

**TOWN OF ELKTON  
PLANNING COMMISSION  
DECEMBER 7, 2020  
VIRTUAL MEETING MINUTES**

**Present:** Dave Wiseman; G. Edward Ginder; Rick Keane; Keith Thompson; Art Blount; William Muller; Lisa Blackson, Esquire; Jeanne Minner, Director of Planning

**Absent:** None

Mr. Wiseman called the meeting to order. He stated the first item on the agenda was approval of the minutes from the November 9, 2020 meeting. He called for a motion.

**MOTION:** Motion was made by Mr. Keane to approve the minutes of the November 9, 2020 Planning Commission meeting as written. The motion was seconded by Mr. Thompson and unanimously approved by the remaining Commission members.

**REQUEST OF BOHLER ENGINEERING REPRESENTING NEW COASTAL DEVELOPMENT, (7-ELEVEN) FOR A VARIANCE FOR THE REMOVAL OF SPECIMEN TREES. THIS ACTION CONCERNS PROPERTY LOCATED AT 732 E. PULASKI HIGHWAY & 411 MALONEY ROAD, TAX MAP 033C (316), PARCEL 170, AND TAX MAP 033C (316), PARCEL 171, ZONED C-2**

No representatives appeared for the meeting. Ms. Humphreys confirmed that she had not forwarded the confirmation letter and it was determined that the case would be moved until the end of the meeting should the representatives sign in for the virtual meeting.

Mr. Wiseman moved on to the next item on the agenda.

**PUBLIC HEARING** – To consider amendments to the Elkton Zoning Ordinance for the following Articles:

**ARTICLE XII – SUPPLEMENTARY USE REGULATIONS, SECTION 34 COUNSELING IN RO AND TC ZONES; STANDARDS OR CONDITIONS FOR A SPECIAL EXCEPTION FOR THIS USE IN THE RO AND TC ZONES**

Ms. Minner stated this amendment will allow counseling in the RO and TC zones in the downtown and surrounding areas. This will require a special exception with conditions. Ms. Minner went over the conditions. (See attached) Ms. Minner stated Mr. Bromwell requested these amendments due to a number of requests he has received.

Mr. Wiseman asked how the determination of three (3) counselors was made. Ms. Minner stated it was to insure it doesn't become a problem with the volume of clients being seen. There was discussion regarding whether only three counselors can be there at one time or whether only three are allowed at the business. Ms. Blackson clarified that the restriction is in keeping with the difference between a small counseling office and a large counseling office.

Mr. Wiseman asked where the line is between counseling and a clinic. Ms. Blackson stated a clinic has a specific designation and it has to do with how they are providing services and that is directed in a different way. There are also square footage requirements. Clinics are no longer allowed in the TC zone other than the ones which are there currently. Mr. Wiseman said when those applications are made for counseling it would go to the Board of Zoning Appeals. Ms. Blackson confirmed that it would and noted it would be a special exception as are all medical uses regardless of the zone they are in. A special exception would allow the Town to know where medical uses are in the Town and where they intend to practice. She noted that this would avoid the Town being unaware of businesses moving into the downtown or other areas.

Discussion regarding off street parking ensued. Mr. Ginder asked if a specific number of parking spaces are required and wondered if that should be included in the conditions. Ms. Minner stated that the number of parking spaces for any use is determined by the square footage of the office use and also what the expected number of doctors and patient load will be. She noted that there is existing public off street parking in the Town Center zone between Howard and Main which can be utilized and can be counted in off street parking requirements. Mr. Ginder voiced his concern for smaller offices which may not have as much off street parking available onsite. Ms. Minner noted that the parking situation will be addressed when the business comes in for the special exception.

Mr. Wiseman asked if the parking needs to be contingent to be property in this specific application. Ms. Minner stated that if it is public parking the Ordinance allows public parking within 400 feet. She said there are a number of public parking options in the downtown area.

Mr. Wiseman entertained other questions from the Board. Mr. Ginder stated he asked Ms. Minner how the Town knows how many counselors are at the business at any particular time and she stated that Mr. Bromwell keeps track of that information. Ms. Blackson said that with a special exception application it is specific to the applicant as opposed to a variance where the application is specific to the property. Ms. Blackson said the practitioners will be the ones who come before the Board and that's how the Town can determine who will be practicing. The purpose for this change is so that retail business can come back into the downtown area, which is the intent of the TC (Town Center) zone. This restriction will also keep the foot traffic down.

Mr. Blount asked for clarification regarding numerous counselors practicing at different locations. Ms. Blackson noted that if there is more than one office location the limit would be specific to the office in the TC or RO zone. The Town would need to know which counselors are practicing at the local office.

Mr. Wiseman said this is a recommendation to the Mayor & Commissioners. Ms. Minner confirmed the Commission will be recommending adoption of an amendment to the Zoning Ordinance. Ms. Minner recommended that the Commission vote on each amendment separately.

Mr. Wiseman asked if there were any additional questions from the Commission members. There were no other questions. There was no one in attendance in the audience to speak for or against this request.

**MOTION:** Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners for Ordinance 3-2020 relating to Article X, Permissible Uses, Section 7.2 Permissible Uses Table, Use Description 3.150 Counseling to allow a special exception with conditions. The motion was seconded by Mr. Keane with the remaining Commission members voting as follows:

**Mr. Thompson – Aye**  
**Mr. Blount – Aye**

**Mr. Muller - Aye**  
**Mr. Wiseman – Aye**

**ARTICLE X – PERMISSIBLE USES – SECTION 7.2 PERMISSIBLE USES TABLE, USE DESCRIPTION 3.150 COUNSELING – ALLOWED BY SPECIAL EXCEPTION WITH CONDITIONS**

Ms. Minner noted that Ordinance 3-2020 incorporates Article X, Section 7.2 and Article XII, Section 34 Counseling. Mr. Wiseman called for an amended motion.

**MOTION:** Motion was amended by Mr. Ginder to recommend approval to the Mayor & Commissioners for Ordinance 3-2020 to update Article X, Section 7.2 Permissible Uses Table and Article XII Supplementary Use Regulations to allow for a Special Exception with Conditions in the TC (Town Center) and RO (Residential Office) zones. The motion was seconded by Mr. Keane with the remaining Commission members voting as follows:

**Mr. Thompson – Aye**  
**Mr. Muller – Aye**

**Mr. Blount – Aye**  
**Mr. Wiseman – Aye**

There being no Commission members voting against the motion, the motion was passed unanimously.

**ARTICLE XVI – SIGNS, SECTION 20 VARIANCE REQUESTS FOR SIGNS**

Ms. Minner informed the Commission that the proposed amendments to the Ordinance were being requested by Mr. Chip Bromwell, the Town's Building Official. He felt these amendments were necessary and he has deleted, revised and added conditions appropriate for a sign variance. Ms. Minner stated that the standards are similar to the current standards with specific conditions with regard to signs.

**MOTION:** Motion was made by Mr. Thompson to recommend approval to the Mayor & Commissioners for Ordinance 4-2020 to update Article XVI, Signs, Section 20 Variance Requests for Signs. The motion was seconded by Mr. Blount with the remaining Commission members voting as follows:

**Mr. Muller – Aye**  
**Mr. Ginder – Aye**

**Mr. Keane – Aye**  
**Mr. Wiseman - Aye**

Mr. Wiseman asked what Ms. Blackson's recommendation was regarding moving forward with the first item, the 7-Eleven and New Coastal Development. Ms. Blackson said that she does not believe they can legally be heard since no one was in attendance to present the case. She stated the case could be continued to the January 11, 2021 meeting. Discussion ensued regarding the best way to handle the case. The Commission members agreed to make a motion to continue the case until January 11, 2021.

Mr. Ginder asked if the variance for removal of specimen trees falls under reforestation and whether they would be required to replant trees in another location within Town limits. Ms. Minner stated there are reforestation requirements for the site. If they remove 10,000 sf then they would be required to do reforestation.

**MOTION: Motion was made by Mr. Wiseman to move the variance for the removal of specimen trees for New Coastal Development to the January 21, 2021 Planning Commission meeting. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows:**

**Mr. Keane – Aye  
Mr. Blount – Aye**

**Mr. Thompson – Aye  
Mr. Muller – Aye**

**There being no Commission members voting against the motion, the motion passed unanimously.**

**Old Business:** Ms. Minner stated at the January meeting they will hear the 7-Eleven specimen tree removal variance. It is likely that Sideline Properties at Southfields will be in since she believes they have worked out the location for the well and tower that might be satisfactory to both the Town and the developer of the ball fields.

Ms. Minner said she expects the Multi-Family housing part of the PUD to be back again and the single family part of the PUD may be in shortly thereafter. Mr. Keane questioned if the multi-family housing project had submitted the incomplete parts of the plans which the Commission approved with the condition that they be turned in to the Town by the November meeting. Ms. Minner stated they don't have something that is ready for final. Mr. Keane said he has a problem with that since conditions were placed on approval of the Preliminary plan. She said the issue is that Tract 11 incorporates where the water tower and well was to be located, and the way that parcel was shown it was not big enough to maintain a well house. They have been working on a design with KCI. That design affects the subdivision and therefore they have not been able to complete and turn in the plans until today. Now that this parcel has been worked out they should be able to come back in for approval.

Mr. Keane asked about the traffic impact study and whether that had been received. Ms. Minner confirmed that the traffic impact study had been received. He also said the stormwater management was another issue. Ms. Minner noted that if they have not met the requirements it

isn't because they haven't been trying. She said there is a great deal of work doing a development of this size and she wouldn't penalize them because of that. Mr. Keane said then they shouldn't have submitted it in the first place. Ms. Minner said she just wouldn't let them move on until they have provided the necessary information. Mr. Keane said one of the main concerns of the residents in that area is the traffic issue. Ms. Minner said that along with the traffic impact study they have provided proposed improvements for four sections of State Highway. She said we will make sure that before they come before the Commission again that they are prepared to answer questions with respect to the traffic impact study. Mr. Keane said he is going to be reluctant to give approval for any future plans contingent upon them completing things.

Mr. Ginder stated his concerns to the other Commission members concerning the ingress/egress for the 7-Eleven property at Route 40. He said this is similar to the issues with the Burger King on Route 213 and Route 40. Ms. Minner said they have been working closely with the County who has jurisdiction over Maloney Road. Mr. Wiseman said State Highway is also looking into this.

Mr. Keane asked about the rezoning request for Hertrich. Ms. Minner stated the Mayor & Commissioners tabled the request so their decision hasn't been made as of yet.

Mr. Eric McWilliams of Bohler Engineering signed in to the meeting. He stated they were under the impression the variance had been pushed back in the schedule. Mr. Wiseman asked if he would like to present the request. He said his client would like to have the variance for the specimen trees moved to the January 11, 2021 Planning Commission meeting. Mr. Wiseman said they would put them on for that meeting.

Ms. Minner stated that the Chair and Vice Chair appointments will have to be done at the January meeting.

Mr. Wiseman adjourned the meeting at 6:52 p.m.