

CECIL COUNTY
BOARD OF COUNTY COMMISSIONERS
Comprehensive Rezoning Meeting
Districts 4, 5 & 9
Meeting Minutes
March 9, 2011, 7:00 p.m.

Present: Jim Mullin, President; Diana Broomell, Vice President; Tari Moore; Robert Hodge; Mike Dunn; Al Wein; Eric Sennstrom; Tony Di Giacomo; David Black; Steve O'Connor and Jennifer Bakeoven.

Absent: H. Norman Wilson, Esq.

Call to Order: President Mullin called the meeting to order at 7:00 p.m.

05-51 York Building Products Co., Inc.
N/S Carpenters Point Road, Perryville, MD
Tax Map: 35, Parcel: 122
Applicant: David J. Stewart
Proposed Zoning: M2 (Heavy Industrial)
Requested Zoning: MEA (Mineral Extraction A)

Mike Pugh, Corridor Land Services and Jim Gothrop, York Building Products, appeared and presented an overview of the requested rezoning. Mr. Pugh announced that York Building Products would like to withdraw item number 05-52 (Map 35 Parcel 608). Mr. Pugh also proposed a split zoning of M-2 (Heavy Industrial) and MEA on parcel 122.

Various questions were posed to the applicant regarding the possibility of an alternate zoning for the property, the amount of truck traffic to be expected, the possibility of dust complaints, and the rational of the Planning Commissions disapproval recommendation.

President Mullin asked if anyone would like to speak in favor or in opposition of this requested rezoning. John Betts, 22 McArthur Lane, Elkton, MD, spoke in favor of this rezoning. The following citizens spoke in opposition of this rezoning; Matthew Vandervort, 92 Kirk Road, Perryville, MD; Jean Whitsell, 372 Principio Road, Port Deposit, MD; Joe Carabetta, 1611 Carpenters Point Road, Perryville, MD; Geoff Doyle, 28 Carpenters Point Road, Perryville, MD; Dennis Iracki, 311 Charter Hall Road, Perryville, MD; Melissa Chateau, 218 Greenbank Road, Perryville, MD; James Lisk, 572 Baltimore Street, Charlestown, MD; Kristine Ronald, North East, MD; Colleen Norman, 1517 Carpenters Point Road, Perryville, MD; Don Morrison, 200 Mountain Hill Road, Perryville, MD; Edwin Fockler, 57 Greenbank Road, Perryville, MD; Glenn Davis, 28 Laurel Road, Perryville, MD and James Peterson, 61 A Cherry Lane, Perryville, MD.

President Mullin asked that anyone that agrees with the earlier testimony against this application and did not testify, raise their hand. Approximately 45-50 citizens raised their hand, showing opposition to this proposal.

Mr. Sennstrom read the letters that the Office of Planning & Zoning received in opposition of this request.

Mr. Pugh gave final testimony in response to the concerns of the citizens.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Disapproval

05-52 **Principio Iron Company**
Carpenters Point Road & Mountain Hill Road
Tax Map: 35, Parcel: 608
Applicant: David J. Stewart
Proposed Zoning: NAR (Northern Agricultural Residential) & MEB (Mineral Extraction B)
Requested Zoning: MEA (Mineral Extraction A)

WITHDRAWN

05-49 **Principio Iron Company**
Pulaski Hwy & Belvedere Road, Perryville, MD
Tax Map: 30, Parcel: 116
Applicant: David J. Stewart
Proposed Zoning: M2 (Heavy Industrial)
Requested Zoning: MEA (Mineral Extraction A)

Mike Pugh, Corridor Land Services and Jim Gothrop, York Building Products, appeared and presented an overview of the requested rezoning.

Discussion ensued regarding the prior MEA zoning being restored on this property.

President Mullins asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Sennstrom read the recommendations
(STAFF) Approval for the portion of the property on the W/S of Belvidere Road only.
(PLANNING COMMISSION) Approval of the entire request.

05-50 **York Building Products Co., Inc.**
E/S Belvedere Road, North East, MD
Tax Map: 30, Parcel: 20
Applicant: David J. Stewart
Proposed Rezoning: M2 (Heavy Industrial)
Requested Rezoning: MEA (Mineral Extraction A)

Mike Pugh, Corridor Land Services and Jim Gothrop, York Building Products, appeared and presented an overview of the requested rezoning.

President Mullins asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Sennstrom read the recommendations
(STAFF) Approval for the portion of the property on the N/S of the railroad only.
(PLANNING COMMISSION) Approval of the entire request.

President Mullin asked for an explanation of the staff's recommendation. Mr. Sennstrom stated that the portions of both 05-49 and 05-50's requests that the staff recommended approval for are in the designated Mineral Extraction District. The E/S of Belvidere Road for the 05-49 request and the S/S of the railroad for the 05-50 request are both located in the Employment District, therefore they should remain in with the M-2 (Heavy Industrial) designation.

01-01

Elk Development Corporation
Crystal Beach Road, Earleville, MD
Tax Map: 56, Parcel: 109
Chris & Regina Brown
Proposed Zoning SAR (Southern Agricultural Residential)
Requested Zoning RR (Rural Residential)

Dwight Thomey appeared and presented an overview of the requested rezoning. Mr. Thomey stated that they are requesting the RR zoning because it allows for more residential growth than the SAR zone.

President Mullin asked if anyone would like to speak in favor or in opposition of this request. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

02-03

Brantwood Court, LLC
Halls Lane & Rte. 213,
Tax Map: 38, Parcel: 317
Applicant: Robert J. Hodge
Proposed Zoning: RR (Rural Residential)
Requested Zoning: MH (Manufactured Home)

Dwight Thomey appeared and presented an overview of the requested rezoning. Mr. Thomey stated that this parcel has been held a mobile home park for several years. Currently, the property is a non-conforming parcel.

Discussion ensued regarding the possible change to the area that a MH designation would impact.

President Mullin asked if anyone would like to speak in favor or in opposition of this request. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

03-01

Stephen & Anne Cochran
1639 Blueball Road, Elkton, MD
Tax Map: 20, Parcel: 155
Applicant: Dwight E. Thomey
Proposed Zoning: BL (Business Local)
Requested Zoning: BG (Business General)

Dwight Thomey and Stephen and Anne Cochran, appeared and presented an overview of the requested rezoning. The Cochran's stated that they would like to expand their current business therefore they will need their property to be zoned BG (Business General).

President Mullin asked if anyone would like to speak in favor or in opposition of this request. No one spoke.

Discussion ensued regarding the reasons for the disapproval recommendation by both the staff and Planning Commission.

Mr. Sennstrom read the recommendations:
(STAFF) Disapproval
(PLANNING COMMISSION) Disapproval

03-03

Maryland Materials, Inc.
465 Stevenson Road, Elkton, MD
Tax Map: 25, Parcel: 228
Applicant: Dwight Thomey
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: MEA (Mineral Extraction A)

Dwight Thomey appeared and presented an overview of the requested rezoning, item numbers 03-03 through 03-06. Mr. Thomey stated that this parcel is crucial for the current operation as it provides space for the required buffers and setbacks.

President Mullin asked if anyone would like to speak in favor or in opposition of the requested rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Disapproval
(PLANNING COMMISSION) Disapproval

03-04

North East Land and Material Company, Inc.
461 Stevenson Road, Elkton, MD
Tax Map: 25, Parcel: 737
Applicant: Dwight E. Thomey
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: MEA (Mineral Extraction A)

Dwight Thomey appeared and presented an overview of the requested rezoning. Mr. Thomey stated that the need for the requested rezoning is to provide adequate buffers and setbacks to the existing operation. Mining will not present on this parcel.

President Mullin asked if anyone would like to speak in favor or in opposition of the requested rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Disapproval
(PLANNING COMMISSION) Disapproval

03-05

Maryland Materials, Inc.
17 Union Church Road, Elkton, MD
Tax Map: 25, Parcel: 638
Applicant: Dwight E. Thomey
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: MEA (Mineral Extraction A)

Dwight Thomey appeared and presented an overview of the requested rezoning. Like the other parcels presented, if this parcel is zoned residential, the mining operation would not be able to follow its course due to the need for further setbacks and buffers.

President Mullin asked if anyone would like to speak in favor or in opposition of the requested rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Disapproval
(PLANNING COMMISSION) Disapproval

03-06

North East Land and Material Company, Inc.
West side of Union Church Road
Tax Map: 25, Parcel: 748
Applicant: Dwight E. Thomey
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning MEA (Mineral Extraction A)

Dwight Thomey appeared and presented an overview of the requested rezoning. Like the other parcels presented, if this parcel is zoned residential, the mining operation would not be able to follow its course due to the need for further setbacks and buffers.

President Mullin asked if anyone would like to speak in favor or in opposition of the requested rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Disapproval
(PLANNING COMMISSION) Disapproval

05-01

North East Land and Material Company, Inc.
514 Bouchelle Road, Elkton, MD
Tax Map: 25, Parcel 21
Applicant: Dwight Thomey

Proposed Zoning: LDR (Limited Development Residential)

Requested Zoning: MEA (Mineral Extraction A)

Dwight Thomey appeared and gave an overview of item numbers 05-01 through 05-19. The owner would like to eventually mine the back portion of this parcel.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:

(STAFF) Disapproval

(PLANNING COMMISSION) Disapproval

05-02

North East Land and Material Company, Inc.

385 Stevenson Road, North East, MD

Tax Map: 25, Parcel: 25

Applicant: Dwight Thomey

Proposed Zoning: LDR (Limited Development Residential)

Requested Zoning: MEA (Mineral Extraction A)

Dwight Thomey appeared and gave an overview of the requested rezoning. Mr. Thomey stated that it is unknown as to whether mining will ever occur on this parcel but he feels all the surrounding parcels that he is presenting should be congruent with each other.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:

(STAFF) Disapproval

(PLANNING COMMISSION) Approval

05-03

Maryland Materials, Inc.

32 Azure Lane, North East, MD

Tax Map: 25, Parcel: 24

Applicant: Dwight Thomey

Proposed Zoning: LDR (Limited Development Residential)

Requested Zoning: MEA (Mineral Extraction A)

Dwight Thomey appeared and gave an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:

(STAFF) Approval

(PLANNING COMMISSION) Approval

05-04 Maryland Materials, Inc.
421 Stevenson Road, North East, MD
Tax Map: 25, Parcel: 313
Applicant: Dwight Thomey
Proposed Zoning: LDR (Limited Development Residential)
Requested Zoning: MEA (Mineral Extraction A)

Dwight Thomey appeared and gave an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Disapproval
(PLANNING COMMISSION) Approval

05-05 North East Land and Material Company, Inc.
460 Stevenson Road, North East, MD
Applicant: Dwight Thomey
Tax Map: 25, Parcel: 645
Proposed Zoning: LDR (Limited Development Residential)
Requested Zoning: MEA (Mineral Extraction A)

WITHDRAWN

05-06 North East Land and Material Company, Inc.
300 Stevenson Road, North East, MD
Tax Map: 25, Parcel: 642
Applicant: Dwight Thomey
Proposed Zoning: LDR (Limited Development Residential)
Requested Zoning: M2 (Heavy-Industrial)

Dwight Thomey appeared and gave an overview of the requested rezoning. Mr. Thomey stated that the request to rezone item numbers 05-06 through 05-13 are to keep the parcels congruent with the M2 zoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-07 North East Land and Material Company, Inc.
South side of Stevenson Road
Tax Map: 25, Parcel: 532
Applicant: Dwight Thomey
Proposed Zoning: LDR (Limited Development Residential)
Requested Zoning: M2 (Heavy-Industrial)

Dwight Thomey appeared and gave an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-08 **North East Land and Material Company, Inc.**
290 Stevenson Road, North East, MD
Tax Map: 25, Parcel: 456
Applicant: Dwight Thomey
Proposed Zoning: LDR (Limited Development Residential)
Requested Zoning: M2 (Heavy-Industrial)

Dwight Thomey appeared and gave an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-09 **North East Land and Material Company, Inc.**
952 Mechanics Valley Road, North East, MD
Tax Map: 25, Parcel: 436
Applicant: Dwight Thomey
Proposed Zoning: LDR (Limited Development Residential)
Requested Zoning: M2 (Heavy-Industrial)

Dwight Thomey appeared and gave an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-10 **Delmarva Power & Light Company**
302 Stevenson Road, North East, MD
Tax Map: 25, Parcel: 520
Applicant: Dwight Thomey
Proposed Zoning: LDR (Limited Development Residential)
Requested Zoning: M2 (Heavy-Industrial)

Dwight Thomey appeared and gave an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-11 **Mechanics Valley Trade Center**
1079 Mechanics Valley Road, North East, MD
Tax Map: 25, Parcel: 52
Applicant: Dwight Thomey
Proposed Zoning: M2 (Heavy-Industrial)
Requested Zoning: M2 (Heavy-Industrial)

Dwight Thomey appeared and gave an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-12 **Mechanics Valley Trade Center**
970 Mechanics Valley Road, North East, MD
Tax Map: 25, Parcel: 52
Applicant: Dwight Thomey
Proposed Zoning: M2 (Heavy-Industrial)
Requested Zoning: M2 (Heavy-Industrial)

Dwight Thomey appeared and gave an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-13 **North East Land Material Company, Inc.**
East side of Mechanics Valley Road
Tax Map: 25, Parcel: 52
Applicant: Dwight Thomey
Proposed Zoning: M2 (Heavy-Industrial)
Requested Zoning: M2 (Heavy-Industrial)

Dwight Thomey appeared and gave an overview of the requested rezoning.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

Mr. Thomey stated that request numbers 03-03 and 05-01 are the most crucial parcels that the applicant is requesting to have rezoned to sustain the viability of the operations.

Discussion ensued regarding whether the owner of the property approves of this requested rezoning and to whether the owner would have to pay higher taxes if the requested zoning warrants a higher taxing. Mr. Sennstrom stated that in a Comprehensive Rezoning, property owner's signatures are not required. Mr. Thomey stated that taxes are assessed based on what is on the property and how the property is being used, not how it is zoned.

President Mullin asked if the purpose of item numbers 05-06 through 05-13 to be rezoned to M2 (Heavy Industrial) is for rail purposed. Mr. Thomey said yes, for the rail and to get to the rail.

President Mullin asked if anyone would like to speak in favor or in opposition of item numbers 03-03 through 03-06 and 05-01 through 05-13. No one spoke.

Commissioner Hodge asked why the staff recommended disapproval for item number 05-01. Mr. Sennstrom stated that all the requests for MEA (Mineral Extraction A) that Mr. Thomey presented were recommended disapproval by staff due to the parcels not being located in the Mineral Extraction District of the county's Comprehensive Plan.

05-14

Cedar Alley, LLC
15 Cedar Alley, North East, MD
Tax Map: 25, Parcel: 477
Applicant: James Bomba
Proposed Zoning: RM (High Density Residential)
Requested Zoning: BG (Business General)

Dwight Thomey appeared and presented an overview of the requested rezoning. Mr. Thomey stated that item numbers 05-14 through 05-19 are all surrounding parcels of current parcel that contains the North East Racing Club. Mr. Bomba would like to create a commercial site on these parcels.

President Mullin asked if anyone would like to speak in favor or in opposition of item numbers 05-14 through 05-19. Tamara Peterson, Perryville, stated that she would like to see a Whole Foods store or a Trader Joe's store at this site.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-15

Cedar Alley, LLC
23 Cedar Alley, North East, MD
Tax Map: 31, Parcel: 159
Applicant: James Bomba
Proposed Zoning: RM (High Density Residential)
Requested Zoning: BG (Business General)

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-16 Cedar Alley, LLC
161 N. Main Street Ext., North East, MD
Tax Map: 31, Parcel: 161
Applicant: James Bomba
Proposed Zoning: RM (High Density Residential)
Requested Zoning: BG (Business General)

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-17 Cedar Alley, LLC
East side of Burns Ave., North East, MD
Tax Map: 31, Parcel: 605
Applicant: James Bomba
Proposed Zoning: RM (High Density Residential)
Requested Zoning: BG (Business General)

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-18 Cedar Alley, LLC
East side of Bayview Ave., North East, MD
Tax Map: 31, Parcel: 720
Applicant: James Bomba
Proposed Zoning: RM (High Density Residential)
Requested Zoning: BG (Business General)

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-19 Cedar Alley, LLC
West side of N. Main Street Ext.
Tax Map: 31, Parcel: 779
Applicant: James Bomba
Proposed Zoning: RM (High Density Residential)
Requested Zoning: BG (Business General)

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-20 Squires, Thomas & Linda
SE Corner of Red Toad Road & Pulaski Hwy
Tax Map: 31, Parcel: 942

Applicant: Thomas & Linda Squire
Proposed Zoning: RM (High Density Residential)
Requested Zoning: BG (Business Residential)

Tom Squires, appeared and presented an overview of the requested rezoning. Mr. Squires stated that this parcel has housed his paving company for 43 years. He had his property rezoned to BG (Business General) eight (8) years ago. The 2010 Comprehensive Plan has proposed changing the zoning to RM (Multi-family Residential). If rezoned RM (High Density Residential), Mr. Squire will not be able to continue his paving business on this parcel.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-21 Elkton Investment Co.
400 E. Cecil Ave., North East, MD
Tax Map: 31, Parcel: 370
Applicant: David Ayres
Proposed Zoning: UR (Urbanized Residential)
Requested Zoning: RM (High Density Residential)

David Ayres appeared and presented an overview of the requested rezoning numbers 05-21 and 05-22. Mr. Ayres stated that he has had a four (4) unit apartment building on this lot since 1970.

President Mullin asked if anyone would like to speak in favor or in opposition of the rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-22 Ayres, David H.
North side of Razor Strap Rd., North East, MD
Tax Map: 31, Parcel: 629
Applicant: David H. Ayres
Proposed Zoning: UR (Urbanized Residential)
Requested Zoning: RM (High Density Residential)

Mr. Ayres stated that this parcel was previously zoned RM (High Density Residential) therefore he would like it to remain with the RM zoning.

President Mullin asked if anyone would like to speak in favor or in opposition of the rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-23 Bailiff, John & Jacob

424 Bailiff Road, North East, MD

Tax Map: 24, Parcel: 48

Applicant: John Bailiff

Proposed Zoning: ST (Suburban Transition Residential) & NAR (Northern Agricultural Residential)

Requested Zoning: ST (Suburban Transition Residential)

H. Barry Montgomery appeared and presented an overview of the requested rezoning. Mr. Montgomery stated that the Bailiff's would like this parcel rezoned because they would like to eventually develop the property residentially.

President Mullin asked if anyone would like to speak in favor or in opposition of the rezoning. John Bailiff, 607 Northgate Road, Aberdeen, MD, spoke in favor of this rezoning.

Mr. Sennstrom read the recommendations:

(STAFF) Disapproval

(PLANNING COMMISSION) Disapproval

05-24

Montgomery 940 Red Toad, LC

940 Red Toad Road, North East, MD

Tax Map: 24, Parcel: 9

Applicant: H. Barry Montgomery

Proposed Zoning: M2 (Heavy-Industrial)

Requested Zoning: M2 (Heavy-Industrial & ME-B (Mineral Extraction B))

WITHDRAWN

05-25

Montgomery, H. Barry & Ragan, Walter L., Jr.

W/S of Biggs Hwy. & N/S of Theodore Road

Tax Map: 19, Parcel: 295

Applicant: H. Barry Montgomery

Proposed Zoning: LDR (Limited Development Residential)

Requested Zoning: RM (High Density Residential)

H. Barry Montgomery, appeared and presented an overview of item numbers 05-25 through 05-43. Mr. Montgomery feels this is a prime location for future development.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Discussion ensued whether a previous request for rezoning had been submitted for the parcels in item numbers 05-25 through 05-29. Mr. Montgomery said yes.

Mr. Sennstrom read the recommendations:

(STAFF) Disapproval due to LDR (Low Density Residential) being in accordance with what the Planning Commission was recommending.

(PLANNING COMMISSION) Deadlocked, no recommendation forwarded.

05-26

Burkley's Reward, LLC

NE Corner of Route 40 & Mechanics Valley Road
Tax Map: 25, Parcel: 527, Lot 1
Applicant: H. Barry Montgomery
Proposed Zoning: BG (Business General)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-27 **Burkley's Reward, LLC**
2031 W. Pulaski Hwy, North East, MD
Tax Map: 25, Parcel: 527, Lot 2
Applicant: H. Barry Montgomery
Proposed Zoning: BG (Business General)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-28 **Burkley's Reward, LLC**
N/S of Route 40, east of Mechanics Valley Road
Tax Map: 25, Parcel: 527, Lot 3
Applicant: H. Barry Montgomery
Proposed Zoning: BG (Business General)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-29 **Burkley's Reward, LLC**
2011 W. Pulaski Hwy, North East, MD
Tax Map: 25, Parcel: 527, Lot 4
Applicant: H. Barry Montgomery

Proposed Zoning: BG (Business General)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-30 **Burkley's Reward, LLC**
2011 W. Pulaski Hwy, North East, MD
Tax Map: 25, Parcel: 527, Lot 5
Applicant: H. Barry Montgomery
Proposed Zoning: BG (Business General)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-31 **Montgomery Bros., Inc.**
N/S Razor Strap Road (Lakeside Park)
Tax Map: 31, Parcel: 548
Applicant: H. Barry Montgomery
Proposed Zoning: MH (Manufactured Home)
Requested Zoning: RM (High Density Residential)

H. Barry Montgomery appeared and presented an overview of item numbers 05-31 through 05-35. Mr. Montgomery believes the RM (High Density Residential) zoning fits the density in that area.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-32 **Montgomery Bros., Inc.**
Lakeside Drive & Razor Strap Road
Tax Map: 31, Parcel: 692
Applicant: H. Barry Montgomery
Proposed Zoning: MH (Manufactured Home)

Requested Zoning: RM (High Density Residential)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:

(STAFF) Approval

(PLANNING COMMISSION) Approval

05-33

Montgomery Bros., Inc.

N/S of Razor Strap Road (by Old Baron Road)

Tax Map: 31, Parcel: 1167

Applicant: H. Barry Montgomery

Proposed Zoning: MH (Manufactured Home)

Requested Zoning: RM (High Density Residential)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:

(STAFF) Approval

(PLANNING COMMISSION) Approval

05-34

Montgomery Bros., Inc.

357 Razor Strap Road, North East, MD

Tax Map: 31, Parcel: 1323

Applicant: H. Barry Montgomery

Proposed Zoning: MH (Manufactured Home)

Requested Zoning: RM (High Density Residential)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:

(STAFF) Approval

(PLANNING COMMISSION) Approval

05-35

Montgomery Bros., Inc.

339 Razor Strap Road, North East, MD

Tax Map: 31, Parcel: 1324

Applicant: H. Barry Montgomery

Proposed Zoning: MH (Manufactured Home)

Requested Zoning: RM (High Density Residential)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-36 Route 40 Hayes, LLC
S/S W. Pulaski Hwy., west of Marley Road
Tax Map: 25, Parcel: 130
Applicant: H. Barry Montgomery
Proposed Zoning: M2 (Heavy-Industrial)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of item numbers 05-36 through 05-43. Mr. Montgomery stated that he would like to develop those parcels in a more BI (Business Intense) type of use.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-37 Route 40 Hayes, LLC
S/S W. Pulaski Hwy., west of Marley Road
Tax Map: 25, Parcel: 131
Applicant: H. Barry Montgomery
Proposed Zoning: M2 (Heavy Industrial)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-38 Route 40 Hayes, LLC
S/S W. Pulaski Hwy., west of Marley Road
Tax Map: 25, Parcel: 132
Applicant: H. Barry Montgomery
Proposed Zoning: M2 (Heavy Industrial)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-39 Route 40 Hayes, LLC
S/S W. Pulaski Hwy., west of Marley Road
Tax Map: 25, Parcel: 133
Applicant: H. Barry Montgomery
Proposed Zoning: M2 (Heavy Industrial)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-40 Route 40 Hayes, LLC
S/S W. Pulaski Hwy., west of Marley Road
Tax Map: 25, Parcel: 173
Applicant: H. Barry Montgomery
Proposed Zoning: M2 (Heavy Industrial)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-41 Route 40 Hayes, LLC
S/S W. Pulaski Hwy., west of Marley Road
Tax Map: 25, Parcel: 211
Applicant: H. Barry Montgomery
Proposed Zoning: M2 (Heavy Industrial)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-42 Route 40 Hayes, LLC
S/S W. Pulaski Hwy., west of Marley Road
Tax Map: 25, Parcel: 212
Applicant: H. Barry Montgomery
Proposed Zoning: M2 (Heavy Industrial)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-43 Route 40 Hayes, LLC
S/S W. Pulaski Hwy., west of Marley Road
Tax Map: 25, Parcel: 255
Applicant: H. Barry Montgomery
Proposed Zoning: M2 (Heavy Industrial)
Requested Zoning: BI (Business Intensive)

H. Barry Montgomery appeared and presented an overview of the requested rezoning.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-44 Elk Riverview Farm, LLC
11 Elk Side Farm Lane, North East, MD
Tax Map: 46, Parcel: 67
Applicant: Robert J. Hodge
Proposed Zoning: NAR (Northern Agricultural Residential)
Requested Zoning: RR (Rural Residential)

Dwight Thomey appeared and presented an overview of the requested rezoning. Some of the surrounding properties of this parcel are currently zoned RR (Rural Residential). There are six (6) residences on the property currently. Mr. Hodge stated that he has no intention to develop this land. The intention is to try to preserve

the value of the land, to be able to donate or create a situation where the development rights can be given, donated or sold / transferred.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-45 **Red Toad Land Co., LLC**
N/S of Route 40, West of Red Toad Road
Tax Map: 31, Parcel: 1241
Applicant: Robert J. Hodge
Proposed Zoning: M1 (Light Industrial)
Requested Zoning: M2 (Heavy Industrial)

Dwight Thomey appeared and presented an overview of item numbers 05-45 through 05-48. This parcel adjoins parcels that are currently zoned M-2 (Heavy Industrial).

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-46 **Red Toad Land Co., LLC**
N/S of Route 40, west of Red Toad Road
Tax Map: 31, Parcel: 819
Applicant: Robert J. Hodge
Proposed Zoning: BG (Business General)
Requested Zoning: M2 (Heavy Industrial)

Dwight Thomey appeared and presented an overview of the requested rezoning. The request for the rezoning of this parcel is to make it congruent with the surrounding parcels.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-47 **Hodge, Robert J.**
S/S of Route 40, West of Red Toad Road
Tax Map: 31, Parcel: 863
Applicant: Robert J. Hodge
Proposed Zoning: ST (Suburban Transition)
Requested Zoning: M2 (Heavy Industrial)

Dwight Thomey appeared and presented an overview of the requested rezoning. This parcel was previously zoned industrial. Adjoining parcels to the north, across MD Rte. 40 and east are zoned M-2 (Heavy Industrial).

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

05-48

Hodge, Robert J.
151 Red Toad Road, North East, MD
Tax Map: 31, Parcel 180
Applicant: Robert J. Hodge
Proposed Zoning: ST (Suburban Transition)
Requested Zoning: BG (Business General)

Dwight Thomey appeared and presented an overview of the requested rezoning. Mr. Thomey stated that this parcel adjoins other parcels that are currently zoned BG (Business General). This property has a garage on it presently and has been used commercial for more than twenty (20) years.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

09-01

McDowell Supply, Inc.
150 Brick Meeting House Road, Rising Sun, MD
Tax Map: 11, Parcel: 88
Applicant: Stephen E. McDowell
Proposed Zoning: BL (Business Local)
Requested Zoning: BG (Business General)

David McDowell appeared and presented an overview of the requested rezoning. Mr. McDowell expressed his intentions of expanding his current plumbing business which would warrant the BG (Business General) zoning designation.

Commissioner Broomell stated that the McDowell Plumbing and Heating business is very reputable in their area.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning.

Mr. Sennstrom read the recommendations:
(STAFF) Approval
(PLANNING COMMISSION) Approval

Mr. Sennstrom stated that Mr. Thomey is unable to attend the March 16, 2011 meeting at which seven (7) of his applications will be heard. The Board of County Commissioners has agreed to hear Mr. Thomey's applications at the March 9, 2011 meeting. They consist of the following:

L-05-57 Bay Boat Works, Inc.
1 Sunset Drive, North East, MD
Tax Map: 36, Parcel: 390
Applicant: Donald J. Green
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: MB (Maritime Business)

Dwight Thomey appeared and presented an overview of the requested rezoning. This parcel has housed a marina since 1928. The owners wish to keep the current MB (Maritime Business) zoning designation on this parcel.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:
(STAFF) Approval
(PLANNING COMMISSION) Approval

L05-58 Shelter Cove Yacht B&M, Inc.
N/S Riverside Drive & Sunset Drive
Tax Map: 36, Parcel: 369
Applicant: Signature not legible
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: MB (Maritime Business)

Dwight Thomey appeared and presented an overview of the requested rezoning, numbers L05-58 through L05-63. The following parcels have housed a marina since the 1960's. The owners wish to keep the current MB (Maritime Business) zoning designation on this parcel.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:
(STAFF) Approval
(PLANNING COMMISSION) Approval

L-05-59 Shelter Cove Yacht B&M, Inc.
N/S Riverside Drive & Sunset Drive
Tax Map: 36, Parcel: 349
Applicant: Signature not legible
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: MB (Maritime Business)

Dwight Thomey appeared and presented an overview of the requested rezoning, numbers L05-57 through L05-63.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:

(STAFF) Approval

(PLANNING COMMISSION) Approval

**L-05-60 Shelter Cove Yacht B&M, Inc.
N/S Riverside Drive & Sunset Drive
Tax Map: 36, Parcel: 273
Applicant: Signature not legible
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: MB (Maritime Business)**

Dwight Thomey appeared and presented an overview of the requested rezoning, numbers L05-57 through L05-63.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:

(STAFF) Approval

(PLANNING COMMISSION) Approval

**L-05-61 Shelter Cove Yacht B&M, Inc.
N/S Riverside Drive & Sunset Drive
Tax Map: 36, Parcel: 289
Applicant: Signature not legible
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: MB (Maritime Business)**

Dwight Thomey appeared and presented an overview of the requested rezoning, numbers L05-57 through L05-63.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:

(STAFF) Approval

(PLANNING COMMISSION) Approval

**L-05-62 Shelter Cove Yacht B&M, Inc.
N/S Riverside Drive & Sunset Drive
Tax Map: 36, Parcel: 243
Applicant: Signature not legible
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: MB (Maritime Business)**

Dwight Thomey appeared and presented an overview of the requested rezoning, numbers L05-57 through L05-63.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:

(STAFF) Approval

(PLANNING COMMISSION) Approval

L-05-63

Shelter Cove Yacht B&M, Inc.

N/S Riverside Drive & Sunset Drive

Tax Map: 36, Parcel: 348

Applicant: Signature not legible

Proposed Zoning: LDR (Low Density Residential)

Requested Zoning: MB (Maritime Business)

Dwight Thomey appeared and presented an overview of the requested rezoning, numbers L05-57 through L05-63.

President Mullin asked if anyone would like to speak in favor or in opposition of this rezoning. No one spoke.

Mr. Sennstrom read the recommendation of the staff:

(STAFF) Approval

(PLANNING COMMISSION) Approval

The March 9, 2011 Board of County Commissioners Comprehensive Rezoning Hearing adjourned at 11:05 p.m.

Respectfully Submitted:

Jennifer Bakeoven