

**TOWN OF ELKTON
PLANNING COMMISSION
NOVEMBER 9, 2020
VIRTUAL MEETING MINUTES**

Present: Rick Keane; Keith Thompson; Art Blount; William Muller; Lisa Blackson, Esquire;
Jeanne Minner, Director of Planning

Absent: Dave Wiseman; G. Edward Ginder

Ms. Blackson addressed the Commission. She stated that neither the Chair nor the Vice Chair were able to be in attendance this evening. Therefore they will need to elect a Chair for the meeting.

MOTION: Motion was made by Mr. Thompson to nominate Mr. Keane to chair the meeting. The motion was seconded by Mr. Blount and unanimously approved by the remaining Commission members.

Mr. Keane stated the first item on the agenda was approval of the minutes from the October 12, 2020 meeting. He asked if anyone had any changes to the minutes. No corrections were noted.

MOTION: Motion was made by Mr. Thompson to approve the minutes of the October 12, 2020 Planning Commission meeting as written. The motion was seconded by Mr. Muller and unanimously approved by the remaining Commission members.

****REZONING – DWIGHT E. THOMEY REPRESENTING HERTRICH PROPERTIES XXIV, LLC TO REZONE PROPERTY LOCATED AT 116 LINCOLN AVENUE, TAX MAP 033B (315), PARCELS 2050 & 2051 FROM R-1 (TOWN ESTATE) TO C-2 (HIGHWAY COMMERCIAL)**

Mr. Dwight Thomey and Mr. Al Guckes were in attendance to address this rezoning request. The reason for this request is to rezone parcels 2050 and 2051 owned by the Hertrich group. Mr. Thomey stated the dealership has been parking cars on these parcels for a few years and simply want to get the commercial designation appropriate for that use.

Mr. Thomey stated they feel the Comprehensive rezoning was in error when they did not rezone these parcels at the same depth as the other dealership properties. He stated that after the current Town Zoning Ordinance was adopted, the Ford dealership was completely remodeled in 2015. A new building was placed and the whole look of the area had been changed. One of those changes was the number of cars which could be parked in front of the dealership. This particular change was the reason that cars are being parked on the parcels which they are seeking to rezone.

He mentioned there is a creek that runs behind the building and therefore in order to avoid the creek you need to use the parcels to the rear of the dealership. He stated Hertrich will continue to maintain the drainage associated with the creek. He stated the entire area has been fenced which shields the neighboring residential areas at the rear of the Hertrich property. Mr. Thomey stated at one time a house was on one of the parcels in questions and part of it has a gravel area. He said they have no intent to pave or place additional gravel where the cars are being parked and they will not be cutting down any trees. They are planning to replace the pipe in order to improve the drainage in that area.

Mr. Guckes mentioned that the Town had informed them that the parcels had never been rezoned. Mr. Thomey stated he hoped the Commission would be favorable to the rezoning.

Ms. Minner read the Staff Report regarding the requested rezoning. (See attached)

Mr. Keane opened the floor to any comments by the Commission members. He stated he does not feel a mistake was made as the Land Use chapter of the Comprehensive Plan specifically calls out protection of residential property from excessive through traffic and encroachment from commercial and industrial uses. He also mentions the Zoning Ordinance states the R-1 zone is designed to secure a comfortable, healthy, safe and pleasant environment in which to live sheltered from incompatible and disruptive uses. Mr. Thompson stated he had walked the property where the cars are being stored and did not observe any through traffic. Mr. Keane asked Ms. Minner if there was any limitation to the number of vehicles which can be parked on the property. Ms. Minner stated the Town doesn't normally control how vehicles for sale are stored on a lot. It's not the same as a parking lot. They are restricted as to how much impervious surface they can cover on the site. It was noted that buffering is required between R-1 and C-2 zoning. Mr. Muller agreed with Mr. Keane that he does not feel a mistake has been made in the zoning of the R-1 parcels. There being no additional comments from the Commission members, Mr. Keane opened the floor to audience comments.

Ms. Karen Lofthouse stated she lives right behind the Hertrich property. She mentioned that they are good neighbors but she is concerned about the amount of water which inundates the properties behind Hertrich during heavy rain events. She provided pictures of her property and a few others from two recent rain events. She said she and her neighbors are very frustrated and wondered what could be done in order to avoid the amount of water after these heavy rain events.

Mr. Keane asked if this is something that the Town could look at. Ms. Diane Poore stated she has spoken to different people in Town departments and she has even been told to contact State Highway. She stated even the dealership has some flooding on their property. She said it stays dry most of the time but they have to deal with this water issue whenever there is rain.

Ms. Minner stated her understanding from speaking to the Building Official and Code Enforcement is that the drainage pipe in this area had been crushed and wasn't allowing free flow of water from the swale. Mr. Guckes addressed the issue regarding fill/blacktop. He stated they have no intention of placing any fill or additional blacktop on their property. He said that about a month after they purchased the property water backed up and they determined that trash and debris was stuck in the pipe and they removed all of it. From time to time they will check the pipe to keep the water moving. He said they plan to replace the existing pipe with a larger one. Mr. Guckes stated he doesn't believe just fixing the pipe is going to alleviate the drainage problem. They are actually downstream from the creek so he feels there is a problem in the ditch north of their property. Ms. Poore stated just mowing the ditch hasn't alleviated the problem in the past, it happens whether the ditch has been mowed or not.

Discussion ensued regarding why the gravel lot was there and when the ditch was placed. Mr. Guckes stated there had been a house on the parcel at one time and the pipe has been at this location for quite a while to service that home.

Ms. Poore stated the water is directed from Delaware Avenue until it comes out onto Route 40. Mr. Thomey stated he believed the water was supposed to drain under Route 40 and he feels the problem is with the pipe at Route 40 because there are a lot of sticks and debris piled up in front of that pipe. Ms.

Poore added that Mr. Breza, the owner of the Sutton Inn, said in 2013 or 2015 an elliptical drain pipe was placed there and since that time Mr. Breza hasn't had any other issues.

Mr. Keane stated the issue before the Commission was whether or not the Town would rezone these properties and redirected the discussion. Ms. Lofthouse voiced her concern that if the property is rezoned and they elevate it then the issues with the drainage would increase. She asked if the Commission could put in place a requirement that would not allow them to change the elevation of the property if they allow the rezoning.

Mr. Keane asked Ms. Minner if the dealership were rezoned, and they placed asphalt on the property, would they be required to address any additional runoff. Ms. Minner said that if they disturb more than 5,000 square feet they would have to do a stormwater management plan. She asked Mr. Koenig of KCI to address what would be required. He stated that if they are going to convert gravel to pavement they will be required to submit plans that include quantity and quality stormwater management and that would include their entire property. It could be a substantial improvement to the property that would need to be made if they choose to make that change.

Mr. Fred Hertrich said they are planning to replace the pipe on their property with a larger pipe. They have tried to address any requests by the Town and be good neighbors to adjoining properties. He said the parcels in question are zoned residential and they are requesting to have them rezoned because they are being used in a different way. Ms. Poore asked who they should contact in order to try to fix the flooding problem on their properties. She has spoken with a number of people at the Town and no one feels there is a problem.

Mr. Keane asked if there were any other comments from the public. There was discussion regarding whether all three lots should be rezoned or if only a portion of them and if that would alleviate some of the concerns. Mr. Guckes suggested a bufferyard could be placed along the residential properties if the Town chose to rezone all the parcels to C-2. Ms. Minner clarified that the parcels are not currently zoned for the parking of vehicles.

Mr. Keane stated that in order for the Commission to make a recommendation to the Major & Commissioners for the rezoning they have to be convinced that a mistake was made. He reread the information from the Zoning Ordinance and referenced the Land Use Article regarding the protection of residential zones from commercial and industrial zones.

MOTION: Motion was made by Mr. Blount to recommend denial of the rezoning request for Hertrich. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows:

Mr. Thompson – Nay

Mr. Keane – Aye

REQUEST OF MCCRONE REPRESENTING JLP HOLDINGS, LLC, CONCEPT SITE PLAN, BRIDGE STREET AND ELKTON BOULEVARD, TAX MAP 027G (310), PARCEL 450, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. David Strouss of McCrone was in attendance to address this request. Mr. Strouss stated that the parcel is situated at the corner of Elkton Boulevard and Bridge Street. It is approximately half an acre

with an old gravel driveway which comes out at the intersection. There was a building on the property back in the 1980's and the current owner would like to place a pole building on the property. He owns a construction business and would like to construct a building with overhead doors for larger vehicle access. Inside the building would be a small office and a restroom for employees.

He stated the current access is not safe and therefore they wish to abandon the gravel entrance. They have obtained an access easement from a neighboring property in order to gain access from Williams Street. This should create better and safer access for the business.

Mr. Strouss stated they will be requesting a front setback variance. He said the Town had determined that the site has two frontages. The Elkton Boulevard frontage is offset from the property line on the left of the proposed building. They want to place the building as it is shown on the plan and therefore will need the setback variance to do that. He mentioned that the west side of the parcel abuts the retaining wall for the bridge. The site sits quite a few feet down from the street elevation. The location of the easement on the CDDA, LLC property was shown on the site plan.

Mr. Keane opened the floor to Commission comments. Mr. Blount asked what type of construction work the owner will be doing. Mr. Strouss stated he believed he does some renovation and additions along with lawn care/landscaping type of work. Mr. Blount mentioned the note on the plan regarding tractor trailer parking. Mr. Strouss explained since he will be hauling backhoes, etc. and he wanted to ensure he had enough room to accommodate being able to back the trailers into spaces for storage between jobs.

Mr. Thompson asked if the owner was different from the previous submittal before the Commission for this property. Mr. Strouss stated it is a different person. The business owner considering purchasing this property is Jeffrey Peters.

Mr. Keane asked the reason for requesting that the next submittal be a combined Preliminary/Final. Mr. Strouss explained that if the site is simple enough and the Commission approves the site then it would simply be one less step that would be required and would not use the Planning Commission's time reviewing it three times.

Mr. Muller voiced his approval with the concept plan. He stated it was well thought out and addresses the issues with the ingress and egress with the easement through the CDDA, LLC property. This is a small, unique site and he's glad to see it being used.

Mr. Keane asked if Mr. Strouss received the comment letters from the Town and KCI. Mr. Strouss confirmed he had received the Town letter but had not seen the KCI letter. He doesn't see any issues with addressing the Town comments. He said he trusts that the KCI letter will be thorough and feels he'll be able to address their comments as well. Mr. Thompson mentioned that he lives in this area and feels this will be a good use for that property and likes the easement onto Williams Street.

Motion: Motion was made by Mr. Thompson to approve the Concept Site Plan for JLP Holdings, LLC contingent upon addressing all outstanding comments and allowing for submission of the combined Preliminary/Final Site Plan. The motion was seconded by Mr. Muller with the remaining Commission members voting as follows:

Mr. Blount – Aye

Mr. Keane – Aye

There being no votes against the motion, the motion passed unanimously.

CASE # 1570 – REQUEST OF MORRIS & RITCHIE ASSOCIATES REPRESENTING SIDELINE PROPERTIES, LLC FOR A SPECIAL EXCEPTION TO PERMIT PRIVATELY OWNED OUTDOOR RECREATIONAL FACILITIES. THIS ACTION CONCERNS PROPERTY LOCATED WEST OF MD ROUTE 213, NORTH OF FRENCHTOWN ROAD, ELKTON, MARYLAND, TAX MAP 033D (319), PARCEL 2450 AND ZONED PUD (PLANNED UNIT DEVELOPMENT), OWNER: GRAY’S HILL DEVELOPMENT COMPANY, INC.

Mr. Sean Davis of Morris & Ritchie Associates was in attendance to address this special exception request. He provided a Power Point presentation showing the location of the facilities. He pointed out there will be a collector road off of Route 213 into the site which will be controlled by a traffic signal at the intersection of Route 213. This will be the only access to the site other than from the roads within the subdivision.

He mentioned there will be seven (7) multi-purpose fields which will be used for soccer, lacrosse, baseball and more. Elements such as restrooms, concessions, public gathering areas and opportunities for a variety of flexible use areas such as a farmer’s market or displays being provided during a weekend event. He noted the fields are connected by a series of sidewalks.

Mr. Davis addressed each of the general conditions for a special exception as it applies to this use.

1. That the establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare. He stated they believe this facility will be an attribute to the community, will not endanger but rather promote public health through the variety of sports activities offered.
2. That the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. They believe this development provides adequate buffers to the adjacent residential properties and believe it will increase the property values.
3. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. The architectural aspects of the few buildings being provided are minor in nature.
4. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or are being provided. The site is serviced by public sewer and water.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. All the traffic from this development will be focused out onto Route 213 by a signalized intersection. They will continue to work with State Highway to provide adequate improvements along Route 213 for all aspects of the PUD.

6. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the Town of Elkton. They believe the project is in accordance with the Comprehensive Plan. The Comprehensive Plan speaks to how the establishment and planning of developments is an important part of the Town's growth strategy. They believe the PUD supports the objectives of the Comprehensive Plan.

7. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific use. There are no requirements in the Zoning Code for this specific use but they have provided bufferyards for neighboring properties.

8. Conditions and Guarantees. Prior to the granting of any special exception, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Article XII. In all cases in which special exceptions are granted, the Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Mr. Davis said they welcome discussion with the Board of Zoning Appeals. They don't believe any specific requirements are necessary since they comply with the planning and development requirements for this use.

Mr. Keane noted that the Commission is addressing only the special exception to determine whether a privately owned outdoor recreational facility will be allowed. Ms. Minner agreed that the Commission is not looking at the site plan but only the use itself. Mr. Keane asked why a special exception is required for this specific use. Ms. Minner noted a special exception is only needed if the facility is privately owned as opposed to publicly owned. Mr. Davis added he believed this was a requirement in order to allow the Town to have some level of review and compliance to be sure the use is supported in the location being proposed.

Ms. Blackson pointed out that there are specific conditions for a use of this type which can be found in Article XII Supplementary Use Regulations, Section 27. She added that none of the conditions appear to be of any concern in compliance. They are mainly about parking, bufferyards, etc.

Mr. Davis then addressed the specific conditions for this use:

1. The provision of food, refreshments, and entertainment for club or organization members and their guests may be allowed in connection with such use, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets. This area is accessed through a collector road and will not draw any traffic through local residential streets.

2. A minimum 100-foot setback for all buildings and parking areas shall be provided adjacent to single-family dwelling districts or uses. Mr. Davis noted the only adjacent residential uses are across Frenchtown Road and the 100 foot setback has been provided there.

3. Vehicular access shall be derived from a collector street. They have addressed this condition by the collector street as shown on the site plan.

4. Twenty parking spaces shall be provided per nine holes and one space per 500 square feet of club floor area. This particular condition does not apply to this use. Mr. Davis did mention that they are providing an adequate number of parking spaces for this use.

5. A Bufferyard C shall be provided between the clubhouse/office or parking areas and adjacent residential zoning districts or uses. A Bufferyard B shall be provided along all other property lines of the private recreational facility that adjoins a residential zoning district. Mr. Davis stated he feels they have provided at least a Bufferyard C along Frenchtown Road.

6. Off-street parking and loading areas, tennis courts, golf tees, and maintenance facilities may require additional screening as determined by the Board. Mr. Davis said although the proposed use is not a golf course they do have a maintenance facility and have provided ample screening for that facility. He stated he would present this information to the Board of Zoning Appeals and thanked Ms. Blackson for pointing it out.

Mr. Keane inquired about the conditions for this use with respect to Section 27. Ms. Blackson stated that the conditions provided in Section 27 are mandatory. She mentioned that the Planning Commission can recommend any additional conditions they feel are relevant and the Board of Zoning Appeals ultimately would determine what other conditions they feel might be necessary.

Mr. Keane asked Ms. Minner about common open space and neighborhood parks and whether any portion of the sports complex adds to the acreage required by the PUD for open space and parks. Ms. Minner stated she believed at one point when they were discussing the residential uses, particularly those adjacent to this site, they talked about a portion of the ball fields being used to meet part of the neighborhood park requirements. Mr. Davis confirmed that as part of the PUD approval process for the residential portion of the community, they had identified one of the fields (Field #5) adjacent to the community center for residents to be able to use as part of their recreational use.

Mr. Keane asked if that field would be solely for residential use. Mr. Davis said it is not solely for residential use but could be used in conjunction with the sports complex uses.

Mr. Browne of Sideline Properties noted they reached out to all of the little leagues in the County and offered the fields for their use during the week. He noted that most of the tournaments held will be done on the weekends. He said they would continue to work with the little leagues so that they can use the fields when there are not tournaments going on. Mr. Keane stated he is familiar with schedules for little leagues and tournaments but has some concerns about the residents that will live nearby and how much time will actually be available for residents to use the facilities.

Mr. Davis stated they believe with the amount of recreational space being provided as part of the PUD that residents will have ample opportunity for use of the proposed parks and open space being provided outside of the sports complex to satisfy their needs. Discussion ensued regarding how scheduling of the fields would be accomplished.

Mr. Browne of Sideline Properties stated he appreciates the concerns regarding scheduling. He said there will be a management company that will be responsible for scheduling the use of the fields. Scheduling and waivers would need to be achieved. He pointed out that he owns a business in Elkton and he would be doing a disservice to both the Town and the kids if they didn't provide use to the community. Mr. Davis said that there will be a lot of communication between the Homeowner's Association and the

management company of the sports complex. Mr. Muller mentioned that this is standard practice with public parks and recreation. He provided an example of Ocean City, Maryland. He said they have a number of fields and they are all handled through a management company and it worked well. He knows that Mr. Browne is serious about the community and devoted to it and doesn't believe he would do anything to damage that relationship.

Mr. Keane asked if the complex would be fenced in. Mr. Davis stated it is not their intention to put up fencing. Mr. Keane asked, with respect to water usage, whether the fields were going to be natural grass or turf fields. Mr. Davis stated his understanding is that the fields will be synthetic. They are working through those details and that should be addressed during Preliminary site plan approval.

Mr. Blount voiced his approval of the project. His children were involved in sports when they were younger and he understands the concept of how the scheduling and planning need to work.

Mr. Keane opened the floor to audience comments. There were no comments from the public.

MOTION: Motion was made by Mr. Muller to recommend approval to the Board of Zoning Appeals for the special exception for privately owned outdoor recreational facilities for Sideline Properties with the following conditions: 1) that a process be put in place to allow local residents living in the PUD to be able to apply to use the fields when available and 2) contingent upon fulfilling all conditions called out in the Elkton Zoning Ordinance with respect to this use, specifically those found in Article XII, Section 27 Privately Owned Outdoor Recreational Facility (6.210). The motion was seconded by Mr. Thompson with the remaining Commission members voting as follows:

Mr. Blount – Aye

Mr. Keane – Aye

There being no votes against the motion, the motion passed unanimously.

****Please note that the following two plan submittals were made as a combined presentation.**

MORRIS & RITCHIE ASSOCIATES REPRESENTING SOUTHFIELDS OF ELKTON CAPITAL DEVELOPMENT (C/O STONEWALL CAPITAL), FINAL MAJOR SUBDIVISION PLAN, LOGISTICS CENTER AT PARCEL I, PHASE 1 FOR THE FOLLOWING TRACTS OF LAND:

TAX MAP 033C (316), PARCEL 169, CONSISTING OF 54.953 ACRES, ZONED PUD (PLANNED UNIT DEVELOPMENT), LOCATED ON THE WEST SIDE OF MALONEY ROAD, OWNER: SOUTHSIDE LLC;

TAX MAP 033E (320), PARCEL 2371, CONSISTING OF 244.0779 ACRES; ZONED PUD (PLANNED UNIT DEVELOPMENT), LOCATED ON THE NORTH SIDE OF FRENCHTOWN ROAD, OWNER: SOUTHSIDE LLC

MORRIS & RITCHIE ASSOCIATES REPRESENTING SOUTHFIELDS OF ELKTON CAPITAL DEVELOPMENT (C/O STONEWALL CAPITAL), FINAL MAJOR SITE PLAN, LOGISTICS CENTER AT PARCEL I, PHASE 1 FOR THE FOLLOWING TRACTS OF LAND; TAX MAP 033C (316), PARCEL 169, CONSISTING OF 54.953 ACRES, ZONED PUD

**(PLANNED UNIT DEVELOPMENT), LOCATED ON THE WEST SIDE OF MALONEY ROAD, OWNER: SOUTHSIDE LLC;
TAX MAP 033E (320), PARCEL 2371, CONSISTING OF 244.0779 ACRES; ZONED PUD
(PLANNED UNIT DEVELOPMENT), LOCATED ON THE NORTH SIDE OF FRENCHTOWN ROAD, OWNER: SOUTHSIDE LLC**

Mr. Sean Davis and Ms. Amy DiPietro of Morris & Ritchie Associates were in attendance to present this request. Mr. Davis stated this is the continuation of the Preliminary plan for this project and introduced Ms. DiPietro to give the presentation. She introduced the members of their team. They gave an overview of the development approval process and stated they are asking for Final Subdivision and Site Plan approval contingent upon addressing all outstanding comments.

She went over the status of the plans which have been submitted to this point. She provided a visual of the overall PUD site as well as Parcel I which is being addressed tonight. She provided the square footage for each of the three buildings which make up Parcel I. They are proposing three buildings, three lots and three phases. Tonight they are addressing the Site Plan for Building 1 only and will come back before the Commission for the other two buildings at a later date.

Ms. DiPietro provided plans showing an overview by square footage and/or acreage for the three lots and right of ways (roads, etc.). Lot #1 – 769,500 sf (75.462 acres); Lot #2 – 1,096,200 sf (101.706 acres); Lot #3 – 924,000 sf (113.240 acres) and the right of way areas are 8.175 acres. She noted there are 121 acres of forest of which 68% will be kept and 31 acres of wetlands of which 90% will be kept. She said these are phenomenal numbers for a development of this type.

She noted there will be signalized access off of Route 40, a through road (Commerce Center Drive). She stated there are access points and roads around the building to accommodate vehicle, truck and emergency vehicle access. She said they will be providing a total of 456 car parking spaces, 172 trailer drops and 180 loading positions at the building. She pointed out an area labelled as optional trailer storage will likely be graded but not built out unless a specific tenant requires the use of that area.

Ms. DiPietro stated water will be accessed off Commerce Center Drive. A 12 inch water main will be extended from Route 40 to serve all three lots. She noted a sewer main will go through an adjacent property for which an easement is already in place.

She went over the final landscape and bufferyard plan for adjoining properties, specifically those along Sarah Drive and Maloney Road. She said there will be extensive plantings and buffers provided which include trees, shrubs, and berms to screen the building from the residential properties. They are going to maintain the established vegetation which exists and supplement it with other plantings and buffer.

She provided sample architecture for the buildings and showed other facilities which Trammel Crow has developed. She provided a list of things which remain to be completed for this project which mainly consists of addressing final comments, applying for permits and providing agreements and bonds necessary for the project.

Mr. Davis said they are addressing both the subdivision and site plans into this one presentation but understand each will be addressed as separate action items. Mr. Keane said it would be ok to address questions and comments for both together. He asked if any other members of the team presenting this project had anything else to add. Ms. DiPietro said there is no planned presentation from any of the other

members who are in attendance. They are here to provide answers to specific questions from the Commission or the audience. There being no other comments, Mr. Keane opened the floor to Commission member questions or comments.

Mr. Keane said he is pleased to see that most of the comments from the Town and KCI have been addressed. He mentioned that they were asking for contingencies for some of the comments, mainly regarding stormwater management and the traffic plan. He stated he believed the stormwater management plan had been received by the Town and KCI but that it was provided so late on Friday that KCI has not had much time to review the plans. He asked Ms. Minner and Mr. Koenig for their questions, comments or concerns with respect to these plans. Mr. Koenig said his main concerns relate to comments or concerns forwarded from Cecil Soil Conservation regarding information which needs to be provided to the Town and KCI regarding their ability to comply with various codes for stormwater management. He said that if the Commission feels it is appropriate to approve the plans tonight he would suggest that they require final plans to be submitted which comply with the Cecil Soil Conservation District and the Town regarding stormwater management. Mr. Davis stated that they have submitted the stormwater management plans as part of each application and have gone through the review comments and revisions and resubmissions. The last resubmission was on Friday. He stated they have addressed a number of the concerns from the Town and KCI. They believe they are very close on stormwater management, but there are a few items which still need to be addressed and that is why they are requesting this as a condition of approval.

Mr. Keane reminded Mr. Davis that almost all of the local residents were concerned about runoff and how this would impact traffic issues. Mr. Davis said one of the main things that should be pointed out is the berm that is being provided along and behind Sarah Drive and Maloney Road. Any water that would fall on this side of the berm will be diverted away from the residential properties. He stated that they have to meet all the specific requirements from SHA for improvements along Route 40, not only the truck traffic but the employee traffic as well. This process takes a long time but they are moving forward and these requirements will be addressed.

Mr. Keane asked if there are other improvements, either east or west bound on Route 40, which are being required by State Highway to address the additional traffic. Mr. Davis said it is his understanding that there are proposed improvements along 40 but not with respect to Phase I. Mr. Biddle of Lenhart Traffic said there is a detailed process that they need to go through to determine what improvements will be required. They started with scoping meetings in August/September of 2019 with the initial submission of the entire traffic impact study in December 2019. They have addressed comments from the Town, County and State of Maryland since that time and submitted a revised traffic impact study to MDOT and SHA in April of 2020. MDOT and SHA have approved Phase 1 of the traffic impact study which includes Parcel I. The entrance at Commerce Center Drive across from Wilson Avenue will have to be improved and a traffic light added. He also shared two offsite improvements which would need to be made at some point in the future; one at Routes 40 and 279 and another at Route 40 and Landing Lane.

Ms. DiPietro informed the Commission that Trammel Crow plans to build out all of their improvements for Parcel I up front.

Mr. Keane questioned whether there would be a pedestrian crossing added at the new intersection at Route 40 and Commerce Center Drive. Mr. Biddle stated a pedestrian cross walk will be placed at the entrance on Commerce Center Drive but pedestrian signals associated with the traffic light were not required.

Mr. Thompson said he was glad to see that most of the comments had been addressed. Ms. Minner mentioned that they still have not received revised construction plans and the forest conservation plan comment letter has not been completed as yet, although there appears to be only minor comments. She said there may be more comments coming and, that she had not received any comments from KCI since October 1st for the construction plans. Mr. Koenig stated he believed they had only received the stormwater plans this morning and they have not had an opportunity to complete their review. He wanted to caution everyone that if any changes need to be made to the site plan to accommodate the stormwater regulations that they would have to submit a revised site plan and come back before the Commission. Mr. Davis stated that, on behalf of the applicant, they understand that if modifications need to be made to the site plan pertaining to the stormwater management which would substantially alter what they are doing that they would have to come back before the Commission. He said they are confident that this will not happen and that they don't see any issues with addressing any additional comments that might be made. Mr. Koenig stated that it would be the Town and KCI who determine what 'substantial' changes are and they would make the decision as to whether the plan would have to come back before the Commission. Mr. Davis agreed.

Ms. Minner added that without the approved access road the plans cannot be approved. She said she has not seen anything on the collector road. Mr. Koenig said that these two things need to be tied together in their approval. It was noted that Ms. Minner made this as one of her comments.

Mr. Keane noted the letter from Singerly Fire Company dated October 4th and he asked if Morris & Ritchie was aware of their comments and whether they had been addressed. Ms. DiPietro stated she had only received one comment letter from Singerly and had responded to them. Mr. Muller stated the most recent letter contained standard comments regarding fire department service regulations and needs. He stated that he feels some of the comments made were regarding the Southfields project as a whole. He felt there were some contradictions about staffing with respect to full time paid and volunteer staff numbers. Mr. Muller stated that fire safety is important with regard to equipment requirements and the safety of the public and he agrees with those Singerly comments.

Mr. Davis stated they intend to address all the comments from Singerly Fire Company and be in compliance with all fire safety codes and regulations. He reminded the Commission the project is only at Preliminary at this submittal and they will be addressing other comments and issues at the time they submit future plans.

Mr. Keane opened the floor to audience comments.

Mr. John Connolly thanked the Planning Commission and the Town for their efforts thus far. He has read comments between the Town and MRA and it is apparent to him that the Town is trying to address concerns of neighboring residents.

He stated he has spoken with Mr. Davis and Ms. DiPietro focusing on two areas: the access (loop) road on the north and east side of Building #1 regarding the intended use of the road. They said it was for emergency vehicle access and passenger cars. Their intent is not to use truck traffic to the buildings. He stated with increased signage and direction they will be able to control traffic within the site. The second area was regarding buffering of the noise from this type of operation for residents along Sarah Drive, Enfield Road and Maloney Road. He had questions about what was being proposed to address the resident's concerns. Mr. Davis agreed to walk the area with any concerned residents and he believes that would be a good idea. Looking at plans is helpful but being on the ground will be better to alleviate the

concerns of local residents and would give a better perspective. Mr. Connolly said the additional berms and plants will help to buffer the noise and shield the view.

Ms. Ann Connor asked Mr. Connolly if he could let her know when they will be walking the property because she would like to be involved. She said her property backs up to the area of the overflow parking lot. She wanted to be sure they have the buffer also. She stated she noticed they have mentioned the Land Use Article and protecting residential areas from industrial and commercial properties. She feels these plans are being done too quickly and the people who review the plans are not being given enough time to do their review. She said she hasn't heard anything about fences being placed as part of the buffer.

Mr. Davis said he would be sure to notify Mr. Connolly of times on Saturdays when the property can be walked. He said this project has been in process for 14-16 months and they do not feel the plans are being rushed. They have taken time to address a lot of comments from the Town and KCI and have done so diligently. He stated that they do not believe a fence is necessary with the landscaping and berm being provided. Early on there were comments from the community that fences only catch trash and debris and therefore they did not plan for the use of a fence.

He said they are trying to save as many existing trees as possible on the site and near the residential properties. Ms. Connor asked about the properties on Enfield Road. Mr. Davis said the same plantings and berm would be placed in this location as well. He said he would provide copies of plans when he meets with the public in order to answer their questions.

Ms. Connor asked about the proposed overflow lot for tractor trailer parking for future use. She asked why it wasn't placed further away from the neighborhoods. Mr. Davis said the reason is the area she is suggesting is part of wetlands. Mr. Keane noted that the approvals are contingent upon addressing all outstanding comments. He suggested Ms. Connor look at Ms. Minner's comments which list those from each phase. Ms. Connor said she's more concerned about plans, specifically the stormwater plans, which have not been addressed as yet. Mr. Davis reminded everyone that they still have other submittals which need to be made and many of those comments will be addressed with those future submittals.

Ms. Connor asked about lighting in the area. Mr. Davis stated they have prepared a photometric plan to assure there is no spill over onto residential properties.

Mr. Peter Kline was interested in the stormwater management plans and what the process was for resolving specific issues. Mr. Davis said he believes they have addressed all the Town and KCI comments but should there be additional comments they would have to be addressed as well. He asked if that determination is made by the Planning Commission or by office staff. Mr. Davis stated that typically the Town and KCI provide recommendations to the Planning Commission. Ms. Minner stated that any outstanding comments on the construction drawings have to be addressed or the Town Engineers will not sign the plans. If changes need to be made to the site plan then the plan would have to come back before the Commission. Ms. Minner noted that stormwater plans are reviewed by KCI. The Planning Commission only looks at the site and subdivision plans.

Mr. Keane asked if final approval has been given by Cecil Soil on the stormwater management plan. Ms. Minner stated that Cecil Soil has not given final approval yet as they wanted to see revised plans prior to making that recommendation. Both Cecil Soil and KCI have to sign the plans and neither will sign the plans unless their comments are addressed.

There being no further audience comments, Mr. Keane closed the public question section. He asked if the Town or KCI have any additional comments. They had no further comments. Mr. Keane asked Ms. Blackson if she had any comments. She asked if Mr. Koenig could provide his recommendation again regarding the stormwater management approval. He stated that he feels that final stormwater plans must be submitted and approved by CSCD, KCI and the Town. Any changes resulting in plan approval may need to come back before the Commission if the Town deems that those changes are substantial in their final review. He stated that he feels the construction plans for the proposed road should also be tied to the conditional approval of this plan because that allows access to the site for development. Ms. Minner also added that any outstanding comments would need to be addressed. Mr. Koenig also stated that the Singerly Fire Comments should be included as well.

MOTION: Motion was made by Mr. Thompson to approve the Final Major Subdivision Plan for Southfields of Elkton Capital Development, Logistics Center at Parcel I, Phase 1, contingent upon addressing all outstanding comments. The motion was seconded by Mr. Blount with the remaining Commission members voting as follows:

Mr. Muller – Aye

Mr. Keane – Aye

There being no votes against the motion, the motion passed unanimously.

MOTION: Motion was made by Mr. Muller to approve the Final Major Site Plan for Southfields of Elkton Capital Development, Logistics Center at Parcel I, Phase 1, contingent upon the following conditions:

- 1) Address all outstanding comments from the Town and KCI. This includes the comment by the Town that without an approved and constructed access road, this project cannot be constructed;**
- 2) Revised construction drawings must be submitted and approved by the Town and KCI,**
- 3) Any stormwater management comments from KCI, the Town and Cecil Soil Conservation District must be addressed and any changes to the site plan required for stormwater management must be approved by the Planning Commission and**
- 4) Address all comments from Singerly Fire Company.**

OLD BUSINESS: Ms. Minner stated that the annexation for the Ayars property has been put off for a month. The plans for the Southfields Sports Complex will likely be in for the December meeting.

Mr. Keane stated he noticed that all the shrubs on the McDonald's property along Route 40 and Route 213 have been removed. He mentioned that this is not the first business that has done this. Ms. Minner noted that Mr. Bromwell has been addressing these issues and that she will mention it to him.

NEW BUSINESS: There were no items of new business.

The next meeting of the Planning Commission will be on Monday, December 7, 2020.

There being no additional items for discussion, Mr. Keane adjourned the meeting at 9:14 p.m.

Respectfully submitted,

Brie Humphreys