

Centreville Planning Commission
May 18, 2022
7:00 p.m.

MINUTES

The May 18, 2022 Centreville Planning Commission meeting was called to order at 7:00 p.m. by Kara Voight, Chair, in the Liberty Building, second floor meeting room. The following members and staff were present: Kara Voight, Chair; Tim Zuella, Secretary; Mitchell Delaney, Member; Nancy Emerick and Wendy Emerson, Alternate Members; Steven K. Kline, Town Council President; Charles M. Koogle, Town Manager; Sharon VanEmburch, Town Attorney; Paige Tilghman, Economic Development Director and Betty Jean Hall, Administrative Assistant.

Chair's Announcements

- Ms. Voight thanked the residents who were in attendance for their time and willingness to express their opinions.

Review of Minutes from Previous Meetings

- a. Ms. Voight moved to approve the April 20, 2022 meeting minutes as presented. Mr. Zuella seconded the motion, which passed unanimously.
- b. Ms. Voight moved to approve the May 4, 2022 work session minutes as presented. Mr. Zuella seconded the motion, which passed unanimously.

Citizen's Comments

- Kim Kline, Elm Street and Jeff Harris, Church Hill Road provided comments in opposition to Ordinance 07-2022.
- JR Felchock, Long Creek Way; Chrissy Aull, Overlook Lane; Jeff Phillips, Church Hill Road; Cheryl Huyck, Quail Run Drive; Karen Phillips, Church Hill Road; and Lucy Ickes-Marks, Chesterfield Avenue comments were read into the record by Ms. Hall. All comments were opposed to Ordinance 07-2022.

Unfinished Business

- a. Mr. Kline administered the Oath of Office to Mitchell Delaney, Nancy Emerick and Wendy Emerson as full members of the Planning Commission. Their terms will expire April 2027.

New Business

- a. Election of Officers
 - Ms. VanEmburch opened the floor for nominations for the office of Chair.
 - Mr. Zuella nominated Ms. Voight. Ms. Emerson seconded the nomination. Ms. Voight accepted the nomination and was unanimously voted Chair.
 - Ms. VanEmburch opened the floor for nominations for the office of Vice Chair. Ms. Voight nominated Mr. Zuella. Mr. Delaney seconded the nomination. Mr. Zuella accepted the nomination and was unanimously voted Vice Chair.
 - Ms. VanEmburch opened the floor for nominations for the office of Secretary. Ms. Voight nominated Mr. Delaney. Mr. Zuella seconded the nomination. Mr. Delaney accepted the nomination and was unanimously voted Secretary.
- b. Ordinance 07-2022 – Text Amendment – Convenience Stores

Joseph Stevens, Attorney representing Royal Farms and the Business Park; Kevin Shearon, DMS & Associates; Davis Emory, Managing Member of Coursevall LLC; and Jeff Bainbridge, Royal Farms Director of Real Estate were in attendance.

 - Ms. VanEmburch stated permitted uses are per district in the Zoning Ordinance. This amendment is changing the definition of convenience stores, making a change to the Central Business District limiting convenience store size to 2000 square feet which would then allow convenience stores in the C-2, C-3 and the Planned Business Districts (PBD) up to 5500 square feet. The C-2 district would only be allowed by

special exception. There are various options including discussion of per district to evaluate if the request is appropriate and to make modifications if every district is not appropriate for this amendment.

- Mr. Stevens stated since the previous text amendment submittal in 2013, the industry has changed. Convenience stores are larger and are modern, providing a number of services that are important to a number of people. They are designed very well and are in Chestertown, Queenstown, and Easton, all towns with historic character. The current text amendment was created to apply to some other commercial districts so that if someone else wanted to expand it would not give an unfair competitive advantage to only the businesses within the PBD.
- Mr. Shearon researched jurisdictions where Royal Farms have been built and compared zoning ordinances as to how they speak to convenience stores. The majority of jurisdictions do not have a restriction on size of the store but limit to the zone where they are allowed. Talbot County does have a size limitation of 8,000 square feet. Church Hill, Queenstown, and Federalsburg all permit convenience stores without size limitations. Chestertown does have a size limitation of 8,000 square feet. The counties and local municipalities allow fuel pumps also. A 5,500 square foot convenience store usually uses about 3,500 gallons of water per day.
- Mr. Davis stated Coursevall LLC owns 80 acres of land, 42 of which are developable in the business park. The property has been marketed for more than 15 years and has tried to keep it flexible for various uses. There has been interest for fast food, some hotels, and an assisted living facility. Ultimately, Laser Drive is shown to go into the park and eventually connect into Coursevall Drive. Mr. Davis thinks Royal Farms is a good local operation that is based in Maryland. Mr. Davis believes that the Town needs good, modern conveniences. When Royal Farms comes into an area everyone else steps up their game. Mr. Davis has not committed any of the secured water/sewer allocations held by Coursevall LLC to Royal Farms or any other entity that may come into the business park.
- Mr. Bainbridge stated Royal Farms would love to be in Centreville. The 2,000 square foot limitation currently in the code does not work for the convenience store industry. The industry has changed in the sense that it is so much more of a food service program. Royal Farms anticipates to be in the location long-term. Being a part of the business park would be a great thing, it could bring a tax base possibly double that of the existing Dunkin' Donuts. Royal Farms likes to be in front of what they call the daytime population; a place where people can go quickly from their work, get something to eat and go back in. This business takes traffic that is already on the road, bypass traffic. Royal Farms will not negatively impact traffic as far as the Town of Centreville goes. There has been some dialogue about a traffic light at the Laser Drive and Rt. 213 intersection, Royal Farms would support that. There are such a small number of cars that are electric at this point in time that it will take a long time for fossil fuels to go away. Royal Farms has engaged with electric charging stations, particularly Tesla. There have been generic charging stations installed and there is virtually no demand for non-Tesla charging stations. The modern convenience store does not bring crime to an area. There are multiple employees working on every shift, it is well lit and well secured. The store would be open 24 hours a day, 7 days a week. If the ordinance was to be approved, Royal Farms would be another business that would employ locally and bring products and services in a convenient way that may not be offered here today. Construction of a Royal Farms would not negatively impact the health and wellbeing of the community. There is a property in Kent Island, owned by Royal Farms, which is in the development process. Royal Farms has been approached with a development opportunity on northern Rt. 301 but did not feel the location was feasible as there is not a town nearby and the closer to Delaware, the more tax disadvantaged.
- Ms. Voight reminded the Planning Commissioners the property between Symphony Village and Rt. 213 is designated as residential which would mean, traveling north on Rt. 213 from Rt. 301, the potential exists for a residential community on Rt. 213 that would essentially abut the Dunkin' Donuts property.
- Mr. Bainbridge stated Royal Farms is not aware of Centreville's master plan and believe being in the business park would be the appropriate place to build. In regards to lighting, it has advanced tremendously where it is brighter where it needs to be and is directed where it needs to be and does not spill out from the property at a rate any higher than moonlight. All Royal Farms stores are corporate stores, not franchised or dealer stores. The refresh time for the facility is approximately 12 years with the possibility of bathrooms needing to be turned over more quickly. There are roughly 250 stores that have the cash flow to be able to make sure that investment is going to come and they will not allow one particular store to degrade the rest of the brand. The traffic count on Rt. 213 is currently around 13,000 per day which is lower than what Royal Farms looks for but the current capping of square footage for

convenience stores at 2,000 has allowed little competition here. Maybe the competitors are not willing to invest. A new store in this location will not cannibalize much of the existing stores as there is enough business on Rt. 50 that it would be miniscule. If it was desired by the Town for the parking lot of a proposed Royal Farms to connect to the parking lot of the existing Walgreens, Royal Farms would be amiable to look at that possibility.

- Mr. Stevens stated if the proposed text amendment or some variation of it were to be passed, that does not grant anyone approvals to build a Royal Farms, a Wawa or a Sheetz or whatever it would be. The applicant would have to go through the site plan process. This request is to provide an amendment to the code that will allow the construction of a convenient store in accordance with the general industry standards that is needed today.
- Ms. Voight stated this might conflict with the Comprehensive Plan as it is written, and referenced Chapter 1 item 2 of the Comprehensive Plan. One goal of the citizen advisory committee is to manage anticipated growth in the area so as to preserve its existing character and stability and establishing a balance of fundamental community needs.
- Ms. Emerson asked what is going to happen to the land if this text amendment is not passed. Will it sit empty because there is not something we can do? This is a Maryland based company and she travels to Chestertown and Queenstown frequently because she likes Royal Farms. It is very clean and a nice place to pump your gas and get a chicken sandwich. She understands there is a rule that could possibly be antiquated and it might be something that we should consider looking at. It could be a benefit that she does not feel would distract from the small town that Centreville is. The difference between the current 2000 square foot allowance and the proposed 5500 square foot request at 3500 square feet, is not that big. It is not an Amazon warehouse, it is not a CBD farm, it is not a business that needs a huge space. There are homes within Centreville that have 3500 square feet.
- Mr. Zuella asked if we are opening a Pandora's box by changing this ordinance. We have a 7-11, will they say we have competition, we need to get bigger? The 5500 square feet is only the building, that would not include the gas pumps and battery charging stations for electric vehicles. Does Centreville need more than four convenience stores, does it need larger convenience stores? By passing this ordinance it would create competition for the smaller existing stores within Centreville; that to compete with Royal Farms they may decide to build a new, larger facility.
- Ms. Voight stated the Corkran farm that fronts on Rt. 213 and backs to Hospice is not part of the business park but would be within the zoning as this text amendment is proposed. There could be a 5500 square foot convenience store with gas pumps on that parcel too. 7-11 is right across the street from this property.
- Mr. Delaney would like to solicit the opinion of the owners of the 7-11.
- Ms. Tilghman stated she called on the owners of 7-11 to make them aware of this proposal and they are indeed concerned. They both live here. It is a family run business. When they first came to Centreville, they met a lot of opposition to their establishment but worked with the Town and tried to accommodate. They did not put gas pumps in at the time because it was an issue. She believes they would be very interested in opportunities but she cannot speak for them and it is a big investment. Part of the small-town charm is that we support these run-down businesses and we understand that property owners hold onto their property for a long time and they are looking for investment. It is a function of who are we and what are we presenting to ourselves and to incoming tourists and people who travel. We cannot impose upon them a restriction to plant flowers or to paint their exterior or to make an investment in their establishment. Over time, typically what happens is, the more run-down properties do attrition out and the new modern convenience facilities do take on a stronger prominence, make more income and are more successful. That is part of the business culture, you have to compete and reinvest in your establishment. By looking at this ordinance you are laying ground work for that to happen but also you are opening the gates for this type of activity within the areas where you decide it should go.
- Ms. Voight asked if this would risk running these businesses into the ground to where we have empty shells of buildings.
- Ms. Tilghman responded absolutely, but that is much a function of the economy and where we are at this point in time as anything else. We have to recognize we have been through a pretty bad couple of years with the pandemic and with people changing dramatically how they shop, how they travel, what they expect. In this small town we have managed to hold it together pretty well but change is coming.

- Ms. Emerick believes eventually progress is going to happen and there is going to be attrition with the small businesses. She does not like the gas stations in Centreville. If she is crossing the bay bridge she will stop at Royal Farms and get her gas. She does not think Royal Farms would affect the restaurants in town.
- Mr. Delaney commented that he is hearing more of the public unfavorable voice at the moment.
- Mr. Zuella stated he is against the requested text amendment.
- Ms. Emerick doesn't think the Town needs it. She does think this issue will come up again.
- Ms. Voight stated with the constraints that the Town has with a potential build-out right now, if we say no now, there will be more opportunities for us to say yes when it might be better for us.
- Ms. Emerick would rather see a hotel go there.
- Ms. Emerson agreed with Ms. Emerick.
- Mr. Koogle stated the question before this committee is whether or not this is in accordance with the Zoning Code and the Comprehensive Plan, not whether or not the Commissioners like it or do not like it. That is the purview of the Town Council. This is a transactional decision; the emotional decision will come before Town Council.
- Ms. Emerson moved to forward a favorable recommendation to Town Council regarding Ordinance 07-2022 – Text Amendment – Convenience Stores. The motion failed.
- Mr. Zuella moved to forward an unfavorable recommendation. Mr. Delaney seconded the motion. The motion failed.
- Mr. Stevens called attention to Mr. Jakubiak's staff report in respect to the portion where Mr. Jakubiak had concerns within the C-2 district and whether those properties were really appropriate for it. If the commission is so inclined it could make a recommendation that is in line with the staff report because Mr. Jakubiak did not object to the change in the C-3 or the PBD.
- Ms. Emerson moved to forward a favorable recommendation to Town Council regarding Ordinance 07-2022 – Text Amendment – Convenience Stores limiting the increase to 5500 square feet to the PBD district only. Ms. Emerick seconded the motion. The motion failed.
- Mr. Zuella moved to forward an unfavorable recommendation to Town Council regarding Ordinance 07-2022 as it is not consistent with the Comprehensive Plan. Ms. Voight seconded the motion, which passed with 3 ayes, 2 noes.

Zoning Issues/Correspondence

Ms. Voight reminded everyone that the Growth Allocation public hearing will be held in this meeting room the following evening starting at 7:05 pm and encouraged everyone to attend.

Citizen Comment

- Quentin Kent, S Commerce St., provided comments related to the procedure of a planning commission meeting and the amount of information, or lack thereof, on the Town's website.
- Lucy Ickes-Marks, Chesterfield Avenue comments related to her concerns of the proposed plans for the development on Chesterfield Avenue were read into record by Ms. Hall.

Council Member Report

Mr. Kline reported the Town Council will hold the Growth Allocation Public Hearing the following evening, as the Chair had mentioned, and encouraged everyone to join them.

Adjournment

There being no further business, Mr. Zuella moved to adjourn the May 18, 2022 Planning Commission meeting. Ms. Voight seconded the motion, which passed unanimously. The meeting adjourned at 9:08 p.m.

Respectfully submitted,

Betty Jean Hall

Betty Jean Hall
Administrative Assistant

Action Items

- Approved the April 20, 2022 Planning Commission meeting minutes as presented.
- Approved the May 4, 2022 work session minutes as presented.
- Planning Commission Chair, Kara Voight; Vice Chair, Tim Zuella; and Secretary Mitchell Delaney were elected as a result of the annual election.
- Forwarded an unfavorable recommendation to the Town Council for Ordinance 07-2022 – Zoning Text Amendment - Convenience Stores as it is not consistent with the Comprehensive Plan.