

NORTH EAST PLANNING COMMISSION

North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Wednesday, January 5, 2016
7:00 PM

Chairman Mark Dobbins called the Public Hearing to order at 7:02 P.M. Present included, Valerie Combs, Michael Nair and Judy Duffy. Also present were Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant. Melissa Cook-Mackenzie was absent due to prior obligations and Commissioner Eric Braley was absent due to his work schedule.

-MINUTES-

November 17, 2015 Meeting Minutes.

The Planning Commission accepted the minutes as presented with one minor correction.

-COMMENTS FROM THE PUBLIC-

None.

-NEW BUSINESS-

Election of Chairman

Ms. Combs made a motion to elect Mr. Dobbins as Chairman. Ms. Duffy seconded the motion and the motion was approved by all.

Vice Chairman

Ms. Duffy made a motion to elect Ms. Combs as Vice-Chairman. Mr. Nair seconded the motion and the motion was approved by all.

North East Zoning Ordinance; Article 5 District Regulations, Part 2 Special Districts, Section 5-14, "PRD" Planned Residential Development District Regulations-Discussion

Mrs. Vennell forwarded the 'PRD' Planned Residential Development district regulations to the Planning Commission. Mrs. Vennell reported that the Town has two areas in Town where this zoning designation is located, North East Isles and the proposed Heron Cove land. In addition, the North East Comprehensive Plan, Land Use Plan has designated the two areas as a Planned Residential District. This district provides for clusters of living units instead of a dwelling units located in rows. Ms. Duffy inquired how the property become zoned PRD. Mrs. Vennell stated the zoning designation for is typically requested and approved at the time of the annexation into Town. Mr. Nair inquired if a PRD project would have less requirements than a project not located in PRD. Ms. Vennell reported that Heron Cove project, for example, would be required to adhere to all of the current PRD Regulations, Critical Area Regulations, floodplain

requirements, MDE Requirements, and Agency requirements. Mrs. Vennell reported that most of the current Agency regulations are stricter than when North East Isles Development received their approvals, and displayed a summary of several pages of Agency approvals which were required prior to the approval/construction of North East Isles. Mrs. Vennell explained that Agency approvals would be required with any project, but because of the sensitive areas within close proximity to this site, the approval process is typically lengthier. The Town of North East Planning Office and the Town's Engineer will act as the "gate-keeper" to verify all approvals have been received, prior to commencement of the project.

Regarding the last PRD Submittal, in April of 2015 the developers for Heron Cove went to the Cecil County Technical Advisory Committee meeting, where Agencies come to the table to review a concept plan. During that meeting, the developer indicated they planned on constructing a townhome "only" community and provided a subdivision plat which showed rows of townhomes. The Planning Office and Town Engineer were especially concerned because the PRD district regulations outline that this district is to "encourage innovations in residential development and renewal so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings", further stating that "dwelling units should be provided in detached, semi-detached, attached or multi-family structures, or any combination thereof" and that "attached dwelling units shall be townhouses and shall be arranged in clusters, not in rows." Mr. Nair asked if there is a regulation which specifies the ratio of housing types in PRD Development. Mrs. Vennell stated the Zoning Ordinance does not state a ratio of housing types for the PRD District, only for the Master Planned Community District. Mrs. Vennell reported that if during the Planning Commission's review of the tentative site plan, they determine that their submittal does not meet the criteria of the Town's PRD Regulations, the Planning Commission should inform the developer during the meeting of the deficiencies. In addition the Planning Commission may table approvals until such time as the intent of the regulations have been met. It is very helpful to the developer if the Planning Commission can be specific as to what they would like to see at the next submittal. The Town's Attorney will be present when the Planning Commission is reviewing the tentative submittal, and will certainly be available to provide guidance in accordance with the Regulations. Mrs. Vennell cautioned that any required changes should be identified to the developer, as it can be very costly for a developer to make changes to their plans later in the engineering process. Mrs. Vennell reported that the Planning Commission should also indicate that the tentative approval is good for one year, and if all items are not completed/approved as of (insert date), the tentative plat shall expire.

Mrs. Vennell displayed a site plan for North East Isles to give an example of a PRD development in the Critical Area. When the North East Isles development was first presented, Phase 2 was to be located in the area of Heron Cove. Phase 2 never occurred, probably due to the economy. Mrs. Vennell explained that the proposed Heron Cove project is also located within the Limited Density Development of the Chesapeake Bay Critical Area, and reported that a large portion of land adjacent to the development envelope may not be used due to wetlands, wetland buffers, Stream Buffers and Critical Area Buffers. The current Critical Area Regulations permit 15% of impervious surface for the entire site, including roads, sidewalks, buildings, parking,

and open space amenities. Chairman Dobbins stated if a developer wanted to expand to a larger than 15% impervious surface, they would not be permitted.

Ms. Combs stated that when a development is being broken up into phases we (the Planning Commission) should determine when the open space amenities should be installed. For instance, with the Ridgley Forest development, the developer stated that at 50% build out of 600 units, they would install a clubhouse. Many homeowners reported to the Town that they were not informed of that percentage when they purchased. Now, several years later, less than half of the units have been built and the residents are upset that they do not have a clubhouse yet. The residents have come to the Planning Commission with this concern. However, since the criteria and percentage were agreed upon with the Master Planned Community, the Planning Commission cannot force the clubhouse to be constructed at this point in time, as the project is nowhere near 50% built out. Mr. Nair inquired how the 50% was decided, between Ridgley Forest and Planning Commission. Mrs. Vennell stated a developer must provide the open space amenities, and a developer will propose ideas to the Planning Commission, or may ask the Planning Commission for ideas, and it would be up to the Planning Commission to place the conditions on when they are to be installed. Once decided, an approved plat can state: "No more than ___ units shall receive a construction authorization from the Town of North East until the open space amenity, _____ has been constructed. Ms. Combs stated if the developer wanted to add amenities in Phase 2 of any project, the Planning Commission could require that the amenities must be built during Phase 1 construction. Mr. Nair inquired if Phase 1 and Phase 2 typically happen sequentially. Mrs. Vennell responded that they certainly can be constructed sequentially, however, that typically depends on the economy. A 'PRD' development will be required to come in with a complete plan, including the phasing of the project outlined, which the Planning Commission would have to approve. However, the developer may then get independent subdivision approval for Phase 1, then Phase 2, and perhaps Phase 3 at a later time.

The Planning Commission discussed open space amenities in PRD Developments. Trails and active open space amenities would need to be approved by the Critical Area Commission if located within the Buffer or MDE/Corp of Engineer's approval if located within Wetlands. If the Critical Area Commission or MDE/Corp will not approve a trail system in the Buffer or where wetlands are located, a Developer would be required to come up with alternative open space amenities. Chairman Dobbins added that the trails require a lot of maintenance and in order to maintain the area, the Planning Commission would want to address with the developer how the proposed trails and/or open space amenity will be maintained once the development of the property is completed.

The Planning Commission continued to review the 'PRD' Regulations and discussed the initial items to consider in a PRD would be; the parking areas, storage areas, setbacks and height restrictions, road and pedestrian lighting, sidewalks, layout and appearance of housing units, cul-de-sacs, traffic flow, turn arounds and open space amenities. A subdivision should also be submitted in accordance with the Town's Road Code, which will be reviewed by the Town's Engineer to verify compliance. The North East Police Department and the North East Maintenance Department will be invited to review and comment on the road and sidewalk layout, and posted speed limit signs, traffic signs.

The State Highway Administration will also review the subdivision plan and will submit comments on the plan, including potential impacts to the State Highway, and may also may require State Highway improvements for the developer to install. The Planning Commission and Town Engineer will also review the project to verify compliance with the North East Comprehensive Plan. For example, Chapter 3. Transportation Plan, outlines the goals and objectives of the Town for improving pedestrian safety and walkability within the Town. The Planning Commission has an obligation to look at the Transportation Plan with each project.

-OLD BUSINESS-

None.

-REPORTS-

26 South Main Street- Restaurant "Station 26"

Mrs. Vennell reported that Mr. Kevin McDevitt, applicant for the proposed restaurant at 26 South Main Street, will be submitting the final site plan for approval soon. He will then follow with the construction authorization application for Phase 1 of this project.

C & S Wholesale – 100 Lums Road

Mrs. Vennell reported C & S Wholesale, 100 Lums Road, has contacted the Town and indicated they would like to come before the Planning Commission in March with a modified site plan, adding additional office space and parking, totaling 5,000-10,000 square feet.

-MISCELLANEOUS-

The next meeting is scheduled on February 2, 2016 at 7:00 p.m., with an inclement weather date of Monday, February 8, 2016. Chairman Dobbins would like a workshop on The North Comprehensive Plan.

-ADJOURNMENT-

With no further business, Ms. Combs made a motion to adjourn at 7:43 p.m. Ms. Duffy seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Mark Dobbins
Chairman