

**TOWN OF ELKTON
PLANNING COMMISSION
FEBRUARY 11, 2008**

PRESENT: David Wiseman, Chairman; Donna Short; Patricia Voigt; Charlie McCoy; Jeffrey Reynolds; Clara Campbell, Esquire; Commissioner Mary Jo Jablonski, Ex-Officio; Jeanne D. Minner, Director of Planning, Theresa Thomas, Planner; Brenda Humphreys of the Building & Planning Department

ABSENT: Robert Litzenberg

Mr. Wiseman called the meeting to order at 7:00 P.M.

ACTION: Motion was made by Mr. McCoy to approve the minutes of the January 7, 2008 Planning Commission Meeting. Motion was seconded by Mr. Reynolds and unanimously approved.

CASE # 1337 – REQUEST OF UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC., 106 BOW STREET, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO PERMIT A 41,160 SQUARE FOOT, THREE-STORY MEDICAL OFFICE BUILDING IN THE C-1 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 127, 129, 131, 135, 137 & 141 WEST HIGH STREET, ELKTON, MARYLAND, TAX MAP 310, PARCELS 862, 863, 864, 904, 905 & 1371, ZONED C-1

Mr. David Gipson, Chief Operating Officer at Union Hospital, Mr. David Strouss of McCrone, Inc. and Mr. Bob Reid of Tevebaugh Associates were introduced to the Board. Mr. Gipson stated that this latest proposal is for expansion of medical office space is a cooperative venture between the hospital and medical staff.

He stated that in terms of the special exception they are trying to meet a need that currently exists in the C-1 zone, in particular on the Union campus, for medical office space which would be this buildings primary use. He stated that it is increasingly difficult to provide office space in or near the hospital. Physicians being recruited for the hospital note the need for offices in proximity to the hospital. Specifically, he stated that one of the OB-GYN groups and one of the surgery groups wish to expand their services and neither have room in their current office space.

He stated that he believes this development is justified and the expansion is in keeping with the development of the hospital over the past two years.

Mr. David Strouss addressed the Board and stated that they are proposing a 41,000 square foot three-story medical office building at the corner of High and Singerly. He referred to the displayed site plan and stated that the main drop off area to the building would be from McQuilken Street (where employee parking currently exists). He noted that the second and third floors of the building would overhang this drop off area. The pedestrian front of the building would be at the corner of Singerly and High. The main access for patients will be utilizing Railroad and Singerly Avenues coming in McQuilken Street. He stated that the existing parking lot of approximately 90 spaces will be upgraded to closer meet the current Town standards for landscape islands, parking stall widths and aisle ways and buffering on Singerly Avenue and Bridge Street. He stated that they are planning to place a bridge connection from the proposed

Planning Commission

2.11.08 Minutes

Page 2 of 13

medical office building to the existing medical office building similar to the existing one across High Street.

Mr. Strouss addressed each of the Zoning Ordinance conditions (a – j) and stated that they are requesting variances for three of those items as follows:

Item a) which states “Total area: five (5) acres minimum.” Mr. Strouss stated that they are requesting a variance but feel that these parcels are part of the larger campus which comprises 12 acres.

Item c) which states “All structures shall be located at least two hundred (200) feet from any adjacent residential lot and fifty (50) feet from any other use.” Mr. Strouss stated that there are no residential lots within 200 feet but they are closer than 50 feet to an adjacent doctor’s office on the western side of the property. He stated that they are requesting a variance in order to build the structure within 32 feet of the doctor’s office. He presented a letter from the property owner stating they had no objection with the variance.

Item f) which states “A minimum of forty (40) percent of the gross site area shall be open space. The open space shall be generally continuous, accessible to the patients, and protective of natural features.” Mr. Strouss stated that there are no natural features on the site. Several buildings that were on the property have been demolished and they anticipate removing two additional buildings on the site as part of the proposed development. He stated that they do not meet the criteria of 40% open space but are proposing 34% open space. He noted that this portion of the ordinance is more restrictive for medical office buildings in this zone as compared to typical commercial in the C-1 zone. Typical commercial allows 15% open space and they are proposing more open space than typical but less than what is required in this zone.

Mr. Strouss stated that the remainder of the items b, d, e, g, h, i and j will be met. He added that item h which states “Building height limit: as determined by the Board of Appeals but in no case may be more than 100 feet.” will be heard by the Board of Appeals and the hospital is proposing a building height of 68 feet which would be the highest part of the building.

Mr. Wiseman inquired about the variance for number of parking spaces. Mr. Strouss stated that they are requesting a variance to allow a reduction of 130 parking spaces. Mr. Gipson addressed the Board concerning this issue and stated that they have reversed the situation they were in for some time regarding deficient number of parking spaces. He noted that the hospital now has an excess of parking distributed in certain locations on the campus. Four months ago they began doing a daily audit and found that peak patient times are mid morning and mid afternoon and the results have been submitted. He said that they are averaging approximately 300 empty spaces per day. He noted that when the garage was built they anticipated an excess of parking and that it would support additional development. The lot that they are proposing for dedicated patient use is currently staff parking. They are proposing that the staff at the new building be divided between the garage and other existing staff parking off Railroad Avenue. He stated that they believe 90 spaces will be sufficient for the new building when looking at the number of doctors who will have office space at this location.

Mr. Wiseman asked how they enforce where employees are parking. Mr. Gipson stated that employee vehicles are required to use a hang tag for parking and that the hospital security

Planning Commission

2.11.08 Minutes

Page 3 of 13

department monitors parking. If complaints are received from patients it is investigated and enforcement is handled internally.

Ms. Short inquired whether patients are allowed to park in any of the hospital lots on campus. Mr. Gipson stated that she was correct and he added that he believes the hospital currently meets the requirements for campus development including the properties developed under the pre-1994 ordinance. He feels that when looking at the campus overall and you aggregate the spaces the use is more efficient. He added that the staff is not restricted as to where they can park but the physicians are restricted. He stated that they have made plans for additional parking in the future but do not feel it is warranted at this time.

Mr. Wiseman noted that at a recent Mayor & Commissioner meeting the subject of lack of parking was addressed and local business people were concerned about how few parking spaces are available for their customers. He had addressed Commissioner Storke regarding a possible agreement between the Town and the hospital for excess parking at the garage. Commissioner Storke stated that the request was put on the table at the hospital but no response was received. Mr. Gipson stated that he was not aware of this particular request but that the hospital has granted any requests from the Town for use of the garage, specifically when there is inclement weather. He stated that they don't condone employees parking in municipal lots rather than designated hospital parking but he's not sure how he can legally enforce employees parking only on hospital property when the municipal parking is open to all visitors to the Town.

Commissioner Jablonski stated that this particular item has been discussed by the Board in the past and it will again be on the workshop agenda this week. She noted that a plan was being presented that might help to alleviate the situation to some degree.

Mr. Gipson added that another issue that creates parking misallocation is the way that businesses can develop in some parts of Town by using municipal parking while in other parts of Town they must create their own parking. Ms. Jablonski stated that, according to the 2003 Downtown Master Plan for the Town, a need is shown for downtown parking garages and she stated that she hopes the Board will take that into consideration.

Mr. Wiseman inquired whether Ms. Minner had any additional questions or comments regarding parking issues. Ms. Minner questioned whether the parking rationale completed by the Hospital was determined during maximum shift at peak times. Mr. Gipson responded that at most an additional 40 cars might be added to the parking rationale for those employees who choose not to park in hospital lots.

Mr. Wiseman inquired about the total square footage of the building on this site. Ms. Minner addressed the floor area ratio variance being requested and noted that it is three times the minimum. She noted that the floor area ratio is determined by dividing the square footage of the building by the square footage of the lot. The Ordinance permits a .55 floor area ratio and they are requesting 1.41 floor area ratio. Mr. Strauss noted that something that is unique to this property is that the building and the parking are separated by McQuilken Street. He stated that if you add the 2/3 of an acre for the building and the 1 acre lot for the campus then the floor area ratio falls to 0.57 and would then be .02 over the minimum requirement. He stated that if you look at the project in this way then it wouldn't be too much mass for the site. He noted that the proposed building is two thirds the size of the existing Medical Office Building and is a similar

setup with the proposed green areas. He stated that it would be similar to what the Town has approved in the past.

Ms. Short asked if the 50' separation from other businesses is required for this project. Ms. Minner stated that according to the zoning ordinance a 50' separation is required between any other use and a 200' separation is required between any residential use. The neighboring property is zoned R-O and would therefore require the 200' separation.

Mr. Wiseman wondered if the building could be scaled back so that the requested variances would not be so substantial. Mr. Gipson stated that a number of different building sizes have been reviewed and found this size the most efficient in order to provide the blocks of space and layouts that are preferred and usable for the specific needs of the anticipated physicians.

Ms. Minner voiced some concerns regarding the change in size of the building from 30,000 sf initially to 41,000 sf for this proposal. She also noted the fact that the parking being provided on McQuilken Street has already been included as part of the overall campus parking. Mr. Gipson stated that this lot is currently assigned as staff parking and very few patients park there. It will become dedicated patient parking with this proposed building and feel it will help to spread out campus wide traffic.

Mr. Strauss explained that their research showed a minimum of 333 empty parking spaces during peak hours during the day. If they add 165 new parking space needs it would still leave an excess of 168 parking spaces. Mr. Gipson stated that it is not to their advantage to be deficient in patient parking and do not feel at this time that building another parking garage would be a wise investment for the hospital.

Mr. Wiseman stated that although the hospital gives evidence of sufficient parking through their presentation that does not alleviate the opinions of others in Town who feel there is a significant lack of parking. Mr. Reynolds asked Ms. Minner if her research on the total parking spaces provided in Town is adequate. She stated that her previous understanding, regarding hospital parking during the time the hospital garage was being built, was that there were approximately 20 additional parking spaces available at the campus according to Town parking standards. She noted her concerns that there may be future parking problems if a variance for 130 parking spaces is approved. She cited the concerns of a local business owner at a recent Town meeting asking that meters be placed back on Town streets due to lack of customer parking.

Mr. Gipson added that he felt the ordinance addresses a series of stand alone buildings and if everything on the campus were being built today there would be even more of an excess of parking spaces since some of the buildings were developed prior to the 1994 Zoning Ordinance standards. He stated that they recognize they are part of the downtown community, which was their decision, and they are not intending to cause problems for their patients or the Town but are not in the business of slavishly following a standard if they have evidence that they feel shows the needs can be met in another fashion. He stated that there is nothing wrong with the standard but he felt the 'campus environment' creates a different dynamic.

Mr. Reynolds inquired whether the parking issue is part of the special exception or the concept plan. Ms. Minner stated that parking is part of the concept plan but is mentioned as part of the special exception requirements in the zoning ordinance specifically in relation to off street parking and green areas.

Mr. Wiseman entertained additional questions from the Board or comment from the audience. There were none.

MOTION: Motion was made by Ms. Short to recommend approval of the special exception for Union Hospital to the Board of Zoning Appeals and allowing requested variances from conditions a, c & f as listed in Article XII, Section 27. The motion was seconded by Mr. McCoy with the remainder of the Board members voting as follows:

Mr. Reynolds – Aye

Ms. Voigt – Nay

Mr. Wiseman – Nay

REQUEST OF UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC., 106 BOW STREET, ELKTON, MARYLAND, 127, 129, 131, 135, 137 & 141 WEST HIGH STREET, CONCEPT PLAN, TAX MAP 310, PARCELS 862, 863, 864, 904, 905 & 1371, ZONED C-1

Mr. David Gipson, Chief Operating Officer at Union Hospital, Mr. David Strouss of McCrone, Inc. and Mr. Bob Reid of Tevebaugh Associates were introduced to the Board. Mr. Strouss began by addressing design waivers they feel are needed for the proposed medical office building project. The first waiver, shown as note 26a on the concept plan, is a waiver of Bufferyard B on the north property line along McQuilken Street and on the west property line along the Romilvest property because they are not able to meet the full intent of the required bufferyard. He noted that there is a 'green island' existing along the north property line which they intend to landscape. On the west side of the property line they are proposing a landscape screen. He presented a letter from Romilvest stating that they have no objection to the waiver. He stated that they are providing bufferyard requirements along Singerly Avenue and High Street for the building.

An additional waiver, shown as note 26b on the concept plan, is a waiver on the south side of the parking lot along McQuilken Street which ties into the design waiver for 26c. Item 26c is to allow configuration of 17' wide drive aisles, the same as what was approved for the parking garage. He stated that they are trying to maintain as many parking spaces as possible while providing the required green areas. He noted that if they were to meet the letter of the code, which is 1' additional width in drive aisles and a 60 degree angle, they would lose approximately 1/3 of the parking spaces because they would not be able to place the third parking row.

Mr. Wiseman inquired whether comment letters from the Town and KCI had been received. Mr. Strouss mentioned that one comment was concerning extending the sidewalk along McQuilken Street the entire length of the property. He stated that their concern with doing that is a swale (rip rap channel) along that side and that would require the ditch to be filled it. They are requesting not to be required to provide this sidewalk. There was some discussion regarding placing the storm drainage underground. Mr. Strouss stated that there are storm drains currently on Bridge and High Streets as well as Railroad Avenue and he did not feel they would be able to reach these existing storm drains by going underground.

Mr. Wiseman asked if they intended to redo the parking lot surface. Mr. Strouss stated that they are proposing to cut out the islands and do a full overlay of the parking lot. Mr. Wiseman asked if there are currently any drains in the parking area. Mr. Strouss stated that the water currently sheets off the surface.

Ms. Minner noted that the variance being requested for parking is for 130 spaces and the required number is 165 spaces. She questioned where the additional 35 spaces are being provided. Mr. Strauss noted that his math is included in the application request. He stated that he is taking into account the current surplus and subtracting out of the 165 requirement and adding the five spaces being provided for the new lot. Ms. Minner asked if Mr. Strauss has seen other surface lots being built to garage standards and she noted that she believes those standards are specific to parking garages. He stated that the existing lot is narrower than what they are proposing so they feel they are making an upgrade to what currently exists. Mr. Gipson interjected that garage standards are variable based on the geometry of the garage and are reviewed as a building. He noted that in the current parking garage there is a mix of 65 and 90 degree parking because of the ramp geometry and therefore they are more variable than surface lots if there are no adjoining boundary restraints. Mr. Reid stated that they would not reference it as part of garage standards but in terms of these size aisles and parking dimensions and angles they do have a lot of experience using angled parking sizes like they are proposing. He stated that they have found that smaller aisles are actually safer because it alleviates the possibility for three point turns and other hazardous traffic turns. Ms. Minner noted that her main concern was with vehicles backing out into the narrow aisle this close to the other row of vehicles.

Mr. Wiseman asked if there were any other comments with which they had an issue. Mr. Strauss stated that they were able to address all other comments.

Mr. Wiseman asked if the satellite parking was required to be within 400 feet of the entrance to the principal building. Mr. Strauss stated that he was correct and that the main entrance does not fall within 400 feet of the farthest parking space but does reach over to the garage so people will not have an excessive walk to the garage.

Mr. Wiseman asked about KCI comments and if they have any issues. Mr. Strauss stated that they also had a comment about providing a sidewalk at McQuilken Street. Mr. Wiseman inquired about loading dock and service vehicles turning. Mr. Strauss stated that they need to open that entrance and will show those changes during the Preliminary Plan submission.

Mr. Wiseman asked if the entire length of McQuilken Street is paved. Mr. Strauss stated that it is and they intend to widen it from 15' to 24' in front of the medical office building and then remain at 15' wide one way out to Route 213.

Mr. Wiseman entertained any additional questions from Ms. Minner or the Board. There were none. Mr. Wiseman entertained question or comment from the audience.

Mr. Mark Clark stated that he owns an office building across the street from this proposed medical building and he spoke in favor of the development and felt it was a natural evolution and other than during construction they do not have any issue with parking for his business. He stated that he sees this as a positive step for Elkton.

Mr. Dwight Hair of Elkton Florist stated that he is a member of the Board at Union Hospital and they are excited about this addition. He added that there are usually about 30 parking spaces available at the Howard Street municipal parking behind his business.

MOTION: Motion was made by Ms. Short to approve the Concept Plan for Union Hospital contingent upon addressing all outstanding comments from the Town and KCI and allowing the design waivers as requested with the exception of the waiver requested for the sidewalk. The motion was seconded by Mr. McCoy and the remaining members voted as follows:

Mr. Reynolds – Aye

Ms. Voigt – Nay

Mr. Wiseman – Nay

REQUEST OF AMERICAN ENGINEERING AND SURVEYING REPRESENTING SINGLERLY JOINT VENTURE, LP, ELKTON, MARYLAND, QUAIL RIDGE, SECTION 2, LOTS 7-30 & 51-56, REVISED LOT LINES, TAX MAP 306, PARCELS 2127 & 2159, ZONED R-1 & R-2

Mr. Stanly Granger of American Engineering and Surveying was introduced to the Board. He stated that the metes and bounds for Section 2 of Quail Ridge needed to have some drafting corrections made.

Mr. Wiseman asked if he received comments from the Town and KCI. Mr. Granger stated that he had received both. Mr. Wiseman asked if there were any issues with any of the comments. Mr. Granger stated that he had no issues with the comments and that they have been addressed.

Mr. Wiseman entertained any questions or comments from the Board or the audience. There were none.

Upon subsequent discussion it was determined that the Town has not yet received a plan showing the addressed comments.

MOTION: Motion was made by Mr. Reynolds to approve the Revised Lot Lines for Quail Ridge, Section 2, Lots 7-30 & 51-57 contingent upon compliance with all outstanding comments from the Town and KCI. The motion was seconded by Ms. Voigt and unanimously approved.

REQUEST OF CARPENTER ENGINEERING, LLC REPRESENTING MSM INVESTMENTS, LLC, ELKTON PROFESSIONAL ARTS PAVILION, 144-148 WEST MAIN STREET, ELKTON, MARYLAND, CONCEPT PLAN, TAX MAP 310, PARCEL 1387, ZONED C-1

Ms. Natalie Ricci, Co-Owner/Developer, Mr. Ronnie Carpenter of Carpenter Engineering, LLC and Mr. Mark Clark of Clark Design Group were introduced to the Board.

Mr. Carpenter stated that this project was withdrawn from the prior months' agenda in order to resolve and address comments. He added that they received approval for an add-on subdivision plan combining the parcels for this project.

Mr. Carpenter gave an overview of the project in which he noted that this is a dilapidated site on the west end of Main Street, and had been the site of a 6,000 sf building which had been destroyed due to fire. On the south side of the property toward Water Street there had been a

1,250 square foot business which has been acquired by the new owners. The site is located in the C-1 zone, the Critical Area Overlay District and the Highway Corridor Overlay Zone. The site is vacant and includes an existing parking lot which will be brought up to current standards. The project team proposes a 21,000 square foot office building and will provide some parking underneath the building. He stated that they have worked with the Town on some of the nonconformities with the site plan and were given permission to take credit for the 6,000 sf building that was located adjacent to Main Street to help reduce the parking requirements for this project. Additionally they are going to take credit for the 40% municipal parking spaces which are located south and across Water Street from their site. They have also worked with the Town in order to decrease the number of design waivers needed for the project. They are requesting to transfer four spaces that would normally be required on their lot to the adjacent community lot. They are also requesting to reduce the number of designated loading spaces from two to zero. Lastly they are requesting to reduce the landscape buffer along Water Street from 15' to 5'.

Mr. Carpenter stated that they are proposing an architecturally pleasing building and are trying to propose a plan which is as code compliant as possible. They are making improvements to the flood plain in this area as well as reducing the volume of building occupancy within the flood zone. Most importantly they are redeveloping a site where there is a need for office space rather than going to a Greenfield site down the street.

Mr. Wiseman asked if they had received the comments from the Town and KCI. Mr. Carpenter stated that they had received the comments. Specific discussion followed regarding the parking rationale and gross floor area for the project. Mr. Carpenter stated that after discussions with the Town they will be able to provide all the parking required except for four spaces which they are requesting to be transferred to the municipal lot adjacent to their property.

Mr. Reynolds inquired about the loading docks and why they are requesting a waiver so that none will be required. Mr. Carpenter noted that deliveries for this building will necessitate only hand trucks, small vehicles, and office supply type deliveries. They will request that deliveries be made through the rear of the building. Mr. Clark stated that deliveries will amount to Fed-Ex and UPS type trucks. It was noted that this is a difficult site and they are trying to provide the best redevelopment they are able. He stated that they met with Mr. John Joyce from the State and he seemed to be very pleased with the project redevelopment in the flood plain.

Mr. Clark noted that the developers are incurring great cost when placing a building up on pilings. Ms. Ricci noted that they are finding the costs to be prohibitive at times but have been working in conjunction with the Town from the beginning in order to forestall any problems.

Mr. Wiseman asked if the Critical Area checklist had been started. Mr. Carpenter stated that the application has been started but not submitted as yet.

Mr. Wiseman entertained questions from the Board or the audience.

Mr. Dwight Hair of Elkton Florist stated that he is in support of the building development and feels it is a true revitalization.

MOTION: Motion was made by Ms. Voigt to approve the Concept Plan for the Elkton Professional Arts Pavilion contingent upon addressing all outstanding comments from the Town and KCI and approval of the following waivers: 1) Four parking spaces to be

transferred to adjacent municipal parking; 2) Reduction of the bufferyard on Water (Howard) Street from 15' to 5'; and 3) To decrease loading dock spaces from two to zero. The motion was seconded by Mr. Reynolds and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING CHRIST UNITY CENTER, 1150 SINGERLY ROAD, ELKTON, MARYLAND, PRELIMINARY SITE PLAN, TAX MAP 302, PARCEL 2126, ZONED R-1

Mr. John Gonzalez of McCrone, Inc. was introduced to the Board. Mr. Gonzalez described the site as being located on the east side of Route 213 consisting of 5.09 acres. The current development of the site is a single story church with a parking lot. The topography of the site is such that it slopes from the north to the southeast corner of the lot with a woods line along the east property line and southeast corner. The current zoning is R-1 and a portion of the site lies within the Highway Corridor along Route 213.

The plan being presented is an addition to the fellowship hall to be placed just north of the existing church. The fellowship hall will be connected to the existing church by a corridor. The fellowship hall will be 5,650 sf and consist of a kitchen area, main hall with tables and a platform for functions. There will be a driveway extending around the building in order to provide for drop off at events. The trash enclosure and a small loading space area will be in the back as well. The construction will be wood frame with vinyl siding and brick exterior and will face Route 213. He provided a rendering of the building and noted that it will be served by well and septic but will connect to water and sewer when building is complete. They received a letter from Singerly Fire Company stating that there is a fire hydrant which can service their site and they will provide its location on the site plan at the next submission. He stated that the existing well and septic system will be abandoned. During a meeting with the Town they asked that a grease trap be provided on the sewer behind the kitchen before it discharges into the sewer system.

Mr. Gonzalez stated that according to the Town the parking currently provided is sufficient and no additional parking would be required since the fellowship hall is a use which is incidental to the current use of the property.

Mr. Gonzalez stated that they will be submitting the development plans for technical review which will include grading, storm water management, sediment control, lighting, and landscape. He noted that they have submitted a preliminary forest conservation plan for review and have received two comments which they have addressed.

Mr. Wiseman inquired how this project falls into the water consent allocation. Ms. Minner stated that they must fill out a water and sewer capacity allocation form, which Mr. Gonzalez confirmed had already been submitted, and she noted that the same people who currently go to the church would also be using this new addition and therefore additional parking and other amenities would not be required.

Mr. Wiseman stated that all the additional comments appear to have been addressed. Mr. Reynolds asked if any comments had been received from KCI. Ms. Watson stated that comments had been sent. Ms. Minner noted that the usage for water and sewer is equivalent to one single family dwelling. Mr. Reynolds asked if any variances or waivers would be requested for this project. Mr. Gonzalez stated that they had no need for variances or waivers.

Mr. Wiseman entertained comments from the audience.

Bianca & Buster Bellmyer approached the Board and stated that they lived in the adjoining development on Lot 3 where a 5' easement on their property allows access to the water line. The Bellmyers were interested in how much construction would be done on Lot 3. Mr. Gonzales stated that the impact would be minimal and that the property would be put back to its original condition. He also stated that they would be giving notification prior to any construction being done which affected the easement.

Ms. Bellmyer inquired whether a bufferyard is required between the two properties since the plan shows only ten feet between her property line and the asphalt on the church property. She noted that currently there are 30 cars on the property during church services but that she is concerned about the addition of 6,000 square feet and the increase of people and cars. She stated that her main concern is for the traffic and placement of a buffer to alleviate the noise and lights from vehicles entering the property.

Ms. Minner stated that her understanding was that the developer was supposed to bring the water line to the rear property line but she was not sure if that had been done. Ms. Bellmyer stated that there is a cap at the front property line. Ms. Minner noted that it is a normal practice for the property to be returned to the original condition following work within an easement. She also added that a buffer is not required due to the fact that both properties are zoned the same. She stated that the Town can request a bufferyard but the owner is not obliged to place one.

There was some discussion between Mr. Gonzales and Mr. Bellmyer concerning children playing basketball, etc. outside the building during regular church services as late as 10:00 pm some evenings. Ms. Bellmyer stated that the headlights, noise and effect on property values were additional concerns relating to this addition. Mr. Wiseman stated that their concerns will be noted during this process.

MOTION: Motion was made by Ms. Short to approve the Preliminary Site Plan for Christ Unity Center contingent upon compliance with all comments from the Town and KCI and a request for a bufferyard to be placed between the church and neighboring dwellings. The motion was seconded by Mr. McCoy and unanimously approved.

RJK ENGINEERING & ASSOCIATES REPRESENTING CECIL BANK, 200 NORTH STREET, REVISED FINAL SITE PLAN, TAX MAP 307, PARCELS 1463, 1332, 1264 & 1265, ZONED C-1

Mr. Greg Kaski of RJK Engineering, Mr. Charles Sposato of Cecil Bank and Mr. Erin O'Donnell were introduced to the Board. Mr. Kaski stated that they had recently obtained final approval for the site plan in December of 2007 and they have made a few changes and added some parking. The spaces have been added to the east of the building and one to the north of the building. They have shown the existing landscaping around the building on the submitted site plan. He noted that approximately half of the existing parking spaces are being used with the construction of the additional drive through lane and the remainder of the spaces are currently being used. He stated that they would like

to maintain as many of the parking spaces as possible. He added that they would like to minimize the landscaping areas that are added to the site.

Mr. Wiseman questioned whether the existing landscaping on the property, immediately around the building, is the only landscaping currently. Mr. Sposato stated that he was correct and pointed out what they are proposing to add. He stated that the current parking is being used by employees during the day.

Mr. Wiseman stated that the only changes since the previous submission are parking and landscaping. Mr. Sposato noted that the dumpster was removed due to the fact that most of their 'paper trash' is confidential and is therefore shredded. Mr. Sposato pointed out that they currently have 37-39 parking spaces but that will be reduced to 22 with the proposed landscaping and trying to accommodate some of their neighbors by allowing them to use some of the parking spaces.

Mr. Wiseman asked Ms. Minner if a landscaping plan is required. Ms. Minner stated that a landscaping plan is required and her review comments were for the landscaping along High Street be increased from 4' to 5' and to reduce the number of parking spaces along the building to three spaces, one handicap space with an access aisle and one additional parking space. She stated that one of KCI's comments was for four perpendicular parking spaces along the building which would accommodate the handicapped parking.

There was discussion between Ms. Minner and Mr. Sposato concerning the spaces near the building and the handicapped space requirements.

Ms. Short inquired about the number of employees at this location. Mr. Sposato stated that there are 3-5 employees at any given time and that some of the employees from the main branch use the parking at this location also. It was noted that as this is a drive through bank there will not be any foot traffic to and from the bank except for the employees.

Mr. Wiseman asked whether the handicap location code was fixed or flexible. Ms. Minner stated that the handicapped code for parking is required to be at the closest accessible space to the building because there may be a handicapped employee. There was some discussion regarding whether more than one handicapped space can be provided. Ms. Minner stated that it was fine to provide more than the one that is required, however the handicapped spaces should avoid being placed where it would be dangerous when crossing the parking lot. Mr. Sposato pointed out that this parking has been in place since 1971 when the bank was constructed and has worked well. He stated that he would add the handicapped space if required but felt the Town was being unreasonable when they have received 32 review comments for the addition of one drive through lane. There was discussion regarding the size of the spaces and trying to accommodate larger trucks. Ms. Minner voiced her concern in leaving the spaces near the building the way they currently exist due to the fact that people have to back out toward the drive thru lanes. Mr. Sposato argued that this has always been the configuration on this property. Mr. Wiseman asked if it were feasible to provide five

parking spaces and one handicapped space. Ms. Minner pointed out that they are unable to meet the 24' requirement for two way traffic access aisles. She noted that only one of the spaces currently next to the building meets the 24' two way traffic access aisles. It was noted that the bank will be placing signs in this area stating 'Employee Parking Only'.

There was discussion regarding KCI comments which addressed parking as well. Ms. Minner read the comments that had not been included in the packets. Mr. Kaski stated that he did not see any difficulty addressing the comments from KCI.

Ms. Minner reviewed her outstanding comments regarding stop signs, labeling of aisle widths, note regarding Article and Section for Forest Conservation regulations, provide the permitted FAR (floor area ratio), provide the permitted impervious surface for the zone, provide the required canopy trees, relocate handicap space next to the building, and others.

There was continued discussion regarding the parking spaces and how they could be provided to meet the requirements. Mr. Sposato stated that it would be a hardship to change since it has been there all along but that he would provide it if it is required. Mr. Wiseman stated that this situation would be reviewed during the deliberation process.

Mr. Wiseman entertained any additional comments from the Board or the audience. There were none.

MOTION: Motion was made by Mr. McCoy to approve the Revised Final Site Plan for Cecil Federal Bank contingent upon compliance with all outstanding comments from the Town and KCI, providing four (4) perpendicular parking spaces and one (1) handicapped space next to the building with one access aisle and allowing for a reduction from 5' to 4' for the bufferyard on High Street. The motion was seconded by Ms. Short and unanimously approved.

**AMENDMENT TO THE ELKTON ZONING ORDINANCE, ARTICLE X,
SECTION 8.2, PERMISSIBLE USE TABLE, DESCRIPTION 6.110, INDOOR
RECREATION, PERMITTED BY RIGHT IN THE B-1 ZONE**

Ms. Minner presented the proposed amendment to the Zoning Ordinance to allow recreational uses by right in a business industrial zone. She noted the previous discussion by the Board and stated that she was unaware of their feelings concerning this issue. As a point of interest she mentioned that the applicant who initially proposed this amendment would not be following through with this particular use.

Ms. Minner noted that the County has two zones which are similar to the Town's business industrial zone. The County's business district allows recreational use by right and the County's industrial district allows recreational use only as part of an industrial

use, for example, providing recreational area within the building to meet employee needs. She mentioned that her main concerns were children being in close proximity to trucks in business industrial zones.

Ms. Jablonski inquired about the walking trail at Upper Chesapeake Corporate Center. Ms. Minner stated that the trail was provided for the employees.

It was noted that there are currently only two areas within Town limits that are zoned business industrial.

Mr. Wiseman entertained any additional comment. There was none.

MOTION: Motion was made by Ms. Voigt not to recommend this version of the zoning amendment to the Mayor & Commissioners and suggested that the amendment be rewritten to require a special exception. The motion was seconded by Mr. Reynolds and unanimously approved.

OLD BUSINESS – None

NEW BUSINESS – Pet Wash

Ms. Minner presented a letter from a resident who wishes to open a pet wash at 249 S. Bridge Street for full and self serve pet washing. The letter requested that the Board consider a possible amendment to the ordinance to include this type of business.

Discussion ensued regarding the procedures for appointing new members to the Planning Commission.

There being no further items for discussion Mr. Wiseman adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Brenda Humphreys