



*TOWN OF MILLINGTON  
PLANNING COMMISSION*

*P O Box 330  
402 Cypress Street  
Millington, MD 21651*

*Joyce Morales, Chair  
Moe Morton  
Patty Cartagena-Santiago  
Rita Jackson  
Rahul "Rocky" Datta*

*Phone: 410-928-3880  
Fax: 410-928-5764*

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May 3, 2023

Mr. William Mackey, Director  
Kent County Planning, Housing, & Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Zoning Text Amendment – Resolution 2023-02

Dear Director Mackey:

The Millington Planning Commission is aware of the proposed Zoning Text Amendment to update the permitted height of industrial structures in certain zoning districts especially along Route 301 corridor. We would like this to serve as notification that we are opposed to this amendment.

The Community Volunteer Fire Company of Millington does not have the proper equipment for buildings of this height, nor do they have the proper facilities to house such a piece of apparatus. They are a volunteer company with limited resources and manpower. These restrictions could be detrimental to the structure as well as a safety issue with employees and staff.

Sincerely,

Joyce Price Morales  
Millington Planning Commission, Chair

*Community Volunteer Fire Company  
255 Hurtt Avenue  
Millington, MD 21651*

*May 3, 2023*

*Kent County Planning Commission  
400 High Street  
Chestertown, Maryland 21620*

*Honorable Joe Hickman and Planning Commission:*

*It has been brought to our attention of a text amendment changing the height of buildings in Kent County to 60 feet. This is a great concern to the Community Volunteer Fire Company as we do not have the necessary equipment to address issues at a building this height. The nearest Company with the proper equipment is at least 15 miles away from the proposed site of warehouses along US Route 301.*

*Therefore, we are opposed to this text amendment and feel fire suppression is extremely important and should be considered with future growth in the area.*

*Sincerely,*

A handwritten signature in black ink, appearing to read 'Charlie Boyles', with a long horizontal line extending to the right.

*Charlie Boyles  
Chief*



## Economic and Tourism Development Commission

April 13, 2023

Ronald H. Fithian, President  
Albert H. Nickerson, Member  
John F. Price, Member  
Kent County Commissioners  
400 High Street  
Chestertown, MD 21620

Re: Letter of Support – Zoning Text Amendment

Dear County Commissioners:

I am pleased to write this letter of support on behalf of the Kent County Economic and Tourism Development Commission (EDTC). The EDTC, at their April 12, 2023, meeting, voted unanimously in support of the proposed Zoning Text Amendment (ZTA) that would regulate the permitted height of industrial structures in the 301 Corridor.

As you know, this is one of only two, targeted areas in Kent County, outside municipal limits to market and attract new businesses. Allowing a larger structure would give the county a greater economic development opportunity. We further ask you to consider raising the building height in all Industrial structures located in the two areas identified above, on Industrial and Employment Center zoned parcels. The Commission is also in full support of defining the 301 Corridor in the Land Use Ordinance. Planning, Housing, and Zoning staff clearly explain how and why this ZTA complies with the Comprehensive Plan and its highest priorities as well as changes in these buildings and automated fulfillment technology require this update to previous regulations.

We are pleased that the Commissioners will consider this Zoning Text Amendment and look forward to continuing our efforts in locating the responsible developers and businesses along the 301 Corridor and in the Worton Industrial Area.

Sincerely,

D. Aaron Bramble  
Chair

cc: William Mackey, Director, Planning, Housing, and Zoning

**From:** Charles MacLeod  
**Sent:** Monday, May 1, 2023 3:42 PM  
**To:** William Mackey  
**Cc:** Jamie Williams, Dan Gural, Erin Murphy, Russ Richardson, Kevin J. Shearon  
**Subject:** Building Height Zoning Text Amendment

Hello Bill:

On behalf of Everton Industrial Development and Richardson Properties Corporation, and in connection with the upcoming Planning Commission meeting on Thursday, May 4, attached please find correspondence re the proposed Zoning Text Amendment referred by the County Commissioners. The Planning Commission held their public hearing on the proposed ZTA during their April meeting. To the extent the record remains open, is reopened or the Planning Commission is accepting input, please include this correspondence with the information to be considered by the Planning Commission.

The original letter will be hand delivered. Thank you.

Regards,  
Chip



Charles D. MacLeod, Esq.  
MacLeod Law Group, LLC  
110 N. Cross Street  
Chestertown, Maryland 21620  
Phone: 410-810-1381  
Fax: 410-810-1383  
[www.mlg-lawyers.com](http://www.mlg-lawyers.com)



# MACLEOD

LAW GROUP LLC

Redacted to remove personal email addresses

Charles D. MacLeod, Esq.

May 1, 2023

Kent County Planning Commission  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Zoning Text Amendment Increasing Height of Industrial Structures  
Along Route 301 Corridor

Dear Planning Commission Members:

This letter is being submitted to the Planning Commission to correct inaccuracies in an undated letter from Ms. Janet Christensen-Lewis to the Planning Commission regarding the pending Zoning Text Amendment (ZTA) referred by the County Commissioners to increase certain building heights and, of all things, “that the information that might be relied upon [by the Planning Commission] to come to a decision be accurate.” It is unclear if Ms. Christensen-Lewis is writing on her own behalf or in her capacity as Chair of Kent Conservation & Preservation Alliance.

We are confident that a well-placed call to a Chestertown official knowledgeable about the buildings on the Chestertown Business Campus and the nuances of building height measurement *via a vis* zoning (i.e., the Town Zoning Administrator) will confirm that even though the Town of Chestertown measures roof height differently than the County, based upon plans submitted and approved by the Town the overall height of the Dixon warehouse/distribution center from the lowest grade (loading docks) to the peak of the pitched roof is 52.75’. The components are: 4’ tall loading dock, 42’ from finished floor to top of rigid frame, and an additional 6’-9” to the peak of the sloped roof.

With respect to the commentary about tall structures such as farm silos, grain elevators and steeples being part of Kent County’s “cultural landscape”, there is nothing in the proposed ZTA that removes or limits such structures (or “landmarks”) throughout the County, including along the Route 301 corridor. The simple reason for pointing out the existence of numerous buildings and other structures around Kent County that exceed 50 or 60 feet in height is to dull the “outrage” and exaggerations that permitting industrial buildings of that height along the Route 301 corridor will destroy the character of Kent County. A fundamental purpose of designated Growth Areas is to avoid development sprawl (save cultural landscapes). The proposed ZTA is focused on a Growth Area and limited to the “Route 301 Corridor”, which the Planning Commission is wisely going to define per the recommendation of Mr. Mackey and a well-researched Staff Report.

Letter to Kent County Planning Commission

May 1, 2023

Page 2

In your May 4 meeting materials, you will see that the Planning Director and Staff have substantially enhanced the record in support of the proposed ZTA while others have submitted additional correspondence to feign outrage, further obfuscate and now cite a Lehigh Valley Planning Commission (Allentown, Pennsylvania) study from 2020. When that PA study is read in the context of current circumstances here in Kent County, it supports the rationale for the proposed ZTA as outlined in Kent County Commissioners' Resolution 2023-02 (attached and part of the record).

Thank you for your attention and consideration.

Sincerely,



Charles D. MacLeod

**Attachment**

cc: Economic and Tourism Development Commission  
Jamie Williams, CECD, Director  
Everton Industrial Development  
Richardson Properties Corporation



**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,

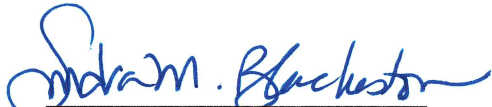
**WHEREAS**, the Board determines that updating local zoning regulations including provisions to allow for construction of modern, marketable buildings on properties currently zoned for new industrial uses to support economic development does serve to further the health, safety, and welfare of Kent County.

**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 F. Price, Member



Kent County Planning Commission  
c/o William A Mackey, AJCP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

May 2, 2023

RE: Zoning Text Amendment – Height of Industrial Structures –

Dear Planning Commission Members:

We are Michael Kent and Christopher Kent, owners of the Kent Family Farm (aka, “Deer Haven”) located at 31245 Chesterville Bridge Rd. We have owned the farm since 2002. In 2003 we placed the entire farm in Trust, through the Eastern Shore Land Conservancy and the Maryland Environmental Trust.

We write to you today to express our deep opposition to Resolution 2023-2, which proposes to increase allowable building heights for industrial structures along the “301 Corridor” from 45 feet to 60 feet. Please understand that we support our County attracting new businesses, including warehouse operations. However, not at the expense of creating an environment that is potentially unsafe and unhealthy for people who live near the 301 Corridor.

The recently completed (2018) County Comprehensive Plan identifies the concept of warehouses for the development of the 301 Corridor. The reality, however, is that a warehouse with a 60 feet height limitation is VERY different from a warehouse constructed under the County Land Use Ordinance - which limits industrial structures to a maximum height of 45 feet height - from visual, structural, and functional perspectives. The type of warehouse built with a maximum allowable height of 45 feet is compatible with the type of warehouse envisioned by the Comprehensive Plan. A warehouse with an allowable height of 60 feet is not. Quite simply, it is the difference between a traditional “industrial warehouse” and a high-cube fulfillment center warehouse.

This current ZTA is driven by a variance request from Everton, Inc. Of course, we don’t know what the ultimate use for the Everton proposed warehouses will be because there is insufficient information to make any informed decision. Even the

Planning Commission staff have had to guess regarding what the proposed warehouses might look like – admittedly using AI to simulate impacts. (Ironically, it seems, that in trying to examine those simulated impacts, staff used the assumptions of a height limitation of 50 feet, not the proposed 60 feet). It is clear to us that neither the members of the Planning Commission nor the Commissioners currently have adequate data to decide on the proposed height increase. Further, it certainly does not seem prudent to make such consequential change to the Land Use Ordinance, and this is a very consequential change, without considering the proposed project in its entirety.

We hope you understand our concern. We urge you not to approve the height increase. Unfortunately, we may not be able to attend the May 4 meeting. However, should you have any questions, please do not hesitate to contact us. We request that this letter be included as part of the official record

Sincerely,

Christopher Kent  
703-447-9057

Michael Kent  
410-708-6754

**From:** Marsha Fritz

**Sent:** Wednesday, May 3, 2023 6:19 PM

**To:** Planning

**Cc:** Cynthia Saunders; Elizabeth Watson, FAICP; Marsha Fritz

**Subject:** Warehouse proposal under review today by the Planning Commission

mMMembers of the Planning Commission of Kent County MD

Gentlemen and Lady,

This proposal under review is very concerning to this former Kent County resident. Eighteen years ago I left Chestertown to move to the beautiful Lehigh Valley in Southeastern Pennsylvania. I enjoyed the Valley's rolling farm fields, historic buildings, sparkling creeks and rivers. I loved driving through the countryside then, but no more.

In the years since, the Valley has been overrun with enormous flat roofed warehouses. In the 1970's Bethlehem, where we live, was facing economic catastrophe Bethlehem Steel closed its factories leaving thousands unemployed. Through the creativity and dedication of its citizens, the Valley has survived and grown. A few years later, though, when the warehouse developers came calling, the government was easily swayed by the promise of good jobs, a growing tax base that guaranteed increased prosperity and clean energy. Now we can see that none of these promises has really come true.

Instead, highways, the local and connector roads are crawling with trucks; they are now crumbling and dangerous. The jobs don't provide a living wage and housing becomes unaffordable for these employees. Union protection for those holding "unskilled" jobs is poor. Bad things keep happening. For example, a local newspaper reported recently that an Amazon warehouse saved money on their HVAC systems by leaving out air conditioning. The out-of-state company realized that it was cheaper to negotiate a contract to keep an ambulance on site during the summer. When the overheated workers collapsed, they were simply carted off to the emergency room. Unbelievable.

As is so often the case, development breeds on itself. Even the bad stuff. Now, while new warehouses are going up, newly constructed ones are empty, with enormous signs advertising availability. Warehouses are becoming more and more automated, eliminating those promised good jobs. In the meantime, the Valley is experiencing a shortage of affordable housing. So much for the jobs, the economical development, the support for families. To be fair, something is increasing: pollution from all of those diesel truck, according to a study released last month. Run-off from all of those flat roofs and parking lots is growing too.

So what can Kent County learn from the Lehigh Valley? These facilities have little to offer the local economy or quality of life. In spite of the promises you are hearing, I encourage you to send them down the road and focus on what makes Kent County and its resources thrive. If you decide to accept them, please place strict restrictions on them. Find out what they precisely mean about their L.E.E.D. claims; insist that they power themselves with roof-mounted solar panels; keep the 45 foot height limit.

Thank you for your work for the County.

Very truly yours,

Marsha Fritz



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April 26, 2023

William A. Mackey, AICP  
Director, Department of Planning, Housing, and Zoning  
Kent County, Maryland  
400 High Street, Suite 103  
Chestertown, MD 21620

**RE: Zoning Text Amendment**

Dear Mr. Mackey:

I am writing in support of the proposed text amendment providing for increased building heights up to sixty feet (60') including roof protrusions for HVAC or solar panels. Our firm represents developers as well as end-users of all types of commercial real estate and can attest to the demand for forty-five foot (45') interior clear heights for warehouse space. Developers and users consider an array of factors when expanding or relocating including a comprehensive review of the zoning code to determine whether they can develop functional space without having to seek variances.

One of the biggest selling points for Kent County and the Town of Millington is that it can be a lower cost alternative than sites to the north such as Middletown, Delaware, and those to the west on the Annapolis side of the Bay Bridge. We have a network of partners working with state, national and international businesses that are seeking to bring manufacturing & distribution operations to Maryland and look forward to presenting Kent County as a viable option.

I applaud this proactive position which sends a message to the commercial real estate community that Kent County supports responsible development.

Best regards,

A handwritten signature in blue ink that reads "Tara Weekes Stout".

Tara Weekes Stout

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
RECEIVED 5/1/2023

**Redacted to remove personal email addresses  
and personal phone numbers**

**From:** William Mackey

**Sent:** Tuesday, May 2, 2023 4:03 PM

**To:** Francis J. Hickman, Paul Ruge, Paula Reeder, James Saunders, Raymond Strong, William S. Sutton, William Crowding,

**Cc:** Cynthia L. McCann, Esq., Carla Gerber, Mark Carper, Campbell Safian

**Subject:** Kent County Planning Commission - height of the Dixon campus buildings

Good afternoon, Planning Commission Chair and Members,

Yesterday, I reached out to Kees de Mooy about the discussions of industrial building heights. Kees responded quickly, and he kindly provided the attached drawing. For the overall dimensions of the Dixon Distribution Center (the taller of the two buildings), Kees defers to the project's engineer, Kevin Shearon, P.E., and Kees provided the engineer's statement, which is included below.

*Even though the town measures roof height differently, based on the attached plan the overall height from the lowest grade (loading docks) to the peak of the pitched roof is 52.75'. The components are: 4' tall loading dock, 42' from finished floor to top of rigid frame, and an additional 6'-9" to the peak of the sloped roof.*

Kees also noted that when looking at the buildings from Rt. 213, the overall height of the front façades of both buildings, as seen from Rt. 213 and as measured from finished grade, is under 50 feet, as required by the Town of Chestertown's Zoning Ordinance.

Many thanks to Kees for providing this information and clarification.

Sincerely,

Bill



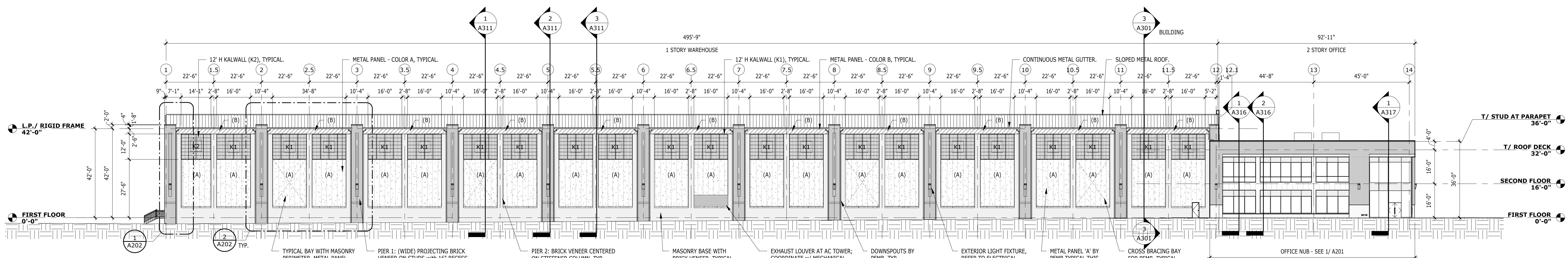
**William A. Mackey, AICP**

Director, Department of Planning, Housing, and Zoning

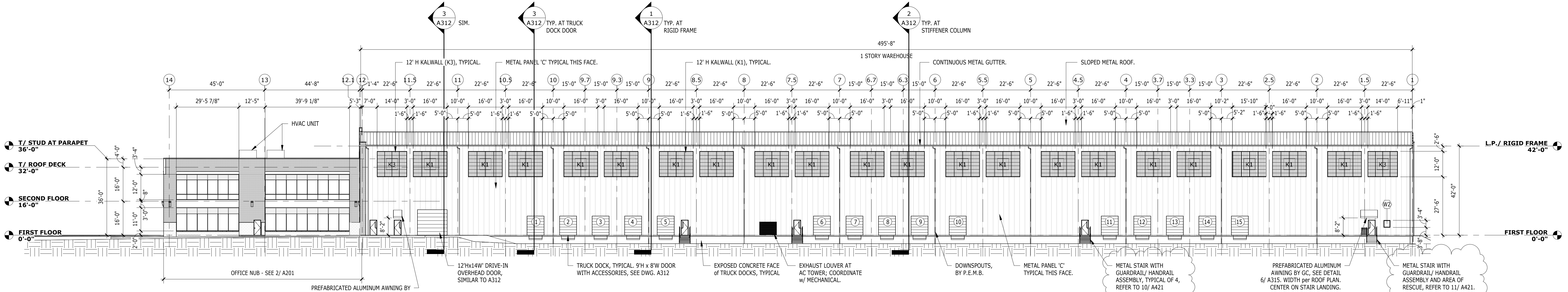
**Kent County, Maryland**

**400 High Street, Suite 103**

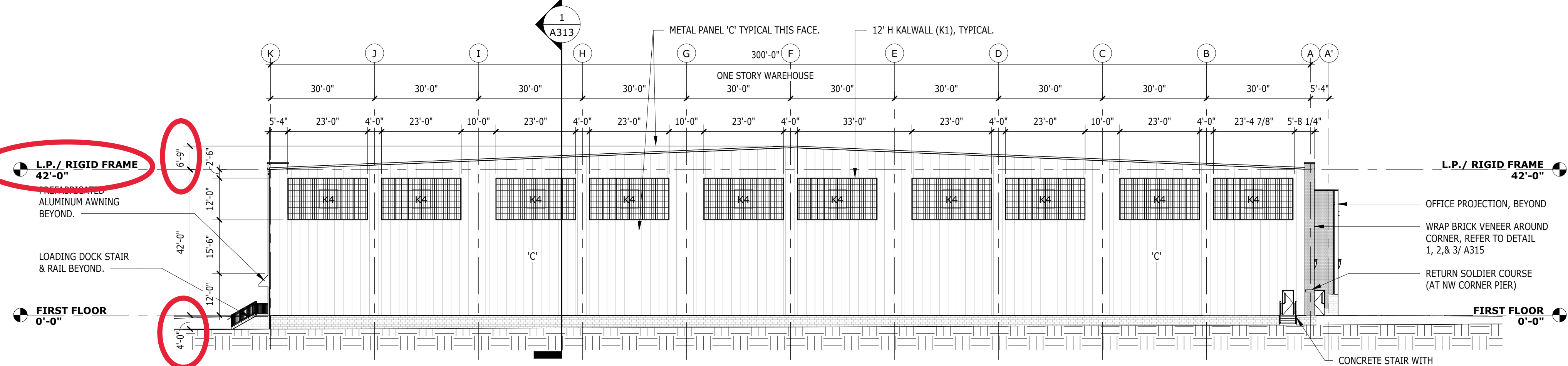
**Chestertown, MD 21620**



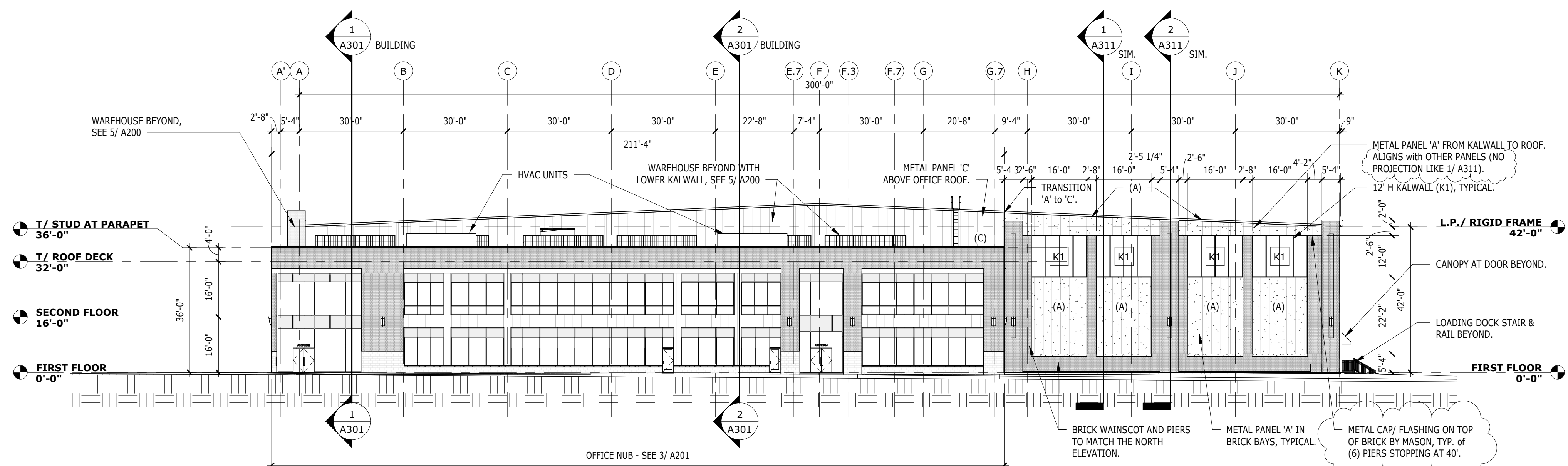
**"FRONT" NORTH ELEVATION**  
A200 SCALE: 3/64" = 1'-0"



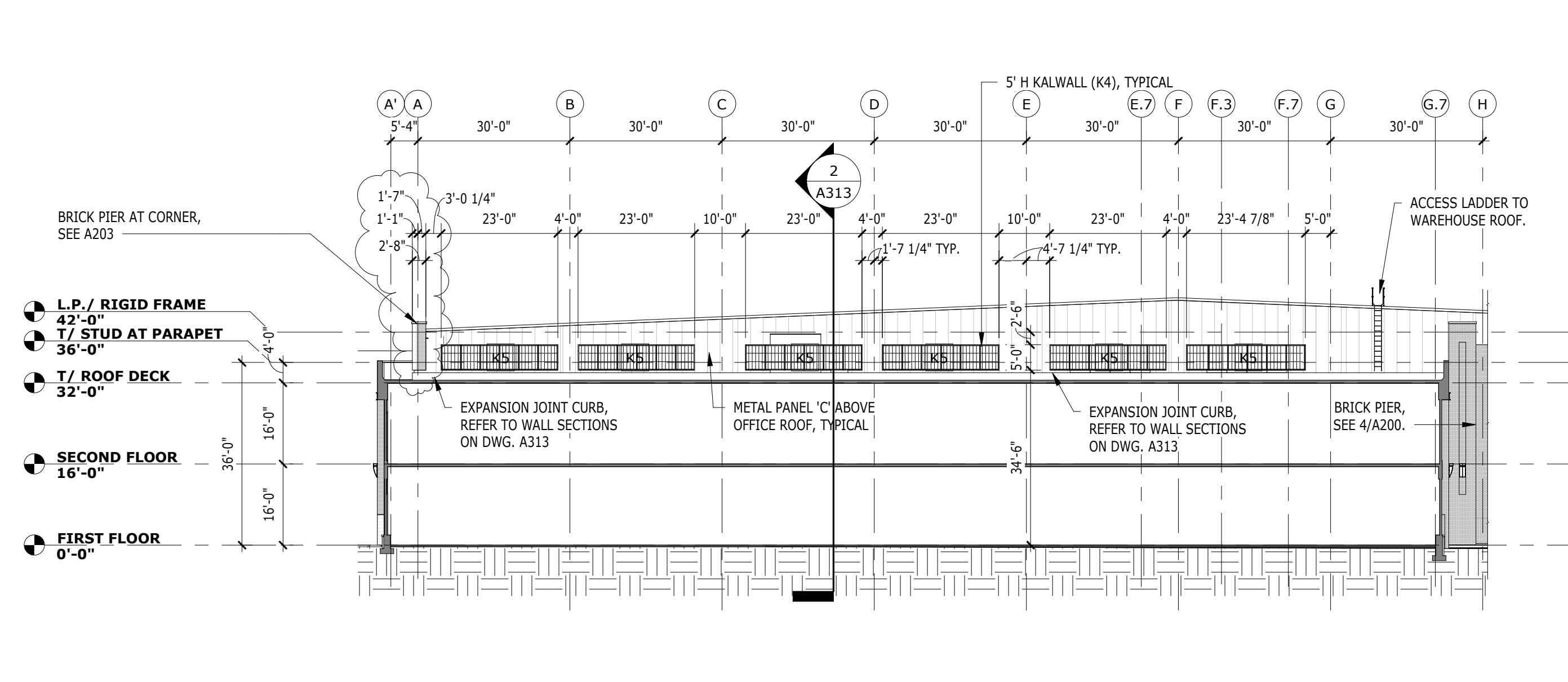
**"BACK" SOUTH ELEVATION**  
A200 SCALE: 3/64" = 1'-0"



**EAST ELEVATION**  
A200 SCALE: 3/64" = 1'-0"



**WEST ELEVATION**  
A200 SCALE: 3/64" = 1'-0"



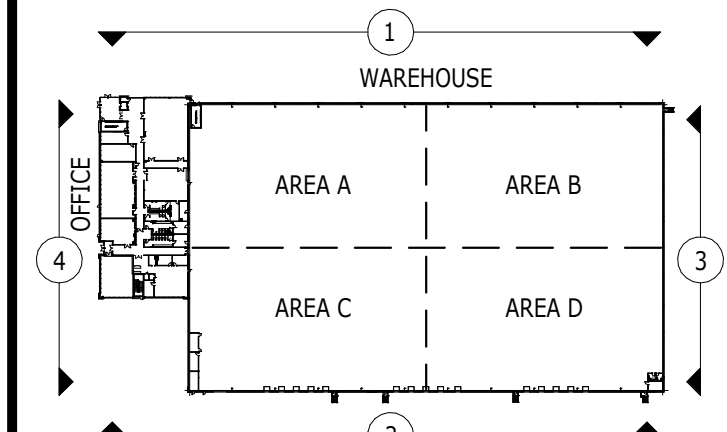
**WEST ELEVATION AT WAREHOUSE**  
A200 SCALE: 3/64" = 1'-0"

**MATERIALS LEGEND**

- METAL PANEL 'A'  
TURF WALL TEXTURED INSUL. BY P.E.M.B.  
ANTIQUE BRONZE TUFF COTE KMD0152
- METAL PANEL 'B'  
MESA EMBROSSED INSUL. BY P.E.M.B.  
WEATHERED COPPER 437R1124
- METAL PANEL 'C'  
MESA EMBROSSED INSUL. BY P.E.M.B.  
SMOKE GREY 432R1584
- METAL PANEL 'D'  
OFFICE TRANSLUCENT METAL PANELS  
SIMILAR TO 'C' SMOKE GREY
- ROOF PANEL  
STANDING SEAM METAL BY P.E.M.B.  
SMOKE GREY 432R1584
- BRICK RUNNING BOND  
UNLESS NOTED OTHERWISE
- DECORATIVE CONCRETE BLOCK

**ELEVATION NOTES**

- A. TEMPERED GLAZING SHALL CONFORM TO CPSC 16 CFR 201 AS REQUIRED IN SECTION 2406 OF THE IBC.
- B. SAFETY GLAZING SHALL CARRY A FIRE RATING AS RECOGNIZED BY THE IBC AND CONFORM TO THE REQUIREMENTS OF TEMPERED GLAZING.
- C. SEE SHEET A602 FOR VARIOUS WINDOW TYPES.
- D. COLOR/FINISH T.B.D.;  
PRECAST CONCRETE SILLS  
SECTIONAL DOORS  
AWNING ROOFING  
LIGHT FIXTURES  
SOUTH LOUVER



**KEY PLAN**



These drawings are instruments of the Architect's service and are the property of LGA Partners. They shall not be reproduced or used in any way, without the written permission of LGA Partners. © 2015.  
I certify that these documents were prepared or approved by me, and that I am a duly licensed architect under the laws of the state of Maryland.

NO.	DATE	UPDATE & COORDINATION	DESCRIPTION
1	10/16/17	UPDATE & COORDINATION	

DATE:	07/28/2017
DRAWN BY:	REL
PROJECT NO.:	16357
FILE NAME:	Checker

**EXTERIOR ELEVATIONS at WAREHOUSE**

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.

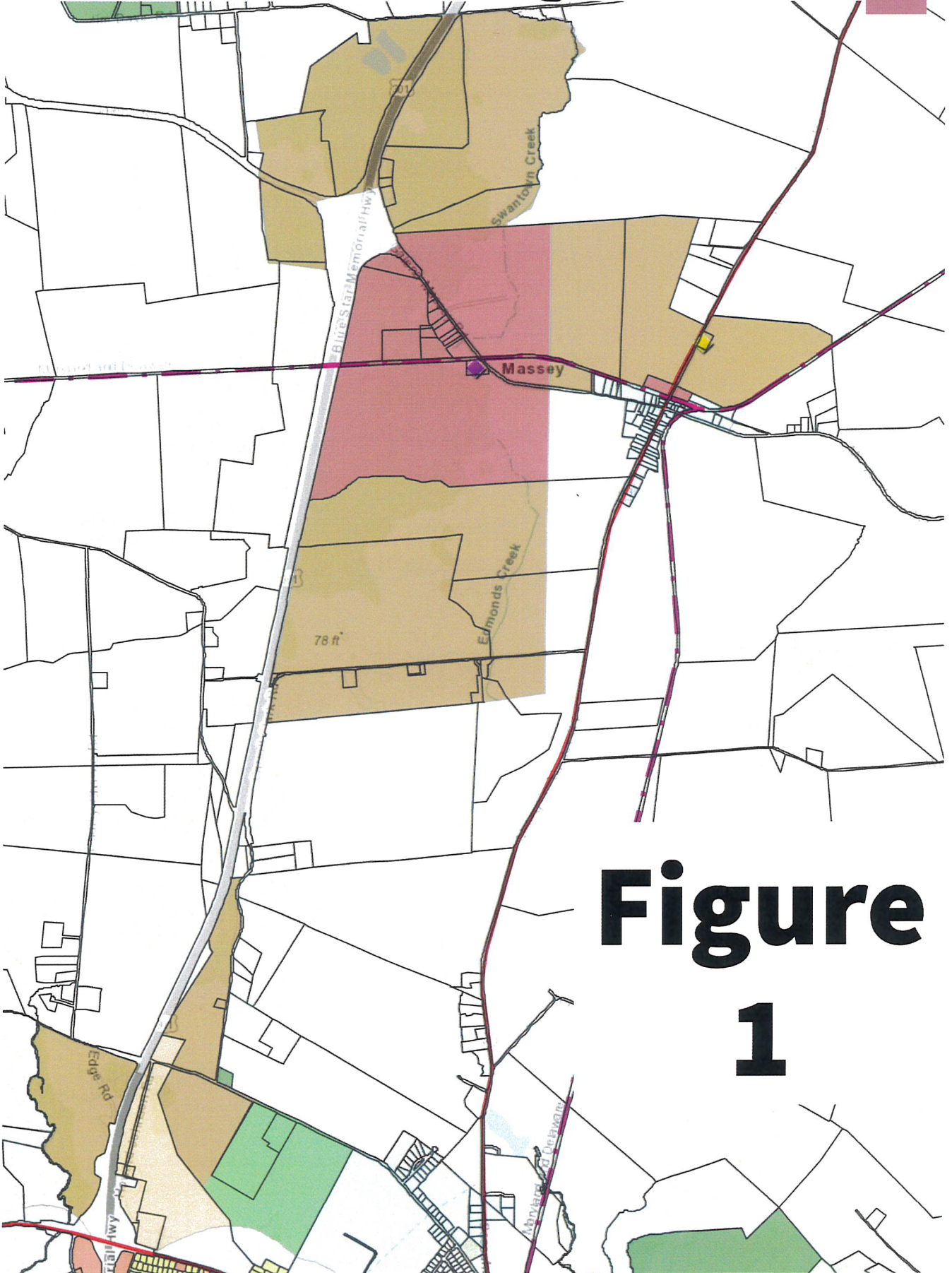
Respectfully submitted,

Catherine W. Durham



# 301 Corridor Districts

Commercial  
Employment  
Industrial



# Figure 1

# Properties with Current or Planned Access to Water & Sewer

## Figure

### 2



# Property in the 301 corridor that can use the ZTA proposed

## Figure 3

