

MINUTES

December 1, 2022

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, December 1, 2022, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. It was a hybrid meeting, and the following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, William Sutton, James Saunders, Ray Strong, Paula Reeder, and County Commissioner P. Thomas Mason. Cynthia L. McCann, Esquire, Planning Commission Attorney, was in attendance. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; and Campbell Safian, Planning Specialist.

Chair Hickman called the meeting to order at 1:30 p.m.

MINUTES

Mr. Ruge moved to accept the minutes of November 3, 2022, without correction. Mr. Sutton seconded the motion. The motion passed with all in favor.

APPLICATIONS FOR REVIEW

22-89 *Town of Millington – Annexation*
Map 400, Parcel 258 near Millington – First Election District – Village (V)

Mountaire Farms of Delaware, Inc., is requesting that Map 400, Parcel 258 be annexed into the Town of Millington. Mountaire Farms of Delaware, Inc., owns a grain facility in Millington that is located on two parcels. One parcel is within the town limits and the other parcel is not. The parcel that is not within the Town is almost completely surrounded by the Town. The parcel is within the Town's growth area and is a priority for annexation. The Town is not requesting a waiver of the 5-year rule. The County Zoning will remain as an interim zoning, and after five years, the parcel will be zoned Light Industrial. There is no proposed change in the use of the property. The property is located in the First Election District and is zoned Village (V).

Ms. Gerber presented the staff report, recommending the Planning Commission forward a favorable recommendation to the County Commissioners.

Ms. Reeder noted that the Town of Millington Comprehensive Plan does not permit the storage of grain in the Light Industrial zoning district.

Ms. Gerber cited the Annexation Agreement which considers the parcel's current use as the storage of goods and materials used for permitted commercial and industrial uses. The Annexation Agreement states that the parcel's current use will remain a permitted use following the rezoning of the property to Light Industrial. The current use is also permitted under the County's Village (V) zoning district.

Ms. Reeder noted the public hearing which will be held by the Town of Millington on December 13 at 6 pm to evaluate the annexation proposal.

Ms. Reeder asked why the property should not be immediately rezoned to Light Industrial.

Ms. McCann stated that unless the County Commissioners waive the 5-year rule, the property is prohibited by law from being rezoned within a 5-year period if the development will be substantially different than the current use that is allowed under the County zoning, or if the development density would be 50% greater than what is currently permitted under the County zoning.

Mr. Mackey reiterated that no development has been proposed for the property. This parcel is in the Growth Plan for the Town of Millington, and it is in the County's Designated Growth Area for Millington.

Chair Hickman opined that if the Town of Millington is not requesting a waiver of the 5-year rule for zoning, perhaps the Planning Commission should not recommend that the County Commissioners grant a waiver of the 5-year rule.

Mr. Sutton made a motion to forward a favorable recommendation to the County Commissioners for the Town of Millington's annexation of the Mountaire Farms of Delaware, Inc., property located at Map 400, Parcel 258 on the east side of Delaware Railroad Avenue. The annexation proposal is consistent with the Comprehensive Plan and the Comprehensive Water and Sewerage Plan.

The motion was seconded by Mr. Strong, and the motion passed unanimously, 6-0.

GENERAL DISCUSSION

STAFF REPORTS

Mr. Mackey informed the Planning Commission of the upcoming Comprehensive Rezoning Update Public Forum on December 14 at 6 pm.

ADJOURN

Mr. Ruge moved to adjourn. Mr. Strong seconded. The meeting adjourned at approximately 1:56 pm.

Francis J. Hickman, Chair

/s/ Campbell Safian
Campbell Safian, Planning Specialist