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Gustav S. Kurtz, Jr.
Chair, Planning Advisory Board

Planning Advisory Board (PAB)
Hybrid Meeting
October 24, 2023
6:00 PM

PAB Present:

Gus Kurtz, Chair
Melanie Hartwig-Davis, Vice Chair
Lawrence Blevins
Edward Evans
Van Mason
Elizabeth Rosborg
Dawn Stoltzfus

Staff Present:

Jessica Levy, Planner II, Long Range Planning Section, Office of Planning and Zoning (OPZ)
Michael Stringer, Senior Planner, Long Range Planning Section, OPZ
Christina Pompa, Deputy Planning and Zoning Officer, Planning Division, OPZ
Cindy Carrier, Planning Administrator, Long Range Planning Section, OPZ
Eric Ketterling, Senior Planner, Long Range Planning, OPZ
Erica Chapman, Planner II, Long Range Planning Section, OPZ

Others Present, In-Person and Online: K Adams, Robert Di Aiso, Michael Albo, Isaac Ambruso, Paul Arcand, Jeff Bakewell, Amy K Beal, Andrew Beal, Beth Beal, Martin Bentz, Erin Benson, Joelle Blakatis, Todd Blakatis, Diane Blake, Kinley Bray, Richard Brill, Wayne Brumwell, Mike Charnosky, Barbara Christian, Nicklous Combs, Jay Crawford, Susan Crawford, Kelsea Croghaw, Mary Daniels, Mancres Day, Arden Day, Deven Edwards, Linda Elliott, Amanda Fiedler, Ann Fligsten, Sara Gannon, John Gardner, Suzanne George, Michael Gilbert, Tim Gordon, Tobin Haeberg, Melissa Hagan, Phil Hager, Kevin Haines, Len Hamilton, Thomas Hampton, Mike Hatcher, Alma Henson-Darden, Donna Hergenroeder, Roy Henry Higgs, Tracey Hoehn, Lane Hubbard, Doug Huessler, Steven Hulzhizgs, Richard Israel, Karl Jackson, Pam Jendrek, Paul Jendrek, Julie Johnson, Keith Kitts, Eileen Klopfer, Amanda Kopp, Beverly Locantore, John Locantore, Douglas Loup, Pat Lynch, Manuel Marrnes, Anthony Marques, Cindy May, Patrick May, Richard May, Kurt Menke, Joan Miller, Sara Neild, Michael Oleru, Barbara Palmer, John Palmer, Tiyan Parker, John Pantelides, Peter Penzell, David Phipps, Eliot Powell, Judy Smith Pukita, John Spencer, Tiffany Rals, Evangeline Redding, Keisha Ricks, Robert Rukriyl, Leisa Russell, Julie Santoboni, Linda

Schuett, Omid Shaffat, Alan D Shaw, Kimberley Shaw, Jason Shehane, Doreen Shuty, Mike Soucy, Julianne Sullivan, Tomn Superzynski, Bryan Thurston, Larry Thurston, Skip Trimble, Valerie Tudan, Bernard Wallace Jr., Chris Wallis, Nancy Wallis, Terry Walman, Greg Walter, Steve Walter, Benjamin Wechsler, Temy Wehn, Judy Weigel, Todd Wilkinson, Ben William, Ann Hechmer Wilson, Blake Wilson, Stephen Zeller

Call to Order

Mr. Kurtz called the Planning Advisory Board (PAB) meeting to order at 6:03 PM.

Ms. Rosborg motioned to approve the agenda, and Mr. Edwards seconded. The agenda was approved 7-0.

Draft Region 4 Plan and Comprehensive Zoning Map

Presentation

Eric Ketterling presented an overview of the draft Region 4 Plan. The latest update of the County General Development Plan, Plan2040 designated nine Region Plan Areas and set the schedule for development of the Region Plans. The Region Plan is a tool that will inform and advise the County decision-making processes that affect the Region Plan Area and the County as a whole. The Region Plan will be used as a reference for informing future rezoning requests, private development plans, and the capital budget and improvement program.

Each Region Plan is developed with input from a Stakeholder Advisory Committee (SAC) that is composed of a cross section of the Region's civic, business, environmental, and other stakeholders who reside in or own or manage a business in the planning area. The 15-member Region 4 SAC was nominated by the County Executive and approved by County Council Resolution No. 56-21 on October 18, 2021 and Resolution No. 43-22 on September 19, 2022. The Region 4 SAC met over 20 times over the course of approximately 2 years.

Mr. Ketterling reviewed the multiple public outreach efforts that were conducted as part of the planning process. These included research interviews with stakeholders, online questionnaires, public forums, and participation in community events. Postcards were also mailed to all property owners in the Region and letters were sent to owners of property where changes in zoning are recommended.

Mr. Ketterling briefed the PAB on the key themes of feedback from the public engagement including: protect environmental features, address the lack of housing diversity, provide additional multimodal infrastructure, relieve mobility and traffic congestion concerns, redevelop underutilized commercial areas / vacancies, and explore neighborhood compatibility and design guidelines.

Mr. Ketterling reviewed the vision statement for the Region Plan and key strategies recommended in the draft Plan. Highlighted recommendations include: preparing a feasibility study of sea level rise adaptation measures for peninsulas and low lying areas, expanding transit access and increasing transit coordination across jurisdictions, expanding public water access opportunities for swimming launching \ kayaks, canoes, and trailerable sized boats, and supporting local economic development initiatives for redevelopment efforts.

Mr. Ketterling and Jessica Levy provided an overview of the Comprehensive Zoning process. OPZ staff and the SAC reviewed the Development Policy Area and Planned Land Use Maps adopted in

Plan2040. They recommended zoning changes to ensure consistency between the Planned Land Use Map and Zoning Map as required by State law. They also reviewed and made recommendations on zoning change applications submitted by property owners. Mr. Ketterling reviewed the comprehensive zoning changes across different communities in Region 4.

Public Hearing - Oral Testimony

Wayne Brumwell has about 15 acres at 4438 Purple Martins Road in Pasadena (new request: CZ-R4-PAS-502). This property is currently zoned RLD, and used to be zoned R2. Mr. Brumwell is requesting R1 zoning. The property has water and sewer access.

Mary Daniels owns 1475 Shot Town Rd and is trying to subdivide the property. The County no longer offers family conveyances, which is making the process difficult. When she contacted the County about development, they said they would require about three-fourth of the property to go to conservation. The property is currently split zoned R5 and OS, and the recommended zoning change is to R5 and RLD. Ms. Daniels is supportive of the R5 zoning, but opposes the RLD zoning and requests R1 for this portion of the property (new request: CZ-R4-BDN-503).

Ms. Daniels believes the zoning on Shot Town Road went from R1 to RLD in 1989. A similar downzoning situation occurred on Broadneck Road. She believes there was inadequate communication with the public about these changes and that it inhibited opportunities for families to generate wealth. Zoning is complicated for the public and there should be more information to protect taxpayers. Many of these properties back up to neighboring subdivisions that have higher zonings such as R2 or R5, and she requested that the zoning along Shot Town Road and Broadneck Road be updated to match the surrounding neighborhoods. She said she will write to the PAB to provide addresses for the properties in question.

Keisha Ricks owns property at 1462 Shot Town Road that has been in the family since the late 1800s. The property is split by Shot Town Road, and is currently split zoned R5, RLD, and OS. The property is proposed to go to RLD to the west of Shot Town Road and R5 to the east of Shot Town Road. Ms. Ricks is supportive of the R5 zoning, but opposes the RLD zoning and requests R1 for this portion of the property. She agrees with the comments from Ms. Daniels, and also wishes to leave her property to future generations.

Benjamin Wechsler provided testimony on behalf of the Gibson Island Corporation and expressed their support for OPZ's recommendations on their comprehensive zoning changes (CZ-R4-GBI-001A, CZ-R4-GBI-001B, and CZ-R4-GBI-001C). There is also a consistency change that is supported by the Gibson Island Corporation to provide W2 on the west side of Aberfoyle Road. These zoning changes will aid Gibson Island in modernizing and improving services for Island residents.

Benjamin Wechsler provided testimony on behalf of 161 Ferguson Road in Annapolis (CZ-R4-BDN-015). This property is currently zoned RLD and is developed with a single-family home. Mr. Wechsler has requested C4 zoning for this site since the Plan2040 process. He guided the PAB through images and maps that were submitted as exhibits. There is a forest conservation easement on this site, and most environmental features on this site fall under the conservation easement area. The properties to the west of this site are car dealerships. The property immediately to the west of the subject site is owned by the State Highway Administration and is anticipated to be used for staging the Bay Bridge expansion. To the south is a gun club that can be noisy. Given that the property fronts on an interchange and is essentially surrounded by commercial uses, Mr. Wechsler requests C4 zoning for this site.

Julie Santoboni owns 161 Ferguson Road. Ms. Santoboni commented that OPZ did not take a position on her property until hearing from the SAC. There is existing commercial zoning in the area, and other zoning applications in the area for commercial zoning were supported by OPZ (CZ-R4-BDN-13 and CZ-R4-BDN-14). The subject property is unsafe due to the proximity of the highway. The State Highway Administration owns neighboring property and that is anticipated to be used for staging the Bay Bridge expansion. Additionally, the property is adjacent to auto dealerships that park vehicles along the road up to and in front of the subject property. The gun club has extended uses to the property line with Ms. Santoboni's property. The subject property is the only property in the area that is neither owned by the State nor is commercially zoned.

Benjamin Wechsler provided testimony on behalf of PYY Marina (CZ-R4-PAS-002). OPZ's recommended zoning for this site is MA2 and the applicant requests MC. The property is currently zoned R5 and is a full service commercial yacht yard and marina. This property is a certified non-conforming use and has existed at this site since 1949, before the zoning code was adopted. The certification states that the non-conforming use is an MC type use.

Mr. Wechsler believes that MA2 is not the correct zoning for this site, and that MC would be more fitting. In 2011, during the last comprehensive zoning process, OPZ recommended the property be changed to MC. At the time, the property owners submitted a letter to the County Council asking that the zoning not be changed.

Mr. Wechsler stated that MC would make lending and operations easier. MA2 does not fix the non-conforming nature of the use, is inconsistent with the current non-conforming use registration, and would make it the lowest intensity maritime zoning on Rock Creek. Concerns from community members will be addressed through the development review process.

Martin Bentz is an owner of PYY Marina at 1132 Pasadena Yacht Yard Road in Pasadena. He purchased the property in 2015 and made significant infrastructure investments to develop a highly quality marina. Supporting MC at this site would support the Plan2040 goal to support marine trades. The only maritime zoning district to offer a full service marina is MC zoning. MA2 zoning is inappropriate for the existing uses at PYY.

Mike Hatcher is an owner of PYY Marine at 1132 Pasadena Yacht Yard Road. He purchased the property in 2015 with the intention of continuing service as a full service marina. PYY employs over fifteen people and has over 3000 customers as well as people in the boating business who rely on them for sales. He requests MC to aid in modernizing the facility.

Eliot Powell is a consultant for PYY Marina. The County previously supported MC zoning for this site because the uses on the site align with MC. If they are zoned MA2, they will be the only full service marina in the area that has MA2 and not MC zoning. Mr. Powell commented that there is a site plan review process that will address many of the concerns from the public. This process has requirements, including notice to nearby residents and a community meeting.

Blake Wilson provided testimony on behalf of the Patapsco Boating and Social Association Inc., which has been on Rock Creek for over 130 years. This group supports the OPZ and SAC recommended zoning of MA2 for PYY Marine (CZ-R4-PAS-002). The existing uses at this site do not perfectly align with the full set of permissible uses in MC, as MC zoning could allow PYY to develop facilities such as "boatels" that are not compatible with the surrounding area.

Mr. Wilson commented that the Region Plan acknowledges that current maritime zoning designations could use further consideration and updates to create a more neighborhood compatible maritime zoning district. He requests a moratorium on or an amendment to deny any new bars or banquet halls in MA2 zoning until the zoning code is updated.

Mr. Wilson summarized that MA2 is the currently existing maritime zoning offered by the County that is the most compatible with the surrounding neighborhood. It would allow the marina to expand while also protecting the surrounding area from adverse impacts. MC zoned properties are few and far between and allow developments that are too intense for the existing area.

Ann Hechmer Wilson lives at 127 Club Road, Pasadena, which has been owned by her family for fifty years. She is addressing rezoning at 1132 Pasadena Yacht Yard Road. She commented on the history of Rock Creek and the peacefulness of the environmental features. PYY marine has been a fit neighbor for a number of years and can continue to be a fit neighbor as long as they have a zoning designation that is consistent with the surrounding area. Boatels, bars, restaurants and banquet halls do not fit in this location. Ann commented that MA2 is a closer fit than MC, but there are still updates needed to the Code to increase the compatibility.

Judy Pukita lives at 119 Club Road, Pasadena. She is a neighbor to and customer at PYY Marina. Ms. Pukita feels that the community has compromised in supporting an MA2 zoning district. The zoning Code still needs updates to limit uses such as bars and restaurants that are currently permitted in MA2.

Todd Wilkinson lives at 129 Club Road, Pasadena and this property has been in his family for over 50 years. He understands the merits of providing maritime zoning, but also believes MC zoning is not consistent with the surrounding community. He supports OPZ recommendation for MA2, but also believes the County should revise the maritime zoning Code to provide a more community appropriate maritime zoning.

Amanda Kopp lives at 7828 Elizabeth Road, Pasadena. She recounted her peaceful experiences living in this area, and expressed concern that the peacefulness would be disturbed if MC zoning is adopted as this could allow the development of boatels that are noisy. It could also increase boat traffic that results in unsafe conditions on the Creek. Ms. Kopp opposes MC zoning and requests the County develop a maritime zoning designation that does not allow bars and restaurants.

Chris Wallis represents the Rockview Beach / Riviera Isles Improvement Association in Pasadena across from PYY Marina. He used to live across from Pleasure Cove, a marina that has a boatel that is noisy and resembles a warehouse. Mr. Wallis commented that boatels do not belong in a residential community because of the noise and that they block the view of the water.

Karl Jackson lives at 1649 Orchard Beach Road in Annapolis and provided testimony on behalf of Browns Woods and Orchard Beach Residents. They are opposed to the rezoning of 1637 Orchard Beach Road (CZ-R4-BDN-017) as it will allow a commercial marina in a residential neighborhood. OPZ originally recommended five properties in this community be zoned MA2. After the community provided input, OPZ revised the recommendation to R1 on all properties except 1637 Orchard Beach Road. This property has steep slopes, and a marina is incompatible with the surrounding community. The community is not interested in the potential dangers associated with having a marina in their community, including traffic and environmental degradation.

Valerie Tudan lives at 1645 Orchard Beach Road, Annapolis. She commented that the size of the lots on Orchard Beach Road are not compatible with MA2 zoning. The community currently has folks renting boat slips, but MA2 would allow expanded uses that are not compatible with the neighborhood, such as sales of alcohol. Ms. Tudan requested that the application for MA2 should be denied.

Nicklous Combs lives at 1643 Orchard Beach Road, Annapolis. He believes that having a commercial marina next door would significantly decrease property values. Mr. Combs believes the owners of 1637 Orchard Beach Road removed trees in the Critical Area without adequate permits to do so. The property owner of 1637 Orchard Beach Road held a community meeting where they explained their intended purposes, which Mr. Combs believes are not fitting for the size of the property. Mr. Combs operates a small marina in the community. He requested that the PAB deny the application for MA2 zoning.

Mike Charnosky lives at 1627 Orchard Beach Road, Annapolis. He is against MA2 zoning at 1637 Orchard Beach Road (CZ-R4-BDN-017). He noted that there are five marinas operating in the community. The street is 17 to 19 feet wide and cannot accommodate additional traffic from a commercial marina. The street is residential with families walking along the road, and there is a sharp curve that requires people to drive slowly. The width of the road is not permissible for fire trucks or two-way traffic.

Terry Walman lives at 1616 Orchard Beach Road, Annapolis. He said the new owner of 1637 is not an individual, but a Limited Liability Corporation. He guided the PAB through handouts he provided, including a document provided by the owners of 1637 Orchard Beach Road. This document requested neighbors to support the MA2 zoning and to Mr. Walman's knowledge no community members signed the document or turned it in. Another document is from a court case in which the former owners of 1637 had a disagreement over property lines that resulted in an agreement that a portion of 1637 is not buildable and should not be counted towards their acreage. A final exhibit shows the trees cut down on the subject property.

Andrew Beal lives at 233 Mountain Laurel Lane, Annapolis. He commented that the roads in the community are narrow and there are no sidewalks. He commented that other commercial marinas in the area that are similarly in residential communities have difficulties with people speeding that creates unsafe conditions for residents.

Patrick May owns 137 Truck House Road in Severna Park, which is currently split zoned R2 and R5. The property has been in his family for over thirty years. He received a letter stating that the zoning is recommended to be changed to R2 for the entire property. This would decrease the value of the property. He did not apply for a zoning change and requested that the PAB deny the change.

Julianne Sullivan lives at 1504 Stacey Lane in Annapolis. This property has split zoning of commercial (C1) and residential (R5). OPZ recommends removing the commercial zoning, making it solely residential. Ms. Sullivan has paid higher taxes as the property is partially zoned commercial. She understands the value of her land and is not interested in the rezoning of her property. She is a small business owner and wants to have the option to open another business from her property, especially given that the property is along the proposed Broadneck Trail. She requests that the property remain split zoned with C1 and R5. Ms. Sullivan also owns property at the intersection of Stacey Lane and Saint Margaret's and does not oppose the zoning recommendations for that property.

Michael Albo provided testimony on behalf of Severna Park Crossing at 129 Ritchie Highway in Pasadena (CZ-R4-PAS-032). The property is currently zoned and R1 and the owner requests C3 zoning, which is consistent with the directly adjacent property that is the Magothy Gateway Shopping Center. This property is near the B&A trail and public transit.

Linda Schuett represents Severna Park Crossing at 129 Ritchie Highway in Pasadena. The recommendation from OPZ is consistent with Plan2040. The property at 129 Ritchie Highway has been a site of limited commercial development for decades. The neighboring Magothy Gateway Shopping Center was previously designated as a Commercial Revitalization Area. Rezoning this property would be a small addition to an existing commercial corridor. Rezoning the property to C3 will likely result in sidewalks being installed in the community. Ms. Schuett opposes the SAC recommendation for R22 zoning which could provide dense residential uses that are not appropriate for Ritchie Highway.

John Gardner lives at 100 Cove View Trail in Severna Park. Circle Road has been a platted road since 1931, but it is not a developed road. Mr. Gardner asked if this road would be developed at some point as it is on the zoning map. OPZ will research this property and get back to him.

Phil Hager provided testimony on behalf of 91 Ritchie Highway, which is the site of Maryland Monogram. This business has a certified non-conforming use to operate in the R1 zoning district. The owner does not plan to improve the existing developments on site or expand the business. The owner is requesting C3 zoning to be consistent with the existing use.

Stephen Zeller owns 91 Ritchie Highway in Pasadena. Maryland Monogram is a family owned business that has been in operation for over 40 years. The building was recently remodeled to provide a modern facade. The property has a nonconforming use that is permitted only in C1, C3, or C4. Mr. Zeller requests C3 zoning.

Phil Hager provided testimony on behalf of 302 Ritchie Highway in Severna Park (CZ-R4-SVP-401). This is the site of an existing commercial enterprise, and the property's size could accommodate future development. The owner requests C4 zoning. Current zoning is SB, which limits the potential to fully use the property. Owner would also accept a lower commercial zoning between C1-C4.

Phil Hager provided testimony on behalf of 2529 Mountain Road in Pasadena (new request: CZ-R4-PAS-501). This property consists of seven parcels within the existing Mountain Road commercial corridor and is zoned C3. It is between two C4 zoned properties, and the owner seeks C4 for consistency with the surrounding area. There are existing adequate public facilities at the site, and approving this request will expand the number of uses that can be provided at the site.

Bryan Thurston applied for a zoning change at 8140, 8144, 8146 Hog Neck Road in Pasadena (CZ-R4-PAS-006A). Mr. Thurston requests C4 zoning for the properties, which is supported by the Region 4 SAC. The intended use for the rezoned property is to provide additional storage for boats and RVs, which is a need that can be seen while driving the streets of Pasadena. He requests that the PAB support the SAC's recommendation of C4 zoning.

Richard Brill spoke on behalf of the Podickory Point community. The Podickory Point community supports the OPZ recommendation to maintain the adopted MA3 zoning at the Podickory Point Marina at 2116 Bay Front Terrace, Annapolis (CZ-R4-BDN-007). They feel that the requested zoning of MB could negatively impact the health and safety of the community. While the

community recognizes that the existing marina is an asset to the community, they feel that the adopted zoning is adequate to meet the needs of the community.

Tracey Hoehn spoke about 21 and 25 Ritchie Highway in Pasadena (new request: CZ-R4-PAS-503), which is a family owned business, Prestige Auto Shop. The property consists of a house that is too close to the highway to be used as a house, and a garage. The portion of the property with the existing house and garage were left off of a nonconforming use certificate making the mechanic shop an illegal use on this portion of the property. The owner does not plan to expand the auto shop, they are requesting C4 zoning to make the current use legal.

Jason Shehane represents First Choice Plumbing at 4471 Mountain Road in Pasadena (CZ-R4-PAS-011). Mr. Shehane seeks rezoning from R1 to C4 or C3 to establish commercial parking for his work vehicles. Many residential neighborhoods with HOAs generally prohibit the parking of commercial vehicles, so his employees cannot park their commercial work vehicle at home, leaving nowhere to park the vehicles. Mr. Shehane does not plan to expand commercial uses, and the property is on well and septic which would hinder expanding commercial businesses if he were ever to sell. This property is directly adjacent to commercially zoned property to the north.

Kinley Bray represents the owners of 1637 Orchard Beach Road, Annapolis (CR-R4-BDN-017). The property is currently a nonconforming use as a marina and there is a residence on the property. The property owner attempted to meet with neighbors to discuss that while MA2 allows greater uses that the owner seeks for the property, it is the zoning that best aligns with a small, commercial marina. The application materials do not claim that the neighbors support the application. Operating a commercial marina through a nonconforming use creates difficulty in obtaining financing to support maintenance of the facility. The applicant asks the PAB to support the OPZ recommendation for MA2 to continue to operate the property as a commercial marina.

After everyone who wanted to speak were given an opportunity to speak, Mr. Kurtz closed the record for oral testimony. The record will remain open for written testimony until 11:59 PM on Tuesday, October 31, 2023.

Adjournment

Mr. Kurtz said that the PAB will deliberate on November 2, 2023 for Regions 2 and 7 and on November 3, 2023 for Region 4. The PAB will deliberate and make a recommendation to the County Council. The County Council adopts the Plans and Zoning map and has the authority to amend the Plan and Map.

Ms. Rosborg motioned to adjourn the meeting, and Mr. Evans seconded the motion. The meeting was adjourned at 9:15 PM.

Respectfully Submitted,



Jessica Levy
Secretary, Planning Advisory Board



Gus Kurtz
Chair, Planning Advisory Board

These minutes should not be considered as verbatim, but do encapsulate comments made by the PAB, its staff, and persons who offered comments.