

Testimony and evidence was also received from several citizens in opposition to the rezoning, largely on the basis of the properties' proximity to the Bay Bridge Airport and from staff of the Department of Planning and Zoning.

The Queen Anne's County Planning Commission had recommended approval of the rezoning Petition based upon a finding of mistake.

After consideration of the testimony and evidence presented, the recommendations of the Queen Anne's County Planning Commission, the purposes set forth in Article 66B of the Annotated Code of Maryland, the Comprehensive Plan and Chapter 18:1 of the County Code, the County Commissioners make the following findings.

A. The property is restricted to non-residential development based upon restrictions imposed in connection with the grant of growth allocation to the Ellendale subdivision.

B. The zoning of the subject property as SMPD did not take into consideration either the prohibition on residential uses imposed or the Thompson Creek connection road.

C. The SMPD zone only permits commercial uses as part of a mixed-use residential or institutional development.

D. The properties to the north and south of the subject properties fronting on Route 8 are zoned UC (Urban Commercial).

E. The concerns expressed with regard to the Bay Bridge Airport indicated a desire to restrict all development on the subject parcels rather than a concern over the proper zoning designation. In addition, following the hearing the Petitioner has proffered its intent to create a thirty (30) foot height limitation over the entire property which would supplement a pre-existing Deed of Easement for the Over-Fight of Aircraft dated May 3, 2007 and recorded among the land records of Queen Anne's County, Maryland in Liber S.M. No. 1689, folio 582.

F. There are adequate public facilities available to support the commercial development of the subject properties.

G. Present and future public transportation patterns, especially the construction of the Thompson Creek Connector road, would support the requested zoning designation.

H. An Urban Commercial (UC) zoning designation would be compatible with the commercial development of the neighborhood, including the Airport, the Kmart and the other commercial uses fronting Maryland Route 8.

Based on the foregoing, the County Commissioners do determine that there was a mistake in the zoning of the properties and the requested rezoning will be GRANTED.

Dated this 25 day of March, 2014.

ATTEST:

THE COUNTY COMMISSIONERS
OF QUEEN ANNE'S COUNTY

Margie Houck
Margie Houck

Philip L. Dumenil
Philip L. Dumenil

abstained
David W. Dunmyer

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James J. Moran

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Bob Simmons

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Dave Olds