

Tax Map/Block/Parcel
No. 73-6-760

Building Permit/Zoning
Certificate No. 98-2348

Case 4345

**OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND**

- APPLICANTS:** Eldersburg Business Center, Inc.
2066 Lord Baltimore Drive
Baltimore, Maryland 21244
- ATTORNEY:** J. Brooks Leahy, Esquire
Dulany & Leahy, LLP
127 East Main Street
P.O. Box 1125
Westminster, MD 21158-1125
- REQUEST:** A conditional use for a health club/athletic center facility; including ancillary services and components, such as weight rooms, courts, swimming pool, track, physical therapy/message rooms, child care, hair salon, diet care, food and vending services.
- LOCATION:** Located on the corner of Maryland Route 32 and Bennett Road on property zoned "IR" Restricted Industrial District in Election District 5.
- BASIS:** Basis: Article 12, Section 12.2(b); Ordinance 1E (The Carroll County Zoning Ordinance)
- HEARING HELD:** September 28, 1998

FINDINGS AND CONCLUSION

On September 28, 1998, the Board of Zoning Appeals (hereinafter the "Board") convened to hear the application of Eldersburg Business Center, Inc., for a conditional use for a health club/athletic center facility; including ancillary services and components, such as weight rooms, courts, swimming pool, track, physical therapy/message rooms, child care, hair salon, diet care, food and vending services on property zoned "IR" Restricted Industrial District in Election District 5 located on the corner of Maryland Route 32 and Bennett Road. The applicant was represented by J. Brooks Leahy, Esquire.

Testifying on behalf of the applicant was Mr. Terry Dezzutti, Chief Operating Officer of Merritt Athletic Clubs (hereinafter "Merritt"). Merritt operates athletic clubs at locations in Annapolis, Baltimore, Security, and Towson areas. Merritt is a member of the International Health and Racquet Sports Association (IHRSA), and is also affiliated with Johns Hopkins Medical in providing free community health improvement such as health screenings and seminars on health related issues. Merritt plans to be active in the local community offering employment opportunities, participation in charity events, and offering free swim clinics and an after-school program for children.

The proposed 25,000 square foot facility will include areas for aerobics, cardio vascular center, child care, fitness center, gymnasium, hair/spa salon, locker rooms, massage, physical therapy, two (2) pools (adult and child), racquetball, snack bar, and store. Hours of operation are Monday through Friday, 5:30 a.m. to 10:30 p.m. and Saturday and Sunday 7:00 a.m. to 8:00 p.m. Projected membership is 2,000 memberships in 3 to 4 years, averaging 400 visits per day or 25 visits per hour. Target membership are local residents who will travel up to 10 minutes to access the facility. The average age of membership at its clubs is 40 years old with 60% classified as family memberships with 1.2 children.

The building, designed with stucco and glass, will feature an exterior similar to the nearby Liberty Care Center. To minimize lighting impact to residents, directional lighting will be used to focus the volume of light on the site and minimize off-site illumination. Extra landscaping and berms will be used to further beautify and minimize adverse effects of the lighting and any noise.

Mr. Jim Matis, of Matis Warfield, Inc., a registered engineer, testified the site is four acres and is accessed from Progress Way. The existing zoning is "IR" Restricted Industrial. The one-story building will be constructed on a slab. Two-hundred (200) parking spaces will be provided although, pursuant to the Zoning Ordinance, only 150 spaces would be required for the size of the facility. Evergreen planting units will be provided to screen the area along Bennett Road from headlights. There will be an outside pool which will be shielded by the building thereby reducing wind and noise. There is a regional stormwater management facility in place as part of the business center. Public sewer and water is in place. Mr. Matis also testified that a four acre site in the "IR" is not large enough for such restricted industrial use.

Mr. Glenn E. Cook, a principal with The Traffic Group, Inc., qualified as an expert in traffic engineering and transportation planning, testified on the traffic impact analysis study he conducted for the Eldersburg Merritt Athletic Club. The study included a field investigation, an intersection turning movement counts at key intersections, an examination of approved developments planned in the area and the subsequent traffic projection from planned development. Trip generation

analysis was conducted to determine peak hour trips, distribution and assignment of the trips generated by the proposed facility to the nearby road system. Mr. Cook testified the result of the analysis indicated that all key intersections are projected to operate at satisfactory levels of service during the peak periods and the facility would not have a detrimental impact on the nearby road system.

Mr. Matthew L. Eder, Sr., President of Triangle Fitness, Inc., located at 1430 Progress Way, Suite 109, in Eldersburg, Maryland, appeared in opposition to the request. Mr. Eder testified that he leases the space in the Eldersburg Business Center for Triangle Fitness Inc. He is concerned that another health club in the same business center would unfairly compete with his business and thereby place him out of business. Unfortunately, Mr. Eder's concerns are not properly a matter for this Board to consider. No other opposition was noted.

The applicant's request is authorized as a conditional use in the Restricted Industrial District. In considering the application, the Board must consider whether the use proposed, at the location proposed, would cause a greater harm at this location than elsewhere in the same zone. The Board finds that the use, at this proposed location, will not cause any unique adverse impact on the community.

The proposal has the support of the Director of the Carroll County Department of Planning who has indicated the use complies with the Master Plan. The traffic study reflects that the use will have a minimal adverse effects on adjoining roads and intersections. The Board finds the request to be reasonable and hereby grants the conditional use application. The approval is conditioned upon the following conditions which the applicant has represented would be incorporated into the site plan:

1. Landscaping along Bennett Road must be such as to fully screen nearby residents from headlights and noise from the parking lot .
2. Special attention be devoted in the site plan process for screening along the proposed pool.

Date

10/28/98

Karl V. Reichlin
Karl V. Reichlin, Chairman

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October 27, 1998