

**Planning & Zoning
Meeting Minutes
December 19, 2011**

ATTENDANCE: Michael Dawson, Pete Reich, George Jack, Ray Ryan, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

Ms. Skilling suggested since the Chairman and Co-Chair of the Planning Commission are not in attendance, if everyone is in agreement the most senior member, Mr. Reich, chair this meeting. All members responded affirmatively.

Meeting called to order at 6:30 p.m.

APPROVAL OF MINUTES:

MOTION was made by Mr. Dawson and seconded by Mr. Jack to table approval of the November 21, 2011 Planning & Zoning Meeting minutes to next month (quorum of members not in attendance). **Four in Favor. Motion Passed.**

NEW BUSINESS:

File No. FP2011-01 – Revised Preliminary/Final Plan for Richmond Hill Manor Senior Apartments redevelopment; PROPERTY OWNER: Richmond Hill Elderly Limited Partnership, P.O. Box 499, Denton, MD 21629-0499; APPLICANT: Richmond Hill Manor Senior Apartments LLP, 103 Gay Street, Denton, MD 21629; LOCATION: 100 Carter Court, Perryville, MD 21903; Tax Map 0800, Parcel 805, Lot 4, Zoned R-1 (correction to R-3 approved 12/6/2011).

Ms. Skilling presented Staff Report (attached separately).

Discussion continued regarding replacement of trees, amount of construction traffic, heavy equipment, daily activity on site, and relieving local property owner questions and concerns. Mr. Della indicated architectural plans are one hundred percent (100%) complete. Construction is planned to begin in March or April 2012 and lasting approximately ten to eleven months, with superintendent on site during the process. Modest construction activity will be conducted in an orderly fashion, only eight units at one time, due to relocating residents and keeping their disruption to a minimum. Construction traffic should not be substantial. Supplies such as windows, doors, flooring, plumbing fixtures will be delivered, unloaded, and stored in trailers until installation. It is their intention to introduce themselves to the surrounding property owners to ease their minds should issues occur.

Motion made by Mr. Jack and seconded by Mr. Dawson to approve the Preliminary/Final Plan for Richmond Hill Manor Senior Apartments redevelopment, pending all approvals received as noted in Staff Report. **All in Favor. Motion Carried.**

File No. SE2011-03 – Renewal of Special Exception for The High Roads School; PROPERTY OWNER: Riverside Center, LLC, 3821 Houcks Road, Monkton, MD 21111-1836; APPLICANT: Kids 1, Inc. t/a The High Roads School; LOCATION: 636 Broad Street, Perryville, MD 21903; Tax Map 0801, Parcel 0239, Zoned TC.

Ms. Skilling presented Staff Report (attached separately). Because of resident concerns at the time of possible disturbance in the neighborhood, inquiry of the Police Department records indicated

only a few minor complaints were received from the High Roads School, and that many more serious complaints are received from the Perryville High School. The Board of Appeals may set additional conditions for review or other things.

Mr. Kauffman, attorney and representing the applicant, asked to consider no review process if there are no problems or complaints received, but four years is reasonable. Members of the board think the four year review is the opportunity to make sure all is compliant from a safety point of view, and provides for a thorough inspection. Mr. Strezegowski explained the school services students with various physical, intellectual, emotional and learning handicaps. The public school system does not always have the support and resources needed to provide for these students and they refer them to us. Recreation is provided to the students by using local parks in the area.

Motion made by Mr. Ryan and seconded by Mr. Jack to recommend to the Board of Appeals extension of the Special Exception with four (4) year review. **All in Favor. Motion Passed.**

OLD BUSINESS:

Discussion of Article XV Signs

Ms. Skilling provided a draft of changes to sections of Article XV (attached separate). The Town's regulations are similar to many other towns both on the Eastern Shore and over to Western Maryland. Historic districts tend to be very strict. The Planning Commission is the source for planning decisions and zoning questions. Ms. Skilling presented a solution for a change under General Regulations, which affects all zones and districts. This provides another option for the applicant to present their request to the Planning Commission to resolve based on findings by Town Staff. Mr. Jack indicated current regulations are adequate and guide potential business owners to appropriate areas for their business.

The Planning Commission has final approval for development in all zones except the CEMUD floating zone. It was designated for commercial, entertainment, mixed use development. The CEMUD's regulations were set up different in that the Planning Commission reviews the project first based on zoning, provide a recommendation, and final approval is by the Mayor and Commissioners. It is the only zone set up that way and was created by Mayor and Commissioners, attorneys for both the Town and Penn National Gaming, and Cecil County, because of the complexity involved and State mandated regulations for a gaming facility. Mr. Dawson expressed concerns over the CEMUD process, that all this government created a district of which the Planning Commission has no authority. You have authority over every other district for zoning so what's to stop government from creating another zone the same way.

Discussion continued the draft changes allow flexibility by the Zoning Administrator to refer applications to the Planning Commission for approval. If the Planning Commission turns something down, the option is still available to the applicant to appeal the decision to the Board of Appeals. Any changes to the Ordinance will require public hearings, both by the Planning Commission and Mayor and Commissioners. The proposed change gives more discretion to the Planning Commission, but Ms. Skilling indicated there will still need to be findings as to why the requirement should not pertain to an applicant, what are the reasons. Mr. Dawson would like to put more flexibility on the Planning Commission, and it seems like there should be a simpler way. When these business owners come in here, they should be able to show Ms. Skilling what they want to do, and she would copy all of us, hold a meeting to discuss and work it out directly.

Discussion continued regarding Mr. Dawson spoke with the owners of the outlet mall and one of the things he wants to do is to put up an electronic sign (Mr. Dawson showed a picture of sign in Ellicott City). Right now our current rules say no flashing sign, and I took a video, it stayed on for over a minute, but right now that individual cannot put that sign up there because it says no flashing sign. The outlet mall is over fifty percent (50%) vacant; is that what we want. That is something we should try to revive so people come here to shop and invest in our community. Ms. Skilling commented if they would come in to talk to us we could work with them. Mr. Reich stated I don't have a problem with them asking to get on the agenda and talk to the board about this. The Ordinance says no flashing, but what they may be looking at is an electronic message sign. Mr. Dawson indicated those signs can change every eight (8) seconds according to State Highway. Ms. Skilling indicated there are different time elements because some road codes address that. Mr. Dawson continued that may be something to look at, but then who is going to define flashing. If we get rid of it all together and they come in here and sit with us and show us what they want to do and it's not going to flash any more than every eight seconds we as a board should be able to look at it, evaluate it, and make a reasonable decision. But right now it doesn't meet the regulations and they have to go to the Board of Appeals which cost them money in lawyer fees and costs the Town money. When I talk about abolishing, I'm not saying no rules whatsoever, I'm just saying these people walk in here and we work it out.

Discussion continued that business owners should know the regulations where they operate and follow requirements accordingly. They should present things to the Town first before they become issues. In addition, regulations are in place for everyone equally. The Town can't hold citizens to a different standard from the business owners.

Discussion continued about recent signage issues. The Planning Commission can make decisions on how those regulations are applied, and the draft changes would allow this board some flexibility to do that. Mr. Ryan suggested word changes that instead of having the Zoning Administrator refer applications, the applicant can come to the Planning Commission for possible revisions to a nonconforming sign for approval. The current sign at the Perryville Travel Plaza is not an attractive sign and has been there many years. Mr. Dawson stated we should be incentivizing to upgrade the sign, not have strict regulations that prohibit so much. I'm looking for this board to have more authority to make decisions. To Ms. Skilling, we talked in private about Ms. Breder makes all those decisions, but don't we want to give that authority to you. Ms. Skilling responded Ms. Breder makes decisions based on findings Ms. Battaglia provides which are per the regulations for that decision. We try to make recommendations and/or decisions on whether we think there are ways we can get to a certain final outcome, but in many cases we can't, the regulations doesn't allow that. Now there are some things I have said to make a decision but because it's so strict in its regulation we couldn't, where I thought if we were to bring it here to this board we could make a decision on it. And again, Ms. Breder would recommend that, she has said that would be a better scenario in some of those circumstances. Eventually when things are changed our department will have the flexibility to do that and maybe we would automatically be able to do that as Planning & Zoning through our process. Mr. Reich said Ms. Skilling said earlier that she would like to see the Ordinance changed so that the head of the Planning Department signs instead of the Town Administrator, but we also have to change the Charter. And we're working on both of those, it's just not an easy process to change the Charter.

Ms. Skilling suggested if you have some ideas for changes for other sections of the Ordinance, please make them available to the rest of the members of the Planning Commission and myself and Ms. Battaglia, so we can continue this discussion. Mr. Dawson commented obviously this is a little more complicated and I look at this as a whole overview. But then I look at it as how about individual things and that's why tonight I would like to bring up the flashing sign for the outlets.

Does anybody have a problem with this kind of sign going up? Taking the existing sign section out, and inserting a sign they can visually change from their computer. Mr. Jack responded I have a problem with a Commissioner coming to the board proposing a sign change for people who are in our community. I would have no problem with those individuals who own the outlet coming in here with a proposal to change that sign and listening to them. Mr. Dawson responded apparently they did that and were shot down. I met with those individuals on my own time today and asked what can we do to help you. Mr. Jack stated what I think you should be doing, and I'm only saying this as a voter and Town resident, I think you should be encouraging them to come here instead of you representing them to get their sign changed. With Planning & Zoning, you are on both sides of what's going on here. You're voting for whatever we're doing and yet you're representing somebody out in the community as your proposing. You're actually making a proposal, and if that was the case how do you vote for that. Mr. Dawson replied we're not voting, I'm asking what you thought of that sign so I don't waste their time, because they're just going to come here again like they did once before, and I want to be able to report back to them as a common courtesy what the board is thinking. I'm bringing a message to you what the business owners are telling me.

Mr. Ryan stated this could be alleviated if we look at one thing at a time, and the first thing that needs to be done is straightening out our signage rules. At that point it becomes easier or more clear to the business owners and I don't care who presents it. I know you're out there talking to people and I encourage that to happen. We just need to get this straight first before we start on anybody's sign. We could sit here all day long and say I like that sign and we can't come to an agreement that an electronic sign is not permissible and then we made one exception for someone at a specific time when we knew we had a problem. Let's take care of the problem first.

Discussion continued that any changes made should not be specific to any one person. The Planning Commission can make recommendations to make it better for business generally, the I-95 highway corridor. Try to make existing nonconforming signs nicer but not being specific to any one group. The outlets is a good example and we need to talk to them generally about other things because there are issues with truck circulation there. We contacted the outlets when painting the water tower and they did utilize that for advertising the Shops at Perryville. This is the first step and everyone should review the draft changes and provide other suggestions to all members for review and more discussion. A copy of the draft changes will be sent digitally to all members of the board with an explanation of the changes for review, for comments back. These changes will be put on the agenda as a decision by this board next month. Mr. Dawson indicated he has recommendation for changes and will provide to all members for review. More time may be needed for review of all recommendations as well as review of the entire section with more discussion next month and even the following month to allow enough time for a thorough review. We all need reasonable time to review in order to make the right changes.

Motion was made by Mr. Ryan and seconded by Mr. Jack to adjourn the meeting at 8:30 p.m. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator