



Queen
Anne's
County

County Commissioners:


Steven J. Arentz, At Large
David L. Dunmyer, District 1
Bob Simmons, District 2
Philip L. Dumenil, District 3
Dave Olds, District 4

DEPARTMENT OF LAND USE, GROWTH
MANAGEMENT & ENVIRONMENT

160 Coursevall Drive
Centreville, MD 21617

Telephone Community Planning: (410) 758-1255
Fax Community Planning: (410) 758-2905
Telephone Land Use: (410) 758-1255
Fax Land Use: (410) 758-2905
Telephone Permits: (410) 758-4088
Fax Permits: (410) 758-3972

TO: Planning Commission

FROM: David Dahlstrom, AICP 

MTG. DATE: February 10, 2011

RE: Comprehensive Rezoning Map Amendments - Public Hearing
Proposed Map Amendment (MA) #11-03

Background

Pursuant to Article 66B §3.05(8)(b)(2) of the *Annotated Code of Maryland* the Planning Commission must periodically review, and if necessary revise and amend the local *comprehensive plan*. Pursuant to Section 18:1-216 of the *Queen Anne's County Code*, the County's *Land Use Plan* is to be comprehensively considered for amendment every five years.

As part of the County's *Comprehensive Plan* update process, *property owners* are provided the opportunity to have their property re-evaluated for change to a different land use and zoning district. Property owners may submit an amendment petition to request a new zoning classification for their property, including the re-designation of the property on the *Land Use Plan*, to maintain consistency between the Comprehensive Plan and the Zoning Map. Pursuant to the *Smart, Green & Growing* Planning Legislation, passed in 2009 by the Maryland General Assembly, the "consistency" between the Comprehensive Plan and the zoning ordinance are actions that further, and are not contrary to the various parts; policies; timing of implementation of the plan; timing of development; timing of rezoning; development patterns; land uses; and densities or intensities of use. Therefore, the test for consistency between the Comprehensive Plan and the Zoning has been elevated.

During the County's *Comprehensive Plan* update process, a total of twenty-six rezoning application amendment petitions were received from property owners. The first step of the process was the Planning Commissions' evaluation and consideration of each of the twenty-six application amendment petitions to determine if the proposed rezoning requests were consistent with the goals, objectives and purpose of the County's *draft recommended 2010 Comprehensive Plan* and corresponding *Land Use Map (Maps LU-7A and LU-7B)*. This review was conducted as part of the *60-day review period* for the *draft recommended 2010 Comprehensive Plan*. As a result of the Planning Commission review, multiple properties were recommended for a change in land use on the *Land Use Map*. The County Commissioners approved these Planning Commission recommended *Land Use Map* changes when the *2010 Comprehensive Plan* was adopted on September 7, 2010.

Now that the *2010 Comprehensive Plan* has been adopted, the Planning Commission must consider and evaluate each of the proposed amendment petitions and make a recommendation to the County Commissioners

as to the “consistency” of the zoning petition with the *2010 Comprehensive Plan* and the Queen Anne’s *County Code*, including but not limited to Chapters 14 and 18. Pursuant to Section 18:1-220 of the Queen Anne’s *County Code*, the Planning Commission shall hold at least one public hearing before making any recommendation with respect to a comprehensive rezoning. The Planning Commission may make either a *favorable* or *unfavorable* recommendation for each proposed amendment petition. The Planning Commission shall submit recommendations with respect to the rezoning amendments to the County Commissioners. The County Commissioners may not approve any rezoning amendment unless it finds that the amendment is consistent with *Article 66B of the Annotated Code of Maryland*, the County’s adopted *2010 Comprehensive Plan* and the Queen Anne’s *County Code*, including but not limited to Chapters 14 and 18.

Pursuant to Section 18:1-217, all properties owners and adjacent property owners have been sent a notice of the public hearing via U.S. Mail. The public hearing notice was published in the Bay Times and Record Observer on January 20, 26, 27 and February 2 and 3, 2011.

County staff has received multiple telephone calls concerning the comprehensive rezoning map amendments. Generally the concerns are about the comprehensive rezoning process; the comprehensive rezoning public notices; why is the County rezoning my land; what is the *Land Use Map*; how did the rezoning originate; what is proposed to be done/constructed on the subject property; will the change in zoning have an impact on my property values; how many lots can the subject property be sub-divided into; how much traffic will be generated; how will the rezoning impact adjacent properties/views; is an adjacent property also going to be rezoned; and what permitted uses/heights/setbacks are allowed in the new zoning classification? It is anticipated that multiple parties will come before the Planning Commission during the public hearing to provide testimony to these and other issues associated with the proposed amendments.

Planning Commission Consistency Review of Rezoning Map Amendments

The general locations of the twenty-six comprehensive rezoning map amendments are depicted on the attached *Comprehensive Rezoning Map*. The comprehensive rezoning map amendments subject to MA #11-03 are summarized in the attached *Comprehensive Rezoning Changes Summary Table*.

The first column in *Comprehensive Rezoning Changes Summary Table* indicates a “Map No.” This corresponds to the generalized map location of each rezoning application. The numbers on the map are keyed to correspond to the Map No. column in the table. The Map No. is consistent with the numbering system used during the Planning Commissions’ consistency review of the rezoning petitions with the *Land Use Map* as part of the 60-day review of the draft recommended *2010 Comprehensive Plan*.

The “Consistency” column corresponds to whether or not the proposed rezoning amendment is consistent with the goals and purpose with County’s adopted *2010 Comprehensive Plan*, *Land Use Map* and *County Code*. “Consistency with the Comprehensive Plan” means that the proposed zoning is consistent with the Objectives and Recommendations and intent of the *2010 Comprehensive Plan*. “Consistent with the Land Use Map” means that the proposed zoning category is consistent with the land use classifications (i.e. Rural Employment, Agriculture, Low or Medium Residential, etc.). “Consistency with the Queen Anne’s *County Code*” means that the proposed zoning is consistent with the *purpose* of the proposed zoning classification and other regulatory provisions of the existing *County Code* (Chapters 14 & 18, etc.).

It should be noted that the *County Code* has not yet been updated to reflect consistency with the *2010 Comprehensive Plan*, making it difficult at this time to clearly illustrate consistency while the updates needed to the *County Code* are in process. Per the adoption of the *2010 Comprehensive Plan*, multiple text amendments to various sections of Chapters 14 and 18 of the *County Code* will be necessary in order to maintain consistency

between the *County Code* and the *2010 Comprehensive Plan*. These areas in need of amendment are generally outlined in *Appendix 1: Plan Implementation & Streamlining Element* of the *2010 Comprehensive Plan*. Therefore, the determination of consistency with the *County Code* may need to be deferred by the Planning Commission until the *County Code* has been amended, accordingly. Staff is working to bring these text amendments before the Planning Commission, as soon as is possible.

The "Planning Commission Recommendation" column will be used to document the Planning Commission's decision to make either a *favorable* or *unfavorable* recommendation to the County Commissioners, for each rezoning petition. The Planning Commission may also *defer* the amendment until the *County Code* has been amended.

The rezoning amendments which are ultimately approved by the County Commissioners will result in corresponding changes to the County's *Official Zoning Map*. If a rezoning amendment is not approved by the County Commissioners, a property owner may resubmit a proposed map amendment during future updates to the County's *Comprehensive Plan*, or as provided by Section 18-1-218 of the Queen Anne's *County Code*.

Amendments Withdrawn By Applicants

The following rezoning applications were submitted but later withdrawn by the applicant:

- **Map No. 2** – Quinn, TM 48, Parcels 24 & 84, Stevensville
- **Map No. 17** – Waterman, TM 59, Parcel 141, Queenstown
- **Map No. 18** – Waterman, TM 59, Parcel 36, Queenstown

No further action is necessary. The notice to withdraw was received after the public hearing notice was published in the newspaper for Map No. 2. The Planning Commission does not need to conduct a public hearing for these amendments.

Amendments Approved by County Commissioners

The following parcel subject to rezoning application No. 5 was submitted and approved by the County Commissioners on August 24, 2010. County Ordinance #10-12.

- **Map No. 5** – Waterman, TM 58A, Parcel 253, Grasonville

No further action is necessary. The Planning Commission does not need to conduct a public hearing for this amendment.

Findings of Consistency with 2010 Comprehensive Plan

Map Nos. 2, 3, 16 (TM 72, Parcels 121 & 94, and TM 73 Parcel 42) 20, 21, 23 and 24 did not receive a favorable recommendation from the Planning Commission to change the underlying Land Use Map designation during the 60-day review public hearing for the *draft recommended 2010 Comprehensive Plan*; therefore, the requested zoning proposed in each of these applications have an underlying *Land Use Map* designation which is not consistent with the *2010 Comprehensive Plan* and *Land Use Map*. These findings are noted on the *Comprehensive Rezoning Changes Summary Table*.

Proposed Map Amendment No. 1

Kentmorr Marina, Tax Map 70, Parcel 30, Lot A (0.96 acres from Neighborhood Conservation 20 (NC-20) to Kent Island Suburban Commercial (KISC). See also attached maps and information included in Packet No. 1. The proposed amendment area has over 550 feet in frontage length along proposed Marina Drive, but the property generally ranges between 40 and 60 feet in depth, or less. Development potential on this parcel could be limited due to the awkward geometric configuration of the parcel and the need to meet minimum front and rear setback requirements established in the *County Code*. The NC-20 zoning classification establishes a 50 foot minimum rear setback. The KISC zoning classification establishes a 10 foot minimum rear and side setback. Both zoning classifications require a 35 foot front setback.

Site Characteristics

The proposed amendment site is located within a larger 9.8 parcel (Kentmorr Marina). The larger Kentmorr Marina parcel currently has a split zoning between the KISC and NC-20 zones. Approximately 8.84 acres of the parcel is currently zoned KISC. The balance of the parcel (0.96 acres) is zoned NC-20. The NC-20 zoning subject to this amendment occurs along the southern boundary of the Kentmorr Marina.

Adjacent zoning

North: Kent Island Suburban Commercial (KISC)
South: Neighborhood Conservation (NC-20)
East: Neighborhood Conservation (NC-20)
West: Neighborhood Conservation (NC-20)

Site History

In 1951, the amendment site was originally part of a residential subdivision and was subdivided into 10 residential lots (Lots 39-48, See attached site plan identified as 1951 in Packet No. 1). In 1960 a revised subdivision was approved which removed the 10 residential lots and incorporated the area into the existing marina parcel. The proposed Marina Drive, connecting Kent Avenue to the east with Kentmorr Road to the west was relocated through the former residential parcels (Lots 39-48). In 1967, the area north of proposed Marina Drive had a zoning classification of Business-2 (B-2) and the area south of proposed Marina Drive, subject to this rezoning amendment, had a zoning classification of Residential-3 (R-3). In 1987 the area was zoned Suburban Commercial (SC) and Neighborhood Conservation-20 (NC-20) respectively. In 2009, the SC zoned area was rezoned to the new Kent Island Suburban Commercial (KISC) zoning classification as part of the County rezoning of all SC zoned properties on Kent Island to KISC to require future development within the KISC zone to utilize the Town Center (TC) and Urban Commercial (UC) Design Guidelines.

Potential Impacts

The proposed amendment would have minimal impacts upon population change, public facilities, present and future transportation patterns. The balance of the Kentmorr Marina is currently surrounded by other NC-20 zoned properties. These adjacent NC-20 zoned properties have either their front yards or side yard abutting the KISC zoned property, and are typically separated from the marina parcel by a road. However, the seven properties with NC-20 zoning share a property line and are not separated by a road. Most of the seven properties contain an existing single-family residential structure. Under the current NC-20 zoning of the proposed amendment parcel, a rear 50 foot setback must be maintained, and the permitted use would be consistent with the other adjacent NC-20 zoned properties. With the NVC zoning, the rear setback will be reduced to 10 feet. Provided a 10 foot rear and side setbacks are maintained, the KISC zoning would meet the minimum setback requirements established in the *County Code*. Although no changes to the approved

subdivision plan have been proposed by the applicant at this time, staff recommends that proposed extension of Marina Drive remain as a future transportation improvement.

Consistency with Land Use Map

At the 60-day review public hearing for the *draft recommended 2010 Comprehensive Plan* the Planning Commission determined the proposed amendment to be consistent with the *Land Use Map* designation (Rural Business/Employment Area). No change to the *Land Use Map* was required.

Proposed Map Amendment No. 3

Sattelmaier – Tax Map 57, Parcel 68 (80 acres from Countryside (CS) to Neighborhood and Village Center (NVC). See also attached maps and information included in Packet No. 3.

Site Characteristics

The proposed amendment area is adjacent to the Neighborhood and Village Center (NVC) zoned area. The NVC zoning provides for the creation of a Town Center as provided in the Chester/Stevensville Community Plan.

Adjacent zoning

North: Town Center (TC)

South: Countryside (CS) and Neighborhood Conservation-1 (NC-1)

East: Countryside (CS)

West: Neighborhood and Village Center (NVC) and Countryside (CS)

Site History

The site area was removed from the Chester Growth Area during the last update to the Chester/Stevensville Community Plan in 2007.

Consistency with Land Use Map

At the 60-day review public hearing for the *draft recommended 2010 Comprehensive Plan* the Planning Commission determined the proposed amendment was not consistent with the *Land Use Map*.

Proposed Map Amendment 4

Lippincott Sailing Yachts, LLC – Tax Map 58, Parcel 607 (12.86 acres from Village Center (VC) to Waterside Village Center (WVC)). See also attached maps and information included in Packet No. 4.

Site Characteristics

Virtually all other developable parcels in the Kent Narrow Growth Area are zoned as WVC. The change in zoning classification will not significantly change the use or scale of the type of development allowed on the site under the current VC zoning classification.

Adjacent zoning

North: Waterside Village Center (WVC)

South: NA

East: Village Center (VC), Countryside (CS)

West: Waterside Village Center (WVC)

Site History

The proposed amendment area is located within the *Kent Narrows Community Plan* Future Growth Area with a designation as Office/Residential on the *Future Land Use Concept Map (Map 15)*.

Potential Impacts

The proposed amendment would have minimal impacts upon population change, public facilities, present and future transportation patterns. The proposed change implements the recommendations of the adopted *Kent Narrows Community Plan*. The change in zoning will require any future development to more closely conform to the *Kent Narrow Community Plan* and the WVC Design guidelines.

Consistency with Land Use Map

At the 60-day review public hearing for the *draft recommended 2010 Comprehensive Plan* the Planning Commission determined the proposed amendment to be consistent with the *Land Use Map* designation (Commercial/Mixed-Use). No change to the *Land Use Map* was required.

Proposed Map Amendment No. 16

Gannon, et al., Tax Map 73, Parcel 42; Tax Map 72, Parcels 94, 112, 114, 118 and 121 (62.37 acres from Neighborhood Conservation-5 (NC-5) to Neighborhood Conservation-1 (NC-1)). See also attached maps and information included in Packet No. 16.

Site Characteristics

The proposed map amendment considers six adjacent properties under separate ownership: TM 73, Parcel 42; TM 72, Parcels 94, 112, 114, 118 and 121. The proposed change would allow the properties to be subdivided from the current five acre minimum lot size to a one acre minimum lot size. The proposed map amendments were sponsored by the property owner of Parcel 118 (Gannon).

The existing acreage of the amendment parcels are:

- Tax Map 73, Parcel 42 (Hompe): 5 acres
- Tax Map 72, Parcel 94 (Parr): 26.88 acres
- Tax Map 72, Parcel 112 (Helms): 2.88 acres
- Tax Map 72, Parcel 114 (Patten): 6.40 acres
- Tax Map 72, Parcel 118 (Gannon): 6.21
- Tax Map 72, Parcel 121 (Houck): 15 acres

Adjacent zoning

North: Neighborhood Conservation-5 (NC-5), Neighborhood Conservation-2 (NC-2), and Neighborhood Conservation-1 (NC-1)

South: Neighborhood Conservation-5 (NC-5) and Neighborhood Conservation-1 (NC-1)

East: Neighborhood Conservation-5 (NC-5), Neighborhood Conservation-2 (NC-2), and Neighborhood Conservation-1 (NC-1)

West: Neighborhood Conservation-5 (NC-5), Neighborhood Conservation-2 (NC-2), and Neighborhood Conservation-1 (NC-1)

Site History

The subject properties were originally zoned Agriculture-1 (A-1). In 1987, the properties were rezoned from A-1 to NC-5. The purpose of the NC zoning classification is intended to reflect the character and density of the existing neighborhood as of the time when the NC zoning was applied. In 1985, Parcel 112 (Helms) was originally 5.16 acres in size when it was subdivided into 3 lots (2.88, 1.28 and 1.0 acres) when the parcel was zoned A-1. The homes on Parcel 112 existed prior to 1987 when Parcel 112 and adjacent properties were rezoned from A-1 to NC-5. Given the character of the general area, the rezoning of A-1 zoned properties to the NC-5 zoning classification was appropriate for the area, including the three sub-divided lots in Parcel 112. At best, only the two sub-divided parcel of 1.28 and 1.0 acres in size would qualify for NC-1 zoning. There would be no benefit to those properties to receive NC-1 zoning as they are not sufficiently large enough in area to be further sub-divided.

In 2002, the property owner of Parcel 118 (Gannon) requested a zoning map amendment from NC-5 to NC-1 for Parcel 118 only. The property is 6.13 acres in size and had one existing residential structure on-site when the property was rezoned to NC-5 in 1987. In 2000, a "caretaker" home was created on the parcel and was built for a family member. The rezoning request from NC-5 to NC-1 would provide for the creation of a separate lot for the "caretaker" unit. The "caretaker" home on Parcel 118 was constructed in 2000 and has been the only change in the neighborhood since the 1987 zoning of NC-5 was applied to the area. In 2002, the Planning Commission submitted an unfavorable recommendation for the requested change to the County Commissioners. The 2002 Comprehensive Plan was repealed and the map amendment was reconsidered by the Planning Commission again in 2004. The Planning Commission again submitted an unfavorable recommendation to the County Commissioners for the requested change. The County Commissioners adopted the 2004 Comprehensive Plan without approving the rezoning map amendment and Parcel 118 retained its NC-5 zoning classification.

Potential Impacts

The request would provide the potential to subdivide Parcel 118 (Gannon 6.21 acres) into six new lots. Similarly, Parcel 114 (Patten 6.4 acres) could provide the potential for the creation of six new lots. Cumulative for all parcels would be the potential to create up to 56 new lots. Pursuant to Priority Preservation Objective 2, Recommendation 2.b. all newly up-zoned properties shall meet maximum zoning district densities.

Consistency with Land Use Map

At the 60-day review public hearing the Planning Commission determined that the *Land Use Map* would be changed from *Rural Agricultural Area & PPA* to *Established Residential Area* for Parcels 112, 114 and 118 only. The *Land Use Map* would not be changed for Parcels 42, 94 and 121 and they would continue to keep their *Rural Agricultural Area & PPA* land use designation.

The NC-1 zoning classification would be consistent with the *Established Residential Area* land use designation of Parcels 112, 114, and 118.

The NC-1 zoning classification would not be consistent with the *Rural Agricultural Area & PPA* land use designation of Parcels 42, 94, and 121.

Proposed Map Amendment No. 19

Dudley – Tax Map 51, Part of Parcels 27, 38 and 40.

(231 acres from Suburban Residential (SR) & Suburban Commercial (SC) to Neighborhood Conservation-20 (NC-20), Suburban Commercial (SC), Urban Commercial (UC) & Suburban Residential (SR). See also attached maps and information included in Packet No. 19.

Site Characteristics

The subject properties are located with area consistent with the “Town Fringe Concept” definition described in *Section 1.0 Land Use Element* and *Section 5.0 County/Town Planning Framework Element* of the 2010 Comprehensive Plan. The fringe area is intended to be reserved for long-term annexation to protect opportunities for future growth and development and that future growth will be supported through the development of joint planning agreements, the adequate provision of infrastructure, and utilization of a Transfer of Development (TDR) process.

In the *2010 Queenstown Comprehensive Plan*, the subject property is within the Queenstown Planning Area and is adjacent to the Queenstown Town Limits. The *2010 Queenstown Comprehensive Plan* identifies the amendment area north of Route 301 as Dudley North and area south of Route 301 as Dudley South. The entire Dudley North property is identified as “Planned Growth Area”, while only the area proposed for Urban Commercial (UC) rezoning on the Dudley South property (approximately 132 acres) is designated as “Planned Growth Area”. The area identified for Residential and Open Space in the rezoning application is designated as “Sensitive Area” and “Open Space” in the *2010 Queenstown Comprehensive Plan*. While the County’s current zoning currently is projected in the Town’s Plan to yield 6 units for Dudley North and 73 units for Dudley South, the *2010 Queenstown Comprehensive Plan* projects for the 64 acre Dudley North property, a minimum residential density of 130 residential units; 25,000 square feet of commercial/office uses; 22 acres of preserved land; the relocation of the Town Fire Station to ten acres at the intersection of Route 301 and Greenspring Rd ; and a Town Green with a berm and vegetation along Route 301 to screen the residential uses. On the 147 acres of the Dudley South property, the Town projects 130 residential units; a Town Green; 150,000 square feet of office uses; 400,000 square feet of commercial uses; and 73 acres of land preservation for the woodland triangle bounded by Greenspring Rd. and Del Rhodes Avenue. A grade separated interchange and pedestrian/bicycle overpass is also projected at the intersection of Route 301 and Greenspring Rd.

During the update to the *2002 County Comprehensive Plan*, the subject property was considered as part of a larger conceptual Queenstown Master Planned Development District (QMPD) with a potential to accommodate up to 3,000 dwelling units. The QMPD district was ultimately not approved.

The area proposed for NC-20 rezoning does not currently exhibit NC-20 characteristics. NC-20 designation is for existing residential. The area proposed for UC is not currently served by public sewer. The UC designation is not supportive of the mixed-use type development described in the 2010 Queenstown Comprehensive Plan. Under the County’s UC zoning classification, the UC zoning would permit substantially more office/commercial uses than described in the *2010 Queenstown Comprehensive Plan*, provided public sewer was available. The area identified in Dudley South as “Sensitive Area” and “Open Space” has a current County zoning classification as SR. The *2010 Queenstown Comprehensive Plan* designates this area for future preserved area. No development plan has been submitted by the property owner at this time. A new mixed-use zone, consistent with Town’s Comprehensive Plan, programmed public sewer availability, and a TDR program should be in place before the property is rezoned.

Adjacent Zoning

North: Town, Countryside (CS), Suburban Residential (SR)
South: Neighborhood Conservation-1 (NC-1), Suburban Commercial (SC)
East: Countryside (CS), Agricultural (AG), Suburban Residential (SR)
West: Town, Suburban Industrial (SI)

Consistency with Land Use Map

At the 60-day review public hearing for the *draft recommended 2010 Comprehensive Plan* the Planning Commission determined the proposed amendment to be consistent with the *Land Use Map* designation (*Commercial/Mixed Use & Forest*). No change to the *Land Use Map* was required.

Pursuant to County/Town Planning Framework Goal 1: Foster Government Cooperation and Participation; Objective 1: Promote inter-jurisdictional (Town/County) cooperation with respect to planning and growth related issues, including the new TDR program in order to manage growth; and Recommendation 1: Establish joint planning agreements, the intent is to complete this work in order to accommodate future development activities. Pursuant to Priority Preservation Element Goal 2, Objective 2, Recommendation 2.b.; all newly up-zoned properties shall meet maximum zoning district densities. The current rezoning request would circumvent the intent of these recommended *2010 Comprehensive Plan* activities.

The proposed changes to NC-20 and UC are inconsistent with the current *County Code* as the proposed NC-20 area does exhibit the characteristics of the NC-20 zoning classification, and the NC-20 zoning classification does not meet the minimum 3.5 dwelling unit threshold for future annexation areas described in the 2010 *Comprehensive Plan* for areas within a "Town Fringe". The area is not currently served by public sewer and is therefore inconsistent with the intent of the current UC zoning classification, which is a zoning classification applied to areas served by public facilities. The Planning Commission may defer the rezoning petition until a joint planning agreement, a TDR program and other amendments to the *County Code* have been achieved, and needed public sewer is accommodated.

Proposed Map Amendment No. 20

Whalou – Tax Map 60, Parcel 18 (216 acres from Agricultural (AG) to Light Industrial Highway Service (LIHS) or new County zoning classification). See also attached maps and information included in Packet No. 20.

Site Characteristics

The proposed amendment site was included in the planning area of the *draft Wye Mills Community Plan*. The *draft Wye Mills Community Plan* was ultimately denied by the Planning Commission in 2009.

Adjacent Zoning

North: Agricultural (AG)
South: Suburban Commercial (SC), Agricultural (AG), Chesapeake Community College
East: Suburban Commercial (SC), Agricultural (AG)
West: Neighborhood Conservation-1 (NC-1)

Potential Impacts

The proposed amendment would change 216 acres of AG zoned land to LIHS or a new County zoning classification to be developed. The LIHS zoning would permit up to a maximum of 140 acres of impervious

area and could accommodate up to a maximum of 3,763,500 square feet of non-residential use. No development plan has been submitted by the property owner at this time.

Consistency with Land Use Map

At the 60-day review public hearing for the *draft recommended 2010 Comprehensive Plan* the Planning Commission determined the proposed amendment to be inconsistent with the *Land Use Map* designation (Rural Agricultural Area & PPA).

Proposed Map Amendment No. 21

Foster – Tax Map 67, Parcel 17 (Approximately 173.64 acres from Agriculture (AG) to Suburban Commercial (SC) and Suburban Estate (SE)). See also attached maps and information included in Packet No. 21.

Site Characteristics

The proposed amendment site was included in the planning area of the *draft Wye Mills Community Plan*. The *draft Wye Mills Community Plan* was ultimately denied by the Planning Commission in 2009.

Adjacent Zoning

North: Suburban Commercial (SC), Agricultural (AG), Suburban Industrial (SI)

South: Suburban Estate (SE), Village Center (VC)

East: Suburban Estate (SE), Neighborhood Conservation-1 (NC-1), Suburban Industrial (SI)

West: Village Center (VC), Agricultural (AG), Chesapeake Community College

Potential Impacts

The proposed amendment would change 173 acres of AG zoned land to 31.9 acres of SC zoned land and 142.3 acres of SE zoned lands. The SC zoning would permit up to a maximum of 64 acres of impervious area and 277,912 square feet of commercial use; 236,225 square feet of office use; and 236,225 for all other uses. The SE zoning would permit up to 177 dwelling units. No development plan has been submitted by the property owner at this time.

Consistency with Land Use Map

At the 60-day review public hearing for the *draft recommended 2010 Comprehensive Plan* the Planning Commission determined the proposed amendment to be inconsistent with the *Land Use Map* designation (Rural Agricultural Area & PPA).

Proposed Map Amendment No. 22

Kramer – Tax Map 67, Parcel 4 (Approximately 79 acres from Agriculture (AG) to Countryside (CS)). See also attached maps and information included in Packet No. 22.

Site Characteristics

The proposed amendment site total 108 acres, of which, 79 acres are zoned AG and 29 acres are zoned CS. All of the current CS zoned area falls within the Critical Area and is designated as Resource Conservation Area (RCA). Approximately 12 acres of AG zoned property is designated as RCA. Cumulatively, 41 acres of the amendment site is designated as RCA and 67 acres are outside of the RCA.

Under current zoning conditions, the change in zoning classification from AG to CS reduces some permitted use, to conditional uses. Otherwise, the type of development allowed is similar in nature and scale. The significant difference is that the density which is permitted would increase from the current 1 unit per 8 acres to 1 unit per 5 acres, or a net increase of approximately additional 6 dwelling units, for a potential total net yield of 21 units.

Adjacent Zoning

North: Agricultural (AG), Chesapeake Community College

South: Countryside (CS), Talbot County

East: Neighborhood Conservation-1 (NC-1), Agricultural (AG), Chesapeake Community College

West: Countryside (CS), Agricultural (AG)

Potential Impacts

The change in zoning classification would have minimal impacts on population change, public facilities, present and future transportation patterns, or compatibility with existing and future development for the area.

Consistency with Land Use Map

At the 60-day review public hearing for the *draft recommended 2010 Comprehensive Plan* the Planning Commission determined the proposed amendment to be consistent with the *Land Use Map* designation (Rural Agricultural Areas & Priority Preservation Area). No change to the *Land Use Map* was required. The increase in rural density is inconsistent with the objectives and recommendations *2010 Comprehensive Plan*. The Planning Commission may defer the rezoning petition until the updates to the TDR program have been completed and other amendments to the *County Code* have been achieved.

Proposed Map Amendment No. 23

Sylvester – Tax Map 69, Parcel 14 (55.4 acres from Agricultural (AG) to Commercial/Light Industrial.) No specific zoning classification was requested). See also attached maps and information included in Packet No. 23.

Site Characteristics

The subject property includes 55.4 acres of a 159 acre parcel of land zoned for AG.

Adjacent Zoning

North: Agricultural (AG)

South: Suburban Commercial (SC)

East: Countryside (CS)

West: Agricultural (AG)

Potential Impacts

The proposed amendment would change 55.4 acres of AG zoned land to an unspecified commercial/light industrial zoning classification, such as, LIHS, SC, or a new county zoning classification to be developed. Under a LIHS zoning classification, a maximum of would permit up to a maximum 36 acres of impervious area and could be permitted with a maximum of accommodate up to a maximum of 965,000 square feet of non-residential use. Under a SC zoning classification, a maximum of 22 acres of impervious area could be permitted. Office uses would be limited to 410,000 square feet. Commercial uses limited to 482,000 square

feet. All other uses limited to 410,000 square feet. No development plan has been submitted by the property owner at this time.

Consistency with Land Use Map

At the 60-day review public hearing for the *draft recommended 2010 Comprehensive Plan* the Planning Commission determined the proposed amendment to be inconsistent with the *Land Use Map* designation (Rural Agricultural Area & PPA).

Proposed Map Amendment No. 24

Higgs, Tax Map 5, Parcel 9 (2.5 acres from Agricultural (AG) to Village Center (VC). See also attached maps and information included in Packet No. 24.

Adjacent Zoning

North: Agricultural (AG)
South: Agricultural (AG)
East: Agricultural (AG)
West: Agricultural (AG)

Potential Impacts

The change in zoning classification would have minimal impacts on population change, public facilities, present and future transportation patterns.

Consistency with Land Use Map

At the 60-day review public hearing for the *draft recommended 2010 Comprehensive Plan* the Planning Commission determined the proposed amendment to be inconsistent with the *Land Use Map* designation (Rural Agricultural Area & PPA).

Proposed Map Amendment No. 25

Cox – Tax Map 5, Parcel 107 (1.5 acres from Neighborhood Conservation-1 (NC-1) to Suburban Commercial (SC). See also attached maps and information included in Packet No. 25.

Site Characteristics

The proposed amendment requests a zoning classification change which is consistent with the existing use of the property. The applicant claims that the property has always been used for commercial purposes; however, one of the structures on the property was built for residential use in 1915. The property was first zoned as A-1 in 1967 and then rezoned to NC-1 in 1987. The current structures on-site, do not meet the minimum setback of 50 feet for SC uses although the minimum side and rear setback of 10 feet is currently achieved. A variance would be required to support this rezoning amendment.

Adjacent Zoning

North: Neighborhood Conservation-1 (NC-1)
South: Agricultural (AG)
East: Neighborhood Conservation-1 (NC-1)
West: Neighborhood Conservation-1 (NC-1)

Potential Impacts

The change of zoning classification would have minimal impacts on population change, public facilities, and present and future transportation patterns. Compatibility with existing and future development of the area was debated by the Planning Commission at the July 19, 2010 public hearing. The Planning Commission ultimately determined that the existing non-conforming commercial use of the property was an asset to the agricultural community and changed the *Land Use Map* (from Established Residential Area to Rural Business/Employment Area). There are Suburban Industrial (SI) zoned parcels approximately 0.8 miles to the west of the subject property which could accommodate the existing non-conforming use.

Consistency with Land Use Map

At the *60-day review* public hearing the Planning Commission determined the proposed amendment was inconsistent with the *Land Use Map* designation of *Established Residential Area* and agreed to change the *Land Use Map* to *Rural Business/Employment Area*.

Proposed Map Amendment No. 26

Cox – Tax Map 5, Parcel 35 (1.65 acres from Neighborhood Conservation-1 (NC-1) to Suburban Commercial (SC)). See also attached maps and information included in Packet No. 26.

Site Characteristics

This property is behind the property described in Proposed Map Amendment 25 and is under the same ownership. The proposed amendment requests a zoning classification change which is consistent with the existing use of the property. The applicant claims that the property has always been used for commercial purposes; however, there are no permanent structures observed on the site. The property was first zoned as A-1 in 1967 and then to NC-1 in 1987. The property is located further than 50 feet from an arterial roadway.

Adjacent Zoning

North: Agricultural (AG)

South: Neighborhood Conservation-1 (NC-1)

East: Neighborhood Conservation-1 (NC-1)

West: Neighborhood Conservation-1 (NC-1)

Potential Impacts

The change of zoning classification would have minimal impacts on population change, public facilities, and present and future transportation patterns. Compatibility with the existing and future development of the area was debated by the Planning Commission at the July 19, 2010 public hearing. The Planning Commission ultimately determined that the existing non-conforming commercial use of the property was an asset to the agricultural community and changed the *Land Use Map* (from Established Residential Area to Rural Business/Employment Area). There are Suburban Industrial (SI) zoned parcels approximately 0.8 miles to the west of the subject property which could accommodate the existing non-conforming use.

Consistency with Land Use Map

At the *60-day review* public hearing the Planning Commission determined the proposed amendment was inconsistent with the *Land Use Map* designation of *Established Residential Area* and agreed to change the *Land Use Map* to *Rural Business/Employment Area*.

Summary of Recommended Actions

Map No. 1 – Kentmorr Marina, TM 70, Parcel 30, Lot A, from NC-20 to KISC, to be found *consistent* with the *2010 Comprehensive Plan* and the *Queen Anne’s County Code* and consider forwarding a favorable recommendation to the County Commissioners.

Map No. 3 – Theodor Sattelmaier, Jr., TM 57, Parcel 68, from CS to NVC, to be found *inconsistent* with the *2010 Comprehensive Plan* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 4 – Lippincott Sailing Yachts, Inc., TM 58, Parcel 607, from VC to WVC, to be found *consistent* with the *2006 Kent Narrows Community Plan*, the *2010 Comprehensive Plan* and the *Queen Anne’s County Code* and forward a favorable recommendation to the County Commissioners.

Map No. 16 – Helen T. Hompe, TM 73, Parcel 42, from NC-5 to NC-1, to be found *inconsistent* with the *2010 Comprehensive Plan* and *Queen Anne’s County Code* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 16 – R. Errol & Barbara J. Houck, TM 72, Parcel 121, from NC-5 to NC-1, to be found *inconsistent* with the *2010 Comprehensive Plan* and *Queen Anne’s County Code* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 16 – Anne S. Parr, TM 72, Parcel 94, from NC-5 to NC-1, to be found *inconsistent* with the *2010 Comprehensive Plan* and *Queen Anne’s County Code* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 16 – Patten, TM 72, Parcel 114, from NC-5 to NC-1, to be found *inconsistent* with the *Queen Anne’s County Code* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 16 – Gannon, TM 72, Parcel 118, from NC-5 to NC-1, to be found *inconsistent* with the *Queen Anne’s County Code* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 16 – Helms, TM 72, Parcel 112, from NC-5 to NC-1, to be found *inconsistent* with the *Queen Anne’s County Code* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 19 – Frank S. Dudley, Jr., TM 51, Part of Parcels 27, 38 and 40, from SR and SC to NC-20, SC, UC and SR, to be found *inconsistent* with the *2010 Comprehensive Plan* and *Queen Anne’s County Code* and to consider forwarding an unfavorable recommendation to the County Commissioners. Or defer these amendments for future consideration by the Planning Commission until other amendments to the *County Code* have been achieved.

Map No. 20 – Whalou Properties, LLC, TM 60, Parcel 18, from AG to LIHS, to be found *inconsistent* with the *2010 Comprehensive Plan* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 21 – Michael Foster, TM 67, Parcel 17, from AG to SE and SE, to be found *inconsistent* with the *2010 Comprehensive Plan* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 22 – Daniel and Joan Kramer, TM 67, Parcel 4, from CS and AG to CS, to be found *inconsistent* with the *2010 Comprehensive Plan* and to consider forwarding an unfavorable recommendation to the County Commissioners or consider deferring the rezoning request. Or defer the amendments for future consideration by the Planning Commission until other amendments to the *County Code* have been achieved.

Map No. 23 – Bill Sylvester, TM 69, Parcel 14, from AG to Commercial/Mixed-Use, to be found *inconsistent* with the *2010 Comprehensive Plan* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 24 – Bryan Higgs, TM 5, Parcel 9, from AG and VC to VC, to be found *inconsistent* with the *2010 Comprehensive Plan* and to consider forwarding an unfavorable recommendation to the County Commissioners.

Map No. 25 – Wendy M. Cox, TM 5, Parcel 107, from NC-1 to SC, to be found *consistent* with the *2010 Comprehensive Plan* and the Queen Anne's *County Code* and consider forwarding a favorable recommendation to the County Commissioners.

Map No. 26 – Wendy M. Cox, TM 5, Parcel 35, from NC-1 to SC, to be found *consistent* with the *2010 Comprehensive Plan* and the Queen Anne's *County Code* and consider forwarding a favorable recommendation to the County Commissioners.

Or more concisely:

Map Nos. 1, 4, 25 and 26 to be found *consistent* with the *Article 66B of the Annotated Code of Maryland*, the *2010 Comprehensive Plan* and the Queen Anne's *County Code* and consider forwarding a favorable recommendation to the County Commissioners.

Map Nos. 19 and 22 to be generally *inconsistent* with the *2010 Comprehensive Plan* and Queen Anne's *County Code* and consider forwarding an unfavorable recommendation to the County Commissioners. Or defer these amendments for future consideration by the Planning Commission until other amendments to the *County Code* have been achieved.

Map Nos. 3, 16 - Parcels 42, 94, 112, 114, 118 and 121, and Map Nos. 20, 21, 23 and 24 to be found generally *inconsistent* with the *2010 Comprehensive Plan* and consider forwarding an unfavorable recommendation to the County Commissioners.

DRD/drd

Attachments: Public Hearing Notice
Comprehensive Rezoning Map
Comprehensive Rezoning Changes Summary Table
Amendment Packets for Amendments Nos. 1, 3, 4, 16, 19, 20-26.