

STATEMENT IN SUPPORT OF APPLICATION FOR REZONING

- LONG PROPERTY – MD RT.3 SOUTH LANE, ODENTON, MD 21113 (TAX MAP 36, P. 154)

Introduction

Robert and Marlene Long ("Applicant") own the property known as MD Rt. 3. South Lane, Odenton, MD 21113, which is more particularly described as Tax Map 36, Parcel 154 (the "Long Property"). The Long Property comprises approximately 2.38 acres and is located along the west side of the southbound lane of MD Rt. 3. The Property is split zoned with approximately 0.406 acres zoned OS-Open Space ("OS") and 1.74 acres zoned R1-Residential District ("R1 "). The Property is bordered by C4-Highway Commercial District ("C4") zoning to the north and east, and by OS-Open Space District zoning to the south and west. The Applicant requests that the portion of the Property currently zoned R1 be rezoned to C4.

Zoning and Land Use History of the Property

The Long Property has been used commercially for several decades. It was advertised for sale in May 1965 by Sam Blanken & Co. as being zoned "Heavy Commercial." Robert and Marlene Long contracted to purchase the Long Property on August 3, 1965; the terms of the contract recited that the Long Property was "presently zoned Heavy Commercial." Mr. and Mrs. Long acquired the Long Property on October 13, 1965 per the deed recorded among the Anne Arundel County Land Records at Liber 1912, Folio 211. Since that time, the Long Property has been used commercially as a contractor's storage yard for the "Long Fence" commercial establishment (Tax Map 36, P. 86), which is located directly across from the Property in the MD Rt. 3 median strip. The "Long Fence" commercial establishment is presently zoned C4.

Odenton Small Planning Area Comprehensive Zoning

The County Council last zoned the Property when it comprehensively zoned the Odenton Small Planning Area, of which the Property is a part, by adopting Bill No. 7-04 in May 2004. The comprehensive zoning maps adopted at this time were prepared, in large part, in reliance upon the *Odenton Small Area Plan, September 2003* (the "SAP Plan").

The SAP Plan summarized the then-existing land use and zoning classifications within the Odenton Small Planning Area and, based upon this data, the SAP Plan recommended certain changes to these classifications.

Current land use patterns are illustrated In Map 1 and summarized in Table 8

Commercial development accounts for less than one percent of the Odenton Small Area.... There is also significant commercial development along the MD 3 corridor

*Odenton Small Area Plan, September 2003,
Economic Development, Land Use and
Zoning, pages 22-23.*

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The Land Use Plan recognizes much of what exists today and properly designates those areas. For example, the Proposed Land Use Map (Map 4) shows commercially zoned properties as having a Commercial land use

The Plan also proposes several land use and zoning changes.

Odenton Small Area Plan, September 2003, Economic Development, Land Use and Zoning, page 29.

As part of the comprehensive zoning process, the properties known as Tax Map 36, Parcel 330 and Tax Map 36, p/o Parcel 89 were rezoned from R1 to C4. This rezoning area is described in the SAP Plan as Proposed Zoning Change No. 19 ("Rezoning No. 19"; see *Odenton Small Area Plan, September 2003, Economic Development, Land Use and Zoning, Table 11, page 35*). Rezoning No. 19 is immediately adjacent to the Applicant's Property to the north.

SAP Plan recommended the R1-to-C4 change for Rezoning No. 19 for the following reason:

The 5 acres front along MD 3 and also abut the main access to the Capitol Raceway and a nearby rubble landfill. The 5 acres face C4 zoning in the median of MD 3 and also abut a contractor's storage yard to the south. The 5 acres are surrounded by commercial uses and natural features, and thus are not suitable for residential use.

Odenton Small Area Plan, September 2003, Economic Development, Land Use and Zoning, Table 11, page 35.

While Rezoning No. 19 was adopted for the above-mentioned reasons, the SAP Plan did not make a similar recommendation with regard to the Applicant's Property. Given the similar features of the Property to that of the rezoned area, however, the Property should have also been rezoned from R1 to C4 for the same stated objectives. Similar to the rezoned property, the subject Property is located along MD 3 and faces C4 zoning in the median of MD 3. With the rezoning of the adjacent property, the subject is now surrounded by commercial and natural features, and thus is not suitable for residential use. Furthermore, the majority of the Property has been utilized commercially as a contractor's storage yard since 1965.

Given the stated objectives in the SAP Plan supporting the rezoning of property located directly north of the Applicant's Property, the SAP Plan should have also recommended rezoning the Property from R1 to C4. The Plan, however, mistakenly listed the subject Property as vacant. (see *Odenton Small Area Plan, September 2003, Economic Development, Land Use and Zoning, Map I, page 24*). As a result, the Plan based its zoning classification recommendations on this incorrect information, and failed to include a recommendation for rezoning the Property to C4. Had the County Council been aware that the Property had been utilized commercially for over

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four (4) decades and that the “vacant” designation was a mistake, the Council members likely would have also rezoned the contiguous subject Property to C4.

By rezoning the Property to C4, the zoning classification will be consistent with the commercial use on the majority of the Property, which use has been in existence since 1965. Thus, the Applicant requests that the RI Property be rezoned to C4, the commercial zone to which it would have likely been rezoned, had it not been for the mistaken assumption by the County Council that the Property was “vacant.”

Conclusion

The County Council mistakenly relied upon incorrect information in the SAP Plan when it last comprehensively zoned the Property. Given the existing commercial use on the Property, given that the requested rezoning is in conformity with the GDP and the SAP Plan, and given that the rezoning is compatible with the surrounding land uses, the Applicant submits that the requested rezoning merits approval. Thus, the Applicant respectfully requests that the Property be rezoned from RI to C4 because there was a mistake in the zoning map and for any such other reasons as determined at the hearing.