

**FINAL SUBDIVISION REPORT**  
to the  
**Carroll County Planning and Zoning Commission**  
**July 18, 2023**

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

**SUBJECT:** FX-20-0006– Shamrock Estates  
**LOCATION:** Old Gamber Road, between Deer Park Road and Hughes Road, C.D. 2  
**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:**

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 final approval.

Two actions are required:

1. Approval of the Final 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. Conditional approval of the Final 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 1.41 acres to 1.82 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 included on the final plan and record plat.

All lots will be served by a private well and septic system and have been granted 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. No citizens spoke and there was minimal discussion by the Commission.

On April 19, 2022, the Planning and Zoning Commission reviewed and approved the Preliminary Plan of subdivision (see minutes, attached). No citizens signed in or spoke at the meeting.

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 final plan.

Stormwater Management has granted final 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 final 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 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.
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 recordation of the subdivision plat.
6. 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:**

When the Department determined that the preliminary plan could be presented to the Planning and Zoning Commission, Available Threshold Capacity forms were distributed for completion. The project was tested for schools, police, fire and EMS, and roads. Schools, police, EMS, and roads facilities and services were found to be adequate. Fire was found to be approaching inadequate. Accordingly, the Planning Commission granted conditional approval of the preliminary plan under Chapter 156 at the April 19, 2022 meeting.

❖ **Agency Responses:**

**Fire Service:**

The proposed subdivision is located in the Gamber fire 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. Gamber is rated

adequate for late and no response criteria for fire service.

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. 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.

❖ **Chapter 156 Recommendation:**

With regard to a final plan, Chapter 156.06E(4)(d) states “For projects that received a conditional approval and tentative recordation schedule at the preliminary plan stage, the Planning Commission shall review the facility or service which was inadequate or approaching inadequate at the preliminary plan stage and may modify the recordation schedule and building permit reservations or place the project in a queue, at the discretion of the Planning Commission.”

Chapter 156.06-E(4)(e) states “For projects that received a recordation schedule and building permit reservations at the preliminary plan stage, the Planning Commission’s Secretary shall inform the developer whether any existing or proposed building permit cap would be applicable to the project.” There is no existing or proposed building permit cap that would be applicable to this project.

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

1. Fire services are considered approaching inadequate.
2. The building permit reservation is for 1 lot in FY24; provided the plat is recorded prior to any permits being issued.
3. The recordation schedule requires the plat to be recorded within 24 months of preliminary approval. The preliminary plan was approved on April 19, 2022, with a written approval date of May 24, 2022.
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.