

Comments

4/30/03 RL

8/2/06 cc

ALL

12/14/06 cc

8/30/07 NK

KC 264-03 Kostick/Stoltzfus
VAR 03-32

51829-
6167

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor



Margaret G. McHale
Chair

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401

(410) 260-3460 Fax: (410) 974-5338

www.dnr.state.md.us/criticalarea/

August 30, 2007

Amy Moredock
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, MD 21620

Re: Stoltzfus Text Amendment Application

Dear Ms. Moredock:

Thank you for providing information on the above referenced text amendment application. The applicant is requesting approval of a text amendment to the Kent County Zoning Ordinance. The proposed text amendment would add "Retail and other intense commercial uses that have received Growth Allocation" to the list of zoning districts that are designated Intensely Developed Areas (IDA). It is my understanding that this text amendment is proposed by an applicant who plans to request growth allocation for his property in order to develop a retail complex.

The applicant requests that the *Kent County Zoning Ordinance, Article III. Districts and District Maps, Section 1. Establishment of Districts*, be changed to the following (changes in bold):

Within the Intense Development of the Critical Area:

Intense Village Critical Area (IVCA)

Marine (M)

Industrial Critical Area (ICA)

Conference Centers, resorts, retreats and other uses that have received growth allocation

Retail and other intense commercial uses that have received Growth Allocation

The applicant also request that that the *Kent County Zoning Ordinance, Article V. District Regulations, Section 12.2 Permitted Principal Uses and Structures*, be changed by adding the following text (changes in bold):

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12. Retail businesses, **including shopping centers**, supplying on the *premises* household goods, new automotive parts, agricultural supplies and commodities, sporting goods, and the like, including department, outlet and discount stores provided:
 - a. All retail sales and/or storage shall be conducted entirely within a *building* except where otherwise approved by the *Planning Commission*
 - b. The retail business does not exceed 60,000 square feet of gross *floor area*. The Restriction on gross *floor area* does not apply to the Commercial District in the Route 301 corridor.

13. Retail and other intense commercial uses, **including shopping centers**, that have received growth allocation in accordance with the Kent County Growth Allocation Policy. Upon award of growth allocation, *Development* will not be required to meet the impervious surface limitation set forth in Section 12.7.B.8 hereinbelow.

Finally, the applicant also request that that the *Kent County Zoning Ordinance, Article V. District Regulations, Section 12.7.B. Commercial Critical Area Specific Environmental Standards* (changes in bold):

8. Impervious Surfaces
 - f. **Properties granted growth allocation in accordance with the Kent County Growth Allocation Policy are exempt from the 15% impervious surface limitation.**

Commission Staff believes that if the County Commissioners determine that “retail and other commercial uses that have received growth allocation” are desirable uses in areas designated as IDAs, these uses can be designed and constructed to be fully compliant with the provisions in the County’s Program and Critical Area law and Criteria. What is unclear is that it would seem that these uses may be, or could be, permitted uses within one or more zoning districts within the County. Therefore, it would seem that in order to make the text amendment consistent with the way the County’s zoning ordinance is formatted, the text amendment would add the zoning districts where these types of uses are permitted to those zoning districts that can be designated IDA. As currently proposed, the text amendment appears to either allow a specific use in the IDA without requiring that it meet any specific local zoning district requirements, or to create a situation where both the requirements for Limited Development Area (LDA) and IDA would apply. This situation would make it difficult to determine what provisions would apply to a specific site.

It is the Commission’s understanding that this text amendment is proposed to address a proposed change in use and redevelopment activities on a specific site. At this time, Commission staff cannot provide comments on the proposed growth allocation for this

project because it is unclear how the proposed text amendments, if approved, would affect the application.

Thank you for providing the opportunity to comment on this proposed text amendment. If you have any questions, please contact me at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Nick Kelly".

Nick Kelly
Natural Resource Planner
cc: KC 264-03

Judge John C. North, II
Chairman



Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338

April 30, 2003

Amy Moredock
Kent County Department of Planning & Zoning
County Government Center
400 High Street
Chestertown, MD 21620

Re: Variance 02-32, Kosticki/Stoltzfus

Dear Ms. Moredock:

Thank you for providing information on the above referenced variance. The property owner intends to pursue subdivision of a 7.517 acre parcel (Tax Map 31, Parcel 154) to create a 0.544 acre lot. The applicant is requesting a variance to construct a storage building on this new lot with greater impervious surface coverage than permitted. The property is designated a Limited Development Area (LDA) and is currently undeveloped.

Based on the information provided, we have the following comments regarding the current development proposal.

- 1) We understand that the applicant proposes 3,571 square feet of impervious surface coverage to construct a storage building and access road on the new lot. The maximum allowable impervious surface limit for the new lot is 3,557 square feet or 15 percent. It appears that the proposed access road could be reduced in size, by approximately 14 square feet, to eliminate the need for a variance to impervious surface limits.
- 2) Mitigation, at a ratio of 1:1 for disturbance outside the Buffer, should be required. Mitigation plantings should consist of a mix of native trees and shrubs.
- 3) Stormwater from the proposed development should be directed to stable vegetated outfalls to provide water quality benefits on the site.

Thank you for the opportunity to provide comments. Please include this letter in your file and submit it as part of the record for this variance. Also, please notify the Commission in writing of the decision made in this case.

Sincerely,

Julie V. LaBranche
Julie V. LaBranche
Natural Resource Planner

cc: KC 264-03

Branch Office: 31 Creamery Lane, Easton, MD 21601
(410) 822-9047 Fax: (410) 820-5093

TTY For The Deaf:
Annapolis: (410) 974- 2609 D.C. Metro: (301) 586-0450

Kelly, Nick

From: Amy Moredock [amoredock@kentgov.org]
Sent: Monday, January 14, 2008 8:38 AM
To: Kelly, Nick
Cc: Serey, Ren; Hoerger, Lisa; Gail Owings; Susie Hayman
Subject: RE: CCA property

Hello.

I hope you had a nice weekend. I just wanted to follow up on the email that I sent on the 4th. Please let us know when you might be available to meet. Your assistance with this matter is greatly appreciated.

Thanks,
 Amy

From: Amy Moredock
Sent: Friday, January 04, 2008 4:06 PM
To: 'Kelly, Nick'
Cc: Serey, Ren; Hoerger, Lisa; Gail Owings; Susie Hayman
Subject: RE: CCA property

Hello Nick.

Thank you for reviewing the CCA property and the proposed CCA-IDA district. In the way of clarification, the CCA is currently an LDA and a CCA-IDA does not exist. We put elements of the Industrial Critical Area-IDA into the proposed CCA-IDA to address water quality and to ensure overall consistency in the Ordinance. I have attached the document denoting language that was added, removed, or altered. In addition, in an effort to find viable options for the parcel to meet both the applicant's needs and County goals, we have added shopping centers to the list of permitted uses and retail businesses to the list of special exceptions.

We would appreciate your guidance on this property and would like to meet with you to discuss options for the site. Unfortunately, the next two weeks are jammed, so I would put the following dates forth for your consideration: Wednesday, 23 January or Thursday, 24 January.

Thanks again for your help.
 Have a great weekend,

Amy G. Moredock
 Environmental Planner
 Kent County Department of Planning, Housing, and Zoning
 Phone: 410.778.7473
 Fax: 410.810.2932

From: Kelly, Nick [mailto:NKelly@dnr.state.md.us]
Sent: Thursday, January 03, 2008 11:47 AM
To: Amy Moredock
Cc: Serey, Ren; Hoerger, Lisa; Gail Owings

1/14/2008

Subject: RE: CCA property

Hi Amy.

Ren, Lisa, and I had the opportunity to discuss the CCA property. In looking over the document that you sent (Section 18 Commercial Critical Area – IDA District), we are having trouble discerning what new language was added. Can you please provide for us a copy of the draft text that would highlight the changes between the Commercial Critical Area LDA and Commercial Critical Area IDA districts? Or do you have any additional information that would help us see the differences between the two districts?

Second, we think it may be a good idea to meet with you and Gail about this project. Do you know of any times that may work for you? We could meet here in Annapolis, or we would be happy to come to your offices to discuss. Please let us know what you think and send us any dates that are possible.

Thanks for your help,
Nick

-----Original Message-----

From: Amy Moredock [mailto:amoredock@kentgov.org]

Sent: Thursday, December 20, 2007 3:30 PM

To: Kelly, Nick

Cc: Serey, Ren; Hoerger, Lisa; Gail Owings

Subject: CCA property

Hello Nick.

I need to touch base with you regarding the conversation that I began with Ren at the last CAC meeting. Ren asked that send you an email regarding potential options for a Critical Area lot located along MD Route 301 just outside of the Town of Millington. This lot is zoned Commercial Critical Area and is an LDA. The property owner, John Stoltzfus, formally operated a restaurant there called the Dutch Deli. The lot has been in excess of the impervious surface limit for quite a long time.

The property owner has pursued a wide variety of options onsite in the past. Here is brief history:

A commercial butcher shop then deli, gas station, and restaurant have operated on the site since the early 1980's. This business closed 2005/2006.

The applicant submitted a concept plan for a hotel, restaurant, and convenience store for review to the Kent County Technical Advisory Committee in 1994 and had been revisiting that concept from 1998 through 2003. Since 1993, TAC has reviewed versions of the hotel, restaurant, and convenience store concept plan approximately seven times (three times in 2003). TAC reviewed a concept plan for commercial and retail space once in 2005 and twice in 2006.

In 2004, the Board of Appeals approved an impervious surface variance on the subdivision of the Stoltzfus lot and the Kostick lot limiting impervious surfaces on the Kostick lot to 15% and limiting impervious surfaces on the Stoltzfus lot to 45% (number set by existing impervious on lot in 1989).

In 2006, the applicant submitted an application for an impervious surface variance for the purpose of developing a retail center on the site. This application was denied by the Board of Appeals for a number of reasons including the need to clarify the types of retail uses permitted on the site.

Most recently, in September 2007 the applicant submitted an application for a text amendment that you should currently have on file. Stoltzfus proposes to amend Article III, Section 1 (Districts and District Maps – Establishment of Districts), Article V, Section 12.2 (Commercial Critical Area –

Principal Permitted Uses and Structures), Article V, Section 12.7B (Commercial Critical Area Specific Environmental Standards) of the Kent County Land Use Ordinance. Specifically, Mr. Stoltzfus proposes the following:

Amend Article III, Section 1 of the Kent County Land Use Ordinance by adding the following to the Intense Development Area –

“Retail and other intense commercial uses, including shopping centers that have received growth allocation.”

Amend Article V, Section 12.2 by adding the text in bold to the Commercial Critical Area Permitted Principle Uses and Structures

#12 Retail businesses, ***including shopping centers***, supplying on the premises ...

#13 Retail and other intense commercial uses, including shopping centers that have received growth allocation in accordance with the Kent County Growth Allocation Policy. Upon award of Growth Allocation, Development will not be required to meet the impervious limitations set forth in Section 12.7.B.8 hereinbelow.

Amend Article V, Section 12.7.B.8 Commercial Critical Area Specific Environmental Standards – Impervious Surfaces by adding the following.

f. Properties granted growth allocation in accordance with the Kent County Growth Allocation Policy area exempt from the 15% impervious surface requirement

After a lengthy discussion, the Planning Commission voted unanimously to recommend denial of the zoning text amendment. The Planning Commission based its decision on the following:

- ✍ A public need did not create the necessity for the text amendment.
- ✍ The proposal deviates from the Critical Area Law in that an application for a shopping center or other intense retail use will generate a significant increase in the number, movement, and activities of persons in the critical area
- ✍ The text amendment is not consistent with the Comprehensive Plan particularly those sections dealing with the stewardship of our tributaries such as the Chester River and the coordination and cooperation with nearby incorporated towns.
- ✍ A shopping center is not appropriate in this district either as a permitted use or special exception.
- ✍ The Town of Millington does not support this application.

The County Commissioners are now considering this application but it seems that the property is not large enough to qualify for growth allocation even if the amendment is approved. We are currently looking for viable options for the parcel to meet both the applicant's needs and County goals. We are looking for an option that may not include growth allocation as we are uncertain the project would meet the criteria based on adjacency and lot size. Have variances been favorably reviewed when the property has the characteristics of an IDA but may not meet the size requirements for an IDA?

I have attached a proposed Zoning District and a map of the area for your review (the parcel is question is number 154). Any assistance/guidance would be greatly appreciated. Please respond to the entire group as I will be on vacation for the Christmas holiday beginning tomorrow and returning

on Monday 31 December.

Thanks and have a wonderful holiday,

Amy G. Moredock

Environmental Planner

Kent County Department of Planning, Housing, and Zoning

Phone: 410.778.7473

Fax: 410.810.2932

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Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

August 2, 2006

Ms. Amy Moredock
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

VIA FACSIMILE

RE: Stoltzfus Local Case # 05-26

Dear Ms. Moredock:

I have reviewed the information provided for the Concept Plan approval for a retail complex located at 31701 River Road in Millington. The Commission did not receive this information until July 31, 2006. Planning staff did not receive it for review until today. I understand our comments were due back to your office by August 1, 2006. It is difficult to comment on a large project in the IDA with very little notice. Kent County Planning date stamped this plan March 16, 2006.

Staff understands the property to be 7.56 acres with an existing gas station present. The applicant is proposing to construct a new retail complex on the property. Staff has the following comments:

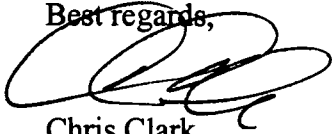
1. A letter from DNR's Wildlife and Heritage Review Division evaluating the potential for any sensitive, threatened, or endangered species present on or around the project site is required.
2. All IDA requirements must be addressed at the time of site plan development including the 10 percent pollution reduction calculations.
3. It is stated that 1.4 acres of afforestation is to be accomplished off-site. Where is the afforestation to take place? The site appears large enough to accomplish this planting on-site.
4. One set of existing underground fuel tanks are not noted for removal. Are these to remain?
5. Please provide all Critical Area site statistics on the next submittal.

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6. What is the purpose of listing impervious surface area per 1984 and current impervious area?
7. The Critical Area Project Notification form states the property is 7.56-acres. The Concept plan states the property is 7.015 acres. Which is correct?

If concept plan approval is granted by the Kent County Planning Commission, please provide any revised site plan for review to the Critical Area Commission as soon as possible.
Thank you for the opportunity to comment on this application.

Best regards,



Chris Clark
Natural Resource Planner

cc: KC264-03

LAW OFFICES OF
STEVENS, PHILLIPS & McCANN, L.L.C.

114 West Water Street, Centreville, Maryland 21617
410-758-4600 (TEL) 410-758-3555 (FAX)

Joseph A. Stevens
Karl A. Phillips
Cynthia L. McCann

FACSIMILE TRANSMISSION

TO: Nick Kelly

COMPANY: Critical Area Commission

FAX NUMBER: 410-974-5338

FROM: Cynthia L. McCann

DATE: August 24, 2007 TIME: 11:10am

RE: John M. Stoltzfus Amended Application for Text Amendment to the
Kent County Zoning Ordinance

NUMBER OF PAGES TRANSMITTED (including cover page): 4

MESSAGE TO RECEIVER:

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333-0489

LAW OFFICES OF
STEVENS, PHILLIPS & McCANN, LLC114 West Water Street, Centreville, Maryland 21617
410-758-4600 (TEL) 410-758-3555 (FAX)

August 23, 2007

County Commissioners Of Kent County
400 High Street
Chestertown, MD 21620**VIA HAND DELIVERY**

Re: John M. Stoltzfus Amended Application for Text Amendment to the Kent County Zoning Ordinance, Article III, *Districts and District Maps* Section 1, *Establishment of Districts* and Article V, *District Regulations*, Section 12, *Commercial Critical Area*.

Dear Honorable Commissioners:

Please accept the enclosed amendment to Mr. Stoltzfus' Application for Text Amendment to the Kent County Zoning Ordinance ("Application"). As previously stated in the August 10, 2007 cover letter submitting the Application, the purpose of Mr. Stoltzfus' proposed text amendment is to permit a more intense commercial development within the Commercial Critical Area zoning district upon an award of growth allocation in accordance with the Kent County Growth Allocation Policy. In response to informal discussions regarding the Application with Planning Department staff, I am submitting the attached "amended" proposed text amendment.

The Application having been forwarded to the Planning Commission for review at its upcoming September meeting, and having discussed plans to amend the proposed text amendment with Ms. Owings at today's Technical Advisory Committee meeting this morning, I am requesting that the attached "amended" proposed text amendment be forwarded as well. On behalf of Mr. Stoltzfus, I look forward to working with the Planning Department on the text amendment request. If you have any questions, please do not hesitate to contact me.

Thank you for your time and consideration.

Sincerely,

STEVENS, PHILLIPS & McCANN, LLC

By: Cynthia L. McCann
Cynthia L. McCann

Enclosures

Cc: Gail Webb Owings, Director of Planning & Zoning
Amy Moredock, Environmental Planner
John M. Stoltzfus
Nick Kelly

Received

AUG 24 2007

Time: 9:05 AM.

Amended Proposed Text Amendment
to the Kent County Zoning Ordinance
Submitted by John M. Stoltzfus
August 23, 2007

(Note: **Bold, underlined** text denotes text to be added.):

ARTICLE III. DISTRICTS AND DISTRICT MAPS

SECTION 1. ESTABLISHMENT OF DISTRICTS

* * * *

Within the Intense Development Area of the *Critical Area*:

Intense Village *Critical Area* (IVCA)

Marine (M)

Industrial *Critical Area* (ICA)

Conference centers, resorts, retreats, and other uses that have received growth allocation

Retail and other intense commercial uses, including shopping centers, that have received growth allocation.

* * * *

ARTICLE V. DISTRICT REGULATIONS

SECTION 12.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- 12. Retail businesses, **including shopping centers**, supplying on the *premises*, household goods, new automotive parts, agricultural supplies and commodities, sporting goods, and the like, including department, outlet and discount stores provided:
 - a. All retail sales and/or storage shall be conducted entirely within a *building* except Where otherwise approved by the *Planning Commission*.
 - b. The retail business does not exceed 60,000 square feet of *gross floor area*. The Restriction on *gross floor area* does not apply to the Commercial District in the Route 301 corridor.

- 13. **Retail and other intense commercial uses, including shopping centers, that have received growth allocation in accordance with the Kent County Growth Allocation Policy. Upon award of Growth allocation, Development will not be required to meet the impervious surface limitations set forth in Section 12.7.B.8 hereinbelow.**

* * * *

ARTICLE V. DISTRICT REGULATIONS

SECTION 12.7.B. COMMERCIAL CRITICAL AREA SPECIFIC ENVIRONMENTAL STANDARDS.

8. Impervious Surfaces.

f. Properties granted growth allocation in accordance with the Kent County Growth Allocation Policy are exempt from the 15% impervious surface limitation.

* * * *

The purpose of the proposed text amendment is to permit a more intense commercial development within the Commercial Critical Area zoning district upon an award of growth allocation in accordance with the Kent County Growth Allocation Policy.

Kelly, Nick

From: Kelly, Nick
Sent: Tuesday, March 18, 2008 4:28 PM
To: Hoerger, Lisa
Subject: Kent County CCA

Hi Lisa,

I just got off the phone with Amy. The proposed text amendment is simply to allow the owner to put 3 or more businesses on the site, which previously was unallowed in this zoning category. Past variance requests were for other types of development activities onsite (including just one space for retail). This amendment will have nothing to do with 15% impervious; it's simply allowing 3 or more businesses on this site so that the applicant can go ahead with his plans.

Confusing enough?

Thanks for the help earlier!

Nick

3/18/2008

Jerry Smith

Date:

Heading Stoltzfus Amendment

October 16, 2007

CODE HOME RULE ZONING TEXT AMENDMENT JOHN STOLTZFUS

The first reading was held on Code Home Rule Bill No. 4-2007, which is a zoning text amendment based upon an application submitted by John Stoltzfus proposing an Act to amend the Kent County Land Use Ordinance by repealing and re-enacting Article III, Section 1 (Establishment of Districts – Within the intense development area of the critical area), and Article V, Section 12.2 (Commercial Critical Area – Permitted Principal Uses and Structures); AND by amending Article V, Section 12.7.B.8 (Commercial Critical Area Specific Environmental Standards – Impervious Surfaces), adding provisions for shopping centers and other intense commercial uses that have received growth allocation and exempting said uses from certain impervious surface environmental standards.

A Public Hearing has been tentatively scheduled for November 27 at 9:30 a.m. in the County Commissioners' Hearing Room, County Government Center, 400 High Street, Chestertown, Maryland.

Planning and Zoning Minutes

January 4, 2007

#06-143 John Stoltzfus – Variance (Impervious Surface) - Mr. Stoltzfus is requesting an impervious surface variance to construct over 2 acres of impervious surfaces (including a 23,000 square ft of commercial and retail space) on his 7-acre parcel located on River Road (Route 291) and Route 301, in the First Election District. The parcel is a part of a two-lot subdivision on a 7.55 acre parcel which was approved in 2004. The property is zoned "CCA" Commercial Critical Area. The Dutch Deli restaurant and gas station formerly onsite were demolished in the spring 2005.

Present on behalf of John Stoltzfus and duly sworn in by Chairman Morris were: Deborah Orr, 14091 Gregg Neck Road Galena; David Stoltzfus, 29150 Wicks Landing Road; Cynthia McCann, Stevens and Associates LLC, 141 West Water Street Centreville, Maryland; and Kevin Shearon, DMS and Associates, of Centreville.

Ms. Moredock advised the overall parcel contains existing impervious surfaces onsite totaling 143,752 sq ft (44%.) Lot 1 (Stoltzfus lot) contains 141,352 sq ft of impervious area (46% of lot and 44% of entire parcel.) Lot 2 (Kostick lot) contains 2,400 sq ft (1% of lot and less than 1% of entire parcel.) The total of the impervious surfaces over the entire subdivision may not exceed 15%. The total impervious area on Lot 1 may not exceed 15%.

John Stoltzfus proposes to reduce impervious surface on his lot to 2.236 acres, while the Kostick lot remains at .0555 acres of impervious surfaces resulting in a proposed impervious surface area of 2.29 acres/30%. The resulting impervious areas on the applicant's lot total 97,400 sq ft (32% of Lot 1.)

Ms. Moredock noted the extensive history of this property, after which she reviewed relevant issues and applicable law. Article V, Section 12.7.B.8.a of the Land Use Ordinance which requires: "Man caused impervious surfaces on parcels greater than 36,301 sq ft shall be limited to 15% of the property." Article V, Section 12.7.B.8.e of the Land Use Ordinance: "Man caused impervious surfaces shall not exceed 25% of an individual lot of one acre or less which is a part of a subdivision approved after December 1, 1985. However, the total of the impervious surfaces over the entire subdivision may not exceed 15%." Article IX, Section 2.2 of the Land Use Ordinance authorizes the Board of Appeals "to grant variances of 15% slope, impervious surface, or buffer requirements in the Critical Area for reasons of demonstrable and exception unwarranted hardship as distinguished from variations sought for convenience, profit or caprice."

Ms Moredock recommended denial of the variance request. The nonconforming status of the site has lapsed and the applicant must conform to the impervious surface limit set forth by the Land Use Ordinance. However, if the Board is inclined to approve the application, the approval should be contingent on the following:

- * No trees should be removed to accommodate a building and an afforestation plan should be required consisting of a mix of native trees and shrubs;
- * Stormwater runoff from proposed structures should be directed to stable vegetation;
- * Ten percent water quality improvements should be required to offset additional impervious surface.

She further noted that a favorable recommendation does not confer upon the applicant, site plan approval. The applicant must submit a separate site plan for proposed development.

Ms. Moredock read the December 11 letter from the Critical Areas Commission which states, "... Commission staff does not believe that a new use for the site can be developed without first addressing the non compliance of the property that has continued for a period of years. It is our opinion that the site should be restored to fit the appropriate mapped use with the appropriate restrictions on the property as outlined in the Kent County Ordinance and Critical Area Law. The applicant has requested the Kent

County Board of Appeals to provide for relief related to the 15% limit by increasing the approved impervious surface of the site to approximately 32%. Critical Area staff opposes this request."

Chairman Morris invited the applicants to speak. Attorney McCann stated John Stoltzfus is requesting a variance of impervious surface less than what is already there. She is also appealing the decision of the Zoning Administrator. Ms. McCann submitted Exhibit #1, Article VII, Nonconforming Uses and "grandfathering" regulations. She feels this property is grandfathered in under the critical area plan. Ms. McCann was informed that the Planning Commission will not consider this portion of Mr. Stoltzfus' application, since Appealing a decision of the Zoning Administrator is forward directly to the Board of Appeals without review by the Planning Commission.

Mr. Shearon reviewed the proposed concept plan for the lands of John Stoltzfus and noting there is currently 3.25 acres of impervious surface on this 7-acre parcel, which is above the 15% impervious surface limitation. The proposed new development will decrease the existing impervious surface by 12% by creating more pervious surface in lawn.

Exhibit #2, Chesapeake Bay Critical Area Environmental Assessment Property, prepared by Environmental Regulations Consultants, Inc., was entered into the record. Mr. Shearon commented on this submittal.

Attorney McCann submitted Exhibit #3, Zoning Maps 5 and 31, pointing out the subject property and other properties with "CCA" Commercial Critical Area. Ms McCann questioned how Peoples Bank received an impervious surface variance for their property on Route 291, and submitted Exhibit #4, a copy of Appeal No. 97-55, Peoples Bank/Kent County approved by the Board of Appeals in 1997, with a recommendation by the Planning Commission to grant that request.

Ms. McCann argued her case reviewing the variance regulations and noting the impervious surface has not change, and she feels Mr. Stoltzfus has a strong case for "unwarranted hardship". Ms. McCann further noted this proposal is consistent with the County's Comprehensive Plan which encourages new and existing businesses.

In summarizing, Attorney McCann again emphasized the granting of this impervious surface variance would be in keeping with the county's regulations; the footprint would be less; and it is a reasonable request for this commercial property. Through their presentation she feels they have demonstrated an "unwarranted hardship" and an impervious surface variance should be granted.

Mr. Craig O'Donnell, Kent County News and resident of Still Pond, asked several questions of the applicant regarding notification procedures. He asked for a copy of the State Highway letter.

After a lengthy review and discussion, Ms. Brown made a motion to forward an unfavorable recommendation to the Board of Appeals, recommending denial of John Stoltzfus' request for an impervious surface variance to construct over 2 acres of impervious surface (including 23,000 sq ft of commercial and retail space) on his 7 acre parcel located on River Road (Route 291) and Route 301. The Board made the following findings:

- * There may be a substantial detriment to neighboring properties, and there may be a change to the character of the neighborhood.

- * Approval of the proposal may confer special privileges upon the applicant.

- * A literal interpretation of the ordinance will not deny the applicant of rights commonly enjoyed by other properties in similar areas.

- * The size and shape of the property allows for reasonable use as this parcel is 7 acres and allows over an acre of impervious surface onsite.

- * There are no unusual topographical conditions onsite.

- * The applicant has demonstrated no unwarranted hardship.

- * A practical difficulty could have been caused by the applicants own actions by discontinuing use onsite.

- * The variance is not consistent with the Comprehensive Plan and intent of the Ordinance. The Comprehensive Plan does promote businesses; however these businesses are to be encouraged to be in the towns – this proposal is not.

- * The need for a variance was not caused by the applicant's own action, but by the current noncompliance with the ordinance.

- * Approval of this project could adversely affect water quality.

Ms. Brown continued with the motion noting that should the Board of Appeals be so inclined to grant approval of the buffer variance, that approval should be contingent upon the following:

- * No trees should be removed to accommodate a building and an afforestation plan should be required consisting of a mix of native trees and shrubs.

- * Stormwater runoff from proposed structures should be directed to stable vegetation.

- * Ten percent water quality improvements should be required to offset additional impervious surface.

- * Favorable recommendation does not confer upon the applicant site plan approval. The applicant must submit a separate site plan for proposed development.

The motion was seconded and the vote unanimous.

Planning Zoning Minutes September 6, 2007

Stoltzfus Text Amendment – John Stoltzfus has submitted an application to amend Article III, Section 1 (Districts and District Maps – Establishment of Districts), Article V, Section 12.2 (Commercial Critical Area – Principal Permitted Uses and Structures),

Article V, Section 12.7B (Commercial Critical Area Specific Environmental Standards) of the Kent County Land Use Ordinance. Specifically, Mr. Stoltzfus proposes the following:

- * Amend Article III, Section 1 of the Kent County Land Use Ordinance by adding the following to the Intense Development Area – Retail and other intense commercial uses, including shopping centers that have received growth allocation .

- * Amend Article V, Section 12.2 by adding the text in bold to the Commercial Critical Area Permitted Principle Uses and Structures.

- * #12 Retail businesses, including shopping centers , supplying on the premises...

- * #13 Retail and other intense commercial uses, including shopping centers that have received growth allocation in accordance with the Kent County Growth Allocation Policy. Upon aware of Growth Allocation, Development will not be required to meet the impervious limitations set forth in Section 12.7.B.8 herein below.

- * Amend Article V, Section 12.7.B.8 Commercial Critical Area Specific Environmental Standards – Impervious Surfaces by adding the following: f. Properties granted growth allocation in accordance with the Kent County Growth Allocation Policy area exempt from the 15% impervious surface requirement.

- * “Develop diverse retail opportunities that provide wide availability of goods and services with competitive selections and prices” page 13

- * “Any retail development in the villages or their designated growth area must be compatible in size, scale and architecture with existing development and proposed design guidelines.” Page 13

- * “Coordinate Planning for Growth in cooperation with the Towns and Villages” page 19

- * “Encourage Stewardship of the Chesapeake Bay, its tributaries and their watersheds through Planning” page 33

- * “Insure that future development, redevelopment, and infill is completed in an environmentally and context sensitive manner.” Page 21

Present and duly sworn were: David Stoltzfus, John Stoltzfus Company, Cindy McCann, Attorney for John Stoltzfus Company, Debbie Orr, John Stoltzfus Company and Gail Owings, Director of Planning, Housing and Zoning.

Ms. Owings read a letter that was received from the Town of Millington.

Ms. Owings presented the staff report to include Applicable Law Article Xii, Section 6 which establishes the standards for review and approval of a zoning text amendment.

Ms. McCann testified that this application would allow the owners to apply for growth allocation. The current ordinance does not allow for commercial in the critical area with an impervious surface of greater than 15 percent. This is a small lot for commercial development and with the 15 percent impervious surface limitation it creates an impediment to new commercial, and new is important or industrial development. Ms. Owings said that we are different from other counties because they have a critical area overlay zone which causes confusion beyond all measure because you have one set of permitted uses that say you are commercial and then you have an overlay zone that

says well this says you can do it but you really can't. So what Kent County did was say this is what you are and this is what you can do to avoid that kind of confusion.

Ms. Morris asked for audience comments.

Jerry Smith, being duly sworn testified that he is opposed to this request. He said the Critical Area specifically states that intensive development should be directed outside of the critical areas. There is a lot of area out there that is not in the critical area that could be used for some of the projects that have been mentioned. He strongly urged the Board to reject the amendment in the basic interest of the County, river and the bay.

There was no one else that wanted to speak.

After a discussion, Ms. Brown made a recommendation to send an unfavorable recommendation to the County Commissioners citing:

*** There is no public need.**

* If this was granted it would not encourage the stewardship of the Chesapeake Bay and its tributaries and the watershed through planning.

* The future development / redevelopment infill is completed in an environmentally sensitive manner.

* It does not comply with the critical area law due to the fact that it would allow for intensive developed areas in the critical area.

* The Town of Millington has stated that they do not support this amendment because it would allow for more intense development outside of their town borders.

The motion was second and approve unanimously.

County Commissioners Meeting
September 11, 2007

PLANNING COMMISSION

Gail Owings, Director, Planning, and Marcie Brown, Commissioners Representative on the Planning Commission, appeared regarding items discussed at the Planning Commission meeting held on September 6, including:

...

Zoning Text Amendment/ John Stoltzfus- Ms. Brown stated that text amendment application submitted by Mr. Stoltzfus was reviewed and it was recommended that it be denied since they felt there was no public need. A letter from the Planning Commission will be forthcoming giving reasons for their denial.

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KENT COUNTY, MARYLAND
COUNTY COMMISSIONERS
PUBLIC HEARING - November 27, 2007

Code Home Rule 4-2007-John M. Stoltzfus - Zoning T

A public hearing was held today at 9:30 a.m. in the County Commissioners' Hearing Room, County Government Center, Chestertown, Maryland on Code Home Rule 4-2007, which is a zoning text amendment based upon application submitted by John M. Stoltzfus to repeal and re-enact Article III, Section 1 (Establishment of Districts – within the intense development area of the critical area), and Article V, Section 12.2 (Commercial Critical Area – Permitted Principal Uses and Structures); and by amending Article V, Section 12.7.B.8 (Commercial Critical Area Specific Environmental Standards – Impervious Surfaces), adding provisions for shopping centers and other intense commercial uses that have received growth allocation and exempting said uses from certain impervious surface environmental standards.

County Commissioners Roy Crow, Ronald Fithian, and William Pickrum were in attendance as well as Susanne Hayman, County Administrator, others in attendance were John Stoltzfus, Applicant, David Stoltzfus, Applicant, Cynthia McCann, Esq. of Stevens, Phillips, and McCann representing the applicant, Gail Owings, Director of Planning, Jack Steinmetz, Economic Development Director, 10 interested citizens, and one member of the media.

Commissioner Crow read the Notice of Public Hearing into the record.

Commissioner Fithian informed that before he was elected as County Commissioner, he entered into a sales contract with Mr. Stoltzfus for a parcel of property. That agreement has since been finalized. Commissioner Fithian stated that nothing said during this public hearing can affect the previous agreement that he made with Mr. Stoltzfus and therefore, he does not feel it necessary to recuse himself from the public hearing.

Mr. Stoltzfus testified that in 1988 he purchased property located at the intersections of US 301 and MD 291, outside of Millington and developed it into a truck stop, gas station and deli. After this business was closed, he began looking at different proposals for the site. His current proposal is for a retail center similar to Dogwood Village in Galena. He stated that when the proposal for the retail center was taken to the Planning Commission, he was informed that over the last few years restrictions have been placed on usages for the site, which were unknown to him. These restrictions have necessitated a request for a zoning text amendment and will eventually necessitate a request for growth allocation, if the zoning text amendment is approved. He stated that he has received favorable comments from members of the community who are in favor of the proposed retail center as a whole.

Ms. McCann stated that although plans were submitted for more than a retail center, more could be established on the property if a growth allocation is granted. She stated that at this point it is unclear exactly what the plans for the property would be. The parcel is located in the Critical Area and is designated Limited Development Area (LDA). The lot was grandfathered in, therefore, there was more than the 15% impervious surface limitation on the parcel. Use of the lot changed over the years. The grandfathered status on the parcel was lost after one year's time and the property is now required to have 15% impervious surface limitation in order to develop the parcel.

Commissioner Fithian questioned exactly what the Planning Commission denied that has necessitated the need for a zoning text amendment. Ms. McCann stated that Mr. Stoltzfus needs more than the 15% impervious surface limitation and was denied. Commissioner Fithian questioned whether Mr. Stoltzfus was requesting to go beyond the impervious surface amount previously used for the truck stop. Ms. McCann stated that Mr. Stoltzfus was not asking to go beyond the previous impervious surface limitation and planned to use less impervious surface than what was used for the truck stop. She noted that he also plans to environmentally improve the site. In order to move forward, a variance is needed to allow the site to go beyond the 15% impervious surface limitation because the grandfather clause no longer applies. They were denied

a variance from the Board of Zoning Appeals, therefore, they are now requesting that the lot be reclassified as an Intense Development Area (IDA), which does not have any impervious surface requirements. Commissioner Pickrum questioned whether the proposed new establishments would occupy the same space that was used for the truck stop and what would occupy the space. Mr. Stoltzfus stated that he is not positive as to what will be placed on the property at this point. He stated that his plans may change from what was last proposed to the Planning Commission. Commissioner Fithian questioned whether Mr. Stoltzfus is asking to exceed the limitations used when the property was a truck stop. Ms. McCann stated that nothing is being proposed at this time. She stated that proposed plans will depend on whether they can come before the Commissioners for growth allocation. Ms. McCann stated that the zoning text amendment needs to be approved before they can request growth allocation.

Commissioner Fithian requested more clarification as to the exact reason that Mr. Stoltzfus is in need of a zoning text amendment. Ms. Owings stated that the proposal for a shopping center is not currently a permitted use of the property, therefore, this use would need to be added in order for his proposed use of the property. Ms. Owings stated that despite the allowance of a retail center in the Land Use Ordinance, if there are more than three stores in the retail center, it then is defined as a shopping center. Ms. Owings stated that there is a lot of history on this property. She stated that when the critical area designation came in, the property was wooded with a butcher shop located on it. So that there is no question, a variance needs to be granted for the amount of impervious surface or permission to change the zoning to IDA. This will help clean up changes that have happened as a result of the evolution of the property.

Exhibits were presented by Ms. Owings as follows:

- 1)A copy of the letter submitted to the Commissioners from David Teel, Circuit Rider, Town Manager, advising the Town of Millington wishes to go on record as opposing the text amendment.
- 2)Copy of correspondence from the Critical Area Commission directed to Amy Moredock, Environmental Planner, advising the Commission staff cannot provide comments on the proposed growth allocation for this project because it is unclear how the proposed that amendments if approved, would affect the applications.

Commissioner Pickrum commented that the intent should be to place something similar or better on the property, but not something larger than what was initially there. Ms. Owings stated that when the proposal was presented to the Planning Commission, it was brought up that the Town of Millington does not support this proposal. It was noted that property item is outside of the town limits.

Ms. McCann informed that the proposed zoning text amendment being requested would only open the door for Mr. Stoltzfus to come forward for growth allocation and he would still like to keep the portion of the text amendment that would allow this. An amendment to Section 12.7.B-8 of the Kent County Zoning Ordinance is being requested to add the following subsection:

of the property would be ideal for this location. Mr. Steinmetz is in strong support of the project.

Lee Clough expressed his support of the proposal and stated that people in the surrounding area would like to see the property used.

Carville Robinson expressed his support of the project and stated that the area is in need of improvement.

Edward Robinson, Millington Council Member, stated that he disagrees with the Mayor's position in this matter. He stated that he is in full support of the proposal and that the majority of the town is in support of the proposal.

Commissioner Pickrum commented that the letter sent to the Planning Commission from David Teel, Millington Town Manager, begins by opposing the proposal, but later states that the town will support the project if the site is developed into a town gateway center.

The County Administrator stated that adding may instead will to the requested addition to Section 12.2 will provide the Commissioners with more latitude in the ordinance. Ms. McCann stated that Section 13 could be changed to match language in Section 8.f which states may not be. Ms. Owings stated that this language would be consistent with language used for other growth allocations.

Ms. McCann handed out the goals and strategies for the Comprehensive Plan for the Commissioners' information and review. She commented that the proposal will support and comply with all of the goals stated in the plan from a growth allocation standpoint.

Commissioner Crow informed that written comments will be received until November 30. The tentative third reading of the legislation will be on December 4.

This hearing was taped for reference and adjourned at 10:23 a.m.

**THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND**

Janice F. Fletcher
Executive Assistant

Approved:
Roy W. Crow, President

f. Properties granted growth allocation in accordance with Kent County Growth Allocation Policy are exempt from the 15% impervious surface limitation.

If this zoning text amendment is approved it would allow any property owner of a commercial critical area zoned parcel of land to submit an application for growth allocation. The only classification that could result from the growth allocation would be an IDA. If approved, Mr. Stoltzfus would have to come to the Commissioners and demonstrate that the property meets the critical area law so that growth allocation can be granted. Commissioner Crow reminded that the Commissioners can still place conditions on the growth allocation.

The County Administrator noted that the applicant requested an addition of the following text to Section 12.2 Permitted Principal Uses and Structures:

13. Retail and other intense commercial uses, including shopping centers, that have received growth allocation in accordance with the Kent County Growth Allocation Policy. Upon award of growth allocation, Development will not be required to meet the impervious surface limitation set forth in Section 12.7.B.8 hereinbelow.

She questioned whether the text should be changed to read "Development may not be required", rather than Development will not be required.

Ms. Owings stated that this amendment would affect 3-4 other property owners. She noted that none of these properties are of the size of Mr. Stoltzfus' property. She also noted that at this time there are no major properties around the county that would be affected by the proposed amendment.

Commissioner Fithian informed that during his last previous term in office the county spent \$250,000 installing sewer lines under US 301 specifically for the subject property which was then known as the Dutch Deli commercial area. The area was being commercialized and there was no reason to believe that it would not continue to be a commercial area. He stated that the County has made an investment in this property. Ms. McCann noted that the Economic Development Advisory Board (EDAB) was requested to study the 301 Corridor to determine sites available for commercial development.

Comments were entertained from the audience.

Jerry Bramble commented that he does not understand the opposition to the proposed shopping center, especially if the shopping center would include a diesel or gasoline facility. Mr. Bramble informed that he is a school bus contractor and there are currently no facilities from Queenstown to Middletown to purchase diesel fuel for buses.

Mr. Steinmetz reminded that years ago the county looked at this area along the US 301 corridor and decided that it would be ideal for growth. He stated that the proposed use

LAW OFFICES OF
STEVENS, PHILLIPS & McCANN, LLC114 West Water Street, Centreville, Maryland 21617
410-758-4600 (TEL) 410-758-3555 (FAX)

August 10, 2007

VIA HAND DELIVERYCounty Commissioners Of Kent County
400 High Street
Chestertown, MD 21620**Re:** John M. Stoltzfus Application for Text Amendment to the Kent County Zoning Ordinance, Article III, *Districts and District Maps* Section 1, *Establishment of Districts* and Article V, *District Regulations*, Section 12, *Commercial Critical Area*.

Dear Honorable Commissioners:

On behalf of Mr. John M. Stoltzfus, please accept the enclosed Application for Text Amendment to the Kent County Zoning Ordinance ("Application"), along with five (5) copies and check number 3357 in the amount \$500.00 for the required filing fee. Mr. Stoltzfus is the owner of Tax Map 31, Parcel 154, also known as 31701 River Road, Millington, Maryland 21651, with a mailing address of 11753 Chesterville Road, Kennedyville, Maryland 21645. The purpose of the proposed text amendment is to permit a more intense commercial development within the Commercial Critical Area zoning district upon an award of growth allocation in accordance with the Kent County Growth Allocation Policy.

I understand that following presentation of the Application to the Commissioners, the Commissioners then forward it to the Planning Commission for review. On behalf of Mr. Stoltzfus, I respectfully request that the Application be forwarded to the Planning Commission for its review and recommendation.

Thank you for your time and consideration.

Sincerely,

STEVENS, PHILLIPS & McCANN, LLC

By: Cynthia L. McCann
Cynthia L. McCann

Enclosures

Cc: Gail Webb Owings, Director of Planning & Zoning
Amy Moredock, Environmental Planner
John M. Stoltzfus

Received

AUG 10 2007

Time: 3:45 pm

FOR OFFICE USE ONLY

**APPLICATION FOR TEXT AMENDMENT
TO THE KENT COUNTY ZONING
ORDINANCE
KENT COUNTY, MARYLAND**

Number _____
Date Filed _____
Date Referred to Plg. Comm. _____
Date Recommendation received from Plg.
Comm. _____
Co. Comm. Public Hrg. Date _____
Co. Comm. Action _____
Date of Action _____

Pursuant to Article XII "Administrative Procedures," Section 6 "Amendments," of the Kent County Zoning Ordinance,

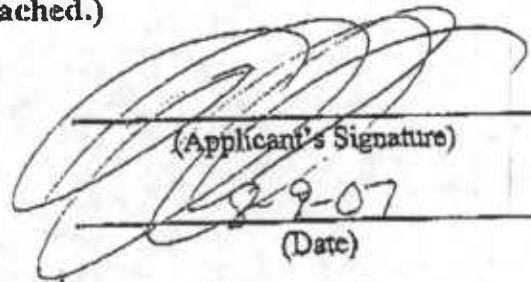
I / We, John M. Stoltzfus
of 11753 Chesterville Road, Kennedyville, MD 21645-3561 (Address) (410) 648-5579 (Telephone No.)

hereby petition the Kent County Commissioners to amend the Zoning Ordinance of Kent County, Maryland as follows:

(See attached.)

The purpose of the proposed amendment is to permit:

(See attached.)



(Applicant's Signature)
8-9-07

(Date)

****PLEASE NOTE:** The application for an amendment to the text of this Ordinance shall, at a minimum state in particular, the Article, Section, and paragraph sought to amended. The application shall contain the language of the proposed amendment.

INSTRUCTIONS: The Zoning Ordinance requires that five (5) copies for Zoning Text Amendment be submitted to the Executive Assistant to the County Commissioners accompanied by \$500.00 filing fee, payable to the County Commissioners of Kent County.

Attachment to Application for Text Amendment
to the Kent County Zoning Ordinance
Submitted by John M. Stoltzfus
Dated August 9, 2007

(Note: **Bold, underlined** text denotes text to be added.):

ARTICLE III. DISTRICTS AND DISTRICT MAPS

SECTION 1. ESTABLISHMENT OF DISTRICTS

* * * *

Within the Intense Development Area of the *Critical Area*:

Intense Village *Critical Area* (IVCA)

Marine (M)

Industrial *Critical Area* (ICA)

Conference centers, resorts, retreats, and other uses that have received growth allocation
Retail and other intense commercial uses that have received growth allocation.

* * * *

ARTICLE V. DISTRICT REGULATIONS

SECTION 12.2 PERMITTED PRINCIPAL USES AND STRUCTURES

13. Retail and other intense commercial uses that have received growth allocation in accordance with the Kent County Growth Allocation Policy. Upon award of Growth allocation, Development will not be required to meet the impervious surface limitations set forth in Section 12.7.B.8 hereinbelow.

* * * *

The purpose of the proposed text amendment is to permit a more intense commercial development within the Commercial *Critical Area* zoning district upon an award of growth allocation in accordance with the Kent County Growth Allocation Policy.

Kent County-Stoltzfus



1 inch equals 743.7 feet



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

December 11, 2006

Ms. Amy Moredock
Department of Planning and Zoning
Kent County Government Center
400 High Street
Chestertown, Maryland 21620

RE: Stoltzfus Local Case # 06-143

Dear Ms. Moredock:

Pursuant to your request I have reviewed the information supplied related to the above applicant's intent to pursue a variance to the impervious surface limits under the Kent County Critical Area Ordinance. It is understood that the property consists of 7.56 acres±, is not waterfront and is designated Limited development Area (LDA). The LDA designation requires the property owner to remain below the 15 percent threshold for impervious surface. Our review indicates that past uses of the property have gradually created new impervious surface on the site without the proper authorization from the County. It is our understanding that all buildings on the site have been demolished and the property has been vacant since at least May 2005.

Commission staff does not believe that a new use for the site can be developed without first addressing the non compliance of the property that has continued for a period of years. It is our opinion that the site should be restored to fit the appropriate mapped use with the appropriate restrictions on the property as outlined in the Kent County Ordinance and Critical Area Law. The applicant has requested the Kent County Board of Appeals to provide for relief related to the 15 percent limit by increasing the approved impervious surface of the site to approximately 32 percent. Critical Area staff opposes this request.

Thank you for the opportunity to comment on this application. Please notify the Commission in writing of the decision by the Board.

Best regards,

A handwritten signature in black ink, appearing to read "Chris Clark".

Chris Clark
Natural Resources Planner

cc: KC264-03

TTY for the Deaf
Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450

County support?
RCA Δ too?
why use not allowed?

CRITICAL AREA COMMISSION
FOR THE CHESAPEAKE AND ATLANTIC COASTAL BAYS
1804 WEST STREET, SUITE 100
ANNAPOLIS, MD 21401

PROJECT NOTIFICATION APPLICATION

GENERAL PROJECT INFORMATION

Jurisdiction: Kent

Date: 11/14/06

| Tax Map # | Parcel # | Block # | Lot # | Section |
|-----------|------------|---------|----------|---------|
| <u>31</u> | <u>154</u> | | <u>1</u> | |
| | | | | |
| | | | | |

FOR RESUBMITTAL ONLY

- Corrections
- Redesign
- No Change
- Non-Critical Area

*Complete Only Page 1
General Project Information

Project Name (site name, subdivision name, or other) John Stoltzfus

Project location/Address West Edge Road

City Millington Zip 21651

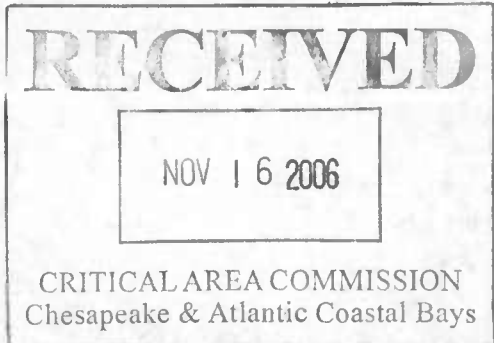
Local case number 06-143

Applicant: Last name Stoltzfus First name John

Company _____

Application Type (check all that apply):

- | | |
|--|--|
| Building Permit <input type="checkbox"/> | Other <input type="checkbox"/> |
| Buffer Management Plan <input type="checkbox"/> | Rezoning <input type="checkbox"/> |
| Conditional Use <input type="checkbox"/> | Site Plan <input type="checkbox"/> |
| Consistency Report <input type="checkbox"/> | Special Exception <input type="checkbox"/> |
| Disturbance > 5,000 sq ft <input type="checkbox"/> | Subdivision <input type="checkbox"/> |
| Grading Permit <input type="checkbox"/> | Variance <input checked="" type="checkbox"/> |



Local Jurisdiction Contact Information:

Last name Mordoch First name Ray
 Phone # 410-778-7473 Response from Commission Required By ASAP
 Fax # 410-810-2932 Hearing date 12/7/06
Jan.

SPECIFIC PROJECT INFORMATION

Describe Proposed use of project site:

*Commercial/retail proposal - 23,000 sq ft
previous site of restaurant consisting of 3.245 ac of impervious - restaurant*

- Intra-Family Transfer Yes
 Grandfathered Lot
 Growth Allocation Yes
 Buffer Exemption Area

was demolished + land has been vacant since May 2005.

Project Type (check all that apply)

- Commercial Recreational
 Consistency Report Redevelopment
 Industrial Residential
 Institutional Shore Erosion Control
 Mixed Use Water-Dependent Facility
 Other

SITE INVENTORY (Enter acres or square feet)

| | Acres | Sq Ft |
|----------------------|--------------|----------------|
| IDA Area | <i>7.015</i> | <i>305,573</i> |
| LDA Area | | |
| RCA Area | | |
| Total Disturbed Area | | |

Total Disturbed Area

of Lots Created

| | Acres | Sq Ft | | Acres | Sq Ft |
|--------------------------------|------------|-------|-----------------------------|--------------|-------|
| Existing Forest/Woodland/Trees | <i>n/a</i> | | Existing Impervious Surface | <i>3.245</i> | |
| Created Forest/Woodland/Trees | | | New Impervious Surface | <i>2.236</i> | |
| Removed Forest/Woodland/Trees | | | Removed Impervious Surface | <i>3.245</i> | |
| | | | Total Impervious Surface | <i>2.236</i> | |

VARIANCE INFORMATION (Check all that apply)

| | Acres | Sq Ft | | Acres | Sq Ft |
|------------------------|-------|-------|------------------------|-------|-------|
| Buffer Disturbance | | | Buffer Forest Clearing | | |
| Non-Buffer Disturbance | | | Mitigation | | |

- | Variance Type | | Structure | |
|--------------------|-------------------------------------|-------------------------|-------------------------------------|
| Buffer | <input type="checkbox"/> | Acc. Structure Addition | <input type="checkbox"/> |
| Forest Clearing | <input type="checkbox"/> | Barn | <input type="checkbox"/> |
| HPA Impact | <input type="checkbox"/> | Deck | <input type="checkbox"/> |
| Impervious Surface | <input checked="" type="checkbox"/> | Dwelling | <input type="checkbox"/> |
| Expanded Buffer | <input type="checkbox"/> | Dwelling Addition | <input type="checkbox"/> |
| Nontidal Wetlands | <input type="checkbox"/> | Garage | <input type="checkbox"/> |
| Other | <input type="checkbox"/> | Gazebo | <input type="checkbox"/> |
| Setback | <input type="checkbox"/> | Other | <input checked="" type="checkbox"/> |
| Steep Slopes | <input type="checkbox"/> | Patio | <input type="checkbox"/> |
| | | Pool | <input type="checkbox"/> |
| | | Shed | <input type="checkbox"/> |

*32%
Impervious*

LAW OFFICES OF
STEVENS & ASSOCIATES, L.L.C.

114 West Water Street, Centreville, Maryland 21617
410-758-4600 (TEL) 410-758-3555 (FAX)

November 13, 2006

Anna M. Riggin, Clerk
Kent County Board of Appeals
Department of Planning & Zoning
400 High Street
Chestertown, Maryland 21620

Re: Application for Variance by John M. Stoltzfus, et ux.
Subject Property: Tax Map 31, Grid - 2E, Parcel 154
West Edge Road, Millington, MD

Dear Ms. Riggin:

Enclosed herewith, along with a check for the required \$350.00 filing fee, please find the above referenced application for a variance. The applicant proposes to construct approximately 23,000 sq. ft of commercial and retail space and is requesting a variance from Article V, Section 12.B.8 of the Kent County Land Use Ordinance which limits man caused impervious surfaces to 15% of a site. In addition to the application, also enclosed is a copy of a concept plan for the proposed use of the property showing current and proposed impervious surface areas and a list of adjoining property owners.

If you have any questions, please do not hesitate to contact me.

Sincerely,

STEVENS & ASSOCIATES, LLC


Cynthia L. McCann

Enclosure(s)

IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant)

John M. Stoltzfus, etux.
11753 Centreville Road
Kennedyville, MD 21645
(410) 648-5579

FOR OFFICE USE ONLY CASE NO.: 06-143

Date Filed: 11/13/06 Pd case # 114
Filed by: _____
Applicant: _____
Planning Commission: New Mtg.
Date of Hearing: Jan.
Parties Notified: _____
Notice in Paper: _____

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article IX Section 2.2 of the Kent County Land Use Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator _____ Variance X
Special Exception _____ Nonconforming Use _____

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) West Edge Road

In the 1st Election District of Kent County.

Size of lot or parcel of Land: 7.015 AMap # 31 Parcel # 154 Lot # _____ Deed # M.T.M. 203/200

List buildings already of property _____

Subdivision name and address if applicable N/A

PRESENT ZONING OF PROPERTY: CCA-Commercial Critical Area

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.)
Applicant requests a variance from the current impervious surface limit of 15% in order to construct approximately 23,000 sq. feet of commercial and retail space.

If appealing decision of Zoning Administrator, list date of decision here: _____

Present owner of property: John M. Stoltzfus, etux. Telephone: (410) 648-5579

If Applicant is not owner, please indicate your interest in this property: _____

Has property involved ever been subject of previous application? yes

If so, please give Application Number and Date #04-159-BOA Decision 2/14/05, #03-32-BOA Decision 7/2/03



MAP 23-P.12

MAP 23-P.13

MAP 23-P.14

MAP 23-P.15

MAP 23-P.15

MAP 23-P.19

MAP 23-P.31

MAP 24-P.59

VILLE

J. WALTER CAHALL
EHP 20/732
201.19 A.
P.1

DAVID M. BEACHY
EHP 248/146
89.80 A.
P.12

EUGENIA R. B. TUBMAN
MLM 215/392
89.43 A.
P.319

KENT FAMILY FARM, LLC
MLM 271/304
223.65 A.
P.123

RAYMOND J. YODER
EHP 134/64
85.00 A.
P.207

CHESTERVILLE FOREST

LOOKWOOD WOODLOT

BLUE STAR MEMORIAL HWY.

MYRTLE & JOHN CAHALL, JR.
MLM 200/444
218.25 A.
P.4

BRAYTON FAMILY LP
MLM 226/4
159.75 A.
P.14

W. R. LEVINS, JR. LIVING TRUST
MLM 380/509
322.03 A.
P.7

322.18 A.
P.8

RECEIVED
NOV 16 2006
CRITICAL AREA COMMISSION
Chesapeake & Atlantic Coastal Bays

1

525

2

32 522

3

519

KC264-03

RECEIVED

APR 17 2003

Critical Area Project Information

CHESAPEAKE BAY
CRITICAL AREA COMMISSION

I. GENERAL INFORMATION

Jurisdiction: Rent C A Case#: Date: 4/14/03

Project Name: John Kostick/John Spitzfuss

Property Address: Edge Rd

ADC Map Grid: Map 12 - D9 Tax ID Number:

Local Case#: 03-32

Tax Map: 31 Block: Parcel: 154 Section: Lot:

Project Description: Impervious surface variance to construct a 30' x 80' building. A 23,711 sq. ft. parcel is being purchased by Mr. Kostick

II. APPLICATION CATEGORY

Application Type - circle one

Subdivision

Special Exception

Site Plan

Conditional Use

Variance

Rezoning

III. VARIANCE APPLICATIONS

(Check all that apply.)

Buffer

Expanded Buffer Variance

Impervious Surface

Sleep Slopes

Forest Clearing

Setback Variance

Other Variance

Describe Other:

IV. SITE PLANS AND SUBDIVISIONS AND VARIANCES

Total Site Area: 23,711 Acres Total CA: 23,711 Acres

Intra-family Transfer: (Check if project involves an intra-family transfer)

IDA: Acres Forest Cover: 0 Acres

LDA: Acres Forest Clearing: 0 Acres

RCA: Acres % Clearing: 0.00%

Reforestation Required: (Check if project requires reforestation.) Reforestation Area: Acres

Afforestation Required: (Check if project requires afforestation.) Afforestation Area: 0.41 Acres

Total On-Site Acres Planted: 140 trees / 0.041 acres

Total Off-Site Acres Planted:

Total Acres to be Planted with Fees-in-Lieu:

V. GROWTH ALLOCATION PROJECTIONS

Growth Allocation: (Check if project involves growth allocation)

Classification Change: (check all that apply.)

RCA to LDA

RCA to IDA

LDA to IDA

Adjacency: IDA

300 Foot Setback: (Check if project incorporates a 300 foot setback.)

Growth Allocation Acres Deducted:

Imp. Surface
3,571 ft² proposed
3,556.7 ft² allowed

VI. HABITAT PROTECTION AREAS

(Check all that are present on the site.)

Buffer

Rare, Threat., End. Species

Plant Wildlife Habitat

Colonial Waterbirds

Waterfowl Staging Area

Potential FIDS Habitat

Anadromous Fish

Other Describe Other:

HPA Protection Measures: Check if special protection measures are implemented for the HPAs listed.

Describe Measures: disturbance will not be permitted

HPA Impacts: Check if any Habitat Protection Areas will be impacted by the project.

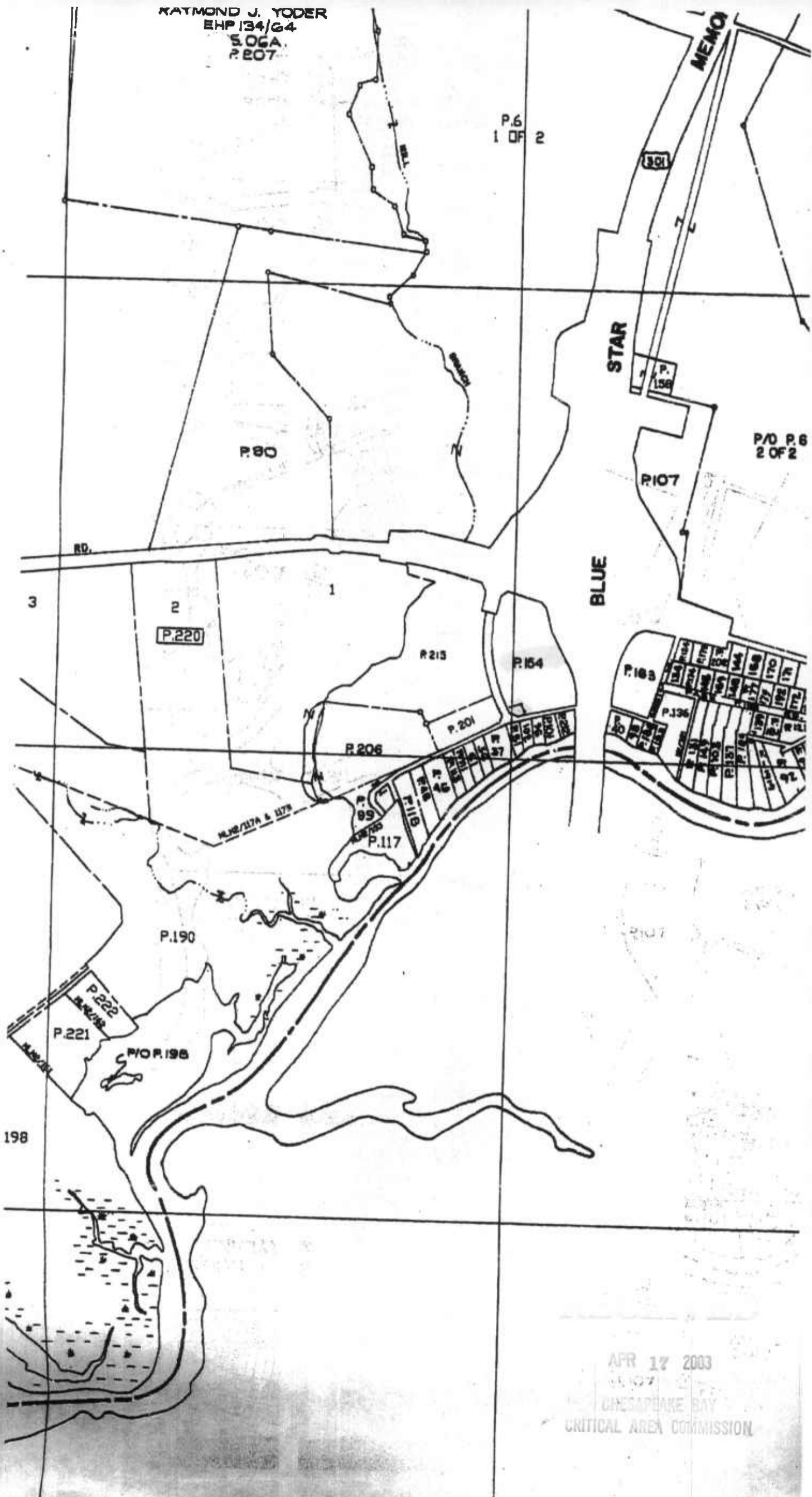
Describe Impacts: tick tree foil + lake bank sedge identified - disturbance not permitted

Local Contact Person: Amy Moredock Phone Number: 410-718-7473

Date Response Needed: 4/28/03 Hearing Date: 5/1/03

* species not present within the project area

MEMO



APR 17 2003
CHESAPEAKE BAY
CRITICAL AREA COMMISSION

Joins Map 11

39°17'30"

530,000 FT

6

7

8

9

10

11

12

13

MD GRID 520,000 FT

39°15'00"

4-21600

To US 50: Annapolis

To US 301

A

B

C

D

E

F

G

H

See ADC's "QUEEN ANNES COUNTY, MD STREET MAP" For Continuation



IN THE MATTER OF THE APPLICATION OF:
(Name, Address and Telephone Number of Applicant)

FOR BOARD USE ONLY CASE NO. 03-32
Date Filed: 4/9/03
Filed by:
Planning Commission SP
Applicant
Date of Hearing 5/1
Parties Notified _____
Notice in Paper _____

JOHN E. KOSTICK
31691 West Edge Rd.
Millington, Md. 21651
410-928-3384
cell 708-0390 (410)

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article 1X Section 2.3
of the Kent County Zoning Ordinance, as amended, request is hereby made for:

Appealing Decision of Kent County Zoning Administrator _____ Variance
Conditional Use _____ Non-Conforming Use _____

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) West Edge Rd.
in the 1 Election District of Kent County.

Size of Lot or Parcel of Land: 23711 ~~28800~~ Map # 31 Parcel # 154 Lot # _____ Deed # EHP 203/200
7.517Ac

List buildings already on property: _____

If subdivision, tell lot and block number: _____

If there is a homeowners association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: (Crossroads Commercial - C.A.) ~~CCA~~

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.)

Put a new storage building on property and park work vans and store equipment.

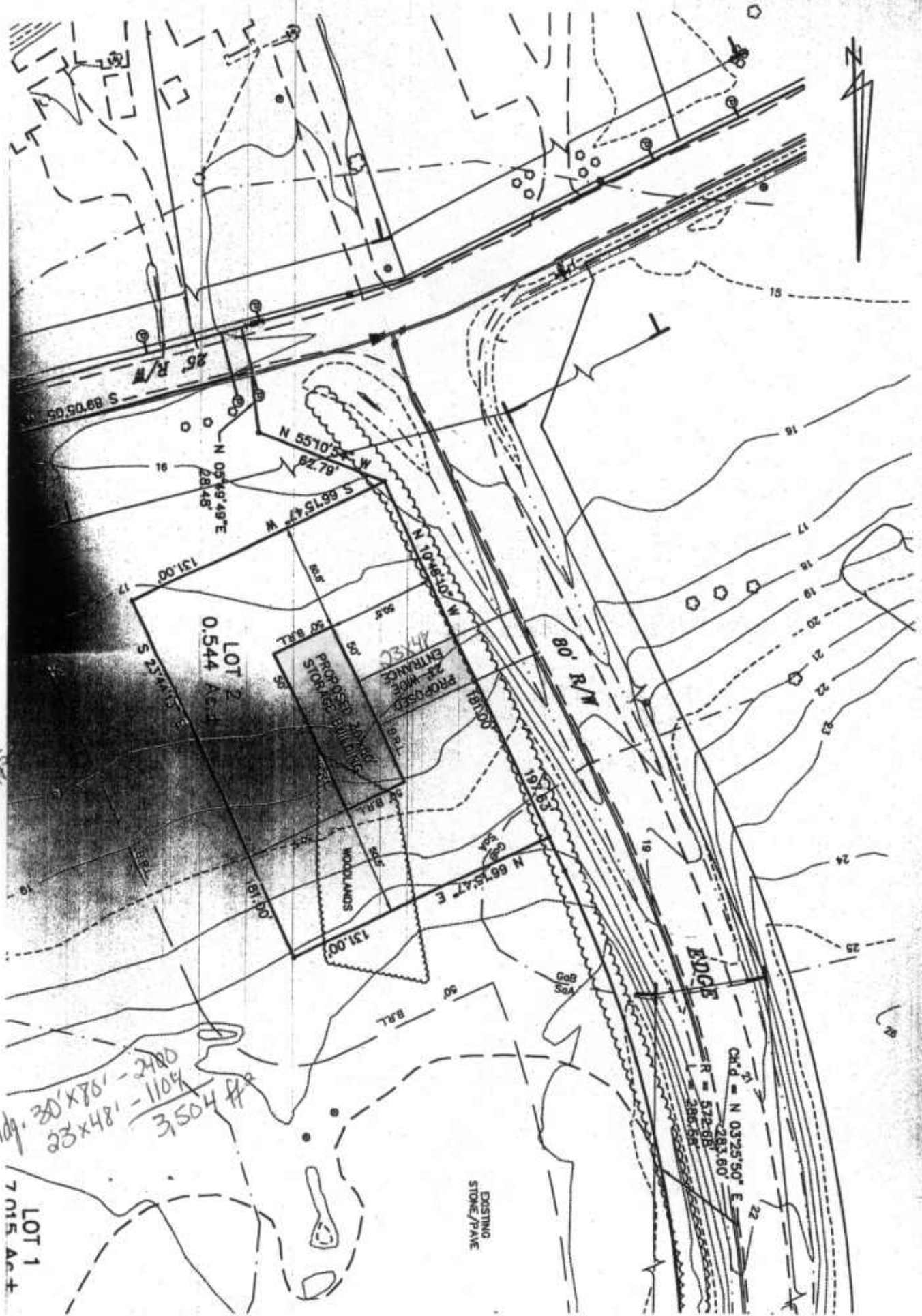
New Bldg. Proposed ^{30'} 40' x ^{80'} ~~100'~~
Impervious surface variance

(If appealing decision of Zoning Administrator, list date of their decision here) _____

Present owner(s) of property: JOHN STOLFUS Telephone 410-648-5579

If Applicant is not owner, please indicate your interest in this property: I am wanting to buy this property to put up a storage bldg. My house is across the street.

1" = 60'



LOT 2
0.544 Ac. ±

PROP. USED ZONE
ENTRANCE
PROP. USED
STORAGE BUILDING

WOODLANDS

CREEK

EXISTING
STONE/PAVE

1104
2400
3504 #

Bldg. 30'x86' - 2400
23'x48' - 1104
3504 #

LOT 1
7.015 Ac. ±

CR'D = N 03°25'50" E
R = 572.68'
283.60'
286.58'

S 25°43' E
131.00'

N 08°19'49" E
284.48'

S 66°15'47" W
62.78'

N 55°10'54" W

N 10°46'10" W

197.63'

N 66°15'47" E
131.00'

80' R/W

Critical Area Project Information

I. GENERAL INFORMATION

Jurisdiction: Kent C A Case#: Date: 7/25/06
 Project Name: John Stoltzfus
 Property Address: 31701 River Road Millington MD
 ADC Map Grid: 12 D9 Tax ID Number:
 Local Case#: 05-26
 Tax Map: 31 Block: Parcel: 154 Section: - Lot: -
 Project Description: Retail / Commercial complex - site plan review

II. APPLICATION CATEGORY

Application Type - circle one
 Subdivision
 Special Exception
 Site Plan
 Conditional Use
 Variance
 Rezoning

III. VARIANCE APPLICATIONS (Check all that apply.)

Buffer Forest Clearing
 Expanded Buffer Variance Setback Variance
 Impervious Surface Other Variance
 Steep Slopes

Describe Other:

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JUL 31 2006

IV. SITE PLANS AND SUBDIVISIONS AND VARIANCES

Total Site Area: 7.56 Acres Total CA: 7.56 Acres
 Intra-family Transfer: (Check if project involves an intra-family transfer)
 IDA: 7.56 Acres Forest Cover: Acres
 LDA: Acres Forest Clearing: Acres
 RCA: Acres % Clearing: 0.00%
 Reforestation Required: (Check if project requires reforestation.) Reforestation Area: Acres
 Afforestation Required: (Check if project requires afforestation.) Afforestation Area: 1.4 Acres
 Total On-Site Acres Planted:
 Total Off-Site Acres Planted:
 Total Acres to be Planted with Fees-in-Lieu:

CRITICAL AREA COMMISSION
 Chesapeake & Atlantic Coastal Bays

VI. GROWTH ALLOCATION PROJECTS

Growth Allocation: (Check if project involves growth allocation)
 Classification Change:(check all that apply.) RCA to LDA RCA to IDA LDA to IDA
 Adjacency: IDA
LDA
Neither
 300 Foot Setback: (Check if project incorporates a 300 foot setback.)
 Growth Allocation Acres Deducted:

VII. HABITAT PROTECTION AREAS (Check all that are present on the site.)

Buffer Waterfowl Staging Area
 Rare,Threat., End. Species Potential FIDS Habitat
 Plant Wildlife Habitat Anadromous Fish
 Colonial Waterbirds Other Describe Other:

Open Form

HPA Protection Measures: Check if special protection measures are implemented for the HPAs listed.
 Describe Measures:
 HPA Impacts: Check if any Habitat Protection Areas will be impacted by the project.
 Describe Impacts:
 Local Contact Person: Amy G. Monodack Phone Number: 410.778.7473
 Date Response Needed: 8/8/06 Hearing Date: 8/3/06



Joins Map 11

MD GRID 520,000 FT

39°15'00"

SITE PLAN APPLICATION -- KENT COUNTY, MARYLAND

400 High Street, Chestertown, MD 21620

410-778-7475 - FAX 410-810-2932

E-Mail: gowings@kentcounty.com; camartin@kentcounty.com or bcarroll@kentcounty.com

File No. 05-26

Date/Amount Paid 3/3/05 \$350. ch 2101

Name John M. Stoltzfus et ux

Revised site plan rec'd 6/22/06

District 1ST Map 31 Parcel 154 Deed Ref: EHP 203/2002 Zoning COMMERCIAL CRITICAL AREA

LOCATION: 31701 RIVER ROAD MILLINGTON Acreage 7.56 ac

PROPOSED USE: COMMERCIAL RETAIL

OWNER OF LAND:

Name JOHN M. + RUTH R. STOLTZFUS Telephone (410) 648-5579

Address 11753 CHESTERVILLE RD.
KENNEDYVILLE, MD 21645 FAX or E-Mail _____

APPLICANT:

Name DMS+ ASSOCIATES Telephone (443) 262-9130

Address P.O. Box 80 CENTREVILLE, MD
21617 FAX or E-Mail (443) 262-9148

AGENT/ATTORNEY (if any)

Name _____ Telephone _____

Address _____ FAX or E-Mail _____

REGISTERED ENGINEER OR SURVEYOR:

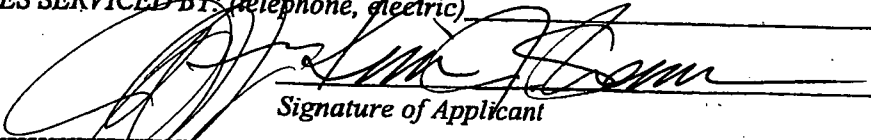
Name DMS+ ASSOCIATES Telephone (443) 262-9130

Address P.O. Box 80 CENTREVILLE, MD
21617 FAX or E-Mail (443) 262-9148

WATER SUPPLY: Public system On lot system ()

SEWERAGE: Public system On lot System ()

UTILITIES SERVICED BY: (telephone, electric)

 3/3/05
Signature of Applicant Date

SITE PLAN APPROVAL

Concept Date _____ Approving Authority _____

Preliminary Date _____ Approving Authority _____

Final Date _____ Approving Authority _____

RAYMOND J. YODER

4/64
JGA.
P.07

P.6
1 OF 2

MEMO

STAR

501

P. 150

P/O P.6
2 OF 2

P107

BLUE

P.80

RD.

3

2

1

P.220

P.215

P.154

P.206

P.201

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P.136

W.1/2 1/4 S. 117E

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P.125

P.126

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P.129

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P.131

P.132

P.133

P.134

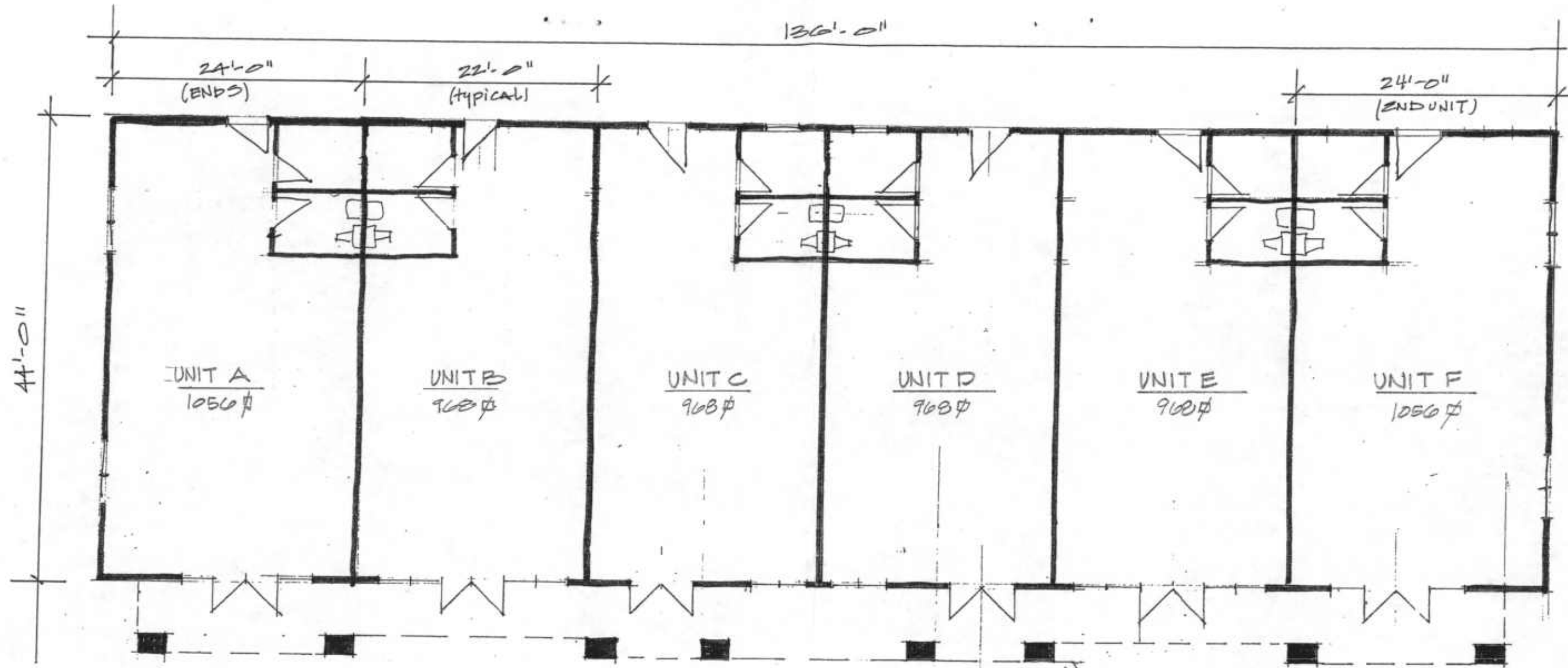
P.135

P.190

P.222

P.221

P/O P.198



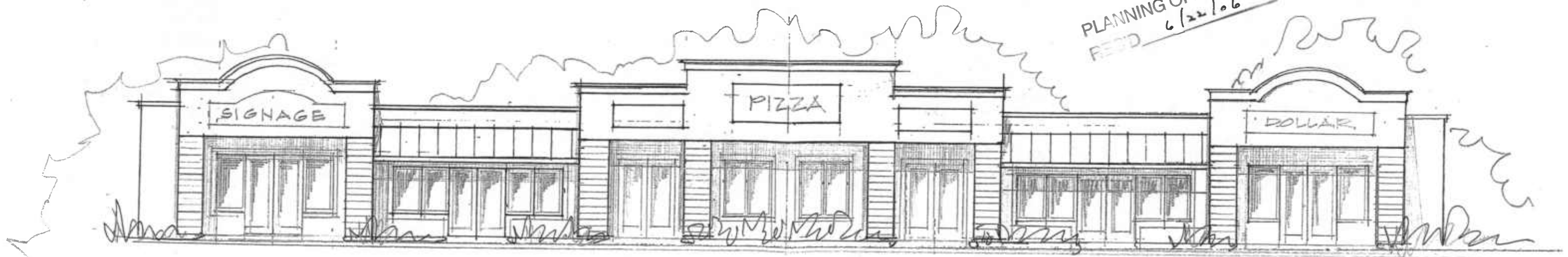
Stoltzfus Property – Millington, MD

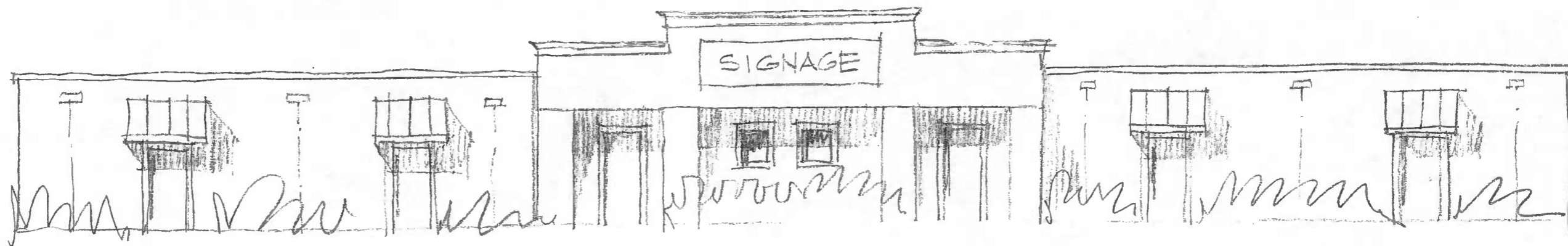
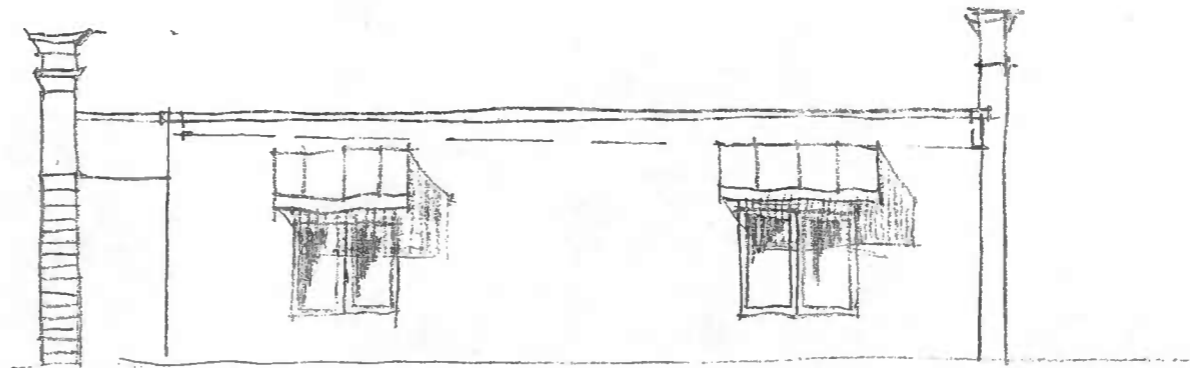
Proposed Plan & Front Elevation

Scale: = 1'-0"

June 22, 2006

PLANNING OFFICE
RECD 6/22/06



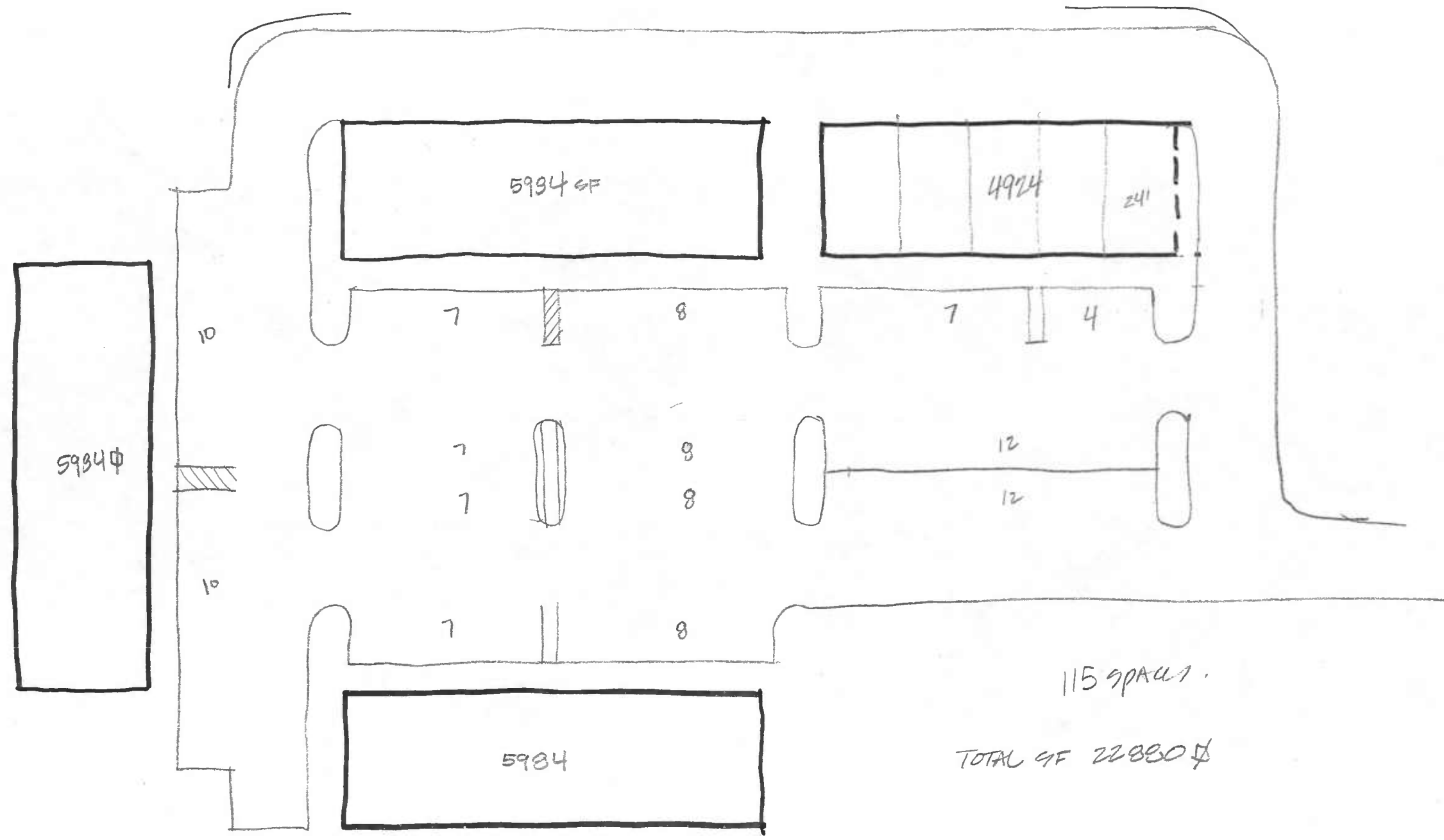


Stoltzfus Property – Millington, MD

Proposed Rear & Side

Scale: = 1'-0"

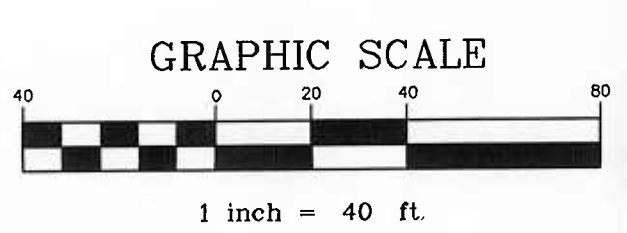
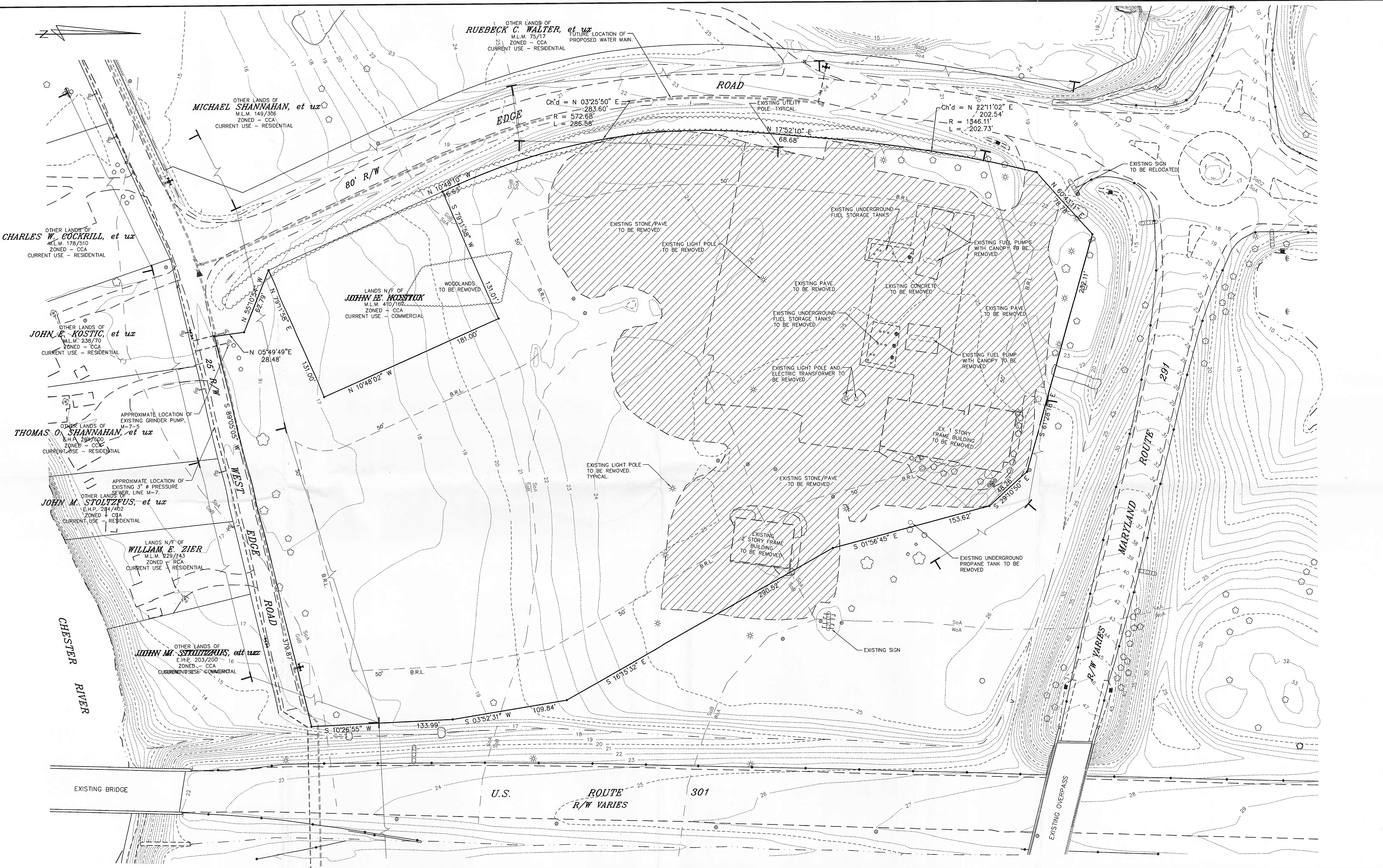
June 22, 2006



115 SPACES.

TOTAL SF 22880

STOLTZFUS PROPERTY



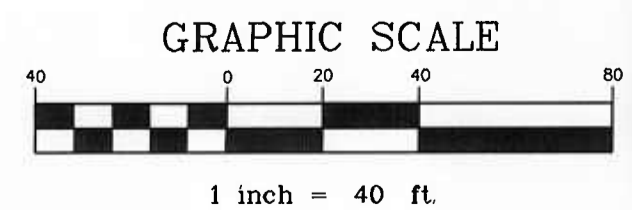
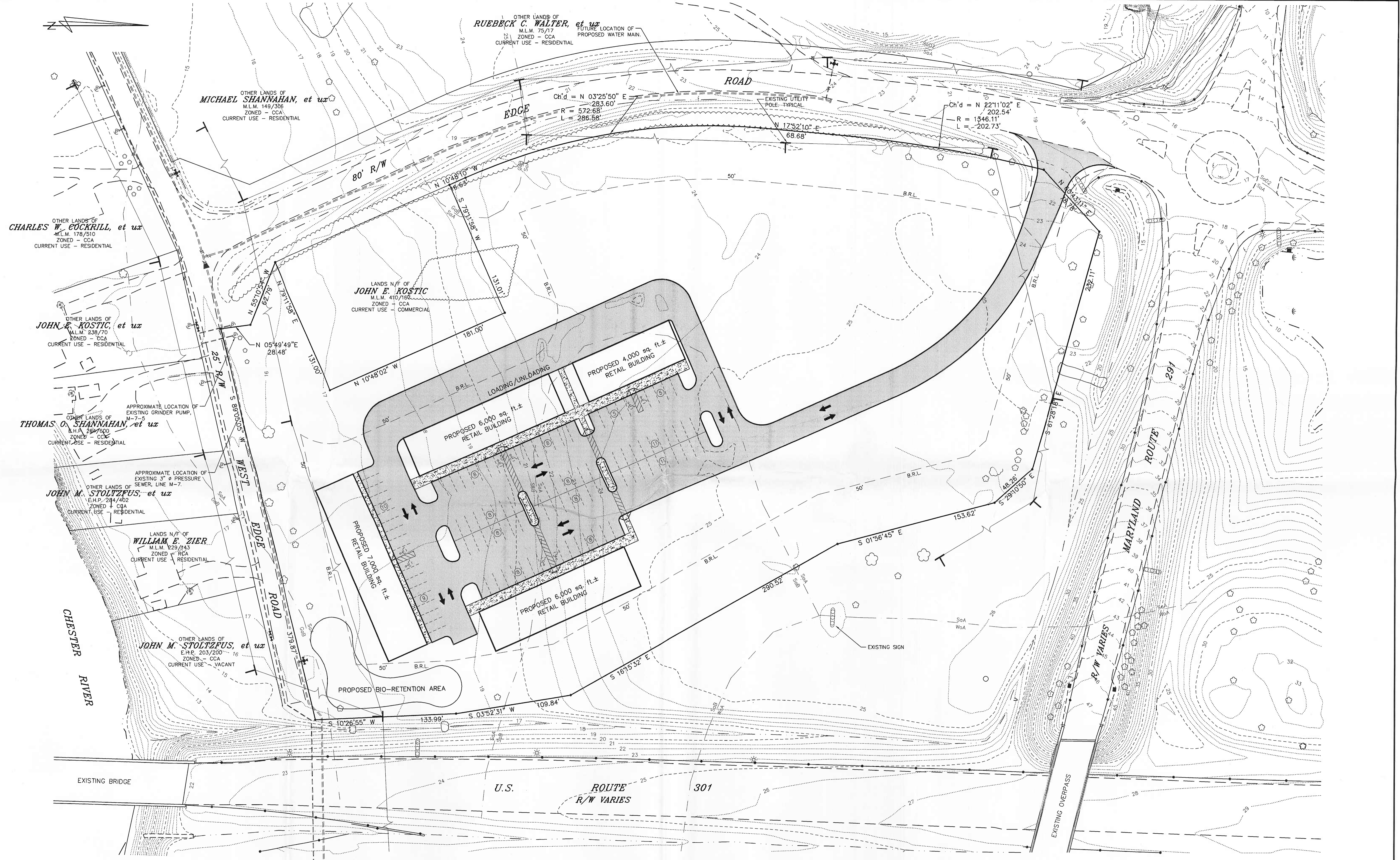
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|--|---------------------------------|
| DIRECTOR OF PLANNING FOR SEDIMENT AND EROSION CONTROL REVIEW ONLY | KENT COUNTY HEALTH OFFICER |
| DIRECTOR OF WATER AND WASTEWATER SERVICES | KENT SOIL CONSERVATION DISTRICT |
| DATE | SEAL |

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
 ENGINEERING, DRAFTING/DESIGN,
 ENVIRONMENTAL SERVICES & SURVEYING
 P.O. BOX 80
 CENTREVILLE, MARYLAND 21617
 PHONE : 1-443-262-9130
 FAX : 1-443-262-9148

| DATE | REVISION |
|------|----------|
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EXISTING CONDITIONS/DEMOLITION PLAN
 ON THE LANDS OF
JOHN M. STOLTZFUS, et ux
 TAX MAP - 31, GRID - 2E, PARCEL - 154
 FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND
 PREPARED FOR : JOHN M. STOLTZFUS, et ux

| | |
|----------------------|--------------------|
| DATE FEB. '06 | SCALE 1" = 40' |
| JOB No. 2003052 | DRAWN BY WJM |
| FOLDER Ref. | DESIGNED BY KJS |
| SHEET No. - C-2 | |
| CADD FILE - 03052-C2 | |



| | | | |
|---|---------------------------------|------|------|
| DIRECTOR OF PLANNING FOR SEGMENT AND EROSION CONTROL REVIEW ONLY | KENT COUNTY HEALTH OFFICER | DATE | SEAL |
| DIRECTOR OF WATER AND WASTEWATER SERVICES | KENT SOIL CONSERVATION DISTRICT | | |

DAVIS, MOORE, SHEARON & ASSOCIATES, LLC
 ENGINEERING, DRAFTING/DESIGN,
 ENVIRONMENTAL SERVICES & SURVEYING
 P.O. BOX 80
 CENTREVILLE, MARYLAND 21617
 PHONE : 1-443-262-9130
 FAX : 1-443-262-9148

| DATE | REVISION |
|------|----------|
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CONCEPT PLAN
 ON THE LANDS OF
JOHN M. STOLTZFUS, et ux
 TAX MAP - 31, GRID - 2E, PARCEL - 154
 FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND
 PREPARED FOR : JOHN M. STOLTZFUS, et ux

| | |
|----------------------|--------------------|
| DATE FEB '06 | SCALE 1" = 40' |
| JOB No. 2003052 | DRAWN BY WJM |
| FOLDER Ref. | DESIGNED BY KJS |
| SHEET No. - C-3 | |
| CADD FILE - 03052-C3 | |

CONCEPT PLAN

FOR PROPOSED RETAIL SALES

ON THE LANDS OF

JOHN M. STOLTZFUS, et ux

FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND

PREPARED FOR : JOHN M. STOLTZFUS

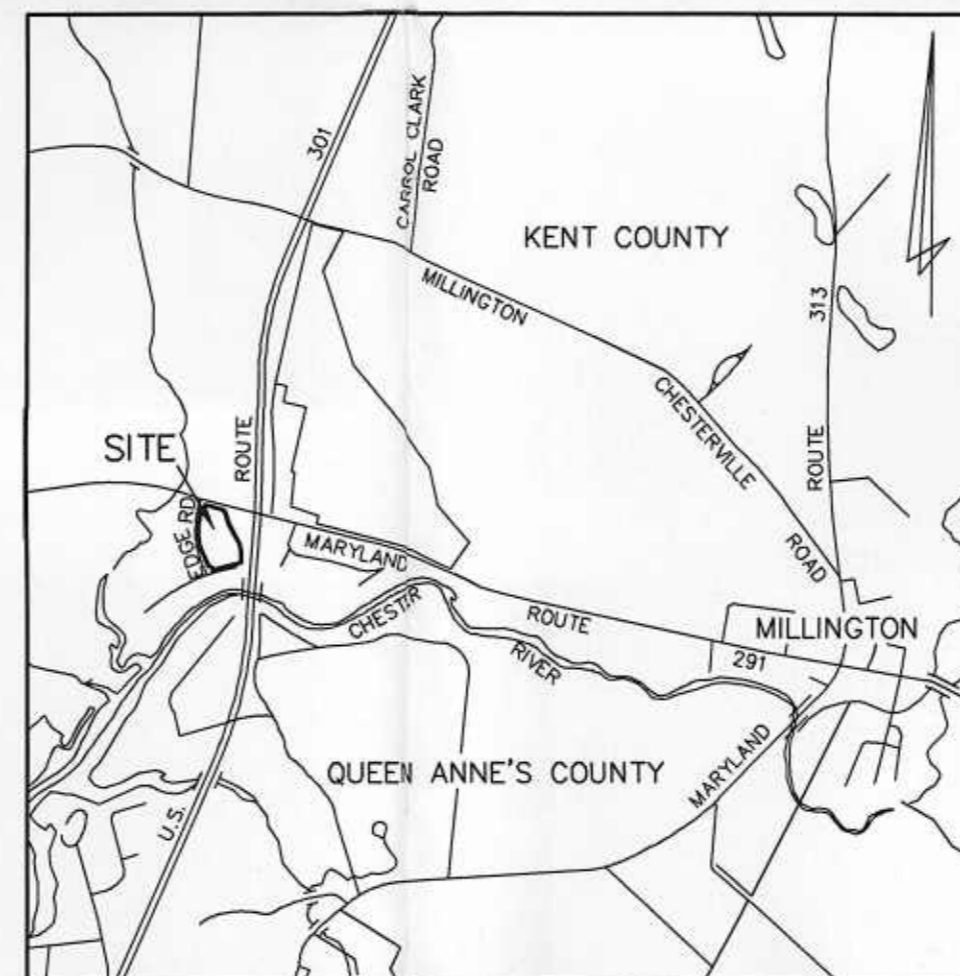
SITE STATISTICS

| | | |
|-------------------------------------|---|-----------------|
| GROSS AREA | = | 7.015 acres± |
| CRITICAL AREA | = | 7.015 acres± |
| AREA IN FLOODPLAIN | = | 0.000 acres± |
| FLOOR AREA (EXISTING) | = | 10,920 sq. ft.± |
| FLOOR AREA (TO BE REMOVED) | = | 10,920 sq. ft.± |
| FLOOR AREA (PROPOSED) | = | 23,000 sq. ft.± |
| FLOOR AREA (TOTAL) | = | 23,000 sq. ft.± |
| IMPERVIOUS AREA (EXISTING per 1984) | = | 2.258 acres± |
| IMPERVIOUS AREA (EXISTING) | = | 3.245 acres± |
| IMPERVIOUS AREA (TO BE REMOVED) | = | 3.245 acres± |
| IMPERVIOUS AREA (PROPOSED) | = | 2.150 acres± |
| IMPERVIOUS AREA ONSITE (PERCENTAGE) | = | 30.6 % |
| OPEN SPACE AREA (EXISTING) | = | 4.314 acres± |
| OPEN SPACE AREA (PROPOSED) | = | 4.865 acres± |
| OPEN SPACE AREA ONSITE (PERCENTAGE) | = | 69.4 % |

PARKING REQUIREMENTS:

RETAIL:
 1 space/200 sq. ft. (RETAIL) X 23,000 sq. ft. = 115 spaces

TOTAL PARKING:
 PARKING REQUIRED = 115 spaces (6 handicap spaces)
 PARKING PROVIDED = 115 spaces (6 handicap spaces)



VICINITY MAP
 SCALE 1" = 2000'

OWNER/DEVELOPER:
 JOHN M. STOLTZFUS, et ux
 11753 CHESTERVILLE ROAD
 KENNEDYVILLE, MARYLAND 21645

ENGINEER:
 DMS & ASSOCIATES, LLC
 P.O. BOX 80
 CENTREVILLE, MARYLAND 21617
 PHONE No. 1-443-262-9130

- NOTES:
1. THE PURPOSE OF THIS PLAN IS TO RECEIVE CONCEPT PLAN APPROVAL FROM THE KENT COUNTY PLANNING COMMISSION.
 2. FOR DEED REFERENCE TO SUBJECT PROPERTY, SEE M.L.M. 203/200.
 3. CURRENT ZONING - CCA - COMMERCIAL CRITICAL AREA
 4. CURRENT USE - COMMERCIAL
 5. PROPOSED USE - RETAIL SALES
 6. SITE IS ENTIRELY LOCATED WITHIN THE CRITICAL AREA.
 7. PROPERTY LINES SHOWN HEREON ARE BASED ON A FIELD RUN SURVEY BY MCCRONE, INC. IN APRIL, 1998.
 8. SOILS SHOWN HEREON ARE TAKEN FROM SOILS SURVEY OF KENT COUNTY, MAP No. 24.
 9. THIS SITE IS NOT LOCATED WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S F.I.R.M. MAP FOR KENT COUNTY, PANEL No. 240045 0110 B. DATED DECEMBER 4, 1985.
 10. TOPOGRAPHY SHOWN HEREON IS TAKEN FROM AN AERIAL SURVEY PREPARED BY 3DI, INC.
 11. PUBLIC SEWER IS TO BE USED FOR SEWERAGE DISPOSAL.
 12. PUBLIC WATER IS TO BE UTILIZED FOR POTABLE WATER SUPPLY.
 13. REQUIRED AFFORESTATION IS TO BE PROVIDED OFFSITE.

PLANNING OFFICE
 FEB 3 16 06

| | | | | | |
|---|----------------------------|-----------------------|---|--|---|
| DIRECTOR OF PLANNING FOR SEGMENT AND EROSION CONTROL REVIEW ONLY | KENT COUNTY HEALTH OFFICER | DATE _____ SEAL _____ | DAVIS, MOORE, SHEARON & ASSOCIATES, LLC ENGINEERING, DRAFTING/DESIGN, ENVIRONMENTAL SERVICES & SURVEYING P.O. BOX 80 CENTREVILLE, MARYLAND 21617 PHONE : 1-443-262-9130 FAX : 1-443-262-9148 | CONCEPT PLAN FOR PROPOSED RETAIL SALES ON THE LANDS OF JOHN M. STOLTZFUS, et ux TAX MAP - 31, GRID - 2E, PARCEL - 154 FIRST ELECTION DISTRICT, KENT COUNTY, MARYLAND PREPARED FOR : JOHN M. STOLTZFUS, et ux | DATE FEB '06 SCALE AS SHOWN JOB No. 2003052 DRAWN BY WJM FOLDER Ref. DESIGNED BY KJS SHEET No. - C-1 CADD FILE - 03052-C1 |
|---|----------------------------|-----------------------|---|--|---|