

**Planning & Zoning Meeting  
Public Hearing Minutes  
May 19, 2008**

**Attendance:** Betty Thompson, Priscilla Turgon, Matthew Oberholtzer, Evelyn Hansen, Commissioner James Hansen, Town Engineer Chris Rogers and Planning & Zoning Coordinator Heather Erickson.

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

*File No. R2008-01- Woodlands Perryville Preliminary Plan and Rezoning from R1/R2/C2 to Mixed Use Development Floating Zone (MUD), which shall include institutional, commercial and residential development. PROPERTY OWNERS: Perryville Property Holdings, LLC and MTW, LLC; APPLICANT: Town Point Development; LOCATION: Coudon Boulevard, Route 40 and Route 7, Perryville, MD; Tax Map 800, Parcel 622, Lots 1-9; Tax Map 801, Parcel 820; and Tax Map 800, Parcel 4, approximately 80 acres total.*

Matthew Oberholtzer read the legal notice and asked the representatives of the request to address the Board.

Doug Hill stated that he is here tonight to present the preliminary plan for Woodlands Perryville. As most of you know this project represents the efforts of many people in the Town, the Town Staff and participation from the Planning Commission and the Mayor and Commissioners. As a Developer and Partner he is thankful for the participation that they have received to date and he hopes that the Town will continue to engage in the good things that they are trying to do.

Mr. Hill explained that the property consists of approximately 88 acres. Some of the properties they now own, which consists of 82 acres. There are five properties that at this time they do not own. They have been included in the plan as they deem them to be important to the overall plan and they have provided for communication with the property owners and have informed them of their activities through letter as they have also been actively pursuing properties. He briefly explained the plan. He stated that they tried to preserve what architectural heritage there is on the property, such as the Ellerslie Manor Home, which was constructed in 1840 by the Coudon family.

Mr. Hill stated that they are seeking the Mixed Use Development zoning designation for the parcels as they hope to create impact development that promotes pedestrian access and diminishes the need for vehicles in everyday life and provide an environment where they may actually walk to work. We all know that it is getting more expensive at the pump and planning for the future is what they are trying to do. This plan started as a concept based on work done by the University of Maryland, the Town of Perryville and their Comprehensive Plan and an assessment of what could improve the quality of life in Perryville, Maryland. They started again with a concept in January and presented it in

February. They reached out to the Town through advertising and placement of signs and flyers throughout the community stating that they were interested in the community participating in the design charrette. The charrette was deemed successful because people came out and had a positive experience and the outcome was that they learned a lot about Perryville and things that they would like and those things are reflected on the plan.

Mr. Hill explained that the next step in the process is for them to acquire additional properties. They are working with the Town in that if they are not successful in acquiring additional properties they will have to modify their plan shown here tonight and start the process over again. In terms of the plan, it is complicated and he is not sure that they need to spend time logging through each of the uses. The Planning Commission has been provided with a booklet that is fairly comprehensive and includes each of the uses such as a restaurant, hotel, movie theatre, apartments, apartments with possible retail, office space and a community center. There are forty-seven different lots shown on the plan. In terms of property ownership again is something of concern for him as a developer. They do have some offers out to property owners along Route 40. He does have some positive responses but he is not at liberty to divulge any details.

Matthew Oberholtzer asked for any questions from the Planning Commission.

Priscilla Turgon asked Mr. Hill what buildings on his plan are included in the area that he does not yet own.

Mr. Hill responded #25, #21 and #20. He stated that they would either be modified or entirely eliminated. He stated that he should point out that they are merely building envelopes meaning that it is the area in which construction can occur. When they get through this process and submit their final site plan their exact building will be delineated. Until they know what those buildings are going to look like and have architectural renderings and drawings approved by the Town they cannot get to that stage.

Mr. Hill stated that one of the other things that he should point out is that there have been some changes to the plan since last month's general development plan. The first thing that changed is up in the right corner. One of the property owners along Route 40 wanted a single family home that was in close proximity to Route 40. When he presented this plan two weeks ago to the Mayor and Commissioners they asked him to eliminate Lot #47. The other thing that they eliminated along Route 40 is 1.5 acres because the owners of that property asked him to remove their property from the plan, which changed the alignment and shape of some of the buildings. Another thing that changed that is significant is the addition of some single family residential dwellings. Previously they cited the environmental science or charter school in that area, which they have reoriented. One of the things that came up at the charrette was that people wanted to see single family residential lots, which they did not rule out at the charrette but they did not put it on the plans because they did not know if they would be able to service them with utilities. As it turns out based on the floodplain analysis and the utility design they will

be able to service them with public utilities. In regards to the hotel, the Town made a comment which they have addressed that they would like to see greater visibility of the Ellersly Manor Home. They have reoriented the hotel to provide for a greater view shed of Ellersly Manor.

Betty Thompson asked if where Main Street exits out onto Route 40 if that is the exit that is currently out there that is blocked off or if it is from the trailer park.

Mr. Hill responded that he believes it is going to be closer to where the trailer park is located.

Chris Rogers, URS was asked to review his comments.

Chris Rogers, URS, reviewed his comment letter dated May 19, 2008.

#### Background

1. The General Development Plan (GDP) has been reviewed by the Planning Commission and has been approved by the Mayor and Commissioners, conditioned upon the comments from our April 18, 2008 letter being addressed and upon the proposed single family dwelling in the northeast corner of the property being removed.
2. It should be noted that the GDP approved by the Mayor and Commissioners differed from that reviewed by the Planning Commission. The subject Preliminary Plan reflects the GDP approved by the Mayor and Commissioners. The applicant should review the changes with the Planning Commission.

#### Procedural/Administrative

1. The Planning Commission must hold a public hearing on the application and forward the Preliminary Plan/Floating Zone together with comments and recommendations to the Mayor and Commissioners for appropriate action (Section 99.2.i Zoning Ordinance).
2. The Mayor and Commissioners must also hold a public hearing on the application (Section 99.3.b Zoning Ordinance).
3. If the Mayor and Commissioners are in favor of granting approval of the Preliminary Plan/Floating Zone, we recommend that, at a minimum, the approval be conditioned upon the following:
  - The applicant submitting all appropriate construction drawings to the various agencies for review and approval.
  - The applicant executing all appropriate agreements.
  - The applicant receiving Final Plat approval from the Planning Commission and recording the residential portion of the MUD.
  - Regarding the non-residential portion of the MUD, the Rezoning Opinion would define the general design features of the non-residential portion and could also include a reference to the approved Preliminary Plan as an attachment. Any subsequent development of the non-residential portion of the tract that is consistent with the Rezoning Opinion could be submitted

directly to the Planning Commission through the normal site plan process. Any proposed development of the non-residential portion inconsistent with the Rezoning Opinion would need to be reviewed and approved in accordance with the full MUD process.

4. The rezoning to MUD will become official when the subdivision plats are recorded in the County Land Records and/or when the Final Site Plans are signed by the Planning Commission Chairman.
5. It should be noted that the entire area shown on the Preliminary Plan is being considered for the MUD rezoning.
6. It is our understanding that the applicant has not received signatures from all of the property owners whose properties are indicated on the subject Preliminary Plan. The applicant should describe the status of the discussions with the various property owners whose parcels are part of the Preliminary Plan.
7. We recommend that the Preliminary Site Plan and Traffic Impact Study be reviewed by the County Technical Advisory Committee prior to consideration by the Mayor and Commissioners.
8. We recommend that subject application be discussed at a workshop with the Mayor and Commissioners prior to approval of the rezoning application by the Mayor and Commissioners. Such a workshop could occur before or after the Mayor and Commissioners public hearing. The purpose of the workshop would be to discuss in detail such things as:
  - Extent of Town maintenance of the various streets.
  - Extent of dedication of the proposed open spaces and the need for open space improvements or fee-in-lieu of open space improvements.
  - Phasing of improvements including any necessary off-site road improvements.
  - Utility location policies and extent of dedication.
  - The extent to which all the items proffered by the developer will be conditions of the rezoning.
9. The Preliminary Plan indicates the need for two variances (site data note #9). Any variances should be granted by the Board of Appeals prior to Final Subdivision Plat or Final Site Plan approval by the Planning Commission.

#### Planning/Technical

1. The ultimate decision of the Mayor and Commissioners should come with a clear description of the extent of public dedication of roads, parking areas, utilities, trails and open spaces.
2. While the applicant has gone to great lengths to provide a pedestrian oriented plan internal to the site, we still have some concerns about the extent of proposed parking along Route 40. This should be discussed in more detail with the Planning Commission.
3. The portion of the tract along Route 40 will be subject to the requirements of the Highway Corridor Overlay Zone in the Town Zoning Ordinance.

4. More specific building elevations should accompany and Final Subdivision Plat or Final Site Plan application to assure consistency with the Development Booklet.
5. We have reviewed a preliminary water and sewer plan and commented on the same in a letter dated April 18, 2008. These comments should be addressed with the submittal of the first set of any water and sewer construction plans.
6. The provision of water and sewer capacity to the proposed development may be subject to a Capacity Management Plan (CMP) approved by the Mayor and Commissioners.

Chris Rogers reminded the board that their role tonight is to make a recommendation of the Preliminary Plan and rezoning to the Mayor and Commissioners as submitted.

Discussion ensued with questions and comments regarding surface finishes for trail system throughout project (impervious surfaces such as crushed stone, rubber, or other alternative surface) and meandering sidewalks to be within the projects 40' buffer zone to provide public access.

Public Hearing was adjourned at 7:25 p.m.

### **Planning & Zoning Meeting**

#### **APPROVAL OF MINUTES**

**MOTION** was made by Evelyn Hansen and seconded by Priscilla Turgon to approve the April 21, 2008 Public Hearing minutes as written. **Motion Carried.**

The April Planning and Zoning minutes were not finished in time for this meeting and will be reviewed and approved at the next meeting.

#### **NEW BUSINESS**

**A.** File No. R2008-01- Woodlands Perryville Preliminary Plan and Rezoning from R1/R2/C2 to Mixed Use Development Floating Zone (MUD), which shall include institutional, commercial and residential development. **PROPERTY OWNERS:** Perryville Property Holdings, LLC and MTW, LLC; **APPLICANT:** Town Point Development; **LOCATION:** Coudon Boulevard, Route 40 and Route 7, Perryville, MD; Tax Map 800, Parcel 622, Lots 1-9; Tax Map 801, Parcel 820; and Tax Map 800, Parcel 4, approximately 80 acres total.

**B.** File No. HCOD2008-01- Highway Corridor Overlay District- Double Wide Manufactured Home at 1424 Clayton Street. **PROPERTY OWNER/ APPLICANT:** Clayton Auto Parts, LLC; **LOCATION:** 1424 Clayton Street, Perryville, MD; Tax Map 800, Parcel 76 & 189, Zoned C-2, 2.7 acres.

Matthew Oberholtzer stated at this time I would invite the applicant to come forward.

Mr. Jay Emrey, Attorney, introduced Mr. Baker. He stated that they came in front of the Planning Commission about a month ago to apply for special exception to locate a manufactured home to be located on the Clayton Auto property about 2.7 acres at the foot of Clayton Street zoned C-2. Mr. Baker has operated the site for a few years and the property has been owned by Mr. Baker for the last eight or nine years. At the Board of Appeals meeting, approval was granted but asked they come before the Planning & Zoning Commission regarding landscaping and with regard to the Highway (Corridor) Overlay Zone. It applies because this property borders Rt 222 near the bridge and the railroad tracks. The property is bounded on the south by the railroad property. Mr. Baker and his wife have lived there on the property for a number of years and they are ready to retire. They have encountered security problems, vandalism, and Mr. Baker was assaulted on the property not too long ago. That was just before the Planning Commission meeting (April 2008) and he needs security on the site, and he and his wife would like to travel and would like their son to move into this manufactured home to live on the site next to their existing house. It would be located between the existing house and the commercial building.

Ms. Erickson clarified that the applicant did come before the Planning Commission 4/21/08 for a special exception request for the manufactured home and motion was made to recommend approval to the Board of Appeals of File No. SE2008-01- Special Exception request for a double wide manufactured home at 1424 Clayton Street conditioned on the following: to revisit the special exception if the occupancy changes and/or in five years, to provide adequate landscaping as to be determined by the Board of Appeals, for the son and his family only and to remove the manufactured home when there is only one family living on the property. All in Favor; Motion Carried.

The Board of Appeals met on May 5, 2008 to review the following:

File No. SE2008-01- Special Exception Request for a Manufactured Home- Double Wide at 1424 Clayton Street. PROPERTY OWNER: Clayton Auto Parts, LLC; APPLICANT: Jay C. Emrey III; LOCATION: 1424 Clayton Street, Perryville, MD; Tax Map 800, Parcel 76 & 189, Zoned C-2, 2.7 acres.

The Board of Appeals issued the following motion in this case:

**Motion** was made by Susan TerBorg and seconded by Jennifer Hagar to approve File No. SE2008-01- Special Exception Request for a Manufactured Home- Double Wide at 1424 Clayton Street conditioned upon revisiting the special exception in twenty-four months or when the occupancy changes either in the existing residence or in the doublewide manufactured home, whichever shall first occur; adequate landscaping being provided; the application being referred to the Perryville Planning Commission to determine what effect the Highway Corridor Overlay District has on this application and the Applicant must comply with all such requirements imposed by the Planning Commission; that the use of the

manufactured home is limited to the Applicant, Daniel Baker and his family. If Daniel Baker and his family move out of the manufactured home the manufactured home must be removed; the manufactured home must have internal sprinklers consistent with the Town's ordinance; neither the permanent residence nor the manufactured home can be used for rentals; and the Applicant must meet all conditions of approval prior to being issued an occupancy permit for the manufactured home. **All in Favor; Motion Carried.**

Ms. Erickson clarified that the applicant does have special exception approval. The double wide manufactured home is permitted to be located on that property however, part of that approval was for them to return to the Planning Commission to receive any conditions, any requests regarding the Highway Corridor Overlay District that they are within. A brief explanation was given of the Highway Corridor Overlay District, and stated that the applicant is subject to conditions in the overlay district for any additional restrictions by the Planning Commission to be placed on them for landscaping, sidewalks, buffering from the road, or other conditions. That is why we are here this evening to hear what the Planning Commission recommends.

Ms. Erickson stated that Mr. Baker has submitted a Landscaping Plan, photo of the double wide manufactured home, and his site plan.

Mr. Emrey stated that what we are asking for is approval of the project with no further comments, and reminded the board of the extensive conditions that were placed on the request by the Board of Appeals.

Ms Erickson again reminded the public the Board of Appeals has made their decision of approval for the home, and needs to be reviewed as a separate application, just as we reviewed the Whistle Stop, Giant Liquors, how we had them come before us for the Highway Corridor Overlay District and remind you that the Board of Appeals has made their decision, it is done and over with, and motion was made.

Further discussion with the public ensued regarding the site and the Highway Corridor Overlay restrictions.

**Motion** was made by Commissioner James Hansen and seconded by Evelyn Hansen to approve as is. **All in Favor; Motion Carried.**

**Motion** was made by Evelyn Hansen and seconded by Betty Thompson to adjourn the meeting at 7:35 p.m. **All in Favor; Motion Carried.**

Respectfully Submitted,

Heather Erickson/Dianna Battaglia  
Planning & Zoning Coordinator