



## **PLANNING AND ZONING COMMISSION**

### **MINUTES OF THE PLANNING AND ZONING COMMISSION JULY 27, 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 Hauhn, and Jan Ruttkay, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk.

II. **Approval of the July 27, 2022 Planning & Zoning Agenda.**

**MOTION:** Commissioner Berault moved to approve the July 27, 2022 Agenda as presented. Seconded by Commissioner Hauhn, all in favor.

III. **Approval of the minutes of the June 22, 2022 Planning & Zoning Commission meeting.**

**MOTION:** Commissioner Berault moved to approve the minutes of the June 22, 2022 Planning & Zoning meeting. Seconded by Commissioner Greengold. Ayes, Commissioners Berault, Brown and Greengold. Abstained Commissioner Hauhn. Motion Passed.

- IV. **Welcome new Commission Member Kelly Hauhn.** Chair Greengold introduced new Commission member Kelly Hauhn which was appointed to the Commission by the Town Council last month. Ms. Hauhn spoke briefly about herself and looks forward to serving on the Commission.

- V. **Special Thanks to Larry Brown.** Chair Greengold expressed a special thank you from the Commission to Commissioner Larry Brown who served as Chairman of the Commission for the past two years. Commissioner Brown led the Commission through the COVID pandemic, the technical challenges it brought, and managed the completion of one of the Town's most important documents, the Comprehensive Plan.

VI. **Open Public Hearing on the comprehensive rezoned & updated zoning map and supporting text amendments to the zoning ordinance.**

Chair Greengold stated this Public Hearing was called to receive comments regarding the revised draft Zoning Map and draft supporting Text Amendments that are necessary to implement the recommendations in the newly adopted Comprehensive Plan.

Once the Public Hearing concludes, the Commission will return to its regular meeting, and time permitting, will begin deliberations on comments received. A work session will be held on August 4<sup>th</sup> beginning at 6 PM to continue discussion of comments. The Commission's next regularly scheduled meeting will also consist of any further discussion of comments received with the intent to close, approve, and then submit recommendations to the Town Council. After the Commission submits its recommendations to the Town Council, the public will still have another opportunity to

speak on these items at the Town Council's public hearing. And with that, Chair Greengold opened the public hearing.

Ms. Humm, Commission Clerk, read into the record evidence of the published notice of this hearing.

Mr. Jakubiak, Planning Administrator, summarized the text amendments with an overall explanation of the comprehensive rezoning and highlighted for the record several housekeeping ordinance changes that would be required if the text amendments as currently drafted ultimately were approved by the Town Council.

Mr. Jakubiak stated the new zoning map expands the resource conservation zone, divides the Residential Village district into Residential Village 1 (RV1) and Residential Village 2 (RV2), divides the commercial zone into four subcategories of commercial zones, and eliminates the maritime zone and creates instead a maritime commercial zone. The boundaries of these various zones have changed somewhat as well. Mr. Jakubiak briefly touched on each of the text amendments.

Chair Greengold called for public comment.

**Public comment was received by the following:**

1. Sarina Arcari 8199 Windward Key Drive, Chesapeake Beach, MD. Chair Greengold read Ms. Arcari's comment into record.
2. John McKay 3559 Cox Road, Chesapeake Beach, MD.
3. Kenneth Deutsch 8078 Windward Key Drive, Chesapeake Beach, MD.
4. Amy Everette 3447 Hill Gail Drive, Chesapeake Beach, MD.
5. Andrew Zang 7239 Chesapeake Village Blvd. Chesapeake Beach, MD. Chair Greengold read Mr. Zang's comment into record.
6. Mark Petrakis 3020 Lawrin Court, Chesapeake Beach, MD. Chair Greengold read Mr. Petrakis' comment into record.
7. Gary Coldsmith 8200 Elm Lane, Chesapeake Beach, MD. Chair Greengold read Mr. Coldsmith's comment into record.
8. Greg Shelton 8310 Bayside Road, Chesapeake Beach, MD.
9. Josh Phillips 7013 Silver Fox Way, Chesapeake Beach, MD.
10. Nicole Maldonado 8117 Woodland Lane, Chesapeake Beach, MD.
11. Barbara Poirier 7494 Cavalcade Drive, Chesapeake Beach, MD.
12. Robin Jones 2411 Woodland Court, Chesapeake Beach, MD.
13. Joe Cicala 6918 Donau Court, Chesapeake Beach, MD.
14. JoAnna Lutmerding 805 Woodland Way, Owings, MD.
15. Kenneth Rasmussen 4020 12<sup>th</sup> Street, Chesapeake Beach, MD.
16. Wes Donovan 3418 Cox Road, Chesapeake Beach, MD.
17. Eric Butler 8057 Silver Fox Way, Chesapeake Beach, MD.

There being no further public comments, Chair Greengold closed the public hearing at 8:00 pm on a motion by Commissioner Berault. Seconded by Commissioner Blackwelder, all in favor.

Chair Greengold re-opened the regular meeting and asked for comments and/or concerns from the Commissioners.

Commissioner Blackwelder – Concerns - 1) allowable growth, 2) density, particularly in the RV2 district, 3) height limit - could one get around avoiding the height limit through a variance? Mr. Jakubiak addressed this.



Commissioner Berault – Keeping with the subject of a variance, Commissioner Berault feels as the Town Planner and Administrator, a position from the Town's perspective should be recommended during a variance hearing so as to assist the Board in considering a variance decision.

Commissioner Brown - House is destroyed by an unfortunate event. With the proposed height limit of 35 ft, could a homeowner reconstruct his house back at the current height it was when destroyed? Mr. Jakubiak stated, yes. Just can't exceed the original height. The zoning ordinance protects non-conforming lots.

Commissioner Ruttkay – Concurs with Commissioner Berault regarding the need for staff recommendations by the Zoning Administrator. Also noted, sizable percentage of comments supports open/green space.

Commissioner Hauhn – Seeking the most protection relating to the 200+ acres in Richfield Station suggesting it be marked on the zoning map with the FIDS marking? Mr. Jakubiak stated the zoning map should only show what is specific and legal and ties into the laws that are being governed. The zoning map consists of zoning district boundaries and zoning categories. The FIDS marking is on the land use map and elsewhere in the Plan. He referred this to the Town attorney. Mr. Pounds addressed the question stating the zoning map is law and not the appropriate place for that sort of marking but certainly overlay features could be added to indicate additional protection.

Commissioner Blackwelder asked if Mr. Jakubiak could provide further clarification in regard to environmentally sensitive areas, in particular, the 200+ acres in Richfield Station, and which would provide the most protection, being rezoned as proposed to RC or RPC as currently in place? Mr. Jakubiak stated, for the record, that the RC district is more protective than the RPC. Commissioner Blackwelder requested this be discussed further at the upcoming work session on August 4<sup>th</sup> and, for the record, she would like to see it keep the RPC designation as currently in place.

Items to be discussed at the August 4<sup>th</sup> Work Session:

- 1) Densities, both residential and commercial.
- 2) Zoning of the Resource Conservation (RC) District
- 3) Consider maintaining RPC in R/F Station & Chesapeake Village subdivisions vs. the proposed RC zoning.
- 4) Discuss uses in the RC district.

## **VII. Adjournment:**

There being no further comments, Commissioner Brown moved to adjourn the meeting at 9:05 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).