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Alderman Ross H. Arnett, III
160 Duke of Gloucester Street, 2nd Floor
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Re: Ordinance O-35-17, Revisions to Development Review ("Ordinance")

Dear Mayor and Members of the City Council:

I am providing you this letter and suggested amendments, attached, as I am unable to attend Monday night's public hearing. I have spoken about the captioned Ordinance to several of you but

have not had the opportunity to meet with everyone. Prior to a vote I hope I have that opportunity.

This Ordinance is poorly drafted and, substantively, creates many difficulties. There is no objection to conducting community meetings concerning projects, in advance of filing development applications. However, the captioned Ordinance is confusingly worded. It sets the stage for projects to be invalidated on procedural grounds because an applicant missed a group or an entity in providing notice of a community meeting. I strongly urge you to defeat this Ordinance and redraft it instead of hurriedly pressing for a vote before the end of the current term of this City Council. Alternatively, I have attached amendments that may make this Ordinance workable. As written, an applicant has no way of knowing all of the homeowner's associations, community associations, etc. that should be receiving notice of a proposed development. The current language is very broad and could easily result in claims from numerous parties that the notice requirements were not satisfied. Further, the City is ceding the authority of the Department of Planning and Zoning to the City's Planning Commission. The City of Annapolis processes are already slow, and to require all major site design plan approvals to be set before the Planning Commission at public hearings would cause significant delays in projects, would subject certain matters, like special exceptions, to multiple hearings (if you recall, that was the point of having special exceptions go directly to the Board of Appeals instead of the Planning Commission, and the Ordinance reinstates a multiple hearing process).

Under the Ordinance, all major site design plan reviews would go to the Planning Commission for public hearing. A "major site design plan" means a site design plan involving new construction, alterations or renovations resulting in an increase of greater than twenty percent (20%) of the gross floor area of a building or where parking spaces are increased by more than twenty percent (20%). The Planning Commission is simply not equipped to handle the potential volume of activity that this Ordinance would create. The City has a professional staff at the Department of Planning and Zoning. It is the job of the professional staff to evaluate site design review. Let the Planning Commission continue to do what it is charged with, namely subdivisions, planned developments and review of zoning legislation. It should not be burdened, nor should applicants, with every major site design plan.

My proposed amendments do the following: clarify who gets notice and how people and organizations are able to sign up and receive notice; provides procedural clarity; restates that the Director of Planning and Zoning decides major site design applications; and a "grandfathering" provision is provided.

I would be glad to meet with any of you to discuss this at your convenience.

Very truly yours,

HYATT & WEBER, P.A.



Alan J. Hyatt

AJH/kaw

Encl.

cc: Pete Gutwald, Planning and Zoning Director (via e-mail pgutwald@annapolis.gov)
Gary Elson, Esquire (via e-mail gmelson@annapolis.gov)
Regina C. Watkins-Eldridge, City Clerk (via e-mail cityclerk@annapolis.gov)