

**TOWN OF ELKTON
PLANNING COMMISSION
FEBRUARY 8, 2010**

PRESENT: David Wiseman, Chairman; H. Fred Thomas, II, Vice Chair; Asma Manejwala; Sue Whitaker; Brad Carrillo; Clara Campbell, Esquire; Jeanne D. Minner, Director of Planning; Theresa Thomas, Planner; Brenda Humphreys, Building & Planning Department

ABSENT: Commissioner Mary Jo Jablonski, Ex-Officio

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

MCBRIDE & ZIEGLER, INC. REPRESENTING UPPER CHESAPEAKE HOLDINGS, LLC, PTFE, 220 CHESAPEAKE BOULEVARD, PRELIMINARY MINOR SITE PLAN, PHASES 1 & 2, TAX MAP 316, PARCEL 2443, ZONED BI

Mr. Mark Ziegler of McBride & Ziegler and Mr. Jeff Nowland of Nowland Associates were in attendance to present this project. Mr. Nowland stated that they wished to discuss a plan regarding an expansion of the PTFE facility in the Upper Chesapeake Corporate Center. This business was originally located at the corporate center approximately two years ago. Their intention is to expand the production of materials used in their Teflon based products. This expansion will be exclusively for warehousing space. They are proposing two Phases to the project and are seeking approval, under the current stormwater management regulations, for both Phases. The approval does not include any additional water and sewer usage.

Mr. Wiseman asked if they received comments from the Town, Department of Public Works, KCI, etc. and if they have any issues with any of the comments. Mr. Ziegler stated that they have received the comments and are requesting a design waiver for the landscape islands, two of which would exceed the required island per every seven (7) parking spaces. Ms. Minner inquired whether this would provide adequate shading for the asphalt. Mr. Ziegler responded in the affirmative.

Another comment which was addressed from the Public Works Department and KCI regarded stormwater management. Mr. Ziegler stated that two years ago, when they presented the original plan, there was a note placed on the plan stipulating that sites in the Upper Chesapeake Corporate Center be allowed up to 50% impervious surface coverage based on the existing stormwater management facility. Mr. Ziegler stated that this stipulation was included on the recorded plat for this project. Mr. Nowland stated that they are in discussions with the Public Works Department and believe they are on track.

Mr. Ziegler noted another comment regarding availability of water and sewer. Ms. Minner stated that they should follow through with filling out a water and sewer form.

There was discussion regarding the specific approval being requested for this project. Mr. Nowland stated that they are requesting complete approval for both Phases 1 & 2 at this time due to the State revisions to the Stormwater Ordinance which will become effective in May 2010. The build out for the Phase 2 building will be done in the future.

Ms. Manejwala inquired about the note referencing relocating the existing HVAC. Mr. Nowland stated that the unit is small and would probably be placed at the corner of the building.

Mr. Wiseman asked Ms. Minner if she was comfortable with the design waiver for the landscape island requirement. Ms. Minner stated that it was dependent upon how the Board wishes to proceed, whether as a design waiver or as an interpretation of the Ordinance. Mr. Wiseman stated that once the Board is able to see a more detailed plan on the landscaping, trees and vegetation they will be able to make a more informed decision.

Ms. Manejwala inquired whether this issue is separate from another comment. It was noted that the particular comment in question was regarding a similar issue.

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

MOTION: Motion was made by Ms. Manejwala to approve the Preliminary Minor Site Plan for Phases 1 & 2 for PTFE contingent upon addressing all outstanding comments from the Town, KCI and Singerly Fire Department, pending stormwater management calculations and parking rationale and allowing for the design waiver as requested for number of parking spaces for each landscape island. The motion was seconded by Mr. Thomas and unanimously approved.

MCCRONE, INC. REPRESENTING REPLENISH COSMETIC, 330 EAST PULASKI HIGHWAY, CONCEPT SITE PLAN, TAX MAP 315, PARCEL 2378, ZONED C-2

Mr. Brad Fox of McCrone, Inc. and Dr. David Martini of Replenish Cosmetic were in attendance to present this project. Mr. Fox stated that the concept presented is a redevelopment of the existing building. Additionally they are proposing a new building project of approximately 7,500 square feet. They presented an alternative plan that would provide flexibility depending upon the determined need. Mr. Fox stated that their goal is to utilize the existing drainage patterns and will maintain the utilities to the existing building. The existing paving and grading onsite will be maintained wherever possible. Additional landscaping will comply with the Town Code as much as possible. There will be some interior landscaping added as well.

Mr. Fox stated that Dr. Martini's office uses only eight (8) parking spaces and therefore they are requesting a design waiver for landscape islands requiring seven (7) parking spaces. He stated that they are required to place 64 parking spaces and will be providing one less space than required but he noted that they are hoping to reintegrate this parking space.

Mr. Wiseman asked if they had received comments. Mr. Fox stated that they had a question concerning the comment regarding the required 30' bufferyard at the front of the new building. They are requesting a waiver to reduce the bufferyard to 15' in order to maintain the curb. He added that they plan to provide 30' of bufferyard in front of the existing building.

Mr. Wiseman asked if a traffic impact study would be required. Ms. Minner stated that one of her comments was for them to provide comments from State Highway.

Mr. Wiseman asked if both the redevelopment and the new building would be worked on simultaneously. Dr. Martini stated that it depends upon the lessee needs. The addition will be a flex building and therefore could be either retail only or a mix of medical offices and retail.

Mr. Wiseman asked if they are planning to match the architecture of the original building. Dr. Martini stated that the exterior finish will be the same.

Mr. Wiseman inquired whether a bufferyard was between their site and the Ruby Tuesday parcel and what the distance between the two might be. Mr. Fox stated that there is no bufferyard and there is approximately five feet between the buildings.

Ms. Manejwala asked if they were providing vehicle access between Ruby Tuesday and their site. Dr. Martini stated that there would be no access.

Mr. Wiseman inquired about the type of curbing they would be proposing. Mr. Fox stated that the Town requires upright curbing.

Mr. Carrillo stated that it appeared they were eliminating a number of parking spaces but with the additional parking added they would only have one space less than the required number of 64.

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

MOTION: Motion was made by Mr. Carrillo to approve the Concept Site Plan for Replenish Cosmetic contingent upon addressing all outstanding comments from the Town and KCI. The motion was seconded by Ms. Whitaker and unanimously approved.

**AMERICAN ENGINEERING AND SURVEYING, INC. REPRESENTING BILL DAVIS
CAR WASH, 333 EAST PULASKI HIGHWAY, PRELIMINARY MINOR SITE PLAN,
TAX MAP 315, PARCEL 2016, ZONED C-2**

Mr. Tim Granger and Mr. Kordell Wilen of American Engineering and Mr. Bill Davis, owner of Royal Shine Car Wash were in attendance to present this project. Mr. Granger stated that the goal of their presentation is a new central vacuum area and to improve the traffic flow. He noted that the rear entrance will be moved 80 feet to the east to create better traffic flow. There will be one parking space added to the employee parking area and some traffic restriping will be done.

Mr. Granger stated that they have received comments from the Town and KCI and feel that the majority of them will be addressed with no difficulty. Mr. Davis stated that the reason for these changes is to provide customers with more value for their money. He added that the vacuum will be free with soft touch car washes.

Mr. Granger addressed a question from Mr. Carrillo regarding downspouts. He stated that they would be adjoining their downspouts with the neighboring property, M & M Sports, and direct them to the existing underground stormwater management.

There was discussion regarding a design waiver for the number of parking spaces between landscape islands. They will have one island with ten spaces and landscaping will be placed at either end. It was noted that this project is providing more parking than is required by the Ordinance.

Ms. Manejwala stated her concern regarding the traffic pattern at the south end of the building. Mr. Davis stated that there will be a two lane road and they should have plenty of room. They have never had any issues with exiting due to the fact that people are leaving at different times.

Mr. Wiseman asked if there will be any issue with the barrier gate being restricted. Ms. Minner stated that vehicles can exit onto the access road and that Singerly Fire Company had no issue with the barrier gate.

Mr. Carrillo mentioned the impervious surface area and whether the stormwater management would increase that area. Mr. Granger stated that it would be directed to an underground chamber and will not affect the impervious surface at all.

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

MOTION: Motion was made by Ms. Whitaker to approve the Preliminary Minor Site Plan for Bill Davis Car Wash contingent upon addressing all outstanding comments from the Town and KCI and allowing for a design waiver, as requested, for number of parking spaces per landscape island. The motion was seconded by Mr. Thomas and unanimously approved.

O'CONNELL ENGINEERING, INC. REPRESENTING SONIC DRIVE-IN, 103 EAST PULASKI HIGHWAY, PRELIMINARY SITE PLAN, TAX MAP 315, PARCEL 2407, ZONED C-2

Mr. John O'Connell of O'Connell Engineering, Inc. and Mr. George Jones were in attendance to present this project. Mr. O'Connell stated that this proposal has the same site issues as the prior submissions but they have been working with the Town to resolve the water & sewer easement placement so that it does not interfere with the canopies.

He stated that the building is 17,052 square feet. Mr. O'Connell stated that they are requesting a waiver of the loading zone since deliveries would be done after hours and the difficulties with maneuvering a large truck on the property. Ms. Minner inquired whether they had considered the first parking space as you enter the property from Route 40. It was determined that the Town requirement was for a loading zone to be shown and no other requirements are given. There was discussion regarding the fact that other businesses have requested loading zones in areas that would be difficult during business hours but stated that the deliveries would be done during their off hours. Mr. Wiseman voiced his concerns because those same businesses now block traffic during the busiest times of the day and block the access road behind some of the stores. Mr. Jones stated that the deliveries at his other two locations are done at 1:00 a.m. and that they coordinate with the manager so that someone is there to receive the deliveries. He noted that it would harm his business to block people from coming to the restaurant during the day.

Mr. Wiseman asked how many deliveries are typical for the restaurant per week. Mr. Jones stated that there are two deliveries a week and one linen delivery so there will be limited activity. Mr. Jones stated that he did not have a problem with moving the loading zone to the area mentioned by Ms. Minner. Mr. Wiseman asked the distance between the front curb and the building. Mr. O'Connell stated that it is approximately 20 feet.

Mr. Wiseman inquired whether the site has received approval from a safety standpoint. Mr. O'Connell stated that it has been approved for some time and the soil has a one foot compaction which was verified by ECS Mid-Atlantic, LLC. Ms. Minner stated that according to the report the final lift within the undercut areas, where wet on-site material was used for the final 1-foot of backfill, the lift must be reconditioned and compacted.

Mr. Wiseman asked if a raised curb would be placed at the rear of the property which abuts the Dunkin Donuts as a safety precaution. Mr. O'Connell stated that there would be a curb but that they changed the original design that incorporated a retaining wall.

Ms. Manejwala asked the height of the canopies. Mr. Jones stated that there would be approximately 20 feet with 10 feet of clearance below.

Mr. Thomas inquired how many employees will be employed. Mr. Jones stated that there will be approximately 50 part time employees with 20-25 full time positions which would include four managers. Mr. Thomas asked when the anticipated opening would be. Mr. Jones stated that if all goes well it would be 90 days from the start of construction.

There was discussion regarding necessary variances for the project. Mr. O'Connell explained that the Ordinance requirements for a width to depth ratio of parking area requires a larger front yard setback and therefore they are requesting a 15' bufferyard rather than a 30' bufferyard as required.

They are also requesting a variance from the Board of Zoning Appeals for placement of a sign. It was noted that the sign will be within the front bufferyard. Ms. Minner stated that placement of signs within the bufferyard are not addressed in the Ordinance. She noted that the location of the proposed sign will be more conforming than the previous sign at the same location.

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

MOTION: Motion was made by Ms. Manejwala to approve the Preliminary Site Plan for the Sonic Drive-In contingent upon addressing all outstanding comments from the Town and KCI, and receiving approval from the Town regarding relocation of the water/sewer easement. Additionally, the following design waivers were approved: 1) One (1) landscape island at each end of fifteen (15) parking spaces; 2) relaxation of the loading zone requirement; 3) allowing for a bufferyard reduction from 30 feet to 15 feet from the requirement in Article XVII, Part II, Section 3.4; and 4) allowing for sign placement in the bufferyard. The motion was seconded by Mr. Thomas and unanimously approved.

DISCUSSION ITEM – REQUEST FOR A TEXT CHANGE TO THE ZONING ORDINANCE REGARDING ELECTRIC FENCES BY SENTRY SECURITY SYSTEMS, LLC

Ms. Cindy Vaughan of Sentry Security Systems, LLC was in attendance to present this request. Ms. Vaughan presented a video of employees demonstrating touching the electric fence.

Mr. Wiseman began by asking Ms. Vaughan how this fence will keep thieves from jumping over the fence. She stated that the fence is a pulse system composed of a 12v marine battery with a 1/10,000 of a second duration every 1.3 seconds. She mentioned that it does not connect to the electrical grid and therefore is not continuous.

She continued that the fence has been tested and studied by a professor of pulse electricity and has confirmed its safety. It causes no harm to the heart or heart monitors due to the short pulse therefore it is a beneficial crime deterrent.

Ms. Vaughan stated that the fence is 10' high and completely enclosed behind a perimeter chain link fence. The system is designed to protect valuable assets stored in outside storage lots such as large trucking companies (Fed-Ex, UPS, Estes, etc.). Most of these are national customers. In addition to the large customers they will also service smaller companies, such as landscaping businesses who store goods out of doors. The fencing costs are one tenth the cost of a security guard.

Ms. Vaughan stated that they do not sell the fencing but they retain ownership and maintain the fencing. In essence the fence is used as an alarm system.

Mr. Wiseman asked what happens if a truck would hit the fence. Ms. Vaughan stated that it would ground out the fence. Mr. Wiseman asked how entrance at the gate is controlled. She stated that there is a 'y' or 'h' connector depending upon the type of gate. They maintain all liability and would be willing to enter into a whole harmless agreement with the Town.

The fence requires installation according to the IEC. She noted that they service industrial and commercial uses only.

Mr. Wiseman asked if other municipalities have no mention of electric fencing in their codes. She stated that some municipalities have amended their Ordinances in order to incorporate this type of fencing. Ms. Vaughan stated that some municipalities only require a fence permit. The Town Code expressly prohibits electric fencing. She stated that since their fencing is unique and in order to keep up with current technology they encourage municipalities to consider changing their Ordinances.

Mr. Wiseman asked if a monitoring company is contacted when the fence is touched. Ms. Vaughan noted that if the voltage is broken for more than five seconds, taking into consideration a branch falling on the fence, etc., then it would set off the audible alarm. There was some question concerning the decibel level of the alarm. She stated that she was unsure but would check and provide that information.

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The Board discussed in which zones the fencing might be allowed if the amendment is considered, whether variances would be allowed and if this would require any Town security responsibilities.

Ms. Thomas mentioned that the Upper Chesapeake Corporate Center has their own architectural review committee and therefore the fence could be denied even if the Town changes their Ordinance.

Mr. Wiseman asked when the fence code was reviewed previously. Ms. Minner stated that the last full revision of the Zoning Ordinance was done in 1994.

Mr. Wiseman stated that it would be beneficial to review Ordinances from other municipalities while considering this amendment. Ms. Vaughan stated that she would be glad to provide Ms. Minner with copies of different amendments that she had fashioned for other municipalities.

OLD BUSINESS: Ms. Minner stated that at the previous meeting there was discussion regarding her coming up with some good PUD developments. The Board's general consensus was that it is the developer's responsibility to come up with their own ideas regarding this project that should then be presented to the Board. Discussion ensued regarding the PUD and the Board's suggestions given at the previous meeting.

There was discussion regarding a letter received regarding the concerns of residents of the Frenchtown Road area and the drilling of the well proposed in that area. Ms. Minner stated that Mr. Lewis George had addressed the concerns of the residents who made the request.

NEW BUSINESS: Ms. Manejwala inquired about the timeframe for the Comprehensive Rezoning. Ms. Minner stated that generally it is begun immediately after the Comprehensive Plan is adopted.

There was some discussion regarding the Senior Housing project and how the lawsuit against the Town might affect the Board. Ms. Minner stated that it would not affect this Board. There was discussion regarding the parking requirements for this project and Ms. Minner stated that we have not received any additional requests regarding the parking.

There being no further items for discussion the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Brenda Humphreys