

Minutes of the April 23, 2008 Planning Commission

Meeting called to order at 6:00 P.M. by Chairman Toby Gearhart. Planning Commission members Martin Sokolich, Margaret Haven, and Jeff Garrett were present. The following were also in attendance: Joe Mangini, Town Manager; Chuck Hunter, Town Commissioner; Carol Balderson Town Clerk; Missy Vanskiver, Asst. Clerk; Purnell and Mary Ann Shortall; John Balderson, EDC Chairman; Travis Bailey; and Jack Hall, Town Attorney (in at 6:45).

Approval of the Minutes

A motion to approve the minutes of March 26, 2008 was made by Margaret, seconded by Martin, unanimously approved.

Town Manager's Report

Joe gave an overview of the building permits report and the WWTP Capacity Management Report. Joe also stated that it is a good possibility that Rodger Weese may want to meet with the Planning Commission in the near future to discuss his 7-unit townhouse project. Joe also said there is no further word on Ridgely Park, obviously they are waiting for Phase I of the upgrade to be completed before the subdivision can come back for approval. Margaret asked if there had been recent contact with Ridgely Park; Joe said yes, all parties are just waiting to see what happens. As long as Phase I of the WWTP upgrade is done, the town will still be honoring the DRRA. The town would like to get the upgrade out to bid sometime this summer. The town is looking at a construction timetable of approximately 6 months, maybe more, to complete Phase I of the upgrade; a completion date of February 2009 has been given to the state. Discussion on Ridgeway Estates was delayed until later in the meeting.

Toby stated that an opinion from town attorney Jack Hall was desired concerning 106 W. Railroad Avenue. Joe said that he had asked Mr. Hall to attend the meeting, and recommended that the Planning Commission wait to discuss that matter until Mr. Hall arrives

Old Business

Cow Barn Property – Joe stated that Archie Carroll would like to know what the Planning Commission thinks of his new suggestion to subdivide the property. Mr. Carroll's suggestion was that the 4 +/- acres would go to the developer, while the Cow Barn and remaining 2+/- acres would continue to be Mr. Carroll's property. Joe said that from his standpoint, there are a few issues involved. One issue being that even if the Planning Commission approved the subdivision, it couldn't be recorded until Phase I of the WWTP upgrade has been completed. Another issue is the overlay zone; Joe feels that the town is protected by the fact that the property is located in an overlay zone, and that nothing could happen within that zone without the approval of the Planning Commission. Even if Mr. Carroll were to sell the property to another party, that party wouldn't be able to do anything with the property until they met with the Planning Commission. The final issue is whether or not the town still wants the Cow Barn; Joe said that issue needs to be discussed.

Toby gave an overview of the original agreement (quid pro quo) between the town and Mr. Carroll. The property was zoned at a higher density (to permit a townhouse development), and in exchange the Cow Barn and the surrounding 2+/- acres would be deeded to the town. Martin said that it doesn't seem that there is anything on which to make a motion, but that he agreed with Joe on the point concerning an approval being obtained from the Planning Commission if anything were to happen with the property. Joe

stated that one of the individuals interested in the Cow Barn in the beginning remains interested. There was some discussion. Joe said that the real issue is whether or not the Planning Commission would approve the subdivision as revised by Mr. Carroll. Toby mentioned a subdivision with covenants. There was further discussion. Margaret asked if a decision need to be made at this time; Joe said no and Toby recommended waiting until legal counsel was present for any further discussion.

New Business

Building Permit/14 W. Railroad Avenue – Purnell and Mary Ann Shortall presented a building permit application for repairs/renovations to an apartment at 14 W. Railroad Avenue. The permit application is a renewal of a previously approved permit; there are no changes from the previous permit. There was some discussion. A motion to approve the permit was made by Margaret, seconded by Jeff, unanimously approved.

Building Issues/203 Sunset Blvd – Travis Bailey explained the work that has already been done to the building (partial demolition) and gave an overview of the sale/rental of the building. Toby stated that the Planning Commission had already granted an emergency approval of the partial demolition permit. Martin asked about the plans for the building. Joe stated that any new construction requires approval from the Planning Commission.

Building Issues/207 Park Avenue – Toby referenced the property, stating it has been vacant and that the owner of the property has built another house somewhere else. There was discussion concerning the property. Martin stated that in his opinion, the way the letter reads makes it sound like the Planning Commission is asking the owner to tear down the house. He said that is not the direction towards which he thought the Planning Commission was going, rather that the Planning Commission wanted the owner to take some responsibility in securing the building. Joe said that there is nothing in the letter stating that the building should be demolished. There was discussion concerning correspondence; Missy stated that the certified/return receipt letters have all been returned undeliverable, yet any correspondence sent via regular mail has not. Joe asked if there was a municipal citation sent; Missy said yes. Joe said that if no action is taken on the citation, then it will be sent to court. Toby said that the town's position on this needs to be very clear. Jack Hall said that it is not a matter for the Planning Commission, but a matter for Code Enforcement. There was more discussion concerning demolition, repair, building safety, and various options related to the existing structure. Missy stated that she advised Ms. Raikes' son that no formal application had been received, whether for demolition or construction, and that she advised him that a formal application must be submitted before any decisions are made by the Planning Commission. Toby asked what options the town has if the property owner refuses to comply. Joe said that the property owner is fined, and a judge would instruct them to comply. Jack Hall reviewed the legal process involved in such a situation. There was some discussion concerning the urban renewal process.

Building Permit/9 Central Avenue – A building permit for a sign the restaurant at 9 Central Avenue was added to the agenda. The permit application was reviewed. After brief discussion, a motion to approve the permit application was made by Martin, seconded by Jeff, unanimously approved.

106 W. Railroad Avenue – Toby reviewed the current status of the property at 106 W. Railroad Avenue. Jack Hall asked if there was a problem in the entire area that can be addressed effectively or if it is an isolated piece of property. There was discussion concerning an Economic Redevelopment Zone. Missy provided an overview of the property, including zoning changes. There was discussion concerning Economic Redevelopment Zones, Floating Overlay Districts, retail-ready zoning, and the inclusion of properties one lot deep bordering Railroad Avenue from 106 W. Railroad to Sunset Boulevard. Toby

recused himself from some discussion and from voting, due to the fact that he owns a property along Railroad Avenue that could be affected by such a vote. Jack Hall asked Toby as a property owner what he sees happening with that area; Toby said commercial. There was discussion concerning C-2 zoning along Central Avenue, and the C-2 zoning at 106 W. Railroad Avenue. Martin said that what Joe suggested about the long-term vision of the area being a mixed-use kind of environment makes sense, but right now the people who own the houses there really don't have much on which to plan. Currently, they know they are in a residential district, but they don't have much prospect of using their property for anything else. If an overlay district was created, it could give those property owners the opportunity for other uses; however it is difficult to determine what would come from the public hearings related to such a change. John Balderson said that from an EDC standpoint he likes what Joe suggested about including the properties all the way to Sunset Blvd. There was discussion concerning apartments and density. Toby asked if an ordinance was ready to be drafted based on tonight's discussion. Joe said he would like to have both the Planning Commission and the Economic Development Commission review the draft ordinance before it is sent to the Commissioners. There was discussion about square footage of buildings, the number of EDU's per building, and prohibiting or restricting the subdivision of homes.

Johnston & Associates Update – The memo regarding the status of the Comprehensive Plan from Shane Johnston was reviewed and discussed. Toby stated that the cost of the project has increased considerably since it was first discussed. Joe said that through this process House Bill 1141 will be addressed and an additional \$10,000 is anticipated to complete the process, including submittal to the state. Joe also stated that Ridgely is far ahead of most other municipalities at this time, and that Shane Johnston has filed a grant request with Coastal Communities for \$5,000 to help offset the cost. Toby asked if it is a misunderstanding to think that the cost was just for the Comprehensive Plan; Joe said yes, the cost has increased due to HB 1141 and its requirements. Joe also said he wants to reiterate that this project is included in both the current budget and next year's draft budget. There was some discussion. Martin said that if we don't soon complete this it will come back to bite us. Joe reviewed some of the changes recently made at the County planning level and how those changes have affected Ridgely.

Ridgeway Estates – Toby said that there is a house being constructed in Ridgeway Estates and the Planning Commission has neither approved that building permit nor has a Design Standard Review been completed. Joe said he could have the work stopped the next day, if that is so desired. Toby said he doesn't like the Planning Commission throwing "monkey wrenches" into developments that have already been approved, but there is a specific process to be followed. Missy said she takes responsibility for the issuance of the building permit; she advised Joe prior to his signing of the permit that everything was as it should have been. There was discussion concerning Design Standard Reviews and the process involving building permits. Jeff asked if each new house would require individual approval from the Planning Commission. Toby said no, a blanket approval could be made, but there hasn't been one made yet for Ridgeway Estates. The building permit application was reviewed and discussed. A motion to approve the building permit was made by Margaret, seconded by Martin, unanimously approved.

Cow Barn Property – Toby provided an overview of the situation, stating that the subdivision of the property and the zoning change (floating overlay) to permit townhouses had been approved by the Planning Commission as part of a quid pro quo; the Cow Barn and surrounding land would be deeded to the town. The town's first mission was to save the Cow Barn and do something with it. Now, the Cow Barn's owner, Archie Carroll, wants to keep it. The developer has said that he wants to continue with the project and build town homes, but is unable to until the WWTP is upgraded and Ridgely Park comes online. Toby asked Jack Hall what could be done to insure the preservation of the Cow Barn if the revised subdivision is approved. Toby stated that there have been many suggestions as to the use of the Cow Barn once it would be deeded to the town; regardless of the use, everyone is in favor of the preservation if the

Cow Barn. Toby asked if a strict covenant on the Cow Barn, as part of the subdivision approval, would be the best way to deal with the situation. Jack asked if the subdivision has been approved. Joe said yes, the Planning Commission has approved the subdivision, but it has not been approved by the county or state. Joe also said that the developer of the 36 town homes has pulled out, and is willing to come back in, but he doesn't want to pay for all 6 acres, he only wants to buy the 4 +/- acres he needs. Toby said that the Planning Commission wants to protect the Cow Barn if it's not coming to the town. Jack Hall said that first instinct the Planning Commission should have when a developer comes to them in a bind, is that it is not their problem. Jack asked if, and why, the town homes are so important to the Planning Commission. Toby said the focus of this agreement was the Cow Barn, not the town homes. Joe said that whatever happens to the Cow Barn will have to be approved by the Planning Commission. Toby said he is looking for a firmer guarantee, other than just the decision of the Planning Commission. There was discussion concerning a covenant or easement, the Cow Barn structure and its possible uses.

Commission Roundtable Discussion

Jeff asked about the status of the project at 208 Caroline Avenue. Joe gave a quick rundown, stating that there is currently one house, but there is an individual who would like to demolish that structure, subdivide the property and build two new homes. However, due to the situation with MDE, there are no current sewer allocations available for that newly created lot, even though the Sebasco subdivision should not have been included in the 27 lots MDE approved. Joe said he is scheduled to meet with Don Wilson on April 28th and will inquire about that situation.

Adjournment

At 8:27 a motion to adjourn was made by Margaret, seconded by Martin.

Respectfully Submitted,

Missy Vanskiver
Asst. Clerk