

**TOWN OF ELKTON
PLANNING COMMISSION
NOVEMBER 6, 2023
MEETING MINUTES**

Present: David Wiseman, G. Edward Ginder, Keith Thompson, Paul Manuel, Ray Polaski; Lisa Blackson, Esquire, Jeanne Minner, Director of Planning, Quinn Krenzel, Planner

Absent: Will Muller

Mr. Wiseman called the meeting to order. He stated the first item on the agenda is approval of the minutes from the October 9, 2023 meeting. Mr. Wiseman called for a motion.

MOTION: Motion was made by Mr. Thompson to approve the minutes of the October 9, 2023 Planning Commission meeting as written. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Manuel – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

Mr. Ginder referenced a comment from Mr. Downs, the Town attorney regarding the noise ordinance. He stated he believed any municipality who adopts the BOCA code can address noise concerns as called out in the provisions of that code. He asked Ms. Minner to check with Code Enforcement to see what rights they have through the BOCA Code to address noise concerns. Ms. Minner said she would speak to Mr. Bromwell concerning this issue.

REQUEST OF BOHLER ENGINEERING REPRESENTING NEW POTATO CREEK HOLDING, LLC, PRELIMINARY MAJOR SITE PLAN FOR TIDAL WAVE AUTO SPA, 901 EAST PULASKI HIGHWAY, TAX MAP 033C, PARCEL 2328 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Morgan O'Donnell of Bohler Engineering was in attendance to address this request. She stated she is attendance on behalf of P J Land Development. They are proposing a car wash at 901 East Pulaski Highway. She stated they were before the Planning Commission for Concept Site Plan review and are now seeking Preliminary Major Site Plan approval.

She displayed a copy of the site plan and noted they are providing a right in, right out entrance off of East Pulaski Highway. They are also proposing a full movement access off of Melbourne Boulevard. There is also an existing access that they will be maintaining. She addressed vehicle movement from the pay kiosk canopy and then move through the single column car wash within the building. Once the wash is completed vehicles can exit the car wash parcel or they can move to the vacuum spaces along the building and under a canopy.

Ms. O'Donnell stated to the rear of the site there is a submerged gravel wetland which addresses stormwater management for both quality and quantity. They are proposing placement of a sign along Pulaski Highway in addition to a sign along Melbourne Boulevard.

She stated they have received review comments and are in the process of addressing them. She directed the Commission to the Town comments and noted they have addressed most of the comments but there are a few that have additional details to address but nothing they are concerned about. She stated they have submitted the traffic impact study to the Town and SHA told them they should have comments back to them by November 20th. She noted that there are no concerns about the intersections and there would not be an increase in traffic, it would remain at the same level of service it is at currently.

With respect to the KCI comments Ms. O'Donnell said she had a question about whether the vacuum spaces are counted as part of the parking space requirements. There was discussion among the Commission members and it was determined that the vacuum parking spaces would be considered part of the spaces required. Ms. O'Donnell added they are providing five (5) regular employee spaces and noted there would only be two employees on site at any given time. There are also two standard ADA parking spaces provided.

Another KCI comment was regarding LOD on the site. Ms. O'Donnell stated there was some discrepancy regarding doing grading outside of the entrances. She said the only LOD outside of the work done for the entrances and the proposed fire hydrant will be some pavement off the property line and they would be removing the pavement and replacing it with landscaping, but no improvements will be done in that area.

She stated there was also a KCI comment regarding signage. She said they have submitted a signage packet for review but they aren't proposing any variances. She displayed a copy of the signage they are proposing for the project. They are proposing a 20' sign along East Pulaski Highway in the southeast corner of the site. They are also proposing a 10' sign along Melbourne Boulevard. Both of these signs are permitted by right. Mr. Ginder asked if this was the maximum height limit the sign would be allowed. Ms. Minner stated that decision would be made by Mr. Bromwell, the Zoning Administrator. Ms. Minner stated she believed the height is based on the height of the building. Ms. O'Donnell noted that the building will be 20'2" so the sign would adhere to the sign ordinance.

Ms. Minner asked if the first sign contained a variable message sign. Ms. O'Donnell stated that the sign would be able to change displays depending upon events or specials were being offered at any specific time. Ms. Minner asked if they intended to display signage for other businesses on this sign. Ms. O'Donnell stated it would be specific to the car wash only.

KCI comment #17 was regarding a water line they are tying into on site because of the material of the pipe was not picked up therefore they are doing test fittings in a few weeks to confirm the size and material of the water line and then they can submit that information with the next submission.

Regarding Comment # 20, Ms. O'Donnell stated they will revise this for the final plans at their next submission and add more detail with regard to utilities, steep slopes and inverts.

They will be providing storm drain profiles on the next submission to address Comment # 24. She stated they have completed the fire flow test noted in Comment # 27 and there were no concerns with the pressure in the fire line. With respect to Cecil Soil their review is ongoing and they will provide a copy of the approval letter once it is received. They have received and addressed comments from Singerly Fire Company but they will likely not receive approval until Final plans are submitted and reviewed. Ms. O'Donnell stated they have submitted the traffic study and once they receive approval from SHA they will provide that to the Town.

Mr. Wiseman questioned a comment from Singerly Fire Company regarding the draw on the Town's water supply and how the Town would be addressing it. Ms. Minner stated Well # 4 has been completed and it will be interconnected with the Town water system. She said the Town is currently designing an additional interconnect with Artesian along Route 40. She stated you need to remember that the percentage of water draw is based on projects that are in the pipeline that have yet to be built. Mr. Wiseman stated his concern was with the Red Hill Apartments.

Ms. O'Donnell stated they would be adding cleanouts every 50' and also outside the building, 5' from the property line they will provide a valve for the proposed fire hydrant which they are already showing on the plan.

Ms. O'Donnell stated she had a question regarding Comment # 31 regarding proposed bends in the sewer later of 45°. She stated for the sanitary line they are using standard cleanout connections and there won't be any bends in the pipe.

She stated they will add details regarding spot elevations as they progress through the approval process to final construction. With respect to Comment # 33 requesting bollards or concrete wheel stops for the vacuum spaces she stated they are providing a three inch curb along the building and after speaking with the client they are planning to place a standard size curb in that area.

With respect to the final three comments regarding landscaping she stated they will be complying with the requirements of the 10' bufferyard which requires a dense planting material. After discussion with the client there is limited site visibility with the amount of landscape material provided along the road and there is not landscape provided to that extent on the other corners of the intersection so there will be a 'wall of trees' that are currently shown at that intersection and therefore they are asking if they can revise the landscape design to ultimately disperse the landscaping more throughout the site versus just along the 10' on the road frontages. She asked if that is a variance the Commission would allow them to resubmit to make that change. Ms. Minner noted that the intent of the landscaping is to screen the parking and the building and the commercial development from the highway. She said if they can show the changes they are requesting in the way of deviation from the landscape standards to see what it would look like from the road, that would be helpful to the Commission members for them to make a decision on it.

Ms. O'Donnell asked if this could be something they could provide at the final submittal rather than having to come back before the Commission with the landscape plan. Ms. Minner stated it is something that can be approved or denied at final plan submittal. Ms. O'Donnell stated she will make sure a rendering is prepared with those revisions. Mr. Wiseman noted that car dealerships in that area have eliminated many of the trees due to the birds, etc. Ms. Minner pointed out the car dealerships are concerned for the damage that might be done to their merchandise but a car wash doesn't have quite the same issues. Mr. Wiseman stated the Commission just wanted to be presented with a landscape plan that meets the requirements of the Town Code in good faith.

Ms. Minner asked if there was anything that would prevent additional screening on the eastern side of the entrance off Route 40. Ms. O'Donnell stated they have their proposed sign in that area and therefore that is why the area was left relatively bare. Ms. Minner mentioned that landscaping on the west bound side of Route 40 by the sign would help to screen the additional vacuum spaces. Ms. O'Donnell stated they wondered how much of the landscaping material would survive in that 10' buffer.

Ms. Minner noted the comments from Public Works regarding sidewalk specification, pavement tie-ins and sidewalk and curb ramp along Melbourne Boulevard. Ms. O'Donnell stated the sidewalk details, etc. will be added to the plan. She stated that typically sidewalks for pedestrian access is not something that would be necessary for a car wash. Ms. Minner stated the Town requires sidewalks along Route 40 and Melbourne Boulevard. State Highway will require sidewalks along their road and the Town supports sidewalks being placed on Town roads as well. Discussion regarding changes to sidewalk requirements over the years ensued. Mr. Wiseman stated he believed placement of sidewalks has been an asset and there is more pedestrian traffic now than there has ever been. Ms. O'Donnell said they can make that revision. Mr. Thompson pointed out

that the sidewalks should be five feet wide. Ms. Minner pointed out that the Town requires the street trees in the landscape buffer be placed between the sidewalk and the street.

Mr. Ginder had a question regarding a KCI comment which was addressing setbacks. Ms. O'Donnell stated that comment was regarding the building setback rather than the landscape buffers. She stated there is a 30' setback along Route 40 and a 15' setback along Melbourne Boulevard in addition to the 10' landscape buffer. Ms. O'Donnell stated it will be difficult to fit in the amount of landscaping and sidewalk required within the right of way. She said there is approximately 8' between the back of the curb and the property line. Ms. Minner asked that they do their best to fit the street trees within the bufferyard. Mr. Wiseman stated it would be helpful if they could provide that information to Ms. Minner for review prior to their next submission.

Mr. Thompson asked what their timeframe for construction might be. Ms. O'Donnell stated they would like to get started as soon as possible once they are through the approval process.

Ms. O'Donnell asked if they could submit for Final after this submission. Mr. Wiseman stated she needed to provide the landscape information to Ms. Minner for her review. Ms. Minner stated she wanted to see an architectural rendering looking at the building from the Melbourne Boulevard side of the building with the landscaping they will be proposing. She noted there are certain plants which can be placed within narrow buffer yards.

MOTION: Motion was made by Mr. Thompson to approve the Preliminary Major Site Plan for Tidal Wave Auto Spa contingent upon addressing all outstanding comments and allowing for a landscape setback on Melbourne Boulevard. The motion was seconded by Mr. Manuel with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF KIMLEY HORN AND ASSOCIATES, INC. REPRESENTING ESTES EXPRESS LINES, PRELIMINARY SITE PLAN, “ESTES SHOP – PARCEL 669” 201 CHESAPEAKE BOULEVARD, TAX MAP 033C, PARCEL 0669, ZONED BI (BUSINESS AND INDUSTRIAL)

Mr. John McGowan of Kimley Horn was in attendance to address this request. He stated Estes is seeking Preliminary Site Plan approval and removal of a specimen tree. He stated he was before the Planning Commission in July for Concept Plan approval which was granted. He provided a Power Point presentation which included an overview of the 26.5 acre site on the southern end of the Upper Chesapeake Corporate Center which extends from Route 40 down Chesapeake Boulevard. Phases 1 & 2 of this project were heard in 2021 & 2022. Phase 1 was the terminal expansion to the east where they expanded the trailer storage. Phase 2 was to fill out the northwestern undeveloped area of the existing terminal property. They were going to situate the shop building for mechanical repairs on that property, which was approved but at that time they were working through the annexation of adjacent parcel to the left and decided that the shop building would be better suited on the adjacent parcel. They didn't end up building the structure within the existing parcel. The adjacent property was annexed in November of 2022 so Estes owns that wooded property which is 37.7 acres and zoned BI (Business Industrial). They are adjacent to Konica to the northeast which was developed in the past few years.

Mr. McGowan stated an environmental study was done as well as a wetland delineation. There are no flood plains on the site, it is not within the critical area and the watershed is the Upper Elk River. It is non tidal,

freshwater wetlands. There is a perennial stream which runs across the culvert on the property and then down and across the southwest corner of the site. There is a 110 foot bufferyard setback.

He pointed out the existing forest conservation area which will be preserved within an easement on the property. There are 8.4 acres of environmental areas to the south. On the north side of the site there was forest stand delineation done by GTA. He noted the north side of the site did not qualify as existing forest but they will be putting that in the forest conservation plan for replanting forest which will entail 2 acres on the north side of the site. The closest adjacent residential properties on the north side are pretty close to the property line and they were careful to situate the site adjusting it to the south and are creating a maximum buffer between the residential properties and the Estes site. The proposed LOD is approximately 28 acres for the trailer storage.

Mr. McGowan noted that the layout has not changed since they were before the Commission previously. They are working through comments with KCI and he will update the Commission on what has changed after finishing his presentation.

Mr. McGowan stated that trailer storage expansion which includes an 11,500 sf shop building with five overhead doors on each side of the building. It will employ up to 12 employees who will be working on the existing truck fleet within the site. He noted there will be no expansion of the terminal warehouse and they are not anticipating any increase in truck traffic along Chesapeake Boulevard. This is simply for overflow of trailers that they want to be able to maneuver the site more easily as well as work on the existing trucks on site.

The building would have mechanical lifts, break room, bathroom and shower for employees. There are some supply rooms for parts and equipment. There are two different size trailer spaces in the expansion with a total of 894 spaces available. He noted that Estes is expecting to grow into the building. They are not anticipating needing all the parking spaces right away but they wanted to go through the approval process once to request what they might need for the future.

He stated they are meeting all the zoning and parking requirements and they are not seeking any waivers from a zoning standpoint. He stated they do not anticipate using the access on Maloney Road. He noted there were discussions during the annexation process with Cecil County, since they have municipal buildings along Chesapeake Boulevard, that in the event they cannot access Route 40 by way of Chesapeake Boulevard they would be able to use the access road on Maloney Road. There is a gate and perimeter security fencing which will remain locked. Cecil County will have keys to access both of those gates in an emergency. Mr. Wiseman asked if they have to go over a bridge. Mr. McGowan stated there is a pretty substantial culvert crossing with steel guardrails on either side. Mr. Wiseman asked if the County has any issues regarding the design. Mr. McGowan stated they are trying to coordinate with the County and they haven't been very responsive. He said if they need to assess that bridge then that is a conversation that they need to have with the County depending upon what types of vehicles need to access the bridge. Mr. McGowan stated they have not done any assessment on the bridge but would prefer to speak with the County first. It was noted the use would only be for emergency management, which would be highly unlikely.

Ms. Minner stated her concern is that since the bridge was under County jurisdiction when it was constructed, she is unsure who would be responsible to ensure the structural stability of the crossing. She stated there should continue to be conversations with Cecil County Emergency Services and find out how they want to coordinate and future use of the bridge. Mr. McGowan stated they will also get a documented agreement with Cecil County Emergency Services so that everyone is aware of how things will work. Mr. Wiseman

asked how this can proceed if they aren't getting any response from Cecil County. Mr. McGowan stated Estes has been trying to reach out for months and will continue to follow up on this. Ms. Minner suggested there be some kind of operating procedures for access to the property in case of emergency. There was discussion regarding how to proceed to get this agreement in place.

Mr. McGowan stated another structure in process is the Wash Bay Building. Basically it is a commercial car wash for the trucks. There is a wash bay manufacturer who has prepared the design drawings for the building. He stated that was another item they are working through with KCI and the Town based on sewer capacity. He stated there is an existing sanitary line stubbed out as part of the Phase 2 project so they didn't have to go back and rip out pavement. This is a gravity sewer out at Chesapeake Boulevard, and will be a low pressure force main with a private lift station that would pump the discharge from both the Shop Building and the Wash Bay and gravity feed to Chesapeake Boulevard. The same thing is true with the water line, there is an existing water line that was stubbed out and they will route water to both of those buildings.

Mr. McGowan noted they submitted a water & sewer capacity request and received comments which they have responded to and are waiting to hear back. A fire flow test was required which was conducted last week along Chesapeake Boulevard and within the existing terminal. The Shop Building is sprinklered but the Wash Bay is not. There is an existing Town owned and maintained pump station and 4" force main which pumps it up to Route 40. The 4" force main is currently under construction to be increased to an 8" force main from the lift station out to Route 40.

Mr. McGowan stated they have requested a certain amount of flow since the Wash Bay building generates a lot more flow than the shop building. There was some concern that based on the capacity of the pump station what the allowable amount of discharge can be provided to them. KCI will run the analysis and then let them know what is available to them. If the amount is not sufficient for their needs they have a few options on the design side to make adjustments to the amount of discharge needed.

Mr. McGowan stated that MDE, based on their latest regulations released in the spring, said these facilities use to qualify for not requiring a small pond review. The subject came up after they were substantially already finished with their design. Because of this, they had to make a subsequent submittal to MDE Land Safety small pond review. They have received those comments from MDE Land Safety. The only comment of note was to provide structural details for the out flow of the concrete in the facility. There is another entity who is also reviewing the project at the State. He stated they had to submit a JPA which had to go to the Wetlands and Waterway Division so personnel from MDE could admit their environmental sub-consultant onsite to show that there are no impacts to the environmental or wetland buffer areas. The Wetlands and Waterway Division signed off on it so they are working on the last comment with MDE for the small pond review. KCI has noted in their comments letter that they will defer that portion of the pond review to the State.

Mr. McGowan stated they are working with the Town on sediment control comments, site comments and stormwater and Planning Department comments for forest conservation and landscape plans.

He explained they are doing a lot consolidation plan to combine three parcels with the existing terminal property so this can be one large Estes' property, per the Town's recommendation. The subdivision plan has been submitted and is currently under review. He said when they come back for final submittal, they will come back with site and subdivision plans for approval.

MOTION: Motion was made by Mr. Ginder to approve the Preliminary Site Plan for Estes Shop – Parcel 669 contingent upon addressing all outstanding comments and provision of a letter from Cecil County regarding road access from Maloney Road. The motion was seconded by Mr. Manuel with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Polaski – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF KIMLEY HORN AND ASSOCIATES, INC. REPRESENTING ESTES EXPRESS LINES, VARIANCE FOR THE REMOVAL OF SPECIMEN TREES, TAX MAP 033C, PARCEL 0669, ZONED BI (BUSINESS AND INDUSTRIAL)

Mr. McGowan stated GTA, their environmental sub-consultant, submitted the variance justification letter to the Town for the 10 specimen trees onsite. He noted four of which are in good condition and four which are in fair condition. The final two trees are in poor condition and they are requesting to remove one of those trees.

Mr. Wiseman stated the tree they wish to remove is a 44.5” black cherry. Mr. McGowan confirmed this was the tree. He stated all the other specimen trees are within the environmentally sensitive areas. All the trees in good or fair condition are to be preserved.

He gave a quick review of other plan submittals – stormwater, sediment control and site plan have received Concept approval and they are working through getting Preliminary plan approvals. He stated the Forest Stand Delineation was approved. The Forest Conservation is under review. They are hoping to come back for Final approval, subdivision/lot consolidation. He noted they had a pre-concept meeting with Mr. Ernie Little of the Fire Company and he provided comments which they have addressed but have not received any additional comments at this time. The Town Department of Public Works had no comments on the project.

Mr. Wiseman asked if any other Commission members had any questions. There were no questions. He opened the floor for audience or online comments. There was no one in attendance who had any questions regarding this project.

MOTION: Motion was made by Mr. Ginder to variance for removal of a specimen tree. The motion was seconded by Mr. Polaski with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Manuel – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

OLD BUSINESS: Ms. Minner stated they continue to be review plans. She noted the cutoff for the next meeting is this Thursday so she is anticipating several submittals.

She stated she has begun work on the RFP plan. She said they remain busy reviewing plans.

NEW BUSINESS: Ms. Minner stated there they will be breaking ground on Southfields Boulevard in the next month.

Ms. Minner stated she felt the meeting regarding the East Elkton Transportation Circulation was well attended. There was not a formal presentation but they presented comments from the public regarding what the issues are in the area in order to try to address some of the concerns. There were WILMAPCO representatives at the meeting who were answering questions from the public. Discussion ensued regarding a

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landowner in the area attempting to purchase additional property from other landowners in that area. Once the information is collected they will provide possible solutions to some of the obstacles with the road width and railroad bridge height.

There being no additional items to discuss Mr. Wiseman stated the next meeting of the Planning Commission will be on Monday, December 11, 2023 and he adjourned the meeting.

Respectfully submitted,

Brie Humphreys