

MINUTES

May 4, 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=6pXl2Smx4Vc>).

The Kent County Planning Commission met in regular session on Thursday, May 4, 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, Ray Strong, Paula Reeder, 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 (remote); and Dawson Hunter, Housing and Transportation Coordinator (remote).

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

MINUTES

Mr. Sutton moved to approve the minutes of April 6, 2023, as amended. Mr. Strong seconded the motion. The motion passed 5-1.

APPLICATIONS FOR REVIEW

23-10 Gillespie Precast LLC – Major Site Plan (Final)

Map 37, Parcel 490 – Fourth Election District – Industrial (I) & Industrial Critical Area -- LDA (ICA-LDA)

Gillespie Precast, LLC is requesting final site plan review for a 6.22-acre expansion of its finished product storage yard, to construct a 16,000 square foot storage building, and to construct a new entrance on to Maryland 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 James Gillespie, principal of Gillespie Precast, LLC.

Mr. Shearon reported that substantive changes have not been made to the site plan following the March 2, 2023, concept and preliminary review, except additional engineering measures. The applicant has received verbal approval of the sediment and erosion control plans. MDOT State Highway Administration (SHA) has provided the applicant with technical comments on the proposed entrance to Maryland Route 291. MDOT SHA did not indicate opposition to the proposed entrance in their comments.

Adopted on July 6, 2023

Ms. Reeder moved to grant final approval conditioned upon Gillespie’s submission of all required sureties for stormwater management, sediment and erosion control, and landscaping; approval of the stormwater and sediment and erosion control plans; final MDOT SHA approval for the proposed access design; and submission of an updated landscaping plan satisfactory to the Planning Commission.

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

23-27 County Commissioners of Kent County – Zoning Text Amendment – Height of Industrial Structures Recommendation to the County Commissioners

On March 14, 2023, the County Commissioners adopted a Resolution to consider a zoning text amendment to update Article V. District Regulations, Section 11. Commercial District, § 11.5 Density, Area, Height, Width, and Yard Requirements, by adding a new provision to regulate the height of industrial structures in general and by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. District Regulations, Section 14. Employment Center District, § 14.5 Density, Height, Width, Bulk, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; and, to update Article V. District Regulations, Section 15. Industrial District, § 15.5 Density, Height, Width, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor.

Staff recommends sending a favorable recommendation to the Board of County Commissioners on the proposed zoning text amendment and a favorable recommendation related to the proposed definition for the 301 Corridor.

The proposed definition for the Route 301 Corridor is “one of two growth areas in Kent County identified by the Comprehensive Plan, which includes land adjacent to and one mile east and one mile west of the nine-mile-long section of U.S. Route 301, as it passes from north to south through Kent County, Maryland, and adding those five properties zoned Employment Center and Industrial, which are located along MD 299 in Massey.”

The following members of the public spoke in support of the Zoning Text Amendment: Chip MacLeod, Esquire, and Thomas Mason.

The following members of the public spoke in opposition to the Zoning Text Amendment: Cindy Anderton (remote), Elizabeth Watson, Cynthia Saunders, Melinda Bookwalter, Catherine Durham, John Lysinger, Michael Kent, Janet Christensen-Lewis, Patricia Langenfelder, Judy Gifford, and Wendy Costa.

Ms. Reeder moved that the Planning Commission vote in favor of the requested text amendment as recommended by staff, finding that it is entirely consistent with the Comprehensive Plan and is fulfilling the County’s commitment to pursuing goal number two for land use. The zoning text amendment is a request from the Commissioners who have considered the public need. Approval is recommended because the proposal is consistent with the current evolution of requirements for different structures that are contemplated for the Industrial, Commercial and Employment Center zones, concentrated along the Route 301 Corridor.

The motion failed for lack of a second.

Mr. Crowding moved to send an unfavorable recommendation to the County Commissioners for the proposed zoning text amendment. The proposal is consistent with the Comprehensive Plan and Maryland Critical Area law,

however, it does not meet the public need requirement. The gains to the public of Kent County are significantly outweighed by the reasonable and foreseeable detriments.

Mr. Crowding amended his motion, recommending the County Commissioners introduce a zoning text amendment that allows for a special exception to surpass the maximum allowable height in the Industrial, Commercial, and Employment Center zoning districts.

Mr. Strong seconded the motion, and the motion passed, 5-1.

STAFF REPORTS

Chair Hickman asked what the process entails for property owners who wish to request a zoning change for their property.

Mr. Mackey noted that property owners may complete a form to file the request for a map amendment and zoning change. Property owners should include in the submission a narrative explaining the reason why the zoning change is requested.

GENERAL DISCUSSION

Discussion ensued regarding the site plan review process; circumstances in which it may be appropriate to combine the concept and preliminary review, and circumstances in which the three phases of review should remain separate.

Major Site Plans that are detailed or subject to traffic studies should be reviewed by the Planning Commission in three phases.

ADJOURN

Mr. Ruge moved to adjourn the meeting. Mr. Sutton seconded. The meeting adjourned at approximately 4:18 pm.

Francis J. Hickman, Chair

/s/ Campbell Safian
Campbell Safian, Planning Specialist