

**TOWN OF ELKTON
PLANNING COMMISSION
DECEMBER 7, 2009**

PRESENT: David Wiseman, Chairman; Donna Short; H. Fred Thomas, II; 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: Brad Carrillo

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

COMPREHENSIVE PLAN MEETING

Mr. Michael Bayer of Environmental Resources Management presented the Urban Design and Land Use Framework for the Comprehensive Plan to the Board.

URBAN DESIGN & LAND USE FRAMEWORK

Mr. Bayer detailed the vision for Elkton in the future, incorporating those things which were discussed throughout the plan process, from an urban design standpoint. He stated that this could be a bridge from the Comprehensive Plan into discussion of implementation and how those things can be implemented on the ground.

Mr. Bayer stated that this design framework encompasses a wider scope than what was generally talked about during discussions. The plan addresses the anticipated growth of Elkton, which is generally recognized as being located between Frenchtown Road, I-95, the Maryland State Line and the western boundary.

Mr. Bayer stated that the biggest challenge will be implementing the vision of a compact, mixed use Town. Transit, mixed use and ways to create that urban design framework were major areas in focus during the Comprehensive Plan discussions.

He offered six (6) graphics presenting: 1) existing, future and potential expansion of the Town; 2) potential areas of 'mixed use' (town centers), with flood plains, and roads incorporated; 3) an illustrative plan showing how the design might function that included open space, forest, schools, industrial and commercial and residential; 4) annexation boundaries and phasing including land areas that could be potential parts of the Town in the future; 5) future open space networks detailing greenways and trails within the framework of 'Town centers'; and 6) future land use through 2030.

There was discussion regarding whether these graphics would be incorporated into the Comprehensive Plan as well as revisions which might be considered, such as examining changes to specific areas labeled as low density, for consistency.

Ms. Minner stated that public comment would be heard at the January Planning Commission meeting regarding changes to the Comprehensive Plan Draft. She mentioned that the draft had already been sent to the State for review.

Planning Commission Meeting – 7:00 p.m.

**HILLCREST ASSOCIATES, INC. REPRESENTING NAB HOSPITALITY, LLC,
WARNER ROAD, LOT 7, FINAL SITE PLAN, TAX MAP 303, PARCEL 2464, LOT 7,
ZONED C-2**

Matt Longo of Hillcrest Associates and Jay Patel, Managing Member of NAB Hospitality were introduced to the Board. He stated that the site is approximately 3.5 acres and they are proposing a 3-story, 84 room hotel. They received preliminary approval in June of 2007 and his company was brought in in August of this year. The final plan was submitted about one month ago and they have received comments from the Town, KCI and the fire department.

He stated that the project will require 89 parking spaces. The site plan shows 83 parking spaces due to a waiver being approved for 6 of the required spaces. Landscape calculations require 2.32 acres and they have provided 2.33 acres on the southern corner of the lot. Reforestation requirements are .95 acres and they will be providing 1.9 acres offsite at the Stony Ridge Forest Bank. The stormwater basin for this and other sites fails as an existing structure for quantity and they are proposing to enlarge and improve upon the basin in order to meet the standards required. They are proposing a bio-retention facility, in accordance with the Maryland regulations, to be located between the parking and the stormwater basin.

Mr. Longo stated that they will be addressing the additional comments in the coming month. Mr. Wiseman asked if they have any issues with any of the remaining comments. Mr. Longo stated that he will be scheduling a meeting with Ms. Minner to review one of the comments referencing placement of the bufferyard in the stormwater management area. The situation was regarding location of landscaping on the structural part of the berm. Mr. Longo stated that the landscaping would not be placed on the structural portions of the berm and therefore there would be no chance of failure. It was determined that Mr. Longo would meet with Ms. Minner to go over the specifics.

Discussion ensued regarding interpretation of the Ordinance and the number of spaces required between landscape islands. Ms. Minner read the section of the Zoning Ordinance referring to this issue and it was determined that they could discuss it at the meeting as well.

Mr. Longo inquired about the 'waiver' for the six parking spaces. Ms. Minner stated that they have no record of a waiver for the spaces being granted and that a waiver would be required if 89 spaces are not provided. Ms. Minner asked Mr. Longo about a note which mentioned a letter from Marriott. Mr. Longo stated that a note placed on the site plan was done so in error and will be removed.

Mr. Thomas asked the number of persons employed through the hotel. Mr. Patel stated that it would be between 18-20 full time employees.

Ms. Manejwala inquired about the sign on the northern section of the property and whether it would be maintained by the owners of Lot 6. Mr. Wiseman inquired about whether a variance would be required for the sign height. It was determined that the variance for the sign height had already been submitted and approved by the Board of Zoning Appeals. A variance of 60' was approved for the 100' sign.

Ms. Minner inquired as to the distance from the sign to Route 279. Mr. Longo stated that he did not have the information at the meeting but could provide it to Ms. Minner at their meeting.

There was discussion regarding a discrepancy concerning the number of rooms that would be in the hotel. Mr. Longo assured the Board that there would only be 84 rooms.

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

MOTION: Motion was made by Ms. Manejwala to approve the Final Site Plan contingent upon compliance with all outstanding comments from the Town and KCI; a waiver of six (6) parking spaces; a meeting between the engineer and Ms. Minner to discuss interpretation of requirements for landscape islands and number of parking spaces between each and discussion regarding the bufferyard in the stormwater management easement. The motion was seconded by Ms. Short and unanimously approved.

CLARK DESIGN GROUP REPRESENTING UPPERSHORE PAWNBROKERS, 344 EAST PULASKI HIGHWAY, FINAL MINOR SITE PLAN, TAX MAP 315, PARCEL 2381, ZONED C-2

Mr. Mark Clark and Mr. John Fellows of Clark Design Group along with Mr. David Palagruto, owner of Uppershore Pawnbrokers were introduced to the Board. Mr. Clark stated that the project is located at the old APGFCU site at 344 East Pulaski Highway. Mr. Clark stated that in order to grow his business he will need to add an addition to the existing building. He stated that the site is already built out with reference to impervious surface and stormwater drainage. They have developed the site plan to place the addition at the location of the previous drive through.

Mr. Clark stated that they plan to remove the canopy and are placing a 2-story addition in its place. They will continue the existing siding and window colors. The bulk of the building will be for a show room with offices at the rear of the building. The lower floor of the addition will be a continuation of the showroom with a holding area to the rear of the lower floor. The second floor will be for storage of items. The entire building will be sprinkled for protection of the customers items.

Mr. Wiseman confirmed that the new addition would give them approximately 11,000 sf of usable area. It was noted that the current location for the business is 5,800 sf.

Mr. John Fellows continued with the presentation and stated that the site is .9 acres and is located on the south side of Route 40 and is within the C-2 Zoning District. The site drains to the south through an existing easement to a stormwater facility behind Elkton Storage. They are proposing a 8,200 sf addition and some improvement to the existing parking lot. The perimeter of the parking lot will remain the same but they will be upgrading the interior to provide better access to customers and provide some landscaped islands. Mr. Fellows stated that sanitary sewer and domestic water are provided to the building. A new main will be provided for the fire sprinklers.

Mr. Fellows stated that with the stormwater management they are decreasing the amount of impervious coverage on the site and are not planning any additional stormwater management for the site. He stated that there the existing signage will be refaced.

Mr. Fellows addressed specific comments from the Planning Department. Item #1 – Crossover easement with M & M Investments exists and they can provide the documentation. Item # 3 – provide landscape plan for bufferyards. He stated that they are asking for a waiver of the bufferyard requirements. He stated that there are existing plantings which can be counted toward landscaping. He noted that there is no area to place additional plantings outside of the State Highway right of way. Mr. Wiseman asked if all the existing trees will remain. Mr. Fellows stated that all the trees would remain.

Mr. Wiseman inquired about the waiver for the stormwater management. Mr. Fellows stated that there is a large stormwater pond designed to accommodate the full build out of this site when it was APGFCU and the amount of impervious coverage that exists there today. They will be reducing the amount of impervious coverage so therefore the existing facility should be sufficient.

Ms. Minner stated that one of the comments from KCI was that the 20% qualitative control needed to be verified. Mr. Fellows stated that he does not have the design plans for the pond but assumed that it was done at that time. Ms. Watson stated that at redevelopment it needs to be verified. Mr. Fellows stated that he would contact KCI and address if necessary. Ms. Minner stated that it is part of the Stormwater Management regulations. Mr. Clark said there is a bit of a dilemma since there is only so much land and since they are providing less impervious coverage and the building is not aggravating the situation. To provide a substantial amount of area would create a hardship. Mr. Clark stated that he believed the Town requirements are out of scale for this size addition. Ms. Watson stated that redevelopment of the site requires either the reduction of the existing impervious by a certain percentage or addressing quality control of the total impervious by 20% regardless of the size of the lot. Mr. Fellows added that a waiver could be requested. Ms. Minner stated that the Mayor & Commissioners would have to make that decision based on KCI's recommendation. Mr. Wiseman requested that Ms. Minner review the previous records if available and note that in the motion.

Mr. Fellows pointed out Item # 14 which refers to landscape islands and number of parking spaces. He stated that the requirement for islands is 150 sf and that his interpretation of the Zoning Ordinance allows for combined islands that do not exceed 350 sf. He added that they have 32 parking spaces which require four islands for the size of this parking area. They have provided four islands, one of which is larger than the 150 sf limit thereby counting as another island. That island is located at the front of the property by the sign. There is also a substandard island at the back which was not counted. Ms. Minner asked if trees were planned for the islands. Mr. Fellows stated that they will place trees. Ms. Minner asked if they could show the detail.

Mr. Fellows addressed specific comments from KCI. He stated that because the project is in the Highway Corridor Overlay District it requires a review by the Board. Mr. Clark presented the elevations and rendering of the building to the Board. Item # 2 was regarding the 15' wide bufferyard with existing plants. It was determined that the bufferyard was a sufficient size. Item # 3 is the Route 40 frontage issue which was discussed earlier and he reiterated that they are unable to comply with the bufferyard requirement since the area is part of the State Highway right of way. Item # 4 asks for a sidewalk and they would have to place it within the State Highway

right of way. Ms. Minner stated that they would need to make a request to State Highway to place the sidewalk within their right of way. Mr. Fellows asked if the occupancy permit could be contingent upon the sidewalk being approved by State Highway. Ms. Minner stated that if State Highway refuses to allow the sidewalk the Town would try to work with them, since it is an existing site, to work within the parameters of the Zoning Ordinance requirements. Item # 6 referenced providing information to determine the impact of the project on traffic. Ms. Minner stated that they should check with State Highway regarding whether a traffic impact study would be required. Mr. Fellows stated that the client is under a time constraint with the agreement of sale for the purchase of the property and they would like to come to an agreement about this prior to State Highway's decision. Mr. Clark voiced his disagreement with the Town Zoning Ordinance regulations. Mr. Wiseman stated that as a Board they must follow the regulations set down. Ms. Campbell stated that possible entrance changes may affect the site and she felt that it is a bigger issue than the sidewalk. Ms. Minner stated that the entrance belongs to State Highway and since there are two entrances it may benefit them with regard to State Highway's decision.

Mr. Fellows asked if a traffic study is required for a minor site plan. Ms. Minner stated that the comment was not that a traffic study was required but what the anticipated impact on traffic might be with the new business. Mr. Palagruto stated that, besides the employee cars, there might be seven additional vehicles there at any time. Ms. Minner stated that the information just provided was sufficient for their needs.

Mr. Wiseman asked whether landscape plans will be submitted for review. Mr. Fellows stated that they would be included on the site plan not on a separate plan.

Mr. Wiseman entertained additional comment or questions from the Board, Ms. Minner and the audience. Ms. Short added that she had been pleased with the service she received from the pawn shop.

MOTION: Motion was made by Ms. Short to approve the Final Minor Site Plan contingent upon addressing all outstanding comments from the Town and KCI and contingent upon receiving correspondence from State Highway approving the sidewalks and entrance. The motion was seconded by Mr. Thomas and unanimously approved.

MCCRONE, INC. REPRESENTING INGERMAN GROUP – ELKTON SENIOR APARTMENTS, 149 EAST HIGH STREET, FINAL SITE PLAN, LANDSCAPE & LIGHTING PLANS, TAX MAP 310, PARCEL 1217, ZONED RO & TAX MAP 311, PARCELS 1216, 1218, 1219 & 1220, ZONED RO

Mr. David Strouss of McCrone, Inc., Mr. David Holden of the Ingerman Group and Mr. Dwight Thomey were introduced to the Board. Mr. Strouss stated that the project received preliminary approval in October. He stated they have addressed all the comments from the preliminary plan and have received new comments from the Town and KCI which are minor and easily addressed. He did mention that they made minor changes to the site plan by moving one parking space from the back of the property to the front due to discussion at the last meeting about a narrow bufferyard where the parking space was located. He stated that there are several pole lights in the parking light addressing previous comments about lighting and there are wall packs on the building.

Mr. Wiseman inquired about Comment # 17 which referenced the Stony Ridge forest conservation purchase. Mr. Thomey inquired whether they will prepare that or would the Town prepare it. Ms. Minner stated that they should provide the Town with a copy of their easement. Ms. Thomas stated that when the area is purchased they will provide you with an easement plat and once that is recorded the Town needs to receive a copy.

Ms. Manejwala asked about the comment regarding the fire hydrant water line easement. Mr. Strouss explained that they were asked to provide a fire hydrant at the back of the building and there is a 6" water line that services that hydrant. He stated that they would provide a 20' wide easement covering that area.

Ms. Minner asked if the issues with Maryland Historical Trust had been worked out. Mr. Holden stated that MHT had signed off and are formalizing their decision. As soon as he receives a copy from them he will forward it to the Town.

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

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

MCCRONE, INC. REPRESENTING 300 E. PULASKI, LLC – WHITEHALL CROSSING, 300 EAST PULASKI HIGHWAY, PRELIMINARY PLAT, TAX MAP 315, PARCEL 2377, ZONED C-2

Mr. Brad Fox of McCrone, Inc. and Mark Saunders and Mike Saunders representing Emperor, LLC were introduced to the Board. Mr. Fox stated that the Preliminary Plat showed the proposed architectural units within the structure. He noted that the walls will be constructed and they will be preparing and submitting a final plat that will define the units, any general common areas such as the internal corridors, parking, landscape and loading areas, etc. He noted that they are developing parts of the building as condominiums which may be privately owned or rented. Mr. Mark Saunders stated that this would give the owner of the property more flexibility to enforce the appearance of the building. It would also give everyone ownership of the building in order to maintain its appearance. He pointed out that doing the construction this way would require that a building permit be issued for each unit.

Mr. Fox stated that the first area to be developed will be the medical offices and the corridor. The remaining areas will either be sold or maintained by Emperor, LLC per Mark Saunders.

Ms. Minner questioned if this may not be the floor plan for the condominiums then why record it as such? The problem being that if it is recorded as showing individual units then if there are changes they would need to be re-recorded. Mr. Fox explained that the medical offices are the only areas to be recorded as condominiums, the remaining areas would remain as a future expansion area. Mr. Fox stated that they are aware that they would have to re-record a revised plan to add-on the units that had been sold or would be sold. He added that the same would be true of the out parcels as well. It was determined that exact dimensions would be recorded. Mr. Fox asked that if the Planning Commission were to approve the plan would they consider

allowing each subsequent recordation to be done administratively rather than having to appear before them each time. Ms. Minner stated that according to the Zoning Ordinance it should be done before the Board but since they would only be changing interior lines that it would be acceptable for Mr. Wiseman to sign them without the plan appearing before the Board.

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

MOTION: Motion was made by Ms. Short to approve the Preliminary Plat contingent upon addressing all outstanding comments from the Town & KCI and allowing for the Planning Commission Chairman to sign individual plats for recordation provided the only changes are to interior unit lines. The motion was seconded by Ms. Manejwala and unanimously approved.

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

The representatives for the Preliminary Plat remained before the Board. Mr. Fox stated that they are requesting a Revised Final Site Plan. He noted that the interior units remain the same but that a canopy has been added and they have reduced some parking spaces. He stated that the site will still have the required number of parking spaces per the Town Zoning Ordinance.

Mr. Wiseman asked if the sidewalk had been completed. Mr. Mark Saunders stated that State Highway had approved the sidewalk and then once construction began they came and stopped the work. Mr. Fox explained that the original submittal had apparently not been routed through the proper offices at State Highway. Once construction began the work was stopped because State Highway did not like the location of the ramp on Whitehall Road so it needed to be moved. They also wanted the ramp in front of Ruby Tuesday's to be moved as well. Mr. Wiseman asked the current status of the sidewalk. Mr. Fox stated that State Highway is getting the permit ready.

Mr. Wiseman asked if they had any additional issues with any of the comments received.

Ms. Sabine Watson of KCI pointed out one of her comments regarding restricting food processing through a grease trap. Mr. Fox stated that they have no issue with the remaining comments.

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

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

AMENDMENT TO ELKTON ZONING ORDINANCE, ARTICLE X, SECTION 8.2 – PERMISSIBLE USE TABLE, USE DESCRIPTION 16.100 – COMMUNITY PIERS – (SEE ARTICLE IX, PART IV), PERMITTED WITH CONDITIONS IN THE RP ZONE

Ms. Minner presented the amendment to the Board regarding adding community piers to the RP Zone. It was noted that this is coming before the Board due to the fact that it was not addressed in the Ordinance. Ms. Minner pointed out that it references Critical Area regulations.

MOTION: Motion was made by Ms. Manejwala to recommend approval of the amendment to the Mayor & Commissioners. The motion was seconded by Ms. Whitaker and unanimously approved.

Old Business – Ms. Minner stated that there will be a public hearing for the Comprehensive Plan at the January Planning Commission meeting. It was determined that the meeting will begin at the regular 7:00 p.m. time unless there is a large agenda. She stated that she will e-mail everyone and let them know.

New Business – Mr. Wiseman announced that he was informed by Ms. Donna Short that she is stepping down from the Planning Commission Board. Mr. Wiseman stated that the Mayor & Commissioners would need to be informed.

Commissioner Jablonski stated that she would like to see resumes submitted with a letter of intent from anyone interested in serving on the different boards for the Town.

There being no further items for discussion Mr. Wiseman adjourned the meeting at 8:33 p.m.

Respectfully submitted,

Brenda Humphreys