

**Planning & Zoning Public Hearings
& Meeting Minutes
April 20, 2009**

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

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

File No. AX2009-01- Request for annexation of 28.66 acres of land, more or less, into the Town of Perryville with a Town zoning designation of R1. **PROPERTY OWNER:** Cedar Corner, LLC; **LOCATION:** The subject property is situate and lying in the Seventh Election Districts of Cecil County, Maryland, located at 1281 Cedar Corner Road, Perryville, Maryland 21903; Tax Map 29, Parcel 134. The property proposed for annexation is depicted on a plat entitled "Revised Exhibit Plat Land of Georgia M. Jackson to be Annexed into the Town of Perryville, 1281 Cedar Corner Road, Seventh Election District, Cecil County, Maryland" dated August 30, 2005 and revised December 15, 2008, prepared by CAN, and on file in Perryville Town Hall.

Mr. Fortner started the public hearing. We will listen to the proposal and provide a recommendation to the Mayor and Commissioners. I ask the representative for the applicant to please come forward.

Mr. Brad Stover stated I am the attorney for the applicant, Cedar Corner LLC, and with me tonight is also Mr. Kevin Geraghty the principal of that group, and Mr. James Keefer of Morris and Ritchie Associates, Inc., and my client and engineer. I do have a rendering here and I also have smaller versions of the same so you can reference. The only difference that I will point out on the drawing is that between what's up here, this red line which shows the municipal limits on the left side. The petitioner has asked to annex into the Town about twenty-eight point sixty six (28.66) acres in Town limits. Everything to the right or to the east of that line is the property being annexed. This sliver here, which makes the total parcel about thirty two (32) acres, and that sliver is already in Town limits. My client owns the whole parcel and only a portion of it is in the Town now. The parcel is of course contiguous with the Town of Perryville limits as I just mentioned. The portion that is not in the Town now, it is in the county, and it is zoned Developed Residential (DR) in the Cecil County Zoning Code. It's located in the development district area of the 1990 Comprehensive Plan of Cecil County and the purpose of that district going forward is to encourage intense residential, commercial and industrial development in and around several municipalities which would of course include Perryville. My client seeks R1 zoning from the Town. This is the zoning designation that already exists for the portion of my client's property that is in the Town. And again what is being sought is R1 which is the same and which I also believe is consistent with Cecil County Comprehensive Plan's designation for the property. There are two resolutions that will be before us. The Commissioners, subsequent to this, first is the

annexation resolution. That is the physical property itself and it is accompanied by an annexation agreement which is attached as an exhibit to that resolution. I understand that you may not have seen that as of yet, so I do want to highlight that a little bit with all of you. The second resolution is the annexation plan. This is what has been required by the Legislature House Bill 1141 that was passed a couple of years ago. It speaks to current and proposed zoning, there is a discussion on road and street networks, utilities, public services that would impact schools, recreation, libraries and that sort of thing. I believe you also have a copy of that resolution and has the annexation plan attached to that as well. If I'm mistaken, please let me know. The R1 designation that is sought would actually permit less intense density than what is actually currently permitted with the DR under Cecil County. One of the aspects of the annexation agreement, that by the way was negotiated during open public work sessions with the Mayor and Commissioners and with Mr. Sussman and the Town Administrator. The applicant has agreed to limit the number of units to eighty-one (81) and that is even less dense than what would be permitted for the entire property under R1. A concept plan which again is just a conceptual or a sketch that was shared with the Commissioners numerous times and there was a level of comfort with that and there was also concern making sure that the lots that haven't already been developed in the Town would be consistent with the lots in the development immediately adjacent to it. And I think it important to note that the annexation agreement references that if the Commissioners' passed, the resolution would be binding. It also applies to what already is in the Town despite that's not what's being proposed to be annexed, so that will cover that as well. And again because you have not had the benefit of seeing the annexation agreement, I do want to highlight some of the points that are in it. I made reference to the eighty-one (81) units. My client has also agreed to restrict its covenants with respect to minimum sales price for the units and for minimum square footage. I believe it is at twenty-five hundred (2,500) square feet. He's agreed to require two-story units, to have natural materials to grade, a variety of exterior designs, and again as I noted there is an agreement that the lot layouts will correspond to the adjacent development, so those lot lines are identical. My client has agreed to pay a one thousand dollar (\$1,000.) per lot contribution to the Town to be paid towards a recreational facilities fund. There are agreements with respect to water and sewer as to who pays, how to connect to Town services and the paying for on site and off site improvements for utilities, including a pump station. There are agreements with respect to off site road improvements. This property is on Cedar Corner Road and one of the points of access is off Cedar Corner Road at the CSX underpass. Certainly, again if the Commissioners pass this, going through the development process this will be before you again. I'm not here to talk about the actual development process but I do want to tell you what my client has agreed to with respect to improvements on Cedar Corner Road. Depending upon what State Highway and Cecil County require, with respect to the underpass, my client has agreed to post a bond in the amount of fifty thousand dollars (\$50,000.) and assuming State Highway doesn't require the ultimate fix of the CSX underpass, which is outlined in the agreement, my client will do a second traffic study at his expense within I believe it is ten (10) years after the first use and occupancy permit and if the traffic study warrants that additional improvements are required at the underpass, the fifty thousand dollars (\$50,000.) bond will serve to make sure my client does that. My client has also agreed to pay the Town for the cost of the annexation, to

cover Mr. Sussman's fees and that type of thing. The annexation agreement evidences my client is financially invested in the project. He's going to put up the bond, he's going to make the agreements with respect to the way the development is going to look. Certainly that may change during the development process of the project. The number of the units, recreation facilities, those kinds of things are going to be locked in because my client has agreed to them. That's the first of the two resolutions. The second is the actual annexation plan that includes what is going to be required and we highlighted some of the things that it did address. To the extent there are engineering and planning questions I'll probably have to defer to Mr. Keefer but to the extent any of you have a question, either about the annexation agreement or the annexation plan, I would certainly be happy to entertain those.

Mr. Fortner requested questions or comments from the Planning Commission and Town staff.

Mr. Jack asked where is the pumping station going to be located.

Mr. Keefer replied we haven't exactly sited it yet but there are a couple of possibilities on site. We also thought about the possibility of putting it where the old water tower was because that is a piece of property that is already deeded to the Town. It seems like that would be an appropriate place to put it down in that area.

Mr. Jack responded can you repeat again about the underpass and what we're going to do there. I guess where all the traffic will be entering in.

Mr. Stover indicated it's one of certainly two points of access on Cedar Corner Road and that was an issue that the Commissioners asked us to address during the work sessions. And in fact my client prepared a traffic study prior to even having the hearing at his expense on the annexation to address that. The concern of course is that the underpass as it stands now is tight but during the course of the development my client is going to have to do a traffic study and he's going to have to make improvements to the intersections to correspond to that. Some of the things that have been talked about and are proposed in the annexation agreement and I want to make sure I get it right. It'll just read from it: "my client will agree to work with the Town, Cecil County and State Highway to develop, at my client's expense, appropriate traffic control measures to address vehicular traffic and safety in the vicinity of the one lane CSX railroad underpass". My client agrees that the traffic control measures and devices may include without limitations traffic control signage, electronic signalization, and/or mirrors placed on or about the underpass structure. And again that is going to be dictated by State Highway and the county. My client can't drive that train, but we recognize that something will be required there. And if that something isn't the ultimate fix up front, my client is agreeing to do the traffic study in ten years down the road and if additional improvements are required my client is going to post a bond at record plat to make sure that it gets done.

Mr. Reich asked how fast is your client going to improve this area. Will you build five houses a year, fifty houses a year? What's the plan?

Mr. Stover replied it is going to be market driven at this point.

Mr. Geraghty responded the intent is, if we get the annexation, would be to immediately start the engineering and develop that as soon as we can next year. We would hope 2010.

Mr. Reich asked to put eighty-one (81) homes there in 2010.

Mr. Geraghty replied the market probably wouldn't do that but if it would I would have them all done in maybe three (3) years or more to completely build out.

Mr. Reich asked what were the results of the traffic study? Do we have those?

Ms. Skilling responded that we do have something for the first phase. I have not seen all of the traffic study. I'm coming into the middle of this process. But there has been a study and the Mayor and Commissioners have looked at and suggested and recommended two scenario potentials to resolve some of the issues. But we need to follow up on that.

Mr. Reich asked do we know what they are?

Ms. Skilling replied the two things that have been suggested? I can only say what was talked about. One was making Cedar Corner one way heading toward Route 222, and the second is to put a light off of Route 40 and a light on the other side of the underpass coming towards Route 40 so that only one lane could move at a time and I've seen that at many different places. That's just two scenarios that were mentioned, but nothing has been decided.

Mr. Reich commented your traffic plan said you are going to do that in ten (10) years from the first occupancy. So worst case, the market goes really great, everybody with BRAC comes down and everyone wants to live in Perryville and we build eighty-one (81) houses next year. Have you considered, did that traffic study consider full occupancy within the first year?

Mr. Stover replied we don't really know exactly what is going to be required because that is out of our hands, but I should have mentioned in the agreement it's the later of the ten (10) years after the first U&O or five (5) years after the final U&O's. Not later than ten years but five years after the final U&O.

Mr. Reich indicated it could be two (2) years after.

Mr. Geraghty responded that is correct. The intent is this; the Mayor and Commissioners were concerned that if there was a short period of time that there wouldn't be enough time for the traffic patterns to establish themselves so we can do it quicker the money is there to do it. It's just an issue that the Mayor and Commissioners wanted a longer time for me to be on the hook. So I've agreed to that, if it happens faster than that it will be done quicker.

Mr. Stover stated and the way the annexation agreement reads, the Town at my client's expense, commissions the second traffic study. It is simply an outside date.

Mr. Reich replied I guess I'm not making my point. I would anticipate that someone would do the traffic based on full occupancy right away and if we have eighty-one (81) properties we're talking roughly one hundred sixty-two (162) cars average per family. I have four (4) so two (2) is a pretty good average. That's a lot of vehicles. One stays home, and one goes to work every day, and that is a lot of cars going in and out of there and so I'm wondering why that traffic study didn't look at, or did it?

Mr. Geraghty indicated the traffic study we did looked at that CSX underpass a little bit and at Cedar Corner Road at Route 40 and Cedar Corner Road at Route 222. We have to do a full traffic analysis of the entire project beyond that with a scope dictated by the County and the State and a scoping meeting prior to the development being considered. It will have to go to T.A.C. but this is only addressing the annexation. We may be required under that to address all the issues with full occupancy of the development taken into account.

Mr. Reich asked Ms. Skilling if we have a comment on that, at that meeting.

Ms. Skilling responded I don't have anything on the meeting. I do know there was an initial study done. Usually before final plat there has to be some kind of study. The biggest concern we have is the road. Cedar Corner Road and Route 40 are really not in corporate limits. And the county and State Highway are really in control. So we have to get comments back from both of them and the Town is really a third party obviously with an annexation so the impacts of this development has to be improved by way of this study that they are going to have to come back to us to determine what needs to be done to develop it.

Mr. Reich replied I still wish we had seen this traffic study. I'm still stuck on that. What does the traffic study say at Cedar Corner and 222?

Ms. Skilling indicated I just want to mention too this is an annexation just for the annexation of this piece of property. As they go through the Preliminary Plan and Final Plan for this project those studies will have to be done because we can't approve, according to our regulations, the check offs at the different stages. So we would have to have at least some comments back or some kind of scoping report from State Highway and the county to figure out what is going to be done.

Mr. Reich stated he has brought up an agreement between, or at least a tentative agreement between the Mayor and Commissioners and his client as to things the Mayor and Commissioners want, right?

Ms. Skilling replied correct.

Mr. Reich commented so we kind of tentatively said we think this might be a reasonably good idea from the Town's Mayor and Council, right or wrong?

Mr. Baynes replied I think what they have agreed to and everybody can correct me if I'm wrong but they are going to have to go through a traffic impact study as part of this subdivision process. I think what the Town Commissioners have done is require him to post a financial security for whatever is required to be done that they know that money is going to be there to get the job done, to get those things done.

Mr. Geraghty responded it's not just for that. It's for any future condition that exists within that period of time. I would be required to, like every developer has to, to do a traffic analysis that will be analyzed by the county in order to determine what I have to do to offset the impact of this development. In addition to that, the Mayor and Commissioners asked me to make further assurance that if in the future for example that the use of that road were more intense than they had thought, and the impacts were worst than they thought, it would make me have something to get it done down the line. So it's in addition to all the other things that are going to be required of me from the typical development phase. That was what this intended to do.

Mr. Reich asked our attorney, Mr. Baynes, if we agree to this annexation have we done anything that obligates the Town to do anything other than annex the land?

Ms. Skilling responded that Mr. Baynes is here for the Town but he is representing another project. Mr. Sussman really is the attorney for the annexation for the Town. So you need to address your comments to him.

Mr. Reich apologized and directed his question to Mr. Sussman.

Mr. Sussman responded as I understand it, in connection with the annexation petition, the applicant has done a very preliminary traffic analysis. That is not the type of traffic analysis that would be required for approval of the subdivision or any development plan. That was just done as a baseline for the Mayor and Commissioners to look at and for the applicant to look at to evaluate the annexation request. Assuming that the annexation request is granted, then before there can be any development plans approved or any subdivision plat approved the applicant will have to engage in a very detailed comprehensive traffic study and analysis, with a scope determined by the State and by the county. That study will then determine what type of traffic improvements are required on Cedar Corner Road at the CSX underpass, at Route 40, or anywhere else that will be affected by this particular development. And that is going to be the determining factor. Now what the Mayor and Commissioners were concerned about was let's assume that traffic impact analysis and the recommendation of the State and the county suggest that well what we really need to do is, hypothetically, put up some mirrors and signage near the CSX underpass, and the recommendation says that should be adequate for traffic control and that is what the developer does in response to the requirements imposed by the government agencies. Now the Mayor and Commissioners were concerned about what if it turns out that is not enough. The project is built, it becomes occupied and the

traffic issues associated with the project at that particular location are worst than we had originally thought or that the recommendation that may have been made and implemented in 2010 were really not sufficient. So that is why the Mayor and Commissioners negotiated for the possibility of another detailed traffic study and traffic analysis down the road after the project has been built and occupied and the traffic patterns have been established. As Mr. Stover indicated the traffic study could be commissioned by the Town at the developer's expense at the earlier of five (5) years after the last certificate of occupancy or ten (10) years after the first building permit, again whichever occurs first. Assuming that the Town engages that traffic impact study and traffic analysis and assuming that further traffic impact analysis makes other recommendations for traffic control whether it be a traffic light on Route 40 or additional signage or something else that would have an impact, the developer would have an escrow account in the sum of fifty thousand dollars (\$50,000.) to pay for that additional traffic configuration.

Mr. Reich stated let me ask my question again to the correct counsel this time. If we approve annexation have we signed up the Town to do anything other than put the property in Town limits?

Mr. Sussman replied no, absolutely not.

Mr. Reich responded is it part of, now you talked about Route 40, we have Cedar Corner at 222. That is in Town limits, right?

Ms. Skilling replied but it is a state highway too. That is the key, it is a state highway.

Mr. Reich indicated I understand that but Cedar Corner Road isn't. That part of the road belongs to the Town, correct?

Ms. Skilling replied Cedar Corner Road is county. It's only where it comes from Route 40, it is State, Cedar Corner Road is county and Route 222 is yes, it is in the Town limits but it State. It is regulated by the State Highway Administration not necessarily the Town, although we may work with the State Highway in mitigation for types of projects like this.

Mr. Sussman responded I think the answer to your question is if the property is annexed in to the Town that does not entail any binding commitment on the Town for any type of future development approval. That is going to have to come through the regular Town development regulatory process. It will have to come back before this body for public hearings and for approval of final plat and require the usual traffic impact studies etc.

Mr. Reich stated so let's assume the traffic impact study, if we do the annexation, and it comes up for the first review of the actual plan and we got a traffic impact study done for that. What if it comes back and says it won't support more than twenty (20) homes?

Mr. Sussman replied that is something you will all have to encounter at the time of approval of the plan.

Mr. Reich said but my point is...

Mr. Sussman stated this agreement and the annexation does not force the Town to approve anything, or any particular number of lots on a development proposal.

Mr. Fortner commented and if we do annex it and we have the traffic study that says it won't support more than twenty (20) units we as the Town now can have the authority to limit it to twenty (20) units whereas if we don't annex it and they go through the county, because it is in the county's jurisdiction.

Mr. Reich indicated I'm a little bit worried about that being a State road and let me tell you why. The State made a two lane change at 40 to come up 222. The traffic, because of that two lane change, relieved the traffic on the bridge but it certainly didn't relieve the traffic on 222 especially with all the big trucks going up and down that road. It goes from two lanes to one lane and that traffic backup is from the top of the hill over the railroad even up to Cedar Corner Road and down to there. One of the possibilities that the State might come up with is let's put a traffic light at Cedar Corner Road and now we've got even a bigger stop because we've got the one at the high school and now we've got one even closer to 40, and that backs up quite a bit. And now we're going to put more vehicles on the road. So I'm concerned about this traffic study and what was released. That's why I'm asking the question. Are we approving annexation and forcing the Town into any thing, other than we've got the property and we might want to put a schoolhouse on it.

Mr. Sussman replied you are not forcing the Town into anything. Number one, the developer is unilaterally limiting the number of units, the maximum number of units that it would build on the property to eighty-one (81) if studies show that it would support eighty-one (81) or support even more than eighty-one (81). Number two, if the property is not annexed into the Town it probably could be developed within the county as an unincorporated area and very well may have a higher density than you would achieve here in the Town. The Town would not have any control over the development. That would be under county regulations.

Mr. Reich responded I understand that, but then the county has a higher zoning for that but then they are not going to have Town water and sewage either, so I'm not sure that that property in particular will support eighty-one (81) homes with its own water and sewage.

Mr. Sussman commented it may not.

Mr. Fortner asked do other members have comments or questions. At this point I would like to open the floor up to members of the public who would like to comment. I would like to say again, what we are considering in our review is whether or not to recommend

to the Mayor and Commissioners the annexation of this property. It's not an approval of eighty-one (81) units; it's not an approval of this configuration. It's just a recommendation to annex the property and then at a later date we will review the site plans where we'll have more information.

Mr. Sussman indicated I think it important to note that much of this petition the Commissioners make a recommendation in which in effect to propose R1 zoning in conjunction with the annexation. I think it is a matter of law that you have an obligation that if you choose to make a recommendation with respect to the annexation itself that certainly would be within your discretion.

Mr. Fortner stated we recommend the zoning as well.

Mr. Sussman responded your primary responsibility with respect to the proposed R1 zoning if the property is annexed. If you as a Commission would like to also make a recommendation with respect to the underlying annexation, that certainly is within your prerogative as well.

Mr. Fortner indicated at this time I'll take comments from members of the public. If you would like to speak please come to the podium, introduce yourself with name and address.

Mr. Arnold Ivie of 1510 Greenspring Avenue off of Cedar Corner Road, and my concern is basically what yours is; is this traffic impact study. As everybody knows, 222 is awfully crowded, the same thing that you mentioned. Now to make this a one way in and a one way out, is that a one way in off of 222 and one way out from Route 40? How is that proposed, I don't have a map here?

Ms. Skilling replied that was only a recommendation during a discussion. It was part of a discussion that Mayor and Commissioners had. It was nothing finalized. Actually the county didn't even have any comments. It was just a discussion at a meeting that maybe that could be a possibility or some of ideas that were being floated around on how we could resolve moving through there with realizing that there is a problem. I have to say one thing about 222 concerns and congestion. I understand there is a problem and concern there. The 222 problem has been created by one particular thing and it has to be probably the toll booths on I95. People come off and come down 222 and go up 222 and back on. So this development and a lot of other developments not necessarily caused the problem but that really isn't an issue here. And I realize a traffic impact study still has to happen and it is tied to the subdivision, the recording of the subdivision. So with this project, when it comes through, it will go through preliminary and final to the Planning Commission and can not be finalized until we have that impact study from State Highway and it has to be approved by the county because of those roads and mitigation for the impacts.

Mr. Reich commented I understand what you are saying and it wasn't all caused by this annexation. It wasn't caused by anything going on but it's there, and it's going to be

there. Until they totally move that toll booth, if ever, we're going to have this same problem. So I can understand this isn't what caused that problem but what I tried to say, and my feeling was, that we have the problem, it's there and we have to face it. And unless we can make the State Highway decide we're going to move the toll booth as part of this annexation then we're in good shape.

Ms. Skilling responded there are things in the works.

Mr. Geraghty indicated if I may answer your specific question. One way would not have anything to do with 222 and Cedar Corner Road. It was one way that was discussed, it was not finalized, it was discussed to start on this side of Route 40 so it would only have to do with going under the bridge. It wouldn't have anything more than that. It was to stop through traffic from Route 40 toward 222.

Mr. Ivie asked if there has been any other possibility discussed if this traffic impact study don't support the eighty-one (81) houses, is there any way a road could be built off of Route 40 into the project instead of off Cedar Corner Road?

Mr. Geraghty answered no.

Mr. Ivie asked why? Has there been any thought on that, or is it impossible?

Mr. Geraghty responded the railroad is between where we are and Route 40.

Mr. Ivie commented but you have an underpass right there that won't support another lane anyway.

Mr. Geraghty answered that hasn't been considered. I don't own any property in that location and the cost would be prohibitive.

Mr. Ivie stated so it's a cost factor then.

Mr. Geraghty responded well I don't own the property either. And that would have to get approved as well.

Ms. Jill Sherrard of 1104 Cedar Corner Road commented a lot of us have been talking about this road as a one way and the impacts of the homes in general. If you've ever been in Gotham Bush and tried to get out either on 222 or sometimes Route 40 from 3:30 to about 6:30 you're not going to get out. There's also a creek there that does flood and it will run over and it's pretty high when the water gets up. I'm wondering if that is a safety issue, number one. And number two, to impact our lives for this, to make that road either wider or a one way, none of my neighbors want that. It's not fair, number one, and number two it's going to make more congestion there when there is already so many cars that go by there. They use that little road to get from one place to another. We have school buses on that road and everything else and I don't think, and I know none of my neighbors want that road changed in that way. And I don't think to add eighty (80)

houses times two or three cars per home is going to help anything. I appreciate your questions about the traffic study because it worries us all. We already live there and pay taxes and how is this going to impact us, and in fairness to us. That is a very nice community back there, I think it's one of the nicest in Perryville and like I said, 222 and everyone getting off the bridge and trying to bypass the toll, it's a nightmare. To make that worst for us, would really be not fair.

Ms. Betty Thompson of 1646 Ingleside Avenue indicated talking about the eighty-one (81) homes, does that include the strip that is already in the Town, that number?

Mr. Geraghty replied yes it does.

Ms. Thompson continued you said they would be two-story houses as you're talking about now. I know everything could change, it's not written in stone.

Mr. Geraghty responded it is actually written in the annexation agreement.

Ms. Thompson replied and the twenty-five hundred (2,500) square foot homes. What would the minimum price, you think, do you have an idea?

Mr. Geraghty stated three hundred fifty thousand (\$350,000.) is in the agreement.

Ms. Thompson replied I didn't know that. What are the size of the lots going to be, around fifteen thousand (15,000) square feet?

Mr. Geraghty indicated a minimum of ten thousand (10,000) square feet.

Mr. Fortner asked is that consistent with the neighborhood adjacent to it?

Mr. Geraghty replied not at all, not even close. The neighborhood next to it has larger lots. What we tried to do is in the transition area between the existing neighborhoods and our property, again the planning section of this is where we are today, but we have agreed to line up the lot lines on the new development where they are adjacent to the existing so the lot widths will be exactly the same. So one yard will only be looking at one house directly behind it.

Mr. Oberholtzer stated I guess in your annexation agreement you have the minimum prices specified, but what if the market determines that twenty-five hundred (2,500) square foot homes are no longer desirable and if people want to down scale and three hundred fifty thousand dollar (\$350,000.) houses aren't marketable. What is the contingency plan if you aren't able to sell the lots of that size and for that price?

Mr. Stover responded the agreement specifically provides the Mayor and Commissioners can with good cause change that number.

Mr. Oberholtzer asked what about modifying the size of the lots?

Mr. Stover replied it's only on the base sales price.

Mr. Oberholtzer commented so there wouldn't be any changes to the number of lots or the size.

Mr. Stover replied the square footage, the 2-story requirements for that, the number of lots, the Commissioners can not change that but the agreement provides they can change the price point for good cause.

Mr. Sussman stated without coming back through the process for an amendment to the agreement. And coming back before the Planning Commission and the Mayor and Commissioners.

Ms. Thompson indicated one other thing, this is where I live up here. And Ingleside Avenue goes up here and there is no turn around there and I don't see any way made for a turn around at those other places. People drive up to the end all the time and they turn around in our driveway, trucks, everything. And it's destroying the end of our driveway. It's not going to be fair to the people over there if you can't do something a little bit differently in order to make a turn around at the end. I don't know if you can do a T turnaround or a circle or something.

Discussion continued with Mr. Keefer showing on the plan where roads are planned, with a T turnaround provided at one side, and all other roads are through roads.

Ms. Thompson commented in regard to the underpass, something to think about and I know a lot of it will be totally up to the county and State Highway Administration, but that creek is already piped under Route 40 and if it was piped on the other side to make an ingress and an egress there it would solve a lot of problems at that particular place. And I know you can't do anything about that now but just for something to think about.

Mr. Ivie stated I would just like to add something to my comments. Earlier I heard that we had discussed about the situation of the eighty-one (81) homes and impact on the schools and the water, Town water and sewage. It's not like we don't have enough problems as it is with water and sewage in the Town but how are we going to get water and sewer to that place, and pumped to the place, and how are we going to get the water. Did I hear or understand you are going to build another water tower on site?

Mr. Keefer replied no, that was a waste sewage pumping station. We had talked about the possibility if needed to put it where the old water tank was.

Mr. Ivie asked what about the impact on the schools? Another eighty-one family development opening in the area? Don't you think it would be a little bit of overcrowding in the school district? Has any body thought about that?

Mr. Geraghty stated it was addressed in the one plan.

Mr. Stover replied the annexation plan is required by the State of Maryland and it addresses those things for schools, including current enrollment for Perryville, according to reports all are below capacity right now. Currently Perryville Elementary is at sixty-four point one percent (64.1%) capacity, Perryville Middle is at seventy-one point five percent (71.5%) and Perryville High School is at ninety-five point six percent (95.6%) capacity. And again that is set forth in the annexation plan and was actually voted on by Mayor and Commissioners.

Mr. Ivie asked this study was done by who?

Mr. Keefer stated those numbers came from the Board of Education.

Mr. Ivie commented so that was addressed in the annexation?

Mr. Stover responded but bear in mind that all of these things that are being proposed, schools, annexing the property doesn't mean my client gets to put a shovel in the ground tomorrow. It's all going to have to be dealt with through the process so when my client actually wants to subdivide the property, he's going to be right back here in front of this committee, this Commission, and they are going to address all the related issues, traffic impacts, schools, water and sewer. Simply annexing the property in the Town doesn't mean those go away and my client will have to deal with them.

Mr. Fortner stated last chance, is there another member of the public who would like to speak? We'll move on to closing comments from the Planning Commissioners. I think that we should have a recommendation to, I'm not making a motion, but I think we ought to annex it in the Town, this parcel, with the R1 zoning, keeping in mind that first of all it gets it into the Town's jurisdiction and we'll have more control rather than leaving it to the county. I think that is better for the Town to have this development within the Town rather than in the county. I think it is also good for the Town because there is going to be a traffic impact study and we get to evaluate that traffic impact study. No way does this annexation mean we're going to get eighty-one (81) units in. We're not recommending eighty-one (81) units and we'll look at this traffic impact study and the community can have a say in how that gets developed. Those are the primary reasons and I'm going to support it.

Mr. Oberholtzer commented I think with annexation or not we're looking at a lot of the same issues. It's just a question of whether the Town benefits from it or we just suffer because of it. So I think it will get built whether it's annexed or not. So I would have to agree that it gives the Town a bit more of control and at least to be able to benefit from the situation.

Mr. Jack indicated I would like to see us put a condition on the annexation and that would be that the underpass is dealt with in a proper manner. I only see one lane no matter what you put there. I live there but that's not why I'm saying this. That is a problem. We have other developments coming in, we have the gaming coming up the other end. It's

only going to add more cars on 222 and 40 and there is only one lane in and one lane out. We need to have a good traffic study done with a proposal that would alleviate the traffic in there. You can put in stop signs that will only back up the cars clear up Cedar Corner Road to get out to 40. That's not going to help anything, the mirrors aren't going to help anything. If you start having the density that we're talking about there I don't think it's going to be a good thing unless we solve the issue. Another lane, I don't know if anybody has thought about that. I know it's expensive but that will alleviate a lot of the problems at least a lot of the problems in that neighborhood. I think the traffic study ought to be done and it should be done to the satisfaction of the community so they can see what is going on there. I'm not against building in the community. I think that is great and I have no problem with that and all those other issues that you have talked about, they are minor compared to the underpass. The underpass is the key issue and we should get that settled before, or at least to have some kind of condition of settlement before we annex that property because you know everyone says we're not going to move forward right away, and we've seen that before. This is just one step in the process and then there will be step two and then there will be step three, and before you know it the underpass is not an issue and everybody's going back and forth in one lane. This is an opportunity, at least I would make some kind of amendment.

Mr. Reich commented I agree with you but I don't know what stipulation could belong there. I would very much like to see, having lived there and been down that road when there wasn't that many houses at all and Greenspring was the only street there, that underpass has always been that way and it always is you have to beep your horn so you don't get hit coming around the corner. I agree with you. There ought to be something that we do. I'm also willing to grant annexation of this if we can add a stipulation about that particular place. I like Ms. Thompson's idea that we build another bridge and get a second lane there. That is interesting. But I think the Town has to go to the State or the county or whoever has the right for that property and see what they are going to do about it, or consider doing about it. So that we're not hit immediately with a problem. One way going in and out of there to me is not effective for fire safety and all the other reasons. I don't know if we can but there should be something that the Town could do to get the state to really look at this and fix it now because it already is a safety issue. And we've got lots of money coming from the government for local stimulus so let's stimulate that road going in there.

Ms. Turgon commented I would like some guidance from Ms. Skilling because I don't think we can make that, or can we do an amendment like that?

Ms. Skilling replied that everyone has to understand that this is annexation now. There is no guarantee that bringing this piece of property into the Town but there are no guarantees that the density that they have will meet the requirement for the number of vehicles that are moving through this area, through a traffic impact study. So at preliminary, at final, and it has to go through the county T.A.C. Those are going to be hurdles that they have to go over prior to the Town and you as a board will have to review and, can you make a condition? You could condition it upon them to follow this plan that they have in their annexation plan. That these things get done and you're going

to be the one in the end when you get the site plan, for the preliminary and final, and you are going to look at those issues.

Ms. Turgon asked is that an appropriate thing to mention tonight and I don't believe it is because all we are doing is being asked to change the zoning to R1 as part of the annexation and that's really the only thing we're supposed to be addressing.

Ms. Skilling indicated the comments you are making will be part of the record and definitely will be put forward to Mayor and Commissioners and they will be addressing those as well.

Ms. Turgon replied not that we can't do all that, but not tonight.

Ms. Brock commented I agree. I don't think it is necessary to condition the approval for the annexation on a traffic study that will be required at preliminary. If you want to go ahead with the traffic study and there are problems you can easily hold up approval of the final site plan and all we are saying is tonight, forget the roads, forget the lot lines, and only consider the land out there. It's going to be the same tomorrow except it's going to be part of the Town. I would hesitate to recommend that we hold up preliminary approval because maybe you could approach the county and go ahead with the county and build what you want rather than having to deal with additional requirements in the Town. I would feel safe to say this is going to come one way or the other and I would much rather have it in the Town than the other because it can be conditioned and approval on what we want to see rather than have it in the county's hands which could push it through quicker, a higher density, the residents may not be able to get their voices heard as well like in a local Town Hall and I would rather have it under our control than the county's, doing a traffic impact study at preliminary for their recommendations whether it's twenty (20) homes, fifty (50) homes, be two lanes, four lanes, whatever. I think that final site plan approval will be the appropriate time to determine that.

Ms. Turgon responded it's not going to get away from us.

Commissioner Hansen stated if we have the control on this piece of property, if we annex it, instead of the county having the control it will be better for us. Because then we can help the citizens who are already there with the problems that they see that are already there and will come in the future too. Its better that we have some control instead of just letting the county have everything.

Mr. Jack commented if the county did have control, those lots would be a lot larger to deal with for water and sewage than they are. They're not here because they could build already. They're here for water and sewage it looks like in my mind and to have the ability to build more houses so we're already under control. I don't think that is the issue. When we look at all these things, we put all these things about the size of the house, the value of the house we are considering and all that. We also have to consider the people who live in that area and the problems that they have with one lane and if we can't do it here, we can't do it here. It's my understanding that all we're going to do is

make a recommendation to the Mayor and Commissioners and they have the final say anyway. So if we push this up the line with the recommendation to look at the underpass before they make their final annexation in a deeper sense, then I think we would at least be giving our feeling. Just having comments is one thing, making a recommendation to the Mayor and Commissioners is another.

Commissioner Hansen indicated I was at the meeting, because I am a Commissioner, and it is well looked at on that issue, on the bridge. It's looked at very hard right now.

Mr. Sussman responded I would just like to follow on what Commissioner Hansen said having been involved in the various meetings and work sessions and deliberations with the Commissioners, and the negotiations with the applicant. I think from the first day that I got involved with the project last year that was a big issue that I heard from every Commissioner including Mr. Hansen and that is what are we going to do about that one way underpass and how are we going to be able to manage the traffic. And as you have heard, there have been a number of different possible milerative measures talked about but right now we don't have, the Mayor and Commissioners don't have, sufficient information and knowledge to be able to make a determination as to what would be the best thing to do. And that is why the annexation agreement does provide, as your development process does already, for a complete traffic impact study and the applicant has agreed as part of the annexation agreement to do what ever is necessary to militate the situation with the underpass and the roadway as recommended by the traffic impact study and to take that one step further, that's why we put it in the annexation agreement the future look with a future traffic impact study and money being put aside by the developer now to make future road improvements or traffic control improvements if whatever is recommended or implemented now is not sufficient. So the Mayor and Commissioners have been well aware and have tried to deal with this issue in the negotiation of the annexation agreement as best we all can with the information that we now have available to us, recognizing that we will need to get much more information after the development process moves forward.

Motion was made my Mr. Reich and seconded by Ms. Turgon to recommend annexation of this property with R1 zoning designation to the Mayor and Commissioners. **All in Favor. Motion Passed.**

2nd Public Hearing called to order: 7:30 p.m.

File No. CE2009-01 – Rezoning from L2/C2 to Commercial Entertainment Mixed Use Development Floating Zone (CEMUD), which shall include commercial, entertainment, gaming, retail, and residential development.
PROPERTY OWNER & APPLICANT: Principio Iron Company; **LOCATION:** Land bordered by I-95, Rt. 222, and Cokesbury Road, Perryville, MD; Tax Map 29, Parcel 70, Total Gross Area 146.517 acres.

Mr. Fortner stated this is a public hearing for a recommendation to the Mayor and Commissioners for the change of the zoning. What we are here to do is to consider, our

recommendation, whether this land, this proposal is appropriate for the CEMUD zoning. It's not really a debate on gambling. We have this zoning and we are going to evaluate this as, is this an appropriate development for designation as a CEMUD.

Mr. Brandon Freel, of Stewart Associates, indicated we are the land owner of this site and what we are calling the Chesapeake Lighthouse project. Tonight we are seeking the CEMUD floating zone rezoning approval for our site and what I would like to do is give you a project overview and walk you through the project with the concepts. I am here with Mr. Stephen Crowe, of Site Resources, our civil engineer, who put together the technical aspects of the plan and I'll turn it over to him to walk through some of the technical side if you have any questions. Our site is one hundred forty-six (146) acres approximately and as you mentioned it is split zoned L2 and C2. It is also affected by the Highway Corridor Overlay Zone on Route 222 as well as a portion of it by I-95. As it exists now it was under a mining permit. There are no existing structures on site. Public utilities are available to this site, sewer and water to the site. What we are looking at doing because of a project of this size, we're looking at a multi phase project. We underwent a market study and what came back is absorption for a project of this size is going to take years. The ultimate goal now as we see it is fifteen (15) to twenty (20) years out for the whole project to be built. And at that time, this is only a guess quite frankly, of future phases that we can see it. The market can change. What is going to happen to this site in spite of the market. So as part of the zoning ordinance and part of what we put together are controls to be put in place that may not necessarily control what products are going to go where, but it's going to control the look, the aesthetic of it, and some of the other concrete pieces of the project. So how we have it right now is at five phases. Our current concept and I'll walk you through some of the phases here. The first phase of the project will be the slots site. It will also provide a hotel with conferencing to be developed on the site. The second phase as we see it is what is going to come one line in three to five years. We see down here as service retail, restaurant type use which will support some of the demographics that our study show for this site. Based on the energy of the project coming from the slots we do see this as coming on pretty quick, however we don't think that slots is going to sustain itself or sustain the momentum for the next fifteen (15) to twenty (20) years. In our minds, we believe that there should be a second or even a third destination type venue needed on the site, so in phase three we are looking at more of like a town center type concept, similar to The Avenue at White Marsh or a Hunt Valley type look to it with retail and what we have shown in white are some gathering areas. Behind here we have a small amount of office. Phase four we see this section coming on line to include the second destination area. We see bulk retail could possibly be there, in addition to the possibility of more service retail. Phase five we see as more of a residential type use to be accessed from Cokesbury Road. We see it as more of a rental type product and the market, as time goes on, may change on that. The common linkage to all the properties or sections are the architectural elements which would be described in our pattern book that was submitted and that is going to control the facades, the actual material that we use for the project as well. We have provided an open walkway, and have a cross section provided in our application as well. The walkway will go along with the spine roads, the cul-de-sac. We've given a twenty-five (25) foot wide berth outside of the right of way to be used as a common area that

provides some sort of well landscaped, high quality type pedestrian walk. That walkway will extend throughout the project to tie the project together and eventually tie in with the open space next to the residential phase. One of the comments were to provide a trail system and connect that trail system to other trails that are throughout the community. We haven't finalized it yet, this is all preliminary and that would allow people to connect. Another idea would be to connect the project to the public pier, to use the Marc station and some other assets of the Town. We haven't finalized any of that, but that is conceptually what we would like to do to help create some draw to the project. Again one of the other restrictions I guess that we put in place, in addition to the pattern book, is the Park Covenants and Restrictions and as a landowner and master developer what that typically does is regulates the first line of defense for another project coming on line on one of the sites. So we would set up an Architectural Review Committee to look at their submission to us and make sure that it does conform to zoning requirements and the pattern book and we would have to sign off on that. That's it in a nutshell for the conceptual plan we're trying to do. I'll turn it over to Mr. Crowe for the technical aspects of the project.

Mr. Stephen Crowe with Site Resources, stated we are the planners and engineers for this plan which you see in front of you. One thing I would like to mention is that the collector road as you see to the traffic circle will be a public road. We are served by public utilities as Mr. Freel mentioned. Water and sewer connects here and we also have a position for connection to public water in this area. The plan, as we have laid out and designed it meets all the criteria for designation as a CEMUD. All the development standards that are outlined in the CEMUD regulations have been met. As you see in the submittal we've provided calculations for ELU's or Equilvant Living Units for the water demand. We generally believe that our application is complete and thorough and this site meets all the criteria for this area necessary to be designated as CEMUD.

Mr. Fortner stated at this point I would like to open up for comments from members of the Planning Commission and Town staff.

Mr. Reich asked Ms. Skilling does this have anything to do with what we're required to do tonight.

Ms. Skilling replied that is basically what is required of the plan. It needs to submit those elements in order to get the CEMUD zoning. It was part of the design criteria, it has all the elements in there as you had in your exhibits. That was part of the plan submittal with the site plan as you are seeing there and you have it in your book as well. That will become the model that will be used for the Planning Commission and for staff to follow for any other site pad that comes in.

Mr. Reich commented the reason I asked that, I thought that was the way it was but I'm confused a little bit. I was looking at the Chesapeake Lighthouse project pattern book which is one of the exhibits in this and on page 31 it says "the following materials are prohibited for use in exterior architectural treatments unless specifically approved by the CEMUD per the Pattern Book". And then later on it says "all buildings shall have sixty

percent (60%) transparency in the area of the main entrance unless a reduced percentage is specifically authorized by the CEMUD”. That is on the same page. Then on page 32 it says “all building color concepts must be submitted and approved by the CEMUD”. I thought the CEMUD was a zoning ordinance. How can the CEMUD be approving anything?

Ms. Skilling responded what I think they are talking about is the intent of the CEMUD. What the goals and intent of the CEMUD is.

Mr. Reich replied that is not what it says in here; specifically approved by the CEMUD. So my question is the CEMUD is not a thing, well it is, but it is a zone. But the CEMUD doesn't approve anything, we do.

Ms. Skilling indicated the rezoning to that CEMUD zoning, the floating zone, requires certain elements and the elements are within these exhibits and one of the elements and components of the criteria and the intent of this is to have a mixed use. Mixed use is really on form and design. It's really supposed to give us an idea of what they're going to do in the project based on certain guidelines. And those guidelines, one of the things that we have to look at, is these design elements. So when it says CEMUD, I think what they are talking about is the zoning. It meets the CEMUD intent by putting these specific standards on it.

Mr. Reich stated it says “specifically approved” and then “specifically authorized”. Zoning Ordinances don't authorize anything, people do. It just tells you what the limits are.

Ms. Brock said it's permitted in that zone.

Mr. Reich responded it's permitted but it can't approve it.

Mr. Freel replied the intent is to say that by the Zoning Ordinance some of the materials that we are prohibiting are allowed under the CEMUD and we are saying we don't want them in there and if going forward we sell off a parcel and then they come in for approval that is what they have to follow.

Mr. Reich said I would feel better if it said meet or per the Ordinance or something, just so somebody doesn't get the impression that a CEMUD zone implies that it is also a CEMUD activity or agency.

Ms. Skilling replied CEMUD activity based on this and these are the guidelines that you are going to use. I'm not saying these things couldn't change, because you're only voting on zoning right now. When we come back and you look at the preliminary and the final plans, those are still things that you are going to be looking at. But it is the zoning and the intent of the CEMUD zoning that we are looking at right now. And that is probably why it said it that way. We had to establish, or the developers had to establish, in the CEMUD zoning the intent and they did it by steps. If you read it you know it is really

complicated but these were the steps and if you read my comments I was trying to put those steps with comments for each one as it met it within their submission for the requirements. Mayor and Commissioners have looked at this and we have determined that they met the conditions for the application. This is the application that was submitted and they have referred it to you for review and now based on what you have before you, does it meet the goals and intent of the CEMUD rezoning for the floating zone on this parcel based on the General Development Plan.

Mr. Fortner asked are there any more questions. A few comments, there is a lot I like about the plan and it certainly seems to have pedestrian amenities included a lot and that is good. What I am concerned about in terms of the CEMUD zoning is that I don't feel that it is necessarily mixed use. It's like it is five different parcels each with a single use and I would like to see a lot more connectivity with the uses. A couple simple ones might be the hotel, for example, it's off on its own over there and I would like to explore ways of maybe interconnecting it more with the shopping center. So when someone is at the hotel and I see you have a nice trail there but still if you're going to go there and shop and have a lot of bags you might still be encouraged to take a car. The purpose of the CEMUD zoning is you want to encourage people to not have to drive and I think by connecting that and making it more a part of the main street like the hotel was in downtown. This looks like a traditional main street kind of look and if you put the hotel kind of downtown, like in downtown Annapolis there is a hotel there in the main street setting. Kind of integrate it more, I'd like to see that. I talked to Ms. Skilling about this and I understand there may be some topography issues in this area but even connecting the casino more to the shopping area so people that are in the casino, if they want to take a break and take a stroll they can. Right now we have them going across a big parking lot which isn't necessarily conducive to walking and I would like to see that more integrated with the main street shopping area. The same with this other phase, which looks to me more like an auto dependent commercial development where you are depending on vehicles to get there. I've seen some of the sketches and they look nice and it looks like there seems to be some potential there but it still looks like big box buildings that are surrounded by parking lots. I wouldn't want to see that. I understand there are issues here with the creek but maybe there are ways to explore maybe connecting the shopping into more than one district so they could all thrive on each other and just having an environment which encourages you to park your car and walk around. Whether you are going to the casino, or shopping, or going to a restaurant. To have it look inviting to just walk around. You park your car and you walk, no matter what you are going to be doing. The residential component up there seems very cut off from the rest of the project. I understand you have a pedestrian trail right there. It's probably something they won't go to because they are cut off. There is no type of pedestrian amenities and even if they are going to drive this, they're probably going to have to take the road around. I understand there are power lines there but if you could maybe put a road or somehow connect it or integrate it into the overall proposal. It's just kind of stuck up there. I like that you reserved a big portion for open space for a park type system and I think that you've got that in your plans. Other kind of park amenities that surround the project like a trail. You could almost create the park to embrace the whole development with kind of park land. For example someone like me, I'm probably not going to be using the gambling

facility that much but I would go there if there were trails and stuff. I'm always looking for new trails and stuff like that because there's not a lot in Perryville. I would go there and then if there are restaurants there, I would probably stay there or in a coffee shop. I would do all that kind of stuff and that would be the type of place to really go to. Also, I use the tot lot at the Perryville Outlets. There's not a lot of that stuff in Perryville, and it would be good if you created that. I also heard something about maybe a lighthouse or something there. An observatory or something more tourist oriented in there would be nice. My wife, who grew up in Perryville, claims that lighthouses aren't really much of a Perryville thing, it's more of a Havre de Grace theme. Perryville is more of a train theme. Any kind of train theme or things like that would be kind of interesting to add to the development. I've seen them in some other parks. Not a real train, but like in a playground as a play train. Anything you can build off of that theme would be good and blend in the community and become more a part of the Town rather than just sort of an addendum onto our Town. Things like that I would like to see in a mixed use development, not five different independent developments that are on one large lot of land but don't really work together.

Ms. Turgon stated the connectivity is a good idea. I think probably the residential is isolated because it probably needs to be. If you have that kind of facility going on are you really going to want that kind of traffic impacting your residential area. I think that is probably a wise move to keep that isolated like that.

Mr. Freel indicated that was our thoughts as well.

Mr. Fortner stated the road up there is a very county road. Someone living in that development is going to live along a county road and it's going to be a dense development. Most of that other housing around there are large lot, farm type houses, with some trailers and stuff like that. It is very isolated out there and I think in this mixed use development, unlike at the Woodlands where it's kind of blended in. It's not a huge point with me but it could be a nice development but I think the purpose would be for it to be more integrated and have different uses inside one development.

Mr. Reich commented one thought you made there that came to me is rather than having the casino in the middle like it is, have it pushed off to the left towards the other side. Move the parking lot or switch places with it.

Mr. Fortner indicated I understand there are some topography issues with the site. Even if you had some of the commercial uses to connect it or some sort of pedestrian park that would connect those better would be helpful. I would like to see it more integrated. It seems like that would be helpful and any way you could connect to these kinds of things rather than just this road here. And I know there's floodplain issues and you can't develop it.

Ms. Turgon stated but again, tonight that is not our job.

Mr. Fortner replied it is an appropriate development.

Ms. Skilling commented the general development plan is part of that rezoning. I don't know if it was explained well, but there is total connectivity between these. There will be a pedestrian walkway, you might say park type situation, which runs along there connecting this. It's not just a little path. We'll be discussing this a little bit more when we get into the preliminary phases but its twenty-five (25) feet and includes the casino. I can see where Mr. Fortner's coming from but because of the size of the casino building and the parking necessary there were issues there but there is between the casino and the town center a walking path so you're not walking actually through parking but there is a connection there. You're not really seeing it on there. If you look in your books you do see more of a meandering path and the original proposal also connected the residential site to the rest of the development by way of some paths. And I think when we go through preliminary that would probably be something we will be looking at.

Mr. Freel responded questions did come up as we were going through designing the site and the casino location ended up really for the convenience of our patrons is why this is centered on the site. If you push it on the side you would have a tremendous walk from the parking if you're heavily parked on one side and the building is on the other side. It would be exasperating the feel of already large parking fields. As far as the town center we need a certain amount of area to really have that synergy of the town center to really make it a dynamic town center and that's why we isolated it if you want to call it that way but pushed it off to the side so we could get that type of massing to generate the town center feel. Otherwise it just becomes a small area of strip shops but in this context we can really get the town center feel. The other is more intended as service retail. It's limited more to local car traffic and through traffic but we are limited because of the stream buffers down here so there's not much we can do for connectivity other than the walking paths.

Ms. Turgon asked what is the distance to the hotel.

Mr. Freel responded about a thousand (1,000) to twelve hundred (1,200) feet. And this was also left in this proximity so there would be the access to the casino.

Mr. Fortner commented if the hotel could be closer to the casino. Maybe the land is not right for it but if you had it between the shopping center and the casino and do some reconfiguring there you could easily walk from the hotel to the casino as easily as walking to the other sites and the shopping center.

Mr. Crowe indicated that anything that we put up here for parking and then you going to have those conditions that people would be walking a pretty long distance in bad weather sometimes.

Mr. Fortner said you could create park land paths that you have here and have that go through the parking. When I go to the mall I park a couple miles from the mall and I walk and I don't mind too much. That is during Christmas time but most of the time I can get reasonably close and sometimes on the busiest days up in Delaware they have

overflow parking and you take a bus, or a trolley or something when you have days when you have events there and people are just going to have to park further sometimes. I'm trying to develop more of a mixed use and just making suggestions for it. I'm for it, for the CEMUD. I would like to see more mix, more integrated, to look like a single development rather than several different independent developments. And I think you have a lot of potential to have park land around and create a stream buffer and any type of park or tot lot and things would be great.

Ms. Skilling commented the intent that we were trying to do and realizing some site limitations is to try to make, it is a more walkable community and make these walkways between all these different sites and I know what Mr. Fortner is trying to convey and I understand that use and we tried to make that configuration to work but it became very difficult when you talk about the quantity of parking that is going to be required for this facility and direct access to it. But if you can make it where people come here and there is an alternative to not only go to the casino but other things and this really is a benefit to not only to the people developing the casino but also to Stewart Associates to have these other things in this whole development because people will have different places to go for shopping, for eating and I'm hoping some nice restaurants will be incorporated in here and it does have some facilities for that.

Ms. Turgon indicated it might be good at this time for a tot lot or something for families. A little playground; it doesn't have to be very big but that is definitely helpful.

Ms. Skilling stated I think if you look at one of the recommendations where we have some of these storm water management in certain areas there are really good sites for potentially having little park areas. So the areas that are in the buffer doesn't mean you can't put benches in there. So you can still make that bottom look pretty nice by doing it as a park setting and using your walkways to get to those areas. And gathering areas, gazebos where people can go and get their lunch and sit outside. And again, some of these things will come up at preliminary and I think it would be good ideas to add these types of activities here as well as in the residential.

Discussion continued regarding Architectural Review of proposed plans from potential tenants. The Town still has ultimate approval of all site plans. The Architectural Review is to be used to make sure the tenants comply with their standard quality in the park covenants and restrictions.

Mr. Reich asked Ms. Skilling do you want to discuss any of your comments.

Below is a copy of comments provided by Town Planner, Mary Ann Skilling:

Project Review

Public Hearing Chesapeake Lighthouse to rezone property to a Commercial Entertainment Mixed Use zone (CEMUD). Presently Zoned L-2 and C-2

Background: On April 7 2009 the Mayor and Commissioners reviewed the Chesapeake Lighthouse General Development Plan as required in Section 116-7 for consideration as a CEMUD. The Commissioners accepted the application and referred to the Planning Commission for review for compliance with the purpose, intent and development standards of the CEMUD Floating Zone. The task of the Planning Commission is to review the General Development Plan and the requirements set forth below for rezoning of 146.5 acres to the Commercial Entertainment Mixed Use Development Floating Zone.

Step One: Designation of the site as a CEMUD Floating Zone and approval of a General Development Plan:

Section 116-6. CEMUD Floating Zone Development Standards

1. The Overall non-residential development square footage constructed or to be constructed within the development, excluding square footage included within parking structures, shall not exceed 50% of the gross land area of the entire tract.

Comment: Exhibit 2 of the Rezoning Application indicates the proposed square footage to be 645,800 sf. (14.83 ac.). This does not exceed 50% of the gross land area.

2. Commercial entertainment land uses, excluding parking structures, shall represent at least 10% of the total development square footage.

Comment: The gaming facility and hotel total 159,900 sf , 10% = 15,990 sf (see building Area Calculations in Section 1).

3. The overall density of residential uses, if any, in the development shall not exceed three and one-half (3.5) units per gross acre of the entire tract or occupy not more than 25% of the total.....

Comment: See Zoning Applicability Chart in Section 2. The residential component of the project could provide housing for workers at the casino. The Table of Permissible Uses indicates that townhouses, apartments, commercial apartments, housing for the elderly or handicapped are permitted with condition. The residential uses have not been determined. When the site plan is received for Phase Five, the type residential uses will need to be determined.

4. If the entire development is not to be built in a single phase, the project shall reflect a logical phasing of development that enables interim phases to meet the intent of the CEMUD Floating zone, and provides for the first phase of the project to include:

- A. Development of at least 25% of the non-residential square footage;
- B. At least one hotel with associated conference center facilities;
- C. A gaming establishment or other significant commercial entertainment establishment.....

Comment: Phase I includes the gaming facility and a hotel.

5. *Open Space: Active and passive recreation areas shall comprise at least 30% of the gross tract area. At least 25% of the required open space shall be developed for usable open space.*

Comments: Open space comprises the trail sections that follow one side of the road ways connecting site pads. Within the retail sections gathering areas are defined for outdoor eating, etc. It is recommended that the areas around the storm water facilities be used as a park like setting with benches and appropriate landscaping.

6. *Requirements for building setbacks, lot sizes, lot dimensions, lot coverage, and yard and buffer and landscaping shall be established for each CEMUD project.....*

Comments: Section 9, E Additions and Revisions. - The following statement should be modified: These standards are means to serve as guidelines and therefore MAY (shall) be modified throughout the project as long as modifications are determined to be minor in nature and are consistent with the Section 116.8 of the CEMUD regulations.

Section 2.2 Site Design – If an architectural review committee is established, it is recommended that a representative for the Town be included. Any changes or modifications requiring Planning Commission approval would require a statement from Stewart Associates indicating the modification or site plan has been approved by Stewart Associates.

7. *The development shall be served by external access roads, exits, entrances, internal streets and drives of sufficient capacity and design to ensure that traffic congestion does not occur on the roads used for immediate access to the site.*

Comments: These issues will be explored in more detail in a meeting being held with SHA, MTA, Cecil County and Perryville. Comments will be provided to P&Z members. The regulation establishing VLTs require a facility to be located at or near a major interchange.

8. *Private Streets, built to Town standards, may serve to access lots and buildings within the approved CEMUD in lieu of public streets.*

Comments: These items will be addressed during preliminary and final site plan.

9. *Public and semi-public services and facilities must be adequate to support the proposed development.*

Comments: Many of these services have been addressed in the Economic and Fiscal Impact Analysis included in Section 3.

10. *The Development shall be served by a site wide comprehensive pedestrian network with generously scaled streetscapes and walks. The network shall*

connect all buildings to walks, streets and private drives so that pedestrians need not walk through parking lots to reach buildings.

Comments: The General Development Plan provides connectivity to the various phases of the project through a trail system noted on the GDP. It is recommended that at a minimum 6-foot walkways be provided and potentially expanded in areas where congestion may occur. This can be a recommendation to the Mayor and Commissioners.

11. *A coordinated architectural design approach shall be established for the site. Buildings shall be clustered together to create distinct places and walkable districts with attractive active street side facades. Buildings shall be designed so that facades, signs and other appurtenances are integrated and harmonious, attractively arranged on all sides, and that designs and massing do not adversely affect surrounding on-site uses and off-site developments. Building designs and materials shall draw from the character and indigenous materials of the Town and the region.*

Comments: These are addressed in Section 9, Chesapeake Lighthouse Project Pattern Book and provide the intent of this section. When reviewing site plans for various phases, design will be part of the review process.

12. *The development shall be served by underground community sewer, gas, water, and electric facilities.*

Comment: This addressed in Section 9, 2.7 Utilities. This will be reviewed by the Town Engineer at preliminary site plan review.

13. *All vehicular circulation areas, parking areas and pedestrian walks shall be paved and properly illuminated when in use after dark in such a manner as to prevent the direct transmission of light into adjacent residential properties.*
Comments: These issues will be addressed during preliminary site plan review. Section 9, provides lighting samples for the exterior of buildings, but does not provide samples of lighting that may be used along roads or paths. There should be a standards lighting system throughout the development. This should be part of the recommendations to Mayor and Commissioners.

14. *Where possible, physical linkages shall be provided from the development to adjoining off-site streets and pedestrian systems.*

Comments: These linkages will be explored in more detail during preliminary site plan review.

15. *The development shall reflect a comprehensive site-wise approach to the design and ongoing maintenance of utilities, roads, parking, pedestrian systems, stormwater management, open spaces, landscaping, building, lighting and signs.*
Comments: Exhibit 8 addresses many of these issues. This section also refers to an Architectural Review Committee. It is recommended that a member of the community be part of the Review Committee appointed by the Mayor and Commissioners.

16. Innovative designs that promote an environmental sensitive and energy efficient approach to development are encouraged.

Comments:

Other Planning Issues:

1. A statement of potential permits that will be required should be provided.

Ms. Skilling commented because this is a process for getting the rezoning there are several steps and we are in step one. Step one being the rezoning and there were certain criteria. And what I did when I sent you this was to list all the criteria for what they had to meet. We can go through some of them.

Mr. Reich stated there are some on here where you made some recommendations. One of those was street lighting.

Ms. Skilling replied one of the things not included in the architectural standards was proposed street lighting. Lighting examples was provided for what will be on the buildings, but they do not have a design for what kind of street lighting they are going to do. All of the other lighting is here but you don't have how the street lighting is going to be presented or examples. And that should be in this book. At least some idea of what you are proposing there because we have some issues with I-95 in regards to lighting. We've had that concern with the Toll Authority. Comments made on number six for requirements for building setbacks and lots; these are all set basically as they go through the process. It's pretty much the standard of which the CEMUD is set up and they establish those setbacks. One of the things it says in there is these standards are means to serve as guidelines and therefore may, and I used may instead of shall, be modified. I know we can modify things but if you say it shall be modified throughout the project that means that things could be changed constantly. I know we're not static and I know that things can be changed but I was a little concerned of that "shall" in here instead of may, and it has to do with setback requirements. This next one also deals with design. Any kind of change or modification of plans requiring planning approval would require a statement from Stewart Associates indicating the modification or site plan has been approved by Stewart Associates. So any design changes by their Architectural Review Committee we will receive letters. It's very similar to what we required from Principio Health Center because they have control over that as far as what the designs were that were approved by the Planning Commission. Number seven has to deal with streets, roads. There has been a meeting with MTA, SHA and Cecil County and Perryville and this is being addressed now and definitely would be addressed before any final site plan. And also the VLT, the gaming facility, had to be at a major interchange. That was part of the criteria for the gaming facilities in the State of Maryland. It wasn't a requirement that we put on there but it was a State requirement. An important factor for this project, if you look at the public services facilities must be adequate to support the proposed development. We looked at that again and we'll be looking at that in stages as we go through preliminary and final. Most of these have already been addressed through the

Economic and Fiscal Impact Analysis that were included in here; if you look at that, there are impacts there. That analysis was done by University of Maryland study prior to and there are impacts. Financial impact to the Town which is substantial over the long run, numerous jobs would be available for people in the county as well as the Town. Not only with the gaming facility, but the other commercial elements of this whole site plan are really important for the Town and the county. This is considered a priority funding area in the county as well as in the Town, so a lot of these things are to support economic development. I'm just trying to discuss the main points. There is just one other item in here. Architectural Review Committee, and you did bring that up, as having someone on the board and I think that might be an issue. Other than that, from my prospective, I've gone through this project and I've looked at all these elements and I think they have met most of them or actually they met them all and the only thing you have to look at is and what Mr. Fortner has brought up, is the mixed use. Do you think it's required or it looks like more of a mixed use? Considering the topography and how it had to be arranged I believe we tried to make the connection. Is it a perfect mixed use; probably not. But the connections that we tried to make all these things work together by way of a trail system and hopefully we can create some parks within there. We do have eating areas and gathering areas throughout the town center and throughout the site, which is going to be something as we go through the preliminary and final that everyone should look at and we should consider those things in our mixed use.

Mr. Reich indicated you are also recommending a six (6) foot walkway. That was another thing I was looking at.

Ms. Skilling replied you are correct and again that would be a design criteria. But six (6) feet is used in a commercial site and you want at least six (6) feet wide because you have people moving back and forth and you have to realize too, if we have wheelchairs and all, you need at least a minimum of six (6) feet for that walkway. But again, the Mayor and Commissioners will be getting these and depending on the rezoning you could make this contingent upon some of these things that are in this particular report to Mayor and Commissioners as part of the rezoning application.

Mr. Fortner asked for any other questions or comments from the Planning Commission or from members of the public with any comments on the rezoning.

Mr. Ulrich of 1104 Cedar Corner Road indicated I have two comments. Regarding the mixed use of this, if the State of Maryland is going to shove a casino down our throat, which they are going to do, don't try to integrate tot lots and railroad themes and stuff like that. What parent is going to send their child to a tot lot in an area next to a casino? Have you been to Atlantic City lately? That's my first comment. The second comment; the economic impact would be good if the money quote unquote goes to the schools, but the impact on alcoholism, drug use and crime that go along with a casino I think outweighs that and we have a nice little town here and I don't think you should risk losing that town, that small town feel.

Mr. Fortner asked for additional comments from the public. If not, I'm closing public comment. Any comments from Commissioners.

Mr. Reich stated Stewart Associates owns a piece of property right across from this in Cecil County so the county could in fact come in and say well, we'll put it here. If we don't get it in a reasonable part of the Town so the Town can control this. I understand the concerns. I have the same but referendum by the people said there will be a casino so that is the democratic process. I think it is a reasonable mixed use, not perfect, and maybe there are things down the road that people might look at it and say well we can tweak this and we can tweak that. I like the "may" rather than the "shall" on the document and I think Ms. Skilling's comments ought to be part of anything for recommendation, those comments should be part of any motion we make. I think it is reasonable to think if it is done right it could be a nice part of the Town given even with the casino.

Ms. Turgon commented to Mr. Fortner, I share your concerns as well and have from the get go. How do we manage what is going to happen. That is basically what this comes down to. That is the only designation, correct, the zoning that would allow that to happen.

Ms. Skilling stated the reason we wanted more of a mixed use because it was the intent of the Mayor and Commissioners as we were going through this process of developing the actual regulations that they wanted something besides a casino just sitting out there. And it also benefits the Town because now not only do you have an anchor there, it's a casino for people to come, and when they come it's also nice to provide all these other things, these amenities out there that is going to benefit the Town. Not only the casino, but the residents of the Town, because it will be a nice town center to go there and if you look at some of the renderings it does provide some of the nice things that are out there for the so called mixed use. Again, we accomplished what we could dealing with the topography and where it's situated. I know I've worked closely with Stewart Associates and representatives from PNG (Penn National Gaming) the gaming facility and I think we've come up with what we think is the best scenario for this site. A mixed use to me is going to be a benefit to this site as well and Stewarts' I think realize that because they have to market the whole thing. You want a market that has a place for people to go. There could be a theatre. Some things have been mentioned in the mix which I think will benefit everyone in the Town.

Ms. Turgon asked and the time line for the casino is imminent.

Mr. Freel responded I'm not the casino operator but from what I understand they will get their license some time this summer and once they get it, by law, they have to be ready to open within eighteen (18) months.

Mr. Fortner stated I want to talk a little bit about guarantees in terms of the other stuff that was said and the casino actually getting built. I have a neighbor who said there really are no guarantees based on the market. But how does the Town guarantee or what kind

of assurances can you give the Town that you're not going to just build the casino and then decide to not even try for the other parts.

Mr. Freel replied we will continue to try because if we build that it means additional revenue to the Stewarts.

Mr. Fortner indicted but you are taking a risk and maybe the safer bet would just be to build the casino.

Mr. Freel responded it's possible. I guess that is true. You can't guarantee. We're not going to build all that speculative. Financially, you wouldn't be able to get a loan and the way it all works as the market changes, you reassess it and then you come back and work with the Town and say look, this is what we're seeing a need for and this is how we want to do it and then we'll go through the process for that. You can't sit here and guarantee that it is going to be built. We can guarantee that when it does get built it will look a certain way and it will have certain amenities to it but to tell you that we're going to build a hundred thousand (100,000) square feet within a certain time frame is not feasible.

Mr. Jack stated when you build the casino, the rest of that property, what are you going to do with the rest of that property? Are you going to put it to seed? Before you do the rest of the phases, and when you build the casino, what are you going to do with the rest of the property?

Mr. Freel replied it will be stabilized per the code. If it's going to remain untouched it will be stabilized.

Ms. Skilling commented they will be subject to a lot of normal things: sediment and erosion control, storm water management and all those things. They will have to go through that process as they go through preliminary and final. There are some hurdles yet.

Mr. Jack said I like the separation. The way it's set up now, if anything, it's going to enhance the ability for a family to go there without actually interacting with gambling. I don't think that is a good scenario. And so as far as I'm concerned I think the less the mix the better for the issue of family. Also in number four, you had mentioned the gaming facility and the comments said the hotel will also be part of phase one. When will that be accomplished? The hotel along with the gaming facility that you will put in. You said after they get their license they have to have the gaming facility operational in eighteen (18) months did you say. So how about the hotel. Is there a time frame in there.

Mr. Freel responded we are selling to Penn National this lot and this lot. We will not actually be the developer of the casino. We're in control of developing the spine road in there and around there. Penn National will own that land where the casino will be and the hotel, and their intent is to obtain a tenant to develop the hotel.

Mr. Jack asked will there be accountability of Penn National to put that hotel in there within a certain time frame.

Ms. Skilling commented that will be some of the things that Mayor and Commissioners will look at as well. It is definitely part of phase one and by the time Penn National gets their, well the rezoning goes through, and they get the go ahead to proceed, they will be going through the process with the Planning Commission for preliminary and final so we're going to be addressing these things even then.

Motion was made by Mr. Oberholtzer and second by Mr. Reich to recommend approval to the Mayor and Commissioners for the rezoning of the Chesapeake Lighthouse project to CEMUD designation with conditions as provided by Ms. Skilling. **All in Favor. Motion Passed.**

Motion was made by Mr. Reich and seconded by Ms. Brock to close the public hearing.

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

APPROVAL OF MINUTES

MOTION was made by Ms. Turgon and seconded by Mr. Oberholtzer to approve the March 16, 2009 Planning and Zoning Public Hearing and Meeting minutes as written. **Four (4) in Favor. Three (3) abstained (Mr. Reich, Mr. Jack, and Commissioner Hansen not in attendance). Motion Carried.**

NEW BUSINESS

Mr. Fortner stated the next item to discuss is the Master Signage Plan for Principio Health Center

Mr. Mike Hewitt with American Sign indicated we will go through the sign plan. The first thing that we're going to talk about are the wall mounted signs for the tenants. I think you have all the copies; that would be the sign that is lettered G. This is the main tenant type sign here and as you can see on the elevation plan, everywhere that we've written a G is where the locations are for the signs. On this side of the building there are four locations. They will all be the same size, three (3) foot tall by ten (10) foot wide.

Mr. Reich asked are you going to put some of that on the brick.

Mr. Woerner responded there is one sign on the left and the first G will be mounted on the brick because of the way the entry doors fell in the elevation.

Mr. Fortner inquired there are going to be four (4) different signs for four (4) different tenants.

Mr. Hewitt replied on that side. Then on the other side of the building we have the exact same thing.

Ms. Turgon stated they will face into the parking.

Mr. Hewitt replied they do. What we are trying to do here is we're trying to keep all the signs the same exact size. The paint color on the sign cabinet will match the paint chip because we're trying to lose the box a little bit and we're building them slightly shallower than the usual. They are usually eight to ten inches deep to fit fluorescent lamps. In this case we're going to use LED lighting which will be a little more efficient and also to reduce the maintenance and allow us to build the cabinets a little more shallow, by four (4) inches. They will be the same color as the building. On the south end elevation, letter E, which would be the address numbers. At this point there is only one building so the first building in the location that is represented by the letter E here to get a address number it will be what we call reverse illuminated, meaning the letters would protrude off the building by about two to three inches and the light would bleed through the back so the face does not light and gives a much more subtle office look appearance as opposed to a retail type of appearance. Again we are using LED lights in there for the look and efficiency. The last wall mounted sign that we have is not shown on those elevations because it's from one of the pad sites. It's going to be the bank and this was submitted to us and looks to be a similar type sign. That would be all the wall mounted signs and we'll move on to the ground mounted signs.

Mr. Reich stated the three (3) by five (5) is just the number on the door, right?

Mr. Hewitt read "building address to be added on the exterior door facing" so you are right.

Mr. Reich asked this has a different color and scheme because?

Mr. Hewitt replied that was given to us from the bank. It is what they want.

Ms. Turgon indicated it is their logo.

Mr. Reich asked do we know what size it's going to be. Is it going to be three (3) by ten (10) too?

Mr. Hewitt replied the code states the maximum is thirty (30) square feet so they could configure that as they want as long as they don't go past the thirty (30) square feet.

Mr. Fortner asked is it going to have the same background.

Mr. Woerner responded it will not be a box sign. From what I've seen it is only letters on the door.

Mr. Hewitt commented two different kinds of signs. We have a box sign and we have a face sign which is what you have in your hand and then we have the ones where you can see the individual letters. I guess we don't really know exactly what the bank wants to do so we're kind of putting something in front of you with the understanding that thirty (30) square foot is what is called for by code.

Mr. Fortner said they might just be letters, individual letters on the door.

Mr. Hewitt replied correct, similar to the address numbers on the south elevation.

Ms. Skilling mentioned the bank submitted this but it really has to fall within the guidelines of which is being presented and approved. One other concern that we had was when you're entering into the bank site, which is that pad coming off Route 40, as you enter it if you put it on the interior like this you won't see it coming in to the site. You'll actually have to come in and around to the bank to be able to see the address. So we suggested to NBRIS that it needed to be on the back end of the bank as you come in because otherwise you won't be able to see the address. And emergency services needs that. Not saying you can't do it back here too but we really need it on the side as you come in off Route 40.

Mr. Reich said you want it on the south side or the east side.

Ms. Skilling indicated it is actually on the east side so as you come in you'll be able to see it. It would be on the east side.

Mr. Reich said that would fit into that pavilion area that they've got there over the drive through.

Ms. Skilling commented yes, because we were looking at that as a concern as you enter you wouldn't be able to see the address and you need that especially for Emergency Services.

Mr. Fortner asked is this 4871, the address is to be Route 40 or Pulaski Highway or the interior road.

Ms. Battaglia indicated it will be Pulaski Highway.

Mr. Fortner said so it should be facing the highway side, is that what we're saying.

Ms. Skilling responded it would actually be facing east. When you enter this site off of Route 40 there is a retaining wall there, to the left, it should be facing there so you would be able to see it. Because otherwise you're not going to be able, Emergency Services wouldn't be able to see it that address unless they went all the way around to the front entrance of the bank. The front entrance of the bank is where they suggested putting it and it either needs to be in both places or one or the other.

Mr. Fortner stated when Emergency Services gets the phone call that there is an emergency there they're going to know, there's going to be a sign coming in so they'll see it's the bank, and then they'll see the number so when they come in they will see it.

Ms. Skilling said we have to report all those addresses to Emergency Services.

Mr. Hewitt stated we'll continue to the ground signs. This will be the main sign so when you're driving on Route 40 and it will be located here as you turn in. It will be perpendicular to Route 40 so you will see it coming down. For that sign we are using the same brick as on the building so it looks like it belongs there. It will have an illuminated tenant area and then up at the top will read Principio Health Center and will be the only portion that lights, everything else will be opaque and finished in a texture finish to represent or resemble the exact color on the building.

Mr. Reich asked how are you going to light that.

Mr. Hewitt responded using fluorescents inside of it.

Mr. Reich said so it will be back lit.

Mr. Hewitt replied yes, internally illuminated. And we have sign type D which is found in the circle so as you enter in off of Route 40 you will get to the circle and we will put some arrows around here so you just go around in the circle. There will be two of these signs down in that circle and they will help to direct you where you need to go. And again that will be an internally illuminated sign as well with a brick face that matches the brick on the buildings.

Mr. Reich asked how will the signs face, obviously one toward Route 40.

Mr. Hewitt replied they both will be sitting parallel so when you come in you are reading that sign, you'll be able to see both and determine if you need to go all the way around to the front or to the back.

Mr. Reich asked what is the backside of this sign.

Mr. Hewitt replied the back side is going to be blank.

Mr. Woerner stated they will be side by side so when you pull in the traffic circle straight ahead you will see both signs and it will direct you which way you need to go around that roundabout. Those two signs only benefit the two identical buildings in the back, they are not to include any signage for the buildings in the front.

Mr. Reich said and they are side by side and there is only one way around that traffic circle.

Mr. Woerner stated that is right. They'll be side by side in this roundabout and the right sign will identify for the right building and the left sign will identify for the left building. There is also going to be some landscaping provided behind the signs, maybe a tree and some shrubs.

Mr. Hewitt stated the last sign is sign type C and the wording might get modified slightly but these are the signs to direct you around to the dental clinic around the back of the building. So when you come up and go around this circle you're heading past building one, there will be what we call a post and panel non illuminated sign sitting in the grass area confirming that you make a right towards the parking lot.

Mr. Fortner asked the bank and the restaurant; will they have any other signs. Is this the only sign the bank's going to have in the front or will they have another one for direction.

Mr. Woerner stated that is all we are going to allow. What we are shooting for the restaurant is a monument type sign in the front, which cannot exceed thirty (30) square feet. The reason that we are going to do that is we're hearing that restaurants want to do their own sign and that's why we were thinking they will want to have something out front. As for the bank, since we have that large sign out front we didn't feel we wanted to stack three signs going down Pulaski Highway.

Mr. Reich stated so you put the bank, the restaurant on the main sign.

Mr. Woerner said that is a sign to identify the complex. It's just going to say Principio Health Center and possibly Union Hospital. We're not going to identify all the tenants on site. We're looking for more of an office look, we're not looking for that retail.

Mr. Reich replied so again, where will the monument for the restaurant be, out on Route 40.

Mr. Woerner replied yes it will be right outside the SHA right of way right in front of the restaurant is what we're proposing.

Mr. Reich asked but there is no way to get there from Route 40 other than to go through the site.

Mr. Woerner stated you will still need to go through the site and the roundabout.

Ms. Turgon commented but it will have the same look.

Mr. Woerner responded it will. The brick will be the same.

Mr. Reich indicated and perpendicular to Route 40.

Mr. Fortner asked for any more staff comments.

Ms. Skilling indicated the only thing I want to comment on, at the roundabout have you considered putting directional arrows on the roadway. I know signage is a big consideration, but people when they come through a roundabout sometimes freak out, but putting arrows on the ground is easy to see therefore when you go around it makes it more of a directional thing. A lot of times when you're getting ready to go through a roundabout looking at those signs is confusing.

Mr. Hewitt replied they are actually shown on the site plan.

Ms. Skilling responded that is really important from a driving perspective.

Mr. Fortner asked if there were any questions from the Commissioners.

Ms. Turgon commented good job. I like the way it's going to look.

Mr. Reich indicated the signs are going to look classy. I do like them.

Motion was made by Mr. Reich and seconded by Ms. Brock to approve the master signage plan as presented. **All in Favor. Motion Carried.**

Mr. Fortner stated another item on the agenda is to elect a vice-chairperson for the Planning Commission. The vice-chairperson's role is in case the chairperson is not here, they take over. That is their main responsibility. Would anyone like to make a motion for vice-chairperson.

Motion was made by Mr. Reich and voted unanimously to nominate Ms. Turgon to serve as vice chairperson. **All in Favor. Motion Carried.**

Motion was made by Mr. Reich and seconded by Mr. Jack to close the meeting at 8:50 pm. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator