

**QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES**  
**January 12, 2017**

The Queen Anne's County Planning Commission met on Thursday, January 12, 2017, at 8:45 A.M. The following members were present: John Perkins, Jeffrey Reiss, Tom Leigh, Sharon Dobson, Robert Priest, David Douglas, and Tom Jackson.

Also present were Michael Wisnosky, Director Department of Planning and Zoning; Holly Tompkins, Development Review Principal Planner; Helen Spinelli, Principal Planner; Rob Gunter, Planner II, Stan Kosick, Senior Planner; Samuel Stanton, GIS Coordinator; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

**1. Welcome** – Chairman Perkins introduced and welcomed new Planning Commission member Mr. Tom Jackson.

**2. Election of Officers** – Upon motion made by Commissioner Leigh, seconded by Commissioner Priest, and passed by unanimous voice vote the officers were elected as follows:

Chairman – Commissioner Perkins  
Vice Chairman – Commissioner Reiss  
Secretary – Commissioner Dobson  
Clerk – Mr. John Shelton.

**3. Public Comment** – No comments received

**4. Meeting Minutes Review** – Upon motion made by Commissioner Leigh, seconded by Commissioner Priest, and passed by unanimous voice vote, the December 8, 2016 Planning Commission Minutes were approved as presented.

**5. Extension Requests** – None.

**6. UPDATES: Legislation and Legal Matters**

(A) Mr. Michael Wisnosky, Planning and Zoning Director, provided the following updates;

- (1) TA/CO 16-10 Special Events: on hold while making modifications / revisions,
- (2) TA/CO 16-12 LED Sign Ordinance: Public Hearing January 24, 2017,
- (3) TA/CO 16-14 Archeological Resource Investigations: to be scheduled for a Public Hearing,
- (4) TA/CO 16-15 Minor / Major Extraction Ordinance: to be scheduled for a Public Hearing,
- (5) TA/CO 16-17 Kennels as a Conditional Use: Public Hearing January 24, 2017, and
- (6) Medical Cannabis: Report to County Commissioners has been drafted.

(B) Mr. Christopher Drummond, Planning Commission Attorney, informed the Planning Commission that the Public Service Commission Law Judge in the Mills Branch Solar Project case in Kent County denied the request for a Certificate of Public Convenience and Need stating that the benefits were not outweighed by the costs and opposition.

**7. Public Hearing – TA/CO 17-01 Queen Anne’s County Zoning Maps – Mr.**

Christopher Drummond, Planning Commission Attorney, informed the Planning Commission that he was satisfied the notice requirements have been met to hold a Public Hearing to receive comments concerning the proposal to repeal the Queen Anne’s County Zoning Maps and adopting replacement Zoning Maps, which include the rezoning of various parcels or parts of parcels of land in Queen Anne’s County to correct drafting errors discovered during the transition from State-generated tax maps to the digitally generated parcel layer maps, specifically, the following parcels or parts of parcels;

- (A) Tax Map 57 Parcel 23; .20 acres from Neighborhood Conservation 8 (NC-8) to Chester Master Planned Development (CMPD),
- (B) Tax Map 56 Parcel 254; 1.01 acres from Suburban Industrial (SI) to Suburban Estate (SE)
- (C) Tax Map 6 Parcel 98; 5.11 acres from Neighborhood Conservation 1 allowing trailers (NC-1T) to NC-2T,
- (D) Tax Map 5 Parcel 144; 6.53 acres from Neighborhood Conservation IT (NC-1T) to Agriculture (AG)
- (E) Tax Map 70 Parcel 40; 0.97 acres from Neighborhood Conservation 15 (15,000 sq. ft.) to Countryside (CS)
- (F) Tax Map 43 Parcel 102; 1.31 acres from Neighborhood Conservation 2 Acres (NC-2) to Agriculture (AG), and
- (G) Tax Map 37 Parcel 35, Lot 1; 0.32 acres from Neighborhood Conservation 1 acre (NC-1) to Agriculture (AG).

Ms. Helen Spinelli, Principal Planner, provided the Planning Commission with the background for the transition from State-generated tax maps to digitally generated parcel layer maps.

Mr. Samuel Stanton, GIS Coordinator, said that they discovered 88 anomalies where properties had split zoning and upon review determined that all but 7 had a clear reason for the split zone, or changes would be too drastic. Mr. Stanton went on to describe the location and details of the 7 parcels proposed for re-zoning.

Chairman Perkins asked if there were members of the public who wished to comment, at which time no comments were received and the Public Hearing was closed.

Upon review and further consideration, the following motion was made by Commissioner Leigh, seconded by Commissioner Dobson, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission makes a favorable recommendation to the Queen Anne's County Commissioners for adoption of **TA/CO 17-01** an Omnibus Act concerning repeal and re-adoption of the Queen Anne's County Zoning Maps to include various re-zonings of parcels of land in Queen Anne's County as set forth in the Staff Report, and as attached hereto and labeled "Exhibit A"

**8. Public Hearing – Comprehensive update of the County's Critical Area Overlay Maps to be incorporated into the comprehensive Critical Area**

**Boundary line adjustments** – Mr. Christopher Drummond, Planning Commission Attorney, informed the Planning Commission that he was satisfied the notice requirements have been met to hold a Public Hearing to receive comments concerning the proposal for a Comprehensive update of the County's Critical Area Overlay Maps to be incorporated into the comprehensive Critical Area Boundary line adjustments and to establish the digitally generated, geo-referenced 1,000 foot critical area overlay designations that delineate Intensely Developed Areas (IDA), Limited Development Areas (LDA) and Resource Conservation Areas (RCA).

Ms. Helen Spinelli, Principal Planner, presented the background and described the process and purpose for the Comprehensive update to the Critical Overlay Maps.

Mr. Samuel Stanton, GIS Coordinator, said that there were over 400 points of change that were reviewed with the Critical Area Commission staff and site visits were conducted on many of the proposed Critical Area line changes to "ground truth" the changes.

Chairman Perkins asked if there were members of the public who wished to be heard, at which time no comments were received and the Public Hearing was closed.

Upon review and further consideration, the following motion was made by Commissioner Priest, seconded by Commissioner Leigh, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission requests the Queen Anne's County Board of Commissioners draft an ordinance in accordance with Chapter 14, the Chesapeake Bay Critical Area Act, to repeal the

Critical Area Maps associated with the Queen Anne's County Tax Maps and readopt the digitally generated geo-referenced Critical Area Overlay Maps.

**9. Public Hearing – Text Amendment 17-02 to add Section 14:1-20 Disposition of Pending Matters to Chapter 14:1 Chesapeake Bay Critical Area Act** – Mr. Christopher Drummond, Planning Commission Attorney, informed the Planning Commission that he was satisfied the notice requirements have been met to hold a Public Hearing to receive comments concerning the proposal to add new Section 14:1-20 Disposition of Pending Matters to Chapter 14:1, Chesapeake Bay Critical Area Act.

Ms. Helen Spinelli, Principal Planner said that as a matter of practice, when the County comprehensively updates its code, zoning regulations, or zoning maps, it allows for a period of transition between the old and new regulations or maps. She said that the text amendment will allow subdivisions, site plans and permits, that meet the conditions outlined in the new Section 14:1-20 of Chapter 14, Chesapeake Bay Critical Areas Act, to proceed to approval with the Critical Area Overlay Maps that were in effect when the approval or application was received.

Chairman Perkins asked if there were members of the public who wished to be heard, at which time no comments were received and the Public Hearing was closed.

Upon review and further consideration, the following motion was made by Commissioner Leigh, seconded by Commissioner Dobson, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission makes a favorable recommendation to the Queen Anne's County Board of County Commissioners for adoption of **TA/CO 17-02** to add Section 14:1-20 Disposition of Pending Matters to Chapter 14:1 Chesapeake Bay Critical Area Act, as attached hereto and labeled "Exhibit B"

The Planning Commission took a short break at 9:55 A.M. and reconvened at 10:06 A.M.

**10. Concept Plan – Bay Bridge Properties, LLC (#04-16-05-0010-C)** – Mr. Stan Kosick, Senior Planner, provided the highlights of the applicant's request for Concept Plan approval to build and maintain a four-story, 45-foot tall mixed use building with approximately 22,000 square feet of first floor commercial and approximately 67,000 square feet of second, third and fourth floor residential apartments on 3.108 acres of land on Pier One Road, in Stevensville.

Mr. Joseph Stevens, Esquire, said the property presented design challenges including the existing historic Eareckson House (Nathan Morris House) which is documented in the National Registry Eligibility Review. He said that some consideration was given to moving the Eareckson House early on, but the applicant is now committed to refurbishing it. Mr. Stevens said that the request is within the Code requirements and there are no parking reduction or other requests. He added that the Adequate Public Facilities study has been completed and has been deemed adequate except for a few small clean-up items. Lastly, he said the applicant is seeking Concept Plan approval so they can move forward with water and sewer, and then come back before the Planning Commission for Site Plan Review.

Mr. Tom Davis, DMS & Associates, said he has been working with Planning Department staff and other county departments for the last 5 months. He described the green roofing plan, stormwater, soils, bio-retention plan, and terraced patio area. Mr. Davis said they have received a letter of "no impact" regarding the building height from the Federal Aviation Administration. Lastly, he described the Easement sketch regarding aligning access with the Marina owners.

Mr. Scott Rogers, Architect, described the elevations, roof line, building materials, signage, gathering and gardening areas on the green roof, and the residential and commercial entrances.

Mr. Phil Leach said they did a cost-benefit analysis of the green roof vs. additional bio-retention areas that showed the green roof is worth the cost. He added that signage area will be provided to tenants, and a complete package will be presented at Site Plan review. He added that the current boats stored on the property are on a month to month lease and will be terminated. He said they anticipate 70% retail and 30% service which will generate approximately 25 part-time, 25 full-time, and 150 short term construction jobs.

Mr. Stevens reiterated that this is Concept Plan review, and a much more detailed and complete package will be provided during Site Plan review.

Chairman Perkins asked if there were members of the public who wished to be heard, at which time the following comments were received;

(A) Mr. John Wilson, Stevensville, said he owns the adjacent Beach Club property and opined that this is too much and the architecture is uninspiring. He admitted that he is conflicted because he believes in property rights, but believes there is a special obligation for this area and this proposal under-delivers.

(B) Mr. Richard China, property owner, said that he has owned the property for 10 years and tried and considered many ideas, but wants something other than the current boat storage on the site.

Upon review and further consideration, the following motion was made by Commissioner Leigh, seconded by Commissioner Dobson, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **Bay Bridge Properties, LLC**, for Concept Plan approval to build and maintain a four-story, 45-foot tall mixed use building with approximately 22,000 square feet of first floor commercial and approximately 67,000 square feet of second, third and fourth floor residential apartments on 3.108 acres of land on Pier One Road, in Stevensville, and as more particularly described in **Department of Planning & Zoning File #04-16-05-0010-C**, hereby finds the Concept Plan is in conformity with the Queen Anne's County Comprehensive Plan and the Chester Stevensville Community Plan, and hereby grants approval.

The Planning Commission took a short break at 11:28 A.M. and reconvened at 11:35 A.M.

**11. Major Site Plan – Mears Point Associates (#05-16-08-0008-C)** – Ms. Holly Tompkins, Principal Planner, provided the highlights of the applicant's request for Major Site Plan approval and Shore Buffer Reduction for the construction of 4 new apartment buildings with 211 units, new community amenities, reconfigure the existing Redeyes for a new restaurant, demolition of Annie's restaurant and addition and reconfiguration of parking areas on 42.317 acres of land on Kent Narrows Way, in Grasonville.

Mr. Joseph Stevens, Esquire, said the proposal has been 4 years in the making as changed to the County Code were needed. He said a detailed Concept Plan was approved, and the applicant has worked hard with the neighbors to regarding their concerns.

Mr. Faik Tugberk, Architects Collaborative Inc., provided an extensive slide show detailing existing and proposed buildings, pedestrian trail, boardwalks, traffic patterns, landscaping, and lighting.

Mr. Tom Davis, DMS & Associates, described stormwater management, bio-retention areas to be added, and potential re-development of the bulkhead with some fill. He added that the requirements for the Flood Plain have been met.

Mr. Bob Wilson said that in the past they have had issues with noise at Redeyes, but they will be catering to an older crowd with the new restaurant and dock bar.

The Planning Commission recessed for a short break at 12:35 P.M. and reconvened at 12:45 P.M.

Chairman Perkins asked if there were members of the public who wished to be heard, at which time Ms. Helen Bennett expressed concern about moving forward with project approval even though noting the intersection is inadequate because these units will add to that problem. Additionally, she expressed concern that there is no workforce housing included.

Upon review and further consideration, the following motion was made by Commissioner Douglas, seconded by Commissioner Reiss, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **Mears Point Associates** to reduce the 300' Shore Buffer to the extent necessary under §18:1-67.B(3) and as described in **Department of Planning & Zoning file #05-16-08-0008-C**, hereby grants the requested full 300' Shore Buffer reduction.

Upon further review, the following motion was made by Commissioner Douglas, seconded by Commissioner Dobson, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **Mears Point Associates** for Major Site Plan approval for 4 new apartment buildings with 211 units, new community amenities, reconfigure the existing Redeyes for a new restaurant, demolition of Annie's restaurant and addition and reconfiguration of parking areas on 42.317 acres of land on Kent Narrows Way, in Grasonville, and as more particularly described in **Department of Planning & Zoning File #05-16-08-0008-C**, hereby grants approval subject to the following conditions; (1) the applicant receives approval from the County Commissioners for the Adequate Public Facilities school mitigation agreement, (2) the building and amenities constructed must be substantially consistent with the architectural drawings and elevations provided for approval, (3) any remaining edits and/or documents required by the

Departments of Public Works and Planning & Zoning be reviewed and approved, (4) any required legal documents including the pedestrian access easements must be approved, signed, and recorded, (5) all required bonds, sureties, review and inspection fees must be submitted to the Departments of Public Works and Planning & Zoning as appropriate, and (6) all required signatures must be obtained.

**12. Miscellaneous Staff Items** – None.

**13. Public Comments** – None.

There being no further business to come before the Planning Commission, the meeting was adjourned at 1:14 P.M.

RESPECTFULLY SUBMITTED,

  
Sharon Dobson, Secretary