



**MINUTES OF
THE PLANNING AND ZONING COMMISSION
MARCH 9, 2016**

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

II. Approval of the March 9, 2016 Planning and Zoning Agenda as written.

MOTION: Mrs. Feuerle made a motion to approve the March 9, 2016, Agenda as written. Seconded by Mr. Foltz, all in favor.

III. Approval of the February 10, 2016 Minutes of the Planning and Zoning meeting.

MOTION: Mr. Foltz made a motion to approve the February 10, 2016, minutes as written. Mrs. Feuerle seconded, all in favor.

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

Before the presentation began, Chairman LaBar raised the issue from the previous meeting concerning placing a condition on site plan approval that a pedestrian easement connecting the proposed Harbor Vista South project to the Rod N Reel Hotel project, under the Fishing Creek Bridge, be established along with the platting of an easement over the promenade. Chairman LaBar indicated that there was not support at the Town level to make this a condition of approval, given the complication associated with maintenance and security and access in light of how the site is proposed to be developed.

The members of the Planning Commission concurred in that assessment and the Planning Commission moved on without revisiting the Planning Commission's approval of the Harbor Vista South Plan or requiring further attention to this matter by the applicant.

Mr. Jakubiak opened the meeting by stating that he met separately with the Town engineer; Wayne Newton, PE; the Applicant's Attorney, Eric Blitz; and the Traffic Engineer; Mike Lenhart, PE to review the items the Planning Commission requested more information on, at the last meeting.

The Applicant needed to address the following:

1. Traffic circulation on Mears Avenue:

The Traffic Engineer, Mr. Lenhart, presented a Synchro-analysis, (Synchro-Sim Traffic simulation analyses) which is a software tool that projects traffic in real time on the street and shows its traffic flow. The simulation confirmed the

existing conditions which resulted in some minor delays exiting Roland's Chesapeake Station Shopping Center due to the fact that Mears Avenue is free-flowing in both directions and motorists must wait for a gap in both directions in order to make a left to get to MD 261. They expanded the simulation analysis to include a 3-way stop at the intersection of Mears Avenue and the egress from the Roland's Chesapeake Station shopping center.

This 3-way stop would allow free-flow ingress of vehicles entering Mears Avenue from MD 261, but would create a 3-way stop for both of the minor street approaches (these have existing stop signs) and adding a new stop sign for westbound Mears Avenue. This eliminates the need to wait for gaps in westbound Mears Avenue traffic, and dramatically improves the ability for vehicles from minor street driveways to enter the intersection at this location. Chairman LaBar and several residents were concerned that there was not a stop sign at the far eastern end of Mears Ave. for vehicles exiting the resort on Mr. Lenhart's proposal. Chairman LaBar said that if there is a large amount of traffic due to an event it could pose a problem for the residents trying to exit their neighborhood.

The Applicants Attorney, Mr. Blitz, said that there is a stop sign in place now and it will remain there.

2. **Storm Water Management/ Revised site plan:**

Mr. Jakubiak indicated that he was satisfied that the developer's proposal for storm water management would have the effect of substantially improving the water quality going into the Chesapeake Bay through the installation of a major infiltration device in the large median of Mears Avenue. The project would address in large part the critical area mitigation requirements. Mr. Jakubiak noted that under the proposal, the water draining from a drainage area of 5 or more acres would be treated by the device, meaning that both pollutants and debris in the storm water would be removed by the infiltration device before it discharges into Fishing Creek. The water coming from the pipe would be so much better than the water coming out of the current pipe for the oysters and the Bay.

Also, there are a number of easements on the property that don't work. There is an easement for the storm drains, and the proposal was to place the parking garage on that location. Mr. Jakubiak said that they would need to move that easement and a new plat would have to be submitted to the Zoning Administrator by the developer. The Applicant's Engineer, Mr. Woodburn, reviewed the site plan changes. It was proposed to re-route the existing pipe system that drains the upper water shed that goes north and south and drains through the bulkhead. He said they will re-route the existing pipe around the above-ground parking garage and stay away from as many utilities to avoid conflict. At least two pipes will be

abandoned. One will remain to drain the bio-retention areas. He also said that extra crosswalks and sidewalks have been included for pedestrians.

3. **The noise complaint from buses:**

Noise from parked buses on the Rod & Reel Resort & Spa parking lot was also an issue. Mr. Blitz said the Applicant hired Phoenix Noise & Vibration LLC to conduct an on-site test to measure the noise levels from passenger buses idling, existing traffic on Mears Avenue, and traffic within the Chesapeake Beach Resort & Spa. Mr. Woodburn was present on March 1, 2016 at 11:00 am for the test. Mr. Woodburn said that Spriggs Coach Motorcoach was on the property. He said it was a very busy day with buses and traffic.

He asked the driver to idle the bus for 30 minutes but he was told that they don't let the bus sit idle for more than 5 minutes because carbon will back up in their system and cause the bus to break down, which would be very expensive to fix. Mr. Woodburn went on to describe that Phoenix set up the test in three different locations along the property lines to see what the noise levels would be.

The findings of the report were that the buses were well within the State noise limits from the Code of Maryland Regulations (COMAR). Mr. Woodburn pointed out those limits from table 1, 2, and 3 of the Phoenix noise report.

4. **Lighting Plan**

Mr. Jakubiak summarized his comments from the initial draft. One of the key issues was uniformity of illumination (measured in foot candles) over the various functional parts of the site. The other issue is light trespass extending onto Mears Avenue, the MD 261 highway and Bridge and Fishing Creek. The first draft really lit up Fishing Creek, which Mr. Jakubiak found unacceptable. His comments were to encourage a step back from the foot candles that extend beyond the property boundaries, both towards Chesapeake Station, and extending north into Fishing Creek. Another issue was the height of the fixtures and how tall the poles are above the ground, and how tall the lights are that are attached to the parking garage.

Mr. Barsie, from Little Diversified Architectural Consulting explained from his presentation that they took down a lot of proposed lighting where Mr. Jakubiak had concerns about the levels, trespassing and the primary light poles in the parking lot and lighting along the garage that is meant to light the pedestrian pathways. He described the proposed lighting fixtures and the locations of them. He is proposing gooseneck lighting on the elevated walkways.

The height of the light pole fixtures in the parking garage will be 18 feet. The poles used may be for hanging banners and baskets. LED lighting will be used. Sconces will be used along the building and Crab House, and bollards will be

used along the walkway. Mr. Jakubiak noted that the revised lighting plan showed an elimination of lighting trespass off site. All fixtures are to utilize full cut-off optics.

5. The Signage Plan:

Mr. Barsie presented copies of the graphics to the Planning Commission and discussed the different kinds of signage, banners and screens, to show how they would look on the site.

The Applicant will need to work through Mr. Jakubiak to obtain zoning permits for the signs once it comes time to install them.

Also, Mr. Blitz stated that Mr. Woodburn added sidewalks to the newly revised site plan on both sides of Mears Avenue as requested. This addresses some of the pedestrian flow issues as well.

Public Comment:

Sven Thulin- 4007 Arcade Ct, Chesapeake Beach
Ed Solkowski- 7735 C St, Chesapeake Beach
Larry Jaworski- 8665 Baywalk Square, Chesapeake Beach
Theresa York- 7150 Old Bayside Rd, Chesapeake Beach
Mary Mathis- 7788 C St, Chesapeake Beach
Heidi Daniels- 7786 Dentzel Ct, Chesapeake Beach

Mrs. Reiser thanked the Applicants representatives for addressing all the concerns that the Planning Commission had last month in a timely manner.

MOTION: Mr. Foltz moved to grant preliminary approval for the Chesapeake Beach Resort & Spa with the conditions that the Critical Area requirements be met, that the traffic changes along Mears Avenue agreed to earlier in the meeting be made, and with the standard condition related to compliance with all town standards and specifications, sediment erosion control regulations, storm water management regulations, and other federal, state, and county approvals. Seconded by Mrs. Reiser, all in favor.

Adjournment

There being no further business, the meeting adjourned at 8:33 pm on a motion made by Mr. Foltz, seconded by Mrs. Feuerle, all in favor.

Submitted by Fran Addicott, Secretary

