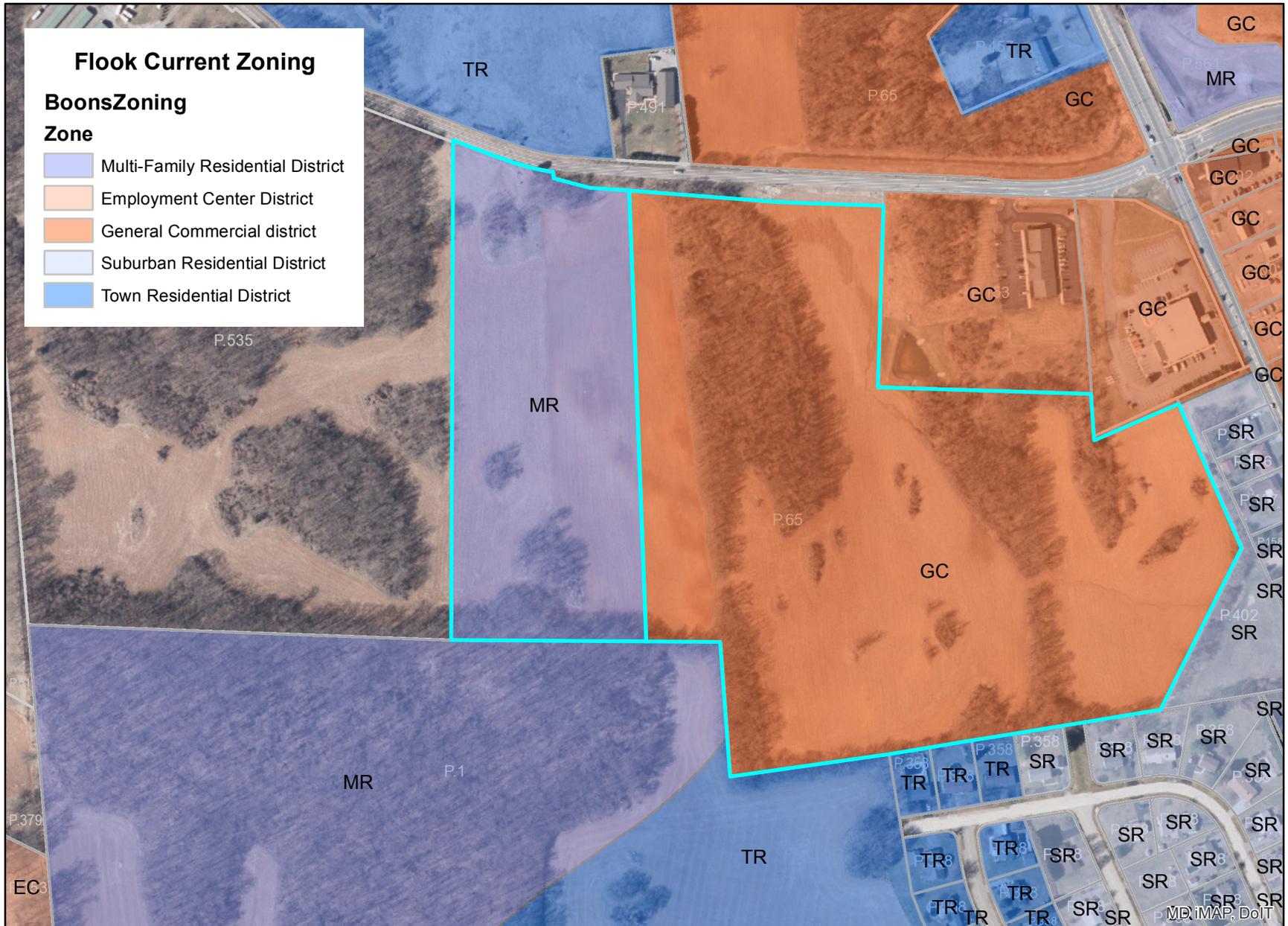


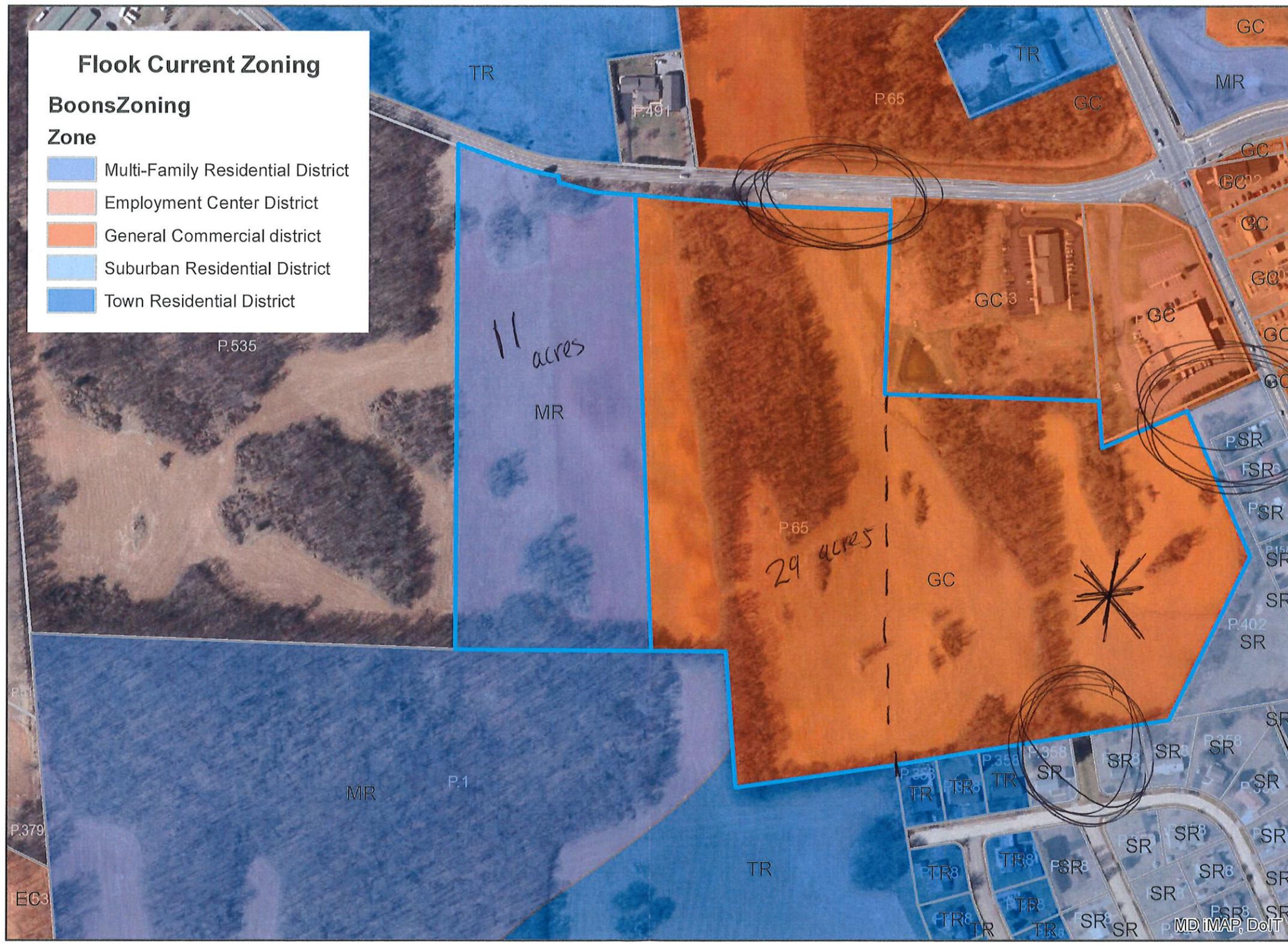
Flood Current Zoning

BoonsZoning

Zone

-  Multi-Family Residential District
-  Employment Center District
-  General Commercial district
-  Suburban Residential District
-  Town Residential District





Flook Current Zoning

BoonsZoning

Zone

- Multi-Family Residential District
- Employment Center District
- General Commercial district
- Suburban Residential District
- Town Residential District

TR

TR

GC

MR

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GC 3

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P.535

11 acres

MR

P.65

29 acres

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MD I MAP, DoIT

Town of Boonsboro
21 North Main Street
Boonsboro, Maryland 21713
Telephone: (301) 432-5141

MINUTES OF A MEETING OF THE PLANNING COMMISSION
TUESDAY, NOVEMBER 27TH, 2018

PRESENT: Chairman Rob Maricle, Vice Chairman David Parmelee, Rico Aiello, Doug Moore, David Ambrose, Steve Jamison, Carvel Wright, Mayor and Council Liaison Rick Byrd

Staff Member(s): Town Planner / Zoning Administrator Ethan Strickler

Guests: Ed Kuczynski, Ed Rude, Todd Easterday, Paul Mantello, Eric Kitchen, David Lyles, Tony Nally, Marilee Kerns, Terri Hollingshead

PRESIDING: Chairman Maricle called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES

Rob Maricle asked the commission if they had any questions or comments on the October 23rd minutes, and hearing none declared the minutes from the October 23rd, 2018 Planning Commission meeting approved as presented.

UNFINISHED BUSINESS

EASTERDAY RE-ZONING – Initial Review of (Revised) Zoning Map Amendment Request, BNRZ18-01(Rev), BNRZ18-01 was previously on the September and October 2018 Agendas (see September/October 2018 Minutes)

Ed Kuczynski presented on behalf of the Easterday Map Amendment request (applicant: Preserve at Fox Gap). He stated that the owner of the subject property is Preserve at Fox Gap, LLC. He next stated that in re-zonings that he has been involved with that there is usually a fair amount of leniency and that the municipality, interested person(s), or agents can petition for map amendment requests. He stated that he has learned that Boonsboro is very strict about making sure the actual property owner is the applicant for purposes of a re-zoning.

Ed stated that the Town's comprehensive plan states that the Town has thought about establishing an overlay zone for smart neighborhoods, but that this has not been completed. He stated that, in order to re-zone properties in Maryland, an applicant must prove that there was either a significant change in the character of the neighborhood to warrant the change or that there was a mistake in the zoning. He stated that he was not going to spend any time trying to convince anyone there was an outright mistake in the zoning, and that he did not think the change in character in the neighborhood exists because there has not been enough development in the area (yet) to support the change. He stated that the (novel) approach was to look at this in the context of the comprehensive plan and the provision for smart growth, which has not been implemented in the zoning ordinance. This re-zoning would try to get the zoning so that the continued development of the property makes sense. Ed further stated that the potential development plan of the neighborhood, represented by a preliminary (unapproved) concept plan that accompanied the application, in consistent with the concept of smart neighborhoods.

Chairman Maricle stated that the Town has specific procedures it needs to follow with respect to the process of the map amendment request.

Planner Strickler stated he had a copy of Plat 9621, which shows that parcels A, B, and C match up with the current ownership of the property (Preserve at Fox Gap, LLC).

Chairman Maricle recommended scheduling a public hearing for one of the following days; December 17th, December 18th, or January 22nd. Ed stated that the 17th did not work for him. Strickler stated that the Planning Commission could not provide a proper recommendation until the Public Hearing. He also stated that the Mayor & Council would need to have this as a workshop item before they would be able to vote on it. Chairman Maricle stated that the Town would be lucky if it were able to schedule the Public Hearing in December due to notice requirements (both legal notice and adjacent property owners). Strickler stated that the Public Hearing would be with the Planning Commission and that the Mayor & Council would be invited. Ed stated that, in most other small towns, the Public Hearing was before the Mayor & Council. Ed Rude stated that the longer they wait to have the public hearing, the tougher it would be on them.

Ed K asked the Planning Commission if they could schedule the Public Hearing for December 18th. Ed Rude stated that they would shoot for the 18th for the Public Hearing and that they would do their best to get Bill Wantz's (the Town's Attorney) approval to proceed forward.

Todd Easterday spoke briefly, which led to a discussion about other land they own in the area and what parcels are in the County versus what parcels are in the Town. Chairman Maricle said that the Town's goal would be a Public Hearing on the 18th.

Carvel Wright motioned to schedule a public hearing for December 18th at 6:30pm before the Planning Commission meeting that evening, David Ambrose seconded, the motion carried unanimously.

NEW BUSINESS

FLOOK PROPERTY – Initial Discussions with David Lyles Developers on 1) Future Development and 2) Potential Map Amendment Request

David Lyles spoke to the Planning Commission on behalf of the Flook Property. Strickler updated the commission on a meeting that David Lyles and he had in early November concerning the property owners desire to apply for a map amendment (re-zoning). He stated that, in order to grant a re-zoning, an applicant must show (a.) a substantial change in the character of the neighborhood or (b.) a mistake in the zoning classification. The property in question currently has 11 to 13 acres of MR zoning and 29 acres of GC zoning. The meeting Strickler had with Lyles concerned shifting the MR zoning on the property from the western edge of the property to the eastern edge of the property, to make the MR zoning contiguous with other residentially zoned land closer to Alt 40 and the Greystone Hills Subdivision.

Lyles then spoke about their reasons for seeking a map amendment in the near future. He stated, in the future, the developer would like to develop a age-targeted single family home development adjacent to the Greystone Hills subdivision, and develop the rest of the property in commercial uses. He and Strickler also spoke about how the property was almost zoned this way when it was annexed in 2006, but was changed to its current configuration at the last minute. Lyles inquired about a potential access point on Route 40 on Mayor and Council owned land, along with a small park on the same parcel (at the developer's expense). Chairman Maricle stated that he should not plan on access through Town Property, based upon history with the Town, and Strickler stated that in speaking with SHA it would be very difficult to get an access permit at that particular location. It was stated that a one way in, one way out might be feasible there, but that it should not be counted upon.

The group spoke about the access off of Lappans Road and David Drive/Della Lane. They also spoke about how the proposal made (common) sense, and Mr. Lyles stated that the mistake clause would likely be their argument for a number of reasons. David stated that their official application would be in 2019. Strickler stated that he felt favorable about the idea from the perspective of the Comprehensive Plan and from the statute requirements. Carvel Wright noted that the Town might be due for a Comprehensive Plan Update in the near future.

PLANNING AND ZONING UPDATES

KING ROAD ASSOCIATES (FUTURE DEVELOPMENT) – Follow-Up from Last Month's Agenda Item, Discussions, and the November BMUC Meeting

Ethan gave the Planning Commission an update on King Road, after they came in to meet with the BMUC in early November. He did a preliminary sketch (concept) plan review for King Road after they submitted an (unofficial) concept with their presentation in October. He broke down the review into four categories; adjustments, questions, considerations, and positives. He noted that King Road was more concerned with wastewater infrastructure than water infrastructure with respect to their new development.

Comprehensive Plan Review – Status and Update

Strickler let the Commission know that the Mayor & Council requested review of the Comprehensive Plan as a workshop agenda item (for the M & C). The Commission spoke further about their strategy with respect to the comprehensive plan, and whether the Town would do an in-house update or bid out the project. Chairman Maricle stated that we needed to get

familiar with any new state requirements for Comprehensive Plans. Strickler stated he would get paper copies of the plan to David Ambrose, Carvel Wright, Doug Moore, and Steve Jamison.

Other Development Updates (Sycamore Run, Development Review Workbook)

Ethan stated that there are only a few homes left to be built in Sycamore Run. The stormwater management ponds in Sycamore Run are still in bad condition, including one with a large sinkhole. The group then discussed sinkholes around town, including one under Warrior Boulevard in Crestview. This led to a discussion about sinkholes in connection with the (recent) water leak in Crestview. Strickler let the Commission know that he put together a development review book to use for plan review. This “book”, a folder full of ordinances and codes in his office, could be available for the Public to come in and view as well.

December Agenda Item (Tentative) - FLETCHER’S GROVE – Amended Concept Plan BNCP18-02(Rev), Currently Under Review, BNCP18-02 was previously on the June 2018 Agenda (see June 2018 Minutes)

Strickler stated that a Concept Plan for Fletcher’s Grove would be on the December Planning Commission agenda. He also stated that he had spoken with the developer and the developer’s engineer that the access permit onto Maple Avenue is between the developer and state highway.

Proposed Ordinances Update – Storage Container, Noise, etc.

Strickler asked the commission if they had any updates on storage containers, and that he got a formal complaint concerning the storage container at the corner of Lakin and St. Paul. The group also spoke briefly about the potential need for a noise ordinance. The commission decided that more information, and data, was needed to see if there was a need to think about drafting a noise ordinance.

CITIZEN COMMENTS

Strickler let the commission know that Brian Hopkins has decided to leave ARRO Consulting, and that the Town would probably be bidding out for engineering services again in the near future.

COMMISSION MEMBER COMMENTS

None.

ADJOURN

Chairman Maricle declared the meeting adjourned at 8:21 pm.

Respectfully submitted,

Ethan Strickler,
Town Planner / Zoning Administrator