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 COLUMBIA
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 WESTMINSTER
 SHELLY ABRAMS
 FIRM ADMINISTRATOR

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June 28, 2013

RR -
 AB32-2013

VIA HAND DELIVERY

Howard County Council
 c/o Theodore Wimberly- Sr. Administrative Analyst
 3430 Court House Drive
 Ellicott City, Maryland 21043

RE: OUR CLIENT: THE LOIS LUCILLE CURTIS TRUST
PROPERTY REFERENCE: 5771 WATERLOO ROAD
 ELLICOTT CITY, MARYLAND 21043
 MAP 0037, GRID 0001, PARCEL 0751
 7.46 ACRES M/L
 (THE "PROPERTY")
COMP. AMENDMENT No. 37.011
OUR FILE No: 21-0103-9371

Dear Mr. Wimberly:

Enclosed are seven (7) copies of the following information submitted in support of the Comprehensive Rezoning Request filed with respect to the above-referenced Property:

1. Written Testimony of the Property Owner, the Lois Lucille Curtis Trust and
2. Future Vision Plan dated June 27th, 2013 prepared by Melanie Moser-Moser Consulting

Please immediately present the same to the County Council Members for their consideration before voting on the subject Rezoning Request.

Should you have any questions or require additional information please do not hesitate to contact my office. As always, I remain

Very truly yours,

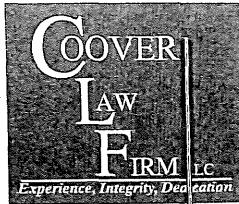
COOVER LAW FIRM, LLC

By: 

Fred L. Coover, Esquire

FLC/atk
Enclosure

Ms. Marsha McLaughlin
cc: Robert L. Curtis, Jr.
Glenn A. Curtis



10500 LITTLE PATUXENT PARKWAY
PARKSIDE BUILDING, SUITE 420
COLUMBIA, MD 21044-3563

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hand delivered

The Lays Lucille Curtis Trust

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THE LOIS LUCILLE CURTIS TRUST

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BEFORE THE COUNTY COUNCIL OF
HOWARD COUNTY, MARYLAND

PETITIONER

ZONING AMENDMENT No. 37.011

* * * * *

**WRITTEN TESTIMONY
IN SUPPORT OF
ZONING MAP AMENDMENT REQUEST**

PROPERTY REFERENCE: 5771 WATERLOO ROAD
ELLICOTT CITY, MARYLAND 21043
MAP 0037, GRID 0001, PARCEL 0751
7.46 ACRES M/L

CURRENT ZONING: RURAL CONSERVATION (RC)
§104 – HOWARD COUNTY ZONING
REGULATIONS

REQUESTED ZONING: PLANNED OFFICE RESEARCH (POR)
§115 – HOWARD COUNTY ZONING
REGULATIONS
OR
OFFICE TRANSITION (OT)
§11 7.3– HOWARD COUNTY ZONING
REGULATIONS
OR
“SPLIT-ZONING” – KEEPING RC AND
ADDING POR OR OT



Personal Message from the Owner

Curtis –Shipley Farmstead Zoning and Use Proposal

As many of you know, the *Curtis – Shipley Farmstead* has been in the Curtis family since the late 1880's. In 2005, the Curtis – Shipley Farmstead was added to the National Register of Historic Places. In 2006 and 2007 extensive restoration efforts on all structures were done at a cost of approximately \$200,000. As stated in the National Register nomination, The Curtis – Shipley Farmstead is architecturally significant for its collection of mostly 19th century buildings that represent both domestic and agricultural building styles. The history of the farmstead dates to the earliest years of settlement in the Howard District of Anne Arundel County. The farmstead is part of the 1687 patent called Adam the First, approximately 500 acres surveyed for Adam Shipley. The farmstead is now an island of agricultural history surrounded by modern residential development. It is our hope and belief that the farmstead has been a valuable and positive attribute to the Shipley's Grant community. And, it is our intention that the unique ambiance of the farmstead be retained, while adapting to the future.

To that end, it is our intention to put in place a plan which protects the unique and distinctive historic elements of the farmstead. But, neither of us lives in Maryland any longer. We are both getting older, traveling to Maryland is increasingly difficult, and it will soon be time to relinquish ownership of our home to another.

We fully intend to place appropriate protections on the farmstead. The protections will create long term commitments for any new owner. There will be expense associated with maintenance of the farmstead. The current RC zoning provides very limited options for historically sensitive adaptive reuse which could generate income to offset maintenance expenses. Consequently, we have applied for an upgrade in zoning to allow for more uses on the property that could provide income to a new owner. Primarily, we are interested in adaptive reuse of current structures, but would also seek zoning to permit one new office structure on the property.

So that all concerned may be fully and accurately informed of our proposal for future use and protection of the Farmstead we offer the following plan:

- We seek a rezoning to POR, or other appropriate zoning solutions permitting a broader range of adaptive reuse options than is permitted under the RC Zone.
- We propose adaptive reuse of the Farmhouse for office space.
- We propose the repurposing of the bank barn for commercial storage, or for office uses. The lower level could be sensitively adapted for office space; the upper main interior could be used as meeting space, special events, office space or storage facilities
- We propose one new office facility, limited to a 5000 square foot footprint, maximum of 10,000 square feet in total, and limited to a 2 story height.



- We propose that architectural design and construction controls would be placed on the new structure such that it would be compatible and congruent with the existing farmstead buildings.
- We propose that the new structure would be confined to a location generally between the house and the retail space at Shipley's Grant.
- We propose that access to the farmstead associated with new uses be from MD 108 if at all possible from SHA, but that access to Talbot is available if necessary.
- We propose that the garage, hog pen, chicken house, granary, corn house, and stone smoke house be retained and maintained in their current condition and use for storage only associated with use of the house and barn.
- We propose that a portion of the current green hay field be available for access driveways as required for adaptive uses, parking as necessary, storm water management, open space or other requirements by the County
- We propose that all other hayfield area be limited to uses currently permitted under the RC zone, and the hayfield between the bank barn and the cemetery **not** be utilized for parking, storage, or buildings of any type.
- We propose that all historic structures be protected by Historic Preservation Easement to the Maryland Historic Trust or other historic preservation organizations such as; Preservation Howard County, Howard County Conservancy, or other statewide organizations.
- We propose that land use and architectural controls be implemented through protective covenants or easements administered by the above listed organizations, or others such as Preservation Maryland or Maryland Environmental Trust.
- As stated earlier, we fully intend to relinquish ownership of the farmstead to a new owner. If we fail to achieve some appropriate up zoning of the property, we must still sell the property but with many fewer controls over future land or building uses.

We hope the above explanation helps to answer questions you may have. We truly hope we can achieve up zoning to allow us to implement preservation and adaptive reuse concepts. Old places need new uses. It is our hope that the farmstead can be an active and living legacy to our family, and not a memorial to their passing.

Respectfully submitted,
 Robert L Curtis, Trustee
 Glenn A. Curtis, Trustee
 Lois L. Curtis Revocable Trust
 June 25, 2013



The Lois Lucille Curtis Trust, Petitioner, by and through its attorney, Fred L. Coover, Esquire of **COOVER LAW FIRM, LLC**, submits this written testimony to the Howard County Council pursuant to Section 16.200 et. Seq of the Howard County Code and/or Section 2.403D.7 & 11 of Rules of Procedure as adopted February 26th, 2002 as amended.

I. SUMMARY OF REZONING REQUESTED.

The Petitioner seeks rezoning of the Property from Rural Conservation to Planned Office Research (POR); Office-Transition (OT) or another zoning district or combination of districts to allow for office or similar uses of the Farmhouse and Barn.

II. PROPERTY SNAPSHOT.

- ✓ 7.46 Acres
- ✓ MAP 0037, GRID 0001, PARCEL 0751
- ✓ Address: 5771 Waterloo Road, Ellicott City, Maryland
- ✓ Zoned RC (Rural Conservation - § 104)
- ✓ Area Roads:
 - To the southwest: Maryland Route 108-Waterloo Road
 - To the north: Richards Valley Road
 - To the northeast: Talbot Drive
- ✓ Improvements: Eight (8) historic structures including a house and a barn, all original to the farm,
- ✓ House and barn each date to the mid to late 1800's
- ✓ Listed in the National Register of Historic Places
- ✓ Bounded to northwest by:
 - The Shoppes at Shipley's Grant® shopping center
 - Zoned B-1 (Business: Local §118)
- ✓ Bounded to the northeast by:
 - Townhomes in Shipley's Grant Community
 - Zoned R-A-15 (Residential: Apartments §112)
- ✓ Bounded to the southeast by:
 - Townhomes in Shipley's Grant Community



Zoned R-A-15 (Residential: Apartments §112)

III. OWNER SNAPSHOT.

- ✓ Owner Name: Lois Lucille Curtis Trust¹
- ✓ Trustees:
 1. Robert L. Curtis, Jr.²
Age: 68
Current Residence: Lake City, Tennessee
Raised on Farmstead
 2. Glenn A. Curtis³
Age: 63
Current Residence: Morehead City, North Carolina
Raised on Farmstead

IV. SNAPSHOT ARRAY.

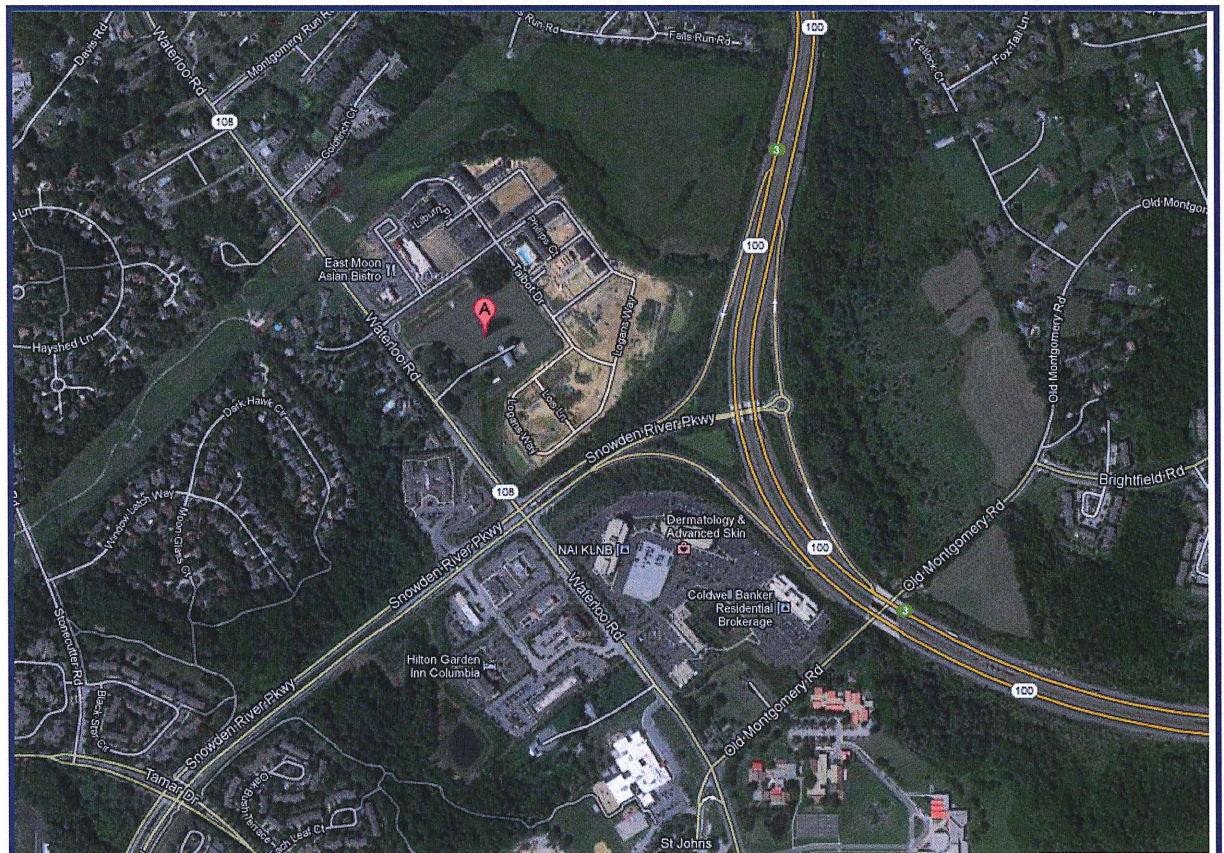
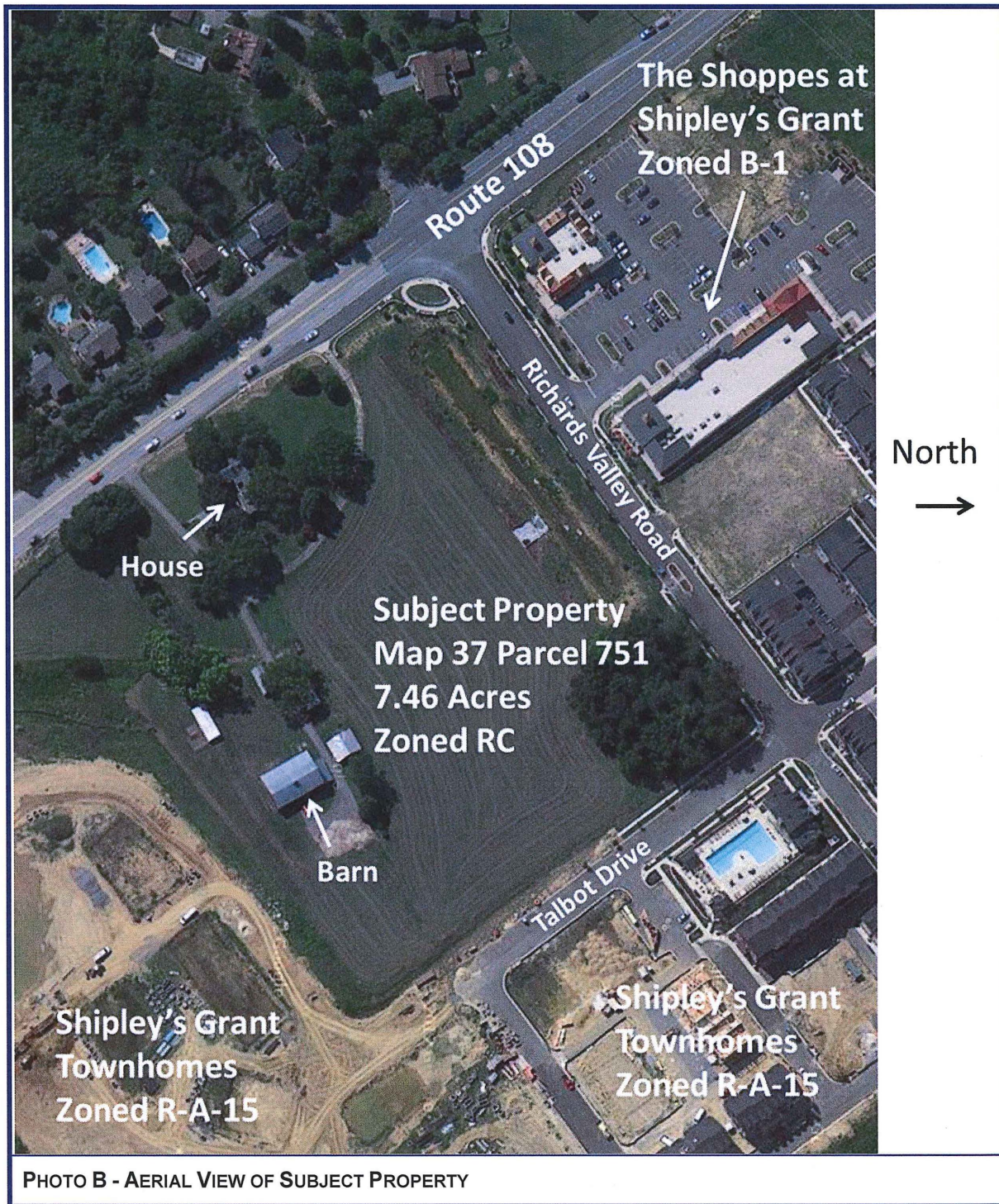


PHOTO A - AERIAL VIEW OF VICINITY

¹ LOIS LUCILLE CURTIS, SETTLOR – DIED JANUARY 11TH, 2011

² OLDEST SON OF LOIS LUCILLE CURTIS

³ YOUNGEST SON OF LOIS LUCILLE CURTIS



CURRENT VIEWS
PHOTOS C THRU O



PHOTO C - VIEW LOOKING SOUTHEAST FROM RICHARDS VALLEY ROAD



PHOTO D - VIEW LOOKING NORTHWEST – THE SHOPPES AT SHIPLEY’S GRANT ON THE HORIZON



PHOTO E – THE SHOPPES AT SHIPLEY’S GRANT



PHOTO F – VIEW LOOKING NORTH - SHIPLEY’S GRANT TOWNHOMES ON THE HORIZON

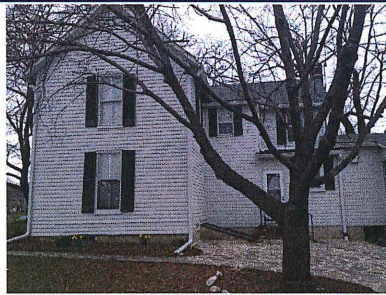


PHOTO G - HOUSE



PHOTO H - GARAGE



PHOTO I - SMOKE HOUSE

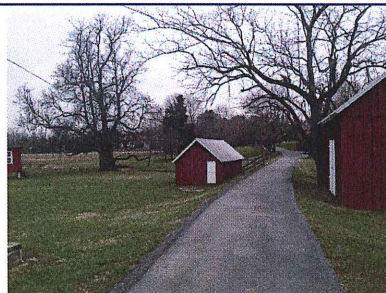


PHOTO J - HOG PEN



PHOTO K - CHICKEN COOP

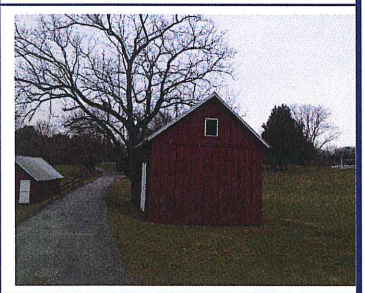


PHOTO L - GRAINERY

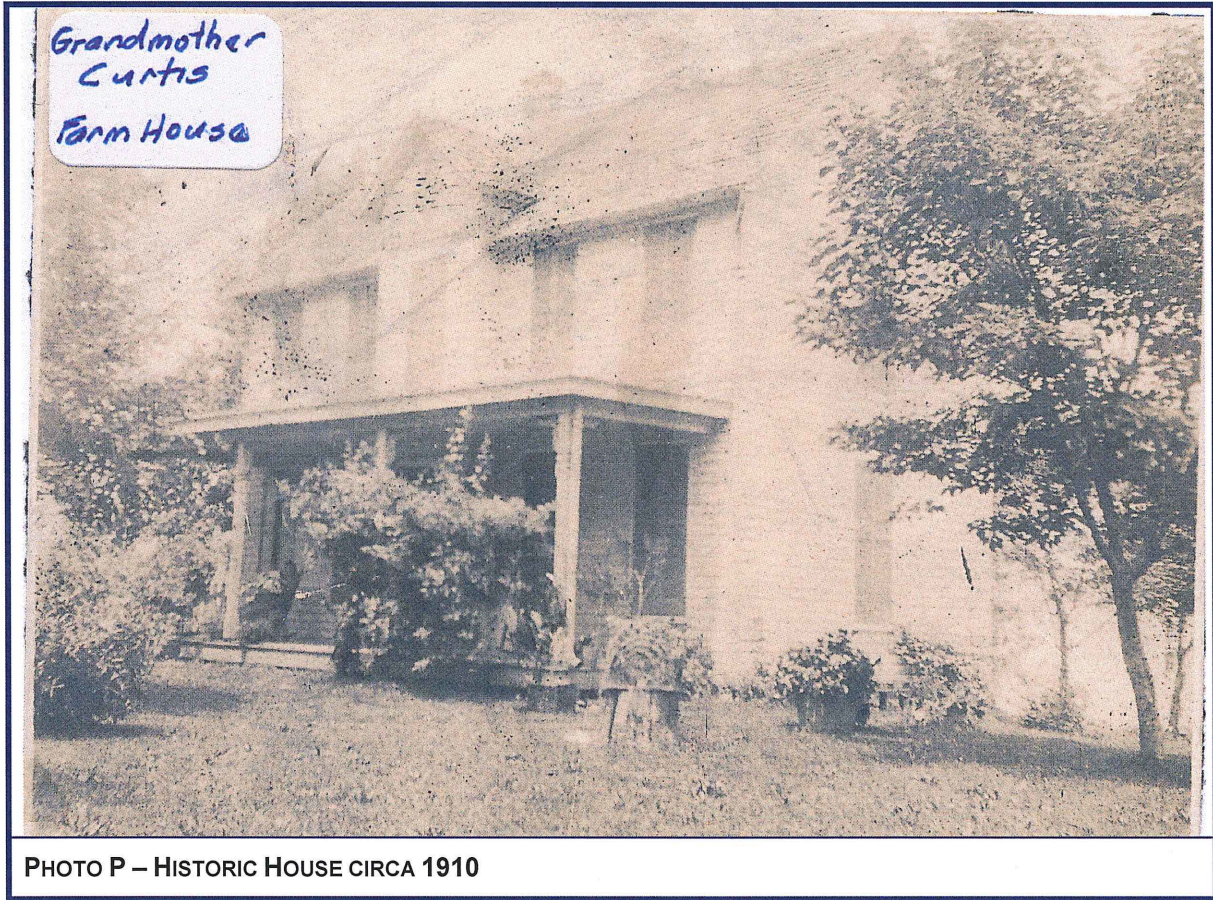
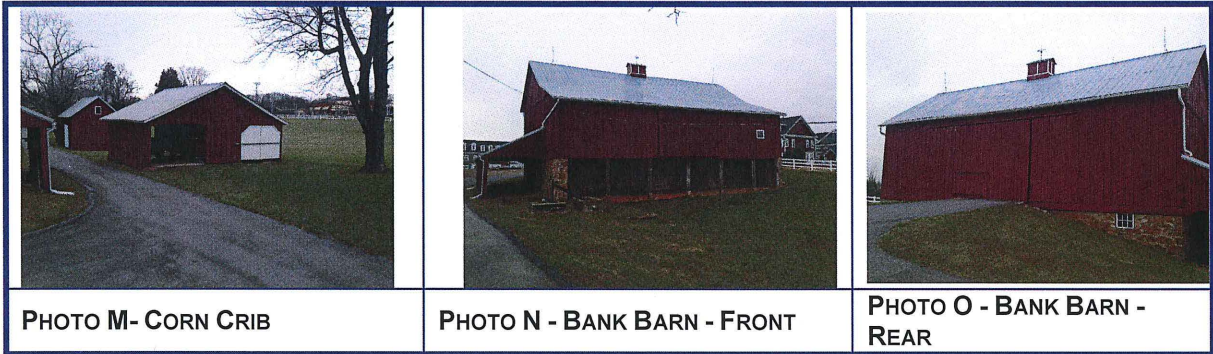




PHOTO Q – HISTORIC BARN

THE RESTORATION

2006-2007

PHOTOS R THRU W

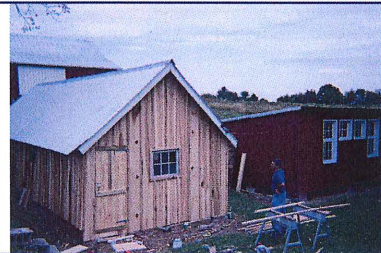


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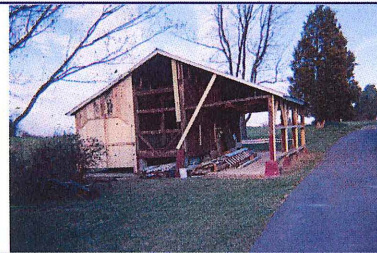


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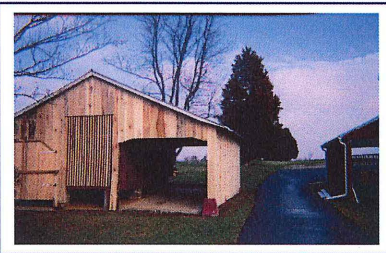


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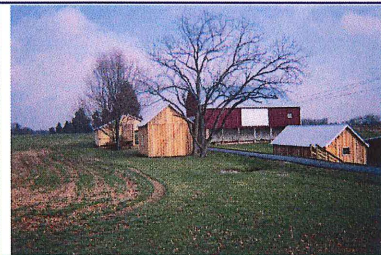


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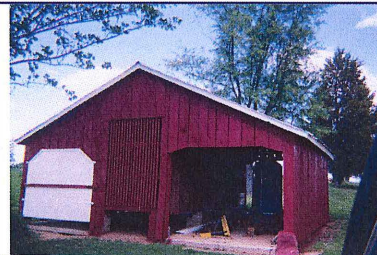


PHOTO V

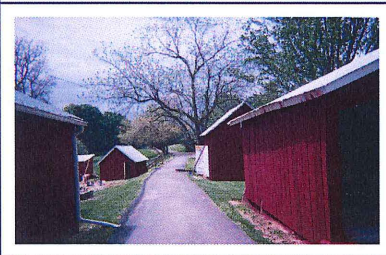
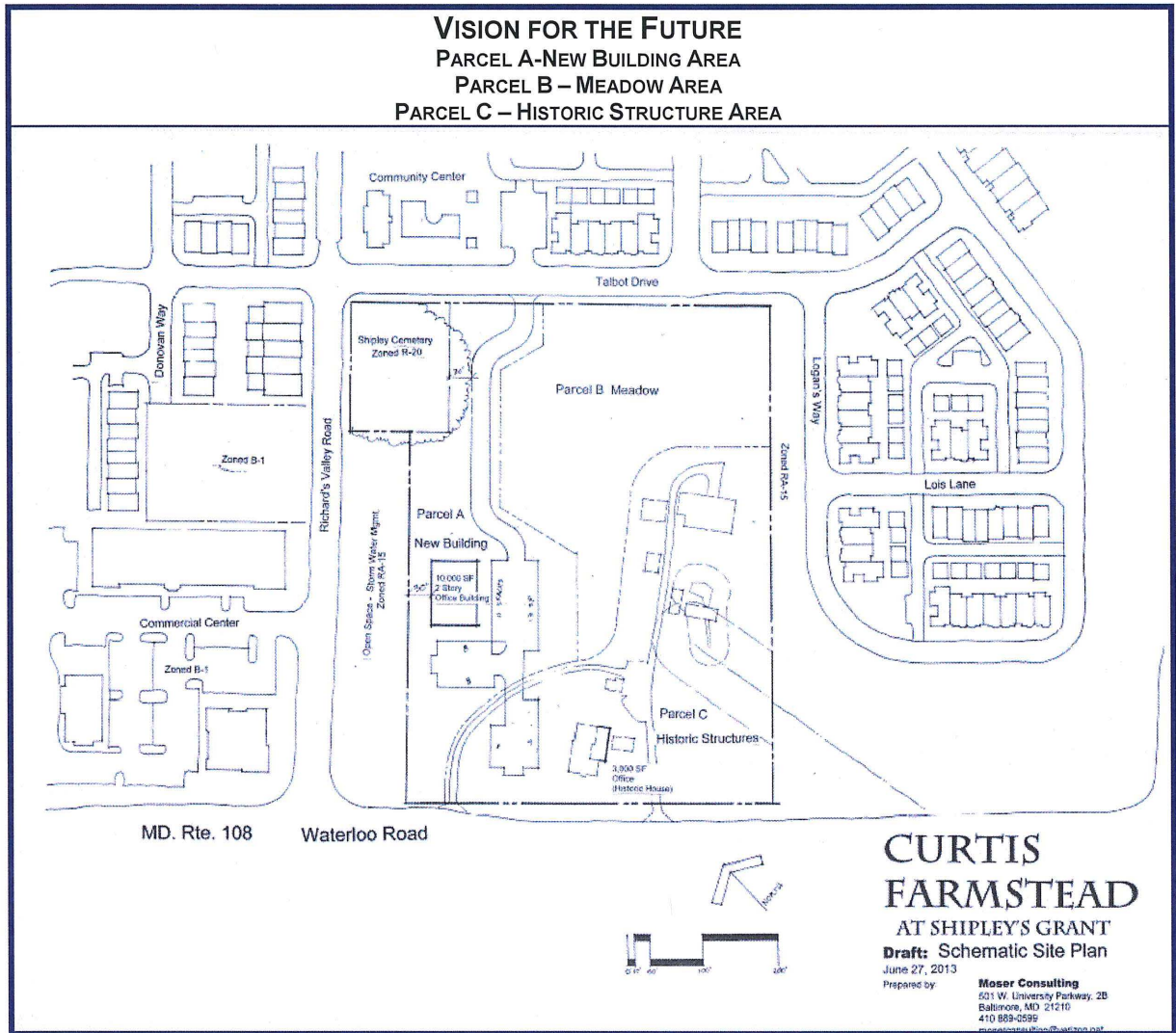


PHOTO W



V. PROPERTY HISTORY.

The R. Lee Curtis Family acquired several large contiguous parcels containing approximately 90.51 acres starting in the early 1940's and used the same for farming purposes (the "Curtis Farm").

In recent years, the Curtis Family owned the Curtis Farm principally through their entity, "*Deep Run Property Management, LLC*" ("Deep Run"); and two (2) trusts; namely, "The Robert Lee Curtis Revocable Trust dated February 28, 1997" and "The Lois Lucille Curtis Revocable Trust dated February 28, 1997".

As time passed and population densities changed, the economic viability of the Curtis Farm became more challenging, the land more valuable and the cost of ownership more expensive.

The Route 100 right-of-way severed an unimproved portion of the Curtis Farm now owned by Deep Run containing approximately 8.9 acres (the "Severed Parcel").

The subject Property, referenced below as the "Farmstead", (a) contains approximately 7.46 acres; (b) is owned by The Lois Lucille Curtis Revocable Trust dated February 28, 1997 (the "Trust"); and (c) was once part of Curtis Farm.

In approximately 2003, the Curtis Family contracted to sell all of the Curtis Farm other than the Severed Parcel and the Farmstead to Bozzuto Homes, Inc. ("Bozzuto") and its assigns (the "Transferred Land").

Bozzuto thereafter rezoned portions of the Transferred Land to both B-1 (Business: Local); and R-A-15 (Residential: Apartments) and POR (Planned Office Research) in furtherance of a complex and restrictive Development Agreement with Deep Run involving restrictive covenants recorded among the Land Records of Howard County imposed by the Curtis Family (the "Covenants") through Deep Run.

Through the Covenants and Deep Run, the Curtis Family continues to control the intensity of retail, commercial and residential uses that may be constructed on the Transferred Land, now known as "*Shipley's Grant*".

Bozzuto subsequently developed the Transferred Land into the mixed use development known as "*Shipley's Grant*"; containing a Shopping Center known as the "*Shoppes at Shipley's Grant*" and a complex of residential townhouses and condominiums currently under construction.

Through the Trust, the Curtis Family has endeavored to both (a) retain and preserve the historic farm structures of Lois L. Curtis located on the Farmstead; and (b) retain and preserve the rural "farm" appearance and feel of the Farmstead property for generations to come. To that end, the Trust continues to discuss preservation options with the Maryland Historic Trust, the Howard County Conservancy, and others.

VI. ZONING HISTORY.

RC zoning for the Farmstead was granted incident to rezoning of the Transferred Property by Bozzuto in approximately 2003⁴. In the years that have passed:

1. Lois L. Curtis required off-site medical care and then passed away 2 years ago;
2. the large multi-building "*Shoppes at Shipley's Grant*" containing stores and restaurants has been constructed immediately adjacent to the Farmstead;

⁴ BOZZUTO WAS CONTRACTUALLY REQUIRED TO ZONE THE FARMSTEAD TO RC IN 2003.

3. residential townhomes and condominium units have been constructed in "Shipley's Grant" immediately adjacent to the Farmstead;
4. the economy has spiraled downward;
5. over \$200,000 has been expended by the Trust to rebuild, update and maintain the structures constructed on the Farmstead;
6. the cost to own and maintain the Farmstead continues to increase;
7. Trustees, Bob and Glenn Curtis, no longer live in in Howard County and commenced planning for the transition of ownership of the Farmstead to others; and
8. no economically viable opportunity to use, preserve and maintain the Farmstead has arisen.

VII. PROPERTY DETAILS.

The Property is listed in the National Register of Historic Places and is improved by eight (8) structures depicted in the photographs shown in Section IV as follows:

1. one (1) two (2) story single-family house;
2. one (1) single car detached garage;
3. one (1) single story stone smoke house;
4. one (1) single story hog pen;
5. one (1) single story chicken coop;
6. one (1) 1 ½ story grainery;
7. one (1) single story corn crib; and
8. one (1) two (2) story bank-barn

The house and bank barn each date to the early 1800's.

VIII. REZONING.

A. The Curtis Family sought rezoning of the Farmstead to RC in 2003 as a means of lowering the value of the Property and the real estate taxes associated with it. In 2003, RC "*made sense*" for the Farmstead pending development of the Shipley's Grant project.

B. **§ 104 OF THE HOWARD COUNTY ZONING REGULATIONS STATES IN PART:**

"The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and



sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape. [EMPHASIS ADDED]

The preferred land use in the RC District is agriculture. The District is intended to permit a range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).” [EMPHASIS ADDED]

USES PERMITTED AS A MATTER OF RIGHT

The following uses are permitted as a matter of right in the RC District, except that only the uses listed in Section 104.F.7.b shall be permitted on the preserved area of cluster subdivisions.

1. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock shall be permitted.
2. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
3. One single-family detached dwelling unit per lot.
4. Commercial feed mills and commercial grain processing or storage facilities, provided that all uses connected with such facilities shall be at least 200 feet from property lines.
5. Convents and monasteries used for residential purposes.
6. Governmental structures, facilities and uses including public schools and colleges.
7. Private recreational facilities, such as parks, athletic fields, swimming pools, basketball courts and tennis courts, reserved for use by residents of a community and their guests. Such facilities shall be located within neighborhoods and communities where all properties are included within recorded covenants and liens which govern and provide financial support for operation of the facilities.
8. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.3.
9. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.4.
10. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a conditional use.
11. Commercial communication antennas attached to structures, subject to the requirements of Section 128.E.4. Commercial communication towers located on government property, excluding School Board property, and with a height of less than 200 feet measured from ground level, subject to the requirements of Section 128.E.3. This height limit does not apply to government communication towers, which are



permitted as a matter of right under the provisions for "Government structures, facilities and uses."

12. Volunteer fire departments.
13. Bed and Breakfast Inn on a farm that is subject to an agricultural land preservation easement, provided that:
 - a. The building existed at the time that the easement was established; and
 - b. The Inn is managed by persons residing on the same parcel or on a contiguous parcel that is under the same ownership and part of the same farm.

C. Due to its small size and geographic location, no use permitted "*of right*" in the RC District either currently "*makes sense*" on the Farmstead; or will generate the income required to:

1. pay the real estate taxes for the Farmstead; and
2. preserve and maintain the existing structures on the Farmstead;

D. In contrast to the RC district; the Planned Office Research (POR) district permits a wider more diverse mixture of institutional, commercial, office and agricultural uses much more in keeping with the commercial and residential uses which surround the Farmstead and the historic structures constructed on the Farmstead;

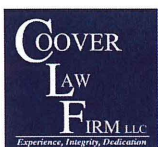
E. **§ 115 OF THE HOWARD COUNTY ZONING REGULATIONS STATES IN PART:**

Purpose

The Planned Office Research District is established to permit and encourage diverse institutional, commercial, office research and cultural facilities.

B. Uses Permitted as a Matter of Right

5. Banks, savings and loan associations, investment companies, credit bureaus, brokers and similar financial institutions.
11. Child day care centers and nursery schools.
20. Farming, provided that on a lot of less than 40,000 square feet, no fowl other than for the normal use of the family residing on the lot and no livestock are permitted.
22. Funeral homes.
25. Hotels, motels, conference centers and country inns.
30. Nursing homes and residential care facilities.
31. Offices, professional and business.
34. Religious activities, structures used primarily for.
36. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
37. Retail and personal service uses limited to the following, provided that such uses shall be located within a building used primarily for offices or research and development establishments and shall occupy no more than 25 percent of the floor area of the building:
38. Riding academies and stables.



42. Service agencies, such as real estate agencies, insurance agencies, security services, messenger services, computer services, travel agencies, mailing services. [EMPHASIS ADDED]

F. §117.3 of the Howard County Zoning Regulations states in part:

A. PURPOSE

This district is established to allow low-impact office uses adjacent to areas of residential zoning. The OT district is a floating district that will provide a transition along the edges of residential areas impacted by nearby retail/ employment areas or arterial highways carrying high volumes of traffic. The standards of this district should result in small-scale office buildings on attractively-designed sites that are compatible with neighboring residential uses.

B. USES PERMITTED AS A MATTER OF RIGHT

5. Offices, professional and business.

G. Rezoning of the Farmstead to POR; OT; or split-zone combination of RC and POR/OT is sought to permit:

1. reasonable, adaptive, economically viable and marketable uses of the structures existing on the Farmstead;
2. possible construction of one new 2-story 5,000 sq. ft. footprint office building in the field area between the house and the Shoppes at Shipley's Grant; and
3. a source of funding to assist the preservation and maintenance of the structures on the Farmstead by future owners of the Farmstead; as may be required by covenant or easement.

H. In furtherance of these goals, the Curtis Family has:

1. met and worked with representatives of the Shipley's Grant Homeowners' Association commencing on **MARCH 19TH, 2013** in order to both hear their concerns and provide assurances that the historic structures located on the Farmstead will be preserved;
2. approached the Maryland Historic Trust (MHT) concerning the possibility of the MHT holding a preservation easement on the Farmstead and determined that the MHT may not consider such an easement for 6 months to one year in the future;
3. initiated conversations with Howard County Conservancy discussing easement options;



4. met with Ms. Marsha McLaughlin, Director and Ms. Cindy Hamilton, Chief, Division of Public Service and Zoning Administration- Howard County Department of Planning and Zoning in order to both hear their concerns and provide assurances that the historic structures located on the Farmstead will be preserved. Ms. McLaughlin and Ms. Hamilton each indicated support for rezoning of the Farmstead to POR provided that the historic structures are preserved; whether through preservation easement or covenants;
 5. prepared and delivered proposed Covenants to the Shipley's Grant Homeowners' Association, a copy of which is attached hereto as **EXHIBIT 1**; that will:
 - a. be recorded among the Land Records of Howard County if rezoning of the Farmstead is granted by the Council;
 - b. encumber the Farmstead and "run with the land";
 - c. protect and preserve the historic structures located on the Farmstead, requiring their maintenance and prohibiting removal of the same; and
 - d. be superseded and replaced only by the terms of a preservation easement encumbering the Farmstead in the future held by the MHT, Howard County Conservancy, the Rockburn Land Trust; or a similar historic preservation/conservancy organization; and
 6. in June 2013, engaged Ms. Melanie Moser of Moser Consulting to develop a plan for the Farmstead reflecting the Curtis Family vision of the future. A copy of the Moser Plan appears in Section IV above.
- I. **"WAY TO PAY"**. Bob and Glenn Curtis are in their 60's; and realize both, that they will not live forever; and that no future owner of the Farmstead will (1) love the Farmstead as they do; (2) feel the sense of stewardship toward the Farmstead that they feel; or (3) spend the money they have spent indefinitely into the future maintaining and preserving the structures; without some reasonable source of income generated from the Farmstead use to assist in the required maintenance;
 - J. In evaluating the subject Rezoning Request, the Council is asked to consider these fundamental questions:
 1. **ARE THE TRUE FARM USES PERMITTED BY THE RC ZONE APPROPRIATE FOR THIS PROPERTY AT THIS LOCATION NOW?**
 2. **ARE THE NOISES, ODORS AND DUST ASSOCIATED WITH FARM USES APPROPRIATE FOR THIS PROPERTY AT THIS LOCATION NOW?**

3. **IS IT LOGICAL TO ENCOURAGE AGRICULTURAL ACTIVITIES ON THIS PROPERTY AT THIS LOCATION NOW?**
4. **DOES THE CURRENT ZONING CREATE A SITUATION WHEREBY THE MAINTENANCE AND PRESERVATION OF THE HISTORIC STRUCTURES ON THE PROPERTY IS ENHANCED OR DISCOURAGED?**
5. **IF NOT, THEN:**
 - a. **DOES IT NOT MAKE SENSE TO PERMIT USES ON THE PROPERTY THAT WILL GENERATE INCOME IN THE FUTURE?**
 - b. **WHAT INCOME- PRODUCING USES ON THIS PROPERTY ARE APPROPRIATE FOR THE FUTURE?**
 - c. **WHAT ZONING WILL PERMIT THOSE APPROPRIATE USES TO OCCUR?**
 - d. **DOES PLANNED OFFICE RESEARCH, OFFICE TRANSITION OR OTHER ZONING SOLUTIONS; INCLUDING A POSSIBLE "SPLIT ZONE" PERMIT APPROPRIATE INCOME-PRODUCING USES OF THE PROPERTY TO OCCUR IN THE FUTURE?**

K. The requested rezoning of the Farmstead to will provide the Trust with greater flexibility and more economically feasible options in the current market for the use, preservation and maintenance of the Farm consistent with both:

1. the historic preservation of the Farmstead; and
2. the surrounding mix of dense residential and commercial uses occurring within the Shipley's Grant community

RESPECTFULLY SUBMITTED:



Fred L. Coover, Esquire
COOVER LAW FIRM, LLC
10500 Little Patuxent Parkway
Suite 420
Columbia, Maryland 21044
410-995-1100
Toll Free 866-425-9555

ATTORNEY FOR PROPERTY OWNER



Zoning Amendment No. 37.011

REVIEWED

By Fred L. Coover at 3:00 pm, Apr 05, 2013

DRAFT

RETURN TO:

Fred L. Coover, Esquire
COOVER LAW FIRM, LLC
10500 Little Patuxent Pkwy.
Suite 420 Parkside Bldg.
Columbia, Maryland 21044-3563
(410) 995-1100

File No. 21-1212-10681

NOT APPROVED

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS (the "Declaration") is made this ____ day of _____, 2013 (the "Effective Date") in accordance with the terms and conditions set forth herein.

WHEREAS, The Lois Lucille Curtis Revocable Trust Dated February 28, 1997 (hereinafter referred to as the "Declarant") is the fee simple owner of the land more particularly described in **EXHIBIT A** attached hereto and made a part hereof ("Land") and the improvements thereon; and

WHEREAS, as of the Effective Date of this Declaration, the Land is improved with **EIGHT (8)** historic structures as more particularly described in **EXHIBIT B** attached hereto and made a part hereof (collectively the "Structures"); and

WHEREAS, the Land and the Structures together are referred to herein as the "Property"; and

WHEREAS, the Structures have substantial historic and aesthetic character and this Declaration will promote the preservation and maintenance of the Structures and their historic, scenic and aesthetic character; and

WHEREAS, the Property is listed in the National Register of Historic Places;

NOW, THEREFORE, the Declarant hereby subjects the Property, together with the Structures as referenced and/or defined herein to the operation and effect of certain covenants, conditions, and restrictions as are hereinafter set forth in this Declaration which shall be covenants running with the Land; subject to the operation and effect of any and all instruments which have been recorded among the Land Records of Howard County, Maryland prior to the recordation of this Declaration.

UPON THE TERMS AND SUBJECT TO THE CONDITIONS which are hereinafter set forth.

1. **RECITALS.** The recitals are incorporated herein;
2. **LAND RECORDS.** This Declaration shall be recorded among the Land Records of Howard County, Maryland and is subject to any and all presently existing valid encumbrances, easements and rights-of-way upon the Property;



Zoning Amendment No. 37.011

3. **IRREVOCABILITY AND TERMINATION.** This Declaration shall be irrevocable by the Declarant, its Trustees; successors and assigns; provided however, that at such time as a governmental agency; a private conservation organization or other party, including, but not limited to any of the below-referenced organizations; agrees to accept and impose a historic preservation easement upon the Structures the terms of which serve to preserve, protect and maintain the Structures (the "Preservation Easement"); then upon recordation of such Preservation Easement among the Land Records of Howard County, this Declaration shall become null and void and of no further effect:
- a. Maryland Environmental Trust;
 - b. Maryland Historical Trust;
 - c. The Howard County Conservancy, Inc.;
 - d. Audubon Society of Central Maryland, Inc.;
 - e. Potomac Conservation Corps, Inc.; and
 - f. The Rockburn Land Trust
4. **MAINTENANCE AND ADMINISTRATION.** The Declarant; its successors and assigns; or the record owner of the Property as reflected in the Real Estate Tax and Land Records of Howard County, Maryland if not the Declarant (hereafter the "Record Owner") shall:
- a. keep and maintain the exterior of the Structures as defined herein in good, clean and safe condition; and
 - b. maintain and repair the exterior of the Structures as defined herein in a manner to reasonably preserve the historic and aesthetic character and appearance of the exterior of the Structures existing on the Effective Date of this Declaration as described in EXHIBIT B; however, this Declaration does not:
 - i. impose any restriction or obligation at any time relating in any way to the interior of the Structures;
 - ii. impose any restriction or obligation relating in any way to the interior or exterior of any new, additional or replacement improvement otherwise lawfully constructed upon the Property at any time; or
 - iii. require the reconstruction of any Structures which are destroyed in whole or in part by casualty loss (the "Loss") unless such Loss is declared by the non-appealable and final decision of a judge of the Circuit Court for Howard County, Maryland to have been intentionally and willfully [NOT NEGLIGENTLY] caused by or at the direction of the Record Owner;



Zoning Amendment No. 37.011

5. CHANGES AND ALTERATIONS.

a. without the express written consent of the Declarant or the Designee [AS DEFINED BELOW]; which consent shall not be unreasonably withheld; no Record Owner shall cause, permit or suffer any construction which would materially alter or change the exterior of the Structures; subject to the following:

i. if damage has resulted to the exterior of the Structures from a LOSS [AS DEFINED ABOVE], deterioration, or normal wear and tear; then the maintenance, repair, repainting or refinishing to correct the damage shall be permitted without such written permission of the Declarant or Designee; and

ii. all maintenance, repair, repainting or refinishing shall be performed in a manner that will not materially and unreasonably alter the exterior appearance of the Structures upon conclusion of the restoration of the Structures;

b. the term "exterior" means the exterior surfaces of the Structures including the architectural style, the general design and arrangement, the color, the kind and texture of the building material, and the type and style of all windows, doors, light fixtures, signs and other similar exterior features. The term "construction" shall include all construction, reconstruction, improvement, enlargement, painting and decorating, alteration, demolition, maintenance or repair of the Structures;

c. incident to either maintenance of the Structures or construction, the Record Owner shall at all times be entitled to use, substitute, install and/or apply as applicable, any exterior building materials, components, fixtures and finishes having a reasonably similar exterior color, texture, architectural style or appearance to the exterior materials, components, fixtures and/or finishes of the Structure existing on the Effective Date of this Declaration; and

d. no express written consent of the Declarant or Designee shall be required prior to the construction or erection by the Record Owner of any additional building, structure, or improvement upon the Property other than the Structures;

6. **INSPECTION.** The Declarant or its designee as defined below (the "Designee") shall have the right to enter upon the Property upon **THIRTY (30) DAYS** advanced written notice transmitted to the Record Owner for the purpose of inspecting the exterior of the Structures in order to



Zoning Amendment No. 37.011

determine whether the Structures are being maintained as required under the provisions of this Declaration and/or to enforce the terms of this Declaration as provided herein;

7. **DESIGNEE.** The Declarant shall have a one-time right to designate a governmental agency; a private conservation organization or other party, including, but not limited to any of the above- referenced organizations as the Designee for purposes of inspection of the Structures and/or enforcement of this Declaration upon the following terms:

- a. the designation shall be reflected in a written document (the "Designation");
- b. the Designation shall be signed by both (i) the Declarant; and (ii) the Designee reflecting the consent of the Designee to assume the exclusive right to inspect the Structures and enforce the terms of this Declaration;

and signed by both (i) the Declarant; and (ii) the Designee:

- i. the Designation shall be recorded among the Land Records of Howard County, Maryland by the Declarant and at the Declarant's sole expense promptly and in no event more than FIVE (5) YEARS from the Effective Date of this Declaration (the "Designation Recordation Deadline");
- ii. a copy of the fully executed Designation shall be promptly mailed by the Declarant to the address of the Record Owner as reflected the Real Estate Tax or Land Records of Howard County, Maryland;
- iii. until recordation of the Designation upon and subject to the terms expressed herein; all rights to inspect the Structures and/or enforce the terms of this Declaration shall be held exclusively by the Declarant;
- iv. following recordation of the Designation upon and subject to the terms expressed herein; all rights to inspect the Structures and/or enforce the terms of this Declaration shall be held exclusively by the Designee; and
- v. the recordation of the Designation beyond the Designation Recordation Deadline shall be ineffective to grant to the Designee:
 1. any right, obligation or interest in the Property or the Structures;



Zoning Amendment No. 37.011

2. any right to enter upon the Property at any time;
 3. any right to inspect the Structures; and
 4. any right to enforce this Declaration;
8. **BREACH BY RECORD OWNER.** If at any time, the Record Owner [OTHER THAN THE DECLARANT] is in material default of any obligation regarding the Structures arising under or imposed by this Declaration, then subject to the terms of this Declaration, the Declarant or the Designee may take any or all of the following actions to obtain the Record Owner's compliance with the provisions of this Declaration:
- a. institute a suit in the Circuit Court for Howard County, Maryland to enjoin any breach or enforce any covenant of this Declaration;
 - b. demand that the Structures be restored promptly to the condition required by this Declaration; and
 - c. correct any breach and hold the Record Owner responsible for the reasonable and actual out-of-pocket resulting expenses, by, if necessary, instituting a suit in the District Court of Maryland for Howard County or the Circuit Court for Howard County, Maryland to recover the expenses and all costs of collection in connection with the suit, including but not limited to reasonable attorney's fees;
9. **MATERIAL DEFAULT.** The term "material default" shall mean and refer to a substantial failure by the Record Owner [NOT THE DECLARANT] to maintain the Structures upon the terms arising under or imposed by this Declaration in an important and vital way. A Record Owner may not be deemed to be in material default of any obligation arising under or imposed by this Declaration unless:
- a. **DEFAULT NOTICE.** The Declarant or its Designee provides the Record Owner with written notice specifically identifying the action or omission of the Record Owner alleged to constitute a material default (the "Default Notice"). The Default Notice shall (i) be delivered to the Record Owner by Certified Mail-Return Receipt Requested; and (ii) include copies of all documents relevant to such alleged default; and
 - b. **CURE PERIOD.** The Record Owner fails to take reasonable steps to commence or implement cure of the alleged default within **ONE HUNDRED EIGHTY (180)** days following receipt of the Default Notice (the "Cure Period");



Zoning Amendment No. 37.011

- 10. **ATTORNEY'S FEES AND COSTS.** If the Declarant, its Designee or a Record Owner asserts a legal or equitable claim or brings an action to enforce the terms hereof or declare rights hereunder; then, in addition to any other relief to which it may be entitled, the prevailing party in any such action, or appeal thereon, shall be entitled to recover; and the court shall be required to award; all costs incurred by the prevailing party; including, but not limited to (a) all court filing fees; (b) service of process fees; (c) expert or non-expert witness fees; (d) deposition expenses; (e) reasonable attorney, paralegal and consultant fees; and (f) prejudgment interest on such costs calculated at ten percent (10%) per annum;

The fee and costs award shall not be computed in accordance with any court fee schedule, but shall be such as to fully reimburse all fees and costs reasonably incurred in good faith.

The prevailing party shall be entitled to an award of such fees and costs whether or not a legal or equitable action is subsequently commenced in connection with such default;

- 11. **GOVERNING LAW.** This Declaration is made in, and shall be governed, interpreted and enforced under the laws of the State of Maryland.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed and sealed the day and year first above written.

WITNESS/ATTEST:

THE LOIS LUCILLE CURTIS REVOCABLE TRUST
DATED FEBRUARY 28, 1997

By: _____ (SEAL)
Richard A. Curtis, Jr., Trustee

Date

By: _____ (SEAL)
Glenn A. Curtis, Trustee

Date

BALANCE OF PAGE INTENTIONALLY BLANK



Zoning Amendment No. 37.011

STATE OF TENNESSEE)
) To Wit:
CITY / COUNTY OF)

I HEREBY CERTIFY that on this _____ day of _____, 2013, before me, the undersigned, a Notary Public of said State, personally appeared **ROBERT L. CURTIS, JR.**, known to me (or satisfactorily proven) to be a Trustee of **THE LOIS LUCILLE CURTIS REVOCABLE TRUST DATED FEBRUARY 28, 1997** whose name is subscribed to the within instrument (the "Trust") and acknowledged that he is an authorized representative of the Trust and that he executed the same for the purposes therein contained on behalf of the Trust.

WITNESS my hand and Notarial Seal

NOTARY PUBLIC

MY COMMISSION EXPIRES:

DRAFT

STATE OF NORTH CAROLINA)
) To Wit:
CITY / COUNTY OF)

I HEREBY CERTIFY that on this _____ day of _____, 2013, before me, the undersigned, a Notary Public of said State, personally appeared **GLENN A. CURTIS**, known to me (or satisfactorily proven) to be a Trustee of **THE LOIS LUCILLE CURTIS REVOCABLE TRUST DATED FEBRUARY 28, 1997** whose name is subscribed to the within instrument (the "Trust") and acknowledged that he is an authorized representative of the Trust and that he executed the same for the purposes therein contained on behalf of the Trust.

WITNESS my hand and Notarial Seal

NOTARY PUBLIC

MY COMMISSION EXPIRES:



Zoning Amendment No. 37.011

CERTIFICATE OF PREPARATION

This is to certify that the within instrument was prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.

F. _____
DRAFT Esquire

BALANCE OF PAGE INTENTIONALLY BLANK

DRAFT



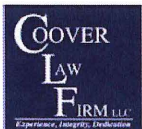
DESCRIPTION OF THE PROPERTY

That parcel containing 7.46 acres, more or less, located in the 1st election district of Howard County, Maryland, also shown on Howard County Tax Map No. 37 as Parcel No. 0751 and generally known as 5771 Waterloo Road, Ellicott City, Maryland 21043; together with all rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or in anywise appertaining (the "Property").

Subject to all covenants and restrictions of record.

BEING the same property described as "**PARCEL 1**" in a deed dated **JUNE 13TH, 2001** and recorded among the Land Records of Howard County, Maryland in Liber 0542, Folio 0500, from **THE ROBERT LEE CURTIS REVOCABLE TRUST** to the Declarant.

DRAFT



DESCRIPTION AND PHOTOGRAPHS OF STRUCTURES

1. one (1) two (2) story single-family house as shown in **PHOTOGRAPH A**;
2. one (1) single car detached garage as shown in **PHOTOGRAPH B**;
3. one (1) single story stone smoke house as shown in **PHOTOGRAPH C**;
4. one (1) single story hog pen as shown in **PHOTOGRAPH D**;
5. one (1) single story chicken coop as shown in **PHOTOGRAPH E**;
6. one (1) single story storage shed as shown in **PHOTOGRAPH F**;
7. one (1) single story corn crib as shown in **PHOTOGRAPH G**; and
8. one (1) two (2) story bank-barn as shown in **PHOTOGRAPHS H-1 & H-2**



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Zoning Map Amendment Request Form

Howard County
Comprehensive Zoning Plan
 Department of Planning and Zoning

[Handwritten/Typed Version]
 Before filling out this form, please read the
 Instructions section at the end of the form.

A. Property Information (Please print or type)

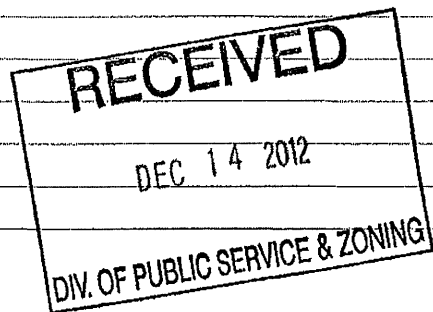
1	Address / Street (Only)		5771 Waterloo Road	
2	Tax Map Number	37	Grid	0001
3	Parcel(s)	0751		
4	Lot(s)	N/A		
5	Tax Account Data:	District	01	Account # 307541

6	Size of Property:	Acres	7.46 Acres	Square feet	
---	-------------------	-------	------------	-------------	--

7	The Property is currently zoned:	RC (Rural: Conservation)
	I request that the Property be rezoned to:	B-1 (Business: Local)

B. Owner Information

8	Owner Name	Robert L. Curtis, Jr., Trustee of The Lois Lucille Curtis Revocable Trust dated February 28, 1997		
9	Mailing street address or Post Office Box	191 Miller Hollow Lane		
	City, State	Lake City, Tennessee		
	ZIP Code	37769		
	Telephone (Main)			
	Telephone (Secondary)			
10	E-Mail			



C. Representative Information

11	Name	Fred L. Coover, Esquire COOVER LAW FIRM, LLC		
	Mailing street address or Post Office Box	10500 Little Patuxent Parkway Suite 420 - Parkside Building		
	City, State	Columbia, Maryland		
	ZIP	21044-3563		
	Telephone (Main)	410-995-1100		

Telephone (Secondary)	443-812-1575
E-Mail	fcoover@cooverlaw.com
12 Association with Owner	Attorney

D. Alternate Contact [If Any]

Name	None
Telephone	
E-Mail	

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

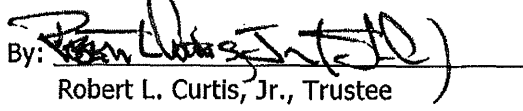
13	<p>The subject property, referenced herein as the "Farmstead", (a) contains approximately 7.46 acres; (b) is owned by The Lois Lucille Curtis Revocable Trust dated February 28, 1997 (the "Trust"); (c) was once part of Curtis Farm; and (d) is improved by the farmhouse, barn and outbuildings that were constructed on Curtis Farm. Since 2003, Bozzuto Homes, Inc. ("Bozzuto") and its assigns have purchased and rezoned the land surrounding the Farmstead once part of Curtis Farm to both B-1 and R-A-15 and thereafter developed and constructed a mixed use development known as "Shipley's Grant" containing a Shopping Center known as the "Shoppes at Shipley's Grant" and a complex of residential townhouses and condominiums currently under construction. The Trust sought and was granted the current "RC" zoning incident to rezoning of the adjacent property by Bozzuto years ago. In the years that have passed (1) Lois Lucille Curtis who lived on the Farmstead passed away; (2) the neighborhood surrounding the Farmstead has changed from relatively rural – single family uses to predominantly commercial and more dense townhome and condominium residential uses; (3) the economy has spiraled downward; (4) the cost to own and maintain the Farmstead has increased significantly; and (5) no economically viable opportunity to use, preserve and maintain the Farmstead and the buildings constructed thereon as zoned has arisen.</p> <p>B-1 zoning is more appropriate for the Farmstead than RC zoning given each of (a) the size and location of the Farmstead; (b) the nature of uses on the Farmstead and surrounding properties; and (c) the Policies and Implementing Actions contained in PlanHoward 2030 applicable to the Farmstead and the surrounding area. The requested rezoning of the Farmstead to B-1 will provide the Trust with more economically feasible options for the use, preservation and maintenance of the Farmstead in keeping with both (a) the Policies and Implementing Actions of PlanHoward 2030; and (b) in the current economic market than available under the current RC zoning while retaining the continued right to use the Farmstead for agricultural purposes.</p> <p>See Attached Statement of Justification</p>
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F. List of Attachments/Exhibits

14	Ex A - Revision Plat – Shipley's Grant – MDR Plat No. 18736 – Property highlighted in green

G. Signatures

15 Owner The Lois Lucille Curtis Revocable Trust dated February 28, 1997 Owner (2)

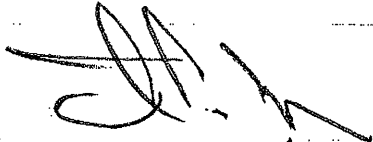
By: 
Robert L. Curtis, Jr., Trustee

Date 12/14/12

Date

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

16 Representative Signature


Date 12/14/12

Date

DPZ Use Only	JRC	Amendment No.	37.011
Notes			

STATEMENT OF JUSTIFICATION

ZONING MAP AMENDMENT REQUEST OF
THE LOIS LUCILLE CURTIS REVOCABLE TRUST DATED FEBRUARY 28, 1997

7.46 ACRES
MAP 37, GRID 001, PARCEL 0751
5771 WATERLOO ROAD
ELLCOTT CITY, MARYLAND 21043-0000

The Curtis Family acquired several large contiguous parcels containing approximately **90.51 acres** starting in 1949 and used the same for farming purposes (the "Curtis Farm").

In recent years, the Curtis Family owned the Curtis Farm principally through their entity, "*Deep Run Property Management, LLC*" ("Deep Run"); and two (2) trusts; namely, "*The Robert Lee Curtis Revocable Trust dated February 28, 1997*" and "*The Lois Lucille Curtis Revocable Trust dated February 28, 1997*".

As time passed and population densities changed, the economic viability of the Curtis Farm became more challenging, the land more valuable and the cost of ownership more expense.

The Route 100 right-of-way severed an unimproved portion of the Curtis Farm now owned by Deep Run containing approximately **8.9 acres** (the "Severed Parcel"). The Severed Parcel is the subject of a separate Zoning Map Amendment Request filed on or about December 14th, 2012.

The subject Property, now referenced as the "*Farmstead*", (a) contains approximately **7.46 acres**; (b) is owned by The Lois Lucille Curtis Revocable Trust dated February 28, 1997 (the "Trust"); (c) was once part of Curtis Farm; (d) is designated as "*Parcel 1*" in that certain deed dated June 13th, 2001 and recorded amount the Land Records of Howard County in Liber 5543, Folio 0500; and (e) is improved by the farmhouse, barn and outbuildings that were constructed on Curtis Farm.

In approximately 2003, the Curtis Family contracted to sell all of the Curtis Farm other than the Severed Parcel and the Farmstead to Bozzuto Homes, Inc. ("Bozzuto") and its assigns (the "Transferred Land").

Bozzuto thereafter rezoned portions of the Transferred Land to both B-1 (Business: Local); and R-A-15 (Residential: Apartments) in furtherance of a complex and restrictive Development Agreement with Deep Run involving restrictive covenants recorded among the Land Records of Howard County imposed by the Curtis Family (the "Covenants") through Deep Run.



Through the Covenants and Deep Run, the Curtis Family continues to control the intensity of retail, commercial and residential uses that may be constructed on the Transferred Land.

Bozzuto subsequently developed the Transferred Land into the mixed use development known as "*Shipley's Grant*" containing a Shopping Center known as the "*Shoppes at Shipley's Grant*" and a complex of residential townhouses and condominiums currently under construction.

Through the Trust, the Curtis Family had hoped to both (a) retain and preserve the personal residence of Lois L. Curtis then located on the Farmstead; and (b) retain and preserve the rural "farm" appearance and feel of the Farmstead for generations to come.

The Trust sought and was granted the current "RC" zoning incident to rezoning of the Transferred Property by Bozzuto years ago. In the years that have passed:

1. Lois L. Curtis required off-site medical care and then passed away;
2. the large multi-building "*Shoppes at Shipley's Grant*" containing stores and restaurants has been constructed immediately adjacent to the Farmstead;
3. residential townhomes and condominium units have been constructed in "*Shipley's Grant*" immediately adjacent to the Farmstead;
4. the economy has spiraled downward;
5. the cost to own and maintain the Farmstead has increased significantly; and
6. no economically viable opportunity to use, preserve and maintain the Farmstead has arisen.

The requested rezoning of the Farmstead to B-1 will provide the Trust with more economically feasible options in the current market for the use, preservation and maintenance of the Farmstead than available under the current RC zoning while retaining for the Trust, the continued right to use the Farmstead for farming.





Howard County Council

George Howard Building
3481 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

Mr. Robert Curtis, Jr.
191 Miller Hollow Lane
Lake City, TN 37769

Dear Mr. Curtis:

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.

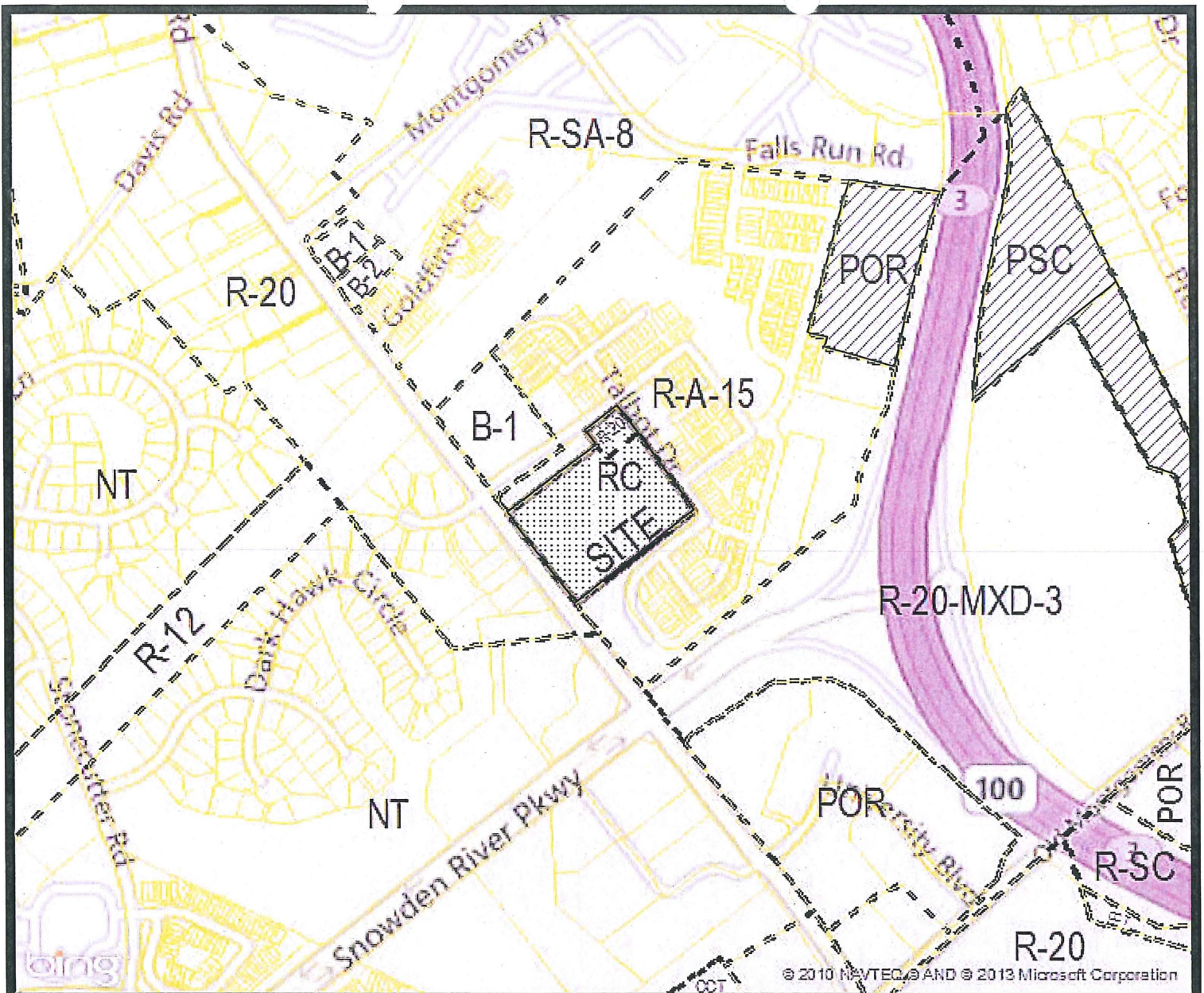
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits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

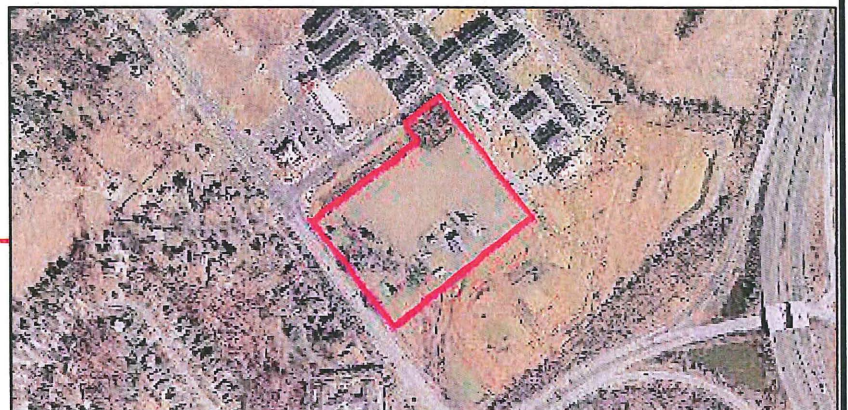
Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

Stephen M. LeGendre
Administrator



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	39	40	41	42	43	44
		45	46	47	48	
				50		



Zoning Map General Plan Amendment: 37.011 Tax ID: 1401307541
 Current Zoning: RC / R-20 Council District: 2
 Tax Map: 37 Grid: 1 Parcel: 751 Lot: N/A
 Address: 5771 WATERLOO RD

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, July 25, 2013 7:54 AM
To: Rohit Nerlekar
Cc: Regner, Robin
Subject: RE: Shipley's Grant Zoning

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Rohit Nerlekar [<mailto:rnerlekar@gmail.com>]
Sent: Wednesday, July 24, 2013 8:58 PM
To: Ken S. Ulman; CouncilMail
Subject: Shipley's Grant Zoning

- Hello Council Members,
- • As residents of Shipley's Grant we do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood, there is enormous opposition to the proposed changes within our neighborhood. We request you do not approve the amendment or any change to the zoning. There are too many concerns we have which have been ignored and we request you to extend the comprehensive zoning to afford more time for hearings. We request you not to make all these changes so quickly as the concerns of residents are not being taken into consideration.
- • Thanks,
- • Rohit Nerlekar
-

Regner, Robin

From: Tolliver, Sheila
Sent: Wednesday, July 24, 2013 7:59 PM
To: Lizzy Cowan
Cc: Regner, Robin
Subject: RE: Shipley's Grant Zoning

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Lizzy Cowan [<mailto:llamacow1@gmail.com>]
Sent: Wednesday, July 24, 2013 7:19 PM
To: CouncilMail; Ken S. Ulman
Subject: Shipley's Grant Zoning

Dear County Council,

I am a homeowner in Shipley's Grant. It is my understanding that you will be voting tomorrow to change the zoning for the farm in front of my home. My husband and I bought our home because we fell in love with the beautiful open space and barn that our house faces. Our neighborhood is a close-knit group and we love our farm space. We are all extremely upset at the prospect that this zoning change could change our whole community's feel. This would lower our property value and would impact our day-to-day enjoyment of where we live. We feel that we have been lied to by the Shipley family and by the county. We are all angry and hope that you will listen to our side.

Please vote against the zoning change. We do not support the amendment by Councilman Calvin Ball to rezone the farm. Please listen to the voice of our community. We ALL are against this change. Please at least delay the vote so that you have time to consider our view.

I will NEVER vote for any council member who votes to approve the zoning change.

Thank you for your consideration,

Elizabeth Cowan
Shipley's Grant Homeowner
443 812 3578

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, July 25, 2013 8:00 PM
To: Regner, Robin
Subject: FW: THE CURTIS FARM AT SHIPLEY'S GRANT REZONING ISSUE

From: James Wolfe [<mailto:jimwolfe007@gmail.com>]
Sent: Thursday, July 25, 2013 7:11 PM
To: Ball, Calvin B; CouncilMail; Ken S. Ulman
Cc: dave.pinter@hotmail.com; janeyrhodes@me.com; joelhbaker@aol.com; leanapharmd@yahoo.com; portsy1897@yahoo.com; Trevor Baumgartner; Bill Adams; James Wolfe; paymantorabi@gmail.com; Denny Walsh; Akhilesh Pandey; Douglas Smith; Harry's Personal; Mike Khandjian; lmarkovitz@comcast.net
Subject: THE CURTIS FARM AT SHIPLEY'S GRANT REZONING ISSUE

Dear Council Members and County Executive Ulman -- The voting residents, your constituents, of Shipley's Grant are waiting to hear from you on how you voted individually on the rezoning issue of the Curtis Farmstead as it relates to our community. We hope you did the right thing by withdrawing Councilman Ball's Amendment or voted it down and leaving our community alone.

We are standing by for your responses.

J. Wolfe
5702 Rosanna Place

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, July 25, 2013 8:35 AM
To: asomuam@aol.com
Cc: Regner, Robin
Subject: RE: Concerning Shipleys Grant Farm Rezoning

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: asomuam@aol.com [<mailto:asomuam@aol.com>]
Sent: Wednesday, July 24, 2013 8:35 PM
To: CouncilMail
Subject: Concerning Shipleys Grant Farm Rezoning

Dear Councilman,

- As a resident of Shipley's Grant I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood.
- I request you do not approve the amendment or any change to the zoning.
- If you support the amendment, I request to delay the vote on the comprehensive rezoning scheduled for July 25, 2013.
- There are still many concerns that I have that need to be addressed.
- Please extend the comprehensive zoning to afford more time for hearings.
- Do not make all these changes so quickly as the concerns of residents are not being taken into consideration.
- There is enormous opposition to the proposed changes within our neighborhood.

Thank you,

Dr. Afua Mireku
Shipley's Grant Resident for 3 yrs

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, July 25, 2013 8:35 AM
To: Kristin Wagner
Cc: Regner, Robin
Subject: RE: Opposition to Rezoning of Farm by Shipley's Grant

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

-----Original Message-----

From: Kristin Wagner [<mailto:kristincwagner@gmail.com>]
Sent: Wednesday, July 24, 2013 8:29 PM
To: CouncilMail; kulman@howardcountmd.gov
Subject: Opposition to Rezoning of Farm by Shipley's Grant

Dear Howard County council members and Howard County Executive, Ken Ulman,

As a resident of Shipley's Grant, I do not support the amendment by Councilman Calvin Ball to rezone the farm property adjacent to my neighborhood.

I request that you do not approve the amendment or any change to the current zoning. If you support the amendment, I request that the vote on the comprehensive rezoning scheduled for July 25, 2013, be delayed. I have a lot of concerns about this rezoning and would be very upset if the council does not take the community's concerns into consideration. Please extend the comprehensive zoning to afford more time for hearings. There is a large amount of opposition to the proposed changes within the Shipley's Grant neighborhood.

Thank you for listening to a concerned citizen.

Regards,
Kristin Wagner

Regner, Robin

37011

From: Tolliver, Sheila
Sent: Thursday, July 25, 2013 8:26 AM
To: Akhilesh Pandey
Cc: Regner, Robin
Subject: RE: rezoning of property adjacent to Shipley's Grant

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Akhilesh Pandey [mailto:akhil_esh@yahoo.com]
Sent: Thursday, July 25, 2013 6:45 AM
To: CouncilMail
Cc: Annette H. Pandey
Subject: rezoning of property adjacent to Shipley's Grant

Dear Council Members,

We are residents of Shipley's grant and we are writing to let you know that we do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. We request you not to approve the amendment or any change to the zoning. Even if you support the amendment, we request to delay the vote on the comprehensive rezoning scheduled for July 25, 2013 as there are too many concerns we have that have been ignored. Please extend the comprehensive zoning to afford more time for the hearings.

As you can imagine, there is enormous opposition to the proposes changes within our neighborhood and all of these changes should not be made so quickly that the concerns of the residents are not taken into account.

Thank you for your attention.

Dr. Akhilesh Pandey
Mrs. Annette Pandey
6134 Edward Hill Rd
Ellicott City, MD 21043

Regner, Robin

37.011

From: Tolliver, Sheila
Sent: Thursday, July 25, 2013 8:08 AM
To: Regner, Robin
Subject: FW: Opposition to rezoning of the Curtis Farm

From: Trevor Baumgartner [<mailto:trevor.baumgartner@gmail.com>]
Sent: Wednesday, July 24, 2013 10:20 PM
To: Ken S. Ulman
Cc: CouncilMail
Subject: Opposition to rezoning of the Curtis Farm

"Dear Mr. Wolfe,
I'm sorry if I was somehow unclear about what I plan to do at this juncture. I believe that R-20 is the most appropriate zone for this property at this time. I fully support my amendment.
Calvin"

I would like to highlight Mr. Ball's sentiment that HE believe's the rezoning is the right call. NOT what the constituents believe.

Ken Ulman and Howard County Council,

I am writing you today in my opposition of the Potential Re-zoning of the Curtis-Shipley Farmstead from RC (Rural Conservation) to R-20. Along with many of my neighbors within the Shipley's Grant Community, I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. I request, as a homeowner and tax payer, you do not approve the amendment or any change to the zoning.

One of the big selling points for me in moving to MD and this beautiful community in Howard County is the neighborhood environment and the historic farm adds to this quality of life. Re-zoning this property to possibly allow large or small businesses to ultimately move in can diminish this aspect of life for the community and also drive up other issues.

For example, a state and county that preaches the environment and for being green, this appears to be have been thrown overboard and ignored for the almighty dollar. Also, like the adjacent shopping center already present to our community, there are no guarantees that businesses would occupy the space in this economic status and thus leaving empty store fronts/buildings. Finally, any development here I believe will truly increase the threat for crime in this safe community.

I think there are way too many concerns which have been ignored and the concerns of all Shipley's Grant residents are not being taken into consideration.

As a resident of Shipley's Grant I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood, there is enormous opposition to the proposed changes within our neighborhood. I request you do not approve the amendment or any change to the zoning. There are too many concerns we have which have been ignored and we request you to extend the comprehensive zoning to afford more time for hearings. I request you not to make all these changes so quickly as the concerns of residents are not being taken into consideration.

-Trevor

Sent from my iPhone
www.linkedin.com/in/trevorbaumgartner

Regner, Robin

37.011

From: Tolliver, Sheila
Sent: Wednesday, July 24, 2013 6:21 PM
To: jonathan porter
Cc: Regner, Robin
Subject: RE: Opposition To Potential Re-zoning of the Curtis-Shipley Farmstead

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

-----Original Message-----

From: jonathan porter [<mailto:portsy1897@yahoo.com>]
Sent: Wednesday, July 24, 2013 3:51 PM
To: CouncilMail; Ken S. Ulman
Subject: Opposition To Potential Re-zoning of the Curtis-Shipley Farmstead

Ken Ulman and Howard County Council,

I am writing you today to voice my STRONG opposition of the Potential Re-zoning of the Curtis-Shipley Farmstead from RC (Rural Conservation) to R-20. I do not support the amendment by Councilman Calvin Ball to rezone the property, a property that is a focal point of our neighborhood. I request, as a homeowner, tax payer, and tax paying business owner in Howard County, you do not approve the amendment, or any change to the zoning.

Quite frankly rezoning the property will have more negative impacts than positive. The negatives are so many and so obvious its a wonder that this is issue is still on the table. Increased crime, more traffic, devaluation of property values within the Shipley's Grant Community, and environmental concerns are just the tip of the iceberg.

Again, I STRONGLY urge you to delay the vote and if not, vote against the amendment.

Jonathan Porter

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, August 01, 2013 1:37 PM
To: Regner, Robin
Subject: FW: Comprehensive Zoning proposal 37.011 meeting request

From: Sigaty, Mary Kay
Sent: Wednesday, July 31, 2013 3:18 PM
To: Tolliver, Sheila
Subject: FW: Comprehensive Zoning proposal 37.011 meeting request

From: "Cowan, Elliott" <ECOWAN@gfrlaw.com<mailto:ECOWAN@gfrlaw.com>>
Date: Mon, 17 Jun 2013 19:07:48 -0400
To: Andrea LeWinter <alewinter@taylorlegal.com<mailto:alewinter@taylorlegal.com>>
Cc: Mary Kay Sigaty <mksigaty@howardcountymd.gov<mailto:mksigaty@howardcountymd.gov>>
Subject: Re: Comprehensive Zoning proposal 37.011 meeting request

Yes, thank you both.

Elliott

On Jun 17, 2013, at 6:37 PM, "Andrea LeWinter" <alewinter@taylorlegal.com<mailto:alewinter@taylorlegal.com>> wrote:

I can make that work. Elliott - does that work for you?

Sent from my iPhone

On Jun 17, 2013, at 5:52 PM, "Sigaty, Mary Kay" <mksigaty@howardcountymd.gov<mailto:mksigaty@howardcountymd.gov>> wrote:

Andrea,

Would Thursday, June 27th at 2:00 p.m. work for you and Mr. Cowan? If so, would you meet Councilperson Sigaty in the Council office?

Thanks,

Mary

Mary T. Clay
Special Assistant to Mary Kay Sigaty
Howard County Council, District 4
3430 Court House Drive
Ellicott City, MD 21043
Phone: 410.313.2001

The information supplied in this message may be legally privileged. If you are the intended recipient of this message, the sender does not intend delivery to you to waive any privilege or right pertaining to this message. If you have received this message in error, please immediately notify the sender by return e-mail, and delete the errant message. Thank you.

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From: Andrea LeWinter [mailto:alewinter@taylorlegal.com]
Sent: Friday, June 14, 2013 4:31 PM
To: Sigaty, Mary Kay
Cc: Cowan, Elliott
Subject: RE: Comprehensive Zoning proposal 37.011 meeting request

Mary and Mary Kay –

I just spoke with Elliott and, unfortunately, he is leaving for a summer vacation on 6/19. He will be returning on 6/26. Cld we meet on 6/26, 6/27 or 6/28 (I am on vacation the week of 7/1)? Please let us know.

Thank you,
Andrea

Andrea LeWinter, Esq.

<image001.jpg>

Law Office of Katherine L. Taylor, P.A.
5850 Waterloo Road (Route 108)
Suite 140
Columbia, Maryland 21045
Phone: 410-300-7251
Fax: 443-420-4075
E-Mail: alewinter@taylorlegal.com<<mailto:alewinter@taylorlegal.com>>
www.taylorlegal.com<<http://www.taylorlegal.com/>>

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From: Sigaty, Mary Kay [mailto:mksigaty@howardcountymd.gov]
Sent: Friday, June 14, 2013 3:11 PM
To: Andrea LeWinter
Cc: Cowan, Elliott
Subject: Re: Comprehensive Zoning proposal 37.011 meeting request

Dear Ms. LeWinter,

First, I apologize for not responding in a more timely manner. You can imagine that at this time, Council Members are receiving a very large number of emails every day.

Second, I would like to accommodate your request for a meeting. Unfortunately, Councilperson Sigaty's schedule is overwhelmingly full and she would not be able to meet with you until later next week.

Lastly, if you would like to schedule a meeting after June 17th, please call the Council office. We can search for a mutually agreeable time.

Again, I apologize for the tardiness of my reply.

Sincerely,

Mary

--

Mary Clay
Special Assistant to Mary Kay Sigaty
Howard County Council, District 4
mclay@howardcountymd.gov<mailto:mclay@howardcountymd.gov>
410-313-2001

From: Andrea LeWinter <alewinter@taylorlegal.com<mailto:alewinter@taylorlegal.com>>
Date: Fri, 7 Jun 2013 11:02:25 -0400
To: Mary Kay Sigaty <mksigaty@howardcountymd.gov<mailto:mksigaty@howardcountymd.gov>>
Cc: "Cowan, Elliott" <ECOWAN@gflaw.com<mailto:ECOWAN@gflaw.com>>
Subject: Comprehensive Zoning proposal 37.011 meeting request

Dear Ms. Sigaty:

I represent the Shipley's Grant HOA, the town house community surrounding the Curtis farm parcel that is the subject of comprehensive zoning proposal 37.011. Elliott Cowan, who is cc-ed on this email, is the chair of the HOA's comprehensive zoning committee. You may recall working with Elliott a number of years back regarding some land use issues in River Hill.

The community has significant concerns about the proposal and, after hearing the Curtises' attorney, Mr. Fred Coover, present the proposal at Monday evening's County Council meeting, I believe that he improperly misrepresented the level of communication that he has had with the community and the level of resistance that he has encountered. The

HOA has made substantial efforts to work with the Curtises, who have remained in large part unresponsive, and, we believe, unrealistic.

I and the HOA would greatly appreciate the opportunity to meet with you in person and explain the history of the Curtis farm and this parcel as well as the course and status of discussions between the Curtises and the HOA. We believe that understanding the context of the proposal will be critical to fairly evaluating the Curtises' rezoning request.

We have also reached out to the other Council members and would be more than amenable to a joint meeting. However, we are very willing to do whatever works with your schedule. Ideally, we would like to meet with you before proposal 37.011 is heard on June 17. My schedule is more limited next week, but Mr. Cowan is available any day and is fully prepared to meet with or without me present and I will certainly attend if I can.

We look forward to meeting with you and are happy to provide any additional information that you would find helpful.

Thank you,
Andrea LeWinter

Andrea LeWinter, Esq.

<image002.jpg>

Law Office of Katherine L. Taylor, P.A.
5850 Waterloo Road (Route 108)
Suite 140
Columbia, Maryland 21045
Phone: 410-300-7251
Fax: 443-420-4075
E-Mail: alewinter@taylorlegal.com<mailto:alewinter@taylorlegal.com>
www.taylorlegal.com<http://www.taylorlegal.com/>

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Regner, Robin

From: PAMELA BILAL <pambilal@verizon.net>
Sent: Friday, June 21, 2013 10:53 AM
To: Terrasa, Jen; Fox, Greg; Ken S. Ulman; cball@howardcountymd.gov
Subject: Shipley Grant rezoning

I read with great interest comments (Fox & Terrasa) made in the Columbia Flier this week regarding the rezoning of Maple Lawn. Although we're a much smaller community (parcel in dispute is only 7 acres) - it becomes even more important to restrict the development of this area. We are a community of ~ 400 townhomes. To construct office buildings on 7 acres in the middle of our quiet community would be a disaster. The proposal even calls for business traffic to snake through our small street (full of kids/pets/walkers) for access to the commercial properties instead of coming off 108.

This area is extremely congested and over built as it is. Please help keep growth under control in Howard County and help maintain the quality of life we have now in this beautiful county.

Thank you

Regner, Robin

From: Tolliver, Sheila
Sent: Wednesday, July 24, 2013 7:41 PM
To: PAMELA BILAL
Cc: Regner, Robin
Subject: RE: Zoning Amendment Request 37.011

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: PAMELA BILAL [mailto:pambilal@verizon.net]
Sent: Wednesday, July 24, 2013 6:30 PM
To: Ball, Calvin B; CouncilMail; Ken S. Ulman
Subject: Re: Zoning Amendment Request 37.011

Thank you for taking the time to come out and address our community last week. I've lived in Howard county for 40 years and can't remember (although I'm sure there have been several) a time when so many are in an uproar about zoning changes. Not just our community but others too (ex: Maple Lawn). People believed the promises of major builders (it's Bozzuto here) and paid big bucks for property based on promises that the view we have is "historic property that can never be built on". This is a large development and everyone can corroborate that sales pitch. To live here a short 18 months and hear that commercial development can take place RIGHT ACCROSS the street is very disturbing. Even worse - the suggestion that the entrance is off Talbot Dr is horrible and makes no sense. I've had 10 addresses in Howard Co. over the years and now live in a peaceful community where people actually walk around - that's amazing. Introducing commercial traffic into our neighborhood (across from a pool where many children visit) is unacceptable. People here are ANGRY and rightly so.

This whole thing appears to be rushed. This is HUGE and has a BIG forever impact on the community. Can the council at least extend the time to allow for more hearings?

Thank you

From: "Ball, Calvin B" <cball@howardcountymd.gov>
To: PAMELA BILAL <pambilal@verizon.net>
Cc: "Pruim, Kimberly" <kpruim@howardcountymd.gov>
Sent: Wednesday, July 24, 2013 3:56 PM
Subject: RE: Zoning Amendment Request 37.011

Pam,

Thank you for the opportunity to speak before your community last week. I understand that you and possibly some of your neighbors may not be supportive of my amendment but I truly feel this is in the best interest of Shipley's Grant at this time.

As I mentioned, this property is currently zoned Rural Conservation (RC) and is the last RC zone to located with the Public Service Area (PSA). As our DPZ Director Marsha McLaughlin noted, this zone is intended for and most compatible with farming use and therefore not appropriate for the PSA. While I was not on the Council during the last Comprehensive Zoning and cannot offer insight as to why there was a change from R-20 to RC, what I can share is that based on the information before the Council, I believe that a change back to R-20 is the most appropriate.

I commit to you that if passed, I will spend the rest of the year working in harmony with you and your fellow neighbors as we work together to address your community concerns. I understand you have several real concerns including access points from Talbot Dr. vs. Route 108 vs. Richards Valley Rd, impact to your property values, quality of life, preservation of the farmland and much more.

If you were unable to join us for the recent community meeting, I'd like to share a recap of the different possible zonings and other items of interest. As Ms. McLaughlin explained, it could be possible for your HOA to purchase this land, sell the density rights and place the proceeds into a trust that could help with maintenance of the property.

Below you will find a general description of both the RC and R-20 zoning districts.

Rural Conservation District (RC) (Located on page 33 of our [Zoning Regulations](#)):

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

The preferred land use in the RC District is agriculture. The District is intended to permit range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents

of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).

This is not the purpose of the Curtis property. After careful consideration, given that this parcel is located within the PSA coupled with the current uses surrounding it make RC zoning not most appropriate zoning at this time.

Residential: Single District (R-20) (Located on page 67 of our Zoning Regulations)

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

At times as your elected official, I'm called upon to make difficult decisions. Please know that it is my hope that collectively we, together with the Curtis family and their representatives will be able to come together in the fall to explore several options. Included within those options is a Community Enhancement Floating (CEF) zone recommended by both your community and DPZ.

Earlier this year, the Council established the process for situations much like yours. Through CEF, you will be able to collaborate and provide invaluable feedback into what will be permitted in the parcel which is all outlined in the process. Again, I truly believe that in the interim, this will give your community, owners of the parcel and DPZ sufficient time to review CEF and possible future plans. The criteria for a CEF zone is as follows:

- Located within the PSA for both public water and sewer service
- Have frontage on and access to an arterial or major collector road
- Minimum development size shall be five acres.
- Not located in an existing M-2, TOD, NT, MXD, or PGCC District
- More appropriate than the existing zoning
- Not permitted within the interior of a neighborhood comprising only single family detached dwellings
- Compatible with surrounding residential neighborhoods, existing land use in the vicinity of the site in terms of providing transitional use between different zoning districts and/or land uses and the scale, height, mass, and architectural detail or proposed structures
- Shall include enhancements as provided in Section 121.0.G. enhancements shall be proportionate to the scale of the CEF development
- Meets the criteria of the purpose statement

As we all work together, my goal as your elected representative is to facilitate what I believe are our shared goals.

I hope you find this information insightful meeting and know that I will stay connected with your community as you go through this process. If additional information has come to light, please do not hesitate to call or email me as I welcome any additional feedback you may have on this matter.

All the best,
Calvin

Dr. Calvin Ball
Councilmember
Howard County Council, District 2
Ph: 410-313-2001

www.howardcountymd.gov/District2Bio

"LIKE" me on Facebook: www.facebook.com/CalvinBallTeam

"Sign-Up for District 2 alerts through NotifyMeHoward. Register [here](#) and select Howard County Council, District 2 alerts.

"An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity." --Martin Luther King, Jr.

From: PAMELA BILAL [mailto:pambilal@verizon.net]

Sent: Saturday, June 15, 2013 3:04 PM

To: Ball, Calvin B; Watson, Courtney; Sigaty, Mary Kay; Fox, Greg; Ken S. Ulman

Subject: Zoning Amendment Request 37.011

Regarding the rezoning request for Shipley's Grant:

We purchased our townhome 18 months ago from Bozzuto with the ASSURANCE that the farm was 'historic property' and could never be developed. I actually live right across from the farm and paid a premium to do so. This is a wonderful community and the thought that it could be destroyed is troubling to all families living here. What's even WORSE is the proposal that IF commercial development takes place - they want to direct business traffic through our neighborhood (instead of off 108). This proposed entrance is right across from homes (with lots of children) and the community pool. This proposition is TOTALLY UNACCEPTABLE and dangerous to our community. Property values would plummet overnight and I didn't pay \$480K for a town home to live across from a business parking lot!

I consider this area over developed as it is. Businesses are best positioned in business parks - not right in the middle of quiet communities.

Please, please give this careful consideration.

Thank you

Pam Bilal - Howard county resident of 40+ years and also a Howard Co. employee.

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, July 25, 2013 7:56 AM
To: Bill Adams
Cc: Regner, Robin
Subject: RE: DO NOT REZONE THE CURTIS FARM AT SHIPLEY'S GRANT!

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Bill Adams [mailto:wjadams3@gmail.com]
Sent: Wednesday, July 24, 2013 9:03 PM
To: Tolliver, Sheila
Subject: Re: DO NOT REZONE THE CURTIS FARM AT SHIPLEY'S GRANT!

Ms. Toliver:

Can you explain this to me? I do not understand it. I am not a lawyer, I am a homeowner and retiree. Does a homeowner in this county need to get a lawyer before they can send a letter to their elected representatives on a matter effecting their property?

For the record, as far as I know I have not contributed an aggregate of \$500 to the campaigns of County officials over the course of my lifetime. If that covers it, we are good. If not, please clarify.

Best Regards,
William Adams
5960 Donovan Lane
Ellicott City, MD 21043

On Wed, Jul 24, 2013 at 7:38 PM, Tolliver, Sheila <STolliver@howardcountymd.gov> wrote:

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver

Council Administrator

Howard County Council

410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Bill Adams [mailto:wjadams3@gmail.com]

Sent: Wednesday, July 24, 2013 6:01 PM

To: James Wolfe

Cc: Ball, Calvin B; Trevor Baumgartner; joelhbaker@aol.com; leanapharmd@yahoo.com; janeyrhodes@me.com; dave.pinter@hotmail.com; portsy1897@yahoo.com; CouncilMail; Ken S. Ulman

Subject: Re: DO NOT REZONE THE CURTIS FARM AT SHIPLEY'S GRANT!

HoCo Council and County Exec:

I also want to echo the comments of Mr. Wolfe in his last several e-mails. Most particularly the following (his highlighting):

"We are not alone on this issue, as thousands of other Howard County residents are facing similar rezoning issues in their communities and we are all fed up with our Council Representatives not listening to our concerns. You have clearly forgotten your constituency!"

I am opposed to the rezoning of the farm!"

This does not seem to me to be an honest difference of opinion. It is quite simply putting contributors ahead of constituents. It would be a serious mistake to pass Councilman Ball's amendment regarding the Shipley - Curtis Farm. But I also want to add my voice to those who feel that the entire Comprehensive Rezoning process has gone so badly off the rails that the entire bill should be tabled at this time. It's time for the County Council to step back, listen to the actual voters of this county and reassess where this whole process has ended up.

We really are not alone as voters all over the county are shaking their heads in disgust. You can vote this plan through now, but as angry and frustrated as people are, I would not assume that will be the end of it.

William Adams

Shipley's Grant Resident

On Wed, Jul 24, 2013 at 5:34 PM, James Wolfe <jimwolfe007@gmail.com> wrote:

Dr. Ball -- We, the residents of Shipley's Grant, are in complete agreement that you and County Council, who make up the DPZ, are out of touch with your constituency. We urge you to withdraw your Amendment to rezone the "Curtis Farmstead."

We are not alone on this issue, as thousands of other Howard County residents are facing similar rezoning issues in their communities and we are all fed up with our Council Representatives not listening to our concerns. You have clearly forgotten your constituency and **we are opposed to the rezoning of the farm!**

Other communities, such as the one in Fulton and others, believe that your Amendment is disastrous to our neighborhoods.

Sincerely,

J. Wolfe

5702 Rosanna Place

Ellicott City, Maryland 21043

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Dear Mr. Wolfe,

I'm sorry if I was somehow unclear about what I plan to do at this juncture. I believe that R-20 is the most appropriate zone for this property at this time. I fully support my amendment.

Calvin

----- Original message -----

From: James Wolfe <jimwolfe007@gmail.com>

Date: 07/24/2013 4:48 PM (GMT-05:00)

To: "Ball, Calvin B" <cball@howardcountymd.gov>

Cc: Trevor Baumgartner <trevor.baumgartner@gmail.com>, joelhbaker@aol.com, Bill Adams <WJAdams3@gmail.com>, leanapharmd@yahoo.com, portsy1897@yahoo.com, janeyrhodes@me.com

Subject: Re: DO NOT REZONE THE CURTIS FARM AT SHIPLEY'S GRANT!

Dr. Ball -- If that is the case, will you commit to the residents of Shipley's Grant that you will withdraw your Amendment and start defending our community against rezoning?

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Subject: Re: DO NOT REZONE THE CURTIS FARM AT SHIPLEY'S GRANT!

Dr. Ball -- Thank you for your boiler plate response, as this exact message was sent to all of our neighbors who oppose your Amendment and your master plan to rezone our beautiful neighborhood.

Your proposal is a huge disappointment to all of us at Shipley's Grant. The proposed R-20 zoning would provide for uses that would totally change the character of the farmstead. When the property was zoned RC in the 2003 comprehensive zoning procedure, the farmstead was to be maintained as such – a farmstead , as was the wish of the current owners' mother , from whom they inherited the property. Further, the farmstead was to serve as the focal point for the adjacent Shipley's Grant development in the form of open space that helps preserve natural, environmental, historic and architectural resources. That concept is in direct line with the Howard County Zoning Regulations, Section 100: General Provisions, April 13, 2004.

The farmstead property owners may be disappointed if the property is zoned R-20 because they did not get the commercial zoning they sought in their original zoning change request. However, a change to R-20 would certainly make the farmstead a more valuable piece of land should the owners choose to sell. The Curtiss brothers have stated that it is, in fact, their intention to sell the farmstead.

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The residents of Shipley's Grant, through an ad hoc committee, have sought to reach out to the Curtiss brothers since February of this year to reach a compromise which would allow them to generate a revenue stream that would cover the cost of maintaining the farmstead. At a meeting with the homeowners in March, the brothers stated that this was what they sought to do. Now they propose to sell the property. Working with the Curtiss brothers has been like chasing a moving target, not too mention the dishonest and sneaky tactic of putting up a rezoning sign in the middle of the night. A sign, from what I understand, doesn't even meet the requirements for rezoning property.

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stewardship of our natural and cultural resources.” All of us at Shipley's Grant ask you to withdraw your Amendment, and if needed, postpone the vote on the rezoning issue until this matter can be more fully investigated and a real compromise that satisfies both parties can be reached. This is a clear example how our elected officials are abusing the positions that we have entrusted you.

Please withdraw your Amendment.

J. Wolfe

5702 Rosanna Place

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Mr. Wolfe,

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As I mentioned, this property is currently zoned Rural Conservation (RC) and is the last RC zone to located with the Public Service Area (PSA). As our DPZ Director Marsha McLaughlin noted, this zone is intended for and most compatible with farming use and therefore not appropriate for the PSA. While I was not on the Council during the last Comprehensive Zoning and cannot offer insight as to why there was a change from R-20 to RC, what I can share is that based on the information before the Council, I believe that a change back to R-20 is the most appropriate.

I commit to you that if passed, I will spend the rest of the year working in harmony with you and your fellow neighbors as we work together to address your community concerns. I understand you have several real concerns including access points from Talbot Dr. vs. Route 108 vs. Richards Valley Rd, impact to your property values, quality of life, preservation of the farmland and much more.

If you were unable to join us for the recent community meeting, I'd like to share a recap of the different possible zonings and other items of interest. As Ms. McLaughlin explained, it could be possible for your HOA to purchase this land, sell the density rights and place the proceeds into a trust that could help with maintenance of the property.

Below you will find a general description of both the RC and R-20 zoning districts.

Rural Conservation District (RC) (Located on page 33 of our Zoning Regulations):

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

The preferred land use in the RC District is agriculture. The District is intended to permit range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).

This is not the purpose of the Curtis property. After careful consideration, given that this parcel is located within the PSA coupled with the current uses surrounding it make RC zoning not most appropriate zoning at this time.

Residential: Single District (R-20) (Located on page 67 of our Zoning Regulations)

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

At times as your elected official, I'm called upon to make difficult decisions. Please know that it is my hope that collectively we, together with the Curtis family and their representatives will be able to come together in the fall to explore several options. Included within those options is a Community Enhancement Floating (CEF) zone recommended by both your community and DPZ.

Earlier this year, the Council established the process for situations much like yours. Through CEF, you will be able to collaborate and provide invaluable feedback into what will be permitted in the parcel which is all outlined in the process. Again, I truly believe that in the interim, this will give your community, owners of the parcel and DPZ sufficient time to review CEF and possible future plans. The criteria for a CEF zone is as follows:

- Located within the PSA for both public water and sewer service
- Have frontage on and access to an arterial or major collector road
- Minimum development size shall be five acres.
- Not located in an existing M-2, TOD, NT, MXD, or PGCC District
- More appropriate than the existing zoning
- Not permitted within the interior of a neighborhood comprising only single family detached dwellings
- Compatible with surrounding residential neighborhoods, existing land use in the vicinity of the site in terms of providing transitional use between different zoning districts and/or land uses and the scale, height, mass, and architectural detail or proposed structures
- Shall include enhancements as provided in Section 121.0.G. enhancements shall be proportionate to the scale of the CEF development
- Meets the criteria of the purpose statement

As we all work together, my goal as your elected representative is to facilitate what I believe are our shared goals.

I hope you find this information insightful meeting and know that I will stay connected with your community as you go through this process. If additional information has come to light, please do not hesitate to call or email me as I welcome any additional feedback you may have on this matter.

All the best,

Dr. Calvin Ball

Councilmember

Howard County Council, District 2

Ph: 410-313-2001

www.howardcountymd.gov/District2Bio

“LIKE” me on Facebook: www.facebook.com/CalvinBallTeam

"Sign-Up for District 2 alerts through NotifyMeHoward. Register [here](#) and select Howard County Council, District 2 alerts.

"An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity." --Martin Luther King, Jr.

From: James Wolfe [mailto:jimwolfe007@gmail.com]

Sent: Wednesday, July 24, 2013 10:12 AM

To: CouncilMail

Subject: Re: DO NOT REZONE THE CURTIS FARM AT SHIPLEY'S GRANT!

Please reiterate to the Council Members that thousands of other Howard County residents are facing rezoning issues in their communities and we are all fed up with our Council Representatives not listening to our concerns. They have clearly forgotten your constituency with their attitudes of "knowing what's best for us!"

On Tue, Jul 23, 2013 at 6:21 PM, James Wolfe <jimwolfe007@gmail.com> wrote:

I am a voting resident of the Shipley's Grant community in Howard County and want to register my strong disapproval of any change in zoning for the property known as the "Curtis Farmstead" around which this community was built.

We are not alone on this issue, as thousands of other Howard County residents are facing similar rezoning issues in their communities and we are all fed up with our Council Representatives not listening to our concerns. You have clearly forgotten your constituency!

I am opposed to the rezoning of the farm!

I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. Please do not approve the amendment or any change to the zoning. If nothing else you should delay the vote on the comprehensive rezoning scheduled for July 25, 2013, to afford more time for hearings. Do not make all these changes so quickly as the concerns of residents are not being taken into consideration, as Councilman Ball says that he knows what is best for us when he has no idea what he is talking about or has a grasp of the issue. There is enormous opposition to the proposed changes within our neighborhood.

Sincerely,

J. Wolfe

5702 Rosanna Place

Ellicott City, Maryland 21043

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, July 23, 2013 9:52 AM
To: Yolande Calhoun
Cc: Regner, Robin
Subject: RE: Rezoning of property adjacent to Shipley's Grant

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Yolande Calhoun [<mailto:yopacal1218@gmail.com>]
Sent: Monday, July 22, 2013 7:05 PM
To: CouncilMail; Ken S. Ulman
Subject: Rezoning of property adjacent to Shipley's Grant

Good evening,

As a resident of Shipley's Grant we do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. We request that you do not approve the amendment or any change to the zoning. We also request a delay to the vote on the comprehensive rezoning scheduled for July 25, 2013. There are too many concerns we have which have been ignored. Please extend the comprehensive zoning to afford more time for hearings.

We are asking that you do not make all these changes so quickly as the concerns of residents are not being taken into consideration.

There is enormous opposition to the proposed changes within our neighborhood.

Sincerely,

Yolande and Paul Calhoun

Regner, Robin

From: Tolliver, Sheila
Sent: Wednesday, July 24, 2013 9:37 AM
To: Christina Cooper
Cc: Regner, Robin
Subject: RE: Shipley's Grant Zoning

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

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<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Christina Cooper [mailto:cscooper929@gmail.com]
Sent: Tuesday, July 23, 2013 10:04 PM
To: CouncilMail
Cc: Ken S. Ulman
Subject: Shipley's Grant Zoning

To Whom It May Concern:

My name is Christina S. Cooper, homeowner since 2010 in the Shipley's Grant Community and a resident of Howard County since 1999. The reason for my email is to voice my concern regarding the proposed rezoning of the farm adjacent to the Shipley's Grant community. Below you will find the key points I would like to voice:

- As a resident of Shipley's Grant I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood.
- I request you do not approve the amendment or any change to the zoning.
- If you support the amendment, I request to delay the vote on the comprehensive rezoning scheduled for July 25, 2013.
- There are too many concerns I have which have been ignored.
- Please extend the comprehensive zoning to afford more time for hearings.
- Do not make all these changes so quickly as the concerns of residents are not being taken into consideration.
- There is enormous opposition to the proposed changes within our neighborhood.

It is my hope that as a resident of Shipley's Grant and the Howard County community you will seriously take my concerns regarding this issue into consideration. Thank you.

Christina S. Cooper

Regner, Robin

From: Tolliver, Sheila
Sent: Wednesday, July 24, 2013 7:47 PM
To: Adnan Khan
Cc: Regner, Robin
Subject: RE: Rezoning of farm

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
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<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Adnan Khan [<mailto:bills742@hotmail.com>]
Sent: Wednesday, July 24, 2013 6:44 PM
To: CouncilMail; Ken S. Ulman
Subject: Rezoning of farm

Hello, I am a long-time resident of Shipley's Grant (since 2008) and I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. I request you do not approve the amendment or any change to the zoning. There is enormous opposition to the proposed changes within our neighborhood. Just yesterday, I was running by the farm and thinking how beautiful it was to have that protected property. Seeing such a large piece of land with nice, green grass is refreshing.

Thank you,
Adnan Khan

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, July 23, 2013 11:48 AM
To: Regner, Robin
Subject: FW: Shipley's Grant Zoning Information from Your Neighbors

From: Jennifer Taylor [mailto:jenn.nordling.taylor@gmail.com]
Sent: Tuesday, July 23, 2013 11:14 AM
To: CouncilMail; Ken S. Ulman
Subject: Fwd: Shipley's Grant Zoning Information from Your Neighbors

To whom it may concern:

As a resident of Shipley's Grant my husband and I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. We request you do not approve the amendment or any change to the zoning. If you support the amendment, we request to delay the vote on the comprehensive rezoning scheduled for July 25, 2013. There are too many concerns I/we have which have been ignored. Please extend the comprehensive zoning to afford more time for hearings. Do not make all these changes so quickly as the concerns of residents are not being taken into consideration. There is enormous opposition to the proposed changes within our neighborhood.

Jennifer Nordling and Matt Taylor

6014 Logans Way

Ellicott City, MD

21043

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, July 23, 2013 11:55 AM
To: rama devi
Cc: Regner, Robin
Subject: RE: opposed to rezoning of the farm

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

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<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: rama devi [mailto:rama267@yahoo.co.in]
Sent: Tuesday, July 23, 2013 11:49 AM
To: CouncilMail; Ken S. Ulman
Subject: opposed to rezoning of the farm

Good morning,

I am a resident of Shipley's Grant community,

- As a resident of Shipley's Grant I/we do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood.
- I/we request you do not approve the amendment or any change to the zoning.
- If you support the amendment, I/we request to delay the vote on the comprehensive rezoning scheduled for July 25, 2013.
- There are too many concerns I/we have which have been ignored.
- Please extend the comprehensive zoning to afford more time for hearings.
- Do not make all these changes so quickly as the concerns of residents are not being taken into consideration.
- There is enormous opposition to the proposed changes within our neighborhood.

Please consider our request, we are with kids and we spent lot of money to get those houses.

Thanks,
Rama Katikaneni
5936 Talbot drive
Ellicott city.

Regner, Robin

From: Tolliver, Sheila
Sent: Wednesday, July 24, 2013 7:36 PM
To: Leana DiBenedetto
Cc: Regner, Robin
Subject: RE: In Opposition to Amendment Request 37.011-

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<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Leana DiBenedetto [<mailto:leanapharmd@yahoo.com>]
Sent: Wednesday, July 24, 2013 5:32 PM
To: CouncilMail
Subject: In Opposition to Amendment Request 37.011-

Council Members,

I would like to echo my neighbor's sentiments:

- As a resident of Shipley's Grant I do not support the amendment by Councilman Calvin Ball to rezone the subject property adjacent to our neighborhood.
- I request you do not approve the amendment or any change to the zoning.
- If you support the amendment, I request to delay the vote on the comprehensive rezoning scheduled for July 25, 2013.
- There are too many concerns we have which have been ignored.
- Please extend the comprehensive zoning to afford more time for hearings.
- Do not make all these changes so quickly as the concerns of residents are not being taken into consideration.
- There is enormous opposition to the proposed changes within our neighborhood.

Kindest regards,

Leana M. Di Benedetto, PharmD, BCNP

5846 Richards Valley Road
Ellicott City, MD 21043
E-mail: leanapharmd@yahoo.com
Mobile: 954.608.9212

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Subject: Re: DO NOT REZONE THE CURTIS FARM AT SHIPLEY'S GRANT!

Howard County Council Members and County Executive Ulman --- Does Dr. Ball speak on behalf of the entire Council or do you have a different position on this important matter? The voting residents, your constituents, of Shipley's Grant want to hear your position on this important rezoning issue before you cast your ballot.

We are anxiously awaiting...

On Wed, Jul 24, 2013 at 6:00 PM, Bill Adams <wjadams3@gmail.com> wrote:
HoCo Council and County Exec:

I also want to echo the comments of Mr. Wolfe in his last several e-mails. Most particularly the following (his highlighting):

"We are not alone on this issue, as thousands of other Howard County residents are facing similar rezoning issues in their communities and we are all fed up with our Council Representatives not listening to our concerns. You have clearly forgotten your constituency!"

I am opposed to the rezoning of the farm!"

This does not seem to me to be an honest difference of opinion. It is quite simply putting contributors ahead of constituents. It would be a serious mistake to pass Councilman Ball's amendment regarding the Shipley - Curtis Farm. But I also want to add my voice to those who feel that the entire Comprehensive Rezoning process has gone so badly off the rails that the entire bill should be tabled at this time. It's time for the County Council to step back, listen to the actual voters of this county and reassess where this whole process has ended up.

We really are not alone as voters all over the county are shaking their heads in disgust. You can vote this plan through now, but as angry and frustrated as people are, I would not assume that will be the end of it.

William Adams
Shipley's Grant Resident

On Wed, Jul 24, 2013 at 5:34 PM, James Wolfe <jimwolfe007@gmail.com> wrote:
Dr. Ball -- We, the residents of Shipley's Grant, are in complete agreement that you and County Council, who make up the DPZ, are out of touch with your constituency. We urge you to withdraw your Amendment to rezone the "Curtis Farmstead."

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Ellicott City, Maryland 21043

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property was zoned RC in the 2003 comprehensive zoning procedure, the farmstead was to be maintained as such – a farmstead , as was the wish of the current owners’ mother , from whom they inherited the property. Further, the farmstead was to serve as the focal point for the adjacent Shipley’s Grant development in the form of open space that helps preserve natural, environmental, historic and architectural resources. That concept is in direct line with the Howard County Zoning Regulations, Section 100: General Provisions, April 13, 2004.

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Please withdraw your Amendment.

J. Wolfe

5702 Rosanna Place

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If you were unable to join us for the recent community meeting, I'd like to share a recap of the different possible zonings and other items of interest. As Ms. McLaughlin explained, it could be possible for your HOA to purchase this land, sell the density rights and place the proceeds into a trust that could help with maintenance of the property.

Below you will find a general description of both the RC and R-20 zoning districts.

Rural Conservation District (RC) (Located on page 33 of our [Zoning Regulations](#)):

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

The preferred land use in the RC District is agriculture. The District is intended to permit range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).

This is not the purpose of the Curtis property. After careful consideration, given that this parcel is located within the PSA coupled with the current uses surrounding it make RC zoning not most appropriate zoning at this time.

Residential: Single District (R-20) (Located on page 67 of our Zoning Regulations)

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

At times as your elected official, I'm called upon to make difficult decisions. Please know that it is my hope that collectively we, together with the Curtis family and their representatives will be able to come together in the fall to explore several options. Included within those options is a Community Enhancement Floating (CEF) zone recommended by both your community and DPZ.

Earlier this year, the Council established the process for situations much like yours. Through CEF, you will be able to collaborate and provide invaluable feedback into what will be permitted in the parcel which is all outlined in the process. Again, I truly believe that in the interim, this will give your community, owners of the parcel and DPZ sufficient time to review CEF and possible future plans. The criteria for a CEF zone is as follows:

- Located within the PSA for both public water and sewer service
- Have frontage on and access to an arterial or major collector road
- Minimum development size shall be five acres.
- Not located in an existing M-2, TOD, NT, MXD, or PGCC District
- More appropriate than the existing zoning
- Not permitted within the interior of a neighborhood comprising only single family detached dwellings
- Compatible with surrounding residential neighborhoods, existing land use in the vicinity of the site in terms of providing transitional use between different zoning districts and/or land uses and the scale, height, mass, and architectural detail or proposed structures
- Shall include enhancements as provided in Section 121.0.G. enhancements shall be proportionate to the scale of the CEF development
- Meets the criteria of the purpose statement

As we all work together, my goal as your elected representative is to facilitate what I believe are our shared goals.

I hope you find this information insightful meeting and know that I will stay connected with your community as you go through this process. If additional information has come to light, please do not hesitate to call or email me as I welcome any additional feedback you may have on this matter.

All the best,

Dr. Calvin Ball

Councilmember

Howard County Council, District 2

Ph: 410-313-2001

www.howardcountymd.gov/District2Bio

“LIKE” me on Facebook: www.facebook.com/CalvinBallTeam

"Sign-Up for District 2 alerts through NotifyMeHoward. Register [here](#) and select Howard County Council, District 2 alerts.

"An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity." --Martin Luther King, Jr.

From: James Wolfe [mailto:jimwolfe007@gmail.com]

Sent: Wednesday, July 24, 2013 10:12 AM

To: CouncilMail

Subject: Re: DO NOT REZONE THE CURTIS FARM AT SHIPLEY'S GRANT!

Please reiterate to the Council Members that thousands of other Howard County residents are facing rezoning issues in their communities and we are all fed up with our Council Representatives

not listening to our concerns. They have clearly forgotten your constituency with their attitudes of "knowing what's best for us!"

On Tue, Jul 23, 2013 at 6:21 PM, James Wolfe <jimwolfe007@gmail.com> wrote:

I am a voting resident of the Shipley's Grant community in Howard County and want to register my strong disapproval of any change in zoning for the property known as the "Curtis Farmstead" around which this community was built.

We are not alone on this issue, as thousands of other Howard County residents are facing similar rezoning issues in their communities and we are all fed up with our Council Representatives not listening to our concerns. You have clearly forgotten your constituency!

I am opposed to the rezoning of the farm!

I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. Please do not approve the amendment or any change to the zoning. If nothing else you should delay the vote on the comprehensive rezoning scheduled for July 25, 2013, to afford more time for hearings. Do not make all these changes so quickly as the concerns of residents are not being taken into consideration, as Councilman Ball says that he knows what is best for us when he has no idea what he is talking about or has a grasp of the issue. There is enormous opposition to the proposed changes within our neighborhood.

Sincerely,

J. Wolfe

5702 Rosanna Place

Ellicott City, Maryland 21043

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, July 23, 2013 9:42 AM
To: James Wolfe
Cc: Regner, Robin
Subject: RE: Zoning Issues

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

-----Original Message-----

From: James Wolfe [<mailto:janeyrhodes@me.com>]
Sent: Monday, July 22, 2013 8:46 PM
To: CouncilMail; "; kulman"@howardcountymd.gov
Subject: Zoning Issues

Good evening--

As a homeowner, taxpayer and voter who lives in Shipley's Grant I do not support Calvin Ball's amendment to change the zoning of the farm property adjacent to our neighborhood. The proposed plan will be a significant detriment to our community and will only benefit the owners off the property (who live out of state) and developers. Despite vigorous objection by homeowners, Mr. Ball continued to pursue the change, with a complete disregard for the promises made the residents and the value of our homes.

I urge you not to support the amendment sponsored by Mr. Ball for the parcel of land located on Route 108 near Showden River. In the event you do support the amendment, i respectfully request you delay the rezoning issues until a future date to allow for public debate.

You have been elected to represent the citizens of Howard County--not the developers. Howard County is a lovely place to live, but is becoming a political machine solely focused on development. How you vote now, will reflect in how we vote in the future.

Sincerely-
Jane Rhodes-Wolfe

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, July 23, 2013 9:42 AM
To: Dustin Baumgartner
Cc: Regner, Robin
Subject: RE: Shipley's Grant Zoning

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Dustin Baumgartner [<mailto:ddbbaumgartner@gmail.com>]
Sent: Tuesday, July 23, 2013 7:08 AM
To: CouncilMail; Ken S. Ulman
Subject: Shipley's Grant Zoning

Regarding the upcoming vote on Shipley's Grant rezoning of the farm,

- As a resident of Shipley's Grant I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood.
- I request you do not approve the amendment or any change to the zoning.
- If you support the amendment, I request to delay the vote on the comprehensive rezoning scheduled for July 25, 2013.
- There are too many concerns I have which have been ignored.
- Please extend the comprehensive zoning to afford more time for hearings.
- Do not make all these changes so quickly as the concerns of residents are not being taken into consideration.
- There is enormous opposition to the proposed changes within our neighborhood.

Thanks,
Dustin Baumgartner

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, July 23, 2013 9:42 AM
To: Sushil Patel
Cc: Regner, Robin
Subject: RE: Shipley's Grant Zoning

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Sushil Patel [<mailto:sush726@yahoo.com>]
Sent: Tuesday, July 23, 2013 7:30 AM
To: CouncilMail; Ken S. Ulman; sush726@yahoo.com
Subject: Shipley's Grant Zoning

Dear Council Members and Kevin Ulman,

I am currently a resident at Shipley's Grant and my family **does not support** the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. I feel as though the residents concerns have not been addressed and rezoning scheduled for July 25th, 2013 needs to be delayed. I am a new parent and bought my house in this peaceful quiet neighborhood my wife and I fell in love with over a year ago. I am confident that all council members on this email have families and they would like to be heard if this was happening near their neighborhoods and affected the peacefulness of their neighborhood. There is a large amount of families proposed to the changes, so I would like to hear why the families opinions do not matter and are not being taken into consideration.

Thanks,
Sushil Patel

Regner, Robin

From: Michael Clark <clarkmtc@hotmail.com>
Sent: Tuesday, July 23, 2013 10:17 AM
To: Tolliver, Sheila
Cc: Regner, Robin
Subject: RE: Opposition to the Zoning of Shipley's Farmstead

Your welcome

Mike Clark

From: STolliver@howardcountymd.gov
To: clarkmtc@hotmail.com
CC: rregner@howardcountymd.gov
Date: Tue, 23 Jul 2013 09:55:38 -0400
Subject: RE: Opposition to the Zoning of Shipley's Farmstead

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

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<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: Michael Clark [<mailto:clarkmtc@hotmail.com>]
Sent: Monday, July 22, 2013 4:55 PM
To: CouncilMail; Ken S. Ulman
Cc: clarkmtc@hotmail.com
Subject: Opposition to the Zoning of Shipley's Farmstead

As a resident of Shipley's Grant I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. I request you do not approve the amendment or any change to the existing zoning. I respectfully request to delay the vote on the comprehensive rezoning scheduled for July 25, 2013. There are too many concerns which have been ignored in my opinion. Please extend the comprehensive zoning to afford more time for hearings and do not make all these changes so quickly as the concerns of residents are not being taken into consideration. There is enormous opposition to the proposed changes within our neighborhood.

I moved in to this neighborhood because of the Farmstead and I hate to see such a wonderful and historical place turned into cement.

VR,

Michael Clark
6022 Talbot Dr
Ellicott City, MD 21043
Shipley's Grant Homeowner.

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, July 23, 2013 9:30 AM
To: David Matchim
Cc: Regner, Robin
Subject: RE:

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: David Matchim [<mailto:david.matchim@gmail.com>]
Sent: Monday, July 22, 2013 9:48 PM
To: CouncilMail; Ken S. Ulman
Subject:

To whom it may concern:

As a resident of Shipley's Grant I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. I request you do not approve the amendment or any change to the zoning. If you support the amendment, I request to delay the vote on the comprehensive rezoning scheduled for July 25, 2013. There are too many concerns I have which have been ignored. Please extend the comprehensive zoning to afford more time for hearings. Do not make all these changes so quickly as the concerns of residents are not being taken into consideration. There is enormous opposition to the proposed changes within our neighborhood. Many homeowners invested in the neighboring properties and wish to retain and gain value in their home. As a homeowner, I fear that the proposed rezoning will lower my property value, leaving me among the millions that are currently upside down on their mortgages. As a first time homebuyer who committed a large portion of their savings to purchase this home, it is upsetting that an unexpected rezoning could put me and many others at financial risk. The economy has already presented its own challenges to homebuyers. When addressing this rezoning issue, please consider the hundreds of families that have their financial situations at risk for the benefit of one estate.

Sincerely,

David Matchim

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, July 23, 2013 9:55 AM
To: o2binoc@aol.com
Cc: Regner, Robin
Subject: RE: Shipley's Grant Farm Zoning change

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: o2binoc@aol.com [<mailto:o2binoc@aol.com>]
Sent: Monday, July 22, 2013 5:51 PM
To: Ken S. Ulman; CouncilMail
Subject: Shipley's Grant Farm Zoning change

To the Howard County Council and Howard County Executive Ken Ulman,

As a resident of Shipley's Grant I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. I request you do not approve the amendment or any change to the zoning.

If you support any zoning change, I request a delay in the vote on the comprehensive rezoning scheduled for July 25, 2013. There are too many concerns I feel have been ignored.

Please extend the comprehensive zoning to afford more time for hearings. Do not make all these changes so quickly as the concerns of residents are not being taken into consideration.

There is enormous opposition to the proposed changes within our neighborhood.

Don't hesitate to let me know if you have any questions or comments and I appreciate your time and consideration

Joel Baker
5842 Richards Valley Road
443-621-6649
o2binoc@aol.com
joelhbaker@aol.com

Regner, Robin

From: Brian Moran <brianmoran01@gmail.com>
Sent: Monday, June 17, 2013 12:22 PM
To: Ball, Calvin B
Cc: Cowan, Elliott; Watson, Courtney; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; Ken S. Ulman
Subject: Fwd: Opposition to Zoning Amendment Request 37.011

Hello,

I am a resident in Shipley's Grant neighborhood, and my home is located on Talbot Drive directly facing the farm property. My wife and I moved in last year, we were under the impression that the farm would always be in front of our home and the view would never change.

I believe that all of the homeowners in Shipley's Grant who face the farm property were told similar statements.

I am writing to let you know we are opposed to substantial commercial development (e.g. 50,000 square feet or more) of the farm property.

I am not opposed to the owners exploring ideas or options for the property that would cover their operational costs and/or provide some income for them while still maintaining the open space farm land and the farm structures as-is. I am also not opposed to the owners constructing a small commercial use building (e.g. 10,000 square feet or so) on the corner of Route 108 and Richards Valley Road to generate income, so long as the entrance and traffic flow and parking for such a building were off of Route 108 or Richards Valley Road and not off of Talbot Drive, which is a residential road with families and children using it daily.

Please consider the community, the neighborhood and those of us surrounding the farm when considering this re-zoning request. Again, **I am opposed to the current re-zoning proposal.** However, I would be in favor of working with the current owners to come to a compromise and find a solution that best suites all parties involved.

Thank you,
Brian & Aimee Moran
5928 Talbot Drive, Ellicott City, MD 21043

Regner, Robin

From: Pruum, Kimberly
Sent: Wednesday, July 24, 2013 1:32 PM
To: Watson, Courtney; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg
Cc: Chaconas, Terry; Shopland, Jamie; Clay, Mary; Knight, Karen; Ball, Calvin B
Subject: FW: Shipley's Grant - Zoning Map Amendment 37.011

Hi All,

Calvin asked that I share this response that was sent to Bill Adams on July 4th in response to Map Amendment 37.011 (See bottom response). We know you've likely been receiving many emails from the Shipley's Grant neighbors against a zoning change. Calvin met with the neighbors last week with Marsha to discuss his amendment and listen to their concerns as a community to identify ways he can help. He's has been working very closely with them on several items to address their concerns including setting up a Historical Trust easement and/or working with the HOA to send density to another part of the County. After numerous discussions, he still firmly believes that R-20 is in the best interest at this point in time and sees this merely as a place holder as we continue to work with the community in the coming months on a peaceful resolve for all.

Directly below is our draft response that will be sent out shortly to those neighbors who contacted us. If you have any questions, do not hesitate to call or email Calvin.

Warm regards,
Kim

Thank you for the opportunity to speak before your community last week. I understand that you and possibly some of your neighbors may not be supportive of my amendment but I truly feel this is in the best interest of Shipley's Grant at this time.

As I mentioned, this property is currently zoned Rural Conservation (RC) and is the last RC zone to located with the Public Service Area (PSA). As our DPZ Director Marsha McLaughlin noted, this zone is intended for and most compatible with farming use and therefore not appropriate for the PSA. While I was not on the Council during the last Comprehensive Zoning and cannot offer insight as to why there was a change from R-20 to RC, what I can share is that based on the information before the Council, I believe that a change back to R-20 is the most appropriate.

I commit to you that if passed, I will spend the rest of the year working in harmony with you and your fellow neighbors as we collaborate on how to best address your community concerns. I understand you have several real concerns including access points from Talbot Dr. vs. Route 108 vs. Richards Valley Rd, impact to your property values, quality of life, preservation of the farmland and much more.

If you were unable to join us for the recent community meeting, I'd like to share a recap of the different possible zonings and other items of interest. As Ms. McLaughlin explained, it could be possible for your HOA to purchase this land, sell the density rights and place the proceeds into a trust that could help with maintenance of the property.

Below you will find a general description of both the RC and R-20 zoning districts.

Rural Conservation District (RC) (Located on page 33 of our [Zoning Regulations](#)):

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

The preferred land use in the RC District is agriculture. The District is intended to permit range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).

This is not the purpose of the Curtis property. After careful consideration, given that this parcel is located within the PSA coupled with the current uses surrounding it make RC zoning not most appropriate zoning at this time.

Residential: Single District (R-20) (Located on page 67 of our Zoning Regulations)

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

At times as your elected official, I'm called upon to make difficult decisions. Please know that it is my hope that collectively we, together with the Curtis family and their representatives, will be able to come together in the fall to explore several options. Included within those options is a Community Enhancement Floating (CEF) zone recommended by both your community and DPZ.

Earlier this year, the Council established the process for situations much like yours. Through CEF, you will be able to collaborate and provide invaluable feedback into what will be permitted in the parcel which is all outlined in the process. Again, I truly believe that in the interim, this will give your community, owners of the parcel and DPZ sufficient time to review CEF and possible future plans. The criteria for a CEF zone is as follows:

- Located within the PSA for both public water and sewer service
- Have frontage on and access to an arterial or major collector road
- Minimum development size shall be five acres.
- Not located in an existing M-2, TOD, NT, MXD, or PGCC District
- More appropriate than the existing zoning
- Not permitted within the interior of a neighborhood comprising only single family detached dwellings
- Compatible with surrounding residential neighborhoods, existing land use in the vicinity of the site in terms of providing transitional use between different zoning districts and/or land uses and the scale, height, mass, and architectural detail or proposed structures
- Shall include enhancements as provided in Section 121.0.G. enhancements shall be proportionate to the scale of the CEF development
- Meets the criteria of the purpose statement

As we all work together, my goal as your elected representative is to facilitate what I believe are our shared goals.

I hope you find this information insightful meeting and know that I will stay connected with your community as you go through this process. If additional information has come to light, please do not hesitate to call or email me as I welcome any additional feedback you may have on this matter.

All the best,

From: Ball, Calvin B
Sent: Thursday, July 04, 2013 12:39 PM
To: wjadams3@gmail.com
Cc: Watson, Courtney; Pruiim, Kimberly
Subject: Shipley's Grant - Zoning Map Amendment 37.011

Hi Bill,

It was good to see you and chat again briefly this morning. My apologies for this delayed message and if you felt I was in any way not receptive to meeting with your neighbors. I want to assure you that I've remained very closely connected, working to resolve the concerns of your community having met with, sent multiple emails to and had several conversations with both Elliott and Andrea as it was the understanding of both me and the Council during Public Hearings and after that they were speaking on behalf of the Shipley's Grant neighborhood.

I most certainly welcome an open meeting with all of your neighbors to discuss this matter in more detail on why I feel the amendment I submitted is in the best interest of your community. In fact, I've had communications with both Elliott and Andrea about scheduling this meeting but I'd be delighted to invite you to work with them to bring this meeting to fruition. Please feel free to contact them directly or call my office at 410-313-2001 and speak with Kim to coordinate our calendars.

In the interim, I'd like to share with you more details on what is being proposed and how it may benefit Shipley's Grant.

First and foremost, I definitely hear and can sympathize with your concerns about community traffic and entry point concerns on Talbot Drive and within the Shipley's Grant community. In fact, you may recall I had collaborated with DPW and SHA to ensure the light was installed at Richards Valley Rd and improvements were made at Snowden River Parkway and Rt 108 to improve upon your safety. Furthermore, I'd like to see you as homeowners have more time to discuss any and all proposals with the owners of the parcel. This is one of the reasons I couldn't support the petitioner's request at this time.

As you know, the owner of the property is requesting POR while DPZ and the Planning Board recommended RC/R-20 zoning. Furthermore, DPZ carefully noted that CEF option could be available to the community dependent upon how the community is zoned which I will talk about in more detail later.

I understand through your message you believe a great deal of homeowners may still support the Rural Conservation District (RC) and would benefit from knowing why this may not benefit the community. I'd like to refer residents to page 33 of our Zoning Regulations, which includes a great description:

The Rural Conservation District is established to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County. The RC District is also established to preserve natural features and the rural landscape, while allowing low density, clustered residential development. Residential development is to be permitted only when it is located and designed to minimize its impact

on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape.

The preferred land use in the RC District is agriculture. The District is intended to permit range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from development the tracts of land which remain after permitted residential development has occurred. Residential lots in the district are likely to be adjacent or close to agricultural land. Residents of property within the RC District should be prepared to accept the impacts associated with normal farming practices (see the Howard County Right-To-Farm Act in § 12.111 of the Howard County Code).

This is not the purpose of the Curtis property. After careful consideration, given that this parcel is located within the PSA coupled with the current uses surrounding it make RC zoning not most appropriate zoning at this time.

Whereas if you read page 67 of our Zoning Regulations regarding the Residential: Single District (R-20),

The R-20 District is established to permit single family detached dwelling units at approximately two units per acre. The District reflects the established single-family neighborhood characteristics of many of the stable residential areas of the county.

With that being said, please know that it is my hope that you and the Curtis family will be able to come together at future date to explore a CEF option recommended by both DPZ and in other community testimony after the Council established the process earlier this year for situations much like this. Through CEF, you will be able to collaborate and provide invaluable feedback into what will be permitted in the parcel which is all outlined in the process. In the interim, this will give the community, owners of the parcel and DPZ sufficient time to review CEF and possible future plans. The criteria for a CEF are:

- Located within the PSA for both public water and sewer service
- Have frontage on and access to an arterial or major collector road
- Minimum development size shall be five acres.
- Not located in an existing M-2, TOD, NT, MXD, or PGCC District
- More appropriate than the existing zoning
- Not permitted within the interior of a neighborhood comprising only single family detached dwellings
- Compatible with surrounding residential neighborhoods, existing land use in the vicinity of the site in terms of providing transitional use between different zoning districts and/or land uses and the scale, height, mass, and architectural detail or proposed structures
- Shall include enhancements as provided in Section 121.0.G. enhancements shall be proportionate to the scale of the CEF development
- Meets the criteria of the purpose statement

As I explained to you this morning, the Curtis family and their attorney were not happy with this final resolution either, which I hope will lead to continued conversation and collaboration in the coming months. As we all work together, it is my hope to facilitate what I believe are our shared goals to protect the unique historic elements while placing permanent protections on the farm where appropriate, create preservation commitments for each future owner in perpetuity, preserve the look and feel of the farm and collaborate with The Maryland Historic Trust or other appropriate entity to administer historic preservation oversight.

I hope you find this information insightful as I work on scheduling a community-wide meeting. I welcome your insight and participation as well in this process and as always, do not hesitate to call or email me additional feedback on this map amendment you may have.

Again my apologies on the delay and I look forward to connecting with you soon.

All the best,
Calvin

Dr. Calvin Ball
Council Member, District 2

<http://cc.howardcountymd.gov/Departments.aspx?Id=4294968511>

410-313-2001

“Everybody can be great. Because anybody can serve. You don’t have to have a college degree to serve. You don’t have to make your subject and your verb agree to serve... You don’t have to know the second theory of thermodynamics in physics to serve. You only need a heart full of grace. A soul generated by love.”

--Martin Luther King Jr.

PROPOSAL

Presented to the Shipleys Grant HOA by the Lois Curtis Trust

June 12, 2013

Curtis –Shipley Farmstead Zoning

As many of you know, the Curtis –Shipley Farmstead has been in the Curtis family since the late 1880's. In 2005, the Curtis –Shipley Farmstead was added to the National Register of Historic Places. As stated in the National Register nomination, The Curtis – Shipley Farmstead is architecturally significant for its collection of mostly 19th century buildings that represent both domestic and agricultural building styles. The history of the farmstead dates to the earliest years of settlement in the Howard District of Anne Arundel County. The farmstead is part of the 1687 patent called Adam the First, approximately 500 acres surveyed for Adam Shipley. The farmstead is now an island of agricultural history surrounded by modern residential development. It is our hope and belief that the farmstead has been a valuable and positive attribute to the Shipley's Grant community. And, it is our intention that the unique ambiance of the farmstead be retained, while adapting to the future.

To that end, it is our intention to put in place a plan which protects the unique and distinctive historic elements of the farmstead. Neither of us lives in Maryland any longer. We are both getting older, traveling to Maryland is increasingly difficult, and it will soon be time to relinquish ownership of our home to another.

In furtherance of our plan, we fully intend to place appropriate permanent protections on the farmstead; provided that we receive the zoning change that we have requested. The protections will create permanent preservation commitments for any new owner.

The expense of maintaining the farmstead is significant. The current RC zoning provides very limited options for historically sensitive adaptive reuse which could generate income to offset those maintenance expenses. Consequently, we have applied for an upgrade in zoning to allow for more uses on the property that could provide income to a new owner. Primarily, we are interested in adaptive reuse of current structures, but we also seek zoning to permit one new office structure on the property.

So that the Shipley's Grant Homeowners may be fully and accurately informed of our proposal for future use and protection of the Farmstead we offer the following plan:

- We seek a rezoning to POR , OT or other appropriate zoning permitting a broader range of adaptive reuse options than is permitted under the RC Zone
- We propose adaptive reuse of the Farmhouse for office space. We envision the possibility that the Farmhouse may be enlarged to provide sufficient square footage for functional office use.
- We propose the repurposing of the bank barn for commercial storage , or for office uses. The lower level could be sensitively adapted for office space; the upper main interior could be used as meeting space, special events, office space or storage facilities

- We propose one new office facility, limited to a 10,000 square foot footprint, maximum of 20,000 square feet in total, and limited to a 2 story height.
- We propose that architectural design and construction controls would be placed on the new office structure such that it would be compatible and congruent with the existing farmstead buildings.
- We propose that the new office structure would be confined to a location generally between the house and the retail space at Shipley's Grant.
- We propose that access to the farmstead associated with new uses be gained from MD 108 if approved by the State Highway Administration, but that access from Talbot be available if necessary.
- We propose that the garage, hog pen, chicken house, grainery, corn house, and stone smoke house be retained and maintained in their current condition and use for storage only associated with use of the house and barn.
- We propose that the current green hay field be available for access driveways as required on the property, parking as necessary, storm water management or other infrastructure as required by Howard County
- We propose that all other hayfield area be limited to uses currently permitted under the RC zone, and the hayfield between the bank barn and the cemetery **not** be utilized for parking or buildings of any type.
- We propose that all historic structures be protected by a Historic Preservation Easement held by the Maryland Historic Trust or other historic preservation organizations such as; Preservation Howard County, Howard County Conservancy, or other statewide organizations.
- We propose that land use and architectural controls be implemented through protective covenants or an easement administered by the above listed organizations, or others such as Preservation Maryland or Maryland Environmental Trust.
- As stated earlier, we fully intend to relinquish ownership of the farmstead to a new owner in the near future. If we fail to achieve some appropriate up zoning of the property, we will sell the property "as is" with the RC zoning and without controls in place.
- We request your support in achieving our requested up zoning. We hope that you will appear at the zoning hearing on June 17th and show that support.
- Working together, we can achieve permanent financially viable protections for the farmstead that will serve to preserve its heritage and beauty for generations to come.

We hope the above explanation helps to answer questions you may have. We truly hope we can achieve up zoning to allow us to implement preservation and adaptive reuse concepts. Old places need new

uses. It is our hope that the farmstead can be an active and living legacy to our family, and not a memorial to their passing.

Respectfully submitted,

Robert L Curtis, Trustee
Glenn A. Curtis, Trustee

Lois L. Curtis Revocable Trust

June 11, 2013

TO: Howard County Executive Ken Ulman and Council Members Calvin Ball, Greg Fox, Mary Kay Sigaty, Jen Terrasa, and Courtney Watson

FROM: John D. and Darlene M. Walsh, 5932 Talbot Drive, Ellicott City, MD 21043

DATE: July 23, 2013

SUBJECT: Proposed zoning amendment of the Curtiss Brothers Farmstead, located on MD 108, adjacent to Shipley's Grant

We are residents of Shipley's Grant subdivision, and our home faces the subject property known as the farmstead.

We strongly oppose Dr. Calvin Ball's proposal to rezone the farmstead property from RC to R-20.

At the July 18, 2013 meeting of the Shipley's Grant Home Owners Association, Dr. Ball explained that his proposal to change the zoning on the farmstead to R-20 is intended as a compromise measure that he thought would disappoint all parties, but that would provide an incentive for all parties to try to reach an agreement.

The proposal certainly did disappoint us. The proposed R-20 zoning would provide for uses that would totally change the character of the farmstead. When the property was zoned RC in the 2003 comprehensive zoning procedure, the farmstead was to be maintained as such – a farmstead, as was the wish of the current owners' mother, from whom they inherited the property. Further, the farmstead was to serve as the focal point for the adjacent Shipley's Grant development in the form of open space that helps preserve natural, environmental, historic and architectural resources. That concept is in direct line with the Howard County Zoning Regulations, Section 100: General Provisions, April 13, 2004.

The farmstead property owners may be disappointed if the property is zoned R-20 because they did not get the commercial zoning they sought in their original zoning change request. However, a change to R-20 would certainly make the farmstead a more valuable piece of land should the owners choose to sell. The Curtiss brothers have stated that it is, in fact, their intention to sell the farmstead.

Compromise should result in a win-win situation. The only winners in this process, if Dr. Ball's amendment is approved, are the Curtiss brothers, neither of whom is a resident of Howard County or the State of Maryland, and their agents who will reap a commission upon a future sale, and amass more billable hours. On the other hand, the residents of Shipley's Grant and Howard County, your constituents, stand to lose an open space, a historic site that speaks to the area's agricultural heritage, and a scenic landscape that contribute immeasurably to the quality of life.

How is this, in any way, a compromise? Compromise, in and of itself, speaks to the shared burden amongst the parties. How would this proposal in any way benefit the residents of Shipley's Grant?

The residents of Shipley's Grant, through an ad hoc committee, have sought to reach out to the Curtiss brothers since February of this year to reach a compromise which would allow them to generate a revenue stream that would cover the cost of maintaining the farmstead. At a meeting with the homeowners in March, the brothers stated that this was what they sought to do. Now they propose to sell the property. Working with the Curtiss brothers has been like chasing a moving target.

This zoning amendment is a rush to judgment and seems to fly in the face of the DPZ's stated mission which "seeks to enhance Howard County's high quality of life, prosperity, and stewardship of our natural and cultural resources." We ask that you not support Dr. Ball's amendment, and if needed, postpone the vote on the rezoning issue until this matter can be more fully investigated and a real compromise that satisfies both parties can be reached. In the words of Joni Mitchell, "Don't it always seem to go that you don't know what you've got 'til it's gone."

Respectfully,

John D. Walsh

Darlene M. Walsh

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, July 23, 2013 9:55 AM
To: wpenporn
Cc: Regner, Robin
Subject: RE: oppose to the Rezoning of the Curtis-Shipley Farmstead

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

<http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>

From: wpenporn [<mailto:wpenporn@gmail.com>]
Sent: Monday, July 22, 2013 5:17 PM
To: Ken S. Ulman; CouncilMail
Subject: oppose to the Rezoning of the Curtis-Shipley Farmstead

Dear Mr. Ulman,

My name is Penporn Nantawisarakul. As a resident of Shipley's Grant I do not support the amendment by Councilman Calvin Ball to rezone the property adjacent to our neighborhood. I request you do not approve the amendment or any change to the zoning. There are too many concerns I/we have which have been ignored. Please extend the comprehensive zoning to afford more time for hearings.

Do not make all these changes so quickly as the concerns of residents are not being taken into consideration. There is enormous opposition to the proposed changes within our neighborhood.

Yours faithfully,

Penporn Nantawisarakul
Owner of 5775 Richard Valleys Road, 5940 Talbot Drive and 5970 Logan Ways

Regner, Robin

From: Ball, Calvin B
Sent: Wednesday, October 02, 2013 12:46 PM
To: Regner, Robin
Subject: D2 Comp Zoning 2013 Testimony

From: wpenporn [<mailto:wpenporn@gmail.com>]
Sent: Thursday, June 13, 2013 11:45 AM
To: Ball, Calvin B
Cc: ecowan@gfrlaw.com; Ken S. Ulman
Subject: Zoning Amendment Request 37.011

Dear Mr. Calvin Ball,

My name is Penporn Nantawisarakul. I am the owner of the properties in Shipley's grant

5775 Richards Valley Road, Ellicott City, MD 21043
5940 Talbot Drive, Ellicott City, MD 21043
5970 Logan Ways, Ellicott City, MD 21043

I am opposed to commercial development of the farm property at Shipley's Grant. Please do not accept the request of rezoning the farm. It is important to me and residents to keep the farm as historic/open space area. The changing to commercial area it means additional traffic and it is not safe for the residents. The farm owners waited until all of the houses surrounding the farm were built then proposed to develop the farm is ridiculous and unacceptable for the residents in the community. The residents will suffer from the changing drastically.

Best Regards,

Penporn Nantawisarakul

Regner, Robin

From: Ball, Calvin B
Sent: Wednesday, October 02, 2013 12:48 PM
To: Regner, Robin
Subject: D2 Comp Zoning 2013 Testimony
Attachments: Proposal - 5771 Waterloo Road rev 061213.pdf

From: Fred Coover [<mailto:FCoover@cooverlaw.com>]
Sent: Friday, June 14, 2013 3:04 PM
To: Ball, Calvin B
Cc: mpender@howardcountymd.gov; Amy Kopec
Subject: 5771 Waterloo Road

RE: OUR CLIENT: THE LOIS LUCILLE CURTIS TRUST
PROPERTY 5771 WATERLOO ROAD
REFERENCE: ELLICOTT CITY, MARYLAND 21043
MAP 0037, GRID 0001, PARCEL 0751
7.46 ACRES M/L
(THE "PROPERTY")
OUR FILE No: 21-1212-10681

Dr. Ball:

I know that you wanted to speak with me about the comprehensive zoning proposal pending on the above-referenced Property.

I will make myself available to speak with you today, over the weekend or on Monday.

Please call my office when convenient. Please ask for my Paralegal, Amy in my absence.

If for any reason you do not reach me; or if you would like to speak after hours or over the weekend, please send me an e-mail providing the number for my return call and I will respond promptly.

In the interim, please see the attached Proposal submitted by my clients on Wednesday, June 12th, 2013 to the Attendees of the Special Meeting of the Shipley's Grant Homeowners' Association.

The pending rezoning of the farm truly represents a time-limited; likely "once in a lifetime" opportunity **before the farm is sold** for the Shipley's Grant HOA; residents of the surrounding communities; the farm Owner and the County to work together in "win-win" fashion to:

- ✓ Protect the unique and distinctive historic elements of the farm;
- ✓ Place appropriate permanent protections on the farm;
- ✓ Create permanent preservation commitments for each future owner of the farm in perpetuity;
- ✓ Provided for historically sensitive adaptive reuse of the farm structures;

- ✓ Provide for construction and use of one small commercial office structure to generate income for future owners of the farm to apply to the significant maintenance and preservation expenses in perpetuity;
- ✓ Preserve the “green fields and “red buildings” look and feel of the farm in perpetuity;
- ✓ Provide for historic preservation oversight of the farm by The Maryland Historic Trust or another conservancy organization; and
- ✓ Achieve permanent financially viable protections for the farm that will serve to preserve its heritage and beauty for generations to come.

CHIP

Fred L. Coover, Esquire



10500 Little Patuxent Parkway
Suite 420-Parkside Building
Columbia, Maryland 21044
Toll Free (866) 425-9555
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Zoning Amendment Request 37.011 - The Historic Shipley Farm ...

As a resident of Shipley's Grant, I strongly oppose *any* change to the current zoning for the Shipley Farm property. I believe that this property should retrain a strictly non-commercial zoning.

I have a number of concerns:

1. First, like virtually every other owner here, I was told when I bought that the remaining farm property was in some form of historic trust and would be preserved in its present status in perpetuity. That influenced my decision to buy here and I am angry that this representation is now being walked back. I believe that it will effect my property value. And, it will most certainly effect my enjoyment of this special neighborhood. The effort to change the zoning also is creating distrust among the residents for the owners of the farm and for Bozzuto, who's (mis?) representations to buyers have not always proven accurate in the past.
2. Plans for the property, should it be rezoned, have been a moving target. This creates even more distrust, as the property owners and their real estate agent seem to have been trying to get support from the residents without fully revealing their true plans. It has been a moving target and we do not like that. **No change in zoning should even be considered until a firm plan for any proposed development has been settled and sufficient time has elapsed for a full study of THAT plan.**
3. Another issue for me is that the commercial space in *The Shoppes at Shipley's Grant* has never been filled. Moreover, several of the businesses that are there, are not really the kind residents were promised. They are not businesses that add anything to the neighborhood. Both empty store fronts and businesses with little connection to our community detract from our properties. Adding MORE commercial space 50 yards away can only make things worse.
4. The struggle to appropriately fill *The Shoppes* adds to my personal distrust of the plans for the farm, whatever they are. Clearly the economics of commercial property fronting Rt. 108 in this area are sub-optimal. What this means is that whatever the farm's owners say they **want** to do; whatever they may really plan to do; in the end, they will do what is possible to do. Once structures are built or modified, once land is "improved", once the monies have been spent, there will be heavy economic pressure to do whatever is necessary to make that investment pay off.
5. One particularly galling detail of the re-zoning request is that it includes primary access to the commercial property off of Talbot Drive, a quiet residential street fronting our Pool and Clubhouse. It would take commercial traffic through the neighborhood, right through the school bus stops, entering the commercial property right across from the pool. This request is so brazen and insulting that one almost assumes it is a negotiating position to be conceded in return for the community's acquiesce to the remainder of the zoning changes.

I repeat that the zoning changes with or without an entrance from Talbot are 100% unacceptable. If the access from Talbot truly is necessary to make the commercialization of the farm practical, that should settle the matter by itself. **No access from Talbot !!!**

There is more; but I will settle for these at present.

Zoning Amendment Request 37.011 - The Historic Shipley Farm ...

Every informed homeowner in Shipley's Grant whom I have been able to talk to is opposed to the zoning change. The more they know about the proposal, the more opposed they are. There is no upside and considerable downside for all of us. People have been given much bad and deceptive information by parties with an economic interest in getting the zoning changed. I am now committed to getting them good information.

I've spoken to the County Executive's office. They tell me that **the CE's zoning bill contains no changes to the zoning of the Shipley Farm.** They also tell me that any change would require the Council to override the CE's plan.

Speaking for myself, I can not see why our County Council would override the wise decision of our CE, subordinating the interests of 100's of homeowners to the interests of a couple of absentee landlords who are not even residents of Howard County. It would be very *unwise* to do so! VERY UNWISE !!!

Why change the zoning at all?

The reasons for not changing the zoning are clear. What arguments are there in favor changing the zoning?

The story that was presented to residents by the real estate representative for the Farm's owners spoke to residents recently was that the stub property provides little value to the current owners. And that attending to it is something of an inconvenience to them, as they do not live in the county.

Now my understanding of the history of this property and it's development is somewhat different from what the real estate representative of the Farm's owners is now presenting. This is how I see it.

The Shipley Farm was not zoned for residential or any other development. As part of their efforts to get the Farm rezoned for development, and thereby exponentially increasing the value of the property, the Farm's owners committed to preserving a stub property, including the current buildings, in a form of historic preservation status.

Now that the vast majority of the Farm has been sold and developed, at what must have been an enormous profit to the family owning it, they are coming back and seeking to renege on their commitment by making the spurious claim that the stub property is not sufficiently profitable.

Perhaps you can see my problem with this? And I am just getting started !!!!

**TESTIMONY ON BEHALF OF SHIPLEY'S GRANT HOA
IN OPPOSITION TO AMENDMENT 37.011**
(highlighted section presented verbally to the County Council)

I represent the Home Owners Association of Shipley's Grant, the townhome community that surrounds the remaining parcel of the historic Curtis farm off of Route 108.

As an initial matter, I want to share my observations of the interactions between the HOA and the Curtis family representatives. I was retained by the HOA in early April 2013. Prior to and continuing with my involvement, the HOA has been well-served by its Comprehensive Zoning Committee chair, Elliott Cowan, who is an attorney and has taken the lead in negotiations with the Curtises' representatives. I have been overwhelmingly impressed with how reasonably, promptly, and ethically Mr. Cowan has conducted negotiations. However, the Curtises' attorney, Mr. Coover, has been basically unresponsive. Just recently, he referred Mr. Cowan to the Curtises' real estate broker, Steve Ferrandi. Mr. Ferrandi waited until just days before the County Council hearing to share the Curtises's true development goal of maximizing profit for resale and has failed to provide a detailed proposal or the necessary traffic and engineering information to allow the HOA to realistically engage in discussions. Thus, while the HOA remains willing to work with the Curtises, to date the Curtises have made it impossible for the HOA to consider any type of compromise proposal.

Indeed, the lack of forethought is a primary problem with the proposal before you. The Curtises' representatives have been upfront that this rezoning proposal was submitted at the last minute with no investigation or planning regarding what is actually feasible on the site. There is no firm concept plan; no traffic or marketing studies have been done. The owners are

simply trying to take advantage of the once-in-ten-year opportunity to increase the property's market value.

Considering the inherent promise that the Curtises made to the community and the County that this farm parcel would remain pristine when they specifically requested RC zoning in 2003, it seems particularly disingenuous for the Curtises to now come back before you and ask for *carte blanche* rights to build on the parcel.

Admittedly, Rural Conservation zoning is unusual in the eastern part of the Howard County, BUT there is no regulatory prohibition on placing the RC zone within the PSA or more developed areas. The goal of RC is to "conserve farmland" and "to permanently protect from development the tracts of land which remain after permitted residential developments has occurred." This is precisely the scenario with the Curtis farm – almost 70 acres of the original farm are being developed as residential and commercial buildings, with the 7 plus acre functioning farm parcel remaining as an open space focal point for the surrounding community. RC zoning also already provides as a matter of right or as conditional use a number of options that would allow for the adaptive reuse of the farm buildings, which the Curtises claim to desire. Thus, RC really is the zone that makes the most sense for this property and the Council should maintain this zone moving forward.

Further, if some development of the parcel is ultimately allowed, DPZ and even the Curtises recognize that it is not appropriate to build on the entire parcel. Development will require some form of split zoning to ensure a portion of the parcel is preserved. The only logical zoning for this undeveloped portion will be RC. Thus, RC will have to remain, at least in part, on some portion of the parcel, so the most logical option for the Council at this juncture is

to maintain RC on the entire parcel. If and when the owners put forward a reasonable, vetted development proposal, other zoning options for the developable portion of the parcel may be considered.

As Mr. Cowan set forth, a far better alternative than rezoning through Comprehensive Zoning would be proceeding through the CEF district process. This would take development discussions out of the current time-pressured context and allow for development that incorporates the input of the surrounding community and the County as a whole. CEF is the alternative recommended by DPZ and one the HOA strongly endorses. Without changing the existing zone, the Council should encourage the Curtis family to investigate CEF and I reiterate Mr. Cowan's statement that the HOA will willingly engage in the establishment of a flexible CEF district.

If, instead, the Council were to rezone this entire parcel POR,¹ there would be no bar to development of the entire parcel, and, as a matter of right, the owners could construct an 80 foot office building that could be occupied by any of more than 40 different uses. There would be nothing to protect the historic and scenic nature of the property beyond the good will of the owners, and we already know that their goal is to maximize the financial value for resale.

Ultimately, if the property is to be split- and up- zoned, Office Transition (OT) is a much better fit than the currently proposed POR. OT is designed for "low impact" uses "adjacent to areas of residential zoning" and "should result in small-scale office buildings on attractively-

¹ It is important to note a procedural impropriety with this case. The application submitted by the Curtises to DPZ in December 2012 requested B-1 zoning. In the midst of the Planning Board hearings, the Curtises were allowed to change their proposal to POR, but those in opposition were not allowed to verbally testify in response to the amended proposal. Further, the property was not re-posted to provide notice of the changed proposal in accordance with Sec. 16.203 (c)(2). Then, in brief testimony before the County Council on June 3, 2013, the Curtises again revised their proposal, stating that they would now consider OT zoning as well as POR. Formal notification of the second revision was also not provided.

designed sites that are compatible with neighboring residential uses.” The farm is in the midst of a residential area and, whatever changes are made under whatever zoning process, only a small-scale, low impact use should be permitted.

The latest offer that the HOA received from the Curtises was for a building of 20,000 square feet, which can only incur a substantial amount of traffic. This proposal countered an HOA proposal of 6,000 sq. foot building, a proposal that Ms. McLaughlin stated seemed appropriate to the size and location of the parcel.

The Curtises insist that access to their proposed large building must come through the community, off narrow, residential Talbot Road and then traverse down the open space of the farm. This will subject the townhouse residents to substantial commercial traffic as well as a long driveway, headlights, etc directly out their front windows. The impact of this traffic is a primary issue for the HOA. The Curtises planned the entire existing development, including the U-shape surrounding of the farm parcel with townhomes and the placement of a storm water management facility on the portion of the farm parcel abutting Richards Valley Road. Thus, through oversight or intention, the Curtises created a situation in which straightforward vehicle access to the farm off of Rt. 108 will be extremely expensive, if not impossible. It is fundamentally unfair of the Curtises to now seek to burden the Shipley’s Grant community as a result of their lack of planning, especially when they are contemplating something far greater than modest development.

As the Council is well aware, the purpose of Comprehensive Zoning is not to facilitate prospective development projects or, worse, to serve as a mechanism to simply increase the economic value of particular parcels. Instead, it is to look broadly at what zoning designations

are in the best interests of our Howard County communities and the County as a whole. The current proposal of the Curtises contradicts the promises that they made to the surrounding community and the County in 2003, and, if granted, will create unacceptable traffic problems and destroy an historic, scenic space. Upzoning will do nothing to further the needs of the County; it will only line the pockets of the owners, owners who have already benefited greatly from their original sale of the historic Curtis-Shipley farm.

Thus, we urge you to leave this property zoned as is and to encourage the owners to instead engage in a thoughtful, informed manner with the Shipley's Grant community to explore options that can meet development and the community goals.

Thank you.



Coldstone/Nail Salon/Starbucks

The Shoppes at Shipley's Grant:
two buildings totaling 25,534
enclosed square feet

RICHARDS VALLEY ROAD

UNDERGROUND STORMWATER TANKS

WATERLOO ROAD / ROUTE 108

HISTORIC CEMETERY

TALBOT DRIVE

COMMUNITY POOL

LOGANS WAY

THIS AREA NOW
COMPLETED
WITH TOWNHOMES

CURTIS-SHIPLEY FARMSTEAD
5771 WATERLOO ROAD, ELLICOTT CITY, MD 21043
AMENDMENT REQUEST 37.011

PREPARED BY
SHIPLEY'S GRANT HOA

Testimony Presented to the Howard County Council on June 17, 2013

On behalf of the Shipley's Grant Homeowners Association

In Opposition to Amendment Request 37.011

Testimony Presented by Elliott Cowan

Chairperson, Shipley's Grant HOA Committee on the Potential Rezoning of the
Curtis-Shipley Farmstead

Attachments:

Satellite Photo with Labels

Written Testimony submitted at the June 17, 2013 County Council Hearing

Written Testimony submitted at the March 27, 2013 Planning Board Hearing

Written Testimony submitted at the April 8, 2013 Planning Board Hearing



The Shoppes at Shipley's Grant:
two buildings totaling 25,534
enclosed square feet

COMMUNITY POOL

TALBOT DRIVE

HISTORIC
CEMETERY

RICHARDS VALLEY ROAD

UNDERGROUND STORMWATER TANKS

Coldstone/Nail Salon/Starbucks

WATERLOO ROAD / ROUTE 108

LOGANS WAY

THIS AREA NOW
COMPLETED
WITH TOWNHOMES

CURTIS-SHIPLEY FARMSTEAD
5771 WATERLOO ROAD, ELLICOTT CITY, MD 21043
AMENDMENT REQUEST 37.011

PREPARED BY
SHIPLEY'S GRANT HOA

My name is Elliott Cowan, and I live at 6050 Logans Way, Ellicott City, MD 21043. I am speaking in opposition to Amendment No. 37.011 on behalf of the Shipley's Grant Homeowners Association, which currently includes approximately 200 households.

The positions stated in my testimony reflect the views of the Shipley's Grant community as expressed at a special meeting of the HOA that I moderated five days ago, at which approximately 45 households were present.

Ten years ago, the farm owners carefully planned all of the Shipley's Grant community. **Now the farm owners have changed their plan** for the farm property that is the subject of this amendment. Either that, or they were not forthright ten years ago about what their plan really was.

Ten years ago, as part of the last comprehensive rezoning, the farm owners requested that the majority of the surrounding property be **upzoned** to allow residential and commercial development, and that the remaining portion – the farm parcel we are talking about tonight – be **downzoned** to RC (Rural Conservation).

The 2003 rezoning application stated that the development plan

“preserves a small farm area as open space...”

The application further stated that the parties

“plan to execute a definitive agreement binding the property to the uses proposed.”

The RC and other requested zoning changes were granted. The surrounding property was sold for development for a total of **\$22,500,000**. Preservation of the farm property as an open space area was a vital amenity that added value to the surrounding property that was sold.

Two hundred townhouses have been built and sold so far. Two hundred more are planned.

At the June 12 HOA meeting, substantially all of the homeowners present confirmed by a show of hands that they were told by the developer, Bozzuto Homes, that it would be 100 years before the remaining farm parcel changed. Why

would Bozzuto Homes say this? It is my understanding that those statements were based on similar statements made by the farm owners to Bozzuto Homes.

In any event, restrictive covenants binding the surrounding property were recorded, specifying in great detail what could be built. **However, no** covenants governing the future of the farm property were recorded.

Fast forward ten years, and here we are.

When the community discovered that the owners were seeking to upzone the farm,¹ the community began to organize. A committee of the HOA was formed, and the committee elected me to be the chairperson.

The committee reached out to the farm owners' attorney, Fred Coover. We invited the farm owners for a community forum on March 19, and they attended. It was a very cordial evening that included a walking tour of the property, followed by a discussion in our community center building.

At that meeting, the owners explained that they wanted to make adaptive re-use of the existing historic structures **to fund the cost of preserving the historic buildings**. We also were told that the owners wanted to build a new building on the property to generate revenue **to support the preservation costs**. On many occasions we have asked for information about what those costs were, but that information has not been shared with us.

On April 19, 2013, the HOA committee made a written proposal to the farm owners that provided for split zoning of the property, with a two-acre portion closest to Route 108 being upzoned for the construction of a small commercial building with about the same interior square footage as the adjacent Coldstone/Nail Salon/Starbucks building. The rest of the property would remain RC and would be protected from future development with binding covenants. Our proposal was based on the new building being served by the existing driveways onto Route 108.

We thought that our proposal addressed the goals of all parties. Therefore we could not understand why the farm owners and their representatives did not respond to us for **six weeks**.

¹ Initially the farm owners sought B-1 zoning. On April 5, 2013, in a letter from their attorney, the farm owners withdrew their application, but in the same letter, stated that they were amending the application to request POR. This raises a procedural issue.

On June 6, 2013, we found out why. At a meeting between myself and a real estate broker representing the farm owners, Stephen Ferrandi, I was told that the farm owners wanted to rezone the property so that a 50,000 square foot building could be built, with a minimum of 200 parking spaces and vehicle access from Talbot Drive, a residential street.

Mr. Ferrandi told me that an office building had to be 50,000 square feet to be marketable. Mr. Ferrandi also told me that the farm owners probably would not build the building themselves, but wanted to sell the property after securing the right to develop it. In a later email, Mr. Ferrandi stated that:

“The Curtis family wants to sell the property at some time in the future [with] a market value greater than farm land which means that needs to support a marketable building site.”

Today we hear that a 20,000 square foot office building is being discussed, which would require parking for at least 80 cars, and which would still have access from Talbot Drive.

But we are not here to discuss a specific development proposal. We are here to discuss **upzoning the entire parcel**, without having the benefit of even a concept drawing much less a detailed development plan.

The community simply cannot support upzoning the entire parcel based on what we know today.

So where do we go from here?

First of all, assuming that access would be from Route 108, the community already has told the farm owners that the community would support adaptive re-use of the existing historic structures, including a modest amount of sidewalks and parking around those buildings. Such adaptive re-use should be able to generate some income for preservation costs.

In addition, we have told the farm owners that we would support the construction of a **modest** office building on the site, adjacent to and about the same size as the Coldstone/Nail Salon/Starbucks building.

However, we do not want Talbot Drive used to access these commercial activities, for three reasons.

First, access via Talbot Drive would require a long driveway traversing the width of the parcel, which is now an open field. We want to preserve that field as open space rather than see it turned into a parking lot and transitway and associated stormwater management structures - even if landscaping is used for screening.

Second, and of major importance to us, we want to avoid forcing a lot of commercial traffic onto this residential street, where our children walk to and from the bus stop and the community pool.

Third, the farm owners had every opportunity to include commercial buildings on the farm site ten years ago, and to design an appropriate access point. It would not be fair to now allow an inappropriate access point and thereby sacrifice open space, simply to enhance the resale value of the remaining parcel.

We think that the new **CEF zoning** should be sought for any development or activity beyond that permitted in the RC zoning. The **CEF** procedure would require that a specific development plan be presented to the community and the County. The HOA will give fair consideration to any such proposal, assuming the farm owners will speak with us and negotiate with us in good faith.²

However, to be clear, before the community will be able to support any development proposal, we will need to know whether it is feasible to have access be from Route 108. If so, the community would be more tolerant of the size of the building, especially if it is located adjacent to the existing Coldstone/Nail Salon/Starbucks building and is designed to be compatible with the historic structures. At least that way the portion of the property most visible from the community, the field and the historic barn and outbuildings, can be preserved as open space as originally planned.

Our support for a zoning change also would be conditioned on there being legally binding and enforceable covenants that protect the rest of property from additional development in the future.

In closing, the community asks that you make no change to the current zoning at this time, as any zoning change would be premature and would permit too great a change to the entire parcel.

² We do not think the owners and their representatives have negotiated with us in good faith. As an example, Mr. Ferrandi stated in an email that: "*The HOA support of a limited development project needs to come first in writing, submitted to HCPZ and we will then agree to limit the scope of the development and protect the farm buildings with a preservation easement.*" We are asked to deliver our support and in exchange receive only a promise to agree in the future.

Thank you.

Submitted by:

Elliott Cowan

Chairperson, Shipley's Grant HOA Committee on the

Potential Rezoning of the Curtis-Shipley Farmstead

6050 Logans Way

Ellicott City, MD 21043

ecowan@gfrlaw.com

Hearing Date - March 27, 2013

Written Testimony Submitted to the Howard County Planning Board

Regarding Zoning Map Amendment Application 37.011

5771 Waterloo Road (the Curtis-Shipley Farmstead)

**Testimony Submitted By:
Shipley's Grant Homeowners Association**

For Information, Contact:

Elliott Cowan

**Chairperson of the Shipley's Grant HOA Committee
on the Potential Rezoning of the Curtis-Shipley Farmstead**

6050 Logans Way

Ellicott City, MD 21043

410.576.4108 (daytime)

ecowan@gflaw.com

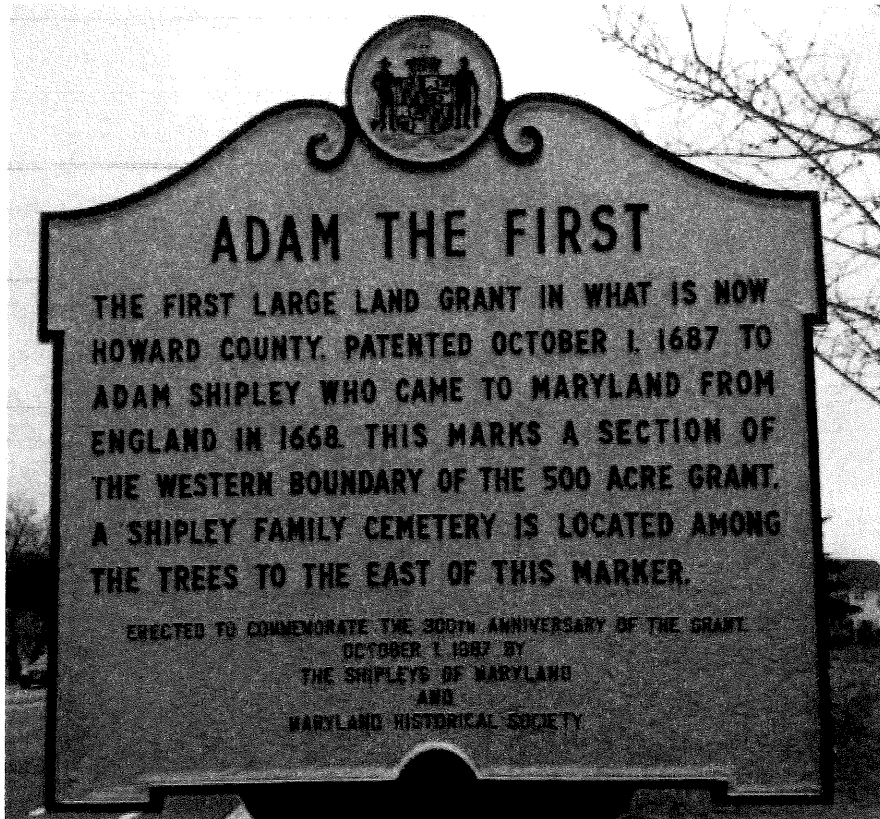
Summary

The Shipley's Grant Homeowners Association (HOA) strongly opposes changing the zoning on this property to B-1 at this time.

Description of the Property

The subject property is a 7.4 acre parcel on the National Register of Historic Places, the Maryland Historic Trust Inventory of Historic Properties, and the Howard County Inventory of Historic Sites. The property includes a single-family residence built in the 1800s, a large barn, several additional outbuildings, and a large field, all surrounded by a white fence. The farm property is the open-space focal point of the Shipley's Grant community.

Here is a photograph of a nearby marker describing the historic significance of the subject farm property, including a historic cemetery on the property:



Here is a photograph of the historic cemetery on the subject farm property:



History of the Current Zoning

Originally part of a 500 acre land grant dating to the 1600s, the subject property was part of a 74.6 acre farm that had been zoned R-20 (approximately two houses per acre) since the 1970s. The property was subdivided and then rezoned in preparation for a sale pursuant to a sale contract with Bozzuto Development Company and Bavar Properties Group, LLC. Pursuant to that contract, as part of the 2003 Comprehensive Rezoning process, Bozzuto and Bavar, on behalf of the owner of the farm, submitted a request to rezone the entire 74.6 acres into five different zoning categories, corresponding to the five parcels that the 74.6 acre farm had been divided into.

See attached Exhibit 1, which is a copy of the Application filed February 3, 2003.

In the 2003 Application, the owner of the farm represented the following:

After an extensive selection process, the owner of the property has selected a development team to purchase and develop the property in accordance with a carefully designed plan **that preserves a small farm area as open space** and provides for a mix of residences, basic retail services and office uses fronting on Route 100. The parties plan to execute a definitive agreement binding the property to the uses proposed.

In the 2003 Application, the owner of the farm further represented:

This proposal, if accepted, will provide a coordinated development **under highly restrictive covenants** that contemplate a mix of uses that are needed, but which are sensitive to and will compliment (*sic*) and serve the area, while not seeking maximum utilization of zoned land.

The zoning changes requested in the 2003 Application were granted, and as a result, the five parcels comprising the 74.6 acres were rezoned as follows (zoning for the originally intended office buildings and for the originally intended church parcel is not discussed here):

- The 7.4 acre farm parcel, known as the Curtis-Shipley Farmstead, 5771 Waterloo Road, received its current RC zoning designation. (Note: a small corner of the farm property, containing the historic cemetery, remained zoned R-20. The cemetery portion of the farm property is disregarded for purposes of this written testimony.)
- The area that is the current shopping center at Shipley's Grant received the B-1 zoning designation.
- The land immediately surrounding the farm that is now the residential portion of Shipley's Grant became R-A-15, which allows "high density apartments and single-family attached dwelling units."

Covenants

Extensive covenants controlling the development of all of the land surrounding the farm parcel were recorded. However, notwithstanding the representations contained in the 2003 Application, no covenants controlling development of the farm parcel itself were ever recorded nor have any such covenants ever been agreed to or even drafted. As a result, the farm parcel that is the subject of the current Application 37.011 is not bound by any covenants restricting development, requiring preservation of the historic structures or otherwise.

Historic Designation

Designation of any property as historic at the national, state, and county levels serves to recognize the property's historic nature and makes the owner of the property eligible to apply for grant and tax credit funding. However, the designation itself does not require preservation of the historic nature of the property or control redevelopment of the property unless the owner of the property accepts governmental grants or tax credits for work that benefits the property. In this case, the owner of the Curtis-Shipley Farmstead has not done that; therefore, the designation of the farm property as historic provides no protection.

The Shipley's Grant Community

Today, approximately 200 of a total of over 400 planned single-family residences have been built in the Shipley's Grant community. **The community is being built as intended by the farm owner: in a U-shape around the farm property, with the farm property serving as an open-space focal point for the community.** The community benefits from having the farm property as open space even if the farm property itself is not open for community use. These benefits include aesthetics, air, light, and density variation -- the very reasons that led to the farm being retained as open space in the 2003 Application.

Photographs

The photographs below illustrate the location of the farm property in relation to the surrounding housing:



The farmhouse (above) and barn and other outbuildings (below) with Shipley's Grant townhomes in the background.





The barn with Shipley's Grant townhomes in the background (above) and adjacent (below).



Position of the Shipley's Grant Homeowners Association

The Shipley's Grant HOA strongly opposes granting the requested change to B-1 zoning on the farm property for the following reasons:

- The B-1 would allow a multitude of commercial uses and development of the property literally across the street and outside the windows of many homes that were built and sold as homes that faced the open space of the farm property.
- Commercial development of a substantial portion of the farm property would necessarily include construction of a substantial parking lot, replacing green open space with asphalt, cars, and traffic.
- In 2003, the farm owner caused the farm to be "downzoned" from R-20 (approximately two houses per acre) to RC (rural conservation) in connection with the "upzoning" of the surrounding land to allow for a dense residential development to be built around the farm as an open-space focal point. Now that the surrounding dense housing has been built around the farm as an open-space focal point as intended, it would be unfair to allow the farm to be "upzoned" to B-1, potentially eliminating the open-space focal point of the community.

Opposition to the B-1 does not mean that the Shipley's Grant HOA opposes all commercial activity on the farm property. Rather, the HOA believes that any commercial activity or development that is to take place on the farm property should be conditioned on the following: (i) the activity and development should be consistent with the preservation of the farm as a historic property; (ii) the activity and development should preserve the bulk of the farm property as an open-space focal point of the community; and (iii) the activity and development should not have undesirable effects on the surrounding community or residential properties, such as a substantial increase in traffic, lighting, or noise.

In the absence of a specific development plan for the farm property, or even a development concept or proposal, that could be considered and approved by the community and the Department of Planning and Zoning, there can be no assurance that granting the B-1 zoning at this time would meet any of the foregoing conditions.

The Shipley's Grant HOA notes that the following commercial uses of the existing historic structures may be acceptable to the community with appropriate modest parking and related site modifications, **and such uses are permitted as conditional uses in the current RC zoning**: bed and breakfast inn, country inn, antique shop, art gallery, craft shop, professional office, museum, and library. Such commercial uses actually could add character and vibrancy to the community without detracting from the nature of the farm property as an open-space focal point of the community.

The Shipley's Grant HOA, through a committee, has engaged in a respectful dialog with the family that owns the farm through a trust. That dialog has included meetings with the owner's attorney and a community meeting at which the owners gave the community residents a walking tour of the farm property and participated in a question-and-answer

session hosted by the HOA committee. As a result of this dialog, the HOA does believe that the family that owns the farm is sincere in its stated desire to preserve the farm property. Nevertheless, the HOA believes that, in the absence of binding covenants that restrict redevelopment and commercial activities on the farm property, it would not be appropriate to change the zoning on the farm property to B-1.

The HOA appreciates that the Howard County Department of Planning and Zoning is recommending against rezoning to B-1.

Response to the Farm Owner’s Stated Rationale

Although the comprehensive rezoning process does not require a property owner to show “change” or “mistake” to obtain a change in zoning, the farm owner’s current Application 37.011 (copy attached as Exhibit 2) argues that the zoning should be made because of changed circumstances. Since those arguments were made, the Shipley’s Grant HOA must respond to them as follows:

Reason Stated in the Application

Shipley’s Grant HOA Response

<p>Lois L. Curtis required off-site medical care and then passed away.</p>	<p>While this is unfortunate, with the passage of time it was to be expected to occur eventually. Ms. Curtis was already elderly when the RC zoning was requested and established.</p>
<p>The large multi-building “<i>Shoppes at Shipley’s Grant</i>” containing stores and restaurants has been constructed immediately adjacent to the Farmstead.</p>	<p>This is not a change in circumstances. The shopping center was part of the original development plan for the community. The 2003 zoning amendment request stated that the development would include “4.8 acres of B-1 local commercial uses”.</p> <p>Even though situated directly across a road from <u>a portion of</u> the farm property, the shopping center is located on a corner of the community rather than at the center of the community. While some houses were built next to the shopping center, the shopping center is not a focal point of the residential portion of the community, as is the farm property.</p>

<p>Residential townhomes and condominium units have been constructed in “Shipley’s Grant” immediately adjacent to the Farmstead.</p>	<p>This is not a change in circumstances, but the fulfillment of the farm owner’s development plan for the community. In fact, the 2003 Application states:</p> <p>There are 44.4 acres of R-A-15 land. This will be limited to a total of 330 dwelling units, consisting of 250 townhouses and 80 Manor House Condominiums.</p>																				
<p>The economy has spiraled downward.</p>	<p>Since the Great Recession of 2008, the national economy has been slowly improving.</p> <p>With regard to Howard County’s economy, the following table illustrates the increasing prosperity of the Howard County household, by showing <i>per capita</i> income on a County-wide basis:</p> <table border="1" data-bbox="922 905 1300 1262"> <thead> <tr> <th>Year</th> <th>Per Capita Income</th> </tr> </thead> <tbody> <tr> <td>2003</td> <td>\$48,086</td> </tr> <tr> <td>2004</td> <td>\$51,980</td> </tr> <tr> <td>2005</td> <td>\$54,844</td> </tr> <tr> <td>2006</td> <td>\$58,170</td> </tr> <tr> <td>2007</td> <td>\$60,839</td> </tr> <tr> <td>2008</td> <td>\$63,431</td> </tr> <tr> <td>2009</td> <td>\$61,600</td> </tr> <tr> <td>2010</td> <td>\$63,289</td> </tr> <tr> <td>2011</td> <td>\$66,300</td> </tr> </tbody> </table> <p>Source: U.S. Department of Commerce Bureau of Economic Analysis</p>	Year	Per Capita Income	2003	\$48,086	2004	\$51,980	2005	\$54,844	2006	\$58,170	2007	\$60,839	2008	\$63,431	2009	\$61,600	2010	\$63,289	2011	\$66,300
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<p>The cost to own and maintain the Farmstead has increased significantly.</p>	<p>The Shipley’s Grant HOA committee has requested cost information from the farm owner several times but such information has not been provided. In any event, the condition of the farm property was known to the farm owner at the time that the RC zoning was requested, and it was certainly foreseeable that the farm would need to be maintained.</p>																				

<p>No economically viable opportunity to use, preserve, and maintain the Farmstead has arisen. The requested rezoning of the Farmstead to B-1 will provide the Trust with more economically feasible options in the current market for the use, preservation, and maintenance of the Farmstead than available under the current RC zoning while retaining for the Trust the continued right to use the Farmstead for farming.</p>	<p>The Shipley's Grant HOA is unaware of any efforts that the farm owner may have made to establish an income-producing business on the farm property other than growing and harvesting hay. In fact, we have been told that the farm owner family does not itself wish to operate a business on the farm property.</p> <p><i>The HOA believes that some or all of the following conditional uses under the current RC zoning may be viable: bed and breakfast inn, country inn, antique shop, art gallery, craft shop, professional office, museum, and library.</i></p>
---	---

CEF Zoning

If the farm owner desires to use the farm property to produce income for the perpetual support and preservation of the farm property through a commercial activity that is not currently permitted under the RC zoning, which is the farm owner's stated goal, the Shipley's Grant HOA believes that the newly adopted CEF zoning designation may in the future be an appropriate zoning change, provided that a specific type of commercial activity is proposed, and that activity and any development of the property necessary to conduct that activity does not have adverse effects on the surrounding community. In fact, the Shipley's Grant HOA has informed the farm owner family, through counsel and directly, that the community would work with the farm owner family to carefully consider and provide respectful feedback on any such proposal, recognizing that it is in our mutual interest to help provide for the perpetual preservation of the farm property and its continued service as an open-space focal point of our community.

Conclusion

The Shipley's Grant Homeowners Association thanks the Planning Board and the County Council for consideration of our position, which is to strongly oppose the requested rezoning of the Curtis-Shipley Farmstead to B-1.

After the comprehensive rezoning process, we hope to continue respectful dialog with the farm owner leading to binding covenants being recorded that would ensure preservation of the farm property in perpetuity. To the extent that the farm owner desires to propose a

specific commercial use or activity that would help support the farm property in perpetuity and that requires a change to the zoning of the property, the community will engage in that dialog and expects to be able to approve a specific plan that accomplishes the three goals articulated above in this written testimony, namely: (i) the activity and development should be consistent with the preservation of the farm as a historic property; (ii) the activity and development should preserve the bulk of the farm property as an open space focal point of the community; and (iii) the activity and development should not have undesirable effects on the surrounding community or residential properties, such as a substantial increase in traffic, lighting, or noise.

Attachments

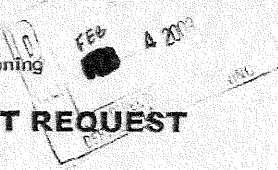
Exhibit 1 – 2003 Application

Exhibit 2 – 2012 Application

Exhibit 1

Attention: Steve Johns

Howard County Department of Planning and Zoning
Comprehensive Zoning - 2003



ZONING DISTRICT MAP AMENDMENT REQUEST

Property Description

Address: 5771 Waterloo Road, Ellicott City, MD 21043

Location: 37 1 4

(tax map no.) (grid/block no.) (parcel) (lots, if any)

Other: 01 162926 Liber: 5551 Folio: 613 Date:

(Tax Assessment Acct. #) (Current Deed Reference)

Agricultural 74.6 MXD-3 (R-20) See Attached.

(current land use) (no. acres) (current zoning) (requested zoning)

(If the request is for multiple parcels with different Tax Assessment Acct. #s provide this same information for each account #)

Owner Information

Name: Deep Run Property Management, LLC

Address: c/o Fred L. Coover, Esq., 10500 Little Patuxent Pkwy., Ste. 420, Columbia, MD 21044

Contact Information: (410) 997-7600 (410) 997-7896 fcoover@DavisCoover.com

(Telephone) (Fax) (Email)

Authorization: See ATTACHED LLC 2/3/03

(Signature) (Date)

Owner Representative Information (if applicable)

Name: Bozzuto Development Company and Bavar Properties Group, LLC

Address: c/o Richard B. Talkin, 5100 Dorsey Hall Drive, Ellicott City, MD 21042

Contact Information: (410) 964-0300 (410) 964-2008 rbtoffice@aol.com

(Telephone) (Fax) (Email)

Relationship (e.g. attorney, contract purchaser): Contract purchaser

Rationale/Basis for Request: See attached statement

(Please attach additional page(s) if more space is needed)

DPZ use only
Comzone/DRAFT date received: request #: 10/2002

2/3/03
INITIALS

Rationale and Basis For Request

This property is currently designated as MXD-3 (R-20) on the Zoning Map. The property is generally bounded by Route 100 on the East, Montgomery Run on the North, a BGE Right-of-Way on the Northwest and Route 108 and Snowden River Parkway on the South. After an extensive selection process, the owner of the property has selected a development team to purchase and develop the property in accordance with a carefully designed plan that preserves a small farm area as open space and provides for a mix of residences, basic retail services and office uses fronting on Route 100. The parties plan to execute a definitive agreement binding the property to the uses proposed.

Attached hereto is a map showing the general areas for which zoning is requested. The plan shows the following:

1. The Farm area is 7.46 acres to be zoned to the RC Zone as farm or open area use.
2. There are 44.4 acres of R-A-15 land. This will be limited to a total of 330 dwelling units, consisting of 250 townhouses and 80 Manor House Condominiums.
3. 4.8 acres of B-1 local commercial uses. Of this, 0.9 acres is to be used for a religious chapel.
4. 9.6 acres to be zoned either POR or PEC, depending upon final text legislation, for office uses.
5. 8.3 acres across Rt. 100 to remain as R-20.

This proposal, if accepted, will provide a coordinated development under highly restrictive covenants that contemplate a mix of uses that are needed, but which are sensitive to and will compliment and serve the area, while not seeking maximum utilization of zoned land.



N012003.02 V2 (02-04-03)

AUTHORIZATION

Property Identification:

Address of Subject Property 5771 Waterloo Road, Ellicott City, Maryland 21043
Total Acreage of Property 74.6 acres

Property Location:

Election District: 1 Zoning District: MXD-3 (R-20)
Tax Map # 37 Block # 1 Parcel/lot # 4
Subdivision Name (If Applicable): N/A

To whom it may concern:

Please be advised that the undersigned Owner(s) of the above-referenced Property hereby authorize Bozzuto Development Company and Bavar Properties Management (Petitioner ^{*Group, L} Name) to pursue a Comprehensive Zoning District Map Amendment for the Property upon the terms reflected in the Comprehensive Zoning-2003 Zoning District Map Amendment Request and Plans attached hereto (collectively the "Map Amendment Request").

Any requested or proposed modifications by the Petitioner(s) or its (their) counsel, Richard B. Talkia, Esquire to the Map Amendment Request will be ineffective in the absence of the expressed written consent of the undersigned to the same.

DEEP RUN PROPERTY MANAGEMENT, LLC

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

Date: 1/27/03

Contact Information:

Deep Run Property Management, LLC
c/o Fred L. Coover, Esquire
10500 Little Patuxent Parkway, Suite 420
Columbia, Maryland 21044
(O) (410) 997-7600
(F) (410) 997-7896
E-mail: fcoover@daviscoover.com

K:\DOCS\Client Files\Deep Run- Curtis Farm\Authorization Deep Run.doc



Exhibit 2

Zoning Map Amendment Request Form

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

[Handwritten/Typed Version]
Before filling out this form, please read the
Instructions section at the end of the form.

A. Property Information (Please print or type)

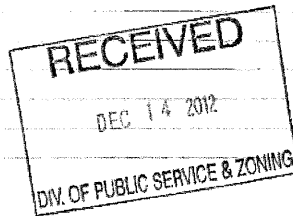
1	Address / Street (Only)	5771 Waterloo Road		
2	Tax Map Number	37	Grid	0001
3	Parcel(s)	0751		
4	Lot(s)	N/A		
5	Tax Account Data:	District	01	Account # 307541

6	Size of Property:	Acres	7.46 Acres	Square feet
---	-------------------	-------	------------	-------------

7	The Property is currently zoned:	RC (Rural: Conservation)
	I request that the Property be rezoned to:	B-1 (Business: Local)

B. Owner Information

8	Owner Name	Robert L. Curtis, Jr., Trustee of The Lois Lucille Curtis Revocable Trust dated February 28, 1997
9	Mailing street address or Post Office Box	191 Miller Hollow Lane
	City, State	Lake City, Tennessee
	ZIP Code	37769
	Telephone (Main)	
	Telephone (Secondary)	
10	E-Mail	



C. Representative Information

11	Name	Fred L. Coover, Esquire COOVER LAW FIRM, LLC
	Mailing street address or Post Office Box	10500 Little Patuxent Parkway Suite 420 - Parkside Building
	City, State	Columbia, Maryland
	ZIP	21044-3563
	Telephone (Main)	410-995-1100

Telephone (Secondary)	443-812-1575
E-Mail	fcoover@cooverlaw.com
12 Association with Owner	Attorney

D. Alternate Contact [If Any]

Name	None
Telephone	
E-Mail	

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

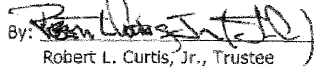
13	<p>The subject property, referenced herein as the "Farmstead", (a) contains approximately 7.46 acres; (b) is owned by The Lois Lucille Curtis Revocable Trust dated February 28, 1997 (the "Trust"); (c) was once part of Curtis Farm; and (d) is improved by the farmhouse, barn and outbuildings that were constructed on Curtis Farm. Since 2003, Bozzuto Homes, Inc. ("Bozzuto") and its assigns have purchased and rezoned the land surrounding the Farmstead once part of Curtis Farm to both B-1 and R-A-15 and thereafter developed and constructed a mixed use development known as "Shipley's Grant" containing a Shopping Center known as the "Shoppes at Shipley's Grant" and a complex of residential townhouses and condominiums currently under construction. The Trust sought and was granted the current "RC" zoning incident to rezoning of the adjacent property by Bozzuto years ago. In the years that have passed (1) Lois Lucille Curtis who lived on the Farmstead passed away; (2) the neighborhood surrounding the Farmstead has changed from relatively rural - single family uses to predominantly commercial and more dense townhome and condominium residential uses; (3) the economy has spiraled downward; (4) the cost to own and maintain the Farmstead has increased significantly; and (5) no economically viable opportunity to use, preserve and maintain the Farmstead and the buildings constructed thereon as zoned has arisen.</p> <p>B-1 zoning is more appropriate for the Farmstead than RC zoning given each of (a) the size and location of the Farmstead; (b) the nature of uses on the Farmstead and surrounding properties; and (c) the Policies and Implementing Actions contained in PlanHoward 2030 applicable to the Farmstead and the surrounding area. The requested rezoning of the Farmstead to B-1 will provide the Trust with more economically feasible options for the use, preservation and maintenance of the Farmstead in keeping with both (a) the Policies and Implementing Actions of PlanHoward 2030; and (b) in the current economic market than available under the current RC zoning while retaining the continued right to use the Farmstead for agricultural purposes.</p> <p>See Attached Statement of Justification</p>
----	--

F. List of Attachments/Exhibits

14	Ex A - Revision Plat - Shipley's Grant - MDR Plat No. 18736 - Property highlighted in <u>green</u>

G. Signatures

15 Owner The Lois Lucille Curtis Revocable Trust dated February 28, 1997 Owner (2)

By: 
Robert L. Curtis, Jr., Trustee

Date 12/14/12

Date

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

16 Representative Signature


Date 12/14/12

DPZ Use Only	JRC	Amendment No.	37.011
Notes			

STATEMENT OF JUSTIFICATION

ZONING MAP AMENDMENT REQUEST OF
THE LOIS LUCILLE CURTIS REVOCABLE TRUST DATED FEBRUARY 28, 1997

7.46 ACRES
MAP 37, GRID 001, PARCEL 0751
5771 WATERLOO ROAD
ELICOTT CITY, MARYLAND 21043-0000

The Curtis Family acquired several large contiguous parcels containing approximately **90.51 acres** starting in 1949 and used the same for farming purposes (the "Curtis Farm").

In recent years, the Curtis Family owned the Curtis Farm principally through their entity, "*Deep Run Property Management, LLC*" ("Deep Run"); and two (2) trusts; namely, "*The Robert Lee Curtis Revocable Trust dated February 28, 1997*" and "*The Lois Lucille Curtis Revocable Trust dated February 28, 1997*".

As time passed and population densities changed, the economic viability of the Curtis Farm became more challenging, the land more valuable and the cost of ownership more expense.

The Route 100 right-of-way severed an unimproved portion of the Curtis Farm now owned by Deep Run containing approximately **8.9 acres** (the "Severed Parcel"). The Severed Parcel is the subject of a separate Zoning Map Amendment Request filed on or about December 14th, 2012.

The subject Property, now referenced as the "*Farmstead*", (a) contains approximately **7.46 acres**; (b) is owned by The Lois Lucille Curtis Revocable Trust dated February 28, 1997 (the "Trust"); (c) was once part of Curtis Farm; (d) is designated as "*Parcel 1*" in that certain deed dated June 13th, 2001 and recorded amount the Land Records of Howard County in Liber 5543, Folio 0500; and (e) is improved by the farmhouse, barn and outbuildings that were constructed on Curtis Farm.

In approximately 2003, the Curtis Family contracted to sell all of the Curtis Farm other than the Severed Parcel and the Farmstead to Bozzuto Homes, Inc. ("Bozzuto") and its assigns (the "Transferred Land").

Bozzuto thereafter rezoned portions of the Transferred Land to both B-1 (Business: Local); and R-A-15 (Residential: Apartments) in furtherance of a complex and restrictive Development Agreement with Deep Run involving restrictive covenants recorded among the Land Records of Howard County imposed by the Curtis Family (the "Covenants") through Deep Run.



STATEMENT OF JUSTIFICATION
PAGE 1 OF 2

Through the Covenants and Deep Run, the Curtis Family continues to control the intensity of retail, commercial and residential uses that may be constructed on the Transferred Land.

Bozzuto subsequently developed the Transferred Land into the mixed use development known as "Shipleys Grant" containing a Shopping Center known as the "Shoppes at Shipleys Grant" and a complex of residential townhouses and condominiums currently under construction.

Through the Trust, the Curtis Family had hoped to both (a) retain and preserve the personal residence of Lois L. Curtis then located on the Farmstead; and (b) retain and preserve the rural "farm" appearance and feel of the Farmstead for generations to come.

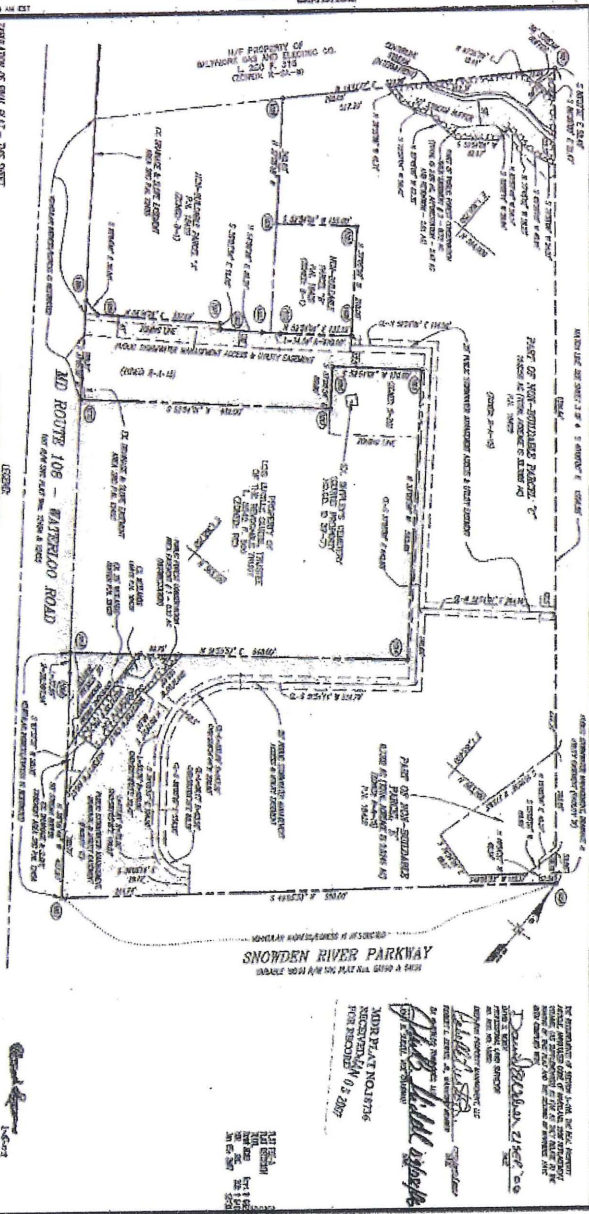
The Trust sought and was granted the current "RC" zoning incident to rezoning of the Transferred Property by Bozzuto years ago. In the years that have passed:

1. Lois L. Curtis required off-site medical care and then passed away;
2. the large multi-building "Shoppes at Shipleys Grant" containing stores and restaurants has been constructed immediately adjacent to the Farmstead;
3. residential townhomes and condominium units have been constructed in "Shipleys Grant" immediately adjacent to the Farmstead;
4. the economy has spiraled downward;
5. the cost to own and maintain the Farmstead has increased significantly; and
6. no economically viable opportunity to use, preserve and maintain the Farmstead has arisen.

The requested rezoning of the Farmstead to B-1 will provide the Trust with more economically feasible options in the current market for the use, preservation and maintenance of the Farmstead than available under the current RC zoning while retaining for the Trust, the continued right to use the Farmstead for farming.



ZONING MAP AMENDMENT REQUEST OF
THE LOIS JUDITH CURTIS REVOCABLE TRUST DATED FEBRUARY 28, 1997



COMMISSIONER OF STATE PLANNING - THE STATE

PLANNING BOARD

ZONING BOARD

APPLICANT: Lois Judith Curtis Revocable Trust
 11111 Baybridge Road
 Suite 100
 Annapolis, MD 21403

PROPOSED ZONING: R-100-1
EXISTING ZONING: R-100

PROPOSED USE: Single-Family Detached Dwelling
EXISTING USE: Single-Family Detached Dwelling

PREPARED BY: [Signature]

DATE: [Date]

REVISIONS:

NO.	DATE	DESCRIPTION
1	02/28/97	Initial Submission
2	03/10/97	Revised Submission
3	03/20/97	Final Submission

COMMISSIONER'S DECISION:

RECOMMENDATION:

NOTICE: This map amendment request is subject to the provisions of the zoning ordinance and the rules and regulations of the Department of Planning and Zoning. The applicant is responsible for providing all necessary information and documentation to support this request.

CLAYTON W. HARRIS, Director

DEPARTMENT OF PLANNING AND ZONING

11111 BAYBRIDGE ROAD, SUITE 100, ANNAPOLIS, MD 21403

PHONE: 410-261-1000

FAX: 410-261-1001

WWW: www.dpa.state.md.us

Ex A - Revision Plat - Shipley's Grant - MDR Plat No: 18736

SUBMITTED AS WRITTEN TESTIMONY ONLY
ON APRIL 8. I WAS NOT ALLOWED TO SPEAK
BECAUSE I SPOKE AT THE MARCH 27 HEARING.
Planning Board Testimony – April 8, 2013

Elliott Cowan

6050 Logans Way, Ellicott City, MD 21043

In opposition to Amendment No. 37.011

I am speaking on behalf of the Shipley's Grant Homeowners Association and the approximately 200 households in the Shipley's Grant community.

I was one of the first speakers at the March 27 hearing. Hopefully you remember some of my testimony and you have reviewed the written testimony with photographs that I submitted prior to the March 27 hearing.

I do not intend to repeat my prior testimony tonight. In fact, I had not planned on testifying tonight, but last Friday I received letters from the property owner's attorney that informed me of changed circumstances, which I want to address in my testimony tonight.

Last Friday, on April 5, by letter addressed to Robert Lalush of the Department of Planning and Zoning, the property owner's attorney **withdrew and abandoned** the request to change the zoning of the subject property from RC to B-1. As far as the HOA is concerned, that

withdrawal and abandonment should end consideration of any zoning change as part of the comprehensive rezoning process.

However, in the same letter, the property owner's attorney purported to amend the request to seek POR instead of B-1. The community does not believe that Amendment 37.011 should be allowed to proceed, considering that the request for POR was made after the December 14, 2012 filing deadline and on the eve of the Planning Board's last public hearing.

In any event, at this time, the Shipley's Grant Homeowners Association strongly opposes changing the zoning on this property to POR. Our reasons are similar to our reasons for opposing the B-1 zoning. Those reasons are stated at length in my prior written testimony.

The reason that I felt that I must appear before you this evening and present additional testimony, is that the property owner's April 5 letter to Mr. Lalush stated that the Shipley's Grant community supports the POR zoning. I have sent a letter correcting that statement, but in case that letter found its way to your desks, I want to make sure that the records of your proceedings are clear on this point as well. **At this time, the community opposes POR zoning.**

The property owner's attorney provided me last Friday afternoon with draft covenants intended to ensure preservation of the **historic structures** on the property. However, those covenants **do not restrict**

development of the rest of the property in any way. There is a large field behind the historic structures which is actually much more visible to the community than the historic structures themselves. Unless the covenants protect that field as part of the “open space focal point of the community,” changing the zoning from RC to either B-1 or POR risks intense development of that field by the current or a future owner.

Under POR, the current or a future owner could construct an office building up to 80 feet tall, or about six stories.

Of course, construction of such a building and the parking facility necessary to serve it would make a mockery of the property owner’s original 2003 plan for the Shipley’s Grant community to be built around an **open space focal point**. But with POR zoning and without sufficient protection from covenants, there would be no legal impediment to the current or any future owner of the property doing exactly that.

To close, unless we have reached agreement on covenants that protect the entire 7.4 acre property, not just the historic structures, the zoning should remain RC. As stated in the RC zoning regulation, one of the purposes of the RC zoning is to “**permanently protect from development the tracts of land which remain after permitted residential development has occurred.**”¹ **That was the basis on which the surrounding land was rezoned and sold for development.**

¹ Section 104 of the Howard County Zoning Regulations, Section A (Purpose), third paragraph

If the property owner later wishes to pursue a commercial activity not permitted in RC either by right or as a conditional use, CEF zoning should be pursued based on a specific development plan that can be considered on its merits.

A photograph showing how much of the Farmstead property is at risk of development if only the structures are protected is attached to this testimony.

As supplemental written testimony, I am presenting written copies of these remarks. Thank you.

Elliott Cowan, Chairperson
ShIPLEY'S Grant HOA Committee on the Potential Rezoning of the Curtis-
ShIPLEY Farmstead
6050 Logans Way
Ellicott City, Maryland 21043
ecowan@gfrlaw.com



THIS AREA
NOW BUILT
OUT WITH
TOWNHOUSES.

"
"

Requested Zoning

Search Street:

PEBBLE CREEK DR

Next

Property Information:

Amendment No.: 37.013

Current Zoning: R-20

Requested Zoning: R-ED

Tax Account ID.: 1401274848

Map: 37

Grid: 11

Parcel: 698

Lot:

Acres: 6.84

Address: 7209 PEBBLE CREEK DR

City/State/Zip: ELKRIDGE, MD 21075

Owner:

Name: GP North, LLC

Email: CashJD@aol.com

Phone: 301-343-8092

Mailing Address: 672 Old Mill Road, Suite 308

City/State/Zip: Millersville, MD 21108

Representative:

Name:

Email:

Phone:

Mailing Address:

City/State/Zip:

Decision:

Planning Board Decision:

Planning Board Vote:

Council Decision:

Council Vote:

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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

7209 Pebble Creek Drive

1	Address / Street (Only)	No address, public records shows as "Montgomery Rd" only. Please note that the property is located at the terminus of Deborah Jean Drive not Montgomery Road.		
2	Tax Map Number	0037	Grid	0011
3	Parcel(s)	0698		
4	Lot(s)			
5	Tax Account Data:	District	01	Account # 274848

6	Size of Property:	Acres	6.84	Square feet	
---	-------------------	-------	------	-------------	--

7	The Property is currently zoned:	R-20
	I request that the Property be rezoned to:	R-ED

B. Owner Information

8	Owner Name	GP North, LLC
9	Mailing street address or Post Office Box	672 Old Mill Road, Suite 308
	City, State	Millersville, MD
	ZIP Code	21108
	Telephone (Main)	(301) 343-8092
	Telephone (Secondary)	
	Fax	(301) 637-3543
10	E-Mail	CashJD@AOL.com

RECEIVED

DEC 14 2012

DIV. OF PUBLIC SERVICE & ZONING

C. Representative Information

11	Name	
	Mailing street address or Post Office Box	
	City, State	
	ZIP	
	Telephone (Main)	

C. Representative Information

	Telephone (Secondary)	
	Fax	
	E-Mail	
12	Association with Owner	

D. Alternate Contact [If Any]

	Name	R. Jacob Hikmat
	Telephone	(410) 997-0296
	E-Mail	Jacobhikmat@yahoo.com

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

13	<p>The referenced property consists of 6.84 acres of which about 3 acres are floodplain. This constitutes about 45% of the property. The development of this property in accordance with the current R-20 zoning would necessitate the inclusion of the floodplain within residential lots in order to properly develop the property. We believe that it is best to contain the floodplain in an open space lot and provide the required Forest Conservation on site.</p> <p>This property best fit the objectives of R-ED and should have been zoned as such.</p>
----	--

F. List of Attachments/Exhibits

14	<ol style="list-style-type: none"> Zoning Map Floodplain limits exhibit (Howard County FEMA)
----	--

G. Signatures

15	Owner	J. Douglas Cashmere, President	Owner (2)	
	Date	12/14/12	Date	

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

16	Representative Signature	
	Date	

DPZ Use Only	JRC	Amendment No.	37.013
Notes			

H. Instructions for the Comprehensive Zoning Plan Zoning Map Amendment Request Form

General Instructions	<p>This form was designed for use as a Microsoft Office Word 2007 document. It is preferred that these request forms be filled out using this Word version. If you want to fill out a hand-written (or typed) request form instead, there is a different form available for that method.</p> <p>To move between the table entry areas, you can Tab or Right Mouse Click. The table entry areas are formatted; do not alter this formatting.</p> <p>You must maintain the integrity of the request form as a two-page form. The table areas within the form are "expandable", but request forms expanded beyond the two-page format will be not be accepted. If you cannot fit the information within the allotted space, mainly in Section E and Section F, include attachments as indicated in the instructions below.</p> <p>Only paper request forms with original signatures will be accepted for processing (i.e., no email or faxed versions). When you submit the request form, please <u>do not include these instruction pages.</u></p>
----------------------	--



THESE INSTRUCTIONS ARE KEYED TO THE ITEM NUMBERS TO THE LEFT OF THE AREAS TO ENTER INFORMATION.

8	Owner Name
1	Enter the street address number and the street name only (not the "City, State, Zip"). Only use the official address number and street name as assigned by Howard County [the addresses given in the State Department of Assessments and Taxation data can often not be the official addresses, and could lead to confusion.]
2	Enter the one or two digit Tax Map number and Grid number as assigned to the property/properties by the State Department of Assessments and Taxation ("SDAT"). If you do not know, you can determine these online by going to: http://sdatcert3.resiusa.org/rp_rewrite/ , and search for Howard County properties.
3 & 4	Enter the Parcel and Lot number(s) as assigned by SDAT. Multiple numbers should be separated commas. If there is no Lot number, enter "N/A". Do not enter any other numbers which may be shown on the SDAT search page under "Sub District", "Subdivision", "Section", "Block", or "Assessment Area".
5	Enter the two digit District number and the six digit Account number as assigned by SDAT. These appear near the top of the SDAT search page as Account Identifier: District - 02 Account Number - 218488
6	If the property is one acre or larger, enter the number in "Acres". If the property is smaller than one acre, enter the number in "Square Feet". Leave the other one blank.
7	For these entries, you must enter the Zoning District "codes" as listed on Page 2 of the Zoning Regulations, (for a link to the Zoning Regulations, go to www.howardcountymd.gov/compzoning), or eventually, the codes for new districts that may be proposed in the Comprehensive Zoning Plan. Enter the code only, (examples; "RC" or "B-2"), not the description (examples; "Rural Conservation" or "Business: General"). You must enter a single specific district request. Do not enter multiple district requests (i.e., "B-1 or B-2 or SC"; "R-SA-8 or R-A-15").
8	Enter the property owner(s) name according to the SDAT search page for the property, except you do not need to put the last name first like SDAT does. If the property owner is a business entity of some type, enter the business entity name.
9	Enter the mailing address at which the property owner(s) will directly receive mail, and the telephone number(s) which can be used to directly contact the property owner(s). If the property owner is a business entity, also enter the appropriate contact person's name next to the telephone number(s).
10	Enter the email address(es) which can be used to contact the property owner(s). Although this entry is optional in consideration of those who may not use email, it is highly recommended that you provide this information if you do use email because email is a quick, effective, and relatively non-intrusive method of contacting applicants. If you are reluctant to provide a personal email address, please consider setting up an alternate email address for this purpose.
11	Enter the name and other contact information of the person officially representing the property owner(s), if applicable.
12	Enter the description of how the representative is associated with the property owner(s) (e.g., "Attorney", "Contract Purchaser", "Employee", "Designated Representative")

GP NORTH, LLC
TM 37 P 698

Street View Help Disclaimer

Howard County, MARYLAND

Search Development Plans & Public Meetings

Search | Set Zoning Off | Set Address Labels On

Tip: Single click on map for Property Information

Search

Address

Street Intersection

Keyword

Sign Code

Double Click on Map

Upcoming Meetings and Hearings

Newly Submitted Plans and Waivers

Select one of Search button above

Map showing zoning districts (R-12, R-20, R-SC, PEC, M-1) and a highlighted property area labeled 'PROPERTY'. The map includes a search interface on the left with various filters and a zoomed-in view of the property area.

This is a certified true copy *DES*

Absolute Title Group, Incorporated
File No. 1108002
Tax ID# 01-274848

This Deed, made this 7th day of December, 2012, by and between The Bank of Glen Burnie, party of the first part, GRANTOR; and GP North, LLC, party of the second part, GRANTEE.

- *Witnesseth* -

That in consideration of the sum of ONE HUNDRED SEVENTY FIVE THOUSAND DOLLARS 00/100 (\$175,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said GRANTOR does grant and convey to the said GP North, LLC, in fee simple, all that lot of ground situate in the County of Howard, State of Maryland, and described as follows, that is to say:

See as to Exhibit A:

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said GP North, LLC, in fee simple.

And the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

The Bank of Glen Burnie

[Signature]
By _____

STATE OF MARYLAND, COUNTY OF Anne Arundel, TO WIT:

I hereby certify that on this 7th day of December, 2012 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared John E. Porter, who acknowledged himself/herself to be the of the Grantor corporation, and that as such officer, being authorized to do so, executed the foregoing Deed for the purposes therein contained, by signing the name of the Corporation, by himself/herself as such officer and further, did certify that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer or all, or

Exhibit A

BEGINNING FOR THE SAME at an iron pipe found at the beginning of the sixth or South 08 degrees 59 minutes 38 seconds West 900 foot line of the 15.6 acre parcel described in a Deed dated October 3, 1974 and recorded among the Land Records of Howard County in Liber 699, Folio 308, was conveyed by George K. Zellman, Personal Representative, et al. to George K. Zellman, thence running with said sixth line and part of the seventh line the two following courses and distances: (1) South 08 degrees 58 minutes 40 seconds East 901.63 feet to an iron pipe found (2) South 57 degrees 14 minutes 10 seconds West 77.78 feet to a point in or near the center of an existing stream, thence leaving said seventh line and running for new lines of division with the existing stream the seven following courses and distances: (3) North 44 degrees 29 minutes 00 seconds West 161.51 feet (4) North 45 degrees 07 minutes 00 seconds West 116.00 feet (5) North 47 degrees 58 minutes 00 seconds West 65.00 feet (6) North 48 degrees 28 minutes 00 seconds West 19.00 feet (7) North 36 degrees 47 minutes 00 seconds West 60.00 feet (8) North 42 degrees 09 minutes 00 seconds West 140.00 feet (9) North 42 degrees 46 minutes 00 seconds West 65.78 feet thence leaving said stream and continuing for lines of division (10) North 45 degrees 22 minutes 47 seconds East 224.88 feet (11) North 39 degrees 14 minutes 40 seconds East 82.75 feet (12) North 73 degrees 18 minutes 45 seconds East 84.59 feet (13) North 52 degrees 16 minutes 46 seconds East 54.53 feet (14) North 07 degrees 05 minutes 20 seconds West 37.94 feet to a point on the southern right-of-way line of future Deborah Jean Drive (50 feet wide) thence with said right-of-way line (15) by a curve to the right in a Northwesterly direction with a radius of 341.00 feet for a distance of 110.78 feet the arc of which is subtended by a chord bearing of North 49 degrees 33 minutes 22 seconds West 110.29 feet thence leaving said right-of-way and continuing for lines of division (16) South 49 degrees 11 minutes 26 seconds West 136.97 feet (17) South 40 degrees 48 minutes 34 seconds East 52.48 feet (18) South 39 degrees 14 minutes 40 seconds West 87.80 feet (19) South 45 degrees 22 minutes 47 seconds West 220.59 feet to a point in or near the center of an existing stream, thence with it the six following courses and distances (20) North 42 degrees 46 minutes 00 seconds West 13.19 feet (21) North 43 degrees 10 minutes 00 seconds West 84.00 feet (22) North 31 degrees 40 minutes 00 seconds West 61.00 feet (23) North 40 degrees 38 minutes 00 seconds West 39.00 feet (24) North 70 degrees 59 minutes 00 seconds West 49.00 feet (25) North 80 degrees 00 minutes 00 seconds West 40.00 feet to a point on the eighth line of said aforementioned Deed, thence with part of said line and also leaving said stream (26) North 06 degrees 06 minutes 10 seconds West 81.74 feet to a point at the end of the seventh or North 56 degrees 18 minutes 36 seconds West 166.87 foot line of the land which by Deed dated June 28, 1993 and recorded among the Land Records of Howard County in Liber 2903, Folio 238, was conveyed by George K. Zellman to Marshalee Woods Limited Partnership, thence reversely with the seventh and sixth lines of said Deed (27) South 56 degrees 18 minutes 27 seconds East 166.87 feet (28) North 03 degrees 50 minutes 48 seconds East 133.53 feet to a point at the end of the South 83 degrees 50 minutes 48 seconds West 91.20 foot line of the land which by Deed dated August 26, 1993 and recorded among the Land Records of Howard County in Liber 2964, Folio 87, was conveyed by F. G. Marker Co., Inc., to Marshalee Woods Limited Partnership, thence reversely with said line (29) North 83 degrees 50 minutes 48 seconds East 91.20 feet to a point at the beginning of the fourth line of said first herein mentioned Deed, thence with said fourth and fifth lines the two following courses and distances (30) North 00 degrees 28 minutes 32 seconds West 65.20 feet (31) North 79 degrees 16 minutes 49 seconds East 378.00 feet to the point of beginning.

CONTAINING 6.8421 acres of land, more or less.



Howard County Council

George Howard Building
3483 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

GP North, LLC
672 Old Mill Road, Suite 308
Millersville, MD 21108

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.

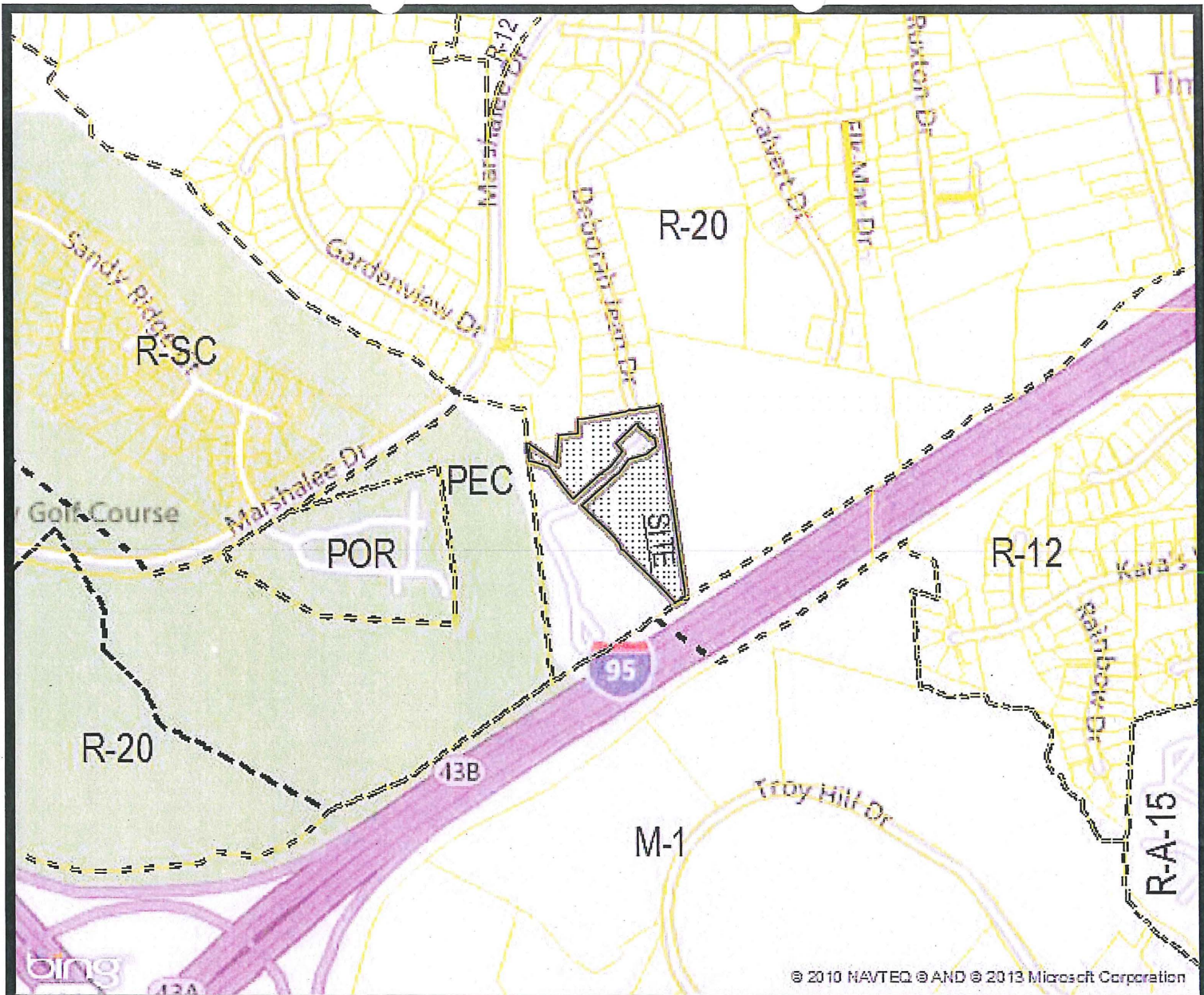
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits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



© 2010 NAVTEQ © AND © 2013 Microsoft Corporation

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: 37.013 Tax ID: 1401274848
 Current Zoning: R-20 Council District: 1
 Tax Map: 37 Grid: 11 Parcel: 698 Lot: N/A
 Address: 7209 PEBBLE CREEK DR