

**Planning & Zoning  
Public Hearing & Meeting Minutes  
February 24, 2014**

**ATTENDANCE:** Pete Reich, Ray Ryan, George Jack, Larry Souder, Henry Barrett, Paul Kurzer, Director of Planning & Zoning Mary Ann Skilling and Planning & Zoning Coordinator Dianna Battaglia.

**Public Hearing called to Order at 6:30 p.m.**

Mr. Reich introduced Ordinance 2014-02 Highway Corridor Unified Development, for the purpose of amending the Town of Perryville's Zoning Ordinance to provide for Highway Corridor Unified Development as a special exception use in the Highway Corridor Overlay District of the Highway Commercial C-2 District.

Ms. Skilling reviewed staff report (attached separate). The amendment to the Zoning Ordinance was requested by Mr. Patel, the owner of the Relax Inn, with a representative from Dollar General. They are seeking a change in the Highway Commercial C-2 District to provide for smaller businesses having less than three hundred (300) feet of road frontage, as required in current regulations. All other regulations, such as single entry, signage, and other criteria as required for the C-2 District would apply, except for the road frontage. This would be listed in the Permissible Use table as a special exception. It would have to go to the Board of Appeals with first review by the Planning Commission to make a recommendation to the Board of Appeals as a special exception based on certain conditions. The change could provide incentives for smaller businesses along Route 40 and would be consistent with the other requirements for the C-2 district. It is consistent with the Comprehensive Plan and will require suitable landscaping and buffering. Staff has recommended to the Planning Commission consideration for approval of the amendment. In this particular case Dollar General wants to own a piece of property, so if you own a piece of property it has to be a part of the whole development. Individually, they will have smaller road frontage but collectively over the frontage requirement, and meet all the other requirements of the C-2 District.

Discussion continued that single entry would mean one entry for all of the smaller businesses. The intent is for the development to share one entry, but access is controlled by State Highways. Signage would follow existing regulations but would be consolidated for a combined, universal design for the entire development, similar to any other large commercial development. Parking space requirements would have to meet the regulations. This amendment only allows as a special exception for less than the three hundred (300) feet in the Highway Corridor Overlay District.

Ms. Skilling continued one other clarification is this is only for Route 40, not 222, because the Highway Corridor Overlay District is included on 222. But this amendment is for US40 only. All businesses that are developed under this scenario will have to be managed under a single entity that manages not only the premises but the parking area, all plantings, and storm water management. There will have to be an agreement, a management entity, with all the businesses to manage those things for the facility, similar to a homeowners association. Even though each business would be owned separate they would still be a member of the association to manage the development. Just as a reminder, the public hearing is only for the amendment. This situation will come back to the Planning Commission as a site plan or a subdivision, whatever it is, following the guidelines as a special exception for recommendation to the Board of Appeals. Right now it's just

this amendment we're looking at and all those other issues would be looked at when, and if, they come in for the special exception.

Mr. Tory Pierce, a principal of Frederick Ward and Associates located at 5 South Main Street, Bel Air, MD 21014, asked the Planning Commission to support the code amendment. We think it's going to create flexibility not just for Mr. Patel's property but for other properties along Route 40 while still retaining the goals and intent of the Town's master plan. A good comparison would be Principio Health Center on the eastern portion of the Town. That development was forced to be developed as a condominium style regime as opposed to a commercial subdivision because of the restrictions of the C-2 district. So this change will now allow other folks to present a plan that shows unity among the subdivision, among the proposed development and with that, hopefully sell the plan to the public in order to have it granted for exception with the smaller lot size. We think it's a good change and appreciate the Town's support in presenting it.

Mr. Patel, owner of 5271 Pulaski Highway and location of the Relax Inn, stated my family has owned the property for thirty eight (38) years and we've tried to sell it as a whole parcel without success with the economy and all the other problems with trying to get development going. We came to the Town to ask for this type of exception to try to get three businesses to support the community. Dollar General is the first business who has reached out for this and I'm in the process of talking to a few other developers. Not sure how that will go. They want to see a plan first before they're willing to commit to anything. And obviously, they want to own their own lot. It's easier to get a loan when you own the parcel. I just hope you will support this. One other clarification, the whole lot is closer to five hundred (500) feet of road frontage so everyone's not trying to cram into a space of just three hundred (300) feet.

Without objection the public hearing was closed at 6:46 p.m.

**Meeting called to Order at 6:47 p.m.**

**Motion** made by Mr. Souder and seconded by Mr. Kurzer to recommend to the Mayor and Commissioners approval of Ordinance 2014-02 Highway Corridor Unified Development as written. **All in Favor. Motion Carried.**

**APPROVAL OF MINUTES:**

Without objection, the January 27, 2014 Planning & Zoning Meeting minutes were approved as written.

Mr. Reich asked for comments from the Planning Commission members regarding the process and meeting formality. Member response was they like the process, still new and haven't had any challenges, which is a benefit as the process will be able to handle challenges.

**Adjournment:**

Without objection the meeting was adjourned at 6:51 p.m.

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator