

The Mayor and Commissioners of the Town of Elkton

MINUTES

September 16, 2013

A public meeting (workshop) of the Mayor and Commissioners of the Town of Elkton (“the Board”) was held on this date at 4:00 p.m. with the following persons present: Mayor Joseph Fisona, Commissioners Charles H. Givens, Sr.; Mary Jo Jablonski and Earl M. Piner. Sr.; Town Administrator Lewis H. George, Jr.; Finance Director Steven H. Repole; Town Planner Terri C. Thomas; Administration Office Secretary L. Michelle Henson; and Town Attorney H. Norman Wilson, Jr. Commissioner Charles E. Hicks, V was excused from the meeting.

Mayor Fisona called the workshop to order at 4:00 p.m.

Mayor Fisona announced Commissioner Hicks could not attend the meeting due to his work schedule.

Referring to a previously distributed matrix which outlined Planning Commission and Planning Staff recommendations regarding requested changes in zoning of specific parcels, as well as an updated matrix and additional memoranda from Planning Director Jeanne Minner, Mayor Fisona suggested that the Board discuss each request individually.

Mayor Fisona stated Commissioner Hicks provided written comments regarding certain rezoning requests, and read Commissioner Hicks’ comments and placed a copy into the record of the minutes.

Ms. Thomas stated several of the Planning Commission’s recommendations for approval of certain rezoning requests were based upon creation of uniformity of the Town zoning maps.

Ms. Thomas, referring to the property identified as Tenby Ridge, stated the parcel was zoned R-3 Urban Residential upon annexation to accommodate a planned age-restricted development. She stated the development was not moving forward, and the property was currently being marketed for a mixed-use residential development, therefore staff recommended amending the zoning classification to R-2 Suburban Residential. Mr. George stated the original development plans were for an age-restricted community, which was not expected to place high demands on water / sewer services as a non-age restricted community would. He added the local sanitary sewer pump station, which was undergoing improvements, could not accommodate the higher density demands, should the R-3 zoning classification remain.

Mayor Fisona queried the Board for a consensus regarding the requested rezoning classification for the property identified as Tenby Ridge. It was the consensus of the Board to approve the requested rezoning classification for the property identified as Tenby Ridge.

Mayor Fisona, referring to zoning amendment requests for 302, 304 and 307 Landing Lane, stated Commissioner Hicks, in his written comments, requested a buffer between the existing residence and the proposed driveway, which would be located at 307 Landing Lane, and would be used for a proposed Wawa gas station, located on Route 40. Mayor Fisona queried the Board for comments regarding the requests.

Ms. Thomas stated the Planning Commission, after review of zoning requests by property owners located on the south side, adjacent to the Route 40 / Landing Lane intersection, recommended rezoning the parcels from R-3 Urban Residential to C-2 Highway Commercial. Ms. Thomas stated if 307 Landing Lane were rezoned, 305 Landing Lane would have to be as well, as the Board could not “spot zone” a parcel. She added the owners of 305 Landing Lane did not want their property rezoned.

Commissioner Jablonski, referring to the Planning Commission’s Public Hearing at which time the rezoning of the Landing Lane properties was discussed and voted on, questioned if the residents had been notified of the commission’s decision at that time. Ms. Thomas answered in the affirmative, stating it was in response to her notice that the owners of 305 Landing Lane voiced opposition. She added that she had not heard from the remaining property owner.

Commissioner Givens expressed concern regarding the impact on the owners of 305 Landing Lane. He expressed support for the proposed Wawa gas station, and questioned if the proposed Landing Lane entrance was essential to the project. Commissioner Piner concurred with Commissioner Givens.

Mayor Fisona expressed concerns that the proposed driveway was critical to the Wawa, saying a new commercial property was beneficial to Elkton. Commissioner Jablonski expressed support for a new business, adding it was important to consider an established neighborhood as well.

Ms. Thomas stated the Planning Commission was not aware of any objections to the requested rezoning during its original deliberations, which was why the Planning Department sent notices to affected property owners.

Mr. George, acknowledging the Board’s concerns, stated the Planning staff needed to know if the zoning designations should be amended or remain the same prior to the scheduled introduction of the Comprehensive Zoning Maps on September 18, 2013.

Mr. Wilson advised the Board to determine the rezoning requests for which a consensus could be reached, and suggested the areas over which a consensus could not be reached should remain unchanged on the Comprehensive Zoning Map.

Commissioner Jablonski questioned if the State Highway Administration (SHA) would have input regarding the proposed driveway and its distance from the Route 40 /

Landing Lane intersection. Ms. Thomas responded the project would not receive SHA review until the planning stage.

Mayor Fisona queried the Board for a consensus regarding the requested rezoning classifications. Commissioner Jablonski, referring to Ms. Thomas' statements regarding resident feedback to the notices sent by the Planning Department, stated she wanted to hear from all residents prior to making her decision.

Ms. Thomas, referring to the property identified as 814 Bridge Street, stated the applicant requested rezoning 4 parcels from R-2 Suburban Residential to RO Residential Office. She stated the applicant indicated he was the owner of all 4 parcels. She stated subsequent investigation by Planning staff revealed the applicant owned 1 parcel, and the owners of the remaining parcels objected to rezoning. Ms. Thomas stated Planning staff recommended no change in zoning.

Mayor Fisona queried the Board for a consensus regarding the requested rezoning classifications for the property identified as 814 Bridge Street. It was the consensus of the Board to deny the requested rezoning classifications for the property identified as 814 Bridge Street.

Ms. Thomas, referring to properties identified as Tax Map 320, Parcels 2369 & 2390, stated the property owner requested rezoning Parcel 2369 from R-2 Suburban Residential / R-3 Urban Residential to C-2 Highway Commercial and R-3 Urban Residential, and Parcel 2390 from C-2 Highway Commercial to R-3 Urban Residential. Ms. Thomas stated the Planning Commission and staff recommended approval of the requests.

Mayor Fisona queried the Board for a consensus regarding the requested zoning classifications. It was the consensus of the Board to approve the requested rezoning classifications for the properties identified as Tax Map 320, Parcels 2369 & 2390.

Ms. Thomas, referring to property identified as 655 Bridge Street, stated the owner previously requested a rezoning classification from BI Business Industrial to R-3 Urban Residential, and subsequently amended his request to a reclassification of C-2 Highway Commercial. Mayor Fisona stated the issue remained regarding apartments being permitted in the C-2 zone, which was the original point of contention with the neighborhood.

Ms. Thomas stated the property owner and residents of the adjacent neighborhood subsequently recommended that "commercial apartments" should be removed as a permissible use in the C-2 Highway Commercial and C-3 Highway Interchange Commercial zones, adding that the Planning Commission and staff concurred.

Mayor Fisona queried the Board for a consensus regarding the requested zoning classification from BI Business Industrial to C-2 Highway Commercial for the property

identified as 655 Bridge Street. It was the consensus of the Board to approve the requested rezoning classification from BI Business Industrial to C-2 Highway Commercial for the property identified as 655 Bridge Street.

Mayor Fisona queried the Board for a consensus regarding removal of “commercial apartments” as a permissible use in the C-2 Highway Commercial and C-3 Highway Interchange Commercial zones. It was the consensus of the Board to remove “commercial apartments” as a permissible use in the C-2 Highway Commercial and C-3 Highway Interchange Commercial zones.

Ms. Thomas, referring to the property identified as Tax Map 316, Parcel 169, stated the property owner requested rezoning the parcel from R-2 Suburban Residential to R-3 Urban Residential. Ms. Thomas stated the Planning Commission recommended denial of the request, based upon: the original zoning of the parcel when annexed, the compatibility with existing development in the area, and to provide for future development as R-2 Suburban Residential density. Ms. Thomas stated the property owner indicated the parcel was bordered on 3 sides by higher density. She stated the higher density designation was dependent upon availability of community services, which was currently not the case.

Mayor Fisona stated the property owner wanted to move forward with a Planned Unit Development (PUD) however the requested zoning designation provided a backup alternative. Ms. Thomas stated the request was for a higher density designation, adding a parcel could not be rezoned simply as a backup plan for a specific project. She stated if the rezoning request was denied, the property owner could still develop the PUD.

Mayor Fisona stated the owner of the following properties requested rezoning of parcels identified as: Tax Map 316, Parcel 169 from R-2 Suburban Residential to R-3 Urban Residential; Tax Map 320, Parcel 2371 from R-1 Town Estate to R-3 Urban Residential; Tax Map 324, Parcel 2394 from R-1 Town Estate to R-3 Urban Residential; Tax Map 319, Parcel 2450 from R-2 Suburban Residential to R-3 Urban Residential; Tax Map 323, Parcel 79 from R-2 Suburban Residential to R-3 Urban Residential.

Discussion ensued regarding available water resources for the area.

Discussion ensued regarding the number of houses permitted in the R-3 Urban Residential zone. Ms. Thomas stated the R-3 Urban Residential designation permitted townhomes and apartments, while the R-1 Town Estate and R-2 Suburban Residential classifications allows for a variety of residences. She added the development density of the area would ultimately be decided by environmental features, such as wetlands and steep slopes.

Mr. George stated the Town’s Comprehensive Plan delineated development patterns, and an increase of density would be contrary to the plan, as well as Planning Commission recommendations.

Mayor Fisona queried the Board for a consensus regarding rezoning of parcels identified as Tax Map 316, Parcel 169 from R-2 Suburban Residential; Tax Map 320, Parcel 2371 from R-1 Town Estate; Tax Map 324, Parcel 2394 from R-1 Town Estate; Tax Map 319, Parcel 2450 from R-2 Suburban Residential; Tax Map 323, Parcel 79 from R-2 Suburban Residential; to R-3 Urban Residential.

It was the consensus of the Board to approve rezoning of parcels identified as Tax Map 316, Parcel 169 from R-2 Suburban Residential; Tax Map 320, Parcel 2371 from R-1 Town Estate; Tax Map 324, Parcel 2394 from R-1 Town Estate; Tax Map 319, Parcel 2450 from R-2 Suburban Residential; Tax Map 323, Parcel 79 from R-2 Suburban Residential; to R-3 Urban Residential.

Mayor Fisona advised the Board that Mr. Mark Clark, member of the Historic and Architectural Review Committee (HARC) requested an amendment to the Town's Historic District Overlay Zone. He read Mr. Clark's request, placing a copy of the document into the record of the minutes. Ms. Thomas stated Mr. Clark specifically requested removal of his property from the zone.

Discussion ensued regarding the parameters of the Historic District Overlay Zone. Ms. Thomas stated the HARC planned to continue discussions pertaining to the district at their next meeting, and would provide updates to the Board.

Hearing no additional business to come before the Board, Mayor Fisona adjourned the workshop at 5:32 p.m.

L. Michelle Henson
Administration Office Secretary

AN AUDIO RECORDING OF THIS MEETING IS RETAINED AT THE
ADMINISTRATION OFFICE