

**Planning Commission
(January) Meeting Minutes
February 2, 2015**

ATTENDANCE: Pete Reich, Larry Souder, Henry Barrett, Commissioner Ray Ryan, Robert Ashby, Brian Williams, Director of Planning & Zoning Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

Meeting called to Order at 6:32 p.m.

APPROVAL OF MINUTES:

Without objection the minutes for the November 17, 2014 Planning Commission meeting were approved as written by quorum of attending members.

NEW BUSINESS:

Members voted unanimously to elect Mr. Reich as chairman and Mr. Jack to continue as vice-chairman, as required in Section 18 of the Zoning Ordinance.

SP2015-01 – Preliminary Site Plan-Dollar General:

Mr. Peter Saprano, with Frederick Ward and Associates, with Mr. Ketan Patel, the landowner, Mr. Tory Pierce, who will be representing Mr. Ty Davenport tonight, the developer unable to attend this evening. The site that we're looking at, the site plan and subdivision plat that we are presenting to you tonight is located at 5271 Pulaski Highway, right next to the East Coast Liquors and down the road from Food Lion food market. The site is zoned C-2 Highway Commercial and is located in the Highway Corridor Overlay District. The total lot acreage is 4.8 acres and the site has received Special Exception approval in order to develop three smaller commercial lots on the site. Within the Special Exception approval it was understood the developer would conduct construction in phases and tonight I'm presenting phase one of that development. Phase one will consist of the razing of a portion of the existing motel on the site, the Relax Inn, to make way for Dollar General store on lot 2. The westerly portion of the motel will remain on lot 1. At this time lot 3 will remain undeveloped. The other improvements on the site include SHA improvements, the general improvements within the site, storm water management and utility extensions. The SHA improvements consist of the widening of the existing Route 40 pavement to incorporate a twelve foot wide acceleration/deceleration lane and a five foot wide bike lane. It also includes pedestrian sidewalks along the property frontage and upgrading the two existing entrances to current SHA standards. On site we have the 9,100 square foot Dollar General store on lot 2 and its adjacent parking lot. We show 35 spaces on our parking lot and for a typical convenience store use in the Town of Perryville the requirement is 37 spaces but we have included with our submission to the Planning Commission documentation from the Dollar General store stating that out of their 40,000 stores nationwide the typical average amount of parking spaces that they use is 33. We do not show but we have provided two handicap parking spaces. The site will also have a twenty-four foot wide common access drive to provide internal circulation between lots 1, 2 and 3 and there will also be pedestrian interconnectivity between lots via crosswalks and sidewalks throughout the site. The storm water management for the site will also be developed in phases as the lots are developed. Storm water management for phase one will be developed using micro bio-retention facilities located on lot 2 for that development there and will also incorporate micro bio-retention facility for SHA use for the new impervious that's going to be put in the SHA right-of-way, and we also have a

storm water management quality pond located at the rear of the property. This pond has been designed in size for the entire development for all lots, and that has been approved by Cecil County. Public water and sewer also serves this site and we will extend public water and sewer to serve lots 1, 2 and 3. Forest conservation has been provided on the site in the rear of the property in the northwest corner of the property. Site signage has been provided via one large freestanding monument style sign central to the property showing all three uses and there are also two directional signs at each entrance. Landscaping will be provided on the site with trees native to the surrounding area and low screening plants along the property lines to provide maximum visibility. We have received the comments from Ms. Skilling and will work with the Town to address all those comments.

Mr. Barrett asked regarding storm water management, you said it would be developed on the site when each phase is developed. Does that mean that while Dollar General is in operation there will be inadequate storm water management for what is there?

Mr. Saprano responded no, the storm water facility that we are providing for the development on lot 2 will serve lot 2 and additional micro bio-retention facilities that we will be providing will only be for the new developments on lot 1 and lot 3. So we took into account the phasing so we could provide adequate storm water management throughout.

Mr. Barrett replied and the County bought into a phased development for the storm water management?

Mr. Saprano answered they did, and one of their comments was they wanted us to provide a preliminary plan showing the phasing so we will be doing that with our subsequent submittal. We've only received concept storm water management approval. There are three phases: concept, preliminary and then final, so we've passed through the concept phase.

Discussion continued regarding the plan and the common access driveway width of 24 feet, with varying widths between parking spaces and from one end of the site to the other. Mr. Ryan voiced concerns with emergency and larger fire apparatus in there; twelve feet can make a big difference considering a ladder truck has a sixteen to eighteen foot wing span on it.

Mr. Saprano responded we'll check on that. The twenty-four feet that I'm referring to is the common access driveway.

Mr. Ryan indicated there should be no problems with the space provided. We'll be able to get in there with no problem because at that point we're not putting any outriggers, we'll be driving through there. The fire hydrant is good right there. I spoke to the Fire Chief today and there will be comments coming.

Mr. Reich asked the Special Exception from the Board of Appeals actually stated they agreed with the three phases?

Ms. Skilling indicated the Special Exception was for the entire site that consists of three lots and that Special Exception allows them to go through this whole process for three lots that otherwise would not have been approved through the normal zoning process because of the road frontage requirement, the criteria for an individual lot. They still have the total but under current regulations Dollar General could not have come in for that one lot.

Mr. Powell stated this was submitted at the Board of Appeals as part of the Special Exception requirement for an overall signage plan with building elevations, and to show what was going on for signage. So this is basically a supplemental plan to help you all see what the Dollar General store is going to be looking like.

Ms. Skilling presented the staff report (attached). Existing paving at the motel is going to stay, we need to make sure when people are coming in and out of here moves smoothly in the interim of lot 1 not being developed. SHA has approved this design but has not provided comments yet.

Mr. Powell replied we haven't submitted any construction documents yet to take it beyond preliminary approval that we've received.

Ms. Skilling responded the recommendation here is the full width of the egress and ingress should be constructed with the Dollar General improvements.

Mr. Powell concurred, and all the widening on Route 40.

Ms. Skilling stated I want the board to be understanding that all of what you see here is what is going to be constructed in Phase 1. There were a lot of concerns about the Highway Corridor Overlay Zone which is the other element of this whole project so I just wanted to be clear on that. Architectural plans will form the basis for future development of lots 1 and 3, a condition of the Special Exception, and the rendering becomes a basis for what will be constructed on lots 1 and 3, included in all the other documents and covenants, similar to a homeowner's association, for the whole development. Sequence of activities: demolish easterly portion of motel, record subdivision, receive final site plan approval for Phase 1, and remove existing motel within 3 years of Special Exception approval as listed in #14.

Mr. Powell explained the pedestrian bridge is the portion of the sidewalk that goes over the storm water management drainage culvert.

Discussion continued regarding the possibility for a mass transit stop at the site. There is a bus stop at Principio Health Center and another at Food Lion. Ms. Skilling is unsure if the County or SHA will locate a stop at this site but right now there is none proposed.

Ms. Skilling continued that they are looking at the water and sewer right now. The Town's DPW has been working with them to determine the best scenario for hooking in to sewer. So they're still working on that and will be sending in a separate water and sewer plan.

Discussion continued regarding water and sewer lines to the property. Right now it has been determined but not confirmed yet the sewer line is behind the motel and is the line that services Perryville Station. So we're concerned about the various lines that come down and previously served the old part of the motel and looking at what needs to be done. Right now we're unsure where the lines are coming from, how they tie in, and how to best tie in initially for this phase but ultimately for the future phases. It has to be figured out in this phase and put in jointly so the other lots tie into that and all these meter vaults have to be put in to serve all three.

Ms. Skilling continued with comments for the Master Signage Plan, and it indicates the existing sign is to be renovated. We have a concern about that because you're going to have a sign to serve all three lots and this is a new development.

Mr. Powell responded “renovate” is probably the wrong word. It’s going to be that we tear down the old one and build a new one and that sign is a monument style sign, a freestanding sign. It will meet the ultimate requirements for signage but it will be relocated back in the same location as the existing sign and will take on a whole new mass and visibility that will match the architectural components of the buildings.

Ms. Battaglia explained this time they submitted a plan for the Dollar General signs for Phase 1. In order for you to approve the Master Signage Plan it has to be for the entire site, and to include dimensions. The plan submitted had the overall dimension of the monument, the brick, but we don’t count that for the size requirement, it’s just the sign area itself and only one side of the monument. The Planning Commission will review and approve the Master Signage Plan for the entire site and that still needs to be submitted. Even though you don’t know what the other two uses are you’ll at least show the space for that square footage to meet the requirement.

Ms. Skilling continued there are no problems with the landscaping plan however I will be looking at the plantings between lots 1 and 2, and if it is part of the bio-retention areas. Unless these uses change there is some consideration whether you need that or not. So I’m looking at that and will get back to you. Shared parking spaces are to be incorporated in the unified maintenance agreement for the whole development. If the Planning Commission approves the site plan then they can move forward with doing the final site plan, get the engineering done and that is crucial for them to get through the process. These are the conditions here and all the other check list items that are checked off as we get them before they get final approval. If there are no questions we can move forward to the subdivision plan.

Mr. Powell asked does the Planning Commission want to approve the site plan or is that something that all the approvals follow. We have the two plans before the Planning Commission: Preliminary Site Plan Phase 1 Dollar General and Preliminary Subdivision Plat for the actual subdivision, the three lot subdivision that we are requesting.

Ms. Skilling continued the site plan has to be done but they cannot build anything here until the actual subdivision is approved and that’s why we’re going to look at that next for approval. So right now the Preliminary Site Plan just needs to be approved and then we’re going to look at the actual Subdivision Plan for the whole site, and for Dollar General in particular, because State law will not allow you to actually build on anything unless it has an approved subdivision and right now there is no approved subdivision for these three lots. Our process requires Concept, Preliminary and Final. Once we get through this with comments you will see this again at final, addressing all these comments and that’s when it gets down to what hasn’t happened yet, or what needs to happen before any final approvals.

SUP2015-01 – Ketan Corporation-Preliminary Subdivision Plan:

Mr. Saprano stated the Preliminary Subdivision Plan takes the entire site of 4.88 acres in size and divides it into three separate lots. Lot 1 has approximately 2.77 acres, Lot 2 is 1.16 acres and Lot 3 has .94 acres. The subdivision plan also includes easements as noted before on the Preliminary Site Plan, a twenty-four foot common access drive easement as shown, easements for utilities, storm drain, twenty foot drainage and utility easements are shown. Access easements and storm water management pond with access is shown with the storm water pond to be located in the rear of the property. Storm water management easements will also be shown for the micro bio-retention facilities that will be implemented during phase 1. Additionally the crosshatching shown is the perpetual easement dedicated to SHA for the micro bio-retention facility for the new impervious added within the SHA right-of-way.

Ms. Skilling continued the subdivision plat has to be signed off by the Planning Commission and officially recorded prior to any approval and the Town implementing any site plan approvals for final and/or Zoning Certificate for any construction. It is my understanding you can get a grading permit potentially and that could be considered, however in the past, other issues happened before where we actually issued sediment and erosion and grading permit and the development never occurred. So first of all we need to go over what needs to be done on the subdivision plat, some of these comments have already been addressed. Each lot will be sold to a different owner. Certain deed restrictions are required and will be required for each deed. There will be storm water easements, state highway road easements, and all that gets recorded as part of the plat. There are temporary easements that may have to be for construction work, all those easements are put on the plat and ultimately recorded. For instance some of this is public and private and they have storm water that has to be recorded with Cecil County for their storm water, those easements are through Cecil County but they also have to put them on this plat to show they are there. If someone pulls this plat they know where these things are. Same way with water and sewer lines, we have to have easements for anything that is public and noted in here. That all gets recorded in a subdivision as well as the homeowner's association for the three lots, business association, all covenants, how it's going to be managed, the architectural design, the landscaping, as well as the signage, all that is part of the unified development. This plat has Special Exception approval which should be noted on here as noted in one of the comments.

Mr. Powell explained the intention is the record plat, when it is subdivided, will show the cross easements, all the easements that govern both private and public. Record plats typically deal with lot lines and easements and things like that. They're not meant as a total graphic survey or to show existing structures and roadways and things like that.

Discussion continued that there is going to be a structure left on the site. That structure is going to be moved later and then the record plat will show a structure that no longer exists.

Mr. Powell indicated the final plat is going to show the existing building, and it's also going to show the portion of the building that is going to be removed in order for lot 2 to be built on. And it will show that. That's the standard.

Ms. Skilling stated our biggest concern is when you go to the County to get your building permit for lot 2, I'm concerned about what they're going to say about what's going to be left on lot 1. So I agree there's going to be something there so we should show it. Our biggest concern is there are criteria as part of that approval by the Board of Appeals with the three years, and we also approved that recommendation.

Mr. Reich commented if you go back to the Dollar General it does say in there the order of how things are going to happen and it does say demolish part of the building then get the subdivision.

Ms. Skilling responded and when people pull that recorded subdivision they can see it is a Special Exception and that building on lot 1 had to be removed in three years so that's a note that should be on there, on the subdivision plat. If it doesn't happen in three years there will be a bond so it will be removed. That was part of the recommendation that went to the Board of Appeals and they agreed on that.

Discussion continued regarding approval with conditions of both plans. Staff report includes all items that must be addressed to get to the final. It will come back again and may have additional comments but right now all these have to be addressed and all other items on the checklist that are

appropriate for staff to go through. They need to be finalized for a final subdivision plan as well as the final site plan. So these comments should be part of your motion.

Motion made by Mr. Ryan and seconded by Mr. Ashby to approve the Preliminary Subdivision Plat for Ketan Corporation to meet all conditions stated in the Staff Report and discussion during the meeting. **All in Favor. Motion Carried.**

Motion made by Mr. Ryan and seconded by Mr. Williams to approve the Preliminary Site Plan Phase 1 Dollar General to meet all conditions stated in the Staff Report and discussion during the meeting. **All in Favor. Motion Carried.**

Chapter 46 Floodplain Management:

Ms. Battaglia explained recently the Town received revised Flood Insurance Study materials and Flood Insurance Rate Map (FIRM) panels for Cecil County, MD and Incorporated Areas prepared by the Department of Homeland Security's Federal Emergency Management Agency (FEMA). These revisions are the result of a coastal study that included water surge height, wave height and how far the surge with wave action would travel inland. The new maps become effective May 4, 2015. MDE has reviewed Town regulations and suggested revisions based on the FEMA approved model template for floodplain regulations in Maryland. The revisions shown are recommended for Town regulations to be compliant and acceptable to FEMA.

Mr. Souder stated this is our part of a larger, national plan as put out by FEMA to change all flood regulations uniformly.

Mr. Reich stated we've all read the changes and there are no questions or comments.

Ms. Battaglia commented this was also sent to the Town attorney for review and he will be preparing the official document for the public hearing that will be held at your next meeting on February 23rd. This was just to let you know that these revisions are necessary and no official action is required by the board now. At the public hearing the Planning Commission will provide a recommendation to the Mayor and Commissioners.

Adjournment:

Without objection the Planning Commission meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator