



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION MAY 25, 2022

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

Chairman Brown wanted to bring to the Commission's attention several items before beginning the evening's "back in-person" meeting.

1. The Commission received a letter from the Rod n Reel attorney. The Town's attorney will review this and respond. No action is needed at this time by the Commission. Chairman Brown will forward the letter and attorney's response to the Commission.
2. The Zoning Administrator prepared and submitted a memo with a consolidated list of zoning text amendments that are specifically recommended in the Comprehensive Plan under "Immediate Term Zoning Amendments" that the Commission has addressed and approved. That memo will be presented and reviewed at the Commission's June meeting.
3. Annually, per the Town Code, the Commission must nominate and elect a new chairman to the Commission. This will be considered at the June meeting.
4. The Commission continues working on Immediate Term amendments to the Zoning Code based on the Comprehensive Plan. Once completed, a public hearing will be announced.
5. The Town Council did approve the Comprehensive Plan and the final version will be posted on the Town's website and copies distributed to the Commission.

II. Approval of the Planning & Zoning Agenda.

MOTION: Commissioner Berault moved to approve the May 25, 2022 Agenda as presented. Seconded by Commissioner Ruttkay, all in favor.

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

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

IV. Public Comment on any item on the agenda: NOTE: There will be a 2-minute limit per comment.

Public comment was received by:

1. Valerie Beaudin of 8307 Bayside Road, Chesapeake Beach, MD regarding the Baia Coastal Kitchen and Wine Bar dumpster relocation. She spoke in opposition.
2. Yolanda Holmes of 8321 Bayside Road, Chesapeake Beach, MD regarding the Baia Coastal Kitchen and Wine Bar dumpster relocation. She spoke in opposition.
3. Renee Reasoner of 4012 28th Street, Chesapeake Beach, MD regarding the Baia Coastal Kitchen and Wine Bar dumpster relocation. She spoke in opposition.
4. Wes Donovan on behalf of the Rod n Reel, 4165 Mears Avenue commented on the changes to the Land Use Table and Land Use Classifications.

- V. Consider Baia Coastal Kitchen and Wine Bar site plan amendment and permit application.** Mr. Jason Nagers of Baia Coastal Kitchen and Wine Bar was present to request an amendment to the approved site plan to relocate the dumpster facility to a portion of the property accessible from C Street. Mr. Jakubiak spoke on behalf of the Town in the matter. Mr. Berry, Public Works Manager, had visited the site and was not recommending the move. Mr. Nagers addressed questions and concerns from the Commission.

MOTION: Chairman Brown moved to approve the requested site plan amendment to relocate the dumpster facility. Seconded by Commissioner Blackwelder. Ayes, Commissioner Blackwelder. Opposed, Commissioners Berault, Greengold, and Ruttkay. **Motion Fails.**

- VI. 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.**

Mr. Jakubiak resumed discussion on the Land Use Classification Table/Permitted Uses. This Table indicates uses in each zoning district of “P”- Permitted Use, “C” - Conditional Use, or “SE” – Special Exception. Blank spaces on the Table indicate “NP” Not Permitted”.

Commissioner Greengold stated she had submitted to the Commission for consideration, proposed conditions she would like to see included in #16-Group Home. Mr. Jakubiak suggested the Commission delay discussion on #16-Group Home to a future date. This topic would involve extensive discussion. Federal and State laws have changed on this subject. The Town is currently in legal discussions regarding group homes. The Commission agreed to delay discussions on this matter and is requesting Chairman Brown to notify the Town Administrator of their interest in this matter and would appreciate being informed, as soon as possible, the Town Attorney’s response.

Chairman Brown recommended, in order to hasten the process, the Commission take time to review the remaining items on the Permitted Use table and note any changes or concerns and be prepared to present any changes or concerns at its June meeting.

Commissioner Blackwelder noted she would be unable to attend the June meeting but would submit to the Commission any concerns she had.

Open Space Requirement - Purpose: To establish a requirement for common open space in housing developments by amending Section 290-19N as follows: Mr. Jakubiak presented the following language change for the Commission's consideration. (Bold text is added language and strike through is deleted language.)

N. Open Space Requirements

- (1)Purpose: **COMMON** Open space shall be provided within each **ALL-NEW RESIDENTIAL DEVELOPMENTS** ~~developed lot~~ to preserve, protect and enhance the quality and value of developed lands; promote the preservation of natural and scenic areas; protect sensitive natural resource areas; for the natural retention of stormwater **AND FLOODWATERS**; and to promote access to light, open air, and recreational opportunities for the health and public welfare of residents.
- (2)Identification: **COMMON** Open space shall mean landscaped or undeveloped land used for outdoor active and passive recreational purposes or for Critical Area or resource land protection, including structures incidental to these open space uses, including required buffers, but excluding land occupied by structures or impervious surfaces not related to the open space uses and yards required by this chapter.
- (3)**A MINIMUM OF 1,000 SQUARE FEET OF COMMON OPEN SPACE SHALL BE PROVIDED AND NO LESS THAN 75% OF SUCH OPEN SPACE SHALL BE IMPROVED AS RECREATIONAL AREA.**

The Commission made the following recommendations:

1. In the first sentence, strike the word "NEW" and replace with the word "future".
2. In #3 after the word "provided" add "per housing unit".
3. ADD a #4 - Common open space shall be owned and maintained by the HOA or other entity established by the Developer to maintain the property.
4. ADD a #5 – The payment of fees in lieu of providing the physical open space is strictly prohibited.

MOTION: Commissioner Blackwelder moved to make the open space requirement for all residential districts in 290-19A, 35%. Seconded by Commissioner Greengold.

MOTION: Commissioner Blackwelder moved to amend her motion to amend Section 290-19 Tables (A), to make the open space requirement 35% in all residential districts except for the Residential Low-Density District which will have a requirement of 40%. Seconded by Commissioner Ruttkay, all in favor.

Mr. Jakubiak will draft the Open Space requirements section with the Commission's recommendations and present at the June meeting.

VII. Public Comment- None Received.

VII. Adjournment:

There being no further comments, Chairman Brown moved to adjourn the meeting at 9:53 pm, 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.