

**Planning & Zoning Meeting
Minutes
March 17, 2008**

Attendance: Chairman Jack Heimberger, Michael Fortner, Betty Thompson, Priscilla Turgon, Matthew Oberholtzer, Evelyn Hansen, Commissioner James Hansen, Town Engineer Chris Rogers, Town Attorney Keith Baynes and Planning & Zoning Coordinator Heather Erickson.

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

APPROVAL OF MINUTES

MOTION was made by Betty Thompson and seconded by Priscilla Turgon to approve the January 22, 2008 Planning and Zoning Meeting minutes as written. Five (5) in Favor; Two (2) Abstentions (Michael Fortner and Evelyn Hansen were not in attendance at that meeting); **Motion Carried.**

The February Planning and Zoning minutes were not finished in time for this meeting and will be reviewed and approved at the next meeting.

NEW BUSINESS

**File No. SE2008-01- Special Exception Request for a Manufactured Home-
Double Wide at 1424 Clayton Street. PROPERTY OWNER: Clayton Auto
Parts, LLC; APPLICANT: Jay C. Emrey III; LOCATION: 1424 Clayton
Street, Perryville, MD; Tax Map 800, Parcel 76 & 189, Zoned C-2, 2.7 acres.**

Jack Heimberger asked the representatives of the request to address the Board.

Jay Emrey, Attorney, introduced Ricky Baker and Daniel Baker. Mr. Emrey stated that as you can see by the plat that was attached to the application Mr. Baker is proposing a double wide right next to his house on commercial property. There are several commercial units there along the railroad tracks.

Ricky Baker added that it is two buildings directly next to one another. His son is going to be helping them.

Mr. Emrey stated that Daniel would like to be close to it.

Ms. Hansen asked if he is taking over the business.

Mr. Baker explained that the shops are all rented and his son will be taking the rental of the shop buildings and the storage that he has out back that they use to store boats and campers.

Mr. Emrey asked Mr. Baker if his son is too old to live in house.

Mr. Baker replied yes.

Mr. Emrey asked if Daniel is 25 years old.

Mr. Baker replied yes.

Mr. Emrey stated that for the Commission's information he has two letters from adjoining property owners. Also, he has a letter from a Stanley F. Campbell, Realtor. As a realtor he has an opinion on whether or not the proposed use of this location would have any harmful or negative affect on neighboring property values. He feels that for the legal argument here that it is very important in the law of special exceptions. Special Exceptions are a matter of right presuming that they are compatible with the existing development, houses, railroad tracks and everything else that is in the area and absent some showing that this proposed use at this location would have a negative affect above and beyond those normally associated with this kind of a use. He stated that it is their position that this will not have a negative affect. He asked Mr. Baker to describe to the Commission what this residence will look like and how it will fit into the present development in the neighborhood.

Mr. Baker replied that it is 40 x 24 double wide that has a pitched roof and an entryway. It is not just a box. He stated that we probably have all seen it. It is the one up on Route 40 stored at Collette's Service Center's new lot. It is a used unit, but it is in good shape. Mr. Baker shared with the Commission some photos of the proposed location.

Mr. Emrey asked how the dwelling would be accessed.

Mr. Baker replied that there is a drive between the two that would be the drive for the new unit.

Mr. Emrey asked if the house would be setback at a similar distance to the other houses along that street.

Mr. Baker replied yes.

Mr. Emrey asked if water and sewer are available.

Mr. Baker replied that he would assume so since there is public water and sewer to his house.

Mr. Emrey asked that in terms of present traffic patterns if there would be any undue affect on traffic.

Mr. Baker replied no he lives in the house now.

Mr. Emrey asked how many people will be living there.

Mr. Baker replied two.

Matthew Oberholtzer asked how if they could explain how Mr. Campbell reached the conclusion that there would be no affect on property values.

Mr. Emrey replied that generally realtors are supposed to take into consideration the neighborhood and the proposed residential dwelling and whether it would have a negative affect. This is not a mobile home being place there, which he would think would have a negative affect on neighboring property values. There are letters from the two nearest property owners. Realtors have a general knowledge of real estate and land use and they would have better qualifications than the average lay person to make a statement like that.

Mr. Heimberger asked Mr. Baker if he is planning to move.

Mr. Baker replied no, not right at the present time.

Mr. Heimberger stated that then the question would be why do we need two buildings there.

Mr. Baker responded that his son is at the age where he is ready to get married and he is not going to live with Mom and Dad.

Mr. Heimberger stated that generally speaking it is allowed for security reasons but if he is there (Mr. Baker) then why do we need another person there.

Mr. Baker replied that he does not plan on being there 24 hours a day, 7 days a week. In the summertime he has a rather large boat and he and his wife are planning on doing some traveling on it.

Mr. Heimberger asked if he is retiring.

Mr. Baker replied yes.

Mr. Oberholtzer asked if it is going to be on a poured foundation or on piers.

Mr. Baker replied piers.

Mr. Oberholtzer asked if the driveway will be paved.

Mr. Baker replied that the driveway is already there. Hopefully, when the time comes, he can remove that unit and move into the big house.

Keith Baynes stated that under the zoning ordinance it cannot be located on a permanent foundation.

Mr. Baker replied that it will not be on a permanent foundation.

Mr. Oberholtzer asked what the use of the trailer would be once he moves into the house.

Mr. Baker replied that it is not a trailer.

Evelyn Hansen asked if it would be a rental.

Mr. Baker replied that he would personally not like anyone other than a family member living there.

Betty Thompson asked if it is not going to be on a permanent foundation if it could be shielded so it does not look like a mobile home.

Mr. Baker replied yes, that it will be skirted.

Mr. Heimberger asked for them to discuss what they plan on doing as far landscaping or what they are going to do to enhance the property.

Mr. Baker replied that they will have the normal shrubs in the front, put skirting around it to hide it as much as they can. Currently, there is one tree in that area. They will have a sidewalk coming out of it.

Mr. Heimberger stated that one of things that they are trying to do is require sidewalks. He asked if he had a problem with that.

Mr. Baker asked for clarification.

Mr. Heimberger clarified that he is speaking of a sidewalk out in the Right of Way.

Mr. Baker replied that it would be the only sidewalk on Clayton Street.

Mr. Heimberger stated that we are trying to do it on all of the units that they approve. He added that we are trying to enhance the beauty of neighborhoods. He understands that it would probably be the only one there but it is one thing that they are trying to do.

Mr. Emrey stated that it may have a negative affect on the neighboring property values. They are all existing residences there and having a stretch of sidewalk there may look unusual.

Mr. Baker added that the front of this house would be 54 feet from the edge of the road.

Mr. Emrey clarified that they are speaking of a sidewalk along the front of the property.

Mr. Baker stated that it is a thought.

Michael Fortner asked if this property is divided up or just one parcel.

Mr. Baker replied that he has different buildings. There are four parcels in one deed.

Mr. Fortner clarified that this lot of land is four parcels.

Mr. Baker replied that it is laid out as two parcels with two smaller parcels, but it is on one deed.

Mr. Fortner stated that he does not understand why it is not being subdivided so that there is one parcel for this house and another one for the other house.

Mr. Emrey replied that his intent is not to sell it.

Mr. Baker stated that this is correct. His intentions are not to sell it or rent it. Clayton Auto Park, LLC is the owner of the property, which his son is the third part owner.

Mr. Heimberger stated that he says that it is not his intentions but it is not to say that it cannot happen.

Mr. Baker replied that is correct but it is not his intention.

Mr. Fortner stated that the parcel where the two commercial buildings are, is zoned C-2.

Mr. Baker clarified that the whole property is zoned C-2.

Ms. Thompson asked when it was all made commercial. She thought that the house when Arnold was there that it was residential.

Mr. Baker replied that it has been C-2 for as long as he remembers.

Mr. Emrey asked if the Town has done a comprehensive rezoning.

Ms. Erickson replied that in 2005 we did.

Mr. Heimberger stated that in complying with one of the provision of Section 183, which is the 40 x 24 it is also requesting a vertical rise of three feet for each 12 feet of horizontal run of the roof. He asked if it is the manufactured home located at 40 and 222.

Mr. Baker stated that it is on Route 40 up from Cedar Corner Road.

Mr. Heimberger asked if it is the one that has been sitting there.

Mr. Baker replied yes.

Mr. Heimberger asked Mr. Baker if he knows if it complies with that regulation.

Mr. Baker replied that he believes it does.

Ms. Thompson stated that it would have to be at least 6 feet up to the peak.

Ms. Hansen asked if it will be sprinklered. All houses now are required to have sprinklers.

Mr. Baker replied that it does not have it, but it can be put in.

Ms. Thompson read subsection d which states that the home is permanently affixed to a continuous, permanent masonry foundation. She stated that there are no plans to do that here and asked why.

Mr. Baynes clarified that it does not apply to this zone. He stated that they need to look at subsection 2 under Section 183 because we are talking about a C-2 zone. Again, that's where it states that they are only permitted as a special exception if there is a need for on-site security.

Mr. Emrey asked Mr. Baker if the purpose of this is for security. His son is going to be living there and Mr. Baker is not going to be at the home all of the time. Somebody is going to have to be there for security. He asked Mr. Baker if he has had any recent incidents such as any vandalism or any calls to the police for the commercial property.

Mr. Baker replied that four years ago they had a break-in that pretty much destroyed the inside of a customer's car when he was running the automotive shop. Last Saturday night they had three arrests there. They pulled in and smoked their funny cigarettes and whatever else they were doing and the Town Police came out and took three of them into custody about an hour apart. It was not three of them at one time there were two incidents about an hour apart.

Mr. Emrey stated that Mr. Baker happened to be there and called the police.

Mr. Baker replied that this is correct.

Mr. Emrey stated that there is a need.

Mr. Hansen asked if it would be tied down since it is not on a permanent foundation.

Mr. Baker replied absolutely.

Mr. Heimberger asked if there are any other requirements with respect to a double wide such as fire type hazards, etc.

Ms. Hansen stated that they have to have the internal sprinklers.

Mr. Baynes stated that it would be a part of the building and zoning certificate process and that they would probably have to pay for a separate water and sewer hookup. With any special exception their job here tonight is to recommend approval or disapproval. If they do make a recommendation for approval they can impose such conditions that they feel are necessary or reasonable. For example, that it be solely limited for the son's residence, if he ever moved out the manufactured home would have to be removed, etc. He reiterated that they can make a recommendation with any conditions that they feel should be a part of that recommendation.

Mr. Fortner asked if they could make a recommendation that the parcel of land that the two houses are on be zoned residential.

Mr. Baynes replied no, that he does not believe that they have the authority to request a rezoning because it is a permitted use by special exception in the C-2 zone for security purposes only.

Mr. Fortner asked if there is any other criteria for allowing it other than the security aspect of it and if there is any other guidance as to the threshold or if it is up to the committee.

Mr. Baynes replied it is up to them and the Board of Appeals. In this zone the only way a double wide manufactured home is permitted is for security purposes only. It does not say anything about a residence but he is assuming that someone is going to live there. It is permitted in the C-2 zone by way of special exception as on-site security provided that the unit is not on a permanent foundation. Therefore, he feels that the intent is that it is not to become a permanent residence. It is there for security purposes only.

Mr. Oberholtzer stated that it is like a guard shack.

Mr. Fortner stated that this does not have the same temporary feel as a double wide, trailer or mobile home used as a temporary office. This has more of a permanent feel.

Mr. Emrey stated that semi-permanent would be a better way to classify it.

Mr. Fortner stated that there is no termination date.

Mr. Baynes replied that they can place a termination date on it. He added that they can impose such restrictions that they feel are necessary. They can grant it solely on the use of the son. They can grant it for a period of one year, two years or three years and make the applicant come back and see what it affects or what the use is being made at that

time. Again, whatever reasonable conditions they feel are appropriate they can recommend that those conditions be imposed by the Board of Appeals.

Ms. Turgon asked that if they put a time limit on it whose job it is to revisit that.

Mr. Baynes replied that Ms. Erickson would send a notice and then the applicant would have to come back in and demonstrate that there have not been any problems with the special exception during that period of time.

Ms. Thompson stated that it would be a good idea to have a look at it again down the road because everything changes and there is no guarantee that even you are going to be there.

Mr. Emrey asked if they could request five years.

Mr. Baker stated that he would be more pleased with rather than a time limit that it be conditioned on never being a rental unit. The possibility does exist that he may want to move into that and his son into the big house.

Ms. Hansen stated that Mr. Baker has not been in the best of health and it is good that someone is there other than his wife in case of an emergency.

Ms. Thompson stated that Daniel is not going to be able to be there all of the time so who is going to watch.

Daniel Baker stated that he has a fiancée who does not work and she will be there during the day along with the people that are renting the properties and he will be there in the evenings and on the weekends. Also, when he is not there he is sure that his father will be there.

Mr. Oberholtzer stated that having that presence there would probably deter a lot of the activity regardless of whether people are there or not.

Mr. Heimberger stated that he is willing to withdraw the request for pavement there if the property is going to be removed at the end. He would like to see some sort of landscaping there. He asked the Board for recommendations.

Mr. Oberholtzer stated that he thinks it is fine as long as it's stipulated that it is not to become a rental property and there is adequate vegetation around it.

Ms. Turgon asked how they would define adequate vegetation.

Mr. Oberholtzer stated that maybe they could do a preliminary or rough landscaping plan.

Ms. Thompson asked Ms. Erickson if he would have to come back with a plan or if this is it as far as coming back before them.

Ms. Erickson replied that this is it.

Mr. Emrey stated that they could have it for the Board of Appeals though.

Mr. Heimberger replied that they are going to have to have it if they make a recommendation that they have to.

Ms. Thompson recommended that it only be for family.

Mr. Oberholtzer stated that he does not have a problem with it leaving the family just as long as it does not become a rental property down the line.

Mr. Heimberger stated that when it becomes a single unit there then it has to be removed.

Mr. Baynes stated that the thing that you have to watch too is that under the ordinance it is only allowed for security purposes. He thinks that if we have a situation where Mr. Baker says well maybe in a couple of years the son will move into the big house and he will move into the manufactured home well the son at that point he is assuming will be running the business and he is going to be providing the security from the house. Then you have to question what you need the manufactured home for because he is the security man and he is going to be in the house. Technically then it would not even be permitted.

Mr. Heimberger stated that it does not preclude them from saying it though.

Mr. Baynes agreed. He added that if they limit it to a family member you may open it up to where you are going to allow this thing to be there for uses that are not allowed under the ordinance.

Mr. Fortner added that it could be an uncle or a cousin. He feels that there should be a time limit on it where he has to come back and justify why it is still needed. It is a temporary structure and they should set a two to three year limit. Then they can come back and say that they still need it because this family situation is still current the way it is and then they could renew it for a period of time.

Mr. Baynes stated again that they can grant it solely for the use of the son, as long as he is living there. If he does not live there then they have to come back and make another application and explain why it is still needed at that point or what has changed for it to continue to be permitted to be there for somebody else.

Ms. Turgon added that it is because it is for security purposes only so they have to be mindful of that.

Mr. Heimberger stated that they should try to condense it and get it into one motion. He stated that what he is hearing is that they are going to limit it to two years and then he has to come back then he has to come back.

Mr. Oberholtzer added or if the status of the occupant changes.

Mr. Heimberger continued by stating that it is for the son only, in other words it cannot be rented out. It will be removed at the point of which only one person is living on the premises, one family member.

Ms. Hansen asked Mr. Baker if he has any other children.

Mr. Baker replied that he has one daughter.

Mr. Emrey asked if he could make a suggestion. Two years is not a very long time. He is not going to want to spend that much money if it is only a two year thing.

Mr. Heimberger stated that we did not say that it was gone in two years, but it would have to come back in two years and revisited.

Mr. Emrey replied that it means that it is only good for two years.

Mr. Heimberger replied as long as he comes back and revisits it in two years and he is still there then is not a problem.

Mr. Fortner added that if he blends the house in better to the community and invests in vegetation then it is less likely to become a nuisance.

Mr. Heimberger added that at the end of two years everything stops. If it becomes a beautification of the area and they want to rent it out then the Board can allow it.

Mr. Baynes replied no because it can only be used for security purposes.

Mr. Fortner added that they have to keep justifying why it is necessary.

Mr. Oberholtzer stated that he does not think that they should necessarily limit it to the son if other family members may be involved with the security.

Ms. Hansen stated that is why she asked Mr. Baker if he had any other children. If he moves out the daughter may want to move in.

Chris Rogers asked the Board if he could make a procedural suggestion. Somebody should make a motion because you have the son only on the table and the two years on the table. For the purposes of Ms. Erickson making a record to the Board of Appeals someone should make a concise motion and then let the process determine whether additions are appropriate or not.

Mr. Baker asked if it could be five years because it is a bit expensive for the water and sewer, \$11,000.00, plus the landscaping.

Mr. Oberholtzer replied that he feels that five years is reasonable.

Mr. Heimberger added as long as no one else is in there.

Mr. Oberholtzer stated or if the status of the occupant changes or whatever comes first.

Mr. Heimberger asked the Board if five years is acceptable.

The Board agreed.

Mr. Fortner asked if they have looked into other things such as security, alarm companies or cameras to provide security. It seems like they are cheaper alternatives.

Mr. Emery stated that he thinks his problem is that it is sort of at the end of the street and it is by the railroad tracks and the problem that they had out there last weekend is with people coming down there and hanging out drinking and smoking pot or whatever they do in their cars. It may not be vandalism in this case, but you never know especially after they drink or get drugged up. They may decide to get out of their cars and do something stupid. That is why it is a major concern. It is not a well traveled area.

Mr. Baker added that it is dark. They have had lights out, motion lights and they do not work. The fenced in area where they have boat storage, which his boat is there, since they put the fence up it has helped but he has caught two kids climbing the fence.

Mr. Heimberger asked Ms. Erickson to read back what they have so far.

Ms. Erickson stated that they are going to limit it to five years instead of two years. She asked the Board what they are limiting, if they are limiting the Special Exception or the manufactured home.

Mr. Heimberger replied that they will revisit the special exception.

Mr. Baynes clarified that it would be the special exception for the manufactured home for security purposes.

Mr. Oberholtzer stated that he thinks that there should be something in there that if there are no family members in there it should be revisited as well.

Commissioner Hansen clarified if there is a change of occupancy.

Ms. Erickson asked the Board that when they say revisiting the special exception if they mean that they would have to go totally through meaning Planning & Zoning and the Board of Appeals.

The Board agreed that this is correct.

Ms. Erickson stated that she just wanted to clarify that for the record.

Ms. Turgon stated that she thinks that they need to define better what they mean by “if the occupants change.”

Ms. Erickson agreed because what she has right now is to revisit the special exception after five years, for the son only, remove when there is only one family member living there and landscaping.

Mr. Oberholtzer stated if occupancy changes to someone outside of the family.

Mr. Heimberger clarified to revisit it if occupancy changes. It should state five years or if occupancy changes.

Mr. Fortner clarified that if the son moves out and the daughter moves in then they would have to notify the Town and then they would have to come before the Board.

Ms. Erickson asked if they are deleting “for the son only.” For the manufactured home to be removed when only one family member lives on the property.

Mr. Heimberger asked Ms. Erickson to read the entire motion again.

Ms. Erickson stated to revisit the special exception if the occupancy changes and/or in five years. Landscaping, she asked if they would like her to insert “to be determined by the Board of Appeals.”

The Board agreed and asked that it also state “adequate landscaping.”

Ms. Erickson continued by stating that it is for the son and his family and to remove the manufactured home once there is only one family living on the property.

Motion was made to recommend approval to the Board of Appeals of File No. SE2008-01- Special Exception request for a double wide manufactured home at 1424 Clayton Street conditioned on the following: to revisit the special exception if the occupancy changes and/or in five years, to provide adequate landscaping as to be determined by the Board of Appeals, for the son and his family only and to remove the manufactured home when there is only one family living on the property. **All in Favor; Motion Carried.**

**File No. ZC2008-02- Permitted Use Zoning Certificate- Retail Liquors.
PROPERTY OWNER: Pravina C. Patel; APPLICANT: Dharmesh C. Patel;
LOCATION: 5279 Pulaski Hwy (aka Ferrari's/Giant Liquors); Tax Map
800, Parcel 708, Zoned C-2.**

Mr. Heimberger asked the representatives of the request to address the Board.

Mr. Patel stated that what they are trying to do is to establish back the retail package store. He explained that they got the property back last year after problems with bankruptcy. They are trying to get a new tenant.

Mr. Heimberger asked if there is a liquor license there.

Mr. Patel replied that the liquor license is available under the condition that they have to prove compliance with the zoning.

Mr. Heimberger stated that one of the situations that the Board now requires is there is the thing called the Route 40 corridor and what they are trying to do is to clean the corridor up. In so doing, when an individual comes in requesting some action the Board actually puts some conditions on it in terms of things that they would like to see done to the property. Basically, what we are saying is that we are going to require that certain things be done to his property. He stated that he would like to leave up to the Board to start making recommendations.

Evelyn Hansen asked if Mr. Patel is only opening the retail.

Mr. Patel replied yes only the retail.

Ms. Hansen clarified that Ferrari's is not reopening.

Mr. Patel replied that there will be no bar business there.

Ms. Hansen asked if he still has the liquor license.

Mr. Patel replied that they do not have it right now.

Mr. Heimberger stated that he thought there was a shortage of liquor licenses.

Mr. Patel replied that they are pretty much all gone except for one or two.

Mr. Heimberger asked if he has planned any reconditioning of the front of the building and the property itself.

Mr. Patel replied that personally there are a lot of things that he would like to do such as repainting.

Mr. Fortner asked if there is a sidewalk along the road.

Mr. Patel replied no.

Mr. Fortner asked if he is going to upgrade it to have a sidewalk and put in a more formal looking parking lot.

Mr. Patel replied yes.

Mr. Heimberger stated that one of the things that they are trying to do is to get sidewalks.

Mr. Patel replied that he does not know how they propose a sidewalk because it is on the main highway.

Ms. Hansen replied that it is just like in front of Food Lion they have sidewalk.

Betty Thompson added that in time it is all going to join together and we are working towards that.

Mr. Patel stated that it is part of the State access.

Mr. Heimberger replied no that they are speaking of his property.

Commissioner Hansen clarified that we want each property owner along Route 40 to have a sidewalk so that people do not have to drive they can walk. He added that he would like to open up his business so we would like to have a sidewalk built along the road just like Food Lion had to have theirs built.

Mr. Heimberger added with ingress and egress areas of course, we do not want to block his property.

Mr. Patel stated that he is concerned about people walking and cars coming into the property fast.

Ms. Hansen replied that they should not be coming in fast.

Mr. Fortner added that both the pedestrian and the vehicle are going to have to look both ways.

Mr. Heimberger stated that eventually we conceive having that whole area sidewalked because of the fact that there is a lot of development going on and people are going to start walking so we do not want them in the street. We have already had people die out there.

Mr. Patel replied of course and we do not want to see that happen either.

Mr. Heimberger stated that we are trying to make it safe for the people of Perryville and visitors so we are requiring that everyone have sidewalks.

Mr. Patel stated that if the County recommends or tells him that he has to do it then he'll do it.

Ms. Hansen stated that it's not the County that it is we as the Town since he is in the Town limits.

Mr. Oberholtzer asked Mr. Patel if he has any plans to enhance the outdoor lighting.

Mr. Patel replied that they have street lights.

Mr. Oberholtzer stated that he is speaking about more towards the back of the property. He suggested mounting lights on the building.

Mr. Patel replied yes. He stated that there are lights on all three sides of the building. There was even one on the back but it was busted out.

Mr. Heimberger asked Mr. Patel what he meant when he said he was going to do something to the building itself.

Mr. Patel replied that he does not have any plans yet because he wanted to know what the Town wanted.

Mr. Oberholtzer stated that it should be consistent with the surrounding buildings and the shopping center.

Mr. Heimberger stated for example could he put a false roof on that building similar to what the shopping center has.

Mr. Patel asked for clarification on a false roof.

Mr. Heimberger replied a roof. They have a gabled roof with a tin look to it. He asked Mr. Patel if he is familiar with the shopping center.

Mr. Patel replied yes but it is a totally different thing.

Mr. Heimberger stated that it is not a different thing. We are trying to get consistency in that area. He asked if he understood.

Mr. Patel replied that it is like face lifting the front of the building.

Ms. Thompson asked if it would be possible for him to come up with a design and come back before the Board, something so we all could get on the same page.

Ms. Turgon added that she thinks that we are throwing a lot of things out here.

Mr. Patel stated that he is trying to get this property back. He has been paying property taxes out of his pocket for the last ten years. He is trying to keep this property in the family if it is possible. Once they get it started then they are willing to put money back in it.

Ms. Hansen stated that she would not like to see it open without everything being done because we do not know what is going to happen.

Mr. Fortner stated that on this property somebody was going to open a business, a liquor store and a bar. He was going to put a considerable amount of money into it. He was going to come up with a design for the front.

Mr. Patel asked who because that person never paid him a dime or paid him for the inventory. He has had to pay money for lawyers trying to get his property back.

Ms. Turgon stated that she thinks that what we have to do for him tonight is to get more definition for him on what we are looking for before we would say that we approve the use. We need to guide him towards what we are looking for so that when he leaves here tonight he knows what we want and he can come back and show us his plan and then they can make a decision based on what he comes back with.

Mr. Patel stated that he has an overhang outside and he does not know how much more it would take. He does not know what exactly we require. He asked if we could show him something.

Mr. Oberholtzer replied that the shopping center would be a good example.

Mr. Heimberger agreed and added that if he could get somewhat close to mimicking what the shopping center has.

Mr. Oberholtzer added that we are trying to get some uniformity between the properties.

Ms. Thompson stated that there is a deck on the left side of the building.

Mr. Patel stated that it is gone and they have it cleaned up.

Mr. Heimberger asked for ideas from the Board of what they would like to see.

Mr. Rogers asked if he could provide some guidance. He stated that he thinks that the applicant is confused about not only the types of things that we are talking about but the process. So, are we talking about the applicant coming back to the Planning Commission with some sort of plan for approval?

The Board agreed.

Mr. Rogers stated that it should be some sort of sketch plan. Given the fact that it is an existing use and this is the retroactive provision of the Highway Corridor Overlay Zone, he does not think that we are talking about a full blown site plan. Therefore, we are talking about Mr. Patel going to a surveyor/engineer and having them prepare a concept plan. The Board is going to tell him the types of things that they would like to see on that plan.

Mr. Patel asked if they could give him the time to order that immediately because there is a guy wants to rent it.

Ms. Hansen clarified that he is not going to be the one running it.

Mr. Patel replied that he is not going to be the one running it but he still needs the funds coming in.

Mr. Heimberger stated that the problem that they have is that they have to see what it is going to look like first.

Ms. Hansen added that we cannot let it open looking as it does right now.

Mr. Heimberger asked Mr. Patel when the gentleman is supposed to come on board.

Mr. Patel stated that this is what he is saying that he still does not know because of the liquor license agenda.

Mr. Oberholtzer asked if it would be okay for him to come up with a preliminary sketch on his own so that he does not necessarily have to go to an engineer, just something to give us the ideas that he has in mind.

Ms. Turgon asked Ms. Erickson if this is something that she can do, to sit with Mr. Patel and give him guidance.

Ms. Erickson replied that she would rather it come from the Board.

Mr. Baynes added that as Mr. Rogers was saying there are specific guidelines in your code regarding the sidewalk in terms of the size, width and handicap accessibility. Assuming that this is one of the conditions there should be a diagram that someone has prepared so that the Board can approve it or the zoning certificate will be conditioned upon those improvements being made. Improved lighting is one of the things that they can do. Look at the entrances there. The Board has that authority to issue any changes.

Mr. Heimberger stated that he feels that the best guidance that they can give him is if he is going to have someone do a drawing for him having him look at the surrounding areas particularly the shopping center and try to build from that. Typically, what they would like him to do is to get the building in compliance with that corridor. We would like to see the building cleaned up and somewhat in alignment with what is going on Route 40 now. In order to do that, what we would need from him is a concept plan and then they can get back to him and say well we would like to see this and that. They cannot do that tonight.

Mr. Rogers stated that the reason we are struggling is because it is an unusual part of the code, this sort of retrofit situation of the Highway Corridor Overlay Zone. There is no clear plan submittal process. On the one hand we would like to accept sketches of the

ideas that he would like to do to improve the property. On the other hand there are certain things like if you say sidewalks those are very specific engineered specifications that we should not get into unless there are a firm set of engineered plans because there are slope requirements, ramps and handicap ramps.

Ms. Turgon asked Mr. Rogers if he would have to put them in.

Mr. Rogers replied that the code says that in case of applications for development plan approval for properties already developed, for example, an application for a building permit or an addition for an existing building shall be required to comply with the provisions of this part to the extent possible as determined by the Planning Commission, which is where we are.

Mr. Patel replied that it is only for additions.

Mr. Rogers stated that it further says that any alteration of existing conditions of the land, uses or structures within the Highway Corridor Overlay District requiring a permit from the Town shall henceforth be done as provided for by this section. We are here to see to what extent possible as determined by the Planning Commission improvements need to be made to make it consistent with the Highway Corridor Overlay Zone. So, he is only cautioning us that there are only certain things that we can do by way of sketch plans, landscaping, roofs or things that they can do at the building permit level. Other things, if we require them, the staff is going to be hesitant to implement those at the right time because we need the appropriate set of plans submitted. He clarified that he is thinking about things such as changes to the entrances and/or sidewalks. Those are very specific engineering things that staff would need to see in order to make the owner do it as a condition of the occupancy permit or building permit. Other things we can work within to try to do without the benefit of firm engineering plans.

Mr. Heimberger asked if he is still hearing "concept plan."

Mr. Baynes replied concept plan, but what he thinks what Mr. Rogers is saying is that if part of that concept plan is sidewalks then he is also going to have to submit engineering plans or drawings for those sidewalks and entrances.

Mr. Fortner added stormwater run-off.

Mr. Rogers replied yes, although he does not know if sidewalks would kick that in. Most likely, he would require some sort of submittal to someone about stormwater management if additional impervious surface is required. He asked Mr. Patel if he has to go to the County Liquor Board for a liquor license.

Mr. Patel replied that he already has an application in for the liquor license. He explained that the last license that he had, Bill Herold took it away from him by falsifying that he was going to be leasing the place and then turned around and started negotiations with

someone else. He stated that he understands if he was changing the structure of the building or putting on an addition. That is what he heard when he was speaking.

Mr. Heimberger stated that he was going to paint it bright yellow.

Mr. Patel stated that he will paint it the same color as the Food Lion.

Mr. Heimberger stated that he is trying to give him an example. And we think it should be a bright red then we need to know that. To say to you "yes, go on ahead and do this," and not give you instructions on what needs to be done then we are not doing our job here. From what I'm hearing and he agrees is that he should have some sort of concept plan.

Commissioner Hansen explained to Mr. Patel that this building has been closed for a period of time so this is a new business. You have to show how many parking spaces, handicap spaces; it is a requirement.

Mr. Patel stated that he understands that. He stated that it has not changed the occupancy of the thing because there is still existing inventory of liquor in there.

Ms. Turgon replied that it has not been an operational business.

Mr. Patel stated that he understands that. But, this is a technicality because of the bankruptcy and it took them so long to get it cleared up.

Mr. Heimberger replied that we understand that but we treat this as a new business. Whether it has been sitting there for two years or not he is falling under the prevue of new requirements that are necessary.

Ms. Thompson added that the requirements have changed since he was in business before.

Ms. Turgon stated that she moves that they not doing anything tonight and we are asking Mr. Patel to come back before us with a concept plan showing how he will upgrade the building in meeting and addressing what the new regulations are.

Mr. Oberholtzer asked if the motion is to table it until Mr. Patel comes in with a concept plan that they can make recommendations on.

Ms. Turgon reiterated that she would like him to come back with a concept plan because they cannot do anything with this tonight.

Motion was made by Jack Heimberger to table file File No. ZC2008-02- Permitted Use Zoning Certificate- Retail Liquors at 5279 Pulaski Highway until a concept plan is submitted for Planning Commission review. **All in Favor; Motion Carried.**

Discussion ensued to clarify to Mr. Patel what he has to do and why.

Mary Ann Skilling suggested that we get Mr. Patel some assistance. She suggested talking to the Economic Development people in Cecil County or Urban Development at the State level to meet some of our requirements. Or maybe we can get some funding and/or some individuals from the State to help us understand and meet the requirements because it is a small business and we do not want it to just sit there unused.

Mr. Rogers suggested that we discuss this in a workshop. Discussions again ensued on the Highway Corridor Overlay District.

File No. SP2008-01- Preliminary Site Plan- Perryville Yacht Club Phase II. PROPERTY OWNER/APPLICANT: DFW, LLC; LOCATION: 31 River Road, Perryville, MD; Tax Map 801, Parcels 721 & 834, Lots 1 & 35, Zoned RM.

Mr. Heimberger asked the representatives of the project to address the Board.

Bob Wilson, Wilson, Deegan & Associates, addressed the Board. He explained that he is also one of the principals of Perryville Yacht Club. He introduced to the Board his partner, Tom Close and the contract purchaser, Fred Linkous. He explained that the plan is slightly different than the concept plan that they were in here with before. Some of the changes that they are proposing are to fill the inlet and use it as part of the development, which they have found out that MDE will not support so they have taken it off the table. He explained the new plan and entrance into the site. There is access under the buildings with parking garages underneath them. The two parking areas on the side would be for the marina use. They have moved the proposed buildings back to meet the 25 foot setback from the edge of the sidewalk as recommended by Mary Ann Skilling. He stated that he has received the comments from URS today. He would like to touch on some of the technical comments. In regards to comment #3, McMullen's Landing was approved under something if it was not condos then it had to be something else.

Mr. Linkous explained that the original plans of the condos were done under townhouses.

Mr. Rogers stated that he believes McMullen's Landing was started under the previous zoning ordinance. The zoning ordinance of today does not permit multi-family apartments in the Residential Marine zone and that is what they consider this type of dwelling unit. Condo is just an ownership type. These are multiple units in one building and they are not accessed separately like a townhouse unit. From a definition standpoint, we feel that these are defined as multi-family apartment dwellings per our zoning ordinance. For whatever reason, that type of use was not permitted in the RM zone. Is it an oversight? It may be. Was it explicitly thought of to exclude? We do not know. All we are saying is that it is not permitted under today's zoning ordinance in this zone. Mr. Wilson is seeking preliminary site plan approval and the next step after this, if they get it, is hard engineering. It involves lots of money to engineer everything that is on this

preliminary site plan. Before the Board gives them the benefit of preliminary approval the zoning ordinance needs to change or something needs to happen there because otherwise it would be presuming that it is a permitted use and he will be spending lots of money. Therefore, this is the point where we are saying that we need to stop and make sure that the zoning text amendment is in place before they proceed. The text can be prepared by staff but it needs to be considered by the Planning Commission at a public hearing and approved by the Mayor and Commissioners. It is a change to the zoning ordinance.

Ms. Turgon asked how many condos there will be.

Mr. Wilson replied that there will be a total of 69.

Mr. Rogers stated that we do not feel that it is a permitted use under today's ordinance. We do not know why, we cannot say why, it is not up to the staff to say why. There is an explanation for Phase I, it was approved under the previous zoning ordinance. Apartments were permitted in that zone under the old ordinance. The other situation that Mr. Linkous is referring to, he believes that their letter at that time said the same thing that multi-family apartments were not permitted in the RM zone. He does not know about the previous attorney agreeing to amend the ordinance or not.

Mr. Linkous stated that if we go back to the record of that meeting, it was stated in that meeting that they would do it but it had to be changed in writing by the attorney.

Mr. Rogers clarified that it has to be changed as an amendment to the zoning ordinance. It does not matter who prepares it. It needs to be considered by the Planning Commission in a public hearing and approved by the Mayor and Commissioners.

Mr. Heimberger commented that we are beating a dead horse.

Mr. Rogers replied that he is saying that he thinks that it would be a mistake to move forward past this point to the applicant and the Planning Commission because it is not a permitted use.

Mr. Heimberger asked if they should recommend something.

Mr. Rogers replied that he is not sure if Mr. Wilson would like to continue or not.

Mr. Wilson stated that he is concerned. If you are talking about spending money, they have already spent a considerable amount but they have always been under the impression that condominiums would be approved. They have never been told that they have a serious problem even in the concept planning.

Mr. Heimberger replied that he does not think that they are telling him that he cannot, but that there has to be some changes made.

Mr. Wilson stated that he is here and he would certainly like to present the plan.

Mr. Rogers clarified that they had said the same thing at the concept level, it was their first comment.

Mr. Wilson stated that he was aware that it was not in the code just not that it was something that might scratch the whole project.

Mr. Rogers stated that we apologize but it does say that it appears that a revision to the zoning ordinance is necessary.

Mr. Wilson replied that he has had many conversations with Ms. Erickson and others and it always seemed that it was an omission and something that was just a technicality or a mistake that could be corrected and would not possibly prevent condominiums. His concern is the timeline. Is it something that we are going to do and immediately proceed with and try to get approved and taken care of? It is something that he has been talking about for over a year and it is not changing.

Mr. Heimberger replied that once again he thinks that they are sort of stuck in between here because they cannot approve anything under these circumstances.

Mr. Oberholtzer added that all they can do is to recommend a change to the ordinance.

Mr. Wilson agreed and stated that he would like to continue and go through at least the technical comments and address them. He stated that he believes that the parking requirements are met.

Mr. Rogers clarified that he is speaking of #4 under Planning/Technical. The plan looks like it notes 55 spaces for the marina but he could only find 48.

Mr. Wilson replied that he thinks that there are an additional 7 there that they were leaving for marina use.

Mr. Rogers asked Mr. Wilson to explain the overall parking to the Planning Commission.

Mr. Wilson stated that he believes that they have to touch on Phase I because they are all interrelated. Phase I has marina parking on it. The spaces for Section I has a total of 28 car spaces, 12 and 8 trailer and large spaces which are to be retained for the marina property and the marina use. When you come down to Phase II there are 55 spaces for the marina parking. He explained that they will be used for boaters and slip holders during the course of the season and during the off-season it will primarily be used for boat storage. In regards to the condominiums, the parking is underneath of the buildings, which is following in the same concept as Phase I. There is also additional parking across the front of the one building, which is strictly for condominium use. In addition, they have agreements in place with Mr. Linkous for Phase I that actually grants the condominiums, officially for phase I, use of those parking spaces in the off-season. It is a

formal agreement that is recorded. They are trying to work with the condo owners in the off-season.

Mr. Rogers asked if all of the buildings will be elevated entering into the parking lot or will it be a driveway down into an enclosed parking area under a building.

Mr. Wilson explained that they will be different than Phase I, which is at walk-out level because they are out of the floodplain. Phase II will be completely elevated because they are within the floodplain, so you will drive in at grade underneath the building.

Ms. Turgon asked if it will be open or enclosed.

Mr. Wilson replied that it will be partially open.

Ms. Turgon asked if there will be elevators in this building.

Mr. Wilson replied yes.

Mr. Oberholtzer asked if there will be stairwells as well.

Mr. Wilson replied yes. Question #5 is that the applicant should discuss the availability of the boat launch to the general public. In the past they have always been open to the public and have certainly let people come down and launch their boat. He stated that they would like to continue to allow that to happen. The traffic is not a large number but there are a few people that come in during the week and on the weekends and use the boat launch. They do not anticipate stopping it unless somebody has an objection to it.

Mr. Rogers stated that his only concern is that there is no separate parking requirement for that. He would guess that it would be under the marina use. Any marina that has a boat ramp open to the public has parking that is contemplated in the normal parking requirements for a marina.

Ms. Turgon asked if they will have residents only parking.

Mr. Wilson replied that this is correct. He could come back and say remember that they have these two parking lots that are not designated not parking. They are marina parking lots but one if not both of them will be available during the season for slip holders or the public using the ramp. He stated that #6 coincides with #14. The proposal is for four different parcels, which is a little unclear. He explained that they would create a parcel around each condominium building that would include in the ownership the parking spaces in front of the building and would be a part of the condominium regime. As was done in Phase I there will be cross easements that were executed in Phase I and recorded for certain shared areas.

Mr. Rogers stated that the seven spaces that he referred to originally are not on the residential parcel.

Mr. Wilson replied that this is correct. He stated that continuing with #14 that when they create a lot around the building over there it isolates the house lot so that would become a separate parcel also.

Mr. Rogers questioned whether it is part of the marina parcel.

Mr. Wilson replied that he shows it being a separate parcel because you have the water between it and the building there so they just made it a separate lot.

Mr. Rogers stated that the creation of the lots around the apartment dwellings is more finance and ownership purposes, it does not really have any material impacts to the plan. However, he did not know that the residence would be a separate lot. He thought it was a part of the marina lot. It is contiguous to the marina parcel.

Mr. Wilson asked if it is a problem with zoning.

Mr. Rogers replied that it is the marina office.

Mr. Wilson replied that it is a residence marina office. Currently it is not resided in. Prior to that it certainly was a dwelling with a marina office in it; that is what it has always been.

Mary Ann Skilling stated that it is hard to define standards in the critical area for a marina versus a residential site because there are definitely two different types of standards here. She stated that she is struggling with this because they have a residential site and yes it is an office/residential but now they are separating it from the actual part of the marina. Her question is now how is it functioning as part of the marina.

Mr. Wilson stated that the person that is running the marina has a family and he has expressed interest in moving into the house.

Ms. Skilling stated that when she looks at the plan it seems quite clear where the marina should be and that is over where it was. Now they have a residential site to the north. The previous plan showed that area was an open space area.

Mr. Wilson stated that it has changed from the previous plan because of the staggering of the buildings, which is why they relocated the house over to that side.

Mr. Rogers asked Ms. Skilling if that was a purely a residential unit there where the office is if it would be permitted in the Critical Area; if it was new.

Ms. Skilling replied that if it was new in the Critical Area and it met the setbacks.

Mr. Wilson continued with Mr. Rogers' comments. In regards to #8, they do show 20 and if the code states 24 then they will increase it to 24.

Ms. Turgon asked where exactly we are talking about.

Mr. Rogers responded that if you look at the details of the building down below that is the parking underneath and the aisle width is the distance between parking spaces. The code which is different from Phase I requires 24 feet for two way traffic and 90° parking.

Mr. Wilson stated that he does not see that as a problem. He continued with comment #8, which states that the turning spaces extending beyond the building edges should be explained. He stated that if you look at the buildings down there now the middle of them is open, which they are talking about doing here. The end you would have to back up and come out; it would be strictly for turn around.

Mr. Rogers clarified that the building will be raised so they will be able to put some of that paving outside of the building footprint.

Mr. Wilson replied that this is correct.

Ms. Turgon asked what the width of the buildings are.

Mr. Close replied that it is 18 x 18 x 20.

Mr. Linkous replied that he is not sure what the width of the building is.

Mr. Wilson continued with comment #9, which he stated that they will show appropriate areas for the dumpsters on the site. #10 is about the boat storage/marina parking lots, which are those two that he has already spoken about and they will again be used for parking in season and boat storage in the off season. There is a question there about accessing the lot and the idea is to use mountable curb everywhere and to depress at some point across there to make an access way. In regards to #11, the proposed height of the buildings, they can certainly take care of that. The height is no different than the buildings in Phase I other than it is elevated in the front and the back. They will be similar architecture.

Ms. Turgon asked if they will be different colors or if they will be grey.

Mr. Linkous replied that they are trying to keep that same concept.

Mr. Rogers asked what the height is.

Mr. Wilson stated that he would have to get back to him on the exact height.

Mr. Rogers replied that there is nothing to review this per in the zoning ordinance. He asked if it is going to be the same building height limitation as is required per apartments in the R-3 zone. We do not know.

Ms. Thompson asked if they will be approximately the same height as McMullen's Landing.

Mr. Wilson replied that he believes that they are not quite as tall as the Owens Landing buildings because the architecture of the roof is different, it is low.

Ms. Turgon stated that it is a good thing because the ones on the road are lovely but they are really tall.

Mr. Rogers clarified that they will not be as high as McMullen's Landing and Owens Landing.

Ms. Turgon stated that is correct but these new ones will not be as high as McMullen's.

Mr. Wilson continued with #12, proposed water and wastewater lines connecting the two proposed buildings to existing lines should be shown. He stated that he believes that it is shown. The existing main traverses the property. There is an existing 8" line that they installed because of all of the problems that they had. He pointed out that they are proposing a manhole over the existing main and how both the water and sewer will connect to the buildings. #13 talks about a public access easement from the sidewalk, which they have done in Phase I and they have agreed to it, it is a part of their agreement with the Town to construct sidewalk with public access possibilities. They will do the same with this one with a continuation from Phase I down to the water, continuing around the water and all the way to the other property line. He thinks that they have eliminated the need for a sidewalk along the one property line, which was part of the concept approval of the original Phase I and II and tie into the McMullen's Landing sidewalk that goes along the waterfront that is already in agreement.

Ms. Turgon asked if they are or are not.

Mr. Wilson replied that they are. Instead of going back up that property line, the need for that has been eliminated and they will tie into the existing sidewalk at McMullen's Landing. He stated that #14 they have already discussed. #15 is just a list of items that need to be put on the plans, which does not affect any of their design criteria.

Mr. Rogers stated that in regards to the marina, the number of slips is 96 today.

Mr. Wilson replied that there is the possibility for 96. He explained that they also have a proposal and an agreement to redo the entire bulkhead across the property. At that point in time they hope to be able to dredge and utilize part of the inlet there, which would then allow the 96 slips. He stated that they are far short of the 96 slips at the present time. That would be the ultimate amount of slips that could be utilized.

Mr. Oberholtzer asked if they know what the elevation of the bulkhead is going to be.

Mr. Close replied that it would be the same as next door.

Mr. Wilson explained that you cannot fill in the Critical Area and the floodplain, so it would probably be 3 feet above mean high water.

Mr. Oberholtzer stated that he also did not notice any fire hydrants or he did not see any on Phase II. He asked if there are any planned.

Mr. Wilson replied that he will defer to Mr. Rogers because it is private.

Mr. Oberholtzer stated that he noticed that there was one on Phase I.

Mr. Wilson pointed out two hydrants out front.

Mr. Rogers stated that there is a public water line that traverses the site north and south. Therefore, there are probably appropriately spaced fire hydrants placed along that public water line. If they get preliminary approval then we would get into the specific engineering plans and it's easy for them to locate hydrants on a plan if we ask for them to after this point. One of their standard comments is that these plans should be reviewed by the Town Fire Chief so they would get any input from them as appropriate on location of fire hydrants.

Mr. Wilson added that if there were a safety issue with a fire hydrant they are not opposed to it.

Mr. Oberholtzer asked if it is sand filtered on Phase I and if it is the extent of the Stormwater Management. He asked if there is any pervious pavement planned.

Mr. Wilson replied that they are actually looking into the perma-turf. There would have to be modifications to it because he thinks that it calls for a vegetative type cover, which he certainly does not think will work for the parking areas. They do have a concern and he has been in contact with the company and they are trying to exchange information to see if it is suitable to carry the weight of boats. If it is, then he is not opposed to it. Cost wise it will probably cost less than a commercial paving section.

Mr. Heimberger asked if they could approve the plan conditioned upon the comments from URS and the Mayor and Commissioners changing the ordinance instead of having them come back and doing this all over again.

Mr. Rogers replied that they can, he thinks, it's within their realm. There are two major things from a site specific standpoint; they have not submitted an environmental assessment with the preliminary plan to indicate preliminary compliance with the Critical Area regulations so we are trying not to back into the regulations at the engineering stage. The purpose of getting the environmental assessment now is before they get into hard engineering there is some sort of preliminary, and he does not want to speak for Ms. Skilling, assessment that says that they can meet the requirements. Secondly, yes you can condition is upon the text amendment but he would caution them on that at this stage because we cannot presuppose the outcome of that decision by the Mayor and

Commissioners. If there is some change to what we are thinking that would make this plan not in compliance then we already granted preliminary approval to some text amendment that is yet to be considered. He is sure that they would say that they can live with that and proceed at their own risk.

Mr. Wilson replied absolutely, he would certainly hope for conditional approval. He would think that if it never becomes a reality that they would not get approval because the conditions have not been met.

Mr. Heimberger replied that he will leave it up to the Board. He asked Ms. Skilling for comments.

Ms. Skilling replied that she will wait until Mr. Wilson is finished.

Mr. Wilson stated that he has Ms. Skilling's comments and he would like to say that yes they are aware that they have to meet the Critical Area requirements. He thinks that they can demonstrate that and they certainly will.

Ms. Skilling stated that to answer what Mr. Rogers had mentioned before, it may create a lot for a residential site in the special buffer area, which that site would be. A residential site has different standards than a commercial or water dependent facility. The standards are a little different but because it is a marina site they will have to demonstrate in their environmental assessment where that site is and why they need it there and its association with the rest of the marina. The residential is being considered as new development and there are special provisions which include planting in the buffer. She read a section of her letter which states; the new location of the marina office provides logistic difficulties and complicates the review of a water dependent facility. She feels that it is important for the Planning Commission to evaluate the layout of the site and the intensity of development in an environmental sensitive area. This will be considered in the environmental assessment. It will be a little clearer when we hear how they will do it and make sure it all works, stormwater management, sediment and erosion and all the other issues that they need to address. She stated that she checked with MDE and they cannot fill that area with the inlet. However, they could possibly dredge it to make it useful, which is something that they could do by permit. They will have to do a planting plan. She stated that she agrees that the more she looks at this for the zoning that there may have been a mistake in the ordinance for the RM zone that we will need to correct.

Ms. Turgon asked Ms. Skilling what her preference is in regards to the marina office.

Ms. Skilling replied that she thinks that the marina should be the marina and it should be where it was. It seems like when you take a road and send it all around the residential site to the other end of the site people have to move through a residential site. She has always had problems with Owens Landing where people have come to her and complained that people are running down on the one side. It really is just a logistic thing. She asked how she is going to handle a marina that is all the way up on the other end as part of the whole marina operation. As long as they can identify where the marina pieces

are and how they are going to be handling a marina, that is what they need to do and it is not always clear.

Mr. Wilson stated that he will certainly make clear what marina land is that is going to be subdivided and part of one property.

Ms. Skilling stated that she is just thinking about the people that have to live there with the people coming in and out of there with boats and traversing a residential site.

Mr. Wilson stated that he hopes that a few people will be slip holders. It certainly is a unique situation where it is going to be a marina and a residential area. As part of their contract with Mr. Linkous the condominium owners will have access to the waterfront. The wording is that they cannot interfere with marina activities but they will have the right to use the property and the waterfront just as anyone else would at this point in time. It has pretty much been a public marina and they hope to continue that. They have not had any major problems. They have had some break-ins which is another reason why it would be nice to have someone living on the site.

Mr. Heimberger stated that the way he sees it is that they have two choices here. They can table it until they have the Town Commissioners do their thing or they can approve it under these circumstances.

Motion was made by Matthew Oberholtzer and seconded by Michael Fortner to table File No. SP2008-01- Preliminary Site Plan- Perryville Yacht Club Phase II until the zoning regulations have been evaluated. **All in Favor; Motion Carried.**

Discussion ensued about the zoning amendment process and setting up a workshop on the Highway Corridor Overlay District.

Motion was made by Evelyn Hansen and seconded by Matthew Oberholtzer to adjourn the meeting at 8:35pm. **All in Favor; Motion Carried.**

Respectfully Submitted,

Heather Erickson
Planning & Zoning Coordinator