



## **PLANNING AND ZONING COMMISSION**

### **MINUTES OF THE PLANNING AND ZONING COMMISSION DECEMBER 7, 2022**

- I. Commission Chair Cindy Greengold called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Larry Brown, Kelly Huhn, and Jan Ruttkay, Commission members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk.

II. **Approval of the December 7, 2022 Planning & Zoning Agenda.**

**MOTION:** Commissioner Berault moved to approve the December 7, 2022 Planning & Zoning agenda. Seconded by Commissioner Huhn, all in favor.

III. **Approval of the November 8, 2022 Planning & Zoning meeting minutes.**

**MOTION:** Commissioner Berault moved to approve the November 8, 2022 Planning & Zoning meeting minutes. Seconded by Commissioner Ruttkay, all in favor.

IV. **Open Public Hearing:**

**Chair Greengold closed the regular meeting at 7:04 pm and opened the public hearing to receive public comment on the following:**

- 1) Amendment to Article V, Section 290-19M, Design Standards for Townhouses, to incorporate new standards and revise certain existing standards for proposed townhouse and multi-family developments.
- 2) Amendment to Article V, by adding a new section called "Section 290-23, Findings of Compatibility" creating seven required compatibility standards applicable to new development and regulations on their purpose, applicability, and administration.

There were no public comments received from the audience. A written public comment was received by the Commission, via email, from Eric Blitz on behalf of his client, Rod & Reel, Inc. Mr. Blitz referenced a number of concerns he had on the proposed amendment to Article V, Section 290-19M, Design Standards for Townhouses.

Chair Greengold stated though no public comment was received on the Amendment to Article V, 290-23 Findings of Compatibility, it was noted that the Amendment had not been posted in its entirety on the Town's website and the Commission will hold a public hearing at its next regular meeting, January 25, 2023, on the proposed amendment to Article V, 290-23 Findings of Compatibility.

With no further comments, Chair Greengold closed the public hearing and reopened the regular meeting.

V. **Deliberation on Public Comments and take Action on the following zoning text amendments:**

Amendment to Article V, Section 290-19M, Design Standards for Townhouses, to incorporate new standards and revise certain existing standards for proposed townhouse and multi-family developments.

The Commission reviewed the draft Design Standards for Townhouses that incorporated the modifications approved by the Commission at its November 8<sup>th</sup> regular meeting and considered the concerns that had been presented via public comment by Mr. Blitz. The Commission made the following changes:

(2) **Exceptions.** If all of the following conditions are met, building-to-building setback requirements may be MODIFIED:

(a) THE PLANNING COMMISSION FINDS THAT THE MODIFICATION OF BUILDING-TO-BUILDING SETBACKS SUBSTANTIALLY IMPROVES THE DESIGN AND AESTHETIC QUALITY OF THE PROJECT.

**MOTION:** Commissioner Brown moved to delete under Exceptions, 2(a), in its entirety. Seconded by Chair Greengold. Ayes, Commissioners Brown, Greengold and Ruttkay. Opposed, Commissioners Berault, Blackwelder, and Huhn.

**With the lack of four confirmative votes, the motion fails.**

**MOTION:** Commissioner Blackwelder moved to modify 2(a) to read: THE PLANNING COMMISSION FINDS THAT THE MODIFICATION OF BUILDING-TO-BUILDING SETBACKS SUBSTANTIALLY IMPROVES THE OPEN SPACE DESIGN AND SUPPORTS THE PURPOSE STATEMENT IN 1(a). Seconded by Commissioner Ruttkay.  
**Commissioner Blackwelder withdrew her motion.**

**MOTION:** Commissioner Berault moved to amend 2(a) to read: THE PLANNING COMMISSION FINDS THAT THE MODIFICATION OF BUILDING-TO-BUILDING SETBACKS ENHANCES OPEN SPACE FOR SCREENING, BUFFERING, OR COMMON USE OF THE SITE, AND IS IN COMPLIANCE WITH 1(a). Seconded by Commissioner Blackwelder.

**MOTION:** Commissioner Brown moved to amend Commissioner Berault's motion to remove the word "modification" and replace with the word "reduction" so as to read: THE PLANNING COMMISSION FINDS THAT THE ~~MODIFICATION~~ REDUCTION OF BUILDING-TO-BUILDING SETBACKS ENHANCES OPEN SPACE FOR SCREENING, BUFFERING, OR COMMON USE OF THE SITE, AND IS IN COMPLIANCE WITH 1(a). Seconded by Commissioner Ruttkay, all in favor.

(g) ~~Approval is granted from the Department of Public Safety.~~ THE CALVERT COUNTY FIRE MARSHALL HAS REVIEWED THE PLAN SHOWING THE PROPOSED BUILDING-TO-BUILDING SETBACKS AND HAS NO ADVERSE COMMENTS.

**MOTION:** Commissioner Brown moved to delete 2(g) in its entirety. Seconded by Commissioner Ruttkay. Ayes, Commissioners Brown, Greengold, and Ruttkay. Opposed, Commissioners Berault, Blackwelder, and Huhn. **With the lack of four confirmative votes, the motion fails.**

**MOTION:** Commissioner Blackwelder moved to amend 2(g) to read: The developer's licensed architect or engineer expressly certifies that reduced setbacks are in compliance with the building code in effect in the Town of Chesapeake Beach as it relates to fire safety and the Planning Commission finds that there is sufficient information to forgo a third-party review. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Blackwelder, and Huhn. Opposed, Commissioners Brown, Greengold, and Ruttkay. **With the lack of four confirmative votes, the motion fails.**

**MOTION:** Chair Greengold moved to reconsider eliminating Section 2 (g). Seconded by Commissioner Berault. Ayes, Commissioners Brown, Greengold, and Ruttkay. Opposed, Commissioners Berault, Blackwelder, and Huhn. **With the lack of four confirmative votes, the motion fails.**

**Chair Greengold stated, Section 2 (g) remains as written.**

#### **(6) PARKING**

d) MULTI-FAMILY AND TOWNHOUSE DEVELOPMENTS MUST INCLUDE 2.3 PARKING SPACES PER DWELLING UNIT IN ADDITION TO ANY REQUIRED HANDICAP ACCESSIBLE PARKING SPACES. IF THE PLANNING COMMISSION FINDS THAT THE SPECIFIC OCCUPANCY OF THE PROPOSED PROJECT WARRANTS A REDUCTION IN PARKING, THE REQUIREMENT MAY BE MODIFIED.

**MOTION:** Commissioner Brown moved to amend 6 (d) to change 2.3 parking spaces to "2.5" and remove the word "modified" and replace with "reduced" so as to read:

d) MULTI-FAMILY AND TOWNHOUSE DEVELOPMENTS MUST INCLUDE ~~2.3~~ 2.5 PARKING SPACES PER DWELLING UNIT IN ADDITION TO ANY REQUIRED HANDICAP ACCESSIBLE PARKING SPACES. IF THE PLANNING COMMISSION FINDS THAT THE SPECIFIC OCCUPANCY OF THE PROPOSED PROJECT WARRANTS A REDUCTION IN PARKING, THE REQUIREMENT MAY BE ~~MODIFIED~~ REDUCED. Seconded by Commissioner Berault, all in favor.

(e) ON SITE GUEST PARKING MUST BE INCLUDED IN ALL MULTI-FAMILY AND TOWNHOUSE DEVELOPMENTS WITH THREE OR MORE HOUSING UNITS AT A RATIO OF A MINIMUM OF ONE SPACE FOR EVERY SIX SPACES. **There was consensus among the Commission to insert the word "parking" after the word "six".**

#### **7) PEDESTRIAN ACCESSIBILITY**

(a) PURPOSE: TO PROMOTE WALKING AND CONNECTIVITY BETWEEN HOUSING DEVELOPMENTS AND THEIR NEIGHBORHOODS, AND TO ENSURE THE SAFEST AND MOST CONVENIENT ROUTING FOR OCCUPANTS AND VISITORS INCLUDING CHILDREN AND THE DISABLED.

**MOTION:** Commissioner Berault moved to amend 7(a) to delete the words "the disabled" and replace with "individuals with disabilities. Seconded by Chair Greengold, all in favor.

(9) **SUSTAINABILITY**

c) BUILDING ORIENTATION: WHENEVER **POSSIBLE**, BUILDING SHALL BE ORIENTED WITHIN 20 DEGREES OF NORTH/SOUTH AXIS, WITH 90% OF SOUTH FACING GLAZING SHADED FROM THE SUN AT NOON ON JUNE 21 WITH OVERHANGS, AWNINGS, VEGETATION, OR AUTOMATED SHADING DEVICES, AND UNSHADED FROM THE SUN AT NOON ON DECEMBER 21.

(d) TO THE EXTENT **POSSIBLE**, THE FLOOR PLAN OF DWELLINGS SHALL BE ORIENTED ON AN EAST/WEST AXIS WITH DAYTIME LIVING PORTIONS RELATED TO THE SUN TO CAPITALIZE ON NATURAL LIGHT AND PASSIVE SOLAR HEAT.

**MOTION:** Commissioner Brown moved to amend section 9 (c) and 9 (d) to remove the highlighted word “possible” and replace it with the word “practicable”. Seconded by Commissioner Blackwelder. Ayes, Commissioners Brown, Blackwelder, Greengold, Hauhn, and Ruttkay. Opposed, Commissioner Berault. **Motion Passes.**

With no further changes, Chair Greengold entertained a motion to submit to the Town Council the proposed amendment to Article V, 290-19M, Design Standards for Townhouses for consideration and approval.

**MOTION:** Commissioner Berault moved to transmit to the Town Council the Commission’s proposed amendment to Article V, 290-19M, Design Standards for Townhouses. Seconded by Commissioner Ruttkay, all in favor.

Chair Greengold stated the next Planning Commission meeting will be held January 25, 2023 which will include a public hearing on Amendment to Article V, Section 290-23, “Findings of Compatibility” creating seven required compatibility standards applicable to new development and regulations on their purpose, applicability, and administration.

Other agenda items projected will include discussions on the Critical Area regulations and possibly Tourist Homes.

**VI. Adjournment:**

There being no further comments, Commissioner Hauhn moved to adjourn the meeting at 9:23 PM. Seconded by Commissioner Berault, all in favor.

Submitted by,

Sharon L. Humm  
Commission Clerk

**Note:** This meeting can be viewed in its entirety on the Town website on the Planning Commission page [www.chesapeakebeachmd.gov](http://www.chesapeakebeachmd.gov).