

PRELIMINARY / FINAL SUBDIVISION PLAN REPORT
to the
Carroll County Planning and Zoning Commission
May 3, 2023

Prepared by
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SUBJECT: FX-22-0002, Braddock Estates, Resubdivision of Section 3
LOCATION: 5139 Perry Road, Mount Airy, MD 21771; Election District 9
OWNER: Hugh & Janet Collins, 5139 Perry Road, Mount Airy, MD 21771
DEVELOPER: Same as owner
ENGINEER: RTF Associates, Inc., 142 East Main Street, Westminster, MD 21157
ZONING: R-40,000
ACREAGE: 19.06 acres
WATERSHED: South Branch Patapsco
NO. OF LOTS: 3
FIRE DISTRICT: Winfield Community Volunteer Fire Department
MASTER PLAN: Low Density Residential - 2014 Carroll County Master Plan
PRIORITY FUNDING AREA: Outside
DESIGNATED GROWTH AREA: Outside

❖ **Action Required:**

Two actions are required:

1. Approval of the Preliminary and 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. Approval of the Preliminary and Final 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.

❖ **Property Overview:**

The subject property is an existing lot within the Braddock Estates subdivision and is recorded in Plat Book 17, page 94. The property currently consists of 19.06 acres and hosts a single-family dwelling as well as outbuildings. The residence and related buildings occupy approximately two acres on the north edge of the property and are accessed from Perry Road by a private driveway. The zoning of the subject property and the adjoining properties is R-40,000.

The majority of the property currently consist of farmland and cropland, with the southeast section of property consisting of trees and a stream. The existing plat provides a “100-year flood line” around the existing stream and the proposed plan provides the boundaries of the wetland along with a wetland buffer. The 19.060 acres is generally flat with a slope to the southeast of the property. The subject property and the adjoining properties utilize private well and septic systems.

❖ **Plan Review:**

The owner/developer currently proposes to create two new residential lots from the existing 19.060-acre lot. Lot 82 is proposed at 7.35 acres and Lot 83 proposed at 7.78 acres, resulting in Lot 84 being 3.93 acres. All lots are proposing the development of a single-family dwelling, with the exception of Lot 82, which will house the existing dwelling and accessory buildings. Access for the proposed Lots 83 and 84 will be from a use-in-common driveway, Munchie Drive, that connects to the existing driveway at the road apron.

Prior to the initial submittal of plans, the project was first taken before the Planning and Zoning Commission as a special report for direction as to the applicability of a note on the original record plat which restricted further subdivision of the property. During this meeting on January 21, 2020, the Planning and Zoning Commission acknowledged that the note was added at a time when the property was zoned Agricultural, and the development’s zoning had since been changed to Residential-40,000. A vote was carried to override General Note #10 and allow the resubdivision of the existing lot.

The concept subdivision plan was initially submitted October 2, 2020. The plan was subject to citizen involvement at the November 23, 2020 Technical Review Committee meeting. One citizen, an owner of an adjoining property, was present at the meeting but did not provide comments. No calls or letters have been received since the meeting.

On June 21, 2022, the Planning and Zoning Commission reviewed the concept plan of subdivision (minutes attached). No citizens signed in or spoke at the meeting.

As currently designed, the Landscaping ordinance does not apply to this project. The plan has received approval from the Floodplain code and Water Resource Management, with easements being required. Grading and Sediment Control has granted approval. Engineering Review has granted approval of the plan, with a sight distance variance granted for Munchie Drive in August 2021. The Carroll County Health Department and the Bureau of Utilities have both granted approval of the plan, with private well and septic systems being proposed. Forest Conservation has granted approval and will be addressed by way of on-site afforestation.

The Bureau of Resource Management has granted final Stormwater Management approval. Stormwater Management will be addressed via drywells, rooftop and non-rooftop disconnects, and wide shoulder techniques.

In accordance with a site development plan memorandum from the Department of Planning, the proposed land use is consistent with the 2014 Carroll County Master Plan’s land use designation of Residential – Low Density. The project is also consistent with the 2019 Water and Sewer Master Plan.

❖ **Recommendations:**

Pursuant to Chapter 155, staff recommends approval of the preliminary and 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 Stormwater Management Conservation Area Easement shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the recordation of the subdivision plat.
3. 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.
4. 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 recordation of the subdivision plat.
5. That a Drainage and Utility Easement 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 a Forest Conservation Easement 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 a Floodplain Easement shall be granted to the County Commissioners of Carroll County by a deed to be recorded simultaneously with the recordation of the subdivision plat.
8. That a Declarations of Maintenance Obligations for Munchie Drive be recorded simultaneously with the recordation of the subdivision plat.
9. That any changes to the Preliminary Plan and plat 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 January 2023 was 176,165. There are currently 241 sworn law officers with 4 sworn personnel currently in training; an additional 30 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 January 2023 was 1.56. Based on a total of 245 positions, the ratio of sworn law enforcement positions to

Carroll County population as of the end of January 2023 was 1.39. 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 Winfield Elementary, Mount Airy Middle, and South Carroll High attendance areas. In accordance with the criteria established in Chapter 156, all schools are rated adequate for Fiscal Years 2023-2028.

The December 2021-22 enrollment projections, prepared by Carroll County Public Schools, indicate that Winfield Elementary had an actual enrollment of 91.8% of state-rated capacity. The projections indicate that enrollment will be at 102% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 10 additional residential developments, proposing 33 residential lots. There are approximately 36 developments of 64 residential units in the Winfield attendance area that have been recorded since the adoption of Concurrency Management (3/5/98) which have 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 December 2021-22 enrollment projections indicate that Mount Airy Middle had an actual enrollment of 94.5% of functional capacity. The projections indicate that enrollment will be at 96.2% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 11 additional residential developments, comprised of 26 lots, currently in the review process. There are approximately 49 developments of 89 residential units in the Mount Airy 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 2021-22 enrollment projections indicate that South Carroll High had an actual enrollment of 68.9% of state-rated capacity. The projections indicate that enrollment will be at 69.8% in FY 2028 at the end of the 6-year CIP cycle. In this attendance area, there are 11 additional residential developments, comprised of 26 lots, currently in the review process. There are approximately 59 developments of 89 residential units in the South Carroll 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 Winfield fire and emergency medical services district. The most recent data from the Office of Public Safety reports that for the two-year period of March 2021- February 2023, late and no response statistical data indicates that of the first due total fire calls in the Winfield district, 0.80% were categorized as no responses, and 4.00% as late and no responses. Of the first due emergency medical service calls, 0.13% were categorized as no responses and 0.50% as late and no responses. Winfield 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, Winfield had an average response time of 7 minutes and 51 seconds –adequate. With regard to emergency medical call average response time, Winfield had an average response time of 7 minutes and 38 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:

Perry Road is rated adequate.

❖ **Chapter 156 Recommendation:**

With regard to a preliminary plan, Chapter 156.06D(4)(c) states “If all public facilities and services are adequate during the current CIP, the Planning Commission may approve the plan to proceed to the final plan stage and issue a recordation schedule and building permit reservations, subject to a building permit cap adopted by the County Commissioners in effect at the time of application for building permits.

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

1. Police, schools, roads, and fire and emergency medical services are considered adequate;
2. the building permit reservation is for 2 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.

With regard to the final plan, 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 approve the final plan with the following conditions:

1. The building permit reservation is for 2 lots in FY24; provided the plat is recorded prior to any permits being issued;
2. The recordation schedule requires the plat to be recorded within 24 months of preliminary plan approval;
3. The building permit reservations are allowed to roll over year after year until the sunset provision takes effect and the preliminary plan becomes void.