

MINUTES

The Kent County Planning Commission met in regular session on Thursday, May 7, 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; Kim Kohl; and Joe Hickman. Staff in attendance were: Amy Moredock, Director of Planning, Housing, and Zoning; Katrina Tucker, Community 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 April 2, 2015, meeting, were approved as presented by the Planning Commission Members via today's meeting.

APPLICATIONS FOR REVIEW:

Patsey J. Whitely and The McKee Group – Conceptual Site Plan (A Storage Depot) 1002 Washington Ave. – Fourth Election District – Intense Village District

This Concept plan proposes construction of a 5,808 square foot one story, climate controlled, self-storage center with ancillary retail as well as U-haul truck rentals, which includes onsite storage of rental vehicles. The existing building will be demolished.

Present and duly sworn in were, Stephen Watchorn, CPM, Vice President of The McKee Group; Max Ruehrmund, III, AIA, of M3 Architecture; and Katrina Tucker, Community Planner.

Ms. Tucker gave an overview of the application and cited the applicable laws of the *Kent County Land Use Ordinance* to include Article V, Section 8.2 which establishes permitted uses in the Intense Village Zoning District (IV); Article V, Section 8.8.C.11.c and d., that encourages the use of traditional materials, such as brick or wood; Article V, Section 8.5 that establishes the frontage and minimum yard requirements; Article V, Section 8.6 which establishes the General Standards for the Village District; Article V, Section 8.6.4, which, when deemed necessary by the Planning Commission, seeks provision of unobstructed easements at least 10 feet wide in order to facilitate walkways to commercial facilities, community areas, and other public areas; Article V, Section 8.7.A & B that establishes the Environmental Standards; Article VI, Section 10 which sets forth the stormwater management and water quality criteria; Article V, Section 8.8.A, B, & C that establishes the General Design Standards, Elements and Specific Design Standards; and Article VI, Section 5 which outlines the procedures and requirements for site Plan review.

Ms. Tucker states no correspondence has been received regarding this application.

The conceptual site plan was reviewed in great detail by the Planning Commission who made the following comments:

- The applicant conducted a Citizen Participation meeting in Chestertown on April 23, 2015.

- In general the Intense Village Design Standards have been met; the site plan objectives have been met; and the proposal is generally consistent with the Comprehensive Plan.
- The new building will meet the minimum setback and height requirements.
- The proposed building materials are compatible with the nearby and adjacent commercial buildings, and the materials for the self-storage center are proposed as board and batten siding composed of cement board or vinyl rather than brick or wood. A wainscot composed of brick or stone is proposed from grade to the bottom of the windows along the east, south and partial north sides of the building.
- Retention of the existing sign is proposed at its current location that is approximately 2 ½ feet from the front property line. The existing detached sign meets the signage standards.
- The Planning Commission is inclined to request a 10-foot wide sidewalk easement onsite. In its current location, the sign and affiliated landscaping would be an obstruction for a future walkway. In order to retain the existing sign in its current location an Agreement would need to be executed and recorded providing that the easement would be granted and the sign relocated at the expense of the property owner if requested by the County in order to facilitate walkways.
- The existing accesses, one from Washington Avenue and another on Northgate Drive, into the project site are not proposed to be modified. Full access will be from Washington Avenue/Route 213, for which the State Highway Administration has advised that an access permit is not required. The access on Northgate Drive will be exit only. Furthermore, the property at the rear of this site, which is also occupied by self-storage buildings, is accessed through this site through an existing 20-foot wide perpetual easement recorded at M.L.M. 175/90. Consolidation of access points is supported and encouraged in the Land Use Ordinance.
- Though there is no specific parking standard for self-storage centers, required parking for retail is based on one space per 200 square feet of floor area, so three (3) spaces are needed for the 543 square feet of proposed retail area. The plan proposes nine (9) parking spaces plus one (1) handicap accessible space. Six (6) of these parking spaces are located at the rear of the site for storage of the U-Haul rental trucks. Self-storage centers typically do not have significant parking demands, though it is important that the site not become overly encumbered with the storage of rental vehicles.
- Loading areas are shown at the rear of the building where one-way travel is proposed, so again, it is important that the site not become overly encumbered with the storage of rental vehicles so that the on-site travel in this area is impeded. Landscaping adjacent to these loading areas is intended to protect the back of the building.
- A dumpster enclosure is located at the rear of the site. The plan detail reflects that the privacy fence will be taller than the dumpster. The enclosure is also angled to allow efficient access for refuse collection by a garbage truck.
- New lighting will be wall-mounted on the building and will be night sky compliant.
- The plan proposes that 3,900 square feet of the site will be landscaped and will include perimeter and signage landscaping which exceeds the minimum requirement. The plan

also reflects that 907 square feet of the parking lot area will be landscaped, which exceeds the minimum required 887 square feet.

- There are no outdoor display areas proposed as part of this project.
- As an Environmental Site Design (ESD) technique the roof drains on the new building will be directed to a french drain ground gutter and then flow into drywells. Gravel in the drywells allows stormwater runoff to infiltrate into the ground. Exact sizing of the drywells will be determined with preliminary and final design. Additionally, some of the existing paved area will be reconfigured into new planting areas to address requirements for parking lot landscaping.
- This project meets the single-lot exemption for Forest Conservation.

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

- In accordance with Article VI, Section 5.2.3 of the Land Use Ordinance, where deemed appropriate by the Planning Director, the final site plan may be combined with the preliminary site plan. A combined plan would need to meet all of the requirements of the Land Use Ordinance for both preliminary and final site plans.
- Correct the plans so that the Site Data tabulation, where the retail area is identified as comprising 543 square feet, corresponds with the area shown on the building layout, where it is labeled as 534.3 square feet.
- A separate landscape plan sheet will need to be included with the preliminary plan.

The following must be addressed in order to receive final site plan approval:

- In accordance with Article V, Section 8.6.4, when deemed necessary by the Planning Commission unobstructed easements at least 10 feet wide are to be provided in order to facilitate walkways to commercial facilities, community areas, and other public areas. In order to retain the existing sign in its current location an Agreement would need to be executed and recorded providing that the easement would be granted and the sign relocated at the expense of the property owner if requested by the County in order to facilitate walkways.
- If disturbance is less than 5,000 square feet, then the project may be exempted from Stormwater Management, otherwise a Stormwater Management Plan will be required and sureties submitted prior to final plan approval.
- Final plans will need to address Sediment and Erosion control, and appropriate sureties submitted prior to approval.
- A separate landscape plan sheet will need to be included with the final plan, and sureties submitted prior to approval.

Ms. Moredock inquired if the Planning Commission had concerns if the applicant wished to combine Preliminary and Final Site Plan. There were no objections as long as all requirements can be met.

Virginia Lynn Foster – Agricultural Preservation District – Ms. Tucker presented the application from Ms. Virginia Lynn Foster seeking to establish an Agricultural Preservation District on her farm located on Rock Hall – Tolchester Road in the 5th Election District. The farm is comprised of two parcels. Parcel 54 on Tax Map 46 is 182.53 acres, and the adjoining Parcel 26, on Tax Map 45, is 20.98 acres. Combined, the farm is 199.05 acres, of which 43.881 acres are under a Wetland Reserve Program (WRP) Easement, leaving 155.169 acres proposed for an Agricultural Preservation District. These 155.169 acres contain 75% qualifying soils. There are no dwellings on the property. The farm is zoned “AZD,” Agricultural Zoning District and is outside the 10-year water and sewer planning service area.

The farm is adjacent to other protected farms. The Maryland Environmental Trust holds an easement on the farm on the north side of Rock Hall – Tolchester Road and the farm along the eastern boundary is also owned by Ms. Foster and is in a MALPF (Maryland Agricultural Land Preservation Foundation) Easement. The farm on the west side is in a County Agricultural Preservation District. This farm is part of a block with over 900 acres of land protected by districts or easements. It is located within the Priority Preservation Area. The farm is divided by roadways. Ms. Foster would like to create a single district, which means the parcels would have to remain under common ownership unless the MALPF Board of Trustees approves an agricultural subdivision.

Ms. Tucker advised that the Agricultural Preservation Advisory Board reviewed this application at their meeting on April 22nd and unanimously submits its favorable recommendation. Following discussion by the members of the Planning Commission, Mr. Hickman made a motion to forward a favorable recommendation to the County Commissioners. Ms. Kohl seconded the motion, and it was approved unanimously.

Jennifer A. Debnam – Agricultural Preservation District – Ms. Tucker presented the application submitted by Jennifer Debnam to establish an Agricultural Preservation District on her farm located at Augustine Herman Highway and Vansants Corner Road in the 2nd Election District. This 100- acre farm is zoned “AZD,” Agricultural Zoning District, and is outside the 10-year water and sewer planning service area.

It is part of an area with over 5,485 acres of district and easement properties and is directly adjacent to other protected lands. The adjacent farm to the south as well as the farm on the other side of Vansants Corner Road are both in a MALPF (Maryland Agricultural Land Preservation Foundation) Easement. Another farm on the north side of Augustine Herman Highway is in a Kent County Agricultural Preservation District. Ms. Debnam’s farm has 100% qualifying soils and there are no dwellings on the property. The property is also located within the Priority Preservation Area.

Ms. Tucker advised that the Agricultural Preservation Advisory Board reviewed this application at their meeting on April 22nd and unanimously submits its favorable recommendation. Following discussion by the members of the Planning Commission, Mr. Sutton made a motion to forward a favorable recommendation to the County Commissioners. Ms. Kohl seconded the motion, and it was approved unanimously.

Staff Reports

Amy Moredock:

- Katrina attended the County Commissioner's Public Hearing for the Rural Inn Zoning Text Amendment. It was adopted on April 8, 2015, without amendments and took effect on April 18th.
- Department of Natural Resources staff held a phone conference with a representative for Eastern Shore Land Conservancy and Ms. Moredock regarding the County's CoastSmart grant application to conduct coastal vulnerability study of Kent County. DNR is interested in not only favorably considering the application, but also funding an additional line item to add GIS layers and analysis to the study. A phone conference/training session on the vulnerability analysis tool will be held on Friday, May 8, 2015.
- The Queen Anne's Conservation Group, in partnership with the Keep Kent Scenic Group who is opposing the Apex Wind Project, has submitted a Public Information Act request to Kent County. Planning, Housing, and Zoning was among the departments to respond to the PIA request due staff's direct contact with Apex.
- The Kent County Commissioners have been concerned with the Housing Program in Kent County that has been steady diminishing. The County is looking to sub-contract the Housing Improvement Program to Delmarva Community Services.
- Mr. Ernie Crofoot, Kent County Administrator and Attorney has resigned his position with the County. June 30, 2015 will be Mr. Crofoot's last day.
- MACO held a meeting May 1, 2015; the new Maryland Department of Planning Secretary, David R. Craig addressed the group. State Planning Secretary Craig will be visiting all the Counties to meet local planners and officials to assess local needs and priorities. Secretary Craig is the former County Executive for Harford County.
- Attended the Economic Development Advisory Board meeting. The EDAB is interesting in projects submitted to the Planning Department for review and collaborating with the Planning Commission on projects which impact Economic Development efforts. The Kent County Commissioners will entertain a proposal at the May 12, 2015 meeting to decide whether or not to fund an Economic Development Coordinator position.
- An Administrative Hearing is scheduled for May 11, 2015. The applicant is requesting to construct an accessory building over 1200 square foot on a parcel less than 5 acres. The special exception standards are not very difficult to meet in such cases. Perhaps the Commission should look at accessory building size restrictions when updating the Land Use Ordinance.
- Requested the opinions from the members regarding the Wilson Point Estates Subdivision located in Galena. In 2010 the Planning Commission approved the plans with a note stating that the existing historic house on site was to be relocated off-site. The house has deteriorated over the years and now, is in such a state of disrepair, it is no longer feasible to relocate it. The applicant would like to demolish the house. In its review of the house in 2007, the Historic Preservation Commission recommended that the Planning Commission require full documentation of the historic dwelling located onsite should the owner proceed with demolition. Provided that the

applicant complies with 2007 recommendation of the Historic Preservation Commission, Ms. Moredock requested the proposed change be reviewed administratively as a minor change to the approved subdivision plat. The Planning Commission concurred that the change in the plat notes could be reviewed and approved administratively as a minor amendment.

Katrina Tucker:

- Mr. Jeremy Rothwell has been appointed to the Historic Preservation Commission. Mr. Rothwell lives in Massey and is a planner for Talbot County. The Historic Preservation Commission is looking to fill the remaining vacancy.
- MALPF (Maryland Agricultural Land Preservation Foundation) will be holding a meeting for all local program administrators on May 14th. Renewable Energy systems will be one of the topics on the agenda.

General Discussion:

A discussion was held in which Planning Commission Attorney Mitch Mowell cautioned members against attempting to gain information about projects which may come before them.

There being no further business for the good of the organization, the meeting was adjourned at 2:56 p.m.

Elizabeth Morris, Chairman

Tonya L. Thomas, Clerk