

**Planning & Zoning
Meeting Minutes
September 17, 2012**

ATTENDANCE: Michael Fortner, Pete Reich, Commissioner Dawson, Erik Donald, Henry Barrett, George Jack, Priscilla Turgon, Town Planner Mary Ann Skilling, and Planning & Zoning Coordinator Dianna Battaglia.

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

APPROVAL OF MINUTES:

MOTION was made by Mr. Jack and seconded by Mr. Reich to approve the May 21, 2012 Planning & Zoning Meeting minutes as written. (Abstained: Barrett, Donald, Dawson not in attendance.) **All in Favor. Motion Passed.**

MOTION was made by Mr. Reich and seconded by Mr. Donald to approve the July 16, 2012 Planning & Zoning Meeting minutes as written. (Abstained: Jack, Turgon not in attendance.) **All in Favor. Motion Passed.**

NEW BUSINESS:

Mr. Fortner introduced item for review of Zoning Certificate application for Methodist Church of Perryville for a new sign in the TC District.

Mr. Dale DeWeese, Trustee for the Methodist Church, along with Ben Caldwell, Chairman of the Board, and Ken Wood, Treasurer for the Board of Trustees, explained the little area at the corner of Susquehanna and Broad known as Owens Park and there are a couple of signs in there and we will put in a new sign that is 4x8. The current signs are tacky and we thought we would use the opportunity if we're going to go to the expense for a new sign and run electric to the sign, instead of squeezing things to a 3x8 we would prefer to go to 4x8. It was explained that we are permitted to do 3x8 but because we want to do something that exceeds the permitted size we had to make application and submit request to the Planning Commission. We plan on having a timer set to turn the sign off at 10:00 p.m.

Ms. Skilling presented to the members a picture of the sign that was provided from Pollitt Signs. (Staff Report as separate attachment.) This application for Zoning Certificate was submitted for a 4x8 double sided sign to be located at the corner of Susquehanna Avenue in Town Center. Article XV, Signs, corner lots may have one indirectly lit freestanding sign not exceeding 24 square feet, and must be set back 10 feet from property line. The biggest thing on that corner is to make sure people can still see because 4x8 is large. It has to be set back and we will confirm that sight view. Signs shall comply with guidelines in Section 214, Development Standards in the TC District. Having the sign turn off is preferred because of the surrounding residential properties. Development standards in the Town Center district can result in creative solutions and this is the reason why we're bringing it to you, in the Town Center we're looking at the intent of the standards. The Planning Commission can make consideration for this type of sign. Findings offered in making your decision were the sign provides a public service in the community for church events, color, materials and lighting will be restrained and harmonious with the site, and meet the setback requirements.

Discussion continued that the sign may not be totally exclusive to church events but will not be attaching the existing Y sign to the new sign. Other events may be considered on a case by case basis.

Ms. Skilling continued so basically it's for church sponsored events, a better solution for advertising their different events. As part of the requirements when the sign goes up we'll go out to verify location to make sure it meets all setbacks on the corner because that is a narrow street there. These are the findings we would have to make to allow this in Town Center at that size.

Discussion continued that granting approval would not be granting a special exception, which is a different process. The Planning Commission has the ability to allow changes based on certain facts and specific findings in the Town Center district as per Section 214. Explanation provided for the larger size is to enable them enough space to advertise their events

Mr. Barrett commented this is one of those situations where it's allowable pending a finding, so the standards are there, 24 square feet, but one can come in and make a case for a larger sign which the church is doing, if it meets the criteria set up there. I don't have a problem with it.

Discussion continued that this could open up for other businesses to come in and ask for larger and larger signs. Guidance was provided so there are some general guidelines to protect us.

Mr. Feazell commented you have 57 square feet of very ugly signage in your Town center and your guidelines say you can make exceptions to make it more amendable to the community in that type of zoning. So actually they are downsizing their signage. They have every right to keep 57 square feet of ugly signage up because it's grandfathered. So they have 57 feet existing and they're willing to take it down and shrink it to 32. It sounds like it meets the criteria.

Mr. Donald responded it's better than what is there, I'm not disputing that but what about future limitations.

Motion made by Mr. Dawson and seconded by Ms. Turgon to approve the 4x8 sign based on findings on Staff report and limited by 32 square feet. **All in Favor. Motion Passed.**

Mr. DeWeese will be contacted when the Zoning Certificate is ready for pickup.

OLD BUSINESS:

Mr. Fortner indicated the next item on the agenda is Article XV Signs, discussion of possible revisions for C-2 district at I-95, and we have a Staff Report for that (separate attachment).

Mr. Dawson stated I'll say something briefly because what is in front of you I had nothing to do with for the most part. It was addressed by Ms. Skilling, the attorney, and Ms. Breder.

Ms. Skilling explained we were requested by Ms. Breder, as a result of a Mayor and Commissioners meeting, to look into amending the signage regulations, the same night amendments were being finalized. It came to the attention of the board about I-95 and the potential for pylon signs in that area. Staff was charged with coming up with some kind of language to change the regulations, which had already been discussed for five months, to now include pylon signage, freestanding signs, pylon meaning just a pole, at I-95. We put together some language with the assistance of Mr. Sussman, Town attorney (Draft Signage Update 9/13-Changes attached separate.) The map depicting the area involved includes residential with only a few commercial areas in the vicinity of

I-95. There are only three separate areas within town limits in the C-2 district close to I-95. The area depicted in blue is not. A little explanation for the new members because you weren't involved with this, this is zoned CEMUD, Commercial Entertainment Mixed Use Development, and I do need to explain this a little bit because it wouldn't be included in this regulation. This district, where the casino is located, its sole purpose, this whole development was to be a commercial district. One entrance off I-95, it met all the goals and objectives of the Comprehensive Plan and already has a Master Signage Plan. It did get a pylon sign for the casino. The Planning Commission did not recommend approval but the Mayor and Commissioners has the final approval authority for this district. It's a different zone, it's a floating zone that was established and placed here for commercial development.

Discussion continued other developments with a Master Signage Plan include Principio Health Center. The Master Signage Plan is a document written for each development, includes a specific purpose for the development with guidelines, and was reviewed and approved by the board. The proposed changes would only affect the C-2 areas shown in red on the map which include the outlets and the travel center. Question was asked what happens with potential annexation for Mt. Ararat Farms but that is at least twenty-five years out.

(Ms. Skilling continued with Staff Report)

Mr. Dawson stated I was approached over two months ago by Mr. Steve Feazell. He owns the parcel of land, if you're looking at your map, Mr. Barrett you asked about this also, the red section, parcel 0051. If you're driving down 222 towards Heather Lane, the last house on the left hand side where the yellow sign is, is his property. That piece of property that sits out there is zoned commercial. Mr. Feazell has been trying to market his land, talking to fast food restaurants specifically McDonalds and I'm not going to go into greater detail than that, but the block he continues to hit is these are the types of businesses that want visibility from I-95. The current zoning does not allow a sign higher than twenty-five feet. Is that correct? This gentleman just wants to be treated like everybody else. The casino has a pylon sign, the outlet mall, the Ramada, the Pilot Station. And it is my intent to bring to the Mayor and Commissioners a text amendment to allow such a change and to do that, as a formality a recommendation has to come from this board, whether you are for it or against it, I just need a recommendation. So it seems to me it's a start at least. I'm not too happy about the Special Exception part, I'd rather it should be in there instead of always coming back for a special exception. With that being said, Mr. Chairman, I'd like to allow Mr. Feazell a chance to speak before Ms. Skilling...

Mr. Fortner replied he will be allowed to speak as public comment, after the Staff report.

Mr. Dawson responded the text amendment I want to bring forth is any parcel of land in the C-2 district that lies within a half a mile but Ms. Skilling offered thirty-seven hundred feet. Any parcel of land in the C-2 district that lies within a half mile from the 222 and I-95 intersection the ability to erect a pylon sign higher than the tree line to be visible from I-95 traffic. This piece of property's greatest potential to market it is I-95 traffic. That's why the casino has their sign, that's why Pilot has their sign, and why the outlet mall has their sign. I give the floor back to you.

Mr. Fortner asked visible from both north and south?

Mr. Dawson responded yes.

Ms. Skilling commented a mile is five thousand two hundred and eighty feet. This is pretty close to a half mile.

Mr. Dawson indicated this half mile encompasses the three remaining parcels of land in the C-2 which is this gentleman's property, the property on Bainbridge, and I'm assuming this piece over here is the Stewart property, 0070.

Ms. Skilling continued with Staff report. I just want to bring out that Mr. Feazell did come to our meeting and we were talking about Heather Lane and this is the outcome of some of those meetings from the Commissioners. His comments imply he can do nothing with his property, he wouldn't be able to have a sign visible from I-95 and denying use of his property, specifically for a McDonalds. We would not deny the use of that property. It can be a commercial property and it can be used for a commercial site, as it is and always has been. I'm going to give a background because we have gone through a lot of information over the past year regarding signage for the new members. We have lots of information that we provided over five months for signage changes that were just adopted. C-2 areas include Route 40 but that area is not included in these changes. The Comprehensive Plan was approved by the Mayor and Commissioners along with the Zoning Ordinance. Again, Hollywood Casino Perryville is a totally different zone with different regulations.

Mr. Jack stated if we're only making a recommendation, can the Mayor and Commissioners do whatever they want in the final analysis?

Ms. Skilling responded Mayor and Commissioners would consider the recommendation of the Planning Commission because they sent it back to you to consider and to come up with some regulation. If you decide not to accept this at all and it goes back to Mayor and Commissioners they could, yes. They could start the process but they would have to hold a public hearing as well.

Discussion continued that the Planning Commission would go through the same thing that we went through a year and a half ago and maybe vote the same way and the same result would come out as it did with the casino sign.

Ms. Skilling replied potentially, yes. If you choose to go this way to make an amendment to it, the Planning Commission would have a public hearing, and at that time you would make formal recommendations based on your public hearing to Mayor and Commissioners. The Mayor and Commissioners would look at that and they would also have to hold a public hearing.

Mr. Reich indicated to clarify, if we make a motion, if we recommend to Mayor and Commissioners that no changes be made to Article XV then we don't do a public hearing and if the Mayor and Commissioners want to make a change then they would hold the public hearing, correct?

Ms. Skilling responded correct. If you do not want to change it, if you just want to leave Article XV as is, as we amended it and was already approved and adopted, you can say that and what you would do if you don't want to change it, that you should make findings to give formally to the Mayor and Commissioners to state why this Planning Commission believes that we should not change it.

Mr. Barrett stated and if we make a motion to amend the language that would require a public hearing. If we made amendments to Article XV and changes to permissible uses what are the consequences of that?

Ms. Skilling replied the consequences are several. All of those pylon signs and all of the individual commercial properties could come in and ask for that consideration. It would come to you first and you would make a recommendation to the Board of Appeals board.

Mr. Dawson indicated just to touch base on the other existing signs, Ms. Skilling, is it your preference that those existing signs come down?

Ms. Skilling responded long term eventually, they would just not be replaced. They are permitted to change them but they can't enlarge them. If it's legal, non-conforming, they can't expand the non-conformity. If the sign is there and they just want to change the lettering for a business they can do that. They can't make it bigger, as long as they were legal at the time they were installed.

Mr. Dawson replied but do you personally, because when I look at current planning trends obviously that's your opinion, so the better approach is to just remove or reduce and downsize, and remove concerns me that a Town representative would take these signs down, and I'm asking if this is your preference.

Ms. Skilling replied we would look at other ways they could provide signage there. Again, a lot of those signs already exist on the highway for the services at the travel center.

Mr. Feazell stated I own property there at the corner of Heather Lane and 222. I've owned it for quite some time, long before the casino was thought of, let alone long before they got their pylon sign there. The properties around me, fifty feet away from me, have pylon signs. And in correction, I never said that not putting up a pylon sign would deny me my use, I said without a pylon sign I'm not getting a McDonalds, two completely different events. The property that I have abuts the Pilot site. Its right across the street and you can see it from I-95. One of the reasons they put these expensive signs up, and McDonalds won't do without it, is when you come northbound you have the truck scales, you don't have any blue signage nor the availability over there to read it. There is none on that side. The truck scales create a permanent barrier to visibility to the type of sign that is available at every other exit around except where they put a truck scale. So you don't have that there. If they don't see it, they don't get off. Have any of you seen the little blue sign that says McDonalds, where you get off, drive 3 miles down, make a right and drive 6 more miles and eventually find it. People won't get off at the interchange. Every property in the Town that I abut is a business with a big pylon sign. Every single property that I abut, in the township, is a business with a big pylon sign. After you pass it you go down through the County and then you come into the city of Perryville. What I'm doing on my property is not the gateway to Perryville. The gateway to Perryville is here at 222 and Route 40. The use of my property commercially, I abut Pilot, I abut the C-2 and the commercial uses up there from the casino to fast food restaurants. It's why we go there. The casino didn't go there because Perryville was there, they went there because of I-95 and 222 was there. That's the reason all of the other commercial uses are there. None of them came to be in Perryville. They came because there's an access point and an interchange at I-95. Every single business that you see there and that's what they need in order to survive. When a company like McDonalds says they're putting One Hundred Fifty Thousand dollars into a pylon sign it's not because they like to lose money, they need it to make money. If they can't get it they don't have to risk money in this marketplace. They'll go elsewhere. All my neighbors have them, I'm not asking for anything special, I'm just asking to be treated like my neighbor. And while I realize I'm not a casino owner, I've paid taxes to the Town of Perryville for a lot longer than the Stewarts did on that piece of property across I-95. I'm just asking to be treated like the rest of the property owners up at I-95, nothing more but certainly nothing less. I don't deserve less.

Mr. Reich asked do you understand the difference between the piece of property the casino is on, the zoning for that, and the zoning for the rest of the commercial district.

Mr. Feazell responded and do you understand that I abut property that has a pylon sign.

Mr. Donald commented it looks like roughly two thousand feet from I-95 and I'm thinking it would have to be an awful tall sign.

Mr. Fortner indicated currently you can't see anything on the south side, you only see signs from the north side.

Mr. Feazell stated the fact is when you're coming north there are no blue signs. The signs that mark the uses at every other exit, you can't get there, and you can't see it if it were there because they've got two lanes of trucks going to the scales continually, morning, noon and night. That's the other thing with I-95, it carries a lot of traffic. The reasons for the blue signage are very good, but when you can't get it, or they're not available, or you can't see it, it's not worth diddly.

Mr. Jack commented all the signs that are up there in this commercial area were done before the current signage regulations came in effect. The whole purpose for the signage regulations was to bring conformity into the area and enhance the Town of Perryville, not to punish other individuals. I know he's here now but the signs he's referencing now were already there.

Mr. Feazell responded I wasn't aware you were doing anything with signage and when I found out I came up, I came to this meeting, I came to other meetings, I came to the meeting where they actually passed the regulations. I didn't exactly get my hearing but that's ok, I'm getting it now and I appreciate it really, but the blue signs in terms of visibility, it's not there, it never will be there unless they move the truck scales and there's absolutely no plan to do that. In terms of the impact, I don't abut a single residential property and I abut all the properties with signage in the Town of Perryville. I don't abut a single residential property and all of my neighbors have big signs that you can see coming northbound on I-95. They all have them, including the casino, even though it's zoned differently. The casino has not been there as long as I've been there with my property and they got a nice beautiful sign. And it's a hell of a lot higher than what I want to put up.

Mr. Fortner indicated thank you for bringing this up here today, we'll be going into discussion but we'll bring you up again if there are any questions. I'll give you another opportunity to comment while we're in discussion but I have to keep some semblance of order. We'll give you another opportunity.

Mr. Brandon Freel representing the Stewart Properties indicated to add to the discussion points I haven't seen the graphic that shows the three properties in red affected, which means our property, shown in blue, is not affected by this. We have our Master Signage Plan which we were directed no pylons. The casino came back as owner and specifically asked us to make changes to the plan which is part of the process. Obviously, we would like our property to be included in this proposed text amendment. We have retailers all the time asking for pylon signs. I think originally when we came up there were no pylon signs allowed on the property but essentially that's what the retailers want so I would ask that our property be included in this text amendment as well.

A brief explanation of the Chesapeake Overlook project (146.517 acres) continued for the new members with the General Development Plan. The casino owns two parcels of thirty-six (36) acres. The plan includes retail along 222 and at the end of Chesapeake Overlook Parkway past the casino property. Mr. Freel indicated it would be unfair to the other properties to not have pylon signs and

if we can, we would want additional pylon signs for retailers visible from I-95. Master Signage Plan for the development includes the possibility for one more pylon sign but the problem is it would be limited to only two or three names on it so then we could scale it down and have more.

Mr. Dawson directed question to Mr. Freel, you just said it's unfair if we did this and I'm looking at it saying it's unfair that that piece of property was created as an entire new zone. That's what's unfair. Mr. Jack, I think you would agree with me because you're upset about that was taken out of your control, the Planning board, when it was created to be a CEMUD. That's what's unfair. If it had not been done that way, and I don't know how that was done, it would fall under the proposal that I have here. But for some reason, some board, and somebody in this Town decided to create an entire new zoning.

Mr. Freel replied the reason they created the zoning, there was no gaming requisite in the Town at the time so they created the zone to allow gaming.

Mr. Jack stated one, when the one hundred seventy-five (175) foot casino sign came to this board, I want to remind everybody this board rejected it six to one because of these reasons, and we can go back to the meeting of February 11th, I brought the minutes with me. If we want to read them, or why we did it, because we can even state that in a motion. But we have to remember we've been through this process once, with that sign, with that property, and we went through the signage for umpteen months and nothing was brought up and I think the result of the first time really sticks in my mind when this board rejected it, the Mayor and Commissioners allowed it. I see no use to go any further on it except to revert to what we already said. We should be recommending that nothing be changed. I'm just telling you my position.

Mr. Fortner commented the casino sign went through a fair process and followed through the system. I find it a little strange that you're arguing for this.

Mr. Freel responded I'm just saying if you amend it, our property should be included.

Mr. Fortner continued one of our arguments was this would just open the door to lots of this type of clutter of signs that we didn't want and we're concerned about that and you assured us that would not happen with only one sign planned. Why would you want a lot of other signs competing with your casino's sign. You have the space all to yourselves.

Mr. Freel replied I'm not saying we would have a lot of other signs but I would like to have that opportunity at our discretion to come back to.

Mr. Fortner responded but you said all the retailers want that, why turn them down unless we start. Any discussion or questions.

Mr. Donald asked Mr. Feazell, do you have anybody intended or is looking to buy, any offers or contingents?

Mr. Feazell replied I can't sell, I have my entire retirement tied up in that one piece of property.

Mr. Donald stated so it's been determined you can't sell it.

Mr. Feazell responded no I can't sell because I need the income for my retirement. I don't need to sell the property, I need to lease it. My potential tenant was McDonalds and is McDonalds and they

told me point blank: no pylon sign, no McDonalds, period. And that is when I came here for the first time and it was months ago and it was before that was signed into law when I came here.

Motion made by Mr. Jack and seconded by Mr. Reich to close this discussion and recommend to Mayor and Commissioners no changes be made to Article XV Signage Regulations as adopted.

Members began discussion on the motion.

Mr. Donald commented in terms of the little guy, the casino was rammed to us, a giant pylon sign, a giant corporation and we knew that was all about the money, is it fair to deny the little guy that same.

Mr. Jack indicated we didn't say deny. It's up to the Mayor and Commissioners. If they want to light up the town with pylon signs then that burden should fall to the Mayor and Commissioners, not to this Planning Commission.

Mr. Donald replied the Mayor and Commissioners will most likely. In my opinion it is a monetary gain for the Town. This may be a small monetary gain for the town but it stands to reason you get some big corporation and you see it all the time flashing all this scratch around and they're going to do what they want.

Mr. Jack stated and the little guy is going to do the same thing.

Mr. Donald commented it's not the same. How many lawyers do you have?

Mr. Feazell replied I have none.

Mr. Fortner commented that's why we should have a standard sign ordinance whatever it is. The previous situation for the church was a different process, this is actually changing our regulations. One thing we have to consider with this site, if we created a new ordinance to allow these pylon signs we don't get control of the message and that means when you say the little guy, it means any business could do that. It could be an adult book store. Across I-95 they have a Master Signage Plan and we approved that with another one to introduce the site. We were concerned and they assured us that it wasn't going to lead to these large scale, tall signs if they get a Target. That was one of the things in our previous discussion we didn't want, large pylon signs surrounding the town.

Ms. Skilling indicated if the casino goes away the sign has to be removed as part of the conditions established when it was approved.

Mr. Barrett indicated I'm having a hard time understanding. What is the basis of which we say yay or nay. We have some findings of fact for consideration here. I'm not satisfied, do we feel they are appropriate. Do we feel we should be asking these kinds of questions, rather than on one hand dismissing it and on the other hand making a motion that we accept it, I'm just having a hard time trying to figure out on what basis are we doing this. I know the property, I drive by it a lot and I'm surprised because the properties beside it are not in town but I think I can get a sense of how that played out. I'm thinking we should perhaps look at these findings of fact here and ask ourselves what is the basis of which to make a decision. If we feel that we've got enough information, we know the players, we've made up our minds, but I don't have a basis for saying yay or nay. If I had a property there I would certainly would want it, a big sign there. The one thing that peeves me off when I'm traveling is to get off an exit where it says McDonalds and all of a sudden I'm fifteen

minutes into the ride and I haven't seen anything. I can sympathize with the travelers because I've had that issue but still the issue is are we focused on the aesthetics of the Town, are we focused on what's best for the Town or are we making this decision based on information we personally have based on experience. I'm not sure.

Mr. Fortner stated as we go through, after we accept or approve the current motion we'll give our opinions on that. My point of view is an aesthetics issue. When you drive down I-95, with a few exceptions, Baltimore being one of them, you don't see large pylon signs above the trees. There was a lot of effort by the State Highway Administration to keep more of nature on the drive. You mostly see trees and they use the blue signs. When you get off at Bel Air you don't see pylon signs, at White Marsh you do see the mall because they've cleared away some forest but you don't see large pylon signs. You use the blue signs so you know IKEA is there and all those stores are there and when you get in the urban area, Baltimore, you see everything and once you get past Baltimore it's all tree line along 95 all the way to DC. Exception of course are our non-conforming signs and also in Elkton where they have the large pylon signs there. In my view I would find this an attractive gateway, and there was comment this is not the gateway to our town but it is the first impression people would get of our town. When you come off to our town you see the Chesapeake Bay and it's a very beautiful view and for me I wouldn't like to see that cluttered with a bunch of large pylon signs up in the air. You see it from 95 and when you get to it off the highway now it's really huge. It should be kept to pedestrian scale. A sign you can see from 95 is going to be giant. If I was walking in that area which I do, I would see it and I run in that area, I would see it. I was against the Hollywood Casino sign. I think they did a nice job on that sign in that they've somehow made it blended in, I don't see it as too much of an eyesore, but it is a big staple thing for this Town. It's big, it's bigger than just a retail store or a fast food restaurant and it's something that is a strong identity for this town and I can see the argument, ok the casino is here and it's a major destination place, we're going to have to have some signs there. McDonalds is not a major destination place for the most part through most of I-95. Most areas are going towards the blue way-finding signs and basically for me it is an aesthetics thing. I do not want large pylon signs that are up in the air. If you can see them from I-95 and I drive by there every day, there's going to be a large sign right there on a very small lot. And when we allow that one, then it would just be a matter of right for every other business and they want to get people off of the interstate. I don't know where it stops. We could have a Route 40 person wanting to attract business from I-95 by putting a sign up that could be seen. So for me it is about the aesthetics, about wanting a town that is pedestrian oriented and I know that is an auto oriented development and it'll stay that way but you can create great signage that fits into the community that is both viewable for automobiles but doesn't look crazy, out of scale for people who may be walking or biking. We have a lot of bicyclists and people drive by that place, it's on a major road. I think McDonalds or any fast food or any business, I can show you many pictures of McDonalds that are designed to go right in scale with the community. You tell McDonalds what you want and McDonalds will build it. If McDonalds wants to come here, and they would be smart to be there, they will follow our sign ordinance, they'll follow all our ordinances.

Mr. Jack commented in fact the casino did not care about the sign when they first came. They knew the restrictions of signs that we had and they had Ninety Eight Million Dollars (\$98,000,000) invested up there so they didn't care about the sign at the time they were building, they were going into the place. And whatever it took to get in that place they did. Of course, afterwards everything changed. And the same thing is true on Route 40. You mentioned this before, if we start making concessions here they'll start on 40 for something else.

Ms. Turgon responded I agree with Mr. Fortner. I think it's in Chestertown that I saw a McDonalds where the Town has an ordinance and it has to fit that and it just blends right in with the walkway

and town center. And there is nothing that looks like a regular McDonalds sign, but it's a McDonalds.

Mr. Reich commented a shopping center in West Palm Beach, Florida, they use that pink stone Spanish motif in that area and there is a McDonalds in that shopping center that has exactly that same motif. I'm just agreeing.

Ms. Turgon indicated I have to agree with Mr. Jack that if the Mayor and Commissioners feel that's what this Town needs then they should take the responsibility for it. But I don't think it is of the majority. When we went all through the Comp Plan it wasn't our intent to have that be the look of this community.

Mr. Dawson stated I hear, I, I, I, I. I walk, I look up, I don't want to see this. What about an individual's property rights. This individual pays taxes and he has rights to his property. This sign and this location is not downtown Perryville, it's not Route 40. Then I hear people say that what if they want to do it on Route 40. Well that's why my proposal was a half mile, it keeps it up there on I-95. This is an unique area. Thousands and thousands of cars every day travel I-95. We should want those people to get off I-95 to spend their money down at McDonalds, at the outlet mall, at the casino. That brings more jobs to the community. It increases our tax bases. Mr. Jack just said the casino came here they didn't have a sign up yet.

Mr. Jack replied they had signs planned which didn't include one that was one hundred seventy-five (175) feet.

Mr. Dawson continued that's inaccurate because I do believe they were supposed to get their own pylon sign.

Mr. Freel responded no actually the reason they came to that site was it was one designated by the State so they came there and they were coming there regardless. When working on the signage plan we had a pylon for the site but the timing for us did not align with them because they're up and open and there are traffic issues.

Mr. Dawson stated but they were going on a pylon sign. And when the building slowed down, or the State put the moratorium on it they came to us and asked for that sign. That's how that sign came. In the end it goes back to, as you can see here the majority of this board and staff, they don't like the signs. It's written in here "Vegas style", what Vegas style do we have on I-95. there's only so many properties in the Town of Perryville, on Route 40, and on I-95, as a matter of fact what I'm proposing is only three properties. It would also give a chance for the current properties to upgrade their signage. We should be encouraging that. Look how bad the outlets are suffering now with a sign. I just envision if they were able to improve their signs, and this is what the Town should be doing, helping them to improve their signs, then perhaps they will draw more business there. Now what the new members have heard from staff and some of the board members is they don't need it, use small blue signs. Then I have this gentleman come in here today and he's a little upset because he (Mr. Freel) wants to be included in this, and I'm not going to call you an expert but when you're in the field this gentleman is saying just the opposite. There's a lot of retail stores who want this, of course they would, that's why people build signs. All the things I hear from the planning aspect and look around Town, these plans have been in place for how long. These plans are failing. It seems like if plans fail, planners keep on planning. That's how the CEMUD came to become what it was. And look, we're right back here saying that's not fair. It wasn't fair in the first place that you got to be a CEMUD. Then I hear examples along 95, Baltimore and so on, that there's no high signage at White Marsh. Look at the State we're talking about, the State of

Maryland which ranks about 42nd as being pro business. No wonder why we're 42nd because we keep making these regulations that are hampering business growth, hampering increased tax base, and helping provide jobs in the Town of Perryville. How many jobs would McDonalds or a fast food place bring up there. It's not interfering with the downtown area, not one bit. The majority of people won't even go downtown. They'll get off, spend their money there, and get back on I-95 and go. With that being said I just simply came for a recommendation. I plan to go forward with what I'm going to do anyways but we're going through the formality of what needs to take place but at some point in time it's not a one-way street here, it's not do whatever we want to do, people do have rights and I think we should respect those rights. I yield the floor back to you.

Mr. Fortner responded people on 40, why shouldn't they have property right to put a sign viewable from 95?

Mr. Dawson replied that's being crazy, at some point in time this gentleman said when do you start making decisions and that's the point. At some point in time you have to start making some common sense decisions. Is somebody really going to come up here and say I want to do a thousand foot sign, Mr. Chairman how far do we take that. You ask a question like that, that's pretty absurd to be honest with you because that sign would have to be so big to be seen from 95, do you think it's worth the cost to put that sign up. Really, let's not throw out, you yell at me for saying that's a crazy thing to say, but it is. You throw your hands up and say why wouldn't it because you don't like my response. Who would do that? Who would sit there and say I'm going to put a sign up to be seen. Like I said before Route 40 is different than 95. It is different. That's why the proposal is only a half mile radius. For these people up here, that their business, their growth is dependent upon 95 traffic, not Route 40 traffic, not the people of downtown, 95 traffic.

Mr. Fortner replied the point is property rights, we have zoning code, we have community standards and what we want in our community. He has property, he has development rights, he has rights to build within the C-2 zoning district, we don't have to allow anything just because he should have a property right to do it, that argument has to have boundaries. And boundaries should be limited to a twenty-five foot sign rather than a sign large enough to be able to see it from both sides, for drivers on both sides of I-95, that's pretty open. My belief is we should have a community that looks good, it's important to have a community that looks good, and those kinds of signs create clutter I don't think should be in this town and if the Mayor and Commissioners decide differently then they will.

Discussion continued regarding Mr. Feazell's property. Street frontage along 222 is well over three hundred (300) feet with a turning lane already there with a light controlled intersection. He has acquired a business arrangement for the half acre right on the corner and combined with his two will control the entire corner.

Mr. Fortner asked are there any more discussion or questions. We'll vote on the motion and we'll each have to give a reason why you're voting for or against it and what you think. I want to give each of you an opportunity to say why you do not like it because this is a recommendation to Mayor and Commissioners. I would like you to give a statement of why you think we should not change it or why you think we should change it to this or whatever you want.

Ms. Skilling indicated if you believe just as what was already adopted you can indicate that you've gone through the process before and that's what you believe, based on that, that's the facts we uncovered to come up with that.

Mr. Fortner commented it's a recommendation and the Mayor and Commissioners will review our recommendation and they're going to make a decision taking our recommendation in consideration.

Ms. Skilling stated to clarify, we have a Comprehensive Plan that was developed, not by me, not by a few people, there was a committee that took that on and it took three, four years and that Comprehensive Plan provided the framework of which people in this town wanted to see how this town would grow. Some of these things we've discussed and we've talked about through our whole planning and some of the things I've brought up to you in my staff report were part of that. The elected officials of this town actually voted on that. The Zoning Ordinance was the next thing that came and that Zoning Ordinance was not done by me, was not done by one individual and it was done for the whole of the town, not one person, consideration for the whole. People voted on it, people were part, we brought in businesses, they were all part of developing that regulation. So it's not me, our elected officials helped support some of that and it may not be ones that are here now because it was done in 2005, the Comprehensive Plan was finalized in 2009. So that's the framework for planning for this town. We have to follow that by some State regulations and there are a lot of comments in there that talk about being harmonious, it's your gateway, what kind of signage to be allowed, that's all I can say about how this came about. You have to look at the Comprehensive Plan of which I have to look at every time I approve anything in this town to make sure it's consistent. And I don't think that this is what we were trying to do here, it's not consistent with that Comprehensive Plan or with any planning standard that I know of.

Mr. Dawson asked was the casino in the Comprehensive Plan, was the CEMUD in the Comprehensive Plan, and when was it complete.

Ms. Skilling replied yes it is and was adopted in 2009 and there was an amendment to the Comprehensive Plan and the Zoning Ordinance for parts of the casino.

Mr. Fortner stated I agree with Ms. Skilling, but Comprehensive Plans are not a straight jacket and they can change. For example when we started the process for the Comprehensive Plan we had no idea the casino was going to come and planning offers and this board offers the flexibility. We understand changes and certainly considering pylon signs is something we can adopt, Ms. Skilling's point is well taken that we've thought through this long process with community boards, planning commissioners, and town commissioners and that was the intent of our Comprehensive Plan, to limit this kind of town clutter. You have to keep controls on that and not let it get carried away. The casino came and the Mayor and Commissioners decided they would allow a pylon sign for that because that is a major destination place but at least in terms of this board at that time that was not our intent. So doing that would be a major change if we decide to look at that, in terms of the intent of our Comprehensive Plan. If there's no more discussion I'd like to give Mr. Feazell one more time to speak.

Mr. Feazell reiterated I have commercial property abutting commercial property in Perryville. To say that one sign would be offensive when there's another one on its way on another piece of property that hasn't been in Perryville paying taxes nearly as long as I have, it's just a way of driving in the point. I didn't spend Ninety Four Million Dollars on my property nor will I ever have that kind of money. To say you've seen a McDonalds in Miami or somewhere where they have the traffic count, foot traffic count, higher than the foot traffic up there at I-95 is wonderful but the fact is, the reality is, no pylon sign, no McDonalds. Which part of that didn't you understand. Honestly, I've heard from here and here they'll just do it because they have the money. No they won't. What you said is grossly unfair and in error and absolutely wrong. I hope you're big enough to say ok, maybe I made a mistake. No pylon sign, no McDonalds. That's it. That's my reality.

That's what I have to live with. When you say something to the contrary, saying we'll make McDonalds do anything I want them to, let me see you make them come on that property without a pylon sign. If you can I'll stand up here naked and apologize. Anything you want, but if you're wrong, you're wrong. And the answer is, you're wrong. What you said hurt my efforts and you said it without a lot of thought. That's comparing an apple to a golden coin. Which one are you willing to pick? Come on, be fair. You got to be able to say hey maybe I made a mistake. That was a mistake the way you weighed it out, the way you said it and the way it was supported. It's a mistake that you have a clump of commercial properties at I-95 and mine is one of them and is the only one without a sign visible on 95. That's a mistake. That's not planned and all the planning you did. Did your plan have any mistakes in it because the attitude is we made this plan with no mistakes. It's perfect and our job is just to keep the plan exactly the way it is. Well if it's perfect, and it's right, it's the first perfect thing I've ever seen in my life. Nothing's perfect and you have the ability to fix it. That's part of your job to be able to look at it and say this is right, this is fair, and you're looking at it, it's offensive to my eyes, that sign at the casino really bothers all of you. Honestly, now that they built it is there anybody here who goes by and shudders every time you go by that sign. Ok, if it bothers you, it bothers you. But what I'm saying is my property isn't like that. It's not a Ninety Four Million Dollar special exception with a hundred seventy-five foot sign. I don't need that kind of height nor would I spend that kind of money to do it. I'm looking for something that would just give me visibility off of 95 so that people will come. A McDonalds will hire four managers, an owner, an assistant manager, full and part time jobs, forty five people, where are they going to come from to work. Are they going to ship them in from Elkton, or BelAir, or White Marsh, they're going to be kids going to school who want to work at McDonalds, and they're going to come from this town. Now I've looked around the town. I've been a property owner for way over two decades and other than the casino I'm not sure I've seen a whole lot of new business driving jobs that kids can go to work at. This is an opportunity to set something right. That's your job. Your job is not to sit there and say this is what we set down on paper which is now in violet, we can't change it. Yes you can. This affects three properties, period. That's all you're talking about and they're all surrounded by of all things, the main commercial properties in the city of Perryville that sit out on I-95. They're not in the city at all. It's very, very forthright and honest to put forward that when I bought this property I could have put the pylon sign up and there was no reason for me to suspect that I would be treated any differently from any other commercial operations all around me. But if you're a commercial operation and your competitors have signs and it's said you can't have one, you're screwed, you're not a competitor any more. So the casino properties will do very well I'm sure but that doesn't do me and that change has nothing to do with the casino. I'm just looking for the Planning Commission to do something that is right and correct rather than it's written down, this is what we decided five years ago. This is how it's always going to be. That's not a fair or equitable nor is it in the best interest of the township that needs jobs, that needs new things brought here.

Mr. Fortner asked have all of you come to a decision or is there anything else, information you need to be able to make a decision.

Mr. Barrett questioned what is an accessory, the sign must be an accessory to the principal use of a lot. Does that mean the sign is not just there as a sign but its there supporting a business.

Ms. Skilling replied it's an accessory to it, to the building because it's not allowed normally. And we're allowing it in this table as an accessory use, as permitted with a special exception.

Discussion continued regarding proposed wording for tall signs as an accessory. Surrounding properties under town jurisdiction is commercial but all other property along 222 is residential and outside of town limits handled by the County. As part of the annexation at the time those

properties chose to not come into town limits at that point. The Planning Commission would need to consider any impacts to the surrounding area, which include those properties not within the limits of the town. If you agree with the proposed wording, the Planning Commission would need to review it, make recommendation to the Board of Appeals and they would have to look at it whether legally they would accept this as a Special Exception. This proposal hasn't been adopted as yet and the question is do we allow signs taller than the 25 feet limit as specified now for that area of I-95. The primary thing to consider is do we want to allow signs higher in that area.

Mr. Barrett stated I don't like to make a decision based on personal knowledge.

Mr. Fortner asked do you have enough information to vote on the recommendation to not make any changes at this time. The motion that was seconded is essentially do nothing, we do not recommend any changes to the current sign ordinance.

Mr. Reich commented or you can defeat the motion and make another one.

Mr. Fortner indicated you'll state your reasons for however you're going to vote. The motion is to not make any changes and we'll go around to everyone to state how you vote and why.

Mr. Donald responded I support the motion to not change anything. You worked hard on putting certain regulations in place and I think they should be enforced. We should look at them on a case by case basis but we have rules in place.

Mr. Jack indicated I will vote in support of the motion and I would do that based on the fact that we spent five months working on the signage regulations, and not that they can't be changed but I like the signage regulations that we have in place.

Mr. Fortner commented I support the motion and I do so because I think our current sign ordinance is adequate for a friendly business environment and adequate with informing motorists where our businesses are. I believe if you allow it there is potential for a lot of the commercial businesses that locate at Chesapeake Overlook and as the representative has stated, they all want to have large pylon signs too and I think by allowing large pylon signs we will have them and they will be clutter.

Mr. Reich responded I seconded the motion and I agree with Mr. Jack.

Ms. Turgon commented I'm a small business owner and I appreciate your concerns, but I vote in support of the motion that is on the table. My reasoning is I remember there was so much discussion when the casino came in and all the proposed retail shops and our fear that we were going to have all these pylon signs popping up all over the property and I thought where that ended was there would be one sign and we were told that wouldn't happen but it is a concern. I'm a fan of the directional signs on 95 and limit of 25 foot tall sign on the property.

Mr. Barrett indicated I will abstain. I still haven't wrapped my head around the negative impact of something like this. Don't get me wrong, one thing I like is being able to see a sign when you're driving by at 6 o'clock in the morning but on the other hand I'm concerned that at the end of the day if this property puts one up, how does that impact the other stores at the outlets. And so if it's going to litter that entire area with big signs, then yes I'm against it, but I'm not sure about that yet, so as a result of that I'm abstaining.

Mr. Dawson stated obviously I'm a nay on this one. I just want to mention two things; if the casino area wanted to put up more pylons there would be pylon signs everywhere but technically they're not allowed to do that and don't fall into this category because they are under different zoning with a Master Signage Plan so therefore that theory is out the door. And the other thing I've heard from two other members is we worked on this for a long time, spent five months working on this, that doesn't mean its right. Like we heard from the individual seated out here and I just have a question and you don't have to answer it but what's the moratorium when you change something, is this supposed to sit in place for a year or two, three years, you can work hard all day long but if it's the wrong thing then you change it and that's based on a lot of things. Again it's no right or wrong, it's the philosophy, the ideology.

As stated earlier: Motion made by Mr. Jack and seconded by Mr. Reich to close this discussion and recommend to Mayor and Commissioners no changes be made to Article XV Signage Regulations as adopted. **5 For the Motion; 1 Abstain; 1 Nay. Motion Passed.**

Ms. Skilling indicated from the notes tonight I'll put it in a format for review. I'll send it to you and if that is your recommendation then I will forward it on to the Mayor and Commissioners.

Ms. Turgon asked if we say no changes and it goes back to the Mayor and Commissioners, for Mr. Feazell what is his next step.

Ms. Skilling replied it goes to Mayor and Commissioners and they'll make a decision.

Motion made by Mr. Jack and seconded by Mr. Donald to adjourn the meeting at 8:45 p.m. **All in Favor. Motion Carried.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator