

**FINDINGS**  
**KENT ISLAND JOINT VENTURE (PIER ONE)**  
**CRITICAL AREA MAP AMENDMENT**  
**COUNTY ORDINANCE NO. 96-02**

PROCEDURAL BACKGROUND

At its regularly scheduled meeting on January 10, 1991, the Queen Anne's County Planning Commission held a public hearing on Kent Island Joint Venture's petition for an amendment to the Critical Area Map affecting the Pier One Marina property. Douglas Brossman, Esq., of the law firm of Rich, Tucker & Rice, Annapolis, addressed the Planning Commission as counsel for Kent Island Joint Venture. Mr. Brossman located the subject property as a 23.4 acre tract of land to the east and south of the boat basin at Pier One Marina. The property is found on Tax Map 56 and is part of Parcel 273. Mr. Brossman explained that the petition seeks an amendment to the LDA (Limited Development Area) designation of the property on the Critical Area Map to IDA (Intense Development Area). Mr. Brossman advanced three separate arguments in favor of the requested redesignation of the property and offered a number of exhibits which he offered for the record and explained as they were introduced.

1. The LDA designation of the 23.4 acre portion of the property was a mistake in that the entire 45 acre Pier One Marina site had been substantially developed commercially as of December 1, 1985.
2. The LDA designation was a mistake in that the entire area encompassing the Marina and the adjacent Bay Bridge Airport should have been considered as one contiguous area of predominantly commercial development as of December 1, 1985 with little or no naturally occurring habitat qualifying the entire area for IDA classification.
3. Alternately, existing and contemplated development on the Marina property as of December 1, 1985 together with development activities approved and performed since then qualified the property for pre-mapping as "growth allocation" IDA lands when the Critical Area Maps were finalized.

Upon review of all the exhibits and testimony submitted by the Petitioner and the arguments advanced by Mr. Brossman, the following motion was made by Mr. Johnson, seconded by Mr. Lane and passed by voice vote:

RESOLVED that the Queen Anne's County Planning Commission recommends to the Queen Anne's County Commissioners that the Petitioner's 23.4 acre tract of land currently mapped in the LDA classification of the Critical Area Map be redesignated in the IDA classification on the grounds that the LDA designation is in error given existing conditions on the site as of December 1, 1985 evidencing a predominant commercial use of the site with little or

no naturally occurring vegetative or wildlife habitats and given the predominant commercial and/or industrial use of contiguous lands to the west and south of the property as of December 1, 1985.

In accordance with Section 7012 of the Queen Anne's County Chesapeake Bay Critical Area Ordinance and Section 8-1809 Natural Resources Article, Annotated Code of Maryland the Petition for Map Amendment was forwarded to the Chesapeake Bay Critical Area Commission, who denied said request. Thus, the County Commissioners of Queen Anne's County had no choice but deny the application.

Several years of litigation ensued between the Petitioner and the Chesapeake Bay Critical Area Commission. The end result of said litigation was a remand by the Maryland Court of Special Appeals, 106 Md. App. 92, back to the Chesapeake Bay Critical Area Commission requiring the Commission to evaluate the petition in accordance with the decision of said Court.

The Chesapeake Bay Critical Area Commission, at its regular monthly meeting on January 3, 1996, approved the Petition for the proposed change to the Critical Area designation of the Pier One Marina property in Queen Anne's County. The Commission voted to redesignate the LDA portion of the site to IDA.

#### FINDINGS OF THE COUNTY COMMISSIONERS FOR QUEEN ANNE'S COUNTY

On February 13, 1996 the County Commissioners of Queen Anne's County held a public hearing on County Ordinance No. 96-02 in accordance with Section 7012 of the Queen Anne's County Chesapeake Bay Critical Area Ordinance. Said Ordinance No. 96-02 proposed to re-classify and re-designate part of parcel 273, Tax Map 56, (the Pier One property) from LDA to IDA as a mistake in the original mapping.

The County Commissioners for Queen Anne's County evaluated the following information: the information presented at the public hearing; the testimony of interested persons; the actions of the Chesapeake Bay Critical Area Commission at the January 3, 1996 meeting; the findings of the Queen Anne's County Planning Commission as a result of their January 10, 1991 public hearing including all information contained in its record; the Queen Anne's County Chesapeake Bay Critical Area Program; and the 1993 Comprehensive Plan Update.

As a result of said evaluation the County Commissioners for Queen Anne's County made the following findings:

1. The LDA designation of the 23.4 acre portion of the property was a mistake in that the entire 45 acre Pier One Marina site had been substantially developed commercially as of December 1, 1985.
2. The LDA designation was a mistake in that the entire area encompassing the Marina and the adjacent Bay Bridge Airport should have been considered as one

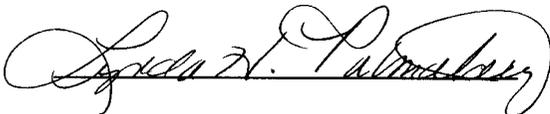
contiguous area of predominantly commercial development as of December 1, 1985 with little or no naturally occurring habitat qualifying the entire area for IDA classification.

3. That as of December 1, 1995 industrial, institutional and commercial uses were predominant in the area, specifically, immediately north of the subject property is US Route 50/301, immediately east of the subject property are several office buildings and immediately south of the subject property is an airport. All of these adjacent uses existed on December 1, 1985.
4. The portion of Pier One property which is located within the Chesapeake Bay Critical Area is at least 20 acres in size. The area surrounding the Pier One property which is industrial, institution and commercial in nature is greater than 20 acres in size.
5. The proposed amendment is consistent with the purposes contained in Section 8-1800, et seq. of the Natural Resource Article of the Annotated Code of Maryland, the Queen Anne's County Chesapeake Bay Critical Area Program, the 1993 Comprehensive Plan Update and the Queen Anne's County Chesapeake Bay Critical Area Ordinance.
6. The proposed map amendment is consistent with the recommendations made by the Queen Anne's County Planning Commission at their January 1991 meeting.

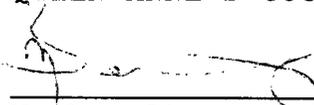
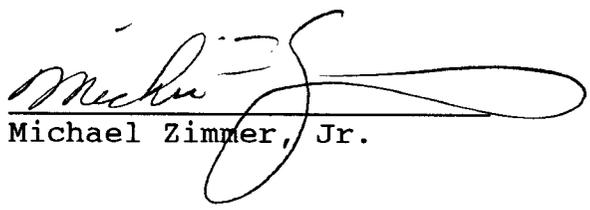
On February 20, 1996 the County Commissioners unanimously resolved that the original LDA Chesapeake Bay Critical Area Mapping designation of the Kent Island Joint Venture property known as Pier One Marina, part of parcel 273, Tax Map 56 was a mistake and said property shall be property mapped in its entirety as IDA in accordance with County Ordinance No. 96-02.

WITNESSETH:

COUNTY COMMISSIONERS FOR  
QUEEN ANNE'S COUNTY



2/20/96  
Date

  
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Mark Belton  
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George O'Donnell  
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Michael Zimmer, Jr.