

**TOWN OF ELKTON  
PLANNING COMMISSION  
JUNE 7, 2010**

**PRESENT:** H. Fred Thomas, II, Vice Chair; Asma Manejwala; Sue Whitaker; Roger McCardell; Commissioner Mary Jo Jablonski, Ex-Officio; Clara Campbell, Esquire; Jeanne D. Minner, Director of Planning; Brenda Humphreys, Building & Planning Department

**ABSENT:** David Wiseman, Chairman; Brad Carrillo; Theresa Thomas, Planner

Mr. Thomas called the meeting to order at 7:45 p.m.

**ACTION:** Motion was made by Ms. Whitaker to approve the minutes from the April 12, 2010 Planning Commission Meeting. Motion was seconded by Ms. Manejwala and unanimously approved.

**MCCRONE, INC. REPRESENTING SINGERLY FIRE COMPANY, 300 NEWARK AVENUE, PRELIMINARY SITE PLAN, TAX MAP 306, PARCELS 1740, 1743, 1852 & 2154, ZONED C-2**

Mr. Roger McCardell requested to be recused from hearing this request.

Mr. David Strouss of McCrone, Inc., Mr. Don Hicks of the Singerly Fire Company and Mr. Carl Krienen of ADHA Architects were in attendance to present this project request.

Mr. Strouss stated that they are presenting a Preliminary Site Plan for the Fire Company. He noted that they had been before the Board previously. He stated that the plan is similar to the one previously submitted. The Fire Company responding apparatus will access MD Route 279 and returning apparatus will pull onto the apron and back into the proposed building addition. The access from Route 213 will mostly be used for banquet hall use and at times by returning ambulances. All the larger equipment will use MD Route 279.

Mr. Strouss stated that they have been in discussion with Mr. Monty Litzenberg in order to try to minimize the impacts to his property on Route 213. They have agreed to provide a curb cut at his parking lot and a 2-3 foot retaining wall along his property to avoid a steep bank in that area. They are also proposing a 27' wide access off of Route 213 rather than the initial 30' wide access to further decrease impact on his property.

Mr. Strouss stated that at Concept Plan approval there were several design waivers approved. He requested an additional design waiver listed under Site Plan Notes as 24C, 'To allow for fewer interior parking lot island trees than required'. He stated that they are required to place 54 trees and they are proposing only 31 trees. They requested to withdraw note 24D 'To allow for drainage swale to remain instead of berm for Bufferyard 'D' adjoining Daniel & Kimberly Lewis'. He noted that they have been unable to reach an agreement with the Lewis' and therefore they have made changes to the plan to address this issue. They will be widening the bufferyard along the western side of the Lewis' property to 25' to comply with 'Bufferyard D' requirements in the Zoning Ordinance.

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He added that along the south side of the Lewis' property they have made the building one foot narrower and have moved it one foot closer to MD Route 279. They are proposing a 15' wide Bufferyard 'D' with a 5' tall berm with an elevation of 53" along the Lewis' property.

Mr. Strouss stated that there were concerns about drainage issues at the previous submittal and he pointed out that water will drain to the west rather than the east toward the Lewis' property. The only water within that Bufferyard will be picked up in the storm drain so that it will not impact the Lewis' property. He pointed out the location of two catch basins which would address the water.

Ms. Manejwala asked if the building would be moved into the front setback requirement. Mr. Strouss stated that it would not impact the building restriction line. Mr. Hicks added that only the larger equipment would be accessing the apron off of MD Route 279.

Mr. Strouss mentioned that they have addressed all comments received concerning the Concept Plan. Mr. Thomas inquired whether they have addressed one of the KCI comments (#9) regarding approval from State Highway for the entrance off of MD Route 279. Per his conversation with Mr. Gary Davis, Mr. Strouss is anticipating receiving a letter regarding the fact that a traffic study would not be required. Mr. Strouss said the final engineering plans on the access points would be forwarded to State Highway shortly.

Mr. Thomas questioned one of the comments regarding how the access around the building would be addressed. Mr. Strouss stated that it would not be in the Fire Company's interest to change the access lane around the building from the proposed location. He noted that this access lane would be for members responding to an emergency call. Their intention is to separate emergency vehicles from events taking place at the hall. Ms. Manejwala asked if the entrance closest to MD Route 279 would remain open. Mr. Strouss stated that it would be mainly for banquet hall use. She voiced concern with the entrance being so close to the intersection. Mr. Strouss pointed out that people leaving events can wait for the light to clear if there is a lot of traffic whereas emergency vehicles need access immediately. Ms. Manejwala asked if signage would be placed regarding blocking of the entrance. Mr. Hicks stated that the road was marked by State Highway asking that the entrance remain clear and the traffic does not heed either the signs on the road or the signs at the entrance.

Mr. Thomas entertained comments from the Board and questions from the audience.

Mr. Dan Lewis of 213 Gilpin Avenue spoke in opposition to the project. He mentioned the closeness of his home to the property and his children's bedroom. He also noted that the location of the bufferyard would make it more difficult for him to maintain his yard. The drainage from the Fire Company property was also of great concern to him along with the garage doors for the emergency equipment that faced his property. He pointed out that his residence is the closest to the Fire Company property.

Due to the fact that Mr. Lewis arrived after this project was discussed he was made aware by Mr. Strouss of each of his concerns having been addressed by the plan submitted at this meeting. Mr. Lewis reiterated his opposition to the project even with the changes presented.

**MOTION: Motion was made by Ms. Whitaker to approve the Preliminary Site Plan for Singerly Fire Company contingent upon addressing all outstanding comments from the Town and KCI, allowing for the addition of Design Waiver ‘c’ and withdrawal of Design Waiver ‘d’. The motion was seconded by Ms. Manejwala and unanimously approved.**

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

Mr. John Mascari of Fairhill Engineering, Mr. John O’Connell of O’Connell Engineering and Mr. George Jones, Developer were in attendance to present this project request. Mr. Mascari stated that the project received Preliminary Plan approval at the February 2010 meeting and that three design waivers were approved at that time. Two of the design waivers were regarding landscape issues and the third was regarding the loading space.

Mr. Mascari stated that another item that was addressed was regarding the public water and sewer that crosses this property and needed to be relocated due to the location of the canopies and therefore the easement needed to be recorded again. He noted that they are moving forward with recording of the easement and with the required public works agreement.

Mr. Mascari stated that the KCI comments were addressed by O’Connell Engineering and resubmitted on June 3<sup>rd</sup> with KCI responding on June 4<sup>th</sup>. He noted that most of the comments have been addressed with a few minor comments still to be addressed on the storm water management facility. He pointed out that underground chambers are proposed under the parking area that will filter the water.

Mr. Mascari stated that the few comments remaining should not cause any issues for them to address. Ms. Minner stated that there were some outstanding landscaping issues. One being the mislabeling of one of the buffer yards as ‘B’ when it should be ‘C’ that entails more plantings. She pointed out that Critical Area also required additional tree plantings. She noted that there is a utility easement where some of the trees are proposed which may cause issues with the utility pipes. Ms. Minner stated that the comments from the Critical Area could be coordinated with her comments and addressed together.

Mr. O’Connell mentioned that they had appeared before the Board of Zoning Appeals and received a front setback variance for their sign placement.

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

**MOTION: Motion was made by Ms. Manejwala to approve the Final Site Plan for the Sonic Restaurant contingent upon addressing all outstanding comments from the Town and KCI. Motion was seconded by Mr. McCardell and unanimously approved.**

**MCCRONE, INC. REPRESENTING INGERMAN GROUP – ELKTON SENIOR APARTMENTS, 149 EAST HIGH STREET, REVISED FINAL ADD-ON SUBDIVISION PLAN, TAX MAP 310, PARCELS 1204 & 1217, ZONED RO & TAX MAP 311, PARCELS 1216, 1218, 1219 & 1220, ZONED RO**

**MCCRONE, INC. REPRESENTING INGERMAN GROUP – ELKTON SENIOR APARTMENTS, 149 EAST HIGH STREET, REVISED FINAL SITE PLAN, TAX MAP 310, PARCELS 1204 & 1217, ZONED RO & TAX MAP 311, PARCELS 1216, 1218, 1219 & 1220, ZONED RO**

Mr. David Holden of the Ingerman Group and Mr. Dwight Thomey were in attendance to represent this request. Mr. Thomey stated that they will be addressing both the Revised Final Add-On Subdivision Plan and the Revised Final Site plan during this presentation as both address the same issue.

Mr. Thomey pointed out that the Zoning Ordinance provided for a site to have 1.2 acres for a project of this type within the Central Business District. He noted that upon dedicating the amount of property required to the Town and at final surveying they determined that they were approximately 3,000 square feet short of what was required. Therefore, they are proposing to add 0.084 acres to the project in order to have the correct amount of square footage for the project. They requested that the vote be done contingent upon purchase of the property.

Mr. Thomey added that they were informed by Mr. Craig Trostle of the Town Building Department that a building that currently exists on the property that will be purchased must be fireproofed with fire retardant material due to its proximity to the proposed building. Mr. Thomey stated that there was a suggestion regarding moving the bufferyard plantings if the property line is moved. He stated that they would prefer not to move the plantings due to the location of the electric lines.

Mr. McCarthy inquired about the parking for the building. Mr. Thomey stated that 36 spaces are provided onsite with 15 additional spaces provided offsite. He added that the number of parking spaces has not changed since the previous submission. Mr. McCardell asked how far the offsite parking was from the project. Mr. Thomey stated that it was across the street. He added that they did not feel there would be an issue with the number of parking spaces provided due to the fact that most of the residents will probably not have vehicles and the spaces will be used by visitors.

Mr. Thomas entertained questions or comments from the audience.

Dwight Hair spoke in favor of the senior housing project. He noted that three buildings would be removed and that the project will be paying taxes to the Town. He pointed out that the Town needs housing such as this.

There were no additional comments from either the Board or the audience.

**MOTION: Motion was made by Mr. Manejwala to approve the Revised Final Add-On Subdivision contingent upon all outstanding comments from the Town and KCI. Motion was seconded by Mr. McCardell and unanimously approved.**

**MOTION: Motion was made by Ms. Whitaker to approve the Revised Final Site Plan contingent upon addressing all outstanding comments from the Town and KCI and contingent upon the purchase of property from the Cecil County Commissioners. Motion was seconded by Mr. McCardell and unanimously approved.**

**AMENDMENT 1-2010 TO TOWN OF ELKTON ZONING ORDINANCE  
ARTICLE XIII DENSITY AND DIMENSIONAL REGULATIONS  
SECTION 4.8 BUILDING SETBACK REQUIREMENTS, WALLS AND FENCES**

Ms. Minner presented Amendment 1-2010 for consideration before the Board. She pointed out that our current Ordinance prohibits electric fencing and a request was made to the Town to consider possible changes to the Ordinance to allow electric fencing under certain conditions. Ms. Minner read the proposed amendment as written for their consideration. (Copy attached)

Mr. Thomas entertained comments from the Board and the audience. There were none.

**MOTION: Motion was made by Ms. Manejwala to recommend approval of the Ordinance changes, as written, to the Mayor & Commissioners. Motion was seconded by Ms. Whitaker and unanimously approved.**

**AMENDMENT 4-2010 TO TOWN OF ELKTON ZONING ORDINANCE  
ARTICLE XII SUPPLEMENTARY USE REGULATIONS  
SECTION 19. FESTIVALS, EVENTS OF PUBLIC INTEREST OR SPECIAL EVENTS,  
OCCASIONAL, OUTDOOR (22.20)**

Ms. Minner presented Amendment 4-2010 for consideration before the Board. She stated that this amendment was being presented for correction regarding reference to the Town Charter & Code 'Chapter 47'. She presented the Amendment with the changes for their consideration.

Mr. Thomas entertained comments from the Board and the audience. There were none.

**MOTION: Motion was made by Ms. Whitaker to recommend approval to the Mayor & Commissioners of Amendment 4-2010, as written. Motion was seconded by Ms. Manejwala and unanimously approved.**

**AMENDMENT 5-2010 TO TOWN OF ELKTON ZONING ORDINANCE  
ARTICLE XII SUPPLEMENTARY USE REGULATIONS  
SECTION 29. HOUSING FOR THE ELDERLY OR HANDICAPPED (1.430)**

Ms. Minner presented Amendment 5-2010 for consideration before the Board. She stated that under the Central Business District the minimum lot size was changed to 1.2 acres to accommodate the Elkton Senior Housing project. Upon dedicating the amount of property required to the Town and at final surveying it was determined that they were approximately 3,000 square feet short of what was required. Ms. Minner said that they are presenting this reduction for the sake of simplicity.

Mr. Thomas entertained comments from the Board.

Mr. McCardell asked if the project has enough square footage without the Ordinance change. Ms. Minner stated that they do have enough square footage with the Add-On Subdivision presented.

**MOTION: Motion was made by Ms. Whitaker to recommend approval of Amendment 5-2010 to the Mayor & Commissioners as written. Motion was seconded by Ms. Manejwala with the remaining members voting as follows:**

**Mr. Thomas – Aye      Mr. McCardell – Nay**

**Motion passed.**

**OLD BUSINESS:** Ms. Minner inquired whether the Board members have completed the Maryland Department of Planning education course. A number of the members responded that they were either in the process of reviewing it or had completed the course.

Ms. Minner approached the Board concerning a request from Mr. Ken Simmons regarding whether it would be necessary to come before the Planning Commission in order to make changes to some of the townhouses at Hickory Knoll Subdivision on Red Hill Road. The approved plans allowed for garages for each unit and they would like to change some of the units to provide full basements rather than garages. The consensus of the Board was to allow the change provided no changes are made to either the number of parking spaces required per unit or the impervious surface requirements.

**NEW BUSINESS: None**

There being no further items for discussion the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Brenda Humphreys