

MINUTES OF THE

July 20, 2006 Meeting of the

Easton Planning & Zoning Commission

Members Present: John Atwood, Chairman, and members Linda Cheezum, and Dan Swann.

Members Absent: Tom Moore and Steve Periconi

Staff Present: Zach Smith, Current Planner and Lynn Thomas, Long Range Planner.

Staff Absent: Tom Hamilton, Town Planner and Stacie Rice, Planning Secretary.

Mr. Atwood called the meeting of the Planning & Zoning Commission to order at 1:00 p.m. The first order of business was the approval of the minutes of the Commission's meeting of June 15, 2006. Upon motion of Mr. Swann, seconded by Mrs. Cheezum, the Commission voted 3-0 to approve the June minutes.

The first item on the agenda was a sketch site plan review for **Lot 24, Brooks Drive**. However the applicant was not present at the meeting so the Commission moved onto the second item on the agenda. Ultimately the applicant did not show up and this item was deferred until the August 17, 2006 meeting.

The next item on the agenda was for a sketch subdivision plat for property owned by the **Presbyterian Church of Easton**, located at 617 North Washington Street. Mr. Bill Stagg of Lane Engineering, Inc., represented the applicant. He explained that the request was for the creation of six residential units and a new town street (a cul-de-sac). He stated that until the adoption of the recent amendments to the Subdivision Regulations and Zoning Ordinance, this subdivision has not been possible. Even so, there are a couple of standards from which he is seeking relief. One is the required 35% Open Space and the second is the construction of alleys. Mr. Stagg also indicated that he would prefer to pay the fee-in-lieu of parks rather than providing them on the subject property.

Following Mr. Stagg's presentation, the Commission asked for public comment. Two neighboring property owners spoke requesting various considerations by the Church in this subdivision process. First, Mrs. Collier asked if the setback along the common lot line between her property and the church could be expanded beyond the required 8 feet. Mr. Stagg agreed to make that setback 15 feet. Next, she asked if the Church would be willing to erect a fence along the common property line. Mr. Stagg indicated that he would have to speak to the Church about that issue and agreed to do so. Next, a Mr. Stockley spoke to ask if it would be possible for the Church's subdivision to be modified in such a way that he could obtain access/frontage to what is now a landlocked portion of his relatively large parcel. Again, Mr. Stagg stated that this would have to be a consideration of the Church, but he agreed to discuss the matter with them. Following public comment the Commission,

upon motion of Mr. Swann, seconded by Mrs. Cheezum, voted 3-0 to approve the sketch subdivision, subject to the following conditions:

- The subdivision may be constructed without alleys.
- Applicant may pay the fee-in-lieu of providing park land.
- The applicant is to work with Mrs. Collier and Mr. Stockley to see if the requests they made during the hearing can be accommodated.
- The Commission waives the requirement for the provision of 35% Open Space.
- The applicant shall modify the setback on Lot 4, adjacent to Mrs. Collier's property to 15 feet.

The next item discussed was a staff item concerning a request to change the name of **Commerce Street**. Mr. Thomas explained that the request came originally to the Town Council from a medical office that will soon occupy one of the suites being constructed on Commerce Street. They are concerned that with an existing street in Easton named Commerce Drive, there would be great potential for confusion amount potential patients. The Town Council referred the matter to the Planning Commission for (1) a recommendation as to whether or not the name should be changed and (2) if so, to what.

Discussion ensued concerning whether or not there was potential for confusion amongst the public and what would be involved in changing the street name. Mr. Bruce Armistead was in the audience and stated that he had conducted extensive title research on the property as the attorney for the developer of one of the lots on Commerce Street. He stated that he did not believe there would be much in the way of administrative or legal action necessary to change the street name and he supported such a change. Thereafter, upon a motion by Mr. Swann, seconded by Mrs. Cheezum, the Commission voted 3-0 to recommend to the Town Council that the name of Commerce Street be changed. They also decided to leave the decision as to what the new name should be to the Town Council.

The next item was also an item from staff and was presented by Mr. Smith. This was a request by the developers of **Easton Village** for a temporary use during the construction phase of this subdivision. Specifically, the applicants would like to construct an observation deck within the Easton Village property at a height approximating a second story. The purpose of the proposed deck is to afford prospective home buyers the opportunity to view the subject property and neighborhood from the perspective of a room on the second story of a home in the development. Upon motion of Mr. Swann, seconded by Mrs. Cheezum, the Commission voted 3-0 to approve the request.

The next item was another item from staff concerning a proposed Zoning Ordinance text amendment. The request came from Mr. Bruce Armistead representing a client who operates a gymnastics studio. Mr. Thomas explained that the issue at hand is that the use "gymnastics studio" is not specifically listed in the Zoning Ordinance. There are essentially two alternatives for addressing the use. There is a use identified as "Studios for the teaching of art, music, drama, crafts, etc." If the proposed gymnastics studio can be considered to be included in this use, via the "etc," no action is necessary on the Commission's part as Ordinance will answer where such a use is and is not permitted. If,

however, the gymnastics studio is determined to be similar to, rather than included in, that use, we can treat the use as a Special Exception use in any zone in which the similar use is permitted, either outright or via Special Exception.

Mr. Armistead stated that this was an accurate summary of the situation but that it also goes further. He added that because the “studio for the teaching...” was not permitted at all in the I-1 zoning district, in addition to clarifying what is included in this use, he is also requesting that the Table of Permissible Uses be amended to make this an outright permitted use in the I-1 zoning district. Thus in total his request is to add the words “gymnastics or cheerleading” to the use currently listed as “Studios for the teaching of art, music, drama, crafts, etc.” and to add a “P” under the column I-1 for this use indicating that it is outright permitted in this zone. In support of this request, Mr. Armistead pointed out that a number of parents expressed having a greater comfort level with dropping off/picking up their children in an industrial setting than they do at a shopping center given the relative traffic levels at each. Following a brief discussion of the issue, upon motion of Mrs. Cheezum, seconded by Mr. Swann, the Commission voted 3-0 to recommend approval of the proposed text amendment to the Town Council.

The final item was another item from staff. This was a similar situation to the previous staff item. In this case, there is a request to open a tattoo shop in a building in the CG zoning district. Again, the specific use is not listed in the zoning ordinance. In this instance Mr. Smith explained that the staff had determined that the use was similar to one in the ordinance, specifically use B-65, “Personal Services such as shoe repair, beauty parlors, etc.” The applicant argues that the proposed tattoo parlor is included in this use through the “etc.” in the description of the use. Staff contends that it is similar, but not included. Mr. Smith explained that if the Commission supports the staff’s interpretation, this use may proceed under the Special Exception provisions and we would therefore like a recommendation on the appropriateness of the use at the proposed location of 312 East Dover for the Board of Zoning Appeals. Finally, whether they decide the use can proceed as a permitted use or via the Special Exception process, we need to address parking and the applicant is requesting a waiver of the required off-street parking spaces. Mr. Smith stated that the Commission had granted similar requests in the past for properties in the same neighborhood.

The applicants, Black Anchor Tattoo, were present in the persons of Mr. Ken Mater and Mr. Mike Stephens. They were represented by their attorney, Mr. Walter Reiter. The applicants made a brief presentation to the Commission describing the nature of the proposed business and the expected impact based largely on the experience of the applicant from other stores they operate in the Annapolis area and in Dover, Delaware.

Following the presentation, the Commission made several votes. First, they determined that the proposed use was not specifically included in use B-65, but was similar to it. Then, upon motion of Mr. Swann, seconded by Mr. Atwood, they voted 2-1 (Mrs. Cheezum opposed) to recommend approval of a Special Exception for a tattoo shop to located at 312 East Dover Street in the CG zoning district. Finally, upon motion of Mr. Swann, seconded by Mr. Atwood, the Commission voted 2-1 (Mrs. Cheezum opposed) to waive the required off-street parking spaces for the proposed business, subject to Board of Zoning Appeals’ approval of the Special Exception.

There being no further business the meeting was adjourned at 2:30 p.m. by motion of Mr. Swann, seconded by Mrs. Cheezum.

Respectfully submitted,

Stacie S. Rice
Planning & Zoning Secretary