



City of Annapolis
Planning Commission
Department of Planning & Zoning
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September 27, 2017

To: Annapolis City Council

From: Planning Commission

Re: Findings for O-35-17: Uniform Development Review Process

SUMMARY

The purpose of Ordinance 35-17 is to provide an opportunity for early public input on substantial projects by requiring community meetings for any subdivision that creates a new street, a Major Site Design Application or a Planned Development Application. This Ordinance requires a public hearing before the Planning Commission for preliminary plats, requires pre-application conferences between applicants and the Department of Planning and Zoning and establishes a uniform process for Community Meetings. This Ordinance also expands the list of entities that must be notified for Public Hearings, Public Meetings and Community Meetings. Finally, this Ordinance changes the decision-making authority from the Director of Planning Zoning to the Planning Commission to deny, approve or approve with conditions for Major Site Design applications.

BACKGROUND AND ANALYSIS

Title 20 of the Code establishes processes and procedures for subdivisions. "Subdivision" in Title 20 is defined as "the division or development of any part or parcel of land for sale, lease, transfer of ownership or building development, including the creation of a new street or streets, public or private. The term includes resubdivision, apartment subdivision, and, when appropriate to the context, relates to the process of subdividing or to the land subdivided." The current process includes an informal pre-application process, agency reviews and a submission to the Planning Commission for either a conditional approval or final plat approval.

The proposed legislation adds two additional steps to the Subdivision Review Process. The first proposed additional step requires the applicant to hold a community meeting prior to any formal submission to the Department of Planning and Zoning. After a community meeting has been held and the requirements from that community have been met, the second proposed step is that the Planning Commission must then hold a public hearing on the preliminary plat.

The proposed changes in Title 21 include a pre-application requirement for Major Site Design Projects, Planned Developments and Zoning Map or Text Amendments. The Ordinance also adds an additional step to the process by requiring a Community Meeting for all proposed Major Site Design Projects and Planned

Developments prior to submission of a formal application to the Department of Planning and Zoning. The legislation establishes time frames for notification and expands the list of entities that must be notified for Community Meetings and Public Hearings.

Finally, the legislation modifies Chapter 21.22 and requires all Major Site Design Projects be referred to the Planning Commission. The Planning Commission is required to hold a public hearing and render a decision on the Major Site Design within 45 days after the conclusion of the public hearing.

PUBLIC HEARING AND DELIBERATION

The Planning Commission on September 7, 2017 held a public hearing where one person from the public testified. Alderman Arnett also testified to the purposes of the legislation and answered Commission members questions pertaining to several sections of the Code. The Alderman clarified the intent of the legislation. Planning Commission members discussed the requirements for Subdivisions as well as the changes to Title 21, Zoning Code changes. Commission members supported the legislation and agreed that additional public input is warranted and the Planning Commissions involvement with Major Site Design would be valuable. Commission members did discuss concerns over the additional time Major Site Design applicants may be subject to.

Commission members also discussed the issue of current applications being reviewed by the department that were not subject to the proposed legislation. They reviewed with the staff each of the current projects that would be subject to the new legislation if a grandfathering statute was not included in the legislation as proposed by staff. Staff noted that many of the developers and property owners comply with the community input process voluntarily. It was noted that many of the current applications may have had community meetings but the meetings were not in compliance with the proposed legislation. Commission members concluded that if the current applications complied with the "intent" of the community input requirement that applications currently under review by the Department would not have to comply with that part of the proposed legislation but they must comply with the other parts of the proposed legislation.

RECOMMENDATION

After extensive discussion, the Planning Commission decided by a vote, 6-0 to RECOMMEND passage of O-35-17 with the following amendments to the legislation:

Chapter 21.22.120 should be modified to state "An appeal from a decision of the Planning Commission under this chapter shall be made to the Circuit Court of Maryland for Anne Arundel County" to be consistent with the Planned Developments and other parts of the Code.

Add language under Section II on page 14 "Section II: And be it further established and ordained by the City of Annapolis that Development Applications submitted prior to the effective date of this ordinance shall comply with this ordinance with the exception of those applications that met the intent of the law as determined by the Director of Planning and Zoning outlined in Chapter 20.08.020 C and Chapter 21.10.010 B as amended by this ordinance."

Adopted this 27th day of September, 2017


David Lams, Chair