered to the county and conveyed in fee simple if accepted by the county. If the county rejects the offer, the open space may be owned in common by the residents, conveyed to the Carroll County Land Trust or a similar organization, or recombined with one buildable lot in the subdivision and owned privately;
- (6) Access arrangements to open space shall be carefully designed and located to enable perpetual maintenance and accessibility;
- (7) Lots may not be further subdivided, and the record plat shall so indicate;
- (8) In addition to easements required by any chapter of the County Code, all land lying within 300 feet as measured horizontally of the 100-year planned reservoir flood pool shall be designated as open space. All land lying within 100 feet of the thread (or centerline) of any tributary of a public water supply, whether now used or planned to be used for such a purpose as reflected by the Master Plan, shall be designated as open space or for use as agricultural land;
- (9) Any private open space created shall be subject to a conservation easement, which shall be in a legal form satisfactory to the County Attorney and provide for such restrictions in accordance with any chapter of the County Code;
- (10) In order to be eligible for clustering, all lot yield from the entire property shall be included on the preliminary subdivision plan. No piecemeal clustering plans may be approved by the Planning Commission; and
- (11) No application for further subdivision of a property or any lots created through the minor subdivision process may be filed or approved prior to five years from the date of final plan approval of a minor subdivision of the property.

Proposed clustered lot sizes range from 1.75 acres to 2.01 acres and clustered lot widths range from 207' to 246'. The land derived from clustering, reducing lot sizes below the 3-acre required minimum lot size in the Conservation zoning district, calculates to 4.37 acres. An Open Space Calculation table on sheet 1 shows 4.46 acres of open space being provided as an open space easement to exceed the requirement.

To determine maximum lot yield, "the total number of lots and dwelling units that would be permitted if the area were developed in conformance with its topographic characteristics and the normal minimum lot size requirements," the engineer submitted a conventional plan of subdivision to all technical review agencies. Agency reviews confirmed that 4 lots could be attained. The cluster plan proposes 4 lots.

The proposed lots are grouped on the northeastern portion of the property. This area of the property is mostly open area which was previously utilized as the equestrian center. This placement allows for no disturbance within the stream buffer and minimal disturbance within those forested areas.

The open space area was declined by the County and is proposed to be recombined with the resulting land. This open space easement is provided on the southeastern portion of the property.

All lot yield from the property is included on this subdivision plan and will be shown on the subsequent plans at such time that Planning and Zoning Commission approval is requested. A note will be added to the recorded plat at such time that a record plat is submitted for review.

Access to the lots is proposed from a use-in-common drive from Cherry Tree Lane. The use-in-common drive, Kenard Drive, is to be utilized by the proposed four subdivision lots, as well as those two off-conveyance lots. A Declaration of Maintenance Obligations and an access easement for the shared drive will need to be recorded. The resulting land will have a private driveway to Cherry Tree Lane.

Stormwater Management has issued concept approval for the revised site layout, which utilizes drywells and bio-swales to meet requirements. Grading and Sediment Control have approved the revised plan. Forest Conservation, Water Resources, and Floodplain will all require easements on-site. Landscape has granted approval of the revised plan. With all lots utilizing private well and septic systems, additional information will need to be provided to the Carroll County Health Department.

In their review, the Department of Planning determined that the proposed plan is consistent with the 2018 Freedom Community Comprehensive Plan land use designation of Resource Conservation and the 2019 Water and Sewer Master Plan.

The project is subject to the provisions of Concurrency Management, Chapter 156 of the Code, and will be tested prior to presentation of the plan to the Commission for approval of the Preliminary Plan.

Discussion:

David Becraft presented the staff report.

Linda Alexander, CLSI and Rob Scranton, CBI Homes, were present.

Chair Kirkner asked if there would be screening around the trash pad site.

Ms. Alexander stated as long as screening doesn't interfere with sight distance, they will screen around the trash pad.

Mr. Lester asked how many houses would be

Mr. Becraft stated there would be six new lots and one buildable left-over area on the property.

Mr. Lester asked if this would be processed under the new code or the old code.

Mr. Becraft stated it will be processed under the old code.

Vice Chair Kane asked if the road would be property owner maintained or county maintained.

Mr. Becraft stated it would be property owner maintained and a Declaration of Maintenance Obligation will be recorded.

Mr. Ed Derrenberger, citizen, stated he has an erosion problem on his property, and he is concerned about the project making the problem worse.

Ms. Alexander stated the project will not be adding to the erosion problem.

Decision:

The Commission, on motion of Vice Chair Kane, seconded by Mr. Hoff and carried, voted to authorize cluster.

CONCEPT SITE PLAN

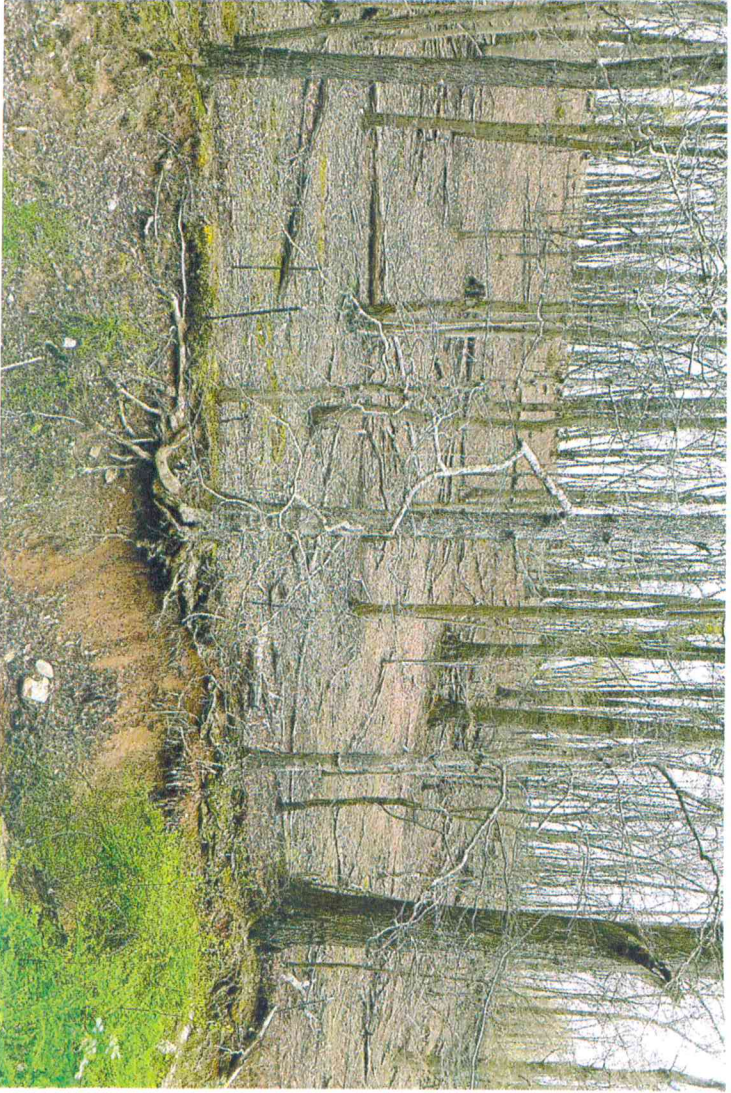
SUBJECT: S-22-0008, Good Feelings Farm, LLC

LOCATION: 125 Kate Wagner Road, Westminster, MD 21157; C.D. 4

OWNER: Kevin & Karen Stewart, 125 Kate Wagner Road, Westminster, MD 21157









From: Stephanie Brennan <dadslilcobra@yahoo.com>
Sent: Sunday, October 1, 2023 5:19:38 PM (UTC-05:00) Eastern Time (US & Canada)
To: Carroll County Planning & Zoning Commission Mailbox <plancomm@carrollcountymd.gov>
Cc: Becraft, David E <dbecraft@carrollcountymd.gov>
Subject: P-18-0063-Bradleys Overlook

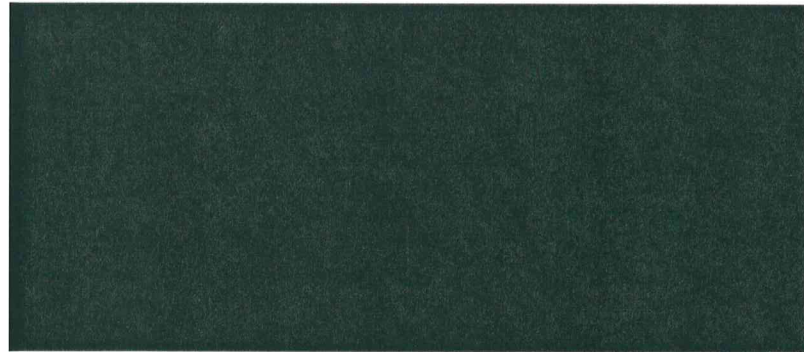
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Good evening,

Thank you for the postcard and opportunity to comment on the future development of Bradleys Overlook.

As an active member of the [Friends of Liberty Reservoir](#), our concern regarding development is the future of our invaluable resources. Please note that Liberty Reservoir property adjacent to this development is decommissioned by Baltimore City's Department of Public Works, which means that the area is not open for recreational use. Development and sale of property in the area should not include reference to public use of this area. The Friends of Liberty Reservoir welcome any assistance in communicating with not only Baltimore City's DPW but Carroll County Recreation and Parks who support the [Friends of Liberty Reservoir](#).

Please also note that an active bald eagle's nest has been seen on the property, so this should be taken into consideration.



**friends of liberty reservoir -
friendsoflibertyreservoir.org**

The Friends of Liberty Reservoir work in conjunction with the
Carroll County Department of Recs and Parks and Ba...




Liberty

— Fire Roads

— Liberty Boundary

5,000 Feet



Name	Reasoning
Murray Road	The woods road was very short and did not link to any other woods road
Content Lane	The woods road was not required for emergency medical services or fire control, and local residents complained each time the woods road was maintained.
Poole, Pouder Area	Woods roads had been maintained for a logging operation which is no longer active. Morgan Run Trail provides an alternative means of recreation.
Glen Falls Road	The woods road is very short and becomes muddy during rain events, thus, contributing to erosion.
Old Oakland Road to Wards Chapel Road	Private roads and bridges are located on both sides of the woods road which prevent access for maintenance equipment.
Cockeys Mill Road to Route 140	Steep hills contribute to erosion issues which prevent access for maintenance and create safety hazards.
Ivy Mill Road	Adequate access is provided by BGE.

Stephanie Brennan
4910 Cherry Tree Lane, Sykesville, MD