

QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES
June 14, 2018

The Queen Anne's County Planning Commission met on Thursday, June 14, 2018, at 8:45 A.M. The following members were present: Jeffrey Reiss, Sharon Dobson, Robert Priest, David Douglas, Tom Jackson, and Sheila Tolliver

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, Stanley Kosick, Senior Planner; Sam Stanton, GIS Coordinator; John Shelton, Clerk; and Christopher F. Drummond, Esquire.

1. Public Comment – No comments received

2. Meeting Minutes Review – Upon motion made by Commissioner Tolliver, seconded by Commissioner Priest and passed by voice vote, the May 10, 2018 Planning Commission Minutes were approved as presented.

3. Extension Requests – None.

4. UPDATES: Legislation and Legal Matters

Mr. Michael Wisnosky, Planning and Zoning Director, said there was nothing new to report. Commissioner Tolliver requested information regarding articles about Queen Anne's County joining Cecil County in opposing State MS4 (stormwater) designation. Director Wisnosky said that according to the MS4 criteria, a small portion of Kent Island is considered "urbanized" and as a result the Maryland Department of the Environment says Queen Anne's must have enhanced stormwater management across the County. He said he spoke to Mr. Todd Mohn and the Department of Public Works want to appeal the decision administratively.

5. Citizen Sponsored Text Amendment 18-02 – Add Expansion of Mini

Warehouses Ms. Helen Spinelli, Principal Planner, said the Queen Anne's County Commissioners granted the 90-day extension requested by the Planning Commission. Ms. Spinelli said the applicant was originally seeking to make amendment to add 50% expansion of mini warehouses in the Town Center District in existence on September 7, 2004 and agreed with the staff suggestion that the expansion be allowed as a conditional rather than permitted use. She added that they cannot expand now because of non-conformity and the proposed amendment will correct that, but not allow any new mini warehouses. Lastly, she said any expansion will have to meet current Town Center standards.

Mr. Joseph Stevens, Esq. and Mr. Barry Griffith, Lane Engineering, on behalf of applicant said they provided extensive detail last month and reiterated that they are only seeking a modest expansion of a legal non-conforming use.

Upon further review and discussion, the following motion was made by Commissioner Dobson, seconded by Commissioner Jackson and passed by voice vote with Commissioner Tolliver opposed:

RESOLVED, that the Planning Commission makes a favorable recommendation to the Queen Anne's County Commissioners for approval of **Citizen Sponsored Text Amendment #18-02 Add Expansion of Miniwarehouses to the Permitted uses in the Town Center Zoning District** as presented, amended, and attached hereto and labeled "Exhibit A".

6. Minor Site Plan – Thompson Creek Shopping Center (Starbucks) #04-18-03-0012-C – Mr. Stan Kosick, Senior Planner, provided the highlights of the applicant's request for Minor Site Plan approval to remodel and adaptively reuse a 4,000 square foot building (formerly Radio Shack) as a Starbucks with outdoor seating and drive through aisle to include adding 54 square feet for drive through window, on 21/434 acres on Thompson Creek Road, in Stevensville.

Mr. Jeremy Carbalho, Starbuck Architect, described the lighting, exterior design, patio on the south side, screening, and drive thru aisle.

Mr. Tom Davis, DMS & Associates, said that all intersections remain at the same level of service. Ms. Holly Tompkins, Principal Planner, said staff went through the traffic study again and even with McDonalds and unbuilt lots in Ellendale and Gibson's Grant this is still okay.

Chairman Reiss asked if there were members of the public who wished to comment, at which time Mr. Steve Parr of Stevensville expressed concern regarding parking and traffic, and that the proposed 12-car stacking line may not be enough. He added that trailers park in the drive aisle to get to the McDonalds.

Ms. Jean Fabi, Queen Anne's County Economic Development Manager said they support the adaptive re-use.

Upon further discussion and review, a motion was made by Commissioner Dobson and seconded by Commissioner Priest. The motion was then amended by Commissioner Douglas, amendment seconded by Commissioner Tolliver and passed by voice vote with Chairman Reiss opposed. The following motion passed with Chairman Reiss opposed:

RESOLVED, that the Planning Commission, regarding the request by **Thompson Creek Shopping Center LP**, for Minor Site Plan approval to remodel and adaptively reuse a

4,000 square foot building (formerly Radio Shack) as a Starbucks Coffee with outdoor seating and drive through aisle to include adding 54 square feet for drive through window, on 21/434 acres on Thompson Creek Road, in Stevensville, and as more particularly described in Department of Planning & Zoning file **Minor Site Plan #04-18-03-0012-C** hereby finds the Minor Site Plan is in conformity with the Comprehensive and Community Plans, and hereby grants approval with the following conditions; (1) the site will be revised and the structure remodeled in a substantially consistent manner with the architectural drawings and elevations as reviewed by the Planning Commission, (2) any remaining edits and/or documents required by the Department of Public Works and/or the Department of Planning & Zoning be reviewed and approved, (3) all required estimates, bonds, sureties, review , and inspection fees must be submitted to the Department of Public Works and/or the Department of Planning & Zoning as appropriate, (4) APFO exemption request must be granted/approved, (5) all required signatures must be obtained, and (6) "No standing or stopping" signs must be installed along both the North and South side drive aisles between Starbucks and McDonalds.

7. Minor Site Plan – Juleo, LLC (BOE Marine/Blackwater Distillery) #04-18-04-0004-C – Mr. Stan Kosick, Senior Planner described the highlights of the applicant's request for Minor Site Plan approval to amend the Site Plan to change uses in the existing buildings, to increase Building B to accommodate a distillery, to increase Building C to accommodate a retail space, and to re-arrange parking to accommodate the tavern/distillery use on 10.889 acres of land on Cleat Street, in Stevensville. Director Wisnosky said that the applicant was asked, and has updated, the landscaping plan to conform to that which was required in the 2008 landscape plan.

Steve Layden, McCrone Inc., described the current occupancy by BOE Marine, existing structures, location of distillery and tavern on the site, renaming and inclusion of ancillary storage areas, existing stormwater management plan which were larger than required and only need small adjustments, existing well and public sewer, purchase of additional allocation, addition of trees and shrubs to accommodate increased parking areas, impervious coverage. He said that BOE Marine will no longer store boats or RVs on the western (distillery/tavern) side of the site. Mr. Layden went on to describe parking use by BOE Marine and request for reduction based on current parking counts and went on to describe the parking use at different times by each business that allows for shared parking

Jim Maier, Managing Member BOE Marine, described the boat storage plan which will not be leased storage area, but they will have some boats and RVs located on the property for repair and sale. He added that the majority of the business occurs as online sales of equipment

Jonathon Cook, Black Water Distillery, tenant of KRM for almost 8 years on Kent Island, and our natural evolution is to grow into a co-located tavern. We intend to maintain our lease at KRM for at least 2 years at which time our lease expires when we will probably consolidate at that time. We have conditional approval from the liquor board. We have 11 or 12 premium all-natural products (vodka, rum, whiskey). Mr. Cook went on to describe their distillery and aging processes.

Mr. Kosick detailed the request for parking reduction saying BOE needs 22 spaces and BW requires 43. Reduction for BOE Marine of 9 and the sharing of 8 spaces. There was a difference of 1 space in the calculation, at which time Mr. Layden said they will need to add 1 space which can be made a condition and we will comply.

Joseph Stevens, Stevens Palmer, suggested the Planning Commission approve the current request for parking reduction and let it be evaluated for a year or two at which time we can, and would, clear trees to add additional parking if there is a shortage. He said the land is there, but they would prefer to not disturb the critical area.

The following motion was made by Chairman Reiss, seconded by Commissioner Dobson and passed by unanimous voice vote:

RESOLVED, that the Planning Commission, regarding the request by Juleo LLC (**BOE Marine, Black Water Distillery**) for approval of 8 shared parking spaces with the remaining 9 spaces requested for reduction to be created on the BOE Marine side of the property and delineated by curb stops in the existing gravel area, on 10.889 acres of land on Cleat Street, in Stevensville, and as more particularly described in **Department of Planning and Zoning file #04-18-04-0004-C**, and hereby grants approval

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

RESOLVED, that the Planning Commission, regarding the request by Juleo LLC (**BOE Marine, Black Water Distillery**) for Minor Site Plan approval to amend the Site Plan to change uses in the existing buildings, to increase Building B to accommodate a distillery, to increase Building C to accommodate a retail space, and to re-arrange parking to accommodate the tavern/distillery use on 10.889 acres of land on Cleat Street, in Stevensville, and as more particularly

described in **Department of Planning and Zoning file #04-18-04-0004-C**, hereby finds the Minor Site Plan is in conformity with the Comprehensive and Community Plans, and hereby grants approval with the following conditions; (1) the site will be revised and the structure remodeled to a substantially consistent manner with the architectural drawings and elevations as reviewed by the Planning Commission, (2) any remaining edits and/or documents required by the Department of Public Works and/or the Department of Planning & Zoning be reviewed and approved, (3) all required estimates, bonds, sureties, review, and inspection fees must be submitted to the Department of Public Works and the Department of Planning & Zoning as appropriate, and (4) all required signatures must be obtained.

8. Miscellaneous Staff Items

(A) Mr. Michael Wisnosky, Director, informed the Planning Commission that he spoke to Mr. Todd Mohn, Department of Public Works, regarding Commissioner Priest's request for information regarding sewer capacity and availability. Mr. Mohn suggested he provide information in advance via memorandum first and then he will come before the Planning Commission.

(B) Ms. Holly Tompkins, Principal Planner, updated the Planning Commission regarding the Barnstable project. She said last Wednesday they held a staff and applicant meeting to discuss hurdles and concerns to meet the code. Smaller meetings will occur in the future with SHA, consultants, and County Staff to discuss traffic and roads.

9. Public Comment

(A) Mr. Richard Stoltzfus, Sunrise Solar, expressed concern regarding small scale solar project in Barclay and in reading the Ordinance, he said he felt like we fell under the large-scale requirements which we met and agreed to, but believe small scale solar requirements are vague regarding vegetation. He also expressed concern regarding specific requirements for permit application. Mr. Mike Lesnoiwski, property owner, said he spoke to a few County Commissioners and they suggested we come here and speak to you regarding buffer and vegetation requirements in the Code.

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

RESPECTFULLY SUBMITTED,



Tom Leigh, Secretary

COUNTY ORDINANCE NO. 18-02

A BILL ENTITLED

AN ACT CONCERNING Mini Warehouses in the Town Center (TC) Zoning District in Queen Anne's County;

FOR THE PURPOSE of permitting the expansion of existing mini warehouses in the Town Center (TC) Zoning District as a conditional use under Title 18:1 of the Code of Public Local Laws of Queen Anne's County, Maryland; providing that such expansion shall be permitted for Mini Warehouses in operation as of September 7, 2004; limiting expansion of such Mini Warehouses to fifty percent (50%) of the floor area existing on September 7, 2004; and generally dealing with and regulating the expansion of mini warehouses in the Town Center (TC) Zoning District;

BY AMENDING Sections 18:1-28C. and ADDING Section 18:1-58N. to the Code of Public Local Laws of Queen Anne's County.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:1-28C. of the Code of Public Local Laws be amended to read as follows:

Chapter 18 Land Use and Development

...

§18:1-28 Town Center (TC) District

...

C. Uses

...

(2) Conditional Uses

- (a) Manufacturing with fewer than 500 employees.*
- (b) Telecommunications facilities.*
- (c) Truck terminal.*
- (d) Expansion of Mini Warehouses that existed on or before*

September 7, 2004.

SECTION II

BE IT FURTHER ENACTED that Section 18:1-58 N. be ADDED to the Code of Public Local Laws of Queen Anne's County to read as follows:

ARTICLE VII
Supplemental Uses

...

§ 18:1-58 Additional uses and regulations.

...

N. Expansion of Mini Warehouses (within the Town Center District)

1. Expansion of Mini Warehouses in the Town Center District shall be permitted only for Mini Warehouses that were operating as of September 7, 2004.

2. The expansion shall not exceed fifty (50%) percent of the floor area of the Mini Warehouse space that existed on September 7, 2004.

SECTION III

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46th) day following its enactment.

INTRODUCED BY: _____

DATE: _____

PUBLIC HEARING HELD: _____

VOTE: _____ Yea _____ Nay

DATE OF ADOPTION: _____

EFFECTIVE DATE: _____