

# BY-REQUEST COMPREHENSIVE REZONING

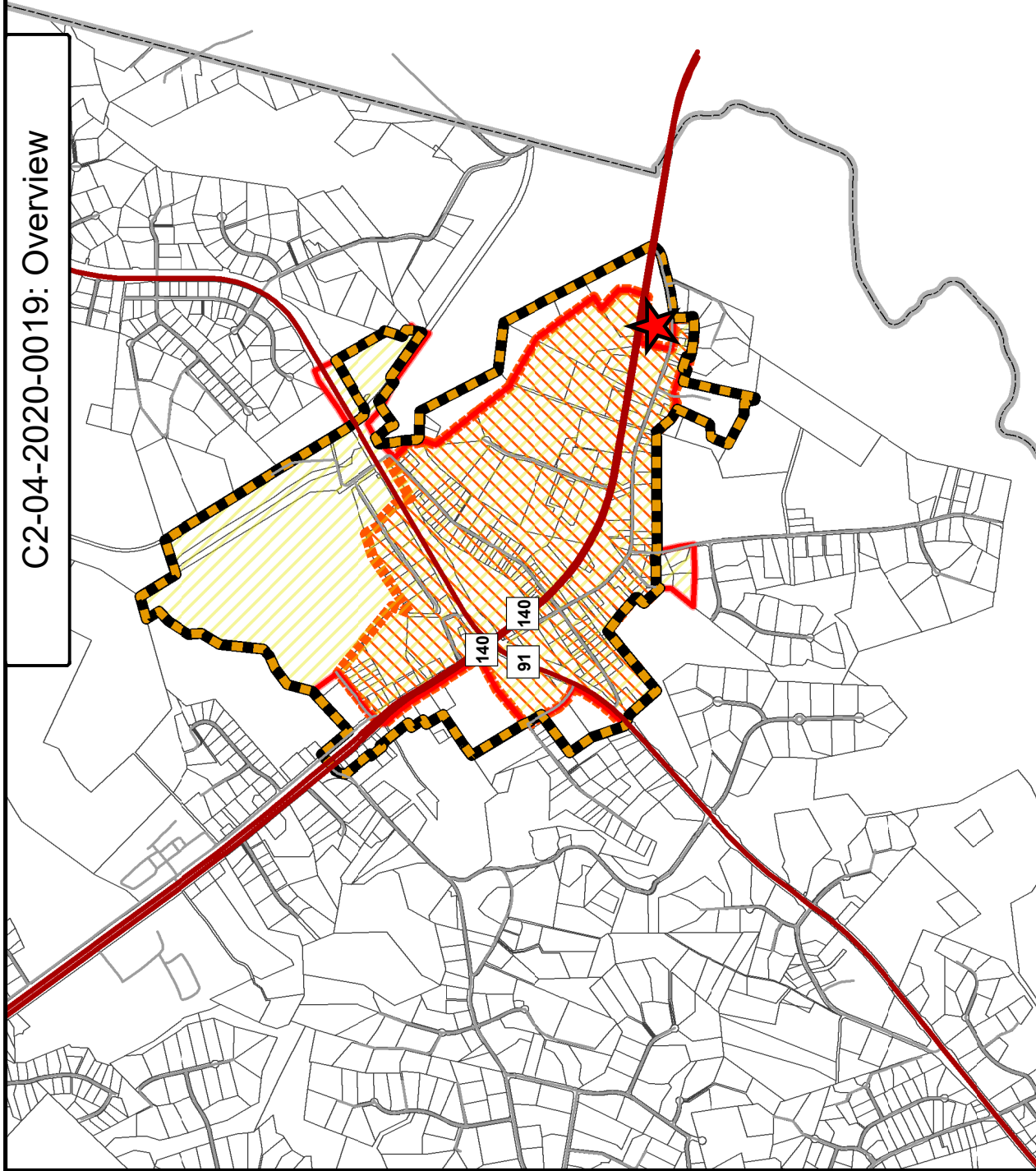
## COMMERCIAL, INDUSTRIAL & EMPLOYMENT CAMPUS DISTRICTS

C2-04-2020-0019



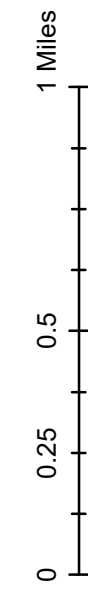


# C2-04-2020-0019: Overview



## Legend

-  C2-04-2020-0019
-  Major Roads
-  Roads
-  County Border
-  Growth Area
-  Priority Funding Areas
-  Finksburg Sustainable Community
-  Property Data










C2-04-2020-0019: Aerial

**Legend**

 C2-04-2020-0019

 Roads

 Property Data

 Priority Funding Areas

 Growth Area





# Carroll County Department of Planning

## Comprehensive Zoning Assessment Report

### 1. Request

Request #: C2-04-2020-0019Applicant Name: JEMS Investment LLCProperty Address: Old Westminster Pike, Finksburg, MD 21048 (Parcel 1050)Current Zoning: "C" ConservationRequested Zoning: "C-2" Commercial Medium

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### 2. Description of Property

Property Address: Old Westminster Pike, Finksburg, MD 21048Commissioner District: 2Account ID: 07-04-001974Parcel: 1050Map: 0059Total Acreage of Parcel: 7.8 acresArea to be Rezoned: 7.8 acresCurrent Use (SDAT): ResidentialImproved or Unimproved: UnimprovedCurrent Zoning: "C" ConservationRequested Zoning: "C-2" Commercial Medium

### 3. Land Use and Zoning Considerations

Existing Land Uses:

No improvements on the property.

Land Use Plan  
Designation:<sup>1</sup>

Conservation, 2013 Finksburg Corridor Plan (2013 FCP)

#### Zoning History Summary

This property has been zoned Conservation since 1965. A request for rezoning to the "B-G" Business-General District was denied in 1968 based on protection of the Liberty Reservoir and environmental constraints to development.

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<sup>1</sup> 2013 Finksburg Corridor Plan.

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

	<u>Zoning</u>	<u>Land Use</u>
North	“C” Conservation “C-2” Commercial Medium “I-1” Industrial Light	2013 FCP: Commercial, Conservation
South	“R-10,000” Residential “C” Conservation	2013 FCP: Suburban Residential 2014 Carroll County Master Plan (2014 CCMP): Resource Conservation, Reservoir
East	“C” Conservation	2014 CCMP: Reservoir
West	“C-2” Commercial Medium	2013 FCP: Commercial

#### 4. Consistency with Master and Functional Plans:

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

The requested “C-2” Commercial Medium zoning is inconsistent with the future land use designation of Conservation in the 2013 FCP. This property is inside the Finksburg designated growth area and immediately outside the state designated priority funding area and designated sustainable community.

##### B. Applicable Master Plan Goals and Objectives

This request is contrary to the following goals and recommended actions as articulated in the 2013 FCP:

###### Goals

- To recognize and respond to the essential need to protect water quality in the Liberty Reservoir and its tributaries
- To create development that limits adverse environmental impacts
- To encourage redevelopment as a way to promote new small-scale business, office and retail activity within the corridor

###### Recommended Actions

- Where possible, implement the 2005 Action Strategy for the Reservoir Watersheds through compatible land use designations
  - Section 3.6 Land-Use Planning and Zoning contains the following strategies:
    - (3) Baltimore and Carroll Counties will maintain the current extent of conservation and agricultural zoning in the reservoir watersheds, insofar as possible.
    - (4) Baltimore and Carroll Counties will protect the reservoir watersheds by limiting insofar as possible additional urban development zoning within the reservoir watersheds.

Note: The 2005 Reservoir Watershed Management Agreement has the fundamental goal of ensuring that the three reservoirs and their respective watersheds will continue to serve as sources of high-quality raw water for the Baltimore metropolitan water-supply system. Other goals address future loadings to the reservoirs of phosphorus, sediment, bacteria, sodium and chlorides; reducing the risk of contamination by hazardous materials; and promoting beneficial patterns of land use in the three watersheds. The Action Strategy for the Region's Watersheds was created to further the goals of the 2005 Agreement.

C. Water Service Area and Service lines in proximity (see map)

W-7 No Planned Water Service

D. Sewer Service Area and Service lines in proximity (see map)

S-7 No Planned Sewer Service

## 5. Environmental Constraints

Roughly 58% of the property is identified as forested, and the southwest portion of the property is the only area not predominantly covered by steep slopes >25%. A stream from the Liberty Reservoir enters the property from east, extends to the west through the center of the property and terminates roughly 150 feet from the property line. According to the United States Geological Survey the abandoned Patapsco Mine is located on this property.

## 6. Historic Resources Identified

No historic sites were identified on the property. One historic district and six historic sites were identified within a ½ mile radius.

## 7. Public Safety Assessment

EMS is adequate; there are no deficiencies at the time of this assessment. Fire is adequate for Late and Failed and is approaching inadequate for Response Time.

## 8. Ag Preservation and Applicable Preservation Area

None

## 9. Assessment Summary

Given the site's proximity to the Liberty Reservoir, many environmental constraints and inconsistency with the 2013 FCP, it is not appropriate to allow commercial medium uses on this property. The request poses significant, adverse effects to the Liberty Reservoir. Furthermore, this property was not identified as a property with a future land use change in the most recent Finksburg Corridor Plan adopted in 2013. Changing this property's zoning classification would not be consistent with the plan's future land use designation or its goals and recommendations for the area. The site is within the Finksburg designated growth area yet outside of the state designated priority funding area and designated sustainable community.

## 10. Recommendations

**Department of Planning Recommendation:**

Unfavorable

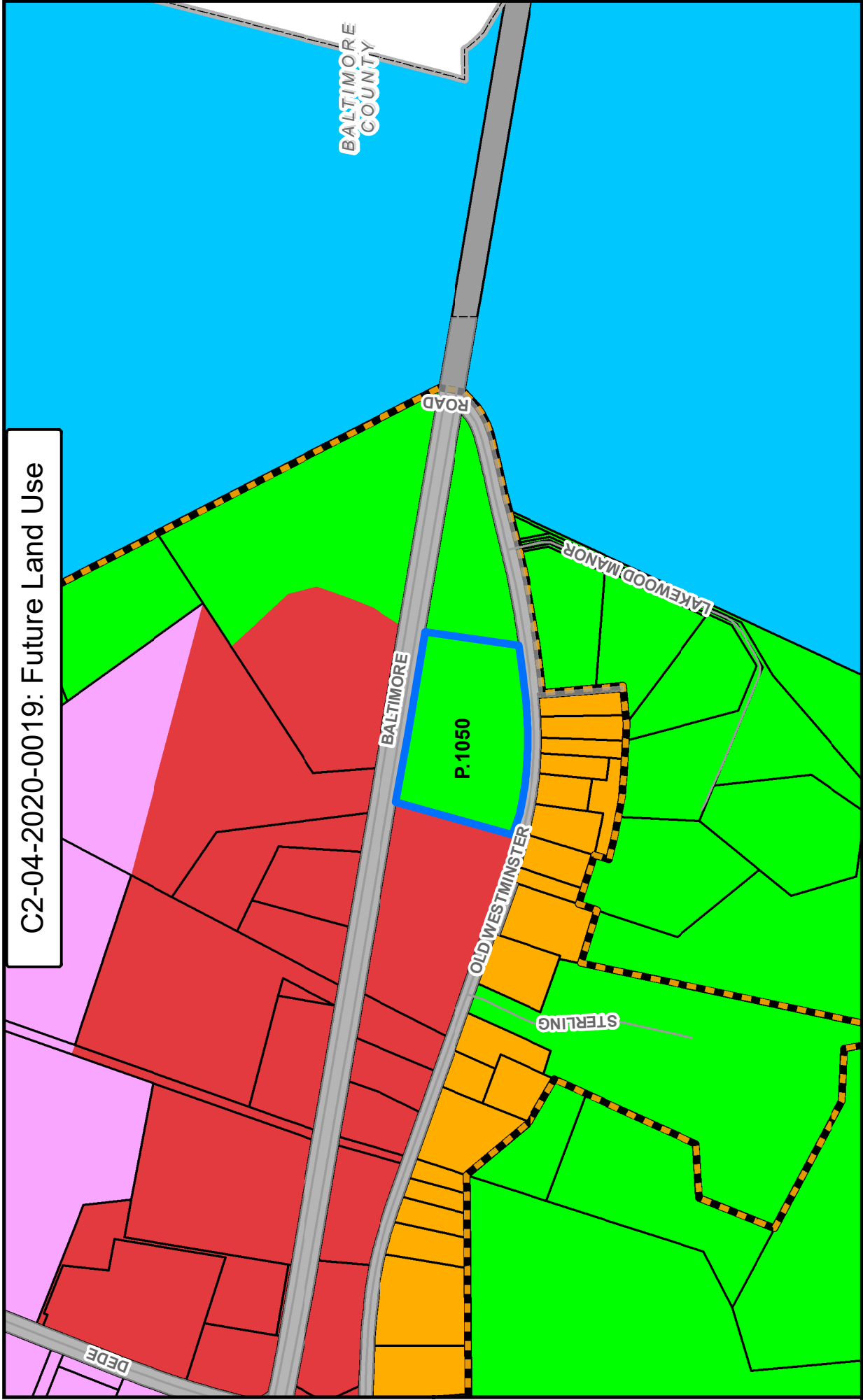
**Planning Commission Recommendation:**

Favorable for C-2 with new boundary (4.5 acres)

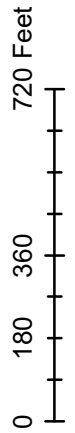
## 11. Appendixes

See attachments for individual assessments.

















C2-04-2020-0019: Future Land Use

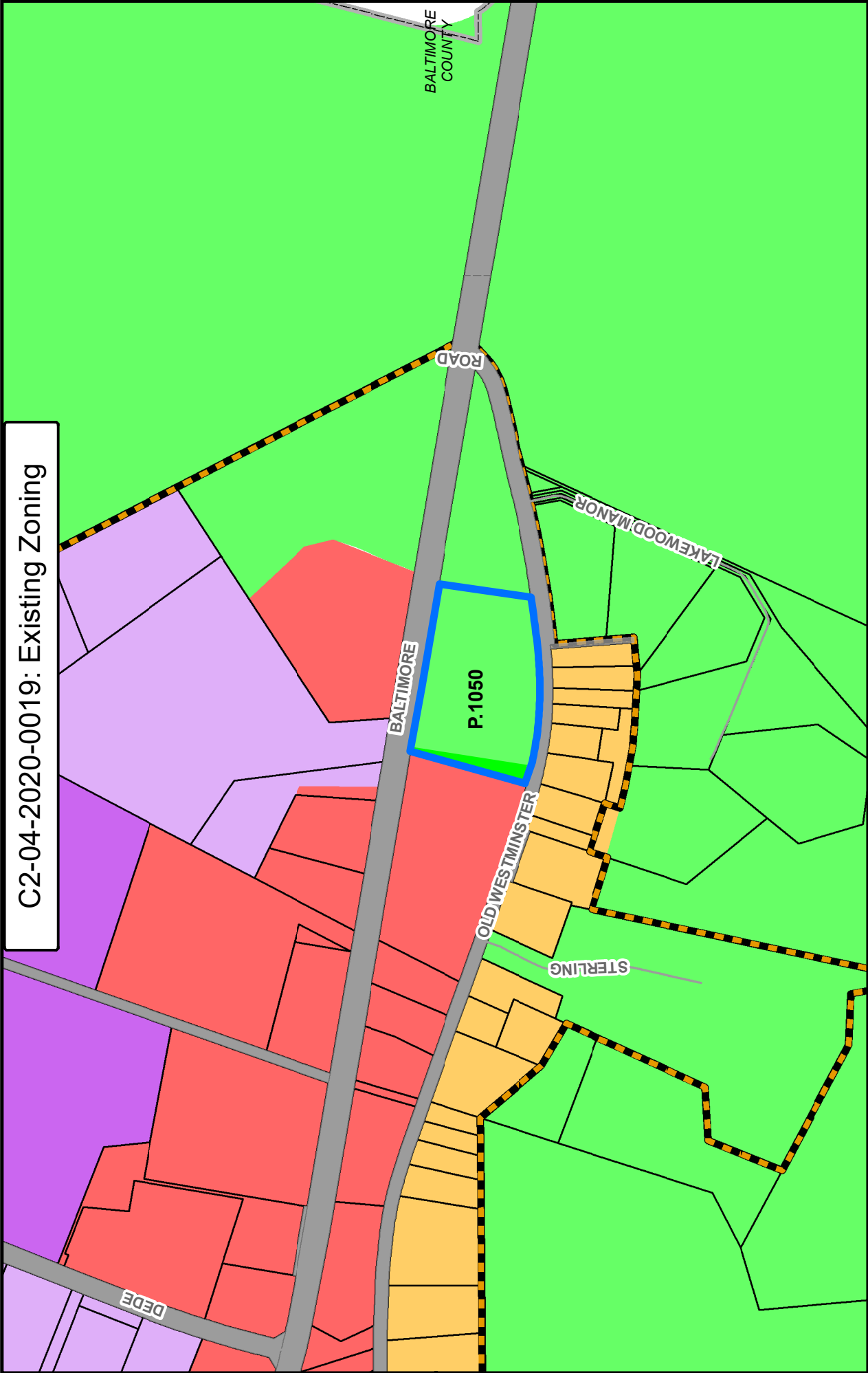


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








**Legend**

- |   |                 |   |                           |   |                        |
|---|-----------------|---|---------------------------|---|------------------------|
|  | C2-04-2020-0019 |  | Finksburg Future Land Use |  | County Future Land Use |
|  | Roads           |  | Suburban Residential      |  | Resource Conservation  |
|  | Growth Area     |  | Commercial                |  | Reservoir              |
|  | County Border   |  | Industrial Restricted     |   | Transportation         |
|  | Property Data   |   | Conservation              |   |                        |

C2-04-2020-0019: Existing Zoning



**Legend**

-  C2-04-2020-0019
  -  Growth Area
  -  County Border
  -  C-2
  -  R-10,000
  -  Conservation
  -  I-1
  -  I-2
  -  Roads
  -  Property Data
- 0 200 400 800 Feet
- Created by the Carroll County  
Department of Planning 10/20 (KC)

## **Zoning History**

Request #: C2-04-2020-0019

Applicant Name: JEMS Investment, LLC

Property Address: Old Westminster Pike, Finksburg, MD 21048 (Parcel 1050)

Current Zoning: “C” Conservation

Requested Zoning: “C-2” Commercial Medium

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Previous Zoning Change Requests (if applicable): Rezoning Case #27

BZA Requests (if applicable): None

Zoning Violations (if applicable):

1. IN-04-0631: finding is no zoning violation
2. ZI-08-0197: tractor trailer parked in County ROW

Comments:

1965 Zoning – Conservation

Rezoning Case #27: Mora A. Bates, submitted 4/26/1968

Request: “C” Conservation to “BG” General Business, 7.8 acres

PC Recommendation to BCC: unfavorable

BCC Decision: Denied on 6/21/1968

Reasons for Denial: protection of the Liberty Reservoir, topography 1800 feet of wooded area, 6% grade, sight distance

## Environmental Issues

Request #: C2-04-2020-0019

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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 type="checkbox"/>            | <input checked="" type="checkbox"/> | Wetlands  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Steep Slopes (>25%)   |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/>            | <input checked="" type="checkbox"/> | Tier II Catchment Area (if yes, Name): _____  |

Comments:

Stream – a branch of the Liberty Reservoir

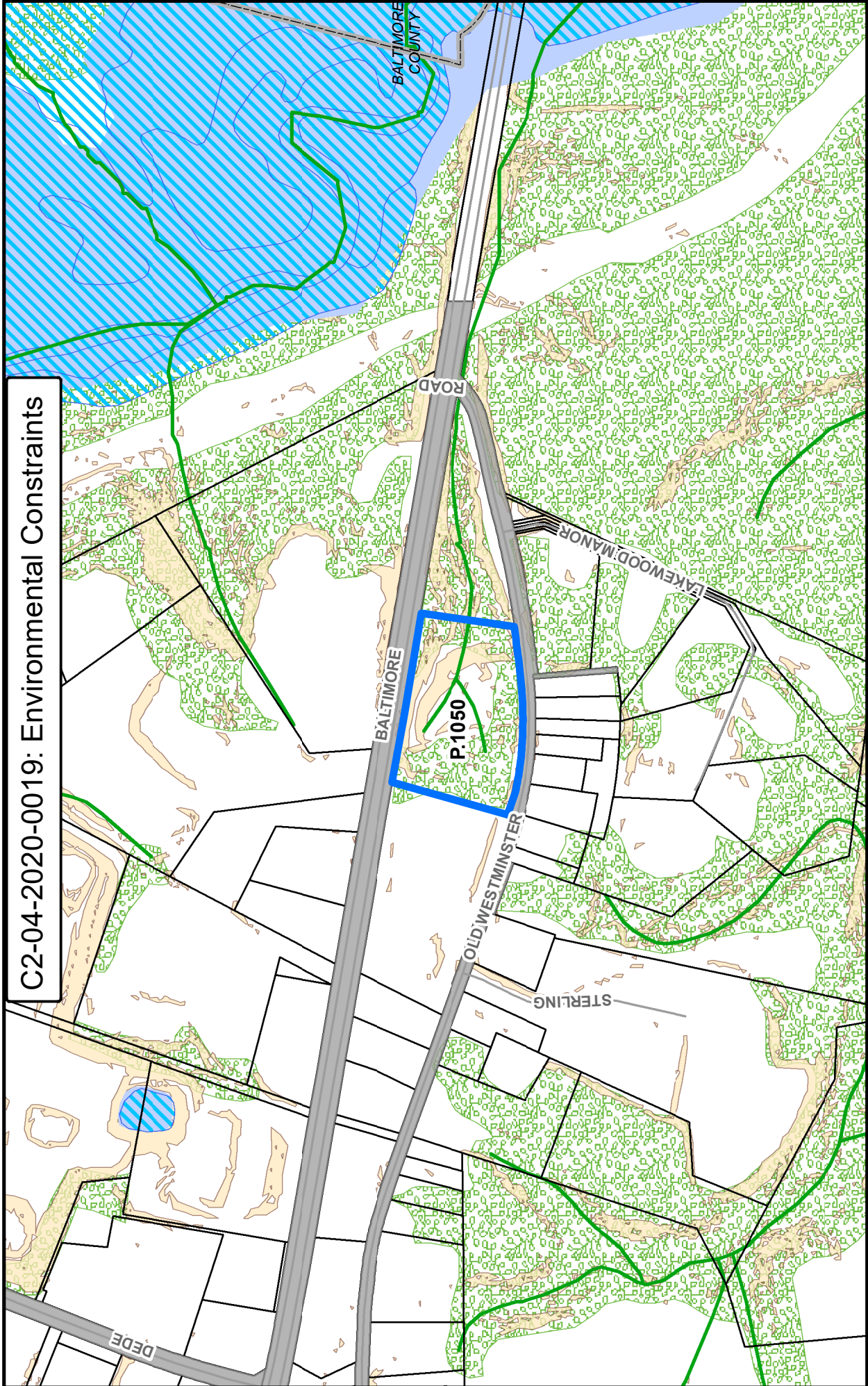
Steep Slopes – southwest portion of the property is the only area not predominantly covered by steep slopes

Forest Cover – 58% of parcel

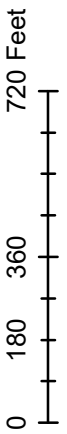
According to the United States Geological Survey the abandoned Patapsco Mine is located on this property.

Notes: See accompanying map with this data. Percentages and numbers are approximate as staff used the latest data from PUB to calculate the area of environmental issues.





C2-04-2020-0019: Environmental Constraints



Created by the Carroll County  
Department of Planning 10/20 (KC)

**Legend**

- C2-04-2020-0019
- County Border
- Steep Slopes Lidar (25% or greater)
- Roads
- Property Data
- Forest Cover
- Streams
- Wetlands
- Ponds - Reservoirs

## Historic Preservation

Request #: C2-04-2020-0019

Applicant Name: JEMS Investment, LLC

Property Address: Old Westminster Pike, Finksburg, MD 21048 (Parcel 1050)

Current Zoning: “C” Conservation

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Historic Inventory Number On-Site: None

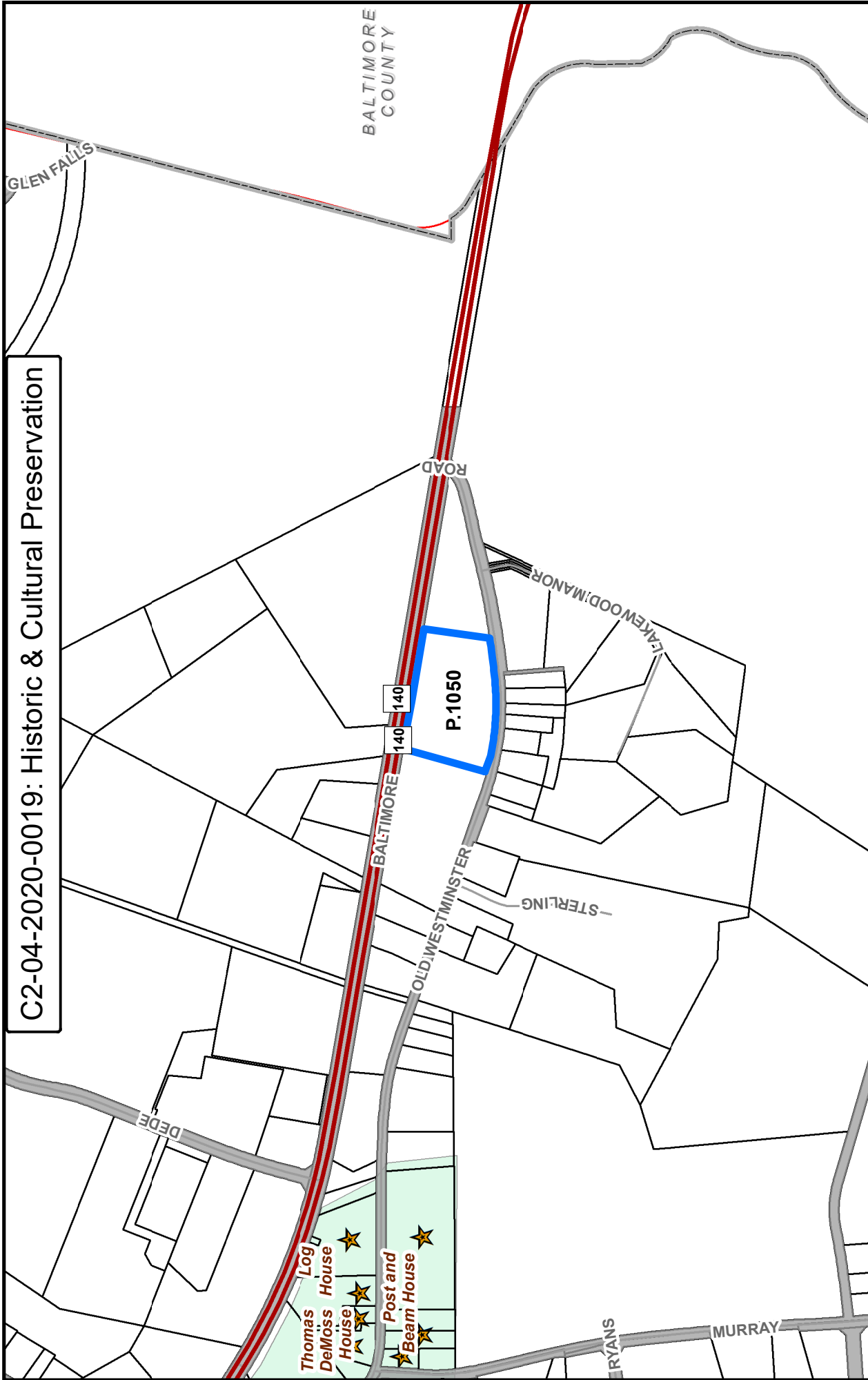
Historic Feature within a ½ mile radius: Several

Comments:







Within a ½ mile radius there are seven historic features:

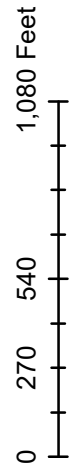
- CARR-987 Finksburg Survey District
- CARR-1005 Chesney House
- CARR-1006 Log House
- CARR-1007 Post and Beam House
- CARR-1008 Thomas DeMoss House
- CARR-1009 I.N.Dickson Log House
- CARR-1010 Kehoe Log House

Notes: Please see accompanying map with these historic features



### Legend

-  C2-04-2020-0019
-  Historic Sites
-  Major Roads
-  Roads
-  County Border
-  Property Data
-  Historic District



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## Fire and EMS Assessment

Request #: C2-04-2020-0019

Applicant Name: JEMS Investment, LLC

Property Address: Old Westminster Pike, Finksburg, MD 21048 (Parcel 1050)

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Districts:

Fire: Reese (2/1/18-1/31/20)

EMS: Central/Reese (2/1/18-1/31/20)

Late and Failed: Adequate (14.13%)

Late and Failed: Adequate (0.24%)

Failed: Adequate (1.09%)

Failed: Adequate (0.12%)

RT: Approaching Inadequate (9 min. 05 sec.)

RT: 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



## Transportation

Request #: C2-04-2020-0019

Applicant Name: JEMS Investment, LLC

Property Address: Old Westminster Pike, Finksburg, MD 21048 (Parcel 1050)

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Frontage Road:

- Old Westminster Pike
- MD 140

Most Recent ADT or AADT of Frontage Road:

- Old Westminster Pike, Southwest of MD 140, ADT of 840 in 2011, and East of MD 879 (Old Gamber Rd), ADT of 1515 in 2011.
- MD 140, from Old Westminster Pike to MD 91, AADT of 39,910

LOS at the Nearest Intersection or Frontage Road:

- 8:00 AM to 9:00 AM
  - MD 140 West – Uncongested (LOS A, B, C)
  - MD 140 East – Heavy Congestion (LOS E, F)
- 5:00 PM to 6:00 PM
  - MD 140 West – Moderate to Heavy Congestion (LOS D, E, F)
  - MD 140 East – Uncongested (LOS A, B, C)

Functional Classification of Frontage Road:

- Old Westminster Pike – Urban Minor Collector (5U)
- MD 140 – Urban Principal Arterial Other (2U)

Planned Capital Improvements of Adjacent Road(s):

- Old Westminster Pike Upgrades
  - Source: 2013 Finksburg Corridor Plan, 2014 Carroll County Master Plan as amended 2019
- MD 140 Divide Highway Reconstruct (includes access controls and interchange at MD 91), from Baltimore County line to Kays Mill Road
  - Source: HNI, 2014 Carroll County Master Plan as amended 2019

Planned Major Streets on-site or in proximity: None

<u>Yes</u>	<u>No</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Sidewalk
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Trail
<input type="checkbox"/>	<input checked="" type="checkbox"/>	TrailBlazer Route or Stop

Comments:

## School Assessment

Request #: C2-04-2020-0019

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Current Zoning: “C” Conservation

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Districts:

Elementary: Sandymount      Current Utilization Rate: 86%      Adequacy: Adequate

Middle: Shiloh      Current Utilization Rate: 81%      Adequacy: Adequate

High: Westminster      Current Utilization Rate: 84%      Adequacy: Adequate

Adequacy Rates for Projected Enrollment based on the 2019-2028 EFMP:

School	Inadequate	Approaching Inadequate	Adequate
Elementary	<= 120% SRC	110-119% SRC	>110% SRC
Middle	<= 120% FC	110-119% FC	>110% FCC
High	<= 120% SRC	110-119% SRC	>110% SRC

Notes: Not applicable to Industrial