

Amendment 2 to Council Resolution No. 49-2019

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 6
Date: May 6, 2019**

Amendment No. 2

(This amendment:

- 1. Corrects the month that the presubmission community meeting was held;*
- 2. Clarifies the Planning Board process; and*
- 3. Attaches the Planning Board recommendation to the Exhibit.)*

1 On page 2, in line 18, strike “February”.

2

3 On page 2, in line 23, strike “will consider” and substitute “considered”.

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5 On page 2, in line 24, after “Plan” insert “and, in its Recommendation dated April 18, 2019, the
6 Planning Board found that the Proposed Agreement is consistent with the General Plan”.

7

8 Attach the Planning Board Recommendation, as attached to this Amendment, to the
9 Development Rights and Responsibilities Agreement as Exhibit B.

1 CHASE LAND, LLC AND * BEFORE THE
 2 ANNAPOLIS JUNCTION HOLDINGS, LP * PLANNING BOARD OF
 3 PETITIONER * HOWARD COUNTY, MARYLAND
 4 *
 5 DEVELOPMENT RIGHTS AND *
 6 RESPONSIBILITIES AGREEMENT *

7 * * * * * * * * * * * * * * *

8 **MOTION:** *To recommend to the County Council that the Development Rights and*
 9 *Responsibilities Agreement for the Chase Quarry is consistent with the General*
 10 *Plan, PlanHoward 2030.*

11 **ACTION:** *Recommended approval; Vote 5-0.*

12 * * * * * * * * * * * * * * *

13 On April 4, 2019, the Planning Board of Howard County, Maryland, considered the petition of Chase
 14 Land, LLC and Annapolis Junction Holdings, LP for a proposed Development Rights and Responsibilities
 15 Agreement (DRRA) for the Chase Quarry property.

16 The Planning Board considered the petition, the Department of Planning and Zoning (DPZ)
 17 Technical Staff Report and Recommendation and public testimony. DPZ recommended a finding of General
 18 Plan consistency between the DRRA and PlanHoward 2030.

19 The Petitioner was represented by Sang Oh, Esquire. Mr. Oh provided a brief overview of the DRRA
 20 and development approvals for the Chase Quarry property.

21
 22 Testimony

23
 24 Three individuals provided public testimony on the merits of the Development Rights and
 25 Responsibilities Agreement.

26 Ms. McKirahan, representing the community group “Why Not Jessup,” provided testimony in support
 27 of the DRRA citing that the agreement provides school facilities, public improvements, and other community
 28 benefits.

29 Mr. Hurewitz provided testimony in opposition to the DRRA, expressing concerns related to county
 30 regulations, prior approvals and permits for the quarry, and General Plan policies for community design.

31 Ms. Wald provided testimony in favor of the DRRA stating that it allows continuing the quarry’s
 32 operations, which provides public benefits, and the ability to develop the property at a future time.

33
 34 Board Discussion and Recommendation

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 36 In work session, one Board member commented that the purpose of the DRRA is to provide

1 agreement on the future development of a property and the rights of each party. The owner is seeking to
2 secure the use of their property now while preserving future redevelopment rights, which are not presently
3 known. The Board concluded that the agreement is supported by General Plan policies cited in the Technical
4 Staff Report.

5 One Board member commented that the DRRA supports long range planning efforts for the area by
6 incorporating connectivity and public infrastructure for future development. It was also noted that the Howard
7 County Public School System Board had already chosen the school site and site selection is not a factor the
8 Board is asked to consider.

9 Another Board member clarified that the approval of a final DRRA was the responsibility of the
10 County Council and Executive.

11 Several board members commented that that the DRRA is consistent with the General Plan. One
12 Board member specifically noted that the DRRA includes the ability to apply regulatory changes for the
13 safety and welfare of the county.

14 Based on the information presented, and the Board's discussion, Mr. Coleman made a motion that the
15 Planning Board recommend finding the DRRA consistent with the General Plan. Mr. McAliley seconded the
16 motion, which passed 5-0.

17 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 18th day
18 of April 2019, recommends to the County Council that Development Rights and Responsibilities
19 Agreement, as described above, be APPROVED.

21 HOWARD COUNTY PLANNING BOARD

22 Phillips Engelke /sk
23 Phillips Engelke, Chair

24 Erica Roberts /sk
25 Erica Roberts, Vice-chair

26 Delphine Adler
27 Delphine Adler

28 Ed Coleman /sk
29 Ed Coleman

30 Kevin McAliley /sk
31 Kevin McAliley

32 ATTEST:

33 Valdis Lazdins
34 Valdis Lazdins, Executive Secretary