

PLANNING COMMISSION MEETING

July 20, 2009

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Janusz, Wiggins, McDowell, (Alternate), Demmler, (Ex-officio), Sennstrom, Houston, and Dempsey.

ABSENT: Edwards and Wallace.

MINUTES- Motion made by Janusz, seconded by Doordan and unanimously carried to approve the Monday, June 15, 2009, 7:00 p.m., minutes as mailed.

TEXT AMENDMENT – ZONING ORDINANCE

Article V, Part III, Section 84 Bed and Breakfast

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment for a Bed and Breakfast. Mr. Sennstrom stated this proposed language would eliminate the requirement that the dwelling for the proposed Bed and Breakfast needed to be in existence at the time the zoning ordinance was adopted. The original language for a Bed and Breakfast was created in 1993. See attached and file for reference.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Article XIX, Section 340, Penalties and Remedies for Violations

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment for Penalties and Remedies for Violations. Mr. Sennstrom stated this proposed language would add new language to Article XIX, Section 340, in an effort to recover costs associated with enforcement actions. See attached and file for reference.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONING:

FILE:2009-04APPLICANT: Michael L. Jopson.

PROPERTY LOCATION: S/S Pulaski Highway, Elkton, MD 21921.

ELECTION DISTRICT: 5, TAX MAP: 32, PARCEL: 422.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone 15.6309 Acres from Development Residential, (DR) to Business Intensive, (BI).

PROPERTY OWNER: Michael L. Jopson.

Keith A. Baynes, Esquire, 210 East Main Street, Elkton, MD representing Michael L. Jopson, to rezone 15.6309 Acres from Development Residential, (DR) to Business Intensive, (BI) on the south side of Pulaski Highway, Elkton, MD. This property sits south of Route 40, panhandle lot, and sits approximately 800' off Route 40 with the entrance near the International Truck Facility. Mr. Jopson shares the entrance with parcel 423, (Nell B. Privett). Mr. Jopson would like to put some self-storage units on this property. Route 40 borders this property to the north and the Amtrak Railroad tracks to the south and commercial and a few residential areas to the east and west. There is no water and sewer available to this property, but being public storage units, you do not need water and sewer service. This property is located within the Development District of the Comprehensive Plan and there has been substantial change in the character of the neighborhood since the last Comprehensive Rezoning along with five (5) other rezoning's in the area. Mr. Jopson stated there would not be a lot of traffic on any given day; traffic would be spread throughout the month. This parcel was bought 26 years ago and has never been developed.

Health Department Report- No objection to the proposed rezoning.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Josh Butcher, 1360 West Pulaski Highway, Elkton, MD stated this proposed business would be placed on a residential drive and access would be along the front yards of two (2) homeowners. This would have a big impact on these homeowners because you would have to use the shared residential entrance with the customers going to their storage units: this would not be wide enough for two (2) vehicles to pass one another. Mr. Butcher stated the residents would lose all their privacy and this proposed business will not be viewable from the main road, (Route 40). Mr. Butcher is in opposition to this proposed business.

SPECIAL EXCEPTIONS:

FILE: 3468 - APPLICANT: Diane E. Lewis.

FOR: Special Exception renewal for a home occupation to sell salsa.

PROPERTY LOCATION: 70 Honeysuckle Drive, Port Deposit, MD 21904, Election District: 7, Tax Map: 23, Parcel: 609, Lot: 28.

PROPERTY OWNER: Diane E. Lewis.

PRESENTLY ZONED: Rural Residential, (RR).

Diane E. Lewis and Paul Johnson, 70 Honeysuckle Drive, Port Deposit would like to renew her business to sell salsa out of her home to restaurants. There will be no traffic, no customers; this will all be wholesale. She stated U.P.S. would be coming once a week with deliveries. There will be no employees; she will be doing this on a part time basis as she has a full time job during the day. The FDA will have to approve the kitchen space where the process will take place. Ms. Lewis has all the State of Maryland requirements, permits and classes needed.

Health Department Report – Sanitary Permit B9188 issued in 1986 for the existing dwelling. Manufacturing food products requires a food-processing license. Applicant should contact Department of Health and Mental Hygiene to determine requirements. A written proposal describing water usage during processing is also required to determine septic system upgrade and Groundwater Appropriation requirements.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3469 - APPLICANT: Mary Jo Saunders.

FOR: Special Exception for a home occupation to operate a beef jerky business.

PROPERTY LOCATION: 53 Longview Drive, Colora, MD 21917, Election District: 6, Tax Map: 10, Parcel: 728.

PROPERTY OWNER: Glen and Mary Jo Saunders.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

WITHDRAWN.

FILE: 3470 - APPLICANT: Nancy Reddig.

FOR: Special Exception for a home occupation to operate a group daycare.

PROPERTY LOCATION: 782 Shady Beach Road, North East, MD 21901, Election District: 5, Tax Map: 36, Parcel: 651.

PROPERTY OWNER: Clinton D. and Nancy A. Reddig.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Clinton and Nancy Reddig, 782 Shady Beach Road, North East, MD would like to operate a group daycare out of their home, (new garage). The focus of the daycare is a pre-school and the target audience is two (2) to five (5) year olds. The Reddig's are currently approved based on their septic system for up to twenty-five (25) people. The design is more of a natural based daycare center, with interaction with the environment. Their home is very secluded and 300' from Shady Beach Road in the Elk Neck area. Mrs. Reddig has previously operated a family daycare for several years. The Reddig's, upon approval would be able to have fifteen (15) children without any additional renovations. Mrs. Reddig will be working with one other employee. There is plenty of room for parking, dropping and picking children up on this six (6+) Acre parcel. The building has its own entrance with its own bathroom facilities for boys and girls.

Health Department Report – Septic system installed under permit R3775 in 2008 for the existing dwelling. Septic system is adequate based on applicants proposal that daycare center replaces residence.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3471 - APPLICANT: Sylmar One, LLC. c/o George L. Gibney.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

PROPERTY LOCATION: 124 Greenmont Road, Rising Sun, MD 21911, Election District: 6, Tax Map: 4, Parcel: 184.

PROPERTY OWNER: George L. Gibney.

PRESENTLY ZONED: Business General, (BG).

George L. Gibney, 124 Greenmont Road, Rising Sun, MD would like to renew their special exception to retain a singlewide manufactured home for security purposes. The manufactured home has been on the property for thirteen (13) months and has helped tremendously with the security. There have not been any problems with stealing since he has had a resident watching out over his business, (Gibney's Auction Center).

Health Department Report – No permit has been issued for a mobile home or necessary septic system upgrade for this property.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Cliff Houston presented into the minutes a letter from Creeger's Home and Hardware, adjoining property owner, in favor of renewing Mr. Gibney's special exception, attached and in file for reference.

FILE: 3472 – APPLICANT: Cellco Partnership d/b/a Verizon Wireless. c/o Sue Manchel @ Wireless Access Technologies.

FOR: Special Exception to locate a telecommunication tower in the NAR zoning district.

PROPERTY LOCATION: 169 Shamrock Lane, Elkton, MD 21921, Election District: 5, Tax Map: 37, Parcel: 75.

PROPERTY OWNER: John W. & Linda A. Perovich.

PRESENTLY ZONED: North Agricultural Residential, (NAR).

Jack Wuerstle, Esquire, Legal Counsel to the applicant, Verizon Wireless along with Sue Manchel, Site Acquisition Specialist, Verizon Wireless, Ken Farrell, Site Design Engineer and Andrew Pearson, Radio Frequency Engineer presented this special exception to locate a telecommunication tower in the Northern Agricultural Residential, (NAR) zone. The property address is 169 Shamrock Lane (Private Lane), Elkton, MD off Old Elk Neck Road located on a 52-Acre parcel. The application is for a proposed 150' monopole and base enclosure 11 1/2' x 30'. Verizon does not foresee any setback or zoning issues. The nearest residence is 1,200' away in this wooded area.

Ken Farrell, Site Design Engineer, stated there is a signed access easement to cross the neighboring parcels.

Andrew Pearson, Radio Frequency Engineer, stated that currently there is a gap in service for Verizon Wireless customers in the Elk Neck area. There are no other towers nearby for co-location.

Health Department Report – No comments required.

GENERAL COMMENT: Patrick Ulrich, Elkton, MD mentioned there is an airport close by and he would like to know if this would propose any problems with a cell tower. Have you spoken to the FAA?

Andrew Pearson, Radio Frequency Engineer, stated he has signed and reviewed a signed and sealed screening report with the FAA on air traffic patterns. Verizon Wireless would be filing with the FAA after the preliminaries have approval.

COMMENTS IN SUPPORT: Clinton Reddig, 782 Shady Beach Road, North East, MD stated there are dead zones in the Elk Neck area and all residents would benefit from this tower.

COMMENTS IN OPPOSITION: None.

FILE: 3473 – APPLICANT: Edward L. Newell, Jr.

FOR: Special Exception for placing a cemetery on private property.

PROPERTY LOCATION: 135 Saint Judes Lane, Conowingo, MD 21918, Election District: 8, Tax Map: 9, Parcel: 532.

PROPERTY OWNER: Edward L. & Elizabeth Newell, Jr.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Edward L. Newell, Jr., 135 Saint Judes Lane, Conowingo, MD stated he has a 30-Acre farm in rural western Cecil County. Mr. Newell would like to create a small family plot (15 to 20) on his property. The property

location is on high ground and there will be trees planted for screening the plots. He will follow the State of Maryland guidelines and there will be perpetual care. This will be a family plot only, not commercial. Health Department Report – There are no Department of Health and Mental Hygiene or Maryland Department of the Environment regulations specifically regulating the establishment of a cemetery. Proper Burial Transit Permit for internments must be filed by the funeral director.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Michael Jackson, 179 Saint Judes Lane, Conowingo, MD bought his property five (5) years ago. He has some concern that property value will decrease with a cemetery adjacent to his property. Mr. Jackson shares a driveway with Mr. Newell and does not want to look at a cemetery from his home.

Richard Benjamin, Saint Judes Lane, Conowingo, MD is concerned what this will do to property values in the future. Mr. Benjamin is concerned about perpetual care of the plots.

FILE: 3474 - APPLICANT: Tammy McCoy.

FOR: Special Exception to hold festivals or events.

PROPERTY LOCATION: 2750 Augustine Herman Hwy., Chesapeake City, MD 21915,
Election District: 2, Tax Map: 43, Parcel: 393.

PROPERTY OWNER: Terry & Geraldine McCoy.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

William Riddle, Esquire, Elkton, MD representing Tammy McCoy, 2750 Augustine Herman Highway, Chesapeake City, MD for a special exception to hold festivals or events. This property is 68-Acres located off Route 213 Augustine Herman Highway. These events would be seasonal, mainly rodeos, music and some vendors. These events would occur over eight (8) times a year only on weekends, closing prior to midnight. There would be Cowboy and Indian re-enactments along with the rodeos. There are adequate parking areas for 200 to 300 people. No alcohol will be permitted for any events.

Health Department Report – Parcel 393 was created by minor subdivision #703. A written proposal detailing water and sewerage during events and any proposed food service required. A septic system upgrade, Groundwater Appropriation Permit and food licensing will be required prior to holding events.

COMMENTS IN SUPPORT: Steve Ellis, Chesapeake City stated he likes the animals and the farm. He feels the re-enactments will be good for schoolchildren. These festivals will create jobs.

COMMENTS IN OPPOSITION: Ron Francis, Town Council, Chesapeake City is in charge of the Noise Committee for the town. On May 24, 2009 a call was received about noise from a resident 1.6 miles from the rodeo property. The decibels were reading 71 when the State of Maryland only allows 55 decibels. The Sheriff sent out three (3) officers to deal with the noise. The stone roadway is inadequate for two (2) lanes of traffic.

John Belgrade, Managing Member of Firm Commitment, LLC, 415 North Saint Augustine Road, Chesapeake City, MD stated he is concerned about hearing a rodeo and music until midnight. Mr. Belgrade owns two parcels of land next to the McCoy's and is very concerned with the noise.

Hilda Hessey, 48 Hessey Lane, Chesapeake City, MD stated her property adjoins the McCoy farm. The first time the McCoy's had a fiesta her house vibrated from the loud music. Ms. Hessey stated this would make the property values decrease.

Barbara Russell, Basil Ave, Chesapeake City, MD stated she has to close her windows to hear her television when these festivals would be going on. After she closes her window, she still hears thumping from the base music and it drives her dogs crazy. This goes on until after midnight.

Cindy Ort, North side of Chesapeake City stated she could not hear her television either. The festival is very loud and intrusive to her.

Cliff Houston, Zoning Administrator re-called the Mary-Jo Saunders, special exception to operate a beef jerky business. No one in attendance.

RECOMMENDATIONS:

TEXT AMENDMENTS:

APPLICANT: Cecil County-Text Amendment.

FOR: Article V, Part III, Section 84 Bed and Breakfast. Proposed language will eliminate the requirement that the dwelling for the proposed Bed and Breakfast needed to be in existence at the time the zoning ordinance was adopted.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County-Text Amendment.

FOR: Article XIX, Section 340, Penalties and Remedies for Violations. Proposes to add new language to Article XIX, Section 340 in an effort to recover costs associated with enforcement actions.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Michael L. Jopson.

FOR: Request to rezone 15.6309 Acres from Development Residential, (DR) to Business Intensive, (BI).

Staff recommended approval based upon a substantial change in the character of the neighborhood since the 1993 Comprehensive Rezoning.

ACTION: Motion made to disapprove by McDowell, seconded by Wiggins, Mortimer (Chairman) deciding vote.

VOTE: Three to two to disapprove, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Diane E. Lewis.

FOR: Special Exception renewal for a home occupation to sell salsa.

Staff recommended approval for two (2) years or as long as the property owner owns the property whichever shall sooner occur, pending Health Department approvals.

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

VOTE: All in favor, motion carried.

APPLICANT: Mary Jo Saunders.

FOR: Special Exception for a home occupation to operate a beef jerky business.

WITHDRAWN.

APPLICANT: Nancy Reddig.

FOR: Special Exception for a home occupation to operate a group daycare.

Staff recommended approval for two (2) years or as long as the Reddig's own the property and operate the daycare.

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

VOTE: All in favor, motion carried.

APPLICANT: Sylmar One, LLC. c/o George L. Gibney.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

Staff recommended approval for as long as applicant owns the property and operates the business and Health Department conditions are met.

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

VOTE: All in favor, motion carried.

APPLICANT: Cellco Partnership d/b/a Verizon Wireless. c/o Sue Manchel @ Wireless Access Technologies.

FOR: Special Exception to locate a telecommunication tower in the (Northern Agricultural Residential), NAR zoning district.

Staff recommended approval.

ACTION: Motion made to approve by Doordan, seconded by Wiggins.

VOTE: All in favor, motion carried.

APPLICANT: Edward L. Newell, Jr.

FOR: Special Exception for placing a cemetery on private property.

Staff recommended approval for use by Mr. Newell's family or relatives only and meeting additional State of Maryland requirements.

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

VOTE: All in favor, motion carried.

APPLICANT: Tammy McCoy.

FOR: Special Exception to hold festivals or events.

Staff recommended disapproval.

ACTION: Motion made to disapprove by Doordan, seconded by McDowell.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 8:34 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 17, 2009, at 7:00 p.m.

Respectfully submitted:

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