

Town of Emmitsburg Planning Commission Minutes

April 24, 2023, 7:00pm

Present: Mark Long (Chair), Dan Garnitz (Secretary), Joe Ritz (Commissioner Liaison), Valerie Turnquist

Absent: Kevin Hagan (Vice-Chair)

Staff Present: Najila Ahsan (Town Planner), Christopher Jakubiak (Town Planning Consultant), Leslie Powell (Town Attorney), Jessica Housaman (Office Coordinator)

Call to Order

- a. Planner Ahsan announced that recording is in progress.

Note: The first 11 minutes of the meeting was recorded on the Town Planner's cellular device as Zoom's recording feature was malfunctioning.

- b. Chair Long called the meeting to order at 7pm and announced the technical difficulties with broadcasting
- c. Chair Long added an additional agenda item, F, under New Business— to discuss taking of the minutes of the Planning Commission meeting.

2. Review and Approval of Minutes for March 27, 2023

- a. Motion to approve minutes by Commissioner Ritz
- b. Second by Valerie Turnquist
- c. Changes: none
- d. Approved: The minutes were approved unanimously.

3. Public Comment: None

4. Old Business: None

5. New Business:

a. Approval of Addition Plat: Town of Emmitsburg's Addition to Lot 1: Swomley Division

- i. Ms. Ahsan stated that the applicant Richard and Paula Lindsey are seeking the approval of the Addition Plat that involves adding Parcel A to Lot 1 of Swomley Division situated on Creamery Rd. She provided a summary of

the background, including the Town Board's decision to sell an approximately three-acre property near the Town's Wastewater Treatment Plant and adjacent to the Lindsays' property for \$18,000. She stated that the approval can only be conditional as the applicants have yet to provide the Town Attorney with the metes and bounds description (a necessary item for preparing the deed) and proceed with all the steps associated with purchase of the property. The applicant will also be responsible for the costs associated with recording of the addition plat and deed.

- ii. Both Commissioner Ritz and Applicant Richard Lindsay stated their understanding that the Town of would be responsible for costs associated with the sale of the property, excluding surveying costs. Ms. Powell clarified that in the motion taken by the Board of Commissioners on December 6, 2022, accepted the offer of \$18,000 and assume the cost of in-house subdivision only. While there was a discussion about de-annexation and other costs associated with the purchase, these were not stated in the motion. Ms. Powell strongly recommended that the applicant contact the Board of Commissioners in writing to seek clarification in terms of the allocation of the costs.
- iii. Commissioner Turnquist motioned to approve the Town of Emmitsburg's Addition of Parcel A to Lot 1 of Swomley Division with the following conditions:
 1. Provide the Town and The Town Counsel with the metes and bounds description to be included in the deed
 2. Proceed with the closing process and payment at the agreed upon price
- iv. Commissioner Garnitz seconded the motion
- v. Commissioner Ritz abstained
- vi. Motion carried

AYE: 3

NAY: 0

ABSTAIN: 1

b. Approval of the Site Plan of Lot 5 for Silo Hill Plaza (fka. Village Liquors & Plaza Inn)

- i. Ms. Ahsan stated that the applicant is seeking approval of the Site Plan of Lot 5 for Silo Hill Plaza located on Silo Hill Parkway. She suggested that the plans be approved with the conditions listed in the staff memo dated April 6, 2023.
- ii. Commissioner Ritz motioned to approve the Site Plan of Lot 5 for Silo Hill Plaza with the following conditions:
 1. Address comments regarding the site plan, landscape plan, and lighting plan by Town Engineer. See memorandum dated April 17, 2023.
 2. Since the land disturbance is over 5,000 sq. ft., the applicant must obtain approval of an Erosion and Sediment Control Plan from the Catoctin/Frederick Soil Conservation District and provide the Town a copy of the approval in accordance with Town Code Chapter 15.20.
 3. Since the land disturbance is over 5,000 sq. ft., the applicant must obtain approval of a Stormwater Management Plan from Frederick County and provide the Town a copy of the approval in accordance with Town Code Chapter 15.21.
 4. The developer shall pay such fees that are charged from time to time by the Town of Emmitsburg for further reviews or permits as may be required concerning the proposed development.
- iii. Commissioner Garnitz seconded the motion
- iv. Motion carried

AYE: 4

NAY: 0

ABSTAIN: 0

c. Approval of the Improvement Plat of Lot 5 for Silo Hill Plaza (fka. Village Liquors & Plaza Inn)

- i. Ms. Ahsan stated that the applicant is seeking approval of the Site Plan of Lot 5 for Silo Hill Plaza located on Silo Hill Parkway. She suggested that the plans be approved with the conditions listed in the staff memo dated April 6, 2023.
- ii. Commissioner Ritz motioned to approve the Site Plan of Lot 5 for Silo Hill Plaza with the following conditions:
 - 1. Address comments regarding the improvement plat by Town Engineer. See memorandum dated April 17, 2023.
 - 2. The developer shall pay such fees that are charged from time to time by the Town of Emmitsburg for further reviews or permits as may be required concerning the proposed development.
 - 3. Refer to the memorandum from Town of Emmitsburg regarding the Site Plan dated April 6, 2023, for further information.
- iii. Commissioner Turnquist seconded the motion. She asked for clarification regarding condition #3, which instructs the applicant to refer to the staff memo dated April 6, 2023 regarding the Site Plan.
- i. Motion carried

AYE: 4

NAY: 0

ABSTAIN: 0

d. Discussion: Economic Development Flex District

- i. Mr. Jakubiak stated that the applicant is proposing a text amendment which would create a new section in the Town Code titled §17.26: EDFD Economic Development Flex District and provided some background on how floating zones work. He explained that this type of zone “floats above the town” before it is adopted through a master plan (a plan that would guide

how the land would be developed and establish design standards such as buffer, open space, setbacks etc.) and formal approval process. Other points he made regarding the draft amendment made include:

1. Floating zones provide flexibility and discretion in terms of land use
 2. Instead of “50 acres or more” land area requirements, it should be dropped down to “25 acres or more” to keep the floating zone flexible and include more areas
 3. It would be beneficial to refine the categories of zoning districts
- ii. Commissioner Ritz liked the clarity of the zoning map which had been updated to provide better contrast among zoning districts.
 - iii. Mr. Jakubiak provided some context for the Floor Area Ratio using the examples of McDonald’s, Jubilee, and Emmitsburg Glass
 - iv. Mr. Jakubiak mentioned the capacity for growth with respect to water and sewer services
 - v. Both Commissioner Ritz and Commissioner Long inquired about land use for residential units in the flex zone.
 - vi. The applicant, Bruce Dean, stated that the text amendment has been drafted purposefully to allow the Town’s Board of Commissioners and Planning Commission more say in how the land is used in Town and allow future property owners to develop their property that they otherwise would not be able to.
 - vii. Mr. Dean stated that the purpose of the proposed amendment is to bring novelty to the zoning practices in Emmitsburg
 - viii. Mr. Dean stated that the proposed text amendment would apply to multiple parcels within a site of 50 acres or more.
 - ix. Mr. Dean stated that the proposed amendment incorporates a broad spectrum for Floor Area Ratio (FAR) and requires an applicant to demonstrate that their chosen FAR is appropriate for their site.
 - x. Mr. Dean stated that putting residential units in the floating zone was not part of their vision, but it is not something they would be opposed to.

- xii. Mr. Dean stated that the intention of this text amendment is to promote economic development focused on bringing employment and tax revenue rather than creating a mixed-use zone with housing.
- xiii. Mr. Jakubiak mentioned that the floating zone is a good approach for the Town of Emmitsburg to take.
- xiiii. Public Comment: Diane Walbrecker expressed the importance of residential units and their role in walkability in a neighborhood.

Five Minute Recess at 8:26pm

e. Discussion: Comprehensive Plan

- i. Mr. Jakubiak presented the new Zoning Map
- ii. Mr. Jakubiak presented the Municipal Growth Area Map. The growth area will be evaluated during the cycle of the comprehensive plan.
- iii. Mr. Jakubiak discussed buffers along streams
- iv. Mr. Jakubiak discussed the Land Use Map which will be the basis of the new Zoning Map and result from the process of comprehensive rezoning.
- v. Mr. Jakubiak discussed the job of updating the website to create a landing page for the Comprehensive Plan.
- vi. Public Comment: Diane Walbrecker addressed the role of comprehensive plan in community recovery after a potential disaster. She also talked about ways to get the community involved in the comprehensive plan process.

f. Discussion: Planning Commission Meeting Minutes

- i. Commissioner Long, after engaging the entire group in the decision, delegated the task of writing Planning Commission minute to the Town Planner.

6. Next Meeting Date: Monday, May 22, 2023

7. Adjournment

- a. Chair Long adjourned the meeting at 9:21pm.