

Planning & Zoning Meeting Minutes
March 16, 2009

ATTENDANCE: Michael Fortner, Matt Oberholtzer, Bethany Brock, Priscilla Turgon, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

Meeting called to order at 6:35 p.m.

APPROVAL OF MINUTES

MOTION was made by Mr. Oberholtzer and seconded by Ms. Brock to approve the February 17, 2009 Planning and Zoning Public Hearing and Meeting minutes as written. **Three (3) in Favor. One (1) abstained (Ms. Turgon was not in attendance). Motion Carried.**

NEW BUSINESS

File No. FP2009-02 – East Coast Liquors. **PROPERTY OWNER/APPLICANT:** Pravina C. Patel; **LOCATION:** 5279 Pulaski Highway, Perryville, MD 21903; Tax Map 800, Parcel 708 & 739; Zoned C-2, .903 acre.

Mr. Brad Fox of McCrone Inc. stated I am here on behalf of the owner of East Coast Liquors, Mr. C.K. Patel. We'll start by discussing some of the comments that we received the last time we were at the Planning Commission on November 17, 2008. Per request the site sign will be lowered from the approximate height of thirty-seven (37) feet to the maximum allowable height of twenty-five (25) feet in the Town of Perryville. And also we've included a Master Signage Plan on page C-2 of the site plan that shows not only the current sign but also the proposed signs for the tenants as they would be filled. We also noted that the waivers that were granted on November 17th, specifically the rear buffer yard landscaping at the eastern property line with the added shrubs at the front of the property line where they do fit along that property line. And also the waiver for the forty-four (44) parking spaces as opposed to the fifty-four (54) required for the site. One change to the plan is the addition of a possible use as a tavern. Mr. Justin Prince is here tonight to discuss that if any questions come up about that. He is looking at possibly taking some of the space and making it into a bar or tavern and we listed that on the site plan with the maximum allowable seats and employees based on the amount of parking spaces on the site. The plans have also been changed quite a bit based on Maryland State Highway Administration comments, specifically the additional sidewalk improvements to be constructed in front of All Signs, and that's one of the reasons why we're just returning this evening. There was a lot of correspondence between my office and MDSHA regarding the scope of the improvements and how best to implement that. On Friday we received conditional approval from State Highway Administration with the site plan as it stands and you have it this evening. At this time I'll open it up to any questions on the site plan of me and if you have any questions for the future plans of Mr. Prince or Mr. Patel, they can answer anything regarding the building.

Mr. Fortner asked for the Staff report.

Ms. Skilling asked Mr. Fox did you get a copy of the planting agreement, and has it been signed.

Mr. Fox replied no, we will go over it tonight.

Ms. Skilling stated that still needs to be finalized. There was a planting agreement for the existing plantings to be done that was sent to them to be signed and then a letter of credit for those plantings. Just some general notes on the plan. I noticed on the section here, generally Town Staff should be included in the pre construction meeting on all projects. You said you received your approval letter from SHA?

Mr. Fox replied it is conditional approval based on the posting of the bond.

Ms. Skilling replied that needs to be done prior to and we should get a copy of that final approval. I just wanted to address some things on the existing plan as it was approved some time ago. There was a waiver that was given to reduce the number of parking spaces for the existing liquor store and proposed retail. We decided, the Planning Commission did some time ago, and I know many of you weren't there but we were willing to reduce it because the liquor store would be operating potentially different from the retail and we felt the forty-four (44) spaces would be adequate. Just to follow up, it is our understanding there is a tenant that obviously wants to use the other side as a bar, pub, or tavern. It is my understanding that the use for that purpose, the Planning Commission would have to look at it again, so any consideration for that use must be reviewed by the Planning Commission for any new use for the other side. Because it's a different use from what was said previously was going to be retail and now you're talking about a bar/pub activity and also because of that parking we're going to have to look at the parking too because parking is based on number of tables and we need to know that information. Also as noted on the sheet C-2 of your plan, the parking calculations for the bar/pub/ tavern has been included in the final site plan. In order to get this final site plan approved I recommend that you take it off of there because we can't approve the use or the parking for that use on this site plan because this site plan is really talking about retail. So when that comes back then we'll look at that use and we'll have to look at the parking situation there. Whether in fact it will meet it based on the number of tables as it is in our Ordinance. So in order to approve this plan, the Planning Commission really needs to say that has to be excluded for the parking for any other use other than retail. I looked also when we were doing the plan, the interior of the building will have to be totally redesigned to accommodate this new use. Is that correct? I guess they will be able to explain the proposed use. Because if you look at the sign right now there is no possibility, it really would be unusual or awkward to have something in that strip, the retail, so I don't know how. We did see a tentative plan that is totally different from that. So again, in order to do anything in that new use, on that side, it's going to have to come back to the Planning Commission.

Mr. Fox said regarding the proposed use, we did leave it as retail because currently the lease agreement is not finalized and things of that nature. If you want us to list a dual use for those areas and that's why we added it in the possible parking calculations, I don't know how many square feet the bar/tavern use is going to need or want and also how many tables he's putting in there. That was kind of the maximum that would be possible.

Ms. Skilling said but the way it is written on your plan, it talks to the use of the bar/tavern, including that in your calculations for the forty-four (44) spaces. But those forty-four (44) spaces were only based on what was presented on that plan prior to. So it was for the retail and for the liquor store. I just don't want the words that its going to be used, the forty-four (44) spaces is going to be included for that other use, because it can't at this time. The Planning Commission is going to have to look at that use and then have to decide whether those forty-four (44) spaces that were allowed can be allowed for that use.

Mr. Fox replied you're referring to the way it was granted at the preliminary plan approval?

Ms. Skilling stated correct. Because that was something granted for the uses at that time.

Mr. Fox replied understood. Can we request a waiver this evening regarding that?

Ms. Skilling asked for the new use, for the bar/tavern? You have a waiver for forty-four (44) spaces for what you have right on that plan, but not the bar. That is what I am saying; you need those words taken out of this plan that talks about it in the notes. It says possible use bar/pub/tavern and that needs to be taken out. Because that is not what that plan was approved for, for those spaces.

Mr. Fox said that I understand. What I am asking is can we modify the waiver and can I present it to the Planning Commission this evening for the possibility of the waiver to include the future bar/tavern use and therefore resubmit the final plan.

Ms. Skilling replied that is up to the Planning Commission but that waiver originally of the forty-four (44) spaces was only for the original plan. It would be up to the Planning Commission to make that decision. It is my recommendation to the Planning Commission but it is their final decision.

Mr. Fox stated one thing about that is currently the liquor store is open until eight o'clock and we calculated that if there was a retail use that went in there they would most likely be closed by eight o'clock also, so the forty-four spaces was as if there were to be no one else parked in the parking lot and the bar is allowable by the Code to have eighty-four (84) seats with a maximum of six (6) employees per shift based on that forty-four (44) spaces. The idea was to include that as a multiple use.

Ms. Skilling replied again, it's not my decision, but the thing is it was not approved originally for that use. And the waiver was given for forty-four (44) spaces only because

of the plan for the uses which were presented at the time. If the Planning Commission wants to look at that, again that is their decision.

Mr. Fox asked Mr. Patel if he wants to request that waiver here this evening, to allow for the bar/pub as a possible use as an additional waiver.

Mr. Patel answered yes.

Mr. Fox stated at this time I can address any questions that you may have regarding the site.

Mr. Fortner asked for public comment, are there are any members of the public who would like to say anything.

Mr. Hill of Town Point Development stated I just have a question, and that is if there are forty-four (44) parking spaces on site and Code requires fifty-four (54) and now you have a proposed use of a bar potentially, and is the liquor store going to be closed when that is open? I guess what I'm asking is what's going to happen when I come here and this store is open and this is open and the liquor store is open. Am I going to have a place to park? The reason I'm asking the question is because if I'm the adjacent property owner or as in my case, I have property across the road, where are people going to go? So, I'm not saying it's a good use or a bad use, a good plan or a bad plan. I'm just saying that I know when we were working with the library to plan their site plan it was a big concern for them as to how are you going to stop people, that are potentially going to be in your retail center or in their homes, from parking and leaving vehicles in the parking area. I'm just raising that concern for that area.

Mr. Fortner asked if there were any other comments from the public.

Mr. Rich Donahoo said I live in Aberdeen and I'm one of the owners for the future bar. There is All Signs at the next property and they have stated we would be allowed to use their parking lot if needed.

Ms. Brock asked if they would be willing to submit a letter stating that.

Mr. Donahoo responded yes.

Mr. Fortner asked if there were any other members of the public who would like to speak. We'll move on to questions or comments from board members.

Ms. Turgon commented but tonight we're here to address the final site plan for the originally proposed liquor store and retail. Am I wrong in assuming that they have to come back if they want another use that is totally separate from this?

Ms. Skilling responded when we change the uses like this, this plan only covers what was originally in that plan which is the liquor store and the retail. They did not include any

other use. If they want that use they will have to come back and change that use, show a plan of what they are going to do, how many tables they are going to have or whatever and then make a recommendation to the Planning Commission for a waiver or whatever if they are going to use the parking next door, they have to have some type of permission. I think that is what we need to do. But we're here only approving this plan for the original uses, the final plan and we need to get that resolved before we can move on to try to change it to something else which is not on this plan.

Ms. Turgon replied or not approve it.

Mr. Prince began to comment.

Mr. Fortner interrupted we already had public comment. Are you a developer? Other comments from the members?

Ms. Brock stated it looks like the building is divided into four sections, so is the bar section, are you going to do interior renovations to knock down walls to have one bar and one retail or are you going to have four separate uses by the time you're all built out?

Mr. Fox replied the bar owner, Mr. Prince, was trying to get a feeling from the Planning Commission tonight basically how large he could go within the plan, with the constraints of the building and the liquor store already being in use. I have already spoken to him about the forty-four (44) allowable spaces for eighty-four (84) seats and he said that would be fine. That the sketch he submitted was a rough sketch. It is his goal to possibly modify the interior to fit his needs as he sees fit. Therefore, there may be four uses, there may not. There would need to be renovation if he was to take any interior portion of this building.

Ms. Brock said I think any one of them wouldn't be sufficient for a bar. Assuming that the bar is going to be all joined into one unit is there going to have an entrance into the retail section of the building, kind of like the Leslie's where you walk through the bar into the liquor store side.

Mr. Prince responded it is possible. At the store front on the right side, the long side there, that is already an existing bar. As you look all the way to the rear there is already a false wall there, a wooden wall, which I've already submitted to the Town that what I would like to do is knock down that wall and that adjacent space is turned into some type of gaming later on, possible pool tables, like a lounge and obtain that space as well. So that gives me more room.

Ms. Turgon asked what space are you talking about.

Mr. Prince replied the far back of the building; the reason why you were saying it would possibly be too small. My intention is to take two spaces and make it into one. To make it an L shape and make it all work.

Mr. Oberholtzer said I don't think we can make modifications to the final plan if we don't know for sure what is going to be going in there, or what the final use is going to be, or what we're dealing with. We've been told before on different projects, not necessarily on this one that certain things are going to happen and they don't end up happening, and the final use gets changed and we approved something based on what we were told earlier. So I think we really need to have a better idea of what is going to be going in for sure before we can really make any final approval on any sort of a parking plan especially given the access going in or out. You say you can use the adjoining property for parking but I don't see a lot of vehicular access between the two properties so it just seems like it wouldn't be a good idea to approve something like this based on all these contingencies and all these things that haven't really been finalized yet.

Mr. Prince responded that it was a bar at one time. It worked under the old plan. Everything is there. What I would like to do is to turn that negative space where nothing is there and turn it into something that would generate some revenue and of course give the Town an opportunity to get some money on taxes and everything else and turn it into a positive space and clean up that existing space.

Ms. Brock replied that when the preliminary plan came in it was for a retail use. So I think approval tonight can only be approval for the retail use. I think if you want to come back in for the use as a bar for the negative space that you want to turn into positive space by knocking down walls. I think for any change of use, whether for one or three, it's going to need its own separate approval. Only retail use can be approved tonight.

Ms. Turgon asked if they can withdraw their submittal.

Ms. Skilling replied for the sake of this plan I think they should just, you can approve this plan, but we have to make it conditioned that the bar use right now is off this plan. That we are not voting on that at all. That should come back as a separate plan and consideration for parking just like we would for any other plan would have to come back. This plan could be approved based on just the original concept which was the liquor store and retail uses, the parking, and SHA's requirements for access.

Mr. Oberholtzer stated I remember maybe a year and a half ago someone came through and wanted to split that property up just between the liquor store and the bar and they had all kinds of problems trying to determine the parking layout and whether the amount of parking was enough and that was just for two uses. And just talking tonight about possible gaming facilities in the future and things like that, I don't see any sort of possibility of that, based on what we have there now and based on what we've seen here in the past come through.

Mr. Fox indicated if the Town is looking for an exact internal layout of the proposed use at this time I don't believe anyone in this room tonight is prepared to provide that. Mr. Prince wants to move forward to find out if he can get a liquor license to start securing things, to determine how much space he needs, how much space he wants and those types

of things. At that point, if the Town wants to see an interior layout of the building we will have to return with a final site plan if that is what I am hearing.

Ms. Skilling commented you want to come back with a revised final site plan, or do you want to approve it like this with that retail use under consideration. The retail use is something you put on that plan and we know that it could change. That is what I'm trying to say is if you change it later that is not the issue. The issue is if you change it, the Planning Commission has to look at that because now it impacts the parking and all those other things. They can approve this plan right now as it is and whomever wants to use that spot on the other side, it may change now from retail to whatever, and that is fine but the Planning Commission needs to look at that change of use and then the consideration of all the other things we have to consider, like the parking for that use. It would be my recommendation that you should get this approved. You already have all the things in place, you have the landscape agreement, you have SHA work, you have the sign taken care of, and you've met all those things that are necessary. Get the plan approved and if there is anyone else in that space, if Mr. Patel wants to use that space for something other than retail, then you can come back. That would be my recommendation. Again, it is really up to the Planning Commission how they want to pursue it.

Ms. Turgon stated if they want to alter that use, they have to come back.

Ms. Skilling replied if they want to change it they have to come back.

Mr. Fox stated the reason we choose the retail was because it had one of the most restrictive parking requirements and we figured that would cover the site. If Mr. Patel decided he wanted to lease the back area as a wood shop or an office it would have enough parking spaces because we calculated it to retail to begin with. The bar use has a different type of calculation for it and it's based upon the number of seats and we don't have the information and we also don't have the square footages this evening. If it is required the return for the site plan seems to be the best idea at this point so once further square footages, the designs are settled upon we can return to accomplish it.

Ms. Turgon asked so you are saying that you do not want to have us pass judgment on this tonight?

Mr. Fox replied no, I'd like to present the plan as is and strike my comments from the beginning of the meeting, retract the waiver, and also we remove the verbiage that Ms. Skilling referred to which refers to the bar.

Ms. Brock asked so you are going to seek approval for the retail space tonight.

Mr. Fox replied yes, Mr. Patel is on a deadline and that's why we're trying to move forward.

Ms. Brock stated so what you're saying they are planning on doing, they are assuming the retail section of the building is going to close at eight therefore all the parking that was allotted to retail will open up for use by the bar. Is that what I am following? That there is not going to be that many people at the bar?

Ms. Skilling responded that would have to be a consideration when they come back. Because it was not a waiver that was given for that use. So when it comes back the Planning Commission will have to look at that, and other issues which they might be able to use parking next door. If they can do that, there might be that consideration. At this point we can't, its based on the original assumptions were that the retail use would allow for sufficient parking space.

Ms. Brock stated the parking would have to be approved as per the retail and the bar owner is going to have to keep in mind that he can only work with what is left. If that means he has five tables in there instead of twenty.

Mr. Fortner asked would anyone like to make a motion.

Ms. Turgon said I just want to make sure that I know what you want. Why do you think you're here now?

Mr. Fox took a moment to discuss with his client. Mr. Patel, would like you to consider this area, the retail area, as future bar use. I apologize but I will have to ask Mr. Prince a question. The eighty-four (84) seats in that area, is that going to work for you.

Mr. Prince answered yes, that is fine.

Mr. Fox said so the parking calculation that is shown on the plan would be the same as the calculation that you have as item 8. But it does have the joint parking use, which would mean that once the liquor store closed you would have more spaces for the bar/tavern and vice versa. So all day the liquor store would have the use of all the parking spaces and in the evening the bar would use them.

Mr. Oberholtzer asked what would be the hours of the bar.

Mr. Prince replied it would be determined on this meeting and certainly circumstances that it would be based on that parking lot.

Mr. Oberholtzer asked if it would be some sort of restaurant as well so that it would be open during the day.

Mr. Prince said that was what I was planning originally. To make it a restaurant or tavern, more so a restaurant than a tavern, but now what is evident with the parking and everything it sounds like the only way to go is a bar with some onion rings, French fries, deep fried foods verses a restaurant, because of the eight o'clock closing of the liquor

store, most people eat at six o'clock, five o'clock, verses eating at eight-thirty, nine o'clock at night now.

Ms. Turgon stated but we can't address that tonight because that's not what we are here to have approved. The only thing we can approve tonight is the retail and the liquor store.

Mr. Fox stated that before Mr. Prince locks himself into an opening day or something like that, I think he should pursue All Signs property and maybe we'll return and have the bar/tavern laid out for that to know the number of seats.

Ms. Skilling commented that for the purpose of trying to get that use and to consider it, you need to look at what is there, present that to the Planning Commission. What the parking needs are going to be based on the number of seats that are going to be in the restaurant, bar, or whatever, and then if there are alternative parking possibilities, present those to the Planning Commission. That is the only way we can proceed, because we have no other way to make a decision. We have an Ordinance that says this is what it has to be for the parking. They have already made a waiver for the use already so I think it would just not be fair to say to the Planning Commission to try to waiver it again and we're not even sure of the number of seats, we're not even sure of what it is going to be, if it's a restaurant or a bar. Again to go back and we just need to approve the plan and come back just for that section with a plan with what you want to put in there with all the information you need for seating and the parking and let the Planning Commission make a decision. And they're going to look at that the same way they looked at the store and retail. If you come back next month and you bring your plan in, we'll be more than happy to look at it.

Mr. Fox said so this time we are proposing the building as is. We're striking the possible use of the bar/tavern at this time until further information is received. The external landscaping and parking layout and entrance all will be included on this plan for your approval this evening. There is no change to the waivers that was previously approved at preliminary site plan review and at this time the plan is basically the same with the bar use stricken.

Mr. Fortner asked can I have a motion.

Motion was made by Ms. Brock and seconded by Ms. Turgon to approve the Final Site Plan for retail space only as provided on the site plan, including the waiver that was previously granted for the parking spaces, including the landscape agreement is approved, conditioned upon SHA approval, giving Town Staff authority to act administratively, and striking all reference to any bar or restaurant on the site. **All in Favor. Motion Carried.**

File No. SP2009-01 – Woodlands Perryville. **PROPERTY OWNER/APPLICANT:** Perryville Property Holdings LLC; **LOCATION:** Coudon Blvd and Route 40, Perryville, MD 21903; Tax Map 800, Parcels 635, 4, 260-Lots 1-6, 8, 9; Zoned MUD; 81.30 acres.

Mr. Fortner asked Mr. Hill to come forward.

Mr. Doug Hill of Town Point Development stated I am here tonight representing Town Point Development and Perryville Property Holdings. We're here tonight to discuss preliminary site plan as submitted to the Town two weeks ago based upon the revisions that were discussed during the November 2008 Planning Commission meeting and subsequently our zoning request that was approved by the Mayor and Commissioners at the February 2009 town meeting. So the packages that you have from us for this submittal are a little more detailed than the preliminary site plan package that you received in November. We've include our phasing plan, our flow projections for water and sewer usage, comments that were developed by Ms. Skilling from the November meeting, comments from the zoning opinion, and a revised preliminary site plan. I'll touch on the revisions to the site plan first. There was some talk back in November about building fifteen here and we had the building at the road and we pulled it back closer near the pocket park. At one point that was the plan you saw back in November. We have since moved the building back to the road so that's one of the changes. The other significant change is that we eliminated the bowling alley and the theatre on the November plan that was previously sited in this area. As part of this design we included it where these properties are located and we changed the designation of building twenty-one that was originally the IKEA store to the movie theatre and bowling alley. I'll tell you the same thing I said to the Mayor and Commissioners, and that is I understand the Town's desire to see a movie theatre here in the Town of Perryville. It was something that came out during the charrette and its something that I think even my Dad had talked to the Town about five years ago. It sort of always has been on the plan. Whether or not we actually attract a theatre that would be multi tiered for entertainment or have eighteen screens, I don't know if we'll be able to do that. But we may be able to attract some other type of theatre user. Ms. Skilling has mentioned a movie theatre called the Chester V, a five screen movie theatre that was added in Chestertown, I think it was an Ames at one point. It's a small town like Perryville. The challenge is in finding an operator that can get the films that people will pay money to watch and with recent changes in the theatre industry in the last years like changes in 3-D, you can actually go see a 3-D movie now without wearing glasses. It's certainly exciting but it costs for the improvements to get there. There is money that has to be spent up front to build that and it has to be borne somewhere. And the economics of building a movie theatre are very tricky. So we have designated this as a theatre/bowling alley. The project does need some type of community entertainment and that has always been part of the plan, originally in the beginning we were considering a dinner theatre concept where people could go, watch a segment of the film, have a meal, and have a nice evening out. It also could be used during the day by area businesses and people that might relocate from this district or in Cecil County because there are really no conference type centers available in the area. It's something that we are interested in bringing to the site. There are no other changes

on this plan from the plan you saw in November. Does anyone have any questions regarding the site plan?

Ms. Turgon asked if IKEA was that something they have never been approached about or was it something they weren't interested in.

Mr. Hill responded I haven't approached them. I have a rendering now and I will be taking it to IKEA once I have a preliminary site plan if everything works out. My intent is still to attract IKEA to this site because it would make a lot of sense because they do have the distribution center in Perryville and to have a retail presence here on a smaller scale format with possibly a cost center makes sense. I'm in contact with Economic Development about it and I've talked to Town Staff about it and I think it can and will happen. Any other questions on the site plan?

Ms. Brock asked is that a walkway over Coudon Boulevard?

Mr. Hill replied yes this is an elevated bridge that is designed to be incorporated instead of a traffic light. It is a two tower system with covered bridge between that will cross over Coudon Boulevard.

Ms. Brock asked what is the building north of it. Is that a pedestrian walk at the same intersection?

Mr. Hill responded that is the motorist intersection. This is the road access on each side. This road exists now; it is unnamed and maintained by the county next to the library. So your vehicular access is here and here and up here. Any questions about that?

Ms. Brock stated I have a quick question about the SHA report that came in. How do they or how do you suggest to them how many lanes you are going to have turning in to Coudon. Are they going to keep it to two lanes, a two lane highway?

Mr. Hill replied I have not seen the second round of comments from SHA. I know the Town received them last week but I have not seen them yet. I know from the initial traffic impact study it was recommended that at full build out we establish a second dedicated lane out for westbound Route 40 traffic. There was no discussion about making a second right in for Coudon Boulevard. So the second left out to go back to Harford County.

Ms. Brock said so you'll still pretty much have one lane going into Coudon.

Mr. Hill responded you're going to have one lane here and you'll have the entrance here. We had a traffic scoping meeting last February with the Town and had about eight guys here from SHA and discussed the traffic with them. And the feeling from SHA was that with an access point here and access point here especially with future signalization here because there will be traffic forming, that was the idea behind the access. While we're on the topic of access I'll show you the open space plans. It has always been our intent to

connect wherever possible to the existing infrastructure within the Town. We can't do it with the road because of environmental conditions but we can do it with improved pedestrian walkways. And I know there has been some discussion between the Town and the Board of Education to provide a trail system. To have some kind of formal entrance into the pedestrian trails that are going to be created. There have been concerns and I still have some concerns about people trying to cross Coudon Boulevard without having to go so far as to put up fencing along Coudon Boulevard. The approach on the landscaping along Coudon Boulevard will be to create an attractive environment that works to minimize the access points for pedestrians and to maximize the beauty, giving people reason to slow down. Other points on the pedestrian trail system is that we have maintained this forty (40) foot buffer around the perimeter of the project. The intention there is to create a naturalized looking trail system using open access along Route 40 and the cap material hasn't been determined yet but it's going to be some type of recycled material. So that's kind of where we are on the open space plan. There really isn't any change from the plans that were submitted last year.

Mr. Fortner stated I know this came up at the last meeting but I just want to confirm this again. There is no cross walk, the only pedestrian amenity across Coudon Boulevard is the pedestrian bridge. There is no plans for crosswalk safety connecting the main street intersections, even if it was a pedestrian crosswalk with a yield or caution sign. Is that true?

Ms. Skilling replied at this time that is the only crossing that's being recommended. It's mainly, obviously everyone knows that Coudon Boulevard has a lot of truck traffic and that is one of the concerns is that truck traffic going in and out of Coudon Boulevard. So that's why it's proposed to do some sort of over head to get across.

Mr. Fortner stated I understand that and it's fine to have an overhead one, but there's not as much truck traffic on Coudon Boulevard as there is on Route 40 and we have pedestrian crosswalks across Route 40. And I can not imagine that the state or the county want that road to be an expressway for trucks. These trucks need to go through the Town and they need to go through cautiously and I don't understand why they are justified not to have to look out for pedestrians that want to cross the street or that they need to be careful.

Ms. Skilling said there probably will have to be some connections or crosswalks but because that highway was purposely built and paid for to access, to have those trucks move from IKEA out, the consideration with SHA is let's try to reduce any possibility. If anything, there could be crosswalks in there and a speed limit too; there is a reduced speed limit on there. But I think SHA really has a lot of control in there but we can put crosswalks. The idea being obviously in this whole thing of the mixed use is to get these people to Town and so those trails are connecting through Town and to the school even. So if for instance that isn't built right away and say there are children on that side of the road, I'm sure we're going to have to have cross guards or whatever there. But there has to be a way to have some access across Coudon Boulevard in a safe way. If it's a light or a blinking light or whatever.

Mr. Fortner said I'm on that road a lot. I go to the library a lot and I'm there at all times of day and maybe during normal business hours its more, but I mostly see that road as vacant. And people, I've seen a lot of those in place, people are not going to go into an elevator, that often times break down, to go up, over and then down when there is nothing there on say a weekend when you're not going to see that much truck traffic. You're just going to walk across. Now we may as well institutionalize and create paths for them to walk across rather than to just have people going all ways. So that's why I would favor Main Street and then that pedestrian trail around the greenway we might have to have something there. I don't know if there's a way to go under the road.

Ms. Skilling said I guess my question to Mr. Hill is I never really saw any thing particularly about any cross walks could not be on Coudon Boulevard explicitly.

Mr. Hill replied there's nothing that prohibits us from establishing cross walks and, you are right. No one is going to get in an elevator to go up and go across unless there is a steady stream of traffic. Right now IKEA on a light day there is fifty (50) trucks and on a heavy day there are seventy-five (75) trucks. So there is not an enormous amount of trucks. What we are trying to do with this bridge is to give people an option to be safe. It's not so much for the twelve or fifteen year old person who maybe wants to go from the library over to here. It's more for the Mom with a stroller. It's for the older person who doesn't want to take the chance in crossing the road. It's for people who don't feel comfortable getting across the road. The approved drawing sets for Coudon Boulevard improvements has a crosswalk here and a crosswalk here. So there will be marked places to cross. There will not be signalization. SHA and Cecil County do not want a traffic light on this road. A traffic light would have been a whole lot less expensive than this pedestrian bridge. But there is also the one hundred fifty (150,000) acres down here that IKEA may want to develop. There is other property down there that could be developed. There are more people that are going to be using the train station. Once they start parking up here, or parking and using the transportation system to get down to the train station, there is going to be more traffic on Coudon Boulevard. I don't see it any other way. So what we are trying to do is address that by planning for what is going to happen here and all that plays into the decision for the pedestrian bridge. So that is it for the open space planning. While we have this out I know you have the phasing plans. It has been deemed the area at the top of the hill; we've deemed that area for our Phase I. We have talked with the Town about the possibility of temporarily using the existing eight (8) inch sanitary sewer line that was previously installed and is not owned by the Town. It is not a Town sewer system. We are investigating the opportunity to use that for our uses projected and based on a study that we will pay for to determine the impact on other sections of the sewer system in the Town. We have formally asked the Mayor and Commissioners to permit that and the response was let's see what we've got with URS and then we can make a decision. Our utilities initially with water, there is a line up here, and we would be using the water through the site and our sanitary sewer we would be picking up somewhere in here with the existing eight (8) inch line and bringing it up here. So that is what we are looking at doing and we're actually out there now cutting down some trees so we can create a pathway through so next month people coming down from

BRAC and with Cecil County Economic Development, we'd like to have at least some trails that come through so they can walk through the property. We're going through cutting down just to create a pathway through and working with Cecil County to figure out how we can get this section of the project started this spring. We have some permits available and we need to get to work on the rest of them. So that's how we are going through the process. Any questions on the phasing?

Mr. Fortner asked Ms. Skilling do you have anything else?

Ms. Skilling replied we've looked at, Mr. Hill did note that in the proposed use addressed the comments we had prior to and again this has already been rezoned by the Mayor and Commissioners. The only thing is once this is approved, all these building pads when they come in, they will have to be approved for each site and storm water management will be done for each pad so you'll be seeing some of these come back. There will also be a subdivision that you will have to see eventually, a final subdivision of the site, that will be approved by you. So at this time I really don't have anything. This project has gone through many phases and we seem to have a handle on it now. Really the onus now is on Mr. Hill the developer to go through the development stage and get the final plan done and get all those approvals that are going to be necessary and you'll be seeing a final plan and we will make sure that all those necessary approvals have been received prior to any approval.

Mr. Fortner asked if there were any comments from the members of the public or if any members of the public would like to speak. I'm seeing none. Any comments from the board.

Mr. Jack asked about the sewer line that was mentioned. Where does that tie into?

Mr. Hill responded this sewer line, there is a man hole here and it goes over to Route 40.

Mr. Jack asked it runs that far up. I know in Gotham Bush where I live the water and sewage stopped prior to going up that far so I was curious what line that was.

Mr. Hill replied it was a private line that was installed by the prior owner to service the mobile home park up there. The system was installed to fall into that. This property sort of bowls right here, it falls this way and that way, and is pretty flat here so that is the only way they could do it to service the units back here.

Ms. Brock asked are you going to be coming back for final approval per phase?

Mr. Hill responded probably not.

Ms. Brock asked you're going to be coming back with final site plan for the whole thing?

Mr. Hill replied no. What we're going to do is we're going to come back with final plat for these two buildings first.

Ms. Brock said literally per pad or per site.

Mr. Hill stated I don't see how else we can do it. If this building becomes a single tenant then it will be that single tenant's footprint. If it's multiple tenants because a single tenant doesn't want to locate there, then we would need to come back twice. These two buildings as live/work spaces I know we can build now and I know we can rent them. These buildings as office space, I don't know. That's what I'm trying to find out now. Who is looking for space a year from now, maybe six months from now. And of course another aspect is speculation with BRAC but speculation doesn't mean that we will go out and build it. There is going to be a lot of time for that.

Ms. Brock asked do you have a build out time for phase I?

Mr. Hill responded no I don't. I'd like to see it built out in two years but it's dependent upon a couple of things: by having a user here and a user here. That's going to make things go a whole lot faster.

Ms. Brock stated so you don't have prospective tenants.

Mr. Hill replied no I don't. Let's say I have prospects but I don't have tenants. By having a tenant it means there is a draft agreement at least but especially right now it is very difficult to get any commitment.

Mr. Fortner asked if we have a motion.

Motion was made by Mr. Oberholtzer and seconded by Ms. Turgon to approve the preliminary plan. **All in Favor. Motion Passed.**

Work session discussion:

Ms. Battaglia said the item was added to the agenda at the suggestion that there might come a time when hearing some of the applications for floating zones that tend to be too complicated that a decision cannot be made during the hearing. The Mayor and Commissioners have regular work sessions monthly on the schedule. It is on the agenda to talk about your schedule, if we think there should be one night a month that would be added to the schedule to be considered as a work session. I don't know your schedules and I thought at our meeting would be a good time to discuss the nights that work for everyone. It could be on an as-needed basis. There are three new members on the board, and maybe we need some training. To have the time to take thirty minutes to go over some questions that may come up. That is why it was put on the agenda.

Ms. Skilling said one of the other things we thought could be discussed too is there is going to be a CEMUD come through and it's going to be coming fast track. So we're trying to make sure that you are familiar. I know most of you have seen a floating zone. You know what it is like; it's a general development plan and the process that we have to

go through so we thought if for some reason you had to make a zoning opinion to the Mayor and Commissioners and you have to do findings, it may be that special meeting that you would get together to do that. Because they are a lot more complicated. It is a good planning tool because you get to see it all on one plan but we are going to be getting that plan through very shortly. Probably at the end of the month; actually you will see it next month.

Mr. Fortner asked on next months agenda?

Ms. Skilling replied it may be if they get it in on time and the Mayor and Commissioners would send it to you to look at.

Ms. Battaglia stated we projected a schedule for them and accelerated it and tried to accomplish the review without adding special meetings but that would mean that if you had to make a recommendation tonight, you had to complete your review and make the recommendation, that's how tight the schedule is. But I didn't want to take it off of the agenda because I thought we should talk about it.

Ms. Skilling said so we could put it on the agenda, you could put it on your calendar if you feel as though that would be the case if something doesn't come up you don't have to have it, we could cancel it. But it would be nice to have a schedule in there so if we had to we could plan it around your schedule. I know you are all pretty busy but it wouldn't necessarily be a lot of special meetings. But we'd like to at least get a couple in just in case.

Mr. Fortner asked this would just be a reserve spot.

Ms. Skilling said a reserve time slot basically.

Ms. Battaglia stated the third Monday of the month is the regular Planning Commission meeting. So to have a possible work session after that, maybe the following week, what night would be good for everyone that we could maybe pencil in that night at 6:30 p.m. as a potential for a work session. It's just making sure that I know the Planning Commission has said what day of the month is always good for them.

After discussions between board members regarding other commitments it was decided that the fourth Thursday of the month would work if a work session would need to be scheduled.

Ms. Battaglia stated the work session, if needed, would be scheduled for the Thursday in the week after the Planning and Zoning meeting.

Mr. Fortner asked if it would be scheduled to have a work session next week.

Ms. Skilling replied do you feel like you need additional time for floating zones. Mr. Jack, because you are new, do you feel you would like to have some time for a session

where we could talk out the floating zone that is coming up. It's a little bit different in its intent and goal because of the gaming facility itself and the percentage that has to go in that mixed use.

Ms. Turgon commented the information you had given us was really good and if you didn't know anything about it and if you spent some time reading that document, it explains the entire process.

Ms. Battaglia stated that is the Ordinance you are referring to and I followed that when I created the schedule on how we can get a project through for approval as quick as possible. Why don't we not schedule anything for next week.

Ms. Skilling responded and what I can do is give you a copy of the tentative schedule and at each stage what I give to you is going to be looking at the intent of that Ordinance and what you need to look at, as we discussed once before, what was the intent of the mixed use and what did that developer have to do to achieve those goals. And that's how we looked at that whole proposal and we wrote up all that information so that it helps get through that. I think we should also give you that copy of the new CEMUD. Do you have a copy of the new CEMUD?

Ms. Battaglia stated the books that were put together for the new members include it.

Mr. Fortner said I have a copy of the original when it was proposed.

Ms. Battaglia said it is available on our website, the newest amendments. You could go there and print it out to add to your book. The Zoning Ordinance has been around for awhile and the CEMUD was just passed.

Ms. Skilling said it is an amendment to our Ordinance, to the section on mixed use floating zones. But if you have any questions about it feel free to come in or call us. I'm hoping that when we get this through I'll be able to address all those intents so when it comes to you that you will be able to see what you basically have to look for on those floating zones.

It was discussed to provide an email to the members to include that section.

Motion was made by Ms. Brock and seconded by Ms. Turgon to close the meeting at 7:50 pm. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator