

**MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE  
RESOLUTION 2022-02**

IN THE MATTER OF THE  
APPLICATION OF STEWART REAL  
ESTATE DEVELOPMENT TO AMEND  
THE GENERAL DEVELOPMENT PLAN  
FOR THE CHESAPEAKE OVERLOOK  
COMMERCIAL ENTERTAINMENT  
MIXED USE DEVELOPMENT

Case No. GD2021-01

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A RESOLUTION concerning

CHESAPEAKE OVERLOOK CEMUD GENERAL DEVELOPMENT PLAN – SPORTS  
ENTERTAINMENT FACILITY

FOR the purpose of approving the application of Stewart Real Estate Development to modify the Chesapeake Overlook Commercial Entertainment Mixed Use Development (“CEMUD”) by amending its General Development Plan to accommodate the proposed development of a Sports Entertainment Facility within the Chesapeake Overlook Development and to alter phasing of other uses.

EXPLANATORY STATEMENT

Stewart Real Estate Development has filed an application to amend the Chesapeake Overlook Commercial Entertainment Mixed Use Development General Development Plan to accommodate the proposed development of an Indoor/Outdoor Sports Entertainment Facility in lieu of the currently authorized multi-family housing, and to provide for the development of such a facility in Phase 3, rather than Phase 4, of the project. The application further seeks to alter the phasing of a proposed 40 room hotel of 24,500 square feet, so that it will be developed after Phase 3 rather than in Phase IB.

As approved in 2009, the CEMUD consisted of 146.517 acres. In 2018 the adjacent parcel of 11.741 acres was annexed (Resolution No. 2018-09) effective October 19, 2018, with the understanding that it would be incorporated as part of the CEMUD and the Chesapeake Overlook Development, and is now under construction as the site of the proposed Great Wolf Lodge. The land area of the proposed Indoor/Outdoor Sports Entertainment Facility is approximately 466,270 square feet.

The applicant has submitted application materials that the Mayor and Commissioners deem sufficient for this minor amendment to the General Development Plan. The Mayor and Commissioners have reviewed and considered the application materials, along with the Staff Report regarding the application. For purposes of this Resolution, the application to amend the

General Development Plan consists of the following attachments to the Town Planning Staff's December 21, 2021, Staff Report:

- Third Amendment to Chesapeake Overlook General Development Plan Narrative
- Site Plan-General Development Plan for Chesapeake Overlook dated 11/29/2021
- The Principio Iron Company Rezoning Opinion June 2, 2009
- 12/14/2021 Letter Re: Revised General Development Plan
- 12/13/2021 Email from Wes Guckert, President & CEO, The Traffic Group

The Mayor and Commissioners have determined that the proposed amendments to the General Development Plan are minor in nature in the context of the small amount of acreage involved in relation to the overall project, and the consistency of the proposed commercial entertainment use and other uses with the original concept of the General Development Plan. For these reasons the Mayor and Commissioners have determined that referral of this application to the Town Planning Commission for review and recommendation is not necessary. The Planning Commission will, however, conduct reviews and make recommendations to the Mayor and Commissioners regarding preliminary and final site plans for the proposed Indoor/Outdoor Sports Entertainment Facility and other future uses.

In order to approve the application, the Mayor and Commissioners must find that the proposed amendment complies with the "purpose, intent and development standards of the CEMUD Floating Zone." After having considered the application, the Staff Report, and other information received, the Mayor and Commissioners make the following findings of fact and conclusions of law applicable to and in disposition of the application.

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The EXPLANATORY STATEMENT is a material part of this decision and not merely prefatory and is incorporated by reference into these Findings of Fact and Conclusions of Law.
2. The Indoor/Outdoor Sports Entertainment Facility will be developed and operated on an approximately 17.671-acre site that is adjacent to and on the north side of the existing Hollywood Casino Perryville and I-95, near the beginning of Chesapeake Overlook Parkway.
3. The hard costs of the project and associated infrastructure development are estimated at \$50,000,000 and \$60,000,000 million. Upon issuance of grading and building permits, project completion is estimated to occur within 18 and 24 months.
4. The Indoor/Outdoor Sports Entertainment Facility will provide employment opportunities for approximately 15 to 20 full-time and 150 to 175 part-time employees, with an annual estimated payroll of \$2,500,000.
5. The Facility is estimated to have annual revenues between \$10,000,000 and \$12,000,000.

6. The standard by which the Mayor and Commissioners may approve amendments to a General Development Plan is whether the amendment complies with the “purpose, intent and development standards of the CEMUD Floating Zone.”

7. The purpose of the CEMUD zone is to allow flexibility in zoning based on a specific development plan consistent with the goals and objectives of the Comprehensive Plan.

8. The proposed amended General Development Plan is consistent with the Town’s Comprehensive Plan in that the amended General Development Plan will continue to :

- Promote Perryville as a growth center for Cecil County,
- Create a viable economic base to encourage further economic investment,
- Promote economic development,
- Enhance Perryville’s role as a tourist destination,
- Create employment and business opportunities, and
- Enhance the tax base of the Town.

9. The intent of the CEMUD zone is to provide for a well-planned development near a highway interchange, encourage economic investment and promote Perryville as a growth center of Cecil County. The intent of the CEMUD zone also is to provide an attractive, destination style commercial and entertainment development with a mix of complementary uses to attract visitors and tourists to Perryville with efficient use of land, smooth flow of traffic and logical phasing of development.

10. The proposed amendment to the General Development Plan for Chesapeake Overlook and the proposed Indoor/Outdoor Sports Entertainment Facility will yield a significant economic benefit to the Town by both direct and indirect means and will encourage further economic investment in Perryville and the surrounding areas. The Facility will continue the development of an attractive, destination style commercial and entertainment development with a mix of complementary uses.

11. In addition to complying with the standards in Section 116-6 of the Zoning Ordinance, an amendment to an approved General Development Plan must satisfy the documentation requirements of Section 116-7. An application has been submitted for the amendments with required fee. The Mayor and Commissioners find that the submittal requirements have been satisfied as follows:

- The proposed amended General Development Plan includes information identified in Town Code Appendix A, Basic Information Required with Zoning and Building Permit Applications.
- The proposed amended General Development Plan shows the relation of the Chesapeake Overlook CEMUD to the Town of Perryville and major public access to the site via Rt. 222 and I-95.
- The proposed amended General Development Plan contains a preliminary development phasing plan with a tentative timetable and staging of development

and improvements. These are included in the Third Amendment to Chesapeake Overlook General Development Plan Narrative.

- The overall CEMUD tract area is 158.24 acres. As provided by the project's engineer the square footage of the non-residential Indoor/Outdoor Sports Entertainment Facility development (building footprint) is 466,270 square feet +/- or 10.71 acres. Therefore, the non-residential square footage is 6.77% of the tract area. According to the applicant, the entire site, including proposed road access, utility work and stormwater facilities, is approximately 17.761 acres.
- Site and architectural character of the development Pattern Book was established by the Stewart Real Estate Development LLC dated March 24, 2009, and remains in effect for the Chesapeake Overlook project. The proposed Indoor/Outdoor Sports Entertainment Facility will need to follow these guidelines and receive approval for the Exterior Building Elevations.
- The Traffic Group has examined the difference between the previously proposed apartments and this proposed Indoor/Outdoor Sports Entertainment Facility and anticipates no enhanced traffic impacts during peak trips.
- A preliminary list of land uses is included in the Narrative attached to the Staff Report and remains consistent with approved uses for the development.

12. Town Planning Staff recommends approval of the proposed amendments to the Chesapeake Overlook General Development Plan.

13. Based upon the foregoing, the Mayor and Commissioners find that the proposed amendments to the General Development Plan comply with the purposes, intent and development standards of the CEMUD Floating Zone.

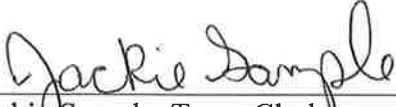
Whereupon,

SECTION I. BE IT RESOLVED AND ORDERED BY THE MAYOR AND COMMISSIONERS OF THE TOWN OF PERRYVILLE this 4<sup>th</sup> day of January, 2022, that, based upon the foregoing Findings of Fact and Conclusions of Law, the application to amend the General Development Plan of the Chesapeake Overlook CEMUD to accommodate the proposed Indoor/Outdoor Sports Entertainment Facility within Phase 3 of the Chesapeake Overlook Development, and to alter the phasing of a proposed 40 room hotel of 24,500 square feet, so that it will be developed after Phase 3 rather than in Phase IB, is hereby APPROVED. Except as modified by this Resolution, the General Development Plan for Chesapeake Overlook remains the same as heretofore approved and previously amended.

MAYOR AND COMMISSIONERS  
OF THE TOWN OF PERRYVILLE

  
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Matt Roath, Mayor

ATTEST:

  
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Jackie Sample, Town Clerk