



Planning Commission MEETING AGENDA

Thursday, February 16, 2023 - 1:00 PM
Council Chambers, Easton Town Office
14 S Harrison Street

1. Call to Order

2. Approval of Minutes.

- a. Approval of revised Draft Decision Summary of previous meeting: December 15, 2022.
- b. Approval of Draft Decision Summary from the January 19, 2023 meeting.

3. Old Business

- a. **Applicant:** Maryland Health Club LLC c/o Nupur Nagar
Owner: Maryland Health Club LLC
Location: 28449 Club House Drive
Nature of Request: **The Applicant is requesting a continuance of the application to a future meeting.**

4. New Business

- a. **Applicant:** Jeff Nugent
Agent: Richard Haxton, Kent Signs
Location: 218 North Washington Street
Tax Map: 103, Parcel: 0571
Zoning District: CG
Nature of Request: **The application for 218 N. Washington Street has been withdrawn from the February 16, 2023 Planning Commission agenda and will be rescheduled pending upon the submission of a revised Master Sign Plan.**
- b. **Applicant:** Oxford Chase Development, Inc.
Agent: Stacy LeMay, Oxford Chase Development, Inc.

Location:	9577 Black Dog Alley - Dollar General
Zoning District:	Tax Map: 025, Grid: 006, Parcel: 034
Nature of Request:	CB
	The applicant is requesting an amendment to the previously approved final site plan that includes exterior revisions to the awnings and shutters.

c. Applicant:	Cooke's Hope Phase VII LLC
Agent:	Ryan Showalter
Location:	Cooke's Hope Planned Unit Development
	Tax Map 42, Parcel 56
Zoning District:	PUD
Nature of Request:	The Applicant is proposing a revision to the approved PUD improvement plans to omit all alleys in Phase VII.

5. Discussion Item

a. Continue discussion of Amendments to Zoning Ordinance.

1. Proposed Text Amendment - Deletion of Section 28-201(C)

b. Election of 2023 Officers.

6. Adjournment.



**Town of Easton Planning Commission
Draft Decision Summary**

Thursday, December 15, 2022 at 1:00 p.m.
Town Hall Chamber 2
14 S. Harrison Street, Easton

Archived video of the meeting is available at:

[Town of Easton Agendas and Minutes](http://eastonmd.gov)
[_eastonmd.gov](http://eastonmd.gov)

Attendance:

Commission Members:

Paul Weber, Chairperson
Victoria McAndrews
William Ryall
Philip Toussaint

Staff:

Miguel Salinas, Planning and Zoning Director
Lynn B. Thomas, Town Planner
Joseph Mayer, Plan Reviewer
Sharon Van Emburgh Esq, Town Attorney
Rick Van Emburgh, Town Engineer

Absent:

Commission Members:

Jennifer Dindinger, Vice Chairperson

Staff:

Nicholas Johnson, Planner

- 1. Call to Order**—Commissioner Weber called the meeting to order at 1:03 pm.
- 2. Decision Summary Review**—
September 19, 2022- The Commission noted the following correction to the September draft decision summary:
 - a.** Grammatical corrections.

Commissioner McAndrews moved to approve the September 19, 2022 Decision Summary with amendments. Commissioner Toussaint seconded the motion.

<u>Vote</u>	<u>4-0-1</u>
FOR:	4- Weber, McAndrews, Ryall, Toussaint
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Dindinger

October 20, 2022- The Commission noted the following corrections to the October draft decision summary:

- a. Grammatical corrections.
- b. Adjustments to the accuracy of statements made.
- c. To reflect a request for public comment for the record.

Commissioner Ryall moved to approve the October 20, 2022 Decision Summary with amendments. Commissioner Toussaint seconded the motion.

<u>Vote</u>	<u>4-0-1</u>
FOR:	4- Weber, McAndrews, Ryall, Toussaint
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Dindinger

November 17, 2022- The Commission noted the following correction to the November draft decision summary:

- a. Adjustments to the accuracy of statements made.

Commissioner McAndrews moved for a staff review of the November 17, 2022 video record and to update the Decision Summary to reflect those items flagged by the Commissioners. Commissioner Toussaint seconded the motion.

<u>Vote</u>	<u>4-0-1</u>
FOR:	4- Weber, McAndrews, Ryall, Toussaint
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Dindinger

2. Old Business – None

3. New Business

- a. **Applicant:** Jonathan Qvarnstrom
File No.: 22-814
Agent: Jonathan Qvarnstrom, Teal-A-Vision LLC
Request: Approval to allow five business wall signs to occupy one building with a common entrance.
Location: 8221 Teal Drive, Easton, MD 21601
Tax Map 109, Grid 000, Parcel 4582, Lot 66
Zoning: CL

The applicant is proposing an 86” x 24” sign at the top center of

the building. When facing the front of the building there is an existing 14.5” x 14.5” wall sign on the first floor. On the left side of the building there are two wall signs on the second floor, 19” x 11” and 16” x10”, and one wall sign on the first floor, 14.5” x 14.5”. The applicant is seeking approval to allow five business wall signs to be occupied on a building with a common entrance. Staff recommends the following condition:

1. The applicant will need to obtain approval for the appropriate building permit for the installation of the sign.

Staff Presentation:

Joseph Mayer, Plan Reviewer
Lynn Thomas, Town Planner
Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Jonathan Qvarnstrom, Teal-A-Vision LLC

Public Comment— None

Commissioner Ryall moved to approve the request for an additional wall sign. Commissioner McAndrews seconded the motion.

<u>Vote</u>	<u>4-0-1</u>
FOR:	4- Weber, McAndrews, Ryall, Toussaint
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Dindinger

- b. Applicant:** Maryland Health Club LLC c/o Nupur Nagar
File No.: 22-694 & 22-695
Agent: c/o Nupur Nagar
Request: Amendment to an approved Planned Unit Development (PUD) of Tax Map 34, Parcel 122, Lot 154.
Location: 28449 Clubhouse Drive, Easton, MD 21601
Tax Map 109, Grid 000, Parcel 4582, Lot 66
Zoning: PUD

The proposed changes/additions to the approved PUD are described by the applicant as follows: 1) addition of a Multi-Purpose Building, 2) Clubhouse renovation, 3) addition of Agri-Buildings I and II, 4) parking lot extension in Area A, 5) a parking garage near Agri-Building I, 6) parking lot adjacent to Agri-Building II, 7), and Renovation to the existing Pavilion.

The applicant requests a recommendation from the Planning Commission to the Town Council for the amendment to the PUD.

Staff Presentation:

Joseph Mayer, Plan Reviewer
Lynn Thomas, Town Planner
Miguel Salinas, Director of Planning and Zoning

Applicant Presentation:

Nupur Nagar, Maryland Health Club, LLC
Benjamin Wechsler
Dr. Sue Vyas
Tom Wygan

Public Comment:

Tom Alspach, 295 Bay Street
Barbara Beshel, 28474 Clubhouse Drive
Ron Frei, 28468 Clubhouse Drive
Pam Reynolds, 28589 Clubhouse Drive
Sally McCash, 28597 Ninth Drive
Lynn Mielke, 28415 Pinehurst Circle
Jerry McConnell, 7532 Easton Club Drive
Randy Perry, 7524 Seventeenth Drive
Bart Pelstring, 28651 Clubhouse Drive
Judy Hines, 28642 Clubhouse Drive
Maureen Gittens, 7598 Easton Club Drive
Lois Shepard, 28605 Clubhouse Drive
Susan Basham, 28480 Wedgeway Circle
Robert Kopec, 28488 Wedgeway Circle
Dr. James Kelly, 28478 Pinehurst Circle
Diane Blair, 28404 Canvasback Lane
Susie Hayward, Board President for the Easton Club

Commissioner Toussaint moved in favor of a staff request for the applicant to fund a traffic impact study to be prepared by a traffic engineer as selected by the Town. Commissioner Ryall seconded the motion.

<u>Vote</u>	<u>4-0-1</u>
FOR:	4- Weber, McAndrews, Ryall, Toussaint
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Dindinger

Commissioner McAndrews moved for a continuance of the request to be held at the Planning Commission’s February 16, 2023 meeting, and specified for the record to remain open for public comment until the February 16, 2023 meeting. Commissioner Ryall seconded the motion.

<u>Vote</u>	<u>4-0-1</u>
FOR:	4- Weber, McAndrews, Ryall, Toussaint
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Dindinger

4. Discussion Items — None

5. Staff Matters — None

6. Work Sessions

- a. The review and approval of Subdivision Regulations was tabled to the next Planning Commission meeting on January 19, 2023.
- b. A continued discussion of Amendments to the Zoning Ordinance was tabled to the next Planning Commission meeting on January 19, 2023.

7. Commission Matters — None

8. Adjournment– Chairman Weber adjourned the meeting at 4:24 pm.



**Town of Easton Planning Commission
Draft Decision Summary**

Thursday, January 19, 2023 at 1:00 p.m.
Town Hall Chamber 2
14 S. Harrison Street, Easton

Archived video of the meeting is available at:
[Town of Easton Agendas and Minutes](https://www.eastonmd.gov/Agendas/Agendas%20and%20Minutes)
[\(eastonmd.gov\)](https://www.eastonmd.gov/)

Attendance:

Commission Members:

Paul Weber, Chairman
Jennnifer Dindinger, Vice Chair
Victoria McAndrews
Philip Toussaint

Staff:

Miguel Salinas, Planning and Zoning Director
Lynn B. Thomas, Town Planner
Nicholas Johnson, Planner
Sharon Van Emburgh Esq, Town Attorney
Rick Van Emburgh, Town Engineer

Absent:

Commission Members:

William Ryall

1. **Call to Order**—Commissioner Weber called the meeting to order at 1:00 pm.
2. **Decision Summary Review**—
November 17, 2022- The Commission noted the following correction to the November draft decision summary:

- a. Grammatical corrections.

Commissioner Toussaint moved to approve the November 17, 2022 Decision Summary with amendments. Vice Chair Dindinger seconded the motion.

<u>Vote</u>	4-0-1
FOR:	4- Weber, Dindinger, McAndrews, Toussaint
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Ryall

December 15, 2022- The Commission noted the following corrections to the December draft decision summary:

- a. Grammatical corrections.
- b. Adjustments to the accuracy of motions made.

Vice Chair Dindinger moved to hold approval of the December 15, 2022 Decision Summary for a staff review. Commissioner McAndrews seconded the motion.

<u>Vote</u>	<u>4-0-1</u>
FOR:	4- Weber, Dindinger, McAndrews, Toussaint
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Ryall

3. Agenda Summary Review—

Chairman Weber made a revision to the agenda to move the discussion item for Aspire Outdoors, LLC to the fourth item of the agenda; and to postpone the annual election of 2023 Officers to the February 16, 2023 meeting.

4. Discussion Items

- a. **Applicant:** Aspire Outdoors, LLC
- Agent:** Aspire Outdoors, LLC
- Location:** Camac Street
Tax Map 026, Grid 020, Parcel 0186
- Zoning:** R-10A
- Request:** Discuss the proposed six-building apartment complex with an associated community pool and poolhouse.

Applicant Presentation:

Derrick Daily, Aspire Apartments LLC

Public Comment:

Allison Yates, 29812 Beall Drive
Bob Mueller, 29839 Standish Street
Lewis Plumer, 29812 Beall Drive
John Franczak, 29756 Captain Adamowski Street
Akshay Dhawan, 8658 Camac Street
Barbara Miller, 8664 Camac Street

5. Old Business —

- a. Continue Discussion of Amendments to Zoning Ordinance** — The Commission amended previous resolutions made to the Zoning Ordinance which included: 1) amending the Table of Permissible Uses for Accessory Dwelling Units in the R-10M district; 2) amending non-material changes of PUD Amendments to include “minor changes in elements that do not affect the overall architectural style”; and 3) upheld language used in non-material changes to remain as: “the substitution of one project amenity with a comparable amenity”. The Commission also made further refinement to language of the supplemental standards applied to multi-family apartment complexes within the CB district, and discussed height and or/story requirements to the standards for Missing-Middle housing types.
- b. Review and Approval of Subdivision Regulations** — Mr. Lynn Thomas presented revisions made to two Subdivision Regulation items: 1) the addition of Subsection 708 (i) of the park dedication requirements for 50% or more of the land area required for parks to be provided in one centrally located Neighborhood Park (as classified in the Comprehensive Plan); and 2) the addition of Subsection 703 (e) (6) to add a requirement for Traffic Impact Studies to include a brief summary of findings. The Commission also discussed the addition of language for an additional requirement that all Traffic Impact Studies are to be conducted by a licensed traffic engineer as selected by the Town.

Public Comment:

Thomas Ledvina

Vice Chair Dindinger moved to approve the current draft of Subdivision Regulations with an amendment to: 1) the addition of the language “parks may be passive, active or natural” to the ending paragraph of Subsection 708 (i); 2) the addition of the word “required” to the beginning of the second sentence in Subsection 708 (a) and to strike the information in parentheses; and 3) to approve the language as written for Traffic Impact Studies in Subsection 703 (e) (6). The Commission recommended that the Subdivision Regulations be forwarded to Town Council for their review and approval.

<u>Vote</u>	<u>4-0-1</u>
FOR:	4- Weber, Dindinger, McAndrews, Toussaint
AGAINST:	0
ABSTAIN:	0
ABSENT:	1- Ryall

6. New Business— None

7. Staff Matters — None

8. Work Sessions — None

9. Commission Matters

- a. A special Comprehensive Plan workshop was scheduled to be held on February 2, 2023 at 10:00 a.m. in the Town Council Chambers of Easton Town Hall. The Commission will also finalize revisions to the Town's Zoning Code with time permitting.

10. Adjournment— Vice Chair Dindinger adjourned the meeting at 4:09 pm.

MARYLAND HEALTH CLUB LLC

January 30, 2023,

Nupur Nagar
Email:
Tele:
Fax:

Nupur Nagar Esq.
4695 MacArthur Ct.
Newport Beach CA 92660
Mailing Address:
17601 Canyonwood Dr.
Riverside CA 92504

VIA ELECTRONIC MAIL

Lynn B. Thomas Town Planning and Zoning Department
Joe Mayer Town Planning and Zoning Department
Miguel Salinas Town Planning and Zoning Department
Sharon M. VanEmburg, Town Counsel Town of Easton
14 South Harrison St., Easton MD 21601

Re: Planning Commission Meeting Scheduled in February 2023.

Dear Lynn:

On behalf of Maryland Health Club LLC (“MHC”) I am sending this request for an extension of the Major (Material) PUD application (“Major PUD”) with regards to the Multi-purpose Building and Agri Buildings scheduled in February 2023. We hereby request the scheduled meeting for PUD continuance for MHC on or about February 2023 be extended until further notice from us to accommodate all items requested by the Planning Commission. This request for continuance is based on the following:

1. On or about December 15, 2022, MHC was scheduled for a Public Hearing for its Major PUD application submitted earlier to the Planning Department. The meeting was conducted by the Planning Commission pursuant to the permit mandates where an input from the public was sought and the Planning Commission provided a forum to the applicant to discuss the proposed project and questions were asked on the project. Pursuant to the ordinance, the Planning Commission is required to provide a feedback to the applicant whereby either the Planning Commission takes a vote on the project (rejecting or approving the application) or comes back and asks the applicant for further information. As of now, the feedback provided to MHC by the Planning Commission requires MHC to submit additional and substantial information which will need further or additional time to comply with the requested items by the Planning Commission.
2. Furthermore, pursuant to this process, after the hearing, the Planning Commission requested items from MHC, that require providing facts in the context of the circumstances surrounding the application, specific facts as they relate to the functions of

the particular property such as functions, documentary evidence and testimonial support. Thus, information requested by the Planning Commission panel requires MHC to compile large facts and testimonial support (as reflected in their letter), legal conclusions and interpretation of legal proceedings in the context of the Easton Club Settlement Agreement etc. For example, the Panel Members have engaged in diving into the factual circumstances surrounding the subject property and proposed development in the context of the Easton Club HOA Settlement Agreement etc. The Panel members have initiated and conducted factual inquiry (facts surrounding the Settlement Agreement) into the Agreement by questioning community members on the execution of the Agreement and the legal conclusions. Since the Panel members have taken testimony or comments from the community, including individualized determinations made by members of the Public as regards to the history, functional use and the Easton Club HOA-MHC agreement, all of which require substantial preparation by MHC, a continuance of the proceedings is warranted.

3. Last but not the least, many issues were raised in the public forum during which the Planning Commission panel members have requested both documentary and non-documentary evidence that are premised on factual and opinion testimony [for example requesting testimonial support of non-profit groups], MHC Business Model, etc., all of which require considerable preparation by MHC that will need additional time to respond to such requested information.

Based on the above, MHC requests a continuance of the scheduled meeting on February 2023 for its PUD application for the Multi-purpose and Agri Buildings. However, please note the following:

MHC requests that the applications for Pavilion and the existing Clubhouse renovations be processed at this time or move forward with approval [Clubhouse renovations will require a minor amendment and the Pavilion application will likewise require a minor amendment]. A site plan will also need to be provided; MHC will submit these amendments shortly as part of a separate process¹.

Thank you for your cooperation in the matter, we look forward to working with your team during this process.

/s/

Very Truly yours,
/s/ Nupur Nagar Project Manager² MHC

¹ Separate process is defined as requesting the processing of the submitted applications for renovations for existing Clubhouse, Pavilion, site plan with minor changes which will be supplemented by these minor amendments.

² Please note Ms. Nagar does not practice law in the State of Maryland, she acts as Project Manager and Coordinator for MHC, for all legal issues MHC is represented by the firm of Yumkas, Vidmar, Sweeney and Mulrenin (lead attorney Mr. Benjamin Wechsler).



TOWN OF EASTON
Planning & Zoning Department
14 South Harrison Street
P.O. Box 520

STAFF LETTER

To: Easton Planning and Zoning Commission
From: Joseph Mayer, Plan Reviewer
Date: February 8, 2023
Subject: New Business Item 4a - 218 N Washington Street – Master Sign Plan

The Staff has determined that the application for 218 N Washington Street – Master Sign Plan is to be withdrawn from the February 16, 2023 Planning Commission Meeting and rescheduled upon completion of the revised Master Sign Plan.



Joseph A. Mayer

Plan Reviewer
Engineering and Planning & Zoning Departments
Town of Easton
14 S. Harrison Street
Easton, Maryland 21601
Phone: 410-820-8822
jmayer@eastonMD.gov



TOWN OF EASTON
Planning & Zoning Department
14 South Harrison Street
P.O. Box 520

STAFF REPORT

To: Easton Planning and Zoning Commission

From: Joseph Mayer, Plan Reviewer

Date: February 7, 2023

Subject: Request to amend Planning Commission Decision –9577 Black Dog Alley – Dollar General

This item is on your February agenda at the request of Oxford Chase Development, Inc. ("Applicant") to revise their final architectural plans to not have shutters and awnings around the building. The Applicant began to put up the awnings and felt that those required additions took away from the architecture of the building and its exterior brickwork. In summary of the August 19, 2021 Planning Commission meeting, the Commission voted 5-0, approving the application with the **condition** to provide one additional shutter on elevation 1 and five shutters are placed on elevation 2, as shown on the revised elevations.

RECOMMENDATION

The Town Planner has determined that this is a significant change because it was a condition essential to the Planning Commission's approval. Section 28-901.3 D of the Easton Zoning Code refers to Amendments to Approved Site Plans. It states that, *'Any amendment to an approved site plan, as determined by the Town Planner to be insignificant shall be reviewed and approved or denied by the Town Planner. Major or significant changes shall be subject to Planning and Zoning Commission review and approval.'* Given that, the Commission is the appropriate body to determine their request to deviate from that approval.

Joseph A. Mayer

Plan Reviewer
Engineering and Planning & Zoning Departments
Town of Easton
14 S. Harrison Street
Easton, Maryland 21601
Phone: 410-820-8822
jmayer@eastonMD.gov





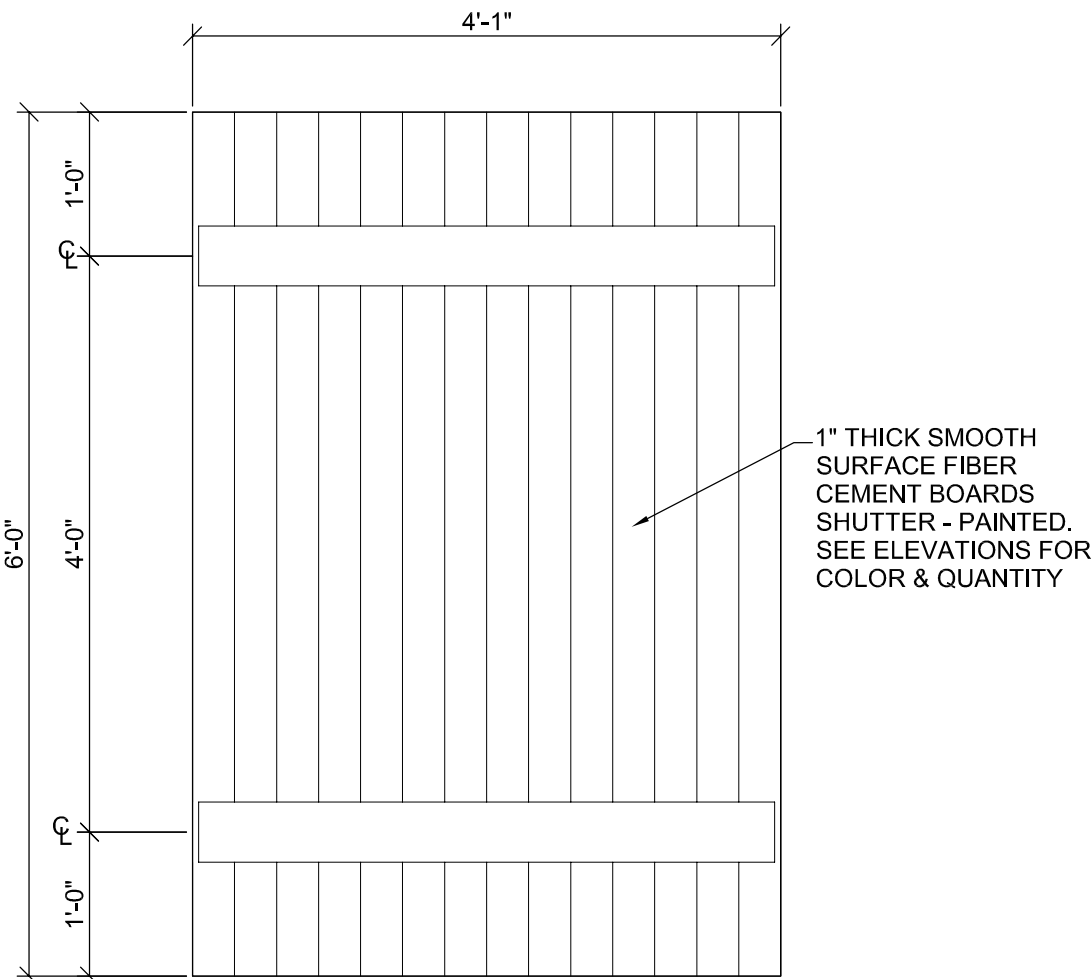








5 JOB SITE SIGN DETAIL
SCALE: 3/8"=1'-0"



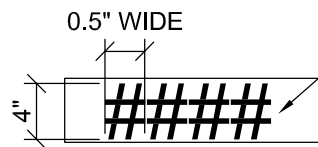
6 SHUTTER DETAIL
SCALE: 3/4"=1'-0"

	PRE-ENGINEERED METAL BUILDING VENDOR	VP BUILDINGS ATTN: DAVID ENGLISH (901) 748-6103				STAR BUILDING SYSTEMS ATTN: JEFF HORN (866) 664-8999				NUCOR BUILDING SYSTEMS ATTN: BOB BARRY (315) 622-4440 (260) 837-7891				BIG BEE STEEL BUILDINGS, INC. ATTN: KEVIN BUSLER (800) 633-3378				CHIEF BUILDINGS ATTN: ERIN SULLIVAN (308) 385-4628 (308) 390-8199							
EXTERIOR FINISHES EXTERIOR FINISHES ARE TO MATCH OR BE EQUAL TO VP METAL BUILDING SYSTEMS FINISH SELECTION.	COOL EGYPTIAN WHITE	COOL DARK BRONZE	BRONZE	COOL COTTON WHITE	GALVALUME	LIGHTSTONE	MEDIUM BRONZE KYNAR 500	BRONZE	POLAR WHITE	GALVALUME	LIGHTSTONE	MEDIUM BRONZE KYNAR 500	BRONZE	POLAR WHITE	GALVALUME	SANDSTONE	BURNISHED SLATE	BRONZE	POLAR WHITE	GALVALUME	PARCHMENT	ANTIQUE BRONZE	BRONZE	POLAR WHITE	GALVALUME
			●					●					●					●					●		
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	SEE ELEVATIONS	N/A					N/A					N/A					N/A					N/A			
	FLAT METAL SOFFIT AT STOREFRONT VESTIBULE AREA				●				●					●						●				●	
	BUILDING PARAPET WALL AND CANOPY					●				●					●					●					●
	STOREFRONT SYSTEM			●				●					●					●					●		
	STANDING SEAM METAL ROOF PANELS					●				●					●				●		●				●
LINER PANELS (INTERIOR SALES AND RECEIVING FLOOR)				●				●					●					●					●		

NOTE:
1. REFER TO SHEET T01 FOR ADDITIONAL INFORMATION ON RECOMMENDED NATIONAL ACCOUNT VENDORS.
2. NATIONAL ACCOUNT AND CONTACT INFORMATION SUBJECT TO CHANGE.

ELEVATION KEYED NOTES

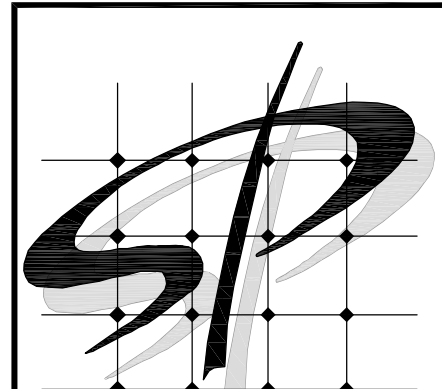
- SIGN FURNISHED AND INSTALLED BY DOLLAR GENERAL CORP. WITH CIRCUIT AS NOTED ON ELECTRICAL PLAN. SIGN TO BE CENTERED ON FRONT OF BUILDING. CONTRACTOR IS TO PROVIDE ADEQUATE BLOCKING AS REQUIRED BY SIGN MANUFACTURER TO SUPPORT SIGN WEIGHT OF UP TO 1,400 LBS. EXTERIOR CANOPY SIGN SHALL BE SUPPORTED BY THE FACE OF THE CANOPY. COORDINATE THE PROPER SIGNAGE TO BE USED WITH DOLLAR GENERAL.
- PAINT EXTERIOR OF DOOR SW7041 'VAN DYKE BROWN'. PAINT INTERIOR OF DOOR SW6991 'BLACK MAGIC'.
- WALL PACK LIGHT FIXTURE. REFER TO ELEC. DRAWINGS FOR ADDITIONAL INFO.
- TYPICAL 8" L. STACK BOND PATTERN BR-2 BRICK ACCENT INSTALLED CENTER OF ACCENT PIERS TYPICAL AS SHOWN.
- ONLY IF REQUIRED BY LOCAL JURISDICTION, INSTALL KNOX BOX PER DIRECTION OF THE LOCAL FIRE MARSHAL.
- BUILDING ADDRESS. 4" H. WHITE VINYL LETTERS OR AS APPROVED BY JURISDICTION. CONFIRM LOCAL REQUIREMENTS PRIOR TO PURCHASE OF LETTERS.
- TRIM - SEE EXTERIOR FINISH SCHEDULE FOR COLOR.
- GUTTER AND DOWNSPOUT - SEE EXTERIOR FINISH SCHEDULE FOR COLOR.
- BRICK VENEER OVER TYVEK MOISTURE BARRIER & REVERSE RIB METAL WALL PANELS. SEE SECTION DETAILS. PROVIDE CONTROL JOINTS (C.J.) TYPICAL WHERE SHOWN.
- STANDING SEAM METAL ROOF. GALVALUME FINISH.
- NOT USED.
- METAL WALL PANELS BEHIND MASONRY, REVERSE RIB PROFILE PROVIDED BY PRE-ENGINEERED METAL BUILDING MANUFACTURER. GALVALUME FINISH WHERE INSTALLED BEHIND BRICK VENEER.
- VENT FOR BATHROOM EXHAUST. REFER TO MECHANICAL FOR ADDITIONAL INFORMATION.
- DOOR BUZZER. REFER TO ELECT FOR MORE INFORMATION.
- WALL HYDRANT. REFER TO PLUMBING FOR MORE INFO.
- HVAC UNITS MOUNTED ON ROOF. REFER TO MECHANICAL FOR MORE INFORMATION.
- OUTSIDE AIR TEMP. SENSOR MOUNTED OVER RECEIVING DOORS @ 8'-0" A.F.F.
- MINIMUM EAVE HEIGHT IS 14'-0" A.F.F.
- FINISHED GRADE AT EXTERIOR WALLS SHALL BE A MINIMUM OF 6" BELOW FINISHED FLOOR AT ALL NON PAVED AREAS.
- IN NORTHERN CLIMATES, PROVIDE SNOW GUARDS ON ROOF PER LOCAL CODE.
- DECORATIVE 12"x12" MEDALLION. PINEAPPLE GROVE DESIGNS 12"x12" 'PRISM' ITEM 125M-085 COLOR BEACH STONE OR EQUAL ONLINE <http://www.pineapplegrove.com/>
- 1/2" DIAMETER x 6" LONG STAINLESS STEEL EYE BOLTS (CLOSED) WITH 1" DIAMETER OPENINGS. DRILL AND EPOXY INTO BLOCK WALL. 4 BOLTS TO BE LOCATED AS SHOWN EACH SIDE OF ENTRY, TOTAL OF 8 BOLTS.
- EXTERIOR EMERGENCY LIGHT. SEE ELECTRICAL AND REFLECTED CEILING PLAN.
- BRICK DOUBLE SOLDIER COURSE ACCENT BAND PER PATTERN SHOWN. INSTALL BOTTOM OF BAND AT 10'-0" AFF.
- BRICK DOUBLE SOLDIER COURSE ACCENT BAND PER PATTERN SHOWN. INSTALL TOP OF WALL.
- METAL AWNING AND DECORATIVE SHUTTERS WHERE SHOWN.



7 ADDRESS NUMBERS
SCALE: NONE

EXTERIOR FINISH LEGEND

(BR-1) BRICK FIELD DARKER COLOR	FINISH: BRICK VENEER - FIELD COLOR MANUF: GENERAL SHALE BRICK COLOR: FULL RANGE WIRECUT 6035 SIZE: ECONOMY 3-5/8"x3-5/8"x7-5/8" GROUT: SW SOFT WHITE MANUF: i.design flamingo-BRIXMENT
(BR-2) BRICK SOLDIER COURSE BAND LIGHTER COLOR	FINISH: BRICK VENEER - ACCENT COLOR MANUF: GENERAL SHALE BRICK COLOR: GREYSTONE VELOUR SIZE: CLOSURE (COP ECONOMY) 3-5/8"x3-5/8"x7-5/8" GROUT: SW SOFT WHITE MANUF: i.design flamingo-BRIXMENT
(MT-1) METAL AWNING	FINISH: PRE-FAB METAL AWNINGS MANUF: GC's CANOPY VENDOR COLOR: BRONZE
(MT-2) METAL COPING	FINISH: PARAPET METAL COPING MANUF: PEMB VENDOR COLOR: BRONZE
(MT-3) ROOF PANELS	FINISH: ROOF PANELS MANUF: PEMB VENDOR COLOR: 'GALVALUME'
(MT-4) STOREFRONT	FINISH: ALUMINUM STOREFRONT MANUF: KAVNEER OR EQUAL COLOR: #40 ANODIZED DARK BRONZE
(MT-5) BRONZE	FINISH: GUTTERS & DOWNSPOUTS MANUF: PEMB VENDOR COLOR: BRONZE
(PT-1) PAINT DOORS/TRIM	FINISH: PAINT - SHERWIN WILLIAMS COLOR: SW 7041 'VAN DYKE BROWN' SHEEN: (Exterior Only-Interior Black Magic) SEMI-GLOSS EXTERIOR ENAMEL
(PT-2) PAINT SHUTTERS	FINISH: PAINT - SHERWIN WILLIAMS COLOR: SW 7041 'VAN DYKE BROWN' SHEEN: SEMI-GLOSS EXTERIOR ENAMEL



STORE PLANNING Inc
3080 SENNA DRIVE
Matthews, North Carolina 28105
Phone: 704-841-7288
Fax: 704-849-6997



Professional Certification. I certify that these documents were prepared or approved by me, and that I am a duly licensed architect under the laws of the State of Maryland
License Number 14053
Expiration Date 12/27/2022

#	DATE	REVISION

DOLLAR GENERAL #21887
TALBOT COUNTY MD
EASTON, MARYLAND

DOLLAR GENERAL

EXTERIOR ELEVATIONS

SHEET TITLE

SPI Client DATE
21049 12-13-21

SHEET NUMBER
A02

ISSUED FOR CONSTRUCTION
1/28/22



January 5, 2023

OXFORD CHASE DEVELOPMENT, INC.

VIA Email: ltthomas@eastonmd.gov

Mr. Lynn Thomas
Town of Easton
14 South Harrison Street
Easton, MD 21601

RE: Dollar General
9577 Black Dog Alley
Easton, MD 21601

Dear Mr. Thomas:

Oxford Chase Development, Inc. were the developers and the general contractor for the new Dollar General location referenced above.

We are excited that the store has opened and feel that it will be a great benefit for the community and are very thankful for all the assistance we have received from the Town of Easton throughout the development and construction process.

The store looks great, which brings me to my request. During the approval process of the development phase of this store, many architectural enhancements were required to make this location appealing and aesthetically pleasing. Along with the extensive brickwork we were asked to provide shutters and awnings around the exterior of the building. After completing the building and beginning to put up the awnings we felt that those additions completely took away from the architecture of the building and the beautiful brickwork and did nothing to improve the look of the store.

We would like to request a revision to the final plans and are asking that we not be required to place the shutters and awnings around the building.

I appreciate your consideration and am happy to discuss with you or take a tour of the locations to show you our thoughts on revising the plans to not include the awnings and shutters.

Respectfully,

Howard Crossan

Howard H. Crossan
President
Oxford Chase Development, Inc.



TOWN OF EASTON
Planning & Zoning Department
14 South Harrison Street
P.O. Box 520
Easton, Maryland 21601

Date: 2021-08-23

From: Joseph A. Mayer

Subject: 2021-08-19 Planning Commission – Black Dog Alley-Proposed Dollar General

On Thursday, August 19th, the Town of Easton's Planning Commission reviewed Black Dog Alley-Proposed Dollar General. At the conclusion of the meeting, the Commission voted 5-0, approving the application with the condition to provide one additional shutter on elevation 1 and five shutters are placed on elevation 2, as shown on the revised elevation. In addition, the Commission approved the parking lot waiver request.

Upon completion of elevation revisions, you may proceed to submit the Site Development Plans for review, as soon as you are ready to do so.



Joseph A. Mayer
Plan Reviewer
Town of Easton
14 South Harrison Street
Easton, MD 21601
410-822-1943
jmayer@eastonMD.gov

APG Media of Chesapeake, LLC
29088 Airpark Drive
Easton, MD 21601

01/31/23

Phone: Fax:
<http://www.chespub.com>

Cust. AcctID: 1001355	Creation Date: 01/26/23
	Ad Date: 02/01/23
	Class: 10
Name: Joanne Drummer	Ad ID: 3012272
Company: TOWN OF EASTON (L)	Ad Taker: AHALL
Address: PO Box 520	Sales Person: 503
EASTON, MD 21601	Words: 345
	Lines: 55
Telephone: (410) 822-2525	Agate Lines: 261
Email:	Depth: 7.25
Description: Planning Commission	Inserts: 2
	Blind Box:

Other Charges:	\$0.00	Total:	\$380.63
Discount:	\$0.00		
Surcharge:	\$0.00	Paid Amount:	- \$0.00
Credits:	\$0.00		
Bill Depth:	7.25	Amount Due:	\$380.63

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts	Cost
The Star Democrat	02/01/23	02/01/23	1	\$380.63

Ad Note:

Customer Note:

We Appreciate Your Business!
Thank You Joanne Drummer!

Planning Commission MEETING AGENDA Thursday, February 16, 2023 - 1:00 PM Council Chambers, Easton Town Office 14 S Harrison Street	
1.	Call to Order
2.	Approval of Minutes.
a.	Approval of revised Draft Decision Summary of previous meeting: December 15, 2022.
b.	Approval of Draft Decision Summary from the January 19, 2023 meeting.
3.	Old Business
a.	Applicant: Maryland Health Club LLC c/o Nupur Nagar (The Applicant is requesting a continuance of the application to a future meeting) Owner: Maryland Health Club LLC Location: 28449 Club House Drive Nature of Request: The Applicant proposes changes/additions to the approved PUD described by the applicant as follows: 1) addition of a Multi-Purpose Building, 2) clubhouse renovation, 3) addition of Agri-Buildings I and II, 4) parking lot extension in Area A, 5) a parking garage near Agri-Building I, and 6) parking lot adjacent to Agri-Building II. The Applicant also proposes a renovation to the existing Pavilion. The Applicant requests a recommendation from the Planning Commission to the Town Council for the amendment to the PUD.
4.	New Business
a.	Applicant: Jeff Nugent Agent: Richard Haxton, Kent Signs Location: 218 North Washington Street Tax Map: 103, Parcel: 0571 Zoning District: C2 Nature of Request: The applicant is requesting an amendment to the previously approved signage plan that includes additional signage on the northern face of the building.
b.	Applicant: Oxford Chase Development, Inc. Agent: Stacy LeMay, Oxford Chase Development, Inc. Location: 9577 Black Dog Alley - Dollar General Tax Map: 025, Grid: 006, Parcel: 034 Zoning District: C2 Nature of Request: The applicant is requesting an amendment to the previously approved final site plan that includes exterior revisions to the awnings and shutters.
c.	Applicant: Cooke's Hope Phase VII LLC Agent: Ryan Showalter Location: Cooke's Hope Planned Unit Development Tax Map: 42, Parcel: 56 Zoning District: PUD Nature of Request: The Applicant proposes a revision to the approved PUD improvement plans to omit all alleys in Phase VII.
5.	Discussion Item
a.	Continue discussion of Amendments to Zoning Ordinance.
b.	Election of 2023 Officers.
6.	Adjournment.
	3012272 SD 2/1/2023

APG Media of Chesapeake, LLC
29088 Airpark Drive
Easton, MD 21601

02/09/23

Phone: Fax:
<http://www.chespub.com>

Cust. AcctID: 1001355	Creation Date: 02/09/23
	Ad Date: 02/12/23
	Class: 10
Name: Joanne Drummer	Ad ID: 3013543
Company: TOWN OF EASTON (L)	Ad Taker: AHALL
Address: PO Box 520	Sales Person: 503
EASTON, MD 21601	Words: 283
	Lines: 47
Telephone: (410) 822-2525	Agate Lines: 225
Email:	Depth: 6.25
Description: Planning Commission	Inserts: 2
	Blind Box:

Other Charges:	\$0.00	Total:	\$328.13
Discount:	\$0.00		
Surcharge:	\$0.00	Paid Amount:	- \$0.00
Credits:	\$0.00		
Bill Depth:	6.25	Amount Due:	\$328.13

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts	Cost
The Star Democrat	02/12/23	02/12/23	1	\$328.13
				
Sign posted on February 8, 2023				

Ad Note:

Customer Note:

We Appreciate Your Business!
Thank You Joanne Drummer!

Planning Commission	
MEETING AGENDA	
Thursday, February 16, 2023 - 1:00 PM	
Council Chambers, Easton Town Office	
14 S Harrison Street	
1.	Call to Order
2.	Approval of Minutes.
a.	Approval of revised Draft Decision Summary of previous meeting: December 15, 2022.
b.	Approval of Draft Decision Summary from the January 19, 2023 meeting.
3.	Old Business
a.	Applicant: Maryland Health Club LLC c/o Nupur Nagar Owner: Maryland Health Club LLC Location: 2849 Club House Drive Nature of Request: The Applicant is requesting a continuance of the application to a future meeting.
4.	New Business
a.	Applicant: Jeff Nugent Agent: Richard Haddon, Kent Signs Location: 218 North Washington Street Tax Map: 103, Parcel: 0571 Zoning District: C-2 Nature of Request: The application for 218 N. Washington Street has been withdrawn from the February 16, 2023 Planning Commission agenda and will be rescheduled pending upon the submission of a revised Master Sign Plan.
b.	Applicant: Oxford Chase Development, Inc. Agent: Stacy Lohley, Oxford Chase Development, Inc. Location: 8577 Black Dog Alley - Dollar General Tax Map: 025, Grid: 006, Parcel: 034 Zoning District: C-2 Nature of Request: The applicant is requesting an amendment to the previously approved final site plan that includes exterior revisions to the awnings and shutters.
c.	Applicant: Cooke's Hope Phase VII LLC Agent: Ryan Showalter Location: Cooke's Hope Planned Unit Development Tax Map 42, Parcel 56 Zoning District: PUD Nature of Request: The Applicant is proposing a revision to the approved PUD improvement plans to omit all alleys in Phase VII.
6.	Discussion Item
a.	Continue discussion of Amendments to Zoning Ordinance.
1.	Proposed Text Amendment - Deletion of Section 28-201(C)
b.	Election of 2023 Officers.
6.	Adjournment.
3013543 SD 2/12/2023	



TOWN OF EASTON

14 South Harrison Street
Easton, Maryland 21601

February 1, 2023

Dear Resident,

The Easton Planning Commission will hold a public meeting on **Thursday, February 16, 2023** at 1:00 p.m. in the Easton Town Council Chambers located on the second floor of 14 South Harrison Street. The Town of Easton Zoning Ordinance requires that owners of property located within 400 feet of a parcel on which certain types of applications are pending be given notice of upcoming meetings or hearings. If you are a tenant in or an owner of a multi-unit building, please distribute or post this notice in a visible location for all other tenants or owners to view. If you are a tenant of a rental property, please notify the property owner that this notice letter has been distributed to their property. Notice has also been sent to the Star Democrat, a sign has been posted at the subject property and the hearing agenda has been posted on the Town of Easton website: <http://eastonmd.gov/>.

This letter is sent to inform you that an application for 9577 Black Dog Alley has been filed to request an amendment to a previously approved site plan. This amendment includes exterior revisions to the awnings and shutters.

Copies of the proposed application are on file and available for public review in the Town's Planning Office at 14 South Harrison Street between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. **In addition, digital copies are also available for review via the Town's website at <https://www.eastonmd.gov/129/Agendas-Minutes>.** If you have any questions regarding this application, please contact the Planning Office at (410) 822-1943 or via e-mail at ssmith@eastonMD.gov.

Samantha N. Smith

Samantha N. Smith
Administrative Specialist
Planning & Zoning Department
Town of Easton
410-822-1943 ssmith@eastonMD.gov



TOWN OF EASTON
Planning & Zoning Department
14 South Harrison Street
P.O. Box 520

STAFF REPORT

To: Easton Planning and Zoning Commission
From: Joseph Mayer, Plan Reviewer
Date: February 6, 2023
Subject: **PUD Amendment to omit alleys –Cooke’s Hope Phase VII-PUD**

This item is on your February agenda at the request of the Cooke's Hope Homeowners Association, Inc. ("HOA") and Cooke's Hope Phase VII LLC ("Applicant") to propose a PUD Amendment to the April 21, 2022 revised PUD plan on compliance with the recommendations presented to the Commission by the Homeowners Association's April 19, 2022 letter. The Homeowners Association and the Applicant request to revise the PUD to omit all alleys in Phase VII because of the following:

- The Applicant does not intend to construct rear-loaded homes that would utilize the alleys for garage access. The HOA supports the removal of alleys, provided the architecture proposed for development in Phase VII mitigate the aesthetics of garage-dominant street elevations and character to achieve similar aesthetic street character of the non-alley, perimeter lots in the existing Cooke's Hope Village.
- All streets in Cooke's Hope are private and maintained at the expense of the residents. Because alleys in Phase VII would provide no functional benefit to the community, the Association strongly objects to the construction of alleys that would result in greater maintenance costs, and material increases in impervious surface and equal reductions in open space.

The Town Planner has determined that given the circumstances relative to the Town Council's action vis-a-vis alleys in the Subdivision regulations, plus the fact that it does not appear that the provision of alleys was an actual condition of approval of Cooke's Hope, that this request can be considered a non-material PUD Amendment. However, given that the Planning Commission will also have to approve a revised subdivision plat (one that does not include alleys), it makes sense to have the Planning Commission review the PUD amendment as well.

The Applicant is seeking approval of omitting the alleys to enable Cooke’s Hope Phase VII, LLC the ability to continue to progress through the Town’s subdivisions process (Development Plat, Final Plat).

RECOMMENDATION

The Town Planner has determined that the request to omit all alleys within Cooke's Hope Phase VII is a non-material change and is inclined to approve this request. However, he has chosen to exercise the option contained in 28-701 I which states:

If the Town Planner determines that a proposed amendment is a non-material change, he/she shall retain the right to have said amendment reviewed and approved/denied by the Planning and Zoning Commission.

The Town Planner generally exercises this option whenever the proposed change involves issues of design. Thus, he believes this action to be consistent with this standing (albeit, unwritten) policy.

Staff recommends approval of the request, subject to the HOAs suggested condition of architectural design/features that mitigate the aesthetic impacts of garages from the street(s).



Joseph A. Mayer

Plan Reviewer
Engineering and Planning & Zoning Departments
Town of Easton
14 S. Harrison Street
Easton, Maryland 21601
Phone: 410-820-8822
jmayer@eastonMD.gov



MCALLISTER
DETAR
SHOWALTER
& WALKER

Ryan D. Showalter
rshowalter@mdswlaw.com
(410) 820-0259 Direct

January 26, 2023

VIA ELECTRONIC MAIL

Lynn B. Thomas, Town Planner
Town of Easton
14 S. Harrison Street
Easton, Maryland 21601

Re: Cooke's Hope Phase VII
PUD Amendment to Omit Alleys

Dear Mr. Thomas:

I am writing on behalf of the Cooke's Hope Homeowners Association, Inc. ("HOA") and Cooke's Hope Phase VII LLC ("Applicant"), which is the current owner of Tax Map 42, Parcel 56 - the site of Phase VII of the Cooke's Hope Planned Unit Development.

Phase VII of the PUD is approved for 67 single-family homes. As you probably recall, revisions to Phase VII were presented by the Applicant and conditionally approved by the Planning Commission on April 21, 2022. The Planning Commission conditioned its approval of the revised PUD plan on compliance with the recommendations presented to the Commission by the Association's April 19, 2022 letter. To date, the Applicant has worked collaboratively to revise the construction plans to address nearly all of these recommendations. We anticipate final resolution of outstanding comments shortly.

The principal Association concern that remains outstanding is the presence of alleys in Phase VII. The Applicant advised the Association that it does not intend to construct rear-loaded homes that would utilize the alleys for garage access. While the HOA supports the removal of alleys, it does so with the expectation that the architecture proposed for development in Phase VII mitigate the aesthetics of garage dominant street elevations and character to achieve similar aesthetic street character of the non-alley, perimeter lots in the existing Cooke's Hope Village. All streets in Cooke's Hope are private and maintained at the expense of the residents. Because alleys in Phase VII would provide no functional benefit to the community, the Association strongly objects to the construction of alleys that would result in greater maintenance costs, and material increases in impervious surface and equal reductions in open space. For these reasons, the Applicant and HOA desire to revise the improvement plans to omit all alleys in Phase VII.

The land area currently designated by the draft subdivision plat for the alleys would be divided and allocated to the adjacent lots to increase functional backyard space for all residents. While these areas may remain subject to certain easements for drainage and utility improvements, the



land would be maintained by individual homeowners, which reduces the maintenance burden for all residents of Cooke's Hope.

Review of the PUD amendment standards set forth in Section 801 of the Zoning Code suggests that this revision can be approved by you. Section 801 identifies numerous examples of "material changes" to the approved PUD, and the removal of alleys does not fit any of those examples. The omission of alleys would not:

- result in any increase in residential density – *no change in the number of residential units is proposed;*
- increase non-residential floor area – *no non-residential floor area is proposed within Phase VII;*
- result in any change of use that is determined to be more intense – *this will not result in any change of use. Elimination of the impervious surface could be deemed to reduce the intensity of the use;*
- eliminate an approved project amenity – *similar to above, the alleys are not considered a project amenity. Resulting increases in the size of private backyards of each home would be an enhancement of the private open space in Phase VII;*
- alter a condition of the PUD approval – *the alleys are not required by a condition of PUD approval;*
- substitute an amenity with a non-comparable amenity – *to the extent that removal of alleys is view as substitution of an amenity, the substitution of unused alleys with increased private open space would be an enhancement; and*
- other changes of a similar scope or magnitude – *the proposed alley elimination is not similar in scope or magnitude to any of the examples listed above.*

In fact, the omission of alleys is much consistent with several of the Code's examples of non-material changes, including:

- Relocation of site infrastructure provided said relocation creates no adverse impact – *consolidation of road access by elimination of the alleys could be views as a form of relocation of this site infrastructure; and*
- Addition of a park, open space or recreational amenity – *converting the alleys to private backyards increases open space and provided additional recreational space for future homeowners.*

Since the proposed amendment does not involve a material change to the design approved by the Town Council and otherwise complies with the terms of this Ordinance, we believe the amendment should be approved by you. I understand that you will discuss this with Town staff and welcome the opportunity to address any questions or concerns that you may have.

Sincerely,

A blue ink signature of Ryan D. Showalter is written over the word "Sincerely,". The signature is stylized and cursive.

Ryan D. Showalter

cc: Cooke's Hope Homeowners Association, Inc.
Wayne McPartland

for an additional 39 parking spaces, which would be used for the Seasonal Temporary Long-term Storage.

The Commission discussed loading zones, screening options with landscaping and fence placement. Traffic concerns along the access lane were also discussed.

The Chair opened the floor to the public for comment. There was no public comment.

Upon motion by Mr. Bone and seconded by Mr. Toussaint, the Commission voted 4-0, requesting that the applicant return to the next available meeting and provide details for the screening barrier with elevations and profiles.

Applicant:	Wayne McPartland c/o Cooke's Hope Phase VII, LLC
Owner:	Cooke's Hope Phase VII, LLC
Location:	6965 Cooke's Hope Road
Nature of Request:	Request approval of the revised Cooke's Hope Phase VII Site Plan for 67 lots as part of PUD, Ordinance No.460.

Mr. Timothy Glass from Lane Engineering, LLC and Mr. Wayne McPartland from Cooke's Hope Phase VII, LLC were present to represent the request of Cooke's Hope Phase VII, LLC. The request was for approval of the revised Cooke's Hope Phase VII Site Plan for 67 lots as part of PUD Ordinance No. 460.

Mr. Glass opened the discussion by reviewing the proposed site layout, proposed utility location and its connection, required landscape buffer and its previous requirements from Ordinance No. 460 and addressing the Cooke's Hope Home Owners Association requests for site requirements. Mr. McPartland stated that architectural elevations will be submitted to the Cooke's Hope Homeowners Association for approval, Mr. Bill Stagg, representing the residents of Cooke's Hope, stated the terms of architectural review between the developer and the HOA are being discussed currently.

The Chair opened the floor to the public for comment.

Mr. John Strickerr commented on access to Route 50, underground utilities and the pumping station for utilities. Mr. Stagg stated that there was never permanent access to Route 50 or the By-Pass. Temporary access was being pursued for construction.

Mr. Denis Rosen, who lives in the Cooke's Hope community, had concerns about the environmental impact of the existing trails and ponds.

Mr. Chris Tilley, who lives in the Cooke's Hope community, had concerns about potential traffic problems.

Mr. Tanner, who lives in the Cooke's Hope community, had concerns about sediment erosion and access.

Mr. Jim Morran, who lives in the Cooke's Hope community, was concerned about the noise between the construction site and the pumping station. Mr. McPartland stated the construction phase of infrastructure would be within a year. Mr. Glass commented that the pumping station generators/pumps are underground and would not be heard.

Mr. Christopher Rosen, who lives in Springfield Development. Wanted to know who was financially responsible for the maintenance of the ponds and culverts. Mr. Van Emburgh stated the responsibility fell on the Cooke's Hope community.

Upon motion by Ms. McAndrews and seconded by Mr. Bone, the Commission voted 4-0, approved as submitted conditioned upon compliance of all the recommendations of the Cooke's Hope Homeowners Association as set forth in their letter to the Town of Easton Planning Commission dated April 19, 2022 and the Development Plan revision list dated April 13, 2022 attached thereto and with the condition that any previous landscaping and buffering requirements be fulfilled as specified in Ordinance 460.



Cooke's Hope
Homeowners Association

7014 Cheston Way
Easton, Maryland 21601
Telephone: 410-690-4336

April 19, 2022

Mr. Paul Weber, Chairperson, and Members
Town of Easton Planning Commission
16 S. Harrison Street
Easton, MD 21601

Re: Cooke's Hope; Phase 7 PUD; Preliminary Plat and Final Site Plan Review

Dear Chairperson Weber and Members of the Town of Easton Planning Commission:

This letter serves to express the position of the Cooke's Hope Homeowners Association, Inc. (HOA), relative to your Thursday, April 21, 2022 reviews of the Preliminary Plat and "draft" Final Site Plans, both dated February 7, 2022, for the Phase 7 development in our community.

1. **Preliminary Plat**- we acknowledge the Phase 7 Developer, Wayne McPartland, requested a PUD Amendment from the approved 2003 PUD to reconfigure and reposition some of the lots and to increase the width and size of several of the lots. He sought approval of same from the Town Planner, Lynn Thomas, Jr. Mr. Thomas determined that this amendment was "minor" and approved it in late 2021. The Preliminary Plat you are reviewing reflects this approved Amendment. At that time, Mr. Thomas also acknowledged that the other conditions of the 2003 PUD Plan related to landscape screening, afforestation and buffering, and drainage enhancements were material to the PUD and should be fulfilled unless otherwise approved as a "major PUD amendment."

We respectfully request that, if you are so inclined to approve the Preliminary Plat at Thursday's meeting, that you do so conditioned on the incorporation of our comments (a copy attached hereto) as otherwise agreed to by town staff, as well as requiring all other staff/agency comments and technical issues being complied with.

2. **Final Site Plan (Engineering and Landscape Construction Plans)**- we have provided Mr. McPartland with several plan revisions necessary to bring this plan into compliance and agreement with the 2003 PUD approval. He has agreed to implement the required revisions and most of the "requested changes" that will bring the Final Site Plan set into compliance with the requirements of the 2003 PUD approval.

Again, we respectfully request that, if you, or Town staff, are so inclined to approve the "draft" Final Site Plans Plat at Thursday's meeting, that you do so conditioned on the incorporation of our comments (a copy attached hereto) as otherwise

agreed to by town staff, as well as on all other staff/agency comments and technical issues being complied with.

3. **House Architecture-** the Town Council in their approval of the 2003 PUD made a finding of fact that, **"7. The amendment of the proposed planned unit development [2003 PUD] will be compatible with existing development in the surrounding neighborhood. As mentioned previously [referring to the 2003 PUD hearings], the Property is a large, planned community and the additions requested are designed to be in harmony with it."** The Town Council made this finding based on the Land Plan and Landscape Concepts presented for Phase 7, but also based on verbal commitments from the then Developer, Bill Hunter, that the architecture of the houses would **"continue and be consistent with the character and quality of the community"**. The Town Council accepted that verbal commitment fully expecting Mr. Hunter to control the development. Mr. McPartland has stated he intends to honor the intent of this PUD requirement but has not yet had an opportunity to present his proposed architecture. *Until this occurs, the Town and our community cannot determine that Mr. McPartland's development will comply with the provisions of the approved 2003 PUD. Therefore, we respectfully request that no "final Plat or Site Plan approvals be issued by town staff until we provide the Town in writing of our acceptance of Mr. McPartland's proposed house designs. This approval will not be unreasonably withheld or delayed, and we further acknowledge that our review is limited to elements of his house designs that will negatively impact the character and quality of the overall community. We respectfully request that the consensus architecture drawings be entered as part of the approved PUD record once they are available.*

Please enter this letter into the record for this meeting. We will have representation at the meeting to answer any questions.

Thank you for your attention in this matter.

Sincerely,



Jean Galloway, President
Cokes Hope Homeowner's Association, Inc. Board of Directors

Enclosure- HOA Plan Comments

Cc Mr. Wayne McPartland
Mr. Gordon Fronk, Esq.
Lane Engineering, Inc.
All Cokes Hope Residents
Mr. Lynn Thomas, Jr., Town Planner
Mr. Joseph Mayer, Jr., Plan Reviewer
Ms. Sharon VanEmburch, Esq., Town Attorney
Mr. Rick VanEmburch, Town Engineer

**COOKES HOPE PHASE 7
DEVELOPMENT PLAN REVISIONS LIST
April 13, 2022**

Subdivision Plat- and see Plat redlines

1. Review general notes for completeness and accuracy
2. Reservations for street conveyance note- HOA, not Town
3. Reservation for Open Space conveyance- HOA
4. Plat utility easements for pressure sewer and water line loops where none exist.

2003 PUD Plan Required Compliance Revisions

1. Replace Lane Engineering's Plan notes, top left corner of Sheet L-101, with the following in *Red Text* to reflect the requirements of the 2003 PUD Plan. Note- most of this has been previously discussed with Wayne McPartland's counsel:

"TOWN OF EASTON REGULATORY REQUIREMENTS (SECTION 1015.6)

- A. Street trees shall be planted along all streets excluding alleys or as otherwise approved by the Planning Commission. 5,225 LF of street @ 1 tree required/25' street centerline equals 209 required street trees to be installed approximately 50' on center. Minimum spacing shall be 45' on center with any required trees unable to be planted due to driveway or utility conflicts to be planted in open spaces to supplement other required plantings in or around development site.*
- B. On-Lot tree plantings, (typically understory species), shall be installed @ 1 tree/lot in front yard with the tree species to be determined by Developer/Builder and installed per minimum Town requirements.*
- C. Bufferyard C adjoining Cookes Hope Rd- 20' wide. 280' Street frontage/50' = 5.6 planting units required equaling 6 shade canopy trees, 11 evergreen trees and 28 shrubs. The existing vegetation within and adjoining this Bufferyard C planting strip exceeds Town buffer yard requirements. However, in accordance with the 2003 PUD approvals, additional berming and planting adjacent to the bufferyard area shall be installed to further screen Cookes Hope Rd and the adjoining single-family residence.*
- D. Bufferyard E adjoining the rear of the Springfield Subdivision Lots- 10' wide. Springfield frontage of 3200'/50' = 64 planting units required equaling 64 shade/canopy trees and 192 evergreen trees required. The existing vegetation in this bufferyard area, plus 20+ acres of proposed seedling afforestation adjoining this*

area provide minimum compliance with this bufferyard planting requirement. Notwithstanding this condition, the 2003 PUD Plan approved an additional 425 Leyland cypress evergreen trees with 192 of these at a minimum 7' height, plus 64 shade/canopy trees at a minimum 2" caliper and 7' height along the rear of the Springfield Lots. Today, the Developer and the Cookes Hope Community have agreed to modify this specific planting proposal to include a combination of berming; the 64 canopy trees @ 2' caliper and 7' height; and the 425 Leyland cypress evergreen trees changed to other more stable, long-lived species. The combined berm height and the evergreen tree heights shall be a minimum of 7' from surrounding pre-construction grades. The minimum evergreen tree height shall be 3' regardless of berm height. The berm shall have a minimum top width of 12'; minimum side slopes of 3:1; and minimum height of 2'. Where berming is not provided, then the minimum evergreen tree height shall be 7' installed. Plantings shall be clustered most intensely where minimal existing landscape buffering exists today.

*E. Seedling afforestation shall be planted in the open field area between the western and southern boundaries of the Phase 7 Lots to the edge of the berm adjoining the rear of the Springfield Lots and continuing southeastward to the existing forest edge. XX.X acres shall be planted in an 8' x 10' spacing @ approximately 650 stems/acre. Seedling species shall include an equal mixture of loblolly pine and white pine. Additionally, 200 *Elaeagnus pungens* shrubs shall be planted 10' on center in a row behind proposed Lots 1-18. These shrubs shall be a minimum 2' installed height.*

F. All required Bufferyard C & E Plantings combined with Berming utilized to meet minimum 7' planting buffer height requirements, shall be substantially completed within 6 months of the start of Phase 7 development infrastructure construction. The seedling afforestation plantings shall be substantially completed no later than June 1 in the year following the start of Phase 7 development infrastructure construction."

2. Relocate the proposed berm to avoid existing tree clearing along the rear of the Springfield Lots.
3. Berm dimensions- Lane Engineering shows the berm very wide and the concern is that Wayne will not create enough dirt spoil on the site to construct such a wide berm. We suggest that they modify their berm design to create a berm generally 3'-4' tall, 10'-12' wide across flat top with 3:1 side slopes to maximize berm in case dirt quantities are limited.
4. Height of canopy trees not specified as being at least 7'. Only minimum caliper of 2" specified. We request Lane add the 7' height minimum spec as well for clarity.
5. Landscaping warranty- amend and replace the note on the Landscape Plan, sheet L-101 with the following that is consistent with the 2003 PUD Plan approvals:

"The applicant shall warrant large stock plantings for three (3) full years from date of planting against death, defect, or otherwise unsatisfactory growth. Plants shall be

inspected annually and replaced as required. Replacement trees shall be warranted for an additional three (3) year period from date of replacement. Seedling afforestation shall demonstrate a survival rate of 60% of the planted stock after three years. Replacement plantings shall be required if the survival rate falls below this percentage."

6. Performance bond for berm, plantings, and afforestation- The Town of Easton will require bonds for nearly all improvements shown on the plans including landscaping. Should the Town not require bonding for the berm, plantings, and afforestation, then the HOA shall require a bond in favor of the CH HOA in an amount not less than \$250,000.
7. Confirm the "revised" Seedling Afforestation acreage on the Plan.
8. Add 200 *Elaeagnus pungens* evergreen shrubs where they will not encroach and entwine into new tree plantings and where a heavier berm/screen is warranted.
9. Add a second future sewer connection tie-in at the last sewer manhole prior to dumping into the sewer pump station.

Additional Springfield Neighbor Request

10. Sheet L-102.9- The Roser's request that the berm and plantings at same rate as other berm areas be extended and planted along their eastern property line.

Engineering Plans Revisions- and see Plan Redlines

11. Entrance at Cookes Hope Road- complete a simple truck turning movement study for larger vehicles to ensure vehicle wheels remain on pavement. Where they do not, please widen the entry road curb flairs, widen CH Rd pavement on entry side or similar combination of solutions to ensure reasonable turning movement pavement.
12. Entrance- use stacked fieldstone culvert end walls to match other CH Rd detailing.
13. Entrance lighting- consider uplights versus post lights like other neighborhood entrances.
14. Clean and grade out wet ditch vegetation immediately south of entrance.
15. Entrance signage- no permanent "neighborhood" sign like other CH neighborhoods. Temporary signage for sales efforts to be determined with CH HOA AERC.
16. Alleys- coordinate with HOA to remove alleys from Plat and Engineering Plans. Revise drainage designs in these corridors as necessary

17. Street Trees Planting Strip- shown at 4.5' on street detail- too narrow. Village currently at 6' wide. Options to revise include widening street right-of-way or establish a sidewalk easement area say 3' wide behind street r/w line and push sidewalks back 18" or so.
18. Trail section replacements, additions, trail construction detail- need these documented on plans or a new plan sheet
19. Street Lights- provide sufficient lighting for safety, but no more than necessary. Discuss with HOA the light spec for consistency with current post lights in the community as applicable. No increase in cost to Developer, however.
20. Street Signage Details- should match Village, Galloways signage- black posts, white reflective signs, decorative trim around Stop Signs and Road Signs. HOA to provide specs.
21. Street Names- If HOA has alternative suggestions related to the history of Cookes Hope does Developer care? Similarly, we need an overall "Neighborhood" name designation like "Galloways" for both sales/marketing and future HOA communications. Need some creative thought by HOA and Developer.
22. Village Green Amenity Improvements- HOA expects some type of improvement here beyond just landscaping. Final detail can be discussed later.
23. Sidewalks- Town has indicated "no" chance to remove any- except- remove the sidewalk around the Village Green please.
24. Additional berming along eastern boundary of proposed development can be created if extra dirt spoil is available; however, priority is the rear of Springfield Lots berming.

Plan Redlines- In addition to the specific comments outlined above, there is plan clean-up and cross referencing required. We have red-lined several plan sheets and are prepared to sit down with Lane Engineering folks to go through the plan sheets one by one as necessary to review the various plan clean-up items. Several may have already been completed since the current review set was issued two months ago.

APG Media of Chesapeake, LLC
29088 Airpark Drive
Easton, MD 21601

01/31/23

Phone: Fax:
<http://www.chespub.com>

Cust. AcctID: 1001355	Creation Date: 01/26/23
	Ad Date: 02/01/23
	Class: 10
Name: Joanne Drummer	Ad ID: 3012272
Company: TOWN OF EASTON (L)	Ad Taker: AHALL
Address: PO Box 520	Sales Person: 503
EASTON, MD 21601	Words: 345
	Lines: 55
Telephone: (410) 822-2525	Agate Lines: 261
Email:	Depth: 7.25
Description: Planning Commission	Inserts: 2
	Blind Box:

Other Charges:	\$0.00	Total:	\$380.63
Discount:	\$0.00		
Surcharge:	\$0.00	Paid Amount:	- \$0.00
Credits:	\$0.00		
Bill Depth:	7.25	Amount Due:	\$380.63

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts	Cost
The Star Democrat	02/01/23	02/01/23	1	\$380.63

Ad Note:

Customer Note:

We Appreciate Your Business!
Thank You Joanne Drummer!

Planning Commission MEETING AGENDA Thursday, February 16, 2023 - 1:00 PM Council Chambers, Easton Town Office 14 S Harrison Street	
1.	Call to Order
2.	Approval of Minutes.
a.	Approval of revised Draft Decision Summary of previous meeting: December 15, 2022.
b.	Approval of Draft Decision Summary from the January 19, 2023 meeting.
3.	Old Business
a.	Applicant: Maryland Health Club LLC c/o Nupur Nagar (The Applicant is requesting a continuance of the application to a future meeting) Owner: Maryland Health Club LLC Location: 28449 Club House Drive Nature of Request: The Applicant proposes changes/additions to the approved PUD described by the applicant as follows: 1) addition of a Multi-Purpose Building, 2) clubhouse renovation, 3) addition of Agri-Buildings I and II, 4) parking lot extension in Area A, 5) a parking garage near Agri-Building I, and 6) parking lot adjacent to Agri-Building II. The Applicant also proposes a renovation to the existing Pavilion. The Applicant requests a recommendation from the Planning Commission to the Town Council for the amendment to the PUD.
4.	New Business
a.	Applicant: Jeff Nugent Agent: Richard Haxton, Kent Signs Location: 218 North Washington Street Tax Map: 103, Parcel: 0571 Zoning District: C2 Nature of Request: The applicant is requesting an amendment to the previously approved signage plan that includes additional signage on the northern face of the building.
b.	Applicant: Oxford Chase Development, Inc. Agent: Stacy LeMay, Oxford Chase Development, Inc. Location: 9577 Black Dog Alley - Dollar General Tax Map: 025, Grid: 006, Parcel: 034 Zoning District: C2 Nature of Request: The applicant is requesting an amendment to the previously approved final site plan that includes exterior revisions to the awnings and shutters.
c.	Applicant: Cooke's Hope Phase VII LLC Agent: Ryan Showalter Location: Cooke's Hope Planned Unit Development Tax Map: 42, Parcel: 56 Zoning District: PUD Nature of Request: The Applicant proposes a revision to the approved PUD improvement plans to omit all alleys in Phase VII.
5.	Discussion Item
a.	Continue discussion of Amendments to Zoning Ordinance.
b.	Election of 2023 Officers.
6.	Adjournment.
	3012272 SD 2/1/2023

APG Media of Chesapeake, LLC
29088 Airpark Drive
Easton, MD 21601

02/09/23

Phone: Fax:
<http://www.chespub.com>

Cust. AcctID: 1001355	Creation Date: 02/09/23
	Ad Date: 02/12/23
	Class: 10
Name: Joanne Drummer	Ad ID: 3013543
Company: TOWN OF EASTON (L)	Ad Taker: AHALL
Address: PO Box 520	Sales Person: 503
EASTON, MD 21601	Words: 283
	Lines: 47
	Agate Lines: 225
Telephone: (410) 822-2525	Depth: 6.25
Email:	Inserts: 2
Description: Planning Commission	Blind Box:

Other Charges:	\$0.00	Total:	\$328.13
Discount:	\$0.00		
Surcharge:	\$0.00	Paid Amount:	- \$0.00
Credits:	\$0.00		
Bill Depth:	6.25	Amount Due:	\$328.13

CREDIT CARD DETAILS

PT	CT	CN	Number	Exp.	Amnt.

Publication	Start	Stop	Inserts	Cost
The Star Democrat	02/12/23	02/12/23	1	\$328.13
				
Sign posted on February 8, 2023				

Ad Note:

Customer Note:

Planning Commission MEETING AGENDA	
Thursday, February 16, 2023 - 1:00 PM Council Chambers, Easton Town Office 14 S Harrison Street	
1. Call to Order	
2. Approval of Minutes.	
a. Approval of revised Draft Decision Summary of previous meeting: December 15, 2022.	
b. Approval of Draft Decision Summary from the January 19, 2023 meeting.	
3. Old Business	
a. Applicant: Maryland Health Club LLC c/o Nupur Nagar	
Owner: Maryland Health Club LLC	
Location: 2849 Club House Drive	
Nature of Request: The Applicant is requesting a continuance of the application to a future meeting.	
4. New Business	
a. Applicant: Jeff Nugent	
Agent: Richard Haddon, Kent Signs	
Location: 218 North Washington Street Tax Map: 103, Parcel: 0571	
Zoning District: C-2	
Nature of Request: The application for 218 N. Washington Street has been withdrawn from the February 16, 2023 Planning Commission agenda and will be rescheduled pending upon the submission of a revised Master Sign Plan.	
b. Applicant: Oxford Chase Development, Inc.	
Agent: Stacy Lohley, Oxford Chase Development, Inc.	
Location: 8577 Black Dog Alley - Dollar General Tax Map: 025, Grid: 006, Parcel: 034	
Zoning District: C-2	
Nature of Request: The applicant is requesting an amendment to the previously approved final site plan that includes exterior revisions to the awnings and shutters.	
c. Applicant: Cooke's Hope Phase VII LLC	
Agent: Ryan Showalter	
Location: Cooke's Hope Planned Unit Development Tax Map 42, Parcel 56	
Zoning District: PUD	
Nature of Request: The Applicant is proposing a revision to the approved PUD improvement plans to omit all alleys in Phase VII.	
6. Discussion Item	
a. Continue discussion of Amendments to Zoning Ordinance.	
1. Proposed Text Amendment - Deletion of Section 28-201(C)	
b. Election of 2023 Officers.	
6. Adjournment.	
3013543 SD	2/12/2023

We Appreciate Your Business!
Thank You Joanne Drummer!



TOWN OF EASTON

14 South Harrison Street
Easton, Maryland 21601

February 1, 2023

Dear Resident,

The Easton Planning Commission will hold a public meeting on **Thursday, February 16, 2023** at 1:00 p.m. in the Easton Town Council Chambers located on the second floor of 14 South Harrison Street. The Town of Easton Zoning Ordinance requires that owners of property located within 400 feet of a parcel on which certain types of applications are pending be given notice of upcoming meetings or hearings. If you are a tenant in or an owner of a multi-unit building, please distribute or post this notice in a visible location for all other tenants or owners to view. If you are a tenant of a rental property, please notify the property owner that this notice letter has been distributed to their property. Notice has also been sent to the Star Democrat, a sign has been posted at the subject property and the hearing agenda has been posted on the Town of Easton website: <http://eastonmd.gov/>.

This letter is sent to inform you that an application for Cooke's Hope has been filed for a non-material amendment to an approved Planned Unit Development (PUD) of Tax Map 42, Parcel 56. The proposed changes/additions to the approved PUD are described by the applicant as follows: 1) to omit all alleys from the improvement plan for Cooke's Hope Phase VII.

Copies of the proposed application are on file and available for public review in the Town's Planning Office at 14 South Harrison Street between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. **In addition, digital copies are also available for review via the Town's website at <https://www.eastonmd.gov/129/Agendas-Minutes>.** If you have any questions regarding this application, please contact the Planning Office at (410) 822-1943 or via e-mail at ssmith@eastonMD.gov.

Samantha N. Smith

Samantha N. Smith
Administrative Specialist
Planning & Zoning Department
Town of Easton
410-822-1943 ssmith@eastonMD.gov



MEMORANDUM

TO: EASTON PLANNING & ZONING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP, TOWN PLANNER

DATE: FEBRUARY 7, 2023

SUBJECT: ZONING CODE AMENDMENTS

The Commission will recall that you deferred action on the ongoing review of Zoning Code Amendments at your January Meeting. You decided to address them at last week's workshop (otherwise on the Comprehensive Plan Update) if time allowed and if not, to take them up at February's regular meeting. We did not have sufficient time to consider them at the workshop, other than with regards to a recently submitted request from Ryan Showalter for the Commission to consider removing Section 28-101 C, which immediately precedes the Table of Permissible Uses and prohibits the creation of negative use restrictions so as to prohibit the re-establishment of a grocery store in a former grocery store. Members of the Commission who were present at the Workshop indicated reluctant support for Ryan's request. My take was that on one hand the Commission was surprised and perhaps somewhat offended that a private property-owner could essentially override aspects of our Zoning Code through the imposition of covenants (in this case, prohibiting the use "Grocery Store"). On the other hand, there also seemed to be consensus that we would rather see the site redeveloped than to continue to sit vacant and if this provision is preventing that from occurring, it may be time to get rid of it. The changing nature of grocery shopping and delivery options in a Post-COVID world were also noted as factors justifying the deletion of this provision.

Since this item is a holdover from last month, other than the issue described above, I only have one request beyond those mentioned in last month's memorandum. This issue involves the use "Live-Work Unit." It has relatively recently come to the staff's attention that this use is actually listed twice on the Table of Permissible Uses. The first instance is as Use # 103.9 under Residential Uses (as a subset of the Middle Housing Types). Here, the use is permitted outright in the A-1, R-7A, R-10A, R-10M, and CB districts, and via Special Exception in the CG and CL Districts. This instance of the use is also subject to the following Supplemental Standards:

g. Live-work Units

14. The ground floor space may be occupied by any retail space or food and beverage establishment provided that it complies with any supplemental standards for such uses.

15. The ground floor and upper floor spaces shall establish the greater of a two hour fire separation or the requirement of the Town of Easton Building Code.

16. Additional parking for the ground floor unit shall not be Required.

17. The ground floor unit shall have a minimum floor-to-ceiling height of ten feet (10').

18. The ground floor unit may subsequently be converted to a second residential unit provided the standards applicable to the use, duplex, stacked are achieved.

The second occurrence of the use is as Use # 608 under the Miscellaneous/Combination/Hybrid Uses. Here the use is indicated as permitted via Special Exception in the R-7A, R-10A, R-10M, and CL zoning districts, and permitted outright in the CB and CG zoning districts. This use IS NOT subject to supplemental standards.

I am not sure if this was a conscious decision on the part of the Staff or the Commission. I suspect it was not and is merely the result of adding the use under the newly created Middle Housing types and forgetting to remove it where it previously was.

Obviously, we should not have the use listed in two different places and most definitely not if they are treated differently from a use perspective. However, there may be merit in maintaining two different variations of this use. One would be a situation where the business owner lived upstairs above their business. I think this is probably what is envisioned by "Live-Work." The other is simply residential uses above a commercial establishment, as might be seen, for example, Downtown where there might be second and third story apartments or condos above ground-level commercial space. I believe in the previous version of the Zoning Code this was referred to as "Residential Use in a Commercial Building." We actually unintentionally left the supplemental standards associated with this use in the new Code, even though we deleted it from the Use Table. Those standards are:

1. Residential Use in a Commercial Building

- a. Residential uses are not permitted on the ground floor except as specified below.
- b. In the CG district, residential uses shall be limited in size to no more than fifty percent (50%) percent of the gross floor area of the principal building.
- c. In the CBD district, residential uses shall be permitted on any non-ground floor level. There shall be no density limitation as long as the project retains ground-floor commercial activity. If the ground floor commercial activity is abandoned, it may only be replaced with residential uses if the density standards of the CBD district can be met for the building as a whole. If as a result of any such revision the density is such that a PUD is necessary (i.e. between nine (9) and thirty (30) du/ac), the application process for PUD projects must be followed.

My suggestion for addressing this issue is twofold:

- (1) Rename use #608 as "Residential Use in a Commercial Building" , and
- (2) Revise the language for the supplemental standard (#14) to allow for the Live Work Unit Use (Use # 103.9) to include more than just food & beverage or retail uses. I am specifically thinking of the Business, Personal and Professional Services uses, many of which seem like desirable additions to otherwise predominantly residential neighborhoods.

Attached, for ease of reference, are copies of my memorandum from January, Ryan Showalter's above-referenced request, Phil's suggested revised language concerning architecture and multifamily apartment buildings, and two emails from William on the subject of Missing Middle Housing Types.



MEMORANDUM

TO: EASTON PLANNING & ZONING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP, TOWN PLANNER

DATE: JANUARY 10, 2023

SUBJECT: ZONING CODE AMENDMENTS

The Planning Commission and staff have been working on a handful of potential Zoning Code amendments for the past few months. The most recent discussion occurred at a Special Meeting in November. As a result, we have a couple of issues that have been (presumably) resolved, and a couple of others about which we are still deliberating the scope, scale, and necessity for possible revisions.

PART 1 - Resolved Issues

The issues that we have, at least by notes, resolved are the following:

1. Amend the MXW Use Table to indicate that Short Term Housing is possible via Special Exception in the Water View, Inland, and Port Street sub-districts, and prohibited in the Water's Edge sub-district, and that the use is subject to the existing supplemental standards for short term housing.
2. Amend the Table of Permissible USEs to indicate changes for how we regulate Manufactured Housing Subdivision or Parks, and some of the Middle Housing types, per the following revised section of the Table:

TABLE 2.1

TABLE OF PERMISSIBLE USES

USE		A-1	R-7 A	R-10 A	R-10 M	CB	CG	CL	BC	I	G/ I	NOTES
1. RESIDENTIAL USES												
Household Living												
101	Accessory Dwelling Unit *	SE	SE	SE	--	SE	--	--	--	- -	--	
102	Manufactured Housing Subdivision or Parks *	--	--	--	SE P	--	--	--	--	- -	--	Also possible via PUD in any zone.
103	Middle Housing											
103.1	Duplex, side-by-side *	P ■	P	P	SE ■	P	--	--	--	- -	--	
103.2	Duplex, stacked*	P ■	P	P	SE ■	P	--	--	--	- -	--	
103.3	Cottage court*	SE ■	P	SE P	--	SE P	--	--	--	- -	--	
103.4	Fourplex, stacked*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.5	Townhouse *	--	SE P	SE P	SE ■	SE P						
103.6	Triplex, stacked*	--	SE P	SE P	--	SE P	--	--	--	- -	--	

103.7	Mansion Apartment*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.8	Courtyard Building*	--	SE P	SE P	--	SE P	--	--	--	- -	--	
103.9	Live-work units*	P	P	P	P	P	S E	SE	--	- -	--	
104	Mobile Home	--	--	--	SE	--	--	--	--	- -	--	
105	Multifamily Apartment Complex*	--	SE	SE	SE	SE	--	--	--	- -	--	
106	Single Family Detached*	P	P	P	P	P	--	--	--	- -	--	
107	Tiny House*	SE	SE	SE	SE	--	--	--	--	- -	--	
108	Any Household Living Use Not listed above	SE	SE	SE	SE	SE	--	--	--	- -	--	

3. Delete the enhanced separation requirement of liquor stores from certain other uses as follows:

~~No liquor store shall be permitted within one thousand (1,000) feet (measured from the closest portion of the affected properties) of any of the following uses: Schools, Colleges and Universities, Houses of Worship, Family Day Care, Day Care Group, Day Care Small Group, and Park.~~

4. Add lot line adjustments between parcels when one of the parcels is non-buildable, as an example of nonmaterial PUD Amendments. That would be accomplished per the following:

Non-material changes may include the following:

- Proposed substitution of species provided for landscaping (provided the new species serves the same function the original species was intended to serve).
- Relocation of residential units provided there are no environmental, traffic, etc., impacts as a result of such action.
- Relocation of site infrastructure (e.g. utilities, stormwater management) provided said relocation creates no adverse impact.
- Proposed change in architectural style or type from that which was indicated on approved PUD plans, subject to Planning Commission approval of said change (unless the PUD approval specifies a condition(s) concerning such architectural style or feature, in which case such a revision would constitute a material change).
- Addition of a park, open space or recreational amenity.
- Substitution of one project amenity with a comparable amenity.

- **Lot line adjustment when one of the affected parcels is non-buildable.**

- Other changes of a similar scope or magnitude.

Part 2- Unresolved Issues

The two issues that remain unresolved are: (1) further revisions to the regulation of Middle Housing Types (presumably through additional Supplemental Standards) and (2) refinements to the process/treatment associated with expired PUD approvals, particularly for PUD's to be built in phases.

With regards to the first issue of Middle Housing Types, my notes indicate that there were questions raised about the use "Multifamily Apartment Complex," which is actually not a Middle Housing Type. It refers to the traditional apartment buildings (think Greens at Crosscourt or Cannery Square, for example) that are just beyond the high-end of the Missing Middle Housing Types spectrum. Currently, Multifamily Apartment Complexes are permitted via Special Exception in the R-7A, R-10A, R-10M, and CB Zoning Districts, subject to a somewhat lengthy list of supplemental standards, which are:

14. Multi-Family Apartment Complex

- a. Multi-family apartment complexes dwelling shall be constructed in accordance with an approved Site Plan prepared under the provisions of Section 28 – 901 of this Ordinance.

b. At least twenty-five (25%) percent of the gross development area shall be reserved as common open space, except for projects developed in the CBD Zoning District, in which case this standard shall not apply.

c. The setback requirements for multi-family apartment complexes shall be determined by the development standards for the zoning district in which the project is located except as hereby modified:

i. When more than one (1) apartment building is constructed, all buildings shall collectively adhere to the front setback requirements of the district in which they are located, plus five (5) feet per story over two (2) stories, or portion thereof.

ii. When more than one (1) apartment building is built, no building shall be closer than twenty-five (25) feet from any other apartment building that is part of the complex.

iii. No apartment structure shall be constructed at a distance of less than twenty (20) feet from any adjoining property lines; except for such structures constructed in the CBD district, wherein the development standards for that district shall apply.

d. When more than one apartment building is constructed, external walkways shall be paved and lighted.

e. In the event that swimming facilities are designed as a part of the project, these facilities shall be enclosed by a fence not less than six (6) feet high.

f. All areas not utilized for building or off-street parking shall be landscaped and maintained in accordance with Section 28 – 1014 of this Ordinance.

g. All buildings within the multi-family apartment complex shall be of compatible architectural design.

h. Architecture shall be compatible among the units within the development and harmonious with the existing architecture of the Town of Easton.

i. Public water and sewerage systems must be available to serve the Project.

- j. The maximum permitted density shall be as follows:
 - i. In R-7A - 8 dwelling units per acre.
 - ii. In R-10A and R-10M Districts - 5 dwelling units per acre.
 - iii. In the CBD Zoning District – 30 dwelling units per acre.
 - iv. In the MXW – See Article 3 (Table 312 B) for density provisions.
- k. Side yard setback requirements for apartment buildings adjacent to a single family detached residence or vacant residential lot shall be fifty (50). Parking setback is also fifty (50) feet.
- l. Rear yard setback requirements for apartment buildings adjacent to a single family residence or vacant residential lot shall be seventy-five (75) feet. The setback for parking areas is also seventy-five (75) feet.

Generally, these standards seem appropriate for this use, in my opinion, although the last three (j, k, and l) might warrant discussion as to whether these are the most appropriate specific requirements.

The second suggestion was to add height and/or story requirements to the supplemental standards for the MMH types, either across the board, or by allowing x height by right, with the possibility to exceed by y (feet or percent) via Special Exception. There seem to be two approaches to this. One, we could go type by type and establish these standards (e.g., For Mansion Apartments the maximum height is 28 feet to the eave (as suggested in the book)). Alternately, we could limit the height for all MMH types to be context-sensitive through language along the lines of “The height of any MMH type shall not exceed that of the highest adjacent building” (maybe + 5 feet in recognition of the fact that we are attempting to accommodate/promote infill development, but to do so sensitively???). If we went down this route, we would also likely need to address the maximum height when one or more adjacent properties are vacant.

Next, it was noted that we need to accommodate zero lot line construction if we want to facilitate fee-simple townhomes/duplexes/etc... Currently, such an arrangement is only possible via the PUD process since side setbacks are required. Obviously that doesn’t work particularly well for attached unit configurations! I think we have a few options here, all of which would accomplish the same thing. We could again, go through type by type and add a statement indicating that side setbacks do not apply to attached units. We could also make that as more of a blanket statement at the beginning of the list of MMH supplemental standards. A third option is to add language to the existing list of Exceptions to Setback requirements already included in the Code (section 28-1006).

The next comment in my notes is very straightforward and that is to add a note to the illustrations for MMH to clarify that they are intended for illustrative purposes only.

My last note is a question that asks, “should we add a catchall MMH Type (e.g., “Any MMH variation or type not listed above) and permit in the various districts via Special Exception? You just need to decide what you want to do on that one. If you want to do this, the way to do so is very simple and just involves creating a new row in the Use Table.

Finally with regards to MMH, we have William’s suggestions as originally conveyed via emails dated October 20 and November 19, 2022, some of which are touched on in this memo and the majority of those issues that are not, concern the parking requirements.

The last unresolved issue concerns PUD’s. Specifically, the issue concerns how to best address PUD expirations, especially for projects approved in phases that have subsequently only been partially constructed. I think where the discussion ended was that the Commission was in favor of an essentially tiered approach whereby a simple extension of approval can be granted upon request before expiration of said approval (current practice) and that expired PUD approvals may be considered for reinstatement upon request by the Applicant. Such a request shall include an analysis of the impacts to the layout of the site based on any Regulations that have changed since the original PUD approval. If there are none (or there are but such changes do not impact the site layout) the PUD approval may be reinstated by the Planning Commission. If any changes to the layout of the previously approved PUD would result from the application of any new regulations, then the application shall proceed as either a new PUD, an amendment to the previously approved PUD, or a rezoning of the property. PUD projects for which no activity ever occurred shall be considered expired, the zoning of the property shall revert to what it was prior to the establishment of the PUD and it can only be developed in accordance with this Zoning or subject to a new PUD (or other rezoning) application.

At this point we have been discussing this seemingly short list of potential items for several months now and there is at least one person awaiting a decision on one of the items that you agreed upon early in this process. In fairness to that person and any others that we may not know of, I would like to commit to either wrapping this up no later than your February meeting (whether that is accomplished at that meeting or in a Special Meeting) or sending the issues you are in agreement on (Part 1 above) to the Council and addressing the remainder (PART 2 above) at a later date (hopefully still relatively soon). To summarize what remains, I think we need to:

- Decide whether any revisions ought to be made to the supplemental standards for multi-family apartment complexes.
- Decide whether to add height/story limits to the MMH Types and if so, what should they be and where is the best place to add such limits.
- Decide how to best accommodate fee simple ownership of townhomes, duplexes, etc. by allowing for common walls (i.e., zero lot lines).

- Decide whether there is merit in adding a new use “Any Missing Middle Housing Type not listed above” and if so, what, if any, supplemental standards should apply.
- Decide whether adjustments to parking standards for MMH are needed and if so what they should be.
- Decide precisely how to treat PUD expirations.

That is a rather specific list of six issues that need to be addressed to complete the original list of potential Zoning Code Amendments. This is notwithstanding the possibility that I overlooked something or that the Commission or staff may have thought of additional issues since we originally started this exercise. My suggestion is to discuss and resolve each of these bullet points either at Thursday’s meeting or at a Special Meeting in the next couple of weeks, and then have Staff Draft the actual proposed Ordinance that would accomplish these changes for formal vote in February.



MCALLISTER
DETAR
SHOWALTER
& WALKER

Ryan D Showalter
rshowalter@mdswlaw.com
(410) 820-0259 Direct

February 1, 2023

VIA ELECTRONIC MAIL (lbthomas@town-eastonmd.com)

Lynn Thomas, Town Planner
Planning & Zoning
14 S. Harrison Street
Easton, MD 21601

Re: Proposed Text Amendment – Deletion of Section 28-201(C)

Dear Ms. Thomas:

I represent Miller Development Corp. ("Miller"), which is the contract purchaser of the former Safeway site in downtown Easton. Miller is evaluating potential future uses for this property, none of which would include a grocery store.

Section 28-201(C) of the Easton Zoning Ordinance purports to prohibit the establishment of covenants that restrict future use of a property for grocery store purposes after a grocery store terminates operations on the property. This Zoning Ordinance provision unduly complicates the relationship between Miller and the current owner of the Safeway site and makes redevelopment of the site more difficult.

For many reasons, including the prevalence of other grocers in Easton and constraints of this site, redevelopment of the Safeway site for future grocery use is improbable. I welcome the opportunity to explore the possibility of deleting this provision from the Zoning Ordinance, as it is not likely to result in redevelopment of the Safeway site for grocery use and impairs efforts to establish other uses on the site.

Very truly yours,


Ryan D. Showalter