

Caroline County Planning Commission



John Schmidt, Chairman
Keith Neal, Vice Chairman
Daniel Franklin, Commissioner Member
Nancy Minahan, Member
Charles Mosca, Member
Jeffrey Powell, Member
Dr. Derek Simmons, Member

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March 10, 2021

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, March 10, 2021, virtually through Microsoft Teams application. Members of the public were invited to attend the meeting virtually using a website link provided.

Attending the meeting were: John Schmidt, Chairman; and members, Keith Neal, Jeffery Powell, Derek Simmons, Nancy Minahan, Chuck Mosca and Dan Franklin. Also present were Katheleen Freeman, Director of Planning & Codes; Leslie Grunden, Assistant Director of Planning; Matt Kaczynski, Development Review Coordinator, Ryan White, Department of Public Works Director and Beth Beales, Long Range and Agricultural Planner.

Agenda:

- Approval of the January 13, 2021 Meeting Minutes
- Jefferson Run Subdivision Modification of a previously approved Major Subdivision
- Solid Waste Management Plan
- Text Amendment Request Commercial Retail Village Center
- BZA Report
- Department Update

Chairman Schmidt called the meeting to order at 7:32 p.m.

APPROVAL OF MINUTES

Chairman Schmidt asked the members if they had reviewed the minutes from the January 13, 2021 Planning Commission meeting and if there were any proposed edits to the minutes. One correction on page 2 was noted.

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- Motion:** Mr. Powell made a motion to approve the minutes with the noted correction to be made.
- Second:** Mr. Neal seconded the motion.
- In Favor:** All Commission members present voted in favor of the motion (7-0).

Jefferson Run Subdivision Modification of a previously approved Major Subdivision

Mr. Kaczynski presented the staff report to the members. The Code of Public Local Laws of Caroline County states that a Major Subdivision is any subdivision containing five or more lots, plats, sites, or other divisions of land. The developer of a major subdivision must submit a preliminary plat and final plat for review and approval by the Planning Commission. The proposed subdivision must be accompanied by any deed restrictions or covenants as part of the review and approval of the subdivision. Jefferson Run was a Major Subdivision that was recorded into Land Records July 20, 2006.

Department of Planning and Codes has been in discussions with the current owner of the Jefferson Run Subdivision regarding development. The owner, Banning Holdings LLC, has proposed to make changes to the previously approved Declaration of Covenants, Restrictions and Easements, as recorded in Land Records. A modification to this document would require an approval from the Planning Commission since it was originally approved as part of the subdivision. The language in the proposed document is all inclusive of the original but includes greater details regarding the establishment of the Homeowners Association. These details include extensive sections on members rights and responsibilities, as well as greater restrictions and enforcement provisions.

Mr. Mosca asked if the attorney for Caroline County has reviewed the document. Mr. Kaczynski stated that Ms. Heather Price, former Caroline County Attorney, had reviewed the document as well as Patrick Thomas from the MacLeod Law Group. Mr. Franklin asked other than adding the Homeowners Association, what else has changed. Mr. Kaczynski stated that adding the HOA fees as well and changing the minimum size house that can be built in the subdivision. Mr. Franklin also inquired if this document would go to the County Commissioners for review and approval. Mr. Kaczynski informed him that it will not, the documents that will go to the County Commissioners are the stormwater maintenance agreement and the subdivision completion agreement. Ms. Minahan inquired about how much the HOA fees are. Mr. Kaczynski stated that the fees would be decreased. Ms. Minahan wanted to ensure that nothing would come back to the County regarding fees. Mr. White stated that the only conflict that he has seen between HOAs and the County is due to who would be responsible in maintaining ditches as far as a DPW standpoint. Mr. Franklin also inquired if the County would assume responsibility of the roadway. Mr. Kaczynski stated that eventually the County would assume responsibility of the roadways.

- Motion:** Mr. Neal made a motion to approve the Declaration of Covenants, Restrictions and Easements as proposed.
- Second:** Mr. Mosca seconded the motion.
- In Favor:** Commission members voted in favor of the motion (7-0).

Solid Waste Management Plan

Ms. Freeman presented the staff report on the Solid Waste Management Plan update, and explained that in accordance with the Annotated Code of Maryland Section 503 of the Environment Article, Caroline County is required to update and adopt the Solid Waste Management Plan (SWMP) every 10 years. The Planning Commission must review the SWMP and certify its consistency with the Caroline County Comprehensive Plan. The SWMP has been updated by staff from the Departments of Planning & Codes and Public Works. A draft SWMP was submitted to the Maryland Department of the Environment (MDE) for review on January 19, 2021. MDE completed its review of the SWMP and provided comments to the County on February 19, 2021. All comments have been incorporated.

Ms. Freeman reviewed the sections that should be consistent with the County plans and policies. The goal of the plan is to promote the provision of solid waste collection and disposal services in an economical and efficient manner. The Mid-Shore Regional Landfill cooperative was formed in the late 1980s and includes Caroline, Kent, Queen Anne's, and Talbot. Caroline County's Holly Road solid waste transfer station was designated as the second site for the Mid-Shore Regional Landfill to serve the area's waste needs from 2011-2030. After 2030 the next landfill host will be Queen Anne's County.

Population numbers are based on projections from the 2010 Census due to the 2020 Census information not being available yet. The projected average annual growth rate is 1.3%. Most of the municipalities provide trash collection. The Public School and Apartment Building & Condominium Recycling Plans were amendments for the last SWMP and now incorporated into the current plan. Two new elements have been added regarding the Special Events Recycling plan for bigger events for 200 or more persons in attendance and the office building Recycling Plan, which is only required for office buildings that have 150,000 square feet or more.

Mr. Schmidt inquired about lithium batteries being able to be recycled. Mr. White stated that the County is in discussion with MES about this. The problem is finding a company or facility large enough to accommodate multiple types of batteries.

Mr. White thanked Ms. Freeman for all her work on putting the plan together.

- Motion:** Mr. Schmidt made a motion to certify the SWMP to be consistent with the Comprehensive plan and a recommendation to forward the SWMP to the County Commissioners for review and public hearing.
- Second:** Mr. Powell seconded the motion
- In Favor:** Commission members voted in favor of the motion (6-0). Mr. Franklin abstained from voting.

Text Amendment Request Commercial Retail Village Center

Ms. Freeman stated that at the January 2021 Planning Commission meeting a text amendment request was presented to the Planning Commission to increase the square footage of commercial retail space permitted in the Village Commercial (VC) Zoning District. After much discussion, the Planning Commission directed staff to survey property owners in the VC Zoning District on the topic and obtain feedback about the need for larger-scale commercial retail in Rural Villages. After the Planning Commission meeting, the County Commissioners requested that the Planning Commission hold off on this action until the Comprehensive Plan update & Comprehensive Rezoning process, which will kick off in 2021.

Staff is already planning a more comprehensive survey to Caroline County residents, including those in Rural Villages, regarding many topics in preparation for the Comprehensive Plan. It is anticipated that the surveys will be available online beginning in the Summer of 2021. The Planning Commission agreed that the topic should be fully considered; however due to the Commissioners request and the conflict with the existing Rural Village policies in the Comprehensive Plan, staff recommends that the Planning Commission table this topic for now, but include this topic in the Comprehensive Plan surveys and give the request full consideration during the Comprehensive Plan Update & Rezoning process.

Ms. Minahan was concerned that if the Village Center survey was put into a larger survey then it would be lost. Ms. Freeman assured her that during the Comprehensive Plan update process, community meetings will be held, and targeted surveys will be available to ensure that all communities will have an opinion.

Mr. Franklin stated that he went to a Village Center and spoke with some residents regarding the expanding square footage of VC retail businesses. He informed them that they may be seeing a survey and advised them of the proposed text amendment. The residents were aware of the proposed text amendment and expressed concern that residents living outside of Rural Village districts would be making the decision to approve or deny the decision. Mr. Franklin informed them that only the Planning Commission and Commissioners would make the decision.

All members of the Planning Commission came to a general consensus to table the text amendment and include the request in the next Comprehensive Plan update.

BZA Update

The Board of Zoning Appeals met February 16, 2021 to hold a Public Hearing for the following applications:

Application No. 20-0046: A request by Fazal & Saima Kayani for a Variance in accordance with Article 17, Section 175-135.A and Table of Uses Attachment 3:1 of the Caroline County Zoning Ordinance, to rebuild a nonconforming poultry house that was destroyed by fire closer to the property lines than the minimum required setbacks. Said property is located at 3640 Pepper Rd, Federalsburg, Maryland and is further described as Tax Map 60, Grid 11, Parcel 43.

The application was approved with the following conditions:

- A Zoning Certificate and/or Building Permit will be required prior to any proposed development, and must be accompanied by all the necessary documentation and site plan requirements; and
- Must be constructed as shown in Exhibit 6 – Site Plan.

Application No. 20-0042: A request by the Benedictine School for a Special Use Exception in accordance with Article 16 and Table of Uses Attachment 3:4 of the Caroline County Zoning Ordinance, to approve Phase I of an overall campus improvement project. Said property is located at 14374 Benedictine Lane, Ridgely, Maryland and is further described as Tax Map 13, Grid 10, Parcel 28, Lot 1.

- A Zoning Certificate and/or Building Permit will be required prior to any proposed development and must be accompanied by all the necessary documentation and site plan requirements.
- Final site plan approval from the Planning Commission; and
- The Board's decision shall be void two years from the date of approval unless a zoning certificate and/or building permit is issued and construction has begun.

DEPARTMENT UPDATE

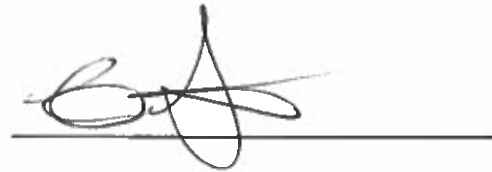
Ms. Freeman stated that as of two weeks ago the department is now fully staffed in the office and open to the public. Ms. Freeman added that Planning Commission members and staff will return to in person meetings at some point in the future, and that the public will continue to be able to participate in meetings using the virtual format.

ADJOURNMENT

Motion: Mr. Mosca made a motion to adjourn the meeting at 8.38 p.m.

Second: Ms. Minahan seconded the motion.

In Favor: All members voted in favor of the motion (7-0).



Katheleen Freeman
Director, Planning & Codes



John Schmidt, Commission Chairman



Prepared by: Elizabeth A. Beales