



City of Annapolis
Committee Referral Action

May 5, 2017

To: Regina Eldridge-Watkins, City Clerk
Jacquelyn Lee, Legislative Analyst

The Planning Commission has reviewed Ordinance O-18-17 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other findings attached

Comments: 



City of Annapolis

Planning Commission
Department of Planning & Zoning
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May 4, 2017

To: Annapolis City Council

From: Planning Commission

Re: Findings - Ordinance O-18-17: For the purpose of removing restrictions on a personal care establishment in the PM, Professional Mixed Office zoning district

SUMMARY

O-18-17 proposes to modify section 21.48.070 of the City Code to remove the standards established in 1986 for a personal care establishment in the PM, Professional Mixed Office zoning district. A "Personal Care Establishment" is defined as an establishment providing services for the customary comfort, convenience or care of individuals. The term "personal care establishment" includes but is not limited to barbershops, beauty parlors, dressmaking/tailoring stores, drugstores, and photography studios.

In the PM District, the use is subject to the following standards:

- The use may be provided only on a ground floor.
- New construction, expansion or substantial rehabilitation shall not provide commercial or retail uses greater than fifty percent of a structure's gross floor area.
- Where this use is established on lots less than five thousand four hundred square feet in size, all trash and refuse shall be stored in self-enclosed trash storage areas. Trash storage areas shall be screened in an appropriate manner using a board-on-board enclosure.

The legislation was proposed by Alderman Paone and reviewed by Alderwoman Pindell- Charles. They represent the areas of the City where PM zoning is in place.

STAFF RECOMMENDATION

At a regularly scheduled meeting on May 4, 2017, the Planning staff presented their analysis and recommendations. As part of the implementation of the *1985 Annapolis Comprehensive Plan*, a series of sector studies was undertaken by the Department of Planning and Zoning. Proposed zoning was developed simultaneously with the studies. These included three studies where PM zoning was applied to portions of the study areas. These were the *Old Solomons Island Road Mixed Use Cluster*, the *West Annapolis Mixed Use Cluster* and the *Central West Street Major Mixed Use Cluster*.

In reviewing all three studies, staff was unable to find any rationale to support the provisions limiting personal care establishments. There are several uses identified in the studies where they are designated "uses subject to standards", but personal care is not among them.

Findings: O-18-17

May 4, 2017

Page 2

PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed text amendment. One person spoke on the legislation. After the close of the public hearing, the Planning Commission entered into deliberations. The Commission concurred with staff that personal care establishments are a low impact use. The purpose of the PM district is to serve as a transitional zone that reduces commercial/office impact on adjoining residential neighborhoods. Removing the restrictions placed upon them in a PM zoning district would not be inconsistent with this purpose.

RECOMMENDATION

Under section 21.32.010 Purpose and authority of the City Code, it states the following:

For the purpose of promoting the public health, safety, morals and general welfare, and conserving the value of property throughout the city, the city council, from time to time, in the manner set forth in this chapter, may amend the regulations imposed in the districts created by this title; provided, that in all amendatory ordinances adopted under the authority of this chapter, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire city and the uses to which property is devoted at the time of the adoption of the amendatory ordinance.

The code further requires under section 21.32.020 that "Within thirty days after the commission has completed its review of the proposed amendment, but in no case longer than ninety days after the matter has been placed on the agenda of the commission, the commission shall submit its written recommendations to the city council".

Following a review of the staff report and consideration of staff and public comments, the Commission by a vote of 7 to 0 recommends APPROVAL of O-18-17.

Adopted this 4th day of May, 2017


David Iams, Chair