

**TOWN OF ELKTON
PLANNING COMMISSION
DECEMBER 8, 2008**

PRESENT: David Wiseman, Chairman; H. Fred Thomas, II, Vice Chair; Donna Short; Sue Whitaker; Brad Carrillo; Brenda Sexton-Wilson, Esquire; Commissioner Mary Jo Jablonski, Ex-Officio; Jeanne D. Minner, Director of Planning; Theresa Thomas, Planner; Brenda Humphreys, Building & Planning Department

ABSENT: Asma Manejwala

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

**BOHLER ENGINEERING REPRESENTING CHICK-FIL-A, 1100 EAST
PULASKI HIGHWAY, ELKTON, MARYLAND, FINAL SITE PLAN, TAX MAP
316, PARCEL 986, ZONED C-2**

Mr. Joe Ucciferro of Bohler Engineering and Mr. Scott Thigpen representing Chick-Fil-A were introduced to the Board.

Mr. Ucciferro informed the Board that they are requesting Final Site Plan and Easement Plat approval. He noted that the parcel is approximately 1.3 acres with the entrance off the access drive to the Super Walmart. He stated that there would be one-way traffic circulation on the site and the proposed landscaping has been shown on the site plan.

Mr. Wiseman asked if they had received comments from the Town. Mr. Ucciferro stated that they have received comments from the Town Planning Department, Public Works Department and from the Town Engineer, KCI. He stated that they have no issues addressing any of the comments as received.

Mr. Wiseman asked if any variances have been requested. Mr. Ucciferro stated that they requested and were approved for design waivers at the last meeting and would be requesting a variance for two additional wall signs from the Board of Zoning Appeals at their December meeting.

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

Mr. Wiseman noted that there were a few comments that remained and Mr. Ucciferro stated that these could be worked out administratively with the Town Planning Department.

Mr. Wiseman entertained question or comment from the audience. There was none.

MOTION: Motion was made by Ms. Short to approve the Final Site Plan for Chick-Fil-A contingent upon addressing all outstanding review comments. The motion was seconded by Mr. Thomas and unanimously approved.

BOHLER ENGINEERING REPRESENTING CHICK-FIL-A, 1100 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, EASEMENT PLAT, TAX MAP 316, PARCEL 986, ZONED C-2

Mr. Joe Ucciferro of Bohler Engineering and Mr. Scott Thigpen representing Chick-Fil-A addressed the Board once again regarding the Easement Plat for the Chick-Fil-A project. Mr. Ucciferro pointed out that a 6" water main was required to be brought from Route 40 and provided to their location for the building's fire suppression system and the lines are being shown on this easement plat submission. Mr. Ucciferro noted that all 6" lines within Town limits are required to be public lines and within an easement.

Mr. Wiseman asked Ms. Minner if this requirement is standard policy. Ms. Minner stated that he was correct. He asked if the Public Works Department had reviewed this plan. Mr. Ucciferro stated that they had. Mr. Ucciferro stated that the remaining comments from the Town would be addressed administratively.

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

MOTION: Motion was made by Mr. Carrillo to approve the Easement Plat as proposed for Chick-Fil-A contingent upon addressing all outstanding review comments. The motion was seconded by Ms. Whitaker 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 and Mr. Michael Davitt, one of the owners of the project were introduced to the Board. Mr. Mascari stated that they are back before the Planning Commission because the lot coverage variance they applied for to the Board of Zoning Appeals was not approved and therefore they were unable to provide parking and driveway as previously proposed. Therefore they needed to look at the project again and are presenting an updated plan. He provided additional paperwork to the Board and stated that they have widened each lot to 22' with the garages in front and have reduced the number of lots to 48 as opposed to the original 51. He added that the commercial part of the project will remain the same.

Mr. Mascari went over the different house plans provided and their aesthetics. He noted that Townhouse Option 1 incorporates the garages integral to the house with approximately 10' of the garage extending out rather than the entire garage. Townhouse Option 2 incorporates a front porch with the garage extending only 2 to 3 feet out.

Mr. Wiseman asked if the driveways at the rear of the townhouse are no longer an option. Mr. Mascari stated that they were unable to balance out the lot coverage necessary to provide that option.

Mr. Wiseman asked if they had received comment letters from the Town and KCI. Mr. Mascari stated that he had received letters. Mr. Wiseman asked about one of the comments which addressed sidewalks on the south side of Katie Lane where the sidewalks are located next to the curb. The current standard requires a landscape barrier between the curb and the sidewalk. Ms. Minner had requested that both sides of the road be symmetric at the entrance and Mr. Mascari stated that they would be willing to make that change.

Mr. Wiseman asked if any of the other comments are unable to be addressed. Mr. Mascari stated that they would be able to address all the comments.

Mr. Wiseman asked about the commercial agreement to allow overflow parking on the commercial lots during non-business hours. Mr. Mascari stated that an agreement would be worked out for overflow parking at these lots. Mr. Wiseman asked how it would be enforced. Mr. Davitt stated that enforcement would be addressed.

Mr. Wiseman asked if additional signage was needed for the new project. Mr. Mascari stated that if signs were required they would be submitted to the Building Department for permits.

Mr. Wiseman asked if Ms. Minner had any additional comments. She stated that she was pleased with the alternative layouts.

Mr. Wiseman entertained additional comments from the Board. There were none. Mr. Mascari noted that there were three design waivers previously requested.

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

MOTION: Motion was made by Ms. Short to approve the Revised Preliminary Major Subdivision Plat and the Revised Preliminary Major Site Plan contingent upon addressing all outstanding review comments, 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, and allowing for the following three waivers: 1) increase in the maximum length of a cul-de-sac to 550'; 2) reduction of minimum spacing between two intersections on the same side of a road

(197' from MD 213 to Nathan Court & Michael Joseph Court) and (281' from Mike Court/Drive to Nathan Court & Michael Joseph Court); 3) allowing landscaping bufferyard to be located behind the stormwater management pond as requested. The motion was seconded by Mr. Thomas and unanimously approved.

MORRIS & RITCHIE ASSOCIATES, INC. REPRESENTING PATRIOTS LANDING, EAST SIDE OF MUDDY LANE, PRELIMINARY SUBDIVISION PLAT, TAX MAP 302, PARCELS 117, 118, 663, 1107 & 1108, ZONED R-2

Mr. Brad Carrillo requested to be recused from hearing this case.

Mr. James Keefer, Landscape Architect for Morris & Ritchie Associates, Inc. and Mr. David Hurwitz, Developer of Patriots Landing were introduced to the Board. Mr. Keefer stated that they are requesting a two year extension for this project. He added that they have been proceeding with this project over the course of the past year when they received final in February of 2007.

Mr. Keefer stated that the project is located on a 44.66 acre parcel off Muddy Lane and the R-2 zoning would permit approximately 240 houses to be built on the parcel and that they are requesting only 100 homes. He added that they have met with the Town and other agencies to resolve issues relating to either plan approval or engineering for the project, such as the one-way street through Thomas Payne Circle. He mentioned that a meeting had been held regarding forest conservation and that they are considering offsite reforestation. He noted that the project has slowed due to the economy but that they are progressing and do wish to continue with the project.

Mr. Wiseman indicated that this is the same plan as was previously approved. Mr. Keefer stated that it was the same and that the original plan would expire in February of 2009.

Mr. Wiseman stated that this request for a two year extension is not unreasonable due to the water availability and the economy. Ms. Minner noted that the time length for the extension is at the Board's discretion but that they have allowed two year extensions in the past.

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

MOTION: Motion was made by Ms. Short to approve a two year extension for Patriots Landing contingent upon addressing all outstanding review comments. The motion was seconded by Ms. Whitaker and unanimously approved by the remaining Board Members.

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. Ted Jasinski of Frederick Ward Associates and Ms. Karen Walker of Larson Investments were introduced to the Board.

Mr. Jasinski stated that they are requesting approval of the community center for the South Stream Subdivision. He pointed out the location of the community center on the plan provided to the Board. He stated that the center would be located on the cul-de-sac and would be approximately 2,350 sf with the following amenities: meeting hall, meeting room, exercise room, restrooms, kitchen and an indoor swim spa. He added that there will be a 20' x 40' outdoor pool and shuffleboard court as well. He noted that there have been changes to the amenities since the previous submittal.

Mr. Wiseman asked if they have any issues with comments they have received. Mr. Jasinski stated that they do not. He stated that they are within the required impervious surface allowance. He noted that they have added two parking spaces in the center lot and have shown the parking in the cul-de-sac as well as the fire hydrant locations and driveways serving homes within the cul-de-sac.

Mr. Wiseman entertained additional questions or comment from the Board. Mr. Carrillo inquired about the maintenance of the center. Mr. Jasinski stated that it would be maintained by the Homeowner's Association.

Ms. Short asked if there was a timeframe for construction. Mr. Jasinski stated that there has been some activity but it will depend greatly on the economy and on the sale of client homes who wish to purchase in South Stream.

Mr. Thomas stated that he appreciated the new plan and the work done in addressing the Board's concerns.

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

MOTION: Motion was made by Ms. Whitaker to approve the community center building for South Stream contingent upon addressing all outstanding review comments. The motion was seconded by Ms. Short and unanimously approved.

**BAY STATE LAND SERVICES REPRESENTING MAG PROPERTIES
ELKTON, LLC, WEST SIDE OF ROUTE 213, CONCEPT PLAN, TAX MAP 315,
PARCEL 2357, ZONED C-2**

Mr. Mitch Ensor of Bay State Land Services and Mr. Alan Deaves, one of the owners of property were introduced to the Board. Mr. Ensor stated that the property is located on the west side of Route 213 (Augustine Herman Highway) adjacent to the existing Royal Farm Store. They are proposing to build a 9,500 square foot building on a one acre parcel known as Lot 2. He noted that the Royal Farm Store is located on Lot 1. He added that they had a pre-concept meeting with the Town of Elkton Planning Department and every attempt has been made to address all of the comments to the Town and Singerly Fire Department satisfaction. He stated that the site is served by existing water and sewer and there is an existing access which is currently used by the Royal Farm Store. He noted that they would also be using the existing stormwater management system. He stated that upon researching the Town requirements they believe the stormwater management is functioning properly and meets the 10% rule for the Critical Area Commission. He stated that they have received a letter with respect to one of the ratios applied to the pollutant loadings. He stated that they will be working that item out with Mr. Nick Kelly of the CAC.

Mr. Ensor stated that with respect to a comment regarding the sprinkler system for the building he spoke to Mr. Dave Meaders of Singerly Fire Department and at this time they are not planning to sprinkle the building. He did mention that they will upgrade the architectural features of the building in order to meet all of the fire protection ratings necessary to meet both the Building Code and the Fire Department. He stated that they will probably be making a small adjustment to the location of the water service. They will probably be connecting to the existing main as opposed to where it is currently shown on the plan at the proposed main.

Mr. Ensor continued that there was a comment concerning sidewalk being placed along the front of the project and they are requesting a waiver of that comment since it is a commercial site and there are no other sidewalks on that side of the highway. He noted that there is a sidewalk along the residential site on the other side of Route 213 to within 100 feet of Route 40.

Mr. Ensor requested a waiver for 6' wide landscape islands rather than 8.5' wide islands required by the Zoning Ordinance. If the Board is uncomfortable with the waiver request they would be willing to place the 8.5' landscape islands if they would be allowed to stack eleven parking spaces in a row along the center aisles. Mr. Wiseman inquired how Ms. Minner felt this waiver would work with reference to the requirements. Ms. Minner reviewed the waiver request with Mr. Ensor. Ms. Minner asked the number of parking spaces required for the site. Mr. Ensor stated that they are required to provide fifty spaces. Ms. Minner stated that it is probably better to waive the number of islands rather than the number of trees required within the landscape islands if they are reduced in size.

Mr. Wiseman addressed the issue of sidewalk placement with reference to the comment letter. Mr. Ensor stated that they do not believe it is necessary since there are no other sidewalks in the immediate vicinity. Mr. Wiseman stated that although there are no

sidewalks on this side of Route 213 the intention is for sidewalks to be placed at other areas as possible and therefore all along Route 213 at some point in the future.

Mr. Wiseman asked if there were any other comments with which they had issue. Mr. Ensor stated that the code requires 100' from the fire hydrant to the building and they currently have 107'. He stated that Mr. Meaders of the Fire Department did not have a problem with that distance. Mr. Wiseman asked if it is an existing fire hydrant. Mr. Ensor stated that it is. Mr. Carrillo inquired about whether they were requesting a water line extension. Mr. Ensor stated that the water service would simply be moved to the opposite end of the lot. He added that they agreed an easement would be provided for future extension of the sewer to the south.

There was some additional discussion regarding placement of the requested sidewalk along Route 213. Mr. Ensor stated that they have no problem providing the sidewalk but hoped that the Town would consider working with them concerning the landscape islands.

Mr. Wiseman asked if there had any customers for the project. Mr. Ensor stated that Mr. Deaves and his brother would have their business offices (Aero Electric) at this site along with two leasable units. They noted that they have deed restrictions due to Royal Farms and are unable to place any competitive businesses in the lease spaces.

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

MOTION: Motion was made by Ms. Whitaker to approve the Concept Plan for MAG Properties contingent upon addressing all outstanding review comments, allowing an increase in the number of parking spaces required between landscape islands while requiring the 8.5' width for the islands, providing the sidewalk along Route 213 and approval by the Town Department of Public Works with regard to the questioned utility tie-in. The motion was seconded by Ms. Short and unanimously approved.

Old Business

Section 8.2 Permissible Uses Table

10.220 Automobile, Light Truck and Other Vehicle Storage Lots

The Board addressed revising an amendment to the above referenced section of the Permissible Uses Table. They discussed other possibilities for the particular use referenced by the amendment. Ms. Minner stated that she would speak to the Commissioners regarding the amendment. There was some discussion regarding the requirements for storage of recreational vehicles.

NEW BUSINESS – None

Mr. Thomas addressed decisions made by the Board of Zoning Appeals and how it relates to the recommendations made by the Planning Commission. Ms. Brenda Sexton and Ms. Minner addressed his specific questions regarding the statutory standards imposed on the Board of Zoning Appeals in reference to variances. It was noted that one of the requirements of approving a variance is that the applicant must prove that the hardship implied in the request is not self imposed.

Discussion followed regarding the Board's role, with reference to the Ordinance, pertaining to design standards for the Planned Unit Development.

There being no further items to discuss, the meeting was adjourned by Mr. Wiseman at 8:18 p.m.

Respectfully submitted,

Brenda Humphreys