

NORTH EAST PLANNING COMMISSION
106 South Main Street, North East, Maryland 21901
Wednesday, March 5, 2024
7:00 P.M.

Chairman Dobbins called the meeting to order at 7:00 p.m. Present for the meeting included Commissioner Crothers-Moore, Members Neil DeMatt, Judy Duffy, and Calvin Wilson. Also present included Melissa B. Cook-MacKenzie, Zoning Administrator and Chris Mink, ENgineering and Betsy Vennell, Director of Planning. Lisa Rhoades was absent from the meeting.

-MINUTES-

There were no minutes presented for approval.

-OLD BUSINESS-

There were no Old Business items on the agenda.

-NEW BUSINESS-

1. North East Commerce Center Lots 3 & 4: Applicant Bohler Engineering, 18958 Coastal Highway, Suite D, Rehoboth Beach, Delaware. Property Owner: Northeast Commerce Center IV LLC, c/o MIE Properties Incorporated, 2560 Lord Baltimore Drive, Baltimore, Maryland. Also Found on Tax Map 25B; Parcel 42; Lots 3 & 4. Zoning District "HI" Heavy Industrial and "HCOD" Highway Corridor Overlay District.
 - a. Final Minor Subdivision Plat
 - b. Final Site Plan for a proposed 39,244 square foot cross dock facility and a 14,250 square foot 4 Bay Maintenance Facility and truck wash.

Mr. Steve Fortunato, Bohler Engineering, Mr. Peter Lotta, and Mr. Tim Koch from A. Duie Pyle came to present their project. Mr. Fortunato stated that they are requesting Planning Commission Final Site Plan and Final Subdivision Plat approval.

Mr. Fortunato reported that he has received the comment letter from Mr. Chris Mink, ENgineering, dated February 16, 2024 and that he had no concerns with complying with the requirements contained in the letter.

Mr. Fortunato gave the following updates:

Agency comments:

Grading permit: The grading permit is in process at Cecil County Land Use Services.

Cecil Soil Conservation: Cecil Soil Conservation District sent a letter dated February 21, 2024, outlining their submittal meets the District standards for Final Approval.

Cecil County Sediment and Erosion Control /Stormwater Management: The Cecil County Department of Land Use and Development Services sent an email reporting that the applicant has minor comments to address and that they can submit their plans for final signature.

State of Maryland Department of the Environment/wetland permit: A letter dated February 13, 2024 approved the project plans.

Notice of Intent: The notice of intent is in process.

Sewer Allocation: Sewer Allocation has been approved by Cecil County Division of Development Plans Review.

Water Allocation: Water Allocation has been approved by the Mayor and Commissioners.

Water Utility Plans: The applicant agreed to the comments from Mr. Mink's letter.

Water Utility Easement: A water utility easement agreement shall be signed prior to final sight plan approval.

Public Works Agreement and Landscape Agreement: Mrs. Vennell reported the agreements will be finalized in the office by mid-March and sent to the owner to sign.

Ms. Duffy made a motion to approve the Final Site Plan for the 39,244 square foot cross dock facility and a 14,250 square foot maintenance facility and truck wash subject to the following conditions:

1. Chris Mink, ENEngineering, comment letter dated February 16, 2024.

Mr. Wilson seconded the motion and the motion was approved by all.

Preliminary Minor Subdivision Plat: Combining Parcel 42: lot 3 and 4

Mr. Fortunato reported that the property for the proposed cross dock consists of two lots which they are combining into one lot. Mr. Fortunato indicated that they will comply with Mr. Mink's comment letter dated February 26, 2024.

Ms. Duffy made a motion to approve the minor subdivision plat with the following conditions.

1. Chris Mink, ENEngineering, comment letter dated February 16, 2024.

Mr. DeMatt seconded the motion and the motion was approved by all.

-PUBLIC HEARING-

2. Case A-2024-01-SE: Owner/Applicant, 120EM, LLC, PO Box 336, North East, Maryland, is requesting a special exception for the purpose of opening a Tavern, bar, pub or sports bar restaurant at 16/18 South Main Street, North East, Maryland. Also found on Tax Map 31B; Parcel 353 in the “GC” General Commercial Zoning District.
3. Case A-2024-02-SE: Owner/Applicant, 120EM, LLC, PO Box 336, North East, Maryland, is requesting a special exception for the purpose of obtaining an alcohol beverage sales/liquor sales license permit for “On-Premise Consumption” associated with the proposed “Tavern, bar, pub or sports bar restaurant at 16/18 South Main Street, North East, Maryland under Special Exception Case A-2024-01-SE. Also found on Tax Map 31B; Parcel 353 in the “GC” General Commercial Zoning District.

Chairman Dobbins opened the Public Hearing at 7:12 p.m.

Chairman Dobbins stated that the purpose of this evening’s public hearing is to hear the Special Exception Cases and to make a recommendations to the North East Board of Appeals, who will hear the Cases on March 28, 2024. The Planning Commission will hear both Cases at the same time this evening.

Mr. Brian Morgan from Site Solutions and Brad Carillo, owner of the property, P.O. Box 682, North East Maryland, 21901-0682 came to present the applications.

Mr. Carillo opened by stating that they went through the Special Exception hearing process a little over a year ago. Mr. Carillo reported that he and his wife are the owners of Elk River Brewing on Main Street in Elkton and they desire to open a second location at 16-18 South Main Street in North East. Food will be served at the restaurant along with their brand of beer, and they are requesting an on-premises beer, wine and liquor license. They will also request this from the Cecil County Liquor Board after the special exception hearings are decided. Mr. Carillo reported that they updated the site plan from December 2022, and addressed comments from Mr. Mink’s November 23, 2022 letter.

Mr. Morgan reported that he has received Mr. Mink’s letter dated November 23, 2022 and addressed those comments, and he has also received Mr. Mink’s most recent letter dated February 24, 2024, and has no problem complying with the comments. Mr. Mink reviewed his comment letter with the Planning Commission.

Sign: Regarding a sign for the business, Mr. Carillo reported that they will use the same frame located on the property as a prior real estate sign, with two white posts. They will put their logo into the frame. Mr. Carillo reported that they will not be brewing at the site due to the size constraints.

Seating Inside/Outside: The Planning Commission discussed inside and outside seating with the applicant, including the possibility of providing seating on the outside south side of the building.

Mr. Carillo stated he is only proposing 26 seats at this time and would like to see how that goes. The Planning Commission had no objection to the seating outside, as long as with the additional seating, he obtains the required water and sewer allocation approvals. In addition, the Planning Commission did not object to seating on the south side yard provided a barrier/fence type barrier is installed to prevent anyone with alcohol beverages from leaving the property.

Lighting: Mr. Carillo reported that he would like to string lights on the outside across the property, decorative mood lighting.

Hours of operation: Mr. Carillo reported that they believe that if they decide to open for lunch, the proposed hours of operation are 10:00 a.m. to 11:00 p.m. Initially, Mr. Carillo proposes the following hours:

Monday through Thursday 3:00 p.m. to 9:00 p.m.

Friday and Saturday: 11:00 a.m. to 11:00 p.m.

Sunday: 11:00 a.m. to 6:00 p.m.

Monday: Closed

Revitalization Loan: Mrs. Cook-MacKenzie reported that the Town has a Revitalization Loan available.

Parking: Mr. Carillo reported that they currently have 27 normal parking spots and 3 handicap spots, along with some additional parking spots in the close vicinity. Mr. Carillo reported that he may install directional signs, which would state that there is parking in the rear of the restaurant. At this point, Mr. Carillo does not intend to utilize the drive through lanes which were provided as a bank.

Food: Mr. Carillo reported that the choice of food to be served at the restaurant is undecided, however, they are considering a barbeque menu.

Mr. Carillo reported that they have received a video funding award from Cecil County for \$75,000, which will require a match, with at least \$150,000.00 which will go into the property.

Mr. Carillo reported that he is requesting an extension to the special exceptions until December 31, 2026, just as a safeguard due to unforeseen circumstances.

Potential Opening Date: Mr. Carillo reported that their planned opening date is contingent on receipt of the liquor board approval, final conditions of the site plan, and applying for the building permit/commercial occupation license.

Mrs. Vennell reported that adjoining property owners were informed of the hearings, and no correspondence was received. The Critical Area Commission reported that since there is no new impervious surface, therefore, they had no comments.

After confirmation from Mr. Mink, it was decided that the applicant does not need to come back to the Planning Commission for final site plan approval. The applicant may submit their final

site plan administratively to the Planning Office and Chris Mink, who can verify compliance with the comments. Simultaneously, the applicant can go to the liquor board to request approval for an on premise alcohol beverage license.

Chairman Dobbins closed the public hearing at 7:52 pm

Recommendation to the Board of Appeals:

Case A-2024-01-SE: Restaurant Decision

Ms. Duffy made a motion to recommend approval to the Board of Appeals subject to the following conditions:

Conditions:

1. Applicant is required to address all comments from Mr. Chris Mink, ENgineering, dated February 16, 2024.
2. Restaurant proposes 26 seats. If additional seating is desired, this may be approved administratively, and applicant shall not be required to go back to the Planning Commission or Board of Appeals for seating approval, however, applicable water Allocation and sewer Allocation shall be required.
3. Extension of Special Exception permitted until December 31, 2026.

Mr. DeMatt seconded the motion and the motion was approved by all.

Case A-2024-02-SE: Alcohol Beverage License Decision

Mr. DeMatt Made a motion to recommend to the North East Board of Appeals for approval of the special exception with the following conditions:

Conditions:

1. Applicant is required to address all comments from Mr. Chris Mink, ENgineering, dated February 16, 2024.
2. The bar is permitted to open and continue to operate only in conjunction with a restaurant.
3. An on premise liquor license shall be approved by the Cecil County Liquor Board.
4. If outside seating is proposed, a fence/roped off barrier shall be required to prevent those who purchase alcohol beverages from leaving the premises. Planning Office staff shall determine if the Applicant's proposal for the barrier is adequate.
5. Extension of both Special Exceptions permitted until December 31, 2026.

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

-REPORTS-

North East Comprehensive Plan:

Ms. Cook-MacKenzie reported that the Request for Proposals for the updates/refinements to the North East Comprehensive Plan have gone out and a consultant has been chosen.

Cigar Shops:

Ms. Cook-MacKenzie reported that when smoke shops and paraphernalia became a category under adult use, a very detailed adult use section was formed. Ms. Cook-MacKenzie reported that a cigar shop had been on Main Street several years ago. The Planning Office believes that consideration should be given that a cigar shop should be a permitted use on Main Street again, as a typical Cigar Shop is not the same as a Smoking Shop as defined in Adult Uses. Mrs. Cook-MacKenzie reported that she and Mrs. Vennell visited with the Cigar Shop owner on Route 40 in North East, which carries Cigars, and associated accessories for Cigar Use. Mrs. Vennell has drafted language for a regulation which would permit Cigar Shops/Cigar Lounge to be located within the General Commercial Zoning District, by right. Mrs. Cook-MacKenzie encouraged the Planning Commission to visit the Cigar Shop next to Pat's Pizza to see what a typical Cigar Shop entails. The regulation will be presented at the April 2024 Planning Commission meeting.

Crouch property-Fire Damage to 131 South Main Street:

In response to a Planning Commission inquiry, Mrs. Vennell reported that Mr. Crouch and his Insurance Company are working together to resolve the fire damage at his property. He was recently released by the Insurance Company to be able to clean up the area. Mr. Crouch has to determine what the process and cost of a rebuild would be with all the floodplain regulations which will be required.

Starbucks:

Mrs. Vennell reported that the Starbucks restaurant is still under construction and has received two of their sign permits. The Town doesn't have the opening date or the name of future adjoining tenants.

Chipotle

The Chipotle restaurant is open and has been very well received by the community.

-MISCELLANEOUS-

North East Planning Commission
March 5, 2024

None.

-NEXT MEETING-

The next Planning Commission meeting will be conducted on April 2, 2024

-ADJOURNMENT-

With no further business, Ms. Duffy made a motion to adjourn at 8:30 p.m. Mr. Wilson seconded the motion and the motion was approved by all.

Respectfully Submitted:

Attest:

Betsy Vennell, Director of Planning

Mark Dobbins, Chairman