

Council Agenda Report

Date: February 6, 2017
Submitted by: Odie Wheeler, Director of Public Works
Prepared by: Pat Escher, City Planner, A.I.C.P.

SUBJECT: A Map Amendment and a Rezoning of a property from Resource Conservation to General Commercial – Rte. 16 Map 307, Grid 0017, Parcel 5724.

Recommendation: That Council

- A. Introduce Ordinance No. 1093 by reading of title only; and
- B. Open the public hearing and continue to February 27, 2017 for second reading, public hearing and adoption of Ordinance No. 1093.

Discussion:

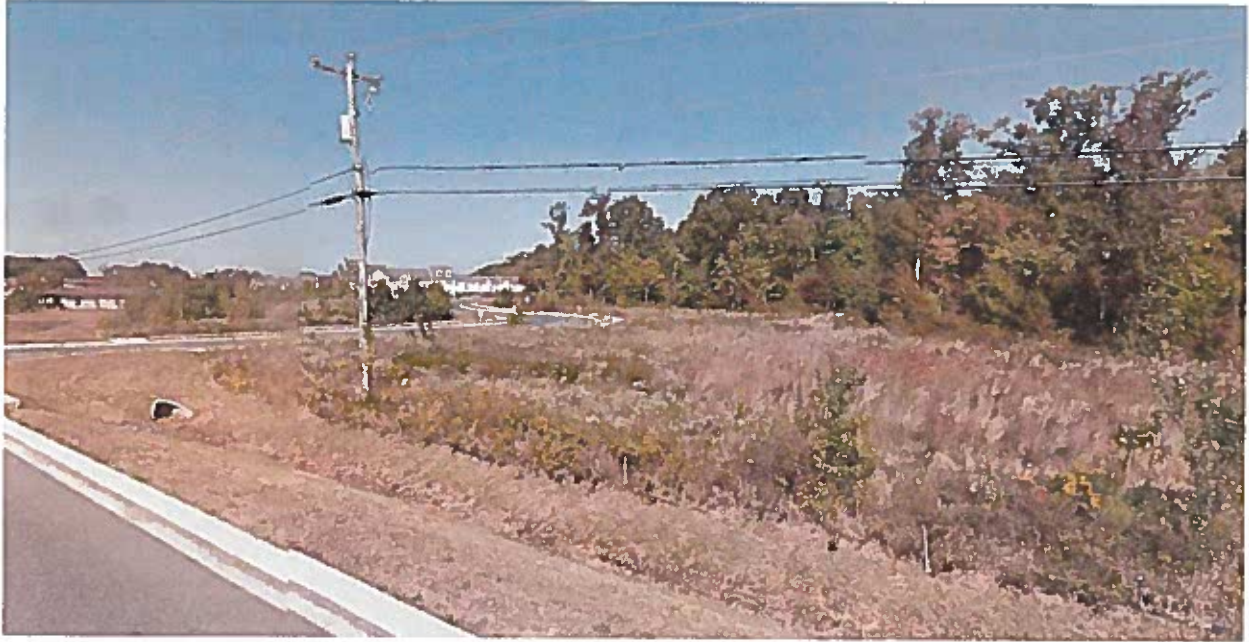
The Planning Commission unanimously recommended the City Council rezoned the property from Resource Conservation to General Commercial due to the subject property was zoned in error during the 2014 Unified Development Code adoption.

The property was formerly zoned General Commercial when it was subdivided in 2004. This lot was part of the Pintail Landing Subdivision, which was a mixed use development, with residential uses on Lot 1 and commercial uses on Lots 2 & 3. (See below) Lot 3 had portion of the lot designated for forest conservation.

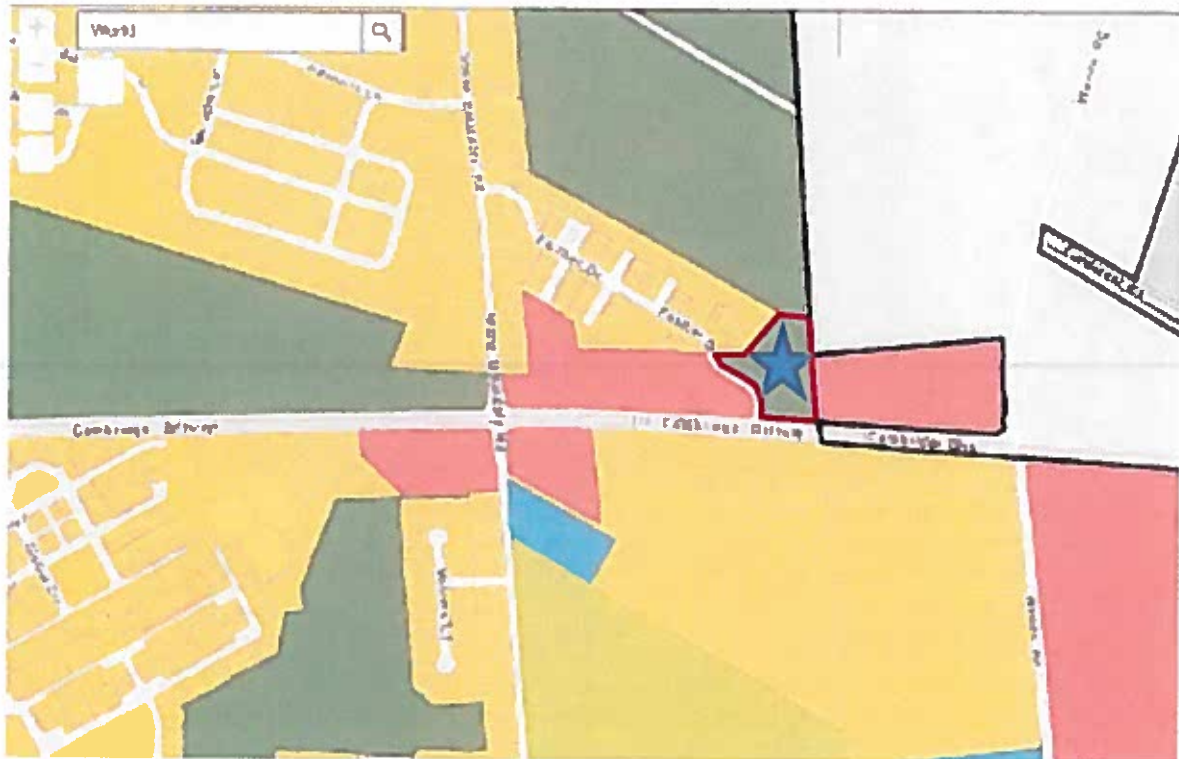
In 2008, Lot 3 was reviewed by the County and the City for a stormwater management and site grading plan. (See below) During this process stormwater pond was created and some infrastructure was installed, with intent to develop the property as a commercial development. Due to the market decline, the property remained undeveloped.

As economic conditions are now improving, the lot was placed on the market and the City received an inquiry about the property's zoning. The property owner was informed that the property was rezoned to Resource Conservation during the 2014 Citywide rezoning. The property owner asked staff to research the property and after internal discussions it was determined that the property was rezoned in error and included in the Resource Conservation property to the north. There are previous City approvals for commercial development and the necessary infrastructure has been reviewed and approved by the City. Furthermore, this portion of Rte. 16 has commercial designations on each side of the property.





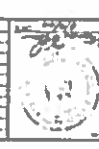
The Site



As show by the zoning map above, all of the adjacent properties along Rte. 16 are zoned Commercial General. Previous City approvals are shown below.

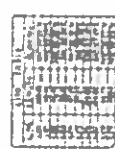
FINAL SUBDIVISION PLAT
OF
"PINEAL LANDING"
IN THE CITY OF CAMBRIDGE
DEVELOPER: COUNTY, WARREN
PAGES: 878
DWD 17
TAX MAP 227

Lane Engineering, Inc.
Civil Engineers - Land Surveyors
100 North Street, Cambridge, MA 02142
Tel: 617-552-1111
Fax: 617-552-1112
www.laneeng.com



NO.	REVISIONS	DATE
1	ISSUED	11/20/08
2	REVISED	11/20/08

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1	ISSUED	11/20/08
2	REVISED	11/20/08

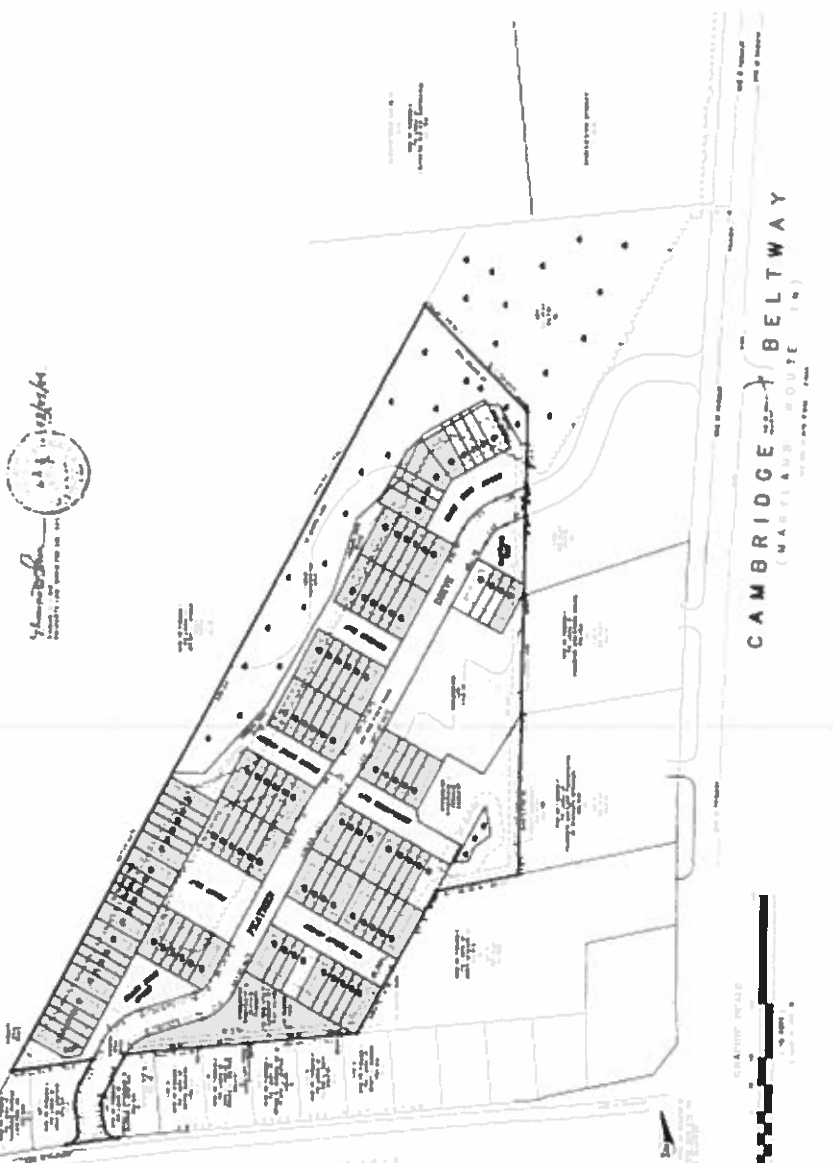


AGREED
DATE: 11/20/08
BY: [Signature]
PROJECT NO. 08-001

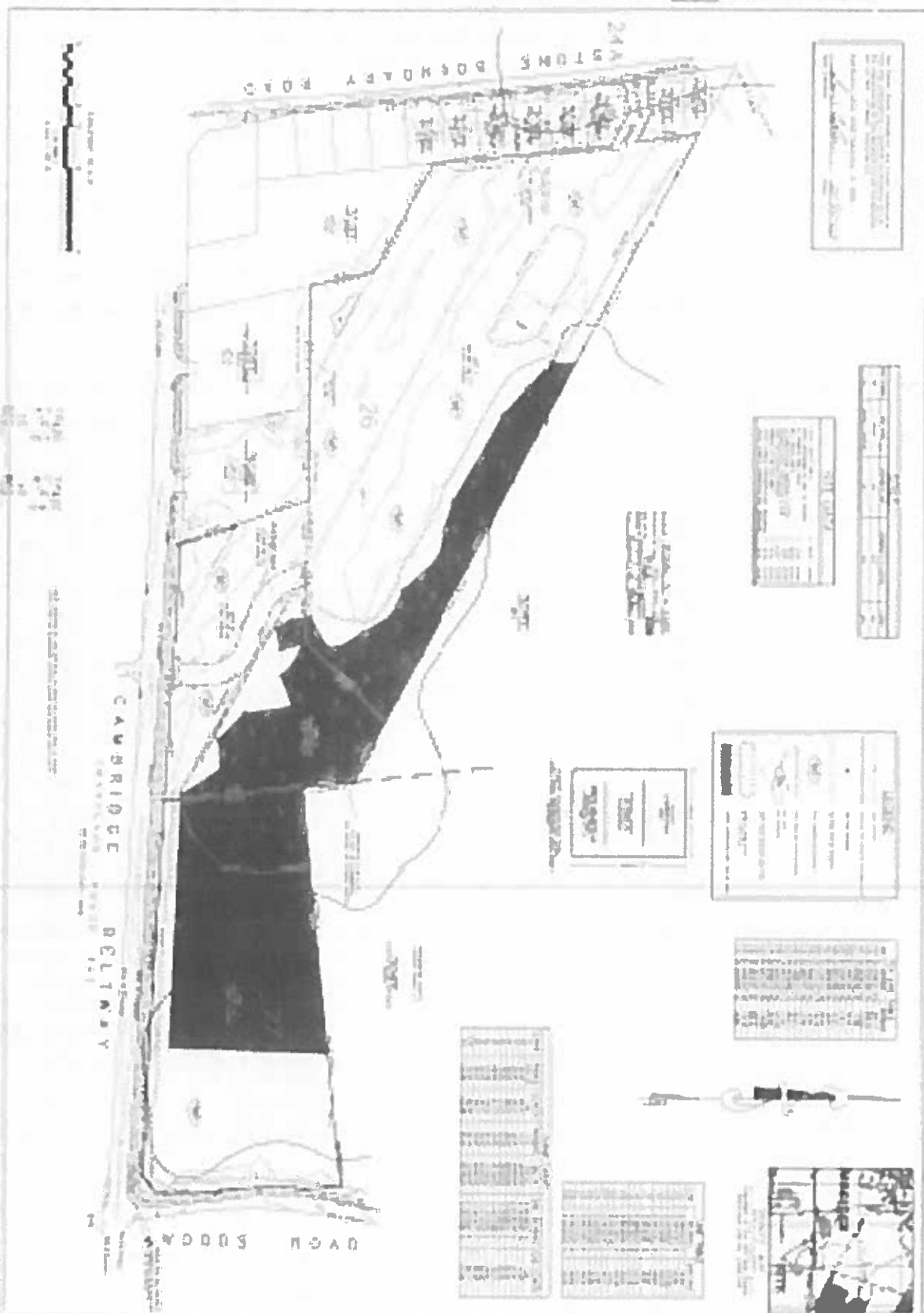
STATION DESIGN
DATE: 11/20/08
BY: [Signature]

COMPLETION CERTIFICATE
DATE: 11/20/08
BY: [Signature]

ENGINEERING INFORMATION
DATE: 11/20/08
BY: [Signature]



NOTES:
1. THIS PLAT IS SUBJECT TO ALL APPLICABLE LOCAL, STATE, AND FEDERAL LAWS, REGULATIONS, ORDINANCES, AND DECISIONS OF THE APPLICABLE AGENCIES.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
4. THE SUBDIVISION SHALL BE SUBJECT TO ALL APPLICABLE LOCAL, STATE, AND FEDERAL LAWS, REGULATIONS, ORDINANCES, AND DECISIONS OF THE APPLICABLE AGENCIES.
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GENERAL NOTES	
1.	...
2.	...
3.	...
4.	...
5.	...

SITE DATA	
Area	...
Perimeter	...
...	...
...	...

ADDITIONAL DATA	
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...	...
...	...

LEGEND	
[Symbol]	...
[Symbol]	...
[Symbol]	...
[Symbol]	...

PROPERTY DATA	
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...	...
...	...

ADDITIONAL DATA	
...	...
...	...
...	...

ADDITIONAL DATA	
...	...
...	...
...	...



<p>MO-SHORE DEVELOPMENT LLC</p> <p>12345 Main Street, Suite 100 Cambridge, MA 02142 Phone: (617) 555-1234 Email: info@mo-shore.com</p>	<p>Jack Engineering Inc.</p> <p>6789 Elm Street, Suite 200 Cambridge, MA 02142 Phone: (617) 555-5678 Email: info@jackeng.com</p>	<table border="1"> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>																

CE 1000-10000

SITE GRADING & STORM WATER MANAGEMENT FOR TIMBER HOLLOW DEVELOPMENT COMPANY, LLC. IN THE CITY OF CAMBRIDGE DORCHESTER COUNTY, MARYLAND

GENERAL NOTES

1. THE GRADING AND STORM WATER MANAGEMENT PLAN IS BASED ON THE SURVEY DATA AND INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE DATA AND INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE.

2. THE GRADING AND STORM WATER MANAGEMENT PLAN IS BASED ON THE ASSUMPTION THAT THE SITE IS TO BE DEVELOPED AS A RESIDENTIAL DEVELOPMENT. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE.

3. THE GRADING AND STORM WATER MANAGEMENT PLAN IS BASED ON THE ASSUMPTION THAT THE SITE IS TO BE DEVELOPED AS A RESIDENTIAL DEVELOPMENT. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE.

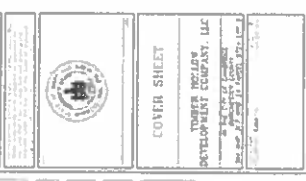
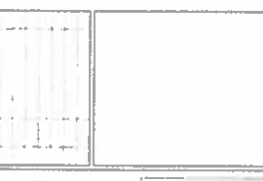
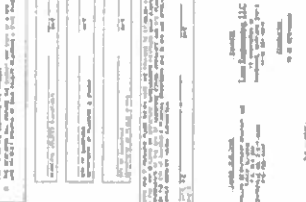
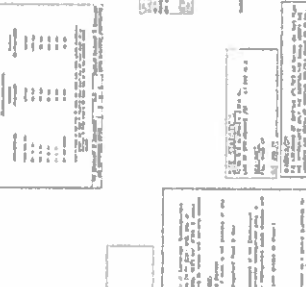
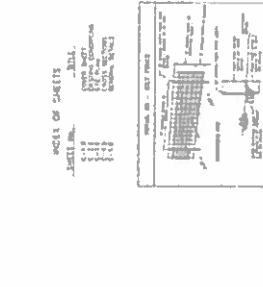
4. THE GRADING AND STORM WATER MANAGEMENT PLAN IS BASED ON THE ASSUMPTION THAT THE SITE IS TO BE DEVELOPED AS A RESIDENTIAL DEVELOPMENT. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE.

5. THE GRADING AND STORM WATER MANAGEMENT PLAN IS BASED ON THE ASSUMPTION THAT THE SITE IS TO BE DEVELOPED AS A RESIDENTIAL DEVELOPMENT. THE ENGINEER HAS NOT CONDUCTED A FIELD SURVEY OF THE SITE.

SOIL TYPES AND PERCENT SAND, SILT AND CLAY

SOIL TYPE: CLAYEY SILT
PERCENT SAND: 15%
PERCENT SILT: 65%
PERCENT CLAY: 20%

NO.	DESCRIPTION	AREA (SQ. FT.)	VOLUME (CU. YD.)
1	CLAYEY SILT	10,000	100
2	SANDY SILT	5,000	50
3	SANDY CLAY	5,000	50
4	CLAYEY SAND	5,000	50
5	SAND	5,000	50



COVER SHEET

TIMBER HOLLOW DEVELOPMENT COMPANY, LLC

DATE: 10/15/2010

PROJECT NO: TH-10-001

SHEET NO: 1 OF 1

DATE: 10/15/2010

PROJECT NO: TH-10-001

SHEET NO: 1 OF 1

DATE: 10/15/2010

PROJECT NO: TH-10-001

SHEET NO: 1 OF 1

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SHEET NO: 1 OF 1

DATE: 10/15/2010

PROJECT NO: TH-10-001

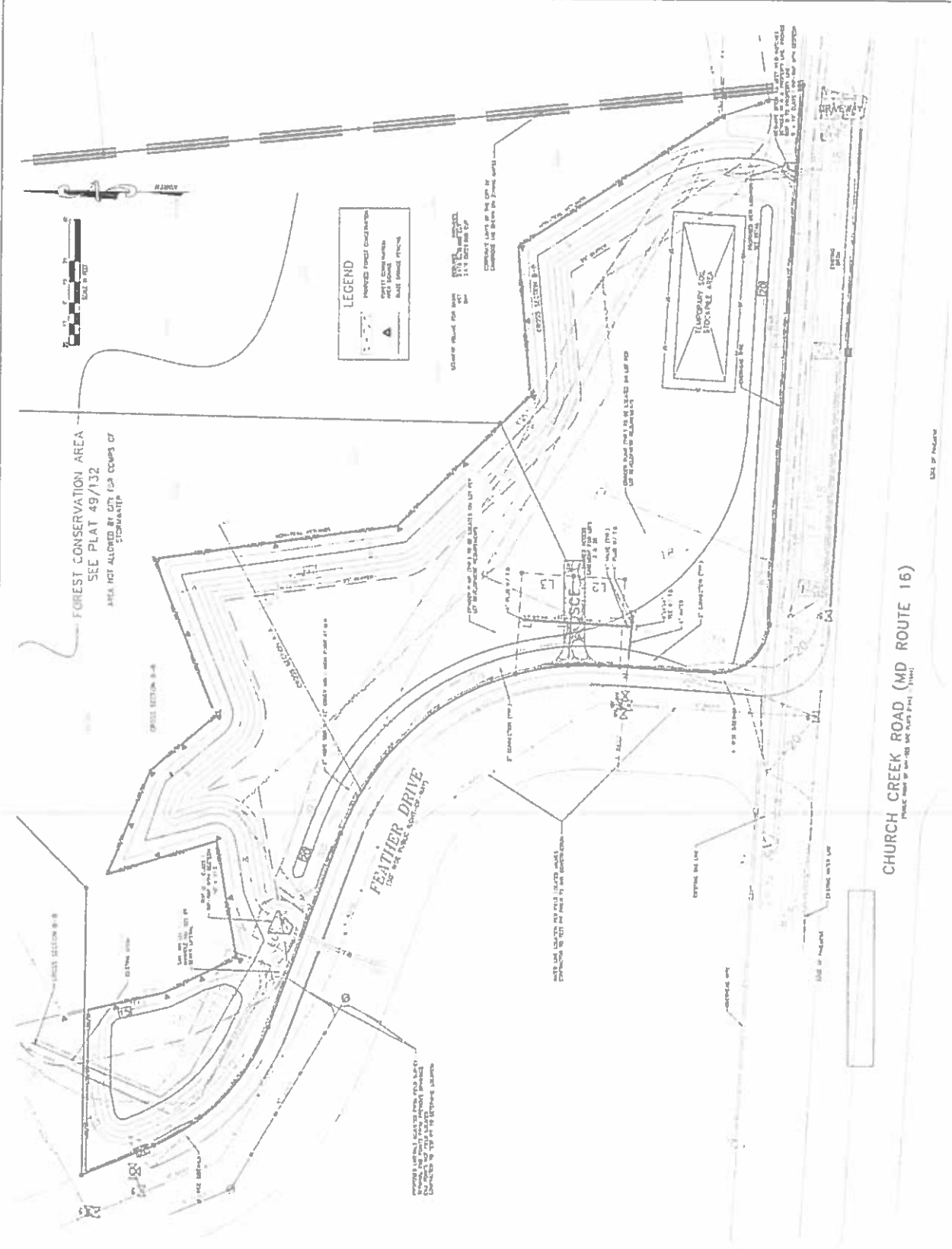
SHEET NO: 1 OF 1

DATE: 10/15/2010

PROJECT NO: TH-10-001

SHEET NO: 1 OF 1

			LAJE Engineering, LLC 4001		SITE PLAN TIMBER HOLLOW DEVELOPMENT COMPANY, LLC ...
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CHURCH CREEK ROAD (MD ROUTE 15)
PUBLIC ROAD TO THE EAST AND NORTH SIDE

FOREST CONSERVATION AREA
SEE PLAT 49/132
AREA NOT ALLOWED BY CITY FOR COMPS OF
SICHMAN/TP



LEGEND

	PROPOSED ROAD CONSTRUCTION
	UTILITY LINES
	STOCK PILING AREA

CONTRACT WORK IN THE CITY OF
...
...
...
...
...
...

USE OF PROPOSED

Picture of the signed, approved plans.



I.

PROPOSED ORDINANCE

ORDINANCE NO. 1093

ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND TO AMEND THE OFFICIAL ZONING MAPS OF THE CITY OF CAMBRIDGE FOR PARCEL NO. 5724, TAX MAP 307, GRID 0017, LOT 3, TAX ACCOUNT NO. 07-202822, CONTAINING 3.61 ACRES, FROM "RESOURCE CONSERVATION" TO "GENERAL COMMERCIAL" DISTRICT

WHEREAS, pursuant to Findings of Fact attached hereto as Exhibit A, and incorporated herein by reference, the Commissioners concluded that a mistake had occurred during the comprehensive rezoning of 2014 for the property shown on tax map No. 307, Parcel No. 5724, Lot No. 3, Tax Account No. 07-202822, containing 3.61 acres of land (the "Property"); and

WHEREAS, the Commissioners have concluded that the proper zoning designation for the Property should have been GC, "General Commercial," and that said zoning classification is consistent with the relevant provisions of the City Comprehensive Plan;

WHEREAS, the City Planning Commission held a duly noticed public hearing and issued recommendations regarding the amended zoning of the Property. The Planning Commission unanimously recommended that the Commissioners of Cambridge approve the rezoning of Property from RC (Resource Conservation) to GC (General Commercial) based upon a mistake made during the most recent city-wide comprehensive rezoning in 2014;

WHEREAS, the Commissioners of Cambridge find that it is in the best interest of the City to amend the Official Zoning Map of the City to provide for a zoning classification of GC (General Commercial) for Parcel No. 5724, Lot No. 3, Tax Map No. 307, Tax Account No. 07-202822; and

WHEREAS, the Commissioners of Cambridge held a duly noticed public hearing on this proposed Re-Zoning on February 13, 2017, in compliance with the requirements of Section 4-203 of the Land Use Article, Annotated Code of Maryland, notification of said public hearing having been published in the Star Democrat on January 27, and February 3, 2017.

NOW, THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Commissioners of Cambridge, that:

SECTION ONE: The Official Zoning Maps of the City of Cambridge are hereby amended for that certain real property located at the intersection on the easterly side of Feather Drive and the northerly side of Maryland Route 16 (a/k/a Cambridge

Beltway”), and being the same property as delineated as Parcel No. 5724, Lot No. 3 on Tax Map No. 307, Tax Account No. 07-202822, containing 3.61 Acres, from RC “Resource Conservation” to GC “General Commercial.”

SECTION TWO: Effective Date. This ordinance shall become effective ten (10) days following the date of adoption of this Ordinance by the Commissioners of Cambridge.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

Sandra Tripp-Jones, City Manager

By: _____ (SEAL)
Victoria Jackson-Stanley, Mayor

Introduced the 13TH day of **FEBRUARY, 2017**
Adopted the 27TH day of **FEBRUARY, 2017**
Effective the 9TH day of **MARCH, 2017**

EXHIBIT A

FINDINGS OF FACT

RE: REZONING OF LOT 3, TAX MAP 307; PARCEL NO. 5724

In accordance with Sections 4-203 and 4-204 of the Land Use Article, Annotated Code of Maryland, the Commissioners of Cambridge make the following findings of fact:

1. Public Hearing. That a public hearing was held before the Commissioners of Cambridge on February 13, 2017 at 7:00 p.m., with a summary of same having been published in the Star Democrat on January 27, and February 3, 2017.
2. Population Change. The proposed commercial zoning would not permit substantial residential development. The general commercial zoning (GC) established by this Ordinance would be located on a parcel of property which was formerly zoned General Commercial and it front along Maryland Route 16 on which other adjacent commercial properties front. Maryland Route 16 is a heavily traveled corridor, which has accommodated the commercial uses on the site without any problems, and can continue to accommodate the commercial traffic associated with this Property without any upgrades or improvements. The proposed rezoning is not anticipated to directly generate population changes in the City or County.
3. Adequacy and Availability of Public Facilities. The property is, and has been for many years, serviced by City water/sewer and all other public services. No new construction of infrastructure is required. In 2008, this Property was reviewed by The County and city for the storm water management and site grading plan. During this process a storm water pond was created and some infrastructure was installed with the intent to develop the property as a commercial development. However, due to market conditions, the commercial development of the Property never occurred.
4. Present and Future Transportation Patterns. As set forth in Item No. 2 above, the Property is located on a road, which can easily accommodate the traffic generated by commercial activity associated with this Property. As stated, the property is adjacent to other properties binding upon the northerly side of Maryland Route 16.
5. Compatibility with existing and proposed development for area. The subject property is located adjacent to other commercial uses on Maryland Route 16 (a/k/a Cambridge Beltway). The uses permitted by the proposed are compatible with existing and proposed development in the area. The Property was formerly zoned General Commercial and a mistake occurred during the 2014 comprehensive rezoning when the Property was down zoned to Resource Conservation.

6. Recommendation of the Planning Commission – The City Planning Commission unanimously recommended the proposed re-zoning to General Commercial.
7. Relationship to City Comprehensive Plan – The location of commercial activity at this site would be compatible and consistent with the City's Comprehensive Plan.
8. Fiscal Impact upon the City Government. As set forth in Item No. 3 above, the Property as a commercially-zoned parcel will not result in the need for any additional services, and therefore, will not adversely impact the City's finances.
9. Suitability of the Subject Property for the Uses Permitted Under Existing and Proposed Zoning Classifications. The subject property is well-suited for the uses permitted under the proposed zoning of General Commercial. It was clearly a mistake, during the process of the Comprehensive Rezoning in 2014, that the zoning classification was changed at that time to Resource Conservation. The proposed rezoning to GC (General Commercial) is needed to correct that error.

Therefore, it is clear that a commercial use of the property would be suitable for uses permitted under the General Commercial (GC) District classification, and that it was a mistake during the comprehensive rezoning in 2014 not to have kept the zoning classified as General Commercial.