

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

PRESENT: H. Fred Thomas, II, Vice Chair; Donna Short; Asma Manejwala; Sue Whitaker; Clara Campbell, Esquire; Commissioner Mary Jo Jablonski, Ex-Officio; Jeanne D. Minner, Director of Planning, Brenda Humphreys, Building & Planning Department

ABSENT: David Wiseman, Chairman; Robert Litzenberg, Theresa Thomas, Planner

Mr. Thomas called the meeting to order at 7:08 P.M.

ACTION: Motion was made by Ms. Short to approve the minutes of the July 14, 2008 Planning Commission Meeting with corrections. Motion was seconded by Ms. Whitaker and unanimously approved.

JOHN MASCARI OF FAIR HILL ENGINEERING, LLC REPRESENTING SUMMIT AT WALNUT HILL, FIFTY ONE (51) TOWNHOUSE LOTS & TWO (2) OFFICE BUILDINGS, 942-1032 SINGERLY ROAD, REVISED PRELIMINARY MAJOR SUBDIVISION PLAT & REVISED PRELIMINARY MAJOR SITE PLAN, TAX MAP 306, PARCELS 2125, 2162, P/O 2435 & P/O 2447, ZONED R-O

Mr. Mascari requested that this project be withdrawn from the agenda until the comments received can be addressed.

JOHN MASCARI OF FAIR HILL ENGINEERING, LLC REPRESENTING OVERLOOK AT WALNUT HILL, LOTS 1-10, REVISED PRELIMINARY MAJOR SUBDIVISION PLAT, TAX MAP 306, PARCEL 2143 & PARCEL 2429, LOT F, ZONED R-2 & R-O

Mr. John Mascari of Fair Hill Engineer, LLC and Mr. Michael Davitt, Owner & Developer of the project were introduced to the Board. Mr. Mascari noted that this project initially received Revised Preliminary in March of 2008 and they are again requesting Revised Preliminary due to the addition of two lots on the one (1) acre parcel on the north side of the road. Initially this acre was planned as a stormwater management area which has since moved to another area. He mentioned that the zoning in this area is R-O which allows smaller lots but that they plan to place the same size houses as the remainder of the lots within this project.

Mr. Mascari reviewed the design waivers previously approved. They read as follows:

- a) Elimination of a five (5) foot high earth berm at the 15' bufferyard 'D' along MD Route 213 to permit allowable 3:1 slopes (Approved at 3/10/08 PC Meeting);
- b) Five (5) foot wide sidewalks along one side of Bella Madison Drive;
- c) Elimination of a bufferyard 'B' along Bella Madison Drive along the front yards of Lots 9-11.

Ms. Manejwala inquired about a 10' buffer/easement in that location. Mr. Mascari stated that the easement provides access to the stormwater pond on all sides. He stated that the remainder of the comments are either addressed or will be addressed at the final submittal.

Ms. Manejwala asked if signage would be placed at the sidewalks to identify access to the open space. Mr. Mascari stated that signs would be placed.

Ms. Minner read a letter from Mr. Donald Hicks regarding this project and his concern about runoff to the Singerly Fire Company property and his desire for a distinct bufferyard between the two properties. His request is due to existing problems with ATV's. He asked that the Board consider his comments when making their recommendation. (Copy of letter attached to minutes.)

Ms. Short asked if Ms. Minner was satisfied that all the comments have been addressed to the Town standards. Ms. Minner stated that she met with the project representatives and she has some comments regarding the layout of the playground and their calculation of park space. Mr. Mascari stated that the neighborhood park calculations, as stated in the Ordinance it states "In the case of large proposed developments, which are hereafter defined as any developments over 100 dwelling units, the Planning Commission may require a combination of improved park and recreational property and playgrounds, at the minimum rate of 0.015 acre per dwelling unit..." He asked that the Board look at this subject to see if they really feel it is necessary to provide 'three times' the required amount. He noted that currently they are providing 2.1 acres of park and felt that they have already provided more than what is required. He stated that they could find the additional park land if the Board deems it necessary.

Mr. Thomas asked the total number of units in this subdivision. Ms. Minner stated that there are close to 400 units. Mr. Mascari added that the Board should be informed that the existing townhouses were granted prior to the 1994 Ordinance and the amount of open space required at that time was less than what is required currently.

Mr. Thomas entertained questions from the Board or the audience. Ms. Short asked what their options were in complying with the requests from Mr. Hicks. Ms. Minner stated that when the stormwater management plan is submitted it needs to demonstrate that the amount of water naturally occurring is the same or less than the amount created post development. She stated that the fencing was the Board's decision as the Zoning Ordinance regulations only require bufferyards between properties with different zoning.

Mr. Mascari asked the Board to consider the fact that, although ATV's may be an issue at this time because the property has been vacant, once the townhouses are occupied the homeowners will be sensitive to trespassing across their properties and he does not feel this will continue to be an issue. He noted that the 'forest' is very dense through this area also which he believes would tend to discourage use of ATV's.

There were no other questions proposed from either the Board or the audience.

MOTION: Motion was made by Ms. Short to approve the Revised Preliminary Plan contingent upon addressing all outstanding comments from the Town and KCI with the exception of the comment regarding the increase in the requirements for neighborhood parks. The motion was seconded by Ms. Manejwala and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING 300 EAST PULASKI, LLC, PRELIMINARY PLAN, TAX MAP 315, PARCEL 2377, ZONED C-2

Mr. Brad Fox & Mr. David Strouss of McCrone, Inc. along with Mr. Mark Saunders representing 300 East Pulaski, LLC were introduced to the Board. Mr. Fox stated that they are presenting a Preliminary Plan for this project on behalf of the developer, Emperor, LLC and the owner, 300 East Pulaski, LLC. He said that revisions made to the concept plan were the addition of two (2) drive-thru facilities for the smaller restaurant and bank as well as loading zones for the restaurant and for the large building. He noted that the intermittent stream buffer was delineated in the field and added the required fifty (50) foot stream buffer. They have provided modifications to the storm drain and utilities and the landscape has been provided with this submittal.

Mr. Fox stated that this proposal will provide a redevelopment of the building with 60,000 sf of retail space and 28,650 sf of office space. There are also four (4) pad sites on the property. He noted that there are two large restaurants proposed and one small restaurant with a drive thru as well as a bank. There will be a ten (10) foot corridor separating the two uses. He noted that they will be using the existing storm water pond which will be updated according to the current Elkton storm water management code. He stated that the existing site and utilities, paving, grading and existing landscaping will be maintained and retained as much as possible while retaining the large trees. The landscaping along Route 40 and Whitehall Road will remain as long as possible. Interior landscaping will be provided to separate the uses on site and existing island will remain wherever possible.

Mr. Fox stated that within the wetlands buffer there is 3,277 sf of existing impervious area. They are proposing 6.7 sf of proposed impervious surface area to provide a curb with a 30' offset from the building to provide for trucks. This will have temporary grading around it and the buffer will be protected by super silt fence during construction.

Mr. Fox stated that they are requesting an additional design waiver as follows: 'To allow for existing paved area and incidental grading to provide the proposed drive aisle within the 50' intermittent stream buffer as required by Article XVIII, Part IV, Section 1,2.'

To summarize, this project is submitted to utilize a currently vacant property which is surrounded by similar uses and to restore the property to a state of code compliance.

Mr. Thomas entertained questions from the Board. Ms. Minner inquired about the 50' intermittent stream buffer and how much of the buffer would be impacted. Mr. Fox stated that only one foot of the buffer would be permanently impacted. Approximately 10' of the buffer would be temporarily impacted during construction.

Ms. Minner asked about the wetlands delineation. Mr. Strauss stated that the delineation was done by Vortex Environmental and no wetlands were found.

Questions or comment were permitted at this time by the audience.

Ms. Alicia Downs of 210 Whitehall Road was introduced to the Board. She asked if the daycare was still planned for the site. Mr. Fox stated that the daycare has been abandoned. She asked if they had any plans for placing additional landscaping rather than fencing adjacent to the residential area. Mr. Saunders confirmed that a vinyl fence was planned adjacent to the residential area. She also asked about issues regarding lighting or noise issues during construction. Ms. Minner stated that there are regulations regarding lighting spilling onto adjacent properties so that will be addressed. There is also a section in the code which addresses noise and the hours that restrict that particular type of noise.

Ms. Manejwala inquired about the direction of traffic flow at one of the entrances. Mr. Fox stated that the entrance is two way.

Mr. Marshal Chastain voiced his concern over the storm water pond and the mosquitoes, frogs and snakes at the site. He mentioned that the pine trees which were placed there originally are mostly dead. He also asked if anything could be done about widening the entrance on Whitehall Road to include Walter Boulden Street and placement of a four way stop in order to avoid speeding and accidents at that location.

Ms. Short asked if a traffic study was required for this project. Ms. Minner stated that she had made that comment and that a traffic study would be required. Mr. Fox stated that the property would be maintained back to the original requirement.

MOTION: Motion was made by Ms. Manejwala to approve the Preliminary Plan for 300 East Pulaski, LLC contingent upon addressing all outstanding comments from the Town and KCI and allowing for design waiver 'F' as presented. The motion was seconded by Ms. Short and unanimously approved.

REQUEST BY JEFF SELLERS REPRESENTING MONTGOMERY STATION 801, LC, TO SEEK REZONING FROM B-I (BUSINESS-INDUSTRIAL) TO THE BP (BUSINESS PARK) OVERLAY ZONE, FOR PROPERTY CONSISTING OF 19.2285 ACRES, LOCATED AT 801 ELKTON BOULEVARD, ELKTON, MARYLAND, TAX MAP 310, PARCEL 736

Mr. Jeff Sellers representing Montgomery Station 801, LC was introduced to the Board. He stated that this request was presented at the last meeting under 'New Business'. He stated that this site is currently zoned B-I (Business Industrial) and they are seeking to use the facility for more major community events such as Festival of Trees, Business Expo, Citizen of the Year and Chamber of Commerce as well as the current recreational use. He stated that they are currently looking to rezone the property BP (Business Park). He said that they are not looking for industrial uses for this building.

Ms. Short asked how much of the building is currently in use. Mr. Seller stated that approximately 40% of the building is currently being used. Ms. Short asked if they are continually working on renovations to the building. He stated that they would be doing renovations per tenant as needed. He noted that one of the tenants may be a music studio that provides lessons.

Mr. Thomas asked if the tenants are responsible for the interior care (such as pest control, etc.) of the building. Mr. Sellers stated that they are but that the owner provides the exterior care of the property.

Ms. Manejwala asked if they are able to meet the additional requirements under the Business Park zoning. Mr. Sellers stated that they are able to meet those requirements.

Ms. Minner read part the section of the Ordinance regarding Business Park which addressed the purpose of this district. "The BP Planned Business Park District is intended to encourage innovative and creative design of commercial, business and industrial development; facilitate use of the most advantageous construction techniques; and maximize the conservation and efficient use of open space and natural features. The districts are designed to further the purposes and provisions of the Comprehensive Plan and to conserve public fiscal resources; efficiently utilize public facilities; and provide a broad range of economic opportunities to present and future residents of the Town." She stated that the burden of proof of change or mistake is not required in this floating zone. Compatibility is the main criteria that should be addressed and conformance to the Ordinance standards. Mr. Sellers has stated that he would be consistent with the Zoning Ordinance within this BP zone.

Ms. Minner pointed out that this property is surrounded by B-I zoning. Other uses in the area are trucking offices, Terumo Medical Corporation, etc. and she believes it is compatible with other businesses in the area.

Ms. Manejwala asked if a change in ownership or use would void this BP zoning. Ms. Minner stated that it would not change once the decision was made for either of those reasons.

MOTION: Motion was made by Ms. Short to recommend approval to the Mayor & Commissioners regarding the zoning change from B-I (Business Industrial) to BP (Business Park Overlay Zone) for 801 Elkton Boulevard. The motion was seconded by Ms. Manejwala and unanimously approved.

Old Business: Ms. Minner stated that the summary from the Comprehensive Plan issues as presented by some of the Town's department heads was included in the Board's packets. Discussion ensued regarding the scheduling of future Comprehensive Plan review meetings. The consensus was that the Board would prefer to have the meetings during the day and on a different day than the regular Planning Commission meetings.

Ms. Short suggested that the HARC members, BZA members and community leaders be invited to attend these meetings.

Mr. Thomas mentioned information he had received written by one of the County librarians which he felt was beneficial to the Comprehensive Plan review.

Discussion ensued regarding previous experiences with projects of this magnitude and many suggestions were made as to who should be involved in the process.

Ms. Minner mentioned that 'downtown design standards' will be done along with the Comprehensive Plan.

New Business – None

There being no further items to discuss, the meeting was adjourned by Mr. Thomas at 8:40 p.m.

Respectfully submitted,

Brenda Humphreys