

COUNTY ORDINANCE NO. 23-07

A BILL ENTITLED

AN ACT concerning the Repeal and Re-Adoption with amendments of the Local Public Laws of Queen Anne's County, Chapter 14, CHESAPEAKE BAY CRITICAL AREA ACT, Official Chesapeake Bay Critical Area Overlay Map.

FOR THE PURPOSE OF amending part of existing Map 57, Parcel 287, 351, and 352 (Nash Court) located on the Official Critical Area Overlay Map to redesignate 2.811 acres from Limited Development Area (LDA) to Intensely Developed Area (IDA).

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND, that the Local Public Laws of Queen Anne's County, Chapter 14, CHESAPEAKE BAY CRITICAL AREA ACT, Official Chesapeake Bay Critical Area Overlay Map is hereby repealed, amended, and adopted with the revisions set forth herein and depicted on Exhibit A, attached hereto, subject to the conditions contained in the approval letter from the State of Maryland Critical Area Commission attached hereto as Exhibit B and subject to the conditions contained in the approval letter from the Queen Anne's County Commissioners attached hereto as Exhibit C.

SECTION II

BE IT FURTHER ENACTED that this Act will take effect on the forty-sixth day following its passage.

INTRODUCED BY: Commissioner Jim Moran

DATED: 7/11/23

PUBLIC HEARING HELD: August 8, 2023 @ 5:35 pm

VOTE: 4 YEA 1 NAY

DATE: August 22, 2023

Exhibit A

**Critical Area Growth Allocation
Armored Storage Kent Island
Ordinance #23-07
Queen Anne's County
MARYLAND**



M. 57
P. 25

M. 57
P. 45

PINEY CREEK RD

M. 57
P. 96

M. 57
P. 351

NASH CT

M. 57
P. 38

M. 57
P. 67

M. 57
P. 352

M. 57
P. 267

M. 57
P. 66

M. 57
P. 551

M. 57
P. 89

50

301

 LDA to IDA

Critical Area Designation

 IDA

 LDA

 RCA

1 inch = 700 feet
Source: 2019 Queen Anne's County Orthophotography

Wes Moore
Governor
Acting Miller
of Governor



Eric Fisher
Chair
Katherine Charbonneau
Executive Director

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

June 21, 2023

Ms. Amy Moredock, Director
Queen Anne's County Planning & Zoning
110 Vincit Street, Suite 104
Centreville, MD 21617

**Re: Armored Storage Growth Allocation
Refinement**

Dear Ms. Moredock:

The purpose of this letter is to officially notify you of the Critical Area Commission's action on the above-referenced growth allocation request for the Armored Storage project. On June 7, 2023, the Critical Area Commission concurred with my determination that the growth allocation request could be reviewed as a refinement to the County's Critical Area Program. In addition, I have accepted the Commission's recommendation to approve the growth allocation request to utilize 2.811 acres of growth allocation, as shown on the conceptual site plan dated June 2022 and as documented in the growth allocation submittal package that was accepted by Critical Area Commission staff as complete on March 15, 2023, to reclassify part of the Critical Area designation on Tax Map 57, Parcels 287, 351, and 352 from Limited Development Area (LDA) to Intensely Developed Area (IDA).

I have determined the growth allocation request is consistent with the purposes, policies, and goals of the Critical Area Law and Regulations and meets the requirements for new Intensely Developed Areas under Natural Resources Article §8-1808.1(c) and COMAR 27.01.02.06-3, provided that the following conditions are satisfied, which shall be enforced by Queen Anne's County:

Forest Clearing.

1. Mitigation for clearing forest and developed woodland shall be required at a minimum of a 1:1 ratio, with the exception that clearing of forest and developed woodland within the 25-foot nontidal wetland buffer shall be mitigated at a 2:1 ratio. The County shall submit a proposal for meeting this mitigation requirement within 90 days of Critical Area Commission approval to the Commission's Program Subcommittee for review and approval.

Stormwater Management.

2. To ensure the proposed stormwater management meets the 10% pollutant reduction requirement after the floodplain approval is finalized, the County shall submit the proposed Stormwater Management plan and 10% pollutant reduction calculations to Commission staff for review and approval.

3. The County shall ensure that stormwater management facilities are effective and functioning as designed, including requiring the developer to test the facilities on a regular basis and in accordance with testing methods approved by County DPW in consultation with MDE. The County shall submit copies of monitoring reports to Commission staff.
4. To ensure water quality is maintained, if the stormwater management facility fails or there is a reduction in effectiveness, the County shall require the owner of the property to pay fee-in-lieu for any 10% pollutant reduction not being met onsite.

Declaration of Deed Restriction.

5. Within 60 days of the date of Commission approval, a draft Declaration of Deed Restriction that protects the remaining acreage on Resulting Parcel 351 (1.968 acres of remaining LDA and 4.247 acres of RCA) from future development, shall be submitted to Commission staff for review and approval. The Deed Restriction must specify that no future development will be allowed on the remaining acreage, including any stormwater management facilities. The Deed Restriction must also specify that the restrictive covenant runs with the land and is perpetual.

Lot Consolidation and Reconfiguration.

6. Prior to the County's final approval of the lot consolidation of the subject parcels, the County shall submit the required findings under COMAR 27.01.02.08 to Commission staff.


Nontidal Wetland Buffer.

7. The County shall require that the developer reduce the parking spaces to the minimum required by the County Code for the three-story building and eliminate any lot coverage associated with the parking and/or turnaround from within the 25-foot nontidal wetland buffer.

The approved Critical Area land designation changes must be reflected in the County's Critical Area Program and maps within 120 days of the date of this letter. Once updated, please provide a pdf of the digital map and its corresponding shapefile to this office to ensure accurate updating of the official Critical Area mapping maintained by the Maryland Department of Information Technology. If you have any questions, please contact Susan Makhlouf at (410) 260-3476 or susana.makhlouf@maryland.gov.

Thank you for your continued dedication to the Queen Anne's County Critical Area Program.

Sincerely,



Erik Fisher
Commission Chair

cc: Stephanie Jones, Queen Anne's County



Exhibit C

*Queen
Anne's
County*

County Commissioners:

James J. Moran, At Large
Jack N. Wilson, Jr., District 1
F. Patrick McLaughlin, District 2
Philip L. Dumetil, District 3
Christopher M. Corchiarino, District 4

**THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY**

The Liberty Building
107 North Liberty Street
Centreville, MD 21617

e-mail: QACCCommissioners&Administrator@qac.org

County Administrator: *Todd R. Mohr, PE*
Executive Assistant to County Commissioners: *Margie A. Houck*
County Attorney: *Patrick Thompson, Esquire*

March 1, 2023

Charles D. Deegan, Chairman
Critical Area Commission
580 Taylor Avenue
Annapolis, MD 21401

Re: Growth Allocation Petition – Armored Storage Kent Island
Clow Ventures, LLC / Nashville Properties, LLC

Dear Chairman Deegan,

Please accept this letter as Queen Anne's County's request for consideration and approval of Growth Allocation for 2.811 acres of land located on Tax Map 57, Parcels 87, 351 and 352 (Nash Court) to be redesignated from Limited Development Area to Intensely Developed Area. The applicant is proposing a 156,000 square-foot, 4-story self-storage facility with interior access only and associated parking.

This application received an approved concept plan, including technical comments at the July 14, 2022 Queen Anne's County Planning Commission meeting. In addition, the application received a favorable recommendation by the Queen Anne's County Planning Commission at its November 10, 2022 meeting for their request for Growth Allocation.

Having held a public hearing on January 24, 2023, the County Commissioners conceptually approved this application at its February 14, 2023 meeting with the following conditions:

1. The applicant dedicate resulting Parcel 287 (1.464 acres) to the County for passive recreational use.
2. The applicant deed restrict 5.987 acres of woodlands consisting of resulting Parcel 351 located within the Resource Conservation Area (RCA) and Limited Development Area (LDA) for resource protection and passive recreation.
3. In addition to normal stormwater management, the stormwater facilities shall be tested for effectiveness on a regular basis and in accordance with testing methods approved by the County Department of Public Works (DPW) with consultation with the Maryland Department of Environment.
4. There shall be no disturbance to the non-tidal wetlands on-site.
5. Provide a fence on the north side of the building along the adjacent property owners property line.


6. The applicant shall meet with DPW and State Highway Administration to discuss future road widening that may be necessary in the event the Shamrock Road Overpass is ever constructed in accordance with the Kent Island Transportation Plan.
7. The building will be reduced by one floor. The applicant will revisit the architecture of the building in accordance with the TC design standards.
8. The viewshed facing north from U.S. Route 50/301 is to be consistent with the second rendering provided on page 4 of exhibit 5 of the growth allocation petition by utilizing existing vegetation and enhancing the understory, shrubs, and canopy trees (landscaping) provided on-site.
9. Due to traffic from the facility, permanently protect or separate the Cross Island Trail from Piney Creek Road to provide safety for all users of the trail.
10. In locations that do not require hard pavement for flow of moving trucks and larger vehicles, investigate permeable paving to aid water quality and runoff.

Having found that this application is consistent with QAC Critical Area Growth Allocation procedures established in § 14:1-77.D, the Commissioners of Queen Anne's County herewith convey this application to your board with a request that it be processed as a refinement. Principal Planner, Stephanie Jones has been coordinating this project review with the applicant, Nashville Properties, LLC (Clow Ventures, LLC - contract purchaser) and the Critical Area Commission staff. Please do not hesitate to contact her at 410-758-1255 or sijones@qac.org should you have any questions.


Sincerely,
 QUEEN ANNE'S COUNTY
 BOARD OF COUNTY COMMISSIONERS



 James I. Moran, President



 Jack N. Wilson, Jr.



 Philip L. Dumont



 Christopher M. Conner



 Patrick McLaughlin

CC: Nashville Properties, LLC
 Clow Ventures, LLC
 DMS & Associates, LLC
 Joseph A. Stevens, Esq.

DECISION AND FINDINGS OF FACT

IN THE MATTER OF	*	ORDINANCE NO. 23-07
PETITION FOR GROWTH ALLOCATION	*	THE COUNTY COMMISSIONERS
THE LANDS OF NASHVILLE PROPERTIES, LLC	*	FOR QUEEN ANNE'S COUNTY,
TAX MAP 57, PARCELS 287, 351 and 352	*	MARYLAND
(and Nash Court)	*	
2.811 ACRES OF GROWTH ALLOCATION	*	
(on resulting parcel 351)	*	
CHESTER, MARYLAND	*	

WHEREAS, Nashville Properties, LLC, a Maryland limited liability company, owner of the lands which are the subject of this Petition and Clow Ventures, LLC a Maryland limited liability company and contract purchaser of the lands subject to this Petition ("Petitioner"), in accordance with the Code of Public Local Laws for Queen Anne's County, Chapter 14, *Chesapeake Bay Critical Area Act*, Title XV ("QACC, Section 14:1-71 through 14:1-77") requested that the County Commissioners for Queen Anne's County, Maryland ("County Commissioners") amend the Chesapeake Bay Critical Area Overlay Map (hereinafter referred to as Critical Area Map) as it applies to parcels 287, 351 and 352, (which is to be reconfigured as part of an administrative subdivision whereas the growth allocation will be located on a portion of resulting parcel 351) containing 9.026 acres ("Subject Property") to redesignate approximately 2.811 acres portion of the Subject Property from Limited Development Area (LDA) to Intensely Developed Area (IDA).

WHEREAS, the Subject Property is zoned Town Center District (TC), all of which is

within the Chesapeake Bay Critical Area and designated LDA and Resource Conservation Area (RCA). The RCA portion of the Property is NOT being redesignated as part of this Petition.

WHEREAS, the Petitioner proposed to develop a portion of the Subject Property with a 156,000 sf self storage facility - interior access only (conditions will result in altered floor area), with parking.

WHEREAS, On July 14, 2022 the Petitioner received Conceptual Site Plan approval (as well as "technical comments" to be incorporated into the Petition for Growth Allocation) from the Queen Anne's County Planning Commission for the development of a self-storage - interior access only facility. (Planning Commission approval letter contained in the public hearing record)

WHEREAS, on September 19, 2022 Petitioner filed a Petition for Growth Allocation with the County Commissioners.

WHEREAS, on November 10, 2022 the Planning Commission held a public hearing on the Petition and favorably recommended approval of the Petition to the County Commissioners with conditions.

WHEREAS, on January 24, 2023 the County Commissioners held a public hearing on the Petition, and on February 14, 2023, the County Commissioners granted the Petition "conceptual approval" subject to several conditions, and forward a request to the Chesapeake Bay Critical Area Commission ("Critical Area Commission") for its review and approval, and further requesting that the Petition be treated as a "Program Refinement."

WHEREAS, on June 7, 2023 the Critical Area Commission reviewed the request as a program refinement.

WHEREAS, on June 21, 2023 the County received a letter from the Chairperson of the Critical Area Commission advising that the growth allocation had been approved as a Program

Refinement subject to several conditions which were in addition to those conditions that were part of the Conceptual Approval.

WHEREAS, on July 11, 2023 the County Commissioners introduced County Ordinance 23-07 for the purpose of "amending part of existing Map 57, Parcel 287, 351 and 352 (Nash Court) located on Official Critical Area Overlay Map to redesignate 2.811 acres from Limited Development Area (LDA) to Intensely Developed Area (IDA)."

WHEREAS, on August 8, 2023 the County Commissioners held a public hearing on Ordinance 23-07.

WHEREAS, in accordance with QACC, Section 14:1-71 through 14:1-77 D.2, the County Commissioners have reviewed and considered: the Petition (and all exhibits and attachments included therewith); the proceedings and recommendation of the Planning Commission; Planning Department Staff Reports; the purposes set forth in § 8-1800 et seq. of the Natural Resources Article of the Annotated Code of Maryland, the Queen Anne's County Critical Area Program; the Comprehensive Plan and the Queen Anne's County Code; the Critical Area Commission approval; the relation of the growth allocation petition to the Queen Anne's County Critical Area Program, the Comprehensive Plan,; and the testimony and evidence presented at the both of its public hearings on the matter.

WHEREAS, as a result the evaluations and deliberations described herein above the County Commissioners make the findings required by COMAR Sections 27.01.02.06-1 through 4, as well as Queen Annes County Code Section 14:1-76 (D-E), and adopt as its findings the following documents submitted by the Petitioner and reviewed by Planning Staff, Planning Commission and Critical Area Commission, and part of the Record of the public hearings held on both February 14, 2023 and August 8, 2023 identified in the Petition as "ENVIRONMENTAL

REPORT FOR ARMORED STORAGE KENT ISLAND" as:

Section II. Responses to COMAR Sections 27.01.02.06-1 through 4, as well as Queen Annes County Code Section 14:1-76 (D-E), as well as any materials and attachments referenced therein; and

Section III. 2022 Comprehensive Plan Consistency Statement for Armored Storage/Nashville Properties, LLC, (Submitted April 19, 2022, Revised June 6, 2022, Revised October 11, 2022) as well as any materials and attachments referenced therein.

NOW, THEREFORE, THE COUNTY COMMISSIONERS HEREBY "APPROVE" THE PETITION FOR GROWTH ALLOCATION TO REDESIGNATE 2.811 ACRES OF THE SUBJECT PROPERTY FROM LIMITED DEVELOPEMNT AREA (LDA) TO INTENSELY DEVELOPED AREA (IDA) WITH THE FOLLOWING CONDITIONS:

1. The applicant dedicate resulting Parcel 287 (1.464 acres) to the County for passive recreational use.
2. The applicant deed restrict 5.987 acres of woodlands consisting of resulting Parcel 351 located within the Resource Conservation Area (RCA) and Limited Development Area (LDA) for resource protection and passive recreation.
3. In addition to normal stormwater management, the stormwater facilities shall be tested for effectiveness on a regular basis and in accordance with testing methods approved by the County Department of Public Works (DPW) with consultation with the Maryland Department of Environment.
4. There shall be no disturbance to the non-tidal wetlands on-site.
5. Provide a fence on the north side of the building along the adjacent property owners property line.
6. The applicant shall meet with DPW and State Highway Administration to discuss future road widening that may be necessary in the event the Shamrock Road Overpass is ever constructed in accordance with the Kent Island Transportation Plan.
7. The building will be reduced by one floor. The applicant will revisit the architecture of the building in accordance with the TC design standards.
8. The viewshed facing north from U.S. Route 50/301 is to be consistent with the second rendering provided on page 4 of Exhibit 5 of the Petition by utilizing existing vegetation and enhancing the understory, shrubs, and canopy trees landscaping) provided on-site.
9. Due to traffic from the facility, permanently protect or separate the Cross Island Trail from Piney Creek Road to provide safety for all users of the trail.
10. In locations that do not require hard pavement for flow of moving trucks and larger vehicles, investigate permeable paving to aid water quality and runoff.

The following conditions were imposed by the Critical Area Commission approval of growth

allocation. Should any conflict exist between conditions of the County Commissioners and Critical Area Commission the more restrictive shall apply.

1. Mitigation for clearing forest and developed woodland shall be required at a minimum of a 1:1 ratio, with the exception that clearing of forest and developed woodland within the 25-foot nontidal wetland buffer shall be mitigated at a 2:1 ratio. The County shall submit a proposal for meeting this mitigation requirement within 90 days of Critical Area Commission approval to the Commission's Program Subcommittee for review and approval.
2. To ensure the proposed stormwater management meets the 10% pollutant reduction requirement after the floodplain approval is finalized, the County shall submit the proposed stormwater management plan and 10% pollutant reduction calculations to Commission staff for review and approval.
3. The County shall ensure that stormwater management facilities are effective and functioning as designed, including requiring the Petitioner or its successor to test the facilities on a regular basis and in accordance with testing methods approved by County DPW in consultation with MDE. The County shall submit copies of monitoring reports to Commission staff.
4. To ensure water quality is maintained, if the stormwater management facility fails or there is a reduction in effectiveness, the County shall require the Petitioner or its successor of the property to pay fee-in-lieu for any 10% pollutant reduction not being met onsite.
5. Within 60 days of the date of Commission approval a draft Declaration of Deed Restriction that protects the remaining acreage on Resulting Parcel 351 (1.968 acres of remaining LDA and 4.247 acres of RCA) from future development, shall be submitted to Commission staff for review and approval. The Deed Restriction must specify that no future development will be allowed on the remaining acreage, including any stormwater management facilities. The Deed Restriction must also specify that the restrictive covenant runs with the land and is perpetual.
6. Prior to the County's final approval of the lot consolidation of the subject parcels, the County shall submit the required findings under COMAR 27.01.02.08 to Commission staff.
7. The County shall require that the developer reduce the parking spaces to the minimum required by the County Code for the three-story building and eliminate any lot coverage associated with the parking and/or turnaround from within the 25-foot nontidal wetland buffer.

AND BE IT FURTHER RESOLVED that no further development approval shall be given by the Queen Anne's County Planning Commission unless and until the Planning Commission is satisfied that all conditions are met. This Resolution and Findings shall be a part of the legislative history of County Ordinance 23-07 and shall be fully effective and enforceable upon the adoption of said Ordinance.

WITNESSETH, the hands and seals of the County Commissioners of Queen Anne's County this _____ day of _____, 2023.

ATTEST:

Margie A. Horack

THE COUNTY COMMISSIONERS
OF QUEEN ANNE'S COUNTY

J. Moran

James J. Moran

Jack Wilson, Jr.

Jack N. Wilson, Jr.

Philip L. Dumenil

Philip L. Dumenil

Christopher M. Carchiarino

Christopher M. Carchiarino

Patrick McLaughlin

Patrick McLaughlin