

**Tax Map/Block/Parcel
No. 38/1/737**

**Building Permit/Zoning
Certificate No. 99-1323**

Case 4409

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

APPLICANT: Countryside Driving Range, LLC
2960 Summer Drive
Westminster, Maryland 21157

ATTORNEY: William R. MacDonald, Esquire
MacDonald & Hecker, P.A.
43 North Court Street
Westminster, Maryland 21157

REQUEST: A request for a conditional use for a golf driving range facility and supporting structures and equipment.

LOCATION: Located at 1335 South Pleasant Valley Road on property zoned "A" Agricultural District in Election Districts 2 and 7.

BASES: Article 6, Section 6.3(o); Ordinance 1E (The Carroll County Zoning Ordinance)

HEARING HELD: June 22, 1999

FINDINGS AND CONCLUSION

On June 22, 1999, the Board of Zoning Appeals (the Board) convened to hear the application of Countryside Driving Range, LLC, for a conditional use for a golf driving range and supporting structures and equipment located at 1335 South Pleasant Valley Road in Election Districts 2 and 7.

Testifying on behalf of Countryside Driving Range, LLC (the Applicant) was Mr. Michael Mand, a Member of the Company. He offered the following testimony. Countryside Driving Range, LLC was formed in December 1998. The corporation was formed to plan, create, construct and manage a golf driving range. A market study of 40 driving ranges in Carroll and nearby counties was conducted for the Applicant. The site at 1335 South Pleasant Valley Road was selected for the driving range. The driving range will be located on 13 acres. The site will have a driveway, parking area, a 3,000 square foot building with attached garage for storage of equipment, and the driving range. One sign along Route 140 and one sign on South Pleasant Valley Road are proposed. The clubhouse will include a counter for the selling of buckets of golf balls, a waiting area, and restrooms. Ornamental pear trees and 8 foot lampposts will be located along the driveway and the parking area will be illuminated. No other improvements are planned at the location. The driving range will include greens, sand traps, fairways, and rough. Approximately 50 to 60 tees are planned. No fence will be constructed around the perimeter of the site. Two tractors will be

kept at the site for maintenance of the grounds and for the retrieval of golf balls. A ball picker, attached to a tractor for the retrieval of golf balls, will be kept at the site. Both tractors are equipped to allow work to be performed during hours of operation. Mowing at the site will be performed approximately two times each week. A tree screen with a mixture of 12 foot high evergreen trees will be planted at the north side of the site. The screening will include 2 rows of trees spaced 8 feet apart. An organic fertilizer will be used in the maintenance of the grass areas of the range facility. A shallow lake with a concrete base will be installed to the rear and sides of the third tee area. Two wells are proposed at the location to provide water to the clubhouse (for restrooms, golf ball cleaning machine, etc.) and for the watering of landscaping around the clubhouse. Water for the lake and for watering of the range will be delivered to the site by truck. Non-intrusive lighting will be installed at the site with the light directed inward towards the center of the driving range. Employees will include one full-time manager, one full-time range keeper and four part-time employees. The Company Members will work at the facility during operating hours. The customers will purchase buckets of golf balls from the clubhouse and proceed to the tees. Customers will not be permitted in the driving range area. The tees are positioned so they are angled to the center of the green area. The facility will be open 10 months of the year, closing during January and February each year unless weather conditions are favorable for playing golf. The range will be open 7 days a week; from April 1 to October 30, 8:00 a.m. to 10:00 p.m.; from November 1 to March 30, 9:00 a.m. to dusk. The facility will be closed on Easter and Christmas. Projected peak hours of business are from 6:00 p.m. to 10:00 p.m. No equipment will be operated at the location after 10:00 p.m. The average time to hit a regular size bucket of golf balls is ½ hour. The goal of the business is to serve 100 customers a day. Soft drinks and pre-prepared sandwiches will be sold in the Clubhouse. There will not be a kitchen in the Clubhouse. No alcoholic beverages will be offered for sale or permitted at the location.

Mr. G. Dwight Little, Jr., P.E. with W. Duvall & Associates, Inc., testified concerning the site design of the location. The driving range will be located on South Pleasant Valley Road, approximately 500 feet from the intersection of South Pleasant Valley Road and the north side of Maryland Route 140. No acceleration or deceleration lanes are proposed at the intersection on South Pleasant Valley Road. The driveway and parking area will be paved. The grading of the site will not change the existing natural drainage patterns. The driving range will be located 400 feet from the nearest property line. The distance from the center of the driving range to the nearest house is 750 feet. The distance from the center of the driving range to a nearby church is 800 feet. The distance from the center of the driving range to Rt. 140 is 650 feet. The maximum distance a highly skilled golfer could hit a ball from the tee area is 300 yards. The number of tees shown on the site plan is 75. The number of parking spaces on the site plan is 85. The elevation in the driving range area is lower than the elevations outside the perimeter of the driving range. Minimal noise will be generated by golfers.

Mr. Wes Guckert, a traffic expert, appeared before the Board offered the following testimony. The proposed driveway to the site is located on South Pleasant Valley Road and the driveway location offers good sight distance to the right and left of the road. South Pleasant Valley Road is approximately 19 feet wide and located off of Maryland Route 140. There are turn lanes and bypass lanes for traffic on Maryland Route 140. A stop sign is erected where South Pleasant Valley Road meets Route 140. There are approximately 13,000 to 14,000 vehicles per day traveling on the Route 140 in the vicinity of the proposed golf driving range. The facility will generate approximately 200 vehicle trips a day. He estimates that approximately 40% of the customers using the facility will be those already traveling along Route 140. The facility will generate approximately 30 to 40 vehicle trips in the heaviest hour of the day. The heaviest

traffic period will be anywhere in between 6:00 and 9:00 p.m. During non-peak hours, the average trips will be 10 to 15 vehicles per hour. The facility will be required to comply with State and County road requirements. Mr. Guckert believes no significant traffic problems will result from the proposed use.

Mr. Anthony J. DiChiara, a real estate appraiser, provided the following testimony. The area surrounding the proposed facility to the north consists of residential homes. An orchard is located to the east. Maryland Route 140 and the Frizzelburg area are located to the south, and a church is located to the west. Glare from lighting, noise, and safety hazards from the golf driving range activities will have minimal impact on nearby residential homes. After researching nearby driving ranges, he concluded that the property values of residential homes within view of the driving range did not decrease. The Liberty Golf Complex in Eldersburg, Maryland was one of the driving ranges studied. The value of surrounding homes there did not decrease and expensive homes continue to be built in the vicinity of the Liberty driving range. He stated that the proposed use at this location will not cause a decline in the neighbors' property values.

Ms. Anita Becker and Ms. Anna Mae Nevius testified in support of the request because they believe the golf driving range would benefit or at least not adversely affect the neighborhood.

The following individuals testified in opposition to the request: Mr. Jon Kelly, Mr. Kurt Wiebe, Ms. Andrea Walker, Mr. James Ways, Ms. Judy Lindsay, Mr. George Bumgardner, Mr. Stephen Zeiler, Mr. Bob Miller, Ms. Wendy Hardesty, and Mr. Walt Melton. Concerns voiced by those in opposition can be summarized as follows: 1.) High intensity lights may impact the peaceful enjoyment of their homes; 2) Golf balls may travel onto residential properties causing injury to persons; 3) The increase in traffic on South Pleasant Valley Road may be unsafe for children riding bicycles in the area; 4) Noise generated from the golf driving range will impact the peaceful enjoyment of their homes; 5) Water use by the facility may impact area residential wells; 6) Increased traffic in the area will result in an increase in vehicular accidents and traffic back-ups at the intersection of Maryland Route 140 and South Pleasant Valley Road; 7) South Pleasant Valley Road is not designed to handle an increase in traffic volume; 8) Stormwater does not drain effectively from the low area on South Pleasant Valley Road and water often pools in the road; 9) There are no similar business uses in the vicinity; and 10) The community is afraid that the facility may expand and offer a waterpark, slide, and other recreational uses.

A conditional use is a use that the legislative body has determined is beneficial for a specific zone, provided that certain conditions are satisfied. In the Agricultural Zone, golf driving ranges may be granted as conditional uses.

The Board makes the following findings of fact with regard to this case. The Applicant is proposing an attractive, well managed driving range on a site that is well suited for it. The proposed use at this location will not generate adverse effects greater than those ordinarily associated with this particular use irrespective of its location within the Zone. Traffic generated by the proposed use would not be significant, and there will be little or no public safety hazards from this use. The values of property around the proposed site will not be adversely affected. Many of the concerns of the neighbors (i.e. well usage, traffic) will be addressed during the Carroll County site plan review process.

The Board of Zoning Appeals, when granting a conditional use, is vested with the power to put limits on them. Based on the concerns and testimony of the neighbors, and the Applicant's own testimony,

the Board is justified in granting the conditional use with the following conditions.

- 1.) Site lighting must be non-intrusive and designed for minimal impact on neighbors and Route 140.
- 2.) The use of the site is restricted to a golf driving range and accessory uses.
- 3.) Alcoholic beverages shall not be sold or permitted.
- 4.) Hours of operation are restricted to:
 - a) Seven (7) days a week;
 - b) From April 1 to October 30, 8:00 a.m. to 10:00 p.m. All driving range lights must be off at the facility by 10:00 p.m.; and
 - c) From November 1 to March 30, 9:00 a.m. to dusk.

7/2/99

Date

Karl V. Reichlin

Karl V. Reichlin, Chairman

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June 29, 1999