

REZONING APPLICATION

DATE FILED: 3/14/18 PC MTG: 4/16/18
AMT. PD: 8250.00 COM.MTG: _____
ACCEPTED BY: JBS FILE NO: 2018-01

APPLICANT INFORMATION OWNER _____ REPRESENTATIVE

Ryan D. Showalter & Brendan S. Mulaney, McAllister, DeTar, Showalter & Walker LLC
APPLICANT NAME - please print clearly (additional names can be listed on page 2) _____ PHONE NUMBER _____

MAR 14 2018

100 N. West Street Easton MD 21801
ADDRESS CITY STATE ZIP CODE

PROPERTY INFORMATION CRITICAL AREA? _____ YES NO

1500 Chesapeake Club Drive, North East, MD 21901 2.996 ac. of 103.001 ac.
SUBJECT PROPERTY ADDRESS SIZE OF PROPERTY

5 5-099013 31 22 1328
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? 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? _____ YES _____ NO
IF YES, PLEASE EXPLAIN: See attached narrative.

SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD? _____ YES NO
IF YES, PLEASE EXPLAIN: See attached narrative.

MISTAKE IN CHESAPEAKE BAY CRITICAL AREA LAND USE DESIGNATION OF JULY 5, 1988 _____ YES 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

PRINT NAME	SIGNATURE	DATE
------------	-----------	------

PRINT NAME	SIGNATURE	DATE
------------	-----------	------

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.

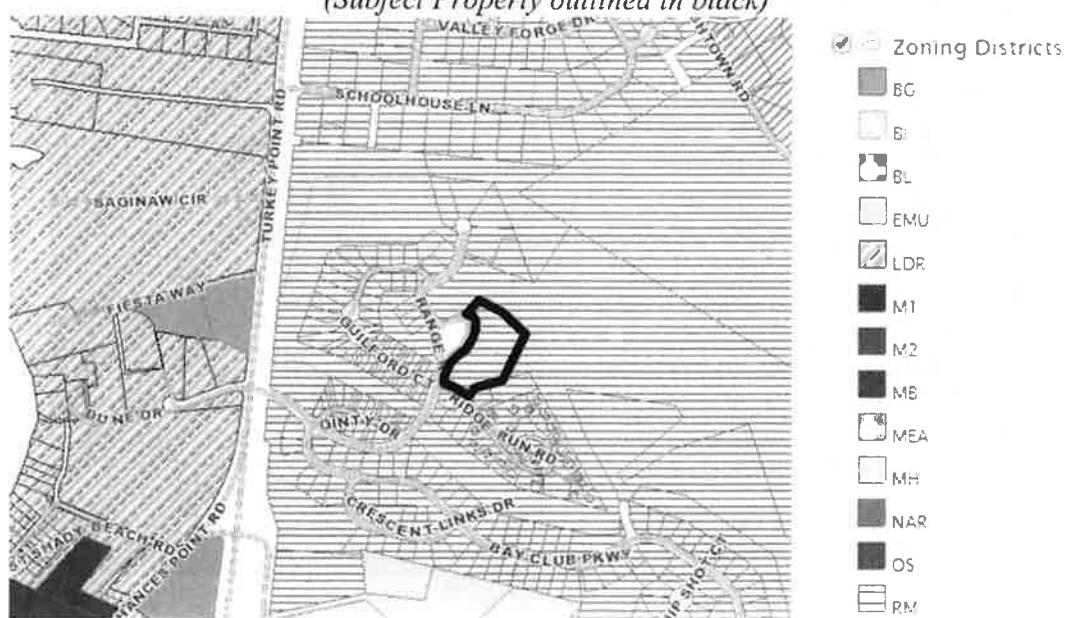
Various factors, including financial and ownership changes, occurred since the initial plan and by the time of the [County’s] 1993 comprehensive rezoning there was little resemblance to the initial plan. The condominium complex and plan had been broken up and subdivided into several parcels being developed 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.

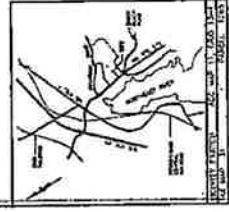
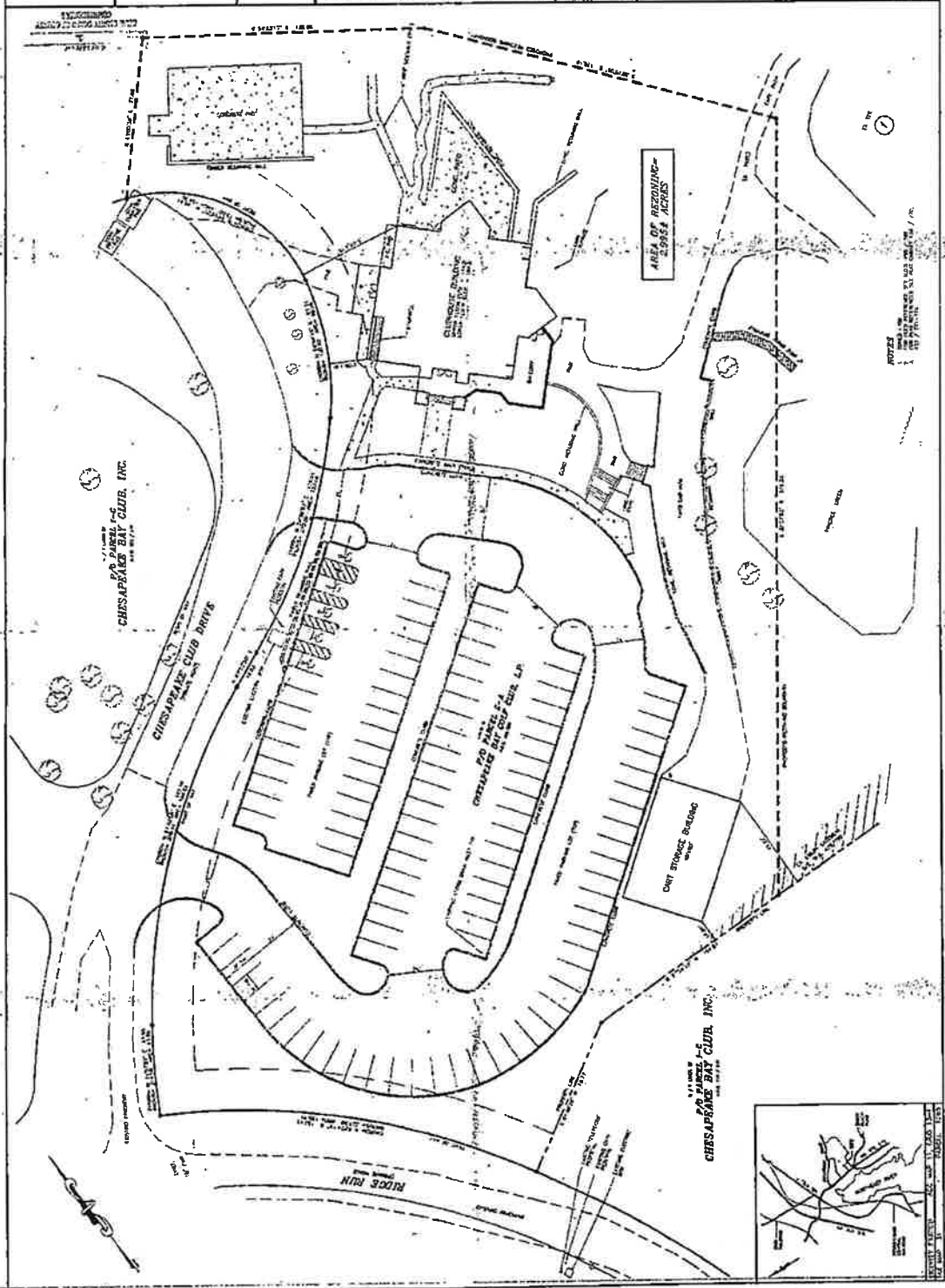
On the basis of these changes, the Cecil County Commissioners rezoned the Subject Property from Multifamily Residential District (RM) to Business Local (BL) in November 1998. A copy of the County’s rezoning decision is attached hereto as *Exhibit B*. Approval of the 1998 rezoning was premised upon findings “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)*



REZONING PLAN ON THE OLD COURSE AREA OF CHESAPEAKE BAY GOLF CLUB, L.P. FROM DESIGN REPORT, CIVIL ENGINE, ARCHITECT		SHEET NO. 1 OF 1
McBRONE ENGINEERS & ARCHITECTS 1100 WEST 10TH STREET SUITE 100 ANNE ARBOR, MICHIGAN 48106 (313) 963-1100		



REZONINGS

FILE NO: 2018-01

APPLICANT: Ryan D. Showalter & Brendan S. Mullaney attorneys for North East Developers, LLC

LOCATION: A portion of Tax Map 31, Parcel 1326(1500 Chesapeake Club Drive)

REQUEST: Rezone 2.995 acres from High Density Residential (RM) to Business Local (BL).

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 property. The property is within one of the County's Priority Funding Areas. A majority of the neighborhood is within the High Density Residential (RM) zoning district. There are areas of the Urbanized Residential (UR) zoning district to the North East periphery of the neighborhood, and Low Density Residential (LDR) west of MD RTE 272. There is an area of Manufactured Home (MH) zoning along the southern edge of the neighborhood and three parcels of Business General (BG) zoned properties that front on the west side of MD RTE 272.

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: 309.04	5,784	6,814	17.8%

AVAILABILITY OF PUBLIC FACILITIES: The property is located within existing water and sewer service areas per the adopted Master Water & Sewer Plan. The Town of North East provides water service and sewer service is provided by Cecil County.

PRESENT AND FUTURE TRANSPORTATION AND TRAFFIC PATTERNS, CHARACTER, AND VOLUME: Access to the property is from Chesapeake Club Drive which is a County owned local road, and new access to Chesapeake Club Drive would require approval of the Cecil County Department of Public Works.

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 property is located within the High Density Growth Area (HDGA) land use district of the Comprehensive Plan. The intent of the High Density Growth Area is to encourage higher density development with a mix of housing types and commercial uses that can be regional in nature and serve large market areas.

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.