

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

**PRESENT:** David Wiseman, Chairman; Donna Short; Robert Litzenberg; H. Fred Thomas, II; Asma Manejwala; Clara Campbell, Esquire; Commissioner Mary Jo Jablonski, Ex-Officio; Jeanne D. Minner, Director of Planning, Theresa Thomas, Planner; Brenda Humphreys of the Building & Planning Department

**ABSENT:** Jeffrey Reynolds

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 March 10, 2008 Planning Commission Meeting. Motion was seconded by Mr. Litzenberg and unanimously approved.

**CASE # 1341 – REQUEST OF CLOTILDE & FRANK SEPULVEDA, 203 HIGHLAND DRIVE, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO PERMIT AN IN-HOME OCCUPATION. THIS ACTION CONCERNS PROPERTY LOCATED AT 203 HIGHLAND DRIVE, ELKTON, MARYLAND, TAX MAP 319, PARCEL 2344, ZONED R-3**

Frank and Mindy Sepulveda were introduced to the Board. Mr. Sepulveda stated that he and his wife have been baking for fourteen years and wish to start a business within their home. In order to get started they wish to start out baking in their home and selling their product to local businesses.

Mr. Wiseman stated that the Board has received their paperwork addressing the comments in the Town Zoning Ordinance regarding home occupations. Ms. Minner asked if they intend to sell any items from their home. Mr. Sepulveda stated that no products would be sold from their home.

Mr. Wiseman asked what type of vehicle would be used for delivery of the baked items. Mr. Sepulveda stated that they would be using their personal vehicle and therefore there would be no issues with parking.

Mr. Wiseman noted that they received a copy of the letter from the Kensington Courts Homeowners' Association approved their request for the in-home business. He asked if their neighbors were aware of the proposed business. Mr. Sepulveda stated that they were aware of the business.

Mr. Wiseman asked the type of baking equipment that would be used. Mr. Sepulveda replied that they would be using their home oven for the time being and that fire suppression systems would not be required. Mr. Sepulveda stated that no modifications would be made to their home for the business and that only he and his wife would be involved in the business.

Mr. Wiseman commended them for the way they addressed the comments from the Zoning Ordinance. He asked the Board if they had any further questions. Ms. Short asked the type of product they would be selling. Mr. Sepulveda stated that they would be selling bread pudding.

Ms. Minner asked where they would be selling their product. Mr. Sepulveda stated that they are looking into selling online and to local restaurants but they do not have any specific locations at this time.

Ms. Minner asked if they had contacted the Health Department. Mr. Sepulveda stated that depending upon the decision of the Board they would be addressing those requirements as necessary.

**MOTION: Motion was made by Mr. Litzenberg to recommend approval of the special exception for an in-home occupation at 203 Highland Drive. The motion was seconded by Ms. Short and unanimously approved.**

**CASE # 1343 – REQUEST OF NICOLE SIMMONS, 164 HAUT BRION AVE., NEWARK, DELAWARE FOR A SPECIAL EXCEPTION TO PLACE A DAY CARE CENTER FOR UP TO 30 CHILDREN. THIS ACTION CONCERNS A PROPOSED NEW BUILDING TO BE LOCATED AT 151 EAST HIGH STREET, ELKTON, MARYLAND, TAX MAP 311, PARCEL 1221, ZONED R-O**

Mr. Gary Slagle and Ms. Nicole Simmons were introduced to the Board. Mr. Slagle stated that they are proposing to place a daycare which would concentrate on infants and toddlers who are not currently potty trained. It would focus on low income families who may otherwise be unable to afford daycare.

Mr. Slagle noted that approval for a two-story building on this parcel was received approximately 6-8 months ago and although architectural plans have not been submitted they do not intend to make changes to the size of the approved building. He mentioned that Ms. Simmons has met with Mr. Craig Trostle regarding play area requirements and floor plan layout. He stated that he wished to allay any concerns the Board may have concerning traffic for the daycare facility. He noted that they intend to provide one parking space for every seven (7) children and they are providing nine (9) parking spaces on their approved site plan. He mentioned that the typical traffic movement for a daycare would provide staggered drop offs and pickups. He added that he has operated a daycare in New Castle County with approximately 80 children for the past ten years and there has never been an accident at the entrance on Old Baltimore Pike. Mr. Slagle stated that he believes the traffic will be similar to the optometric office that his wife previously conducted at this location.

Mr. Wiseman asked approximately how many staff they would require. Ms. Simmons stated that, depending on the age of the children, they would need 5-6 staff on site at all times and the parking was incorporated into the approved plan.

Mr. Wiseman asked if there was any barrier between this lot and the lot owned by Mr. Hermann next door. Mr. Slagle stated that there was no barrier currently but that he would be providing an 8" concrete curb which would also address the water flow issues between these two lots. He noted that currently there is a gravel base in the lot.

Mr. Wiseman asked if Ms. Minner had any comments on this project. Ms. Minner stated that she did not.

Mr. Slagle noted that the interior layout may change according to requirements by the Building Official and that the entire building would be provided with a sprinkler system.

There were some questions concerning ADA compliance and Mr. Slagle stated that the front entrance would be handicap accessible. There would also be one handicapped bathroom provided within the building.

Mr. Thomas inquired about the look of the front of the building. Mr. Slagle stated that their intention is to provide the proposed building with off white stucco and blue accents in order to tie in with the existing building.

Mr. Wiseman asked about the chain link fence to the rear of the property. Mr. Slagle stated that the fence sits on the property line and that his intention is to place fencing all around his property. Mr. Wiseman stated that he felt the fencing would be an asset to address child safety and cleanliness of the lot.

Ms. Short inquired about the required landscaping. Mr. Slagle stated that a landscaping plan was required and had been approved by the Board at the time of the final site plan approval.

Mr. Wiseman inquired about any variances needed for this property. Ms. Minner noted that two variances were approved for reduction of the perimeter parking landscaping to one foot on the east side and six feet on the west side.

There was discussion regarding the use of the existing building and Mr. Slagle stated that it is undetermined at this time. Mr. Wiseman addressed signage for the daycare and Ms. Minner stated that it would need to comply with the regulations for signage in the R-O zone.

Mr. Litzenberg suggested that Mr. Slagle look at a swamp maple on the adjoining property that looked diseased and should be addressed for safety issues. Mr. Slagle stated that he would take a look at it and address it.

Mr. Wiseman entertained any additional comments or questions from either the Board or the audience. There were none.

**MOTION: Motion was made by Mr. Litzenberg to recommend approval of the special exception for the daycare at 151 East High Street contingent upon requiring employees to park at the spaces closest to High Street to accommodate drop off and pick up of children. The motion was seconded by Ms. Short and unanimously approved.**

**MCCRONE ENGINEERING, INC. REPRESENTING ALEXANDRA'S VILLAGE, 701 EAST PULASKI HIGHWAY, PRELIMINARY SITE PLAN FOR RETAIL BUILDING, TAX MAP 316, PARCEL 2245, ZONED C-2**

Mr. David Strouss & Mr. Brad Fox of McCrone, Inc. and Mr. Dean Geracimos of Rock On, LLC were introduced to the Board. The project is called Alexandra's Village and is a proposed 18,500 retail development at the site of the current Boyd's Motel. Mr. Strouss stated that last year a project was submitted under the name of Aslam, LLC for this site but he wished to inform the Board that this is a completely different project, new owner and new engineer. The previous design was for a slightly larger building and the site was configured differently also. He noted that they took into consideration the comments from the previous submittal and they have been addressed with this submittal.

Mr. Strouss stated that the parking lot is configured with 90 degree parking and two way traffic. He stated that they had a meeting with Ms. Minner to review some of the comments in order to present a good layout for this meeting. They have relocated the dumpster next to the building due to concerns about its previous placement. They have also placed the loading area on the side of the building. The deliveries can be made by way of the sidewalk placed along the rear of the building. He stated that this building is similar to South Village Shopping Center in Chesapeake City which was also built by Mr. Geracimos.

Mr. Strouss addressed one of Ms. Minner's comments regarding the distance of the loading area to residential properties. He noted that they intend to place a 6' white vinyl privacy fence along the rear property line to provide screening in order to address that comment. Mr. Wiseman asked if Ms. Minner felt this was sufficient to address her comment. She stated that she was satisfied with their proposed fencing. It was noted that the fencing would be 41'8" from the building.

Mr. Strouss added that they are requesting a few design waivers. Specifically he mentioned a comment regarding the number of parking spaces between landscape islands. He said that this was done in order to provide a good layout for the site and sufficient parking. Landscape Bufferyard 'D' will need a design waiver and they are proposing to place the white vinyl fence with a Bufferyard 'C' because they do not have the 25' distance required. Ms. Short asked the difference between these two bufferyards. Ms. Minner stated that Bufferyard 'D' requires denser plantings along with a berm. Mr. Strouss added that they would be placing the fencing rather than the berm because it would impede them from correcting some of the water flow problems on the lot.

Mr. Strouss stated that they are requesting a design waiver for the irregular shaped landscape islands on the lot which have been proposed in order to address the 'dead area' and place additional green area. He noted that they are not the typical 9' x 18' islands, they are wider in some areas and more narrow in others.

Mr. Strouss mentioned that they thought they would need a variance for a setback for the building but upon discussion with Mr. Trostle it was determined that it was not necessary.

Mr. Strouss informed the Board that they have spoken to some of the neighbors concerning the drainage issues. He said that the issues with drainage stem from a 5' x 3' elliptical storm drain pipe from Village at Elkton through Jodlbauer's property that decreases to a 2' pipe as it reaches

the catch basin near the property line. Flooding is caused by the amount of water going through the smaller pipe and backing up into the site. They intend to address this issue by placing a larger pipe across their property which should prevent water from backing up and alleviate some of the issues with drainage.

Mr. Strouss stated that they will be addressing the storm water management with an underground infiltration system and feel that the existing soils are adequate to infiltrate their runoff and not cause additional issues with drainage to other properties.

There was discussion regarding foot traffic between this lot and Wilson Avenue. Mr. Wiseman asked about the proposed tree line on the Wilson Avenue side of the property. Mr. Strouss stated that they would be clearing some of the trees on the property and then planting a tree line along Wilson Avenue. Mr. Strouss confirmed that the landscaping would remove the access to Wilson Avenue from this lot.

Mr. Wiseman asked if they had received the comment letters from Ms. Minner, KCI and the Fire Department. Mr. Strouss stated that they had received the letters and he wished to address a few of these. The loading zone issue has been resolved. The comment regarding a sidewalk from the parking lot to the improved section of Wilson Avenue was one Mr. Trostle presented due to the inevitable foot traffic between Delaware Avenue and Wilson Avenue. Mr. Strouss stated that they would make a connection to the parking lot and place a sidewalk to avoid damage to their property. Mr. Strouss addressed another comment recommending an environmental study for the property. Mr. Geracimos had a Level 1 environmental study done before he acquired the property. They said they would provide Ms. Minner with a copy of that report.

Mr. Strouss stated that they are requesting a waiver regarding the landscaping noted in one of the comments. One comment referenced the forest stand delineation and Mr. Strouss stated that they are currently working on that delineation. He mentioned another comment regarding a grease interceptor and stated that since they have no definite tenants at this time the interceptor would be provided as necessary. Ms. Thomas stated that Mr. Trostle has run into difficulties with other shopping centers trying to provide grease interceptors after development and would prefer they be placed initially since it is almost inevitable that some type of food service business will be placed in this building now or in the future. Mr. Strouss agreed to provide a detail for the grease interceptor locations. Mr. Strouss provided the Board with a rendering of the building.

Mr. Litzenberg inquired about the storm water and how it is addressed at Wilson Avenue. Mr. Strouss stated that at Wilson Avenue it becomes an open channel and it is adequate to carry the flow according to the calculations they have completed. He noted that the storm water proposal will be submitted with the final engineering for a review by KCI.

Mr. Geracimos stated that this project will be similar to the one in Chesapeake City. He mentioned that he invited some of the neighbors to his project in Chesapeake City to hear their concerns. They stated that they were more interested in the privacy as opposed to the walk through. They took these concerns into consideration and have addressed them on this submittal. Another concern was the drainage issues and he assured the neighboring property owners that any runoff produced on their lot would not impact neighboring properties. He noted that when there is a large rain the pipe sizes are the issue and by addressing this issue they will help to alleviate the flooding that currently exists. Mr. Geracimos stated that he is trying to be proactive and will

follow through with the changes they are proposing. He provided the Board with pictures of South Village in Chesapeake City so they could see the type of work he produces.

Mr. Wiseman inquired as to whether the fire department is able to use the unimproved part of Wilson Avenue. Mr. Strouss stated that Delmarva has a site there which they access with their trucks so it is accessible.

Mr. Wiseman stated that the project owner has done a great deal of due diligence and entertained additional questions from the Board or Ms. Minner. There were none.

Mr. Wiseman entertained questions or comment from the audience.

Ms. Kay Michael of 706 Delaware Avenue voiced her concern regarding the storm water management and stated that she believed their proposal would address this issue. She did add that she felt whoever owns the storm water culverts should be required to address the storm water issues as well. She stated that she was very pleased with the proposed design. She asked that they look at where the sidewalk will be placed for entrance off Wilson Avenue as this may cause loitering. She noted that kids already hang out in this area and they are happy with the fence and the density of the proposed plantings.

Mr. Wiseman inquired whether the Town maintains the culvert. Ms. Minner stated that she was not aware of a public easement in this area so the individual owners would be required to maintain the culverts. The Town would have to address individual owners concerning maintenance of the culverts.

Ms. Deborah Storke of 100 Lincoln Avenue voiced her concern about the storm water management and although she realizes that this project is not creating the problem she feels the larger pipe will empty more water into the drainage ditch on Lincoln Avenue. There were no additional comments regarding this project.

**MOTION: Motion was made by Ms. Short to approve the Preliminary Site Plan for Alexandra's Village contingent upon addressing all comments from the Town, and KCI and allowing for three design waivers as presented. The motion was seconded by Mr. Litzenberg and unanimously approved.**

**AMENDMENT TO ZONING ORDINANCE** – Article X, Section 8.2, Permissible Use Table, Use Description 1.423 Day care Center, day nursery (having more than 30 children)

*Permitted by special exception with conditions in the BI Zone*

Ms. Minner advised the Board of a request to include the BI Zone for daycare centers having more than 30 children. She stated that they have addressed that request and are proposing it as a special exception. Mr. Wiseman asked for any comment from the Board or the audience regarding this proposed amendment to the Elkton Zoning Ordinance. There were none

**MOTION: Motion was made by Ms. Short to recommend approval to the Mayor & Commissioners of the amendment to the Zoning Ordinance as proposed. The motion was seconded by Ms. Manejwala and unanimously approved.**

**OLD BUSINESS:**

Ms. Minner reminded the Board about the Walkable Communities Workshop scheduled for Wednesday, April 16<sup>th</sup>. They will be covering approximately six blocks of the downtown area and welcoming ideas and suggestions for making the downtown area more pedestrian friendly. She noted that numerous people have been invited and anyone would be welcome to participate. She mentioned that she would be participating in a training session on the Monday and Tuesday prior with participants from Wilmapco along with other planners. They are expecting 25-30 people to attend the workshop.

**NEW BUSINESS:**

Ms. Minner presented an item for discussion regarding the number of variances being issued within Town limits. She noted that with land prices being so high we are seeing smaller lots and larger houses and the house fits completely within the full building envelope. She stated that what we are seeing is that anyone who wishes to place a deck needs to place it within the required setback. She referenced policies in New Castle and Harford County which allow unenclosed patios and decks to encroach into 25% of the required setback and provides the homeowner with some relief from the requirements. She stated that the only concerns would be if the homeowner chose to enclose the deck or patio sometime in the future. Discussion ensued and it was determined that this issue could be addressed during the Comprehensive Plan review.

Ms. Minner added that the Town has received five (5) RFP's for the Comprehensive Plan and the Mayor informed Ms. Minner of his choice regarding the bid he favored. Ms. Minner addressed the Commissioners, one gave her their response and the other three stated that they would defer to Ms. Minner. She noted that she still needs to check on additional grant funding and a few other items prior to awarding the contract.

There being no further items for discussion Mr. Wiseman adjourned the meeting at 8:10 p.m.

Respectfully submitted,

Brenda Humphreys