

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, April 2, 2015, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland, with the following members in attendance: Elizabeth Morris, Chairman; William Sutton, Vice Chairman; Ed Birkmire; Bill Crowding; James Saunders; and Joe Hickman. Staff in attendance were: Amy Moredock, Director of Planning, Housing, and Zoning; Katrina Tucker, Community Planner; Bill Kerbin, Housing Planner; G. Mitchell Mowell, Planning Commission Attorney; and Tonya Thomas, Secretary.

Ms. Morris called the meeting to order at 1:30pm.

## MINUTES

The minutes of February 5, 2015 meeting were approved by the Planning Commission Members via email correspondence.

## APPLICATIONS FOR REVIEW:

### **ISE America, Inc./Southern States Cooperative – Concept Site Plan 12201 Massey Road – First Election District – Zoned Employment Center District**

Southern States Cooperative is requesting conceptual site plan review on lands that are owned by ISE America, Inc., for their proposed facility. The facility would consist of a 12,000 square foot warehouse building with a loading dock and office space, a 16,320 square foot dry bulk fertilizer building with an approximately 1,620 square foot blending and loading area, and 8 crop protectant tanks and 9 tanks each of which will contain 30,000 gallons of liquid fertilizer located within a containment wall with an approximate 3,200 square foot covered loading dock affiliated with the tanks, and an approximate 2,500 square foot truck shop, and a 900 foot proposed railroad spur. The total square footage of gross floor area of all proposed buildings is approximately 35,460 square feet.

Present and duly sworn in were Jack Kemp, District Manager for Southern States; Chris Hemp, Real Estate and Construction Division representative for Southern States Cooperative; Robert Nickerson, Extreme Measures Land Surveyors; and Amy Moredock, Director of Planning, Housing, and Zoning.

Ms. Moredock gave an overview of the application and cited the applicable laws of the *Kent County Land Use Ordinance* to include: Article V, Section 14.2 which establishes a site plan review requirement for all permitted industrial uses in the Employment Center District (EC); Article V, Section 14.5 which establishes the density, height, width, bulk, and fence requirements for the EC District; Article V, Section 14.6 which establishes the EC performance standards; Article V, Section 14.7 which establishes the EC general standards; Article V, Section 14.8 that establishes the EC environmental standards which include the forest conservation and stormwater management standards; Article V, Section 14.9 which establishes the EC design standards which address site access, landscaping, screening, and lighting; Article VI, Section 1.3 and 1.4 that establishes the parking, loading, and bicycle parking standards; and Article VI, Section 5 which establishes the procedures and standards for site plan review.

Ms. Moredock stated no correspondence has been received regarding this application.

The conceptual site plan was reviewed in great detail by the Planning Commission. A discussion ensued regarding the impact of proposed truck traffic on the Community, as this is a recurring concern within the Massey area. Subsequently the Planning Commission made the following comments:

- ☞ The applicant conducted a Citizen Participation meeting in Massey on 7 February 2015 which was well-attended.
- ☞ The proposal is consistent with many strategies and goals of the Comprehensive Plan.
- ☞ In general, it appears that proposed structures meet the minimum setback requirements and that the total area would not exceed the distribution center/warehouse limit of 75,000 square feet.
- ☞ It would appear that potentially 13 employee parking spaces may be required as follows: 3 employee spaces dedicated to office staff (1 space per 400 square feet of gross floor area) and 10 spaces for 15 full-time employees and 5 seasonal truck drivers (1 space per 2 employees in principal shifts in a warehouse facility).
- ☞ A bike rack may not be appropriate to this site (and is only required if 20 parking spaces are required).
- ☞ In addition, 1 off street loading space is required per 20,000 square feet of gross floor area. The gross floor area of all buildings onsite totals 35,640 square feet; therefore, 2 off street loading spaces are required. With 6 loading/unloading spaces provided for trucks and rail cars, this standard has been exceeded.
- ☞ A trash corral has not been identified on the site plan and if one is proposed, then it must be screened.
- ☞ The applicant proposes to utilize the existing entrance to the Wegner Feed Facility located off of Route 299. In addition, the applicant proposes to utilize an existing 30-foot gravel driveway leading to the rear of the feed mill on the Wegner Feed site owned by ISE, Inc. Neither the access nor the gravel drives are proposed to be paved.
- ☞ State Highway Administration is currently reviewing the proposal.
- ☞ The applicant is currently coordinating with the Maryland Department of Transportation regarding the proposed construction of a railway spur.
- ☞ Both the side and rear lot lines coincide with a side or rear lot line of a property in a non-industrial zone (namely Agricultural and Village zoned properties); therefore, the required yard must be landscaped and screened and unoccupied by buildings, structures, or parking area. Due to the nature of the existing railroad tracks and the proposed rail line spur entering the site to access the dry and wet fertilizer storage areas, it would seem that a waiver of this requirement is appropriate for this use. However, the landscape plan must meet this standard as well as the landscaping and screening standards established in the Ordinance.

In order to receive preliminary site plan approval, the applicant must address and/or submit the following outstanding items:

- ☞ An additional site plan sheet should be provided which displays the proposed location of development on the entire 118-acre parcel and not just the area being leased for the proposed use. This site plan should note the entrance detail, as well as setbacks from all property lines to all proposed structures in accordance with requirements for structures that are to be located adjacent to both the Village and Agricultural Zoning Districts.
- ☞ Employee parking should be clearly delineated to reflect the appropriate number of spaces.
- ☞ The applicant should identify a clear traffic pattern for trucks entering the site, maneuvering through the various loading/docking areas, and exiting the site. The applicant should clarify the purpose of the rear gravel area that is shown on the plan as the driveway/parking area.
- ☞ A narrative which adequately address the performance standards.
- ☞ A Certified Engineer's Report.
- ☞ Signage detail.
- ☞ Lighting detail.
- ☞ Elevation details of the sides and rear of the proposed buildings and structures.
- ☞ Landscaping Plan.
- ☞ Location of any proposed dumpsters.
- ☞ Adequacy of methods for sewerage and refuse disposal.
- ☞ Forest Conservation must be addressed in accordance with Article VI, Section 8 of the Kent County Land Use Ordinance.

In addition to addressing the above noted comments The following must be addressed in order to receive final site plan approval:

- ☞ Stormwater Management and Sediment and Erosion Control Plans must be approved.
- ☞ Sureties for stormwater management, sediment and erosion control, and landscape plans must be submitted.

**Eastern Shore Tents & Events- Final Site Plan Review  
Commerce Lane- Third Election District- Zoned Industrial**

Shore Entities, LLC, requests final site plan review to operate its rental business, Eastern Shore Tents and Events, on its property located on Commerce Lane, Worton, Maryland, in the Third Election District. The site plan consists of a 31,250 square foot industrial warehouse which includes 2,500 square feet of office space in order to operate their business in the Worton Business Park. In addition to the warehouse/office building, the site plan consists of 25 automobile parking spaces and 2 truck loading/unloading areas located behind the building. After development, the site will have 2.057 acres of impervious surface or 41% of the property. Commerce Lane, a county public road, will serve as access to the site. The Shore Entities, LLC, property consists of two lots which have been consolidated into one 5-acre parcel.

Present and duly sworn in were Jonathan Mason, applicant; Kevin Shearon of DMS & Associates; and Amy Moredock, Planning Director.

Ms. Moredock gave an overview of the application and cited the applicable law of the *Kent County Land Use Ordinance* to include Article V, Section 15.5 of the *Kent County Land Use Ordinance* that establishes the density, height, width, bulk, and fence requirements for the Industrial District; Article V, Section 15.6 which establishes the Industrial performance standards; Article V, Section 15.7 that establishes the Industrial general standards; Article V, Section 15.8 that establishes the Industrial environmental standards which include the forest conservation and stormwater management standards; Article V, Section 15.9 that establishes Industrial design standards which address site access, landscaping, screening, and lighting; Article VI, Section 1.3, 1.4 and 1.5 which establishes the parking, loading, and bicycle parking standards; and Article VI, Section 5 which establishes the procedures and standards for site plan review.

Following a brief discussion, Mr. Hickman made a motion to approve the final site plan based on the following facts:

- ☞ The proposal is consistent with the following Comprehensive Plan strategies:
  - Retain and promote existing businesses.
  - Promote the development of the county employment centers.
  - Require developers to work with a citizen's participation program.
  - Promote towns and villages.
- ☞ Signage has been addressed and meets the Industrial sign standards.
- ☞ The bike rack note has been corrected.
- ☞ A separate site plan sheet has been generated (rather than the site plan combined with grading and sediment control detail).
- ☞ Sureties for both the sediment and erosion control and landscape plans have been submitted.
- ☞ Lot line adjustment approved in August 2014 has been recorded. The resulting deed must be recorded and submitted prior to the signature of the final site plan.

Mr. Hickman noted that this motion to approve is contingent upon the applicant's submittal of the recorded deed reflecting the new parcel configuration resulting from the recently-recorded lot line adjustment.

Mr. Sutton seconded the motion; and the motion passed unanimously.

## **Staff Reports**

Amy Moredock:

- Attending the Economic Advisory Board meetings to keep them updated on Planning projects.
- Attending Local Emergency Planners Committee meetings to keep them apprised of the Coastal Resiliency grant application that the County submitted in partnership with Eastern Shore Land Conservancy. It is a CoastSmart grant that will enable the County to conduct a vulnerability analysis of the shoreline and other vulnerable resources affected by sea level rise and other climate change issues that may impact structures (to include critical facilities).
- On March 27<sup>th</sup> gave a presentation to a group of realtors. This is the second such realtor presentation conducted in the last several months. These planning presentation have provided a great outreach opportunity. Staff currently conducts annual realtor training for

continuing education credits to realtors and recently has been asked to present more site specific zoning provision discussions.

- One of the Department's major budget items in FY2016 is for funding to hire a consultant to assist in the update of the County's Comprehensive Plan.
- Apprised the Commission that the County has been approached regarding medical marijuana uses. In conversation with the County Attorney, it has been corroborated that such a use is an agricultural use permitted under current zoning. The Department has issued one use permit thus far for the growing of medical marijuana. The site is located in Massey and utilizes existing greenhouses and other incidental buildings.
- Discussed the recent proposed Senate Bill sponsored by Senator Hershey which would require Apex Clean Energy to follow the local regulatory process rather than circumvent the process through Public Service Commission review.

Katrina Tucker:

- Participated in Maryland Trails Summit held on March 12th in Linthicum, Maryland.
- Attended the State's Eastern Shore Regional Meeting on the update for the Land Preservation, Parks and Recreation Plan (LPPRP). A 5 year update is required and is due July 2017. The Land Preservation, Parks, and Recreation Plan update will coincide with the Comprehensive Plan update.
- Attended a conference on Hazard Mitigation Planning regarding grant funds for historic places. The grant offers non-capital funding and can be used to hire a consultant.
- The Historic Preservation Commission members have been very active and involved with demolition permits.
- The Forest Conservation Act annual report has been submitted. There were no new Forest Conservation Areas established this past year since every project met one of the exemptions allowed under the Act.
- The Annual Report should be completed in May and then presented to the Planning Commission prior to submittal to the Maryland Department of Planning.
- Attended the County Commissioner's Public Hearing meeting on the Zoning Text Amendment for the Rural Inn Special Exception use submitted by Michael and Danielle Hanscom. The Zoning Text Amendment was received favorably by the Commissioners. No public comment was offered at the public hearing.

### **General Discussion**

Bill Graham, representing "Keep Kent Scenic," a grassroots website dedicated to opposition, as well as public outreach and education related to Apex Clean Energy's Kent County Mills Branch Proposal, asked the Planning Commission to comment on *Kent County Land Use* Article IV, Section 4 (Uses Not Listed). Attorney Mitch Mowell commented that the "uses not listed in the Ordinance are not permitted" provision is common to Zoning Ordinances throughout the state and country.

There being no further business for the good of the organization, the meeting was adjourned at 2:53 p.m.

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Elizabeth Morris, Chairman

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Tonya L. Thomas, Clerk