

"
"

Requested Zoning

Search Street:

OLD MONTGOMERY RD Next

Property Information:

Amendment No.: 37.009
Current Zoning: PSC
Requested Zoning: R-SA-8
Tax Account ID.: 1401301780
Map: 37
Grid: 2
Parcel: 748
Lot:
Acres: 11.56
Address: 8090 OLD MONTGOMERY RD
City/State/Zip: ELLICOTT CITY, MD 21043

Owner:

Name: HORSE FARM LLC
Email: jkochen@loveliamerica.com
Phone: 301-575-0363
Mailing Address: 9200 RUMSEY RD STE 200
City/State/Zip: COLUMBIA, MD 21045

Representative:

Name: William Erskine, Esq.
Email: WErskine@offitkurman.com
Phone: 301-575-0363
Mailing Address: 8171 Maple Lawn Boulevard, Suite 200
City/State/Zip: Fulton, MD 20759

Decision:

Planning Board Decision:
Planning Board Vote:
Council Decision:
Council Vote:

37.609

Zoning Map Amendment Request Form

Howard County
Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

8090 Old Montgomery Road

A. Property Information

1	Address / Street (Only)	Route 100		
2	Tax Map Number	37	Grid	2
3	Parcel(s)	748		
4	Lot(s)	N/A		
5	Tax Account Data:	District	1st	Account # 301780

RECEIVED

DEC 14 2012

DIV. OF PUBLIC SERVICE & ZONING

6	Size of Property:	Acres	11.5634	Square feet
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7 The Property is currently zoned: PSC
I request that the Property be rezoned to: R-SA-8

B. Owner Information

8	Owner Name	Horse Farm LLC
9	Mailing street address or Post Office Box	9200 Rumsey Road, Suite 200
	City, State	Columbia, Maryland
	ZIP Code	21045
	Telephone (Main)	410-997-7222 - Jack Kochen
	Telephone (Secondary)	
	Fax	
10	E-Mail	jkochen@lovellamerica.com

C. Representative Information

11	Name	William E. Erskine, Esq.
	Mailing street address or Post Office Box	8171 Maple Lawn Boulevard, Suite 200
	City, State	Fulton, Maryland
	ZIP	20759
	Telephone (Main)	301-575-0363

receipt 149446

C. Representative Information

Telephone (Secondary) 443-864-8844
 Fax 301-575-0335
 E-Mail WErskine@OffitKurman.com

12 Association with Owner Attorney

D. Alternate Contact [If Any]

Name
 Telephone
 E-Mail

E. Explanation of the Basis / Justification for the Requested Rezoning

13 The Subject Property is currently zoned PSC. Despite more than four (4) years of marketing the project as a PSC development, the Owner have been unsuccessful in procuring an Interested Buyer for the property. This experience confirms the fact that a viable demand for PSC zoned property in this immediate area does not exist. There is a vibrant demand for townhouses in this immediate area as evidenced by the success of surrounding developments. Based on this market reality, the Owner is requesting R-SA-8 zoning for the subject property. Please see attached Justification for Rezoning From PSC to P-SA-8 for further explanation.

F. List of Attachments/Exhibits

14 Exhibit A - Illustrative R-SA-8 Concept Plan.
 Exhibit B - Trotter's Knoll Illustrative Site Plan.
 Exhibit C - DPZ PlanHoward Presentation Excerpt.

G. Signatures

15 Owner Horse Farm, LLC, by Jackson Kochen, President Owner (2)

Jackson Kochen Pres.

Date 12/13/12

Date

Additional owner signatures? **X** the box to the left and attach a separate signature page.

16 Representative Signature

William E. Emborie

Date 12/13/12

DPZ Use Only		Amendment No.	37.009
Notes			

Justification for Rezoning From PSC to R-SA-8

The subject properties (herein collectively referred to as the "Property") are two (2) separately owned unimproved parcels comprising of 8.82 acres and 11.56 acres respectively, nestled between MD Rt. 100 and existing residential uses to the northeast. The Property was once part of both the Shipley Farm and the University of Maryland Horse Farm that extended to the southwest of MD Rt. 108, prior to the construction of MD Rt. 100. Deep Run Branch, part of the Lower Patapsco Watershed, runs through the northwestern corner of the Property and provides both a natural buffer from Rt. 100 and a beautiful resource to be protected and enjoyed.

Recognizing the Property's beautiful natural features and narrow linear configuration, the Petitioners joined forces in 2008 to accomplish the responsible and environmentally sensitive residential development of the Property. In addition to the residential uses, the Petitioners propose that a "Hike-Bike Trail" be constructed along the Deep Run Branch stream bed on the Property benefiting future residents on the Property and perhaps the general public.

On September 23, 2009, the Property was zoned PSC as part of Howard County Zoning Board Case No.1076M. In accordance with the approved PSC Preliminary Development Plan for Trotter's Knoll Planned Senior Community, the Petitioners were granted approval to develop a total of 116 age-restricted dwelling units. As approved, the Preliminary Development Plan provided for a mixture of 52 town house units and 64 apartment units. The apartment units were to be contained within a total of four 5 story apartment buildings. At the time the PSC zoning was approved for Trotter's Knoll, the general perception in the development community was that there existed a healthy demand for age-restricted adult housing in Howard County. Subsequent to the Zoning Board's approval in 2009, however, the still lingering effects of the national financial meltdown caused a significant decline in the general demand for real estate, especially for age-restricted adult housing products. As a result of these economic conditions and the resulting decline in market demand for age-restricted adult housing products, the Petitioners', despite their best efforts (over nearly five years), have not been able to secure a purchaser for their PSC age-restricted adult housing project. Based on this experience and because of the Petitioners' belief that the market demand for age-restricted adult housing is not likely to improve significantly in the reasonably foreseeable future, the Petitioners no longer feel that PSC zoning is the most appropriate zoning classification for the Property.

Based on the change in market conditions, the Petitioners now feel that the R-SA-8 zoning district is the most appropriate zoning classification for the Property. This assessment is based upon several important factors; including, but not limited to 1) the size and shape of the Property; 2) the Property's proximity to other residential development; 3) the Property's location within the designated Planned Service Area (PSA); 4) the current and projected future demand for town house type housing products in Howard County; and finally 5) the goals, policies and objectives identified within the recently updated general plan for Howard County, PlanHoward 2030.

In considering these factors, it should be noted that the Property consists of a total of 20.5 acres. In terms of its shape, the Property is rather narrow and somewhat elongated. Because of the size and shape of the Property, it is particularly well suited for moderate density town house development as would be permitted under the requested R-SA-8 zoning district. See Illustrative R-SA-8 Concept Plan attached hereto as **Exhibit A**. As is demonstrated by the Illustrative R-

SA- 8 Concept Plan, the requested R-SA-8 zoning classification would permit the Property to be developed as a town house community with approximately 97 dwelling units. While this density yield is somewhat less than the 116 dwelling units already approved under the Property's existing PSC zoning classification (see approved Trotter's Knoll Illustrative Site Plan attached hereto as **Exhibit B**), the Petitioners' nonetheless feel that the reduced density yield of 97 townhouse style dwelling units is still a sufficient amount of residential density to meet the goals, policies and objectives of PlanHoward 2020 (to be discussed in greater detail below).

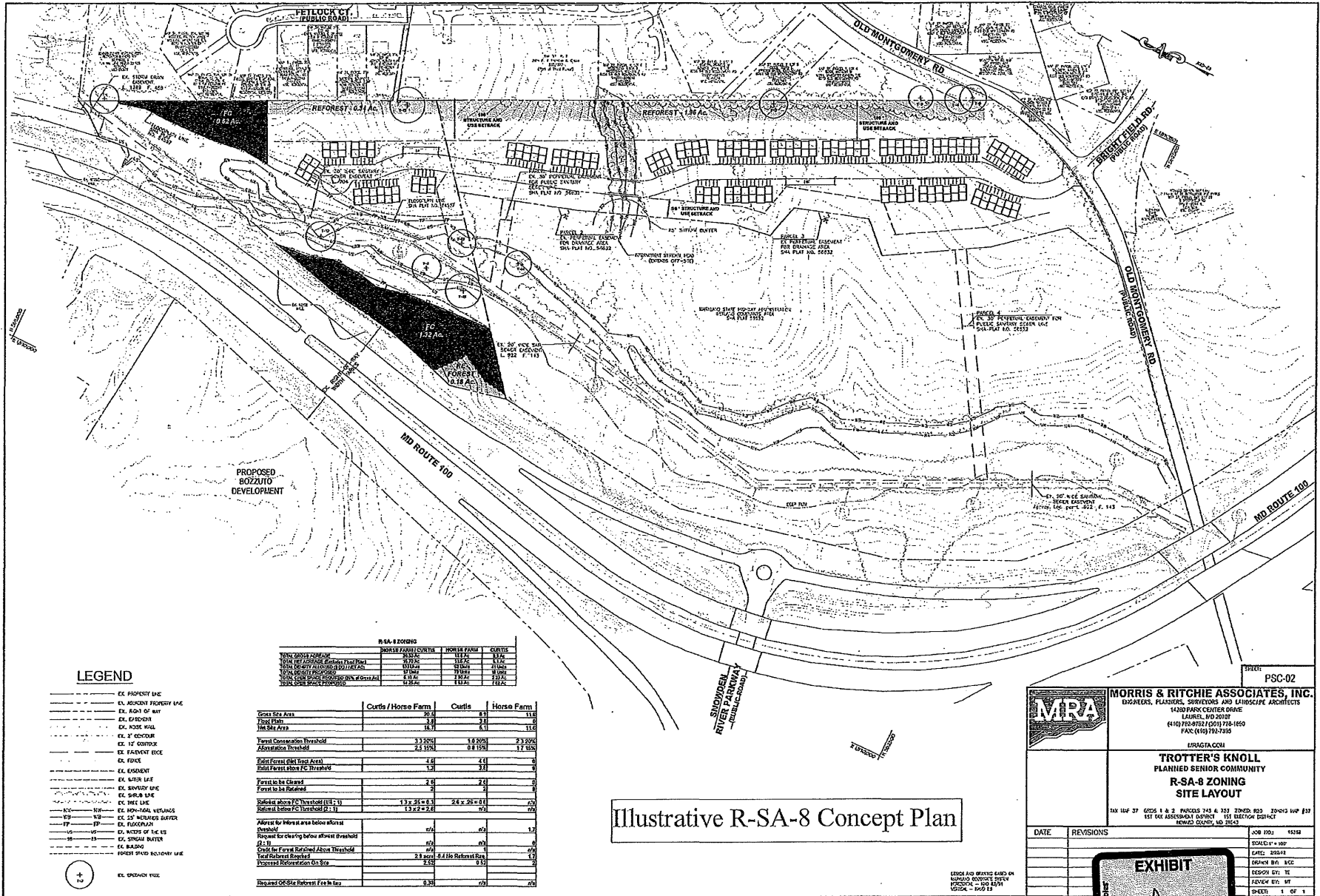
With respect to the Property's surrounding environs, it is located in a residentially developed area wherein both town houses and single-family detached dwellings are commonplace. The town house community proposed for the Property under the requested R-SA-8 zoning classification will be fully compatible with vicinal residential development. To this extent, it is important to observe that the proposed town house development under the requested R-SA-8 zoning classification is in fact substantially similar to the town house development that is already approved by the Howard County Zoning Board. The major difference between the development that has already been approved by the Zoning Board and what is now being proposed under the R-SA-8 zoning district is that the later R-SA-8 community will have fewer dwelling units - due to the absence of the four previously approved 5-story apartment buildings.

The subject Property is located within Howard County's priority funding area (PFA) and Planned Service Area (PSA) for both water and sewer as designated in the General Plan. Because of this, the Property is located in an area that is well suited and intended for moderate density residential development. Furthermore, there continues to be a healthy demand in Howard County for non-age-restricted town house type housing products. In fact, Howard County has experienced a near complete reversal in its housing trends since the year 2000. In 2000, apartments and townhouses only constituted 40% of the new homes constructed. Single-family detached units constituted 60%. By 2010, apartments and townhouses constituted 64% of new homes constructed while single-family detached units constituted only 36%. See, DPZ *PlanHoward* Presentation excerpt attached hereto as **Exhibit C**. For further discussion on this topic, see also PlanHoward 2030 at page 136.

Finally, the requested rezoning the subject Property to the R-SA-8 zoning district is very much in harmony with the goals, policies and objectives of the recently updated Howard County General Plan. In particular, the requested R-SA-8 zoning furthers PlanHoward 2030 Policy 6.5 that directs the County's land use policy to "Plan compact, well designed, and complete communities through the Comprehensive Zoning process." See also the discussion on The Need for More Compact Development found in PlanHoward 2030, page 87.

This Statement of Justification is attached to the separate Zoning Map Request Forms submitted jointly for the subject properties as follows:

	PARCEL 1	PARCEL 2
OWNER:	DEEP RUN PROPERTY MANAGEMENT, LLC	HORSE FARM, INC.
DESCRIPTION :		
MAP:	37	37
PARCEL:	753	748
TAX ACCOUNT DATA:		
DISTRICT:	01	01
ACCT. NO.	307614	301780
SIZE OF PROPERTY:	8.8239 ACRES, M/L	11.5634 ACRES, M/L
EXISTING ZONING:	PSC	PSC
PROPOSED ZONING:	R-SA-8	R-SA-8



LEGEND

- EX. PROPERTY LINE
- EX. ADJACENT PROPERTY LINE
- EX. ROAD OF WAY
- EX. EXPOSURE
- EX. ROCK WALL
- EX. 3' EROSION
- EX. 12' CONTOUR
- EX. FENCEPOST FENCE
- EX. FENCE
- EX. EASEMENT
- EX. WATER LINE
- EX. SINKHOLE LINE
- EX. SH-UB LINE
- EX. TRAIL LINE
- EX. 10' MINIMUM SETBACKS
- EX. 25' WETLANDS BUFFER
- EX. 10' FLOODPLAIN
- EX. 15' - EX. 25' OF THE US
- EX. SINGLE WATER
- EX. B-BOND
- EX. FOREST STRIP/REFORESTATION LINE
- EX. UNKNOWN FENCE

UNIT OF DEVELOPMENT	MINIMUM FLOOR COVER	MINIMUM AREA	CURBS
Single Detached Dwelling	300 sq ft	11,700 sq ft	11.7
Single Detached Dwelling with Porch	300 sq ft	11,700 sq ft	11.7
Single Detached Dwelling with Porch and 2-Car Garage	300 sq ft	11,700 sq ft	11.7
Single Detached Dwelling with Porch and 2-Car Garage and 2nd Floor	300 sq ft	11,700 sq ft	11.7
Single Detached Dwelling with Porch and 2-Car Garage and 2nd Floor and 3rd Floor	300 sq ft	11,700 sq ft	11.7

	Curbs / Horse Farm	Curbs	Horse Farm
Forest Conservation Threshold	3.3 50%	1.8 50%	3.3 50%
Abandonment Threshold	2.1 15%	0.8 15%	1.7 15%
Forest Conservation (Net Total Area)	4.4	4.8	0
Forest Abandonment FC Threshold	1.2	3.1	0
Forest to be Cleared	2.8	2.4	0
Forest to be Replanted	1.2	1.1	0
Replanted above FC Threshold (1:1)	3.8 25% FC	2.8 25% FC	0
Replanted below FC Threshold (1:1)	1.2 2.2 0	0.7	0
Address for Reforest Area below Abandonment Threshold	0.4	0.5	1.7
Request for clearing below Abandonment Threshold (1:1)	0.4	0.5	0
Clearing Area Below/Above Threshold	0.4	0.5	0.4
Net Reforest Threshold	2.4 30%	2.1 30% Reforest 30%	0
Proposed Reforestation On Site	2.52	0.3	0
Request On-Site Reforest For In Site	0.35	0.5	0.4

Illustrative R-SA-8 Concept Plan

DESIGNED AND REVISED BASED ON LANDSCAPE ARCHITECTURE REPORT PREPARED BY THE CONSULTING ARCHITECTS MORRIS & RITCHIE ASSOCIATES, INC. - 10/10/13



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
14200 PARK CENTER DRIVE
LANSING, MI 48205
(416) 752-8752 / (508) 778-1850
FAX: (416) 752-7305

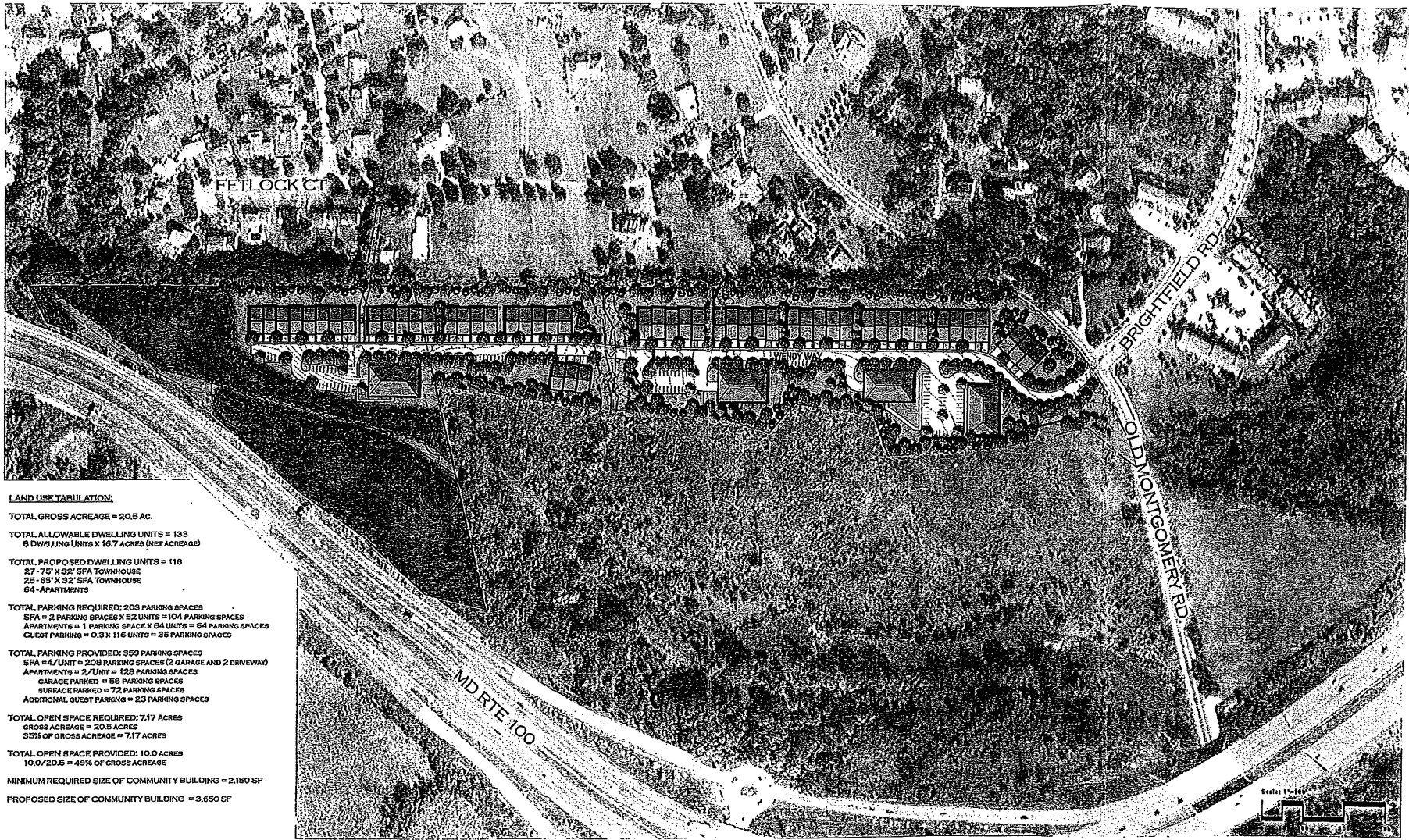
TROTTER'S KNOLL
PLANNED SENIOR COMMUNITY
R-SA-8 ZONING
SITE LAYOUT

DATE	REVISIONS	JOB NO.	14358
		SCALE: 1" = 100'	
		DRAWN BY: HCE	
		CHECKED BY: TM	
		DESIGNED BY: M	
		SHEET: 1 OF 1	



PSC-02

SHEET



LAND USE TABULATION:

TOTAL GROSS ACREAGE = 20.5 AC.
 TOTAL ALLOWABLE DWELLING UNITS = 133
 8 DWELLING UNITS X 16.7 ACRES (NET ACREAGE)
 TOTAL PROPOSED DWELLING UNITS = 116
 27 - 75' X 32' SFA TOWNHOUSE
 25 - 65' X 32' SFA TOWNHOUSE
 64 - APARTMENTS
 TOTAL PARKING REQUIRED: 203 PARKING SPACES
 SFA = 2 PARKING SPACES X 62 UNITS = 104 PARKING SPACES
 APARTMENTS = 1 PARKING SPACE X 64 UNITS = 64 PARKING SPACES
 GUEST PARKING = 0.3 X 116 UNITS = 35 PARKING SPACES
 TOTAL PARKING PROVIDED: 359 PARKING SPACES
 SFA = 4 / UNIT = 208 PARKING SPACES (2 GARAGE AND 2 DRIVEWAY)
 APARTMENTS = 2 / UNIT = 128 PARKING SPACES
 GARAGE PARKED = 56 PARKING SPACES
 SURFACE PARKED = 72 PARKING SPACES
 ADDITIONAL GUEST PARKING = 23 PARKING SPACES
 TOTAL OPEN SPACE REQUIRED: 7.17 ACRES
 GROSS ACREAGE = 20.5 ACRES
 95% OF GROSS ACREAGE = 7.17 ACRES
 TOTAL OPEN SPACE PROVIDED: 10.0 ACRES
 10.0 / 20.5 = 49% OF GROSS ACREAGE
 MINIMUM REQUIRED SIZE OF COMMUNITY BUILDING = 2,150 SF
 PROPOSED SIZE OF COMMUNITY BUILDING = 3,650 SF

TROTTER'S KNOLL

ILLUSTRATIVE SITE PLAN

EXHIBIT
 35



Howard County Council

George Howard Building
3479 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Horse Farm, LLC
9200 Rumsey Road, Suite 200
Columbia, MD 21045

Dear Sir or Madam:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

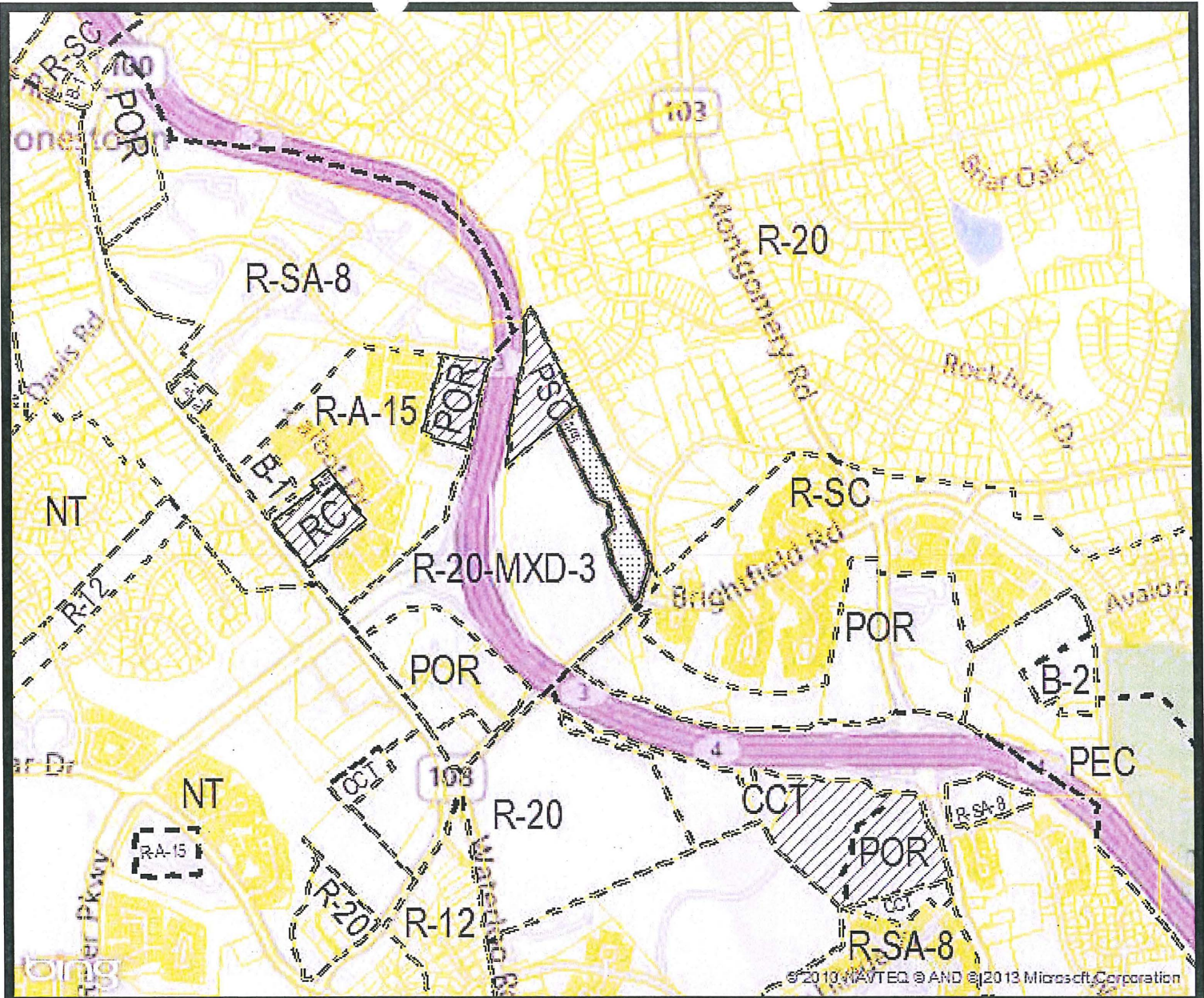
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official."**

Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

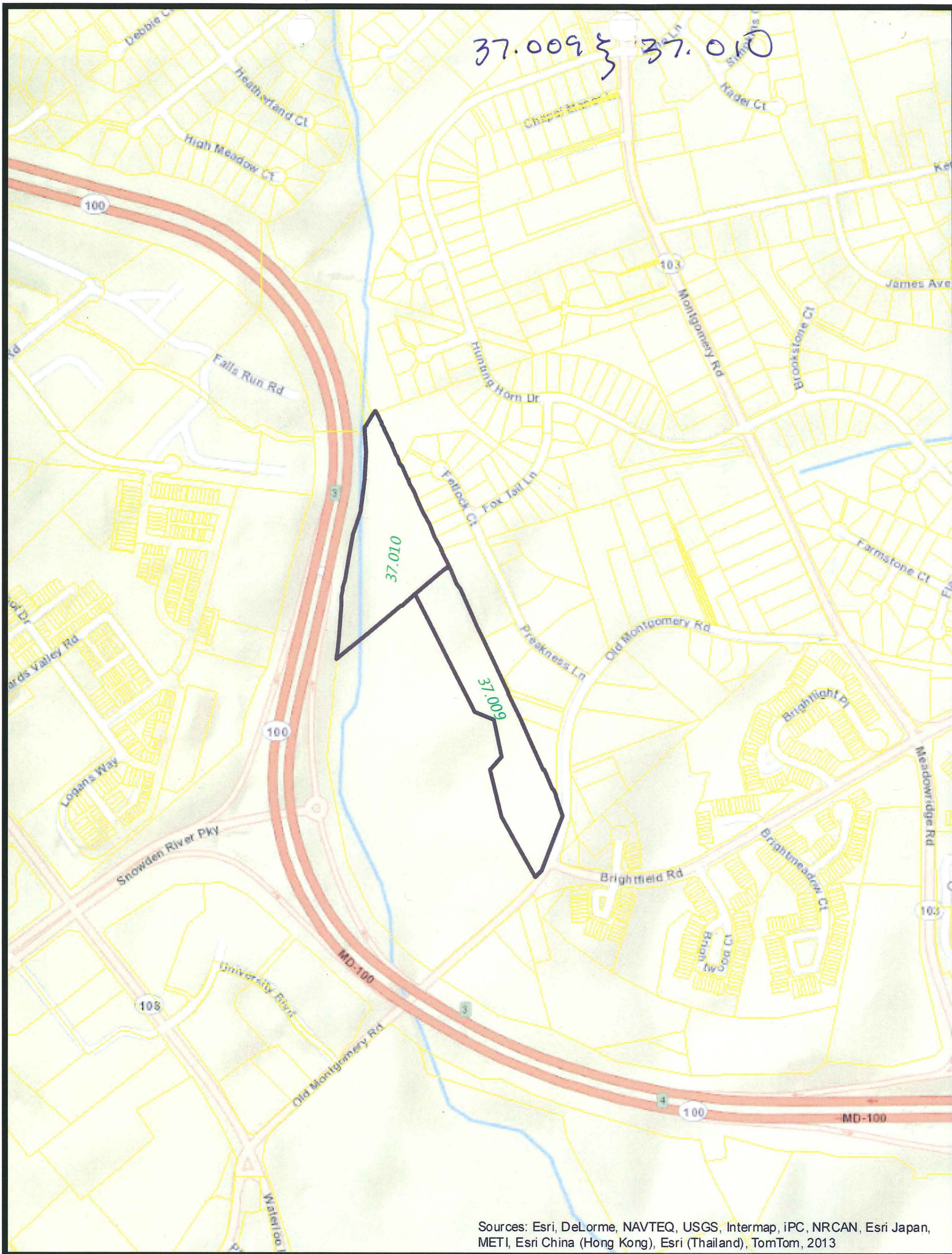
Stephen M. LeGendre
Administrator



1	2	3	4	5		
6	7	8	9	10	11	
12	13	14	15	16	17	18
19	20	21	22	23	24	25
	27	28	29	30	31	32
	33	34	35	36	37	38
	39	40	41	42	43	44
		45	46	47	48	
				50		



Zoning Map General Plan Amendment: **37.009** Tax ID: **1401301780**
 Current Zoning: **PSC** Council District: **2**
 Tax Map: **37** Grid: **2** Parcel: **748** Lot: **N/A**
 Address: **8090 OLD MONTGOMERY RD**



37.009 } 37.010

37.010

37.009

"
"

Requested Zoning

Search Street:

FETLOCK CT Next

Property Information:

Amendment No.: 37.010
Current Zoning: PSC
Requested Zoning: R-SA-8
Tax Account ID.: 1401307614
Map: 37
Grid: 2
Parcel: 753
Lot:
Acres: 0
Address: 8045 FETLOCK CT
City/State/Zip: Elkridge, MD 21043

Owner:

Name: Deep Run Property Management, LLC; c/o Glen Curtis
Email:
Phone:
Mailing Address: 5240 Webb Court
City/State/Zip: Morehead City, NC 28557

Representative:

Name: Fred L. Coover, Esq. and Coover Law Firm, LLC
Email: FCoover@CooverLaw.com
Phone: 410-995-1100
Mailing Address: 10500 Little Patuxent Parkway
City/State/Zip: Columbia, MD 21044

Decision:

Planning Board Decision:
Planning Board Vote:
Council Decision:
Council Vote:

157.010

Zoning Map Amendment Request Form

**Howard County
Comprehensive Zoning Plan**
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the
Instructions section at the end of the form.

A. Property Information

1 Address / Street (Only) 8045 Fetlock Court
 2 Tax Map Number 37 Waterloo Road Grid 2
 3 Parcel(s) 753
 4 Lot(s)
 5 Tax Account Data: District 1st Account # 307614
 6 Size of Property: Acres 8.8239 Square feet

RECEIVED
DEC 14 2012
DIV. OF PUBLIC SERVICE & ZONING

7 The Property is currently zoned: PSC
I request that the Property be rezoned to: R-SA-8

B. Owner Information

8 Owner Name Deep Run Property Management LLC
 9 Mailing street address or Post Office Box c/o Glenn Curtis, 5240 Webb Court
 City, State Morehead City, North Carolina
 ZIP Code 28557
 Telephone (Main)
 Telephone (Secondary)
 Fax
 10 E-Mail

C. Representative Information

11 Name Fred L. Coover, Esq. and Coover Law Firm LLC
 Mailing street address or Post Office Box 10500 Little Patuxent Parkway, Suite 400 - Parkside Building
 City, State Columbia, Maryland
 ZIP 21044
 Telephone (Main) 410-995-1100

receipt 149446

C. Representative Information

Telephone (Secondary)

Fax 410-997-7898

E-Mail FCoover@CooverLaw.com

12 Association with Owner Attorney

D. Alternate Contact [If Any]

Name

Telephone

E-Mail

E. Explanation of the Basis / Justification for the Requested Rezoning

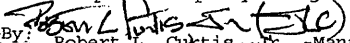
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Exhibit B - Trotter's Knoll Illustrative Site Plan.
Exhibit C - PlanHoward Presentation Excerpts.

G. Signatures

15 Owner Deep Run Property Management, Owner (2)

By:  Robert L. Curtis, Jr. - Managing Member

Date December 12, 2012 Date

Additional owner signatures? the box to the left and attach a separate signature page.

16 Representative

Signature 

Date 12/12/12

DPZ Use Only	Amendment No. 37.010
Notes	

Justification for Rezoning From PSC to R-SA-8

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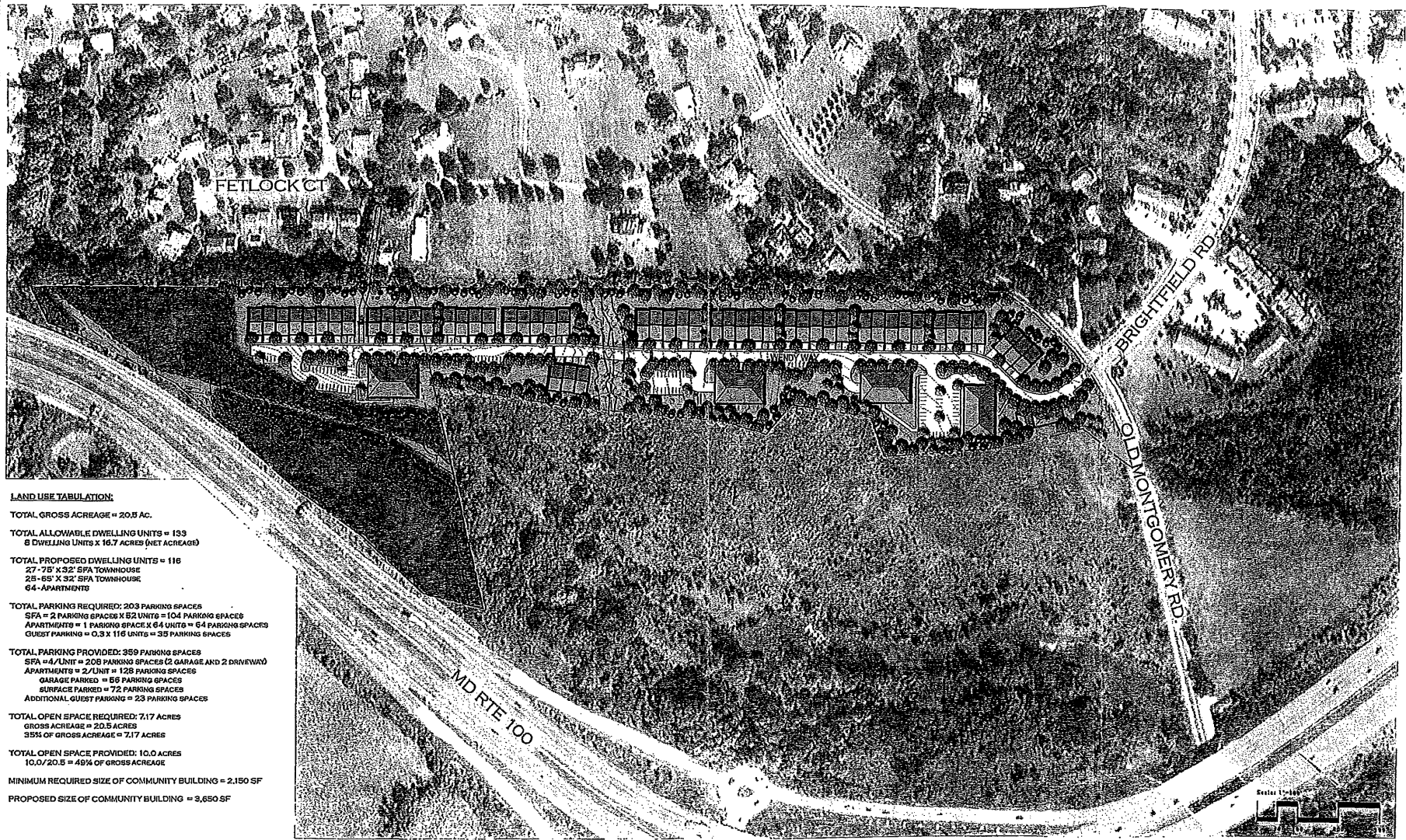
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DISTRICT:	01	01
ACCT. NO.	307614	301780
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PROPOSED ZONING:	R-SA-8	R-SA-8



LAND USE TABULATION:

TOTAL GROSS ACREAGE = 20.5 AC.

TOTAL ALLOWABLE DWELLING UNITS = 133
 8 DWELLING UNITS X 16.7 ACRES (NET ACREAGE)

TOTAL PROPOSED DWELLING UNITS = 116
 27-75' X 32' SPA TOWNHOUSE
 25-65' X 32' SPA TOWNHOUSE
 64-APARTMENTS

TOTAL PARKING REQUIRED: 203 PARKING SPACES
 SPA = 2 PARKING SPACES X 82 UNITS = 164 PARKING SPACES
 APARTMENTS = 1 PARKING SPACE X 64 UNITS = 64 PARKING SPACES
 GUEST PARKING = 0.3 X 116 UNITS = 35 PARKING SPACES

TOTAL PARKING PROVIDED: 359 PARKING SPACES
 SPA = 4/UNIT = 208 PARKING SPACES (2 GARAGE AND 2 DRIVEWAY)
 APARTMENTS = 2/UNIT = 128 PARKING SPACES
 GARAGE PARKED = 58 PARKING SPACES
 SURFACE PARKED = 72 PARKING SPACES
 ADDITIONAL GUEST PARKING = 23 PARKING SPACES

TOTAL OPEN SPACE REQUIRED: 7.17 ACRES
 GROSS ACREAGE = 20.5 ACRES
 35% OF GROSS ACREAGE = 7.17 ACRES

TOTAL OPEN SPACE PROVIDED: 10.0 ACRES
 10.0/20.5 = 49% OF GROSS ACREAGE

MINIMUM REQUIRED SIZE OF COMMUNITY BUILDING = 2,150 SF
 PROPOSED SIZE OF COMMUNITY BUILDING = 3,650 SF

TROTTER'S KNOLL

ILLUSTRATIVE SITE PLAN

EXHIBIT
 B



Howard County Council

George Howard Building
3480 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Deep Run Property Mgt., LLC
c/o Glen Curtis
5240 Webb Court
Morehead City, NC 28557

Dear Sir or Madam:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

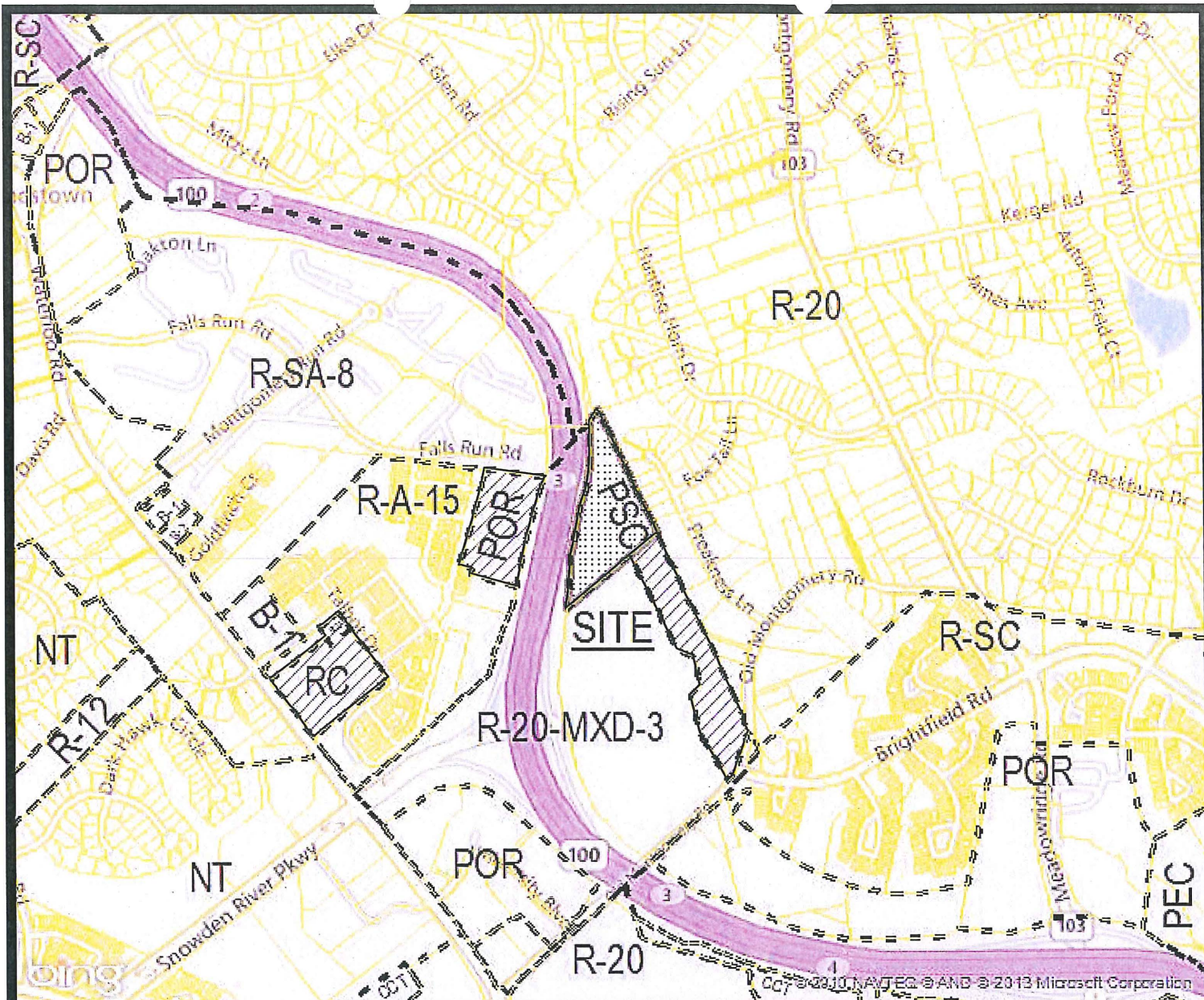
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official."**

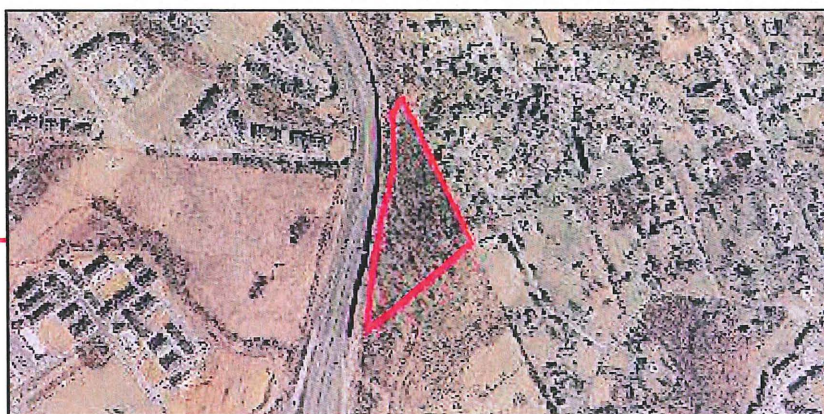
Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

Stephen M. LeGendre
Administrator



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		45	46	47	48	
			49	50		



Zoning Map General Plan Amendment: **37.010** Tax ID: **1401307614**
 Current Zoning: **PSC** Council District: **2**
 Tax Map: **37** Grid: **1** Parcel: **753** Lot: **N/A**
 Address: **8045 FETLOCK CT**