

**TOWN OF ELKTON
PLANNING COMMISSION
JUNE 6, 2022
MEETING MINUTES**

Present: Dave Wiseman; Keith Thompson; G. Edward Ginder; William Muller; Lisa Blackson, Esquire; Jeanne Minner, Director of Planning; Nick Cannistraci, Planner

Absent: Art Blount

Mr. Wiseman called the meeting to order at 6:00 p.m. He stated the first item on the agenda is approval of the minutes from the May 9, 2022 meeting. There being no corrections from the Commission members Mr. Wiseman called for a motion.

MOTION: Motion was made by Mr. Ginder to approve the minutes of the May 9, 2022 Planning Commission meeting as written. The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows: Mr. Muller – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

REQUEST OF MORRIS & RITCHIE ASSOCIATES, INC. REPRESENTING MODERN LIVING SOLUTIONS, LLC, PRELIMINARY MAJOR SITE PLAN FOR SOUTHFIELDS OF ELKTON, PARCEL D FOR 330 APARTMENTS. THIS ACTION CONCERNS PROPERTY LOCATED AT AUGUSTINE HERMAN HIGHWAY, ELKTON, MARYLAND, TAX MAP 033E, PARCEL 2390 AND ZONED PUD (PLANNED UNIT DEVELOPMENT)

Mr. Andy Metz representing Modern Living Solutions, LLC, Ms. Amy DiPietro and Mr. Dan Spiker of Morris & Ritchie Associates were in attendance to address this request.

Mr. Metz stated all their company develops are apartments. They have 20,700 employees in the US and he stated they will own and operate the apartments once completed. This is an opportunity for them to expand along the I-95 corridor.

Mr. Dan Spiker of Morris & Ritchie is the Project Manager, Planner & Engineer for this project. He introduced Mr. Ryan Humphrey representing Southfields, also in attendance. Mr. Spiker identified the location of Parcel D with respect to the project as a whole.

He stated Parcel D is approximately 23 acres and noted that apartments require a minimum of 2 acres in the Town Zoning Ordinance. Southfields Boulevard, which is currently under review, will be the main access into this part of the Southfields development. He stated that the area had been part of a farm and contains wetlands. They noted that they will be applying for a permit to fill those wetlands. There is an intermittent stream toward the back of the site which contains the few trees that are on the property. He noted that the soils don't allow much water to drain off but the water that does drain finds its way into that intermittent stream.

Mr. Spiker noted the setbacks are 50' in the front yard; 50' in the side yard and 50' in the rear yard for the principal structures. There is a maximum building height of 40'. They are proposing seven (7) three-story apartment buildings. Six of the buildings have 17 apartments per floor and one building has 8 apartments per floor for a total of 330 apartments. They are also providing eight (8) accessory garages which will be for rent by any leasee. There will be a mixture of 1, 2 and 3 bedroom apartments.

Mr. Wiseman asked if the renderings they received in their packets were accurate to what they are proposing for this subdivision. Mr. Metz stated they are accurate and noted he would be providing other renderings for the Commission members.

Mr. Wiseman asked if the garage units were for storage or for vehicles. Mr. Metz stated they are for vehicles but there is also storage spaces on the sides of the garages for other types of storage. Mr. Spiker noted there will be a total of 638 parking spaces which include these accessory garage spaces. They are requesting a design waiver to reduce the number of parking spaces required. This is based on their past experience with a development of this kind. It will also reduce the amount of impervious surface and add additional green space. They are proposing over 10 acres of open space and approximately 3 acres of that will be neighborhood parks.

Mr. Spiker stated a forest stand delineation was done for the site and there are only a few trees on the property. They submitted landscape and lighting plans which show the provision of street trees in order to provide shade for parking. He also noted the landscaping which has been provided as a buffer for the adjoining properties.

Mr. Wiseman asked if they had received the comment letters from the Town, KCI and the Elkton Police Department. Mr. Spiker confirmed that the letters were received. Mr. Wiseman noted there are two manners of egress, one through Southfields Boulevard and the other through the commercial areas to the north. Mr. Wiseman asked about comments from EPD which questioned safety for the residents within the stairwells and corridors specifically regarding lighting and access by potential perpetrators. Mr. Metz noted that the corridors are lighted and that even in the evening hours every third light in the corridor remains lighted. There are also sensors which will turn the other lights back on when someone enters the corridor. Mr. Metz mentioned there is no access under the stairs so that someone might be able to hide there. He stated all access to buildings in the subdivision must be gained by key fob access which provides additional safety for residents.

Discussion ensued regarding access between the residential lots and the commercial areas. It was noted that the commercial areas have a right in and right out access only. Access for those traveling north on Route 213 can be made through Parcel D from the commercial areas. Mr. Metz noted they have placed landscaping in order to block vehicle lights into residential dwellings near the ingress location at Southfields Boulevard and Route 213.

Mr. Wiseman asked if they had any concerns in addressing comments they have received. Mr. Spiker stated they don't see any concerns; most comments can be addressed. Mr. Wiseman asked Mr. Koenig if they had any issues with any of their comments for the project. Mr. Koenig stated they feel everything is being addressed to their satisfaction.

Mr. Spiker mentioned they are requesting a design waiver for parking and Ms. Minner had asked that they show areas where future parking might be available to be added if necessary. He stated those areas will be shown on the plan as future overflow parking. Mr. Metz interjected that their operations team believes 1.65 parking spaces per unit will meet the need for the apartments and they are providing 1.9 parking spaces per unit. Ms. Broomell voiced her concerns due to the current parking issues with existing townhouse units in Town. She stated there are more than two residents per apartment and she was not sure the number of parking spaces would be sufficient for Elkton's needs. Ms. Minner stated she had spoken with the representatives for the project today and she voiced her concern about this as well. She has requested that a note be placed on the plan showing the future overflow parking including the number of parking spaces which can be provided. She said that due to the limited transit in this area it can cause

problems for the residents as to where they can park within the development. He stated he believes the formula they use to determine parking specific to the number of apartment dwellings is efficient.

Ms. Broomell noted that according to her calculations they come up short by about 150 parking spaces if the Town Ordinance parking requirements are applied. Mr. Metz stated there are 576 bedrooms which are provided on the property. He stated in their experience working in all states and in other rural areas they have found the formula they use to be efficient in determining the need for parking spaces specific to number of apartment dwellings.

Mr. Metz stated that they will be managing the apartments and will address any concerns with parking issues or noise which is usually an issue when there are too many residents living in the individual dwelling units. Mr. Wiseman asked what their occupancy rates are for their apartments. Mr. Metz stated they are occupied at 97.2%.

Mr. Thompson asked if the apartments are fair market value units. Mr. Metz confirmed that they are. Discussion continued regarding parking spaces being proposed as opposed to parking spaces required by Town Code. Mr. Metz stated he feels apartments which are not professionally managed are where issues may arise more often. Mr. Wiseman asked if they monitor boats, trailers, RV's, etc. Mr. Metz said they are monitored and if the number of them gets unacceptable then they would address the owners and request that they be moved to offsite storage. This concern is particularly true in a water oriented neighborhood. He noted that they manage 2600 communities across the US.

Mr. Ginder mentioned he is aware of communities in New Jersey and Pennsylvania which have deed restrictions which prohibit the parking of commercial vehicles. Mr. Metz stated one of the challenges regarding commercial vehicles is treating people differently which can lead to being sued for discrimination. Mr. Wiseman stated he felt as long as the number of parking spaces are addressed in a note on the plan that would alleviate the concerns of the Commission.

Mr. Spiker stated the Concept Stormwater Management Plan has been submitted and is being reviewed by the Town and the Cecil Soil Conservation District. He noted that the garages along the eastern property line are outside of the required five foot side yard setback. He said he would contact Mr. Bromwell to speak with him about setback requirements for the garages and dumpsters which are accessory uses to determine if a variance will be needed.

Mr. Metz provided renderings of the proposed subdivision detailing the amenities on the property which include a pool, playground for children, outdoor BBQ grills, fire pit, gym (open 24/7), party room, and WIFI in all locations. Mr. Wiseman asked if there would be management 24/7. Mr. Metz stated it will be daytime hours only until 6:00 p.m. or so. He stated there is also a parcel room where packages can be delivered and which can be accessed by the residents when it is convenient for their schedule. A code is provided to the resident to access the lockers. Mr. Metz noted they have had no parcel thefts from these areas because there are video cameras inside and out.

Mr. Metz stated they are placing pocket parks for the residents in different areas. He stated this is a different type of community, there are conditioned corridors, and covered entryways with stair towers on the ends. The units are composed of 44% glass to provide a significant amount of natural light within the unit as opposed to 18% glass in other apartment facilities.

Mr. Metz mentioned that there are no main façade features, instead there are dormers with varied eave pitches and each of the buildings can be provided with a distinctive façade color. He stated they do their best to screen the condensing units with landscaping. He noted the park has a natural turf field with a

seating area. Mr. Ginder mentioned in the PUD language that there should be 3-4 different architectural renderings with different types of materials. Mr. Metz stated there will be brick, metal siding and architectural shingles and vertical as well as horizontal siding. They mentioned the cost of construction supplies is a challenge right now. Mr. Muller asked about whether they are trucking materials in or going prefab. Mr. Metz stated they have a factory in Pennsylvania from which the supplies will be provided. He noted there will be less than 2% waste on the project whereas on most construction projects there is usually 22% waste. He stated factory built products are better quality. These apartments will have double walls between the units as well as in the living room and bedrooms. There will also be double wall floor and ceiling assemblies.

Mr. Koenig asked if their stormwater management design is based on 787 parking spaces or on the number they will be requesting by the variance. Mr. Spiker stated he believed they were above the number of parking spaces required so they can provide 2 parking spaces per dwelling unit. Mr. Koenig asked that the report be clear so that if they have to go back and add additional parking spaces that those areas will be noted in the report. Mr. Metz stated those areas will be seeded with grass for additional green space and if additional parking is required most of the area will be pervious surface as well. Mr. Spiker said he would make sure the information is included in the stormwater management report.

Mr. Muller asked if the apartments will be sprinklered. Mr. Metz stated they will be sprinklered.

Mr. Wiseman asked if the Commission members had any other questions. There were no other questions raised. Mr. Wiseman entertained questions from the audience. There was no one in attendance with any questions regarding this project.

MOTION: Motion was made by Mr. Ginder to approve the Preliminary Major Site Plan contingent upon addressing all outstanding comments, the understanding that future parking, as required by the Town, shall be provided at the owner's expense and contingent upon stormwater management calculations as called out in the Town Code. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

CASE # 1608 – REQUEST OF CAMERON BROWN, ESQUIRE REPRESENTING WEST MAIN HOLDINGS, LLC FOR A SPECIAL EXCEPTION TO OPERATE A COUNSELING SERVICE. THIS ACTION CONCERNS PROPERTY LOCATED AT 136 WEST MAIN STREET, ELKTON, MARYLAND, TAX MAP 027G, PARCEL 1384 AND ZONED TC (TOWN CENTER)

Mr. Cameron Brown representing West Main Holdings, LLC and Ms. Ashley Mattix of Changing Tides were in attendance to address this request. Mr. Brown stated West Main Holdings is the owner of 136-138 West Main Street where the Art Space on Main is currently located on the first floor. He stated they are proposing to use the second floor of the building for a counseling service. He noted the summary of work they submitted which details the services they will be providing. The counseling service is called Changing Tides Therapeutic and Consultative Service, LLC. They are well versed in trauma informed counseling and therapy services. They will use their expertise to provide help to those who have been impacted by different types of trauma and this is more evident to everyone as we have navigated the last two years. He noted that the past two years have been difficult for children and adults alike. He mentioned his own experience with clients who have been trying to get their children into counseling who have been on a wait list for 1-2 years.

Mr. Brown noted they are hoping to add group therapy to the individual and family therapy they provide currently. He stated this service will not only benefit individuals and families but the entire community. They are hoping in the future to offer training, working in conjunction with the Department of Social Services, the school system, hospitals, and with those who are involved in juvenile justice in the court system to provide a level of insight into what this trauma-informed counseling entails and how it can be used to benefit people who have difficult histories.

Mr. Brown stated we often read about those who have been convicted of a crime but what we don't read about is the impact of the families who have been victims of these crimes. He stated he doesn't believe the Elkton community has adequate services to address these concerns.

He reviewed the general requirements in Article IV, Section 6 of the Zoning Ordinance as well as the additional conditions required in Article XII, Section 34. (See attached information submitted addressing each requirement/condition which apply to this special exception request.

Mr. Brown explained how the area was laid out and how the different areas would be used for the counseling service. Discussion ensued regarding the stairs which will need to be addressed through the Building Department. Commissioner Broomell asked how many clients they might see in a day. Mr. Brown stated there will be three counselors so at the most there may be 10-11 people in the building either in counseling or waiting to see a counselor at any given time.

Commissioner Broomell asked about the availability for parking. Mr. Brown stated they believe the off street parking on Howard and Bow Streets should be adequate for this use. Mr. Wiseman asked if there was a rear entrance to the building. Mr. Brown stated that there is but there is no way to access the second floor. Clients would have to use the stairs between the buildings to get to the Main Street level to access the front door. Mr. Wiseman asked what their daily hours would be. Mr. Brown stated they would be standard business hours of 9 a.m. to 5 p.m.

Commissioner Broomell asked if the business is operating at any other location currently. Mr. Brown stated that it is not. Mr. Wiseman asked if there is a license required from the State of Maryland to operate this type of business. He said that any licensing required would be for the individual counselors.

Mr. Wiseman asked if the building needed to be inspected for this use. Mr. Brown stated he did not believe there were specific requirements for the use but mentioned that he has been through the building with Mr. Chip Bromwell, the Building Official for the Town of Elkton.

There was discussion regarding the number of bathrooms being provided. Mr. Brown stated there is one bathroom on the second floor which will be made into an ADA compliant bathroom to serve the clients and staff.

Commissioner Broomell asked if handicapped clients could access their services remotely if they were unable to enter by way of the stairs. At this point, Ms. Ashley Mattix, owner of the counseling service, introduced herself to the Commission members. She stated the building would not be handicapped accessible but they do offer telehealth services. She stated they don't have large caseloads and stated they may see 15-20 clients per week. Commissioner Broomell asked how they receive referrals. Ms. Mattix stated she works for Cecil County Family Violence Programs at the Child Advocacy Center as well as the Domestic Violence Shelter. She is very connected with those programs and receives referrals for clients through those programs. She stated she grew up in this area and is passionate about this work. She stated they are also looking to target professionals in the community who are working with trauma, and experiencing impacts from the pandemic.

Ms. Mattix stated that although their service is not part of CASA they do work closely with them. She stated through the counseling service she also works closely with professionals in attorney's offices, medical staff, social workers, and DSS. She stated their main work is with people who have experienced trauma but also helping support the community so that we can treat it better.

Ms. Mattix stated she is a licensed clinical social worker and governed by the Board of Social Work Examiners and the Board of Ethics in Counseling.

Mr. Thompson asked if they are geared mostly towards children. Ms. Mattix stated she is the only counselor who works specifically with children but the service also works with adults and adolescents. Mr. Thompson asked if they work with veterans with PTSD. She said they would love to open their service for veterans and law enforcement. She stated they only have three counselors at this point.

Commissioner Broomell asked when they are hoping to open. Ms. Mattix stated that, if they are approved, they hope to open on August 1st.

Ms. Blackson asked if they plan on accepting Medicaid. Ms. Mattix stated they will not be initially because there is grant funding available and it is better not to have to go through the insurance system. She said she doesn't want being approved by insurance to be a barrier to people who need help.

Mr. Wiseman entertained additional questions from the Commission. There were no further questions from the Commission members.

Mr. Wiseman entertained questions from the audience. There were no questions from anyone in the audience.

MOTION: Motion was made by Mr. Thompson to recommend approval to the Board of Zoning Appeals for the counseling service at 136 West Main Street. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows: Mr. Ginder – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

CASE # 1611 – REQUEST OF DR. MUHAMMED NIAZ FOR A SPECIAL EXCEPTION FOR A PRIMARY PHYSICIAN'S OFFICE WITH UP TO THREE PROFESSIONALS SEEING PATIENTS. THIS ACTION CONCERNS PROPERTY AT 218 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 033B, PARCEL 2375 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Kaleem Ahmed was in attendance to represent Dr. Muhammed Niaz. He stated the doctor is planning to expand due to an increase in patient load. They are proposing to move to this new location which had been Dr. Moradi's dental practice. Mr. Wiseman asked if the pharmacy will remain at that location as well. Mr. Ahmed confirmed that the pharmacy would remain.

Mr. Ahmed stated there will be three providers at this location on different days. The providers will be handling mental health issues, general practice, phrenology and geriatrics along with other services. He stated with the pharmacy close by it will make it convenient for the patients.

Mr. Ahmed stated they are moving part of their practice on Bridge Street to this new location. He noted they will also have access to their own parking lot. American Home & Hardware has been allowing them to use some of their parking spaces at their Bridge Street location.

Mr. Wiseman asked if they will be doing any modifications to the location on Pulaski Highway. Mr. Ahmed stated they will be removing some mold which has accumulated while the building has been vacant for the past 5 years or so. He noted that the Building Official, Mr. Chip Bromwell, has been into the building to make inspections and they are working with the Building Department to get those issues resolved. Mr. Wiseman asked if they are ADA compliant and mentioned that there was a ramp at that location. Mr. Ahmed stated the ramp belongs to the pharmacy but their clients will have use of that ramp to access the offices and pharmacy. Mr. Ahmed noted they also have to provide an ADA compliant bathroom at this location.

Mr. Wiseman asked if they are purchasing the building or leasing it. Mr. Ahmed stated they are leasing the building. Mr. Wiseman mentioned the parking lot is in pretty bad shape especially for clients who are handicapped.

Mr. Wiseman noted that the Commission's recommendation will be to the Elkton Board of Zoning Appeals and stated they would have to attend that meeting for the final decision on June 16, 2022.

Mr. Wiseman entertained additional questions from the Commission members. There were no additional questions. Mr. Wiseman entertained questions from the audience. There was no one in attendance who had any questions.

MOTION: Motion was made by Mr. Muller to recommend approval to the Board of Zoning Appeals for the special exception for a primary physician's office with up to three professionals seeing patients contingent upon addressing all building issues determined by the Town of Elkton Building Department. The motion was seconded by Mr. Ginder with the remaining Commission members voting as follows: Mr. Thompson – Aye; Mr. Wiseman – Aye. The motion passed unanimously.

2021 ANNUAL REPORT TO MARYLAND DEPARTMENT OF PLANNING

Nick Cannistraci addressed the 2021 Annual Report and informed the Commission members that the annual report is the short form this year. The long form is completed when there have been 50 or more residential dwelling permits issued within the year. This year there were a total of thirty nine (39) residential dwelling permits issued. Mr. Thompson asked about the plan for 330 apartments being developed in the Southfields PUD and whether they would be considered one permit or 330 permits. Ms. Minner stated it would be counted by individual dwelling units. Ms. Minner stated that the long form calls out separately all the different types of housing permits (such as townhouse, single family dwelling, apartment, duplex, etc.).

Mr. Wiseman asked if the State provides that information. Ms. Minner stated the Town has to put the information into a report which is then forwarded to the State.

Mr. Cannistraci stated there are six (6) questions provided on the short form and question 3 is the most detailed. It includes growth related changes, which include land use changes, annexations, zoning ordinance changes, rezonings, new schools, changes in water or sewer service area and others. He reviewed the Ordinance changes under Ordinance 1-2021, which allowed a veterinarian use in the BI Zone and Ordinance 2-2021, which allowed Commercial apartments in the RO (Residential Office) Zone.

He noted that another change was to Article XII, Section 28, Residential Structures which added item #3 with conditions for commercial apartments in the C-1, PUD and TC zones.

He stated he added the Ayars annexation to this year's report since it has been some time since it was submitted but it was not voted on until the August 18, 2021 Mayor & Commissioners meeting. Mr. Wiseman asked what the next step would be for the Annual Report. Ms. Minner stated it will go before the Mayor & Commissioners and then be submitted to the State of Maryland. Ms. Minner noted that the State will review to be sure the Town is in compliance with their Comprehensive Plan.

OLD BUSINESS: Ms. Minner mentioned Ms. Mandy Feeney will begin her tenure on the Commission at the next meeting.

NEW BUSINESS: Mr. Wiseman asked if there is a specific number of consecutive Planning Commission meetings which can be missed by individual Commission members. Ms. Minner stated she would have to check the Zoning Ordinance but believes it is three (3) consecutive meetings.

She stated the Town will be losing a member of the Board of Zoning Appeals and we still need two (2) members to be appointed to the Historic District Commission. She said if any Commission members know someone who might want to serve she would appreciate them letting her know.

Mr. Wiseman mentioned emails he received regarding the MML conference in Ocean City on June 12th. Ms. Minner stated that he should forward the bill he received by email to her.

Ms. Minner stated there will likely be some annexations coming before the Commission for the August meeting.

Mr. Wiseman asked about the demolition of the hotel where the 7-Eleven is being placed at Pulaski and Maloney Road. He wondered why they cut off part of the building and left the remainder standing while they worked on the excel lane and curbing.

Mr. Thompson asked Ms. Minner if the Town has ever talked about instituting payment for a parking waiver similar to what is done in the City of Newark. Ms. Minner said she has never heard anything about it.

Ms. Minner asked Ms. Blackson about the property management company at Chapel Run. Ms. Blackson stated that if there is a property management company then the HOA likely hired them. If individual homeowners want to change that they should become involved by attending the meetings and handling it through the proper channels. If the HOA is not operating property then the home owners would need to take them to court. Ms. Minner asked Ms. Blackson to provide her with some information which she can forward to the homeowner in order to explain the situation. Ms. Blackson stated she would provide Ms. Minner with that information. Ms. Minner said the person she spoke with didn't want any kind of HOA or management company. Ms. Blackson said that would likely be impossible because if they have an HOA then the subdivision was deed restricted that way and every homeowner would have to agree in order to do away with the HOA. She would suggest that they contact the attorney for the HOA if they are interested in following through.

Ms. Minner asked if Ms. Blackson had an answer regarding the zoning question Mr. Bromwell asked about. Ms. Blackson said she is still looking into that but she can set up a meeting with Ms. Minner and Mr. Bromwell to determine how best to address it. She said she needs to reach out to the attorney for the HOA at Patriots Glen to discuss it with them and determine what kind of plan they have.

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There being no additional items to discuss, Mr. Wiseman stated the next meeting of the Planning Commission will be on July 11, 2022 and adjourned the meeting at 7:39 p.m.

Respectfully submitted,

Brie Humphreys