

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
21 June 2010

Present: Doordan, B. Patrick; Edwards, Guy; Janusz, Joe; Mortimer, William; Wallace, Wyatt; Wiggins, Kennard; Demmler, Rebecca – Ex Officio; Houston, Clifford; Sennstrom, Eric

Absent: Dempsey, Gale

Call to Order: Chairman Mortimer called the meeting to order at 7:00 p.m.

Approval of Minutes: Motion was made by B. Patrick Doordan to approve the May meeting minutes. Motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

MASTER WATER & SEWER PLAN AMENDMENTS

Amendment to Cecil County Master Water & Sewer Plan – Section 3.2.9 Port Deposit

Director Sennstrom appeared to present the proposed text changes to Section 3.2.9 of the County's Master Water & Sewer Plan. He explained that the changes are being made to reflect the transfer of the Town of Port Deposit's water treatment plant and distribution system to Artesian Water Maryland, Inc. The text change will permit reviewing agencies at the State level to find consistency for the transfer of permits and future modifications to the system.

No one appeared in favor or in opposition to the proposed text amendment.

Staff recommended approval of the text amendment.

Motion was made by Guy Edwards to recommend approval of the text amendment. Motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

Amendment to the Master Water & Sewer Plan – Section 3.2.11 Artesian Water Maryland, Inc.

Director Sennstrom appeared to present the proposed text changes to Section 3.2.11 of the County's Master Water & Sewer Plan. He explained that the changes were the direct result of meetings between the private utility, the Maryland Department of the Environment, and Cecil County Government relative to Artesian Water Company's water sources and methods of conveyance from those sources to their distribution system. The proposed amendment contains textual, tabular, and mapping data that are intended to mollify MDE's trepidation in this matter.

Chairman Mortimer inquired about the ongoing litigation relative to the Elkton West franchise. Director Sennstrom replied that the Court of Appeals heard oral arguments on 2 June 2010. Based on the content of those arguments, a ruling in the County's favor is expected within 60 to 90 days of the hearing.

No one appeared to speak in favor or in opposition to the text changes.

Staff recommended approval of the amendment to the Master Water & Sewer Plan.

Motion was made by B. Patrick Doordan to recommend approval of the amendment. Motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

REZONINGS

File 2010-03 – Elk Point LLC.

John Gessner, Doug Kopec, and Mike Novak appeared to present the application. Mr. Gessner provided an introduction of the individuals present on behalf of the application and summarized their argument. He stated that the request change 27.995 acres from Maritime Business (MB) to Suburban Residential (SR) was based on both a substantial change in the character of the neighborhood since the last comprehensive rezoning and on a mistake in that comprehensive rezoning. Mr. Gessner stated that due to unknown changes to State and federal regulation regarding marinas and dredging since 1993, it was a mistake for the Board of County Commissioners to designate this portion of the property as MB. He continued that the Board of County Commissioners could not have taken those trends into account as they were not foreseen and therefore a mistake was made.

Doug Kopec presented an overview of the entirety of the property and summarized the present plans in relation to the last proposal for the property. He indicated the Chesapeake Bay Critical area encumbrances as well as the buffers and provided a conceptual layout of the proposed design for the property's development.

Mr. Gessner summarized the applicant's reasons for requesting the zoning change which included that the property is no longer viable for a marina, the Board of County Commissioners could not have known that the marina would not continue, that the population of the census tract in which this property is situated has increased, that the BRAC process has accelerated the need for residential development, that a new Comprehensive Plan has been adopted and that this request is compatible with that document, and that the MB designation is no longer appropriate for the property.

Chairman Mortimer asked if anyone desired to speak in favor. No one appeared.

Chairman Mortimer asked if anyone desired to speak in opposition. The following appeared in opposition:

Ron Hartman
George Kaplan
Kevin Laird

Staff recommended approval based on a substantial change in the character of the neighborhood since the last comprehensive rezoning and a mistake in the last comprehensive rezoning.

Motion was made by B. Patrick Doordan to recommend approval based on a substantial change in the character of the neighborhood since the last comprehensive rezoning and a mistake in the last comprehensive rezoning. Motion was seconded by Guy Edwards. All members present voted in opposition to the motion. Motion failed.

Motion was made by B. Patrick Doordan to recommend approval based on a substantial change in the character of the neighborhood since the last comprehensive rezoning. Motion was seconded by Joe Janusz. All members present voted in favor of the motion. Motion carried.

File 2010-04 Charlestown Crossing LLC

Rick Bechtel, Sean Davis, and Fred Shekells appeared to present the request. Mr. Bechtel presented an introduction of the individuals present to present the application. Mr. Bechtel explained that the applicant is requesting to rezone 6.7 acres of Light Industrial (M1) and 14.1 acres of Suburban Residential (SR) to Multi-Family Residential (RM). He continued by explaining that there has been both a mistake in the last comprehensive rezoning and that there has been a substantial change in the character of the neighborhood since the last comprehensive rezoning.

Fred Shekells indicated that Charlestown Crossing is an attractive development due to its mixed use character. Changes have been made to Phase I to make it a more aesthetically pleasing design. The M1 area proposed for rezoning is no longer needed since the critical mass needed for an office park is lacking. Since the majority of recent purchases have been BRAC related, the project is focusing on this segment of the market.

Sean Davis presented arguments justifying the request to change 20.8 acres of M1 and SR to RM. Mr. Davis noted that the higher density should be along U.S. Route 40 with a transition to lesser density as you move into the interior of the property. This is not the case with the present zoning. He noted that the placement of RM along U.S. Route 40 makes sense from a transportation perspective and it would be more appropriate from a BRAC purchaser's desire. Mr. Davis also indicated that BRAC could not have been foreseen in 1993 and therefore it was a mistake by the Board of County Commissioners to not anticipate the need for residential zoning. The property has both water and sewer service available to it and it would be appropriate to have higher density to take advantage of infrastructure. He also indicated that there is too much M1 in the vicinity of Principio Business Park and Ritchie Bros. who are in close proximity on the north side of U.S. Route 40 and that the annexation of Cool Springs by Charlestown also justifies their request.

Rick Bechtel noted that the request for zoning change qualifies under both the change and the mistake standards as they are two sides of the same coin.

Mrs. Demmler noted that BRAC means jobs as well as residents. Discussion ensued on the residential break-even point, lack of business recruitment, and the inventory of undeveloped commercial and industrial land.

Chairman Mortimer asked if anyone desired to speak in favor or in opposition. No one appeared.

Staff recommended approval based on a substantial change in the character of the neighborhood since the last comprehensive rezoning and a mistake in the last comprehensive rezoning.

Motion was made by Joe Janusz to recommend approval based on a substantial change in the character of the neighborhood since the last comprehensive rezoning and a mistake in the last comprehensive rezoning. Motion was seconded by Guy Edwards. All members present voted in favor of motion. Motion carried.

Adjournment: Chairman Mortimer adjourned the meeting at 8:31 p.m.

Next Meeting: 19 July 2010

Respectfully Submitted:

Eric S. Sennstrom, AICP
Director – Planning & Zoning