



**OFFICE OF THE PLANNING AND ZONING COMMISSION**

This meeting will be held virtually. 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  
MAY 26, 2021**

- I. Call to Order**
- II. Approve the Agenda**
- III. Approval of the Minutes of the April 28, 2021 Planning & Zoning Meeting.**
- IV. Approval of the minutes of the May 11, 2021 Planning & Zoning Work Session.**
- V. 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.**
- VI. Deliberations on draft Comprehensive Plan report chapters, especially Transportation, Community Facilities, Water Resources and possibly the review of changes made to the Land Use chapter.**
- VII. 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.**
- VIII. 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  
May 26, 2021  
Chesapeake Beach Comprehensive Plan Update

The current status of the Plan's Chapters are as follows:

1. Introduction (reviewed)
  2. Population of Chesapeake Beach (reviewed)
  3. Municipal Growth (awaiting first drafts of several portions)
  4. Natural Environment (reviewed)
  5. Land Use (awaiting draft that includes significant revisions)
  6. Housing (reviewed, being revised)
  7. Transportation/Circulation (yet to be reviewed)
  8. Community Facilities (yet to be reviewed)
  9. Water Resources (yet to be reviewed)
  10. Implementation, Development Regulations and Areas of State Significance (awaiting first drafts)
- Appendices: None adopted; no drafts received.

UNDECIDED: Commission has EITHER NOT considered OR NOT reached consensus on the following:

Chapter 1:

- Vision Statement, p.8: First sentence does not match that approved approved by PC in August 2020. Should read:
  - "In embracing limited residential growth and focusing on steadily developing recreational and commercial amenities we have guided residential and commercial development into ways that enriched the lives and experiences of the Town residents and visitors."
- Organization of Plan, p.10: Functional areas in listed in first sentence do not match table of contents. Second sentence incorrectly states that each chapter contains "statement of goals" and "recommendations."

Chapter 2: no change unless 2020 Census Data becomes available

Chapter 3:

- First chart, p.18: Must be made clear that chart represents old plan and this plan update recommends significant changes to zoning districts.
- Forecast p.21: awaiting first review.

- Impacts p.21: awaiting first review.

#### Chapter 4:

- Shoreline p.27: Two small beaches - seagate & resort? Aren't there three: Windward Key, R&R resort and Chesapeake Station?
- Vulnerability p. 34; Third line, maps are in appendix? Which appendix?
- Old Growth Forests, p.38: Add language describing Zoning Ord. 290-390 Article X Forest Conservation
- Randall Cliffs p.39: Public Acquisition? What does PC recommend?
- Recommendation "Inundated or submerged", p.40: How are we defining inundated and submerged? Change to read: "prevent further **residential** development or intensification of **residential** of land use...." The intent is to prevent high risk residential development, but to allow lower risk commercial/retail development that have site plans which can address storm water management and elevation of buildings within the lot boundaries.

#### Chapter 5:

- Should the Land Use Chapter include a recommendation that the town adopt a Developer's Rights and Responsibilities ordinance (NB example: [https://www.northbeachmd.org/sites/g/files/vyhlf4786/f/uploads/ordinance\\_19-03\\_developers\\_agreement\\_signed.pdf](https://www.northbeachmd.org/sites/g/files/vyhlf4786/f/uploads/ordinance_19-03_developers_agreement_signed.pdf) )
- re: Resource Conservation Areas: Recommendation (2 parts)- 1. In the existing conditions narrative identify all protective easements, restrictions, overlays, and zones that currently apply under the 2010 Comprehensive Plan. 2. As a Land Use Objective: Retain all protective easements, restrictions, overlays, and zones that limit development within Resource Conservation Zones or the critical area.
- In the recommendations section of the Land Use Chapter:

#### **Do not permit residential land use in the Resource Conservation Zone**

The Resource Conservation areas within Chesapeake Beach encompass the shoreline beaches and cliffs, the wetland tributaries, and the forest buffers of the Chesapeake Bay. In addition to sustaining important ecological functions necessary to the bay's health, these areas also play an important role in supporting Chesapeake Beach in

its historic capacity as a recreation destination. The scenic forest buffers outlining the wetland bird habitat that can be viewed from the Railway Trail at Fishing Creek; the fossil filled eroding cliffs, forested wildlife habitat, and natural beaches within and adjoining Bayfront Bark; and other water, wetland and forest access points and vistas, cultivate the natural allure of Chesapeake Beach, the value of which cannot be measured. For this reason, we recommend that the Resource Conservation areas do not permit residential land use, and that they are instead maintained in their most pristine and natural form, allowing only for, under very stringent requirements, low impact access, recreation, and commercial activities through the town's Growth Allocation method.

## Chapter 6

- Recommendations p.50: This plan recommends *minor* zoning adjustments?
- Pg 50, 2nd bullet under Objectives: Remove the word "Increase" and replace it with "Protect and Improve"

Add additional objective: Assess and consider affordable housing needs and senior housing needs when reviewing development and redevelopment opportunities.

- Pg 52 1st sentence: Remove should allow houseboats
- First paragraph p.53: "this plan does not designate an official Growth Area ..." Remains to be decided.

## Chapter 7

- Throughout: There is no Bay"side" park. It is Bay Front park.
- Pg 55 2nd paragraph after last sentence Add: However, a significant expansion of the Rod N Reel Resort and Casino is currently underway and the effect that it will have on capacity constraints along MD Rt. 261 are not yet known. Do not include Exhibit\_ (traffic counts that have taken place in 2020 will not be accurate due to Covid 19 Pandemic and these traffic counts will be irrelevant once high intensity development of Rod N Reel Resort and Casino is complete).
- Pg 57 Under heading Sidewalks and Bikeways (bottom of page). 4th line after "Town center." Add: Additionally, residents of Summer City, a neighboring community with a lower median income than that of Chesapeake Beach, regularly walk to and from Chesapeake Beach along a

stretch of MD Rt. 261 where there is a dangerously narrow shoulder and no sidewalks. End of last sentence, Add: “as Appendix\_\_\_\_

- Additional Objective, p.59: Bikeways and recreational trails provide access to natural scenic and recreational amenities fostering in residents, a healthy lifestyle and an affection for the natural environment.
- Recommendations p.60: Is the Walkability Study adopted as an appendix? Are there other specific recommendations from that study to be included in the Plan?
- Add at end of first paragraph, p.60: Add: as Appendix\_\_\_\_ (same as on page 57).
- Additional Recommendations, p.62:
  - Plan for elevated roads and/or bridges where marshes are projected to transform into open water, and include underpasses where possible for safe crossing. (add additional supporting description).
  - Coordinate with Calvert County to provide safe and equitable pedestrian travel to and from Chesapeake Beach for Summer City residents. (add additional supporting description).
  - Actively pursue the projects identified in Appendix \_\_\_\_ Connectivity Study, February 2021 by applying for state and federal grants highlighted in the Reinvest Maryland guide.

## Chapter 8

- Municipal water except in two areas p.64: How many are “planned for future service.”?
- Park & Open Space standards p.67: Will the PC define and recommend standards?
- Reconcile definitions in chart on page 67 with chart p.68? Distinguish public access from private access parks/beaches.
- “The most relevant value” p.70: What is the comparison of town to national park standards?
- Pg 70 The following sentence is inaccurate: “Also, while the town could have, it did not require adequate parkland as part of the approval of its major modern subdivisions (Richfield Station, Bayview Hills, Chesapeake Village, and The Heritage).” The current code requires both passive and active open space as a condition of approval for an RPC. Richfield Station’s open space was designated on maps as recently as 2020. Chesapeake Village was also platted with designated open space and residue areas. This land belongs to the communities and the open

space plats were part of legal documents that were provided to those who purchased their lots.

- Add the word “tourists”, p.71 1st sentence under heading Plan for Community Facilities: add the word “tourists” after the word “institutions.”
- Community Facilities p. 71: Should the be “maintained, managed and remain sized” or be ‘expanded’ and equipped for exceptional service?
- (Goals &) Objectives p.72: Additional parks and open spaces?
- Pg. 71 Add as the 1st objective: Natural Resource areas and recreational assets are prioritized for funding, and projects are undertaken that enhance their value to residents and highlight their importance as a dominant feature of the town.
- Pg. 72 Add as an objective: Developers become partners in providing for community facilities, and contribute to community facilities an a manner and degree that is commensurate with the expected impact of their proposed projects.
- Pg 73 under heading Acquire and Develop New Park Space as Opportunities Arise, recommend the use of an Adequate Public Facilities Ordinance (APFO), impact fees, and parkland dedication requirements instead of recommending against it. Alternatively, should Land Use Chapter include this endorsement:

While this Plan does not recommend an Adequate Public Facilities Ordinance, it does endorse the principles for Smart Growth with respect to schools, roads and highways, sewer and water service, and economic development assistance as outlined in Maryland General Assembly legislation.

<https://planning.maryland.gov/Documents/OurProducts/Archive/72195/mg24-Adequate-Public-Facilities-Ordinances-APFO.pdf>

- Pg. 74. Add as a recommendation: Adopt regulations, ordinances, fee schedules, and other programs that ensure the delivery of high quality community facilities that are appropriately funded and retain the capacity and functionality necessary to serve town residents and visitors.

## Chapter 9

- “Allow tidal wetlands to expand, p.82: Mentioned at least twice in plan without discussion of impact on property owners, or mitigation.

## Chapter 10

- Awaiting first drafts:

Appendix:

- Awaiting first drafts: What to Include?
- Finalized Master Walkability Plan.
- Flood and sea level rise action plan framework.
- Ordinance O-21-1, prohibiting full casino or sports betting licenses.
- Economic Development Plan



**OFFICE OF THE PLANNING AND ZONING COMMISSION**

**MINUTES OF THE  
PLANNING AND ZONING COMMISSION  
APRIL 28, 2021**

I. Commission Chairman Larry Brown called the meeting to order at 7:00 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. **Approval of the Planning & Zoning Agenda**

**MOTION:** Commissioner Berault moved to approve the April 28, 2021 Agenda as presented. Seconded by Commissioner Ruttkay, all in favor.

Chairman Brown reported in the next few days Mr. Jakubiak will distribute to the Commission the complete draft of all the Chapters of the Comprehensive Plan.

III. **Approval of the minutes of the March 24, 2021 Planning & Zoning Commission meeting.**

**MOTION:** Commissioner Berault moved to approve the minutes of the March 24, 2021 Planning & Zoning meeting. Seconded by Commissioner Larsen, all in favor.

**Approval of the minutes of the April 20, 2021 Planning & Zoning Work Session.**

**MOTION:** Commissioner Berault moved to approve the minutes of the April 20, 2021 Planning & Zoning work session. Seconded by Commissioner Ruttkay, all in favor.

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.**

1. Robert Carpenter of 8051 Windward Key inquired as to whether the concept of a Town Center was still under consideration.
2. Wes Donovan had previously spoke to the Commission on Reinvest Maryland and appealed to the Commission to read and consider the report's ideas and case studies to aid in developing the new Comprehensive Plan. Also spoke on IDA and PFA.
3. Eric Blitz on behalf of the Rod n Reel commented on House Bill 940, stating the Bill contains an explicit prohibition on local governments preventing them from imposing restrictions on sports betting licensees who operate under electronic bingo licenses and stated the Commission should not include this within its Comprehensive Plan.
4. Mark Giangiulio 3456 Hill Gail Drive stated he would be resubmitting his resume for the vacant position on the P&Z Commission.



- V. **Zoning Administrator general review/discussion of April 20, 2021 Work Session results on Land Use chapter, to clarify issues decided thus far.** Mr. Jakubiak stated there would be a need to revise the land use section in response to the deliberations and decisions made. Mr. Jakubiak addressed Mr. Carpenter’s question on the Town Center and Mr. Donovan’s question on the IDA and PFA (priority funding areas). Mr. Jakubiak addressed questions from the Commission on the Gateway into Town and the Residential Village district.
- VI. **General discussion with Zoning Administrator on Residential Village concepts, descriptions, and boundaries.** Mr. Jakubiak displayed the Town’s current zoning map with the listed districts. He pointed out the Residential Village areas in Town which allow for a variety of housing types and small-scale commercial use with standards. Mr. Jakubiak addressed Commission’s questions.
- VII. **Work session on Comprehensive Plan, Review of Revised Land Use Chapter; continue discussion and decisions on attached Chairman’s list of agreed topics, and undecided topics.**

1. **Residential Village bordered by MD 260, Kellam’s Field, Townhouses on 26<sup>th</sup> Street and Town Hall.**

Chairman Brown posed the question, should additional/new multi-family/ multi-use housing be allowed in this Residential Village area, South of MD 260, north of Kellam’s Field and 26<sup>th</sup> Street.

**MOTION:** Commissioner Blackwelder moved for discussion. Seconded by Commissioner Ruttkay.

**MOTION:** Chairman Brown moved to retain the current zoning regulations of multi-family, multi-use to this area, south of MD 260, north of Kellam’s Field, and 26<sup>th</sup> Street. Seconded by Commissioner Greengold. Ayes, Commissioners Larsen and Ruttkay. Opposed, Commissioners Berault, Blackwelder, and Greengold. **Motion Fails.**

**MOTION:** Commissioner Blackwelder moved to restrict this area to single-family homes only with no multi-family options. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Blackwelder, and Greengold. Opposed, Commissioners Larsen and Ruttkay. **Motion Passes.**

**Residential-Village bordered North of MD 260, west of MD 261**

1. Should additional / new multi-family, duplex, tri-plex and quadplex housing types continue as permitted housing options in this area.

**MOTION:** Chairman Brown moved to retain this area with the current description and allowances for multi-family housing with options of duplex, tri-plex, and multi-plex in the area east of E Street, south of the marsh, north of MD 260, and west of Route 261. Seconded by Commissioner Ruttkay. Ayes, Commissioners Greengold, Larsen, and Ruttkay. Opposed, Commissioners Blackwelder and Berault. **Motion Passes.**

**Residential-Village along Cox Road**

1. Should additional / new multi-family housing, duplex, tri-plex and quadplex housing types continue as permitted housing options in this area.

**MOTION:** Chairman Brown moved to retain the Cox Road area as written in the current zoning regulations allowing multi-family/multi-use. Seconded by Commissioner Berault. Ayes, Commissioners Berault, Greengold, Larsen, and Ruttkay. Opposed, Commissioner Blackwelder. **Motion Passes.**

**Residential Village area along waterfront, and North of Marsh**

**MOTION:** Chairman Brown proposed to leave the area along the waterfront by the fire station and the area north of the marsh as currently zoned under the Residential Village description. Seconded by Commissioner Berault. Ayes, Commissioner Ruttkay. Opposed, Commissioners Berault, Blackwelder, Greengold, and Larsen. **Motion Fails.**

**MOTION:** Chairman Brown motioned to change the zoning in this area to single-family only. **All in favor.**

Mr. Jakubiak stated he would be sending out to the Commission the complete draft Comprehensive Plan, excluding Chapter V-Land Use, as substantial revisions will need to be made to reflect the Commission's deliberations during its recent work sessions. The draft plan will be posted on the Town's website as well.

**VIII. 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.**

1. Wes Donovan asked for clarification on a specific area, namely: Does the Commission's recommendation to allow single-family housing only in the Residential Village (area along waterfront, and North of Marsh) include allowing single-family townhouses.

The next work session will be held May 11, 2021 and the next regular Planning and Zoning meeting will be May 26, 2021.

**Adjournment**

There being no further comments, Chairman Brown moved to adjourn the meeting at 9:05 pm. Seconded by Commissioner Ruttkay. Ayes, Commissioners Blackwelder, Larsen, and Ruttkay. Opposed, Commissioners, Berault and Greengold. **Motion Passes.**

Submitted by,

Sharon L. Humm  
Commission Clerk



**MINUTES OF THE  
PLANNING AND ZONING COMMISSION WORK SESSION  
MAY 11, 2021**

- I.** Commission Chairman Larry Brown called the meeting to order at 7:00 pm. In attendance were Kathleen Berault, Laura Blackwelder, Cynthia Greengold, and Jan Ruttkay, Commission Members, Christopher Jakubiak, Planning & Zoning Administrator, and Sharon Humm, Commission Clerk. Absent was Jeff Larsen, Commission member.

Mr. Jakubiak presented to the Commission a projected schedule/timeline for the completion of the Comprehensive Plan. Concerns raised were, 1) consider having a public hearing in September opposed to August for better public participation/feedback, 2) not wanting the plan released to the public until Commission is able to review the entire plan, and 3) review and confirm the Vision Statement. Any editorial changes should be sent to Mr. Jakubiak.

- II. Work session on Comprehensive Plan - Review of Revised Land Use Chapter 5; continue discussion and decisions on attached Chairman's list of undecided topics.**

**Neighborhood Commercial Zones**

1. Should the area adjoining and across from the fire station as the "north" neighborhood commercial zone and the area south of Roland's along MD Rt. 261 to *Hill Top* as the "south" neighborhood commercial area stay as indicated in the Plan or be changed.

**MOTION:** Commissioner Greengold moved to discuss. Seconded by Commissioner Berault.

Mr. Jakubiak addressed the Commission's questions and concerns regarding these areas.

**MOTION:** Chairman Brown moved to retain these areas as indicated in the Plan without any change. Seconded by Commissioner Berault. Ayes, Commissioners Berault and Greengold. Opposed, Commissioners Blackwelder and Ruttkay. Motion tied. Chairman Brown exercised his right to vote to break the tie in favor of **NO** change. **Motion Passes.**

**Open Space in Residential Planned Communities:**

1. Whether to include in land use objectives: Retain all areas originally platted as Open Space for the purpose of open space or recreation and facilitate the transfer of ownership to the community HOA or to the Town of Chesapeake Beach of all areas originally platted as Open Space at the time the Residential Planned Community development was approved.

The Commission's main objective is that open space areas stay as restricted as possible with no possibility of development.

Mr. Jakubiak noted that the Resource Conservation district in the Zoning Ordinance is the most restrictive.

### **General Concerns:**

1. Review the resource conservation category to ensure the major remaining forests, undeveloped steep slopes, wetlands, and stream buffers are preserved and protected from the impacts of development, land clearing, and grading. **Mr. Jakubiak described the recommended Resource Conservation land use designation and after considerable discussion, no changes to the land use map with respect to Resource Conservation were made.**

**MOTION:** Commissioner Blackwelder moved that the Plan should recommend that no housing be allowed in areas designated for Resource Conservation. Seconded by Commissioner Berault. **All in Favor.**

2. Ensure the community development category encompasses all lands that have been developed already and conserved. **Mr. Jakubiak described the purpose of the general framework map in the draft chapter that shows two main general categories – resource conservation and community development. No action needed.**

3. Manage the rising water levels in Chesapeake Beach particularly the ongoing flooding that specifically occurs at Sea Gate housing development. **Mr. Jakubiak stated the rising levels of the Bay present a serious long-term challenge for the Town that will require new approaches to town planning, land development, and the regulation of development. Mr. Jakubiak briefly went over the three levels of land use recommendations included in the Chapter.**

4. Address the lands that were “made” through filling in wetlands because they are the most quickly threatened by sea level rise. **No action needed.**

5. Safeguard against unplanned and uncoordinated efforts to raise the elevation of the land or build structural flood defenses including seawalls, raised bulkheads, shoreline, and piers, docks etc. as they are counterproductive to ongoing efforts to protect public safety and the community. Coordinated and systemic measures must only be undertaken in an organized manner. **The Chairman noted that the draft chapter has a recommendation that the Town activate the Board of Port Wardens. No action needed.**

6. Does the Comprehensive Plan sufficiently encourage programs that would protect, restore and maintain the beach area, nearby slopes, marsh lands and waterways and the plant and animal life that depend on these resources. **Reference was made to Chapter 4, Natural Resources, where this subject is addressed.**

Commissioner Greengold recommended adding 2 additional objectives to the Land Use chapter as follows:

1. Develop land use decisions that are compatible with protecting and enhancing the quality of the Chesapeake Bay, and its surrounding ecosystem, while discouraging uses and development that promote negative impacts. The Bay is the major source for the local and regional economy and helps to provide a higher quality of life for all. **All in agreement.**
2. To retain a Small-town approach to development, encourage zoning and density levels that do not overburden current town infrastructure, such as roads and public facilities. **All in agreement.**

Commissioner Greengold recommended a minor revision to the 2<sup>nd</sup> objective of the Land Use chapter, to place the following at the beginning of the objective “Within the boundaries of current infrastructure”. **All in agreement.**

**III. Work session on Comprehensive Plan, Review of Chapter 6, Housing.** Mr. Jakubiak presented Chapter VI-Housing and addressed questions and comments.

Housing Types

Add a notation referencing current conditions.

Obstacles to Housing

Commissioner Greengold expressed her concern that duplexes, and accessory apartments would create problems with on street parking in areas where streets may not be adequate to support such parking safely.

A Plan for Housing

Objectives:

Revise 2<sup>nd</sup> objective to replace the word “Increase” with “Protect and improve”.

Recommendations:

1. Remove “should allow houseboats”
2. Revise the section title that reads - “Support the creation of more affordable housing units” to read “Support the opportunity for more affordable housing”. **All in agreement.**

**IV. Adjournment**

There being no further comments, the meeting adjourned at 10:52 pm on a motion by Commissioner Ruttkay. Seconded by Commissioner Greengold, all in favor.

Submitted by,

Sharon L. Humm  
Commission Clerk