



Department of Planning,
Housing, and Zoning
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ADMINISTRATIVE HEARING

County Commissioners Hearing Room
400 High Street
Chestertown, Maryland

MEETING TO BE HELD IN-PERSON and VIRTUALLY VIA CONFERENCE CALL

COVID-19 Special Announcement Regarding Meeting Attendance

Citizens may choose to either attend the meeting in person, observe and listen to the meeting online at <https://www.kentcounty.com/commissioners/meeting-live-video>, OR via the audio-only phone number and conference identification number listed below. The way for members of the public to provide verbal comments remotely during the meeting is via the audio-only phone number when the Planning Director opens the floor for comment.

Public participation and audio-only call-in number:

To participate via Microsoft Teams:

1. Dial **1-872-239-8359**
2. Enter Conference ID: **934 700 76#**

Members of the public are asked to mute their phones/devices, until the Planning Director's designee opens the floor for comment. Please note that if you are listening to the online livestream while waiting to call in to participate, there is an approximate 45-second delay. In order to avoid audio feedback issues, please mute the livestream before calling in.

AGENDA **May 26, 2021** **2:00 PM**

APPLICATION FOR REVIEW:

21-19 Karen Lee and Keyashia Mitchell-Lee (Craig W. Austin) – Administrative Special Exception (Day Care Group) 932 Washington Avenue – Fourth Election District – Zoned Intense Village (IV)

APPLICANT OR REPRESENTATIVE MUST BE PRESENT

Meetings are conducted in Open Session unless otherwise indicated. All or part of the Administrative Hearing may be held in closed session under the authority of the MD Open Meetings Law. Breaks are at the call of the Planning Director's designee. Meetings are subject to audio and video recordings.

Please note that times listed on the agenda are only estimates; however, projects will not be reviewed prior to their scheduled time. Applicants will be given the time necessary to assure full public participation and a fair and complete review of all projects. Therefore, the time each application is heard may be later than the time indicated on the agenda. Items on this Agenda are subject to change due to cancellation of projects.

If you require communication assistance, please contact the Maryland Relay Service at www.mdrelay.org or 7-1-1 Voice/TDD.



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PRELIMINARY STAFF REPORT

TO: Kent County Planning, Housing, and Zoning
SUBJECT: Karen Lee and Keyashia Mitchell-Lee
Administrative Special Exception – Day Care Group
#21-19
DATE: May 24, 2021

DESCRIPTION OF PROPOSAL

Ms. Lee and Ms. Mitchell-Lee are requesting a special exception to operate a day care group from 2 units in Craig Austin's shopping center, Austin Plaza North, located at 932 Washington Avenue in the Fourth Election District. The property is improved by a small, strip shopping center with several units occupied by a variety of businesses. The property is zoned Intense Village (IV).

The applicants operate Our Children @ Tomorrow's Leaders and plan to provide care to children from 3 months to 4 years at this site. The childcare center will have a maximum of 35 children. Some non-structural modifications to the space will be necessary.

RELEVANT ISSUES

I. Permitted and Accessory Uses

- A. *Applicable Law:* Article V, Section 3.3 of the Kent County *Land Use Ordinance* establishes principal uses and structures that may be permitted as special exceptions within the Intense Village District.
- B. *Staff and TAC Comments:* The applicant is proposing to operate a day care group in the Austin Plaza North shopping center.

II. Special Exception – General Standards

- A. *Applicable Law:* Article VII, Section 2 of the Kent County *Land Use Ordinance* establishes the Special Exception standards and requires the Planning Director to make findings on the following where appropriate:
 1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
 2. Traffic Patterns;
 3. Nature of surrounding area;
 4. Proximity of dwellings, houses of worship, schools, public structures, and other places of public gathering;
 5. The impact of the development or project on community facilities and services;
 6. Preservation of cultural and historic landmarks, significant natural features and trees;
 7. Probable effect of noise, vibration, smoke and particulate matter, toxic matter, odor, fire or explosion hazards, or glare upon surrounding properties;
 8. The purpose and intent of this Ordinance as set forth in Article II;
 9. Design, environmental, and other standards of this Ordinance as set forth in Article V;
 10. The most appropriate use of land and structure;
 11. Conservation of property values;
 12. The proposed development's impact on water quality;
 13. Impact on fish, wildlife and plant habitat;
 14. Consistency with the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan;

15. Consistency with the Critical Area Program; and
16. Compatibility with existing and planned land use as described in the Comprehensive Plan, Land Use Ordinance, and where applicable the Village Master Plan.

Article VII, Section 7 of the Kent County Land Use Ordinance establishes the specific standards for a day care group.

18. *Day care group* in AZD, RCD, RC, RR, CAR, CR, V, IV and IVCA provided:
 - a. Outdoor activity areas are fenced and screened.
 - b. Two drop-off/pick-up parking spaces are provided.
 - c. Structured play areas for active play or play *structures* are not in the *front yard* and are 10 feet from the side or rear property line.
 - d. The *structure* retains its residential character.
 - e. Day care in the RCD shall be in dwellings existing prior to December 1, 1985.

B. *Staff and TAC Comments:*

- The Health Department has approved the application. The existing septic system can handle the proposed use.
- During TAC review, staff noted concerns about how outdoor activity areas will be designed and accessed.
- Parking is adequate at the site.
- The property is not residential, but from the front it will retain its current character.
- The surrounding area is a mix of commercial and residential uses. The proposed day care center will be located in a small, strip shopping center.
- Off-street parking is available for the tenants and customers of the shopping center.
- The day care center should not affect traffic patterns.
- The application is consistent with the Comprehensive Plan which supports the development and expansion of locally owned businesses.

STAFF RECOMMENDATION

Staff recommends approval of a special exception to operate a day care group in Austin Plaza North conditioned upon:

1. Obtaining a use permit.
2. Providing a site plan showing the outdoor activity area.
3. That the special exception hereby granted will lapse after of one year if the day care group is not operating in accordance with the plans herein presented.