

**TOWN OF ELKTON
PLANNING COMMISSION
December 11, 2017**

PRESENT: David Wiseman; G. Edward Ginder; Rick Keane; William Muller; Lisa M. Hamilton Blackson, Esquire; Jeanne D. Minner, Director of Planning, Theresa Thomas, Assistant Planner

ABSENT: David Fordyce; Keith Thompson

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 November 6, 2017 Planning Commission meeting. The motion was seconded by Mr. Keane and unanimously approved.

REQUEST OF DAVID STROUSS OF MCCRONE, INC. REPRESENTING FIRST GLADWYNE CORPORATION, FINAL SITE, LANDSCAPE & LIGHTING PLANS, LOT #5, TAX MAP 304, PARCEL 2464, ZONED C-2

David Strauss of McCrone, Inc. and Todd Warner of First Gladwyne Corporation were in attendance to address this request. Mr. Strauss mentioned they were before the Board in June for Preliminary Site Plan approval. At that time they discussed sidewalk along Warner Road and the Planning Commission approved a waiver to provide a sidewalk from the hotel to the entrance and then to the office building. The main purpose of the development is to expand the ministorage facility. There is a small piece of undeveloped land which they intend to market after completion of the storage facility addition.

Mr. Wiseman asked if they had any issues with the comments from the Town or KCI. Mr. Strauss mentioned that due to the drop in elevation they would be placing a handicapped access area for the sidewalk near the storage area location rather than placing a long ramp in front of the office.

Mr. Strauss stated although there are a number of comments most of them are for adding notes and labels to the plan and they have no concerns with any of the other comments. Mr. Strauss addressed the lighting plan and noted that the lighting has been placed so it will not throw light onto neighboring properties.

Mr. Wiseman entertained additional questions from the Board and question or comment from the audience. There were none.

MOTION: Motion was made by Mr. Ginder to approve the Final Site, Landscape and Lighting plans for First Gladwyne Corporation contingent upon addressing all outstanding comments from the Town and KCI. Motion was seconded by Mr. Muller and unanimously approved.

CASE # 1515 – REQUEST OF JAY C. EMREY, III REPRESENTING RT. 40 VENTURE, LLC FOR A SPECIAL EXCEPTION FOR PLACEMENT OF UP TO FOUR (4) STORAGE TRAILERS FOR MORE THAN SIX (6) MONTHS FOR USE BY TIM’S USED TIRES. THIS ACTION CONCERNS PROPERTY LOCATED AT 1183 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2333, ZONED C-2 (HIGHWAY COMMERCIAL)

Jay C. Emrey, III, Esquire and Don Horton of Rt. 40 Venture, LLC were in attendance to address this request. Mr. Emrey stated they received a special exception for storage trailers for six (6) months. He noted there are no tires stored outside the building and it is clean, unobtrusive and does not detract from other properties in the area.

Mr. Emrey provided an aerial photo of the property which shows the location of the trailers. Town had some concerns regarding the tire business and Mr. Emrey commended Mr. Zapata, owner of the business, for keeping the area looking nice.

Mr. Horton addressed the location of the trailers and their use for storing tires. He pointed out there is room for 6 or more spots parallel to the building but they only have 4 trailers. He stated the trailers need to be moved from time to time and that they are located so as not to be seen from the road. He mentioned that it is difficult at this location when the new trailers are being delivered because of where the trailers are required to be placed.

Mr. Emrey noted there was fire code concerns last year and that a fire wall had been built to address that issue since some tires are stored within the building.

Mr. Emrey asked Mr. Zapata the number of customers per day. Mr. Zapata stated there are 30 to 40 customers per day.

Mr. Wiseman asked how often trailers are replaced. An employee stated only one of the trailers, which holds old, discarded tires for recycling, is replaced.

Mr. Wiseman mentioned the Ordinance requires that all storage trailers must be placed on an area graded and surfaced with Portland concrete, bituminous concrete or pervious pavers. He pointed out that one of the trailers is placed in the grass rather than on a hard surface. Mr. Horton stated the entire lot to the fence is crusher run except where the three trailers are currently located which is a concrete pad. Mr. Horton stated he felt he was in compliance since the landing gear of the fourth trailer was placed on cement blocks.

Mr. Wiseman asked Ms. Minner if this was in compliance with the Ordinance requirements and if it was satisfactory to Mr. Bromwell as the Zoning Administrator. Ms. Minner stated she did not believe Mr. Bromwell felt they were in compliance.

Discussion of the regulations for ground preparation for placement of trailers ensued. Mr. Keane did not believe crusher run met the criteria as stated in the Ordinance. Mr. Horton asked if there

was a difference between a paver and a block. Mr. Muller replied that he believed the Ordinance calls out the area to be surfaced with pavers such as a residential patio might be.

Ms. Minner pointed out that when the trailers are being moved in and out it could cause an issue with erosion if they are not being moved on a hard surface. Mr. Horton stated he did not believe any part of the Town was in compliance if both the areas where the vehicles sit and the access to them have to be a hard surface. Discussion ensued. Mr. Keane pointed out that the Ordinance states the trailers “shall be placed” which means it is a requirement. Mr. Horton stated they would place a cement pad for the fourth trailer. It was noted that the Ordinance calls out that the trailers shall be placed in the rear or side yard. Mr. Horton stated he did not believe the Town holds everyone to the same Code but that he would comply with the Board’s request and place a cement pad for the fourth trailer.

There was discussion of the trailer with advertising on it and it was noted that it had been painted in compliance with the Ordinance conditions.

Mr. Wiseman asked Ms. Minner if there were any other issues concerning this request. She stated she was not aware of any other concerns.

There was discussion regard the number of years they were requesting to place the trailers. Mr. Emrey stated they are asking for a three year period. Mr. Wiseman asked how it would be handled if they are found not to be in compliance. Ms. Hamilton Blackson stated it would be addressed by the Zoning Administrator.

Mr. Wiseman entertained questions from the audience. There were none.

MOTION: Motion was made by Mr. Muller to recommend approval to the Board of Zoning Appeals for four (4) trailers for a period of one (1) year contingent upon compliance with all regulations of the Town Zoning Ordinance associated with this special exception and specifically the placement of a full concrete pad to accommodate the four (4) trailers. Motion was seconded by Mr. Keane and unanimously approved.

CASE # 1518 – REQUEST OF WALMART SUPERCENTER FOR A SPECIAL EXCEPTION FOR PLACEMENT OF TEMPORARY STORAGE TRAILERS FOR HOLIDAY MERCHANDISE. THIS ACTION CONCERNS PROPERTY LOCATED AT 1000 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 0493, ZONED C-2 (HIGHWAY COMMERCIAL)

Lloyd Rabuck, Jr. and Mike Marine were in attendance representing Walmart Supercenter regarding this request.

Mr. Rabuck explained to the Board that the building does not have enough inside storage space for the amount of product they need during the holidays. They are requesting to have fourteen (14) storage trailers per year. They noted that this year the arrangements that were made included much smaller trailers which do not fit the needs of the store.

Mr. Rabuck apologized for not having applied for the special exception. He explained that in the other stores he has managed they have never had to apply for storage trailers and therefore this requirement was overlooked.

He mentioned that in the past trailers had been placed within the Garden Center but that practice is no longer allowed due to possibility of damage and liability issues.

He said they will be placing the trailers between mid-September to the first week in January. The Rat Pack trailers which are currently in the parking lot will be removed within the next two weeks and will not be placed in the future. They will only be using the 24' trailers.

They are requesting the special exception be allowed for the next three years. It was noted that the Rat Pack trailers have logos on them but again would not be used moving forward.

Discussion ensued regarding placement of the trailers and length of time the trailers would remain on site.

Mr. Wiseman inquired whether Ms. Minner had any additional questions regarding this request. She did not.

Mr. Wiseman entertained questions from the audience. Mr. Don Horton asked for confirmation that there would be no permanent trailers on the site. Mr. Rabuck stated they are all temporary trailers. Mr. Horton stated he believed he had seen trailers at this location in the past and asked if the storage trailers are restricted to a single parking space per trailer. Mr. Horton stated he has seen trailers at the Walmart for the past five years and wished to voice his displeasure that they were not required to have permits. Mr. Wiseman stated the Board would discuss the requirements for location of storage trailers on the Walmart site during the discussion phase of the meeting.

MOTION: Motion was made by Mr. Keane to approve the placement of fourteen (14) temporary storage trailers during the holiday season (September through January) for a period of three years contingent upon compliance with all conditions associated with the special exception for storage trailers. Motion was seconded by Mr. Ginder and unanimously approved.

OLD BUSINESS: Ms. Minner opened discussion regarding the proposed amendments to the Zoning Ordinance for medical uses. The Town has run into issues with new businesses which feel they do not fall into the requirements of the Zoning Ordinance. People are confused by the definitions regarding offices of not more than 10,000 square feet. Because of them not being in compliance with the determination made by the Zoning Administrator the Town felt it necessary to take another look at the different medical uses.

The Town is starting to see a number of medical uses displacing areas in Town where retail stores would ordinarily be placed. She also noted that the Hospital has a campus plan and once the Town sees that plan a medical zone will likely be defined in the downtown area.

She pointed out that the medical industry has changed over the years and there are many new specialties in medical practices. There was discussion of nonconforming uses. Ms. Hamilton Blackson addressed this issue and stated that the nonconforming use could remain provided the use does not cease for a period of six (6) months. At that time the new zoning regulations would take effect for those specific locations. The Mayor explained the reasoning behind the changes to the Zoning Ordinance for these uses. He commended the Planning Department staff for their work in presenting these amendment changes.

Mr. Keane asked about the Hospital's treatment center which was approved this year and inquired about the status for that project. It was noted that they had been approved for that use prior to the moratorium and therefore would not be affected by these changes.

NEW BUSINESS: Elections for Chair and Vice Chair will be held at the January meeting.

A new dental office, Aspen Dental, is being placed at 722 E. Pulaski Highway.

The water lines for Lidl are being worked on along Route 40.

Mayor Alt mentioned that the Town will be bringing the water line up to Fox Hollow Coffee and are hoping to make it available to homes off of Maloney Road where their water was found to be contaminated.

Ms. Minner stated they are working on a pedestrian plan with Wilmapco and would like to present it at a workshop in January. They have done citizen surveys to get the community's feelings regarding pedestrian walkways. The Mayor stated it appears a pedestrian bridge is planned.

Mr. Wiseman noted the date of the next Planning Commission meeting is Monday, January 8, 2018.

There being no further business to discuss he adjourned the meeting at 8:04 p.m.

Respectfully submitted,

Brenda Humphreys