

CECIL COUNTY PLANNING COMMISSION
Comprehensive Rezoning Meeting
Districts 1, 2 & 3
Meeting Minutes
February 2, 2011, 7:00 p.m.

Present: Bill Mortimer, Chairman; Ken Wiggins; Wyatt Wallace; H. Clay McDowell, alternate; Diana Broomell; Eric Sennstrom; Tony Di Giacomo; David Black; Steve O'Connor and Jennifer Bakeoven.

Absent: Pat Doordan; Vice Chair; Joe Janusz and Randy Taylor.

Call to Order: Chairman Mortimer called the meeting to order at 7:09 p.m.

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)

Applicant did not appear to present their application.

02-01 Canal Place, LC
109 Boat Yard Road, Chesapeake City, MD
Tax Map: 43, Parcel: 283
Applicant: Canal Place, LC
Proposed Zoning: NAR (Northern Agricultural Residential)
Requested Zoning: MB (Maritime Business)

David Gildea, Smith, Gildea and Schmidt, Representative for the Dann Family, appeared and presented an overview of both 02-01 and 02-02 requested rezonings. The Dann family would like to propose an agricultural port on the C & D Canal. This agricultural port would serve not only Cecil County; it would also serve surrounding counties in Southern Pennsylvania, the entire eastern shore and part of Delaware. The idea is to have a local grain port. If the crops can be sent down the canal via a barge, it will significantly reduce transportation costs. Mr. Gildea believes this will make agriculture viable and sustainable and it is also a land preservation tool. The port will create jobs. This port will also help take a lot of trucks off of the road. Right now, to get product to market, a farmer has to truck it down to Norfolk, VA. With this port in place, the product could be trucked to this site and barged down to the facility. Pollution from the trucks will be reduced significantly. The Dann family is in the early preliminary stages of planning.

Chairman Mortimer asked what the acreage amounts are for the two (2) parcels. Mr. Black said one parcel is 32.29 acres and Mr. Gildea said the other parcel is 50.33 acres.

Mr. Wallace asked how this rezoning would affect any buffering for Critical Area impacts. Mr. Di Giacomo said the rezoning would not automatically trigger an establishment of a buffer. That would come at such time as a site plan would be submitted for some change in the use.

Chairman Mortimer asked if this would increase truck traffic within the town of Chesapeake City. Mr. Gildea said the plans so far are focusing on trying to keep the trucks out of any of the town centers and bring them through the Corp. of Engineers property.

Chairman Mortimer asked Mr. Sennstrom to give an overview of the MB – Maritime Business zoning. Mr. Sennstrom said the MB zone is focused towards water oriented uses. For example, marinas, restaurants, retail and wholesale operations that are water oriented in nature, among other uses.

Commissioner Broomell said she has heard a lot of talk from several organizations about the benefits this could bring to the county.

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

Mr. Sennstrom read the recommendation of staff:
Approval of the rezoning from NAR to MB

A motion for the recommendation of the approval was made by Mr. Wiggins.
The motion seconded by Mr. Wallace.

All approve. Motion carried.

02-02 Canal Place, LC
North side of Boat Yard Road, Chesapeake City, MD
Tax Map: 43, Parcel: 236
Applicant: Canal Place, LC
Proposed Zoning: NAR (Northern Agriculture Residential)
Requested Zoning: MB (Maritime Business)

Mr. Sennstrom stated that the recommendation of staff is as follows:
Approval of the rezoning from NAR to MB

A motion for the recommendation of the approval was made by Mr. Wiggins.
The motion seconded by Mr. Wallace.

All approve. Motion carried.

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)

Robert Hodge, owner and operator of Brantwood Court, appeared and presented an overview of the requested rezoning. Mr. Hodge stated that this parcel has been used as a mobile home community for a long time, is currently being used as a mobile home community and will be in the future. He feels this parcel was not zoned properly. Mr. Hodge believes this parcel has been occupied by a mobile home community since prior to 1972.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this project. No one spoke.

Mr. Sennstrom read the recommendation of the staff:
Approval of the rezoning from RR to MH

A motion for the recommendation of approval was made by Mr. Wallace.
The motion was seconded by Mr. McDowell.

All approve. Motion carried.

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)

Applicant did not appear to present their application.

03-02 John & Cindy Fetterolf
45 Appleton Road, Elkton, MD
Tax Map: 307, Parcel: 1139
Applicant: Dwight Thomey
Proposed Zoning: RM (High Density Residential)
Requested Zoning: BG (Business General)

John and Cindy Fetterolf, land owners, appeared and presented an overview of the requested rezoning. Mr. Fetterolf stated that they own the garden center that is located on this property. It has been in operation since 1995. It is a non conforming use. The proposed zoning of RM limits their use of the property. The said property lies within the 100 year flood plain, so development of this property is highly unlikely.

Mr. McDowell asked how the surrounding properties are zoned. Mr. Sennstrom said the surrounding parcels are also zoned RM. Mr. Wallace asked if BL could satisfy the business needs of the applicant. Mr. Sennstrom said with the BL zoning, the Fetterolf's would not be able to place product outside, as they wish to do with the requested zoning.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this project. No one spoke.

Mr. Sennstrom read the recommendation of the staff:
Approval of the rezoning from RM to BG.

A motion for the recommendation of approval was made by Mr. Wallace.
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

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)

Applicant did not appear to present their application.

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)

Applicant did not appear to present their application.

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)

Applicant did not appear to present their application.

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)

Applicant did not appear to present their application.

03-07 James Bench
E/S Singerly Road, north of Leeds Road
Tax Map: 20, Parcel: 512
Applicant: James Bench
Proposed Zoning: VR (Village Residential)
Requested Zoning: BG (Business General)

David Parrack, Esq., appeared and presented an overview of the requested rezoning. Mr. Parrack stated that Mr. Bench has owned this property since the early 1980's. Mr. Bench is the owner/operator of 11 school buses and the BG zone is the only zone that will permit bus storage without a special exception. The area surrounding the property currently has a shopping plaza to the southwest of the round - about. To the northeast of the round-about is zoned RM. The property immediately north of that is zoned VR but is housing a dentist office. That is a non-conforming practice. The closest commercial classification property north of said property is the Cochran's Grocers Store and south is Angelina's Produce Stand. Mr. Parrack believes that access to this property should be safe due to the distance between the round-about and the said property. Mr. Parrack presented photos of the dentist office on the adjoining parcel and a portion of the said property. The main reason for Mr. Bench's request is so he can house his buses on his own property rather than having to lease land from others.

Chairman Mortimer asked if buses can be kept in the VR zoning district. Mr. Sennstrom said no.

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

Chairman Mortimer stated that he believes the BG zone is out of character for this area in the county. Mr. Wallace agreed.

Mr. Sennstrom read the recommendation of the staff:
Approval of the rezoning from VR to BG.

A motion for the recommendation of disapproval due to the BG zoning, with all that it can open up, in this particular village area, being inappropriate.
Mr. Wiggins seconded the motion.

Motion carries for the recommendation of disapproval.

03-08 Edgar E. III & Patricia D. Folk
1 Old Farm House Lane, Elkton, MD
Tax Map: 309, Parcel: 444
Applicant: Edgar E. III & Patricia D. Folk
Proposed Zoning: M1 (Light Industrial)
Requested Zoning: ST (Suburban Transition Residential)

Edgar and Patricia Folk, land owners, appeared and presented an overview of the requested rezoning. Mrs. Folk said the property houses an old farm house that has been in her family since about 1940. It is one of the oldest dwellings in the county. The property is land locked. Property taxes have been steadily increasing and becoming a burden on their fixed incomes. They have no plans to sell, subdivide or use the property / home for any commercial uses.

Chairman Mortimer 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:

Approval of the rezoning from M1 to ST.

A motion for recommendation of approval was made by Mr. Wiggins.
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

Chairman Mortimer called a 10 minute break.

At this time, Chairman Mortimer re-called application numbers 01-01, 03-01, 03-03, 03-04, 03-05 and 03-06. No one appeared. Chairman Mortimer stated that the above said applications will be heard at the February 16, 2011 meeting.

Chairman Mortimer said the next working session will be scheduled during general discussion at next month's Planning Commission meeting.

Mr. Sennstrom stated rezoning applications for Districts 4, 5 and 9 will be heard next Wednesday, February 9, 2011 at 7:00 p.m.

Mr. McDowell asked at what point will the text amendments that were recommended, be discussed. Mr. Sennstrom said all text changes will be heard on Wednesday, February 16, 2011.

A motion to adjourn was made by Mr. Wallace.
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

The February 2, 2011 Planning Commission Comprehensive Rezoning Hearing adjourned at 8:14 p.m.

Respectfully Submitted:

Jennifer Bakeoven