

**Planning Commission
Meeting Minutes
February 27, 2017**

ATTENDANCE: Pete Reich, George Jack, James McBreen, Ray Ryan, Henry Barrett, Planning & Zoning Director 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 January 23, 2017 Planning Commission meeting were approved as written by quorum of attending members.

NEW BUSINESS:

FP2017-01 Preliminary/Final Site Plan Review Royal Farms Store #267:

Mr. Gerry Powell, project manager with Frederick Ward Associates, here tonight with Jack Whisted, representative for Royal Farms and Dan Blevins, design engineer with Frederick Ward Associates, to request a combined Preliminary/Final Site Plan approval for the Royal Farms convenience store at 1825 Perryville Road. We'd like to add, if possible, a concept of the subdivision plan. What we are required to do for the project is the lot stands on its own, it doesn't need subdivision, but because we are doing some SHA right-of-way improvements out in front we have to convey right-of-ways to State Highway Administration. Therefore it will require an SHA plat and because of that to obtain approval from the Planning Commission for that record plat.

Ms. Skilling explained they're going to submit the concept and we're going to look at it to make sure it meets the requirements for subdivision based on our subdivision regulations, and once we have comments it will be provided for the next meeting, for the Planning Commission for approval. They're not subdividing anything, just conveyance of land to State Highway.

Mr. Reich questioned so the Staff Report that we have in our hand doesn't match what we're going to discuss tonight.

Ms. Skilling replied what you are approving is a Preliminary/Final Site Plan for the project, not the subdivision. That will be approved at the next meeting, but they are bringing it to our attention that there will be a subdivision plat that will have to be approved. Tonight we are reviewing the Preliminary/Final Site Plan. When we did the concept plan they were allowed to move forward with a lot of their project because one of the big things they have to do once the concept is done is to move forward with storm water and all the other things and some of the issues we brought up during the concept.

Mr. Jack asked if we were to make a recommendation would we be making it for the Final Site Plan or the Preliminary/Final Site Plan.

Ms. Skilling responded it would be for the Preliminary/Final Site Plan, it's a combined plan for submittal. When we get to this point of the project because ninety percent of this project has already gone through review by Cecil County, and they've gone through that whole process. So we allow them to continue through each stage. I've already looked at storm water management and when we get to this point they've basically done everything and we kept track all along the way. Now we're coming to

you to look at the Preliminary and Final beyond the concept and if you have comments based on that then that's your prerogative to make changes and make comments.

Mr. Powell continued we have for your review tonight some presentations documents. We have a color rendering of the Royal Farms store and we have the Preliminary/Final site plan, we have the concept subdivision plan, the final landscape plan and the master signage plan for your review. Initially the project received concept site plan approval on April 18, 2016, when it was reviewed by the Planning Commission and we received conditional approval at that time to move forward with engineering drawings which we have done. I'll summarize the approvals we've received up to this point and what we're still waiting for to bring you up to speed. The property is zoned C-2 Highway Commercial and is also located in the Highway Corridor Overlay district. The purpose of the Highway Corridor Overlay district Section 144 of the code is to provide for harmony and compatibility of development along the major highway corridors that serve as gateways in the community and in this specific case, MD222. We are asking for approval of the Preliminary/Final Site Plan and a concept of subdivision plat, a plan with favorable recommendations. This evening we are talking about a lot that is 1.95 acres in size. The store is 5,371 square feet. These things have not changed since the original approval. We have 59 parking spaces, two access points, one from the private entrance road of Heather Lane and MD222 Perryville Road. The Heather Lane road entrance is designed to be full movement and the MD222 entrance is designed for all movements except for left turns out. And we will sign that accordingly. MD222 Perryville Road entrance has gone through SHA, the first round of review, received comments from the traffic impact analysis and they've approved that type of movement. The project will be served by water and sewer from the shopping center of Perryville. There will be onsite storm water management provided in 4 facilities. Status of approvals: received Forest Conservation Plan approval along with an executed Soil Conservation Agreement which we received this evening. It's my understanding there is a little review there necessary to come up with the right bonding. There is some cross landscaping between storm water management and what is required by the Town for landscape buffers along the residential portion of the project and along MD222. The Forest Conservation will be taken care through fee-in-lieu, that's been arranged and approved through Cecil County and their environmental section. The landscape plans have been approved by the Town of Perryville and we are in the process of executing the Landscape Agreement. Public water and sewer extension plans for Heather Lane have been reviewed and approved. The Erosion and Sediment Control Plans and storm water management plans have been approved and are awaiting the required bond and fees for the final signature. They're waiting for those bonds and fees and of course we're waiting for the Town to issue their approval, their favorable approval for this project before those fees and bonds are actually put up. SHA plans are currently under review and we're waiting for the final comments to come from them. They already reviewed the Traffic Impact Study with some preliminary concepts along MD222. We're basically holding the same section along there with some widening and some right-of-way advances. SHA wants us to record the record plat to convey that right-of-way to SHA. The signage for the project has also been reviewed, the Master Signage Plan, and approved. We did receive a staff report from the Town and I would like to introduce Mr. Blevins from Frederick Ward Associates who has been intimately involved with this project working with Ms. Skilling and Ms. Battaglia and others and he's going to give you an update on those comments.

Mr. Blevins, design engineer for Frederick Ward Associates, working with the project since the conceptual stage and phase of this project and I've been taking care of all the comments and dealing with all the county agencies for all their approvals and with the Town, with Ms. Skilling and Ms. Battaglia. Most of the comments that were directed to us on the staff report were addressed already but I will address only the ones that have comments. Item #3 Royal Farms has put a bike rack on the site for anyone to use and it is located at the back right corner of the building, the best suitable area to give lots of room to maneuver. As Mr. Powell was saying we have an approved landscape plan. I just received the agreement and will get it executed and back to the town as quickly as possible. Item #8.b. the grading along the rear of the property line beyond the development property we are in the process

of working with the adjacent property owner and he is in agreement to provide us with the necessary easements for construction. We have a verbal and a hand signed agreement that the attorneys are actually putting together a document to record. Once I get that document I will provide to the Town of Perryville a copy of it.

Mr. Whisted clarified it will be a temporary construction easement between our property and the outlets property. The recording of that or approvals is actually not required, between both landowners and we have a legal agreement because we have lawyers. So we put together a temporary construction plat and we have terms with the Perryville outlet center and so it's going to help us keep the wall down low and make the job safer.

Mr. Blevins continued item #12, as far as I know we sent them documentation but we have not heard back from them. I will follow up again. I did try calling today but I will follow up on that. Under Additional Comments, item #1, the final Heather Lane and Access Easement for the project; once we get your approvals for the Preliminary/Final Plan we will go ahead and start the process on the Public Works Agreement for the extension of the water and sewer. Item #2, SHA clarification, we got approval for the traffic study to do a right in, right out, and left in; we cannot have left out. And there will be a sign posted at the entrance there to utilize the Heather Lane access. In response to Mr. Reich's question about building anything physical in the road to stop that, we looked at that and we cannot because the trucks that would be coming in, the delivery trucks, will need to use the majority of that entrance to get in. We do have a stripe, we do have arrows, and we'll also have signage up there. Under town engineer comments, item #1, we have included two additional 8" water valves. Item #2, it says not addressed but I spoke to Mr. Ryan recently that there is a ten foot separation between the water and sewer within Heather Lane, the services only have a seven foot clearance between the two because it's between the curb and the easement and that's all the room we have to fit them, and these are services that will be private on site. Item #5 talking about the trucks as we've just mentioned at the access, will trucks deliver during evening hours.

Mr. Whisted replied we get deliveries when we need it. It's difficult for us to have 179 stores and have everybody scheduled for the same time deliveries. So when we need fuel, the fuel trucks show up. When we need food, the food truck shows up. There's no given time or we run out of material and that's as honest as I can be. There's no reason for us to overstock on food or fuel on site. Most of the things like trash pickup; they are on scheduled times, local vendors. Most of our food delivery is during the daytime not at night and most of our fuel drops are early in the morning, on average. We can't stipulate when we get our deliveries, it's when we need stuff.

Mr. Reich commented you're saying the entrance that you're going to make is not going to be big enough for a tractor trailer to come in there without going into somebody else's lane, something to force traffic not to go left out of that store.

Mr. Whisted stated we talked about that with the State, we've done truck turning templates and we have a tremendous amount of entrances on State highways and we deliberate back and forth with them constantly on installing either a structure or painting and signing. When we install structural curbing or island the tractor trailers tear them up and it becomes an eyesore, becomes a safety hazard and we like to keep our sites beautiful and clean.

Mr. Powell responded the answer to that question is no. The entrances are wide enough for a tractor trailer to come in. They will use the entrance in order to get into the site. It will not use a public lane. It will not use another public lane to get in the site.

Mr. Reich replied so you're telling me you can't make the entrance big enough that you can have a tractor trailer pull in there without going into somebody else's lane.

Mr. Powell stated you can always make entrances bigger but the issue is the prototype and the way that every other Royal Farms store is on a SHA right of way is what we've designed this entrance. This entrance is a typical entrance, no different in width or size of others today that come off of a state highway, usually a one lane highway very much like 222. So there's no difference in other stores that use this type of entrance to get in and typically they're not oversized, to handle a tractor trailer and then all the other lanes also available for access. There's only one lane coming out, making a right, it's a free right, meaning that if there's no cars coming they can go. So if there's a tractor trailer coming in they can go and when the entrance is free the tractor trailer will make the movement.

Mr. Reich commented so if there are four cars in the lane and they're going out, that tractor trailer has to sit in the road until all four of those cars turn.

Mr. Whisted clarified the access width on Perryville Road is 35' wide, it's a very wide access and we have to beg people to build them that wide. We expect our tractor trailer traffic to come off of Heather Lane like all the rest of the tractor trailers. We have the ability to give our truck drivers entrance and exit plans which we expect them to adhere to. The fuel guys come to our sites and depending on our use it could be every day. So when we get our jobs approved we build our entrances and exits to be able to accommodate all tractor trailer movements, in fact tractor trailer movements are tracked through our entire site to make sure they can travel the site safely without clipping anything, our building, cars, whatever. So when this site gets approved that site plan is going to be shipped out to our fuel delivery and each site has its own circulation plan. It is combined with safety, but the truck drivers tear our sites up and if you don't tell them how to get in and out of them they're going to look like hell. And we don't like our sites looking like that. We like them to look clean and sharp and everything together. So to answer your question, can a tractor trailer maneuver in and out of our site with vehicles waiting to leave and come. Yes they can. 35' wide, that's big, the width of the street, there's parking on both sides of it, so we design our entrances to be 35 for that reason so a tractor trailer can move through there while someone is getting in or getting out without clipping them.

Mr. Ryan questioned you also have an acceleration/deceleration lane. So when they're coming down 222 they can actually get over to the right in their own lane, slow down and if needed sit in the deceleration lane while 222 traffic keeps on going, you have to make the road a little bit wider so you have that deceleration lane by doing that right now. So he won't be blocking through traffic.

Mr. Blevins continued item #6, the steep grades at the entrances, our grade at the entrance here off of Heather Lane is approximately 7.9% and the one off of Perryville Road is at 7.5%. If I flatten those out when I come up there is a happy medium between the two and that's the best we could do on that site because of the grade differences from Heather Lane up here at 310 all the way down to 292.

Mr. Whisted indicated I reviewed that comment as well. Both of those percent of slopes exceed our standard by 1% and they are below the State standard by 1% but as our engineer reviewed the grading on the plans, which we do on every plan, they balanced the site as close as they possibly can. You can't decrease either one of them without having one steeper than the other. I think they've done the best job they can. There's a big grade difference between Perryville Road and Heather Lane, it's a big hill.

Mr. Blevins continued there should not be any problem with the sight distance however I can also submit a sight distance analysis to Mr. Ryan for his review and to the Town if needed.

Mr. Whisted stated the sight distance was talked about in the TIS that was approved by the State.

Ms. Skilling commented a Traffic Impact Study was done for it and it talked about that in there. So it was already addressed in the TIS. If you want to look at that it is available but we already looked at

that. We look at that Traffic Impact Study as part of the whole project review. I did not address it directly but I should have and I don't know if Mr. Ryan saw it. But I just got these plans and these comments, I didn't have them prior to or I could have addressed it.

Mr. Ryan (town engineer) indicated the second part of item #5, if you can in fact make a right turn off of 222 into the southern entrance without clipping cars waiting to make a right turn out, I was asking for a truck minimum turning radius template, can you demonstrate that with those templates.

Mr. Whisted replied they can, they've already proved it to me.

Mr. Ryan continued one of the things, I know it includes an acceleration/deceleration lane on 222 for tractor trailers making a right turn in to the southern access but if you look at tractor trailers they have to make a wide turn out, they have to go out into the thru traffic of 222 to make that right turn. So just try to make sure they don't interfere with thru traffic on 222.

Mr. Blevins stated with the acceleration/deceleration lane as shown on here the truck would actually be in a travel lane making that turn.

Mr. Whisted stated again I want to remind everybody that we have the luxury and the command to make sure the tractor trailers enter and exit the site as we prefer, and we prefer Heather Lane. Coming in and out on 222, we don't perceive a lot of traffic from delivery vehicles off of 222. We want to reserve that for folks coming and going home from work. Most of our deliveries are going to come off of I-95, turn on Heather Lane and come to the entrance to the site and exit the site in the same format.

Mr. Ryan commented I don't know if it was already addressed but the northern access, are you going to allow trucks to use the north access during peak hours because even during peak hours, or during lunch time there are cars backed up along Heather Lane and there's no way a tractor trailer can make a left into Royal Farms while there are cars backed up from the intersection on Heather Lane.

Discussion continued about traffic blocking the intersection at 222 and Heather Lane; a truck is running northbound on 222 and wants to make that left off of 222 to go to your entrance they will have to stop and wait while the northbound traffic backs up behind that truck.

Ms. Skilling stated we will be trying to address with the Travel Center the movement of truck traffic in the travel center itself because the circulation right now is sometimes they come back out, where you come in and go right, some of them go out too and they shouldn't; to ask the Travel Center for trucks to make a complete loop, to go completely around to the end below where Taco Bell was and then come out there. Then it doesn't interfere with cars moving in and out of the two gas facilities, at the Travel Center as well as eventually at Royal Farms. Once that's addressed, some of this stacking, may help a lot of it.

Mr. Blevins continued item #7; we have added a note on the plans.

Mr. Powell presented a rendering for how the Royal Farms will look with other plans that were talked about before; the site plan, the master signage plan that shows the directional signs on site, it shows where the freestanding fuel sign will be going on the site and also the signage that's going to be on the canopy and the signage that's going to be on the store frontage. Forest conservation plan, because the site is being completely developed there is no forest conservation on the site, we're doing a fee-in-lieu to do that, planting in a forest bank. And then the landscape plan. At this point I'd like to withdraw the concept subdivision plan and the reason being is because it is not a subdivision and I've been corrected. It is not a subdivision. We're conveying property to SHA, it's an SHA record plat therefore it's not being subdivided and it wouldn't comply with the subdivision regulations. There is a small sliver of area that

we're conveying that privately to the State Highway Administration. It doesn't require a subdivision record plat.

Ms. Skilling indicated what we normally do is just a dedication agreement of that property but SHA does not allow that.

Mr. Powell replied they require a record plat on their sheets and everything.

Mr. Whisted stated it is a dedication but we have to comply with the State only. It wouldn't be something for you to approve, it doesn't meet your code.

Mr. Powell continued I'm sorry for bringing that up at the beginning, I apologize.

Ms. Skilling stated I've provided the landscape agreement, the grading in the back we've addressed. The height of the building has been noted on the plans at 32'. Everything has been addressed from the Planning Commission however we've not received SHA final approval yet. We need to get that final approval from SHA, that's the biggest thing. Also, the one thing that was brought up some time ago were sidewalks. In lieu of a sidewalk SHA required bike lanes because SHA doesn't want to do sidewalks, however the problem is bike lanes are only along 222 right up to Heather Lane but beyond there you can't bike and below there it's not even addressed yet. As far as I know they haven't marked those bike lanes. So we had talked about making sure there were sidewalks in this area for the future potentially when the sidewalks are extended from St. Marks Church Road. Right now it's only on town property along Beacon Point and we're in an agreement with State Highway to do that work. For some reason they don't agree with us about putting additional sidewalks here that ultimately we'd be able to connect which will be put in mainly for the high school. I would agree with State Highways only if they make sure in their agreement with Royal Farms that part of that right-of-way that they're leaving there we will have access for a sidewalk at some point in time.

Mr. Whisted responded when we first met several months ago, and I heard exactly what you said about the sidewalk, there's some debate about a sidewalk that goes to nowhere, there's some debate about the need for a sidewalk and I said I'll build a sidewalk as long as you want. It doesn't bother us; it's all part of the same package. The State on the other hand has to grant permission to do that. And the State feels that at this point our agreement with them, the caveat is we are going to grade a bench along the front of our site, you'll see there is a flat area graded along the front of our site for future installation of a sidewalk. They acknowledged your request however they don't want the maintenance of the infrastructure until the whole picture comes together. Again, I'll build the sidewalk but I need permission to do it from the State.

Ms. Skilling replied that's my only thing, is there something we can get from the State at this point to say that we would have authorization to do that sidewalk with their knowledge.

Mr. Whisted stated I don't know if I can get that sort of information from them, the right-of-way that we're dedicating has that benched in area in it and so at that point it would be State property and if a sidewalk program that you reference to connecting that portion of the town together I don't see why they wouldn't want to participate in that, if not funded but again I'm talking about the State and I can only do what they give me permission to do.

Ms. Skilling responded I agree and my problem is the same as what you're saying; if we agree to it now and we allow it and SHA doesn't say to us ultimately if it happens you can use that right-of-way, I don't have the confidence. I'm only talking about it because this Planning Commission wanted that and I think it's worthy of that. If you do not believe it's worthy then I'm not going to pursue it, that's up to you. I pursued it because it's on record that this Planning Commission wanted to have a sidewalk and I do

believe the Mayor and Commissioners have, and you have Commissioner Ryan here, that we do have an agreement to do sidewalks further south on 222, that ultimately could connect.

Mr. Reich indicated the point I'm hearing is SHA won't let us do it.

Ms. Skilling stated they're not saying they won't let us do it; they're leaving a strip there that potentially we could. I just want to make sure that the right-of-way, that little strip called a right-of-way that at some point in time when we do that sidewalk I don't want to go back to SHA, to make sure I have this agreement because then we have to go back and we'll have to get an agreement.

Mr. Reich commented so we have to work this out with SHA and if they don't have a problem with putting a sidewalk in, then let's put the sidewalk in.

Ms. Skilling replied SHA may not want to do it right now.

Mr. Whisted stated SHA has addressed this in writing, that's really going to be the Town when it comes time to put that all together. The State always asks you to build sidewalks and curbs and gutter. Obviously we're building infrastructure for everybody. I don't think they're going to stomp on that and they're actually making it a point in saying, be prepared to help the town in the future whenever they want to extend the sidewalk, but not now because they don't want to maintenance it.

Ms. Skilling indicated I can make that contact with SHA. They don't want to do it at this point because they don't see where there's a connection right now.

Mr. Jack asked you're not suggesting we hold up anything because of this, that the agreement has to be in place for this to happen.

Ms. Skilling responded no but my conversation may want to be with SHA to make sure I have something in writing to actually indicate that. It won't hinder the process. I want it to move forward but I would like to have something in writing from them to indicate they would not have an issue. Then I have it in writing in this office for the future.

Commissioner Ryan stated first of all it says here you didn't get a response from the fire company but I see that you put the building height on the plan. So you had a comment from the fire company at that point. However I was the Chief who wrote the letter at the time. Does that 32 foot go to the roof level or does it go to the peak.

Mr. Whisted replied 32' is to the peak in the front, 18' to the roof level.

Commissioner Ryan continued for the entrance off of 222, at that point it was for emergency vehicles only, because we're going to be coming up 222 from downtown. We also have an engine coming from the other side but I also asked about putting a fire hydrant in to make it easier for our apparatus to come in from that location because they'll be coming in what we call dry if we don't have a hydrant there to locate.

Mr. Blevins replied there's no water service down there but there's water service up here.

Commissioner Ryan continued I understand but was asking if you could possibly extend the water service across the street there to make a connection there to make it easier for us but obviously that's no. I'd like you to reconsider that at some point as you're doing this. You have a hydrant on Heather Lane but that's going to require my fire engine to go past your entrance on 222 to go up to Heather Lane, turn and come in when they could easily make that turn off of 222 right on in and hook up to a hydrant right

in that location. In the fire service it's a very nice thing to have, it's an ease of operation kind of thing for us. Another thing that I did not see, you may not have your plans all the way drawn out yet at least as far as the building construction, but I'm sure it's going to be sprinklered. I think in this state commercial properties are supposed to be sprinklered.

Mr. Whisted replied no it will not be. Our buildings don't require sprinklers, we don't have an open flame. IBC code and local code did not require us to be sprinklered.

Commissioner Ryan responded does Maryland use IBC? I'm sure the Fire Marshal has seen these plans so I guess I'll have to accept that the way it is but I can tell you I don't care what size commercial it is when you're dealing with this kind of product inside of a building that can burn easily I think you need to reconsider that as a way of going. I think that was also my request, talking about FDCs and connections. As a Fire Chief and still a fireman, I'd like to see another fire hydrant but I think they're meeting the requirements set forth by the Town code and by the Fire Marshal and there's not a lot I can do about that. We can ask but we can't force other than asking because they're meeting the requirements already. As a Commissioner I'd really like to see this business come into our area.

Mr. McBreen stated I don't see anything major for questions or concerns however the only thing that really did concern me is the landscaping plan is so specific. Who goes out after the project is built and confirms those plantings? Does somebody follow up to those specs?

Ms. Skilling replied we have an inspector who goes out and verifies that.

Mr. Reich indicated we've gone through comments made by staff but Mr. Ryan, town engineer, would like to see turn templates for these entrances to make sure that everything is good with trucks especially it shouldn't be off 222 left into there but they could very well do it. I'd like the town to see it.

Ms. Skilling commented then you will get copies of the traffic impact study for review. There are turning radius in there that they talk about and they say that they're adequate for certain turning radius for trucks, cars, and so forth. The traffic impact study usually addresses that and I do believe it's somewhat addressed in there for the turning radius.

Mr. Ryan questioned they have turning radius in the traffic impact study for construction plans?

Ms. Skilling responded they didn't have construction but what I'm saying is, from now on we will make sure you and and/or the engineer receives them and then we can look at those. I did get URS to look at some of those for road design because I'm not a road engineer, Mr. Ryan is our engineer, and they usually look at those things. We did ask for circulation but didn't do the turning radius.

Mr. Reich asked Mr. Ryan, town engineer, does that traffic impact study show the templates for construction.

Mr. Ryan responded I'm talking about specific turn radius for this exact plan because a traffic impact study is very conceptual with stick figure drawings with right turn out, right turn in, it doesn't account for spatial geometry of cars stacked up, trying to make a right turn in while a tractor trailer tries to make a left turn in; to take in account for the geometry of the turning radii and that's all I'm asking for, for the tractor trailers.

Mr. Whisted stated you can have them tomorrow. If it had been part of that comment letter you would have had them tonight.

Motion made by Mr. Jack and seconded by Mr. McBreen to approve the Preliminary/Final Site Plan conditioned on comments made at this meeting and addressed in the staff report. **All in Favor.**
Motion Approved.

Mr. Whisted stated thank you for taking the time to review and approve our plans but the condition part of it was a little confusing. I think we've addressed all the comments within that staff letter and we talked about it tonight so what would the conditions be.

Mr. Reich responded the conditions are to provide the turning templates and obtaining final SHA approval.

Adjournment:

Without objection the Planning Commission meeting adjourned at 7:26 p.m.

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator