

TOWN OF EMMITSBURG PLANNING COMMISSION

JULY 23, 2018

ATTENDING; KEITH SUERDIECK (CHAIR), FRANK DAVIS, JOYCE ROSENSTEEL, CLIFF SWEENEY. STAFF: SUE CIPPERLY, ZACK GULDEN, MPA, MAYOR DON BRIGGS, AND TOWN ATTORNEY.

MEETING WAS CALLED TO ORDER BY THE CHAIR AT 7:32 P.M.

PLEDGE OF ALLEGIANCE

DISPOSITION OF MINUTES WERE PRESENTED AND MOTIONED BY JOYCE ROSENSTEEL AND SECONDED BY FRANK DAVIS AND APPROVED.

OLD BUSINESS. NONE

NEW BUSINESS: MAYOR DON BRIGGS THANKED THE PRESENT PLANNER, SUE FOR HER YEARS OF SERVICE AND WISHED HER WELL IN RETIRING. HE THEM INTRODUCED AND WELCOMED THE NEW PLANNER ZACHARY R. GULDEN.

Under new business: Lot addition application involving Lots 24, 25, and 26 of Annan, Horner & Company Development. Discussion followed and it was motioned by Frank Davis and seconded by Joyce Rosensteel and approved.

Request of zoning Map Amendment for 600-602 East Main Street, Referred by the Town Board of Commissioners on July 9, 2018.

The Planning Commission (PC) received a request from the Town Board of Supervisors (BOS) to review and comment on a petition to amend the Town Map rezoning the lot of 600 East Main Street from R-1 to B-1, as required in Section 17.44.030 of the Town Code. In response, three of the four members and the BOS liaison of the (PC) met with the Town Planners, the Town Attorney, and the petitioner during a regularly scheduled meeting.

Prior to the meeting the, the PC members and liaison received copies of background information, comments and recommendations from the Town Planners. The information included a copy of the petitioner's request and a Justification Statement from the petitioners attorney.

During the meeting, the Town Planners presented an overview of the petition, the request from the BOS, and the response options available to the PC. The Town Attorney supplemented the Town Planner's presentation with detailed explanation of the issues to be considered by the PC. The petitioner presented his reasoning for submitting the request. Each of the above-mentioned parties answered numerous questions from the PC and from each other.

Since the petition dealt with "piecemeal map amendment", the ensuing discussion centered on the "mistake rule", in accordance with Maryland State Law, in the existing zoning of the property. After considerable discussion, the clarifications from the Town Attorney, the matter was concluded that a previous decision made in the 2015 Comprehensive Plan that was based on incomplete or unknown data, through no fault of any person or policy, could be considered a "mistake". Other issues presented but with less discussion, included 1. The 1976 zoning decision for the subject property; 2. The identities of the properties immediately adjacent to the subject lot, 3. The functions of the four nearby lots rezoned to B-1 in 2015; 4. The Town's knowledge of the subject property's historic functions; 5. The review process if petition is accepted; 6. The vision of a potential buyer of the subject property; and 7. The functions allowed in a b-1 zoning district.

At the conclusion of the discussions, the PC was reminded of the options available for an appropriate response to the BOS. In accordance with Robert's Rules of Order, a motion was made by Frank Davis and seconded by Joyce Rosensteel to recommend acceptance of the petition and to proceed with the zoning map amendment review process in accordance with the Town's ordinance. During debate of the motion, the Town Attorney reminded the PC that the recommendation should include its findings of facts of the elements stated in the relevant chapter of the Town Code. An Amendment to add the findings of fact described in the petitioner's Justification Statement with the current motion on the floor was made by Frank Davis and seconded by Joyce Rosensteel. After a brief discussion, the proposed amendment was voted on and adopted by an unanimous count. The PC completed its task of creating a response, which will be presented to the BOS at its next scheduled meeting.

No further business, the meeting was adjourned.

Respectfully submitted,

Joyce Rosensteel, Secretary