

**Planning & Zoning  
Meeting Minutes  
July 20, 2009**

**ATTENDANCE:** Commissioner Linkey, Chairman Michael Fortner, Bethany Brock, Pete Reich, Priscilla Turgon, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

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

Mr. Fortner welcomed all to the Planning and Zoning meeting.

**APPROVAL OF MINUTES**

**MOTION** was made by Mr. Reich and seconded by Ms. Linkey to approve the June 15, 2009 Planning and Zoning Public Hearing and Meeting minutes as written. **Four (4) in Favor, one (1) abstained; Bethany Brock was not in attendance. Motion Carried.**

**NEW BUSINESS**

**SP2009-03** -- Proposed construction of 2,150 sqft community building and one additional apartment conversion; **PROPERTY OWNER:** Kathy Ebner; **APPLICANT:** Matthew Tyrrell, Frederick Ward Associates; **LOCATION:** Mill Creek Road, Perryville, MD 21903; Tax Map 802, Parcel 821; Zoned R-3, 4.68 acres.

Mr. Lou Schaffer introduced himself stating I am with Frederick Ward Associates and I am the project planner, and I'll be here to go over and answer any questions to this plan that I can. At this point in time I want to introduce Ms. Kathy Ebner of Homes For America. She is going to give an overview about the project and what they are about, so you know what they are thinking about.

Ms. Ebner indicated I am with Homes For America. We are a non-profit, affordable housing developer located in Annapolis, Maryland. We are partnering with the Severn Companies who currently owns the Concord Apartments, and Mr. Don Kirkpatrick is here. They are current owners and managers of the apartment complex. So we are going to partner with them to acquire the property and we're basically looking at bringing them all up to date. They are about thirty (30) years old and could use some fixing up. We're going to be replacing the carpet, updating the kitchens, doing some exterior work and we're going to be doing that with the tenants in place. We're going to be working around them for the most part, except for the handicap units. We'll be doing more work to bring them up to current standards. So that gives you an overview about that. What we're here to talk about tonight is in conjunction with the property, what we would like to do is create some community space. Well actually let me tell you a little bit about us, Homes For America, and we develop communities. We currently own sixty-one (61) properties throughout Pennsylvania, Delaware, Maryland and Virginia and we own and develop

properties. We don't generally manage them. But as part of our communities that we own we do have community space for the residents. And the purpose of that space is to provide services to the residents, such as employment help, procedures for Meals on Wheels for seniors, things along those lines. So what we're going to be doing with this parcel is to construct a community building where we will be able to provide these services to the residents. Just a little overview of what we're going to talk about tonight, and who I am. If you have any questions about who we are you can let us know. I just wanted to come in and introduce myself so you know who we are.

Mr. Schaffer indicated as was stated in the introduction this project is a four point six-eight (4.68) acre piece of property that is zoned R-3 multi-family residential. The existing use is fifty-five (55) garden apartments and one unit is currently used as a rental office for this portion of the upper project. The intent of Homes For America is to convert that one unit back into a rental property and move the rental agency into the new community building, with some other services which they are going to be providing. And as is stated this community building is roughly twenty-one hundred and fifty (2,150) square feet of community space. In going through the Code we recognize that there is a variance that is needed from the Board of Appeals for a supplemental use regulation and that requirement requires that all buildings and structures shall be set back a minimum of fifty (50) feet from the right-of-way line of any public street or adjacent property lines, setback shall be exclusively devoted to both landscaping and open areas and shall not be occupied by any building, structure or off-street parking area. And as it states the proposed clubhouse is approximately thirty (30) feet from the property line and there is no other good area to put this clubhouse so that is why we put that there, and what we're going to request from you is a recommendation to the Board of Appeals to accept that variance. The site currently has ninety-five (95) parking spaces which include eleven (11) handicap. Based on your Code of two and a half spaces per unit, one hundred forty (140) spaces would be required. Based on the amount of impervious area here, the idea is not to add any impervious area. We are able to restripe and can reconfigure the parking lot to get one hundred thirty seven (137) parking spaces with five (5) handicap spaces. Those handicap spaces would meet code and would also directly relate to the number of handicap units that would be provided on this portion of the project. So we're also asking some relief be given with regard to the number of parking proposed per the requirements of the Code. The other significant thing about the parking is that even at ninety-five (95) spaces for the current configuration, by what I'm hearing from management and maintenance staff, no more than half of the parking spaces are used at any given time. So the site really is greatly over parked. As a matter of fact it was the hope of Severn Companies at one point in time to reduce some of the impervious area. Some of the other improvements that we're going to be doing to the site is provide new dumpster pad enclosures. It will be a board on board type of enclosure where we're going to have, I like to call them people access ways, so that the large gates for picking up the dumpsters and for the trash hauler to enter won't be open all the time but there will be access ways, and also handicap accessible access ways to get into the dumpsters so that people can use the side entry. And the basic detail is shown on the site plan you have before you. We're also proposing, another one of the issues here, there are swales in the back and in many other places just over time have eroded or flattened out where the

drainage does not work. So we're going to be putting in some private, some privately owned drainage systems. What I'm proposing is a MDS type of a drainage system which really is a small plastic twelve inch (12") down to four inch (4") drainage inlets that are very shallow and it's all PVC and discharges the water towards the storm water management pond. Our office has had a meeting with Tim Whittie at Cecil County Department of Public Works, and we had talked about the stormwater management requirements for these improvements. We will be providing water quality improvements for the new area plus twenty percent (20%) of the existing as per the MDE 2008 Stormwater Management Guidelines and Cecil County Code. There will be no additional quality controls required. There may be some isolated areas on the site where there may be some grading disturbance, again the idea is that some of these swales need some maintenance. We're going to go in and cut them and get the drainage flowing. In a lot of cases it comes off the hillside directly into the inlets and we're trying to correct that problem. We're also going to be improving handicap accessibility to whatever units that are handicap accessible which is building 1500 there are two units, and 903 and 900 each have a unit. So what we're going to do there is take a look at the walkway system, making sure that it meets ADA requirements. The existing tot lot is going to be removed and a new tot lot is going to be installed. One of the requirements that has been pointed out is that twenty-five percent (25%) of what is called active open space, and that equates to twenty one thousand five hundred (21,500) square feet. We will provide detail to Ms. Skilling regarding the type of tot lot that is going to be put in there and we're also going to have quite a bit of amenities in this building; an activity room, computer room for the community, a play room for the kids with activities for the kids and that should count towards the open space requirement and active open space requirement. So again what we're here requesting tonight is a recommendation to the Board of Appeals for the supplemental setback regulations and we're also asking for conditional approval from the Planning Commission predicated upon the finding from the Board of Appeals for the setback. I can answer any site questions and we also have the architect here to talk about the architecture.

Mr. Fortner asked if there were any questions about just the site, for right now.

Mr. Reich asked where is this building in reference to the others on the site; how far is this building from the other?

Mr. Schaffer responded right now the closest point of the building is twenty (20) feet from the side yard and we're certainly within all the other setbacks.

Mr. Reich replied no, how far from building 1500?

Mr. Schaffer commented that is about one hundred thirty (130) feet down from that building.

Mr. Reich asked is that approximately where the current tot lot is?

Mr. Schaffer responded no, the tot lot is actually down a little further near the stormwater management pond.

Mr. Fortner questioned the setback from the parking lot doesn't meet the current Code and you're asking for a recommendation to the Board of Appeals to waive that requirement.

Mr. Schaffer replied the setback we are referring to is the rear setback to the property line.

Mr. Reich stated that line that is marked by that scrub woods that is on site.

Mr. Schaffer stated yes.

Mr. Reich asked what is between the scrub woods and Route 40.

Mr. Schaffer responded it's an open field.

Mr. Reich asked who owns that; is it a right-of-way for the State.

Ms. Skilling commented it is a large lot below there to Route 40. It is an existing lot. It is not anywhere in the right-of-way.

Mr. Reich asked and it's as long as this whole property?

Ms. Skilling stated pretty much. It goes to, I'm almost sure it goes to the corner of Mill Creek Road and Route 40 and goes right up to their property. According to the plat I think it does, if you look at your map, it should show where that line goes.

Mr. Schaffer pointed out the parcel on the vicinity map shown on the site plan.

Mr. Fortner asked from the rear you don't meet current setbacks, but if you look at the other buildings it's sitting even with it. Do the other buildings not meet the current code?

Mr. Schaffer replied keep in mind this is an old site and it was under the old regulations.

Mr. Fortner responded its nonconforming, ok.

Ms. Skilling indicated we visited the site and it is an older subdivision and this is the reason they are updating it to get it up to date. The other buildings would not meet present day setbacks so this is what we are struggling with here with this particular building.

Mr. Fortner said it looks like it more than conforms to what is already there in terms of setbacks.

Ms. Skilling replied correct, that building probably right now sits back more than the rest of those buildings.

Ms. Linkey questioned parking spaces; how many spaces did you say you have now? Ninety five (95)? And the code specifically asked for how many?

Mr. Schaffer replied one hundred forty (140).

Ms. Linkey commented and you've made one hundred thirty-seven (137) including the five (5) handicap spaces.

Mr. Schaffer replied that is correct.

Mr. Reich asked did you misspeak when you said you were going to use part of the clubhouse as open space activity.

Mr. Schaffer responded well there are activities in that clubhouse that are for the community and I'll let the architect discuss that in a little bit more detail.

Mr. Reich replied I understand, but open space doesn't mean being confined to the building. It means outside in the grass and trees.

Mr. Schaffer stated yes. There will be nothing happening on the rest of the open areas or in the other buildings and that type of thing.

Mr. Reich replied so show me in the clubhouse where your open space makes up the twenty one thousand five hundred (21,500) square feet.

Mr. Schaffer responded by asking Ms. Ebner do we know what size the new tot lot that is going in there? We'll have to get those details to you.

Mr. Reich commented if you look at that whole piece of property there, and you can't include parking, and I don't think we include the space between the buildings because that is not really an open area recreation place. And the only place you can have the open area is over there on the Route 40 side of the property.

Mr. Schaffer replied there is some between building 1500 and the clubhouse, and then there is between the clubhouse and the stormwater management pond, and those are essentially the areas that I would recommend for that use. We want to keep kids and everything away from the residents.

Mr. Fortner asked are the apartments one bedroom or two bedroom; are they different?

Ms. Ebner replied they are a mixture of one and two bedroom.

Mr. Reich asked what is the size of the conversion, the one that you will change from the office to an apartment.

Ms. Ebner responded that is a two bedroom.

Mr. Fortner asked the way you manage your parking, is it just first come first served, or do you assign parking spaces to each unit?

Mr. Kirkpatrick replied it is first come first serve, except for the handicap spaces.

Mr. Reich stated I noticed when I was up there you have visitor parking on the west side of that property right now. It looks like a whole piece of the lot that is marked visitor parking. Is that right?

Mr. Kirkpatrick indicated you may be right, I'm unsure about that.

Mr. Fortner asked do you give the residents a permit or something so you know who is living there. You wouldn't have visitor parking if it was all open.

Ms. Ebner replied I believe it is all open.

Mr. Fortner commented so a resident doesn't have a tag or something to prove that they live there.

Ms. Ebner indicated the parking is all open. If there is a sign marked visitor I don't recall it. It may have been there for some time. Each time I have been at the property it seems like there was a lot of empty spaces. There may be a sign there but I don't think it is really an issue that needs to be made. Maybe at one point in time they put up the sign for visitors, but I really don't know about that.

Mr. Small of Frederick Ward Associates responded I think it was related to the rental office and when that moves it won't be needed.

Ms. Ebner stated I just want to say that Concord Apartments is on two parcels; this one is on Mill Creek and the other parcel is on Aiken Avenue. I just want to mention that what we're also going to be doing there is we'll be taking two (2) units and converting it to community space. Again, this is real important to us that we provide community space to serve all of our residents so it's definitely something that we will provide.

Mr. Fortner stated here you're converting the office to a rental but then there you're taking two (2) other units and making it into community space on the other parcel.

Ms. Ebner replied that is at the Aiken Avenue site. Those are primarily one bedroom units on Aiken Avenue and they serve a lot of seniors there so our services there will be primarily senior oriented where as here at Mill Creek where we have some children it is more family oriented so we will have two service plans for the different locations.

Mr. Reich commented earlier you had mentioned the parcel to the west of building 900 and it's too close to Mill Creek and its not really conducive for children, I understand. But that still can be considered if used right for open space. What I'm thinking about, why can't it be a picnic area or a pavilion type of thing. I'm not asking you to build one but I'm just saying there are other things that you can do for open space even if it's nothing more than a place to walk. It doesn't have to be set aside for a football field or a baseball field or a kid's play area. It's an open space for recreation for both children and adults. So that area could be considered if you had some things that you might want to think about for whatever would look nice for that area.

Ms. Skilling indicated could we suggest maybe to meet some of that requirement, that they are going to do the tot lot, but maybe put in some picnic benches that would help provide some activity outside which is very amenable to a lot of what you are doing and it would also get people out of their apartment and have a place outside for people to sit, to congregate, and I think that is really what we are trying to do.

Mr. Reich stated I was thinking about picnic tables and maybe a barbeque grill or something so if they don't own their own barbeque grill there are a couple of them that could be used in the open space. That isn't a bad area right in there and if you had a couple of umbrellas for picnicking it would make it nice. The tot lot in that area is really unattractive and then with all that scrub and brush and trees. They haven't mowed the property on the other side of this and I guess it is a screen to keep young kids from going towards Route 40, but not necessarily. But the dumpster you are going to add, that kind of gives you a dumpster, if I counted right, basically one per building, correct?

Mr. Schaffer replied it is one for two buildings.

Mr. Fortner continued we'll ask the architect to present the architectural plan before staff comments.

Mr. Warren Righter stated I am with Zemaitis and Associates Architects and we're a firm located in Lanham, Maryland. The building that we are talking about here consists of about twenty one fifty (2,150) square feet. It's a one story frame building, with brick veneer wrapped all the way around. There is a covered patio on this end with a community room, a six hundred and fifty (650) square foot community room with a warm-up kitchen, two offices, a computer/kids room, an exercise room, and two public restrooms. I believe the intention is to furnish the computer room with terminals that kids can go and use. We've included, at the owner's request, a lot of glass areas overlooking this room so there is a lot of oversight into the room for a feeling of openness so the managers around there will know what is going on. There are a couple of benches in front here. I've included a couple of color photographs of a very similar building to give you a better idea of the intent of the appearance of this building. As we've done with the same developers, Homes For America in Salisbury, almost exactly the same size building and layout with the exception that here the entrance is in the front at the parking lot, where as on this building the entrance is on the end. But in terms of the materials used;

the brick, the different moldings, the white trim, white sliding windows, it really gives this a very similar appearance.

Mr. Reich asked have you seen where they propose the building on the property?

Mr. Righter replied I've been there many times.

Mr. Reich asked how do you feel that fits with the architecture of the rest of the buildings there.

Mr. Righter responded well I wouldn't say that it is, well I will say it is a simple architecture. The buildings that are there are fairly simple. They are also brick on the first floor and this is all brick. The sliding above that, which is going to be replaced as part of the rehab work they are going to redo all the existing siding with new hardi-plank siding.

Mr. Fortner asked are there were more questions. Then we'll turn it over to staff for comments.

Ms. Skilling responded that many of these questions have already been addressed but we'll go through some of them.

*Town Staff comments:*

*Preliminary Site Plan Concord Apartments (R-3 Multi-family residential)*

*Concord Apartments – Mill Creek Court are an existing 55 unit garden apartment complex. The Management Company is proposing a 2,146 square foot clubhouse and the conversion of an existing office to a rental unit (number of units 56) along with a proposed rehabilitated dumpster pads and additional sidewalks.*

*Planning/Technical*

- 1. A copy of construction plans for the proposed clubhouse must be included with specific dimensions of building including building height. These are also necessary for a Zoning Certification from the Town.*
- 2. A copy of Sediment Erosion Control and Stormwater Plans must be submitted to the Town and approval received prior to issuing a Zoning Certificate.*
- 3. Landscape plans for the new facility must be submitted with the site plan in accordance with Section 300. If additional site lighting is proposed, it should be included on the landscape plan and comply with the standards of Section 150.*



Ms. Skilling stated I noticed there were no landscape plans submitted with this and we need landscape plans, which are usually, they are submitted with a site plan according to Section 300 of the Code. I don't know if you are proposing any additional lighting in or around the buildings.

4. *A profile and specifications of sidewalks must be provided.*

Ms. Skilling commented this is mentioned because we like to have standards on the plans to show details for handicap accessibility and profiles of the sidewalks to make sure they meet our standards.

5. *Article XI Supplementary Use Regulations, Section 205, 3, b Open area – A minimum of thirty (30%) percent of the total tract area shall be maintained as open area. This required open area shall not be devoted to service driveways, off-street parking, or loading space. It is further provided that twenty-five (25%) percent of the above referenced open area be suitable for usable recreational space and each such recreational space shall be at least fifty (50) feet in the least dimension with a minimum area of five thousand (5,000) square feet. Information verifying whether this section has been met must be provided.*
6. *Article XI Supplementary Use Regulations, Section 205, 3, d Setbacks – R-3 District – All buildings and structures shall be set back a minimum of fifty (50) feet from the right-of-way line of any public street or adjacent property lines. This setback shall be exclusively devoted to landscaping and open area and shall not be occupied by any building, structure, or off-street parking area. The proposed clubhouse is approximately 30 feet from the property line. A variance to the setback requirements under this section would be required for the building in this location.*

Ms. Skilling continued based on a lot of the information that we have, several things can happen here. It is suggested and I guess the best thing is we need to get, if we are going to approve this, if the Planning Commission decides that they can make a recommendation to the Board of Appeals for a setback variance based on the fact that this is an older subdivision. It's consistent with the layout already and it would actually have more of a setback than existing buildings and would still be able to be adequate because that open area, according to our regulations now, the open area is usually for buffering. It was mentioned that behind that building, or where the building is proposed, it is already forested but additional landscaping should go in there as well based on our requirements. So that should be part of the landscape plan when you submit that. The recreational space, again we're dealing with an older development and of course we would like to accomplish as much as we can when we're doing redevelopment. The tot lot if it is expanded, because this does have children there, I noticed when I was there, there are more children there and it would be nice to have more than what is there now; a slide, or something a little more appropriate for young people and I think, if we can come up with other ways to meet it on site, it would be nice. Pocket parks are really nice to put on sites

like this where people can congregate in this area. There really isn't any place to congregate except where you have the community center, but outdoors. The building on the side, you mentioned that there is a covered porch area?

Mr. Righter replied it is an eight (8) foot wide covered concrete patio.

Ms. Skilling asked what do you plan to do with the patio. Any particular use, or just to have for residents. Those are the kinds of areas that are nice for meetings, for having places for people to congregate and to get together. And that would probably be really good for this site because it is sort of remote from the rest of the Town.

7. *No information is provided regarding plant or seed groundcover on disturbed areas. This information can be provided as part of the landscape plan.*
8. *The proposed private storm drain noted on the site plan outlets in the existing stormwater system. A note and profile should be included regarding the reason for its inclusion and its impact on the existing approved system. Will Cecil County DPW be reviewing this plan? If so a copy of the plan, as stated above should be submitted with the site plan.*

Ms. Skilling stated I have talked to the consultant on the proposed private storm drain noted on the plan. That is to pick up some of the water in existing areas with the elevation of the adjoining property to the, well it runs down towards this property, so there is an elevation change there and of course that has to be approved by Cecil County DPW and I don't see any problem with that. The inlets that are there are very small and they will probably approve it because those swales don't really go deep enough to really collect water as they probably would have or should have. If you look on the other end of your site plan there is a stormwater pond and it looks like all that water runs around that site to that pond, or is supposed to. So in this particular case it will probably direct it more easily to that site. So once that is all designed we would get a copy of that plan to Cecil County Department of Public Works. URS has provided comments regarding engineering:

*URS Corporation  
Kevin L. Pampuch, Project Manager  
July 8, 2009*

**GENERAL**

1. *The General Notes must reference the Town of Perryville's supplemental specifications dated May 26, 2009 as attached.*
2. *URS recommends that the Town require that the applicant provide a letter from the State Fire Marshal's Office stating that fire sprinkler protection is not required for the proposed structure.*

Ms. Skilling stated that is a public building and I know the Fire Company representative is here so you may want to ask him about that. But it is not required, in our Ordinance, for a building like this but it does in a residential dwelling. So we would probably run that by the Fire Marshal and you may want to too.

Mr. Reich asked why wouldn't we want that. Why wouldn't we want them to have a sprinkler system?

Ms. Skilling replied I'm just saying it's not required in our regulations. We don't have anything in there that says commercial buildings have to.

Mr. Reich responded but that's not a commercial building.

Ms. Skilling stated but it's not a residential use either. It's a public use building.

Mr. Reich disagreed. That's not what they're saying. It's a residential community center.

Ms. Skilling noted it is a public use building. That is what I'm saying. Right now we don't have in our ordinance to say it has to. I'm not saying that we can't recommend.

Mr. Reich stated let's ask the architect. Have you planned on putting in a sprinkler system?

Mr. Richter responded no sir, and with similar buildings in other jurisdictions we didn't have to.

Mr. Fortner stated we do for new residential. Is there a threshold, a certain percentage with rehab work like fifty percent (50%). I think in Newark they have something like that.

Ms. Skilling replied the way it is written, it's only for new residential. We don't have anything in our ordinance to cover commercial or any other uses, except for the residential.

Mr. Fortner stated so new residential would have sprinklers.

Ms. Skilling responded new residential must, but a rehab of residential does not have to have a sprinkler system. If you're just rehabbing a house the way our Zoning Ordinance is written, it's only for anything new; new residential development homes must have. I'm not arguing or disputing that maybe it should. That's the way it's written. That's the way our Code is right now.

Ms. Turgon stated it doesn't matter what size the commercial building is.

Ms. Skilling responded I think the State under some regulations require a certain requirement that they do but I don't think in this particular case that it would be required. It's just maybe with getting certain funding, it could be they would be required under State funding that they may require, I don't know because the State has special requirements.

3. *The Applicant and the Town should coordinate to determine the Equivalent Dwelling Units (EDU's) for this structure, for the purpose of determining connections fees and suitability of allocation for this project.*

Ms. Skilling indicated we will need to know how many EDU's will be required over and beyond what you are already using because I will need to add that use in our water model. How many gallons per day of water they are going to be using, or anticipate on using because we will need that information. We have to calculate that once we approve this, when we approve it.

4. *A public works agreement should be executed between the Applicant and the Town.*

#### **WATER**

5. *The Applicant shall be responsible for determining the size of the proposed water service and water meter that is necessary based on the existing water Town system pressure, available flow, proposed plumbing fixtures, piping arrangement with the structure and the intended use of the structure. The applicant can coordinate with the Town of Perryville DPW to obtain pressure and flow measurements at fire hydrants in the vicinity of the site for design purposes.*
6. *If flush-o-meter type fixtures are proposed, URS anticipates that a 1" service to the structure may not be adequate.*
7. *The proposed water service connection shall be in accordance with Town of Perryville Standard Detail W-1.*
8. *A pressure reducing valve shall be provided if required as determined by the Town of Perryville Supplemental Specifications.*

#### **SANITARY SEWER**

9. *The applicant must provide a detail for the proposed method of connection to the existing sanitary sewer main. A wye connection fitting must be inserted into the existing main. Hammer tap connections or saddles are not permitted. The applicant must provide by-pass pumping if necessary.*

*10. For clarification purposes, the proposed lateral must be a minimum of 6" diameter between the proposed main and the 1<sup>st</sup> clean-out.*

*11. URS has no objection to the 4" building sewer connection after the 1<sup>st</sup> clean-out.*

Mr. Reich commented so what we need are architectural plans...

Ms. Skilling responded we need construction drawings, so we have generally what it's going to look like architecturally.

Mr. Reich stated and we need landscape plans.

Ms. Skilling indicated those are all subject to any kind of a final approval. That is just our normal check off of what is needed; sediment & erosion control, stormwater management, and also we need a letter of credit, surety.

Mr. Fortner asked are those plans going to be coming back to the Commission.

Ms. Skilling replied at this point, the thing is we really got this as a plan and it probably should have come in as a preliminary. That was my question to you because it's missing so much. You'll need to come back with Final.

Mr. Fortner stated there are two things: one is we make a recommendation for the setback and then we're doing the parking, essentially a waiver for the parking.

Ms. Skilling indicated the Planning Commission, under our regulations, can waive that if they should believe that there is adequate parking available on the site. I have been up there and there was plenty parking spaces.

Ms. Turgon asked what is the occupancy? How many are occupied; what is the percentage of rental?

Mr. Kirkpatrick replied generally full, with a waiting list.

Mr. Schaffer stated we will be submitting a complete detailed construction document for all the site with utilities, and once all those have been received the application for building permit can happen.

Commissioner Linkey asked the open area, you had mentioned earlier, how much is the open area, did they say, what the percentage is?

Mr. Schaffer responded thirty percent (30%).

Commissioner Linkey asked and what do you have?

Mr. Schaffer responded right now if you take the whole site it actually is eighty-six thousand square feet (86,000) or forty-six percent (46%) of the site and based on just a rough calculation that we need to provide, twenty-five percent (25%) of that for useable open space which is twenty-one thousand five hundred (21,500) square feet.

Mr. Fortner asked for public comment.

Mr. Ray Ryan, the assistant chief of the Perryville Fire Department, stated as commented already by Staff, and I have a couple of questions and apologize for coming in late, but apparently you have some questions regarding the setback and this is an issue that we've already been discussing with the casino with their setback issue for use of our aerial ladder truck. I know this is a one story building and why do you need a big aerial truck. It's a whole lot easier besides the big ladder on that truck and we need to be concerned about that issue so I would like to have more information about that. What was the setback that you were discussing originally or asking them to change to.

Mr. Schaffer replied that the setback in question is with the requirement to be set off the property line of fifty (50) feet, on the back side of the building.

Mr. Ryan responded I was more interested in the front side at the parking area side.

Review of site plan showing setback issue from property line continued.

Mr. Ryan asked is there any parking in front here; what is the setback from the parking lot to the front of the building?

Mr. Schaffer answered right now that building is setback thirteen (13) feet from the parking lot, from the curb line.

Mr. Ryan responded that takes care of that issue. When you were talking about setbacks I didn't know what you were referring to and I wanted to make sure.

Mr. Reich commented the setback we have in our requirement is from the property line and won't really have any bearing for you but the north part of the building and it was in the back of the building.

Mr. Ryan stated well I know I wouldn't get access back there, even though I would love it but that is beside the point. I just wanted to make sure we weren't talking about the front setback. And the other thing that I would like to make comment on basically is regarding the sprinkler system. Maybe that is something that should be considered that we cover all commercial buildings here. And I will do some checking with the State Fire Marshal's office to ensure, and I'm sure you will to, but you might already have done it, to make sure of what kind of leeway, if any, we have in reference to this kind of structure. And it's only from the point of view from a fire protection and life safety, in our point of view. And that is what my big concern about is from that point and maybe we need to talk to the Commissioners and make some changes in this, including some

kind of percentage in renovation like you were referring to in Newark. You know, we do have renovations in these older homes and all they're really doing when they renovate the older homes is covering up open spaces a lot of the times and that can be just as much of a hassle or more rather than letting it stay in the condition they are in without sprinklers. So you can take a look at that and recommend there as far as that goes. So far, without any other plans I don't have any more comments and these are just suggestions at this point.

Mr. Fortner asked if there were any other comments or questions from the public; and seeing none, then moving on to comments from the Commissioners. The way I see this there are two parts. We're going to do a recommendation for the setback waiver and then the other part is essentially the parking but is this a preliminary plan.

Ms. Skilling responded at this point really it's submitted as a plan, there was no letter or anything that said it was preliminary but really it should have been formally submitted as a preliminary plan.

Mr. Fortner asked so do you want us to accept it as a preliminary plan.

Ms. Skilling commented you should accept it as a preliminary plan that these things have to be addressed at final approval.

Mr. Reich indicated I think there is so much missing that in a very short half hour or so or maybe a little bit longer they could come back with a final that would address all of the things that are mentioned here that I think we ought to consider unless there is some kind of objection from URS.

Mr. Fortner asked do you think there's not enough information for a preliminary, you want them to come back?

Mr. Reich answered no I think we have enough for preliminary but not enough for a final. We don't see the landscaping, we don't see what they are going to do with the scrub junk that's back there. To me it's so unsightly, it's ridiculous. Maybe they're going to take that out and put something else in, I don't know what they are going to do.

Mr. Kirkpatrick replied I think the thought was that sediment erosion control, stormwater management, those are things that have to happen after you have looked at it and said that you like it. So that we can certainly come back with the final after that. The landscape is something that would come with that plan.

Ms. Skilling stated at this point we are looking just at this plan, preliminary plan, and they will have to address all these issues and come in for final approval which would include all those pieces that need to be addressed here. And no final approval or lets put it this way: final approval would be conditioned upon them getting all the other things: sediment and erosion control, stormwater management and we can't issue a Zoning Certificate until we have those things.

Mr. Reich commented I would like to see what they are going to do with the open space beyond what we see here and the landscape plan and those kinds of things rather than say we give final approval right now contingent on all that stuff being done. I really want to see how they plan to use the open space.

Mr. Fortner indicated I agree with you. I'm not saying table it and then have them come back. You're saying we can move forward and approve the preliminary with the information that we have and then come back for the final.

Mr. Reich replied part of that being that we send them to the Board of Appeals board for the setback from the property line and I don't personally have a problem with waiving three (3) parking spaces. I mean they have ninety-five (95) now and obviously there's plenty because I was there at eight thirty in the morning and it wasn't full.

Ms. Skilling stated just for clarification you need to make that a recommendation to Board of Appeals that would be able to allow them to move forward with the Board of Appeals application and that way you can have that as part of the documentation to the Board of Appeals.

Mr. Fortner indicated as a separate recommendation.

Ms. Skilling replied correct. And then you can do the waiver potentially for the parking, and then the open space. Your recommendation of what you think should be there for open space to achieve that based on the fact that it is an older development and we want to achieve something there for open space. Some of the things that we would like to get when we get the kind of renovations or whatever.

Mr. Reich replied I would like to see them do their own brainstorming and tell me how they could use it besides the tot lot. I know what is in my mind but I don't want to force something on you because that's not right. What you think is good for your customers, and what you think is good for the property and for their use. You want to give them a good product and you want to make it useful for them to enjoy besides sitting in front of the TV or being inside.

Ms. Turgon asked you are not expanding the parking area, correct?

Mr. Schaffer replied we are not expanding the parking lot, we're just going to be restriping it.

Ms. Turgon repeated yes restriping only; how is that happening? How are you making enough spaces? Are they going to be smaller?

Mr. Schaffer responded no they will not be smaller. Right now what is there is not consistent parking and this has all been surveyed for the existing parking and drive aisles.



And by defining the eighteen (18) foot deep spaces and twenty four (24) foot two lane drive aisles we have the overall width to do what we need to do to reconfigure the spaces.

Ms. Linkey asked let me see if I understand the term of open space. When you talk about open space you're talking about things that are of a recreational concept.

Mr. Reich replied it could be a walking trail. It could be a picnic area. It could be a baseball field. It could be just a place with a couple of park benches and people sit there and watch the flowers grow. It's an outdoor use facility that's not paved.

Mr. Fortner stated I like that you have a tot lot. Where I live we don't have any kind of tot lot and I have a two (2) year old so it is really inconvenient. I can see where having one that you can just walk to would be great. You incorporate that with a picnic area, and you could have other areas that could be used for the open areas. You could have different things like swing sets and jungle gym kind of thing. I don't know what the feasibility of having some type of trail, do a loop around the buildings or something. That would be great for adults.

Mr. Reich said I wasn't suggesting that they have a trail but I'm suggesting that all these kinds of things are considered for open space. The area I was talking about is at Mill Creek Road in front of building 900. I don't know if the terrain would necessarily be suitable for that but maybe it could be a possible picnic area or something. I understand you would want to keep it away from the street but the picnic area wasn't meant to be children without adults.

Ms. Brock stated if I lived in that first apartment building I wouldn't want a picnic area or playground with a bunch of people there.

Ms. Skilling indicated you have plenty room in and around that public building for pocket parks and to make it a usable outdoor activity area as well as indoors.

Ms. Turgon asked so would you eliminate the existing tot lot.

Mr. Schaffer replied no we are going to replace that with a larger one, more up to date.

Ms. Turgon commented maybe you can configure something and tie something in there.

Mr. Schaffer stated we will provide the equipment specs to the Town when it has been selected.

Ms. Linkey stated but there is no requirement for what, because according with what you wrote up it says that thirty percent (30%) of the space is required to be open, and then of that thirty percent (30%), twenty-five percent (25%) should be useable for recreational space. But there is no requirement that it has to have a picnic table or anything like that. There's no real requirement like that.

Ms. Skilling responded we usually try to leave it up to the developer to come up with an idea for their site.

Ms. Linkey replied that's fine I just wanted to see if there were any set requirements other than the spacing, there is no requirement.

Ms. Skilling stated we like to have it so that they have something and be able to provide recreational activities depending on whatever the facility, if it is a senior facility what would be appropriate for seniors. As in this case there are young children and a lot more family oriented there and so you want to probably have something more attuned to young people. But they should come back. When they come back with their plan, this would be part of what they will come back to you to look at and what they are proposing to meet that requirement the best they can on this site. And I think that is what we are trying to achieve is for them to come back with a plan to meet that requirement the best way they can.

Ms. Turgon commented so tonight our job is just to make a recommendation regarding the variance, waiver for the parking, and the setback.

Mr. Fortner indicated and approval of the preliminary plan.

Ms. Skilling replied and conditioned upon all comments are addressed.

Mr. Fortner asked is there any more questions or comments.

**Motion** was made by Ms. Brock and seconded by Mr. Reich to recommend for variance from fifty (50) foot requirement to property line to Board of Appeals. **All in Favor. Motion Passed.**

**Motion** was made by Mr. Reich and seconded by Ms. Brock to waive the required number of parking spaces from one hundred forty (140) to one hundred thirty-seven (137) and approve the preliminary plan conditioned upon all comments by Staff and URS are addressed. **All in Favor. Motion Passed.**

### **Discussion:**

Ms. Skilling stated obviously many of you are not familiar with the Comprehensive Plan and what we are trying to do, the Comprehensive Plan was done some time ago, it started actually over a year and a half ago where we really went through it and we came up with this draft of the Comprehensive Plan. Just to go over it a little bit, it is the responsibility of the Planning Commission actually to develop a Comprehensive Plan as part of your duties and responsibilities. It is the main goal of the Planning Commission and also to make recommendation to Mayor and Commissioners for capital improvements or whether things need to be done. So some of these things in this Comprehensive Plan as it was being developed, there is some major consideration for not only downtown revitalization plans, a facility to secure our train station, road improvements, and these

are major things that the Planning Commission can recommend to Mayor and Commissioners to put in their capital budget for long term planning, and some of the goals and objectives. Since the original project was done, I came on board in October and my main duty from the beginning was to actually get it revised and get it out to all the agencies for review. And at that time, from the time the Planning Commission originally did this, we had two (2) additional annexations, and we had a change in zoning to add the casino. So there have been changes that have happened and some things that I had to do in order to allow, or even to talk about a rezoning because the Comprehensive Plan has to be consistent with the zoning as well. The property that has been zoned CEMUD wasn't in the old plan, it was for commercial use, it didn't say gaming obviously but talked about an attraction in the area for tourism. So I had to go through the plan and look at the site and area as a separate change and as many of you go through it you will see some changes in here. And that was dealing mainly with the development of the CEMUD because of the large obviously development planned there and there are major changes at this time. Not that they weren't already in there because the I-95, Route 222 corridor has always been a commercial center for the Town, and the County also looks at that as a major concern. So the Comp Plan covers many of these things. The other changes; transportation, division, nothing really pretty much changed much in there from the original plan and for some of the new people, if you have any real concerns as you go through here maybe we can sit down when you have time to go through some of your concerns because it is going to be difficult unless it's one on one. Some of you were here during the initial draft.

Mr. Reich stated one of the things that surprised me and I don't think we want to take the time now and I'll be more than happy to come down here in a couple of weeks when I have a Friday off to come down to discuss it then, but one of the things that surprised me, or one of the things I told you I had a hard time understanding the maps because I don't have a clue what they are saying based on I can't read the map.

Ms. Skilling replied the color maps can be reviewed here, but I was trying to at least get something to you.

Mr. Reich commented I was a little bit surprised to see in here that Jackson Station Road lends itself to a practical extension of the boundary, because Jackson Station Road runs in such a fashion that it doesn't even get to Route 222 or to Route 275 so the intersection of 222 and 275 where 222 turns to Port Deposit is not Jackson Station Road and I was surprised that, and it seemed to me that Principio Creek would lend a much better eastern boundary to the Town than Jackson Station Road. Just because of the way it runs north and south and it takes in more of the area than you have on the Growth Area Map. I wasn't here, I was just curious why did it go that particular way.

Ms. Skilling replied well I can tell you the logical, well the reason why these properties are brought in for potentially is because they are lacking water and sewer. They are on well and septic and the properties may want to come in, and that is why they are brought in. Under the new regulations that were done in 2008, it requires that you have to identify the growth area. If you did not put the areas where you think you would like to

grow and it has to be based on the potential of the ability to serve for that area potentially of water and sewer but also the potential of looking at the areas out there that may be on septic which ultimately they may want to come in. Under 1141 if you don't put it in the growth area and let's say that person wants to come in to be annexed, you would have to amend your Comprehensive Plan before you could even allow it to happen, to be annexed. Even if there are failing septic systems. And to do that is a pretty lengthy process.

Mr. Reich stated that's why I said why would we limit ourselves to Jackson Station Road when a better boundary.....I mean for bringing in historic sites like Principio Iron Works which is not in Town limits. If we went to Principio Creek, those types of areas would be in Town and we would have the farm land that goes to Jackson Station Road up past, towards the sand pit road and we'd have farm land on the east side of Jackson Station Road as well.

Ms. Skilling responded the problem we have right now, is that we have a Comprehensive Plan that includes this growth area and the County has included it in their Comprehensive Plan. They accepted our growth area to include Mt. Ararat Farms. If we want any changes at this point, I'm not saying that at some point in time as the Planning Commission you couldn't go back and change some of this, but if we change this now we will never get it done by the deadline of October 1<sup>st</sup> which we are coming up on now. We've got to get it right now. We have to get it before.

Mr. Fortner indicated it serves the broader area too and also we'll be reviewing this every five (5) years or more. So if we realistically thought we would annex that within the next five year period, probably not.

Ms. Skilling responded it's the same thing, and the other thing is Mt. Ararat Farms. One of the major reasons that it was put in the Comprehensive Plan was the Town was approached by the owners of the Mt. Ararat Farms, Walter Buck. And at that time I was doing planning with the Town and with Port Deposit and they were also contacted, and they wanted to incorporate that into their Comp Plan as a future growth area. They specifically wanted to be in Perryville's growth area and not in Port Deposit. They made that very clear so everybody had to make some adjustments but the Town was not willing to go back and change numbers because we can't justify seven hundred some odd acres, which is almost as big as the Town is already. So we put it in there for potential growth area for future and you'll notice from some of the comments, it says our "sphere of influence" got some real reaction from Port Deposit and comments from the Department of Planning about that, they thought that was not really sensitive. But we have no choice; well we had a choice, we could not have done it. But the fact is it was included because they requested it of the Town to be put in our growth area and the County accepted it.

Ms. Turgon commented so we did roll over on that. I thought we kind of dug in our heels on that.

Ms. Skilling replied that it wouldn't be annexed.

Ms. Turgon stated not annexed, just in the growth area.

Ms. Skilling indicated that area could not be annexed quite honestly because we don't have the capacity for water and sewer. They would have to build a water plant because we don't have the ability to service that large of a parcel in the near future.

Ms. Turgon asked can we take time to read this because we just received it.

Mr. Fortner asked what is your timeline on this.

Ms. Skilling replied we have to have a public hearing and want to address your concerns. If you want to have another meeting, or if you want to go through it. Do you want to go back through and look at it and just get back together maybe to talk about it a little bit more.

Mr. Reich stated it wasn't a whole lot that bothered me. I was concerned about that one particular statement. The other thing was, my biggest concern in the Comprehensive Plan, you talked about new roads and talked about possible Coudon Boulevard extension and I didn't even understand where that was going because like I said when you look at this map its hard to see, but in general my only concern really is the transportation arteries, major transportation arteries, through Perryville and what I'm trying to say is and I said before is, that Route 275 and Route 222, when they do thirteen hundred (1,300) homes at Bainbridge, can't possibly handle that traffic and the problem is that is State and Federal highways that need the work and we have no control over that but we're about to get inundated with the largest traffic jam since Los Angeles.

Ms. Skilling replied we do address it in here. And honestly we are addressing it right now. It is an issue right now with the CEMUD and with Bainbridge and we have had numerous discussions and conversations and it has been expressed to the County Commissioners, and we look at them, to actually spearhead an effort to come up with a solution that all these new developments, and redevelopments, that may be impacted in that area to devise or come up with some way for all to pay in for road improvements so that no one development, like our CEMUD, doesn't pay for the improvements and Bainbridge gets off scot free. We need to make all our improvements for the CEMUD development and Bainbridge may never happen because we made our improvements and they wouldn't be able to afford those improvements.

Mr. Reich stated the thing is though until they move the toll facility and that is one of the issues there, that traffic will never get up on 222 and Route 40 to use the other bridge. I'm talking about north of 222, the upper limits right now of where the casino is going to be. Those people at Bainbridge are still going to duck that toll coming north on I-95 and we're going to end up right where we are. The interchange of 222 a half a mile up, where was that road supposed to go since we built the extension from Coudon Blvd to 222. Where was that supposed to go?

Ms. Skilling responded continue across where Collette's is.

Mr. Reich said but that runs right in to the parking lot for the Food Lion.

Ms. Skilling indicated but if you look at it, it could go across at an angle up to 222.

Ms. Brock commented why does that matter if it's in the Comp Plan. Just because it is in the Comp Plan does not mean it will happen. It just leaves the option open. Everything can be in it and you don't have to do any of it. It's the wish list so that ten (10) years down the road something comes up that you want to accomplish and at least you have the option to do so. It no way locks up anything.

Mr. Reich replied I wasn't saying that. What I was trying to understand is what I couldn't see on the map is where the road is going because you still have the railroad there.

Ms. Skilling responded the history of Coudon Boulevard was the State pretty much built that road for IKEA. And in order to keep the truck traffic from making a left on to Route 40, or a right to go toward Northeast and go up that way to I-95, the idea was to look at extending it completely across and to go up in the back of the shopping center and it could happen. They could do it. It's not the easiest thing to do but they could do it. And that would alleviate any traffic from trucks going down Route 40 to 222, which is another bottle neck because of the toll booths. The other two things that the I-95 intersection that, what we considered, and this was just at a meeting we had last week, there are three things that really State Highways will admit are problems at this 222 and I-95 interchange. One is what you said, the toll booth, that there are people coming down off that through Havre de Grace and coming up 222 and jamming up 222, and really 222 can't be widened.

Mr. Reich said it used to be a four lane road

Ms. Skilling continued the other thing is, and one of the major concerns and problem, is their weigh station. The weigh station blocks the exit off of I-95, the exit that goes right into the CEMUD, the gaming facility. At any time of day coming through there cars have to literally dodge trucks to get off the highway. That's created by them, backing up trucks and they have said they have a light on there now that stops weigh station activities when it backs up to that exit. But by the time they do that all the trucks down there are already pulled over. So that is a concern. But that is their problem. But they use that problem for us to solve in the traffic impacts and mitigation. So that was another thing. The other concern and the major thing is the bridge over I-95. That is a fifty (50) year old bridge. It's old and is not in good shape. And it can't be added to, it needs to be totally rebuilt. And that is their issue. They have a fifty year old bridge, the impact of that bridge and the amount of traffic that is there should have been put on some proposal list of projects and that is another thing that is affecting our projects, Bainbridge and any other project coming along. Those are the issues that we are dealing with up at I-95. It's a big issue for a lot of people and it needs to be done.

Mr. Reich asked when you say rebuilt, do you mean another bridge across the road?

Ms. Skilling replied they want four lanes across I-95. They have a right of way, one hundred and fifty (150) feet.

Mr. Reich indicated so they want another span in other words.

Mr. Fortner stated build a new bridge and tear down the old one.

Ms. Skilling responded yes, so those are some of the issues.

Mr. Reich stated the bridge on Route 40 is a lot older than fifty (50) years old.

Ms. Skilling responded apparently the way it was built is insufficient to build on to.

Ms. Turgon asked how do we deal with this? Does it incorporate all of our projects?

Discussion continued regarding revisions made to the Comp Plan from recommendations and other issues that needed to be addressed. Calculations and numbers were verified, and the State requirements for growth area and the ability to achieve the plan.

Ms. Turgon asked what is the next step? What is the anticipated time line for this?

Ms. Skilling replied I wanted you to look through it and because it's such a fluid document, I'm leaving it up to you if you feel comfortable with it. I feel fairly comfortable with it but want everybody to look at it a little bit more so see if there are any comments or concerns you may have.

Mr. Reich stated there may not be comments but questions and just things I can recommend. It would make sense to me that we are part of the puzzle too and we still have to get public comment and I think that will be real helpful. We need to get that started. We have to have two public hearings or something.

Ms. Skilling replied you have to have a public hearing and make recommendation to Mayor and Commissioners and then they have their public hearing.

Ms. Turgon asked so how do we meet that October 1<sup>st</sup> deadline? How do we back up.

Ms. Skilling responded if we don't think we're going to meet it, we will simply write a letter asking for an extension.

Ms. Turgon said but right now how are we?

Ms. Battaglia indicated we were hoping to have the public hearing for the Planning Commission at your August meeting, which I think is the 17<sup>th</sup>. So we have to advertise

for that public hearing three weeks prior to that. So if you have comments or you want to have time to read it, we would need it read by the end of next week if you wanted us to do anything prior to that. But if you feel like we could go through with that schedule, do the ad in the paper, you still continue to read and make your comments, you can always call us or send us an email of things to look at to address so we know to look at those things.

Ms. Turgon responded my recommendation is that we do it that way. Not mess with the schedule and we can all read it. We're members of this Commission and it is incumbent upon us to take a look at this.

Ms. Skilling commented and we can work with you too if you have comments to change it. We can change it and there could also even be other changes from the Mayor and Commissioners.

Ms. Turgon stated I know Mr. Fortner and I put a lot of time into this previously and now we need to read it, and the new members need to read it to give your comments, but we could do that individually with you, right?

Discussion continued regarding various sections of the Comp Plan and changes and revisions that have been done already. It was discussed the possibility of providing the document showing all changes and revisions to anyone who wants to review it with those changes.

Mr. Fortner commented the first draft was like a phone book with so many unnecessary maps. If you read this you won't be missing previous information.

Mr. Reich indicated I did skim this and I wouldn't say I read every physical word because I didn't have time. In general I think it looks pretty good and I have some questions like the eastern boundary and those kinds of things and some other things that I marked just for clarity for me, not necessarily that I have a problem with it.

Discussion occurred regarding some of the technical aspects of the plan regarding population growth and numbers, and the various maps.

Ms. Skilling indicated the Comp Plan was sent to the agencies and we haven't received all of their comments back. I could provide you a disk which has all the maps in color.

Mr. Fortner commented the final version will be in color. Will it be published in like a book form or in a binder?

Ms. Skilling replied what I think I would like to do is a binder because of the option to make changes. And the maps will change.

Mr. Fortner stated it will have better color fold out maps.



Ms. Skilling stated some of them will be 11x17 and some of the maps, where appropriate can be smaller. Once we get this approved I have to go back and make sure everything has the appropriate references.

Ms. Linkey stated I'm new and had no idea, but I was just looking at the Perry Point maps and on it one of them says no changes contemplated. I know it's not ours but there are (changes).

Ms. Skilling responded there are things in the planning. The only thing that I know that is being contemplated, from the Town's perspective, is for waste water.

Ms. Linkey said they are doing some things to the park, to the village, or planning on it because there are some things I've heard. I know there are some things in the works to add some things that will impact water and sewer and they might be adding another building so it could possibly. I don't think it's going to add a whole lot more residents there but it could.

Ms. Skilling replied we are addressing that already because we heard about that but the problem is that we can't, the only way we can address it is that we talk about it in there that we give them sewer but we will have to look at that. There are things we need to talk about a little bit more with the Town and Mayor and Commissioners how we're going to deal with that long term. Because right now pretty much what we do is we give them sewer. That's not saying in the future with the quantities they use that we have a development issue. We have no real authority on what happens there.

Ms. Skilling continued discussion regarding future plans of improvements and revitalization projects throughout the Town. The pier is going in with plans to include a future water taxi to link Port Deposit and Havre de Grace with the Town.

Mr. Fortner stated to keep the public hearing in a month we should all read the plan between now and then, ask questions of Staff and be here ready a month from now to know this and have additional questions and have public comment and we'll give recommendation at that meeting

Ms. Skilling indicted if anyone wants to come in to talk about it and I'll send you better maps to read.

Ms. Turgon asked at that meeting will it just be the public hearing or will we have a regular meeting.

Ms. Skilling replied we'll hold the public hearing before. And at the public hearing you'll make recommendation to Mayor and Commissioners and then they have their public hearing. And then after that, they can approve it or they can send it back to you. That's their option. If the Mayor and Commissioners do not act on it within sixty (60) days then it is automatically accepted.

**Motion** was made by Mr. Reich and seconded by Ms. Brock to close the meeting at 8:20 pm. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator