

## Council Agenda Report

**Date:** May 8, 2017

**Submitted by:** Odie Wheeler, Director of Public Works

**Prepared by:** Pat Escher, City Planner, A.I.C.P.

**SUBJECT:** Rezone two parcels of land located on Egypt Road from Residential to Resource Conservation: Map No. 0041, Parcel No. 0128, Lot No. 59, Tax Account No. 07-233264, containing 8,992 square feet of land and Map. No. 0052, Parcel 0002, Parcel C, Tax Account No. 09-203907, containing 17.7 acres of land.

**Recommendation:** That Council

- A. Introduce Ordinance No. 1103 by reading title only; and
- B. Schedule May 22, 2017 for second reading, public hearing and adoption of Ordinance 1103.

**Discussion:** City staff is proposing to rezone the above-referenced parcels from Residential to Resource Conservation. The Planning Commission can rezone a property pursuant to Section 2.2.3 B. of the UDC if either the property was zoned in error or if since the adoption of the Comprehensive Plan, there have been substantive changes to neighborhood. Staff contends that the property was zoned in error.

On March 22, 2004, the 319-acre property was annexed into the City as part of a much larger annexation consisting of 1,061 acres. During the annexation process, the property was rezoned to Planned Water Resort District (PWRD) and had a specific development site plan. The development plan encompassed the entirety of the property annexed by the City for a project proposed to include 2,700 residential units, golf course, hotel/conference center and spa, a 10-acre school site, convenience retail and day care. In June 2007, the State of Maryland acquired approximately 728 acres of the annexed property located south of the subject property on the west side of Egypt Road and east and south of the subject property on the east side of Egypt Road, adjacent to the Little Black Water River. The remainder of the annexed site, comprising all of the property that is the subject of this rezoning, was rezoned to the City's R-1 and R-3 zoning districts and subdivided into two residential projects: Henry's Overlook containing 635 single-family lots and Duke's Landing encompassing 40 single-family lots.

During the 2015 Citywide rezoning the property was rezoned from R-1 and R-3 to the Residential Zone District.

No development activity has occurred on the subject property. More recent review of the City's Comprehensive Plan and long-term growth strategies suggest that the extension of significant residential development on Egypt Road south of existing development patterns is not in the City's interest, particularly because the subject property is now virtually surrounded by County or State-owned lands. Development of limited residential uses or, more appropriately, resource-based uses, possibly including renewable energy development, would be more consistent with the greenbelt designation and public land ownership that surround these properties. Staff believes this most recent zoning designation was premised upon mistakes, both in the Comprehensive Plan and with respect to the zoning established.

Staff is recommending that the property be rezoned to Resource Conservation. Staff believes this is an appropriate zone district, given that the surrounding properties are very rural in nature. This recommendation is consistent with the City's Comprehensive Plan that states: "*This Cambridge Comprehensive Plan proposes an expansive Greenbelt around Cambridge, instead of the continued outward expansion of urban development and/or suburban sprawl.*"

**Fiscal Impact:** NA

**Approved by:** Sandra Tripp-Jones, City Manager 

## PROPOSED ORDINANCE

### ORDINANCE NO. 1103

**AN ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CAMBRIDGE BY REZONING TWO PARCELS OF REAL PROPERTY LOCATED ON EGYPT ROAD AND IDENTIFIED ON TAX MAP 41 AS PARCEL 128, LOT NO. 59, TAX ACCOUNT NO. 07-233264, CONTAINING 8,992 SQUARE FEET OF LAND AND ON TAX MAP 52 AS PARCEL 2, PARCEL C, TAX ACCOUNT NO. 09-203907, CONTAINING 17.7 ACRES OF LAND FROM RESIDENTIAL TO RESOURCE CONSERVATION; PROVIDING THAT THE TITLE OF THIS ORDINANCE SHALL BE DEEMED TO BE A FAIR SUMMARY, AND GENERALLY RELATING TO THE OFFICIAL ZONING MAP OF THE CITY OF CAMBRIDGE, MARYLAND.**

**WHEREAS**, on March 7, 2017 the City of Cambridge Planning Commission (the "Planning Commission") held a public hearing, which was continued on April 4, 2017 and May 2, 2017, the City of Cambridge Planning Commission (the "Planning Commission") held a public hearing and issued recommendations regarding the proposed amendments to the Official Zoning Map of the City of Cambridge, Maryland (the "Zoning Map") set forth herein; and

**WHEREAS**, on March 7, 2017 the City of Cambridge Planning Commission (the "Planning Commission") held a public hearing, which was continued on April 4, 2017 and May 2, 2017, the Planning Commission unanimously recommended that the Commissioners of Cambridge (the "Commissioners") approve the proposed amendments to the Zoning Map by rezoning two parcels of real property located on Egypt Road and identified on Tax Map 41 as Parcel 128, Lot No. 59, Tax Account No. 07-233264, containing 8,992 square feet of land ("Parcel 1") and on Tax Map 42 as Parcel 2, Parcel C, Tax Account No. 09-203907, containing 17.7 acres of land ("Parcel 2") from Residential to Resource Conservation on the basis of a mistake in the existing zoning classification pursuant to Section 2.2.3(B)(1) of the City of Cambridge's (the "City") Unified Development Code (the "UDC"); and

**WHEREAS**, the Commissioners find that it is in the best interest of the City to amend the Zoning Map by rezoning Parcels 1 and 2 from Residential to Resource Conservation on the basis of a mistake in the existing zoning classification pursuant to Section 2.2.3(B)(1) of the UDC; and

**WHEREAS**, upon the consideration of the recommendations of the Planning Commission and the staff of the Department of Planning & Zoning, as well as the comments made during the Planning Commission's May 2, 2017 public hearing, the Commissioners find that the proposed amendments are needed to promote and protect the public's health, safety, and welfare; and

**NOW, THEREFORE, BE IT ORDAINED** by the Commissioners of Cambridge that the Official Zoning Map of the City of Cambridge, Maryland be and it is hereby amended as follows:

**SECTION 1.** The zoning district classification of the parcels of real property located on Egypt Road and identified on Tax Map 41 as Parcel 128, Lot No. 59, Tax Account No. 07-233264, containing 8,992 square feet of land, and on Tax Map 42 as Parcel 2, Parcel C, Tax Account No. 09-203907, containing 17.7 acres of land, are hereby amended from Residential to Resource Conservation. The Official Zoning Map of the City of Cambridge, Maryland shall be revised accordingly to reflect the foregoing amendment.

**SECTION 2.** The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

**SECTION 3.** In this Ordinance, unless a section of the City Code of Laws is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out with a single strikethrough. Language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Commissioners that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

**SECTION 5.** All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6.** The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

**AND BE IT FURTHER** enacted and ordained that this Ordinance shall become effective on the tenth (10<sup>th</sup>) day following the date of passage.

ATTEST:

THE COMMISSIONERS OF CAMBRIDGE

\_\_\_\_\_  
Sandra Tripp-Jones, City Manager

By: \_\_\_\_\_  
Victoria Jackson-Stanley, Mayor

Introduced the \_\_ day of \_\_\_\_\_, 2017

Adopted the \_\_ day of \_\_\_\_\_, 2017

Effective the \_\_ day of \_\_\_\_\_, 2017