

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, February 5, 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; Kim Kohl; 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 December 4, 2014, meeting, were approved by the Planning Commission Members via email correspondences.

## PUBLIC HEARING:

The Kent County Planning Commission held a public hearing to review the petition by Michael and Danielle Hanscom for a Zoning and Text Amendment to add a Rural Inn as a Special Exception Use in the Agricultural, Rural Character, Rural Residential, Community Residential and Village Districts.

Michael and Danielle Hanscom have submitted an application to amend Article V, Sections 1, 3, 4, 6, and 7 of the Kent County Land Use Ordinance by adding a Rural Inn as a Special Exception use in the AZD, RC, RR, CR and V Zoning Districts. The petition also proposes amendments to Article VII, Sections 6 and 7 to add a Rural Inn to the list of Special Exceptions and to provide performance standards relative thereto, as well as an amendment to Article XI, Section 2 to define the use.

Testimony from the General Public was offered by Jim Luff, Chairman of the Kent County Economic Development Advisory Board, who conveyed the Board's support of the proposed text amendment.

Ms. Morris closed the public hearing and reopened the regular meeting.

## APPLICATIONS FOR REVIEW:

**Michael and Danielle Hanscom- Zoning and Text Amendment- Agricultural, Rural Character, Rural Residential, Community Residential and Village District** - Michael and Danielle Hanscom, have submitted an application to amend Article V, Sections 1, 3, 4, 6, and 7 of the Kent County Land Use Ordinance by adding a Rural Inn as a Special Exception use in the Agricultural, Rural Character, Rural Residential, Community Residential, and Village Zoning Districts. The petition also proposes amendments to Article VII, Sections 6 and 7 to add a Rural Inn to the list of Special Exceptions and to provide performance standards relative thereto, as well as an amendment to Article XI, Section 2 to define the use.

Present and duly sworn in were Michael and Danielle Hanscom, applicants, , and Katrina L. Tucker, Community Planner.

Ms. Tucker gave an overview of the application and cited the applicable law of the *Kent County Land Use Ordinance* to include Article VII, Section 6, which establishes the standards for review and approval of a zoning text amendment.

Ms. Tucker noted that the Ordinance provides for several different types of hospitality facilities that offer overnight lodging in various zoning districts subject to the granting of a Special Exception. These include a Conference Center, a Country Inn, a Resort, and a Retreat, all of which require that the Planning Commission review and submit a recommendation to the Board of Appeals, as well as approve a site plan. She noted the differences and similarities between the aforementioned overnight lodging uses and the proposed Rural Inn use.

Ms. Tucker further elaborated that this proposal most closely aligns with the existing standards specified for a Retreat. The significant difference concerns the proposal for a Rural Inn to allow dining facilities as an accessory use for patrons other than solely-registered guests. In a Retreat accessory dining facilities are restricted to guests only. The proposal for the Rural Inn does include a limitation on the number of seats in the dining component that would be available to the general public who are not registered guests.

As a new use, the Rural Inn blends components of the Country Inn and Retreat. Major distinctions for the new Rural Inn are the minimum 20 acreage requirement and the number of guest rooms ranging from 10 to 25. The Retreat allows a range of 10 to 40 guest rooms and the Country Inn may not exceed 15 with no minimum requirement for guest rooms.

Ms. Tucker noted that the creation of another type of lodging facility that blends certain standards but is also distinct from other existing uses can serve to implement the goals and strategies of the Comprehensive Plan by offering more diversity for these types of businesses in the County without creating nonconformities for existing establishments.

Ms. Morris solicited input from those in attendance. Bernadette Bowman, Director of the Kent County Office of Tourism Development, was sworn in and advised the Planning Commission of the substantive positive economic impact and revenues generated in the County by the lodging and hospitality industry. She offered her support to the proposed text amendment.

Discussion ensued amongst the Planning Commission regarding the public need for the amendment and its consistency with the Kent County Comprehensive Plan including implementation of its goals and strategies. Similar to the Country Inn, a Rural Inn may offer dining facilities to patrons who are not registered guests. Concerns were raised that the dining facilities could have the potential to transform into something more akin to a bar or tavern. However, it was noted that dining facilities may be permitted with a Country Inn as part of its Special Exception approval in all of the same zoning districts as the proposed Rural Inn, and that the Board of Appeals may limit the size and extent of dining facility and place restrictions on the hours of operation. The Planning Commission also discussed the proposed setbacks for primary and accessory structures and that the main structures including the dining facilities should all be considered primary buildings, and that the word “minimum” should be inserted so that the proposal would read “[p]rimary buildings shall be a minimum of 100 feet from all property lines.”

Mr. Hickman made a motion to send a favorable recommendation to the Kent County Commissioners to amend the Kent County Land Use Ordinance by adding a Rural Inn as a Special Exception use in the Agricultural, Rural Character, Rural Residential, Community Residential, and Village Zoning Districts provided that. Mr. Hickman based his recommendation on the following findings:

- The proposed text amendment is consistent with the Kent County Comprehensive Plan goals and strategies to support existing businesses, to expand and provide more diversity in the size as well as number and type of businesses in the County, to enhance and expand locally based tourism that is rooted in the unique natural and cultural as well as historic features and qualities of Kent County, to promote heritage tourism as a means to enhance the County's economy through investment in historic and archeological as well as cultural and scenic resources, to retain and promote existing businesses, assist in the growth of existing small business, promote development of small and locally owned businesses, recruit new businesses which are desirable to the community, promote and expand facilities along with services and activities that support natural resource-based economic development, and to link cultural heritage and tourism.
- The text amendment addresses a public need to support existing lodging establishments and to expand the opportunities for tourism and the hospitality industry in the County as it generates substantial revenues.
- The proposal is not solely for the interest of the applicant.
- The creation of another type of lodging facilities is complimentary to other uses in the affected zoning districts and serves to implement above-noted Comprehensive Plan findings.

Mr. Hickman noted that the favorable recommendation is contingent upon the condition that the setbacks are modified to address a minimum 100 foot distance.

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

**Town of Galena (Upgrade to Wastewater Treatment Plant) – Final Site Plan** – The Town of Galena is requesting site plan approval in order to construct improvements to its Waste Water Treatment Plant. The Town proposes the installation of a new waste water treatment facility to replace the existing 3-celled lagoon system which has serviced the Town since 1963. The project includes the following improvements: an operation building, administration electric building, influent screen and grit classifier, and a parking area.

Present and duly sworn in was Perry Otwell and Ryan Rangel of McCrone Engineering, Sharon Weygand, Galena Town Manager, and Bill Kerbin, Housing Planner.

Mr. Kerbin gave an overview of the application and cited the applicable laws of the *Kent County Land Use Ordinance* to include Article VI, Section 5.3.B.16 of the Kent County Land Use Ordinance, which establishes major site plan review procedures and Article VII, Section 7.41, which allows Public Utilities and structures as defined in Article XI of the Ordinance in the AZD, RCD, RC, RR, CAR, and CR zoning districts.

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

- The proposal conforms with the Comprehensive Plan strategy to ensure proper wastewater treatment within the county.
- Vehicular and pedestrian movement on site appears to be clearly indicated.
- There should be little impact to adjoining ways and properties as a result of the new construction onsite.
- An access permit must be issued from the State Highway Administration (SHA) during the permitting process.
- Provisions for loading and unloading of vehicles, adequate lighting, and internal traffic control have been addressed.
- The probable effect of noise, vibration, smoke, particulate matter, toxic matter, odor, fire or explosion hazards should be minimal.
- A minimal amount of vegetation will be removed, and the applicant has requested to pay into the Critical Area afforestation fund due to the limited area for replanting available. This fee must be collected prior to the issuance of a building permit.
- A landscaping plan has been submitted and adequately addresses screening of new structures.
- The project is buffered on 3 sides by forest and is adjacent to agricultural land.
- Building plans have been submitted for front, side, and rear elevations of all new buildings. Amendments to the preliminary site plan approval include a minimal increase of the total square footage to the operations and electric buildings, and the addition of a 256 square foot storage shed. These amendments do not change the scope of the project.
- Two parking spaces have been formally identified on the site plan and meet the minimum standards.
- Sediment and erosion control and stormwater management plans have been submitted and approved.

Mr. Hickman placed the following conditions on the approval:

- The applicant must apply for and receive SHA approval of an entrance permit.
- The applicant must make payment into the Critical Area afforestation fund for the total square footage of vegetation removed prior to the issuance of a building permit.

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

**Eastern Shore Tents & Events – Industrial District** – Shore Entities, LLC requests preliminary site plan approval 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 an 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 surfaces 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 adjusted into one 5-acre parcel.

Present and duly sworn in was Tom Davis of DMS and Associates, Jonathan Mason, applicant, and Amy Moredock, Planning Director.

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 15.5 which establishes the density, height, width, bulk, and fence requirements for the Industrial District; Article V, Section 15.6 which establishes industrial performance standards; Article V, Section 15.7, which establish the industrial general standards; Article V, Section 15.8 which establishes the industrial environmental standards; Article V, Section 15.9 which establishes the industrial design standards; and Article VI, Sections 1.3, 1.4 and 1.5 which establish parking, loading, and bicycle parking standards; and Article VI, Section 5 which establishes the standards for site plan review.

Mr. Davis gave a brief overview of the scope of the proposed business and the site plan details.

After much discussion, Mr. Hickman made a motion to approve the preliminary site plan based on the following facts:

- The proposed operation is a permitted use and is an expansion of a locally-owned and operated business.
- The proposed warehouse meets the requirements per setback standards established during the 2005 subdivision approval.
- The applicant has adequately addressed the performance standards in the narrative submitted with the application.
- The applicant has adequately addressed the explanation of materials, chemicals/solids to be discharged, traffic expected, and proposed hours of operation in the narrative submitted with the application.
- Architectural renderings have been submitted.
- The property is served by the Worton public sewer and water systems.
- Parking and loading have been identified and meet or exceed the minimum standards.
- No outdoor storage is proposed, and no outdoor drying of materials will occur. No products are planned to be manufactured on the premises.
- The proposed trash corral will be screened.
- Forest Conservation and Stormwater Management Waiver was granted in May 2012 in accordance with Article VI, Section 10.4 of the Land Use Ordinance. All construction authorized pursuant to this administrative waiver must be completed by May 4, 2017.
- The sediment control plan has been approved.
- Access will be a country road.
- Lighting has been noted to avoid glare onto adjacent sites and is noted to be dark sky compatible.
- Street trees marked for removal have been replaced and will be planted along the entrance way to the office space in the front of the building.
- The Landscaping Plan contains native species along with the non-native plantings. The landscaping proposed around the building is adequate and screening is identified around the trash corral. The Plan has been expanded to screen the parking area and overall site from offsite views.

- According to the estimate of 25 employees in the warehouse and a 2,500 square foot office, 20 parking spaces are required, and 25 spaces are provided. The loading and unloading spaces provided meet the minimum standards. Parking and loading areas have been clearly identified in order to endure safety of both vehicular and pedestrian traffic onsite.
- 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 citizen's participation program.
  - Promote towns and villages.

Prior to final site plan review the following must be completed:

- Signage must be addressed and will be limited to the Industrial sign standards.
- The bike rack note should be corrected.
- A sheet should be generated which is labeled and identified as only the site plan (rather than the site plan combined with grading and sediment control detail).
- Sureties for both the sediment and erosion control and landscape plan must be submitted.
- Lot line adjustment signed/approved in August 2014 must be recorded.

Ms. Kohl seconded the motion; and the motion passed unanimously.

### **Staff Reports**

Amy Moredock:

- Thanked everyone who attended the Ethics Training provided by the County Attorney in January.
- Attended the State of the Science of Phosphorus forum on January 30, 2015 at Chesapeake College.
- Working with the Eastern Shore Land Conservancy's Coastal Resiliency planner regarding a grant possibility to assess the County's vulnerability to sea level rise and climate change. She will be collaborating with the Emergency Planner Kristen McMenammin to implement the grant if it is approved by the Commissioners and ultimately awarded to the County.
- Addressed the current Planning Commission membership and the expiration of several terms.
- Noted that she will be placing a request for a consultant in the FY16 budget in order to assist the County with the upcoming Comprehensive Plan update.

There being no further business for the good of the organization, the meeting was adjourned at 3:31 p.m.

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Elizabeth Morris, Chairman

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Tonya L. Thomas, Clerk