



March 2, 2016

Mayor Robert C. Willey and
Easton Town Council
14 South Harrison Street
Easton, Maryland 21601

Dear Mayor Willey and Town Council Members:

At our February 18, 2016 regular monthly meeting, the Easton Planning and Zoning Commission reviewed a proposed annexation request for property located on MD Rte. 33, owned by Standard Fusee Corporation and Route 33, LLC. Our review of the application began at our January meeting and continued to this past month's meeting, and included much public comment and considered deliberation on the part of the Commission.

At my request, counsel for both the proponent of the annexation and one of its opponents, the Talbot Protective Alliance, filed memoranda which served to sharpen their respective and strongly opposed positions on the issues before the Commission.

During the course of our deliberations, the Commission determined that there are actually four separate and distinct issues involved in its determination and recommendations in Annexation requests. We considered each issue individually.

The first issue is one of whether we find consistency of the proposal with the Comprehensive Plan. On this issue, we note that the subject properties are designated as a Priority One on the Plan's Growth Areas Map and recommended for "Commercial Land Use" on the Future Land Use Map. Accordingly, we voted 5-0 to find that the request is consistent with the Town's Comprehensive Plan.

The question of what the Comprehensive Plan meant by "Commercial Land Use" of the subject area is one of great import. The proponent of the annexation proposal argues, as would be expected, that this means the broadest classification possible allowing general retail services, subject to applicable site planning rules. The opponents, taking the proponent at its word, view annexation of the subject properties as leading inexorably to massive traffic generation at an already congested intersection that might flow from a broad commercial classification of the parcels. We do not agree. As will be seen in our discussion of a zoning recommendation to you, perhaps our most important recommendation, we suggest a restrictive view of "Commercial Land Use" which would effectively preclude general retail sprawl on the parcels and encourage a less traffic intensive development.

The second issue we deliberated was whether or not the request is consistent not just generally with the Comprehensive Plan, but specifically with the Municipal Growth Element of the Plan.

On this issue, we again voted unanimously to find the request to be consistent with Municipal Growth Element, pending the issue of the zoning to be assigned.

This leads to the third issue under consideration, which is the matter of the appropriate zoning to assign to the properties should you decide to annex. This particular issue was the subject of much discussion over the course of our two meetings on this application. On the surface, there would seem to be two choices for zoning given that the Comprehensive Plan recommends commercial land use. The first is the CG (General Commercial) zoning requested by the applicant. The second is the CL (Limited Commercial), which is slightly more restrictive from a use perspective and even more so with regard to the applicable developments standards. A number of people who spoke at our meeting were opposed to the idea of commercial use of the subject property in general, with major retail and restaurant uses specifically cited frequently as inappropriate at this location.

In light of such concerns and in recognition of the existing character of the area, the Commission voted 5-0 to recommend the establishment of the newly created BC Zoning classification on the subject properties, should they ultimately be annexed into the Town. We believe that although this is technically an Industrial classification, it allows significant commercial uses, but notably, not those that are mentioned above as particularly objectionable. As such, we believe the BC does the best job of harmonizing the Comprehensive Plan's recommendation of "Commercial Land Use" with the public (and at least some members of the Commission) concerns as to the inappropriateness of certain commercial uses.

Finally, the Commission voted on the specific issue of whether or not we should recommend the Annexation of the properties. On this issue, it should be noted that the discussion focused on the matter of the appropriate timing for this Annexation. The Commission voted 3-2 to recommend that the Annexation be approved, with the two voting against the motion not so much being opposed to the Annexation per se, but rather to it occurring at this time.

Please contact me or either the Town Planner or Town Attorney if you have any questions concerning this matter or our recommendations as outlined above.

Sincerely,
Easton Planning and Zoning Commission

Richard M. Tettelbaum
SSR

Richard M. Tettelbaum, Chairman