

County Executive John R. Leopold
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410-222-1821

December 15, 2011

The Anne Arundel County Council
Arundel Center, 1st Floor
44 Calvert Street
Annapolis, Maryland 21401

Subject: **Executive Veto and Veto Statement**
Bill No. 66-11, Amendment Nos. 32, 52 and 57

Dear Members of the County Council:

Bill 66-11 was introduced in the County Council at the request of the Administration. The legislation was the product of careful review by the Office of Planning and Zoning (OPZ) of the current zoning for councilmanic districts 2, 3 and 5, the land use designations for this area in the General Development Plan (GDP), the relevant Small Area Plans (SAP), and the requests by landowners for rezoning of properties. Significant citizen participation, and many hours of staff time by the County's professional planners, went into crafting those Plans and their collective vision for the future development of this area of the County. Additional changes resulted from public input that occurred as part of the legislative process.

I have received for my signature Bill 66-11 as amended. In reviewing this legislation as adopted, I find that amendments were added that are unacceptable in that they violate some or all of the important principles that guide us in the comprehensive rezoning process. Specifically, I find Amendment Nos. 32, 52, and 57 to be inappropriate changes in land use designations that will have negative consequences to the affected areas of the county.

Amendment Number 32 represents a change from C2 to C4 and involves property that has been the subject of repeated requests for rezoning over the last thirty years. Each of these past requests was denied. The reasons for those denials are as valid today as they were in the past. Certain key historical facts regarding this property are recited below in chronological order:

- Going back to 1952 (Anne Arundel County's first zoning ordinance) the property was zoned E-Heavy Commercial and B-2 Cottage District. These zoning districts are no longer in existence.

- In December of 1972, with the first comprehensive rezoning, the property was rezoned R2-Residential, and C3-General Commercial.
- In December of 1982, the property owners went before the Zoning Hearing Officer (now the Administrative Hearing Officer) to request rezoning of the R2 area to C4 – Highway Commercial. This was denied.
- This denial was appealed to the Board of Appeals. In December of 1983, the Board of Appeals refused to reverse the decision of the Hearing Officer.
- In the second comprehensive rezoning in September of 1989, the R2 portion of the property was retained and the C3 portion down-zoned to C2 and OS – Open Space.
- The adoption of the Pasadena/Marley Neck Small Area Plan resulted in a comprehensive rezoning of that area in October of 2005. The R2 and C2 zoned portions of the property remained the same, but the OS portion was rezoned to C2.
- As part of the comprehensive rezoning process that followed the adoption of the 2009 General Development Plan, the property owners submitted an application to once again rezone the C2 portion of their property to C4. OPZ did not support this application because it was contrary to the adopted Small Area Plan. As a result, this request was not included in the Bill 66-11 as submitted by the Administration.

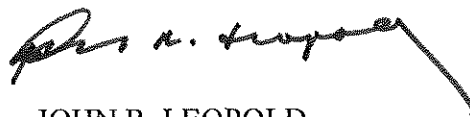
The past decisions not to intensify the commercial zoning designation of this property represent a consistent County policy reflecting concern over traffic congestion on Mountain Road. There is no sound reason to now reverse that policy and exacerbate this congestion. Any additional increased commercial zoning would also have a negative impact on access onto Mountain Road from Postal Court as well as from Lake Shore Plaza.

Amendment Number 52 represents a significant increase in residential density by changing the designation from R1 to R5. OPZ opposes such an increase in light of the residential zonings which exist in this area of the county.

Amendment Number 57 represents a change from R2 to C2. While the proposed zoning change is less than originally requested, the resulting commercial designation of property that is not on an arterial highway is inappropriate and inconsistent with the abutting residential community.

In conclusion, and in accordance with the authority vested in me by Section 307(j) of the Anne Arundel County Charter, I hereby veto Amendments Numbered 32, 52, and 57 to Bill No. 66-11, and this Veto and Veto Statement are incorporated by reference into the bill as returned to you. By my signature to the bill as presented, I approve the remainder of Bill No. 66-11.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Leopold", with a long, sweeping flourish extending to the right.

JOHN R. LEOPOLD
County Executive

AMENDMENT TO BILL NO. 66-11, AS AMENDED
(Comprehensive Zoning – Councilmanic Districts II, III, and V)

November 7, 2011

Introduced by Mr. Fink

Amendment No. 32

On page 3 of the amended bill, after line 35 insert:

“In the Anne Arundel County Digital Zoning Layer, change the zoning on the C2-zoned portion of the property recorded as Parcel 138 on Tax Map 17 from C2 to C4, as shown in the cross-hatched area on the attached Exhibit FF.”

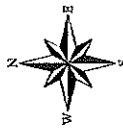
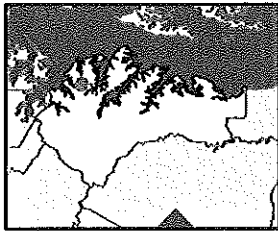
(This amendment changes the zoning for the property located at 4110 Mountain Road in Pasadena from C2 to C4. CC Application No. 22)

Office of Planning
and
Zoning





Comprehensive Zoning
Bill 66-11
Amendment # 32

EXHIBIT FF

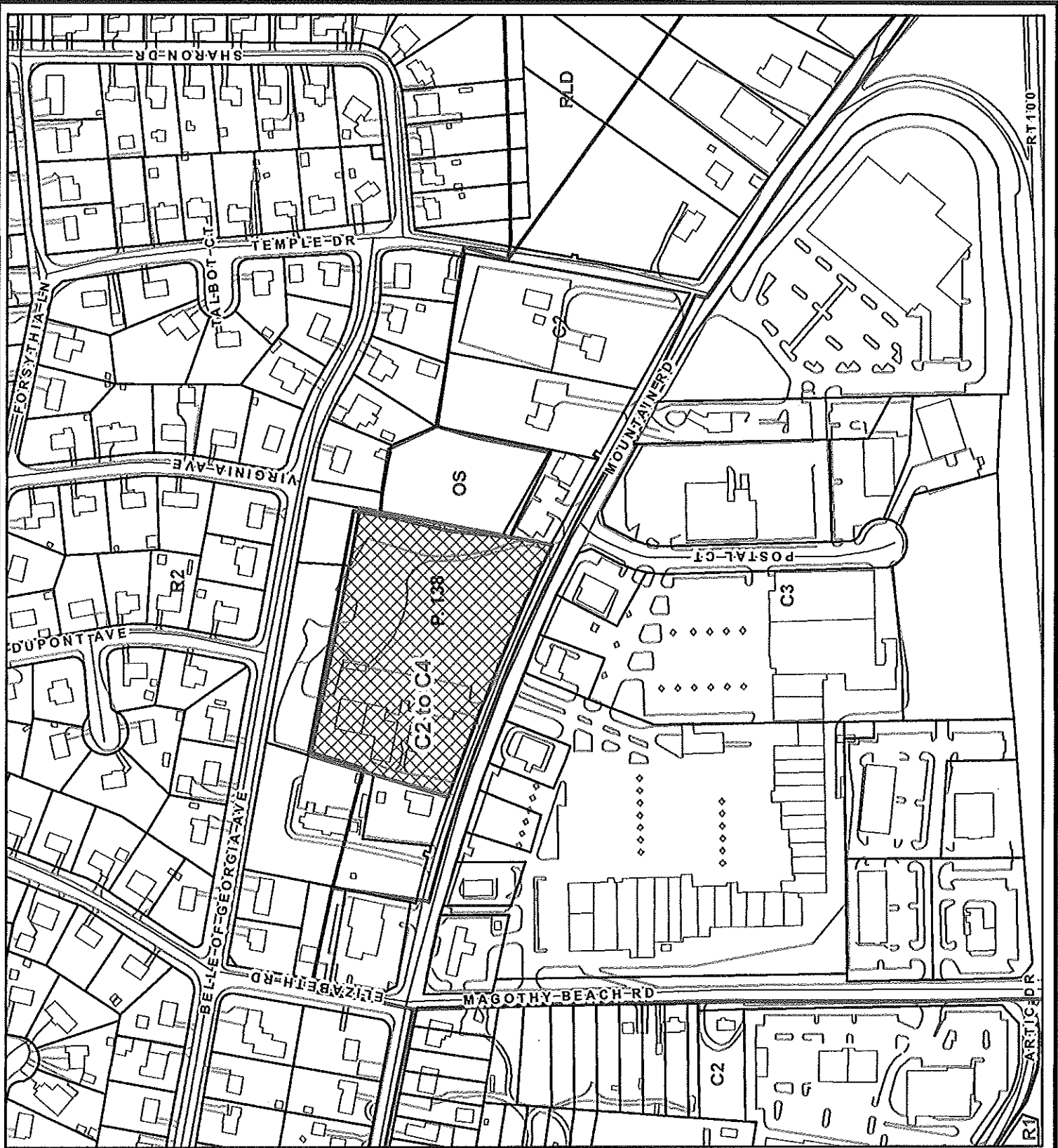


Legend

-  Amendment
-  Proposed Zoning



CC-22



RT100

ARTIC-DR

R1

AMENDMENT TO BILL NO. 66-11, AS AMENDED
(Comprehensive Zoning – Councilmanic Districts II, III, and V)

November 21, 2011

Introduced by Mr. Benoit and Mr. Walker

Amendment No. 52

On page 6 of the amended bill, after line 14 insert:

“In the Anne Arundel County Digital Zoning Layer, change the zoning on the properties recorded as Parcels 240, 241, 242, 244, 43, 47, and 46 (lots 1R and 45R) on Tax Map 15 from R1 to R5, as shown in the cross-hatched area on the attached Exhibit ZZ.”

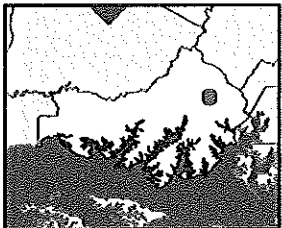
(This amendment changes the zoning for the properties located on South Wieker Road in Severn from R1 to R5. CC Application No. 64)

Office of Planning
and
Zoning


ANNE
ARUNDEL
COUNTY
MARYLAND

Comprehensive Zoning
Bill 66-11
Amendment # 52

EXHIBIT ZZ

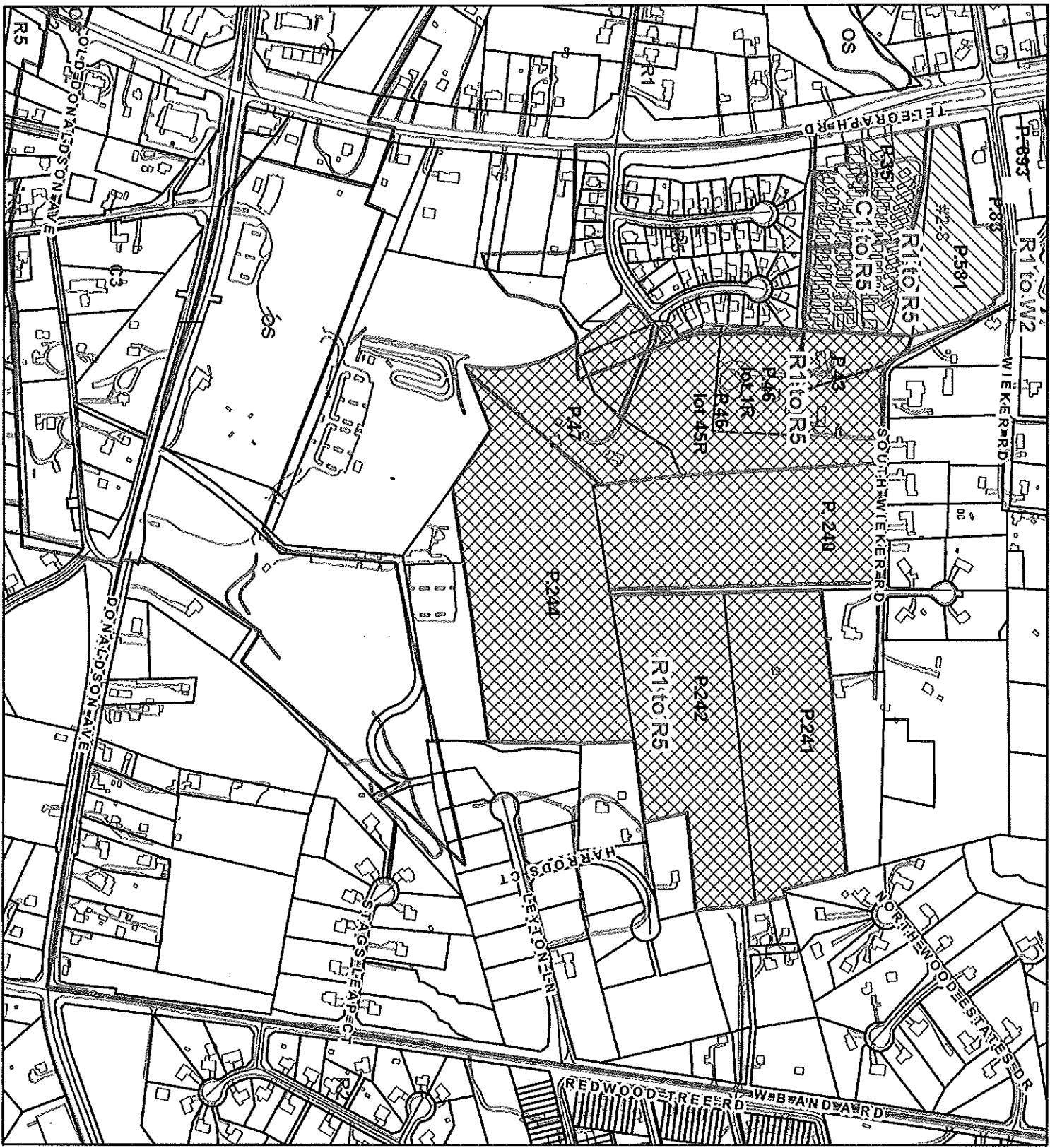


Legend

-  Amendment
-  Proposed Zoning



CC-64v2



**AMENDMENT TO BILL NO. 66-11, AS AMENDED
(Comprehensive Zoning – Councilmanic Districts II, III, and V)**

November 21, 2011

Introduced by Mr. Walker

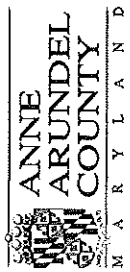
Amendment No. 57

On page 3 of the amended bill, after line 35 insert:

“In the Anne Arundel County Digital Zoning Layer, change the zoning on the property recorded as Parcel 243, Lot 2 on Tax Map 8 from R2 to C2, as shown in the cross-hatched area on the attached Exhibit EEE.”

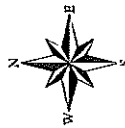
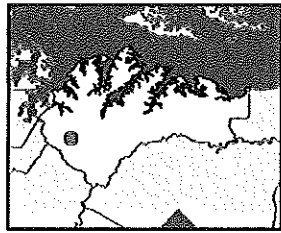
(This amendment changes the zoning for property located at 7560 Old Telegraph Road in Hanover from R2 to C2. Council Application No. 31)

Office of Planning
and
Zoning




Comprehensive Zoning
Bill 66-11
Amendment # 57

EXHIBIT CEE



Legend

-  Amendment
-  Proposed Zoning



CC-31

