



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION SEPTEMBER 6, 2022

- I. Commission Chair Cindy Greengold called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Larry Brown, Kelly Huhn, and Jan Ruttkay, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk.
- II. **Approval of the September 6, 2022 Planning & Zoning Agenda.** Chair Greengold stated she would like to move Recommendations “E” & “F” to the end of the agenda and entertained a motion.

MOTION: Commissioner Blackwelder moved to amend the agenda to add Text Amendment 11-New Table 1 Permitted Uses by Zoning District to be the last item on the agenda.

Chair Greengold stated she wanted to keep the Table in the agenda as presented and called for a motion on her original motion to move Recommendations “E” & “F” to the end of the agenda.

MOTION: Commissioner Brown moved to amend the September 6, 2022 Agenda to move Recommendations “E” & “F” to the end of the agenda. Seconded by Commissioner Ruttkay, all in favor.

MOTION: Commissioner Blackwelder moved to amend the agenda to add “complete old business from the May agenda.” Died for lack of a second.

MOTION: Commissioner Brown moved to approve the agenda as amended. Seconded by Commissioner Berault, all in favor.

III. **Approval of the minutes of the July 27, 2022 Planning & Zoning Commission meeting.**

MOTION: Commissioner Blackwelder moved to amend the minutes of the July 27, 2022 Planning & Zoning meeting to include the exchange between Mr. Jakubiak and herself relating to the environmentally sensitive areas that are being proposed to rezone to RC. The motion died for a lack of a second.

MOTION: Commissioner Brown moved to approve the July 27, 2022 Planning and Zoning minutes as presented. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Brown, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Blackwelder. **Motion Passes.**

IV. **Approval of the minutes of the August 4, 2022 Planning & Zoning Commission Meeting.**

MOTION: Commissioner Blackwelder moved to amend the August 4, 2022 Planning & Zoning minutes to add under the topic of “Density” a statement referencing that she had presented a number of other adjustments to Section 290-19A, Tables; Requirements;

Exceptions, and with consensus of the Commission, that Chair Greengold directed Mr. Jakubiak to capture and bring back for consideration at the Commission's next meeting, which she does not see represented in Planner's Recommendation G. Seconded by Commissioner Ruttkay. Chair Greengold recollects the conversation and is requesting Commissioner Blackwelder wait and address this as an amendment to Planner Recommendation G later in the agenda.

The Commission voted on Commissioner Blackwelder's amendment to the August 4, 2022 Planning & Zoning meeting minutes. Ayes, Commissioners Blackwelder & Hauhn. Opposed, Commissioners Berault, Brown, Greengold and Ruttkay. **Motion Fails.**

Chair Greengold moved to approve the August 4, 2022 Planning Commission minutes as presented. Seconded by Commissioner Ruttkay. Ayes, Commissioners Berault, Greengold and Ruttkay. Opposed, Commissioners Blackwelder and Hauhn. Recusal, Commissioner Brown. **Motion Fails without the required four members voting in the affirmative, and the minutes remain unapproved.**

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

Public Comment was received by:

1. Wes Donovan 3418 Cox Road, Chesapeake Beach MD expressed his concerns on a number of the proposed "Recommendations" on tonight's agenda.
2. Joseph Devlin of Council Baradel, Attorneys at Law, Annapolis, MD representing Michael Roepcke, Richfield Station. Mr. Devlin is requesting boundaries be reconsidered and redrawn on the proposed zoning map to return the area comprising 13 previously approved, but not final platted and recorded residential lots, known as Block Q, from the proposed RC District to the RPC District along with an area intended by the developer to be subdivided into large residential lots under the terms of Paragraph 1 of the FIDS agreement.
3. Gloria Larman 2472 Woodland Court, Chesapeake Beach MD spoke in opposition of additional development in Richfield Station.

VI. **Consider and Vote on Planner Recommendation A:** Amendment to Article XI, Section 290-43, Terms Defined, changing the definition of the term Building Height as follows:

BUILDING HEIGHT - The height of any building shall be the vertical distance of the highest point of the roof to the average natural grade level prior to construction or any site improvements. The highest point also includes any rooftop deck, fence railing, widow's walk or other rooftop addition that is used as an accessory structure.

MOTION: Commissioner Ruttkay moved to approve Planner Recommendation A. Seconded by Chair Greengold. Ayes, Commissioners Berault, Blackwelder, Greengold, Hauhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

Consider and Vote on Planner Recommendation B: Amendment to Article III, Section 290-11, Conditions and Standards for Conditional and Special Exception Uses, adding conditions for uses permitted within the Resource Conservation Zone.

MOTION: Commissioner Berault moved to amend Planner Recommendation B, Section 290-11, Conditions and Standards for Conditional and Special Exception Uses within the Resource Conservation (RC) Items #13, 15, 18, 52 & 58 from the proposed “C” Conditional use to “NP” Not Permitted use. Seconded by Commissioner Ruttkay.

MOTION: Commissioner Blackwelder moved to amend Commissioner Berault’s motion to change the use within the RC district on the above-mentioned items to “SC” Special Exception with conditions. Seconded by Commissioner Ruttkay. Ayes, Commissioner Blackwelder. Opposed, Commissioners Berault, Brown, Huhn, Greengold, and Ruttkay. **Motion Fails.**

The Commission voted on Commissioner Berault’s amended motion above to Planner Recommendation B, items #13, 15, 18, 52, & 58, in the RC zone, to change to “NP” Not Permitted.. Ayes, Commissioners Berault, Huhn, & Greengold. Opposed, Commissioners Brown, Blackwelder, & Ruttkay. **Motion Fails.**

MOTION: Commissioner Brown moved to table Planner Recommendation B to the next regularly scheduled Planning Commission meeting noting the proposed amendments are new and felt they were not published with sufficient time to allow public review. Seconded by Commissioner Ruttkay.

MOTION: Commissioner Blackwelder moved to amend Commissioner Brown’s motion to table Planner Recommendation B so that the motion would include tabling approval of Table 1, Permitted Uses by Zoning Districts. *[Secretary’s Note: Planner Recommendation B, the subject of Mr. Brown’s motion to table, assigns the use status (e.g. “conditional”) to certain uses proposed to be permitted in the RC District and provides recommended conditions that would pertain to each. These uses (with their recommended conditional use status) are shown on Table 1, along with all the other uses for all the other districts. The amended motion reflects the desire of the Commission not to complete deliberations on Table 1 without having first deliberated on the conditions pertaining to the RC uses addressed in Planner Recommendation B.]* Ayes, Commissioners Brown, Blackwelder, Huhn, & Ruttkay. Opposed, Commissioner Berault and Chair Greengold. **Motion Passes.**

Consider and Vote on Planner Recommendation C: Amendment to Table 1, Permitted Uses by Zoning District (Section 290, Attachment I), changing the permitted use status of certain uses in the Resource Conservation District, listing certain uses and “Expressly Prohibited” in all zoning districts, and changing the permitted use status of the use called “Group Home” to “Conditional” in the residential districts and to “Not Permitted” in all other districts.

MOTION: Commissioner Blackwelder moved to designate “Group Homes” as “SC” Special exception with conditions. Seconded by Commissioner Ruttkay. Ayes, Commissioner Blackwelder. Opposed, Commissioners Berault, Brown, Greengold, Huhn, and Ruttkay. **Motion Fails.**

MOTION: Chair Greengold moved to approve Planner Recommendation C as written. Seconded by Commissioner Ruttkay.

MOTION: Commissioner Brown moved to amend Planner Recommendation C under “Group Homes” to change the Neighborhood Commercial from a “NP” Not Permitted to a “C” Conditional Use. Seconded by Commissioner Ruttkay. Ayes, Commissioners Brown, Greengold, and Huhn. Opposed, Commissioners Berault, Blackwelder, and Ruttkay.
Motion Fails.

MOTION: Commissioner Brown moved to approve Item #20 “Group Homes” as written as “C” Conditional use in all the residential zones and the RPC zone and “NP” Not Permitted in the commercial zones and RC zone. Seconded by Chair Greengold. Ayes, Commissioners Berault, Brown, Greengold, Huhn, and Ruttkay. Opposed Commissioner Blackwelder.
Motion Passes.

MOTION: Chair Greengold moved to approve Planner Recommendation C changing the permitted use status of certain uses in the RC district as indicated in yellow on the presented Table of Uses as follows:

- #13-16 - “C” Conditional
- #17 - “NP” Not Permitted
- #18 - “C” Conditional
- #28 - “NP” Not Permitted
- #43 - “NP” Not Permitted
- #52 - “C” Conditional
- #58 - “SC” Special exception with conditions

MOTION: Commissioner Blackwelder moved to amend Chair Greengold’s motion to include the following list of “Expressly Prohibited” uses as “NP” Not Permitted in all districts:

1. Casino gambling venues and establishments
2. Smoke and vape shops
3. Tattoo parlors
4. Massage Parlors
5. Psychic Reading and Fortune Telling venues
6. Adult entertainment venues, establishments and adult bookstores
7. Sale or distribution of medical and/or recreational marijuana, cannabis, and/or its derivatives in any forms, either as a principal or an accessory use
8. Industrial Uses
9. Landfills
10. Junk and salvage yards
11. Drive-in movie theaters

Seconded by Chair Greengold, all in favor.

Consider and Vote on Planner Recommendation D: Amendment to Article III, Section 290-9, Purpose and Intent of Districts, to revise the purpose statement pertaining to the Resource Conservation District as follows:

RC Resource Conservation District. The Resource Conservation District is a non-residential district intended to protect and maintain wetlands, surface waters, forests and open space, steep slopes, as well as low lying areas with elevated risks of flooding. The RC District is intended to protect and maintain land use in critical flood and stormwater management; to provide land for community parks and recreational activities, including access to the Bay and its

tributaries; to ensure that any new use complies with all environmental protection and land use laws and preservation agreements of the Town of Chesapeake Beach and the State of Maryland; and to ensure open space preservation and prevent residential development of parcels 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 Brown moved to amend Planner Recommendation D to revise the purpose statement pertaining to Resource Conversation to add the word "for" before the wording "critical flood" in the third sentence and delete the entire wording in parentheses at the end of the paragraph and place a period after "wildlife habitats." Seconded by Chair Greengold, all in favor.

Consider and Vote on Planner Recommendation G: Amendment to Article v, Section 290-19A, Tables, Requirements; Exceptions, to set the minimum lot size in the proposed Neighborhood Commercial (NC) district and the Town Commercial (TC) district at 7,500 sq. ft. and set the average minimum lot area per dwelling unit in the proposed Town Center District at 7,500 sq. ft.

MOTION: Commissioner Blackwelder moved to amend Planner Recommendation G Section 290-19A, Tables, Requirements; Exceptions to increase the minimum lot size to 7,500 square feet in RV-1, RV-2, NC, TC, CP, & MC districts and 20 acres in the Resource Conversation district. Seconded by Commissioner Ruttkay. Ayes, Commissioners Berault, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

MOTION: Commissioner Blackwelder moved to amend Planner Recommendation G Section 290-19A, Tables, Requirements; Exceptions to increase the average minimum lot area per dwelling unit to 7,500 square feet in the RV-1, RV-2, NC, and the TC districts, and n/a in the CP, MC, and the RC districts. Ayes, Commissioners Berault, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

MOTION: Commissioner Blackwelder moved to amend Planner Recommendation G Section 290-19A, Tables, Requirements; Exceptions to increase minimum open space to 20% in the NC, TC, CP, and MC districts and 85% in the Resource Conservation district. The R-LD will remain at 40%, R-MD, R-HD, RV-1, and RV-2 will remain at 35%. Ayes, Commissioners Berault, Blackwelder, Greengold, Huhn, and Ruttkay. Opposed, Commissioner Brown. **Motion Passes.**

VII. Public Comment

1. Wes Donovan 3814 Cox Road expressed his concerns about decisions that were made by the Commission tonight and feels they may diminish property values in Town. Also under the Resource Conservation district, item #18 of the Table, boat storage, he questioned what type will be allowed and not allowed. Chair Greengold asked Mr. Donovan to forward the information he has on the different types of boat storage to the Commission for review.

VIII. Adjournment:

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

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