

**SPECIAL REPORT**  
to the  
**Carroll County Planning and Zoning Commission**  
May 16, 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., 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.