

**TOWN OF ELKTON
PLANNING COMMISSION
MAY 12, 2014**

PRESENT: Asma Manejwala; G. Edward Ginder; David Fordyce; Rick Keane; Keith Thompson; Cameron Brown, Esquire; Jeanne D. Minner, Director of Planning; Theresa Thomas, Assistant Planner

ABSENT: Commissioner Mary Jo Jablonski

Ms. Manejwala called the meeting to order at 7:00 p.m.

ACTION: Motion was made by Mr. Ginder to approve the minutes from the April 7, 2014 Planning Commission meeting. The motion was seconded by Mr. Fordyce and unanimously approved.

REQUEST OF RAUCH, INC., REPRESENTING WAWA, 302 W. PULASKI HIGHWAY, CONCEPT PLAN, TAX MAP 314, PARCEL 193 (OWNER – BECKER HOME CORPORATION, 302 W. PULASKI HIGHWAY), TAX MAP 314, PARCEL 197 (OWNER – RICHARD A. SEXTON, 307 LANDING LANE) & TAX MAP 314, PARCEL 198 (OWNER – KENNETH W. & JOAN MARIE WRIGHT, 309 LANDING LANE), ZONED C-2

Mr. Casey Rauch of Rauch, Inc. and Mr. Michael Ertel and Mr. David Schlachman of DMS Development were in attendance to address this submittal. Mr. Rauch stated they are proposing a Wawa of under 5,000 sf with 12 gas pumps. The current property is mainly impervious with asphalt covering most of the property. They show a future parcel on the plan but are not requesting any approvals for that part of the plan. He addressed parking space size of which perimeter parking is 10 x 20 and other parking near the building is 9 x 18. The 15 spaces shown on the west side will be shared with the future space. Ms. Manejwala noted that the future use may require additional parking.

Mr. Rauch stated they would be abandoning the well on the property and hooking up to Town water and sewer. Ms. Manejwala asked if MDE needed to be contacted regarding the abandonment of the well. Ms. Thomas stated that the Health Department would need to be notified. Mr. Ertel stated they would do whatever is required by the Health Department.

Mr. Rauch stated there is a manhole on the northeast corner of the property. One of the comments suggested that the manhole was old and they were requested it replace it with a new manhole.

Ms. Manejwala asked if they had received any comments from Singerly Fire Company. Mr. Rauch stated that they have received those comments.

Mr. Ginder questioned symbols for a fence and a gas line on the cover sheet which are the same symbol. Ms. Thomas stated that would have to be changed. Mr. Ginder pointed out that there were also two different areas where the front setback is shown and they are different measurements. Mr. Rauch stated that the plan being presented actually shows some of the major comments they received prior to the meeting. Questions were raised about the location of the trash receptacle and truck delivery turning. Mr. Rauch showed their thoughts about the truck turning on the lot. He stated that the next submittal will have a truck turning exhibit. Ms. Manejwala stated her concern about truck ingress/egress from Landing Lane. Ms. Thomas asked when deliveries would be made to the store. Mr. Schlachman said it is difficult to say for sure. Discussion ensued regarding this subject with a consensus of the Board being concerned with traffic issues on Landing Lane.

Ms. Manejwala questioned handicapped parking. Mr. Rauch stated three spaces are required and would be placed at the front of the building. She addressed one of the comments from the Town on the May 7, 2014 letter regarding the grass swale which is part of the setback in Bufferyard D. Mr. Rauch stated they wished to request a design waiver due to site constraints they have to have certain drive aisles and specific distances for gas pumps. They are requesting to replace the five (5) foot berm with a six (6) foot high vinyl fence. Ms.

Manejwala voiced her concern due to the closeness of the residences to the proposed business. Discussion ensued regarding a comment from KCI regarding single area runoff toward residential properties. Mr. Rauch stated they would be replacing the berm with rain gardens.

Mr. Fordyce addressed frontage along Route 40 and the traffic stacking up on Route 40. Ms. Manejwala addressed buffering on the east and west side of the property. Mr. Rauch stated they intend to place fencing along the east side and would place fencing if necessary along the west side as well. Ms. Minner pointed out that a traffic impact study had been done for this area.

Mr. Keane asked what the bollards were protecting. Mr. Rauch noted that there is a utility pole, transformer and guide wire in that location.

Ms. Manejwala asked if the traffic impact study addressed traffic along Landing Lane. Ms. Minner stated that it addressed Route 40 and Landing Lane, Route 40 at the site access and Landing Lane at the proposed site access. Ms. Manejwala asked about buffering between the Sexton and Dormand properties in order to keep pedestrians from cutting across their properties. Ms. Minner stated that they are required to buffer between the residential and commercial properties. Mr. Thompson asked if they are leaving the existing dwelling on part of their property. Mr. Ertel stated at the moment they plan to leave the house where it is until they decide how the house will be used.

Mr. Keane questioned some of the design around the Whitehead property. He asked if there was any difference between a 'rain garden' and 'retention pond'. Mr. Rauch stated one is simply smaller than the other. Mr. Keane asked if all of the parking spaces shown near the Whitehead property were necessary. Mr. Schlachman stated that it depends on the future use on the other lot and the amount of parking it will require. He stated that if necessary they could place a fence at this location as well. Mr. Keane asked if the air machine near the Whitehead property could be relocated near the underground storage tanks. Mr. Rauch stated they would check with Wawa.

Ms. Manejwala confirmed that six (6) foot vinyl fencing would be placed along the full rear of the property as well as along the residential properties along the east property line. Mr. Rauch agreed with her statement.

Ms. Manejwala asked if they had any issues with any of the other comments they received from the Town, KCI or Singerly Fire Company. Mr. Rauch reminded the Board that they would not be asking for the subdivision as part of this submittal and that their main issue was the bufferyard requirements for which they have requested a design waiver.

Ms. Manejwala questioned the lighting for the project to ensure light would not be directed toward the neighboring residential properties. Mr. Rauch confirmed the lighting would not be directed toward any neighboring properties. Mr. Ertel stated Wawa has a lighting consultant and they will provide a plan that shows the 'foot candle' illumination numbers with regard to other properties.

Ms. Manejwala pointed out that any signs for the business would need to go through the Building Department for approval and permitting.

Mr. Keane asked if the size of this store is similar to the size of other Wawa stores. It was determined that Wawa comes up with new designs often and they may not have seen this design in the area. It should be within 500 sf of their other stores.

Additional discussion regarding parking space numbers was brought up. Mr. Rauch stated they would update the numbers on the plan for the next submittal. There was also additional discussion regarding ingress and egress on Route 40.

Ms. Manejwala entertained additional questions or comments from the Board. Mr. Fordyce questioned whether the building on the Sexton property was currently occupied. Mr. Schlachman stated they were planning to sell the parcel but since it is a nonconforming lot it cannot be sold as a house. Mr. Ertel stated if there is an occupant currently at the property and they can work it out they would simply allow them to continue to rent the property. Ms. Minner interjected that due to the zoning of the property as C-2 it is a nonconforming size for that zone and the rental use is a nonconforming use. The Ordinance allows nonconforming uses to continue but should the use be discontinued for more than 180 days. Since they are unable to subdivide the lot, because it would make it even smaller, the only other alternative is to continue to rent the space or use it as an office or another commercial use could be placed there.

Mr. Schlachman asked if the lot could be sold to an adjacent property owner. Ms. Minner stated that would be an option because it would enlarge another nonconforming lot.

Ms. Manejwala entertained questions from the audience.

Ms. Lorraine Richardson of 56A Hollingsworth Manor stated her property backs up to the proposed Wawa. She said most of her questions had been answered but her other concern was the noise from the construction. She asked when they would be allowed to begin in the morning and how late they could go in the evening. Mr. Ginder told her that the Charter & Code addresses the timeframe for construction noise. Copies of the Charter & Code regarding the noise ordinance were provided to Ms. Richardson and to those presenting the project.

Ms. Richardson also noted one of her concerns was with the proposed fencing. She stated she will be placing additional fencing on her side as well to deter people from jumping over into her yard.

MOTION: Motion was made by Mr. Ginder to approve the Concept Plan for Wawa contingent upon addressing all outstanding comments, allowing for a design waiver as noted in comment #28 of the Town letter dated May 7, 2014 be addressed, and the addition of a six (6) foot vinyl fence at the rear and side of the property. Additionally, all truck ingress and egress shall be solely from Route 40 and the entrance at that location shall be redesigned to accommodate this truck traffic.

OLD BUSINESS: Ms. Minner reminded the newest Board members that the MDP Training needed to be completed within six months of them being seated on the Board.

Ms. Manejwala inquired about a property east of the intersection of Courtney & Melbourne regarding high grass. She also asked about a sign 'Children at Play' at Village Road and Melbourne Blvd. She said she thought a sign used to be in this area and wondered if a new one could be placed since so many children play in that area.

Mr. Ginder asked if we could address the grassy medium on Park Circle where clipping and branches have been placed. The Town is unable to mow that area due to all the brush and clippings.

Mr. Keane also addressed the park area on Park Place. The neighbors have been trying to clean up the area but could use some mulch for the flower bed.

Mr. Ginder also mentioned how high the grass is at Route 40 and Delaware Avenue and asked if we could look into getting that area cut. Ms. Minner mentioned they are looking into new way finding signage and the Alliance is looking to replace some of the 'Welcome to Elkton' signage.

Ms. Manejwala asked if there has been any movement on the PUD language for the Ordinance. Ms. Minner mentioned they have met with Mr. Schneider and his lawyer, Mr. Dellmeyer and have received additional information from them regarding their thoughts about the new language.

NEW BUSINESS: Mr. Fordyce asked for a copy of the Traffic Impact Study for the Wawa. Ms. Minner said they would scan it and forward it to the Board members.

The next meeting of the Planning Commission is scheduled for June 9, 2014.

There being no additional business to discuss Ms. Manejwala adjourned the meeting at 7:54 p.m.

Respectfully submitted,

Brenda Humphreys