ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014

Shaded Area For Office Use Only

Received JUN - 2015 Harford County Council

Case No. 183

Date Filed 6/2/15

Hearing Date

Pre-Conf.

Receipt

Fee 800.00

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.

2. The burden of proof in any rezoning case shall be upon the Petitioner.

3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.

4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.

5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name Box Hill South Commercial, LLC Phone Number Call Attorney

Address 2700 Philadelphia Road, Edgewood, MD 21040
Street Number *Street* *State* *Zip Code*

Property Owner _____ Phone Number _____

Address _____
Street Number *Street* *State* *Zip Code*

Contract Purchaser _____ Phone Number _____

Address _____
Street Number *Street* *State* *Zip Code*

Land Description

Address and Location of Property (with nearest intersecting road) 3305 Emmorton Road, Abingdon, MD 21009

Subdivision 0000 Lot Number N/A Acreage/Lot Size 1.63 acres Election District 01

Existing Zoning R2 Proposed Zoning B-3 Acreage to be Rezoned 1.63 acres

Tax Map No. 0061 Grid No. 0001F Parcel 0387 Deed Reference 11033/139

Critical Area Designation N/A Land Use Plan Designation Medium Intensity

Present Use and ALL improvements: Vacant

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development. Example: Conventional, Conventional with Open Space, Planned Residential Development) Commercial/Retail/Servic

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

No If yes, describe:

Estimated Time Requested to Present Case: 2 hours (combined w/Map 61, Parcels 359, 386 and 652)

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the

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REQUEST

Reclassification of property identified as Map 61 Parcel 387 from R2 to B-3.

JUSTIFICATION

In order to justify a piecemeal rezoning, the Applicant is obligated to prove that there was a change in the character of the neighborhood of the subject property since the last Comprehensive Zoning. Alternatively, the Applicant may prove that there was a mistake made in the prior Comprehensive Zoning which would justify the rezoning to the requested classification.

The neighborhood of the subject property, for zoning purposes is attached hereto. There has been a substantial change in the character of the neighborhood since the 2009 Comprehensive Zoning. The area to the south and east of the property that is the subject of this application is shown on the Master Land Use Plan as "Industrial/Employment." This area was originally conceived as a business park with a hotel. Subsequently, Wegmans grocery store anchored the commercial development, which, although permitted in the CI zone, was not contemplated in the original plan which was considered by the County Council in 2009. Furthermore, an Integrated Community

existing YMCA by virtue of mixed use approvals which were not allowed by Harford County until December of 2008. The application for the apartment complex occurred in 2013, after the 2009 Comprehensive Zoning.

All of these changes solidified the reality that the Route 924 corridor in the vicinity of the subject property is a high intensity, commercial area. Clearly, these changes justify the rezoning of the subject property to B-3.

It was likewise, a mistake for the County Council to zone and parcel 387 R-2 in the 2009 Comprehensive Zoning. The property owners sought rezoning in both the 2005 Comprehensive Zoning (which was ultimately vetoed by the County Executive). The original plan for the Box Hill area was for a business park. The actual development which has occurred is more in line with high intensity retail and commercial. The Master Land Use Plan designation for the subject property was changed in 2012 from "High Intensity" to "Medium Intensity". High Intensity was the designation assigned to the area in the last Comprehensive Zoning. Clearly, the zoning and uses of the property in the area are high intensity rather than medium intensity. What the County has done has been to subsequently change the land use plan designation to fit the zoning designations rather than adjusting the zoning designations to fit the appropriate land use designation. R-2 zoning is inconsistent with the "High Intensity" Land Use Plan designation of the property in 2009

property effectively eliminates most, if not all, viable uses. As such, the R-2 zoning of this property is a mistake.

The entire strip of property between Box Hill South Parkway and the Giant grocery store are inconsistently zoned with the surrounding zoning and development of the 924 corridor. Commercial zoning is consistent with the existing development pattern in the area. Conversely, development of this property for likely R-2 uses would result in a land use pattern highly inconsistent with the surrounding development. The department's rationale for not supporting the commercial request in 2005 was that the rezoning would "create an extension of strip commercial". In fact, this is exactly what the Master Land Use Plan description at the time contemplated. There are simply no viable residential uses available for this property which would have been consistent within the 2009 High Intensity designation. Conversely, the west side of Route 924 contains several smaller residential uses which would be ideal for RO zoning.

Having established the requisite change and mistake, the appropriate zoning for the subject property is B-3, a designation which is consistent with the surrounding zoning and the Master Land Use Plan and will allow for development on the subject property for their highest and best uses.

(4) All surrounding zoning.

(5) Proposed public or private capital improvements.

(e) Previous individual rezonings and recommendation since the effective date of the Comprehensive Rezoning, within the neighborhood of the petitioned area, their case numbers, dates, and decisions.

(f) Environmental features map indicating woods, fields, streams, floodplains, non-tidal wetlands, etc.

(g) Property deed and a boundary survey prepared and sealed by a registered surveyor, including dimension of area requested to be rezoned if only a portion of the property.

(h) Private restrictions or covenants, if any, applicable to subject parcel.

(i) Any agreements with individuals or associations in the neighborhood related to the proposed zoning shall be submitted.

(j) Availability of public water and sewer.

Additional Information as Required by the Department of Planning and Zoning

(a) Existing and proposed libraries, parks, schools, fire and police departments.

(b) Demonstration of compatibility of the proposed use with existing and proposed development for the area.

(c) Traffic impact study.

(d) Economic and Environmental impact studies.

(e) Estimated population for existing and proposed petitioned area and neighborhood, as defined.

(f) Soils analysis.

(g) Aerial photograph.

CASE 183 **MAP** 61 **TYPE** Rezoning
ELECTION DISTRICT 01
LOCATION 3305 Emmorton Road, Abingdon 21009
BY Box Hill South Commercial, LLC, 2700 Philadelphia Road, Edgewood 21040
Appealed because a rezoning pursuant to Section 267-12A of the Harford County Code to rezone 1.63 acres from a R2 District to a B3 District requires approval by the Board.

I/We do solemnly declare and affirm under the penalties of perjury that the contents of the aforegoing affidavit are true and correct to the best of my/our knowledge, information, and belief.

Box Hill South Commercial, LLC
By: 6/1/15
Signature of Applicant/Owner *Date*

6-1-15
Witness *Date*

Signature of Contract Purchaser/Owner *Date*

Witness *Date*

FREDERICK WARD A

NEIGHBOR

RECLASS
MAP 61, PARCI

HARFORD

ARCHITECTS ENGI