

MINUTES

July 6, 2023

1:30 p.m.

An official recording of the Kent County Planning Commission meeting is available for viewing in its entirety on the County's YouTube channel: Kent County Government (<https://www.youtube.com/watch?v=2yGtHUj6Dd4>).

The Kent County Planning Commission met in regular session on Thursday, July 6, 2023, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. The following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, William Sutton, James Saunders, Ray Strong, and William Crowding. 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.

Other Kent County staff: Jamie Williams, CEcD, Economic Development Director.

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

PUBLIC HEARING

*23-40 Sandra Donnelly – Zoning Text Amendment – Seasonal Outdoor Retreat
Recommendation to the County Commissioners*

Sandra Donnelly proposes to add "seasonal outdoor retreat" as a special exception use in the Agricultural Zoning District (AZD), Rural Character (RC), Rural Residential (RR), Community Residential (CR), and Village (V) districts.

The proposed amendment would add a new use to the Land Use Ordinance.

The proposed definition for a Seasonal Outdoor Retreat is "a lot, tract, or parcel of land containing up to fifteen cabins, cottages, or pods, designed for and utilized for seasonal, periodic, transient occupancy and not as a permanent residence, which may contain outdoor recreational accommodations, and which may contain dining facilities for guests, and a central bath house facility."

Staff recommends sending a favorable recommendation of the zoning text amendment to the Kent County Commissioners as amended to delete Village as one of the permitted districts.

The Planning Commission heard from Lance Young, Esquire, with MacLeod Law Group, LLC, on behalf of Sandra Donnelly, and Sandra Donnelly, the applicant.

Discussion ensued regarding whether the proposal meets the Land Use Ordinance's definitions of retreat, resort, rural inn, or country inn. Staff determined that the proposal did not meet the definitions of lodging uses in the Land Use Ordinance.

The following members of the public spoke in opposition to the Zoning Text Amendment as presented: Patricia Langenfelder and Janet Christensen-Lewis.

Adopted on August 3, 2023

Chair Hickman moved to close the public hearing. Mr. Strong seconded the motion, and the motion passed unanimously, 6-0.

The Planning Commission requested that the proposed zoning text amendment be revised to include:

- Minimum lot size
- Maximum number of structures
- Minimum/maximum space between the structures
- Size restriction for the structures
- Maximum time period for visitors
- Setback requirements
- Requirement for a permanent bathroom facility
- Clarify the term “seasonal”
- Provide consistency to the term “patrons” or “guests”
- Clarify who can dine at the proposed dining facility
- Event, lighting, and noise restrictions

Mr. Ruge moved to postpone the decision until the August 3 meeting. Mr. Saunders seconded the motion, and the motion passed unanimously, 6-0.

APPLICATIONS FOR REVIEW

*23-32 Choptank Electric Cooperative Inc. – Major Site Plan (Concept)
Map 16, Parcel 61 – First Election District – Employment Center (EC)*

Choptank Electric Cooperative is requesting concept site plan review to expand an existing utility substation, which is to include a new 30-foot by 12-foot control building, new transformer, substation structure, and substation regulators. There is to be an addition of 38,756 square feet of gravel to the area. There is one existing entryway, and two additional entrances are proposed.

The applicant is requesting that the 100-foot front setback be reduced so that the substation equipment may be reconfigured to increase the spacing between energized equipment for safety as well as ease of operation.

Mr. Carper presented the staff report, recommending approval with conditions.

The Planning Commission heard from Robert Beadle with RGrid Power, PLLC, on behalf of Choptank Electric Cooperative Inc.

Mr. Beadle reported that Choptank Electric Cooperative would like to expand the existing breaker station into a substation to better serve the community. A reduction of the 100-foot front yard setback is requested in order to meet the National Electric Safety Code, increase operational safety precautions, and provide a sufficient distance between the equipment and the road.

Mr. Crowding spoke in favor of the front yard setback reduction as well as the additional entrances. Chair Hickman spoke in agreement.

Mr. Ruge queried whether the applicant would be willing to plant additional landscaping to screen the existing gravel area and equipment from the road. Additionally, Mr. Ruge expressed the idea of one additional entrance instead of two, allowing for ingress and egress from the site.

*22-53 Gillespie Precast, LLC – Major Site Plan (Concept)
27030 Morgnec Road – Second Election District – Industrial (I) and Industrial Critical Area – LDA
(ICA-LDA)*

Gillespie Precast, LLC/Morgan Creek Land Holdings, LLC is requesting concept site plan review for expansion of its contractor's storage yard from approximately 5 acres to 13.5 acres; to construct two 200-foot by 81-foot concrete manufacturing plants, in separate phases; to construct an 80-foot by 200-foot storage building; to install aggregate bins and ramp and a crushed concrete pile; and to construct a new MDOT SHA entrance on to MD Route 291.

Mr. Carper presented the staff report, recommending approval with conditions.

The Planning Commission heard from Kevin Shearon with DMS & Associates, LLC, on behalf of Gillespie Precast, LLC, and Andrew Gillespie with Gillespie Precast, LLC.

Mr. Shearon reported that MDOT SHA approved the proposed entrance on to MD Route 291.

Mr. Crowding and Chair Hickman expressed concerns regarding the location of the proposed entrance. The topography of the land would limit the driver's visibility as they approach the entrance.

Mr. Crowding and Chair Hickman spoke in favor of additional landscaping along the eastern property line and the front property line.

*23-39 Kent Manor Grain, LLC – Variance – Front, Rear, and Side Yard Setbacks
Map 14, Parcel 75 – Second Election District – Agricultural Zoning District (AZD)*

Gary Miller of Kent Manor Grain, LLC, is requesting a variance of the setback requirements to enable construction of a waste management structure on a 20-acre parcel located on Augustine Herman Highway in the Second Election District. The 152-foot by 75-foot building will be 247 feet from the front property line, 400 feet from the east side property line, and 290 feet from the rear property line. The surrounding farm is also owned by the Miller family as Kent Manor Farm, LLC.

Ms. Gerber presented the staff report, recommending approval with conditions.

The Planning Commission heard from Charles Miller with Kent Manor Grain, LLC.

Mr. Miller stated the waste management structure will be used to stockpile chicken manure. The chicken manure is currently stockpiled outside, thus damaging the quality of the manure and creating environmental concerns. The waste management structure would prevent these concerns.

Mr. Saunders expressed support of the variance request.

Mr. Crowding moved to send a favorable recommendation to the Board of Appeals to grant the setback variances from the required 600 feet: 353 feet from the front yard setback, 200 feet from the side yard setback, and 310 feet from the rear yard setback in order to construct a 152-foot by 75-foot waste management structure. The variance will not cause a substantial detriment to adjacent or neighboring property. The variance will not change the character of the neighborhood or district. The variance is consistent with the Comprehensive Plan and the general intent of this Ordinance. The practical difficulty is due to the size and shape of the parcel.

Mr. Sutton seconded the motion, and the motion passed unanimously, 6-0.

GENERAL DISCUSSION

MINUTES

Mr. Ruge moved to approve the minutes of May 4, 2023, as presented. Mr. Strong seconded the motion. The motion passed unanimously 6-0.

Discussion ensued regarding the preferred format of Planning Commission minutes going forward.

Chair Hickman moved that the minutes be concise, reflect the actions of the meeting, and a recording of the meeting be available if there are discrepancies.

Mr. Crowding seconded the motion, and the motion passed unanimously, 6-0

STAFF REPORTS

Mr. Mackey reported that a member of the public requested that the Bylaws of the Planning Commission be posted on the Planning Commission webpage. The Planning Commission spoke in favor of posting the Bylaws to the webpage.

Mr. Mackey noted a draft of the updated Land Use Ordinance will be available at the beginning of August. At the August 3 Planning Commission meeting, members will discuss their plan of action to review the document.

ADJOURN

Mr. Ruge moved to adjourn the meeting. Mr. Strong seconded. The meeting adjourned at approximately 3:53 pm.

Francis J. Hickman, Chair

/s/ Campbell Safian
Campbell Safian, Planning Specialist