

**TOWN OF ELKTON
PLANNING COMMISSION
MAY 9, 2022
MEETING MINUTES**

Present: Dave Wiseman; Keith Thompson; G. Edward Ginder; William Muller; Lisa Blackson, Esquire; Jeanne Minner, Director of Planning; Nick Cannistraci, Planner

Absent: Art Blount

Mr. Wiseman called the meeting to order at 6:00 p.m. He stated the first item on the agenda is approval of the minutes from the April 11, 2022 meeting as written. There being no corrections from the Commission members Mr. Wiseman called for a motion.

MOTION: Motion was made by Mr. Ginder to approve the minutes of the April 11, 2022 Planning Commission meeting as written. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

CASE # 1607 – REQUEST OF PAUL PALMER REPRESENTING DR. ELIZABETH LOWE FOR A SPECIAL EXCEPTION FOR A MEDICAL USE. THIS ACTION CONCERNS PROPERTY LOCATED AT 360 EAST PULASKI HIGHWAY, SUITE 3A, ELKTON, MARYLAND, TAX MAP 033B, PARCEL 2384 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Paul Palmer of Bay Country Associates and Dr. Elizabeth Lowe were in attendance to address this request. Mr. Palmer stated they are here on behalf of Dr. Elizabeth Lowe whose office is currently located at 111 West High Street. They have made application to move to 360 E. Pulaski Highway, Suite 3A and were informed that a special exception was required. Suite 3A had previously been occupied by ATI Physical Therapy.

Mr. Wiseman asked if the physical size of the area would remain the same and Mr. Palmer confirmed that it would be the same.

Mr. Wiseman asked Ms. Minner if the parking rationale would be adequate for this use. Ms. Minner stated the parking requirements are not an issue with this use.

Mr. Ginder asked Dr. Lowe what the office hours would be. She stated her office is open Monday – Friday from 8:00 a.m. to 4:00 p.m. He asked how many doctors would be at this location. She stated she would be the only physician in the practice.

Mr. Wiseman asked if Ms. Minner had any comments. She had no additional comments. He asked if any other commission members had questions. Mr. Muller asked if she would be performing surgeries and she stated they would be using the existing surgery center.

Mr. Wiseman opened the floor for audience comments or questions. There was no one in attendance to speak for or against this special exception request.

MOTION: Motion was made by Mr. Ginder to recommend approval of the special exception for Dr. Lowe at 360 E. Pulaski Highway, Suite A to the Board of Zoning Appeals. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF MCCRONE REPRESENTING JLP HOLDINGS, LLC, FINAL MAJOR SITE PLAN, BRIDGE STREET & ELKTON BOULEVARD, TAX MAP 027G, PARCEL 450 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. David Strouss of McCrone and Mr. Jeff Peters representing the owner of JLP Holdings, LLC were in attendance to address this request. They are presenting the final site plan for a pole building. The concept plan was approved in November of 2020 and a setback variance was approved in March of 2021 and they also have an access easement that was recorded in September of 2020.

Mr. Strouss stated they had requested a couple of design waivers during the concept plan submittal which included the following: A. Landscape island reduction from 4 required to 2 proposed; B. Bufferyard 'C' – 300 lf frontage along Bridge Street – reduction for parking space area, easements and utilities; C. Bufferyard 'C' – 58 lf frontage along Elkton Boulevard – reduction for utilities and D. Requested approval to move from Concept to Preliminary/Final for next submittal.

Mr. Strouss stated they are also requesting some additional design waivers for the landscaping within both Bufferyard 'C' locations for reduction of required plantings shown in Notes 1 & 2 on the plan. He pointed out that they are providing a good amount of landscaping on the site.

Mr. Wiseman asked Mr. Strouss if they would have any issues addressing any of the comments they had received. Mr. Strouss stated they have no issues addressing the comments.

Mr. Strouss stated they received Cecil Soil approval on May 5th. Mr. Wiseman asked him to be sure Ms. Minner receives a copy of that letter. Ms. Minner noted her comment # 24 regarding the easement for storm sewer and Mr. Strouss stated there is a note on Page C-5 with regard to that perpetual easement.

Mr. Thompson asked if curbing would be placed at the new ingress & egress area to keep vehicles from driving onto the landscaping easement. Mr. Strouss stated there would be landscaping but no curbing is being proposed. Mr. Thompson stated curbing would be helpful to keep vehicles from into that area. Mr. Strouss stated between the landscaping and the existing gravel they felt it would be adequate to keep vehicles from driving into that area.

Mr. Peters mentioned the right of way easement agreement and that he had agreed to replace the fencing and needed to speak with someone to determine if they could put fencing up to the bridge to keep people from coming into the property. Ms. Minner stated Mr. Bromwell would address his questions about placement of the fence. Mr. Peters stated he would bring a copy of the plan to Mr. Bromwell.

Mr. Peters stated his business had been located on this property but it is becoming too small as his business grows and he will be relocating to Belle Hill Road. He noted another business would be moving in to the property.

Mr. Wiseman entertained additional comments from the Commission members. There were no additional questions. Mr. Wiseman entertained questions or comments from the audience. There was no one in attendance to speak for or against this project.

MOTION: Motion was made by Mr. Thompson to approve the Final Major Site Plan for JLP Holdings, LLC contingent upon addressing all outstanding comments. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF JOHN MASCARI OF KARINS AND ASSOCIATES REPRESENTING SUMMIT AT WALNUT HILL 2, REVISED PRELIMINARY MAJOR SUBDIVISION PLAT, SINGERLY ROAD & KATIE LANE, TAX MAP 306, PARCELS 2162 & P/O 2435, ZONED RO

Mr. John Mascari of Karins and Associates and Mr. Michael Davitt the property owner were in attendance to address this request. Mr. Davitt noted they have been working on the Walnut Hill Subdivision for quite some time. In 2008 when the economy went down they halted construction because they would have had to build lower cost housing for the remainder of the homes proposed. He noted there were approximately 50 homes which still needed to be built. In the last 6-7 years Gemcraft Homes has built out the remainder of the homes.

Mr. Davitt stated they still have two stormwater ponds which need to be completed for which the monies have been escrowed to the Town. He said they have two bids out for the work on the ponds. He stated he needed to find out how much soil needed to be removed from the ponds and he now has that information. The weather has also been part of the delay in getting the ponds completed.

He stated that they completed the dog park last year. He mentioned they have not blacktopped the roads because the Town Department of Public Works stated they didn't want it done until all the heavy equipment that had been brought in to do the ponds was removed.

Mr. Davitt stated he is purchasing the property from Marie Davitt and he will finish the Summit at Walnut Hill 2 subdivision which they are presenting tonight.

Mr. Wiseman asked if the only items left in the Walnut Hill subdivision are the ponds. He also stated there had been concerns from property owners in Walnut Hill regarding drainage issues and the dog park. He asked Mr. Davitt if those concerns had been addressed. Mr. Davitt stated to the best of his knowledge the issues have been resolved. Mr. Wiseman asked if Parks & Rec needed to sign off on the dog park. He asked Ms. Minner if she knew if Parks & Rec has signed off on the dog park. She stated she was not sure if it had been signed off. Mr. Davitt stated he received an email from Mr. George who signed off on the dog park. Mr. Wiseman asked them to provide that information to Ms. Minner.

Mr. Mascari initiated discussion regarding the project at hand, Summit at Walnut Hill 2. He stated the subdivision is 3.78 acres and is being subdivided into 21 townhouse units, open space including a neighborhood park and the stormwater management area. He stated the road is a cul-de-sac which would service these lots and would be dedicated to the Town as a public road along with the public utilities.

Mr. Mascari stated they have received comment letters – from the Town on 5/2, from KCI on 5/4 and he said they received a comment letter from the Town's Department of Public Works but they had no comments on the plan. Mr. Mascari stated that a lot of the comments are shown as 'addressed'. He noted that most of the comments are older ones and there are only a few new comments.

Mr. Mascari stated they received approval for three design waivers noted on the plan as follows: a. an increase in the maximum cul-de-sac, as referenced in the Elkton Subdivision Regulations Article VI, Section 1.2(b), from 500' to 550'; b. reduction of minimum spacing between two intersections on the same side of a road as referenced in the Elkton Subdivision Regulations Article VI, Section 9.3, from 400' to 197' +/- (MD 213 to Nathan Ct) and 281' +/- (Mike Ct/Dr to Nathan Ct) and c. landscaping Bufferyard design waiver to allow bufferyard to be located between the stormwater management facility and the neighborhood park and lots 50-53 due to stormwater management regulations that prohibit planting on a stormwater management berm.

Mr. Mascari noted they are requesting two additional design waivers in response to comments #6 and #10 from Ms. Minner's review dated May 2, 2022. These two design waivers are noted as items d. and e. on the plan which state: d. reduction in access easement along rear yard, Articles XII, Section 28.C.5 from ten (10) foot to five (5) foot wide; and e. allow bufferyard on townhouse Lot 31. He noted that Ms. Minner suggested they request a two foot variance. Mr. Wiseman asked if they could move the bufferyard off of Lot 31. Mr. Mascari agreed to remove it. Mr. Wiseman stated it is possible the homeowner might cut the landscaping in that bufferyard down even though they should not. Mr. Mascari acknowledged that could happen.

Mr. Mascari stated they are also requesting a design waiver with respect to comment #28 from Ms. Minner. She commented the current plan exceeds the maximum percentage of attached dwellings of five (5) or six (6) in a row. Mr. Mascari noted although these units were designed prior to the change in the code they understand it still applies to their situation. Therefore, they are requesting a design waiver to allow the mix, as shown on the plan, which shows two 6-unit townhouse groups, one 5-unit townhouse group and one 4-unit townhouse group.

Ms. Minner explained her reasoning for suggesting they reapply for the design waivers since five of them had been approved prior to the expiration of the last extension of the plan.

Mr. Wiseman had questions about the stormwater ponds, he asked what the timeframe would be to complete the ponds if they were able to begin the work today. Mr. Davitt explained that they have to wait until the ground dries out in order to use the heavy equipment so that they don't tear up the ground and make a mess. Mr. Davitt stated once the work is able to commence it should take 2-3 weeks at the most to complete.

Mr. Ginder stated he wants to see the roads completed as soon as the ponds have been finished. Mr. Davitt stated he would finish the blacktopping immediately after completing the pond. He noted that is what he did with the previous pond near Vince Court. He mentioned that the deed for that part of Vince Court had been provided to Ms. Minner prior to this meeting.

Mr. Wiseman asked if they had any concerns with addressing the remaining comments. Mr. Davitt stated they did not. Mr. Mascari stated he believed the remaining comments can be resolved speaking with Ms. Minner and KCI. Mr. Thompson pointed out an error on the vicinity map and Mr. Mascari stated he would correct it.

Mr. Davitt noted that there is an existing house on the property that they intend to remove. Mr. Muller asked if there is another stormwater management area toward the entrance near Katie Lane. Mr. Davitt stated he believed the requirements were going to change and that may become submerged gravel wetlands.

Mr. Thompson asked if Mr. Davitt thought he would be able to sell these homes at the current interest rates. Mr. Davitt stated he has been approached by two builders, one a national builder and the other a regional builder, who are interested in the project. He said should the economy turn down again he would simply put the project on hold because he doesn't want to build something that would be a deficit to the community.

Mr. Wiseman asked if Ms. Minner or Mr. Koenig of KCI had any additional comments. They did not.

Mr. Wiseman opened the floor to audience comments. Mr. Rudolph Williams of 116 Mike Court asked for clarity regarding the '5 foot easement' mentioned. Mr. Mascari showed Mr. Williams how the

property lines and the easement are located with respect to the rear yards on his group of townhouses. Ms. Minner stated that the easement would not affect his property. The easement is placed in order for homeowners to have access to the rear of their property.

Mr. George Humphries asked whether a fence would be placed to separate the existing homes from the new residential section being proposed. He mentioned the fence which existing between the townhouses at the end of Mike Court and the single family homes section of the subdivision. Mr. Davitt noted that the fence he is speaking of was placed there to address young people harassing some of the families living in the single family homes. Mr. Williams suggested it might be wise for them to do the same thing for this subdivision. Mr. Mascari pointed out that there is a 15' wooded bufferyard at the rear of the group of townhouses where Mr. Williams lives that will remain. Mr. Humphries stated those trees would be removed. Mr. Davitt stated they cannot take the trees down behind his home. Mr. Mascari assured Mr. Humphries the trees would not be removed. Mr. Humphries stated they had been told when their home was purchased that there would not be anything else built behind them. Mr. Davitt stated there has been a sign on the property for many years noting their intent to build there.

Mr. Davitt told Mr. Humphries he would meet him on the property and discuss his concerns. Mr. Humphries stated all they are asking for is a little bit of privacy. Mr. Wiseman stated the best thing to do is for the Humphries and any other homeowner to meet with Mr. Davitt to resolve these issues. Mr. Humphries mentioned how many of the homes in the subdivision have become rental units. Mr. Wiseman stated that this is a recurring theme once 2nd or 3rd homebuyers purchase the property. Mr. Davitt stated that he has to sell to an 'end' user, he cannot sell to an investor. He stated he was not aware of this at the time the townhouses on Mike Court were built but he stated these new units will have that restriction. Mr. Davitt said he would meet with the Humphries and would resolve their concerns. Mr. Humphries stated he loves where he lives and takes care of his home but he can see issues coming. Ms. Minner suggested they provide a measuring wheel to show where the property lines are located.

Mr. Wiseman entertained any other questions from the audience. There were no additional questions.

MOTION: Motion was made by Mr. Muller to approve the Preliminary Major Subdivision Plat for Summit at Walnut Hill 2 contingent upon addressing all outstanding comments, approval of design waivers a through d as noted on the plan, design waiver e is requested to eliminate the bufferyard on Lot 31, street trees will be provided as required and, requesting a design waiver to allow a mix of townhouse numbers per group, as shown on the plan, which contains two 6-unit townhouse groups, one 5-unit townhouse group and one 4-unit townhouse group. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

PUBLIC HEARING – ORDINANCE 2-2022 – AMENDMENT TO TOWN OF ELKTON ZONING ORDINANCE, ARTICLE XI PLANNED DEVELOPMENTS, SECTION 1, PLANNED UNIT DEVELOPMENT, SUBSECTION 15 COMMON OPEN SPACE REQUIREMENTS

Ms. Minner stated there was a meeting with Southfields representatives regarding open space. She drafted an amendment which basically requires multifamily units be treated the same within the PUD article as in other parts of the Ordinance.

Ms. Blackson stated that her calculations from the previous meeting didn't show a great deal of difference between single families and townhouses but when it came to apartments there was a much greater difference. She stated the Commission can decide to remain at the rate of 30% which is called out in the

Ordinance or lower it to 25% which would bring the required amount of open space close to what is required for apartments in any other zone where they are allowed in the Ordinance. She stated if the Commission wanted to use the percentage used for single families and townhouses she would suggest they increase the percentage to between 28-30%. She said it doesn't change the overall acreage for the developer but it does provide a bit more open space which was the intent. Discussion ensued regarding what percentage would be appropriate and how much this space is used as opposed to using the club house or other amenities provided in the subdivision. There was a consensus from the Commission members that they felt 25% of the required 30% for open space would be reasonable and therefore felt the way the amendment was submitted to them for review should be approved as it was presented.

This amendment will be heard by the Mayor & Commissioners at a future meeting for their final decision.

NEW BUSINESS: Ms. Minner stated the newly appointed Planning Commission member, Ms. Mandy Feeney will begin her tenure on the Commission at the next meeting.

OLD BUSINESS: Ms. Minner stated they are working their way through the Sustainable Communities application with the group from the Alliance and the deadline for submittal is in July 2022.

Ms. Minner mentioned the new music venue coming into Town, there is a new tailor, a grocery outlet and there has been interest in a car wash at the Old George's Restaurant site.

She noted that a lot of the residential projects which had previously been proposed are moving forward again for development.

Ms. Minner stated the Ramunno property on Belle Hill and Dogwood Road is in the process of being annexed for housing. She has some concerns about that area for housing due to it being near a scrap yard and a super fund site and industrial uses. She felt an industrial use would be better suited for this area. She said we need to be sure they can get a clean bill of health for the property.

Mr. Wiseman asked about Gray Mount Commons and if there has been any movement in building that subdivision. Ms. Minner informed the Commission that project is close to getting permits to build. It was noted there is only one road coming in and out of the subdivision which could be an issue.

Mr. Muller asked about the property at 801 Elkton Boulevard and what kind of business is in that building. Ms. Minner said there is a tortilla manufacturer there who is branching out into growing sprouts.

Mr. Thompson voiced his frustration with the timing of the traffic lights at Bridge & High Streets. He felt it needed to be on a trip sensor so people don't have to wait so long at the light. Ms. Minner suggested that he contact State Highway regarding that issue.

There being no additional items to discuss Mr. Wiseman stated the next meeting of the Planning Commission will be on June 6, 2022 and adjourned the meeting at 7:10 p.m.

Respectfully submitted,

Brie Humphreys