

QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES
February 14, 2019

The Queen Anne's County Planning Commission met on Thursday, February 14, 2019, at 8:45 A.M. The following members were present: Jeffrey Reiss, Tom Leigh, Sharon Dobson, Robert Priest, David Douglas, Tom Jackson, and Sheila Tolliver

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

1. Election of Officers – Upon motion made by Commissioner Douglas, seconded by Commissioner Priest and passed by unanimous voice vote the following Planning Commission Officers were elected:

Commissioner Reiss – President
Commissioner Dobson – Vice President
Commissioner Leigh – Secretary
John Shelton – Clerk

2. Public Comment – Mr. Jay Falstad, Queen Anne's County Conservation Association, expressed concern regarding ~~the Jamal project today~~; but for all future development particularly on Kent Island, regarding buffer area sediment washout and opined that stricter requirements should be required.

3. Meeting Minutes Review – Upon motion made by Commissioner Priest, seconded by Commissioner Dobson and passed by voice vote, the December 13, 2018 Planning Commission Minutes were approved as presented.

4. Extension Requests – Mears Point Associates provided a requested update to the Planning Commission regarding progress to date and expected timeline moving forward. Mr. Joseph Stevens, Stevens Palmer, LLC, provided the history of the project to date. Mr. Mark Maisel, Mears Point, said that in the last update he said they were looking to replace Southern Management as a partner and have recently found Mr. David Klein of Klein Enterprises. Mr. Klein provided information regarding his company, philosophy, and portfolio of properties. Mr. Maisel added that they hope to have a shovel in the ground by the end of the year.

The presentation was made for informational purposes, and no action was requested or taken by the Planning Commission.

5. UPDATES: Legislation and Legal Matters – Mr. Michael Wisnosky, Director of Planning & Zoning Director, provided the following updates;

(A) Board of Washington County v. Perennial Solar – Mr. Drummond filed motion on behalf of Queen Anne's and Kent Counties which was granted on February 4, 2019. Mr. Drummond added that he filed a Petition for Writ of Certiorari to attempt to join and support Amicus Curie which was granted. Briefs are due next month for Washington County and in April for Perennial Solar and Queen Anne's and Kent Counties. Mr. Drummond added that Senator Hershey has introduced legislation which would require local zoning approval prior to Public Service Commission process.

(B) Citizen Sponsored Text or Map Amendments – as of yesterday there were none filed, however the deadline is today, and we are expecting a few to be filed.

(C) 5G Small Cell Legislation – (1) Senate Bill: MACO Bill requires conformance with local zoning and allows for fee collection and (2) House Bill: Bypasses local zoning allowing them to do whatever they want.

(D) Environmental Bills – There are a handful of bills pertaining to the environment including funding for Conowingo Dam cleanup, Right to Clean Air, Water and Healthy Environment and, requirement for no net loss of Forests policy,

6. Public Hearing Map Amendment #19-05 – Buffer Exempt Area/ Modified Buffer Area – Mr. Christopher Drummond, Planning Commission Attorney read the Public Hearing Notice to Amend Buffer Exempt Area (BEA) by replacing the BEA with a Modified Buffer Area (MBA) to be incorporated into the comprehensive Critical Area Boundary line adjustments and to establish the digitally generated, geo-referenced Modified Buffer Area (MBA) within the 1,000 foot critical area overlay designations that delineate Intensely Developed Areas (“IDA”), Limited Development Areas (“LDA”) and Resource Conservation Areas (“RCA”) and stated that the notice requirements had been met to convene the Public Hearing.

Ms. Helen Spinelli, Principal Planner, provided the background for the proposed amendment and explained the move to digitally generated geo-referenced Modified Buffer Area mapping to provide accurate, up-to-date and accessible information to citizens and businesses that operate within the County.

Chairman Reiss opened the Public Hearing, at which time no comments were received.

Upon review and further consideration, the following motion was made by Commissioner Tolliver, seconded by Commissioner Priest 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 **Map Amendment #19-05** to Amend Buffer Exempt Area (BEA) by replacing the BEA with a Modified Buffer Area (MBA) to be incorporated into the comprehensive Critical Area Boundary line adjustments and to establish the digitally generated, geo-referenced Modified Buffer Area (MBA) within the 1,000 foot critical area overlay

designations that delineate Intensely Developed Areas (“IDA”), Limited Development Areas (“LDA”) and Resource Conservation Areas (“RCA”) as presented and attached hereto labeled “Exhibit A”.

7. Public Hearing Text Amendment / County Ordinance #19-04 Truck Stop and Travel Plaza Definition – Ms. Helen Spinelli, Principal Planner, provided the background and objective of the proposed amendment to Chapter 18 APP: APPENDIX A: GLOSSARY: TRUCK STOP AND TRAVEL PLAZA definition, with the intention of further defining truck fueling stations.

Chairman Reiss opened the Public Hearing, at which time no comments were received.

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

RESOLVED, that the Planning Commission make a favorable recommendation for adoption of **Text Amendment / County Ordinance #19-04** to amend Chapter 18 APP: APPENDIX A: GLOSSARY: TRUCK STOP AND TRAVEL PLAZA definition, as presented, amended, and attached hereto labeled “Exhibit B”.

The Planning Commission took a short break at 9:50 A.M. and reconvened at 10:00 A.M.

8. Major Site Plan – Kingstown Storage #SP18-09-0010 – Mr. Rob Gunter, Development Review Principal Planner, described the highlights of the request by the applicant for Major Site Plan approval to construct two, one-story, 9,000 square foot climate controlled miniwarehouse buildings with associated parking and outdoor boat/RV storage area on 3.0 acres of land on Church Hill Road in Chestertown. Ms. Nancy Scozzari, Department of Parks and Recreation described the easement for sidewalk / trail connectivity.

Mr. Kevin Shearon, DMS & Associates, stated that the primary purpose for the buildings was to store contents of buildings in connection with the owner’s property rehab business. He said there are no employees on site, so there is no need for a bathroom as the Health Department allows a chemical toilet.

Chairman Reiss asked if there were members of the public to wished to be heard, at which time Ms. Christina Kohee, adjacent landowner, said she was not opposed the project, but had concerns regarding plants and landscaping blocking her view from driveway ingress and egress, and regarding the type of fencing to be used.

Mr. Shearon replied that the landscape would be set back due to power lines, and the fence will be a combination of the building and chain link.

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

RESOLVED, that the Planning Commission, regarding the request by **YMV, LLC (Kingstown Storage)** for Major Site Plan approval to construct two, one-story, 9,000 square foot climate controlled miniwarehouse buildings with associated parking and outdoor boat/RV storage area on 3.0 acres of land on Church Hill Road in Chestertown, and as more particularly described in **Department of Planning and Zoning File SP #18-09-0010**, hereby grants approval with the following conditions: (1) the buildings are constructed with the architectural elevations provided for the approval and in adherence to the letter read by Mr. Shearon, (2) any remaining edits and / or documents required by the Departments of Public Works and Planning & Zoning be reviewed and approved, (3) per Environmental Health, a chemical toilet must be provided on-site for use by storage clients, (4) any required legal documents must be approved, signed and recorded, including the forest protection document, (5) all required estimates, 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.

9. Concept Plan – Jemal’s of Kent Narrows, LLC #CP17-09-0003-C – Mr. Rob Gunter, Development Review Principal Planner, provided the highlights of the applicant's request for Shore Buffer Reduction, Parking Reduction, Bonus Height, and Concept Plan approval to construct six mixed use building that will consist of commercial apartments as well as retail and office space, new community amenities and associated parking on Piney Narrows Road in Chester.

Mr. Kevin Sperry, Antunovich Associates, described the “Coastal Look” master plan, pedestrian and trail connections, commercial and retail offices, design materials, viewscales, traffic flow, public and private spaces, parking and lighting.

Mr. Bill Wornack, McCrone Inc., described existing and proposed lot coverage and impervious surfaces, stage, stormwater management ponds, bioretention system, submerged gravel wetlands, and green roofing. Mr. Joseph Stevens, Stevens Palmer LLC., added that the applicant does not own the waterfront as it was deeded years ago.

Mr. Paul Milstien, Douglas Development, said this is a blighted area that needs to be done better. He said that financing that was not possible before is available now.

Upon further discussion, Mr. Stevens asked that the request for Parking Reduction be taken off the table for consideration today.

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

(A) Ms. Gigi Windley, Kent Narrows Development Foundation Director, read letter of review and approval by the Foundation and added that there are 383 public parking spaces nearby.

(B) Mr. Jody Schulz, Chester, said he wanted to reiterate that there is parking available under the bridge created for the betterment of the Narrows, and should not be used as a park-and-ride as it is now being used. He said the Kent Narrows Development Foundation does not see the parking reduction or height bonus requests as problems.

Mr. Stevens reiterated his request to withdraw the Parking Reduction request at this time.

Upon further review and consideration, 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 **Jemal's of Kent Narrows, LLC** to reduce the 300' Shore Buffer on parcel 428 to 100' and on parcel 456 to 50' under §18:1-67.B(3) on the northwest side of the Kent Narrows, in Chester, and as more particularly described in **Department of Planning & Zoning file #17-09-0003-C**, hereby finds; (1) the proposal is entirely within a growth area as identified by the Kent Narrows Community Plan, (2) the Waterfront Village Center permits nonresidential development and this development is large scale, and (3) without the reduction, the development would not be possible as nearly the entire site is within the 300' standard shore buffer, and hereby grants approval.

Upon further consideration, 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 **Jemal's of Kent Narrows, LLC** for approval of a Bonus Height under §18:1-26.N(1)(c)[2], to construct three mixed use buildings of up to 48', on the northwest side of the Kent Narrows, in Chester, and as more particularly described

in **Department of Planning & Zoning file #17-09-0003-C**, and per §18:1-26.N(12(c)[1], [2], and [3] hereby finds that the proposed development (1) is consistent with the overall development scheme of the Kent Narrows Community Plan, (2) will not overburden existing public services, including parking, water, sanitary sewer, public roads, storm drainage, and other public improvements, and (3) will not create a threat to the public health, safety, or welfare, and hereby grants the Bonus Height up to 48'.

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 **Jemal's of Kent Narrows, LLC** for Concept Plan approval for the redevelopment of the old outlet center on the northwest side of the Kent Narrows, in Chester, to include six new buildings that will consist of commercial apartments as well as retail and office space, new community amenities and the associated parking , and as more particularly described in **Department of Planning & Zoning file #17-09-0003-C**, hereby finds that the Concept Plan is consistent with the 2010 Comprehensive Plan and the 2006 Kent Narrows Community Plan, and hereby grants approval with the following conditions; (1) any remaining edits and / or documents required by the Departments of Public Works and Planning & Zoning be reviewed and approved.

The Planning Commission recessed for lunch at 12:10 P.M. and reconvened at 12:40 P.M.

10. Action Item: Establishing height limitations on certain lots within the Gibson's Grant PUD Development – Director Wisnosky summarized the issues regarding the history, current conditions, and need to establish building heights limits within the Gibson's Grant development in Chester. Ms. Vivian Swinson, Zoning Administrator, said that the height limitation was not set by the Planning Commission, but has been enforced administratively. She said the most recent permit requests were not the same as those already issued for the development which is why she asked this to come before the Planning Commission for review.

Mr. Mike Burlbough, Vice President, Elm Street Development, presented the new product they wish to construct along waterfront homes. He detailed the specific elevations and the lots they wished to be able to construct them on. Mr. Rich Bazzuo, Koch Homes, said the model home was constructed with higher elevation without incident. He added that sales have already been secured for 2 homes at the higher

elevation and said the height is needed to provide higher ceilings to take advantage of the views.

Mr. Joseph Stevens, Stevens Palmer LLC, said the error of not establishing height limits was made early in the process, and it is typical in developments that homes on waterfront lots are more grandiose.

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

(A) Mr. Dave Airel, Gibson's Grant homeowner, said the pattern book has few dimensions listed. He added that there has been a history of changes to lot sizes and footprints and requested the Planning Commission deny the request to allow current residents and developer to further discuss the issue.

(B) Mr. Thomas Hirsch, Gibson's Grant homeowner, said he was opposed as the character and look of the community will change. He said that the precedent has been set over the past decade and he is not opposed to the homes having 3 stories, only to them being over 35 feet tall.

(C) Mr. Rick ??, Gibson's Grant homeowner, said 235 homeowners are affected by this blocking the waterfront.

(D) Ms. Valerie Hirsch, Gibson's Grant homeowner, said they have not had enough time to hold a community meeting to present and discuss this change as this presentation to the Planning Commission is occurring too fast and people are not aware.

(E) Ms. Karen Lintz said that one of the lots depicted with a "\$" sign on it has not been sold as indicated.

The Planning Commission took a short recess at 1:55 P.M. and reconvened at 2:04 P.M.

Mr. Joseph Stevens requested the Planning Commission table the request for 1 month to allow the applicant to discuss the issue with current residents.

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

RESOLVED, that the Planning Commission, regarding the request by **Gibson's Grant** to establish height limitations on certain lots in the development shall be and is hereby tabled for one month to allow discussions between the developer and current residents.

11. Miscellaneous Staff Items – None.

12. Public Comment – None.

There being no further business to come before the Planning Commission, the meeting was adjourned at 2:08 P.M.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read 'Tom Leigh', written over a horizontal line.

Tom Leigh, Secretary