

**TOWN OF ELKTON  
PLANNING COMMISSION  
JULY 16, 2012**

**PRESENT:** David Wiseman, (Chair); Asma Manejwala; Sue Whitaker; Brad Carrillo; H. Fred Thomas, II; G. Edward Ginder; Commissioner Mary Jo Jablonski; Clara Campbell, Esquire; Jeanne D. Minner, Director of Planning; Theresa Thomas, Planner

**ABSENT:** None

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

**ACTION:** Motion was made by Ms. Manejwala to approve the minutes from the June 11, 2012 Planning Commission meeting. The motion was seconded by Mr. Carrillo and unanimously approved.

**CASE # 1435 – REQUEST OF HERTRICH PROPERTIES XII, LLC, 1427 BAY ROAD, MILFORD, DELAWARE FOR A SPECIAL EXCEPTION TO PERMIT AUTO SALES WITHIN THE C-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED ON THE NORTH SIDE OF WESTBOUND PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2332, ZONED C-2**

Mr. Al Guckes of Hertrich Properties XI and Mr. Jeff Williams of Kercher Engineering were in attendance to present this request. Their request is for a special exception to be placed on Route 40 across from the Walmart Supercenter. They propose to place a Chrysler-Dodge-Jeep dealer. They currently own 17 new car franchises at 14 locations in three states (Delaware, Maryland and New Jersey) as well as 3 collision centers in Delaware and Maryland. They try to be good neighbors at all these locations and support the local community. They do not believe there will be any adverse effects due to their being at this location.

Mr. Guckes stated that their research suggested that this location is best suited for their needs and is approximately 5.56 acres in the C-2 zone. They will begin by selling new and pre-owned cars and will initially be hiring approximately fifty (50) employees. They will also be storing cars and light trucks outdoors as well as servicing these types of vehicles. They will operate a non-public car wash for the purpose of maintaining their inventory. Vehicle rentals will be supplied to customers whose vehicles are being serviced. They are proposing a double walled above ground gas pump which will also be a non-public use.

Mr. Guckes addressed each of the nine (9) conditions with regard to this special exception use. None of the items would pose an issue either to themselves, the Town or neighboring properties. He presented a depiction of proposed architecture for the proposed building which would be similar to surrounding commercial properties. He noted that the proposed car wash would utilize recycled water.

Mr. Wiseman entertained questions from Ms. Minner regarding the special exception prior to moving on the Concept Plan. She had no questions. He noted that with previous projects there have been issues regarding lighting and its effect on neighboring residential properties and therefore the Board will be interested in their lighting and landscape plans.

Mr. Wiseman entertained questions from the Board. Ms. Manejwala asked if they had considered the old Chrysler property located west on Pulaski Highway. Mr. Guckes stated that he did not believe it was available at the time they initially began their search and the structures did not meet their criteria.

Mr. Ginder asked if the rental part of the presentation should be included in their decision for this project. Ms. Minner responded that rentals are an accessory part of the requested use and therefore would be encompassed in the special exception.

Ms. Manejwala inquired about the fuel pump and questioned where it would be located. Mr. Williams stated that it will be located as part of the site plan but that a usual location is at the rear of the building.

**MOTION: Motion was made by Mr. Carrillo to recommend approval of the special exception as presented. The motion was seconded by Mr. Ginder and unanimously approved.**

**REQUEST OF HERTRICH PROPERTIES XII, LLC FOR A CONCEPT PLAN FOR AN AUTOMOBILE DEALERSHIP, NORTH SIDE OF WESTBOUND PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2332, ZONED C-2**

Mr. Al Guckes of Hertrich Properties XI and Mr. Jeff Williams of Kercher Engineering were in attendance to present this request. Mr. Williams presented the concept plan and noted the layout of impervious surface, setbacks, stormwater drainage and other requirements. They noted that they will need an easement from Tractor Supply to tie into their stormwater system. The plan has been submitted to State Highway Administration for the ingress and egress. They also have submitted the plan to Cecil Soil Conservation District for their review of stormwater and E&S controls.

He noted that they have received comments from the Town Engineer, KCI, and have no problems with any of the comments. Mr. Wiseman stated that one of the comments mentioned the billboards would be removed. Mr. Williams answered affirmatively.

Discussion regarding lighting on the premises and its effect on residential properties was discussed. Positioning of lights, security purposes and timers were addressed as part of that discussion.

Mr. Wiseman questioned whether landscape waivers would be necessary. Ms. Minner noted that interior landscape islands and bufferyard plantings are part of what is required for new project and would be addressed during another phase of the submittal.

Mr. Wiseman entertained questions from the Board. Additional discussion regarding stormwater management practices and parking ensued.

**MOTION: Motion was made by Ms. Manejwala to approve the Concept Plan for Hertrich Properties XII, LLC contingent upon addressing all comments from the Town and KCI and**

**contingent upon the approval of the special exception by the Board of Zoning Appeals. The motion was seconded by Mr. Thomas and unanimously approved.**

**ORDINANCE 6-2012 – AMENDMENT TO THE TOWN OF ELKTON ZONING ORDINANCE, ARTICLE II, BASIC DEFINITIONS AND INTERPRETATIONS, PART 1. DEFINITIONS, SECTION 1. DEFINITIONS OF BASIC TERMS; ARTICLE X. PERMISSIBLE USES, SECTION 8., PERMISSIBLE USES TABLES, SUBSECTION 21, TABLE OF PERMISSIBLE USES; AND ARTICLE XII. SUPPLEMENTARY USE REGULATIONS, SECTION 15. CLINICS (3.130)**

Ms. Minner stated that the Mayor & Commissioners had requested that the Zoning Administrator review the current language in the Ordinance and propose updated language. The submitted amendment was read by Ms. Minner and she noted that the definitions came from current State regulations. (See attached copy of Ordinance 6-2012)

Ms. Manejwala asked where long-term clients would be accommodated. Mr. Wiseman responded that it would probably be in facilities larger than 10,000 sf which could accommodate these clients. She asked about the proximity to schools/children. Ms. Minner stated that Mr. Trostle considered other criteria and had to weigh those challenges against the feasibility of placing additional restrictions. Ms. Campbell pointed out that *all* clinics would be included under these requirements and you might not want to ban children from all these facilities.

There was a question from Mr. Ginder regarding the yearly criteria check which was mentioned during the presentation. Ms. Minner noted that rarely would this be necessary unless a specific violation would be taking place where a special exception had been granted. She stated she would check into this language and get back to the Board. Mr. Carrillo asked if there was a procedure in place to address this requirement. Ms. Minner stated that it would fall under the venue of the Zoning Administrator and she would check with Mr. Trostle.

Mr. Wiseman entertained questions from the audience. Mr. Richard Bayer, CEO of Upper Bay Counseling stated he attended the meeting for the purpose of listening to the conversation regarding the new language. His main concern was the effect the language might have on their locations.

**MOTION: Motion was made by Mr. Ginder to recommend approval of Ordinance 6-2012 for Clinics to the Mayor & Commissioners. The motion was seconded by Ms. Whitaker and unanimously approved.**

**APPROVAL OF 2011 ANNUAL REPORT**

There were a few specific questions directed to Ms. Minner for clarification of information in the report. A correction was addressed with respect to the Vice Chair for the Planning Commission.

**MOTION: Motion was made by Ms. Manejwala to approve the 2011 Annual Report, with noted corrections, to be filed with the Mayor & Commissioners. The motion was seconded by Mr. Thomas and unanimously approved.**

**OLD BUSINESS** – PUD Language – Ms. Minner stated that the applicant for the PUD has requested alternate language be considered in the floating zone with regard to deadlines. Discussion ensued regarding this request and the feasibility of changes to the language. There was a unanimous recommendation to the Mayor & Commissioners to leave the language as written.

**NEW BUSINESS** – Ms. Minner informed the Board that the Permissible Uses Table is being addressed. She, Terri and Craig Trostle have met with Mr. Chris Rogers and they will continue to review it for changes or additions.

Ms. Manejwala inquired when the PUD would be considered grandfathered. Ms. Minner stated that once all the approvals have been given, permits have been applied for and issued and construction actually begins then they would be considered vested.

**NEXT MEETING – AUGUST 6, 2012**

There were no additional items for discussion and Mr. Wiseman adjourned the meeting at 8:25 p.m.

Respectfully submitted,

Brie Humphreys