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Justification for Change in Zoning

Case No: 16ZONE1091

The following justification is being submitted with the Application for Change in Zoning submitted by Mason Dixon Properties, LLC ("**Mason Dixon**") in connection with Mason Dixon Business Park ("**Park**") and the Case Docket set out above.

The Park consists of a property which Mason Dixon acquired from Lakeshore Ventures, LLC in 2016. The total acreage of the Park is approximately 42.98 acres all of which is currently zoned M-2 , with the exception of 3.61 acres located at the southeast corner of the Park, as shown on the plat submitted with this application. The property to be rezoned is bounded by Poplar Level Road to the south and Produce Road to the east, but has as its only exit a private roadway known as Mason Dixon Lane leading from the Park to Poplar Level Road. A small portion of Mason Dixon Lane which borders Poplar Level Road is located on the property to be rezoned.

The area to be rezoned is generally surrounded by existing M-2 zoning to the east; M-1 zoning to the north; and M-2 CM, C-1 and R-7 zoning on the opposite side of Poplar Level Road (See Zoning Map attached to this application). Therefore the requested M-2 zoning is compatible with the existing zoning of the surrounding area and will allow the entire Park to be zoned consistent with its current use. Much of the property to be rezoned consists of a Metropolitan Sewer District easement for a detention basin for the Park and surrounding area and will not be disturbed.

Pursuant to the Cornerstone 2020 Staff Checklist, the rezoning:

- a) constitutes appropriate land use consistent with **Community Form/Land Use Guideline 1- Community Form B -10** since no structures are proposed at this time, and the rezoning is compatible with surrounding land uses; the roadway surrounding the perimeter of the property contains a mixtures of commercial and industrial uses and the subject site is within an industrial center. The subject property fronts an arterial level roadway.
- b) constitutes appropriate land use consistent with **Community Form/Land Use Guideline 3 Land Use Compatibility-** since no new structures are contemplated at this time; the surrounding area constitutes a mixture of commercial and industrial uses; the subject site is within an industrial center; the rezoning change will facilitate redevelopment ; traffic will not increase as a result of the request; the rezoning will not impact lighting as no new structures are contemplated; no landscaping is

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required as buffers that would be required upon redevelopment will be compatible with surrounding uses; development is consistent with adjacent industrial and commercial property and property across Poplar level Road;

- c) constitutes appropriate land use consistent with **Community Form/Land Use Guideline 4 Open Space** in that no new structures are contemplated at this time and any open space requirements incidental to redevelopment of the Park will be evaluated at that time , based upon such redevelopment;
- d) constitutes appropriate land use consistent with **Community Form/Land Use Guideline 5 Natural Areas and Scenic and Historic Resources** in that no new structures are contemplated at this time and natural features and design will be addressed in any redevelopment within the area so as to ensure that any issues related to erosion or hydric soils are appropriately mitigated in consultation with appropriate agencies.
- e) constitutes appropriate land use consistent with **Marketplace Guideline 6 Economic Growth and Sustainability** in that the rezoning will create a common zoning district with the Park which will facilitate development and industrial use within an existing industrial area; the Park is located along an arterial level roadway roughly one mile from Interstate-264;
- f) constitutes appropriate land use consistent with **Mobility/Transportation Guideline 7 Circulation** in that a Right of Way is being dedicated as required; a sidewalk exists along the frontage and industrial use is supported by easy access to an interstate and public transportation corridor for employees; a drive lane through the subject site will allow for redevelopment in the Park and constitutes a primary means of access by virtue of the approval of the requested rezoning; adequate parking is available in the Park and/ or will be provided upon redevelopment of the Park;
- g) constitutes appropriate land use consistent with **Mobility/Transportation Guideline 8 Transportation Facility Design** in that the Rezoning will facilitate future development of the Park and provide for access to an industrial site through industrial rather than residential zoning district. Future development in the Park will be evaluated based upon the requirements of the LDC and comprehensive plan.
- h) constitutes appropriate land use consistent with **Mobility/Transportation Guideline 9 Bicycle, Pedestrian and Transit** in that a sidewalk is available along the frontage

and redevelopment of the Park will trigger additional pedestrian and transportation requirements. The intensity of the use is appropriately served by transportation infrastructure.

- i) constitutes appropriate land use consistent with ***Livability/Environment Guideline 10 Flooding and Stormwater*** in that no new structures are contemplated within the area to be rezoned at this time. As set out above, much of the area to be rezoned consists of a detention basin evidence by a recorded easement to Metropolitan Sewer District. No disturbance of the basin is anticipated at this time. Drainage plans for the site have been approved by MSD and the rezoning mitigates negative impact to the floodplain and minimizes impervious area.
- j) constitutes appropriate land use consistent with ***Livability/Environment Guideline 12 Air Quality*** in that the proposed rezoning has been reviewed by APCD and found not to have a negative impact on air quality.
- k) constitutes appropriate land use consistent with ***Livability/Environment Guideline 13 Landscape Character*** in that the Park contains a system of natural corridors that can provide habitat areas and allow for migration.
- l) constitutes appropriate land use consistent with ***Community Facilities Guideline 14 Infrastructure*** in that the Park is located in an area served by existing utilities; has access to an adequate supply of potable water and water for fire-fighting purposes (as indicated by LWC) and the proposed rezoning has adequate means of sewage treatment and disposal to protect public health and water quality in lakes and streams since no new structures or uses are anticipated at this time.

Based upon the above, the proposed rezoning of the subject property will be compatible with the remainder of the zoning for the Park and the surrounding neighborhood. The rezoning complies with the applicable guidelines and policies of the Cornerstone 220; the existing zoning classification is inappropriate, but will be appropriate once it is rezoned; and rezoning of the property will be consistent with the current economic, physical and social nature and character of the neighborhood.