

REZONING APPLICATION

DATE FILED: 6/18/2020 PC MTG: July 2020
AMT. PD: \$200 COM. MTG: _____
ACCEPTED BY: [Signature] FILE NO: 2020-04

RECEIVED

JUN 18 2020

APPLICANT INFORMATION

929 West Pulaski Hwy, Cecil County LUDS Division of Planning & Zoning
APPLICANT NAME - please print clearly (additional names can be listed on page 2)
1500 W. Pulaski Hwy
ADDRESS
Elkton MD 21921
CITY STATE ZIP CODE
OWNER REPRESENTATIVE _____
(443) 909-4774
PHONE NUMBER

PROPERTY INFORMATION

927 W. Pulaski Hwy, Elkton, MD 21921 .626 acres
SUBJECT PROPERTY ADDRESS SIZE OF PROPERTY
03 014193 26 21 55
ELEC DISTRICT ACCOUNT# TAX MAP# BLOCK PARCEL LOT#
PRESENT ZONING: Residential Mixed Use (RMU) REQUESTED ZONING: Heavy Industrial (M2)
PRESENT LAND USE DESIGNATION: Residential REQUESTED LAND USE DESIGNATION: Industrial

PRESENT USE OF PROPERTY: Residential & Automotive Salvage & Storage
PROPOSED USE OF PROPERTY: Automotive Salvage & Recycling Center

PREVIOUS ZONING CHANGE? YES NO If yes, explain: In 2011 property rezoned from Development Residential (DR) to Residential Mixed Use (RMU)

TIME SCHEDULE FOR PROPOSED DEVELOPMENT: 0-2 years

REASON FOR REZONING REQUEST

MISTAKE IN THE COMPREHENSIVE REZONING OF MAY 1, 2011? YES NO
IF YES, PLEASE EXPLAIN: See Attachment "1," attached hereto.

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

Charmie P. Polansky 1500 W. Pulaski Hwy, Elkton, MD 21921
APPLICANT NAME (please print clearly) ADDRESS

APPLICANT NAME ADDRESS

APPLICANT NAME ADDRESS

LIST THE NAME AND ADDRESSES OF ALL PROPERTY OWNERS

929 West Pulaski Hwy, LLC 1500 W. Pulaski Hwy, Elkton, MD 21921
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): By: Charmie P. Polansky, Member

929 West Pulaski Hwy, LLC *Charmie P. Polansky* 6/4/2020
PRINT NAME SIGNATURE DATE

Charmie P. Polansky _____ 6/4/2020
PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

OWNER(S): By: Charmie P. Polansky, Member

929 West Pulaski Hwy, LLC *Charmie P. Polansky* 6/4/2020
PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

PRINT NAME SIGNATURE DATE

REQUEST FOR REZONING

NOW COMES 929 W. Pulaski Hwy, LLC, by and through its attorney Karl H. Fockler and Fockler & Fockler and respectfully file this Request for Rezoning and as grounds states as follows:

1. That 929 West Pulaski Highway, LLC is the owner of approximate .626 acres of ground located at 927 W. Pulaski Highway, Elkton, Maryland, hereinafter referred to as the "Property" see copy of aerial tax map overlay, attached hereto as Exhibit "1A-D."
2. That since 1993 the properties surrounding the subject property have been zoned either Business General (BG) or C-2 and Heavy Industrial (M-2), while the subject property's zoning has varied from R-2, to Development Residential (DR), to its current zoning of RMU. See respective zoning maps, provided by the Cecil County Department of Land Use and Services, attached hereto as Exhibit "2."
3. That applicant alleges mistake in the Comprehensive Rezoning dated May 1, 2011, and that the subject property should have been rezoned Heavy Industrial (M-2) in conformance with the zoning and character of the surrounding properties.
4. That since prior to 2011, the date of the last rezoning, the subject property was prior to and continues to be utilized for storage of vehicles and parking, in a non-residential capacity, accessory to the adjacent auto salvage and recycling business.
5. That as the surrounding properties are either heavy industrial or commercial it is neither reasonable nor desirable for the Property to be zoned residential (RMU). Such a zoning has created a residential island in a sea of commercial and industrial use which is not advantageous nor beneficial to the County, neighborhood or property owners.
6. That further as the property fronts immediately upon heavily travelled US Rt. 40, and the Property being relatively small in size, it is inappropriate for residential use from a quality of life or public safety prospective.
7. That correcting the mistake in zoning will bring the Property in compliance and conformance with the surrounding properties and reasonable use of the Property in accordance with the County's comprehensive plan.

WHEREFORE, Applicant respectfully requests the mistake in the Comprehensive Plan dated May 1, 2020, be corrected and that the subject Property, known as 927 W. Pulaski Highway, Elkton, Maryland be rezoned from Residential Mixed Use (RMU) to Heavy Industrial (M-2).

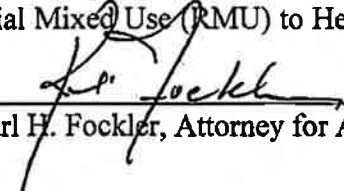

Karl H. Fockler, Attorney for Applicant

EXHIBIT "1"



EXHIBIT '2-A'

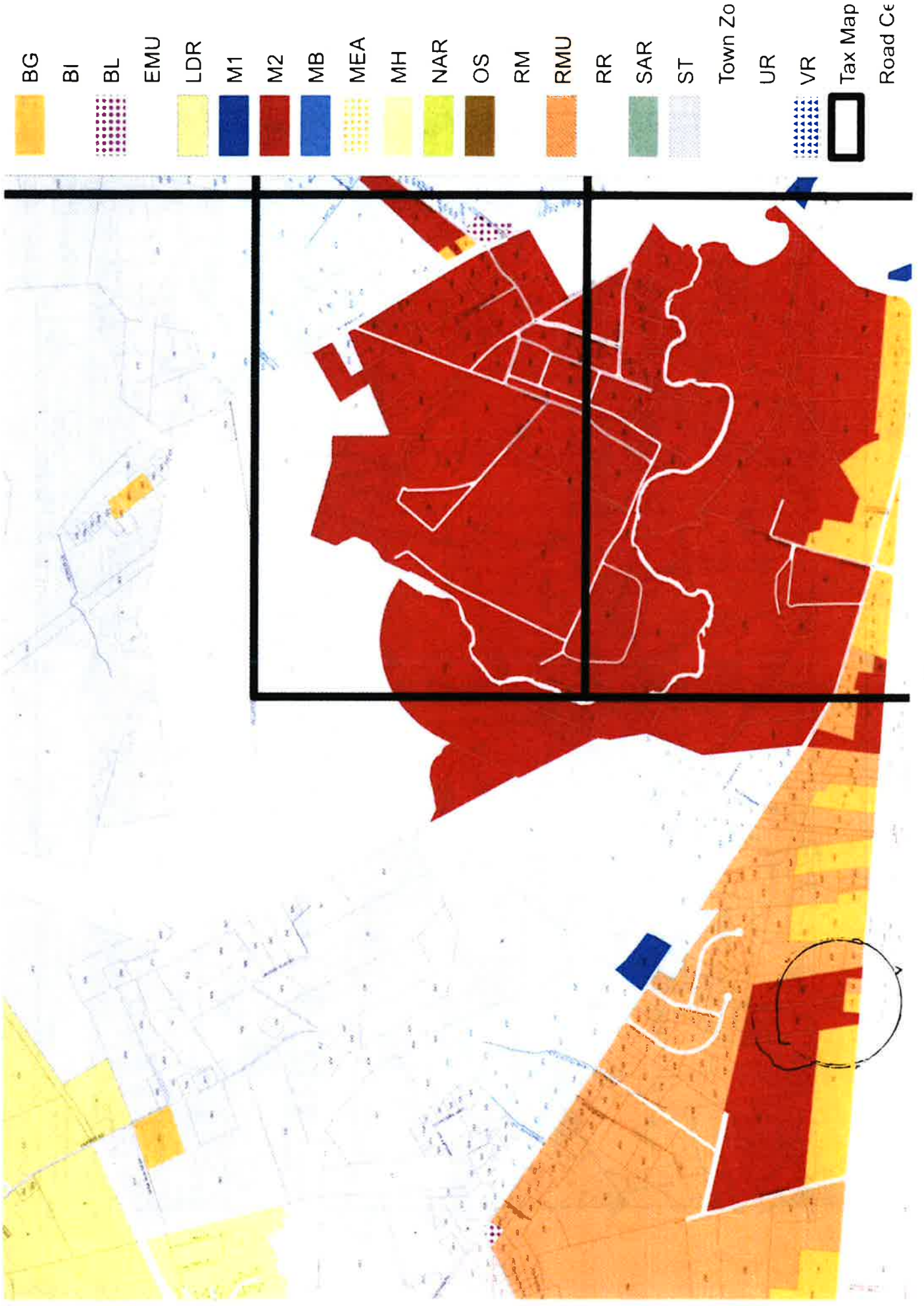
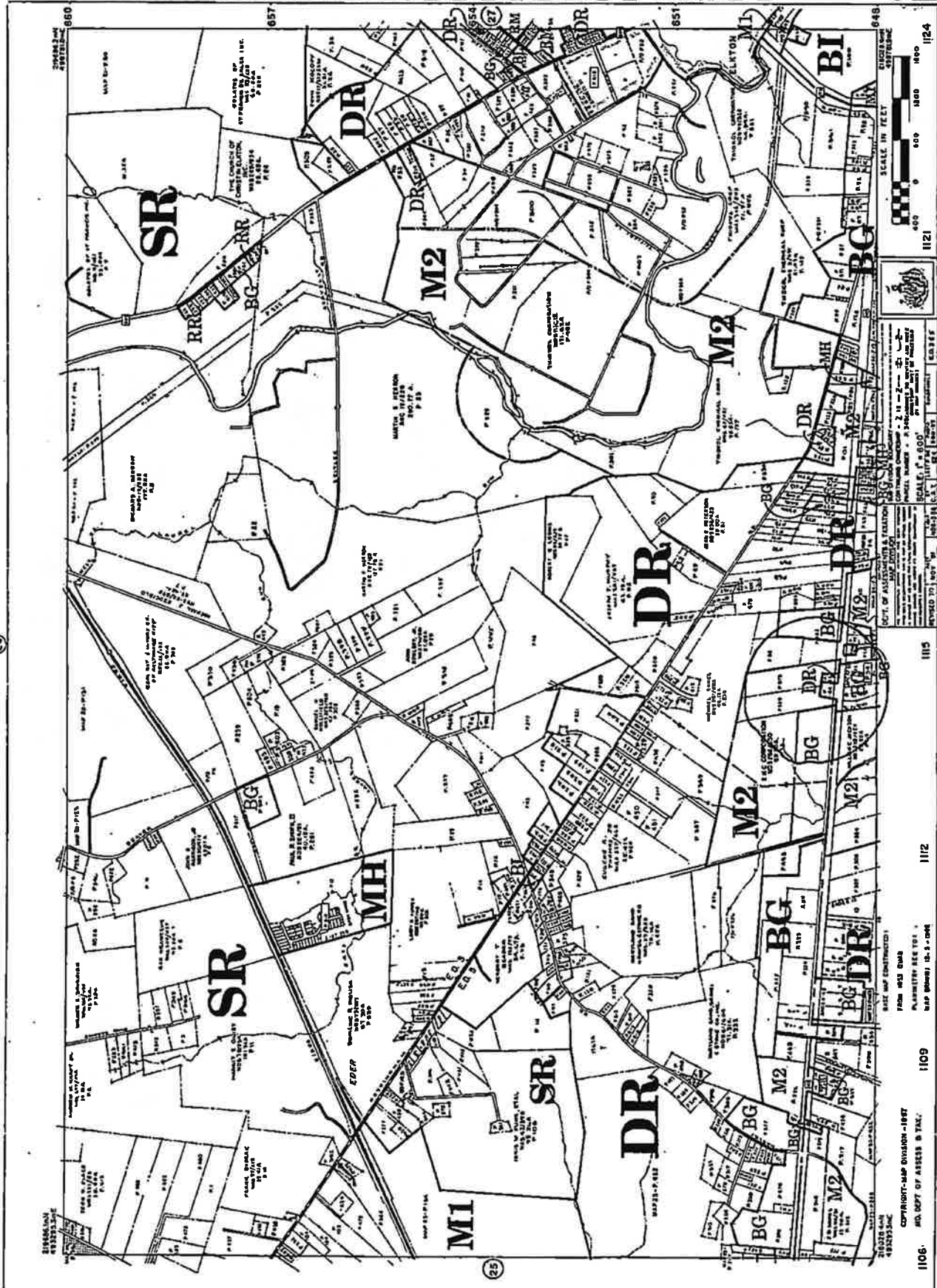


EXHIBIT "A-B"

OFFICIAL ZONING MAP

- ZONING DISTRICTS
- NAR NORTH AGRICULTURAL
- SAR SOUTH AGRICULTURAL
- RR RURAL RESIDENTIAL
- SR SUBURBAN RESIDENTIAL
- DR DEVELOPMENT RESERVE
- VR VILLAGE RESIDENTIAL
- RM MULTIFAMILY RESIDENTIAL
- MH MEDIUM DENSITY HOUSING
- BI BUSINESS-INDUSTRIAL
- BC BUSINESS-GENERAL
- BI BUSINESS-INTERMEDIATE
- MB MARITIME BUSINESS
- MI MEDIUM DENSITY INDUSTRIAL
- M2 MEDIUM DENSITY INDUSTRIAL
- OS OFFICE SPACE
- MEA MANUFACTURING AND REFINERY
- BMU BUSINESS MEDIUM DENSITY
- OVERLAY ZONES
- MEB
- STATION 3
- REVISIONS



SCALE IN FEET
 0 60 120 180 240
 1124 1121 1115 1112 1109

CECIL COUNTY, MARYLAND 1106-64

1106. NO. COPY OF ASSESSOR & TAX. 1109

1112

1124

1121

1115

1112

1109

1106

1103

1100

1097

1094

1091

1088

1085

1082

1079

1076

1073

1070

1067

1064

1061

1058

1055

1052

1049

1046

1043

1040

1037

1034

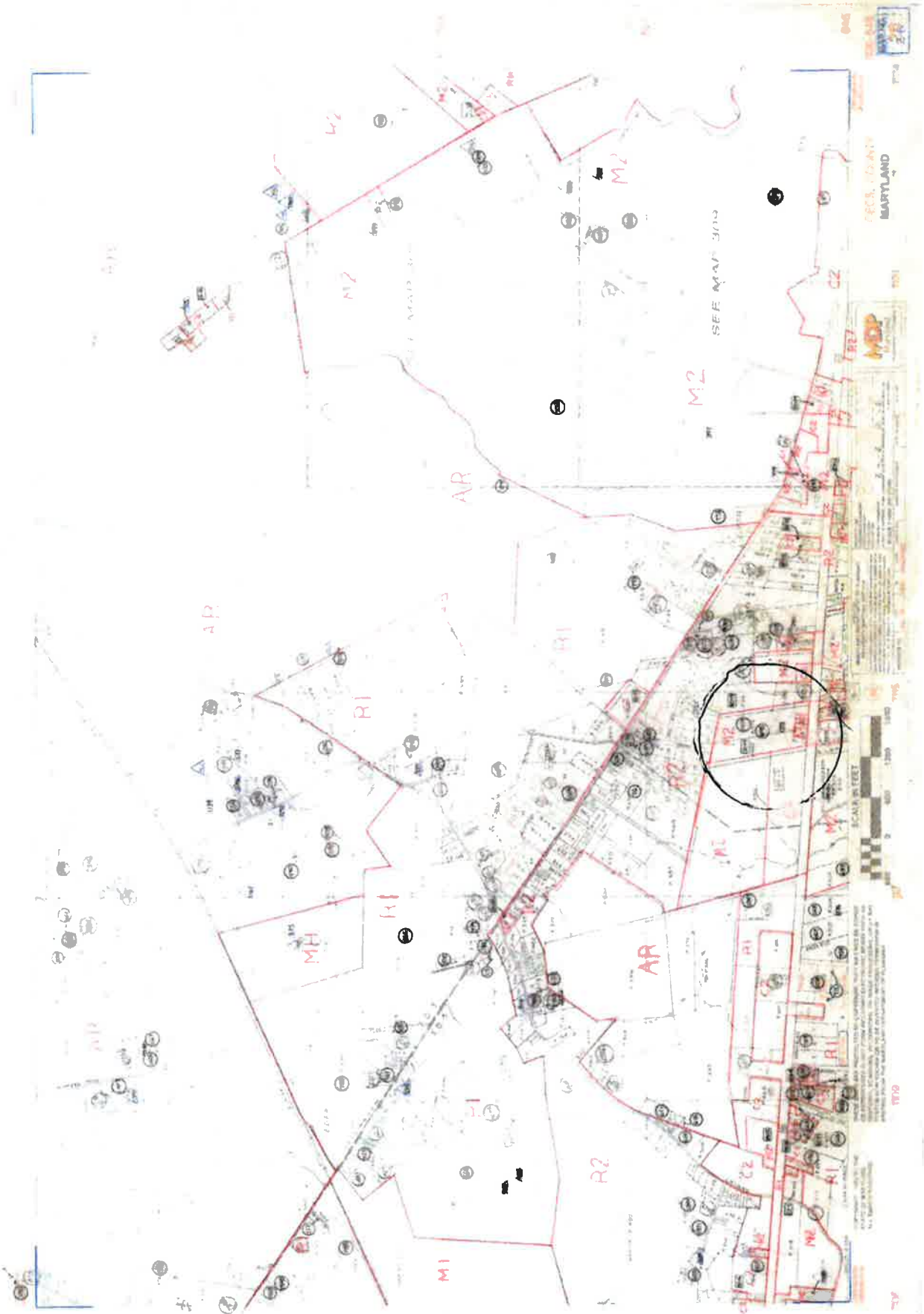
1031

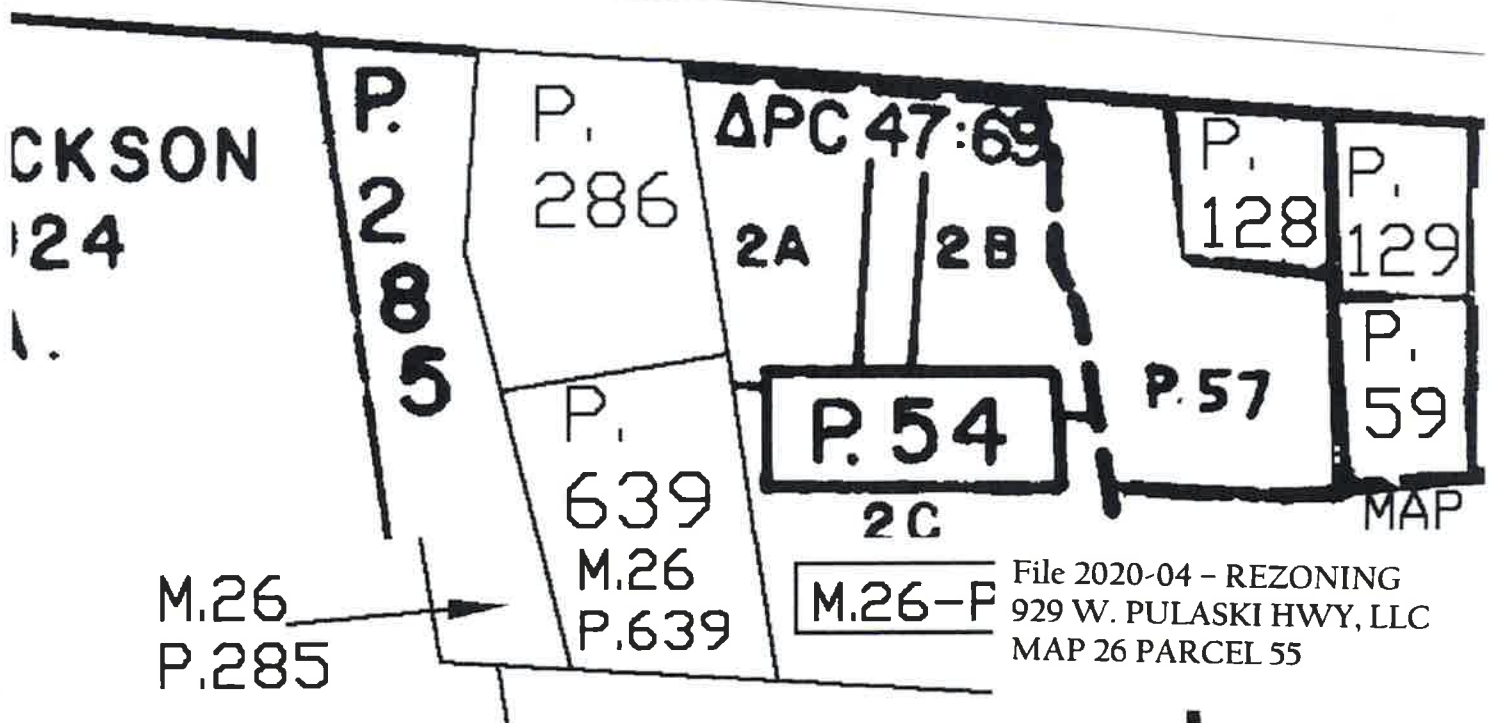
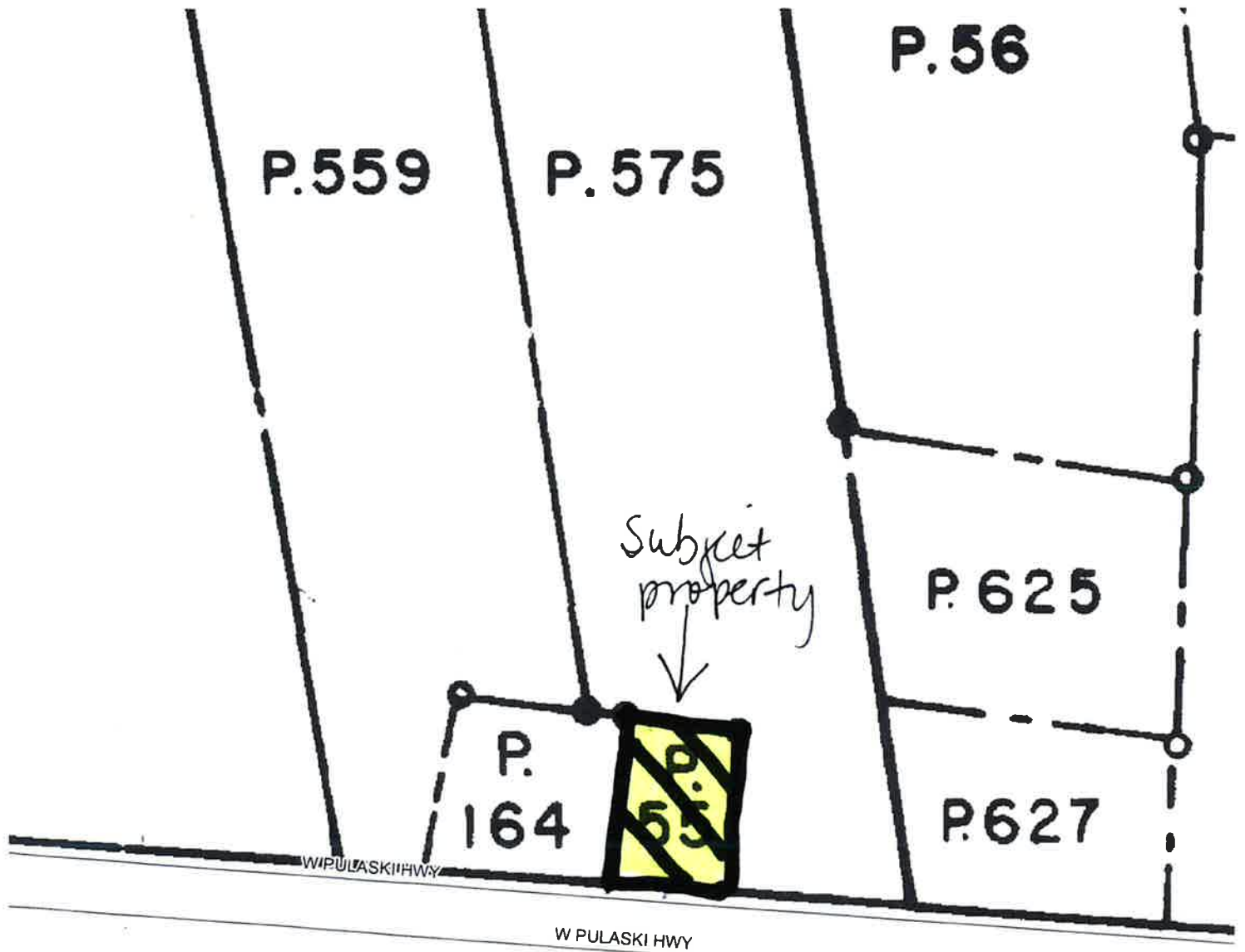
1028

1025

1022

EXHIBIT "A-C"





Real Property Data Search

Search Result for CECIL COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 03 Account Number - 014193

Owner Name: POLANSKY ERIC J & CHARMIE **Use:** RESIDENTIAL
Mailing Address: 96 RED POINT RD **Principal Residence:** NO
 NORTH EAST MD 21901-5614 **Deed Reference:** /01562/ 00317

Premises Address: 927 W PULASKI HWY **Legal Description:** .626 ACRE
 ELKTON 21921-0000 927 WEST PULASKI HIGHWAY
 W OF ELKTON

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0026	0021	0055	3020007.08	0000				2019	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1948	1,288 SF		27,250 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1 1/2	YES	STANDARD UNIT	BRICK/	3	1 full		

	Base Value	Value		Phase-in Assessments	
		As of 01/01/2019	As of 07/01/2019	As of 07/01/2019	As of 07/01/2020
Land:	70,900	66,200			
Improvements	80,800	81,900			
Total:	151,700	148,100	148,100	148,100	148,100
Preferential Land:	0				0

Seller: HENDRICKSON, TRUMAN E. & MARY E. **Date:** 12/31/2003 **Price:** \$190,000
Type: ARMS LENGTH IMPROVED **Deed1:** WLB /01562/ 00317 **Deed2:**

Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**

Seller: **Date:** **Price:**
Type: **Deed1:** **Deed2:**

Partial Exempt Assessments:	Class	07/01/2019	07/01/2020
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Status: No Application

Homeowners' Tax Credit Application Status: No Application **Date:**

LAW OFFICES OF
FOCKLER & FOCKLER
205 EAST MAIN STREET
ELKTON, MARYLAND 21921

KARL H. FOCKLER

(410) 398-3030
FAX (410) 392-5116



June 10, 2020

County Administrative Building
Division of Planning and Zoning
Attn: Mr. Stephen O'Connor
200 Chesapeake Boulevard, Rm. 2300
Elkton, Maryland 21921

Re: Request for Rezoning
Applicant/Owner: 929 West Pulaski Hwy, LLC
Property: 927 W. Pulaski Highway, Elkton, MD

Dear Mr. O'Connor:

Please be advised that this office represents 929 West Pulaski Hwy, LLC, property owner of 927 W. Pulaski Highway, Elkton, MD. Attached hereto, please find an application for request for rezoning of the above-captioned property from Residential Mixed Use (RMU) to Heavy Industrial (M-2) on the basis of mistake.

Additionally, attached hereto is the application fee, by check, in the amount of Two Hundred Fifty (\$250.00) Dollars. Please advise this office at your earliest convenience as to the date of the scheduled hearings in relation to this matter.

Should you have any questions or require any additional information in the interim, please advise.

Yours very truly,


Karl H. Fockler

Cc: 929 West Pulaski Hwy, LLC

REZONINGS

FILE NO: 2020-04

APPLICANT: 929 W. Pulaski Highway, LLC

LOCATION: 929 West Pulaski Highway, Elkton, MD 21921 (Tax Map 26, Parcel 55)

REQUEST: Rezone 0.626 acres from Residential Mixed Use (RMU) to Heavy Industrial (M2).

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

PLANNING COMMISSION RECOMMENDATION: Approval, based on 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 subject property and all of the immediately adjoining properties are zoned Residential Mixed Use (RMU) or Heavy Industrial (M2). The properties within the neighborhood are zoned Residential Mixed Use (RMU), Heavy Industrial (M2), Business General (BG), and Employment Mixed Use (EMU). The periphery of the neighborhood is zoned Light Industrial (M1) and Urbanized Residential (UR).

CHANGES IN AREA: There have been two rezonings in the neighborhood since the 2011 Comprehensive Rezoning. File number 2017-01 was approved to rezone 7 acres of RMU to BG based upon a demonstrated mistake in the 2011 Comprehensive Rezoning. File number 2019-04 was approved to rezone 4.8 acres of RM to EMU based upon a demonstrated mistake in 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: 305.03	4,695	5,751	22.49%

AVAILABILITY OF PUBLIC FACILITIES: The property is presently served by sewer, and is located within a future water service area W-2 per the adopted Master Water & Sewer Plan.

PRESENT AND FUTURE TRANSPORTATION AND TRAFFIC PATTERNS, CHARACTER, AND VOLUME: Access to the property is from Pulaski Highway and any additional access would require a permit from the State Highway Administration. The proposed rezoning would have a minor effect on future transportation and traffic patterns, character, and volume.

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 Residential Mixed Use District of the Comprehensive Plan. The Residential Mixed Use District includes developing areas between the towns of Elkton and North East. The Residential Mixed Use District is intended to concentrate mixed-use project opportunities to create transit-supportive nodes of density along the major corridor of US 40.

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.