

**Planning & Zoning
Meeting Minutes
June 21, 2010**

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

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

APPROVAL OF MINUTES

MOTION was made by Mr. Oberholtzer and seconded by Mr. Reich to approve the May 17, 2010 Planning and Zoning Meeting minutes as written. Ms. Turgon abstained-not in attendance. **Five in Favor. Motion Carried.**

MOTION was made by Mr. Reich and seconded by Ms. Linkey to approve the May 24, 2010 Planning and Zoning Meeting minutes as written. Mr. Oberholtzer and Ms. Turgon abstained-not in attendance. **Four in Favor. Motion Carried.**

Old Business

File No. SP2010-02 – Frenchman Warehouse Preliminary Site Plan; **PROPERTY OWNER:** Frenchman Land Company, Inc., 160 Seneca Shore Road, Perryville, MD 21903; **APPLICANT:** R.J. Engineering Corporation; **LOCATION:** 950 Principio Furnace Road, Perryville, MD 21903; Tax Map 34, Parcel 89; Zoned L-2; 16.00 acres.

Mr. Blomquist stated I am with R.J. Engineering Inc. and I represent Mr. Eric Dunn, my client, and I have the help of Mr. Kordell Wilen here. We met about this last month as you recall. This is the site across from the existing fire house on the corner of Ikea Way and MD Route 7. We had some items that we wanted to bring back that we were missing from the last meeting, namely Ms. Skilling wanted to see all of our other submittals that we have made to other agencies and wanted to see some architectural drawings. I believe we have brought all those here. Between that meeting and this meeting we have learned the L-2 zoning that we have doesn't really support an office building on this site and so we've revised our plan to take the office building off the site for now. We have closed the gap on the requirements for Preliminary Plan request for approval.

Mr. Wilen indicated the proposed office building was shown on the plan and between the time we submitted it for this meeting today, Ms. Skilling and I had a conversation that your L-2 does not support it so it is our position, and after talking with our client, we're willing to, in the Final Site Plan, not actually include that, we'll call that Phase III, with the existing building as Phase I. We aren't as interested in the office building this evening and we'll let that part of it wait for future phases. The other question that came up was with some of the circulation and we're, again we talked with our client, for

security reasons and circulation between traffic and pedestrian traffic with the office building we've completely separated the sites from the travel lanes. So you now see the truck traffic entering in off of Ikea Way and staying to the north side of the warehouse building and then the pedestrian office parking spaces on the south west side of the building so even in the warehouse and the office mixed use there is a separation of truck traffic and the vehicular pedestrian traffic. And the office building in the future phase will be completely separated coming in off of the existing entrance. So we accomplished that, eliminating any conflict.

Mr. Reich asked so you intend to only come in from Ikea Way.

Mr. Wilen replied yes for the proposed warehouse building. That way we can put security and we talked a little bit more about the security end and that was some of the discussion from last time at this point, there is already a security fence there, six foot chain link with barbed wire on the top and there aren't any plans to increase the security to any higher level unless it would be a requirement of the tenant and at that point we would come to the Town for approval.

Ms. Turgon asked so the proposed two story building in the front is the one that's off the table.

Mr. Wilen responded yes, it's been removed from the site plan, it will be a future phase.

Ms. Turgon questioned the proposed height of that, isn't there a forty feet limitation.

Ms. Skilling replied it depends on the commercial building. It's higher, fifty feet. Just to explain a little more about this, when we looked at the zoning for the L-1 and L-2, we really don't have any L-1 zoning in the Town. And I think the intent of the Ordinance, I checked with Mr. Peter Johnson who wrote the Ordinance and I happened to be on that committee, I think what happened, the intent was not to leave that out and it's obvious that any kind of industrial park or where you have a facility like that where you have warehousing as well as office space that you would have office space on the site and it was never intended to leave it out. But as we go through the Ordinance there's basically nothing in there to say you could have an office building in that L-2. We think what happened is that really L-1 and L-2 should have been LI which is Light Industrial. We need to do a text amendment to allow office buildings in an industrial park and that's basically what that whole industrial area is.

Mr. Reich asked how long would that take.

Ms. Skilling responded you have to have a public hearing. It's just a matter of putting it in the Permissible Use Table and just writing a little text, actually if you look at the L-1, what is in there for L-1 really could be modified for L-2 because like I said there really is no L-1 zoning in the Town of Perryville. It would take a couple of months to go through that.

Mr. Reich questioned can we approve the office building by exception or at least recommend approval to the Mayor and Commissioners even though it's not in the L-2.

Ms. Skilling replied I asked Ms. Breder about that and I don't think we can do it by exception. If anything happens now it would just mean the possibility and it's my understanding they aren't in any rush for this.

Mr. Wilen commented particularly the office building, of course if we could have done it in one meeting or one process, from a cost standpoint. The tenant that is most urgent, they're not locked in but they want warehouse space with office and in that case as I understood it that office is acceptable as long as it is as a support role for the warehouse. So we certainly don't want a conflict at this point we're very willing to table that as another phase and I think we want to work with Ms. Skilling a little bit more about that parking because remember we had some discussion about parking in the BRL and we had conversations back and forth between the last meeting and submittal and we never did get to a real conclusion.

Ms. Skilling indicated that whole industrial zoning really needs some better clarification because as I read through it, it's still questionable. We won't change any zoning but we need clarification and that's what we'll get with the text amendment. It's not necessarily for any one site, it's just for the general intent of an industrial zone is to have office space for support of whether you have an industrial campus as they're presently called, it was never the intent, the idea is to have office buildings and warehousing where people can come work and we have a lot of warehousing on that end of Town in that industrial area already. I think we could get it done pretty quickly. They've already accommodated in their stormwater management for the impervious area, so the stormwater would be approved for the whole area so they could come back and that way it would already be approved. The landscaping, we will have to look at the landscaping there and I did review the landscaping just for the warehousing area and the buffer, the perimeter control. We have comments back from URS about water and sewer but that can be addressed in the general design of the site now, and that'll make sure that if that building comes online that it would be designed properly so it wouldn't be an issue.

Mr. Wilen stated we want to address SHA as well. When we got the approval on Ikea Way we had time to design two parking areas and we didn't show that building. We showed it in the past but we didn't say the size which generates trips per day so they want to look back at the existing entrance to be sure with the proposed office. So that in itself should be handled prior to the Preliminary Plat, so there's just a lot of things happening with that office building and we would feel much more comfortable backing off. Let's just focus on the warehouse building at hand and we can continue to work with Ms. Skilling and resolve any lingering problems on that office building.

Mr. Fortner asked do trucks go into the back of the building, because there is so much pavement back there.

Mr. Wilen responded no, it's similar to their existing facility all the trucks are unloaded in the front. I'm not sure why so much pavement. Initially, and maybe I should just say there won't be a tractor trailer going through there but that's not saying there won't be smaller delivery type trucks, UPS type trucks, going back there.

Ms. Skilling asked is there a delivery entrance in the back.

Mr. Wilen responded there could be some storage back there.

Mr. Blomquist stated at one time we had some loading docks back there but we decided to shift them all to the side of the building but the impervious stayed the same I suppose but like you said you could have box trucks go back there and you have a minor amount of parking back there too.

Discussion continued regarding industrial use, truck space for storage and parking, and to get approval for as much impervious surface as possible to prevent potential problems later. When you're designing stormwater management it's difficult to come back later to maybe increase it. With environmental design everybody wants to reduce the impervious area so I don't think we're going to pave everything that we're showing there but as the use may need.

Mr. Fortner asked where does the chain link fence go.

Mr. Wilen replied it should be shown on the site plan. It continues across the front in line with the existing fence and then there will be a gate across the entrance and it continues along the edge of the parking area and connecting back into the existing fence.

Discussion continued about fence location, the use of barbed wire, and the height. It's not in our Ordinance but the Planning Commission can consider it. Barbed wire is already at that site on the existing fence for security purposes and our Code does indicate that the Planning Commission could consider it for security purposes in that area. If it's a security issue for the site, the Planning Commission could recommend allowing that use. Three strands of barbed wire adds about another foot to the top of the fence.

Mr. Reich asked did we get fire hydrants put on this site plan in accordance with what the fire company asked for.

Ms. Skilling responded I think I sent copies and we do have comments from URS about them but we will have to look at the fire hydrants.

Mr. Blomquist stated we did put fire hydrants on the plan, the existing and proposed are on the plan.

Discussion continued regarding Fire Chief comments. (Copy was given to Mr. Wilen). There would be a problem with the Planning Commission approving the plan without them but approval could be conditioned those comments are addressed. A review of the

comments show they are typical and will not cause any problems to address them on the site plan. Providing Knox boxes is something we're dealing with more at the site plan level and being dealt with by the architect. In the past it was usually done at the permit level. The applicant will contact Fire Chief Ryan for clarification of his comments.

Discussion continued regarding the parking provided on the site plan. Phase III for office space will require parking and will be handled in the future, but we should discuss it now. An option could be to reduce the size of the building to be able to meet the parking requirement. Restriction in the BRL (building restriction line) was discussed and how the Zoning Ordinance could be interpreted, that it may be allowed. So there is some flexibility. Ms. Skilling referenced her comment #2. It's clear in one instance for the L-1 but it's not clear for the L-2. The Planning Commission could make an exception for the parking in the BRL. There is a concern with the buffer there, an E buffer is required and they may have to move that back in order to get the buffer in there because of the power lines along the roadway.

Ms. Skilling continued with review of comments:

Project Review
FRENCHMAN LAND COMPANY, INC.
Preliminary Site Plan

In reviewing the Zoning Regulations for L-1 and L-2 there are no provisions for an office building in the L-2 District. We believe during the rewrite of the ordinance the intent of Section 95 Industrial Districts was to have language to allow for office buildings in combination with other forms of industrial uses as expressed in L-1 (industrial park). I believe the intent was to allow such a use in the L-2 and recommend that a text amendment be made to allow office buildings in the L-2 and update Section 161. Table of Permissible Uses – Commercial and Industrial Districts accordingly.

PLANNING/TECHNICAL PREVIOUS COMMENTS:

1. The uses of all proposed and existing structures should addressed (existing building 50,000 square foot warehouse, proposed 45,000 sf warehouse with 5,000 sf office space, and proposed office building).

Please elaborate on the comment on the Landscape Plan "The security maybe increased as required by Home Land Security or future tenant requirements."

2. Article XVI, Section 274.5 - Parking: 156 with 6 handicapped required. There are only 154 spaces with 6 handicapped designated on the plan. The plan should be revised to provide the required spaces. Also, the parking facing Route 7 is within the BRL.

Section 278.12 “Off-street parking facilities may be located within the required front yard of any commercial, office/residential, or industrial zone. But shall not be nearer than fifty (50) feet to any residential district.” It is recommended that the parking be allowed in the front yard.

3. *Section 283.2 – The rationale for loading and unloading spaces appear to be appropriate for the proposed warehouse. The Preliminary Site Plan should indicate truck circulation on the site so as to comply with standards in Section 283.3 which addresses safety and maneuvering convenience especially in light of the proposed office building.*

Addressed for L-2 uses.

4. *A discussion on the need for two access points needs to be addressed. Previous comments have been made regarding the access on Route 327. The heavy volume of truck traffic from Ikea, access to the Town Park and WWTP are major concerns to be considered. Truck circulation on site should be addressed to allow for ingress/egress to Route 7.*

Ms. Skilling stated I do have information from SHA and I’ve asked them to check on sight visibility coming down there and SHA checked with their engineers and they consider it adequate for the number of trucks going in there and the sight visibility meets their standards.

Access approval from SHA indicates that the road can handle additional truck traffic. SHA is prepared to issue an access permit to MD 327 conditioned on approved from the Town. Plans must be submitted to SHA for any road improvements and provide copies to the Town.

Ms. Skilling continued it’s down the road, but there’s a possibility that there will be additional truck traffic in this area because the Veterans Center is considering using Ikea Way to cut down on truck traffic through the Town. They would use Coudon Boulevard to Ikea Way, turning into our Town park and expanding the bridge to enter the VA that way. There would be additional truck traffic for the trucks to go to the VA. It is an industrial area and even SHA right now considers the truck traffic going in and out there still meets their levels of support for truck traffic in that area. We don’t know when that’s going to happen, it’s only a proposal at this point.

Ms. Linkey indicated it will also allow Amtrak to use that entrance as well.

Discussion continued regarding the proposed truck route into Town park property and the trucks would then proceed to the right to the Veterans Center.

9. *The location of fire hydrants must be noted on the plan and approved by the Town Fire Chief.*

Comments provided by the Perryville Fire Company should be considered.

10. *The square footage of the existing building should be noted on plan.*

Addressed

11. *Water & sewer plans must be submitted and reviewed by the Town engineer prior to Preliminary Site Plan approval.*

Comments pending from URS

Ms. Skilling stated we have just received URS comments today.

NEW COMMENTS

1. *The side yard setback for L-2 is 75 feet. This should be changed on the plans.*

LANDSCAPE PLANS

2. *Section 233.8 Walls and Fences. – The plans indicate that a 6 foot chain link fence will be installed with class 3 barbed wire. The height is within the standard set forth in this section, but subsection g(2) specifically prohibits barbed wire. It is my recommendation that the Planning Commission recommend for security reasons, barbed wire be allowed for the proposed warehouse.*

3. *Section 252 – Lighting Standards – (5) Exterior lighting plan. A lighting plan should be submitted with a detail on the lighting to be used (specific to the office building). The plan does not indicate any lighting on the warehouse. Will security cameras be used?*

Ms. Skilling indicated right now the office building is off right now but eventually that parking area and the building, you will need something to cover the lighting for the building and the surrounding parking lot. I don't see anything in here on the landscape plan for the lighting for the warehouse and I presume you'll have some security lighting.

Discussion continued about lighting on the site. A lighting plan will be provided later with the final design of the site. There is a residential site across the street and lighting should project down.

4. *Section 290 – Tables of Required Bufferyards - The required Bufferyard should be E. The Landscape Plan used Bufferyard C.*

Since there are no provisions for approval of the office building in the L-2 District at this time, it is recommended that the preliminary plans for the 50,000 sf warehouse be approved.

Due to the nature of the above comments, there may be additional comments after subsequent plan submittal and review.

Mr. Wilen indicated I have recommended to Mr. Dunn that we get a landscape architect.

Ms. Skilling responded they can recommend species of trees that are going to be more adaptable in those areas of the power lines. I can read URS's comments dated June 21, 2010 (separate attachment).

Mr. Blomquist questioned (after comment #11) you're going to be making it a requirement that Mr. Dunn does smoke testing to see what the condition of the sanitary sewer is.

Ms. Skilling replied it just says "*the condition of the existing utilities should be investigated to ensure*". We need to check with URS to find out what they mean by that. I don't think you need to do that but some testing we may be able to do. There have been some I&I studies done and we may know whether there is any I&I concern at that site and I need to address that with URS. I'll have to get back to you on that. The next comment is much more relevant to what you need to do. It looks like if you were to put everything in the existing manhole, we need to check with URS on that. They don't want you to do another manhole is what they're saying basically. With these last three items here, you should have a discussion with URS. Will this warehouse be sprinklered?

Mr. Blomquist responded our intent was to not sprinkle the building, that's why we're showing separation between the existing building and the proposed building to stay underneath the square footage, above which you're required to have sprinklers.

Ms. Skilling indicated I'll give you a copy of this so you can address those items.

Mr. Fortner questioned what was meant by number 6 (Chief Ryan's comments) with regard to the proposed building height and their ladder.

Discussion continued regarding the fire company's hook and ladder truck and the ladder extension sufficient to reach the top of the proposed structure.

Mr. Wilen replied we'll be having a conversation with him to make whatever adjustments we have to make and to understand what his concerns are.

Mr. Fortner asked are there any more questions.

Motion made by Mr. Oberholtzer and seconded by Ms. Turgon to approve the Preliminary Site Plan, excluding the office building and required parking, conditioned upon all comments are addressed that were made by Perryville Fire Company, URS and Town Staff. **All in Favor. Motion Passed.**

Mr. Oberholtzer asked are we to schedule a public hearing for the L-2 zoning issues.

Ms. Skilling responded I would like you to recommend that I move forward with that, that way I have it on the record that the Planning Commission recommends that.

Motion was made by Mr. Reich and seconded by Mr. Oberholtzer for Town Staff to move forward with the text changes to the Zoning Ordinance for the L-2 zoning and parking for Planning Commission review in July/August and for public review by September. **All in Favor. Motion Passed.**

Discussion continued about the need for some changes to the Zoning Ordinance to clarify the L1 and L2 zones with office space and the required parking. The changes will require public hearings that have to be advertised. The Planning Commission should review the proposed changes before the public hearings are scheduled. It is anticipated that the review process and public hearings would be at least three months. With many people on vacation this time of year, Town Staff will try to have the changes ready for review by the next meeting.

Motion was made by Mr. Reich and seconded by Mr. Oberholtzer to adjourn the meeting at 7:20 p.m. **All in Favor. Motion Passed.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator