

**TOWN OF ELKTON
PLANNING COMMISSION
JANUARY 9, 2012**

PRESENT: H. Fred Thomas, II; Sue Whitaker; Asma Manejwala; Commissioner Mary Jo Jablonski, Ex-Officio; Clara Campbell, Esquire; Jeanne D. Minner, Director of Planning; Theresa Thomas, Planner

ABSENT: David Wiseman; Brad Carrillo

Ms. Manejwala served as Acting Chairman. The meeting was called to order.

ACTION: Motion was made by Mr. Thomas to approve the minutes as written from the Planning Commission meetings on November 7, 2011 and December 12, 2011. Motion was seconded by Ms. Whitaker and unanimously approved.

JOHN FELLOWS OF DUFFIELD ASSOCIATES REPRESENTING SOUTHFIELDS – PLANNED UNIT DEVELOPMENT, CONCEPT PLAN – 2477 RESIDENTIAL UNITS AND COMMERCIAL AREAS, ROUTE 213 & FRENCHTOWN ROAD, TAX MAP 316, PARCEL 169, ZONED R-2, TAX MAP 319, PARCEL 2450, ZONED R-2, TAX MAP 320, PARCEL 2369, ZONED R-3, TAX MAP 320, PARCEL 2371, ZONED R-1, TAX MAP 323, PARCEL 79, ZONED R-2, TAX MAP 323, PARCEL 91, ZONED RP, TAX MAP 323, PARCEL 454, ZONED RP AND TAX MAP 324, PARCEL 2394, ZONED R-1

Mr. John Fellows, Mr. Bruce Schneider and Mr. David Parrack were in attendance to represent this project. An overview of the scope of the project was given by Mr. Fellows. There are numerous tax parcels totaling 577 acres and three zoning districts (R-1, R-2 & R-3). He identified the natural features (wetlands, woodlands, open fields and dense brush/overgrowth) in each of the three sections. He noted that there is a mosaic of these natural features of which the wetlands are the most important natural feature that should be protected when planning the project.

He pointed out the revisions made since the previous presentation before the Board. These included but were not limited to: reduction of 35 townhouse units to increase the active recreation area (increased from 5 to 10 acres); traffic circle revised to create green space areas for gateway enhancements; provided a connection to Bridgewell Parkway; 15 acres on west side to be provided to Town for common use; 13 acres of water access and common open space on west side to be conveyed to the Town.

Mr. Fellows presented samples of general housing types that have been presented by developers interested in the project. He pointed out that they are adaptable for change and there are various architectural standards provided. Units are shown with and without garages attached. There are two and three-story townhouse unit samples.

He gave an overview of the changes which have been made with regard to dwelling units, acreage, amount of active recreation, impervious surface, as well as areas reserved for civic use and water access.

Mr. Fellows stated that they have received the latest review letters from Town Planning and KCI. He stated they feel the comments were favorable to the changes they have shown. There were a number of comments regarding surveys which need to be performed and are in agreement with those surveys being performed in the future.

Ms. Manejwala entertained questions from the Board regarding the presentation. She voiced her concerns for safety with respect to placement of the active recreation areas along Frenchtown Road and Route 213. The possibility of placement of fencing, bufferyards or landscaping in that area was discussed. Mr. Fellows noted the distance between the road and the active recreation areas. He stated that if placement of fencing, bufferyards or landscaping was deemed necessary that they would be willing to provide that in the future.

Ms. Manejwala stated that the most concerning outstanding comments regarded parking, wetlands and park size and she did not feel they had been adequately addressed. Mr. Fellows stated that he did not remember any comments from the December meeting regarding these subjects. The parking for apartments was discussed and has been provided at 2.25 spaces per unit and that the comments would be complied with as the plans move forward to preliminary. Ms. Manejwala asked Ms. Minner if the open space and neighborhood parks (Town comment # 27) meet the minimum requirements. Ms. Minner stated that location and size of each of the parks needed to be provided and specifics would be given at the next level of submission.

Ms. Manejwala addressed comment #2 from the Town regarding public facilities. Ms. Minner stated that the proposed general water requirements would require approximately 600,000 gallons/day. The permit is being processed through MDE for the wells and would range around 500,000 gallons/day. A shortfall would need to be made up and the Town is currently speaking with other water providers and would be worked out in the future as the project progresses. Ms. Manejwala asked if this would affect their recommendation at this juncture. Ms. Minner stated that the Board would be making recommendation to the Mayor & Commissioners and that concern could be addressed as a condition of the recommendation.

Mr. Parrack stated that he agrees with Ms. Minner regarding when the specifics need to be addressed with regard to this concern.

Ms. Manejwala entertained questions or comment from the audience. She noted that due to the number of people in attendance that the comments would be limited.

Ms. Ann Conner of 45 Enfield Road stated her property backs up to this massive development and she opposes the size of the development as well as the PUD zoning. She stated that the number of units will affect the area significantly. Although there has been acreage set aside for a proposed school there is no guarantee that monies will be available for placement of a school, etc. at that location. This development will require additional fire and/or police services and the current level is unable to service this expansion. The developer is creating a need which they are not required to support. She pointed out the duplexes back up to the single family homes in her neighborhood. She asked the size of the units being placed. Mr. Fellows stated that the duplex lots are 4500 square feet with a common property line between. He suggested that the units might be around 2000 square feet.

Ms. Connor voiced her concern about increased traffic and how it would impact the area. Mr. Fellows stated that traffic studies are required during the process. Ms. Manejwala added that a number of studies would be required during the process, such as traffic, wetlands and stormwater management, etc. She noted that although the intention is to have a nice development that is not always how it remains. Specifically her concern was with the homeowner's association becoming defunct and the units becoming rental units. She felt the cost of the houses need to be reviewed so that the requirements of the Comprehensive Plan are met and the fiscal health of the area can be maintained.

John Conolly of 66 Sarah Drive pointed out that the development does not remain consistent with the zoning and character of the existing areas. He agreed with Ms. Connor's remarks and stated that he felt these concerns need to be studied up front rather than later because they may influence the character of a PUD designation. He said it is incumbent upon the Board to take the necessary steps to address these issues because this development will impact Elkton for a long time in the future. He pointed out that his development is on well and septic and the water requirements for the PUD may affect their properties. He stated that crucial decisions need to be based on studies and accurate data which show the positives and negatives in order to make sound decisions. He stated that he did not believe the Board had the answers to the questions that need to be asked prior to forwarding this recommendation to the Mayor & Commissioners.

Mr. Lee Clugston of 200 Frenchtown Road voiced his concerns regarding the development on the west side of Route 213 where the water access is proposed. He asked how people would access the waterfront uses. Mr. Fellows stated that Frenchtown Road would be used and it would be accessed off of Frenchtown Road. He inquired about the fences that might be placed on the east side of Route 213 and how the trash that will pile up along those fences would be maintained. He asked how the residents would be kept from using areas of open space in the area which are not part of the proposed development. Mr. Fellows was unable to address how that would be maintained but possibly by the police or the homeowner's association. Mr. Clugston wondered what would happen if the homeowner's association decays which has happened in other subdivisions.

Steve Lambert of 86 Sarah Drive inquired about the open space and common areas and how much of the property is wetlands. Mr. Fellows stated that those areas are free of wetlands because, according to Critical Area requirements, wetlands may not be counted as part of either open space or common areas. Ms. Manejwala noted that the active open space is also not part of the Critical Area. Mr. Lambert stated that he did not believe 15 acres was much land for a use like a school and wondered where the money would come from to build a school, etc. He stated that he spoke with Mr. Perry Willis a few years ago and he stated that they were at capacity and they would not have room for the number of children that would be associated with this development. Mr. Fellows stated that he has spoken with Mr. Willis as well and that the school system does not see a need for another elementary school prior to 2030 (according to the Comprehensive Plan per Mr. Parrack). Mr. Parrack stated that the figures they used for an elementary school is approximately 17 acres according to the school system requirements. Mr. Lambert noted that the Bridgewell Parkway area has a number of police responses and that connecting these two areas may cause greater problems. He agreed that water issues are a concern of his as well.

A resident asked if the proposed plan would be posted on the Town website. Mr. Fellows stated he would provide a copy to the Town. A copy of the plan will be placed on the Town website on the Planning Department home page.

Ms. Manejwala appreciated the effort put forth in the presentation. Ms. Whitaker stated she believed there was insufficient acreage set aside to accommodate the number of people requiring services such as schools, police, fire, etc.

Ms. Manejwala voiced her concerns regarding the number of dwelling units being far too great for placement in this area which has significant wetlands and critical zone as well. She noted that the area on the west side of Route 213 does not adequately address concerns regarding parking, open space and traffic impacts.

Mr. David Parrack pointed out the regulations in the Zoning Ordinance and asked the Board to follow them. He encouraged them not to delay in sending their findings to the Mayor & Commissioners in anticipation that the new ordinance will be able to prohibit something that they have requested. Ms. Manejwala stated that this was not her intention and noted that the reason for her question was to lay a solid foundation for what this PUD will be because it will be the foundation as they move forward. Her concern is that when they send this forward it will be the right decision. She stated that she still has some conditions regarding the PUD which hold her back from recommending approval. Mr. Parrack noted that the ordinance states that findings need to be made, not recommendations, and then forwarded to the Mayor & Commissioners for them to determine if it has merit.

Discussion ensued between the Board and Ms. Minner regarding how the motion needed to be addressed.

MOTION: Ms. Manejwala made a recommendation to the Mayor & Commissioners not to approve the PUD zoning for this project based on the following findings: 1) # of dwelling units still too great to be placed in an area of significant wetlands and critical areas; 2) west side of Route 213 does not adequately address concerns regarding parking and open space; 3) traffic impacts to the area; and 4) great concerns about adequate public facilities that will not be addressed even after any approval of the overlay zone, based on the # of dwelling units and the increase in population. The motion was seconded by Mr. Thomas and unanimously approved.

Ms. Manejwala noted that the Comprehensive Plan addresses the PUD to be an overlay zone that will be able to address the needs of the *entire community* that's going to be placed there regardless of its location and this location adds more concerns (wetlands, Critical Area, and # of units). She went on to say that this project will take close to 30 years to complete and they have no way of knowing what the Town's situation will be at that time.

UPDATE OF ZONING ORDINANCE AND SUBDIVISION REGULATIONS – CHRIS ROGERS OF URS DRAFT REVISIONS: ARTICLE IX NEW TOWN CENTER ZONE; ARTICLE XVI SIGNS & ARTICLE XVII PARKING

Mr. Chris Rogers of URS came before the Board to present proposed revisions/additions for specific sections to the Zoning Ordinance.

He gave an overview of the decision made by the Board at the previous meeting regarding the Town Center district. The Board determined the Town Center district would not be an overlay zone since there are numerous overlay zones already existing.

Mr. Rogers reviewed revisions, provided in the handout, specific to each of the articles. He noted that there would need to be a new section added to Article IX, Zoning Districts in order to establish this new district and the regulations regarding the new zone. There would need to be height restrictions added to Article XIII, Density & Dimensional Regulations for the new zone. The last section, Article XX would be a new section specific to the Town Center district since it is so unique. He will work with Town staff to make those specific determinations for this zoning district.

Ms. Manejwala had questions regarding specific fence materials and their locations, outdoor dining and the enclosures associated with these uses as well as the height requirements. Discussion ensued regarding each of these subjects.

The proposed changes to Article XVI, Signs regarding the Town District were presented. Ms. Minner cited specific modifications to the proposed changes for this article. She addressed mainly different types of signage with regard to size allowance, height and composition. Political signs, on private property, were specifically noted for changes due to current law regarding free speech. There was discussion regarding the way sign area is calculated in different sections. A question arose about the proposed 15% area allowance and whether that could allow signage to be larger than the required 40 square feet.

Sandwich board and/or A-frame signage was discussed with regard to location, handicap access width requirements, construction requirements and size. There was a question about neon signs and if they are included in the 15% area allowance. It was noted that any signage inside the window is not regulated.

Mr. Rogers addressed parking requirements for medical clinics, doctor's offices, recreation centers, restaurants, nightclubs. Discussion regarding how to make that determination based on the volume of patients, number of physicians, professional workers, etc. was addressed. Discussion ensued regarding group homes, assisted living facilities, etc.

Ms. Minner raised questions about the 20% allowance proposed regarding compact parking spaces and their feasibility in this area and how it should be addressed at this time. The general consensus was to reduce the 20% proposed allowance.

Other businesses discussed regarding determination of required parking spaces were recreation centers, fire and police departments, and nightclubs/bars. There were questions regarding whether certain types of business were not considered assembly uses (such as VFW/American Legion, etc.). Consideration was given to placing churches/synagogues under religious uses. They discussed assembly uses and the best way to determine parking, whether by per seat or by square footage of the building.

Satellite parking was discussed within the Town Center district and what the percentage allowable should be in that zone.

The proposal for allowing shopping centers located in the Town Center zone to reduce their parking by 25% if they have a bus or train stop at the facility was questioned. The consensus was to reduce the 25%. It was suggested that businesses might consider sharing their parking.

There was discussion with respect to bicycle lanes and if any restrictions should be placed on them. Possible changes to the landscaping and bufferyard requirements were discussed.

OLD BUSINESS: None

NEW BUSINESS: Election of Officers

MOTION: Motion was made by Ms. Manejwala to nominate Mr. David Wiseman as the Chair of the Planning Commission for the 2012 Fiscal Year. Motion was seconded by Mr. Thomas with Ms. Whitaker voting 'No'.

MOTION: Motion was made by Mr. Thomas to nominate Ms. Manejwala as the Vice Chair of the Planning Commission for the 2012 Fiscal Year. Motion was seconded by Ms. Whitaker. The motion carried unanimously.

Ms. Minner raised the question of whether an alternate member should be elected to the Board. The attendance of Board members was called into question and Ms. Minner asked to review the attendance records from 2011.

Ms. Minner noted new regulations from the Ethics Commission. She stated that the financial disclosure statements are now mandatory.

Ms. Minner notified the Board that they would be looking at medical clinics under 10,000 square feet and the parking requirements associated with this use with respect to the volume of patients being seen at each location.

Ms. Manejwala adjourned the meeting at 10:25 p.m.