



Carroll County Planning Commission Report and Recommendation to the Board of County Commissioners

Rezoning Case No. 219 Long Reach Farms Inc. (Robert R. Clarke) Property

Summary:

Petitioner:	Robert R. Clarke, petitioner 129 Liberty Road Sykesville, MD 21784
Petitioner's Attorney:	None
Current Zoning:	"C" Conservation
Requested Zoning:	"B-NR" Business Neighborhood Retail
Total Acreage:	6.59 acres
Existing Use of Land:	Vacant
Comprehensive Plan:	<i>2001 Freedom Community Comprehensive Plan</i>
Land Use Designation:	Private Conservation
Public Water Service Area:	No Planned Service Area (W-7) – Freedom Community Water System
Public Sewer Service Area:	No Planned Service Area (S-7) – Freedom Community Sewerage System
PC recommendation:	Recommend that the Board of County Commissioners approve the requested rezoning from C to B-NR for the subject property

Request Description:

Reclassify a 6.59-acre portion of a 25.64 acre area on Lot 19 of the Long Reach Farms subdivision from "C" Conservation to "B-NR" Business Neighborhood Retail (Original request "B-G" Business General). The property is located on the south side of MD 26 and north side of Rhonda Road, in election district 14. The property has a land use designation of Conservation in *2001 Freedom Community Comprehensive Plan*.

Request in Detail:

The subject area is the 6.59 acre portion of a 25.64 acre lot (Lot 19) of Long Reach Farms subdivision located on the south side of MD 26 and north side of Rhonda Road. Lot 19 was part

of the 2010 final site plan (see Exhibit A- Rezoning Plat).

The property has a land use designation of Private Conservation in *2001 Freedom Community Comprehensive Plan* (see Exhibit B- Designated Land Use).

The rezoning petition is based on an argument of substantial change in the character of the neighborhood (see Exhibit C – Rezoning Petition).

Background of Request:

The Carroll County Bureau of Comprehensive Planning accepted the subject petition on July 9, 2013 in accordance with the Carroll County Procedures for Rezoning. County staff introduced Rezoning Case No. 219 Petition for Rezoning to the Planning Commission at their regularly scheduled evening meeting on August 7, 2013. A staff report was presented to the Planning Commission at their regularly scheduled meeting on September 17, 2013.

Findings:

1. Property Use and Development History

Long Reach Farms subdivision received final plan approval from the Carroll County Planning Commission on September 21, 2010. This subdivision proposed to create 18 residential lots ranging in size from 3 to 4.79 acres. One larger lot, Lot 19, totaling 25.64 acres currently has two existing dwellings on the property. Through the plan process, Lot 19 retained additional subdivision potential. The petitioner is requesting that a 6.59 acre portion of Lot 19 be rezoned from Conservation (“C”) to Business Neighborhood Retail (“B-NR”).

2. Soils

The property lies within five soil series as identified by the USDA’s Natural Resources Conservation Service (NRCS): Baile Silt Loam (BaB- This soil classification is well drained and sits within the topography of 3 to 8 percent slopes), Glenelg Loam (GdB-This soil classification is well drained and sits within the topography of with 3 to 8 percent slopes), Glenelg Loam (GdC- This soil classification is well drained and sits within the topography of 8 to 15 percent slopes) and Glenelg Silt Loam (GhB- This soil classification is well drained and sits within the topography of 3 to 8 percent slopes). Glenville-Urban land Udorthents complex (GkB- This soil classification is well drained and sits within the topography of 0 to 8 percent slope and is man made).

3. Watersheds

The property is located in the South Branch Patapsco MDE 8-digit watershed. The Carroll County Water Resource Management Area Guidance Map designates the site as a surface

watershed area. No streams are located in the petition area but one runs through a portion of Lot 19. This stream is an unnamed headwater tributary to Piney Run Reservoir.

4. Agency Comments

On July 23, 2013, the Bureau of Comprehensive Planning referred the rezoning petition to several agencies for any comments that the Planning Commission should consider prior to making a recommendation to the County Commissioners.

The following agencies were given the opportunity to provide comments:

Carroll County Bureau of Engineering
Carroll County Bureau of Resource Management
Carroll County Bureau of Utilities
Carroll County Roads Operations
Carroll County Health Department
Carroll County Office of the County Attorney
Carroll County Department of Economic Development
Carroll County Zoning Administrator
Carroll County Bureau of Development Review
Carroll County Planning Computer Mapping (GIS)
Maryland Department of Transportation – State Highway Administration
Maryland Department of Planning
Baltimore Metropolitan Council
Supervisor of Assessment

Written comments were received from the following Bureau and Department:

Clayton Black, Carroll County Development Review (Memorandum dated August 1, 2013):

“Number 4 in the document entitled ‘Petition for Change in Zoning’ states ‘Area south of the proposed site was farmland and now has been rezoning to subdivision of 18 lots with 6 new homes on the property.’ As point of clarification, the referenced area was not rezoned to subdivision. Residential lots are a principal permitted use in the Conservation district and that area was developed and recorded as Long Reach Farms (P.B. 52P. 192-196).”

Matt Shipley, Carroll County Health Department (Comment dated July 25, 2013):

“Proposed use may not be acceptable unless it is demonstrated that there is an adequate water supply and adequate area for the installation of an initial and two replacement septic systems for the proposed use and any existing uses on this property.”

5. Immediate Neighborhood

The immediate neighborhood, where the petition area is located, is generally along MD 26 (Liberty Road) bounded on the east by segments of Linton Road and White Rock Road, on the south the boundary wraps around the properties on Gina Court, to the west the boundary circumscribes properties on Enterprise Street and on the north, runs along Ronsdale Road. The designated neighborhood was mutually agreed upon by the County and the petitioner.

Residential, commercial, public and industrial uses are all represented within the neighborhood boundary. The majority of the neighborhood is comprised of the single family homes in the Gi-Na Farms and Long Reach Farms communities. Individual businesses are scattered throughout the surrounding neighborhood and adjacent to the subject parcel.

On the north side of MD 26, across from the petition area, Century High School (2000) and Linton Springs Elementary School (1998) are located. There is also an industrial park in the neighborhood west of Klees Mill Road.

6. Public Facilities

- Transportation- This portion of the property has approximately 750 feet of frontage on MD 26. Vehicular access to this property would be from Liberty Road. MD 26 is classified by the state as an urban principal arterial. In the vicinity of this property, the highway is one lane going in each direction on MD 26.
- Water and Sewer Service Area- This property is in the No Planned Water Service Area (W-7) and No Planned Sewer Service Area (S-7) in the 2007 *Carroll County Master Plan for Water and Sewerage*
- Telephone, Electric and Cable- Telephone service is provided to the area by Verizon. Electric service is available through Baltimore Gas and Electric. Cable is provided by Comcast.

7. Zoning

Zoning within the Neighborhood

The zoning districts found within the neighborhood are “C” Conservation, “A” Agricultural, “B-G” Business General, “B-NR” Business-Neighborhood Retail and “I-R” Industrial Restricted. The zoning of the properties adjacent to the east and south are zoned Conservation, Agricultural zoning to the north, Business General to the west, and Industrial Restricted to the northeast. These zoning districts are defined as:

- Conservation - areas that because of natural geographic factors and land use it would be

feasible and desirable to conserve open space and other natural resources.

- Agricultural- to provide for continued farming activities, conserve agricultural land, and reaffirm agricultural use, activities, and operations as the preferred dominate use of the land within the district.
- Business General- to provide a logical location for all businesses of a more general nature than what might be expected to be found in a neighborhood. The businesses proposed include retail, wholesale and some light processing operations.
- Industrial Restricted- to provide locations for some of the lighter manufacturing processes and which may not be as extensive as those provided in the Industrial General (I-G) District.

Zoning of the Petition Area

The petition area was zoned “A” Agricultural at the time of the original zoning adopted by the County in 1965 and changed to “C” Conservation with the adoption of the Freedom Comprehensive “Mini” Plan in 1977. This zoning classification was reaffirmed in the 2000 Carroll County Master Plan and the *2001 Freedom Community Comprehensive Plan*.

8. Relationship of Proposed Zoning to Comprehensive Plan

The petition area is designated Private Conservation on the *2001 Freedom Community Comprehensive Plan Map*. This designation was assigned to properties that are in the immediate vicinity of the reservoirs and environmentally-sensitive areas but are privately owned. While residential development is allowed, the maximum permitted density is one dwelling unit per 3-acre lot. The zoning classification for the petition site, which is “C” Conservation, is consistent with the Plan’s Land Use designation.

9. Substantial “Change” in the Character of the Neighborhood

It is important to understand that mere fruition of the comprehensive plan does not constitute “change” as it relates to the zoning map amendment process, because this change was foreseen and planned for. Development that serves to implement the plan does not signify “change.”

Since the adoption of the *2001 Freedom Community Comprehensive Plan*, there has been some limited growth within the neighborhood. Much of this growth was envisioned by the Freedom plan. Examples of this include:

- Long Reach Farm subdivision consisting of 3 acre lots built on land designated Conservation;
- Amante Restaurant was built on property designated Commercial;
- Linton Springs and Century High School was built on land designated Public Conservation;
- Gourmet Wine and Spirits was built on land designated Commercial; and
- Nails by Ginger was built on land designated Commercial

The following properties have been developed as part of the Central Maryland Service Distribution Center. All of these properties were built on land designated Industrial:

- Storage Warehouses
- C&S Transmissions
- Emory N. Stull Land Clearing

Two zoning map amendments have occurred within the neighborhood since the adoption of the *2001 Freedom Community Comprehensive Plan*.

Rezoning case #210- rezoned one parcel totaling 3.81 acres from “A” Agriculture to “B-NR” Business Neighborhood Retail. This property is located on the north side of Liberty Road (MD 26), just east of Klees Mill Road. The Planning Commission forwarded its report to the Board of Commissioners on October 30, 2006 and the Board of County Commissioners authorized the change to Business Neighborhood Retail on the official zoning map 68 on February 22, 2007. The Planning Commission approved the final site plan for a commercial business center called “Liberty Square” on June 18, 2013.

Rezoning case #211- rezoned two parcels totaling 3.79 acres from “A” Agriculture to “B-G” Business General. These properties are located between Liberty Road (MD 26) and Old Liberty Road (MD 85), opposite Rhonda Road. The Planning and Zoning Commission forwarded its report to the Board of Commissioners on June 12, 2008 and the Board authorized the change to the official zoning maps 67 and 68 on October 9, 2008.

Planning Commission Recommendation:

Based on the above findings, and in consideration of Article XXX (Section 223.197) of the Code of Public Local Laws and Ordinances of Carroll County, and Section 4.05 of the Land Use Article of the Annotated Code of Maryland, the Planning and Zoning Commission recommended that the request be modified from “B-G” to “B-NR.” Once this change was agreed upon by the Planning and Zoning Commission and the petitioner, the Planning and Zoning Commission recommended this property be rezoned from “C” to “B-NR” based on a finding of a substantial change in the character of the neighborhood.

Exhibit A

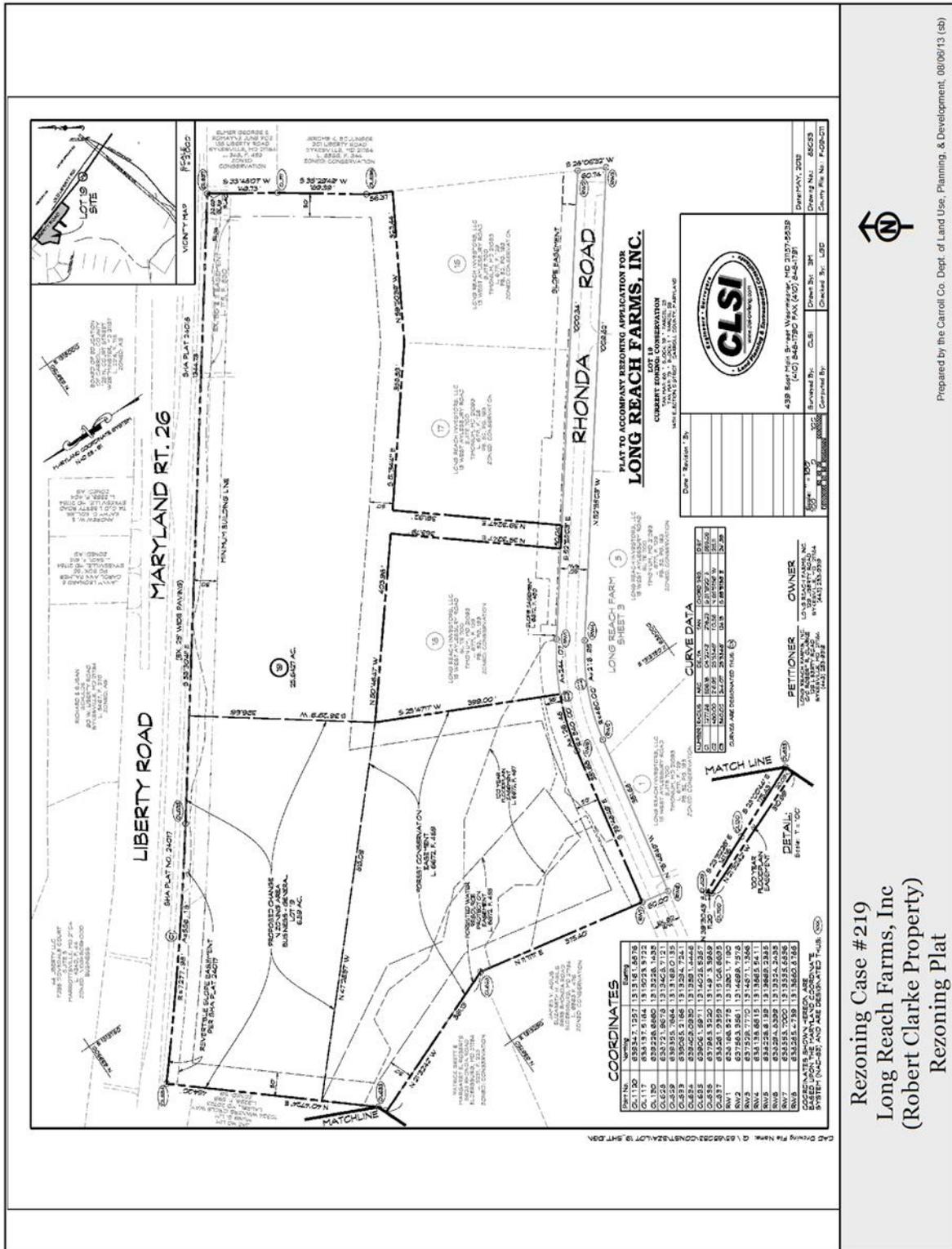


Exhibit B

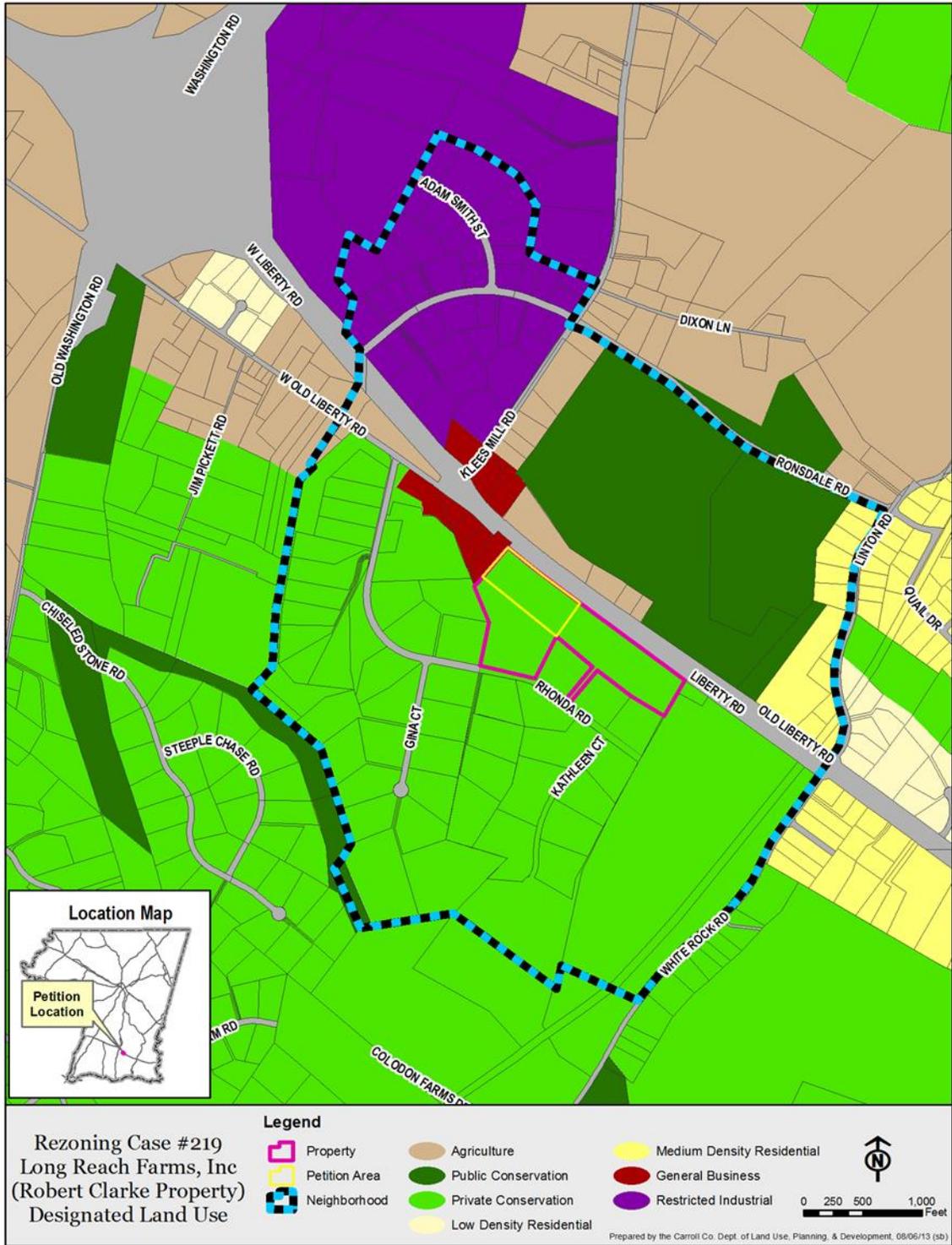


Exhibit C

Petition for Change in Zoning

1. **Statement as Change**
This change is requested for "Commercial Business General" from Conservation.
2. **Reason for the Requested Amendment**
Rezoned to accommodate a commercial business.
3. **The Present Use of Property**
The property is being used as farmland.
4. **Change in Character of Neighborhood within the last 5-10 years.**
 - Two schools directly across Route 26, which are Linton Springs Elementary School and the new Century High School that was just opened in September 2001.
 - Industrial Park just north of the proposed site.
 - High store and gas station just 500 feet north of the proposed site
 - There is a small strip shopping center, restaurant, carry out, that are indirectly connected to this proposed site.
 - There is a 1 ½ acre property along Route 26 that is directly connected to this proposed site that has not been built upon at this time.
 - To the west of this proposed site is a 15 lot subdivision that has been completed within the ^{past} 10 years. This subdivision is approximately 1.4 mile from this site.
 - There is a new commercial property just to the west on the Old Liberty Road at the Klee Mill Road intersection that has been rezoned commercial with industrial equipment on the property (Bobcat rental and sales).
 - Area to the south of the proposed site was farmland and now has been rezoned to subdivision of 18 lots with 6 new homes on the property. Property not served by public water and sewage.
 - Commercial lot for sale directly across from proposed site.
5. The proposed site has 750 feet of road frontage on Route 26, Liberty Road. The site is not served by water or sewer, although water is within 1/2 mile of the site

1. This application is for the purpose of requesting a zoning change from the current zoning of Conversation to Business General.
2. The contiguous properties on the north and west sides of subject property are in the business general zoning district. The south side of the subject project has been developed into residential area.
3. The present use of the property is a cropland of Long Reach Farms, Inc.
4. There has been a substantial and permanent change in the area surrounding the subject property. In the past 3-15 years, there has been the following built within 500 yards:
 - A. Housing Development
 - B. Retail Stores (Athletic Warehouse)
 - C. Restaurants (Beef Pit, Amante, Belissimos)
 - D. Linton Springs Elementary and Century High School
 - E. Liquor Store
 - F. Daycare Center
 - G. Nail Salon
 - H. Industrial Complex (over 30 Different Business Locations)

In the past year, a new retail center with offices and stores has been built approximately ½ mile south of this location.

In conclusion, this area has been changed from a farming community to a retail/service area for the growing population of South Carroll.

5. The site has approximately 750 feet of road frontage on Route 26 and has more than adequate site distance for traffic emergence. There are no hills or curves in the road that would create adverse road hazards.
6. The site is within ¼ mile of water/sewer lines that were extended for the public school sites. The present use would be with private well/septic system. The soil types are appropriate for private septic systems.
7. The current use of the property in farming operations is compromised by its isolation by commercial/residential development and its topographical characteristics.
8. The change of zoning of the property would create a quality location for development of a business center and enhance the prospects of Carroll County of attracting a business client with increased tax base, jobs, etc.

1/23/13

1. **Statement that this property cannot be utilized for any of the permitted use.**

This property is not suitable for the subdivision of housing and may not be consistent with the area to the south and that being farm land. If viewed on the area map, it would indicate the change to commercial business, which is directly connected to the west and to the north, with an entire area of most recently constructed businesses.

2. **This property amendment to be consistent with County Master Plans, if granted.**

This property is partially offset from the entire farm by a State Highway drainage area to the south and land to the southwest, where there are two housing developments. Therefore, this property is ideal for commercial use with 750 feet of road frontage on Route 26, Liberty Road. Also, the State Highway Administration has forwarded to the Planning Commission a set of drawings for the highway entrance to this property.



July 5, 2013

To Planning Staff;

I do accept the proposed neighborhood plan as indicated on the reverse side of the paper.

Signed
Robert Clarke,
Long Reach Farms

Exhibit D

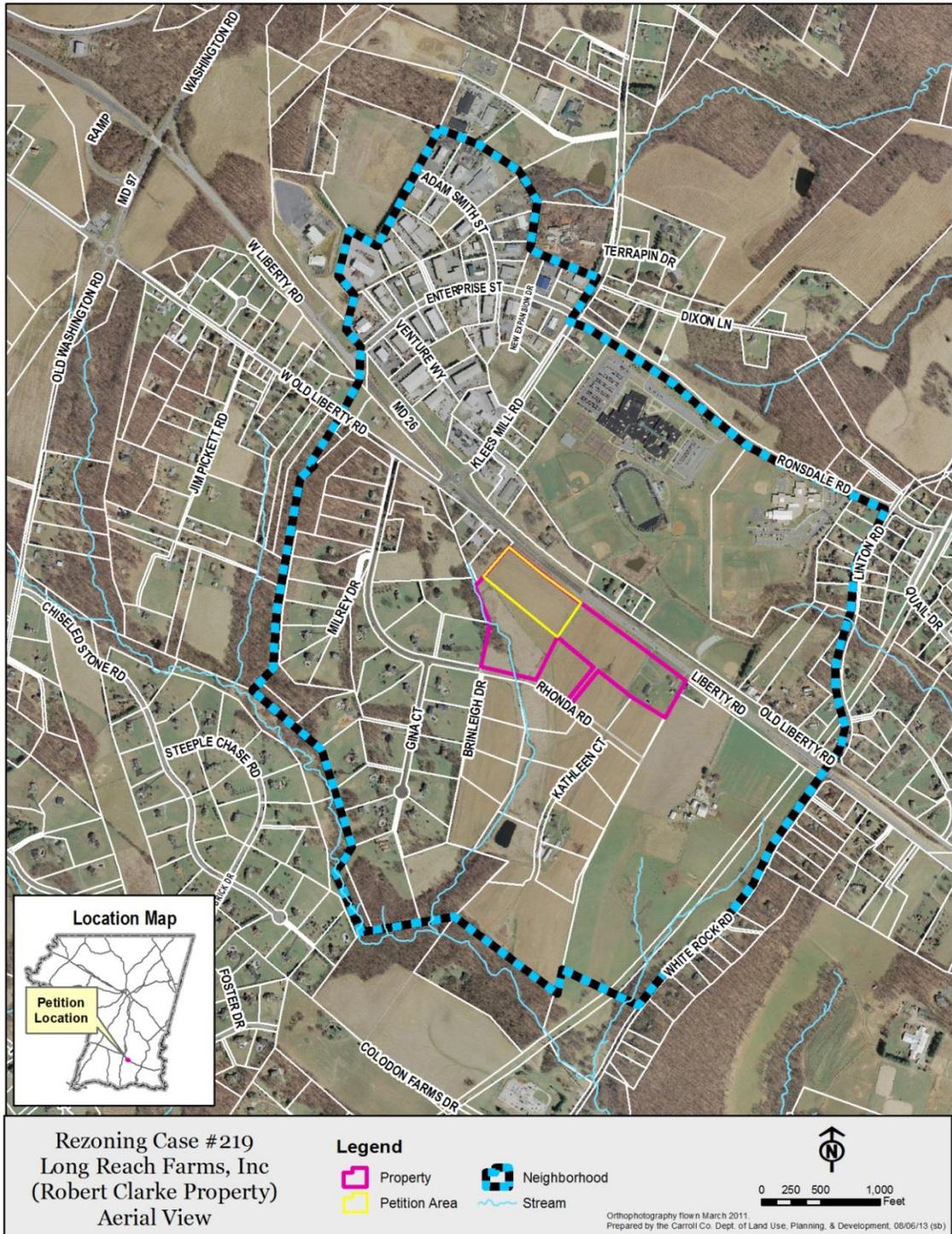


Exhibit E

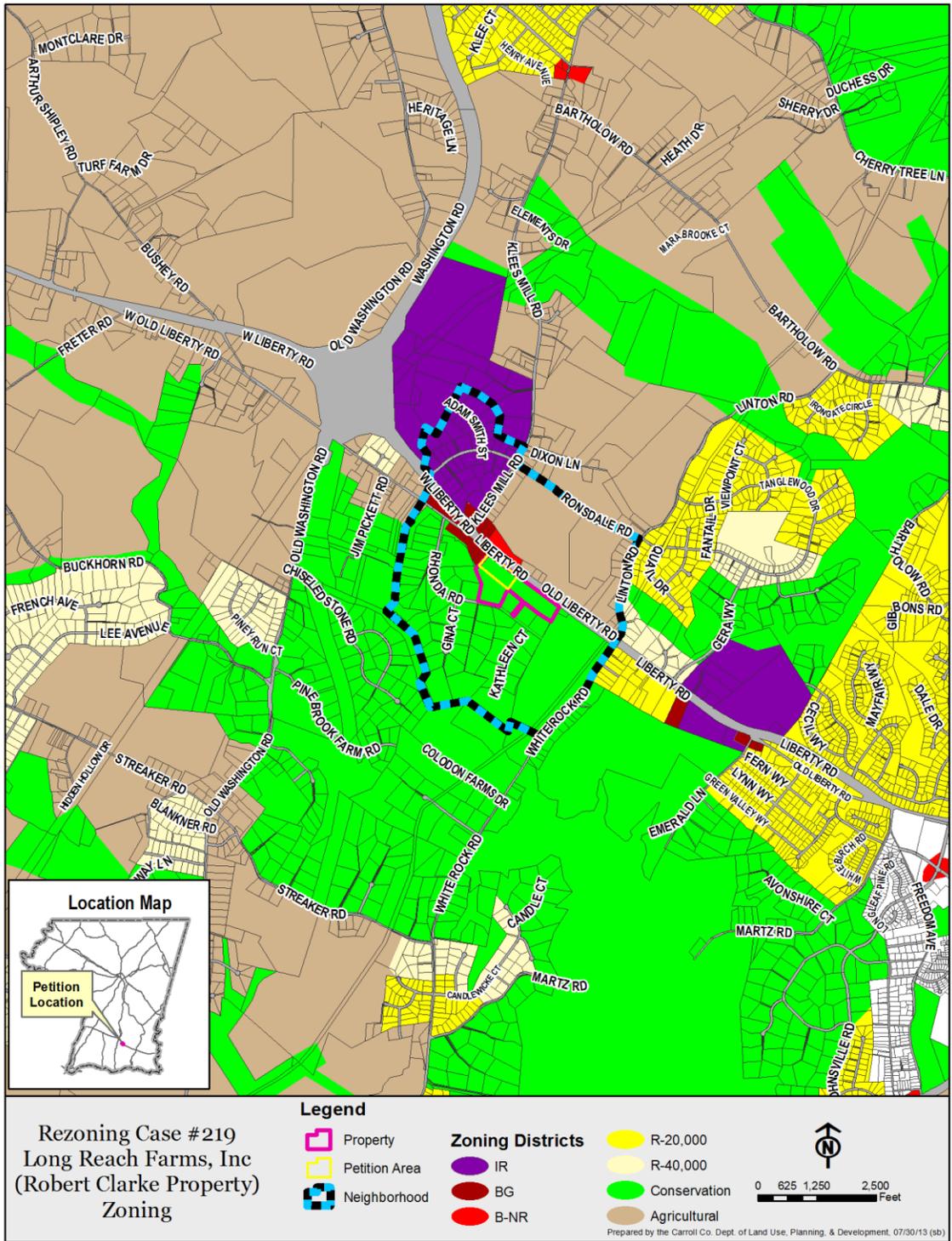


Exhibit F

