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March 4, 2021

County Commissioners for Kent County  
Comprehensive Rezoning Update (CRU) Task Force  
c/o William A. Mackey, AICP  
Director of Planning, Housing and Zoning  
400 High Street  
Chestertown, MD 21620

Re: Proposed Text Amendments

Dear Commissioners and CRU Task Force:

As you know, Kent County is undergoing a comprehensive rezoning and our clients are participating in the County rezoning process. Our clients cumulatively own approximately 450 acres, more or less, at the Routes 301/291 interchange. The significance of this rezoning as it pertains to our clients' land and the economic development potential for the County is immense. The County has a unique opportunity to implement the 2018 Kent County Comprehensive Plan by supporting exponential smart, innovative growth and well-planned development highly beneficial to the County and its citizens by virtue of enacting changes to the zoning code affecting these properties. Our clients previously proposed amendments be made to the County Zoning Text, including new "floating" zones which would permit mixed-use development in designated growth areas as identified in the Comprehensive Plan.

Based on the comments at the prior Comprehensive Rezoning Update Task Force meetings, and the preliminary plans of the County's zoning consultant, Calfee Zoning, our clients endeavored to research other similar jurisdictions that have successfully used mixed-use development floating zones and expanded underlying mixed-use base zoning to appropriately permit mixed-use development in rural communities undergoing development. Enclosed, please find a memorandum of LRK Architects, Designers and Planners, on behalf of our clients, which highlights and discusses pertinent examples of how mixed-use zoning has been accomplished in rural, scenic areas such as Kent County. These case study examples are a great indication that our community can achieve smart, sustainable and innovative growth while also preserving our rural character, which is the staple of our County.

Based on the research memorandum enclosed, the comments at previous CRU Task Force meetings and purported strategy of the County zoning consultant to combine zoning districts, deal

DEPARTMENT OF  
PLANNING, HOUSING & ZONING  
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heavily with underlying base zoning districts and simplify the zoning code, our clients hereby amend their Text Amendment proposal of September 30, 2020 with particular emphasis on allowing for mixed-use development at the Routes 301/291 interchange, an area identified as a priority for growth in the Comprehensive Plan. The crux of our client's request is to permit mixed-use development either through amendments to the underlying base zoning in certain growth areas, by virtue of enacting planned mixed-use floating zones, or a combination of both. The primary focus of the proposal is allowing for mixed-use development as recommended in the Comprehensive Plan. As such, please note the following are our clients' revised and restated requested zoning text amendment proposals to include the following:

- (a) The County incorporate and include a new Planned Mixed-Use Development (PMD) Floating Zone District in the form and substance previously submitted by our letter on September 30, 2020 and incorporated herein by reference;
- (b) The County incorporate and include a new Planned Neighborhood (PN) Floating Zone District in the form and substance previously submitted by our letter on September 30, 2020 and incorporated herein by reference;
- (c) The County incorporate and include the Procedure for Planned Development Approval for the PMD and PN Floating Zones in the form and substance previously submitted by our letter on September 30, 2020 and incorporated herein by reference;
- (d) In light of the fact that the proposed Floating Zones are subject to further review and consideration, we also recommend and request that the County amend the underlying base zoning to allow mixed-use development by consolidating five underlying zoning districts into a new proposed Mixed-Use District as follows:
  - a. Combine the identified portions of the existing Commercial District, Employment Center District, Rural Residential District, Resource Conservation District and Agricultural District into one single underlying Mixed-Use Zone (please refer to attached map entitled, "Proposed Mixed-Use District Base Zoning");
  - b. Merge the Permitted Principal Uses of the Commercial District, the Employment Center District and Rural Residential District to be Permitted Principal Uses in a new underlying Mixed-Use Zone and expand the range of permitted uses in the district to include a range of residential and non-residential uses;
  - c. Merge the Special Exceptions and Accessory Uses for the Commercial District, Employment Center District and Rural Residential District and convert the Special Exception Uses in all districts to Permitted Principal Uses in a new underlying Mixed-Use Zone;

- d. Allow a broader range of residential uses as a Permitted Principal Use or Special Exception in the new Mixed-Use Zone, including single-family homes, townhomes, duplexes, cottage units, tiny homes, multi-plexes, multifamily apartments, manufactured housing, senior living, nursing homes, assisted living facilities, sheltered care facilities and continuing care retirement communities;
- e. Use a combination of Mixed-Use Floating Zones and a new underlying Mixed-Use base Zone to permit Mixed-Use and provide broad permitted use categories instead of a laundry list of specific permitted uses in a new Mixed-Use base Zone; and
- f. Rezone the underlying base zoning for the vast majority of the Millington Crossing development consisting of 450 acres, more or less, to be in an underlying base zoning of Mixed-Use as shown and designated on the attached map entitled, "Proposed Mixed-Use District Base Zoning".

The intent of these proposed text amendments is to use changes to the underlying base zoning districts and new floating zones to allow for mixed-use development in growth areas in a successful and innovative way such as other developing rural communities have done, as shown by the case study examples contained in the attached Memorandum. Please allow this letter to serve as a formal revision and amendment to the previously submitted Requested Proposals which shall supersede our clients' prior submittal.

We appreciate your anticipated consideration of this proposal. Should you need additional information or have any questions, please do not hesitate to contact us. Thank you for your anticipated consideration of this matter.

Very truly yours,

  
Kyle K. Kirby