

RESOLUTION NO. 2009-20

A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO PERMIT THE FILING AND PROCESSING OF A SUBSEQUENT APPLICATION FOR A TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) ZONE APPLICATION BY MILES POINT PROPERTY, LLC AND TND DEVELOPMENT, INC. FOR THE MILES POINT III – 150’ PROJECT, PURSUANT TO CHAPTER 340 (ZONING), SECTION 340-32 OF THE TOWN CODE.

WHEREAS, on June 4, 2008, the Commissioners of St. Michaels (the “Town Commissioners”), pursuant to Section 340-32 (Traditional Neighborhood Development (TND) Zone) of Chapter 340 (Zoning) of the Code of Town of St. Michaels, conditionally approved the application of Miles Point Property, LLC and TND Development, Inc. (collectively “Developer”) for a TND Zone Overlay District designation in connection with the Miles Point III-150’ Project; and

WHEREAS, the June 2008 TND Zone designation for the Miles Point III-150’ Project includes the approval of up to 260 lots and 269 units (the “Pending 260 Lot TND Application”); and

WHEREAS, Developer has recently communicated with the Town its intention to prepare and submit an alternative TND Zone designation application with a sketch plan consisting of 238 lots and 247 units; and

WHEREAS, with the effective date of this Resolution, Developer shall be permitted to submit a subsequent application for a TND Zone designation to be filed with the Town relating to all or any portion of the land to which a previously filed application for a TND Zone designation applies; and

WHEREAS, upon the submittal of a subsequent application for a TND Zone designation pursuant to this Resolution, such alternative application will be duly referred to the St. Michaels Planning Commission for its review and recommendation pursuant to Zoning Section 340-32.B(2); and

WHEREAS, the Town Commissioners, at their regularly scheduled public meeting on September 9, 2009, considered the provisions of this Resolution; and

WHEREAS, the Town Commissioners have determined that the best interests of the Town of St. Michaels would be served by permitting the filing and processing of a subsequent application for TND Zone designation with a sketch plan including no more than 238 lots and 247 units by Developer for the Miles Point III-150’ Project.

NOW THEREFORE BE IT RESOLVED by the Town Commissioners that consent is hereby given for Developer to submit a subsequent application for TND Zone designation for the Miles Point III-150’ Project with this Resolution; and

BE IT FURTHER RESOLVED that the consent of the Town Commissioners pursuant to this Resolution is conditioned upon the submittal of an application for TND Zone designation with a sketch plan including no more than 238 lots and 247 units by Developer no later than October 15, 2009; and

BE IT FURTHER RESOLVED and understood that the consent of the Town Commissioners pursuant to this Resolution only grants permission to Developer to submit a subsequent

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application for TND Zone designation for referral to the Planning Commission for review and recommendation, and does not constitute an endorsement or approval of any subsequent application for TND Zone designation by the Town Commissioners; and

BE IT FURTHER RESOLVED and understood that upon the Developer's submittal of a subsequent application for TND Zone designation, the status of the Pending 260 Lot TND Application shall be stayed by the Town Commissioners for as long as the subsequent application is pending before the Town; and

BE IT FURTHER RESOLVED and understood that pursuant to the Development Rights and Responsibilities Agreement (the "DRRA"), as amended, dated February 16, 2004, Developer is responsible for the costs incurred by the Town in furtherance of the DRRA and for purposes of advancing the Miles Point III-150 project, including plan reviews; and

BE IT FURTHER RESOLVED that if a subsequent application is approved, Developer shall have 30 days after approval to withdraw one application and select the application pursuant to which Developer will proceed; and

BE IT ORDERED by the Town Commissioners, without pre-judging or intending to influence the outcome of any review or deliberative process and pursuant to this Resolution, the Town staff and appropriate administrative bodies are hereby directed to accept and to duly process any subsequent application for TND Zone designation with a sketch plan including no more than 238 lots and 247 units submitted by Developer for the Miles Point III-150 project pursuant to the Town Code.

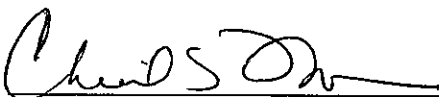
HAVING BEEN PASSED, by a yea and nay vote of The Commissioners of St. Michaels at the public meeting of The Commissioners of St. Michaels on the 23rd day of September, 2009, at 6:30 o'clock p.m. in the meeting room of the Town Office, 300 Mill Street, St. Michaels, St. Michaels, Maryland.


Brady	-	<u>yea</u>
Clark	-	<u>yea</u>
Dinkel	-	<u>yea</u>
Hunt	-	<u>yea</u>
Snyder	-	<u>yea via absentee ballot</u>

I HEREBY CERTIFY that the above Resolution was passed by a yea and nay vote of the Commissioners of St. Michaels on the 23rd day of September, 2009.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS


Cheryl S. Thomas, Town Clerk/Manager

By:  (SEAL)
Michael W, Brady, President