Public Hearing Minutes May 16, 2023

As reviewed, approved, and accepted by the Town Council on June 6, 2023

Vice President Koval called the Public Hearing to order at 7:31p.m. to introduce a proposed Zoning Ordinance Text Amendment that is intended to amend Section 110 (“C-1- Commercial Zone”) of the Town’s Zoning Ordinance. The meeting was held using video conferencing. Council Members Charles Bradsher, Tom Burke and Christina Pellegrino were present. Also present were the Town Clerk, Assistant Clerk, Assistant Staff Member, Frank Landolt, Managing Director of the Laytons Village Shopping Center, fifteen residents and one guest. The Notice of Hearing was posted at the Town Hall, on the Town website and at the Post Office.

Vice President Koval opened the meeting stating that Mayor Ruspi was unable to attend and there was a quorum. She said the purpose of the meeting is to introduce a proposed Zoning Ordinance Text Amendment and she introduced Council Member Pellegrino.

Council Member Pellegrino thanked those in attendance and said the zoning text amendment is specifically for the commercial zone in Laytonsville. She explained the restrictions that Montgomery County has placed on vape shops and that they must not be within a half mile of a middle school or high school. Montgomery County also has an ordinance that restricts the sale of flavored vape products within a half mile of elementary, middle, and high schools. Council Member Pellegrino said the distance of the Laytons Village Shopping Center to Laytonsville Elementary School is less than .33 of a mile. She said the proposed zoning text amendment would not permit a vape shop to operate within one half mile of an elementary, middle, or high school. She explained this would not affect any of the other businesses currently in the Laytons Village Shopping Center and that to be considered a vape shop at least 51% of a store’s floor area must be devoted to the sale and display of electronic cigarettes or allows vaping on site.

Vice President Koval asked if there were any comments.

Frank Landolt, Managing Director of the Laytons Village Shopping Center said he would like the Town to make a decision. He also commented that he does not know what other uses he proposes may not be allowed. Mr. Landolt said a lease has been signed and improvements had been made without an understanding this business would not be allowed.

Sharif Hidayat, 272 Barberry Lane, asked if the zoning text amendment is designed to prevent a vape shop from moving into Laytonsville. Mr. Hidayat said he is opposed to a vape shop and supports this legislation.

Council Member Pellegrino said the zoning text amendment is in line with Montgomery County’s ordinances but is written so that a vape shop cannot open within a half mile of the elementary school.

Alison Barlow, 7017 Warfield Road, stated she is in favor of this legislation.

Charles Hendricks, 7011 Brink Road, stated this is a good response to a developing situation and he supports the proposed zoning text amendment.

Jeff Lovin, Pastor of Crossroads Community Bible Church, said if we think as a community then we want to protect our people and not just from vape shops. He stated parents and citizens should be concerned if there is a detriment to our people.

Rasheedah Ahmed, 236 Barberry Lane, said she is not in favor of a vape shop and asked about the next step.

Council Member Pellegrino said the proposed zoning text amendment will be presented to the Mayor and Council for a vote at the June 6, 2023, meeting. If adopted, the amendment would take effect 21 days later.

Mr. Landolt said the delay costs the investors money and would have liked a decision made sooner.

Assistant Clerk Jackson explained the process is directed by the Town’s ordinances and the Mayor and Council are required to follow the process.

Council Member Pellegrino expressed the Town’s support for the shopping center and the businesses that are there.

Mr. Landolt stated there are limitations on what businesses can be there as the shopping center is on septic and they are subject to septic problems. He said he supported bringing sewer service to the Town.

Vice President Koval asked if there were any additional comments. There being none, she asked for a motion to close the public hearing.

Council Member Bradsher made a motion to close the public hearing. Council Member Burke seconded the motion. ***Unanimously approved.***

The public hearing was closed at 7:54p.m.

Respectfully submitted,

Joy M. Jackson

Assistant Clerk

May 16, 2023