

BY-REQUEST COMPREHENSIVE REZONING

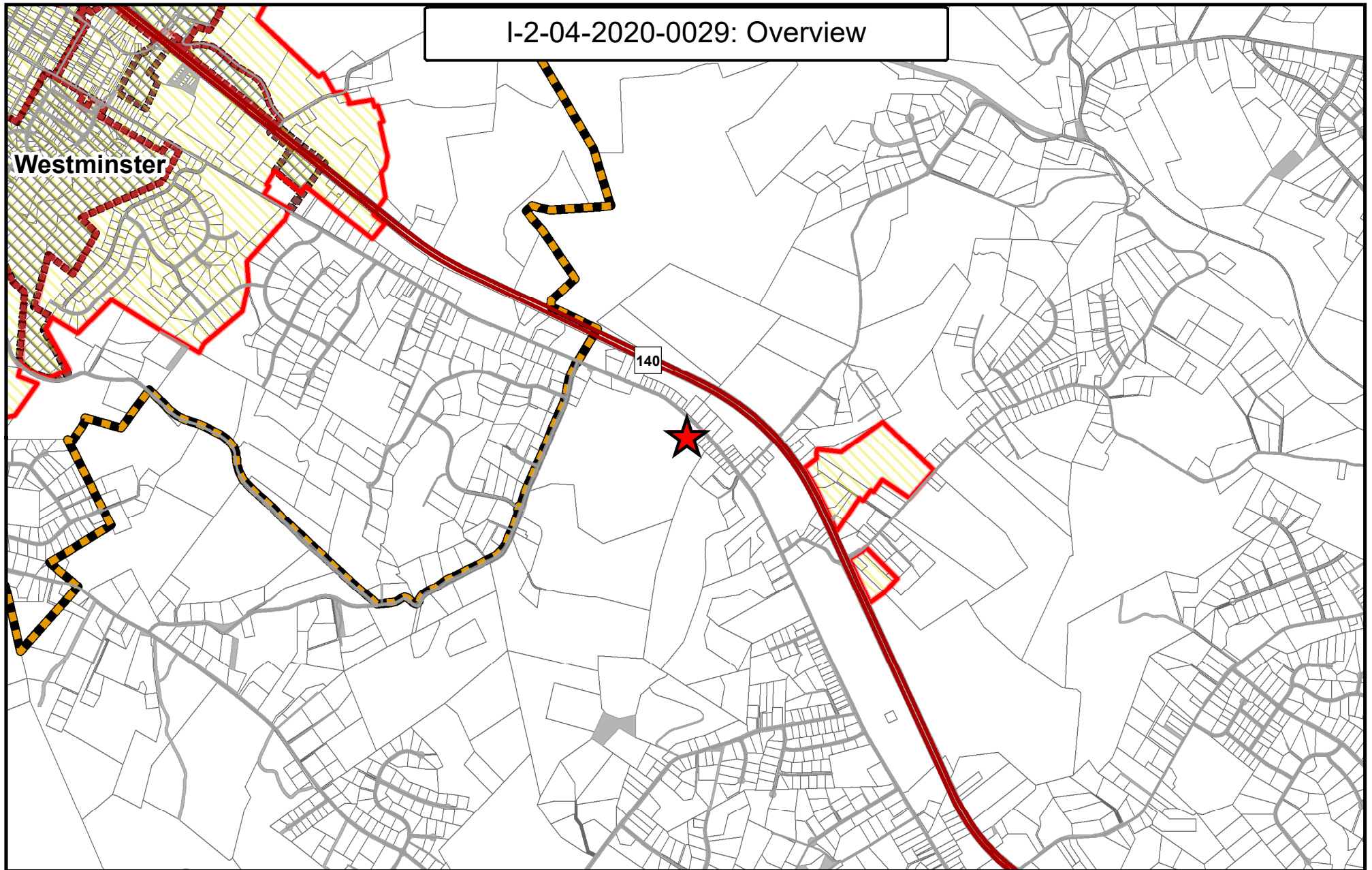
COMMERCIAL, INDUSTRIAL & EMPLOYMENT CAMPUS DISTRICTS

12-04-2020-0029



I-2-04-2020-0029: Overview

Westminster



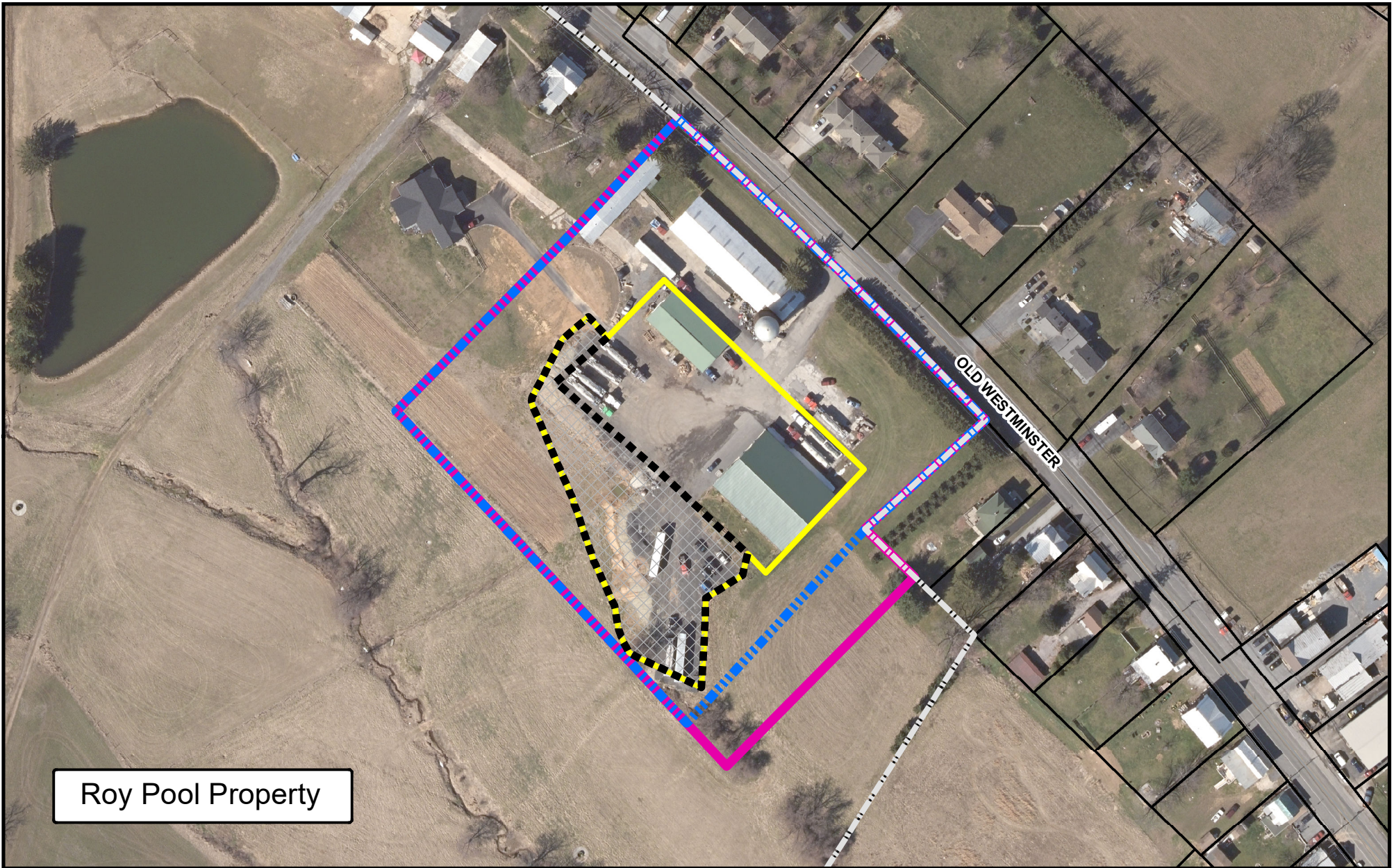
Legend

- | | | |
|--------------------|------------------|------------------------|
| ★ I-2-04-2020-0029 | Growth Area | Priority Funding Areas |
| Major Roads | Corporate Limits | Property Data |
| Roads | | |

0 0.25 0.5 1 Miles








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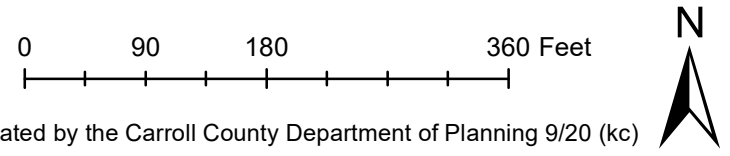




Roy Pool Property

Legend



- | | |
|---|---|
|  Roads |  New Zoning Request |
|  BZA_Extension |  Original Zoning Request (5 acres) |
|  BZA Boundary (1.8 acres) |  Pool Property Boundary |
| |  Parcels |



I-2-04-2020-0029: Aerial



Legend

-  I-2-04-2020-0029
- Roads
-  Property Data

0 75 150 300 Feet

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Carroll County Department of Planning Comprehensive Zoning Assessment Report

1. Request

Request # I2-04-2020-0029 Applicant Name Roy D. Poole

Property Address 1545 B Old Westminster Pike Westminster MD 21157

Current Zoning AG Requested Zoning I-2

2. Description of Property

Site Address 1545 B Old Westminster Pike

Commissioner District 02 Account ID: 0704002296

Parcel 0050 Map 0052

Total Acreage of Parcel 112 Area to be Rezoned: 4.99 acres

Current Use: Commercial (trucking business)

Improved or Unimproved: Improved

Current Zoning: AG Requested Zoning: I-2

3. Land Use and Zoning Considerations (Please include applicable maps)

Existing Land Uses:

Trucking Business (nonconforming use)

Land Use Plan
Designation:¹

Agriculture

Zoning History Summary (see zoning history worksheet)

This property has been in the Ag District since 1965. It is a nonconforming use (trucking business) and has been the subject of several zoning violations and expansion requests before the BZA throughout the years.

¹ Per 2014 Carroll County Master Plan as amended 2019.

Existing Zoning and Land Use in Adjacent Area (See map of the property and the surrounding area):

	<u>Zoning</u>	<u>Land Use</u>
North	AG	AG
South	AG	AG
East	AG	AG
West	R-40,000	Residential

4. Consistency with Master and Functional Plans:

A. Applicable Master Plan Land Use (Such as MGA, Rural Village Designation Etc.)

2014 Carroll County Master Plan as amended 2019 - Not consistent, Future Land Use is Agriculture, defined as “areas (where) ... commercial and industrial uses are limited to agribusiness, agritourism, and those uses intended to serve the agriculture industry or residents of the area, while maintaining the character of the surrounding countryside.”

B. Applicable Master Plan Goals and Objectives

Not consistent with the Goal of Agriculture in the 2014 Carroll County Master Plan as amended 2019 “Preserve at least 100,000 acres of agricultural land to support the production of agricultural products and promotion of related agribusiness.”

C. Water Service Area and Service

No Planned Service

D. Sewer Service Area Service

No Planned Service

5. Environmental Constraints

Yes, steep slopes. See attachments.

6. Historic Resources Identified

Not on property, but there are 27 historic sites within a one-mile radius of the property.

7. Public Safety Assessment

Reese District, approaching inadequate for Fire and adequate for EMS

8. Ag Preservation and Applicable Preservation Area

No, not in vicinity

9. Assessment Summary

This property has been in use as a trucking company since prior to 1965, although surrounded by Ag and residential properties, as a nonconforming use. In 2018, during a BZA hearing, the applicant stated that he owned about 24 trucks. This property was the subject of a hearing before the BZA in 2018 for expansion, where residential neighbors testified in opposition. While the area requested for the rezoning is limited to 4.99 acres of the entire 112.2453 acres, a portion of the requested property is near a residence. The requested 4.99 acres is beyond the area of expansion of the nonconforming use approved by the BZA in 2018.

The I-2 District, in addition to permitting a trucking facility, is intended to “provide locations for ...activities characterized by heavy manufacturing, refining, processing, or compounding of materials or products predominantly from raw materials. ...The uses associated with this district are intensive and frequently include operations that emit strong odors; loud noises; and some level or volume of dust, vibrations, smoke, soot, vapors, light and pollution....”

This request is not consistent with the FLU designation and the goals and objectives in the 2014 Carroll County Master Plan as amended 2019. It is also not consistent with the surrounding land uses of residential and agricultural, as well as numerous historic sites.

10. Recommendations

Department of Planning Recommendation: (Favorable or Unfavorable)

Unfavorable. If this property is given a favorable recommendation by the Planning Commission, it should only be under certain conditions. The area to be rezoned should only be the area approved by the BZA in the most recent case for expansion of the nonconforming use. A Truck or Motor Freight Terminal”, as currently exists as nonconforming, is also permitted by conditional use in the I-1 District. The I-1 district would be more appropriate than the I-2 district on this site, since the other uses permitted in the I-1 District are more compatible with the surrounding area. The remainder of the property should remain in Agricultural zoning. Furthermore, the nonconforming use status of the entire property should cease, since the current use in its current location will be permitted subject to conditional use approval.

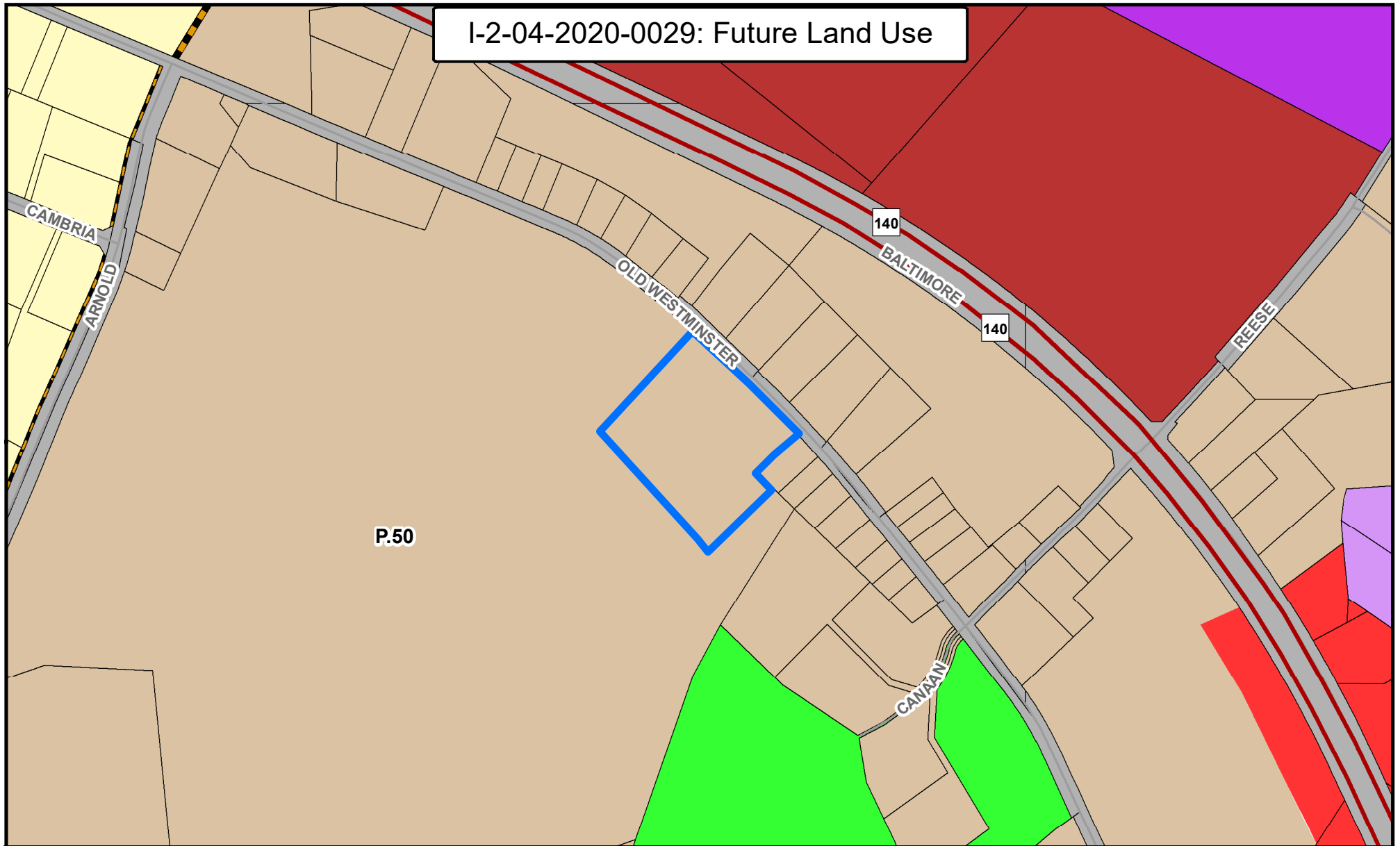
Planning Commission Recommendation: (Favorable or Unfavorable)

Unfavorable

11. Appendixes

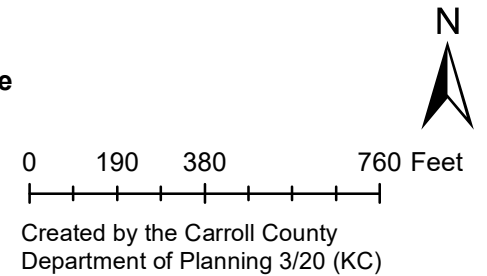
See attachments for individual assessments.

I-2-04-2020-0029: Future Land Use

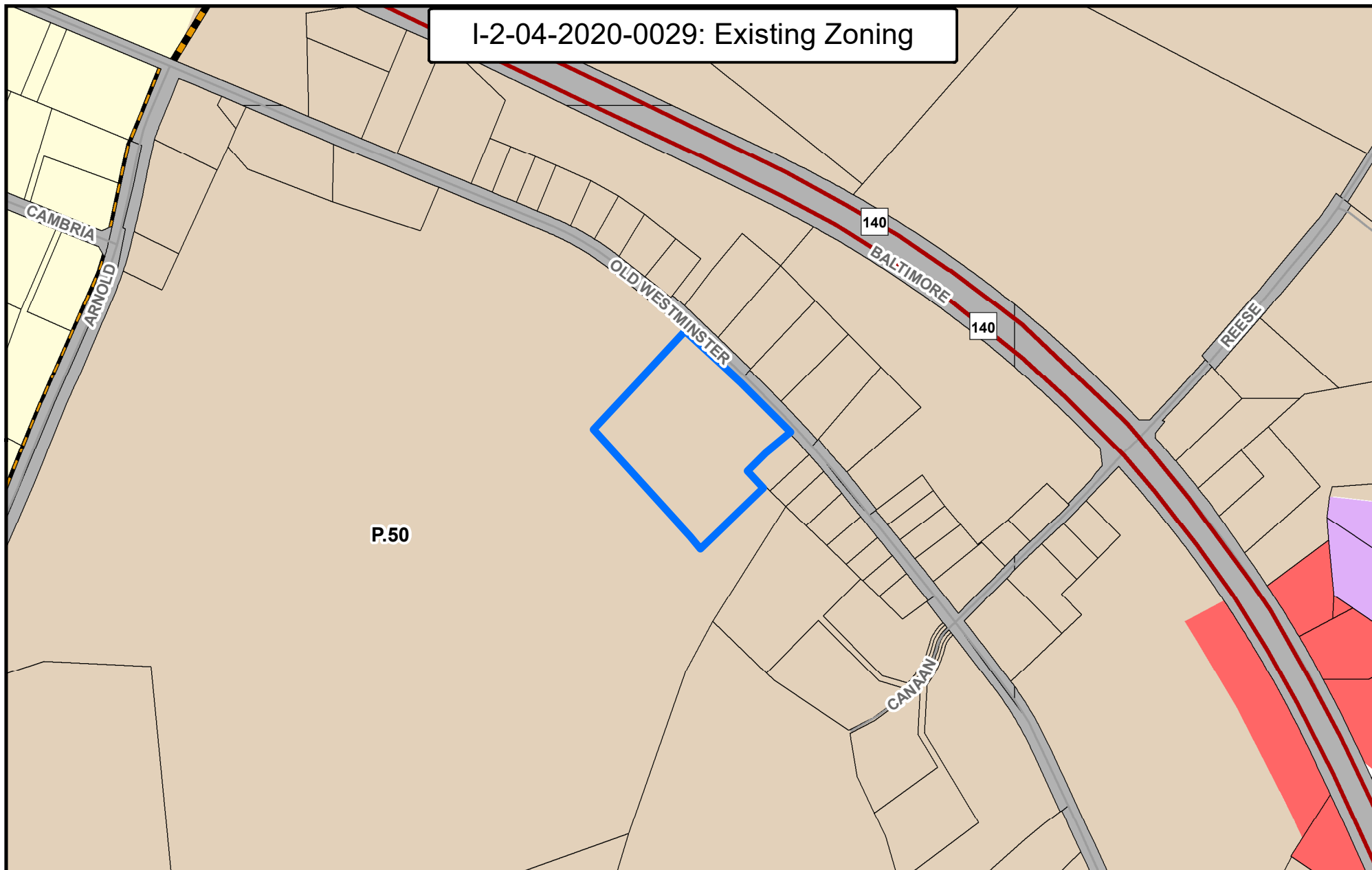


Legend

I-2-04-2020-0029	County Future Land Use	Commercial-Medium	Westminster GAB Future Land Use
Major Roads	Agriculture	Industrial-Heavy	Low Density Residential
Roads	Resource Conservation	Industrial-Light	
Growth Area	Residential-Low Density	Transportation	
Property Data	Commercial-High		



I-2-04-2020-0029: Existing Zoning



Legend

- | | | | |
|------------------|---------------|------------------------|-----|
| I-2-04-2020-0029 | Growth Area | Existing Zoning | C-2 |
| Major Roads | Property Data | Agriculture | I-1 |
| Roads | | R-40,000 | |

0 190 380 760 Feet

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Zoning History

Request # I2-04-2020-0029 Applicant Name Roy D. Poole

Property Address 1545 B Old Westminster Pike, Westminster, MD 21157

Current Zoning AG Requested Zoning I-2

Previous Zoning Change Requests (if applicable): This property has always been in the Agricultural District.

ZA/BZA Requests (if applicable): Certification of nonconforming use, (trucking business in the Ag District) was approved on June 4, 2015, for an area approximately 150' by 300'. A complaint was received about the business expanding its operation on the site. In 2018, request was then made for expansion of nonconforming use (trucking business). ZA hearing 1817 held on 11/5/18. ZA hearing resulted in a denial because it was greater than a 50% (70%) expansion, which must be heard by the BZA. A hearing was held by BZA (case 6122), and expansion was approved. The BZA granted an extension of the approval in September 2019, to allow time to get a change of use permit. A change of use permit is required to change Ag building to commercial building. (BP-19-1396)

Zoning Violations (if applicable): ZI-15-049, ZI-16-0058, ZI-18-0198

Comments:

First zoning violation was remedied with a certification of an existing business use. The second was abated for no evidence of the violation. The third violation required BZA expansion of nonconforming use.

Checklist of Environmental Issues

Request # **I2-04-2020-0029**

Applicant Name **Roy D. Poole**

Property Address **1545 B Old Westminster Pike, Westminster, MD 21157**

Current Zoning **Ag**

Requested Zoning **I-2**

Watershed **Liberty Reservoir**

Yes

No

- | | | |
|-------------------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Water Resources Protection Easement |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 100-Year Floodplain on the Property |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Streams |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Wetlands |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Steep Slopes (>25%) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Forest Cover (<25% <input type="checkbox"/> 25-50% <input checked="" type="checkbox"/> 51-75% <input type="checkbox"/> >75% <input type="checkbox"/> of total parcel) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Tier II Catchment Area (if yes, Name): Beaver Run 2 |

If “yes” checked on any of the above, indicate extent of resource on the property below

*Property is split between two parcels, but the front of the larger parcel is the subject of the request.

Floodplain: not on the parcel under consideration

Streams: stream cuts through the larger property closest to MD 140

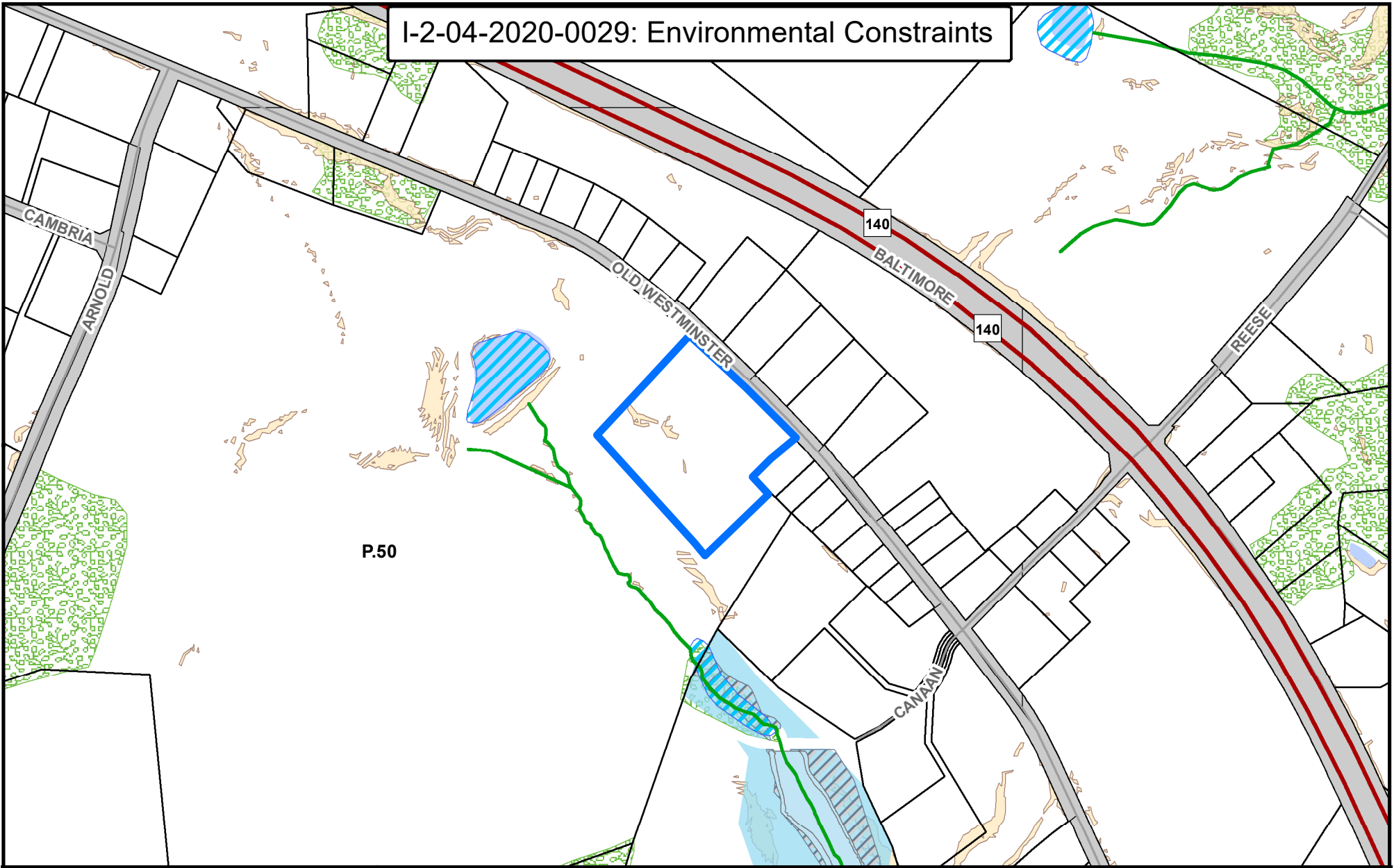
Wetland: small wetland on the larger property closest to MD 140

Steep Slopes: sporadic steep slopes indicated on the larger property on the front edge of the parcel

Forest Cover: not in the property under consideration.

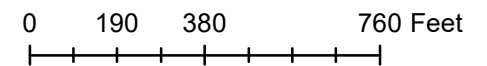
*Percentages are approximate as staff used the latest data from PUB to calculate the areas of environmental issues.

I-2-04-2020-0029: Environmental Constraints



Legend

- | | | | |
|------------------|---------------------|-------------------------------------|------------------------------------|
| I-2-04-2020-0029 | Major Roads | Wetlands | Water Resource Protection Easement |
| Roads | FEMA Floodplain | Steep Slopes Lidar (25% or greater) | Forest Cover |
| Streams | Floodplain Easement | Ponds - Reservoirs | |
| Property Data | | | |



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Historic Preservation Checklist

Request # **I2-04-2020-0029**

Applicant Name **Roy D Poole**

Property Address **1545 B Old Westminster Pike, Westminster, MD 21157**

Current Zoning **AG**

Requested Zoning **I-2**

Historic Inventory Number **N/A**

Comments:

There are NO historic sites on the property, but the property is surrounded by multiple historic sites. Approximately 27 historic sites in a 1-mile radius of the property.

I-2-04-2020-0029: Historic & Cultural Preservation

Old Westminster
Pike Bridge 5

Farm

BALTIMORE
140
140

OLD WESTMINSTER

P.50

Caple House
Chew-Zebal Ho Store
& Post Office
Graham Double House

Reese Inn

Cox House
Williams House
Read-Taylor House

Reese Survey

Green House
Jake's Place

Caple House

Mathews-Turfl
House

Manzer Farm
Complex

CANAAN

REESE

Legend

- I-2-04-2020-0029
- Historic Site Points
- Major Roads
- Roads
- Property Data
- Historic District

0 145 290 580 Feet

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Fire and EMS Assessment

Request # **I2-04-2020-0029**

Applicant Name **Roy D Poole**

Property Address **1545 B Old Westminster Pike, Westminster, MD 21157**

Current Zoning **AG**

Requested Zoning **I-2**

Districts:

Fire: **Reese**

EMS: **Central**

Adequate (**14.13% Late and Failed**)

Adequate (**.24% Late and Failed**)

Adequate (**1.09% Failed**)

Adequate (**.12% Failed**)

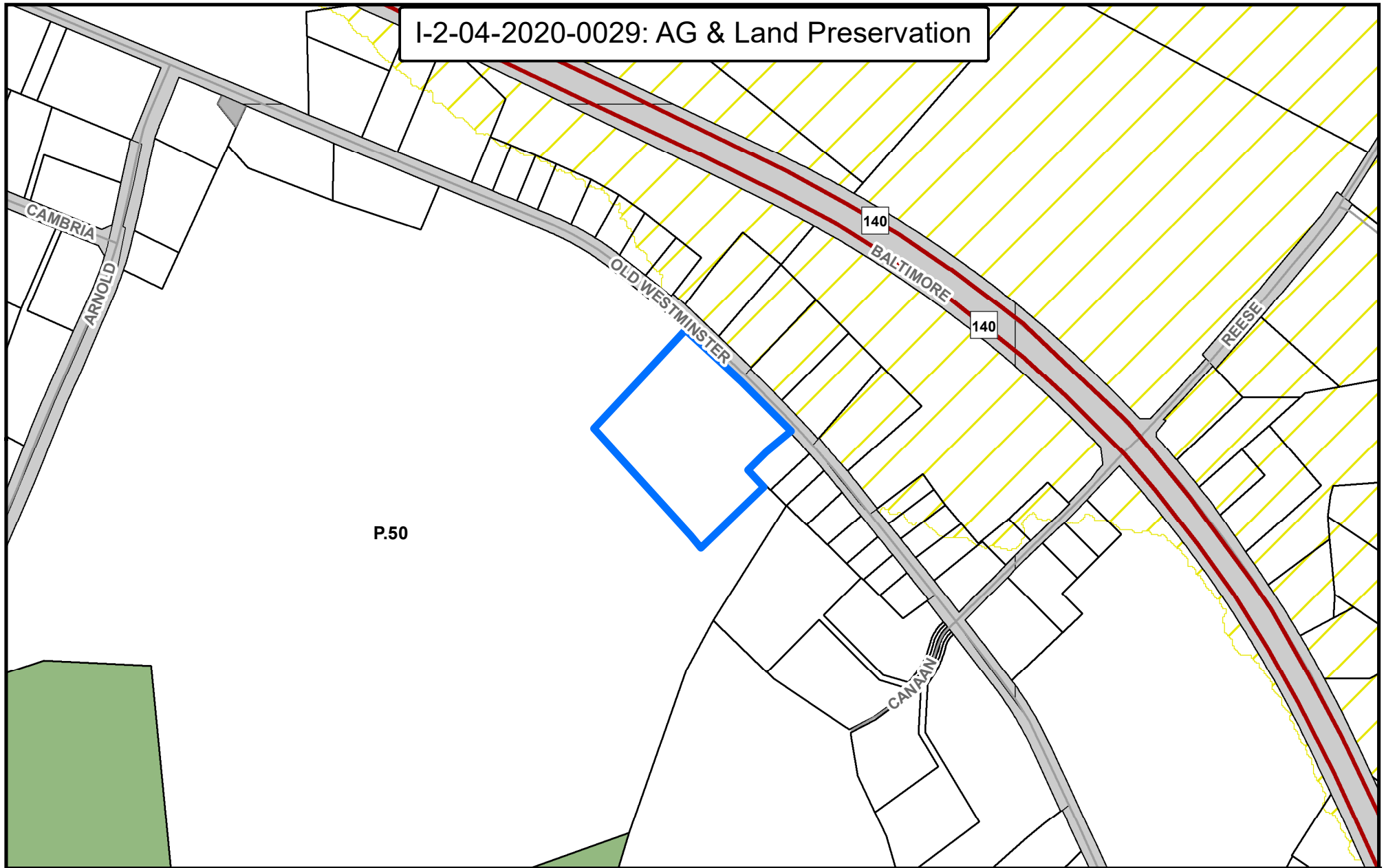
Approaching Inadequate (**9 min. 05 sec.**)

Adequate (**7 min. 21 sec.**)







*Adequacy Rates for Fire and EMS:

	Inadequate	Approaching Inadequate	Adequate
Late and No Response	Equals or exceeds 15%	Equals or exceeds 15%	Less than 15%
Total No Response	Equals or exceeds 4% over 24 months	Equals or exceeds 4% over 24 months	Equals or exceeds 4% over 24 months
Response Time	Exceeds 10 minutes	Between 8- 10 minutes	8 minutes or less

I-2-04-2020-0029: AG & Land Preservation



Legend

-  I-2-04-2020-0029
-  Major Roads
-  Roads
-  Property Data
-  MALPF Easement
-  Upper Patapsco Rural Legacy Area

0 190 380 760 Feet

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Transportation Checklist

Request # _ Applicant Name I-2-04-2020-0029

Property Address 1545 B Old Westminster Pike Westminster MD 21157

Current Zoning AG Requested Zoning I-2

Frontage Road Old Westminster Pike

Most Recent ADT of Frontage Road 4,051

Functional Classification of Frontage Road Urban Major Collector

<https://www.carrollcountymd.gov/media/1675/fclass-list.pdf>

Capital Improvements of Adjacent

Road(s) None

Planned Major Streets on-site or in proximity

No

Sidewalk ☐ Yes ☒ No

Trails ☐ Yes ☒ No

Trail Blazer Route or Stop ☐ Yes ☒ No

Other Comments:

Business with approximately 24 trucks is currently operating on the property.