

IN THE MATTER OF THE  
PETITION OF FRP HAMPSTEAD LLC  
TO REZONE 118.0055 ACRES  
FROM "I-R" RESTRICTED INDUSTRIAL  
DISTRICT TO "R-7,500"  
RESIDENCE DISTRICT

\* BEFORE THE  
\* MAYOR AND COUNCIL  
\* OF THE  
\* TOWN OF HAMPSTEAD

\* \* \* \* \*

**DECISION**

On December 11, 2018, the Mayor and Council of the Town of Hampstead convened a public hearing to hear the petition of FRP Hampstead, LLC ("Petitioner") to rezone 118.0055 acres of land, more or less, from Restricted Industrial to R-7,500 Residential. The subject property is comprised of two parcels located south and east of Houcksville Road, and north and west of Doss Garland Road. Petitioner submits that there were two related mistakes in the most recent Hampstead Community Comprehensive Plan adopted on July 13, 2010. Testimony in support of the petition for Rezoning was submitted by David deVilliers, Jr., David deVilliers, III, and Edward Gold, and can be summarized as follows:

1. It was assumed by both the Hampstead Planning and Zoning Commission and the Mayor and Council of the Town of Hampstead that this large property could be appropriately developed as industrial property and that it was economically feasible for a developer to do so. Preliminary feasibility studies showed that there were substantial offsite development costs associated with the property, as the property cannot use access from Houcksville Road and the property is denied access from the adjacent Hampstead Bypass. Thus, Doss Garland Road would be made into a major public road, and a gas main and electric lines would be installed along the road. Offsite water and sewer needed to be brought to the site, and there were floodplain and wetlands issues as well. In 2007 these costs were estimated to total 5.3 million dollars. The Carroll County Economic Development Authority offered to fund these improvements, and therefore the Petitioner purchased the property.

Following their purchase of the property, Petitioner began the engineering process, spending substantial sums. As a result of various agency recommendations and stricter design requirements for both offsite and onsite improvements, the cost estimates increased from 5.3 million dollars to 9.7 million dollars, the bulk of which would be paid at the beginning of the project. After much discussion, the 5.3 million dollar grant from the Carroll County Economic Development Authority was withdrawn, as it had become apparent that development of the property as an industrial park was infeasible, contrary to the assumption initially made by the Planning and Zoning Commission and the Council.

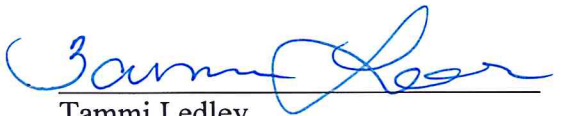
2. During this initial engineering period, the Carroll County Department of Public Works required a traffic impact analysis of Petitioner's property. This study, dated February 2008, concluded that the southern roundabout of the Hampstead Bypass would need to be completely redeveloped into a signalized roundabout. Throughout the 2010 Hampstead Community Comprehensive Plan, there is no mention that the industrially zoned FRP property would result in the reconstruction and signalization of the southern roundabout. It appears clear that the Planning and Zoning Commission and the Mayor and Council were simply unaware of this impact; this, too, constitutes a mistake.

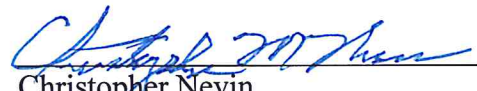
Additional testimony addressed some concerns which have been expressed by residents in the neighborhood, regarding environmental health issues at the site. The Petitioner has stated that it will continue to participate in the Maryland Department of the Environment Voluntary Cleanup Program, which has approved a Response Action Plan for the Property, and will continue to do all sampling and testing required by MDE. These issues will be addressed as part of the Planning and Zoning Commission subdivision review process.

On November 28, 2018 the current Planning and Zoning Commission unanimously voted to recommend to Hampstead Town Council the rezoning of said property and approval of this Petition.

BASED ON THE TESTIMONY AND EVIDENCE, the Mayor and Council found that an error or mistake occurred in the zoning of the Petition area as Restricted Industrial. The Mayor and Council further found that R-7,500 zoning is appropriate for the subject property, and is consistent with the Community and Comprehensive Plan. The property is intended to be served by public water and sewer, and is in a Priority Funding Area under the Smart Growth Guidelines.

NOW, THEREFORE, be it resolved this 11<sup>th</sup> day of December, 2018, by the Mayor and Council of the Town of Hampstead, that the Petition for Rezoning of the FRP Hampstead LLC property is hereby granted, changing the zoning in the Petition area from Restricted Industrial ("I-R") to R-7,500 Residential.

  
\_\_\_\_\_  
Tammi Ledley  
Town Manager / Zoning Administrator

  
\_\_\_\_\_  
Christopher Nevin  
Mayor

Approved as to form and  
legal sufficiency:

\_\_\_\_\_  
Michelle M. Ostrander  
Town Attorney