

**TOWN OF ELKTON  
PLANNING COMMISSION  
FEBRUARY 8, 2021  
VIRTUAL MEETING MINUTES**

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

**Absent:** None

Mr. Wiseman called the meeting to order. He stated the first item on the agenda was approval of the minutes from the January 11, 2021 meeting. He called for a motion.

Mr. Keane requested a correction to Page 7 regarding addition of the traffic impact study for Southfields Sports Park in paragraph 2. There being no further revisions Mr. Wiseman called for the motion.

**MOTION:** Motion was made by Mr. Ginder to approve the minutes of the January 11, 2021 Planning Commission meeting as amended. The motion was seconded by Mr. Keane and unanimously approved by the remaining Commission members.

**PUBLIC HEARING – To consider an amendment to the Elkton Zoning Ordinance for the following Article:**

**ARTICLE X – PERMISSIBLE USES – Section 7.2 Permissible Uses Table, Use Description  
12.100 Veterinarian - to be permitted in the BI (Business and Industrial) Zone**

Ms. Minner presented the amendment to the Permissible Use Table, Section 12.100 Veterinarian. She stated the Town was approached by someone interested in property on Route 213 near the water tower on Dogwood Road. She mentioned there are some existing non-conforming residential homes which exist in the BI (Business Industrial) Zone. Someone wanted to locate a veterinarian clinic. She stated that Mr. Bromwell had approached her and suggested that we allow this use in the BI Zone.

Mr. Wiseman asked how this use is allowed currently in other zones. Ms. Minner stated it is permitted by right in the C-1, C-2, C-3 and BP zones.

Mr. Keane asked if allowing this use in the BI zone would open this zone up to other medical uses. Ms. Minner noted that BP and BI zones are very similar with respect to uses allowed. She stated offices of physicians are already allowed by Special Exception in the BI zone.

Mr. Ginder questioned how close would this use be allowed to residential zones. He said his main concern is that if animals are being kennelled overnight they might disturb adjacent residential properties. Ms. Minner pointed out the BI zone on the Town Zoning Map and stated that ordinarily it is close to the C-2 zones.

Mr. Wiseman asked if the Mayor & Commissioners can change any recommendation the Commission might put forward. Ms. Minner asked Ms. Blackson to provide any counsel with respect to this question. Ms. Blackson stated the Commission can recommend a special exception with conditions

and the Mayor & Commissioners had the right to accept the recommendation as presented, make changes to the recommendation or deny the recommendation.

Mr. Wiseman said his only question was why it was not already allowed in the BI zone. Discussion ensued regarding the size of animals being treated and whether they should consider requiring a special exception which would call out specific conditions they felt would need to be met. Mr. Keane asked if the conditions needed to be called out in the recommendation to the Mayor & Commissioners. Ms. Blackson interjected that if the use is listed as a special exception then that means it is appropriate in the area but may require some reasonable conditions. She explained that the difference is that a special exception with conditions may be made by the Commission and sent on to the Board of Zoning Appeals who may or may not accept some or all of them. With a special exception with conditions in the Permissible Uses Table the conditions are called out for which they would need to comply. She said it might be difficult to meet the conditions in some areas if they are near residential zones so she felt the members should provide conditions they felt were necessary and she and Jeanne could look over them and present them at the next meeting for approval.

Mr. Keane stated his main concern was outdoor kennels near residential properties. There was discussion regarding allowing it with a special exception and then looking at it on an individual basis. Ms. Blackson advised that this could lead to someone feeling the Town is being 'arbitrary and capricious' in how conditions are placed on different submissions.

Commissioner Broomell questioned why they are considering putting restrictions for this use in the BI zone when there are no restrictions in the C-2 which is near residential properties. Mr. Wiseman stated he felt it is better to place conditions prior to the approval then try to make those changes once there are problems. Ms. Broomell asked if there were any restrictions currently on any other zone where this use is permitted. Ms. Blackson stated this use is permitted by right in all the other allowable zones, even those that abut residential properties.

Mr. Ginder asked whether another public hearing would be required if they recommend a special exception with conditions for this use. Ms. Blackson stated that unless they intend to change all the zones where this use is permitted to require a special exception then another public hearing would not be necessary. Mr. Ginder stated he believes there should be defined requirements for this use. Ms. Minner asked if he felt this amendment should be put on hold until conditions are defined. He agreed. Mr. Wiseman asked if the conditions would need to be defined at the meeting. Ms. Blackson stated if the Commission chooses to do that it would be fine. She stated she and Ms. Minner could work on them according to the comments made at the meeting and then bring this item back once the conditions are determined. She asked if the Commission wanted to add the conditions in the other zones as well.

Mr. Wiseman stated as a home owner he feels there would be certain conditions if the properties are near residential zones. Commissioner Broomell said if there are serious concerns then maybe a broader ordinance is necessary for all the zones.

Mr. Muller stated he felt there needs to be a differentiation between a clinic and a hospital and provided some examples of veterinarians in the local area and surrounding region. He stated he feels the Commission needs to make specific recommendations, if any are necessary, between these two

uses. Mr. Blount interjected that larger animals, like horses, would be treated by a mobile vet. Mr. Muller agreed that the Commission needs to consider the basics of veterinary medicine.

Ms. Blackson stated there are conditions with respect to animal boarding and kennels and she read the conditions called out in Article XII, Supplementary Use Regulations, which state: "An animal boarding or kennel may be permitted by the Board of Appeals as a Special Exception in the C-2 District and shall be permitted in the C-3 and B-P Districts provided that such animal boarding place or kennel shall be located only on a lot having an area of two (2) acres or more and that no part of any building or area used for such purposes shall be located within one hundred (100) feet of any street or road or the nearest property line, or, in the alternative, that the animals be kept in a sound-proofed building from 8 pm to 8 am and that it shall be located only on a lot having an area of two (2) acres or more and that no part of any building or any area used for such purposes shall be located within fifty (50) feet of any street or road or the nearest property line or within one hundred fifty (150) feet from any dwelling other than the house of the owner or person in control of the boarding place. The Board of Appeals is hereby empowered to increase the restrictions herein provided and to add others when it is deemed necessary in order to protect the health and safety of residents and workers on adjoining properties and in the general neighborhood. Such a use shall be for a period of two (2) years, subject to renewal."

Ms. Minner called for a consensus from the Committee as to whether they wished to use the same conditions for a veterinarian use. Mr. Muller voiced his disagreement with placing restrictions which would discourage a business from coming into Town. Mr. Keane noted that the Commission needs to consider all possible concerns regarding any business use which might affect neighboring properties, especially those in residential zones. Mr. Keane said he feels the Commission should work up reasonable conditions depending on the use being proposed. Mr. Muller stated that he would like to see the Town be able to grow instead of having all these restrictions placed on businesses who are trying to move into Town. Mr. Wiseman pointed out that as long as the business meets the conditions necessary for what they are proposing then the approvals should go through easily.

Mr. Wiseman asked Ms. Minner if they could use the same conditions for veterinarian as those imposed for animal boarding or kenneling or would they need to be modified. Ms. Minner stated that the Zoning Administrator's interprets the Ordinance as follows: If a veterinarian as a practice was permitted in C-1, C-2, C-3 & BP and the veterinarian also has boarding or kenneling as part of their professional services then they would be required to abide by the boarding and kenneling requirements. The Commission members felt this would be a good solution. Commissioner Broomell also felt this was a good option.

Mr. Wiseman inquired whether the conditions would need to be adopted or if the amendment would have to come back before the Commission again. Ms. Blackson stated it wasn't necessary to present the amendment again if they chose to allow veterinarians by special exception contingent upon abiding by the existing conditions should they have animal boarding or kenneling as part of their services. The Zoning Administrator would make the decision when the new business comes in as to whether they would fall under the boarding or kenneling conditions. She stated that if they wished to place the same conditions in all the other zones then it would have to come back before the Commission since it was not advertised that way.

Mr. Wiseman opened the floor to comments from the audience. There was no one to speak for or against this submittal.

There being no other discussion, Mr. Wiseman closed this portion of the Public Hearing. He called for a motion regarding this agenda item.

**MOTION: Motion was made by Mr. Ginder to recommend approval to the Mayor & Commissioners of the amendment for a veterinarian use in the BI Zone by special exception subject to abiding by the conditions in place for boarding or kenneling should the practice provide those services. The motion was seconded by Mr. Keane and unanimously approved by the remaining Commission members.**

Mr. Wiseman moved to the next item on the agenda.

**PUBLIC HEARING – To consider an amendment to the Elkton Zoning Ordinance for the following Article:**

**ARTICLE X – PERMISSIBLE USES – Section 7.2 Permissible Uses Table, Use Description 1.330 Commercial Apartments - to be permitted in the RO (Residential Office) Zone**

**ARTICLE XII – SUPPLEMENTARY USE REGULATIONS – Section 28. Residential Structures – Single-Family Attached (Townhouses) and Multi-Family Dwellings (Apartments) (1.200 and 1.300), Subsection 3. To be amended to include the RO (Residential Office) Zone and the following, d) “In the RO zone, no more than two (2) apartments are permitted above the street level office.”**

Ms. Minner explained that the need for the amendment came about with respect to the Residential – Office zone due to the fact that historically structures in this zone could be utilized for either residential use or office use. The residential use would have been a single family detached use and the office would have been just office use. We are seeing a lot of existing non conformity in this area on both sides of Main Street in the middle of the downtown area. Ms. Blackson shared the map and pointed out the areas in the downtown Residential Office zone.

Ms. Minner stated the Zoning Administrator noticed that a lot of the buildings with the non-conformities were working well with residential units above the street level office/business uses. Mr. Bromwell suggested the amendment in order to allow for commercial apartments with specific conditions. The conditions are that there would only be two apartments allowed above the street level.

Mr. Blount asked if there would be adequate parking along Main Street. Ms. Minner stated the parking criteria for commercial apartments already stipulates the following conditions; a) No apartment is situated at the street level; b) All apartment units meet applicable building and livability codes; and c) For new apartments: Off-street parking shall be required in accordance with the provisions of Article XVIII Parking. She stated they are requesting to add another condition, designated as d) “In the RO zone, no more than two (2) apartments are permitted above the street level office.”

Mr. Wiseman mentioned this has come up in the past with regard to when Elktowne Center came in. Ms. Minner stated the only difference is that particular property is in the Town Center Zone and there has always been a question about what constitutes street level. Mr. Keane inquired about what defined a commercial apartment and asked if it was simply an apartment above a commercial business. Ms. Minner stated he was correct and stated that a residential apartment building with ground level apartments require a two (2) acre parcel and are not allowed in the RO zone.

Mr. Wiseman called for any other comments or questions from the Commission members. There being no further comments, he called for comments or questions from the audience. There was no one to speak for or against this agenda item.

Mr. Wiseman closed this portion of the public hearing. He called for the motion regarding this agenda item.

**MOTION: Motion was made by Mr. Keane to recommend approval of the amendment for Commercial Apartments to be permitted with conditions in the RO (Residential-Office) Zone and to amend Article XII Supplementary Use Regulations, Section 28, Subsection 3 to include condition d) as presented. The motion was seconded by Mr. Blount and unanimously approved by the remaining Commission members.**

**New Business:** Mr. Wiseman presented Commissioner Broomell as the new Ex-Officio member of the Planning Commission.

**Old Business:** Mr. Ginder asked if any follow up had been made regarding removal of trees on commercial properties in Town. Ms. Blackson stated that Mr. Bromwell had sent out letters asking them to provide their landscaping plan and he will be following up on that.

Ms. Minner stated there may be some amended site plans coming before the Commission in March and possibly some additional Southfields project coming in as well.

Mr. Wiseman asked about the status of the Ayars property annexation. Ms. Minner stated the County Council tabled the vote on the request to change the zoning. She said the application may approach the County Council about making a decision.

Ms. Minner stated there has been no decision made on the change in zoning for the Hertrich property off Pulaski Highway.

Mr. Muller asked what kind of work was being done on Pulaski Highway. There was a construction company sign placed. Ms. Minner stated it might be Trammel Crow moving forward on the road for the Logistic warehouse site at Southfields Parcel I.

Commissioner Broomell stated she is looking forward to working with the Planning Commission. She asked if her contact information could be provided to the Commission members.

Mr. Wiseman stated the next meeting of the Planning Commission will be March 8, 2021.

There being no further business to discuss Mr. Wiseman adjourned the meeting at 6:54 p.m.

Respectfully submitted,

Brie Humphreys