

**PRELIMINARY SUBDIVISION REPORT**  
to the  
**Carroll County Planning and Zoning Commission**  
**August 16, 2022**

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

**SUBJECT:** P-20-0071 – Byron Hills  
**LOCATION:** East side of Oklahoma Road, north of Monroe Avenue, E.D. 05  
**OWNER:** Oklahoma Development LLC, 130 Holiday Court, Suite 108, Annapolis, MD 21401  
(Members: Tim Burkard)  
**DEVELOPER:** Burkard Homes, 1511 Ritchie Highway, Suite 305, Arnold, MD 21012  
**SURVEYOR:** CLSI, 439 East Main Street, Westminster, MD 21157  
**ZONING:** R-20,000  
**ACREAGE:** 3.77 acres  
**WATERSHED:** Liberty Reservoir  
**NO. OF LOTS:** 4  
**FIRE DISTRICT:** Sykesville  
**MASTER PLAN:** Residential Medium – 2018 Freedom Community Comprehensive Plan

**PRIORITY**

**FUNDING AREA:** Freedom

**DESIGNATED**

**GROWTH AREA:** Freedom

❖ **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. **Denial** of the Preliminary Plan of Subdivision pursuant to Chapter 156, Adequate Public Facilities and Concurrency Management, of the Code of Public Local Laws and Ordinances of Carroll County.

❖ **Existing Conditions**

The subject property is undeveloped, zoned R-20,000, and lies on the east side of Oklahoma Road in Eldersburg, MD. There are no streams or FEMA 100-year floodplain designations located on site. From Oklahoma Road, the property slopes upwards to the southeastern property line, with approximately 36 vertical feet of elevation change. Adjacent properties are zoned R-20,000 and are developed with single-family homes and are served by public water and sewer.

❖ **Plan Review:**

On December 11, 2020, a concept subdivision plan for Byron Hills was 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 non-residential parcel around the stormwater management facility. The four new lots will range in size from 0.7809 acres to 0.9233 acres. The Stormwater Management parcel will be 0.4856 acres. All proposed lots meet the standard minimum size of 20,000 square feet, lot width of 100', and setback requirements from all property lines as applicable to the R-20,000 zoning district, outlined in Chapter 158.073. All lots shown on the plans will utilize public water and sewer.

Access to the lots is proposed from an existing driveway from Oklahoma Road which will be upgraded to use-in-common (UIC) driveway standards. The change to a use-in-common driveway 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. To obtain adequate sight distance where the new driveway meets Oklahoma Road, the developer has established an agreement with the southern adjoining property owner, allowing the necessary grading on their property to occur.

📌 **§ 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 January 25, 2021 Technical Review Committee meeting. Four citizens were in attendance and expressed concerns of stormwater runoff and soil erosion, soil chemical composition, and school capacity during the meeting. Two adjoining property owners, both of which spoke at the meeting, also emailed/mailed their concerns in advance of the meeting.

On August 17, 2021, the Planning and Zoning Commission reviewed the concept plan (minutes attached). During this meeting, various concerns were raised neighboring property owners, such as stormwater runoff, school capacity, and local wildlife habitat. There were three emails that were received after the meeting, those of which have been attached.

Stormwater Management has issued preliminary approval for the plan, which utilizes drywells and a proposed stormwater management facility to meet requirements. Water Resources, Zoning, and Grading and Sediment Control have approved the preliminary plan. The Carroll County Health Department and the Carroll County Bureau of Utilities have approved the plan with public water and sewer connections proposed. Engineering Review and State Highway Administration have approved the plan.

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 Residential-Medium and with the Water and Sewer Master Plan. As Oklahoma Road is identified as a future sidewalk connection within the Bicycle-Pedestrian Master Plan, Planning staff included a recommendation to construct sidewalk along Oklahoma Road in order to connect the existing sidewalk on the north and south side of the property.

❖ **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 serving Lots 1, 2, 3, 4, and the adjoining 5995 Oklahoma Road, be recorded simultaneously with recordation of the subdivision plat.
3. That the parcel shown on the plans as “Parcel A”, with a total acreage of 0.0318 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 0.0011 acres, shall be deeded to the Carroll County Commissioners simultaneously with the recordation of the subdivision plat.
5. That the parcel shown on the plans as “SWM Facility”, with a total acreage of 0.4856 acres, shall be deeded to the Homeowners Association simultaneously with the recordation of the subdivision plat.
6. That any area labeled as storm drain easement be granted to the Homeowners Association as a deed of easement to be recorded simultaneously with recordation of the subdivision plat.
7. That any area labeled as stormwater management easement be granted to the Homeowners Association as a deed of easement to be recorded simultaneously with recordation of the subdivision plat.
8. 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.
9. That a sidewalk be added along Oklahoma Road to the maximum legal extents possible.
10. 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 June 2022 was 175,560. There are currently 246 sworn law officers with 6 sworn personnel currently in training; an additional 23 positions are funded. Based on a total of 275 funded positions, the ratio of law enforcement positions to Carroll County population as of the end of June 2022 was 1.57. Based on a total of 252 positions, the ratio of sworn law enforcement positions to Carroll County population as of the end of June 2022 was 1.44. 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 Freedom Elementary, Oklahoma Road Middle, and Liberty High attendance areas. In accordance with the criteria established in Chapter 156, Oklahoma Road Middle and Liberty High are rated adequate for Fiscal Years 2023-2028. Freedom Elementary is rated approaching inadequate for Fiscal Years 2023 and inadequate for Fiscal Years 2024, 2025, 2026, 2027, and 2028.

The December 2021 enrollment projections, prepared by Carroll County Public Schools, indicate that Freedom Elementary had an actual enrollment of 114.1% of state-rated capacity. The projections indicate that enrollment capacity percentages will be 116.8% in FY 2023, 121.7% in FY 2024, 125.1% in FY 2025, 126.9% in FY 2026, 125.9% in FY 2027, and 127.2% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 8 additional residential developments, comprised of 146 lots, currently in the review process. There is also 1 additional residential development which will be an age-restricted community and will not be tested for school capacity. There are approximately 3 developments of 3 residential units in the Freedom attendance area that have 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 inadequate, for the purposes of Chapter 156, when current or projected enrollment is 120% of the state-rated capacity.

Although there are no improvements scheduled in the current approved Capital Improvement Program which will provide capacity, Bill Caine, Facilities Planner for the Board of Education indicated on the Certification form "The Southeast Area Restricting Committee will be presenting options to the Board of Education this year."

The December 2021 enrollment projections indicate that Oklahoma Road Middle had an actual enrollment of 87.5% of functional capacity. The projections indicate that enrollment will be at 104.4% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 12 additional residential developments, comprised of 298 lots, currently in the review process. There are also 3 additional residential developments which will be age-restricted communities and will not be tested for school capacity. There are approximately 5 developments of 5 residential units in the Oklahoma Road 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 December 2021 enrollment projections indicate that Liberty High had an actual enrollment of 88.0% of state-rated capacity. The projections indicate that enrollment will be at 99.0% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 12 additional residential developments, comprised of 298 lots, currently in the review process. There are also 3 additional residential developments which will be age-restricted communities and will not be tested for school capacity. There are approximately 5 developments of 5 residential units in the Liberty attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) that have 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 Sykesville fire and emergency medical services district. The most recent data from the Office of Public Safety reports that for the two-year period of July 2020- June 2022, late and no response statistical data indicates that of the first due total fire calls in the Sykesville district, 3.37% were categorized as no responses, and 13.46% as late and no responses. Of the first due emergency medical service calls, 1.01% were categorized as no responses and 1.09% as late and no responses. Sykesville 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, Sykesville had an average response time of 7 minutes and 6 seconds – adequate. With regard to emergency medical call average response time, Sykesville had an average response time of 6 minutes and 34 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.

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:**

Oklahoma Road is rated adequate.

## **Sewer and Water:**

The Bureau of Utilities rated the services as adequate. For water services, the facility is adequate if the maximum day demand is less than 85% of the total system production capacity. For sewer services, the facility is adequate if the projected annual average daily flow is less than 85% of the wastewater treatment facility permitted capacity.

### **❖ 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, roads, fire, and emergency medical services are considered adequate; one of the three schools is considered inadequate. Per Carroll County Public Schools, the Southeast Area Redistricting Committee will be presenting options to the Board of Education this year. With that, and 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.

With regard to a preliminary plan, Chapter 156.06D(4)(a) states “If a public facility or service is inadequate or projected to be inadequate during the current CIP at the preliminary plan stage and no relief facility is planned in the six-year CIP to address the inadequacy or no mitigation is accepted by the county pursuant to § 156.06(B), the plan shall be denied by the Commission. At the request of the developer, the plan may be placed in a queue and retested on an annual basis.”

Pursuant to Chapter 156, staff recommends that the Planning Commission:

1. Find that police, roads, fire, and emergency medical services are considered adequate; schools are considered inadequate.
2. Deny the preliminary plan and at the developer’s request, allow the plan to be placed in a queue and re-tested on an annual basis.
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.