

**Received**

**REZONING APPLICATION**

DATE FILED 9/15/17 PC MTG 10/16/17  
 AMI PD: \$250.00 COM MTG:  
 ACCEPTED BY JB FILE NO: 2017-017  
 SEP 15 2017 CK# 19409

Sevier County Office of Planning & Zoning  
 APPLICANT INFORMATION OWNER \_\_\_\_\_ REPRESENTATIVE

**Dwight E. Thomey attorney for Wayne and Maralyn Webb**  
 APPLICANT NAME - please print clearly (additional names can be listed on page 2) PHONE NUMBER \_\_\_\_\_

**153 East Main Street** **Elkton** **MD** **21921**  
 ADDRESS CITY STATE ZIP CODE

PROPERTY INFORMATION CRITICAL AREA? YES \_\_\_\_\_ NO

**Tome Highway S/E of Rising Sun** **3.9862 acres**  
 SUBJECT PROPERTY ADDRESS SIZE OF PROPERTY

**06** **046991** **10** **15** **784**  
 ELEC. DISTRICT ACCOUNT# TAX MAP# BLOCK PARCEL LOT#

PRESENT ZONING: **BL** REQUESTED ZONING: **BG**

PRESENT LAND USE DESIGNATION: **Commercial** REQUESTED LAND USE DESIGNATION: **Commercial**

PRESENT USE OF PROPERTY: **Vacant** PROPOSED USE OF PROPERTY: **Commerical**

PREVIOUS ZONING CHANGE? YES \_\_\_\_\_ NO  If yes, explain: \_\_\_\_\_

TIME SCHEDULE FOR PROPOSED DEVELOPMENT: **One Year**

**REASON FOR REZONING REQUEST**

MISTAKE IN THE COMPREHENSIVE REZONING OF MAY 1, 2011? YES \_\_\_\_\_ NO

IF YES, PLEASE EXPLAIN: **The property is adjacent to an existing bank on a state highway and consists of approximately 4 acres. In zoning the property BL, they failed to consider the size of the property and the need for commercial & retail services in this area of the County. Restricting to a building of 5,00 square feet or less will leave most of the property unused.**

SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD? YES \_\_\_\_\_ NO \_\_\_\_\_

IF YES, PLEASE EXPLAIN: \_\_\_\_\_

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): \_\_\_\_\_

**EXPLAIN ANY PROBLEM AREAS AND PROPOSALS TO CORRECT THOSE AREAS**

LIST THE NAME AND ADDRESSES OF ADDITIONAL APPLICANTS

**Wayne M. Webb** **PO Box 365, Rising Sun, Maryland 21911**  
APPLICANT NAME (please print clearly) ADDRESS

**Maralyn R. Webb** **PO Box 365, Rising Sun, Maryland 21911**  
APPLICANT NAME ADDRESS

APPLICANT NAME ADDRESS

LIST THE NAME AND ADDRESSES OF ALL PROPERTY OWNERS

**Wayne M. Webb** **PO Box 365, Rising Sun, Maryland 21911**  
OWNER NAME (please print clearly) ADDRESS

**Maralyn R. Webb** **PO Box 365, Rising Sun, Maryland 21911**  
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):

**Dwight E. Thomey** *Dwight E Thomey* 9-14-17  
PRINT NAME SIGNATURE DATE

**Wayne M. Webb** *Wayne M Webb* 9-14-17  
PRINT NAME SIGNATURE DATE

**Maralyn R. Webb** *Maralyn R Webb* 9/14/17  
PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

OWNER(S):

**Wayne M. Webb** *Wayne M Webb* 9-14-17  
PRINT NAME SIGNATURE DATE

**Maralyn R. Webb** *Maralyn R Webb* 9/14/17  
PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

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HARRISVILLE

HARRISVILLE RD

NESBITT RD

Subject property  
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JACOB TOME MEMORIAL HWY

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REZONINGS

FILE No: 2017-07

APPLICANT: Dwight E. Thomey attorney for Wayne and Maralyn Webb

LOCATION: Tome Highway s/e of Rising Sun (Tax Account ID 08-06-046991)

REQUEST: Rezone 3.9862 acres from Business Local (BL) to Business General (BG).

STAFF RECOMMENDATION: Approval based upon a demonstrated mistake in the 2011 Comprehensive Rezoning.

PLANNING COMMISSION RECOMMENDATION: Approval based upon a demonstrated mistake in the 2011 Comprehensive Rezoning.

FINDINGS OF FACTS

NEIGHBORHOOD: The neighborhood is an area within 1/2 mile radius of the subject parcel. Bounded on the west by Harrisville Rd and to the East by Tome Highway. The property is designated as one of the County's employment priority funding area parcels. The neighborhood is a transitions from Northern Agricultural Residential (NAR) and Rural Residential (RR) zoning districts to the south and west to Low Density Residential (LDR) and Suburban Transitional Residential (ST) to the North and East of the subject parcel. There are two concentrated areas of BG in the Northwest and Southwest edges of the half mile radius. The Town of Rising Sun is the further extent of the neighborhood to the Northeast.

CHANGES IN AREA: There have not been any rezonings in the neighborhood since the 2011 Comprehensive Rezoning.

POPULATION CHANGES:	<u>2000</u>	<u>2010</u>	<u>% of Change</u>
Cecil County	85,951	101,108	17.7%
Census Tract: 313.02	4,628	5,570	20.4%

AVAILABILITY OF PUBLIC FACILITIES: The property is not located within any future water and sewer service areas per the adopted Master Water & Sewer Plan. On site water service and sewage disposal would be required. The applicant should contact the Cecil County Environmental Health Department to ascertain details.

PRESENT AND FUTURE TRANSPORTATION AND TRAFFIC PATTERNS, CHARACTER, AND VOLUME: Access to the property is from Jacob Tome Memorial Highway (MD RTE 276), and would require approval State Highway Administration. Access from Harrisville Road would require approval of the Cecil County Department of Public Works. In the Business General zoning district projects over 1,000 square feet of building or disturbance require a major site plan. Traffic studies could be required by the aforementioned approving agencies during a site plan review .

COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT IN THE AREA: The proposed rezoning should be compatible with existing and proposed development

COMPATIBILITY WITH THE INTENT OF THE COMPREHENSIVE PLAN: The parcel is located within the Rural Conservation land use district of the Comprehensive Plan. The intent of the Rural Conservation District is to encourage the retention of agricultural and forestry uses and to support the County's agricultural industry. Low intensity commercial uses would be allowed in appropriate locations in Rural areas to serve rural Communities.

COMPATIBILITY WITH THE PURPOSES OF ANY SPECIAL DISTRICT IN WHICH THE AREA REQUESTED TO BE REZONED IS LOCATED: The subject parcel is not located within any special district.