



Comprehensive Rezoning & Update 2020-2021 Task Force

MEETING SUMMARY

Hybrid In-Person / Remote Meeting
Wednesday, March 31, 2021, at 6 PM

I. Welcome and Roll Call – Planning Commission Madam Chair Kim Kohl

The Planning Commission Chair opened the meeting at 6 pm, conducting member roll call.

The following Task Force members were in attendance: Chair Kim Kohl, Vice Chair Joe Hickman, Bill Sutton, Paul Ruge, County Commissioner Tom Mason, Al Nickerson, Bill Norris, Bryan Greenwood, Buck Nickerson, Chikki Shajwani, Cindy Genther, Pat Langenfelder, and Sam Shoge.

The following staff also attended: Planning Commission Attorney Cynthia McCann, Esquire, Director William Mackey, Deputy Director Carla Gerber, and Acting Clerk Sandy Adams. The County's consultant Mr. Sean Suder of ZoneCo was also present.

Members of the public who attended in-person and remotely included Ms. Janet Christensen-Lewis, Ms. Elizabeth Watson, Mr. John Lysinger, Mr. Doug West, Mr. David Hill, and Mr. Frank Lewis. The meeting was also livestreamed via YouTube, and anyone could listen to the meeting, via the County's website.

II. Moment of Silence

A moment of silence and dedication of the meeting was observed in memory of Planning Commissioner Doug Megargee who had passed away unexpectedly.

III. Approval of the Summary for the Task Force Meeting on February 10, 2021

Ms. Lagenfelder moved to approve the proposed Summary of the Task Force Meeting on February 10, 2021. Paul Ruge seconded the motion. The motion passed.

IV. Purpose and Ground Rules – The Chair reviewed the ground rules for the meeting.

V. **OLD BUSINESS** – There was no Old Business to review, since the prior meeting had been cancelled due to technical difficulties with the Hearing Room’s sound system.

VI. **DEFERRED BUSINESS** – It was reported to the Task Force that the items included on the March 10th Meeting were to be scheduled at a later date.

VII. **NEW BUSINESS**

A. Presentation of a proposed chapter for a commercial district (C - Commerce)

Mr. Mackey and Carla Gerber provided information on the selected zoning districts that are to be combined Residential and Commercial.

Members of the Task Force discussed the proposed format changes and had the opportunity to comment and ask staff questions.

Mr. Shoge requested to visualize this with some of the proposed changes and the number of structures per acre, to show what they may look like

Mr. Sean Suder provided an overview, stating the structure of the code is overly complicated. The proposed structure would make it much simpler and user friendly, which would show what the two districts would look like, including all regulatory information, in a clear and concise manner, using a combination of words, tables, graphs, etc. Mr. Suder displayed, on screen, the current commercial district (13 pages), noting it to be cumbersome compared to the other options and stated he is partnering with NV5 to help with graphics.

Mr. Shoge agreed it looks much simpler and will be well received by the community in terms of how a project works, but is also concerned with feedback from regular users, and asked what common concerns/comments from the Board of Appeals could be addressed in the new format.

Mr. Mackey conveyed he would need to do some review to identify any Board of Appeals issues, and he agreed that a more compact format would be helpful.

Vice Chair Hickman conveyed the format is good, but he is concerned about how practical it would be to combine two zoning districts, as it relates to various Code standards, and questioned how minimums and maximums would be accounted for.

Discussion of the 20,000 and 60,000 square-foot maximums in the districts ensued.

Mr. Mackey conveyed that the focus of tonight’s meeting is to discuss presentation style and graphics. The substance details will be covered in other meetings.

Mr. Nickerson stated that he likes the graphics and presentation but cautioned of consistency with no errors or loopholes.

Mr. Shajwani agreed that the format looks great and liked the ease for users, but stressed clarification as to which areas fit best.

Mr. Ruge also agreed and stated diagrams should be drawn to a scale to enable ease in interpreting the size of the property and the effects of the setbacks.

Ms. Genther agreed that tonight's comments and focus should be limited to layout and not content, as content will be discussed at a later time. She further agreed the format of the presented materials is excellent.

Mr. Shoge raised concerns about how the final design aligns with the branding in the county, in terms of color scheme and logo.

Ms. Gerber confirmed sending the guidelines to Sean Suder for color/branding.

Mr. Mason liked the design and simplicity but questioned what Agriculture in the districts really mean.

Mr. Suder stated Agriculture will be addressed during the content review in future discussion. Each use in the use table will be defined in a glossary with a link that allows the user to click on the word and the definition will be clearly shown.

The meeting recessed for a 15-minute break at 6:58 pm. The meeting resumed at 7:13 pm.

B. Presentation of a proposed chapter for residential (RN – Residential Neighborhood)

Vice Chair Hickman conveyed we are starting at the wrong end first, as combining districts cannot be done without discussing the standards.

Ms. Langenfelder agreed with Vice Chair Hickman and suggested developing a graph for each district instead of combining the two.

Mr. Suder stated that the project is not at that point yet, and format examples can be done via a calibration table.

Ms. Genther conveyed as a real estate broker, she has received feedback that the land use ordinance is overly complex with too many zoning districts and perhaps combining them would benefit our citizens and our land users. Ms. Genther further conveyed she thinks an opportunity to combine them would be less restrictive.

Mr. Norris asserted everyone seemed to agree on combining districts in previous meetings, and the presentation is just an example of categorizing things and how it will look, has nothing to do with content that will be in the new zoning ordinance, or suggestions from anyone. The format is excellent regardless of whether there are two

zoning designations or 20. Mr. Norris further asserted jumping the gun by talking about content at this time, rather than format.

Mr. Suder responded that the purpose of tonight's meeting is to determine the format, ensuring it is all inclusive, no omissions, contains enough information, readable, graphics are good and color scheme is per Kent County adaptation. As previously stated, content will be discussed and considered at a later date.

Mr. Mackey explained it would be helpful to have one sample of what one of the critical area districts will look like, as people who have been in the County are familiar and understand, whereas, new folks are not, and the sample would serve as an educational piece.

Mr. Shajwani responded with the suggestion of when the sample is presented, that it shows only one area and apply the restrictions that pertain to it to further simplify, so as not to go back and forth.

Ms. McCann stated she likes the graphics and suggested how useful it will be for the public to see a depiction of the neighborhood. The tables are great compared to the narratives contained within the ordinance. Ms. McCann further suggested the tables could be done by key to show boxes for permitted uses and special exceptions.

VIII. Public Comments

Ms. Janet Christianson-Lewis, Kent County resident, spoke, stating it is important for all districts to be broken out, which she believes would be far less controversial. She believes graphics are important, but the graphics are not illustrative of Kent County or what citizens would like to see. Graphics need more work. The tables are okay, but believes they are contradictory and unclear for homeowners, in terms of general uses. The current land use should be combined into the tables to give a clearer understanding. However, the uses should not be so simplistic, but rather more detailed to support a clear understanding.

Ms. Elizabeth Watson, Kent County resident, spoke, conveying the concept looks fine, but would like to see the two districts combined in a format reflective of which uses apply to each and how they work, in terms of the definitions and standards, without having to go back and forth between the two. Landscaping is not included in the format. People will not be able to understand what their landscaping standards are. Graphics are beautiful, but do not represent Kent County. They are too architectural, rather than conceptual. Examples need to conform with what is being asked for. Setbacks are not labeled correctly. Graphics need to be done to scale.

Mr. John Lysinger, Chesterville resident, spoke and stated he believes the simplistic format has gone too far, lack of details is concerning, many uses are not clear. Also, he is disappointed in the lack of citizen turnout in that concerns and comments raised today are not reflective of the County's majority. Mr. Lysinger further stated he has additional concerns, which he will submit to the Board in writing.

Mr. Doug West, via telephone, Quaker Neck resident, applauded the user-friendly format efforts, but would like to see the zoning districts as they are now, and if later it is decided to combine them, do so.

Mr. Frank Lewis, Kent county resident, conveyed his concerns that combining the districts without public feedback, will imply the decision has been made and is not up for debate. The current districts have been arrived at by the County over an extended period of time, which represents an enormous amount of public input, with modifications over time. He suggests presenting a significant number of information/modifications, keeping all of the same districts in a simplified format and present it to the public. If districts are similar, they can be combined with modification, and it would be easier to do and gain approval, rather than trying to reverse it after the fact. Mr. Lewis further stated public input is very important.

IX. Task Force Comments

Mr. Ruge agreed with the audience comments, stating that there may be a need to work through what exists and what is proposed for each zoning district for clarity, adding that everyone's comments need to be addressed.

Vice Chair Hickman stated structural changes and land use are recommended by the task force, the public and recommendations by the consultant, and believes a majority of citizens may be content with what we have. Vice Chair Hickman further stated the current Land Use Ordinance is highly thought of and has been well received in Maryland by various sectors. It is 18 years old and needs to be tweaked and reorganized, but the length of it should not be the focused concern. Each change should be considered, as they affect neighbors, businesses, industries, and all of whom need to be heard.

Chair Kim Kohl conveyed that the inability to hold in-person, full public meetings, due to pandemic restrictions, will further complicate the ability to consider feedback from the majority of the public. The Chair supported ensuring the maximum public participation and feedback, especially as more folks become vaccinated and are more comfortable engaging in a public discussion.

Mr. Mackey hopes to pursue broadening public participation over time, and he is hopeful that universal vaccinations by April 27 will allow it in June. He is working on securing a location. Mr. Mackey conveyed a suggestion of a permanent schedule for Task Force meetings, possibly on the second and fourth Wednesdays at 6 pm.

In response to concerns conveyed about public participation, Mr. Suder conveyed that relative to engagement with a Comprehensive Plan, zoning is more technical, and interest and feedback will likely be limited. However, when there are zoning map changes proposed, that is the time when most people would show interest.

X. Requests for Research

Chair Kohl opened the discussion inviting Task Force Members to make requests.

Mr. Mackey responded that the information he and Ms. Gerber presented earlier today, was in anticipation of some of the requests and hopes it was satisfactory.

Vice Chair Hickman agreed the information presented was good, but would like to have it earlier, as there is too much information to absorb in one meeting.

Mr. Shajwani provided clarification that simplifying the zones is the way to go. Task Force members are on the same page, and all members will jointly move forward in consideration of, and with the public's feedback.

Chair Kohl asked for any specific requests of Mr. Mackey and the Planning, Housing and Zoning team in terms of analysis, and suggested the content of the meeting is shared prior to the meeting, as it will allow everyone to prepare, in advance, for the upcoming discussion.

XI. Readings for Next Meeting

Chair Kohl invited Mr. Mackey and Ms. Gerber to speak, requesting what the Task Force should be reading in preparation for the next meeting.

Mr. Mackey stated the plan is to use the content from the planned March 10 meeting. The Department will provide a list of references in the Code, explaining Task members could use this as a guide to understand any concerns or issues.

XII. Adjournment

Discussion ensued over the timing of discussions related to the Agriculture Zoning District (AZD) and the topic of agriculture in general. The Task Force requested that staff provide for the timing of the schedule to be sensitive to the needs of farmers.

Chair Kohl confirmed the general agreement that future meetings be held twice per month on the second and fourth Wednesdays with a schedule of topics in advance.

Mr. Mackey confirmed the next meeting would be Wednesday, April 14 at 6 pm.

There being no further business, Chair Kohl made a motion to adjourn the motion was seconded by Vice Chair Hickman. The meeting adjourned at 8:20 pm.