

**TOWN OF ELKTON
PLANNING COMMISSION
MARCH 11, 2013**

PRESENT: David Wiseman; H. Fred Thomas, II; Sue Whitaker; Brad Carrillo G. Edward Ginder; Cameron A. Brown, Esquire; Jeanne D. Minner, Director of Planning; Theresa Thomas, Planner

ABSENT: Asma Manejwala; Commissioner Mary Jo Jablonski

Mr. Wiseman called the meeting to order at 7:05 p.m.

ACTION: Motion was made by Mr. Thomas to approve the minutes from the February 11, 2013 Planning Commission meeting. The motion was seconded by Ms. Whitaker and unanimously approved.

REQUEST OF BIANCA BELLMYER, 106 BONNIE MARIE LANE, ELKTON, MARYLAND, TO PERMIT A HOME OCCUPATION. THIS ACTION CONCERNS PROPERTY LOCATED AT 106 BONNIE MARIE LANE, ELKTON, MARYLAND, TAX MAP 302, PARCEL 2467, ZONED R-1

Charles and Bianca Bellmyer were in attendance to address this request. Ms. Bellmyer conveyed to the Board that she has been working with E-Bay and would like to expand her business. In order to do that she will need to obtain a retailer's certificate which would allow her to drop ship her items direct from the supplier to the buyer. When she applied for the certificate she was informed that she would need to go before the Planning Commission to get approval for the business.

Mr. Wiseman inquired whether shipments are already being sent to the house. She stated currently the shipments are being sent to a storage facility where the shipments are accepted for her. She explained that drop shipping is easier for her and will open the window for her to branch out to specific distributors.

Mr. Wiseman asked if any change would be made to the outside of the house. She noted that nothing will change. He asked if her neighbors are aware of her business. She said her neighbors are either current customers or are not aware of what she does. Mr. Wiseman remarked that this was the intent when reviewing home businesses that the property remains a 'home' rather than appear as a business or cause disruption in the neighborhood.

There was discussion regarding the number of shipments which come to the house during the month. Ms. Bellmyer indicated approximately two shipments come to their home in a month for the business and the size of the package is no different than what might be delivered to any home.

Mr. Wiseman entertained question from the Board and the audience. There were none.

MOTION: Motion was made by Mr. Ginder to approve the home occupation as presented. The motion was seconded by Mr. Thomas and unanimously approved.

CHRIS ROGERS OF URS, UPDATES TO ARTICLE IX ZONING DISTRICTS OF THE ELKTON ZONING ORDINANCE: PART II, HIGHWAY CORRIDOR OVERLAY DISTRICT; PART III, HISTORIC OVERLAY DISTRICT; PART IV, CRITICAL AREA DISTRICT

The focus of this review of the Zoning Ordinance is the three Overlay Districts: Highway Corridor, Historic and Critical Area. Mr. Rogers gave a quick overview of the location of the Highway Corridor Overlay zone along main routes through Town, Route 40, Route 213, Route 279 and I-95. He noted that the overlay zone is within 500 feet of the roadway. There was discussion regarding which requirements would apply should there be more than one overlay zone for a particular property. Mr. Rogers stated the most restrictive requirement would apply. He also noted that the Critical Area requirements are State requirements whereas the Highway Corridor and Historic District are determined by the Town and are discretionary.

Mr. Wiseman inquired how similar the Critical Area revisions might be to our current Ordinance. Ms. Minner stated there are numerous amendments from the State which make it difficult to keep up with and referencing State law within our Ordinance was discussed. It was noted the Critical Area Overlay is within 1,000 feet of tidal influence. Ms. Minner mentioned the three categories under the Critical Area Overlay which are IDA (Intensely Developed Areas), LDA (Limited Development Area), and RCA (Resource Conservation Area). She remarked that the conditions required in these specific areas are determined by State law.

Ms. Minner questioned Mr. Rogers regarding whether the Permissible Uses Table should be amended to remove conflicts. He stated that the overt conflicts should be reviewed. She noted one particular instance with regard to sanitary landfill and sludge areas and where they are allowed as an example.

Mr. Carrillo asked if Elkton has added restrictions specific to Elkton that would be more restrictive than the Critical Area. Ms. Minner remarked there were changes to the Historic Overlay but not Critical Area Overlay.

A discussion regarding 'grandfathering' ensued where Ms. Minner noted that there is a two-year limit on approved plans. Existing built out properties prior to the original Critical Area designation would be grandfathered.

Mr. Rogers noted the Highway Corridor Overlay zone provides additional requirements for tree preservation, screening/buffer yards and architectural review. He mentioned the draft he provided may have been heavy handed in deleting certain sections and he will be discussing

these in future meetings with the Planning Department. Discussion of tree preservation and architectural review, specific to certain scenarios, were discussed and it was noted that the Planning Commission has flexibility regarding these specific requirements.

The Historic and Architectural Review board reviews and approves or denies any changes requested within this overlay district.

Mr. Rogers informed the Board that he should have a draft of the full Ordinance to them by next month. He noted there are still amendment changes that need to be made but a complete copy of the Ordinance should be ready within one to two months. The zoning maps will be the next part of the review to be done. Ms. Minner noted she has a number of requests for changes to zoning that will need to be looked at during this review.

The general consensus of the Board was that they would like to have the maps long enough in advance of the meeting so that they would have time to go visit the property prior to making a decision regarding rezoning of any property.

OLD BUSINESS – Hertrich Chrysler Jeep Dodge withdrew from the meeting but will probably resubmit for the April meeting.

NEW BUSINESS – The Mayor asked that the Board request different architectural grades for development coming into the Town. The general consensus of the Board was that they have no issues requesting this and making these decisions provided the Mayor stands behind their decision. They feel the decisions they make and recommend to the Mayor & Commissioners should be given more weight and should be used as a guide in their decision making regarding projects which come before them.

The next meeting of the Planning Commission is scheduled for April 8, 2013.

There were no additional items for discussion and Mr. Wiseman adjourned the meeting at 8:21 p.m.

Respectfully submitted,

Brenda Humphreys