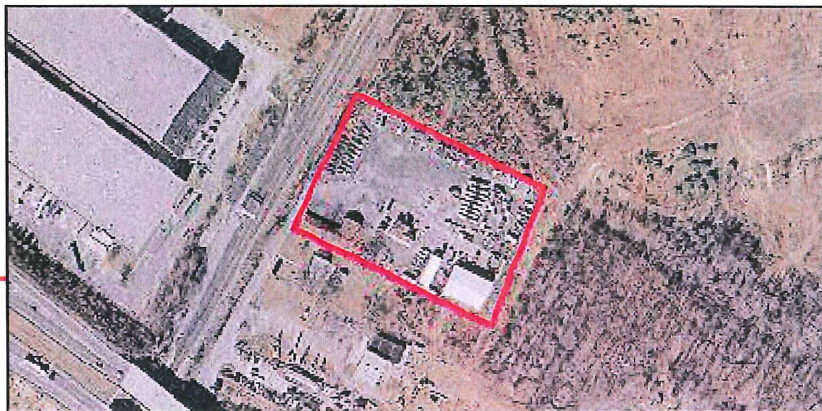
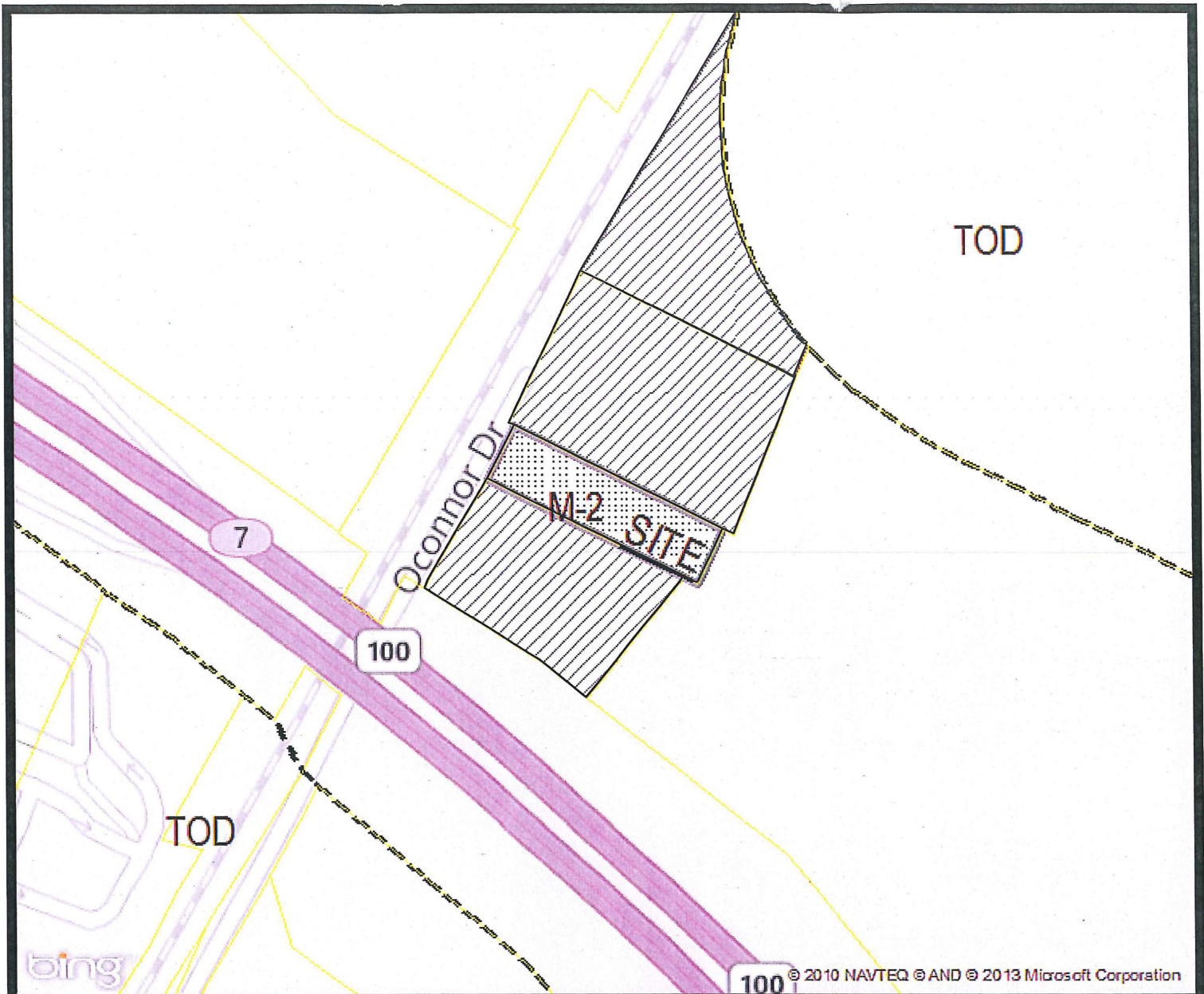


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	39	40	41	42	43	44
		45	46	47	48	
			50			



Zoning Map General Plan Amendment: 44.001 Tax ID: 1401160575  
 Current Zoning: M-2 Council District: 2  
 Tax Map: 44 Grid: 1 Parcel: 1 Lot: N/A  
 Address: 6910 O'Conner Drive



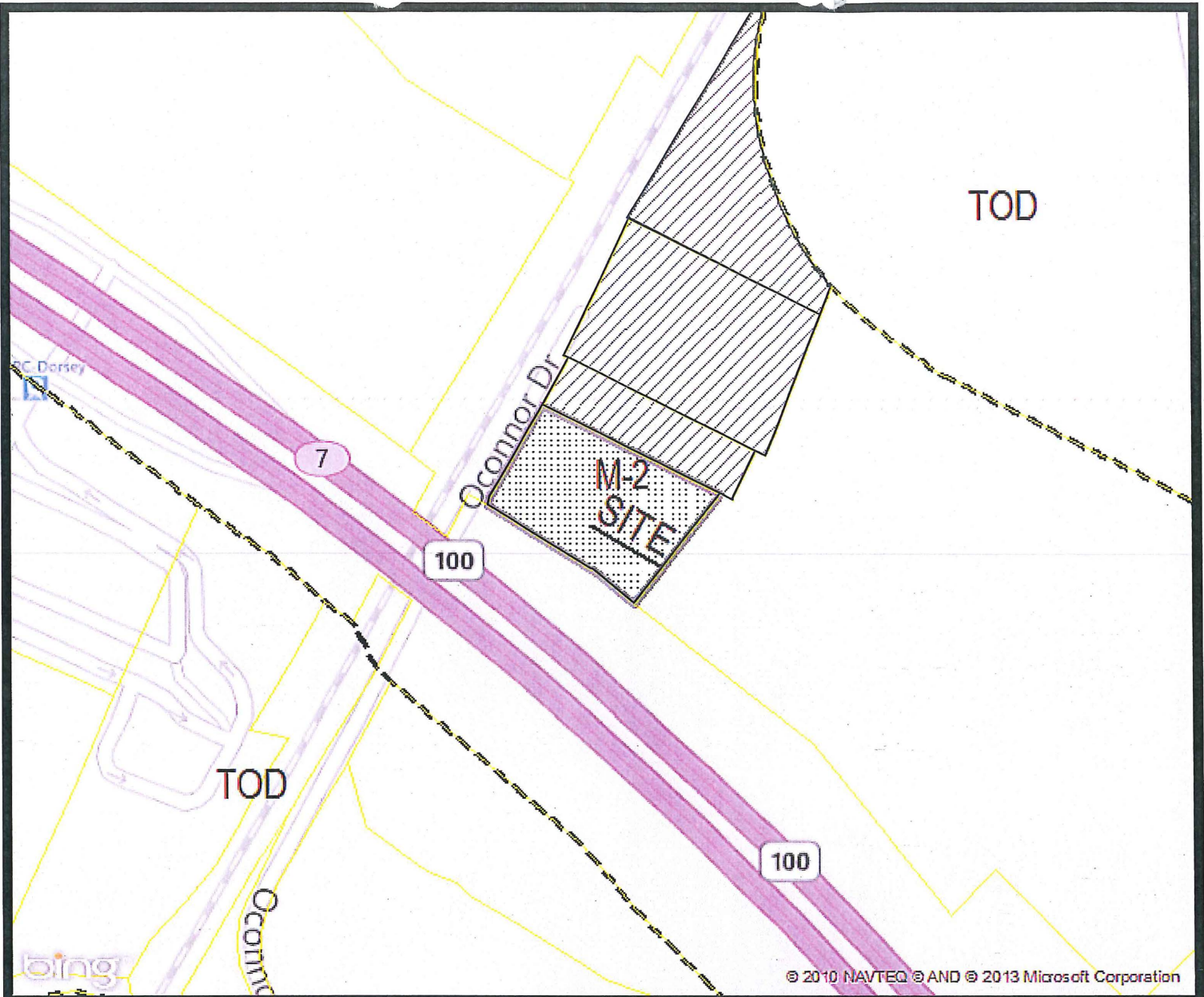


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	39	40	41	42	43	44
		45	46	47	48	
			50			



Zoning Map General Plan Amendment: 44.001 Tax ID: 1401160583  
 Current Zoning: M-2 Council District: 2  
 Tax Map: 44 Grid: 1 Parcel: 7 Lot: N/A  
 Address: 6930 OConner Drive



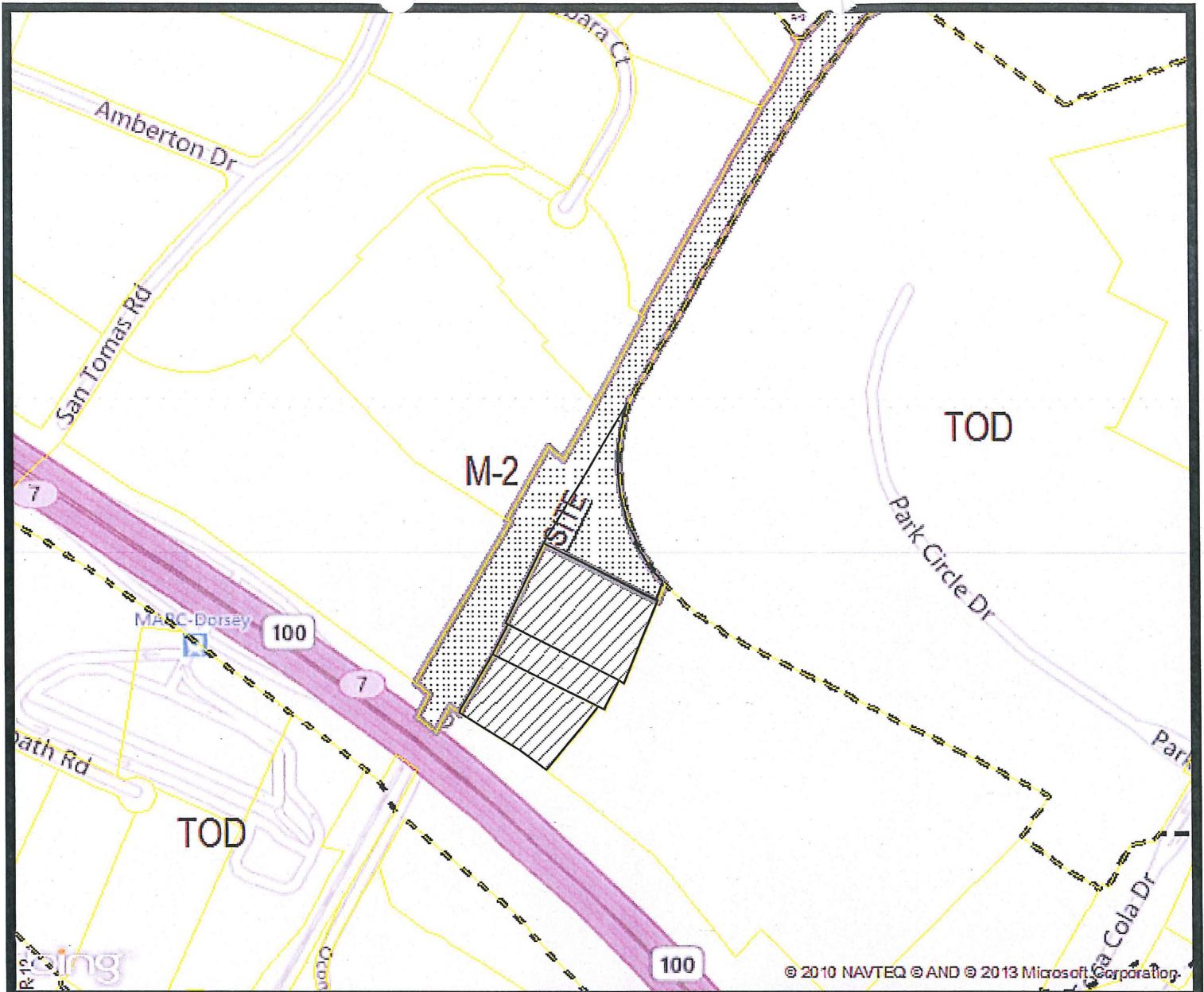


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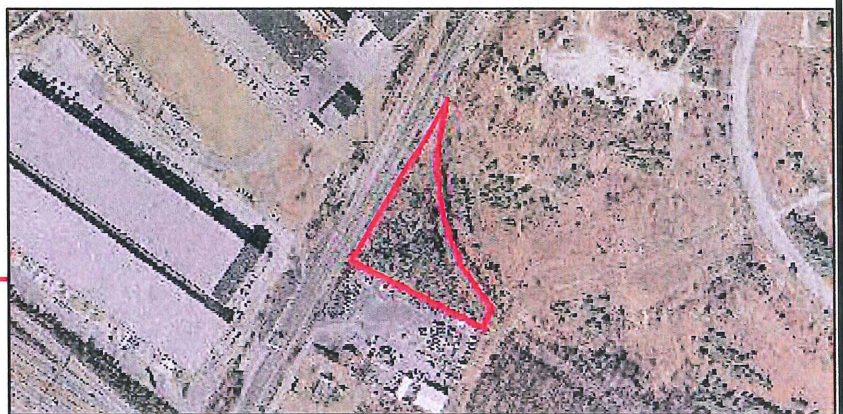


Zoning Map General Plan Amendment: **44.001** Tax ID: **1401178458**  
 Current Zoning: **M-2** Council District: **2**  
 Tax Map: **44** Grid: **1** Parcel: **2** Lot: **N/A**  
 Address: **6940 Oconner Drive**





1	2	3	4	5		
6	7	8	9	10	11	
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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: **44.001** Tax ID: **N/A**  
 Current Zoning: **M-2** Council District: **2**  
 Tax Map: **0** Grid: **0** Parcel: **0** Lot: **0**  
 Address: **NO ADDRESS**

CW  
CMBRS  
ST  
TW  
~~CZ~~  
SP

44.001

June 21, 2013

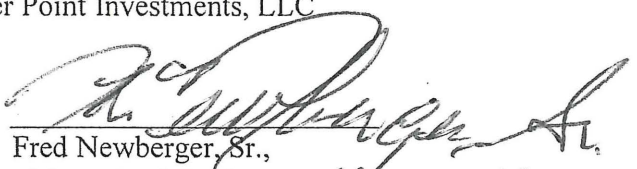

Howard County Council  
3430 Courthouse Drive  
Ellicott City, Maryland 21043  
ATTN: Courtney Watson

Re: Comprehensive Zoning on O'Conner Drive  
Item No. 44.01 Parcel 2

Dear Ms. Watson and Council Members:

Please be advised that Otter Point Investments, LLC, would ask the county council to leave the existing zoning of the M2 district on its property.

Otter Point Investments, LLC

By:   
Fred Newberger, Sr.,  
Managing Member 

Carney, Kelehan  
Bresler, Bennett  
& Scherr LLP

ATTORNEYS AT LAW

[dac@carneykelehan.com](mailto:dac@carneykelehan.com)

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Thomas M. Meachum  
Judith S. Bresler  
Michael S. Molinaro  
Eric C. Broussides  
Michelle DiDonato  
B. Darren Burns  
Manisha S. Kavadi  
Heather S. Swan  
Andrew H. Robinson  
Karen S. Ellsworth  
Lisa L. Bennett

OF COUNSEL:  
Fulton P. Jeffers

IN MEMORIAM:  
Laurence B. Raber

June 19, 2013

Attn: Jennifer Terrasa, Chairperson  
Howard County Council  
3430 Courthouse Drive  
Ellicott City, MD 21043

RE: Comprehensive Rezoning  
American Paving Fabrics, Inc. ("American Paving")  
6910 O'Connor Drive  
Hanover, MD 21076  
Request No. 44.001

Dear Chairperson Terrasa and Council Members:

We represent American Paving Fabrics, Inc. American Paving property and the other properties along O'Connor Drive, in Howard County, are zoned M-2. The first time that American Paving had knowledge of the suggested TOD zoning from DPZ, was when they received notification from DPZ approximately 3-1/2 months ago. American Paving does not want the TOD zoning district.

Preston Capital Management, Inc., filed a piecemeal zoning case in early 2007 on the former Coca Cola property, and received TOD zoning district, changing the M-2 property pursuant to a Decision and Order dated September 13, 2010, in a 3-2 decision. The property owners along O'Connor Drive did not receive notice of the Preston Capital filing because the CSX property was the only property adjacent to the Coca Cola property on the southwest side. We are advised that present Zoning Board members have familiarity with the case.

After the zoning decision, the successors to Preston Capital Management, Inc., filed a Sketch Plan on June 21, 2011. On sheet 6 of 11 it contains a suggested "Conceptual Vision for Connection to Dorsey MARC Station" depicted running from the Coca Cola property through the CSX property, American Paving, Brownley and the Otter Point Investment, LLC properties as set forth in Exhibit A. The developer, Preston Scheffenacker Properties, noted several existing right-of-ways on sheet 6, noting that the right-of-ways went across American Paving and the Brownley properties. Not so. The cited right-of-ways were not granted across the American Paving and Brownley properties.

Howard County Council  
June 19, 2013  
Page 2

On or after the early part of 2012, the owners of the American Paving property had several meetings with David Scheffenacker, Jr. and his employees concerning the prospective sale of their properties. The Brownley family also had separate meetings with Mr. Scheffenacker. At no time did the predecessor in title to the Coca Cola property have any right-of-ways that impacted the land of American Paving according to two title searches on the American Paving property.

On the Oxford Square plan, they note a proposed right-of-way of an approximate 40 foot easement across the front of American Paving, Brownley and Otter Point properties. Apparently, Oxford Square needs a 40 foot wide walking path. David Scheffenacker in a meeting with Shawn McGrath approximately two months ago advised that he had acquired a contract to purchase the CSX property between the Coca Cola site and the American Paving property. American Paving utilizes and needs its entire property.

O'Connor Drive is an improved road from Dorsey Road to a point one-third across the frontage of the American Paving site. Howard County has a 50 foot wide right-of-way. There is no reason to acquire the properties for a TOD use.

American Paving and the Brownley family believe that if their properties are zoned TOD, it will diminish its value because there will be only one buyer for the purchase of their parcels, i.e., the present owner of the Coca Cola property.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

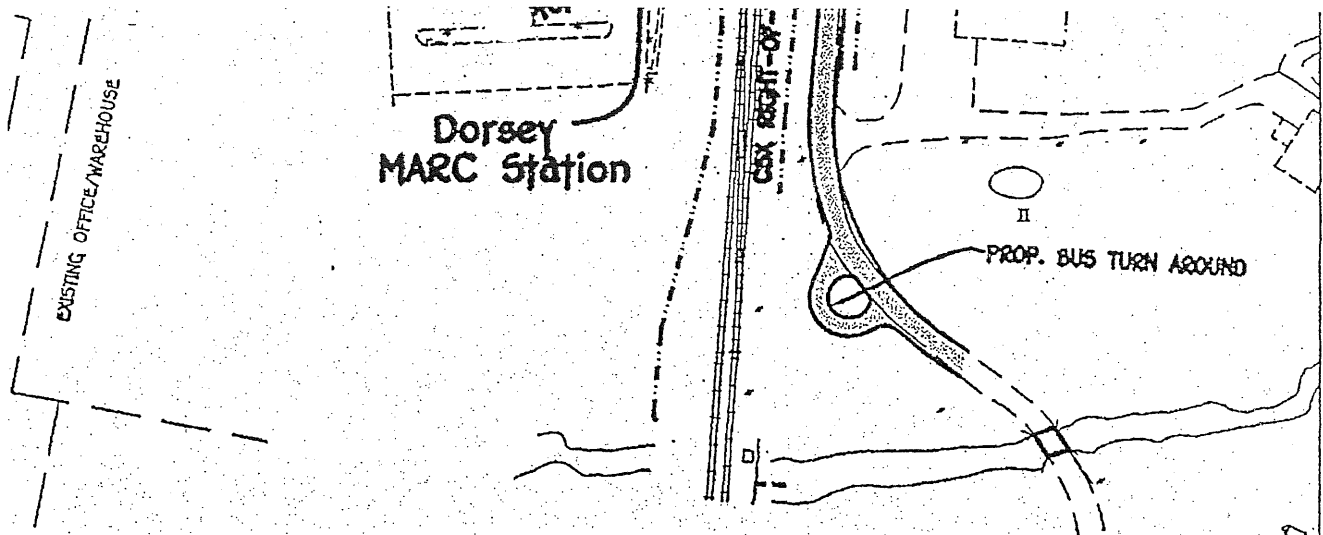
CARNEY, KELEHAN, BRESLER,  
BENNETT & SCHERR, LLP

  
David A. Carney

DAC/pjm  
Enclosure

cc: Kevin McGrath  
Shawn McGrath  
The Brownley Family  
Otter Point Investment, LLC  
Marsha McLaughlin, Director

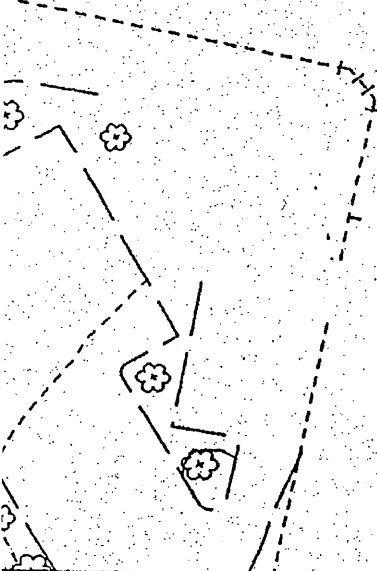
P:\PJM\wpdata\Am Paving Fabrics -McGrath Council ltr.wpd



**CONCEPTUAL VISION FOR CONNECTION TO DORSEY MARC STATION**

NO SCALE  
(SUBJECT TO CHANGE)

PARCEL E-1  
PATAPSCO VALLEY BUSINESS CENTER  
PARCELS D-1 & E-1  
A RESUBDIVISION OF PARCELS D & E  
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ZONED: M-2



ST-1 - DENOTES STREAM CHANNEL



- DENOTES PHOTO EXHIBIT LOCATION FROM WETLAND/STREAM RESTORATION PLAN (6/9/11)



- DENOTES PHOTO EXHIBIT LOCATION FROM HABITAT MANAGEMENT PLAN GN D-2 (6/9/11)

**SKETCH PLAN**

**OXFORD SQUARE  
PARCELS 'A' THRU 'L', 'M-1' AND  
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A Resubdivision Of Parcel 'Q', As Shown On Plats Entitled "Parkway Center, Section 1, Parcels 'M-1' And 'Q'" And Recorded Among The Land Records Of Howard County, Maryland As Plat Nos. 10544 Thru 10546.

USES: RETAIL; RESIDENTIAL AND ELEMENTARY SCHOOL

ZONING: TOD

TAX MAP No. 38, GRID No. 19 & 20, PARCEL No. 761

FIRST ELECTION DISTRICT - HOWARD COUNTY, MARYLAND

DATE: JUNE 21, 2011

SHEET 6 OF 11

July  
State  
2-13."

5-11-001

*Exhibit A*





Rpt

CW  
CMB RS  
~~ST~~  
TW  
~~CZ~~  
SP

June 21, 2013

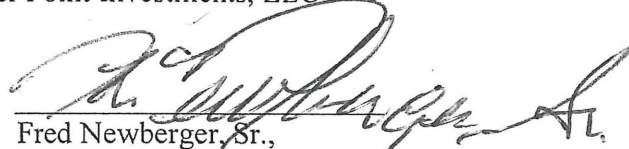

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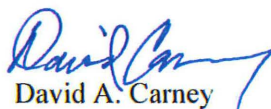
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David A. Carney

DAC/pjm  
Enclosure

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Shawn McGrath  
The Brownley Family  
Otter Point Investment, LLC  
Marsha McLaughlin, Director

P:\PJM\wpdata\Am Paving Fabrics -McGrath\Council ltr.wpd



Dorsey  
MARC Station

EXISTING OFFICE/WAREHOUSE

COX RIGHT-OF-WAY

PROP. BUS TURN AROUND

### CONCEPTUAL VISION FOR CONNECTION TO DORSEY MARC STATION

NO SCALE  
(SUBJECT TO CHANGE)

PARCEL E-1  
PATAPSCO VALLEY BUSINESS CENTER  
PARCELS D-1 & E-1  
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ZONED: M-2

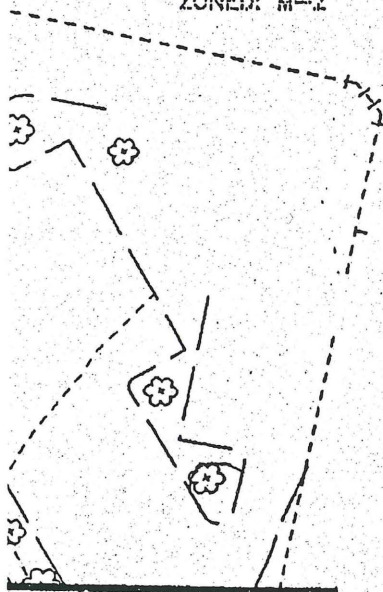
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### SKETCH PLAN

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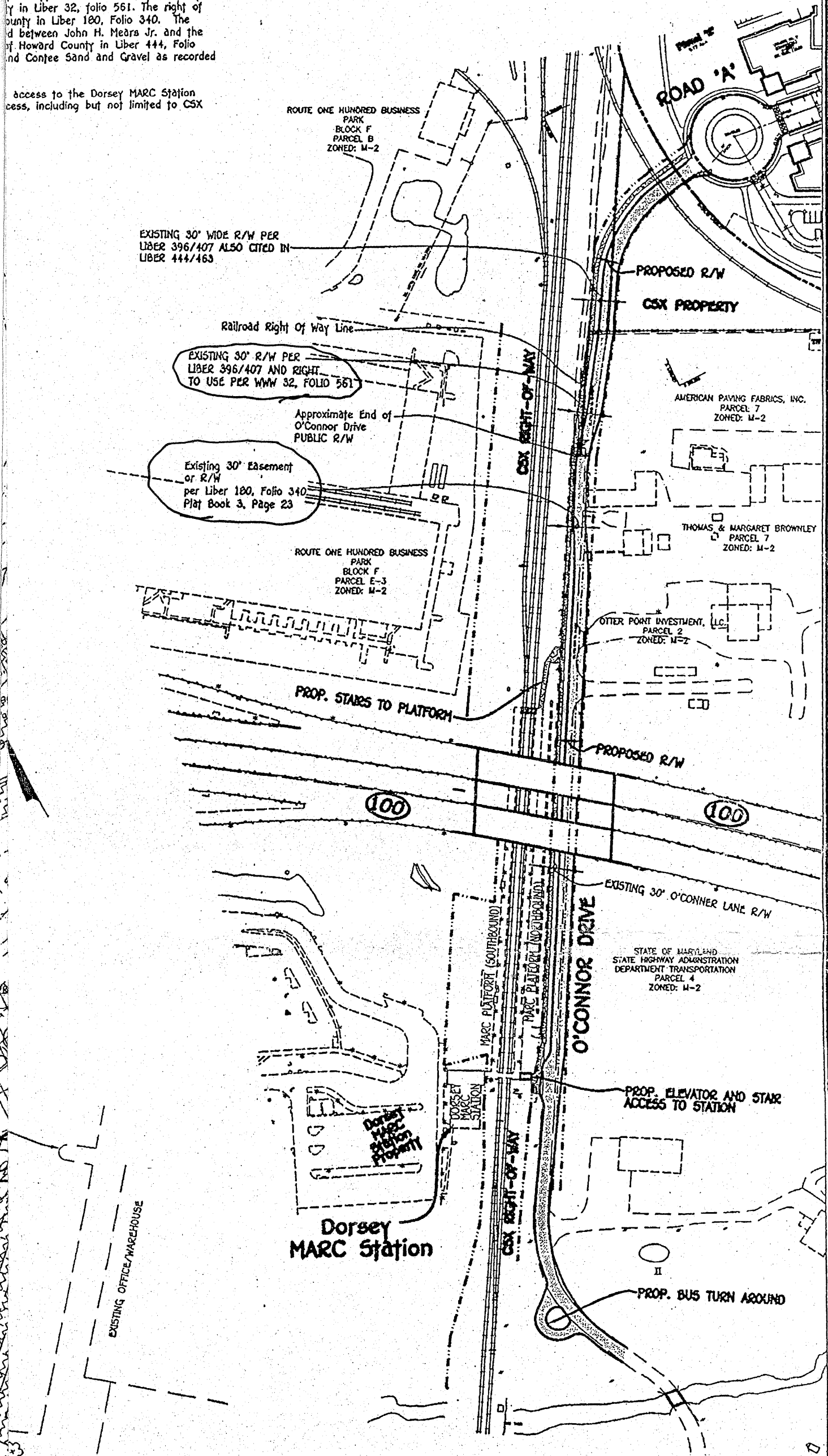
public pedestrian access to the station some time to seek approvals from the petitioner, in accordance with property and the Dorsey Marc Station, of development on the subject property to the Dorsey Marc Station are also

*Thomas & Butler*  
 PLANNING DIRECTOR

6/23/11  
 DATE

a pedestrian connection to the MARC ride parties and are subject to change. establish that the Oxford Square site has with O'Connor Drive. The exhibit is not dated September 16, 1873 by (a) Mary E. in Liber 32, folio 561. The right of county in Liber 100, Folio 340. The d between John H. Meers Jr. and the of Howard County in Liber 444, Folio and Contee Sand and Gravel as recorded

access to the Dorsey MARC Station cess, including but not limited to CSX



**CONCEPTUAL VISION FOR CONNECTION TO DORSEY MARC STATION**

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 PATAPSCO VALLEY BUSINESS CENTER  
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