

**FINDINGS AND RECOMMENDATION
OFFICE OF PLANNING AND ZONING
ANNE ARUNDEL COUNTY, MARYLAND**

APPLICANT: Galesville Community Properties, Inc. **ASSESSMENT DISTRICT:** First

CASE NUMBER: 2023-0003-G

COUNCILMANIC DISTRICT: Seventh

PAB HEARING DATE: April 12, 2023

PREPARED BY: Sterling P. Seay
Planning Administrator

REQUEST

The applicant is requesting a growth allocation to change the Critical Area designation from LDA-Limited Development Area to IDA-Intensely Developed Area for the C1-Local Commercial District zoned portion of the property located at 1000 Main Street, Galesville.

LOCATION AND DESCRIPTION OF SITE

The subject property is an irregularly shaped corner parcel on the north side of Main Street and the east side of Benning Road East extending the length of Benning Road East to Tenthouse Creek. The total site area is 1.671 acres. The site is located in the Chesapeake Bay Critical Area overlay with a designation of LDA-Limited Development Area. The portion of the property seeking growth allocation consists of 0.561 acres of land, is located at the corner, and is commercially zoned. The subject property is identified as Parcel 409 in Block 8 on Tax Map 69 in Galesville.

The property is zoned C1-Local commercial District (0.561 acres) and R2-Residential District (1.110 acres), as adopted by the comprehensive zoning of Councilmanic District 7 zoning maps, effective October 7, 2011. The site is located within a Priority Funding Area (PFA) and is in Growth Tier 1. The property is served by a public sewer and a private well. It is located within the West River Watershed.

The commercially zoned area of the property is currently improved with a two-story wood framed abandoned historic structure, erected in the late 1800s or early 1900s, a one-story wood framed building operating as an antique shop, a pump house, an accessory building, two sheds, and walkways and gravel parking. The residentially zoned part of the property is improved with two structures and is not a part of this request.

APPLICANT'S PROPOSAL

The applicant is seeking growth allocation for the commercially zoned area of Parcel 409 (0.561 acres) to be re-designated from LDA to IDA to preserve and reconstruct the historic structure for reuse as a commercial building. The applicant intends to maintain the existing footprint of the structures in the commercial district and revitalize the structures to make them viable for small business and other community activities. In addition, the applicant proposes to subdivide and sell the R2 zoned land. The residentially zoned land is not seeking reclassification.

GROWTH ALLOCATION

§18-13-401(a) of the Anne Arundel County Zoning Code provides that there is a growth allocation process in the critical area that allows land classified as RCA or LDA to be reclassified to LDA or IDA. All growth allocation requests and reviews shall be in compliance with the requirements of COMAR, Title 27. *The application is for reclassification from LDA to IDA; therefore, this requirement is met.*

§18-13-401(b) IDA; minimum area. IDA shall be located in an area of at least 20 acres, except as provided in subsection (c).

§18-13-401(c) Same: exceptions, IDA may be located in an area of less than 20 acres if the IDA designation would: (1) allow for the redevelopment of an an existing commercial use in compliance with current stormwater management requirements; (2) allow for land use consistent with the County’s general development plan; and (3) support the established character of the community, provide for suitable infill development, and provide for the preservation of existing community assets. *The subject site is less than 20 acres, seeks growth allocation to allow for redevelopment of the existing commercial use in compliance with current stormwater management requirements, and is consistent with the County’s general development plan commercial land use designation. Approval will support the established character of the community, provide for suitable infill development, and provide for the preservation of existing community assets; therefore, this requirement is met.*

§18-13-402(a) Required characteristics of sites eligible for growth allocation are limited to existing or proposed nonresidential uses or zoning districts. *1000 Main Street is an existing commercially zoned property; therefore, this requirement is met.*

§18-13-403. The application satisfies the public notice requirements. *A request for public notice with information that is provided on the public notice signs for the application was sent to the Office of the County Executive on January 6, 2023. Notices were sent in compliance with the Code by that office; therefore, this requirement has been met.*

§18-13-404(b) & (c) The Planning Advisory Board shall review and consider applications for growth allocation along with recommendations of the Office of Planning and Zoning at a meeting held no later than 60 days after receipt of the application from the Office of Planning and Zoning. The Planning Advisory Board shall make recommendations on applications for growth allocation to the County Executive for proposed legislation for critical area mapping changes.

§18-13-405. Approval of a growth allocation is rescinded by operation of law if: (1) action to commence subdivision is not begun within one year of the date of approval by the County Council or Critical Area Commission, whichever is later; or (2) when subdivision is not required, action to commence the development has not begun within one year of the date of approval by the County Council or Critical Area Commission, whichever is later, and the required permits are not completed within three years of the date of approval by the County Council or Critical Area Commission, whichever is later.

FINDINGS

The subject property is improved with long-standing commercial uses, consisting of the Historic Kolb Store site. The Kolb Store site contains two buildings that each functioned as part of a longtime Galesville commercial establishment during their history. The plan is to maintain the existing footprint on the C1 portion and revitalize the structures for small businesses and other community activities. There may be minor increase to the impermeable surfaces to provide additional parking, a larger kitchen footprint, and an area to capture runoff.

The proposed Growth allocation requests are considered on a project-by-project basis, and the land area allotted to growth allocations is a finite commodity. As part of the review, the Critical Area Law requires each jurisdiction to consider specific provisions regarding where in the jurisdiction the growth allocation will be located and how it will be configured. The intent is to facilitate growth in a way that accommodates the needs of the human population, but fosters environmentally sensitive development.

Plan2040 designates the property land use as low density residential uses. The site is within the Development Policy Area designated as Neighborhood Preservation, which is defined as “existing residential communities and natural areas (may include local commercial and industrial uses) that are not intended for substantial growth or land use change, but may have specific areas targeted for revitalization. Development is limited to infill, the addition of accessory dwelling units, and redevelopment that must be compatible with the existing neighborhood character.” The requested growth allocation will facilitate redevelopment of the property consistent with its Neighborhood Preservation designation and the Plan2040 recommendations including goal BE14 to protect and preserve the significant historic and archaeological resources and cultural heritage of the County, promote public awareness of the County’s history and the stewardship of historic assets, and encourage adaptive re-use of historic properties.

The property is also located in a “Priority Funding Area” (PFA). The PFA designation is a “Smart Growth” tool intended to direct growth in the State in a manner that ensures land is used in an efficient and effective manner. Growth is to be encouraged in those areas that are already developed and where adequate infrastructure exists or can be readily provided so as to reduce pressure on critical farmland and natural resources. This measure allows a local jurisdiction to further direct growth in a PFA where feasible. Priority Funding Areas are locations where the State and local governments want to target their efforts to encourage and support economic development and new growth. As such, the requested growth allocation will facilitate redevelopment of the property consistent with the GDP recommendations.

Agency Comments

The **Critical Area Team of the Development Division** offered comments of no objection to the growth allocation request and provided the following comments:

For clarification purposes, the extent of this Growth Allocation request is 24,440 sq ft and is limited to the portion of this site that is currently zoned C1. The exhibit included in the Critical Area Report shows the Growth Allocation extending into the Residential portion and this cannot be supported. For purposes of this review and comments generated, the plan titled “Growth

Allocation Plan” will be considered the official plan for this application.

The property is located in the center of the Town of Galesville Historic District and is the setting for the Historic Kolb Store site. The Kolb Store site contains two buildings that each functioned as part of a longtime Galesville commercial establishment during their history. The original store may have been constructed as early as the 1870’s while the second building was likely constructed over a thirty-year period before World War II. The store is significant to the ethnic heritage and social history of the area. The store represents the work of the first wave of immigrants to Anne Arundel County, having been made successful by German immigrants in 1848.

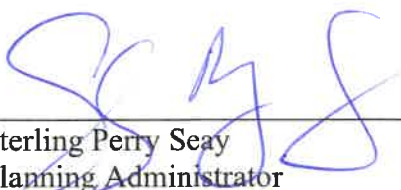
The portion of the site that is the subject of the Growth Allocation request is approximately 725 feet from mean high tide and contains no habitat protection areas or sensitive species. Approval of this request is in compliance with Bill 71-22 and would allow the redevelopment of a commercial site that supports the established character of the community and provides for the preservation of an existing historic and community asset. Redevelopment of the site shall be in full compliance with all applicable Critical Area regulations, including current stormwater management requirements.

The **Cultural Resources Team of the Office of Planning and Zoning** offered comments of no objection to the growth allocation request and provided the following comments:

The Zoning Division supports the requested growth allocation application and echos the comments made by the Critical Area Team of the Development Division. Located within the historic town of Galesville which is listed on the Maryland Inventory of Historic Properties (MIHP), the historic Kolb’s Store property (also individually listed on the MIHP) is a significant resource in the Galesville community. It served as an important commercial and social staple in the community since the 19th century. The approval of this application will support the overall preservation of the historic resource and redevelopment of the site in order to make it a viable commercial use once again that will serve both residents and visitors alike.

RECOMMENDATION

The Office of Planning and Zoning recommends approval of the growth allocation application request to re-designate the C1-Local Commercial District (0.561 acres) zoned area of the site from LDA-Limited Development Area to IDA-Intensely Developed Area.



Sterling Perry Seay
Planning Administrator
Zoning Administration Section



Date