

**Planning & Zoning
Public Hearing & Meeting Minutes
June 15, 2009**

ATTENDANCE: Commissioner Linkey, Chairman Michael Fortner, Matt Oberholtzer, George Jack, Pete Reich, Priscilla Turgon, Town Attorney Keith Baynes, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

Public Hearing called to order: 6:30 p.m.

File No. SP2009-02- Preliminary Plan for Hollywood Casino Perryville.
PROPERTY OWNER: Principio Iron Company; **APPLICANT:** Penn Cecil Maryland, Inc. **LOCATION:** 20 Craigtown Road, Perryville, MD 21904; Tax Map 29, Parcel 70, Lot 1, Zoned CEMUD, 30.0 acres.

Mr. Bob McAnally of Taylor Wiseman and Taylor indicated we are consultant engineers located in Havre de Grace, Maryland and I'm here tonight as a representative for Penn National Gaming, with Mr. Jack Rauhen. I'm here tonight to talk about the Preliminary Site Plan for the Hollywood Casino. As you know the Town has adopted the Commercial Entertainment Mixed Use Development zoning for the tract with access immediately adjacent to southbound ramp for I-95 on Bainbridge Road. The casino site encompasses thirty (30) acres back in the northwest corner of the site. This entire area was formerly mined and we're going to reclaim the site. The casino encompasses thirty (30) acres and the hotel, which is known as 1B, encompasses another six point four (6.4) acres. We need to build an access road that at this time we are calling Lighthouse Parkway. The road is about nineteen hundred (1900) feet long and will extend from Turnpike Drive which is the access to the Maryland Transportation Authority weigh station and office facilities. We're going to construct Lighthouse Parkway beyond the property limit of the casino site and terminate in a temporary cul-de-sac. Utilities for the site: the sewer we will connect with the Perryville sewer with the sewer line extended up through this corner of the parcel. We will run our sanitary sewer from the casino to the hotel and extend it up Lighthouse Parkway to service this future development here (in Phase III). It will run down Lighthouse Parkway parallel to the south property line of the hotel site, extend along the rear of these future buildings along the woods line and tie in to the existing connection left there. The Town has a water tower up here on the site in the northeast corner of the site and there is a twelve (12) inch water main that extends down along the access road to the water tower and it follows along the route with an easement and it comes up along the road and connects to Bainbridge Road. In order to provide water service for the casino and the hotel we are going to tap in to the existing twelve (12) inch line, extend the water main temporarily to the end of Lighthouse Parkway to service the casino and the hotel site. As far as stormwater management goes, in connection with reclamation of the mine flowing from west to east and it is collected in this stream here. We're proposing to have micro bio-retention areas throughout the parking lot. The stormwater starts with water quality and recharge and for a one year storm, in the bio retention areas in our parking lots or during an event, it is collected in our storm drain system and then follow down to Lighthouse Parkway to one kind of basin

which will be detention basin to capture deep flows for the casino site, the hotel site, Lighthouse Parkway and a portion of the future development will go to one basin here, which we call stormwater basin south and we have another basin up in the northern part of the property which will take this area of our parking lot and handle that. We have fifteen hundred (1,500) parking spaces. The casino will have fifteen hundred (1,500) video terminals. We have a loop road around our site and the spaces inside there will be paved and the exterior spaces outside of the loop road we are proposing to be temporarily paved with a crushed stone. We have parking spaces for eleven (11) bus parking spaces along the rear of the facility and based on our marketing study, and what we do for other casinos, we believe eleven (11) bus parking spaces are more than enough for what we need for our use. It is not the type of facility that will get a lot of bus traffic. We have building façade renderings here and our building will be in compliance with the architectural standards established for the Chesapeake Lighthouse project. The building height, the maximum height of the building will be forty (40) feet to this screen wall which will hide the mechanical equipment on the roof. Generally the building ranges in height anywhere from thirty-seven (37) to thirty-four (34) feet high. We have elevations of the different views of the building. This is the front of the casino this is the side where the side entrance is and you can see in the back there the support building where we have our back room operations. We're here to answer your questions tonight. That was a real quick overview of the project and we know Mary Ann Skilling has a report. We are here to address your comments or questions.

Mr. Fortner asked for comments from Town Staff.

Ms. Skilling responded I'm not going to go through all the information on the procedural but many things have to be resolved yet prior to final approval including stormwater management and sediment and erosion control and any additional requirements listed under procedural.

Comments from Mary Ann Skilling, Town Planner

PROCEDURAL/ADMINISTRATIVE

1. *If the Preliminary Site Plan is approved by the Planning Commission, the applicant could submit construction plans to the various agencies for review and approval (S&E and stormwater plans have already been sent to appropriate agencies as part of the County's "Fast Tract" process). The following approvals must be received prior to signing the final site plan:*
 - *Sediment and Erosion Control Plans – Natural Resource Conservation Service (NRCS)*
 - *Stormwater Management Plans – County Department of Public Works (CDPW)*
 - *Forest Conservation Plans – County-Planning and Zoning (CP&Z)*
 - *Access Permit – State Highway Administration (SHA)*
 - *Water and Sewer Plans – Town Engineer*
 - *Landscape Plans – Town Planner*

- *Water Plans and Hydrant Locations – Town Fire Chief*
 - *Access Permit from SHA*
2. *Due to the importance of remediation of the site for construction of the building and other improvements, a grading permit may be granted prior to final site plan approval once the stormwater and S&E plans have been approved.*

This is a really important part of this project and due to the importance of remediation of this site, it's an old sand and gravel operation and for the construction of the building there are some major remediation that needs to take place and other improvements. A grading permit may be granted prior to Final Site Plan approval once stormwater and sediment and erosion control plans have been approved by the county and Soil Conservation. I've talked to Cecil County DPW and once those two things are approved by the county they could move forward to get a grading permit to start remediation on this site. Just to make sure that the grading can be done for the remediation for the building because they need to have a geo tech study. They are going to have to do substantial work to the site and they can answer any questions you may have. But DPW at the county indicated that they would issue a grading permit. They would have to come to us for a Zoning Certificate prior to and we would have to make sure and guarantee that those things are in place, sediment erosion and stormwater management, to be able to allow that to happen.

3. *All the following agreements should be executed prior to the Town signing the Final Site Plan.*
- a. *Public Works Agreement (PWA) executed with the Town that guarantees that any public water or sewer facilities will be constructed in accordance with the approved plans. Unit costs and quantities may be reviewed by the town engineer. The extent of the improvements to be guaranteed will be dependent upon the extent of the facilities intended to be dedicated to the Town.*
 - b. *A Landscape Agreement executed that guarantees the required landscaping and afforestation or reforestation.*
 - c. *A Stormwater Management Agreement executed between the developer and Cecil County DPW that guarantees that any stormwater management facility will be constructed in accordance with the plans approved. The agreement should grant perpetual access to the stormwater management facilities to County personnel for inspections.*
 - d. *Review by the Town Attorney and the execution of the Lighthouse Business Park Declaration of Covenants, Easements, Restrictions, Liens & Charges as defined in the CEMUD Rezoning Application.*

Mr. Reich interrupted may I ask a question. The stormwater management plan that he just proposed over there where they're gathering stormwater from the parking lot to those systems....

Ms. Skilling commented they are called bio-retention systems.

Mr. Reich responded yes. Who has the upkeep of those?

Ms. Skilling replied that would be on private land. That would be in their parking facility and it is my understanding that it would be, they would have, it would be a private facility which would be, that whole, lets go back a little bit.

Mr. McAnally indicated I can answer that. We've been working on this site design system and can answer your question to explain how it works. In the set of stormwater management plans that we submitted to Cecil County Department of Public Works, Cecil County Department of Public Works would be responsible for review and approval of the stormwater management plans prior to us receiving a permit for any earth disturbance. In addition to the stormwater management plan we need to have Soil Erosion and Sediment Control plan that is approved by Cecil County Soil Conservation. To answer your question, the bio-retention areas are within the limits of the casino parcel. They will be built and maintained by PNG. Those systems will function to handle the water runoff and from a larger storm those systems will overflow into a typical catch basin and piping system. The piping system will carry the runoff down, and the piping system then will be maintained by Hollywood Casino until it gets to the piping system in the public roadway. Lighthouse Parkway is to be dedicated to the Town of Perryville. The piping system, for this basin on the north side, all the storm drain pipe system and the basin itself will all be maintained by PNG solely. The piping system on this part of the casino site, the south basin, that piping system and the bio-retention areas will be maintained by PNG until it ties into the public road. At that point we have about a thirty-six (36) inch reinforced concrete pipe that picks up all the runoff from the roadway that is brought down in a pipe network along the road. From here we have an easement along the south side of the hotel parcel that discharges into the basin. This basin exists on site today and was originally built as a sediment catch basin for the mining. It has an existing outfall pipe and in order to meet the stormwater requirements what we need to do, we have our geo tech plan coming up with a solution now and we have to make sure this berm at this site, but to get back to your question, who is responsible for it. The storm drain pipe system in the public road will be the Town's responsibility; the segment of pipe from the public road to the basin because it picks up stormwater from the Town road will be the Town's responsibility. The maintenance of the basin will be maintained by the association that will be shared for the maintenance of that basin and normally what would happen in that case is the Town or the county has an overriding easement to make sure that they are maintaining that basin. So the private facilities are everything on the casino lot, all the piping on the hotel lot. The public facilities are in the Town road, the segment of pipe to the basin and the responsibility of maintenance of the basin is the overall Chesapeake Lighthouse Association.

Mr. Reich asked this piping is not open other than to where the drains from the road get into it. I'm not sure how this is designed.

Mr. McAnally answered the piping is all buried in the ground. The bio-retention areas, what we have is sheet flow into these landscape islands, where the bio-retention areas are, and the way they work is they will hold the water until it can recharge back into the soil. It's designed for a certain level storm. Once we meet that requirement to be in compliance with Maryland Stormwater requirements, it overflows into a catch basin and then gets into the pipes that are designed just like all the other pipes that would be in accordance with your ordinance and the county's ordinance. That concrete pipe and that network of inlets is all buried underground and will pipe the water to the basin.

Mr. Reich asked what do you do in the event of snow fall.

Mr. McAnally responded with snow fall just like anywhere else because it doesn't flow until the snow starts to melt.

Mr. Reich said I understand that but if you look around at big parking lots what tends to happen is they tend to make very tall piles in very discrete areas so that they open up a lot of parking. So is there a possibility then that we could overload that system if they did that.

Mr. McAnally replied we would plow that so we wouldn't plow the snow into the bio-retention areas. The snow would have to be plowed to the end islands or areas in here along these roads and out of the way from the stormwater system.

Ms. Skilling continued with review and comments. This leads into the next thing, because stormwater management, the way the whole General Development Plan was designed was that there would be a Lighthouse Business Park Declarations, Covenants, Easements, and Restrictions and that is part of the plan. Some of these things are in there and that would be how it would all be managed once we get all that approved through our attorney and the attorney for PNG, and the Stewarts will be looking over that agreement to make sure these things for maintenance are in there and how it will be maintained. So all that will have to be finalized prior to Final Site Plan approval. Some of those like the Architectural Review we've already talked about, the Stewarts will have to approve under their Architectural review as well as the Town.

Mr. Reich commented I noticed a lot of times in the county where they have covenants that do that kind of thing and stormwater management that it is supposed to do, the community is supposed to mow it and supposed to keep up the rocks, and they tend to die. Is this whole thing going to end up being our problem if that happens?

Ms. Skilling replied I think PNG and the Stewarts would not want this to fall apart because they are looking for it to be a very nice mixed use development and I think they are going to want to maintain it. And plus it has to be maintained according to our ordinance and Mr. Freel can address that through his maintenance program through this ordinance.

Mr. Freel responded in our covenants and restrictions, that is standard, and it becomes part of our association. Stormwater specifically will be checked periodically by the county to make sure it is being maintained. We have requirements in our covenants and restrictions regarding mowing the lawn and regular maintenance of that property because that is going to affect our ability to sell other lots or future development.

Ms. Skilling indicated I might add too the Town did pass an ordinance a few years ago about if stormwater management systems are not maintained, the Town can hire someone to go and get it done and they will tax the property, whether it is a homeowner's association, to make sure it happens. So there are some checks and balances that are in place to make sure it is taken care of. Continuing with my review:

PLANNING/TECHNICAL

Site Plan

1. *Add a note to the trail sections ending in Phase I indicating, "to be continued by others," to be consistent with the General Development Plan. A detail of the trail section should be included on the plan.*

Ms. Skilling stated there is a twenty-five (25) foot common open space and I have talked to Mr. Freel about this and they will actually be putting a landscape plan together for that twenty-five (25) foot section and how it will be landscaped and the amenities that will go on that trail section that will be added prior to final site plan.

Mr. Freel indicated we are working on that right now and part of the management of that we're working on as Ms. Skilling indicated is we're going to have the trail section, benches, lighting, we're putting all that together now.

Mr. Fortner asked where is this going to go? Is this leading up to the casino?

Mr. Freel responded it will be an open trail system throughout and we're talking to Heritage Greenway and others to tie into their trail systems.

Ms. Skilling replied but for this site plan we're just asking to make sure that this site plan indicates that there are other trail sections that will be continued by others. And it will be the Stewarts who will be required for the landscaping to be included.

2. *A list of regulatory approvals and or permits must be provided.*
3. *Parking for 11 buses seems low for the proposed use. Should additional bus parking be needed, where would this occur?*

Ms. Skilling commented this was addressed by Mr. McAnally that basically they feel these spaces are adequate because that is not the market they are trying to pursue. Most of those bus parking is in the back part of the parking lot.

4. *Crosswalk striping on roads should be provided where walkways cross roads.*

5. *It is noted that part of the parking lot will be crushed stone. How will these areas be managed to reduce dust, snow removal and lane makings? What is the time frame for potential paving?*

Ms. Skilling indicated we need to be cognizant of the fact this parking is very close to the I-95 corridor there and dust could be an issue and concern. That is a question that needs to be addressed, how are you planning to control dust.

Mr. McAnally replied the parking spaces that we are proposing as crushed stone initially are outside the perimeter road. The proposal of crushed stone will be gravel and will not produce dust. The spaces that run up to a bio-retention area will be marked with a concrete bumper or wheel stop so you'll clearly be able to see those spaces. The ones that are in other areas the only delineation on those spaces will be the landscape islands that occur every ten (10) spaces by your ordinance. We don't know exactly when it is in our budget to pave this. One of the big items we've been fighting since day one is the budget and to bring in this project that meets the Town and state's needs and that PNG can afford to do in this current market place. And so because of these overflow parking we believe initially we will be able to use the crushed stone on those parking lots. As of now if you try to plow snow on stone, the stone is going to move. We'll have to plow it and may not be able to plow it just like the paved parking lot. And if the crushed stone parking lot gets rutted we'll have to come back in a regrade and push it around and it becomes a maintenance issue. But it is one we're willing to work with in order to keep within our budget.

Mr. Fortner asked could you do away with it. Do you really need it because it is my understanding this building is going to be done in a couple of phases and it is going to be smaller and are you trying to meet the requirement for ultimate build out and if you are, could you just do away with it.

Mr. McAnally responded we need the overflow parking for the fifteen hundred (1,500) slots and that is phase one.

Mr. Rauen indicated that is only for periodic demand days.

Mr. Reich stated also your stormwater management is in those areas so you have to do something.

Mr. McAnally replied we're building the stormwater management facility just like in the paved area and the crushed stone, as far as the stormwater management facilities go, are treated the same as for a paved parking lot as far as runoff on the impervious surface. So the stone will be such that it is a blend and it is rolled and compacted so virtually it's not going to move around. We're not putting in all stone that is the same size so it becomes a sea of marbles. That is great for stormwater because it lets the water in when you do it that way but from a maintenance standpoint and the practicality of people walking through you can't put that kind of crushed stone blend in.

Mr. Reich asked is this what they call crusher run.

Ms. McAnally responded yes.

Ms. Skilling commented it actually becomes more locked when it is compacted. The particles become more locked.

Ms. Linkey asked I have a question regarding the time frame as well. I realize you can't make this time frame but maybe once you get a better feel for business do you have a plan for when that will be done, initially, or right away or later.

Mr. Rauen responded operationally we have a real sense for that. If there is demand there and customers are consistently having to park there and we see on a regular basis our customers are having to use the overflow parking, then we are going to pave it for the safety of our customers. In the interim we get a sense of the demand this is the best we can do to stay on budget.

Mr. Jack asked how many parking spaces are we talking about to be the crusher run.

Mr. McAnally indicated approximately one third.

Mr. Jack replied five hundred (500)?

Mr. McAnally replied yes.

Ms. Skilling continued with comments:

6. *Pavement on the north side of the property is within the access easement to the Town's water tower. Any changes to this access will require modification to the easement.*

Ms. Skilling indicated to Mr. McAnally that it had been discussed some of that is going to be paved as part of the roadway and then the additional access will continue. Can you explain to the Planning Commission any potential change there.

Mr. McAnally responded today when you pull in Turnpike Drive there is a paved road that came down across the stream and at the bottom of that incline. That road is there today. The water main extends from the water tower along the access road and there is an easement that follows along on the east property line. When you get to a point here in order to stay out of the wetlands and the wetlands buffer, we have to put our road, our driveway to this parking lot here and what we would do is even though the water main aligns right now is within the wetlands buffer, what we'll do is reconfigure that easement so you will access the access road to the water tower by turning in our driveway, continuing approximately two hundred (200) feet and then lining back up to where the existing access driveway is today. We'll have a curb impression and we'll pave a small area to make the transition to the stone road and access to the water tower. Today the

Town has an easement from the water tower across the Stewarts property in a configuration like this and our final documents will show how we will reconfigure this easement for access and how it coincide with our driveway.

Ms. Skilling continued to the next comment:

7. *It is recommended that the steep grade along the town easement be modified as part of the overall grading of the site and a hard surface be provided.*

Apparently it has been brought to my attention that in fact, I think the Stewarts, had made some kind of arrangement with the Town at some point in time that there would be a hard surface on this site. Nothing in writing but there was some kind of agreement made, but it is recommended. We know there is a steep slope there and it is tough during the muddy season when we have a lot of rain for maintenance vehicles to get up that steep slope and recommend that while you are grading the site maybe this could be modified to make sure that we can get there and that a hard surface was put in that area.

Mr. McNally stated we would really like the opportunity to sit down with the Department of Public Works, your engineer and any representatives of the Town to discuss this. What we are talking about here is this access road here where it comes up and it's kind of hard to see it from there but the water tower is at a higher elevation and we're way down here at the bottom of the pit. There's a steep slope there about thirty-five (35) to forty (40) feet high. This drive that you can drive up today in your vehicle and this area in here runs between sixteen and twenty percent (16-20%) and URS has asked if that slope can be cut down to ten percent (10%). The driveway is pushed approximately ten to fifteen feet off of the property line today. There is a water main between the driveway and the property line. We weren't involved in the construction of the water tower and the extension of the water main but we assume the water main is anywhere from three and a half to four feet deep. In order to lower this driveway you would have to cut it down thirteen (13) feet. That means we would have to rebuild the water main assuming that the water main wasn't installed initially down about seventeen (17) feet deep. So to get back to my initial comment, we would really not want to agree to do that tonight until we sat down with your engineer and whoever was responsible in the Department of Public Works for that access. That's PNG's take on it. I don't know if Mr. Freel wants to offer anything else.

Mr. Freel commented no I agree. Actually I think the grade of the slope is going to be a challenge but maybe putting a coating on it on the access to something you could manage.

Ms. Skilling stated I think it is worth sitting down and discussing it. Whatever we can do to remedy the situation to be more accessible because that seems to be the concern. And if we can do it by putting down some type of base that would allow them to get up there. I think we need to recommend at least to have that discussion.

Mr. Reich commented so what you are saying is you want to recommend for this #7 in the site plan so we get it read into the record that the Town is going to have a meeting with Stewarts to discuss this.

Ms. Skilling indicated how we can make this a better arrangement than what we have now to get to the water tower because it is difficult to get there at times. So we can have that discussion.

8. *The applicant is requesting Design Waivers for the following:*

- *Article XIV, Section 251 (6). Lighting requirements – The CEMUD regulations did not define standards for lighting as it pertains to a casino operation for security and safety. The applicant is requesting a waiver of the 16 foot limit to 25 feet. Justification for the waiver should be provided to the Planning Commission and recommendation made to Mayor and Commissioners for the waiver.*

Ms. Skilling said the question I have is for justification; does it have to do with security or what are the primary reasons for the higher luminaries and the projection of this. Is there some standard that is typical to the gaming facility?

Mr. McAnally responded because it is a gaming facility, PNG has a standard that they try to obtain on all of their sites. And that is an average foot-candle level of ten. In order to have an average foot-candle level of ten and still provide acceptable uniformity ratio. A uniformity ratio is if you look at the lights in here there are some bright and dark areas. As you are driving through a parking lot if you put the poles too low, at sixteen (16) foot, trying to maintain that ten (10) foot average foot-candle level we would have hot spots and light spots. So the uniformity ratio would not be ten to one (10:1). What we're proposing is twenty-five (25) foot mounted height. The key to that is what we are proposing is a high quality cutoff luminaire. What that means is if you look at the handout and you look at the side of the fixture you don't see the lamp at the bottom. So because the lamp doesn't sit down beyond the cutoff luminaire and all the reflections are up in the box off the lamp it spreads down and as you are looking at it from the side theoretically I guess the reason why the Town has the sixteen foot is they want to reduce glare in the night sky. But you can put it up twenty-five (25) feet high by using the cutoff luminaire with the shielded lamp and that is what we are proposing to do here. We'll have a uniformity ratio of ten to one; that's when you're driving through the parking lot you won't be going through dark spots and light spots and for security purposes we have ten foot candles here. Now because this is down, in the bottom of the gravel pit anyway, the top of the lights don't get up to the adjoining elevations around the place. That's a pretty good reason why we won't wind up having any impact if the Town decides to grant that waiver request.

Commissioner Linkey commented your lights won't impact the tolls.

Mr. McAnally stated if you ride by the interchange depending on how high the lights are at the interchange, I would guess probably seventy-five to a hundred feet high.

Commissioner Linkey responded but when you get off to the side or over here it could maybe cause issue. I realize that they are high along the highway but you're talking about here on your site.

Ms. Turgon asked what does the ten to one ratio mean?

Mr. McAnally replied it is a uniformity ratio and what it relates to pretty much is if you for example are outside in the bright sunlight and you walk into a dark area it takes a moment for your eyes to adjust. Well the reason you want an uniformity ratio in the parking lot when you are driving is so as you're driving your eyes don't have to keep adjusting to different light levels.

Mr. Jack asked if that will set a precedent for other lighting in future development as we go on.

Ms. Skilling responded it could go in the other area but what you have to do is it would be best to make a recommendation to the Mayor and Commissioners from the Planning Commission to them to allow this to happen here and it would have to be reviewed by every one of these projects. You would have to make a recommendation for any other site that is in phase two or in phase three. So it would still have to come back for any recommendation. In this particular case I think there was a little more of an issue because of security reasons on the casino site. But like I said it's not setting a precedent because it really was not established in the standards in your book for the CEMUD when it was established. There is not a standard put in there for lighting on roadways but there was lighting on buildings in those standards. So we're just approving, or at least making a recommendation to the Mayor and Commissioners for this site to allow it to go to the twenty-five (25) feet, if you choose to do that. The Mayor and Commissioners would look at the same thing that you are looking at and would make a decision. The Mayor and Commissioners, under the CEMUD, have authority to change standards because it is a mixed use and in this particular case there could be fairly good reasons to change that standard. So it is upon you, the Planning Commission, to make that recommendation to Mayor and Commissioners if you choose to do so. Are there any other questions on that? Continuing:

- *Article 74-20 B (4) Roadway Widths. Since the Town follows the Cecil County Road Code, the roadway width meets County requirements. Although the road meets this requirement, there is a concern that the width of the spine road to serve all phases of the CEMUD will not be adequate. Consideration for an expanded road or boulevard that would serve all phases of the Chesapeake Lighthouse project should be considered based on data from the TIS.*

Ms. Skilling stated I know the TIS really didn't address the spine road but there were discussions I've had with Mr. Freel and Mr. McAnally on that issue and Mr. Freel, do you want to address that issue?

Mr. Freel responded we have talked to PNG and what we have agreed to is to widen the spine road to four lanes and we think it is a benefit to the project so we've come to an agreement to widen the road and we'll be able to show that formally.

Mr. McAnally stated we are working on a design for a four (4) lane spine road and it's going to be forty-eight (48) feet wide and it's going to be within a sixty (60) foot right-of-way. Parallel to the road is a twenty-five (25) foot common open space pedestrian path so pedestrians and bicycles will be outside of the roadway altogether. So we'll have the four lanes, four basic lanes, concrete curb and then the twenty-five foot wide common open space area. Also since we do have the frontal delineation on the wetlands in this area, as we are redesigning it to four lanes we are going to redesign the curvature of the road up here to meet the Town minimum requirement of three hundred (300) radius so we're not going to need the second waiver requested or the third waiver requested. We only need the waiver for the lights.

Ms. Turgon asked what is the Town standard for the width.

Mr. McAnally replied the Town standard is forty (40) feet wide and the Town follows Cecil County regulations and Cecil County standards for commercial and industrial collector roads that would be sixty feet wide.

Mr. Rauen said in regard to the four lane road, from Penn National's standpoint, we don't necessarily disagree, we think its good long term planning but what we're going to want to do is work with the Stewarts to make sure that they pay careful attention to what would be the normal egress patterns out of here. Left turn out of this way and left turn out of this way. On the way in four lanes is beautiful, but the way out we want to be very careful how we set up these left turns for the safety of our customers.

Mr. Reich asked are you going to put that in the updated plan too.

Mr. McAnally replied yes sir, we'll submit an analysis of each of those intersections for the plan.

Ms. Skilling questioned will this be coming in as part of your Final Site Plan.

Mr. McAnally asked what is the procedure in the Town. Can we resubmit prior to going to the Mayor and Commissioners or should we just pick it all up on the final site plan.

Ms. Skilling responded I think to make things move smoothly I think we ought to go to Mayor and Commissioners just to make sure we have the recommendation but I think we could. The way the CEMUD is written, conceivably you could come in with your Final Site Plan at that time because you are addressing these comments as we go along. Because if you read it, it says you can come in with a Preliminary Site Plan and a Final Site Plan. So if you want to make comment and if you want to address some of these comments that you are going to have to do or you probably will do before Mayor and

Commissioners for some of these to be addressed as we move along now. You could come in with a Final Site Plan or you could just make the revisions and come back to the Planning Commission just for the Final indicating these things are going to be addressed.

Mr. McAnally stated initially it will be our meeting with the Town and Department of Public Works and SHA. Because we are all on the fast track to try to get all this through as soon as possible.

Ms. Skilling addressed the Planning Commission that just for your information we have had discussions with State Highway Administration and Cecil County Department of Public Works and Sediment and Erosion Control. All this project is on what they call the fast track. Obviously it's an Economic Development consideration at the county and that is part of their fast track program. So we're trying to get these things as we move along. I know that Mr. McAnally and Mr. Crowe have been submitting things as we go along so things are moving, and it is a moving target quite honestly because we're updating and moving things along to get things done. And State Highways is the same way. They have been very good in getting comments back quicker than I have ever seen SHA get comments back to anyone. So hopefully we can get information, which is going to be another discussion here in a minute, back to them so we can move forward with achieving SHA's requirements. So just to let you know when you hear that fast-track, that is what it is all about.

- *Article 74-20. E. Curvature – Should the spine road be expanded, there appears to be adequate area to address curvature. The 25 mph speed limit would be adequate to address this issue.*

9. *Who will be constructing the spine road? An access easement will be required from the property owners.*

Ms. Skilling continued I am not going to go through URS comments. You can just make them a condition to address for the engineering aspect and they are working on some of them now anyway. PNG will have to have an access easement to that spine road at some point in time and eventually it will be turned over to the Town but who is actually going to own it. I know the Town will own it eventually, I know, but who is building it.

Mr. Rauen stated we've established we are building it now but what funding mechanism that takes is an entirely different discussion.

10. *It is recommended that utilities be within public right-of-ways. Any deviation to this shall be approved by Mayor and Commissioners with provisions that a physical access be provided and maintained by the development for Town maintenance and servicing.*

Ms. Skilling stated I noticed in some of the areas where you are going down in that bottom for some of your access if you're not in that public right-of-way then it would be required that some kind of maintenance access allows them to get in there and maintain,

so the Department of Public Works can get in there for that maintenance. That has been a concern in other areas.

Mr. Oberholtzer asked is that an access road that runs the entire length of the sewer main.

Ms. Skilling responded it needs some kind of access yes, so we can get in there. They are suggesting you come along, URS in their comments, where actually you come up through....

Mr. McAnally commented we have had conversations with URS and their review comments. Originally the existing sanitary sewer was to run here and the sanitary sewer was planned in a way to run along this future parking lot and this is on our General Development Plan and in all likelihood will change before we build everything back here but we want to put the sewer in an area where we don't have to dig it up for building. So we're going to run the sanitary sewer up along here along the top of the stormwater basin and originally we were going to run it through the back of the hotel lot parcel, come into the public right-of-way, across the stream, and leave stubs here and here for these two parcels. Based on my conversations with URS, they recommended that since we are going to have a public road, instead of putting the sewer in the hotel parcel we'll put it in the public road to this point which in all likelihood will be the end of public responsibility even in the future and then run along the south side of the hotel lot and tie into this portion here. So if we do that, what we need to do is put some kind of stone access road to the manhole. The Town will own that sewer line, it will be public sewer, so we will provide access to the manhole. What we have done in the county before is provide some areas using eight inch thick crushed stone for the access road above the centerline so sanitary sewer will be in the paved road to this distance and then from here to here would be sanitary sewer for the Town of Perryville from the centerline of that easement so you can come in and access the manhole.

Ms. Skilling stated again if there is any deviation from that or whatever, that would be something the Mayor and Commissioners would have to finalize and approve. There are comments from URS in regards to that in your packet. Continuing with comments:

- 11. Section 116-6 (6) of the CEMUD Standards - Requirements for building setbacks, lot sizes, lot dimensions, lot coverage, and yard and buffer and landscaping shall be established for each CEMUD Floating Zone project as a part of the project's site design standards and may vary significantly by lot. In reviewing these requirements, the Planning Commission and Mayor and Commissioners shall consider such factors as the intent of the CEMUD Floating Zone, its development standards, and the goal of a compact mixed use development and appropriate transitions to abutting uses on the perimeter of the site. The maximum building height allowed in the C-2 district is 40 feet. The support building at 34' and the casino at 33'9" meet this requirement. Standards being used for the site are established on the site plan and appear to be adequate for the casino site.*

Ms. Skilling commented in this particular case we looked at the standards that were set if you look at the site plan, they talked about the standard setbacks, it seemed to be adequate for this site. The maximum building height allows to forty (40) feet and Mr. McAnally has indicated that the screening at the top of the building reaches the forty (40) feet. The support building I have as thirty-four (34) feet on your design, the cross section, and the casino is thirty-three (33) feet nine (9) inches. And you're saying though the height with the screening is at forty (40) feet.

Mr. McAnally confirmed the height of the casino with screening for the mechanicals on the roof is at forty (40) feet. A review of the elevation plans were done for proposed heights for support building and casino.

Ms. Skilling indicated the standards are set actually by the overlay zone and forty (40) feet has always been something the Town stuck with that forty (40) foot height and the concerns for height. Forty (40) feet at this site probably won't stand out like buildings in Town. So that is a consideration. It meets the requirements in the zoning for the commercial C-2 zone. Continuing with comments:

Landscape Plan

Article XVII Screening, Shading, Landscaping and Environmental Standards

Section 297. Required Trees along Dedicated Streets.

1. *The plan provides Newport Ash trees with clusters of Crape Myrtle for seasonal color along Lighthouse Parkway.*
2. *Due to the size of the building and massive parking, it is recommended that the caliper of trees be at a minimum 2", 10 to 12 feet tall through the site.*
3. *The wildflower seeding schedule primarily contains grasses rather than wildflowers. If the intent is to provide a wildflower area, a mix of wildflower seed would provide a more striking effect.*
4. *A landscape plan for the 25 foot "common open space" with amenities must be provided for the section included on the site plan prior to final site plan approval.*

Section 309. Perimeter Plantings – *An eight foot landscaped area must be provided around the outer edges of the entire parking lot and the inner side of the walkways. This requirement will be met with the landscape plan for the 25 foot "common open space". It is recommended that a combination of large trees and understory trees and shrub be planted within the walkway. Lighting and amenities should be included on the landscape plan. Larger trees (at least 2" caliper) would provide an immediate visual impact. Forest Conservation Mitigation may be used to satisfy this requirement.*

Section 309. Perimeter Landscaping. *An 8 foot landscaped area must be provided around the outer edges of the entire parking lot to reduce its visual impact. All trees shall be set back at least 4 feet from the edge of paving where vehicles overhang.*

Ms. Skilling indicated there is nothing on the plans. Usually those perimeter controls are usually standards we put in and they are usually buffer yards and in this particular case it is just perimeter controls mainly because of the size of that parking area, to give it a more softer impact of parking. So more landscaping of that perimeter is recommended. You know you're going to do a lot of interior parking and in the interior there are trees that are going to go there. That is part of your landscape plan. And your perimeter controls are not part of that landscape plan at this time. You also have the twenty-five (25) foot walkway which is going to be landscaped differently and is going to be submitted. There are going to be plans submitted for that as well. That will be coming in as a separate landscape plan. We talked about large trees and shrubs being planted along that walkway for shade because if you're going to use it as a walkway and you're going to have benches. I have already discussed this with Mr. Freel that when the plan comes in for that twenty-five (25) foot walkway that more trees and shrubs are put in there; something to accentuate that.

Mr. Reich asked what about lighting in there.

Ms. Skilling replied that is another thing. Lighting and amenities should be included in the landscape plan for the walkway, and it will be included in the walkway plan. There is a standard for the road in the plans for a lighting standard within to be a little more colonial similar to what is in downtown here.

Mr. McAnally responded the Town ordinance requires twelve (12) foot high ornamental lighting along the road with a separate lighting plan separate from the lighting plan for the casino with twenty-five (25) foot poles. These are twelve (12) foot high ornamental lights that line the road. I would imagine between those and the lighting we're putting in the parking lot, any lighting along the pedestrian path would really be unnecessary.

Mr. Reich stated but if you have a pedestrian path that goes beyond this site for the whole thing.

Mr. McAnally answered that is true, but you are considering the application for a site plan for the casino site and that path is only being built at this time to go from here to here along the casino property.

Mr. Freel indicated we haven't finalized it yet but we were thinking of something maybe waist high or something that would just light the pathway so potentially there will be some sort of lighting along the path.

Mr. Reich commented you are talking about the path that continues beyond this.

Mr. Freel responded the twenty-five (25) foot walkway.

Ms. Skilling stated the twenty-five (25) foot common open space. Once they submit for the common open space which is in part of this project, it will be the standard for all the

walkways for all phases of the project. In other words the lighting, the types of landscaping, if there are berms to be used, and amenities, that will be the standard for the other phases as well as this particular phase, correct Mr. Freel.

Mr. Freel replied yes.

Ms. Skilling continued and that has not been submitted as yet. We still have to get that yet.

***Section 310. Interior Landscaping of Parking Lots.** It is understood that some of the Landscape islands will be used as bioretention areas as part of the overall stormwater management for the site. Interior landscape area should equal 10% of the parking area. In order to determine whether this requirement has been met, the square footage of the parking area must be provided.*

Mr. McAnally stated the plans we have submitted, the requirement is ten percent (10%) for the inside of the parking lot and includes the driveway around and we are showing thirteen percent (13%) green space for the south parking lot and the north parking lot is at thirteen point six percent (13.6%). So we exceed the ten percent (10%) requirement.

Ms. Skilling commented I was going to ask about that. You still need to get that information to me so I can make sure.

Mr. Reich asked didn't I see on one of your landscape drawings you are actually putting landscaping in the parking lot proper. Is that where you're talking about the thirteen percent (13%) or just the perimeter.

Mr. McAnally replied, no, the thirteen percent (13%) is not even including the perimeter. The perimeter is over and above, the minimum of eight (8) foot outside of the parking lot all the way around the parcel.

Ms. Skilling stated the requirement is to do perimeter landscaping, to definitely do landscaping within the parking lot in the islands and in this particular case they are using bio-retention as some of the methods for stormwater and doing perimeter plantings. Continuing:

***Section 311. Environmental Standards.** The site is considered a mineral extraction area and has been mined. The developer is to perform remediation that will reclaim the site and provide engineering practices that will restore and enhance the stream and buffers as well as Landscaping that will substantially improve the quality of vegetation on the site. Stormwater plans and facilities and sediment and erosion control devices will be installed during the remediation process. Because this site has been considerably altered as a mining operation, the intent of this section will be satisfied in the remediation efforts proposed for the site. It is the developer's responsibility to obtain any required permits necessary for remediation and provide copies to the Town.*

Ms. Skilling stated it is the opinion of the Town and the county, as we looked at this site for remediation, that everything we do here is making the site a lot better than what it is. Because you're going to be putting landscaping, substantial landscaping, stormwater management, sediment erosion control, that will make this site much better than it is and we believe will meet the intent of this section for environmental standards. Continuing with review:

Section 310.7.

A landscape agreement and Letter of Credit shall be provided prior to final site plan approval. All interior landscaping for parking areas shall be continuously maintained by the owner. If landscaping of the "common open space" is to be provided by others, a separate agreement and Letter of Credit will be required.

Building Plans

1. *Will the applicant be applying for a liquor license?*

Mr. Rauen replied yes.

2. *Since food will be served, an application to the Health Department will be required.*

Mr. Rauen indicated that is correct.

3. *Construction drawing, once finalized, must be provided and a letter from Stewart Associates indicating the building meets the architectural design standards specified in the "Pattern Book".*

Mr. Rauen commented construction drawings are still in the works.

Ms. Skilling stated the following comments that deal with subdivision will be discussed during the meeting portion. I received information today from SHA, if you want to take a look at the letter that we received. There are still some things that need to be addressed obviously. I talked to Steve Foster who is in charge of access permits and one of the concerns that we are going to have to address is what is going to be needed at various phases and in particular what is going to be needed, the remitigation that will be required for at least this phase, phase one and we're going to have to work with SHA to come up with a timeline to achieve some of these things that they have mentioned in their report here, some of which we believe will not be necessary for this part of phase one, and I call this part phase one-A, which is the casino site, not necessarily the hotel site because nothing is going to happen on the hotel site at this point. So the comments that just came in and one of the recommendations in here from State Highway and I included on my supplemental information today, and one of the recommendations the Planning Commission would have to make to Mayor and Commissioners. This is suggested by SHA so we can proceed with the Preliminary Plan and send on recommendation to Mayor and Commissioners so we can keep working through this process. State

Highways has indicated that if the Town chooses to approve the development for Phase I prior to resolution of the issues which are the issues that are stated in the letter dated June 12, 2009, "the development approval for Phase I should be conditioned on resolution of all traffic impact study issues to MdTA (Maryland Toll Authority), SHA and FHWA (Federal Highway) satisfaction with completed construction of all roadway improvements necessary to mitigate the site-generated traffic prior to use and occupancy." So what they are suggesting is basically that we can recommend that we move forward with this condition but these things are going to have to be addressed prior to issuing occupancy permit for this building which would be in eighteen (18) months hopefully. In order for this building to be built, PNG is under a mandate from the state, which is within eighteen (18) months, and we are going to have to work very closely with SHA and Steve Foster seems to be very amiable to work with them to get this done. I'm going to be setting up meetings with the traffic group who actually did the TIS (traffic impact study) and to submit a timeline of things we need to do, when we're going to do it, just like we have right now with this project that is pretty much staying on task, so we can make sure that we can move forward to get and meet SHA requirements. There are a lot of issues here and there is a lot of concern from a lot of people, political figures, from county, state, and how we need to address this and we just need to work through it because there are some concerns here. Planning has on the books with SHA that this has always been a problem at this intersection and should be addressed and it is on the record and I read the information today and Steve Foster read it to me, so we have to work closely with the county and Economic Development to make sure this happens not only for the Town but for the county because it is going to impact everything from Route 40 all the way up to the Pennsylvania line if we don't do it soon.

Mr. Reich asked who owns the improvement recommended by State Highway.

Ms. Skilling questioned, who owns the improvement?

Mr. Reich asked do we do the improvements; the county, the state.

Ms. Skilling responded no, there are recommendations that are being made that this study continues so that under this phase what mitigation improvements are going to have to be necessary for just this phase, for the PNG site. But it goes beyond that because in the study it also brings in Bainbridge, Woodlands, Happy Valley (Susquehanna Overlook annexation), and other development up north as well as anything on Route 40. So it really behooves everyone to work together to get this done because it is something that is building and growing and it is something the county wants to have happen here as well. Bainbridge cannot happen without improvements here.

Mr. Reich stated wasn't there something about two entrances being too close together.

Ms. Skilling replied that was part of the comments at TAC and we'll be working through those issues. And also the county brought up Cokesbury Road which is not an issue at this point. The biggest concern is getting access to this site and what needs to be done just to mitigate for this site, not all the other things that we know has to happen and if

mitigation is going to have to be required and we're looking at how we need to achieve that through economic development department with the county. I've had a discussion with Vernon Thompson today about this. So we're looking to try to do something because we realize this is an issue and it's definitely an issue with PNG to get their site finalized. So with this if everyone feels comfortable about this and PNG then we recommend we move on and we'll work these issues out with State Highways.

Ms. Turgon asked what is the eighteen (18) month timeline?

Mr. Rauen replied from the award of our gaming license to completion of construction.

Ms. Skilling stated this was set by the state gaming commission.

Mr. Jack commented I'm just worried about the fact that the onus is on the state and the county and everybody else for these things to get straightened out along with the Town of Perryville and it seems very doubtful this can be done within eighteen (18) months.

Ms. Skilling responded yes, I talked to the Mayor today that we need to try to work it out. It's not that the Town is going to pay for anything but we're trying to work out how we're going to get things accomplished here and what mechanism we may have available to us for shared paying of expenses to do some of the remediation short term, long term, and how we're going to do it working with the county and economic development. Because again like I said this project is only a part, a piece of the pie that really needs to happen so that other things can happen in the Town as well as in the county. And then it's going to impact obviously Port Deposit and Rising Sun. So we know that things have to happen here and the county has much to share to make sure those things happen. Quite honestly I was told today if we got the PNG site or this particular site rectified with SHA we could do it and Bainbridge could never happen. We're looking at the bigger picture. It is my feeling I don't think any one of those developers should have to pay. I think everybody should be paying and the Towns definitely shouldn't have to pay. But we need to look at a mechanism that there is shared expenses here for the things SHA is going to make or to push to have happen. And it is a state mandate that these things are up around interchanges so they set their own rules and yet they are not standing by their own.

Mr. Jack indicated having said that can they force the issue back to the Town and the county as far as who pays for what. How can we go about that?

Ms. Skilling responded I think the pressure is for State Highways to work with us to resolve this, and that is politically as well. I mean, the state wants this to happen and they want the money to be generated and hopefully they will work with us to get it resolved.

Mr. Reich said the state economics folks were the ones who pushed Bainbridge and we knew we wouldn't have the infrastructure to support that. The county certainly knew but whether the state knew or not, I don't know. Us local residents knew it for sure.

Ms. Skilling stated the Town has other issues. I don't have any problems with working with State Highways because it is achievable. I think we can and I feel comfortable that if the planning people sit down with State Highways as well as with the county and work through it to get it done.

Mr. Reich asked if we can get stimulus money to do this.

Ms. Skilling replied there was a grant put in but it just didn't get there in time. There is a six month time period to get it done and they can reapply.

Mr. Reich asked at the state level.

Ms. Skilling responded one of the state legislator was going to do it, a congressman or at least was going to make application but it didn't get in in time. So there are a lot of things going on in the background to look into this. This is just another one of those intersections at the interchange that has to be done. It's been on the books for some time to be upgraded. If the Planning Commission so agrees, this would be a condition to Mayor and Commissioners and obviously everybody will have to work together to achieve this. Any other comments?

Mr. Rauen indicated tomorrow for sure the traffic people will be instructed to forthwith and quickly respond to all of these comments. I will be giving that directive tomorrow. Penn National will be urgently working on this and everyone needs to work on this. Having said that, you know the schedule we have been following and this does nothing to give me comfort. As a matter of fact this is several steps backward. You talk about all the points getting addressed. There is some work involved and getting them to the satisfaction of two state agencies and the federal government and you're talking about the interstate. I don't get a lot of comfort and therefore I see moving quickly is important to sit down with the state and say this is what we are trying to accomplish and this is very concerning for us.

Ms. Skilling replied it is a concern for the Town as well. It is a lot different than what we expected to come back. Some of the federal highway stuff that was mentioned in here is not what we expected at this point in time. We knew that long term or at least under the different phases that might be a possibility, or definitely knew it was a possibility but at this point we didn't think it was a possibility that we could allow the first phase here too, it's just under the study that we have. But I think again from my perspective in talking to Steve Foster I don't think he believes that the TIS as written expressed the PNG site, your site, just this phase, what I call phase one-A, was not expressed adequately to allow them to make that decision. I think it really behooves us to sit down and make sure we can get to them what they need to do it.

Mr. Rauen asked can you do that quickly and give me that comfort level we're all in for that.

Mr. Reich said I would suggest personally, not from Planning and Zoning, but personally, that you get the feds in early and often. Because you wait until you've had a dozen meetings with the state and then you call in the federal and say here's the decision we made; wrong answer.

Discussion continued regarding scheduling meetings with all agencies to come up with a plan for resolution as quickly as possible.

Mr. Rauen said they are totally committed to work on this thing but if there is one significant change that has to occur out there or involves the interstate our construction plans that we're talking about are set back.

Ms. Skilling commented I don't think we have a discrepancy with what they are saying. At the ramps, we don't think at this point there would be major impacts there. Future phases we know there is going to be.

Mr. Freel said but the issue here is they are holding Use and Occupancy on completion of the improvements. They're asking for certain studies and certain data that could take years and that's not good news to a buyer.

Mr. Rauen stated if phase one-A could be studied that is accomplishable. They're talking years.

Ms. Skilling indicated that is why we need to sit down with them and have a little more discussion. Again, from what I'm getting there is not adequate information for them to just look at the Phase One-A, the gaming facility, and in this study and therefore they addressed what was submitted which was all the phases and that's where we are now. So we just have to address it. I think it behooves everyone to move forward with this. That's all the comments I have if anyone has any comments.

Mr. Fortner asked are there any members of the public who would like to speak.

Mr. Ray Ryan, I am the Assistant Chief from the Perryville Volunteer Fire Department and I will be representing the fire department at the Town Planning and Zoning, and at the regular Town Council meetings. We received a copy of the plans for the Hollywood Casino at our meeting this month and the Chief and I looked them over and we have a few comments to make that we have some concerns about with the casino. First let me say in general, as a citizen of the Town of Perryville, I'm all in favor of this project, but I do have some comments from my point of view as Chief and department safety issues that I'm concerned about for the citizens and the people we will be protecting there. And I understand a few of these things are already well within the requirements of the Town and the ordinance but I need the Planning Commission to be aware that there are a couple of things that were not thought about when these things came about so that's why I'm bringing them up. For example the first part regarding the elevation of forty (40) feet for the casino is well within for this type of zoning however when you add the setbacks that we are looking at here, the minimum setbacks, and as you are aware we have a seventy-

five (75) foot ladder truck in our Town, in our Fire Department, and you're taking it out of reach of our ladder truck. You've already done this with a couple of homes up in the area of Chesapeake View Landing, up in that area. I actually have to park my ladder truck on the sidewalk in order to reach roofs on a single story home there. So you need to be concerned about that and how that may effect not only this site but future projects as it goes along. I'm talking specifically; you say there is a minimum of twenty (20) feet setback in the front yard. I'm not sure how to read this but what are you considering your front yard. I'm assuming it is right in this area here.

Mr. McAnally explained the building and setback measurements on the site plan. There is a driveway on either side of the building and you have an eighteen (18) foot parking space then you have maybe ten (10) feet so it's about twenty-eight (28) feet.

Mr. Ryan commented twenty-eight (28) feet, well you have to add another five (5) feet to put my outriggers out to get to the center of the turntable where I'm going to operate from, you're looking at over thirty-some feet for a seventy-five (75) foot ladder truck and in that area you're talking about a thirty (30) to thirty-five (35) foot elevation on those sides. Is that correct? I'm probably going to reach it but I'm not going to be comfortable with my firefighters getting on and off a ladder. We request in general, and we teach our firefighters, that you're looking at two to three rungs over the edge, in general a couple of feet to three feet. Some of these things, because I know and I'm aware, that need to be considered as we go along with some of these projects that this is not there. As far as talking about the turnaround there in front of your building, I'm not sure and once again I apologize for not being up on how to read plans, it is new to me, but do you have room for busses to turn around in that front on they don't unload at that front entrance at all.

Mr. McAnally replied yes in our site plan we have a software program called AutoTurn which shows how busses would come into the site, drop people off and continue around the site.

Mr. Ryan responded I understand that, but in this circle here in front, do they come in the front or do they go around. So in general terms again so when I send my ladder truck into the front of this building I want to come in the front and get around this circle. I don't want to be a bus and go this way. I will put ladder trucks on the side and I will put them in the rear but I also need one at the front access. And my concern, our concern, is there a big enough area here for not only a ladder truck but a fire engine period or even an ambulance to be able to get in here and make that swing especially when the fire alarm goes off and you know as well as I do there will be people parked out in front dropping people off, picking people up, etc. and you're going to have cars that are parked there. So that is just a concern we have in reference to that again.

Mr. Reich asked let me ask what the setbacks are again. Are you saying there is a thirty-five (35) foot drop from the side of that building to the parking lot. Did I hear you say that?

Mr. McAnally replied the building is approximately thirty-four (34) feet high. I was talking about the driveway on the side with the parking space is about thirty-five (35) feet over from the building. So the closest the fire truck could get to the building is thirty-five (35) feet.

Mr. Ryan said that's not counting the five (5) foot needed for the outriggers and to be able to set up and properly use my apparatus which the road appears to, in my understanding, the road itself is wide enough, it's the setback away from the building that causes us some concern.

Mr. Reich asked what is the setback from the building to the road; how far is it to the building.

Mr. McAnally replied the driveway is approximately thirty-five (35) feet from the building.

Mr. Reich asked is that flat terrain there.

Mr. McAnally responded yes, and you have handicap parking here.

Mr. Reich apologized I'm not making myself clear. You have the building here and you have a road here and you are saying it is thirty-five (35) feet from here to here, is that what you are saying.

Mr. McAnally replied yes.

Mr. Reich said and the road is how wide. So there is a grassy area or whatever.

Mr. McAnally stated we have a handicap parking space here which is twenty (20) feet deep and another fifteen (15) feet. So you have the handicap parking, we have a sidewalk and then about a six (6) foot landscaped area. All that's happening in the thirty-five feet.

Mr. Reich said from the edge of the building to the edge of the road going along the side that is thirty-five (35) feet.

Review continued on the plans showing the parking spaces, sidewalk and landscaping from the building to the curb line, on either side of the building.

Ms. Linkey commented when you are talking about that front area you are concerned that there isn't enough space for the fire truck and the turning radius at the front entrance. Could a fire truck get in there.

Mr. Ryan stated had he told me a bus could get in there I would have had minimal concern.

Mr. McAnally stated what we can do is we can take your exact vehicle and put it in our program and come up with whether it will fit.

Mr. Reich stated to shorten this a little bit is it possible for you to give us or give them in writing a memorandum or something that lists all your concerns so we can recommend to the Mayor and Commissioners that they look at your concerns and they address them accurately.

Mr. Ryan stated I can put them in writing or we can have a meeting with them or both if they wish. Whichever Ms. Skilling thinks.

Ms. Turgon indicated I thought you already provided comments in writing.

Mr. Ryan replied no, at least I haven't.

Ms. Skilling commented I know at the TAC meeting the fire company usually gives comment. Were you at the TAC meeting.

Mr. Ryan replied no, as far as I know there is not a representative from Perryville Fire Company at the TAC meetings.

Ms. Skilling stated they do address some of those issues. I think we sent you comments with the site plan.

Mr. Ryan responded what happened at the TAC meeting I have no idea about.

Ms. Skilling indicated this is separate.

Ms. Battaglia stated the plans that you picked up for this, what we would like are your comments, any comments you may have regarding the site plan like you are giving to us now. If you could give us that in writing so that it is part of the record and we share that with the applicant so they can take those comments and give them some consideration and address them for you.

Mr. Reich gave a copy of the TAC comments to Mr. Ryan for his review.

Ms. Skilling said that is why we recommend developers go to TAC because all the representation is there at one time and we get comments back and so that is why we make that part of our review process. So any additional comments you have, you are welcome to take that and send written comments to us. That way we'll have those and we'll be able to address that with the applicants.

Mr. Fortner asked any other comments from the public. Closing comments from the Planning Commissioners.

Mr. Reich asked can we discuss this, or can we put this off until the next, the actual design of the building.

Ms. Skilling responded you might want to mention it now because they are going through the process of doing construction drawings.

Mr. Reich asked would you mind putting up the side drawings that you have, the four side view. We don't have the four sides, we only have the front and I assume it is the west side.

Mr. McAnally replied I believe in your packet you have black and white plans by the Urban Design Group and in that you should have all the elevations.

Mr. Reich responded yes, I just didn't want to have to bring that whole plan out. You are absolutely right. We have that. I just didn't want to carry all those plans. The side view showing the out building, is there anything or anyway you can do something to that out building that gets it to match the design of the rest of it. That stands out like such a sore thumb. Everything else has a flat roof, this has a not evenly pitched roof; and you're going to be seeing that side from the phase where you are having all the stores and all that over in the town center side and from the parking lot.

Mr. McAnally replied we are going to have a lot of buffer landscaping in here and we do have a berm with a fence here. So you're not going to be able to see this section. This is a loading area back here with a couple of trash compactors and part of our support building that is going to be screened. Also take into account the fact that this is way down the hill and tucked in there. This goes up about thirty (30) feet.

Mr. Reich asked what is the purpose of that building having a different design than the rest of it.

Mr. Rauen responded it is a cost factor. In a perfect world we would rather have a support building that matches the casino building but we simply don't have that luxury when it comes to costs. We had to go with a different type of construction otherwise we couldn't even come close to making the numbers work.

Ms. Turgon asked what is going to be in there.

Mr. Rauen replied what is in there is warehousing, office space and space for the employees.

Mr. McAnally commented remember the building here, this looks like, each elevation of the building, the only place you can see this side of the building is when you're in the casino building itself. Even this initial rendering on the General Development Plan changed on our site plan in that we shifted the building over to right behind the casino with no offset there with each elevation.

Mr. Reich asked is there a reason why the pitch on the roof is different.

Mr. McAnally replied it's the cost of the building. I'm not an architect.

Mr. Rauen indicated I'm guessing but I think what they tried to do was to take the standard structure building and tailor it so it has a second floor or part of one because that is where the office space is.

Mr. McAnally commented the standing seam metal roof matches the casino.

Mr. Reich asked how about color. Is the outside of that one going to be made out of aluminum siding; is that vertical aluminum siding. That's what this one rendering shows.

Mr. Rauen stated it looks like corrugated metal.

Mr. McAnally stated the color is to match the color on the casino. The casino will have a base stone veneer around the bottom with vertical metal siding and metal standing seam roof.

Mr. Fortner commented so you're saying the area by the garbage dumpster you are going to screen it.

Mr. McAnally replied the entire building, no, but we are going to screen the loading area from where the public comes in to park. We're going to have a berm, landscaping and fence all along here in the back area. The only people who go in the back there are busses after they drop off customers and park them.

Mr. Reich stated you will have perimeter landscaping that goes all the way around that side too.

Mr. McAnally said we will have perimeter landscaping along here and some landscaping along the slope and along the bottom there. This is way down the bottom of a hill. It's about twenty (20) feet down below the towers that are in that area.

Mr. Rauen commented operationally this isn't the most efficient way to work and we certainly prefer not to but it is a cost driven matter, it's as simple as that.

Mr. Fortner asked what is with the budget. Is it being set by the state? Is it allowing you only so much money to build it.

Mr. Rauen replied I guess there are a few factors: there is a minimum standard that is dictated in the statute. If I remember that is twenty-five thousand dollars (\$25,000.) for every five hundred (500) slot machines so that is one piece of the puzzle. The real impact is the sixty-seven percent (67%) tax rate on that. You take the tax off the top and you're allowed this much to operate. And that is the one factor that really drives the issues like the separate building. We would prefer not to do that.

Mr. Fortner continued if we are finished with the outside I would like to get to the inside of the building. I just see in the interior just one buffet restaurant where at other facilities have several restaurants ranging from buffet to fancier sit down dining. And can you explain also how this is being built in phases. My understanding now is that the two ends are not being built and you're only building the center piece.

Mr. McAnally stated what you see here is what we are building. In the future on the site plan application, possibly with additional slots, we would come back in the future for a site plan that would extend the casino building here (on the left side) and then require a parking garage on this side (right) between the building and the slope. So the casino would double in size and because we would have more slots and would be using more parking we would need to build a parking garage here. But we're not here for that. Today the renderings you see and the architectural plans you see, this is the first phase. This is the front of the building, what we are building today. In the future it will be extended and the parking garage would be put in.

Mr. Fortner asked could you talk about what the panels are. What you are planning on doing, are they windows. Is it a windowless facility?

Mr. McAnally replied these are called out as glazed mosaic tile.

Mr. Rauen commented there are no windows, they are inset mosaic tiles to give the front of the building some definition.

Mr. Fortner asked is it just going to be a buffet, you're not going to do like at some of your other facilities where you do like a sit down restaurant, a sports bar. Most of the facilities I've seen for Hollywood Casino is they have four or five restaurants. Is there anything like that.

Mr. Rauen replied we have a bar in here, a buffet, and sort of a small coffee eatery. That's the three items that are proposed for this facility. There is a public bar all the way in the corner. For fifteen hundred (1,500) slots that's what we're proposing. We'd like to have all those other things but again it's sixty-seven percent (67%) coming off the top. There is only so much we can put into the building for fifteen hundred (1,500) slots. If we do well, and we can put in another thousand (1,000) slots that would give us another opportunity to diversify dining and other entertainment options. But the going in position is a buffet, a grille, and a bar.

Mr. Fortner asked any other questions or discussion before we move on to the actual meeting.

Mr. Reich asked you want to adjourn without making recommendations.

Mr. Fortner stated we can make recommendations at the next part.

Ms. Skilling indicated you can adjourn and then make your recommendations.

Motion was made by Mr. Reich and seconded by Mr. Jack to close the public hearing at 8:10 p.m. **All in Favor. Motion Passed.**

Meeting reconvened and called to order at 8:20 p.m.

Mr. Fortner extended welcome to Michelle Linkey, the new Commissioner for Planning & Zoning.

APPROVAL OF MINUTES

MOTION was made by Mr. Reich and seconded by Ms. Turgon to approve the May 18, 2009 Planning and Zoning Public Hearing and Meeting minutes as written. **Five (5) in Favor, one (1) abstained; Commissioner Linkey was not in attendance. Motion Carried.**

NEW BUSINESS

File No. SUP2009-01 – Subdivision of property for proposed gaming facility; **PROPERTY OWNER:** Principio Iron Company; **APPLICANT:** Penn Cecil Maryland Inc.; **LOCATION:** 20 Craigtown Road, Perryville, MD 21904; Tax Map 29, Parcel 70, Lots 1 & 2; Zoned CEMUD, Total 36.446 acres.

Mr. Fortner stated we've already gone through the presentation. Is there anything else you would like to add on.

Mr. Crowe asked if there could be some kind of recommendation about the road name at this point because we're going to be submitting final documents within the next ten days or less and we can't submit a final plat without an approved road name.

Ms. Skilling commented in your packet it talks about the road name and the name that is on the site plan is not official and we need to make a recommendation to Mayor and Commissioners and unfortunately the Mayor and Commissioners have the ultimate decision on that. But if this group would like to make a recommendation whether you agree with that name or have any other recommendations for the name now is the time to do that. On the site plan it is referred to as Lighthouse Parkway.

Commissioner Linkey stated there are no lighthouses up there.

Ms. Skilling indicated initially we had thought it was going to be Chesapeake Lighthouse Parkway and we actually sent it on to, we just asked for Emergency Services whether that name was out there and it was not except that wasn't the official name that ended up on the site plan. That was my mistake, it is actually Lighthouse Parkway. So for the record we need to either make recommendation to approve that name or make recommendation to Mayor and Commissioners because they are going to have the final decision on that

name. I guess for Mr. Crowe's purpose, I really don't have an answer for that right now because we won't have a final name until July 7th.

Ms. Turgon asked what is the issue.

Mr. Freel replied we need an official name for the road for final documents.

Ms. Skilling stated you would recommend that be the name or if you can come up with something a little more creative or whatever it's up to you.

Mr. Fortner responded we don't have a lighthouse there, but might have a lighthouse there I guess. I've heard some comments about something.

Ms. Skilling stated it was some time ago, years ago I think Stewarts were going to build something and State Highway was going to work with the Stewarts to build a welcome center which was a lighthouse. That is my understanding on that and that was part of the project from about ten years ago. So that's probably how it all came about. SHA was going to help pay for this because it was going to be some type of welcome area.

Mr. Fortner asked but we're not now.

Ms. Skilling replied it is still on the books. That piece of property is still on the books for potentially to be building this lighthouse welcome center.

Commissioner Linkey stated I don't think we should name it Lighthouse Parkway if there is no lighthouse now or may not be one for some time. I don't know what we could name it but I'll go with the majority here.

Mr. Reich commented I didn't realize we had to come up with a name tonight.

Ms. Skilling indicated you have Commissioner Linkey here and if you have any recommendations you might want to send them to her to give to Mayor and Commissioners at this point.

Mr. Fortner indicated I feel the same way Commissioner Linkey does. There is no lighthouse there.

Ms. Skilling commented Lucky Lane sounds really good to me.

Mr. Reich stated I would go with Casino Way.

Ms. Skilling replied that is more relevant to what this is. It's that anchor for the whole site. Just think about those things and what is really more relevant to the project.

Ms. Turgon asked do we have to come up with this tonight.

Ms. Skilling stated you don't have to but I think the Mayor and Commissioners might like to hear something of your comments or recommendations.

Commissioner Linkey indicated to email me your suggestions so I can take that to the meeting.

Mr. Freel commented what if we don't like the name, because we have to market the project.

Ms. Skilling said you will still have that option at the Mayor and Commissioners meeting to say whether what they recommend is acceptable. The Mayor and Commissioners are the ones who have the final say and we have to give it to Emergency Services that there is not another name like it.

Mr. Fortner asked if someone would like to make a motion for a road name.

Mr. Jack stated I would like to say something before we make any decision. Although the casino is up there and the focus if we named it casino or lucky or anything like that lends itself more to just the casino than the mixed use that we were endeavoring to propose for up there. Another name other than gaming may be beneficial to the Town as a whole instead of the Town as a casino. I was just thinking along those lines.

Mr. Fortner responded that is a good point.

Discussion continued regarding the road name and the urgency of selecting a name because the subdivision has to happen and must be recorded at the county.

Mr. Fortner continued and asked Ms. Skilling to review additional comments.

Continuation of Mary Ann Skilling's comments:

Subdivision Plan

1. *The zoning should be corrected to CEMUD*
2. *The street name has not been finalized and a recommendation on the name should be made to Mayor and Commissioners.*
3. *The plat shall show the location of all existing and proposed recorded easements (including right-of-ways) which affect the property and a citation of any recorded easements, restrictions, reservations or covenants which affect the property.*
4. *The Town easement to the water tower must be noted on the plan.*
5. *Signature block to include Planning Commission Chairman, Health Department, Town Engineer, Professional Certification of Engineer and engineering firm.*
6. *Although the road will be serving the casino and hotel site at this time, its width and configuration would not be adequate in handling future phases of the Chesapeake Lighthouse Project. The TIS prepared for the site should be used to determine an adequate road design.*

The Town may have additional comments upon further review of the information provided.

Mr. Crowe stated the final plan will match.

Mr. Reich commented you just mentioned that they were going to change the plans to include the forty-eight (48) foot road earlier so they kind of answered that last question.

Mr. Crowe said the road doesn't show up on the Subdivision Plan, just the right-of-way is shown on the subdivision plan.

Mr. Fortner asked any questions from the Planning Commission members.

Mr. Jack stated the water and sewer capacity in our Town, how does this affect them.

Ms. Skilling replied they are right now going through a study and we will be getting that back from URS. We believe in Phase I that there will be adequate water and sewer available especially water. For this site in the Phase I sewer will be available, we're just looking at going through the study and we will determine any necessary pump stations and whatever will be required. We will also have a better handle on what needs to be done for Phase I.

Mr. Jack indicated the reason I ask that is if we're talking about eighty (80) homes up at the other place, the annexation, and we're talking thirty (30) more down on the river and maybe additional if they resubmit. But only one of them have mentioned any capacity of water and sewer to them and none of the others are mentioned as you read through our materials and that was why.

Ms. Skilling responded I am working with URS right now who is actually doing a capacity management plan so that we will have better handle for all these projects and report to Mayor and Commissioners. What we are trying to do, every time a project comes in we put in that capacity management plan what is being requested for a project but it never, until you sign that Public Works Agreement there is no commitment. So at this point you understand also that the Town is under a mandate for certain number of sewer gallons per year but they also are building, constructing a new wastewater plant which is scheduled to be finished in 2010. So it will have to be not only pretty much all the phases here but we will have to look at it as each development that comes in. every development has to go through the process and we'll look at what their needs are and we'll need to define an approval and we can't approve it, we can't record subdivision of any site until we can demonstrate that there is capacity. Water is not an issue at this point right now because we updated. Sewer could be an issue short term.

Mr. Reich commented following Mr. Jack's question there with, are we doing capacity study for the whole project.

Ms. Skilling replied actually we're just doing it for just this phase.

Mr. McAnally responded it is only for Phase I. We are metering the existing flows for sewer and if there are any problems we'll be picking that up.

Ms. Skilling indicated they take those studies for one month to be able to determine all these issues so that we can hopefully get a decent study to be able to determine what is going to be needed.

Mr. Reich said so when you say Phase I then you mean part A and part B both, the casino and the hotel.

Ms. Skilling replied yes.

Mr. Reich commented let's assume that Cedar Corner comes in before we do anything else other than all of Phase I. Assume that something else comes in is there a possibility that we could preclude the whole project from being finished.

Ms. Skilling stated this project is way far ahead of any of those projects. I haven't even seen a site plan for them. They haven't even addressed any of that. The point of final approval between now, which is preliminary, and the next step would be to come in with final, the final approval and recordation of their subdivision, we have to guarantee for this site whatever their capacity they are going to need.

Mr. Reich said but the preliminary plan is only for the casino and the hotel, right.

Ms. Skilling responded that is correct.

Mr. Reich commented but I'm talking about the rest of the plan that they have up there, the stores and the houses.

Ms. Skilling replied that is not part of this water and sewer capacity at this time.

Mr. Reich indicated I understand that but let me ask this hypothetical again. We have part I, now we have Cedar Corner, and we have other places that are going to be wanting water and sewer that they will come in before they come in with the rest of this project for the other phases. Could that preclude them from doing that because we don't have enough water and sewer.

Ms. Skilling replied not after our new plant is finalized in 2010. They could come in for those phases and we should have adequate capacity in our new plant to be able to address those. Now except obviously there are certain things that are going to have to happen by each project to facilitate any new lines that have to be run and pump stations and whatever and we'll have to address that and every project that comes in here is going to have to address that and our ordinance indicates that the developer bears the burden of that. So at this point this site, at this stage, is far beyond any other projects potentially

coming down the pike and probably will get to that point prior to any of them even coming before the Planning Commission. Cedar Corner is actually in the same boat, I might say, with SHA and even Woodlands as well with SHA. So you know where that is.

Mr. Fortner indicated if there is no more discussion, is anyone ready to make a motion.

Discussion continued regarding how to address each item for motion and the proposed lighting waiver with possible impacts to I-95, toll facility or any surrounding communities.

Motion was made by Mr. Reich and seconded by Mr. Oberholtzer to recommend to Mayor and Commissioners to grant design waiver for lighting requirements in parking lots to a mounting height of twenty-five (25) feet for the Casino and Hotel Site. **All In Favor. Motion Passed.**

Mr. Fortner asked if there was any more discussion regarding the road name.

Mr. Jack stated not to continue discussion but this parking business does leave me cold of the unpaved parking. I just want to mention that because if we are going to approve or recommend to approve this site plan then we are saying that is alright. I'll probably vote in favor of it but I think we should recognize that this a sore point and the Mayor and Commissioners understand that.

Mr. Fortner commented that any temporary structures have to get approval from the Mayor and Commissioners.

Ms. Skilling replied you can make a recommendation to them that it is a temporary structure and they would have to approve that. They're going to be looking at that as well. Because it's not paved and our ordinance will require paving so that is something that they are going to have to look at. So if there is something you want to emphasize to the Mayor and Commissioners.

Mr. Fortner stated maybe we want to let them know we allow an exemption to allow them to temporarily construct it as crusher run.

Mr. Reich commented there is one thing about crusher run and that is it doesn't move a whole lot. It acts almost like concrete because it has the crushed powder that molds around all that rock together.

Mr. Jack stated we're going through a lot of steps to beautify the area and now we're putting in crusher run on either side of it.

Mr. Oberholtzer stated the idea is to ultimately pave it.

Discussion continued regarding the temporary use of crusher run in the parking lot, the best way to make a motion to address the issue and whether a specific time frame should be added to require paving.

Motion was made by Mr. Reich and seconded by Mr. Jack to recommend to Mayor and Commissioners the temporary structure of unpaved portion of parking lot to be paved at the earliest either of expansion of the casino facility or thirty-six (36) months of facility opening. **All In Favor. Motion Passed.**

Motion was made by Mr. Reich and seconded by Mr. Jack to recommend approval of Preliminary Site Plan to Mayor and Commissioners conditioned upon addressing all comments made by URS, Cecil County Fireman's Association, Perryville Fire Company, Mary Ann Skilling, and SHA recommendation that the development approval for Phase I should be conditioned on resolution of all traffic impact study issues to MdTA, SHA and FHWA satisfaction with completed construction of all roadway improvements necessary to mitigate the site-generated traffic prior to use and occupancy. **All In Favor. Motion Passed.**

Motion was made by Ms. Turgon and seconded by Mr. Oberholtzer to recommend approval of the Preliminary Subdivision Plan to the Mayor and Commissioners conditioned upon addressing all comments made by Mary Ann Skilling. **All In Favor. Motion Passed.**

Motion was made by Mr. Jack and seconded by Mr. Oberholtzer to recommend to Mayor and Commissioners that the road name of the project street shall reflect the Commercial Entertainment Mixed Use Development and the Town of Perryville. **All In Favor. Motion Passed.**

Motion was made by Mr. Reich and seconded by Mr. Oberholtzer to close the meeting at 9:15 pm. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator