



## **PLANNING AND ZONING COMMISSION**

### **MINUTES OF THE PLANNING AND ZONING COMMISSION JANUARY 25, 2023**

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

**II. Approval of the January 25, 2023 Planning & Zoning Agenda.**

**MOTION:** Chair Greengold moved to modify the January 25, 2023 Planning & Zoning agenda to remove item VI-Critical Area regulation discussion from the agenda. Seconded by Commissioner Ruttkay, all in favor.

**III. Approval of the December 7, 2022 Planning & Zoning meeting minutes.**

**MOTION:** Commissioner Blackwelder moved to approve the December 7, 2022 Planning & Zoning meeting minutes. Seconded by Commissioner Brown, all in favor.

**IV. Open Public Hearing:**

**Chair Greengold closed the regular meeting at 7:03 pm and opened the public hearing to receive public comment on the following:**

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.

With no further comments, Chair Greengold closed the public hearing at 7:04 pm and reopened the regular meeting.

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

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.

Mr. Jakubiak presented the Commission with a brief overview of the proposed new section - Amendment to Article V, “Section 290-23, Findings of Compatibility” and addressed questions and concerns from the Commission.

Commissioner Brown made the following motion:

**MOTION:** Commissioner Brown moved to defer deliberations on the proposed amendment until next month when Commissioner Berault could be present. Seconded by Commissioner Ruttkay. Ayes, Commissioner Brown. Opposed, Commissioners Blackwelder, Greengold, Huhn, and Ruttkay. **Motion Fails.**

The Commission reviewed and discussed Amendment to Article V and made the following modifications:

**SECTION 290-23 FINDINGS OF COMPATIBILITY** – There was consensus of the Commission to replace the word “Findings” with the word “Standards.”

**A. PURPOSE AND DEFINING CRITERIA**

THE PURPOSE OF REQUIRING FINDINGS OF COMPATIBILITY IS TO ENSURE THAT THE SITE PLANNING, BUILDING DESIGN, AND LANDSCAPE FEATURES OF NEW DEVELOPMENT AESTHETICALLY COMPLEMENT THE NEIGHBORHOOD WITHIN WHICH THEY ARE PROPOSED.

**MOTION:** Chair Greengold moved to modify the purpose and defining criteria statement to read as follows:

*“The purpose of applying standards and requiring findings of compatibility is to ensure that the site planning, building design, and landscape features of new development complement the neighborhood within which they are proposed. These standards should promote historic and environmental features related to our unique natural setting, as outlined in the Town’s Comprehensive Plan. Compatibility is achieved when adjacent land uses differing in function, scale, and intensity complement the surrounding neighborhood.”*

Seconded by Commissioner Blackwelder. Ayes, Commissioners, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

**B. APPLICABILITY**

1. THE PROVISION OF THIS SECTION SHALL APPLY TO PROPOSED DEVELOPMENTS REQUIRING SITE PLAN APPROVAL.
2. IN THE REVIEW OF CATEGORY 1 SITE PLANS THE PLANNING COMMISSION SHALL MAKE FINDINGS WITH RESPECT TO A DEVELOPMENT’S CONSISTENCY WITH THE COMPATIBILITY STANDARDS IN THIS SECTION.
3. IN THE REVIEW OF CATEGORY 2 SITE PLANS FOR SINGLE-FAMILY DETACHED HOUSES, THE PLANNING AND ZONING ADMINISTRATOR SHALL MAKE FINDINGS WITH RESPECT TO A DEVELOPMENT’S CONSISTENCY WITH THE COMPATIBILITY STANDARDS.

**MOTION:** Chair Greengold moved to approve B. Applicability as written and add as a #4 the following: “The approving authority shall find that each of the compatibility standards is met prior to approving a site plan.”

Seconded by Commissioner Blackwelder. Ayes, Commissioners Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

**C. ADMINISTRATION**

1. THE PLANNING COMMISSION SHALL TAKE INTO CONSIDERATION EACH OF THE FOLLOWING IN ITS EVALUATION OF COMPATIBILITY:

- a) EACH STANDARD IS ACCOMPANIED BY A STATEMENT OF EXPLANATION TO BE USED BY THE PLANNING COMMISSION (OR ZONING ADMINISTRATOR) AS GUIDANCE IN APPLYING THE STANDARD.
- b) IT MAY NOT BE POSSIBLE FOR A PROJECT TO MEET EVERY STANDARD BECAUSE OF OTHER REGULATIONS OR SITE CONSTRAINTS.
- c) SOME STANDARDS MAY HAVE GREATER IMPORTANCE AND APPROPRIATENESS TO DIFFERENT DEVELOPMENT SITES AND SURROUNDING CONDITIONS THAN OTHERS.
- d) IN THIS SECTION THE TERM NEIGHBORHOOD MEANS THE AREA ADJACENT TO AND EXTENDING FROM THE PROPOSED DEVELOPMENT SITE TO A DEFINABLE BOUNDARY, WHICH MAY BE A MAJOR STREET, AN AREA OF SIGNIFICANT LAND USE CHANGE, OR A MAJOR NATURAL FEATURE THAT VISUALLY SEPARATES ONE AREA FROM ANOTHER. THE PLANNING AND ZONING ADMINISTRATOR SHALL PROVIDE THE PLANNING COMMISSION WITH A RECOMMENDATION AS TO THE BOUNDARIES OF NEIGHBORHOOD FOR THE APPLICATION OF THE COMPATIBILITY STANDARDS.
- e) NEIGHBORHOOD CONTEXT IS ESSENTIAL FOR THE APPLICATION OF THE STANDARDS BUT THE ABSENCE OF A SPECIFIC PRECEDENT FOR A PROPOSED DEVELOPMENT PROJECT WITHIN THE NEIGHBORHOOD SHALL NOT BE A BASIS FOR DISCOUNTING THE STANDARD OR FOR FINDING THE DEVELOPER HAS NOT MET THE STANDARD.

**MOTION:** Chair Greengold moved to modify C. Administration (1) as follows:

- a) remain as written
- b) delete in its entirety,
- c) modify to delete the word “different” and replace with the word “particular” and striking the “s” on “others” and adding the word “standards” at the end of the sentence.
- d) add the word “the” between the words “of” and “neighborhood”.
- e) will be subject to review by the Town Attorney to modify the language for better clarification without changing its meaning.

Seconded by Commissioner Ruttkay. Ayes, Commissioners, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

- 2. COMPLIANCE WITH COMPATIBILITY STANDARDS SHALL NOT BE GROUNDS FOR NOT MEETING THE MINIMUM DEVELOPMENT REQUIREMENTS AND OTHER REGULATIONS OF THIS ZONING ORDINANCE.

**MOTION:** Chair Greengold moved to amend #2 to delete the words “not meeting” and replace with the words “failing to meet”. Seconded by Commissioner Blackwelder. Ayes, Commissioners, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

- 3. UPON ESTABLISHING FINDINGS WITH RESPECT TO EACH COMPATIBILITY STANDARD, THE PLANNING COMMISSION MAY DIRECT THAT REASONABLE REVISIONS BE MADE TO THE PROPOSED DEVELOPMENT FOR ITS FURTHER REVIEW AND MAY APPROVE A SITE PLAN ON THE CONDITION THAT SUCH REVISIONS BE MADE.

**MOTION:** Chair Greengold moved to amend #3 to delete the word “reasonable”. Seconded by Commissioner Blackwelder. Ayes, Commissioners, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

4. FOR ANY MULTI-FAMILY HOUSING DEVELOPMENT WITH GREATER THAN 8 UNITS IN A BUILDING, OR ANY NON-RESIDENTIAL BUILDING EXCEEDING 10,000 SQUARE FEET IN SIZE, THE PLANNING COMMISSION IS AUTHORIZED TO RETAIN THE SERVICES OF A THIRD-PARTY ARCHITECTURAL DESIGN REVIEW BY A MARYLAND REGISTERED ARCHITECT OF THE PROJECT’S ADHERENCE TO COMPATIBILITY STANDARD D6 (IN THE SUBSECTION BELOW); THE COST OF SUCH REVIEW SHALL BE BORNE BY THE DEVELOPER. **Accept as written.**
5. THE PLANNING COMMISSION MAY UPON THE CONDUCT OF A PUBLIC HEARING, RECOMMEND THAT THE MAYOR AND TOWN COUNCIL ADOPT SPECIFIC DESIGN GUIDELINES AS MEANS TO ASSIST IN THE ADMINISTRATION OF THE COMPATIBILITY STANDARDS IN THIS SECTION.

**MOTION:** Chair Greengold moved to delete #5 in its entirety and replace it with the following: “Every application should include a thorough analysis of existing conditions on and adjacent to the site. Analysis should include a careful evaluation of:

- Physical properties
- Special issues at the location
- Neighboring environment
- Natural features
- Visual character”

Seconded by Commissioner Blackwelder. Ayes, Commissioners, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

The meeting concluded with Chair Greengold stating the next Planning Commission meeting will be held February 22, 2023 at which time discussions will resume on Amendment to Article V, item “D-Compatibility Standards.”

## **VI. Adjournment:**

There being no further comments, Commissioner Huhn moved to adjourn the meeting at 9:08 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).