

TOWN OF ELKTON
PLANNING COMMISSION
August 7, 2017

PRESENT: David Wiseman; G. Edward Ginder; David Fordyce; Rick Keane; Keith Thompson; Lisa M. Hamilton Blackson, Esquire; Jeanne D. Minner, Director of Planning

ABSENT: William Muller

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

ACTION: A motion was made by Mr. Ginder to approve the minutes from the July 10, 2017 Planning Commission meeting. The motion was seconded by Mr. Thompson and unanimously approved.

PUBLIC HEARING - ORDINANCE 08-2017 – AMENDMENT TO TOWN OF ELKTON ZONING ORDINANCE, ARTICLE VIII NONCONFORMING SITUATIONS, SECTION 5 EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS

Ms. Minner introduced the amendment to the Board. She explained that structures within a specific zone which are nonconforming, specifically single family residences in a commercial zone, would be allowed to remain as a residence in that zone. Section 5 in the ordinance does not address duplexes and therefore the Town would like to amend it to include existing duplexes. Ms. Minner noted that the Town gives certain allowances with respect to existing structures which would need to be rebuilt, due to a fire, etc. with the exception of setbacks and parking which would be required to conform to the zoning regulations.

Questions arose regarding the definition of a nonconforming situation. Ms. Minner explained that there are different ways in which a situation can be defined as nonconforming. For example, by the use (a residential use in an industrial zone) or it could be dimensional nonconformities (setback, height or intensity of the use, etc.). She read the definition of a nonconforming lot and project. She noted there are also nonconforming signs and situations.

Mr. Fordyce inquired regarding a gentleman with a gunsmithing use in his home and whether it would be considered nonconforming if he had not received permission from the Town. Ms. Minner noted that this specific case is considered an in-home occupation and therefore since it met the criteria for the home occupation it is not considered nonconforming.

A question arose regarding a residential property in a commercial zone on Delaware Avenue. Discussion ensued regarding when a situation would be considered an enlargement of a nonconforming situation with respect to rebuilding or making a change to an existing situation. Ms. Minner mentioned that if a residential use continues then it is not considered nonconforming, even if the structure burns down and is rebuilt. The difference would come into play if the residential use was discontinued over a one hundred and eighty day period; the property would then revert to the existing zoning from that point forward.

Mr. Wiseman asked what protections are in place for the Town with this proposed amendment. Ms. Minner noted that there are some duplexes on Main Street in which businesses wish to invest and currently we do not allow the duplexes to be demolished and rebuilt. The amendment would allow it to be rebuilt as an existing nonconformity. There was discussion regarding the Habitat for Humanity home on Maffitt Street.

MOTION: Motion was made by Mr. Fordyce to recommend approval of Ordinance 08-2017 regarding Nonconforming Situations to the Mayor & Commissioners. The motion was seconded by Mr. Thompson and unanimously approved.

PUBLIC HEARING - ORDINANCE 09-2017 - AMENDMENT TO ELKTON ZONING ORDINANCE, ARTICLE X SECTION 7, PERMISSIBLE USES TABLE & ARTICLE XII, SUPPLEMENTARY USE REGULATIONS, SECTION 30, STORAGE OF RECREATIONAL VEHICLES, DETACHED CAPS, BOATS AND BOAT TRAILERS (10.700)

Ms. Minner introduced the ordinance regarding storage of recreational vehicles, detached caps, boats and boat trailers. She explained that the amendment is addressing residential properties in the TC (Town Center) zone which are currently denied from having these types of vehicles in their yards. Discussion ensued regarding placement of these vehicles, whether on grass or concrete, pavers, etc. Mr. Thompson pointed out a grammatical error in the text. He questioned allowing detached caps and boats not on trailers on Town properties.

Ms. Minner noted that since this is the first time the Board members have seen the amendment, if they wish changes may be made prior to it being presented to the Mayor & Commissioners for adoption. Discussion ensued regarding the location of the TC zone, vehicle accommodation areas, screening from the street, ownership of the vehicles being specific to residents living at the location, limiting the number of these types of vehicles per yard and a definition for a 'trailer' specific to this section.

MOTION: Motion was made to table Ordinance 09-2017 pending receipt of additional information from the Director of Building & Zoning with regard to the topics in question. The motion was seconded by Mr. Keane and unanimously approved.

CASE # 1509 – REQUEST OF SHANNON BROOKS REPRESENTING CRACKER BARREL, 300 BELLE HILL ROAD, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO PERMIT PLACEMENT OF A STORAGE TRAILER FOR ADDITIONAL RETAIL MERCHANDISE DURING THE HOLIDAY SEASON. THIS ACTION CONCERNS PROPERTY LOCATED AT 300 BELLE HILL ROAD, ELKTON, MARYLAND, TAX MAP 304, PARCEL 2177, ZONED C-3

Ms. Shannon Brooks of Cracker Barrel was in attendance to address this request. They are requesting a storage trailer for use to store holiday merchandise. They will be using two parking

spaces at the rear of the property. Ms. Brooks stated they contract the trailers through Mini Mobiles Company.

Ms. Hamilton-Blackson informed Ms. Brooks of the changes to the standards for trailers of this kind. Ms. Brooks noted that the trailers they use are beige in color and have no markings other than the company name and phone number. Mr. Wiseman noted the reason for the standards is for professionalism.

Mr. Wiseman entertained questions from the Board. Mr. Ginder noted that the trailer is located at least 30' feet from the building and should meet the Fire Code.

MOTION: Motion was made by Mr. Ginder to approve the storage trailer for Cracker Barrel contingent upon adhering to the adopted standards. The motion was seconded by Mr. Fordyce and unanimously approved.

OLD BUSINESS: Lidl and Shoppes at Elkton are slowly moving forward. It has been determined that the Town will bring the water line across Route 40.

The treatment center for Union Hospital is on hold currently.

There has been recent interest with respect to the Tenby Ridge Subdivision. It had come in originally for 500 senior housing units but they are reconsidering their options. They will be completing an analysis of the sewer capacity prior to determining their future intentions.

There was discussion regarding the work being done at Muddy Lane and Old Baltimore Pike for the new roundabout.

NEW BUSINESS: Mr. Wiseman inquired about the trees which were cut down near Clear View Car Wash at the Village at Elkton Shopping Center. Ms. Minner mentioned that Royal Farms removed their landscaping recently and she and Mr. Bromwell met with them and informed them they needed to replace those trees.

Mr. Keene noted the high grass at the corner of Bridge Street and Elkton Boulevard. He also mentioned the location of the 'clothing and shoe boxes' at the intersection. Discussion ensued regarding an ordinance to address these boxes.

Mr. Thompson inquired about the status of the burned out house in Elkton Heights. Mr. Keane stated that one of the neighbors is considering purchasing the property. If that does not take place then the Town will look into demolishing the structure.

Mr. Fordyce inquired about the number of structures around Town which are abandoned and boarded up and safety issues regarding these properties.

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Mr. Keane asked about the possibility of a new use at the Cecil Whig property on Bridge Street. Ms. Minner stated she had heard about it but believed the delay might be pretreatment requirements for the water discharge from the brewery use.

Mr. Ginder noted a number of different 'pole barns' which had gone up in the Heights and wondered if there was any way to regulate the look of these buildings so that they match the existing character of the neighborhood. Discussion ensued.

The next meeting of the Planning Commission will be Monday, September 11, 2017.

There being no further business to discuss Mr. Wiseman adjourned the meeting at 8:08 p.m.

Respectfully submitted,

Brie Humphreys