

**TOWN OF ELKTON
PLANNING COMMISSION
JULY 14, 2008**

PRESENT: David Wiseman, Chairman; Donna Short; H. Fred Thomas, II; Asma Manejwala; Sue Whitaker; Clara Campbell, Esquire; Jeanne D. Minner, Director of Planning, Theresa Thomas, Planner

ABSENT: Robert Litzenberg; Commissioner Mary Jo Jablonski, Ex-Officio

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 9, 2008 Planning Commission Meeting. Motion was seconded by Mr. Thomas and unanimously approved.

REQUEST OF CARPENTER ENGINEERING, LLC REPRESENTING MSM INVESTMENTS, LLC, ELKTON PROFESSIONAL ARTS PAVILION, 144-148 WEST MAIN STREET, ELKTON, MARYLAND, PRELIMINARY SITE PLAN, TAX MAP 310, PARCEL 1387, ZONED C-1

This item was withdrawn from the agenda.

CASE # 1353 – REQUEST OF CARLA DEROSIER, 222 S. BRIDGE STREET, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO PERMIT PLACEMENT OF ONE (1) STORAGE TRAILER TO THE REAR OF THE PREMISES. THIS ACTION CONCERNS PROPERTY LOCATED AT 222 S. BRIDGE STREET, ELKTON, MARYLAND, TAX MAP 314, PARCELS 2205, ZONED C-2

Neither Ms. Derosier nor any other representative appeared to represent this case. Case is considered withdrawn.

CASE # 1355 – REQUEST OF PAUL A. GRANGER, SR., 101 PENINSULA DRIVE, NORTH EAST, MD FOR A SPECIAL EXCEPTION TO PERMIT AUTO SALES WITHIN THE C-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 1183 E. PULASKI HIGHWAY, TAX MAP 316, PARCEL 2333, ZONED C-2

Mr. Paul Granger and Mr. William Heath were introduced to the Board. Mr. Heath stated that this particular use is not called out in the Town Ordinance but whenever a car dealership is involved in any zone a special exception is involved. He stated that Mr. Granger owns the property which is in need of a facelift. His intention is to be an owner/occupant at the property and wishes to place a car brokerage office. Mr. Heath explained that the State requires that the property provided for this use be capable of displaying up to five (5) vehicles. He stated that Mr. Granger has no plans to place vehicles at this location. Mr. Granger's business is to purchase specific vehicles for individuals. He would not be purchasing vehicles for display purposes.

Mr. Heath stated that Mr. Granger plans to upgrade the property with new windows, doors, new façade, overhangs, etc. He stated that they have tentatively spoken with Jeanne Minner and Craig Trostle as well as the owners of Delancy Plaza concerning possibly tying the two shopping centers together for traffic reasons. They are considering tearing down one of the buildings on their property in order to make that happen. Their intention is to make renovations to the remaining buildings in order for this shopping center to be updated similar to Delancy Plaza. Currently they are only requesting the special exception.

Mr. Wiseman inquired whether additional blacktop would be required for the project. Mr. Heath stated that there is blacktop and concrete on the property currently, they would simply be striping the parking spaces. He stated that, as he told Jeanne and Craig, they would consider placing additional blacktop during the renovations should that be required.

Mr. Wiseman asked if there would be any additional work, such as detailing, being done at this location with regard to the car brokerage. Mr. Heath stated that there would not be any additional work done at this location. Mr. Granger added that the State requires that they have a garage for auto mechanic work or have a contract with someone to do any mechanical work. RC Automotive is in the shopping center and they would be entering into a contract with them to do any mechanical work.

There was some question regarding how the vehicles would be delivered to the site. Mr. Granger stated that they would most often be driven to the site rather than transported by carrier.

Mr. Wiseman asked Ms. Minner if she had any additional questions or comments. Ms. Manejwala inquired about the total number of vehicles that would be placed at any time and how this business would impact the existing businesses. Mr. Granger stated that at their other location the most vehicles they had at the site were 2 or 3 because customers refused the vehicle after delivery. His main intention is to provide vehicles for family.

Mr. Wiseman asked for any comments or questions regarding this request. There was a question posed regarding lighting. Mr. Granger stated that the State requires specific lighting and what they currently have existing meets their requirements.

There were no questions or comments from the audience.

MOTION: Motion was made by Ms. Short to recommend approval of the special exception to the Board of Zoning Appeals with the stipulation that there be a maximum of five (5) vehicles allowed at the site. The motion was seconded by Mr. Thomas and unanimously approved.

REQUEST OF MORRIS & RITCHIE ASSOCIATES, INC. REPRESENTING LIBERTY HILL SUBDIVISION, EXTENSION OF PRELIMINARY MAJOR SUBDIVISION PLAN, LOTS 84 – 134, PHASE II, TAX MAP 304, PARCEL 2200, ZONED R-2

Mr. Peter O'Rourke was introduced to the Board. He stated that he is requesting an extension to the Preliminary Major Subdivision Plan approval for 115 lots in Phase II. Mr. O'Rourke stated that their plans have been delayed but they are confident that they will complete this subdivision.

Mr. Wiseman asked Ms. Minner if there is a discretionary number with regard to the extension. Ms. Minner stated that the standard is a one year extension but that they have allowed two year extensions in past for other projects if the project is currently under construction or if they are in the process of working out the Public Works Agreement.

Mr. Wiseman entertained any comments or questions from the audience or the Board regarding a two year extension for this project. There were none.

MOTION: Motion was made by Ms. Manejwala to approve a two year extension for the Preliminary Major Subdivision Plan for Liberty Hill, Phase II. The motion was seconded by Ms. Short and unanimously approved.

JOHN MASCARI OF FAIR HILL ENGINEERING, LLC REPRESENTING SUMMIT AT WALNUT HILL, FIFTY ONE (51) TOWNHOUSE LOTS & TWO (2) OFFICE BUILDINGS, 942-1032 SINGERLY ROAD, PRELIMINARY MAJOR SUBDIVISION PLAT & PRELIMINARY MAJOR SITE PLAN, TAX MAP 306, PARCELS 2125, 2162, P/O 2435 & P/O 2447, ZONED R-O

Mr. John Mascari and Mr. Michael Davitt were introduced to the Board. Mr. Mascari reminded the Board that this part of the project will include fifty one townhouse units and two office buildings of approximately 10,000 square feet. He stated that the offices are limited in nature to primarily professional offices, such as travel agents, etc. where there is little foot traffic. He mentioned that the townhouses will be of a higher end level home and they wish to make a nice entrance with homes in a price range that would be geared toward 'empty nest' homes. He mentioned that they met with Ms. Minner prior to this meeting in order to resolve some comments such as Town water supply, open space, neighborhood parks and forest conservation. Mr. Mascari pointed out the neighborhood parks, open spaces areas and storm water management areas. Mr. Mascari mentioned that the forest conservation areas are wooded and preserved. There are restricted areas that will not be disturbed. He noted that there are a few comments regarding forest conservation which they intend to address prior to final approval.

Mr. Mascari mentioned the traffic impact study which had to be addressed previously. He stated that it took a while for the study to be reviewed. The traffic impact study should address the impact of intersections in the vicinity of this subdivision at Katie Lane and Route 213, Dogwood Road and Route 213 and the northern entrance at Bonnie Marie Lane and Route 213. They also included the intersection of Route 279 and Route 213 at the request of the traffic engineers. The study basically stated that the levels of traffic would be increased by approximately 2%. Another item in the traffic study was traffic leaving Walnut Hill and entering Route 213. Currently there is one lane entering and one lane exiting. There was some concern regarding stacking at the entrance. Mr. Mascari noted a regulation that required the cul-de-sac to be 400 feet for which they requested and were approved for the variance last year. The traffic impact study addressed this issue which was a requirement of the variance. The limit of the traffic study was stacking for three (3) vehicles at peak hours. This recommendation was reviewed by both KCI and the State Highway Administration and was found to be acceptable.

He reviewed the design waiver granted at concept for the length of the cul-de-sac. He mentioned the buffer yard requirement between Route 213 and the storm water management facility. They are requesting a waiver to move the buffer yard onto the property behind the storm water management facility between the facility and the neighborhood park. This request is needed due to the fact the Maryland Storm Water Management regulations do not allow planting on storm water management embankments. Mr. Mascari stated that the buffer yard would still be providing the screening required but that the location would be changed.

Mr. Wiseman confirmed with Mr. Mascari that this new waiver and the two previously granted waivers are the only ones they are requesting. Mr. Mascari agreed that these are the only waivers they are requesting.

Ms. Short inquired about the other two waivers. Mr. Mascari noted that one waiver was concerning the length of the cul-de-sac which is about 50 feet longer than allowed and the other is the spacing of the roads from approximately 400 feet to 200 feet.

Mr. Mascari continued regarding a comment concerning garages in front of the units and between parking and the front of the unit. Ms. Minner did not recommend placing the garages at this location. Mr. Mascari asked that the Board consider this variation and provided a rendering of their concept. He noted that their concept would move the parking to the rear of the lot with parallel parking in front of the house with a private lane accessing the rear parking area. He stated that they are providing a privacy fence along with the 15' planted buffer yard between the backyards of the existing townhouses and proposed townhouses. He stated that he felt this would be attractive from the road. He noted that if the Board approved the concept with the garages at the rear that the private lane would put them over the allowed impervious surface allowance for this zone and they would therefore need to request a variance for the additional impervious surface needed.

Mr. Wiseman asked Ms. Minner's opinion regarding this request. She stated that this particular site is too tight in order to provide the homeowners with any amount of rear yard. Most of the rear yard would be taken up by parking and asphalt alley. She stated that she feels it is a good concept but that this particular site is too small which is evidenced by the fact that they would require a variance in order to design it this way. There was some discussion regarding the amount of room at the front if the garages were placed in the front. Mr. Mascari pointed out that the Town ordinance is geared toward traditional housing but when neotraditional housing is introduced it requires traditional ordinances to be rethought and he felt the Town should look at this new trend in design.

Ms. Short stated that if the design is geared toward 'empty nesters' that she feels it is a good concept. Mr. Wiseman asked if it would be feasible to review a plan that shows both concepts. Ms. Minner stated that, other than the time factor, it would be feasible if that is what the Board desires.

Mr. Wiseman asked if they had any other issues with reference to the engineering or other comments. Mr. Mascari stated that there were no other issues.

Ms. Manejwala inquired whether the 18' private lane would allow enough space between the parking and the location of the buffering for the trees. Mr. Mascari stated that the 18' lane would

accommodate traffic because there would be no parking in that particular space but in the next 18' area. Ms. Manejwala asked if it would interfere with the trash pickup. Mr. Mascari stated that trash pickup would be at the curb. There was some question whether the proposed concept would be able to accommodate a large trash removal truck.

Mr. Whitaker asked about lighting in the rear of the properties. Mr. Mascari stated that there would be traditional safety lighting.

Mr. Wiseman entertained additional comments or questions. Ms. Minner inquired whether Mr. Enrico had been contacted regarding the distances between Route 213 and Nathan Lane. Mr. Mascari stated that they felt the Planning Commission had the ability to recommend that change since the comment was located in the Zoning Ordinance.

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

MOTION: Motion was made by Ms. Short to resubmit the Preliminary Major Subdivision Plat for the Summit at Walnut Hill for Fifty One (51) Townhouse Lots readdressing the location of the garages and addressing all outstanding comments from the Town and KCI. The motion was seconded by Ms. Whitaker and unanimously approved.

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

**REQUEST OF MCCRONE, INC. REPRESENTING 300 EAST PULASKI, LLC,
CONCEPT PLAN, TAX MAP 315, PARCEL 2377, ZONED C-2**

Mr. Brad Fox and Mr. David Strouss of McCrone, Inc., and Mark Saunders representing the owner 300 East Pulaski, LLC, were introduced to the Board. Mr. Fox stated that they are before the Board for concept review for redevelopment of the Old Wal-Mart building. They are proposing a mixed use which entails 60,000 sf of retail use and 30,000 sf of office use separated by a 10' wide service corridor. The building will be brought up to all fire codes and applicable building codes for the mixed use.

Mr. Fox stated that in addition to the redevelopment there are also four additional pad sites which may be two large restaurants, one smaller café/diner and possibly one small bank or retail out parcel. These uses have not been determined at this time.

Mr. Fox stated that the current storm water management pond at the rear of the property would be brought up to current codes and also there will be some maintenance to ensure the pond is functioning properly. The existing site utilities would be maintained including as much as possible of the existing storm drain, sanitary and water, which would be expanded as necessary to facilitate the redevelopment. He stated that in addition the paving and grading would be maintained wherever possible including the curbing, existing landscaping and existing islands where possible. The existing landscaping along Whitehall Road and Pulaski Highway and curb lines will remain as well as the large trees in the Highway Corridor.

Mr. Fox stated that some of the interior landscape islands may need to be moved depending upon the location of the proposed buildings. He noted that there will be some interior areas to separate the site between the pads to provide green spaces. He stated that the owner and developer are trying to utilize a previously developed site and provide an aesthetically pleasing site similar to the surrounding uses within the Highway Corridor.

Mr. Fox mentioned that the façade would be replaced during the renovations. There was some discussion regarding the parking for the site. Ms. Minner stated that they are requesting to use shopping center parking requirements as the uses are currently undetermined. Restaurants require parking in relation to the amount of seating provided.

Mr. Fox stated that they have five design waivers they need to request. The waivers are as follows: Design Waiver A – To allow for the use of “shopping center (GLA>200,000)” for the determination of parking requirements, Article XVII, Part I, Section 5, Table. Design Waiver B – To maintain the existing perimeter curb line and vegetation along Pulaski Highway and Whitehall Road, providing less landscape area width than required by Article XVII, Part II, Section 3, 4. Design Waiver C – To allow for irregularly shaped landscape islands as required by Article XVII, Part II, Section 4, 1. Design Waiver D – To allow for greater than 10 parking spaces between landscape islands as required by Article XVII, Part II, Section 4, 4(B) and Design Waiver E – To allow for greater than 1,500 square feet within a contiguous interior parking lot island as required by Article XVII, Part IV, Section 1, 2.

There was clarification requested on the three loading spaces noted on Ms. Minner’s comments. Mr. Fox stated that it would be addressed at Preliminary Site Plan approval.

Mr. Wiseman asked if there were any other problems with meeting the remainder of Ms. Minner’s comments. Mr. Fox stated that they had no problems with any other comments.

Mr. Wiseman asked if Ms. Minner had any comment. She stated that her comment regarding landscaping was questioning the out parcels and adding additional landscaping to close up minimal areas and areas where there is no landscaping. She stated that she wanted them to address loading. Ms. Manejwala inquired about dumpsters for the site. Mr. Fox stated that they were able to place dumpsters near the loading area.

There was some discussion regarding the proposed bank and whether it would have a drive thru. Mr. Fox stated that at this time they are not looking at placing a drive thru.

Mr. Wiseman asked about the access easement at the Ruby Tuesday Restaurant and whether there would be any changes. Mr. Fox stated that there is an access easement off of Route 40 and other than overtopping there would be no changes.

Mr. Wiseman pointed out that signage would be required for the site. There was some discussion regarding a ‘service entrance’ on the plan. Mr. Fox stated that this would be used for hand trucks similar to Christiana Mall.

Mr. Wiseman entertained question or comment from the audience.

Mr. Marshal Chastain of 212 Whitehall Road and Ms. Mary E. Winkler of 214 Whitehall Road were inquiring regarding the fence which he understood was to keep the fence at that location according to the Wal-Mart agreement. He stated that there are a lot of mosquitoes and some snakes there and the fencing is now in disrepair and he wanted to know if it would be repaired or what would be happening along that property line. Mr. Wiseman stated that the fence would be addressed because it is part of the storm water pond and is part of the Town agreement. He asked if the Board would place speed bumps along Whitehall Road. He was referred to the Mayor & Commissioners. Ms. Minner stated that Whitehall Road is a county road. Mr. Chastain noted that tractor trailers are prohibited on that road but they come down Whitehall Road anyway. He stated that he has tried to get the police and some of the County Commissioners to look at this road and he has gotten little response.

Mr. Wiseman entertained any additional questions. There were none.

MOTION: Motion was made by Ms. Manejwala to approve the Concept Plan for 300 East Pulaski, LLC contingent upon addressing all outstanding comments from the Town and KCI and allowing for five (5) design waivers as follows: A. To allow for the use of “shopping center (GLA>200,000)” for the determination of parking requirements, Article XVII, Part I, Section 5, Table; B. To maintain the existing perimeter curb line and vegetation along Pulaski Highway and Whitehall Road, providing less landscape area width than required by Article XVII, Part II, Section 3,4; C. To allow for irregularly shaped landscape islands as required by Article XVII, Part II, Section 4.1; D. To allow for greater than 10 parking spaces between landscape islands as required by Article XVII, Part II, Section 4,4(B.); and E. To allow for greater than 1,500 s.f. within a contiguous interior parking lot island as required by Article XVII, Part II, Section 4.5(B). The motion was seconded by Ms. Short and unanimously approved.

REQUEST OF 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

There was no representative present at the meeting. This item is therefore considered withdrawn.

SIGN REVIEW FOR HIGHWAY CORRIDOR, SIGN PROS, 224 BRIDGE STREET, ELKTON, MARYLAND, TAX MAP 314, PARCEL 2207, ZONED C-2

Mr. Nick Keppotes of Sign Pros and Mr. Dan Escherich of Pat’s Pizzeria were introduced to the Board. Mr. Keppotes stated that they are requesting permission to place a sign at 224 Bridge Street due to the fact that the sign is in the Highway Corridor. He stated that the sign will be a bit more vibrant in color than in the pictures submitted and there will be an electronic message board.

Mr. Wiseman asked about stipulations for the message boards. Ms. Minner stated that there are regulations in the sign ordinance for the message boards, such as flashing, color, etc. It was noted that there would be renovations done to the shopping center façade.

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

MOTION: Motion was made by Ms. Short to approve the sign within the Highway Corridor for 224 S. Bridge Street as submitted. The motion was seconded by Ms. Manejwala and unanimously approved.

NEW BUSINESS.

REQUEST OF JEFF SELLERS REPRESENTING MONTGOMERY STATION 801, LLC FOR A REQUEST OF THE BP (BUSINESS PARK) OVERLAY ZONING DESIGNATION FOR 801 ELKTON BOULEVARD, TAX MAP 310, PARCEL 736, ZONED B-I

Mr. Jeff Sellers stated that he had been before the Board in June requesting additional permissible uses for 801 Elkton Boulevard to cover a few categories that cover the request for a common community center along with the recreational use currently at the building. He stated that they do not have the uses commonly associated with gymnasium/recreational type centers and therefore at the last meeting a number of the Board members wondered if rezoning might be a better option. Since that time he has met with Mr. Trostle and Ms. Minner and it turned out to be a positive meeting. He noted that at that meeting Ms. Minner suggested that Business Park (BP) overlay zoning would be a better choice than C-2. Mr. Wiseman asked what that would entail. Ms. Minner stated that it would require a public hearing before the Mayor & Commissioners

Mr. Sellers stated that most of the uses being requested would be allowed in a BP zone and would not require them to prove change or mistake.

OLD BUSINESS. None

COMPREHENSIVE PLAN WORKSHOP – ISSUES, VISIONS & GOALS – PLANNING COMMISSION WORK SESSION

Mr. Michael Bayer and Mr. Clive Graham of ERM were introduced to the Board. Mr. Graham gave an overview of ERM and noted that they are currently working with Cecil County on their Comprehensive Plan as well.

Mr. Bayer stated that they had spent time with Town Department Heads to get an idea of what they feel are issues which need to be discussed and addressed during this comprehensive review.

Each Board member gave a brief statement concerning their length of time on the Board and their understanding of their role on the Board. ERM solicited the Board members thoughts regarding changes they feel need to be made to the comprehensive plan. Some of these suggestions included revitalization of the downtown area, cleaning up zoning lines, recreational space needs, highway corridor revitalization, form based codes, restructuring zoning, marketing and economic activities within the Town, economic renovation and development, water source and wetlands

protection as well as brown field redevelopment, and transportation needs. There was suggestion to look at PUD development and its effect on the Town as well as the County.

The three main areas of discussion will be the Planning Process Schedule, understanding of what a Comprehensive Plan is and focusing on what the Town leaders deem as important to address in this review.

Will review gaps in plan and transportation and design

Full draft plan by March

Scheduled October 6th & November 10th meetings

Discussed public part of process

Working within the context of the eight (8) visions in the State of Maryland

Concentrating development in suitable areas

Protecting sensitive areas

Directing growth to existing population centers

Chesapeake Bay

Conservation of resources

Encouraging economic growth

APF's

Funding mechanisms

What's in the Comprehensive Plan?

Land use

Transportation

Mineral Resources

Housing

Municipal Growth coordinating with Cecil County (water and sewer resources)

Environmentally sensitive areas

Water resources

Community facilities

Discussed train station and its advantages with relation to BRAC population increases in both the Town and Cecil County.

Comprehensive Plan Issues Identified by Board Members & ERM & Ms. Minner

Transportation – Along Route 40

– County & Town Standards

– Cut through traffic

Elkton is 'shrinking' – lack of employment

Hospital – What happens if they leave?

Regional employment growth – will it come to Elkton?

– Lots of inquiries about Town

Public transportation is needed

Don't have infrastructure & schools to support growth

Want managed growth – not 'go crazy'

Not just a bedroom community

We need good neighbors – see attractive homes

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Need better code enforcement

Need pedestrian facilities & trails – better connections between residential areas

LEED standards & green building standards – green roof

Preserve open space – active & passive

Need recreation center

Water is a negative – no access to river/creek

Need something to offer to prospective residents

Maintain housing stock – infill

Over 55 community – not Cecil Woods – upscale – place with a view

Density is good

No control over schools

Raise height limits for downtown

Need parking downtown – so much is privately owned

Assets

History & architecture – Houses on Main Street

Maintain small town ambience – like access walk downtown

Proximity to Philadelphia, Baltimore, New York City & Washington DC

Services are close – hospitals, doctors, groceries, pharmacies, etc.

Open space – parks & green spaces – requirements for green space & subdivisions

Community college – facility/location/programs for young people and seniors

Arts Council

Arts & Entertainment District

Main Street designation since 2002

Liabilities

Homelessness is growing – How many are based in Elkton? (Some from Delaware)

Wetlands & source water protection – preserve as overlay

East Coast Greenway through Elkton

Need more public art

Don't require Phase I Archaeological Assessment on some projects

Don't put obstacles in front of desired development

No incentives to restore historic architecture

Restrict number of variances

Murals (Elkton Alliance)

Renovate front of courthouse

There being no further items for discussion the meeting was adjourned.

Respectfully Submitted,

Brenda Humphreys