

CECIL COUNTY
BOARD OF COUNTY COMMISSIONERS
Comprehensive Rezoning Meeting
Districts 6, 7, 8, Text Changes & Late Submittals
Meeting Minutes
March 16, 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; Steve O'Connor and Jennifer Bakeoven.

Absent: H. Norman Wilson, Esq.; David Black.

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

07-01 **Pamela R. Howard**
378 Linton Run Road, Port Deposit, MD
Tax Map: 23, Parcel: 482
Applicant: Pamela R. Howard
Proposed Zoning: NAR (Northern Agricultural Residential)
Requested Zoning: RR (Rural Residential)

Pamela Howard appeared and presented an overview of the requested rezoning. Ms. Howard feels that the RR (Rural Residential) zoning better fits the area and the direction the county growth is going.

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

07-02 **Principio Iron Company**
Winch Rd & Pulaski Hwy, Perryville, MD
Tax Map: 30, Parcel: 117
Applicant: David J. Stewart
Proposed Zoning: NAR (Northern Agricultural Residential) & MEB (Mineral Extraction B)
Requested Zoning: BG (Business General)

Mike Pugh, Corridor Land Services, appeared and presented an overview of the requested rezoning. Mr. Pugh asked that this parcel's zoning be restored to the BG (Business General) zoning as it currently exists.

Mr. Sennstrom stated that this rezoning request includes only the portion of the parcel north of MD Route 40.

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

08-01 **Richard & Joanne Henderson**
79 Rock Springs Road, Conowingo, MD
Tax Map: 9, Parcel: 263
Applicant: Richard & Joanne Henderson
Proposed Zoning: NAR (Northern Agricultural Residential)
Requested Zoning: BG (Business General)

Applicant did not appear to present their application.

08-02 **Richard & Joanne Henderson**
W/S Rock Springs Road, Conowingo, MD
Tax Map: 9, Parcel: 320
Applicant: Richard & Joanne Henderson
Proposed Zoning: NAR (Northern Agricultural Residential)
Requested Zoning: BG (Business General)

Applicant did not appear to present their application.

President Mullin asked Mr. Sennstrom how to proceed with requests 08-01 and 08-02 if the applicants do not appear to present their application. Mr. Sennstrom stated that the board could either consider it withdrawn or consider it during the deliberation meetings.

T-01 **Submitted by: Ron Hartman**
Section 25.2 (ZO) – Low Density Residential – Density permitted with use of transfer of development rights (AA page 64)

Ron Hartman, 164 Little Egypt Road, Elkton, MD, appeared and presented an overview of the recommended text change. Mr. Hartman provided the board a copy of his comments. Mr. Hartman feels that the 4 to 1 density for TDR's in the LDR (Low Density Residential) zoning is in direct conflict with the Comprehensive Plan.

Discussion ensued regarding the definition of "low growth area".

President Mullin asked if anyone would like to speak in favor or in opposition of this text change. Sue Fuhrman, Highlands, Elkton, MD and Ed Cairns, 104 Jackson Hall School Road, Elkton, MD, spoke in favor of this text change.

Mr. Sennstrom read the recommendations;
(STAFF) Disapproval
(PLANNING COMMISSION) Planning Commission vote deadlocked; forwarded to Board of County Commissioners without PC recommendation.

T-02 **Submitted by: Michael R. Pugh**
Section 33.4 (ZO) – Mineral Extraction A – Industrial uses in the MEA zone (AA
pages 75 & 76)

Mike Pugh, Corridor Land Services, appeared and presented an overview of the recommended text change. Mr. Pugh stated that this amendment would seek to broaden to commercial uses in addition to industrial uses. An information packet was provided to the Board of County Commissioners from the applicant.

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

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

Mr. Sennstrom stated that items T-03 through T-24 and T-27 through T-55 have been withdrawn.

T-04 **Submitted by: Office of Planning & Zoning**
Section 66 (ZO) – Commercial Kennels – Additions of subsections 5 through 8
(AA page 98).

Eric Sennstrom, Director, Office of Planning and Zoning presented an overview of the recommended text change. Mr. Sennstrom stated that the purpose of this text amendment is to make sure that the language in the draft Zoning Ordinance matches the proposed language in the draft Chapter 209 regulations concerning commercial kennels. If both documents are adopted by the BOCC, there will not be any conflicts between the two sections with commercial kennels.

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

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

T-05 **Submitted by: Jill E. Burke**
Section 246.8(a) (ZO) – Minimum amount of acreage for parcels transferring
development rights (“sending parcels”) (AA pages 361 and 362).

Applicant did not appear to present their application.

T-06 **Submitted by: Jill E. Burke**
Section 246.8(c) and 246.8(d) (ZO) – Water & Sewer service criteria for parcels receiving transferred development rights (“receiving parcels”) (AA pages 366 & 367).

Applicant did not appear to present their application.

T-07 **Submitted by: George H. Kaplan**
Section 22.2 (a) & 23.2(a) (ZO) – Minor Subdivision densities in the NAR and SAR zoning districts. (AA pages 59 & 61).

George Kaplan appeared and stated that item numbers T-07 and T-08 will be withdrawn as they are, in his opinion, minor inconsistencies between the Comprehensive Plan and the draft Zoning Ordinance.

T-08 **Submitted by: George H. Kaplan**
Section 24.2 (ZO) – Major and minor subdivision densities in the RR zoning district. (AA page 63).

WITHDRAWN

T-09 **Submitted by: George H. Kaplan**
Section 3.8 (SR) – Major subdivision public notification signage and plat posting on the county’s website. (AA pages 24 & 25).

George Kaplan appeared and presented an overview of the recommended text change. Mr. Kaplan requests that a sentence be added to the Zoning Ordinance in Section 3.8 which deals with plat postings on the county website and also signage. The applicant provided the BOCC with a handout.

Discussion ensued regarding the current requirements of developers for subdivision postings, the county website’s plat posting capabilities and the rationale behind the staff and Planning Commission’s disapproval recommendation.

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

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

T-56 **Submitted by: Office of Planning & Zoning**
Section 24.3 (ZO) – Open Space Provisions in the RR zone (AA page 167)

Tony Di Giacomo, Principal Planner, Office of Planning & Zoning, gave an overview of the recommended text change. Mr. Di Giacomo stated that the requirement for Common Open Space had been omitted, in error. This text change adds that requirement to the RR (Rural Residential) zoning.

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

T-57 **Submitted by: Office of Planning & Zoning**
Sections 4.0.9, 4.0.10, 4.1.16 and 4.1.17 (SR) – Concept plat requirements,
extensions and expiration dates of concept and preliminary plats (AA pages 27-
32).

Mr. Di Giacomo stated that per the request of the Planning Commission, this text change would allow for an administrative approval of an extension of a Concept or Preliminary Plat on the first request. Subsequent extensions of Concept or Preliminary Plats must go back before the Planning Commission. Also, plat extensions will run to the end of the month that the extension was granted rather than the exact day of the month that the extension was granted.

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

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

T-25 **Submitted by: Nancy Valentine**
Section 28.2 (ZO) – Addition of TDR density in the RM zone (AA page 68).

Nancy Valentine, 135 Pine Cone Drive, North East, MD, appeared and presented an overview of the requested text change. Ms. Valentine felt that there was an error made when setting up the both the tables and the TDR's.

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

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

T-26 **Submitted by: Nancy Valentine**
Section 175 (ZO) – Roles of private and public sector entities in community
sewerage systems (AA page 164).

Nancy Valentine, 135 Pine Cone Drive, North East, MD, appeared and presented an overview of the requested text change. Ms. Valentine stated that this request has to do with a definition issue. Clarity is needed in the document for the definitions of private and public sector entities.

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

Discussion ensued regarding the rationale for the recommendation of disapproval.

L-03-09 **273 Cherry Hill, LLC**
273 Cherry Hill Road, Elkton, MD
Tax Map: 20, Parcel: 251
Applicant: Christopher Diebold
Proposed Zoning: VR (Village Residential)
Requested Zoning: RM (High Density Residential)

Chris Diebold appeared and presented an overview of the requested rezoning. Mr. Diebold stated that the proposed zoning on this property will create a non-conforming use. The Zoning Ordinance only gives one (1) year to reconstruct a non-conforming use in a total loss situation. Mr. Diebold feels that would not be enough time to rebuild.

Discussion ensued regarding the current zoning of the adjoining properties.

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

L-05-56 **Rosalie Chernock & Charmie Polansky**
24 Hayes Lane, Elkton, MD
Tax Map: 26, Parcel: 217
Applicant: H. Barry Montgomery
Proposed Zoning: RM (High Density Residential)
Requested Zoning: M2 (Heavy Industrial)

Eric Polansky, 96 Red Point Road, North East, MD, appeared and presented an overview of the requested rezoning. Mr. Polansky stated that he owns a parcel with the RM (High Density Residential) zoning designation in the middle of their salvage operation. He would like this parcel to be conforming to the use that it is currently used as today.

Discussion ensued regarding the adjoining properties' zoning designations.

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

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

L-05-64 John & Jacob Bailiff
424 Bailiff Road, North East, MD
Tax Map: 24, Parcel: 48
Applicant: John Bailiff
Proposed Zoning: NAR (Northern Agricultural Residential) & ST (Suburban Transition)
Requested Zoning: LDR (Low Density Residential) & ST (Suburban Transition)

Barry Montgomery, Port Deposit, MD, appeared and presented an overview of the requested rezoning. Mr. Montgomery stated that this is a request for an alternate zoning for a parcel that was brought before the BOCC at the March 9, 2011 meeting. The Bailiff's would like to eventually develop a portion of the property.

President Mullin asked if anyone would like to speak in favor or in opposition of this text change. Jacob Bailiff, North East, MD, Nancy Valentine, 135 Pine Cone Drive, North East, MD and John Bailiff, spoke in favor of this rezoning.

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

L-05-65 Vernon W. Tome
1568 Theodore Road, Rising Sun, MD
Tax Map: 24, Parcel: 11
Applicant: Vernon D. Tome
Proposed Zoning: NAR (Northern Agricultural Residential)
Requested Zoning: RR (Rural Residential)

Vernon Tome appeared and presented an overview of the requested rezoning. Mr. Tome stated this parcel is surrounding by the RR (Rural Residential) zoning. The family plans to eventually develop the land.

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

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

L-05-83 Vernon W. Tome
1568 Theodore Road, Rising Sun, MD (for portion of property north of Theodore Road)
Tax Map: 24, Parcel: 11
Applicant: Vernon D. Tome
Proposed Zoning: NAR (Northern Agricultural Residential)
Requested Zoning: MH (Manufactured Home)

Vernon Tome appeared and presented an overview of the requested rezoning. Mr. Tome stated that this parcel borders another Manufactured Home site.

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

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

L-05-66 Christopher J. Diebold
324 Old Bayview Road, North East, MD
Tax Map: 19, Parcel: 468
Applicant: Christopher Diebold
Proposed Zoning: VR (Village Residential)
Requested Zoning: RM (High Density Residential)

Chris Diebold appeared and presented an overview of the requested rezoning. Mr. Diebold stated that this application, like his previous request (L3-09), will be a non-conforming parcel with the proposed rezoning.

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

L-05-67 Perry O. Grose, Jr.
S/S Theodore Road & Biggs Hwy
Tax Map: 19, Parcel: 353
Applicant: Christopher Diebold
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: UR (Urbanized Residential)

Chris Diebold appeared and presented an overview of item numbers L05-67 through L05-80 and L05-82. Mr. Diebold feels that this area is a prime location for development with water and sewer already available for this area.

Commissioner Moore asked if the owners of the parcels that Mr. Diebold presented (L05-67 through L05-80 and L05-82) were notified of this rezoning request. Mr. Diebold said the owners were not notified.

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

L-05-68 **Land Purchase, LLC**
Theodore Road, just east of Ron Biggers Lane
Tax Map: 19, Parcel: 505
Applicant: Christopher Diebold
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: UR (Urbanized Residential)

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

L-05-69 **Charles & Barbara York**
S/S Theodore Road, just west of Benjamin Farm Lane
Tax Map: 19, Parcel: 69
Applicant: Christopher Diebold
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: UR (Urbanized Residential)

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

L-05-70 **Lawrence & June Benjamin**
50 Benjamin Farm Lane, North East, MD
Tax Map: 19, Parcel: 70
Applicant: Christopher Diebold
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: UR (Urbanized Residential)

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

L-05-71 **Robert & Mauricealean Lynch**
2466 Theodore Road, North East, MD
Tax Map: 19, Parcel: 367
Applicant: Christopher Diebold
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: UR (Urbanized Residential)

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

L-05-72 **Elmer F. Justice & Remle, Inc.**
537 Bailiff Road, North East, MD
Tax Map: 25, Parcel: 232
Applicant: Christopher Diebold
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: UR (Urbanized Residential)

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

L-05-73 **Bailiff Road, LLC**
525 Bailiff Road, North East, MD
Tax Map: 25, Parcel: 325
Applicant: Christopher Diebold
Proposed Zoning: ST (Suburban Transition)
Requested Zoning: UR (Urbanized Residential)

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

L-05-74 **Thomas & Doris King**
227 Old Bayview Road, North East, MD
Tax Map: 25, Parcel: 617
Applicant: Christopher Diebold
Proposed Zoning: ST (Suburban Transition)
Requested Zoning: UR (Urbanized Residential)

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

L-05-75 **Thomas & Doris King**
215 Old Bayview Road, North East, MD
Tax Map: 25, Parcel: 5
Applicant: Christopher Diebold
Proposed Zoning: ST (Suburban Transition)
Requested Zoning: UR (Urbanized Residential)

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

L-05-76 Christopher & Keri Diebold
155 Old Bayview Road, North East, MD
Tax Map: 25, Parcel: 756
Applicant: Christopher Diebold
Proposed Zoning: ST (Suburban Transition)
Requested Zoning: UR (Urbanized Residential)

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

L-05-77 Christopher & Keri Diebold
131 Old Bayview Road, North East, MD
Tax Map: 25, Parcel: 9
Applicant: Christopher Diebold
Proposed Zoning: ST (Suburban Transition)
Requested Zoning: UR (Urbanized Residential)

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

L-05-78 Steven & Sara Russell
48 Old Bayview Road, North East, MD
Tax Map: 25, Parcel: 11
Applicant: Christopher Diebold
Proposed Zoning: ST (Suburban Transition)
Requested Zoning: UR (Urbanized Residential)

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

L-05-79 Asten Woods, Inc.
N/S of Old Bayview Road & Bailiff Road
Tax Map: 25, Parcel: 441
Applicant: Christopher Diebold
Proposed Zoning: ST (Suburban Transition)
Requested Zoning: UR (Urbanized Residential)

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

L-05-80 Roy & Glenn Blomquist
N/S Bethel Church Rd & S/S Bailiff Road (parcel is split by I-95)
Tax Map: 25, Parcel: 32
Applicant: Christopher Diebold
Proposed Zoning: ST (Suburban Transition)
Requested Zoning: UR (Urbanized Residential)

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

L-05-81 Robert T. Crouch
Old Bayview Road & Biggs Hwy.
Tax Map: 19, Parcel: 53
Applicant: Robert T. Crouch
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: BG (Business General)

Mike Pugh, Corridor Land Services, appeared and presented an overview of the requested rezoning. Mr. Pugh stated that there is a commercial pattern established in this area, therefore Mr. Crouch feels this property should also be zoned BG (Business General).

Discussion ensued regarding whether a previous rezoning application was submitted for this parcel.

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

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

L-05-82 Charles & Barbara York
S/S Theodore Road, just west of Benjamin Farm Lane
Tax Map: 25, Parcel: ?
Applicant: Christopher Diebold
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: UR (Urbanized Residential)

Discussion ensued regarding whether the taxes for this property would change due to a change in the zoning and the notification of the owners of parcels that are being requested to be rezoned.

President Mullin asked if anyone would like to speak in favor or in opposition of this text change. Nancy Valentine, 135 Pine Cone Drive, North East, MD, spoke in opposition of item numbers L05-66 through L05-80 and L05-82.

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

L-07-03 Pleasant View Baptist Church
150 Downin Lane, Port Deposit, MD
Tax Map: 23, Parcel: 41
Applicant: H. Barry Montgomery
Proposed Zoning: LDR (Low Density Residential)
Requested Zoning: ST (Suburban Transition)

Barry Montgomery appeared and presented an overview of the requested rezoning. Mr. Montgomery stated that the owners of the parcel would like the current zoning of the property to remain.

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

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

08-01 Richard & Joanne Henderson
79 Rock Springs Road, Conowingo, MD
Tax Map: 9, Parcel: 263
Applicant: Richard & Joanne Henderson
Proposed Zoning: NAR (Northern Agricultural Residential)
Requested Zoning: BG (Business General)

Applicant did not appear to present their application. Mr. Sennstrom gave an overview of the application that was presented to the Planning Commission. The parcel is part of the property that West Cecil Health Center is purchasing for their facility and part of the purchase has separate parcels that are zoned BG (Business General). Parcels 263 and 320 are not zoned BG (Business General).

Discussion ensued as to whether the applicant could build a health center on the property with the proposed zoning designation.

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

08-02 Richard & Joanne Henderson
W/S Rock Springs Road, Conowingo, MD
Tax Map: 9, Parcel: 320
Applicant: Richard & Joanne Henderson
Proposed Zoning: NAR (Northern Agricultural Residential)
Requested Zoning: BG (Business General)

Applicant did not appear to present their application.

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

T-05

Submitted by: Jill E. Burke
Section 246.8(a) (ZO) – Minimum amount of acreage for parcels transferring development rights (“sending parcels”) (AA pages 361 and 362).

Applicant did not appear to present their application.

Mr. Sennstrom explained that Ms. Burke had a concern that the acreage threshold of fifty (50) acres for sending parcels is too high and precluded too many potential properties from selling development rights. She would like to see it reduced to fifteen (15) acres.

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

Discussion ensued regarding the recommendation of disapproval by staff.

T-06

Submitted by: Jill E. Burke
Section 246.8(c) and 246.8(d) (ZO) – Water & Sewer service criteria for parcels receiving transferred development rights (“receiving parcels”) (AA pages 366 & 367).

Applicant did not appear to present their application.

Mr. Sennstrom explained that Ms. Burke wanted to set a specific date as to when the maps (Master Water and Sewer) show it as either an existing water and sewer service area or proposed water and sewer service area.

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

John Bolinski, 986 Irishtown Road, North East, MD, appeared and presented the BOCC with an information packet with regard to his concerns of the Comprehensive Plan and Subdivision Regulation / Zoning Ordinance. Mr. Bolinski’s concerns were as follows: The lack of land preservation programs; the county’s ability to take land from a property owner for easement purposes without providing compensation; providing security on the existing trail easement that the county owns and a proposed change to the procedure of personal items being presented at the Planning Commission meetings. Discussion ensued.

The March 16, 2011 Board of County Commissioners Comprehensive Rezoning Hearing adjourned at 8:53 p.m.

Respectfully Submitted:

Jennifer Bakeoven