

**TOWN OF ELKTON
PLANNING COMMISSION
JULY 15, 2019
MINUTES**

Present: Dave Wiseman; G. Edward Ginder; Keith Thompson; William Muller; Art Blount;
Lisa Blackson, Esquire; Jeanne Minner, Director of Planning

Absent: Rick Keane

MOTION: A motion was made by Mr. Ginder to approve the minutes of the June 10, 2019 Planning Commission meeting as written. The motion was seconded by Mr. Thompson and unanimously approved.

CASE # 1546 - REQUEST OF WILLIAM F. RIDDLE, ESQUIRE REPRESENTING NEW HEALTH OF NORTH EAST, LLC FOR A SPECIAL EXCEPTION FOR A MEDICAL OFFICE USE. THIS ACTION CONCERNS PROPERTY LOCATED AT 101 CHESAPEAKE BOULEVARD, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2439, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. William F. Riddle, Esquire, Dr. Hien Nguyen and Mr. Gary Brown were in attendance to address this request for a special exception. Mr. Brown questioned Dr. Nguyen regarding the practices that would be relocating to 101 Chesapeake Boulevard. Dr. Nguyen stated they will be a multi-specialty practice consisting of two (2) doctors, a pediatrician and a surgeon.

Dr. Nguyen stated that the location has been a medical office space since it was built out by Dr. Falco. It has been vacant now for a few years. There will be only one physician per day working out of this location.

Mr. Brown asked if any updates to the offices will be necessary. Dr. Nguyen noted they will be using the existing equipment and no additional upgrades would be needed. Mr. Brown questioned him as to the amount of parking that would be needed. Dr. Nguyen confirmed there is plenty of existing parking for the 4-5 patients an hour that would be seen on any given day.

Mr. Wiseman asked if they would be expanding their practice from their existing location. Dr. Nguyen stated they needed more office space than is available at their current location. He noted the number of staff will remain the same. It was noted they would be using only part of the overall space.

Mr. Wiseman asked if Ms. Minner had any additional comments to which she stated she did not. He entertained comment from the audience. There was no one who spoke for or against this request.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Board of Zoning Appeals of the special exception for a medical use at 101 Chesapeake Boulevard for New Health of North East, LLC as presented. The motion was seconded by Mr. Thompson and unanimously approved.

**PUBLIC HEARING – ORDINANCE 4-2019 – AMENDMENT TO THE TOWN OF ELKTON
ZONING ORDINANCE – MEDICAL OFFICES IN THE TC (TOWN CENTER) ZONE**

Ms. Minner stated the Town is proposing to amend the Zoning Ordinance under Article X, Permissible Uses Table for Sections 3.130 & 3.140 and Article XII, Supplementary Use Regulations for Section 33. She read the amendment and explained that this would affect only those physicians who are currently located in the TC Zone. There were questions as to the number of doctors or building which would be involved in this amendment. Ms. Minner stated there are a number of locations in the downtown which have second floor units or below grade units which would fall into this category but she was unable to say exactly how many.

Ms. Minner noted that Mr. Jones would like to speak to this issue since it was an existing doctor who wished to move from one location downtown to another location who had been affected.

Mr. Robert Jones stated he represents Elktowne Partners whose building is located at the intersection of North and Main Streets. He stated they are in support of this amendment. He noted that within the Town Center zone the largest land users are Union Hospital and medical professionals. He stated that once Christiana Hospital merges with Union Hospital there will be a much greater need for space within the downtown area for medical professionals. He said he believes that at some point the Town will again need to consider changes to their Ordinance to accommodate the increase.

Mr. Tim Dussen of Dussen Construction, and owner of the Elktowne Center building, noted that one of the biggest components of his business is renovating properties for medical uses. He stated that the renovation to this property to date has been approximately \$550,000.00. He stated the first floor is currently leased and they hope to fully lease the property contingent upon the outcome of this meeting.

Dr. Mark Zweben of Delaware Cardiovascular Associates, currently located at 215 North Street, stated they are a single practice with four physicians, 1 physician assistant and 1 nurse practitioner. They began their practice in Delaware and then moved to Maryland. They need more space as their patient base has increased and feel Elktowne Center would be a good fit for them. He pointed out that the majority of his patients need parking within close proximity to the building due to their health concerns. Their patients range in age from 18 years old and up. The amendment to the Ordinance would allow them to remain in an established practice area.

Ms. Mary Beth Sniadowski Cole stated she has been in the Elkton area all of her professional life. She voiced her support for the Ordinance and how it would benefit the community at large. She explained that this amendment would benefit health planning specifically for cardiovascular patients. She gave statistics for residents of Cecil County with regard to heart health and stated how essential medical professionals are to the area. She stated the Town needs to keep cardiologists close to the Hospital since it is the only center of medical care in Cecil County. She asked the Commission members to consider the needs of the community when making their decision concerning this amendment.

Mr. Jones encouraged the Commission to recognize the fact that the area is growing and changing in the near future and asked if they would support this amendment in order to allow that to happen.

Mr. Wiseman entertained comments from the audience. There were no comments. Mr. Thompson asked where their practice would be located in the Elktowne Center. Mr. Dussen stated the practice is planned for the lower level with the entrance into the parking lot off of Howard Street.

MOTION: Motion was made by Mr. Thompson to recommend approval of the Zoning Amendment 4-2019 for medical uses to the Mayor & Commission with the following changes as underlined:

3.130 Primary offices of physicians with up to three (3) professionals seeing patients, including nurse practitioners and physician assistants, permitted by Special Exception in the C-1, C-2, C-3 and BI Zoning Districts. Existing primary offices of physicians in the TC zone may relocate by Special Exception with Conditions in the TC Zoning District (See Article XII, Section 33. [Note: To be formatted consistent with Permissible Uses Table]

3.140 Primary offices of physicians with 4 or more professionals seeing patients, including nurse practitioners and physician assistants permitted by Special Exception in the C-2, C-3, and BI Zoning Districts. Existing primary offices of physicians in the TC zone may relocate by Special Exception with Conditions in the TC Zoning District (See Article XII, Section 33. [Note: To be formatted consistent with Permissible Uses Table]

An additional recommendation was made to correct the date in the body of the first page of the amendment from July 8, 2019 to July 15, 2019.

The motion was seconded by Mr. Blount and unanimously approved.

REZONING – JASON L. ALLISON, ESQ. REPRESENTING CECIL COUNTY GOVERNMENT TO REZONE PROPERTY LOCATED AT 205 BOOTH STREET (CORNER OF BOOTH AND BETHEL), TAX MAP 0311, PARCEL 1841 CONSISTING OF .43 ACRES FROM R-3, URBAN RESIDENTIAL, TO C-1, CENTRAL BUSINESS DISTRICT

Mr. Jason Allison, Esquire, Attorney for Cecil County Government and Mr. Eric Sennstrom, Director of the Department of Land Use and Development for Cecil County, were in attendance to address this proposal. Mr. Allison noted the correction in the paperwork submitted and stated they are before the Commission to request a zoning change due to mistake in the original zoning, from R-3 Urban Residential to C-1 Central Business District. Mr. Allison referred to the description of the C-1 Zoning District and explained how the existing use fits with that zoning.

Mr. Allison stated the County has used the property for governmental/small scale storage which they believe is consistent with the C-1 District permissible uses. He stated the uses at this location have all been consistent with the C-1 District as far back as 1947. Due to these facts the County believes there was a mistake in the original zoning of the property and they request the parcel to be rezoned as C-1. He noted that should the County choose to convey or transfer the property in the future it would be difficult since it has never been used as a residence. He stated he believes the change to C-1 would be the best fit for the adjacent properties.

Mr. Wiseman questioned why they were considering changing the zoning when it has been the same general use for so long. Mr. Allison stated they have been in conversation with a church regarding the property but their main reasoning is to harmonize the zoning so that it is consistent with the historic use of the property.

Mr. Muller questioned whether the property is currently for sale. Mr. Allison stated it was not for sale and is actively being used by the County. Mr. Wiseman asked the other Commission members if they had any questions. They did not.

Ms. Minner read the 'findings of fact' from the Rezoning Staff report (see copy attached).

Mr. Muller asked how the zoning would be affected if the current use stopped for a period of time. Ms. Minner stated it could create a non-conforming use. Mr. Ginder asked if bufferyards would be required if the property is rezoned. Ms. Minner stated that if the site is redeveloped it may impact the adjacent properties. Mr. Ginder stated his concern is that a new business may change the nature of the community.

Mr. Wiseman interjected that the situation before the Commission was to address the two factors regarding rezoning the property and to speculate on what might be placed there is at some time in the future if the property is sold is premature.

Discussion ensued regarding the current use of the property, whether the property is for sale at this time and if the Commission has all the facts to make their decision. Mr. Muller and Mr. Blount stated they saw a 'for sale' sign at the property within the past week. Mr. Muller stated there is evidence online that the property is currently for sale. Ms. Blackson responded that the information regarding whether the rezoning is being requested as change or mistake is factual and therefore that is what the Commission needs to address in their decision. The use of this property in the past has been commercial and that is what has been presented.

Mr. Allison stated that he is not aware of any pending sale of this property. Mr. Ginder questioned why this property was not addressed during the Comprehensive Rezoning. He noted that if the property is sold after being rezoned there is no way to know what use might come in. Ms. Minner stated that any use that might go into that building if it is sold would have to abide by the Town Zoning Ordinance.

Mr. Allison stated that there is no evidence that the property is for sale and the information from the internet is not probative to the case before the Commission.

Mr. Wiseman reiterated that the Commission's charge is to recommend approval or denial of the rezoning request but that the Commission concerns will be noted in the recommendation to the Mayor & Commissioners and he would follow up with the County Council members.

Mr. Muller stated he was not opposed to the rezoning he simply wanted to be provided with the correct information. Mr. Allison noted that whether the property is for sale or not should not affect the decision of the Commission regarding the rezoning request.

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

* As the Commission began their deliberations on this case, Ms. Blackson informed the members that Mr. Allison was asking to have the case reopened in order to make a statement. The Commission reopened the case for Mr. Allison's statement. He stated he was able to verify that the property in question is in fact being listed by Mr. Jeff Sellers. He stated he was not aware of that fact prior to the meeting and therefore was not trying to be evasive with the Commission members.

MOTION: Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners for the rezoning of 205 Booth Street from R-3 (Urban Residential) to C-1 (Central Business District) due to mistake in the original zoning. The motion was seconded by Mr. Muller and unanimously approved.

OLD BUSINESS – Ms. Minner provided the Commission with copies of draft PUD language. She noted that there is interest in acquiring the approximately 600 acres currently owned by Southside, LLC, Bruce Schneider, et al, for a PUD. The entity interested in the property has experience with PUD development and they have an interest in light manufacturing along with commercial and residential development. She stated there are a few minor modifications to the language which was generated in 2013 during the review of the Zoning Ordinance which is currently in place. At that time the PUD language was pulled from the remainder of the Zoning Ordinance for adoption.

She stated she would like to bring a version of this before the Commission at the next scheduled meeting in August. She noted that the language was developed with the assistance of Chris Rogers of URS.

Mr. Wiseman was concerned about the traffic issues that already exist in this area and how the PUD would impact those issues.

NEW BUSINESS – Someone questioned the status of the Tortilla Factory that was proposed for 801 Elkton Boulevard. Ms. Minner confirmed that they are up and running. She also informed the Commission that Terumo would be expanding in the near future.

The next meeting of the Planning Commission is scheduled for August 12th.

Ms. Minner informed the Commission that the September meeting will be moved to the alternate date of September 16th.

There being no further discussion, the meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Brie Humphreys