

Tax Map/Block/Parcel
No. 73-6-782

Building Permit/Zoning
Certificate No. 04-3432

Case 4987 - 4992

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: EMS Development, LLC
10055 Red Run Boulevard
Owings Mills, MD 21117-4860

ATTORNEY: William B. Dulany

REQUEST: Conditional use for commercial uses for restaurants, general retail, and "B-G" (General Business) uses and variances to allow uses to conform to final plans approved by the Planning and Zoning Commission.

LOCATION: The site is located at Lots 2 through 7 (Bevard Square Business Park), Londontowne Boulevard, Eldersburg, on property zoned "I-R" Restricted Industrial District in Election District 5.

BASIS: Code of Public Local Laws and Ordinances, Chapter 223-118 and 223-186 A (2)

HEARING HELD: October 22, November 30 and December 2, 2004

FINDINGS AND CONCLUSION

On October 22, November 30 and December 2, 2004, the Board of Zoning Appeals (the Board) convened to hear a conditional use for commercial uses for restaurants, general retail, and "B-G" (General Business) uses and variances to allow uses to conform to final plans approved by the Planning and Zoning Commission. The Board made the following findings and conclusion:

The Applicant presented a motion for cases 4987 - 4992 to be consolidated into one hearing since they are seeking the same uses and the issues are identical. The Board granted the motion and proceeded accordingly.

The Applicant is proposing an upscale retail center on six lots consisting of 12.59 acres on Londontowne Boulevard in Eldersburg. The project is to be a faux "Main Street" type shopping center as distinguished from a typical strip center or mall. The site will be improved with 73,000 gross square feet of commercial space. The properties are currently undeveloped.

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The center would have two primary buildings with approximately 17,400 feet square feet each and two 10,000-12,000 square ft. buildings. The conceptual drawings show a pedestrian friendly, streetscape style shopping area. The type of shops proposed here are not found elsewhere in the County. The surrounding neighborhood consists of a mix of business and industrial uses.

A traffic expert whose testimony was credible, testified that a satisfactory or better level of traffic service could exist in the year 2007 with the development of the subject property at the intersection of MD Rte. 26 and Georgetown Road if the southbound approach of Georgetown Boulevard was re-stripped to provide two exclusive left turns and a combination through and right turn lane. The proposed improvements would be coordinated with the State Highway Administration and would be a requirement of the County's site plan process.

A real estate expert testified credibly that the proposed project would generate significant tax revenue for the County and jobs during construction and when it is completed. In addition, the project would complement with the surrounding businesses and industrial uses.

In 1995, the future public water connections were purchased for six 1-1/2" meters to serve the lots. The Board is aware of the cap on new allocations of water in the South Carroll area. In addition, the Board is concerned that the Applicant's allocation may be insufficient for the project. That being said, however, the allocation of water will be addressed during the County's site plan process, and the Board urges that the proposed use be thoroughly scrutinized regarding estimated water usage.

Based on the above, we find that the proposed use at this location will not generate adverse effects allowed beyond those normally associated with such a use. Accordingly, the conditional use is granted, subject to the following conditions:

1. The development set forth in the final plan shall be substantially similar to the shopping center depicted in Applicant's Exhibit No. 3.
2. No fewer than six buildings shall be planned with no buildings larger than 20,000 square feet.

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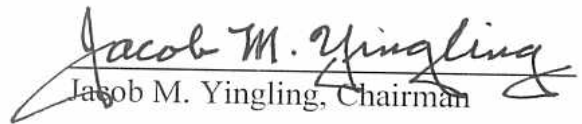
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The Board heard no evidence with regard to hardship. In addition, the Applicant conceded that a return trip to the Board was likely when the plan is finalized. Accordingly, we will treat the request for variances as withdrawn rather than disapproved under the Carroll County Public Local Laws and Ordinances, Chapter 223-192.

12/23/04

Date


Jacob M. Yingling, Chairman