

# 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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January 13, 2021

## CAROLINE COUNTY PLANNING COMMISSION MINUTES

The Caroline County Planning Commission held its regularly scheduled meeting on Wednesday, January 13, 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, Nancy Minahan, Chuck Mosca and Dan Franklin. Also present were Katheleen Freeman, Director of Planning & Codes; Heather Price, County Attorney; Leslie Grunden, Assistant Director of Planning; Matt Kaczynski, Development Review Coordinator, and Beth Beales, Long Range and Agricultural Planner.

### Agenda:

- Approval of the December 9, 2020 Meeting Minutes
- Elections for Planning Commission Chairman and Vice Chairman
- Text Amendment Request Regarding Commercial Retail Square Footage in Village Center Zoning District
- Benedictine School Major Site Plan Approval
- Rural Legacy Priority Recommendation
- Department Update

Chairman Schmidt called the meeting to order at 7:30 p.m.

### APPROVAL OF MINUTES

Chairman Schmidt asked the members if they had reviewed the minutes from the December 9, 2020 Planning Commission meeting and if there were any proposed edits to the minutes.

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**Motion:** Mr. Powell made a motion to approve the minutes as written.  
**Second:** Mr. Neal seconded the motion.  
**In Favor:** All Commission members present voted in favor of the motion (5-0). Mr. Mosca was not present for the vote.

### **Elections for Planning Commission Chairman and Vice Chairman**

The positions of Chairman and Vice Chairman are voted on every year. Mr. Schmidt opened the floor to nominations for Chairman and Vice Chairman. Mr. Neal nominated Mr. Schmidt to remain as Chairman, Mr. Powell seconded the nomination. Mr. Schmidt nominated Mr. Neal to remain as Vice Chairman, Ms. Minahan seconded the nomination.

**Motion:** Mr. Schmidt moved that the nominations be closed, and the members vote to approve the nominations of Mr. Schmidt as Chairman and Mr. Neal as Vice Chairman.  
**Second:** Mr. Powell seconded the motion.  
**In Favor:** Commission members voted in favor of the motion (5-0). Mr. Mosca was not present for the vote.

### **Text Amendment Request Regarding Commercial Retail Square Footage in Village Center Zoning District**

Mr. Howard Crossan from Oxford Chase who represents Dollar General, has requested a text amendment to increase the allowable square footage for commercial retail in the VC-Village Center Zoning District. Currently, commercial retail is permitted in the VC-Village Center zoning district with a maximum of 3000 sq. ft. Mr. Crossan has stated that he has worked on behalf of his client to find commercial property in the County for siting of a new Dollar General store and has been unable to find suitable commercial property in suitable locations, though he has identified possible suitable sites in the VC zoning district. According to their website, Dollar General stores average about 7300 sq.ft. Dollar General is a discount variety store chain, selling common household items, food, clothing, etc. It is conceivable that a small variety store in a Rural Village would provide direct support to residents in the village and vicinity. However, increasing the square footage of commercial retail in Village Center zoning districts could significantly impact the character of Rural Villages throughout the County. The text amendment would apply to all commercial retail applications.

Ms. Minahan asked what year the current zoning was adopted. Ms. Grunden stated it was completed in 2012. Ms. Minahan also asked how the square footage for a strip mall was counted, as each separate store or for the entire strip mall. Ms. Freeman stated that there is no specific language regarding that, but she interprets the Code to mean the total square footage of a building (strip mall or otherwise) as the entire strip mall. Mr. Neal stated that even if the store was 3,000 square feet or 10,000 square feet, it all depends on what the septic system can handle. Ms.

Grunden stated that the maximum capacity of a standard septic system is 2,000 gallons of waste per day.

Mr. Franklin stated that there was a reason why the Village Center zoning was adopted. It was an effort to maintain the character of the Village Center. He does not feel this is a favorable text amendment. Mr. Schmidt agrees with Mr. Franklin. The businesses that are currently in the Village Centers have been there before the zoning was adopted.

Ms. Minahan feels that they do not have enough information. She would like to hear from the population that live in or near the Village Center to see if they would like to have the convenience this type of commercial business could offer closer to them.

Mr. Crossan stated that he feels that there should not be a square footage restriction for retail business due to the fact that the economy can not be predicted. He does not believe that any retail business can survive if it's building is limited to 3,000 sqft. He suggested being able to apply for a Special Use Exception (SUE) to allow for expanding the maximum square footage of a commercial building in the Village Center. Mr. Schmidt asked what the requirements are for a SUE? Ms. Freeman stated that it would be the same process as a text amendment. Mr. Franklin asked Mr. Crossan if they are looking at a certain area to put the store and do they have prospective land? Mr. Crossan responded that they are looking at the Bridgetown area and they do have prospective land. Mr. Franklin asked if it were possible to apply for a SUE instead of a text amendment. Ms. Freeman said that they would have to do a text amendment to be permitted by SUE, but cautioned that any SUE application must be approved unless there is a compelling reason not to approve it. Therefore, permitting a larger commercial retail space by SUE must be considered a general approval of that type of use.

Ms. Freeman suggested that if the board is interested in considering the text amendment that they should reach out to the residents of the Village Center to hear their feedback, and that this could be completed by the March meeting. .

**Motion:** Mr. Schmidt made a motion to direct staff to contact residents of all Village Centers and request feedback regarding a retail business of a maximum 10,000 sqft before any further discussion on the matter.

**Second:** Mr. Neal seconded the motion

**In Favor:** Commission members voted in favor of the motion (5-0). Mr. Franklin abstained from voting.

### **Benedictine School Major Site Plan Approval**

Matt Kaczynski informed the members that the applicant, Miracle Mile Holding Inc., has requested a Major Site Plan Approval for a Domiciliary Care Facility located on Tax Map 13, Grid 10, Parcel 28, Lot 1, near the intersection of Benedictine Lane and Oakland Road. The application involves an expansion of an existing domiciliary care facility known as The Benedictine School. The project involves a proposed 14,000 square foot building addition that will be used as dormitory space, removal and reconfiguration of an existing parking lot and the

creation of a campus drive and pedestrian walking path. The applicant has also submitted a Special Use Exception Application to the Board of Zoning Appeals (BZA). This application is scheduled for the February 16th BZA Hearing.

Mr. Glass explained Phase 1 the project. The school sits back off Rt. 312. They will be updating the dormitory wings, incorporating common areas and enlarging the rooms. Currently, there are very few parking spots, they will be expanding the parking area and creating a more convenient roadway to get to the back of the campus.

Staff has reviewed the application and supporting documents and has found that the proposed use of a Domiciliary Care Facility conforms to the intent of the Zoning Chapter and should be permitted.

The applicant will receive a review letter after the BZA Hearing. This letter will include comments from Staff, the Technical Advisory Committee, Planning Commission, and any conditions imposed by the BZA as part of the Special Use Exception Application. All additional documentation and site plan modifications must be addressed before Final Approval of the Major Site Plan Application.

Mr. Franklin went on record to state that his wife is the Assistant Principle at the Benedictine School. There was no protest from the Board or other attendees regarding Mr. Franklin's participating in the vote.

**Motion:** Mr. Neal made a motion to recommend that the applicant proceed with the Special Use Exception Application to the Board of Zoning Appeals and resubmit the final site plan incorporating any additional conditions and safeguards specified by the Board of Zoning Appeals.

**Second:** Mr. Powell seconded the motion

**In Favor:** Commission members voted in favor of the motion (6-0).

### **Rural Legacy Prioritization Recommendation**

Ms. Beales informed the members that the Eastern Shore Land Conservancy (ESLC) manages the State's Rural Legacy Areas (RLA)/Agriculture Security Corridors in Caroline County (pls see attached Comprehensive Plan map). The program was not funded for several years, but last year it was significantly funded. ESLC submitted all applications on time last year and the Eastern Shore Heartland Rural Legacy area was funded \$813,419. No funding was given to Tuckahoe due to low rating compared to other Rural Legacy areas.

The program requires that the County submit a letter of designation of a priority RLA for funding. Staff recommends designating the Tuckahoe RLA as a priority, to support and enhance the substantial existing agricultural preservation efforts in the area. Mr. Neal asked what the criteria was for choosing the prioritization among the two areas. Ms.

Beales stated that it was not a negative impact, but one had to be chosen. Ms. Grunden added that the Heartland RLA had more opportunity for contiguous land to be preserved.

**Motion:** Mr. Powell made a motion to make a positive recommendation to the County Commissioners to approve the letter of support and designation of the Tuckahoe RLA as a priority expansion area, with an additional comment urging funding of both proposed expanded RLAs

**Second:** Ms. Minahan seconded the motion.

**In Favor:** Commission members voted in favor of the motion (5-0). Mr. Franklin abstained from the vote.

### **DEPARTMENT UPDATE**

Ms. Freeman stated that the department is continuing to work at 50% staffing level in the office on alternating weeks. All meetings will continue to be held virtually during the COVID-19 emergency. Ms. Freeman added that she is finishing up the draft Solid Waste Management Plan and will email the draft to all Planning Commission members by the end of the week and will be a future agenda item.

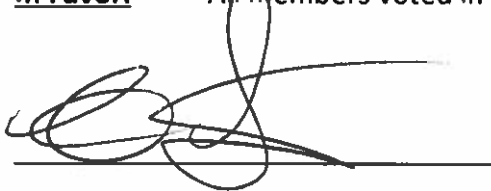
Ms. Minahan congratulated Ms. Price on being appointed by the Governor as the next District Court Judge for Caroline County.

### **ADJOURNMENT**

**Motion:** Mr. Mosca made a motion to adjourn the meeting at 9:30 p.m.

**Second:** Ms. Minahan seconded the motion.

**In Favor:** All members voted in favor of the motion (6-0).



Katheleen Freeman  
Director, Planning & Codes



John Schmidt, Commission Chairman



Prepared by: Elizabeth A. Beales

