



## **PLANNING AND ZONING COMMISSION**

### **MINUTES OF THE PLANNING AND ZONING COMMISSION MARCH 23, 2022**

- I. Commission Chair Larry Brown called the meeting to order at 7:08 pm. In attendance were Kathleen Berault, Laura Blackwelder, Cynthia Greengold, Jan Ruttkay, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon Humm, Commission Clerk.

Chairman Brown announced that the Commission's April meeting will be in-person. Beginning April 1, public meetings will be back in-person at the Town Hall. Chairman Brown wanted to reiterate the importance of keeping to the rules of the Open Meetings Act and to refrain from sending emails out that include the entire Commission, or enough that would constitute a quorum.

II. **Approval of the Planning & Zoning Agenda.**

**MOTION:** Commissioner Berault moved to approve the March 23, 2022 Agenda as presented. Seconded by Commissioner Ruttkay, all in favor.

III. **Approval of the minutes of the February 23, 2022 Planning & Zoning Commission meeting.**

**MOTION:** Commissioner Berault moved to approve the minutes of the February 23, 2022 Planning & Zoning meeting. Seconded by Commissioner Greengold, all in favor.

- IV. **Public Comment on any item on the agenda:** Public comment will be accepted by dialing (301) 715-8592 and enter Meeting ID 869 755 7180. NOTE: There will be a 2-minute limit on comments received.

**Public comment was received by:**

1. Gretchen Rager of 8727 C Street

- V. **Continue discussion of zoning ordinance changes necessary to implement the following recommendations in the draft Comprehensive Plan – 2021 Update (pages 125-126) for immediate term text amendments.**

**New Zoning Districts and Purpose Statements:**

As recommended by the Commission at its February 23<sup>rd</sup> meeting, the Commission requested Mr. Jakubiak to revise both the RV-1 and RV-2 zoning district purpose statements and present for review at this evening's meeting.

**Amendment #1-**

**RV-1 Residential Village District-1.** The RV-1 District is intended to protect the primarily single-family residential character, allowing primarily detached houses that are compatible in design and scale with the prevailing residential uses and the existing pattern of buildings, streets, and blocks.

**MOTION:** Commissioner Greengold moved to approve the RV-1 purpose statement. Seconded by Commissioner Berault.

**MOTION:** Commissioner Greengold moved to amend the RV-1 purpose statement to remove the word “primarily” from both places in the statement. Seconded by Commissioner Blackwelder, all in favor.

**The Commission voted on the motion as amended, all in favor.**

**RV-2 Residential Village District-2. The RV-2 District is intended to protect the primarily single-family residential character while accommodating a variety of housing types and densities and certain nonresidential uses that are compatible with the prevailing residential character, and to encourage and facilitate redevelopment and infill that is compatible in use, scale, and impact with residential use and the existing pattern of buildings, streets, and blocks.**

**MOTION:** Commissioner Blackwelder moved to amend the RV-2 purpose statement to delete the wording “and densities and certain nonresidential uses that are compatible with the prevailing residential character,”. Seconded by Commissioner Greengold, all in favor.

## **Amendment #2**

**Amend Section 290-9, Purpose and Intent of Districts eliminating the Commercial and Maritime Districts, replacing them with four new commercial districts and adding a purpose statement for each new district.** Mr. Jakubiak presented revised purpose statements for review.

**NC Neighborhood Commercial District.** The Neighborhood Commercial District is intended to provide locations for small scale and low impact commercial uses that are designed and operated in a manner compatible in scale and impact with nearby residential neighborhoods. **The Commission had no objection to this statement but noted a typo, which is highlighted in yellow, to be corrected.**

**TC Town Commercial District.** The Town Commercial District is intended to provide locations for commercial uses that are compatible in scale and impact with nearby residential neighborhoods, and to protect and provide a safe and attractive environment for shopping, entertainment and community gathering.

**MOTION:** Commissioner Berault moved to amend the TC Town Commercial District statement to replace the word “compatible” with the word “harmonious”. Seconded by Commissioner Greengold, all in favor.

**CP Commercial Plaza District.** The Commercial Plaza District is intended to sustain the Town’s primary location for larger format locally serving retail uses such as grocery stores and shopping center, where extensive parking can be readily accommodated.

**MOTION:** Commissioner Berault moved to amend the CP Commercial Plaza statement to replace the word “sustain” with the word “maintain”. Seconded by Commissioner Greengold, all in favor.

MC Maritime Commercial. The MC District is intended to promote a variety of non-residential recreation and commercial uses that enhance the Town's waterfront heritage, respects the sensitive nature of the surrounding environment and are consistent in character and impact with the following:

- Promoting the diversity of maritime and water-related commercial uses and intensities that have long defined the Town's historic waterfront.
- Promoting active and vibrant commercial activities at the street (grade) level where walking is safe and enjoyable.
- Establishing public pedestrian access to and along the waterfronts.
- Preserving the remaining scenic vistas to the Chesapeake Bay (on the east) side and the expansive Fishing Creek marsh (on the west).

**MOTION:** Commissioner Greengold moved to approve the MC Maritime Commercial purpose statement. Seconded by Commissioner Blackwelder.

**MOTION:** Commissioner Blackwelder moved to amend the motion to remove the first bullet. Seconded by Commissioner Ruttkay, all in favor.

**The Commission moved to approve the motion as amended, all in favor.**

### **Amendment #3**

Amend the purpose statement for the Resource Conservation District.

RC Resource Conservation District - The Resource Conservation District is intended to protect and maintain wetlands, surface waters, steep slopes, forests, areas with elevated risks of flooding, and barren lands identified in the Town's Chesapeake Bay Critical Area Protection Program and other environmentally sensitive areas; to provide locations for parkland, flood management, recreational activities, and access to the water and Bay and to avoid intense development and the placement of residential uses in areas on lands not suitable for such development and uses including areas subject to increased risk of flooding and otherwise protect public safety; to allow, under very stringent requirements, mixture of residential recreational and marine commercial activities through the Town's growth allocation method and to acquire or otherwise prevent from further development, all parcels that were dedicated for open space, forest conservation, stormwater management, and wildlife habitats, as a condition for the development of previously approved Residential Planned Communities or for communities built on lands annexed through the Town's Growth Allocation Floating District.

**MOTION:** Commissioner Blackwelder moved to amend the RC Resource Conservation District to remove the highlighted wording. Seconded by Commissioner Greengold. Ayes, Commissioners Berault and Ruttkay. Opposed, Commissioners Blackwelder and Greengold. **Motion Fails.**

### **Amendment #4**

Amend Section 290-11, Conditions and Standards for Conditional and Special Exception Uses as noted below to reflect that the change in the district names in association with the revisions to the Section 290-10, Table of Permitted Uses. **Note:** *This is the section of the Zoning Ordinance where use conditions (and restrictions) are placed on the listed permitted uses that are classified in the Table as either Conditional (C) or Special Exception with Conditions (SC). The changes here would be numerous reflecting the fact that the RV and the C Districts would be broken into multiple separate districts.*

Mr. Jakubiak presented a proposed revision to the Table of Permitted Uses.

Residential Uses- RV-1 & RV-2

**MOTION:** Commissioner Greengold moved to amend in the RV-2 District, #6 “Dwelling unit in combination with commercial use” to remove “C” Conditional Use. Seconded by Commissioner Blackwelder. Ayes, Commissioners Blackwelder, Greengold and Ruttkay. Opposed Commissioner Berault. **Motion Fails.**

**MOTION:** Commissioner Blackwelder moved to include her list of agenda items that she sent out to the Commission, via email, on the Commission’s next meeting agenda. Seconded by Commissioner Greengold, all in favor.

**Chairman Brown stated Commissioner Blackwelder’s list of agenda items will be added WHEN tonight’s agenda items are completed.**

**MOTION:** Commissioner Blackwelder moved to amend in the RV-2 District, #4 “Multifamily dwelling”, to replace “P” Permitted Use to a “C” Conditional Use. Seconded by Commissioner Greengold. Ayes Commissioners Blackwelder and Greengold. Opposed, Commissioners Berault and Ruttkay. **Motion Fails.**

**MOTION:** Chairman Brown made a motion asking the Commission to commit to completing what the Commission recommended in the Comprehensive Plan under the Implementation Chapter with a resolution to the Town Council by the end of its April meeting. Seconded by Commissioner Greengold. Ayes, Commissioners Berault and Greengold. Opposed Commissioners Blackwelder and Ruttkay. **Motion Fails.**

**MOTION:** Chairman Brown moved to adjourn the meeting at 9:00 pm. Seconded by Commissioner Ruttkay. Ayes, Commissioner Ruttkay. Opposed, Commissioners Berault, Blackwelder and Greengold. **Motion fails.**

**MOTION:** Commissioner Greengold moved to amend the adjourning time to 9:15-9:30 pm. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Blackwelder and Greengold. Opposed Commissioner Ruttkay. **Motion fails.**

**Commissioner Ruttkay then agreed to continue the meeting until 9:15-9:30 pm.**

Institutional, Recreational and Educational Uses.

Mr. Jakubiak explained to the Commission what the term “Special Exception” meant before beginning his overview of this section.

**MOTION:** Commissioner Ruttkay moved to amend to remove from the MC Maritime Commercial District, #'s 7, 10 & 15, as “P” Permitted Use. Seconded by Commissioner Greengold, all in favor.

**MOTION:** Commissioner Greengold moved to amend to remove from the RV-1 District, #'s 10 & 12, as “C” Conditional Use. Seconded by Commissioner Ruttkay, all in favor.

**MOTION:** Commissioner Blackwelder moved to amend to remove from the CP Commercial Plaza, #'s 10, 11, 14, & 15, as "P" Permitted Use. Seconded by Commissioner Berault.

**MOTION:** Commissioner Greengold moved to amend the motion to withdraw # 11 and leave as a "P" Permitted Use. Seconded by Commissioner Ruttkay, all in favor.

**The Commission voted on the motion as amended, all in favor.**

**Commissioner Blackwelder requested the Commission reserve discussion on #16 Group Home, until its April meeting.**

**MOTION:** Commissioner Greengold moved to amend the MC Maritime Commercial District, to add "Game, Wildlife, & Nature Preserves as a "P" Permitted Use. Seconded by Commissioner Ruttkay. Ayes, Commissioners Berault, Greengold, and Ruttkay. Opposed, Commissioner Blackwelder. **Motion fails.**

**MOTION:** Commissioner Greengold moved to remove from the RV-1 & 2 Districts, #12, as a "C" Conditional Use. **Motion fails for lack of second.**

- VI. Public Comment-** Commissioner Blackwelder inquired as to the role, if any, the Planning Commission will have in the March 29<sup>th</sup> Town Council Comprehensive Plan public hearing. Chairman Brown stated the Planning Commission will have no role in the public hearing and Commissioners may present public comment on behalf of themselves and not the Commission.

**VII. Adjournment:**

There being no further comments, Commissioner Greengold moved to adjourn the meeting at 9:37 pm. Seconded by Commissioner Ruttkay, 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).