

Council Agenda Report

Date: April 24, 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 the following properties from “Industrial” to “Institutional” zoning classifications:

- A. 821 Fieldcrest Road: Map 41, Grid 006, Parcel 115; Owner: Baptist Family LLC, et al;
- B. 829 Fieldcrest Road: Map 41, Grid 006, Parcel 171; Owner: The County Commissioners of Dorchester County, Maryland.

Recommendation: That Council

- A. Introduce Ordinance No. 1098 by reading title only; and
- B. Schedule May 8, 2017 for second reading, public hearing, adoption of findings, and adoption of Ordinance 1098.

Discussion: The Planning Commission believes that the above referenced properties were rezoned in error and the institutional zoning designation is more appropriate for both properties that have institutional uses located on them. The property located at 829 Fieldcrest Road is Dorchester County detention facility and the property at 821 Fieldcrest Road is mental health facility for youth with mental and/or drug related issues.

The City Council 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 has been substantive changes to neighborhood. The Planning Commission contends that the property was zoned in error.

The Planning Commission believes that the two properties were not “rezoned” as Institutional properties in error during the Citywide rezoning with the adoption of the Unified Development Code (UDC). The two properties are located in the light industrial zone of I-1.

The previous Zoning Code had numerous residential, commercial and industrial zoned districts, but did not have an institutional designation. As part of the UDC rezoning, the residential zone districts were simplified, some zoning designations were removed and other zoning designations were added. The UDC created the Institutional Zone District, which acknowledges uses related to the public realm within the City. Some examples of uses that were changed to the Institutional Zone District are the Public Safety Building, which changed from I-2 to Institutional, both the MUC operations area and the Goodwill site were changed from General Commercial to Institutional. Likewise, the City’s middle and high schools’ zoning designation went from Residential to Institutional.

Following the public hearing on May 8, 2017, the Council consider adopting findings the draft of which are attached.

Fiscal Impact: Correcting the zoning on 821 Fieldcrest Road will allow a viable business operation and employment of approximately 100 persons.

Approved by: *GED*

- Attachments:**
1. Map
 2. Staff report to the Planning and Zoning Commission dated March 7, 2017
 2. Draft Findings

PROPOSED ORDINANCE

ORDINANCE NO. 1098

ORDINANCE OF THE COMMISSIONERS OF CAMBRIDGE, MARYLAND TO AMEND THE OFFICIAL ZONING MAPS OF THE CITY OF CAMBRIDGE FOR PARCEL NO. 0115, TAX MAP 0041, GRID 006, LOT 11, 821 FIELDCREST ROAD, TAX ACCOUNT NO. 07-199287, CONTAINING 7.75 ACRES, AND PARCEL NO. 0171, TAX MAP 0041, GRID 006, LOT 3, 829 FIELDCREST ROAD, TAX ACCOUNT NO. 07-194676, CONTAINING 15 ACRES FROM “INDUSTRIAL” TO “INSTITUTIONAL” 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. 0041, Parcel No. 0115, Lot No. 11, Tax Account No. 07-199287, containing 7.75 acres of land (the “Property”); and tax map No. 0041, Parcel No. 0171, Lot No. 3, Tax Account No. 07-194676, containing 15 acres of land (the “Property”);

WHEREAS, the Commissioners have concluded that the proper zoning designation for the Property should have been I, “Institutional,” 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 on March 7, 2017 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 IND (Industrial) to I (Institutional) 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 I (Institutional) for Parcel No. 0041, Parcel No. 0115, Lot No. 11, Tax Account No. 07-199287, containing 7.75 acres of land (the “Property”); and tax map No. 0041, Parcel No. 0171, Lot No. 3, Tax Account No. 07-194676, containing 15 acres of land (the “Property”); and

WHEREAS, the Commissioners of Cambridge held a duly noticed public hearing on this proposed Re-Zoning on April 24 and May 8, 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 March 31, and April 4, 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 tax map No. 0041, Parcel No. 0115, Lot No. 11, Tax Account

No. 07-199287, containing 7.75 acres of land (the "Property"); and tax map No. 0041, Parcel No. 0171, Lot No. 3, Tax Account No. 07-194676, containing 15 acres of land (the "Property");

SECTION TWO: Effective Date. This ordinance shall become effective ten (10) days following the date of adoption of this Ordinance and being the same property as delineated as tax map No. 0041, Parcel No. 0115, Lot No. 11, Tax Account No. 07-199287, containing 7.75 acres of land (the "Property"); and tax map No. 0041, Parcel No. 0171, Lot No. 3, Tax Account No. 07-194676, containing 15 acres of land (the "Property");

ATTEST:

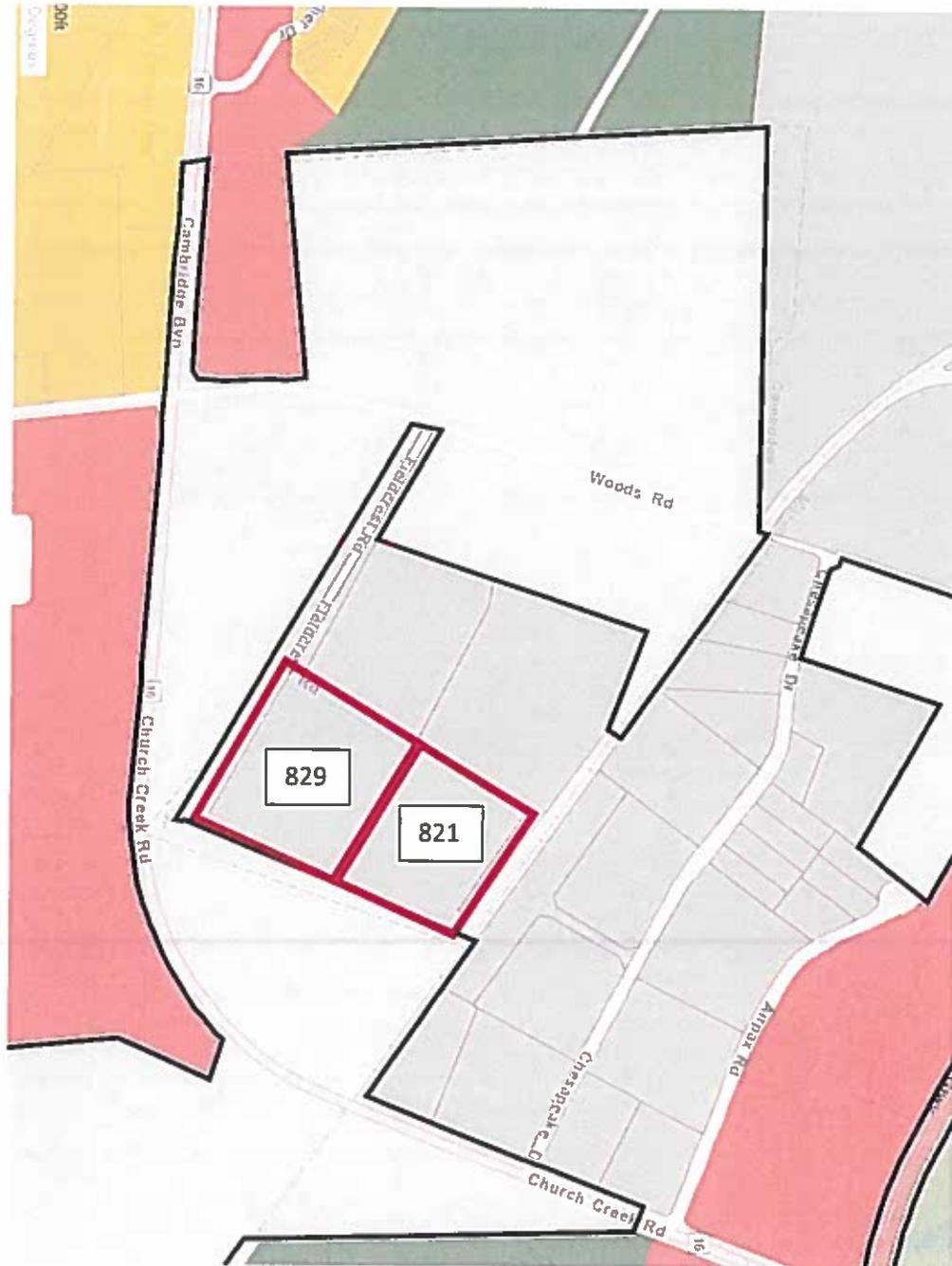
THE COMMISSIONERS OF CAMBRIDGE

Sandra Tripp-Jones, City Manager

Victoria Jackson-Stanley, Mayor

By: (SEAL)

Introduced the 24TH day of APRIL, 2017
Adopted the 8TH day of MAY, 2017
Effective the 18TH day of MAY, 2017





City of Cambridge

Department of Public Works

Planning & Zoning

1025 WASHINGTON STREET
CAMBRIDGE, MARYLAND 21613
410-228-1955

Planning and Zoning

Staff Report

March 7, 2017

I. BACKGROUND INFORMATION:

P & Z Case No.: P&Z TA # 2017-020/REZ 2017 - 015

- II. **NATURE OF THE REQUEST:** Amend Permitted Land Use Table #1 to allow Medical Treatment Facilities in the Industrial Zone as a Permitted Use with Conditions, amend 4.2.3 B to add conditions for the Medical Treatment Facility and add a definition of a Medical Treatment Facility into Section 9.2 of the UDC **OR a Rezoning and Map Amendment to rezone 821 and 829 Fieldcrest Road from Industrial zoning to Institutional zoning.**
- III. **STAFF RECOMMENDATION:** Staff is recommending approval of the proposed rezoning and map amendment to the City's Official Zone Map and that the Planning and Zoning Commission affirmatively recommend to the City Council the proposed changes.

BACKGROUND/ DISCUSSION: At the February 7th meeting, staff presented a proposed text amendment to UDC to allow a medical treatment facility in the industrial zone. Staff had concerns with making this use a permitted use in the Industrial Zone, due to the potential for incompatible, heavy industrial uses to be located in close proximity to the facility. Staff proposed some language for the definition of such a facility; the Commission wanted the inclusion of a bed count limitation, which could be problematic if the existing facility were to expand.

After additional internal discussion, staff believes that a better course of action would be to rezone the property and the adjacent Dorchester County detention facility to the more appropriate Institutional zoning designation. 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 has been substantive changes to neighborhood. Staff contends that the property was zoned in error.

Staff believes that the two properties were not “rezoned” as Institutional properties in error during the City wide rezoning with the adoption of the Unified Development Code (UDC). The two properties were located in the light industrial zone of I-1.

The previous Zoning Code had numerous residential, commercial and industrial zoned districts, but did not have an institutional designation. As part of the UDC rezoning, the residential zone districts were simplified, some zoning designations were removed and other zoning designations were added. The UDC created the Institutional Zone District, which acknowledges uses related to the public realm within the City. Some examples of uses that were changed to the Institutional Zone District are the Public Safety Building, which changed from I-2 to Institutional, both the MUC operations area and the Goodwill site were changed from General Commercial to Institutional. Likewise, the City’s middle and high schools’ zoning designation went from Residential to Institutional.

Both 821 and 829 Fieldcrest Road are institutional land uses in nature, one being a former mental health care facility and the other Dorchester County detention facility. Staff believes that these two properties were not rezoned Institutional as an oversight. Therefore, staff recommends to rezone 821 and 829 Fieldcrest Road from Industrial Zone District to Institutional Zone District.

EXHIBIT A**FINDINGS OF FACT (DRAFT)**

RE: REZONING OF PARCEL NO. 0115, TAX MAP 0041, GRID 006, LOT 11, 821 FIELD CREST ROAD, TAX ACCOUNT NO. 07-199287, CONTAINING 7.75 ACRES, AND PARCEL NO. 0171, TAX MAP 0041, GRID 006, LOT 3, 829 FIELD CREST ROAD, TAX ACCOUNT NO. 07-194676, CONTAINING 15 ACRES FROM “INDUSTRIAL” TO “INSTITUTIONAL” DISTRICT

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 April 24, 2017 at 6:00 p.m. and continued to May 8, 2017 at 6:00 p.m., with a summary of same having been published in the Star Democrat on March 31, and April 4, 2017.
2. Population Change. The proposed institutional zoning would not permit substantial residential development. 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.
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 institutional activity associated with the Property.
5. Compatibility with existing and proposed development for area. The Property was formerly zoned Industrial 1 and a mistake occurred during the 2014 comprehensive rezoning when the Property was zoned to Industrial, while other properties with similar uses were zoned Institutional. The existing uses have been in operation on these sites for numerous years and have not generated any zoning issues.
6. Recommendation of the Planning Commission. The City Planning Commission unanimously recommended the proposed re-zoning to Institutional.
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 institutionally zoned parcels 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 Institutional. It was clearly a mistake, during the process of the Comprehensive Rezoning in 2014, that the zoning classification was changed at that time to Industrial. The proposed rezoning to I (Institutional) is needed to correct that error. Therefore, it is clear that a institutional use of the Property would be suitable for uses permitted under the Institutional (I) District classification, and that it was a mistake during the comprehensive rezoning in 2014 not to have rezoned the Property to the zoning classified as Institutional, acknowledging the existing uses.