



## **PLANNING AND ZONING COMMISSION**

### **MINUTES OF THE PLANNING AND ZONING COMMISSION NOVEMBER 8, 2022**

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

II. **Approval of the November 8, 2022 Planning & Zoning Agenda.**

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

III. **Approval of the October 26, 2022 Planning & Zoning meeting minutes.**

**MOTION:** Commissioner Berault moved to approve the October 26, 2022 Planning & Zoning meeting minutes. Seconded by Commissioner Hauhn, all in favor.

IV. **Public Comment on any item on the agenda: NOTE: There will be a 2-minute limit on comments received.**

A written comment from Susan Webster-Page of 3907 27<sup>th</sup> Street was read by Chair Greengold and submitted into the record.

V. **Unfinished Business:**

**Consideration of Text Amendment to the Zoning Ordinance (previously published with the Agenda for the 9/6/2022 Planning Commission Work Session as “Planner Recommendation E”:** 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.

**Mr. Jakubiak stated the Commission has a revised set of standards which reflect items that the Commission raised at the October 26<sup>th</sup> meeting. These set of standards now include topics such as parking, lighting, pedestrian accessibility, sustainability, and landscaping.**

**The Commission reviewed the standards, Mr. Jakubiak addressed concerns and questions, and the Commission made the following amendments:**

**Section 290-19M, Design Standards for Townhouses AND MULTI-FAMILY DEVELOPMENTS OF THREE OR MORE DWELLING UNITS**

**(1) Setbacks BETWEEN BUILDINGS**

(a) Purpose. The purpose of requiring setbacks is to ensure that residents in the community and surrounding area will receive adequate light and air and will be able to maintain privacy and freedom from undesirable disturbance from neighbors. ~~However, the strict application of setback requirements can discourage innovation and promote unnecessarily monotonous site designs. Therefore, flexibility is incorporated into the following provisions in order to enable designers to address the problems of light, air, privacy and freedom from disturbance from traffic and neighbors through the use of techniques other than setback requirements.~~

**b) Basic requirements for building-to-building setbacks IN TOWNHOUSE AND MULTI-FAMILY BUILDINGS:**

Front building to front building 35 feet  
Rear building to rear building 50 feet  
Side building to side building ~~60~~ 30 feet\*  
Front building to rear building 75 feet  
Front building to side building ~~50~~ 20 feet  
Rear building to side building 30 feet  
Corner to corner 30 feet\*

Notes: \*A break between clusters **BLOCKS** of **FIVE** or fewer units may be reduced to a minimum of ~~five~~ 15 feet, **IF THE PLANNING COMMISSION FINDS THE REDUCTION IS NECESSARY TO ACHIEVE BETTER OVERALL DESIGN OR AN IMPROVED ARRANGEMENT OF OPEN SPACE.** ~~provided the space is surfaced as a walkway and receives approval from the Planning and Zoning Commission.~~

**MOTION:** Commissioner Blackwelder moved to amend Planner Recommendation E: Section 290-19 M, (1)(a) Setbacks Between Buildings to remove the strike-out. Seconded by Commissioner Ruttkay, all in favor.

**MOTION:** Commissioner Blackwelder moved to amend Planner Recommendation E: Section 290-19M, (1)(b) building to building setbacks to remove the strike-out in the "side building to side building" from the proposed 30 feet back to the current 60 feet and remove the strike-out in the "front building to side building" from the proposed 20 feet back to the current 50 feet. Seconded by Commissioner Ruttkay, all in favor.

**MOTION:** Commissioner Blackwelder moved to approve the modification proposed by the Town Planner under "Notes" with the asterisk to remain. Seconded by Commissioner Ruttkay, all in favor.

**MOTION:** Commissioner Berault moved to amend Planner Recommendation E: Section 290-19 M, (1) Setbacks, (a)Purpose, to delete the word "requiring", remove the word "adequate" and replace with "sufficient", delete the word "undesirable" and remove the words "from neighbors" and replace with "within the area." This would read as follows:  
" The purpose of setbacks is to ensure that residents in the community and surrounding area



will receive sufficient light and air and will be able to maintain privacy and freedom from disturbances within the area.” Seconded by Commissioner Blackwelder, all in favor.

**Section 290-19M. Design Standards for Townhouses AND MULTI-FAMILY DEVELOPMENTS OF THREE OR MORE DWELLING UNITS**

**2) Size and scale and building mass.**

**MOTION:** Commissioner Blackwelder moved to amend Section 290-19 M, (2) Size and scale and building mass to add the following two requirements:

- 1) Provide variety in the architecture to add interest and character. Use high-quality building materials to contribute to sustained quality and sense of permanence.
- 2) Provide variety in the roof form, mass, shape, and material changes to create variations in planes.

Seconded by Chair Greengold, all in favor.

**MOTION:** Chair Greengold moved to include the following statement: All roofs of Multi-family and Townhouse developments shall be sloped in a manner compatible with structures in the neighborhood but shall not be less than 15 percent. Seconded by Commissioner Berault, all in favor.

**MOTION:** Chair Greengold moved to amend Section 290-19 M (2) Size and scale and building mass to add:

(h) to provide privacy, security, and safe play areas, each individual townhouse unit will include rear and side fencing that is compatible with any boundary fencing of the development. Seconded by Commissioner Berault, all in favor.

**MOTION:** Chair Greengold moved to amend Section 290-19 M, (2) Size and scale and building mass (g) to add at the end of the paragraph “and submit renderings of proposed trees and scrubs at full maturity.” Seconded by Commissioner Berault, all in favor.

**MOTION:** Commissioner Blackwelder moved to amend Section 290-19 M, (2) Size and scale and building mass (f) to read as follows:

“(f) Each unit of a Townhouse development shall be provided with accessory structures such as front porches, rear decks or patios, and fencing that provides a unified presentation for the overall development project and shall be provided at the time of initial project development.” Seconded by Chair Greengold, all in favor.

**Section 290-19M. Design Standards for Townhouses AND MULTI-FAMILY DEVELOPMENTS OF THREE OR MORE DWELLING UNITS**

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

**MOTION:** Chair Greengold moved to delete the word “waived” and replace with “modify.” Seconded by Commissioner Ruttkay, all in favor.

(3) Exceptions (g) The waiver of building-to-building setbacks substantially improves the design and aesthetic quality of the project.

**MOTION:** Commissioner Blackwelder moved to amend Exceptions (g) to delete the word "waiver" and replace it with the word "modification" and to insert "The Planning Commission finds" at the beginning of the sentence. This would read as follows: "(g) The Planning Commission finds the modification of building-to-building setbacks substantially improves the design and aesthetic quality of the project." Seconded by Commissioner Hahn, all in favor."

**Section 290-19M. Design Standards for Townhouses AND MULTI-FAMILY DEVELOPMENTS OF THREE OR MORE DWELLING UNITS**

5) Building setback from adjacent property.

(c) EXCEPTION. THE SETBACK FROM FRONT, SIDE, OR REAR LOT LINES MAY BE REDUCED TO THE MINIMUM ALLOWED IN THE ZONING DISTRICT WHERE THE PROJECT IS PROPOSED IF THE PLANNING COMMISSION FINDS THAT THE COMPATIBILITY STANDARDS IN SECTION 290-23 ARE MET.

**MOTION:** Commissioner Blackwelder moved to amend (c)EXCEPTION to add at the end of the sentence ", and the reduction has no adverse impact on neighboring properties." Seconded by Chair Greengold, all in favor.

**Section 290-19M. Design Standards for Townhouses AND MULTI-FAMILY DEVELOPMENTS OF THREE OR MORE DWELLING UNITS**

**(6) PARKING:**

(a) PURPOSE: TO ENSURE PARKING AREAS DO NOT DOMINATE THE OVERALL SITE DEVELOPMENT, THAT THEIR IMPERVIOUS SURFACES ARE MINIMIZED TO ONLY THAT NECESSARY, AND THEY ARE INTEGRATED INTO THE OVERALL PROJECT DESIGN.

**MOTION:** Commissioner Berault moved to amend (a) Purpose: to delete the word "dominate" and replace it with the word "monopolize". Seconded by Commissioner Ruttkay, all in favor.

(b) PARKING SHALL BE LOCATED AT THE REAR OR INTERIOR OF A DEVELOPMENT SITE WHERE POSSIBLE AND THE PLACEMENT OF PARKING LOTS THAT FRONT THE STREET SHALL BE AVOIDED TO THE EXTENT POSSIBLE, BUT IF APPROVED, ANY PORTION OF A STREET FRONTING PARKING AREA SHALL BE SET BEHIND A MINIMUM 10-FOOT-WIDE LANDSCAPING STRIP AND SCREENED FROM THE STREET.

**MOTION:** Commissioner Berault moved to amend (b) to delete the words in the third sentence "to the extent possible." Seconded by Commissioner Ruttkay, all in favor.

(c) DECIDUOUS SHADE TREES SHALL BE PLANTED, IN PROTECTED PARKING LOT PLANTING BEDS SIZED FOR THE TREES' MATURE SIZES, AT A MINIMUM RATIO OF 1 TREE PER 7 PARKING SPACES.



(d) WHERE ON-STREET PARKING IS READILY AVAILABLE, AFTER ACCOUNTING FOR EXISTING USE, OR WHERE SUCH PARKING COULD BE PROVIDED OR ENHANCED THROUGH DEVELOPER IMPROVEMENTS TO THE PUBLIC STREET, THE PLANNING

COMMISSION MAY PERMIT A COMMENSURATE REDUCTION IN ONSITE PARKING REQUIREMENTS THAT OTHERWISE WOULD HAVE APPLIED.

(e) SNOW STORAGE AREAS SHALL BE PROVIDED FOR SNOW CLEARED FROM PARKING AND DRIVEWAYS SURFACES.

(f) TOWNHOUSE OR MULTIFAMILY DEVELOPMENTS MAY ALLOW FOR SURFACE PARKING OR FOR PARKING BELOW GRADE BUT SHALL NOT PROVIDE PARKING IN A STRUCTURE ABOVE GRADE LEVEL.

**MOTION:** Commissioner Blackwelder moved to add as an additional requirement the following: "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." Seconded by Commissioner Berault, all in favor.

**MOTION:** Chair Greengold moved to add as an additional requirement the following: "Tandem parking spaces are prohibited in Townhouse and Multi-family developments." Seconded by Commissioner Berault, all in favor.

**MOTION:** Commissioner Blackwelder moved to add as an additional requirement the following: "For Multi-family structures, parking at grade level may occupy no more than 50% of the building's footprint." Seconded by Chair Greengold, all in favor.

**MOTION:** Chair Greengold moved to add as an additional requirement the following: "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 (1) per every six (6) spaces." Seconded by Commissioner Ruttkay, all in favor.

**Consideration of Text Amendment to the Zoning Ordinance (previously published with the Agenda for the 9/6/2022 Planning Commission Work Session as "Planner Recommendation**

**F**": Amendment to Article V, by adding 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.

**The Commission had no revisions to Planner Recommendation F.**

**Mr. Jakubiak will incorporate the changes as discussed and approved this evening and provide an amended draft for the Commission.**

V. **Critical Area Regulations** – The Commission will defer this item to their January meeting.

Chair Greengold stated the Planning Commission will hold a public hearing at its December 7, 2022 regular meeting, beginning at 7 PM, to receive public comment on **Planner Recommendation E**: 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 and **Planner Recommendation F**: Amendment to Article V, by adding 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.

VI. **Adjournment:**

There being no further comments, Commissioner Hauhn moved to adjourn the meeting at 10:05 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).