



OFFICE OF THE PLANNING AND ZONING COMMISSION

To join the meeting by computer please click the link <https://us02web.zoom.us/j/8697557180>. Once connected you can join by computer audio or dial in via the information that is provided on your screen. To join by phone only please dial (929) 205 6099 and enter the Meeting ID 869 755 7180.

**PLANNING & ZONING AGENDA
JULY 28, 2021**

- I. Call to Order**
- II. Approve the Agenda**
- III. Approval of the Minutes of the June 23, 2021 Planning & Zoning Meeting.**
- IV. Public Comment on any item on the agenda: Public comment will be accepted by dialing (929) 205-6099 and enter Meeting ID 869 755 7180. NOTE: There will be a 2-minute limit on comments received.**
- V. Review of Revisions on the draft comprehensive plan report. See Chairman's List of Discussion Topics (attached).**
- VI. Public Comment: NOTE: Public comment will be accepted by dialing (929)205-6099 and enter Meeting ID 869 755 7180. NOTE: There will be a 2-minute limit on comments received.**
- VII. Adjournment: At approximately 9:00PM, depending upon hearing progress, Chairman will request a motion to adjourn. If approved, the meeting/hearing will end.**

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Chairman's list of topics

July 28, 2021; Chesapeake Beach Comprehensive Plan Update

The Commission has received chapters 1-10 in a draft labeled "Draft July 2021."

Chapters with revisions:

- 3. Municipal Growth
- 5. Land Use
- 6. Housing

New Chapter:

- 10. Implementation, Development Regulations and Areas of State Significance

Questions for the Commission:

Whether to Include?

1. Reference to the Town's Flood and Sea Level Rise Action Plan framework.
2. Reference to the Town's referendum, and Ordinance O-21-1, prohibiting full casino or sports betting licenses.
3. The Commission received a briefing from the Town's Economic Development Committee on June 15, 2021, which recommended:
 - a. Expanding the potential commercial areas along Rt 260 and 261.
 - b. Opposing the recommended 35-foot building height restrictions
 - c. Support for limited and regulated short term rentals

The following items refer to the document labeled DRAFT JULY 2021:

- 1. Municipal Growth, Page 18, first paragraph under introduction. Insert the highlighted context as the first paragraph:**

Following a number of highly successful endeavors to implement smart growth principals into neighborhood development projects, Chesapeake Beach saw its population double between 2000 and 2010, and then continue to grow through 2020.

While the town has excelled in offering a variety of housing types that can accommodate a diverse range of income levels, municipal infrastructure and commercial amenities needed to serve additional residents was not expanded in a corresponding degree. Notably, the town remains deficient by national standards in the area of parkland and open space; the newly built Northern High School, which is the only public high school that serves the community, has already exceeded its capacity; and the town's only two throughfares, MD Rt. 260 and MD Rt. 261, require traffic solutions but lack the space needed to expand them in a number of areas. Adding additional pressure to existing infrastructure, an expansive intensification of the town's landmark commercial property, the Rod-N-Reel Resort, has been approved and is projected for completion in the coming year. With this commercial expansion, Chesapeake Beach's road capacity, parking capacity, and recreational asset capacity will be further burdened, thus heightening the need for walkability, pedestrian safety, and open space infrastructure.

- 2. Municipal Growth, Page 18, first existing paragraph under introduction (Revised Working Draft): Cross out the words "limited growth anticipated" and add future growth in Chesapeake Beach; after the words "its development as" add "visitor friendly, nature friendly, Chesapeake Bay waterfront heritage community and recreation destination," to read as follows:**

This Plan signals that Chesapeake Beach will be especially intentional and purposeful in its decisions about growth and development over the next 20 years. It is the intent of this Plan that the ~~limited growth anticipated~~ future growth in Chesapeake Beach advance the Town's improvement, progress, and enhancement--this is, its development as a visitor friendly, nature friendly, Chesapeake Bay waterfront heritage community and recreation destination

- 3. Municipal Growth, Pg. 22, end of 1st paragraph: Cross out the words “There are several potential consequences of this that are addressed in this Plan.” and add “By comparison, the town’s population changed by 300 from 5.8K to 6.1K between 2010 and 2020, to read as follows:**

Under this Plan the zoned development capacity would be reduced by 53 percent from 489 to 230. This new development capacity is the sum of the 174 currently approved housing units and 56 potential housing units which might be created through infill.

Since no further development potential is contemplated by this Plan, the forecast is that the Town will grow by 230 housing units. This reflects an average annual rate of 0.5 percent and basically matches the Low Projection illustrated and described above.

There are several potential land use consequences of this that are addressed in this Plan. This reflects an average annual rate of 0.5 percent and basically matches the Low Projection illustrated and described above. ~~There are several potential land use consequences of this that are addressed in this Plan.~~

~~By comparison, the town’s population changed by 300, from 5.8K to 6.1k between 2010 and 2020.~~

- 4. Municipal Growth, Pg. 22, Remove two paragraphs outlining “potential land use consequences.” This is unusual- why is it here? Our plan should make the case for how we choose to grow as a town, not invite criticism for our choices. There have been many consequences from over-intensification of property and from neglect of infrastructure considerations that has occurred with previous development that we would now like to avoid. Maybe we should warn about that in our plan instead.**

~~For example, owners of commercial property may advance redevelopment proposes as a means for supplying housing. The Plan supports commercial redevelopment and revitalization and apartments above storefronts in areas designated Town Commercial (see Map ___, Chapter V). Another potential consequence is that existing legal lots of~~

~~record or parts thereof that normally would not be developed for housing because of severe environmental limitations may be used to meet housing demand. As an example, in 2020 the Board of Zoning Appeal approved wetland buffer variances to accommodate two single-family houses that are approved to be built on pilings above anticipated flood waters. Lastly, the demand for accessory apartments and/or the conversion of single-family units into two or three unit houses may be expected to continue. The Plan accommodates this possibility in the area designated on Map ___ in Chapter V, as Residential Village 2. Further, the Town's Housing Code, including its rental license program, is an antidote to illegal apartment unit conversions and overcrowding in rental units.~~

- 5. Municipal Growth, Pg. 22, 1st paragraph under heading “Impacts of Planned Growth (Municipal Growth Revised Working Draft): insert the word “Certain” at the beginning of the paragraph; cross out the words “can be expected to remain adequate” and replace with “have currently reached capacity may be sufficient,” to read as follows:**

Certain community facilities that ~~can be expected to remain adequate~~ **have currently reached capacity may be sufficient** to accommodate the growth forecast in this plan through 2040. See Chapter VIII, Community Facilities.

- 6. Municipal Growth, Pg. 23, end of 1st paragraph (Municipal Growth Revised Working Draft): add clarifying statement “However, the Dunkirk Town Center at the northern end of the county, and the Prince Frederick Town Center in the central portion of the county, are both designated growth areas that are undergoing comprehensive planning, which is likely to affect current projections,” to read as follows:**

The new Beach Elementary school (set to open in 2023 with an initial rated capacity of 578) students would operate at 97 percent of capacity in 2040 under this Plan, all other things being equal. Windy Hill Middle School and Northern Highschool, presently at 97 and 101 percent of rated capacity, respectively, would slightly exceed capacity in 2040, all other things being equal. The County Board of Education projects a reduction of 100 students with the northern elementary school district of which the Town is a part by 2030. It projects fall in public school enrollment County wide over the next decade.

However, the Dunkirk Town Center at the northern end of the county, and the Prince Frederick Town Center in the central portion of the county, are both designated growth areas that are undergoing comprehensive planning, which is likely to affect current projections.

- 7. Municipal Growth, Pg. 23, add clarifying statement (Municipal Growth Revised Working Draft): “As funds are available, the town hopes to extend public water and sewer services to existing homes in underserved areas within and just beyond of the town’s municipal borders in order to improve public health, and to remove the risk of failing or overflowing septic tanks, thereby protecting the bay from the hazard of pollution,” to read as follows:**

Forecast growth would create a demand to deliver 57,500 gallons per day of public water and a demand to manage 57,500 gallons per day of public sewerage. For context the excess capacity in the municipal water system can accommodate 734 housing units or provide 183,500 gallons per day. The Town’s share of the excess capacity in the wastewater treatment plant could accommodate 1,215 units, equivalent to 303,750 gallons per day. As funds are available, the town hopes to extend public water and sewer services to existing homes in underserved areas within and just beyond of the town’s municipal borders in order to improve equity in public health, and

to remove the risk of failing or overflowing septic tanks, which a hazard of pollution in the Chesapeake Bay.

The following items refer to the DRAFT Chapter 5, Land Use – that was not included in the document labeled DRAFT JULY 2021. The most current Chapter 5 version was distributed to the Commission by email on June 23, in an attachment labeled “Land Use - revised_June 2021.” In that document on Land Use:

8. Commercial Land Use (Remove first two paragraphs of Pg 5 and all of page 6 of Land Use). Replace with:

Chesapeake Beach is fortunate to have the following publicly owned facilities: Kellam’s Field that includes ball fields and a community tot lot, Veteran’s Memorial Park, a passive, water-front site; a public-use boat ramp on Fishing Creek; Bayfront Park, which provides an archaeologically historic 18.8 acre beach; water park; community center that incorporates a gym and multi-use recreational rooms; the Chesapeake Railway Museum and currently, a County library (to be relocated to North Beach). Other public facilities include two tennis courts and playground at Beach Elementary School, and a half-mile long board walk and another mile-long boardwalk along Fishing Creek, that allows dog walkers and exercisers a pleasurable distraction, while enjoying the beauty of the Chesapeake Bay and the surrounding creek areas.

The Town of Chesapeake Beach boasts a complete array of commercial entities, commensurate with the size of its population. As of 2021, the Town’s website references over 80 commercial ventures. Within 5 miles of the Town Hall, a visitor or resident can access businesses and services including, but not limited to the following:

fast- or take-out food, in-door dining, grocery/ liquor supplies, hair salons, cleaners, real estate offices, financial consultants, tackle shops, marinas, venues for antiques, kettle corn, teas and sweets, pet hotels/day care, a major hardware store, gas stations, car wash, the local chapter of the Veterans of Foreign Wars, which includes party rooms and dining; and a major hotel and resort, that offers gaming, wedding venues and music concerts.

Other businesses, that may have not been listed above, are also a valued part of the business community.

Finally, many small businesses are also using Chesapeake Beach addresses, such as music teachers, and pet walkers, contribute to the local economy and serve as very significant community resources.

The Town's close proximity to North Beach also affords the opportunity to utilize nearby dental, medical, legal, financial and other professionals and various popular restaurants, short term rental facilities and also, ice cream, art and appliance stores. Town residents can also take advantage of the various delivery services that major grocery stores have provided from the nearby town of Dunkirk.

On the other hand, the Town is significantly underserved in terms of neighborhood public parks.

A full evaluation of park and recreational facilities is provided in Chapter VII of this Plan. The majority of residents are limited to using Kellam's Field facilities, Bayfront Park Beach (minimal parking access), Beach Elementary School (non-school hours), and Veteran's Park (no parking or equipment) whereas three HOA controlled developments maintain private facilities for their homeowners.

8. A pg. 9, #5: after the words “towns major subdivisions,” include the words “and the parcel known as Randall Cliffs Heritage Area,”

5. For the local environmental benefits they provide, secure for all time the conservation of the remaining stands of forest, especially those adjoining the Town’s major residential subdivisions **and the parcel know as Randall Cliffs Heritage Area**, and where possible and practical allow for hiking trails and related low impact community enjoyment of the forests.

9. Pg. 11 section beginning with the words “The recommended elements of the town center vision include”: Verify that these align with the TC’s Kellam’s Committee goals at the time of adoption.

10. Pg. 13 Delete Suburban Cluster and replace with Residential Planned Community (Copied from our current code)

~~Residential Category: Suburban, cluster——~~

~~Purpose: Conserve the character of more recently developed neighborhoods which are clustered among preserved woodlands and open spaces——~~

~~Primary Example of Use: Single-family detached houses~~

Residential Category: Residential Planned Community

Purpose: Promote compact, residential development while enhancing and conserving open space

Primary Example Uses: Single family attached/detached residential units, open space

11. Pg. 13, Retain Current Categories, Low Density Residential, and High Density Residential (Copied from our current code).

Residential Category: Low Density Residential

Purpose: Promote development within a quiet residential setting on larger lots

Primary Example Uses: Single-family detached residential units

Residential Category: High Density Residential

Purpose: Promote compact development within a quiet residential setting

Primary Example Uses: Single-family detached/attached, and multifamily residential units

12. Pg. 13 General Land Use Categories (DRAFT Chapter 5, Land Use – Revised -for 6-23-2021 Meeting): Revise commercial categories as indicated and add an additional commercial Land Use category to preserve the present land uses at the Roland’s shopping center.

Commercial Category: Neighborhood

Purpose: Promote neighborhood scale commercial uses

Primary Example Uses: Retail, restaurants, small cafes, bakeries, or eateries with limited seating, offices

Commercial Category: Town

Purpose: Foster commercial redevelopment and vibrant small business centers compatible with limited parking or shared parking arrangements

Primary Example Uses: Retail, restaurants, offices, and housing above commercial

Commercial Category: Maritime- No change

Commercial Category: Commercial Plaza

Purpose: Provide commercial centers with adequate space and parking to provide essential services

Primary Example Uses: Grocery store, pharmacy, restaurant, fast food, retail

13. Pg. 13 General Land Use Categories (DRAFT Chapter 5, Land Use – Revised -for 6-23-2021 Meeting): Consider adding Residential Village 3 in the town center instead of Residential Village 1 in order to accommodate different alternative uses or densities. Question: Are we planning to allow all of the low impact commercial options in the RV areas, as we do now?

14. Pg. 16 – 27 (DRAFT Chapter 5, Land Use – Revised -for 6-23-2021 Meeting): General- Review for consistency if changes are made to General Land Use Categories, as a result of 10-13 above.

16. Pg. 22-27 (DRAFT Chapter 5, Land Use – Revised -for 6-23-2021 Meeting): Discussion topics for Adapting to Sea Level Rise and Flooding Vulnerabilities were previously submitted:

Layer 1

Pg. 23

Does the below wording 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?

This Plan recommends that the Town's zoning map be amended to classify these most vulnerable areas as Resource Conservation, including the western portion of the Harbor Road peninsula (on which the historic Chesapeake Railway once ran), the area on the south and west sides of the Courtyards at Fishing Creek, and the area between the parking lot at Horizons on the Bay and the Sea Gate townhouses. Also included in this category is Kellam's Field. Existing and future environmental conditions make these areas unsuitable for urban development, which would expose future persons and property to unacceptably high risk of harm from severe flooding and rising water tables. As discussed in Chapter __, Community Facilities, this Plan recommends against extending public water, sewerage, roads, and other infrastructure into areas that are at risk of regular or permanent inundation. Acceptable land uses in these areas would include uses such as aquaculture, commercial fishing, charter boating, house boats, parks, and even the outdoor recreational uses and amenities associated with more intensive development on other properties.

Pg 23. Does this wording restrict funding or options for Kellam's field area? In the case of Kellam's Field, this Plan acknowledges that sea level rise has constrained the development of park resources and infrastructure and that its optimal use is as a low impact recreational amenity and a natural resource for buffering the impacts of flooding.

Layer 2

pg. 23-24 Does the word "participate" or any other wording in the below description imply any town obligation towards development?

Therefore, developers would be required to participate in building Town approved defenses to secure the safety and sustainability of these properties and ensure the public's health, safety, and wellbeing are protected. Designing and building flood mitigation measures will need to become as customary a part of the development process as designing and building streets and stormwater management. Also, efforts must be taken to ensure development activities do not make it more difficult for the public to respond effectively and efficiently to the risks of sea level rise.

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?

The master plan recommended above, and other future studies and plans, done in coordination with residents and property owners, will ultimately shape the approach over the long term. In the meantime, should redevelopment be proposed for any property in the aforementioned areas, the redevelopment should be treated in the same manner as new development under the Layer 2 recommendations noted above.

Topics not located in the Municipal Growth or Land Use Chapters

17. pg. 91-92 (document labeled DRAFT JULY 2021:) Implementation: 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.

18. 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 at the PC August meeting.

19 Motion: In the Land Use Table, add to the term Bed-and-breakfast establishment **(fully licensed, owner occupied only) for clarification**

FYI - The following observations are provided by Commissioner Blackwelder for the Commission's information and represent her perspective on a variety of relevant issues.

Tourist Homes in Residential Neighborhoods

The significant risks and potential rewards of allowing short term rentals in the form of tourist homes (also informally known to many as BnB's) have been fully considered by the Mayor and Town Council, who have also closely examined concerns related to this subject voiced by residents. Their decision not to allow short term rentals in the form of tourist homes in the residential areas of town should be supported by this board in all comprehensive planning and code update efforts unless otherwise advised.

Tourist Homes in Maritime and Town commercial zones

Is the intent to allow ***new construction*** of tourist homes in the maritime and town commercial districts? If so, at what density? This is a far departure from the spirit of the BnB conversations that we have been having and is potentially in conflict with important decisions that we have made pertaining to density in the center of town.....

Allowing new construction of tourist homes at high densities in the maritime and town commercial districts will further congest roads, will consume commercial property needed for diversifying our local economy, and will require an overwhelming amount of additional parking.

There will be no protection of "small town charm" or of quality of life for residents if these districts are allowed to construct multiple dwelling units to house either additional over-night guests or additional residents. The pending over-intensification of the RnR

property necessitates the reduction of allowable density in all areas that rely on MD Rt. 261, especially those that share the light at the intersection of Harbor Road, Mears Avenue, and MD Rt. 261.

Question-

Who owns the cameras that sit above the lights at the intersection of Mears Ave., Harbor Rd, and MD Rt. 261? If the cameras are there to monitor traffic for the purpose of informing development decisions, someone has wasted money. Currently, commuter traffic from Federal workers, who make up a large portion of our work force, is reduced due to teleworking policies resulting from the Covid 19 pandemic. The impacts of another variable, significant intensification of the RnR property, cannot be assessed until the RnR project is complete and has returned to normal operations.

Clearly, there is a lot of pressure to deliver allowances for a high density of dwellings in the maritime and town commercial areas. However, if errors of judgement in Planning and Zoning administration cause MD Rt. 261 to become impactfully over-burdened, the damage it will do to our quality of life will be irreversible. There are no options for expanding our road system, so if MD Rt. 261 becomes dysfunctional, the pains of congestion will be enduring. All residents and businesses have a vested interest in keeping our traffic patterns reasonable.

By an overwhelming vote of more than 70%, residents have rejected the perpetuation of a casino culture within town. Instead, they have communicated that they are interested in “bringing about a welcoming, thriving, creative business community and tourism economy with expanded dining and shopping opportunities” (pg. 9 2nd of 5

themes: Develop the Vibrancy of the Community). There are plenty of viable land uses that could be allowed in the maritime and town commercial districts. New commercial development should capitalize on the town's walkability by providing additional commerce options to serve both Chesapeake Beach residents, and an existing population of visitors, such as boaters, guests of the waterpark, and guests who lodge or park at the soon to be expanded RnR Resort (people whose cars are already accounted for). This will balance out the current over-dominant commercial land use of casino gaming venues.

We Do Not Need Additional Tourist Homes; The Opportunity is Something That We Can Take or Leave.

We have chosen not to engage with the opportunity of allowing existing homes in residential neighborhoods to be converted into whole house tourist homes, and there are many good reasons for this. Making policy changes that could put residential quality of life at risk is not something that should be done casually. The opportunities will remain, but the topic does not need to be revisited at any particular time, or at all.

It is important to understand that declining to allow tourist homes in residential areas does not imply that we should purposefully pursue the creation of tourist homes elsewhere. Using findings from our efforts to explore the potential benefits in allowing tourist homes in residential neighborhoods as reasoning to support adding additional lodging capacity in the maritime and town commercial districts is missing the point.

The opportunity of allowing residential homes to be converted into tourist homes was considered with the following potential benefits in mind: They would not create additional traffic; They would not require additional space for parking; They could

provide existing residents with a unique opportunity to earn money; They could facilitate the improvement of neglected houses; They could attract families and other visitors who value nature, outdoor recreation, and the Chesapeake Bay; They could help sustain a diverse local economy without consuming scarce commercial space; And they could usher in a coalition of volunteers who have a vested interest in working towards expanding our community recreational facilities and maintaining all parts of Chesapeake Beach to the highest standard.

Constructing tourist homes in the maritime and town commercial districts will bring about none of the benefits listed above and would most likely complicate efforts to create the vibrant commercial core necessary to secure Chesapeake Beach's future vitality.