

PLANNING COMMISSION MEETING

February 17, 2009

7:00 p.m.

PRESENT: Mortimer, (Chairman), Janusz, Wiggins, Wallace, Edwards, Sennstrom, Houston and Dempsey.

ABSENT: Doordan, McDowell, (Alternate), Demmler, (Ex-Officio).

APPROVAL OF MINUTES – Wednesday, January 21, 2009 Meeting.

TEXT AMENDMENT - ZONING ORDINANCE:

Add Section 161 - Video Lottery Facility.

Summary – Proposes language that will permit video lottery facilities by right in the BG, BI, M1 and M2 zones with conditions.

Eric Sennstrom, Director of Planning and Zoning presented this proposed Text Amendment Section 161 listed below:

1. The facility has access directly from a collector or arterial road and not a local road.
2. The use is located at least 200 feet from any residential zone and a bufferyard meeting the E 0.60 standard of Appendix B is provided between the facility and any residential zone. A fence at least 6' in height that occludes the view of the facility from residential properties is included with the berm.
3. Automobile parking spaces are located at least 200 feet from any adjacent residential zone.
4. Restaurants, hotels, entertainment venues and retail commercial may be established in connection with said use and must be included on a major site plan submitted.
5. All outdoor lighting shall be located, shielded, landscaped or otherwise buffered so that no direct light shall constitute a direct intrusion into a residential area.

Eric Sennstrom, Director stated the purpose of this amendment came about due to the fact that the Board of County Commissioners, in an effort to be pro-active, subsequent to the legislation passed last year in the referendum, to allow video lottery terminals in Maryland specifically in Cecil County.

Health Department Report – No Health Department comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: James Eberhardt, Mayor of the Town of Perryville, 515 Broad Street, Perryville, MD 21903 stated he and the Commissioners of Perryville wish to express their concerns regarding the proposed text amendment to the Cecil County Zoning Ordinance that would allow a video lottery facility to locate within the County's BG, BI, M1 and M2 zoning districts with certain conditions. Letter marked exhibit one (1), attached and in file for reference.

Steve Snyder, Penn National Gaming, Senior Vice-President of Corporate Development would like to clarify some questions that have been raised. The law that citizens of the State of Maryland approved as an amendment to the constitution in the State of Maryland on November 4, 2008 allows for one (1) facility in Cecil County within two (2) miles of Interstate 95. There can not be multiple Lottery Facilities in Cecil County without the constitution being amended.

REZONING:

FILE:2009-01 APPLICANT: David Summerford.

PROPERTY LOCATION: 2436 Frenchtown Road, Port Deposit, MD 21904.

ELECTION DISTRICT: 7, TAX MAP: 29, PARCEL: 271.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Request to rezone 1.28 Acres from Suburban Residential, (SR) to Business General, (BG).

PROPERTY OWNER: David B. Summerford.

David Summerford, 2436 Frenchtown Road, Port Deposit, MD would like to rezone his property from Suburban Residential, (SR) to Business General, (BG) to operate a Country Craft and Home Design Retail Store. In 2002 a consortium of private sector regional developers was formed to develop the 1,200-acre Bainbridge property into a mixed use site of residential, open space, and business. With the Aberdeen Proving Ground Base Realignment and Closure (BRAC) efforts scheduled to be completed in 2011 it will place a high demand on the local economy to support the projected influx of people and jobs to the Cecil County area. The requested zoning of subject property to Business General, (BG) will provide and support these economic demands. Allowing this property to be rezoned will enhance the areas ability to support current and projected economical growth. The hours weekly and Saturday would be from 9:00 to 5:00 and there should not be anymore than twenty (20) to thirty (30) vehicles a day. This should not make a traffic problem off of Frenchtown Road.

Health Department Report – No application received for water and sewer approval for a proposed nonresidential use. Submit a written proposal including the proposed use of the property after rezoning, including number of employees, location of improvements relative to the existing well and septic system and whether the existing residence will remain.

COMMENTS IN SUPPORT: Deborah Price (Mr. Summerford’s fiancé) is in favor of setting up the Craft Shop. With the Bainbridge site Ms. Price feels there will have to be a traffic light installed on the corner because of the Bainbridge site.

COMMENTS IN OPPOSITION: Robert Atkinson, 2464 Frenchtown Road, Port Deposit, MD stated his property is adjoining to Mr. Summerford’s property. Mr. Atkinson’s property is listed on the Historic National Registry and he has retained a copy of a court order issued in 1985 putting Mr. Summerford’s property back to residential. Mr. Summerford also has a Limited Liability Company license to sell four wheelers and motor scooters. See exhibit one (1) attached and in file for reference.

Robert Dahl, 2464 Frenchtown Road, Port Deposit lives adjacent to Mr. Summerford. Mr. Dahl stated the applicant did not give any solid reasons for this rezoning to be approved. He did not bring forth any proof that a change should be made. There has been a neighborhood association formed to monitor this area to be kept residential and historic. This will bring down property values in the area if it is rezoned to Business General, (BG). The traffic is terrible presently and this will add to the problem and the visibility on this corner of Frenchtown Road is terrible. Mr. Dahl is very opposed of this rezoning being approved.

Margarita Coudon, 72 Beechwood Road, Port Deposit, MD which is adjacent to Frenchtown Road. This community has always been residential and she would like to see it remain residential. Bainbridge and BRAC are not going to happen for some time, so you will not have the clientele shopping for a while. Please keep this residential.

SPECIAL EXCEPTION:

FILE: 3448 APPLICANT: Mary Ashlin.
PROPERTY LOCATION: 33 Brewster Bridge Road, Elkton, MD 21921.
ELECTION DISTRICT: 4, TAX MAP: 21, PARCEL: 548.
PRESENTLY ZONED: Northern Agriculture Residential (NAR).
REQUEST: Special Exception for a singlewide mobile home for hardship purposes.
PROPERTY OWNER: Mary Ashlin.

April Moore, 454 Champlain Road, North East, MD representing her Grandmother (Mary Ashlin) would like to apply for a special exception for a singlewide mobile home for hardship purposes. Her Grandmother, Mother and Aunt all live together and are all handicapped and Ms. Moore helps them every day with errands, feeding's and driving them to Doctor appointments. Ms. Moore has a thirty (30) minute ride from her home to her Grandmother's. This would save her a lot of time if she could live on the property next to her Grandmother. Ms. Moore has a two (2) year old child and when there are emergencies with family members she has to take her out of bed and take her with her and drive thirty minutes (30), so it would be more convenient if she lived next to them. The singlewide is a 1994 mobile home.

Health Department Report – No application received for water and sewerage approval for proposed use. Contact the Health Department.

COMMENTS IN SUPPORT: Dennis Gilbert, Pastor of Charlestown Missionary Baptist Church stated he is the Ashlin's family Pastor. Pastor Gilbert stated there is a great need for Ms. Moore and her husband to be near the Ashlin home to take care of her mother, grandmother and her aunt. This is a very hard working family and there are humble people.

COMMENTS IN OPPOSITION: Marjorie Truitt, 32 Russell Road, Elkton, MD stated she has a lot of medical problems herself and understands the family's problems, but she lives alone and tries to take care of herself without asking anyone for help. Ms. Truitt does not want to see a singlewide located on this property, this will change the character of the area and the zoning does not allow mobile home's on the property.

Laurie Jewell, 40 Brewster Bridge Road, Elkton, MD does not want to see this singlewide allowed on the property. She lives directly across from the Ashlin's. Ms. Jewell is concerned about her septic system and well.

Walter Truitt, 9 Brewster Bridge Road, Elkton, MD stated he has lived in his home since 1986 and he is opposed to the mobile home. This will make the property value's decrease and he also is concerned about the septic system.

RECOMMENDATIONS:

APPLICANT: Cecil County.

FOR: Add Section 161 - Video Lottery Facility. Proposes language that will permit video lottery facilities by right in the BG, BI, M1 and M2 zones with conditions.

Staff recommended approval.

ACTION: Motion made to approve by Janusz, seconded by Edwards.

VOTE: Three (3) to one (1) to approve, motion carried.

APPLICANT: David Summerford.

FOR: Request to rezone 1.28 Acres from Suburban Residential, (SR) to Business General, (BG).

Staff recommended disapproval, no demonstrated mistake or change since the 1993 Comprehensive Rezoning.

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTION:

APPLICANT: Mary Ashlin.

FOR: REQUEST: Special Exception for a single-wide mobile home for hardship purposes.

Staff recommended approval for two (2) years or as long as Mary Ashlin owns the property whichever shall sooner occur.

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

VOTE: Three (3) to one (1) to approve, motion carried.

Meeting was adjourned at 8:30 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, March 16, 2009, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning