

REZONING APPLICATION

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Cecil County Office
of Planning & Zoning

APPLICANT INFORMATION

OWNER _____ REPRESENTATIVE X

Ryan D. Showalter & Brendan S. Mullaney; McAllister, DeTar, Showalter & Walker LLC 410-820-0259
APPLICANT NAME -- please print clearly (additional names can be listed on page 2) PHONE NUMBER
300 N. West Street Easton MD 21801
ADDRESS CITY STATE ZIP CODE

PROPERTY INFORMATION

CRITICAL AREA? _____ YES X NO

1500 Chesapeake Club Drive, North East, MD 21901 2.995 ac. of 103.001 ac.
SUBJECT PROPERTY ADDRESS SIZE OF PROPERTY

5 5-099013 31 22 1326
ELEC. DISTRICT ACCOUNT# TAX MAP# BLOCK PARCEL LOT#

PRESENT ZONING: _____ RM REQUESTED ZONING: _____ BL

PRESENT LAND USE DESIGNATION: _____ REQUESTED LAND USE DESIGNATION: _____

PRESENT USE OF PROPERTY: Golf course PROPOSED USE OF PROPERTY: same

PREVIOUS ZONING CHANGE? X YES _____ NO If yes, explain: See attached.

TIME SCHEDULE FOR PROPOSED DEVELOPMENT: Club house was constructed in 1996-1997

REASON FOR REZONING REQUEST

MISTAKE IN THE COMPREHENSIVE REZONING OF MAY 1, 2011? _____ X YES _____ NO

IF YES, PLEASE EXPLAIN: See attached narrative.

SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD? _____ YES _____ X NO

IF YES, PLEASE EXPLAIN: See attached narrative.

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

IF YES, PLEASE EXPLAIN: See attached narrative.

ADDITIONAL COMMENTS (attached sheet if necessary): _____

EXPLAIN ANY PROBLEM AREAS AND PROPOSALS TO CORRECT THOSE AREAS

LIST THE NAME AND ADDRESSES OF ADDITIONAL APPLICANTS

APPLICANT NAME (please print clearly) ADDRESS

APPLICANT NAME ADDRESS

APPLICANT NAME ADDRESS

LIST THE NAME AND ADDRESSES OF ALL PROPERTY OWNERS

North East Developers, LLC 41-D Germay Drive, Wilmington, DE 19804
OWNER NAME (please print clearly) ADDRESS

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):


Brendan S. Mullaney  3.9.18
PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

OWNER(S):

North East Developers, LLC; Gary Munch  3.12.18
PRINT NAME SIGNATURE DATE

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PRINT NAME SIGNATURE DATE

**SUPPLEMENT TO APPLICATION FOR ZONING MAP AMENDMENT
BY NORTH EAST DEVELOPERS, LLC FOR A
PORTION OF TAX MAP 31, PARCEL 1326**

Subject Property: Tax Map 31, Parcel 1326 consists of 103.001 acres, and is identified as Tax Account No. 05-099013 (the “**Property**”). The Property is situated south of North East High School in Cecil County, Maryland. Prior to the County’s 2011 Comprehensive Rezoning, 2.995 acres of the Property was zoned Business Local (“**BL**”). The zoning of that small portion of the Property (“**Subject Property**”) was mistakenly zoned High Density Residential (“**RM**”) in 2011. This Application for Zoning Map Amendment (“**Application**”) only seeks to restore the BL zoning that previously applied to this portion of the Property.

The Property is improved by a golf course, golf clubhouse, and restaurant and is located east of Turkey Point Road and north of Chesapeake Club Drive and Bay Club Parkway. The Subject Property portion of the Property is located north of east of Chesapeake Club Drive and east of Ridge Run Road, within the Chesapeake Bay Golf Club development. The Subject Property is more particularly depicted and described by a plat entitled “Rezoning Plan on the Club House Area of Chesapeake Bay Golf Club, L.P.” prepared by McCrone and dated Sept. 1998 (“**Rezoning Plan**”). The Rezoning Plan is the same exhibit used by the County to establish BL zoning for the Subject Property in 1998, and a copy of the Rezoning Plan is attached hereto as *Exhibit A*. The deed conveying the Property to North East Developers, LLC is dated August 16, 2017 and recorded among the Land Records of Cecil County at Liber 4121, folio 351.

Applicant and Owner: The Application is submitted by Ryan Showalter and Brendan Mullaney, attorneys for North East Developers, LLC, the owner of the Property.

A portion of the boundaries of the Property are outlined below. The portion of the Property comprising the Subject Property is designated by green shading.



Background: Rezoning of the Subject Property is requested on the basis of a mistake in the existing RM zoning designation. The Subject Property is a portion of the land area developed as “The Chesapeake Bay Club”, which was initially planned to include 1400 units supporting a private golf club.

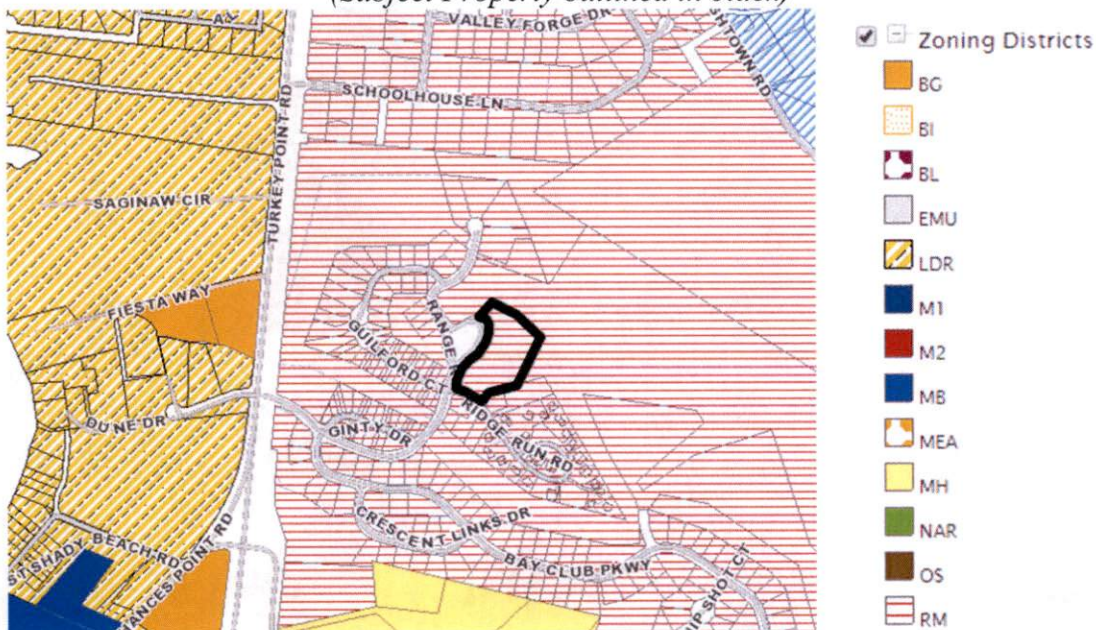
Various factors, including financial and ownership changes, occurred since the initial plan and by the time of the [County’s] 1993 comprehensive rezoning there was little resemblance to the initial plan. The condominium complex and plan had been broken up and subdivided into several parcels being developed by separate entities. The golf course/club originally designed to be private and supported by the 1400 planned units, had been sold off from the residential property and [was] being developed independently.

See Cecil County Commissioners, Chesapeake Bay Golf Club Rezoning Decision, Nov. 30, 1998.

On the basis of these changes, the Cecil County Commissioners rezoned the Subject Property from Multifamily Residential District (RM) to Business Local (BL) in November 1998. A copy of the County’s rezoning decision is attached hereto as *Exhibit B*. Approval of the 1998 rezoning was premised upon findings “a mistake did occur with the zoning of the [S]ubject [P]roperty at the time of the 1993 comprehensive rezoning “as a result of the County’s failure to consider all of the relevant facts and circumstances then existing with the project known as The Chesapeake Club.”

Current Zoning: Cecil County implemented comprehensive rezoning effective as of May 1, 2011 (“**2011 Comp. Zoning**”). During the 2011 Comp. Zoning, the zoning of the Subject Property reverted to RM, apparently under the mistaken belief that the entire Property was or should be zoned RM (when in fact the Subject Property had been rezoned in 1998). The change was only recently discovered. Applicant wishes to have the zoning restored to, and corrected as, BL.

January 17, 2018 Excerpt of Official Zoning Map of Cecil County
(Subject Property outlined in black)



Required Findings: The Applicant respectfully submits that this Application should be approved on the basis of a mistake in the 2011 Comp. Zoning for the same reasons that supported rezoning of the Subject Property to BL in 1998. In addition to making a finding of a mistake in the 2011 Comp. Zoning, pursuant to Section 326(4) of the Cecil County Zoning Ordinance and Section 4-204 of the Land Use Article of the Maryland Code, the County Council is required to make findings of fact on several criteria with respect to this Application. Applicant provides the following for the County's consideration and reference:

a. Population changes

The requested Business Local (BL) zoning district is not anticipated to result in any population change. The Subject Property has been developed for about two decades and will continue to operate as a business and place of recreation for the local community. The rezoning would only restore the commercial zoning deemed appropriate for operation of the Clubhouse in 1998.

b. Availability of public facilities

The BL zoning designation will permit the Subject Property to be operated as a legal, conforming clubhouse and restaurant for the adjacent golf course. The Subject Property has been adequately served by public facilities for several decades and no change in operation or public facility or service demands are anticipated or likely to result from the zoning correction.

c. Present and future transportation and traffic patterns, character, and volume

Traffic and transportation volumes, patterns, and character will not be affected by correction of the zoning from RM to BL. The Subject Property comprises a small portion of the Property, and is largely developed. The area of proposed zoning correction appears to have little, if any, new development potential. Any future redevelopment of the Subject Property could alter transportation patterns or volumes, but the changes are unlikely to deviate materially from traffic patterns associated with the long-standing commercial and recreational use of the Subject Property.

d. Compatibility with existing and proposed developments in the area

As described herein, the Subject Property supports the Chesapeake Bay Golf Club clubhouse and ancillary uses, which serve not only those who come to enjoy the adjacent golf course, but also the residents in the adjacent residential community. The present (and anticipated future) use was developed in conjunction with the existing, adjacent development. The rezoning will not facilitate new or different uses than previously permitted by the County, rather it will simply restore the zoning to a district in which the long-standing use is legal and conforming.

e. Compatibility with the intent of the Comprehensive Plan

As noted in the County's initial approval of BL zoning for the Subject Property, one of the purposes of the BL District is to encourage intense residential, commercial, and industrial development in and around towns. Compatibility with the Cecil County Comprehensive Plan is

what allowed the Subject Property to be developed and the circumstances which the County originally used still exist.

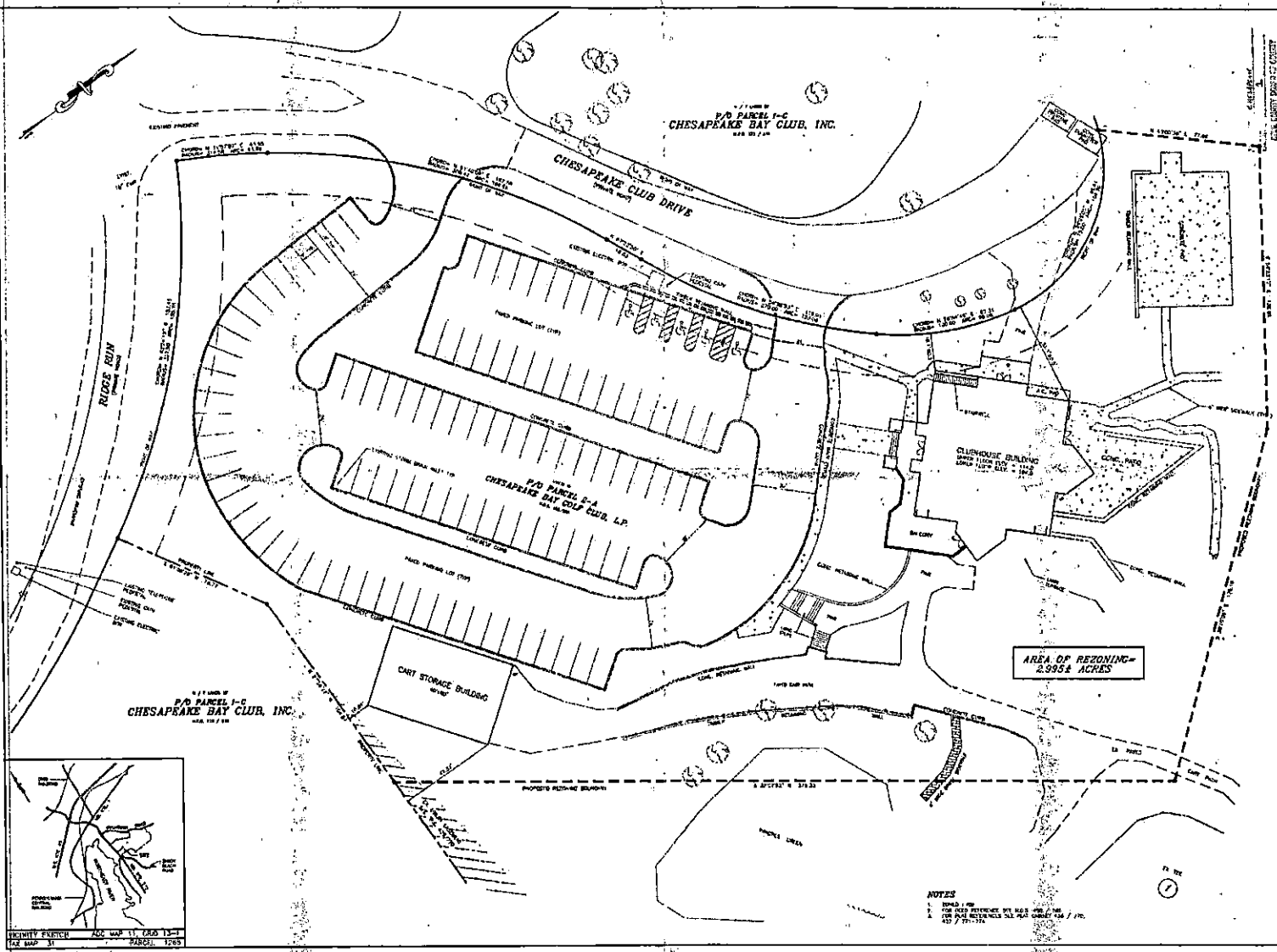
f. Compatibility with the purposes of any Special District in which the area requested to be rezoned is located

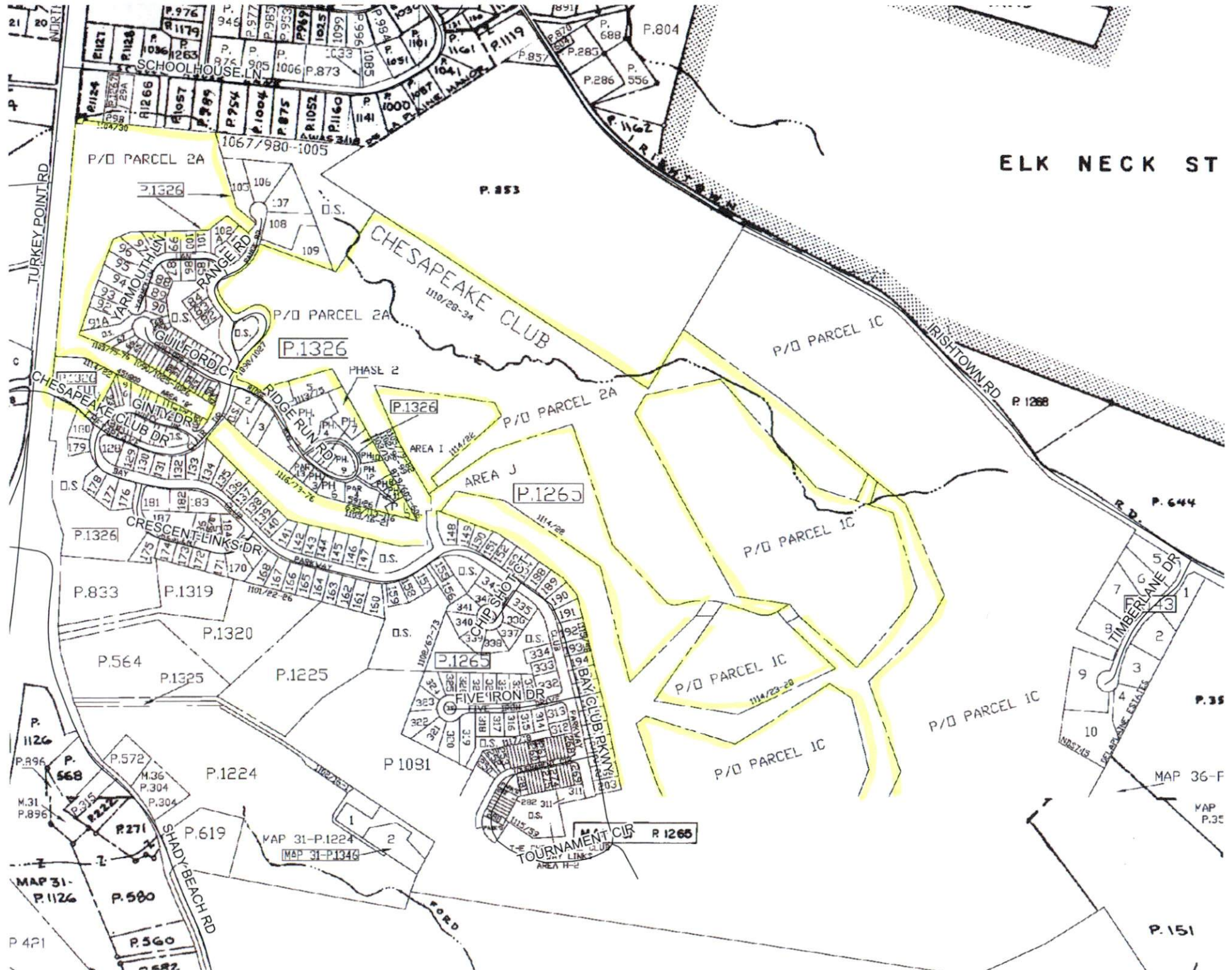
Not applicable.

g. The recommendation of the Planning Commission.

The application will be presented to the Planning Commission, which will make a recommendation to the County Council.

Additionally, the County Council may grant a zoning map amendment only upon a determination that there was either: (i) a substantial change in the character of the neighborhood where the property is located, or (ii) an error or mistake in the existing zoning regulations. As described above, this application is premised upon conversion of the Subject Property's zoning from BL to RM during the 2011 Comp. Rezoning.





ELK NECK ST

CHESAPEAKE CLUB

IRISHTOWN RD

P. 644

TIMBERLANE DR

P. 35

MAP 36-F

MAP P.35

P. 151

TURKEY POINT RD

MAP 31-P.1126

P. 421

P. 580

P. 560

MAP 31-P.1224

MAP 31-P.1346

TOURNAMENT CLUB R 1265

FORD

P. 1126

P. 896

M. 31

P. 896

P. 568

P. 315

R. 271

P. 572

M. 36

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