



PLANNING AND ZONING COMMISSION

MINUTES OF THE PLANNING AND ZONING COMMISSION WORK SESSION AUGUST 4, 2022

- I. Commission Chair Cindy Greengold called the meeting to order at 6:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Kelly Huhn, and Jan Ruttkay, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon L. Humm, Commission Clerk. Absent was Commissioner Brown.

II. **Approval of the August 4, 2022 Planning & Zoning Work Session Agenda.**

MOTION: Commissioner Berault moved to approve the August 4, 2022 Work Session Agenda as presented. Seconded by Commissioner Ruttkay.

MOTION: Commissioner Blackwelder moved to amend the agenda to add discussion of Density and the Zoning Map. Seconded by Commissioner Ruttkay, all in favor.

The Commission voted on the agenda as amended, all in favor.

III. **Administrative Planner to review comments and questions/answers from the Public Hearing.**

Mr. Jakubiak began by commenting that the public hearing was well attended receiving a fair number of good comments. Mr. Jakubiak gave a brief overview of comments received that included support for resource conservation and protection of open space. Several comments were received regarding how the resource conservation area is applied in existing subdivisions, such as the Wickersham subdivision. Much support in favor of the building height, comments on density, and a comment on seafood processing in the Maritime Commercial district, and why marked as a SE Special Exception use. Concerns out of the Richfield Station and Chesapeake Village subdivisions about RC and how it is applicable to the land that is held by the HOA's and how it might affect FIDS. There was a general support of preserve the land and don't do anything that will undermine the preservation of the land.

The Commission thanked all those that attended and voiced their concerns.

IV. **Building height and its measurement.**

Mr. Jakubiak presented to the Commission the current definition of building height per the Zoning Ordinance with a drawing illustrating how a building height is measured for a better understanding of the definition.

"A building's vertical measurement from the level of the finished lot grade at the primary front entrance to the building to the highest point in the roofline of a flat roof or a roof having a slope of less than 15% from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of 15% or more."

Mr. Jakubiak gave a brief overview discussing the height and the grade at which you measure from. He addressed questions from the Commissioners. The concern with the current definition was the wording as to how and at what point the measurement begins which could possibly lead to a structure taller than the 35 feet being proposed. After discussion, the consensus of the Commission was to have Mr. Jakubiak revise the definition wording something to the effect of:

“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. The slope of a roof should match the predominate orientation of the roof line of the street.”

Mr. Jakubiak will revise the wording and present to the Commission at its next meeting.

V. **Table 1, Permitted Uses by District**

a) **Special emphasis on possible conditions for uses permitted in the Resource Conservation (RC) zone.**

Commissioner Berault presented a re-examination of the **Resource Conservation (RC) district** and its permitted uses from Text Amendment 11: New Table 1, Permitted Uses by Zoning District.

- #1-12 – No Changes recommended - **Agreed**
- #13- Change from (P) Permitted to (C) Conditional with conditions - **Agreed**
- #14- Change from (P) Permitted to (C) Conditional with conditions- **Agreed**
- #15- Change from (P) Permitted to (NP) Not Permitted – **Keep as (P) Permitted w/language change** (Town Planner's Note: In order to make the change indicated, the use must become (C) Conditional in the RC District subject that is, to the condition that the public building be for the purpose of managing the land”.)
- #16- Change from (P) Permitted to (C) Conditional with conditions- **Agreed**
- #17- Change from (SE) Special Exception to (NP) Not Permitted - **Agreed**
- #18- Change from (P) Permitted to (NP) Not Permitted – **Keep as (P) Permitted w/the condition being that property is waterfront**
- #19-27 No recommended changes. **Agreed**
- #28- Change from (P) Permitted to (NP) Not Permitted-**Agreed**
- #29-42- No recommended changes - **Agreed**
- #43- Change from (SE) Special Exception to (NP) Not Permitted - **Agreed**
- #44-49- No recommended changes - **Agreed**
- #50- Change from (SC) to (C) Conditional w/conditions-**No consensus to change-Keep use as (SC)**
- #51- No change recommended - **Agreed**
- #52- Change from (P) Permitted to (C) Conditional with conditions- **Agreed w/additional condition being waterfront properties**
- #53-54- No changes recommended - **Agreed**
- #55- Change from (SE) Special Exception to (NP) Not Permitted – **Keep as (SE) Special Exception**
- #56-57- No changes recommended - **Agreed**
- #58- Change from (SE) Special Exception to (NP) Not Permitted – **Change to (SC) w/condition of being “on-site”.**
- #59- Keep at (C) Conditional - **Agreed**
- #60- Change from (SE) Special Exception to (C) Conditional with conditions – **Keep as (SE)**
- #61- Keep at (C) Conditional - **Agreed**
- 62-64- No changes recommended - **Agreed**

The Commission considered the submitted conditions by Commissioner Berault, made revisions, and added additional conditions which Mr. Jakubiak will incorporate into the New Table 1, Permitted Uses by District and present at its next regular meeting for consideration.

In reviewing the purpose statement for the Resource Conservation District, it was the consensus of the Commission to revise the purpose statement to include wording that this district is intended to be a "non-residential district" and remove the wording of "acquire land" from the statement. A motion will be brought forth at the Commission's next regular meeting for consideration of a revised purpose statement.

b) Recommendations addressing prohibited uses in all zones.

Commissioner Blackwelder proposed for Commission consideration that the following conditions be added to the New Table 1, under #6. Dwelling Unit in Combination with Commercial Use, Section 290-11B, as follows:

- 1) "require that the development promotes active and vibrant commercial activities at street (grade) level where walking is safe and enjoyable."
- 2) "require that the redevelopment adheres to compatibility standards" as outlined in the New Chapter, Compatibility Standards.

Commissioner Blackwelder proposed an amendment to Section 290-10 to add a list of "Expressly Prohibited Uses" and add each use to the Table of Uses with a (NP) Not Permitted use in all zoning districts.

Chair Greengold added to the list "No psychic or fortune telling readers" - **Commission agreed.**

Commissioner Blackwelder brought to the floor for discussion recommendations to adopt Design and Compatibility Standards as a condition for multi-family and mixed-use development. To include a section in the zoning ordinance titled Special Regulations for duplex, townhouse, mixed-use and multi-family dwellings.

Mr. Jakubiak suggested the Commission read Chapter V, 290-19 M, Design Standards for Townhouses and be prepared to discuss standards/conditions at the next regular meeting and work towards an amendment for that section that will incorporate a broader set of standards for multi-family and townhouse structures.

Density

Chair Greengold had concerns on the minimum lot size and Commissioner Blackwelder had concerns with the average minimum lot area per dwelling unit, and minimum open space. It was the consensus of the Commission to have Mr. Jakubiak modify the Table to reflect the minimum lot area per dwelling unit to 7500 square feet in the commercial zones, and the minimum lot size in the (NC) Neighborhood Commercial to 7500 square feet.

Commissioner Blackwelder brought to the floor the idea of a floating zone. No consensus from the Commission to take into consideration at this time.

Zoning Map

Commissioner Blackwelder presented her intent to motion at its next meeting to change the proposed RC zoning in Chesapeake Village and Richfield Station back to the current zoning of RPC, Residential Planned Community.

VI. Overview of next six (6) months: Phase 2, Zoning Amendments (to be taken up beginning in Fall 2022 upon completion of the current Text Amendments.

- **Priorities to include Density, intensity of lot development, design standards, signs, tourist homes, and group homes.**

Time did not permit for overview by Mr. Jakubiak. Chair Greengold briefly stated what is coming in the next six months and with that, called for adjournment.

VII. Adjournment:

There being no further comments, Chair Greengold 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.