

**TOWN OF ELKTON
PLANNING COMMISSION
AUGUST 16, 2021
VIRTUAL MEETING MINUTES**

Present: G. Edward Ginder; Keith Thompson; Will Muller; Art Blount; Lisa Blackson, Esquire; Jeanne Minner, Director of Planning; Nick Cannistraci, Planner

Absent: Dave Wiseman; Rick Keane

Mr. Ginder called the meeting to order. He stated the first item on the agenda is approval of the minutes from the July 12, 2021 meeting.

MOTION: Motion was made by Mr. Thompson to approve the minutes of the July 12, 2021 Planning Commission meeting as written. The motion was seconded by Mr. Blount and unanimously approved by the remaining board members.

ECOLOGICALLY SOUND LANDSCAPES REPRESENTING ROYAL FARMS, REVISED LANDSCAPE PLAN, 25 AUGUSTINE HERMAN HIGHWAY, TAX MAP 033B, PARCEL 2357 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Jodie Shivery of Ecologically Sound Landscapes and Mr. Quinn O'Rourke of Royal Farms were in attendance to address this request. Ms. Shivery stated she was hired by Royal Farms to update the landscaping at their properties. She stated she hopes to have the new plantings in this fall. She noted she received comments dated 8/5/21 and went over the comments. She stated that rather than placing turf in the buffer yards they will be planted and mulched which will make them easier to maintain. She noted she will be placing plants which won't overgrow the beds in which they are planted.

Ms. Shivery mentioned that there is no buffer required between Burger King and the Royal Farms. It is a marginal area and most of the spruce have died. She is planning to remove the spruce and replace them with arborvitaes. This will help to create a visual buffer between Royal Farms and Route 40.

Ms. Shivery is requesting a design waiver to exceed seven (7) parking spaces between landscaped islands. They are proposing to remove the two bump outs with existing plant material in front of the store. They wish to create two additional parking spaces in that location. They are also proposing to remove one parking space directly in front of the door to create a larger open space access from the gas pump area and removal of the bump out/planting area on the north side of the building to create an additional parking space. Additionally, they are proposing to remove a portion of the bump out at the north east corner of the building and extending the walkway. Ms. Minner stated that the Town engineers, KCI, must review the amount of square footage of pervious surface that was being removed from the landscape islands to determine if there will be any effect to stormwater management on the site.

Removal of curbing on the interior of the site was mentioned and Ms. Minner stated those changes would need to be reviewed for effect to stormwater management by the Town engineers as well. Mr. O'Rourke pointed out there is a grate in the center of the drive lane and he did not believe the stormwater would be affected. He mentioned their store near Mechanics Valley Road in North East where the suggested changes have been made. The steel bollards, to prevent vehicles from driving

into the front of the store, will remain in place. Ms. Shivery mentioned the sloped area will be at a 3 to 3.75 grade up to the top of the existing curbing and ADA requirements are 8%. Ms. Minner asked if they would be affecting the sidewalk. Mr. O'Rourke stated they would not unless there was an issue that needed to be corrected on the existing sidewalk. Ms. Minner informed Mr. O'Rourke that the changes they are proposing with respect to curbing needs to be made as a formal request and will need to be reviewed by the Town's engineers.

Mr. Ginder entertained questions or comments from the Commission members. Mr. Blount stated he liked the idea of removing the curbing. Mr. O'Rourke stated their intention is to remove tripping hazards. They will be doing this on any remodel or new construction to their stores from this point on.

Mr. Muller stated the curbing can be seen clearly at the Mechanics Valley store on Google Earth. Mr. O'Rourke said it is a better transition coming in and out of the store. Mr. Ginder noted that at this time the Commission would only give preliminary approval since Ms. Minner had not been given the time to address their proposal regarding the curbing prior to the meeting. Ms. Minner suggest they make the motion contingent upon review and approval of the plans by Ms. Minner and the Town engineers.

Mr. Ginder opened the floor for audience comments. Ms. Jennifer Brown of Arrow Electric inquired when the project is proposed to begin and the length of time to completion. Mr. O'Rourke stated once the plans are approved and permits are secured they would begin work within a month.

Ms. Brown asked if there would be any obstruction to the shared entrance to their business off of Augustine Herman Highway. Mr. O'Rourke noted if it is affected it would be on a temporary basis only while the paving is being done and they would welcome their input and address it should there be any concerns about customers being able to access their business.

Ms. Brown inquired if there would be any plantings on the south side of the building. Mr. O'Rourke pointed out where the plantings would be and noted there would be a mix of trees and shrubs.

There being no further questions Mr. Ginder introduced the next item on the agenda.

MOTION: Motion was made by Mr. Thompson to approve the Revised Landscape Plan for the Royal Farms at 25 Augustine Herman Highway and allowing for the following design waivers: 1) a waiver to the landscape standards of Buffer Yard C as presented and 2) to exceed seven (7) parking spaces between landscaped islands with removal of bump outs and plantings as presented contingent upon approval by KCI and the Fire Department specific to the fire hydrant location and contingent upon approval by Ms. Minner and KCI regarding the proposed changes to the curbing made by Mr. O'Rourke with respect to stormwater management regulations. The motion was seconded by Mr. Muller and unanimously approved by the remaining Commission members.

ECOLOGICALLY SOUND LANDSCAPES REPRESENTING ROYAL FARMS, REVISED LANDSCAPE PLAN, 1199 EAST PULASKI HIGHWAY, TAX MAP 033C, PARCEL 2337 AND ZONED C-2 (HIGHWAY COMMERCIAL)

Ms. Jodie Shivery and Mr. Quinn O'Rourke addressed this request. Ms. Shivery reviewed the plantings being proposed for the buffer yards. She asked the Commission for a design waiver to the landscape standards of the Buffer Yard C requirement. She believes what is being proposed will be aesthetically pleasing and be an improvement with respect to landscaping at many businesses in the area. Buffer Yard C requires 16 canopy trees, 32 understory trees and 48 shrubs. They are proposing 8 canopy trees, 3 understory trees, 21 shrubs and 1,793 perennials (3' Ht).

Ms. Shivery addressed the second design waiver which is to exceed 7 parking spaces between landscape islands. They are proposing to remove 2 bump outs in the rear (north) parking area which contain marginal plantings. This will create a net gain of one parking space. She noted there are currently 12 parking spaces separated by the existing bump outs. There will be a net gain of 1 (one) parking space in this area. She is proposing placement of 4 shade trees between the adjacent property and the walkway to compensate for the removal of the two areas. The plan removes one parking space on the north side of the building. She stated they added 1 (one) van accessible handicapped parking space to the front of the building. This van accessible space will be placed next to the current handicapped parking space.

Ms. Shivery is also requesting a design waiver to exceed 7 parking spaces between landscaped islands along the store front. Currently there are 9 regular parking spaces and 1 handicapped space which are separated by a bump out. They are proposing to remove the bump out in order to create a larger, safer access area from the front of the store to the gas pumps. She stated this area is not a viable planting area due to the amount of pedestrian traffic.

Mr. Ginder opened the floor for Commission comments or questions. Mr. Muller stated he agreed with the removal of the bump out in front of the store.

Ms. Minner noted she will need details of the landscape islands and if they choose to install vehicle charging stations they will need electrical permits. She mentioned that there needs to be a ten (10) foot clear access to the fire hydrants for the fire department to locate them quickly. They can't be obscured by plants. Mr. O'Rourke questioned whether a metal reflective sign could be placed for location purposes. Ms. Minner stated if he would send her an email with that request she will forward it on to Singlerly Fire Company.

Mr. Ginder asked if there were any questions or comments from anyone in the audience. There was discussion regarding the clearance requirements for fire hydrants. Ms. Minner stated she will check with the Fire Department.

MOTION: Motion was made by Mr. Thompson to approve the Revised Landscape Plan for Royal Farms at 1199 East Pulaski Highway and allowing for the following design waivers: 1) a waiver to the landscape standards for Buffer Yard C as presented, 2) to exceed seven (7) parking spaces between landscape islands and removal of two bump outs at the rear parking area and 3) to exceed seven (7) parking spaces between landscape islands along the front of the

store with the removal of one bump out and contingent upon approval by KCI and the Fire Department specific to the fire hydrant location with respect to plantings and contingent upon approval by Ms. Minner and KCI regarding the proposed changes to the curbing made by Mr. O'Rourke with respect to stormwater management regulations. The motion was seconded by Mr. Blount and unanimously approved by the remaining Commission members.

2020 ANNUAL REPORT TO MARYLAND DEPARTMENT OF PLANNING

Ms. Minner presented the 2020 Annual Report and stated the report will be voted on by the Commission and then filed with the Mayor & Commissioners. It will then be forwarded to the Maryland Department of Planning. (see copy attached)

ACTION: The Commission unanimously recommended approval of the Annual Report to the Mayor & Commissioners as presented.

ANNEXATION A1-2021 – REQUEST OF PRESTON AYARS AND LAETITIA AYARS FOR ANNEXATION OF REAL PROPERTY, LOCATED BETWEEN BELLE HILL ROAD & ELKTON ROAD, FOR THE FOLLOWING THREE (3) PARCELS; TAX MAP 027B, PARCELS 58, 2483 & 807. THESE PARCELS ARE CURRENTLY ZONED RM (HIGH DENSITY RESIDENTIAL) UNDER CECIL COUNTY ZONING WITH A PROPOSED ZONING CLASSIFICATION OF C-3) HIGHWAY INTERCHANGE) UNDER TOWN OF ELKTON ZONING

Mr. Evan Rollins was in attendance to represent the Ayars regarding the annexation. He stated they are attempting to annex three (3) parcels, a total of 56 acres, which they would like to have zoned C-3 (Highway Interchange). He noted this project has been in process for some time and he will be glad to answer any questions the Commission members might have.

Mr. Ginder opened the floor for Commission comments. Mr. Muller asked for clarification regarding the procedures. Ms. Minner stated the procedure is that if the Town zoning requested is significantly different than current County zoning then the County would have to grant consent for the requested zoning. Ms. Minner stated the procedure dictates that the Town would seek comments from the County thirty (30) days prior to the Town's meeting. The County was notified within the timeframe but chose to schedule the hearings at their September meetings.

Ms. Minner recommended the Commission make their decision contingent upon the County's approval of the change in zoning. She stated that if the County denies the requested zoning change then the parcels would still be able to be annexed but would have to be zoned similar to what it is in the County, which would be R-3 (Urban Residential) for a total of five (5) years.

Ms. Minner stated she had forwarded all the information regarding the annexation to the County Commissioners, the County Planning Department, and to the State Planning Department. The State has since responded and provided their comments.

Discussion ensued regarding the requirements surrounding the annexation request. Discussion regarding water & sewer requirements followed and Ms. Minner noted the Town can accommodate 18,000 gallons a day of waste water. She stated that water needs in this area would be provided by Artesian Water. She pointed out that this is the equivalent of approximately 72 homes.

Mr. Ginder opened the floor for audience questions or comments. There was no one in the audience to speak for or against this proposal.

MOTION: Motion was made by Mr. Thompson to recommend approval to the Mayor & Commissions of the annexation request for the Ayars property and not contingent upon the letter of consent from Cecil County. The motion was seconded by Mr. Muller and unanimously approved by the remaining Commission members.

OLD BUSINESS: Ms. Minner asked for confirmation that all members of the Commission had completed the Maryland Department of Planning training for any members of local municipal Planning Commission or Board of Zoning Appeals committees. Each member confirmed they have taken the training.

NEW BUSINESS: Ms. Minner stated the Town has received a number of requests from homeowners in Patriots Glen to remove street trees which were planted behind the sidewalk and are now affecting their water lines. Ms. Minner asked the Commission members to give her the flexibility to work with the homeowners with respect to trees on individual properties on a case by case basis. Ms. Minner stated she would check to see if the street trees were in easements. Ms. Blackson mentioned that they should also check the bylaws of the Subdivision to protect the Town.

Ms. Minner stated they will need to begin work on the Comprehensive Plan. She would like the Commission's input as the plan is being worked on. She noted she has applied for a grant in order to hire a consultant to assist in the process and provide guidance.

Ms. Minner confirmed a new business coming to the Upper Chesapeake Corporate Center. She stated that Clene Nanomedicine will be employing approximately 500 people. Their pharmaceutical product is focused on neurological disorders such as Parkinson's, ALS and MS.

There was discussion regarding the status of the Southfields project. Ms. Minner noted they have submitted draft revised layouts for Parcel C (single family homes) and the Sports Complex. She noted that she had met with representatives for each of these projects. She stated they have addressed most of her issues and they are working on the traffic issues. She had requested Mr. Borkowski of KCI to review the traffic patterns and make recommendations in order to try to alleviate traffic concerns.

Ms. Minner noted they have been having progress meetings regularly for Southfields. She stated she felt they might be submitting plans by October. There was discussion about the traffic coming in and out of the warehouse site consisting of large dump trucks, etc. Mr. Muller mentioned he thought a traffic light was supposed to be placed there. Ms. Minner noted that State Highway regulations require certain traffic loads before a traffic light is warranted.

There was discussion regarding the Free State project on Muddy Lane and Belle Hill Road specific to trees being removed. Ms. Minner noted that a berm will be created with buffer yard plantings near Radkie Lane.

Ms. Minner informed the members that there will be another project being submitted by McConnell Development for the September meeting to be located across from the current warehouse. She stated that the warehouse project is up and running.

There was discussion regarding Estes expanding in the Upper Corporate Center with respect to a repair shop. Discussion ensued regarding water and sewer along Maloney Road.

Mr. Ginder mentioned different properties with high weeds – the Delaware Avenue ‘triangle’, North Street, Red Hill Road near the Welcome to Elkton sign, the Dollar General, and Far Creek along Red Hill Road. Ms. Minner suggested that concerns such as these should be addressed to Chip Bromwell. She mentioned that the issues in Far Creek need to be addressed to the County Executive’s office.

Mr. Ginder questioned the number of signs at Vlamis Liquors. Ms. Blackson stated there has been a question as to whether these signs were ever permitted initially which would allow them to be considered ‘grandfathered’. Ms. Blackson stated she would talk with Mr. Bromwell about it. He also mentioned the banners at the North Side shopping center. These signs should also be addressed to Mr. Bromwell.

Mr. Thompson brought up the property off of Baker Lane with storage trailers. He stated he mentioned this to Mr. Bromwell and was told he was aware of it and would be addressing the trailers. Ms. Minner mentioned that the timeframe between the property no longer being used as a residence and a new owner purchasing the property could cause the property to revert to the current zoning. If that is the case then the storage trailers might be allowed in the BI zone which is the current zoning of the property.

There was discussion regarding the cleaning of the Senator Baker bridge on Route 213 which had recently been completed. Commissioner Broomell noted it had taken some time to get approval to have that work done due to environmental concerns but that it had been approved.

NEXT MEETING – September 13, 2021

Mr. Thompson stated he would not be in attendance at the September meeting. Ms. Minner stated she may attend by Zoom since she will not be available that evening. There being no other items for discussion, Mr. Ginder adjourned the meeting at 7:34 p.m.

Respectfully submitted,

Brie Humphreys