



Queen Anne's County

DEPARTMENT OF PLANNING & ZONING

110 Vincit St., Suite 104
Centreville, MD 21617

Telephone Planning: (410) 758-1255
Fax Planning: (410) 758-2905
Telephone Permits: (410) 758-4088
Fax Permits: (410) 758-3972

County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
Stephen Wilson, District 2
Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

To: Planning Commission
From: Rob Gunter, Principal Development Review Planner
Stephanie Jones, Long Range Principal Planner
Meeting Date: June 9, 2022
File Number: SP #20-10-0065
File Name: Kent Island Crossing
Contract Purchaser/Developer: Reliable Real Estate Services, LLC
c/o Shannon Smith, Vice President
2410 Evergreen Rd, Suite 104
Gambrills, MD 21054
Engineer: DMS & Associates, LLC
PO Box 80
Centreville, MD 21617

General Information:

Map/Parcel(s): 57 / 8 & 374
Parcel Size: Total = 14.506± acres
Location: Piney Creek Road, Chester, MD
Zoning District: Town Center (TC)

Proposal and Requested Actions:

The applicant is proposing to administratively combine two (2) parcels for the creation of an approximately 142,830 sq. ft. commercial development that will include four (4) restaurants, office space, retail space, a grocery store, and a senior independent living facility.

The applicant is requesting:

- A parking reduction of 12 spaces under 18:1-83.A.(2);
Confirmation that the current proposal is consistent with the original Growth Allocation development proposal; and
Concept Plan approval.

Project History:

Original Concept Plan Submitted: December 15, 2004
Planning Commission Concept Approval: April 14, 2005
Planning Commission GA approval: June 9, 2005
County Commissioner concept GA approval: August 2, 2005
Critical Area Commission GA approval: September 7, 2005
County Commissioner GA approval: December 6, 2005
Amended Concept Plan submittal: October 10, 2020
Amended Concept Plan PC meeting: June 9, 2022

Facts and Findings

Project Details:

- The project site is located within the Town Center (TC) zoning district. The TC zoning district purpose is:
 - §18:1-28.A: This district is intended to provide higher-density, mixed use development and redevelopment along the Chester Main Street corridor as identified in the Chester/Stevensville Community Plan. Design standards and guidelines are incorporated within this district to foster an attractive, pedestrian-oriented pattern of mixed-use residential and nonresidential development that focuses on the local roads as opposed to US Route 50/301.
- The applicant is proposing an approximately 142,830 sq. ft. commercial development that will include four (4) restaurants, office space, retail space, a grocery store, and a senior independent living facility.
- In accordance §18:1-28.C Town Center Zoning District, the proposed uses are permitted:
 - §18:1-28.C.(1)(s) *High Commercial*
 - §18:1-28.C.(1)(v) *Institutional*
 - §18:1-28.C.(1)(ll) *Regional Shopping Centers*
 - §18:1-28.C.(1)(mm) *Shipping Centers*
 - §18:1-28.C.(1)(qq) *Mixed-use development incorporating permitted uses on the same site or within the same structure are permitted.*
- The proposal consists of two properties, totaling 14.506 acres, along Piney Creek Road. Tax map 57 parcel 8 is owned by David C. Bell, Trustee, and tax map 57 parcel 374 is owned by Virginia Cand and David C. Bell, Trustees. The applicant is a contract purchaser of both.

To support this development proposal, the applicant will propose an administrative subdivision to combine the two parcels. The administrative subdivision must be finalized prior to final signatures of the major site plan.
- Both parcels 8 and 374 have existing structures located on them. All existing structures are proposed to be removed.
- The proposed project is in the Chester/Stevensville Growth Area. Additionally, the property is within Queen Anne’s County’s designated Enterprise Zone (an area where commercial development and redevelopment and job creation are eligible to receive tax credits).
- Floor Area:
 - Maximum Permitted: ----- 252,760 sq. ft. (40%)
 - Proposed:

Overall, the applicant is proposing to construct seven (7) new buildings.

 - Building #1 – Restaurant: ----- 3,850 sq. ft.
 - Building #2 – Restaurant: ----- 6,900 sq. ft.
 - Building #3 – Fast Food Restaurant: ----- 2,700 sq. ft.
 - Building #4 – Retail/Fast Food/Office: ----- 10,200 sq. ft.
 - Building #5 – Retail: ----- 9,100 sq. ft.
 - Building #6 – Grocery Store: ----- 22,000 sq. ft.
 - Building #7 – Independent Living Facility: --- 88,080 sq. ft.
 - Total Floor Area Proposed: ----- 142,830 sq. ft. (22.6%)
- Impervious Surface Area:
 - Maximum Permitted: ----- 11.605 acres (80%)

- Proposed:
 - Critical Area: ----- 7.259 acres
 - Upland: ----- 1.597 acres
 - Total: ----- 8.856 acres (61.1%)
- Landscape Area:
 - Minimum Required: ----- 2.901 acres (20%)
 - Proposed:
 - Critical Area: ----- 4.80 acres
 - Upland: ----- 0.85 acres
 - Total: ----- 5.65 acres (38.9%)
- Setbacks:
 - US Route. 50: ----- 50'
 - MD Route. 18: ----- 35'
 - Piney Creek Rd: ----- 35'
- Parking:
 - Required: ----- 569 spaces
 - Provided: ----- 557 spaces
 - The applicant is requesting a reduction of 12 parking spaces under 18:1-83.A.(2).
- The project will be served with public water and sewer. All existing wells must be filled and sealed in accordance with the Department of Environmental Health.
- Stormwater management has been conceptually proposed as shown on sheet C-4. In addition to normal stormwater management, in cooperation with the Department of Public Works (DPW), the site will be tested for effectiveness regularly. DPW will continue their review throughout the site plan process.
- Lighting that will be proposed on-site and will meet the exterior light standards found in §18:1-85.
- Sidewalks are depicted, along the frontage of the site, on the south side of Piney Creek Road. There are two proposed trail connections traversing Piney Creek Road, that will connect to the Cross Island Trail located to the north of the proposed site.
- The village green and public space located between buildings #1 & #2 will have tables with umbrellas, benches, trash receptacles and bike racks for public use.

Environmental Details:

- The project conceptually meets all landscape planting requirements, including the additional plantings included as a condition of growth allocation approval.
- There are non-tidal wetlands located on-site. No disturbance is proposed. There is disturbance to the non-tidal wetland buffer. Authorization for the disturbance from the Maryland Department of Environment will be required.
- There is a perennial stream located on-site. No disturbance to the stream or its associated buffer is proposed.
- There is a 300ft shore buffer located on-site. No disturbance is proposed.
- There are 1.3 acres of woodlands located on-site. All the woodland is located within the critical area portion of the site. No disturbance is proposed. The applicant is proposing long-term protection for the woodland.

- The requirements of the Forest Conservation Act are proposed to be met with on-site planting of the required 37 trees (0.37 acres). These trees will be planted in the upland portion of the property and as per §18:2-14.C.(6) will be used to further establish the buffers.
- There are no other natural resource areas on-site (steep slopes, threatened and endangered species or 100-year flood plain).
- The property has approximately 12.059 acres of Chesapeake Bay Critical Area with a designation of Intensely Developed Area (IDA). This project has received a growth allocation award. The petition for growth allocation was approved by the Commissioners of Queen Anne’s County on December 6, 2005.

Critical Area – Growth Allocation:

- The applicant received Growth Allocation approval, with conditions, on December 6, 2005. As required, a concept plan was submitted with the proposal at the time of approval that included the following (including upland areas):
 - Grocery Store: ----- 63,641 sq. ft.
 - Retail: ----- 14,400 sq. ft.
 - Restaurant Space: ----- 5,525 sq. ft.
 - Total Floor Area Proposed:----- 85,707 sq. ft.
- Due to amendments to the conditionally approved concept plan, the applicant is required to address how the current proposal is consistent with the previous conditions. If consistent, the conditions do not need to be changed or altered, but if findings can not be made that the new proposal is consistent with the conditions then the conditions will need to be altered by the appropriate body.
- The Critical Area Commission has confirmed that they will not require the applicant to alter the conditions.
- The applicant has supplied a detailed narrative (see attachment) that addresses the conditions and how the proposed concept plan is consistent with the required conditions and concept plan that was approved with the Growth Allocation award. The narrative includes further details than what is provided below.
- The Growth Allocation proposal was reviewed and recommended by the Planning Commission on June 9, 2005. The following conditions were included with the recommendation to the County Commissioners. Staff can offer the following findings (in *italics*) for consistency and confirmation with the applicant’s narrative.
 1. The applicant designs a pedestrian-oriented development avoiding the typical strip commercial development pattern.
 - *This is not a strip commercial development and is pedestrian oriented.*
 2. The applicant considers roadway treatments to allow for safe pedestrian mid-block and intersection crossing.
 - *Multiple crossings are provided.*
 3. The architecture proposed for Lot 2 maintain a similar style proposed on Lot 1.
 - *Similar materials include shiplap siding, brick, similar roof lines & materials, awnings, and landscaping have been proposed.*
 4. Additional vegetation buffering to shield building facades from US Route 50/301, MD Route 18, and Piney Creek Road be provided.

- *Additional vegetation has been provided in the street bufferyards and landscaping is provided along all roads to shield facades. Furthermore, the required forest conservation plantings will be used as added screening to the upland portion of Piney Creek Road.*
- 5. The applicant shall provide additional green space in the parking area and around pedestrian connections where possible.
 - *Additional green space is provided in the village green and near outdoor dining areas.*
- 6. No building shall be constructed within the 300-foot buffer.
 - *There are no buildings proposed within the 300-foot buffer.*
- 7. The applicant shall review and provide only the required number of parking spaces.
 - *Only the required number of parking spaces are being provided, a reduction is requested, and the number of spaces has been reduced from the original concept plan.*
- The Growth Allocation was approved by the Critical Area Commission on September 7, 2005. The following conditions were placed on the approval. Staff can offer the following findings (in *italics*) for consistency and confirmation with the applicant's narrative.
 1. The 10% pollutant reduction required shall be addressed on-site with treatment of off-site runoff included as needed.
 - *The required pollutant reduction is 12.65 pounds of phosphorus per year (lb. P/yr). The provided reduction is 21.33 pounds of phosphorus per year (lb. P/yr).*
 2. The applicant shall obtain necessary approvals from MDE for the stormwater outfall prior to final site plan approval.
 - *The County Commissioner conditions indicate that there will be no disturbance to non-tidal wetlands and no disturbance is proposed outside of a few evergreen trees to be planted in the non-tidal wetland, but by only using hand tools.*
- On December 6, 2005 the County Commissioner granted Growth Allocation with the following conditions. Staff can offer the following findings (in *italics*) for consistency and confirmation with the applicant's narrative.
 1. There shall be no disturbance within the 300-foot shore buffer.
 - *There is no disturbance proposed to the 300-foot buffer.*
 2. The applicant shall afforest the Subject Property as depicted on the approved concept plan, with over 400 canopy, evergreen, and understory trees. (Exclusive of shrubs and forest conservation plantings)
 - *A total of 408 trees have been provided.*
 3. There shall be no disturbance of the non-tidal wetland located on the Subject Property.
 - *There is no disturbance to the non-tidal wetland. A few evergreen trees will be planted in the non-tidal wetland, but by only using hand tools, as noted on the plan.*
 4. The applicant will negotiate an agreement to offset increased operating costs with the Kent Island Volunteer Fire Department prior to final approval by the Planning Commission.
 - *The applicant has submitted details to be included in an agreement with KIVFD. See applicants' narrative for specific details.*
 5. The gas station fueling area will be designed and constructed to protect surface and subsurface water. The underground storage tanks will be double wall construction.
 - *This is no longer applicable as the gas station has been removed.*

6. The fueling area will be designed and constructed with a containment detector system.
 - *This is no longer applicable as the gas station has been removed.*
7. There will be leak detectors between the inner and outer wall of the fuel storage tanks. The applicant shall provide this as part of its Site Plan submittal to the Planning Commission with a description of how the system will be perpetually maintained.
 - *This is no longer applicable as the gas station has been removed.*
8. In addition to normal stormwater management, Kent Island Crossing shall be tested for effectiveness on a regular basis and in accordance with testing methods approved by the County Department of Public Works with consultation with the Maryland Department of Environment.
 - *The applicant has been and will continue to work with DPW on specific details of this arrangement as all final stormwater details will be completed with final site plan.*
9. The building architecture for the grocery store, retail space and gas station be substantially similar to that presented to the Planning Commission for the Concept Plan. All roof top equipment will be screened with architectural features, and Maryland 18 will be screened with trees.
 - *The architect has provided details within the narrative. The proposed architectural renderings and the 2005 renderings are similar due to the varying roof lines, awnings, use of multiple color choices (brown, red, and tan), and materials such as brick and siding. MD Route 18 is proposed to be screened.*
10. The applicant will construct a grade pedestrian linkage, in a safe manner, to the Cross Island Trail as generally depicted on the approved Concept Plan.
 - *Connections are provided.*
11. The applicant will reduce the amount of impervious surface on the plan. The applicant will increase landscape surface area to the extent practical from that depicted on the Approved Concept Plan by reducing the number of parking spaces where possible, to an amount reasonably necessary to accommodate the proposed uses on the Subject Property.
 - *The impervious area has been reduced by 1.465 acres, landscaping area has been increased by 1.465 acres, and a parking reduction has been requested for 12 spaces to be a reduction of 89 spaces overall from the previously approved plan.*
12. The applicant will pay a minimum lump sum of \$132,000 to the County to be used towards improvements at the MD 18/552 intersection.
 - *Design will be completed prior to final site plan review and the \$132,000 provided to the County at that time.*
13. The applicant will contribute its fair share of the costs toward the construction of an additional northbound through lane along MD 18 to Castle Marina Road.
 - *Design will be completed prior to final site plan review and the fair share cost will be reviewed and provided to the County at that time.*
14. The applicant will install a traffic signal at the MD 18 and Piney Creek Road interstation (approximate cost \$120,000).
 - *Design will be completed prior to final site plan review and an approximate cost of \$120,000 provided to the County at that time.*
15. The applicant will donate \$50,000 to the Parks Department for preservation of parkland on Kent Island.
 - *The \$50,000 will be provided to the County at that time final site plan.*

- Staff can offer the additional findings regarding consistency between the original concept plan that received Growth Allocation and the concept plan:
 - The overall impervious area for the entire property has been reduced by 1.465 acres, and specifically within the Critical Area by 1.334 acres. This will cause less environmental impacts for treatment of stormwater.
 - Less parking is proposed, as only the required amount of parking is required in accordance with County Commissioners Growth Allocation condition #11 and Planning Commission condition #7. In fact, the applicant has requested a parking reduction of 12 spaces and will include additional landscaping in this area to meet County Commissioners condition #9.
 - The landscape area has been increased by 1.465 acres, this includes meeting multiple conditions including County Commissioner conditions #2, #9 and Planning Commission condition #4, and #5.
 - The original concept plan included the use of a grocery store, gas station, retail, and restaurant space. The size of the grocery store has been reduced, the restaurant and retail space increased, gas station removed, and independent living facility added. The total increase in floor area is 57,122.5 sq. ft. The independent living facility is an institutional use and consistent with the County Code. The Comprehensive Plan supports this type of facility.
 - With the removal of the proposed gas station conditions #5, #6, and #7 from the County Commissions no longer apply.
 - The overall footprint of the buildings are in similar locations.
 - The independent living facility is proposed for the same location as the grocery store, but to be larger.
 - Grocery stores and gas stations may create a higher frequency of use, the independent living facility, located on the eastern side of the property, will not impose this higher frequency. The increase in retail and commercial space, on the western side of the property, may result in a higher frequency than the original concept plan.
 - The applicants are providing a protected forest retention area and providing more than the required pollutant reduction (phosphorus).
- To provide consistency with Article XV, Growth Allocation of the Chesapeake Bay Critical Area Act the following details are provided.
 - The property is designated Intense Developed Area (IDA) after receiving Growth Allocation in 2005 and located within a swath of IDA.
 - The property is located within the Stevensville/Chester Growth Area.
 - The property is proposed to be served with public sewer.
- The application is consistent with the Critical Area Program.
- The award of Growth Allocation requires an economic benefit to the community. As stated in the Growth Allocation narrative the applicant indicates how the proposal is consistent with the previous Growth Allocation award and details regarding the economic benefits. The award requires the applicant to provide multiple economic benefits to the community.
 - An agreement to offset increased operating cost with the Kent Island Volunteer Fire Department (County Commissioner Condition #4),
 - At grade pedestrian crossing (County Commissioner Condition #10),

- \$132,000 provided to the County to be used towards improvements at MD Route 18/552 intersection (County Commissioner Condition #12),
 - Fair share cost towards of an additional northbound through lane along MD Route 18 to Castle Marina Road (County Commissioner Condition #13),
 - Install traffic signal at the MD Route 18 and Piney Creek Road intersection (County Commissioner Condition #14),
 - And donate \$50,000 to the Parks Department for preservation of parkland on Kent Island (County Commissioner Condition #15).
- The award of growth allocation requires that impacts to the habitat protection areas be minimized and benefits to water quality optimized. These impacts have been minimized with this proposal by not impacting the non-tidal wetland, stream buffer, and 300' shore buffer. The water quality benefits have been optimized through additional pollutant reduction.
 - Upon review of the conditions, site plan, and narrative, staff concurs that all conditions will be met with the concept plan as proposed and indicated in the narrative. As outlined above, the concept plan provides consistency with the Comprehensive Plan and the same overall economic benefits are being provided. Therefore, staff concurs that the proposal is consistent and should not require further review by the Board of County Commissioners or the Critical Area Commission.

Design Standards:

- Town Center (TC) & Urban Commercial (UC) Design Standards and §18:1-28.D(5) - Design guidelines:
 - The applicant has submitted a letter that addresses the TC / UC Design Standards.
 - Architectural renderings have been provided.

2022 Comprehensive Plan:

The development plan must be consistent with the goals and objectives of the County Comprehensive Plan. In addition, the award of Growth Allocation requires consistency with the Comprehensive Plan and the Critical Area Program. Staff offers the following findings with regard to the overall development proposal and consistency with the 2022 Comprehensive Plan:

- Chapter 4: Land Use
 - Goal 4-1, Strategy 3, Recommendation 3: Reserve remaining sewer capacity for commercial uses, institutional uses (independent living facility), and other economic development endeavors.
 - Map 4-10, Detailed Future Land Use identifies this property as Commercial & Mixed-use.
- Chapter 8, Economic Development & Tourism
 - Directing commercial, retail, and housing development to Town Centers and Growth Areas is a central element in strengthening economic vitality in the County. Page 8-20
 - Goal 8-1, Strategy 2, Recommendation 4: Focus business growth and expansion efforts on targeted business sectors that complement the County's existing commercial base. Page 8-27
- Chapter 9, Housing
 - As included in the Plan, the 2021 Housing Strategy for Queen Anne's County indicated that rental housing for seniors is in short supply, limiting the ability to move out of single-family homes when maintenance becomes an issue. The independent living would provide some maintenance when needed.
- Chapter 11: Community Plans

- Map 11-13, Detailed Future Land Use identifies this property as Commercial and located in the Chester/Stevensville Growth Area.
- The Chester/Stevensville Growth Area Vision, as outlined in the Community Plans chapter, indicates that the Chester/Stevensville Growth Area should (Page 11-4) maintain decent employment and preserve the community's environmental resources. This development would provide employment for Queen Anne's County residents, a connection to the Cross Island Trail, wetlands are not being impacted on this parcel, and in addition to normal stormwater management the effectiveness will be tested on a regular basis. See County Commissioner Condition #8. See details in narrative.
- A priority of the Chester/Stevensville Growth Area is to provide community connection which is being provided and a requirement of the County Commissioners Growth Allocation condition #10. Page 11-4
- According to Table 11-1, Population Characteristics the highest percentage of population in the Chester Census Designated Place (CPD) ranges from 55 to 64 years at 20.5% and in the Stevensville CDP the highest percentage of population is 45 to 54 years at 16.1%. Page 11-9
- Discourage of strip-style commercial development patterns and encourage pedestrian-oriented mixed-use patterns. Page 11-16.

Conclusion:

No agencies that have reviewed this Site Plan have offered objections to its approval.

Suggestion for Resolutions:

Parking Reduction

RESOLVED, that the Planning Commission, regarding the request by Reliable Real Estate Services, LLC for a parking reduction from the required 569 spaces to 557 provided spaces under the provisions of 18:1-83.A.(2), and as more particularly described in Planning & Zoning file SP #20-10-0065, hereby finds:

1. The reduced parking requirements would be consistent with County Commissioners Growth Allocation condition #11 and Planning Commission condition #7 while allowing for additional landscaping in this area to meet County Commissioners condition #9.

...and hereby **GRANTS/DENIES** the requested parking reduction.

Growth Allocation:

RESOLVED, that the Planning Commission, regarding the request by Reliable Real Estate Services, LLC, for confirmation that the current proposal, SP #20-10-0065, is consistent with the original Growth Allocation award and development proposal hereby finds:

1. The current proposal is consistent with the 2005 Concept Plan, Growth Allocation award and conditions.
2. The consistency indicates that no changes are needed to the required conditions (Planning Commission, County Commissioners) as they were required through the granting of the 2005 Growth Allocation award.
3. The current Concept Plan is consistent with the 2022 County Comprehensive Plan and the Critical Area Program as required by the Growth Allocation standards found in the Article XV Growth Allocation of the Queen Anne's County Code of Public Law.

...and hereby **CONFIRMS/DENIES** that the current proposal is consistent with the original Concept Plan, Growth Allocation award and conditions.

Concept Plan

RESOLVED, that the Planning Commission, regarding the request by Reliable Real Estate Services, LLC, for Concept Plan approval for the creation of an approximately 142,830 sq. ft. commercial development that will include four (4) restaurants, office space, retail space, a grocery store, and a senior independent living facility and as more particularly described in Department of Planning & Zoning file SP #20-10-0065, hereby finds:

1. The current Concept Plan is consistent with the goals and objectives of the Queen Anne's County Zoning & Subdivision Regulations and the 2022 Comprehensive Plan.

...and hereby **GRANTS/DENIES** Concept Plan approval subject to the following conditions:

1. Any remaining edits and/or documents required by the State Highway Administration, the Department of Public Works, Planning & Zoning or any other reviewing agency be reviewed and approved.
2. The architecture, and overall site design must substantially reflect the documents provided.
3. The administrative subdivision must be approved and recorded prior to final site plan signature.
4. All remaining details of growth allocation conditions need to be completed prior to final site plan review by the Planning Commission.

Attachments:

June 9, 2005 - Planning Commission Growth Allocation Conditions (Technical Comments)
August 2, 2005 - Board of County Commissioners Growth Allocation Conditions
September 8, 2005 - Critical Area Commission Growth Allocation Conditions
March 4, 2022 - Independent Living Facility Description
March 21, 2022 - P&Z Independent Living Use Determination
April 7, 2022 - Town Center Design Standards Narrative
May 13, 2022 - Applicant Growth Allocation Narrative