

**Planning & Zoning
Meeting Minutes
August 19, 2013**

ATTENDANCE: Pete Reich, Ray Ryan, George Jack, Henry Barrett, Director of Planning & Zoning Mary Ann Skilling and Planning & Zoning Coordinator Dianna Battaglia.

Meeting called to Order at 6:36 p.m.

APPROVAL OF MINUTES:

There is no quorum in attendance to approve the May 20, 2013 or July 15, 2013 Planning & Zoning Meeting minutes. Both items will be tabled until the next meeting.

New Business:

Position for chairman is now vacant due to Mr. Fortner's resignation.

Motion made by Mr. Barrett and seconded by Mr. Jack to nominate Mr. Reich as chairman of the Planning and Zoning board. **All in Favor. Motion Passed.**

Mr. Reich accepted the nomination and established ground rules for meeting: applicant to make presentation; questions pertaining to the site plan from the board members; staff report; questions from the public; board discussion in general; motion.

FP2013-01 Frenchman Land Company Final Site Plan:

Final Site Plan was presented by Robert Blomquist and Allen Blomquist of RJ Engineering, and Tim Granger of American Engineering & Surveying, Inc. In summary: the storm water management plan has been approved by Cecil County Department of Public Works; water and sewer connections will be shown on the utility plan; URS provided comments with no outstanding items; approved soil and sediment control plans; State Highway Administration preliminary approval letter that includes sidewalks along Route 7. This sidewalk was discussed with Ms. Skilling, with an alternative to construct a bus shelter at the corner within six (6) months of warehouse construction and participate in a sidewalk fund that the Town will establish as a way to satisfy SHA. The site plan includes a separate office building on the northeast corner of the site, to be built at a later date. This use is now allowed in the zoning district L-2 and is included on the final site plan because Cecil County requires a holistic plan especially for storm water planning and approval for the entire site. The office building will be a separate client from the warehouse building.

Discussion continued regarding the site, grass swales for storm water, sidewalks, traffic flow for the warehouse building and the office building. Fire Department comments have been received for the site in June 2010, prepared by Mr. Ryan. The existing warehouse will continue access from Route 7, proposed new warehouse provides for access from Ikea Way, and the proposed office building will have access from Route 7, with no interconnection as all clients are separate.

Ms. Skilling presented staff report (attached separate): the public works agreement will need to be executed, landscape agreement, and confirm all approvals received from Cecil County. A separate easement is required for the 10 inch waterline. All items must be complete prior to final site plan

approval. There was a discussion regarding the sidewalk along Route 7. There are a lot of issues that and could be problematic with the ditch that was done by SHA in their right-of-way. A sidewalk here is not as important as a sidewalk on the north side because that could get people from Town to the library. The bus shelter on the corner would be an asset and the Town is working towards that throughout other developments. When it comes to paying into a fund, we have a lot of sidewalks in Town that need to get done. This one in particular on Route 327 (Ikea Way), the bridge over the railroad has a sidewalk on the east side but it is very narrow and does not comply with today's standards. It makes more sense to have sidewalks here to continue connection to Town park eventually. This was suggested to the developer as a better scenario, to pay into this fund to ultimately get a sidewalk at least up to that existing sidewalk and at least to get a bus shelter, something beneficial for everyone. To me, a bus shelter is more beneficial at this time, and they also are putting in a section of the sidewalk at their access entrance. It is our plan to try to come up with a funding mechanism for developers who can't necessarily meet some of our regulations in some way, that a fund is established so we can put money in there, so ultimately where we need sidewalks in Town it can be used. Not for repair but more so to build new sidewalks for connectivity, places where we can make it, on town roads there's a lot of places in town where we need sidewalks. Our engineer has done a plan showing where we need sidewalks in Town so the idea being to try to get developers to pay into that fund. The cost would be based on square footage, especially with this office building, there will be more people, more workers in our town who could potentially be walking downtown and other places. So we haven't come up with the cost of what goes in here yet, into this so called fund but it is a mechanism to establish some funding to help get sidewalks in our town.

Mr. Ryan indicated my concern with this agreement is we've asked this developer to within six (6) months, assuming this would also be including whatever he's going to be putting in the sidewalk fund, that puts us on a time scale of having to come up with a formula for who pays what. As a Commissioner I also want to know how we're going to dish this money out. How are we going to be able to push this out, who is it going to help, what are the parameters, and that is a tough project to figure out within six (6) months.

Ms. Skilling responded I've only talked with Finance, how do we set it up. We have a forest conservation fund for the purpose of forest conservation for plantings, and this would just be a fund for sidewalks. As far as the mechanism for establishing the amount, I'm sure it's been done but I have not explored all those avenues yet. We know what the cost of a linear foot of sidewalk to meet ADA compliance is, because we're actually doing it, how we can work that out and how we're going to make it equitable for other businesses coming in town.

Mr. Ryan commented I also have concern that these gentlemen today have agreed to this sidewalk fund and later when we come up with some kind of figure and it's something that can't match his pocketbook, and then what do we do. So I have concern that we aren't in a better place with this before they are agreeing to help us with this. I agree with the concept but not sure we have enough in place yet.

Ms. Skilling replied this just came up recently after the most recent discussion we had and really haven't had the chance to work out all the details. The public works agreement would include what we have now: the bus shelter would be done within a certain period of time, the sidewalk would be done on the plan, and the final mechanism is the pay-in to some kind of fund. I'll have to work on that and establish those guidelines, and work with them because I don't want to put people out of business but I want it to be equitable for a commercial site verses residential because it really does help everyone. We have the same thing with Principio Health Center right now, with these same issues, what's the best to move people on a development like this but yet be able to safely be put in

a roadway. But if you all agree with that mechanism, we'll get together that financial cost. It is in the goals and objectives of the Town to provide connectivity from one place to the other where it best suits getting pedestrians through town because we have a lot of walkers.

Discussion continued regarding Town's requirement for sidewalks, to be installed where possible and sidewalks have been installed in other developments we've done. With the cost to pay into a fund, there would have to be some kind of incentive. If they build a sidewalk on their own property not only would it enhance the value of the property but also enhance the safety and security of their employees as they go to and from work. State Highway recommends sidewalks along Route 7 and they suggested because of the ditch we put it on the property behind the utility poles which is the parking lot for the office building. We contacted the Town for options to this requirement. The property owner does not feel this would enhance his property at all, essentially a sidewalk to nowhere. A smarter use of the money is to create smarter sidewalks in the town itself.

Discussion continued regarding the wording of an agreement for the sidewalk fund. It needs to be specific in how the money will be spent, how the fund will be created, and what other developers would contribute and whether the sidewalk fund is for sidewalks wherever needed or for specific areas such as on Ikea Way. Priorities should be established and once a sidewalk project is started it should be finished before moving to another section. The owner of the warehouse site agrees to participate in a sidewalk fund and he really doesn't care whether the funds are used on Ikea Way or elsewhere in the town.

Mr. Ryan requested the fire hydrant at the entrance off of Ikea Way be located closer to the roadway to make it easier for fire fighters and help in other fire situations in the area, for community safety as well as your building. The developer indicated they will look at alternative locations closer to the street while still meeting the required distance of within one hundred (100) feet.

Mr. Ryan stated his concern regarding installation of only a six (6) inch supply coming into the building. Fire code is based on building use and the type of materials to be stored there to determine sprinkler system size. There were questions asked why you are not putting eight (8) inch verses the six (6) inch, besides cost issues. If you were putting a stuffing warehouse in there you wouldn't have enough water supply with the six (6), and that may be something you need to think about. This is not a recommendation, except as a fire fighter, the answer would be yes. As a commissioner trying to get a commercial structure in here I have a little bit of a problem telling them what they have to do. The Fire Marshal reviews the building plan and he signs off on it; he's the one who has to satisfy all requirements. If he doesn't feel the six (6) inch is adequate, he's not going to sign off on it. There are no access problems for reaching the site and buildings by the fire company from Route 7, Ikea Way and the parking lot at the office building with more than adequate reach available.

Discussion continued regarding wording for the agreement. Mr. Jack reiterated a change to the wording for the agreement: a sidewalk fund will be established by resolution by the Mayor and Commissioners. These funds, from the developer, will reside in the sidewalk fund until its use on Ikea Way. If specified, the funds would have to be used on Ikea Way, but the owner has agreed to pay into a sidewalk fund, whether that money is used on Ikea Way or elsewhere in Town and provides flexibility for the fund. The public works agreement would be established and be specific for the development.

Ms. Skilling indicated I've got to convince Mayor and Commissioners of the goal of that fund. Is it just to do Ikea Way, or is the goal of the fund to use for other sidewalk projects in Town, because I think if they're alright with that I would rather see it used for anything in Town.

Discussion continued regarding phasing of construction, and if the developer doesn't break ground on both buildings at the same time. The developer has a requirement with Cecil County Department of Public Works to be substantially complete with all storm water management improvements on the site by 2016. In order to construct the two improvements he has to construct the site first to do that. And to do that he has to put in all the storm water improvements including this full swale, improvements to the pond, the whole site. It is hoped that during that time there will be a client for the office building. Construction will occur with an approved Zoning Certificate and building permit for each building as started.

Motion made by Mr. Jack and seconded by Mr. Barrett to approve the final site plan conditioned on finalizing all agreements and staff comments are addressed satisfactorily. **All in Favor. Motion Passed.**

MDP Annual Report worksheet:

Ms. Skilling explained it is a requirement that has been there all along and hasn't been done in a while. It is a requirement yearly that we submit the documents to Maryland Department of Planning that includes all this information. Because we don't have the number of zoning certificates issued for new development of housing stock, and we don't meet their standards, there is very little that has to be submitted to them. Their requirements are that the report is reviewed by the Planning Commission because you are the authority on all site plans, all subdivisions, and the Planning Department reviews Zoning Certificates. A lot of it has to do with growth items, if it's in a priority funding area, some of this was covered in your required training. Priority funding area is basically everything within a municipality's corporate limits. If it's in your comprehensive plan and it's been annexed, it has to meet certain density requirements. The only one that doesn't meet the density requirement and didn't get put into a priority funding area (PFA) was Happy Valley. All the others within corporate limits are considered PFAs.

Discussion continued regarding location of Happy Valley near Cokesbury Road, west of the casino property and proposed single family homes. Cedar Corner was another annexation with a plan coming through for concept. There have been three (3) projects for workforce housing that were turned down. Development capacity analysis is the best density for a specified project's acreage, there has been nothing submitted recently, the last was in our comprehensive plan when it was done in 2009.

Motion made by Mr. Jack and seconded by Mr. Barrett to approve Maryland Department of Planning's Annual Report worksheet. **All in Favor. Motion Passed.**

Motion made by Mr. Reich and seconded by Mr. Jack to adjourn the meeting at 7:50 p.m. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator