

**TOWN OF ELKTON  
PLANNING COMMISSION  
SEPTEMBER 16, 2019  
MINUTES**

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

**Absent:** None

**MOTION:** A motion was made by Mr. Ginder to approve the minutes of the August 12, 2019 Planning Commission meeting as written. The motion was seconded by Mr. Keane and unanimously approved.

**CASE # 1548 – REQUEST OF MR. STEPHEN ROBINSON REPRESENTING DR. SAMAN SOURI, DMD FOR A SPECIAL EXCEPTION TO OPEN AND OPERATE AN ORAL SURGERY AND MAXILLOFACIAL SURGEON’S OFFICE. THIS ACTION CONCERNS PROPERTY LOCATED AT 677 EAST PULASKI HIGHWAY, SUITE D, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2245, ZONED C-2 (HIGHWAY COMMERCIAL)**

Mr. Stephen Robinson; Dr. Saman Souri, DMD and Ms. Kristen Mills were in attendance to address this request. Mr. Robinson, the owner of the property, stated they are requesting a special exception in order to allow Dr. Saman Souri, an oral surgeon, to be located in Suite D of his property at 677 East Pulaski Highway.

Dr. Souri informed the Commission member of his educational and professional credentials (see attached resume, etc). Dr. Souri explained that his initial contact with Elkton was through his wife who is a radiologist at Union Hospital. He was made aware of the great need for a dental specialist in this area and felt his business would be a benefit to the community. He currently practices in Glen Burnie, Maryland.

Mr. Wiseman inquired whether the floor plan provided is what they are proposing for their business to which Dr. Souri affirmed that it was. Mr. Wiseman inquired about the number of patients who would be seen in a day and the number of doctors in the practice. Dr. Souri stated he will be the only doctor at this time and that he sees approximately 10 patients per day and can provide consultation with 10-15 patients per day.

Mr. Wiseman questioned whether Ms. Minner had any additional questions or comments. She did not. Mr. Wiseman opened the floor to comments from the audience. There were none.

**MOTION:** Motion was made by Mr. Ginder to recommend approval to the Board of Zoning Appeals for the special exception for Dr. Saman Souri at 677 East Pulaski Highway, Suite D as presented and contingent upon providing copies of any reports from the State Medical Examiner’s office to the Town Building Department. The motion was seconded by Mr. Muller and unanimously approved.

**PUBLIC HEARING – TO CONSIDER AN AMENDMENT TO THE ELKTON ZONING ORDINANCE REGARDING:**

**ARTICLE X PERMISSIBLE USES, SUBSECTION 6.110 CONCERNING INDOOR RECREATION TO BE PERMITTED IN THE BI (BUSINESS INDUSTRIAL ZONE)**

Ms. Minner informed the Commission members that the Town had received requests for indoor recreational uses to be allowed within industrial parks in the BI Zone. These uses are currently allowed in all zones except BP and BI.

Mr. Keane questioned the zoning for the old Pirelli Cable building on Elkton Boulevard. Ms. Minner stated that it is zoned BP and there is a recreation use currently in that building.

Mr. Wiseman entertained any additional questions or comments from the Board. There were none. He opened the floor for questions and comments regarding this amendment. There were no questions.

**MOTION: Motion was made by Mr. Thompson to recommend approval of the amendment to allow indoor recreation in the BI Zone to the Mayor & Commissioners. The motion was seconded by Mr. Keane and unanimously approved.**

Mr. Wiseman addressed the audience and noted that only questions and comments regarding the amendment being presented as shown on the agenda would be addressed.

**PUBLIC HEARING – TO CONSIDER AMENDMENTS TO THE ELKTON ZONING ORDINANCE REGARDING PLANNED UNIT DEVELOPMENT (PUD) REGULATIONS AND PROVISIONS FOR THE FOLLOWING ARTICLES:**

Ms. Minner stated that approximately ten (10) years ago the Town began looking at Planned Unit Development language. As they were working through it they were not making much progress as they were undergoing the Comprehensive Rezoning and adopting the revised Zoning Ordinance and Subdivision Regulations. Therefore they had a placeholder for this language until such time there was a reason to move forward. She noted that there is now renewed interest in planned unit development and the Town is now looking at the language once again.

She noted that the sections of the Zoning Ordinance which referenced PUD language had been removed from the Ordinance until such time as the Town could review and update the articles and sections containing this language. She noted that this is the information being presented.

**ARTICLE II – BASIC DEFINITIONS AND INTERPRETATIONS, PART I DEFINITIONS, SECTION I, DEFINITIONS OF BASIC TERMS;**

Ms. Minner presented two proposed definitions, one for a small PUD and one for a large PUD to be added to Article II of the Town Zoning Ordinance. She read both definitions. She pointed out a typographical correction within the Small PUD definition which should read low impact 'commercial' rather than low impact residential. There was a request from Mr. Keane to clarify the definition of

‘region’. Discussion ensued. Ms. Minner stated she would review this request subsequent to the adoption of the amendments.

**ARTICLE IX – ZONING DISTRICTS, PART I ZONING DISTRICTS, SECTION 6 PLANNED DEVELOPMENT DISTRICTS AND SECTION 8 FLOATING ZONES, SUBSECTION 2.a;**

Ms. Minner read the amendment language for Section 6 which addresses Planned Development Districts as a floating zone. The intent of this floating zone is to provide for a mixture of residential uses with some provisions for commercial uses that would primarily service the residential population of the PUD and/or the region, based on the size of the PUD, whether small or large. It provides for the efficient use of the land in how the land uses and buildings are arranged in order to encourage a creative approach that results in better development and design as opposed to the underlying zoning district. It is intended to be pedestrian-oriented and should provide ample open-space, developed parks and recreational space for the benefit of the residents in the PUD as well as the surrounding community.

Ms. Minner read the amendment language for Section 8 which stated that the PUD shall be designed as either small or large at the time of the Floating Zone approval. This is based on the size of the area to be developed.

**ARTICLE X – PERMISSIBLE USES, SECTION 7 PERMISSIBLE USES TABLE, SUBSECTION 2 TABLE OF PERMISSIBLE USES;**

Ms. Minner stated the changes to the table show what would be allowed in either a small or large PUD. She provided the Commission with specific proposed changes regarding PUD’s. These were mainly residential uses but did include items which might be found in a commercial zone. Mr. Wiseman clarified that the only change outside of the large or small PUD is the allowable of indoor recreation in the BI Zone which was discussed earlier in the meeting. Ms. Minner confirmed that he was correct.

Mr. Keane questioned whether ‘heavy manufacturing’ would be a good fit for the PUD zone depending upon the definition of light and heavy manufacturing. Ms. Minner gave general definitions for each. She noted that any business which the Town considered ‘heavy’ manufacturing would require a special exception in order to determine how that specific use would affect the surrounding community.

Mr. Thompson questioned why parking, such as a truck terminal or storage such as a storage facility would not be allowed in either PUD zone. Ms. Minner noted that, when uses are submitted to the Town, the Zoning Administrator makes the determination as to where the proposed use would fit with regard to the permissible uses table.

Mr. Keane questioned why there are conditions on a restaurant with a brewing pub but not on restaurants, bars & night clubs in the PUD zones. Ms. Minner explained that certain uses have conditions regardless of the zone they might be in because of the particular use.

## **ARTICLE XI – PLANNED DEVELOPMENTS;**

Ms. Minner stated that Article XI, is regarding Planned Developments and she stated most of the language is similar to the draft ordinance that was being worked on in the past but with a few changes. She went over some of the proposed changes. Some of these included: the intent of this floating zone, procedures for approval, notification to contiguous property owner, posting of the property, modifications of any PUD standards must be provided upon Concept Plan submission. She also discussed floor area ratio requirements and density within any PUD, parking requirements, landscaping, screening and bufferyards and signage.

She stated that modifications requested to the standards for the PUD are specifically noted in the PUD language. The modification standards provide the Planning Commission with more flexibility in decision making with regard to individual modifications being requested. Ms. Blackson interjected this would allow the Planning Commission to allow or deny specific elements within a proposed modification. Also, the Commission may require additional information to be presented prior to their decision on any given modification request.

Ms. Minner addressed residential requirements and stated they wanted to make sure there was a mixture of residential uses. She noted that 60% of the housing units shall be single family detached, condominiums, and/or senior housing units. Mr. Keane questioned the statement ‘at least two (2) housing types’. She explained that 60% of all units must be as noted. Townhouses and apartments are limited to 40% of the remaining housing units within the same PUD. Mr. Ginder felt PUD’s with apartments should be provided with a swimming pool and community center. Ms. Minner noted the Commission could make that stipulation during the review process. Mr. Thompson questions how ‘commercial apartments’ would be managed. Ms. Minner stated that a deed restriction would need to be placed on the property by the developer.

Mr. Ginder stated he felt an architectural design committee would be a good idea. Ms. Minner stated that would fall under the purview of the Planning Commission. Ms. Minner noted the minimum percentage of open space requirements (which does not include wetlands or steep slopes) is 25% of the gross acreage. Thirty (30) percent of the open space must be active recreational use.

The language includes detailed architectural design standards which haven’t really changed since it was developed by a consultant the Town used.

Ms. Minner asked the Commission what their thoughts were concerning architectural façade treatment and where it should be required if visible from the street. The language states ‘the articulation of a façade of a building shall be continued on all side visible from and directly abutting a public street’. Discussion ensued. The general consensus of the Board was that it should include the façade visible from a public street, whether the front or the side.

Ms. Minner went over specific requirements with regard to how many facades can be the same in a row and the fact that at least four architectural detail shall be used on the building façade. Non-residential buildings are to be designed with an architectural style and/or theme in order to incorporate well within the community.

Ms. Minner went over the requirements of the administrative procedures regarding PUD floating zone request and Concept Plan if they are submitted at the same time. The requirements for Concept, Preliminary and Final Site Plan were reviewed. She specifically noted that during Preliminary Site Plan review if significant changes have been made to what was submitted for the initial PUD overlay then it may be referred to the Mayor & Commissioners for review. The approval of the Preliminary Plan will expire after one (1) year if a Final Site Plan has not been submitted for review. The Planning Commission may grant two (2) one-year extensions upon request and good cause shown by the Applicant. The extension is conditional upon any standards which change within that timeframe would be required to be addressed in the new plan.

Within ninety (90) days of the approval of the Final Site Plan, the plan must be prepared, filed, and recorded among the Cecil County Land Records. The Final Site Plan shall expire after two (2) years if no permits have been pulled and/or no construction has begun for the project. Ms. Minner noted there are provisions for phasing of projects within the ordinance.

She stated that if significant changes have been made than what was submitted previously for the Final or Preliminary Site Plan then it may be referred back to the Mayor & Commissioners for review. Ms. Blackson noted a correction to subsections 17e(1); 17f(8) and 17g(1) where Section 17(g) is mentioned. These should read Section 17(h).

Ms. Minner informed the Commission that PUD's can be amended and gave the procedure to do so. There is a section regarding conflict with other Articles where the PUD would supersede other provisions in some instances.

She noted that there was an appeal section which is being removed. Ms. Blackson explained the reason for this is that there is already a process in place in the Zoning Ordinance for appeals.

**ARTICLE XII – SUPPLEMENTARY USE REGULATIONS, SECTION 1, SECTION 6, SECTION 8, SECTION 11, SECTION 14, SECTION 15, SECTION 16, SECTION 19, SECTION 27 AND SECTION 28;**

Ms. Minner stated these regulations describe different types of uses and the criteria for approval. They are consistent with what was planned for the original PUD language. Mr. Ginder questioned why boardinghouses are allowed in PUD's. There was a consensus to remove this from the PUD's.

Mr. Ginder asked for a definition of group home. Ms. Minner stated there are two kinds of group homes, small (up to eight residents) and large (nine to sixteen residents) which would require a special exception. Ms. Minner mentioned that small group homes are protected by the Fair Housing Act. There is no distinction between physical, mental, drug or alcohol group homes.

She mentioned that there was a change to the number of townhouses allowed in a grouping. There can only be four units per grouping as opposed to six or eight per grouping. There was discussion regarding the distance between townhouse groups. Ms. Minner referred to the Density and Dimensional Table which addressed the minimum distance. She noted they will make a change to the distance from apartment buildings to the road from 200' to 50'.

**ARTICLE XIII – DENSITY AND DIMENSIONAL REGULATIONS, SECTION 9  
SCHEDULE OF ZONE REGULATIONS;**

Ms. Minner read the footnote #10 which relates to PUD uses and what the minimum criteria should be. She noted that the only items listed in this chart for PUD's are the open space requirements of 25% and the minimum tract size of 50 acres for a small PUD. This refers back to the Town standards.

Mr. Ginder asked about sheds, etc. rear setback. Ms. Minner stated that is determined by the zone in which the accessory structure is located. He asked if restrictions could be applied with reference to accessory structures. Ms. Minner stated that these restricts for sheds, fences, etc. would need to be addressed when a developer submits a plan for review by the Planning Commission they could be asked to provide controls. Ms. Blackson mentioned that the Ordinance was amended in 2017 to address setbacks for rear yard decks without requiring a variance. Discussion ensued.

**ARTICLE XIX – AMENDMENTS, SECTION 6 AMENDMENTS FOR FLOATING ZONES;**

Language was added to address amendments to floating zones which states: Zoning amendment petitions for a PUD floating zone shall be subject to the provision of Article XIX, Section 17 of the Zoning Ordinance.

**PUBLIC HEARING – TO CONSIDER AMENDMENTS TO THE ELKTON SUBDIVISION  
REGULATIONS FOR:**

**ARTICLE II – BASIC DEFINITIONS AND INTERPRETATIONS, SECTION 1  
DEFINITIONS OF BASIC TERMS;**

Ms. Minner stated the addition of definitions for small and large PUD's is the same as what is being proposed for the Zoning Ordinance. The same correction regarding low impact 'residential' in the Zoning Ordinance will be made in this section of the Subdivision Regulations.

**ARTICLE V – GENERAL DESIGN REQUIREMENTS, SECTION 7 (RESERVED) –  
PLANNED UNIT DEVELOPMENTS;**

Ms. Minner read the language for this section which relates back to the Zoning Ordinance.

Ms. Minner stated a letter from Morris & Ritchie Associates was received and provided to the Commission members along with comments received from the general public. It was determined that these would be addressed as part of the public comments.

**PUBLIC COMMENT**

Prior to opening the floor to public comments Mr. Wiseman informed the audience that if they wish to speak they need to address their comments only to what has been discussed at the meeting to this point. He asked anyone who wished to make comment to provide their name and address on the clip board provided on the presenter table.

Mr. Bill Horn stated he had sent an e-mail with his concerns. Mr. Wiseman noted that the Commission members had received all e-mail comments from the general public. Mr. Horn urged members of the audience to listen to what is being said by the Commission members and to come to all meetings regarding the PUD. Mr. Wiseman advised him that he needed to direct his comments only to what was discussed this evening.

Ms. Samantha Long stated the regulations being brought at this meeting will determine all future development in the area. She stated she was unsure why people would want to move to this area with the high crime rates. She stated we need more things for kids to do. She stated she did not agree with the change to the setbacks from 200' to 50'. She was concerned about the lack of water to address large development and that it would cause her well to go dry.

Mr. Muller explained that the Commission members are not discounting the concerns people are voicing but they are not addressing any specific projects. He encouraged people to keep involved with projects coming into the Town. The language being looked at this evening would address any PUD which might be submitted to the Town for possible development.

Ms. Barbara Myers noted her concerns about runoff once the farm fields are removed.

Ms. Christel Petrizzo said she disagreed when it was said that what is being discussed tonight doesn't have anything to do with the Southfields project since they are addressing large PUD language. She said she did not believe this language shows the 'ripple' effect of how surrounding properties will be affected. She felt there needed to be language addressing that within the PUD language. Mr. Wiseman explained that those details in any proposed development are addressed by standards that are already in place through the Department of Natural Resources, the State and the County. Mr. Muller stated that this language would address any development in our Town where a PUD would be allowed.

Ms. Patricia Wells noted that Ms. Minner had stated this language process began after speaking to the developer. She asked who Ms. Minner was speaking to during this process. Ms. Minner stated that Stonewall Capital had hired Morris & Ritchie Associates for their engineering firm. MRA has worked in other cities with PUD's and wanted to work with the Town in developing the PUD language. She mentioned that back in 2008 when they were looking at the Southfields project the Town also worked with Mr. Bruce Schneider. She noted that the developers are also stake holders in the PUD language development. Ms. Wells asked if Stonewall Capital is the developer looking to develop Southfields. Ms. Minner affirmed they are the prospective developer.

Ms. Petrizzo stated she did not believe any of the board members were architects and yet they would be looking at the architecture of buildings being submitted. She did not feel it was appropriate to work with the developer to create the PUD language. She felt the developer would be working for themselves and not for the Town. Mr. Wiseman informed her that the Town has their own engineers and Mr. Tom DeLorimier of KCI stated they have architects on their staff. Ms. Minner stated that the engineer was another professional who has experience with PUD's. The language was mostly in place prior to them speaking to the developer's engineer.

Mr. Muller stated he has no idea who the developer is but that he did his own research and looked online at the framework of other PUD's in different towns (such as Hagerstown, Frederick County,

Baltimore County and Frederick City in order to learn as much as possible about this type of development.

Ms. Petrizzo mentioned the process regarding if the preliminary plan does not match what had originally come in and the State is being bypassed. Mr. Wiseman stated the Town does not have to go to the State for anything unless it involves State regulations which are already in place. He clarified the process for her.

Ms. Blackson explained the reason for the plan going back to the Mayor & Commissioners is related to amendments to a previously submitted plan. It was noted that an appeal from a decision by the Planning Commission would go to the Circuit Court according to State regulations rather than to the Board of Zoning Appeals.

Ms. Petrizzo voiced her concern about the setback changes to buildings. Ms. Minner explained the reasoning for that change and bufferyards between residential and commercial uses and stated that fencing and landscape screening is usually requested between these two uses.

She also voiced her concern for truck traffic, noise and smells in the industrial and commercial areas of PUD's which are close to residential properties. Ms. Minner stated the rear setback for industrial uses is 40' when it is against a residential property and that there is also a screening requirement in addition to that. She stated that 'Bufferyard E' which is what would be required in that instance is the most substantial bufferyard required by the Town. There has to be a 25' to 75' and if the distance is 25' then a six (6) foot berm would be required. Most residential property owners in this situation request that a six foot fence be required as well. Ms. Petrizzo asked if the Town would look at the distance requirements between residential and industrial/commercial uses. She also did not agree with the fact that the developer needed to show benefits. She believes they should have to show the negative effects along with the positive effects. Ms. Minner explained that the developer would have to show how any waiver they are requesting from the existing regulations would be better than what is required by the Town Ordinance.

Mr. Muller pointed out that KCI, the Town's engineer, reviews the plans and provides the Town with comments showing whether they have addressed any regulations which are pertinent to the project being reviewed whether they are Town, State or Federal regulations.

Mr. Dwight Thomey asked if there was a process where he could present his comments in writing to the Commission. Ms. Blackson asked if he could summarize his comments and present them to the Commission. Mr. Wiseman advised him he could speak after the next person.

Mr. Collins asked for a definition of 'contiguous' property. It was noted that although parcels may be separated by a road they are still considered being 'next' to each other for zoning purposes.

Mr. John Conolly inquired whether a PUD Floating Zone and an overlay Zone are the same. Ms. Blackson stated that they were. He proposed that if a developer came in with a PUD and with a floating zone request, if he wanted to use the land to develop houses where the land is currently zoned commercial then his floating zone request would trump the underlying zoning for the parcel/s. Ms. Minner confirmed that he is accurate. He asked if his floating zone would trump what is allowed



within the underlying zoning. Ms. Blackson stated that the only uses allowed within a PUD floating zone and those which are called out in the Permissible Use Table for PUD's.

He asked for clarification between light and heavy manufacturing. Ms. Minner stated that what is considered light or heavy manufacturing would be determined by the Zoning Administrator. That being said, generally light manufacturing is normally processes that are completely contained within a building while heavy manufacturing might have storage of hazardous material outside the building, more noise, odors, etc. It was determined that definitions for light and heavy manufacturing would be reviewed for placement in the Ordinance. Mr. Conolly went on to say that he felt items falling under 4.000 in the Permissible Use Table should not be allowed in large PUD zones. He also felt that allowances for industrial, warehousing or distribution center functions should not be allowed in the permissible uses for the large PUDs. He went on to explain that he feels Elkton already has four (4) existing business parks, all within Enterprise Zones up to 410 acres. These are all areas for those types of functions. This would also apply to Section 10.000 of the Permissible Use Table.

He pointed out that Article X, Subsection 3, subsection 2 states several things but also mentions 'nor shall the table of permissible uses be interpreted to allow the use in one zoning district when the use in question is more closely related to another specified use permissible in another zoning district.'

Mr. Conolly stated he believes there are enough areas currently existing and that manufacturing does not need to be allowed within PUD zones. He stated he believed that the concerns of all residents, whether within the Town or out of Town, should be considered since they may be affected by a PUD development with regard to traffic and schools. Mr. Wiseman stated the Commission intends to listen to and take into consideration the concerns of all affected parties. He pointed out that the Commission members are all citizens of Elkton. Mr. Conolly said he would revise his previous comments forwarded to the Town and e-mail them again.

Mr. Wiseman informed the audience that the Commission members had received all the comments that were forwarded to the Town.

Mr. Dwight Thomey, Esquire stated he represents the developer of Southfields and wanted to present a few items for consideration. He pointed out that some people were concerned about trying to identify a 'region' more specifically. He made a few points: a) if you are going to have employment operations there it is already going to affect people in the area; b) while representing the County, etc. within the Court system you need to identify the 'affected' neighborhood. Historically, the Maryland Courts have been comfortable with allowing local commission and committee to determine case by case what they believe is the appropriately 'affected' area. He encouraged them not to be too concerned about calling out a 'region' in the Ordinance; c) PUD development is designed to provide flexibility and encouraged the Commission not to get too hung up on terminology. He voiced his concerns regarding Section 1, subsection 11(a), items 3, 4, 5 & 6 which contains 'variance language' that they might get caught up in this rather than what they should be looking at with reference to lot size, setbacks, etc. He also talked about the architectural design which he believed makes more sense on the front rather than the sides or rear of buildings. He referenced the 'appeals' section and felt that thirty (30) days would not be enough time for an appeal to be thought through and presented and suggested they might extend that timeframe. He also felt that the time given for how long the plans are good for should be changed as well. He believed the approval of a preliminary plans should be

good for two (2) years and do one (1) year extensions thereafter. It can take upwards of eighteen (18) months to get final engineering and suggested making it two (2) years instead. He believed that recording of the Final Plan should be a two (2) year timeframe, especial with all the agencies involved in the final approval process. He noted he was impressed with what has been generated for this Ordinance.

Mr. Juan Rodriguez voiced his concern about placing industrial or manufacturing uses in the PUD behind his home since he already deals with the noise coming from the beer distribution warehouse on Maloney Road. He asked the Commission to consider putting restrictions on these types of uses in the PUD language. Discussion ensued regarding noise ordinances. Ms. Minner stated that it is difficult to regulate noise as we have no equipment that can measure decibel levels.

Ms. Rose Brown voiced her concerns regarding water availability in the Frenchtown Road area where the PUD is proposed. She mentioned that previously when they tested the wells in this area and pulled two million gallons that residents in the area had to dig new wells. Mr. Wiseman pointed out that any property owner can develop their property provided they comply with the rules and regulations that are in place.

Ms. Jennifer Jonach had a few questions for the Commission. She asked if there is a requirement at the State or Federal level for a town to adopt a PUD. Ms. Minner stated there is not. She asked if there are PUD regulations at the State or Federal level. Ms. Minner stated there are not. She asked if there is a requirement that the Town coordinate with the County and the State on the PUD. Ms. Minner stated that coordination is required if a development impacts County or State roads or any other jurisdictional issues. Ms. Jonach asked if the County was allowed to give input to the Town regulations being discussed. Ms. Minner stated they were not because the Town is a separate jurisdictional entity from the County.

Ms. Jonach asked why the Town is considering a PUD if there is no requirement to do so. Ms. Minner explained that a PUD can provide the flexibility and mixture of uses which is much more successful than traditional zoning. She stated that a lot of times developers are well-informed of what is going on in the business world and know what will be successful. Ms. Jonach suggested that people look to Middletown or our own community to see why people are concern with whether development will or will not succeed because we have examples of both. She felt that the Commission needed more time to review this proposal since this policy will affect future development forever. She asked them to please consider what the residents of the area desire.

Ms. Petrizzo voiced her agreement with Ms. Jonach's statements.

Mr. Sean Davis of Morris & Ritchie Associates stated he has been an architect and in the business for 33 years. He has worked with over a dozen towns to write ordinances similar to the one being proposed this evening. He stated that he has chaired the Baltimore City Planning Commission for the last few years and understands what is being proposed. He stated he had written a letter to Ms. Minner dated 9.16.19 and have worked with the Town and Town council over the last several weeks in reviewing the Ordinance. He stated there are a few issues which he feels are important which still need to be addressed. These include: He asked that Section 7 of the Permissible Use Table

addressing car washes and gas and convenience stores be permitted along with boat storage and marinas.

He stated one of his main concerns was regarding Article XI, Section 11 Modifications. He stated he agrees with Mr. Thomey that the language is onerous and the purpose of a PUD is for flexibility. He is speaking specifically to items a. (4), (5), & (6). He felt the Commission should be looking more at the quality rather than the negativity associate with any PUD. He went on to say that he is good with the procedural part of the language.

He cited Article XI, 16 addressing architectural design standards, specifically to architectural elements being required on the side of the house. He did not believe anything other than what faces a public street should have architectural elements.

He stated he thought adding stone rather than just brick should be acceptable since it is also a masonry product. He also questioned item (7) which states that ‘no more than four (4) attached dwelling units in a row are permitted. They understand the Town’s concerns but only allowing four in a row would become monotonous. He suggested a change to “in a single family attached neighborhood, no more than 20% of the attached dwellings can be more than 6 in a row. No more than 20% of attached dwellings can be more than 5 in a row and the remaining dwellings can be no more than 4 in a row”.

He explained his reasoning to remove the language in items 64 and 76 of Article XI, Section 17.e. He said he believed this requirement with regard to item 64 is incredibly detailed for a concept plan. With respect to item 76 and stormwater management he said he believes this is onerous as well and requested that they consider making changes to these two items.

Mr. Keane asked for clarification of these two items. Ms. Minner stated that Appendix A is a list of all items which need to be shown on plans at Concept, Preliminary, Final Site and general development plans when submitted to the Town. Ms. Minner asked if Mr. DeLorimier of KCI could provide guidance regarding Mr. Davis’ requests.

Mr. DeLorimier confirmed his agreement with item 76 in Appendix A which addresses stormwater management. He explained that a smaller site is easier to give more detail whereas with a project as large as a PUD, and having numerous phases, it would be difficult to give any great detail other than to provide areas where stormwater could be addressed. He said that Mr. Davis is suggesting that they do their Concept Plan and then before submitting for Preliminary to bring in a Concept Stormwater Plan. Mr. DeLorimier stated that stormwater is almost incidental to what the grand scheme of the plan would be. It is underground and distant in places and the engineering can be made to work but to make those designs way up front would be difficult. He stated that when they receive the concept stormwater plan they work with the engineers for a project and let them know if what they are proposing will work. This would allow them to review the stormwater and be in agreement with the plan prior to preliminary being submitted.

Mr. Davis mentioned that it is a very extensive process for a 50 to 100 acre project. Mr. DeLorimier said for a smaller project there may only be a few options for placement of stormwater but with a large project they are ‘tons’ of options.

Another item he disagrees with Mr. Thomey with regard to Section 17.g.2 which would require the Final Site Plan to be recorded within two years. He suggested, like the County, that they require Final Site Plan approval within five years. This would give larger projects the opportunity to develop in a more coherent and financially viable way.

He stated that his understanding is that the Planning Commission does not issue an opinion on project before them. Ms. Minner confirmed that a letter will be forwarded after the minutes have been finalized to convey the decision rendered by the Planning Commission.

Mr. Wiseman called for any other comments regarding the PUD language.

Mr. Peter Cline asked some questions regarding the process. He asked if the Commission will make a formal recommendation or decision regarding the PUD language. Mr. Wiseman said the Commission will make a recommendation to the Mayor & Commissioners either for or against the amendment. Mr. Cline asked if the Mayor & Commissioners can override the decision made by the Planning Commission at this meeting.

He stated that if the language is denied then there is still an option for the owner to develop the project with the existing zoning. Mr. Wiseman stated that he was correct and that the underlying zoning is high density residential. Mr. Cline stated at that point the developer could come before the Commission to present a project. He stated that therefore the PUD floating zone is a 'short cut' that saves the developer money. Mr. Wiseman stated that a PUD zone is used in order to allow mixed use zoning along with residential uses. The Town then negotiates with the property owner or developer uses that could benefit the Town and the surrounding region. Mr. Wiseman gave some examples of how the PUD would benefit with respect to different uses being placed in the floating zone. Mr. Wiseman explained it as a unique approach to development which catches us up to the century we are living in for lack of a better way to describe it.

Mr. Davis interjected that a PUD adds two additional steps and approvals as opposed to any other kind of development. Mr. Cline stated he thought the Town needed to fix the zoning we already have rather than move on to something new.

Mr. Horn interjected that he does not want this new development. Mr. Wiseman thanked him for his comments and closed the meeting to further comment.

There was a break prior to the Commission beginning their discussion.

Discussion ensued regarding the best way to address the items presented regarding the PUD language – whether it should be tabled for additional review. Ms. Blackson stated that if it is tabled it will have to be put off until the next Mayor & Commissioners meeting. They discussed whether they should have a special meeting. Mr. Ginder pointed out that it would have to be advertised. Ms. Minner stated that requirements for advertising would bring it up to the next Planning Commission meeting on October 7<sup>th</sup>.

Ms. Minner suggested that they take the time to review each section and address the suggestions given by the public and by Mr. Davis and allow the Commission to determine what they feel should be added. There was a consensus of the Commission to review each section per her suggestion.

Article II – Only a typographical correction was made to correct wording from ‘residential’ to ‘commercial’.

Article IX Section 6 – ‘Region’ definition’ – Commission members were in agreement that each development would determine where the ‘region’ would be due to the uses proposed within any PUD submitted. Mr. Wiseman noted that he felt ‘region’ would be defined by who would be coming to support or patronize the amenities provided within the PUD.

Article IX Amendments – No changes were suggested for this article.

Article X – Permissible Uses Table – The table is consistent with the previous language. It was recommended that definitions for light and heavy manufacturing be adopted at some point in the future. The Commission members requested the removal of heavy manufacturing from the PUD zones.

Mr. Wiseman addressed item 9.700 in the Permissible Use Table and suggested allowing car washes in both small and large PUDs. The other members agreed.

Ms. Minner stated item 1.510 for boarding houses, etc. be removed from both PUD sections.

Article XI – Modifications – 11(c)2 – made modification to language to clarify regulations when applications for a PUD Concept Plan and PUD Floating Zone are not submitted at the same time.

There was discussion regarding items (4), (5) and (6) under Modifications 11(a) which are related to the obligation of the applicant having to provide statements concerning modification being made to a submitted PUD. This is to ensure the Planning Commission has standards to review in order to make informed decisions. The Commission agreed to allow these items to remain in the language.

There was discussion regarding regulations for architectural designs to be placed on the façade of a building ‘abutting’ a public street. It was agreed that architectural designs should be placed whether on any part of a building if it ‘abuts’ a public street.

Discussion regarding Modification 16(c)(5) allowing ‘stone’ to be added to façade styles and (7) which would allow a variety of specific percentages for single family attached dwellings in a row. It was noted that the current standard is no more than eight (8) in a row.

It was noted that the three (3) areas referencing 17(g) should actually read 17(h). This was a typographical error.

There was discussion referencing item 17(e) with regard to removing the requirements of items 64 and 76 in Appendix A of the Elkton Zoning Ordinance. Item 64 relates to grading and drainage plans including roads, drainage ditches, sediment basins and berms. Item 76 relates to Stormwater

Management Plans. It was determined that concept plans including those two items (64 & 76) shall be submitted to the Town prior to consideration of a Preliminary Site Plan.

Under Article XII, Section 28, Subsection 2.d.(2) regarding setback requirements for apartments and other multi-family development residential units. It was suggested a change for the setback be made from 200' to 50'. This would be effective from the right of way line of any street or an adjacent property line.

Also under Article XII, Section 28, Subsection 1.c.(1) the same language regarding the number of single family detached dwellings in a row will be the same as previously discussed with Article XI, Subsection 16.c.(7).

There was discussion regarding accessory structures such as fences and sheds and where they should be allowed. It was noted that the Commission could request any developer to provide them with their requirements during site plan review.

Article XIX – Ms. Minner said there were no changes made to this section.

The discussion moved on to the changes made to the Elkton Subdivision Regulations.

Article II – Basic Definitions - Only a typographical correction was made to correct wording from 'residential' to 'commercial'.

Article V – General Design Requirement, Section 7. Planned Unit Developments – There was a typographical change from Subdivision 'Ordinance' to Subdivision 'Regulations'.

Ms. Minner asked if the Commission had any other changes with regard to public comment. He stated he felt that he and the other members had given consideration and made some changes that were given by the public that were pertinent to the PUD language.

Ms. Minner addressed bufferyards between different types of uses which currently exist in the Zoning Ordinance. Bufferyard requirements would have to be adhered to unless specific waivers are requested. Mr. Ginder suggested a definition for industrial uses be considered for placement in the language.

Discussion ensued regarding bufferyards and their distance between commercial and residential properties. It was noted that bufferyards are important due to light, noise and pollution from manufacturing and industrial uses which abut residential properties.

Mr. Keane stated that he had reviewed all of the comments from the public and the majority of them were referencing the Southfields project. He believed that the comments which did relate to the PUD language were addressed.

Ms. Minner asked if the Board felt they were ready to make a recommendation to the Mayor & Commissioners.

Mr. Wiseman stated that with the review of the amendments and after going over the comments he was comfortable with calling for a vote.

**MOTION: Motion was made by Mr. Thompson to recommend approval to the Mayor & Commissioners of the PUD Language as amended. The motion was seconded by Mr. Blount and unanimously approved.**

Mr. Wiseman noted that this is just a recommendation and that the Mayor & Commissioners could accept all or part of their recommendations. He encouraged members of the audience to continue to stay informed and to attend all the meetings with regard to the PUD language. The Mayor & Commissioners make the final decision.

**OLD BUSINESS** – The work at the Community Center and the Alliance are underway. The Drug Free School Zones map will be before the Mayor & Commissioners at their meeting on Wednesday, September 18<sup>th</sup>.

**NEW BUSINESS** – The next meeting of the Planning Commission is scheduled for October 7<sup>th</sup>. Ms. Minner stated there is one item on the agenda for that meeting which is a special exception for a medical use.

There being no additional items for discussion Mr. Wiseman adjourned the meeting at 11:03 p.m.

Respectfully submitted,

Brie Humphreys