

**TOWN OF ELKTON
PLANNING COMMISSION
JANUARY 7, 2008**

PRESENT: David Wiseman, Chairman; Patricia Voigt; Charlie McCoy; Jeffrey Reynolds; Robert Litzenberg; Clara Campbell, Esquire; Commissioner Mary Jo Jablonski, Ex-Officio; Theresa Thomas, Planner; Brenda Humphreys, Building & Planning Department

ABSENT: Donna Short; Jeanne D. Minner, Director of Planning

Mr. Wiseman called the meeting to order at 7:00 P.M.

ACTION: Election of Officers

Motion was made by Ms. Voigt to reappoint Mr. David Wiseman as Chairman of the Planning Commission for the 2008 calendar year. The motion was seconded by Mr. Reynolds and unanimously approved.

Motion was made by Mr. Wiseman to reappoint Ms. Patricia Voigt as Vice Chair of the Planning Commission for the 2008 calendar year. The motion was seconded by Mr. Reynolds and unanimously approved.

ACTION: Motion was made by Mr. McCoy to approve the minutes of the December 10, 2007 Planning Commission Meeting with noted revisions. Motion was seconded by Ms. Voigt and unanimously approved.

CASE # 1334 - REQUEST OF CECIL COUNTY PUBLIC SCHOOLS, 201 BOOTH STREET, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO PLACE A 1,000 GALLON DIESEL FUEL TANK ON A CONCRETE SLAB FOR SERVICING OF COUNTY SCHOOL BUSES. THIS ACTION CONCERNS PROPERTY LOCATED AT TAX MAP 310, PARCEL 736, ZONED B-I

Mr. Wayne Holt, Supervisor of Facilities for Cecil County Public Schools, was introduced to the Board. He noted that they have relocated the Transportations Services to 801 Elkton Boulevard. He stated that the current fuel tank still remains at the Route 7 location and they would like to have it relocated to the new address in order to service the school buses.

Mr. Wiseman inquired if the proposed fuel tank pictured in their submittal met all required Federal standards and Mr. Holt confirmed that it does.

Mr. Wiseman asked how far from the property line the tank would be located. Mr. Holt stated that it would be located approximately 60' from the fence. Mr. Wiseman asked Ms. Thomas if there were any issues with Critical Area or wetlands on the property in this area. Ms. Thomas stated that she was not aware of any. Ms. Thomas asked if the tank would be located above ground. Mr. Holt stated that it would. She stated that according to the Town Ordinance, Article XII, Section 42 it states that "Over 275 gallons but not more than 5,000 gallons of Class II, Combustible Liquids, shall be stored below ground."

There was some discussion concerning the type of fuel at the Southern States on Whitehall Road. It was noted that the tanks which service school buses had been located on Route 7 and at Elkton High School. Mr. Wiseman inquired whether there were other tanks above ground in Town limits. The current ordinance has been in place since 1994 and any tanks which currently exist within Town limits may be grandfathered. Ms. Campbell stated that the Board can approve the special exception for the 1,000 gallon tank but that the current ordinance states that it is mandatory that it be placed below ground. She noted they could consider placing the tank at another location if they wish to keep it above ground.

Mr. Litzenberg inquired whether this section of the ordinance would apply to gas stations that might come into Town. Mr. Wiseman noted that it would only apply to tanks which hold between 275 and 5,000 gallons.

MOTION: Motion was made by Ms. Voigt to recommend approval of the special exception for Cecil County Public Schools for a 1,000 gallon diesel fuel tank based on compliance with Article XII, Section 42 of the Town Zoning Ordinance. The motion was seconded by Mr. Reynolds and unanimously approved.

CASE # 1326 – REQUEST OF BANGUS BUSINESS SERVICES, 203 WEST PULASKI HIGHWAY, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO PERMIT OPERATION OF A VEHICLE/TRAILER RENTAL BUSINESS. THIS ACTION CONCERNS PROPERTY LOCATED AT 203 WEST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 314, PARCEL 312, ZONED C-2

Mr. Shujaat Chowdhury of Bangus Business Services and Mr. Dale Martin of U-Haul Company of South Philadelphia were introduced to the Board. Mr. Chowdhury stated that he wishes to have a business at this location in order to service the community. Mr. Wiseman stated that at the previous meeting the Board had some concerns regarding the proposed layout with regards to required parking spaces and the other retail stores on the parcel. He asked if they could give the Board information concerning parking spaces and number of trucks. Mr. Martin stated that the Basic Foods area is where the U-Haul trucks will be located. He said that they have 15 spaces on the side and 2 at the front of the store, with a total of 50 spaces on the other side of the building. The restaurant in the other half of the building requires 15 spaces for customers and 5 spaces for employees for a total of 20 parking spaces. Mr. Litzenberg added that the number of parking spaces existing would include the hotel as well. Mr. Martin stated that he was correct. He added that the pool was removed at the hotel and was replaced with blacktop for additional parking.

Mr. Wiseman inquired whether U-Haul stocks a certain number of trucks per center. Mr. Martin stated that it depends on the location of the business and the specific needs in the area. Mr. Martin stated that if the Town requires a limitation they would be open to that. Mr. Chowdhury stated that if there is not enough room at his location the customer would be referred to another location but this is very rare.

Mr. Wiseman inquired about the size of the largest truck that might be located at this center. Mr. Martin stated that U-Haul's largest truck is 26' in length.

Ms. Thomas noted that when she and Ms. Minner visited the site the actual layout was different from the proposed layout. She stated that their understanding from Mr. Trostle was that only small and medium sized trucks were allowed. She stated that she and Ms. Minner felt there were some issues with logistics, specifically in the left corner of the eastern lot near the building, should large trucks be parked there or at specific areas. Should a new business move in to the other side of the building it would complicate the driving logistics on the parcel near the building. Mr. Martin stated that they would be willing to work out exclusion of large trucks at that U-Haul center should the Board make that request. Mr. Martin stated that there were eight large trucks on the lot today around the perimeter and there was no difficulty with movement.

Ms. Thomas also noted that she understood that a limit on the number of trucks allowed had been determined by Mr. Trostle but that she was unsure of the specific number. Mr. Wiseman stated that safety and allocation of parking must be looked at by the Board in order to make a proper recommendation. Mr. Chowdhury stated that the new business may not require as many spaces. Mr. Wiseman stated that conversely the business might require more than was necessary for the restaurant. Mr. Chowdhury requested that they look at the services needed by the community and the success of his business when they make their determination. He noted that this location was not favorable for the grocery store and therefore the people in the area without transportation must walk farther to get to the nearest grocery store.

Mr. Litzenberg asked where the office for the U-Haul would be located. Mr. Martin stated that it is located in the Basic Foods side of the building.

Mr. Wiseman asked if any work would be done to the trucks at that location. Mr. Martin stated that only minor work, such as lights bulbs, cleaning out of trucks to make them ready for the next customer, etc. No work would be done such as engine repair or fluid replacement at that location.

Ms. Voigt inquired about whether the parking lot could be reconfigured and restriped to accommodate each business. Discussion followed regarding the feasibility of reconfiguring the parking lot.

Mr. Chowdhury added that there was more parking at the rear of the hotel where they can park trucks so they can be moved forward as needed. Mr. Wiseman stated that he felt they should park vehicles only along Route 40 due to safety issues such as vandalism, etc.

Mr. Litzenberg inquired about the number of trucks Mr. Trostle specified. Mr. Martin stated that his supervisor, Ms. Brenda Cox, had received some paperwork but he was unsure whether there was a specific number noted on the correspondence.

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

MOTION: Motion was made by Ms. Voigt to recommend approval of the U-Haul business contingent upon the Board of Zoning Appeals determination as to the size and number of trucks for this use. The motion was seconded by Mr. McCoy and unanimously approved.

Old Business: None.

New Business: Ms. Thomas stated that they are requesting a review of the Permissible Uses Table in the Zoning Ordinance regarding allowing indoor recreation in the B-I zone. Ms. Thomas stated that the Building & Planning Departments had been approached concerning this subject with respect to the old Pirelli building on Elkton Boulevard.

Ms. Thomas noted that Cecil County's ordinance does allow indoor recreation in a similar zone. She stated that Ms. Minner wondered whether the Board would specify the use to require a special exception with conditions or be allowed by right. She specifically requested that they focus on the safety issues in these areas.

Mr. Wiseman noted that whenever this type of use is referenced his thoughts turn to the Upper Chesapeake Corporate Center and the school building which was allowed in that zone. Ms. Thomas added that Mr. Trostle felt that most existing buildings which would be suited to this use are located in the B-I zone. He noted his concern about truck traffic at the Pirelli building depending upon what other uses might be located there. He felt the Town would have more control if this use was added as a special exception with conditions.

Commissioner Jablonski noted that if there are only a few properties in the Town which are zoned B-I then she felt the special exception was unwarranted. She also stated that many corporate offices now have gyms in their buildings for the use of their employees and this would be a good fit for existing business as well. Mr. Wiseman asked what Ms. Minner's feeling was concerning the possibility of this change. Ms. Thomas stated that she was open to the change but wanted the Board to look at the safety issues due to the Upper Chesapeake Corporate Center issues. Ms. Campbell stated that she is not aware of any issues with this use in the County.

Ms. Thomas stated that this item would be placed on the agenda for their recommendation at the next meeting. Mr. Wiseman stated that the next meeting would be February 11, 2008.

There being no further items for discussion Mr. Wiseman adjourned the meeting at 7:32 p.m.

Respectfully submitted,

Brenda Humphreys