

**TOWN OF ELKTON
PLANNING COMMISSION
JULY 13, 2009**

PRESENT: David Wiseman, Chairman; Donna Short; Asma Manejwala; Sue Whitaker; Brad Carrillo; Commissioner Mary Jo Jablonski, Ex-Officio; Clara Campbell, Esquire; Theresa Thomas, Planner; Brenda Humphreys, Building & Planning Department

ABSENT: H. Fred Thomas, II, Vice Chair; Jeanne D. Minner, Director of Planning

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

ACTION: Motion was made by Ms. Short to approve the minutes of the June 8, 2009 Planning Commission Meeting. Motion was seconded by Ms. Manejwala and unanimously approved.

CASE # 1374 – REQUEST OF SARAH LANGLEY FOR A SPECIAL EXCEPTION FOR A HOME OCCUPATION. THIS ACTION CONCERNS PROPERTY LOCATED AT 203 BUTTONWOODS ROAD, TAX MAP 319, PARCEL 2345, ZONED R-3

Ms. Langley informed the Board that she moved to Elkton recently and would like to begin private practice in her home. She stated that she is a licensed professional counselor and would like to provide counseling for clients with mild disorders such as anxiety, depression and stress.

Mr. Wiseman stated that Ms. Langley submitted paperwork which addresses the conditions provided in the Zoning Ordinance regarding home occupations. He inquired of Ms. Thomas the size of a sign which would be allowed at the property. Ms. Thomas stated that in the residential zones the property would be allowed a two (2) square foot sign.

Mr. Wiseman asked if parking was an issue in this subdivision. Ms. Langley stated that there are two parking spaces assigned to each unit as well as overflow parking in other areas.

Mr. Wiseman inquired about the room she mentioned where clients would wait to see her. He asked about the length of the sessions and if they could be spaced in order that clients would have privacy and to alleviate issues with parking.

Ms. Langley stated that the room she will be using for counseling is a converted bedroom and the next patient would be waiting in an open area adjacent to the office.

Ms. Manejwala asked what the counseling hours would be. Ms. Langley stated that she will begin the sessions on Fridays from 9 a.m. to 5 p.m. and maybe some evenings between 6 p.m. and 8 p.m. She may also expand her hours to Wednesday and Thursday as well.

Ms. Short noted that Ms. Langley had mentioned hiring an office manager. Ms. Langley stated that she is considering hiring an office manager who would be responsible for greeting the clients and accepting payments.

Mr. Wiseman asked if she is ready to begin her business at this time. Ms. Langley stated that she was.

Ms. Short asked the number of people who may be involved in the group sessions. Ms. Langley stated that mostly it would be couples therapy but that it could be up to six persons in the groups. She would run the sessions for 6-8 weeks with time in between before another group begins. Ms. Short asked if she had spoken to her neighbors. Ms. Langley stated that she had spoken to some of the neighbors because they were inquiring about the special exception sign posted in her yard.

Ms. Whitaker asked the size of the room that would be used for client waiting. Ms. Langley did not know the size of the room but stated that only a small part of that room would be used.

Mr. Wiseman asked if she prescribes medication. Ms. Langley stated that she did not. Mr. Carrillo asked if there is a Home Owner's Association for the subdivision. Ms. Langley stated that she was told there is no HOA at this time.

Mr. Wiseman stated that the only issue he could see might be the number of parking spaces available. Ms. Whitaker stated that when she was in the area earlier in the day that no parking spaces were available in the unassigned parking area and that the assigned parking is not well defined.

Ms. Short voiced her concerns regarding patients with possibly violent tendencies. Ms. Langley stated that if a client has these tendencies they would be referred to a different counselor.

Mr. Wiseman inquired as to how clients are referred. Ms. Langley stated that she receives clients through the State Board of Counseling and through insurance companies.

Ms. Langley stated that the office area would be confined to the lower level of her home. She added that she also provides counseling to businesses in the area and would do her work at the business location.

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

MOTION: Motion was made by Mr. Carrillo to recommend approval to the Board of Zoning Appeals for an initial term of one (1) year. The motion was seconded by Ms. Manejwala and unanimously approved.

CASE # 1375 – REQUEST OF MCCRONE, INC., 106 E. MAIN STREET, ELKTON, MARYLAND, FOR A SPECIAL EXCEPTION TO ALLOW HOUSING FOR THE ELDERLY OR HANDICAPPED IN THE RO ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 149 EAST HIGH STREET, TAX MAP 311, PARCELS 1216, 1217, 1218, 1219 & 1220, ZONED RO

Prior to the case being heard Mr. Wiseman inquired of Ms. Campbell, legal counsel for the Planning Commission, if the case could be heard since the amendments voted on by the Mayor & Commissioners would not be effective until July 28, 2009. Ms. Campbell stated that although the amendments are technically not in place, the Board could hear the case but the vote would need to be contingent upon the amendments being effective on July 28, 2009.

Mr. Wiseman inquired of the Board what their preference was in hearing the case. The Board determined that they would continue in hearing the case.

Mr. Dwight Thomey, Mr. David Holden, Mr. John Fellows and Mr. Jim Halsey were introduced to the Board. Mr. Thomey stated that the project had been before the Mayor & Commissioners for amendments which would make it more likely that the site plan would be approved.

He stated that there are two items that needed to be presented but he believed the height variance would be presented before the Board of Zoning Appeals only. Mr. Wiseman stated that he was correct.

The project in questions would be placed at 141-149 East High Street and would have 60 apartments. The age of the residents would be 60 and older. He noted that the project was submitted for funding through a State competition and they were awarded the monies to build the project at this site location with the number of units noted. Significant to that proposal were the location, surrounding amenities, access to services, design of the building and number of units and the services being provided for the building.

Mr. Thomey confirmed that Mr. John Fellows prepared the site plan for this project. He reviewed the requirements for elderly housing as noted in the Zoning Ordinance and stated that, assuming the amendments go in place, that they would have no difficulty meeting those requirements. He asked if the Planning Commission wished to address any questions regarding the project.

Mr. Wiseman inquired about the offsite parking that would be provided for the site. Mr. Thomey stated that the offsite parking spaces would be dedicated by a perpetual easement. Ms. Thomas asked if the spaces would be marked as dedicated. Mr. Thomey stated that they would be marked as dedicated. Ms. Manejwala inquired about the number of handicapped spaces required for this project. Ms. Thomas stated that two (2) handicapped spaces are required. Ms. Thomas asked if more than two spaces are required, depending upon the resident need, would they be accommodated? Mr. Holden stated that they will work with the residents and accommodate them if additional handicapped spaces are required. Ms. Short asked if there were a different number of handicapped spaces required for elderly housing. Mr. Thomey stated that there was no difference.

There was some discussion regarding the height of the proposed building. Mr. Halsey stated that the proposed height is 48 feet. He noted that the ridge point is 48 feet but that the flat part of the roof is at 39 feet. It was noted that both the Community College and the Hospital had received height variances.

Mr. Wiseman entertained questions or comment from the Board and the audience. There were no additional questions or comment.

MOTION: Motion was made by Ms. Manejwala to recommend approval of the special exception to the Board of Zoning Appeals contingent upon Ordinance 8-2009 becoming effective on July 28, 2009. The motion was seconded by Mr. Carrillo and unanimously approved.

**AMENDMENT 8-2009 TO TOWN OF ELKTON ZONING ORDINANCE, ARTICLE II
BASIC DEFINITIONS AND INTERPRETATIONS, PART 1. DEFINITIONS, SECTION
1. DEFINITIONS OF BASIC TERMS, ACCESSORY USE**

Ms. Thomas presented the amendment to the Board noting that Ms. Minner presented it for discussion at the previous meeting. The Board had directed Ms. Minner to write up the proposed amendment change which is being presented for the Board's decision. Ms. Short asked if it would address properties adjacent to one another. Ms. Thomas stated that it would have to be on the same or contiguous lot according to the wording in the proposed amendment.

Mr. Wiseman entertained question or comment from the audience.

Mr. Richard Boyle stated that he was in favor of the amendment and that it would benefit him as a property owner. He stated that he wishes to place a storage shed on his property but is unable to do so because the lot he wishes to place it on is in the County.

There were no additional questions or comment.

MOTION: Motion was made by Ms. Manejwala to recommend approval of the accessory use amendment as written. The motion was seconded by Ms. Short and unanimously approved.

OLD BUSINESS – Ms. Thomas stated that at the Comprehensive Plan meeting on July 20th three (3) elements of the plan will be presented.

NEW BUSINESS – Ms. Campbell, legal counsel for the Planning Commission, advised the Planning Commission members that they need to refrain from ex parte communication with anyone regarding matters that will be coming before the Board. She reminded them that they should refuse to speak about issues when addressed and suggest that the person come to the meeting and voice their opinion or write their opinion for presentation at the meeting. She stated that the intent is to keep from any appearance of impropriety or ethical problems.

There being no further items for discussion Mr. Wiseman adjourned the meeting at 7:45 p.m.

Respectfully submitted,

Brenda Humphreys