

**Planning & Zoning
Meeting Minutes
October 21, 2013**

ATTENDANCE: Pete Reich, Ray Ryan, George Jack, Erik Donald, Paul Kurzer, Director of Planning & Zoning Mary Ann Skilling and Planning & Zoning Coordinator Dianna Battaglia.

Meeting called to Order at 6:30 p.m.

APPROVAL OF MINUTES:

MOTION was made by Mr. Jack and seconded by Mr. Donald to approve the May 20, 2013 Planning & Zoning Meeting minutes as written. (2 abstentions: Mr. Ryan, Mr. Kurzer not in attendance.) **Motion Passed.**

MOTION was made by Mr. Ryan and seconded by Mr. Donald to approve the July 15, 2013 Planning & Zoning Meeting minutes as written. (2 abstentions: Mr. Jack, Mr. Kurzer not in attendance.) **Motion Passed.**

MOTION was made by Mr. Jack and seconded by Mr. Ryan to approve the August 19, 2013 Planning & Zoning Meeting minutes as written. (2 abstentions: Mr. Donald, Mr. Kurzer not in attendance.) **Motion Passed.**

Old Business:

Mr. Reich welcomed new member, Paul Kurzer. In addition, new members are needed as Mr. Donald has resigned effective after tonight's meeting and Ms. Turgon has also requested a leave of absence. If anyone knows someone who is effective and may want to serve on this board have them contact the Mayor and Commissioners.

New Business:

File No. SE2013-01 – Special Exception Request:

Ms. Skilling indicated that the Planning and Zoning Commission is the authority for planning and zoning issues and required for a recommendation to the Board of Appeals for Special Exception. The Board of Appeals is the legal entity to grant approval, or denial, meeting certain standards based on the legal application and presentation to that board.

Mr. Karschner, owner of Atlantic Auto Service and Glass at 933-D Pulaski Highway in Havre de Grace, Maryland, is requesting permission to move his current business to 5439 Pulaski Highway in Perryville. We have been in business fourteen (14) years in Havre de Grace and have been very successful, helped and been a part of the community and would like to have that opportunity to do that in Perryville. We run a clean, professional shop, an asset to the community, we're not an eyesore. We're professional and have an opportunity to come to Perryville where we can grow our business and hire eight or ten more employees in the course of the next year. The space we have right now is limited to four (4) service bays with office, and the space in Perryville is actually nine (9) bays with seven (7) service bays so the opportunity to grow is there. We do all automotive repairs, glass repair and windshield replacements, no body work or paint. We do everything from brake jobs, oil changes, tune ups, anything in the line of automotive repair like you go to your

dealership for. Our establishment has everything the dealership has but not the price. Cleanliness and professionalism is key, and we treat our customers with respect. Our customers are more like family than just people and that helps the community. I've never advertised and have stayed busy by word of mouth for fourteen (14) years. I will be closing the Havre de Grace shop to move here. We rent in Havre de Grace and will be renting in Perryville but are looking to move to expand with a bigger shop and more opportunity with road frontage. The current location is off the road and can't be seen, and you don't know we're there. Our success by word of mouth says a lot about our professionalism, people have confidence in us, they trust us. Our major goal is to please the customer and to do a quality job. Our customer base is very large and to have the opportunity to have road frontage that people can see us will give us the opportunity to hire more mechanics, increasing business as well, and help the community. One of the reasons we want to move is because there is another business at the same site that doesn't run a professional business, and they create eyesores and are not doing things in a professional manner. It's hard to be a professional shop next to another shop that's unprofessional. You don't ride by a dealership and see cars sitting with flat tires and missing parts scattered around. We are better than that, we're not a grease pit, we're not a corner gas station type deal, we're a professional organization. The employees are trained, they're in uniform, we have a waiting room that's very clean, very professional, and the type of customers we attract aren't driving vehicles they shouldn't on the road. We have newer type cars, decent mileage cars that they need to get to work every day and they need someone honest and reputable that's going to take care of it. We're not looking for the kind of people to come in to stitch it back together or stretch this part, or bend it, to make it work, we're not like that. That's the kind of business that attracts cars sitting around with parts missing and we're not that type of business.

Mr. Burkins explained the layout he provided with the 2,160 square feet includes other areas not marked. Two bays have 525 square feet and the office areas aren't added into that. There is a double depth to the bays with garage doors on both the front and the back and can fit twice the amount of cars in there. We've been through phase one, there's no lifts, there's no drains, there's no things to worry about in there, the garage doors are already there and everything has been updated, the furnaces have all been updated, electric had to be updated, because it had been closed for more than five (5) years. Town staff and Cecil County Permits and Inspections looked at the building and didn't see a problem but to answer your question as to how to make it into a garage, it never stopped being a garage. In fact Mr. Karschner worked in the building for five (5) years for Honda, so it never really stopped being one, it just closed. Mr. Reich asked if separation of the automobile business from your carpet business would require fire walls. Mr. Burkins continued I sort of already have taken care of that, and would put the carpet store in there but there is a couple of issues with the warehouse and working on getting access from Aiken Avenue Extended. The carpet showroom has been approved but because of the delays since June it's silly for me to move in there because I'm going to have to pull permits to separate everything, and I will have to put in separating walls and separate electric, and so forth with all the permits, so until I get a whole package there's no sense in me trying to get a perspective on what I am doing. I will have to go through the County and do whatever they ask. No traffic flow plan has been done to demonstrate traffic flow between the carpet showroom and the car facility, but it is a drive through. The way the building is laid out the whole left side of that can be a garage and the other side will be the carpet showroom. There probably won't be five (5) cars in there at any one time and there's probably at least a third of an acre in blacktop so parking is really not an issue. We've had a construction crew up there now for the last two months, and they haven't had any trouble getting track hoes, backhoes, trucks. So as far as access around the building, we wouldn't crisscross that. There is access and parking on that side and still working with the State trying to get a rear exit out on Aiken Avenue Extended. It hasn't happened and if it doesn't happen, it's no big deal; we still have two entrances, one on 222 and one on 40. But even if there were ten or fifteen cars in there it wouldn't

take up the whole lot. We just had the entire parking lot resealed and cleaned up and it (striping) hasn't been done because we're still waiting on getting an answer if the garage will even be going in there. We're trying to plan what we're going to do before doing it rather than doing something we won't be able to do. All the construction vehicles parked in the rear used Aiken Avenue Extended and actually drove over the sidewalk.

Ms. Skilling indicated currently there is no egress to Aiken Avenue Extended. There is actually a ditch line going down there and a sidewalk and curb. Mr. Burkins did come before the Mayor and Commissioners and they did recommend the possibility of allowing access there with conditions for that access, one of which is doing engineering, hydrology. The County did inspect the property, addressing some of those issues of the division of the proposed uses, and he will have to do some things to meet that, and knows he has to do a fire wall between those two businesses. So that is one criteria and there are still other things that have to be done with the County. Under planning considerations, these items are taken out of the Ordinance that we would consider for any development or redevelopment coming in. Ingress and egress to the property during peak times is problematic, how will truck traffic get onto the site, down Aiken Avenue Extended, as long as Mr. Burkins meets the conditions that were given for potential access there, it appears the Mayor and Commissioners would allow that to happen. And Mr. Burkins is not willing to move forward until he knows exactly what businesses will be allowed there. You can see there are ways to get in and out of there because when you're coming down 222 making a right turn into the property is a free-flow lane, that lane continues so that's the only problem SHA sees with that ingress and egress off of 222. They made that lane to be free-flowing to go west on US40. And that is one of the considerations, if Aiken Avenue Extended is opened to allow trucks to come in and out of there it's a little easier to go in that intersection (at Franklin Street). Some of the issues with the Highway Corridor Overlay District and landscaping, or at least screening between adjoining properties, the parking lot itself is actually zoned R-1 and we talked to Mr. Burkins about doing some screening there between the parking lot and the residential home. He has installed a chain link fence but there needs to be some type of screening, actually a security fence or landscaping, and that's something that has to be decided on how to do that. For clarification, the parking lot zoning designation is probably a mapping mistake and has been there a long time. Aiken Avenue Extended is a Town road, and just a little of history and background, the road was cut off. State Highways agreed to cut it off and provide access at Franklin Street and that was an agreement that was made in the past. State Highways actually purchased that piece of land down to the corner at 40 and that is where Mr. Burkins recently had work done on the drainage ditch that was taken care of. Circulation is another thing mentioned and that needs to be addressed. There is room to have cars inside for repair, pull out or drive around for pickup when done. We've looked at the existing parking and there is adequate parking for the uses and handicap parking spaces shall meet the requirements, with recommendation of at least three handicap spaces: one at the vehicle service entrance and two on the side near the showroom entrance, to provide and mark those spaces. The Highway Corridor Overlay District requirements are very problematic at this site although our regulations indicate that due to the complexity of the site and SHA right-of-ways, the requirements would be difficult to achieve the goals of the overlay district. So basically we're trying to achieve it the best we can with what we have because there's not enough room to achieve the plantings, we can require some additional plantings out front but then we have site visibility problems. We will address that when Mr. Burkins gives us his plan, to make sure there are at least some plantings. For clarification, there's not really any space there because most of it is parking lot with a small portion out front. But I believe that is SHA's. We would look at it based on what Mr. Burkins gives us but right now all the areas of planting are actually in SHA's right of way. Regarding signage, Mr. Burkins will be giving us some kind of signage plan that meet Town regulations.

Discussion continued regarding increased traffic, the busy intersection and making right-in, right-out only at the 222 entrance. Mr. Burkins met with the State and talked with the Town engineer and the State owns sixty (60) feet of that access. If access is gained to Aiken Avenue Extended they will post no left-out and no left-in, so it will be posted. But that is all tentative on gaining access to Aiken Avenue Extended. There are traffic issues at Franklin Street with additional vehicle use and Mr. Burkins has considered solutions for the safety and welfare of Town residents and customers at the site. Making that entrance right turn in, right turn out would definitely help that situation out.

Mr. Jack stated I'm wondering about the handling of outdoor storage and refuse areas. Article XI, Section 170, 2. *All activity and storage of parts with the permitted use shall occur entirely within a completely enclosed building. Any vehicle storage shall be temporary, in side or rear yards, and screened from adjacent properties.* I don't know that I've seen a site plan, but (same section), 9.....*The site plan shall indicate the disposal methods to be used for all waste material including recycling of waste oil generated by the operation.* And Section 217, 7. *Material storage yards in connection with a permitted use shall be permitted where storage is incidental to the approved occupancy of the building, provided that all products and materials used or stored are in a completely enclosed building or enclosed by a masonry wall, screening, fence or hedge not less than six (6) feet in height and subject to the approval of the Commission.* So I'm just wondering how Mr. Burkins will comply with that because I've looked at the current situation and it seems the storage areas in the back, something needs to be done. (Pictures attached.)

Discussion continued regarding the site and there is a fence at the property line between the White Horse and the other properties. Mr. Jack asked for clarification of the regulations pertaining to fenced or screened from view. Mr. Burkins wouldn't have a problem with putting a stockade fence in if you don't want to see it. It was explained that all the things that happen set a precedence for everybody else when they do something and so if we don't address this issue now, then later on with other facilities that come within the area, and whether it be this or something else, we have to address it so I would rather address it here now, at the start of redevelopment. Mr. Reich explained an example when the Box Car Ice Cream Shop came in they were required to provide a wooden structure with doors on it where all the trash goes. Mr. Jack indicated behind the building there are oil tanks there that house the used fluids and I'm sure the trucks empty them out occasionally and the whole idea is they are really an eyesore if someone was to go back there.

Ms. Skilling indicated again, with the screening, those are something that needs to be recommended. We know there is screening that needs to be there and that would be part of his plan. The only thing is that is their recycling so we have to make adequate room for the recycling to be done. The other thing that needs to be brought up is the Town now inspects properties where there is the potential for oil or grease getting into our system, so there will be an inspection from our consultant engineer to make sure there is a trap, to make sure it's adequate to get the grease before it gets into our system because we have a very sensitive system that any fluids, grease, oil, gasoline, gets into that system it could destroy some of the biological components of our system.

Mr. Karschner explained back when I was working there in 1994 OSHA inspected and required that block wall be installed around the tanks, to retain whatever that tank holds. It has a valve on it, a special adaptor, that if that tank should ever leak and fill up that reservoir, then they can hook to that and pump that out. There used to be exhaust drains in there, all that was sealed, and there used to be problems with underground water over there, so all the lifts were pulled, all the holes were filled, EPA checked and sealed up with concrete.

Mr. Burkins commented the property was purchased at an auction in June and settled 45 days later, in August, with the intention as an investment property. It is easier to keep it a garage as it always was a garage then to change it to something else.

Motion made by Mr. Jack and seconded by Mr. Donald to recommend to the Board of Appeals approval of the Special Exception to operate a vehicle service and glass shop conditioned on comments provided:

1. Prior to approval for access from Aiken Avenue Extend, provide a design for drainage and any road improvements to P&Z Staff and Town Engineer with method for access,
2. Provide a plan addressing truck circulation for various uses,
3. Screening between the property and adjoining residential properties by fence or landscaping,
4. Screening of recycling facility at the rear of the auto repair bays,
5. Approval by the Town of the method of capturing grease and other products from entering the sanitary sewer system,
6. Signage plan for all businesses as per Article XV and Highway Corridor Overlay District regulations, and
7. Meet all State/Cecil County requirements.

All in Favor. Motion Passed.

Mr. Reich indicated the Board of Appeals hearing is scheduled for Monday, November 25, 2013.

Maryland's Open Meetings Act:

Mr. Reich introduced the next topic, due to new legislation effective October 1, 2013 each public body is subject to the Open Meetings Act and we're required to have someone appointed. Dianna Battaglia has been designated to represent the Planning Commission and we need to approve that designation.

Motion made by Mr. Ryan and seconded by Mr. Kurzer to approve and recognize Dianna Battaglia as the Planning Commission's Open Meetings compliance representative. **All in Favor. Motion Passed.**

Motion made by Mr. Ryan and seconded by Mr. Donald to adjourn the meeting at 7:30 p.m. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator