

Caroline County Planning Commission



John Schmidt, Chairman
Keith Neal, Vice Chairman
Wilbur Levensgood, Jr., Commissioner Member
Nancy Minahan, Member
Charles Mosca, Member
Jeffrey Powell, Member
Dr. Derek Simmons, Member

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September 12, 2018

CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, September 12, 2018 in Room 110 of the Health and Public Services Building, 403 South 7th Street, Denton, Maryland.

Present were: John Schmidt, Chairman; and members, Wilbur Levensgood, Keith Neal, Nancy Minahan, Chuck Mosca, Jeffrey Powell, and Dr. Derek Simmons. Also present were Katherleen Freeman, Director of Planning & Codes; Leslie Grunden, Assistant Director of Planning; and Melanie Smith, Administrative Assistant to the Boards.

Agenda:

- Approval of the August 8, 2018 Meeting Minutes
- Review of Preliminary Site Plan – Low Country Holdings
- Review of Text Amendment – Planning Commission Regulations
- Department Update – Katherleen Freeman

Chairman Schmidt called the meeting to order at 7:35 p.m.

APPROVAL OF MINUTES

Chairman Schmidt asked for comments on or corrections to the minutes from the August 8, 2018 meeting. A few minor errors were noted.

Motion: Ms. Minahan made a motion to approve the minutes with minor corrections.

Second: Mr. Powell seconded the motion.

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

LOWCOUNTRY HOLDINGS – Preliminary Site Plan

Ms. Freeman explained that Lowcountry Holdings has requested a Major Site Plan approval for a retail greenhouse/nursery operation as a secondary use to a landscaping/snow removal service. The property is located on Route 404, at the Delaware State line in Federalsburg, where Gene's Limousines was once located. The applicant has also filed for a Special Use Exception (SUE) for the continuance of a nonconforming use and material storage yard in connection with retail sales. They also applied for a Variance to modify the setback requirement of 100 feet for a retail greenhouse/nursery operation.

All the structures shown on the plans were existing. Ms. Freeman explained that the applicant had submitted updated plans that respond to the concerns noted by the Planner, Matt Kaczynski, in the Boards packages. She suggested the members hear the applicant's presentation first and then she will follow up to answer any questions.

Mr. Ryan Showalter introduced himself as representing Patrick Olsen, the Principal of Lowcountry Holdings, LLC. Lowcountry Holdings is the contract purchaser of the property that is currently owned by Delmarva Real Estate Holdings, a bank holding company. The property was foreclosed on in 2016.

Mr. Showalter explained that they planned to utilize the structures that already exist on the property without making any substantial changes. There are three buildings on the property that include a home, storage garage and shop as well as an existing gravel parking lot.

He pointed out that the snow removal business is periodic. Lowcountry Holdings would initially use the property to store their landscaping and snow removal equipment. This would be the "service" aspect of the application. This use is not allowed in a rural zoning district, but the Board of Zoning Appeals can approve the continuance of a nonconforming use that has been idle for less than three years.

Lowcountry Holdings vision is to initiate the project in phases with the storage aspect being the first phase. There will be no resident employees, although people would come daily to pick up equipment as needed.

There is an existing septic system on the property that is not in good condition. The applicant is aware that before resident employees are hired they must repair or replace the failing septic system. In response to Chairman Schmidt's question, Mr. Showalter stated that if they do not receive approval from the Health Department to use the septic system they would still be interested in using the property for storage. He added that the area required for a septic system is available, but the cost of the upgrade is in question.

In response to Ms. Minihan's question, Mr. Showalter explained that there is a corner of the property that is located on the Delaware side of the state line. The bank processed the foreclosure on the Maryland side but found that it was not cost effective to pursue the

foreclosure on the Delaware side. Lowcountry is buying the rights to that property as well and the parcels will be reunited.

The second use that they proposed was for a retail nursery business. They want to sell nursery items that are produced on site as well as hardscape products like pavers, mulch and sand. The retail use is permitted by right, subject to site plan approval. Bulk materials stored in conjunction with a retail operation required a Special Use Exception.

Mr. Showalter stated that once the septic system is approved they would like to renovate the house as a rental and use the area on the west side of the house as their office. They intend to partition the office area apart from the house.

In response to Mr. Mosca's question, Mr. Showalter explained that they have submitted a Water & Sewer Verification application to the Health Department. The Health Department will not require the septic system be repaired for the property to be used for storage. When employees are hired, and the house is renovated they will require the application be approved first.

Ms. Minihan asked how the sewage reserve area will be protected from vehicles traffic. Mr. Showalter stated a buffer will be created using railroad ties, fencing or bollards. Mr. Neal explained that the Health Department approval would include any safeguards.

Mr. Olsen stated that the name of his company name is Distinctive Landscaping, LLC. This will be a part of the Georgetown, Delaware based business. They do work for both the state of Maryland and the state of Delaware and need more space to store their equipment.

Mr. Showalter shared the business details that were noted on the site plan regarding hours of operation and number of employees. Their parking calculations were included on the plans and they believed they were more than sufficient.

Ms. Freeman read the remaining concerns that were listed in the staff report. She informed them that the doorways of all pedestrian entrances and exits must be shown on the site plan; they may disregard the bullet pertaining to the setbacks for a material storage area; and the final bullet regarding the Health Department Water and Sewer Verification requirement was addressed by Mr. Showalter.

Ms. Freeman added that there have been other businesses that showed interest in the property, but the layout was not conducive to their desired use. This use appears to be a perfect fit for this location and the timeframe to request a nonconforming use is coming to a close.

Commissioner Levensgood asked what Maryland State Highway's response was to the plans. Mr. Showalter explained that they were a part of the Technical Advisory Committee review and they made no comments. No changes were proposed for the existing entrance.

- Motion:** Ms. Minihan made a motion to recommend that the applicant proceed with the Special Use Exception and Variance Applications to the Board of Zoning Appeals and resubmit the final site plan with all additional conditions and safeguards that are requested.
- Second:** Mr. Powell seconded the motion.
- In Favor:** All Commission members voted in favor of the motion (7-0).

PLANNING COMMISSION REGULATIONS - Review of Text Amendment

Ms. Freeman explained that the County Commissioners asked that the Planning Commission review and make a recommendation regarding the proposed composition of the Planning Commission. Specifically, the Commissioners would like to continue with an appointed County Commissioner member on the Planning Commission but include a provision that the other County Commissioners can serve as alternates when needed.

In addition, the Commissioners responded to the Planning Commission's request to allow a provision for the Board to make a recommendation, with the approval of the Director of Planning and Codes and County Commissioners, to allow a member to sit for a longer term than is normally allowed based on a legitimate need. In response, the County Commissioners allowed that a member may serve until a successor has been appointed.

- Motion:** Mr. Mosca made a motion to recommend to the County Commissioners that they approve the proposed text amendment as written.
- Second:** Mr. Neal seconded the motion.
- In Favor:** All Commission members voted in favor of the motion (7-0).

DEPARTMENT UPDATE

Ms. Freeman introduced Jennifer Shull to the members as the new Small-Town Planner Circuit Rider for Caroline County. She was well qualified for the position and has fit in well with staff.

She added that the Review Coordinator position was still vacant, and the Long Range and Agricultural Planner position was newly vacant. Mr. Willis left for a position with Choptank Electric.

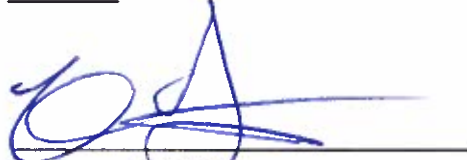
Ms. Freeman informed them that they have two software vendors they are still considering. Once chosen the office will need to be prepared to proceed right away with the update.

ADJOURNMENT

Motion: Mr. Mosca made a motion to adjourn the meeting at 8:25 p.m.

Second: Ms. Minihan seconded the motion.

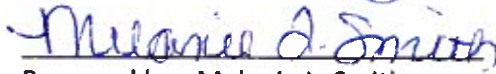
In Favor: All members voted in favor of the motion (7-0).



Kathleen Freeman
Director, Planning & Codes



John Schmidt, Commission Chairman



Prepared by: Melanie L. Smith