



Department of Planning Staff Report to the Carroll County Planning and Zoning Commission

Hampstead Annexation # 44 – Michaels Property

Presented to the Planning Commission on September 20th, 2022

Summary:

Petitioner/Property Owner:	Elwood Michael Estate, LLC & Marjery Michael Trust, LLC
Total Acreage:	28.82 acres
County Zoning:	“R-20,000” Residential
Proposed Municipal Zoning:	“R-10,000” Residential
Waiver Requested:	Yes
Existing Use of Land:	Largely Unimproved
Land Use Designation:	Low Density Residential (R-10,000)
Public Water Service Area:	Long Range/Existing Water Service Area (W-6, W-1)
Public Sewer Service Area:	Future/Existing Sewer Service Area (S-5, S-1)

Petitioner/Property Owner:

The petitioner of this annexation is Elwood Michael Estate, LLC and Marjery Michael Trust, LLC. The property owner of the area to be annexed is Marjery Michael Trust, LLC.

Annexation Area Description:

Located in the Eighth Election District, the area to be annexed is 28.82 acres of Parcel 0495 and located on Tax Map 41. The annexation is bordered by Shiloh Road and Panther Road and extends west to the Hampstead Bypass. The property is contiguous to the Town of Hampstead’s corporate limits. The entire property is approximately 71 acres and extends across the Hampstead Bypass. The annexation area is only for the portion of the property on the eastern side of the Bypass. Planning staff notes the proposed annexation area is very close to creating two separate enclaves on the northern and southern part of the property (Exhibit I – Zoom in of Boundaries).

The area to be annexed is located to the east of the Hampstead Bypass and on the western side of the Town of Hampstead corporate limits, and is bordered to the:

- north by Tax Map 41, Parcel 506 (unincorporated and owned by 3754 Shiloh, LLC) and Tax Map 41, Parcel 100 (incorporated and owned by Panther Real Estate LLC).
- west by Tax Map 41, (unincorporated, Hampstead Bypass).
- south by Tax Map 41, (unincorporated and owned by Sandra D DeJesus); Tax Map 41, Parcel 317 (unincorporated and owned by Dina T Foos); Tax Map 41, (unincorporated and owned

by Douglas E Small); Tax Map 41, (incorporated and owned by Jacqueline R Proulx Moxley); Tax Map 41, (unincorporated and owned by Mary D Proulx); Tax Map 41, (unincorporated and owned by Amy Michelle Riddle); Tax Map 41, (unincorporated and owned by David L Michael); Tax Map 41, (unincorporated, Shiloh Road).

- east by Tax Map 41, (incorporated, Panther Drive).

Use of Land & Description:

The annexation area is largely unimproved with one dwelling. No person resides on the property. Access is from Shiloh Drive. The annexation area is approximately 28.82 acres and encompasses the majority of Parcel 0495. Following annexation, the potential developer predicts around 40-45 lots on the annexed property.

Zoning:

The annexation area is in the County's "R-20,000" Residential Zoning district (see Exhibit E – Zoning). All adjoining properties within the County are zoned "R-40,000" Residential and "R-20,000" Residential. All adjoining properties within the Town of Hampstead are zoned "R-20,000" Residential, "R-10,000" Residential, and Historic. The Town has indicated its intent to place the annexation area into the "R-10,000" Residential Zoning district.

The County's "R-20,000" Residential Zoning district allows for 2 du/acre, while the Town's "R-10,000" Residential Zoning district allow for 4 du/acre. The Town's proposed zoning is substantially different (greater than the 50% threshold established in §4-416(b) of the LGA) from the current County zoning from a density perspective. This annexation **does** require a zoning waiver.

Comprehensive Plan:

The annexation area is located within the Town's Municipal Growth Area Boundary. The annexation area has a Land Use Designation of R-10,000 Residential and R-20,000 Residential in the *2010 Hampstead Community Comprehensive Plan* (see Exhibit F – Designated Land Use). The proposed annexation is consistent with this Land Use Designations.

The annexation area is located within the County-certified Priority Funding Area.

Agency Referrals:

The following agencies were notified of the proposed annexation and have been asked to submit comments:

C.C. Dept. of Public Works	C.C. Office of the County Attorney
C.C. Bureau of Engineering	C.C. Board of Education
C.C. Bureau of Utilities	C.C. Health Department
C.C. Dept. of Land Resource Management	C.C. Dept. of Fire & Emergency Services
C.C. Dept. of Economic Development	MD Dept. of Transportation - SHA
C.C. Dept. of Public Safety	MD Dept. of Planning
C.C. Dept. of Recreation & Parks	

The following agencies DO NOT have comments:

C.C. Dept. of Public Safety
C.C. Dept. of Land Resource Management
C.C. Health Department
MD Dept. of Transportation - SHA

The C. C. Bureau of Utilities provided the following comments:

“The above-mentioned annexation petition received by this agency on August 17, 2022 has been reviewed. While this bureau has no opinion regarding this request, we do wish to make all parties involved aware that if reclassification of this property into the existing or priority sewer service area is also being considered at this time, the receiving pump station to service this property is nearing capacity. Therefore, the Bureau of Utilities may not be able to issue final approval of future site development until scheduled pump station improvements have been completed. At this time pump station improvements are anticipated to be completed in 2024 pending funding availability.”

Water and Sewer:

The *Carroll County Water and Sewer Master Plan* identifies the annexation area as being in the Long Range/Existing Water Service Area (W-6, W-1) and the Future/Existing Sewer Service Area (S-5, S-1) (see Exhibit G – Water Service Area and Exhibit H – Sewer Service Area). Given the Bureau of Utilities comments, Planning is recommending the Town go through a Fall/Spring Water and Sewer Amendment to place the property in the Priority Service Categories (W-3, S-3) after improvements to the pump station are made.

Other Municipal Services:

Roads: No new streets will be constructed or needed. Public streets are already in existence. Access to the property to be annexed is from Shiloh Drive.

Parks and Recreation: Subdivision regulations will govern the applicable open space requirements if the annexation is successful.

Schools: There will be no additional impact on the school population as a result of the annexation.

Fire/EMS/Police: The area to be annexed is served by the Hampstead Volunteer Fire Company. The fire company service area does not recognize the Town line. There will be no additional impact to the Hampstead Volunteer Fire Dept. The Town presently employs a police chief and nine full time officers. The annexation should require no increase in police manpower. Police services will begin immediately upon the effective date of the annexation resolution (45 days following the approval of the resolution by Hampstead's Town Council).

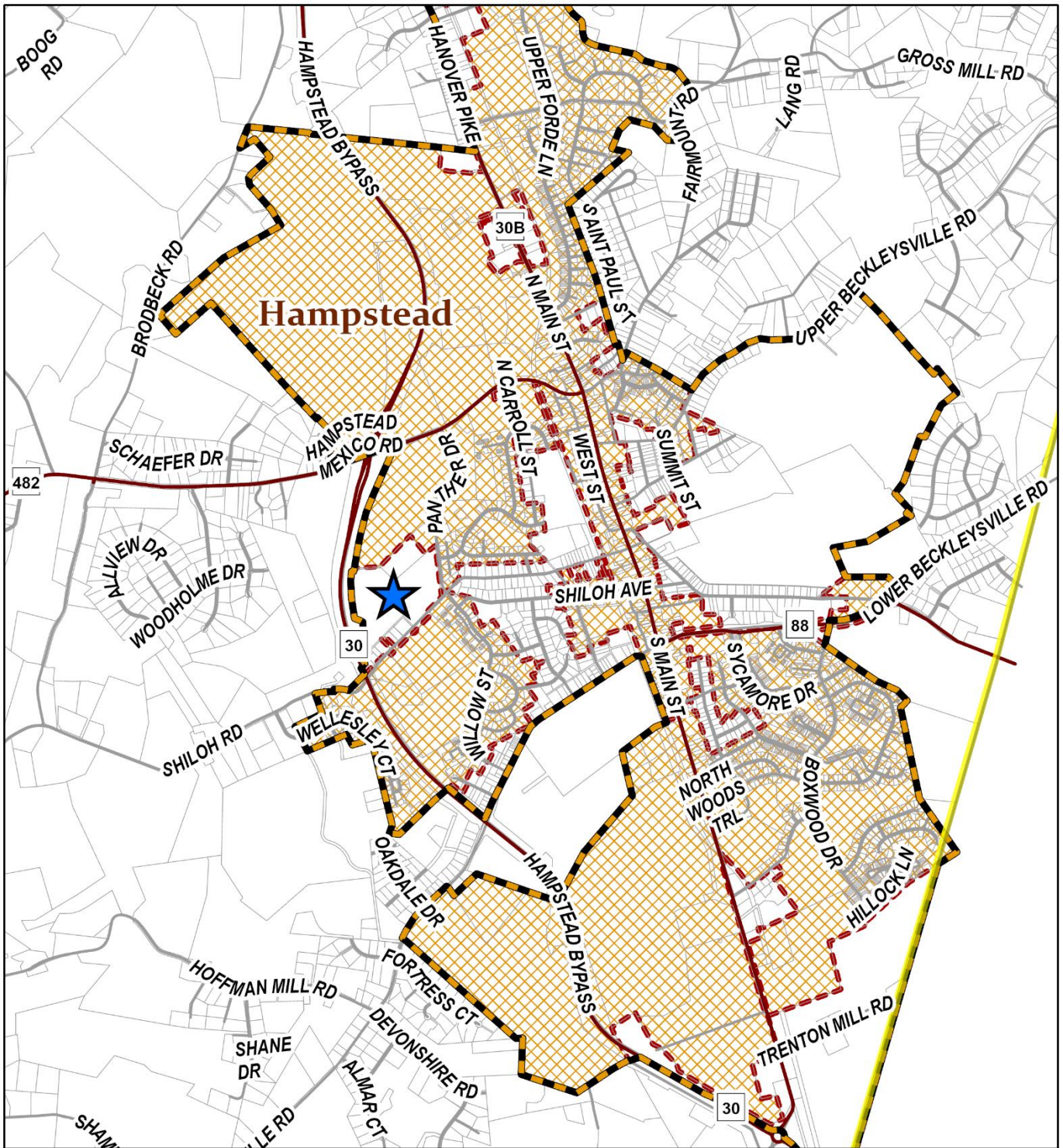
Staff Recommendation:






Planning staff is recommending support of this annexation and zoning waiver. Planning is recommending the Town go through a Fall/Spring Water and Sewer Amendment to place the property in the Priority Service Categories (W-3, S-3) after improvements to the pump station are made.

Staff Recommended Motion:

I make a motion that the Carroll County Planning and Zoning Commission forward the comments outlined in this staff report and of the zoning waiver request to the Board of County Commissioners with a favorable recommendation.

Exhibit B – Parcel Layout of Hampstead

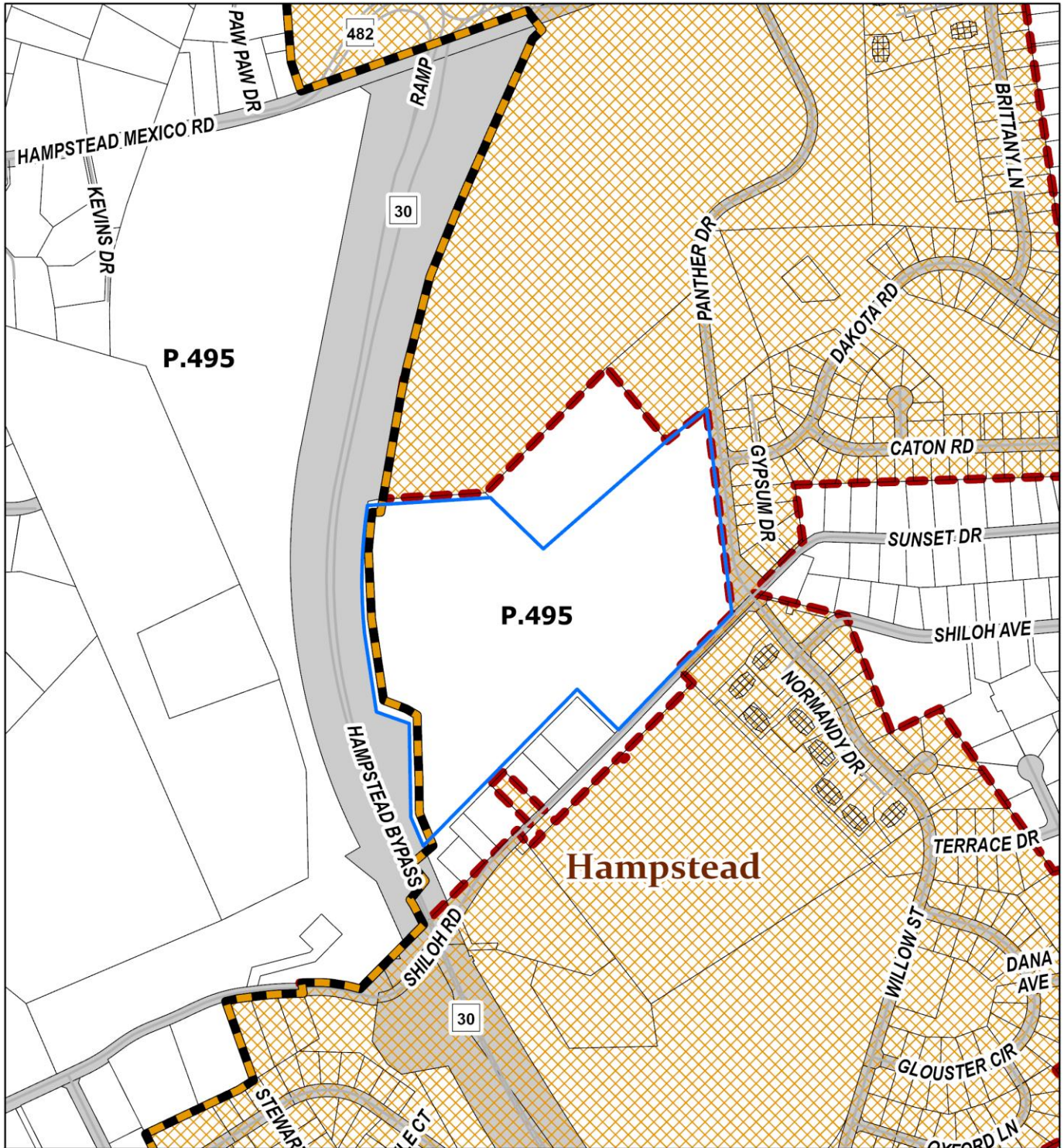


-  **Annexation 44**
-  Corporate Limits
-  Growth Area
-  County Border
-  Parcels

0 1,250 2,500 Ft



Exhibit C – Parcel Layout of Annexation Area

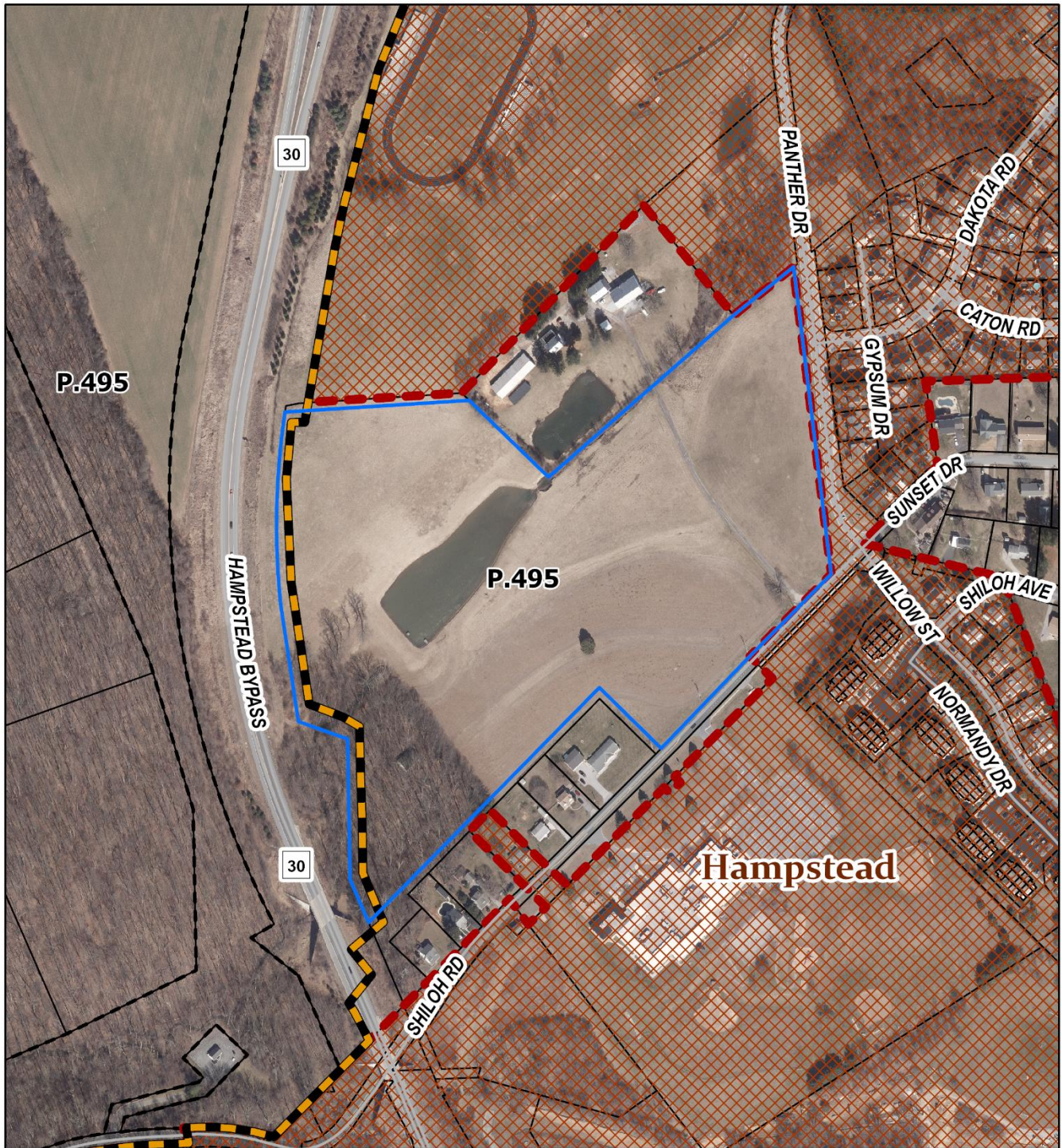


- Annexation 44**
- Growth Area**
- Corporate Limits**
- Parcels**



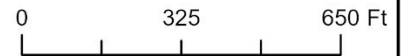
Prepared by Carroll County
Department of Planning 08/2022 (kc)

Exhibit D – Ortho of Annexation Area



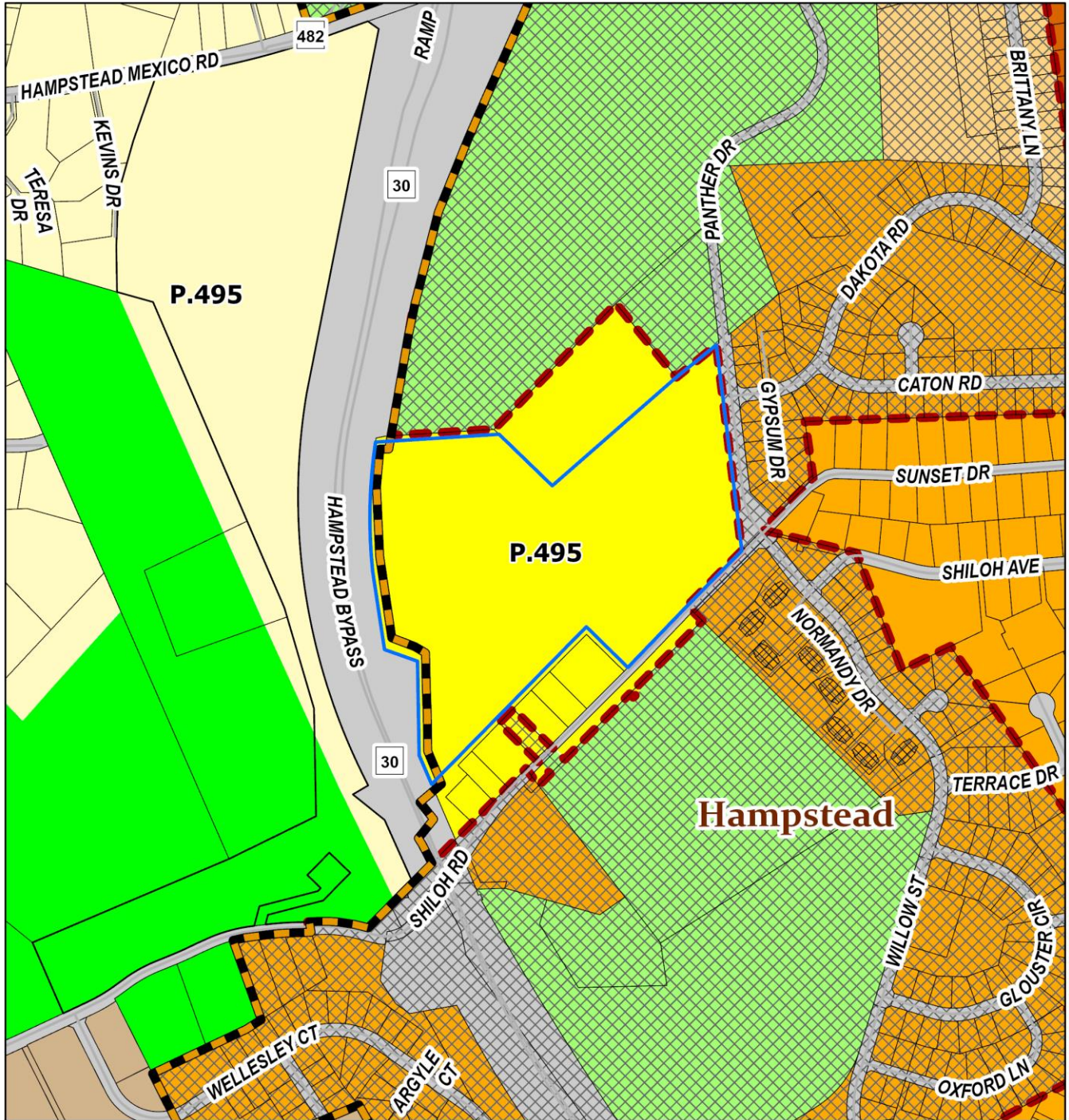
Legend

-  **Annexation 44**
-  **Corporate Limits**
-  **Growth Area**
-  **Parcels**



Prepared by Carroll County
Department of Planning 08/2022 (kc)

Exhibit E – Zoning of Annexation Area



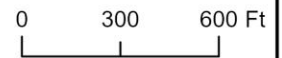
- Annexation_44**
- Corporate Limits
- Growth Area
- Parcels

County Zoning

- Agriculture
- Conservation
- R-40,000
- R-20,000
- R-10,000
- R-7,500

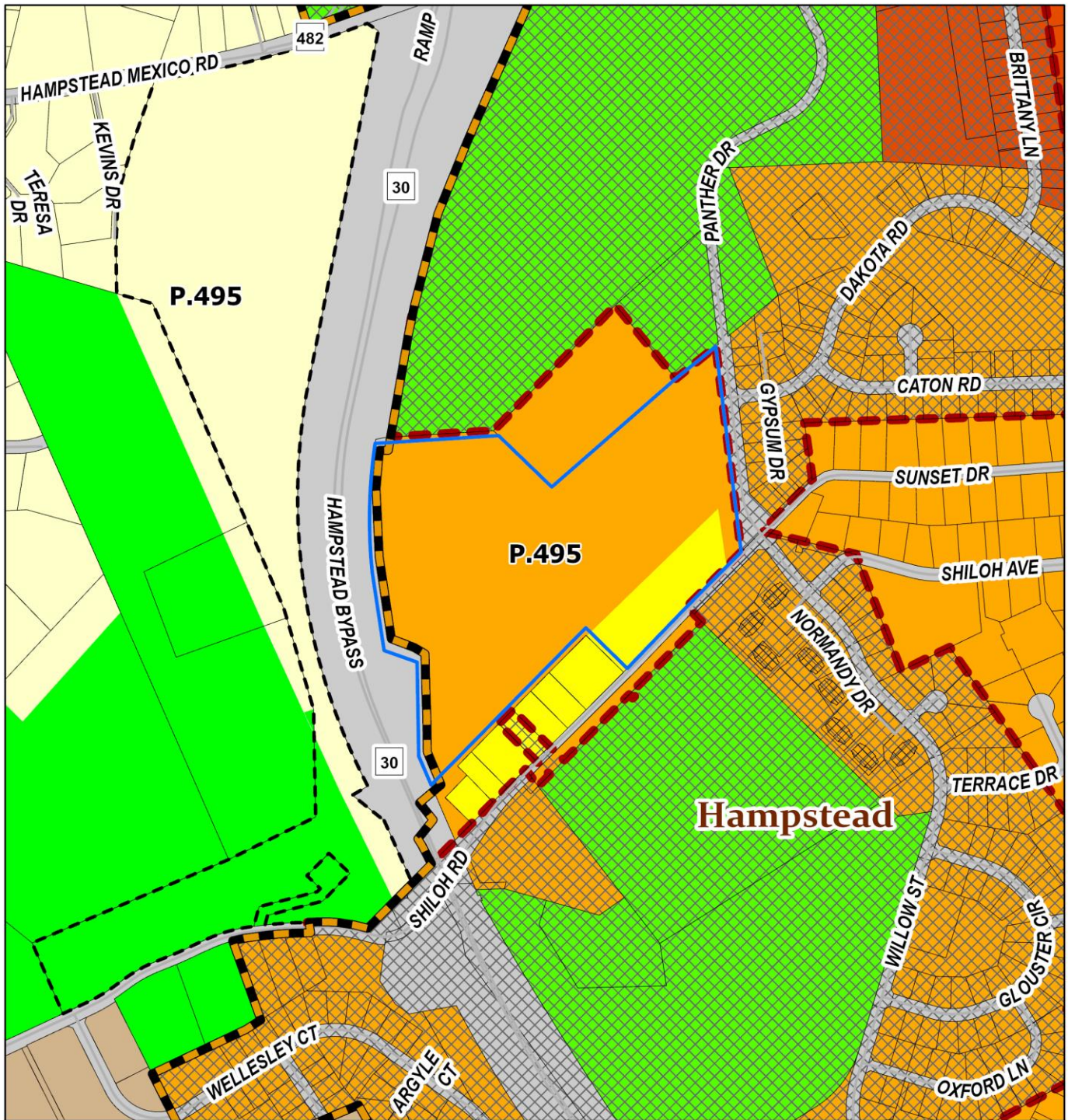
Hampstead Zoning

- Public Conservation
- R-20,000
- R-10,000
- R-7,500



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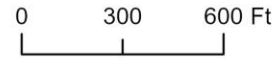
Exhibit F – Designated Land Use of Annexation Area



- Annexation 44
- Corporate Limits
- Growth Area
- Parcels

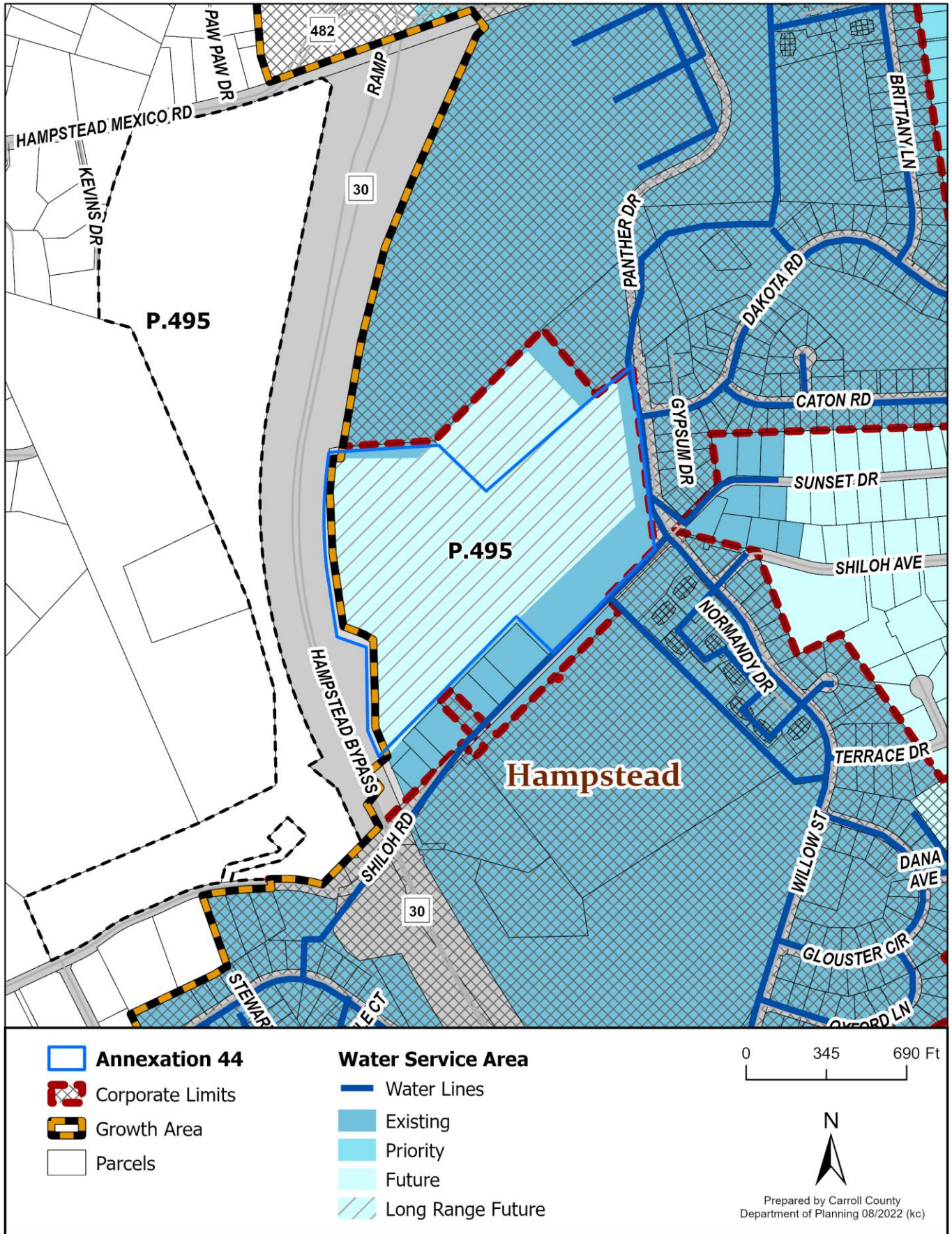
- County Future Land Use**
- Agriculture
 - Resource Conservation
 - Residential-Low Density
 - Transportation

- Hampstead Designated Land Use**
- Public Conservation
 - R-20,000
 - R-10,000
 - R-7,500



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Exhibit G – Water Service Area



- Annexation 44**
- Corporate Limits**
- Growth Area**
- Parcels**

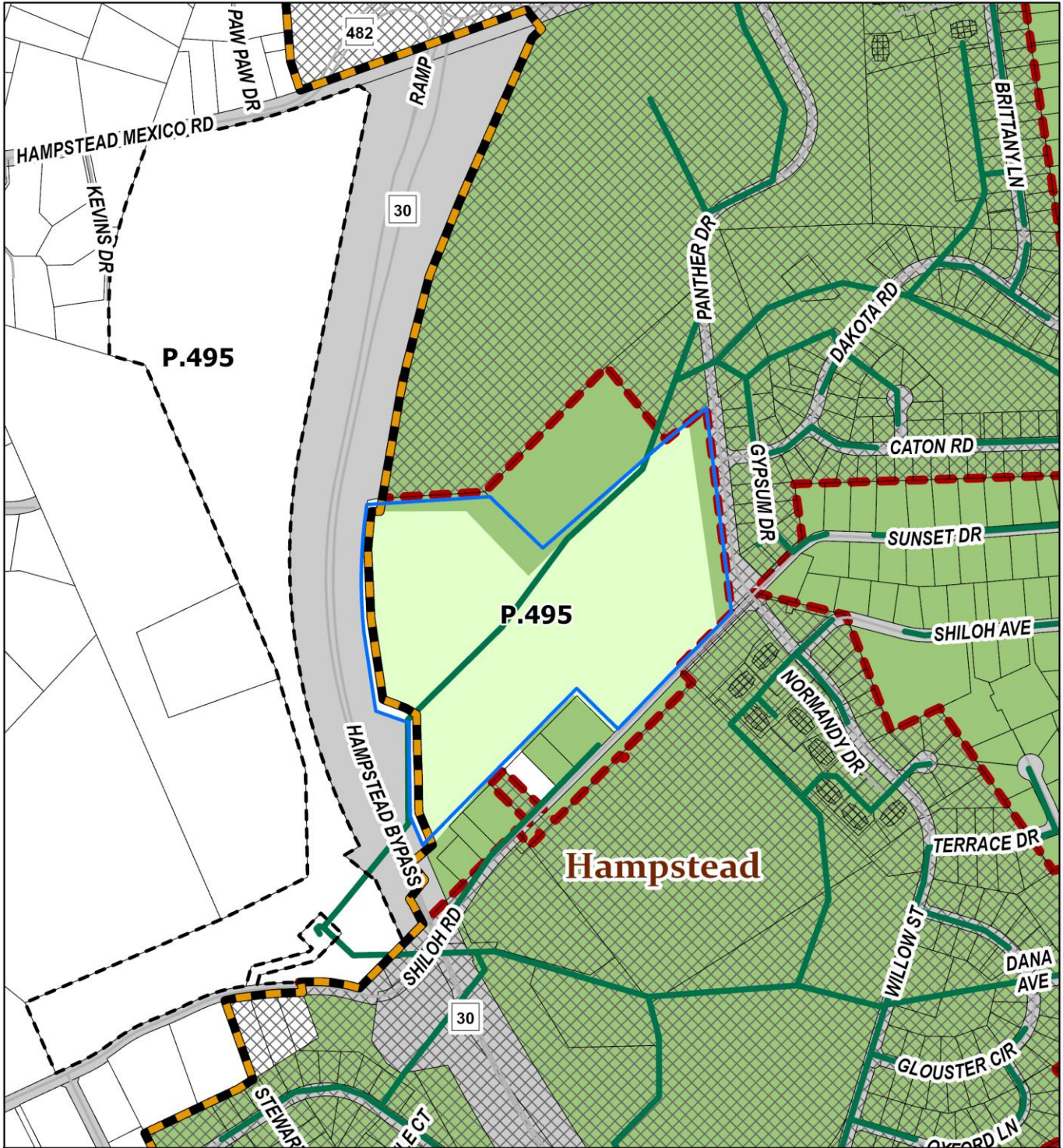
- Water Service Area**
- Water Lines**
 - Existing**
 - Priority**
 - Future**
 - Long Range Future**

0 345 690 Ft



Prepared by Carroll County
Department of Planning 08/2022 (kc)

Exhibit H – Sewer Service Area



-  **Annexation 44**
-  **Corporate Limits**
-  **Growth Area**
-  **Parcels**

- Sewer Service Area**
-  Sewer Gravity Main Lines
 -  Future
 -  Existing

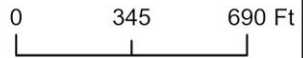


Exhibit I – Zoom in of Boundaries

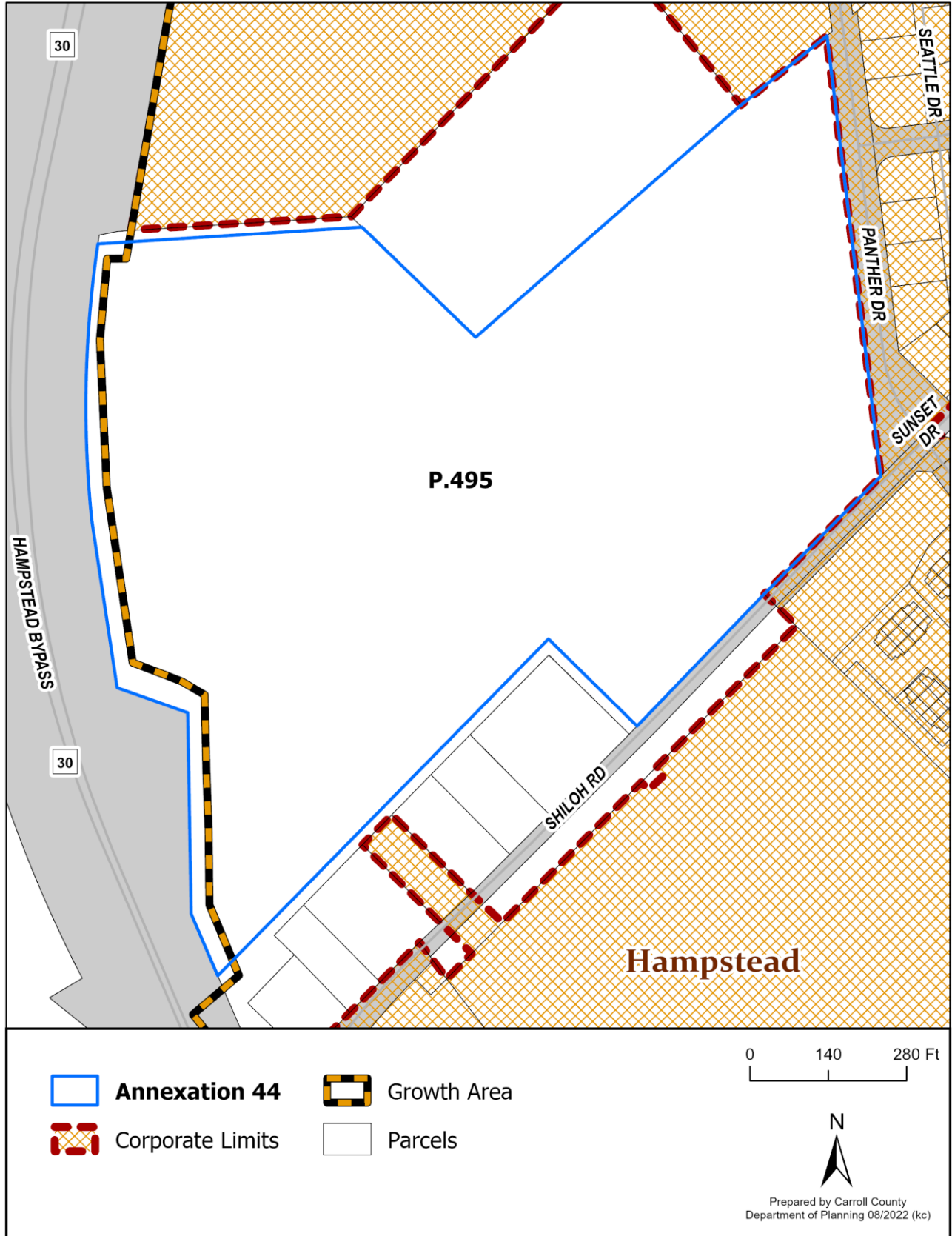


Exhibit J – Maryland Department of Planning Comments

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland DEPARTMENT OF PLANNING

September 9, 2022

The Honorable Christopher M. Nevin
1034 S. Carroll Street
Hampstead, Maryland 21074

Re: Michaels Property Annexation, Resolution No. 44

Dear Mayor Nevin,

Thank you for providing the Maryland Department of Planning (Planning) with information pertaining to the Michaels Property Annexation Resolution No. 44. Planning has reviewed your submission and offers the following comments for consideration.

As you are aware, §4-416(b) of the Local Government Article specifies that the new zoning for the annexed land cannot be substantially different from the existing county zoning, without the express consent of the Carroll County Commission. In reviewing this annexation request, it is the Department's view that the proposed town zoning appears to not be substantially different from the current county zoning from a use perspective, as allowable uses for each zone are similar in nature. Both zones are reserved primarily for single family uses, which are permitted by right. However, the town zoning appears to allow substantially higher density than the current county zoning, as the proposed town R-10,000 zoning district allows a single-family use on 10,000 square feet and the county zoning of R-20,000 Residence District allows single-family use on 20,000 square feet. Therefore, Planning recommends that the town seek a waiver from the Board of Carroll County Commissioners prior to annexation, if it wants to allow development of the annexed land within the next five years for land uses substantially different than those authorized uses in accordance with applicable county zoning, as provided in §4-416 of the Local Government Article. Please see Planning's attached Annexation Review for further details of our analysis.

The property proposed for annexation is currently located in a county-certified Priority Funding Area (PFA); however, Planning previously made a "comment" that the locally certified PFA did not meet all the criteria for PFA Law contained in the State Finance and Procurement Article. Based on Planning's review of the annexation, the proposed zoning, and the county's Water and Sewerage Master Plan, the subject property upon annexation appears to meet the criteria for PFA contained in the State Finance and Procurement Article, §5-7B-02 & 03, and therefore will be shown on Planning's maps as a Municipal PFA Area. This determination is based on the following findings. The Carroll County Water and Sewer Master Plan 2019 Update designates this area as S-5 Future (7 – 10 yr), the property is in the "Growth Area Boundary" as shown on Map 6, "Hampstead Community Comprehensive Plan Municipal Growth Area" in the 2010 Community Comprehensive Plan, and the R-10,000 municipal zoning would permit residential density greater than 3.5 dwelling units per acre. If Planning's analysis has not included information you believe is relevant to this

Mayor Nevin
Re: Michaels Property Annexation, Resolution No. 44

September 9, 2022
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finding, please contact Joe Rogers, so the department can incorporate that additional information into our review. Upon the effective date of Resolution 44, and once Planning receives official notification of the annexation from the Department of Legislative Services, Planning will again review the annexation to determine if any changes have occurred to see if the annexation meets the eligibility criteria for a PFA.

Enclosed you will find important information concerning post annexation notification and participation in the Census Bureau's Boundary and Annexation Survey. The town should follow the appropriate procedures so that the annexed property is legally established as part of the incorporated municipality. To expedite Planning's updating of the PFA status, please send Joe Rogers a copy of the notification transmitted to the Department of Legislative Services.

If you desire further assistance please contact regional planner, Joe Rogers, at (301) 338-0529.

Sincerely,



Charles W. Boyd, AICP
Director, Planning Coordination

cc: Robert S. McCord, Secretary of Planning
Tammi Ledley, Town Manager / Zoning Administrator Town of Hampstead
Jim Roark, Assistant Zoning Administrator Town of Hampstead
Lynda Eisenberg, Carroll County Planning Director
Hannah Webber, Carroll County Planning
Joe Griffiths, Manager Local Assistance and Training
Dave Cotton, Planning Manager Western MD Office MDP
Joe Rogers, Western Regional Planner MDP

Attachments: Maryland Department of Planning Annexation Review
Municipal Reporting Responsibilities Following Annexation
Municipal Charter or Annexation Resolution Re-position Form