

**Planning Commission
Meeting Minutes
September 19, 2016**

ATTENDANCE: Pete Reich, George Jack, Tina Young, Planning & Zoning Director Mary Ann Skilling and Planning & Zoning Coordinator Dianna Battaglia.

Members in attendance do not meet the required quorum to conduct an official meeting or make decisions so an informal meeting was held for discussion. SE2016-02 was postponed to next month and applicants were excused.

Proposed Floating Zone-discussion:

Ms. Skilling commented this floating zone is going to be an amendment to our Zoning Ordinance. A floating zone is different in some ways from regular zoning. Most zones have specific details on density, location, setbacks, and things like that. A floating zone tends to be more flexible and when it talks about floating it doesn't come down on a piece of property or properties until such time a development plan is approved by the Mayor and Commissioners, it's ultimately their decision with recommendation from the Planning Commission. We have several already in our zoning code: CEMUD-Commercial Entertainment Mixed Use Development, the development up by the casino; MUD-Mixed Use Development, which Woodlands used for commercial and residential of various variety and PUD-Planned Unit Development and that's residential of all housing types, single family, townhouses, apartments. This floating zone, PIRD- Planned Infill and Redevelopment District, is for smaller parcels in Town Center and/or in Town limits where redevelopment or infill can incur and it can have specific design standards for those particular areas. In a floating zone you have to provide renderings for what you're going to put there, the setbacks may be less, there are a lot of things that are more flexible. Signage has to meet the signage criteria but the idea being it's based on trying to get people to come in and purchase pieces of land where they can have more flexibility in doing something to help the town. Our Comprehensive Plan continually states redevelopment and infill in our downtown is really important so we're trying to market sites for some kind of retail, residential or business type activity in our downtown. It's the best way now to try to get these things in our downtown. There's property across on Otsego Street, the Neff property, and is a good example of property infill development that could occur there. They're still going to have to do things such as storm water, we're not circumventing those rules and regulations, not circumventing any regulations, just gives a little more flexibility in dealing with that. The Mayor and Commissioners are also going to look at it but right now this is a draft for you to look at, if you have any comments, and it's close to being finalized. We're going to put more definitions in there, some examples of infill, what we'd like to see in certain areas potentially. But if something comes in better and it will fit in with the site, in the area, if Mayor and Commissioners think that's a benefit to the town it could possibly be used for those areas. There will be a map to show potential areas for infill, for example the area across the street, Mrs. Neff's property; a piece of property we just purchased downtown on the corner of Broad Street and Roundhouse Drive; the Perryville outlets. You know the outlets have closed and it's now been proposed for resale to someone with potential infill or redevelopment in that case. Or otherwise it's going to sit there; nothing's going to happen so we're going to try. This will help them come up with some ideas and make proposals for things that they can make work for that site.

Mr. Reich asked where they redid the elementary school there's a road back in there that hasn't been extended and there's two or three lots back there but it doesn't have water and sewer.

Ms. Battaglia questioned maybe you're referring to Cecil Avenue.

Mr. Reich commented yes, my point is, do all these properties, if there's a place we could infill that would be nice and close to the school but we don't have water and sewer through there. Do we have other places in town like that that doesn't have water and sewer?

Ms. Skilling responded yes, water and sewer is available to infill properties, across the street it's available, the Neff property it's available. When you put in homes you're going to have to extend that service from the street to the property and then it becomes private. You have to extend the service. We have water and sewer to a lot of these properties at the street.

Mr. Jack asked for those three properties out there for them to build do they have to attach to town water and sewer.

Ms. Skilling replied yes, the ones on Cecil Avenue. All lots in town have been accounted for, one per lot/parcel. All the lots that are considered vacant lots with nothing there we have allocated 1 EDU (equivalent daily use).

Mr. Reich asked if we go up to St. Mark's Church Road there are several roads that go off of that to some developments, is all that property on St. Mark's from MD222 north to the casino belong to the town?

Ms. Skilling responded no, not on St. Mark's Church Road if you look on the zoning map. If anyone wants to tap into water and sewer lines they have to pay to extend all those lines. They have to come in and make a request to get service but they have to pay for the line.

Discussion continued regarding the location for the Royal Farms is in town limits but the residential properties between there and St. Mark's Church Road are not, because at the time of annexation the property owners did not want to be included.

Ms. Skilling continued they never wanted to be annexed, never requested annexation. Similar to Cedar Corner Road, those properties and the road at the end are not in town limits. There are some areas that would be very costly. We're working on a recoup agreement to help on the infill lots where water and sewer have to be run for residential sites, where the town would put in the water and sewer lines and then as the lots are sold they would have to repay the town a percentage, similar to an impact fee. Regarding Cecil Avenue, it was done piecemeal instead of running the lines and make that a road because now it's nothing more than a driveway. That's some of the things you try to encourage the Mayor and Commissioners long term what would happen because that could be a nice little development with the school and it is underpopulated so we wouldn't even have an impact on the school. I think the floating zone will help some areas, it will be pretty intensive. When we did the CEMUD, the casino property, we went through that whole process, they sent in a plan and the only thing that was amended to that plan was the signage which you all made a recommendation but the final approval was the Mayor and Commissioners.

Mr. Reich commented I don't like the idea of the Planning Commission only making a recommendation to the Mayor and Commissioners.

Mr. Jack indicated I know why they do it, I think they're looking for us to agree with their decision that they've already made.

Ms. Skilling responded the legal authority for a floating zone is with the Mayor and Commissioners. You can make recommendations and in most cases they have accepted what you recommended, in fact

the Mayor and Commissioners have sometimes sent it back to the Planning Commission to make sure the recommendation came from here.

Mr. Jack commented in the proposed floating zone, from what I'm reading I don't understand completely all of it but under C. *Planned Infill and Redevelopment District requirements, 3. General Development Plan. A PIRD shall include a General Development Plan approved by the Mayor and Commissioners as part of the rezoning.* That's great but then you go down to G. 3. *Approval authority, b. There is no presumption that a proposed PIRD or General Development Plan meets the standards in this Section, or that granting any application will be consistent with the Comprehensive Plan. Compliance with all standards and requirements of this Section permits, but does not require, the Mayor and Commissioners to establish a PIRD or approve a proposed General Development Plan.* So why would I do this up here if I run the risk of back here.

Ms. Skilling stated but they have to demonstrate those things. The idea being in the floating zone is to not make it so strict that they're not going to do anything. There is a standard of which the State looks at: is it consistent with our Comprehensive Plan. One of the major things we need is redevelopment, we need infill and we need these kinds of things in order for the town to grow successfully.

Mr. Jack indicated I understand all that, my point only is that in one place it looks like we're telling them that the Mayor and Commissioners approved your development plan and after he's done all this work they do it again and now they can take it away.

Ms. Skilling replied they can't take it away once they establish the floating zone. I think what they're saying there is there are things in the Planning Commission that we have to demonstrate to the Mayor and Commissioners, I don't think it's saying they're taking it away but if they don't follow their plan.

Mr. Jack continued but it says "*compliance with all standards and requirements of this section permits but does not require the Mayor and Commissioners to establish a PIRD*".

Ms. Skilling responded it's just saying it doesn't require them to do it because they go through the process. I think you're misinterpreting. I will go back and look at it because I think the idea is, the presumption is that you go through this process and you have a development plan as the developer, if they don't follow that development plan and come in with something different and want to change it, we're not presuming you can change it.

Mr. Jack continued I'm not saying that, I'm saying look at that under C.3. and compare it to G.3. Authority, b. to make sure it's not in conflict. Maybe I'm misunderstanding what's going on.

Mr. Reich asked why is the legal approval for the floating zone by the Mayor and Commissioners.

Ms. Skilling replied a floating zone is set up to provide certain types of general development and we're getting ready to change the fact that you don't have to have a public hearing for some of these things. The public hearing is there but the recommendation is from this board but the legal authority is that the Mayor and Commissioners establishes and creates floating zones. The CEMUD was established that the Mayor and Commissioners have the authority to do that, the Commercial Entertainment Mixed Use Development is a floating zone.

Mr. Jack commented another issue, under D. Standards for Approval, 2. "*It will promote the general welfare of the public*". Who determines what promotes the general welfare of the public? What I deem is the general welfare of the public would be different than what Ms. Young may think. Either that should be removed or they should demonstrate how to make it.

Ms. Skilling responded just what you said, you're different, everyone is different. The difference in your people in making decisions so you all have to decide: is it really, totally out of place with what you all believe or is it worth it, you make recommendations.

Discussion continued regarding review by the Planning Commission for a recommendation to the Mayor and Commissioners, to approve a floating zone and the plan will come to the Planning Commission for that zone. The Mayor and Commissioners are going to say right away they want to have it go through the Planning Commission, because you are the planning authority and they do value your decision. Zoning is changing considerably and is a good opportunity to put a lot more into looking at a design of something. Towns in the old days had small lots and side yards are minimal. You can bring it back to the way it used to be if you get somebody with enough money and some towns have done this with floating zones because it provides more flexibility.

Mr. Jack commented I'm not against this, I think you do an outstanding job, a commendable job, and I think the Mayor and Commissioners do as good a job as they can. And I know there's no winner in these things, half the people may like what they're doing and the other half don't. The only thing I've ever had trouble with is we're only making a recommendation and I've brought you some suggestions.

Ms. Skilling responded we value your decisions and as much as you bring up these things, all of you, it's worthy of discussion. Discussion is the best way to iron out all these types of activities and definitely look at these things. You've been here long enough to see some of what goes on and how things are planned and things that we may miss. But I think it's a direction we need to look at in order to get some things developed. We're making a recommendation to them but again I don't know if the Mayor and Commissioners will even accept this. I will look at those sections and if you want, jot some things down and just send it to me, whether it's comments or ideas.

MPCA Annual Conference:

Ms. Battaglia will be attending this year in Frederick and will report back to the group.

Mr. Reich indicated I've said in years past you need to have two people attend because there are multiple sessions and you have to choose what you're interested in for the Town of Perryville but there are other sessions that may have been informative too. The required training is also offered the first day instead of doing it online.

Ms. Skilling commented if anyone is interested, please let us know as soon as possible. It's a networking experience, a chance to talk to other towns and hear what everybody else is doing.

Adjournment:

The Planning Commission informal meeting ended at 7:10 p.m.

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator