

MINUTES

The Kent County Planning Commission met in regular session on Thursday, December 5, 2019, 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; William Crowding; James Saunders; and Joe Hickman. Staff in attendance were: Stephanie Jones, Environmental Planner; Carla Gerber, GIS Specialist, G. Mitchell Mowell, Planning Commission Attorney; and Tonya Thomas, Secretary.

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

MINUTES

The minutes of November 7, 2019, meeting, were approved as presented.

APPLICATIONS FOR REVIEW:

19-53 Richardson Fresh Ponds, LLC – Requesting a variance to construct six (6), 32 square-foot signs to advertise the sale, lease, and development potential of Tax Map 31, Parcel 6. The property is located along the east and west sides of US Route 301 and bounded by MD Route 291 (River Road), Chesterville Bridge Road, Millington Road, Howard Johnson Road, and Edge Road. The property consists of three separate parcels totaling 212.9 acres, located within the First Election District and zoned Employment Center “EC”, Commercial “C”, Resource Conservation District “RCD”, and Agricultural Zoning District “AZD”.

Present and duly sworn in were; Kyle Kirby, Counsel for the applicant; Ryan Richardson, applicant, Stephanie Edwards, Real Estate Consultant; and Ms. Jones, Environmental Planner.

Ms. Jones gave an overview, including a description and history of the application and cited all applicable laws of the *Kent County Land Use Ordinance* as follows: Article VI, Section 2.4 and 2.5, authorizes permitted and exempt sign standards, Article IX, Variances and Waivers, which authorizes the board of appeals to grant variances, and Article XI, Definitions.

Mr. Kirby stated the property is 212 acres that is separated into three parcels. The Land Use Ordinance permits one sign per parcel which would be three signs allowed. Mr. Kirby stated his applicant is requesting three additional signs due to the configuration of the property.

Ms. Edwards stated the proposed signs were strategically placed for vehicular visibility on and off the 301 Corridor.

After much discussion and consideration of the testimony and all applicable laws, Mr. Hickman made a motion to send a favorable recommendation to the Board of Appeals for a variance of the number of signs based on the following findings of fact:

- Granting a variance will neither cause a substantial detriment to neighboring properties nor will it change the character of the neighborhood and district.
- The variance is supportive of the Comprehensive Plan goals and strategies including new development and major renovation especially along the US Route 301 corridor.
- The Land Use Ordinance is established to address minimum regulations for the design and display of signs.

- The practical difficulty was not caused by the applicants' own actions, but the unusual shape of the property with three different zoning districts and multiple transects of roads running through and bounding the property.
- The sign proposed to be constructed within the RCD portion of the parcel is approved to be constructed within 50-feet of MD Route 291 in said location. The sign location is not subject to development it is merely advertising the portion that is.
- Subject to the permitting of the signs, they will be located in the general area as proposed on the submitted site plan labeled "SS-1 Sale Signage Location Site Plan".
- The signs, proposed as temporary, will only be for the use of the current owners until the sale or transfer of lease with a two-year time limit.

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

The Planning Commission also made a favorable recommendation to the Board of Appeals for the dimensions of all six signs, including the one located within the Resource Conservation District, to be 32 square feet in size. The decision was based on the following findings of fact:

- Granting a variance will neither cause a substantial detriment to neighboring properties nor will it change the character of the neighborhood and district.
- The variance is supportive of the Comprehensive Plan goals and strategies including new development and major renovation especially along the US Route 301 corridor.
- The practical difficulty was not caused by the applicants' own actions, but the unusual shape of the property with three different zoning districts and multiple transects of roads running through and bounding the property.

Mr. Crowding seconded the motion, and the motion passed unanimously.

19-62 Town of Millington Annexation – The Town of Millington has forwarded for County review the 2019 Millington Annexation Proposal. The proposed annexation is for a 125.67-acre property owned by L. Freeman Evans that is located on Millington Road (Tax Map 32, Parcel 2). It is zoned Village (approximately 36.5 acres), Rural character (approximately 85 acres) and Agricultural Zoning District (4.14 acres). The parcel is improved with a dwelling that is accessed via an "easement for a temporary cul-de-sac turnaround" located at the end of the Kent Mill Drive. Kent Mill drive is a county road.

The annexation parcel is included in the Municipal Growth Element of the Millington Comprehensive Plan and is considered a priority for annexation. The annexation parcel is also included in the County's Comprehensive Water and Sewerage Plan as a Planned Service Area. The portion that is zoned Village, which abuts the town boundary, is a designated Priority Funding Area. The Town is not requesting a waiver of the 5-year rule. The County Zoning will remain as an interim zoning, and after five years, the parcel will be zoned for a mix of residential, commercial and industrial uses.

Present and duly sworn in were; L. Freeman Evans, owner of land; and Ms. Gerber, GIS-Specialist.

Ms. Gerber also cited relevant strategies from the Kent County Comprehensive Plan and advised that in 2006 the Maryland General Assembly passed specific guidance for annexation. Most of the guidance dealing with annexation applies to town requirements for annexation. However, a "5-year rule" is applicable to the County comments on annexation. A standard applies to annexation projects that prohibits any annexation that proposes different uses or substantially higher densities than that permitted by the existing county zoning for five years unless the County grants a waiver. The Town is not

requesting a waiver of the 5-year rule, and the proposal is consistent with Kent County's goals to work with the towns to focus growth in existing population centers.

Mr. Freeman stated he is the owner of the land that is proposed to be annexed to the Town of Millington.

After some discussion and consideration of the testimony and all applicable laws, Mr. Hickman made a motion to send a favorable recommendation to the County Commissioners based on the following findings of fact:

- The proposed annexation is consistent with the Kent County Comprehensive Plan strategies relative to Growth in Towns and Designated Growth Areas in cooperation with Towns.
- The Town is not requesting a waiver of the 5-year rule.
- The proposal is consistent with the goals and strategies in the Comprehensive Plan and is consistent with the Kent County Comprehensive Water and Sewerage Plan.
- Planning Commission suggests the County Commissioners consider the use of county roads in any development project to ensure the developers responsibility to maintain the roads be included in agreements.

Mr. Crowding seconded the motion, and the motion passed unanimously.

Staff Reports

Stephanie Jones:

- The following were reviewed by the Board of Appeals in November:
 - The Board of Appeals granted approval of the buffer variance for Robert Strong to construct a 44 square-foot bathroom and storage closet addition on the rear of an existing cottage and an 18 square-foot overhang.
 - The Board of Appeals granted approval of the buffer variance for Jonathan and Beverly Jones to demolish and reconfigure an existing 320 square-foot waterfront deck. The proposed 313 square-foot deck will consist of an approximate 8-foot by 27-foot covered deck and 8-foot by 13.5-foot sunroom.
- Rob, Carla, and Ms. Jones attended a Critical Area Planner Training on November 20th.
- An administrative special exception and variance was granted for installation of a solar array in the front yard of a waterfront parcel and the request for a variance from the front yard setback requirements.
- The Technical Advisory Committee recently reviewed a request for a setback variance for a manure storage building, a proposed addition to an existing manufacturing business, and multiple lot line adjustments.

Carla Gerber:

- Ms. Gerber and Mr. Tracey have been working with the Ag Preservation Advisory Board to revise the easement prioritization formula. We are hoping to have the new formula done by January or February so it can be used for the next easement cycle. The purpose is to address ways to improve the scoring of properties that continue to apply but keep getting out scored by first time, new applicants. Also, the Board is looking at ways to give additional points to encourage new areas of preserved lands to form.

General Discussion:

There being no further business for the good of the organization, the meeting was adjourned at 2:42 p.m.

Elizabeth H. Morris
Elizabeth Morris, Chairman

Tonya L. Thomas
Tonya L. Thomas, Clerk