

**TOWN OF ELKTON
PLANNING COMMISSION
NOVEMBER 8, 2021
VIRTUAL MEETING MINUTES**

Present: Dave Wiseman; G. Edward Ginder; Rick Keane; Keith Thompson; 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 October 11, 2021 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 October 11, 2021 Planning Commission meeting as written. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Keane – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

CASE # 1593 – REQUEST OF WILLIAM RIDDLE, ESQUIRE REPRESENTING JIANG YAN FOR A SPECIAL EXCEPTION TO OPERATE AN ACUPRESSURE AND AROMA THERAPY BUSINESS. THIS ACTION CONCERNS PROPERTY LOCATED AT 619 E. PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033B, PARCEL 2246 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. William Riddle, Ms. Jiang Yan and Mr. Steve Chang were in attendance to address this request. Mr. Riddle explained that Ms. Yan would like to operate an acupressure and aroma therapy business at 619 E. Pulaski Highway. He noted she has a certificate of completion for a continuing education class for acupressure from the Washington Institutes of Natural Medicine. A use of this kind requires a special exception and therefore they have come before the Board to make that request. Mr. Riddle stated this business would be the equivalent of a medical office.

He stated that being located along Route 40 is in line with uses of this type. There is sufficient access for ingress and egress from the property along the highway and sufficient parking available on site.

Mr. Riddle noted this use should not disturb the normal function of Route 40 or cause any issues along the highway. He stated he does not believe this use will be injurious to the use and enjoyment of other properties in the area, nor will it be detrimental to or endanger public health, safety, convenience or general welfare. He stated it is not at odds with other businesses along Route 40. There will not be any changes to the exterior of the building and there should be no issues regarding utilities, water, sewer, septic or any other utilities with respect to the number of individuals she would see on a daily or weekly basis.

Mr. Riddle suggested that this zone and type of business is part of the objective of the Town's Comprehensive Plan. They are asking that she be able to go forward with her lease and own and operate her acupressure and aroma therapy business.

Mr. Wiseman asked if they would be using the entire building for the business. Mr. Chang stated they will only be using the left side of the building. Mr. Wiseman asked if the other side is vacant currently. Mr. Riddle stated that it was vacant.

Ms. Minner asked if the business was coming in as a clinic. Mr. Riddle stated Mr. Bromwell had determined the business falls under a medical clinic. Mr. Wiseman asked if there would be any dispensing of medications. Mr. Riddle confirmed there would be no dispensing of medication.

Mr. Wiseman asked if the services provided would be by scheduled appointment. Mr. Riddle noted it would be by appointment only.

Ms. Minner asked for clarification between acupressure and massage. Mr. Chang explained that acupressure involves deep tissue of the pressure points in the body, of which there are approximately 360. Massage involves the manipulation of the muscles in the body.

Mr. Ginder asked if this work falls under the State for yearly medical inspections. Mr. Riddle stated they are not aware of any inspections required by the State for this business.

Mr. Wiseman asked if this was their only business location. Mr. Riddle confirmed that it is the only operation and that they are new to the area.

Mr. Wiseman informed the owners that any signage they wish to place would need to go through the Building Department for approval and permitting.

Mr. Wiseman noted their decision will be a recommendation to the Board of Zoning Appeals Board. There being no further questions from the Commission members or the audience, Mr. Wiseman called for a motion.

It was noted during the discussion time that Ms. Yan would be the only person providing services at the business. She may have someone who will be doing scheduling and answering the phones at some point as the business grows.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Board of Zoning Appeals for a special exception to operate an acupressure and aroma therapy business at 619 East Pulaski Highway contingent upon sole proprietorship. The motion was seconded by Mr. Thompson with the remaining members voting as follows: Mr. Keane – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

CASE # 1595 – REQUEST OF WILLIAM RIDDLE REPRESENTING FAIRWAY CAPITAL INVESTMENT, LLC FOR A SPECIAL EXCEPTION FOR A STORAGE TRAILER FOR A THREE (3) YEAR PERIOD. THIS ACTION CONCERNS PROPERTY LOCATED AT 213 W. PULASKI HIGHWAY, ELKTON, MARYALND, TAX MAP 033A, PARCEL 0310 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. William Riddle was in attendance to address this request. He stated approximately a year ago they had requested a special exception for this storage trailer and we reminded that the special exception had expired and a new special exception would need to be requested.

Mr. Riddle explained there is a new and used tire business at this location and the trailer is for scrap tire storage. The storage trailer is an accessory to the business and will continue to be placed on the side of the building. The trailer will remain a color consistent with the building and will be located on a concrete pad.

Mr. Riddle stated they are requesting the storage trailer for a three year period. He noted neither he nor his client have been contacted regarding any complaint or issues regarding the use of the trailer at this location. Due to this fact he stated he believes allowing an extension for a three year period is reasonable.

Mr. Wiseman asked if the business was currently open. Mr. Riddle stated he believes it is open periodically. Mr. Wiseman asked if the tire business is occupied. Mr. Riddle stated they own the entire building. The regulations per Mr. Bromwell are that any tires on the outside of the building would need to be removed every evening and placed inside the building.

Mr. Wiseman entertained questions from the Commission members. Mr. Keane thought we need to be consistent with the amount of time allowed for storage trailers. Mr. Wiseman questioned what was written in the code specific to length of time. Ms. Blackson noted that the minimum is six months but with this particular use they were allowed one year to determine if the business was in compliance during the allowed timeframe. She stated the Commission can allow a timeframe between 6 months and three years if they so choose.

Mr. Keane questioned what would happen with the trailer should they go out of business after a year. Ms. Blackson stated the special exception for the trailer is connected to the business therefore if they go out of business the trailer would have to be removed and the property owner would be responsible to have it removed. This would then become a Town compliance issue and would be handled by the Building Department to address the property owner to have the trailer removed.

There being no further questions from the Commission or the audience Mr. Wiseman called for the motion.

MOTION: Motion was made by Mr. Keane to recommend approval to the Board of Zoning Appeals for placement of a storage trailer for a three year period for Tim's Used Tires. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

OLD BUSINESS: Ms. Minner asked Ms. Blackson to address a question posed by Mr. Ginder with respect to the Commission members attending the M&C meetings and whether that would be considered a quorum. Ms. Blackson advised that as long as the number of members attending does not make a quorum that they would be able to attend and speak during the meeting.

Mr. Keane mentioned he had attended the Southfields presentation by MRA and staff and he felt they did a thorough presentation regarding the stormwater. He noted his concern regarding the traffic impact study and the fact that there will be eight intersections that will have improvements done but little if any information regarding the specifics of the work that would need to be done. He noted they didn't give much information with regard to the intersection at Route 40 and Route 213. He also pointed out that there was no reference made to improvements to Frenchtown Road and Route 213 since this was a main concern for residents in the area at the initial meetings. Ms. Minner said she will ask them to provide a summary of the proposed improvements at the intersections. Her understanding with respect to Frenchtown and 213 was that the numbers did not warrant a light at that intersection. She noted that it might be warranted as they move through the development process. Mr. Thompson noted that the intersection at Landing Land and Route 40 was mentioned for improvements. He stated he didn't see how this intersection would be affected by this development.

Mr. Keane noted that there were very few people from the general public on the Zoom meeting for the presentation and he felt the purpose of getting the information to the public was not accomplished. Ms. Minner pointed out that the M&C meeting videos are put online for the public to view. Ms. Minner stated she believed the M&C agenda informs the public that the meetings are posted on the Town website.

Mr. Ginder mentioned that the developer needs to keep in touch with the County regarding the road conditions addressing whether improvements will be needed along Maloney Road since it is likely people will use these roads to avoid the intersection at Route 213 and Route 40.

Mr. Keane noted that Mr. Jackson had mentioned in the initial concept plan that the number of jobs created for Parcel I would be around 1736 jobs. At the M&C meeting Mr. Jackson stated job creation would be between 300-700 jobs. He questioned the discrepancy. Discussion ensued and it was determined that the 300-700 jobs was only for the current warehouse building being constructed and the 1700 plus jobs would be for the entire PUD. Mr. Keane noted the information contained in the chart regarding Southfields PUD and noted that the only full time jobs are shown in the column for Parcel I (warehouses). Mr. Keane said he felt this needs to be looked into to confirm the number of jobs since economics was the main impetus for this PUD. Ms. Minner pointed out that job creation would be determined by the type of business which would eventually go into the warehouse buildings. She stated one of them may be manufacturing rather than warehousing.

There being no further discussion on this agenda item Mr. Wiseman moved to Old Business.

OLD BUSINESS: Mr. Ginder asked about the landscaping for the Royal Farms and when they might get started, whether in the fall or spring. Ms. Minner stated the Town had given approval for the curbing changes and said she would check on the landscaping.

NEW BUSINESS: Mr. Ginder asked about a possible annexation on the agenda. Ms. Minner stated that the Administrative Office (Michelle Henson) handles confirming the metes and bounds for the parcel/s to confirm that it is contiguous with the Town boundaries and isn't an unincorporated island.

Mr. Wiseman asked, with regards to the old truck stop off Belle Hill Road, if there have been any issues with trucks turning toward Muddy Lane and getting stuck under the railroad bridge. Ms. Minner stated she hasn't heard of any problems since the construction began.

Ms. Minner stated projects which may be before the Commission in December are McConnell Warehouse 2.0; Sheetz (where Lidl was proposed) and a subdivision in the Upper Chesapeake Corporate Center.

Mr. Ginder questioned when the Commission reviews site plans about how signage is addressed. He was specifically asking about the 7-Eleven project. He stated he had spoken with Mr. Bromwell and was told that 7-Eleven would be requesting numerous variances for signage. Ms. Minner stated that the site plan sometimes shows signage but the signage would have to go through the variance process which is handled by the Board of Zoning Appeals. Mr. Ginder stated he would like to see more consistency in the height allowance for signs for commercial properties. Ms. Minner stated they have a right to seek a variance from the height regulations. She noted that 7-Eleven will be submitting requests to the Board of Zoning Appeals for sign variances.

Ms. Blackson stated that historically the Board of Zoning Appeals has been lenient in their decisions to allow variances for commercial signs. A directive from the M&C would need to be made to the Board of Zoning Appeals if they feel it is necessary. Ms. Minner noted that there are already a number of variances

for signage along Pulaski Highway for commercial businesses and if others were denied that same privilege they would feel disadvantaged. Ms. Blackson addressed the legalities of being consistent when allowing variances. She noted that comparison between Town and County properties along Route 40 shouldn't be made since we have no oversight on what is allowed for signage on County properties. She also noted there are variance requests for signage which had become nonconforming due to the length of time they were in place. When they decide to upgrade or replace the signs they may no longer be in compliance with the current sign regulations and have to apply for a variance to keep the size/location of the existing sign.

The next meeting of the Planning Commission will be on Monday, December 6, 2021.

There being no other items for discussion Mr. Wiseman adjourned the meeting at 6:45 p.m.

Respectfully submitted,

Brie Humphreys