

## MINUTES

The Kent County Planning Commission met in regular session on Thursday, March 5, 2020, 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; James Saunders; Joe Hickman; Kim Kohl; and Commissioner, P. Thomas Mason. Staff in attendance were Carla Gerber, GIS Specialist; Robert Tracey, Community Planner; G. Mitchell Mowell, Planning Commission Attorney; and Sandy Adams, Clerk.

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

### MINUTES

Approval of the minutes from the February 6, 2020, meeting was postponed pending changes requested by the members.

### PUBLIC HEARING

Ms. Morris closed the Planning Commission meeting and opened the public hearing at 1:34 p.m.

#### **20-08 Fifth Investments, LLC - Zoning Text Amendment - Existing Multi-Family Dwellings in AZD**

Mr. Tracey described the proposal. He said Fifth Investment, LLC is requesting a zoning text amendment to amend the Land Use Ordinance of Kent County, Maryland, by adding subsection 10.5 to Article V, Section 1.2 to allow existing multi-family dwellings to become conforming uses in the Agricultural Zoning District (AZD) provided they existed prior to August 1, 1989 and are intended for sale or lease as affordable housing.

Ms. Morris asked for public comments and there were none.

Ms. Morris asked for additional staff comments. Mr. Tracey said no correspondence has been received.

Ms. Morris asked the Commission if they have any questions.

Mr. Hickman asked if the intention of the Agricultural Advisory Committee was to have the Zoning Text Amendment approved prior to the comprehensive rezoning process. Mr. Tracey said the Commission's recommendation was favorable with the recommendation to the County that they consider rezoning the property to a more residential zoning district during the comprehensive rezoning process.

With no further testimony being offered, Ms. Morris closed the public hearing at 1:38 p.m. and reopened the Planning Commission meeting.

### APPLICATIONS FOR REVIEW:

#### **20-08 Fifth Investments, LLC - Zoning Text Amendment - Existing Multi-Family Dwellings in AZD**

Prior to considering the applicant's proposal, Planning Commission Member Joe Hickman said that upon his arrival to the meeting today, he discovered that Mr. Christopher Drummond is representing the applicant. He disclosed that he has used Mr. Drummond's legal services with clients in the past, but he does not believe that it will affect his ability to be objective and impartial.

Ms. Morris asked Mr. Drummond to state his name and address for the record. Mr. Drummond said he is the attorney representing the applicant, Fifth Investments, LLC, and he is located at 119 Lawyers Row, Centreville, Maryland.

Mr. Tracey described the proposal: Fifth Investment, LLC is requesting a zoning text amendment to amend the Land Use Ordinance of Kent County, Maryland, by adding subsection 10.5 to Article V, Section 1.2 to allow existing multi-family dwellings to become conforming uses in the Agricultural Zoning District (AZD) provided they existed prior to August 1, 1989 and are intended for sale or lease as affordable housing. The Technical Advisory Commission (TAC) met on February 20<sup>th</sup> to discuss the proposed amendment. Staff comments included the following recommendations:

1. Connection to public water and sewer be added.
2. That subsection (e) be clearly reviewed with the Land Use Ordinance to be sure that all requirements to be determined by the Planning Commission have been addressed.
3. That two-family dwellings be added.
4. Removal of the provision that allows for 150% expansion.

Mr. Tracey pointed the Commission to the revised text amendment language that is noted in staff's report and read aloud the applicable law and staff comments. Mr. Tracey said the amendment would have no impact on agricultural land that is currently in production; it would only apply to multi-family dwellings existing prior to August 1, 1989 (zoning code adoption). He said this proposed legislation is intended to allow the owner, Fifth Investment, LLC, of the Tolchester Heights condominiums, formerly Delta Heights, to submit a proposed plat in order to subdivide its property into individual townhouse-style lots with a single residential unit on each lot. He said Fifth Investment, LLC has represented that this is necessary for the individual units to be eligible to qualify for the FHA mortgage program. For the currently existing condominium units to sell as townhouse units, Fifth Investment, LLC has stated that the units must include the land under each unit as well as the building (residential unit) itself. The common parking lot could be included as a shared parcel. Mr. Tracey said staff recommends approval.

Mr. Drummond gave the following testimony: We are requesting a zoning text amendment in order to transpose from condominium units to townhomes. This will allow lots to be created and a homeowner's association, instead of a condominium association which currently exists. In doing this, the affordable housing language will remain. Mr. Drummond said prior to last year and before the site was renovated, all the units were rented. He said one unit has since been purchased and is occupied, but the rest remain empty because the investor does not wish to be a landlord. Mr. Drummond presented a condominium plat of the site. The plat was marked as Applicant's Exhibit #1.

A discussion ensued pertaining to common area maintenance and repairs and monthly association fees.

Ms. Morris asked for public comments and/or questions and there were none.

Ms. Morris asked for a motion.

Mr. Hickman made a motion to send a favorable recommendation to the County Commissioners based on the following findings:

- There is a public need for affordable housing.
- Two family dwellings be added.
- The dwellings will have connection to public water and sewer.

- There is an income restriction in the text amendment.
- There is a minimum size of 5 acres.
- There are minimum setback requirements.

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

## STAFF REPORTS

Sandy Adams

- Stephanie Jones gave birth to a beautiful baby girl, Macey Lee Jones, on Friday, February 28<sup>th</sup>.

Rob Tracey:

- The Agricultural Preservation Advisory Board will meet on March 10<sup>th</sup>.
- The MALPF deadline for applications is May 1<sup>st</sup>. Mr. Tracey has been helping landowners with their applications.
- There have been various Administrative Special Exception hearings and building permits.

Mitch Mowell:

- Mr. Mowell announced that this meeting is the last Planning Commission meeting he will attend. He thanked the members for their cooperation through the years. Mr. Mowell said he has been asked to stay on through the end of the month to assist with matters pertaining to the Public Service Commission hearing that is scheduled in April.

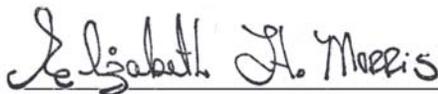
## ELECTION OF OFFICERS

Mr. Mowell opened the annual election asking for a nomination for Chairman. Ms. Kohl nominated Ms. Morris for Chairman, and Mr. Hickman seconded the nomination. Mr. Hickman made a motion to close the nominations, and Mr. Saunders seconded the motion. The nomination for Ms. Morris to continue to serve the Commission as Chairman passed with all in favor. Ms. Morris opened the nominations for Vice Chairman. Mr. Hickman nominated Mr. Sutton for Vice Chairman, and Mr. Saunders seconded the nomination. Mr. Hickman made a motion to close the nomination; all were in favor. The nomination for Mr. Sutton to continue to serve the Commission as Vice Chairman passed with all in favor.

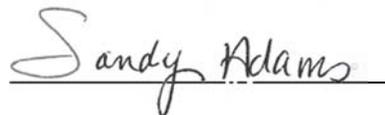
## GENERAL DISCUSSION

Planning Director William Mackey provided the Planning Commission with a Comprehensive Rezoning Update. He said a date has been chosen for the first forum. He said the Comprehensive Rezoning will be a 24-month process with the focus being on text the first year and rezoning individual properties during the second year. He said the County has put out an RFP to choose a consultant. He said there will be public forums and public hearings along the way, and the goal of the first forum will pertain to the process itself.

There being no further business for the good of the organization, the meeting was adjourned at 2:37 p.m.



Elizabeth Morris, Chairman



Sandy Adams, Clerk