

**TOWN OF ELKTON
PLANNING COMMISSION
OCTOBER 12, 2009**

PRESENT: David Wiseman, Chairman; Donna Short; H. Fred Thomas, II; Brad Carrillo; Asma Manejwala; Sue Whitaker; Commissioner Mary Jo Jablonski, Ex-Officio; Clara Campbell, Esquire; Jeanne D. Minner, Director of Planning; Theresa Thomas, Planner; Brenda Humphreys, Administrative Assistant

ABSENT: None

Mr. Wiseman called the meeting to order at 6:00 p.m.

COMPREHENSIVE PLAN MEETING

Mr. Michael Bayer of Environmental Resources Management presented the Draft Comprehensive Plan for discussion with the Board. It was determined that the deadline for comments from the Board regarding the plan will be Friday, October 16th. At that point the plan will be forwarded to the State for 60 days of review and comment. After it is returned to the Town public hearings are scheduled for January and then the final revisions will be incorporated. The grant expires at the end of January.

DRAFT COMPREHENSIVE PLAN

Mr. Bayer gave an overview of the final chapter which focuses on implementation of the plan. The final chapter overviews the key implementation tools as well as the key policies and action items from the other chapters.

Ms. Manejwala questioned whether the layout of the table might be changed so that it can be viewed according to time frame. Mr. Bayer stated that he could add tables that would organize the information by time frame.

Mr. Bayer discussed how the chapters are organized with respect to implementation items. He stated that a Capital Improvement Program is a key aspect of implementing plans especially as it relates to infrastructure and Town goals.

Mr. Bayer pointed out that a lot of the issues needing to be addressed are those that deal with the capacity of the Town to actually implement its goals.

There was discussion regarding addressing amendments within the six years between Comprehensive Plan reviews. Mr. Bayer stated that something could be added to address the procedures for amending the Comprehensive Plan. Mr. Bayer pointed out areas where language may need to be revised such as adjacent uses, buffering, clarifying lines between mixed use, etc. Ms. Minner stated that with reference to mixed use there needs to be clear guidance for the Planning Commission.

Ms. Short asked if the zoning maps would be reviewed and if the mixed use would be added during that review. Mr. Bayer gave some suggestions regarding the areas which would lend themselves to the mixed use zoning. It was pointed out that the trigger for determining a mixed use zone is transportation.

Some of the water and sewer resource tables were discussed with regard to projections to 2030. Discussion ensued regarding projection and availability of water/sewer with reference to two of the tables. Mr. Bayer stated that text would be revised for clarification.

Mr. Thomas inquired whether a goal could be added on Page 5-1 that would show the relationship to other stormwater management considerations on Page 5-9.

The Board made some suggestions about improvements to the plan such as comments from the Library, calculations being confirmed, not marking wells or reservoirs on the maps, etc. Mr. Bayer stated that the Board should feel free to e-mail him with any additional suggestions.

Mr. Jeff Nowland, Mr. Giff Nowland and Mr. Mark Zeigler appeared to speak with the Board regarding a possible change in the language of the Transportation Element. Mr. Jeff Nowland proposed an alternative for egress from the Upper Chesapeake Corporate Center onto Maloney Road rather than Frenchtown Road as talked about at the previous Planning Commission meeting regarding their project. Ms. Minner pointed out that the current Comprehensive Plan suggested egress onto Maloney Road. Mr. Nowland provided an exhibit which makes that proposal through other property that they control. He also pointed out that the distance from the corporate center to Maloney Road is shorter.

PLANNING COMMISSION MEETING

Mr. Wiseman opened the Planning Commission meeting at 7:00 p.m. and called for a motion regarding the minutes of the September 14, 2009 meeting.

ACTION: Motion was made by Ms. Manejwala to approve the minutes of the September 14, 2009 Planning Commission Meeting as written. Motion was seconded by Ms. Whitaker and unanimously approved.

MCCRONE, INC. REPRESENTING ELKTON UNITED METHODIST CHURCH, 219 EAST MAIN STREET, ELKTON, MARYLAND, PRELIMINARY SITE PLAN, TAX MAP 311, PARCELS 1003, 1004, 1005 & 1006, ZONED R-2; TAX MAP 311, PARCELS 1007, 1050, 1051, 1052, 1085, 1183, 1645 & 1060, ZONED R-3; TAX MAP 311, PARCEL 1058, ZONED RO; (OWNED BY ELKTON UNITED METHODIST CHURCH) AND TAX MAP 311, PARCELS 1064 & 1065, ZONED R-3 (OWNED BY ELKTON PRESBYTERIAN CHURCH)

Mr. David Strouss of McCrone, Inc., Mr. Mark Clark of Clark Design Group and Mr. Joe Tanner of Elkton United Methodist Church were introduced to the Board. Mr. Strouss stated that they are proposing an 8,000 square foot addition for a meeting room, kitchen and fellowship area. There will be a new entry/drop off area with a parking lot upgrade of which a part will be shared by the Presbyterian Church. He pointed out that there will be two areas off of High Street, one for ingress and one for egress, in order to improve flow in the parking area and provide easy access. Mr. Strouss stated that there are currently 93 parking spaces and the improvements will provide 148 spaces.

The following design waivers were presented for the Board's consideration:

Parking lot waiver to allow more parking spaces per island; one by the church and the other along Locust Lane;

Landscape buffer yard waiver along High Street to accommodate aisle widths and parking lot dimensions;

Landscape buffer yard waiver along Locust Lane to accommodate aisle widths and parking lot dimensions;

Landscape buffer yard waiver at the south side of the building addition to accommodate the 11' wide access easement (they will work with the property owners, Pavlik & Commonwealth Realty, regarding access to this area in a satisfactory manner). Mr. Wiseman inquired about access to the Willis property. Mr. Strouss stated that they have their own easement onto Locust Lane. He stated that they will work with Mr. Willis as well.

Mr. Strouss stated that they are proposing to use some of the buffer yard areas for water retention to comply with the storm water management requirements. He explained how this would be accomplished. He stated that they intend to use this function wherever possible on the site.

They will continue to work on modification of interior landscaping and it will be presented during the Final Plan submission.

Mr. Wiseman asked if they received comments from the Town, KCI and the fire company. Mr. Strouss stated that they had and mentioned KCI's comment regarding granting additional right of way to the Town along High Street. He noted that if High Street were built today they would require a 70' right of way. He pointed out that there is a 50' right of way throughout Town on High Street and they do not feel it is necessary to require the additional right of way. Ms. Minner stated that she would talk with the Director of Public Works regarding the right of way.

Mr. Clark addressed concerns regarding the addition and how it will affect the existing historical architecture. He stated that they are trying to provide a positive entrance to the church. The proposal will present as a front rather than the typical back of a building.

Ms. Minner read a letter received from Ms. Kristine Hurschman who was concerned about the design of the building and maintaining the 'character' of the area. She voiced concerns about the size of the parking lot.

Ms. Minner read a letter from the Elkton Presbyterian Church in support of the shared parking as it was proposed. Mr. Clark pointed out that McCrone, Inc. is designing the water runoff to drain into the other parking lot in order to be managed properly. He stated that if the churches in the downtown are unable to expand they may begin moving into the suburbs and would be a detriment to the charm of the Town.

Ms. Manejwala inquired about the dwelling at the north east corner of the property. Mr. Tanner stated that currently the structure will remain for a possible future residence for an Associate Pastor. Ms. Whitaker asked which way the addition would face. Mr. Clark stated that it will face High Street.

Mr. Carrillo asked what the average attendance is for the church. Mr. Tanner stated that there are two services and with 200-250 attendees at each service. Mr. Wiseman asked what the capacity

of the addition would be by fire code. Mr. Clark stated that 250 people would be the maximum that the rooms will hold. He added that the building will have a sprinkler system.

Mr. Arnie Pavlik, owner of 223 East Main Street which is located next to the church, stated that he is glad that the church is growing and has no issue with the design of the building. He did however state that he has some concerns regarding the 1859 easement of 11' to access his building. He noted that it may have been sufficient in 1859 but currently it would be difficult for a car or van to access the area with the location of the proposed addition. He said that they are considering renovating the upper floors of their building and had placed a dumpster at the rear of their property due to the utility lines restricting access from the front to the rear of their building. He mentioned other concerns which included stormwater, snow plowing and boxing in the rear of their building with the wall of the proposed building which may cause security issues. Mr. Carrillo asked if he has had any conversations with the church. Mr. Tanner stated that he has spoken with the homeowners regarding the addition. Mr. Pavlik stated that he received drawings from the Planning Department a few days ago and that was the first time he had seen the location of the proposed construction.

Mr. Clark stated their intention is to have a casual relationship between new development and the easement with water runoff taken into consideration. Mr. Wiseman stated that this situation can be reviewed further at Final Plan submission.

Mr. Frank Perrin, owner of 221 East Main Street, wished to amplify the concerns of his neighbor Mr. Pavlik. He said that the 'Torbert House' is a duplex and his side of the property does not have a driveway. His clients for tax assistance will need to be at his location more than one hour and the rear of the property would be a better parking place. He believes the construction may cause issues for his clients. He asked that the Board allow some type of buffer between the new building and his building. He also expressed concern about security issues with the new construction because you can look into his building at the rear. He wondered if security cameras or lighting would be provided in the easement area for safety for himself, his employees and clients.

Mr. Wiseman asked if there was a lighting plan submitted as yet. Mr. Clark stated that the lighting plan has not been submitted as yet and if the neighbors want lighting in that area he did not believe the church would have any problem providing it. Mr. Carrillo asked if the church had considered security while designing the addition. Mr. Clark stated that it is hard to determine if the area will be more or less secure and that he believes an alarm system is the best security system. He is optimistic that the issues can be worked out between the church and the other property owners.

Ms. Manejwala asked if the existing and required parking could be listed on the plans. She inquired whether there will be problems when both churches are using their buildings. Mr. Clark stated that the only problems might occur on Sunday and holidays. Mr. Tanner stated that he believes with the three different services that there will be sufficient parking. Ms. Manejwala asked if both churches should list their required and existing parking. Ms. Minner stated that the church is required to provide 1 parking space per every 3 seats. This information is not shown on the plan. Mr. Strouss stated that the church has about 340 seats which would require 113 parking spaces. Ms. Minner stated that the addition is not anticipated to be used at the same time as the church.

MOTION: Motion was made by Mr. Carrillo to approve the Preliminary Site Plan with the requested design waivers based upon comments from the Town and KCI and equitably addressing the concerns of the adjacent property owners regarding the buffer/easement. The motion was seconded by Ms. Manejwala and unanimously approved.

MCCRONE, INC. REPRESENTING INGERMAN GROUP, 1500 SHALLCROSS AVENUE, WILMINGTON, DELAWARE, PRELIMINARY SITE PLAN FOR ELKTON SENIOR APARTMENTS, TAX MAP 310, PARCEL 1217, ZONED RO; TAX MAP 311, PARCELS 1216, 1218, 1219 & 1220, ZONED RO

Mr. David Strouss & Mr. Mike Burcham of McCrone, Inc., Mr. Dwight Thomey, Esquire, and Mr. David Holden of the Ingerman Group were introduced to the Board.

Mr. Strouss reviewed the previous history of this project. He stated that they are proposing a 60 unit, 4-story apartment building. He noted that they have been through the Concept Plan review process as well as the special exception process and height variance request. He pointed out that the Town approved amendments to the Zoning Ordinance in order for this project to be compliant as proposed. The proposed site requires 51 parking spaces of which 36 will be provided on site and an additional 15 will be provided across High Street through a recorded easement provided by Elizabeth Maresca.

Mr. Strouss enumerated the relaxations they are requesting within this proposed Preliminary Site Plan. The relaxations include a bufferyard 'B' width to 4 foot minimum to accommodate a turn around area; waiver for the loading area; parking lot landscape islands and parking drive aisle width to 18' where no parking is proposed. Mr. Strouss noted that fire equipment access can be provided at the east side of the site.

Mr. Thomey added that they believe the proposed loading area will be sufficient for this residential use. One of the comments regarding water runoff will be enhanced by the proposed addition and will not increase the existing runoff. He noted that he believed the request regarding widening the right of way along High Street would be a hardship to the project due to the amenities that they anticipate adding at the front entrance of the building.

Mr. Holden provided renderings of the project from different building perspectives that show its architecture. He mentioned other similar projects on which they have worked. He enumerated some of the amenities provided to the residents and the environmental assets of the construction.

Mr. Wiseman asked if they have received comments from the Town and KCI. Mr. Strouss stated that they had and stated that they did not feel the additional right of way requested is necessary to the functioning of the road.

Mr. Wiseman inquired how the parking on the recorded parking easement will be confined to only persons affiliated with the senior apartments. Mr. Thomey stated that they will place signage that will restrict the use. Mr. Wiseman asked if there will be parking identification tags for resident's vehicles. Mr. Holden stated that they will provide identification tags.

Mr. Wiseman inquired about security at the building. Mr. Holden stated that the building has carded access and surveillance cameras.

Mr. Carrillo asked the reasoning for the widening of the right of way easement. Ms. Minner stated that it is standard language in the Town Design Manual. She stated that she will speak with the Director of Public Works and get back to the Board regarding the request.

Ms. Manejwala inquired about whether the area being used for 'loading' will be provided with signage. Mr. Strouss stated that they intend to schedule residents moving into the building and will place cones in the area as needed. Ms. Manejwala asked whether the area will be marked. Mr. Thomey stated that it would be marked. He added that the facility would provide protection for the facility floors and elevators on those days.

Mr. Wiseman entertained questions from the audience.

Ms. Elizabeth Maresca noted that there are two or three cars which park on her property from the chiropractor's office across High Street but this was done as a courtesy.

MOTION: Motion was made by Ms. Manejwala to approve the Preliminary Site Plan contingent upon addressing all outstanding comments from the Town and KCI. The motion was seconded by Mr. Thomas and unanimously approved.

MCCRONE, INC. REPRESENTING ELIZABETH MARESCA ET AL, 141, 143, 145 & 149 EAST HIGH STREET, ELKTON, MARYLAND, FINAL RESUBDIVISION PLAT ON LANDS OF ELIZABETH MARESCA, TAX MAP 310, PARCEL 1217, ZONED RO; TAX MAP 311, PARCELS 1216, 1218, 1219 & 1220, ZONED RO

Mr. David Strouss & Mr. Mike Burcham of McCrone, Inc., Mr. Dwight Thomey, Esquire, and Mr. David Holden of the Ingerman Group presented the Final Resubdivision Plat for the property to be used for the Senior Housing complex. Mr. Strouss pointed out that the resubdivision is one of the Town requirements as part of the site plan.

Mr. Strouss stated that they are showing the addition of the 50' right of way on High Street and will convey that to the Town. He stated that mainly the resubdivision is to clean up some of the comments regarding the project.

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

MOTION: Motion was made by Mr. Carrillo to approve the Final Resubdivision Plat contingent upon addressing all outstanding comments from the Town and KCI. The motion was seconded by Ms. Short and unanimously approved.

Old Business

Jeff Nowland – Discussion regarding Transportation Element of the Comprehensive Plan and proposed road connection in the Upper Chesapeake Corporate Center

Mr. Wiseman stated that the Board will review the information submitted regarding the road connection proposal and the Board will make a recommendation at the time of the next submittal.

New Business

Discussion Item - Proposed text amendment to include community piers in the RP Zone.

Mr. David Parrack and Mr. Bruce Schneider were introduced to the Board. Mr. Parrack stated that he is representing Mr. Bruce Schneider who is one of the principles of Southside, LLC. Mr. Parrack provided the Board with maps showing the location of the property in question. He stated that they are asking that the Board look favorably on a text amendment to the Zoning Ordinance for Tax Map 321, Parcels 90 & 454. He stated that these parcels were annexed into the Town in 2002 and were zoned RP in accordance with their request. Another adjoining parcel, annexed at the same time, was zoned R-2 because it was the zoning closest to the existing County zone of NAR. At the time of the annexation there were water and sewer issues which precluded any development. Currently economic conditions have slowed the development process. Looking ahead to the ultimate development of this property, this is a part of what the Planning Commission had seen most recently as a PUD (Planned Unit Development). They are trying to work toward the west side of Rt. 213 which is a part of that PUD. This request deals with that section of the PUD.

Mr. Parrack stated that he looked through the Town Ordinance to see what would be a permissible use in the RP zone, community swimming pool, storage of RV's, detached caps, boats and boat trailers, and public utility buildings and towers/antennas. He pointed out that community piers and boat ramps be added to the permissible uses table. He felt that an appropriate zone would be the RP zone since it has waterfront property.

Mr. Parrack quoted part of the 'Resource Protection District' as noted in the Zoning Ordinance which stated "areas best suited for open space or low intensity recreation uses. Permitted development in these areas should be strictly regulated, to ensure minimum adverse environmental impacts, with special attention given to maintain natural conditions." He added that it defines community piers in the definition section but they are not allowed in any zone.

Mr. Parrack stated that there is somewhat of an anomaly due to the fact that these particular parcels are under the Resource Protection Town Zoning as well as the Critical Area Overlay. These uses are allowed in the Critical Area regulations but not in Town regulations. He pointed out that the Zoning Ordinance allows water dependent facilities but has omitted placement of community piers, etc. He asked that the Board consider allowing them in the RP Zone since all the RP Zones within the Town Ordinance are along the water. He pointed out that the most stringent Resource Protection areas in the Critical Area regulations these uses are permitted. He stated that all the RP zones in Town are along the water and therefore they feel this would be an appropriate placement for water dependent uses such as community piers, etc. He added that marinas are allowed in commercial zones. Mr. Parrack stated that if the RP Zone allows community piers they would already be limited by the Town Ordinance by either number of lots or by shoreline footage whichever is most restrictive.

Mr. Wiseman asked if piers would need to receive DNR approval. Mr. Parrack stated that they would need DNR, Critical Area and MDE approval as well as Town approval. Mr. Wiseman inquired about whether there is a stipulation against fuel tanks in the RP Zone. Mr. Parrack stated

that they are proposing a community pier and the restrictions are that it cannot have the characteristics of a marina which he believes would preclude fuel tanks. Mr. Parrack mentioned that the restrictions are in Development Standards, Water Dependent Facilities, Section IX-37. Ms. Minner asked if the slips would be just for the Kensington Courts Subdivision. Mr. Parrack stated that the Critical Area sets it up that way. He also pointed out that the community pier would be required to be owned by the Homeowner's Association. Ms. Minner asked if there are limitations for converting to a public pier. Mr. Parrack stated that there are no Critical Area limitations. He stated that his rough calculation of their shoreline is 4600' and would therefore allow them only 16 or 17 slips.

Ms. Minner pointed out the RP Zones within the Town limits. There was discussion regarding the number of boat launching ramps that are being proposed. Mr. Parrack stated that their plan is for one ramp. Mr. Schneider pointed out that there is an old pier on the property from when the Frenchtown Wharf existed.

Ms. Whitaker asked what would happen if the Homeowner's Association would become defunct? Ms. Minner stated that typically it would be turned over to the Town. Ms. Whitaker stated that she would not want to see it become a burden to the Town.

Ms. Minner stated that she would review the proposal for the amendment to the Ordinance and provide a proposal to the Board.

NEW BUSINESS: There was discussion regarding a letter received concerning the Singerly Fire Company. It was determined that the letter was written regarding the property owned by the Singerly Fire Company.

There was a question regarding the Comprehensive Plan Maps and Ms. Minner stated that the maps would be reviewed after the Comprehensive Plan is finalized.

Commissioner Jablonski invited the Board to the Open House for the Boys & Girls Club on October 13, 2009 from 4:00 p.m. to 7:00 p.m.

There being no further items for discussion Mr. Wiseman adjourned the meeting at 9:24 p.m.

Respectfully submitted,

Brenda Humphreys