



Staff Report

Zoning and Land Regulation Committee

Public Hearing: **February 24, 2015**

Petition: **Rezone 10810**

Zoning Amendment:

A-1EX Exclusive Agriculture District and A-2(1) Agriculture District to C-2 Commercial District , A-2(8) Agriculture District and A-2(2) Agriculture District

Town/sect:

Christiana Section 02

Acres: 2, 8.5, 1.5, 0.5
Survey Req. Yes

Applicant

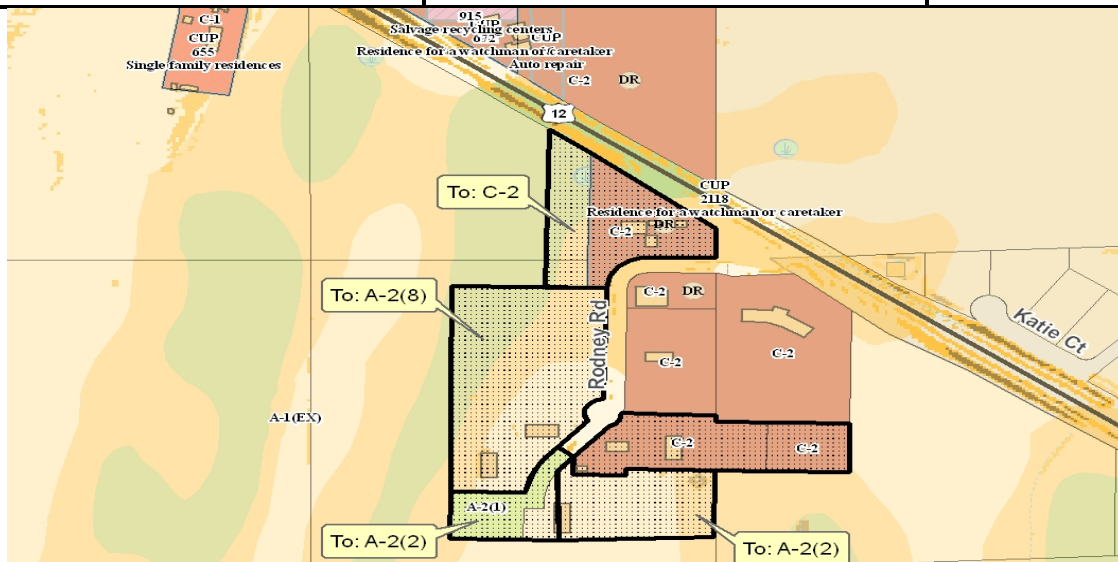
Robert H Johnson

Reason:

Expanding existing commercial lot and create three residential lots

Location:

282 Rodney Rd



DESCRIPTION: Applicant proposes to expand an existing A-2(1) zoned residential lot, and to create two additional residential parcels. The proposed A-2(8) parcel could be divided in the future to allow for a third residential lot. Expansion of an existing C-2 Commercial zoned parcel is also proposed. The applicant is in the process of selling the farm and seeks to “transfer” the splits available to the farm prior to the sale under the town’s Limited Transfer of Development Rights Program.

OBSERVATIONS: The properties are adjacent to existing commercial development on Rodney Road. The subject property consists of approximately 80% Class II and 20% Class III soils. There is an area of hydric soils in the NW portion of the proposed A-2(8) and expanded C-2 lots. Given the amount of existing commercial land uses in the area, the proposed residential land uses may have conflicts with existing development.

TOWN PLAN: The property is in the town’s agricultural preservation area.

VILLAGE OF CAMBRIDGE PLAN: The village plan shows that Rodney Road will be a primary north-south connection between 12/18 and CTH PQ. The area is proposed to be a commercial mixed-use development area. The proposal may be in conflict with the Village Plan.

RESOURCE PROTECTION: Hydric soils are identified on the western portion of the property.

STAFF: The applicant appears to have complied with portions of the town’s limited TDR program for an intra-ownership transfer of splits prior to the anticipated sale of agricultural land. Appropriate documentation, as required under the town TDR program, would need to be effectuated to complete the process. The proposed expansion of the C-2 parcel would count as a split under the town density policy.

Proposed residential development in proximity to commercial development on Rodney Road is a potential concern, but not technically inconsistent with town plan policies. The easterly proposed A-2(2) parcel does not have frontage onto Rodney Road, which is inconsistent with town plan policies. Town plan policies require all new parcels to be created by Certified Survey Map and have a minimum of 66 feet of frontage onto a public road (see attached town plan policies). Staff recommends postponement of the petition at the public hearing to provide an opportunity to consider the plan consistency concerns noted in this report and to communicate those concerns to the town.

TOWN: Approved, with an amendment to remove requested expansion of existing C-2 parcel.

See updates, below.

STAFF UPDATE: Staff met with the applicant and communicated with the town regarding concerns over the initial proposal's consistency with various policies in the town plan, as well as the future road extension called for in the Village of Cambridge plan. In response to the concerns and recommendations from staff, the applicant has revised their proposal as follows:

1. **Extend Rodney Road Right-of-Way:** Contingent upon town acceptance, the applicant agrees to dedicate additional road right of way to extend Rodney Road to the south to facilitate the potential future extension of the road as depicted in the village of Cambridge Comprehensive plan.
2. **Proposed addition of 2 acres to existing C-2 lot would instead be added to proposed A-2(8) parcel:** The 2 acres initially proposed to be added to Mr. Johnson's existing C-2 zoned parcel would instead be attached to the A-2(8) parcel to which 2 splits would be "allocated" for future use in accordance with the town's 1 split per 5 year policy.
3. **Proposed new A-2(2) parcel:** The proposed ~3.5 acre A-2(2) lot would remain as originally proposed and would now meet the required minimum 66' of road frontage onto Rodney Road.
4. **Existing A-2(1) lot expanding to 2 acres in size:** Due to the dedication of lands currently within Mr. Johnson's existing A-2(1) parcel to extend Rodney Road ROW, additional lands to the south or west would be added to the parcel bringing it to 2 acres in size.

TOWN ACTION UPDATE: The town considered the applicant's revised proposal at a board meeting on Tuesday, March 10th. The board has approved the revised petition with the conditions listed below, finding that the proposal complies with the town's "intra-ownership" TDR program goals and objectives to preserve large tracts of farmland. The town action also specifies a 365 day "delayed effective date" for the petition.

1. Acceptance of additional right of way for Rodney Road to the south, subject to future town review / approval of the CSM, and deferring any consideration of future installation of road improvements within that ROW until such time as the town, in its sole discretion, deems appropriate.
2. A deed restriction and notice document be recorded on the sending and receiving properties, as specified under the town plan policy on intra-ownership transfers. The "sending" farm property will be subject to a deed restriction prohibiting residential development, and the notice document(s) will be applied to the 2 new "receiving" properties being created (the larger lot will be the future site of 2 of the farm splits, in accordance with the town's 5 year phasing requirement, and the 3.5 acre lot will be developable at any time after final zoning approval).
3. Amend the zoning district classification of the proposed A-2(2) parcels, as revised, to the RH-1 district.
4. The 2 acres originally proposed to be added to the existing C-2 parcel shall be added to the proposed A-2(8) parcel.