

2664 Riva Road, P.O. Box 6675
Annapolis, MD 21401
410-222-7450

Jenny B. Jarkowski
Planning and Zoning Officer

May 3, 2023

Bay Engineering Inc.
Attn: Terry Schuman
2661 Riva Road, Building 800
Annapolis, MD 21401

Re: Annapolis Restaurant Park, Lot 2/Cracker Barrel
C2023-0011 00 PP
Modification #17152

Dear Mr. Schuman:

This letter is in response to your Modification request, received on March 22, 2021, regarding Article 17-11-203(b).

Development/Property Description

The subject site is 1.36 acres, zoned TC, located in the Urban Core (Center) sub area of the Parole Growth Management Area (PGMA), and subject to the 1994 Parole Urban Design Concept Plan (PUDCP). The site previously contained an 8,250 SF Fuddruckers Restaurant which was demolished in November 2022. The corresponding demolition permit, B02412931, was issued on December 2, 2022.

Extension of Impact Fee Credit Retention

In accordance with the Office of Planning and Zoning impact fee policy dated April 14, 2014, if a structure that was on the site prior to a new permit application are demolished more than a year before the new permit is applied for, then credit for impact fees is not given for the square footage that previously existed on the site unless a modification is granted.

With this application you are requesting to be granted an extension of fee credit for 24 months from the date of demolition and standard grading permit closeout.

As specified in Article 17-2-108(a) of County Code, Modification requests may be approved if the request satisfies each of the five criteria stated therein. This office has evaluated this application for compliance with the five criteria listed in Article 17-2-108(a)(1-5) and offers the following:

- (1) Practical difficulties or unnecessary hardship will result from strict application of Article 17. The redevelopment process will take some time to complete. The applicant has indicated that the contract purchaser and/or lease to go through the development process and submit a building permit application for this development will take more than a year.

- (2) Minimization and mitigation of environmental impacts through the use of clustering or other available design alternatives to preserve the character of the impacted area, will be served by an alternative proposal as this application pertains to the demolition of the existing development.
- (3) The Modification is not detrimental to the public health, safety, or welfare or injurious to other properties.
- (4) The Modification does not have the effect of nullifying the intent and purpose of Article 17, the General Development Plan (GDP) or Article 18 of the Anne Arundel County Code.
- (5) The applicant has submitted written verification that all owners of property located within 300 feet of the affected property and the president of any community or homeowners' association of any subdivision that is located within 300 feet of the affected property subject to the application that are on the list of community associations, persons, and organizations maintained in the Office of the County Executive were mailed a notice explaining the reason for the modification, along with a copy of the request for modification was received by this office on March 20, 2023.

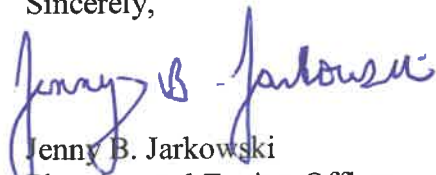
Summary/Decision

The above Modification has been evaluated by staff for compliance with the five criteria listed in Article 17-2-108 as being the basis for modification approvals. Development Division staff have determined that the requests satisfy those criteria and are in keeping with the intent and purpose of Article 17 and the GDP and I agree with staff findings. Therefore, the above Modification is hereby approved, with the following condition:

1. The impact fee credit extension request for the previously existing 8,250 SF restaurant structure is granted for 24 months from the date of if the demolition permit issuance date of December 2, 2022 or by December 2, 2024.

The date of the decision, the Modification number and a brief note regarding the decision must be placed on the Permit. Should you have any questions regarding this decision, please contact Courtney G. Wilson by email at pzwils39@aacounty.org.

Sincerely,


Jenny B. Jarkowski
Planning and Zoning Officer

Cc: Courtney G. Wilson, OPZ
Allison Valliant, OPZ
Judy Motta, PC
FY23/Modifications