

QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES
April 8, 2010

The Queen Anne's County Planning Commission met on Thursday, April 8, 2010, at 8:45 A.M. The following members were present: David Clark; Mary Kerr; Luke Howard; Jennifer Schmidt; Myron Richardson; Barry Waterman; and Sheila Tolliver.

Also present were J. Steven Cohoon, Chief of Land Use and Zoning; Helen Spinelli, Chief of Community and Environmental Planning; Katrina Tucker, Senior Community and Environmental Planner; Nancy Scozzari, Senior Community and Environmental Planner; David Dahlstrom, Senior Community and Environmental Planner; Robert Gunter, Community Planner; Holly Tompkins, Senior Land Use Planner; Frank Hall, Senior Land Use Planner; Jennifer MacGlashan, Land Use Planner; Barbara Norrington, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

1. Public Comment

Mr. Richard Altman, Queen Anne's Conservation Association, stated that he endorsed proposed annexing into Sudlersville of the particular property, but asked the Planning Commission to be mindful that many properties in the area are queing up for annexation and the cautions raised in the Sudlersville Community Plan about growing slowly.

2. Informational – Chairman Richardson stated that the Draft 2010 Comprehensive Plan is available on the QAC.org website.

3. Meeting Minutes Review - Upon motion made by Mr. Howard, seconded by Mr. Clark and passed by voice vote, the March 11, 2010 Planning Commission Minutes were approved with minor corrections.

4. Extension Requests

(A) C. Temple Rhodes, Jr. – Major Subdivision #03-07-01-0007-C – Ms. Holly Tompkins, Senior Land Use Planner, informed the Planning Commission that an extension was not necessary.

(B) Michael & Kathryn Gowl (Jarman Branch Estates Phase IV) – Major Subdivision #06-09-10-0002 – Ms. Holly Tompkins, Senior Land Use Planner, presented the request by the applicant for an extension to the conditionally approved Final Subdivision. Mr. Jeff Thompson, Esq. stated that they should have requested a longer extension last month. He said that the delay is due to providing extensive information to the Wells Fargo Bank who do not understand the process as well as our local banks.

Upon review and further consideration, the following motion was made by Mr. Howard, seconded by Ms. Schmidt and passed by voice vote:

RESOLVED, that at the request of Michael & Kathryn Gowl (Jarman Branch Estates Phase IV), the conditionally approved Final Subdivision, Department of LGE file #06-09-10-0002, shall be and is hereby extended through and including the date of the regularly scheduled Planning Commission meeting on July 8, 2010.

5. UPDATES: Legislation and Legal Matters

(A) PlanMaryland – Ms. Helen Spinelli, Chief of Community and Environmental Planning stated that PlanMaryland, the State’s development plan, is underway with public forum meetings and she will forward links with information for meetings being held on the Eastern Shore once it becomes available.

(B) Planning Education – Ms. Helen Spinelli, Chief of Community and Environmental Planning, stated that in the near future she will be coordinating times and dates for additional meetings of the Planning Commission for required Planning Education.

(C) Walters Property/ Robinson Case – Mr. J. Steven Cohoon, Chief of Land Use and Zoning, informed the Planning Commission that the case alleging a violation of the Fair Housing Act was quickly dismissed by the judge in favor of the County.

(D) 08-20 Sand/Gravel – Mr. J. Steven Cohoon, Chief of Land Use and Zoning, informed the Planning Commission that the County is preparing for trial in Circuit Court.

(E) Chester Haven Beach – Mr. J. Steven Cohoon, Chief of Land Use and Zoning, said that the project is still technically before the Planning Commission, however, it can not be reviewed until applicant amends application and the County Commissioners forward it back to the Planning Commission for determination of consistency with the Comprehensive Plan.

(F) 09-17 Development Disclosure and Integrity Act – Ms. Helen Spinelli, Chief of Community and Environmental Planning, stated that the County Commissioners have not yet responded to the letter from the Planning Commission.

(G) Kent Island, LLC – Mr. Christopher Drummond, Planning Commission Attorney, stated that a group of citizens filed suit in Queen Anne’s County Circuit Court against the County challenging the legality of the Settlement Agreement. He said that Judge Ross has granted the request to transfer the case to Anne Arundel County. He added that the Plaintiffs have requested that Judge Mulford recuse himself because he granted/approved the Settlement Agreement.

6. Informational Item – TA #10-04 Critical Areas – Waterfront Revitalization

Area – Ms. Nancy Scozzari, Senior Community and Environmental Planner, stated that the purpose of the amendment was to make changes to the Chesapeake Bay Critical Area Program in Chapter 14 of the Queen Anne’s County Code in compliance with provisions of House Bill 1253. She said the text

amendment will address redevelopment within Critical Area on lands that are non buffer exempt and designated as Intensely Developed Area. Ms. Scozzari outlined the procedure for adoption, which will begin with formal review by the Planning Commission at the May meeting.

7. Concept Plan – 2006 Comprehensive Water and Sewerage Plan amendment recommendation – Jemal’s Kent Narrows, LLC (Douglas Development Corp. (CP# 04-09-06-0004-C) – Mr. Frank Hall, Senior Land Use Planner, provided the highlights of the applicant’s request for Concept Plan approval and a favorable recommendation to the Sanitary Commission for amendment of the 2006 Comprehensive Water and Sewerage Plan for construction of a mixed use development consisting of 110,500 square feet of retail space, 58,000 square feet of office space, 67,000 square feet (112 rooms) of hotel space, 7,000 square feet of civic space, 221 commercial apartments with associated parking on 14.024 acres of land on Piney Narrows Way, in Kent Narrows.

Mr. Joseph Stevens, Esq., on behalf Douglas Development, provided a brief description of what agents would be presenting. Mr. John Eisen, Eisen Group, unique qualities and characteristics of waterfront village, circulation system for auto, pedestrian and bicycle traffic, community and educational space, and public access to water.

Mr. Mike Whitehill and Ms. Erica Rhodes, McCrone, Inc., presented a 3-dimensional drive-by visualization showing an accurate view of the massing of the project from the vantage point of driving along U.S. Route 50/301. Mr Eisen provided architectural renderings and described architectural features of office, retail and parking structures.

Mr. Ken Schmid, Traffic Concepts, described the Adequate Public Facilities review process, traffic analysis to date, level of service calculations and methodology. Mr. Schmid stated that the calculations are derived using the Institute of Transportation Engineering Trip Generation Manual and are a measure of capacity rather than safety. Additionally, he described possible improvements to nearby intersections and roadways. Mr. Steve Layton described the Waterfront Revitalization Area proposal, critical area and nine sustainable techniques being utilized. Mr. Paul Millstein, Douglas Development, spoke regarding the below market rate apartments.

Mr. Stevens stated that the applicant was seeking Concept Plan approval in order to move forward with the Water and Sewer amendment to go from W-4 to W-2.

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

(A) Mr. Richard Altman, Queen Anne's Conservation Association, said that he was enthusiastic about the project and opined that it was a good mix of commercial and higher density residential. He suggested the following; (1) mitigation of edge of parking along water, (2) vegetative or trellises placed on roof of parking garages, (3) enrichment or replacement of soils that have historically not supported vegetation and, (4) a program to partially restrict leasing to maritime businesses.

(B) Phil Duhmino, Grasonville Civic Association, stated the Douglas Development Corporation has met with the association 3 times and taken our comments into consideration which we appreciate.

(C) Mr. Al Helfenbien stated that this development is needed in this area and would benefit the County tax base.

(D) Mr. Jack Broderick, Chester, said this property is currently a white elephant and he applaud Jemal's proposal as it is smart growth with good business, residential, restaurant components. He expressed concern regarding the scope, scale and character and suggested use of a more eastern shore vernacular.

(E) Mr. Jim Luff, Economic Development Commission Chairman, stated that the applicant has made two presentations to the EDC who has written letters of support after they addressed our questions and fixed the problems we raised. He stated the project has a synergy and this quadrant needs to be developed for the Kent Narrows to continue.

(F) Sergeant J.D. Hoffman, Queen Anne's County Sheriff's Department, stated that rental housing as proposed in this project is needed for deputies and teachers in the County. He said that the limited amount of housing in the County hurts recruiting and impacts their goal to have deputies and officers living in communities within the County.

Upon review and further consideration, the following motion was made by Mr. Waterman, seconded by Mr. Howard and passed by voice vote:

RESOLVED, that the request by Jemal's Kent Narrows, LLC (Douglas Development Corp., for Concept Plan approval for construction of a mixed use development consisting of 110,500 square feet of retail space, 58,000 square feet of office space, 67,000 square feet (112 rooms) of hotel space, 7,000 square feet of civic space, 221 commercial apartments with associated parking on 14.024 acres of land on Piney Narrows Way, in Kent Narrows, and as more particularly described in Department of LGE file **CP #04-09-06-0004-C**, shall be and is hereby granted.

Upon further review the following motion was made by Mr. Howard, seconded by Ms. Schmidt and passed by voice vote:

RESOLVED, that the Planning Commission finds that the request by Jemal's Kent Narrows, LLC (Douglas Development Corp., for Concept Plan approval for construction of a mixed use development consisting of 110,500 square feet of retail space, 58,000 square feet of office space, 67,000 square feet (112 rooms) of hotel space, 7,000 square feet of civic space, 221 commercial apartments with associated parking on 14.024 acres of land on Piney Narrows Way, in Kent Narrows, and as more particularly described in Department of LGE file **CP #04-09-06-0004-C**, is consistent with the 2002 Queen Anne's County Comprehensive Plan and the Kent Narrows Community Plan based upon the following findings of fact; (1) the applicable Land Use Plan Map designates the property as Town Center or Mixed Use Center the proposal is consistent with Land Use Map, (2) the property is located in the Kent Narrows Community planning area formally known as the Growth Area, (3) the property is located in a Priority Funding Area, (4) the Kent Narrows Community Area is a focal point in the County for residential, employment and mixed use development, which this project proposes to become, (5) the Comprehensive Plan encourages the promotion of attractive development within the various Growth Areas which the Planning Commission finds the Concept Plan level will be achieved, (6) the Comprehensive Plan identifies the need to address provision of affordable housing in the community planning areas and the applicant has committed to providing below market rental housing if the project is ultimately developed, (7) the Comprehensive Plan promotes bicycle and pedestrian mobility in the County and the Concept Plan advances that goal, (8) the Comprehensive Plan encourages the broadening of the County's Economic base to include more office, flex and high tech jobs that should be maintaining the traditional, industrial and service jobs which is being advanced by this Concept Plan, (9) the Kent Narrows Community Plan identifies this site as under utilized and labels this as an opportunity site for appropriate mixed use development which this Concept Plan contains and, (10) the Kent Narrows Community Plan also encourages the appropriate streetscape, boardwalk and trail connections to enable movement throughout

the Kent Narrows area and based on the Concept Plan the applicant proposes to connect to the Cross Island Trail and to enhance opportunities to walk throughout the Kent Narrows area.

Upon further review, the following motion was made by Ms. Tolliver, seconded by Mr. Waterman and passed by voice vote:

RESOLVED, that the Planning Commission makes a favorable recommendation to the Sanitary Commission to amend the property owned by Jemal's Kent Narrows, LLC, as outlined in Department of LGE file **CP #04-09-06-0004-C**, into the Master Water and Sewer Plan to W-1 and S-2 designations based on their previously enumerated findings that the proposal is consistent with the 2002 Queen Anne's County Comprehensive Plan and the Kent Narrows Community Plan.

The Planning Commission recessed for a short break at 11:23 A.M. and reconvened at 11:42 A.M.

8. Preliminary and Final Major Subdivision – William & Janice Gunther (Subd.#01-10-01-0006) – Mr. Frank Hall, Senior Land Use Planner, provided the highlights of the applicant's request for Preliminary and Final Major Subdivision approval for the creation of 5 new residential lots and 1 new large lot with a private road utilizing the cluster subdivision technique, on 85.143 acres of land on Grange Hall Road, West of Star.

Mr. Joseph Stevens, Esq., stated that regarding the Adequate Public Facilities Ordinance (APFO), the although the proposal includes 6 lots, they are really creating only 5 new impacts and are therefore do not fall within the requirements of the APFO.

Chairman Richardson asked if there were members of the public who wished to be heard at which time Mr. Richard Altman stated that the law regarding the number of lots for the APFO needs to be changed and the applicant should take one lot out of their proposal until the law is changed.

Upon review and further consideration, the following motion was made by Mr. Waterman, seconded by Ms. Schmidt and passed by voice vote with Ms. Kerr and Ms. Tolliver abstaining:

RESOLVED, that the request by William & Janice Gunther for Preliminary Subdivision approval for the creation of 5 new residential lots and 1 remaining

large lot with a private road utilizing the cluster subdivision technique, on 85.143 acres of land on Grange Hall Road, West of Star, and as more particularly described in Department of LGE file #01-10-01-0006, shall be and is hereby granted.

Upon further review the following motion was made by Ms. Schmidt, seconded by Mr. Waterman and passed by voice vote with Ms. Kerr and Ms. Tolliver abstaining:

RESOLVED, in review of the request by William & Janice Gunther for Preliminary Subdivision approval for the creation of 5 new residential lots and 1 remaining large lot with a private road utilizing the cluster subdivision technique, on 85.143 acres of land on Grange Hall Road, West of Star, and as more particularly described in Department of LGE file Subd. #01-10-01-0006, and in compliance with the Planning Commission Rules Article III Section 7(d) regarding the granting of Preliminary and Final Subdivision approval in the same meeting, the Planning Commission finds, as a matter of fact, that receiving Preliminary and Final Subdivision in the same meeting is permissible for the proposed project for the following reasons; (1) it is in the public interest as it saves additional County review and processing time on an application where no further changes will be necessary, (2) all reviewing agencies have recommended Preliminary and Final Subdivision approval and there are no outstanding issues and it is logical to approve the project only once, (3) the project has moved swiftly through the review process with no delay or inaction by the applicant, (4) there will be no changes made to the plat after the Planning Commission agenda has been set and the public will have 15 days prior to the Planning Commission meeting to review the project, and (5) the Department of LGE and reviewing agencies have no objections to combined granting of Preliminary and Final approval and there are no outstanding issues and no further time is required to make any determination required by the Queen Anne's County Zoning Ordinance.

Upon further review the following motion was made by Ms. Schmidt, seconded by Mr. Howard and passed by voice vote with Ms. Kerr and Ms. Tolliver abstaining:

RESOLVED, that the request by William & Janice Gunther for Final Subdivision approval for the creation of 5 new residential lots and 1 remaining large lot with a private road utilizing the cluster subdivision technique, on 85.143 acres of land on Grange Hall Road, West of Star, and as more particularly described in Department of LGE file **#01-10-01-0006**, shall be and is hereby granted with the following conditions; (1) all certificates are signed and sealed prior to recordation of the final plat, (2) any final edits required by the Department of LGE or the Department of Public Works are made, (3) all required sureties are paid prior to recordation, and (4) all legal documents are approved and signed by the Planning Commission attorney.

The following motion was made by Ms. Tolliver, seconded by Mr. Waterman and passed by voice vote:

RESOLVED, that the Planning Commission send a letter to the Queen Anne's County Commissioners explaining the difficulty with interpretation of Section 28-4(A) of the Queen Anne's County Code regarding calculation of "six or more lots/units" and requesting the County Commissioner's input as to the legislative intent and, potentially, an amendment to section 28-4(A) to clarify that intent.

9. Grasonville Community Plan Update – Mr. David Dahlstrom, Senior Community and Environmental Planner, introduced the members of the Grasonville Community Plan Citizen Task Group. Mr. Dahlstrom described the process to date and requested the Planning Commission review in order to get approval for the 60-day review.

Ms. Jean Sadler, expressed appreciation for being included in the process and stated that Mr. Dahlstrom has done a great job. She asked the Planning Commission to pay special attention to page 314 regarding the medical campus. Additionally, she suggested the transfer station be converted to a community park and that the UC zoned lands by Long Point Park be purchased by the County and added to the park.

Mr. Jack Ehmman, echoed Ms. Sadler's comments regarding Mr. Dahlstrom's assistance. He asked that the Planning Commission consider the long standing issue regarding drainage throughout Grasonville.

Ms. Candy Busey, expressed gratitude to the County and Mr. Dahlstrom.

Mr. Phil Dumenil, stated that Mr. Dahlstrom was instrumental in their understanding of the planning language and process. He asked the Planning Commission to look at the recommendations and keep in mind that some are long term goals.

The Planning Commission reached a consensus to place the Grasonville Community Plan on the May agenda for review.

The Planning Commission recessed for lunch at 12:30 P.M. and reconvened at 1:00 P.M.

10. Sudlersville Proposed Annexation– Mr. David Dahlstrom, Senior Community and Environmental Planner, led the Planning Commission in review of the Town of Sudlersville Proposed Annexation.

Upon review and further consideration, the following motion was made by Ms. Tolliver, seconded by Mr. Howard and passed by voice vote:

RESOLVED, that the Planning Commission send the draft letter of endorsement regarding the Town of Sudlersville Proposed Annexation to the Queen Anne’s County Commissioners as presented and attached hereto and labeled “Exhibit A”.

11. Review of Draft 2010 Comprehensive Plan – The Planning Commission reviewed Section 4 Historical and Cultural Preservation Element of the Draft Comprehensive Plan.

Ms. Kerr excused herself at 1:50 P.M. for the remainder of the meeting.

The Planning Commission recessed for a short break at 3:28 P.M. and reconvened at 3:37 P.M.

The Planning Commission reviewed Section 7 Workforce Housing Element of the Draft Comprehensive Plan.

No official action was taken regarding the Draft 2010 Comprehensive Plan.

12. Public Comment – none.

There being no further business to come before the Planning Commission, the meeting was adjourned at 4:21 P.M.

RESPECTFULLY SUBMITTED,

Mary Kerr, Secretary