



Carroll County Department of Planning Report to the Board of Carroll County Commissioners

Mt. Airy Annexation No. 45 – Full Property

Presented to the Board of County Commissioners on September 22nd, 2022

Summary:

Petitioner/Property Owner:	Buffalo Road Investment, LLC
Total Acreage:	8.33 acres
County Zoning:	“R-40,000” Residential
Proposed Municipal Zoning:	“R2” Residential
Waiver Requested:	Yes
Existing Use of Land:	Improved – dwellings
Land Use Designation:	Low Density Residential
Public Water Service Area:	Long Range Water Service Area (W-6)
Public Sewer Service Area:	Long Range Sewer Service Area (S-6)

Petitioner/Property Owner:

The petitioner and property owner of the property to be annexed is Buffalo Road Investment, LLC.

Annexation Area Description:

Located in the Thirteenth Election District, the area to be annexed is 8.336 acres of Parcel 30 and located on Tax Map 70. The annexation is bordered by Buffalo Road and the County’s border with Frederick County. The property is contiguous to the Town’s corporate limits and will not create an enclave.

The area to be annexed is located to the north of Buffalo Road and on the western side of the Town of Mt. Airy corporate limits, and is bordered to the:

- north by Tax Map 70, Parcel 145 (unincorporated and owned by Nicole Brooks).
- east by Tax Map 70, Parcel 322 (incorporated and owned by the Town of Mt. Airy).
- south by Tax Map 70, Buffalo Road; Tax Map 70, Parcel 29 (unincorporated and incorporated and owned by Sheila K. Anderson).
- west by Frederick County.

Use of Land & Description:

The annexation area is largely unimproved with one dwelling. Access is from Buffalo Road. The

annexation area is approximately 8.33 acres and encompasses parcel 30 in its entirety. The proposed annexation area does not include Buffalo Road. The proposed concept plan shows 9 lots being added to the annexation area (see Exhibit B – Full Property Site Plan).

Zoning:

The annexation area is in the County’s “R-40,000” Residential Zoning district (see Exhibit F – Zoning). All adjoining properties within the County are zoned “R-40,000” Residential. All adjoining properties within the Town of Mt. Airy are zoned “R2” Residential.

The Town has indicated its intent to place the annexation area into the “R2” Residential Zoning district. All adjoining properties within the Town of Mt. Airy are zoned “R2” Residential.

The County’s “R-40,000” Residential Zoning district allows for 1 du/acre, while the Town “R2” Residential Zoning district allow for 2 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 Low Density Residential in the *2013 Mt. Airy Comprehensive Plan* (see Exhibit G – 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	

C.C. Dept. of Public Works:

DPW is recommending the Town of Mt. Airy assume maintenance responsibility on the proposed annexation area's road frontage on Buffalo Road.

The following agencies DO NOT have comments:

C.C. Department of Health	C.C. Dept. of Recreation & Parks
C.C. Fire and Medical Emergency Services	Carroll County Attorney's Office
Maryland Dept. Transportation- SHA	C.C. Bureau of Utilities

Water and Sewer:

The *Carroll County Water and Sewer Master Plan* identifies the annexation area as being in the Long-Range Water Service Area (W-6) and the Long-Range Sewer Service Area (S-6) (see Exhibit H – Water Service Area and Exhibit I – Sewer Service Area). Planning staff is recommending the Town go through a water and sewer amendment to the Carroll County Water and Sewer Master Plan to place the property in the Priority Service Categories (W-3, S-3).

Other Municipal Services:

Roads: Any and all road improvements pursuant to any future development of the Property shall adhere to Town road construction standards in terms of thickness of curb, gutter, and sidewalk unless otherwise agreed to in the development plan review process. All such road improvements and respective rights of way, when completed, shall be conveyed to the Town by Owner, upon final inspection and acceptance by the Town and/or other governing bodies.

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

Fire/EMS/Police: Upon the effective date of the Annexation Resolution, the Property will receive police service coverage from the Town of Mt. Airy Police Department and fire

service coverage in the same manner as other properties in the Town.

Staff Recommendations:

Planning staff is recommending support of this annexation and zoning waiver. Planning staff is also recommending the Town go through a water and sewer amendment to the Carroll County Water and Sewer Master Plan to place the property in the Priority Service Categories (W-3, S-3). Planning staff is also recommending the Town take maintenance responsibility for the annexation area's road frontage on Buffalo Road as the C.C. DPW is advising.

Planning Commission Recommendations:

Meeting on September 20th.

Exhibit A – Plat of Annexation Area

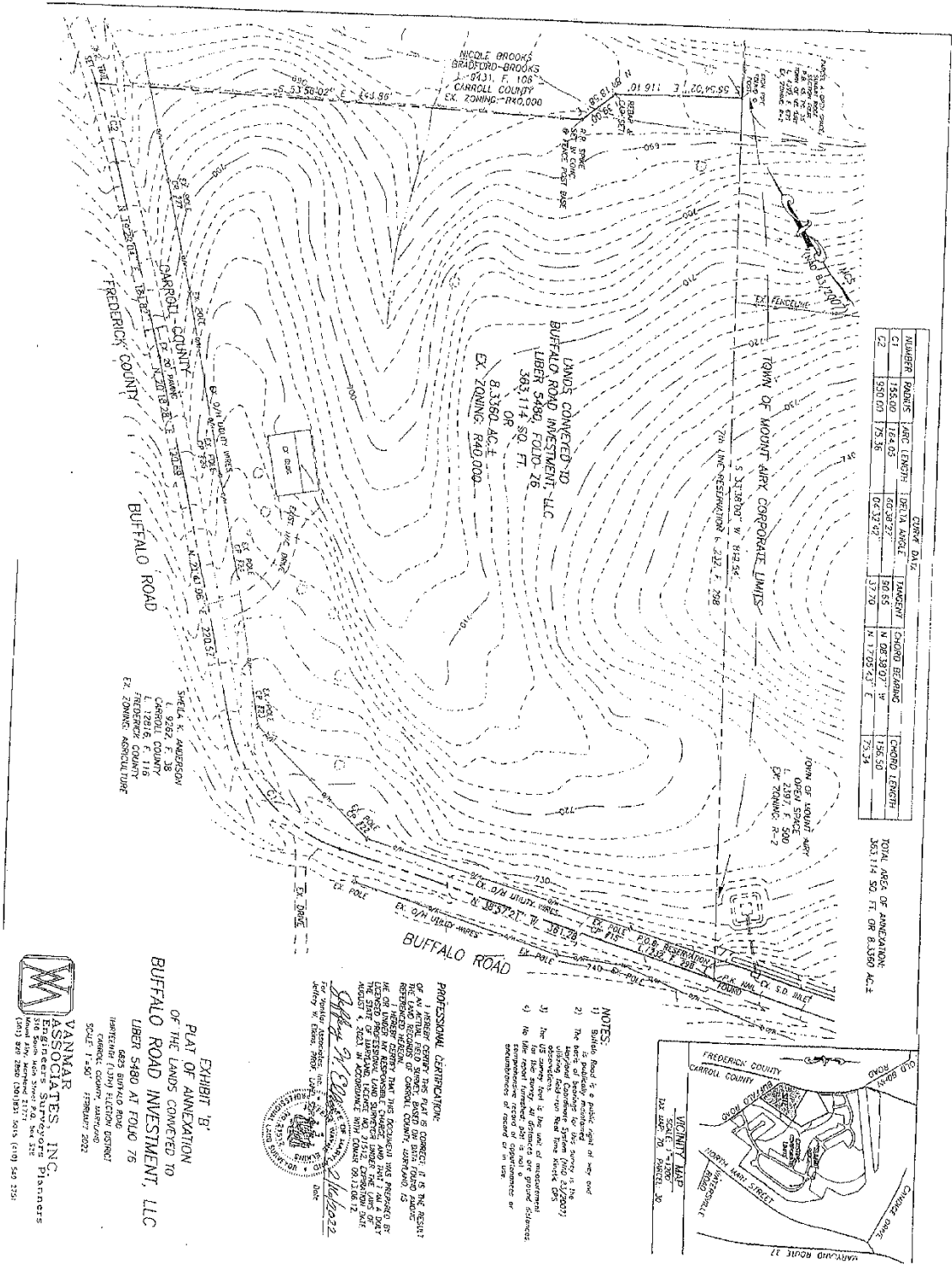


EXHIBIT B
PLAT OF ANNEXATION
OF THE LANDS CONVERTED TO
BUFFALO ROAD INVESTMENT, LLC
LIBER 5480 AT FOLIO 26
 HARRISON COUNTY, MISSISSIPPI
 SCALE: 1" = 50'

VANMAR ASSOCIATES, INC.
 ENGINEERS AND SURVEYORS
 116 South Main Street, Suite 200
 Meridian, MS 39001
 (601) 599-8888 (800) 851-3015 (601) 549-2331

PROFESSIONAL CERTIFICATION:
 I HEREBY CERTIFY THAT THIS PLAT IS CORRECT, IN ACCORDANCE WITH THE ACTS OF THE MISSISSIPPI LEGISLATURE, AND THAT I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF MISSISSIPPI.
 My Commission Expires on 08/31/2022.

 Surveyor

- NOTES:**
- 1) Buffalo Road is a public right of way and the survey is for the purpose of the Mississippi Code Section 17-1-107.
 - 2) The survey is based on the Mississippi State Plane Coordinate System (NAD 83/2011).
 - 3) The survey is based on the Mississippi State Plane Coordinate System (NAD 83/2011).
 - 4) The survey is based on the Mississippi State Plane Coordinate System (NAD 83/2011).
 - 5) The survey is based on the Mississippi State Plane Coordinate System (NAD 83/2011).

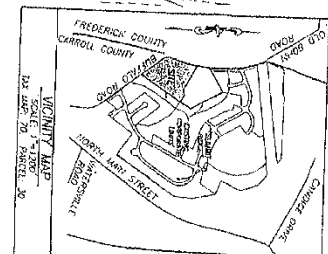


Exhibit B – Concept Plan of Annexation Area

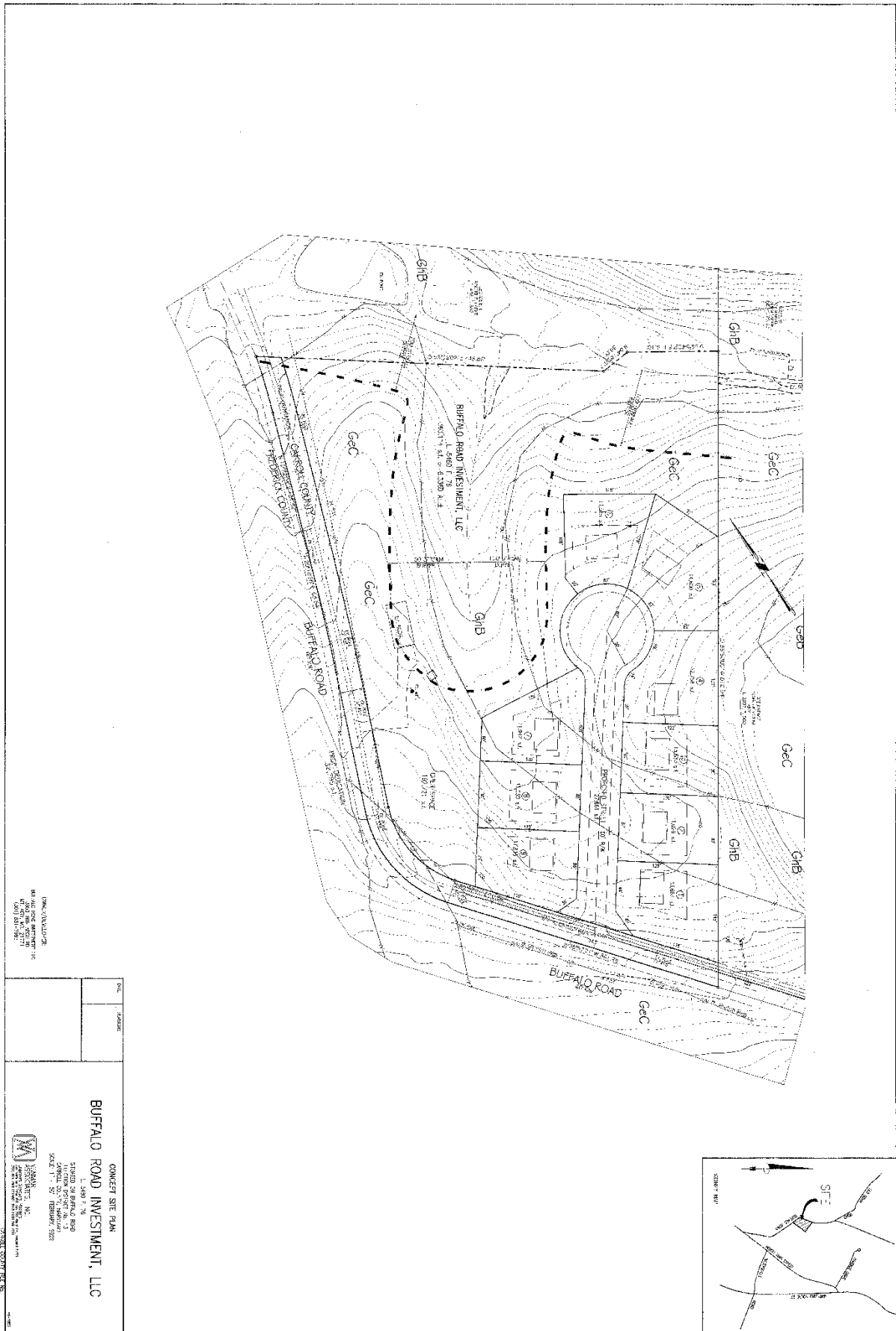


Exhibit C – Parcel Layout of Mt. Airy

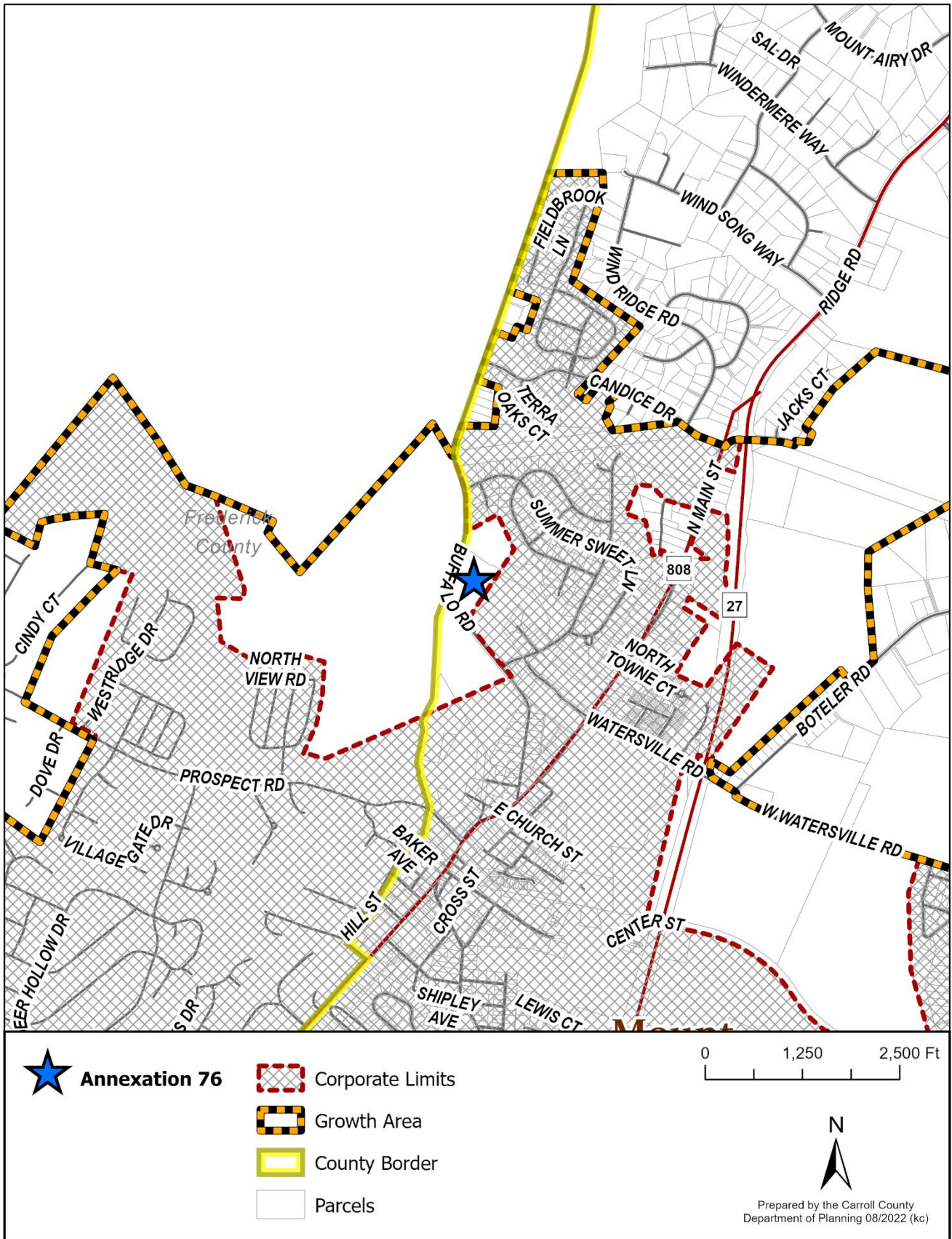
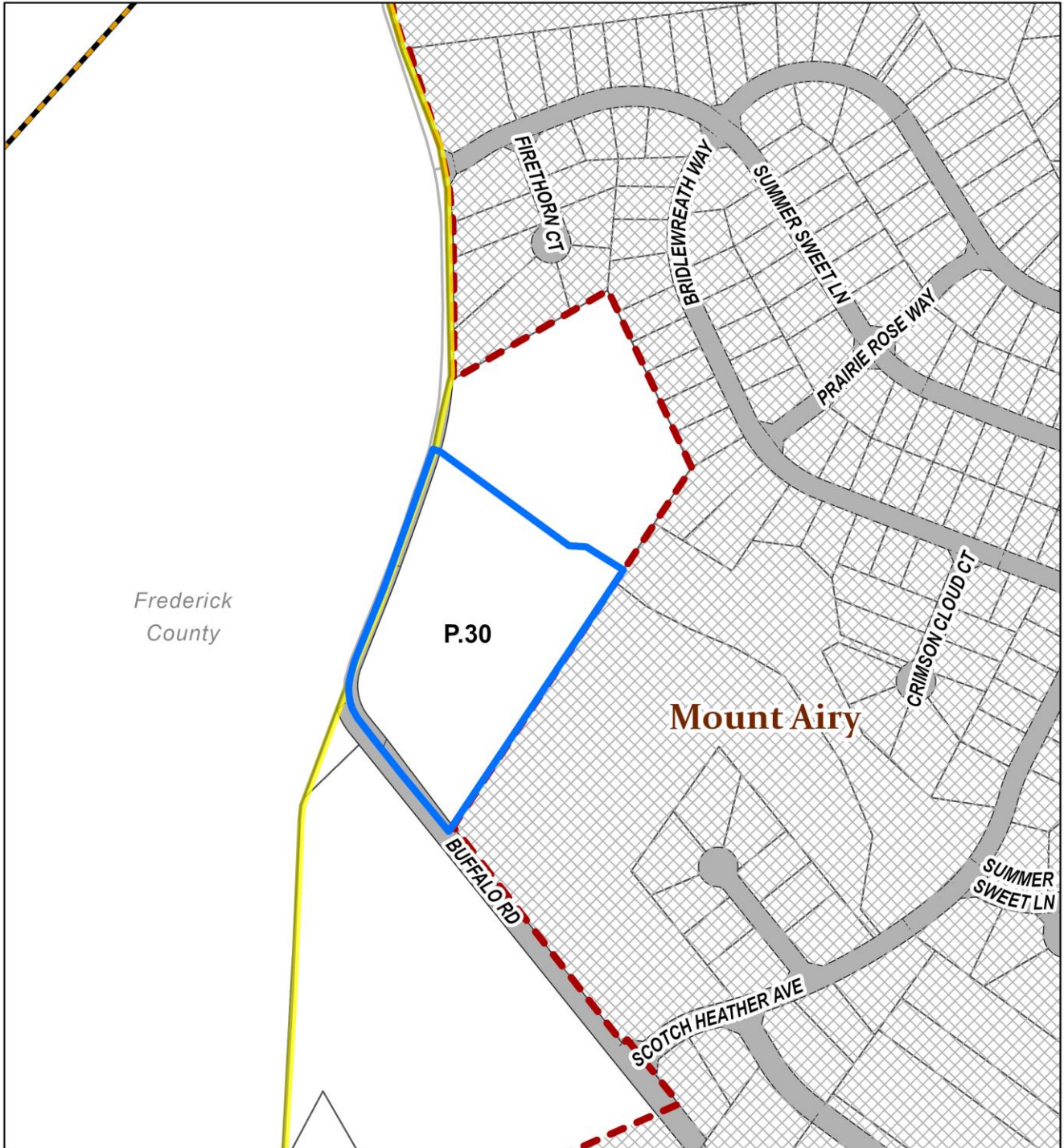
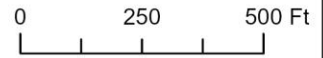


Exhibit D – Parcel Layout of Annexation Area

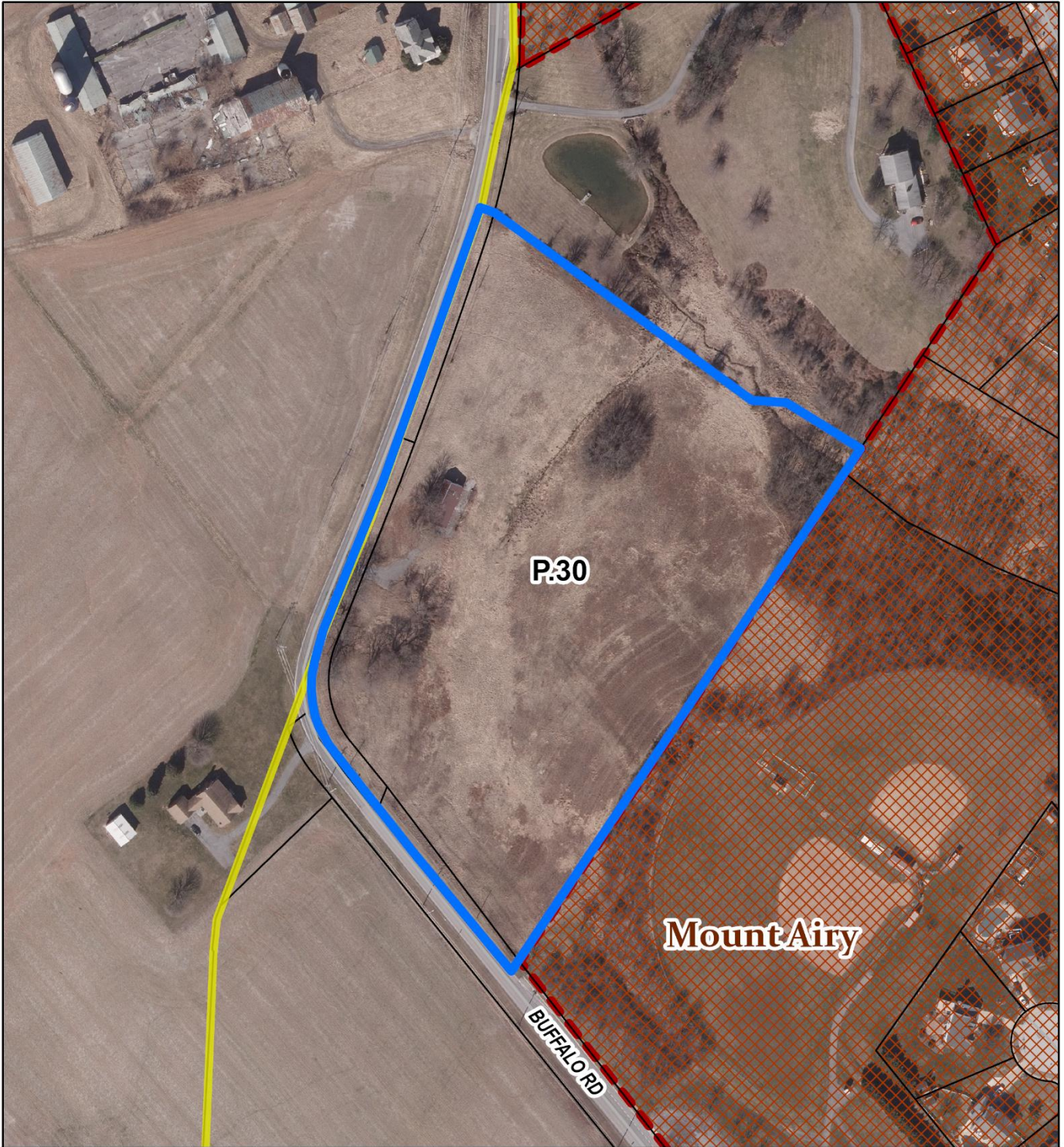






- Annexation 76
- Corporate Limits
- Growth Area
- County Border
- Parcels



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

Exhibit E – Ortho of Annexation Area



-  **Annexation 76**
-  Corporate Limits
-  County Border
-  Parcels

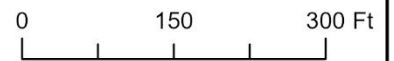


Exhibit F – Zoning of Annexation Area

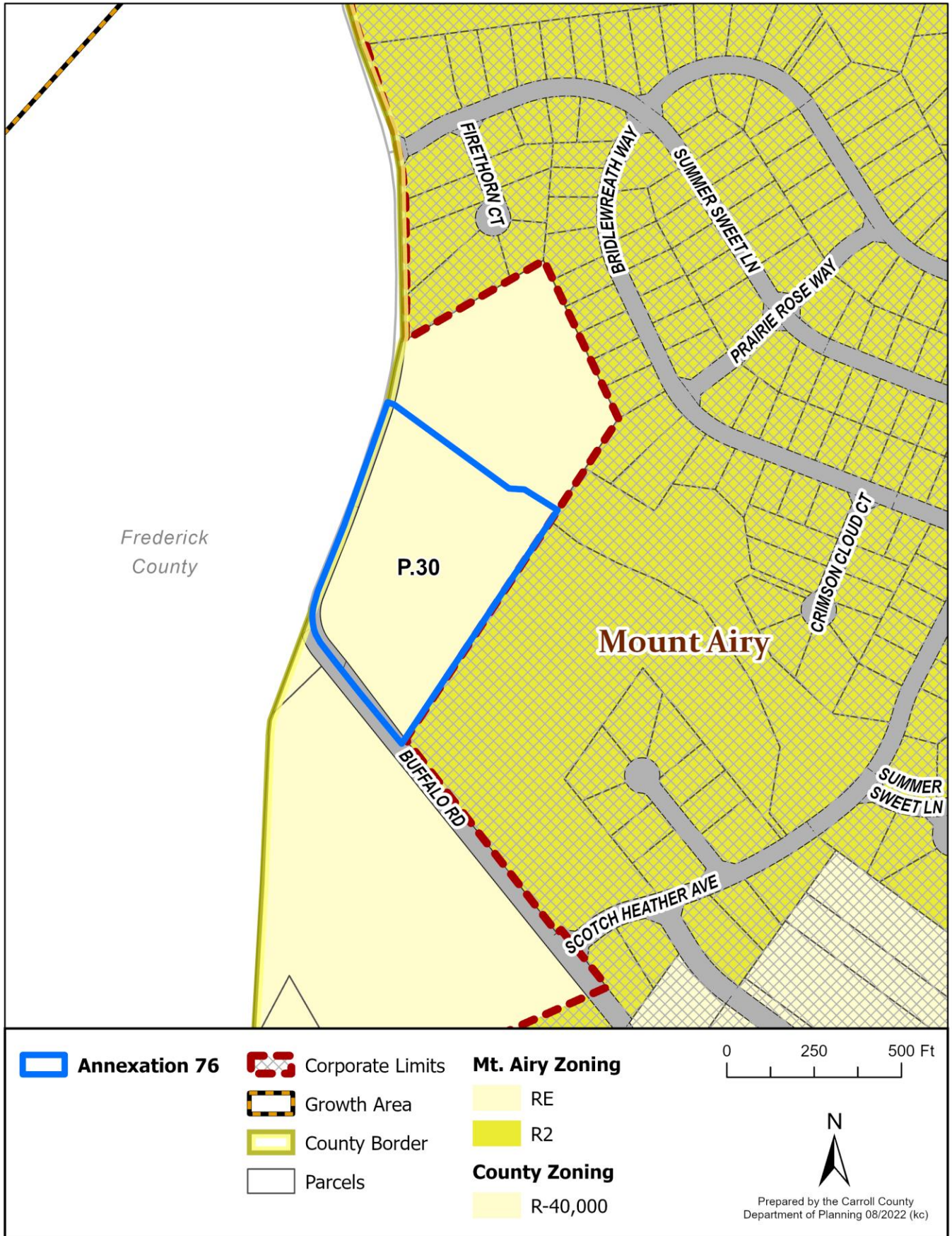
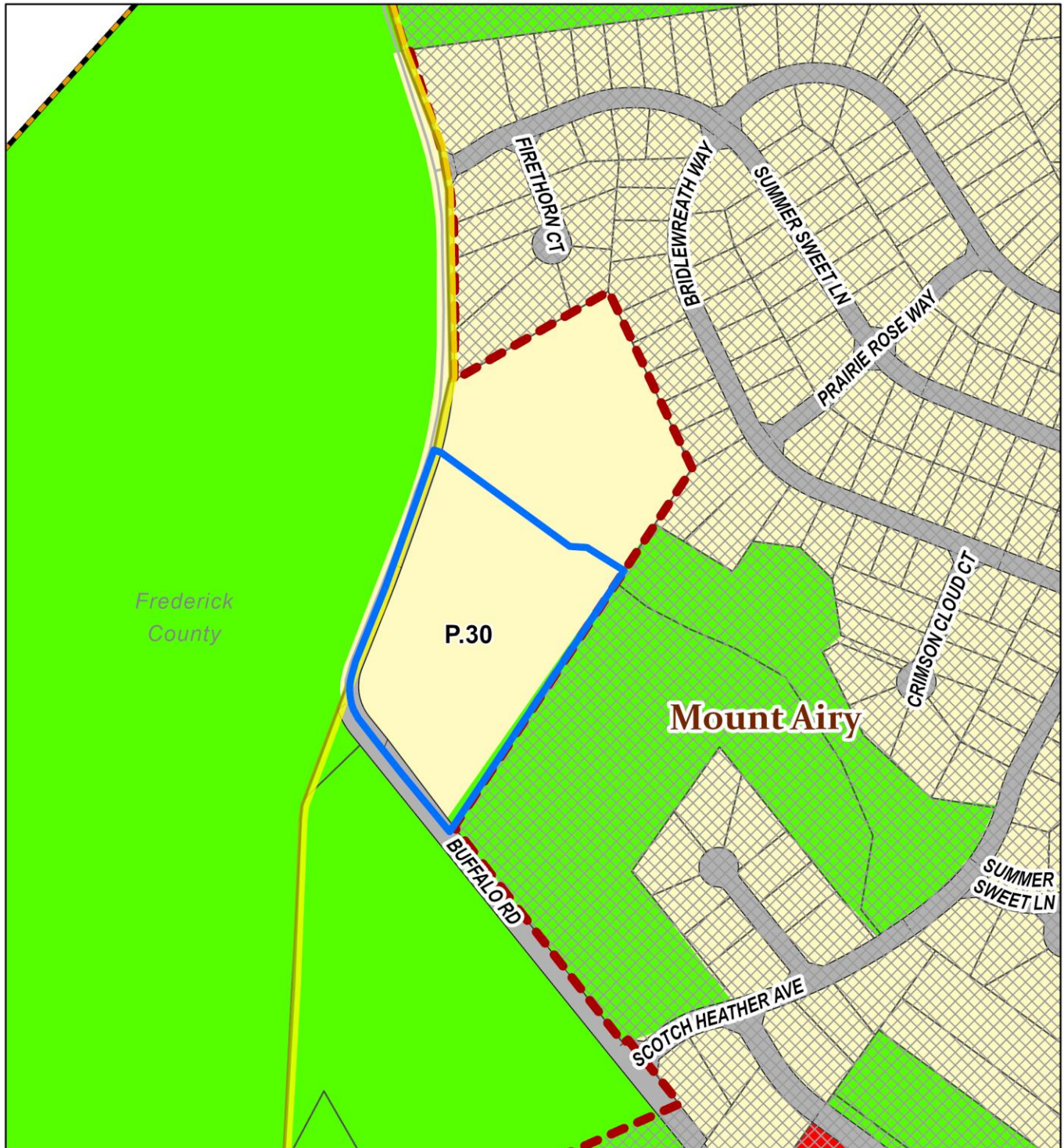


Exhibit G – Designated Land Use of Annexation Area



 **Annexation 76**

 Corporate Limits

Designated Land Use

 Growth Area

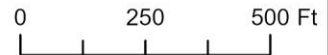
 General Commercial

 County Border

 Low Density Residential

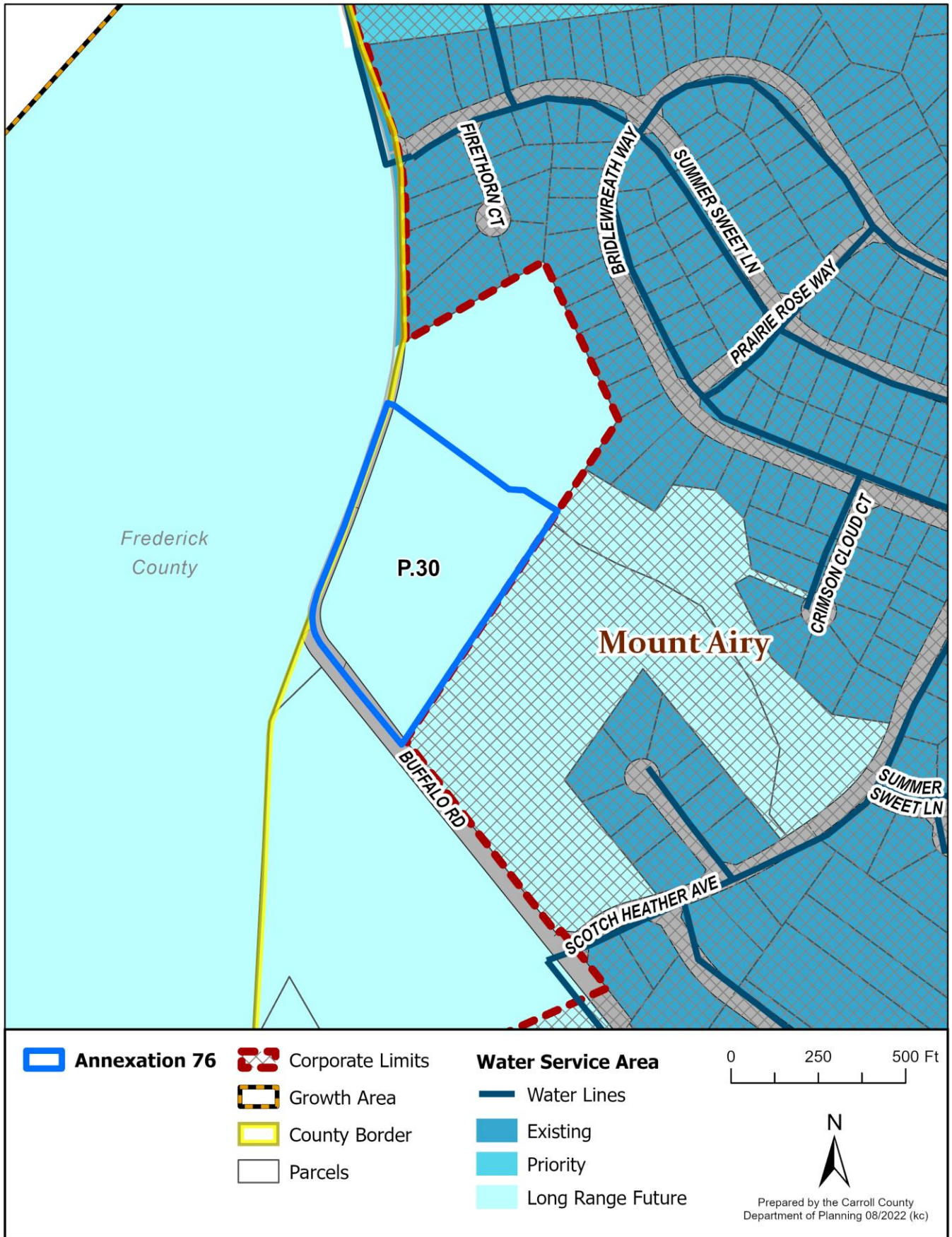
 Parcels

 Open Space



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

Exhibit H – Water Service Area




 **Annexation 76**

 Corporate Limits

Water Service Area

 Growth Area

 Water Lines

 County Border

 Existing

 Parcels

 Priority

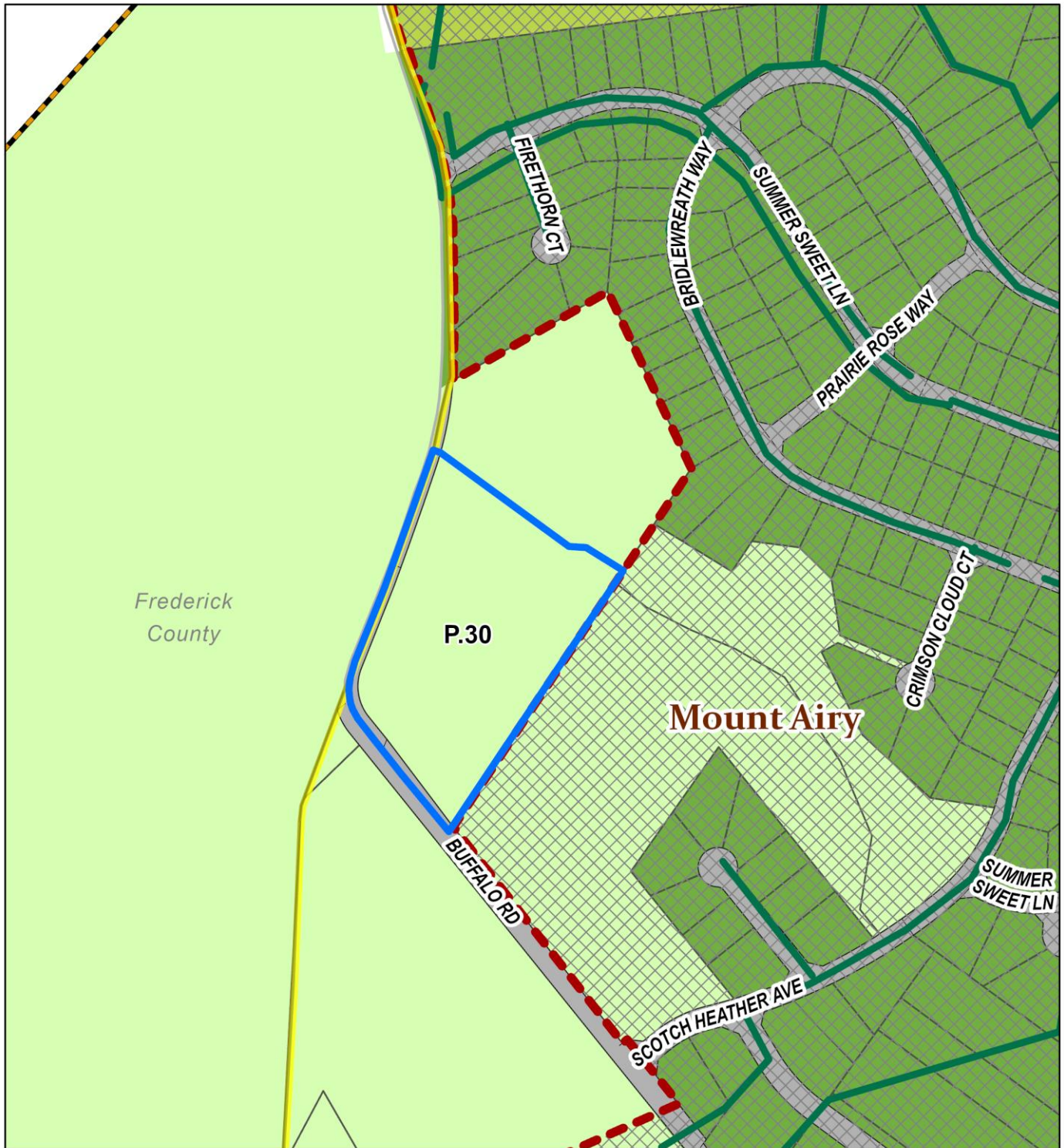
 Long Range Future

0 250 500 Ft



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

Exhibit I – Sewer Service Area



Annexation 76

Roads

Corporate Limits

Growth Area

County Border

Parcels

Sewer Service Area

Sewer Lines

Existing

Priority

Long Range

0 250 500 Ft



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

Exhibit J – Maryland Department of Planning’s Comments

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Robert S. McCord, Secretary
Sandy Schrader, Deputy Secretary

Maryland DEPARTMENT OF PLANNING

August 26, 2022

The Honorable Larry Hushour
110 S. Main Street P.O. BOX 50
Mount Airy, MD 21771

Dear Mayor Hushour,

Thank you for providing the Maryland Department of Planning (Planning) with information pertaining to the Full Buffalo Road Property Annexation Resolution No. 45. 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 Board of Carroll County Commissioners. 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 allow single family residential uses, parks, playgrounds, and accessory uses by right. However, the town zoning appears to allow substantially higher density than the current county zoning, as the proposed town R2 zoning district permits single-family units on an 11,000 square foot lot at a maximum allowable density of two dwelling units per acre, while the county zoning of R-40,000 Residence District permits single-family units on a 40,000 square foot lot. Therefore, Planning recommends that the town seek a waiver from Carroll County 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). Based on Planning’s review of the annexation and the proposed zoning, the subject property will remain designated as a PFA upon annexation. The Town of Mount Airy 2013 Comprehensive Master Plan (Master Plan) notes this parcel as being in a future annexation area “E” on the Chapter 5 Future Annexations Areas map. The Master Plan also notes this area as being a future growth area in the Chapter 5. Page 95 notes the Full Property of Buffalo Road as being primed for future growth and development with the possibility for low level residential uses dependent upon topography.

Upon the effective date of Resolution 45, and once Planning has received official notification of the annexation from the Department of Legislative Services, Planning will confirm that no changes have occurred since our initial review and affirm the Municipal PFA eligibility of the

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property. If Mount Airy does not want the annexation parcel to be considered for designation as a Municipal PFA, then the town should notify Planning prior to the effective date of the annexation.

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
John Breeding, Town of Mount Airy Planning Director
Lynda Eisenberg, Carroll County Planning Director
Joe Griffiths, Manager Local Assistance and Training
Dave Cotton, Director, 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

