



## Comprehensive Rezoning & Update 2020-2021 Task Force

### MEETING SUMMARY

Hybrid In-Person/Remote Meeting  
Wednesday, June 23, 2021, at 6:00 p.m.

#### I. Welcome and Roll Call – Joe Hickman, Acting Chair

Vice Chair Joe Hickman opened the meeting at 6:00 pm, conducting member roll call.

The following Task Force members were in attendance: Vice Chair Joe Hickman, Bill Sutton, Jim Saunders, Paul Ruge, Tom Mason, Tyler Brown, Albert Nickerson, Bill Norris, Bryan Greenwood, Buck Nickerson, Chikki Shajwani, Cindy Genter, Pat Lagenfelder, and Sam Shoge.

The following staff attended: Planning Commission Attorney Cynthia McCann, Esq; DPHZ Director William Mackey, AICP; Deputy Director, Carla Gerber, AICP; and Acting Clerk, Sandy Adams.

Members of the public who attended in-person or remotely included: Janet Christensen-Lewis; Judy Gifford; Frank Lewis; and Jamie Williams, Director of Economic Development & Tourism. The meeting was also livestreamed, and anyone could listen to the meeting, via the County's website.

#### II. Approval of Summary for the Task Force Meeting on May 26, 2021

Approval of the Meeting Minutes Summary from May 26, 2021, was motioned for approval by Pat Langenfelder. Jim Saunders seconded the motion with all in favor.

#### III. Purpose and Ground Rules

- A. Everyone is encouraged to share ideas openly and freely.
- B. There are no right or wrong inputs for discussion purposes.

#### IV. Old Business

- A. Review of Task Force Members' request #4 (mixed-use zone)

Mr. Mackey solicited comments on requests from the previous meeting per the protocol.

A member conveyed public sewer would be required for truck stops and should be discussed further, more appropriate in the Millington area.

Adopted on [version for review]

Another member inquired where the town of Millington stands on this request.

Mr. Mackey reported that he had met with the town manager who was supportive of the limitations proposed by Staff and who would be checking with the Planning Commission.

*NOTE: Follow-up correspondence from Millington's Town Manager received after the June 23 meeting stated the Millington Planning Commission does not support the zoning text amendment language.*

Mr. Kyle Kirby requested any comments from Millington be made a matter of public record.

B. Review of Task Force Members' request #7 (street trees)

A member voiced concerns on hedgerows and plantings near the road blocking motorists view of stop signs in several areas, causing serious safety issues and questioned whether the taxpayer or County Roads division should be responsible for absorbing the costs associated with trimming and maintenance.

Another member reiterated his comment from the last meeting suggesting the remedy included control in permitting, planting, and enforcement; or, the County Commissioners could decide on the rules, such as if the plantings are not trimmed back from the road, a letter be mailed to the owner requesting they be trimmed back or absorb the County's cost for trimming.

The first member conveyed having a setback requirement from the road could remedy plantings being planted too close to the road.

A third member shared agreement with the first member's concern from a traffic and safety perspective and the dangers of stop signs in intersections being invisible to approaching motorists, suggesting a compromise of prioritizing those intersections and imposing a setback requirement so that stop signs and street signs are more visible to ensure safety.

PC Attorney Cynthia McCann suggested the issue would be better addressed through the County Code with an ordinance introduced by the County Commissioners and placed under the purview of the Kent County Roads division, rather than placing it in the Land Use Ordinance.

A fourth member stressed concern on plantings close to the road becoming shelter for wildlife, such as deer, and the likelihood of vehicular accidents. The member also mentioned the issue had been discussed by the Planning Commission regarding plantings along roads.

Discussion ensued on whether the County or property owners should bear the responsibility associated with costs to trim and maintain the plantings.

Ms. McCann clarified the Common law allows for a property owner to remove trees that are encroaching on the adjacent property owner's land. The County can notify a property owner

of a hazardous condition that needs to be rectified. However, with respect to the zoning ordinance, landscaping is part of the application process for a site plan. A landscaping plan for subdivisions is usually submitted by a professional designer. Ms. McCann suggested the County could implement a policy under the Roads Division or Ordinance addressing street tree plantings.

Ms. Gerber noted that most Counties have a blanket permit from DNR that allows them to maintain right of ways, and there are State laws limiting the removal of trees along roadways, which County Roads oversees.

## **V. New Business**

### **A. 2017 Economic Development Plan – Jamie Williams, Director Department of Economic and Tourism Development**

Ms. Williams presented the 2017 Economic Strategic Development Plan, including strategies to implement sustainable business development and growth in critical sectors in the County, such as workforce development, higher wages, education, high quality health care, business retention/expansion/attraction, recreation/leisure, environment, housing, transportation, marketing, digital infrastructure, data centers, day care, retirement/assisted living facilities, and community needs, including family entertainment. A series of public meetings were held in 2020 to obtain feedback from the community but implementing the plan's update was put on hold because of the onset of the Covid-19 pandemic.

Moving forward with the update was discussed at the June Economic Development & Tourism Commission's meeting and data was analyzed from the 2017 Plan and compared to the 2019 County's business patterns census data obtained from the business census and an economic modeling software which assesses jobs, wages, business establishments, gross regional product, and other pertinent data to determine what drives the economy in Kent County. It was further suggested an additional public meeting be held for public feedback.

Ms. Williams reported Kent County's diverse economy is ranked 248 out of 3,142 counties in the US, across 12 industry sectors which could mean economic stability and sustainability in the County, especially during economic pressures, such as the Covid-19 pandemic. Also, the 2018 Comp Plan's vision and purpose focuses on seeking innovative ways to continue economic diversification. The Economy chapter also focused on a more diverse economy that would produce economic stability, better-paying jobs, and a balanced tax base sufficient to support improved public services and facilities. Ms. Williams conveyed the County has delayed many projects that would improve public services and facilities, due to revenue restrictions.

Ms. Williams presented The Economic Development Mission Statement: Promote activities that seek to enhance the business community, the services and income opportunities

available to residents, as well as the social well-being and quality of life for all members of the County.

Some of the department's marketing achievements include, but are not limited to:

1. In support of promoting educational excellence, positive awareness, and growing the slowly declining population in Kent County, the Department collaborated with the Kent County Public School system and developed a brochure outlining positive achievements which are distributed to major employers and real estate agents for dissemination to new recruits, employees, and new prospects to the Kent County community.
2. Rack cards were developed and placed in all Town Offices for public distribution outlining Economic Development services. Website-based pdf brochures were also produced for each Town, including a website link depicting and illustrating a data story of Kent County.
3. Key personnel in the County, including in the housing and transportation area, have been added to provide cohesiveness in support of the economic growth plan.
4. Creation and maintenance of a Commercial property database, instrumental has been in securing prospective business owners in Kent County. The Maryland Department of Commerce expressed interest in two properties for data center attraction.

Ms. Williams expressed the importance of all meritorious projects and plans along with their respective locations being considered and noted the Comp Plan clearly addresses the need for economic development, designating the Route 301 corridor and the Worton Industrial area.

A member expressed concern on making decisions based on 2016 data in the 2017 EDP.

Ms. Williams reported the County utilizes Emsi data, which provides current data with projections out to the year 2025. Access to this data is provided through our partnership with Upper Shore Regional Council. U.S. Census data recently released the County Business Patterns data from 2019, and this data does not include sole proprietorships and contract/1099/gig workers. Ms. Williams offered to run the most recent Emsi data for the task force.

Another member noted the possible lack of flexibility afforded to businesses with concern that current LUO rules and stipulations could deter prospective businesses to the County.

A third member expressed support in enabling the County to attract and retain new businesses. This must be balanced with what is valued most in Kent County, including the land and landscape. Due to the increased number of residents in the County during the pandemic, this member is interested in seeing what the next census data will look like and

the impact on Kent County's population. The member expressed gratitude to Ms. Williams for her informative presentation and advocacy for Kent County's development.

A fourth member questioned data availability for the many businesses that have closed, particularly in the Kent Plaza Shopping Center, and how the closures impacted the County.

Ms. Williams offered that some property owners and managers are unwilling to work with tenants, which may have caused some vacancies, and some business owners have retired, in addition to Covid.

A fifth member commented on the very positive impact of Ms. Williams' achievement of populating the commercial property data base in Kent County for prospects considering Kent County, and the positive feedback that has resulted.

The third member asked about types of feedback that are being received from businesses with which Ms. Williams and her staff are working in the County and what common concerns are being shared that could be addressed in the Comp Plan update.

Ms. Williams conveyed that it isn't a County or specific Town issue rather than a challenge to understand the larger processes, the need to ensure clarity with specific explanations, and issues related to workforce and signage.

**The meeting closed for a 10-minute break at 7:15 pm.**

**B. Review of Staff request #2 (setbacks for recreational uses in the Village zoning district)**

Mr. Mackey conveyed this request is about the setbacks conflicting with minimum lot width.

A member added that Villages in Worton have water and sewer, and it would be good to encourage building residential uses in that area.

**C. Review of Staff request #3 (accessory structures in front yards)**

Ms. Gerber provided background and definitions from the Land Use Ordinance relative to the request.

A member expressed the desire to keep the ordinance as it is, as the only place left to put an accessory structure after setting aside septic reserve and other setbacks is in the front yard.

Another member conveyed a concern regarding the size of the accessory structure, which could negatively impact the adjacent neighbor.

Ms. Gerber stated size limitations of accessory structures could be incorporated into the Ordinance.

The first member shared that the Land Use Ordinance states an accessory structure cannot be larger than the house on lots smaller than 5 acres.

Ms. Gerber conveyed the intent of the accessory structure being subordinate to the primary structure (the house), is also a topic for discussion, as there are certain instances where accessory structures can be larger than the primary structure, depending on the location.

Mr. Mackey stated that there was a policy in the Planning department, prior to Mr. Mackey's tenure, requiring the accessory structure to be smaller than the primary structure.

Ms. Gerber reported the policy has been changed more than once over time.

## **VI. Public Comments**

**In-person:** Ms. Janet Christensen-Lewis shared that County Roads appear to be deficient in their efforts to keep hedgerows properly trimmed and maintained since the visibility of traffic signs is an issue. Property line limitations cannot be implemented as the setback requirements would be entirely different depending on the type of planting. The Farming industry needs targeted economic development and support to realize diversity also. The development along the Route 301 corridor and Route 291 needs to be sustained development and must be carefully thought out. Developers in planning their projects tend not to consider the character of the community in Kent County, which should not be diminished or lost.

**Via Phone:** Ms. Judy Gifford stated that she is curious about what the County spends on the trimming of hedgerows, which should be considered when analyzing the magnitude of the problem. Also, data centers could have a huge effect on aquifers and the water in the County. Careful analysis should be done before proceeding.

**VII. Task Force Comments** - There were no additional comments.

## **VIII. Requests for Research by Task Force Members**

Ms. Langenfelder asked for evaluations of the completed Task Force questionnaires received by Mr. Mackey.

Mr. Mackey stated there are still three outstanding surveys that have not yet been submitted.

## **IX. Readings for Next Meeting**

Staff noted and confirmed the next Task Force meeting will be on July 14, 2021, at 6:00 pm.

## **X. Adjournment**

With no further business to discuss, Acting Chair, Joe Hickman motioned to adjourn the meeting, seconded by Mr. Norris, and all were in favor. The meeting adjourned at 7:47 pm.