

City of



Annapolis

PLANNING COMMISSION

(410)263-7961

145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

December 4, 2014

To: Annapolis City Council

From: Planning Commission

Re: Findings for O-34-14: Rezoning Parcel 0056, 0017, Tax Map 051C – ZMA2014-001

Encl: O-34-14, Staff report

SUMMARY

O-34-14 proposes the rezoning of 61 Clay Street (also known as 63 Clay Street), Parcel 0056, Grid 0017, Tax Map 051C so that it is zoned in its entirety as BR, "Business Revitalization." Because of the thickness of the original zoning lines, this parcel was inadvertently split-zoned when the zoning maps were put in digital form in 2005. This local zoning map amendment seeks to correct this error. No other properties are affected. The property in question is located on the southwest side of the intersection of Clay Street and West Washington Street.

FINDINGS

The Land Use Article of the Annotated Code of Maryland is the State enabling legislation that grants local governments the power to regulate the use of land through zoning. Land Use Article, Section 4-204 establishes the "change or mistake" rule wherein a zoning map amendment can only be granted based on a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the original zoning. Chapter 21.34 of the Annapolis City code sets forth the six criteria and findings that must be made in order to make the finding for change or mistake in considering a rezoning. They are as follows:

A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.

In the vicinity of the property there are three zoning classifications. The subject property abuts land zoned R4-R. In the area, but not abutting the subject property, there is land zoned MX and R4. The surrounding properties include a parking garage, commercial, and residential uses.

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B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.

As mentioned earlier, the property was zoned in its entirety as BR until 2005, when it was mistakenly split zoned with BR and R4-R. The property is currently is vacant, but previously housed four dwelling units and an office. The all-BR zoning will allow more density based on floor area ratio. The proposed use is six dwelling units for veterans.

C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.

The trend of development in the general area has been a revitalization of housing but with no changes in zoning classifications. The proposed development will be compatible with the development in the area.

D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.

The property was mistakenly split-zoned in 2005. The thick dotted zoning line indicated the revitalization district. This thick line was translated incorrectly by the GIS. GIS is many times more accurate than the hand-drawn maps and the user can zoom in very close to the parcel. The black zoning line in this case should be located where the yellow line is (the yellow line represents the revitalization zoning). This can be seen if compared to other parcels abutting the subject property.

E. The availability of public facilities, present and future transportation patterns.

The requested rezoning will have no impact on present or future transportation patterns.

F. The relationship of the proposed amendment to the City's Comprehensive Plan.

Not applicable.

PUBLIC HEARING AND DELIBERATION

At a regularly scheduled meeting on December 4, 2014, the Planning and Zoning staff presented their analysis and recommendations for approval of the legislation.

Staff reviewed the background of the proposed regulations and then provided an analysis. This information was forwarded to the Planning Commission for review in a report dated November 24, 2014.

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed text amendment.

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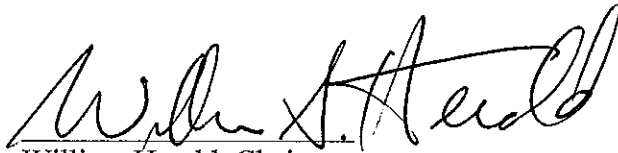
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At the close of the public hearing, the Planning Commission entered into deliberations. The Commission concurred with staff.

RECOMMENDATION

By a vote of 6 - 0, the Planning Commission voted to recommend approval of O-34-14.

Adopted December 4, 2014

A handwritten signature in black ink, appearing to read "William Herald". The signature is written in a cursive style with a large, sweeping initial "W".

William Herald, Chair

