

**TOWN OF ELKTON
PLANNING COMMISSION
AUGUST 12, 2013**

PRESENT: Asma Manejwala; Sue Whitaker; H. Fred Thomas, II; G. Edward Ginder; David Fordyce; Commissioner Mary Jo Jablonski; Cameron A. Brown, Esquire; Jeanne D. Minner, Director of Planning; Theresa Thomas, Planner

ABSENT: None

Ms. Manejwala called the meeting to order at 7:00 p.m. She asked those in attendance who wished to speak regarding zoning changes to limit their presentation to ten (10) minutes and asked that comments from the public be limited to two (2) to three (3) minutes although she would be flexible. She suggested that if there are groups of people from a particular area that have a representative to speak for the group that she would encourage that.

ACTION: Motion was made by Mr. Ginder to approve the minutes from the July 8, 2013 Planning Commission meeting. The motion was seconded by Mr. Thomas and unanimously approved.

HOME PARTNERSHIP OF CECIL COUNTY, INC., 626 TOWNE CENTER DRIVE, SUITE 301, JOPPATOWN, MD, NORTH STREET SENIOR APARTMENTS, CONCEPT SITE PLAN, 214 NORTH STREET, TAX MAP 310, PARCEL 1204, ZONED C-1

Mr. Dwight Thomey, Esquire and Mr. David Taylor were in attendance to address this request. Mr. Thomey reminded the Board that this project has been before the Board numerous times and they are requesting to reuse the property located at 214 North Street. They have obtained the various special exceptions allowing them to go ahead with the Concept Plan. He introduced Mr. Taylor and stated they are proposing a 53 unit building attached by a breezeway. They will provide required parking and have submitted a stormwater management concept plan for the project which has received general approval with a few comments. He stated they would be willing to answer any questions from the Board regarding the plan.

Ms. Manejwala noted that both the Town and KCI have commented on a traffic impact study. Mr. Taylor mentioned he had spoken with Mr. Rich Zeller from Maryland State Highway and their traffic engineer stated this particular project would not require a traffic impact study. They hope to have a letter out within a week or two confirming their decision.

Ms. Manejwala inquired about open space requirements. Ms. Minner noted the calculations provided for the project fulfill the Town's open space requirements. Mr. Thomey reminded the Board that the open space requirements were what created the problem with the neighboring property owner. Ms. Manejwala asked if the issue had been resolved. He stated he would meet with the County Executive the next day but has received a positive response regarding continuing to allow Mr. Crouse to access their property.

She inquired whether any design waivers or variances for the project. Mr. Taylor stated they would not require any design waivers or variances.

Mr. Ginder requested clarification regarding the ingress/egress for the property. Mr. Thomey noted they had received initial approval from the County Executive but he would meet with the County Council tomorrow to present that request. Mr. Ginder stated he is in favor of the project but concerned about the ingress/egress for Crouse Brothers. Mr. Thomey stated ultimately the County will decide whether Mr. Crouse would be allowed access. Ms. Whitaker mentioned that Crouse Brothers is not the only one making use of the access through this property.

Mr. Ginder inquired about the existing stormwater catch basin and whether any additional stormwater facilities would be added to address the stormwater. Mr. Taylor confirmed that the existing catch basin would be used and that others would be added to address the stormwater issues for the project.

Ms. Manejwala questioned the parking requirements and whether they would be shared spaces or exclusive to this project. Mr. Thomey said it is his understanding it will be exclusive to this project but they will be looking at that at the final plan review. Mr. Thomey added that typically senior housing does not require as much parking as a typical apartment complex.

Ms. Manejwala inquired whether they had any issues with addressing any comments received from entities reviewing the project. Mr. Taylor felt all the comments to this point are addressable.

Ms. Manejwala entertained any additional question or comment from the Board. She called for question or comment from the audience. There were none.

MOTION: Motion was made by Ms. Whitaker to approve the Concept Plan for the North Street Senior Apartments contingent upon addressing all outstanding comments. The motion was seconded by Mr. Thomas and unanimously approved.

PUBLIC HEARING FOR DRAFT ELKTON ZONING ORDINANCE; DRAFT ELKTON SUBDIVISION REGULATIONS AND COMPREHENSIVE ZONING MAP

Mr. Chris Rogers of URS was in attendance to present this proposal. He noted that the Board has reviewed these regulations numerous times. The Mayor & Commissioners public hearing will be held on August 21, 2013.

He summarized that the Zoning Ordinance establishes the various zoning districts within Town limits, establishes the permitted uses allowed within each of the zoning districts, establishes the bulk regulations (setback, lot coverage, etc.) and establishes the residential density in each zone. The Zoning Ordinance also establishes the administrative procedures for Planning Commission, Board of Zoning Appeals, building permit reviews and site plans. It establishes parking, landscaping and environmental standards for the base zones as well as overlay zones.

He pointed out one of the major changes in the Ordinance is the additional of the Town Center zone which covers the central business district. This was created to provide a pedestrian friendly environment in the downtown area. The permitted uses in the Town Center zone are more flexible.

The Subdivision Regulations provide procedures for concept, preliminary and final review of site plans for residential neighborhoods. It gives provisions for improvements in a residential zone.

He reviewed the Comprehensive Zoning Map and the proposed changes from the previous map. Ms. Manejwala voiced her appreciation to the Board, the Town and Mr. Rogers for all the work that had gone into the regulations to date. She presented and read a letter from Ms. Minner which addressed the staff recommendations regarding proposed changes to specific parcels throughout the Town. (See attached letter) Ms. Minner noted that two additional requests have been received since her letter was drafted. Ms. Manejwala entertained questions regarding the seven (7) rezonings noted in the letter. There were no questions from the audience.

MOTION: Motion was made by Mr. Ginder to recommend approval of the rezoning recommendations included in the letter as presented. The motion was seconded by Mr. Thomas and unanimously approved.

The rezoning requests for individual properties were presented.

1) Gerald & Carolyn Dean, D & W Investors, LLC, 65 Middlecroft Road, Elkton, MD 21921, Tax Map 311, Parcels 1100 and 1101, 110 Delaware Avenue, Existing Zoning R-3 (Urban Residential) to Requested Zoning RO Residential-Office)

Mr. Dwight Thomey representing D & W Investors, LLC stated this property is located at the intersection of Delaware Avenue and Howard Street and they would like the flexibility to have an office on the first floor with residential on the second floor. They have requested a doctor's office in the past and they believe it will enhance the property to have it rezoned to RO.

Ms. Manejwala entertained comments from the Board. There were none. She entertained comment from the audience. Mary Lou MacMillan of 400 Park Place had a question regarding parking for any proposed use. Mr. Thomey advised that the parking would need to be addressed at the time any new business would occupy the property.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners for rezoning 110 Delaware Avenue from R-3 (Urban Residential) to RO (Residential-Office). The motion was seconded by Mr. Thomas and unanimously approved.

2) David Mangano of Paint'n Place Signs, 405 North Bridge Street, Elkton, MD 21921, Tax Map 310, Parcels 738 and 739, 405 North Bridge Street, Existing Zoning BI (Business Industrial) to Requested Zoning C-2 (Highway Commercial)

Mr. Mangano was not in attendance and therefore it was decided to postpone this case until the end of the meeting in order to give Mr. Mangano the opportunity to arrive for the meeting.

3) Dennis E. Wilson of PECO, 2301 Market Street, Philadelphia, PA 19103, Tax Map 310, Parcel 2003, Existing Zoning C-1 (Central Business District) and BI (Business Industrial) to Requested Zoning C-1 (Central Business District)

There were no representatives from PECO at the meeting. Ms. Minner read the letter submitted to the Town regarding the rezoning request. Ms. Minner stated that staff is recommending the change in zoning. She noted that due to the proximity to the downtown the staff felt that the zoning should be TC.

Ms. Manejwala entertained comments from the Board. There were none. She entertained comments from the audience. There were none.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners for rezoning Tax Map 310, Parcel 2003 from C-1 (Central Business District) and BI (Business Industrial) to TC (Town Central). The motion was seconded by Mr. Thomas and unanimously approved.

4) Peter O'Rourke of Delaware Land Associates, LP, 2004 South College Avenue, Newark, DE 19702, Tax Map 311, Parcels P/O 2185; 158, 159, 160, 161, 162 and 163, Existing Zoning R-1 (Town Estate) to Requested Zoning R-2 (Suburban Residential)

There were no representatives from Delaware Land Associates, LP in attendance. Ms. Minner read the letter submitted to the Town regarding the rezoning request.

Ms. Manejwala entertained comments from the Board. There were none. She entertained comments from the audience. One person asked for clarification regarding the existing zoning and the proposed zoning. Ms. Manejwala provided the answer to the question proposed.

MOTION: Motion was made by Ms. Whitaker to recommend approval to the Mayor & Commissioners for rezoning Tax Map 311, Parcels P/O 2185; 158, 159, 160, 161, 162 and 163 from R-1 (Town Estate) to R-2 (Suburban Residential). The motion was seconded by Mr. Thomas and unanimously approved.

5) Mr. Lee Younce of Lee, LLC, P.O. 1404, Elkton, MD 21922, Tax Map 310, Parcel 676, Elkton Boulevard, Existing Zoning R-2 (Suburban Residential) to Requested Zoning C-2 (Highway Commercial).

There were no representatives from Lee, LLC in attendance. Ms. Minner read the letter submitted to the Town regarding the rezoning request.

Ms. Manejwala entertained comments from the Board. Mr. Ginder inquired whether this property is being proposed as a dentist office. Ms. Minner confirmed that it was. Ms. Manejwala entertained comments from the audience. There were none.

MOTION: Motion was made by Mr. Thomas to recommend approval to the Mayor & Commissioners for rezoning Tax Map 310, Parcel 676, Elkton Boulevard from R-2 (Suburban Residential) to C-2 (Highway Commercial). The motion was seconded by Ms. Whitaker and unanimously approved.

6) VFW, 140 Maffitt Street, Elkton, MD 21921, Tax Map 310, Parcel 415, 416 & 419, Existing Zoning R-3 (Urban Residential) to Requested Zoning (C-1) Central Business District.

There were no representatives from the VFW in attendance. Ms. Minner read the letter submitted to the Town regarding the rezoning request. Ms. Minner again noted that due to the proximity of this property to the downtown that they would be recommending the TC (Town Central) zone instead of C-1 (Central Business District) for this property.

Ms. Manejwala entertained comments from the Board. There were none. She entertained comments from the audience. There were none.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners for rezoning 140 Maffitt Street, Tax Map 310, Parcel 415, 416 & 419, from R-3 (Urban Residential) to TC (Town Central). The motion was seconded by Mr. Thomas and unanimously approved.

7) Mr. H. Barry Montgomery, P.O. Box 707, Rising Sun, MD 21911, Tax Map 320, Parcel 2360, Existing Zoning R-1 (Town Estate) to Requested Zoning R-3 (Urban Residential)

Mr. Montgomery informed the Board that this section of the Crowgey Farm has been recorded as a subdivision since 1989. He pointed out the Nursing Home and Senior Housing projects on Whitehall Road adjacent to this property. He noted the project called for access onto Route 213. He and his partner acquired the property around 2005. With the wetlands existing on this property and the changes made to the regulations over the years they are requesting the change to R-3. Ms. Manejwala asked how many of the lots are affected by wetlands. Mr. Montgomery provided a copy of a plat showing the wetlands on the property. Ms. Manejwala voiced her concern that there are so few R-1 zones where detached single families could be developed. Discussion continued regarding the number of homes and zoning regulations.

Ms. Manejwala entertained comments from the Board. Ms. Minner pointed out a zoning error on the map supplied to the Board. She entertained comments from the audience. There were none.

Ms. Manejwala inquired whether Mr. Montgomery would be amenable to changing the property zoning to R-2 zoning. Mr. Montgomery stated that he would be amenable to that zoning.

MOTION: Motion was made by Mr. Thomas to recommend approval to the Mayor & Commissioners for rezoning Tax Map 320, Parcel 2360, from R-1 (Town Estate) to R-2 (Suburban Residential). The motion was seconded by Mr. Thomas and unanimously approved.

8) Richard Ceresini, 302 Landing Lane and Tracey A. Robb, 304 Landing Lane, Elkton, MD 21921, Tax Map 314, Parcels 180 & 181 Respectively, Existing Zoning R-3 (Urban Residential) to Requested Zoning C-2 (Highway Commercial)

Mr. Richard Ceresini was in attendance at the meeting. Ms. Minner read the letter submitted to the Town regarding the rezoning request for 302 & 304 Landing Lane. Ms. Minner addressed a comment regarding the existing residential structures. She stated that both of these properties, if the zoning is changed, will be considered non-conforming properties. As long as the properties remain residential, even if the structure burns down, they can be rebuilt as a residential property. Once the residential use changes to a commercial use it cannot be changed back to a residential use.

Ms. Manejwala entertained comments from the Board. There were none. She entertained comments from the audience. There were none.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners for the rezoning of 302 & 304 Landing Lane, Tax Map 314, Parcels 180 & 181, from R-3 (Urban Residential) to C-2 (Highway Commercial). The motion was seconded by Mr. Thomas and unanimously approved.

9) Mr. David M. Schlackman of DMS Development, 307 Landing Lane, Elkton, MD 21921, Tax Map 314, Parcel 197, Existing Zoning RO (Residential Office) to Requested Zoning C-2 (Highway Commercial)

Mr. David Schlackman, contract purchaser of 307 Landing Lane, suggested that the Town consider changing the zoning of other parcels along Landing Lane. Ms. Manejwala asked if Mr. Schlackman had spoken with the owners of the properties that he feels should be rezoned. He stated that the owners have been approached through a broker. The responses were mixed regarding having their properties rezoned. Some were concerned with all the action that might occur depending upon the use of the properties adjacent to their own.

Ms. Manejwala explained that the role of the Planning Commission is to avoid 'spot' zoning and it would be preferable if all parties involved would be agreeable to a change in zoning.

Ms. Manejwala entertained comments from the Board. There were none. She entertained comments from the audience. There were none.

MOTION: Motion was made by Mr. Thomas to recommend approval of the rezoning of Tax Map 314, Parcels 196, 197 & 198 on Landing Lane from RO (Residential Office) to C-2 (Highway Commercial). The motion was seconded by Mr. Ginder and unanimously approved.

10) Hampton Scott, 814 Bridge Street, Elkton, MD 21921, Tax Map 306, Parcels 2168, 2420, 2170 and 2169, 810, 812 and 814 Bridge Street, Existing Zoning R-2 (Suburban Residential) to Requested Zoning RO (Residential Office)

Mr. Hampton Scott was in attendance at the meeting. Mr. Scott stated he believed when Singerly Fire Company requested their rezoning it created an island of residential properties where two of his properties are located. He felt it would be more advantageous to zone the residential properties RO (Residential Office) since they are in the midst of so many different zones.

Ms. Manejwala entertained comments from the Board. There were none. She entertained comments from the audience. There were none.

MOTION: Motion was made by Ms. Whitaker to recommend approval of the rezoning of Tax Map 306, Parcels 2168, 2420, 2170 and 2169 from R-2 (Suburban Residential) to RO (Residential Office). The motion was seconded by Mr. Thomas and unanimously approved.

Eric Schwab of Schwab LLC III, 139 Conards Mill Road, Lincoln University, PA 19352, Tax Map 310, Parcels 1698 & 1738, Existing Zoning BI (Business Industrial) to Requested Zoning R-3 (Urban Residential)

Mr. Eric Schwab of Schwab LLC III, Dan Speakman of McCrone, Inc. and Bill Stephens of Stephens Environmental were in attendance at the meeting. Mr. Schwab stated they have owned the property for 13 years and has tried to market the property in numerous different ways and have had no response in this area. They feel the R-3 zone would be better suited for this area.

Ms. Manejwala inquired about the status of their environmental issues with the property. Mr. Schwab informed the Board that the property was a Brownfield site and received the NFRD (No Further Requirements Determination) from Maryland Department of the Environment in 2006. Mr. Stephens gave a summary of the environmental history of the property. If the rezoning request is approved they would have to take the project back to the voluntary cleanup program and get approval under the residential standard which would require some additional ground water and soil samples being tested.

Ms. Manejwala stated one of her questions with rezoning the project is the fact that three of the sides of the property are something other than residential zones and why they feel this property would be better suited as residential. Mr. Schwab stated the zone across Bridge Street is zoned R-2 and there are single family homes. They feel the commercial area needs 'rooftops' in order to spur activity to the area. Discussion ensued regarding whether the residential would be

beneficial to the area. The traffic situation was discussed and how the project might affect the traffic in the area.

Ms. Manejwala entertained comments from the Board. Mr. Ginder voiced his concern about the spot zoning if the change is made. He also noted the project does not fit the criteria as far as rezoning. There is not a mistake in zoning and there is not a change in zoning. Ms. Minner interjected that they do not have to prove change or mistake. Discussion ensued regarding how the project would benefit area businesses. Mr. Fordyce asked the number of units Mr. Schwab would be proposing. Mr. Schwab stated 72 units are being proposed and they would be rental units. Mr. Schwab was asked whether he was interested in Section 8 housing for the project. Mr. Schwab said he does not plan to apply for Section 8 housing for this project.

Mr. Ginder shared he had spoken with Mr. Perry Willis of Cecil County Public Schools and pointed out that Gilpin Manor Elementary is currently over their capacity of 416. They currently have 480 students and this project would impact the schools if placed at this location. Ms. Manejwala agreed with Mr. Ginder's comments and added that there are public facilities concerns any time a multifamily or larger residential project comes into the area.

Ms. Manejwala entertained comments from the audience.

Mr. Robert Dawson of 604 Bridge Street voiced his concerns that Section 8 housing will be placed at this location due to foot traffic across his property. He is also concerns about the traffic situation since he already has difficulty getting out of his driveway.

Mr. Richard Keane of 403 Maryland Avenue shared his concern regarding additional vehicle and pedestrian traffic to the area, the market value of this use to his property, and the maintenance of the structures and property if use is approved. He also voiced his concern that there is not enough growth in this area to support the number of units proposed. He also has concerns about the environmental issues with the property for residential use.

Mr. Charles Storke of 100 Lincoln Avenue, resident of Elkton for 71 years, questions whether more apartments are needed in Elkton. He also voiced his concern over the environmental issues regarding this property and asked for a copy of the letter showing it is approved for residential uses.

Mr. Jim MacMillan of 400 Park Place pointed out that they are currently no high density private rental properties on the north side of Railroad Avenue. Regarding the previous comments regarding public school he noted that the number of units would almost double the population in that area and there was no data to prove the comments previous made by Mr. Schwab.

Mr. Henry Shaffer of 101 Park Circle said he is concerned about foot and vehicle traffic to Elkton Heights. He stated there are currently issues with foot traffic through the Heights and the correlation to the amount of trash in the area. He pointed out that the property has been in disrepair for some time and they have not been good neighbors. He is also concerned with the environmental issues.

Mr. Willard Bryan of 204 Park Circle added his concern regarding foot and vehicle traffic, the impact of 72 units on the schools and water pressure. He has attended three meetings regarding this property and it keeps changing regarding the number of units.

Mr. Carl York lives about a block away from the RMR property and is concerned about the environmental issues with the property. He agreed with the statement made earlier about the west side of Bridge street being commercial/industrial uses and he does not believe it makes sense to place a residential use at this location.

Comments Submitted in Writing

Mr. Steven Cebula of 604 Maryland Avenue responded by e-mail to voice his opposition to the proposed plans for the former RMR property.

Ms. Rachel Ward at 305 Elkton Boulevard vehemently opposes the plans.

Ed & Cheryl McKeown stated they are not in favor of the approval of these plans due to increased foot and vehicle traffic.

Ms. Jean Broomell stated she did not believe a residential project is compatible with the surrounding area and has not found any evidence to support a need for apartments in this area. She said this change to residential zoning in this area is not consistent with the Town's Comprehensive Plan and therefore does not feel it should be approved as proposed.

Ms. Mary Jasinski Caldwell, VP & General Manager of City Pharmacy of Elkton, 723 Bridge Street had the following concerns: 1) egress from their business on to Bridge Street due to increased traffic; 2) foot traffic has increased and there are no sidewalks which is dangerous, 3) people are reluctant to visit Elkton due to the drug and homeless problems (whether real or exaggerated); fair market value housing preferred rather than Section 8 housing.

Ms. Mable Davis called Ms. Minner and stated her wholehearted opposition to rezoning the RMR site.

Ms. Minner mentioned Mr. Henry Shaffer, who voiced his opinion during the meeting, had also sent a letter voicing his opposition.

Ms. Gretchen Ginder of 109 Park Circle voiced her opposition to rezoning the property and believed it would be of greater benefit as a business site. Her reasoning included the impact on the school system, foot and vehicle traffic, the length of time the RMR site remained in disrepair reflects on the developer and whether he would maintain the project, and possible negative impact on property values. She encouraged denial of the proposed rezoning.

Ms. Minner received a phone call from Walter Morgan, 110 Park Place voiced his opposition to the rezoning and feels it should remain commercial zoning.

Mr. Douglas Casino of 410 Park Circle submitted his opposition to changing the rezoning of this property.

Ms. Manejwala voiced her concern in changing the zoning from BI to R-3. Although she is in favor of multi-family developments she has a number of concerns regarding the project. She stated she does not believe this location would be better than other location for this particular zoning. She entertained any additional comment from the Board. There were none.

MOTION: Motion was made by Mr. Thomas to recommend denial to the Mayor & Commissioners for rezoning Tax Map 310, Parcels 1698 & 1738 from BI (Business Industrial) to R-3 (Urban Residential) for the following reasons: 1) this zoning would be better suited to another location in Town; 2) creates spot zoning; 3) increase of foot and vehicle traffic; 4) does not meet the requirements of the Comprehensive Plan; 5) excessive rezoning going from BI to R-3; and 6) impact on the school system. The motion was seconded by Mr. Ginder with the remaining members voting as follows: Ms. Whitaker – nay, Mr. Fordyce – aye and Ms. Manejwala – nay.

Bruce Schneider, Southside, LLC, 755 West Pulaski Highway, Elkton, MD, Tax Map 316, Parcel 169, Existing Zoning R-2 (Suburban Residential) to Requested Zoning R-3 (Urban Residential)

Mr. Bruce Schneider, Mr. James Dellmyer and Mr. John Fellows were in attendance at the meeting. There was initial discussion regarding how to proceed since the zoning of so many different parcels is being requested. Mr. Dellmyer stated the basis for their request is the consistency with the Comprehensive Plan. He stated they believe their requests would be consistent. They believe their requests encourage the goals of the Comprehensive Plan. Specifically, the Comprehensive Plan through 2030 growth is intended to be concentrated in existing population areas and business centers and growth areas adjacent to the business centers. It would give them the flexibility and maximum density that matches what the Comprehensive Plan states is intended for these particular parcels. He noted Section 3.3 of the Comprehensive Plan specifically references Southfields PUD. The Plan addresses the current properties being developed under the base zoning densities and the difference in the number of units allowed as a PUD. He stated that essentially by the Comprehensive Plan itself, the projected growth will not be met, even with base zoning as it is now. If they move to R-3 zoning it would in fact get the population closer to, or meet, the base zoning allowances identified in the Comprehensive Plan.

Ms. Manejwala asked Mr. Rogers to clarify the section Mr. Rogers clarified that the projected figures are found in the population projection area as determined by the Maryland Department of Planning. He pointed out MDP, based on historic trends, had estimated future population of so many people and based on the build out of existing zoning the Plan states there is not enough density to meet the housing projections made by the MDP.

Mr. Fordyce asked what timeframe for build out they are anticipating for their development. Mr. Dellmyer stated they anticipate approximately 20 years. Discussion ensued regarding the housing market today and the difficulty in projecting growth.

John Fellows of Duffield Associates discussed the pattern of wetlands dispersion across the property and how this restricts the amount of useable round in the development as a whole. They feel this feature lends itself toward more of an R-3 type of design where you can cluster development in a certain area where it might be encumbered by wetlands, steep slopes, erodible soils, etc. and then you can spread out the single family homes adjacent to sensitive areas. They have struggled due to the environmentally intensive areas of the property.

MOTION: Motion was made by Mr. Thomas to recommend denial to the Mayor & Commissioners for Tax Map 316, Parcel 169, to be rezoned from R-2 (Suburban Residential) zoning to R-3 (Urban Residential). The motion was seconded by Mr. Ginder and unanimously approved.

Bruce Schneider, Southside, LLC, 755 West Pulaski Highway, Elkton, MD, Tax Map 320, Parcel 2371, Existing Zoning R-1 (Town Estate) to Requested Zoning R-3 (Urban Residential)

Mr. Fellows located this parcel for the Board and provided the Board with a power point presentation showing environmental issues which he discussed at a previous Planning Commission meeting last year. There was discussion regarding some of the Board members concerns about changing the zoning from R-1 to R-3. Some of the concerns were the increase in density, especially in such close proximity to environmental areas. Mr. Dellmyer asserted that both the R-1 zone and the R-3 zone allow single family dwellings and therefore complies with the Comprehensive Plan concerning the determined growth allocation for the Town of Elkton. They feel R-3 would be a better zoning for this parcel due to the future uncertainty of the housing market. Another concern of the Board was whether there would be adequate public facilities available depending upon the zoning applied to these parcels.

Discussion ensued between the Board and the presenters regarding their reasoning behind the zones being requested and the Town's goals for the community.

MOTION: Motion was made by Ms. Whitaker to recommend denial to the Mayor & Commissioner for Tax Map 320, Parcel 2371, to be rezoned from R-1 (Town Estate) to R-3 (Urban Residential). The motion was seconded by Mr. Thomas and unanimously approved.

Bruce Schneider, Southside, LLC, 755 West Pulaski Highway, Elkton, MD, Tax Map 320, Parcel 2369, Existing Zoning R-2 (Suburban Residential) and R-3 (Urban Residential) to Requested Zoning C-2 (Highway Commercial) and R-3 (Urban Residential)

Ms. Manejwala noted they are requesting to rezone eight (8) acres to C-2 with the remaining balance maintaining an R-3 zoning. She inquired which eight (8) acres they are requesting to be rezoned to C-2. Mr. Fellows pointed out the area they are requesting to rezone to the Board. Mr. Dellmyer stated the reason they are requesting this area to be C-2 is that this particular parcel has access to Route 40 which is consistent with the remaining balance of the zoning adjacent to it.

Ms. Manejwala entertained additional comment from the Board. There was no further discussion.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners for Tax Map 320, Parcel 2369, for eight (8) acres, as designated by the requester, to be rezoned from R-2 (Suburban Residential) to C-2 (Highway Commercial). The motion was seconded by Mr. Fordyce and unanimously approved.

Bruce Schneider, Southside, LLC, 755 West Pulaski Highway, Elkton, MD, Tax Map 324, Parcel 2394, Existing Zoning R-1 (Town Estate) to Requested Zoning R-3 (Urban Residential)

Mr. Fellows located the parcel for the Board. There was discussion regarding the current zoning and the zoning of adjacent parcels. Ms. Manejwala had some concerns about its proximity to Frenchtown Road and Route 213 as well as its location to an environmental area. She entertained any comment from the Board. Ms. Whitaker mentioned this would be another area where the Town would lose R-1 zoning. Ms. Manejwala stated she agreed with Ms. Whitaker's comment. Mr. Fordyce commented that it would be helpful to see what their plan for the property might be. Ms. Manejwala pointed out they are not really looking at a planned development but simply looking at density with respect to underlying zoning.

MOTION: Motion was made by Ms. Whitaker to recommend denial to the Mayor & Commissioners to rezone Tax Map 324, Parcel 2394, from R-1 (Town Estate) to R-3 (Urban Residential). The motion was seconded by Mr. Thomas and unanimously recommended.

Bruce Schneider, Southside, LLC, 755 West Pulaski Highway, Elkton, MD, Tax Map 319, Parcel 2450, Existing Zoning R-2 (Suburban Residential) to Requested Zoning R-3 (Urban Residential)

Mr. Fellows located the parcel in question. Mr. Schneider stated that again the reasoning for this rezoning request is flexibility due to the uncertain housing market in the future. Ms. Manejwala stated this is another large portion that would be changing from R-2 to R-3. She entertained comment from other Board members. Discussion regarding PUD overlay zoning was initiated and it was mentioned that the discussion on the PUD was removed from the presentation of the Zoning Ordinance in order to give it the time it deserves for the correct decisions to be made for

the Town. Mr. Ginder stated he agreed with Ms. Manejwala with regard to changing the underlying zoning.

MOTION: Motion was made by Mr. Ginder to recommend denial to the Mayor & Commissioners to rezone Tax Map 319, Parcel 2450, from R-2 (Suburban Residential) to R-3 (Urban Residential). The motion was seconded by Ms. Whitaker and unanimously approved.

Bruce Schneider, Southside, LLC, 755 West Pulaski Highway, Elkton, MD, Tax Map 323, Parcel 79, Existing Zoning R-2 (Suburban Residential) to Requested Zoning R-3 (Urban Residential)

Mr. Fellows noted that approximately 15-20 acres of this parcel are in the critical area. Ms. Manejwala asked if they were still considering the R-3 zoning since the majority of that parcel is in the critical area. Mr. Fellows stated that they were.

Ms. Manejwala pointed out that since the adjacent parcel is also one that they are requesting rezoning for that they would be creating an island if one of the parcels was approved for rezoning and not the other one.

She entertained questions or concerns from the Board regarding this parcel. There were no questions.

MOTION: Motion was made by Ms. Whitaker to recommend denial to the Mayor & Commissioners to rezone Tax Map 323, Parcel 79, from R-2 (Suburban Residential) to R-3 (Urban Residential). The motion was seconded by Mr. Thomas with the remaining members voting as follows: Mr. Fordyce, aye; Mr. Ginder, nay and Ms. Manejwala, aye.

Bruce Schneider, Southside, LLC, 755 West Pulaski Highway, Elkton, MD, Tax Map 320, Parcel 2390, Existing Zoning C-2 (Highway Commercial to Requested Zoning) and R-3 (Urban Residential)

Ms. Manejwala asked if they were only requesting eight (8) acres of this parcel for rezoning. Mr. Schneider pointed out the area they wanted to have rezoned to R-3.

Ms. Manejwala inquired whether the parcel which comprises the Villas at Whitehall could be rezoned to R-3 in order to make that subdivision in compliance with the proper zoning. Ms. Minner stated the Board could make that change.

Ms. Manejwala entertained comment or questions from the Board. There were none.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners to rezone eight (8) acres, as designated by the requester, on Tax Map 320,

Parcel 2390, from C-2 (Highway Commercial to R-3 (Urban Residential)). The motion was seconded by Mr. Fordyce and unanimously approved.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners of the Zoning Ordinance and Zoning Map. The motion was seconded by Mr. Thomas and unanimously approved.

MOTION: Motion was made by Mr. Thomas to recommend to the Mayor & Commissioners rezoning Tax Map 319, Parcel 2457 containing the Villas at Whitehall from C-2 (Highway Commercial) to R-3 (Urban Residential). The motion was seconded by Mr. Fordyce and unanimously approved.

Ms. Minner asked if the Board members had any other parcels that they felt needed to be rezoned at this time.

MOTION: Motion was made by Mr. Fordyce to recommend the Mayor & Commissioners rezone Tax Map 304, Parcels 69, 879, 881, 892 and 1126 from R-3 (Urban Residential) to R-2 (Suburban Residential). The motion was seconded by Mr. Thomas and unanimously approved.

OLD BUSINESS: Mr. Ginder inquired about the sidewalks at the Verizon Store on Route 40 and 213. Ms. Minner stated that since they did not choose to place the addition that they were not required to place the sidewalks.

Ms. Whitaker mentioned that Walgreens is not abiding by the requirement that driveways not be blocked during the day. She went by there the other day and a large truck was unloading during the day.

Mr. Ginder initiated discussion regarding the loading zone by the bank for Crouse Brothers on High Street.

There being no further recommendations or discussion Ms. Manejwala adjourned the meeting.

Respectfully submitted,

Brenda Humphreys