

**TOWN OF ELKTON
PLANNING COMMISSION
SEPTEMBER 9, 2013**

PRESENT: Asma Manejwala; H. Fred Thomas, II; Sue Whitaker; G. Edward Ginder; David Fordyce; Cameron A. Brown, Esquire; Jeanne D. Minner, Director of Planning;

ABSENT: Commissioner Mary Jo Jablonski, Theresa Thomas, Assistant Planner

Ms. Manejwala called the meeting to order at 7:00 p.m.

ACTION: Motion was made by Ms. Whitaker to approve the minutes from the August 12, 2013 Planning Commission meeting. The motion was seconded by Mr. Ginder and unanimously approved.

CASE # 1452 – REQUEST OF WILLIAM F. HICKEY, III, 139 W. MAIN STREET, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION FOR THE SALE OF MOTOR VEHICLES. THIS ACTION CONCERNS PROPERTY LOCATED AT 211/205 W. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 314, PARCELS 311 AND 312, ZONED C-2

Mr. William F. Hickey, III was in attendance to address this request. He stated the property in question is part of the parcel where a hotel and a clinic currently exist. Their intention is to pave the vacant grassy area and are proposing to add a new 4,000 square foot one-story building used as a show room and offices. The concept plan shows 16 parking spaces as per the square footage requirement. The vehicles for sale will be located in the space outside the building. Ms. Manejwala inquired whether the area containing the vehicles for sale would be paved as well. Mr. Hickey confirmed that it would be paved. They propose between 30-45 vehicles for sale at any given time.

Mr. Hickey noted that one positive development of the proposed use would be to cut off foot traffic. The area would be lighted, paved and fenced. Mr. Hickey informed the Board a new paved service road along with sidewalks along Route 40 would be placed.

Ms. Manejwala inquired as to the scale of the plan. She also noted she is concerned because the site plan shows the building, portions of the sidewalk, trash and loading zones are within the setback area. Mr. Hickey stated they plan to move the items in order to maintain the 40' buffer. Ms. Manejwala asked for specifics as to where one parcel begins and the other ends. Mr. Hickey provided some information but mentioned that he did not have the exact dimensions. Ms. Manejwala stated her concern was for possible future sale of one of the parcels. Mr. Hickey noted that both of the parcels are owned by the same person. Ms. Minner stated they need to delineate this use with West End Gardens. She inquired whether the owner intended to subdivide. Mr. Hickey stated that the owner intends to maintain ownership of both parcels. He stated that there is a possibility that West End Gardens might be eliminated should the car dealership expand greatly in the future. Ms. Minner pointed out that if the site were to change in the future they would need to come back before the Board and therefore they need to delineate

specifically where the proposed new use will be located on the parcel. Ms. Manejwala noted that the portion of the parcel they will be using needs to be clearly shown on the site plan. Mr. Hickey stated that the site plan should be clearer but that the concept plan is still the same in that the area will be paved, a building constructed, etc.

Ms. Manejwala voiced her concern with moving forward with the approval due to the lack of information such as information regarding showing the Critical Area on the parcel. Ms. Minner added that since the parcel is in the Critical Area designation of IDA (Intensely Developed Area) there is a 10% stormwater reduction requirement. Also an analysis to determine tidal/non-tidal wetlands, flood plain and buffer areas is necessary and the project engineer should be aware of these requirements. She also noted the parking for the inventory cars needs to be shown. Mr. Hickey pointed out that the 16 parking spaces shown are for customer parking. Ms. Minner noted they need to account for impervious surface area, layout of cars, whether they will have a fuel pump or car wash on site. Mr. Hickey stated he did not believe they have plans for either a car wash, repair shop, etc.

Mr. Ginder asked if State Highway regulations have been met. Mr. Hickey answered that they are aware of State Highway regulations for this project and the prior project.

Ms. Manejwala asked how they plan to buffer the residential properties at the rear of the property. Mr. Hickey confirmed that they would be placing fencing and lighting in that area. Ms. Minner pointed out they would need an engineered lighting plan to assure there is no spill over to neighboring properties. There was discussion about metal stumps being placed to prevent vehicles from being removed from the lot which may be more aesthetically pleasing.

Mr. Fordyce asked if their lot was next to the park at the rear of their lot. Mr. Hickey stated he was not sure where the park was located but the field where they plan the proposed car dealership is between the gas station and the woods. He stated the architect would redo the plan. Mr. Fordyce stated if the foot traffic is able to be cleaned up he would be in favor of the project.

Ms. Manejwala asked whether the gas station and canopy mentioned previously would be removed. Mr. Hickey stated he believed they would be removed. Mr. Fordyce asked if the Oceanic is renting the property. Mr. Hickey stated they are deciding currently whether or not to keep this building.

Ms. Manejwala entertained any additional questions from the Board. She asked Ms. Minner if it would be better if the applicant came back before the Board due to the number of outstanding questions that have not been answered. Ms. Minner pointed out they are only making a recommendation to the Board of Zoning Appeals and they can suggest that to the Board of Zoning Appeals.

Ms. Manejwala entertained question or comment from the audience. She read a letter, dated September 9, 2013, submitted by Ms. Candy Bathon of Homes for Rent concerning this special exception (see attached letter).

Mr. Fordyce said he would not be in favor of holding up this project due to another project. Ms. Minner pointed out that both projects are owned by the same person. Mr. Hickey requested and received a copy of the letter.

MOTION: Motion was made by Mr. Fordyce to recommend denial to the Board of Zoning Appeals for this project due to the lack of information provided on the site plan such as number and location of parking spaces for vehicles being sold, did not provide delineation of this use on the parcel and did not identify the parcel as being located in the Critical Area and its impact to the Critical Area. The motion was seconded by Mr. Thomas and unanimously approved.

CASE # 1453 – REQUEST OF MCCRONE, INC., 106 E. MAIN STREET, SUITE 101, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION FOR THE SALE OF MOTOR VEHICLES. THIS ACTION CONCERNS THE FOLLOWING PROPERTIES LOCATED ON TAX MAP 315: PARCELS 2042, 2043, PART OF PARCEL 2051 (DESCRIBED AS LOT 58), THE SOUTHERN 200 FEET OF THE PAPER STREET KNOWN AS LINCOLN AVENUE AND ONE HALF OF THE SOUTHERN 320 FEET OF THE EASTERLY SIDE OF THE PAPER STREET KNOWN AS WASHINGTON AVENUE

Mr. David Strouss was in attendance to address this request. The owner, East Pulaski LLC, regretted he would be unable to attend the meeting. Mr. Strouss noted a special exception was requested and approved in 2010 for Parcel 2043. This request will include all the parcels involved in the project which include 2042, 2043 and part of Parcel 2051, Lot 58. The intent of the proposed use is to redevelop the area for a new car and service area. The parcels are formerly those of Advantage Dodge and therefore have a history of use for car sales.

Mr. Strouss stated they are hoping to come before the Planning Commission in October should they be approved for the special exception. They have addressed comments received from the Town, KCI and State Highway.

Ms. Manejwala asked if they intend to have a car wash or fuel pump on site. Mr. Strouss said there would be no fueling on site but that he is not sure about a car wash. If they do have a car wash it would be inside the service bay for customer vehicles and would be a recycling system.

Ms. Manejwala asked about entrance and exit from the site. Mr. Strouss said State Highway prefers a right in and right out for the site and therefore they would be removing the center ingress/egress so that there would be only two access points to the site.

Ms. Manejwala inquired about stormwater runoff to neighboring residential properties. Mr. Strouss stated they would be redeveloping the site according to the new stormwater management regulations. Soil borings would be done and they are aware they must address 50% of the existing impervious area. They believe their plan will provide net improvement to the site.

Ms. Manejwala entertained additional comment from the Board. There was none. Ms. Manejwala opened the floor for comments from the audience.

Mr. Sam Smith of 115 Washington Avenue voiced his concern for additional flooding onto his property since it shares 200 feet along his property. He said he had not received notice about the meeting but that his neighbor received notification and shared it with him.

He pointed out that this area floods all the time and with an additional 2.86 acres of land with cars on them he worries that it will cause more flooding. He also voiced his concerns that the existing trees would be removed and that there would be an issue with lights from the property.

Ms. Karen Lofthouse of 104 Roosevelt Boulevard stated she has no issue with flooding on her lot but that she does not wish to have issues in the future and asked what type of recourse she would have if her property begins to flood. She asked for clarification about the soil type which Mr. Strouss referred to in his explanation. He stated there is a layer of silty clay with sand under it and they would place an underground filtration system that would address the rainwater from the roof of the buildings. Ms. Manejwala added that the redevelopment of the area requires adherence to stormwater management and State Highway regulations.

Mr. Smith also made comments regarding the drainage of the current storm water and how it drains across Route 40 and lays in the field. He asked the Board to please consider the neighboring properties.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Board of Zoning Appeals for the sale of motor vehicles for Ramsey Ford. The motion was seconded by Mr. Thomas and unanimously approved.

HOME PARTNERSHIP OF CECIL COUNTY, INC., 626 TOWNE CENTER DRIVE, SUITE 301, JOPPATOWN, MD, NORTH STREET SENIOR APARTMENTS, PRELIMINARY SITE PLAN, LANDSCAPING & LIGHTING PLANS, 214 NORTH STREET, TAX MAP 310, PARCEL 1204, LOT 1, ZONED C-1

Mr. Frank Hodgetts and Mr. David Taylor were in attendance to address this request. Mr. Taylor stated the project includes 53 housing units and has received Concept Plan approval. The bulk of the comments received have been addressed. He mentioned they received a letter from State Highway and said he was told that a traffic impact study would not be required because the project does not warrant one. He stated they received a letter from Singlerly Fire Department with a few comments.

Mr. Taylor requested two design waivers: 1) Waiver of buffer yard requirements in front of building on North Street. Due to the historic nature of the building they do not wish to hide the architecture of the building. They intend to place appropriate landscaping along North Street. 2) They are requesting a design waiver from the requirement of seven (7) parking spaces per island in order to place eight (8) parking spaces at the truck access entrance along High Street.

They are requesting this waiver as an accommodation for visibility for the trucks accessing this area.

There was discussion regarding the landscaping in front of the building on North Street. They discussed specific KCI comments regarding fire flow testing. Mr. Taylor informed the Board that they had their own fire flow testing done and would provide those results to the Town.

Ms. Manejwala inquired about the KCI comment regarding the number of parking spaces remaining for Lot 2. Mr. Frey stated their intention was to make sure it was documented on the plan. Ms. Minner said the Planning Department will confirm the number of spaces required for each use.

There was discussion regarding KCI's comments and Mr. Taylor said he did not see any issues with addressing the engineering comments.

Mr. Taylor mentioned that they would be doing vacuum test pits this week at the site.

Ms. Manejwala entertained comments from the audience. There were none.

Mr. Ginder asked Mr. Crouse if he was satisfied with the plans regarding his property issues. Mr. Crouse confirmed that he was satisfied.

MOTION: Motion was made by Mr. Ginder to approve the Preliminary Site, Landscape and Lighting plans for North Street Senior Apartments and allowing for the following design waivers: Bufferyard requirement at front of building on North Street, re-detailing of the landscape island at the northeast corner of project and allowing eight (8) parking spaces instead of the required seven (7) spaces. The motion was seconded by Mr. Fordyce and unanimously approved.

OLD BUSINESS – Ms. Minner noted the change in the public hearing for discussion of proposed rezoning changes from Wednesday, September 11, 2013 to Monday, September 16, 2013. Discussion ensued regarding specific rezoning changes being requested.

NEW BUSINESS – None

The next meeting of the Planning Commission is scheduled for October 7, 2013.

There being no additional items for discussion, Ms. Manejwala adjourned the meeting at 8:33 p.m.

Respectfully submitted,

Brenda Humphreys