

**TOWN OF ELKTON
PLANNING COMMISSION
MAY 11, 2015**

PRESENT: David Wiseman; G. Edward Ginder; David Fordyce; Rick Keane; Keith Thompson; Commissioner Mary Jo Jablonski; Cameron Brown, Esquire; Theresa C. Thomas, Assistant Planner

ABSENT: Steve Leonard; Jeanne D. Minner, Director of Planning

Mr. Wiseman called the meeting to order at 7:00 p.m.

ACTION: A motion was made by Mr. Ginder to approve the minutes from the March 9, 2015 Planning Commission meeting. The motion was seconded by Mr. Fordyce and unanimously approved.

REQUEST OF TOMMIE MAE BYERS, 20 KINA COURT, ELKTON, MARYLAND FOR A HOME OCCUPATION. THIS ACTION CONCERNS PROPERTY LOCATED AT 20 KINA COURT, ELKTON, MARYLAND, TAX MAP 306, PARCEL 2447, ZONED RO

Ms. Tommie Mae Byers was in attendance to present this request to the Board. She addressed the information she provided concerning the conditions required for the special exception to provide accounting services from her home. She stated there would be no change to the appearance of her home and that there would not be clients coming to her home. She will be using less than 10% of her home to conduct this business. She noted she is semi-retired, works as a Federal contractor and is self-employed with Danya International.

Mr. Wiseman commended Ms. Byers for applying for the special exception and complimented her on how well she addressed the conditions in her submittal to the Board. He entertained comment or questions from the Board. Mr. Keane asked for clarification concerning the paperwork addressing renewal of her business. She stated the renewal was for her licensing from the State with regard to her trade name.

Mr. Wiseman entertained questions from the audience. There were no additional questions regarding this special exception.

MOTION: Motion was made by Mr. Fordyce to approve the application for special exception for a home occupation. The motion was seconded by Mr. Thompson and unanimously approved.

CASE # 1474 – REQUEST OF GLOBAL HEALTH, 300 EAST PULASKI HIGHWAY, ELKTON, MARYLAND FOR A SPECIAL EXCEPTION TO ALLOW A NURSING CARE INSTITUTION IN THE C-2 ZONE. THIS ACTION CONCERNS PROPERTY LOCATED AT 300 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 315, PARCEL 2377, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. James Dellmyer, legal representative for Global Health and Ms. Mary Cannistraro, Manager of Global Health were in attendance to address this special exception request. Mr. Dellmyer stated they are applying for a special exception under Section 9 - Clinics of the Zoning Ordinance. They wish to operate a short term detox facility for patients with the goal of eliminating their use of drugs. He noted that it would fulfill a need in the community for this type of service since there are no facilities that provide this service within fifty (50) miles of Elkton, other than one he heard about that Union Hospital is proposing. He then stated the facility they are proposing with this submittal will be an eight (8) bed facility with a required waiting room.

He went on to confirm they are currently in the process of applying for their State licensing and there is a pre-inspection scheduled in two weeks to tour the facility. He mentioned they will be working closely with the State during the development of the facility. Given the fact that this facility will be located at 300 East Pulaski Highway there is sufficient lot area. They are proposing to occupy less than 10,000 sf, they are able to meet all setback requirements and there is no change in the height of the building. He noted that the facility will be located within the existing building rather than adding any square footage to the existing building. They would be a tenant of 300 East Pulaski Highway.

Regarding the special exception requirements they believe this location is uniquely situated to provide this service due to the central location on Route 40 and due to the C-2 zoning of the parcel. They feel this area would be more appropriate than other locations due to its location and would have little impact on the area.

Mr. Wiseman requested clarification regarding the number of beds which are shown on the submittal rendering. Mr. Dellmyer corrected his previous statement where he stated there would be eight (8) beds and confirmed there would actually be fifteen (15) beds with each bed having use of a restroom and shower.

Mr. Wiseman asked if the entrance to the facility would be at the existing main entrance or if they would have a private entrance. Ms. Cannistraro confirmed that they would have a private entrance to the facility from the side of the building. Mr. Wiseman asked if there would be onsite managers to provide the necessary security. Ms. Cannistraro stated there would be an onsite counselor and social worker. Mr. Wiseman asked if they would be providing services to clients with both alcohol and narcotic addictions. Ms. Cannistraro confirmed they would be providing service for both.

Mr. Wiseman inquired whether this is their first facility of this type or if they are managing any other locations. Ms. Cannistraro confirmed this would be her first endeavor of this type. Mr. Wiseman asked how clients would be referred and pay for this service. Ms. Cannistraro noted insurance would cover the treatment being provided and they are not receiving any State funding.

Mr. Ginder inquired what the length of stay at the facility would be. Mr. Dellmyer stated the anticipated stay would be 7 to 14 days depending upon the level of addiction and detox process. Mr. Wiseman offered that he has had family members at similar facilities and there was always an outdoor area where the clients could relax and wondered how they might offer this type of recreational area. Mr. Dellmyer stated he had spoken with a representative of the landlord and there is an outside area that could be fenced off which could allow access, ingress and egress, to the building and provide security.

Mr. Wiseman asked if there were to be windows provided in the facility. Mr. Dellmyer stated that based on the way the space is rented he did not believe there would be any windows in the facility. Mr. Wiseman stated his concern, due to the nature of the clients, with security and questioned whether there is still a pharmacy within that building. Ms. Cannistraro confirmed that a pharmacy was still operating at that location. Mr. Wiseman asked how they could prevent clients from leaving the facility. He wondered if they could leave the facility against medical advice. Ms. Cannistraro stated if clients wished to leave they are unable to force them to stay.

Mr. Ginder asked if the building would be designed by an architect in order to address life and fire safety issues. Mr. Dellmyer confirmed that an architect would be doing the plans according to code as required by the State. Mr. Ginder voiced his concerns with these particular issues being met. Mr. Wiseman confirmed with Ms. Thomas that if the special exception is approved they would then need to meet the requirements of the building code and the Fire Marshal review the plans once they are submitted.

Mr. Thompson inquired whether they are required to have a window for egress from each room. Ms. Thomas stated that the type of use being proposed in the structure would drive the code requirements. Discussion ensued regarding the location of this facility in the existing building.

Mr. Wiseman inquired whether this submittal required neighboring property owners to be notified. It was determined that for a special exception it is not required because notification is provided by way of the local newspaper and online at the Town's website.

Mr. Fordyce inquired who is on staff at all times. Ms. Cannistraro stated that there will be a social worker, counselor, nurse and security 24/7 and that she will be there as well. Mr. Ginder asked if the clients will be referred by judges. Ms. Cannistraro stated that sometimes that will be the case. She stated she is from Cecil County and that there are methadone clinics here with people who have been on methadone for twenty (20) years. She is hoping to provide this step in order to get them off methadone. Mr. Wiseman inquired if this facility is enough to handle the issues in this area. Ms. Cannistraro stated that it is a start. He asked if they opened tomorrow if the facility would be full immediately. She stated she believed it would be. Mr. Ginder stated his concern that clients from outside the area would be coming to this location rather than being able to treat people from Cecil County. Mr. Wiseman asked if a doctor was on staff. She stated that they would have a doctor on call. Mr. Wiseman wondered if nurses and other staff would be handling the treatment procedures. She confirmed they would be handling the treatment. Mr. Fordyce asked if there was enough of a population in Cecil County to warrant the facility. Ms. Cannistraro said absolutely there are enough clients in this area. She went on to say that she feels about 80% of mothers giving birth at Union Hospital are giving birth to drug addicted babies. The babies go home for three days and then end up spending weeks at the pediatrics department of the hospital. She stated that Cecil County has a huge problem with drugs.

Mr. Ginder wanted to make Ms. Cannistraro aware 33333that there is a possibility that a time limit for the special exception may be made in order to determine if there are any problems related to the facility. Commissioner Jablonski mentioned that Union Hospital was in the process of providing a facility for the treatment of drug and alcohol addiction with 12 beds. She wondered if the two programs were similar. Mr. Dellmyer stated he was not familiar with their program and therefore could not answer that question. Discussion continued regarding security plans for the facility.

Mr. Wiseman entertained additional questions from the Board. There were none. He entertained comment from the audience. There were none.

MOTION: Motion was made by Mr. Ginder to recommend approval of the special exception to the Board of Zoning Appeals provided a safety plan is kept on file for review and that safety concerns be addressed. Mr. Wiseman called for a second to the motion. Due to lack of a second, the motion failed.

MOTION: A second motion was made by Mr. Thompson to recommend denial of the special exception to the Board of Zoning Appeals for the following reasons: the proposed use is within an existing building and no windows are provided for individual rooms and therefore there are egress concerns for clients; there were security concerns since the building is a multiuse facility which also houses an OB/GYN office as well as a pharmacy and there is no outdoor area provided for client use. The motion was seconded by Mr. Keane with the remaining members voting as follows: Mr. Fordyce – aye; Mr. Ginder – nay; Mr. Wiseman – nay. The motion passed with three votes for the motion and two votes against the motion.

REQUEST OF HERTRICH PROPERTIES XII, LLC FOR A REVISED FINAL MAJOR SITE PLAN, 1147 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 316, PARCEL 2332, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. Al Guckes of Hertrich and Mr. Jeff Williams of Kercher Engineering were in attendance to address this submittal. Mr. Guckes stated they are requesting a design waiver for landscaping for parking lot expansion. Mr. Wiseman asked if they had received comments from the Town and KCI. Mr. Williams answered in the affirmative.

Mr. Guckes stated their original plan was to place a mirror dealership on the parcel. Since that time it has become obvious that they would not have enough parking to sustain another sales building. Therefore they would like to replace the building in Phase 2 with additional parking. He stated that the stormwater management for this part of the project will remain the same but they are requesting a waiver of the sixteen (16) traffic islands that are required by the Ordinance. The reasoning is that birds are not good for cars and it will be more difficult for snow plowing. He pointed out they have placed 240 trees in Phase 1 and also placed an additional 58 plants, shrubs and trees around the building. They plan to use the area for inventory storage and would provide an additional 204 spaces.

Mr. Wiseman questioned Mr. Frey of KCI how that would impact the stormwater management. Mr. Frey stated that it would have very little impact on the stormwater. Mr. Wiseman question Ms. Thomas concerning any issues the Planning Department might have. Ms. Thomas stated they are satisfied with the plans. There was discussion regarding the lighting plan.

Mr. Wiseman noted that the music from the business is a little loud at the shopping center with the Chili's Restaurant and wanted to mention it. There was additional discussion regarding the waiver for the parking islands.

Mr. Wiseman entertained questions or comment from the audience. There were no questions.

MOTION: Motion was made by Mr. Ginder to approve the Revised Final Major Site Plan and granting the design waiver for sixteen (16) required parking islands. The motion was seconded by Mr. Fordyce and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING DVM HEALTH PROPERTIES, LLC, 104 BORDEN WAY, LINCOLN UNIVERSITY, PENNSYLVANIA FOR RE-APPROVAL OF FINAL MAJOR SUBDIVISION PLAN. THIS ACTION CONCERNS PROPERTY LOCATED AT 330 EAST PULASKI HIGHWAY, ELKTON, MARYLAND, TAX MAP 315, PARCEL 2378, ZONED C-2 (HIGHWAY COMMERCIAL)

Mr. David Strauss of McCrone, Inc. was in attendance to represent DVM Health Properties, LLC regarding this submittal. The subdivision plan in question was approved in March of 2011 and was never recorded. Therefore they are coming before the Board for approval of the subdivision plan so it can be recorded and marketed.

Mr. Wiseman asked if other than addressing the comments were there any additional changes to the plan. Mr. Strauss pointed out a note added to the plan regarding the blanket stormwater easement. He also mentioned the one remaining comment from the Town was to provide the stormwater management easement and a shared cross access easement. Mr. Wiseman asked if Mr. Strauss had received the comments from the Town and KCI. Mr. Strauss answered in the affirmative.

Mr. Wiseman asked if any of the property lines had been moved. Mr. Strouss answered they had not. Mr. Wiseman entertained questions from the Board. Mr. Frey mentioned their comment regarding the maintenance responsibility for the stormwater management. Mr. Strouss stated that the maintenance would be shared between the two lots. Mr. Wiseman entertained questions from the audience. There were none.

MOTION: Motion was made by Mr. Keane to grant re-approval of the Final Major Subdivision Plan for DVM Health Properties, LLC contingent upon providing the shared access stormwater agreement and addressing all outstanding comments. The motion was seconded by Mr. Fordyce and unanimously approved.

REQUEST OF MCCRONE, INC. REPRESENTING UNION HOSPITAL OF CECIL COUNTY HEALTH SERVICES, INC., 106 BOW STREET, ELKTON, MARYLAND FOR CONCEPT SITE PLAN. THIS ACTION CONCERNS PROPERTY LOCATED AT TAX MAP 310, PARCEL 1346 & 1347, ZONED TC (TOWN CENTER)

Mr. David Strouss was in attendance to represent Union Hospital of Cecil County Health Services, Inc. regarding this submittal. He stated that the Medical Office Building at 123 Singerly Avenue was approved in 2007 and built in 2008. The hospital has entered into a long term lease to place an urgent care facility at this location. A variance has been given at that time for three (3) parking spaces. A total of twenty three (23) parking spaces were required for the initial build out and twenty (20) parking spaces were provided onsite and three (3) were provided on street. Union Hospital has received approval to demolish a duplex on the adjacent property in order to extend the parking by eleven (11) additional spaces for the urgent care facility.

Mr. Strouss noted one of the comments from the Town was that the parking ordinance allows 120% of the parking required. For this facility it would be three (3) parking spaces. He is requesting a waiver to allow the additional three (3) spaces over the maximum parking permitted. Mr. Strouss noted they will be providing a total of 12 parking spaces. He stated the dumpster pad will be relocated from its current location. He is also requesting a design waiver for two end parking islands. He noted that one of the islands being provided is not as large as they are required to be.

There was discussion regarding the status of the properties in question with regard to lease and/or ownership. Mr. Strouss confirmed the hospital has purchased the duplex lot and will be doing a long term lease on the other lot. He also mentioned the cross access easement would be between the two lots.

Mr. Strouss addressed the ten (10) foot landscape area is actually ten (10) feet from the edge of the curb to the alley way and they would like to plant trees in that area like the existing parking lot. Discussion ensued regarding the ownership and maintenance of the alley way, Bufferyard B and the lighting for the project. There was a question whether a bufferyard was required between these lots and the neighboring properties. Mr. Strouss stated that due to the fact they are both the same zoning a bufferyard is not required. Ms. Thomas added that they had come before the Historic District Committee and were granted approval to remove the duplex building. There were additional questions regarding parking spaces.

Mr. Strouss pointed out that they had previously designed a stormwater management dry well with a catch basin and infiltration system but it did not meet the definition of a dry well and therefore they will be providing a bioretention system within the green area in order to meet the requirements.

Mr. Wiseman entertained additional question or comment from the Board. There were none. Mr. Wiseman entertained question or comment from the audience. There were none.

MOTION: Motion was made by Mr. Thompson to approve the Concept Site Plan for this project and allowing for the following: 1) Three additional parking spaces over the required minimum; and 2) a design waiver to eliminate two (2) required end parking islands. The motion was seconded by Mr. Fordyce and unanimously approved.

AUTUMN BUILDERS REPRESENTING HICKORY KNOLL SUBDIVISION, REVISED FINAL MAJOR SUBDIVISION PLAN, SOUTH SIDE OF RED HILL ROAD (MD 281), TAX MAP 305, PARCEL 1731, ZONED R-3

Mr. David Strouss of McCrone, Inc., Mr. Doug Day of Autumn Builders and Mr. Alan McCarthy, representative of the owner, were in attendance to address this submittal. Mr. Strouss apprised the Board that the original plan for this project was approved in 2007 according to the Zoning Ordinance requirements for parking at that time. They are proposing this plan in accordance with the parking requirements from the current Zoning Ordinance. The requirement states 3 spaces are to be provided for a three bedroom unit, 2 ½ spaces for a two bedroom unit and 2 spaces for a one bedroom unit. He pointed out that they are proposing, as an example, to build a 2 bedroom townhouse without a garage. Their intention is to reach a different client market by providing different models than those currently in the development. Mr. Strouss added that the proposed townhouses will match the exterior of the existing townhouses.

Mr. Wiseman asked if steep slopes exist in the area. Mr. Strouss stated this section begins the flatter section of the development. Mr. Ginder asked if this would be reviewed by the fire company. Ms. Thomas stated that the fire company has reviewed the plan several times and had no concerns in that regard.

Mr. Day noted that when he had been in the development a number of the townhouses with garages had vehicles that were parked into the sidewalk and children had to walk in the street on their way to the bus stop. He suggested that not having garages would eliminate this issue.

Mr. Wiseman inquired whether there was a Homeowner Association and whether it was active currently. Mr. Day stated there is an HOA and it is active.

Mr. Wiseman entertained questions from the Board, Mr. Frey or Ms. Thomas. There were no additional questions or comment. Mr. Wiseman entertained questions from the audience. There were no questions or comment.

MOTION: Motion was made by Mr. Ginder to approve the Revised Final Major Subdivision Plan for Hickory Knoll contingent upon addressing all outstanding comments. The motion was seconded by Mr. Fordyce and unanimously approved.

2014 ANNUAL PLANNING REPORT – The consensus of the Board was to recommend approval of the 2014 Annual Planning Report to the Mayor & Commissioners.

OLD BUSINESS: None

Planning Commission Meeting

5.11.15

Page 7 of 7

NEW BUSINESS: Ms. Thomas noted that the Wawa is revising their landscaping plan with regard to the bufferyard width and will be coming in to the June meeting.

The next meeting of the Planning Commission will be June 8, 2015. There being no further business Mr. Wiseman adjourned the meeting at 8:13 p.m.

Respectfully submitted,

Brie Humphreys