



THE COMMISSIONERS OF ST. MICHAELS

SETTLED 1670-1680

INCORPORATED 1804

PLANNING COMMISSION

300 MILL STREET

P.O. BOX 206

ST. MICHAELS, MD 21663

TELEPHONE: 410.745.9535

FACSIMILE: 410.745.3463

St. Michaels Planning Commission

Thursday February 6, 2024

10 am: Boy Scout Cabin, 407 St. Mary's Square, St. Michaels

- Meeting called to order & Pledge of Allegiance
 - Approval of minutes from December, 2024
 - New Business
1. Election of Officers
 2. San Miguels Restaurant - Preliminary Site Plan (To reduce one parking space for outdoor dining)
 3. 2025 Comprehensive Plan – Progress Report, Steve Ball, Town Planner
- Old Business
 - Matters from the Commissioners
 - Other Public Comments
 - Adjournment

Zoom Meeting Information:

Join Zoom meeting by computer or smart phone:

<https://us02web.zoom.us/j/3264261778>

Meeting ID: 326 426 1778

To join with audio only by phone: 1 301 715 8592 Meeting ID: 326 426 1778

St. Michaels Planning Commission
Boy Scout Building 407 St. Mary's Square
In Person and Virtual Session
DRAFT Meeting Minutes
December 5, 2024 - 10:00 A.M.

Present: Planning Commission Chairman Chris Thomas, Members Doug Rollow, Bonnie Morris, Cyndi Allen and John Novak were in attendance. Town Planner Steve Ball and Staff Jennifer Whiting were also in attendance. Several members of the public were also in attendance.

I. Call to Order:

Chairman Thomas called the Planning Commission's regular meeting to order at 10:00 a.m. in the Boy Scout Cabin, 407 St. Mary's Square, St. Michaels, Maryland and the Pledge of Allegiance was recited.

II. Minutes: November 7, 2024 – Member Morris made a motion to approve the minutes, seconded by Member Novak and carried a vote of 4-0 in favor.

New Business –

1. Town Planner Steve Ball gave a presentation of the major planning themes in the Draft Updated Comprehensive Plan and schedule moving forward. Member Novak inquired about the review process and the difference between the State and Town review. Mr. Ball noted that the State typically only provides comments. Member Novak suggested that only property owners in Town should be allowed to comment on the Comprehensive Plan since they are the primary stakeholders. Members of the public agreed and Mr. Ball stated he would review with the Town attorney regarding the matter. Members of the public noted that there needs to be more conversations between the Town and the County regarding ongoing projects. Chairman Thomas announced that today was his last meeting on the Planning Commission and thanked staff and members of the public for their commitment to the Town.

Matters from Commissioners: NA

Matters from Staff: NA

VI. Adjournment:

Motion made by Chairman Thomas to adjourn, seconded by Member Allen, all in favor. The meeting adjourned at approximately 11:15am.

Minutes approved as submitted by _____ vote in favor on the _____ day of _____ 2025.

Christopher Thomas, Chairman

Submitted by:

Jen Whiting, Planning & Zoning Clerk

THE COMMISSIONERS OF ST. MICHAELS

OFFICE OF CODE ENFORCEMENT, PLANNING AND ZONING

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PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Steve Ball, AICP, Town Planner

RE: Site Plan Review

DATE: February 6, 2025



GENERAL INFORMATION

OWNER/APPLICANT:

Danna & Michael Murden (owners), Jennifer Smith (agent)

REQUEST:

San Miguel Mexican Restaurant. A request to eliminate 1 parking space from the site development plan and add 6 tables (2 with 4 seats each, and 4 with 2 seats each) with outdoor dining for a total of 16 seats for outdoor dining. The proposal includes 6 planter boxes as buffering.

Such a request would not normally come before the Planning Commission, but since it reduces the original parking plan by one space, it is appropriate for the Planning Commission to review the proposed reduction. Chapter 110 Site Plan Review and Land Subdivision, Section 110-3 requires site plans for expansion or replacement of commercial structures or changes of parking.

REVIEW:

Site Plan Application (SP25-01)

LOCATION:

100 S. Talbot Street

ZONING CLASSIFICATION:

Gateway Commercial (GC)

EXISTING LAND USE:

Restaurant/Retail Uses

UTILITIES:

The parcel is currently served by municipal water and County Sewer. All other public or private utilities are available to the parcel.

FACILITIES AND SERVICES:

The St. Michaels Volunteer Fire Department and the St. Michaels Police Department currently provide emergency

services and will continue to do so. The Town provides trash and recycling at a standard level for all properties.

STAFF REVIEW COMMENTS:

Required Parking:

Table 146A of the Zoning Ordinance requires parking for restaurants based on the total building square footage area at a ratio of 1 space per 250 square feet. It also requires an additional 1 space per 4 seats to be available for outdoor dining.

Indoor Seating: The existing building has two businesses: 1) San Miguels = 984 square feet; and 2) Our Greek Market = 1,481 square feet for a total of 2,465 square feet. The use of the buildings for retail or restaurant uses requires 10 parking spaces.

Outdoor Seating Proposed: The request is to allow 16 outdoor dining seats. This requires 4 parking spaces assigned to this use.

The site plan shows a total of 16 parking spaces available for the proposed use on site. A total of 14 parking spaces are needed to accommodate the request which would leave an additional 2 extra parking spaces.

The applicant has agreed to limit the sidewalk table to 2 seats each in order to allow additional space for pedestrians walking.

Additional outdoor seating criteria are as follows:

§ 340-69. Restaurants, outdoor seating.

- A. Outdoor seating areas in the CC, HR, and GC Districts are permitted subject to the following conditions: [Amended 2-10-2021 by Ord. No. 519]
- (1) An outdoor seating area shall exist only in conjunction with indoor seating that is under the same management, which operates the indoor and outdoor seating as a single business.
 - (2) The outdoor seating area shall be contiguous to the restaurant with which, per Subsection A (1) above, it forms a single business. For restaurants/cafés providing a sidewalk dining area, see Subsection C below.
 - (3) Customers in an outdoor seating area shall be seated at tables.
 - (4) An outdoor seating area with more than two tables or eight seats shall provide table service.
 - (5) An outdoor seating area shall not include an outdoor bar.
 - (6) Customers in the outdoor seating area shall have access to the same indoor toilets as do customers seated indoors; portable toilets shall not be permitted.
 - (7) An outdoor seating area shall not be open for business during hours when the

indoor restaurant is closed for business.

- (8) No part of any outdoor seating area shall be within 50 feet of a residential use.
- (9) Conditions outlined in Subsection A (3), (5), and (7) shall not apply during a private function for which the restaurant's outdoor seating area is closed to the public.

RECOMMENDATION:

The applicant has reduced the overall outdoor seating numbers from the original proposal in order to conform with available parking to accommodate the use and is providing some landscaping. Therefore, staff recommends approval with the following conditions:

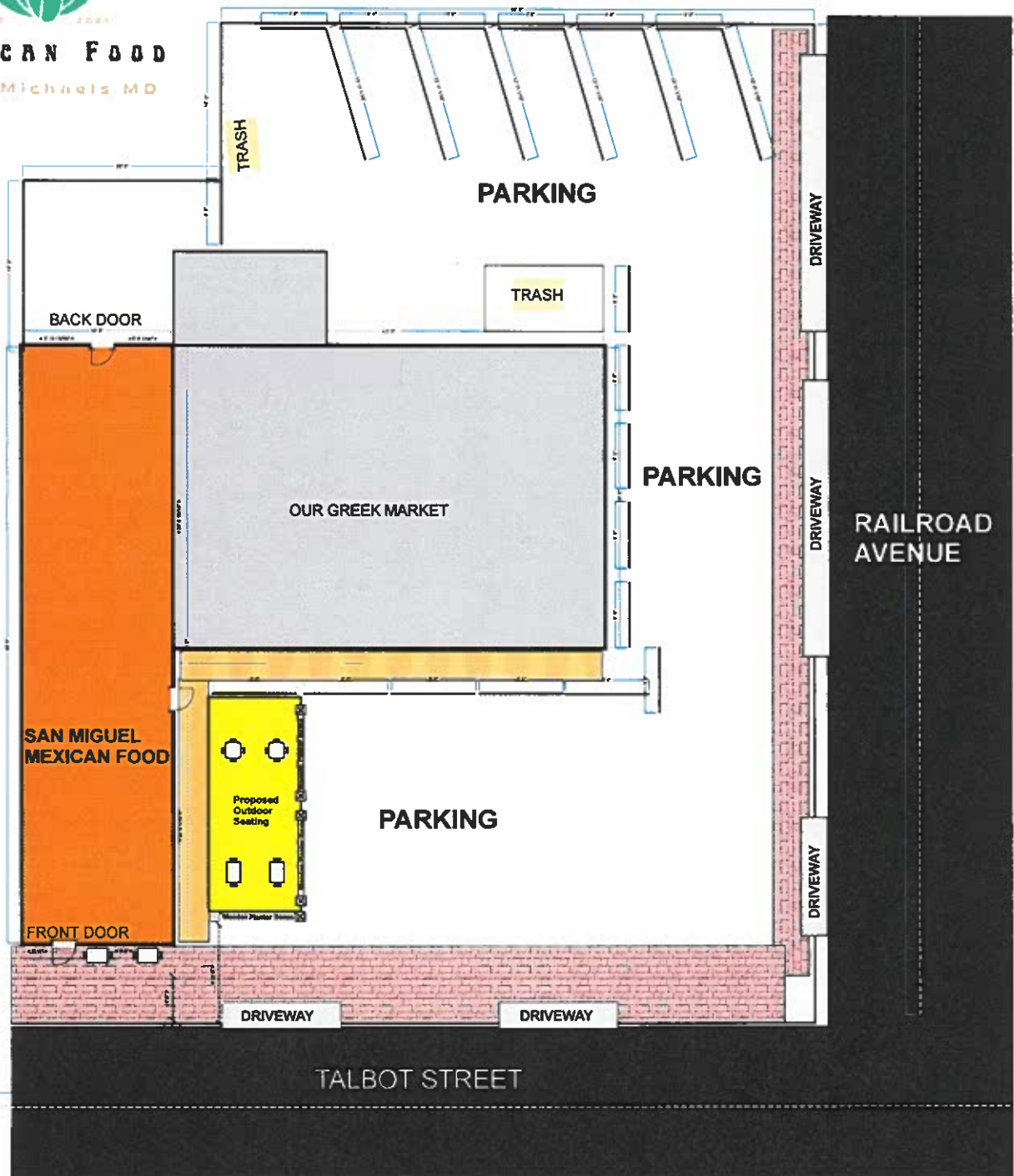
- a. No more than 16 outdoor dining seats are permitted at any time.
- b. Planter boxes should be provided prior to outdoor seating and table service.
- c. The sidewalk dining is limited to 2 tables with 2 seats each with no chairs on the street side of the tables so as to allow adequate pedestrian access.

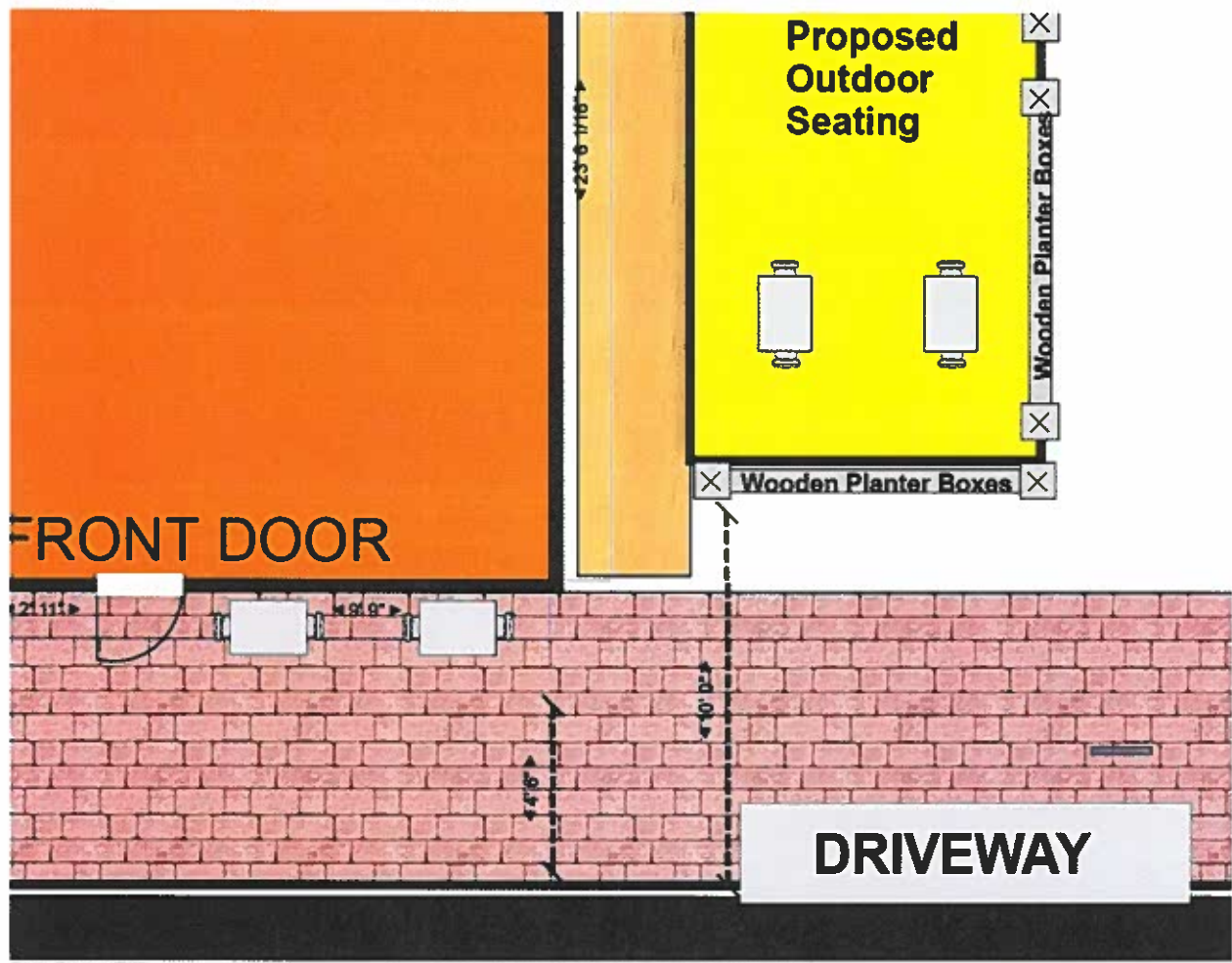


SCALED SITE PLANS
1/4"=1'

San Miguel's Mexican Food
100 S. Talbot Street, Unit A
Saint Michaels, MD 21663

Zoning District: CC
Tax Map: 0200
Parcel # 544
Developer Name: N/A
Owner Name:
Date: 1/6/2025





TOWN OF ST. MICHAELS
PRELIMINARY SITE PLAN REVIEW APPLICATION
(SEE §110-5 of the Code of the Town of St. Michaels)

OFFICE USE ONLY:

FILE NUMBER: _____

APPLICATION REC'D - DATE: 9/10/24 TIME: 10:30am

PROJECT INFORMATION

- (1) PROPERTY OWNER Danna & Michael Murden
BUSINESS OWNER: Jennifer Smith
MAILING ADDRESS: 9119 Deepwater Point Rd, St. Michaels, MD 21663
TELEPHONE #: 714-336-5590
EMAIL: jensmithrbp@gmail.com
- (2) PROJECT NAME: Outdoor seating - San Miguels Mexican Food
- (3) PROJECT ADDRESS: 100 S. Talbot Street, St. Michaels, MD 21663
- (4) TAX MAP: 0200 PARCEL #: 544 LOT#: _____
- (5) ZONING: CC
- (6) PLAN PREPARED BY: COMPANY NAME: Jennifer Smith
REPRESENTATIVE: Jennifer Smith
ADDRESS: 9119 Deepwater Point Rd, St. Michaels, MD 21663
PHONE NUMBERS(S): 714-336-5590, _____
- (7) SEWER: COMMUNITY yes
- (8) WATER: COMMUNITY yes
- (9) HISTORIC DISTRICT: YES X NO _____
- (10) CRITICAL AREA (CIRCLE) YES NO ZONE CLASSIFICATION _____
- (11) SQUARE FOOTAGE AND USE OF ALL EXISTING AND PROPOSED STRUCTURES:
Use: Restauant Existing Square Footage: 940 Proposed: 320Sq st (parking space)
Use: _____ Existing Square Footage: _____ Proposed: _____
Use: _____ Existing Square Footage: _____ Proposed: _____
Use: _____ Existing Square Footage: _____ Proposed: _____
- (12) FLOODPLAIN ZONES: YES _____ A B C NO
- (13) SUMMARY OF PROPOSED: Requesting approval to use a parking space for outdoor seating.
The property has 17 parking spaces that is split between 2 businesses. Current site plan requires 7 spaces for 940sqft
indoor space and existing sidewalk seating/outdoor seating. Requesting use of unusable parking space to allow additional outdoor
seating.

SUBMITTAL REQUIREMENTS:

§ 110-5. Preliminary site plan submission requirements.




A minimum of 10 paper copies of the plans including the following information shall be submitted to the Zoning Inspector for review. Should the Zoning Inspector find the application to be complete, the plans will be forwarded to the Technical Advisory Committee for their review and comment. All comments will be incorporated into the Zoning Inspector's staff report which shall be forwarded to the Planning Commission for their consideration. Incomplete or deficient applications will be returned to the applicant within 15 days of receipt of the application with an explanation of noted deficiencies.

A. Format.



- ✓ (1) Each sheet of the preliminary site plan shall be numbered with each sheet showing the total number of pages;
- ✓ (2) All dimensions shall be in feet and decimal parts;
- N/A (3) As appropriate, all sheets shall display a North arrow.

B. Data.

- N/A (1) Vicinity map showing relationship to surroundings, including existing, proposed, or mapped streets within 200 feet and municipal boundaries within 200 feet of the tract;
- N/A (2) Boundary survey or survey of record of the property showing courses, distances and area;
- N/A (3) Topographic survey of property and areas on adjacent properties impacted by development of the property with two-foot contours; smaller contour intervals may be required where two-foot contours do not indicate existing surface conditions;
- N/A (4) Delineation of all nontidal and tidal wetlands, surveyed and certified by qualified agent as to such;
- N/A (5) Location, width and names of existing platted streets or other public streets, railroad and utility rights-of-way, parks, open space areas, and municipal corporation lines within or adjoining the tract;
- N/A (6) Proposed public improvements, highways, or other major improvements planned on or near the site;
- N/A (7) Rights-of-way for all drainage purposes and utilities;
- N/A (8) All existing or proposed utilities, including location, grade and size of:
 - (a) Storm drains;
 - (b) Sewerage facilities;
 - (c) Catch basins;
 - (d) Drainageways and channels;
 - (e) Pumping stations;
 - (f) Water mains;
 - (g) Streetlights;

- (h) Electric, telephone, and/or cable television lines, easement or rights of-way;
- (i) Fire hydrants; and
- (j) Direction of, distance to and size of nearest water mains and sewers if not located on or adjacent to the site.
- N/A (9) Conditions on adjoining lands; direction and gradient of ground slope, embankments, retaining walls, railroads and towers or other influences when identified by the applicant or Zoning Inspector to be of concern;
-  (10) Locations of all existing or proposed buildings, structures, parking facilities and other improvements. Submission shall include a scale dimension from the property line to the proposed building;
- N/A (11) If alteration is made to an existing building, structure, or other improvement, dotted lines shall denote features or locations to be abandoned and solid lines shall denote proposed features;
- N/A (12) Building setback lines;
- N/A (13) Drainage calculations and certification prepared by a Maryland licensed engineer;
-  (14) Location of refuse collection, exterior lighting, fencing, and all pedestrian walkways and sidewalks;
- N/A (15) The location, size, height, number, and orientation of all proposed signs;
-  (16) Landscaping plan and legend prepared in accordance with Article II; and
- N/A (17) If residential development, include homeowner's association documentation when common open space and buffer areas are provided.

C. Notes and signatures.

- N/A (1) Board of Appeals' case number/approval date and conditions (if applicable);
- N/A (2) Projected start and finish dates of the proposed building(s), building alterations and site improvements;
-  (3) Number of parking spaces (including handicapped spaces) that currently exist, that are required, and that are proposed);
- N/A (4) Number of residential units by type (if applicable);
- N/A (5) Residential density in units per acre (if applicable);
-  (6) Legend which clearly indicates existing and proposed improvements and natural features. The legend or title block must include the following information:
- (a) Zoning district;
- (b) Tax Map and parcel number;
- (c) Developer's name and address;
- (d) Owner's name and address;
- (e) Scale;
- (f) Date of drawing; date and type of revisions;
- (g) Utility symbols; and
- (h) Name of projects.
- N/A (7) Certificates and acknowledgements.

D. Supporting documentation.

- N/A (1) Sedimentation and erosion control plan;
- N/A (2) The Forest Conservation Plan and Forest Conservation Worksheet shall be submitted in accordance with the provisions of the Town of St. Michaels' Forest Conservation Ordinance; *The Town is enforcing the regulations found in the Code of Maryland Regulations, Title 8, Department of Natural Resources, Subtitle 19, Forest Conservation.*
- N/A (3) Critical area buffer management plan;
- N/A (4) Critical area 10% water quality computations;
- N/A (5) Stormwater management plan; and
- N/A (6) Renderings or sketches which accurately depict the architecture of any proposed structures.

APPLICANT'S FAILURE TO ADEQUATELY ADDRESS ALL APPLICATION, AND CHECKLIST ITEMS AND THOSE SPECIFICATIONS SET OUT IN CHAPTER 110 OF THE CODE OF THE TOWN OF ST. MICHAELS, MAY RESULT IN A PROJECT BEING CONSIDERED INCOMPLETE OR INACCURATE. ANY SUCH DEFICIENCIES MAY RESULT IN THE RETURN OF THE APPLICATION WITHOUT PROCEEDING THROUGH THE REVIEW PROCESS.

I HEREBY CERTIFY THAT THIS APPLICATION AND ASSOCIATED PLAN(S) ARE TECHNICALLY CORRECT AND ACCURATE TO THE EXTENT NECESSARY FOR MEETING ST. MICHAELS REQUIREMENTS FOR SKETCH SITE PLAN REVIEW SUBMISSION.

Jennifer Smith
Applicant(s) signature

9/10/2024
Date

Jennifer Smith

Applicant(s) Name (Please Print)

BUILDING PERMIT APPLICATIONS SHALL NOT BE SUBMITTED UNTIL FINAL SITE PLAN APPROVAL HAS BEEN GRANTED

Adjacent Property Owners

100 S. Talbot Street

Chesapeake Trading Co Properties
PO Box 1050
St. Michaels, MD 21663
(102 S. Talbot St)
Parcel 1543

105 S. Talbot LLC
C/O Long and Foster
23722 St. Michaels Rd
St. Michaels, MD 21663
(105 S. Talbot St)
Parcel 1580

Edward & Bobbi Parlett
8476 Doncaster Rd
Easton, MD 21601
(104 Railroad Ave)
Parcel 1546

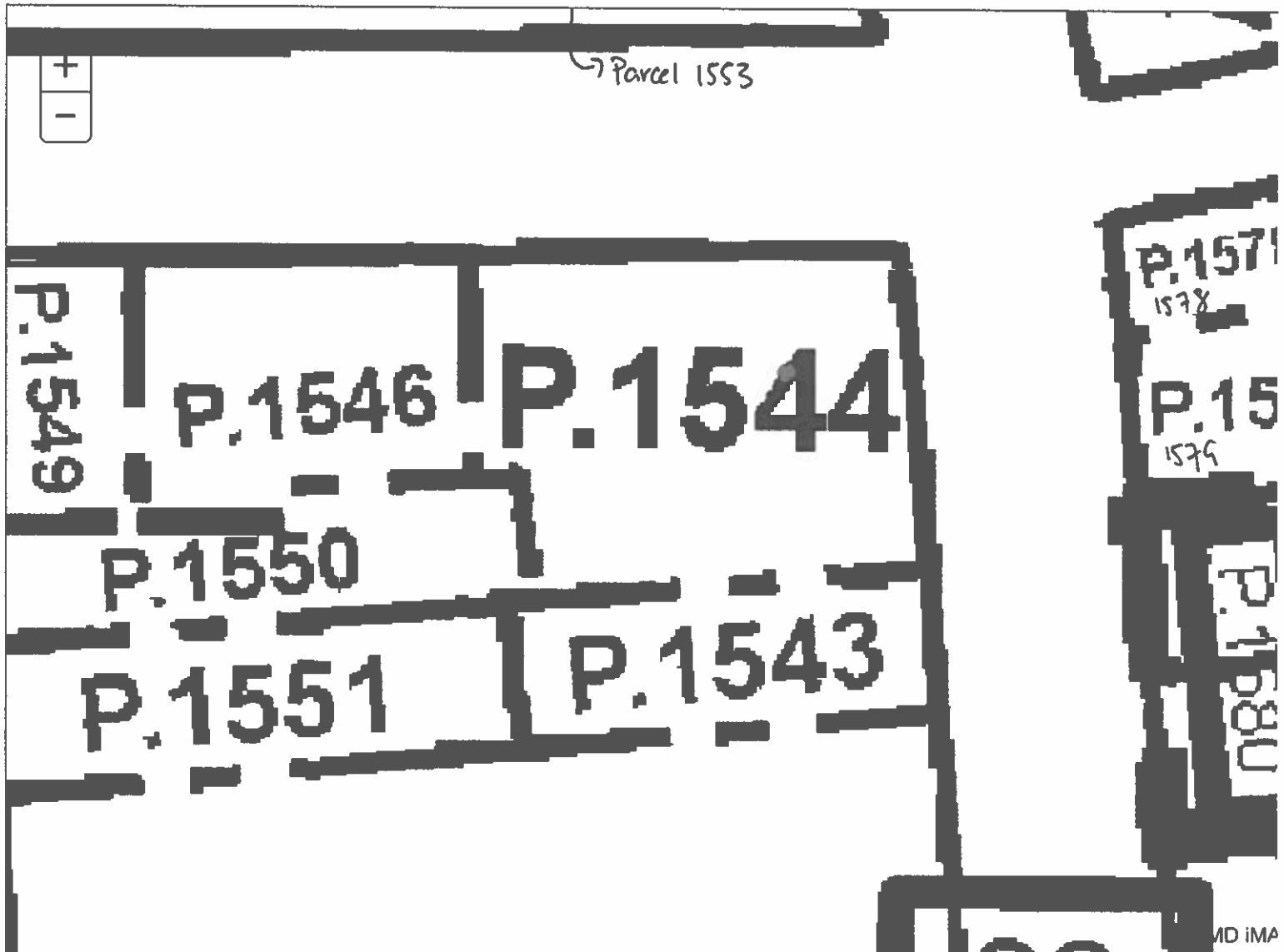
Eugenio Properties LLC
9165 Broad Creek Rd
St. Michaels, MD 21663
(S. Fremont St)
Parcel 1550

KMG Limited Liability Company
223 Tyler Ave
St. Michaels, MD 21663
(101 S. Talbot St)
Parcel 1578

Magothy Trading LLC
346 Riverside Drive
Pasadena, MD 21122
(S. Talbot Street)
Parcel 1579

Watermark Holdings LLC
PO Box 269
St. Michaels, MD 21663
(100 N. Talbot St)
Parcel 1553

mailed on 1.15.25

District: **02** Account Number: **063816**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

THE COMMISSIONERS OF ST. MICHAELS

OFFICE OF CODE ENFORCEMENT, PLANNING AND ZONING
201 BOUNDARY LANE, P.O. BOX 206
ST. MICHAELS, MD 21663


SETTLED 1670-1680

INCORPORATED 1804

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PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Steve Ball, AICP, Town Planner 
RE: **2025 Comprehensive Plan Update Status**
MEETING DATE: February 6, 2025

Per the direction of the Planning Commission, staff transmitted the Comprehensive Plan draft of changes to the State of Maryland for their required 60-day agency clearinghouse review for consistency with State policies and programs. We anticipate receiving their comments and suggested edits in early February.

We have posted the plan on the Town's website and solicited public comments and sent out two constant contact notices to the public requesting their review and input. We have received comments from several residents and organizations. Most of the comments are minor clarification or additions.

Attached is a copy of the plan adoption schedule approved by the Planning Commission in early 2024. We remain on schedule.

Also, at your last meeting the Commission requested the Town Attorney provide a legal opinion on limiting comments to those who reside within the Town jurisdiction. Her response is attached. As noted in the memo, the Commission is cautioned against restrictions that could be considered limiting free speech. Considering the sparse attendance from the public at our Comprehensive Plan meetings, it may be appropriate to let everyone in attendance that desires to speak to do so. However, it would be appropriate to clarify if the speaker lives in Town or does business here in order to better gauge their stake in the outcome of the plan.

Next steps in the Comprehensive Plan adoption process are as follows:

February:

- Staff will format all the comments received from citizens and agencies and develop a general list of proposed changes by Chapter name with references.
- Staff will develop a complete plan document with additional underlined and strike throughs to illustrate proposed changes.
- Staff will develop a "clean version" of the plan that includes all the proposed changes without the underlines and strike throughs as the proposed plan for easier reading.
- These documents and a summary staff report will be presented to the Planning Commission at your meeting on March 6th where the Planning Commission can determine if additional changes are needed.

March:

- Public Workshop: Staff will make a slide presentation on the major themes and changes to the plan for consideration and have copies of the plan and slide show available for the public. The Planning Commission can consider public input.
- Additional changes will be made to the plan after that meeting as directed by the Planning Commission.

April

- An advertised public hearing will be held on the new draft 2025 Comprehensive Plan. Additional changes will be included as directed by the Planning Commission. Notices will be published in the local newspaper and posted on-line. A constant contact notice will be sent out.

May

- A Resolution to certify the plan and transmit it to the Town Commissioners will be considered by the Planning Commission. If approved, the plan will be sent to the Town Commissioners, and they will subsequently hold a public workshop and public hearing prior to final adoption of the plan.

Comprehensive Plan Update Process	1st Qtr 24	2nd Qtr 24	3rd Qtr 24	4th Qtr 24	1st Qtr 25	2nd Qtr 25	3rd Qtr 25	4th Qtr 25
Data needs review & recommendations	X							
Solicit consultant assistance (data, maps)	X	X						
Discussion-review Ch. 1: Land Use	X	X						
Discussion-review Ch. 2: Growth, Dev. Regs.	X	X						
Discussion - review Ch. 3: Env. Resources		X						
Discussion - review Ch. 4: Water Resources		X						
Discussion - review Ch. 5: Public Services		X						
Discussion-review Ch. 6: Transportation		X	X					
Discussion-review Ch. 7: Econ. Development		X	X					
Discussion-review Ch. 8: Historic Resources			X					
Discussion-review Ch. 9: Parks & Rec.			X					
Discussion-Review Ch. 10: Housing			X					
Discussion Review Ch. 11: Com. Design			X					
Discussion Review Ch. 12: Government			X					
Discussion Review Ch. 13: Mineral Resources			X					
Discussion Review Ch. 14: Climate Resilience			X					
Public Outreach Meetings			X	X				
Draft Revisions to the Plan		X	X	X				
PC Review Changes to Plan (various meetings)				X	X			
Draft additional changes, formatting work				X	X			
Submittal to State: 60 day clearinghouse				X	X			
Consider comments from State Agencies					X			
Public Hearing Process:					X			
Planning Commission - public workshops						X		
Planning Commission - public hearings						X	X	
Planning Commission - Transmittal to COSM							X	
COSM - public workshops							X	X
COSM - public hearings/Adoption of the Plan							X	X

Steven Ball

From: Lyndsey Ryan <lryan@bbcmllaw.com>
Sent: Tuesday, December 10, 2024 12:07 PM
To: Steven Ball
Cc: Rob Straebel; Amy Gordon
Subject: RE: Comprehensive Plan Comments - Legal Opinion

Hey Steve-

Government officials can limit comments to particular topics (ie Agenda items, or relevant Town business), and may impose reasonable content-neutral time, place, and manner restrictions so long as the restrictions are narrowly tailored to serve a significant government interest and leave open alternative channels for communication. Courts have recognized a significant government interest in conducting orderly, efficient meetings that justifies restrictions. Some time, place and manner restrictions include public comment time limits, registration of speakers, and restriction on loud or disruptive speech.

In *Rowe v. City of Cocoa*, Florida, the court held that it was reasonable for the city to restrict the individuals who may speak at meetings to those individuals who have a direct stake in the business of the city—e.g., citizens of the city or those who receive a utility service from the city—so long as that restriction is not based on the speaker's viewpoint. In that case, the City adopted rules of procedure that set aside 30 minutes of every regular meeting to hear comments from any resident or taxpayer of the City. The rules were applied to all discussions, and not a particular topic so the Court found the rules did not regulate speech based on content. The Court also found that prohibiting nonresidents from speaking did not violate the Equal Protection Clause because it is reasonable for a city to restrict the individuals who may speak at meetings to those who have a direct stake in the business of the city, such as tax payers and citizens who pay the fees of the city.

The difference here is that the Planning Commission does not have a policy limiting speech to only residents and property owners. If the Planning Commission only wants to adopt the prohibition in response to the Comprehensive Plan, that could be seen as not content-neutral and a violation of the First Amendment because the policy does not appear to be adopted to promote efficient meetings, but instead to restrict expression of a particular content – the Comprehensive Plan/growth. Therefore, I would be hesitant to adopt a restriction in this instance.

One idea could be to accept comment in writing only, and the Planning Commission can give whatever weight they want to particular comments based on the commenter. Or, it would likely be reasonable to permit residents and property owners to speak for 3 minutes, but nonresidents to speak for 2 minutes to provide an opportunity to speak without dragging the meeting on when their interests may be different from the Town's.

Let me know if you need more on this.

Lyndsey

Lyndsey J. Ryan
Booth, Cropper & Marriner, PC
130 N. Washington Street
Easton, Maryland 21601
Phone: (410) 822-2929
Facsimile: (410) 820-6586
lryan@bbcmllaw.com

Attention:

This e-mail, including any attachments, is intended for the receipt and use by the intended addressee(s), and may contain