



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

Phone 410-641-2770 Fax 410-641-2316

[www.berlinmd.gov](http://www.berlinmd.gov)



**Town of Berlin  
Planning Commission Agenda  
March 9, 2016 6:00 PM  
Berlin Town Hall – Council Chambers**

1. Call to Order
2. Agenda Adoption
3. Approval of Minutes – February 10<sup>th</sup> 2016
4. SonRise Church- Text Amendment & Rezoning of Merial Select
5. Comments from the Commissioners
6. Comments from the Chairman
7. Comments from the Public
8. Adjournment

## Staff Report to the Berlin Planning Commission

Meeting of March 9, 2016

The Commission has one applicant on the agenda for tonight's meeting, a request to recommend to the Mayor and Council the rezoning of the property located at 10026 Main Street (Tax Map 25, Parcel 50) commonly referred to as the Merial Select property, from M-1 Light Industrial to B-2 or B-3 Zoning District. The applicant, SonRise Church, is also requesting a Text Amendment to the Town Code to allow churches to be permitted in the B-2 or B-3 on parcels of at least five acres.

Currently the Town Code only allows churches in the R-1 Residential district, hence the need for the Text Amendment. Limiting churches to parcels of five acres or more effectively limits the use to this parcel only within the Town's B-2 Shopping District.

The B-3 General Business District allows for more uses than the B-2 Shopping District. These permitted uses include milling operations, carting, express, or hauling operations including storage of vehicles, contractor yards, and trucking and motor freight stations, all heavier uses than typically would be seen in the B-2 District. Neighboring parcels along Main Street and U.S. Route 50 are already zoned B-2.

The applicants have provided a summary of their own, concept drawings of their site plans and proposed subdivision of the property, and an aerial photo of the property. I have included these and their original request letter of February 4, 2016, and their revised request letter dated February 23, 2016 in your packets. I have also provided copies of the B-1, B-2, and B-3 Zoning District regulations for your review.

The applicants will be making a concept presentation of their plans for redevelopment of the property and the subdivision of the parcel creating possibly three outparcels along U.S. Route 50, to be sold for future commercial development, such as a hotel site, and restaurant sites.



FEB 4 '16 PM 1:31

February 4, 2016

Mayor and Town Council of Berlin  
c/o Laura Allen, Town Administrator  
10 William Street  
Berlin, MD 21811

Re: Petition For Rezoning of Property at 10026 Main Street (Tax Map 0025, Parcel 0050; deed reference: R.H.O. 2353, Folio 331), currently owned by Merial Select, Inc. (f/k/a Select Laboratories, Inc.)

Dear Mayor Williams and Council Members:

Pursuant to section 108-214 of the Town Code, as the contract purchaser of this property SonRise Church requests that it be classified in either the B-2 Shopping District or, preferably, the B-3 General Business District. By separate petition of this date, we also request that the regulations for the zoning district in which the property is rezoned (pursuant to this petition) be amended to allow it to be used for the church and related purposes stated in that petition.

The subject property, which contains about 22 acres at the northeast corner of Main Street and U.S. Route 50, was annexed into the Town by Resolution 2001-2. At that time the current owner was operating the property as a plant for the production of poultry vaccines, and it was placed in the M-1 Light Industrial District. The plant has been closed for about two years, and during most of that period it has been advertised for sale through Sperry, Van Ness.

Our plan is to convert and use most of the existing buildings for our office and worship space as soon as possible and use some of the enclosed space and land in the northerly portion of the site for related purposes. We also plan to subdivide and sell the land along Route 50 for commercial development, such as a hotel or motel.

The parcel at the opposite (northwest) corner of Main Street and Route 50 was rezoned in the B-2 district in 2015. Previously, that parcel was in the M-1A Industrial District. Other land on the west side of Main Street (north of Route 50) is used for residential and agricultural purposes. Several years ago, the Town extended its sewer and water systems north of Route 50 to serve the neighborhood.

We ask that this rezoning request proceed as promptly as possible and that our separately requested text amendment proceed simultaneously unless that would delay final action on this rezoning request. The current owner of the property is aware of this petition and in agreement with the action hereby requested.

Unless otherwise requested by another representative of the following, please send notices and other communication in this regard as indicated below.

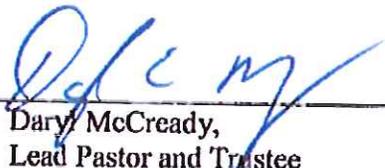
Petitioner:               SONRISE CHURCH  
                                  Attn: Jerry Wade, Executive Pastor  
                                  10959 Worcester Highway  
                                  Berlin, MD 21811  
  
                                  Telephone: 443-880-7801

Petitioner's Attorney: Robert B. Taylor  
                                  Adkins, Potts & Smethurst, LLP  
                                  P.O. Box 4247  
                                  Salisbury, MD 21803  
  
                                  Telephone: 410-749-0161

Current Owner:         Merial Select, Inc.  
                                  3239 Satellite Boulevard  
                                  Duluth, GA 30096  
                                  Attn: Arif Haq, Esq.  
  
                                  Telephone: 678-638-3770

SONRISE CHURCH, a Maryland religious corporation

By: \_\_\_\_\_

  
Dary McCready,  
Lead Pastor and Trustee

cc:     Merial Select, Inc.  
          Dave Englehart, Planning Director

Worcester Hwy

113

Google earth

Main St Exd

318

Main St

50





SONRISECHURCH

February 23, 2016

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Mayor and Town Council of Berlin  
c/o Laura Allen, Town Administrator  
10 William Street  
Berlin, MD 21811

Re: Amendment of the Petition for Text Amendment – our letter of February 4, 2016

Dear Mayor Williams and Council Members:

Following discussion with Mr. Engelhart, we believe that the permitted use to be added in the B-2 or B-3 district in which the property at 10026 Main Street (Tax Map 0025, Parcel 0050) is rezoned should be modified to read as follows:

Churches and parish houses, and the cultural, educational and recreational activity of its members, worshipers and their invitees, conducted as the sole principal use on a lot or contiguous lots having a minimum area of at least five (5) acres.

The above language limits the use to parcels or tracts of five acres or larger on which those activities are the principal use. The use activities are the same as in our earlier letter.

We understand that this matter and our separate petition to rezone the property identified above have been scheduled for consideration by the Planning & Zoning Commission for its meeting on March 9.

Sincerely,



SONRISE CHURCH

By:

Daryl McCready,  
Lead Pastor and Trustee

cc: Dave Engelhart, Planning Director  
Merial Select, Inc. (by e-mail)  
Robert B. Taylor, Esq. (by e-mail)



FEB 4 '16 PM 1:31

February 4, 2016

Mayor and Town Council of Berlin  
c/o Laura Allen, Town Administrator  
10 William Street  
Berlin, MD 21811

Re: Petition For Text Amendment of the Zoning Regulations of the B-2 Shopping District or the B-3 General Commercial District to allow a permitted use.

Dear Mayor Williams and Council Members:

Pursuant to section 108-214 of the Town Code, as the contract purchaser of property located at 10026 Main Street (Tax Map 0025, Parcel 0050) SonRise Church requests the amendment of the zoning regulations to specify as a principal permitted use in the zoning district in which this property is rezoned pursuant to our separate petition:

*Church and cultural, educational and recreational activity of its members, worshipers and their invitees*

However, if the Council determines that such use should be permitted only as a conditional use in that district, we request that the Council amend the zoning regulations to do so.

We ask that this request proceed simultaneously with our rezoning request mentioned above, unless that would delay final action on the rezoning request. The current owner of the property is aware of this petition and in agreement with the action hereby requested.

Unless otherwise requested by a representative of the following, please send notices and other communication in this regard to:

Petitioner: SONRISE CHURCH  
Attn: Jerry Wade, Executive Pastor  
10959 Worcester Highway  
Berlin, MD 21811

Telephone: 443-880-7801

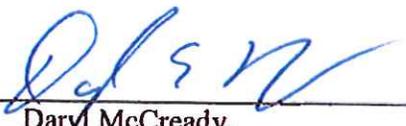
Petitioner's Attorney: Robert B. Taylor  
Adkins, Potts & Smethurst, LLP  
P. O. Box 4247  
Salisbury, MD 21803

Telephone: 410-749-0161

Current Owner: Merial Select, Inc.  
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