

**TOWN OF ELKTON
PLANNING COMMISSION
MAY 10, 2021
VIRTUAL MEETING MINUTES**

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

Absent: None

Mr. Wiseman called the meeting to order at 6:00 p.m. Mr. Wiseman stated the first item on the agenda is approval of the minutes from the April 12, 2021 meeting as written.

MOTION: Motion was made by Mr. Keane to approve the minutes of the April 12, 2021 Planning Commission meeting as written. The motion was seconded by Mr. Ginder and unanimously approved by the remaining Commission members.

CASE #1577 – REQUEST OF ELMER JUSTICE FOR A SPECIAL EXCEPTION FOR A 10 X 40 FOOT STORAGE UNIT FOR TEMPORARY WAREHOUSING, 112 DELAWARE AVENUE, TAX MAP 311 (027H), PARCEL 1077 AND ZONED C-1 (CENTRAL BUSINESS DISTRICT)

Mr. Elmer Justice was in attendance to address this request. He stated they are requesting to allow a storage unit at the property for a period of three (3) years. This would be on a temporary basis due to a fire which destroyed the building which was there previously. Mr. Wiseman asked if the storage trailer, which is now at the property, would be the one remaining for the duration of the special exception. Mr. Justice confirmed that it is.

Mr. Wiseman asked if the location of the storage trailer interfered with the movement of vehicles on the property. Mr. Justice stated that there is plenty of room for vehicles to maneuver the property where the storage trailer is currently located.

Mr. Wiseman entertained questions from the Commission members. Mr. Keane asked what their intention is at the end of the three year period. Mr. Justice stated that their long term goal is to build the structure back. He stated he is aware he would need a building permit and would go through the procedures required in order to replace that structure on or before the three year period is completed.

MOTION: Motion was made by Mr. Blount to recommend approval to the Board of Zoning Appeals to allow the storage trailer at 112 Delaware Avenue for an additional three (3) year period. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Keane – Aye; Mr. Wiseman - Aye

CASE #1579 – REQUEST OF WILLIAM F. RIDDLE REPRESENTING CAPRICORN HEALTH, LLC, FOR A SPECIAL EXCEPTION FOR A PHYSICIANS' OFFICE OF UP TO THREE (3) PROFESSIONALS SEEING PATIENTS AT THE PROPERTY, 101 CHESAPEAKE BOULEVARD, TAX MAP 316 (033C), PARCEL 2439 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. William Riddle and Dr. Christopher E. Gelmann of Capricorn Health were in attendance to address this request. Mr. Riddle explained he had been before the Board previously for this same medical space with respect to New Health of North East. New Health was granted the special exception at that time to operate a doctor's office. He explained that New Health of North East sold its' practice to Capricorn

Health, LLC. When he spoke to the Town he was informed that the new doctor would also require a special exception for a medical use. Although New Health of North East had three physicians, the new medical use will have only one physician. They are the same type of practice and therefore they are here to request the special exception for the new practice, Capricorn Health.

Mr. Riddle stated they do not believe this new practice will have any effects on the property since they are the same practice and there had been no complaints for New Health of North East. There will be no additional services needed from the Town for this new practice.

It was noted that the same staff will be employed by the new owner so there will be no turnover of employees. Commissioner Broomell asked what the medical use is currently. Dr. Gelmann stated it is a drug rehabilitation practice with suboxone. Commissioner Broomell asked if any of the current doctors will be leaving the practice. Dr. Gelmann noted that there is only one doctor working at any given time but they do rotate their office times.

Mr. Wiseman stated that technically this will simply be an owner/name change for the practice.

Mr. Keane asked if the special exception is for Suites B & E only. Dr. Gelmann confirmed the special exception is for Suites B & E only. He noted there are other businesses within the building as well.

Mr. Wiseman asked if any other Commission members had any questions. There were no further questions.

Mr. Wiseman opened the floor to comments from the public. There was no one to speak for or against this special exception.

MOTION: Motion was made by Mr. Thompson to recommend approval to the Board of Zoning Appeals for a special exception for a medical use for Capricorn Health at 101 Chesapeake Boulevard, Suites B & E. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Blount – Aye; Mr. Keane – Aye; Mr. Wiseman - Aye

REQUEST OF KIMLEY-HORN REPRESENTING ESTES EXPRESS LINE, FINAL MINOR SITE PLAN, 201 CHESAPEAKE BOULEVARD, TAX MAP 316 (033C), PARCEL 2340 AND ZONED B-I (BUSINESS AND INDUSTRIAL)

Mr. John McGowan of Kimley-Horn was in attendance to represent Estes Express Lines for the Final Minor Site Plan. He provided a brief Power Point presentation noting they currently have a 36,000 square foot industrial building for freight shipping. It is zoned BI (Business Industrial). This site was originally developed in 1998 as part of a master plan. The road was put in and two storm water ponds were installed as part of the master development. There is a wooded lot to the west, to the north there is another business and there are three other businesses to the south across Chesapeake Boulevard.

In 2003 Estes developed the parcel as it is currently constructed. He stated for the new project there will be a limit of disturbance of 6.5 acres and they are proposing a 30,000 square foot addition to the east of the existing building and there will be 58 doors added for a total of 140 shipping bays when complete. Mr. McGowan noted they will be matching the height and architectural façade of the current building. He noted there is a 4-acre parking lot expansion for additional trailer storage. They are also expanding the employee parking spaces from 147 to 206. He noted there is an existing office and will add another office

with a bathroom. The building will be served by a new water and sanitary line which are extending off the current lines. The site for the increase in impervious area will be serviced by an underground storm water quality and quantity retention facility which will capture the runoff from the entire parking lot expansion which will both treat and attenuate the runoff prior to discharging into the existing storm drain system.

Mr. McGowan stated for permitting requirements they have been under review with the Town of Elkton storm water process for which they have received preliminary approval and have made final submission. They have also received final review from the Cecil Soil Conservation District. He stated they are coordinating with the State Highway Administration for the expansion of the project as well as with the Singerly Fire Department. He noted they will be required to get an MDE NPDES NOI permit for storm water discharge for which they have applied. They are also coordinating with the Chesapeake Corporate Center's Architectural Review Board who review development within the industrial park. They have not received any comments from them at this time.

Mr. Wiseman asked if Mr. McGowan had received the comment letter from KCI and asked specifically about comments 33 - 44. Mr. McGowan confirmed that they had been received and they have already responded and resubmitted back to the Town. Mr. Wiseman asked if they received a response from Singerly Fire Company and Mr. McGowan stated they received the comment letter today with just a few comments. The major comment was that they wanted them to add two additional hydrants, one at the rear and one at the front of the addition which they have no problem incorporating on the plans.

Mr. Keane had questions about the numbers of trees. Mr. McGowan noted they needed to make some clarification concerning a specific tree that the Town wanted to see. Mr. Keane asked about item 22 with regard to clarification as to how the new water meter connections will be metered. He wondered if that had been resolved. Mr. McGowan confirmed that it has been resolved. He explained they will be using an existing water meter and mentioned that fire flow tests had been done to confirm they would have adequate flow from that meter.

Mr. Wiseman asked if any other Commission members had any questions.

Mr. Ginder asked if the existing berm or buffer yards would be disturbed. Mr. McGowan stated they stayed away from the existing tree line. The trees are on top of the existing berm. Ms. Minner asked them to ensure that all the buffer yards meet the minimum requirements of the Ordinance. Mr. McGowan said they need to go out and look at the berm and do counts to confirm they are in compliance.

Mr. Keane asked how many employees they anticipate with the expansion since they are providing 206 parking spaces. Mr. Fitz noted there will be three (3) shifts of employees who will overlap and that is their main reasoning for the additional parking.

Mr. Thompson asked how many storm water ponds were on the site. Mr. McGowan stated there are two ponds. The pond on the east side of the parcel is actually in the State of Delaware and services the eastern portion of the property while the second pond services the western portion of the property. With the parking lot expansion they will be providing a substantial underground system onsite. The full expansion will be clean from a quality standpoint and will reduce flows from all three points leaving the property. There will not be any additional runoff to any of the three discharge points.

Mr. Keane asked if they need anything from the State of Delaware for the one storm water pond. Mr. McGowan stated they do not. There was discussion with regard to the original agreement when the storm

water ponds were built out in 1989. Mr. Fitz stated when they built in 2003 they had to expand the pond at that time.

Mr. Ginder asked if any variances or special exceptions are required. Ms. Minner stated there were none required.

Mr. Wiseman entertained any other comments from the Board or Town staff. There were no additional questions.

Mr. Wiseman opened the floor to any audience comments. There was no one to speak for or against this request.

MOTION: Motion was made by Mr. Keane to approve the Final Minor Site Plan for Estes Express Line contingent upon addressing all outstanding comments. The motion was seconded by Mr. Blount with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Thompson – Aye, Mr. Wiseman - Aye

OLD BUSINESS: Ms. Minner stated there are a few projects which will be coming back before the Commission. She noted she had a meeting with the design engineers for Southfields Parcel C (Single Family Homes) and noted they will need an amendment to the plat prior to coming before the Commission again. They will need to get their forest conservation in order and they will likely need a variance for forest impacts.

There was discussion regarding the annexation for the Ayars property which will be coming back in. The County denied the rezoning due to the difference in what the County zoning is and what the Town zoning would be. She suggested they have State Highway approvals before they reapply.

There was discussion about the Royal Farms landscaping. Ms. Minner stated she and Mr. Bromwell would be meeting with the landscaper on Thursday. She noted the fall would be the best time to do the new plantings. Mr. Thompson asked if the Town could have just replanted and billed them like we do with grass cutting on residential properties. Ms. Minner stated that is covered under the site plan approval process and there are different requirements for each.

NEW BUSINESS: Ms. Minner noted she has received three calls regarding Liberty Hill and that things are beginning to pick up on residential subdivisions which are currently dormant.

NEXT MEETING: The next meeting of the Planning Commission will be on Monday, June 7, 2021.

There being no other items for discussion Mr. Wiseman adjourned the meeting at 6:58 p.m.

Respectfully submitted,

Brie Humphreys