

IN THE MATTER OF THE * BEFORE THE
 PETITION FOR REZONING OF * COUNTY COMMISSIONERS
 LANDS OF JOSEPH B. SADDLER * OF QUEEN ANNE'S COUNTY,
 AND PATRICIA G. SADDLER * MARYLAND
 * REZONING CASE #R-05-96-003
 * * * * *

FINDINGS OF FACT AND DECISION

A hearing was held on March 11, 1997 on the Petition of Joseph B. Saddler and Patricia G. Saddler requesting the rezoning of part of Parcel 57 as shown on Queen Anne's County Sectional Zoning Map ("Tax Map") No. 58A from "Suburban Residential" (SR) to "Urban Commercial" (UC).

The County Commissioners of Queen Anne's County considered the testimony and exhibits presented at the hearing, the recommendations of the Queen Anne's County Planning Commission and written Memoranda submitted by Joseph A. Stevens, Esquire on behalf of the Applicant. Following the hearing and consideration of these matters the following Findings of Fact were made by a unanimous vote of the County Commissioners.

A. Mistake. The Petitioner alleges and the Queen Anne's County Planning Commission agreed that the 1994 zoning of the property was based on inaccurate and invalid information. Such zoning did not consider the highway improvements in the area and most importantly did not recognize the overpass construction which resulted in the creation of the subject property as a separate parcel surrounded by U.S. Routes 50/301, the new overpass and the extension of Saddler service road.

While the zoning of the supposed 120 acre parcel as SR would have been presumably proper, an SR designation for the separate 5.551 acre parcel created by the highway construction is not. Such zoning designation was a mistake and the subject property is not suitable for suburban residential development. (See Applicants Exhibit 6, Saddler Property Rezoning report by Environmental Resources Management, Inc.)

The appropriate zoning for the subject property based upon the recommendation of the Queen Anne's County Planning Commission, the report and testimony from Environmental Resources Management, Inc. and the testimony and exhibits presented at the hearing is Urban Commercial (UC).

B. Population Change. Although specific information on population growth was not presented, the Commissioners are aware that Grasonville is designated as a "growth sub-area" under the 1993 Comprehensive Plan Update and that County planning anticipates substantial growth in this area especially as the Kent Island area becomes more heavily populated and as the population pressure moves easterly along the Route 50/301 corridor.

C. Public Facilities. The subject property has not received a commitment to reserve and be served by public sewer. Public sewer, however, is in close proximity to the subject property and it is anticipated that any commercial development will be conducted through an extension of public sewer to the property.

D. Transportation Patterns. The extensive highway construction including overpasses and widening of Routes 50/301 have greatly facilitated the movement of traffic not only through the Grasonville area but more importantly, as regards this instant case, has created an "island" of the subject property which is surrounded on all sides by such improvements.

E. Compatibility With Existing And Proposed Development/Consistency With The Queen Anne's County Master Plan. As previously indicated, Grasonville is a designated growth sub-area under the County Comprehensive Plan. The Commissioners find as a fact that the proposed rezoning is consistent with the goals and objectives of the County's 1993 Comprehensive Plan Update. The UC zoning district would permit development compatible with the existing development in the neighborhood.

Based on the foregoing findings of facts, the evidence detailed at the public hearing of March 11, 1997 and the recommendations of the Queen Anne's County Planning Commission the County Commissioners find that there has been a mistake in the zoning of the subject property. The rezoning of the subject property be and is hereby **GRANTED** and the same shall be designated as UC (Urban Commercial) zoning district on Tax Map 58A.

The County Commissioners of
Queen Anne's County

Copies sent to:

Barry G.

SKZ

Joe Stevens

3/21/97



George M. O'Donnell


Michael Zimmer


Ted Moeller