



Comprehensive Rezoning & Update 2020-2021 Task Force

MEETING SUMMARY

Hybrid In-Person/Remote Meeting
Wednesday, December 14, 2022, at 6:00 p.m.

I. Welcome and Roll Call

Chair Hickman opened the meeting at 6:00 pm, conducting member roll call.

The following Task Force members were in attendance: Chair Joe Hickman, Bill Norris, Bill Sutton, Bryan Greenwood (remote), Buck Nickerson, Pat Langenfelder, Paula Reeder, and Paul Ruge.

The following staff attended: Planning Commission Attorney Cynthia McCann, Esquire; DPHZ Director William Mackey, AICP; DPHZ Deputy Director Carla Gerber, AICP; Associate Planner Mark Carper, LEED Green Associate; and Planning Specialist Campbell Safian.

Kent County staff who attended included: Jamie L. Williams, CECD, Director of Economic and Tourism Development; Dawson Hunter, Housing and Transportation Coordinator; Shalyn Boulden, Administrative Specialist. Nolan Nicaise, AICP, Senior City Planner of ZoneCo attended remotely, presented, and answered questions.

Members of the public who attended included: Janet Christensen-Lewis, John Koontz, Charles MacLeod, Esquire, Maegan White, Karen Holcomb, Tom Mason, Nicholas Splendoria, Zack Kelleher, Katherine Wright (remote), and Elizabeth Watson.

II. Approval of the Summary

The Meeting Summary for September 28, 2022, was adopted as presented.

III. Purpose - Fair and Open Discussion on Proposed Text Amendments

Outcome - Staff is to summarize Task Force positions in Meeting Summary

Ground Rules

- A. Everyone is encouraged to share ideas openly and freely.
- B. There are no right or wrong inputs for discussion purposes.

Norms

- Participants speak ‘through the Chair’. This means raising your hand if you want to speak and waiting for the Chair to call on you.
- Don’t interrupt other people.
- Don’t talk/debate amongst yourselves.
- Respect other's views.
- Keep contributions short and to the point.
- Start and end on time.
- If online or on the phone: have your video ON and mute ON. Wait for the Chair to call your name before you unmute.

IV. Old Business

A. Review of proposed text changes to the Land Use Ordinance by ZoneCo

There were no comments from the Task Force or public concerning this topic.

B. Review of Task Force Recommendations

There were no comments from the Task Force or public concerning this topic.

V. New Business

A. Review of proposed text changes to the Land Use Ordinance by ZoneCo

As presented by Mr. Nicaise, the proposed text changes by ZoneCo will help make the Land Use Ordinance more navigable. Each page includes a header, which contains an article number and a section number to aid the reader. Article II. Districts and Standards, uses graphics to depict each zoning district’s dimensional standards and the desired character of the district. Article II also includes “Permitted Uses and Structures” and development standards tables for each zoning district. Article III. Uses, lists every permitted use, special exception, and accessory use from Article II in alphabetical order. Additionally, Article III lists the conditions that apply for each use.

ZoneCo also created an appendix to the Land Use Ordinance, known as the Comprehensive Use Table. The Comprehensive Use Table combines each zoning district’s “Permitted Uses and Structures” table into one master use table.

ZoneCo proposes the consolidation of the Rural Residential (RR) and Community Residential (CR) districts into one Community Residential (CR) district. Employment Center (EC) and Industrial (I) will also be consolidated into one Employment Center (EC) district.

Ms. Christensen-Lewis of Millington expressed interest in adding the header that is present at the beginning of each district’s “Permitted Uses and Structures” table to each page throughout the table. Adding the header to each page of the table will help to identify the columns throughout the table.

Ms. Christensen-Lewis expressed dissatisfaction with the graphics that depict the desired character of the zoning districts. Ms. Christensen-Lewis opined that the graphics are not representative of lots found in Kent County. Ms. Christensen-Lewis also asked for a graphic to be created which represents campgrounds in the Resource Conservation District (RCD).

Ms. Christensen-Lewis stated that the proposed Task Force recommendations are difficult for the public to comprehend. The recommendations do not summarize the discussion, nor list the pros or cons that helped the Task Force to formulate the recommendation.

Ms. White of ShoreRivers voiced her support for the citizens' text amendment proposed by the Kent Conservation and Preservation Alliance. The text amendment strengthens forest conservation by increasing the fee in leu for removing trees above the State's minimum standard. ShoreRiver's petition in support of the citizens' text amendment received nearly 500 signatures.

Ms. Williams read a letter addressed to the Task Force members into the record. Ms. Williams opined that agriculture, preservation, conservation, and economic Development can co-exist. Ms. Williams cited Kent County's 21.3% rate of children in poverty, which is more than double the rate in Queen Anne's County and almost double the State average. The Economy chapter of the Comprehensive Plan states that the County will seek a more diversified economy to support improved public services and facilities. Ms. Williams spoke in support of allowing truck stops, gas sales, convenience stores, and restaurants in the Industrial (I) zoning district on the 301 corridor. Ms. Williams stated that enforcing stricter Forest Conservation Act standards will deter growth from Kent County. The County's population has decreased, the hospital is reducing services, and budgets are severely strained.

Mr. Splendoria, Speaker of the Senate for the Student Government Association (SGA) of Washington College spoke on behalf of the SGA. Mr. Splendoria voiced the SGA's support of the citizens' text amendment to strengthen the Forest Conservation Act in Kent County. The SGA and the Washington College Democrats have submitted written testimony in support of strengthening forest conservation in Kent County.

Mr. MacLeod asked for clarification that no substantive changes have been made to Article III, Uses, in the proposed Land Use Ordinance.

Mr. Nicaise answered the question in the affirmative.

Mr. MacLeod spoke in disagreement with the Task Force recommendation P4., the "request to create two, new floating zones to allow for (a) planned mixed-use development and (b) planned neighborhoods, including specific criteria for such designations, as well as (c) to combine the Commercial and Employment Center districts and (d) to allow residential uses in the newly combined district." Mr. MacLeod noted that the Town of Millington has elected a new Mayor and the Town conducted a planning workshop to discuss development along the 301 corridor in Millington. The Task Force recommendation states that the Town of Millington is not supportive of creating two, new floating zones. Mr. MacLeod expressed that the Town's opinion on this matter has very likely changed since the recommendation was made in May 2021.

Mr. MacLeod would like to see Task Force recommendations that are voted on by the majority.

Mr. Mason stated that the agricultural community is aging. Mr. Mason expressed that the "10 Percent Rule" is denying landowners their basic property rights. The "10 Percent Rule" also prevents the agricultural community from sustaining itself, due to the current community growing in age and not having permission to subdivide their farms to pass along to their children. Mr. Mason believes that the "10 Percent Rule" is questionable and needs to be reviewed.

One of the Task Force members spoke in agreement with Ms. Christensen-Lewis' interest in adding the header that is present at the beginning of each district's "Permitted Uses and Structures" table to each page throughout the table.

A second member of the Task Force spoke in agreement.

B. Review of Task Force Recommendations

A member of the Task Force expressed interest in viewing an updated Zoning Map that aligns with the proposed Land Use Ordinance. The Task Force member would like to better understand how the updated Zoning Map will affect Kent County before the recommendations are presented to the County Commissioners.

Mr. Mackey stated that traditionally, zoning texts are amended then applications are received by property owners requesting zoning changes to their properties.

A second member of the Task Force expressed concerns about the current recommendations. The Task Force member would like to discuss the topics again and have a final vote on each topic.

A third member of the Task Force spoke in agreement.

A Task Force member expressed their disappointment in the current recommendations. The member stated that the recommendations are out of date and no longer usable information. The Task Force began with 17 members, and only 6 of the original members still attend the meetings regularly.

Another member of the Task Force spoke in agreement. The member stated that the topics must be discussed again and put to a final vote. The member desires to make final decisions and move forward with recommendations to the County Commissioners.

Mr. Mackey stated that he will meet with the Board of County Commissioners to brief them on the status of the Task Force, understand how the County Commissioners would like to move forward, and report back to the Task Force.

VII. Adjournment

Chair Hickman adjourned the meeting at 7:40 p.m.