

**TOWN OF ELKTON
PLANNING COMMISSION
September 12, 2016**

PRESENT: David Wiseman; G. Edward Ginder; Keith Thompson; Rick Keane; David Fordyce; Charles H. Givens, Sr.; Lisa M. Hamilton Blackson, Esquire; Theresa C. Thomas, Assistant Planner

ABSENT: Jeanne D. Minner, Director of Planning, Mayor Robert J. Alt

Mr. Wiseman called the meeting to order at 7:00 p.m.

ACTION: A motion was made by Mr. Ginder to approve the minutes of the August 8, 2016 Planning Commission meeting. The motion was seconded by Mr. Thompson and unanimously approved.

CNA REPRESENTING LENORE WOOD, ADD-ON SUBDIVISION PLAT, BRIDGE STREET, TAX MAP 310, PARCELS 2473 & 450, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Charles R. Wellington, representative for Ms. Lenore Wood was in attendance to address this submittal.

Mr. Wiseman stated this add-on subdivision had been approved in 2010. Ms. Thomas noted the plat was never recorded and therefore the approval lapses nine (9) months from the date the plat is signed.

Mr. Wiseman stated the Board received comments from the Town and KCI and opened the floor for question or comment from the Board. There were questions regarding where the front setback is measured from due to the shape of the parcels. Ms. Thomas explained that the front setback is measured where it meets the required width at the second parcel. She went on to state that if the add-on subdivision is approved the parcel would be considered a corner lot with the first front on Elkton Boulevard which would have a 30 foot setback and the second front would be on Bridge Street and would require a 15 foot setback. The remaining setbacks would be side setbacks and they would have no required setback since they have the same zoning. Discussion ensued.

Mr. Wellington stated his client believes that the property will be more marketable as a combined single lot. There was a question regarding the plat submittal received by the Board. Ms. Thomas explained that the Building Official had addressed this with the property owner to correct where the setbacks would be for this subdivision.

Mr. Wiseman entertained question or comment from the audience. Mr. David Goodwin who owns the property which surrounds the requested subdivision pointed out that the property has not been properly maintained for the last two years. He questioned why they should be given approval if they do not take care of their property and also wondered where underground utilities

are located on the property. Mr. Goodwin stated his property is zoned B-I. Ms. Thomas noted that the Zoning Ordinance shows all the properties in question as being zoned C-2. She stated the change had been made during the comprehensive rezoning by the Town. Mr. Wellington added that should the subdivision be approved and the property marketed and sold then this would alleviate the issues with maintenance on the property.

MOTION: Motion was made by Mr. Ginder to approve the add-on subdivision for Lenore Wood contingent upon addressing all outstanding comments. The motion was seconded by Mr. Fordyce and unanimously approved.

JOHN MASCARI OF KARINS AND ASSOCIATES REPRESENTING CAPRI PROPERTY MANAGEMENT, LLC REGARDING SUMMIT AT WALNUT HILL 2, EXTENSION OF PRELIMINARY MAJOR SUBDIVISION PLAT, SINGERLY ROAD & KATIE LANE, TAX MAP 306, PARCEL 2162 & PART OF PARCEL 2435, ZONED RO (RESIDENTIAL OFFICE)

Mr. John Mascari of Karins and Associates was in attendance to address this request. He is representing Capri Property Management for a two year extension of the Preliminary Major Subdivision Plat. He stated they are proposing twenty one (21) townhouse lots and includes a lot for stormwater management and a neighborhood park. He stated this has been reviewed many times since 2007. He stated they are requesting the extension due to the fact that the owner has never been a developer and is hoping to find someone who will develop the parcel. There are additionally financial issues.

Mr. Mascari stated they have received two letters, one from the Town and one from KCI. They have addressed several of the comments but many of them will be addressed at Final Site Plan submittal. He stated that Ms. Minner addressed a 10' rear access easement which was changed in 2013 so that it must be removed from the lots. He stated this is a hardship because they are not able to obtain additional land to accommodate this easement off the residential lots. He stated Ms. Minner suggested he request a waiver to reduce the easement from the required 10 feet to 5 feet.

The other item in question relates to a required bufferyard of 15 feet along Katie Lane. They are requesting a waiver to reduce the bufferyard from 15 feet to 13 feet.

Mr. Mascari stated the remaining comments have been or will be addressed prior to Final Site Plan approval. He stated the forest conservation plan has been submitted and they wish to maintain what has been approved to this point. He noted that the construction improvement plans have minor items remaining.

Mr. Wiseman stated the prior extension was for two years and that is what they are again requesting. Ms. Thomas stated one thing that needed to be pointed out was that if the stormwater plans have not been substantially completed by May of 2017 they would need to reapply for

stormwater management. Ms. Mascari confirmed that May of 2017 is not that far off and they understand that they would have to redesign the stormwater management plans prior to final approval if they do not meet the May 2017 deadline.

Discussion regarding the neighborhood parks ensued.

Mr. Wiseman entertained question or comment from the audience. There were none.

MOTION: Motion was made by Mr. Fordyce to approve a two year extension for the Preliminary Major Subdivision Plat for Summit at Walnut Hill 2 contingent upon addressing all outstanding comments and allowing for two design waivers as follows: 1) reduction in the minimum width of a ten (10) foot access easement from to 5' and 2) reduction of the required fifteen (15) foot bufferyard along Katie Lane to thirteen (13) feet. The motion was seconded by Mr. Thompson and unanimously approved.

REQUEST OF JOSEPH UCCIFERRO OF BOHLER ENGINEERING REPRESENTING LIDL US OPERATIONS, LLC, FINAL MAJOR SITE PLAN, 622 E. PULASKI HIGHWAY, TAX MAP 316, PARCEL 2462, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Brandon Rowe and Mr. Joseph Ucciferro of Bohler Engineering were in attendance along with Mr. Chris Carman of LIDL US Operations, LLC to address this submittal. Mr. Rowe stated they received Final Subdivision approval at the August meeting and are seeking Final Site Plan approval at this time. The property has been subdivided into two parcels of 4.14 acres and 2.72 acres which are zoned C-2. He stated that they will be removing trees on the lot and are in the process of entering an agreement to place trees in a forest bank location approved by the Town. He stated the site has some wetlands and they have received Maryland Department of the Environment's approval to remove that pocket of wetlands. There are no critical areas on site.

Mr. Rowe stated they are proposing a 36,185 square foot grocery building for which no variances are required at this time. Access is provided to the site off of Foxwood Chase Boulevard. There are two access points to the Lidl property from Foxwood Chase Boulevard. Lidl will be responsible for improvements along Route 40, which include an acceleration lane along the frontage and a deceleration lane along the frontage. They will also be required to provide a cross over in the center of Route 40 for customers traveling westbound for access to the Lidl property. They are providing 151 parking spaces and 10 bicycle spaces. They will be providing a six (6) foot board on board wooden fence along the residential property to the rear of the grocery building.

He noted that the stormwater has been reviewed by KCI and they have no issues with any of their comments. The landscape plan has been approved and the erosion and sediment plan has been approved by Cecil Soil. State Highway has provided a letter of intent regarding the access to the property by way of Foxwood Chase Boulevard. He stated that SHA has provided them

with a temporary permit for construction which will allow them to get their construction vehicles onto the property while they obtain the SHA access permit.

Mr. Bill Carroll stated they are still in the process of reviewing the plans for the main access to the site. They are early on in the process but understand that the current plans are similar to the previous plans submitted in 2001 which expired in 2005. They hope to have a letter regarding the main access completed within two weeks. Ms. Thomas stated Ms. Minner does not have any issue with the Board approving the final site plan contingent upon address all outstanding comments.

Mr. Wiseman entertained question or comment from the audience. Ms. Ann Connor inquired about the location of the fence along her property. Mr. Rowe provided her and Mr. David Guns with that information. Mr. Rowe stated the fence should be high enough to block the headlights of trucks delivering to the store. She also had concerns of people driving onto her property. Mr. Rowe stated they made the turning area in such a way that the trucks will have to slow down a great deal to make the corner close to her property.

Mr. David Guns asked who would be responsible to maintain the fence. Mr. Ucciferro stated that Lidl would maintain the fence.

MOTION: Motion was made by Mr. Ginder to approve the Final Site Plan for Lidl US Operations, LLC contingent upon addressing all outstanding comments. The motion was seconded by Mr. Keane and unanimously approved.

Mr. Wiseman introduced Ms. Lisa Hamilton-Blackson as the new legal counsel for the Planning Commission. He also introduced Mr. William Muller who is the newest member of the Planning Commission and was in the audience during the meeting.

OLD BUSINESS: None

NEW BUSINESS:

1) Proposed amendment to the Zoning Ordinance – Article XVI – Signs, Section 16. Enforcement

Ms. Thomas stated they are proposing an amendment to the penalty phase of Article XVI, Sign which needs to be updated from 6 months to 90 days. Ms. Hamilton-Blackson explained the need for this change.

2) Proposed amendment to the Zoning Ordinance – Article XII – Permissible Uses, Section 9. Clinics (3.130) and Section 17 – Hospitals, Clinics and other medical treatment facilities in excess of 10,000 square feet (7.100)

Ms. Thomas also inquired whether the Board wished to make a change to allow clinics in the Business Park (BP) Overlay Zone. It was determined that the Pirelli Building is the only BP zone within the Town limits. Discussion ensued. Mr. Wiseman stated he would like to see a draft of language with regard to this proposed change. The Board agreed.

There being no additional business to discuss Mr. Wiseman adjourned the meeting at 7:54 p.m.

Respectfully submitted,

Brenda Humphreys