Introduced Public hearing Council action Executive action Effective date

County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 10

BILL NO. <u>59 – 2018</u>

Introduced by:

The Chairperson at the request of Erickson Living Properties II, LLC

AN ACT amending the General Plan for Howard County ("PlanHoward 2030") by adjusting the Planned Service Area boundary for water and sewer service to include approximately 61 acres of property located west of Clarksville Pike (MD Route 108) and south of Sheppard Lane, in Clarksville, Howard County, Maryland; to adjust the Growth Tier Maps of Howard County to reflect the incorporation of said property into the Planned Service Area and the designation of said property within the Growth Tier 1 area of Howard County; and further designating said property as a Targeted Growth and Revitalization Designated Place Type; and providing that certain adjustments will be null and void unless certain conditions are met; and generally relating to PlanHoward 2030.

Introduced and read first time _, 2018. Ordered posted and hearing scheduled. By order Jessica Feldmark, Administrator Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on ____ 16 , 2018. By order Jessica Feldmark, Administrator This Bill was read the third time or 2018 and Passed ____, Passed with amendments ____ Failed By order Jessica Feldmark, Administrator Sealed with the County Seal and presented to the County Executive for approval this 20day of 2018 at 1 (a.m./p.m. By order Jessica Feldmark, Administrator Approved Vetoed by the County Executive 2018

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

WHEREAS, the General Plan for Howard County ("PlanHoward 2030") establishes the Planned
 Service Area, which is the area within which the County provides public water and sewer
 service; and

4

WHEREAS, PlanHoward 2030 also establishes the Growth Tier Maps of Howard County which
maps were adopted by Howard County in fulfillment of its obligations under the Sustainable
Growth and Agricultural Preservation Act of 2012 (Senate Bill 236); and

8

WHEREAS, PlanHoward 2030 further establishes the Designated Place Type Maps of Howard
 County which maps were also adopted by Howard County in fulfillment of its obligations under
 the Sustainable Growth and Agricultural Preservation Act of 2012 (Senate Bill 236); and

WHEREAS, PlanHoward 2030 provides that any requests for a General Plan amendment for the expansion of the Planned Service Area for water and sewer service should be denied unless the following minimum criteria are met: the proposed expansion of the Planned Service Area is part of a zoning proposal and is consistent with the General Plan and Smart Growth policies; or the proposed expansion of the Planned Service Area is intended to provide for a public or institutional use such as a religious facility, charitable or philanthropic institution, or academic school; and

20

WHEREAS, the proposed expansion of the Planned Service Area boundary to include
approximately 61 acres of property located west of Clarksville Pike (MD Route 108) and south
of Sheppard Lane, in Clarksville, Howard County, Maryland is further identified as Tax Map 34,
Parcel 185 and a part of Tax Map 28, Parcel 100 (the "Property"), as shown on attached <u>Exhibit</u>
A and Exhibit B; and

26

WHEREAS, the proposed expansion of the Planned Service Area is a part of a specific zoning proposal to rezone the Property from RC-DEO to CEF-M for the stated purpose of providing a continuing care retirement community ("CCRC") to consist of independent living units; assisted living; and skilled nursing care; and

31

WHEREAS, the establishment of a CCRC on the Property in accordance with the Petitioner's stated purpose advances a number of stated land use policies within the General Plan and will satisfy in part a growing and well documented need for continuing care retirement communities

1

1	within Howard County for people over the age of 62.		
2			
3	WHEREAS, the establishment of such a CCRC at the proposed location will afford the County's		
4	senior population much needed additional flexibility to age in place within the County; and		
5			
6	WHEREAS, Chapter 6 (Growth) of the Howard County General Plan notes the following:		
7			
8	[w]hereas the total U.S. population grew by 9.7% from 2000 to		
9	2010, those entering the 45 to 64 year age cohort, the approximate		
10	ages of the baby boomers, increased by 31.5% during that time		
11	period. Baby boomers currently make up about 29% of the		
12	countywide population and are starting to move into the 65-plus age		
13	cohort.		
14			
15	PlanHoward, Chapter 6 (Growth), pg. 66		
16			
17	In addition, Chapter 6 (Growth) of the Howard County General Plan makes the following		
18	pertinent finding:		
19			
20	[w]hereas the overall County population increased by 16%, those		
21	65 and over increased by 57%. There are now 10,577 more		
22	residents 65 and older compared to ten years $ago - 29,045$ total in		
23	2010 compared to 18,468 in 2000. Almost 27% of the total increase		
24	of 39,243 residents over the decade was comprised of those aged 65		
25	and older. The very old, 85 and over, increased by 47%. This trend		
26	will continue as the baby boomers continue to age.		
27			
28	PlanHoward, Chapter 6 (Growth), pg. 66		
29 30	Furthermore, Policy 9.4 of the Howard County General Plan aims to "expand housing options to		
31	accommodate the County's senior population who prefer to age in place and people with special		
32	needs." In support of that Policy Goal, the Howard County General Plan finds that the		
33			
34	County's housing stock should support the aging population and		
35	will need to continue General Plan 2000 policies to promote diverse		
36	senior housing for those that wish or need to downsize to more easily		
37	maintained units as they age. The policies should also continue to		
38	support seniors who choose to age in place in their own homes or in		
39	their own communitiesThe County also recognizes that as older		
40	residents' ability to live independently diminishes, they often need		
41	to move to housing that provides support services. There are both		
••			
	2		

1 2 3 4 5 6 7	nursing and assisted living options for seniors in the County, offering a continuum of services, from acute care to congregate and group housing to in-home services. In order to accommodate the projected 19% of residents age 65 or older by 2030, the County's support of continuing care housing and services must be maintained.
8 9	PlanHoward, Chapter 9 (Housing), pp. 130-131; and
10	WHEREAS, the Property is adjacent to the existing boundary of the Planned Service Area and
11	that the inclusion of the Property will continue the linear boundary of the Planned Service Area
12	without including an intervening privately owned parcel currently not located in the Planned
13	Service Area; and
14	
15	WHEREAS, the Planning Board has reviewed and recommended approval of the proposed
16	expansion.
17	
18	Now, Therefore,
19	
20	Section 1. Be It Enacted by the County Council of Howard County, Maryland that the
21	PlanHoward 2030 policy maps identified below are amended to expand the Planned Service
22	Area, the Growth Tier I Area, and the Growth and Revitalization Designated Place Type area to
23	include approximately 61 acres of property located west of Clarksville Pike (Md Route 108) and
24	south of Sheppard Lane, in Clarksville, Howard County, Maryland and further identified as Tax
25	Map 34, Parcel 185 and a part of Tax Map 28, Parcel 100 (the "Property"), as shown on attached
26	Exhibit A and Exhibit B . Amended Policy Maps include: Map 4-1; Map 5-1; Map 6-2; Map 6-
27	3; and Map 8-1.
28	
29	Section 2. Be It Further Enacted by the County Council of Howard County, Maryland that the
30	provisions of this Act providing for expansion of the Planned Service Area and amendments to
31	the Growth Tier Maps and Designated Place Types for Howard County shall be null and void
32	and the Planned Service Area, Growth Tier Map, and Designated Place Type as it relates to this
33	Property, shall revert to the Planned Service Area, Growth Tier, and Designated Place Type in
34	place prior to this Act without any additional action of the County Council if:

3

1	(1)	The Howard County Zoning Board shall fail to issue a Decision and Order approving a
2		Petition to Amend the Zoning Maps of Howard County to rezone the Property to CEF-M
3		for the stated purpose of developing a CCRC community within 3 years from the
4		effective date of this Act; or
5	(2)	The connection between the Property and the public water and sewer infrastructure are
6	for the	purpose of serving a CCRC development is not made within 10 years of the effective date of
7	this A	ct.
8		
9	Sectio	n 3. Be It Further Enacted by the County Council of Howard County, Maryland that this
10	amenc	lment be attached to PlanHoward 2030.
11		
12	Sectio	n 4. Be It Further Enacted by the County Council of Howard County, Maryland that if
13	any pi	rovision of this Act or the application thereof to any person or circumstance is held invalid
14	for an	y reason in a court of competent jurisdiction, the invalidity shall not affect other provisions
15	or any	other application of this Act which can be given effect without the invalid provisions or
16	applic	ation, and for this purpose the provisions of this Act are severable.
17		
18	Sectio	n 5. Be It Further Enacted by the County Council of Howard County, Maryland that this
19	Act sh	all become effective 61 days after its enactment.

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EXHIBIT A

SURVEYED DESCRIPTION PROPOSED PARCEL

BEING PART OF THE PROPERTY ACQUIRED BY LIMESTONE VALLEY FARM, A MARYLAND GENERAL PARTNERSHIP FROM BARBARA L. WARFIELD BY DEED DATED AUGUST 8, 1995 AS RECORDED IN LIBER 3583 FOLIO 234, AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE INTERSECTION OF THE DIVISION LINE BETWEEN THE LANDS OF BREEDEN FAMILY LIMITED LIABILITY COMPANY (LIBER 5341 FOLIO 656) ON THE WEST, AND THE LANDS OF LENORE, LLC (LIBER 11056 FOLIO 243) AND SERVILLE LLC (LIBER 11119 FOLIO 401) ON THE EAST, WITH THE DIVISION LINE BETWEEN THE LANDS OF LIMESTONE VALLEY FARM (LIBER 3583 FOLIO 234) ON THE NORTH AND THE SAID LANDS OF LENORE, LLC AND SERVILLE LLC ON THE SOUTH, THENCE WITH SAID DIVISION LINE;

A. SOUTH 67° 25'003" EAST, 365.13 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID DIVISION LINE AND WITH A LINE THROUGH THE SAID LANDS OF LIMESTONE VALLEY FARM, THE FOLLOWING FIVE COURSES AND DISTANCES

- 1. NORTH 07° 01' 21" WEST, 154.40 FEET, THENCE;
- 2. CONTINUING, NORTH 17° 32' 18" WEST, 123.97 FEET, THENCE;
- 3. CONTINUING, NORTH 64° 44' 46" EAST, 193.40 FEET, THENCE;

CONTINUING, SOUTH 86° 08' 09" EAST, 802.70 FEET, THENCE;

5. CONTINUING, SOUTH 74° 18' 35" EAST, 781.09 FEET TO THE CENTERLINE OF SHEPARD LANE (VARIABLE WIDTH AND PRESCRIPTIVE RIGHT-OF-WAY), THENCE WITH SAID CENTERLINE;

6. SOUTH 14° 10' 35" EAST, 458.61 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTHERLY SIDE OF CLARKSVILLE PIKE - MD RTE. 108 (PRESCRIPTIVE RIGHT-OF-WAY), THENCE WITH SAID SOUTHERLY SIDE;

7. SOUTH 39° 34' 56" WEST, 372.59 FEET; THENCE DEPARTING SAID SOUTHERLY SIDE OF CLARKSVILLE ROAD AND WITH A LINE THROUGH SAID CLARKSVILLE PIKE AND WITH THE EXTENSION OF THE DIVISION LINE OF THE SAID LANDS OF LIMESTONE VALLEY FARM ON THE NORTH, AND THE LANDS OF LENORE, LLC (LIBER 11056 FOLIO 243) AND SERVILLE LLC (LIBER 11119 FOLIO 401) ON THE SOUTH;

8. NORTH 67° 25' 03" WEST, 1674.87 FEET TO THE PLACE OF BEGINNING.

CONTAINING 1,054,111 SQUARE FEET OR 24.199 ACRES

I HEREBY CERTIFY THAT THE METES AND BOUNDS DESCRIPTION HEREIN WAS PREPARED BY ME PERSONALLY OR UNDER MY DIRECTION AND THAT THIS DESCRIPTION AND ANY SURVEY WORK REFLECTED HEREIN WAS PREPARED IN COMPLIANCE WITH COMAR 09,13,06.12.

ROBERT C. HARR, JR. STATE OF MARYLAND **PROFESSIONAL LAND SURVEYOR NO. 21587 EXPIRATION DATE JANUARY 16, 2019**

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SURVEYED DESCRIPTION

BEING PART OF THE PROPERTY ACQUIRED BY LENORE, LLC AS TO AN UNDIVIDED 50% INTEREST FROM LENORE R. SHAVELL BY DEED DATED NOVEMBER 29, 2007 AS RECORDED IN LIBER 11056 FOLIO 243 AND BY SERVILLE LLC AS TO AN UNDIVIDED 50% INTEREST FROM IRENE C. GLASER BY DEED DATED JANUARY 30, 2008 AS RECORDED IN LIBER 11119 FOLIO 401, AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE DIVISION LINE BETWEEN THE LANDS OF BREEDEN FAMILY LIMITED LIABILITY COMPANY (LIBER 5341 FOLIO 656) ON THE WEST, AND THE LANDS OF LENORE, LLC (LIBER 11056 FOLIO 243) AND SERVILLE LLC (LIBER 11119 FOLIO 401) ON THE EAST, WITH THE DIVISION LINE BETWEEN THE LANDS OF LIMESTONE VALLEY FARM (LIBER 3583 FOLIO 234) ON THE NORTH AND THE SAID LANDS OF LENORE, LLC AND SERVILLE LLC ON THE SOUTH, THENCE WITH SAID DIVISION LINE;

1. SOUTH 67° 25' 03" EAST, 2026.07 FEET TO THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF LENORE, LLC AND SERVILLE LLC ON THE WEST, AND THE LANDS OF STEPHEN KLEIN & ASSOCIATES, LLC (LIBER 5082 FOLIO 679) ON THE EAST, ALSO BEING THE CENTERLINE OF CLARKSVILLE PIKE – MD RTE. 108 (PRESCRIPTIVE RIGHT-OF-WAY), THENCE WITH SAID DIVISION LINE;

2. SOUTH 40° 23' 40" WEST, 548.04 FEET, THENCE CONTINUING WITH A LINE THROUGH SAID CLARKSVILLE PIKE;

3. SOUTH 17° 13' 42" EAST, 33.00 FEET, THENCE CONTINUING WITH SAID THROUGH LINE AND FURTHER CONTINUING WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF LENORE, LLC AND SERVILLE LLC ON THE NORTH, AND THE LANDS OF CLARKSVILLE FREESTATE, LLC (LIBER 16629 FOLIO 30), CLARKSVILLE AUTO PROPERTIES, LLC (LIBER 3903 FOLIO 315), LOT 2, FOSTER PROPERTY (PLAT NO. 14068) AND THE LANDS OF CLARKSVILLE SQUARE, LLC (LIBER 4516 FOLIO 389) ON THE SOUTH;

4. SOUTH 86° 46' 18" WEST, 1582.00 FEET TO THE INTERSECTION OF SAID DIVISION LINE, WITH THE SAID DIVISION LINE BETWEEN THE LANDS OF BREEDEN FAMILY LIMITED LIABILITY COMPANY ON THE WEST, AND THE LANDS OF LENORE, LLC AND SERVILLE LLC ON THE EAST, THENCE WITH SAID DIVISION LINE;

5. NORTH 02° 21' 22" EAST, 1317.16 FEET TO THE PLACE OF BEGINNING.

CONTAINING 1,583,544 SQUARE FEET OR 36.353 ACRES

I HEREBY CERTIFY THAT THE METES AND BOUNDS DESCRIPTION HEREIN WAS PREPARED BY ME PERSONALLY OR UNDER MY DIRECTION AND THAT THIS DESCRIPTION AND ANY SURVEY WORK REFLECTED HEREIN WAS PREPARED IN COMPLIANCE WITH COMAR 09:13:06-12.

ROBERT C. HARR, JR. STATE OF MARYLAND PROFESSIONAL LAND SURVEYOR NO. 21587 EXPIRATION DATE JANUARY 16, 2019.

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BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on

, 2018. Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2018.

Jessica Feldmark, Administrator to the County Council