

# BY-REQUEST COMPREHENSIVE REZONING

## RESIDENTIAL DISTRICTS

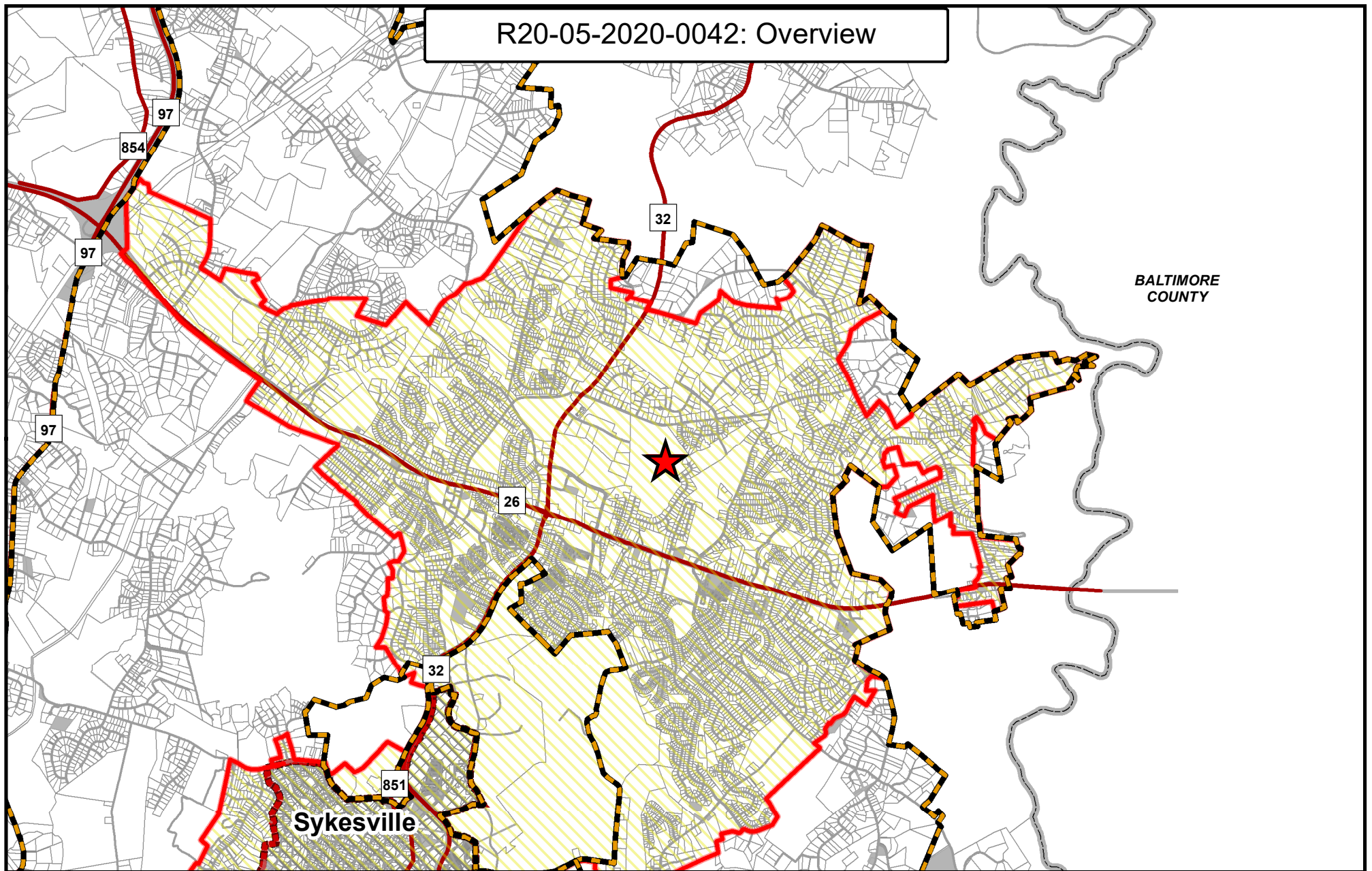
R20-05-2020-0042

Revised 12/03/2020





# R20-05-2020-0042: Overview



## Legend

- ★ R20-05-2020-0042
- Major Roads
- Roads
- County Border
- Priority Funding Areas
- Growth Area
- Corporate Limits
- Property Data

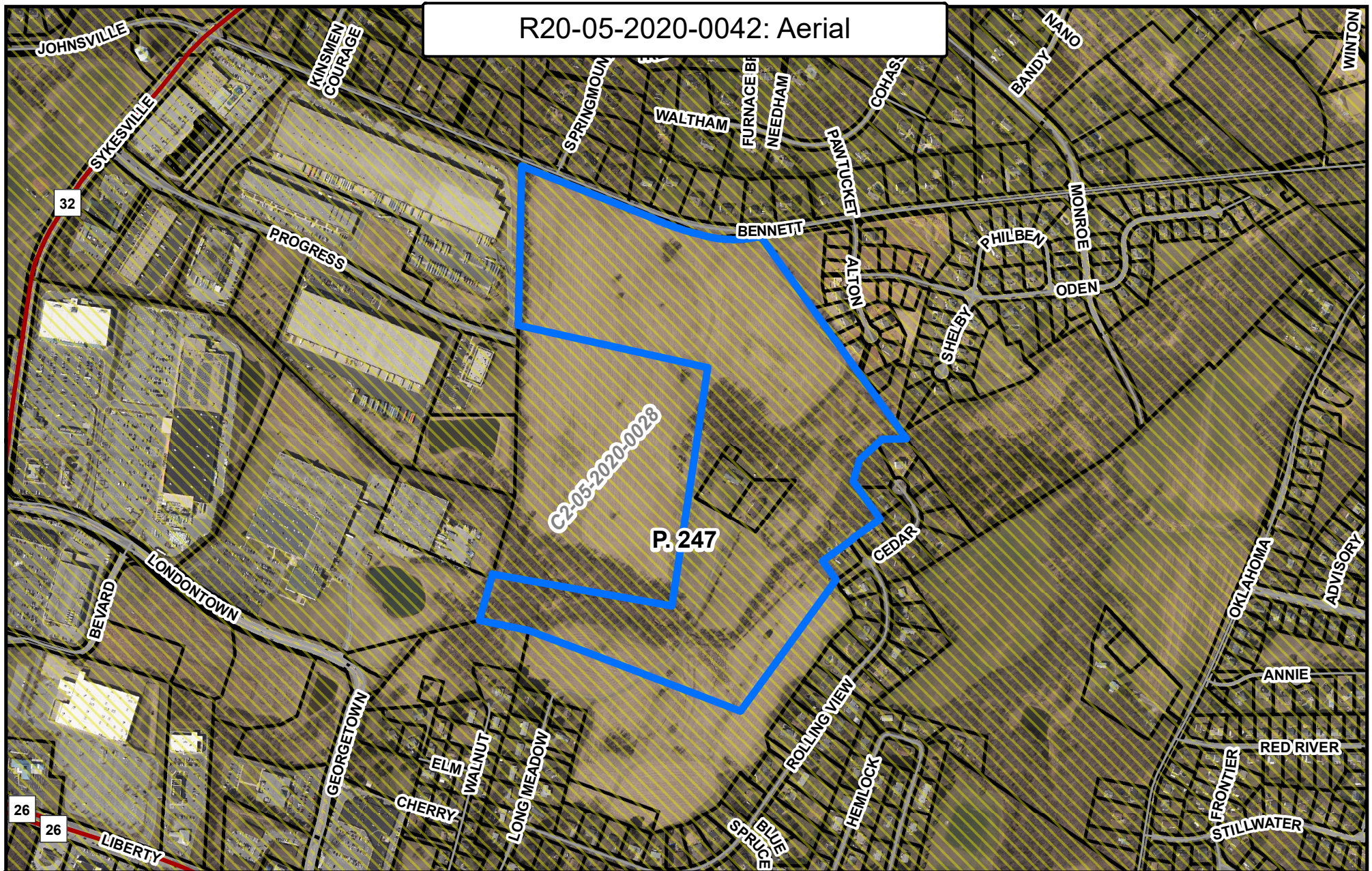
0 0.5 1 2 Miles

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# R20-05-2020-0042: Aerial



## Legend

-  R20-05-2020-0042
-  Priority Funding Areas
-  Major Roads
-  Property Data
-  Roads

0 445 890 1,780 Feet

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





# Carroll County Department of Planning

## Comprehensive Zoning Assessment Report

### 1. Request

Request #: **R20-05-2020-0042**      Applicant Name: **Long Meadow Farm, LLC., Beaty**  
Property Address: **1701 Bennett Road, Sykesville, MD 21784**  
Current Zoning: **I-1/Cons.**      Requested Zoning: **R-20,000**

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### 2. Description of Property

Property Address: **1701 Bennett Road, Sykesville, MD 21784**  
Commissioner District: **05**      Account ID: **0705001927, 0705001919, 0705001900, 0705004578**  
Parcel: **247, 245, 246, 30**      Map: **73**  
Total Acreage of Parcel: **119 acres**      Area to be Rezoned: **69 acres**  
Current Use (SDAT): **Agriculture & Residential**      Improved or Unimproved: **Improved**  
Current Zoning: **I-1 (52ac.)/Conservation (17ac.)**      Requested Zoning: **R-20,000**

### 3. Land Use and Zoning Considerations

Existing  
Land Uses:

Residential, Cemetery and Agricultural

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

Residential-Medium Density and Commercial-High as designated in the 2018 Freedom Community Comprehensive Plan (FCCP).

**Residential-Medium Density** “Areas within the Designated Growth Areas where residential development is the primary land use. Development densities are generally two dwelling units per acre, and single-family detached homes are the use. In cases where clustering is approved, yields shall remain the same. Water and sewer service should be planned to these areas. 55+ Age restricted and retirement communities are permitted providing they do not exceed the height restrictions of the zoning district, and do not exceed a total density of 3.5 units per acre. Planned Unit Developments (PUD) are prohibited.”

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<sup>1</sup> 2018 Freedom Community Comprehensive Plan

### Existing Zoning and Land Use in Adjacent Area:

	Zoning	Land Use
North	R-40,000	Residential
South	R-20,000	Residential
East	R-20,000, Conservation	Residential
West	Industrial Light (I-1)	Distribution center, office buildings (Eldersburg Business Center)

### Zoning History Summary

The original zoning on this property was “R-10,000” in 1965 and remained as such until the Adoption and subsequent implementation of the Freedom Mini Plan in 1977, changing the zoning to “R-20,000”, “C” Conservation and “I” Industrial. The “I-R” Restricted Industrial designation changed to the new “I-1” with the removal of the “I-R” district from County Zoning Code in 2019.

By-Request Application C2-05-2020-0028 is a request to rezone 30 acres of the “I-1” to “C-2” Commercial-Medium Intensity.

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

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

The requested “R-20,000” Residential zoning is consistent with the future land use designation of Residential-Medium Density in the 2018 FCCP. The property is within the Freedom Designated Growth Area (DGA) and Priority Funding Area (PFA).

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

This request is consistent with **Goal 1** of the 2018 FCCP: “Pursue policies that facilitate the implementation of the plan vision, including development in appropriate areas within density limits that respect the overall Vision of the community, where water, sewer, and other infrastructure are projected to be available.”

This request is consistent with **Goal 2** of the 2018 FCCP: “Allow appropriately timed and scaled development which supports, enhances, respects, and reinforces the identity and character of the Freedom CPA.”



This request is consistent with **Goal 3** of the 2018 FCCP: “Approve housing types and densities as permitted under existing land use definitions and zoning. Any increases of residential densities and property types should be limited and should respect the fabric of existing communities.”

Also consistent with the following **Recommendations** from the 2018 FCCP: “...Freedom should remain a place that will accommodate larger homesites...Facilitate residential infill development consistent with the character of adjacent housing in Freedom’s existing established neighborhoods, recognizing the value that many citizens place on larger lot development.” & “Ensure approved commercial and residential development does not outpace the county’s financial ability to provide water and sewer capacity.”

**C. Water Service Area and Service lines in proximity**

Existing Service Area (W-1)

**D. Sewer Service Area Service lines in proximity**

Existing Service Area (S-1)

**E. Ag Preservation and Applicable Preservation Area**

There are no agricultural easements in the vicinity.

**5. Environmental Constraints**

Two wetlands on the property with a stream extending through the property. Forest cover is minimal and sporadic.

**6. Historic Resources Identified**

No historic sites located on the property that are listed in the Maryland Historic Trust. There is one cemetery located in the requested rezoning, Perry Bennett Cemetery (CEM #148) as well as one cemetery located in the vicinity, Dorsey Cemetery (CEM #147). Maryland Historic Trust provided their comments regarding best practices for cemetery preservation. See Historic Preservation Checklist.

## 7. Public Safety Assessment

Fire (Sykesville) and EMS (Southern) districts are both adequate.

## 8. Transportation Assessment

Planned Major Street Georgetown Blvd Extended, connects Georgetown to Progress Way on the West Side of the property. This is a critical connection for this property and future development to MD 26 and MD 32.

MDOT SHA has no comments on the proposed rezoning. MDOT SHA will provide their comments at the time of site plan review.

## 9. School Assessment

Middle and High School is adequate. Freedom District Elementary School is approaching inadequate. The overcrowding of Freedom Elementary is being addressed by the Freedom Area Redistricting Committee. Please find comments from Carroll County Public Schools following the School Assessment.

Though the adequacy rate is approaching inadequate, projects can still be approved: "No project may be approved by the Commission if a public facility or service is inadequate or projected to be inadequate during the current CIP, unless a relief facility is planned to address the inadequacy or the developer provides mitigation acceptable to the county or the Board of County Commissioners has determined that exceptional circumstances exist to allow the approval despite the inadequacy or approaching inadequacy." (Chapter §156.05 {B})

## 10. Assessment Summary

This request is consistent with the 2018 FCCP goals and recommendations. The future land use of Residential-Medium Density as expressed in the plan. Its situation within the Freedom DGA and PFA, and existing water and sewer service make this site and ideal candidate for R-20,000 zoning. The requested residential zoning is consistent with the surrounding zoning, there are large areas of R-20,000 zoning directly to the east and south of the request, and the overall fabric of the community. Planned Major Street Georgetown Blvd Extended will serve as addition access to the site from the west, and MD 26 and 32. Environmental constraints will be addressed at time of site plan review.

CEM #148, Perry Bennett Site, is located on the property to be rezoned. Comments from Maryland Historic Trust have been provided.

The Freedom Elementary School has a utilization rate of 114.7% and is approaching inadequate. A project approval can be granted if a public facility is found to be inadequate or approaching inadequate if, the developer provides mitigation to the facility that is acceptable to the county or the BCC has determined exceptional circumstances. Chapter §156.05(B). The over-capacity of Freedom Elementary is also being addressed by the Freedom Area Redistricting Committee.



**Department of Planning Recommendation:**

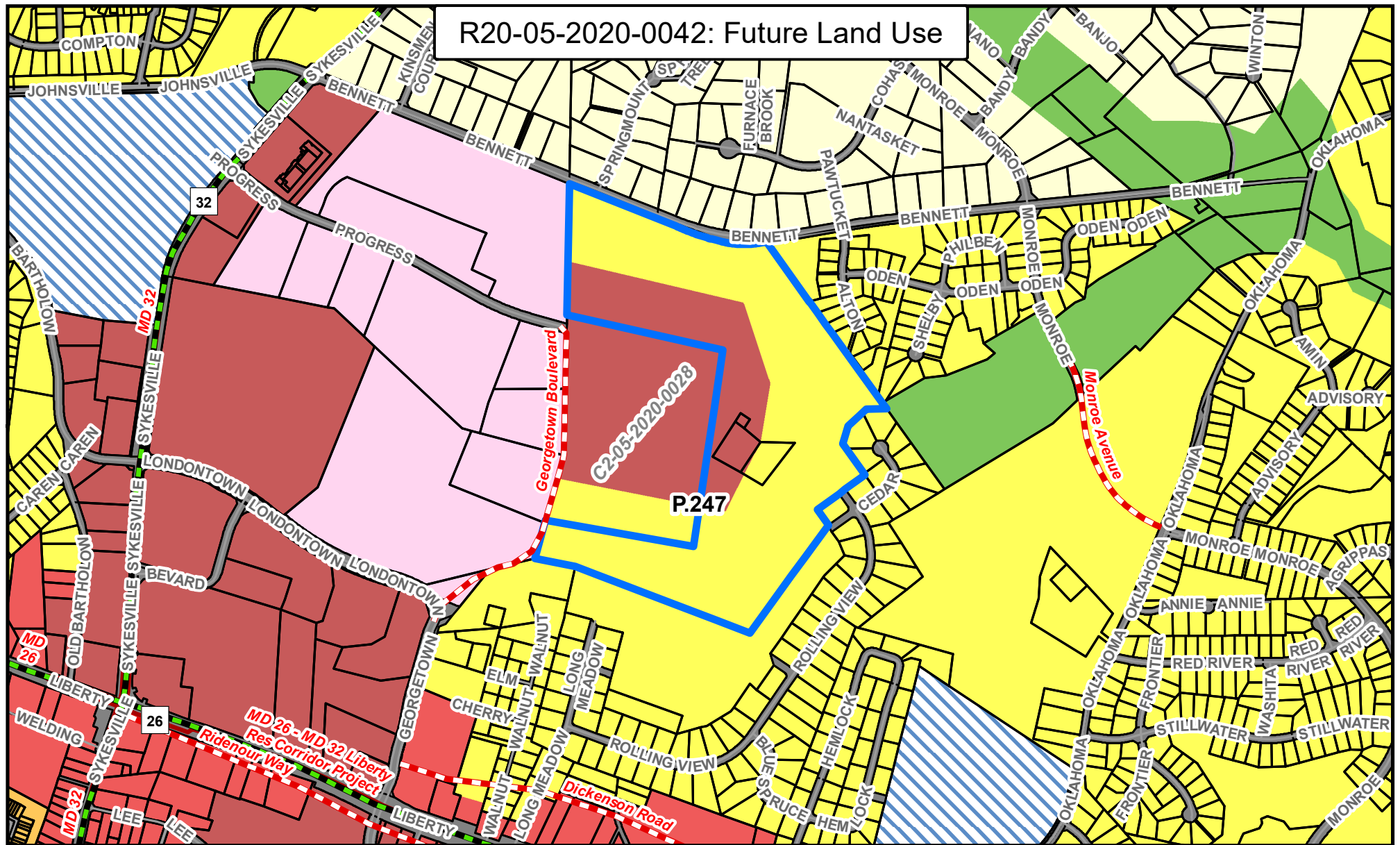
**Favorable**

**Planning Commission Recommendation:**


**Favorable**


**12. Appendixes: See attachments for individual assessments.**


# R20-05-2020-0042: Future Land Use




## Legend


 R20-05-2020-0042


 Property Data

 Major Roads


 Roads


**Planned Major Streets**


 Planned Major Street


 Reconstruction


**Freedom Future Land Use**


 Resource Conservation


 Residential-Low


 Residential-Medium


 Residential-High

 Commercial-Medium

 Commercial-High

 Industrial-Light

 School

 Transportation

0 375 750 1,500 Feet

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## **Zoning History**

Request #: **R20-05-2020-0042**      Applicant Name: **Long Meadow Farm, LLC., Beaty**

Property Address: **1701 Bennett Road, Sykesville, MD 21784**

Current Zoning: **I-1/Cons.**      Requested Zoning: **R-20,000**

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Previous Zoning Change Requests: **n/a**

BZA Requests: **n/a**

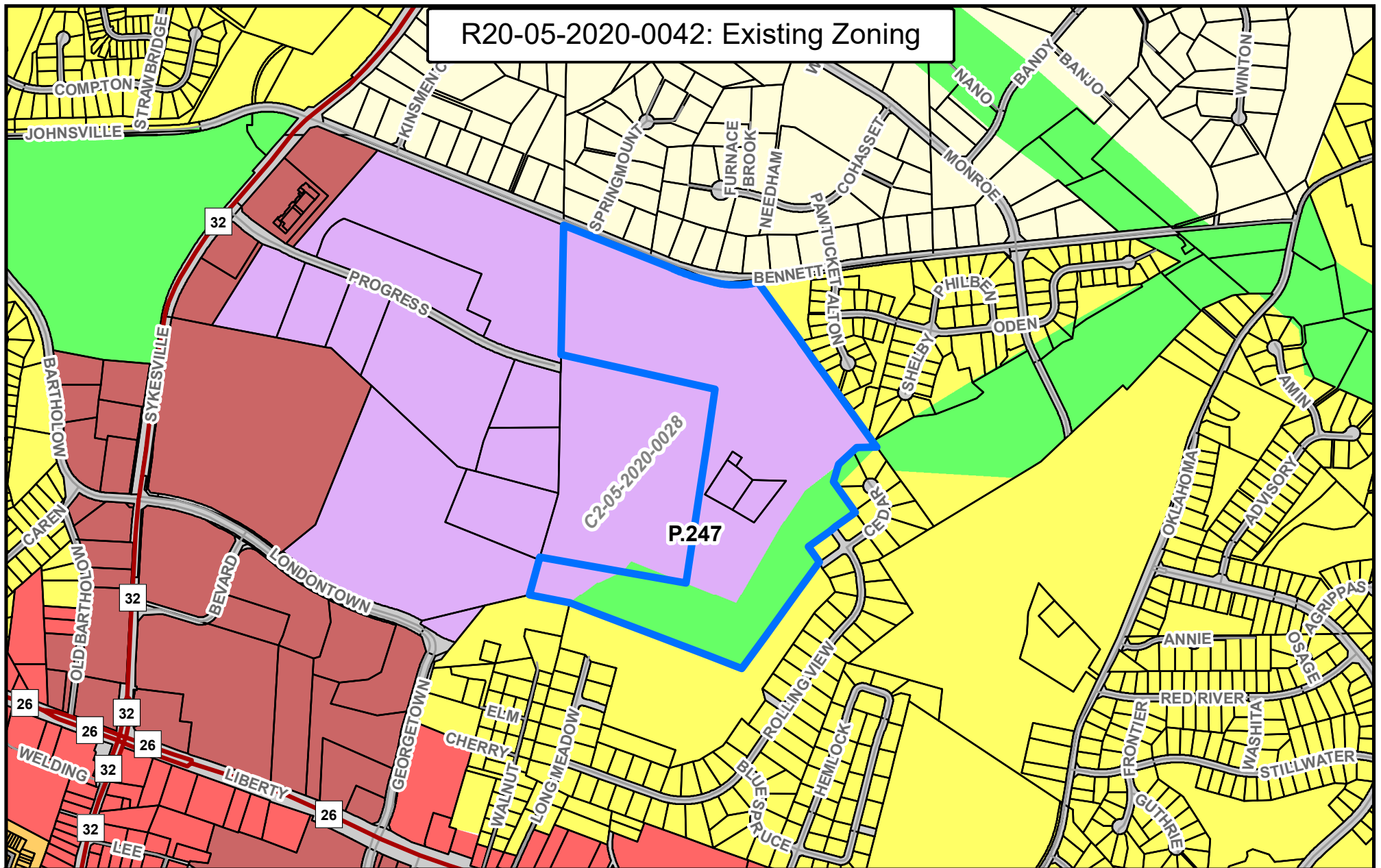
Zoning Violations: **n/a**

### Comments:












The original zoning on this property was "R-10,000" in 1965 and remained as such until the Adoption and subsequent implementation of the Freedom Mini Plan in 1977, changing the zoning to "R-20,000", "C" Conservation and "I" Industrial. The "I-R" Restricted Industrial designation changed to the new "I-1" with the removal of the "I-R" district from County Zoning Code in 2019.

By-Request Application C2-05-2020-0028 is a request to rezone 30 acres of the "I-1" to "C-2" Commercial-Medium Intensity.

# R20-05-2020-0042: Existing Zoning



## Legend

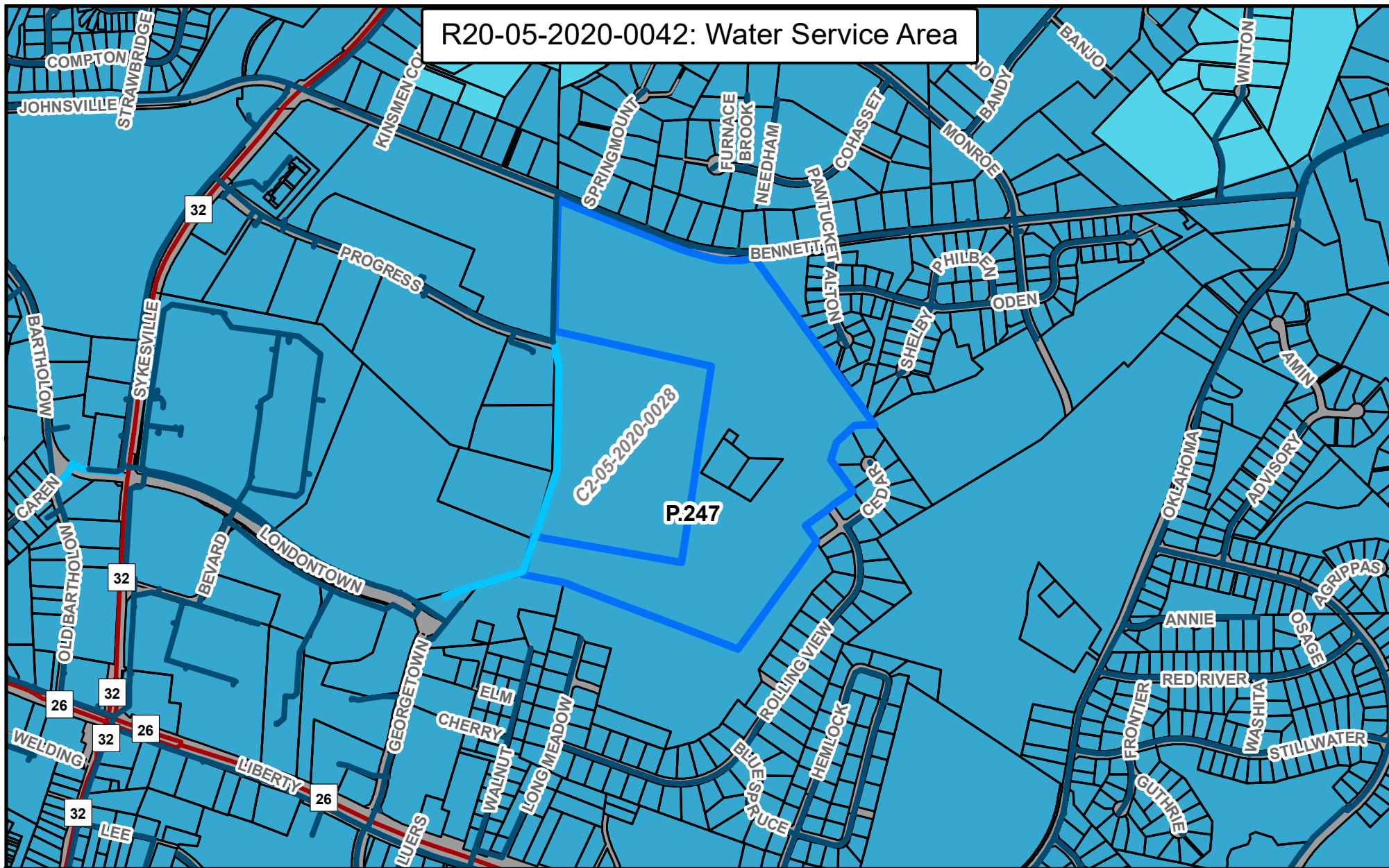
 R20-05-2020-0042	<b>Existing Zoning</b>	 R-10,000
 Major Roads	 Conservation	 C-2
 Roads	 R-40,000	 C-3
 Property Data	 R-20,000	 I-1

0 375 750 1,500 Feet



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# R20-05-2020-0042: Water Service Area



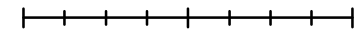
## Legend

- R20-05-2020-0042
- Major Roads
- Property Data
- Roads
- Water Mains
- WaterLines: Non-County Maintained

## Water Service Area

- Existing
- Priority

0 375 750 1,500 Feet

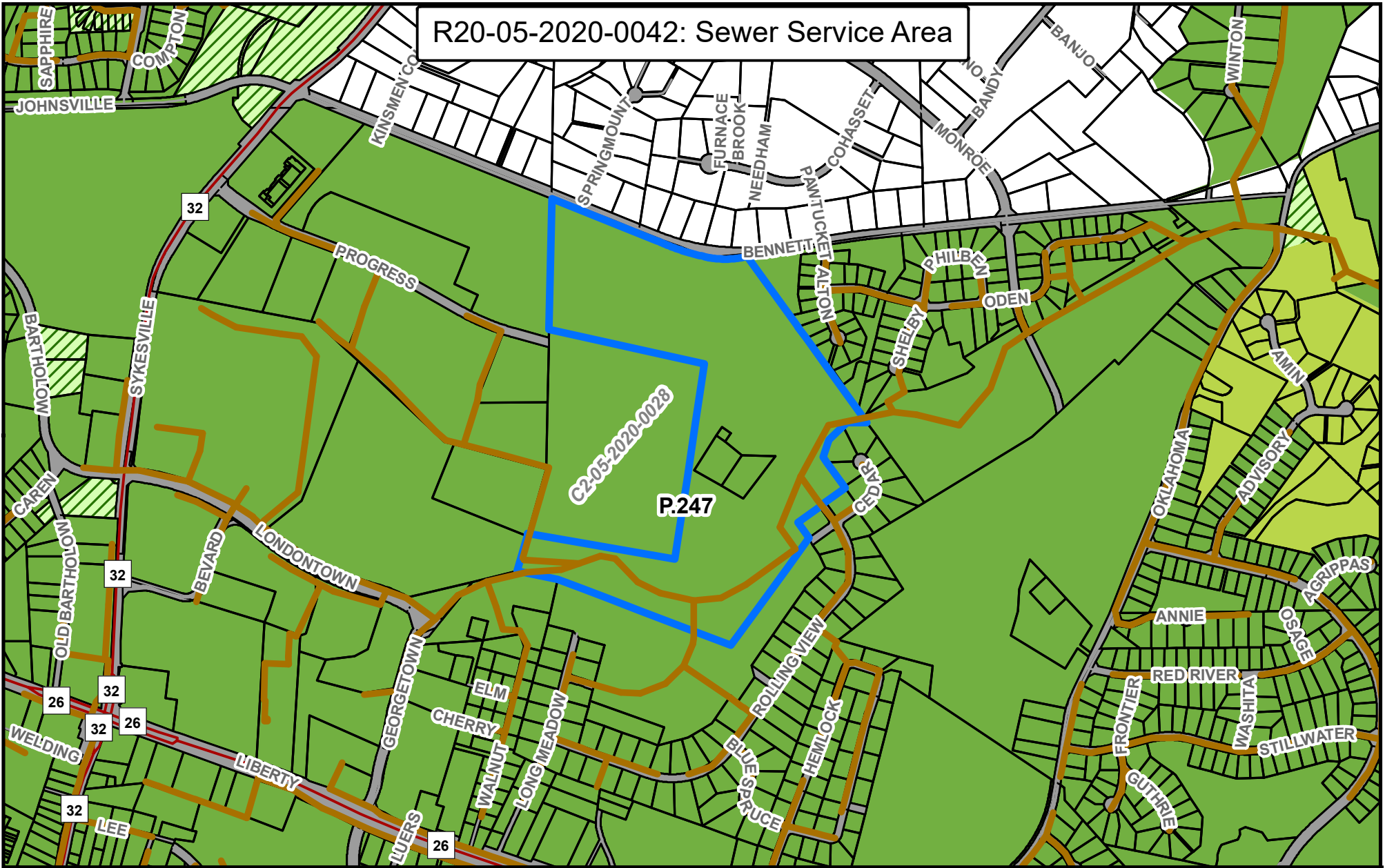


Created by the Carroll County  
Department of Planning 10/20 (kc)





# R20-05-2020-0042: Sewer Service Area



## Legend

- |                      |             |                           |            |
|----------------------|-------------|---------------------------|------------|
| R20-05-2020-0042     | Major Roads | <b>Sewer Service Area</b> | Future     |
| Property Data        | Roads       | Existing                  | Long Range |
| Sewer: Gravity Mains |             | Priority                  |            |

0 375 750 1,500 Feet

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



## Checklist of Environmental Issues

Request #: **R20-05-2020-0042**

Applicant Name: **Long Meadow Farm, LLC., Beaty**

Property Address: **1701 Bennett Road, Sykesville, MD 21784**

Current Zoning: **I-1/Cons.**

Requested Zoning: **R-20,000**

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Watershed: **Liberty Reservoir**

Yes

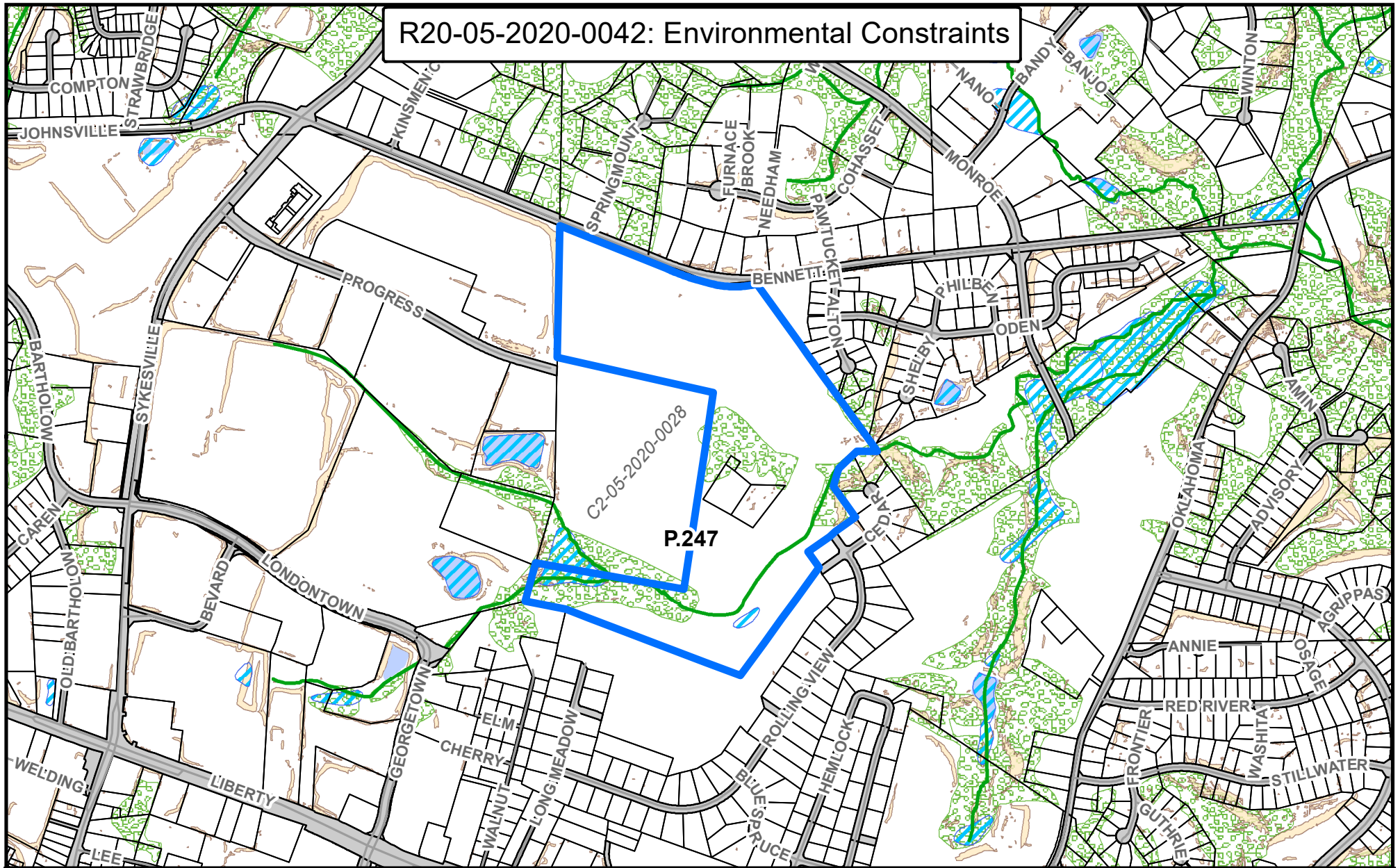
No

- |                                     |                                     |   |
|-------------------------------------|-------------------------------------|---|
| <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 checked="" type="checkbox"/> | <input type="checkbox"/>            | Wetlands  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Steep Slopes (>25%)   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Forest Cover (<25% <input checked="" type="checkbox"/> 25-50% <input 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:

There is one stream that cuts across the property as well as two wetlands on the property.  
Roughly 16% (11 acres) of the property has forest cover.

# R20-05-2020-0042: Environmental Constraints



## Legend

- |                  |                                     |
|------------------|-------------------------------------|
| R20-05-2020-0042 | Wetlands                            |
| Streams          | Ponds - Reservoirs                  |
| Roads            | Steep Slopes Lidar (25% or greater) |
| Property Data    | Forest Cover                        |

0 375 750 1,500 Feet

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## Historic Preservation Checklist

Request #: **R20-05-2020-0042**      Applicant Name: **Long Meadow Farm, LLC., Beaty**

Property Address: **1701 Bennett Road, Sykesville, MD 21784**

Current Zoning: **I-1/Cons.**      Requested Zoning: **R-20,000**

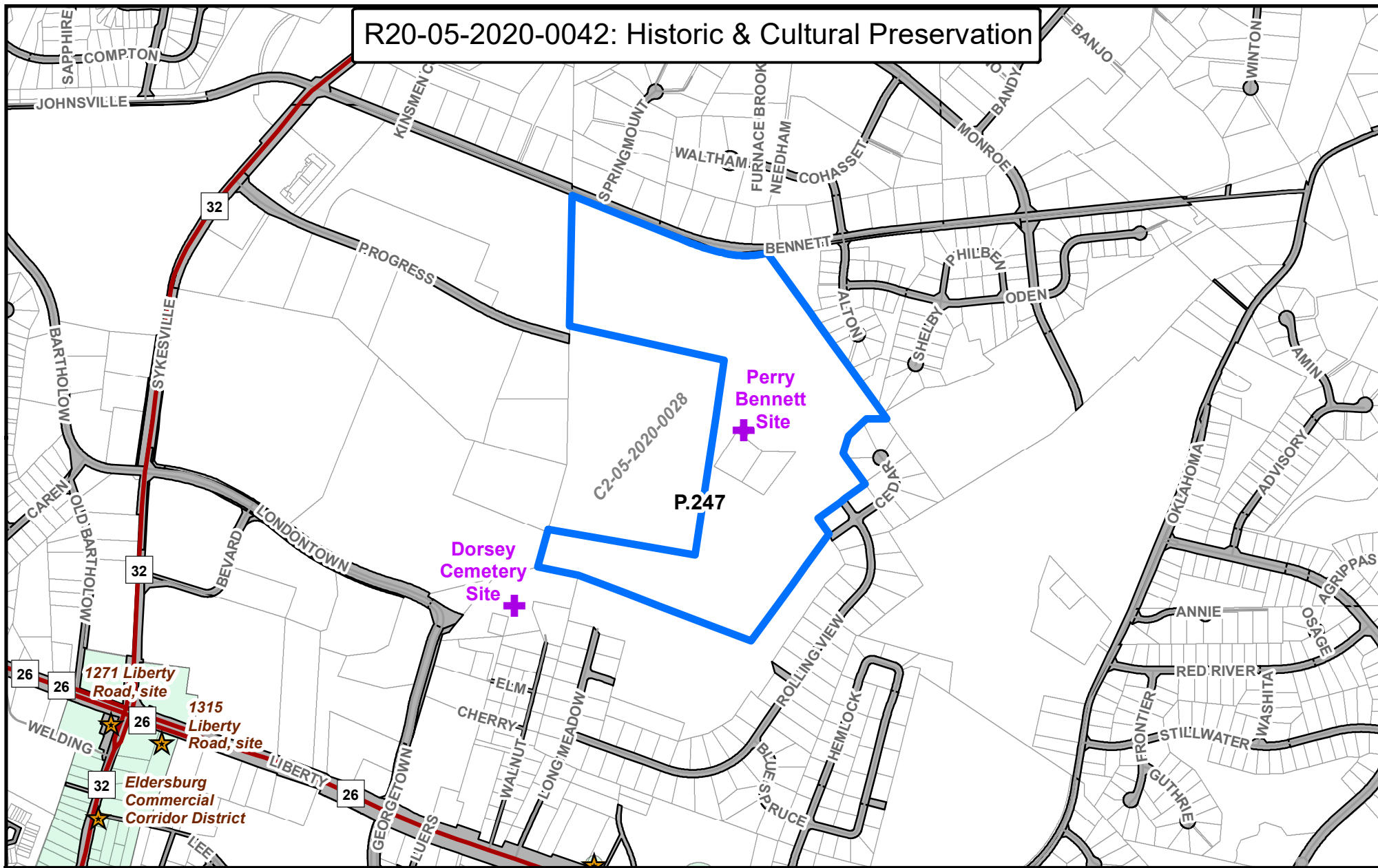
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### Comments:

There is no historic site on or around this property. There is one cemetery located in the requested rezoning, CEM #148, Perry Bennett Site. As well as one cemetery located on a neighboring property to the south of this request, CEM #147, Dorsey Cemetery.

See the following comments from Maryland Historic Trust regarding best practices for cemetery preservation.

# R20-05-2020-0042: Historic & Cultural Preservation



## Legend

- R20-05-2020-0042
- Major Roads
- ★ Historic Site Points
- Roads
- + Cemeteries
- Property Data
- Historic District

0 375 750 1,500 Feet

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





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**Maryland**  
**DEPARTMENT OF PLANNING**  
**MARYLAND HISTORICAL TRUST**

October 13, 2020

Ms. Hannah Weber  
Planning Technician  
Carroll County Department of Planning  
225 North Center Street  
Westminster, MD 21157  
hweber@carrollcountymd.gov

Re: 1701 Bennett Road, Sykesville – Rezoning from I-1/Conservation to Residential

Dear Ms. Weber,

Thank you for your email of September 29, 2020 with its attached request for comments regarding the rezoning of the property located at 1701 Bennett Road in Sykesville from I-1/Conservation to Residential. I understand that the property under consideration includes a cemetery that is identified in your attachment as CEM #148 the Perry Bennett Site. My comments are offered as a courtesy for your information.

Our Maryland Inventory of Historic Places contains no information regarding this cemetery. The Maryland Department of Assessments and Taxation online database indicates that a 1000 square foot parcel (District 5, Account Number 004578, Parcel 30) is a burial lot located within the 118 acre agricultural parcel (District 5, Account Number 001927, Parcel 247) under rezoning consideration. As a potentially landlocked parcel there could be issues of access for this burial site. This potential, along with those of boundary definition, form the basis of my comments.

Without benefit of information regarding the history or current condition of the Perry Bennett Cemetery it is possible to offer only generally accepted best practices for cemetery preservation. These include:

1. Access. The Land Use article of Maryland code (§ 5-102 (d)(1), see attached) provides “that an appropriate easement be provided for any burial site located on the land” to be subdivided. Such an easement should provide for access to the burial site for any person in interest as defined in the Real Property article of Maryland code (§ 14-121 (a)(4)).
2. Protective Buffer. In addition to providing for access to the burial site, an appropriate



easement will include a buffer to any boundary that might be apparent around the burial site, including but not limited to fencing or a wall. Such a buffer is a reasonable precaution given the common occurrence of burials outside the formal boundary, and the common practice of either not marking the graves of those buried outside the formally bounded cemetery space due to their perceived status (e.g. the enslaved, the impoverished, the possessed, or the convicted), or of using impermanent or unmodified natural materials (wood or fieldstone) to mark these outside graves. We recommend a buffer extending 50 feet in all directions from a formal cemetery boundary.

3. Boundary Delineation. In the absence of a clear discernable boundary, or if grave markers are either absent or fewer than would reasonably be expected, a specialist in burial site delineation should be consulted to aid in establishing the spatial extent of the graves. The method or methods employed in such an investigation should be determined by the specialist employed and may include, but should not be limited to, visual examination, probing, stripping the topsoil, or remote sensing (e.g. ground penetrating radar). Once established, a protective buffer should be established extending 50 feet in all directions from the maximum extent of graves.

In addition to these considerations, you may wish to advise the property owner that if future research yields information indicating that the cemetery is more than 50 years old, Maryland Code, Real Property Article §14-121.1 (“Proper treatment of burial site in existence for more than 50 years”) will apply. This provision of law directs that:

“An owner of a burial site or of the land encompassing a burial site that has been in existence for more than 50 years and in which the majority of the persons interred in the burial site have been interred for more than 50 years shall consult with the Director of the Maryland Historical Trust about the proper treatment of markers, human remains, and the environment surrounding the burial site.”

Should you have any questions regarding any of these comments, or if you need additional guidance (for example regarding best practices for use of ground penetrating radar in grave detection), please do not hesitate to Dr. Charles Hall, State Terrestrial Archaeologist, at [Charles.Hall@maryland.gov](mailto:Charles.Hall@maryland.gov) or by phone at 410-697-9552.

Sincerely,

A handwritten signature in cursive script, reading "Elizabeth Hughes". The signature is written in dark ink and is positioned above the printed name and title.

Elizabeth Hughes  
Director  
Maryland Historical Trust

## Public Safety Assessment

Request #: **R20-05-2020-0042**

Applicant Name: **Long Meadow Farm, LLC., Beaty**

Property Address: **1701 Bennett Road, Sykesville, MD 21784**

Current Zoning: **I-1/Cons.**

Requested Zoning: **R-20,000**

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Fire District = **Sykesville**

L & F = **4.43% = Adequate**

No Response = **.40%**

Response Time = **6 min 49 sec = Adequate**

EMS District = **Southern**

L & F = **1.23% = Adequate**

No response = **.04%**

Response Time = **5 min 59 sec = Adequate**

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 Checklist

Request #: **R20-05-2020-0042**

Applicant Name: **Long Meadow Farm, LLC., Beaty**

Property Address: **1701 Bennett Road, Sykesville, MD 21784**

Current Zoning: **I-1/Cons.**

Requested Zoning: **R-20,000**

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Frontage Road: **Bennett Road**

Most Recent ADT of Frontage Road: **3,885**

LOS at the Nearest Intersection of Frontage Road: **Intersection of MD 32/26, LOS D for both AM and PM Peak**

Functional Classification of Frontage Road: **Urban Major Collector**

Capital Improvements of Adjacent Road(s): **MD 32 improvements from MD 26 to Pine Knob Road for an Urban divided highway reconstruct. Also, intersection improvements funded for construction on MD 32 at Johnsville Road and Bennett Road. The project will include left turn lanes to improve safety and relieve congestion.**

Planned Major Streets on-site or in proximity: **Georgetown Blvd Extended, connects Georgetown to Progress Way on the West Side of the property. This is a critical connection for this property and future development to MD 26 and MD 32.**

Sidewalk ☐ Yes ☒ No **Sidewalk will be addressed during the development review process.**

Trails ☐ Yes ☒ No

Trail Blazer Route or Stop ☐ Yes ☒ No **There are several Trail Blazer stops in proximity.**

### Comments:

The site can be accessed from the west via Progress Way and from the south via Long Meadow Drive.

MDOT SHA has no comment on the proposed rezoning. MDOT SHA will provide comments at the time of site plan review.

## School Assessment

Request #: **R20-05-2020-0042**

Applicant Name: **Long Meadow Farm, LLC., Beaty**

Property Address: **1701 Bennett Road, Sykesville, MD 21784**

Current Zoning: **I-1/Cons.**

Requested Zoning: **R-20,000**

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School District	Current Utilization Rate	Adequacy
Freedom District Elementary	114.7%	Approaching Inadequate
Oklahoma Road Middle	87.4%	Adequate
Liberty High	91.7%	Adequate

Adequacy Rates for Projected Enrollment based on the 2020-2021 Enrollment Projections

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

\*utilization rates taken from Enrollment Actual of 2019





# Carroll County Public Schools

125 N. Court Street | Westminster, MD 21157

410-751-3000  
410-751-3034 TTY  
410-751-3003 FAX

Steven Lockard, Ph.D.  
*Superintendent*

October 20, 2020

Hannah Weber  
Carroll County Department of Planning  
225 North Center Street  
Westminster, MD 21157

RE: Comprehensive Rezoning, Residential By-Requests

Dear Ms. Weber,

After reviewing the rezoning requests included in your September 29, 2020 memo and the Carroll County Public Schools 2020 to 2029 Enrollment Projections, it is possible that the proposed rezoning's could add to the projected overcrowding in the southeast area of the county.

Please see the attached chart showing the current, projected 5-year, and projected 10-year utilization rates for the schools which would serve the three properties.

R20-05-2020-0040						
School District	2019 Utilization	APFO Status	2024 Utilization	APFO Status	2029 Utilization	APFO Status
Carrolltowne ES	98.0%	Adequate	115.1%	Approaching Inadequate	116.0%	Approaching Inadequate
Oklahoma Road MS	87.4%	Adequate	108.9%	Adequate	120.9%	Inadequate
Liberty HS	91.7%	Adequate	85.1%	Adequate	107.3%	Adequate

R20-05-2020-0041						
School District	2019 Utilization	APFO Status	2024 Utilization	APFO Status	2029 Utilization	APFO Status
Carrolltowne ES	98.0%	Adequate	115.1%	Approaching Inadequate	116.0%	Approaching Inadequate
Oklahoma Road MS	87.4%	Adequate	108.9%	Adequate	120.9%	Inadequate
Liberty HS	91.7%	Adequate	85.1%	Adequate	107.3%	Adequate

R20-05-2020-0042						
School District	2019 Utilization	APFO Status	2024 Utilization	APFO Status	2029 Utilization	APFO Status
Freedom ES	114.7%	Approaching Inadequate	132.9%	Inadequate	132.9%	Inadequate
Oklahoma Road MS	87.4%	Adequate	108.9%	Adequate	120.9%	Inadequate
Liberty HS	91.7%	Adequate	85.1%	Adequate	107.3%	Adequate

Based on the current overcrowding that already exists at Freedom Elementary, the Board of Education has appointed a Freedom Area Redistricting Committee to explore redistricting

options in the Southeast Area to alleviate the existing overcrowding at Freedom Elementary. However, these redistricting options alone may not be enough to alleviate the projected future overcrowding at others elementary and middle schools in the region. This projected future overcrowding could require the County to construct additional school capacity in the southeast region of the county to alleviate the problem.

Please feel free to contact me at 410-386-1817 with any questions regarding my comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'William Caine', with a stylized flourish at the end.

William Caine  
Facilities Planner

cc: Raymond Prokop, Director of Facilities Management