



OFFICE OF THE PLANNING & ZONING COMMISSION

**MINUTES OF THE
PLANNING AND ZONING COMMISSION WORK SESSION
AUGUST 12, 2021**

- I.** Commission Chairman Larry Brown called the meeting to order at 6:00 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. Approve the Agenda

MOTION: Commissioner Berault moved to approve the August 12, 2021 agenda. Seconded by Commissioner Ruttkay.

MOTION: Commissioner Blackwelder moved to amend the agenda to add her submissions, sent via email to the Commission, on August 5, 2021. Seconded by Commissioner Ruttkay, all in favor.
The Commission voted on the agenda as amended, all in favor.

- III. Presentation and discussion of Schedule to Complete Comprehensive Plan.** Chairman Brown stated, along with the schedule for the Plan completion submitted by Mr. Jakubiak, he had attached a detailed supplement for the Commission to consider and possibly adopt. After a lengthy discussion, the Commission failed to adopt the schedule as presented.

Commissioner Greengold expressed her concerns regarding text amendments on the 35-foot maximum height limit and permitted uses in the Maritime zone. (This will be considered at the Commission's next meeting.)

Commissioner Blackwelder recommended the Commission request the Town Council to consider extending the Moratorium.

MOTION: Commissioner Blackwelder moved the Commission request the Town Council to consider extending the moratorium with no deadline. Seconded by Commissioner Greengold.

MOTION: Commissioner Berault moved to amend the motion to request the Town Council to consider extending the moratorium for six months. Seconded by Commissioner Ruttkay. Ayes, Commissioners Berault and Blackwelder. Opposed, Commissioners Greengold, Larsen and Ruttkay. **Motion Fails.**

MOTION: Commissioner Blackwelder moved the Commission request the Town Council to consider extending the moratorium for 3-6 months. Seconded by Commissioner Berault, all in favor.

MOTION: Chairman Brown moved the Commission continue working to complete the Comprehensive Plan first and then move onto the text amendments and zoning map as proposed by the Zoning Administrator. Ayes, Commissioners, Berault, Larsen, and Ruttkay. Opposed, Blackwelder and Greengold. **Motion Passes.**

IV. Work session on Comprehensive Plan - Continue discussion and decisions on attached Chairman's list of undecided topics.

The following items refer to the DRAFT Chapter 5, Land Use

1. Pg. 13 General Land Use Categories (DRAFT Chapter 5, Land Use)- Consider adding Residential Village 3 in the town center in order to accommodate different alternative uses or densities. **After discussion the Commission was not in favor.**
2. Pg. 16 – 27 (DRAFT Chapter 5, Land Use – Revised - for 6-23-2021 Meeting): General-Review for consistency to changes made to the General Land Use Categories at the July 28th PC meeting. **This will take place at the August 25th meeting.**
3. Pg. 25-27 (DRAFT Chapter 5, Land Use – Revised -for 6-23-2021 Meeting): Discussion topics for Adapting to Sea Level Rise and Flooding Vulnerabilities:

Layer 1

Pg. 25

Does the wording in this section prematurely restrict properties from benefiting from the Master Plan for Flood Risk Reduction?

Will the mentioned properties be considered for inclusion and protection within the plan?

Does the wording restrict funding or options for Kellam's field area?

Layer 2

Pg. 25-26-2nd Paragraph- Does the word "participate" or any other wording in the description imply any town obligation towards development?

Layer 3

Pg. 25 Does the word "participate" or any other wording in the description for Layer 2 imply any town obligation towards re-development?

Mr. Jakubiak addressed concerns from the Commission. The Commission agreed to replace the word "participate" with "adhere."

4. Chapter 10, Implémentation (pg. 91-92 document labeled DRAFT JULY 2021). Include a modernized list of permitted uses by district, with descriptions of conditional uses with other items that will be delivered and adopted concurrently with the Comprehensive Plan instead of over a period of years. **The Commission agreed. Mr. Jakubiak will provide the list.**

5. Motion: To prepare to incorporate the term "Tourist Home" into the list of permitted uses and to make it a conditional use in the maritime and town commercial districts only. Prepare and present options for conditions that will effectively limit density of tourist homes in both areas.

After discussion, the Commission made the following motion:

MOTION: Commissioner Ruttkay moved to remove "Tourist Homes" from the Maritime Zoning District. Seconded by Commissioner Berault. Ayes, Commissioners, Berault Blackwelder, Greengold, Larsen, and Ruttkay. Let the record show Chairman Brown opposed. **Motion Passes.**

6. Motion: In the Land Use Table, add to the term Bed-and-breakfast establishment (fully licensed, owner occupied only) for clarification. **Mr. Jakubiak commented there is no licensing but a requirement to register with the Town.**

7. Add Recommendation in the Housing Chapter that the Town establish a program for grants and/or loans to maintain or upgrade the exterior of the Town's historic cottages and homes (pre-1945). Commissioner Greengold submitted a proposal for consideration.

MOTION: Commissioner Berault moved to include in the Housing Chapter, under Recommendations, a section entitled "Support Restoration and Rehabilitation of the Town's Original Cottages" as submitted by Commissioner Greengold. Seconded by Commissioner Ruttkay, all in favor.

Note: Prior to Planning Commission approving the final draft plan:

Chapter 5, Land Use, (Pg. 11, DRAFT Chapter 5, Land Use – Revised - for 6-23-2021 Meeting): section beginning with the words "The recommended elements of the town center vision include": Verify that the elements of the Town Center vision align with the Town Council's Kellam's Field Committee goals at the time of adoption. **Commission will take up at the August 25th meeting.**

8. Commissioner Blackwelder: Request that the Town expand the boundaries of the Sustainable Community designation to encompass the entire town. Commissioner Blackwelder and Mr. Jakubiak elaborated on this for the Commission.

MOTION: Commissioner Blackwelder moved to request the Town seek a Sustainable Community designation for the entire town. Seconded by Commissioner Ruttkay, all in favor.

Mr. Jakubiak will include this recommendation in the Implementation Chapter.

9. Commissioner Blackwelder: Request the Town research a 200-acre parcel that is owned by Richfield Station II Joint Venture to determine its legal disposition as it relates to dedicated easements, dedicated open space, and remaining development rights (if any). Commissioner Blackwelder explained this is a huge parcel of land in a significant location and steps should be taken to research what can and cannot be developed, as the County no longer tracks this as open space.

MOTION: Commissioner Blackwelder moved to request the Town investigate this 200-acre parcel to determine its legal disposition. Seconded by Commissioner Ruttkay, all in favor.

10. Commissioner Blackwelder: Submitted edits for consideration to the **Implementation Chapter.**

1. Introduction section(minor edits) – **Commission agrees to incorporate suggested edits.**
2. Zoning Text Amendments section – 1st paragraph, add to last sentence, "Residential Planned Community District, a Growth Allocation Method," **Commission all in favor.**
3. Immediate Term Text Amendments- As follows:
 - Divide the Commercial Zoning Districts into ~~two~~ three new zoning districts, Neighborhood Commercial (NC), and Town Commercial (TC), and Commercial Plaza (CP), and create purpose statements for each. Update Table 1, Land Use Classifications to reflect recommendations made throughout the plan. (Redundant/stated in 2nd bullet below) Within the NC District, remove all types of new housing as permitted uses and consider whether new commercial uses with potential to adversely impact existing residential uses ought to be eliminated from the list of permitted uses.

- (moved up from below) Modernize the list of permitted uses by district as may be needed to reflect changing land uses, building types and businesses activities and expressly prohibited uses that are found to be inherently adverse and incompatible with the public health and welfare of the Town.
 - Remove multi-family buildings and townhouses as permitted uses in both proposed new Neighborhood and Plaza commercial districts. the Neighborhood Commercial District and Within the new Town commercial district, allow residential use above street level commercial within the part of the proposed TC District located on MD-260, and clarify that for existing single-family dwellings, single family resident land use will be grandfathered and are permitted by-right in both the new districts zones.
 - For the Maritime District (M), remove all new housing types from the list of permitted uses.
 - Within the Resource Conservation District (RC), retain all protective easements, overlays, and regulations such as the Critical Area overlay, the Forest Conservation Area, and the Growth Allocation Method. Do not allow by right residential use by including it as a listed use in the district description, and remove it as a permitted use in the Land Use Table. Remove the current allowance for one single family detached house per 5 acres of land area, and consider how best to reduce the likelihood that new housing would be developed in environmentally sensitive areas in the RC District, such as removing housing as a permitted use.
- The Commission agreed to all the above presented text amendments, all in favor.**

It was noted a public comment was received and submitted to the Commission concerning the RV district. It was recommended that this comment be held and submitted for consideration during the public hearing session and addressed at that time along with all the public comments. **The Commission agreed.**

4. Longer Term Text Amendments

- ~~Reducing the Adjusting~~ regulatory barriers (such as lot area and one size fits all off-site parking requirements) ~~to the provision of compatible and affordable housing options such as duplexes, accessory apartments, and senior care homes.~~ where practical and helpful towards supporting the goals of this plan.

In favor were Commissioners Blackwelder and Greengold. Opposed, Commissioners Berault, Larsen, and Ruttkay. This will remain as currently written.

5. Commissioner Blackwelder proposed adding a new section after Zoning Map Amendments, with the heading, "Town Pathways and Vistas" with two additional subheadings, "Pathways and Vistas Map 2010 Comprehensive Plan" and "Connectivity Study February 2021". This would include updating the 2010 map with additional routes identified by the Walkability Community Advisory Group, designated as the "Town's bicycle/pedestrian Master Plan", and supporting the Walkability Community Advisory Group's priority list from its Connectivity Study. **The Commission was in favor of Commissioner Blackwelder's proposal for inclusion in the Implementation Chapter.**

6. Park and Open Space Plan-

Commissioner Blackwelder proposed the following amendment to this section:

This Plan **has recommended** ~~has noted that Chesapeake Beach is deficient with respect to the number and size of neighborhood parks. It also recommends~~ the expansion of the town's trail and boardwalk networks, greater public waterfront access, the reimagining of Kellam's Field, the investigation of a future public recreational pier out over the Chesapeake Bay, and the public acquisition of the Randall Cliffs Natural Heritage Area. **As the plan has also noted that Chesapeake Beach Is deficient with respect to the number and size of**

neighborhood parks, and the development of smaller neighborhood parks in conjunction with a larger interconnected Open Space network is also recommended as opportunities arise, and the expansion of the Town's trail and boardwalk network. **The Commission agreed to this amendment.**

7. Funding Mechanisms- 2nd paragraph - Commissioner Blackwelder proposes adding the following highlighted text:

Public sanitary sewer service and water supply in Chesapeake Beach are provided through an enterprise fund, meaning that expansions of capacity are financed by new system users and are not funded through the General Fund of Town government. **In the case of new development, this should remain so. However, there are several areas of town that require upgrades to public water and sewer for existing residences, and where contributing funds are required as a qualifying factor for receiving grant funding, the town's Capital Improvement Program should be considered. The Commission was in favor.**

Mr. Jakubiak submitted a proposal for adoption, to add as a recommendation in the Transportation section, a strategy for the un-opened rights-of-way. **The Commission agreed to adopt and add to the Plan.**

The Commission's next meeting is scheduled for August 25, 2021 @ 7 pm.

V. Adjournment

There being no further comments, the meeting adjourned at 9:20 pm on a motion by Chairman Brown. Seconded by Commissioner Berault, all in favor.

Submitted by,

Sharon L. Humm
Commission Clerk