

SPECIAL MEETING
October 25, 1993

The Special Meeting of the Annapolis City Council was held on October 25, 1993 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Mayor Hopkins offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Johnson, Gilmer, Sachs, Turner, DeGraff, Moyer

Alderman Hammond arrived at 7:33 p.m. and Alderman Snowden arrived at 7:55 p.m.

Staff present: City Attorney Hodgson, Planning and Zoning Director Fogarty, Public Works Director Patmore, Finance Director Tyler

There being no voiced objection, the order of the Agenda was amended.

BUSINESS AND MISCELLANEOUS

R-45-93 For the purpose of approving the application of Pizza Hut of Maryland, Inc. and Eastport Plaza Limited Partnership for a conditional use to establish a 3,842 square foot fast food restaurant, with 114 seats, carryout service and home delivery, located at Eastport Shopping Center, 1007A Bay Ridge Avenue in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Moyer moved to reconsider R-45-93. Seconded. CARRIED on voice vote.

Alderman Moyer moved to amend R-45-93 as follows:

Amendment No. 1

On Page 2, Condition 3, add the following:

There shall be no dumpster pickup prior to 7:00 a.m.

Amendment No. 2

On Page 2, strike Condition 4 in its entirety and substitute the following:

4. Delivery service from the restaurant shall be from the rear of the premises. Five parking spaces for delivery drivers shall be provided at the rear of the building subject to the approval of the Departments of Public Works and Planning and Zoning.

Amendment No. 3

On Page 3, Condition 8, strike the first sentence in its entirety and substitute the following:

Landscaping along Norman Drive shall be required to screen the dumpster and the delivery parking spaces and to provide a buffer to mitigate noise for the adjacent residential properties.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Turner, DeGraff, Moyer

CARRIED: 8-0

Alderman Moyer moved to adopt R-45-93 Amended. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

1. **O-54-93** Sponsored by Mayor Hopkins

For the purpose of authorizing and empowering the City of Annapolis to issue and sell, upon its full faith and credit, Three Million Six Hundred Seventy-Five Thousand Dollars (\$3,675,000) aggregate principal amount of its serial maturity general obligation, fully registered bond, pursuant to the authority of Sections 31 through 37, inclusive, of Article 23A of the Annotated Code of Maryland (1990 Replacement Volume and 1992 Cumulative Supplement), as amended, and Article VII, Section 11, of the Charter of the City of Annapolis, as amended, to be designated as "Public Improvement Bonds, 1993 Series", said bonds to be issued and sold for the public purpose of financing certain capital projects, as provided in this Ordinance; ... and generally relating to the issuance, sale and delivery of all said bonds.

Alderman DeGraff moved to adopt O-54-93 on first reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to suspend the rules to dispense with the second reading on O-54-93. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-54-93 on third reading. Seconded. CARRIED on voice vote.

The regular order of the Agenda was resumed.

PUBLIC HEARINGS

1. Application of James Brianas for a conditional use to establish a three unit multi-family structure at 3 Compromise Street.

Planning and Zoning Director Fogarty presented a background report on the application. Planning and Zoning Commission Chair Scott presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum with attachments to the Planning and Zoning Commission from the Planning and Zoning Director dated 8/26/93 and 10/13/93 together with a Memorandum to the Annapolis City Council from the Planning and Zoning Commission dated 10/20/93.

The applicant, James Brianas, 3 Compromise Street, and Sager Williams, land use planner, 121 Cathedral Street, gave presentations. Also present was Jay Schwarz, architect, 1 State Circle. Mr. Schwarz answered questions addressed by the Council.

Mayor Hopkins accepted into the record the following documents submitted by Mr. Williams:

Exhibit No. 1: Nine color photographs of the subject property;
Exhibit No. 2: Color Landscape Plan;
Exhibit No. 3: Seven petitions;
Exhibit No. 4: Annapolis Historic District Commission Concept Approval dated 6/30/93;
Exhibit No. 5: Concept Approval Drawing dated 6/4/93 and Floor Plans dated 7/28/93.
Speaking in favor of the application:

1. Louise Beauregard
2 Maryland Avenue
Annapolis, Md. 21401

2. John W. VandeKamp
86 Duke of Gloucester Street
Annapolis, Md. 21401
3. R.K. Greenbank
1C Compromise Street
Annapolis, Md. 21401
4. Thomas Lindsay, Sr.
1A Compromise Street
Annapolis, Md. 21401

Speaking in opposition to the application:

1. Roberto Sakin
Historic Annapolis Foundation
18 Pinkney Street
Annapolis, Md. 21401
2. Tom Davies
Ward One Residents Association
16 College Avenue
Annapolis, Md. 21401.

No one else from the general public spoke in favor of or in opposition to the application.

Mayor Hopkins declared the public hearing closed with action to be taken at the November 8, 1993 meeting.

Mayor Hopkins announced that there would be a seven day comment period and a seven reply period for this application.

2. **O-32-93** Sponsored by Aldermen Hammond and Johnson

For the purpose of amending the provisions of the Historic District Ordinance; adding certain new definitions; modifying certain definitions; amending the composition and membership of the Historic District Commission; modifying the application for a certificate of approval; establishing new filing fees; modifying the standards for review of an application for certificate of approval; establishing new penalties for certain violations; establishing new requirements for signage; and all matters relating to said Historic District Ordinance.

Planning and Zoning Director Fogarty presented a background report on the ordinance.

Planning and Zoning Commission Chair Scott presented the Commission's findings.

Mayor Hopkins accepted into the record a Memorandum with attachments to the Planning and Zoning Commission from the Planning and Zoning Director dated 10/13/93.

Speaking in favor of the ordinance:

1. A.L. Waldron
1 Wainwright Drive
Annapolis, Md. 21401
2. Donna Ware, Chair
Historic District Commission
16 Eastern Avenue
Annapolis, Md. 21401
3. Ann Fligsten
Historic Annapolis Foundation
18 Pinkney Street
Annapolis, Md. 21401
4. Joan Able, Member
Historic District Commission
96 East Street
Annapolis, Md. 21401
5. Sarah Filkins
11 Randall Court
Annapolis, Md. 21401.

Speaking in opposition to the ordinance:

1. Tom Davies
Ward One Residents Association
16 College Avenue
Annapolis, Md. 21401
2. Charles Levitt
165 Main Street
Annapolis, Md. 21401

No one else from the general public spoke in favor of or in opposition to the ordinance.

Mayor Hopkins declared the public hearing open until November 8, 1993 for the purpose of accepting into the record the findings of the Planning and Zoning Commission.

BUSINESS AND MISCELLANEOUS

1. **R-51-93** For the purpose of establishing a moratorium on the review or approval of applications for rental licenses for new bed and breakfast homes in the C1 zoning district for a certain time; and all matters relating to said rental licenses.

Alderman Hammond moved to adopt R-51-93. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Sachs, Turner, DeGraff, Moyer
NAYS: Alderman Snowden
ABSTAIN: Alderman Gilmer
CARRIED: 7-1-1

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:02 p.m.

**Patricia L. Bembe, CMC/AAE
City Clerk**