

QUEEN ANNE’S COUNTY PLANNING COMMISSION MINUTES
Thursday June 9, 2022

The Queen Anne’s County Planning Commission met on Thursday, June 9, at 8:45 A.M. The following members were present: Sharon Dobson, Tom Leigh, Jeff Reiss, Teddy Baker, Arthur Ebersberger, and Bill Sylvester.

Also present were Amy Moredock, Director Department of Planning and Zoning; Rob Gunter, Development Review Principal Planner; Stephanie Jones, Long Range Principal Planner; Steve Johnson, Development Review Planner; Rob Tracey, Senior Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

1. Public Comment – No comments received

2. Meeting Minutes Review – Upon motion made by Commissioner Baker, seconded by Commissioner Leigh, and passed by voice vote, the March 10, 2022, Planning Commission Minutes were approved as presented.

3. Extension Request – Chester Storage, LLC – Amended Major Site Plan SP#19-08-0031 – Rob Gunter, Development Review Principal Planner, described the history of approvals and extension requests for the conditionally approved Site Plan to expand an existing self-storage facility in Chester.

Barry Griffith, Lane Engineering, described the logistical issues created by the COVID 19 pandemic and associated construction material shortages and price increases. He said in April the grading permit was issued and the entrance constructed, but they did not meet the 2-year deadline for commencement of construction. He added that construction is expected begin in 3 months or less.

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

RESOLVED, that the Planning Commission, regarding the request by **Chester Storage, LLC** for the conditionally approved Amended Major Site, Department of Planning & Zoning File SP #19-08-0031, hereby extends approval through and including the date of the regularly scheduled Planning Commission meeting on **September 8, 2022**.

4. UPDATES:

(A) Legislation and Legal Matters – Stephanie Jones, Long Range Principal Planner, and Rob Tracey, Senior Planner, provided the following updates

(1) 2022 Comprehensive and Kent Narrows Community Plans were adopted by the County Commissioners on May 24, 2022.

(2) TACO #21-04 (Utility Scale Solar Array) was heard by the County Commissioners on May 24, 2022. Staff is awaiting their decision prior to moving forward with TACO #22-06 which is also regarding solar.

(3) 2021 Queen Anne's County Department of Planning & Zoning Annual Report presented and unanimously approved by voice to be filed with Maryland Department of Planning

(B) Miscellaneous Staff Items – Ms. Amy Moredock, Planning and Zoning Director, thanked the Commissioners for their work and guidance on the Comprehensive Plan Update.

5. Parking Reduction, Consistency with Growth Allocation and Concept Plan – Kent Island Crossing / Reliable Real Estate Services, LLC – SP#20-10-0065 – Rob Gunter, Principal Development Review Planner, and Stephanie Jones, Long Range Principal Planner, described the history and highlights of the applicant's request for Parking Reduction, Consistency with Growth Allocation and Concept Plan, to administratively combine two (2) parcels for the creation of an approximately 142,830 sq. ft. commercial development that will include four (4) restaurants, office space, retail space, a grocery store, and a senior independent living facility, on 14.506 acres of land on Piney Creek Road, in Chester.

Joseph Stevens, Esquire, said in 2005 the Growth Allocation was approved by the County Commissioners and the applicant was ready to move forward, but Giant Foods pulled out. He said the gas station was contentious back then and now it has been removed, and the increase in floor area is due to the independent living area.

Tom Davis, DMS & Associates, said they have recalculated to fully meet the State of Maryland Environmental Site Design, and will detail exact stormwater management types and plan in the future. He said parking is shared between stores and restaurants, and the independent living portion requires less parking.

John Dixon, applicant, said the reduced parking will allow for increased landscaping, and the restaurants are anticipated to be used by people walking or biking on the Cross Island Trail.

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

- (A) Summary of numerous substantially similar emails received in opposition to the proposed project was read by staff, citing local and beach traffic congestion, impacts to water, sewer, and other infrastructure.
- (B) Helen Bennett, Kent Island, spoke in opposition due to traffic congestion in the area. She opined that this is not the right project at the right time.
- (C) Joshua Willis, Kent Island, said he was opposed to the project saying the senior residential portion will use more sewer than commercial and the traffic in the

area. He said traffic in this area is already too much and questioned the use of a traffic study that averages across all hours.

(D) Joyce Jewett-Floyd, Kent Island, said the residents of a 55-plus or assisted living community drive and they will not be walking so that will add to traffic. She said there is no benefit to Kent Island for this project.

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

RESOLVED, that the Planning Commission, regarding the request by **Reliable Real Estate Services, LLC (Kent Island Crossing)**, for a parking reduction from the required 569 spaces to 557 spaces under the provisions of §18:1-83.A.(2), and as more particularly described in **Department of Planning & Zoning file SP #20-10-0065**, hereby finds; (1) the reduced parking requirements would be consistent with the County Commissioners Growth Allocation condition #11 and Planning Commission condition #7 while allowing for additional landscaping in this area to meet County Commissioners condition #9, (2) the applicant has demonstrated that the mix of uses will generate peak parking at different times during the day which will allow for shared parking, and (3) the independent living portion of the proposal will generate less parking need than the retail uses proposed in 2005, and hereby grants the requested parking reduction.

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

RESOLVED, that the Planning Commission, regarding the request by **Reliable Real Estate Services, LLC (Kent Island Crossing)**, for confirmation that the current proposal, as more particularly described in **Department of Planning & Zoning file SP #20-10-0065**, is consistent with the original Growth Allocation award and development proposal hereby finds; (1) the current proposal is consistent with the 2005 Concept Plan, Growth Allocation award and conditions, (2) the consistency indicates that no changes are needed to the required conditions by the Planning Commission or County Commissioners as they were required through the granting of the 2005 Growth Allocation award, and (3) the current Concept Plan is consistent with the 2022 Queen Anne's County Comprehensive Plan and the Critical Area Program

as required by the Growth Allocation standards found in Article XV Growth Allocation of the Queen Anne's County Code of Public Laws, and hereby confirms that the current proposal is consistent with the original Concept Plan, Growth Allocation, and conditions.

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

RESOLVED, that the Planning Commission, regarding the request by **Reliable Real Estate Services, LLC (Kent Island Crossing)**, for Concept Plan approval for the creation of an approximately 142,830 square foot commercial development that will include four (4) restaurants, office space, retail space, a grocery store, and a senior independent living facility, and as more particularly described in **Department of Planning & Zoning file SP #20-10-0065**, hereby finds the current Concept Plan is consistent with the goals and objectives of the Queen Anne's County Zoning & Subdivision Regulations and the 2022 Queen Anne's County Comprehensive Plan, and hereby grants Concept Plan approval subject to the following conditions; (1) any remaining edits and/or documents required by the Maryland State Highway Administration, the Departments of Public Works or Planning & Zoning, or any other reviewing agency be reviewed and approved, (2) the architecture and overall site design must substantially reflect the documents provided, (3) the administrative subdivision to combine 2 parcels must be approved and recorded prior to Final Site Plan signature, and (4) all remaining details of Growth Allocation conditions need to be completed prior to Final Site Plan review by the Planning Commission.

The Planning Commission took a short recess at 9:54 A.M. and reconvened at 10:05 A.M.

6.Increased Density and Concept Plan – Chesapeake Square / A&W Investments, LLC – SP#22-01-0084 – Steve Johnson, County Planner, provided the highlights of the applicant's request for Increased Density and Concept Plan approval to construct two (2), 3-story, 21-unit, residential apartment buildings with a 232 sq. ft. pavilion and the associated parking areas in the Town Center (TC) zoning district and an increase in density of up to 20 units per acre, 2.134 acres of land on Main Street, North of U.S. Route 50, in Chester.

Tom Davis, DMS & Associates, said the buildings on site are currently renting commercial. He said this proposal will be an extension of what the Azar's have done down the street at Chesapeake Village Center. He said this is a good use for the area, adding affordable housing near amenities in a walking district. He added that neighbors were invited to a meeting to learn about the proposal, and no one attended.

David Azar, applicant, said residents will be able to walk to much in the area. He said they build at the top level and have certifications to show that they have constructed 2 of 20 in the nation at the highest green standard.

Chairman Dobson asked if there were members of the public who wished to be heard, at which time Barry Waterman, Centreville, said the County has underbuilt rental housing for the last 30 years, there is currently only 1 property for rent in all of Queen Anne's County, and we really need affordable rentals.

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

RESOLVED, that the Planning Commission, regarding the request by **A & W Investments, LLC** for increased density approval under §18:1-28.D.2.(a)[1][f] to construct two (2), 3-story, 21-unit, residential apartment buildings with a 232 sq. ft. pavilion and the associated parking areas in the Town Center (TC) zoning district and an increase in density of up to 20 units per acre, 2.134 acres of land on Main Street, North of U.S. Route 50, in Chester, and as more particularly described in **Department of Planning & Zoning file SP #22-01-0084**, hereby finds; (1) the site area does not exceed 5 acres, (2) architectural elevations have been provided and are compatible with the surrounding development, (3) the apartment development will provide workforce, age-restricted or other moderately priced housing, (4) landscaping is provided for screening from the adjacent commercial properties, and (5) a public meeting was conducted, and hereby grants the increased density of up to 20 units per acre.

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

RESOLVED, that the Planning Commission, regarding the request by **A & W Investments, LLC** for Concept Plan approval for redevelopment of one (1) parcel to include two (2), 3-story, 21-unit, residential apartment buildings with a

232 sq. ft. pavilion and the associated parking areas in the Town Center (TC) zoning district and an increase in density of up to 20 units per acre, 2.134 acres of land on Main Street, North of U.S. Route 50, in Chester, and as more particularly described in **Department of Planning & Zoning file SP #22-01-0084**, hereby finds the Concept Plan is consistent with the goals and objectives of the Queen Anne's County Zoning & Subdivision Regulations and the Queen Anne's County 20022 Comprehensive Plan, and hereby grants approval subject to the following conditions; (1) any remaining edits and/or documents required by a reviewing agency or the Departments of Public Works or Planning & Zoning be reviewed and approved.

7. Citizen-sponsored Text Amendments

(A) TACO #22-02 Kent Island Yacht Club, Inc: § 18:1-26 D. Accessory uses in Waterfront Village Center (WVC) District. Stephanie Jones, Long Range Principal Planner, described the proposal to allow for limited overnight recreational parking associated with bona fide fraternal organization with limits to the number of recreational vehicles, days of occupancy, and no waste disposal facilities located onsite within the WVC District.

Jeff Smith, Commander of the Kent Island Yacht Club, described the history of RVs parking on site and the reservation length and process that would be used if the proposed amendment is adopted. He described the property and location of parking for recreational vehicles, club usage, and the shared facilities agreements with other yacht clubs along the east coast.

Jody Schulz, Kent Narrows Development Foundation, said they were sympathetic to the problem the yacht club is having, but don't want any more that what they have been doing to be allowed.

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

- (1) Jim Riley, Kent Island Yacht Club, said keeping a log of guests is enough, as there has not been a problem.
- (2) Barry Griffith, Lane Engineering, said tracking usage by the Planning & Zoning staff is not ideal, and the real question before you is "Is it okay to have this number of RVs?". He added that time of year restrictions may make sense.

Upon review and further consideration, the following motion was made by Commissioner Reiss, seconded by Commissioner Ebersberger, 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 **TACO #22-02 Kent Island Yacht Club, Inc: § 18:1-26 D. Accessory uses in Waterfront Village Center (WVC) District** to allow for limited overnight recreational parking associated with a bona fide fraternal organization with limits to the number of vehicles, days of occupancy, and no waste disposal facilities located onsite within the WVC District upon the following conditions; (1) Kent Narrows Development Foundation comments are accepted, and (2) that staff work with the applicant to find and change language to address consistency.

(B) TACO #22-03 Barry Waterman: § 18:1-66. Woodlands in Resource Protection Standards. Stephanie Jones, Long Range Principal Planner described the proposed amendment to repeal specific woodland disturbance limits that are not subject to the Critical Area Law and the Forest Conservation Act.

Barry Waterman, applicant, provided a PowerPoint detailing the historic confusion in applying provisions of critical area and forest conservation due to varying definitions. He requested eliminating §18:1-66 now, rather than waiting for updates that could take a few years.

Barry Griffith, Lane Engineering, said this is not a new issue and has been confusing for over 20 years. He said this is a redundant overlapping of regulations.

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

- (1) Jay Falstad, Queen Anne's Conservation, said although it is confusing the proposed amendment should be rejected or reviewed with entire code update. He also urged consideration of climate change.
- (2) Tom Aynd, Greenstreet Housing, described the constraints to a recently developed site of 24 acres (with 23 acres being wooded) in the Growth Area. He said they were unable to get 86 units of affordable workforce housing that otherwise would have been built.
- (3) David Azar, Chester, described the confusion and difficulty in understanding impact to his properties.
- (4) Ella Bassit and Annie Richards, Shore River Keepers, do not support as the woodlands and forest resources are necessary.
- (5) Bruce Orem, Lacrosse Homes, said the tree conservation measures are a good thing, but once the lots are sold homeowners remove the trees anyway.

Upon review and further consideration, the following motion was made by Commissioner Sylvester, seconded by Commissioner Ebersberger, and passed by

voice vote with Commissioners Sylvester, Ebersberger, Reiss, Baker and Dobson in favor, and Commission Leigh opposed:

RESOLVED, that the Planning Commission makes a favorable recommendation to the Queen Anne's County Commissioners for adoption of **TACO #22-03 Barry Waterman: § 18:1-66. Woodlands in Resource Protection Standards** to repeal specific woodland disturbance limits that are not subject to the Critical Area Law and the Forest Conservation Act in its entirety.

The Planning Commission took a short recess at 12:04 P.M. and reconvened at 12:11 P.M.

(C) TACO #22-05 Lisa P. Schrader: § 18:1-12 A. Uses allowed in Open Space. Major extraction in Non-Contiguous Open Space. Stephanie Jones, Long Range Principal Planner, described the amendment to allow, by conditional use, major extractions on the Noncontiguous Parcel of Noncontiguous Open Space Development within the Agricultural (AG) and Countryside (CS) Districts.

Jeff Thompson, Esq, on behalf of the applicant, said the current restrictions do not make full sense as there are Ag uses that don't require soil at all. He said a pond (after extractions) is a beautiful resource and can be used for aquaculture or an irrigation source for the area. Additionally, he said a water feature is a benefit for shooting clubs.

Donna Landis-Smith, Soil Conservation, described MALPF and Rural Legacy programs, said the certifications provide millions of dollars to the County, and this amendment could jeopardize the County getting 80% of the Ag Tax back from the State.

Chairman Dobson asked if there were members of the public who wished to be heard, at which time Jay Falstad, Queen Anne's Conservation, spoke in opposition saying this was pandora's box and county-wide application is just too much. He added that it is inconsistent with the 2022 Comprehensive Plan.

Upon review and further consideration, the following motion was made by Commissioner Leigh, seconded by Commissioner Ebersberger, and passed by voice vote with Commissioners Leigh, Ebersberger, Reiss, Baker and Dobson in favor, and Commissioner Sylvester opposed:

RESOLVED, that the Planning Commission makes an unfavorable recommendation to the Queen Anne's County Commissioners regarding adoption of **TACO #22-05 Lisa P. Schrader: § 18:1-12 A. Uses allowed in Open Space. Major extraction in Non-Contiguous Open Space**, to allow, by conditional use, major extractions on the

Noncontiguous Parcel of Noncontiguous Open Space
Development within the Agricultural (AG) and Countryside
(CS) Districts.

(D) TACO #22-07 Jemal's Kent Narrows, LLC c/o Joseph Stevens: § 18:1-26. Waterfront Village Center (WVC) District. Bonus density provisions for mixed-use residential density in the WVC. Stephanie Jones, Long Range Principal Planner described the proposed amendment to allow for a maximum mixed-use residential density of up to 25 dwellings per acre for redevelopment of properties with dilapidated or abandoned structures by meeting the existing bonus density standards.

Joseph Stevens, Esq., on behalf of the applicant, said the amendment would allow a project that is sellable and meets the County's discretion. He said the change would not be automatic as a developer would have to come before the Planning Commission for approval.

Chairman Dobson asked if there were members of the public who wished to be heard, at which time, an email off opposition from the Shore River Keepers was read into the record.

Upon review and consideration, the following motion was made by Commissioner Reiss, and failed for lack of a second:

RESOLVED, that the Planning Commission makes an unfavorable recommendation to the Queen Anne's County Commissioners regarding adoption of **TACO #22-07 Jemal's Kent Narrows, LLC c/o Joseph Stevens: § 18:1-26. Waterfront Village Center (WVC) District. Bonus density provisions for mixed-use residential density in the WVC**, to allow for a maximum mixed-use residential density of up to 25 dwellings per acre for redevelopment of properties with dilapidated or abandoned structures by meeting the existing bonus density standards.

Upon further review, the following motion was made by Commissioner Sylvester, seconded by Commissioner Ebersberger, and passed by voice vote with Commissioners Sylvester, Baker, Leigh and Ebersberger in favor, and Commissioner Reiss opposed:

RESOLVED, that the Planning Commission makes a favorable recommendation to the Queen Anne's County Commissioners regarding **TACO #22-07 Jemal's Kent Narrows, LLC c/o Joseph Stevens: § 18:1-26. Waterfront Village Center (WVC) District. Bonus density provisions for mixed-use residential density in the WVC**, to allow for a maximum mixed-use residential density of up to 25

dwellings per acre for redevelopment of properties with dilapidated or abandoned structures by meeting the existing bonus density standards.

8. Public Comment – No comments received.

There being no further business to come before the Planning Commission, the meeting was adjourned at 1:40 P.M.

RESPECTFULLY SUBMITTED,

Kathy Deoudes, Secretary