

NORTH EAST PLANNING COMMISSION
North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Tuesday, February 7, 2017
7:00 PM

Chairman Mark Dobbins called the meeting to order at 7:00 P.M. Present included Valerie Combs, Michael Nair and Judy Duffy. Also present were Melissa Cook-Mackenzie, Town Administrator, Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant. Commissioner Eric Braley was absent from the meeting.

-MINUTES-

January 3, 2017 Meeting Minutes.

Ms. Combs made a motion to accept the January 3, 2017 meeting minutes as presented. Mr. Nair seconded the motion and the motion was approved by all.

-NEW BUSINESS-

Ordinance 2017-02-01: Recommendation to the Mayor and Commissioners

Chairman Dobbins opened the public hearing at 7:01 P.M and read the following recommendations into the record:

Ordinance 2017-02-01:

- Article 3. Definitions. To add a definition for cross-dock facility;
- Amending The North East Zoning Ordinance. Article 5. District Regulations. Part 1-Zoning Districts; Section 5-9. "HC" Highway Commercial District Regulations; Paragraph 1. The following uses are permitted by right:
- Adding sub-section bbb. Cross- dock facility.
- Amending the table of contents, paragraph re-lettering and re-numbering, page numbers and index pages to reflect amendments to the text;

Chairman Dobbins inquired if there were any comments from the public and there were none.

Mr. Nair inquired about the proposed language for Ordinance 2017-02-01, should we be using the terminology that goods enter from "one side" in the definition of a cross dock facility, and would this wording have any impact on the permitted uses. Mrs. Cook-Mackenzie replied that the definition was composed after researching the

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definitions of cross dock facilities used by other towns, with 7 to 9 definitions reviewed. The Town's Attorney Dennis Clower then reviewed the wording for the definition and suggested wording regarding the time permitted for storage, and the definition was amended accordingly. Mr. Nair inquired about rail cars being included in the definition. Mrs. Cook-Mackenzie stated "rail cars" were commonly used in the definitions reviewed by the Planning Office and therefore we did not want to exclude them. Mrs. Cook-Mackenzie added that the primary reason for adding the "Cross Dock Facility" definition to our zoning ordinance is to make a distinction between cross dock facilities and warehouses.

Mr. Nair inquired if the Planning Department foresees any other possible relevant issues that may have not yet been addressed. Mrs. Cook-Mackenzie stated not at this time.

The Planning Commission received a map which identified all parcels within the Highway Commercial District, so the Commission could review all applicable locations for the subject use.

With no other comments Chairman Dobbins closed the public hearing at 7:16 P.M.

Ms. Combs made a motion to recommend to the Mayor and Commissioners to adopt the draft Ordinance, as presented by the Planning Office. Ms. Duffy seconded the motion and the motion was approved by all.

Mrs. Cook-Mackenzie reported that the recommendation will be forwarded to the Mayor and Commissioners for introduction on February 8, 2017.

-OLD BUSINESS-

None.

-REPORTS-

North East Branch Library

Mrs. Cook-Mackenzie reported that she and Mrs. Vennell attended a meeting with representatives from the Library regarding the proposed new North East Branch Library proposed at North East Station. An informational pamphlet was provided by the library outlines key dates, costs, funding sources and project highlights. Mrs. Cook-Mackenzie briefly reviewed the pamphlet and reported the library will be working with a very tight schedule with approximately 9 months to get thru planning stages with the Town's Planning Commission. The representatives from the library also proposes to have meetings with the public to encourage public involvement regarding the design and needs of the building.

Paradise Grill

The Planning Commission had requested that a package be prepared containing the approvals/hearings for the Paradise Grill at 510 South Main Street. Mrs. Vennell

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briefly reviewed information which was sent and reported the restaurant owner was initially required to come before the Board of Appeals on an annual basis, however, the requirement was later removed by the Board of Appeals. Ms. Combs inquired would a new owner need a new special exception. Ms. Vennell and Mrs. Cook-Mackenzie explained the special exception is attached to the land not the owner and there is no expiration date on the special exception. Ms. Combs believes the problem is that the originally proposed café' became a bar. How does the Planning Commission make a distinction in the zoning ordinance to prevent a café from becoming a bar. How would one monitor an establishment to ensure this doesn't happen? Mrs. Vennell read the definition of a standard restaurant and limited restaurants as defined in the North East Zoning Ordinance Article 6 Supplementary District Regulations, Section 6-19 Restaurants.

***Standard Restaurants** are defined as a food serving establishment whose principal business is the sale of food and the principal method of operation is its service when ordered from a menu to seated customers at a table, booth or counter inside the establishment. A snack bar or refreshment stand at a public or non-profit playground, park or swimming pool operated solely for the convenience of its patrons shall not be considered a restaurant.*

***Limited Restaurants** are subject to the same definition as outlined in "Standard Restaurants," however, shall be limited to a total of 90 seats (indoor seating/ outdoor seating or combination thereof). (Adopted per Ordinance 2009-05-01)*

Chairman Dobbins confirmed the special exception received for the alcohol beverage license was for on premise only. Mr. Nair inquired if beverages are encompassed by food and inquired if the Liquor Board considers the location of where they are issuing liquor licenses. Mrs. Cook-Mackenzie replied that the Liquor Board does not review the zoning. Chairman Dobbins commented that if the Paradise Grill lost their liquor license they would not be a viable business, unlike other restaurants on Main Street. Ms. Combs confirmed that if someone else were to open a limited restaurant the Special Exception would still be in effect and the liquor license could be transferred. Mrs. Cook-Mackenzie replied yes.

Mrs. Cook-Mackenzie reported that a new restaurant owner would not need to come back before the boards unless the business, as approved, is modified.

Chairman Dobbins Mark stated that the restaurant versus bar definitions should be reviewed.

Route 272 Bridge over Amtrak

Mrs. Cook-Mackenzie reported the bid opened last week for the Route 272 bridge over Amtrak. A bid was awarded and the work is expected to begin in April 2017. this year.

-MISCELLANEOUS-

None.

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-COMMENTS FROM THE PUBLIC-

None.

-NEXT MEETING-

The next meeting is scheduled for March 7, 2017, however, Mrs. Vennell reported that there are no applicants, to date.

-ADJOURNMENT-

With no further business, Ms. Duffy made a motion to adjourn at 7:48 p.m. Ms. Combs seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Mark Dobbins
Chairman