



OFFICE OF THE PLANNING AND ZONING COMMISSION

**MINUTES OF THE
PLANNING AND ZONING COMMISSION
AUGUST 25, 2021**

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

II. Approval of the Planning & Zoning Agenda.

MOTION: Commissioner Berault moved to approve the August 25, 2021 Agenda as presented. Seconded by Commissioner Greengold, all in favor.

III. Approval of the minutes of the July 28, 2021 Planning & Zoning Commission meeting.

MOTION: Commissioner Berault moved to approve the minutes of the July 28, 2021 Planning & Zoning meeting. Seconded by Commissioner Ruttkay, all in favor.

Approval of the minutes of the August 12, 2021 Planning and Zoning Work Session.

MOTION: Commissioner Berault moved to approve the minutes of the August 12, 2021 Planning and Zoning Work Session. Seconded by Commissioner Greengold, all in favor.

- IV. **Public Comment on any item on the agenda: Public comment will be accepted by dialing (929)205-6099 and enter Meeting ID 869 755 7180. NOTE: There will be a 2-minute limit on comments received. No comments received.**

V. Commissioner Greengold: Motion proposing Town Council amend Zoning Code as follows:

1. Restrict building height limit to 35-feet maximum.
2. Restrict residential construction in the Maritime area.

Commissioner Greengold will address this item after review of the draft Comprehensive Plan.

- VI. **Commission review of draft consolidated Comprehensive Plan update.** It was noted by Chairman Brown that the Commission would address, at its public hearing, the committee goals of the Kellam's Field Revitalization Committee, along with the public comment received from a Town resident at its August 12th work session.

1. Commissioner Blackwelder: Pg. 4 - Add Appendixes to Table of Contents. **Commission agreed.**
2. Forest and Other Natural Resource Lands Pg. 51 – Add highlighted language to the end of 1st paragraph: as well as by Open Space agreements and Residue designations required by Stormwater Management and Open Space regulations associated with the Residential Planned Community (RPC) floating zone under which they were originally approved.

MOTION: Commissioner Blackwelder moved to include language. Seconded by Commissioner Ruttkay, all in favor.

3. Commercial Land Use – Pg. 54 – Delete “Veterans of Foreign Wars” and replace with “American Legion.” **Commission agreed, all in favor.**
4. Resource Conservation Pg. 62 - Include map of Protected Forest Lands.

MOTION: Commissioner Blackwelder moved to include the map. Seconded by Commissioner Ruttkay, all in favor.

5. Resource Conservation Pg. 62 – Include agreed upon wording that reflects passed motions submitted by Commissioner Blackwelder in previous May 11 and May 26 meetings. **Mr. Jakubiak will include in the Plan.**
6. Land Use-Commercial-Neighborhood Commercial- Pg. 66 Add word “commercial” to read “...residentially scaled commercial buildings...” **Agreed.**
7. Master Plan for Flood Risk Reduction Pg. 71- last paragraph- Remove the last sentence: **The master plan must be supplemented with an implementation and funding program.**

MOTION: Commissioner Blackwelder moved to delete the last sentence. Seconded by Commissioner Berault. Ayes, Commissioners Blackwelder, Berault, and Ruttkay. Opposed, Commissioners Greengold and Larsen. **Motion Passes.**

8. Housing Chapter Pg. 75 – Remove negative sounding language in passage to read as follows:
Local housing prices are affected by local zoning decisions. Municipal zoning regulations can constrain the supply of housing, and where land is limited, they can constrain it eventually to levels well below the level that is demanded. This has the effect of raising housing prices. So, while zoning can minimize potential adverse impacts of development, it can also increase the benefits and rewards that existing property owners accrue at the expense of others who may be looking for better housing. Restrictive zoning can protect or enrich housing investments previously made by property owners and restrict housing choices available to others. **is important to keep in mind that** where undeveloped land for new housing is in short supply, such as in Chesapeake Beach, restrictive zoning rules over time worsen affordability. **Commissioner agreed, all in favor.**
 9. Existing Conditions - Affordability in Chesapeake Beach - Pg. 76 - Add the following introduction paragraph at the beginning of the section:
It is important to note that Chesapeake Beach has achieved better than average metrics for providing affordable and workforce housing when compared to Calvert County at large and when compared to other areas within its designated AMI, the Washington-Arlington-Alexandria Metro Region. While increasing the supply of affordable and workforce housing is not a top priority for Chesapeake Beach at this time, it is always important to maintain an understanding of local and regional affordability, and to remain informed of what opportunities and challenges may exist in relation to housing opportunities and needs.
- MOTION:** Commissioner Blackwelder moved to add this paragraph. Seconded by Commissioner Greengold, all in favor.
10. Housing Units by Types -Table 6 - Pg. 80. Include footnote indicating that Chapter V Land Use recommends a change of the permitted uses in this table as decided in a previous meeting. **Agreed.**

11. Obstacles to Housing Pg. 82 – The Commission discussed changing the heading of this section and the removal of the first bullet. After discussion:

MOTION: Commissioner Greengold moved to delete/remove this section in its entirety. Seconded by Commissioner Blackwelder, all in favor.

12. Support a Land Use Pattern that Encourages Multiple Housing Types, at Varying Densities Pg. 84-85 - Revise the 2nd paragraph as follows:

Most of the Town's land base has been already developed for single-family neighborhoods and their conservation is a long-term priority. Increasing the supply of new housing somewhat, while conserving these neighborhoods, is possible and the Town should continue to encourage a mix of housing types ~~by reducing unwarranted regulatory obstacles~~, especially ~~since a variety of housing options, such as~~ duplexes and accessory apartments can ~~be~~ often deliver homes without land development, and ~~these~~ buildings can be essentially indistinguishable from a single-family house as shown in the photographs here. **The Commission agreed, all in favor. Commissioner Greengold moved to change the word "Support" in the heading to "Consider", all in favor.**

13. Pg. 86 - Edit the heading as follows: ~~Support~~ ~~Explore and Consider~~ the Opportunities for Affordable Housing Units. **The Commission agreed, all in favor.**

14. Waterfront Access Pg. 74, 3rd paragraph – Commissioner Blackwelder moved to make the following edits to eliminate reference to a graphic that is unnecessary and will potentially undermine the case for sea level rise planning (the picture depicts land infill on water). Also, the wording suggests a study to determine elements of the pier, so the construction of a pier is adequately supported without including the example.

The Town should initiate a study to determine where, how, and what type of pier could be built. A new pier would be a key component of any waterfront revitalization program, both as it relates to the Town's history and the future enhancement of citizen enjoyment of the beautiful Chesapeake Bay. ~~Images of what such a pier could look like are provided in Chapter VIII, Community Facilities, under the heading Reimagining Community Parks: Kellam's field Blue-green Park and a Bay Front Pier.~~ Commissioner Blackwelder recommends deleting the last sentence of the paragraph along with deleting the pier graphic on page 108.

MOTION: Commissioner Greengold moved to retain the pier graphic located on page 108 in the Plan. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Greengold, Larsen, and Ruttkay. Opposed, Commissioner Blackwelder. **Motion Passes.**

15. Residential - Bonus Density Overlay District bullet- Pg. 65 Commissioner Blackwelder recommends the following highlighted edits be made:

Rescind the bonus density overlay district ~~in its entirety. on all lands designated for residential use.~~ This provision of the Zoning Ordinance has allowed the Planning Commission to approve apartment and condominium buildings that can exceed 50 feet in height. Without the overlay district, building height would remain capped at 35 feet and new housing would be compatible with existing housing.

MOTION: Commissioner Blackwelder moved to modify the language. Seconded by Commissioner Greengold. Ayes, Commissioners Berault, Blackwelder, Greengold, and Larsen. Opposed Commissioner Ruttkay. Motion Passes.

16. Transportation Chapter Pg. 98 - Commissioner Blackwelder moved, for consistency's sake, to add the following bolded language as a recommendation, along with the graphic from the 2010 Comprehensive Plan, to the Transportation section. (a reference to the map is already included in the implementation section).
"Use the Pathways and Vistas Map from 2010 Comprehensive plan and information from the Connecting Chesapeake Beach Connectivity Study, February 2021 to create a Chesapeake Beach Bicycle / Pedestrian Master Plan." THERE WAS NO SECOND TO THIS MOTION. MOTION DIES.
17. Community Facilities -Public Schools Pg. 102 - 2nd paragraph – Commissioner Blackwelder moved to add the following language, adopted in the Municipal Growth Section, to the end of the paragraph:
"However, Comprehensive Planning of the Dunkirk Town Center in the North and the Prince Frederick Town Center in Central area of the county are underway, and will likely impact current projections." **Seconded by Commissioner Ruttkay, all in favor.**
18. Implementation Chapter Pg. 120 - 1st paragraph Add Critical Area Overlay District, and Growth Allocation Floating District to the list. Reword to read: "The Chesapeake Beach Zoning Ordinance also includes the Town's Critical Area Overlay District, Growth Allocation Floating Zone, including the growth allocation method, the Residential Planned Community (RPC) District, in addition to the forest conservation regulations, and an article establishing the Board of Port Wardens." **The Commission agreed, all in favor.**
19. Implementation Chapter-Immediate Term Amendments - Pg. 120 -1st bullet – Modify 1st bullet to read: Reduce the allowable maximum building height to 35 feet. allowing for reasonable increases where required for flood mitigation.

MOTION: Commissioner Greengold moved to amend the first bullet to strike the remaining wording after 35 feet. Seconded by Commissioner Berault, all in favor.

20. Implementation Chapter-Immediate Term Amendments -Pg. 120- 2nd bullet – Modify 2nd bullet to read: "Remove all reference to the Bonus Density Overlay District in its entirety." and the authority it creates for the Planning Commission to permit residential densities and building heights that exceed standard minimums specifications.

MOTION: Commissioner Blackwelder moved to modify the bullet.
Seconded by Commissioner Greengold, all in favor.

21. Implementation Chapter - Immediate Term Amendments - Pg. 121- Add another bullet under this heading: "Create a full complement of density regulations for all commercial districts, including permitted uses, conditions, capacity regulations, and dimensional requirements." **After discussion, this recommendation will be added to the Longer Term Amendments and dealt with after the Comprehensive Plan has been completed.**

VII. Motion to release draft consolidated Comprehensive Plan update for 60-day public comment period and set subsequent public hearing date.

MOTION: Chairman Brown moved the Commission release the draft Comprehensive Plan for 60-day public review and comment, subject to editorial edits and approved changes discussed in tonight's meeting, with the understanding, that the Commission will have a final

review before releasing publicly and setting a public hearing date. Seconded by Commissioner Greengold, all in favor.

VIII. Commissioner Greengold: Zoning Ordinance Amendments - Building Heights –
Amendments 1, 2, and 3 as submitted by Zoning Administrator.

MOTION: Commissioner Greengold moved to approve the submitted Amendments 1, 2, 3, Building Heights as provided by the Zoning Administrator, with the following amendment to: Amendment 1, Section 290-19A, Tables, Requirements, Exceptions, to change the maximum building height in the Residential High-Density (R-HD) district from 50 feet to 35 feet and in the Maritime (M) district from 70 feet to 35 feet and a note to the table regarding the height of buildings in the designed floodplain.

Add the following note to the bottom of the table and number it 6:

“6. For those buildings in the designated 100-year floodplain, the 35-foot building height limit may **not** be exceeded by the required amount of the Flood Protection Elevation, as defined in the Floodplain Management Ordinance”. Seconded by Commissioner Berault, all in favor.

MOTION: Commissioner Greengold moved to direct the Zoning Administrator to forward these recommended building heights amendments to Mayor, Town Council, and Town Administrator within the next five days. Seconded by Commissioner Ruttkay, all in favor.

X. Discussion of Zoning Administrator’s proposed zoning map and zoning ordinance changes necessary to implement draft consolidated Comprehensive Plan update. The Commission agreed to table until its September meeting.

XI. Public Comment-

1. Greg Morris, Chair of the Kellam’s Field Revitalization Committee, stated he has sent, via email, to the Commission, the list of goals regarding the Kellam’s Field for the Commission’s review.

XII. Adjournment:

There being no further comments, Commissioner Berault moved to adjourn the meeting at 10:37 pm. Seconded by Commissioner Greengold, all in favor.

Submitted by,



Sharon L. Humm
Commission Clerk