

QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES
May 11, 2023

The Queen Anne's County Planning Commission met on Thursday, May 11, 2023, at 8:45 A.M. The following members were present: Sharon Dobson, Tom Leigh, Jeff Reiss, Teddy Baker, and Ben Tilghman.

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, County Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

1. Public Comment – An email letter submitted by Jay Falstad, Queen Anne's Conservation Association, was read in which he stated the Planning Commission decision last month regarding TACO #23-02 to change mixed use development in the Kent Narrows is incompatible with the Comprehensive Plan.

2. Meeting Minutes Review – Upon motion made by Commissioner Leigh, seconded by Commissioner Baker and passed by voice vote, the April 13, 2023, Planning Commission Minutes were approved as presented.

3. Extension Requests – None.

4. UPDATES:

(A) Legislation and Legal Matters – Amy Moredock, Planning and Zoning Director, provided the following updates:

- (1) Baltimore Metropolitan Council** – staff is working in a joint effort on a regional climate greenhouse gas reduction grant application. Our role would be to represent not only the County, but also the rural perspective and ability to implement initiatives that may be drafted for a metro area.
- (2) National Association of Stormwater and Floodplain Managers Virtual Conference** she has been attending and said it has been interesting and valuable to hear about resiliency planning efforts from diverse areas across the country.
- (3) Senator Van Holland's** staff reached out, and we are working with them to ensure Queen Anne's County initiatives remain on their radar and our connections are constant throughout the year.
- (4) Bay Bridge Crossing Study** – the County is a participating agency in the Interagency Coordination Group and is working through evaluating the corridor analysis. Steve Johnson and Steve Cohoon took part in a tour from the Severn River Bridge to the Route 50/301 split to see the infrastructure, environmental features, and businesses that will be impacted by a new bridge.

(B) Miscellaneous Staff Items – Steve Johnson, County Planner, noted that the language used for Site Plan resolutions has been updated to reflect findings required by the County Code.

5. Citizen Sponsored Text Amendment TACO #23-02 – a motion was made by Commissioner Baker to consider amending the language of the motion previously adopted to clarify the intention that the amended percentages of commercial and residential use would apply in the WVC to all properties, not just those that are being redeveloped. The motion was seconded by Commissioner Leigh and failed with Commissioner Baker in favor and Commissioners Leigh, Reiss, and Tilghman opposed.

6. Concept Plan – Parcel 24 Holding, LLC – Mallard Construction Group, LLC – SP# 22-04-0090 – Steve Johnson, County Planner, provided the highlights of the applicant's request for Concept Plan approval, increased density, and reduced setbacks for the construction of one (1) 3-story, 12-unit residential apartment building on 0.642 acres of land on Shopping Center Road, in Stevensville.

Tom Davis, DMS & Associates, described the history of the site and the previous impervious coverage. He detailed the proposed site plan including the need for the setback reduction and density increase, pedestrian and vehicular access, easements, water suppression system, water main extension, and stormwater management. He said concept plan approval is required before making a request to the Sanitary Commission for water and sewer allocation.

Victoria Hoffman, Mallard Construction Group, LLC, described the metrics and details of workforce and affordable housing regulation and what they would be providing. She stated that there is a lack of and need for multi-family and affordable housing in the County.

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

(A) Liam Shandly, Dundee Avenue, opined that there are too many new apartment buildings. He expressed opposition to this and other new apartment buildings due to traffic gridlock, emergency services access, limited space and resources on Kent Island, and because the property is along the Scenic Byway.

(B) Rory Flood, Cult Classic, expressed concern regarding the residential apartments being so close to their building due to live outdoor entertainment and festivals, car shows, fundraisers and weekly farmers market in the building and parking lot. Additionally, he stated that the brewing occurs in the wee hours of the night and the smell of beer infiltrates the area.

(C) Josh Willis, Historic Kent Island Inc, said he opposes the project because historically Route 18 was not designed for the use, congestion, and gridlock that it sees today, sewer capacity that has been set aside for commercial use should not be used for residential development, and it seems wrong that the County

Commissioners are the gatekeepers of the sewer capacity when you are the ones reviewing the project.

- (D) Riley Northrop, Queenstown, spoke in opposition citing the need for housing for young people and the income in the definition of workforce housing of \$60,000 being more than many, including teachers, earn. He said the younger people are all leaving the County which changes the culture.
- (E) Valerie Vassic, Kent Island stated she was against the project due to traffic and cited an example of being unable to obtain emergency medical care due to excessive traffic. Creating more homes and more traffic is not good for anyone that lives here.

The Planning Commission recessed for a short break at 9:50 A.M. and reconvened at 10:00 A.M.

- (F) Approximately 30 emails in opposition to the project were received prior to or during the meeting.

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

RESOLVED, that the Planning Commission, regarding the request by **Mallard Construction Group, LLC** for approval of an increased density under §18:1-28.D.(2)(a)[1][f] to construct one (1) 3-story, 12-unit residential apartment building with a density of up to 20-units per acre and as more particularly described in **Department of Planning & Zoning file SP #22-04-0090**, hereby finds: (1) the site area does not exceed five 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 increase in density of up to 20-units per acre.

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

RESOLVED, that the Planning Commission, regarding the request by **Mallard Construction Group, LLC** to reduce the side setback from 15' to 11' along the western property line under §18:1-28.D.(1) and §18:1-28.D.(5)(b), and as more particularly described in **Department of Planning & Zoning file SP #22-04-0090**, hereby finds: (1) a reduced side

setback would be consistent with the properties in the vicinity of the subject parcel as per applicant testimony, specifically Tom Davis outlining the delta between commercial setbacks of 15 feet and residential setbacks of 10 feet, and hereby grants the reduced setback.

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

RESOLVED, that the Planning Commission, regarding the request by **Mallard Construction Group, LLC** for Concept Plan approval to construct one (1) 3-story, 12-unit residential apartment building, and as more particularly described in **Department of Planning & Zoning file SP #22-04-0090**, hereby finds: (1) the Concept Plan is consistent with the goals and objectives of the Queen Anne's County Zoning and Subdivision Regulations and the 2022 Comprehensive Plan, (2) Comprehensive Plan Map 4-10, Detailed Future Land Use, Identifies the property as Commercial and Mixed-use and as being located within the Chester/Stevensville Planning Area, (3) Sanitary Sewer Services Map 5-10 identifies the property a S1 – Current Sewer Service Area and (3) the applicant is proposing development that meets the TC/UC Design Standards, which require that proposed development compliments existing buildings and community character, and hereby grants Concept Plan approval with the following conditions: (1) any remaining edits and /or documents required by a reviewing agency, the Department of Public Works or Planning & Zoning be reviewed and approved.

7. Major Site Plan – Chesapeake Square – A & W Investments, LLC – SP# 23-02-0100 – Steve Johnson, County Planner, provided the highlights of the applicant's request for Major Site Plan approval for the construction of two (2), 3-story, 21-unit residential apartment buildings with a 232 square foot pavilion and associated parking on 2.134 acres of land on Main Street, in Chester.

Tom Davis, DMS & Associates, described the proposed project including the history of the site, critical area, landscape buffer, afforestation, bio-retention areas, and emergency services review and access.

David Azar, A & W Investments, LLC., said he has met with the local fire company and are working with local agencies to use the tear-down portion of the project as a training exercise. He said he has an agreement with emergency services for his other properties to donate \$5 per unit, per month.

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

- (A) Trey Porter, Department of Public Works, described the department's review of the project and stated that the applicant has done everything that was suggested even though they were not required.
- (B) Mary Wagner, Stevensville, emailed her opposition citing traffic.
- (C) Shelly Gross-Wade, Kent Island resident and Economic Development & Tourism Commissioner, said she personally supports the project as the property is currently an eyesore.
- (D) Approximately 30 emails in opposition to the project were received prior to or during the meeting.

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

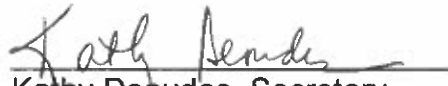
RESOLVED, that the Planning Commission, regarding the request by **A & W Investments, LLC.**, for Major Site Plan approval for redevelopment of one (1) parcel along Main Street, to include two (2), 3-story, 21-unit residential apartment buildings and a 232 square foot pavilion, and as more particularly described in **Department of Planning & Zoning file SP #23-02-0100**, hereby finds this Major Site Plan: (1) does meet all requirements of Chapter 18, (2) will not substantially increase traffic hazards or safety concerns due to traffic generated by the proposed use, the location or orientation of curb cuts, or the layout of internal circulation, (3) does contain a layout of buildings, parking, roads, and utilities that does not substantially increase fire, health, or other public safety hazards, (4) is adequately buffered and screened to minimize potential adverse impacts to neighboring properties and public rights-of-way, (5) will not substantially increase stormwater drainage or pollution, (6) will not have an unreasonably adverse effect upon property values in the vicinity of the site, (7) will not adversely affect the public welfare and will provide for public safety through compliance with the State Fire Code and with any applicable County or municipal Fire Codes, (8) is compatible with the general character of the surrounding neighborhood, and (9) is consistent with the purpose, goals, and objectives of the 2022 Comprehensive Plan, and hereby grants Major Site Plan approval subject to the following conditions: (1) any remaining edits and/or documents required by a reviewing agency, the Department of Public Works or Planning & Zoning be reviewed and approved, (2) the architecture,

lighting, and overall site design must substantially reflect the documents provided, (3) per the June 9, 2022 approval of the increase in density to 20 units per acre, the applicant shall provide information to indicate that the apartments will provide workforce, age-restricted or other moderately priced housing, (4) any required legal documents, including an enforceable agreement to assure tenants meet workforce housing requirements, must be approved, signed and recorded prior to obtaining final signatures, (5) all required bonds, sureties, review, and inspection fees must be submitted to the Department of Public Works and the Department of Planning & Zoning as appropriate, and (6) all required signatures must be obtained.

8. Public Comment – None.

There being no further business to come before the Planning Commission, the meeting was adjourned at 10:55 A.M.

RESPECTFULLY SUBMITTED,


Kathy Depoues, Secretary