Due to a lack of agenda items, there was not an evening meeting of the Planning Commission in January 2013.
Due to a lack of agenda items, there was not an evening meeting of the Planning Commission in February 2013.
Due to a lack of agenda items, there was not an evening meeting of the Planning Commission in March 2013.
Due to a lack of agenda items, there was not an evening meeting of the Planning Commission in April 2013.
PRESENT: Doordan, (Chairman), Wiggins, Wallace, Miners, Mullen, (Alternate), Broomell, (Ex-Officio), Sennstrom, Houston and Dempsey.

ABSENT: Yust and Doyle.

APPROVAL OF MINUTES: Motion made by Wallace, seconded by Wiggins and unanimously carried to approve the Monday, November 19, 2012, 7:00 p.m., minutes as mailed.

TEXT AMENDMENT: ZONING ORDINANCE:

Amendment to the Zoning Ordinance, [Article III, Part VIII, Section 42.2.e – Brownfield Redevelopment District (BR)], [Article XI, Part VI, Section 247, Article II, Part I, Section 12- Definitions; Brownfield Redevelopment District (BR)].

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment. The former Board of County Commissioners felt there needed to be new language added to the County Zoning Ordinance concerning the Brownfield Redevelopment District. The purpose of the BR district is to improve and enhance the redevelopment process and to promote additional reinvestment and redevelopment of Brownfield sites. This district is intended to facilitate and encourage the continued viability of previously developed land and to promote the reuse of said land. Once development has occurred on a Brownfield site or a portion thereof, the BR incentives shall no longer apply. Zoning Ordinance in file and audio on-line for reference.

Ken Wiggins would like a better definition of hazardous substance, the language is not very specific.

Eric Sennstrom stated, the committee felt this to be appropriate language.

Wyatt Wallace felt being on fast-track is a good idea and gives the Developer a good incentive.

Diana Broomell, (Ex-Officio) stated the definition is too broad and the language is not clear.

Eric Sennstrom stated this was Jim Carroll's recommendation from MDE; the language should be the same as the State of Maryland.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONINGS:

PROPERTY LOCATION: 2758 Augustine Herman Highway, Chesapeake City, MD 21915.
ELECTION DISTRICT: 2, TAX MAP: 43, PARCEL: 390.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).
REQUEST: Request to rezone .6479 Acres from Southern Agricultural Residential, (SAR) to Business General, (BG).
PROPERTY OWNER: John W. & Helen A. Myers, Sr.
Rick Leipold, Milestone Commercial Realty, Elkton, MD representing Capital Development Partners, LLC and James Myers, 309 Cecil Street, Chesapeake City, MD representing his parents John and Helen Myers requesting to rezone .6479 Acres from Southern Agricultural Residential, (SAR) to Business General, (BG). The property in question is made up of two parcels, one zoned SAR and the other zoned BG. Mr. Leipold stated there has been an offer to purchase the property and they would like to see the back portion which is zoned SAR zoned to BG like the front portion. Jack and Helen's Restaurant has been in operation on this property since 1979, it has never been used agriculturally. Mr. Leipold mentioned that in order for Capital Development to develop this property they also are requesting an additional .08 Acres zoned BG. He feels there was a mistake made when the 2011 Comprehensive Rezoning was done.

Health Department Report - The Health Department has no objection to this request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Dwight Thomey, appeared in opposition and called upon Dean Geracimos and Dhamesh Patel, Business Owner. Mr. Geracimos stated the Town of Chesapeake City has a plan to extend water and sewer out past Bohemia Manor Middle and High School. This project was done along with Cecil County and Maryland Department of Planning, (MDP) and this agreement would service the school, fire department and the people and businesses in between the Priority Funding Area, (PFA). This was mandated by the County and MDP together. The concern was of too much growth in that corridor. In order for the Town to authorize the water and sewer hook-ups, the properties had to be part of the PFA, so the growth could be controlled. Mr. Geracimos wants to make sure the Town does not get in any trouble for authorizing more hook-ups than previously reported. Jack and Helens made their deposit for the water/ sewer hook-up for the restaurant on the front parcel but not the back parcel. They can only provide service in the proper PFA. No SAR zoning is part of the PFA.

Mr. Patel stated he has had a business next to Jack and Helens Restaurant since 2006. Mr. Patel's property is in the same line with Jack and Helens Restaurant. This property has always been used as commercial property.

Mr. Thomey stated there is no mistake, this plan for putting water and sewer into the PFA has been worked on for several years and the plan was clearly to keep the commercial area where it is now and not expand it in any way into the SAR zone.

Rick Liepold stated the back parcel has always been used by Jack and Helen's Restaurant as part of the drain field, which is part of their well and septic field. The building on the back parcel has always been used for storage for the restaurant for their equipment and supplies. This property was a mistake in the 2011 Comprehensive rezoning.

FILE:2013-02-APPLICANT: Carpenter Engineering, LLC, Ronnie B. Carpenter, PE.
PROPERTY LOCATION: 995 Turkey Point Road, North East, MD 21901.
PRESENTLY ZONED: Low Density Residential, (LDR).
REQUEST: Request to rezone 21.5 Acres from Low Density Residential, (LDR) to High Density Residential, (RM).
PROPERTY OWNER: Eustace W. Mita.

The following persons representing Eustace Mita:
Ronnie Carpenter, Professional Engineer, 50 Red Fox Drive, Elkton, MD
Robert Jones, Esquire, 157 East Main Street, Elkton, MD
Victor Depollo, AICP, 320 Fayette St., Conshohocken, PA
Frank Mita, 2501 Seaport Drive, Chester, PA and 955 Turkey Point Road, North East, MD
Robert Jones, Esquire representing the Mita family at 995 Turkey Point Road, North East, MD and is bounded by Rte. 272 (Turkey Point Road) and the North East River. This is a 20 Acre parcel of land and they are requesting a portion (5.2 Acres) of the property changed from LDR to RM.

Victor Depollo, Land Planner and Landscape Architect, expert witness. The Mita family hired Mr. Depollo to take a fresh look at the property and the environmental conditions of the property in an effort to come up with a master plan that is both sensitive to the environment and developable for the property. Mr. Depolla presented a written presentation along with slides to the Planning Commission as follows, in file and audio on-line for reference:

1. Regional Location Map
2. Property Boundary Plan
3. Single-family residential subdivision plan
4. Site analysis plan
5. Summary of master plan findings and considerations
6. 24-units by right-residential subdivision plan
7. 34-unit cluster-residential subdivision plan
8. Preferred 35-unit cluster-residential subdivision plan
9. Preferred cluster-residential subdivision plan
10. Area location
11. Criteria for granting of a zoning change
12. Map 3.3 - future land use
13. Map 3.4 - growth and rural areas
14. Table 3.6 - Land use categories summary
15. Map 7.3 - Priority preservation area
16. Map 6.4 - Sewer services areas in Cecil County
17. Table 11.2 - Plan implementation
18. Various maps
19. Reasons to permit partial rezoning from LDR to HDR

Ronnie Carpenter, Professional Civil Engineer, 50 Red Fox Drive, Elkton, MD stated his specialty is in Storm Water Management. He has worked for the Mita family on other projects in Cecil County and they had asked him to take a look at this project to put a new set of eyes on it. There was another engineering firm that looked at this site back in 2004. The environmental site was not taken into account in 2004. Mr. Carpenter initially started with a field survey, delineation of wetlands both tidal and non-tidal, any steep slopes that may appear on the property, boundary determination, forest delineation and then walked the site. With all these factors in mind he came up with a design for the site. In 2004 the Critical Area Commission wrote a letter stating that the plan did not provide smart growth. The Critical Area would like to see clustering on this property. The Critical Area is in approval of this plan. Mr. Carpenter is in full agreement of this project to go forward, since he feels there was a mistake in the 2011 Comprehensive Rezoning.

Frank Mita, 995 Turkey Point Road, North East, MD stated he has been coming to Cecil County for 35 years, he is serving for the second term as the Chairman of the Cecil College Foundation and has worked doing renovations at the Turkey Point Lighthouse. Mr. Mita has spoken with the adjoining property owners and has over 20 signatures in support. Mr. Mita plans to live in Cecil County until he dies on this property.

Health Department Report - The Health Department has no objection to this request.

COMENTS IN SUPPORT: Jim Michael, 123 Susquehannock Blvd., North East, MD stated he is the closest neighbor to this project, this will bring jobs and a tax base to the area and Mr. Mita plans to preserve the wildlife. Mr. Michael has no objection to this rezoning.
Mark Patchell, 15 Cherokee Drive, North East, MD lives right across from the property and this will help the other communities.

COMMENTS IN OPPOSITION: Findley McCool, Esquire, 210 East Main Street, Elkton, MD is representing Richard McDaniel and his family. Mr. McDaniel's property is adjacent to Mr. Mita's on the Turkey Point side. Mr. Mita tried to develop this property in 2002, 2003 and 2004 and was denied. Mr. Mita turned in a beautiful concept plan, but showed no mistake in the 2011 Comprehensive Rezoning. The McDaniels family is in opposition of this rezoning.

Nancy Leizear, 28 Cherokee Drive, North East, MD lives across the canal from the Mita property. The property is extremely wet because it is in the wetland, full of wildlife. Ms. Leizear stated she has never seen storm water running rapidly down on the property. Having townhouses in such a beautiful pristine environmentally sensitive area makes no sense what so ever.

Bill Kilby, President of Cecil Land Trust, 795 Firetower Road, Colora, MD, stated the Cecil Land Trust along with the Maryland Environmental Trust hold an easement on the McDaniel's family property; the easement has been in place for about 12 years. The McDaniel's have sacrificed any financial profit to protect the property. In essence the Mita property is similar, it borders on the North East River and Rte. 272. If you look at the map you would see that whole side is low density. The storm water is actually filtered by the wetlands that exist along that whole corridor. This makes for a pleasant drive down to Turkey Point and putting a development will take away for the beauty and interfere with the character of the neighborhood.

Patrick Lynch, 49 Algonquin Road, North East, MD is concerned about the townhouses within the North East area now, they are problematic because they require a lot of police monitoring and to add more townhouses would be worse, because of the element of people they bring in. He is also concerned about another 35 townhouses coming into the community.

Bill Miners asked "what price range will the townhouses be"?

Frank Mita stated they have traditionally developed high-end homes, probably they would start around $300,000.

Cliff Houston, Zoning Administrator stated the Office of Planning and Zoning received a letter from the Critical Area conforming they do not have any objection to the proposed rezoning.

SPECIAL EXCEPTIONS:

FILE: 3635 - APPLICANT: Jacob Van Wingerden.
FOR: Renewal of a Special Exception to retain a singlewide manufactured home for agricultural purposes.
PROPERTY LOCATION: 55 Knight Island Road, Earleville, MD 21919, Election District: 1, Tax Map: 62, Parcel: 122.
PROPERTY OWNER: Jacob and Wendy Van Wingerden.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Jacob Van Wingerden, 65 Knight Island Road, Earleville, MD has owned the property for two years, that he purchased from his neighbor. This is a renewal for a mobile home that has been on the property since 1999. Mr. Wingerden owns a commercial greenhouse that is on the adjoining property and the special exception is for an employee that works for him to live there.

Health Department Report - The Health Department has no objection to the renewal of the Special Exception
COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.


John Tracey, Esquire, Young Conaway Stargatt and Taylor, 1000 North King Street, Wilmington, DE, Attorney for the applicant along with Andrew Petersohn, P.E. for DBM Engineering, Fairview Village, PA and Joel DeFreytas, CMC Engineering, 2215 Kimberton Road, Kimberton, PA.

Mr. Tracey presented the application of Cellco Partnership for a Special Exception to place a 150' tall telecommunications monopole on a 6.0 Acre parcel of land located at 35 Rolling Hills Farm Lane near its intersection with Rock Run Road. The subject is subsumed by two larger farm parcels that surround the smaller parcel intended to hold the monopole and related infrastructure. This will be 1400' from the nearest road and neighboring property.

Mr. Petersohn stated currently there is a large gap for wireless providers in the area. This leaves a significant gap to the residential and farming communities. This facility if approved will improve service to many wireless customers.

Mr. Tracey stated Ms. Sherrard went around the neighborhoods and got 28 additional people to sign for this monopole to be installed. There is no traffic demand, does not tax County services and installation will be over 1400' from the nearest roadway and it is heavily wooded property for screening. This will be a 2500'sq.ft. fenced in area with a small security light.

Health Department Report - The Health Department has no objection to the Special Exception.

COMMENTS IN SUPPORT: John Armstrong, 218 Rock Run Road, Port Deposit, MD stated he is the closest resident to this property and has lived there for 30 years. He stated there is no cell service on Rock Run Road and none of the neighbors are in opposition.

COMMENTS IN OPPOSITION: None.


Alfred and Mary Dibiaso, 895 Middle Neck Road, Warwick, MD would like a Special Exception to hold events for charity such as: A.I. duPont Children's Hospital and St. Jude's Research Hospital for children. They do 2 events a year, maybe 3. They would like to hold car shows on their property for these charities. Mr. Dibiasco is a cancer survivor himself.

Health Department Report - Contact the Health Department regarding water and sewer plans.
COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.


Dwight Thomey, Esquire, 153 East Main Street, Elkton, MD, Nicole Meekins, 50 High Point Road, Perryville, MD, Barbara Smith, Colora, MD and George Ulmer, 32 Oriole Court, Elkton, MD are here this evening to present this renewal for a Class "C" Office Building. This home at 2400 Blue Ball Road, Elkton, MD is being used for a visitation center for parents with problems with their children; to teach them how to be better parents, operation through the Department of Social Services.

Nicole Meekins stated this facility has been in operation for 2 years and has had no complaints from any of the neighbors. The parents learn care giving at this location, such as bathing, eating and care giving. Operation hours are during the day.

Barbara Smith, Supervisor at the Department of Social Services said she was involved in the finding and preparation of the property 2 years ago. The yard is fenced in and there is a handicapped ramp and plenty of room for parking. There have not been any problems.

George Ulmer, stated he is the owner of the property and the Department of Social Services has been renting it the last 2 years.

Health Department Report - The Health Department has no objection to this renewal.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.


James Lupinek, Esquire, Ellicott City, MD is representing Paul Trapani, 35 Winslow Drive, Elkton, MD in regard to the Boat Warehouse in Harbor North Marina. The Boat Warehouse has a "Class 3" alcohol liquor license and Mr. Trapani would like to allow carryout sales. There have not been any problems with the neighbors or the Liquor Board with his license and inspections.

The Health Department Report - The Health Department has no objection to the Special Exception.
COMMENTS IN SUPPORT: Dr. Alan McCarthy, 652 Biddle Street, Chesapeake City, MD stated he has owned his house for 10 years and it is about 210' from this location and Mr. Trapani has been a good neighbor and most of the people in the neighborhood would indorse what he is doing.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

TEXT AMENDMENT: ZONING ORDINANCE:
APPLICANT: Cecil County.
FOR: Amendment to the Zoning Ordinance, [Article III, Part VIII, Section 42.2.e – Brownfield Redevelopment District (BR)], [Article XI, Part VI, Section 247, Article II, Part I, Section 12- Definitions; Brownfield Redevelopment District (BR)].

Staff recommended approval.

ACTION: Motion made to approve by Wallace, seconded by Miners.
VOTE: All in favor, motion carried.

REZONINGS:
APPLICANT: Capital Development Partners, LLC., c/o Frank Lason.
FOR: Request to rezone .6479 Acres from Southern Agricultural Residential, (SAR) to Business General, (BG).

Staff recommended approval based upon a mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Mullen.
VOTE: Three to one, with one abstention, motion carried.

APPLICANT: Carpenter Engineering, LLC, Ronnie B. Carpenter, PE.
FOR: Request to rezone 21.5 Acres from Low Density Residential, (LDR) to High Density Residential, (RM).

Staff recommended to disapprove, no demonstrated mistake or change in the 2011 Comprehensive Rezoning.

ACTION: Motion made to approve, 5.2 Acres based upon a mistake in the 2011 Comprehensive by Wallace, seconded by Miners.
VOTE: Three to two to approve, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Jacob Van Wingerden.
FOR: Renewal of a Special Exception to retain a singlewide manufactured home for agricultural purposes.

Staff recommended approval for 5 years.

ACTION: Motion made to approve with staff conditions by Wiggins, seconded by Wallace.
VOTE: All in favor, motion carried.

APPLICANT: Cellco Partnership d/b/a Verizon Wireless c/o John Tracey, Esquire.
FOR: Special Exception to construct a 150' tall cellular communications monopole.
Staff recommended approval.

ACTION: Motion made to approve by Miners, seconded by Wiggins.
VOTE: All in favor, motion carried.

APPLICANT: Alfred V. & Mary L. Dibiaso.
FOR: Special Exception for special events.

Staff recommended approval for 2 years.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Mullen.
VOTE: All in favor, motion carried.

APPLICANT: Human Services Development Corporation c/o Department of Social Services.
FOR: Special Exception renewal for a Class "C" Office Building.

Staff recommended approval for as long as the HSDC runs the visitation center and property owner owns the property.

ACTION: Motion made to approve with staff conditions by Wiggins, seconded by Wallace.
VOTE: All in favor, motion carried.

APPLICANT: The Boat Warehouse, c/o Paul Trapani.
FOR: Special Exception to allow carry out sales.

Staff recommended approval for 2 years.

ACTION: Motion made to approve with staff condition by Miners, seconded by Mullen.
VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 9:10 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 17, 2013, at 7:00 p.m.

Respectfully submitted:

___________________________________
Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning
PRESENT: Wiggins, Wallace, Doyle, Mullen (Alternate), Sennstrom, Bakeoven.

ABSENT: Doordan (Chairman), Yust, Miners, Houston, Dempsey.

APPROVAL OF MINUTES: Motion made by Wallace, seconded by Doyle and unanimously carried to approve the Monday, May 20, 2013, 7:00 p.m. minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3645  APPLICANT: Katlyn Jo Dietz.
FOR: Renewal of a Special Exception to operate a beauty salon.
PROPERTY LOCATION: 7 Mechanics Valley Road, North East, MD 21901, Election District 5, Tax Map: 31, Parcel: 230.
PROPERTY OWNER: Jean M. Dietz, Life Estate.
PRESENTLY ZONED: Urbanized Residential, (UR).

Katlyn Jo Dietz appeared to request a renewal of her Special Exception to operate a beauty salon.

Mr. Wallace asked if either Ms. Dietz or Planning & Zoning had received any complaints regarding this operation. Neither party has received any complaints.

Health Department Report – Property connected to public sewer and water. The Health Department has no objection.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.
    FOR: Special Exception for a home occupation to operate a screen printing business.
    PROPERTY LOCATION: 182 Pearce Creek Drive, Earleville, MD 21919, Election District: 1, Tax Map: 56, Parcel: 115, Lot: 15.
    PROPERTY OWNER: Mark A. Spears.
    PRESENTLY ZONED: Rural Residential, (RR).

Gregory Jester appeared to request a Special Exception to operate a screen printing business. Mr. Jester explained that all orders will be delivered by mail, with no one coming to the residence. Mr. Jester will take the shipments to the appropriate facility to be mailed.

Health Department Report – Contact Health Department to discuss printing process to determine if air quality permits or septic system upgrade is required.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.

FILE: 3649 – APPLICANT: Kevin Taylor.
    FOR: Special Exception to operate a group daycare.
    PROPERTY LOCATION: 41 Cherry Hill Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 221.
    PROPERTY OWNER: Kevin Taylor.
    PRESENTLY ZONED: Rural Residential, (RR).

Kevin Taylor appeared to request a Special Exception to operate a group daycare. Mr. Taylor explained that he already has an individual that is interested in running the daycare at this location. The home is approximately 900 square feet in size. Mr. Wiggins asked what the limit of children will be in the day care. Mr. Taylor said twenty (20) children are planned, if allowed by State regulations. Discussion ensued regarding the size of the home and the allowable number of children.

Health Department Report – Public sewer serves this property with an on-site water supply. Contact the Health Department regarding water supply for daycare.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.
FILE: 3651 – APPLICANT: Allcare Assisted Living, LLC
FOR: Special Exception to allow expansion of an existing assisted living facility.
PROPERTY LOCATION: 1505 Belvidere Road, Port Deposit, MD 21904, Election District: 5, Tax Map: 24, Parcel: 317.
PROPERTY OWNER: McGlothlin Properties, LLC
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mike Leaf, Esq., appeared with owners, John and Carlene McGlothlin to request a Special Exception to allow expansion of an existing assisted living facility. Mr. Leaf explained that the facility currently has eight (8) beds; they are looking to increase the number of beds to fifteen (15). The design on the proposed addition is not yet complete. Mr. Leaf has been in contact with an engineer to determine if expanding the septic system is feasible, which it currently is. Discussion ensued regarding state guidelines for the space needed per person in an assisted living facility.

Health Department Report – Contact the Health Department regarding upgrade of septic system.

COMMENTS IN SUPPORT – None.

COMMENTS IN OPPOSITION – None.

RECOMMENDATIONS:

SPECIAL EXCEPTIONS:

APPLICANT: Katlyn Jo Dietz.
FOR: Renewal of a Special Exception to operate a beauty salon.

Staff recommended approval for as long as the applicant operates the business and the property owner owns the property.

ACTION: Motion for approval with staff conditions by Mullen, seconded by Wallace.
VOTE: All in favor, motion carried.

APPLICANT: Gregory Jester.
FOR: Special Exception for a home occupation to operate a screen printing business.

Staff recommended approval for two (2) years.
ACTION: Motion for approval with staff conditions by Wallace, seconded by Doyle.
VOTE: All in favor, motion carried.

APPLICANT: Kevin Taylor.
FOR: Special Exception to operate a group day care.

Staff recommended approval for two (2) years.

ACTION: Motion for approval with staff conditions by Wallace, seconded by Mullen.
VOTE: All in favor, motion carried.

APPLICANT: Allcare Assisted Living, LLC
FOR: Special Exception to allow expansion of an existing assisted living facility.

Staff recommended approval for as long as the applicants operate the business and the property owners own the property.

ACTION: Motion made for approval with staff conditions by Wallace, seconded by Mullen.
VOTE: All in favor, motion carried.

Respectfully Submitted,

Jennifer Bakeoven
Administrative Assistant
Planning & Zoning
PLANNING COMMISSION MEETING  
July 15, 2013  
7:00 p.m.

PRESENT: Doordan, (Chairman), Wallace, Miners, Doyle, Mullen, (Alternate), Sennstrom, Houston, and Dempsey.

ABSENT: Wiggins and Broomell, (Ex-Officio).

MINUTES- Motion made by Wallace, seconded by Mullen and unanimously carried to approve the Monday, June 17, 2013, 7:00 p.m., minutes as mailed. Miners abstained since he was not at the last meeting.

SPECIAL EXCEPTION:

FILE: 3652 - APPLICANT: John Alvin Lowe, Jr.
   FOR: Renewal of Special Exception to operate an in-home business.
   PROPERTY LOCATION: 543 Kirks Mill Lane, North East, MD 21901, Election District: 9, Tax Map: 19, Parcel: 15.
   PROPERTY OWNER: John Alvin Lowe, Jr.
   PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

John Lowe, 543 Kirks Mill Lane, North East, MD would like to renew his special exception to operate an in-home business to operate an internet business. Mr. Lowe has maintained the business the past two (2) years with no complaints. The current special exception has two stipulations; no firearm sales and no ammunition sales, Mr. Lowe is requesting one of the stipulations be lifted, the sale of firearms. In the packet Mr. Lowe presented to the Planning Commission, were certifications and awards he has received on safety and the handling of firearms from the ATF. Mr. Lowe has been deployed to Iraq three (3) times and has great knowledge of weapons. The transactions Mr. Lowe performs out of his home is the collecting of Civil War artifacts and reproduction of firearms from the Civil War. The storage of the weapons are in a secure concrete room with a solid steel door, inspected by the ATF for firearm storage.

Health Department Report - The Health Department has no objection to the renewal of this special exception.

COMMENTS IN SUPPORT: Larry Overbay, 11 Thomas Stone Court, Perryville, MD stated he previously was Mr. Lowe's boss at Aberdeen Proving Grounds. Mr. Lowe is great with weapons.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: John Alvin Lowe, Jr.
FOR: Renewal of Special Exception to operate an in-home business.

Staff recommended approval for as long as property owner owns the property and operates the business, with no sale of ammunition.

ACTION: Motion made to approve with staff conditions by Miners, seconded by Wallace.
VOTE: All in favor, motion carried.
GENERAL DISCUSSION: Discussed proposed amendments to Section 145 (Winery) of the Zoning Ordinance, limiting events. Requested by Chairman Doordan.

The meeting adjourned at 7:18 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 19, 2013, at 7:00 p.m.

Respectfully submitted:

___________________________

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning
PLANNING COMMISSION MEETING
August 19, 2013
7:00 p.m.

PRESENT: Wallace, (Acting Chairman), Doyle, Miners, Mullen, (Alternate), Houston and Dempsey.

ABSENT: Doordan, Wiggins, Broomell, (Ex-Officio) and Sennstrom,

MINUTES- Motion made by Miners, seconded by Doyle and unanimously carried to approve the Monday, July 15, 2013, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3654 - APPLICANT: Stephen Frederick Simmons, II.
FOR: Renewal of a Special Exception for a Class "C" Office Building.
PROPERTY LOCATION: 12 Lewsville Road, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 125.
PROPERTY OWNER: Stephen Frederick Simmons, II.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Stephen Simmons, 12 Lewsville Road, Elkton, MD has operated his insurance business successfully for the past two (2) years. Mr. Simmons is a Cecil County resident operating his insurance business in his home. There have been no complaints by neighbors, in fact the property is very attractive and appealing to the eye.

Health Department Report - The Health Department has no objection to the renewal of this special exception.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.

FOR: Renewal of a Special Exception for a Farmers Market.
PROPERTY LOCATION: 35 New Bridge Road, Rising Sun, MD 21911, Election District: 8, Tax Map: 2, Parcel: 148.
PROPERTY OWNER: Frank Allen.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Frank Allen, 35 New Bridge Road, Rising Sun, MD is requesting a renewal of his special exception to operate a Farmers Market. The property is located across the street from a Power Plant and corn fields on each side of the property. There is not a lot of traffic and it is very quiet, this is the highest and best use for this piece of property.

Health Department Report - The Health Department has no objection to the renewal of this special exception.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.
RECOMMENDATIONS:

APPLICANT: Stephen Frederick Simmons, II.
FOR: Renewal of a Special Exception for a Class "C" Office Building.

Staff recommended approval for as long as the property owner owns the property and operates the business.

ACTION: Motion made by Mullen to approve with staff conditions, seconded by Doyle
VOTE: All in favor, motion carried.

APPLICANT: Frank Allen.
FOR: Renewal of a Special Exception for a Farmers Market.

Staff recommended approval for as long as the property owner owns the property and operates the business.

ACTION: Motion made by Doyle to approve with staff conditions, seconded by Miners
VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 7:11 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 16, 2013, at 7:00 p.m.

Respectfully submitted:

[Signature]
Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning
PLANNING COMMISSION MEETING  
September 16, 2013  
7:00 p.m.

PRESENT: Doordan, (Chairman), Wiggins, (Vice Chairman), Johnston, Miners, Doyle, Houston and Dempsey.

ABSENT: Wallace, Mullen, (Alternate), Sennstrom and Broomell, (Ex-officio).

MINUTES- Motion made by Miners, seconded by Wiggins and unanimously carried to approve the Monday, August 19, 2013, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTION:

FILE: 3661 - APPLICANT: Scott and Barbara Millar.  
FOR: Special Exception for events.  
PROPERTY LOCATION: 555 Worsell Manor Road, Warwick, MD 21912, Election District: 1, Tax Map: 58, Parcel: 42.  
PROPERTY OWNER: Scott and Barbara Millar.  
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Barbara Millar, 555 Worsell Manor Road, Warwick, MD stated she and her husband would like to hold special events at their home. The home is on 52 acres and Mrs. Millar feels this would be a fantastic place to hold events such as weddings and specialty parties with music, eventually they would like to restore a 250 year old barn.

Health Department Report- Submit type of event to Health Department with plans for water supply and sewage disposal for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

SPECIAL EXCEPTION:

APPLICANT: Scott and Barbara Millar.  
FOR: Special Exception for events.

Approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Miners, seconded by Johnston.  
VOTE: All in favor, motion carried.

The meeting adjourned at 7:05 p.m.
NEXT PLANNING COMMISSION MEETING: Monday, October 21, 2013, at 7:00 p.m. located in The Elk Room.

Respectfully submitted:

______________________________
Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning
PLANNING COMMISSION MEETING
October 21, 2013
7:00 p.m.

PRESENT:  Doordan, (Chairman), Wiggins, (Vice Chairman), Wallace, Johnston, Miners, Doyle, Broomell, (Ex-officio), Sennstrom and Dempsey.

ABSENT:  Mullen, (Alternate) and Houston.

MINUTES- Motion made by Wallace, seconded by Miners and unanimously carried to approve the Monday, September 16, 2013, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTION:

FOR: Special Exception for an in-home business.
PROPERTY LOCATION: 1855 Old Elk Neck Road, Elkton, MD 21921, Election District: 5, Tax Map: 37, Parcel: 449.
PROPERTY OWNER: David and Karen Jackson.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

David and Karen Jackson, 1855 Old Elk Neck Road, Elkton, MD would like to relocate their Day Basket Company from North East, Maryland into their garage on their property. This business of making and selling baskets was started in 1876. Due to economic reasons they would like to have this at their home instead of paying rent on a building in North East. Most of the business will be performed over the internet and a few customers will be coming to their home location for tours.

Health Department Report - Health Department has no objection to the Special Exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

APPLICANT: David and Karen Jackson.
FOR: Special Exception for an in-home business.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Miners, seconded by Doyle.
VOTE: All in favor, motion carried.

The meeting adjourned at 7:08 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 18, 2013, at 7:00 p.m. located in The Elk Room.
Respectfully submitted:

______________________________
Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning
PRESENT: Doordan, (Chairman), Wiggins, Doyle, Wallace, Johnston, Miners, Broomell, (Ex-officio), Houston and Dempsey.

ABSENT: Mullen, (Alternate) and Sennstrom, (Director).

MINUTES- Motion made by Miners, seconded by Doyle and unanimously carried to approve the Monday, October 21, 2013, 7:00 p.m., minutes as mailed.

REZONING:

PROPERTY LOCATION: 2125 Barkdale Road, Elkton, MD 21921.
PRESENTLY ZONED: Low Density Residential, (LDR).
REQUEST: Request to rezone 38.1016 acres from Low Density Residential, (LDR) to Suburban Transition Residential, (ST).
PROPERTY OWNER: Anthony E. & Sharon K. Nonn.

Mr. Clifford Houston, Zoning Administrator announced the rezoning for the Nonn's was being withdrawn, per Anthony E. and Sharon K. Nonn on 11-18-13.

SPECIAL EXCEPTIONS:

FILE: 3664 - APPLICANT: Nancy J. Murphy.
FOR: Special Exception Renewal for a home occupation to operate an Art Studio.
PROPERTY LOCATION: 105 Brantwood Drive, Elkton, MD 21921, Election District: 2, Tax Map: 38, Parcel: 528, Lot: 32.
PROPERTY OWNER: Thomas H. & Nancy J. Murphy.
PRESENTLY ZONED: Low Density Residential, (LDR).

Nancy J. Murphy, 105 Brantwood Drive, Elkton, MD would like to renew her special exception to operate her Art Studio. Mrs. Murphy makes wood sculptures, jewelry, fine art on canvas and various other artworks. Mrs. Murphy does not advertise with a sign, she advertises over the internet, postcards and through word of mouth. There is plenty of room for parking and has had no complaints in the past two years with any of her neighbors.

Health Department Report - The Health Department has no objection to the renewal of the special exception.

COMMENTS IN SUPPORT: Rosemary Wargo, 115 Brantwood Drive, Elkton, MD stated she is Nancy and Tom's neighbor. The Art Studio is a very small and Ms. Wargo is in favor of this renewal. There is no sign for advertising and there have not been any problems with traffic. The business is by invitation only.

COMMENTS IN OPPOSITION: None.

FOR: Special Exception to operate a home occupation for physical therapy.
PROPERTY LOCATION: Lot 1, Goshen Lane, Port Deposit, MD 21904, Election District: 6,
John S. and Deborah J. Taylor, 1993 Goshen Lane, Port Deposit, MD would like to operate an office for Physical Therapy out of their home that they are going to be building. Mr. Taylor has practiced physical therapy for thirty-two (32) years in Harford County and now would like to practice in the county that he lives in. The property consists of 39+ acres, the home is going to be built on 6 acres in the middle of the property, buffered by woods. Mr. Taylor only sees two (2) patients per hour, so traffic is not an issue. He will have adequate parking for his patients.

Health department Report - The health Department has no objection to the requested special exception. The applicant must submit a detailed proposal of the intended use at the time of building permit approval to assess the proper sizing of the septic system. In addition, a Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Nancy J. Murphy.
FOR: Special Exception Renewal for a home occupation to operate an Art Studio.

Staff recommended approval for as long as property owner owns the property and operates the business.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Miners.
VOTE: All in favor, motion carried.

APPLICANT: John S. Taylor.
FOR: Special Exception to operate a home occupation for physical therapy.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Johnston, seconded by Doyle.
VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 7:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, December 16, 2013, at 7:00 p.m. located in The Elk Room.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning
PRESENT: Doordan, (Chairman), Wiggins, Doyle, Johnston, Miners, Broomell, (Ex-officio), Sennstrom, Houston and Dempsey.

ABSENT: Wallace, Mullen, (Alternate) and Broomell, (Ex-Officio).

MINUTES- Motion made by Wiggins, seconded by Doyle and unanimously carried to approve the Monday, November 18, 2013, 7:00 p.m., minutes as mailed.

REZONING:

FILE:2013-04 APPLICANT: Ty Davenport-ACDH Maryland, LLC.
PROPERTY LOCATION: Singerly Road @ Elk Mills Road, Elkton, MD 21921.
ELECTION DISTRICT: 3, TAX MAP: 20, PARCELS: 440, 864 & 694.
PRESENTLY ZONED: High Density Residential, (RM).
REQUEST: Request to rezone 1.13 Acres from High Density Residential, (RM) to Business General, (BG).
PROPERTY OWNER: Augustus C. & Emily Cupeto.

Ty Davenport, Real Estate Developer for Dollar General Retail Store, 16 Cedarwood Lane, Columbia, SC is requesting to rezone 1.13 Acres from High Density Residential (RM) to Business General, (BG). Jeff Sellers, 39 Hebron Court, Elk Mills, MD, Realtor representing the Cupeto's in this real estate transaction.

Mr. Wiggins asked if the building architecture would be a big ugly concrete block building?

Mr. Davenport stated the architecture does not need to be a concrete block building, the architecture would be decided after the hearing for the rezoning. This is a corner lot and he feels this an appropriate use for this property.

Health Department Report- The Health Department has no objection to the rezoning request. Additional comments will be forth coming when a plat is received.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Dr. Alina Rodek, 2204 Singerly Road, Elkton, MD, DDS, stated she is the adjoining property owner next to the property to be rezoned. Dr. Rodek is concerned about the traffic pattern with the entrance onto a very busy circle intersection and the safety of the public. The applicants have not shown a change in the character of the neighborhood or a mistake in the 2011 Comprehensive Rezoning, which is stated in the Maryland code. Dr. Rodek stated her business would be adversely affected by this rezoning.

Cliff Houston, Zoning Administrator read into the minutes a letter in opposition from Tracy Planck, 210 Carters Mill Road, Elkton, MD, see file and attached for reference.
Patrick Doordan, Chairman asked the applicant why he did not show either a change or mistake.

Mr. Davenport stated it would be mistake.

**SPECIAL EXCEPTION:**

**FILE: 3667 - APPLICANT:** Scott and Jamie Miller.
FOR: Special Exception for an in-home business.
PROPERTY OWNER: Scott and Jamie Miller.
PRESENTLY ZONED: Suburban Transition Residential, (ST).

Scott Miller, 41 Chesters Way, Elkton, MD stated his intention is to acquire and apply his federal firearms license in order to perform gunsmithing services and firearm license services such as acquisitions, transfer and firearms for customers. He is currently training to be a gunsmith. Affective December 2013 he is losing his job at Treumo Medical after eighteen (18) years of employment. The company is relocating his department to Colorado, so he will be out of work. His intention is to supplement his income with this gunsmithing and find another job. The ATF requires you be licensed with the local and state agencies. Without this approval he cannot move forward with his ATF license.

Health Department Report - Permit G6667–04 was issued for a four (4) bedroom dwelling with an attached garage. Letter of application for a "Special Exception" does not indicate an increase in sewage flow. Health Department has no objection to the Special Exception for an in-home business.

Mr. Miller has a letter from his neighbor in support of this project.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATIONS:***

**REZONING:**
APPLICANT: Ty Davenport-ACDH Maryland, LLC.
REQUEST: Request to rezone 1.13 Acres from High Density Residential, (RM) to Business General, (BG).

Staff recommended disapproval, no demonstrated change or mistake since the 2011 Comprehensive Rezoning.

ACTION: Motion made to approve due to a mistake the 2011 Comprehensive Rezoning by Johnston, motion failed. Motion made to disapprove with staff conditions by Wiggins, seconded by Doyle with Miners abstaining. Motion failed due to tie vote
VOTE: Two (2) to two (2) vote, with one abstention, Planning Commission made no recommendation.

**SPECIAL EXCEPTION:**
APPLICANT: Scott and Jamie Miller.
FOR: Special Exception for an in-home business.

Staff recommended approval for two (2) years.
ACTION: Motion made to approve with staff conditions by Miners, seconded by Doyle.
VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 7:25 p.m.

NEXT PLANNING COMMISSION MEETING: Wednesday, January 22, 2014, at 7:00 p.m. located in The Elk Room.

Respectfully submitted:

______________________________
Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning