

**Planning & Zoning
Meeting Minutes
July 19, 2010**

ATTENDANCE: Chairman Michael Fortner, Matthew Oberholtzer, Pete Reich, 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. Oberholtzer and seconded by Ms. Turgon to approve the June 21, 2010 Planning and Zoning Meeting minutes as written. **Four in Favor. Motion Carried.**

New Business

File No. SUP2010-01 – Keen Subdivision; PROPERTY OWNER/APPLICANT: Lance W. Keen, 900 Frenchtown Road, Perryville, MD 21903; LOCATION: 910 Frenchtown Road, Perryville, MD 21903; Tax Map 801, Parcels 153 & 637; Zoned R-3.

Mr. Faron Pyles presented the subdivision plan. Mr. Lance Keen and Ms. Florence Little hired me to help them reconfigure the adjoining property that they own. They have three parcels of land and currently as configured the rear two parcels are landlocked and by making this addition it joins the three parcels together. I received Ms. Skilling's comments and really the only comment for revision of this plan was to add a note, which is a pretty standard addition to land note which I have done. It basically says *"Application is hereby made for the approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land will be submitted in the regular manner for approval in accordance with the existing subdivision regulations."* So, we're here tonight to answer any questions you may have and hopefully you will grant your approval of the plan.

Mr. Fortner asked are there any questions from the board, just general questions.

Mr. Reich asked is this a sale of this piece of property. Is that part of the issue for the Keen's to sell this piece to Ms. Little.

Ms. Little responded, no it's no sale, it's just to transfer the ground. There is no money involved and is not intended for a house.

Mr. Keen explained we have this piece here that cuts behind and we're going to convey this to Ms. Little and transfer it to her.

Mr. Reich indicated it's a swap for land. So that gives this parcel access to her but also to the outside world too.

Ms. Skilling reviewed comments:

*Project Review
SUP2010-01 Keen Subdivision*

Background: The request is to add a portion of Parcel 637 to Parcel 153. The property owners requested a waiver to the \$1,000 subdivision fee based on claims of hardship due to the cost of a surveyor to survey the property. The waiver was granted by Mayor and Commissioners at their April 6, 2010 meeting.

Comments:

- 1. Subdivision Article IV, Section 74-22 – The dimensions and areas of all lots shall comply with the requirements of the zoning district in which they are located. The remaining acreage on Parcel 637 (10,784.21 SQ.FT.) is within the minimum required in the R-3 District (5,000 SQ. FT.) for a single family lot.*
- 2. A note on the plat stating the following: “Application is hereby made for the approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land will be submitted in the regular manner for approval in accordance with the existing subdivision regulations.”*
- 3. Prior to final approval, the Boundary/Easement Line Agreement must be signed and appropriately notarized acknowledging ownership and agreeing to subdivision.*
- 4. A Final Subdivision Plan signed by a Certified Professional Land Surveyor and the above mentioned certification and statement should be submitted for final approval.*

Recommendation:

Submit a Revised Subdivision Plan with the above signatures and statement for final approval.

Ms. Skilling indicated if you approve this, we just have to make sure that all the certifications are on that plat prior to recordation.

Mr. Fortner asked is there any discussion or other questions.

Motion was made by Mr. Reich and seconded by Mr. Oberholtzer to approve the subdivision plan conditioned that all Staff comments are addressed for final approval.
All in Favor. Motion Passed.

Discussion of amendments to the Zoning Ordinance for L-1 and L-2 zoning.

Ms. Skilling stated after the last meeting we discussed this where in the L-2 zone there were no provisions in our regulations for an office building. So one of the things we found is the Permissible Use table for the industrial was not complete. It was missing those last two sections. So it didn't look like we had a whole lot of uses that were permissible in this district. My thoughts originally was to just have one industrial district but as I went through the descriptions for the L-1 and the L-2, there are some defining differences in the two. For instance L-1 is more like a complex, like an industrial park or like they call now an industrial campus, where there are a combination of uses where people can work, you might have restaurants and they may have other things that could be in there, and now the L-2 though, it looks like it is more for manufacturing, fabrication, processing, and not necessarily having those things but as I went through this it seemed like some of those things that were allowed in the L-1 there's no reason it couldn't be in the L-2 either. So that's where we are. I need your consensus on some of these things in the Permissible Use table as I've looked at it to see whether they can be Permitted, and can be Permitted With Conditions. Those are two things the Planning Commission can make decisions on. And the reason its Permitted With Conditions is to give you a little flexibility to make certain conditions under that permitted category. For instance you might want to know architecturally what it's going to look like, is it going to look like something else, let's say it's in a development, you can make certain conditions. Now the other options, Special Exception, and Special Exception with Conditions, have to go to Board of Appeals. You may make recommendations to the Board of Appeals that you think a use should be allowed but really it's the Board of Appeals that makes that final decision, and they have to make it based on certain standards. So what they would have to look at is what an L-1 is and L-2 and did it meet the criteria for those two in making their decision under the last two categories. And that becomes a much more complicated process. So with that in mind if we went through the list, pages 199 through 211.

Ms. Turgon asked so the main focus is to look at both L-1 and L-2, or just L-2.

Ms. Skilling responded both L-1 and L-2 and the easiest way is to look at it as an industrial park or campus or whatever, not just the building but a complex where potentially you might have some residential in there because it's going to support the working environment. If you look at some of the complexes in Delaware, in the Glasgow area they have a big complex, it's really a big park where they have residential close by. And you have to watch where it says under L-2; it says new residential development it's excluded totally under L-2. So if we start on page 199.

Discussion continued regarding potential uses permitted in both the L-1 and L-2 zones. (Attached is a copy of the Permissible Use Table as revised during discussion.)

Ms. Skilling indicated we will make the changes and will show them to you to make sure we're all on the same page before we complete it and then we'll have a public hearing for the changes.

Mr. Reich asked how many public hearings do we have to do.

Ms. Skilling responded two, one for the Planning Commission and one for Mayor and Commissioners, and both will need to be advertised. So we'll go through it first and then make recommendation to the Mayor and Commissioners.

Mr. Reich stated send us the changes for all of us to verify that is what we talked about. All we have to do is say yes or no and move on to the next item.

Ms. Skilling stated I would prefer that you confirm all the changes and then we'll schedule the public hearing.

Motion was made by Mr. Reich and seconded by Mr. Oberholtzer to adjourn the meeting at 7:45 p.m. **All in Favor. Motion Passed.**

Respectfully Submitted,

Dianna M. Battaglia
Planning & Zoning Coordinator