

BOONSBORO PLANNING COMMISSION

DECEMBER 18th, 2018

PUBLIC HEARING

6:45 PM

BNRZ18-01 – Preserve at Fox Gap, LLC, Zoning Map Amendment Request

The Boonsboro Planning Commission held a Public Hearing as duly advertised on Monday, December 18th, 2018 in the Meeting Chambers of the Charles F. 'Skip' Kauffman Building.

The Chairman of the Planning Commission Robert Maricle opened the Public Hearing at 6:45 PM for the purpose of receiving public input, either in support of or in opposition to the Zoning Map Amendment Request.

Town Planner Strickler presented a staff report to begin the Public Hearing, using the projector screen to display both the staff report and maps of the property. Strickler stated that the applicant is asking to amend the zoning map to include an additional 6.57 acres of commercial land and 23.56 acres of higher density residential land on the property they own just to the north of the intersection of Old National Pike (Alt-40) and MD Route 67. Strickler stated that the present zoning of the property in question, and in particular the area subject to the zoning map amendment request, contains approximately 44 acres of Town Residential zoning and 26 acres of Multi-Family Residential zoning. The Planning Commission and Public were shown a map of the current zoning of the property before being shown the proposed zoning of the property based upon the map amendment request. After displaying the maps, Strickler briefly answered questions concerning allowable residential and commercial uses in the present and proposed zoning districts.

After the Town Planner's brief staff report and presentation, Chairman Maricle called forward the applicant to present their case for the zoning map amendment request. Ed Kuscynski and Trevor Frederick spoke on behalf of the applicant. They noted that the concept the applicant is pursuing through this map amendment request is for single family detached dwellings on minimum lot sizes of 5,000 square feet (the concept submitted with the application was displayed on the projector screen for the Public and the Planning Commission). The concept, as stated by the applicant, is for a well-planned community that keeps with the character of the rest of the community and promotes home ownership. Chairman Maricle asked the applicant to state their reasoning for the request, based upon whether there was either (a) a significant change in the character of the neighborhood or (b) a mistake in the original zoning classification. The applicant stated that the smart development of the property was driving their request. At Chairman Maricle's request, the applicant stated that they had already spoken to High's Dairy Store and the US Postal Service concerning future commercial development within the commercially zoned areas of the property. At the Town Planner's request, the applicant stated that their argument centers upon a mistake in the original zoning classification based upon the fact that a smart neighborhood overlay was never created for the area despite being referenced in the Town's Comprehensive Plan. The applicant stated that the 2009 Comprehensive Plan notes a smart neighborhood overlay as a way to guide development on newly annexed properties, which includes this property. Chairman Maricle noted that the Comprehensive Plan states that this property should have 2 to 8 units per acre, and that the applicant is asking for 5 per acre as a part of their concept and map amendment application. Town Planner Strickler reiterated that a map amendment can only be approved by either the change or mistake arguments, and that the concept plan submitted as a part of the zoning map amendment request has not been reviewed yet by the Planning Commission.

Chairman Maricle opened the floor for public comment:

- **Mary K Ernst, 21009 Mousetown Road**, Mimi stated she owns the land immediately adjacent to the rear of the property. She stated that when she purchased her property, the property next to her was in the County and zoned for 25 acres lots. She stated that she was worried about light pollution, residential development, water, a potential water tower, traffic, and more children in the local school district. She stated that property owners should not get higher density for development on specific areas of the property just because they cannot develop other areas of the property due to floodplain and environmentally sensitive areas.
- **Gail Fineburg, 6638 Gilardi Road**, Gail stated she lives in the County directly above the property, with two lots between her property and the property in question. She stated that traffic issues, light pollution, and noise pollution were all concerns for her. She stated that she was not opposed to affordable housing, but did not support higher density development on the property. Stormwater Management was a large concern for Gail, particularly in the context of a very wet year (in 2018). She also has concerns about safety for a development with one road in and one road out.

- **Charlene Jones, 6529 Old National Pike.** Charlene stated that her and her husband are just east of Town, in the County, and that their property borders the subject property directly to the east. The Jones' stated their major concerns were neighborhood children, dogs, etc., and that they would want to have some type of privacy fence installed. They also stated that the potential water tower, traffic, and light pollution were also prominent concerns for them and the neighboring residents. She stated that several horse owners border the property.
- **Sandra and Rich Garcia, 20807 Mousetown Road,** The Garcia's spoke about the issues of high water and floodplain in the subject property, which borders their property to the south. Town Planner Strickler brought up the floodplain map for the property while the Garcia's were speaking. The Garcia's stated that their property is zoned environmental conservation. They stated their concerns about higher density development. They also stated their concerns about the potential for condos, apartment buildings, or other multi-family unit buildings. Sandra stated that horse farms like there are an attractive nuisance, and that they would want some type of buffer. They let the Town know that the FEMA floodplain on their property, which extends on to the adjacent subject property, was recently expanded. They also stated that they had concerns over noise and light pollution, and traffic problems.

The applicant, represented by Trevor and Ed, were requested to speak again. Ed stated that all of the concerns would be dealt with at the Site Plan stage of development of the property. He specifically listed buffering, traffic, light, noise, pollution, and stormwater management, and that they will be addressed in the development review process in the future. Trevor stated that the applicant is only proposing single family residents. No multi-family or townhome units are being proposed. Ed stated that single family housing is what is being proposed as a future use of the property after the map amendment on the property. Ed Rude stated that all of the floodplain and the forest on the concept plan was going to remain untouched, and the developer may work with the Town to donate some land for a park if the Town was interested in doing so.

Chairman Maricle stated that the Public Hearing period was going to remain open for a period of (10) ten days to take further public comments. Town Planner Strickler stated that the Planning Commission was going to de-brief the Public Hearing during their regular meeting. Hearing no further comments, Chairman Maricle declared that the Public Hearing meeting was closed at 7:23pm.

The following written comments were received after the Public Hearing opposing the Amendment Request:

- **Dr. Richard and Sandra Garcia, 6734 Old National Pike**
- **Gail Fineburg, 6638 Gilardi Road**
- **Todd Fineburg, 6638 Gilardi Road**
- **Mary Ernst, 21009 Mousetown Road**
- **Michele A. McKenna, 21117 Mousetown Road**
- **Michael Brown, 7005 Gilardi Road**
- **Deb & Allen Youngbar, 6826 Gilardi Road**

Respectfully submitted,

Ethan Strickler
Town Planner / Zoning Administrator

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