

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: John I. Jelich

ASSESSMENT DISTRICT: 2nd

CASE NUMBER: 2023-0162-R, 0163-R, and 0164-R

COUNCILMANIC DISTRICT: 7th

HEARING DATE: January 9, 2024

PREPARED BY: Sara Anzelmo
Planner



REQUEST

The applicant is requesting a zoning reclassification from C1 - Local Commercial District to C4 - Highway Commercial District for the property located at 1361 Defense Hwy (2023-0162-R) and is requesting a zoning reclassification from SB - Small Business District to C4 - Highway Commercial District for the two properties located at 1365 Defense Hwy (2023-0163-R) and 1419 Defense Highway (2023-0164-R) in Gambrills.

LOCATION AND DESCRIPTION OF SITE

1361 Defense Highway (2023-0162-R) consists of 2.45 acres and is identified as Lot 8 of Parcel 3 in Grid 19 on Tax Map 43 in the Pine Grove subdivision; 1365 Defense Highway (2023-0163-R) consists of 2.61 acres and is identified as Lot 7 of Parcel 3 in Grid 19 on Tax Map 43 in the Pine Grove subdivision; 1419 Defense Highway (2023-0164-R) consists of 2.66 acres and is identified as Parcel 33 in Grid 19 on Tax Map 43. Each lot has 150 feet of frontage on the south side of Defense Highway in the area between Davidsonville Road and Nancarles Drive.

The current zoning classification of 1361 Defense Highway is C1 - Local Commercial District. The current zoning classification of 1365 and 1419 Defense Highway is SB - Small Business District. This zoning was adopted by the comprehensive zoning for Council District 7, effective October 7, 2011. The lots are not located within the Chesapeake Bay Critical Area overlay.

PROPOSAL

The applicant seeks approval to rezone the entire 2.45 acre property at 1361 Defense Highway from C1 - Local Commercial District to C4 - Highway Commercial District; to rezone the entire 2.61 acre property at 1365 Defense Highway from SB - Small Business District to C4 - Highway Commercial District; and to rezone the entire 2.66 acre property at 1419 Defense Highway from SB - Small Business District to C4 - Highway Commercial District.

ZONING HISTORY

At the time of the adoption of the 1952 Zoning Ordinance, effective July 1, 1952, the three subject properties were zoned A - Agricultural District. As a result of the first comprehensive zoning for the Second Assessment District, effective June 1, 1972, the three properties were reclassified to RA - Rural Agricultural District. The RA designation was retained with the second comprehensive zoning, effective February 13, 1989. With the third comprehensive zoning for the Crofton Small Area Plan,

effective July 19, 2001, 1361 Defense Highway was reclassified to C1 - Local Commercial District; 1365 Defense Highway was reclassified to SB - Small Business District; and 1419 Defense Highway was reclassified to SB - Small Business District. During the most recent comprehensive zoning for Council District 7, effective October 7, 2011, the aforementioned zoning designations from the third comprehensive zoning were retained and remain in place today.¹

NEIGHBORHOOD

The Office of Planning and Zoning defines the subject neighborhood as follows: The northern and southern neighborhood boundaries are defined by those areas within approximately 1,300 feet to the north and 1,300 feet to the south of Defense Highway; the western neighborhood boundary is defined by the Patuxent River Tributary stream and surrounding forested area; the eastern neighborhood boundary is defined by the Bell Branch stream and surrounding forested area.

The neighborhood is zoned SB - Small Business District, C1 - Local Commercial District, R5 - Residential District, RA - Rural Agricultural District, and OS - Open Space District. The residentially zoned properties north and south of Defense Highway have been developed with single family detached dwellings. The SB and C1 zoned properties that are located along Defense Highway have been developed with a combination of residential and commercial uses.

ZONING RECLASSIFICATION STANDARDS

The standards by which a zoning reclassification may be granted are set forth in §18-16-303 of the Anne Arundel County Zoning Ordinance, including an affirmative finding that:

1. There was a mistake in the zoning map or the character of the neighborhood has changed to such an extent that the zoning map should be changed;
2. The new zoning classification conforms to the County General Development Plan in relation to land use, number of dwellings units or type and intensity of nonresidential buildings, and location;
3. There is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety, and welfare of present and future residents of the County;
4. For a property located in the Critical Area:
 - (i) the uses allowed in the proposed zoning classification are compatible with the Critical Area land use designation and development standards for the property; and
 - (ii) the Critical Area Commission staff has recommended approval of the rezoning if the basis for the rezoning is that the character of the neighborhood has changed to such an extent that the zoning map should be changed.

AGENCY COMMENTS

¹ In accordance with Section 18-2-107 of the Anne Arundel County Zoning Ordinance, the Office of Planning and Zoning recently approved a zoning district line correction (October 2023) which corrected the zoning district line between 1361 Defense Highway and 1365 Defense Highway and which corrected the zoning district line between both lots and the Bell Branch Park property to the immediate south. The zoning lines were adjusted to remove the erroneous slivers and to correct a clear spatial mismatch between the parcel boundaries and the zoning distinct lines.

The **Anne Arundel County Department of Health** has no objection to the request.

The **Cultural Resources Section** has no requirements for this variance application, but the applicant should be aware that these parcels may have further cultural resource requirements for development applications - all development shall comply with Article 17.

The **Department of Recreation and Parks** has reviewed the proposal to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. The Department notes that this site is contiguous to Bell Branch Park to the south and requests that this reclassification not cause any disturbance to park property.

The **Long Range Planning Section** commented that the three sites and their surrounding area are within the Rural and Agricultural Policy Area. Plan2040 does not have recommendations that are specific to these sites. As the sites and the surrounding area are designated as Commercial Planned Land Use and are within the Priority Funding Area, the request is generally consistent with the planned land use adopted in Plan2040. However, the site is located in Region 8 and the planning process for this Region will not begin until January of 2024 with adoption anticipated in the spring of 2026. The Region Plan will provide policies and strategies for this community and recommendations on land use and zoning including changes to the current character of rural to low-medium density residential and light commercial land uses. No applications for a change in Planned Land Use were filed during the Plan2040 process. No applications for a change in zoning were filed for this property during the Comprehensive Zoning effort associated with either the Small Area Plans or the 2009 General Development Plan. The 2022 Water and Sewer Master Plan places the site in the Planned Sewer Service Category in the Patuxent Service Area and the Planned Water Service Category in the Crofton Pressure Zone. The proposal is consistent with the overall goals and policies of the 2022 Water and Sewer Master Plan.

FINDINGS

Background

The uses of the three subject properties are currently under violation: Zoning Enforcement Case #Z-2017-0307 for 1365 Defense Highway, Case #Z-2017-1436 for 1361 Defense Highway, and Case #Z-2017-1437 for 1419 Defense Highway. All three violation cases relate to the operation of a commercial business without a Zoning Certificate of Use and for the unlawful storage of unregistered vehicles. The cases were initially opened at various times in 2017 and were referred for legal injunction in 2020. A consent judgment was signed on October 7, 2021; however, the properties remain in violation of the court order and were referred for County abatement on August 23, 2023.

Evidence of Change or Mistake

The applicant contends that the request for a zoning reclassification results from a change in character of the neighborhood based on the following factors.

“The property at 1300 Defense Highway [located to the east of the C1 zoned intersection with Davidsonville Road] was rezoned to C4 in or around 2012. A second gasoline filling station with a convenience store was constructed in 2018 at 1329 Defense Highway, which was previously a wooded parcel. The residential population of the area has grown substantially since the last comprehensive rezoning, increasing the vehicular traffic and changing the intensity of the use of the

neighborhood's commercial operations. Defense Highway widening is planned by the State in the near future. The subject properties at 1361 & 1365 are adjacent to a bar, making continued use as residential rental properties exceedingly difficult. This also impacts the ability to make use of the properties for small business development. The planned road widening will further limit the ability to continue using these properties as residential rentals. The neighborhood provides needed commercial services for the area's growing residential population. The requested zoning change is necessary in order to have viable future uses for the Parcels."

This Office does not agree that the aforementioned factors constitute neighborhood change since the last comprehensive zoning nor that they would have any meaningful impact on the subject property that would warrant a mid-cycle zoning reclassification outside of the comprehensive zoning process.

First, the property at 1300 Defense Highway, which is being used as justification by the applicant, was rezoned from RA to C4 via a Council amendment (Amendment #37) during the last comprehensive zoning process. The County did not support the reclassification, and the County Executive vetoed the amendment; however, the veto was ultimately overridden by the Council. That property is located on the opposite side of Defense Highway and on the opposite side of the intersection with Davidsonville Road to the east, outside the defined neighborhood. Second, the single C4 zoned property, which could be viewed as a spot rezoning, is an isolated site that is located approximately 1,500 feet, 1,650 feet, and 2,900 feet east of the three subject lots. Furthermore, it is located outside of the defined neighborhood for evaluation purposes; consequently, it cannot be used in establishing neighborhood change. Even if that site was determined to be located within the defined neighborhood, the rezoning of a single site does not justify such a significant upzoning of three non-contiguous properties that are located a significant distance away on the opposite side of the intersection with Davidsonville Road. The requested rezoning of these properties would be entirely inconsistent with the existing C1 and SB zoning in the neighborhood and would constitute spot rezonings. Finally, the gasoline station with a convenience store at 1329 Defense Highway, which is also being used as justification by the applicant, is not relevant as that use is allowed as a special exception use in the C1 - Local Commercial District and was determined by the Administrative Hearing Officer to be compatible with the surrounding SB and C1 zoned properties and uses.

Conformance to the General Development Plan

The recently adopted Anne Arundel County General Development Plan (Plan2040) designates the land use category for the three subject properties as "Commercial" on the *Map 18. Land Use Plan* (Vol. II, pg. 120). *Table 17. Plan2040 Planned Land Use Designations* (Vol. II, pg. 116) lists the zoning categories generally consistent with the land use designation as C1 – Local Commercial, C2 – Commercial Office, C3 – General Commercial, C4 – Highway Commercial, SB – Small Business, and TC – Town Center. Therefore, both the existing C1 and SB zoning classifications and the proposed C4 classification are generally consistent with the Plan2040 Development Land Use Plan.

Compatibility with surrounding land use

The proposed C4 - Heavy Commercial District zoning classification would significantly expand the range of potential uses, many of which would not be compatible with the majority of the surrounding land uses. As indicated earlier, these proposed changes would be considered spot rezonings, as they would not be an extension of any existing C4 District; rather, they would create "islands" of C4 in areas of the neighborhood that are exclusively zoned SB and C1.

While the proposed C4 zoning technically complies with the General Development Plan, the Plan2040 land use designation of “Commercial” is a broad land use category, and there are six different implementing zoning categories from which to choose. The applicant seeks to reclassify all three properties from two of the least intensive commercial zoning designations to the most intense one, based on one isolated C4 zoned property that is located outside of the defined neighborhood for evaluation purposes.

Defense Highway is functionally classified as a minor arterial road, and the proposed C4 - Highway Commercial District is not necessarily an ideal choice for this road classification. Despite being named “Defense Highway”, the road no longer serves a real “highway” function moving east west traffic through the County to and from points outside of the County.

The upcoming Region Plan process for Region 8, which will involve consultation with and suggestions from members of the surrounding community, will most appropriately determine which specific commercial zoning classifications will ultimately apply to the three subject properties and the surrounding neighborhood.

Compatibility with Critical Area designation

The three subject properties are not located within the Chesapeake Bay Critical Area overlay; therefore, this provision does not apply.

CONCLUSIONS

There is a strong presumption of correctness of the comprehensive zoning, and the applicant must produce evidence of significant change or mistake of fact in order to justify a piecemeal rezoning. In this particular case, this Office finds that the evidence presented by the applicant does not sufficiently prove that there was a mistake in the zoning map or that there has been significant neighborhood change that would justify a piecemeal zoning reclassification. The proposed reclassification would conform to the goals of the recently adopted General Development Plan (Plan2040); however, as previously mentioned, there are six different implementing zoning classifications within the “Commercial” land use category. The proposed reclassification to C4 - Highway Commercial District would legalize the existing outside storage and associated uses that are currently under violation due to neighboring complaints. These uses, and the potential resultant intensification of commercial uses on all three properties if reclassified to C4, would not be compatible with the majority of the neighborhood land uses. The existing SB and C1 zoning classifications already comply with the Commercial land use category and are considered to be more compatible with the surrounding area.

The applicant has not met his burden of proof and has not sufficiently demonstrated evidence of significant change or mistake of fact. Therefore, the proposal cannot be supported.

RECOMMENDATION

Based upon the standards set forth in §18-16-303 of the Code, under which a zoning reclassification may be granted, the Office of Planning and Zoning recommends ***denial***.

DISCLAIMER: This recommendation does not constitute a building permit. In order for the applicant(s) to construct the structure(s) as proposed, the applicant(s) shall apply for and obtain the necessary building permits and obtain any other approvals required to perform the work described herein. This includes but is not limited to verifying the legal status of the lot, resolving adequacy of public facilities, and demonstrating compliance with environmental site design criteria.

THE LAW OFFICE OF
ANTHONY G. GORSKI LLC
ATTORNEY & COUNSELOR AT LAW

2661 RIVA ROAD
BUILDING 300, 1ST FLOOR
ANNAPOLIS, MARYLAND 21401
(443) 837-3504 - TELEPHONE
(410) 267-5901 – FACSIMILE
AGG@AGGORSKI.COM

September 20, 2023

Submitted via the Anne Arundel County Land Use Navigator web based application

Sterling Seay, Planning Administrator
Anne Arundel County Office of Planning and Zoning
2664 Riva Road, Third Floor (MS 6301)
Annapolis MD 21401

Re: Rezoning Letter of Explanation
Applications for Rezoning Classification from C1 and SB to C4
1361, 1365 & 1419 Defense Highway, Crofton
(Tax Map 43, Parcel 3, lots 7 & 8 and Parcel 33)

Dear Ms. Seay:

This law firm represents John I. Jelich (the “Applicant” herein), the owner of the above-referenced parcels of land (“Parcels”). Mr. Jelich’s application for reclassification of the Parcels from the current zoning classifications of C-1 (Local Commercial) and SB (Small Business) to C4 (Highway Commercial) are enclosed.

Parcels

The Applicant is the sole owner of the following three (3) parcels of land (the “Parcels”) located in Crofton and seeks to have each rezoned as indicated:

1. 1361 Defense Highway (Tax Map 43, Parcel 3, lot 8; Tax ID # 261912612500)
rezoned from C1 to C4;
2. 1365 Defense Highway (Tax Map 43, Parcel 3, lot 7; Tax ID # 261912618400)
rezoned from SB to C4; and
3. 1419 Defense Highway (Tax Map 43, Parcel 33; Tax ID # 200008847100)
rezoned from SB to C4.

Neighborhood

The subject properties are located along the south side of Defense Highway, west of Davidsonville Road. The neighborhood referenced in this Application is generally characterized

as “Staples Corner and Vicinity.” This geographical area loosely translates to the commercial area that has evolved in and around the intersection of Md. Routes 424 and 450 and is directly attributable to increased vehicular traffic on these two (2) state roadways and the attendant increase in intensity and volume of non-residential development along these two roadways in this vicinity. In more specific terms, it could be defined as an ovoid area connecting the points 3,000’ west of the intersection on MD 450, 1,000’ north of the intersection on MD 424, 1,500’ east of the intersection on MD 450, and 1,500’ south of the intersection on MD 424.

Authority for Rezoning Application

This Application is made pursuant to Anne Arundel County Code (hereinafter “AACo Code”) § 18-16-303 requesting that above identified Parcels be rezoned from their existing C1/SB to C4. The application for rezoning of these parcels to C4 meets the requirements of AACo Code § 18-16-303(b) which requires the following findings be made to approve a rezoning application:

- (1) there was a mistake in the zoning map or the character of the neighborhood has changed to such an extent that the zoning map should be changed;
- (2) the new zoning classification conforms to the General Development Plan in relation to land use, number of dwelling units or type and intensity of nonresidential buildings, and location; and
- (3) there is compatibility between the uses of the property as reclassified and the surrounding land uses, so as to promote the health, safety, and welfare of present and future residents of the County.

See, AACo Code § 18-16-303. The requirements of § 18-16-303(b)(4) are not applicable as the parcels are not located in the Critical Area.

Changes in Character of Neighborhood

The Application is based on the change in the character of the neighborhood. AACo Code § 18-16-303(b)(1). The principal changes in the neighborhood have occurred along the east - west corridor of Defense Highway where these Parcels are located. The application meets the necessary showing for approval based on the changes to the neighborhood. *See e.g., Mayor and City Council of Rockville v. Rylyns*, 372 Md. 514 (2002).

An applicant may satisfy its burden of demonstrating changes in the neighborhood based upon the aggregate or cumulative impact of changes that have occurred to the character of the neighborhood, including previous rezonings and new commercial development. *Bowman Group v. Dawon Moser*, 112 Md. App. 694 (1996)(citing *County Comm'rs of Howard County v. Merryman*, 222 Md. 314, 321(1960) and *Town of Somerset v. County Council for Montgomery*, 229 Md. 42, 48, 181 A.2d 671 (1962) (upholding a zoning agency's decision to rezone in which the agency based its finding on the cumulative changes occurring since the prior zoning). In general, the relevant time period for showing a change in the neighborhood is from the last comprehensive rezoning to the present. *Chevy Chase Village v. Montgomery County Council*, 258 Md. 27 (1970). The latest comprehensive rezoning in Anne Arundel County was done

approximately 14 years ago following the County Council adoption of the 2009 General Development Plan.

The property located at 1300 Defense Highway was rezoned to C4 in or around 2012. A second gasoline filling station with a convenience store was constructed in 2018 at 1329 Defense Highway, which was previously a wooded parcel. The residential population of the area has grown substantially since the last comprehensive rezoning, increasing the vehicular traffic and changing the intensity of the use of the neighborhood's commercial operations. Defense Highway widening is planned by the State in the near future.

The subject properties at 1361 & 1365 are adjacent to a bar, making continued use as residential rental properties exceedingly difficult. This also impacts the ability to make use of the properties for small business development. The planned road widening will further limit the ability to continue using these properties as residential rentals. The neighborhood provides needed commercial services for the area's growing residential population. The requested zoning change is necessary in order to have viable future uses for the Parcels.

Planning Conformity

The requested zoning classification, C4, conforms to the General Development Plan as set forth in the County's Plan2040 Land Use Map and planning text. The neighborhood has had multiple commercial uses for some time. The above assessment of the 'neighborhood' for purposes of this Application is consistent with the commercial designations made on the Plan2040 Land Use Map (effective July 27, 2021). This application makes no change in density allowed on the Parcels. The requested C4 zoning classification also conforms with Plan2040's designation of the neighborhood area as a "Critical Corridor" with existing commercial development along major roads. Road widening for Defense Highway is already planned, and rezoning these Parcels to C4 will facilitate the growth and redevelopment to satisfy the commercial needs of the area as contemplated in Plan2040. *See*, AACo Code § 18-16-303(b)(2).

Use Compatibility

The uses allowed in C4 zoning classification are compatible with, and would not be detrimental to existing adjacent uses or others within the neighborhood. The rezoning supports and promotes the health, safety, and welfare of present and future residents of the County. Existing uses include an adjacent bar, auto sales and repair establishments, as well as stores, restaurants and two gasoline filling stations with convenience stores. *See*, AACo Code § 18-16-303(b)(3).

Conclusion

The requested rezoning is compatible with the existing zoning of the neighborhood and with the Plan2040 land use map. As a designated "Critical Corridor," approving the application to rezone these Parcels to C4 will facilitate the growth and redevelopment envisioned in Plan2040 to provide the commercial services needed by the area population. Rezoning will also promote the health, safety, and welfare of present and future residents of the County. For these reasons,

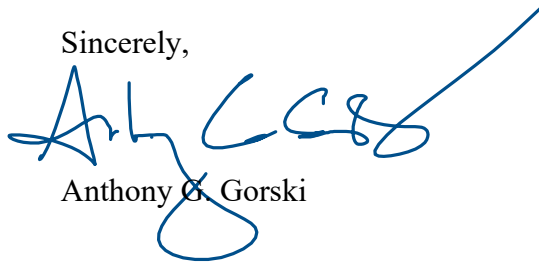
Sterling Seay, Planning Administrator

September 20, 2023

Page 4

and as detailed above, the Applicant requests approval of the rezoning request as depicted on the Administrative Site Plans enclosed with its Rezoning Applications.

Sincerely,

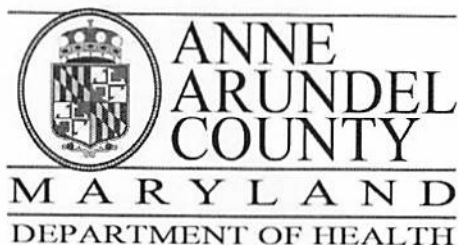
A handwritten signature in blue ink, appearing to read "Anthony G. Gorski", with a long, sweeping line extending from the end of the signature towards the top right of the page.

Anthony G. Gorski

Enclosures:

Executed Rezoning Application
Administrative Site Plan

cc: John I. Jelich




J. Howard Beard Health Services Building
3 Harry S. Truman Parkway
Annapolis, Maryland 21401
Phone: 410-222-7095 Fax: 410-222-7294
Maryland Relay (TTY): 711
www.aahealth.org

Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager 
Bureau of Environmental Health

DATE: October 27, 2023

RE: John Jehlich
1361 Defense Highway
Gambrills, MD 21054

NUMBER: 2023-0162-Rezoning Application

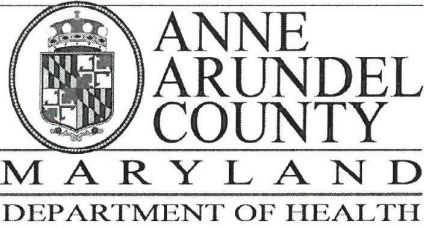
SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced zoning reclassification from C1-Local Commercial District to C4- Highway Commercial District.

The Health Department does not have an approved plan for this project. The Health Department has no objection to the above referenced variance request as long as a plan is submitted and approved by the Health Department..

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay




J. Howard Beard Health Services Building
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Annapolis, Maryland 21401
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Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager 
Bureau of Environmental Health

DATE: October 12, 2023

RE: John I. Jelich
1365 Defense Highway
Gambrills. MD 21054

NUMBER: 2023-0163-R

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced zoning reclassification from SB-Small Buisness District and OS- Open Space to C4- Highway Commercial District.

The Health Department has no objection to the above referenced rezoning request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay



ANNE
ARUNDEL
COUNTY

MARYLAND
DEPARTMENT OF HEALTH

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Tonii Gedin, RN, DNP
Health Officer

MEMORANDUM

TO: Sadé Medina, Zoning Applications
Planning and Zoning Department, MS-6301

FROM: Brian Chew, Program Manager
Bureau of Environmental Health *BC*

DATE: October 12, 2023

RE: John I. Jelich
1419 Defense Highway
Gambrills, MD 21054

NUMBER: 2023-0164-R

SUBJECT: Variance/Special Exception/Rezoning

The Health Department has reviewed the above referenced zoning reclassification from SB-Small Business District and OS- Open Space to C4- Highway Commercial District.

The Health Department has no objection to the above referenced rezoning request.

If you have further questions or comments, please contact Brian Chew at 410-222-7413.

cc: Sterling Seay

2023-0162-R - JEHLICH REZONING - DEFENSE

Menu	Cancel	Help
Task OPZ Cultural Resources	Due Date 11/07/2023	Assigned Date 10/17/2023
Assigned to Department OPZ Cultural Resources	Assigned to Stacy Poulos	Status Complete w/ Comments
Action by Department OPZ Cultural Resources	Action By Stacy Poulos	Status Date 10/31/2023
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments The Cultural Resources Section has no requirements for this variance application, but the applicant should be aware that these parcels may have further cultural resource requirements for development applications - all development shall comply with Article 17.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA <input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar

Task Specific Information

Review Notes	Reviewer Name	Reviewer Phone Number
Reviewer Email		

2023-0163-R - Rezoning Application

Menu	Cancel	Help
Task OPZ Cultural Resources	Due Date 11/07/2023	Assigned Date 10/17/2023
Assigned to Department OPZ Cultural Resources	Assigned to Stacy Poulos	Status Complete w/ Comments
Action by Department OPZ Cultural Resources	Action By Stacy Poulos	Status Date 10/31/2023
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments The Cultural Resources Section has no requirements for this variance application, but the applicant should be aware that these parcels may have further cultural resource requirements for development applications - all development shall comply with Article 17.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA <input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar

Task Specific Information

Review Notes	Reviewer Name	Reviewer Phone Number
Reviewer Email		

2023-0164-R - Rezoning Application

Menu	Cancel	Help
Task OPZ Cultural Resources	Due Date 10/23/2023	Assigned Date 10/02/2023
Assigned to Department OPZ Cultural Resources	Assigned to Stacy Poulos	Status Complete w/ Comments
Action by Department OPZ Cultural Resources	Action By Stacy Poulos	Status Date 10/20/2023
Start Time	End Time	Hours Spent 0.0
Billable No	Overtime No	Comments The subject property has high archaeological potential. All development applications shall be subject to review for compliance with Article 17-6-502.
Time Tracking Start Date	Est. Completion Date	In Possession Time (hrs)
Display E-mail Address in ACA No	<input checked="" type="checkbox"/> Display Comment in ACA	Comment Display in ACA <input checked="" type="checkbox"/> All ACA Users <input checked="" type="checkbox"/> Record Creator <input checked="" type="checkbox"/> Licensed Professional <input checked="" type="checkbox"/> Contact <input checked="" type="checkbox"/> Owner
Estimated Hours 0.0	Action Updated	Workflow Calendar
Task Specific Information		
<hr/>		
Review Notes	Reviewer Phone Number	



STEUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
AACOUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Rezoning Case 2023-0162-R

DATE: October 25, 2023

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- Bell Branch Park is contiguous to and lies to the south of this development. We request that this classification cause no future disturbance to park property.

The Department of Recreation and Parks has no further comments.

cc: File



STUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
AACOUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Rezoning Case 2023-0163-V

DATE: October 12, 2023

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- This site is contiguous to Bell Branch Park to the south. We request that this reclassification not cause any disturbance to park property.

The Department of Recreation and Parks has no further comments.

cc: File



STUART PITTMAN, COUNTY EXECUTIVE
JESSICA LEYS, DIRECTOR
RECREATION AND PARKS
1 HARRY S. TRUMAN PKWY
ANNAPOLIS, MD 21401
A.A.COUNTY.ORG/RECPARKS



MEMORANDUM

TO: Sadé Medina, Zoning Division
Office of Planning and Zoning

FROM: Pat Slayton
Capital Projects Division

SUBJECT: Rezoning Case 2023-0164-V

DATE: October 12, 2023

The Department of Recreation and Parks has reviewed the above plans to determine if there may be impacts to the Anne Arundel County Green Infrastructure Network, parks, and trails. Please note our recommendations according to those findings below.

- This site is contiguous to Bell Branch Park to the south. We request that this reclassification not cause any disturbance to park property.

The Department of Recreation and Parks has no further comments.

cc: File



M A R Y L A N D

Office of Planning and Zoning

Philip R. Hager, Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Jessica Levy, Planner II, Long Range Planning

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: October 17, 2023

Name of Project: 1361 Defense Highway
Case #: 2023-0162-R
Location: 1361 Defense Highway, Gambrills
Tax Map 43, Parcel 3, Lot 8
Planning Area: Region 8

Summary:

The applicant is seeking a zoning change from C1 to C4 for the property located at 1361 Defense Highway. The applicant is also requesting a rezoning to C4 for properties located at 1365 (2023-0163-R) and 1419 Defense Highway (2023-0164-R).

The property located at 1361 Defense Hwy is approximately 2.45 acres. This site is currently zoned C1 and is classified as Commercial on the Plan2040 General Development Plan Land Use Map. The surrounding properties are zoned C1 to the north and east, SB to the west, and OS to the south. The surrounding areas are classified as Commercial to the north, east, and west and Parks and Open Space to the south on the Plan2040 GDP Land Use Map.

The site and the surrounding area are within the Rural and Agricultural Policy Area.

Findings:

Compliance with Plans:

General Development Plan: Plan2040 does not have recommendations that are specific to this site. As the site and the surrounding area are designated as Commercial Planned Land Use and are within the Priority Funding Area, the request is generally consistent with the planned land use adopted in Plan2040. However, the site is located in Region 8 and the planning process for this Region will not begin until January 2024 with adoption anticipated in the spring of 2026. The Region Plan will provide policies and strategies for this community and recommendations on land use and zoning including changes to the current character of rural to low-medium density residential and light commercial land uses.

No applications for a change in Planned Land Use were filed during the Plan2040 process. No applications for a change in zoning were filed for this property during the Comprehensive Zoning effort associated with either the Small Area Plans or the 2009 General Development Plan.

Water and Sewer Master Plan: The 2022 Water and Sewer Master Plan places the site in the Planned Sewer Service Category in the Patuxent Service Area and the Planned Water Service Category in the Crofton Pressure Zone. The proposal is consistent with the overall goals and policies of the 2022 Water and Sewer Master Plan.



M A R Y L A N D

Office of Planning and Zoning

Philip R. Hager, Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Jessica Levy, Planner II, Long Range Planning

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: October 9, 2023

Name of Project: 1365 Defense Highway
Case #: 2023-0163-R
Location: 1365 Defense Highway, Gambrills
Tax Map 43, Parcel 3, Lot 7
Planning Area: Region 8

Summary:

The applicant is seeking a zoning change from SB to C4 for the property located at 1365 Defense Highway. The applicant is also requesting a rezoning to C4 for properties located at 1361 (2023-0162-R) and 1419 Defense Highway (2023-0164-R).

The property located at 1365 Defense Hwy is approximately 2.61 acres. This site is currently zoned SB and is classified as Commercial on the Plan2040 General Development Plan Land Use Map. The surrounding properties are zoned SB to the west, C1 to the east, R5 and C1 to the north, and OS to the south. The surrounding areas are classified as Commercial to the east and west, Low-Medium Density Residential and Commercial to the north, and Parks and Open Space to the south on the Plan2040 GDP Land Use Map.

The site and the surrounding area are within the Rural and Agricultural Policy Area.

Findings:

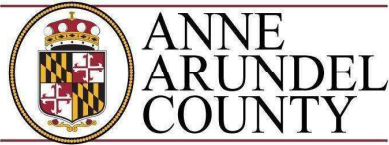
Compliance with Plans:

General Development Plan: Plan2040 does not have recommendations that are specific to this site. As the site and the surrounding area are designated as Commercial Planned Land Use and are within the Priority Funding Area, the request is generally consistent with the planned land use adopted in Plan2040. However, the site is located in Region 8 and the planning process for this Region will not begin until January 2024 with adoption anticipated in the spring of 2026. The Region Plan will provide policies and strategies for this community and recommendations

on land use and zoning including changes to the current character of rural to low-medium density residential and light commercial land uses.

No applications for a change in Planned Land Use were filed during the Plan2040 process. No applications for a change in zoning were filed for this property during the Comprehensive Zoning effort associated with either the Small Area Plans or the 2009 General Development Plan.

Water and Sewer Master Plan: The 2022 Water and Sewer Master Plan places the site in the Planned Sewer Service Category in the Patuxent Service Area and the Planned Water Service Category in the Crofton Pressure Zone. The proposal is consistent with the overall goals and policies of the 2022 Water and Sewer Master Plan.



M A R Y L A N D

Office of Planning and Zoning

Philip R. Hager, Planning and Zoning Officer

MEMORANDUM

TO: Zoning Division

FROM: Jessica Levy, Planner II, Long Range Planning

THROUGH: Cindy Carrier, Planning Administrator, Long Range Planning

SUBJECT: Long Range Planning Comments

DATE: October 9, 2023

Name of Project: 1419 Defense Highway
Case #: 2023-0164-R
Location: 1419 Defense Highway, Gambrills
Tax Map 43, Parcel 33
Planning Area: Region 8

Summary:

The applicant is seeking a zoning change from SB to C4 for the property located at 1419 Defense Highway. The applicant is also requesting a rezoning to C4 for properties located at 1361 (2023-0162-R) and 1365 Defense Highway (Application 2023-0163-R).

The property located at 1419 Defense Hwy is approximately 2.66 acres. This site is currently zoned SB and is classified as Commercial on the Plan2040 General Development Plan Land Use Map. The surrounding properties are zoned SB to the east and west, R5 to the north, and OS to the south. The surrounding areas are classified as Commercial to the east and west, Low-Medium Density Residential to the north, and Parks and Open Space to the south on the Plan2040 GDP Land Use Map. The property and the surrounding areas are within the Rural and Agricultural Policy Area.

Findings:

Compliance with Plans:

General Development Plan: Plan2040 does not have recommendations that are specific to this site. As the site and the surrounding area are designated as Commercial Planned Land Use and are within the Priority Funding Area, the request is generally consistent with the planned land use adopted in Plan2040. However, the site is located in Region 8 and the planning process for this Region will not begin until January 2024 with adoption anticipated in the spring of 2026. The Region Plan will provide policies and strategies for this community and recommendations on land use and zoning including changes to the current character of rural to low-medium density residential and light commercial land uses.

No applications for a change in Planned Land Use were filed during the Plan2040 process. No applications for a change in zoning were filed for this property during the Comprehensive Zoning effort associated with either the Small Area Plans or the 2009 General Development Plan.

Water and Sewer Master Plan: The 2022 Water and Sewer Master Plan places the site in the Planned Sewer Service Category in the Patuxent Service Area and the Planned Water Service Category in the Crofton Pressure Zone. The proposal is consistent with the overall goals and policies of the 2022 Water and Sewer Master Plan.

