

Chesapeake City  
Planning and Zoning Commission  
Minutes April 1, 2009

Bob Hirschfeld  
Nick Visser  
Harry Sampson  
Bill Miners, Chair

Lee Hutton

Attached list of attendees

Rich Taylor

Frank Vari

Tom Wheeler, Zoning Inspector

Keith Baynes, Town Attorney

Sharon Weygand, Town Administrator

Bill Miners brought the meeting to order at 6:30 pm followed with the Pledge of Allegiance.

**Public Announcements: None**

**Approval of minutes from March 4, 2009**

**MOTION** was made by Frank Vari and seconded by Harry Sampson to approve the minutes from March 4, 2009 with the noted corrections. All in favor; motion carried.

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**Staff Reports:**

**Tom Wheeler, Zoning Inspector** – Report attached in Minutes Book

**Action Items**

- **Sign First Presbyterian Church – replacing sign in front yard.**

**MOTION** was made by Harry Sampson and seconded by Rich Taylor to approve the application for a new metal sign, 4' x 6', for the First Presbyterian Church. All in favor; motion carried.

- **Fence Kenneth J. & Sharon J. Acquaviva – Install 6' wood fence in rear of property**

**MOTION** was made by Nick Visser and seconded by Bob Hirschfeld to approve the fence application at 13 Bohemia Avenue as per drawing. All in favor; motion carried.

- **Fence Susan Saris –3' fences from front, down the side to back.**

**MOTION** was made by Lee Hutton and seconded by Harry Sampson to approve the fence application for 422 Cecil Street as per the drawing and to revise the drawing to show the 6' fence between the two properties can be allowed back to the property line. All in favor; motion carried.

- **Duties of Town Administrator**

Section 22. Item No. 3 - Powers and Duties of Planning Commission states the following: The Planning Commission may delegate authority for review and approval actions to the Town Administrator as deem appropriates.

In order that an applicant does not have to wait for approval at a P&Z meeting, it was requested that the Town Administrator would have the authority to approve the Zoning Certificates for sheds and fences.

Town Administration would review the applications with the approval of Zoning Inspector. This review would include Zoning Inspector report, pictures and Critical Area review if applicable. Town Administrator will provide a monthly worksheet of any building permits/zoning certificates signed off to commission so they are kept up to date.

**MOTION** was made by Lee Hutton and seconded by Frank Vari to approve the delegation of the Zoning Certificate review and approval to the Town Administrator and Town Zoning Inspector for sheds and fences, instead of coming to the Planning and Zoning Board for those things; for a trial period of six (6) months. All in favor; motion carried.

DISCUSSION ITEM

Banquet Hall – Deck Area and Banquet Hall Renovations

Five areas of concern: Parking, Critical Area, Water & Sewer, Storm Water Management Plan and Concept Sit plan.

*Storm Water Management Plan* - Critical Area approved the plan a year and three months ago, but Jack O'Connell never received information that it was approved (it would have been sent to the town). URS: received a copy of the letter that Mary Anne Skilling had approved some parts of the plan. URS never reviewed the plan on behalf of the Town.

Since the site is under 5000, square feet, Cecil County Government Public Works Department, did not review the plan for storm water management. (URS): It is in the Critical Area and in the IDA (intensely developed area) and the main requirement is when you redevelop in the IDA that you have to improve water quality by 10%. There are calculations and formulas that the applicant plugs in pre and post development with the storm water management facilities. They are proposing to see if they meet that 10% improvement quality. This falls within the Town Critical Area program, regardless of the square footage, it pertains to redevelopment.

Jack O'Connell: This plan does meet the 10% improvement; I saw it on the plans.

URS: I do not know; we have not reviewed the plans.

*Critical Area* - Lee Hutton: The new deck over the riprap, does that fall under our rules as far as being an expansion of use, if you look at our flood plain ordinance you are not allowed to expand the use of any flood plain area. Is the deck below flood plain area?

Jack: The elevation is 19" below finished floor (the old deck). The new deck is flush with the floor.

URS: I've never considered an outdoor deck to be a flood plain issue.

*Flood Plain* - Town is requesting a Flood Plain Certificate/Elevation Certificate.

*Water & Sewer* - Numbers are needed so Town is not over allocated

Jack: The estimated proposed usage is 20% less than the original building

*Parking* - A concept plan is need that shows the parking. Specific site plans for phases with estimated parking spots are need. Also, the plan shall include one spot for employees as noted in Section 256 Number of Parking Spaces Required – Restaurant 1.0 space per 3 seats, plus 1 space per employee on the maximum shift. Town approved November 2007 site plan.

Lee Hutton: All approvals given before for the main building are now null and void (in reference to parking). Can you reduce the number of seats to accommodate the parking so you can get up and running? As satellite parking becomes available, add additional seats.

Sharon: I can not approve a zoning certificate until I have the Critical Area items listed on that list addressed. A site plan is needed before permit approvals.

Bill Miners: Assuming that P&Z passes the Phase 1 with the banquet hall, we will require the owner of the property to provide a letter stating they are fully aware of the situation and realize that no further development would take place without the appropriate parking in place. It will be a condition of approval for Phase 1: Banquet Room and Deck and Phase 2: Old Restaurant.

Our Zoning Ordinance allows us to continue to allow non-confirming use to be used in regards to the parking lot. The current parking lot is still considered non-confirming.

**MOTION** was made by Harry Sampson and seconded by Nick Visser to accept the plan entitled, "Plot Plan, P-1:, prepared by O'Connell Management, Inc., dated September 5, 2007, last revised October 5, 2007, as the preliminarily site plan for Phase 1 Banquet Hall/Deck redevelopment, contingent upon a full site plan, containing the information for a Final Major Site Plan as shown in Appendix A of the Zoning Ordinance, to be resubmitted back to the Planning Commission for final approval prior to the issuance of a Zoning Certificate. All in favor; motion carried.

Site plan for the banquet hall has to show parking for banquet hall with appropriate documentation. Site plan for the restaurant will have to show parking for the restaurant. If the lease is terminated for satellite parking, the permit issued will be revoked.

Time Line: Jack will have plans to URS within 10 days. Chris Rogers, URS, has to review it first and then it goes to the P&Z. If necessary, P&Z could possible approve the plan at a Special Session held before the workshop on the 15th.

For the developer and the owners: All review fees will be your responsibility to pay.

**MOTION** was made by Rich Taylor and seconded by Frank Vari to hold a Special Session before the workshop, April 15<sup>th</sup> to review the status of the C&D Canal House banquet hall. All in favor; motion carried.

**MOTION** was made by Bob Hirschfeld and seconded by Harry Sampson to adjourn the meeting at 8:25pm. All in favor; motion carried.

Respectfully submitted,

Valarie Walls, Clerk Treasurer