

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, June 4, 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 May 7, 2015, meeting, were approved as presented.

## APPLICATIONS FOR REVIEW:

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

Southern States Cooperative is requesting preliminary site plan approval 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 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 35,640 square foot.

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, of Extreme Measures Land Surveying; and Amy G. 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 site plan review requirement for all permitted industrial uses in the Employment Center Districts; Article V, Section 14.5, which establishes the density, height, width, bulk, and fence requirements in the EC; Article V, Section 14.6 that 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 to include the forest conservation, sediment control, and stormwater management standards; Article V, Section 14.9 which establishes the Employment Center design standards which address site access, landscaping, screening, and lighting; Article VI, Section 1.3 and 1.4 which establish the parking, loading, and bicycle parking standards; and Article VI, Section 5 which establish the procedures and standards for site plan review.

Ms. Moredock stated that no correspondence had been received regarding this application.

In addition to the standard site plan review criteria, the Commission addressed the following waivers and bonus criteria requested by the applicant:

- A waiver of the provision established in Article V, Section 14.5 requiring that the required yard be unoccupied and a waiver of the landscaping requirement in this area as planting in this location is impractical due to its railway usage.
- A waiver of the landscape requirements established in Article V, Section 14.9 which authorizes the Planning Commission to waive landscape requirements when it is demonstrated that the spirit and intent of the requirement is accomplished through other means.
- Consideration the following bonus sign area provisions in order to permit the 30 square foot detached sign as proposed:
  - Twenty percent when the sign is installed in a landscaped planter having an area twice the area of the resultant sign and the entire area is approved by the Planning Commission.
  - Ten percent when the sign is not designed or used with illumination, or the sign uses indirect lighting.

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

- ☞ The applicant has adequately addressed the Village District performance standards (included in the preliminary certified engineer's report).
- ☞ Parking and loading have been identified and meet the Ordinance requirements.
- ☞ No outdoor storage is proposed.
- ☞ All structures noted will be surrounded by an 8-foot security fence.
- ☞ A trash receptacle will be located adjacent to the truck shop and will be screened with switchgrass.
- ☞ The applicant proposes to treat stormwater runoff from all lot coverage using Environmental Site Design practices such as drywells, grass swales, bioretention and ultimately a retention pond as indicated conceptually in the rear of the site.
- ☞ The total required area of afforestation is 1.97 acres (15% of the 13-acre area of lease/net tract area). This area has been divided into two forest screening areas.
- ☞ 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. While the drive will remain gravel, the entrance will be paved.
- ☞ The applicant must comply with all State Highway Administration and Maryland Department of Transportation requirements.
- ☞ Onsite vehicular circulation appears to promote a distinction between employee parking and truck and railway traffic.
- ☞ Lighting has been noted to be dark sky compatible.
- ☞ The applicant proposes one 22 square foot flat sign to be placed on the 100 foot by 120 foot warehouse at the entrance to the site.
- ☞ The applicant also proposes a detached sign 8 feet in height and totaling 30 square feet.

The sign will include 2 individual business signs: one 15 square foot sign for Wenger Feed and one 15 square foot sign for Southern States. In accordance with the bonus sign criteria indicated in Article VI, Section 2.7 of the Ordinance, the Planning Commission favorably considered the following bonus sign area provisions in order to permit the increase from the 25 square foot limit to a 30 square foot detached sign as proposed:

- Twenty percent when the sign is installed in a landscaped planter having an area twice the area of the resultant sign.
- Ten percent when the sign is not designed or used with illumination.
- ☞ The proposal is consistent with the following Comprehensive Plan strategies:
  - Insure that future development, redevelopment, and infill is completed in an environmentally and context sensitive manner.
  - Promote agricultural as a viable industry and secure its future in the County.
  - Encourage comprehensive stormwater management.
  - Promote the development of the county employment centers.
  - Encourage the development of farm-based business.
  - Require developers to work with a citizen's participation program.

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

- ☞ The Certified Engineer's Report must be sealed.
- ☞ The Forest Conservation Plan appears to meet the standards identified in Article VI, Section 8.4 of the Ordinance. A Simplified Forest Stand Delineation is appropriate to this site (as it is not forested) and must be submitted.
- ☞ Stormwater Management and Sediment and Erosion Control Plans must be approved.
- ☞ Sureties for stormwater management, sediment and erosion control, Forest Conservation, and landscape plans must be submitted.

Further, following review of all applicable laws and the Comprehensive Plan, the Planning Commission voted unanimously to grant approval of the following waivers, basing its decision on the following findings:

- ☞ Article V, Section 14.5 of the *Kent County Land Use Ordinance*: When a side or rear lot line coincides with a side or rear lot line of a property in a non-industrial zone, the required yard shall be landscaped and screened and shall be unoccupied by buildings, structures, or parking area.
  - Both the side and rear lot lines coincide with a side or rear lot line of a property in a non-industrial zone (namely AZD and V zoned properties). 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, the Commission found that a waiver of this requirement is appropriate for this use.
- ☞ Article V, Section 14.9.B.4 of the *Kent County Land Use Ordinance*: The Planning Commission, or where applicable the Planning Director, may waive the landscape requirements when it is demonstrated that the spirit and intent of the requirement is accomplished through other means or the nature of the change is one that does not require additional landscaping.
  - Views from offsite are strategically screened by the 2 areas indicated as Forest Screening Areas per the Forest Conservation Plan. The Commission finds that the areas indicated in the Forest Conservation Plan, as well as the natural slope

of terrain, suffice in meeting the intent of the landscape requirements and it therefore grants a waiver of the landscape provision.

## **Staff Reports**

Amy Moredock:

- Granted an Administrative Special Exception for a 1,280 square foot accessory building on a parcel less than 5 acres on Olivett Hill. The limit is 1, 200 square foot on parcels less than 5 acres.
- Is working with the Alliance for the Chesapeake Bay staff who have formed a sub-committee to organize Maryland and Delaware watershed grant forum. The purpose of the forum is to promote watershed improvement grants/funding source awareness on the Delvarma Peninsula.
- Noted that a public meeting was held on 3 June in Galena relative to a Sludge application submitted by Synagro to apply sludge on the lands of Stoltzfus Farms, LLC located on Chesterville Road in Kennedyville, Maryland.

Katrina Tucker:

- The County's Agricultural Land Preservation Program was was recertified on May 26, 2015 by the Maryland Department of Planning and the Maryland Agricultural Land Preservation Foundation (MALPF).
- The Annual report will be completed for the July Planning Commission Meeting.
- The Historic Preservation Commission has remained active and is looking to fill the remaining vacancy.

## **General Discussion:**

A certified letter from the Kentmore Park Improvement Association president Jack Edson addressed to the Planning Commission was received by the Planning, Housing, and Zoning department regarding the Wind Energy Apex Project. Ms. Moredock read the letter to the members for the record.

There being no further business for the good of the organization, the meeting was adjourned at 2:33 p.m.

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Elizabeth Morris, Chairman

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Tonya L. Thomas, Clerk