

**IN THE MATTER OF
COUNTY ORDINANCE 11-03
RESPECTING THE PROPOSED
REZONING APPROXIMATELY
80 AC. +/- OF TAX MAP 57,
PARCEL 68 FROM CS TO NVC**

*** BEFORE THE COUNTY
* COMMISSIONERS OF
* QUEEN ANNE’S COUNTY**

FINDINGS AND DECISION

A Petition was filed in accordance with Article XXIX of Chapter 18 of the County Code on behalf of Theodor Sattelmaier, Jr. et al., owners of property located at 200 Sattelmaier Lane, Chester, Maryland, south of Maryland Route 18 containing a total of approximately 165 acres of land identified as Tax Map 57, Parcel 68 (“Property”). As provided in Sections 18:1-216 and 218 of the County Code, Petitioner has requested that as part of the Comprehensive Rezoning process, a part of the Property containing 80 acres +/- be rezoned from Countryside (CS) to Neighborhood and Village Center (NVC).

The Planning Commission held a public hearing on the Petition (as well as many other Comprehensive Rezoning requests) on February 10, 2011 and made an unfavorable recommendation in its March 10, 2011 report to the County Commissioners stating only that the request “is inconsistent with the Chester Community Plan and the Land Use Map.” The County Commissioners held a public hearing on May 24, 2011 and as part of the decision making process have evaluated the Planning Commission recommendations and record of its proceedings, the Queen Anne’s County 2010 Comprehensive Plan, the Chester Community Plan, the proposed amendment, Chapter 18 of the County Code, Article 66B of the Annotated Code of Maryland, Land Use, and the testimony and record of the May 24, 2011 hearing.

The Property is located in the Chester area of Queen Anne’s County. It is in close proximity to a number of commercial uses, including the Kent Towne Shopping Center, the Safeway Store and Shopping Center, the Waterman Business Park and a number of smaller retail establishments such as a dentist, a produce stand, a sign company and a storage facility. The properties to the north of the Property are generally zoned Town Center. The property immediately west of the area sought to be rezoned is currently zoned Neighborhood and Village Center (NVC) the zoning designation sought in the Petition.

The northwest corner of the property (approximately 16 acres) is already zoned Neighborhood and Village Center (NVC). This portion of the Property is also currently in the Chester/Stevensville Growth area. The request is to rezone a larger portion of the property (approximately 80 acres +/-) extending from Main Street to Goodhands Creek Road as NVC. The area proposed for rezoning is in close proximity to both public water and public sewer.

With that background and based on the evidence presented and testimony received, the County Commissioners do make the following findings:

1. The Queen Anne's County 2010 Comprehensive Plan (the "Comprehensive Plan") encourages "a balance between the need of job creation and expansion of the tax base to support County residents and the responsibility for protecting the natural environment". (See Section 6.2.1. of Comprehensive Plan) Section 6.2.2. specifically calls for an "increase in property tax base by increasing the number of commercial properties". We also note Objective 5 set forth in Section 6.6. of the Comprehensive Plan as follows: "Ensure that sufficient commercially zoned lands exist and those lands are approximately located and provided with infrastructure." We believe that approving the rezoning request is consistent with and can help achieve these stated goals, policies and objectives and would be consistent with the 2010 Comprehensive Plan when considered in its entirety.

2. Although the Planning Commission made an unfavorable recommendation on the proposed rezoning, finding the same to be "inconsistent with the Chester Community Plan and the Land Use Map," we find that this recommendation ignores the other considerations set forth herein, including the proximity of the property to the Chester/Stevensville planning area, to public water and sewer infrastructure and to many other commercial uses.

3. The Neighborhood and Village Center (NVC) District is intended to guide the creation of neighborhoods, villages and protected countryside..." (Code, §18:1-27.1). It allows an "integrated mix of uses, including residential, commercial, employment/office, civic and open space based on a neighborhood and village center-to-countryside transect that defines the district." (Code, §18:1-27.1). New development in the NVC is subject to an extension regulatory approval process. New neighborhoods and villages "generally would be scaled upon a five-minute walk radius from about 40 to 160 acres" (§18:1-27.1B.) The village center-to-countryside transect seems especially appropriate to the subject property, as the balance of the Petitioners' land would remain countryside (CS). Although the Chester/Stevensville Community Plan was centered upon a "contained-growth" philosophy, we interpret this as a general philosophical objective or guide and not as a straight-jacket to prohibit the logical extension of certain zones such as NVC onto adjoining and contiguous properties.

4. All water and wastewater needs for the property can be adequately addressed by minor extensions to existing sewer and water infrastructure. Road and traffic resulting from any development of the property will be addressed through application of the County's Adequate Public Facility Ordinance. Any Mitigation required under the County's APFO will help address any existing traffic challenges at Maryland Rts. 18 and 552. The portion of the Property currently

zoned as NVC has a sewer and water designation of S-3/W-3 indicating that public sewer and water service is anticipated in a 4 to 10 year time frame.

5. The County Commissioners have considered the purposes set forth in Article 66B of the Annotated Code and find, for the reasons set forth herein, that the proposed rezoning will be in accordance with the Comprehensive Plan, will encourage orderly development of neighborhoods and villages as described in the NVC zoning regulations. There will be insignificant impact on traffic patterns and any anticipated traffic congestion will be addressed through the APFO process as well as all issues relating to water, sewage and schools. The regulatory framework for development in the NVC will more than adequately address environmental, natural resources, open space and other such issues.

6. Creating the opportunity for economic development by rezoning the property to allow a potential mixed-use development will generate tax revenue to assist the County in funding public facilities.

7. Population on Kent Island continues to increase. Providing land for neighborhood and village establishment as contemplated by §18:1-27 will help create “walkable” neighborhoods, and reduce vehicular congestion. The ready availability of public facilities including sewer and water make the subject property appropriate for rezoning. The NVC designation will be compatible with existing and proposed development in the area.

8. The Chester/Stevensville Community Plan, while deleting a portion of the Property as a designated growth area, shows numerous transportation improvements (including intersection improvements, road improvements and pedestrian system improvements which are recommended to implement the Community Plan) located on the Property. See Map 6-1 of the Chester/Stevensville Plan which is also included as Map t-4F in the 2010 Comprehensive Plan. Chapter 6 of the Community Plan recommends the construction of a “Chester Connector Road linking Cox Neck Road south of Chester and crossing Dominion Road, Goodhands Creek Road, Shamrock Road and then bridging Route 50 as the Shamrock/Dundee Overpass to provide connection to Piney Creek Road” (p. 6-3 of Chapter 6 of Community Plan). This proposed Chester Connector Road would bisect the Property from Goodhands Creek to Route 18 and contemplates construction of a new intersection at Rt. 18 and Shamrock Road. The rezoning as suggested is entirely consistent with these portions and recommendations of the Community Plan.

For the reasons stated herein, the County Commissioners hereby approve Comprehensive Rezoning Request No. 3, Sattelmaier, et al., part of Tax Map 57, Parcel 68 from Countryside (CS) to Neighborhood and Village Center (NVC).

ATTEST:

THE COUNTY COMMISSIONERS OF
QUEEN ANNE'S COUNTY



Steven J. Arentz, President

opposed

David L. Dunmyer

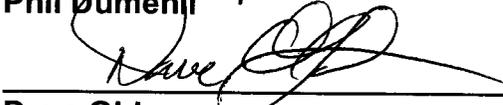
Marge Houck

opposed

Bob Simmons



Phil Dumenil



Dave Olds