

# **THURMONT PLANNING AND ZONING COMMISSION MEETING**

**3/22/18 AT 7:00 PM**

**Thurmont Town Office, Meeting Room**

## **Agenda Topics**

- 1.) APPROVAL OF 2/22/18 MEETING MINUTES
- 2.) ZONING INSPECTORS REPORT
- 3.) DISCUSSION/ACTION – RULES OF  
PROCEDURE
- 4.) REVISED SITE PLAN – PARK PLACE
- 5.) DISCUSSION – UPDATES TO SUBDIVISION  
REGULATIONS
- 6.) PUBLIC COMMENT

# **Minutes from March 22, 2018 Thurmont Planning and Zoning Commission Meeting.**

A meeting of the Thurmont Planning and Zoning Commission was held on Thursday, March 22, 2018 at 7 p.m. Present were: Vice-Chairman, Bryant Despeaux; Commission member Randy Waesche, Viktor Kraenbring, and Jim Wilkins; CAO, Jim Humerick; Sr. Administrative Assistant, Becky Long; Zoning and Utilities Inspector, Kelly Duty; Commissioner Liaison, Bill Buehrer; Town Planner, Chris Jakubiak; John Kinnaird, Kirby Delauter, Mrs. Viktor Kraenbring, Dick Lee, Abigail Wade, Joseph Wade, and Beverley McManus. Chairman Cubbedge was absent this evening.

Vice-Chairman Despeaux welcomed everyone to the meeting.

## **Approval of 2/22/18 Meeting Minutes**

Vice-Chairman Despeaux asked for a motion to approve the February Meeting Minutes.

Commission member Kraenbring said "motion they be approved as written." Commission member Wilkins second. Vote – 4-0-0, motion carried.

## **Zoning Inspectors Report**

Ms. Duty gave her Zoning Inspectors Report (see attached).

## **Discussion/Action – Rules of Procedure**

When they last discussed the Rules of Procedure they had asked for comments from the Board of Commissioners and they had received comment back from the Town Attorney. The biggest question was whether to swear people in before or when they were going to speak or make comments on a plan.

Commissioner Buehrer stated "the Town Attorney, it's in the statute now so it's a requirement, so our opinion really doesn't count. You have to be sworn in."

Vice-Chairman Despeaux asked if they had finalized all of the items in the Rules of Procedure. Mr. Humerick said "I would assume that your vote would be to accept the changes that was in the revised documents that you spoke about last month". Mr. Despeaux said "the last one we got I guess was just still kind of marked, still had the changes. I assumed we were going to get like a final version, but I mean if nothing changes from that... does everybody feel comfortable with..." Commission member Waesche asked if there were any other revisions. "So January 23<sup>rd</sup> memo is the most current?" Mr. Jakubiak replied "yes, it incorporated your comments from the previous Planning Commission meeting." Mr. Despeaux asked if there were any public comment on the Rules of Procedure.

Mr. Kraenbring asked "is there a process to the swearing in? Is it individual or is it a group or..." Mr. Humerick replied "the Chairman would swear them in individually." Mr. Waesche asked if there was a standard Oath. Mr. Humerick replied that there would be.

**Motion** – Commission member Waesche said "I'll make a motion to accept the Planning Commission Rules of Procedure as presented in the January 23<sup>rd</sup> Staff Memo" (see attached). Commission member Kraenbring second. Vote – 4-0-0, motion carried.

Vice-Chairman Despeaux stated that at the next meeting they will discuss and hammer out the specifics of how they will give the Oath. Ms. Duty pointed out that it does state that the Chair can administer the oath en masse at the outset of the hearing.

### **Revised Site Plan – Park Place**

Mr. Jakubiak stated “in January, February of 2016 the Planning Commission approved a six unit townhouse project on Park Lane immediately adjacent to the Creekside Development, which is still being built. The applicant is returning to the Planning Commission requesting an amendment to that approved site plan and the amendment focuses on parking, rather than have parking in the rear yards of each unit the applicant is proposing that each unit have parking front. So, there’d be a front loaded garage in all six units along Park Lane. I put together a Staff Report and I actually used it as an opportunity to talk about a little bit more broadly about how these types of projects are developed in Town (see attached). But, my basic conclusion was at this particular location and at this time, while it may not be the ideal traditional development pattern along a street, it didn’t seem to rise to a major safety concern that would negate an approval. I know that Kelly put together a Staff Report too on the Public Utilities aspects of the plan. But you’re allowed to approve an amended site plan, it just has to go through the same type of process as the regular approval did.”

Commission member Wilkins asked if the property in the back of the units would still be an access or a roadway or all grass or what. Mr. Jakubiak replied “just like the original plan there was a small parking area in the rear that would be accessed from Park Lane, that stays there, it’s still there and it’s meant for seven parking spaces, which is overflow for the units. Parking will not be able to be on the street, the streets too narrow and with the curb cuts it just won’t work, so this actually provides a little extra parking for the units.” It was clarified that each unit would have two parking spaces, one in the garage and one on the parking pad in front of the garage, and the extra seven in the parking area in the rear.

Ms. Duty stated her comments are pretty minor, just some requests of the applicant (see attached). “The water meters are actually there onsite, the applicant has already put the infrastructure in and I’d just like to see where those are going to be at. We believe that some of those water meter locations may end up in the driveways, we’d just like to know which ones so that we can work with the applicant to make sure that they put in road bearing lids and the appropriate water meter vaults, on a case by case basis”.

Commission member Waesche question the open space, which had already been approved, not meeting the requirements on page 75 of the ordinance. Mr. Jakubiak said “in part because this was approved prior to and actually construction has started so I didn’t dig into that and didn’t bring it up as a condition. But that standard was added to the Zoning Ordinance as we went through the update, so it’s a tweak to the previous existing standard.”

Ms. Duty was asked about the floodplain demarcation and she replied “I’m not concerned that we’re encroaching on that or that there are any issues with that I’d just like that it be shown correctly on this revision, so that there is no confusion in the future.”

Kirby Delauter, 109 Park Lane, “I represent the applicant, just any question, any other questions that you may have of me for this project?” He was asked if he had had a chance to review the Staff Comments. “Yes, I have no issue with any of the comments. You know the floodplain line we can make an

adjustment. I agree, you know the water meters if they fall in the driveway. The heavy duty frame, no problem they're existing, so if they do fall in the driveway it's not an issue. Moving the trees no issue." Mr. Delauter also said the houses would be identical to the ones at Creekside they just have a different builder. Vice-Chairman Despeaux brought up a safety concern of backing out of the driveways onto the street. Mr. Jakubiak said "I think we've given it quite a bit of thought and the street is, curb to curb, 22'. So, if you look at any typical SUV, which is at least 15' wide, you can easily imagine how backing out that you'd go into both lanes so, that's one possible safety issue. The other is that if you'd just happen to be parked in the townhouse on the lot next to the person that has the SUV and you're backing out you can't really see much until you get further out to the sidewalk. So your visibility is constrained when you have a cluster of curb cuts like that, that's why they're generally avoided. But this is going to be a very slow moving street and I don't anticipate the density of development on any remaining parcel back there to be such that would make this an unsafe or totally congested roadway at all. If you would imagine this as a private road through a townhouse development that serves 100 houses you would think that, well that seems reasonable from a traffic standpoint, and I don't think 100 house would be built back there in the future. So, I think you're okay." Mr. Delauter added "the other thing to point out, I guess with Leekyler Ct., there probably would be a stop sign there. My guess would be if there's a road that goes through there at that intersection, then there probably would be a stop sign there at some point."

**Public Comment** – Vice-Chairman Despeaux asked if there were any public comments for this item.

Dick Lee, 13 Jermae, "first thing, I mentioned before when the first development went in, and I mentioned a three-way stop there at that intersection, to slow... And you were talking about people backing up, if there was a three-way stop you wouldn't have really any speed going thru there at all, so everybody would stop before they went. So, if you had a big SUV or something backing out with limited site, I think that would eliminate it. And the second thing is, Kirby, at my other development we were limited parking. Everything was the way it was, but we ended up having to designate and mark two spaces for each house, because you had people with three cars and all of a sudden the people with a house never came up with two spaces, so it's just a suggestion. And we also had two spaces out front that we marked VISITOR..."

There were no more public comments.

**Motion** – Commission member Wilkins said "I'll entertain a motion that we accept the new plan and the pictures of it to what it is and the buildings are still in the same physical spot with just a change in the front, so I recommend that we approve that. And if there's any other detail that Mr. Delauter would come up with, with the Town Administrator, I'm sure they'll work it out and I'm sure it wouldn't implement any stoppage in his construction and hopefully it moves smoothly. And I think it'll be a nice addition to that street." Commission member Waesche asked "so you're making a motion to approve the February 2018 amendment to Park Place?" Mr. Wilkins replied "yes I am sir." Mr. Waesche second. Vice-Chairman Despeaux said "there's a motion to approve the Park Place plan revision with, I believe with Staff and Agency comments" (Mr. Wilkins nodded in confirmation of this). Vote – 4-0-0, motion passes.

### **Discussion – Updates to Subdivision Regulations**

Mr. Jakubiak stated that they were not ready for the Board and would have to be pushed back to the next meeting.

### **Public Comments**

There were no other public comments.

Commission member Kraenbring asked the status of the Coffee House on the Square. Mr. Humerick stated that they were still working with the County to get their permits.

Beverley McManus, 21 Leekyler, asked about the sirens that go on day and night. She was told that it was the fire siren used to alert volunteer firemen that there is an emergency and they are needed.

**Motion** – Vice-Chairman Despeaux asked for a motion to adjourn. Commission member Kraenbring said "I make a motion we adjourn". Commission member Wilkins second. Vote 4-0-0, motion carried.

Without further discussion the meeting adjourned at 7:27 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robin Clem', with a long horizontal flourish extending to the right.

Robin Clem  
Recording Secretary

**PLANNING & ZONING COMMISSION MEETING  
THURSDAY, MARCH 22, 2018**

**PLEASE SIGN IN**

	NAME	ADDRESS
1	DICK LEE	13 JERMAV ST.
2	<del>Abigail + Joseph Wade</del>	<del>7 Leekyler Pl</del> Present - did not speak
3	Beverley McManus	21 Leekyler Pl
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TOWN OF THURMONT  
THURMONT PLANNING AND ZONING COMMISSION  
ZONING INSPECTOR'S REPORT  
02/23/2018-03/22/2018

PERMIT NUMBER	APPLICANT	LOCATION	TYPE AND USE	APPL DATE
2018-000016	CLAUDE W ECKENRODE	104 EAST ST	RESIDENTIAL ACCESSORIES	02/26/2018
2018-000017	MCDONALDS	13769 CATOCTIN FURNACE ROAD	NO ZONING REQUIRED	03/01/2018
2018-000018	THOMAS BEAVIN	3 GOODWILL CIRCLE	RESIDENTIAL ACCESSORIES	03/06/2018
2018-000019	W NICHOLAS ALBAUGH	301 STULL COURT	RESIDENTIAL ACCESSORIES	03/06/2018
2018-000020	W NICHOLAS ALBAUGH	301 STULL COURT	RESIDENTIAL ACCESSORIES	03/06/2018
2018-000021	RICHARD WIVELL	5 FURNACE COURT	ADDITIONS	03/06/2018
2018-000022	KIMBERLY SANDBERG	224 N CHURCH STREET	COMMERCIAL ACCESSORIES	03/06/2018
2018-000023	D HOUCK	117 BENNETT DRIVE	ADDITIONS	03/12/2018
2018-000024	JEDIDIAH BITANGO	15 BLUE RIDGE AVENUE	RESIDENTIAL ACCESSORIES	03/12/2018
2018-000025	KEVIN RIFFLE	35 CATOCTIN HIGHLANDS CI	NO ZONING REQUIRED	03/13/2018
2018-000026	DENISE LASTER	23 LEEKYLER PLACE	RESIDENTIAL ACCESSORIES	03/13/2018
2018-000027	DENISE LASTER	23 LEEKYLER PLACE	RESIDENTIAL ACCESSORIES	03/13/2018
2018-000028	TOWN OF THURMONT	800 EAST MAIN STREET	NO ZONING REQUIRED	03/14/2018
2018-000030	J DERTZBAUGH	113 LAUREL AVENUE	RESIDENTIAL ACCESSORIES	03/16/2018
2018-000031	JEFF JONES	10 MILLER ALLEY	NO ZONING REQUIRED	03/16/2018
2018-000032	K STRONG	12 TERBEN COURT	RESIDENTIAL ACCESSORIES	03/16/2018
2018-000033	LILLIAN STEWART	21 E MOSER ROADE ROAD	RESIDENTIAL ACCESSORIES	03/16/2018
2018-000034	MICHAEL & HOLLY LATE		RESIDENTIAL ACCESSORIES	03/20/2018

\* End of Report: TOWN OF THURMONT \*

## THURMONT PLANNING AND ZONING COMMISSION

## ZONING INSPECTOR'S REPORT

02/23/2018 - 03/22/2018

CUMULATIVE ACTIVITY: 02/23/2018-03/22/2018 03/22/2018 03/22/2017

## RESIDENTIAL ACCESSORIES

BARN	0	0	0
CARPORT	0	0	0
DECK	3	3	0
DEM	0	0	0
FENCE	5	8	4
GARAGE	0	1	2
GAZEBO	0	0	0
GREENHOUSE	0	0	0
HANDIRAMP	0	0	0
HOME OCCUP	0	0	0
HOTTUB	0	0	0
LEANTO	0	0	0
PATIOCON	0	0	0
PAVILLION	0	0	0
POLEBLDG	0	0	0
POOLAG	0	0	0
POOLIG	0	0	1
PORCH	0	0	0
REPLACEMEN	0	0	1
ROOFCANOPY	0	0	0
SHED	2	3	4
SHEDRELOC	0	0	0
SIGN	1	1	0
SOLAR PANE	0	0	0
STAIRWAY	0	0	0
STORAGEBLD	0	0	0
WOODSHOP	0	0	0
WORKSHOP	0	0	0

RESIDENTIAL ACCESSO TOTAL:	11	16	12
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## ADDITIONS

COMMERCIAL	0	0	1
RESIDENT	2	3	1

ADDITIONS TOTAL:	2	3	2
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## COMMERCIAL ACCESSORIES

CONCESSSTA	0	0	0
CONSTTRAIL	0	0	0
DEMOLITION	0	0	0
DUGOUT ADD	0	0	0
ENR UPGRAD	0	0	0
EQUIPSHED	0	0	0
FENCE	0	0	0
GAZEBO	0	0	0
GUARDOFFIC	0	0	0
LEANTO	0	0	0
MINORUTIL	0	1	2



## THURMONT PLANNING AND ZONING COMMISSION

## ZONING INSPECTOR'S REPORT

02/23/2018 - 03/22/2018

CUMULATIVE ACTIVITY: 02/23/2018-03/22/2018 03/22/2018 03/22/2017

## COMMERCIAL ACCESSORIES

MONOPOLE	0	0	0
MOTELROOM	0	0	0
OCCUPANCY	0	1	5
POLEBLDG	0	0	0
PORTCLASS	0	0	0
RAMP	0	0	0
RETAINING	0	0	0
ROOFCAN	0	0	0
SALESTRAIL	0	0	0
SHED	0	0	0
SIGN	0	1	3
SIGN TEMP	1	2	2
STAIRWAY	0	0	0
STORAGEBLD	0	0	0
STRIPTOWR	0	0	0
TEMPSHELTE	0	0	0
TEMTRAIL	0	0	0
TICKET BOO	0	0	0
TOILETTR	0	0	0
TRAILTEMP	0	0	0

COMMERCIAL ACCESSORI TOTAL:	1	5	12
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## NEW COMMERCIAL

BANK	0	0	0
CAR DEALER	0	0	0
CARWASH	0	0	0
CHURCH	0	0	0
COM	0	0	0
DEMOLITION	0	0	1
FIRE DEPT	0	0	0
FUELTANKS	0	0	0
LIBRARY	0	0	0
OFFICEBLDG	0	0	0
POLICE BLD	0	0	0
RESTAURANT	0	0	0
RETAILBLDG	0	0	0
SCHOOL	0	0	0
TRUSSBLDG	0	0	0
VET CLINIC	0	0	0

NEW COMMERCIAL TOTAL:	0	0	1
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## NEW RESIDENTIAL

APART7	0	0	0
CONDO12	0	0	0
REPLACE	0	0	0
SINGLE	0	0	0
TOWNH4	0	1	0

CUMULATIVE ACTIVITY: 02/23/2018-03/22/2018 03/22/2018 03/22/2017

NEW RESIDENTIAL

TOWNH5	0	0	1
TOWNH6	0	0	0
TOWNH8	0	0	0
TOWNHC10	0	0	0

NEW RESIDENTIAL	TOTAL:	0	1	1
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NO ZONING REQUIRED

OTHER	4	8	3
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NO ZONING REQUIRED	TOTAL:	4	8	3
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TOTAL PERMITS ISSUED:	18	33	31
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\* End of Report: TOWN OF THURMONT \*

# MEMORANDUM

To: Planning Commission  
From: Christopher Jakubiak, AICP, Town Planner  
Date: January 23, 2018  
RE: Rules of Procedure

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Please see below my suggestions for changes to the Rules of Procedure.

~~Strikethrough:~~ text proposed to be deleted

**Bold font:** text to be added

## Section 1      Officers

1.3 A designated member of the Commissioners of Thurmout shall be a liaison of the Commission, and shall serve in an ex-officio capacity (without voting power) concurrent with his/her official term.

## Section 2 Meetings

2.1 Regular meetings shall be held on the 4<sup>th</sup> Thursday of each month. Generally, the Planning **AND ZONING** Commission will conduct regular monthly meetings held on the fourth Thursday of each month, at      p.m. unless amended by the published Planning and Zoning Commission schedule. Adjustments are routinely made to avoid common public holidays. At a minimum, the Planning **AND ZONING** Commission shall hold its regular meetings no less frequently than quarterly. Meetings may be cancelled by the Chair if there is no business to be brought before the Commission. Special meeting and workshops may be called by the ~~chair or in his/her absence the vice-chair.~~ Chair or in his/her absence the Vice-Chair. In the event of a need for a special meeting, the Planning Staff shall notify each member of the special meeting and shall notify the public via radio, website or public access television of the time and date of special meeting.

2.4 All meetings shall be recorded and the recording may be accepted as the official record until the minutes are prepared and approved by the Commission.

*Comment: This squares with the updates to the Zoning Ordinance and addresses actual practice.*

## Section 3 Voting

~~3.1 A quorum shall consist of a jaryt o the members.~~ Three members shall constitute a quorum.

Comment: During the final review of the Zoning Ordinance, it was decided that three members should be a quorum.

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~~3.5 No member shall vote on an item brought before the Commission if he or she has a financial interest or other conflict of interest regarding that item.~~

Comment: This is proposed to be addressed along with the preferred actions to take when a member has a potential conflict. See the new Section 6.

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#### Section 4 Conduct of Business for Applications, Plans and Related Review Items

**1. The Chair shall administer the following oath to all witnesses testifying in any matter coming before the Commission:**

**"Do you solemnly swear or affirm that the responses given and statements made in this hearing before the Planning Commission will be the whole truth and nothing but the truth? If so, answer "I do.""**

**The Chair may administer the oath en masse at the outset of the hearing to all prospective witnesses intending to testify for that case. Before giving testimony, each witness shall state his or her name and whether he or she has been sworn. The presiding officer will administer the oath individually to any witness who has not been sworn before that witness gives testimony. Any person refusing to be sworn will not be permitted to testify.**

**1.2.** Staff presents the staff report, providing a summary of the application and/or plan as proposed as well as summary of the issues addressed during the review of the application and plan. Staff should highlight specific recommended conditions of approval, if any, and provide any relevant information that has become available since the staff report was issued.

**2.3.** A representative of another Town board, agency, or department may present comments and/or the official position or recommendation of that entity.

**3.4.** The Commission asks clarifying questions of the staff at any time.

**4.5.** The applicant and/or representatives should present the project proposal and explain the application. The Planning **AND ZONING** Commission may also question the applicant(s). **After questioning by the Chair and Members of the Commission, the applicant and its representatives may be cross-examined.**

**6. Cross-Examination – The Chair will allow reasonable cross-examination of witnesses at a time and in a manner allowed by law and considered reasonable by the Chair under the circumstances.**

**a. Cross-examination is designed to permit a full and true disclosure of the facts of the case, with due regard for the circumstances of each particular case, the nature of the proceedings, and the character of the rights which may be affected by it. The Commission shall allow cross-examination, in a manner best calculated to afford all parties an opportunity to present their positions and to serve the ends of justice and fairness.**



- b. The right to cross-examine witnesses shall be extended to those persons who are parties to the proceedings before the Commission or who have a cognizable interest in the outcome of the proceedings as determined by the Chair.
  - c. A person or party wishing to cross examine a witness or panel of witnesses shall make the request known prior to or immediately after the time that the witness or panel of witnesses has concluded their testimony; the failure to make such a timely request shall be deemed a waiver of the right to cross examine.
  - d. Cross-examination must be: (i) brief; (ii) in the form of a question; and (iii) relevant to the testimony given by the witness. The questions must not: (i) be argumentative; (ii) be preceded or followed by a speech or testimony; or (iii) discuss personality or motives.
- 5.7. Parties interested in addressing the Commission on the matter shall be given an opportunity to do so, after the close of applicant's presentation and any cross-examination. The ~~Chairman~~Chair may wish to impose a reasonable time limitation on comments and may otherwise regulate the time and manner in which comments are made. Citizen questions should be directed to the Chair.
- 6.8. The Commission ~~asks~~may ask pertinent questions of the applicants, members of the public, or staff.
- 7.9. The Commission engages in discussion and deliberation among its members and then votes.
10. Questions put to a vote are decided by a majority of the members present. A tie vote by the Commission shall be interpreted as a failure to approve the motion upon which the vote was taken. Additional motions may then be proposed. If a tie vote remains on an advisory matter, the Commission's action shall be deemed as "No-Recommendation". If a motion cannot be approved on non-advisory matters (i.e. subdivision, site plan) then the matter shall be deemed "not approved" but may be brought back before the Commission on another date at the request of the applicant. As required by law, decisions of the Commission will be made based on the evidence and information presented at the Commission's public meeting or hearing, and evidence submitted.

*Comment: This would be a new section and outlines the normal course of the Planning Commission meeting on a development application.*

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#### Section 4 Section 5 Conduct of Commission Members

*Comment: Section 4 would become Section 5 if the suggested changes above are accepted.*

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#### Section 6 Conflicts of Interest

Any member of the **PLANNING AND ZONING** Commission who has a personal or financial interest potentially sufficient to create a conflict or potential conflict between the interest in serving the public good and the other interests shall refrain from participating in the proceedings pertaining to the matter. The member shall publicly indicate that a potential conflict exists then step down **and leave the meeting room**; abstaining from all proceedings, deliberations, and voting on the matter.

The minutes shall show **THAT** the member **RECUSED HIM/HERSELF ~~left the meeting room~~**. The "other interests" that tend to present conflicts typically fall under the category of potential private gain, financial, or personal, which may relate to the member directly or to a relative, friend, or employer of the member. A member's relationship with an applicant or ~~a~~-with a party directly **impacted**~~affected~~ by an applicant's project may also present a conflict of interest for a member.

*Comment: This is a new broader statement regarding potential conflicts, providing guidance on what a member should do, if he/she feels a conflict is evident.*

#### Section 7 Amending the Rules of Procedure

These Rules of Procedure may be amended at any regular meeting of the Planning AND ZONING Commission by a majority vote of the appointed members, provided the publicized agenda for that meeting includes discussion of the Rules of Procedure **AND THE MEMBERS HAVE HAD AT LEAST TWO WEEKS TO REVIEW THE PROPOSED AMENDMENTS.**

*Comment: It is good to provide guidance on how Rules can be changed.*

#### Section 8 Rules are Guidelines

These Rules of Procedure serve to guide the operation of the Commission. They do not constitute legal requirements and do not confer rights or impose obligations not otherwise conferred or imposed by law. Failure of the Commission, Town staff, or any party to comply with any provision of these Rules shall not invalidate any otherwise valid decision or action of the Commission.

*Comment: Putting the Rules in context and reinforcing the introductory sentence of these Rules.*



## MEMO

To: Planning Commission  
From: Christopher Jakubiak, AICP Town Planner  
Date: March 15, 2018  
RE: Park Place Subdivision, Townhouse Development – Major Amendment to Site Plan

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### Introduction

Russell E. and Marlene A. Delauter, represented by Kirby E. Delauter, have submitted an amended site plan for the 6-unit Park Place townhouse development on Park Lane. The Planning Commission approved the site plan in 2015 and the Town signed-off on the final plan in January 2016. Construction of utilities has begun. Per Section 3.1.9 of the Zoning Ordinance, the Planning Commission is authorized to approve major amendments to approved site plans upon conducting a review at a meeting.

### The Proposal

In the present case, the developer proposes to build the six townhouse units with front loaded garages, creating six curb cuts for driveways onto Park Lane. Under the originally approved plan, parking was provided at the rear of the units. You may recall that the original plan provided for rear loaded garages and then a revision to that plan provided just driveway parking pads in each of the rear yards. The currently proposed amendment retains an off-street excess parking area accessed by a common driveway from Park Lane. Below is a side-by-side comparison of the front elevations submitted by the developer. Source is the Dan Ryan Builders website.

Approved by Planning Commission in 2015



Proposed Amendment with Front Loaded Garages



## Background

My review of the proposed amendment centers on two matters (1) the potential interference with traffic on Park Lane and aesthetics/town design—that is, the contrast this proposal makes with traditional building patterns along public streets.

Frist regarding traffic: Park Lane will likely be extended east if and when the adjoining lands develop. At present it just serves the townhouses at Creekside. Park Lane will be adequate to handle the build-out of the land it might serve in the future it was extended. While the use of front-loaded driveways on townhouse projects fronting a public street is not ideal and will from time to time cause delay, it will not impact public safety or convenience in any major way. It is and will be a slow-moving street and the sidewalk on the south side of the street will provide an alternative to walking where vehicles may be backing over the sidewalk. The fact that the street is only 22-feet wide, curb to curb, will however mean that vehicles backing out of the driveways are likely to encroach into both “lanes of traffic”.

The images below are from Easy Street and Luther Drive in Thurmont, providing a closer look at the typical streetscape conditions with front loaded units onto public streets in Town. Both Easy Street and Luther are wider than Park Lane and both are not through streets.

As to design: front loaded garages are not preferred for public streets especially when access can be provided from the rear. The introduction of concrete or asphalt in a narrow front yard instead of grass and vegetation, the storage of vehicles in the front yard, the prominence of the garage door on the façade and the breaks in the curb and sidewalk compromise good streetscape design. The Easy Street and Luther Drive arrangements (shown below) differ somewhat from the developer’s amendment in that they feature joined alternating driveways which has the effect of creating the perception of larger front yard driveways. Nevertheless, they depart from more traditional building forms that the Thurmont Master Plan speaks about and should generally be avoided.



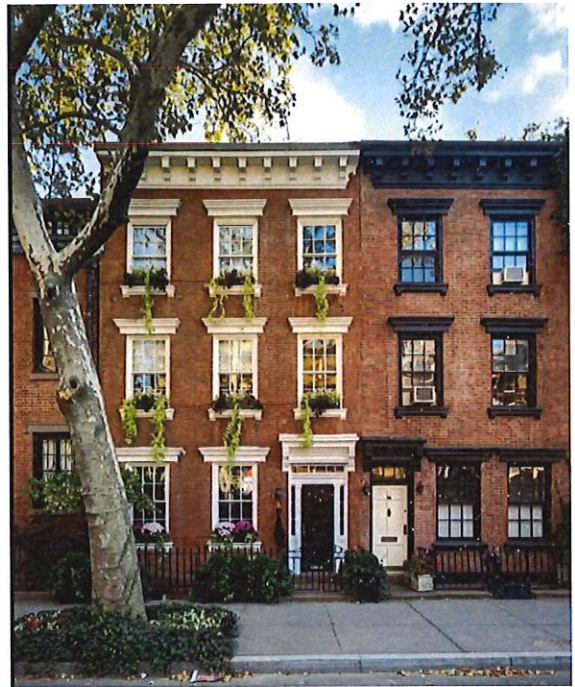


It should be noted that the Planning Commission has the authority on behalf of the Town to bring about more traditional town development practices like those indicated in the photos below. Projects facing public streets generally do warrant more critical attention to community design and the impact to the Town's character.

In the present case however, Creek Side was approved with an internal private street featuring front loaded garages. It is very close to the Park Place project. It has established the character along this part of Park Lane.



A more modern take on the townhouse form but the town planning principles are the same. In this example, a common drive leads to rear parking similar to the Park Place plan first approved by the Planning Commission.



Traditional townhouse design. Access is provided at the rear of the houses and parking is allowed on-street.

## Conclusion

Given the close proximity of Park Place and Creek Side and the other factors mentioned above, it seems reasonable to accommodate the front-loaded garages being proposed now as a revision to the site plan.



## THE COMMISSIONERS OF THURMONT

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# Memo

**To:** Planning and Zoning Commission  
**From:** Kelly Duty, Zoning & Utility Inspector  
**cc:** Jim Humerick, CAO  
**Date:** March 7, 2018  
**Re:** Staff Comments – Park Place Plan Revision

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### Background:

Park Place currently has an approved site plan. This approved plan was finalized in February 2016, which involved a 6 unit townhouse building with rear loading garages. In October 2016, the applicant approached the Planning and Zoning Commission to request reducing the size of the Townhouses by eliminating the garages, which was approved. To date the applicant is working with a builder, whose market analysis indicates townhouses with a garage is more marketable than without. Furthermore the layout of a townhome is more appealing to a potential owner when the garage is situated in the front of the structure, and there is a usable backyard.

### Staff Comments:

- Show water meter locations, as well as water service lines.
- Staff is supportive of the use of pervious pavement in the townhouse driveways even though it is not required by the County for stormwater management.
- There appears to be an incorrect floodplain demarcation on the plan, most likely due to turning the building around. This should be corrected.
- The original site plan included a total of 7 red maple trees. Staff would like to see the applicant retain the same number of trees, but possibly elsewhere onsite.