

**Planning Commission  
Meeting Minutes  
September 21, 2015**

**ATTENDANCE:** Pete Reich, Commissioner Ray Ryan, Robert Ashby, George Jack, Brian Williams, 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:**

Without objection the minutes for the August 17, 2015 Planning Commission meeting were approved as written by quorum of attending members.

**SE2015-02 Special Exception – Recommendation to Board of Appeals:**

Mr. Ronald Parker, attorney and with me is my daughter, Julie Parker, and years ago we would see clients across the street at the restaurant and we are owners of the building where Pastor Henson wants to have a church. Most of the building has been empty for several years and we're elated we're finally getting some tenants and make Perryville better. I understand Pastor Henson has personally met with the other church to coordinate services, his service is at 11:00 and yours is a 9:30 so there're no issues with parking. And they are utilizing the public parking lot and we asked the owner of the new restaurant if they could park there and he said he would like it if they would stay for lunch. Pastor Henson also spoke to the Post Office about parking and they said ok. We bought the building years ago and we try to keep it in good shape. We have a tenant who cuts the grass, cleans the building, so if there's anything that you want us to do maintenance wise let us know.

Pastor Keith Henson, pastor of Temple Salvation Ministries, and I'm just concurring with Mr. Parker. Pastor Sheppard and I, when he moved in he came over to ask us what time our services were so there wouldn't be any discrepancies with parking. We both have very small congregations. We're seeing maybe fifteen (15) on Wednesday night for bible study and they are families so there's probably three individuals in five cars then on Sunday we have approximately twenty-five, sometimes thirty including kids so that's families in cars too. We haven't had any complaints unless they complained to you. We've spoken to the neighbors to make sure we're not interrupting anything there. So far things have been running pretty smoothly so we would appreciate being able to continue our ministry over there and hopefully be able to make an impact in the town. Thank you so much for your time.

Ms. Skilling indicated we've reviewed another church for the same reason. This particular church has been using this site and we did not know that until they came in for a Zoning Certificate. We were under the assumption that under Section 46 Effects of Permits on Successors and Assigns that once that was approved we could automatically approve this church because it had already gone through the process to the Board of Appeals. We were advised by our attorney that we needed to make this a legal use and that's what we're trying to do here. You have recommended approval of the previous one and it is hoped you will follow through with this. If you have any questions, we have no objections to this. Parking was one of the issues and they have coordinated that in town.

Mr. Jack commented I notice at the very last paragraph they are going to obtain a permit from Cecil County to pass any restrictions if any and occupancy approval. Do you know of any restrictions that may be done for that area?

Ms. Battaglia responded once a Zoning Certificate is approved then it goes to Cecil County for the change of use and they are going to look at the square footage of the space to determine occupancy based on Fire Marshal inspection so that property is safe and Cecil County issues the occupancy permit.

**Motion** made by Mr. Jack and seconded by Mr. Ashby to recommend to the Board of Appeals to grant the Special Exception request by Pastor Henson. **All in Favor. Motion Carried.**

**Chesapeake Overlook Master Signage Plan Revision:**

Mr. Ryan Woerner, Stewart Properties and Principio Iron LP, and we're here today for a revision to the Master Signage Plan for Chesapeake Overlook. The monument sign we currently have we are looking to expand above and beyond that as you can see on the rendering. The sign that we're looking to put forward is not only for Hollywood Casino but also for future development of the site. The future sign will be below and above the digital board will allow for the casino sign. The existing wall that is out there at the corner of MD222 is going to be staying there. We're going to lower the Chesapeake Overlook down in front as you can see and will be erecting a sign behind the existing wall.

Ms. Skilling stated the actual monument, the actual structure now, the stone wall, it will stay and reduce the lettering on that sign and the new structure will actually go behind that. It would be nice to say that the two shown on there, Target and Kohl's, were coming here but it's just for demonstration for potential future.

Mr. Woerner commented the sign shows two initial prospects but I'd like to see four or five built into that sign but I had Hollywood base it on just two. We'd like to see the site developed as much as the Town probably would like to see the site developed. We do have one hurdle with the bridge there which I know we have some square footage but ultimately for us it makes sense for capacity. We'd like to be able to get approval for say around sixty to eighty thousand square feet instead of eighteen thousand that we're allowed now. The elevation for the top build, the way that piece of ground lays it's going to take a lot of dollars for infrastructure and to raise that site up to be able to utilize it the way it should be utilized for a retail center. With that being said, we really need to shoot for it and we've been working with the Town to try to get the capacity at the bridge from SHA in order to develop that site. But we think this is the first step to put the signage in for future signage and incorporate that sign for future development. Chesapeake Overlook is the name of the complex that we're trying to build, and when you're trying to grab retailers, the retailers want the bigger sign, there's no doubt about it. Scale wise, I don't think that rendering that you have in front of you is doing justice to what is actually going to be saying Chesapeake Overlook. I think it's still going to be very visual when you come either off 95 or 222.

Ms. Skilling reviewed the Staff Report. This is part of the Master Signage Plan. When the CEMUD was done it was required that a Master Signage Plan was developed and as part of the criteria for the CEMUD, which is Commercial Entertainment Mixed Use Development, was the Master Signage Plan can be amended and the Planning Commission can agree to amend the Master Signage Plan and that's where we are here now is to amend it to allow for a more visual. Chesapeake Overlook sells the whole development but the only thing that is there is the casino and so visually, and we've discussed this I know with Stewarts a couple of times before with Ryan Woerner and Brandon Freil, is that Chesapeake Overlook really doesn't sell anything right now, it's the casino because that's visual. It's not visual from the road and this is probably a better avenue when you come off the highway to see some visual of what is really there with the casino and then potentially if there are new venues or new businesses in there it gives them an opportunity to put that on that sign as well as the digital portion. I hope you are aware that sign, the digital part of it, can't be flashing, scrolling, it has to stay static for a given period of time, and can be changed. Also I believe we may have to get State Highway to look at that because of the closeness to the highway. It needs to meet Town regulations and one of the conditions would be that it be looked at and approved by State Highway.

Mr. Reich explained it says in our Ordinance it has to remain static for at least 10 seconds and if it fails, it has to either go blank or stay where it was.

Mr. Jack commented we have rules and these guys play a little bit different, against different rules than what normal people would because the Mayor and Commissioners have final say for everything. I remember the time we spent hours on the one hundred twenty five foot sign and we recommended they not have it and of course you know what happened there. So when we're talking about all these things and Ordinances, there was

an ordinance there that we went beyond and I'm sure that if the Town Commissioners and Mayor decide to do it different it's going to be their decision not ours. No matter what we recommend. I only say this with respect to what's happened here. I find a sour taste when they come back here. I think they should be presenting this to the Mayor and Commissioners instead of us because whatever we say, the final say resides there. Even in our recommendation it really doesn't mean a whole lot. I don't want to throw this out as mud but I did want to bring it up because I was clearly upset when we made a recommendation and it was overridden by other authority. Which is how it's written, I understand that, but it's difficult to comment and even approach these things when you know whatever we recommend....

Ms. Skilling responded I believe an amendment to the Master Signage Plan is something that you can recommend. What we did before with the Mayor and Commissioners, I think we went beyond that because the recommendation wasn't for it and I think they appealed it and that's when the Mayor and Commissioners got involved, because of the nature of the site. But in this particular case we believe the way the code reads is that it would be an amendment to the approved Master Signage Plan and an amendment can be done by the Planning Commission. I think that is part of what we're trying to do here, that if you approve it as an amendment to this Master Signage Plan it becomes part of this Master Signage Plan which you've already amended or approved. Some of the other comments here is the enlarged sign provides opportunities for future retail and special events and seasonal activities. The casino, it does have a lot of functions going on that would now be more visible to the public. The Master Signage project monument entry sign on page 8 shows sign location on the corner of the property however the existing sign placement appears to be outside of the property in SHA's road right-of-way. They need to verify that because it needs to be out of the road right-of-way. Mr. Woerner knows about that and that is being investigated right now. In consideration of the proposed monument sign some things to be considered in your decision: the goals and intent of the CEMUD, is really for exposure and this is one of our concerns all along about just that Chesapeake Overlook there, what were you selling? What were they selling in that development? Now you'll know basically what they are, the casino is there, that's one of the projects and potentially other commercial or retail stores that they get in there, which we're hoping they'll be able to move forward some time there, the video screen to meet the criteria of Section 264.7 regarding electronic message signs. The Master Signage Plan supersedes the sign standard regarding location, size, type, height, color and illumination, and material façade, once they get all that in here it becomes part of the signage plan for that site. It will only update that Master Signage Plan, the entry sign, it won't change anything else.

Mr. Reich indicated I know it's zoned but is that in the Highway Corridor?

Ms. Skilling responded the Highway Corridor Overlay Zone.

Mr. Reich replied so even though it has that zoning it is in the overlay.

Ms. Skilling commented yes, the five hundred foot highway corridor zone. With the initial project they had landscaping criteria they had to meet there within that highway corridor overlay zone. Continuing with staff report, relevance of the information provided does meet the goals. Significance of sign to attract patrons on I-95, people have told us they miss that sign or they missed for some reason the casino and we get them downtown. It hasn't happened as often now but there are still people who come all the way down 222 to realize they made the wrong turn to get to the casino. SHA approval will be necessary.

Mr. Ryan stated in looking at this letter from the applicant it says thirty seven foot high sign. I don't remember us having a max height for signs. Is that true? What is that max sign height?

Ms. Skilling responded when it comes to the Master Signage Plan and when they come in for an amendment, because it's a monument sign it is my understanding they can come in for a dimensional requirement the way they wanted. It could be larger; some of the signs in here are larger than normal because this one in particular is considered a marquee sign so it's different than the smaller signs within. And because it is the CEMUD they can ask, through the Master Signage process, for a larger dimensional sign.

Mr. Reich indicated (from the Zoning Ordinance) “no part of a freestanding sign may exceed a height that measures from ground level twenty-five feet (25’) in the TC, C-2, L-1 and L-2 districts. So it says here the maximum height is twenty-five feet.

Ms. Skilling commented it’s not in any of those districts. It’s commercial entertainment mixed use development, it’s a different district. The Highway Corridor Overlay is an overlay district that is established five hundred feet (500’) from any road on 222, 40, and yes it is but it is in a CEMUD, commercial entertainment mixed use development, which is covered within that regulation. It’s a floating zone that was established for that area.

Mr. Woerner stated I want you to envision that this sign is not just for Hollywood Casino. This is definitely going to be for future development. We’re excited about the sign and we’re excited about the future development. I think the look is going to change a little bit when we do bring future retail users into that site and the future retail users are definitely going to want to utilize that sign because they all want exposure and that’s what we’re trying to achieve here.

Mr. Ashby stated the height of the sign doesn’t bother me at all. The casino brings a lot of money into the town. If they turn around and develop the square footage amount they gave us you’re going to have two anchors on the site, you’ll have the casino that’s an anchor already, maybe three or four, if you give them the sign they want now we’re alleviating six other signs going in, because everybody’s going to want a sign.

Mr. Ryan agreed. They need to look for something now to bring in more work and to get more businesses. They’ll come eventually but right now getting ahead of the ballgame here and they can go about it at this point.

Ms. Skilling indicated the Stewart’s are the owners of the property where the sign goes and they have approved it and they are the ones who actually did the Master Signage Plan and they approved that section to be established for this Master Signage Plan and for that sign. So they’re the owner of the property, whatever arrangements they’ve made is up to them but the sign is on Stewart’s property.

Mr. Woerner explained Principio Iron LP is the actual entity owning the ground so we have a little more control over something for the Hollywood Casino sign and there is space for more retail also. We’re thinking between the digital board and the signs below we’ll be able to make it work for the other tenants. Obviously with the ten second change that we will be following for Town approval for whatever the ordinance says for the digital board.

Discussion continued regarding the size and enlargement to the existing sign with space for a number of tenants.

Mr. Reich commented with other properties in the overlay zone and it says in there it can’t be more than twenty-five foot high, I don’t know if I want, I know it’s not the same district and totally understand that.

Mr. Ryan questioned it’s hard to predict the future, but with the video display would you expand another if Kohl’s or Target or whoever was coming in and they want the same or do you anticipate this would become one that the casino would share with the rest of them?

Mr. Woerner responded I think the way the document is going to read between the casino and ourselves is that message board will be utilized by other tenants that we have there, and I can’t say if we have fifteen tenants in there that we’re going to put all fifteen on that board. But I can say that we will try to utilize that board.

Mr. Ryan stated so when other tenants come in we won’t have competing message boards.

Mr. Woerner replied I can’t say for sure but again at this point I can tell you we will not be coming back to ask for permission for another message board.

Mr. Ryan reiterated this will be one for multiple stores that are in there, and there may be a limit obviously.

Ms. Skilling commented to clarify in that development when you get further down past the casino there is established to be a similar thing like at White Marsh, conceivably any signage down there that changes, if it's different they would have to come back in just like they've done now. I could perceive when you get down in there and have multiple uses conceivably you could have another digital sign.

**Motion** made by Mr. Ashby and seconded by Mr. Williams to approve Monument Sign Option #3 from Hollywood Casino amendment to the Master Signage Plan. **3 in Favor. 2 abstained-Jack, Reich. Motion Carried.**

### **Maryland Planning Commissioners Association 2015 Annual Conference:**

Mr. Reich indicated the conference will be held October 29<sup>th</sup> and 30<sup>th</sup> and I've gone the last two years and I'm not going this year but we really need someone from the Planning Commission to attend and if possible, two members. They usually have on the first day the training class that we all had to take online, dinner that night, and on the second day are sessions on multiple topics that other towns throughout the State of Maryland are doing and it's impossible to attend multiple sessions that are going on at the same time. If you've already taken the class online you don't need to attend the training on the 29<sup>th</sup>, the dinner is a nice meet and greet but you don't have to be there either but the second day provides lots of different information. The Town pays for this, including your mileage and if you're staying overnight, the Town will pay for your hotel room. I want you to consider this.

Ms. Skilling stated Ms. Battaglia will send out the information for the conference. Two members may be the maximum to attend and we definitely would like to have at least one member attend. We don't have the official agenda yet but they do have some good things. It is very similar to MML with various sessions to sit in but this deals with planning and zoning topics and is relevant to what you're doing and gives you a chance to talk to other municipalities and how they're handling things. Mr. Reich has attended and actually reported back. Just consider it and let us know. Another thing to clarify because I think there was some confusion, the difference between a floating zone and an overlay zone, a floating zone drops down on a piece of property and is a flexible zone that can be structured, like the CEMUD, like the commercial mixed use development at Coudon Boulevard, Woodlands. There is a lot of flexibility built in and that's why developers like floating zones. And that's why these two zones, the Woodlands and the CEMUD, there is flexibility. And the Master Signage Plan is part of that flexibility. An overlay zone is a zone that has regulatory requirements to it so the Highway Corridor Overlay zone, as well as the Critical Area Overlay zone, has regulatory requirements within but what supersedes what. The floating zone because of the flexibility of what it can do would supersede. They still have to meet the requirements and within that five hundred feet still have to do certain things. So that's the difference between a floating zone and an overlay zone. I just want to clarify because I don't think it was clear. They do have to do both but the floating zone has a lot more flexibility and that's why they use those a lot. It could be a commercial district and residential district all put together under one zone and that's where you come in, to make a recommendation to the Mayor and Commissioners.

### **Adjournment:**

Without objection the Planning Commission meeting was adjourned at 7:10 p.m.

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator