



# Comprehensive Rezoning & Update 2020-2021 Task Force

## MEETING SUMMARY

Hybrid In-Person/Remote Meeting  
Wednesday, June 9, 2021, at 6:00 p.m.

### **I. Welcome and Roll Call – Chair Kim Kohl**

Chair Kim Kohl opened the meeting at 6:00 pm, conducting member roll call.

The following Task Force members were in attendance: Chair Kim Kohl, Vice Chair Joe Hickman, Bill Sutton, Jim Saunders, Paul Ruge, Tom Mason, Tyler Brown, Albert Nickerson, Bill Norris, Bryan Greenwood, Buck Nickerson, Chikki Shajwani, Cindy Genter, and Pat Lagenfelder.

The following staff attended: Planning Commission Attorney Cynthia McCann, Esq; DPHZ Director William Mackey, AICP; Deputy Director Ms. Gerber Gerber, AICP; and Acting Clerk, Sandy Adams.

Members of the public who attended in-person or remotely included: Judy Gifford, Kyle Kirby, Frank Lewis, Janet Christensen-Lewis, John Lysinger, Russell Richardson, and Jamie L. Williams, Director of Economic and Tourism Development. The meeting was also livestreamed, and anyone could listen to the meeting via the County's website.

### **II. Approval of Summary for the Task Force Meeting on May 26, 2021**

Approval of Meeting Minutes Summary from May 26 was proposed for acceptance by Pat Langenfelder, and Jim Saunders seconded. All were in favor.

### **III. Purpose and Ground Rules**

- A. Everyone is encouraged to share ideas openly and freely.
- B. There are no right or wrong inputs for discussion purposes.

### **IV. Old Business**

- A. Review of Task Force Members' requests for text changes to Zoning Code.
- B. Review of Staff recommended items for consideration by the Task Force.

No items were brought forward from the previous meeting.

Adopted on [version for review]

## V. New Business

- A. Review of Public Request #4: *Revised* request to create new floating zones to allow for mixed-use development, planned neighborhoods, with specific criteria, as well as combining the Commercial and Employment Center districts and to allow residential uses in the newly combined district.

Mr. Mackey summarized the staff report and stated there was a variety of attachments and materials for reference.

A member inquired about Zone Co's dissatisfaction with PUD floating zone, noted on page 3 of the staff report.

Mr. Mackey conveyed that as a general implementation tool they are not considered to be satisfactory as they once were, and no longer a best practice.

Another member questioned whether it would preclude the County from zoning the area for mixed use.

Mr. Mackey conveyed that staff recommends a mapped zone rather than a floating zone in the area that is desired.

The member asked if a mapped mixed use would be as flexible as a PUD.

Mr. Mackey responded that the map versus the floating zone is one issue related to flexibility, and the PUD approach versus standard Euclidean regulations is another type of flexibility.

Ms. Gerber noted the current land ordinance has several provisions in several districts that allow the Planning Commission to determine setbacks and project time review, which may be good to apply to mixed use development. This approach is similar to the PUD approach and already used in the Code.

The first member expressed concern with reviewing floating zones without considering the entire Route 301 corridor and is pleased this is not the case, stating that zoning protects everyone. The industrial zone at the truck stop in Massey sounds positive because of the number of trucks that are there and the number of uses. The member questioned how the applicant's zoning use changes would affect others, and the problem that would occur if someone with knowledge of and who follows the zoning ordinance process would have an advantage over someone who is unaware of the ordinance.

Mr. Mackey conveyed that he reached out to the Town Manager who expressed positive regard for the staff's recommendation to use a mapped zone versus a floating zone. The Manager will speak with the Planning Commission regarding industrial Massey.

*NOTE: Follow-up correspondence from Millington's Town Manager received after the June 9 meeting stated the Millington Planning Commission does not support the zoning text amendment language.*

- B. Review of Public Request #5: Request to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive through restaurants in the industrial district.

A member asked if a staff recommendation is approved, would it only apply to the Route 301 corridor?

Mr. Mackey confirmed the recommendation is to require that the uses have special exceptions, which would warrant conditions, such as location and a review to ensure zoned industrial is limited to the Route 301 corridor, including seeking approval from the Planning Commission and Board of Appeals.

Another member supported both staff recommendations (this item and the prior) and complimented staff on the presentations.

Chair acknowledged that a general consensus exists among the Task Force, and recommended adoption of the staff's recommendations and continuing moving forward.

A third member expressed concern with having multiple industrial zoning uses in the County.

Mr. Mackey explained that certain uses will be allowed in industrial districts, but with conditions that they could only exist among major transportation corridors, such as Route 301, in this particular case.

The member expressed further concern that the process will complicate the zoning ordinance and this will contradict the stream-lined approach that Task Force members are seeking, causing longer waits to get things done and approved.

Chair conveyed that the goal is to streamline while using innovative solutions and believes this is in-line with innovative solutions.

The member questioned the scope of services offered at the proposed automobile service station.

Mr. Mackey stated language addressing this can be added to the ordinance.

Ms. Gerber confirmed the request was inclusive of emergency repairs only.

The member inquired if restaurant drive throughs would be included in the mixed- use area.

Mr. Mackey noted that the staff's recommendations would not include any new uses be added.

The member asked why restaurant drive throughs wouldn't be considered in the US 301 corridor, as drive through restaurants accessible from Route 301 would attract more customers and provide more revenue for Kent County.

Mr. Mackey conveyed that drive throughs could be added, but staff is trying to compromise with the goal of achieving a favorable consensus of support from the Task Force.

Another member asked about local opposition to drive through restaurants if allowed in the County.

Mr. Mackey reported he is unaware of any specific opposition, but there is a long history over time of not including them. A discussion ensued on including/not including drive through restaurants and reasons both for and against.

**The meeting closed for a 15-minute break at 6:50 pm.**

C. Review of Task Force Request #3: Review landscaping to reduce the required number of trees.

Ms. Gerber presented the staff report, noting Kent County could follow QA County or Talbot County and staff recommends that landscaping standards be consistent across all zoning districts.

A member inquired whether commercial uses and residential villages should follow the same landscaping standards, as some uses are more intrusive to neighbors than others, re lighting, etc.

Ms. Gerber reported that screening standards could be in place without a specified percentage of landscaping required on the property, such as parking lot plantings, foundation, front yard, and the Planning Commission or Planning Director could decide on the flexibility, depending on the situation.

The member expressed further concern with standardizing everything, as various uses will have different impacts, depending on the area.

Ms. Gerber noted screening requirements will ultimately determine the extent of landscaping required, based on the condition of use, or the condition of the surrounding properties.

Another member inquired as to whether this is just an isolated case or a trend.

Ms. Gerber stated the standards helps everyone understand there's more involved than the density of the plantings, but also the aesthetics of the property and screening of neighbors. Ms. Gerber further stated it is recognized that all districts are not the same, but percentage of landscaping being different in the various zoning districts should be discussed, so that it's easier for the public, developers, and the reviewers to follow the standards.

A third member conveyed positive support of the idea of standardization and referenced using Queen Anne's County's buffer yards as a standard when developing the commercial zone that adjoins a residential zone. This member also stated that a certain amount of planting units are required in the buffer yard, which counts towards the overall zoned planting requirements, is a good model to follow. The member further noted that the planting of trees and bushes often doesn't offer much screening at all, and support of standardizing with more clarity as to what's being screened.

A fourth member expressed support of the buffer yards standard, as landscaping plans and plantings can be very expensive from the business perspective.

The first member noted many tree nurseries do great work in the County, and this member expressed continued support of these businesses by requiring aggressive landscaping plantings.

Another member conveyed concern that some trees may encroach on neighboring properties over the years and a properly buffered plan with setbacks would be good to address with this issue.

Ms. Gerber responded consideration will be made, including standards and setbacks in Mr. Mackey's report addressing street trees.

Chair confirmed the consensus is to consider using buffer yards and standardizing the landscaping requirements with consistency.

- D. Review of Task Force Request #7: Review setbacks along roadways, so the County, State or utilities do not have to maintain vegetation planted along the rights-of-way.

Mr. Mackey presented the staff report and conveyed support of street trees, as they add aesthetic value, provide for cooling, and increase property values. Standards are in place relative to height and spacing. In 1991, the County Landscape Policy had standards in place that required trees to be located away from the right-of-way, but these setbacks were not included in the Land Use Ordinance in 2002.

Staff recommends that the Task Force consider adding back the language from the 1991 Landscape Policy to the text of the Land Use Ordinance, which would require trees to be planted ten feet from a county road right-of-way or 15 feet if it's a coniferous tree.

Chair asked if the omission was intended to serve a purpose, or were the standards just not included.

Mr. Mackey and Ms. Gerber could not confirm the reason.

A member expressed support of tree planting in new subdivisions, but should also address landowners who plant trees too close to the public rights-of-way causing power line problems and maintenance.

A member stated that a landowner should be able to plant a screen on his/her property, but not in a way that interferes with power lines, neighbors, and roadways.

Another member emphasized enforcement as an issue that needs to be addressed.

A discussion ensued between regarding tree plantings that could become intrusive.

## **VI. Public Comments**

### **In-person:**

Janet Christenson-Lewis: Farm owner: Is concerned with the discussion to consider diminishing tree plantings in the County, when Kent County has the fewest trees in Maryland. The State just passed a law to increase the number of trees in Maryland, (5 million by 2030), and in their efforts to increase the Forest Conservation Act, they have the Hughes Agriculture Center in place to survey the corridors of the green infrastructure in the State.

Landscaping should be the same with the highest standard followed. Businesses follow a landscaping site plan, which includes consideration of the aesthetics of the tree plantings, not just the quantity. The Food Lion's 10- year-old attractive landscaping on Route 301 was given as a model example.

Mixed use zoning should proceed with caution as to how the zones are divided up. The scenic byway on Route 301 should not be overcome with very large and very tall fast food restaurant signage.

Frank Lewis: Farm owner on Route 291, near the Route 301 and 291 interchange: Is concerned about no consideration for preservation of the natural environment along Route 301. Allowing drive through restaurants, truck stops, etc. diminishes property value, looks garish, and the environmental impacts they would have on property owners who live adjacent to the area should be considered important.

Jamie Williams: Director of Economic Development & Tourism: Valid points have been presented on both sides of the issues. Citizens in the community don't come out and be a part of these important discussions. Many folks who would support drive through restaurants in the County are not heard. Do citizens know there is no Chik-Fil-A in Kent County, because it requires a drive through? Preservation and conservation are well represented in the County. We need to fight for some sustainable development in the County, and the Route 301 corridor is the perfect area to develop.

**Phone-ins:**

Kyle Kirby: Attorney who represents property owners close to 301 corridor: It's already zoned for mixed use and the Comp Plan designates Route 301 to be the primary growth area; agree with Ms. Williams. Mixed use base zoning in this area is a great idea. The staff and Town of Millington planner have analyzed it, and it addresses the currently out-of-date zoning code. It will be good for Kent County's economy.

Judy Gifford: resident of Kennedyville: Great landscaping is good business. Washington College was recognized as one of the most beautifully landscaped areas in the State, which also speaks volumes of Kent County. Landscaping should be uniform without reducing standards to unify them. Requested a copy of the Task Force questionnaire be posted on-line for the community to view and better understand the issues, in addition to the criteria for evaluating the responses.

Mr. Mackey confirmed he will post both the questionnaire and the responses on-line with the hopes that the Task Force will have completed and submitted their questionnaires by the end of next week.

John Lysinger: Resident of Chesterville, on floating zones and PUD's: Mr. Lysinger has talked to planners in other counties in both Maryland and Delaware. The current code is antiquated and lacks specificity which can be problematic. It should be specific regarding what it will look like on Route 301. Be careful with the mapping of roads off of Routes 291 and 444 (Chesterville Road, East of 301), so that they don't become high volume traffic roads.

**VII. Task Force Comments**

Chair requested that the Task Force hold any additional comments given the time.

**VIII. Requests for Research by Task Force Members**

Chair requested that any requests for research be sent to Mr. Mackey or Ms. Gerber.

**IX. Readings for Next Meeting**

Mr. Mackey reminded the Task Force that Jamie Williams will present the Economic Development Plan at the next meeting, and noted the link in the agenda, which would provide an advanced review of her plan.

Chair requested that all questionnaires be completed and returned to Mr. Mackey no later than Friday of next week.

**X. Adjournment**

With no further business to discuss, Chair called to adjourn the meeting and all were in favor. The meeting adjourned at 7:59 pm.