

PLANNING COMMISSION MEETING

April 19, 2010

7:00 p.m.

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

ABSENT: Mortimer (Chairman) and Wallace.

MINUTES- Motion made by Janusz, seconded by Wiggins and unanimously carried to approve the Monday, March 15, 2010, 7:00 p.m., minutes as mailed.

**PROGRAM OPEN SPACE:**

Annual Program for FY 2011: Cecil County's Plan for Park Land Acquisition and Recreation Facility Development.

Clyde VanDyke, Director of Parks and Recreation presented the Annual Program for FY 2011. There are two (2) County programs submitted for the County Commissioners approval this evening. The first project is Conowingo Park located on Rte. 222 in Conowingo and the second project is The Cecil Sports Complex on Bard Cameron Road. There are eight visions for each project, listed below:

1. development is concentrated in suitable areas;
2. sensitive areas are protected;
3. in rural areas, growth is directed to existing population centers and resource areas are protected;
4. stewardship of the Chesapeake Bay and the land is a universal ethic;
5. conservation of resources, including a reduction in resource consumption, is practiced;
6. to assure economic growth is encouraged and regulatory mechanisms are streamlined;
7. adequate public facilities and infrastructure under control of the county or municipal corporation area are available or planned in areas where growth is to occur; and
8. funding mechanisms are addressed to achieve the visions.

Additional funding will be needed to complete the park and the sports complex facilities. See file and attached for reference of the FY 2011 Annual Program.

Health Department Report – Contact the Health Department prior to any development requiring on-site water supply, sewage disposal or food service.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**REZONING:**

**FILE:2010-02**APPLICANT: Agent Manor Road Lots, LLC, c/o Dwight E. Thomey, Agent.

PROPERTY LOCATION: Near intersection of Belle Hill Road & Appleton Road, Elkton, MD 21921.

ELECTION DISTRICT: 3, TAX MAP: 303, PARCELS: 1131 & 1132, LOTS: 4 & 5.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone 8.127+/- Acres from Development Residential, (DR) to Multifamily Residential, (RM).

PROPERTY OWNER: Kings Way Ninety-Five, Inc., c/o H. Barry Montgomery.

Dwight Thomey, Esquire, 153 East Main Street, Elkton, MD representing the applicant (Agent Manor Road Lots, LLC) along with Ray Jackson and Steven Moore from Stavrou Associates, Inc., Annapolis, MD. They are requesting to rezone 8.127+- Acres from Development Residential (DR) to Multifamily Residential (RM) for proposed development.

Steve Moore, Vice President explained they are the developer, owner and do all their own construction. Stavrou Associates take pride in their work and are concerned how their projects will look ten to fifteen years after completion.

Dwight Thomey stated the purpose of this application is to allow for greater density. This property is in the Development District of Cecil County. Mr. Thomey stated there is a mistake in the 1993 Comprehensive Rezoning and there is a change in the character of the neighborhood. There has been two (2) other rezoning's around this neighborhood. Cecil County has entered into an agreement with Artesian Water Company to have public water and sewer available to this property.

Health Department Report – Property is currently mapped as W-2 and S-2 in the Cecil County Master Water and Sewer Plan. Any intensive development would be dependant on public water and sewer being available.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

GENERAL COMMENTS: Michael Radcliff, owns the adjacent property (Parcel 258) where the Stavrou Associates are trying to develop and Mr. Radcliff would be interested in selling his lot if they would like to purchase it.

**SPECIAL EXCEPTIONS:**

**FILE: 3504** - APPLICANT: Robert D. Powell.

FOR: 1,039 ft. extension of runway and special exception for airport.

PROPERTY LOCATION: Old Elk Neck Road, Elkton, MD 21921, Election District: 3, Tax Map: 32, Parcel: 321.

PROPERTY OWNER: Raintree Northwest Property Preservation & Management, LLC, c/o Robert D. Powell.

PRESENTLY ZONED: Suburban Residential, (SR).

Karl Fockler, Esquire, 205 East Main Street, Elkton, MD representing Robert Powell, 166 Raintree Lane, Elkton, MD asking for a 1,039 ft. extension of runway for Cecil County Airport. Mr. Powell has been working diligently with the MAA and the FAA for this runway extension. This extension will let larger planes (small jets) take off and land at this airport. Mr. Powell has been approved for a grant by the State of Maryland for this extension of the runway. This airport has satisfactory air space and is a non-towered airport.

Health Department Report – The Health Department has no objection to the request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Deborah Badgett, 2616 Old Elk Neck Road, Elkton, MD does not object to the airport but she is concerned about the wildlife near by. Ms. Badgett asked if there could be sound barriers with the larger jets.

Mr. Powell stated there would be a tree buffer around the property and some fencing to keep deer off the runway. The largest airplane that would be able to take off and land at this site would be 12,500 pounds. This runway extension is to accommodate the customers with larger planes to make it safer.

Charles Walker, 72 Poore Lane, Elkton, MD has a problem with the sound now and if larger jets fly over his home it will take away his peace and tranquility. This will also decrease his property value. Mr. Walker feels this is a bad idea.

See Exhibit "A" letter from Governor O'Malley, Governor of Maryland in support, in file and attached for reference.

**FILE: 3505** - APPLICANT: Victoria L. Kinsley.

FOR: Renewal of a special exception to operate a group daycare.

PROPERTY LOCATION: 406 East Cecil Ave., North East, MD 21901, Election District: 5, Tax Map: 31, Parcel: 372.

PROPERTY OWNER: Victoria L. Kinsley.

PRESENTLY ZONED: Development Residential, (DR).

Jason Allison, Esquire, 157 East Main Street, Elkton, MD representing Victoria Kinsley in her renewal of her special exception to operate a group daycare center. Ms. Kinsley's daycare has been in operation for nine (9) years. Currently there are twelve (12) children enrolled and range in age from infant to eight years old. Ms. Kinsley would like to extend her operation to watch twenty-two (22) children instead of twelve (12). Her husband passed away in 2009 from Cancer and she needs extra income since his passing. There have been no traffic or parking problems in the past and she is licensed by the State of Maryland. Currently she has one employee.

Health Department Report – The Health Department Report has no objection to the request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3506** - APPLICANT: Timothy G. Granger.

FOR: Renewal of a special exception to operate a private airport.

PROPERTY LOCATION: 1831 North East Road, North East, MD 21901, Election District: 9, Tax Map: 19, Parcel: 661, Lot: 3.

PROPERTY OWNER: Timothy G. Granger.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Tim Granger, 1831 North East Road, North East, MD would like to renew his special exception to operate a private grass airstrip. This is a permitted use in the Northern Agricultural Residential, (NAR) zone. All the requirements have been met with the FAA and MAA. Mr. Granger would like to request this special exception be permanent. Certificate of registration from Maryland Aviation in file and attached for reference.

Health Department Report – The Health Department has no objection to the request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**FILE: 3508** - APPLICANT: William Martin, LLC.

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

PROPERTY LOCATION: 4899 Pulaski Highway, Perryville, MD 21903, Election District: 7,  
Tax Map: 29, Parcel: 406.

PROPERTY OWNER: William and Mary Martin.

PRESENTLY ZONED: Business General, (BG).

Mary Martin, 4899 Pulaski Highway, Perryville, MD would like to locate a singlewide manufactured home for security purposes for her Post Card Shop. In the past year, Ms. Martin has put a lot of money into her business. With the improvements she has made in the past year, she had eight (8) burglaries. Ms. Martin would like to put a new manufactured home that will sit a few hundred feet back off the road. There will be trees for screening planted.

Health Department Report – F7335 was issued in 1999 for commercial stores on this property. Applicant should contact the Health Department to discuss sewage issues for the proposed security trailer.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Cathy Collette, 4905 Pulaski Highway, Perryville, MD stated she is opposed to this because in 2003 she bought the property next to Ms. Martin and were given a list of items that needed to be completed by the Department of Planning and Zoning in order to install her doublewide manufactured home for security purposes. Ms. Martin has removed all the trees from her property and Ms. Collette stated they were not to remove any trees. Ms. Collette would like to know why she had to follow the rules and purchase \$8,000.00 worth of trees and Ms. Martin can take down as many trees as she wants. She does not comply with the rules and regulations. Ms. Collette wishes the Planning Commission deny this request for this special exception until Planning and Zoning has time to check on the trees that have been removed.

Cliff Houston, Zoning Administrator read into the minutes a letter from the Chesapeake Home Owners Association in opposition of this Special Exception for a singlewide, in file and attached for reference.

David Collette, 4905 Pulaski Highway, Perryville, MD stated he would like to know why he had to install a doublewide instead of a singlewide. The Planning and Zoning Office told him he had to install a doublewide and Ms. Martin is permitted to install a singlewide. There is a water run-off problem since Ms. Martin has done paving for a parking lot.

**FILE: 3509** - APPLICANT: York Building Products Co., Inc. c/o Corridor Land Services, Inc., Michael Pugh.  
FOR: Special exception renewal, special exception file #3399 for an additional 12 month period for mining.

PROPERTY LOCATION: 347 Principio Road, Port Deposit, MD 21904, Election District: 7,  
Tax Map: 23, Parcel: 311.

PROPERTY OWNER: Principio Iron Co., L.P.

PRESENTLY ZONED: Rural Residential, (RR) & Mineral Extraction B, (MEB).

Mike Pugh, Corridor Land Services, 117 North Street, Elkton, MD along with Jim Gothrop, 10 Bragg Hill Road, West Chester, PA would like an extension for Special Exception #3399 for an additional 12 months. The Board of Appeals approved this project in 2008 for a mining project (Stevens Property) and they need an extension of time due to economical conditions.

Jim Gothrop presented the mining project (2008) to the Planning Commission previously approved by the Board of Appeals.

Map, pictures and previous conditions set from the Board of Appeals, in file and attached for reference.

Health Department Report – The Health Department has no objection to the request.

**COMMENTS IN SUPPORT:** None.

**COMMENTS IN OPPOSITION:** Jean Whitsell, 372 Principio Road, Port Deposit, MD asked when are the residents in the area going to get a break from the mining. Ms. Whitsell feels they do not need an extension, they are wasting time, and how many extensions are they going to receive?

Eleanor Bockner, 362 Principio Road, Port Deposit, MD stated the property values are going down due to the mining. Ms. Bockner stated that the mining company was true to what they said to help the neighborhood look as natural as it could be.

**FILE: 3510 - APPLICANT:** Jay C. Emery, III.

**FOR:** Special exception for a home occupation to operate a welding business.

**PROPERTY LOCATION:** 385 Mount Zoar Road, Conowingo, MD 21918, Election District: 8, Tax Map: 8, Parcels: 284 & 259.

**PROPERTY OWNER:** William & Loretta Sumner and Jack & Lana Brewer.

**PRESENTLY ZONED:** Northern Agricultural Residential, (NAR).

Jay Emery, Esquire, 153 East Main Street, Elkton, MD represented William and Loretta Sumner, 385 Mt. Zoar Road, Conowingo, MD and Jack and Lana Brewer, 377Mt. Zoar Road, Conowingo, MD. The Sumner's would like to operate a welding business. The business would be solely conducted from the Sumner's residential dwelling. They also own eleven (11) trucks and several buildings in which the trucks are stored. The buildings are on the Brewer's property and Mrs. Brewer is Mr. Sumner's mother. Mrs. Sumner answers the phone for the business and the work orders are taken over the phone, there is no welding done on the residential site.

Health Department Report – The Health Department has no objection to the request.

**COMMENTS IN SUPPORT:** Banni Jones, On-site Manager of Cinnamon Woods, (55 & Older Community) directly across the street from the Sumner's property. There is no traffic coming in and out and the Sumner's residence is the cleanest and well kept residence on Mt. Zoar Road. You would not know there is any type of in-home business operating.

Charles Reilly, 2120 Deer Trail Lane, Conowingo, MD stated when you pass this residence you would never know there is any type of business. The residence is neat and clean all the time.

**RECOMMENDATIONS:**

**PROGRAM OPEN SPACE:**

**APPLICANT:** Cecil County Parks and Recreation.

**FOR:** Annual Program for FY 2011: Cecil County's Plan for Park Land Acquisition and Recreation Facility Development.

Staff recommended approval.

**ACTION:** Motion made to approve by Edwards, seconded by Wiggins.

**VOTE:** All in favor, motion carried.

**REZONING:**

APPLICANT: Agent Manor Road Lots, LLC, c/o Dwight E. Thomey, Agent.

FOR: Request to rezone 8.127+/- Acres from Development Residential, (DR) to Multifamily Residential, (RM).

Staff recommended approval based upon a mistake in the 1993 Comprehensive Rezoning and a significant change in the character of the neighborhood.

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

VOTE: All in favor, motion carried.

**SPECIAL EXCEPTIONS:**

APPLICANT: Robert D. Powell.

FOR: 1,039 ft. extension of runway and special exception for airport.

Staff recommended approval with length of runway limited to 3,719 linear feet.

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

VOTE: All in favor, motion carried.

APPLICANT: Victoria L. Kinsley.

FOR: Renewal of a special exception to operate a group daycare.

Staff recommended approval for as long as Victoria Kinsley owns the property and operates the daycare.

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

VOTE: All in favor, motion carried.

APPLICANT: Timothy G. Granger.

FOR: Renewal of a special exception to operate a private airport.

Staff recommended approval for as long as Timothy Granger owns the property and operates the airport.

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

VOTE: All in favor, motion carried.

APPLICANT: William Martin, LLC.

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 Edwards, seconded by Wiggins.

VOTE: Three to one to approve, motion carried.

APPLICANT: York Building Products Co., Inc. c/o Corridor Land Services, Inc., Michael Pugh.

FOR: Special exception renewal, special exception file #3399 for an additional 12 month period for mining.

Staff recommended approval for a one (1) year extension to mine the property with reclamation to occur within six (6) months thereafter, (with previous conditions).

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

**VOTE:** All in favor, motion carried.

**APPLICANT:** Jay C. Emery, III.

**FOR:** Special exception for a home occupation to operate a welding business.

Staff recommended approval for two (2) years with all vehicles stored inside the existing buildings.

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

**VOTE:** All in favor, motion carried.

**GENERAL DISCUSSION:** Harlan Williams appeared to present his thoughts on clustering.

The meeting adjourned at 8:40 p.m.

**NEXT PLANNING COMMISSION MEETING:** Monday, May 17, 2010, at 7:00 p.m.

Respectfully submitted:

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