

QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES
August 8, 2019

The Queen Anne's County Planning Commission met on Thursday, August 8, 2019, at 8:45 A.M. The following members were present: Jeffrey Reiss, Tom Leigh, Sharon Dobson, Robert Priest, David Douglas, Tom Jackson, and Sheila Tolliver

Also present were Michael Wisnosky, Director Department of Planning and Zoning; Amy Moredock, Principal Planner; Rob Gunter, Principal Planner, Stanley Kosick, Senior Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

1. Public Comment – No comments received

2. Meeting Minutes Review – Upon motion made by Commissioner Tolliver, seconded by Commissioner Dobson and passed by voice vote, the July 11, 2019 Planning Commission Minutes were approved as presented.

3. Extension Requests –

(A) Mears Point Associates – Major Site Plan #05-16-08-0008-C – Mr. Michael Wisnosky, Director, outlined the request for an 8-month extension to the conditionally approved Major Site Plan.

Mr. Joseph Stevens, Esquire, on behalf of Mears Point, said that the developer (Klein Enterprises) recently decided not to move forward with the project and Mears is now negotiating with a new apartment developer. He said the County Commissioner's plan to revamp the Water & Sewer Plan in April 2020 is commiserate with the decision making which is why they are asking for the extension to be granted until that time. Mr. Tom Davis, DMS & Associates, stated that there have been no changes to the County Code that affect this project.

Upon review and further consideration, the following motion was made by Commissioner Dobson, seconded by Commissioner Douglas and passed by unanimous voice vote;

RESOLVED, that at the request of **Mears Point Associates**, the conditionally approved Major Site Plan, **Department of Planning and Zoning File #05-16-08-0008-C**, shall be and is hereby extended through and including the date of the regularly scheduled Planning Commission meeting on **April 9, 2020**.

(B) Schulz Development – Fisherman's Village Major Site Plan #05-14-10-0003-C – Mr. Michael Wisnosky, Director, outlined the request for a 12-month extension to the conditionally approved Major Site Plan.

Mr. Tom Davis, DMS & Associates, stated that on July 1st the project was amended to modify/remove parking and they are seeking an extension to allow time for Site Plan review of the proposed amendments.

Upon review and further consideration, the following motion was made by Commissioner Douglas, seconded by Commissioner Dobson and passed by unanimous voice vote;

RESOLVED, that at the request of **Schulz Development – Fisherman’s Village**, the conditionally approved Major Site Plan, **Department of Planning and Zoning File #01-14-10-0003-C**, shall be and is hereby extended through and including the date of the regularly scheduled Planning Commission meeting on **August 13, 2020**.

(C) Kingstown Storage – Major Site Plan #SP-18-09-0010 – Mr. Michael Wisnosky, Director, outlined the request for a 6-month extension to the conditionally approved Major Site Plan.

Upon review and further consideration, the following motion was made by Commissioner Priest, seconded by Commissioner Dobson and passed by unanimous voice vote;

RESOLVED, that at the request of **Kingstown Storage**, the conditionally approved Major Site Plan, **Department of Planning and Zoning File #SP-18-09-0010**, shall be and is hereby extended through and including the date of the regularly scheduled Planning Commission meeting on **February 13, 2020**.

4. UPDATES: Legislation and Legal Matters

(A) Mr. Michael Wisnosky, Planning and Zoning Director, briefed the Planning Commission regarding the Court of Appeals ruling on July 19, 2019 in the preemption case of *Board of County Commissioners of Washington County v. Perennial Solar, LLC*. Mr. Wisnosky said the decision held that state law pre-empts local zoning authority with respect to solar generating systems that require a Certificate of Public Convenience (CPCN) and Necessity issued by the Maryland Public Service Commission but the decision is specific to the “siting and location” of solar facilities and is silent of local jurisdictions requiring Site Plan approval. Requiring local Site Plan approval has been reinforced by the latest CPCN licensing conditions for the recently approved Bluegrass Solar application approved by the Power Plant Research Program and they have

required local site plan approval (including landscaping) before construction may begin. He said the County can no longer require utility solar to be located in the designated overlay district, but the district was created based on the industry's requirement of locating within 2 miles of the transmission lines and, therefore we assume future sites will continue to be located in those areas. He concluded by saying the County will still have the ability to enter into PILOT agreements and will continue to recommend that any future solar developer abide by the established Zoning Ordinance and require Site Plan approval.

5. Text Amendment / County Ordinance #19-14 – Proposal to add Food Trucks as a Temporary Use under Queen Anne's County Code Chapter 18:1-53 and to add a definition of Food Trucks to Chapter 18App: Appendix a: Glossary.– Mr. Sam Kosick, Senior Planner, provided the background, analysis and objective regarding the proposed Text Amendment to regarding Food Trucks.

Ms. Amy Moredock, Principal Planner, said the standards are meant to assist Ms. Vivian Swinson, Zoning Administrator, who has been making a judgement call regarding parking and access for these temporary uses. She said the goal is to provide some regulation while still allowing flexibility. Ms. Moredock added that the Health Department also reviews, and the trucks are licensed and inspected. Lastly, she said that operators who play by the rules and are in compliance will only need a simple administrative procedure to renew the following season.

Ms. Swinson said the real issue is with Food Trucks that do not move and start adding seating.

The Planning Commission took a short break at 10:00 A.M. and reconvened at 10:10 A.M.

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

(A) Ms. Kathy Thomas, Kent Island, (Charlies Chicken & Eats) said she has a Food Trailer on Chesapeake Outdoors site for almost 2 years and expressed concern regarding the limit of 2 trucks per site since there are currently 3 on that site. She said her truck is health inspected, licensed, complies with Zoning and Fire requirements and everything that is asked. She added that she is lifelong resident of Kent Island, but has her truck titled in Maine because it is cheaper.

(B) Mr. Mike Eber, crab food truck/trailer at Chesapeake Outdoors, said he has been selling crabs to local restaurants for 30+ years and sells to the public from his truck which is fully licensed and in compliance with Health, Fire and County regulations. He expressed concerning limiting the number of trucks on one site.

(C) Ms. Anne Williams, Romancoke, said she uses all 3 trucks at the Chesapeake Outdoors site and expressed concern that the proposal is too limited and hasn't received input from vendors. She suggested staff reach out to vendors for their ideas.

(D) Ms. Helen Bennett, Kent Island Resident, questioned why the regulations were even necessary and said that if there is one truck that is the issue it should be addressed.

(E) Ms. Georgiana Windly, Executive Director Kent Narrows Development Foundation, said the Board reviewed and discussed the proposal and agree that food trucks should not be permitted in the WVC except for special events. She added that in other locations food trucks and food trailers are two different things depending on mobility and food preparation.

(F) Mr. Jody Schulz, KNDF, said they are not looking to hurt food truck business, but atmosphere in the WVC is different and a site like the Jamal property could have 10 trucks come in. He said they have worked hard to make the Kent Narrows a destination area with increased amenities. Mr. Schulz suggested a work session to discuss and work through options.

(G) Mr. Jim Moran, County Commissioner, said that the 6-month timeframe makes sense for the temporary use. Mr. Moran said that whether the number limit is 2 or 3 doesn't really matter. He added that the temporary uses do not have to follow design guidelines. Lastly, he said the County Commissioners are looking to prevent problems and give Ms. Swinson the necessary tools.

The Planning Commission reached consensus to Table the proposed Text Amendment #19-15 to allow time to conduct a Work Session for further comment and consideration.

6.Text Amendment / County Ordinance #19-15 – Proposal to add a definition of Cargo Containers to Chapter 18App: Appendix a: Glossary and to specifically prohibit Cargo Containers as residential uses – Mr. Stan Kosick, Senior Planner, provided the background, analysis and details of the proposal to regulate cargo / shipping containers for use as storage in residential neighborhoods.

Ms. Amy Moredock, Principal Planner, stated that the use should be subordinate to the principal use and the shipping container must meet Code requirements. She said the proposed amendment does not shut the use down entirely, but only for residential properties.

Ms. Vivian Swinson, Zoning Director, said "Pods" receive temporary permits and the use of containers for "repurposing" would be allowed but must meet building codes.

Chairman Reiss asked if there were members of the public who wished to be heard, at which time no comments were received.

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

RESOLVED, that the Planning Commission hereby makes a favorable recommendation to the Queen Anne's County Commissioners regarding **Text Amendment #19-15**, to add a definition of Cargo Containers to Chapter 18App: Appendix a: Glossary and to specifically prohibit Cargo Containers as residential uses, as presented and attached hereto labeled as "Exhibit A".

7. Town of Queenstown – Proposed Comprehensive Plan Amendment

(Reclassification of "Wheatland Farm") – Ms. Amy Moredock, Principal Planner, described the highlights of the Town of Queenstown's request for Planning Commission review for consistency with the Queen Anne's County Comprehensive Plan for the reclassification of the Wheatland Farm property to add residential uses to the Planned Regional Commercial land area.

Commissioner Tolliver provided Planning Commission members with a memo enumerating areas of conflict with the Queen Anne's County Comprehensive Plan.

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

(A) Mr. Joseph Stevens, Esquire, on behalf of the Waterman Family Partnership which owns the Wheatland property, said development will likely include a multi-family component. He said they are looking to go back to the way it was prior to 2017 to allow a mix of commercial and residential mixed-use development.

(B) Mr. Barry Waterman said this is a very simple and very limited change to the Plan. He said they submitted a proposal to the Queenstown Planning Commission 18 months ago and have gone through the process.

Upon review and further consideration, the following motion was made by Commissioner Leigh, seconded by Commissioner Tolliver and passed by voice vote with Commissioner Reiss in opposition:

RESOLVED, that the Planning Commission, regarding the **Comprehensive Plan Amendment to reclassify Wheatland Farm**, send the Queenstown Planning Commission a general letter of consistency with the Queen Anne's County Comprehensive Plan and include the document provided by Commissioner Tolliver entitled "Amendments".

The Planning Commission requested Ms. Moredock provide Planning Commission members the letter for their review prior to sending to the Queenstown Planning Commission.

8. Miscellaneous Staff Items – None.

9. Public Comment – None.

There being no further business to come before the Planning Commission, the meeting was adjourned at 11:40 A.M.

RESPECTFULLY SUBMITTED,



Tom Leigh, Secretary

9/12/19



*Queen
Anne's
County*

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County Commissioners:

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Jack N. Wilson, Jr., District 1
Stephen Wilson, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

3 September 2019

Thomas B. Willis, Jr., President
Queenstown Commissioners
PO Box 4
7013 Main Street
Queenstown, MD 21658

Re: Comprehensive Plan Amendment/Queenstown Resolution #19-101
Reclassification of "Wheatland Farm"

Dear President Willis,

Thank you for sending the proposed amendments to the Queenstown 2017 Comprehensive Plan for County Planning Commission comment. The Planning Commission understands that Comprehensive Plan Amendment/Queenstown Resolution #19-101 is specific to the annexed property referred to in the Queenstown 2017 Community Plan as the "Wheatland Farm". The property (Tax Map 59A, Parcels 31, 141, 36, and 35) totaling approximately 148.12 acres is located on the south side of Maryland Route 50. In 2014, the property was annexed and classified Planned Regional Commercial (PRC) Floating Zone District. The Planning Commission is also aware that at its 10 July 2019 meeting, the Queenstown Planning Commission determined that the Queenstown Comprehensive Plan should be updated to reflect the future development of the Wheatland Farm in accordance with the PRC Floating Zone District. A public hearing regarding this proposal has been scheduled for 18 September 2019 at the Town Office.

In accordance with Maryland Annotated Code/Land Use Article §3-203(c) and §3-204(c) (Plan Development and Plan Modification respectively), the Queen Anne's County Planning Commission reviewed the Town's proposed amendments at its 8 August 2019 meeting. The intention of the proposed amendments to the Queenstown Plan is to add residential uses to the Planned Regional Commercial land area. Adding this use entails amending various sections of the Plan. After discussion of those proposed amendments, the Planning Commission agreed to offer the following comments for your consideration:

- Per *Queen Anne's County Code*, Chapter 18 (Land Use and Development), the proposal is consistent with the statements of purpose in the adjacent zoning districts, Neighborhood Conservation and Suburban Commercial. The proposal is not inconsistent with the Countryside district.
- The proposed amendments are consistent with the following 2010 *Queen Anne's County Comprehensive Plan* goals and strategies:
 - Section 5.3.2 Town Plan Consistency & Implementation
Working together through cooperation was one of the key themes that emerged through the 2010 Comprehensive Plan update process. Cooperation between the County and



Towns can be facilitated through inter-jurisdictional planning to provide necessary public facilities and services, and implementing regional projects. The County currently works cooperatively with the Towns through an agreement to notify and review development projects within an area known as the Town Notification Area. Article 66B directs counties and towns and the State to coordinate planning and development efforts to achieve the established visions. (Page 5-6)

- Section 5.4.4 Queenstown Community Plan Growth Strategies & Priorities
 - Queenstown, designated a “Growth Sub-Area” in 1993, is recognized as a Planning Area in the County Comprehensive Plan.
 - Preservation of the Town’s Community Character involves Design Principles including: Mixed Uses. (Page 5-11)

The Planning Commission requests that the Town consider the following Queen Anne’s *County Comprehensive Plan* goals and strategies when implementing the amended *Queenstown Comprehensive Plan*:

- Introduction
 - Plan Element Interrelationship: These Elements are supported by a County/Town Planning Framework contained in Section 5.0. This framework is built around ... Encouraging Adequate Public Facilities Ordinances (APFOs) for the Towns. (Pages 6-7)
- Section 1.8 Land Use Element (Goals, Objectives and Recommendations)
 - Discourage residential development along major transportation corridors:
 - (a) Noise is inappropriate for residents.
 - (b) Traffic congestion is greater. (Page 1-26)
 - Understand the fiscal consequences of implementing the Comprehensive Plan. Analyze the cost of achieving the goals and recommendations of this plan and the revenues it will produce. (Page 1-30)
- Section 5.6 County/Town Planning Framework (Goals, Objectives and Recommendations)
 - Foster Government Cooperation and Participation
 - Promote inter-jurisdictional (Town/County) cooperation with respect to planning and growth related issues, including the new TDR program in order to manage growth.
 - County funding for town infrastructure should be conditioned upon compliance with County Adequate Public Facilities Ordinance (APFO). (Page 5-15)
- Section 6.4 Economic Development and Tourism Element
 - Balanced Tax Base—all strategies
 - Retail & Service Opportunities—all strategies (Page 6-10)
- Section 8.11 Community Facilities and Transportation Element
 - Linking Land Use and Transportation—Transportation Planning Decision: Overpass/Interchange; Direct Impacts: Improves driver safety and improves circulation; Indirect Impacts on Land Use Decisions: provides connections; improves pedestrian and bike accessibility, increases intersection level of service.
 - Transportation and Economic Development—Transportation decisions can directly impact factors such as the value of land and land accessibility which are two key factors to economic development. These impacts will direct land use

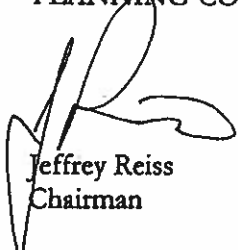


decisions such as use, density, connectivity, impervious surface, and green space associated with development. (Page 8-14)

- Transportation Goals, Objectives and Recommendations—Recognizing the unique character of one way in and one way out roads on peninsulas in the county; provide for safety in the design and function of these roads. (Page 8-26)

Thank you for the opportunity to comment on the proposed amendments to the Queenstown 2017 Comprehensive Plan. We look forward to working with you to assure the collective implementation of the County and Town Comprehensive Plan goals and strategies.

QUEEN ANNE'S COUNTY
PLANNING COMMISSION



Jeffrey Reiss
Chairman

CC: Lyndsey J. Ryan, Town Attorney

