

**TOWN OF ELKTON
PLANNING COMMISSION
MARCH 8, 2010**

PRESENT: David Wiseman, Chairman; H. Fred Thomas, II, Vice Chair; Asma Manejwala; Sue Whitaker; Brad Carrillo; Clara Campbell, Esquire; Jeanne D. Minner, Director of Planning; Theresa Thomas, Planner; Brenda Humphreys, Building & Planning Department

ABSENT: Commissioner Mary Jo Jablonski, Ex-Officio

Mr. Wiseman called the meeting to order at 7:00 p.m.

ACTION: Motion was made by Mr. Thomas to approve the minutes of the January 11, 2010 Planning Commission Meeting. Motion was seconded by Ms. Whitaker and unanimously approved.

ACTION: Motion was made by Mr. Thomas to approve the minutes of the February 8, 2010 Planning Commission Meeting. Motion was seconded by Ms. Whitaker and unanimously approved.

MCBRIDE & ZIEGLER, INC. REPRESENTING UPPER CHESAPEAKE HOLDINGS, LLC, PTFE, 220 CHESAPEAKE BOULEVARD, PRELIMINARY MINOR SITE PLAN, PHASES 1 & 2, TAX MAP 316, PARCEL 2443, ZONED BI

Mr. Mark Ziegler of McBride & Ziegler, Inc. was in attendance to present this project. He gave an overview of the project and acknowledged that he had received comments from the Town and KCI and had no issues with addressing any of the comments. He noted that at the last meeting they requested not to be required to place sidewalks along Chesapeake Boulevard in order to be consistent with the existing development in the Corporate Center. He asked that the Board consider granting this waiver during their decision process. It was noted that the Corporate Center has their own Architectural Review Board and that this project had been presented to that Board and approved.

Ms. Manejwala inquired as to whether this plan needed to be reviewed by Cecil Soil. Ms. Minner stated that all projects must be reviewed by Cecil Soil. Mr. Ziegler stated that the project has been submitted and they should receive a response within the month.

Ms. Minner questioned whether the warehouse would generate additional traffic. Mr. Ziegler stated that it will generate a few additional trips but that the warehouse is basically for storage.

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

MOTION: Motion was made by Ms. Manejwala to approve the Final Minor Site Plan for Phases 1 & 2 for PTFE contingent upon addressing all outstanding comments from the Town and KCI and allowing for the following design waivers: 1) Relaxation of curb, gutter and sidewalk consistent with what currently exists at the Corporate Center; 2) number of parking spaces per each landscape island. The motion was seconded by Mr. Carrillo and unanimously approved.

MCCRONE, INC. REPRESENTING REPLENISH COSMETIC, 330 EAST PULASKI HIGHWAY, PRELIMINARY SITE PLAN, TAX MAP 315, PARCEL 2378, ZONED C-2

Mr. Brad Fox of McCrone, Inc. and Dr. David Martini of Replenish Cosmetic were in attendance to present this project.

Mr. Fox stated that they were at the previous meeting for Concept Plan approval and since that time Dr. Martini has decided to increase the size of the proposed expansion area from 1,000 to 2,365 square feet. Due to this increase the number of parking spaces that will fit on the site has been decreased and the proposed retail building has been reduced in size. The building will be decreased from 6,605 square feet to 4,665 square feet with the addition of a landscape island and access for drop off and turn around area.

Mr. Fox noted that the existing drainage patterns will be maintained with the addition of the storm drainage. He stated that the preliminary underground stormwater management facility design was included with the Preliminary Plan submittal. He stated that they can comply with the current redevelopment stormwater management code.

Mr. Fox added that they will try to maintain the existing facilities and provide new facilities for the proposed new building. They will also maintain the paving, grading and curb lines wherever possible. They will comply with the Highway Corridor Overlay District requirements.

Mr. Fox continued that the owner wished to prepare a Subdivision for the property should he decide to sell off part of the property. Ms. Minner stated that once a subdivision is brought before the Board it must be recorded within nine months. Mr. Fox inquired whether the subdivision submittal would have any tie into the stormwater management code. Ms. Minner noted that anything that would cross property lines, such as parking, stormwater management, etc. would require cross access easements. Ms. Minner stated that she is unsure of how the revised stormwater management would be written and therefore how it might affect this project. Mr. Fox stated that they would take that into consideration.

Ms. Minner inquired whether they had received correspondence from State Highway Administration regarding any improvements to the entrance. Mr. Fox provided a copy of the letter from State Highway to Ms. Minner.

Ms. Minner inquired whether a traffic impact study was required by State Highway. Mr. Fox stated that he had provided them with trip generation information in early February for the proposed uses and they have not received a response at this time. Ms. Minner stated that the Town should be copied on that information. Mr. Fox stated that he would provide that information to the Town.

Ms. Minner noted that one of her comments regarding the sidewalks had not been addressed. Mr. Fox pointed out what their intention was regarding the interior sidewalks. Ms. Minner noted that it should be addressed in the Final Site Plan when submitted.

Mr. Fox stated that they would be reconfiguring the landscaping in order to move the handicapped accessible parking to provide a crosswalk across the drive aisle at the straightest possible point. Ms. Manejwala asked about the other side of the property and how sidewalk

access would be provided. Mr. Fox stated that they would want to keep the crosswalk as far back from the entrance as possible. He noted that there would still be ADA accessible parking on the side but it would be placed at a different location.

Ms. Manejwala inquired about the fulfillment of parking requirements should the medical office building alternative not come to fruition. Mr. Fox stated that using the alternative plan would make them five parking spaces short and they would be presenting a design waiver to address that issue.

Discussion followed with reference to a change in State Highway requirements with regard to crosswalks.

Four design waivers were presented: 1) To allow for irregularly shaped landscape islands; 2) To allow for greater than 10 parking spaces between landscape islands; 3) To reduce 25' wide Bufferyard 'C' on western side of entrance to 10' wide in order to utilize the existing curb and to include the reduction of the amount of landscaping required; 4) To allow 5 less parking spaces than required in order to allow for patient drop-off area and large landscape island as presented in the alternative plan.

Mr. Fox explained the reasoning behind the third design waiver due to trying to maintain the existing curb at that location. Mr. Carrillo asked if the remaining existing pavement would be upgraded. Mr. Fox stated that there would be a full mill and overlay in the parking lot.

Final forest conservation plan is under development. The Geotechnical investigation has taken place and they are awaiting the report but believe it will be sufficient for the stormwater management facility they are proposing.

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

MOTION: Motion was made by Mr. Carrillo to approve the Preliminary Site Plan for Replenish Cosmetic contingent upon addressing all outstanding comments from the Town and KCI and allowing for the following design waivers as presented: 1) Irregularly shaped landscape islands; 2) Greater than ten (10) parking spaces between landscape islands; 3) Reduction of 25' wide Bufferyard 'C' on western side of entrance to 10' wide in order to utilize existing curb; 4) To allow five (5) less parking spaces for Medical Office Building Alternative than required to allow for patient drop off area and large landscaping island. The motion was seconded by Mr. Thomas and unanimously approved.

DISCUSSION ITEM – REQUEST FOR A TEXT CHANGE TO THE ZONING ORDINANCE REGARDING ELECTRIC FENCES BY SENTRY SECURITY SYSTEMS, LLC

Ms. Minner and the Board discussed the proposed text changes to the Zoning Ordinance regarding electric fences. She discussed possible language which she felt should be incorporated as conditions should they consider the addition of electric fences in the Ordinance. Four specific criteria which she felt were necessary included 1) demonstrating the necessity for the fencing;

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2) If fencing is placed on shared property line all owners would need to approve its placement; 3) Applicant must demonstrate that other alternatives are not available; 4) Proposed security measures must be supported by approved crime prevention through environmental design analysis. Additional conditions she mentioned was specific language regarding non-lethal fencing, interference or degradation of TV's or radios, etc. in close proximity and the possibility of brush fires during dry weather should grass or weeds contact the fencing.

They discussed the distance requirement between the interior electric fence and exterior non-electric fence and the rationale behind the need for two fences was also discussed. There was discussion regarding setback requirements for properties utilizing electric fence and height restrictions for the fencing. There was consensus from the Board regarding the need for a special exception for placement of electric fence.

OLD BUSINESS: Ms. Minner inquired whether anyone on the Board had taken the online State training required for members of the Planning Commission and Board of Appeals. It was noted that the training needed to be completed by July 1, 2010. Ms. Minner was asked to e-mail the information to the Board members again.

NEW BUSINESS: Mr. Wiseman inquired about whether there had been any decisions regarding a new Board Member. Ms. Minner stated that there is someone being considered and confirmation should be forthcoming.

Mr. Thomas inquired about the status of the Elkton Senior Housing project. Ms. Minner stated that no building plans have been received as of this date. There was discussion regarding the issue of additional parking for the project. It was noted that the lawsuit brought against the Town has not been resolved as yet.

There being no further items for discussion the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Brenda Humphreys