

MINUTES

February 6, 2025

1:30 p.m.

Video recordings of the Kent County Planning Commission meeting are available online for viewing on the County's YouTube channel at <https://www.youtube.com/@kentcountygovernment2757>.

The Planning Commission met in regular session on Thursday, February 6, 2025, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. Members of the public were invited to attend in person or via conference call.

The following members were in attendance: Chair Joe Hickman, Vice Chair Paul Ruge, Jim Saunders, Ray Strong, and William Crowding. Members Sean Jones and Jonathan Quin were away and made arrangements in advance.

Acting Planning Commission Attorney Thomas N. Yeager, Esquire, was present. Staff attending included Bill Mackey, AICP, Director (attending remotely); Carla Gerber, AICP, Deputy Director; Robert Tracey, AICP, Associate Planner; Mark Carper, Associate Planner; Beth Grieb, Office Manager, serving as Acting Clerk; and Tyler Arnold, GIS Specialist.

Representatives for the zoning text amendment included Ms. Stella Chukwucme and Mr. Adebola Ojo.

Members of the public who signed in on the sign in sheet included Jay Yerkes, Brooke Harwood, Doug West, Allan Durham, and Judy Gifford [*Editor's Note: A signature appears on the sign in sheet that staff was unable to be read*].

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

ELECTIONS

Chair opened the floor for nominations. Vice Chair Ruge nominated Joe Hickman for Chair. Mr. Crowding seconded. The motion passed unanimously. Mr. Crowding nominated Paul Ruge for Vice Chair. Chair Hickman seconded. The motion passed unanimously.

MINUTES

Vice Chair Ruge moved to accept the minutes of December 5, 2024, as presented. Mr. Crowding seconded. The motion passed unanimously.

PUBLIC HEARING*24-64, Brickwood Assisted Living, LLC – Zoning Text Amendment*

Mr. Tracey presented an applicant-initiated proposal for a zoning text amendment to increase the maximum number of beds for assisted living facilities in the CAR and CR zoning districts from eight beds to sixteen beds. Staff recommended that rather than amending the existing use for eight beds, a new use could be added as a special exception requiring Planning Commission and Board of Appeals review, with specific criteria for approval.

Adopted on March 6, 2025

The applicants, Ms. Chukwucme and Mr. Ojo of 5307 Elburn Lane, Rock Hall, testified about their current eight-bed facility and their desire to expand the use to meet community needs, particularly for Medicaid patients. They described their apprenticeship program with local high school students and commitment to the community.

Mr. Crowding moved to send a favorable recommendation to the County Commissioners for Brickwood Assisted Living Facility LLC to amend and increase the maximum bed capacity for assisted living facilities in the Community Residential and Critical Area Residential zoning districts from eight to sixteen beds, provided that going from eight to sixteen beds would require review from both the Planning Commission and the Board of Appeals; that as a condition of those [approvals], the property owner or facility manager resides on the premises; the rooms for the use are not designed or constructed to be separate dwelling units and may not be sold as separate dwelling units; the appearance of the structure and property remain that of a residential use, so that the average neighbor is unaware of the assisted living facility's existence; the structure meets all Kent County codes including building code and health department requirements; the applicant has received approval from the appropriate State of Maryland agencies; the facility does not create an unacceptable environmental impact by way of noise, odor, noxious materials, or other nuisances; the facility does not generate traffic of the type or inappropriate amount for all access roads and the surrounding areas; it does not require road improvements detrimental to the character of the area; that the property is served by public sewer; and, that the parcel must be at least five acres in size. Mr. Saunders seconded. The motion passed unanimously.

GENERAL DISCUSSION

Everton Industrial - Remand to Planning Commission

County Attorney Yeager provided an update and legal advice to the Planning Commission on the Court's decision regarding the appeal of the preliminary site plan approval of the Everton Industrial Warehouse project. The Court found the appeal of preliminary approval premature but remanded the curb cut waiver and setback waiver issues to the Planning Commission for clarification on whether these were final decisions or advisory guidance.

Mr. Crowding moved to put the Everton project on the March Planning Commission agenda to review the previously approved curb cut waiver and the setback waiver on the preliminary site plan. Mr. Strong seconded. The motion passed unanimously.

STAFF REPORTS

Staff reported increasing permit activity with over 30 new home applications received during calendar year 2024.

The March meeting is expected to have a large number of items, including Morgnec Solar's final site plan review.

ADJOURN

Chair Hickman called for a motion. Vice Chair moved. Mr. Strong seconded. The meeting adjourned at 2:15 p.m.

/s/ Francis J. Hickman
Francis J. Hickman, Chair

/s/ William Mackey
William Mackey, AICP, Director

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