

REZONING APPLICATION

RECEIVED

JAN 27 2021

DATE FILED: 1/27/21

PC MTG: 3/15/21

AMT. PD: \$250.00

COM.MTG:

ACCEPTED BY: SB

FILE NO: 2021-03

APPLICANT INFORMATION

Cecil County LUDS

Division of Planning & Zoning

OWNER ☒

REPRESENTATIVE _____

York Building Products

717.848.2831

APPLICANT NAME – please print clearly (additional names can be listed on page 2)

PHONE NUMBER

950 Smile Way

York

PA

17404

ADDRESS

CITY

STATE

ZIP CODE

PROPERTY INFORMATIONCRITICAL AREA? ☐ YES ☒ NO

See attached list

SUBJECT PROPERTY ADDRESS

SIZE OF PROPERTY

ELEC. DISTRICT

ACCOUNT#

TAX MAP#

BLOCK

PARCEL

LOT#

PRESENT ZONING: Suburban Transition (ST)

REQUESTED ZONING: Heavy Industrial (M2)

PRESENT LAND

USE DESIGNATION: Mineral Extraction District

REQUESTED LAND

USE DESIGNATION: Employment

PRESENT USE OF PROPERTY: Mineral Extraction

PROPOSED USE OF PROPERTY: ECommerce/Logistics/Industrial

PREVIOUS ZONING CHANGE? ☐ YES ☒ NO If yes, explain: _____

TIME SCHEDULE FOR PROPOSED DEVELOPMENT: 10-15 years

REASON FOR REZONING REQUEST

MISTAKE IN THE COMPREHENSIVE REZONING OF MAY 1, 2011?

☒

YES

☐ NO

IF YES, PLEASE EXPLAIN: See attached letter

SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD?

☒

YES

☐ NO

IF YES, PLEASE EXPLAIN: See attached letter

MISTAKE IN CHESAPEAKE BAY CRITICAL AREA LAND USE DESIGNATION OF JULY 5, 1988 ☐ YES ☒ NO

IF YES, PLEASE EXPLAIN: _____

ADDITIONAL COMMENTS (attached sheet if necessary): See attached letter

EXPLAIN ANY PROBLEM AREAS AND PROPOSALS TO CORRECT THOSE AREAS

LIST THE NAME AND ADDRESSES OF ADDITIONAL APPLICANTS

Same as owners below

APPLICANT NAME (please print clearly) ADDRESS

APPLICANT NAME ADDRESS

APPLICANT NAME ADDRESS

LIST THE NAME AND ADDRESSES OF ALL PROPERTY OWNERS

York Building Products Company, Inc. 950 Smile Way York, PA 17404

OWNER NAME (please print clearly) ADDRESS

Same as owners below

Mason Dixon Sand & Gravel Company of PA 950 Smile Way York, PA 17404

OWNER NAME ADDRESS

OWNER NAME ADDRESS

OWNER NAME ADDRESS

CERTIFICATION – SIGNATURES

I/We certify that the information and exhibits submitted are true and correct to the best of my/our knowledge and belief.

APPLICANT(S):

Same as owners below

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

OWNER(S):

Jeremy D. Lynch

PRINT NAME for York Building Products Company, Inc.

SIGNATURE

1/22/21

DATE

Jeremy D. Lynch

PRINT NAME for Mason Dixon Sand & Gravel Company of PA

SIGNATURE

1/22/21

DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

BAKER DONELSON
BEARMAN, CALDWELL & BERKOWITZ, PC

100 LIGHT STREET
BALTIMORE, MD 21202

CHARLES R. SCHALLER, ESQ.
PHONE: 410.685.1120
FAX: 410.547.0699
EMAIL: cschaller@bakerdonelson.com

January 19, 2021

Cecil County
Department of Land Use & Development Services
Attn: Stephen O'Connor, Acting Director
200 Chesapeake Blvd
Suite 2300
Elkton, Maryland 21921

RE: Principio South Properties Rezoning

Dear Mr. O'Connor:

This office is assisting the property owners ("Applicants") in their application to rezone 2 parcels from Suburban Transition (ST) to Heavy Industrial (M2). Those parcels are located on Tax Map 30 and identified as parcels 15 and 53 (collectively the "Property"). As we recently discussed, this is the same request that was approved by the Planning Commission on September 21, 2020. This application is submitted consistent with Cecil County's letter dated December 14, 2020.

Enclosed with this letter is the requisite filing fee of \$250, a completed application, supporting analysis, and a sketch of the Property. As you will see in the application, the Property consists of two (2) clusters of parcels located south of MD Rte. 40 and on both sides of MD Rte. 7. The attached Tax Map more particularly identifies the eight properties. The attached aerial photograph depicts the current land uses of the Property and the surrounding area, which is dominated by mining activity. In addition, I have attached a copy of the current Cecil County zoning district map identifying the current zoning districts for the Property. This map shows the Property is essentially surrounded by an M2 zoning district. As set forth in the application and as will be further demonstrated at the public hearing, the Applicants believe the Property should be rezoned from ST to M2 as there was either a "mistake" at the time of the comprehensive rezoning in 2011 and/or there is a change in character of the neighborhood.

If you require any additional information or have any questions, please contact me.

Very truly yours,



Charles R. Schaller

CRS:pl

Enclosures

Cc: York Building Products, Inc.
Mason Dixon Sand and Gravel Co. of PA
Morris & Ritchie Assoc. Inc.

PRINCIPIO REZONING

PROPERTY INFORMATION

Subject Property Address	Owner	Size of Property (Acres)	Election District	Account	Tax Map	Block	Parcel	Lot
1875 W. Old Philadelphia Road	Mason Dixon Sand & Gravel Co of PA c/o York Building Products Company Inc.	44.35	5	038715	30I	---	53	---
1825 W. Old Philadelphia Road	York Building Products Inc.	2.65	5	058783	30I	---	15	---

MORRIS & RITCHIE ASSOCIATES, INC.

Architects | Planners | Urban Designers | Landscape Architects | Engineers | Surveyors



January 19, 2021

Stephen O'Connor
Cecil County
200 Chesapeake Blvd
Suite 2300
Elkton, MD 21921

RE: Principio South Rezoning Petition – Tax Map 30, Parcels 15 and 53 Cecil County, Maryland

Dear Mr. O'Connor:

This office is assisting the owner of the above-referenced properties ("Principio South Properties") in its application to rezone those parcels.

Outlined below is my professional opinion on why I believe the Principio South Properties referenced above should be rezoned from ST (Suburban Transition) to M2 (Heavy Industrial). This letter is organized into three sections, including: Conformance with the April 13, 2010 Cecil County Comprehensive Plan (as amended on December 20, 2016); Mistake Arguments for Rezoning; and, Change in the Character of the Neighborhood Arguments for Rezoning.

Property Characteristics/Background

The subject properties consist of 2 parcels (collectively the "Property") on the east side of Route 7, W. Old Philadelphia Road, south of Route 40 and north of the Amtrak rail line as shown on the attached map. Collectively, the parcels are outside and northwest of the neighboring municipality of Charlestown. The properties are severely disturbed and include a large sediment basin for the sand and gravel operation adjacent to the north. Together, the properties total approximately 47 acres. The applicant requests this rezoning to ultimately redevelop the properties as Ecommerce/Logistics space, similar to and consistent with the Principio Business Park that is located immediately north of Route 40. With this background, we offer the following rezoning analysis.

Conformance with the April 13, 2010 Cecil County Comprehensive Plan (as amended on December 20, 2016)

In accordance with Maryland land use law, any rezoning petition must conform to the local jurisdiction's Comprehensive Plan. After reviewing Cecil County's 2010 Comprehensive Plan, I believe that if the application is approved and the subject properties are rezoned to M-2 (Heavy Industrial), they will remain in conformance with Cecil County's Comprehensive Plan. I offer the following to illustrate why:

1. The subject Property is within a designated Priority Funding Area (Map 3.2),
2. The Property is immediately south of a designated Enterprise Zone associated with the Principio Business Park. This enterprise zone can be expanded to attract additional employment to the Property.
3. The subject Property is designated as a Mineral Extraction Area (MEA) on the 2010 Comprehensive Land Use Map (Map 3.3)

1414 Key Highway, Suite M301, Baltimore, MD 21230 (443) 490-7201 www.mragta.com

Abingdon, MD | Baltimore, MD | Laurel, MD | Towson, MD | Georgetown, DE | New Castle, DE | Leesburg, VA | Raleigh, NC

4. The Property is immediately south, across Route 40, from a designated Employment land use (Map 3.3),
5. The subject Property is also designated as Mineral Extraction Area on the Growth and Rural Areas (Map 3.4). This area is wedged between Designated Growth Areas to the east and west along the Route 40 growth corridor.
6. Section 3.5.3 of the Comprehensive Plan outlines the criteria of Mineral Extraction Areas (MEA). In short, MEA is an "interim designation" within the Designated Growth Areas – until such time as the underlying mineral resource has been mined. The ultimate land use will be determined by "taking into consideration the type and intensity of adjacent land uses and the availability of infrastructure and services." The primary adjacent land surrounding the subject Property are mining activities and employment uses (on M2 zoned land). In addition, the subject property is served by Route 40, an arterial highway, and Route 7, a major collector road fronting the Property (as illustrated on Map 5.1). Finally, the Property is within the 0-5 year future service area for public water, immediately adjacent to existing service areas (Map 6.2) and the 0-5 year future service area for public sewer, again immediately adjacent to existing service areas (Map 6.4).
7. Rezoning the subject Property from ST to M2 will also help achieve many of the goals enumerated in Section 4, Economic Development, of the Comprehensive Plan, specifically sections 4.1 – 1, 2, and 4.
8. Finally, rezoning the subject Property will conform with the goals and objects for mineral resources as identified in Section 10.1 of the Comprehensive Plan.

"Mistake" Argument for Rezoning

Unfortunately, "mistake" is not the best word to describe the argument for this rezoning, but it is the or legal "standard" phrase used in these cases. To be more accurate, we believe the Cecil County Council did not know of the future demand for Ecommerce/Logistics space that would come to fruition in Cecil County, at the time of the last comprehensive rezoning which was adopted on April 19, 2011. Furthermore, if the County Council had known about the tremendous demand of this asset class, we contend, they would have rezoned the subject property to M2 to accommodate future development without impacting the ability of the property owner to continue to mine the underlying mineral resource. This demand has only been heightened due to the COVID-19 pandemic, as consumers are purchasing more goods via virtual retailers. Numerous articles have been written in the last several months outlining the growing demand for such space in this exact part of the mid-Atlantic region, which is in close proximity to tens of millions of customers along the East Coast.

We also believe that had the County Council known of the forthcoming growth in demand for such uses, the logical location for their designation would have been the subject Property, considering both the marketing presence of the Principio Business Park, and access to the Route 40 corridor.

A second mistake argument deals with the physical realities of the subject properties. At the time of the last comprehensive rezoning, the properties were heavily influenced by the adjacent sand and gravel operations and for those properties on the west side of Route 7, completely surrounded by sand and gravel operations. In both instances, it was unlikely that either cluster of properties would ever have been used for future residential purposes due to the immediate

impact/proximity of the mining operations.

"Change in the Character of the Neighborhood" Argument for Rezoning

Before analyzing if a neighborhood has changed since April 19, 2011, justifying a rezoning, we must first define the neighborhood. Neighborhoods are described with soft edges and many factors determine the geography of a neighborhood. From my professional standpoint, I define neighborhoods by both natural and man-made influences on the land that distinguish this place from that place.

With this in mind, I define the Principio South neighborhood as bounded by I-95 to the north, the Principio Creek to the west, the Amtrak rail line to the south, and the municipal boundary of Charlestown to the east that ties into an unnamed tributary heading north to Route 40 then east on Route 40 past the Ritchie Brothers sales lot to an unnamed tributary that heads north back to I-95. Within this "neighborhood", the land uses include mining, warehousing, and undeveloped land that is available for future mining.

Since the April 2011 comprehensive rezoning, the State and County have determined construction of a highway interchange at Belvidere Road off Interstate 95 is appropriate and will connect to Route 40 serving the Principio Business Park and surrounding neighborhoods. This significant public infrastructure project changes the character of the properties within its service area, including the subject Property. The demand for additional Ecommerce/Logistic space with immediate access to I-95 will be unprecedented in Cecil County and the subject Property is ideally suited to serve that demand.

Conclusion

For the reasons stated above, it is my professional opinion that the rezoning of the subject Property (parcels 15 and 53) will be consistent with the 2010 Cecil County Comprehensive Plan. Additionally, this rezoning is justified by both the two "mistakes" made during the April 2011 rezoning and the significant change in the character of the neighborhood from the pending construction of the Belvidere Road/I-95 interchange that will serve this portion of Cecil County.

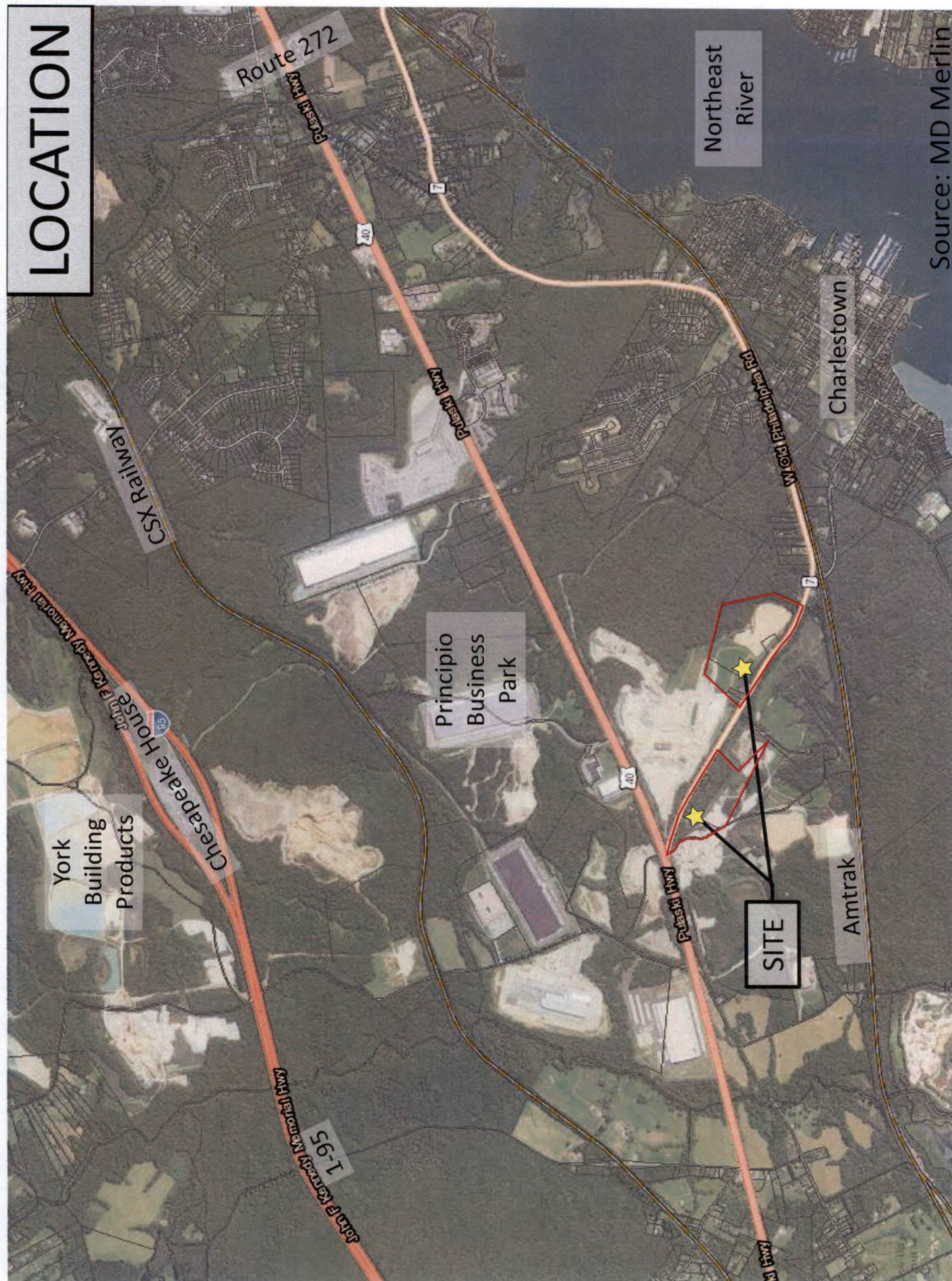
I look forward to working with the County and the local citizenry to present this rezoning petition at the September 21, 2020 Cecil County Planning Commission meeting. If you have any questions or comments regarding anything contained herein, please call on me at 410-935-5050. Thank you!

Respectfully
Morris & Ritchie Associates, Inc.



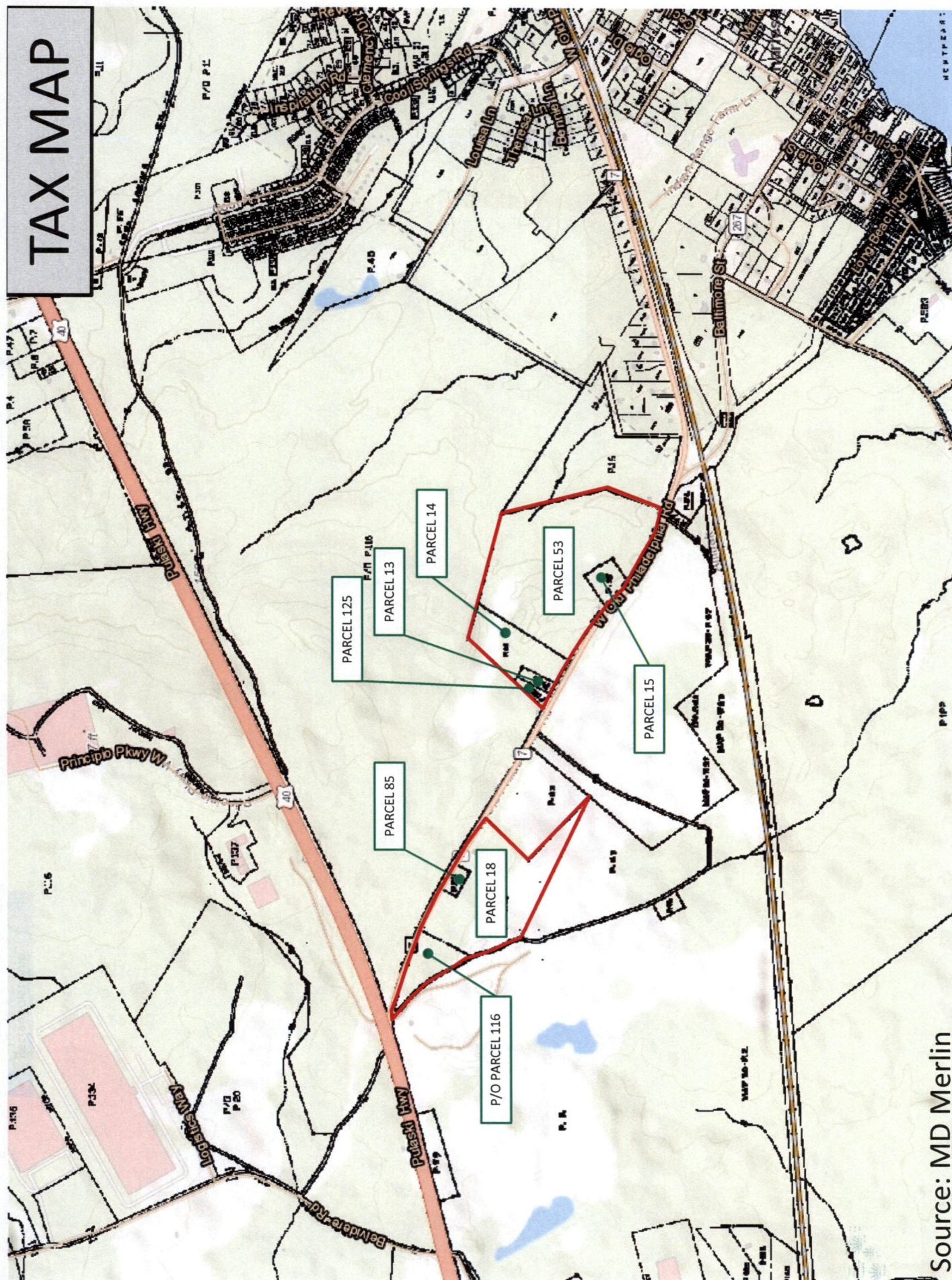
Sean D. Davis, RLA
Principal

LOCATION



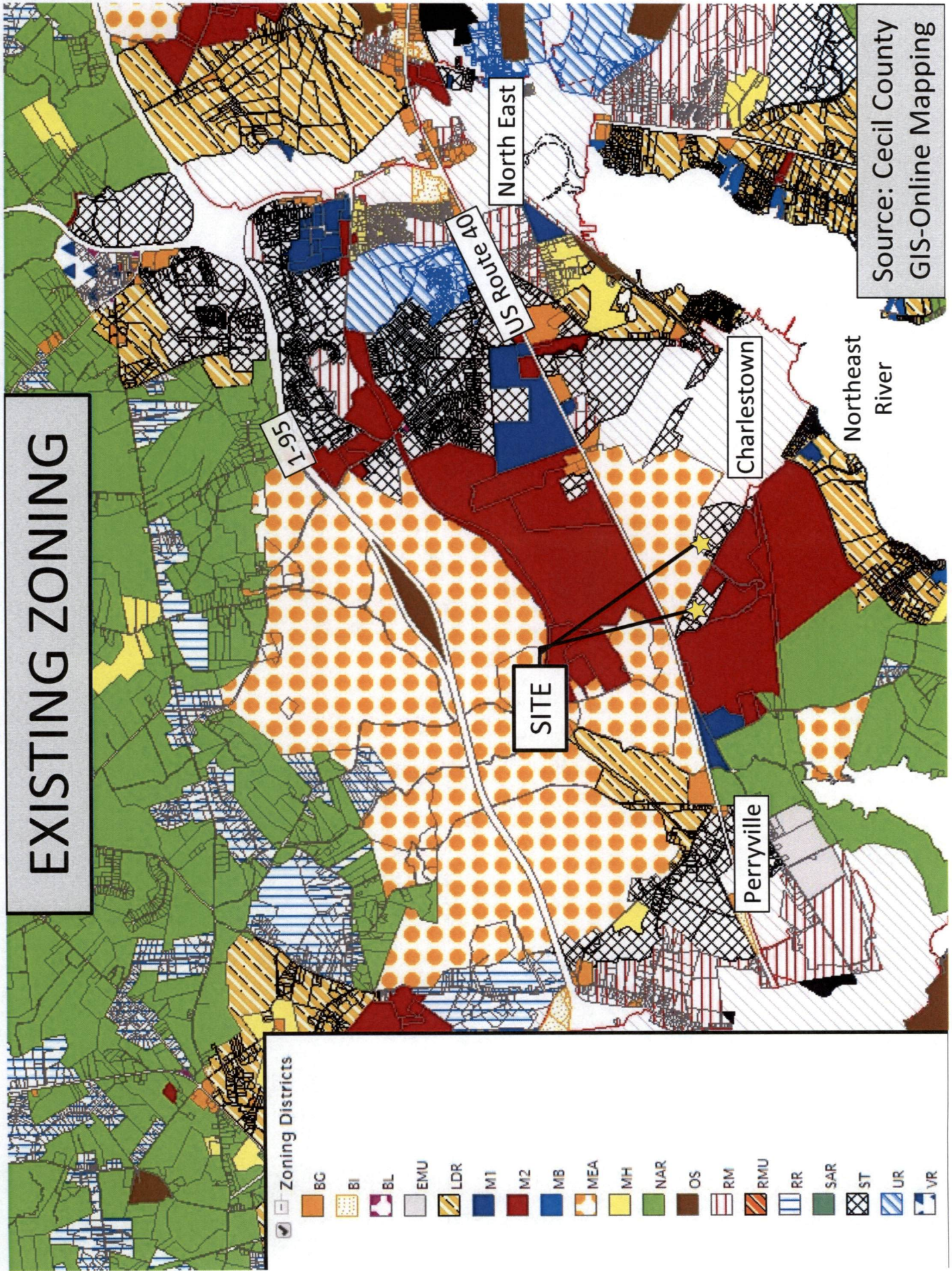
Source: MD Merlin

TAX MAP



Source: MD Merlin

EXISTING ZONING



Source: Cecil County
GIS-Online Mapping