



County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

AGENDA
April 6, 2023
1:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call.

Public participation and audio-only call-in number:

- 1. Dial **1-872-239-8359**
- 2. Enter Conference ID: **751 499 022#**

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

MINUTES

March 2, 2023

APPLICATIONS FOR REVIEW

- 22-41 Kenah One Health Care Services – Site Plan Review for Special Exception PC Decision
25000 Lambs Meadow Road – Third Election District – Village (V)
- 23-11 Camp Fairlee – Major Site Plan (Final)..... PC Decision
22242 Bay Shore Road – Sixth Election District – Agricultural Zoning District (AZD) and Resource Conservation District (RCD)
- 23-15 Thomas and Susan Schwarzwaldner – Buffer Variance..... Rec to BOA
9827 Breezecroft Lane – Sixth Election District – Critical Area Residential (CAR)

PUBLIC HEARING

- 23-27 **County Commissioners of Kent County – Zoning Text Amendment – Height of Industrial Structures**
AN ACT to update Article V. District Regulations, Section 11. Commercial District, § 11.5 Density, Area, Height, Width, and Yard Requirements, by adding a new provision to regulate the height of industrial structures in general and by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. District Regulations, Section 14. Employment Center District, § 14.5 Density, Height, Width, Bulk, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; and, to update Article V. District Regulations, Section 15. Industrial District, § 15.5 Density, Height, Width, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor..... Rec to CCs

GENERAL DISCUSSION

STAFF REPORTS

ADJOURN

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Planning Commission meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the members. Breaks are at the call of the Chairman. Meetings are subject to audio and video recordings.

All applications will be given the time necessary to assure full public participation and a fair and complete review of all projects. Agenda items are subject to change due to cancellations.

MINUTES

March 2, 2023

1:30 p.m.

The Kent County Planning Commission met in regular session on Thursday, March 2, 2023, at 1:30 p.m. in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. The following members were in attendance: Chair F. Joseph Hickman, Vice Chair Paul Ruge, William Sutton, Ray Strong, Paula Reeder, and William Crowding. Cynthia L. McCann, Esquire, Planning Commission Attorney, was in attendance. Staff in attendance were William Mackey, AICP, Director; Carla Gerber, AICP, Deputy Director; Mark Carper, LEED Green Associate, Associate Planner; and Campbell Safian, Planning Specialist.

Other Kent County staff: Jamie Williams, CECD, Economic Development Director (remote); and Dawson Hunter, Housing and Transportation Coordinator

Members of the public in attendance included Mike Waal; Buck Nickerson, LS of Extreme Measures, LLC; Kevin Shearon, P.E., LEED AP, Principal of DMS & Associates; Ed Breitenbach; Michael Kent; Jeff Miller; John Lysinger; Signy Ellerton-Rich (remote); Chip MacLeod, Esquire; Patricia Langenfelder; Janet Christensen-Lewis; William White; Mary White; Eugene Aucott; William Norris; P. Thomas Mason; Darrell Morgan; Judy Tubman; Catherine Durham; Russ Richardson; Owen Bailey; Commissioner Ronald Fithian; Judy Gifford; Shari Smith (remote); Melinda Bookwalter; and Brian Aldridge (remote).

Chair Hickman called the meeting to order at 1:30 p.m.

MINUTES

Mr. Ruge moved to accept the minutes of February 2, 2023, without correction. Ms. Reeder seconded the motion. The motion passed with all in favor.

APPLICATIONS FOR REVIEW

*22-53 Gillespie Precast, LLC – Major Site Plan (Concept & Preliminary)
27030 Morgnec Road – Second Election District – Industrial (I) and Industrial Critical
Area -- LDA (ICA-LDA)*

Gillespie Precast, LLC/Morgan Creek Land Holdings, LLC is requesting concept and preliminary site plan review for expansion of its contractor's storage yard from 4.75 acres to 12.75 acres and to construct a 60-foot by 80-foot equipment storage building. An additional entrance from Morgnec Road is also proposed. The 190.633-acre property is located at 27030 Morgnec Road in the Second Election District and is zoned Industrial (I), Industrial Critical Area (ICA), and Resource Conservation District (RCD).

Mr. Carper presented the staff report, recommending approval with conditions. The Chair swore in Kevin Shearon, P.E., LEED AP, DMS & Associates.

Mr. Shearon reported that the proposed additional entrance from Maryland Route 291 (Morgnec Road) will benefit the maneuverability of trucks entering and leaving the site, as well as the safety of the site. A Citizens

Adopted on [version for review]

Participation Meeting was held at the Gillespie Precast office on February 21, 2023. Two neighbors attended the meeting and expressed their concerns regarding the speed of vehicles on Maryland Route 291. No specific suggestions or complaints were raised about the proposed project.

The property is highly visible to adjacent, non-industrial zoned properties and it is on a major thoroughfare. The applicants are proposing landscaped screening along Maryland Route 291, afforestation along the eastern property line, and a deed restriction on an existing stand of forest towards the rear property line.

Ms. Reeder asked if SHA has provided any feedback regarding the proposed additional entrance.

Mr. Shearon stated that the proposed entrance from Route 291 is currently under an SHA Access Management Review and comments are expected by March 24.

Chair Hickman expressed support for the storage yard expansion and the construction of a storage building, however he expressed concerns regarding the proposed entrance. The proposed entrance is in close proximity to a hill and the speed limit is significant.

Ms. Reeder made a motion that the Planning Commission approve the proposed second access, in concurrence with the Staff's recommendation of approval based on safety considerations and ease of access on the site.

Mr. Strong seconded the motion, and the motion did not pass by a vote of 2-4.

Mr. Crowding made a motion that the Planning Commission grant preliminary site plan approval conditional on the submission of all required sureties for stormwater management, sediment, erosion control, and landscaping; final approval of the stormwater management and sediment and erosion control plans; and contingent upon SHA approval of the proposed access. The proposal is consistent with the Comprehensive Plan, and it has addressed all of the comments by the Technical Advisory Committee for concept plan review.

Mr. Strong seconded the motion, and the motion passed unanimously, 6-0.

*23-10 Gillespie Precast, LLC – Major Site Plan (Concept & Preliminary)
Map 37, Parcel 490 – Fourth Election District – Industrial (I) and Industrial Critical Area -- LDA (ICA-LDA)*

Gillespie Precast, LLC/Brickyard Landing Holdings, LLC is requesting concept and preliminary site plan review for a 6.22-acre expansion of its finished product storage yard, to construct a 16,000 square foot storage building, and to construct a new entrance on to Maryland Route 291. The property is located at 101 Brickyard Road in the Fourth Election District and is zoned Industrial (I) and Industrial Critical Area (ICA).

Mr. Carper presented the staff report, recommending approval with conditions.

Mr. Shearon stated that Gillespie Precast recently purchased roughly 8-acres from the adjacent property owner, David A. Bramble. The proposed additional access from Route 291 is currently under SHA Access Management Review.

Mr. Crowding noted Staff's recommendation that a minimum of 15% of the proposed area of disturbance be mitigated through landscape screening and/or afforestation.

Mr. Crowding made a motion that Brickyard Landing Holdings, LLC, be granted preliminary site plan approval based on findings that the proposal is consistent with the Comprehensive Plan, the proposal conforms with the provisions of all applicable rules and regulations, the area of vehicular flow appear to be adequate for the proposed use, the demands on public services and infrastructure are reasonable, the standard waste from the office is discharged into the Town of Chestertown sewage system so no sewage or refuse is proposed for this project. The protection from pollution of both surface waters and groundwater is proposed through the stormwater management system. Except for the removal or disturbance of road frontage landscaping for the proposed access and the proposed submerged gravel wetlands, no other vegetation is to be removed. A citizens participation report has been received by the applicant and an in-person citizens participation meeting was held. Conditions of the approval are the submission of all required sureties for stormwater management, sediment and erosion control, and landscaping; the approval of the stormwater and sediment and erosion control plans; and SHA approval of the proposed access. The existing road frontage landscaping is to remain intact or is to be replaced in-kind if disturbed.

Mr. Sutton seconded the motion, and the motion passed unanimously, 6-0.

*23-11 Camp Fairlee – Major Site Plan (Concept & Preliminary)
22242 Bay Shore Road – Sixth Election District – Agricultural Zoning District (AZD) and Resource Conservation District (RCD)*

Camp Fairlee/ESSD-M, Inc., is proposing to construct two, single-story dwellings for full-time, permanent staff. The proposed cottages will allow staff who currently live in the Manor House, which is also used for administrative purposes, to move into single-family dwellings. The property is currently improved with other cottages and buildings associated with the use as a camp. The property is located at 22242 Bay Shore Road in the Sixth Election District and is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD).

Ms. Gerber presented the staff report, recommending approval with conditions. The Chair swore in Eugene Aucott with ESSD-M, Inc.

Mr. Shearon noted that a citizens participation meeting was held via Zoom. Two owners of a property adjacent to Camp Fairlee expressed their support for the proposal, as it will not impact their property.

Mr. Ruge made a motion to grant preliminary site plan approval for Camp Fairlee. The proposal is consistent with the strategies and goals of the Comprehensive Plan. The property is serviced by public sewer and water. The stormwater management and sediment control plans are currently under review. The cottages will be located approximately 2,400 feet from Bay Shore Road and will not be noticeably visible from the road due to existing vegetation. The cottages will be approximately 300 feet from the closest property line. The proposed location is along the main driveway in a small field just outside of the Maryland Historic Trust easement for the Manor House. The field is screened on two sides by mature forest and by the existing trees along the driveway. The proposed cottages will be reviewed as commercial buildings for building code regulations. There are no proposed changes to site access. No trees will be removed, and forest conservation will be addressed by deed restricting an area of existing forest equal to 20% of the limits of disturbance for this project. A Forest Stand Delineation must be submitted prior to final review. A Citizen Participation letter was sent to neighboring properties. Final approval would be contingent upon approval of the Forest Stand Delineation and Forest Conservation Easement; approval

of the stormwater management and sediment control plans, including the submission of any required letters of credit; and approval of water and sewer improvements.

Mr. Strong seconded the motion, and the motion passed unanimously, 6-0.

*23-07 Darrell and Carla Morgan – Variance – Critical Area Clearing
Map 27, Parcel 481 – Third Election District – Critical Area Residential (CAR)*

Darrell and Carla Morgan are requesting a variance to clear in excess of the 30% maximum allowance for clearing in the Critical Area. The applicants propose to clear 12,845 square feet (69%) of an 18,691 square foot, fully wooded parcel to accommodate the installation of a detached single-family home, a driveway, and a septic system. The 0.42-acre property is located along Clarissa Road in the Chesapeake Landing Subdivision in the Third Election District and is zoned Critical Area Residential (CAR).

Mr. Carper presented the staff report, recommending approval with conditions. The Chair swore in Buck Nickerson, LS, Extreme Measures, LLC, and Darrell Morgan, property owner.

Mr. Nickerson stated that in the past, the clearing of woody vegetation to accommodate the installation of a septic system did not count towards the maximum allowable clearing on a parcel in the Critical Area. The Critical Area Commission changed their regulations and the clearing required to install a septic system now counts towards the maximum allowable clearing. To meet the required 3:1 mitigation ratio for the area cleared, the applicant will pay the fee-in-lieu of the planting requirement and plant native species of shrubs around the house.

Ms. Reeder made a motion to forward a favorable recommendation to the Board of Appeals for approval of the Critical Area forest clearing variance for the Morgan's property in Chesapeake Landing, finding that the proposal conforms with the County Comprehensive Plan. The applicant's property is within a residentially zoned district populated by single-family development. The granting of a variance will not cause a substantial detriment to adjacent or neighboring property, nor will it change the character of the neighborhood or district. The practical difficulty is that the property is small in size and is entirely wooded. Neither condition was caused by the applicant. There is a mitigation rate of 3:1 required for the proposed clearing, but there is a recommendation from the Staff to accept fee-in-lieu of completing the required mitigation. Otherwise, the granting of the variance will be in harmony with the general spirit and intent of the Critical Area Law and Kent County regulations. The granting of the variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat. Strict application of the Ordinance would produce an unwarranted hardship that is not generally shared by other properties in the same zoning district and in the same vicinity. A literal interpretation of this Ordinance would deprive the applicants of rights commonly enjoyed by other properties in similar areas. Without a variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the Critical Area program. The Critical Area Commission has reviewed the application and is not opposed to a variance. This approval is subject to the applicant's ability to provide a fee-in-lieu of planting and the variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

Mr. Ruge seconded the motion, and the motion passed unanimously, 6-0.

*23-09 Scott and Shari Smith – Variance – Side Yard Setback
26933 Mallard Road – Fourth Election District – Critical Area Residential (CAR)*

Mr. Crowding exited the County Commissioners Hearing Room to recuse himself from participating in the review of this application.

Scott and Shari Smith are requesting a side yard setback variance to construct an addition which would connect an existing detached garage to an existing dwelling. The owners were granted a variance for this same request in 2012 but were unable to construct the addition at that time. The property is located at 26933 Mallard Road in the Fourth Election District and is zoned Critical Area Residential (CAR).

Ms. Gerber presented the staff report, recommending approval with conditions. The Chair swore in Shari Smith, property owner.

Mrs. Smith and her husband would like to attach the detached garage to the existing dwelling to counteract the buildup of mold in the crawlspace.

Ms. Reeder moved to forward a favorable recommendation to the Board of Appeals for the variance request for 26933 Mallard Road in the Chesmar neighborhood on the condition that no further encroachment shall occur within the side yard setback beyond the proposed addition over the concrete slab. This recommendation is made in view of the fact that this same variance was already approved in 2012; and the proposal complies and is consistent with the Comprehensive Plan and the Land Use Ordinance.

Mr. Sutton seconded the motion, and the motion passed unanimously, 5-0.

Ag Preservation District Applications

Ms. Gerber presented the proposed Ag Preservation Districts. The Agricultural Preservation Advisory Board reviewed the applications at their February 21 meeting and recommended approval of all applications.

Ms. Reeder opined that several of the properties encircle the town of Kennedyville, and this will reduce the Town's ability to expand. Town residents have expressed their dissatisfaction with the high costs of sewage and water for their communities.

Ms. Reeder expressed concerns about an active Agricultural Preservation Advisory Board member submitting an Ag Preservation District application.

Ms. Gerber noted that Mr. Hill recused himself from voting on this application. If a Board member has a potential conflict of interest, they recuse themselves from participating in the discussion and decision.

Mr. Crowding made a motion to forward a favorable recommendation to the County Commissioners for the establishment of Agricultural Preservation Districts on the following farms, based on the fact that the farms comply with the MALPF criteria, the properties meet or exceed the criteria for creating an Agricultural Land Preservation District, comply with the Comprehensive Plan goals to preserve large blocks of continuous prime farmland, and that all have received a favorable recommendation from the Agricultural Preservation Advisory Board.

22-01 – John F. Coleman, Trustee

Chair Hickman seconded the motion, and the motion passed unanimously, 6-0.

22-02 – Fry Cooper Farm, LLC

Mr. Strong seconded the motion, and the motion passed, 5-1.

22-03 – Fry Cooper Farm, LLC

Chair Hickman seconded the motion, and the motion passed, 5-1.

22-04 – David A. Hill

Chair Hickman seconded the motion, and the motion passed, 4-2.

22-05 – Chris and Susan Jackman

Mr. Strong seconded the motion, and the motion passed, 5-1.

22-06 – Lester C. Jones and Sons, Inc.

Chair Hickman seconded the motion, and the motion passed unanimously, 6-0.

22-07 – Lester C. Jones and Sons, Inc.

Mr. Strong seconded the motion.

Ms. Reeder noted that the Planning Commission has received a letter from the Town of Millington, requesting a meeting to discuss the Town's future. Ms. Reeder opined that this application would constrain Millington's ability to grow. The Planning Commission owes Millington the opportunity to have a voice in the review of this application.

The motion passed, 4-2.

22-08 – Owings and Sons Business Trust

Mr. Ruge seconded the motion, and the motion passed unanimously, 6-0.

22-09 – Rich Levels at Mill Creek LLC

Mr. Strong seconded the motion, and the motion passed unanimously, 6-0.

22-10 – Thomas Wiltbank

Mr. Sutton seconded the motion, and the motion passed unanimously, 6-0.

2023 Transportation Priority Letter

Ms. Reeder requested that an addition be made to the letter. Ms. Reeder would like to add Still Pond as an area needing sidewalks, drainage improvements, and traffic calming along MD 298.

Mr. Crowding made a motion to forward a favorable recommendation to the County Commissioners for the Kent County 2023 Transportation Priority Letter adding Still Pond to the list for pedestrian sidewalks.

Mr. Strong seconded the motion, and the motion passed unanimously, 6-0.

Review of Task Force Recommendations

Mr. Mackey noted that correspondence was received from the Town of Millington, addressing P4; MacLeod Law Group, addressing P5; and Elizabeth Watson, addressing numerous items.

P4. Request to create two, new floating zones to allow for (a) planned mixed-use development and (b) planned neighborhoods, including specific criteria for such designations, as well as (c) to combine the Commercial and Employment Center districts and (d) to allow residential uses in the newly combined district

Mr. MacLeod, Esq., spoke in favor of item P4 and creating a mixed-use zoning district in the Kent County designated growth area along Route 301. The proposed mixed-use zoning district would permit industrial, commercial, and residential uses.

Mr. Richardson, spoke in favor of the mixed-use zoning district as it would create greater flexibility.

Ms. Christensen-Lewis, Mr. Kent, Mr. Nickerson, Mr. Lysinger, Ms. Durham, Mr. Aldridge, and Dr. Tubman spoke against P4.

Ms. Reeder moved that the Planning Commission make a favorable recommendation to the Commissioners to accept the request to create two new, floating zones to allow for (a) planned mixed-use development and (b) planned neighborhoods, including specific criteria for such designations, as well as (c) to combine the Commercial and Employment Center districts and (d) to allow residential uses in the newly combined district.

The motion did not receive a second and the motion failed.

Mr. Strong moved to forward a negative recommendation for P4, as of this moment, until we hear more about the floating zone proposal and can deliberate more down the road. Mr. Strong does not feel any need to vote on something that is brand new, and the Task Force has put years into. It would do an injustice to not honor those years of service.

Mr. Ruge seconded the motion, and the motion passed unanimously, 6-0.

P5. Request to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through in the Industrial district

Ms. Durham, Dr. Tubman, and Mr. Breitenbach spoke against item P5.

Ms. Reeder expressed that item P5 is a request to allow resources and amenities in areas of the County that would like to experience greater employment opportunities and development in the industrial sector.

Ms. Reeder moved that the Planning Commission send a favorable recommendation to the Commissioners to allow truck stops, truck parking lots, gas sales, convenience stores and restaurants with or without drive-through in the Industrial district.

The motion did not receive a second and the motion failed.

Chair Hickman noted that the Commercial zoning district permits the uses listed in P5. A property owner can request a change in zoning districts.

Mr. Ruge made a motion that the Planning Commission forward this Task Force recommendation “as is” to the County Commissioners.

Mr. Crowding seconded the motion, and the motion passed, 5-1.

S3. Consider clarifying how accessory structures can be located in front yards

Mr. Crowding made a motion that the Planning Commission recommends accepting this Task Force recommendation “as is” to the County Commissioners.

Mr. Strong seconded the motion, and the motion passed unanimously, 6-0.

P1. Request to change farm definition so a shed could be built without a dwelling

Mr. Crowding made a motion that the Planning Commission recommends accepting this Task Force recommendation “as is” to the County Commissioners.

Mr. Strong seconded the motion, and the motion passed unanimously, 6-0.

TF1/TF17. Review the concept of reducing setbacks for agricultural structures to 200 feet except near current housing developments, incorporated towns, and villages. // TF17. Review setbacks for buildings containing animals. Currently, this is 600 feet. Review for more flexibility. Maybe 600 feet from residential zoning districts or provide for an administrative variance process to reduce the required setback.

Ms. Reeder moved that the Planning Commission recommend to the County Commissioners that the existing setback requirements remain unchanged.

Mr. Sutton seconded the motion, and the motion passed unanimously, 6-0.

TF2. Review elimination of the 10% rule (related to new agricultural subdivisions).

Mr. Mason introduced a petition to eliminate the 10% rule. The petition received 176 signatures. Mr. Mason proceeded to read the petition, asking the Planning Commission to send a favorable recommendation to the County Commissioners.

Ms. Christensen-Lewis noted the large number of audience members who spoke in opposition to eliminating the 10% rule during the Task Force’s review of item TF2. The Agricultural Advisory Board advised not to eliminate the 10% rule.

Ms. Langenfelder spoke against the elimination of the 10% rule, insisting that subdividing farms will create conflicts between farmers and their neighbors.

Mr. Crowding made a motion that the Planning Commission send a recommendation to the County Commissioners to leave the Land Use Ordinance as is. Chair Hickman seconded the motion, and the motion failed 3-3.

Ms. Reeder moved that the Planning Commission recommend to the County Commissioners that the 10% rule be eliminated. Mr. Ruge seconded the motion, and the motion failed 3-3.

Chair Hickman stated that the 10% rule is in the Comprehensive Plan and the Planning Commission must be consistent with the Comprehensive Plan.

Mr. Strong made a motion that the Planning Commission recommend accepting this Task Force recommendation "as is" to the County Commissioners. Mr. Ruge seconded the motion, and the motion failed 3-3.

The Planning Commission did not come to an agreement. Three motions were made. All three failed.

S8. Consider reviewing the definition of accessory structure and accessory use

Chair Hickman moved that the Planning Commission allow the staff the latitude to make the process and definitions clear for the County Commissioners. Mr. Crowding seconded the motion, and the motion passed unanimously, 6-0.

P18. Request to consider allowing backyard goats with provisions similar to backyard chickens

Ms. Reeder recommended that the Planning Commission forward this Task Force recommendation to the County Commissioners with a favorable recommendation. Mr. Strong seconded the motion, and the motion passed, 5-1.

TF4. Review allowing nonconforming structures that were conforming when built (to be granted a fully legal status as conforming vs. as legal, nonconforming).

Mr. Crowding moved that the Planning Commission does not support this request and recommends "as is" to the County Commissioners. Mr. Ruge seconded the motion, and the motion passed unanimously, 6-0.

Request to amend the Forest Conservation provisions

Mr. Ruge made a motion that the Planning Commission forward the Task Force recommendation "as is" to the County Commissioners. Mr. Sutton seconded the motion, and the motion passed, 5-1.

Request to the parking regulations for parking maximums instead of parking minimums

Mr. Ruge made a motion that the Planning Commission send the recommendation that is stated, forwarding the Task Force recommendation "as is". Mr. Strong seconded the motion, and the motion passed unanimously, 6-0.

Review the concept and permitted use of an enclave in AZD as it relates to the 10% rule

Mr. Crowding made a motion to send a favorable recommendation to the County Commissioners for elimination of the enclave developments in the AZD district as it relates to the 10% rule. Chair Hickman seconded the motion, and the motion passed, 5-1.

Request to consider a general noise ordinance in the zoning code

Ms. Durham spoke in favor of adding a general noise ordinance in the zoning code. Ms. Durham expressed her concerns regarding the potential noise pollution created from the proposed warehouse project in the Route 301 corridor.

Mr. Mackey opined that Towns could adopt individual noise ordinances.

Mr. Ruge made a motion that the Planning Commission send the recommendation as it stands, the Task Force did not recommend changes to add additional noise provisions. Mr. Sutton seconded the motion, and the motion passed unanimously, 6-0.

GENERAL DISCUSSION

Mr. Mackey stated he will create a letter, for the Chairman’s signature, that summarizes the Planning Commission’s recommendations to the County Commissioners. After receiving the Chairman’s signature, the letter will be presented to the County Commissioners. The County Commissioners will direct Staff for which recommendations to create legislation. The goal would be to combine the legislation together with the consultant’s recommended changes to the LUO that were reviewed in December. That would be the basis to begin a legislative process.

STAFF REPORTS

ADJOURN

Mr. Sutton moved to adjourn the meeting. Mr. Ruge seconded. The meeting adjourned at approximately 6:04 pm.

Francis J. Hickman, Chair

/s/ Campbell Safian

Campbell Safian, Planning Specialist

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: April 6, 2023
Subject: Kenah One Health Care Services
Site Plan Review

Executive Summary

Request by Applicant

Kenah One Health Care Services is requesting final site plan review to operate an existing assisted living facility as a hospital, rehabilitation facility, or other similar institution for human care in a Village District.

Public Process

Per Article V, Section 7.3 of the Kent County *Land Use Ordinance*, the Planning Commission shall review site plans for special exceptions.

Summary of Staff Report

The property is located at 25000 Lambs Meadow Road in the Third Election District and is zoned Village (V). The surrounding area is comprised of single-family homes and other dwellings, such as a church, a community center, and a park. The facility will service adults with mental health and substance use disorders who need rehabilitative services over a 30–90-day period.

At its August 15, 2022, meeting, the Board of Appeals approved a special exception with the conditions that the facility shall have no more than 14 in-patients at any time and that the Planning Commission shall be satisfied that adequate parking can be provided on-site for the assisted living and rehabilitative services to be offered.

The site plan indicates that eight (8) parking spaces are available on site. The maximum number of in-patients at any time at the facility is 14. A minimum of 3 spaces is required to comply with the 1 space per 5 patient beds ratio for convalescent home use. A minimum of 7 spaces is required to comply with the 1 space per 2 patient beds ratio for hospital use. There is sufficient parking to accommodate the mixed use of assistive living and rehabilitative services.

Staff Recommendation

Staff recommends granting final site plan approval.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: #22-41 – Kenah One Health Care Services
Final Site Plan Review
DATE: March 30, 2023

DESCRIPTION OF PROPOSAL

Kenah One Health Care Services is requesting final site plan review to operate an existing assisted living facility as a hospital, rehabilitation facility, or other similar institution for human care in a Village District. The facility will service adults with mental health and substance use disorders who need rehabilitative services over a 30–90-day period. The property is located at 25000 Lambs Meadow Road in the Third Election District and is zoned Village (V).

At its August 15, 2022, meeting, the Board of Appeals approved the special exception with the conditions that the facility shall have no more than 14 in-patients at any time and that the Planning Commission shall be satisfied that adequate parking can be provided on-site for the assisted living and rehabilitative services to be offered.

APPLICABLE LAWS

I. Parking and Loading

- A. *Applicable Law:* Article VI, Section 1.3 of the Kent County Land Use Ordinance establishes the requirements for parking.

Hospital	1 per 2 patient beds
Convalescent Home	1 per 5 patient beds

- B. *Staff and TAC Comments:* The site plan indicates that eight parking spaces are available on site. The maximum number of in-patients at any time is 14. There is sufficient parking to accommodate the mixed use of assistive living and rehabilitative services.

II. Site Plan Review

- A. *Applicable Law:* Article VI, Section 5 of the Kent County Land Use Ordinance outlines the procedures and requirements for site plan review. Site Development Plans are required to ensure that new development complies with the Comprehensive Plan, Land Use Ordinance, Village Master Plans and other agency requirements, thereby promoting the health, safety, and general welfare of Kent County residents.

At each stage of review the Planning Commission shall review the site plan and supporting documents taking into consideration the reasonable fulfillment of the following objectives:

- a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan
- b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
- c. Convenience and safety of both vehicular and pedestrian movement within the site

and in relationship to adjoining ways and properties.

- d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
- e. Reasonable demands placed on public services and infrastructure.
- f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
- i. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
- j. The applicant's efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that reflect the traditional construction patterns of neighboring communities.
- k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and natural landscape.

B. *Staff and TAC Comments:*

- The proposal is consistent with the Comprehensive Plan.
- Areas of vehicular flow are clearly identified, and sufficient parking is provided.
- The proposal will not create undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
- The proposed use places reasonable demands on public services and infrastructure.

STAFF RECOMMENDATION

Staff recommends granting final site plan approval.

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

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

Kenah One Health Care Services

308 N. Crain Highway

Glen Burnie, MD 21061

Email: LATONYA@KENAHONEHCS.COM

For Office Use Only:

Case Number/Date Filed: _____
Filed by: _____
Applicant: _____
Planning Commission: _____
Date of Hearing: _____
Parties Notified: _____
Notice in Paper: _____
Property Posted: _____

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL:

LATONYA@KENAHONEHCS.COM

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article V Section 7.3

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

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

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 25000 Lambs Meadow Road, Worton, MD 21678

In the _____ Election District of Kent County.

Size of lot or parcel of Land: 0.708 AC

Map: 0020 Parcel: 0247 Lot #: 1 Deed Ref: /00712/ 00094

List buildings already on property: D's Place Assisted Living Residential Building and one shed

If subdivision, indicate lot and block number: _____

If there is a homeowner's association, give name and address of association: _____

PRESENT ZONING OF PROPERTY: Village

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) If approved, this property will be used as a hospital, rehabilitation facility, or other similar institution for human care, but not including animal hospitals. The facility will service adults with mental health and substance use disorders who need rehabilitative services over a 30-90 day period.

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

Present owner(s) of property: Sheldon Phillips, Diane Roberta Anderson Telephone: 443-553-5533 and 443-480-1718

If Applicant is not owner, please indicate your interest in this property: Currently leasing the property with the intention to purchase the property for continued business use

Has property involved ever been subject to a previous application? No

If so, please give Application Number and Date: _____

PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.

List all property measurements and dimensions of any buildings already on the property.

Put distances between present buildings or proposed buildings and property lines.

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: Address- 25001 LAMBS MEADOW ROAD

Lauretta & Grover Freeman, PO Box 37, Worton, MD 21678

Owner(s) on the South: Address- No address assigned

Mary Cecilia Roseberry, 113 Quail Lane, Centreville, MD 21617-2308

Owner(s) to the East: Address- 25020 LAMBS MEADOW ROAD

Robert F. Miller, 24991 Lambs Meadow Road, Worton, MD 21678-0000

Owner(s) to the West: Address- 24986 LAMBS MEADOW ROAD

Mary Cecilia Roseberry, 113 Quail Lane, Centreville, MD 21617-2308

Homeowners Association, name and address, if applicable: _____

BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.

Latonya Cotton for Kenah One Health Care Services
Signature of Owner/Applicant/Agent or Attorney

07/01/2022
Date

Narrative for Board of Appeals Application

If approved, this property will be used as a hospital, rehabilitation facility, or other similar institution for human care, but not including animal hospitals. The facility will service adults with mental health and substance use disorders who need rehabilitative services over a 30–90-day period.

There are no proposed changes to the current structure's size or shape. The current traffic pattern will not change. The surrounding area is a neighborhood of single-family homes and other dwellings, such as a church, a community center, and a park. The proposed use does not have any impact on the current cost for police, fire, water, or sewer. There will be no probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties. The proposed use is the most appropriate use of the structure, as the structure was originally designed for the caretaking of those who are the most vulnerable in our community. For more than 15 years, the structure has served as a home away from home for those who could not remain or be maintained in their home or living situation. The proposed use will continue to provide that same service to the community and community members. The proposed change in use will not create any change in property values. The proposed change in use is consistent with the Comprehensive Plan, Land Use Ordinance and Village Master Plan with a text amendment to allow for hospitals, rehabilitation facilities, or other similar institutions for human care but not including animal hospitals in the Village district. The proposed use/services are compatible with existing and planned use, as assisted living services have been provided for over 15 years and services will continue for the residents who are currently placed in the facility and new residents who are admitted for additional behavioral health services.

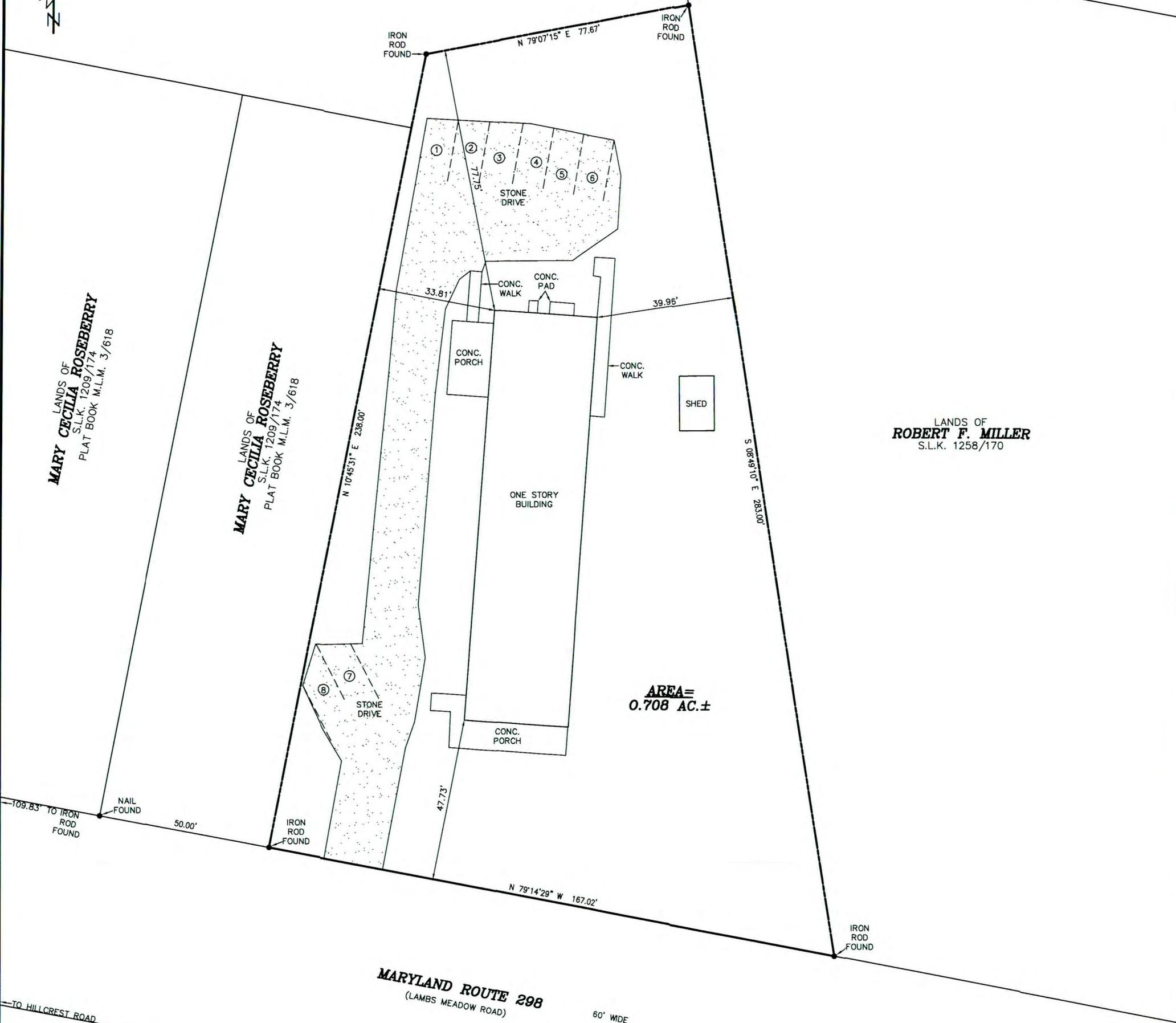


LANDS OF
MARY CECILIA ROSEBERRY
 S.L.K. 1209/174
 PLAT BOOK M.L.M. 3/618

LANDS OF
MARY CECILIA ROSEBERRY
 S.L.K. 1209/174
 PLAT BOOK M.L.M. 3/618

LANDS OF
MARY CECILIA ROSEBERRY
 S.L.K. 1209/174
 PLAT BOOK M.L.M. 3/618

LANDS OF
ROBERT F. MILLER
 S.L.K. 1258/170



AREA =
0.708 AC ±

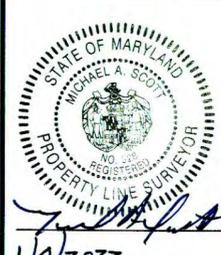
FOR DEED REFERENCE SEE: M.L.M. 712/94
 FOR PLAT REFERENCE SEE: M.L.M. 3/618
 PROPERTY ADDRESS: 25000 LAMBS MEADOW ROAD
 WORTON MARYLAND 21678

THIS BOUNDARY SURVEY WAS PREPARED BY A
 LICENSED PROPERTY LINE SURVEYOR OR A LICENSED
 PROPERTY LINE SURVEYOR WAS IN RESPONSIBLE CHARGE
 OVER ITS PREPARATION AND SURVEYING WORK REFLECTED
 HEREON, IN COMPLIANCE WITH MINIMUM STANDARDS AS REQUIRED
 IN COMAR 09.13.06.12.

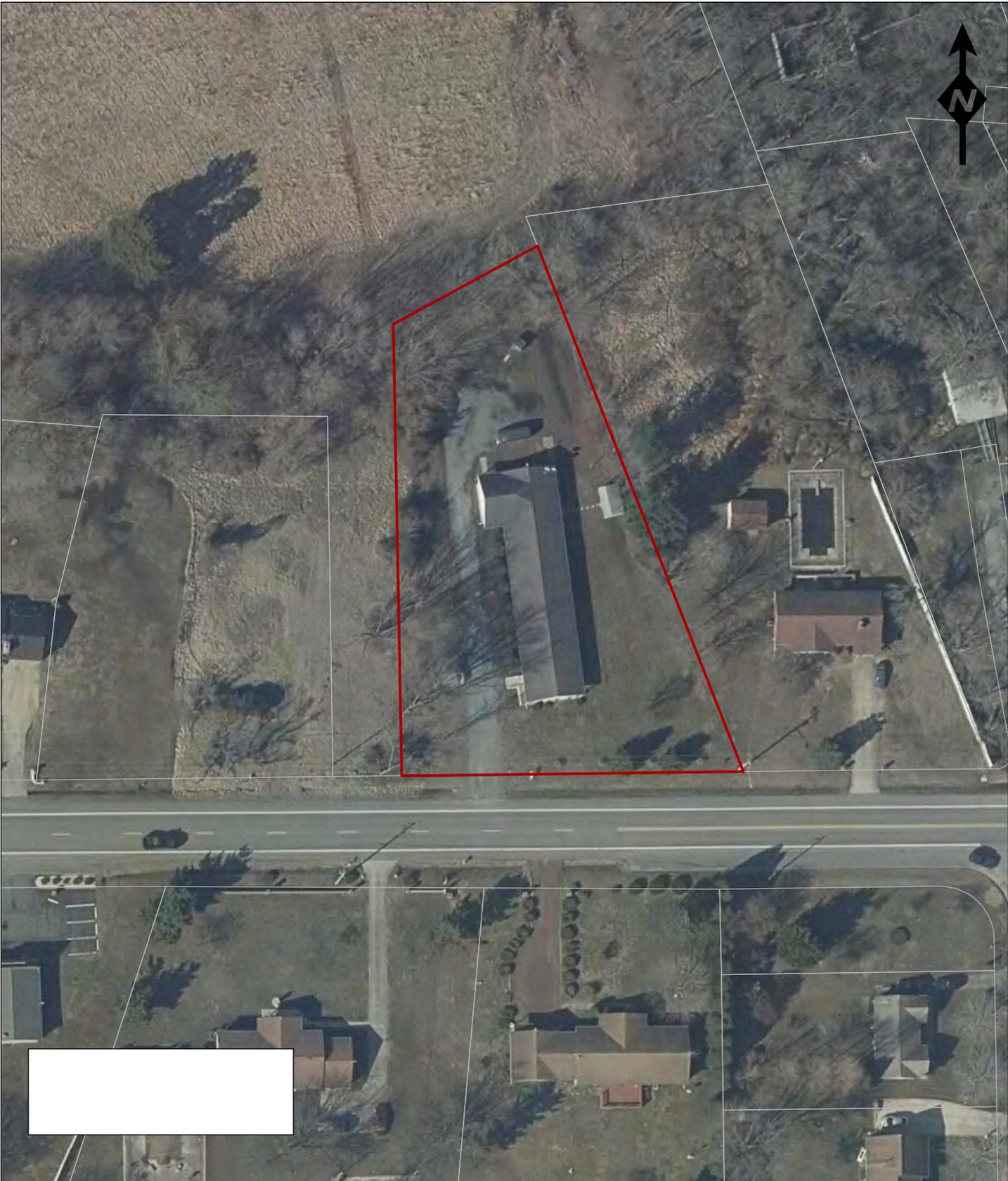
DWG. NAME —	SURVEY & LOCATION DRAWING		DATE 01-04-23	SCALE 1"=20'
	ON THE LANDS OF SHELDON S. PHILLIPS et al.		JOB NO. 7610	DRAWN BY K. DEAN
			FOLDER REF K-126	
	THIRD ELECTION DISTRICT, KENT COUNTY, MARYLAND		DATE	REVISION



MICHAEL SCOTT INC.
 400 S CROSS ST STE 3, CHESTERTOWN, MD 21620 (410)778-2310

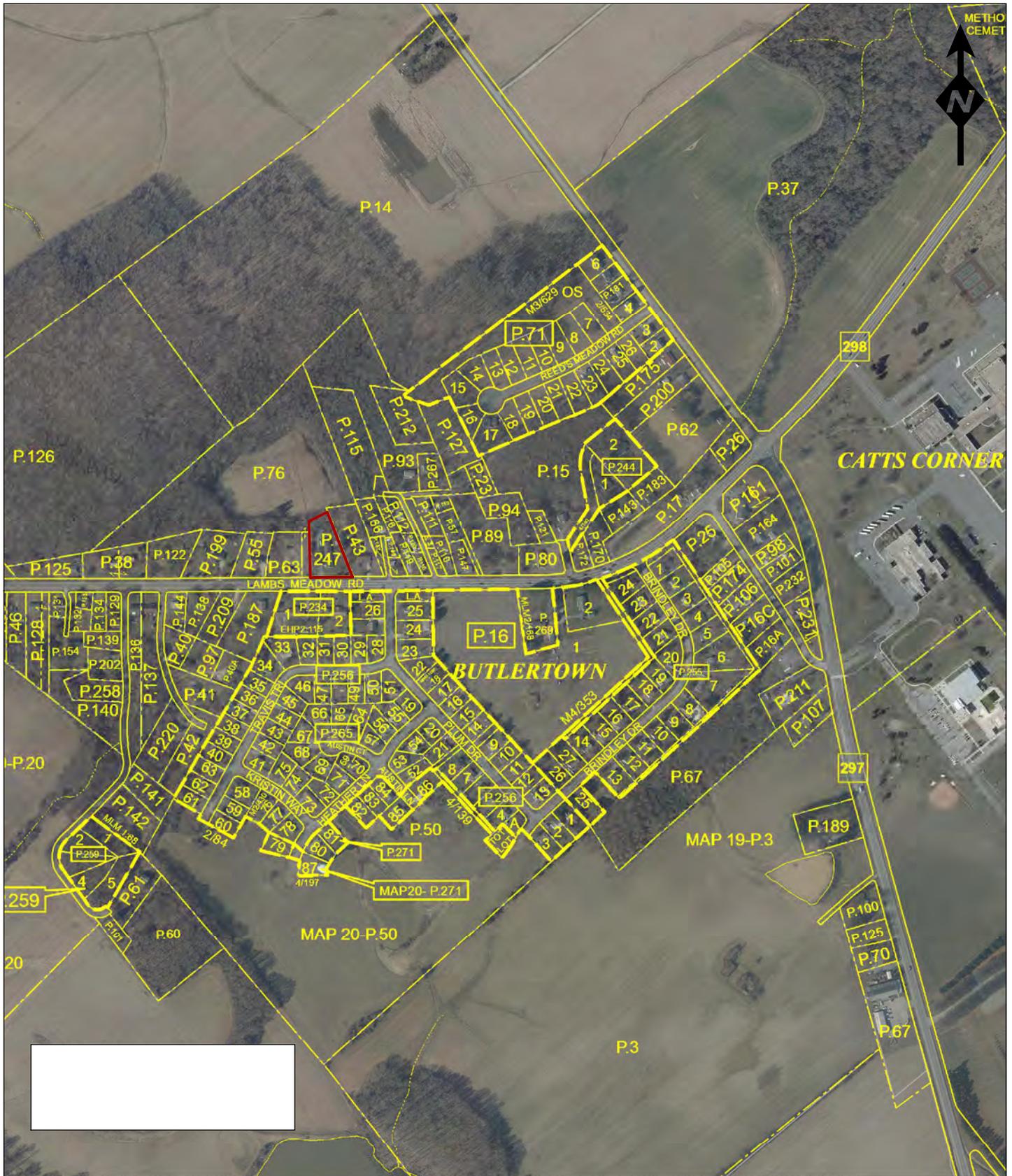


DATE: 1/17/23
 SEAL



Source: Kent County Department of Planning, Housing, and Zoning. Aerial taken Spring 2019. Map prepared July 2022.

1 inch = 75 feet



Source: Kent County Department of Planning, Housing, and Zoning.
 Aerial taken Spring 2019. Map prepared July 2022.

1 inch = 600 feet



To: Kent County Planning Commission
From: Carla Gerber, Deputy Director
Meeting: April 6, 2023
Subject: Camp Fairlee/ESSD-M, Inc.
23-11: Site Plan – Final Review

Executive Summary

Request by Applicant

The applicant is proposing to construct two, single-story dwellings for full-time, permanent staff.

Public Process

Per Maryland State Law and Article VI, Section 5 of the Kent County *Land Use Ordinance* the Planning Commission shall review and approve Major Site Plans.

Summary of Staff Report

The property is located at 22242 Bay Shore Road and is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). The dwellings will be located along the main driveway within the AZD portion. The surrounding area is a mix of cropland and forest. The property is currently improved with other cottages and buildings associated with the use as a camp. The proposed cottages will allow staff who currently live in the Manor House to move into single-family dwellings. The proposal is consistent with the Comprehensive Plan and meets the requirements of the Ordinance.

Staff Recommendation

Staff recommends granting final site plan approval contingent upon:

- 1) Corrections to the Forest Conservation plan.
- 2) Recordation of the forest conservation easement.
- 3) Approval of stormwater management plan.
- 4) Approval of water and sewer improvements.

PRELIMINARY STAFF REPORT

To: Kent County Planning Commission
From: Carla Gerber, Deputy Director
Subject: Camp Fairlee/ESSD-M, Inc.
23-11: Site Plan – Final Review
Date: March 30, 2023

Description of Proposal

The applicant is proposing to construct two, single-story dwellings for full-time, permanent staff. The proposed cottages will allow staff who currently live in the Manor House, which is also used for administrative purposes, to move into single-family dwellings. The property is located at 22242 Bay Shore Road and is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD). The dwellings will be located along the main driveway within the AZD portion. The surrounding area is a mix of cropland and forest. The property is currently improved with other cottages and buildings associated with the use as a camp.

Preliminary approval was granted at the March 2, 2023, meeting.

Relevant Issues

I. Site Plan Review

- A. *Comprehensive Plan*: “Implement thorough design review for new development and major renovations.” (Page 33)
- B. *Applicable Law*: Article VI, Section 5.3 of the Kent County *Land Use Ordinance* establishes site plan review procedures. The Planning Commission shall prepare findings of fact concerning the reasonable fulfillment of the objectives listed below.
 - a. Conformance with the Comprehensive Plan and, where applicable, the Village Master Plan.
 - b. Conformance with the provisions of all applicable rules and regulations of county, state, and federal agencies.
 - c. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
 - d. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate lighting, and internal traffic control.
 - e. Reasonable demands placed on public services and infrastructure.
 - f. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
 - g. Protection of abutting properties and County amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.
 - h. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
 - i. The applicant’s efforts to integrate the proposed development into the existing landscape through design features such as vegetative buffers, roadside plantings, and the retention of open space and agricultural land.
 - j. The applicant’s efforts to design the development to complement and enhance the rural and historic nature of the County including incorporating into the project forms and materials that

reflect the traditional construction patterns of neighboring communities.

- k. The building setbacks, area, and location of parking, architectural compatibility, signage, and landscaping of the development, and how these features harmonize with the surrounding townscape and the natural landscape.

C. *Staff and TAC Comments:*

- The proposal is consistent with strategies and goals of the Comprehensive Plan.
- The property is served by public water and sewer. The applicant is working with the Department of Public Works to finalize plans for connecting the new houses to the water and sewer system.
- Stormwater management plan is under review.
- The cottages will be located approximately 2,400 feet from Bay Shore Road and will not be noticeably visible from the road due to existing vegetation. The cottages will be approximately 300 feet from the closest property line.
- The proposed location is along the main driveway in a small field just outside of the Maryland Historic Trust easement for the Manor House. The field is screened on two sides by mature forest and by the existing trees along the driveway.
- The proposed cottages will be reviewed as commercial buildings for building code regulations.
- There are no proposed changes to site access.
- No trees will be removed, and forest conservation will be addressed by deed restricting an area of existing forest equal to 20% of the limits of disturbance for this project. A Forest Stand Delineation and Forest Conservation Plan have been submitted. Minor corrections are needed to the Forest Conservation Plan and the Forest Conservation Easement needs to be completed.

Staff Recommendation

Staff recommends granting final site plan approval contingent upon:

- 1) Corrections to the Forest Conservation plan.
- 2) Recordation of the forest conservation easement.
- 3) Approval of stormwater management plan.
- 4) Approval of water and sewer improvements.

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7475 (phone) • 410-810-2932 (fax)

SITE PLAN APPLICATION

File Number: _____ **Amount Paid:** _____ **Date:** _____

Project Name: _____

District: _____ **Map:** _____ **Parcel:** _____ **Lot Size:** _____ **Deed Ref:** _____ **Zoning:** _____

LOCATION: 22242 Bay Shore Road, Chestertown, Maryland 21620

PROPOSED USE: Continued use as a "Camp" - proposing two employee cottages

OWNER OF LAND:

Name: ESSD-M, Inc. **Telephone:** 320-221-2016

Address: 61 Corporate Circl, New Castle Delaware 19720 **Email:** gaucott@esdel.org

APPLICANT:

Name: (same as owner) **Telephone:** _____

Address: _____ **Email:** _____

AGENT/ATTORNEY (if any):

Name: _____ **Telephone:** _____

Address: _____ **Email:** _____

REGISTERED ENGINEER OR SURVEYOR:

Name: DMS & Associates c/o Kevin Shearon **Telephone:** 443-262-9130

Address: P.O. Box 80, Centreville, MD 21617 **Email:** kjs@dmsandassociates.com

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: kjs@dmsandassociates.com

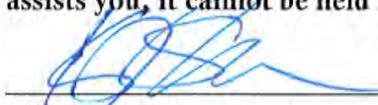
Water Supply: Public System On lot system

Sewerage: Public System On lot system

TELEPHONE SERVICED BY: n/a

ELECTRIC SERVICED BY: n/a

NOTICE: The Planning Office is not required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.



Signature of Applicant

3/16/2023

Date

Concept Plan Approving Authority: _____ Date _____
Preliminary Approving Authority: _____ Date _____
 Final Approving Authority: _____ Date _____

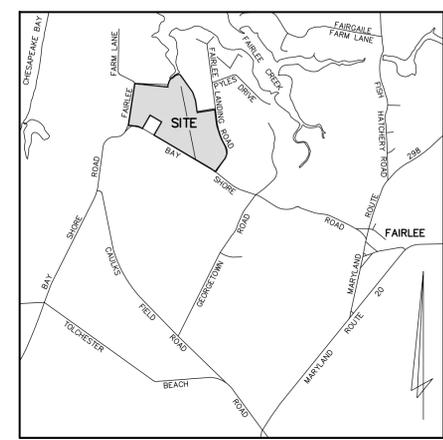
FINAL SITE PLAN FOR CAMP FAIRLEE COTTAGES NEAR THE TOWN OF CHESTERTOWN SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND

SITE STATISTICS

CURRENT USE - CAMP	
PROPOSED USE - CAMP	
GROSS SITE AREA	= 246.64 ac.± (per SDAT)
NON-CRITICAL AREA (ZONE - AG)	= 175.87 ac.±
CRITICAL AREA (ZONE - RCD)	= 70.77 ac.±
AREA WITHIN FLOODPLAIN	= 9.40 ac.±
FLOOR AREA (EXISTING) (0.16%)	= 0.398 ac.± (17,350 sq. ft.±)
FLOOR AREA (PROPOSED) (0.0%)	= 0.000 ac.± (0,000 sq. ft.±)
NON-CRITICAL AREA CALCULATIONS (ZONE - AG)	
IMPERVIOUS AREA (EXISTING) (2.0%)	= 3.53 ac.±
IMPERVIOUS AREA (TO BE REMOVED)	= 0.00 ac.±
IMPERVIOUS AREA (PROPOSED)	= 0.15 ac.±
IMPERVIOUS AREA (RESULTING) (2.0%)	= 3.68 ac.±
LANDSCAPE AREA (EXISTING) (98.0%)	= 172.34 ac.±
LANDSCAPE AREA (PROVIDED) (98.0%)	= 172.19 ac.±
CRITICAL AREA CALCULATIONS (ZONE - RCD)	
LOT COVERAGE (ALLOWED) (15%)	= 10.62 ac.±
LOT COVERAGE (EXISTING) (4.3%)	= 3.06 ac.±
LOT COVERAGE (TO BE REMOVED)	= 0.00 ac.±
LOT COVERAGE (PROPOSED)	= 0.00 ac.±
LOT COVERAGE (RESULTING) (4.3%)	= 3.06 ac.±
LANDSCAPE AREA (EXISTING) (95.7%)	= 67.71 ac.±
LANDSCAPE AREA (PROVIDED) (95.7%)	= 67.71 ac.±

NOTES

- PROPERTY LINE INFORMATION SHOWN HEREON IS TAKEN FROM DEED INFORMATION ONLY AND IS NOT THE RESULT OF A FIELD RUN SURVEY AT THIS TIME. GROSS AREA IS TAKEN FROM STATE DEPARTMENT OF ASSESSMENT AND TAXATION RECORDS.
- FOR DEED REFERENCE, SEE LIBER M.L.M. 163, FOLIO 514.
- CURRENT ZONING CLASSIFICATION - (AG) AGRICULTURE AND (RCD) RESOURCE CONSERVATION DISTRICT.
- THE PROPERTY IS PARTIALLY LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA DESIGNATIONS - RCA.
- SITE IS PARTIALLY LOCATED WITHIN 100 YEAR FLOODPLAIN AS SCALED FROM FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 24029C0281D AND 24029C0225D. (ZONE "AE") (ELEV. 6). EFFECTIVE DATE JUNE 9, 2014.
- SOILS SHOWN HEREON ARE SCALED FROM THE WEBSITE: <http://websoilsurvey.nrcs.usda.gov>.
- FOREST SHOWN HEREON ARE SCALED FROM ORTHO IMAGERY FLOWN IN THE FALL OF 2019 AND VERIFIED BY A SITE VISIT.
- EXISTING CONTOURS WITHIN THE DEVELOPMENT AREA ARE THE RESULT OF A FIELD RUN SURVEY BY MICHAEL A. SCOTT, INC IN JANUARY, 2023. VERTICAL DATUM IS NAVD 88.
- PUBLIC SEWER WILL BE UTILIZED FOR SEWAGE DISPOSAL AND PUBLIC WATER WILL BE UTILIZED FOR POTABLE WATER SUPPLY.



FOREST STATISTICS

GROSS SITE AREA	= 246.64 ac.±
FOREST (29.2%)	= 72.00 ac.±
FOREST WITHIN NON-CRITICAL AREA	= 38.60 ac.±
FOREST WITHIN CRITICAL AREA	= 33.40 ac.±
ZONE (AG)	
FOREST (21.9%)	= 175.87 ac.±
FOREST TO BE REMOVED	= 0.00 ac.±
FOREST TO BE RETAINED	= 38.60 ac.±
ZONE (RCD)	
FOREST (47.2%)	= 70.77 ac.±
FOREST TO BE REMOVED	= 33.40 ac.±
FOREST TO BE RETAINED	= 0.00 ac.±

GENERAL NOTES

- These drawings show information obtained from the best available records regarding pipes, conduits, telephone lines, and other structures and conditions which exist along the lines of the work both at and below the surface of the ground. The owner and engineer disclaim any responsibilities for the accuracy or completeness of said information being shown only for the convenience of the contractor, who must verify the information to his own satisfaction. If the contractor relies on said information, he does so at his own risk. The giving of the information on the contract drawings will not relieve the contractor of his obligations to support and protect all pipes, conduits, telephone lines, and other structures.
- The contractor shall notify the following two (2) weeks prior to the start of construction and shall coordinate construction with the utility companies involved:
Delmarva Power & Light Company ----- 1-800-375-7117
Miss Utility ----- 1-800-441-8355
DMS & Associates, LLC ----- 1-443-262-9130
Kent County Dept. Public Works ----- 1-410-778-7439
Kent Co. Sediment & Erosion Control Inspector - 1-410-778-7423
Kent Co. Dept. of Water & Wastewater ----- 1-410-778-3287
Maryland Department of the Environment ----- 1-410-531-3510
- All construction shall be marked for traffic and pedestrian safety.
- The Contractor shall provide all equipment, labor, and materials for all miscellaneous or test pit excavations required by the Engineer.
- The owner is responsible for the acquisition of all easements, both permanent and temporary.
- The Contractor assumes all responsibility for any deviations from these plans unless said deviation is approved by the Engineer. Contractor shall receive written permission from the Engineer if a deviation of the plans is necessary.
- All disturbed areas shall be smoothly graded to provide positive drainage in the direction of flow arrows herein and stabilized with topsoil, seed, and mulch. If settlement occurs, topsoil, seeding, and mulching shall be repeated until settlement subsides (See Erosion and Sediment Control Specifications).
- All trash, trees, and underbrush are to be cleared and removed off site to an approved dump site by the contractor.
- Any excess excavated material shall be removed off site by the contractor or material shall be placed on site as directed by the Engineer and/or Owner.
- Any existing survey monumentation that is disturbed during construction shall be replaced by a registered surveyor at the contractor's expense.
- The Contractor shall conduct his work in easements so that there will be a minimum of disturbance of the properties crossed. Any disturbed areas shall be restored to its original condition.
- All materials and methods of construction shall conform to the drawings, specifications, local building codes, and the standard specifications and details of Kent County.
- All drainage structures and swales shall remain functional during construction unless otherwise indicated on the plans.
- All water valves, boxes and hydrants shall be set and adjusted to finish grade.
- Whenever sewer or water mains or services run parallel to each other, a minimum horizontal separation of 10' shall be provided.
- Minimum cover over the sewer main shall be 42".
- All concrete used for utility work shall be in accordance with MD SHA Standards and Specifications for Mix No. 2.
- All paving materials and methods shall be in accordance with the latest MD SHA Standards and Specifications and be supplied by a State Certified plant.
- Trenches shall not remain open overnight. If it is necessary for trenches to remain open, steel plates capable of bearing traffic shall be used to completely cover the trench openings.
- Erosion and Sediment Control will be strictly enforced by the Kent County Sediment and Erosion Control Inspector.

FOREST CONSERVATION WORKSHEET (ZONE - AG)						
NET TRACT AREA						
TOTAL TRACT AREA	= 246.64					
DEDUCTIONS (ZONE - RCD)	= 70.77					
NET TRACT AREA	= 175.87					
LAND USE CATEGORY						
ARA	MDR	IDA	HDR	MPD	CIA	
1	0	0	0	0	0	
AFFORESTATION THRESHOLD (Net Tract Area X 20%)						
= 35.17						
CONSERVATION THRESHOLD (Net Tract Area X 50%)						
= 87.94						
EXISTING FOREST COVER						
EXISTING FOREST COVER WITHIN THE NET TRACT AREA	= 38.60					
AREA OF FOREST ABOVE CONSERVATION THRESHOLD	= 0.00					
BREAK EVEN POINT						
BREAK EVEN POINT	= 38.60					
FOREST CLEARING PERMITTED WITHOUT MITIGATION	= 0.00					
PROPOSED FOREST CLEARING						
TOTAL AREA OF FOREST TO BE CLEARED	= 0.00					
TOTAL AREA OF FOREST TO BE RETAINED	= 38.60					
PLANTING REQUIREMENTS						
REFORESTATION FOR CLEARING ABOVE THE CONSERVATION THRESHOLD	= 0.00					
REFORESTATION FOR CLEARING BELOW THE CONSERVATION THRESHOLD	= 0.00					
CREDIT FOR RETENTION ABOVE THE CONSERVATION THRESHOLD	= 0.00					
TOTAL REFORESTATION REQUIRED	= 0.00					
TOTAL AFFORESTATION REQUIRED	= 0.00					
TOTAL PLANTING REQUIRED	= 0.00					

NOTE:
FOREST CONSERVATION IS BASED OF 15% OF THE PROPOSED LIMITS OF DISTURBANCE
0.94 (L.O.D.) ac.± X 15% = 0.14 ac.± (REQUIRED)
0.14 ac.± (PROVIDED)
0.14 ac.± (FOREST RETENTION)

TABLE OF CONTENTS

SHEET C-1	-	TITLE SHEET
SHEET C-2	-	OVERALL SITE PLAN
SHEET C-3	-	EXISTING CONDITIONS PLAN
SHEET C-4	-	SITE, GRADING, STORMWATER MANAGEMENT AND SEDIMENT & EROSION CONTROL PLAN
SHEET C-5	-	DRAINAGE AREA MAP, CREDIT MAP AND DETAILS
SHEET C-6	-	UTILITY PLAN AND PROFILE
SHEET C-7	-	DETAILED UTILITY PLAN
SHEET C-8	-	UTILITY DETAILS
SHEET C-9	-	SEDIMENT AND EROSION CONTROL DETAILS AND SPECIFICATIONS

OWNER/DEVELOPER:

ESSD-M, INC. (EASTERSEALS CAMP FAIRLEE)
c/o GENE AUCOTT
61 CORPORATE CIRCLE
NEW CASTLE, DELAWARE 19720
PHONE No. 1-320-221-2016

SURVEYOR

MICHAEL A. SCOTT, INC.
c/o MIKE SCOTT
400 S. CROSS STREET
CHESTERTOWN, MARYLAND 21620
PHONE No. 1-410-778-2310

ENGINEER

DMS & ASSOCIATES, LLC
c/o KEVIN J. SHEARON, PE LEED AP
P.O. BOX 80
CENTREVILLE, MARYLAND 21617
PHONE No. 1-443-262-9130

STATEMENT OF PURPOSE AND INTENT

THE SITE IS LOCATED ON THE NORTH SIDE OF BAY SHORE ROAD AND WEST OF FAIRLEE LANDING ROAD NEAR THE VILLAGE OF FAIRLEE, MARYLAND. THE SITE IS THE LOCATION OF EASTER SEALS CAMP FAIRLEE. THE INTENT OF THIS FINAL SITE PLAN IS TO PROVIDE THE COUNTY WITH THE EXISTING CONDITIONS WITHIN THE CRITICAL AREA (ZONE - RCD) AND TO CONSTRUCT TWO (2) COTTAGES IN THE NON-CRITICAL AREA (ZONE - AZD).

THE PURPOSE OF THIS SITE PLAN IS TO OBTAIN FINAL SITE PLAN APPROVAL FROM THE KENT COUNTY PLANNING COMMISSION FOR THE PROPOSED IMPROVEMENTS ON THE SITE.

REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT AND MEET TECHNICAL REQUIREMENTS

APPROVED: _____ DATE _____

KENT SOIL AND WATER CONSERVATION DISTRICT

NOTE: KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

DEVELOPERS CERTIFICATION

I (WE) CERTIFY THAT:

A. ALL DEVELOPMENT AND CONSTRUCTION WILL BE DONE IN ACCORDANCE WITH THIS SEDIMENT AND EROSION CONTROL PLAN AND/OR STORMWATER MANAGEMENT PLAN, AND FURTHER, AUTHORIZED THE RIGHT OF ENTRY FOR PERIODIC ON-SITE EVALUATION BY THE KENT SOIL AND WATER CONSERVATION DISTRICT SEDIMENT CONTROL INSPECTOR OR MARYLAND DEPARTMENT OF THE ENVIRONMENT.

B. ANY RESPONSIBLE PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT WILL HAVE A CERTIFICATION OF ATTENDANCE AT THE DEPARTMENT OF ENVIRONMENT APPROVED TRAINING PROGRAM FOR THE CONTROL OF EROSION AND SEDIMENT BEFORE BEGINNING THE PROJECT.

C. IT WILL BE THE RESPONSIBILITY OF THE CONTRACTOR OR SUBCONTRACTOR TO NOTIFY THE ENGINEER OF ANY DEVIATION FROM THIS PLAN. ANY CHANGE MADE IN THIS PLAN WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER WILL PLACE RESPONSIBILITY FOR SAID CHANGE ON THE CONTRACTOR OR SUBCONTRACTOR.

SIGNATURE _____ DATE _____

ADDRESS _____ CARD No. _____

PHONE No. _____

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING KENT COUNTY DEPARTMENT OF PUBLIC WORKS KENT COUNTY HEALTH DEPARTMENT KENT SOILS AND WATER 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	<table border="1"> <tr> <th>DATE</th> <th>REVISION</th> </tr> <tr> <td>2-15-23</td> <td>PER COMMENTS</td> </tr> <tr> <td>3-16-23</td> <td>PER COMMENTS</td> </tr> </table>	DATE	REVISION	2-15-23	PER COMMENTS	3-16-23	PER COMMENTS	TITLE SHEET ON THE LANDS OF ESSD-M, INC. NEAR THE TOWN OF CHESTERTOWN TAX MAP - 35, GRID - 2D, PARCEL - 2 SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND PREPARED FOR : ESSD-M, INC.	<table border="1"> <tr> <th>DATE</th> <th>SCALE</th> </tr> <tr> <td>JANUARY '23</td> <td>AS SHOWN</td> </tr> <tr> <td>JOB No.</td> <td>DRAWN BY</td> </tr> <tr> <td>2022168</td> <td>WJM</td> </tr> <tr> <td>FOLDER Ref.</td> <td>DESIGNED BY</td> </tr> <tr> <td>35-2022168</td> <td>KJS</td> </tr> <tr> <td>SHEET No.</td> <td></td> </tr> <tr> <td>- C-1</td> <td></td> </tr> <tr> <td>CADD FILE -</td> <td></td> </tr> <tr> <td>22168C01</td> <td></td> </tr> </table>	DATE	SCALE	JANUARY '23	AS SHOWN	JOB No.	DRAWN BY	2022168	WJM	FOLDER Ref.	DESIGNED BY	35-2022168	KJS	SHEET No.		- C-1		CADD FILE -		22168C01	
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CADD FILE -																															
22168C01																															

LEGEND

-  PROPERTY LINE
-  EDGE OF EXISTING FOREST
-  EXISTING SOILS LINE AND TYPE
-  FLOOD PLAIN LINE
-  EDGE OF STREAM/POND
-  DEPICTS EXISTING MARYLAND HISTORICAL TRUST EASEMENT AREA

NOTE:
SEE SHEET C-3 FOR DETAILED INFORMATION
WITHIN THE MARYLAND HISTORICAL TRUST
EASEMENT AREA

LANDS N/F OF
MARGUERITE C. GULBRANDSEN, TRUST
M.L.M. 841/358
ZONED - RCD/AG

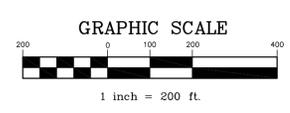
LANDS N/F OF
FREDERICK T. & MARY D. LOHR
M.L.M. 10/255
ZONED - RCD/AG
PROPOSED PROTECTED
FOREST RETENTION AREA
AREA = 0.11 ac.±

SEE SHEET C-4 FOR DETAILED
INFORMATION FOR THE PROPOSED
COTTAGES

LANDS N/F OF
PARKER POINT, LLC
M.L.M. 137/341
ZONED - AG

LANDS N/F OF
**COUNTY COMMISSIONER
OF KENT COUNTY**
M.L.M. 201/267
ZONED - AG

LANDS N/F OF
SCHNELLENBERG, INC.
E.H.P. 83/271
ZONED - AG



REVIEWED FOR THE KENT SOIL AND WATER CONSERVATION DISTRICT
AND MEETS TECHNICAL REQUIREMENTS

KENT SOIL AND WATER CONSERVATION DISTRICT _____ DATE _____

KENT SOIL AND WATER CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE EROSION CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.

KENT COUNTY DEPARTMENT OF PLANNING AND ZONING _____

KENT COUNTY DEPARTMENT OF PUBLIC WORKS _____

KENT COUNTY HEALTH DEPARTMENT _____

KENT SOILS AND WATER CONSERVATION DISTRICT _____

PROFESSIONAL CERTIFICATION:
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL
ENGINEER UNDER THE JURISDICTION OF THE STATE OF MARYLAND, LICENSE
No. 2004690, EXPIRES ON 09/16/2025, EXPIRATION DATE: 9-16-25



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
2-15-23	PER COMMENTS
3-16-23	PER COMMENTS

OVERALL SITE PLAN
ON THE LANDS OF
ESSD-M, INC.
NEAR THE TOWN OF CHESTERTOWN
TAX MAP - 35, GRID - 2D, PARCEL - 2
SIXTH ELECTION DISTRICT, KENT COUNTY, MARYLAND
PREPARED FOR : ESSD-M, INC.

DATE	SCALE
JANUARY '23	1" = 200'
JOB No. 2022168	DRAWN BY WJM
FOLDER Ref. 35-2022168	DESIGNED BY KJS
SHEET No. - C-2	
CADD FILE - 22168C02	

CAMP FAIRLEE - HOUSE # 1

22242 BAYSHORE ROAD CHESTERTOWN MD 21620
PRELIMINARY SET



COVER SHEET

**ROSIN CREEK
COLLABORATIVE**
7328 Church Hill Road
Chestertown MD 21620

REVISIONS

CAMP FAIRLEE -
HOUSE # 1

31 OCT 2022

A
A01



FRONT VIEW



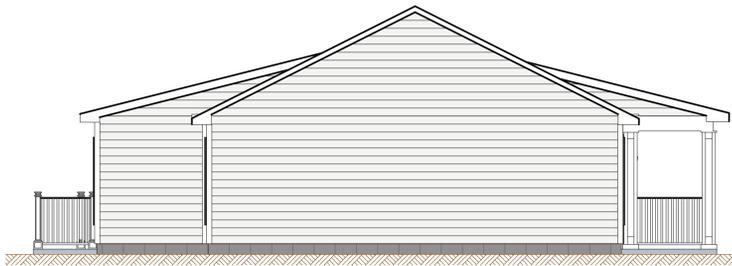
CORNER VIEW - FROM BACKYARD



CORNER VIEW - FROM FRONTYARD



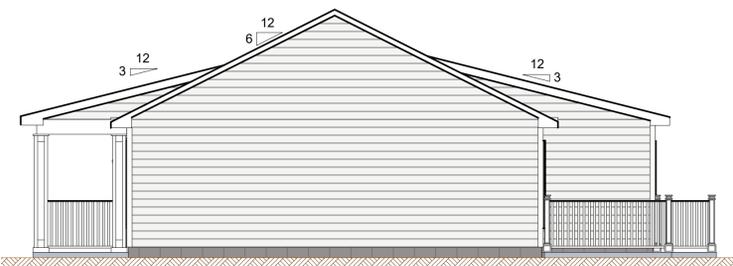
BACKYARD WALKING TO DECK



LEFT ELEVATION 3/16" = 1'-0"



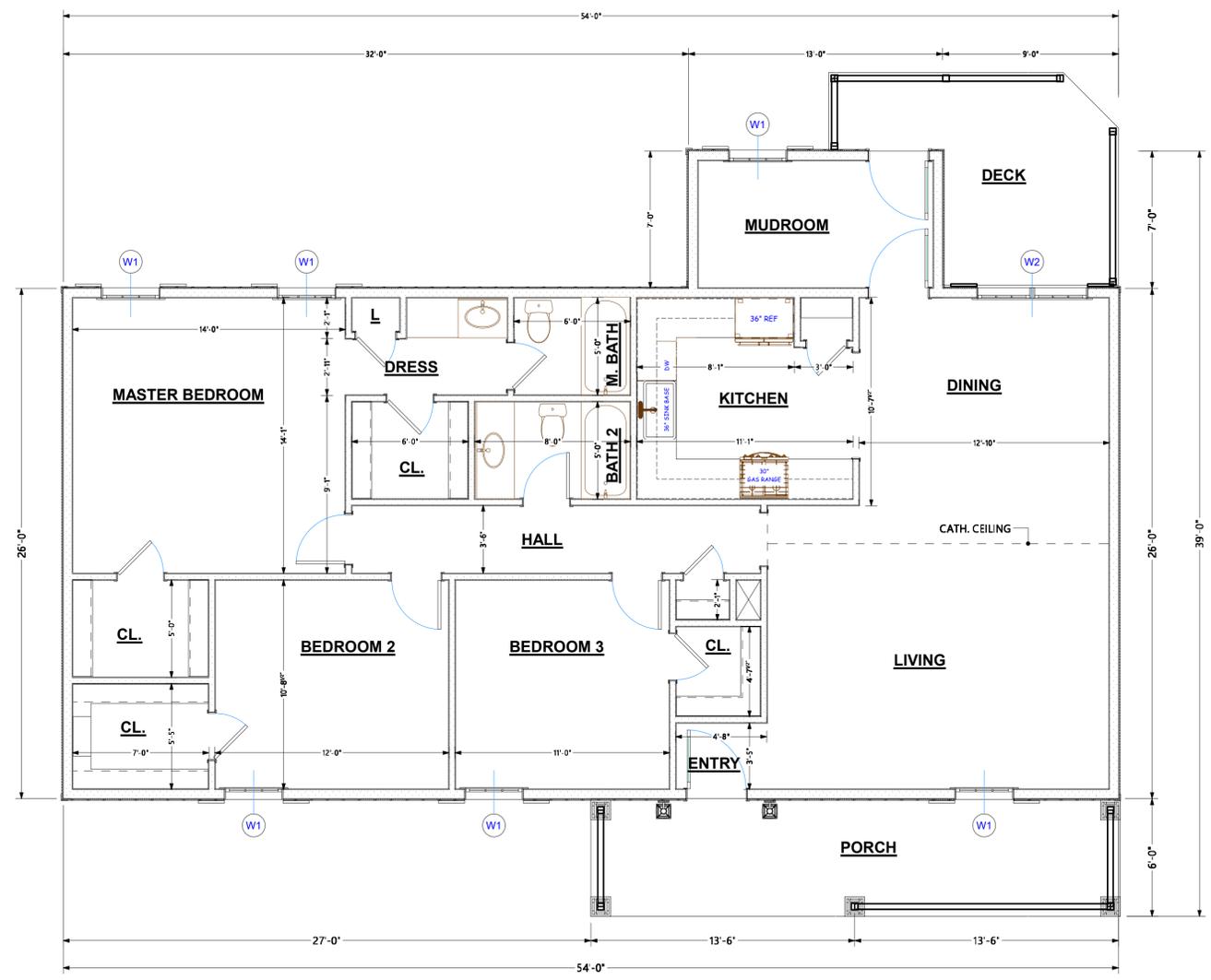
FRONT ELEVATION 3/16" = 1'-0"



RIGHT ELEVATION 3/16" = 1'-0"



REAR ELEVATION 3/16" = 1'-0"



1ST FLOOR PLAN 1/4" = 1'-0"

To: Kent County Planning Commission
From: Mark Carper, Associate Planner
Meeting: April 6, 2023
Subject: Thomas and Susan Schwarzwalders
Buffer Variance

Executive Summary

REQUEST BY THE APPLICANT

Thomas and Susan Schwarzwalders are requesting a variance to replace 88 feet of existing 4-foot-high fence in the buffer.

PUBLIC PROCESS

Per Article IX, Section 2.2 of the Kent County *Land Use Ordinance*, the Planning Commission shall review and make a recommendation to the Board of Appeals for variances.

SUMMARY OF THE STAFF REPORT

The in-kind replacement fence will follow the same configuration as the existing fence in the front yard of a waterfront property, will be 4 feet high, will include two gates, and will be set in concrete. A 2" x 4" wire fence is to be added and attached to the wooden structure. The Public Landing on Fairlee Creek abuts this fence line, and the replacement fence is to keep people at the Public Landing and their pets from trespassing on the applicant's property. A variance will not negatively impact the character of the neighborhood or adjacent properties, nor will it adversely impact water quality, vegetation, or wildlife. The location is 9827 Breezecroft Lane in the Sixth Election District and is zoned Critical Area Residential (CAR).

STAFF RECOMMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of a variance to install 88 feet of replacement fencing within the buffer with the following conditions:

- The Critical Area Commission does not oppose the proposed activity.
- Any mitigation that is recommended by the Critical Area Commission be required.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: #23-15 – Thomas and Susan Schwarzwalders
Buffer Variance
DATE: March 30, 2023

DESCRIPTION OF PROPOSAL

Thomas and Susan Schwarzwalders are requesting a variance to replace 88 feet of existing 4-foot-high fence in the buffer. The in-kind replacement fence will follow the same configuration as the existing fence, will be 4 feet high, will include two gates, and will be set in concrete. A 2" x 4" wire fence is to be added and attached to the wooden structure. The Public Landing on Fairlee Creek abuts this fence line, and the replacement fence is to keep people at the Public Landing and their pets from trespassing on the applicant's property. The location is 9827 Breezecroft Lane in the Sixth Election District and is zoned Critical Area Residential (CAR).

RELEVANT ISSUES

I. Area, Height, Width and Yard Requirements

A. *Applicable Law:* Article V, Section 5.5 of the Kent County Land Use Ordinance requires the minimum yard:

Front	50 ft
Side	15 ft
Rear	30 ft
Waterfront	Minimum 100 ft buffer*

B. *Staff and TAC Comments:* A variance is required to place 88 feet of fence within the buffer.

II. Buffer Requirements

A. *Comprehensive Plan:* "Maintain, enforce, and if necessary, strengthen regulations for floodplains and buffers." (Page 86)

B. *Applicable Law:* Article V, Section 5.7.B.3.a of the Kent County Land Use Ordinance addresses development in the buffer:

i. Development activities, including structures, roads, parking areas, and other impervious surfaces, mining, and related activities, or septic systems shall not be permitted within the minimum 100-foot buffer. This restriction does not apply to water-dependent facilities that meet the criteria set forth below.

ii. New or expanded development activities may be permitted in the minimum 100-foot buffer, provided:

- a) The use is water dependent.
- b) The project meets a recognized private right or public need.
- c) Adverse effects on water quality and fish, plant, or wildlife habitats are minimized.
- d) In so far as possible, non-water dependent structures or operations

associated with water dependent projects or activities are located outside the minimum 100-foot buffer.

- C. *Staff and Comments:* The applicants have applied for a variance to replace 88 feet of existing 4-foot-high fence in the buffer. The fence will be along the property line and will provide the applicants with security from trespassing by users of the adjacent public landing and their pets. The Land Use Ordinance specifies that fences are structures within the definition of “structure,” and structures are not permitted in the buffer.

III. Variance

- A. *Applicable Law:* Article IX Section 2.2 of the Kent County Land Use Ordinance authorizes the Board of Appeals to grant variances from the yard (front, side, or rear), height, bulk, parking, loading, shoreline cliff, 15% slope, pier length, impervious surface, stream protection corridor, and buffer requirements so as to relieve practical difficulties or other injustices arising out of the strict application of the provisions of this Ordinance.

Such granting of a variance shall comply, as nearly as possible, in every respect to the spirit, intent, and purpose of this Ordinance.

In the Critical Area, for a variance of 15% slope, impervious surface, or buffer requirements, it being the purpose of this provision to authorize the granting of variation only for reasons of demonstrable and exceptional unwarranted hardship as distinguished from variations sought by applicants for purposes or reasons of convenience, profit, or caprice.

In order to grant a variance, the Board of Appeals must find all of the following:

- a. That the variance will not cause a substantial detriment to adjacent or neighboring property.
- b. That the variance will not change the character of the neighborhood or district.
- c. That the variance is consistent with the Comprehensive Plan and the general intent of this Ordinance.
- d. That the practical difficulty or other injustice was caused by the following:
 - i. Some unusual characteristic of size or shape of the property.
 - ii. Extraordinary topographical or other condition of the property.
 - iii. The use or development of property immediately adjacent to the property, except that this criterion shall not apply in the Critical Area.
- e. That the practical difficulty or other injustice was not caused by the applicant’s own actions.
- f. That within the Critical Area for variances of 15% slope, impervious surface, or buffer requirements:
 - i. The granting of a variance will be in harmony with the general spirit and intent of the Critical Area Law and the regulations adopted by Kent County.
 - ii. That the granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat.
 - iii. That the application for a variance will be made in writing with a copy provided to the Critical Area Commission.
 - iv. That the strict application of the Ordinance would produce an unwarranted hardship.

- v. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity.
- vi. The authorization of such variance will not be a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.
- vii. That a literal interpretation of this Ordinance deprives the applicant of rights commonly enjoyed by other properties in similar areas within the Critical Area of Kent County.
- viii. That the granting of a variance will not confer upon an applicant any special privilege that would be denied by this Ordinance to other lands or structures.
- ix. Due to special features of a site, or special conditions or circumstances peculiar to the applicant's land or structure, a literal enforcement of this Ordinance would result in unwarranted hardship to the applicant.
- x. The Board of Appeals finds that the applicant has satisfied each one of the variance provisions.
- xi. Without the variance, the applicant would be deprived of a use of land or a structure permitted to others in accordance with the provisions of the critical area program.
- g. In considering an application for a variance, the Board shall consider the reasonable use of the entire parcel or lot for which the variance is requested.
- h. In considering an application for a variance, the Board of Appeals shall presume that the specific development activity in the Critical Area that is subject to the application and for which a variance is required does not conform with the general purpose and intent of this Ordinance and the Critical Area Law.
- i. The Board may consider the cause of the variance request and if the variance request is the result of actions by the applicant, including the commencement of development activity before an application for a variance has been filed.

B. *Staff and TAC Comments:* It is staff's opinion that granting a variance will not cause a substantial detriment to neighboring properties or change the character of the neighborhood or district. The existing fence has become dilapidated and does not adequately prevent trespassing from the public landing onto the applicants' property. The proposed in-kind fence replacement will not extend below the mean high-water line and will not negatively impact water quality, wildlife, or vegetation. The proposed 2" by 4" wire fencing will keep out errant pets while allowing small wildlife to pass through or climb over. Cement footers are to be included. This application has been sent to the Critical Area Commission for review.

STAFF RECOMENDATION

Staff recommends forwarding a favorable recommendation to the Board of Appeals for approval of a variance to install 88 feet of replacement fencing within the buffer with the following conditions:

- The Critical Area Commission does not oppose the proposed activity.
- Any mitigation that is recommended by the Critical Area Commission be required.
- The variance will lapse after the expiration of one year if no substantial construction in accordance with the plans herein presented occurs.

BOARD OF APPEALS APPLICATION

Kent County Department of Planning, Housing and Zoning

Kent County Government Center
400 High Street • Chestertown, MD 21620
410-778-7423 (phone) • 410-810-2932 (fax)

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

Thomas P. Schwarzwaldler
Susan E. Schwarzwaldler
106 S. Princeton Avenue
Wenonah, NJ 08090
Email: tom@onsitemarketing.com

For Office Use Only:

Case Number/Date Filed:
Filed by:
Applicant:
Planning Commission:
Date of Hearing:
Parties Notified:
Notice in Paper:
Property Posted:

Please provide the email of the one person who will be responsible for responding to comments. Only this person will be contacted by staff and will be the person responsible for forwarding the comments or requests for additional information to any other interested parties. EMAIL: tom@onsitemarketing.com

TO THE KENT COUNTY BOARD OF APPEALS: In accordance with Article 8 Section 2

of the Kent County Zoning Ordinance, as amended, request is hereby made for:

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

DESCRIPTION OF PROPERTY INVOLVED:

Located on: (Name of Road, etc.) 9827 Breezecroft Lane, Chestertown, MD 21620

In the 6 Election District of Kent County.

Size of lot or parcel of Land: 2.15 AC

Map: 0026 Parcel: 0009 Lot #: N/A Deed Ref: /01254/00056

List buildings already on property: Main house, Cottage, Detached Garage

If subdivision, indicate lot and block number: N/A

If there is a homeowner's association, give name and address of association: N/A

PRESENT ZONING OF PROPERTY: Residential

DESCRIPTION OF RELIEF REQUESTED: (List here in detail what you wish to do with property that requires the Appeal Hearing.) Seeking a variance to replace 88 feet of existing 4-foot-high, 3 rail paddock style fence between our property 9827 Breezecroft Lane and the Public Landing on Fairlee Creek. The fence will conform with the 4-foot-high requirement for front yard fences as the we understand the water side is our front yard. The current fence is old and beyond repair. The fence to be installed will be the same as what is currently in place with the exception that we would like to add 2" x 4" wire to the fence. The fence will consist of 9 eight foot sections of fence (72 feet) and two 8 foot gates (16 feet), which is the current configuration. Line posts to be by 4"x4" set in concrete and the gate posts are to be 6"x6" set in concrete. Please reference the attached estimate from local fence contractor TL

Fence for pictures and exact description. The fence is necessary to keep people and pets from trespassing on our property while using the public landing.

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

Present owner(s) of property: Thomas & Susan Schwarzwald Telephone: (610) 574-5222 – Tom Cell

If Applicant is not owner, please indicate your interest in this property: N/A

Has property involved ever been subject to a previous application? Unknown

If so, please give Application Number and Date: _____

PLEASE FILL IN BELOW, OR ATTACH HERETO, A SKETCH OF THIS PROPERTY.

List all property measurements and dimensions of any buildings already on the property.

Put distances between present buildings or proposed buildings and property lines.

NAMES OF ADJOINING PROPERTY OWNERS:

Owner(s) on the North: N/A – Fairlee Creek

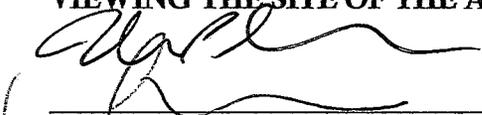
Owner(s) on the South: Frederick T Lohr & Mary DeSales Lohr

Owner(s) to the East: N/A – Kent County Public Landing Fairlee Creek

Owner(s) to the West: Autism Village Foundation - 9831 Breezecroft Lane, Chestertown, MD 21620

Homeowners Association, name, and address, if applicable: N/A

BY SIGNING THIS APPLICATION, I GRANT MEMBERS AND ALTERNATE OF THE BOARD OF ZONING APPEALS THE RIGHT TO ENTER ONTO THE PROPERTY FOR THE PURPOSE OF VIEWING THE SITE OF THE APPLICATION OR APPEAL.



Signature of Owner/Applicant/Agent or Attorney

02/16/2023
Date

Please file this form at 400 High Street, Chestertown, MD 21620 accompanied by **\$350.00** filing fee made payable to the **County Commissioners of Kent County**. The filing fee for appeals of a Zoning Administrator's decision is \$250.00. If you have any questions, please contact the Clerk at 410-778-7467.

NOTICE: Neither the Board of Appeals nor the Planning Department is required to make out this Application. If the Planning Department assists you, it cannot be held responsible for its contents.

Applicants arriving more than 10 minutes after the scheduled hearing will not be heard and will be re-scheduled at the applicant's expense.

Kent County Parcel Viewer - ArcGIS We



District: **06** Account Number: **005748**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at <http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx> (<http://planning.maryland.gov/Pages/OurProducts/OurProducts.aspx>).

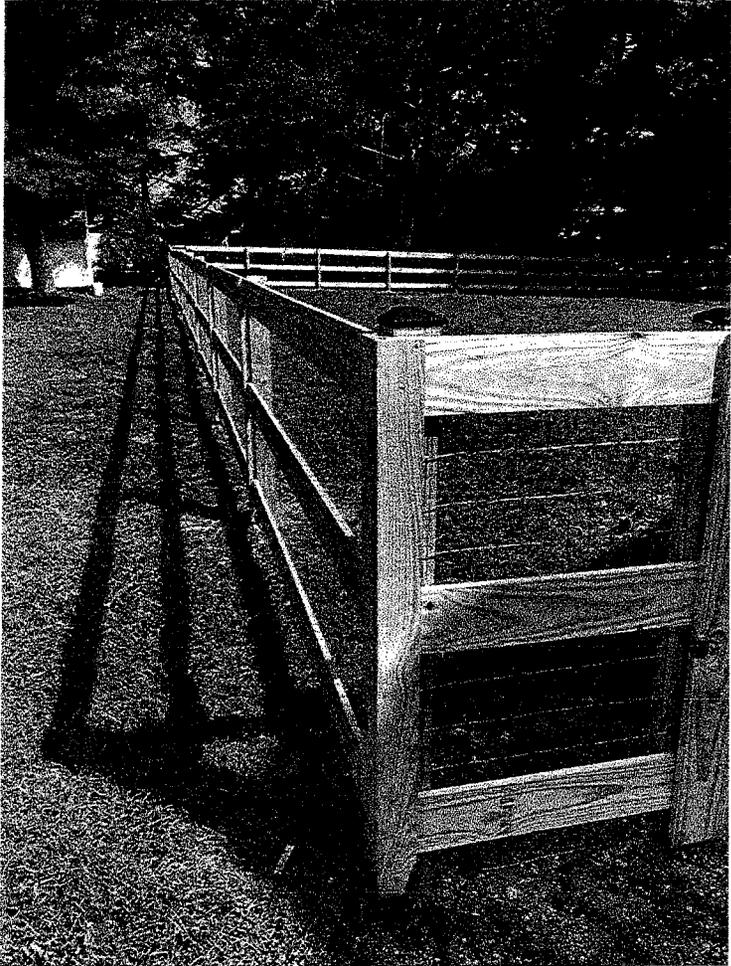


Source: Kent County Department of Planning, Housing, and Zoning.
Aerial taken Spring 2019. Map prepared March 2023.

1 inch = 75 feet



Fence Style:





To: Kent County Planning Commission
From: Bill Mackey, AICP, Director
Meeting: April 6, 2023
Subject: Zoning Text Amendment - to update the height of industrial structures in the US 301 Corridor

Executive Summary

Request

On March 14, 2023, the County Commissioners adopted a Resolution to consider a zoning text amendment to update Article V. *District Regulations, Section 11. Commercial District, § 11.5 Density, Area, Height, Width, and Yard Requirements*, by adding a new provision to regulate the height of industrial structures in general and by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. *District Regulations, Section 14. Employment Center District, § 14.5 Density, Height, Width, Bulk, and Fence Requirements*, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; and, to update Article V. *District Regulations, Section 15. Industrial District, § 15.5 Density, Height, Width, and Fence Requirements*, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor.

Adopted Resolution 2023-2 including Exhibit A that contains the text of the Code Home Rule Bill is attached.

Public Process

Per Article XII *Administrative Procedures, Section 6 Amendments* of the Kent County Land Use Ordinance, the County Commissioners may amend, supplement, or change the boundaries of the districts or the regulations of the Land Use Ordinance. Before taking any action on any proposed amendment, supplement, or change, the County Commissioners will submit the proposal to the Planning Commission for its review and recommendation.

Summary of Staff Report

The proposed zoning text amendment would update permitted maximum heights for industrial structures in the Employment Center and Industrial districts. It would also include provisions for the height of industrial structures in the Commercial district, since *distribution centers and warehousing* are permitted in the Commercial district.

The proposed height update is limited to those projects proposed in the Route 301 Corridor. Staff have proposed adding a definition, since the Corridor is not defined in the Land Use Ordinance, and a definition would be useful.

Recommendation

Staff recommends sending a favorable recommendation to the Board of County Commissioners on the proposed zoning text amendment and a favorable recommendation related to the proposed definition for the 301 Corridor.

PRELIMINARY STAFF REPORT

TO: Kent County Planning Commission
SUBJECT: Zoning Text Amendment – To update the height of industrial structures in the US 301 Corridor
DATE: March 31, 2023

DESCRIPTION OF PROPOSAL

AN ACT to amend Chapter 222, Zoning, of the Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, in order to update Article V. *District Regulations*, Section 11. *Commercial District*, § 11.5 *Density, Area, Height, Width, and Yard Requirements*, by adding a new provision to regulate the height of industrial structures in general and by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. *District Regulations*, Section 14. *Employment Center District*, § 14.5 *Density, Height, Width, Bulk, and Fence Requirements*, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; and, to update Article V. *District Regulations*, Section 15. *Industrial District*, § 15.5 *Density, Height, Width, and Fence Requirements*, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor.

APPLICABLE LAW

Article XII *Administrative Procedures*, Section 6 *Amendments* of the Kent County Land Use Ordinance establishes the standards for the review and approval of a zoning text amendment on pages 487-488 and as follows:

1. The County Commissioners may amend, supplement, or change the boundaries of the districts or the regulations of this Ordinance. Any amendment may be initiated by a resolution of the County Commissioners, the motion of the Planning Commission, or petition of any property owner using forms specified by the Planning Commission.

Staff comment: Resolution 2023-2 is attached hereto for reference.

2. The application for an amendment to the text of the Ordinance shall, at a minimum, state in particular the article section, and paragraph sought to be amended. The application shall contain the language of the proposed amendment and shall recite the reasons for the proposed change in text.

Staff comment: Reasons are set forth in the attached Resolution. Article sections and sub-sections are set forth in Exhibit A including proposed text language in legislative format for consideration. Mock-up pages from the Land Use Ordinance illustrating the proposed changes are also attached.

3. The application for an amendment to the map of this Ordinance shall, at a minimum, specify the map and parcels sought to be amended, the current and proposed zoning classification, and recite the reasons for the proposed amendment.

Staff comment: In this case, a map amendment is not being proposed.

PRELIMINARY STAFF REPORT

4. Before taking any action on any proposed amendment, supplement, or change, the County Commissioners shall submit the proposal to the Planning Commission for review and recommendation. The Planning Commission may hold a hearing on any proposed amendment, supplement, or change before submitting its recommendation to the County Commissioners. The Planning Commission may request any pertinent data and information as it deems necessary. In its recommendation, the Planning Commission shall address:

a) The public need for the proposed amendment; and

Staff comment: A suggested public need is set forth in Resolution 2023-2 to provide for the local zoning provisions to be updated to allow for construction of modern, marketable buildings.

b) The extent to which the proposed amendment complies with or deviates from the Comprehensive Plan and the Critical Area Law.

Staff comment: The proposed zoning text amendment addresses one of the HIGHEST PRIORITIES in the Comprehensive Plan, and this is detailed in the staff report section immediately below.

Staff comment: In this case, Critical Area Law would not be affected, since the proposed changes only relate to zoning districts that are not mapped for the Critical Area.

c) When reviewing an amendment to the zoning map, the Planning Commission shall address the suitability of the property in question for the uses permitted under the proposed zoning. The Planning Commission shall not recommend the adoption of the amendment unless it finds that the adoption of the amendment is in the public interest and not solely for the interest of the applicant. Failure of the Planning Commission to report to the County Commissioners within 60 days after its first meeting after the proposal was referred to them, shall be deemed approval.

Staff comment: In this case, a map amendment is not being proposed.

COMPREHENSIVE PLAN

The proposed text amendment is consistent with HIGHEST PRIORITIES in the Kent County Comprehensive Plan and the corresponding strategy and implementation text located in the body of the Comprehensive Plan.

The 2018 Comprehensive Plan calls for regulatory flexibility related specifically to industrial uses. Updating the Land Use Ordinance to address modern standards and construction practices for the height of industrial structures in those zoning districts in the US 301 Corridor, where industrial uses are permitted, is supported by the Comprehensive Plan.

On page 12, the *2018 Comprehensive Plan* includes the following strategy and implementation text in the Economy chapter under the Business and Industry section:

PRELIMINARY STAFF REPORT

Strategy: Expand regulatory flexibility for the creation of and location of employment centers and industrial uses.

Through its economic development planning and land use implementation measures, the County will support flexibility in and an expanded area of employment center and industrial zoning in general to support commercial and mixed-use development. These efforts will especially focus on the Worton area, and the US 301 corridor with a priority that the area between the Town of Millington and the lands surrounding the Route 291-Route 301 intersection be guided by the desired expansion of services and land use identified by Millington's municipal growth element.

Potential new sites will be located where infrastructure exists or can be cost effectively developed consistent with this Comprehensive Plan and the County's Water and Sewerage Plan.

On page 129, the *2018 Comprehensive Plan* includes the following under its HIGHEST PRIORITIES section:

- B. Expand regulatory flexibility for the creation of and location of employment centers and industrial uses. Through its economic development planning and land use implementation measures, the County will support flexibility in and an expanded area of employment center and industrial zoning in general to support commercial and mixed-use development. These efforts will especially focus on the Worton area, and the US 301 corridor with a priority that the area between the Town of Millington and the lands surrounding the Route 291-Route 301 intersection be guided by the desired expansion of services and land use identified by Millington's municipal growth element.

STAFF ANALYSIS

Industry changes. NAIOP Maryland, the Maryland Chapter of the National Association of Industrial and Office Parks, notes in its online article discussing cold storage and then expanding to a more general discussion in the final section of the article that "Across the board, these [industrial] buildings are growing larger, include 130-foot truck courts, feature up to 40-foot clear ceiling heights (up from 28 feet which was common just 10 years ago) and state-of-the-art automated fulfillment technology and equipment. Sustainability elements, such as green rooftops, are also starting to creep into the newer designs" (see *Scarce land, changing user needs alter designs* section [here](#)).

Rising interior clear ceiling heights mean that updated overall building heights are needed, especially when buildings will also need to accommodate structural members, green roofs, rooftop mechanical equipment, and decorative parapets that would be required to shield views of the rooftop mechanical equipment.

Some cases are reported where 50-foot interior clear heights are being designed. "In recent years, as ecommerce companies like Amazon push the envelope in maximizing warehouse efficiency with new automation and racking systems, developers are responding by raising the clear height in new warehouse developments to new levels. Thirty-six-foot clear heights are becoming the norm. One architect recently wrote a column about a request to design a build-to-suit facility with a 50-foot clear height" (From a review of North American warehouse development [here](#)).

PRELIMINARY STAFF REPORT

In conversations with designers of the proposed industrial structures currently under review, 60 feet was mentioned. This would be sufficient to address changing standards in the industry and allow for marketable buildings to be built.

Route 301 Corridor. Throughout the Land Use Ordinance, the term *Route 301 Corridor* is widely used; however, it is not defined. The term is defined in the *US Route 301 Corridor Study*, January 2007 (attached):

For purposes of this report and for ongoing discussions, we will define the "Route 301 Corridor" as that portion of land adjacent to and one mile east and one mile west of the nine-mile long section of U.S. Route 301 as it passes from north to south through Kent County, Maryland (*US Route 301 Corridor Study*, page 2).

Upon reviewing the attached map, there are properties in Massey that are zoned Employment Center and Industrial, which are located on MD Route 313 close to US 301, but they are just outside the one-mile band described above.

From the context of these Employment Center-zoned properties, it appears that the intention of the zoning for these properties was that they be regulated using the various Route 301 Corridor-related provisions in the Land Use Ordinance. Since the *US Route 301 Corridor Study* was conducted after zoning districts were established, it appears that this intention and the one-mile band were not necessarily tightly coordinated.

Excerpts from the Land Use Ordinance related to the 301 Corridor are provided in the attached, which does not include the 301 Corridor provisions that were already included in the three mock-up pages. These are provided to illustrate how the Land Use Ordinance currently incorporates the 301 Corridor as a concept.

Staff proposes adding a definition to Article XI *Definitions*, Section 2 *Definitions* of the Land Use Ordinance. The language used in the definition from the *US Route 301 Corridor Study* is indicated below in **bolded** font.

Route 301 Corridor - One of two growth areas in Kent County identified by the Comprehensive Plan, which includes **land adjacent to and approximately one mile east and one mile west of the nine-mile-long section of U.S. Route 301, as it passes from north to south through Kent County, Maryland**, and land surrounding and in the general vicinity of the intersection of MD Routes 299, 313, and 330.

STAFF RECOMMENDATION

Staff recommends sending a favorable recommendation to the Board of County Commissioners on the proposed zoning text amendment and a favorable recommendation related to the proposed definition for the 301 Corridor.

ATTACHMENTS

- Resolution 2023-2 with Exhibit A detailing the proposed zoning text amendment
- Mock-up pages from the Land Use Ordinance illustrating proposed changes
- *US Route 301 Corridor Study*, January 2007
- One-mile corridor mapped for illustration
- Land Use Ordinance excerpted provisions

RESOLUTION 2023-02

COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

A RESOLUTION TO INTRODUCE A TEXT AMENDMENT TO REVISE CHAPTER 222, ZONING, OF THE COUNTY CODE OF KENT COUNTY, MARYLAND, ALSO KNOWN AS THE KENT COUNTY LAND USE ORDINANCE, TO UPDATE THE PERMITTED HEIGHT OF INDUSTRIAL STRUCTURES LOCATED IN CERTAIN ZONING DISTRICTS AND LOCATED IN THE ROUTE 301 CORRIDOR.

WHEREAS, the Board of County Commissioners of Kent County, Maryland (the Board) may exercise its right to amend the County Code of Kent County, Maryland (the Code), by legislative action in the form of a Code Home Rule Bill to create an Act and thus propose text amendments to the Code; and,

WHEREAS, in Article XII, *Administrative Procedures*, Section 6, *Amendments*, §1, the Land Use Ordinance states regarding the Board and the Code that “The County Commissioners may amend, supplement, or change the boundaries of the districts or the regulations of this Ordinance. Any amendment may be initiated by resolution of the County Commissioners...”; and,

WHEREAS, the *2018 Comprehensive Plan* specifically identifies as one of its highest priorities that “Through its economic development planning and land use implementation measures [zoning code, among other tools], the County will support flexibility in and an expanded area of employment center and industrial zoning in general to support commercial and mixed-use development”; and,

WHEREAS, industry standards are changing including up to 40-foot clear ceiling heights for new warehouse facilities and even 50-foot clear ceiling heights, as reported by NAIOP Maryland and others, necessitating new building height limits to accommodate both interior spaces and structures to support roofs and screening of rooftop equipment; and,

WHEREAS, the Board finds that amending the permitted height of industrial structures in certain zoning districts for those properties located along the 301 Corridor addresses the public need to provide for economic development through the aforementioned tool of land use implementation measures by expanding zoning district flexibility in employment center and industrial zoning in general; and,

WHEREAS, the permitted maximum heights for industrial structures in the Employment Center zoning district and the Industrial zoning district could be amended for greater flexibility; and,

WHEREAS, the Code does not currently include provisions for the height of industrial structures in the Commercial zoning district, even though *distribution centers and warehousing* are permitted uses in said district; and,

WHEREAS, the Board determines that updating local zoning regulations including provisions to allow for construction of modern, marketable buildings on properties currently zoned for new industrial uses to support economic development does serve to further the health, safety, and welfare of Kent County.

NOW, THEREFORE, BE IT RESOLVED, that on March 14, 2023, the Board does hereby introduce the proposed text amendment, attached hereto as Exhibit A, to amend the height of industrial structures along the 301 Corridor in the Employment Center zoning district and Industrial zoning district, and to add new height regulations for industrial structures both inside and outside the 301 Corridor in the Commercial zoning district that already permits such structures as *distribution centers and warehousing*.

BE IT FURTHER RESOLVED that the Board refers the draft amendment for advisory review and recommendation to the Kent County Planning Commission.

ADOPTED this day, March 14, 2023.

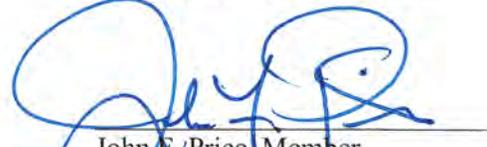
ATTEST:


Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


Ronald H. Fithian, President


Albert H. Nickerson, Member


John R. Price, Member

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

Month X, 2023
Legislative Session Day

Legislative Session Day
Month X, 2023

CODE HOME RULE
BILL NO. X-2023

INTRODUCED BY: Ronald H. Fithian, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Chapter 222, Zoning, of the Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, in order to update Article V. District Regulations, Section 11. Commercial District, § 11.5 Density, Area, Height, Width, and Yard Requirements, by adding a new provision to regulate the height of industrial structures in general and by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. District Regulations, Section 14. Employment Center District, § 14.5 Density, Height, Width, Bulk, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; and, to update Article V. District Regulations, Section 15. Industrial District, § 15.5 Density, Height, Width, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor.

THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND

Ronald H. Fithian, President

INTRODUCED, read the first time, Month X, 2023, ordered posted and public hearing scheduled on Month X, 2023, at XX:XX a.m. / p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By order of:

Sondra M. Blackiston, Clerk

PUBLIC HEARING

HAVING been posted and notice of the time and place of the hearing and copies having been made available to the public and the press, a public hearing was held on Month X, 2023. Reported favorably [with] [without] amendments; read the second time and ordered to be considered on Month X, 2023, a legislative session day.

BILL NO. X-2023

CAPITALS & BOLD INDICATES MATTER ADDED TO EXISTING LAW.

~~Strike through~~ indicates matter deleted from existing law.

A BILL ENTITLED CHR X-2023 INDUSTRIAL STRUCTURES IN 301 CORRIDOR

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that the Kent County Land Use Ordinance is hereby amended as follows:

SECTION 1.

ARTICLE V.
DISTRICT REGULATIONS

SECTION 11. COMMERCIAL DISTRICT

...

11.5 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS

...

Height ¹

- INDUSTRIAL STRUCTURE	45 FEET
- INDUSTRIAL STRUCTURE	60 FEET
IN 301 CORRIDOR	
- Commercial <i>structure</i>	45 feet
- Residential <i>structure</i>	38 feet
- Fence ²	
- Security	8 feet
- Ornamental	
Front and <i>side yard</i>	4 feet
Rear <i>yard</i>	8 feet

¹ Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.

² Fences do not need to meet yard requirements.

SECTION 2.

ARTICLE V.
DISTRICT REGULATIONS

SECTION 14. EMPLOYMENT CENTER DISTRICT

...

14.5 DENSITY, HEIGHT, WIDTH, BULK, AND FENCE REQUIREMENTS

	STANDARD	INDUSTRIAL SUBDIVISION
...		
Height		
- Industrial <i>structure</i>	45 feet	45 feet
- INDUSTRIAL STRUCTURE IN 301 CORRIDOR	60 FEET	60 FEET
- Residential <i>structure</i>	35 feet	35 feet
- Towers, silos, etc.	150 feet ⁵	150 feet ⁵
- Fence ⁶		
- Security	8 feet	8 feet
- Ornamental		
<i>Front and Side</i>	4 feet	4 feet
<i>Rear</i>	8 feet	8 feet
Maximum building footprint		
- Distribution Center		
- Route 301 Corridor	NA	NA
- Other locations	75,000 sq. ft.	75,000 sq. ft.
- Other industrial <i>buildings</i>		
- Route 301 Corridor	NA	NA
- Other locations	250,000 sq. ft.	250,000 sq. ft.
- Office <i>buildings</i> *	10,000 sq. ft.	10,000 sq. ft.

⁵ Except in the *Airport Safety Zone*

⁶ Fences do not need to meet the yard requirements.

SECTION 3.

ARTICLE V.
DISTRICT REGULATIONS

SECTION 15. INDUSTRIAL DISTRICT

...

15.5 DENSITY, HEIGHT, WIDTH, BULK, AND FENCE REQUIREMENTS

	STANDARD	INDUSTRIAL SUBDIVISION
...		
Height		
- Industrial <i>structure</i>	45 feet	45 feet
- INDUSTRIAL STRUCTURE IN 301 CORRIDOR	60 FEET	60 FEET
- Residential <i>structure</i>	35 feet	35 feet
- Towers, silos, etc.	150 feet ⁵	150 feet ⁵
- Fence ⁶		
- Security	8 feet	8 feet
- Ornamental		
<i>Front and Side</i>	4 feet	4 feet
<i>Rear</i>	8 feet	8 feet
Maximum building footprint		
- Distribution Center		
- Route 301 Corridor	NA	NA
- Other locations	75,000 sq. ft.	75,000 sq. ft.
- Other industrial <i>buildings</i>		
- Route 301 Corridor	NA	NA
- Other locations	250,000 sq. ft.	250,000 sq. ft.
- Office <i>buildings</i> *	10,000 sq. ft.	10,000 sq. ft.

⁵ Except in the *Airport* Safety Zone.

⁶ Fences do not need to meet the yard requirements.

7. Temporary *MET Tower* of any height provided:*
 - a. The tower is erected for no more than 12 months.
 - b. Any free standing *structure* is located a minimum of 3 times its total height from a property line.
 - c. Towers are not readily climbable from the ground up to 12 feet.

8. *Wind energy systems, small*, limited to one tower provided:*
 - a. The height of the *structure* to the tip of the blade at its highest point does not exceed 80 feet.
 - b. Any system is located a minimum of 3 times its total height from a property line.
 - c. Towers are not readily climbable from the ground up to 12 feet.
 - d. All access doors to towers and electrical equipment shall be lockable.
 - e. Appropriate warning signage is placed on the tower and electrical equipment.
 - f. The blade tip at its lowest point had a ground clearance of at least 25 feet.
 - g. Wind turbines and towers maintain a galvanized steel, brushed aluminum finish, or a non-garish color.
 - h. Any small wind energy system that is not operational for a period of 12 consecutive months or more shall be removed at the landowner's expense.

11.5 DENSITY, AREA, HEIGHT, WIDTH, AND YARD REQUIREMENTS

Minimum <i>lot size</i>	NA
Minimum <i>frontage</i>	
- Public road	100 feet
Minimum <i>yard</i>	
- <i>Front</i>	50 feet
- <i>Side & Rear yard</i>	50 feet with buffering from adjoining AZD, RCD, RC, RR, CAR, CR, V, IV, & IVCA 30 feet from CC, C, CCA, M, EC, I, ICA-LDA, & ICA which may be reduced to 0 if emergency and maintenance vehicle access are acceptably addressed and if the adjoining property is a compatible use
- Waterfront	100 feet
Height ¹	
- INDUSTRIAL STRUCTURE	45 FEET
- INDUSTRIAL STRUCTURE IN 301 CORRIDOR	60 FEET
- Residential <i>structure</i>	38 feet
- Fence ²	
- Security	8 feet
- Ornamental	
Front and <i>side yard</i>	4 feet
<i>Rear yard</i>	8 feet

¹ Except in an area defined as the Kent County *Airport* Safety Area, the height limitations do not apply to: belfries; ornamental towers and spires; church spires; public monuments; commercial radio, personal wireless facility, and television towers less than 200 feet in height; stage towers or scenery lofts; tanks; conveyors; silos and corn dryers; elevator bulkheads; fire towers; water towers; stand pipes; and flag poles.

² Fences do not need to meet yard requirements.

14.5 DENSITY, HEIGHT, WIDTH, BULK, AND FENCE REQUIREMENTS

	STANDARD	INDUSTRIAL SUBDIVISION
Gross <i>density</i> (dwelling units/ acre)	0.05 (1/20) ¹	²
Minimum <i>lot size</i>	20 acres	NA
Maximum residential <i>lot size</i>	2 acres	2 acres
Minimum <i>lot frontage</i>	75 feet	²
Minimum <i>yard</i>		
- <i>Front</i>		
- Existing <i>Primary road</i>	100 feet ³	100 feet ³
- <i>Other roads</i>	²	²
- <i>Side and Rear</i>		
- Adjacent to I, ICA, EC	15 feet	²
- Adjacent to CC, CCCA, M, AZD, RCD	40 feet ³	²
- Adjacent to V, RR, CAR	100 feet ³	²
- Adjacent to public road	100 feet ⁴	100 feet ⁴
Height		
- Industrial <i>structure</i>	45 feet	45 feet
- INDUSTRIAL STRUCTURE IN 301 CORRIDOR	60 FEET	60 FEET
- Residential <i>structure</i>	35 feet	35 feet
- Towers, silos, etc.	150 feet ⁵	150 feet ⁵
- Fence ⁶		
- Security	8 feet	8 feet
- Ornamental		
<i>Front and Side</i>	4 feet	4 feet
<i>Rear</i>	8 feet	8 feet
Maximum building footprint		
- Distribution Center		
- Route 301 Corridor	NA	NA
- Other locations	75,000 sq. ft.	75,000 sq. ft.
- Other industrial <i>buildings</i>		
- Route 301 Corridor	NA	NA
- Other locations	250,000 sq. ft.	250,000 sq. ft.
- Office <i>buildings</i> *	10,000 sq. ft.	10,000 sq. ft.

¹ *Intrafamily transfers* only

² As approved during *subdivision* review

³ When a side or rear lot line coincides with a side or rear lot line of a property in a non-industrial zone, the required yard shall be landscaped and screened and shall be unoccupied by buildings, *structures*, or parking area.

⁴ May be reduced or increased during *site* plan review

⁵ Except in the *Airport Safety Zone*

⁶ Fences do not need to meet the yard requirements.

15.5 DENSITY, HEIGHT, WIDTH, BULK, AND FENCE REQUIREMENTS

	STANDARD	INDUSTRIAL SUBDIVISION
Gross <i>density</i> (dwelling units/ acre)	0.05 (1/20) ¹	²
Minimum <i>lot size</i>	20 acres	NA
Maximum residential <i>lot size</i>	2 acre	2 acre
Minimum <i>frontage</i>	75 feet	²
Minimum <i>yard</i>		
- <i>Front</i>		
- Existing <i>Primary road</i>	100 feet ³	100 feet ³
- <i>Other roads</i>	²	²
- <i>Side and Rear</i>		
- Adjacent to EC, I, ICA-LDA, & ICA	15 feet	²
- Adjacent to AZD, RCD, CC, C, CCA, & M	40 feet ³	²
- Adjacent to V, RR, CAR	100 feet ³	²
- Adjacent to public road	100 feet ⁴	100 feet ⁴
Height		
- Industrial <i>structure</i>	45 feet	45 feet
- INDUSTRIAL STRUCTURE IN 301 CORRIDOR	60 FEET	60 FEET
- Residential <i>structure</i>	35 feet	35 feet
- Towers, silos, etc.	150 feet ⁵	150 feet ⁵
- Fence ⁶		
- Security	8 feet	8 feet
- Ornamental		
<i>Front and Side</i>	4 feet	4 feet
<i>Rear</i>	8 feet	8 feet
Maximum building footprint		
- Distribution Center		
- Route 301 Corridor	NA	NA
- Other locations	75,000 sq. ft.	75,000 sq. ft.
- Other industrial <i>buildings</i>		
- Route 301 Corridor	NA	NA
- Other locations	250,000 sq. ft.	250,000 sq. ft.

¹ *Intrafamily transfers* only.

² As approved during *subdivision* review.

³ When a side or rear lot line coincides with a side or rear lot line of a property in a non-industrial zone, the required yard shall be landscaped and screened and shall be unoccupied by buildings, *structures*, or parking area.

⁴ May be reduced or increased during *site* plan review.

⁵ Except in the *Airport Safety Zone*.

⁶ Fences do not need to meet the yard requirements.

U. S Route 301 Corridor Study

As undertaken for the

Kent County, Maryland

Board of County Commissioners

and the

Kent County Economic Development Advisory Board

by the

Kent County Economic Development Office

January 2007

Background

Following a recommendation by the Kent County Economic Development Advisory Board (EDAB), the Kent County Board of Commissioners (BOC) directed the Kent County Economic Development Office to undertake a study of the U.S. Route 301 corridor. For purposes of this report and for ongoing discussions, we will define the "Route 301 Corridor" as that portion of land adjacent to and one mile east and one mile west of the nine-mile long section of U.S. Route 301 as it passes from north to south through Kent County, Maryland.

Route 301 passes through Kent County on a north-to-south route for a distance of approximately nine miles. The corridor area comprises approximately 18 square miles, or 11,520 acres of land, which is approximately 7% of Kent County's total land area of 278 square miles or 179,840 acres. There is no local municipality directly within the defined boundary, although the Town of Millington and the Village of Massey are just east of the defined boundary and the Town of Galena is just west of the defined boundary.

The general feeling of the BOC was that, in order to lessen the impact of eventual commercial/industrial growth within the county, any such growth outside of the County's five incorporated towns should probably take place in the 301 Corridor. However, the BOC needed to better understand the characteristics of the corridor, in order to direct growth into that sector. The purpose of the study was to ascertain and document the water/sewer, electric, gas, rail, ground water supply and other infrastructure available in the corridor. With that information, a determination could then be made as to the best usage of the area for business development purposes.

Existing Infrastructure

Existing Zoning Areas or Districts:

The corridor contains 12 separate or overlapping planning zones, areas or districts (*definitions in italics are taken from the Kent County Land Use Ordinance*):

1. Priority Funding Areas:

The purpose of this district is to delineate areas eligible for state funding of growth projects. Some areas were designated by the state; however, most were located and designated by the County, utilizing state guidelines as general directional tools.

There are several Priority Funding Areas within the 301 Corridor. One Priority Funding area lies on both sides of 301 at the intersection of Rte. 291. The second Priority Funding Area lies east of 301 at the intersection of Rte. 313.

2. Agriculture Zoning District:

The purpose of this district is to encourage the use of agricultural land for farming and other agricultural businesses and to limit the use of these lands for non-agricultural purposes. In addition, the district is to provide for farm, home occupations, and cottage industries that are compatible with agriculture as a means to further diversify the County's economy.

This is the largest zoning classification and comprises over 50% of the total 301 Corridor, and virtually all of the businesses within this district are farm-related.

3. **Resource Conservation District:**

The purpose of this district is to conserve and protect the ecological values of the Critical Areas and provide adequate breeding habitats for those wildlife populations that require the Chesapeake Bay and tributaries/habitats to sustain life. It is also intended to conserve existing developed woodlands and forests, and to conserve the land and water resources necessary to support agriculture, forestry, fishing, and aquaculture.

There are two such districts located in the corridor, and both are either adjacent or near the Sassafras and Chester Rivers and currently have no businesses in them.

4. **Rural Character District:**

The purpose of this district is to provide for the market demand for rural lots, including large estate lots, in a manner that maintains rural character and in a location that minimizes conflicts with agriculture. The district may function as a transition between towns, villages, residential developments, and the Agriculture Zoning District. Public water and sewer will not be extended into this district except to correct a public health emergency.

There is one area in the corridor, located west of Millington and north of and adjacent to a Rural Residential District, and also the very edge of one located east of Galena. There are currently no businesses in either district.

5. **Rural Residential District:**

The purpose of this district is to provide for a low density, single family residential development in areas of existing residential development, together with facilities and accessory uses normally compatible with residential surroundings, and at the same time to permit agricultural uses and to preserve open spaces and rural character.

There are two areas in the corridor. The first is located in the northwest section near Sassafras and the second is located just west of Millington. The areas currently contain no businesses.

6. **Community Residential:**

The purpose of this district is to provide for single family residential development in areas of existing residential development, together with facilities and accessory uses normally compatible with residential surroundings, and at the same time to permit agricultural uses and to preserve open spaces and rural character.

There are two areas in the corridor which are zoned in this manner and are located just east of Galena. Currently there are no businesses in either area.

7. **Commercial District:**

The purpose of this district is to accommodate commercial and service activities that are not normally located in central business concentrations. The uses are primarily oriented to highway locations and include services and destination retail. Consequently, the district is located along major arterial highways. Because these uses are subject to public view, they should provide appropriate appearance, controlled traffic movement, ample landscaping, and protect adjacent properties from the traffic and visual impacts associated with commercial activity.

There is one area in the corridor, with approximately 97 acres located ^{west} east of Millington at the Rte. 301/291 intersection. The area currently contains 2 operating businesses, 3 communication towers, the proposed Food Lion site and the vacant Howard Johnson's Restaurant site. This area also includes the proposed site for Chesapeake Fields planned location.

8. **Industrial District:**

The purpose of this district is to provide for a range of industrial uses which are environmentally sound, sustainable, and compatible with adjacent uses. Furthermore, the district is limited to light manufacturing and support businesses. Light industries include those which manufacturer, process, store, package, or distribute goods and materials, and are, in general, dependent on raw materials refined elsewhere.

There is only one such district within the defined corridor, which is located near Massey at the intersection of Rte. 301/313, however, there is a small industrial district just east of that on the northern edge of Massey. The main district within the corridor contains approximately 470 acres, with only one current business, that being the David Bramble operations at 132 acres. The proposed Needham mushroom farm will be located across from Bramble's location on 214 acres. In addition, there is a large electrical transfer station located on a 3 acre site in the district.

9. **Employment Center:**

These districts are defined as planned developments primarily for light industrial uses which are environmentally sound, sustainable, and compatible with adjacent uses. They are further defined as areas devoted to industrial uses which present an attractive appearance and complement surrounding land use character by means of appropriate settings of buildings and service areas and landscape treatment.

There are six such districts in the corridor encompassing approximately 1,300 acres. There are currently 4 farms which operate not only dairy, but also nursery operations. A portion of David Bramble's operation is conducted on about 92 acres in this district, and there are 2 communication towers located therein.

10. **Village Area:**

The purpose of this district is to provide for high quality residential, neighborhood business, and office development. In those areas served by public water and sewer, this zone will be characterized by a wide variety of housing types, densities, and uses. In those areas without public utilities, this zone will be largely single family with the possibility of multi-family residential when it does not hazard public health and is consistent with Village Master Plan for the area.

There are two such districts within the defined corridor and one just outside the corridor at Massey. The two defined areas encompass approximately 138 acres and currently include no non-farm businesses, as such, but do include 2 farms and 4 church-owned lots.

11. **Commercial Critical District:**

The purpose of this district is to accommodate commercial and service activities that are not normally located in central business concentrations. These uses are primarily oriented to highway locations and include services and destination retail. Consequently, the district is located along major arterial highways.

There are only three small districts in the corridor, and all are located in the Rte. 301/291 area, west of Millington, totaling approximately 11 acres. The largest parcel is the currently vacant 7 acre parcel located on the west side of the 301/291 intersection known as the Stoltzfus property. Currently there are 3 businesses located in the balance of the other 2 districts.

12. **Critical Area Residential:**

This district is intended to allow low density residential development in areas where the impact on the natural environment is minimal. The purpose of the district is to maintain, or if possible to improve, the quality of runoff and groundwater entering the Chesapeake Bay.

There are three areas within the corridor. One is located west of Rte. 301 on the Sassafras River and the other two are on either side of Rte. 301 on the Chester River. Currently there are no businesses located in the districts.

Enterprise Zones:

Although Maryland was a pioneer in the development of enterprise zones, and was the third state to enact its own Enterprise Zone Program, Kent County had no designated enterprise zones. The Maryland Enterprise Zone Program is a local economic development program which gives local governments the legal authority to offer economic incentives, and to fund matching and supplementary incentives. Areas within enterprise zones that meet more stringent standards of eligibility may be declared *focus areas*, which are eligible for enhanced tax incentives. Incentives include the following:

Standard Enterprise Zone Benefits:

Real Property Tax Credits – Ten-year credit against local real property taxes on the value of a portion of real property improvements. The credit is 80 percent for the first five years and decreases 10 percent annually thereafter to 30 percent in the 10th and final year.

Income Tax Credits – One or three year credit for wages paid to eligible new employees. The general credit is a one-time \$1,000 credit per new worker. For economically disadvantaged employees, the credit increases to a total of \$6,000 per worker distributed over three years.

Enhanced Job Creation Tax Credits – For businesses eligible for Maryland's Job Creation Tax Credit Program (a separate program), the tax credit is doubled from 2.5 percent to 5.00 percent and the ceiling is increased from \$1,000 to \$1,500 for each new qualified position.

Enhanced Focus Area Benefits:

Real Property Tax Credits – Ten-year, 80 percent credit against local real property taxes on a portion of real property improvements. Credit does not decline in a focus area as it does with the standard benefit.

Personal Property Tax Credits – Ten-year, 80 percent credit against local personal property taxes on new investment in personal property within a *focus area*. Personal property tax credits are only available in *focus areas*.

Income Tax Credits – One or three year credit for wages paid to new employees. The general credit is a one-time \$1,500 credit for each new qualified position. For economically disadvantaged employees, the credit increases to a total of \$9,000 per worker distributed over three years.

Because Kent County offers virtually no incentives to prospective or existing businesses, at some point in the near future, the County should revisit the concept of enterprise zones and reconsider their appropriateness.

Municipal Sewer/Wastewater Facilities:

The 301 Corridor contains only one municipal sewer/wastewater facility. The facility is located in the Town of Millington and is a 105,000 gallon per day capacity plant with sewer/water lines within the town boundaries and extending approximately 1 mile to the north, and approximately 3 miles to the west, with the western extension terminating at the west edge road. The south boundary of the town is the Chester River and Queen Anne's County and, therefore, the lines do not run in that direction.

As of December 31, 2006 approximately 100% of the facility capacity was committed on paper, however, the town has asked McCrone Engineering to look at having the plant re-rated for a higher capacity, which would allow for some future growth.

Ground Water Supply:

The Millington Water/Sewer District is the only municipal sewer/wastewater facility in the corridor. Therefore, if we are to encourage and direct commercial and industrial development into the area, we must understand and manage the supply of ground water available. In order to determine our approximate supply of ground water, it was felt that a limited geological water availability survey should be undertaken in the defined corridor area.

A proposal for the study of the corridor was provided by Earth Data, Inc., a Centerville, Maryland-based environmental consultant firm, which the County has regularly used for water-related issues. Wayne Morris, Kent County Director of Water & Wastewater Management, provided the needed technical support and direction in the planning of the Earth Data study to assure that the information contained in their final report would be what was needed to conduct intelligent economic development activities. Because this study would have been an unbudgeted item, and the cost of the study was \$31,000, the Board of Commissioners asked that alternative funding sources be researched. Inquiries were made to USDA, without success, and an attempt was made to utilize some accrued interest from the Kent County Revolving Loan Fund. Although the State had originally alluded to the use of those funds, in the end they refused that request. DBED did, however, agree to consider a partial grant request, and we are awaiting receipt of the forms. Absent that source, only a special exception from the BOC would allow the water study to go forward.

Electrical Service:

Electrical service in the corridor is provided by both Choptank Electric, of Denton, MD, and Delmarva Power, of Wilmington, DE, and full electrical service capability is available through either of the providers. These two providers are the sole providers authorized by the Public Service Commission, and their areas of service are somewhat gerrymandered throughout the corridor.

Choptank Electric has an electrical substation located in Millington, and according to G. Lee Turner, V.P. Distribution Services, Choptank has the unique ability to custom fit any electrical need to fit a customer's demand. For example, they were able to provide the special voltage needs for the new German-made machines that the former CFF plant in Worton required. Because Choptank's customers are technically the co-op's owners, virtually any customer demand is met. Mr. Turner was very interested in assisting any new businesses we might be interested in locating in the corridor. He provided the Economic Development Office with a map of the 301 Corridor delineating the electric service area of both Choptank Electric and Delmarva Power, including the types of facilities available.

Discussions with Ms. Cheryl Russell, Upper Shore Account Manager for Delmarva Power, indicated that the company has two electrical substations located in the general Millington area. If a new provider requires a substantial amount of power, then Delmarva would probably upgrade whatever substation provides that location with service. Because of the gerrymandering of the two electric providers, Cheryl works closely with Choptank Electric to determine on a case by case basis who will be the provider for a specific project.

Railroad Service:

Kent County is served by a single line branch of the Maryland and Delaware Railroad. The line originates in Townsend, DE and enters the County north of the Goltz area and then travels southwest to Massey. At Massey, the line splits, with one branch going south through the east side of Millington. The other branch travels west to Kennedyville, Worton and Chestertown, and it is this branch which crosses Rte. 301 in an east/west direction at Massey. According to Operations Manager Joe Pearsol, the line can handle a heavier 286,000 lb. single car/cargo from Townsend to Massey, but then can carry only a 263,500 lb. car/cargo past that point. He also noted that the line is interchanged with Norfolk Southern Railway at Townsend only twice a week, meaning that a car coming from California, for example, would be held at Townsend and only brought onto the Maryland and Delaware line twice a week. Other non-Norfolk Southern traffic can be handled daily.

There are no spurs currently located in the two miles of track going through the corridor. However, given the proper land availability, the railroad would put in a spur if a new business needed one. Of course, the cost of the spur would be at the business' expense.

Airport/Airfield Service:

There is no regular hard surfaced airport facility in the County. The nearest regulation airports capable of handling up to small corporate jets are located in Easton, MD (Easton Airport, 35 miles to the south), in Dover, DE (Delaware Airport, 30 miles to the east), in Middletown, DE (Summit Airport, 25 miles to the northeast), and in Elkton, MD (Cecil County Airpark, 30 miles to the north).

However there is a 3,000-foot turf airstrip, known as the Massey Aerodrome, located just outside the corridor approximately 1.5 miles east of Massey. This general purpose public-use facility is the only such airstrip in the County and is capable of handling light twin engine aircraft. It is open every day without charge, but does not currently have fuel availability or lighting for night landings. The availability of both of the later services would clearly increase the desirability of the facility and attractiveness of the corridor to light plane pilots, and authorization for such should be considered.

Additionally, although it is not located in the Rte. 301 Corridor, there is one privately owned but commercially operated air strip located off Rte. 213 and Worton Lynch Road. This strip is owned/operated by Mr. Wayne Wright, an aerial spraying contractor.

Natural Gas/Propane Gas / Oil Service:

There is no natural gas line service in the corridor, or in any location within Kent County. The closest existing natural gas line is a Chesapeake Utilities Natural Gas Transmission Pipeline located approximately 9 miles east of the corridor in Delaware. That transmission line runs from Salisbury, MD north through Delaware into Pennsylvania, and crosses the eastern section of Cecil County. In Cecil County, a distribution line is taken off and operated by the Eastern Shore National Gas Company with distribution through Elkton Gas Company. This distribution line provides natural gas service to businesses and residents in the Elkton area.

According to Mr. Jeff Tietbohl, Director of Business Planning & Development for Chesapeake Utilities Corporation, the company is required to prove a specific rate of return on a new transmission or distribution line. Although they have no current plans to extend the existing line into the corridor, they would do so if there was enough potential business to warrant the extension. Of note, if their economic models disclosed a rate of return shortfall, the potential end user could make up the difference in initial cost to have the line run to their area, which would allow for the extension. Mr. Tietbohl expressed a strong interest in continuing to monitor the Kent County development, and work with us in establishing the point in which it made economic sense to bring natural gas into the County. We have agreed to be mutual contacts for this purpose, and I will share Kent County development activity and plans with them in order to encourage the earliest possible availability of this important resource.

In the absence of natural gas availability, propane gas service is provided to residential, commercial, and industrial customers by a number of local and regional companies including Alger Oil, Tri Gas & Oil, Peninsula Oil & Gas, Southern States, Poore's Propane Gas, Callahan's Gas, and Synergy Gas. These propane gas distribution firms are able to handle any level of propane usage required.

Those homes or businesses not using propane would typically use oil, which is also provided by most of the above propane providers. Again, more than ample supplies of oil are available through the providers.

High Speed Internet Service:

High speed internet service ("broadband" is another generic term for high speed internet service) in the 301 Corridor is available on a sporadic basis through BayBroadband, Inc., Verizon, Inc., Atlantic Broadband, Inc. ComCast Communication has cable service in the Galena area but it is an analog system and not high speed internet. In addition, the Maryland Broadband Co-op (MdBC) is planning to run high speed fiber optic cable through Kent County along Rte. 213 from the Bay Bridge to Elkton, MD by the end of 2007. It is also their current intent to extend the fiber optic cable along the balance of Rte. 301 during the fiscal 2008/2009 year.

According to Mr. Steve Pennington, General Manager for BayBroadband, the general 301 corridor is served by four BayBroadband access points located in Millington, Massey, Galena and Georgetown. The primary access points might be on a water tower, as in Galena, or on commercial sites, such as Massey. From those primary access points, BayBroadband can provide direct service to anyone who is in a direct line-of-site of a primary tower. Additionally, more access points or private access points can be constructed/utilized as the need warrants. BayBroadband can provide T-1 or better access to businesses, and can probably dedicate a private tower/hookup to a business for under \$5,000. The main difficulty with line-of-sight based radio frequency service is that trees can stop transmission and therefore result in spotty and inconsistent availability in an area. Literally, one neighbor could have wonderful reception and next door, only a few hundred feet away, that neighbor has no service.

Atlantic Broadband's Commercial Account Representative, Mr. Chris Singleton, noted that, although Atlantic is available in virtually all of Kent County, Millington is the farthest north along the 301 Corridor that they go. They have fiber optics running from the south into Millington and then east along Rte. 291 to Smyrna, DE, then north to Middletown, DE. Atlantic does have two currently spare fiber cables which could follow the electric easements up Rte. 301 into Cecil County either above or below ground, depending on how the electric power runs. The farthest north that their current cable runs is approximately 2 miles from Millington. Atlantic would only run the fiber optic up the 301 Corridor if it made economic sense, based on potential near-term commercial/residential usage.

Discussions were held with Verizon's Assistant Vice President of External Affairs, Mr. Joe Daniels, regarding their service availability. Although not all areas of the corridor currently have DSL availability, apparently the entire corridor has digital wireless availability. Depending upon the distance from the unit itself to the nearest tower, the customer's internet connection will vary in speed accessibility. We have been provided with the name and number of the regional small business representative for Verizon and will pass that name on to any potential new businesses.

John Dillman, Executive Director of the Upper Shore Regional Council, is also the President of the Maryland Broadband Co-op (MdBC). MdBC has taken on the responsibility of providing a fiber optic network throughout the Eastern Shore, and by the end of 2007 will have a main line running from Wallop Island, VA, then up into Maryland, through Salisbury to the Bay Bridge, and then down to the Patuxent River Naval Station. The line will also go from the Bay Bridge up to Rte. 213 and through Kent County to Elkton, MD. This will be the main feeder line and Washington College will be a major benefactor of the lines. After completion of that line configuration, MdBC will expand the fiber optics down Rte. 40 from Elkton to Aberdeen

Proving Grounds to handle the BRAC projects, and finally MdBC will expand the Bay Bridge line up Rte. 301 through Kent County into Cecil County.

Conclusions and Recommendations

The Economic Development Advisory Board concurs with the Economic Development Office in the belief that although specific zoning areas have been delineated within the Corridor, little or no pro-active strategy has been developed or undertaken to take advantage of those areas. To the contrary, the County has seemingly been simply reactive to inquiries from potential businesses interested in locating in the area. Additionally, we currently have no solid base of information relating to the interest current land owners have in offering their parcels to potential developers.

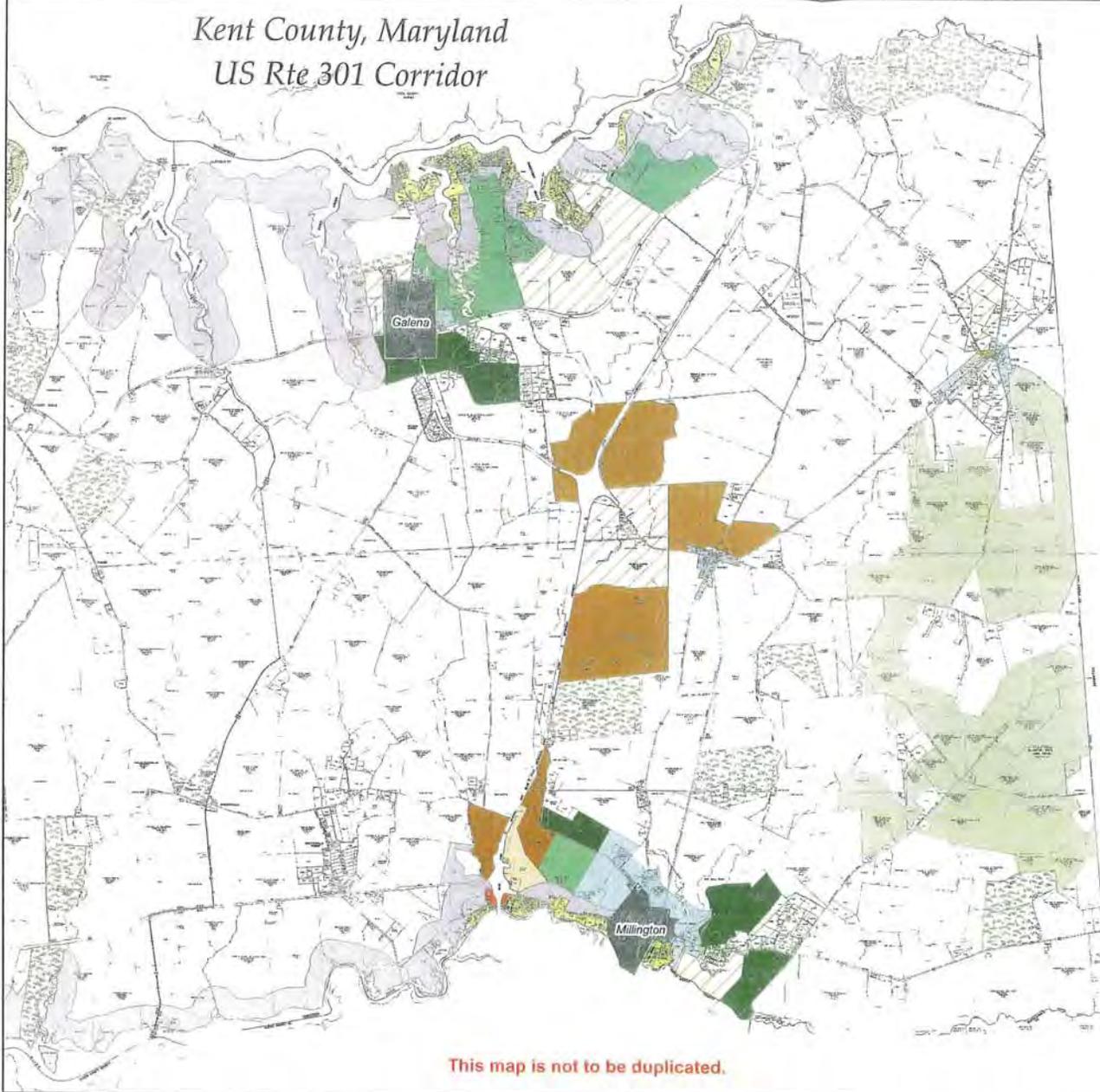
Business attraction and development opportunities in the Corridor appear to have been left mostly to chance. Both the Economic Development Office and the Economic Development Advisory Board feel that inaction is not in our best interest. Rather, we feel that definitive direction should be agreed upon and a strategy developed to attain that directive goal. Several steps are recommended:

1. Determine if the County really wants to allow and encourage development in the Route 301 Corridor which is consistent with the existing zoning districts.
2. Determine if the existing zoning districts still make sense relative to their placement within the Corridor, and make modifications only if the County is willing to allow and encourage development within those new/modified districts.
3. If a decision is made to control or withhold development within the Corridor, then those limitations should be clearly defined and other areas where development is actually desired should be identified.
4. Assuming that development is desired within the Corridor, determine the best way to handle waste water issues, particularly by the aggressive acceptance of proven technology relating to self-contained, on-site treatment facilities.
5. Complete the ground water availability study, even if it requires all County funds.
6. Consider Enterprise Zone overlays into appropriate business districts.
7. Continue to work with the Chamber of Commerce in joint economic development strategy formation.

An additional concept was discussed relating to what we might want the Corridor to look like twenty years from now. The planned large scale residential and commercial/industrial development taking place in Middletown, DE is typically viewed as very threatening to our county. Threatening in the sense that many see Middletown's planned development as sprawl creeping into our area on an uncontrolled basis. However, on the other hand, their development could be viewed as a positive potential for us for two reasons. First, their high residential concentration provides an excellent pool of potential professional workforce members. This large potential pool may be a reason for the County to develop a more upscale technology park operation in the Corridor, possibly in conjunction with a professional business park developer/operator, such as KRM. Such a new strategy would require a strong commitment from the Country, but may provide excellent long term potential for the Corridor. Secondly, the large number of businesses going into Middletown, will require a workforce that will have many members who are not interested in living in a typical subdivision atmosphere, but rather would enjoy a rural atmosphere. Kent County offers such an alternative.

The EDAB would appreciate an opportunity to discuss this report with the Commissioners.

Kent County, Maryland
US Rte 301 Corridor



This map is not to be duplicated.



Legend

- Incorporated Town
- Agricultural/Conservation Easement
- Federal, State or County land

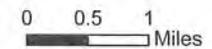
ZONING

- Agricultural Zoning District
- Resource Conservation District
- Rural Character
- Rural Residential
- Critical Area Residential
- Community Residential
- Village
- Intense Village
- Crossroads Commercial
- Commercial
- Commercial Critical Area
- Marine
- Employment Center
- Industrial
- Industrial Critical Area - LDA

For illustrative purposes only. Zoning maps are subject to change. Questions concerning individual parcels should be directed to the Kent County Department of Planning, Housing & Zoning.

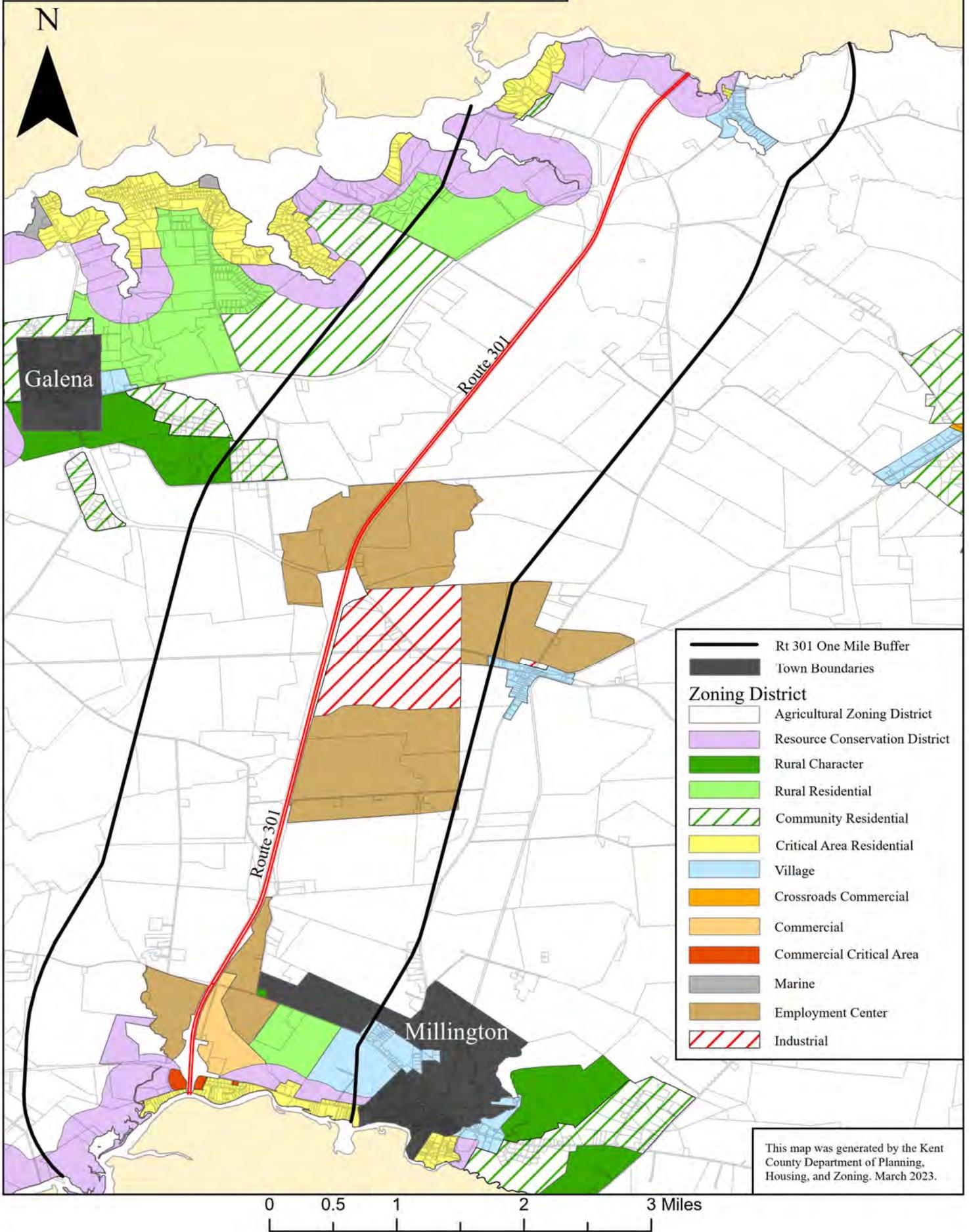
Gail Webb Davis

11-29-06



Source: Kent County Dept. of Planning, Housing & Zoning
October 2006

One-Mile Route 301 Corridor



This map was generated by the Kent County Department of Planning, Housing, and Zoning, March 2023.

EXCERPTED PROVISIONS FROM THE LAND USE ORDINANCE

COMMERCIAL DISTRICT – PERMITTED PRINCIPAL USES AND STRUCTURES [p. 188]

Retail businesses, 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**.

In the **US Route 301 Corridor**, the manufacture, processing, fabrication, and assembly of products. These uses include, but are not limited to, scientific and precision instruments, photographic equipment, communications equipment, computation equipment, drugs, medicines, pharmaceuticals, household appliances, toys, sporting and athletic goods, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, prefabricated and modular housing and components, dairy product feed and grain, baked and confectioners' goods, farm machinery, frozen food processing, packing plants, animal and seafood processing, fruit and vegetable processing, canning and storage, recyclable materials processing as defined in the Code of Kent County Public Laws (Article 148-2) or companies of a similar nature provided:

- a. That in reviewing the site plan and determining the suitability of the proposed business, the Planning Commission or, where applicable, the Planning Director must find all of the following:
 - i. Existing or planned public facilities are adequate to handle the usage generated by the business. The use does not require improvements to public facilities detrimental to the character of the area.
 - ii. The proposed use does not create an unacceptable impact on the surrounding area by way of noise, odor, noxious materials, or other nuisances. The Planning Commission may require a Certified Engineer's Report describing the proposed operation, all machines, processes, products and by-products, stating the nature and expected levels of emissions or discharge to land, air, water or liquid, solid, or gaseous effluent and electrical impulses, vibrations and noise under normal operations and the specifications or treatment methods and mechanisms to be used to control such emissions or discharge.
 - iii. The health, safety, and welfare of employees and residents of the neighborhood will be protected.
- b. In so far as possible, all uses shall be conducted within a completely enclosed structure or be completely screened. Outdoor storage of materials and unfinished products is prohibited unless otherwise approved by the Planning Commission or, where applicable, the Planning Director and subject to such conditions as may be determined by the Planning Commission or, where applicable, the Planning Director.

EXCERPTED PROVISIONS FROM THE LAND USE ORDINANCE

COMMERCIAL CRITICAL AREA – PERMITTED PRINCIPAL USES AND STRUCTURES [p. 202]

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 *building* size does not exceed 60,000 square feet in size. The restriction on *building* size does not apply to the Commercial Critical Area District in the **Route 301 corridor**.

EMPLOYMENT CENTER / INDUSTRIAL DISTRICT PERMITTED PRINCIPAL USES AND STRUCTURES [p. 235, p. 253]

3. Distribution centers and warehousing provided that a single building footprint does not exceed 75,000 square feet in size. **The restriction on building footprint does not apply to the Employment Center District in the Route 301 corridor.** In reviewing the *site plan*, the *Planning Commission*, or where applicable the Planning Director, shall consider the following:
 - a. The impact of the proposed business or industry on existing or planned public facilities.
 - b. The impact of the operation of the facility on the surrounding area.
 - c. The health, safety, and welfare of employees and residents of the neighborhood.

EMPLOYMENT CENTER / INDUSTRIAL CENTER PERMITTED PRINCIPAL USES AND STRUCTURES [p. 237, 254]

Truck terminals, limited to 20 trucks provided the parking and loading area is fenced, screened, and located at least 400 feet from any residential district boundary and 100 feet from all property lines. The limitation on the number of trucks does not apply to Employment Center Districts in the **Route 301 corridor**.

Redacted to remove personal email address

From: B Vujanic

Sent: Thursday, April 6, 2023 7:45 AM

To: William Mackey

Cc: Mali Vujanic

Subject: Resolution 2023-02 Code Home Rule on amending heights of industrial structures.

Hi Mr Mackey -

We are not in favor of the proposal to change any county guidelines regarding warehouse structures. A change at this time would be strictly to accommodate land developers vs protecting and taking care of the residents of Kent County.

We hope the Planning Commission listens to our citizens and vote again making the requested changes.

Please add our request to others who have reached out or will be speaking out to the Commission members.

Best regards,
Brenda & Mali Vujanic

PATRICIA LANGENFELDER
11974 BLACKS STATION RD
KENNEDYVILLE, MD 21645

April 6, 2023

Kent County Planning Commission
400 High St
Chestertown, MD 21620

Re: Zoning Text Amendment – Height of Industrial Structures

Dear Commission Members:

I am opposed to this text amendment. Raising the allowable height of industrial structures to 60 feet from the current 45 feet will encourage the construction of huge, unsightly buildings along Rt 301 right at the gateway into Kent County. While the area is zoned industrial and commercial, it still should comply with the Comprehensive Plan which requires this Gateway to be reflective of our county's character. Industrial and commercial buildings do not have to be ugly and massive like seen in Middletown. One only needs to look at the new warehouse and office building that Dixon Valve constructed along Rt 213 on the Gateway into Chestertown to see two attractive buildings that compliment the town. Then picture the massive Amazon structure in Middletown. Which of these two examples best represents the beauty and character of Kent County's towns, villages and rural areas?

I urge you to send an unfavorable recommendation to the County Commissioners.

Sincerely,

Patricia Langenfelder

Catherine Walraven Durham
10970 Dudley Chance Road

April 6, 2023

Good afternoon Planning Commissioners.

I am here today to tell you why I am opposed to the proposed Text Amendment specifically changing the height allowance on buildings in the 301 Growth Corridor from 45 ft. To 60 ft.

In the past, I have stated my opposition to the size of proposed buildings in this area. NOW, this amendment would allow for even BIGGER buildings. Obviously I find this to be totally unacceptable and actually unbelievable that such a thing would even be considered and asked to be looked at.

This size building does not match with the surroundings. Growth in ANY part of Kent County should match with, preserve and enhance the already existing areas here in Kent County as STATED in our Kent County Comprehensive Plan.

Just because 301 runs straight through this part of our beautiful county DOES NOT mean that this part of the county's looks and feel can be 'ruined' by allowing uncontrolled size buildings along the way around the 291/301 intersection or the lands between there and the town of Millington!

This certainly would please developers but certainly would not please most Kent County citizens who live in this area. This would NOT be preserving the rural character of our area. Our quality of life will be changed forever.

Our Kent County Comprehensive Plan says that new development in our county should preserve and enhance our county's existing landscape with its rural and historic resources AND be inviting to our tourists?

How about having it be maintained for our own Kent County residents' quality of life?

How will all of this look to visitors who are entering Kent County via 301/291?

Where and when will this idea end? When the developers are finally happy with getting what they want ? What they think is 'best' for Kent County? They do not care about what Kent County has to offer right now to it's own citizens and to our visitors!

What will be next? Developers wanting to change more and more of our Comprehensive Plan and Land Use Ordinances to fit their needs?

How about growth along all of 291? 213? How about route 20?
What will the residents of Kent County think about those places being developed?

I would think most would NOT want to even have it considered... let alone be a proposed Text Amendment.

It is the Planning Commission's role to see what is best for ALL of Kent County's residents. I hope you do consider this when hearing from all of Kent County's residents who care about this matter at hand.

Thank you for your time and considerations.

Respectfully submitted,

Catherine W. Durham