

IN THE MATTER OF THE	*	BEFORE THE
PETITION OF	*	COUNTY COMMISSIONERS
CENTREVILLE PLAZA, INC.	*	OF QUEEN ANNE'S COUNTY
d/b/a TRAILWAYS TRUCK STOP	*	
FOR A REZONING	*	

FINDINGS OF FACT

On April 2, 1997 the County Commissioners of Queen Anne's County received a Petition to amend the western portion of Parcel 25A on Queen Anne's County Zoning Map 45 from a Suburban Commercial (SC) zoning designation to Suburban Industrial (SI).

The Petition was referred to the Queen Anne's Planning Commission on April 16, 1997. On May 8, 1997 the Planning Commission considered the request and made a favorable recommendation on the rezoning "on the grounds that the SC District designation of the property was a mistake in 1994 ..." (Minutes of Queen Anne's County Planning Commission of May 8, 1997).

On July 15, 1997 County Ordinance 97-08 was introduced. This Ordinance would have the effect of amending Queen Anne's County Zoning Map 45 to designate Parcel 25A as Suburban Commercial. A public hearing was duly advertised and a hearing was held on September 16, 1997. The only testimony at the hearing was from James E. Dooley on behalf of the Petitioner and from the staff of the Queen Anne's County Department of Planning and Zoning.

Article 66B of the Annotated Code of Maryland, Section 4.05

requires the local legislative body to make findings of fact in each case in which a request for change in zoning classification is made.

THEREFORE, the County Commissioners of Queen Anne's County make the following findings of fact:

1. Population Change - No evidence was presented regarding population change in the area.

2. Availability of Public Facilities - No evidence was presented with regard to the availability of public facilities.

3. Present and Future Transportation Patterns - Again, the applicant failed to present any evidence with regard to this issue. The Commissioners are aware, however, of the proximity of the property to Maryland Route 301 and the increasing traffic on this major thoroughfare through the County.

4. Compatibility with Existing and Proposed Development for the Area - The property is presently utilized as a truck stop which use is permitted only in the SI District under the present Queen Anne's County Zoning Ordinance. The testimony of the Planning and Zoning staff confirm that it has never been the practice of the Planning Commission, nor has it been the practice of the County Commissioners, to zone property in a manner creating nonconformities. The existing zoning designations of the property, i.e., a "split" zoning of SI and SC effectively prohibit expansion or alteration of the existing use of the property, a result clearly not intended in the adoption of the 1994 Zoning Ordinance.

5. Recommendations of the Planning Commission - The

recommendations of the Queen Anne's County Planning Commission have been reviewed and considered.

6. Relationship of the Proposed Amendment to the Master Plan - The Queen Anne's County Master Plan encourages highway service uses along the major highways and at interchanges of such highways. The present restriction on the expansion or alternative of the existing highway service use as a truck stop is inconsistent with the County's plan.

Based on the foregoing findings of fact the County Commissioners determine that there was a mistake in the existing zoning classification of the subject property.

THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY

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George M. O'Donnell

Michael F. Zimmer, Jr.