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

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

ABSENT: Doordan, (Vice-Chairman) and McDowell, (Alternate).

MINUTES- Motion made by Janusz, seconded by Wiggins and unanimously carried to approve the Monday, July 20, 2009, 7:00 p.m., minutes as mailed.

REZONING:

FILE:2009-05 APPLICANT: Bangalore Lakshman.
PROPERTY LOCATION: Barksdale Road, Elkton, MD 21921.
ELECTION DISTRICT: 4, TAX MAP: 14, PARCEL: 619.
PRESENTLY ZONED: Suburban Residential, (SR).
REQUEST: Request to rezone 13.00 Acres from Suburban Residential, (SR) to Business General, (BG).
PROPERTY OWNER: Bangalore Lakshman.

Scott Lobdell, P.E., Van Cleef Engineering Associates, 630 Churchmans Road, Newark, Delaware along with Bangalore Lakshman, 5 Randall Preston Court, Newark, Delaware presented this rezoning. The property is located on Barksdale Road, approximately 13 Acres of open farm field. This proposed strip mall will have local amenities, such as professional offices for doctor's, dentists and professional engineers and a pizza and sub shop. Across the street there is currently Light Industrial, (M-1) zoning, and the State of Delaware border has a commercial site. All other areas slated for residential development. This site is strictly to service the area of residents with local business and professional facilities. Mr. Lobdell feels that when the 1993 Comprehensive Rezoning was done that something was over looked on this piece of property, since there was no allowance for a transition zone between manufacturing and the residential areas. There are not any clients at this time to rent the space in the strip mall, need to have the rezoning approved first.

Health Department Report – Applicants submittal does not reflect whether proposed development would utilize onsite well and septic or public facilities. Onsite well and septic are not feasible at the development intensity shown. Use of pubic facilities would require inclusion of the property as a served area in the Master Water and Sewer Plan and obtaining appropriate water and sewer allocations. Any building proposing food preparation or sales requires food service facility plans prior to site plan or building permit approval.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION:

Newark, Delaware residents listed below have all the same concerns. Additional traffic on a very narrow road, home values, increase crime rate, no sales tax in Delaware, but 6% sales tax in Maryland. Many accidents occur on the corner of Valley and Barksdale Roads. Restrictions would have to be set for office use, no commercial at all. With the economy presently, no one will rent space and there will be an empty barren strip mall in the middle of a field. Existing ground water problems. Development should go where

commercial/business is already established. All the citizens from Newark Delaware and Elkton Maryland are against this rezoning. This will not benefit both communities.

1. Milman E. Prettyman, 19 Long Meadow Court, Newark, Delaware, (owns property in MD).
2. Matt Doyle, 15 West Ridge Court, Newark, Delaware, (owns property in MD).
3. Paul Bomback, 38 Country Hills Drive, Newark, Delaware.
4. Katie Ryan, 7 West Ridge Court, Newark, Delaware.
5. Tom Rogers, 307 Kinross Drive, Newark, Delaware.
6. Paul Pomaroy, 204 Dallum Road, Newark, Delaware.
7. Margaret Ann O'Roarke, Abbotsford Lane, Newark, Delaware.
8. Lisa Diller, 182 King William Street, Newark, Delaware.
9. Charlene Bradley, 6 Long Meadow Court, Newark, Delaware.
10. Joe Bradley, 6 Long Meadow Court, Newark, Delaware.
11. Suzanne Collins, 375 Chickory Way, Newark, Delaware.

Sue Furman, 9 Lockharron Drive, Highlands, Elkton, MD stated there is no compelling need for building this strip mall during bad economic times when there are several strip malls already empty. Business General, (BG) zoning at Valley and Barksdale Roads is inconsistent with the Suburban Residential, (SR) running through out this area and would be spot rezoning and there is no water and sewer available at this time. Ms. Furman believes there was no mistake in the original rezoning.

Blaine Tillman, 134 Kirkcaldy Drive, Highlands, Elkton, MD stated this piece of property is 13 Acres of pristine property and should not be covered with black top, buildings and storm water management ponds that will breed mosquito's. Numerous accidents have occurred on the corner of Barksdale and Valley Roads. Property values will go down if this rezoning is approved for a strip mall.

Ron Hamlin, Valley Road, Highlands, Elkton, MD is opposed to this rezoning. The original zoning of Suburban Residential, (SR) is correct. The character of this area of Cecil County is rural with no commercial development and should stay that way. This area would be best served with residential development, which was appropriately designed. The Gore Plant site is a park like setting and is consistent with this area.

Michael Magyar, 110 Ballantrae Drive, Highlands, Elkton, MD agrees with everything that has been discussed this evening. Mr. Magyar spoke mainly about the Gore Plant being involved with manufacturing. The other areas around this proposed rezoning site are more residential.

Elaine Ardes, 11 Megan Circle, Elkton, MD stated the roads could not handle any more traffic. Ms. Ardes is concerned about Artesian owning the water system in the Highlands, so Cecil County is now entangled with Delaware. This will also hurt all the wildlife that lives on her six (6) acres.

Patrick Ulrich, 184 Cat Swamp Road, Elkton, MD offered himself as an expert witness in this rezoning application as he has been an expert witness many times for The Planning Commission of Cecil County, Planning Commission of Elkton, Circuit Court of Cecil County, Circuit Court of Kent County and the Court of Chancery in Wilmington, Delaware. This property has been zoned Suburban Residential, (SR) for almost twenty (20) years and Mr. Lakshman has not demonstrated any mistake or change since the 1993 Comprehensive Rezoning.

Allen Coffee, 1218 Spring Valley Road, Elkton, MD stated the traffic is terrible on Valley Road, no matter what you try to do to change it will always be a problem from Maryland into Delaware.

SPECIAL EXCEPTIONS:

FILE: 3475 - APPLICANT: Victoria Ann Crouse.
FOR: Special Exception for a home occupation to sell Mary Kay Cosmetics.
PROPERTY LOCATION: 204 Woodrow Lane, Port Deposit, MD 21904, Election District: 7, Tax Map: 22, Parcel: 10, Lot 2.
PROPERTY OWNER: James A. and Victoria A. Crouse.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

James and Victoria Crouse, 204 Woodrow Lane, Port Deposit, MD is applying for a special exception to operate a no-impact business to operate as an independent beauty consultant with Mary Kay Cosmetics. Mrs. Crouse has been a consultant for five (5) years and if she cannot continue this consulting business, it would greatly affect her household income. There is no exposure outside of her home so the neighbors do not know she has this consulting business. There will be no extra traffic except for U.P.S. coming occasionally to deliver her products.

Health Department Report – Sanitary Permit H3889 was issued in 2007 for the existing dwelling and is satisfactory for the proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3477 - APPLICANT: Robert L. Jackson.
FOR: Special Exception to locate a doublewide manufactured home for security purposes.
PROPERTY LOCATION: 565 Kirk Road, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 39.
PROPERTY OWNER: Robert L. Jackson.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR) / Business General, (BG).

WITHDRAWN, failed to appear.

FILE: 3478 - APPLICANT: Renee S. Luther.
FOR: Special Exception to host festivals and events.
PROPERTY LOCATION: 33 Rolling Hills Ranch Lane, Port Deposit, MD 21904, Election District: 7, Tax Map: 22, Parcel: 9A.
PROPERTY OWNER: Renee S. Luther.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Karl H. Fockler, Esquire, 205 East Main Street, Elkton, MD representing Ms. Luther as Ms. Luther is involved in a summer camp for Freedom Hills Therapeutic Riding Camp this evening. This property at 33 Rolling Hills Ranch Lane in Port Deposit was the site of the Extreme Makeover Home. Ms. Luther would like to host festivals and events on her property to raise money for Freedom Hills Riding Center. Her riding program has been going on for fifteen (15) to twenty (20) years. The back acreage of the farm is very secluded and would be a great area to hold a festival (Christian Music Festival) twice a year in the spring and fall with no alcohol. A tent type amphitheater can be erected in two (2) to three (3) hours. No permanent structures intended to be built; all of the activities would be over 500 feet from residential areas, and there is plenty of space for parking. This site handled a flow of people for the Extreme Makeover show, so there should not be any problems with the flow of people and vehicles for these festivals or events. This would be a great event for Cecil County.

Health Department Report – Submit a written proposal detailing festival frequency, anticipated attendance, type of food sales, handling of sewerage and provision of water. A Groundwater Appropriation Permit may be required. Testing for an on-site sewage disposal system may be required. Proposed activity may be regulated by COMAR 16.05.01 for "Outdoor Music Festivals".

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Dawn Linton, 115 Baynard Drive, Port Deposit, MD stated that Ms. Luther has the "First Annual Christian Festival" advertised on her Freedom Hills WEB site for September 26, 2009. How can she do this, if the special exception is not approved? There are also residential structures near by, closer than 500'. Mrs. Linton shares a driveway with Ms. Luther (Stepsister in-law) and the driveway was not put in by the Home Makeover show; her husband Mr. Linton put in the shared driveway.

Glen Linton, 115 Baynard Drive, Port Deposit, MD stated he and his wife also own property at 117 Rock Run Road, Port Deposit , known as 55 Rolling Hills Ranch Lane. The Home Makeover show left his property a mess and they did not come fix any of the damages, now there is a lot of erosion on his property. Parking is going to be a problem. If Ms. Luther has these events, it will be like "Woodstock" all over again.

Jacob Clevenger, 340 Rock Run Road, Port Deposit, MD is opposed because the field Ms. Luther wants to use for parking. The construction crew for the Home Makeover show used this field and it was an absolute mess. The location Ms. Luther plans to have the Christian Festival has a creek that runs through the property, which will cause more erosion. Rolling Hills Ranch Lane is a very narrow road; it would be hard for two (2) vehicles to pass each other.

Connie Leight, 340 Rock Run Road stated she is not opposed to Christian Music, but the noise, traffic, trucks and customers will be a nuisance. Ms. Leight can sit on her front porch an watch the traffic which is anywhere from fifteen (15) to twenty-five (25) vehicles per hour presently, can you image what the traffic would be like with 2,000 people coming to a Christian Music Festival.

RECOMMENDATIONS:

REZONING:

APPLICANT: Bangalore Lakshman.
FOR: Request to rezone 13.00 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 disapprove with staff conditions by Janusz, seconded by Wiggins.
VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Victoria Ann Crouse.
FOR: Special Exception for a home occupation to sell Mary Kay Cosmetics.

Staff recommended approval for two (2) years or as long as the Crouse's own the property and operate the business whichever shall sooner occur.

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

APPLICANT: Robert L. Jackson.
FOR: Special Exception to locate a doublewide manufactured home for security purposes.

WITHDRAWN, failed to appear.

APPLICANT: Renee S. Luther.
FOR: Special Exception to host festivals and events.

Staff recommended approval for two (2) years, weekend only, site plan approval, maximum of two (2) events per year and 10:00 p.m. cut-off for music.

ACTION: Motion made to disapprove by Edwards, seconded by Wiggins, Mortimer, (Chairman) voted to disapprove.
VOTE: Three to two to disapprove, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 9:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 21, 2009, at 7:00 p.m.

Respectfully submitted:

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