

PLANNING COMMISSION MEETING

October 15, 2007

7:00 p.m.

PRESENT: Mortimer, (Chairman), Bowsbey, Doordan, Janusz, Edwards, Wallace, Houston and Dempsey.

ABSENT: McDowell, (Alternate), Shertz, (Plans Reviewer), Sennstrom, (Director) and Demmler, (Ex-Officio).

Bill Mortimer, Chairman announced that the rezoning for Gordon D. and Mary Beck will be postponed until the November 19, 2007 Planning Commission meeting. The County Commissioners will hear the rezoning application on December 4, 2007 at 1:00 p.m.

APPROVAL OF MINUTES- Motion made by Doordan, seconded by Bowsbey and unanimously carried to approve the Monday, September 17, 2007, 7:00 p.m., minutes as mailed.

AGRICULTURAL PRESERVATION DISTRICT:

Establish Agricultural Preservation Districts (MALPF) for the following property:

OWNER: William and Doris Strohmaier. LOCATION: England Creamery Road, Rising Sun, Maryland 21911. Tax Map 11, Grid 16, Parcel 316, Election District 9. ACREAGE: 56.55. ZONED: NAR, (Northern Agricultural Residential).

Cliff Houston, Zoning Administrator presented the Agricultural Preservation District for Eric Shertz, Plans Reviewer, as he was ill. This property is owned by William and Doris Strohmaier located on England Creamery Road, Rising Sun, MD. This property consists of 56.55 acres and it is zoned Northern Agricultural Residential, (NAR). The proposed Agricultural District is located outside the County's Master Water and Sewer Plan. The agricultural code requires that the soils on the property meet certain specifications. The requirements of the soils are to maintain a minimum of 50% of Class 1, 2 or 3 and Woodland Groups 1 and 2 soils. This proposed District contains 88.14% of the required soil types which exceeds by approximately 40% of what is required by the agricultural regulations. This property can stand alone as it is over 50 acres as a Preservation District and it was also the recommendation of the Agricultural Advisory Board of Cecil County for approval and is also the staff recommendation.

Health Department Report – No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Edward Plumstead is not in support or opposition, but he would like to make the Planning Commission aware that there is a restriction in this deed (WAS 350/359) that restricts any development of this property. Mr. Plumstead stated that his family has the "right of first refusal" for any transfer of land. There shall be "no buildings or mobile homes to be built or located on the property by Grantees and their assigns, and that they shall use land solely for agricultural purposes and the Grantor shall have the right of first refusal to purchase the land."

REZONING:

FILE:2007-07APPLICANT: Gordon D. and Mary M. Beck. – Harlan C. Williams, Equitable Owner.

PROPERTY LOCATION: 5880 Telegraph Road, Elkton, MD 21921.
ELECTION DISTRICT: 4, TAX MAP: 14, PARCEL: 710.
PRESENTLY ZONED: Suburban Residential, (SR).
REQUEST: Request to rezone 1.42 acres from Suburban Residential, (SR) to Business General, (BG).
PROPERTY OWNER: Gordon D. and Mary M. Beck.

Postponed until November 19th Planning Commission Meeting.

SPECIAL EXCEPTIONS:

FILE: 3347 - APPLICANT: Victoria L. Kinsley.
FOR: Special Exception to operate a group daycare center.
PROPERTY LOCATION: 406 East Cecil Ave., North East, MD 21901, Election District: 5, Tax Map: 31, Parcel: 372.
PROPERTY OWNER: David and Victoria Kinsley.
PRESENTLY ZONED: Development Residential, (DR).

Victoria L. Kinsley, 5880 Telegraph Road, Elkton, MD stated two (2) months ago her husband was diagnosed with lung cancer and she would like to expand her current day care status from eight (8) children to twenty (20) so she can be home with her husband. Mrs. Kinsley would like to put an extension off the back of her home by her pool. There will be more traffic, but they will be coming and going different times of the day. Mrs. Kinsley has been in operation for the past six (6) years with no problems.

Health Department Report – Sewer allocation for proposed commercial use required from Cecil County Department of Public Works, water allocation required from the Town of North East and approval required from Child Care Administration.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3348 - APPLICANT: Lois Workman.
FOR: Special Exception Renewal of a home occupation to operate a dog/cat grooming business.
PROPERTY LOCATION: 393 Rowlandsville Road, Conowingo, MD 21918, Election District: 8, Tax Map: 16, Parcel: 464.
PROPERTY OWNER: Lois Workman.
PRESENTLY ZONED: Rural Residential, (RR).

Lois Workman and Fay Ingersn, 393 Rowlandsville Road, Conowingo, MD stated they have been in business for about a year and half. They do grooming and doggie day care and their business is doing great and have a great cliental. Ms. Workman and Ms. Ingersn usually groom between five (5) and six (6) animals a day and the quantity of animals that come to the day care varies from day to day.

Health Department Report – Sanitary Permit F3996 issued in 1998 for existing dwelling – satisfactory for proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3349 - APPLICANT: Gerald Fuller and Kristen Nichols.

FOR: Special Exception for a home occupation to operate a business to sell baked goods in gift baskets.

PROPERTY LOCATION: 99 Linton Run Road, Port Deposit, MD 21904, Election District: 7, Tax Map: 23, Parcel: 229.

PROPERTY OWNER: Gerald Lee Fuller.

PRESENTLY ZONED: Rural Residential, (RR).

Gerald Fuller and Kristen Nichols, 99 Linton Run Road, Port Deposit, MD would like to convert their two (2) car garage into a kitchen. There will be no additional traffic because they will be picking up all the additional materials they need and making all the deliveries. Everything will be made to order.

Health Department Report – Sanitary Permit G1770 issued in 2002 for existing dwelling – food facility license required and may require upgrade of septic system.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3350 - APPLICANT: Extreme Pressure, Inc., c/o Thomas J. Quinn, IV.

FOR: Special Exception for a home occupation to operate a pressure washing business.

PROPERTY LOCATION: 22 Hamer Road, Elkton, MD 21921, Election District: 4, Tax Map: 5, Parcel: 179.

PROPERTY OWNER: Thomas J. and Lisa A. Quinn, IV.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jay Emery, Esquire, 153 East Main Street, Elkton, MD represented Thomas Quinn, 22 Hamer Road, Elkton, MD. Mr. Quinn stated there is no power washing going on at his residence but he needs a special exception to park his work van at his residence. Mr. Emery gave the Planning Commission an overview. This property is located in Blue Ball Village Subdivision off Blue Ball Road, Elkton, MD. The Quinn's have a 10.7 acre lot and have a home and have lived there for several years. Mr. Quinn operates a sole proprietorship for a pressure washing business and keeps his two (2) vans, one of which is operated by his son in the summer, parked on his property. This is a residential neighborhood and Mr. Quinn has the largest lot in the subdivision. Mr. Quinn does not do any advertising, no signs on the property, no one comes to the Quinn's property and there are no goods for sale. The only equipment on the property is two (2) small vans less than 10,000 pounds and two (2) small trailers. The vans and trailers are not visible from the road, but the trailers are visible from the adjoining property owners, but Mr. Quinn is going to be moving the trailers behind the trees.

Health Department Report – Sanitary Permit G2930 issued in 2002 for existing dwelling; minimal wastewater flow generated by proposed use – satisfactory.

Jay Emery, Esquire stated he had one expert witness to call forward; Norm Wehner, Licensed Real Estate Broker and Appraiser for twenty (20) years and he testified on property values. If this special exception is granted it would not have any harmful affect at this location or have any negative affects on property values. There will not be any activity going on, not visible from the road and there would not be any negative impact on the neighborhood. The Quinn property is the highest tax assessed property on the road.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Donald Horton, 16 Hamer Road, Elkton, MD stated when Mr. Quinn moved in a few years ago he had one truck, the second year a second truck came and the third year he had one employee, originally Mr. Quinn stated he did not have any employees. The trailers are visible to his house and they are not parked behind any trees. There are deed restrictions in this subdivision, no trucks.

Kathy Ruth, 85 Mendenhall Road, Elkton, MD is concerned about property values. Ms. Ruth's first home was in Delaware and she decided to move to Maryland because this was a quiet residential neighborhood with restrictions for no commercial activity. This is a residential area, not a commercial business area.

Kay Collins, 61 Mendenhall Road, Elkton, MD stated Mr. Quinn's property meets behind her house. Ms. Collins does not understand why Mr. Quinn has not been aware of the deed restrictions and zoning regulations at the time of his purchase, he is violating the deed restrictions. Ms. Collins is concerned about the property values; when she purchased her property the area was so attractive and quiet, she does not want to see any business activity. If this is approved it will set a precedent for the neighborhood.

Debbie Gouge, 17 Hamer Road, Elkton, MD stated her property is along side of the Quinn's. Ms. Gouge had questions about the special exception. Is there a chance this could be zoned commercial? If the Quinn's move, would the special exception stay in place?

Bill Mortimer, (Chairman) answered "there is no chance of this being zoned commercial and if the Quinn's move the special exception is null and void".

Cliff Houston, Zoning Administrator reminded the Board that the County does not enforce deed restrictions, which would be a private civil matter.

FILE: 3351 - APPLICANT: Michelle Heaps.

FOR: Special Exception to locate a singlewide manufactured home for hardsip purposes.

PROPERTY LOCATION: 2104 Theodore Road, Rising Sun, MD 21911, Election District: 5,
Tax Map: 24, Parcel: 226.

PROPERTY OWNER: Betty D. Walsh.

PRESENTLY ZONED: Rural Residential, (RR).

WITHDRAWN.

FILE: 3352 - APPLICANT: Cecil Investments, LTD., c/o John A. Ford, Agent.

FOR: Special Exception to locate a singlewide manufactured home for security purposes.

PROPERTY LOCATION: 170/184 Childs Road, Elkton, MD 21921, Election District: 3, Tax
Map: 20, Parcel: 163.

PROPERTY OWNER: Cecil Investments, LTD.

PRESENTLY ZONED: Heavy Industrial, (M-2).

William Riddle, Esquire, 204 East Main Street, Elkton, MD representing Cecil Investments, c/o John Ford, Agent. This property is located at 170/184 Childs Road, Elkton, MD. On this site there are several buildings that are going to be demolished and new construction built. Mr. Foard would like to have a singlewide manufactured home located on the property for security purposes. Cecil Investments is in the process of getting permits issued and some construction work is under way. The security trailer will be back off the road near the large warehouse. Mr. Ford will be on site every day because he will be managing the rental of sites after construction.

Health Department Report – Sanitary Permit R1529 issued in 1993 for repair of existing septic system at office. Soil evaluations and percolation tests conducted at that time were satisfactory for the proposed security mobile home.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Anita Magaw, 128 Childs Road, Elkton, MD stated she has lived at this address all of her life and her property adjoins this property. Ms. Magaw has concerns over this construction on this property. Is the security going to be 24 hour security? Is it going to be a security firm or a private individual living in the trailer? There is a sex offender already living in the neighborhood. There is a very steep dangerous driveway into this property and a blind curve. Ms. Magaw has concerns for safety for her community.

William Riddle, Esquire answered it will not be a security firm; it will be an individual living in the trailer 24 hours. There has been a demo permit issued to take out the old trailer and replace with a new one for someone to live in.

John Ford arrived at the meeting at 7:50p.m.; he explained they have hired an individual to live in the trailer rent free. Mr. Ford did an extensive background check on the gentlemen that has been hired. At the present time there is a tenant that stores his dump truck on site every day. There are two (2) entrances to this site so the guard will be in the back area to guard the site and any trucks that will be stored. There has already been a lot of crime at this site.

Cliff Houston, Zoning Administrator stated that eventually on this site they will need site plan approval and buffers will need to be installed around the area.

Richard Carnegie, 40 Patchell Drive, Elkton, MD stated as adjoining property owner he and his wife object to having a manufactured home there indefinitely with someone living in it under the basis of security. There are more effective ways to secure a property with monitoring devices and alarm systems. There is a structure already on this site, why can't they utilize this? On a positive note; compared to the Spectron property they have done a lot of cleaning up.

Mark Miller, 310 Childs Road, Elkton, MD stated he has resided on this property for seventeen (17) years and his basic concern is this property is an eyesore. There is so much junk piled up already and he does not want to see another mobile home on the property.

Joyce Bowsbey asked “where will the trailer be placed”?

John Ford showed pictures to Joyce Bowsbey showing where the trailer will be placed. They previously had cameras installed and they have been shot out, so that is why he feels an individual living on the premises will be better security.

FILE: 3354 - APPLICANT: Charles G. Riley, Sr.

FOR: Special Exception Renewal for a home occupation to conduct installation of ignition monitor device.

PROPERTY LOCATION: 21 Deer Trail Lane, Conowingo, MD 21918, Election District: 8, Tax Map: 8, Parcel: 199, Lot: 1.

PROPERTY OWNER: Charles and Tracy Riley.

PRESENTLY ZONED: Rural Residential, (RR).

Charles Riley, Sr., 21 Deer Trail Lane, Conowingo, MD would like to have his special exception renewed for installation of ignition monitor devices. These monitors are for people that have been Court ordered or MVA ordered who have received convictions of drinking and driving. These monitors are attached to the car so if you have been drinking the car will not start. Mr. Riley is fully insured to have this business on his property and has been in operation since May 2001.

Health Department Report – Sanitary Permit C3180 issued in 1988 for existing dwelling – satisfactory for proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3355 - APPLICANT: Melvin E. King.

FOR: Special Exception Renewal for a home occupation to operate a commercial kennel.

PROPERTY LOCATION: 1310 Crystal Beach Road, Earleville, MD 21919, Election District: 1, Tax Map: 56, Parcel: 17.

PROPERTY OWNER: Melvin E. King.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Melvin King, 1310 Crystal Beach Road, Earleville, MD stated he has been operating a small commercial kennel for two (2) years; ten (10) to twelve (12) breeding dogs. Mr. King sells all the puppies at his home. His driveway is 1500' back off the road. Mr. King also runs a dairy farm full time on this property.

Health Department Report – No record found of a building permit to construct a commercial kennel or a change of use permit to convert an existing building into a commercial kennel – unsatisfactory until a permit has been obtained.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

AGRICULTURAL PRESERVATION DISTRICT:

APPLICANT: William and Doris Strohmaier.

FOR: Establish Agricultural Preservation Districts (MALPF) for the following property.

Staff recommended approval.

ACTION: Motion made to disapprove, deed restrictions are in place, by Doordan, seconded by Edwards.

VOTE: Three (3) to two (2) to disapprove, motion carried.

REZONING:

APPLICANT: Gordon D. and Mary M. Beck. – Harlan C. Williams, Equitable Owner.

FOR: Request to rezone 1.42 acres from Suburban Residential, (SR) to Business General, (BG).

Postponed until November 19, 2007 Planning Commission meeting.

SPECIAL EXCEPTIONS:

APPLICANT: Victoria L. Kinsley.

FOR: Special Exception to operate a group daycare center.

Staff recommended approval, limited to twenty (20) children.

ACTION: Motion made to approve with staff conditions by Janusz, seconded by Doordan.

VOTE: All in favor, motion carried.

APPLICANT: Lois Workman.

FOR: Special Exception Renewal of a home occupation to operate a dog/cat grooming business.

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

ACTION: Motion made to approve with staff conditions by Janusz, seconded by Doordan.

VOTE: All in favor, motion carried.

APPLICANT: Gerald Fuller and Kristen Nichols.

FOR: Special Exception for a home occupation to operate a business to sell baked goods in gift baskets.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Extreme Pressure, Inc., c/o Thomas J. Quinn, IV

FOR: Special Exception for a home occupation to operate a pressure washing business.

Staff recommended approval for two (2) years, limited to two (2) vans with pressure washing trailers. Trailers must be stored in close proximity to the residence.

ACTION: Motion made to approve with staff conditions with the addition of two (2) employees including owner, by Janusz, seconded by Wallace.

VOTE: Four (4) to one (1) to approve, motion carried.

APPLICANT: Michelle Heaps.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

Withdrawn.

APPLICANT: Cecil Investments, LTD., c/o John A. Ford, Agent.

FOR: Special Exception to locate a singlewide manufactured home for security purposes.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Edwards.

VOTE: All in favor, motion carried.

APPLICANT: Charles G. Riley, Sr.

FOR: Special Exception Renewal for a home occupation to conduct installation of ignition monitor device.

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

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Wallace.

VOTE: All in favor, motion carried.

APPLICANT: Melvin E. King.

FOR: Special Exception Renewal for a home occupation to operate a commercial kennel.

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

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Bowsbey.

VOTE: All in favor, motion carried.

Meeting was adjourned at 8:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 19, 2007, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning