



**MINUTES OF
THE PLANNING AND ZONING COMMISSION
FEBRUARY 10, 2016**

I. Chairman Jeff LaBar called the meeting to order at 7:00 p.m. In attendance were Commission Members, Nancy Feuerle, Jeffery Foltz, Keith Pardieck, and Megan Reiser. Also in attendance was the Planning and Zoning Administrator, Christopher Jakubiak, and Secretary, Fran Addicott.

II. **Approval of the February 10, 2016 Planning and Zoning Agenda as written.**

MOTION: Chairman LaBar proposed to amend the order of the agenda to review the Harbor Vista Apartments site plans-first, then review the proposed site plans for the Chesapeake Beach Resort & Spa. Mrs. Reiser moved to approve the agenda as amended, Mrs. Feuerle seconded, all in favor.

III. **Approval of the December 9, 2015 Minutes of the Planning and Zoning meeting.**

MOTION: Mr. Foltz made a motion to approve the December 9, 2015 minutes as written. Mrs. Feuerle seconded, all in favor.

IV. **Review the proposed site plan for the Harbor Vista South Apartments located at 8016 Bayside Rd. Chesapeake Beach, MD.**

Chairman LaBar requested that Town Planner Mr. Jakubiak describe the proposed site plan for the Harbor Vista South Apartments. Rod & Reel Properties, Inc. submitted the site plan for the development, which would be located on Harbor Road and the intersection of MD Route 261. The property borders Fishing Creek. It is zoned Maritime. The project is a residential, multi-family 58-unit waterfront apartment building with boat slips. The lot is 2.87 acres in size. Parking would be located under the building and 15 additional spaces are proposed to be located along the eastern property line. It is in the Critical Area, Buffer Exempt Area, classified as IDA or Intensely Developed Area.

Mr. Jakubiak reviewed the staff report and discussed the site plan and his review included an introduction and evaluation of the eight standards or findings that have to be established by the Planning Commission in order to grant approval of bonus density requested by the developer, under Section 290-15 of the Zoning Ordinance.

On behalf of the applicant, Rod & Reel Properties, Inc., Mr. Gerald Donovan was present as well as his speaker Mr. Jeff Davis. Mr. Davis introduced the team members for the proposed site plan which included Janie Gregory and Anthony Barsie from Little Diversified Architectural Consulting located in Arlington, VA, the engineer, Paul

Woodburn, Vice President with Ben Dyer Assoc., the environmental expert, Milt McCarthy, Michael Lenhart from Lenhart Traffic Consulting, Inc., and Attorney, Eric Blitz. Each presented from the perspective of his or her area of expertise or involvement in the site plan and responded to questions and comments from the Planning Commission members and the Town Planner.

Ms. Gregory stated that the project is committed to using green sustainable materials in the building and materials that reflect local aesthetics. She described the design and architecture of the building. She indicated the building would be five levels and that two levels of which would be parking. Later in his review of the staff report, Mr. Jakubiak reminded the Planning Commission of a concern that the building's entrance facing Harbor Road should be made more prominent than it is shown on the renderings because when buildings face the street they should connect with the street in a functional and visual way. Ms. Gregory agreed with Mr. Jakubiak's comment and noted her intention to incorporate that fix into the design in the update of the renderings to be provided to the Town.

Mr. Woodburn noted that underground storm water management had already been installed following the original approval of the site plan in 2006 and that the project meets the 20 percent open space standard required by the Zoning Ordinance through landscaping and planting on the grounds of the property. He agreed with Mr. Jakubiak's recommendation to the Planning Commission about a sidewalk noting the site plan would be revised to include a sidewalk along the frontage of Harbor Road. He also noted that the revised plan would show clear bike access into the site as well as streetlights along Harbor Road. He indicated that there is an infiltration system installed in the ground to manage storm water from the proposed 15 outdoor parking spaces. He noted that the site's storm water management plan was approved previously as was the 10% rule calculations per the critical area requirements, but that he understood that both would need to be updated in technical coordination with the Town Planner and the Critical Area Commission staff. Mr. Jakubiak indicated that such coordination is well underway. Mr. Woodburn also noted that the dumpster will be enclosed and screened.

Mr. Lenhart noted that the State Highway Administration is expected to complete the Fishing Creek Bridge replacement in 2018. He indicated that the traffic study he conducted for the proposed Chesapeake Beach Resort and Spa development encompasses the Harbor Vista South development and that study found there would be no capacity or congestion issues with the Harbor Road / MD Route 261 intersection upon completion of the bridge project. He noted that the intersection would operate at an acceptable level of service upon full development of the Harbor Vista site. He explained his traffic study.

Mr. Jakubiak stated that upon finding the project in compliance with the zoning standards for the grant of bonus density and the standards set forth elsewhere in the Zoning Ordinance, the Planning Commission should consider approving the project with conditions. He noted that the project will also have to comply with Critical Area mitigation requirements and meet storm water management requirements as administered

by Calvert County. Mr. Jakubiak indicated that the applicant has sufficiently described how the critical area mitigation requirements for the project would be met and indicated that the detailed consideration of the storm water management improvements which were installed previously, including the buffer yard along the water's edge, following the original approval of the site plan in 2006, would need to be technically evaluated before the final and detailed count of required mitigation could be established. He also noted that the buffer yard requirements under the critical area regulations have been satisfied. He indicated that light poles along the walkway have already been installed but still a lighting plan would be required prior to the grant of final approval.

The Applicant will revise the Building Permit Application to read Harbor Vista South Apartments.

The following residents made Public Comment:

Council Member- Dr. Valerie Beaudin- 8307 Bayside Rd, Chesapeake Beach
Council Member- Pat Mahoney- 4006 14th St, Chesapeake Beach
Paul Doherty- 4000 Arcade Ct, Chesapeake Beach
Brian Daughtery- 6930 Donau Ct, Chesapeake Beach
Mary Mathis- 7788 C St, Chesapeake Beach
Charlie Fink- Sea Gate, Chesapeake Beach
Council Member- Jeffrey Krahling- 3216 Ina Chase, Chesapeake Beach
Greg Morris- 2425 Woodland Ct, Chesapeake Beach
Jennifer Tyler- 3220 Cannoncade Ct, Chesapeake Beach
Mike Bennett- 8094 Windward Key Dr, Chesapeake Beach

In reply to one of the public comments, Mr. Jakubiak explained that the Town secured the services of a civil engineer to serve the Town in the review of the site plan in order that there would not be a conflict of interest since the Town Engineer Mr. Paul Woodburn, P.E. and the company he works for, Ben Dyer Associates, is the engineer for the developer.

The Planning Commission evaluated the bonus density overlay standards and concluded that the project met Section 290-15 of the Zoning Ordinance and then it discussed the conditions under which it would approve the site plan before proceeding to draft a motion.

MOTION: On a motion by Mr. Foltz, seconded by Mrs. Feuerle and carried unanimously, the Planning Commission granted preliminary approval of the site plan for the Harbor Vista South Apartments conditioned on the following:

1. That a Lighting Plan be submitted for technical review and acceptable by the Town Planner.

2. That the developer coordinate with the Town Planner to explore feasibility and desirability of obtaining a public access easement along the water's edge from the west side of the property to the Fishing Creek Bridge or via another route.
3. That the developer submit a sign package to the Town Planner for his approval.
4. That the developer meet and secure all necessary State, Federal, and County approvals including and compliance with all Town engineering specifications and Critical Area approval.

V. Review of the proposed site plan for the Chesapeake Beach Resort & Spa located at 4165 Mears Ave, Chesapeake Beach, MD.

Prior to any discussion of this agenda item, Planning Commissioner Pardieck recused himself from the deliberations citing his role as President of the Chesapeake Station homeowners' association, which represents the residences adjacent to the site and his desire to avoid any actual or perceived conflicts of interest.

Mr. LaBar then asked Mr. Jakubiak to begin with an overview of the site plan. He began by noting that the Town had secured the services of a civil engineer to act as town engineer in place of Mr. Paul Woodburn on matters pertaining to the subject site plan. Mr. Jakubiak summarized the proposal. The Rod & Reel Properties, Inc. submitted a site plan for re-development and intensification of uses on the property at 4165 Mears Ave. The property borders Fishing Creek and the Chesapeake Bay. It is zoned Maritime, located in the IDA or Intensively Developed Area of the Critical Area and includes Buffer Exempt Area. The site plan provides for the demolition of the existing restaurant and the proposed construction of another hotel/resort building on the property, which will include restaurants, gaming rooms, retail, and banquet facilities, a four-level parking garage, boardwalk and a crab house restaurant.

On behalf of Rod and Reel Properties, Inc, Mr. Gerald Donovan was present as well as his speaker Mr. Jeff Davis. Mr. Davis introduced the team members for the proposed site plan, which included Janie Gregory and Anthony Barsie from Little Diversified Architectural Consulting located in Arlington, VA, the engineer, Paul Woodburn, Vice President with Ben Dyer Assoc., the environmental expert, Milt McCarthy, Michael Lenhart from Lenhart Traffic Consulting, Inc., and attorney Eric Blitz. Each presented from the perspective of his or her area of expertise or involvement in the site plan and responded to questions and comments from the Planning Commission members and Town Planner.

There was considerable discussion about the existing storm drain facilities shown on the site plan to be located under the proposed parking garage, the developer's proposal to raise the elevation of the site and the height of the bulkhead, public access along the water's edge, traffic and the potential for turning movement conflicts especially on Mears Avenue, bus parking and potential for noise issues for adjoining residences related to the

idling and loading/unloading of buses, buffering and screening of lights, noise and sight along the property line with the Chesapeake Station residential neighborhood, the need to revise the lighting plan per the written comments provided by the Town Planner, and Critical Area mitigation including the beneficial additions of green space and bio-retention facilities added by the developer in response to the Town Planner's review comments, and the developer's proposal to install a large bio-retention facility designed to treat an expansive off-site drainage area.

After discussing these and other aspects of the site plan, Planning Commissioner Reiser indicated that she was not comfortable yet that the development team had answered the concerns raised by the Planning Commission satisfactorily and suggested that the Planning Commission would need more information from the developer to address such outstanding issues. The Planning Commission members concurred in this assessment. Chairman LaBar then led a discussion among the Planning Commission members resulting in a list of items that the developer should be prepared to discuss at the next Planning Commission meeting (to be held March 9, 2016). The items are presented below.

1. Vehicle traffic flows and turning movements along Mears Ave. and its intersections to be addressed in conjunction with pedestrian (and bike) movements.
2. The easement(s) for storm drains (including the extent to which they would allow development activities and new structures) and the need to re-route the stormdrains and easements.
3. Bus parking and in particular the issue of noise associated with idling buses and loading and unloading and the potential to locate bus parking area inside the parking garage or elsewhere.
4. The public access easement.
5. A lighting plan that addresses Mr. Jakubiak's comments is required to be provided.
6. All other issues identified and discussed including: a signage plan should be included with the site plan package, the need for a designated and safe walkway from the southeast parking garage tower to the hotel's front door, added buffers, screening, and sound walls along the property's border with the Chesapeake Station residential community and the need for information about the elevation of the pump station located on the western side of the site and any impacts to the pump station resulting from the development activities.

In particular, the Planning Commission noted it would like to have Mr. Woodburn, and Mike Lenhart at the March 9th meeting in particular to discuss the traffic issues on Mears Avenue.

The following made public comment:

Elizabeth Henderson 7781 Dentzel Ct, Chesapeake Beach

Paul Doherty- 4000 Arcade Ct, Chesapeake Beach

Council Member-Valerie Beaudin-8307 Bayside Rd, Chesapeake Beach

Tim Reiser- 7951 Stream Walk Way, Chesapeake Beach

Greg Morris- 2425 Woodland Lane, Chesapeake Beach
Greg Dewolfe- 4001 Arcade Ct, Chesapeake Beach
Mickey Hummel- Town Council Member, North Beach

MOTION: On a motion by Mr. Foltz, seconded by Mrs. Feuerle and carried unanimously, the Planning Commission tabled deliberation on the site plan until the March 9, 2016 meeting.

Adjournment

There being no further business, the meeting adjourned at 11:15 pm on a motion made by Mr. Foltz, seconded by Mrs. Feuerle, all in favor.

Submitted by,

A handwritten signature in cursive script that reads "Fran Addicott". The signature is written in dark ink and is positioned below the text "Submitted by,".

Fran Addicott, Secretary