

**TOWN OF ELKTON
PLANNING COMMISSION
JUNE 11, 2012**

PRESENT: David Wiseman, (Chair); Brad Carrillo; G. Edward Ginder; Asma Manejwala; H. Fred Thomas, II; Commissioner Mary Jo Jablonski; Clara Campbell, Esquire; Jeanne D. Minner, Director of Planning; Theresa Thomas, Planner

ABSENT: Sue Whitaker

Mr. Wiseman called the meeting to order at 7:00 p.m.

ACTION: Motion was made by Mr. Ginder to approve the minutes from the May 7, 2012 Planning Commission meeting. The motion was seconded by Ms. Manejwala and unanimously approved.

TENBY RIDGE ANNEXATION HEARING – CONSISTING OF APPROXIMATELY 122.143 ACRES MORE OR LESS, LOCATED EAST OF MUDDY LANE AND FURTHER DESCRIBED ON TAX MAP 304, PARCELS 69, 879, 881, 892 AND 1126. THE PROPERTY IS CURRENTLY ZONED M-1 IN CECIL COUNTY ZONING AND THE APPLICANT IS REQUESTING RO AND R-3 ZONING IN THE TOWN OF ELKTON

Mr. Kenny Simmons and Mr. Dwight Thomey were in attendance to address this request. Mr. Thomey noted that the property consists of several parcels that have been added together. It has frontage on both Dixie Line Road and Muddy Lane where there is a significant amount of housing. They are requesting a mixed use residential with some retail which could be used by the residents in the area. They would have public water and sewer which currently exists in that area.

Some of the parcels in this area had been zoned light industrial by Cecil County probably due to the location of the railroad. They stated they would be glad to address any questions from the Board.

Mr. Wiseman pointed out that during the 2002 submission increased traffic and traffic safety were the main issues with the project and he stated that this would have to be addressed. Ms. Minner pointed out that since Muddy Lane is a County road any required improvements would have to come from DPW at Cecil County. Belle Hill Road beyond the underpass falls within the Town of Elkton and a traffic impact study would be required. Red Hill Road is a State highway and they would weigh in on any improvements to that road.

Mr. Carrillo asked if the road would be part of the annexation. Ms. Minner stated that only if the Town requested to take over the road would that be considered. The only way they would consider taking ownership of the road would be if all the properties along the road were within Town limits and also that it be brought up to Town standards prior to the Town taking responsibility.

Ms. Manejwala asked if the proposed water capacity of 71,500 gallons is sufficient and reasonable without having to pull water from the Artesian interconnector. Ms. Minner stated that

the Town is currently in negotiations with Artesian. She stated that the Town's water usage has gone down significantly in the past year.

Ms. Manejwala inquired whether all the housing units would be age restricted. Mr. Thomey stated that the decision would be driven by the market. She asked if there would be an increase in arterial roads to access the development. Mr. Thomey stated that again it would depend on what is required by traffic engineers. His understanding is that State Highway is looking at the intersection of Muddy Lane and Red Hill Road currently and they may be able to tie into what they are doing.

Mr. Wiseman asked for any additional questions from Ms. Minner and the members of the Board. There were none.

Mr. Wiseman opened the floor for comment from the audience.

Ms. Gale Casini of 1675 Dixie Line Road inquired why a road is already being built at this location. Mr. Simmons mentioned that Artesian is placing their waterline and she responded that the road that is being built runs perpendicular to Dixie Line Road. They have cleared trees and have had bulldozers working in the area.

Mr. William Kranz of 1647 Dixie Line Road added that the road is on Mr. Simmons property and that he was sure Mr. Simmons was aware of it. The annexation was applied for in 2002 and although Mr. Thomey stated that he was not aware of the meeting Mr. Kranz stated that he was in attendance at that meeting and Mr. Thomey represented Mr. Elmer Justice. He was concerned because the people in the area were not made aware of this meeting tonight and he wished to voice his opposition to the Board recommending this annexation.

Ms. Lesanne Hudson of 464 Muddy Lane voiced her concern with the amount of traffic that would be added to an already busy narrow road with no shoulders. She pointed out that there are 200 apartments and 120 townhouses as well as 58 property owners currently on Muddy Lane, some of which are utility companies or the railroad. She was concerned that the only access available to the property will be very close to the railroad bridge.

Mr. Phil Hudson of 464 Muddy Lane asked how much access was available on Dixie Line Road or Muddy Lane. Mr. Dwight Thomey stated that there is approximately 100 feet on Dixie Line Road and 120' on Muddy Lane with another access off Muddy Lane. Mr. Hudson asked the amount of frontage that would be needed and the fact that one of those access areas is right at the crest of a hill.

Mr. Wiseman pointed out that there are two separate decisions that are being discussed and that the annexation is the subject before the Board currently. He added that should the annexation go forward that the engineering of the roads, etc. would need to be addressed and that the meeting would be open for public comment.

Mr. Mark Wayman of 1649 Dixie Line Road asked what the benefits would be for the Town with this annexation. Ms. Minner noted that the area is part of the Town's future growth area and having the Town be able to control the type of development and timing of the development is a benefit. Mr. Wayman mentioned that one of the issues in 2002 was the fact that some properties

are being jumped over and allowing for islands to be created. Ms. Minner stated that they look at each annexation as it is presented and that this area has always been part of the Town's growth area. Mr. Wayman voiced his concern about over development and whether those who are in the County could be annexed without their consent. Ms. Minner noted that State law provides guidelines as to how lands can be annexed and that the Town has not been involved to this point with annexing any properties without at least 25% of the residents being in favor of the annexation.

Discussion continued regarding the requirements of notification for meetings, specifically annexations. People voiced their concern that not everyone has access to a computer, etc. and that individual property owners are not contacted. Mr. Thomey pointed out that the requirements for notification for this meeting were followed according to the Town code.

Ms. Hudson reiterated her concern for safety along these roads and that the traffic will be horrific.

Ms. Casini stated that original Mason Dixon markers are on her property which are regularly measured and documented and she wished to point out that this would be another layer that they would need to deal with.

Mr. Kenneth Kirk of 472 Muddy Lane inquired about how they plan to get behind his and others properties to Delancy Road with only a 60 foot right of way which is right by the underpass. There was additional discussion regarding this issue.

Questions arose regarding the difference between the County and Town zonings. Ms. Minner addressed the question regarding the types of zoning involved in the annexation request. Mr. Kirk stated that he called County zoning and they stated they were not aware of the annexation. Mr. Wayman asked how they would find out about any future meetings. Ms. Minner explained that State standards require four notifications, one per week prior to the meeting. Those questioning notification were referred to the County Planning office and specifically, Mr. Eric Sennstrom who is the Director of Planning.

There was a question as to whether existing homes which are not included in the annexation would be required to tie into Town water and sewer. Ms. Minner stated that they would not have to tie into Town water and sewer if they do not live in Town.

Mr. Wiseman closed the time of question and comment for this submittal.

MOTION: Motion was made by Ms. Manejwala to recommend approval of the annexation to the Mayor & Commissioners. The motion was seconded by Mr. Thomas and unanimously approved.

OLD BUSINESS – Ms. Minner gave an update regarding the Zoning Ordinance. She stated herself, Craig Trostle and Terri Thomas have been reviewing the Permissible Uses Table and they are trying to collapse some of the categories so that if they are similar enough they can fall under the same regulations. Chris Rogers had looked mainly at the Town Center additions to the table.

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NEW BUSINESS – There was discussion regarding a timeline for the Zoning Ordinance update and the number of articles left to review. Mr. Thomas asked if we had received any feedback regarding Southfields. Ms. Minner stated she had just received a memo today but had not had an opportunity to review it.

NEXT MEETING – JULY 16, 2012

There were no additional items for discussion and Mr. Wiseman adjourned the meeting at 7:38 p.m.

Respectfully submitted,

Brie Humphreys