

**TOWN OF ELKTON
PLANNING COMMISSION
OCTOBER 6, 2008**

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

ABSENT: Robert Litzenberg

ACTION: Motion was made by Ms. Manejwala to approve the minutes of the August 11, 2008 Planning Commission Meeting. Motion was seconded by Mr. Thomas and unanimously approved.

REQUEST OF MARK STEWART, 110 NORMIRA AVENUE, ELKTON, MARYLAND FOR AN IN-HOME OCCUPATION, TAX MAP 315, PARCEL 1794, ZONED R-1

Mr. Mark Stewart of 110 Normira Avenue was introduced to the Board. He stated that he was not sure why he needed to appear. He stated that he received correspondence from the Building Department stating that he needed approval from the Town for his business (a home occupation) to be located at his residence.

Mr. Wiseman explained to Mr. Stewart that the Town Zoning Ordinance requires approval, and any necessary permits, be applied for prior to a business being run out of a residence. He asked if he was familiar with the conditions pointed out in the Town Ordinance for his business. Mr. Stewart stated that he had read over them and was not in violation of any of the conditions.

Mr. Wiseman asked if there were any of the conditions that Mr. Stewart would have trouble meeting. Mr. Stewart noted that a trailer would be located at his home, less than 200 square feet of the home would be used for office space, that he was the sole proprietor of the business and that there would not be any customers coming to his home. Mr. Stewart stated that initially one of his employees parked his truck at his residence but this has been rectified.

Mr. Wiseman stated that he is familiar with the location and that the property is orderly and neat.

Ms. Minner interjected that the Ordinance requires approval from the Planning Commission for home based businesses in the R-1 or R-2 zones and requires a special exception for properties in the R-3 zone.

Mr. Stewart stated that he had received a letter from the Code Enforcement Officer for the Town regarding the business at his home and his attendance at this meeting is in response to that letter.

Mr. Wiseman entertained questions or comment regarding this agenda item. There were none.

MOTION: Motion was made by Ms. Short to recommend approval of the in-home occupation at 110 Normira Avenue as presented. The motion was seconded by Mr. Thomas and unanimously approved.

JOHN MASCARI OF FAIR HILL ENGINEERING, LLC REPRESENTING SUMMIT AT WALNUT HILL, FORTY NINE (49) 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. John Mascari of Fair Hill Engineering was introduced to the Board. He noted that he appeared before the Board in July 2008 and the Preliminary Site Plan has been revised showing 49 townhouse units and the two office buildings in order to loop private lanes back to the public road. He mentioned that they presented an alternative layout showing the garages at the rear of the properties. There was discussion at the July meeting regarding the alternative layout and the submitted site plan represents those changes. Mr. Mascari stated that variances would be required in order to accommodate the revised layout. He mentioned the variances and design waivers which have previously been approved for this project which included cul-de-sac length, distance between intersections, traffic impact study; waiver to allow bufferyard to be located between the stormwater management facility and the neighborhood parks and Lots 50-53. He stated that a request for a lot coverage variance of up to 81% will be heard at the October 16th Board of Zoning Appeals meeting. He stated that this would allow larger rear yards and/or patios. He stated that they received approval for modification of the road standard required for a rolled curb as opposed to an upright curb with parking in the rear rather than the front. The final variance is for reduction of the aisle width of the private drive. The Ordinance requires a 24 foot wide private drive and they are proposing an 18 foot wide drive with an additional four (4) feet to the property line, thus providing a total of 22 feet. He stated that they felt this would make flow through this area much smoother.

He noted a modification to the plan notes for the off street parallel parking spaces from a total of 41 to 33.

Mr. Wiseman inquired whether Mr. Mascari had any other issues with comments from Ms. Minner. He stated that he felt the remaining questions could be worked out between him and the Planning Department.

Ms. Whitaker inquired about whether the trash pickup, with respect to the new plan, could be done at the rear of the property. Mr. Mascari stated that upon meeting with the Planning Department it was determined that keeping uniformity in the trash pickup would be best in these private lanes. If the residential parking is at the rear they may have issues with the large trucks and parked vehicles in the space allotted.

Ms. Minner noted that there is not enough parking on the street, due to the fire hydrants, and wondered if they are considering an agreement with the office building to use their parking spaces on the weekends. Ms. Mascari noted that owner had no problem providing overflow parking in the evening and weekends after business hours but wanted to avoid recreational vehicle or boat parking. Ms. Minner mentioned that this could be called out in the agreement.

Ms. Minner addressed her comment regarding the proposed sidewalk along Katie Lane being moved to be consistent with the rest of the subdivision. Mr. Mascari stated that the owners did not wish to make those changes due to the fact that the sidewalk was installed according to an approved plan. Ms. Minner stated that since there is new construction being done it would be an appropriate time to make these changes to place the sidewalk. Mr. Mascari stated that he would work with Ms. Minner in addressing this comment.

Mr. Wiseman asked what the length of the sidewalk would be. Mr. Mascari stated that it would be approximately 300 feet.

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

MOTION: Motion was made by Ms. Manejwala to approve the Revised Preliminary Major Subdivision Plan contingent upon addressing all outstanding comments from the Town and KCI, providing an overflow parking agreement at the commercial office lot and moving the sidewalk, along the south side of Katie Lane, away from the road to be consistent with the Town's road standards in order to provide required street trees. The motion was seconded by Ms. Short and unanimously approved.

MOTION: Motion was made by Ms. Manejwala to approve the Revised Preliminary Major Site Plan contingent upon addressing all outstanding comments from the Town and KCI, providing an overflow parking agreement at the commercial office lot and moving the sidewalk, along the south side of Katie Lane, away from the road to be consistent with the Town's road standards in order to provide required street trees. The motion was seconded by Ms. Short and unanimously approved.

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

Mr. David Strouss of McCrone, Inc. and Rev. James Fields of Christ Unity Center were introduced to the Board. Mr. Strouss stated that the Preliminary Site Plan was approved in February 2008. He stated that they have addressed all the comments from the previous meeting as well as the engineering comments from the construction drawings. Recent comments have been received from the Town and they have an issue with the condition that a bufferyard be planted along the Quail Ridge lots to the south of the property. They are requesting reconsideration of the bufferyard due to the fact that the church receives donations from other people and therefore it is imperative to keep costs down where they are able. He noted that the church was in place prior to placement of the homes, which back up to the church property, and the Zoning Ordinance does not require a buffer since their property and the residential properties are the same zone.

Mr. Wiseman stated that he remembered this issue being brought up at the previous meeting and that children playing on the church lot and traffic to the church were issues that were significant in requesting the buffer. Rev. Fields stated that he felt it was unfair for the church to be required to provide the buffer, and therefore the continuing maintenance, when the Zoning Ordinance does not require it. This requirement would place a financial burden on the church. Rev. Fields stated that they have tried to be a good neighbor by allowing these adjoining neighbors access to their backyards by way of the church property. He mentioned that the church supports Elkton and does not feel they should be required to place this additional buffer.

Ms. Minner interjected that there is a drainage swale along this property line and that they would not be permitted to place trees within the swale or interfere with it in any way.

Ms. Short asked about the parking situation and whether additional parking would be required. Ms. Minner stated that it would not be required because both parts of the building would not be used separately at the same time.

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

MOTION: Motion was made by Ms. Short to approve the Final Site Plan contingent upon addressing all outstanding comments and elimination of the bufferyard, required in a previous motion, at the southern property line. The motion was seconded by Mr. Thomas and unanimously approved.

**REQUEST OF BOHLER ENGINEERING REPRESENTING CHICK-FIL-A,
PRELIMINARY SITE PLAN & LANDSCAPING PLAN, TAX MAP 316, PARCEL
986, ZONED C-2**

Mr. Joe Ucciferro of Bohler Engineering and Mr. Scott Thigpen of Chick-Fil-A in Atlanta, Georgia were introduced to the Board. Mr. Ucciferro stated that the project is located on a 1.3 acre parcel along Route 40 near the Walmart Supercenter. The proposed restaurant is a 4,227 square foot building with adjacent parking and landscaping with no direct access to Route 40. The building will have 134 sit down seats with a drive thru. He stated that the two access areas are at the southwest and northwest corners of the site. He mentioned that circulation is primarily one way throughout the site with the exception of the two way circulation at the rear of the site. They are proposing primarily 60° parking across the site, which is consistent with the existing parking at the Walmart Supercenter.

Mr. Ucciferro stated that they received comments from the Town and KCI and have addressed all but two of the comments. The first comment was a recommendation from the Town and KCI regarding providing a bypass lane at the drive thru. He stated that placement of this bypass lane would require moving the building and Chick-Fil-A feels that the way the drive thru is designed is a safety feature so that no customers are crossing the drive thru lane. They would prefer not to place more unsightly pavement than is required. He stated that the site is heavily landscaped and this change would require a decrease of the bufferyard as well. Mr. Ucciferro noted that Chick-Fil-A has received the best drive thru designation for all but one of the past eight years. Mr. Thigpen stated that their experience has shown that this is the best layout for their sites.

Mr. Ucciferro stated that the other comment was regarding the landscaping along Route 40 which requires 7 shade trees. He stated that because of the 20' utility easement along Route 40 they were unable to get State Highway approval to place the trees in the right of way. They are therefore requesting to place these trees elsewhere on the lot. He noted that they are placing approximately 75 shrubs and 11 shade and ornamental trees.

Mr. Wiseman inquired whether Ms. Minner was amenable to this request. Mr. Ucciferro showed the Board a rendering of the proposed building which will be brick on all sides, including the dumpster enclosure.

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

Ms. Vivian Shernell Harrison stated that she wished the Board to consider requiring the bypass lane. She felt it would be helpful for people with children who need to get out of line due to some unforeseen situation. Ms. Thigpen stated that they would need an extra aisle all the way around the building and the way they handle 'busy' times is they have employees taking orders outside in the drive thru to move people through more quickly.

He stated that they have not seen problems with people getting out of the drive thru for emergency reasons and feels this is very rare.

MOTION: Motion was made by Ms. Whitaker to approve the Preliminary Site Plan & Landscape Plan for Chick-Fil-A contingent upon addressing all outstanding comments with the exception of the bail out lane for the drive thru and the required shade trees in the bufferyard along Route 40. The motion was seconded by Ms. Short and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC., PRELIMINARY SITE PLAN, WARBURTON STREET PARKING LOT, TAX MAP 310, PARCEL 2005, ZONED C-1

Mr. David Strouss of McCrone, Inc. and Mr. David Gipson, Chief Operating Officer of Union Hospital were introduced to the Board. Mr. Gipson stated that the next two agenda items represent the Hospital's plans to provide additional parking on campus for the proposed medical office building. Since their last appearance before the Board they appeared before the BZA and received approval to provide parking six months after the Certificate of Occupancy is issued for the new medical office building, should it be deemed necessary. Their intention is that should parking be required they would be ready to build it immediately.

Mr. Strouss stated that the Warburton Street parking lot would add 90 parking spaces and the Bow Street parking lot would provide 40 parking spaces. He noted that Warburton Street is a private drive, with cables placed across the road to deter vehicles from driving to the Delmarva Power Substation at the rear of the lot. Their intention is for employees to access the new lot through the existing parking lot so they can continue to maintain Warburton Street as a private drive. They felt this decision would maintain the safety of the employees. They would prefer that there be only one access to the employee parking at the intersection of Singerly and Railroad Avenues. They are not planning to provide handicap parking in the proposed lots due to the fact that handicapped parking is provided closer to the main buildings.

Mr. Wiseman inquired about one of the comments from the Department of Public Works, dated 9/14/08, regarding the section of Warburton Street which is the Town right of way. Ms. Minner stated that the Town would like them to construct the street according to Town specifications if it lies within the Town right of way. The Hospital is applying for a quick claim deed for Warburton Street.

Mr. Strouss stated that the other comment was to provide sidewalk along Warburton Street. He requested that the hospital not be required to place that sidewalk but to allow it to remain a driveway. They want to discourage foot traffic along Warburton so that people will cross the street at the intersection of Singerly and Railroad Avenues.

Mr. Wiseman asked if any other variances would be necessary. Mr. Strauss stated that there are no other variances required. There was some discussion regarding the BZA decision regarding the parking. Mr. Gipson stated that the hospital would have to come back before the Board within six (6) months after the Certificate of Occupancy is issued for the new medical office building. He stated that the hospital will continue to monitor parking and if they find that they continue to have an excess of parking they will ask the BZA for a permanent variance for the 130 parking spaces.

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

MOTION: Motion was made by Ms. Short to approve the Preliminary Site Plan for the Warburton Street parking lot contingent upon addressing all outstanding comments from the Town and KCI, allowing a waiver of the sidewalk requested on Warburton Street, reduction of the bufferyard required on Route 213 and acknowledging the Board of Zoning Appeals review of the parking six months after issuance of the Certificate of Occupancy for the proposed medical office building. The motion was seconded by Ms. Manejwala and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC., PRELIMINARY SITE PLAN, BOW STREET PARKING LOT, TAX MAP 310, PARCEL 777, ZONED C-1

Mr. Strauss and Mr. Gipson continued the previous discussion regarding the Warburton Street parking lot as part of the same project. Mr. Strauss stated that this lot is along Bow Street next to the existing parking garage. Mr. Strauss stated that this parking lot will contain 41 parking spaces with a drive that comes off the High Street entrance to the garage. Mr. Strauss stated that one KCI comment was regarding a sidewalk along the parking garage and they are requesting a waiver from placing that sidewalk as they would prefer to keep patients and visitors on the main sidewalks. He mentioned that they would not be providing handicapped parking at this lot either because parking is provided closer to the main building. Ms. Whitaker asked if this lot would be employee parking only. Mr. Strauss stated that it would. Ms. Short asked the number of employees working for the hospital. Mr. Gipson stated it is in the low 800's.

Mr. Wiseman asked if the lot would have a card gate. Mr. Gipson stated that should this lot be necessary it would most likely be a physician lot with a card gate.

Ms. Minner commented regarding the handicapped parking for this project and stated that the handicapped parking should be as close to the main building as possible. She had no problems with not placing handicapped parking at these two lots as long as they meet the requirements of the Ordinance for total number of handicap spaces.

Ms. Manejwala was concerned about the entrance to this proposed lot and vehicles coming into the garage, into the proposed lot and patients being dropped off at the new office building. Mr. Strouss stated that there is room for many cars in the stacking lanes and he could not foresee any vehicles backing out and causing safety issues. Mr. Gipson stated that most of the parking would be at the renovated lot rather than this one which would alleviate the number of vehicles at one time. Since this lot will probably be physician parking they would come to the hospital and stay most of the day rather than go in and out.

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

MOTION: Motion was made by Ms. Manejwala to approve the Bow Street parking lot contingent upon addressing all outstanding comments from the Town and KCI, not requiring handicapped parking as long as it is provided per the Ordinance at another location closer to the hospital and acknowledging the Board of Zoning Appeals review of the parking six months after issuance of the Certificate of Occupancy for the proposed medical office building. The motion was seconded by Ms. Whitaker and unanimously approved.

RJK ENGINEERING REPRESENTING PRICE AUTOMOTIVE GROUP, WEST END OF WARNER ROAD, FINAL SITE PLAN, TAX MAP 303, PARCEL 2103, ZONED C-2

Mr. Bob Blomquist of RJK Engineering was introduced to the Board. Mr. Blomquist reminded the Board of the project located at the end of Warner Road which will be used by Price Automotive Group for overflow parking of vehicles from their business in Newark, Delaware. He informed the Board that the site will not impact the hydrology due to the use of pavement which allows the water to percolate through it during a rain event. He stated that they worked with the Town engineers and Ms. Minner to modify it to their specifications. He noted the forest conservation around the perimeter of the site.

Mr. Blomquist stated that they have no issues with addressing the comments they have received from the Town and KCI. They need to clean up some items on the landscape plan regarding detail of plantings.

He stated that they did a survey of the density of trees at the site for 'Bufferyard C' and feel they can add the number of trees to meet that requirement. He mentioned that pavement is sensitive and they would like to begin as soon as possible so that the pavement can be done by onset of winter.

Mr. Wiseman asked whether the fence detail for the project had been submitted. Mr. Blomquist stated that it had not but that they are proposing dressed picket fence which is

designed to discourage climbing of the fence. Mr. Wiseman asked if the guard shack would be monitored 24 hours. Mr. Blomquist stated that it probably would not.

Mr. Wiseman inquired about the lighting plan. Mr. Blomquist stated that the lighting plan had been submitted. There was some concern over the spill over of light on adjoining properties. Ms. Watson of KCI stated that they have reviewed the lighting plan and stated that the light should not spread beyond the property lines. Mr. Blomquist stated that their intention is to flood the interior of the lot with light. Ms. Minner wondered if the lights would be on all the time. Mr. Blomquist stated that he was not sure. He stated that Mr. Price wanted only perimeter lights and didn't want it overdone.

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

MOTION: Motion was made by Ms. Short to approve the Final Site Plan for Price Automotive contingent upon addressing all outstanding comments and review and approval of the lighting plan by the Planning Department. The motion was seconded by Mr. Thomas and unanimously approved.

REQUEST OF LARSON'S CUSTOM BUILDERS REPRESENTING SOUTH STREAM, NORTH SIDE OF WHITEHALL ROAD, WEST OF MD 213, SOUTH STREAM COMMUNITY CENTER, TAX MAP 310, PARCELS 2405 & 2406, ZONED R-2

Mr. Chuck White of Larson Custom Builders was introduced to the Board. He stated that the purpose of his request was to provide an amenity for the South Stream community and felt that a community center would be more beneficial than open space for the residents to provide a 'meeting hall' area. He noted that the community center would be maintained at the expense of the Home Owner's Association. He mentioned that they had considered placing a tennis court but that the lot was not large enough. The site plan submitted shows a side lot buffer that backs up to the existing homes and the proposed buffer on the stormwater management side as well.

Mr. Wiseman asked about Ms. Minner's comment concerning re-recording the plats. Mr. White stated that currently the Town owns the property and they may consider purchasing it from the Town. Mr. White stated that they intend to provide bocce ball and shuffleboard courts.

Mr. Wiseman voiced his concern about the Town needing to provide maintenance for this building should the Homeowner's Association becomes defunct. Mr. White added that there is a clause that the building would revert to the Town's ownership should the HOA become defunct. Mr. White added that 55+ communities are more stable than other communities and it is less likely that the HOA would become defunct.

Mr. Wiseman inquired about the cost of the homes proposed. Mr. White stated that they are single family dwellings somewhere between \$300,000 and \$350,000. Ms. Short asked if the lots would be subsidized. Mr. White stated that they would not be subsidized. Mr. Wiseman inquired about the legalities of the change from the recorded neighborhood park and the community building. Ms. Minner stated that she did not see there being any concern from the Town. Ms. Minner asked what would be included within the building. Mr. White stated that the plan shows a full kitchen, restrooms and a meeting area with the possibility of a gas fireplace.

Ms. Manejwala inquired whether parking would be provided if the center is used for gatherings and parties for anyone outside the community. Mr. White stated that with all the public walks, and this being an active adult community, it is easily accessible and most of the homes are within easy walking distances.

Ms. Whitaker inquired about the size of the homes in the community. Mr. White stated that the first floor is between 1400-1700 square feet and the second floor between 899-900 square feet. The second floor is considered an option.

Ms. Whitaker voiced her concern about parking spaces at the community center. She noted that there are only two handicapped spots and if people drive to the center would they park within the cul-de-sac. Mr. White interjected that this is considered a small community and therefore most residents are close enough to walk. If family members attend events there are spaces at the residence's home where they could park.

Ms. Manejwala inquired about fire hydrants along the cul-de-sac and whether parking should be restricted in the cul-de-sac. Ms. Minner stated that she would check the site plan and that the fire department would be reviewing the plan as well.

Mr. Whiteman inquired about the color of the community center and whether the rendering was close to the actual colors. He noted that the colors are subtle and both the color and style of the building is similar to others in the area.

Ms. Minner asked the square footage of the building and Mr. White stated that he could provide the information on Tuesday. He stated that to the best of his recollection it was approximately a single story building of 1800 square feet.

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

Ms. Manejwala inquired whether fencing would be placed or just the landscape buffers. Mr. White stated that they are trying to capitalize on the open space on the site and therefore only the landscape buffers would be placed.

There were no questions from the audience.

MOTION: Motion was made by Ms. Manejwala to table their decision until such time as they receive more information regarding the following: Additional handicapped and regular parking, parking in the cul-de-sac, Town responsibility for the community building should the Homeowner's Association go defunct, provide setbacks on the site plan, size of cul-de-sac, location of fire hydrants, square footage of community center, and plan title. The motion was seconded by Ms. Short and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING 300 EAST PULASKI LLC, FOR A WAIVER OF THE REQUIREMENT FOR A TRAFFIC IMPACT STUDY, TAX MAP 315, PARCEL 2377, ZONED C-2

Mr. Brad Fox and Mr. David Strouss of McCrone, Inc. and Mr. Mark Saunders representative of 300 E. Pulaski, LLC were introduced to the Board. Mr. Fox stated that Preliminary approval for the redevelopment of this site was approved in August 11, 2008. He noted that the Town and the Planning Commission had requested a traffic impact study as one of the comments and they have included a letter from the County stating that they do not feel the proposed improvements warrants a traffic study. He stated that they have received correspondence from State Highway Administration requesting additional information and have received verbal comments from them as well. He stated that they have responded to those requests. Mr. Fox stated that they are requesting a waiver from the Town of the requested traffic impact study due to the fact that the County owns Whitehall Road and does not feel one is required. Mr. Wiseman stated that the final letter received from SHA show that they require a traffic impact analysis. Mr. Fox stated that the last letter from SHA requested additional information, which they have provided, and that they reserve the right to require a full traffic impact study based on what their arguments would show. This information included the difference between the former Walmart site and proposed outparcels, retail and office site, with staggering of traffic flows throughout the day, based on restaurant uses at night, office uses during the day and specialty retail as opposed to Walmart. They asked for some specific traffic paths. Mr. Fox stated that they have contacted Traffic Concepts regarding doing a study based on trip generation throughout the day. That information has not been received by SHA as yet.

Mr. Wiseman asked Ms. Minner her thoughts regarding the traffic study. Ms. Minner stated that this is one of the projects that require State Highway approval since Route 40 is not a Town road. Ms. Minner stated that it would not be prudent to waive a requirement when State Highway has not given their decision as yet.

Mr. Wiseman asked if Walgreen's had to do a traffic impact study. Ms. Minner stated that she thought they did. Mr. Strouss stated that what they are asking is for the Town to defer to State Highway's decision. Mr. Saunders stated that they would like to keep moving forward in the process while they await State Highway's decision.

Ms. Minner asked how this issue would impact Final Site plan approval if they have no decision as yet. She stated that there may be improvements required if they determine there is traffic impact at the site. Mr. Fox stated that if State Highway comes back and decides there is too great an impact on Whitehall Road then they would have to mitigate the entrance off Whitehall Road.

Mr. Strouss stated that during Final Site plan review they would be asking for Final approval with contingencies regarding State Highway's decision.

Commissioner Jablonski asked if Walgreen's submitted a traffic impact study could it be used for this project site. Ms. Minner stated that they use different criteria due to the use of the site and traffic approaching the site.

Mr. Wiseman entertained additional questions from the Board and comments from the audience.

Mr. Marshal Chastain of 212 Whitehall Road voiced his opinion regarding the amount of traffic on Whitehall Road near this site. He said there are dead trees, high grass along the road, and a stormwater pond that creates a problem with mosquitoes. He wondered if a four way stop could be placed at Walter Boulden and Whitehall Roads to alleviate the speeding down Whitehall Road.

MOTION: Motion was made by Ms. Short to approve the Final Site Plan contingent upon addressing all outstanding comments and deferring the decision regarding a traffic impact study to the State Highway Administration. The motion was seconded by Ms. Whitaker and unanimously approved.

CASE # 1359 – REQUEST OF VIVIAN SHERNELL HARRISON, 103 AUTOMOTIVE BOULEVARD, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO PERMIT AN IN-HOME OCCUPATION. THIS ACTION CONCERNS PROPERTY LOCATED AT 103 AUTOMOTIVE BOULEVARD, ELKTON, MARYLAND, TAX MAP 312, PARCEL 2431, ZONED R-3

Ms. Vivian Shernell Harrison was introduced to the Board. She stated that her home occupation is designing and making clothing for little girls. She stated that she would sell the clothing over the internet and at trade shows. She stated that she would make no changes to her home and she would not have any customers at her home. She stated that she is able to comply with all the conditions of the home occupation.

Mr. Wiseman asked if there would be any signage in her yard. She stated that there would be no sign or customer parking. She stated that she has a small office in the basement of her home.

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

MOTION: Motion was made by Mr. Thomas to recommend approval for the in-home occupation to the BZA for Ms. Harrison. The motion was seconded by Ms. Whitaker and unanimously approved.

REQUEST OF MICHAEL J. SOLER, 143 MILESTONE ROAD, ELKTON, MARYLAND TO PERMIT AN IN-HOME OCCUPATION. THIS ACTION CONCERNS PROPERTY LOCATED AT 143 MILESTONE ROAD, ELKTON, MARYLAND, TAX MAP 312, PARCEL 2288, ZONED R-2

Neither the owner nor any representative attended the meeting, therefore the request was considered withdrawn.

REQUEST OF STEVEN K. MARTIN, 277 MIKE DRIVE, ELKTON, MARYLAND TO PERMIT AN IN-HOME OCCUPATION. THIS ACTION CONCERNS PROPERTY LOCATED AT 277 MIKE DRIVE, ELKTON, MARYLAND, TAX MAP 304, PARCEL 2461, ZONED R-2

Mr. Martin was introduced to the Board. He stated that he is a photographer and operates his business online from his home. He informed the Board that he sells his photographs at craft and trade shows and uses only a small area of his home for the office. He said that there would be no customers coming to his home. He stated that he is able to comply with all of the conditions as called out in the Town Ordinance.

Mr. Wiseman asked if there would be any signage in the yard. Mr. Martin stated that there would not be any signage in the yard.

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

MOTION: Motion was made by Ms. Short to approve the in-home occupation for Mr. Martin. The motion was seconded by Mr. Thomas and unanimously approved.

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

Mr. Brad Fox and Mr. David Strouss of McCrone, Inc. and Mr. Mark Saunders representative of 300 E. Pulaski, LLC appeared once more before the Board. Mr. Fox stated that the Final Plan has not changed significantly from the Preliminary Plan. They received comments from the Town and KCI and are in the process of being addressed. He noted that design waivers, lettered a through e, were granted at Concept Plan approval. Mr.

Wiseman informed the presenters that any motion made concerning this project would be contingent upon State Highway's decision concerning the Traffic Impact Study.

Mr. Wiseman asked Ms. Minner if she had any issues with her comments. She stated that they are only minor comments.

Mr. Wiseman entertained questions from the Board members. Mr. Thomas asked for clarification regarding whether any work could be done on the site prior to Final approval. Ms. Minner suggested that if the Board wishes to approve the Final Site Plan it should be done with contingencies on current comments and deferring to SHA regarding comments with reference to the Traffic Impact Study.

Mr. Wiseman inquired about what, if anything, still needs to be done with the restaurants. Ms. Minner stated that the sites for the restaurants were approved previously and they would only need to be reviewed by the Building Official with reference to construction plans.

Mr. Wiseman entertained questions or comments from the audience.

Mr. Marshal Chastain reiterated his previous comments regarding the existing stormwater pond. He suggested that Mr. Chastain show the developer and engineers the area of his concerns. He stated that there is a real issue with the stormwater pond. Ms. Minner inquired whether the issue is the stormwater pond or the wetlands between this site and the project behind it. It was determined that the wetland area was probably the issue. Mr. Wiseman stated that the stormwater pond would be addressed during the construction of the project but if the issue is with another property it would have to be addressed by the owners of the other property. Mr. Wiseman stated that he felt Mr. Chastain would be pleasantly surprised with the results once the project is completed.

MOTION: Motion was made by Ms. Whitaker to approve the Final Site Plan for 300 E. Pulaski, LLC contingent upon addressing all outstanding comments and deferring to State Highway the decision regarding the Traffic Impact Study for this site. The motion was seconded by Ms. Short and unanimously approved.

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

Mr. David Strouss of McCrone, Inc., Mr. Bob Reid of Tevebaugh Associates and Mr. David Gipson, Chief Operating Officer of Union Hospital were introduced to the Board. Mr. Strouss stated that the subdivision for this proposed building is made up of several parcels and therefore they are addressing this issue to be in compliance with the Town

Zoning Ordinance requirements. He noted that there are two existing dwellings which need to be demolished and they were given approval by the HARC Committee. Mr. Strouss stated that they have no problems with addressing comments from the Town or KCI.

Mr. Wiseman entertained questions from Ms. Minner regarding any issues with addressing comments. Ms. Minner stated that one KCI comment, from their 10/1/08 letter was regarding the line for the 15' setback and bufferyard on the subdivision plat. It was determined that the plan shows the zoning as RO but there was a rezoning to C-1. Mr. Strouss stated that he would address that issue and correct the zoning on the plat.

Ms. Watson noted that there is a discrepancy in the Ordinance between the setbacks and the bufferyard so the bufferyard setback should be 15 feet. Mr. Strouss pointed out that they are proposing a 20' bufferyard on both High Street and Singerly Avenue. Mr. Strouss stated that they will make a note on the subdivision plan regarding the required bufferyards and will list the approved variances as well.

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

MOTION: Motion was made by Ms. Short to approve the Final Subdivision Plat for Union Hospital contingent upon addressing all outstanding comments. The motion was seconded by Ms. Manejwala and unanimously approved.

REQUEST OF UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC., 106 BOW STREET, ELKTON, MARYLAND, 127, 129, 131, 135, 137 & 141 WEST HIGH STREET, FINAL SITE PLAN, TAX MAP 310, PARCELS 862, 863, 864, 904, 905, 928, 929 & 930, ZONED C-1

Mr. David Strouss of McCrone, Inc., Mr. Bob Reid of Tevebaugh Associates and Mr. David Gipson, Chief Operating Officer of Union Hospital continued before the Board in addressing the Final Site Plan for this project. Mr. Strouss stated that Concept Plan was approved by the Planning Commission in February of 2008 and the special exception and most of the variances were obtained in March of 2008 except for the parking variance which was approved in September of 2008 by the Board of Zoning Appeals. Mr. Strouss noted that there have been some minor changes since the Concept Plan approval was given. He noted that the front entrance has been moved to provide a circular entrance and the clock tower previously proposed has been removed. One of the comments previously noted was to provide a full length sidewalk on McQuilken Street, which they have addressed. They made the entrance to the loading area wider to accommodate vehicles such as Fed-Ex trucks and other deliveries. He stated that there is a dumpster pad that would need to be accessed by truck as well. KCI commented that they had concerns regarding trucks backing into McQuilken Street. Mr. Strouss stated that due to the

potential number of deliveries, which would be small, they did not see any concerns with regard to backing into McQuilken Street since there is very little traffic on that street and turning access is adequate. They are providing a new sidewalk along Singerly Avenue at their parking lot all the way down to High Street. He noted a comment from KCI about providing a sidewalk along Singerly Avenue and he was unsure what the intention was. Ms. Minner stated that the plan was unclear and Mr. Strouss stated that he would address that issue and make it clear on the subsequent plan.

Mr. Strouss stated that there will be a second floor pedestrian bridge, similar to the existing one at the medical office building on High Street, which will cross Singerly Avenue. They will be going before the Mayor & Commissioners for approval for the height of the bridge.

Mr. Wiseman inquired about the variances mentioned in one of Ms. Minner's comments. Mr. Strouss stated that they have obtained all variances necessary. He noted that they have received approval for their traffic study from State Highway and KCI.

Mr. Wiseman asked if the parking shown was for this building alone. Mr. Gipson stated that it was for patients of the new office building only.

Mr. Wiseman asked if Ms. Minner had any additional comments. She stated that she did not. Mr. Wiseman entertained questions or comment from the Board or the audience. There were none.

MOTION: Motion was made by Ms. Manejwala to approve the Final Site Plan for Union Hospital contingent upon addressing all outstanding comments from the Town and KCI. The motion was seconded by Ms. Whitaker and unanimously approved.

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

Mr. Ronnie Carpenter of Carpenter Engineering and Ms. Natalie Ricci of MSM Investments were introduced to the Board. Mr. Carpenter stated that they are presenting the Final Development Plan for the Elkton Professional Arts Pavilion. He said they have received previous approvals and have received design waivers. They are requesting an additional design waiver for parking and width of landscape islands. They wish to place a 4' wide, 72 square foot surface area landscape island rather than the 8.5' wide, 153 square foot surface area landscape island required by the Ordinance. They are requesting this waiver for two separate islands, one in the center of the parking area and one on the end adjacent to the Parson's property. Another change on the plan is how they are dealing with their Critical Area Commission stormwater quality improvement. CAC requested them to do additional buffer planting adjacent to the Big Elk Creek. MSM Investments has worked

with the Town in identifying a location for the buffer planting and they are in position to bond the improvements for that landscape buffer. Ms. Minner stated that they started out looking at the parking lot where the Fireman's Challenge is done annually and determined that they should choose another location. They looked at the west side of Bow Street but that needs to be paved first but landscaping would be needed there eventually.

Mr. Thomas asked how far the lower floor is from the ground. Mr. Carpenter stated that the first floor has an elevation of 15 ½ feet and the flood height for the 500 year flood is 14.3 feet. Mr. Carpenter noted that there is parking under part of the building.

Ms. Manejwala asked if there is only one way traffic on the west side of the parking lot. Mr. Carpenter stated that she was correct and that signage to that effect would be placed.

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

MOTION: Motion was made by Ms. Short to approve the Final Site Plan for Elkton Professional Arts Pavilion contingent upon addressing all outstanding comments from the Town and KCI, allowing the width and area waiver for two landscape islands as requested and recognizing the bond requirement by Critical Area Commission for the planting buffer. The motion was seconded by Mr. Thomas and unanimously approved.

Old Business – Ms. Minner informed the Board of the Comprehensive Plan meeting on October 20th at 6:00 p.m. She stated that we have received a good response to date from the 60+ people invited.

New Business - Discussion Item – Jeff Sellers – Zoning Ordinance Amendment

Mr. Jeff Sellers addressed the Board regarding a proposed amendment to the Zoning Ordinance. He stated that he has been seeking uses for 801 Elkton Boulevard. He informed the Board that although they received an amendment with regard to 'recreational use' they are unable to use the facility for expos, dances, etc. since they are an accessory use to the schools and therefore does not apply to this facility. After a meeting with Mr. Trostle they are trying to maximize the uses for this facility. Mr. Trostle determined that the Zoning Ordinance contains no reference to convention centers or expo hall use. The only section which allows this use is with reference to schools and fire halls. Mr. Sellers stated that this addition would greatly benefit the businesses in Town as well as the residents. He stated that they have received numerous requests for the use of this building and unfortunately are unable to rent it due to the allowable uses in the BI zone. Therefore, he is requesting an addition to the Permissible Uses Table to capture specific uses which are not available in the Ordinance currently.

Ms. Minner stated that the amendment requires a public hearing and the final decision is made by the Mayor & Commissioners.

Ms. Manejwala asked if there would be any food preparation. Mr. Sellers stated that no food preparation would be done on site.

Ms. Minner asked when they came up with the parking rationale of one space per four person occupancy whether employees considered in that rationale. Mr. Sellers stated that they pulled the information from another convention center use.

Possible Amendment to Zoning Ordinance

Ms. Minner interjected that there has been an inquiry regarding placement of 55+ housing in downtown. She noted that there is a density issue with the current zoning ordinance which allows 1 residential unit for each 1500 square feet in the R-1 zone (allowing 43 units/acre); 1 residential unit for each 750 square feet in the R-2 zone (allowing 87 units/acre); and two times the number of units normally permitted in the applicable zone in the R-3 zone (allowing 42 units, less than the R-1zone); there is no allowance in either the RO or C-1 zone allowance. The C-2 & C-3 zones will allow up to 217 units for a minimum 1 ½ acre site.

She suggested that perhaps the R-2 & R-3 zones should be the same to allow 87 units. The RO zone would be half of the commercial zone which would allow 108 units. The C-1, C-2 & C-3 zones are grouped together as 217 units as a gradual increase in density.

The Board requested that Ms. Minner revise the current sections of the ordinance and make recommendations for the Board to review.

There being no further items for discussion Mr. Wiseman adjourned the meeting.

Respectfully submitted,

Brenda Humphreys