

NORTH EAST PLANNING COMMISSION
North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Tuesday, June 4, 2019
7:00 P.M.

Chairman Mark Dobbins called the meeting to order at 7:04 P.M. Present included Commissioner Raymond Mitchell and members Michael Nair, Valerie Combs and Judy Duffy. Also present were Chris Mink, Town Engineer, David Beste, Town Attorney, Melissa Cook-MacKenzie, Zoning Administrator and Lisa Rhoades, Planning and Zoning Assistant. Betsy Vennell, Director of Planning and Zoning was absent from the meeting.

-MINUTES-

April 2, 2019

Ms. Duffy made a motion to approve the May 7, 2019 minutes. Commissioner Mitchell seconded the motion and the motion was approved by all.

-OLD BUSINESS-

Snatchers Creekside Grill, Case: A-2017-03-SE. Review of Extended hours.

Chairman Dobbins reported that Snatchers Creekside Grill was required to come before the Planning Commission and the Board of Appeals on an annual basis, as a condition of an approved Special Exception signed June 29, 2017.

Lynn Bollinger, 36 Blossom Lane, Elkton, Maryland was present on behalf of Snatchers Creekside Grill. Ms. Bollinger reported that the restaurant has been doing very well over the last year and she has received only one call from the Town Hall regarding a complaint about loud music at approximately 10 P.M. Ms. Bollinger reported that the business was closed at that time however, there had been a 75th Birthday party event that evening. Although, the party had ended earlier, the staff forgot to turn off the outside speakers during the clean-up. Ms. Bollinger stated that she addressed this with staff to ensure that it will not happen again.

Mrs. Cook-MacKenzie reported that the Town had not received any complaints over the last year, other than the one stated.

Chairman Dobbins noted that there was nothing concerning on the Fire and Police Activity report that would be related to the extended hours. Therefore, the Planning Commission did not see any reason why the business could not continue to operate with the current extended hours as stated in the legal opinion for Special Exception Case: 2017-03-SE.

Ms. Combs made a motion to recommend of approval to the Board of Appeals for the continuation of the extended hours as stated in the legal opinion for Special Exception Case: 2017-03-SE with the following condition:

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1. Snatchers Creekside Grill shall come before the Planning Commission in one year for an annual review of the extended hours.

Ms. Duffy seconded the motion and the motion was approved by all.

Ridgely Forest Master Planned Community-Housing Unit Type- Discussion

Mr. Jim Wolf, WORF LLC, 2301 Rutledge Road, Fallston, Maryland and Mr. Tom Vaughn representing Ryan Homes were present to discuss the housing unit types for Ridgely Froest Sections 3B and 5B

Mrs. Cook-MacKenzie briefly summarized the May 7, 2019 Planning Commissions discussion in regards to the housing unit types for Ridgely Forest Sections 3B and 5B. The developer inquired about changing the housing unit types for these two sections to single family homes. However, the Planning Commission concurred that they would prefer to keep the original housing unit type of a Duplex Villa for Sections 3B and 5B.

Mrs. Cook-MacKenzie reported that she had sent a letter dated May 8, 2019 to the developer regarding the Planning Commissions desire to maintain the duplex-villa housing unit type in Sections 3B and 5B. Mrs. Cook-MacKenzie distributed a rendering of the Duplex-Villa approved in the Master Planned Community Design Guidelines dated May 16, 2018 and a rendering of a new proposed Duplex-Villa.

Mr. Nair inquired why there is a request to change the product. Mr. Tom Vaughn, Ryan Homes, stated the reason for the request was driven by demand. They have found that the potential buyers, in Ridgely Forest, have been younger families who are looking to purchase homes with more square footage. Mr. Vaughn reported of all the homes sold to date only one rancher has been sold and the younger families are not showing interest ranchers. The majority of the square footage of the approved Duplex-Villa, is primarily on the first floor. The new proposed Duplex-Villa has additional square footage on the second floor. The lot size for the proposed Duplex-Villa will be 40 foot wide as opposed to the previous 38 foot wide lot. This will allow for a larger side yard. The units shall be two feet wider as well. Mrs. Cook-MacKenzie reported that the larger lots will absorb some of the open space however, the development will still exceed open space requirements. Mr. Nair inquired what the price point would be for the Duplex-Villas. Mr. Vaughn replied in the low to mid \$200,000.

With no further comment, the Planning Commission concurred that the new design was acceptable and understood that a Master Planned Community amendment would be required.

-NEW BUSINESS-

Restaurant: 114 South Main Street

Case A-2019-02-SE: Special Exception application from Elizabeth Weaver, 57 Cherokee Drive, North East, Maryland. Applicant is requesting a special exception for the purpose of opening a

Restaurant at 114 South Main Street, North East, Maryland; Also known as parcels 481; Tax Map 400. Property owner B. Patrick Doordan, P.O. Box 503, North East, Maryland.

Elizabeth Weaver and Josh Weaver, 57 Cherokee Drive, North East, Maryland, John Gonzales, Landmark Science and Engineering, 356 Congress Avenue, Suite 209, Havre de Grace, Maryland.

Chairman Dobbins reported that the Planning Commission does not grant approval of the Special Exception, their role is to give a recommendation to the Board of Appeals who would either grant or deny approval.

Mr. Nair confirmed that the Special Exception shall be required because there is a change in the use to a restaurant. Mrs. Cook-MacKenzie replied that certain uses require a Special Exception because the proposed use may cause an adverse effect to that area in some way. Attorney Beste added that the Zoning Ordinance contains language to give the opportunity for the Boards to review some uses on a case by case basis.

Chairman Dobbins verified that the previous use of 114 South Main Street was retail and that the proposed use is a restaurant with 58 seats. Ms. Weaver concurred. Chairman Dobbins stated his concern that the change in use from retail to a restaurant would change the volume of vehicular traffic. In addition, how would this change impact those current residential and business properties. Chairman Dobbins referenced number 5 on the Special Exception application, "have adequate measures been taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets". Attorney Beste pointed out that the North East Zoning Ordinance, Section 9-14, states that 'No special exception shall be approved by the Board of Appeals unless such Board shall find: that adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.'

Mr. Gonzales stated that patrons would utilize the public street parking and municipal parking lot. Mrs. Weaver stated that she did not consider an increase in traffic, as she envisioned patrons, who would be already in town, visiting retail stores on Main Street, would stop in her establishment for breakfast or lunch. However, Mrs. Weaver said she is open to any suggestions or conversation to rectify any concerns there may be. Chairman Dobbins confirmed that there are six onsite parking spaces. Mrs. Weaver replied yes, however she would only have use of one of those spaces for her business.

Ms. Duffy inquired about odors, such as dumpster and venting. Ms. Weaver stated that the Board of Health has specific codes regarding restaurant venting when there is a residence located above the establishment. Ms. Weaver stated they intend to abide all the regulations. In addition, the Fire Marshall informed Ms. Weaver she could have a maximum of 58 seats, therefore this is what she has proposed. Ms. Weaver referred to her seating plan, stating that she may make one of the tables 6 seats and another two but she will be maintaining 58 seats. Ms. Weaver hopes that she can work with other local businesses and use their services and vice versa. Mrs. Cook-MacKenzie inquired why they chose this location. Ms. Weaver stated that she and her husband have educated themselves about the area and felt this was the right location. This location meets

her vision and stated she feels they will be offering something different than what North East currently has to offer.

Mr. Nair stated without an algorithm to calculate the volume of projected increase in traffic from a retail use to a restaurant use, he does not see why this proposed restaurant would not be acceptable with the public parking available. Chairman Dobbins stated that tabling the special exception application until there is a more complete site plan and package is an option. If the Board of Appeals does not approve the application the applicant cannot re-apply for a special exception for one year. Ms. Weaver stated that she would like to table her application and meet with the Planning Office to further discuss her application.

Chairman Dobbins stated the Planning Commission looks at each case on its own merits and does not look back at other businesses. The Planning Commission recommended that Ms. Weaver meet with the Planning Office to discuss opportunities to address the ingress and egress. Mrs. Cook-MacKenzie concurred and stated it would also be beneficial if upon meeting with the Planning Office, Ms. Weaver has a definitive business plan.

Chairman Dobbins inquired if any adjoining property owners would like to come forward to speak. Pat Lynch 49 Algonquin Road, North East, Maryland owns the adjoining property, 116/118 South Main Street has concerns about future loitering, trash, debris and ventilation in the walkway between the two adjoining properties Ms. Weaver stated the business will open for breakfast at 7am and close at 4pm. However, hours may be extended in the future if the business does well. Ms. Weaver acknowledged Mr. Lynch's concerns in regards to a restaurant.

With no further comments, the Special Exception application was tabled until rescheduled.

On-Premise Alcohol Beverage License

Case A-2019-03-SE: Special Exception application from Elizabeth Weaver, 57 Cherokee Drive, North East, Maryland. Applicant is requesting a special exception for the purpose of obtaining an on premise alcohol beverage license in conjunction with a Restaurant, at 114 South Main Street, North East, Maryland; Also known as parcels 481; Tax Map 400. Property owner B. Patrick Doordan, P.O. Box 503, North East, Maryland.

The Special Exception application for an on-premise Alcohol Beverage License was tabled until rescheduled.

-MISCELLANEOUS-

None.

-REPORTS-

Route 272 Bridge over Amtrak

Mrs. Cook-MacKenzie reported the first completed side of the bridge is to be expected approximately mid-June. At the same time traffic shall be switched over to the newly built

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section of the bridge and then work will begin on two additional sections. Ms. Duffy inquired about crosswalks on Mauldin Avenue for pedestrians utilizing the bridge sidewalk. Mrs. Cook-MacKenzie stated that there are crosswalks currently in the island between Mauldin Avenue and North Main Street however, they may need to be updated and she will follow up with State Highway to see if this is currently on their schedule.

North East Gateway

Mrs. Cook-MacKenzie reported that the old caretaker house on the Nazarene Camp property has received their demolition permit from Cecil County and the police performed a walk-thru prior to demolition.

Mrs. Cook-MacKenzie reported she attended a Pre-Construction meeting, regarding the North East Gateway, with the State Highway Administration.

Route 272 and Route 40 State Highway Project

Mrs. Cook-MacKenzie reported that a new contractor has been awarded the Route 272 and Route 40 State Highway Administration job as well as two other jobs within the county: Route 273 round about and a job in Charlestown. These two projects are scheduled to be completed prior to the stormwater project along Route 40 and Route 272 project.

Ridgely Forest

Mrs. Cook-MacKenzie reported that she attended a North East Civic League meeting in May and at that meeting Cecil County reported that they had issued 82 new building permits for single family dwellings this year of which 62 permits were from North East and 60 of those permits were from Ridgely Forest. When Ridgely Forest development is completely built, it will increase the houses within the Town of North East by 1/3.

-COMMENTS FROM THE PUBLIC-

None.

-NEXT MEETING-

The next Planning Commission meeting is scheduled for July 2, 2019.

-ADJOURNMENT-

With no further business, Mr. Nair made a motion to adjourn at 8:45 P.M. Commissioner Mitchell seconded the motion and the motion was approved by all.

Respectfully submitted:

Lisa Rhoades
Planning and Zoning Assistant

Attest:

Mark Dobbins
Chairman

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