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"

## Requested Zoning

### Search Street:

SCAGGSVILLE RD

### Property Information:

Amendment No.: 46.002

Current Zoning: RR-DEO

Requested Zoning: R-A-15

Tax Account ID.: 1405358906

Map: 46

Grid: 2

Parcel: 113

Lot:

Acres: 91.25

Address: 11595 SCAGGSVILLE RD

City/State/Zip: FULTON, MD 20759

### Owner:

Name: MAPLE LAWN FARMS INC

Email: geneiager@verizon.net

Phone: 301-325-9025

Mailing Address: PO BOX 562

City/State/Zip: FULTON, MD 20759

### Representative:

Name: William E. Erskine

Email: WErskine@offitkurman.com

Phone: 301-575-0363

Mailing Address: 8171 Maple Lawn Blvd. Suite 200

City/State/Zip: Fulton, MD 20759

### Decision:

Planning Board Decision:

Planning Board Vote:

Council Decision:

Council Vote:

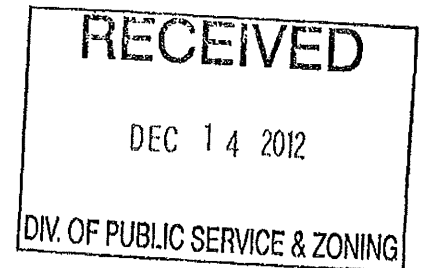
# Zoning Map Amendment Request Form

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

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

### A. Property Information

1 Address / Street (Only) 11595 Scaggsville Road ✓  
2 Tax Map Number 46 Grid 2 ✓  
3 Parcel(s) 113  
4 Lot(s) N/A  
5 Tax Account Data: District 05 Account # 358906 ✓



6 Size of Property: Acres 91.2575 ✓ Square feet

7 The Property is currently zoned: RR-DEO ✓  
I request that the Property be rezoned to: R-A-15

### B. Owner Information

8 Owner Name Maple Lawn Farms Inc. ✓  
9 Mailing street address or Post Office Box P.O. Box 562  
City, State Fulton, Maryland  
ZIP Code 20759  
Telephone (Main) 301-325-9025 - Gene Iager  
Telephone (Secondary)  
Fax  
10 E-Mail geneiager@verizon.net

### C. Representative Information

11 Name	William E. Erskine, Esq.	Bavar Properties Group, LLC
Mailing street address or Post Office Box	8171 Maple Lawn Boulevard, Suite 200	1966 Greenspring Drive, Suite 508
City, State	Fulton, Maryland	Timonium, Maryland
ZIP	20759	21093
Telephone (Main)	301-575-0363	410-560-0300 - Robert Bavar

receipt # 149445



**C. Representative Information**

Telephone (Secondary) 443-864-8844

Fax 301-575-0335

E-Mail WErskine@offitkurman.com

rab@bavarproperties.com

12 Association with Owner Zoning Attorney

Developer

**D. Alternate Contact [If Any]**

Name

Telephone

E-Mail

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

- 13 With the adoption of PlanHoward 2030, the subject property was incorporated into the Planned Service Area (PSA) for water and sewer. Consequently, the existing RR-DEO zoning is no longer appropriate. Petitioner is requesting R-A-15 zoning because it is the most appropriate zoning for the property. The subject property is located in close proximity to existing public schools, a park and ride, and the Maple Lawn Commercial District. Because of its location, the subject property is well suited to accommodate additional residential density and is consistent with PlanHoward 2030 Policy 6.1 which calls for the reduction of competition for land resources by promoting more compact development in appropriate targeted growth and revitalization areas. Further, rezoning the subject property to R-A-15 would promote the Policy 6.5 of PlanHoward 2030 by encouraging compact development with adequate green spaces and connectivity within and between developments which provide residents with a high quality of life and allows residents to take advantage of the benefits of compact development.

**F. List of Attachments/Exhibits**

- 14 1. Aerial view of subject property and surrounding area.  
2. Current Zoning Map of subject property.  
3. SDAT Parcel Tax Map of subject property.  
4. PlanHoward 2030 designated Planned Service Area.

**G. Signatures**

15 Owner Maple Lawn Farms, Inc., by Eugene Iager, President

Owner (2)

*Eugene W. Iager*  
Date 12.13.12

Date



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

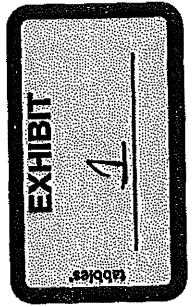
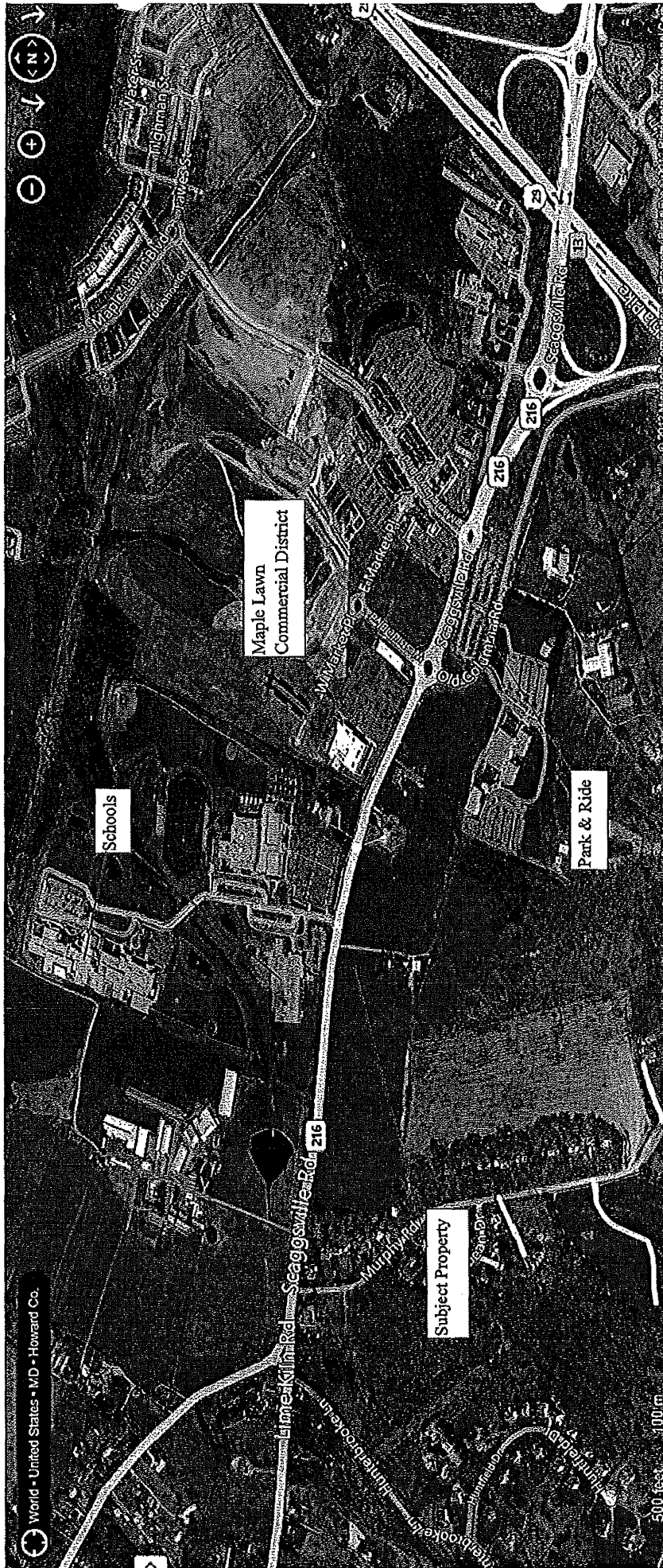
16 Representative Signature

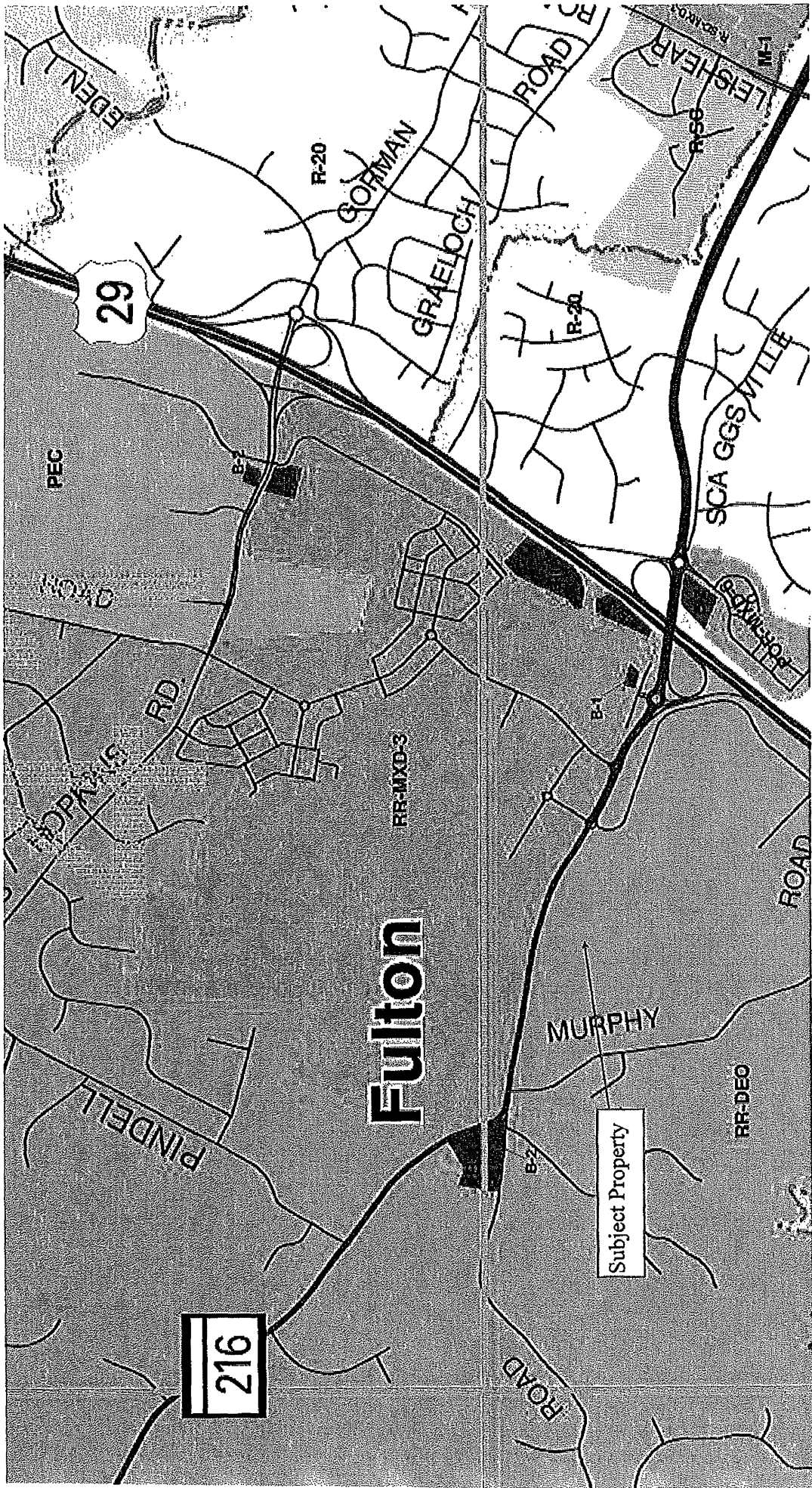
Date

*William Erskine*  
12/13/12

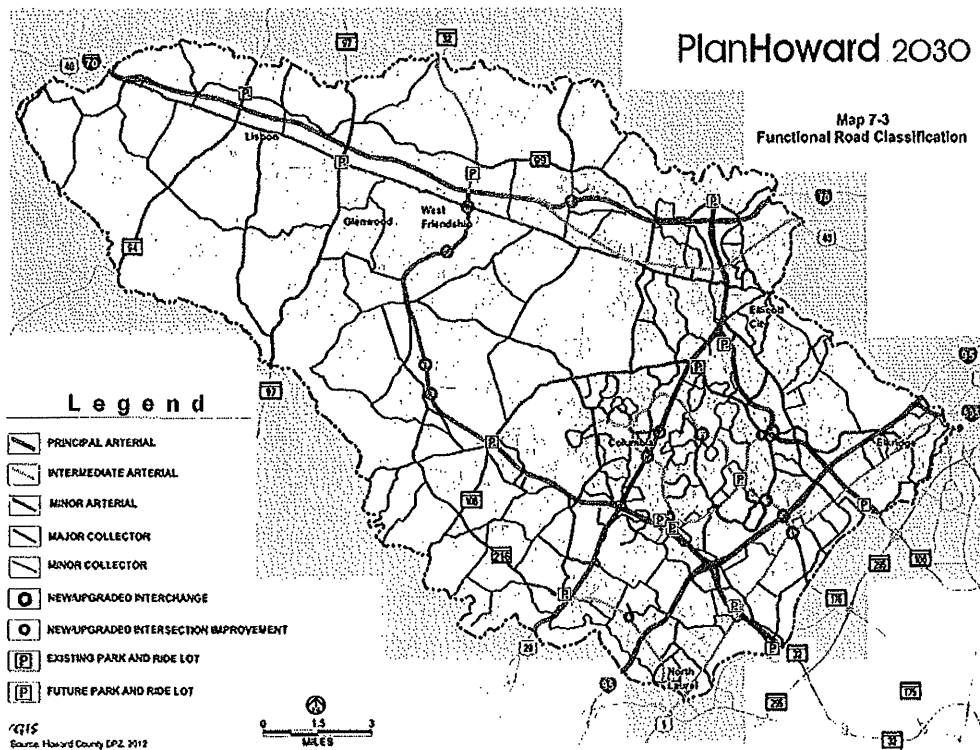
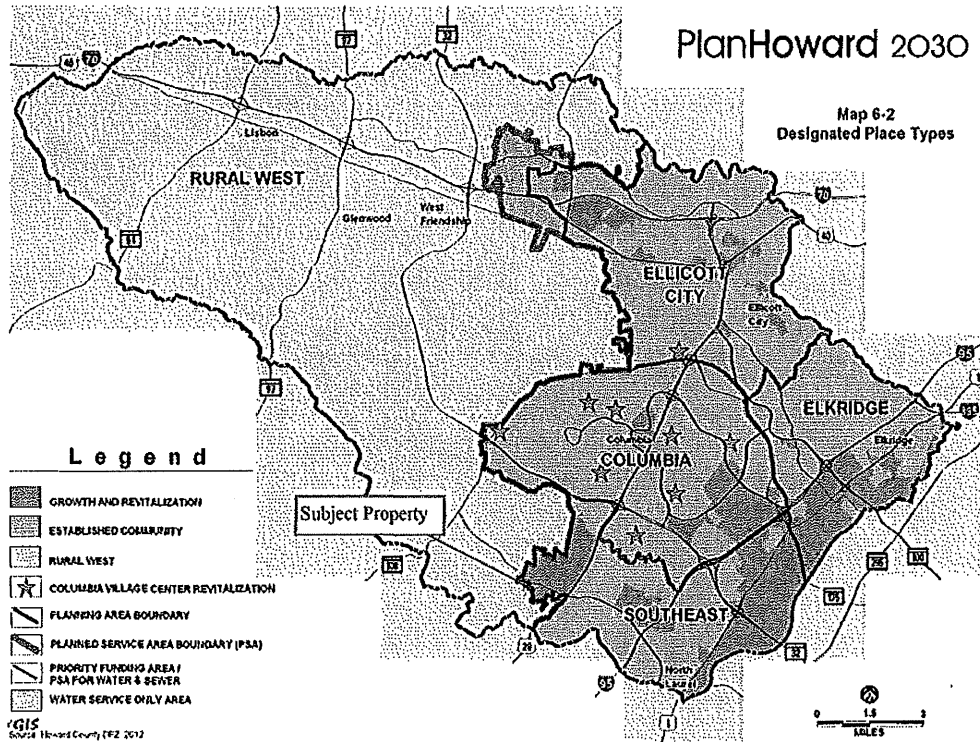
*[Signature]*  
12/13/12

DPZ Use Only		Amendment No.	46.002
Notes	<i>Call 12/15/12</i>		









EXHIBIT

4





# Howard County Council

George Howard Building  
3519 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

Maple Lawn Farms, Inc.  
P.O. Box 562  
Fulton, MD 20759

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."

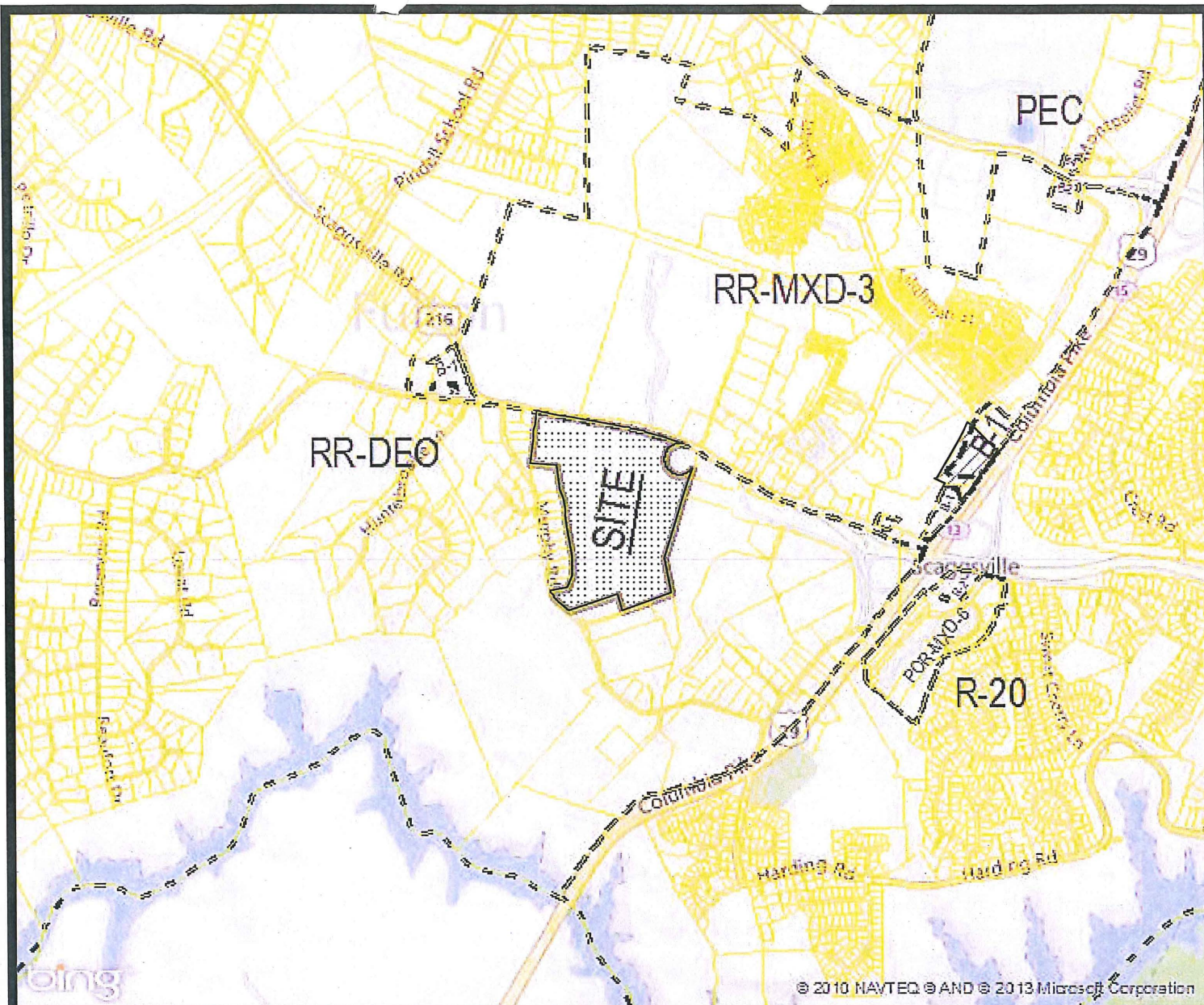
The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration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

A handwritten signature in cursive script, reading "Stephen M. LeGendre".

Stephen M. LeGendre  
Administrator



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Zoning Map General Plan Amendment: **46.002** Tax ID: **1405358906**  
 Current Zoning: **RR-DEO** Council District: **5**  
 Tax Map: **46** Grid: **2** Parcel: **113** Lot: **N/A**  
 Address: **11595 SCAGGSVILLE RD**



## Regner, Robin

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**From:** Tolliver, Sheila  
**Sent:** Thursday, June 20, 2013 9:43 AM  
**To:** Regner, Robin  
**Subject:** FW: Thoughts for your working session on 46.002

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**From:** Ted LaFemina [<mailto:Ted.LaFemina@comcast.net>]  
**Sent:** Wednesday, June 19, 2013 9:48 PM  
**To:** CouncilMail  
**Subject:** Thoughts for your working session on 46.002

The developer for the 46.002 parcel made some comments. I hope, during your working sessions, you drill into these a bit.

A few areas to question him on:

- 1) The Chesapeake Bay also has a problem with toxins, particularly hydrocarbons. This isn't as big a problem as nitrogen and phosphorus, but it seemed to be left out of the analysis. Has anyone asked WSSC their opinion yet?
- 2) The applied physics lab is in serious danger of layoffs right now, and with federal budget pressures, that may not go away for a long time. Using that as an excuse isn't really justifiable.
- 3) Grace Church, right next to the parcel, is currently overcapacity and is working on plans to expand the facility to try to accommodate the crowd that is already trying to get in.
- 4) The local schools, as Mr. Fox mentioned, are already over capacity.
- 5) The road mentioned, Rt 29, 32, and 95 are already getting to be over capacity at rush hour. 32, as you know, is in dire need of expansion. 29 and 95 aren't a picnic either.

And if the council decides that paved space is better than maintained grass, then it is going to have some explaining to do isn't it? I think we would need to think about repealing the hard surface tax and replacing it with a maintained lawn tax. I don't know if this is a joke or not actually. But I think you need to be consistent: which is better, pervious, or impervious surfaces?



I am a resident in the Scaggsville community and I am speaking with regards to Amendment 46.002 for which I *strongly favor!*

I came on Monday night and heard an endless series of drivel from my fellow neighbors and I don't think they understand the positive impacts of high density housing – right across the street from our schools.

Did you know that just a few more minutes of driving in heavy traffic releases stress hormones into the bloodstream that can lead to heart disease? Living within our community, there are numerous cardiologists and other health professionals that are running their practices in other, more congested, counties. This amendment is the kind of positive action that will entice them to move their practices into *this* county.

There are other professional services that would benefit from RA15 as well. The increased traffic congestion, crime, taxes, and paved-over open space are all known to increase anger and frustration which will be a boon to our counties divorce attorneys, therapists, and child abuse clinicians. It would be hard to think of a more effective way to grow this type of profession service revenue.

I've also heard many complaints about how paving that farm will hurt the reservoir. Perhaps my neighbors don't know this *but we don't drink that water*. Do you know who does? It's the people south of us in the Washington suburbs. These are all the federal workers that are creating our national debt. I say *let them drink our hydrocarbons!*

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I have a younger sister that went to high school in an area with high density apartments. She was groped in the school hallways regularly but the school administration had bigger problems to deal with. She's now a PG County cop and she would tell you that the experience gave her the kind of guts and street cred to handle those gang infested neighborhoods of Suitland.

Everyone knows that our teachers are overpaid in Howard County and it's time they start *earning* that pay by getting their focus on *disciple* instead of Academics

and productions of "Singing in the Rain". The RA15 project will force this kind of needed change.

Our local police officers do way too much traffic enforcement. It's high time that we spawn the kind of action that will keep them on their toes. Over the past few years, there have been numerous studies that show that rental units and high density housing will grow crime exponentially. I, for one, would like to see them just flat out too busy to be handing out speeding tickets on 29.

Reservoir's coach Rogers has recruited well over 50 kids onto the various school running teams and he has them running all over the neighborhood. We find it incredibly annoying to have stop for them at every crosswalk. A few sexual assaults will help put a damper on this nuisance. Did you know that rental properties and high density housing creates a sense of anonymity that encourages sexual predators? So again, thank you for bringing this to our school district.

In conclusion, *Mr. Fox*. I urge you to *put your name* on this proposal and stand with me saying that it's time for our overpaid teachers to earn that pay, time for our kids to get a taste of a harder world, time for us to get our money's worth out of that police academy training, and time to tell those environmentalists that they can just drink our carcinogens.

Amendment 46.002 deserves to pass. After all, the developers paid good money for it.

Thank You.

Edward (Ted) LaFemina  
11058 Harding Road  
Scaggsville, MD 20723

## Regner, Robin

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**From:** Tolliver, Sheila  
**Sent:** Thursday, June 20, 2013 9:41 AM  
**To:** Regner, Robin  
**Subject:** FW: Ammendment 46.002  
**Attachments:** Amendment 46-002.pdf

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**From:** Ted LaFemina [<mailto:Ted.LaFemina@comcast.net>]  
**Sent:** Wednesday, June 19, 2013 9:27 PM  
**To:** CouncilMail  
**Subject:** Ammendment 46.002

I hope you didn't mind that I tried to use a little humor to try to make, what I think, our some serious points. As important as public testimony is, I just got the feeling that it could get a little dry after a while from your seats. I've attached my testimony here.

As the council sifts through all this, there are two things you should think about

1) There is a real danger of the crime in PG county spreading into our county. The RT1 corridor and the area over by Weiss's (near All Saints) are already getting to be scary places to walk around at night. You need to think about a viable strategy to keep this from happening.

2) I've heard that an underlying motivation for this amendment is because Maple Lawn business aren't doing well. It might be an interesting idea to hold a public forum so that people can share creative ideas with how to make it more viable. Right now all of their retail is targeted at ultra-high end shoppers and it's too difficult to get into their parking. Apartments won't fix this. I think the community could give some practical and creative suggestions to turn things around that might actually work for the benefit of the Maple Lawn business as well as the community.

## Regner, Robin

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**From:** Tolliver, Sheila  
**Sent:** Tuesday, June 18, 2013 6:30 PM  
**To:** Regner, Robin  
**Subject:** FW: Thank You and Point of Order

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**From:** Christine Bulbul [<mailto:cbulbul@verizon.net>]  
**Sent:** Tuesday, June 18, 2013 4:22 PM  
**To:** CouncilMail  
**Subject:** Thank You and Point of Order

Dear Howard County Council,

Thank you for attentively listening to mine and over 20 other citizen's testimony regarding **Zoning Amendment 46.002**. It was a long night, but you respectfully let democracy run its course. That's what makes this county so great.

I was dismayed after having gone through all that testimony and waiting for six hours that Mr. Erskine decided at 11pm to defer his testimony until Wednesday. I simply don't understand why he would be allowed to do that. The council chair clearly stated, before and after the break for the legislative session, to notify the attendant if you did not intend to stay. Mr. Erskine stayed through the whole session and therefore should have been prepared to give testimony when his name was called.

We all know why he did not give testimony; he needed the two days to prepare after listening to all of our testimony, fair enough. I would prefer that the land owner have an opportunity through his attorney to have his say on the matter, however, that does not mean that the petitioner for the amendment should be allowed to add a host of speakers at Wednesday's session.

The chair stated, and it was reiterated by several council members, that you must be signed up tonight [Monday, June 17] in order to defer testimony to Wednesday. There were only three people that I recall decided to defer until Wednesday because they could not stay, Dr. Ward, Mr. LaFemina, and Mrs. Harriet Spadin and one person that could have testified and choose not to, Mr. Erskine. Therefore, I submit that at Wednesday's make-up session, those three people will be given their three minutes and Mr. Erskine will be given his five minutes to represent the petitioner and this matter will be sent to the working session for deliberation.

I will be at Wednesday session to respectfully hear from those four people.

Thank you for your time.

Very Respectfully,

Christine Bulbul



RE:

Copy of Testimony for June 17, 2013

Thomas J. Broullire, Esq., Residing at 7810 Tuckahoe Court, Fulton, MD 20759

In Opposition to Amendment No. 46.002

**So the County has a problem here: the expansion of the PSA for this parcel is ILLEGAL**

I am going to tell you WHY it is against the law and then tell you how to fix it because I really want to believe that you 5 council members were truly unaware about the illegality of this PSA expansion.

**So why is a PSA Expansion such a big issue in Howard County?**

Your General Plan specifically tells us: ... adjustments to the PSA have "**MAJOR**" AND "**SIGNIFICANT**" ramifications. (*See Exhibit 1, Copy of Page 70 of Plan Howard 2030 and Exhibit 2, Page 97 of Plan Howard 2000*)

I like that language, its strong language isn't it? It puts the public on notice that when the PSA is expanded it's a big deal; it will only be for limited purposes; and surely it will require the highest threshold of public notice and public participation before the expansion is approved.

So if a PSA expansion has MAJOR ramifications, then why did the entire Fulton community have no idea this parcel was expanded into the PSA last year? I guarantee if our community was given proper notice last April 18, 2012, then 2000 angry residents would be knocking on the door.

But you know who did know about this PSA expansion? Marsha, the petitioner and his attorney.

So I want to commend Marsha and everyone else in the County that had a hand in this for how SAVY they were in bypassing LEGAL procedures to get this MAJOR and SIGNIFICANT PSA expansion into the General Plan without the public even knowing.

**So why is this expansion against the LAW?**

The first reason is: DUE PROCESS. The maps that were provided to the public at the time of the initial PUBLIC HEARING on April 18, 2012, were VAGUE to say the least. The council members, myself, and even a MAP EXPERT would have no idea of what specific properties were added to the PSA. The complete lack of clarity in the maps certainly gives rise to lack of due process claims because Fulton residents were not given adequate notice. If PSA expansions really have "major ramifications", then how can the County utilize rudimentary Maps with no clear indication of what parcels are included in the PSA. The Howard County Office of Law surely must have advised the County and the Council Members that your Maps provide inadequate notice? If you displayed these Maps in front of a Judge at court, he/she would laugh out loud. The PSA must have exact boundaries because, according to your General Plan, the PSA line is considered an "EDGE" or a transition line into the Rural West (*see attached Exhibit 3 from Plan Howard 2000*). However, the PSA boundaries in your Maps are arbitrary. The Council must pass an emergency amendment to remove this parcel from the PSA and simultaneously require that the PSA Maps be redrawn. The Maps MUST delineate the parcels by TAX

ID Number and Address at the very least. Only then will you be able to provide adequate public notice and not be subject to lack of Due Process claims.

**The second reason why this PSA is against the law is State of Maryland precedent:**

Maryland law states, that "where the legislature requires notice and a hearing before the passage of a local ordinance, and where the ordinance that was advertised and on which a hearing was held is **substantially different** from the ordinance proposed to be passed, **the local legislative body must give new notice and hold a new hearing before that ordinance may be enacted.** (See *von Lusch v. Board of County Commissioners of Queen Anne's County*, 268 Md. 445, 454, 302 A.2d 4 (1973)). Similar to our case, in the *Meadowridge* case (109 Md. App. 410, 675 A.2d 138), because the state legislature mandated that a Howard County's solid waste management plan only be enacted after notice is afforded the public and a hearing is held, any amendment that substantially changed a plan which had already been advertised and on which hearings had already been held required that new notice and a new hearing on that amendment be afforded. Because the new notice and hearing were not afforded, passage of the amendment was held to be invalid.

The public hearing for General Plan 2030 held in April 18, 2012 was a JOKE. At that time, only the General Plan Preliminary **Draft** was available to the public. However, this DRAFT stated only that "PlanHoward 2030 proposes three minor expansions of the PSA" (see attached Exhibit 4). The reference to Maple Lawn, Ellicott City and Clarksville as expansion areas were added months later to the FINAL General Plan 2030 (see Exhibit 5). Not to mention- Maple Lawn is the name of a development and NOT the name of the town- the parcel is located in Fulton, MD. In addition, the maps showed our property was OUTSIDE of the PSA during the public hearings (See attached Exhibit 6). I can even show you maps dated September and November of 2012 that showed our property was outside of the PSA in TIER III, in TIER I, etc. (See attached Exhibit 7). The only thing that the public may have had knowledge of was that Route 216 was a Boundary line for RR-DEO properties (see attached Exhibit 8: 2003 Comp Zoning Hearing Case 46.01 that fixed the boundary line on 216). Most expansions to the Planned Service Area (PSA) since 1990 have occurred on a site-specific basis to address failing septic systems, potential well contamination and a few changes in land use. For example in Fulton, there were two privately owned parcels located South of Route 216 that were placed in the PSA since General Plan 2000 (See attached Exhibit 9 reflecting the Mauck Property via Council Bill 52-2006 and the Narr Property through Council Bill CB 39-2001-for emergency environmental purposes) but these parcels maintained their existing zoning classifications- RR for the Narr property and B-1 for the Mauck property. The other parcels south of Route 216 placed in the PSA were for institutional purposes: Grace Church, St. Francis Church, and St. Paul's. The reason these parcels were **included in the PSA but retained their existing zoning** is because all of these parcels South of Route 216 are on the Patuxent River Watershed and Rocky Gorge Reservoir. Since Howard County planning and zoning began, this area was specifically not intended to be developed to anything greater than Rural zoning. Therefore, because of the aforementioned precedent and discrepancies in the Maps, the public lacked any knowledge of what properties were coming in or staying out of the PSA. Any change to a Prelim DRAFT of the General Plan related to the PSA is a **substantial change**. And because there was a **substantial change** between the PUBLIC HEARING and the FINAL DRAFT regarding a MAJOR expansion of the PSA, another Public hearing **MUST HAVE OCCURRED.**

So let's say a Fulton resident went outside of the General Plan (since the General Plan lacked the adequate information to conclude that the PSA was being expanded) and looked at Howard County's Water and Sewer Master Plan 2011, for more information. Guess WHAT? The Water and Sewer Master Plan makes ZERO mention of a proposed PSA expansion. Even if you look at the pressure zone projections for our Water Area (which is Water Area 630-South) it projects that there will be ZERO apartments in the year 2035 (*see attached Exhibit 10*) .

The test for PSA expansion requires that, "the proposed expansion of the Planned Service Area includes a zoning proposal that is consistent with the General Plan and Smart Growth policies. Sewer and water infrastructure capacity and **costs must be analyzed to confirm the feasibility and availability of scheduled capacity.**" (*See attached Exhibit 11, taken from Plan Howard 2030, page 70*)

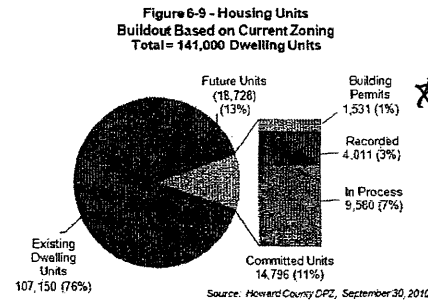
Marsha confirmed that this analysis was in fact NOT done for our specific parcel BUT the Department of Public Works is working on this right now. (*See attached email from Marsha as Exhibit 12*) **Right NOW?** The test says you must do this before you put a parcel into the PSA?

Also, I am sure you are aware that the *Maryland Department of Environment* must approve your Water and Sewer Master Plan so guess who else was NOT provided the proper notice → you guessed it → the Maryland Department of the Environment. I spoke with MDE and they are very interested in the outcome of this hearing. If the County is found to have put a 91 acre parcel into the PSA last second in violation of Maryland Law and Senate Bill 236, then the County has some major issues.

BOTTOM LINE, the County has exposed itself to massive liability. Counties are given great deference from the State to enact their General Plan but when these Plans use **spot zoning** to selectively expand the PSA and you accompany it with a lack of notice to the Public and to the State of Maryland then the State takes away this privilege. (*See attached Exhibit 13, Technical Staff Report dated Sept. 20, 2012, where Marsha McLaughlin wrote herself, "If the Maryland Department of Planning determines there are "rogue" jurisdictions that adopt tier designations that circumvent the intent of Senate Bill 236, then they will file legislation to reinsert the requirement for State approval."*)

### **SO HOW DO YOU FIX THIS?**

If I recognized that there was a major mistake in my General Plan that also presents a huge risk to the public safety of my County and surrounding County's (*see attached Exhibit 14, letter from Council Member, Valerie Ervin of Montgomery County*) I would do everything in my power to fix this mistake. The only thing you can do is sit down as a Council and remove this parcel from the PSA or vote to maintain the existing zoning of RR-DEO.



33% of future new homes will be single-family detached and 67% will be townhouses, condominiums, or apartments (Figure 6-9).

#### Expansion of the Planned Service Area

Expansions to the Planned Service Area (PSA) for water and sewer service since 1990 have been very limited. In 1993, the County Council voted to extend water service to include the area around the Alpha Ridge Landfill. This extension was done solely out of concern for potential future groundwater contamination that might originate from the Alpha Ridge Landfill; therefore, only water service is provided in this area. No sewer service is allowed and no change from rural land uses or zoning is authorized. Map 6-2 shows the current boundary for public water and sewer as well as the water-service-only area.

The boundary of the PSA for both water and sewer service is important not only to determine which parcels will be served by public water and sewer service, but also because the PSA is Howard County's designated growth boundary or

Priority Funding Area per the State's Smart Growth Act. The PFA/PSA is also the boundary for *PlanHoward 2030*'s rural place designations.

As such, adjustments to the PSA would have significant ramifications in terms of both permitted development intensity and the level of other County and State services.

*PlanHoward 2030* proposes three minor expansions of the Planned Service Area (adjoining Ellicott City, Clarksville, and Maple Lawn). To achieve Bay restoration goals it is preferable to include these properties in the PSA, rather than have them utilize septic systems particularly where the area drains to reservoirs or high quality stream systems. These properties, because of their location at the interface of the rural residential zone and the planned service area, should be designed and zoned to establish a transition that is compatible with and enhances surrounding communities. In addition, they should create an environmental benefit through environmental site design that mitigates impervious surfaces so that storm water will be captured onsite and not affect nearby waterways. In the future, it should be anticipated that there may be isolated situations where minor PSA adjustments may be appropriate. A PSA revision requires a General Plan Amendment to Map 6-2. Any requests for a General Plan Amendment for expansion of the PSA should be denied unless either:

1. The proposed expansion of the Planned Service Area is intended to provide for a public or institutional use such as a religious facility, philanthropic institution, or academic school; or

2. The proposed expansion of the Planned Service Area includes a zoning proposal that is consistent with the General Plan and Smart Growth policies. Sewer and water infrastructure capacity and costs must be analyzed to confirm the feasibility and availability of scheduled capacity.

As established in General Plan 2000 and subsequent amendments, institutional or public use expansions of the Planned Service Area boundary are limited to:

1. Properties adjoining the existing PSA boundary without including an intervening privately owned parcel;
2. The minimum area necessary to serve the proposed use. Subdivision of the parcel consistent with the PSA boundary amendment is required after approval of the General Plan Amendment and prior to the inclusion of the parcel into the Metropolitan District; and
3. The particular use proposed at the time of expansion with a deadline for the completion of the improvements for the proposed use and connection to the public water and/or sewerage system. If the proposed public or institutional use is not actually constructed and connected to the public water and/or sewerage system by the deadline specified in the Bill, the Planned Service Area expansion



the capacity of the Little Patuxent plant, all increases in treatment capacities depend on receiving State discharge permits. A moratorium on sewer allocations could be imposed if plant expansions are delayed or limited.

The ultimate planned expansion for the Little Patuxent Water Reclamation Plant will accommodate the flows from planned future growth in the Little Patuxent sewershed, provided growth phasing is consistent with plant expansion. Planned future growth in the Patapsco sewershed will be accommodated by the County's increased share of the capacity of Baltimore City's plant, once it is expanded in 2005.

### The Water Service System

The water for the County's public water supply system is purchased from Baltimore City and from WSSC through a series of negotiated legal agreements (Map 4-6). More than 95% of the County's public water supply is provided through the Baltimore City Central System. In addition to supplying water to Baltimore City and Howard County, the Central System also provides water to Anne Arundel, Baltimore, Carroll and Harford Counties. The Central System's water sources include Loch Raven, Prettyboy and Liberty Reservoirs and the Susquehanna River.

Less than 5% of the County's public water is provided by WSSC. In addition to supplying water to the County, WSSC also provides water to Montgomery and Prince George's Counties. Water sources for WSSC are the Patuxent River reservoirs and the Potomac River. The water from WSSC is normally used in the County's water pressure zone located east of I-95 between Laurel and Jessup. In an emergency, the County system can pump water from WSSC to other areas of the County.

Howard County's water system is currently divided into six pressure zones. An additional seventh water pressure zone is planned in the southern portion of the County for the Hammond Branch Extended area. This area is located west of US 29 between MD 216 and Johns Hopkins Road.

Future water supply needs will place major capital improvement requirements on Howard County. The Baltimore Central System will require major new facilities to provide for the future water needs of Howard

County. The County does not plan to seek additional capacity from the WSSC supply system because this water is more costly than the water from the Baltimore Central System.

The supply of water is not expected to be a constraint on projected growth and development through the year 2020. Some acceleration of improvements to the conveyance and storage facilities will be needed at the County level, but these do not present unusual problems.

### Expansion of the Planned Service Area

Most expansions to the Planned Service Area (PSA) since 1990 have occurred on a site-specific basis to address failing septic systems, potential well contamination and a few changes in land use. In July 1993, the County Council voted to extend the PSA to include the area around the Alpha Ridge Landfill. This extension was done solely out of concern for potential future groundwater contamination originating from the Alpha Ridge Landfill, therefore, only water service is provided in this area. No change from rural land uses or zoning is intended. Sewer service may be provided in this area only for qualifying parcels and under certain conditions. A qualifying parcel is one that is owned by either the Howard County Government or the Board of Education of Howard County and that adjoins another parcel where sewer service is available. Sewer service to a qualifying parcel may be extended only if sewer service can be extended without making sewer service available to any intervening non-qualifying parcel not owned by Howard County Government or the Board of Education of Howard County. [Amended per CB 18-2006, Effective June 7, 2006]

As discussed in Chapter 2, *Responsible Regionalism*, the boundary of the PSA is important not only to determine which parcels will be served by public water and sewer service, but also because the PSA is Howard County's designated growth area (Priority Funding Area). As such, adjustments to the PSA have major ramifications in terms of both permitted development intensity and the level of other County and State services.

Howard County is expected to continue to experience strong demand for economic and residential growth due to its prime location and high quality of life. However, residential land in the PSA is quite limited. One of the

EXHIBIT 2

\*

### Community Focus

One of the basic concepts of communities, identified in Box 5-1, is nodes or focal points, recognizable gathering places or landmarks that reinforce identity and community pride. In the 1990 General Plan, a major emphasis of the Community Enhancement Chapter was the need for active community centers that would provide a local focus. The lack of active local community centers is one of the main ingredients missing from most suburban environments. The village center system which helps structure Columbia provides many of these functions, but most areas outside Columbia lack a strong local focus.

The suburban land use practice of separating land uses is largely responsi-

ble for the lack of multipurpose community centers with active public spaces where people can meet and interact. In this respect, suburbs are quite different from traditional small towns where Main Street was a social and civic environment as much as the commercial core of a community. In the suburbs, many of the institutions, civic functions and community services that would also be part of traditional small town commercial centers are scattered on their own sites, perhaps miles away from the shopping district.

Community focus can be provided by an attractive center that combines stores, services, civic uses and green space. This General Plan recognizes that other amenities can also provide a focal point. A small park may pro-

#### Box 5-1

#### Key Concepts that Define Community Structure

Five planning and design concepts should guide community planning:

1. Places. The County should be seen or understood as a series of places that have a strong sense of identity, and shared interests and goals. These places occur at three different scales and are the "building blocks" that organize the landscape:
  - Neighborhoods or subdivisions (for example, Hammond Village, Dunloggin, Stevens Forest). Neighborhoods, although primarily residential, should ideally have a school, park, convenience shopping and a civic gathering area within walking distance. The goal for neighborhoods, over time, is to include more diverse uses so that daily needs are met closer to home.
  - Communities or villages (for example, Savage, Elkridge, Ellicott City, Owen Brown, Wilde Lake, Lisbon). Several neighborhoods should be linked to each other to form a community that shares everyday activities such as schools, parks and shopping areas.
  - Areas (Rural West, Columbia, Southeast, Greater Elkridge, Greater Ellicott City). This represents a division of the County into several generalized localities, composed of several communities.
2. Nodes or focal points. The County, and each of the Areas, Communities and Neighborhoods within it, should have recog-

nizable gathering places or landmarks that reinforce identity and community pride. These sites can be civic buildings or commercial centers. Meaningful symbols can be natural or built.

3. ~~Edges~~. Edges are generally strong or visible boundary lines such as major roads others may be less distinct, softer edges such as stream valleys. Boundaries are important to defining places. The Planned Service Area will be a visually recognizable edge that defines the extent of urban development and the transition to the rural landscape. Within each level of places neighborhoods, communities and areas - some edges will be permanent separators, while others may be more flexible and adjustable to respond to changing conditions.

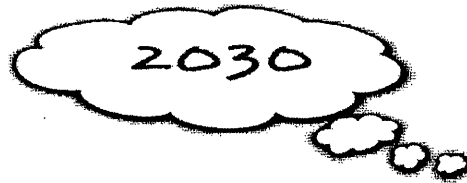
4. Travel corridors. Major and minor travel corridors link destinations and activities and make it possible to move within and between places using various means of transportation (automobile, bus, rail, bicycle, foot).
5. Green Corridors. A comprehensive network of greenways linking natural areas, parks, recreation areas, wildlife corridors and community facilities should weave its way along major stream valley systems. Some of these corridors can be pedestrian or bicycle routes that link recreational places with employment and residential places.

EXHIBIT 3

EXHIBIT 4

# **PLAN HOWARD**

*your county. your plan.*



**PRELIMINARY DRAFT**


March 19, 2012  
Howard County, MD

### Expansion of the Planned Service Area

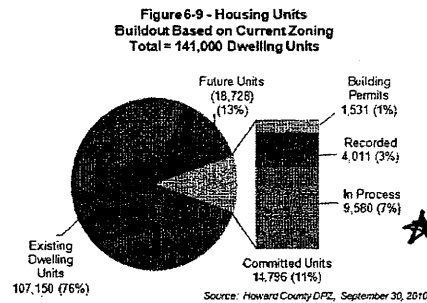
Expansions to the Planned Service Area (PSA) since 1990 have been very limited. In 1993, the County Council voted to extend water service to include the area around the Alpha Ridge Landfill. This extension was done solely out of concern for potential future groundwater contamination that might originate from the Alpha Ridge Landfill; therefore, only water service is provided in this area. No sewer service is allowed and no change from rural land uses or zoning is authorized. Map 6-1 shows the current boundary for water and sewer as well as the water service only area.

The boundary of the PSA for both water and sewer service is important not only to determine which parcels will be served by public water and sewer service, but also because the PSA is Howard County's designated growth boundary (Priority Funding Area) and now also the boundary for *PlanHoward 2030's* rural place designations. As such, adjustments to the PSA would have significant ramifications in terms of both permitted development intensity and the level of other County and State services.

Strategies to create a permanent edge for this growth boundary are one of the County's innovative approaches on this issue. For example, with the Doughoregan property, the County adopted an extension of the PSA boundary for 221 acres of land at the edge of the PSA to allow limited, new development that would have otherwise occurred using septic systems. As part of the negotiation process, the County facilitated a permanent agricultural land preservation easement on 500 acres of farmland to create a permanently preserved edge for the PSA in this key area. A 35-acre public park and a 90-acre historic easement for the nationally significant Manor House were also included. With this added preservation land, the growth boundary has been effectively set.

 *PlanHoward 2030* proposes three minor expansions of the Planned Service Area. To achieve Bay restoration goals it's preferable to include these properties in the PSA, rather than have them develop using septic systems. Bay restoration requirements and policies are discussed in Chapter 3.

In the future, it should be anticipated that there may be isolated situations where minor PSA adjustments may be appropriate. A PSA revision requires a General Plan Amendment to Map 6-2. Any requests for a General Plan amendment for expansion of the PSA should be denied unless either: 1) the proposed expansion of the Planned Service Area is intended to provide for a public or institutional use such as a religious facility, philanthropic institution, or academic school; or 2) the proposed expansion of the Planned Service Area includes a zoning proposal that is consistent with the General Plan and Smart



33% of future new homes will be single-family detached and 67% will be townhouses, condominiums, or apartments (Figure 6-9).

#### Expansion of the Planned Service Area

Expansions to the Planned Service Area (PSA) for water and sewer service since 1990 have been very limited. In 1993, the County Council voted to extend water service to include the area around the Alpha Ridge Landfill. This extension was done solely out of concern for potential future groundwater contamination that might originate from the Alpha Ridge Landfill; therefore, only water service is provided in this area. No sewer service is allowed and no change from rural land uses or zoning is authorized. Map 6-2 shows the current boundary for public water and sewer as well as the water-service-only area.

The boundary of the PSA for both water and sewer service is important not only to determine which parcels will be served by public water and sewer service, but also because the PSA is Howard County's designated growth boundary or

Priority Funding Area per the State's Smart Growth Act. The PFA/PSA is also the boundary for *PlanHoward 2030*'s rural place designations. As such, adjustments to the PSA would have significant ramifications in terms of both permitted development intensity and the level of other County and State services.

*PlanHoward 2030* proposes three minor expansions of the Planned Service Area (adjoining Ellicott City, Clarksville, and Maple Lawn). To achieve Bay restoration goals it is preferable to include these properties in the PSA, rather than have them utilize septic systems particularly where the area drains to reservoirs or high quality stream systems. These properties, because of their location at the interface of the rural residential zone and the planned service area, should be designed and zoned to establish a transition that is compatible with and enhances surrounding communities. In addition, they should create an environmental benefit through environmental site design that mitigates impervious surfaces so that storm water will be captured onsite and not affect nearby waterways. In the future, it should be anticipated that there may be isolated situations where minor PSA adjustments may be appropriate. A PSA revision requires a General Plan Amendment to Map 6-2. Any requests for a General Plan Amendment for expansion of the PSA should be denied unless either:

1. The proposed expansion of the Planned Service Area is intended to provide for a public or institutional use such as a religious facility, philanthropic institution, or academic school; or

2. The proposed expansion of the Planned Service Area includes a zoning proposal that is consistent with the General Plan and Smart Growth policies. Sewer and water infrastructure capacity and costs must be analyzed to confirm the feasibility and availability of scheduled capacity.

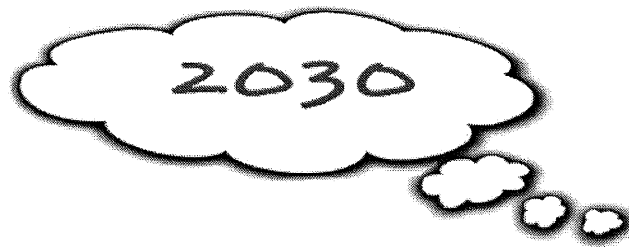
As established in General Plan 2000 and subsequent amendments, institutional or public use expansions of the Planned Service Area boundary are limited to:

1. Properties adjoining the existing PSA boundary without including an intervening privately owned parcel;
2. The minimum area necessary to serve the proposed use. Subdivision of the parcel consistent with the PSA boundary amendment is required after approval of the General Plan Amendment and prior to the inclusion of the parcel into the Metropolitan District; and
3. The particular use proposed at the time of expansion with a deadline for the completion of the improvements for the proposed use and connection to the public water and/or sewerage system. If the proposed public or institutional use is not actually constructed and connected to the public water and/or sewerage system by the deadline specified in the Bill, the Planned Service Area expansion

EXHIBIT 5

# PLAN HOWARD

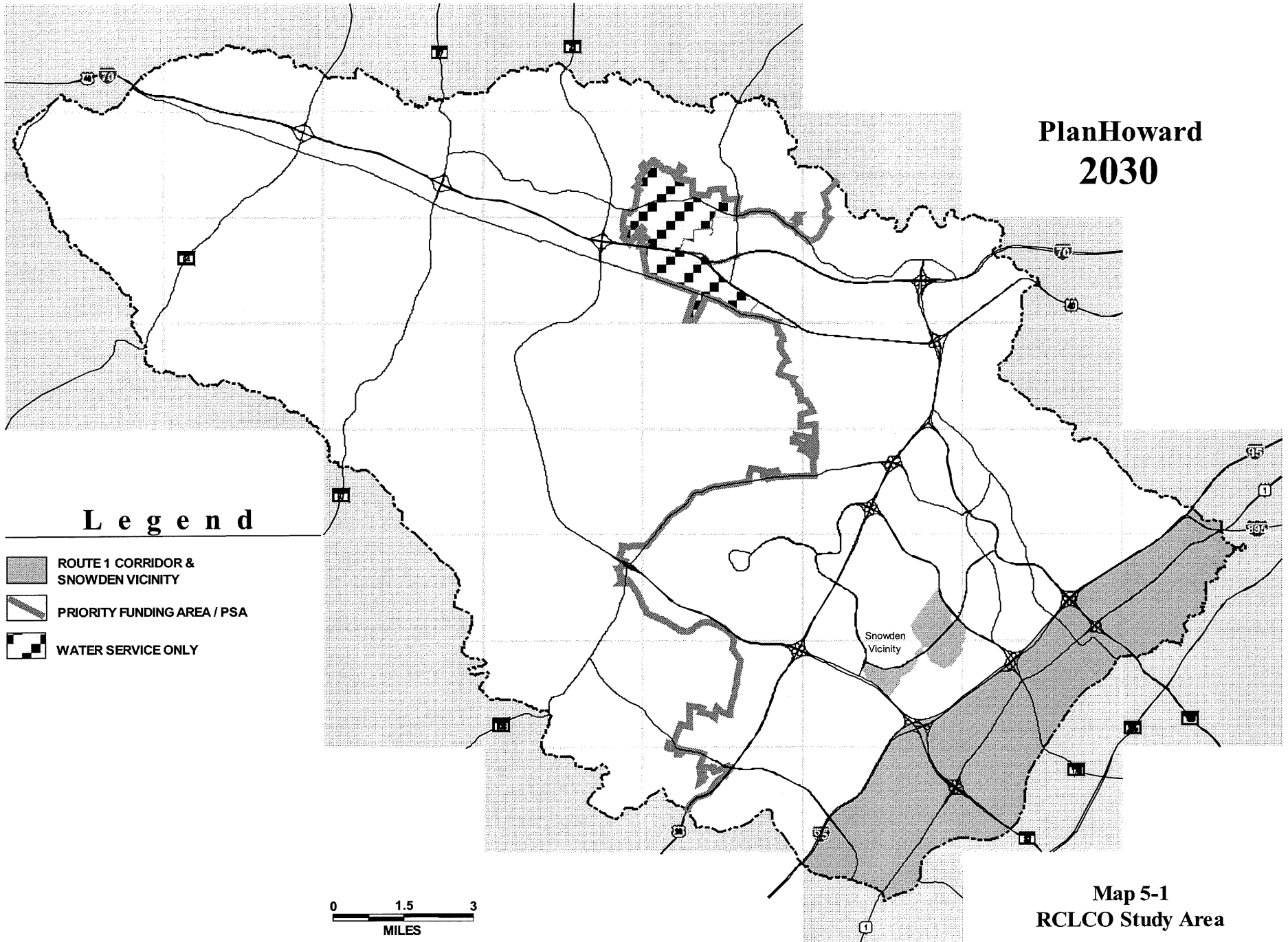
*your county. your plan.*



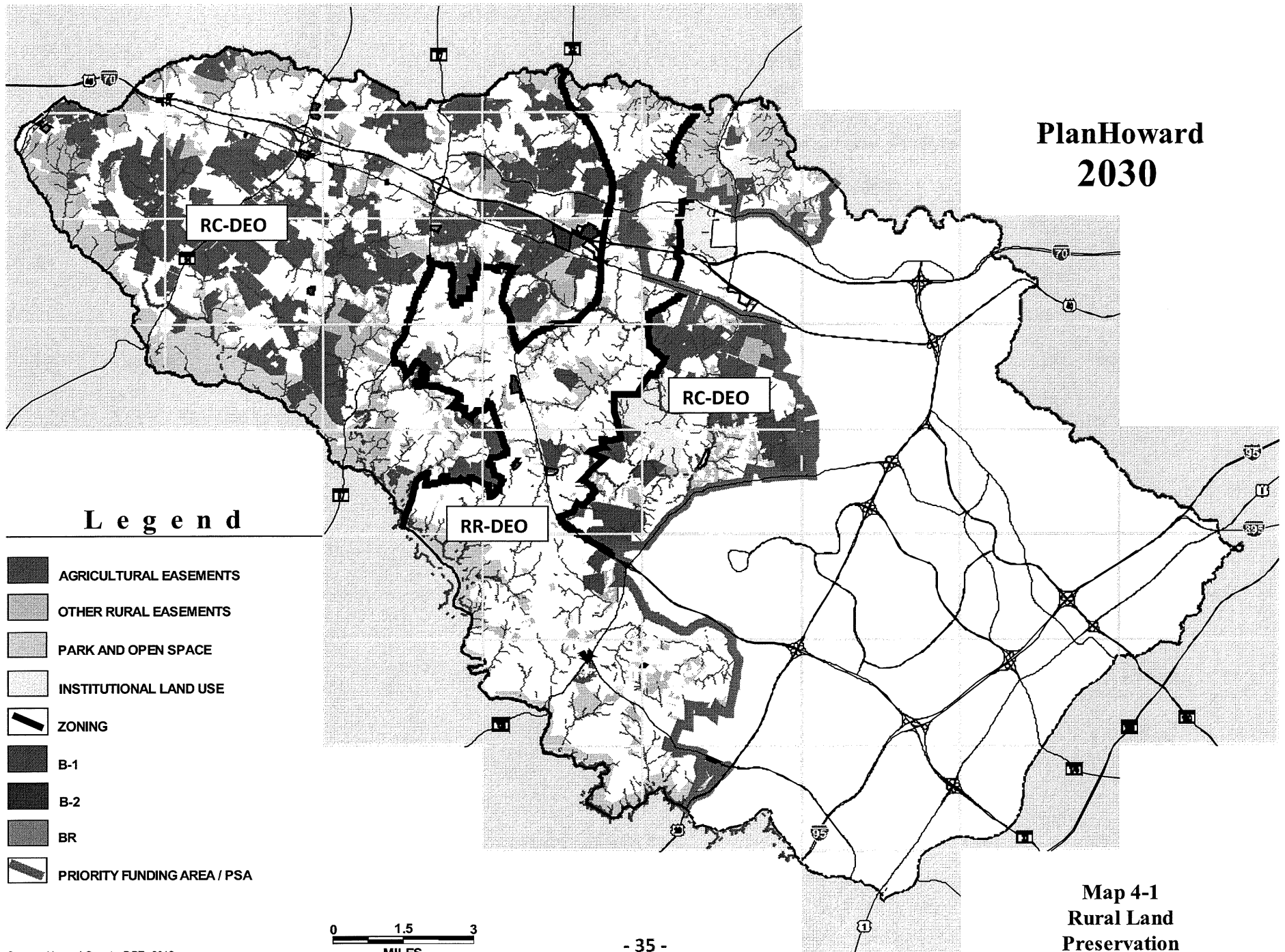
**PRELIMINARY DRAFT**

March 19, 2012  
Howard County, MD

**PlanHoward  
2030**



**Map 5-1  
RCLCO Study Area**







DEPARTMENT OF  
PLANNING AND ZONING

Marsha S. McLaughlin, Director

TECHNICAL STAFF REPORT

September 20, 2012

*Planning Board Meeting of October 18, 2012  
County Council Hearing to be scheduled*

**Case No. /Petitioner:** Marsha S. McLaughlin, Director, Department of Planning and Zoning

**Request:** An ACT amending PlanHoward 2030, the general plan for Howard County, by defining Growth Tiers, as required by The Sustainable Growth and Agricultural Preservation Act of 2012 (Maryland Senate Bill 236); specifying additional designated place types to correspond with the Growth Tiers; revising Map 6-2 to reflect the additional designated place types, adding new text to describe Growth Tiers and adding a new Map 6-3; and generally relating to planning, zoning and land use in Howard County, Maryland.

*Department of Planning and Zoning recommendation:*

*Approval*

**I. BACKGROUND**

On July 26, 2012, the County Council adopted *PlanHoward 2030* as Howard County's new general plan. During the process, the County Council amended *PlanHoward 2030* removing the proposed Growth Tiers to allow additional time for review and reflection by both the public and the County Council. As part of the amendment the two rural designated place types were also removed, as they directly relate to the Growth Tiers.

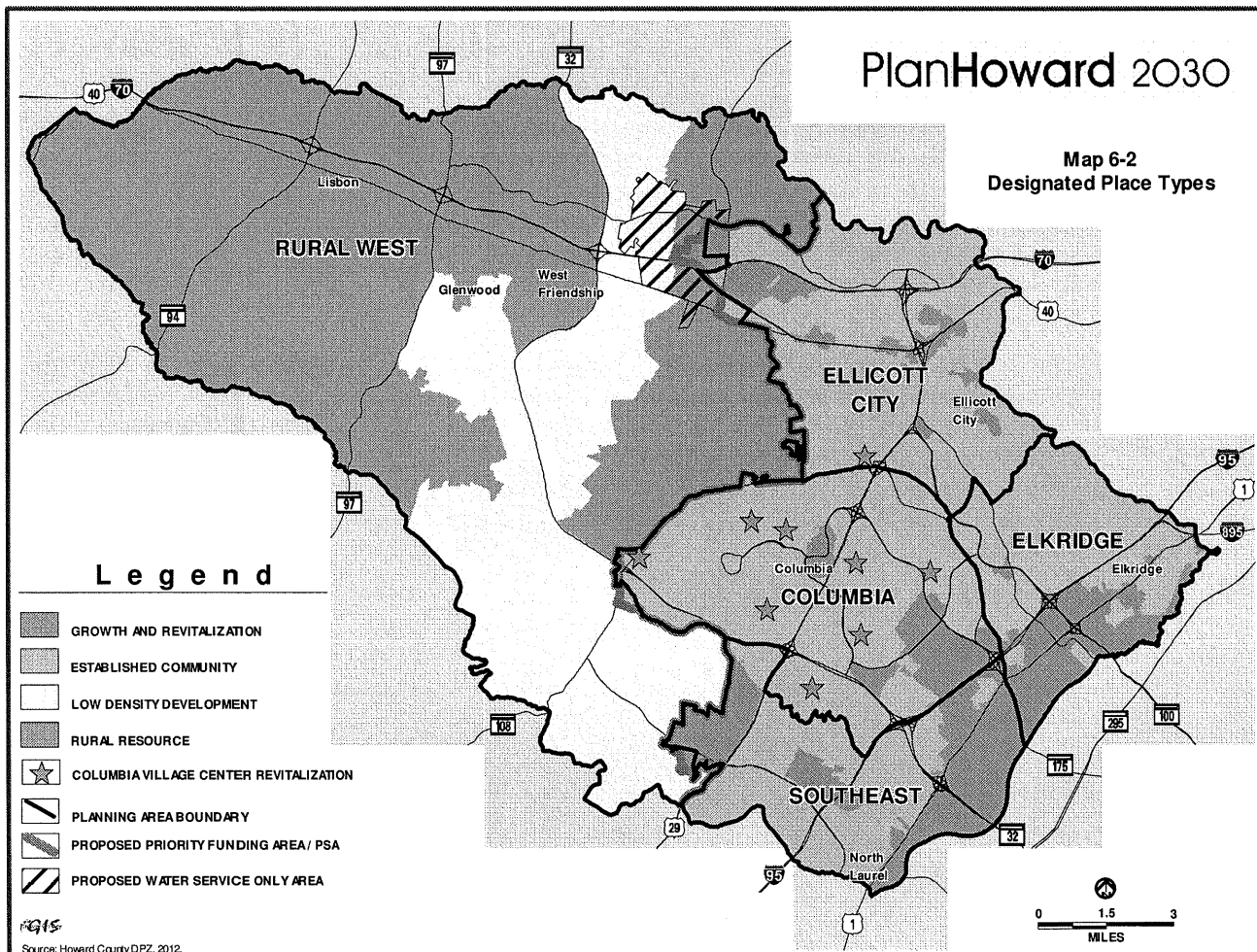
The original text and maps are being re-presented here for inclusion in *PlanHoward 2030*. There are no changes from the original being proposed by DPZ, and to date the County Council has not requested that the content be changed. Allowing additional time and study are the primary purposes for this amendment.

To prepare for this meeting, DPZ visited with the Agricultural Land Preservation Board, the Farm Bureau and the Home Builders Association of Maryland to present the proposal. The attached information and fact sheet summarizes the content discussed.

The full text of enrolled Council Bill 26-2012, adopting *PlanHoward 2030*, as amended, and all of the background information related to the *PlanHoward 2030* process are available at [www.planhoward.org](http://www.planhoward.org).

As established in *General Plan 2000* and subsequent amendments, institutional or public use expansions of the Planned Service Area boundary are limited to:

- 1) Properties adjoining the existing PSA boundary without including an intervening privately owned parcel;
- 2) The minimum area necessary to serve the proposed use. Subdivision of the parcel consistent with the PSA boundary amendment is required after approval of the General Plan amendment and prior to the inclusion of the parcel into the Metropolitan District; and
- 3) The particular use proposed at the time of expansion, with a deadline for the completion of the improvements for the proposed use and connection to the public water and/or sewerage system. If the proposed public or institutional use is not actually constructed and connected to the public water and/or sewerage system by the deadline specified in the Bill, the Planned Service Area expansion shall be null and void and the Planned Service Area automatically shall revert to its location prior to the Council Bill approving the expansion.





Property address	Property owner	Acres	Current zone	Owner request	DPZ rec'd	Planning Board rec'd	Work Session	Admin. Bill	Bill 75-2003 Amendments	Council Decision
OK 43.94 8170 Washington Blvd.			M-1	R-A-15	CE			CE-CLJ	89-R-A-15(0-5) COMPLITE OK	CE-CLJ
OK 43.95 8142 Washington Blvd.			M-1	R-A-15	CE			CE-CLJ	90-R-A-15(0-5) COMPLITE OK	CE-CLJ
OK 43.96 8112 Washington Blvd.			R-SC	CAC	CAC			CE-CLJ	91-CAC(5-0) COMPLITE OK	CAC-CLJ
43.97 8151 & 8205 Washington Blvd.	Jessup Rock, LLC	12.80	M-2	CAC	CE	CE	CE	CE-CLJ		CE-CLJ
OK 43.98 US 1 at Alladin Village	Walter R. Stone c/o Adelberg, Rudow, Dorf	47.00	R-MH, B-1	CAC	CAC		CAC with resolution	CAC	92-R-MH, B-1(5-0) COMPLITE	R-MH, B-1
43.99 7916 Dorsey Run Road	Dorsey Run Road, LLC	2.20	M-2	B-1	B-1		B-1	B-1		B-1
46.01 MD 216 from US 29 to Lime Kiln	Multiple - 216 boundary fix	26.55	RR-MXD-3		RR-DEO	RR-DEO (4-0)	RR-DEO	RR-DEO		RR-DEO
46.25 10935 Johns Hopkins Road	Joseph M. and Suzanne M. Cline	2.74	RR-MXD-3	B-1	RR-MXD-3	RR-MXD-3 (4-0)	hold	RR-MXD-3	93 - B-1(5-0)	B-1
46.75 8321 Lalshear Road	MD & VA Milk Producers Association,	229.00	M-1	B-1	M-1	M-1 (4-0)	R-SC, PEC (MXD-3)	R-20, R-SC, B-1, PEC (MXD-3)	152 - (0-5), 157 - PEC TO B-2 (5-0)	R-SC, B-1, PEC, B-2 (MXD-3)
46.99 11268 and 11274 Scaggsville Road	Patricia A. Wessel	1.00	RR-MXD-3	B-2	B-1		B-1	B-1	94 - B-2 (2-3)	B-1
47.01 8881 Gorman Road	Howard Research and Development Corp.	5.70	PEC	RSC	R-SC	R-SC (4-0)	R-SC	R-SC		R-SC
47.02 9320 Gorman Road	Multiple	6.80	R-MH, R-12	R-SA-8	R-SA-8	R-MH (5-0)	hold	R-SA-8	95-R-MH, R-12(0-5); 96-R-SC(0-5), 159-R-MH(5-0)	R-MH

## Information

PremiseAddress1	11795 MD 216 ROAD
PremiseAddress2	FULTONMD 20759
AccountID	1405376211
OccupiedBy	N
OwnerName1	TRUSTEES OF ST PAUL S EVAN
OwnerName2	
OwnerAddress1	LUTHERN CHURCH OF FULTON
OwnerAddress2	FULTON MD 20759
LegalDescript1	IMPS3.275 A
LegalDescript2	11795 ROUTE 216
DeedLiber	02266
DeedFolio	0512
Subdivision	0000
Plat	
Section	
Block	
Lot	
Map	46
Grid	0002
Parcel	178
ExemptionClass	Churches, Synagogues and Parsonages
Acres	1
StructureGrade	no data
ConstructionType	no data
Stories	no data
DwellingType	no data
YearBuilt	1958
BuildingSquareFeet	6869
SalesTransNo	000000
GrantorName	
GrantorLiber	00000
GrantorFolio	0000
TransferDate	
SalePrice	0
LandValue	163700
ImprovementValue	1307500
TotalValue	1471200

46.01

## Information

PremiseAddress1	8033 MURPHY RD
PremiseAddress2	FULTONMD 20759
AccountID	1405370809
OccupiedBy	H
OwnerName1	RAMAGE ROBERT E & WF
OwnerName2	
OwnerAddress1	P O BOX 0127
OwnerAddress2	FULTON MD 20759
LegalDescript1	IMPSLOT 1
LegalDescript2	8033 MURPHY RD ES
DeedLiber	00843
DeedFolio	0126
Subdivision	0000
Plat	
Section	
Block	
Lot	1
Map	46
Grid	0002
Parcel	314
ExemptionClass	Taxable Properties
Acres	1
StructureGrade	average
ConstructionType	frame
Stories	split foyer
DwellingType	split foyer 2 levels of living area
YearBuilt	1976
BuildingSquareFeet	1162
SalesTransNo	000000
GrantorName	
GrantorLiber	00000
GrantorFolio	0000
TransferDate	
SalePrice	0
LandValue	90000
ImprovementValue	100750
TotalValue	190750

46.01

## Information

PremiseAddress1	11787 MD 216
PremiseAddress2	FULTONMD 20759
AccountID	1405381363
OccupiedBy	H
OwnerName1	NARR ORTWIN A
OwnerName2	NARR CINDY ANN
OwnerAddress1	11787 ROUTE 216
OwnerAddress2	FULTON MD 20759
LegalDescript1	IMPSLOT 6 .988AR
LegalDescript2	11787 MD RTE 216 SS
DeedLiber	01185
DeedFolio	0569
Subdivision	0000
Plat	
Section	
Block	
Lot	6
Map	46
Grid	0002
Parcel	325
ExemptionClass	Taxable Properties
Acres	0.988
StructureGrade	average
ConstructionType	brick
Stories	1 story with basement
DwellingType	standard single family unit 1, 2 or 3 story
YearBuilt	1979
BuildingSquareFeet	2508
SalesTransNo	001129
GrantorName	DAWSON JR ROBERT K
GrantorLiber	00879
GrantorFolio	0333
TransferDate	19830901
SalePrice	170000
LandValue	89500
ImprovementValue	163420
TotalValue	252920

46.01

Information	
PremiseAddress1	11595 MD 216 RD
PremiseAddress2	MD
AccountID	1405358906
OccupiedBy	N
OwnerName1	MAPLE LAWN FARMS INC
OwnerName2	
OwnerAddress1	PO BOX 562
OwnerAddress2	FULTON MD 20759
LegalDescript1	IMPS97.939 AR
LegalDescript2	8281 MURPHY RD
DeedLiber	00683
DeedFolio	0747
Subdivision	0000
Plat	
Section	
Block	
Lot	
Map	46
Grid	0002
Parcel	113
ExemptionClass	Taxable Properties
Acres	97.93
StructureGrade	good
ConstructionType	brick
Stories	2 story with basement
DwellingType	standard single family unit 1, 2 or 3 story
YearBuilt	1998
BuildingSquareFeet	2564
SalesTransNo	000000
GrantorName	
GrantorLiber	00000
GrantorFolio	0000
TransferDate	
SalePrice	0
LandValue	168570
ImprovementValue	294560
TotalValue	463130

46.01



Information	
PremiseAddress1	11475 S MD 216
PremiseAddress2	FULTONMD 20759
AccountID	1405342260
OccupiedBy	H
OwnerName1	BOSLEY MARVIN R
OwnerName2	BOSLEY MARJORIE M
OwnerAddress1	11475 ROUTE 216
OwnerAddress2	FULTON MD 20759
LegalDescript1	IMPS3.718 A
LegalDescript2	11475 ROUTE 216 SS
DeedLiber	01241
DeedFolio	0138
Subdivision	0000
Plat	
Section	
Block	
Lot	
Map	46
Grid	0003
Parcel	282
ExemptionClass	Taxable Properties
Acres	3.71
StructureGrade	average
ConstructionType	brick
Stories	1 story with basement
DwellingType	standard single family unit 1, 2 or 3 story
YearBuilt	1952
BuildingSquareFeet	1414
SalesTransNo	005407
GrantorName	ALMQUIST LORETTA ETAL
GrantorLiber	01029
GrantorFolio	0632
TransferDate	19840410
SalePrice	132000
LandValue	115320
ImprovementValue	120680
TotalValue	236000

46.01

## Information

PremiseAddress1	11445 W MD 216
PremiseAddress2	FULTONMD 20759
AccountID	1405378281
OccupiedBy	N
OwnerName1	STATE OF MARYLAND
OwnerName2	STATE HIGHWAY ADMINIST DEPART TRAN
OwnerAddress1	PO BOX 717
OwnerAddress2	BALTIMORE MD 21203
LegalDescript1	IMPS1.147 AR
LegalDescript2	11445 ROUTE 216 W S
DeedLiber	00000
DeedFolio	0000
Subdivision	0000
Plat	
Section	
Block	
Lot	
Map	46
Grid	0003
Parcel	209
ExemptionClass	State Roads Commission (Mass Transit Administration)
Acres	1.14
StructureGrade	average
ConstructionType	frame
Stories	split foyer
DwellingType	split foyer 2 levels of living area
YearBuilt	1977
BuildingSquareFeet	1220
SalesTransNo	942313
GrantorName	JACKSON WILLIAM J & WF
GrantorLiber	00787
GrantorFolio	0187
TransferDate	19940331
SalePrice	0
LandValue	91400
ImprovementValue	79640
TotalValue	171040

46.01

# EXHIBIT 9

## GENERAL PLAN 2000 AMENDMENTS

Council Bill Number	Effective Date	Text	Map	Subject
CB 35-2000	9/5/2000		✓	1.38 acres of the St. Louis Catholic Church property (Tax Map 34, Block 12, Parcel 44) were included in the Planned Service Area (PSA) for water and sewer.
CB 39-2001	10/1/2001		✓	0.988 acres of the Narr property (Tax Map 46, Block 2, Parcel 325) were included in the PSA for water and sewer.
CB 44-2002	12/2/2002	✓		GP 2000 text (pp. 97-99) was amended in order to allow PSA exemptions for public institutional uses and to impose additional conditions on requests to expand the PSA boundary for water and sewer.
CB 55-2002	12/10/2002		✓	6.79 acres of the Dar Al Taqwa property (Tax Map 29, Block 11, Parcel 12) were included in the PSA for water and sewer.
CB 56-2002	1/1/2003		✓	34.18 acres of the Grace Community Church property (Tax Map 46, Parcel 337, Lots 5 & 8) were included in the PSA for water and sewer.
CB-61-2003	12/08/2004		✓	5.23 acres of Howard County Conservancy property (Tax Map 10, Block 24, Parcels 315, Lots 1 & 2) were included in the PSA for water and sewer [approval expired].
CB 11-2004	5/3/2004		✓	5.22 acres of Howard County Conservancy property (Tax Map 10, Block 24, Parcels 315, Lots 1 & 2) were included in the PSA for water and sewer [renewed approval].
CB 48-2004	10/6/04		✓	GP 2000 was amended by adding a new Planning and Statistical Area map to the index and by adjusting the planning area boundary line for Columbia to include 142 acres previously part of the Southeast area.
CB 18-2006	06/07/2006	✓	✓	177.4 acres of the Howard County property (Tax Map 16, Parcels 220, 253 & 302) in the water-service-only area (Alpha Ridge) was granted both water and sewerage service instead of just water service; and, GP 2000 text (pp. 97-99) was amended to clarify conditions for expanding PSA to parcels with institutional or public uses.
CB 52-2006	10/03/2006		✓	3.08 acres of the Mauck property (Tax Map 41, Block 20, Parcel 92), adjoining the Fulton Station Center, were included in the PSA for water and sewer.

CB 13-2007	6/05/2007		✓	12.47 acres of the St. Francis Roman Catholic Church property (Tax Map 46, Block 3, Parcel 337) were included in the Planned Service Area (PSA) for water and sewer.
CB 14-2007	6/05/2007		✓	3.28 acres of the St. Paul's Lutheran Church property (Tax Map 46, Block 2, Parcel 178) were included in the Planned Service Area (PSA) for water and sewer.
CB 58-2009	4/03/2010	✓		Downtown Columbia Plan, a general plan amendment for the purpose of revitalizing and redeveloping Downtown Columbia, was adopted as an addendum to the general plan.
CB 9-2010	6/07/2010		✓	221.1 acres of the historic Doughoregan property (Tax Map 23, Grid 10, Part of Parcel 71) were included in the Planned Service Area (PSA) for water and sewer
CB 10-2010	6/07/2010	✓		Water Resources Element, in accordance with State law, was adopted as an addendum to the general plan.

TABLE 1

Page 1 of 1

## CUMULATIVE HOUSEHOLD POPULATION PUBLIC WATER SERVICE

2035 Totals								
Water Area	SFD	SFA	APT	MH	AR-SFD	AR-SFA	AR-APT	Total
NPS	49,372	14	9	7	42	79	0	
350 Zone	493	66	89	0	0	0	0	
400 Zone	18,826	15,731	15,456	1,553	26	114	0	
550 II Zone	58,008	27,489	27,181	1,562	7	771	1,673	
550 I Zone	17,424	4,442	6,764	0	42	267	1,388	
630 East Zone	15,378	4,548	4,918	0	0	111	0	
630 South Zone	989	380	0	0	0	0	0	
630 West Zone	34,063	8,594	8,237	0	87	750	370	
730 Zone	1,846	984	316	0	248	312	339	
<b>TOTAL IN PSA</b>	<b>147,027</b>	<b>62,234</b>	<b>62,961</b>	<b>3,115</b>	<b>410</b>	<b>2,325</b>	<b>3,770</b>	<b>281,842</b>
<b>TOTAL IN COUNTY</b>	<b>196,399</b>	<b>62,248</b>	<b>62,970</b>	<b>3,122</b>	<b>452</b>	<b>2,404</b>	<b>3,770</b>	<b>331,365</b>

SFD = Single Family detached Unit

SFA = Single Family Attached Unit

APT = Apartment Unit (rental or condo)

MH = Mobile Home

AR-SFD = Age-Restricted Single Family Detached Unit

AR-SFA = Age-Restricted Single Family Attached Unit

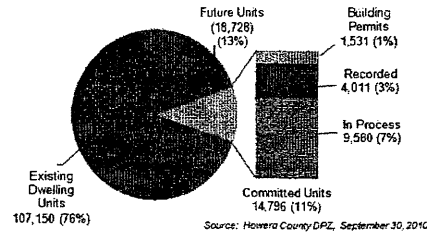
AR-APT = Age-Restricted Apartment Unit (rental or condo)

PSA = Planned Service Area

Revised Oct 2011

EXHIBIT 16

Figure 6-9 - Housing Units  
Buildout Based on Current Zoning  
Total = 141,000 Dwelling Units



33% of future new homes will be single-family detached and 67% will be townhouses, condominiums, or apartments (Figure 6-9).

#### Expansion of the Planned Service Area

Expansions to the Planned Service Area (PSA) for water and sewer service since 1990 have been very limited. In 1993, the County Council voted to extend water service to include the area around the Alpha Ridge Landfill. This extension was done solely out of concern for potential future groundwater contamination that might originate from the Alpha Ridge Landfill; therefore, only water service is provided in this area. No sewer service is allowed and no change from rural land uses or zoning is authorized. Map 6-2 shows the current boundary for public water and sewer as well as the water-service-only area.

The boundary of the PSA for both water and sewer service is important not only to determine which parcels will be served by public water and sewer service, but also because the PSA is Howard County's designated growth boundary or

Priority Funding Area per the State's Smart Growth Act. The PFA/PSA is also the boundary for *PlanHoward 2030*'s rural place designations. As such, adjustments to the PSA would have significant ramifications in terms of both permitted development intensity and the level of other County and State services.

*PlanHoward 2030* proposes three minor expansions of the Planned Service Area (adjoining Ellicott City, Clarksville, and Maple Lawn). To achieve Bay restoration goals it is preferable to include these properties in the PSA, rather than have them utilize septic systems particularly where the area drains to reservoirs or high quality stream systems. These properties, because of their location at the interface of the rural residential zone and the planned service area, should be designed and zoned to establish a transition that is compatible with and enhances surrounding communities. In addition, they should create an environmental benefit through environmental site design that mitigates impervious surfaces so that storm water will be captured onsite and not affect nearby waterways. In the future, it should be anticipated that there may be isolated situations where minor PSA adjustments may be appropriate. A PSA revision requires a General Plan Amendment to Map 6-2. Any requests for a General Plan Amendment for expansion of the PSA should be denied unless either:

1. The proposed expansion of the Planned Service Area is intended to provide for a public or institutional use such as a religious facility, philanthropic institution, or academic school; or

2. The proposed expansion of the Planned Service Area includes a zoning proposal that is consistent with the General Plan and Smart Growth policies. Sewer and water infrastructure capacity and costs must be analyzed to confirm the feasibility and availability of scheduled capacity.

As established in General Plan 2000 and subsequent amendments, institutional or public use expansions of the Planned Service Area boundary are limited to:

1. Properties adjoining the existing PSA boundary without including an intervening privately owned parcel;
2. The minimum area necessary to serve the proposed use. Subdivision of the parcel consistent with the PSA boundary amendment is required after approval of the General Plan Amendment and prior to the inclusion of the parcel into the Metropolitan District; and
3. The particular use proposed at the time of expansion with a deadline for the completion of the improvements for the proposed use and connection to the public water and/or sewerage system. If the proposed public or institutional use is not actually constructed and connected to the public water and/or sewerage system by the deadline specified in the Bill, the Planned Service Area expansion

EXHIBIT 11

Exhibit 12

----- Forwarded message -----

From: **McLaughlin, Marsha** <[mmclaughlin@howardcountymd.gov](mailto:mmclaughlin@howardcountymd.gov)>

Date: Mon, Jun 3, 2013 at 2:31 PM

Subject: RE: Amendment 46.002

To: Thomas Broullire <[thomas.sbslaw@gmail.com](mailto:thomas.sbslaw@gmail.com)>

Cc: "Lalush, Bob" <[blalush@howardcountymd.gov](mailto:blalush@howardcountymd.gov)>, "Mackey, William" <[wmackey@howardcountymd.gov](mailto:wmackey@howardcountymd.gov)>, "Flowers, Kimberley" <[kflowers@howardcountymd.gov](mailto:kflowers@howardcountymd.gov)>

... I forgot to note that the Dept of Public Works has a consultant reviewing all of the proposed Comp Zoning map amendments to confirm water and sewer capacity, so this information will be available prior to the Council's decisions on map amendments.

EXHIBIT 13



DEPARTMENT OF  
PLANNING AND ZONING

Marsha S. McLaughlin, Director

TECHNICAL STAFF REPORT

September 20, 2012

*Planning Board Meeting of October 18, 2012  
County Council Hearing to be scheduled*

**Case No. /Petitioner:** Marsha S. McLaughlin, Director, Department of Planning and Zoning

**Request:** An ACT amending PlanHoward 2030, the general plan for Howard County, by defining Growth Tiers, as required by The Sustainable Growth and Agricultural Preservation Act of 2012 (Maryland Senate Bill 236); specifying additional designated place types to correspond with the Growth Tiers; revising Map 6-2 to reflect the additional designated place types, adding new text to describe Growth Tiers and adding a new Map 6-3; and generally relating to planning, zoning and land use in Howard County, Maryland.

*Department of Planning and Zoning recommendation:*

*Approval*

**I. BACKGROUND**

On July 26, 2012, the County Council adopted *PlanHoward 2030* as Howard County's new general plan. During the process, the County Council amended *PlanHoward 2030* removing the proposed Growth Tiers to allow additional time for review and reflection by both the public and the County Council. As part of the amendment the two rural designated place types were also removed, as they directly relate to the Growth Tiers.

The original text and maps are being re-presented here for inclusion in *PlanHoward 2030*. There are no changes from the original being proposed by DPZ, and to date the County Council has not requested that the content be changed. Allowing additional time and study are the primary purposes for this amendment.

To prepare for this meeting, DPZ visited with the Agricultural Land Preservation Board, the Farm Bureau and the Home Builders Association of Maryland to present the proposal. The attached information and fact sheet summarizes the content discussed.

The full text of enrolled Council Bill 26-2012, adopting *PlanHoward 2030*, as amended, and all of the background information related to the *PlanHoward 2030* process are available at [www.planhoward.org](http://www.planhoward.org).



# EXHIBIT 13

- SB 236 includes "grandfathering" provisions that protect any major subdivision on septic if the septic "perc" testing application is submitted by July 1, 2012 and the subdivision meets two subsequent deadlines for continued processing. There are 12 RC/Tier IV parcels that have the potential to be grandfathered. If all 12 properties complete the subdivision process this would reduce the impact of RC/ Tier IV designation by 253 units, leaving only 166 lots rights impacted.
- To mitigate the loss of major subdivision rights, SB 236 allows density transfer from Tier IV properties to other Tiers. Fortunately, Howard County's zoning authorizes a well established density transfer mechanism (the DEO - Density Exchange Option). It allows density transfer from RC (Tier IV) to RR (Tier III). Since 1992, 4,841 acres of land have been preserved by sending density to other subdivisions. This generated 1,106 lot rights to be transferred, of which 866 have been developed and 240 have not yet been "received".
- There are currently 3042 acres of uncommitted RR land in parcels of 10 acres or greater (the minimum practical size to receive density from RC/Tier IV properties). This acreage is estimated to have the potential to receive approximately 500 additional density transfer rights (beyond the receiving parcel's base density rights).
- This "receiving capacity" of uncommitted RR/Tier III parcels should be able to absorb the density transferred from the RC/Tier IV properties. However, the Comprehensive Zoning will also examine options for sending some density to the PSA (Tier I).

## Alternatives:

- One alternate for Tier III/ IV designations has been suggested -- to only assign Tier IV to properties that are already under easement and can't be further subdivided. This conflicts with the SB 236's criteria for Tier IV designation: land dominated by agricultural or natural resources.
- Conversely, the Maryland Department of Planning's (MDP) recently released "SB 236 Guidance" which encourages using a more fine grained analysis of the RR district to designate remaining farms and forests as Tier IV, rather than Tier III.
- ★ ■ SB 236 was amended to eliminate State approval of local tier designations in favor of granting approval authority to the local level, but requires MDP to report to the General Assembly in February 2013 on local jurisdictions' Growth Tier designations. If MDP determines there are a lot of "rogue" jurisdictions that adopt tier designations that circumvent the intent of SB 236, they will file legislation to reinsert the requirement for State approval of local tier designations.

## Conclusion

- Howard County should use the Growth Tier designations that were proposed in PlanHOWARD 2030 (Map 6-3), but encourage density exchange to RR/Tier III properties to mitigate the loss of subdivision rights by RC/Tier IV properties.
- Additional options for density transfer to the PFA/Tier I should be considered during formulation and adoption of the Comprehensive Zoning Plan.

EXHIBIT 14



MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

VALERIE ERVIN  
COUNCILMEMBER  
DISTRICT 3

June 12, 2013

Mr. Thomas Broullire  
[Tomas.sbslaw@gmail.com](mailto:Tomas.sbslaw@gmail.com)  
Sushner, Broullire & Shepard PLLC  
3 Bethesda Metro Center, #730  
Bethesda, MD

Dear Mr. Broullire,

Thank you for your email and for providing me with several background documents and a brief history of Amendment No. 46.002 in Howard County which is located at 11595 Scaggsville Road. I have reached out to both the Chesapeake Bay Trust and Councilmember Courtney Watson's Office on this issue.

While the Bay Trust does not take positions on particular projects, they did recommend that you contact Fred Tutman at Patuxent Riverkeeper in Upper Marlboro to see if they would become part of your coalition. He can be reached at [fred@paxriverkeeper.org](mailto:fred@paxriverkeeper.org) or 301-579-2073 ext 7. In addition the Maryland Department of Natural Resources has a Critical Area Commission that may be helpful in this case <http://www.dnr.state.md.us/criticalarea/>.

It is my understanding that Common Sense Growth in Fulton has met with Councilmember Watson on this issue, and I encourage you to meet with all of the Howard County Councilmembers on this proposal. As you know, the Howard County Council public hearing for the central area comprehensive zoning proposal is Monday, June 17 at 5:00 p.m., and Council action is tentatively scheduled for June 25. This link will enable you to sign up to present testimony: <http://cc.howardcountymd.gov/iframeTemplate.aspx?ID=6442455146>. The Howard County Council also maintains a webpage on the comprehensive zoning process that you may already be familiar with: <http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>.

I hope this information is helpful to you as you work to preserve the Patuxent River Watershed and Rocky George Reservoir. If you have future zoning issues in Montgomery County or any other issues that I have jurisdiction over, please don't hesitate to contact my office. Wishing the best to you and your grandparents in Burtonsville.

Sincerely,

A handwritten signature in cursive script, appearing to read "Valerie Ervin".  
Valerie Ervin

STELLA B. WERNER OFFICE BUILDING • 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850  
240/777-7960 OR 240/777-7900 • TTY 240/777-7914 • FAX 240/777-7989  
[WWW.MONTGOMERYCOUNTYMD.GOV/COUNCIL](http://WWW.MONTGOMERYCOUNTYMD.GOV/COUNCIL)  
♻️ PRINTED ON RECYCLED PAPER

Regner, Robin

46-002

LAGER FARM

**From:** Tolliver, Sheila  
**Sent:** Tuesday, June 18, 2013 3:45 PM  
**To:** Regner, Robin  
**Subject:** FW: testimony of Barbara Sollner-Webb, 6-17-13  
**Attachments:** WLCA Ltr on Ho Co 6-13\_final.pdf

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

From: Barbara Sollner-Webb [mailto:bsw@jhmi.edu]  
Sent: Tuesday, June 18, 2013 3:34 PM  
To: CouncilMail  
Subject: testimony of Barbara Sollner-Webb, 6-17-13

councilmail@howardcountymd.gov

Dear Councilmembers,

As requested upon testifying at last night's hearing, I am herewith submitting an electronic version of what I planned to say:

I am Barbara Sollner-Webb, of 17200 Melbourne Drive, in Laurel, MD, on the other side of the reservoir into which the 46.002 property drains. I will be the only resident presenting on behalf of the West Laurel Civic Association (WLCA), which represents 1700 residences (over 3500 residents) in Prince George's and Montgomery counties. [Thus, thank you for giving me five minutes to testify.] We are a tiny fraction of the nearly 3/4 of a million residents (some are also in Howard County) who drink water from the Rocky Gorge reservoir, into which the contaminated run-off from the planned high density lager development will drain, but surely the other 99% of those users would be similarly incensed if they knew of Howard's plans. [You have also received a longer letter (appended) from Melissa Daston, the President of the WLCA, and I will be summarizing our remarks.]

By way on introductions, in addition to being a Vice-President of the WLCA, I am also a Professor at the Johns Hopkins University School of Medicine, a long time member of the Governor-appointed Patuxent River Commission (of which Councilmember Sigaty is Vice-Chair), and a former Chair of WSSC's Environmental Advisory Committee. Thus, I care deeply for the environment and have some knowledge of the underlying science.

Rigorous research has definitively shown that run-off from high density development and the accompanying high impervious surface is bad for water quality; it is especially bad for reservoirs, for which source water protection is key. [To address your previous question, the run-off from 46.002's build-out of 800 residences (now-stated, or possibly up to 2300 residences if implementing the suggested RA-25) -- from the cars, lawn chemicals, etc. of thousands of people -- is far worse than from the 30 septs permitted under maximal permitted build-out of this RR-DEO zoned, currently agricultural, land.]

Because of environmental concerns, for decades WLCA has taken a direct interest in assuring that water quality in the Rocky Gorge Reservoir is not further degraded, including by opposing adjoining development that would add unreasonable amounts of impervious surfaces within the reservoir watershed and by supporting Montgomery County's Master Plan and Prince George's County's legislation that limited impervious surfaces to ten percent near the reservoir. Indeed, to protect the reservoir, many General Assembly members whose constituents drink the water earlier sponsored legislation that mandated low density development in the entire reservoir watershed, which unfortunately was not enacted (but hopefully will be submitted again this coming session).

Also Howard County has long expressed an strong interest in protecting the Patuxent reservoirs, not only through explicit statements about environmental protection in past General Plans but by being active on the Patuxent River Commission, signing the Commission's Patuxent Policy Management Plan, and signing the Patuxent Reservoirs Watershed Protection Agreement (October, 1996). Until now, Howard has publicly held that Rt 216 (which demarks the boundary of the Patuxent watershed and thus also of the Rocky Gorge reservoir) will remain the rural boundary, with no piped water and sewer for residential use.

The proposed 91-acre RA-15 (or now possibly RA-25?) project, that was almost snuck through without residents' notice, will insert residential density that is entirely out of character with the area, will create as inordinate amount of impervious surface, and drain of construction sediment and residentially generated nutrients that will degrade the reservoir.

In particular, this proposed rezoning of the lager property would be the first incursion of water and sewer for residential use into the area south of Rt 216 and west of Rt 29, which previously Howard County officials had assured the public would remain low density, to protect the reservoir. Surely Marsha McLaughlin remembers her presentation to WSSC's Environmental Advisory Committee, assuring the EAC and the WSSC that Howard County would never permit high-density development south of Rt 216 and west of Rt 29, to protect the reservoir, certainly never under her watch. [I just pulled up my detailed notes of this July 2002 meeting, where the EAC asked Ms. McLaughlin about Howard's future development plans, because the run-off from Howard's then-new residential development south of Rt 216 and east of Rt 29 was providing so much excess nutrients in the reservoir to cause nasty fungus growths around its outflows.]

This introduction of residential water and sewer is a very dangerous precedent that owners of the thousands of similarly situated acres south of Route 216 can use as a catalyst for future rezoning cases, based on "change or mistake" arguments, to get their land also converted to high density. And it will have no restrictions on the amount of impervious surface, thanks to the CEF zoning district just enacted by Howard's County Council.

This is not smart growth but dangerous growth, ensuring degradation of the reservoir. Thank you for considering our comments.

Sincerely,  
Barbara Sollner-Webb

West Laurel Civic Association  
P.O. Box 387  
Laurel, MD 20725  
June 17, 2013

Hon. Jennifer Terrasa, Chairperson  
Howard County Council  
3430 Court House Drive  
Ellicott City, MD 21043  
[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)

*Re: Iager Farm Rezoning Request for Comprehensive Rezoning*

Dear Chair Terrasa,

I am writing as President of the West Laurel Civic Association (the "WLCA") concerning a rezoning proposal in the Comprehensive Rezoning package. The WLCA represents 1,700 households in Prince George's and Montgomery Counties adjacent to the Rocky Gorge Reservoir. The WLCA opposes Amendment #46.002, which is the rezoning of the 91-acre Iager Farm from RR-DEO to R-A-15.

For decades, the WLCA has taken a direct interest in seeing that the water quality in the Rocky Gorge Reservoir is not further degraded. We have opposed development in Prince George's County that would add unreasonable amounts of impervious surfaces within the reservoir watershed. We supported language in Montgomery County's Fairland Master Plan that created a preservation area in proximity to the watershed and limited impervious surfaces to ten percent. We supported Prince George's County legislation that limited impervious surfaces within close proximity to a drinking water reservoir to ten percent. We have had WLCA members serve on WSSC's Environmental Advisory Committee and the Patuxent River Commission. To state the obvious, the WLCA is well aware of the issues surrounding the continued degradation of the Patuxent River, generally, and the Rocky Gorge Reservoir, specifically, and we have taken action on numerous occasions.

Of great concern at the present is that the Rocky Gorge Reservoir has been listed as an impaired waterway for nutrients under the Clean Water Act since 1998. Further scientific evaluation by the Maryland Department for the Environment resulted in the Environmental Protection Agency approving a TMDL for Rocky Gorge Reservoir for phosphorus in 2008. The Howard County government is represented on the Patuxent River Commission, is a signatory to the Commission's Patuxent Policy Management Plan, and is also a signatory to the Patuxent Reservoirs Watershed Protection Agreement (October 29, 1996).

The Iager property that is the subject of Amendment #46.002 is adjacent to the expansive Maple Lawn Farm development that is currently being constructed on the main portion of the Iager land holdings. The subject property sits in close proximity to the Rocky Gorge Reservoir, to the south of Route 216 across from Maple Lawn Farm -- and unlike the main Maple Lawn development, drains directly into the Rocky Gorge reservoir. Howard County rezoned the Iager Farm for the Maple Law Farm development about 15 years ago, in the face of substantial community and environmental organization opposition, and this development is a prime example of how sprawl development projects can be wrapped in claims of "smart growth" if the local government wants to "justify" it. Since Howard County concluded that Maple Lawn Farm was in the public interest, it should limit any further density requests to the current boundaries of Maple Lawn Farm, or at least maintain the Route 216 rural boundary, which demarks the boundary of the Patuxent watershed and thus the Rocky Gorge reservoir..

As proposed, the 91-acre R-A-15 multi-family housing project will insert a residential density level into the



rural protection area around the Rocky Gorge Reservoir that is entirely out of character with the area south of Route 216. The project will also produce an inordinate amount of impervious surface, which is inappropriate for the health of the reservoir. Further, construction sediment and residentially generated nutrients will further add to the degradation of the reservoir. We believe that the proposed amendment to rezone the Iager property from three-acre density to 15 dwelling units per acre is environmentally damaging, inconsistent with the surrounding community and would violate Howard County's obligations under the Patuxent Policy Management Plan. This level of density increase, which is out of character with the surrounding properties, will serve as a catalyst for future rezoning cases south of Route 216 based on "change or mistake" arguments.

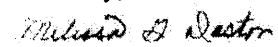
In particular, this proposed rezoning of the Iager property would be the first incursion of water and sewer for residential construction into the area south of Rt 216 and west of Rt 29. Howard County officials have long assured the public that this area would remain low density, to protect the reservoir -- any decision to negate this breaks the public trust. Furthermore, this precedent would allow owners of similarly situated acres to convert their rural properties to high density development, with no restrictions on the amount of impervious coverage, due to the CEF zoning district just enacted by Howard's County Council. This is not smart growth but dangerous growth ensuring degradation of the reservoir.

The WLCA's members, like all Prince George's County residents, reside downstream of the Iager Farm and the Rocky Gorge Reservoir, and rely on the Rocky Gorge Reservoir as their principal source of drinking water. It is inappropriate for a developer to seek a personal benefit that places the limited drinking water of almost a million people at risk, and the Howard County government has a stewardship obligation to ensure that development within the County is not a threat to the health, safety and welfare out persons outside the County.

We are copying our State and County representatives below, and we are requesting that they weigh in on this serious matter, and consider proposing State legislation that better protects drinking water reservoirs from unwarranted development.

We appreciate the opportunity to submit our comments on the Comprehensive Rezoning proposal.

Sincerely,

  
Melissa G. Daston  
President  
West Laurel Civic Association

cc: Hon. James Rosapepe  
Hon. Barbara Frush  
Hon. Benjamin Barnes  
Hon. Joseline Pena-Melnyk  
Hon. Mary A. Lehman

# Briefing to Howard County Council

## *A Development Plan that Complies with PlanHoward 2030*

May 31, 2013

Voters for Common-Sense Growth



To St Paul Church  
& Fulton Station SC

RR-DEO Iager Parcel  
Scheme 9  
R-ED  
Conceptual Site Plan





POLICY 2.1 - Promote dialog throughout development and implementation of *PlanHoward 2030* with a broad range of community participants including those groups who are underrepresented or are part of a special population.

### **Implementing Actions:**

**a. Involvement.** Engage the full spectrum of the County's population in planning and implementing actions.

**b. Monitoring.** Engage diverse stakeholder groups in the monitoring process with the first monitoring report due three years after plan adoption and the second monitoring report due five years after the first report.

# The Plan 8 vs. The Smart Plan on Policy 2.1

## – Plan 8:

- Application for a significant up zoning of a large land parcel without any community participation in the planning.
- Proposes a plan that seems to disregard many of PlanHoward 2030 directives and initiatives.

## – The Smart Plan:

- Developed using PlanHoward 2030 as the authoritative guideline of design.
- Includes input from: A large and diverse array of Fulton area stake-holders that have a vested interest in this impactful policy change. Also includes input from industry experts.

POLICY 3.3 – Use watershed management plans to guide the protection and restoration of water resources.

### Implementing Actions:

**b. Forest Cover and Riparian Forest Buffers.**

Establish and achieve measurable goals for forest cover and riparian forest buffers in all County watersheds.



## The Plan 8 vs. The Smart Plan on Policy 3.3

### – **Plan 8 provides:**

- No land allocation for reforestation
- No land buffers between adjoining land parcels
- Limited opportunity to provide for a natural filtering system

### – **The Smart Plan provides:**

- Large wooded areas between adjacent parcels, existing housing units and the Rocky Gorge Reservoir to act as a NATURAL filter to protect the reservoir and wells.
- Forest cover and riparian forest buffers
- Protects the two streams that run through that property and feeds the reservoir and enhances wetlands

POLICY 3.8 – Improve storm water management practices throughout the County to help restore and protect water resources.

### **Implementing Actions:**

**a. Redevelopment.** Ensure redevelopment is designed and implemented to reduce storm water runoff rate, volume, and pollution to the maximum extent practicable

## The Plan 8 vs. The Smart Plan on Policy 3.8

### – Plan 8 proposes:

- An extremely high amount of impervious land area reflective of an urban environment
- Constructing 100 rain gardens as the sole means of SWM.
  - *Many experts continue to debate the effectiveness of rain gardens.*

### – The Smart Plan proposes:

- A balanced allocation of pervious and impervious land areas.
- Afforestation to create natural woods that will reduce storm water run off and pollution heading to the reservoir and on to the Chesapeake Bay.
- Ample opportunity to construct enhanced and secondary storm water management facilities.



## POLICY 4.7 – Continue to protect, restore, and expand forested lands.

### Implementing Actions:

**a. Forest Integrity.** Prioritize retention and reforestation areas, guide efforts to minimize forest fragmentation, and increase forest interior habitat.

**b. Native and Invasive Exotic Plants.** Expand on current endorsements regarding the use of native plants and continue to discourage and prohibit the use of invasive exotic plants for landscape planting in new projects.

## The Plan 8 vs. The Smart Plan on Policy 4.7

### – Plan 8 provides:

- No opportunity to replant dense forest
- No room for wildlife
- Edge of parcel to edge of parcel dense development

*Ag Pres*

### – The Smart Plan provides:

- Replacement of farmland with forest
- Wildlife habitat creation

POLICY 5.1 – Implement key actions from EDA's 2011 Strategic Plan Identify, develop, implement and refine a comprehensive program to foster a diversified economy and encourage innovation and entrepreneurship.

### **Implementing Actions :**

**d. Downtown Columbia Revitalization.** Implement the Downtown Columbia Plan to create a vibrant, mixed-use urban center for Howard County. This walkable, livable, revitalized Downtown will create a needed urban anchor that will attract and retain the creative class, and will advance the rebranding of Howard County for the 21st century.



## The Plan 8 vs. The Smart Plan Policy 5.1

Howard County has designated Columbia the Premiere Urban Center for this region

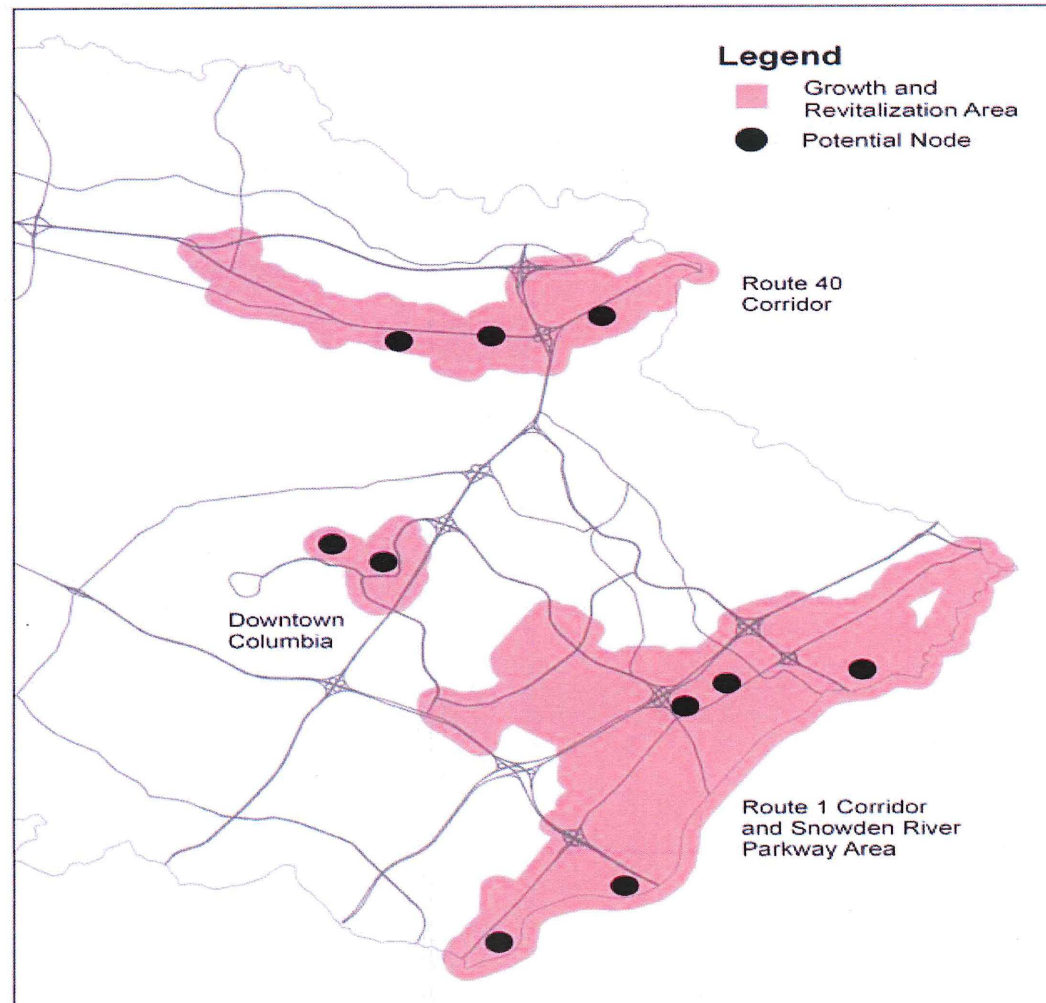
– **Plan 8 proposes:**

- A competing high density residential node in a green field, contrary to smart growth and not identified as a Key Growth Node as delineated on Figure 10-2.

– **The Smart Plan provides:**

- A Fulton Village at the right scale, compatible with the surrounding area.

# Key Growth and Revitalization Node Diagram



PlanHoward 2030  
Figure 10.2 Pg. 155

## **POLICY 6.5 – Plan compact, well designed, and complete communities through the Comprehensive Zoning process.**

### **Compact development.**

- Encourage compact development with **adequate green spaces** and connectivity within and between developments which provide residents with a high quality of life and allows residents to take advantage of the benefits of the compact development.



## The Smart Plan vs. Plan 8 on Policy 6.5

### – **Plan 8 provides:**

- High density, rather than compact development
- No adequate green space

### – **The Smart Plan provides:**

- Clustered development, which is typical of rural compact development.
- Abundance of green space
- Walking paths around and between communities

## PlanHoward 2030, Growth

*PlanHoward 2030 proposes three minor expansions of the Planned service Area (adjoining Ellicott City, Clarksville, and Maple Lawn).* **To achieve Bay restoration goals it is preferable to include these properties in the PSA, rather than have them utilize septic systems particularly where the area drains to reservoirs or high quality stream systems. These properties, because of their location at the interface of the rural residential zone and the planned service area, should be designed and zoned to establish a transition that is compatible with and enhances surrounding communities. In addition, they should create an environmental benefit through environmental site design that mitigates impervious surfaces so that storm water will be captured onsite and not affect nearby waterways. (Page 73)**



# The Smart Plan vs. Plan 8 on Growth

## – Plan 8 proposes:

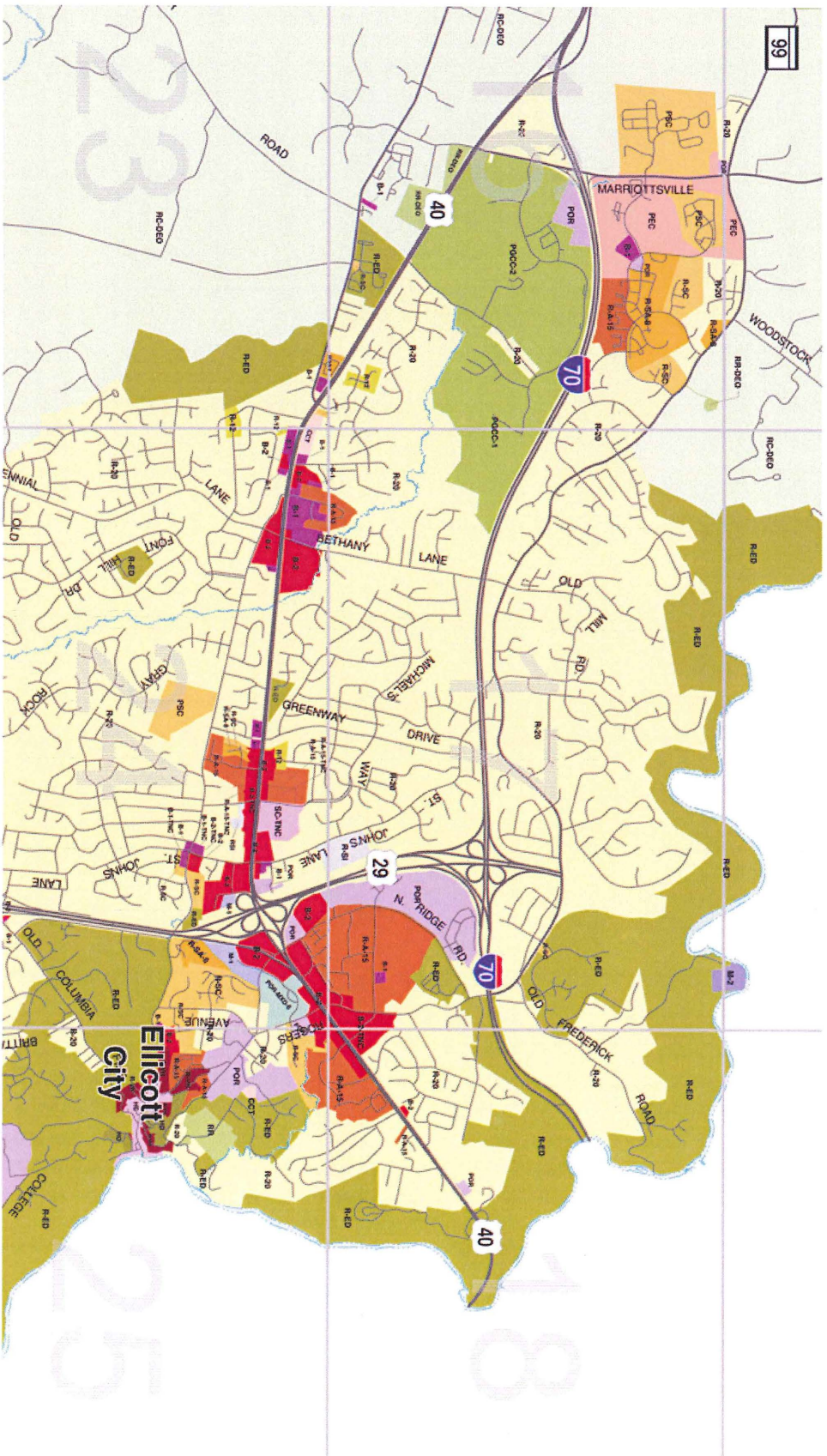
- A zoning of 15 units per acre (R-A-15) for a parcel of land that has MXD-3 zoning on its northern border and RR-DEO on its southern, eastern and western borders.
  - This is not transitional
  - Would make it one of the most densely populated parcels in all of Howard County.
- Significant impervious area

## – The Smart Plan proposes:

- Appropriate transitional zoning, **R-ED**
- Natural mitigation of impervious surfaces
- Zoning that is in keeping with the surrounding communities.

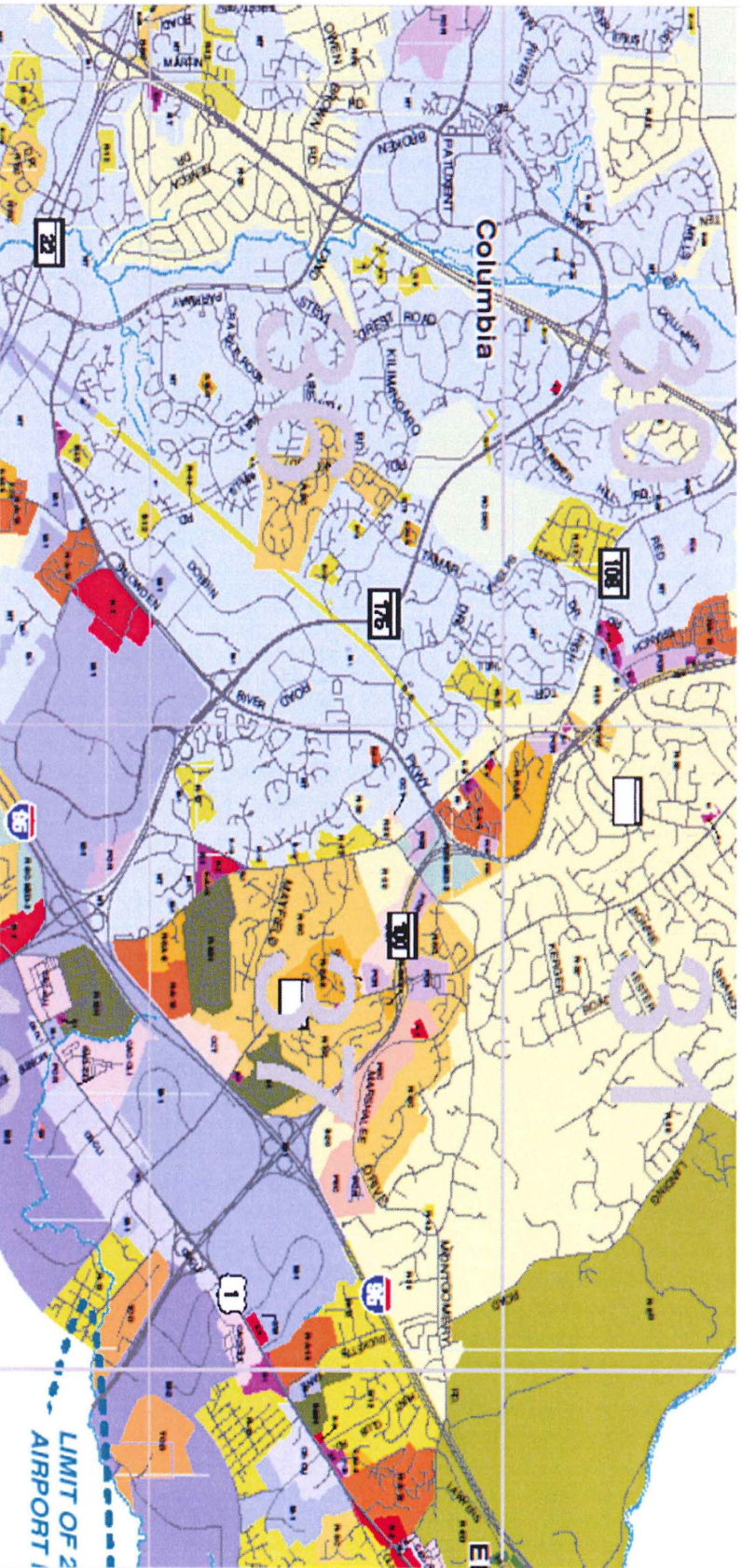


# Route 40 Zoning



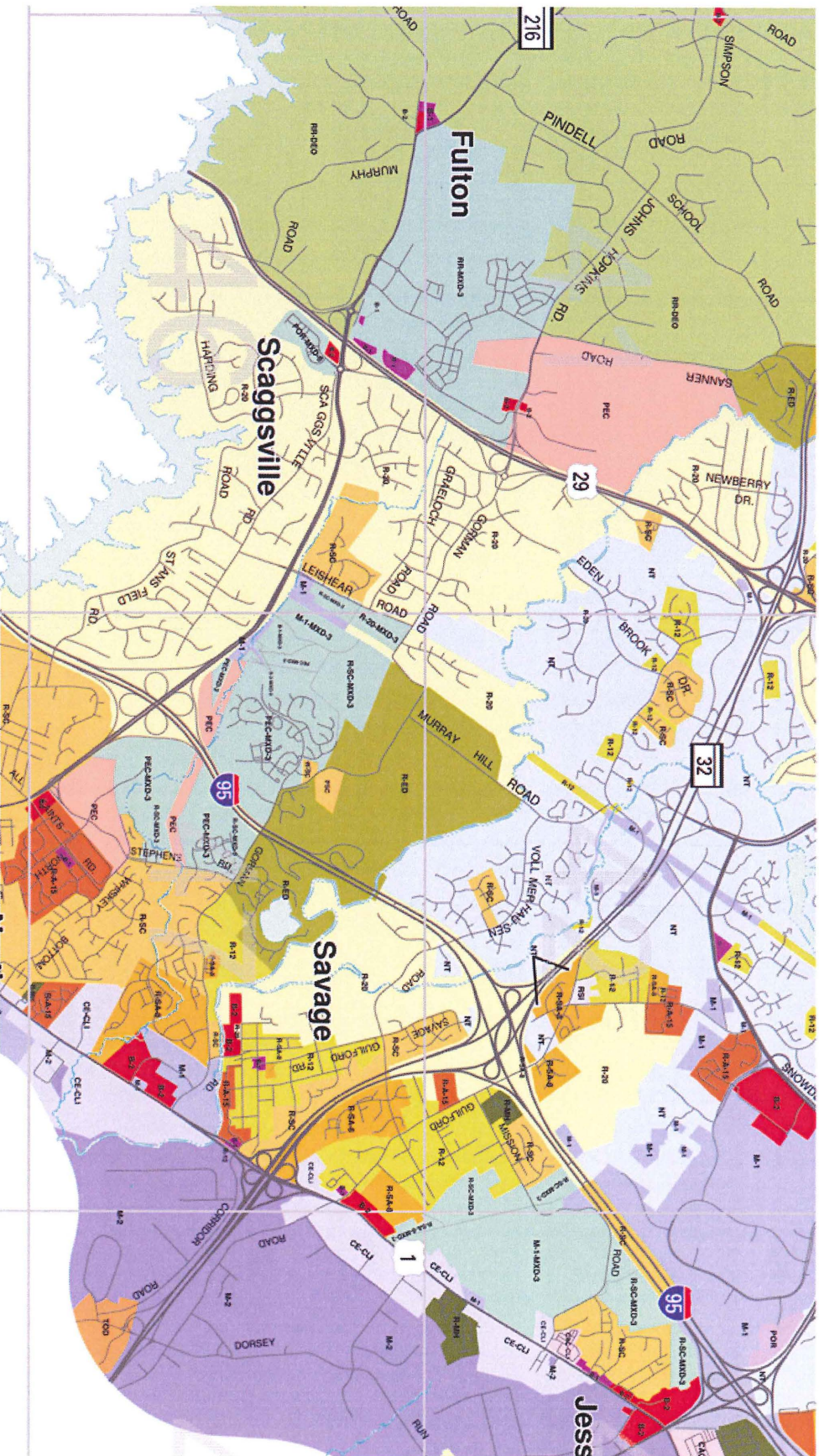


# Route 1 Zoning





# Fulton & Scaggsville Zoning





# DPZ Meeting 5/22/2013

- Director McLaughlin comments on the **Smart Plan**:
  - Thoughtfully followed PlanHoward 2030 and was reflective of the research with Smart Growth Experts.
  - Buffers were appropriate and a good “transition”
  
- Director McLaughlin:
  - Did not agree with the density of the Plan 8, the developer’s plan.
  - Stated she was professionally disappointed that apartments were taken out of the original Maple Lawn Plan. Still feels some multifamily units are appropriate for the Maple Lawn development.
  
- Director McLaughlin:
  - Offered to investigate establishing a Community Planning Task Force to create a **master plan of the greater Fulton area**, as a sub-area to the Southeast Community Planning Area, given the potential for new development in the area and this initial broad reach by the applicant.



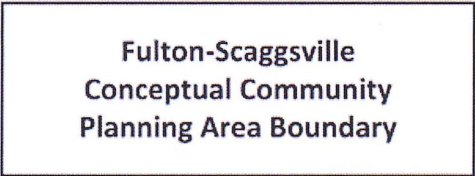
**POLICY 10.3 – Enhance the County’s existing high quality of life and sustainability through community-based planning and design for both Established Communities and areas designated for Targeted Growth and Revitalization.**

**Implementing Actions:**

- a. Community Planning.** Expand the range and scope of community planning to identify facilities, services, transportation options, environmental enhancements, arts and cultural opportunities, or other amenities that would create more complete communities and reflect community diversity.
- b. Sustainable Communities Program.** Utilize community plans to guide public and private investment strategies and regulatory change. Seek State designation as Sustainable Communities, if State programs would be helpful.



# Fulton-Scaggsville Conceptual Community Planned Area Boundary





# VCSG on Density

- **VCSG is supportive of inclusionary multifamily housing zoning when it is appropriate to a particular parcel of land.**
- Amendment 46.001
  - 6 acres zoned B-1
  - Recommended R-A-25 is acceptable because:
    - » Is not less than a mile from the reservoir
    - » Change of B-1 zoning to RA-15 provides like land use intensity and land values.
    - » Adjacent zoning (B-1 & MDX-3) meets transitional requirement policy.

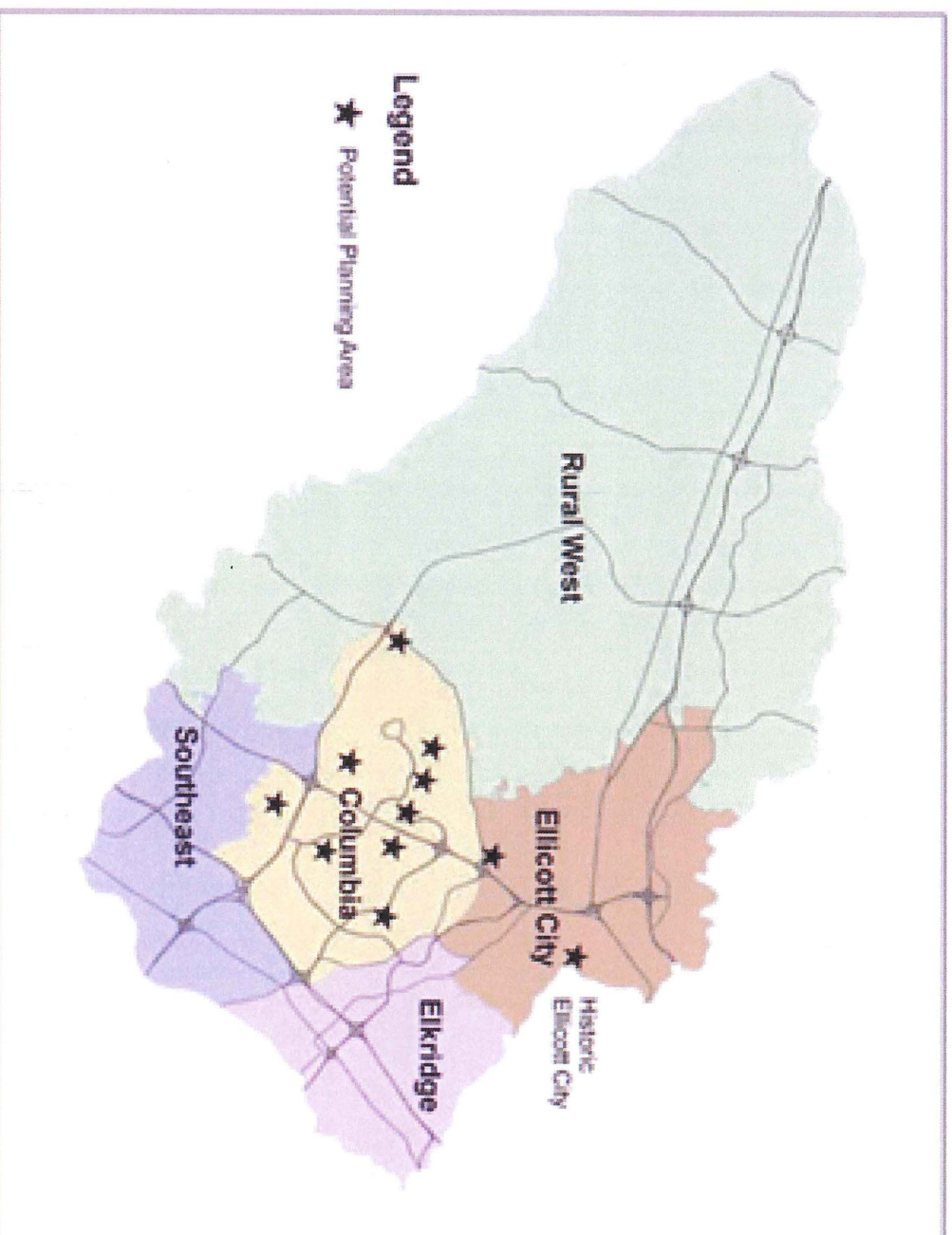
# Planning Board Recommendation

## Split Zoning Parcel 113

### – Split Zoning:

- Does not use PlanHoward 2030 as a directive
- Inadequate afforestation with man-made filters ripe for failure
- Adds too much impervious surface causing run-off
- Will not provide adequate buffers to protect bay and wells
- Is not zoned and designed to provide a transition that is compatible with and enhances surrounding communities
- Competes with Columbia as a major commuter hub
- Adds too much density and not enough green space

# Community Planning Areas





# Comprehensive Zoning: Map Recommendations Analysis

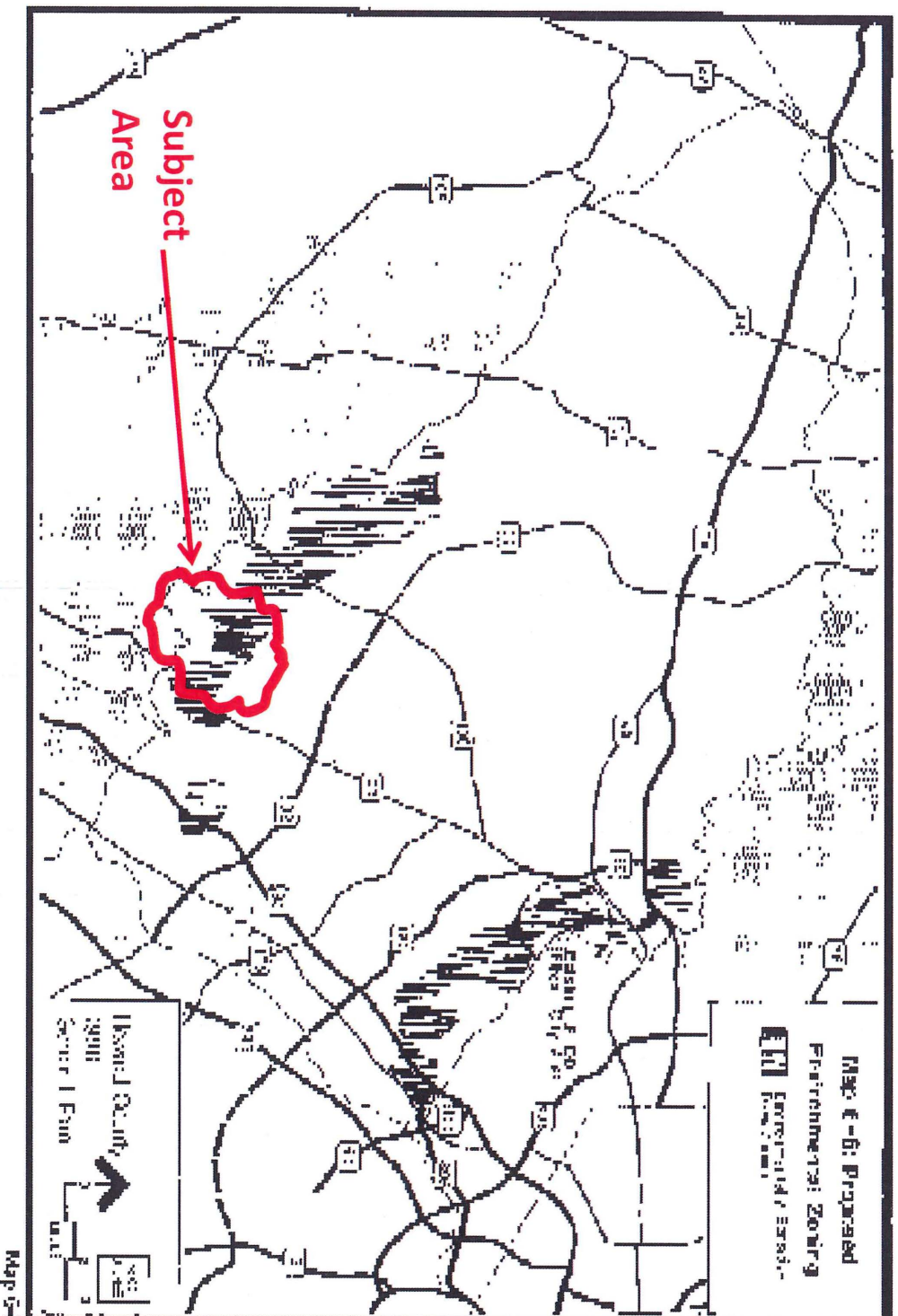
- Amendments 16.001 and 16.002, also new to the PSA, were given a recommendation of R-ED
- Amendments 34.001 through 34.004 were recommended as R-ED to provide a transition from property zoned RR to higher density in Clarksville and Riverhill area.
- Amendment 37.001 was recommended for R-ED to better protect adjoining stream.
  - Amendment 46.002 adjoins two streams and is less than a mile from a reservoir
- Amendment 38.001 recommended R-ED to prevent density increasing westward on Montgomery Road.
- There are at least 17 Amendments approved for R-A-15 or higher that have the potential to result in more than 500 apartment units.

# From PlanHoward 1990

- Some form of environmental zoning should also be designated for the areas draining directly into the reservoirs along the Patuxent River. West of US 29, however, the Rural Residential and Rural Conservation Districts require a different set of environmentally sensitive development regulations ...” Pg.179
- Zoning regulations and subdivision and site development requirements in the Howard County code must demand protection of the environment ...” Pg. 178
- “In the environmentally sensitive development areas adopt new zoning regulations, similar in intent to the present Residential-Environmental Development district (R-ED) regulations ... to be applied to areas near the Patapsco, Patuxent, Little and Middle Patuxent Rivers that ... have numerous sensitive environmental and landscape features.” Pg. 179



# Environmentally Sensitive Areas 1990 Plan



# From PlanHoward 2000

- “While the past two decades have witnessed strong efforts at the State and County levels to increase protection of sensitive resource areas, much damage has already been done, and incremental damage continues... The protection of stream valleys is a key element to preserving the water quality of the Chesapeake Bay. Howard County is bounded by two major rivers, the Patuxent and the Patapsco, which are protected as part of a State park system along most of their lengths. The main Patuxent watershed feeds the Washington Suburban Sanitary Commission (WSSC) reservoirs system which supplies water to the Washington region.” Pg. 30
- “Five planning and design concepts should guide community planning: (3) Edges. The Planned Service Area will be a visually recognizable edge that defines the extent of urban development and the TRANSITION to the rural landscape”. Pg. 169
- “Any requests for a General Plan amendment for expansion of the Planned Services Area should be denied unless the following minimum criteria are met: the proposed expansion of the Planned Service Area is part of a proposed zoning and is consistent with the General Plan and Smart Growth policies.” Pg. 98



# The Plan 8 vs. The Smart Plan on Policy

## – Plan 8:

- Takes a unilateral approach to a zoning decision to maximize density.
- Suggests R-A-15 is appropriate for a parcel of land identified in the 1990 and 2000 planning document as environmentally sensitive (pages etc are appropriate here.)

## – The Smart Plan:

- Takes an environmentally sensitive middle of the road approach.
  - Applies appropriate policy requirements from General Plans 1990, 2000 and 2030 to propose a development plan that addresses the sensitive nature of this parcel.
  - Suggests **R-ED** as the only zoning in which, without detailed studies, would protect the reservoir, bay and connecting parcel's wells.



# Summary

## – VCSG Recommends:

- Establishing a Community Planning Task Force
- Approve Amendment 46.001 to allow R-A-25 zoning and the introduction of apartments into Maple Lawn.
- No change to zoning of larger Parcel until a plan is drafted, or zone the parcel R-ED if change is required.
- R-A-15 zoning is not transitional, compatible, nor does it enhance surrounding communities as required on page 73 of PlanHoward 2030.
- Any decision on Amendment 46.002 should be based on protecting the watershed and wells on surrounding properties first.

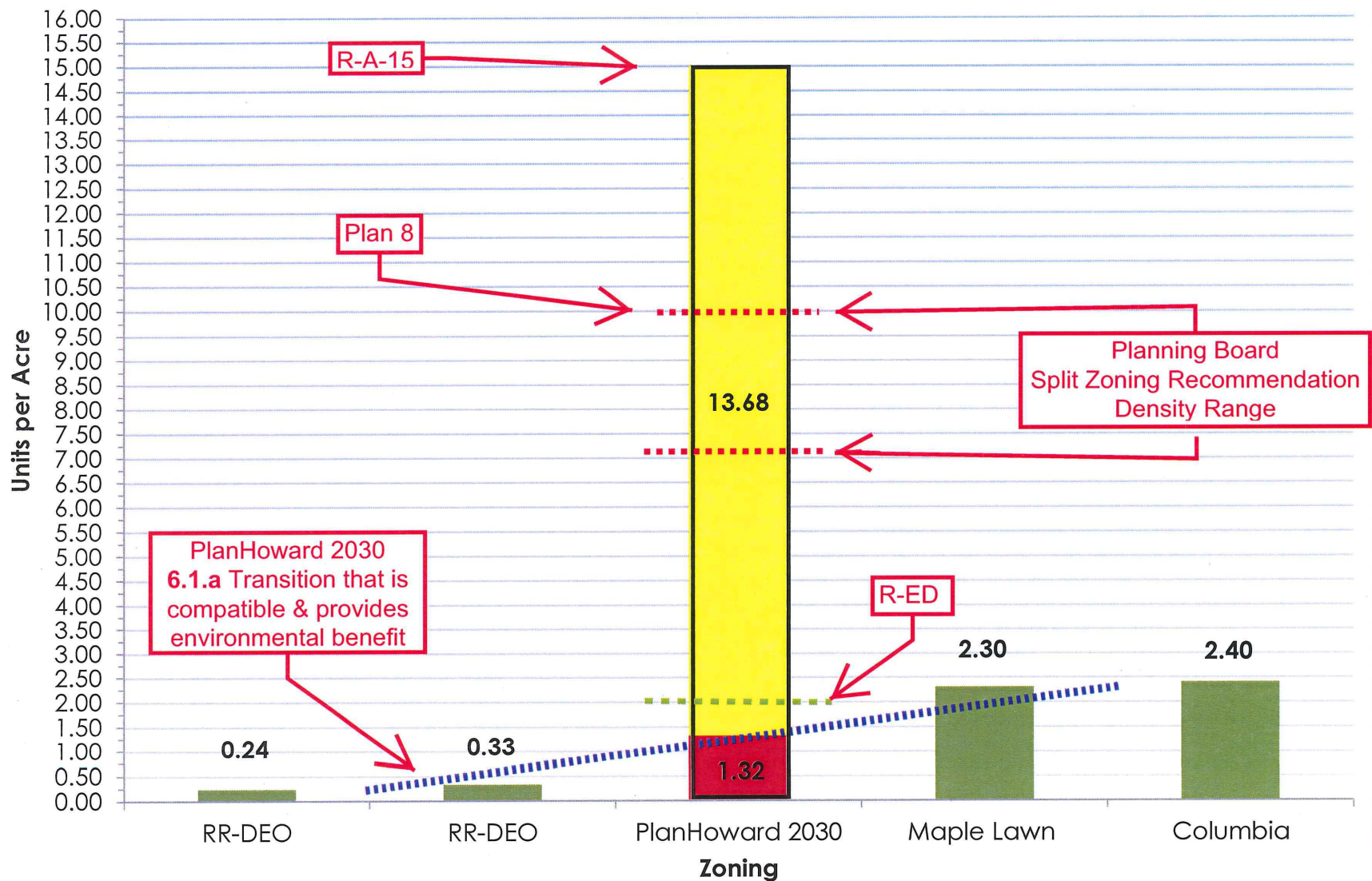
# Plan, Zone, Design

**...should be designed and zoned to establish a transition that is compatible with and enhances surrounding communities.**

**PlanHoward 2030, page 73**

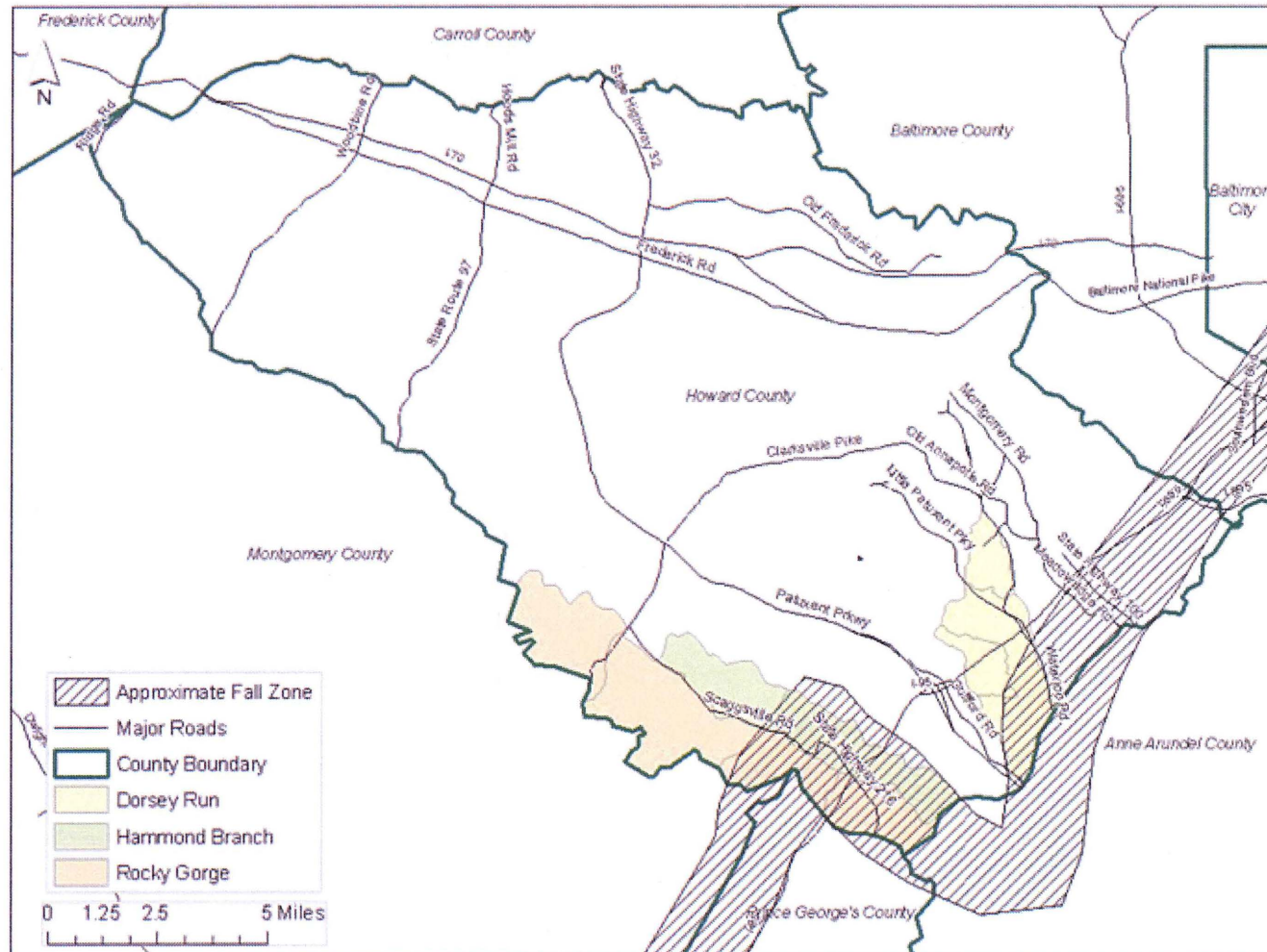
## Comparison of Units per Acre by Zoning Classification

(Additional Units Requested Highlighted in Yellow)





# Environmental Fallout Map



Regner, Robin

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From: Tolliver, Sheila  
Sent: Thursday, June 20, 2013 11:17 AM  
To: Regner, Robin  
Subject: FW: Highland Map Amendments and The Expanded PSA  
Attachments: BRX Map GHCA 130326.pdf

---

From: DanielOL@aol.com [mailto:DanielOL@aol.com]  
Sent: Thursday, June 20, 2013 10:26 AM  
To: CouncilMail; Knight, Karen  
Subject: Highland Map Amendments and The Expanded PSA



June 20, 2013

Dear Council Members:

Thank you for your attention to my remarks last night. I hope you will find the following summary useful in your deliberations.

Actually, GHCA supported a modified BRX with NO map amendments, which option we chose when queried by DPZ. We will address BRX Monday under text amendments in the West.

Map #s 40.001 thru 40.007, Highland Crossroads: We support only one of them in order to allow the adjoining property to be eligible for BRX rather than B-1. (See Exhibit 1 attached)

- 40.004, 005 & 007: All of these lots (actually 4 lots) are on the NE side of 108. We strongly support DPZ's recommendation for denial. There is no demand for commercial space in Highland. There are still vacancies in Highland Crossing across 108, and 40.005 ( Grey Pony) would still qualify for BRX.
- 40.001: This is a bald attempt to do an end-run around an existing BOA ruling against a nursing home proposal. The case is under judicial appeal. {According to Mr. Sun's testimony, there is no vested interest in this property because the BOA ruled against. Council is free act as it wishes, but a vote in favor of this amendment would be a vote to over-rule the BOA} Intervention by Council action is inappropriate and undermines a conditional use process that is already under heavy criticism.



- 40.002: This lot on the SW quadrant adjoins a lot by the same owner that was converted to B-1 in the last round. It is roughly 85% RR (see Exhibit 1). Only a tiny sliver of the old B-1 remains and should have been removed in 2004. Please read the letter to the Planning Board by the adjoining owners, the Messiers, about illegal commercial use. We strongly oppose it and recommend RR-DEO for the entire lot to clear up the issue. If expansion is needed it would qualify for BRX
- 40.008: We recommend adoption of B-1 to clear up the split zoning and to allow Ms. Caswell to apply for BRX status in lieu of the last amendment below: 40.003.
- 40.003: We would prefer to support a BRX proposal if 40.008 were granted.

Finally, we oppose map amendments 34.001-004, the Hoddinot property and 46.002, the Maple lawn property, both for the same reason: the PSA was improperly expanded under the General Plan. Even if it was legal, it was terrible public policy and procedure. It was never properly announced, explained or properly debated. We respectfully suggest the Council remove the PSA expansion from the GP, and take it up at a later date such as what was done in COMP LITE in 2004. It is too important an issue to have been passed under questionable procedures, Please correct this mistake.

Dan O'Leary, President  
301 854 9424

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:29 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

---

**From:** Sonya <[scubasonya@verizon.net](mailto:scubasonya@verizon.net)>  
**Date:** Mon, 13 May 2013 15:15:49 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

- I am opposed to a rezoning of RA-15
- This will increase traffic, which will impact the students walking to and from school.
- There could be environmental pollution threatening our wells
- I recommend it be zoned as R-ED (2 housing units per acre)
- Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude

Thank you for your consideration in this matter.

Sincerely,

Sonya Miller

**Regner, Robin**

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:28 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Opposition to Zoning Amendment 46.002

---

**From:** Howard E <[aicheee@hotmail.com](mailto:aicheee@hotmail.com)>  
**Date:** Mon, 13 May 2013 15:21:17 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Opposition to Zoning Amendment 46.002

To whom it may concern (and my hope is that includes All of You),

As a voting resident of Howard County who will be adversely affected by the proposed Zoning Amendment 46.002, I would like to express my view on why this amendment should be postponed or defeated.

First and foremost, this rezoning will have a very negative impact on our residential area in terms of increased traffic, an influx of new students to our schools which will most certainly result in redistricting, and an increased safety risk to our children who walk to school due to the heavier traffic. Additionally, the infrastructure in our town will not support such an increase in people and housing units and the change will most assuredly negatively impact our environment, particularly to our wells.

I am opposed to a rezoning of RA-15 and would prefer to see a rezoning as R-ED which will allow for two housing units per acre and is in accordance with "Plan Howard 2030".

I am requesting that you please delay filing for the zoning until there has been time to conduct all or the important studies for a project of this magnitude.

Your prompt and immediate attention to this matter would be greatly appreciated.

Regards,

Howard Eaton  
11300 Castlewood Court  
Laurel (Howard County) MD 20723

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:28 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

---

**From:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>  
**Date:** Mon, 13 May 2013 16:45:16 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>  
**Cc:** Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Dear Resident:

Thank you for your email expressing concern about Comprehensive Zoning map amendment 46.002. I know this is a difficult issue for many Fulton residents, and I would be happy to meet with representatives of the newly formed group Smart Fulton Growth to discuss your concerns.

Since I've received emails from 45 year residents, as well as recent arrivals, it may help to provide some background. Prior to the *1990 General Plan*, Howard County had no growth policy. Adoption of this plan was contentious, but it established key policies that were built upon in the *2000 General Plan* and more recently *PlanHoward 2030*. All three plans acknowledge that Howard County is extremely well located between Baltimore and Washington with highway, rail, port and airport connections to the rest of the world. Businesses want to be here and they need employees. If we shut down further residential growth, housing demand will just migrate to surrounding jurisdictions, whose residents will drive through Howard County to their jobs. We need to grow smarter. Higher density, mixed use development that is walkable and in close proximity to transit is essential... to accommodate growth, minimize sprawl, and protect the environment. However, it has to be well designed, liveable, attractive and a good neighbor.

The *1990 General Plan* identified the area around Maple Lawn Farms as a target for future mixed-use growth, because of its proximity to the Planned Service Area for Public Water and Sewer (PSA), ready access to MD 29, and jobs at Johns Hopkins Applied Physics Lab and elsewhere in the PSA, as well as transit service to Washington, DC at the MD 216 Park and Ride lot. Fast forwarding ... the Iager and Wessel farms have evolved into Maple Lawn, which is a successful, attractive, mixed-use community that is not yet complete. From a planning perspective, map amendment 46.002 is an additional phase of this community. There is also a 100 acre parcel owned by the Price family that was zoned MXD in 1993 that will eventually be added to the Maple Lawn community.

I UNDERSTAND and APPRECIATE your concerns about traffic, school capacity, safety, and the environment. Also as a result of the *1990 General Plan*, the County adopted Adequate Public Facilities (APF) legislation in 1992. This requires testing all development proposals regarding school and road capacity, as well as limiting the number of residential units that may be developed in any specific year, based on available "housing allocations" for various parts of the County. The pace of development in the Fulton area will be controlled by the number of APF regulations available each year. Zoning only establishes the type and amount of development, not when it will occur.

As part of APF regulations, new development is also required to contribute APF school and road fees (based on building sq foot area) to help fund the school and road capacity improvements that will be needed to accommodate growth.

Finally, there is one last component of the County's growth policy that is worth noting. As a result of Council Bill 1-2013, the amount of subdivision that can occur outside the Planned Service Area for Public Water and Sewer has been significantly limited. This involves both restrictions on major subdivisions in the RC zoning district, as well as increased



funding for purchase of rural development rights by putting farms in the Howard County Agricultural Preservation Program. These initiatives will limit stress on schools and roads in the rural parts of Howard County. This should help significantly reduce pressures in the Fulton area.

I understand that change is rarely welcome. Map amendment #46.002, is for R-A-15. The property owner has no interest in doing all apartments - it would not be appropriate, attractive or financially viable. They envision a mix of apartments, townhouses and single family detached housing. I encourage Smart Fulton Growth to talk with the property owner about what an acceptable mix of these unit types would be and how they might best be located to buffer both neighboring properties and the environment. I'm happy to participate in that discussion if useful.

Marsha McLaughlin  
Director

Department of Planning and Zoning  
Howard County Government

**Regner, Robin**

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:28 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

---

**From:** Vercilla Hawkins <[vbhawkins2@gmail.com](mailto:vbhawkins2@gmail.com)>  
**Date:** Mon, 13 May 2013 17:24:13 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cball@howardcountymd.gov](mailto:cball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Howard County executives and representatives:

As a concerned citizen, parent , and member of the Howard County Community, I am opposed to the Zoning Amendment 46.002.

The reasons are as follows:

- This zoning will cause the following in Fulton, Md-increased traffic, influx of students to our schools and safety of students walking to school; lack of infrastructure in our town to support such an increase in people and housing units; and environmental pollution threatening our wells. I have 2 children, one is walking everyday and the other soon will be.
- I am opposed to a rezoning of RA-15
- We recommend it be zoned as R-ED (2 housing units per acre) and then make the developer have to fight to have it zoned higher, rather than have the citizens having to fight to have it zoned appropriately (i.e., lower density)
- Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude
- I moved to Howard County for its motto of choose civility- courteous behavior and its 2030 smart growth plan.

Sent from my iPad

**Regner, Robin**

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:28 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Vercilla Hawkins <[vbhawkins2@gmail.com](mailto:vbhawkins2@gmail.com)>  
**Date:** Mon, 13 May 2013 17:24:13 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

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- Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude
- I moved to Howard County for its motto of choose civility- courteous behavior and its 2030 smart growth plan.

Sent from my iPad

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:27 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

---

**From:** Barbara Schick <[schickbas@comcast.net](mailto:schickbas@comcast.net)>  
**Date:** Mon, 13 May 2013 18:16:47 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Cc:** Stephen M Schick <[SchickCPA@comcast.net](mailto:SchickCPA@comcast.net)>  
**Subject:** Zoning Amendment 46.002

May 13, 2013

Mary Kay Sigaty  
Howard County District 4 Councilmember

Dear Ms. Sigaty:

As residents of Fulton, Howard County, MD, we are writing to let you know that we oppose the rezoning to RA-15 that is proposed in Zoning Amendment 46.002.

We are very concerned about what this zoning will do to our town--increased traffic, influx of students to our schools and safety of students walking to school; lack of infrastructure in our town to support such an increase in people and housing units; and environmental pollution threatening our wells.

We would be more comfortable with R-ED zoning (2 housing units per acre). It should be up to any developer to fight to have it zoned higher with specific plans that would give citizens a clear and unambiguous plan for what will actually be developed. Citizens should not have to fight to have current lower density zoning be upheld.

Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude and impact.

Sincerely,

Barbara & Stephen Schick

8100 Huntfield Dr.

Fulton, MD 20759



Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:26 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Proposed RA-15 Zoning for 'Maple Lawn South'

---

**From:** "Jenne, Stephen (HQ-DL000)" <[stephen.jenne-1@nasa.gov](mailto:stephen.jenne-1@nasa.gov)>  
**Date:** Mon, 13 May 2013 18:55:58 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** RE: Proposed RA-15 Zoning for 'Maple Lawn South'

Dear Councilmember Sigaty,

Thanks for the quick reply. I understand you have to look at both sides of the argument. So far, I fear your goal of reaching something that is agreeable to both the owner and the community is out of sight, since the owner has shown the only zoning he is focusing on is the RA-15 and no middle ground. With that in mind, I'm sure you would agree the weight must shift to the residents, who stand much to lose in this, vs Mr. Lager, who would be the only person gaining a windfall in this.

The reason the 'extreme' messages you have been hearing from others is only logical. One, as mentioned already, Mr. Lager is only concerned with RA-15 zoning, which is an extreme shift all the way to the other end of the spectrum from its current zoning, bypassing all interim levels. Two, as residents who are wary of growth from an already burgeoning Maple Lawn, it is only natural for us to assume the worst-case scenario, because we have no evidence to believe otherwise.

As suggested by you, I've heard what the attorney representing Mr. Lager has to say on this, and the takeaway I have is:

- Only RA-15 zoning is being pursued
- There have been NO studies by the owner or developers for this Parcel since the owner and developers say they are very expensive to do.
- The owner and developers will eventually reveal the design and number of units AFTER they receive the zoning.
- The transition from rural farmland to high-density units surrounded by that farmland is ludicrous, but the owner and developers say the infrastructure IS and WILL BE there...really?

So, I stand by my assertion that this smells very bad and trust that you will keep a pulse on the situation, and make sure this rezoning is not allowed as proposed, or any semblance that is close to it.

thanks again,

regards,

Steve Jenne  
NASA, HQ - Science Mission Directorate, RMD  
Earth Science Division  
Washington, DC

Work: 202-358-2476  
Fax: 202-358-3095  
Email: [stephen.jenne-1@nasa.gov](mailto:stephen.jenne-1@nasa.gov)

---

**From:** Sigaty, Mary Kay [<mailto:mksigaty@howardcountymd.gov>]  
**Sent:** Thursday, May 09, 2013 2:32 PM  
**To:** Jenne, Stephen (HQ-DL000)  
**Subject:** RE: Proposed RA-15 Zoning for 'Maple Lawn South'

Dear Mr. Jenne,

Thank you for sharing your ideas about the comprehensive zoning proposal in Fulton (46.002).

You have raised several concerns which I am sure will become part of the Council's deliberations on comprehensive zoning. At this moment though the comprehensive zoning petition is in front of the Planning Board.

Just as you would like me to oppose the project, the property owner would like me to support it. It's my goal to look for allowable uses for the property that will be agreeable to both the owner and the community.

I've heard from others on this issue as well. Each of the messages contain different but extreme cases of what may be built on the property. To ensure that we are all working with the same information, I've asked the attorney representing the owner to make himself available to speak with you regarding this petition.

Please feel free to contact:

William Erskine  
Offit Kurman, P.A.  
8171 Maple Lawn Boulevard, Suite 200  
Fulton, MD 20759  
Telephone: 301-575-0363  
Email: [werskine@offitkurman.com](mailto:werskine@offitkurman.com)

Comprehensive zoning petitions are expected to be introduced as legislation later this year.

I hope that you find this information helpful.

Sincerely,

Mary Kay Sigaty  
Howard County Council  
District 4  
3430 Courthouse Drive  
Ellicott City, MD 21043  
410-313-2001

---

**From:** Jenne, Stephen (HQ-DL000) [<mailto:stephen.jenne-1@nasa.gov>]

**Sent:** Thursday, May 09, 2013 2:15 PM

**To:** Sigaty, Mary Kay

**Subject:** Proposed RA-15 Zoning for 'Maple Lawn South'

Dear Councilmember Sigaty,

I am writing to you to express my dismay at the proposed high-density rezoning request for the "Maple Lawn South" property. I understand that this request would put the residential density level for that property at its highest, when it is currently zoned at its lowest, bypassing all intermediate levels! Wow! Talk about shooting for the moon!

When we moved to Fulton 8 years ago, we knew that Maple Lawn was going to happen, but remember being comforted by the fact that it was billed as "smart growth", and gave all appearances as dense but CONTAINED to the point we could live with. Over the 8 years living here, it has been just that---enjoying the amenities that come along with Maple Lawn, while not feeling a huge impact. However, keeping in mind that Maple Lawn is only 1/2 built out, we are keenly aware of the fragile balance between the build-out of Maple Lawn, and the 'infrastructure impact' it is/will be having on the schools, roads and environment. This rezoning request to allow high density housing will blow that fragile balance out of the water.

I will not focus on how this rezoning request came about at the 11<sup>th</sup> hour, with no vetting through the community. That is already documented. What really matters is how will this impact the area? As a resident who lives right in Fulton, I can easily tell you how:

Environment

-It will negatively impact the environment. There is a major reservoir, farmland, and well water all throughout that area. Allowing high density in

that area would be irresponsible. And if an attempt to make this proposed development 'environmentally friendly' or even environmentally-neutral, lots of \$ will need to be spent (ie, superior storm drains), the cost of which will ultimately be passed down to the residents. Why disrupt the natural state of the land for this? Besides that, think of the environmental impact of more cars on the road, more trash in the area, etc. This will not mesh with Howard County's 'clean' image. Our neighborhood association just adopted Lime Kiln road for regular cleaning, as we are frustrated by the increasing trash found on the road. This is no doubt due to the increasing cut-through traffic of commuters coming from/going to Maple Lawn. To imagine doubling the amount of population and trash would be a further insult to those who wish to keep Howard county's streets looking clean.

### Traffic

-When 216 was redesigned with the emergence of Maple Lawn, some road planners got a little "mouse-click happy" with the traffic circle icon with whatever road development software tool they were using! 4 'clicks' later, traversing 216 in that short stretch from 29 to the school cluster is very frustrating, and dangerous. I could tell numerous anecdotal stories, but I imagine you have access to the statistics that would back up the number of accidents occurring in these circles. And somehow the 2 west-bound lanes turn into 1 lane RIGHT BEFORE THE SCHOOL CLUSTER, causing a daily logjam of traffic in the mornings and afternoons, when school convenes and then lets out. So I can tell you with 100% confidence that adding high density housing in that very area will make a bad problem exponentially worse. It would become a laughingstock in the annals of Howard county development. It just dawned on me also that allowing high density right across from the schools will create lots of kids walking along/across 216, which is an accident waiting to happen and at the very least will create even more delays on 216, as traffic will have to stopped by crossing guards, longer cycles on the stop lights, etc.

### Schools

-While I realize that redistricting the schools is a necessary evil that needs revisiting time-to-time, there is no need to exacerbate and accelerate this thankless process. By allowing high density right across the street from the schools, kids living in that new development will obviously push out the kids that live just a little further away. We live off of Lime Kiln road, and when we moved in, I never thought Fulton would get so crowded, that we



could get pushed into another school district, but that would most likely be the case. 2 years ago, our community had to fight just to keep our Elementary kids at Fulton, and this was without taking into consideration of this 'maple lawn south' rezoning request. We live so close to Fulton Elementary, but our kids would've been moved to Pointers Run, which is further away (and in the wrong direction for most who work in DC or Baltimore). But it's clear allowing high density right across from the schools will quickly put us back into the redistricting conversation, probably even having us redistricted away from Lime Kiln MS and Reservoir HS too! This impact is not fair to residents who live close to their current schools and then have the rug pulled out from under them, totally disrupting their lives by having to travel further to different schools. At a higher level, it will court many new kids into the school system, which is already bursting at the seams, yet doesn't have the tax revenue to keep building new schools. It just doesn't make sense to overcrowd the schools, and is totally preventable. And I would like to know that if, indeed, the 3 schools there are 'under capacity', why are there trailers outside?

So as I'm sure you are aware now, allowing this rezoning does not make sense on so many levels. Even though Fulton is still relatively small population wise, the fact that so many residents have spoken up about this (even though they had very little time to digest this 'under the radar' rezoning request) speaks volumes to how much of a no-brainer this is. Other than the property owner and his lawyer, I have yet to hear of ONE RESIDENT at any meeting or newspaper article commentary section who is FOR this. Allowing this high density rezoning will create an angry voter-base who will not forget who allowed this to happen. And its bad legacy would remind people years from now, "what were they thinking?"

I am confident the outcry against this will cause you to not allow the rezoning request to go through.

Thanks for listening. Regards,

Steve Jenne  
12389 Kondrup Dr.  
Fulton, MD 20759

**Regner, Robin**

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:26 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002 - Opposition to Rezoning

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**From:** James Xanthos <jaxco@hotmail.com>  
**Date:** Mon, 13 May 2013 20:40:39 -0400  
**To:** James Xanthos <jaxco@hotmail.com>, "angelsmile4u4u@yahoo.com" <angelsmile4u4u@yahoo.com>  
**Subject:** Zoning Amendment 46.002 - Opposition to Rezoning

Hello,

I am writing to you in opposition to zoning amendment 46.002. This is a case in which the citizens of this area of Howard County are strongly united in opposition to a move which will destroy the character of our neighborhood.

I have lived in Howard County for 25 years and I just love living here. We have two young children, ages 5 and 2, and we recently built a custom house in this particular area of the county because we wanted to raise our children in an area that has a rural feel.

The addition of 1,000 housing units in such a small area will ruin the wonderful nature of this area. We are not opposed to having additional apartments in Howard County - just NOT in this section of Howard County. There are plenty of other areas which could support this development without destroying the character of the neighborhood for the existing residents.

Please listen to the people - vote against this zoning change.

Thanks.

Jim Xanthos

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:26 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: construction at maple lawn

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**From:** Mkrabbit <mkrabbit@aol.com>  
**Date:** Mon, 13 May 2013 21:11:56 -0400  
**To:** Mary Kay Sigaty <mksigaty@howardcountymd.gov>  
**Subject:** construction at maple lawn

My name is Madi Kim and I live at the Fulton Manor neighborhood of Pleasant View Drive. You gave us some of your time at one of our HOA meetings, held at my house last year, to hear our concerns about Zealous plans for construction throughout our neighborhoods.

I want to send you a note stating my opposition to the proposed building of apartment complexes off route 216, across from the 4 schools on this road. The main points for opposition include:

- what this Zoning will do to our town:
  - increased traffic
  - increased influx of students to our schools
  - decreased safety of students walking to school
  - potential lack of infrastructure in our town to support such an increase in people and housing units
  - and environmental pollution threatening our wells
- I am opposed to a rezoning of RA-15
  - it is recommended that the area be zoned as R-ED (2 housing units per acre) and then make the developer have to fight to have it zoned higher, rather than have the citizens having to fight to have it zoned appropriately (i.e., lower density)
- Consider delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude

Thank you.

e-signature – madi kim

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:25 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** David Galosky <dgalosky@msn.com>  
**Date:** Mon, 13 May 2013 21:53:19 -0400  
**To:** Mary Kay Sigaty <mksigaty@howardcountymd.gov>  
**Subject:** Zoning Amendment 46.002

Mary Kay Sigaty, District 4 Council member

Dear Ms.Sigaty,

It is with great concern to our neighborhood, the Hammond Hills Community, that you are in favor of having 1,500 apartments build in Fulton. It is illogical. This will increase the traffic significantly! At a minimum there will be 3,000 cars on the road especially around the 3 circles within the immediate area. Our schools will be immediately overcrowded not to mention that our children will be redistricted. We oppose a rezoning of RA-15. We recommend the area to be zoned as a R-ED or 2 housing units per acre. Please delay filing for the zoning until there are appropriate studies that reflect an intelligent course of action.

Quite frankly, Ms. Sigaty, I am surprised in the manner at which this project, building 1,500 apartments, was orchestrated and how those who proposed it manipulated the Howard County Government. This is shameful and should not be a weight to be carried by those who wish to continue their political careers.

Sincerely,

David Galosky and Mary Galosky  
8205 Hammond Branch Way  
Laurel, MD 20723



Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:25 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Fulton Rezoning

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**From:** Nancy Davis <[nancyleedavis@comcast.net](mailto:nancyleedavis@comcast.net)>  
**Date:** Tue, 14 May 2013 07:39:50 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Fulton Rezoning

Dear Mary Kay,

Please add my voice to those in opposition to the proposed rezoning in Fulton to RA-15.

I am a resident of the area, residing on Sanner Road.

Residents on our Road have already been adversely affected by increased traffic, being unable to

exit our own driveways safely. Such density as being proposed will overburden all roads in the area.

Traditonal road studies do not measure impact in a meaningful may.

Density such as re<sup>l</sup>-requested will put stress on the recharge areas for existing wells, the Patuxent River and the reservoir.

Zoning of R-Ed would be preferable.

Very truly yours,

Nancy Davis

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:25 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Vote NO: Deny R-A-15 for 46.002

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**From:** M Bloor <mishook7@gmail.com>  
**Date:** Tue, 14 May 2013 09:47:40 -0400  
**To:** Mary Kay Sigaty <mksigaty@howardcountymd.gov>  
**Subject:** Vote NO: Deny R-A-15 for 46.002

Dear Ms. Sigaty,

I am writing to you to inform you of my opposition to 46.002, the proposed development of the lager farm field into inappropriately high-density housing. I have reviewed Mr. Eskine's website, attended his community meeting on May 7, and sat in on the DPZ work sessions. I wanted to highlight several of my concerns in response to it all.

**Spot Zoning:** Mr. Erskine believes that the R-A-15 zoning is appropriate for the development site, but it is the very definition of spot zoning. The Maple Lawn Community is RR-MXD-3 and everything else around it is RR-DEO. There is no explanation that I can think of that puts this even close to justifying the density of R-A-15 on this property. In addition, granting this property R-A-15 puts all the homes along Murphy Rd in a no-man's land of well and septic while the proposed development, the Maple Lawn development, the lager farm, Grace Church, St. Paul's Lutheran Church, and Fulton Station all are in the PSA. This is completely demonstrative of spot zoning and showing preferential treatment to those individuals with financial means.

**Impact on my family's well water:** I live along Murphy Road on a 1-acre lot with well and septic. By covering the entire farm field with apartments, townhouses, and asphalt, the impact on the well water table is likely to be significant, not to mention the possibility for contaminated water from motor oil, coolant, and other car runoff. If you don't believe me, go to an apartment complex and look at all the oil slicks and nasty fluids in the parking spaces. This is all going to flow into our wells and toward the reservoir. Please don't put me in that position, I have a 3-yr old and a 4-yr old that depend on that water supply.

**No guarantees of any appropriate infrastructure:** Mr. Erskine suggests that the developer will pay for road improvements, but he only ever talks about the infrastructure to the east side, heading towards route 29. If you don't live or ever visit this area, let me inform you that multitudes of commuters go the opposite direction, taking Lime Kiln road as a shortcut to Montgomery County and DC, as well as those that head west on 216 towards Clarksville. The developer will not be accountable to building up road infrastructure to support the masses of people from this new development who will swarm down Lime Kiln Road and take Murphy Rd as a shortcut to Route 29 South. The residents will have to suffer through this congestion and wait years for the county to address these issues. If you have never been to the area, please drive here during rush hour and school drop-off times, navigate the back-to-back traffic circles, and drive down Murphy Road to see the residents you will be impacting.

**No guarantees of anything!:** If granted R-A-15, the developer will push to make as much money as possible off the land, building as many apartments as possible. If you give them this zoning, they will push to maximize the density. All the arguments that Erskine is making are based off of his suppositions, which are biased because of his financial involvement in the project. As an engineer at the Applied Physics Laboratory, I am appalled that no environmental or traffic studies have been completed. No facts are available, no scientific evidence is available. How can Erskine make claims that the property will be better off, environmentally and traffic-wise, with absolutely nothing to back those assertions? He is setting this up to be a burden on the taxpayers to fix the nonchalant approach to this development held by the developers.

**“The finances”:** During several meetings of the zoning board, members of the DPZ have repeatedly made reference to “the finances” of the project and how it wasn’t working out. Working out for whom? Isn’t the DPZ supposed to represent the people of Howard County? The finances are lager’s concern and should have no bearing on the final zoning decision.

**Despite Erskine’s claims, this development IS CONTRARY to PlanHoward 2030:** Per PlanHoward, the property in question was only allowed into the PSA to achieve Bay restoration goals, NOT TO ACHIEVE MAXIMUM DENSITY. The other two properties let into the PSA under similar conditions (Ellicott City and Clarksville) were zoned R-ED. Why can this property not be zoned R-ED? Mr. Erskine argues that the developer will put in environmental mitigations, but let’s be clear, environmental mitigations will still have to be done for R-ED zoning, and it is inconceivable that an environmentally-mitigated R-A-15 development would be better off for this sensitive watershed area than an environmentally-mitigated R-ED development. More density, more impact.

**Without a doubt, this development WILL force HCPSS to redistrict current area residents out of their local schools.** There is no one with any knowledge of the PROJECTED capacity of Fulton schools who can deny that this development would completely push the capacities over the edge. The Maple Lawn community is only about 50% complete and already Reservoir High School is projected to be at 100% capacity by 2015, only TWO YEARS from now (Reference: HCPSS Supplement to 2012 Feasibility Study). And that is without this new R-A-15 complex!

I encourage you to take the time and visit the petition set up to allow the residents of southern Howard County to have a voice in this issue: <http://www.ipetitions.com/petition/stopfultonapartments/>. There are currently over 1,000 people opposed to this development.

Please read through all the comments posted on the petition site. This will provide you with insight into the concerns and strong feelings about this proposed development.

**Don’t do this to the residents of Fulton.** Please listen to your constituents and zone this property R-ED. Or even consider putting a park, a much needed library, or a community center to support children in the adjacent schools. What is the rush to obliterate the open space in Howard County with such high density? It brings to mind the lyrics of a familiar song “They paved paradise, and put in a parking lot”.

Thank you for your time and consideration,  
Michelle Bloor  
Resident of Fulton, Howard County Resident for 12 years



Regner, Robin

46.00 2

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:24 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Ruth Lynne Reilly <[lrreilly@umd.edu](mailto:lrreilly@umd.edu)>  
**Date:** Tue, 14 May 2013 10:08:00 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Mary Kay Sigaty, District 4 Councilmember  
Howard County

Dear Ms. Sigaty,

Talking out of both sides of your mouths.....

One side is saying - Let the county give you trees, compost bins, rain barrels. Join us to clean up the rivers and streams. Protect our wetlands. Help us protect our environment.

While the other side is saying - Let the county (lagers) build apartment buildings and townhomes so you can have more people, more traffic, more pollution to threaten the wildlife and environment, and invite more CRIME. Just since Maple Lawn has been built we have all experienced and increase in crime! I have started keeping our doors locked at ALL times.

Apparently I missed the meeting when it was decided to **destroy** Howard County by allowing housing to take over our beautiful land. My husband and our family moved to Howard County to get away from the housing boom that was being allowed to overrun beautiful green spaces we enjoyed as children and young adults in Montgomery County. Although we have only been residents of Howard County for 14 years, we have seen the beauty of Howard County RAPIDLY decline due to housing, mostly in the favor of the lagers.

What attracted us to Fulton/Highland/Clarksville soon disappeared with the invading and horrific Maple Lawn. Maple Lawn has brought increased traffic due to the increase in housing units that it brought with it. Have you ever had to use Rt 216 during the week?!?! It's awful! I have had to leave 30 minutes earlier to make it through all the traffic. It's ridiculous, and now you want to add more housing which will add more traffic?! If you dare go into any business in Maple Lawn in the morning, the people using Rt 216 refuse to let you out! The mere fact that you are CONSIDERING adding more housing to that area just completely baffles the mind. Oh that's right, it's the lagers wanting to "leave a legacy". What a crock of bullpucky that they are handing you! It's all about padding their bank accounts!!! They could care less about the rest of us and you are in a position to stop them, but won't!!

Our wells are in danger, do you care about that?

Are we going to rename the County next? If so, I guess it will be called lager County, since apparently they are the ones truly running the county, not the elected officials like yourself. I had heard that Howard County was guilty of having a "Good ole boys" system, I guess the resident are right. If you have any morals at all you will **STOP** this injustice to Howard County!



My family is OPPOSED to rezoning of a RA-15. We recommend that it be held to **ONE** house per 3 acres, like everyone else. Please do not allow apartments OR townhomes to be built on the property.

*Lynne Reilly  
12100 Hall Shop Road  
Clarksville, MD 21029*

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:24 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Howard County Land Zoning Amendment 46.002

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**From:** Christine Pereira <[chrisper02@gmail.com](mailto:chrisper02@gmail.com)>  
**Date:** Tue, 14 May 2013 10:39:20 -0400  
**To:** Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cball@howardcountymd.gov](mailto:cball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Allan Kittleman <[Allan.Kittleman@senate.state.md.us](mailto:Allan.Kittleman@senate.state.md.us)>, Elizabeth Bobo <[elizabeth.bobo@house.state.md.us](mailto:elizabeth.bobo@house.state.md.us)>, Shane Pendergrass <[shane.pendergrass@house.state.md.us](mailto:shane.pendergrass@house.state.md.us)>  
**Subject:** Howard County Land Zoning Amendment 46.002

May 14, 2013

Dear Howard County Executives:

I live in Fulton, MD, a town that has a long-time reputation of being a beautiful and peaceful SMALL TOWN. Unfortunately, land has become such an affluent commodity, that housing development threatens to annihilate the former beauty of our town. It makes common sense that in a parcel of property, the beauty of the land should not take a back seat to mass, high-density development. Unfortunately common-sense, or good-**sense**, property development does not speak as loudly as good **cents** (\$\$\$\$\$\$) financial gains. What prior populaces have been able to stay pure for so long, is taken away as soon as a hungry developer presses in shovel into the soil.

Please do **not** approve the rezoning proposal 46.002. It will negatively affect our traffic, schooling system, citizen safety, and environment. This high-density development is **not** a gradual transition in harmony with surrounding neighborhoods.

We have recently seen several major vehicle accidents, a few with fatalities, in the area just a mile or two from this parcel of property. If the County approves amendment 46.002, it will practically double the traffic on our roads which will only perpetuate more tragic, traffic accidents. The recent addition of the Maple Lawn community of Fulton forced us to have to live with four traffic circles in a 1 $\frac{1}{2}$  mile stretch of road. No sidewalks in this area only adds to the danger for pedestrians and school-aged children who are walking on Route 216 (4 lanes of road) across these traffic circles to get to school.

There are too many factors that would need to be satisfactorily resolved before you could get a community "buy-in" to this proposal. Increased traffic with no plans to remedy this problem, insufficient infrastructure to support a population of this size, and not enough space in our very fine schools for the influx of students that would come as a result of this development. All of these reasons do not even touch on the environmental impact that this mass development will cause. Approving amendment 46.002 would be a nonsensical decision on the County's part. Not responding to the needs of nearly 1200 voting citizens (from our website's petition) would be irrational. Please look at this parcel rezoning from the voting citizens perspective. High-density development on this parcel is not prudent.

I am the Administrator of Voters for Common-Sense Growth, a grass roots organization dedicated to ensuring that the future of Fulton proceeds sensibly, avoiding the irreversible rush to high-density, urban-style development characterized by apartments and closely-packed townhouses. The means to this end begins with proper zoning as approved democratically by those who live here. Please hear the opposition's side of this proposal and contact us if you need more information. I thank you, in advance, for your consideration.

Sincerely,

Christine Pereira  
Administrator  
Voters for Common-Sense Growth  
[www.smartfultongrowth.com](http://www.smartfultongrowth.com)

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:24 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Thomas Teodori <[TTeodori@chasenboscolo.com](mailto:TTeodori@chasenboscolo.com)>  
**Date:** Tue, 14 May 2013 10:45:16 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cball@howardcountymd.gov](mailto:cball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Cc:** 'keri teodori' <[kteodori@hotmail.com](mailto:kteodori@hotmail.com)>, "'smartfultongrowth2013@gmail.com'" <[smartfultongrowth2013@gmail.com](mailto:smartfultongrowth2013@gmail.com)>  
**Subject:** Zoning Amendment 46.002

To all Concerned – thank you for serving the community in your official capacities. I moved Howard County and specifically to Fulton (Huntfield Drive) in 1999 because of the rural nature of the area and the outstanding public school system. I'm married and have four children between the ages of 10 – 16. I've welcomed the changes and evolution of Fulton during the past 14 years since they've improved the community. That includes first redoing the intersection at 216 and 29, then the initial build out of Maple Lawn, the new residential and commercial areas, the traffic circles, etc. All have been undertaken in a manner that has improved the community. However, I'm extremely concerned that the proposed rezoning to RA-15 will have far more negative consequences than positives for the Fulton community. First and foremost, the school complex will be overwhelmed likely causing another round of redistricting. Second, the additional volume of traffic on 216 will cause public safety concerns for the area between Lime Kiln to the traffic circles at Route 29. These concerns are for vehicular traffic on 216 and the heavy volume of traffic at the circles during peak cycles including morning and afternoon rush hours and the 3 time cycles for elementary, middle and high school students arrive and depart school. Additionally, there is concern for pedestrian traffic as the students and or pedestrians cross 216 to get to the schools, Highs, Harris Teeter, McDonalds and the other Maple Lawn shops.

Since I live between the proposed development and the reservoir, I'm also concerned about possible contamination of my well and the run off and pollution into the reservoir. Regardless of the builder's promises about state of the art septic systems and controls, the reality is, the reservoir will be contaminated and likely my well as well with RA-15.

R-ED would be much more in line with the public's interest from a school, public safety and environmental standpoint. Since I'm mindful of the fact that Maple Lawn still has several hundred or more homes still to be constructed as part of the planned build out, the infrastructure will be overwhelmed with RA-15.

Thanks for your consideration of this matter and since this is the primary concern in my local political environment, it becomes a single issue for me. As a result, I would not be able to vote in future elections for any representative that supports RA-15.

Thomas Teodori, Esquire





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[www.chassenboscolo.com](http://www.chassenboscolo.com)

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103 West Broad Street #100 / Falls Church / VA / 22046  
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**Regner, Robin**

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:23 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Kathleen Hoffman <[khoffman@umbc.edu](mailto:khoffman@umbc.edu)>  
**Date:** Tue, 14 May 2013 11:36:38 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Councilmember Sigaty,

I am writing to voice my opposition and concern over zoning amendment 46.002. I am opposed to a rezoning of RA-15, and instead recommend it be zoned as R-ED (2 housing units per acre). I believe it would be irresponsible to allow continued development of properties in and near my community of Fulton Maryland until we have absorbed and understood the full impact of other developments in the county, such as Maple Lawn, which is only half built. While I understand that our area is "ideal" for further development because of its proximity to Rte 29 and I-95, I remind you that Rte 29 has already become impassible in morning and evening rush hours.

The position of the developer and the Planning Board has been to approve the higher-density housing and let the other issues such as traffic, and overcrowded schools "work themselves out". Unfortunately, both my family and my neighbors will be the ones who have to live through the issues as they "work themselves out". I applaud the Council Members and the Planning Board for far-reaching thinking in documents such as Plan Howard 2030. However, many of the principles espoused there are necessarily broad and general; before specific application can be obtained, greater attention should be paid to the residents who are already acutely aware of current and impending issues.

Furthermore, the position of the Planning Board is that it is the responsibility of the citizens to negotiate for lower density directly with the developer, and in so doing, they have already yielded the high ground of negotiation to the developer by recommending a density of housing far beyond what we believe our community can accommodate. Prudence would dictate that we go through our county officials for this, and that proper studies be done in advance for environmental concerns, traffic impact, and school impact.

Sincerely,

Kathleen Hoffman  
Fulton Resident

Regner, Robin

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46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:24 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

---

**From:** Stan <[ozziesrule@yahoo.com](mailto:ozziesrule@yahoo.com)>  
**Reply-To:** Stan <[ozziesrule@yahoo.com](mailto:ozziesrule@yahoo.com)>  
**Date:** Tue, 14 May 2013 11:04:52 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Dear Ms. Sigaty,

I am writing to you to express my opposition to the Fulton development of Parcel 113. The surrounding area is already developed enough. Maple Lawn already has the proposed housing and also the area behind the Food Lion. In addition, Cherry Tree View is being built off Scaggsville Road and another development just down the road from that. We do not need more homes, but more natural forests and parks.

Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude.

Thanks,

Stan Ehrenfeld

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:23 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: County Zoning Amendment 46.002 in Fulton, MD

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**From:** GP <gpcotr@gmail.com>  
**Date:** Tue, 14 May 2013 12:12:13 -0400  
**To:** Ken Ulman <KUlman@howardcountymd.gov>, Greg Fox <gfox@howardcountymd.gov>, Courtney Watson <cwatson@howardcountymd.gov>, Calvin Ball <cball@howardcountymd.gov>, Jen Terrasa <jterrasa@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>, Marsha McLaughlin <MMcLaughlin@howardcountymd.gov>, Allan Kittleman <Allan.Kittleman@senate.state.md.us>, Elizabeth Bobo <elizabeth.bobo@house.state.md.us>, Shane Pendergrass <shane.pendergrass@house.state.md.us>  
**Subject:** County Zoning Amendment 46.002 in Fulton, MD

Dear Howard County Executives

We have recently been informed that a 91 acre parcel of land directly behind my house and across the street from our school campus (elementary, middle, high school, and a special needs school) is proposed to be rezoned to R-A-15 for high density apartments, town houses, and some singlefamily homes. This does not sit well with the neighbors. In fact, we have nearly 1200 citizens on a petition opposing this Howard County rezoning proposal. We have spoken at all the Howard County planning board hearings and they know that we are staunch opposition by the large number of people wearing red shirts that we always wear to band us together.

This property is owned by Eugene lager, brother of Charles lager, long-timefarmers/landowners in Fulton, Maryland. This new rezoning would allow for up to 1,340 more property units in a small amount of space (91 acres). This will create havoc on this town as traffic is already busy after the farmer's brother's parcel of 600 acres, 7 years ago, was developed into Maple Lawn, Maryland. That project is only *halfway* complete so the citizens are looking at another 700 property units to increase our traffic, schooling system, infrastructure, and environmental concerns before that project is done (between the two lager property proposals, we will see a total of over 2000more property units). PlanHoward 2030 states that new PSA properties must give a gradual transition from farm zones (RE-DEO) to higher zones (R-ED). This is not providing any transition by putting our farm properties into the extremely high density area (it's more like putting a lamb into the lion's den).

What can we do to prevent this from happening. We have already begun collecting money for an attorney to help us fight this "plan." We went to a meeting by the developer's attorney who showed us their "plan" of the property with 890 new housing units, but he would not commit to a number of the units they want to build. They told us they did NOT conduct any traffic studies, environmental impact studies, or school capacity studies. In addition, the County Representatives and the County Zoning Director are referring any citizen questions about this property **the developer's attorney**, which we feel is the most inappropriate thing to do. At this point in time, we are not as concerned with their **development plans** as we are with the County's **rezoning plans** and we are getting no helpful information from the County.



Sincerely,

Greg Pereira  
8177 Murphy Rd.  
Fulton, MD 20759  
(301)483-3951

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:22 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

On 5/14/13 12:40 PM, "Laurie Church" <[church@hostetlerchurchllc.com](mailto:church@hostetlerchurchllc.com)> wrote:

>Dear County Executive Ulman:

>

>This letter is to voice my opposition to Zoning Amendment 46.002. I  
>live about 1 mile from Maple Lawn and am gravely concerned about the  
>suggested apartments for the Fulton area. There are already huge  
>issues with the traffic during rush hour and beyond. The traffic  
>calmings are already over-congested, which leads to multiple accidents on any given day.

>

>This zoning will not only increase traffic but also the influx of  
>students to our schools (which are already overcrowded) and affect the  
>safety of students walking to school. The infrastructure in our town  
>does not support such an increase in people and housing units and will  
>add to the environmental pollution threatening our wells.

>

>I am opposed to a rezoning of RA-15 and recommend that it be zoned as  
>R-ED (2 housing units per acre at most) to keep the area as it has been  
>for many, many years and preserve what little land remains in Howard  
>County. It is sad enough that a good portion of the farm land has  
>already been commercialized. The citizens should not have to fight the  
>developer to have this land zoned appropriately. The developer should  
>have to fight and reach out to the citizens with a plan (which in this  
>case should be to contain the growth).

>

>Please delay filing for the zoning until there has been time to conduct  
>all of the important studies for a project of this magnitude. Your  
>attention to this request is greatly appreciated.

>

>Laurie Church

>

>Hostetler & Church, LLC  
>6030 Daybreak Circle  
>Suite A150/106  
>Clarksville, MD 21029  
>(443)864-4589  
>(443)864-4602 (fax)

>

>

>Securities and Investment Advisory Services offered through NFP  
>Securities, Inc. a Broker/Dealer, Member FINRA/SIPC and Federally  
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>Partners Financial, a division of NFP Insurance Services, Inc., which  
>is a subsidiary of National Financial Partners Corp., the parent  
>company of NFP Securities, Inc.

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46.002

**Regner, Robin**

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:07 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: 46.002 Zoning Amendment

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**From:** "Mattejat (hotmail)" <[lp\\_mattejat@hotmail.com](mailto:lp_mattejat@hotmail.com)>  
**Date:** Wed, 29 May 2013 22:28:22 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>  
**Subject:** 46.002 Zoning Amendment

Honorable County Executive Ulman and Council-person Sigaty

We are corresponding with you to state our opposition to Zoning Amendment 46.002. The requested change in zoning in the latest Maple Lawn Development will adversely impact the local community, which includes our family. We are weekly involved in events affiliated with the public schools of Fulton Elementary and Lime Kiln Middle Schools, and travel on MD 216 frequently.. In particular we are concerned in the increased traffic that may lead to increased travel times and potentially poorer traffic conditions. In addition, the denser development will impact the environment despite the proposed mitigation. Please oppose this request. Thank you for your consideration.

Laura & Peter Mattejat  
[lp\\_mattejat@hotmail.com](mailto:lp_mattejat@hotmail.com)



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:08 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Opposition to Amendment 46.002, Iager Property

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**From:** "jul13ster@yahoo.com" <jul13ster@yahoo.com>  
**Reply-To:** "jul13ster@yahoo.com" <jul13ster@yahoo.com>  
**Date:** Sun, 26 May 2013 09:25:08 -0400  
**To:** Greg Fox <gfox@howardcountymd.gov>, Courtney Watson <cwatson@howardcountymd.gov>, Calvin Ball <cball@howardcountymd.gov>, Jen Terrasa <jterrasa@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>, Ken Ulman <KUlman@howardcountymd.gov>  
**Subject:** Opposition to Amendment 46.002, Iager Property

As a 20-year resident of Scaggsville, I am writing to oppose the proposed Zoning Amendment 46.002 (Iager Property). In addition to the reasons already laid out in the petition, which are,

- increased traffic on already stressed and congested roads;
- detrimental effects on our environment including air and water pollution, water shortages and the loss of valuable farmland;
- health and safety of our citizens and children threatened by increased traffic and crime resulting from a bursting infrastructure;
- influx of students into our already-full public school system
- the general lack of existing infrastructure to sustain additional housing units,

I also oppose the proposal because it is an *abrupt departure* from the current neighborhood composition. The community needs to grow at a slower rate to ensure its infrastructure can accommodate the increased population. I have too often seen poor outcomes of communities built based on underestimates of what it would do to the infrastructure (roads, schools, etc.).

Please consider the Smart Plan proposed by the Smart Fulton Growth Group, which allows for appropriate transitional zoning.

Public service often involves compromise because residents are split on issues; however, in this case, I believe you are seeing *an overwhelming majority* of tax-paying, voting residents of one mind. Only commercial interests favor this proposal, and I ask that you continue to put citizens first when making your decisions.

Sincerely,  
Julie Sweeton

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:08 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Amendment 46.002, lager Property

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**From:** De'Porres Brightful <[dp.brightful@hotmail.com](mailto:dp.brightful@hotmail.com)>

**Date:** Sat, 25 May 2013 05:20:26 -0400

**To:** Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson

<[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>

**Cc:** "Lesia A. Brightful" <[lbrightful@hotmail.com](mailto:lbrightful@hotmail.com)>

**Subject:** Amendment 46.002, lager Property

Dear Howard County Council,

We are writing you to express our strongest opposition to Amendment 46.002, particularly as it relates to high-density housing. We believe this will honor what citizens like us were promised by HC government when we decided to buy into the community, and also represents clear, irrefutable common sense in terms of the environment and quality of life / education for those who call Fulton home.

My wife and I relocated back to Maryland two years ago. We searched long and hard on where to settle. After very careful consideration we opted for the Fulton area. We were very aware of the Maple Lawn community and the plans to add significant housing, retail and commercial capacity to the area.

We were also aware of the existing lager Farm and the property across from it. We were told that a determination had been made to build 30-40 homes on the property across from the farm. (Please correct this if we were given misinformation.) Somehow, we now face an ammendment that would take that from 30-40 homes to thousands of rental units. I consider this to be the ultimate "bait and switch" and unacceptable.

In order for government to work there must be a trust and transparency among the citizens, elected officials and the processes we use to govern the county. We need to be able to trust what we are told, and again, we were told that 30-40 homes were being built. Had we known that Fulton was going to become home to hundreds to thousands of rental properties we would have moved elsewhere. But we trusted the information we were given.

Maple Lawn is not even fully complete, and I can only imagine the increase in traffic, infrastructure needs, schools and the impact to the environment once that is complete. And now we want to increase capacity even further, and with rental units at that? That is not what we imagined when we moved here, and clearly so many in the community echo that sentiment.

I wanted you to know where we stand. We strongly oppose this ammendment. We will also be at next week's rally at Reservior High School to express our opposition. I trust that each of you will be there to hear from those in our community and to better understand the breadth of opposition against this ammendment.

Sincerely,

De'Porres & Lesia Brightful

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:10 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Nicole Robertson-Obas <[nicolle323@msn.com](mailto:nicolle323@msn.com)>  
**Date:** Wed, 22 May 2013 21:06:10 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>  
**Cc:** Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** RE: Zoning Amendment 46.002

Thank you for your detailed reply. I still remained concerned and hope that the zoning board, council members, and the developer considers and appreciates the citizens concerns and choose a less dense zoning plan than RA-15. After all, meeting the needs of future potential residents of Howard County should not cause county council members to ignore the concerns and desires of current loyal, voting and tax paying Howard county citizens.

-vr-

Nicole Obas

Lime Kiln Rd.

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**From:** [mmclaughlin@howardcountymd.gov](mailto:mmclaughlin@howardcountymd.gov)  
**To:** [mmclaughlin@howardcountymd.gov](mailto:mmclaughlin@howardcountymd.gov)  
**CC:** [cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov); [cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov); [jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov); [mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov); [gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)  
**Date:** Mon, 13 May 2013 16:45:16 -0400  
**Subject:** Zoning Amendment 46.002

Dear Resident:

Thank you for your email expressing concern about Comprehensive Zoning map amendment 46.002. I know this is a difficult issue for many Fulton residents, and I would be happy to meet with representatives of the newly formed group Smart Fulton Growth to discuss your concerns.

Since I've received emails from 45 year residents, as well as recent arrivals, it may help to provide some background. Prior to the *1990 General Plan*, Howard County had no growth policy. Adoption of this plan was contentious, but it established key policies that were built upon in the *2000 General Plan* and more recently *PlanHoward 2030*. All three plans acknowledge that Howard County is extremely well located between Baltimore and Washington with highway, rail, port and airport connections to the rest of the world. Businesses want to be here and they need employees. If we shut down further residential growth, housing demand will just migrate to surrounding jurisdictions, whose residents will drive through Howard County to their jobs. We need to grow smarter. Higher density, mixed use development that is walkable and in close proximity to transit is essential... to accommodate growth, minimize sprawl, and protect the environment. However, it has to be well designed, liveable, attractive and a good neighbor.

The *1990 General Plan* identified the area around Maple Lawn Farms as a target for future mixed-use growth, because of its proximity to the Planned Service Area for Public Water and Sewer (PSA), ready access to MD 29, and jobs at Johns Hopkins Applied Physics Lab and elsewhere in the PSA, as well as transit service to Washington, DC at the MD 216 Park and Ride lot. Fast forwarding ... the Iager and Wessel farms have evolved into Maple Lawn, which is a successful, attractive, mixed-use community that is not yet complete. From a planning perspective, map amendment 46.002 is an additional phase of this community. There is also a 100 acre parcel owned by the Price family that was zoned MXD in 1993 that will eventually be added to the Maple Lawn community.

I UNDERSTAND and APPRECIATE your concerns about traffic, school capacity, safety, and the environment. Also as a result of the *1990 General Plan*, the County adopted Adequate Public Facilities (APF) legislation in 1992. This requires testing all development proposals regarding school and road capacity, as well as limiting the number of residential units that may be developed in any specific year, based on available "housing allocations" for various parts of the County. The pace of development in the Fulton area will be controlled by the number of APF regulations available each year. Zoning only establishes the type and amount of development, not when it will occur.

As part of APF regulations, new development is also required to contribute APF school and road fees (based on building sq foot area) to help fund the school and road capacity improvements that will be needed to accommodate growth.

Finally, there is one last component of the County's growth policy that is worth noting. As a result of Council Bill 1-2013, the amount of subdivision that can occur outside the Planned Service Area for Public Water and Sewer has been significantly limited. This involves both restrictions on major subdivisions in the RC zoning district, as well as increased funding for purchase of rural development rights by putting farms in the Howard County Agricultural Preservation Program. These initiatives will limit stress on schools and roads in the rural parts of Howard County. This should help significantly reduce pressures in the Fulton area.

I understand that change is rarely welcome. Map amendment #46.002, is for R-A-15. The property owner has no interest in doing all apartments - it would not be appropriate, attractive or financially viable. They envision a mix of apartments, townhouses and single family detached housing. I encourage Smart Fulton Growth to talk with the property owner about what an acceptable mix of these unit types would be and how they might best be located to buffer both neighboring properties and the environment. I'm happy to participate in that discussion if useful.

Marsha McLaughlin  
Director

Department of Planning and Zoning  
Howard County Government



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:10 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Eric Lindheimer <[ericlindy42@hotmail.com](mailto:ericlindy42@hotmail.com)>  
**Date:** Wed, 22 May 2013 14:10:50 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>  
**Cc:** Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cball@howardcountymd.gov](mailto:cball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** RE: Zoning Amendment 46.002

Hello Ms. McLaughlin,

I appreciate your response and do understand the intent on this development. I agree and understand the intentions on the zoning change and the fact that it is controlled by the APF Legislation, however, my biggest concern is being redistricted out of the Fulton ES, Lime Klin MS, and Reservoir HS. As I mentioned in my original email, we recently bought a home specifically in this school district so our children can attend these schools. If someone can reassure me that my children will be able to attend these schools I may have second thoughts on Maple Lawn South. Until then, I am strongly against this zoning change and request that you consider the position of other homeowners in my situation.

Thank you,  
Eric Lindheimer

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**From:** [mmclaughlin@howardcountymd.gov](mailto:mmclaughlin@howardcountymd.gov)  
**To:** [mmclaughlin@howardcountymd.gov](mailto:mmclaughlin@howardcountymd.gov)  
**CC:** [cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov); [cball@howardcountymd.gov](mailto:cball@howardcountymd.gov); [jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov); [mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov); [gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)  
**Date:** Mon, 13 May 2013 16:45:16 -0400  
**Subject:** Zoning Amendment 46.002

Dear Resident:

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Since I've received emails from 45 year residents, as well as recent arrivals, it may help to provide some background. Prior to the *1990 General Plan*, Howard County had no growth policy. Adoption of this plan was contentious, but it established key policies that were built upon in the *2000 General Plan* and more recently *PlanHoward 2030*. All three plans acknowledge that Howard County is extremely well located between Baltimore and Washington with highway, rail, port and airport connections to the rest of the world. Businesses want to be here and they need employees. If we shut down further residential growth, housing demand will just migrate to surrounding jurisdictions, whose residents will drive through Howard County to their jobs. We need to grow smarter. Higher density, mixed use development that is walkable and in close proximity to transit is essential... to accommodate growth, minimize sprawl, and protect the environment. However, it has to be well designed, liveable, attractive and a good neighbor.

The *1990 General Plan* identified the area around Maple Lawn Farms as a target for future mixed-use growth, because of its proximity to the Planned Service Area for Public Water and Sewer (PSA), ready access to MD 29, and jobs at Johns Hopkins Applied Physics Lab and elsewhere in the PSA, as well as transit service to Washington, DC at the MD 216 Park and Ride lot. Fast forwarding ... the Iager and Wessel farms have evolved into Maple Lawn, which is a successful, attractive, mixed-use community that is not yet complete. From a planning perspective, map amendment 46.002 is an additional phase of this community. There is also a 100 acre parcel owned by the Price family that was zoned MXD in 1993 that will eventually be added to the Maple Lawn community.

I UNDERSTAND and APPRECIATE your concerns about traffic, school capacity, safety, and the environment. Also as a result of the *1990 General Plan*, the County adopted Adequate Public Facilities (APF) legislation in 1992. This requires testing all development proposals regarding school and road capacity, as well as limiting the number of residential units that may be developed in any specific year, based on available "housing allocations" for various parts of the County. The pace of development in the Fulton area will be controlled by the number of APF regulations available each year. Zoning only establishes the type and amount of development, not when it will occur.

As part of APF regulations, new development is also required to contribute APF school and road fees (based on building sq foot area) to help fund the school and road capacity improvements that will be needed to accommodate growth.

Finally, there is one last component of the County's growth policy that is worth noting. As a result of Council Bill 1-2013, the amount of subdivision that can occur outside the Planned Service Area for Public Water and Sewer has been significantly limited. This involves both restrictions on major subdivisions in the RC zoning district, as well as increased funding for purchase of rural development rights by putting farms in the Howard County Agricultural Preservation Program. These initiatives will limit stress on schools and roads in the rural parts of Howard County. This should help significantly reduce pressures in the Fulton area.

I understand that change is rarely welcome. Map amendment #46.002, is for R-A-15. The property owner has no interest in doing all apartments - it would not be appropriate, attractive or financially viable. They envision a mix of apartments, townhouses and single family detached housing. I encourage Smart Fulton Growth to talk with the property owner about what an acceptable mix of these unit types would be and how they might best be located to buffer both neighboring properties and the environment. I'm happy to participate in that discussion if useful.

Marsha McLaughlin  
Director

Department of Planning and Zoning  
Howard County Government

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**From:** Eric Lindheimer [<mailto:ericlindy42@hotmail.com>]  
**Sent:** Monday, May 13, 2013 2:41 PM  
**To:** Ken S. Ulman; McLaughlin, Marsha  
**Cc:** Watson, Courtney; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg  
**Subject:** Zoning Amendment 46.002 - Fulton MD

Hello Mr. Ulman,

I am writing this email to inform you that I am strongly against the subject zoning change in Fulton, MD.

I recently bought a house on Tipton Drive off of Stansfield Road. It was our intention to buy a new home and move our family to a safer neighborhood with great opportunities for our children to attend Fulton Elementary, Lime Klin Middle, and Reservoir HS. This zoning change will eventually push my family out of this school district as this was never our intention when buying our home 2 months ago. We have done all of our research before purchasing our dream home, and this is a little shocking to us as we have studied the grow howard 2030 plan and have looked at all the zoning records to ensure our family would be within this school district for the next 20 years to come. There was never any indication of Maple Lawn South. I strongly suggest that you do not pass this zoning change request or at least come to a compromise to perhaps 2 homes every acre, but not 15 units every 1/3 of an acre!

Thank you for your time,  
Eric Lindheimer

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:10 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: An open letter to Marsha McLaughlin re: zoning amendment 46.002

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**From:** Jeff Regner <jaregner@verizon.net>  
**Date:** Wed, 22 May 2013 09:04:33 -0400  
**To:** Calvin Ball <cbball@howardcountymd.gov>  
**Cc:** Marsha McLaughlin <MMcLaughlin@howardcountymd.gov>, Courtney Watson <cwatson@howardcountymd.gov>, Jen Terrasa <jterrasa@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>, Ken Ulman <KUlman@howardcountymd.gov>, Blair Ames <bames@tribune.com>, "arthur.hirsch@baltsun.com" <arthur.hirsch@baltsun.com>, GBPCA <gbpca.web@gmail.com>  
**Subject:** RE: An open letter to Marsha McLaughlin re: zoning amendment 46.002

Dear Dr. Ball,

Thank you for your response to my correspondence with Ms. McLaughlin. My request to Ms. McLaughlin was sincere that we take a long view and work together to move Howard County forward. To that end, I will be meeting with her today, along with some of my neighbors, to present a better development plan for the Iager farm using R-ED zoning. This community-generated plan provides compact development, storm water management, and natural woods, and corrects the developers' failure to comply with the express policies of PlanHoward 2030, among other things.

I understand that you are already planning to meet with Smart Fulton Growth, and I look forward to meeting you, in person, then.

We are, of course, familiar with the Howard County Adequate Public Facilities Ordinance (APFO), as recently amended. The APFO is secondary step to PlanHoward 2030 and the zoning plan. The APFO states, at section 16.1100(b)(2)(i) that PlanHoward 2030 and the zoning plan, not the APFO, "define land use and the distribution and pace of development." Stated another way, zoning comes first and that guides the development plan, which follows.

More importantly, the APFO does not address the environmental impact on the adjacent reservoir and the Bay, nor does it address high school overcrowding.

PlanHoward 2030, on page 73, prevents high density zoning on the Iager farm primarily for environmental reasons. This is a carryover from Map 6-6 in the 1990 General Plan, which defined the Iager farm as an "environmentally sensitive area," and the 2003 comprehensive zoning, which established MD 216 as the boundary between rural and non-rural zoning. Approval of high density zoning for the Iager farm will unravel the consistent environmental vision, since 1990, for the land adjacent to the reservoir that feeds the Bay. The lesson from the Howard County Watershed Improvement Plan is that it is cheaper to protect the Bay by not polluting it, than to clean it up later.

Finally, the APFO requirements for schools, found at section 16.1103, do not apply to high school construction. Not even accounting for the completion of Maple Lawn, Deer Park, and other fill-in, the county is predicting Reservoir High School to be at 116% capacity in 2018, and rising to 137.7% in future years. Nearby Atholton and Hammond High Schools show similar numbers. The Iager farm developers will have no obligation to contribute to solving the additional load on the high schools, so that cost will be passed on to the taxpayers.

I look forward to working with you to establish zoning that is right for Fulton, the Bay, and the entire county.

Best regards,

Jeff Regner  
Fulton, Md  
In cooperation with Smart Fulton Growth

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**From:** Ball, Calvin B [<mailto:cball@howardcountymd.gov>]  
**Sent:** Monday, May 20, 2013 12:57 PM  
**To:** Jeff Regner  
**Cc:** Pruim, Kimberly  
**Subject:** RE: An open letter to Marsch McLaughlin re: zoning amendment 46.002

Mr. Regner,

Thank you for your email expressing your comments and concerns on Zoning map amendment 46.002 in Fulton. I truly appreciate that you have put so much time and effort into a thoughtful response to my office on why you feel this map amendment does not align with the mission of PlanHoward 2030 and that the Council should not approve the petition.

In response to the numerous emails I have received on this matter, I have coordinated with our Department of Planning and Zoning (DPZ) to hopefully ensure everyone including residents and the petitioner are communicating and receiving accurate information. In fact, I know you have expressed several concerns including traffic, school capacity, safety, impact to your property and the environment. As you may be aware, through the adoption of the Adequate Public Facilities Ordinance (APFO) in 1992, testing for school and road capacity is required of all development as well as limiting the number of residential units within any specified year based on available "housing allocations" for various parts of the County. Please be advised that development in your particular area in Fulton will be controlled by APFO each year. Furthermore, as part of APFO regulations, new development is required to contribute APFO school and road fees (based on building sq ft area) to help fund the school and road capacity improvements that will be needed to accommodate growth.

As you know, the Comprehensive Zoning Plan is not yet being considered by the County Council but we anticipate it to be officially introduced at the Council's Legislative Session **Monday, June 3, 2013** at 7:30pm in the Banneker at the George Howard Building, 3430 Court House in Ellicott City.

I'd like to share with you some important upcoming Council hearing dates and ask that you share any future testimony to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) to ensure all my fellow colleagues receive your feedback as we deliberate on this matter. These hearings will be held in the Banneker Room, George Howard Building, 3430 Court House Drive, Ellicott City, MD.



- June 10, 6:00 p.m. ( Map amendments in the following areas will be considered at this hearing: Northeast area -- Ellicott City, Elkridge, Route 40 Corridor, Rt. 1 north of Rt. 100)
- June 12, 6:00 p.m. (Map amendments in the following areas will be considered at this hearing: Southeast area – North Laurel, Savage, Jessup, Route 1 south of Rt. 100)
- June 17, 5:00 p.m. (Map amendments in the following areas will be considered at this hearing: Central – Non-New Town zoned Columbia area, Fulton, Clarksville, Other)
- June 24, 6:00 p.m. (Map amendments in the following areas will be considered at this hearing: West – all properties outside the planned service area, all other text amendments)

I encourage you to share this information with your family, friends and neighbors so that they may lend their voice on the County's Comprehensive Zoning Plan. I look forward to working throughout June on this important issue.

All the best,

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

[www.howardcountymd.gov/District2Bio](http://www.howardcountymd.gov/District2Bio)

"LIKE" me on Facebook: [www.facebook.com/CalvinBallTeam](https://www.facebook.com/CalvinBallTeam)

"The best way to find yourself is to lose yourself in the service of others." ~Mahatma Gandhi

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**From:** Jeff Regner [<mailto:jaregner@verizon.net>]

**Sent:** Friday, May 17, 2013 6:45 AM

**To:** McLaughlin, Marsha

**Cc:** Watson, Courtney; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Ken S. Ulman; [bames@tribune.com](mailto:bames@tribune.com); [arthur.hirsch@baltsun.com](mailto:arthur.hirsch@baltsun.com); 'GBPCA'

**Subject:** An open letter to Marsch McLaughlin re: zoning amendment 46.002

An open letter to Marsha McLaughlin, Director, Howard County Department of Planning and Zoning

Dear Ms. McLaughlin,

I am responding to the letter that you sent many of the residents of Howard County who wrote to you in opposition to zoning amendment 46.002. We are in favor of smart growth in the County, but the proposed zoning amendment is not smart growth. We expected you, as a public official, to address our real concerns about the traffic on MD-216, redistricting of Fulton schools, and the environmental impact on the reservoir and the Bay. Instead, you laid out the developer's agenda for changing Fulton, which you must know runs contrary to the promises our elected officials made to us last year in PlanHoward 2030.

You are wrong to say that the 1990 General Plan identified the area around Maple Lawn Farms for future mixed-use growth. It did not. The Iager Farm parcel is shown on Map 6-6 of the 1990 General Plan as targeted for "Proposed Environmental Zoning." In fact, even years later, in the original draft of PlanHoward 2030, the Iager Farm parcel was excluded from the Public Service Area. It was only later that the PSA was expanded at the request of the developer's lawyer to snake around the boundary of the Iager farm.

You can find the PSA expansion on page 73 of PlanHoward 2030, and it does not allow for R-A-15 (apartment) zoning. It says that the Lager Farm parcel and two other properties were added “[t]o achieve Bay restoration goals” not to add high density development. It further mandates that “[t]hese properties, because of their location at the interface of the rural residential zone and the planned service area, should be designed and zoned to establish a transition that is compatible with and enhances the surrounding communities.” The highest nearby density is Maple Lawn, zoned MXD-3 (3 units per acre). Transition zoning from MXD-3 to the reservoir cannot mean R-A-15 (15 units per acre) as you advocate.

You acknowledge what we find obvious, that MD-216 cannot handle the new development, and that the schools will be overfilled. The false palliative of the Adequate Public Facilities laws will not adequately address these issues. The failure of APF in Maryland generally, and Howard County in particular is well documented. The citizens of Howard County are not required to trust the developer’s representations. Instead, we expect our public officials to plan intelligently and ensure the infrastructure is in place to support development before we zone to allow the development.

You should be aware that the developers do not share your belief that the Lager Farm should house residents that will work in Howard County. The developer has explained that the apartments will be targeted to people working in downtown Washington, D.C. making approximately \$90,000 per year. The high density is intended to grow the consumer base for Maple Lawn businesses, and Howard County services, not to foster smart growth by placing housing near the center of employment. The apartment residents are intended by the developer to be commuters and consumers. That is not smart growth.

Change is welcome in Howard County. We are some of the most dynamic, well educated, and forward thinking citizens in the world. We have a vision for Howard County that involves planning and infrastructure before development, protection for the environment, and honesty among neighbors. We met with the developers and their lawyer and were unimpressed. The absence of adequate infrastructure, the impact on the reservoir, and the legal mandate of PlanHoward 2030 requires that the Lager Farm be zoned R-ED. We want nothing less for the community where our kids go to school, we walk our dogs, spend time with friends, and look forward to growing old. To suggest that we fear change is to misunderstand us. I suggest, instead, that we work together and take a longer view of where change can take Howard County.

Jeff Regner

Fulton, MD

in cooperation with SmartFultonGrowth

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:11 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Sopport for the attached open letter to Marsch McLaughlin and Objection to zoning amendment 46.002

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**From:** Matthew Mendis <[matthewmendis@gmail.com](mailto:matthewmendis@gmail.com)>  
**Date:** Fri, 17 May 2013 16:02:35 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>  
**Cc:** Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cball@howardcountymd.gov](mailto:cball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Blair Ames <[bames@tribune.com](mailto:bames@tribune.com)>, "arthur.hirsch@baltsun.com" <[arthur.hirsch@baltsun.com](mailto:arthur.hirsch@baltsun.com)>, "gbpca.web@gmail.com" <[gbpca.web@gmail.com](mailto:gbpca.web@gmail.com)>, Rox Mendis <[rmendis@comcast.net](mailto:rmendis@comcast.net)>  
**Subject:** Sopport for the attached open letter to Marsch McLaughlin and Objection to zoning amendment 46.002

Dear Ms. McLaughlin:

As long-time residents of Howard County (my wife, Roxanne, being a lifetime resident of the county) we want to strongly register our objection to the Zoning Amendment 46.002 and to FULLY support the views expressed in the open letter (attached below) from Jeff Regner to you.

Zoning amendment 46.002 is not "smart growth" but "greedy growth". The proposed zoning amendment is a blatant sell-out to the short-term financial interests of the land owner and developers and a betrayal of the economic, social and environmental integrity of Howard County and its compact with its citizens. There are smarter ways to develop Howard County – zoning amendment 46.002 is a bad idea for all the reasons stated so clearly in Jeff's letter and because there are better alternatives for the county and its citizens than rezoning this parcel to R-A-15. It is time you and the elected officials of this county listen more closely to its electorate and not succumb to the special interest of developers who's only objective is to maximize their financial interests. I certainly hope that you will work closely with the residents of Fulton to consider a more appropriate development plan for the area and reject the proposed zoning amendment 46.002.

Yours sincerely,

Matthew and Roxanne Mendis  
9458 Lovat Road  
Fulton, MD 20759

Mobile: +1-240-476-5725  
Email: [mmendis@comcast.net](mailto:mmendis@comcast.net)

**From:** Jeff Regner <[jaregner@verizon.net](mailto:jaregner@verizon.net)>  
**Date:** Fri, May 17, 2013 at 6:45 AM  
**Subject:** An open letter to Marsch McLaughlin re: zoning amendment 46.002  
**To:** [mmclaughlin@howardcountymd.gov](mailto:mmclaughlin@howardcountymd.gov)  
**Cc:** [cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov), [cball@howardcountymd.gov](mailto:cball@howardcountymd.gov), [jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov), [mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov), [kulman@howardcountymd.gov](mailto:kulman@howardcountymd.gov), [bames@tribune.com](mailto:bames@tribune.com), [arthur.hirsch@baltsun.com](mailto:arthur.hirsch@baltsun.com), GBPCA <[gbpca.web@gmail.com](mailto:gbpca.web@gmail.com)>

An open letter to Marsha McLaughlin, Director, Howard County Department of Planning and Zoning

Dear Ms. McLaughlin,

I am responding to the letter that you sent many of the residents of Howard County who wrote to you in opposition to zoning amendment 46.002. We are in favor of smart growth in the County, but the proposed zoning amendment is not smart growth. We expected you, as a public official, to address our real concerns about the traffic on MD-216, redistricting of Fulton schools, and the environmental impact on the reservoir and the Bay. Instead, you laid out the developer's agenda for changing Fulton, which you must know runs contrary to the promises our elected officials made to us last year in PlanHoward 2030.

You are wrong to say that the 1990 General Plan identified the area around Maple Lawn Farms for future mixed-use growth. It did not. The Iager Farm parcel is shown on Map 6-6 of the 1990 General Plan as targeted for "Proposed Environmental Zoning." In fact, even years later, in the original draft of PlanHoward 2030, the Iager Farm parcel was excluded from the Public Service Area. It was only later that the PSA was expanded at the request of the developer's lawyer to snake around the boundary of the Iager farm.

You can find the PSA expansion on page 73 of PlanHoward 2030, and it does not allow for R-A-15 (apartment) zoning. It says that the Iager Farm parcel and two other properties were added "[t]o achieve Bay restoration goals" not to add high density development. It further mandates that "[t]hese properties, because of their location at the interface of the rural residential zone and the planned service area, should be designed and zoned to establish a transition that is compatible with and enhances the surrounding communities." The highest nearby density is Maple Lawn, zoned MXD-3 (3 units per acre). Transition zoning from MXD-3 to the reservoir cannot mean R-A-15 (15 units per acre) as you advocate.

You acknowledge what we find obvious, that MD-216 cannot handle the new development, and that the schools will be overfilled. The false palliative of the Adequate Public Facilities laws will not adequately address these issues. The failure of APF in Maryland generally, and Howard County in particular is well documented. The citizens of Howard County are not required to trust the developer's representations. Instead, we expect our public officials to plan intelligently and ensure the infrastructure is in place to support development before we zone to allow the development.

You should be aware that the developers do not share your belief that the Iager Farm should house residents that will work in Howard County. The developer has explained that the apartments will be targeted to people working in downtown Washington, D.C. making approximately \$90,000 per year. The high density is intended to grow the consumer base for Maple Lawn businesses, and Howard County services, not to foster smart growth by placing housing near the center of employment. The apartment residents are intended by the developer to be commuters and consumers. That is not smart growth.

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Jeff Regner

Fulton, MD



in cooperation with SmartFultonGrowth

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:11 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Opposition to amendment 46.002

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**From:** Jean Onufrak <[jeanonufrak@verizon.net](mailto:jeanonufrak@verizon.net)>  
**Date:** Fri, 17 May 2013 07:23:12 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Opposition to amendment 46.002

Dear Ms. Sigaty,

I am a resident of your district who will be impacted significantly if you pass the rezoning amendment cited above in Fulton.

I am writing to strongly protest the proposed zoning amendment 46.002. This property should not be rezoned to RA-15.

Currently the Fulton schools are at capacity. The road infrastructure is not adequate for an additional influx of residents. There are not reasonable public accommodations in this portion of the county to support this level of development.

Parents of school age children in the area are tired of the redistricting policies which do not take into consideration the upheaval that is caused when properties are re-zoned causing current attendees of a school to be redistricted away from their social support networks. It is a strain on the entire system which is not needed at this time.

Currently the feeds to the Middle and High Schools are out of kilter for many in this part of the county who live in the smaller developments. I believe that this wholesale development as is being proposed will make things worse before they get better.

Hall Shop road is already a busy curvy road thanks to the APL and Maple Lawn. If I wish to get to Rt 29 North, I have to go through 3 consecutive traffic circles. How many more will be put in? How will children walk to school when all of the surface roads, 216, Hall Shop, Pindell School are already full of curves, blind corners and possess no sidewalks?

Please consider zoning this property R-ED and give the due diligence to researching the true impact for the community and then require Mr. Iager to apply for rezoning.

Please consider that the current proposal will have much further reaching effects beyond the immediate location and that its neighbors prize the quiet, rural nature of the Fulton/Highland area. For this reason we have made due with sewer, septic and lesser trash services and lesser parks and recreation services. But this rezoning proposal would irreparably change the nature of the area.

Sincerely,  
Jean Onufrak  
12374 Pleasant View Drive  
Fulton, MD 20759

Jean Onufrak  
[jeanonufrak@verizon.net](mailto:jeanonufrak@verizon.net)

**Regner, Robin**

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:11 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Zachary Graber <[zgrab@yaho.com](mailto:zgrab@yaho.com)>  
**Reply-To:** Zachary Graber <[zgrab@yaho.com](mailto:zgrab@yaho.com)>  
**Date:** Thu, 16 May 2013 09:06:00 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Mary Kay Sigaty, District 4 Councilmember,

I am writing to express my concern over the proposed re-zoning in the Fulton area (Zoning Amendment 46.002). My wife and I moved our family to Howard County to leave behind an area where aggressive growth by deep pocketed developers resulted in overcrowded schools and roads, and a diminishing quality of life. We were attracted by Howard County's good schools and smart growth plans.

We are afraid the planned re-zoning will result in the same problems we have seen before. Overcrowded schools and roads, congestion, and an unpleasant place to live. We are strongly against a zoning of RA-15, and would like to see it restricted to a much less dense zoning. We also would like to have the decision delayed until there has been time to conduct the appropriate studies and impact assessments. We don't want our quality of life or our children's education to be negatively impacted. We also need to be sure that the developer will contribute enough to the county to offset the cost of the infrastructure needed to support any new development. We don't want our taxes to go up, and especially not to finance a developer's windfall.

We plan to work against aggressive growth in the county, and instead support smart growth. We also plan to work against elected officials who support aggressive growth, and support those who support smart growth. We will be watching with great interest to see what actions you take on these issues.

Respectfully and sincerely,  
Zachary Graber

8395 Sand Cherry Lane  
Laurel, MD 20723



**Regner, Robin**

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:12 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Michael Kelly <[michael.b.kelly@outlook.com](mailto:michael.b.kelly@outlook.com)>  
**Date:** Wed, 15 May 2013 21:56:09 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Dear Howard County Planning Board,

I am writing in reference to Zoning Amendment 46.002

I am opposed to the REZONING to RA-15. I recommend it be zoned as R-ED (2 housing units per acre).

Please delay filing for the zoning until there has been time to conduct all of the required studies for a change of this magnitude.

I have lived in Howard County starting in 1971. Uncontrolled growth affects the quality of life in our area. We could all move to Northern Virginia if we wanted to spend a half hour just getting to the major road. Columbia has already suffered this fate, but it is and has always been a city. Fulton is not and should not be jammed shut by high density.

Thank you for your time and attention to this important matter.

Michael Kelly  
12315 Pleasant View Dr  
Fulton MD 20759

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:12 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

On 5/15/13 8:05 PM, "Megan and Jeremy" <[jeremy.r.corey@gmail.com](mailto:jeremy.r.corey@gmail.com)> wrote:

>To Howard County Executives, Directors and Council Representatives,  
>  
>My wife, Megan and I, would like to take a minute of your busy schedule  
>to voice our heart felt concern for zoning amendment 46.002.  
>We are firm believers in smart growth for our county and strongly  
>believe the rezoning to RA-15 contradicts the vision of PlanHoward.  
>As residents of Fulton, we are certain the rezoning will increase  
>traffic and endanger the safety of students walking to our community schools.  
>Our town infrastructure is not equipped to support such an increase in  
>the number people and housing units.  
>  
>In an attempt to provide alternatives to a problem, we propose the  
>parcel be rezoned as R-ED. There is no suitable reason why the  
>developer should not have to fight to have the parcel zoned for a  
>higher density. Talking amongst fellow Fulton residents, the  
>opposition is profound and it behooves you to carefully examine how  
>your decision will affect out communities.  
>  
>If you're not fond of the R-ED alternative, we ask you consider MX-D.  
>It has proven success with the Maple Lawn community as it continues to  
>thrive and be known as one of the most sought after communities in the  
>county.  
>  
>Additionally, we understand there may be external pressures for a  
>decision however, we ask you take the appropriate steps in making a  
>decision. Please delay filing for the zoning until there has been  
>sufficient time to conduct all of the important studies for a project  
>of this magnitude.  
>  
>In conclusion, my wife and I strongly oppose a rezoning of RA-15 and  
>ask you practice your due diligence and make the right decision in  
>voting against it. If you'd like to discuss our concerns further,  
>please do not hesitate to contact us at your earliest convenience.  
>  
>Very Respectfully,  
>Megan and Jeremy Corey

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:13 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Never Have So Few, Asked So Much From So Many

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**From:** Paul Spelman <[pspelman@verizon.net](mailto:pspelman@verizon.net)>  
**Date:** Wed, 15 May 2013 17:33:47 -0400  
**To:** Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>  
**Subject:** Never Have So Few, Asked So Much From So Many

Dear County Council,

This is in reference to the Maple Lawn rezoning 46.002. Please vote NO to this. Basically it violates about everything that has ever been written in all your plans. We have asked for meetings with the Volunteers who make these recommendations with no answer. Marsha McLaughlin's suggestion is go talk with the developer and work things out with them. How ridiculous is that response!

One good thing that has happened because of this issue, is that a community has been United. It has investigated this process and it does not like what it has discovered. There appears to be tremendous favoritism toward developers. So much so, that the head of zoning tells petitioners to work things out with the developer. What kind of leadership is that? Does our tax money actually pay a salary for that kind of asset? And speaking of Assets. A major Treasure of Maryland is the Chesapeake Bay. And you are proposing the highest density development in Howard County right on the Watershed that feeds this great Treasure. Don't have your name listed as a person who Plundered Maryland's Treasure. Whether you want to continue in politics or not, do the right thing and don't let this rezoning happen.

Respectfully,  
Paul Spelman  
(301) 529-7776

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:13 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** "ngbuff@verizon.net" <ngbuff@verizon.net>  
**Date:** Wed, 15 May 2013 12:37:44 -0400  
**To:** Mary Kay Sigaty <mksigaty@howardcountymd.gov>  
**Subject:** Zoning Amendment 46.002

As members of the Fulton community, we feel it necessary to write to you in regard to Zoning Amendment 46.002. This amendment will adversely affect our community. It is obvious that such a huge increase in population will result in greatly increased traffic, school overcrowding and pollution of neighboring wells.

We are opposed to a rezoning of RA-15, but would be in agreement to having the property in question rezoned as R-ED (2 housing units per acre) and then the developer would have the right to fight for a higher density zoning.

It seems that this tremendous change is being pushed through without the proper and necessary impact studies which are typically done. We urge you to delay filing for the zoning change until the proper impact studies can be accomplished.

This rezoning would result in a tremendous change in every aspect of our community and we ask you to take this more reasonable path as you make a decision that will affect the citizens of Fulton.

Thank you,  
Nina and Edward Buffington



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:14 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** "Pete Babendreier (pbabendr)" <[pbabendr@cisco.com](mailto:pbabendr@cisco.com)>  
**Date:** Wed, 15 May 2013 08:29:54 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>, Allan Kittleman <[Allan.Kittleman@senate.state.md.us](mailto:Allan.Kittleman@senate.state.md.us)>, "gail.bates@house.state.md.us" <[gail.bates@house.state.md.us](mailto:gail.bates@house.state.md.us)>, "warren.miller@house.state.md.us" <[warren.miller@house.state.md.us](mailto:warren.miller@house.state.md.us)>, Ed Kasemeyer <[edward.kasemeyer@senate.state.md.us](mailto:edward.kasemeyer@senate.state.md.us)>, Steven DeBoy <[steven.deboy@house.state.md.us](mailto:steven.deboy@house.state.md.us)>, "james.malone@house.state.md.us" <[james.malone@house.state.md.us](mailto:james.malone@house.state.md.us)>, Elizabeth Bobo <[elizabeth.bobo@house.state.md.us](mailto:elizabeth.bobo@house.state.md.us)>, James Robey <[james.robey@senate.state.md.us](mailto:james.robey@senate.state.md.us)>, Shane Pendergrass <[shane.pendergrass@house.state.md.us](mailto:shane.pendergrass@house.state.md.us)>, Guy Guzzone <[guy.guzzone@house.state.md.us](mailto:guy.guzzone@house.state.md.us)>, Frank Turner <[frank.turner@house.state.md.us](mailto:frank.turner@house.state.md.us)>  
**Subject:** Zoning Amendment 46.002

We do NOT want to see ANY RA-15 rezoning in this area.

It isn't there now, and was not in the plans previously put forth when this community was envisioned.

The owners and developers and zoning administrators should have their feet held to the fire for what has already been proposed and accepted. What's more is we should not be involved in what seems to be a never ending fight against development AND governmental processes, which are akin to boiling the frog one degree at a time.

Sincerely,

Pete and Michele Babendreier

8201 Sandy Stream Rd.

Laurel, Md 20723

## Regner, Robin

---

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:15 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: AMENDMENT 46.002 ..... CONSIDER OUR REASONS

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**From:** "salky@verizon.net" <salky@verizon.net>  
**Date:** Wed, 15 May 2013 16:20:38 -0400  
**To:** "salky@verizon.net" <salky@verizon.net>, Ken Ulman <KUlman@howardcountymd.gov>, Marsha McLaughlin <MMcLaughlin@howardcountymd.gov>, Courtney Watson <cwatson@howardcountymd.gov>, Calvin Ball <cball@howardcountymd.gov>, Jen Terrasa <jterrasa@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>, Greg Fox <gfox@howardcountymd.gov>  
**Subject:** AMENDMENT 46.002 ..... CONSIDER OUR REASONS

On 05/15/13, [salky@verizon.net](mailto:salky@verizon.net) wrote:

Please consider our reasons for opposition to amendment 46.002:

- 1) According to YOUR OWN Howard County 2030 Plan , farm land to RA 15 is not allowed
- 2) This would double the people in Fulton with one housing addition
- 3) No infrastructure studies have been conducted ( including: fire, police, schools, roads, bus routes and sidewalks)
- 4) No studies of pollution, ground or air have been done
- 5) All this is to go through with only 50% of Maple Lawn completed and no evaluation of how this will effect our area

Please put yourself in our position and understand that we need to GET THIS RIGHT. We ask you to SLOW DOWN.

Sincerely,  
Neale and Mary Ellen Salkeld  
8142 Huntfield Drive, Fulton, Md.

## Regner, Robin

---

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:15 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: vote NO on 46.002

On 5/15/13 3:23 PM, "Loretta Spelman" <[rettspelman@gmail.com](mailto:rettspelman@gmail.com)> wrote:

>Please vote NO on the proposed rezoning of the Maple Lawn parcel  
>(46.002). Are you kidding me!. Maple Lawn is barely half done and the  
>roads, schools and the environment can't stand anymore stress on them.  
> Please make the right decision and don't let this rezoning happen. It  
>is not Smart Growth or Common Sense Growth.  
>  
>Thank you in advance for your <sup>3</sup>NO<sup>2</sup> vote.  
>  
>Best Regards,  
>  
>Loretta Spelman

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:15 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Preserve Fulton - Zoning Amendment 46.002

---

**From:** Austin Bogus <[abogus227@gmail.com](mailto:abogus227@gmail.com)>  
**Date:** Wed, 15 May 2013 13:47:32 -0400  
**Subject:** Preserve Fulton - Zoning Amendment 46.002

To whom it may concern,

I am currently a Fulton, MD resident and am very concerned about the Zoning Amendment 46.002 and what it may do to Fulton. Currently Fulton is an active, and growing community, however this will put us well over the limit. This will cause increased traffic, large overpopulation of schools, and terrible safety concerns. The community is not built for this.

As a whole, we'd recommend it to be zoned as R-ED (2 housing units per acre) and then make the developer have to fight to have it zoned higher, rather than the citizens having to fight to have it zoned appropriately.

Please delay the filing for the zoning until there has been time to conduct all the important studies for a project of this magnitude.

Thanks for hearing me out, and I appreciate your consideration in this matter.

Austin Bogus  
[abogus227@gmail.com](mailto:abogus227@gmail.com)



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:16 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Ginny G <[geg401@verizon.net](mailto:geg401@verizon.net)>  
**Date:** Wed, 15 May 2013 12:45:20 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrassa@howardcountymd.gov](mailto:jterrassa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Dear County Executive and Council Members,

I am writing to you because of my deep concerns for the apartment proposal in Fulton, Zoning Amendment 46.002. I live on Ice Crystal Drive and would be adversely effected by this project.

I have a number of concerns. My grandchildren attend the schools on Rt. 216. These schools cannot handle the population increase of a large apartment project. In addition, the increased traffic would make driving and/or walking to school extremely dangerous.

Rt. 216 cannot handle the extra traffic. As it is, early in the day and after 2:30 pm, it is difficult and dangerous to exit Ice Crystal Drive via the traffic circle because there is little break in the traffic until rush hour is over. I have walked to Mapelawn from my home and found that crossing Rt 216 is very dangerous, almost suicidal.

Fulton is a very small town and it does not have the infrastructure to support this project. Most of the zoning only allows 1 to 2 homes per acre and there is much farm land. I am opposed to a rezoning of RA-15. A zoning as R-ED is more suitable for this rural area.

Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude.

Thank you for your regard for my concerns.

Sincerely,

Virginia Geiling  
8480 Ice Crystal Drive, Unit P  
Laurel, MD 20723  
301-317-6032

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:16 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: zoning admendment 46.002

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**From:** Carlos Cuenca <[ccuenca@jhmi.edu](mailto:ccuenca@jhmi.edu)>  
**Date:** Wed, 15 May 2013 07:09:47 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** FW: zoning admendment 46.002

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**From:** Carlos Cuenca  
**Sent:** Tuesday, May 14, 2013 9:22 PM  
**To:** [mmclaughlin@howardcountymd.gov](mailto:mmclaughlin@howardcountymd.gov)  
**Cc:** [Kulman@howardcountymd.gov](mailto:Kulman@howardcountymd.gov); [cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov); [cball@howardcountymd.gov](mailto:cball@howardcountymd.gov); [jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov); [mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov); [gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)  
**Subject:** zoning admendment 46.002

I am writing you asking to oppose zoning admendment 46.002

Fulton is a great place to live now even with the increased traffic from maple lawn which already can overwhelm route 216. The proposed zoning change from current zoning to RA-15 is a very dramatic increase in zoning change that will totally change Fulton. The amount of population increase and resulting traffic and congestion is not a gradual change at all and does not seem in spirit of the 2030 plan.

This dramatic increase in zoning population without prior investigation with respect to roads, schools, and especially environment and well water tables (we on Murphy Road are dependent on) is short-sighted and not in the best interests of anyone save the developer and seller.

We are much more in favor of zoning to R-ED as zoning was for 3-5 acre lots in past when most of us bought homes in this part howard county. Please consider these points and investigation these matters prior to any drastic zoning changes.

Thank you for your time.  
Carlos Cuenca and family  
Murphy Road, Fulton

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:16 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** David Greenberg <[david.m.greenberg@gmail.com](mailto:david.m.greenberg@gmail.com)>  
**Date:** Wed, 15 May 2013 06:19:41 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

I wanted to write to express my opposition for this amendment. I am worried about the increased traffic, our infrastructure's ability to support this massive growth and resulting environmental pollution. In addition, it would seem that a more manageable population density inline with R-ED would be the optimal solution for our town.

This is a meaningful decision for all of the current residents of Fulton, so I hope that we collectively can conduct more research and receive more feedback from the community before deciding to move forward with a project of this scale.

Thank you for your consideration.

David Greenberg.

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David Greenberg  
[david.m.greenberg@gmail.com](mailto:david.m.greenberg@gmail.com)  
(301) 928-6878

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:17 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: No to Zoning Amendment 46.002

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**From:** Pavan Zaveri <[pavanzaveri@yahoo.com](mailto:pavanzaveri@yahoo.com)>  
**Reply-To:** Pavan Zaveri <[pavanzaveri@yahoo.com](mailto:pavanzaveri@yahoo.com)>  
**Date:** Wed, 15 May 2013 03:45:49 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** No to Zoning Amendment 46.002

Ms. Sigaty,

I write to you as a concerned resident and citizen of Howard County. We moved to the county over 2 years ago for the quiet neighborhoods, excellent schools and much better traffic than nearby counties and the District.

This Zoning amendment looks to bring a ridiculous amount of people to an area of Howard County that is in no way prepared to deal with more people, particularly thousands more in an apartment complex of over 1000 units. The roads in Fulton, the public services in southern Howard County (Fire/EMS), and the schools in Fulton have no capacity to absorb the needs of thousands of new individuals. If anything, first improvement needs to occur to these facilities before considering such a drastic change in zoning from rural farmland to high density residential. A more temperate change such as R-ED may be a better start forcing the developer to prove that he safely can build and accomodate increasing the number of homes rather than going straight to an untenable number of housing units.

The RA-15 Zoning is simply not acceptable.

Unless improvements to Rte. 216 are complete and intended to accomodate the high volume of traffic, this kind of proposal should not even be considered. The only incentive here seems to be money for the developer without any regard for current and future homeowners, residents of the County that pride themselves in living here, contributing to the economy and participating in the school system.

There is little preparation being done appropriately to inform the project or the nearby neighborhoods with everyone just playing catch-up day by day. Please stop this zoning amendment from being filed until appropriate preparation is complete and demonstrating that such a change is not realistic, feasible and comes with much damage to this part of Howard County.

Sincerely,

Pavan and Meenal Zaveri  
8676 Waterside Ct  
Laurel, MD 20723  
A Concerned Howard County Resident





## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:17 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: zoning amendment 46.002

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**From:** Rana Hasan <[mujtehad\\_i\\_hasan@yahoo.com](mailto:mujtehad_i_hasan@yahoo.com)>  
**Date:** Tue, 14 May 2013 22:46:42 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** zoning amendment 46.002

Dear Ms. Sigaty,

As a resident of Fulton, I am writing to voice my strong opposition to Zoning amendment 46.002.

I strongly believe that approving zoning change to RA-15 will significantly and adversely affect the quality of life in our community and I am strongly opposed to that proposed zoning change.

Our roads are already overcrowded and keep in mind that is with the high-density development of Maple Lawn not even half-completed yet! Furthermore this area does not have the overall infrastructure to support such a massive expansion in population that this development proposal would result in.

Adding another high-density development without first formally studying the potential effects on the traffic, environment, and local schools seems highly inappropriate, and not in the best interests of either current or future residents of this community.

I am opposed to the re-zoning to RA-15 and would ask that the parcel be zoned as R-ED

I am also asking for you to delay the zoning filing/approval until appropriate formal studies have been done to determine the impact that this massive expansion would have on:

1. Traffic patterns, and the capacity of the local roads to accommodate what would be a very significant increase in volume
2. Environmental impact
3. Impact on the local schools

Thank you for your consideration of these important issues.

Sincerely,



## Regner, Robin

---

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:17 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: zoning amendment 46.002

---

**From:** Rana Hasan <[mujtehad\\_i\\_hasan@yahoo.com](mailto:mujtehad_i_hasan@yahoo.com)>  
**Date:** Tue, 14 May 2013 22:46:42 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** zoning amendment 46.002

Dear Ms. Sigaty,

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I strongly believe that approving zoning change to RA-15 will significantly and adversely affect the quality of life in our community and I am strongly opposed to that proposed zoning change.

Our roads are already overcrowded and keep in mind that is with the high-density development of Maple Lawn not even half-completed yet! Furthermore this area does not have the overall infrastructure to support such a massive expansion in population that this development proposal would result in.

Adding another high-density development without first formally studying the potential effects on the traffic, environment, and local schools seems highly inappropriate, and not in the best interests of either current or future residents of this community.

I am opposed to the re-zoning to RA-15 and would ask that the parcel be zoned as R-ED

I am also asking for you to delay the zoning filing/approval until appropriate formal studies have been done to determine the impact that this massive expansion would have on:

1. Traffic patterns, and the capacity of the local roads to accommodate what would be a very significant increase in volume
2. Environmental impact
3. Impact on the local schools

Thank you for your consideration of these important issues.

Sincerely,





## Regner, Robin

---

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:17 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Opposition to Zoning Amendment 46.002

---

**From:** Patrick Donohoe <[patandlisa0863@hotmail.com](mailto:patandlisa0863@hotmail.com)>

**Date:** Tue, 14 May 2013 22:43:46 -0400

**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>

**Subject:** Opposition to Zoning Amendment 46.002

• Dear Officials,

• I am contacting you to voice my opposition to Zoning Amendment 46.002. I am a resident of Fulton and my children attend Fulton Elementary school and Lime Kilm Middle school. My husband and I moved to Fulton 7 years ago. We both grew up in Montgomery County. We were living in Silver Spring before we moved to Fulton. We were frustrated with the growth and traffic congestion in Montgomery County and were looking for a better life. We are strongly opposed to Zoning Amendment 46.002 because it will be following in the same steps as Montgomery County which is now a disaster.

I disagree with the notion that we must increase growth in Howard County. Additional growth on the 91 acres will bring increased traffic, overcrowded schools, redistricting children to schools again, and environmental pollution. We are one of the richest counties in the US, why do we need additional tax revenue from increased residents? The county should already have enough tax income.

If you build the apartments, townhouses, and single family homes on the 91 acres, then people will relocate; if you don't build, then people will not come to Fulton and the density will remain the same. It is just that simple. The donation of a water tower should not be all that it takes to turn a city upside-down. More than 1,000 residents have signed the petition urging that the 91 acres be zoned to a capacity no greater than R-ED. This is consistent with the surrounding neighborhoods. A donated water tower should not change this. How incredibly corrupt has our society become if that is all it takes to pull off spot zoning. If this property is permitted to go to high density, then the precedent has been made and everyone else will expect to have similar treatment.

At the meeting in Maple Lawn last week, the attorney for Maple Lawn said that there would be 900+ golf ball dimples in the 91 acre property to prevent run-off pollution. When asked if the property owner would be maintaining the dimples, we were informed "no." The attorney suggested that perhaps the HOA would take care of the 900+ golf ball dimples. The suggestion that a group of HOA members may maintain the dimples does not seem like enough to base an important decision like this on.

At the meeting in Maple Lawn last week, the attorney for Maple Lawn said that the 91 acres are ideal for high capacity because of its proximity to DC and Baltimore and ample public transit. First, you

know that although Fulton is only approximately 22 miles from D.C. and Baltimore, it takes over an hour to reach either location during rush hour. This is not an ideal location to live if you plan to work in D.C. or Baltimore. Furthermore, the notion that the 91 acres is ideal because of its proximity to APL is also misplaced. The PHD scientist at APL will not choose to live in rental apartments or in housing that is adjacent to rental apartments, you know that as well.

After we asked the attorney for Maple Lawn to further explain the public transit for this area, he mentioned the commuter bus/park-and-ride in front of Grace Church. We have been informed that the park-and-ride is already at capacity and the county does not plan to increase the number of commuter buses (currently a grand total of 11) because the county loses money with each commuter bus. He then mentioned the Light Rail. However, the possible expansion of the Light Rail is so far off in the future, it should not be considered in respect to this rezoning request.

- After we asked the attorney for Maple Lawn to address the concerns of school over-crowding, the attorney said that the apartments will produce less than a 1% increase in student population, according to school studies he was given by the Howard County Board of Education. I would like to receive a copy of those studies. Moreover, one half of the population at Fulton elementary school was redistricted west last year. We were told that the reason was due to the growth of apartments in Laurel. Thus, if the schools should have only increased by 1% due to the apartments in Laurel, then why did my son need to lose one half of his friends from redistricting this year?

The Maple Lawn attorney also pointed out how the other areas in HO CO have done their part to increase growth and Fulton needs to now take on its share. The residents reminded the attorney that we have done our share with Maple Lawn proper, which is only 1/2 complete at this time. I would also like to point out that the current residents will only be making a sacrifice by adding 1,000-1,400 more residents to Fulton, they will not receive any financial benefit - the developer has made no mention of profit sharing with the current residents to account for their future sacrifices in increased traffic, etc.

I, along with over 1,000 other residents who signed the petition, request that Zoning Amendment 46.002 be denied at this time as premature. The developers should be asked to provide additional information regarding plans to reduce traffic, to prevent school over-crowding, and to prevent any negative impact on the environment, before any zoning amendment to increase density should be approved. Mere promises by the developer to reconfigure the roads eventually, increase school capacity (is the developer planning to build new schools?), to build 900+ homes to hopefully be maintained by HOA members to eliminate environmental impact, to extend the Light Rail eventually, to keep to the development plan de jure (which I believe is at plan #8 as of today), to not build for 15 years (that is what the attorney mentioned at one point during the meeting last week), without any penalty if they renege on their promises is not a reasonable basis for approving the rezoning request. Only after the developer has presented these crucial plans in detail and has based their plans on more than mere speculation and their supposed good faith, should the board approve the zoning request.

Thank you for your time.

Elisa Donohoe

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## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:19 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Syed Ashfaq Hasan <[s\\_ashfaqhasan@yahoo.com](mailto:s_ashfaqhasan@yahoo.com)>  
**Date:** Tue, 14 May 2013 22:26:22 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Dear Ms. Sigaty:

As a current resident of Fulton, I am writing to voice my strong opposition to the Zoning amendment 46.002 which would re-zone a parcel of land (Iager Parcel-113) in Fulton to RA-15 status

To be blunt, this appears to be a grotesque money-grab by the landowner of that parcel and the developers. The proposal shows not one ounce of consideration for the current and future residents of the community. It will further burden local roads that already cannot handle the current traffic, it will have a significant impact on the environment, and will directly and significantly affect the local schools and overburden them. Simply put, the current local infrastructure cannot handle this massive new development.

Furthermore the fact that the developers and the landowner, for all intents and purposes, attempted to "sneak" this approval through without local residents even realizing what was happening is very disturbing, and speaks to the fact that even the developers realize that this is a poorly planned proposal that serves mostly to line their pockets and the pockets of the current parcel owner, Mr. Iager.

As a current resident of Fulton, I can attest to the fact that the area is already overburdened with traffic. Route 216 and the surrounding roads are highly congested. I would invite you to take a drive through Fulton on Rte 216 either during morning rush hour or evening rush hour to see for yourself the degree of congestion. And keep in mind that the Maple Lawn community, which itself is a high-density development is not even half-completed!

Adding another high-density development without first formally studying the potential effects on the traffic, environment, and local schools seems highly inappropriate. It is not clear to me how this new proposed high-density development benefits current or future residents and provides them with a well-designed, thoughtful and environmentally considerate environment to live in. It is clear how it would benefit the developers and Mr. Iager

**I am opposed to the re-zoning of Iager Parcel-113 to a RA-15 status, and would ask that the parcel be zoned as R-ED**

I am also asking for you to delay the zoning filing/approval until appropriate formal studies have been done to determine the impact that this massive expansion would have on:

1. 1, Traffic patterns, and the capacity of the local roads to accommodate what would be a very significant increase in volume

2. 2. Environmental impact
3. 3. Impact on the local schools

Thank you for your consideration of these important issues.

Syed Hasan

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:19 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Elizabeth Cooper <[e3cooper@msn.com](mailto:e3cooper@msn.com)>

**Date:** Tue, 14 May 2013 21:39:56 -0400

**To:** Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>

**Subject:** Zoning Amendment 46.002

I am writing as a concerned taxpayer, voter, and resident of the beautiful Fulton area. My family moved to Fulton from Montgomery County more than 12 years ago. We had lived in Montgomery County for over 20 years, and left that county to be closer to work and to escape the growing crowding and congestion. Now, having put down deep roots in Fulton – and having lived through the large townhouse development , and more recently Maple Lawn – we are facing yet another large, dense development. In the relatively short time we have lived here, we have seen development that makes the crowding we left in Montgomery County pale in comparison.

Developments of townhouses and single family homes on minute parcels of land have already stretched the schools and roads beyond capacity. The county has not given us any county facilities such as parks or libraries, yet we seem to be the area the county comes to when it wants more housing. Where is the balance?

High-density housing makes the area – and the county – less attractive. Overcrowding in the schools, and congestion on the roads lead people to look elsewhere for a place to live, work, and seek an education. Thorough studies need to be done to determine the longer-term impact of the proposed development, and time must be devoted to ensuring needed infrastructure is in place before a decision is made on zoning. Rezoning the subject parcel to RA-15 will threaten the environment, now and for the future. My family and I strongly oppose this proposal, and recommend the parcel be zoned a maximum of R-ED (2 units per acre).

E. Cooper



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:20 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Preserve Fulton- Concerns with process

On 5/14/13 5:49 PM, "Daniel.Sisk@sunlife.com" <Daniel.Sisk@sunlife.com> wrote:

>  
>Ken Ulman and Council members-  
>  
>I am writing in opposition to the proposed re-zoning amendment 46.002-  
>the  
>larger farm property. I question not only the reasonableness of the  
>proposal but also how this property re-zoning and entrance to the PSA  
>have been handled. In my opinion, the handling of the adjustment to  
>the PSA (i.e. the new inclusion of the property) raises significant ethical  
>questions. Does it not strike anyone else that protocol and process for  
>such a change was not followed for the landowner who just "happened" to  
>give the County the land for free? Is the landowner's contribution to  
>the campaign of the HC Executives immediately following inclusion to  
>the PSA a mere coincidence? Why is 46.002 the only parcel being  
>recommended for the absolute highest upgrade to density allowed while  
>similar properties within the county were denied much more reasonable  
>zoning changes? There seem to be ulterior motives or influences at  
>play that conflict with the standards the elected officials of this  
>County should aspire to and operate under.  
>  
>I have attached a rebuttal one of my fellow voters received from Marsha  
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>responsibility the voters of this County gave you when we elected you

>to office and to thoroughly think about how your personal involvement  
>in this proposal will reflect on your own political future and legacy.

>  
>I appreciate your engagement and thank you for your service.

>  
>-Dan Sisk

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>  
>(410) 312-0043 ext. 225  
>daniel.sisk@sunlife.com

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- > 216 Park and Ride lot. Fast forwarding ... the lager and Wessel
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- > mixed-use community that is not yet complete. From a planning
- > perspective, map amendment 46.002 is an additional phase of this
- > community. There is also a 100 acre parcel owned by the Price family
- > that was zoned MXD in 1993 that will eventually be added to the
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- > capacity, safety, and the environment. Also as a result of the 1990
- > General Plan, the County adopted Adequate Public Facilities
- > (APF) legislation in 1992. This requires testing all development
- > proposals regarding school and road capacity, as well as limiting
- >the
- > number of residential units that may be developed in any specific
- > year, based on available "housing allocations" for various parts of
- > the County. The pace of development in the Fulton area will be
- > controlled by the number of APF regulations available each year.
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- > As part of APF regulations, new development is also required to
- > contribute APF school and road fees (based on building sq foot area)
- > to help fund the school and road capacity improvements that will be
- > needed to accommodate growth.
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- > Finally, there is one last component of the County's growth policy
- > that is worth noting. As a result of Council Bill 1-2013, the amount
- > of subdivision that can occur outside the Planned Service Area for
- > Public Water and Sewer has been significantly limited. This involves
- > both restrictions on major subdivisions in the RC zoning
- >district, as
- > well as increased funding for purchase of rural development
- >rights by
- > putting farms in the Howard County Agricultural Preservation

>Program.

> These initiatives will limit stress on schools and roads in the

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> parts of Howard County. This should help significantly reduce

> pressures in the Fulton area.

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>with

> the property owner about what an acceptable mix of these unit types

> would be and how they might best be located to buffer both

> neighboring properties and the environment. I'm happy to participate

> in that discussion if useful.

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> Marsha McLaughlin

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> Director

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> Department of Planning and Zoning

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> Howard County Government

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**SIERRA  
CLUB**

FOUNDED 1892

**Prince George's County, Maryland**

June 13, 2013

Hon. Jennifer Terrasa, Chairperson  
Howard County Council  
3430 Courthouse Drive  
Ellicott City, MD 21043

Dear Councilwoman Terrasa,

***Re: Rezoning application 46.002 (Iager Farm/Fulton)***

I am writing as Chair of the Prince George's Group of the Maryland Sierra Club with respect to a proposal in the Comprehensive Rezoning package. The Prince George's Group opposes the rezoning of the 91-acre Iager Farm parcel (Amendment No. 46.002) in Fulton from RR-DEO to R-A-15 (up to 15 housing units per acre). In addition, we oppose the Howard County Planning Board recommendation for split zoning for the property R-ED and R-A-15.

The Iager property lies on the south side of Route 216 overlooking the Rocky Gorge Reservoir, into which it drains. The Reservoir is positioned on the Patuxent River, one of Maryland's most productive tributaries. The members of the Prince George's Group reside downstream and rely on the Rocky Gorge Reservoir as their principal source of drinking water. The Rocky Gorge Reservoir has been listed as an impaired waterway under the Clean Water Act since 1998 (nutrients) and in November 2008 the Environmental Protection Agency approved a Total Maximum Daily Load (TMDL) for the reservoir for phosphorus. The 2004 Patuxent Reservoirs Source Water Assessment for WSSC, prepared by the Maryland Department of the Environment, identified the following concerns affecting drinking water quality from nonpoint sources: "Sediment, nutrients, pathogens (Giardia and Cryptosporidium), total organic carbon (TOC), road salts and heavy metals are the most significant water supply concerns from runoff in developed areas."

The proposed R-A-15 multi-family housing project will produce an inordinate amount of impervious surface, which will result in excessive runoff and a worsening of the health of the reservoir. Construction sediment and residentially-generated nutrients will further add to its degradation. The University of Maryland Center for Environmental Studies has identified upstream growth, non-point source from paved surfaces, and construction runoff as significant causes for the degradation of the Patuxent River.

Suite 111, 7338 Baltimore Ave. College Park, Maryland 20740  
Telephone (301) 277-7111; Fax (301) 277-6699.


46-002  
CMBRS  
ST  
TW

**The rezoning application 46.002 (Iager Farm/Fulton) is contrary to the public interest, and we strongly urge the Howard County Council to reject it.** Prince George's County residents are just now learning about this proposal and its potential to continue the impairment of the Rocky Gorge Reservoir and the degradation of the Patuxent River. We trust that the Howard County government understands its role as the protector of sensitive environmental resources, and the obligation as a steward to limit the impact on its downstream neighbors.

We will be asking our local legislators to review this situation and register their views with respect to potential impacts on their constituents.

Thank you for the opportunity to comment on this matter.

Sincerely,



Martha Ainsworth, Chair  
Prince George's Sierra Club Group  
([Martha.Ainsworth@mdsierra.org](mailto:Martha.Ainsworth@mdsierra.org))

116.002

✓5-15-13

**Fox, Greg**

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**From:** Daniel.Sisk@sunlife.com  
**Sent:** Tuesday, May 14, 2013 5:50 PM  
**To:** Ken S. Ulman  
**Cc:** Fox, Greg; Sigaty, Mary Kay; Terrasa, Jen; Watson, Courtney  
**Subject:** Preserve Fulton- Concerns with process

Ken Ulman and Council members-

I am writing in opposition to the proposed re-zoning amendment 46.002- the Iager farm property. I question not only the reasonableness of the proposal but also how this property re-zoning and entrance to the PSA have been handled. In my opinion, the handling of the adjustment to the PSA (i.e. the new inclusion of the property) raises significant ethical questions. Does it not strike anyone else that protocol and process for such a change was not followed for the landowner who just "happened" to give the County the land for free? Is the landowner's contribution to the campaign of the HC Executives immediately following inclusion to the PSA a mere coincidence? Why is 46.002 the only parcel being recommended for the absolute highest upgrade to density allowed while similar properties within the county were denied much more reasonable zoning changes? There seem to be ulterior motives or influences at play that conflict with the standards the elected officials of this County should aspire to and operate under.

I have attached a rebuttal one of my fellow voters received from Marsha McLaughlin- Director, HC Dept of Planning and Zoning. Her response, while well written and thorough, strikes me as odd. Why is she so motivated to pass this amendment? Is it not odd that she seems to speak for the landowner in regards to what they "envision"? Why is she directing private citizens to negotiate directly with the land owner? You have all been elected to represent the citizens of this County in matters such as weighing Amendment 46.002- why does Marsha direct voters to any private entity instead of to yourselves?

I appreciate the work each of you do on behalf of our County and respect the fact that you are constantly faced with making tough decisions on what is best for the county and its citizens. I also acknowledge the frustration, temptation and challenges you face on a daily basis in trying to do your job. While I understand that politics are a messy affair, this entire proposal seems to fail even the most basic smell test. I hope each of you pauses to think about the responsibility the voters of this County gave you when we elected you to office and to thoroughly think about how your personal involvement in this proposal will reflect on your own political future and legacy.

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I appreciate your engagement and thank you for your service.

-Dan Sisk

(410) 312-0043 ext. 225  
daniel.sisk@sunlife.com

Thank you for your email expressing concern about Comprehensive Zoning map amendment 46.002. I know this is a difficult issue for many Fulton residents, and I would be happy to meet with representatives of the newly formed group Smart Fulton Growth to discuss your concerns.

Since I've received emails from 45 year residents, as well as recent arrivals, it may help to provide some background. Prior to the 1990 General Plan, Howard County had no growth policy. Adoption of this plan was contentious, but it established key policies that were built upon in the 2000 General Plan and more recently PlanHoward 2030. All three plans acknowledge that Howard County is extremely well located between Baltimore and Washington with highway, rail, port and airport connections to the rest of the world. Businesses want to be here and they need employees. If we shut down further residential growth, housing demand will just migrate to surrounding jurisdictions, whose residents will drive through Howard County to their jobs. We need to grow smarter. Higher density, mixed use development that is walkable and in close proximity to transit is essential... to accommodate growth, minimize sprawl, and protect the environment. However, it has to be well designed, liveable, attractive and a good neighbor.

The 1990 General Plan identified the area around Maple Lawn Farms as a target for future mixed-use growth, because of its proximity to the Planned Service Area for Public Water and Sewer (PSA), ready access to MD 29, and jobs at Johns Hopkins Applied Physics Lab and elsewhere in the PSA, as well as transit service to Washington, DC at the MD 216 Park and Ride lot. Fast forwarding ... the Iager and Wessel farms have evolved into Maple Lawn, which is a successful, attractive, mixed-use community that is not yet complete. From a planning perspective, map amendment 46.002 is an additional phase of this community. There is also a 100 acre parcel owned by the Price family that was zoned MXD in 1993 that will eventually be added to the Maple Lawn community.

I UNDERSTAND and APPRECIATE your concerns about traffic, school capacity, safety, and the environment. Also as a result of the 1990

General Plan, the County adopted Adequate Public Facilities (APF) legislation in 1992. This requires testing all development proposals regarding school and road capacity, as well as limiting the number of residential units that may be developed in any specific year, based on available "housing allocations" for various parts of the County. The pace of development in the Fulton area will be controlled by the number of APF regulations available each year. Zoning only establishes the type and amount of development, not when it will occur.

As part of APF regulations, new development is also required to contribute APF school and road fees (based on building sq foot area) to help fund the school and road capacity improvements that will be needed to accommodate growth.

Finally, there is one last component of the County's growth policy that is worth noting. As a result of Council Bill 1-2013, the amount of subdivision that can occur outside the Planned Service Area for Public Water and Sewer has been significantly limited. This involves both restrictions on major subdivisions in the RC zoning district, as well as increased funding for purchase of rural development rights by putting farms in the Howard County Agricultural Preservation Program. These initiatives will limit stress on schools and roads in the rural parts of Howard County. This should help significantly reduce pressures in the Fulton area.

I understand that change is rarely welcome. Map amendment #46.002, is for R-A-15. The property owner has no interest in doing all apartments - it would not be appropriate, attractive or financially viable. They envision a mix of apartments, townhouses and single family detached housing. I encourage Smart Fulton Growth to talk with the property owner about what an acceptable mix of these unit types would be and how they might best be located to buffer both neighboring properties and the environment. I'm happy to participate in that discussion if useful.



Marsha McLaughlin

Director

Department of Planning and Zoning

Howard County Government

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This e-mail message (including attachments, if any) is intended for the use of the individual or entity to which it is addressed and may contain information that is privileged, proprietary , confidential and exempt from disclosure. If you are not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender and erase this e-mail message immediately.  
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**Sigaty, Mary Kay**

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**From:** Christine Bulbul <cbulbul@verizon.net>  
**Sent:** Thursday, April 25, 2013 5:44 PM  
**To:** Joyce Barnes; David Dudich  
**Cc:** werskine@offitkurman.com; Ken Ellis; Katia & Seva; Sigaty, Mary Kay  
**Subject:** Re: Amendment No 46.002 - Maple Lawn South Community Meeting

Hi Everyone,

I love that you all are concerned and want this madness to stop. The meeting scheduled for May 7th is with the developer, who hopes to have the land rezoned from to High Density. Your question must be addressed to the County Council and State Highway Administration. I suggest you start with county council and see why what was promised has not been fulfilled.

That being said, we will bring it up at any meeting we have with the Zoning Board (also known as the County Council). Any citizen can speak at the zoning meeting. I will let you know when you can sign up to speak if you so desire. Any citizen can contact the county council concerning this issue. That email is below.

[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)

The meeting on the 7 is with the developer's lawyer, he has no control over state roads. He only does what the County Council and state tell him to do to get his project passed, generally speaking any road improvement will come from the county and the state not from the developer. With that being said, it appears that there were promises made that were not kept during the Maple Lawn Uproar. I encourage you to contact the entire county council and ask them that question.

In addition, express your displeasure with not having promises fulfilled and express your non-support of amendment 46.002, which is requesting the zoning change for that part of the lager Farm. Tell them what you think.

I will continue to send David emails to keep him up to date with our progress and I know David will forward those emails to all of you. My concern is that the May 7 meeting venue will not hold all the people that want to attend that meeting. If the venue and/or date changes, I will send you an email. I encourage you to show up to that meeting whenever and wherever it is. If you oppose the rezoning, wear red shirts like the rest of us. There is safety, recognition, and impact when there are numbers.

Pease forward all details to your friends who may be concerned about this project as we are. Log on to our web site frequently to see if there are any updates I have not had a chance to send to you:

<http://www.stopfultonapartments.info/>

Sign our petition on our web site. Consider making a donation to the cause, via PayPal on our web site or:

Make a check out to:

**Smart Fulton Growth**

and mail to:

Smart Fulton Grow

PO BOX 245

FULTON MD 20759-0245.

the money goes to pay the lawyer, to cover the cost of printing and mailing fliers, and making signage to bring attention to this issue. We are in the process of printing fliers and mailing them out to every single Fulton and Scaggsville home.  
 Christine

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

**From:** Joyce Barnes

**To:** David Dudich

**Cc:** [werskine@offitkurman.com](mailto:werskine@offitkurman.com) ; Fox, Greg ; Ken Ellis ; Katia & Seva ; Christine Bulbul ; [mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)

**Sent:** Thursday, April 25, 2013 4:49 PM

**Subject:** Re: Amendment No 46.002 - Maple Lawn South Community Meeting

Good work Dave did u see the article in todays Howard Times?

On Apr 25, 2013, at 10:40 AM, David Dudich wrote:

These are concerns that I would like addressed at the 7 May Meeting:

1) As I recall the original approval for Maple Lawn was contingent upon construction of improvement (4 lining) of Rt 216. Currently Rt 216 is four laned from US 29 past Maple Lawn, with thwop rotaries at the entrances to Maple Lawn. Maple Lawn South Scheme 8 shows the sole entrance to Maple Lawn South to occur at the present traffic light for the school complex. Should not Rt 216 be fourlaned at least as far as the intersection with Lime Kiln Rd, and the existing traffic light replaced by a rotary so that the same rule apply to Maple Lawn South as were applied to the original maple Lawn? And should not these road improvements be made at the Maple Lawn South developer's expense?

2) Should not a portion, say 25%, of the proposed housing (aparatments and SFDs) be designated as an "Over 55" community to alleviate possible overcrowding of the schools on the other side of Rt 216?

Thank you

David W. Dudich  
11697 Wayneridge St  
Fulton MD 20759

----- Forwarded message -----

From: **Fox, Greg** <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>

Date: Tue, Apr 23, 2013 at 6:43 PM

Subject: FW: Amendment No 46.002 - Maple Lawn South Community Meeting

To: "Fox, Greg" <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>

Good Evening Residents,

As promised, I want to get the latest information to you. I received the following information from Mr. Erskin today and wanted to make you aware of another community meeting regarding Maple Lawn South. Mark your calendars and plan to attend.

I will see you there.

Regards,

*Greg*

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:31 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: ZONING AMENDMENT 46.002

On 5/13/13 10:49 AM, "michael norwood" <[mikeydoos@aol.com](mailto:mikeydoos@aol.com)> wrote:

>>

>>

>> Dear Ms. Sigaty,

>>

>> My family and neighbors here in Fulton MD are firmly opposed to a  
>> rezoning of RA-15 on property boarding Rt. 216 and Murphy Rd in Fulton.  
>> We recommend it be zoned as R-ED (2 houses per acre).

>>

>> Over the years our community has seen many changes in the land along  
>> these roads, including the addition of the pond on the corner of Rt  
>> 216 when the present owners of that farmland were opposed (many years  
>> ago) to the county straightening out Rt. 216 and taking the 2 lane  
>> road over the their property. The pond then became an existing body  
>> of water that couldn't be disturbed. They saved their farm and land  
>> for there own benefit but now want to "disturb" the tranquility and  
>> life style of the rest of the community by having the above mentioned  
>> property rezoned for there own financial gain.

>>

>> This monetary gain for the land owner will be a loss for "our"  
>> community. RA-15 zoning on that land will mean that our already over  
>> crowed schools will burst at the seams. Rt. 216 will become a  
>> gridlock with the addition of thousands of more cars. Our roads  
>> simple do not have the infrastructure to accommodate the additional  
>> traffic. The well water that some of us drink will be compromised by pollution.

>>

>> It doesn't seem that justice is being served if one family can  
>> control the county boards zoning plans for their personal financial  
>> gain to the detriment of so many solid citizens who have loved and  
>> respected this land for so many years.

>>

>> Please delay filing for the zoning until there has been time to  
>> conduct all the important studies for a project of the magnitude.

>>

>>

>> Thank you for your support in this matter. I know you will do your  
>> best to represent the citizens of this community in the most honest way.

>>

>>

>> Sincerely,

>>

>> Michael Ann Norwood  
>> 8219 Reservoir Rd.  
>> Filton, MD 20759



Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:31 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Concerns about proposed Fulton rezoning (Zoning Amendment 46.002)

On 5/13/13 11:58 AM, "Marie desJardins" <[mariedj@cs.umbc.edu](mailto:mariedj@cs.umbc.edu)> wrote:

>Dear Ms. Sigaty,

>

>I am writing as a longtime Howard County citizen to express my concern  
>about the proposed rezoning request that is currently under review for  
>Fulton. I believe that the proposed RA-15 zoning is completely  
>inappropriate for this area and does not in any represent "smart  
>growth."

>

>While I recognize the inevitability of increased development in the  
>region, moving from a rural zone (3-acre lots) to high-density  
>apartment housing does not make any sense at all. The current  
>infrastructure -- schools, roads,  
>(nonexistent) public transportation, emergency response,  
>sidewalks/crosswalks, and electrical grid -- are not adequate to  
>support this level of development. The environmental impact on the  
>area, which directly borders the Rocky Gorge watershed, would be  
>unconscionable.

>

>The community has already grown significantly, with the existing and  
>ongoing Maple Lawn development, and the increased density on the other  
>side of 29 off of Ice Crystal Drive. That development was reasonably  
>well planned out and made some sense for the community, balancing  
>density with development and open space. Yet even that development has  
>not been well supported by the county in terms of increased school  
>capacity, traffic management, walkability, or public transportation.  
>To hear that there is now serious consideration of a plan that could  
>add thousands of residents to the community is incomprehensible.

>

>I can see why the property owners and developers want the request RA-15  
>zoning -- they will make a lot of money off the development and then  
>move on, leaving the community to suffer from the poorly planned and  
>inappropriate development.

>What I \*cannot\* see is why the county would even be considering such a  
>drastic change from the current zoning. A moderate increase in density  
>(say, to R-ED zoning of two units per  
>acre) would be consistent with the surrounding community and is what  
>the developers should have requested in the first place.

>

>I urge you not to support this unreasonable request for high-density  
>housing in a region that cannot handle it.

>Please put the interests of the residents of this area ahead of those  
>of the developers.

>

>Sincerely,

>Marie desJardins

>9440 Lovat Rd.

>Fulton MD 20759

>301-617-2533

>[mariedj@cs.umbc.edu](mailto:mariedj@cs.umbc.edu)

>(Howard County Resident, 1970-1985 and 2001-2013)

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:31 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Mike Miller <[mmiller328@hotmail.com](mailto:mmiller328@hotmail.com)>

**Date:** Mon, 13 May 2013 11:59:37 -0400

**To:** Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>, Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>

**Subject:** Zoning Amendment 46.002

Dear County Representatives:

I am a county resident in Fulton, MD and I oppose Zoning Amendment 46.002.

I recently moved to Howard County from a densely populated area of Montgomery, County - White Flint. I chose Fulton, MD specifically for its reduction in street traffic, school system, community safety, modest pedestrian congestion and quiet neighborhoods.

I am saddened to hear about this proposed amendment and fear the negative impact it will have on our community. Indeed, a zoning amendment that permits the contemplated high density residential community will increase street traffic, sacrifice safety, overwhelm our local school system (potentially result in redistricting) and pollute our environment (threatening our wells and water supply). Indeed, given the current build-up of Maple Lawn and its current and future impact on our community, it strikes me as incredibly short-sighted to pass this amendment.

I am in opposition of RA-15, but would support a zoning of R-ED (2 housing units per acre). If the developer so chooses, it can then request the land be rezoned and explain the purported benefits of higher density housing. Your constituency should not have to expend personal resources in both time and money to maintain the status-quo.

Please do not allow this amendment to pass.

Best regards,

Mike Miller

Fulton, MD Resident

My name is Doug Clarke. I am a thirteen year resident of Howard County. I reside at 8123 Brookwood Farm Road. I am also President of Specialty Pool & Fountain which is a local business located in Columbia, MD. I would like to state the reasons for my opposition to Amendment 46.002.

Thirteen years ago, my wife and I lived in a townhome in Laurel. We had two young daughters and our oldest attended kindergarten in the local elementary school. We were appalled by the state of education provided by that county and naturally considered sending her to private school. On the advice of residents in our community, we looked at Howard County and the stellar education record the public schools had generated. On this count, not only were we impressed but our oldest has since graduated Reservoir High School, was able to transfer 36 credit Hours to the University of Florida and will graduate after 3 years with two degrees. My youngest is a freshman at Reservoir, and again, we see great promise for her. The County has lived up to its stellar reputation.

The second requirement for relocating was my personal desire to have a home with at least an acre of land. It was more than a requirement to have land but also, a natural setting with woods and privacy and neighbors that shared these same types of values for their children. These types of environments typically have lower crime rates and encourage the development of appreciation for outdoor work and recreation. Our original residence on Hallmark Road and our current residence on Brookwood Farm Road both fulfilled those requirements.

The community we became a part of was closer to rural than suburban and that was the promise of Howard County that I hoped to keep throughout my home ownership here. With the development of Maple Lawn, we have witnessed the positive and negative aspects of the development of our area. We have enjoyed the increased services brought by the businesses that have located in Maple Lawn. We have also had to endure, as a community, the appalling decimation of our elementary and middle school relationships as our children were split between three different high schools. What is an incredibly tight community is unceremoniously split and the momentum generated through years of camaraderie is obliterated. While I have many friends in Ashleigh Knoll, I rarely get to interact with them anymore as our children's activities take us different directions. These directions have been dictated by the redirection of our children to three different high schools. I think many of us can also attest to the number of accidents and near misses generated by incorrect usage of the traffic circles as well. As a community, we have endured our fair share of the "benefits" of development.

This strain exists before 50% completion of the north side development of Maple Lawn is complete. The consideration of placing high density housing in an area at more than full capacity is utterly in violation of common sense. The schools are utilizing trailers to accommodate the existing student body. My old neighborhood has had their children moved from Fulton to Pointer's Ridge. It is quickly imaginable that the children in my neighborhood, just two miles from the existing campus will be relocated as well. It is hard to imagine how the traffic circles will handle the load once the North side of Maple Lawn is complete let alone the potential influx from the proposed south side development.

Through my own fault, I was unaware of the current zoning afforded this property. Shame on me for being so short-sighted. You don't have to be an engineer to see the issues that are already going to



present themselves given the current zoning allowance. I won't allow the same apathy to guide my actions as I have done in the past. I believe my neighbors will share my opposition and resolve to thwart this egregious attempt at over development. As you consider the pros and cons of development, please keep in mind the promise Howard County has to its existing residents and immediately deny this affront to our sensibilities.

The promise of Howard County hangs in the balance. Many of my neighbors share the same dreams and expectations of life that I do. I do more than hang my hat inside the door. I improve my home, improve my property and build my own little utopia in hopes that my family will benefit and learn to appreciate the value of our lifestyle. I have benefitted greatly from the relationships forged by having neighbors with the same sense of community that I learned growing up. Allowing high density development in an area that forged its strength and appeal from its rural roots and sense of community is an absolute insult to the dream of its current residents.

I am submitting the letter I originally wrote regarding my personal objections to 46.002. What I think is more relevant are the factual objections to this development.

Average water usage per person is roughly 100 gallons a day. The water tower has been in existence for about a year now and obviously was two years or more in planning and construction. Logic dictates that it was sized for the north side Maple Lawn development and the planned zoning on the books for this lot. How can it accommodate a doubling of the population that RA-15 zoning would create? You can only reach two conclusions, either it can't or it was sized with this zoning in mind more than three years ago. If it can't handle this new load, rezoning isn't appropriate. If it is properly sized, it begs the question of the circumstances surrounding the decision to oversize it in such a manner.

Development of this area will also require installation of a lift station to handle the potential 400,000 gallons of sewage generated daily by an RA-15 designation. As we all know, sewage flows downhill. That places a lift station ominously close to the reservoir. A lift station is comprised of a primary pump, a back-up pump, an emergency generator and an emergency overflow. When pumping stations fail, the emergency overflow will direct that water downhill to the reservoir. Please feel free to google "lift station failures" and read dozens of articles related to these failures.

Also, the Little Patuxent Waste Water Treatment Plant just underwent a renovation. Was it re-sized to accommodate this RA-15 designation?

Here are some excerpts from Plan Howard 2030 in regard to stormwater and stream restoration.

The current list of potential restoration projects exceeds 150, while the current County budget allows for about five projects to proceed each year.

Work in other jurisdictions shows that the more degraded a watershed is, the more difficult restoration

becomes, and in some more highly developed watersheds conditions may be so degraded that full restoration is prohibitively expensive.

It goes on to say, "Require that properties added to the current Planned Service Area (PSA), large redevelopment sites within the PSA, and large sites with zoning intensification within the PSA minimize increases in flow and the nutrient concentration in flow sent to the wastewater treatment plants".

How can you possibly minimize flow when the designation of RA-15 will increase the population of this area by at least ten to twenty fold over the existing designation and a similar increase in impermeable surface area.

I find it objectionable that the Zoning and Planning Board has found this zoning application appropriate for this area. It isn't logical for the infrastructure of the area and it isn't aesthetically correct for the existing development we have.

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:30 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Amendment 46.002 opposition  
**Attachments:** opposition to Maple Lawn rezoning.docx

On 5/13/13 12:11 PM, "Doug Clarke" <[dclarke@americanpool.com](mailto:dclarke@americanpool.com)> wrote:

>Council Members,

>

>I have attached my testimony from April 8 at the zoning hearing. I had  
>to truncate it at the hearing given the time limitations. In short, a  
>preliminary zoning approval seems to have been granted preferentially  
>to a landowner without regard to the neighboring community. It is  
>clear that there are extreme impacts by an RA-15 designation and that  
>designation is in no way compatible with the aesthetics, infrastructure  
>and environment of the neighboring area.

>

>What is most disturbing is that there is every appearance of  
>impropriety in the back room maneuvering of this preliminary approval.  
>Our representatives have a solemn duty to represent the majority of the  
>population. I think it is clear from the response that the majority of  
>Fulton residents are opposed to this development. It is pitiful that  
>the community has to hire attorneys to protect itself from our  
>government. Please follow your oath to represent the community by  
>stopping this brazen attempt to destroy this rural community for the  
>benefit of a handful of people. Restore the faith of your constituents  
>in their elected officials to fairly represent the wishes of the  
>community.

>

>Sincerely,  
>Doug Clarke  
>8123 Brookwood Farm Road  
>Fulton, MD 20759

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:30 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002 Request for Action

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**From:** Bette Dolan <[bette@outerofficecopy.com](mailto:bette@outerofficecopy.com)>  
**Date:** Mon, 13 May 2013 14:11:34 -0400  
**To:** Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** FW: Zoning Amendment 46.002 Request for Action

**Subject:** Zoning Amendment 46.002 Request for Action

I was asked to write to my representatives and state my preferences for the Fulton Apartment Zoning situation.

As a resident of Howard County for almost 40 years; and a resident AND business owner in Fulton for almost 30 of those years.....

Here are my preferences:

- ❖ Let the signs that say "No Apartments in Fulton" be taken down as they give off a signal that our community thinks it is too good to live near apartment dwellers.
- ❖ Let the good people with their good causes realize that us old timers didn't want THEIR houses to be built here either – we liked our country setting without the McMansions.
- ❖ Let the arrogance of telling us how to word our letters so to infer that we do NOT mean 'low income housing' disappear as that is EXACTLY what many mean.
- ❖ Let every home/land owner decide how best to deal with his own property – isn't that the advantage of NOT living in a planned community?
- ❖ Let us not think that the next generation of heirs to the Maple Lawn Farm will be kind to us and preserve their hundreds of acres as farmland – that is not consistent with their generation's thinking.
- ❖ Let us refer to Maple Lawn Farm as our land BUT then we must be on the farm at 5Am to do all the work that is required.
- ❖ Let the county agencies do their job and assure that whatever zoning is approved will not have a negative impact on our schools, roads and environments. Our government can and should be sure that these concerns are addressed on a professional level, NOT personal. That would be true SMART GROWTH!

I, like many, did not want Maple Lawn to be developed. I, like many, did not want Lime Kiln Road to be extended. I, like many, did not want Farming Drive to become a neighborhood. I, like many, wanted to live

forever with the cows and the chickens and the geese. However, unlike many, I woke up one day and realized there is no stopping progress and to try and do so only causes aggressive behavior with a bend towards wanting to win at any expense. This drive to stop the lagers from developing their land, as they see fit, is not fair, is not reasonable, and borders on a display of arrogance that city people are accused of – certainly not genteel country folk.

If you want to live in a rural setting, the time has come to move further out – just as I did when I left my long time home in Montgomery County. I was raised off of Bladensburg Pike, in wooded and pastoral Montgomery County. Bladensburg Pike is NOW called University Boulevard and my childhood home is now situated in very congested Silver Spring.

Some how, the city keeps moving out into the country.

Bette Dolan  
Fulton, MD  
301-792-4327



**Regner, Robin**

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:29 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002 - Fulton MD

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**From:** Eric Lindheimer <[ericlindy42@hotmail.com](mailto:ericlindy42@hotmail.com)>  
**Date:** Mon, 13 May 2013 14:41:24 -0400  
**To:** Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>  
**Cc:** Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002 - Fulton MD

Hello Mr. Ulman,

I am writing this email to inform you that I am strongly against the subject zoning change in Fulton, MD.

I recently bought a house on Tipton Drive off of Stansfield Road. It was our intention to buy a new home and move our family to a safer neighborhood with great opportunities for our children to attend Fulton Elementary, Lime Klin Middle, and Reservoir HS. This zoning change will eventually push my family out of this school district as this was never our intention when buying our home 2 months ago. We have done all of our research before purchasing our dream home, and this is a little shocking to us as we have studied the grow howard 2030 plan and have looked at all the zoning records to ensure our family would be within this school district for the next 20 years to come. There was never any indication of Maple Lawn South. I strongly suggest that you do not pass this zoning change request or at least come to a compromise to perhaps 2 homes every acre, but not 15 units every 1/3 of an acre!

Thank you for your time,  
Eric Lindheimer

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:29 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Louise Bartley <louise\_cm@msn.com>  
**Date:** Mon, 13 May 2013 15:03:34 -0400  
**To:** Marsha McLaughlin <MMcLaughlin@howardcountymd.gov>, Ken Ulman <KUlman@howardcountymd.gov>, Courtney Watson <cwatson@howardcountymd.gov>, Calvin Ball <cball@howardcountymd.gov>, Jen Terrasa <jterrasa@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>, Greg Fox <gfox@howardcountymd.gov>  
**Subject:** Zoning Amendment 46.002

Good Afternoon,

I wanted to reach out to you on the proposed rezoning of the property located on Route 216 near the water tower to a zoning of RA-15.

As a life-long resident of Fulton, this is a real concern.

I cannot believe this is even being considered when the Maple Lawn Community located across the street is still in its construction phase. The increase in the amount of traffic in that area has greatly impacted our daily lives. I know to avoid the area during the opening hours end ending hours of the school day and the 15 minutes prior and after masses or other events at Grace Church. We have several "mini" rush hours during the day. Additionally, we have an over-abundance of traffic circles. I'd welcome the opportunity to view the number of traffic incidents in and around the circles and Maple Lawn itself. The design of the parking lots in Maple Lawn is atrocious and too many drivers do not know how to navigate the circles safely.

Additionally, I'd like you to consider the irony of a child living on Reservoir Road, just off Lime Kiln Road, in Fulton, will not be able to attend the schools in the area of the same names, even though the distance between the child and the schools is less than 2.1 miles. This is a real concern. If you believe there is enough room within the schools to accommodate additional children without having to redistrict our neighborhood, then I'd also like you to live the life of a Reservoir student who has to take classes in portable trailers outside when there is snow on the ground or it is raining. Those portables are covering the outside basketball courts that the school once had for the kids and the community to use. (So much for Wellness Howard County).

While I recognize that the Fulton that I once knew and loved will continue to change, I urge you to delay the filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude.

At the very least, please consider a less dense zoning from RA-15 to R-ED to lessen the impact of increased traffic, the influx of students and environmental pollution that could threaten our wells.

Thank you for your consideration.

Louise M. Bartley  
8520 Edenton Ct  
Fulton, MD 20759

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:50 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Charles Noonan <[charlie@chazspot.com](mailto:charlie@chazspot.com)>  
**Date:** Sat, 11 May 2013 15:43:06 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Hi,

I'm deeply concerned about the impact of the proposed zoning in Fulton. I think it is pretty clear that Fulton cannot manage this level of development. The traffic will be terrible, and the schools will be very overcrowded. What about the impact of the environmental pollution threatening our wells? Has that been fully considered/researched?

The smart and fair thing to do is delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude.

I am opposed to a rezoning of RA-15.

Thank you,

Charlie



Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:49 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: RA-15

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**From:** LEW RODGERS <[hilew@verizon.net](mailto:hilew@verizon.net)>  
**Date:** Sat, 11 May 2013 16:26:15 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** RA-15

SUBJECT: RE ZONING OF RA-15

I support RA-15 being zoned as R-ED and request your vote to be this position for the following reason:

It is idiotic to expect any money, county or state, to be available for widening rt 216 and the probable necessitation of traffic light installations, BEFORE you unload additional thousands of cars onto this section from Highland to route 29. And let's not forget the unfinished development and increased traffic still to come out of Maple Lawn. In my opinion, Maple Lawn's two tight radius circles will impede, rather than aid the traffic flow, thus requiring expansion of them or removal and installation of lights here also. The WHOLE issue, in my opinion, is about MOVING PEOPLE - forget all the other complaints, but at least respect the daily frustrations that will be the norm for the people who decide whether you have given this your best judgement.

Further, any suggestion of a phasing in of this plan, as roads are developed, is a complete unknown regarding the congestion that will occur. Widen 216, Highland to 29 FIRST, then come back and revisit this proposal. We haven't seen the complete development of Maple Lawn yet and have no idea what traffic surprises that will bring.

I have no objection to more homes in the area - farm land in this part of Howard County will eventually disappear, but PLEASE avoid a Montgomery County pattern.

Neighbors with school age children have an additional issue, I'll let them speak to that.

We came to Howard in 1977, built our home on Reservoir Rd and viewed corn fields in all directions - it was a pleasant escape from Prince George County (New Carrollton) and its congestion, if you want to call it that. We loved the country and were intrigued by lengthy drives to the gas station and grocery stores, and meandering over the back roads on weekends- but development does have it's advantages and conveniences. We now appreciate the speedy access



to just about any service we need - so PLEASE don't burden us with traffic frustrations!!! Thanks for considering your vote carefully

Lew and Hilde Rodgers  
8300 Reservoir Rd  
Fulton

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:49 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Cheryl Burchell <[clab@eastlink.ca](mailto:clab@eastlink.ca)>  
**Date:** Sat, 11 May 2013 16:39:33 -0400  
**To:** Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>  
**Cc:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

You need to listen to the members of SMARTFULTONGROWTH who are opposed to rezoning RA-15. To do otherwise would be irresponsible on your part. **PLEASE** let the group be heard!

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:49 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Charles Abraham <[charlesabraham@earthlink.net](mailto:charlesabraham@earthlink.net)>

**Date:** Sat, 11 May 2013 17:45:57 -0400

**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>

**Subject:** Zoning Amendment 46.002

Dear Ms. Marcia McLaughlin, Director, Department of Planning and Zoning

Dear Mr. Ken Ulman, County Executive

Dear Ms. Courtney Watson, District 1 Councilmember

Dear Mr. Calvin Ball, District 2 Councilmember

Dear Ms. Jennifer Terrasa, District 3 Councilmember

Dear Ms. Mary Kay Sigaty, District 4 Councilmember

Dear Md. Greg Fox, District 5 Councilmember

We are strongly opposing to build apartments in Fulton Maryland, Howard County

- Our main points are what this zoning will do to our town--increased traffic, influx of students to our schools and safety of students walking to school; lack of infrastructure in our town to support such an increase in people and housing units; and environmental pollution threatening our wells
- We are opposed to a rezoning of RA-15
- We recommend it be zoned as R-ED (2 housing units per acre) and then make the developer have to fight to have it zoned higher, rather than have the citizens having to fight to have it zoned appropriately (i.e., lower density)
- Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude

Best Regards,

Charles Abraham  
12344 Pleasant View Dr  
Fulton, MD 20759

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:48 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: zoning amendment 46.002

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**From:** Jane Leshchiner <jane@chazspot.com>  
**Date:** Sat, 11 May 2013 18:21:11 -0400  
**To:** Mary Kay Sigaty <mksigaty@howardcountymd.gov>  
**Subject:** zoning amendment 46.002

Dear Ms. Sigaty,

I am writing to you concerning Zoning Amendment 46.002. I have been a resident of Fulton for 6 years, and my husband for 15 years. We moved to this community because of the clean air and water, great schools, minimal traffic, safety and open spaces. With this zoning amendment, all of these things would be in jeopardy. The infrastructure does not exist here to support tripling the population of the community, which is what would happen if this amendment went through. Our children would be rezoned to different schools, when we moved here for these specific schools (Reservoir, Lime Kiln, etc), because the new community would be in closer proximity to the schools. We have well water, and increased population and construction would severely impact the water. We have small roads and NO SIDEWALKS. Children would not be safe with traffic tripled.

I urge you please consider the current residents of this community and the points outlined below, and help us to keep Fulton the great place it is now.

- Our main points are what this zoning will do to our town--increased traffic, influx of students to our schools and safety of students walking to school; lack of infrastructure in our town to support such an increase in people and housing units; and environmental pollution threatening our wells
- We are opposed to a rezoning of RA-15
- We recommend it be zoned as R-ED (2 housing units per acre) and then make the developer have to fight to have it zoned higher, rather than have the citizens having to fight to have it zoned appropriately (i.e., lower density)
- Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude

Thank you,

Jane S. Leshchiner  
8575 Clarkson Drive  
Fulton MD 20759



Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:48 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Fulton Congestion

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**From:** "dmotap@aol.com" <dmotap@aol.com>  
**Date:** Sat, 11 May 2013 20:30:03 -0400  
**To:** Mary Kay Sigaty <mksigaty@howardcountymd.gov>  
**Subject:** Fulton Congestion

Ms Sigaty,

I live in a house built in 1955 on Murphy Road. We have suffered already from lager's farm being transformed into a city as well as the other developments that have taken place in recent years. Our life has changed. We no longer live in the rural community to which we moved from the congestion of Wheaton. Since the turn onto Old Columbia Rd from Rt 29 has been blocked for us, we must drive 2 miles out of the way to get home from the south, or 2 miles out of the way trying to go north. With only a slight merge area going south --- cars speeding around the turn, over the hill into the intersection that has experienced so many deadly accidents, going south on 29 is a hazard. Our only two ways out of our community are Murphy Road at Rt. 216 or the circle at Old Columbia Road and Rt. 216. During rush hour, the Murphy Road onto 216 is not really an option --- it is too dangerous with heavy traffic from 216 (both directions), poor visibility from the east, and cars feeding in from Lime Kiln. The circle is only slightly better since drivers on 216 feel that is a main drag and the circle is just part of it --- so they feel no inclination to slow down.

We went over 30 years without losing power, but since developments have closed in, we lose power on a regular basis.

Although, we all opposed the Maple Lawn Development, the developer clearly owned our politicians and the development was pushed through. Please serve the 99% and protect us from the 1%. Limit the congestion when voting on the zoning for Maple Lawn South.

Thank you,  
Mike Morris

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:47 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Opposition To Rezoning The Fulton Property For High Density Housing  
  
**Importance:** High

On 5/12/13 12:16 AM, "Francisco Ward" <[drfward@comcast.net](mailto:drfward@comcast.net)> wrote:

> Lets get real. I live in Fulton with my wife and 5 children and my  
> relatives all live in HC. Responsible growth is the hallmark of  
> PlanHoward2030. You can't let short term profits trump long term  
> quality of life issues in HC overall and Fulton in particular. Why  
> ruin a area that is already developing (Maple Lawn 1/2 finished) by  
> proposing to insert R15 where R2 or at most R 3 is the most appropriate  
> residential zoning! Drive on 216 during peak travel hours and you will  
> see problems already developing. Grid lock should not be allowed 24-7.  
> Our schools can't absorb the type of influx R15 would bring without  
> pushing rezoning efforts over the top - lottery busing options is not  
> what we bargained for when I moved my family to HC in 1996 or Fulton in 2005.  
> What's going to happen to the other parcels in the area if we abandon  
> HC2030 smart growth guideline? Just ruin HC as a premier place to raise  
> your family. Drop the value of everyone else's property by more than  
> the profits generated for a few. This type of governance is totally  
> irresponsible!  
> As a physician who is active in the community with 5 children in HC  
> sports, I come in contact with many other voters and change will be  
> made at election time if anyone votes to ruin Fulton and HC in general.  
> No community will be safe if R15 is even considered (even if a ploy to  
> push for anything over R2 zoning. PlanHoward2030 was produced to make  
> HC a sustainable place to live and work while protecting the local and  
> regional environment. Inappropriate spot zoning changes completely  
> contract what HC residents were asked to support with PlanHoward2030.  
> Please vote again harmful Growth. Our community health (and not just  
> Fulton but all of HC) and Maryland's environmental health is at stake.  
> Dr. Francisco Ward  
> 8214 Reservoir Road  
> Fulton, MD 20759

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:47 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** "Hoffman, Robert" <[Robert.Hoffman@metronaviation.com](mailto:Robert.Hoffman@metronaviation.com)>  
**Date:** Sun, 12 May 2013 10:53:48 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Councilmember Sigaty,

I am writing to voice my opposition and concern over zoning amendment 46.002. I am opposed to a rezoning of RA-15, and instead recommend it be zoned as R-ED (2 housing units per acre). I believe it would be irresponsible to allow continued development of properties in and near my community of Fulton Maryland until we have absorbed and understood the full impact of other developments in the county, such as Maple Lawn, which is only half built. While I understand that our area is "ideal" for further development because of its proximity to Rte 29 and I-95, I remind you that Rte 29 has already become impassible in morning and evening rush hours.

The position of the developer and the Planning Board has been to approve the higher-density housing and let the other issues such as traffic, and overcrowded schools "work themselves out". Unfortunately, both my family and my neighbors will be the ones who have to live through the issues as they "work themselves out". I applaud the Council Members and the Planning Board for far-reaching thinking in documents such as Plan Howard 2030. However, many of the principles espoused there are necessarily broad and general; before specific application can be obtained, greater attention should be paid to the residents who are already acutely aware of current and impending issues.

Furthermore, the position of the Planning Board is that it is the responsibility of the citizens to negotiate for lower density directly with the developer, and in so doing, they have already yielded the high ground of negotiation to the developer by recommending a density of housing far beyond what we believe our community can accommodate. Prudence would dictate that we go through our county officials for this, and that proper studies be done in advance for environmental concerns, traffic impact, and school impact.

Sincerely,

Dr. Robert Hoffman

**ROBERT HOFFMAN**  
*Director of Advanced Research Group*  
**Metron Aviation**

**MOBILE** +1 703 338 3779  
**OFFICE** +1 703 234 0760

[hoffman@MetronAviation.com](mailto:hoffman@MetronAviation.com)  
[www.MetronAviation.com](http://www.MetronAviation.com)



Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:47 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Opposition to Fulton MD rezoning

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**From:** rjj <rjjoy147@yahoo.com>  
**Reply-To:** rjj <rjjoy147@yahoo.com>  
**Date:** Sun, 12 May 2013 11:57:30 -0400  
**To:** Mary Kay Sigaty <mksigaty@howardcountymd.gov>  
**Subject:** Re: Opposition to Fulton MD rezoning

Dear Councilwoman Sigaty,

Thank you very much for your response to my inquiry. Like you, I have heard different variations of the proposed development and in order to have a full understanding of the proposed development on May 7, 2013, I attended an open house meeting conducted by Mr. Erskine at his office to discuss the development. Following that meeting and after listening to Mr. Erskine's statements and attempts to answer questions concerning the community and environmental impact of the project, I am more convinced than ever that this proposed development will be extremely detrimental to the Fulton community in particular and damaging to Howard County as a whole. Beyond the outright false statements made during the meeting (eg: high density housing is required because in the past 2/3 of Marylanders owned homes while now that has changed and 2/3 of Marylanders are renters. The 2010 US census indicated that 68.7% of Marylanders are homeowners and in Howard County that rate is 74%, so I am not sure where Mr. Erskine came up with his rental statistics), several comments made by Mr. Erskine during the meeting were extremely troubling. The proposal that Mr. Erskine outlined was much in line with what I was aware the development would include. The proposal called for approximately 1000 units made up of high density units (which after he initially refused to identify these units as apartments, he eventually indicated that they would most likely be apartments) and a lesser number of town-homes in the middle of the complex and detached homes near Murphy Rd. When asked about the exact number of units involved in the development, Mr. Erskine indicated that the number was uncertain because this proposal was only a concept and the development wouldn't be finalized until after they received the zoning change. He further stated that the RA 15 re-zoning would give them the greatest amount of flexibility but he couldn't imagine that the final plan would "differ much from the proposal." So basically, he said that once they got the zoning changed, they would come up with a final plan then. When asked if there was a study to see if the infrastructure in place could support such an increase, Mr. Erskine indicated that a study wasn't needed because it was too expensive to conduct in case they didn't get the zoning change. I was standing next to Mr. Iager at the time, who stated to the person sitting next to him that how could we know about the final number of units until we get the zoning changed. At that point, I was perplexed to say the least, in light of the environmental, economic and social damage that uncontrolled over-development has caused throughout Maryland and the US, it is inconceivable for me for a government body in the 21st Century to rezone a large tract of land without a firm grasp of what would be built on the land and basically leave it up to the developer to come up with an idea of what they think is best. Mr. Erskine could not guarantee that the final proposal would not change following obtaining a rezoning but thought that it would be "unlikely." A second statement that Mr. Erskine made that was troubling was the statement that "high density housing complexes" should be the way of the future for Howard County. He stated that Plan Howard advocates "High density complexes" even in rural areas and that this project would be in line with the

desire for more high density projects in the county. As a person who has lived in many parts of the US and the world, in urban, suburban and rural settings, I have seen the effects of high density complexes on the environment, traffic, businesses, schools and community standards of living. I find it very difficult to believe that the future of Howard County is in high density housing complexes. The only beneficiaries of high density complexes are land developers who are able to maximize their profits with minimal costs. Other countries around the world that have advocated "high density developments" as an answer to urban sprawl prior to the US are beginning to look at the long term effects of these developments. Studies conducted in Australia, Europe, Canada and the US indicate that problems resulting from placing large amounts of people in high density communities have far outweighed any benefits. A 2011 University of West Australia study showed that the claims of decreased auto usage and increased mass transit usage were never realized and that the noise pollution, traffic congestion, poor air quality and environmental issues increased in high density developments versus their lower density counterparts. The study showed that actual energy usage in high density developments was higher than in lower density counterparts. Plus businesses and economies in areas where there was government enforced high density development grew at a slower rate than other areas. Similar studies have been conducted in Canada and a recent study conducted by the Cato Institute concerning high density developments in Portland Oregon stated that *"smart growth" governments nationwide are implementing a degree of land-use regulation that is unprecedented in the United States prior to 1990. Unfortunately, as we will see from the experiences of the Portland, Ore., area, such regulation can produce an even worse quality of life for residents. The policies' real effects appear to be increases in traffic congestion, air pollution, consumer costs, taxes, and just about every other impediment to community livability.* "High density" growth at the expense of existing communities is not only shortsighted but also places communities at risk of losing the attributes which make them attractive places to live in the first place. Traffic congestion, overcrowded schools, lack of infrastructure and environmental issues are not usually drawing points when people are looking to re-locate into an area. Mr. Erskine and Mr. Iager admitted that the existing Maple Lawn development is only half completed and the community has yet to feel the full impact of the development that is on-going. To add an additional 1000 units to the community before realizing the affect that the current projects will have on schools, infrastructure and the environment could cause irreparable harm to the community and the the area. When asked about the lack of green space and congestion in the existing Maple Lawn development, Mr. Erskine gave a very flippant response about no one "being forced to live there" and then changed the subject. The Maple Lawn South development is the only development in the Planned Service Area that has been tentatively approved for RA-15 rezoning. When a significant zoning change such as this is made, it should be for a compelling reason that serves an important community interest and this rezoning only serves the interest of the existing landowner and a group of developers while negatively impacting the community. To completely re-shape a community in such a short period of time without full understanding of the impact that on-going development projects will have only puts the monetary interests of a few over the good of the community as a whole. I understand the need for communities to grow and expand but also understand that this growth should be in a well thought out and regulated manner which factors in the impact of the growth on the community as a whole and future inhabitants of the area. I believe that the proposal as outlined by Mr. Erskine is way too large to be approved at this time and should not be approved until the full impact of the current development projects on the community, schools, infrastructure and environment is understood. A smaller development would have less impact on the region and the community might be able to absorb smaller development with less negative impact but it seemed very evident from the meeting that the developers represented by Mr. Erskine and Mr. Iager were intent on optimizing their profit from this land and intended to push forward with their development of 1000 residential units regardless of the impact such a plan would have on the community.

I am writing this letter because I feel that it is the duty of the County Council to represent the interests of all their constituents while ensuring that the county grows in a sensible manner. I am sure the County Council will put diligence into analyzing the impact such a significant decision will have on not only the residents of Fulton but the present and future residents of Howard County as a whole and not act just



to placate developers who are looking to cash in on Howard County before moving onto another Maryland county to "develop."

Again, thanks you for your response and I hope that you will oppose the rezoning and the development proposal in its current form. As residents of the region become more aware of the impact this large development will have on the region, I am sure that opposition to the proposed development will increase.

Richard Joyce  
Fulton MD

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**From:** "Sigaty, Mary Kay" <mksigaty@howardcountymd.gov>  
**To:** rjj <rjjoy147@yahoo.com>  
**Sent:** Thursday, May 9, 2013 2:03 PM  
**Subject:** RE: Opposition to Fulton MD rezoning

Mr. Joyce,

Thank you for sharing your ideas about the comprehensive zoning proposal in Fulton (46.002).

You have raised several concerns which I am sure will become part of the Council's deliberations on comprehensive zoning. At this moment though the comprehensive zoning petition is in front of the Planning Board.

Just as you would like me to oppose the project, the property owner would like me to support it. It's my goal to look for allowable uses for the property that will be agreeable to both the owner and the community.

I've heard from others on this issue as well. Each of the messages contain different but extreme cases of what may be built on the property. To ensure that we are all working with the same information, I've asked the attorney representing the owner to make himself available to speak with you regarding this petition.

Please feel free to contact:

William Erskine  
Offit Kurman, P.A.  
8171 Maple Lawn Boulevard, Suite 200  
Fulton, MD 20759  
Telephone: 301-575-0363  
Email: [werskine@offitkurman.com](mailto:werskine@offitkurman.com)

Comprehensive zoning petitions are expected to be introduced as legislation later this year.

I hope that you find this information helpful.

Sincerely,

Mary Kay Sigaty  
Howard County Council  
District 4  
3430 Courthouse Drive  
Ellicott City, MD 21043  
410-313-2001

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:46 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** "Gail S. Williams" <[gailswilliams17@verizon.net](mailto:gailswilliams17@verizon.net)>

**Date:** Sun, 12 May 2013 13:24:53 -0400

**Subject:** Zoning Amendment 46.002

Honorable County Council/Zoning Board Members: I am writing to express my strong concern and objection to rezoning the subject property to RA-15. I've lived in the Scaggsville area since 1979 and seen much growth and development. In fact, I was actively involved for years in rezoning issues for this section of the County as a private citizen and officer of citizen associations.

As new people moved into the area, the character of the neighborhood was maintained consistent with the General Plan. Yes, the provision of infrastructure lagged behind much of the development, as sadly seems to be the case more often than not, yet we are squeaking by, even with the upgrade of Route 216 and the traffic circles.

Rezoning the subject property to RA-15 would greatly change the character of the neighborhood, for the worse, while taxing the current infrastructure far beyond its capacity from the perspective of roads and schools. Although not an expert, I worry about the water and sewer capacity, as well. Rezoning the Fulton area property to accommodate more than R-ED density zoning seems unconscionable to me. Have you traveled the traffic circles in the area, especially during morning and afternoon rush hour? Have you experienced the backup of traffic on Route 216 approaching the school complex?

I see no justification for changing the zoning to allow more density, especially since the infrastructure will not support such a significant change and the change is inconsistent with the County's General Plan.

I ask you to look at this petition through the eyes of the local residents and ask yourself if you'd support such a change were you living in this area.

I plan to follow this petition very closely and ask that you reject the rezoning request and maintain an R-ED zoning classification that is consistent with the character of the neighborhood and what the infrastructure will bear.

Thank you.

Gail S. Williams  
8416 Jandy Avenue  
Laurel, MD 20723

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:46 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: ZONING AMENDMENT 46.002

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**From:** "jtd1293@aol.com" <jtd1293@aol.com>

**Date:** Sun, 12 May 2013 14:52:05 -0400

**To:** Ken Ulman <KUlman@howardcountymd.gov>, Marsha McLaughlin <MMcLaughlin@howardcountymd.gov>, Courtney Watson <cwatson@howardcountymd.gov>, Courtney Watson <cwatson@howardcountymd.gov>, Calvin Ball <cball@howardcountymd.gov>, "jterrasa@howardcountymd.gov" <jterrasa@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>, Greg Fox <gfox@howardcountymd.gov>

**Subject:** ZONING AMENDMENT 46.002

To the Howard County Executive, Council Members and the Director of the Department of Planning and Zoning

I hope by now you have gotten the message that the taxpayers of Fulton MD are very dissatisfied and opposed to the zoning proposal of RA-15 that is being presented by the developer. This proposal will desecrate the Fulton area with increased traffic, the safety issue of the children who walk to school, not to mention the increase of students in their schools and the elementary school has already been re-districted earlier this year. The increase of housing units will create an environmental impact on our water and possibly pollute our wells. We are not opposed to rezoning as R-ED (housing per acre). Cramming 1300+ units across the street from four schools (elementary, middle school, high school and a special needs school) is a ludicrous proposal.

I have not heard that an environmental impact study has been done on this proposal and believe that it is very important to conduct all of the important studies before a project of this type is undertaken and especially since the taxpayers are adamantly opposed to this project.

It has been rumored that this is a "done deal" and has been in the "works" for sometime and yet it has only become brought to light in the past few weeks to the taxpayers of Fulton. I certainly hope as elected officials you will do everything possible to stop this asinine project and rezone to the RA15. Your help and cooperation to the taxpayers of Fulton will be greatly appreciated for years to come.

We are Voters for Common Sense Growth in Fulton

Jane and Aloysius Doyle  
8184 Stabeau Drive  
Fulton MD 20759

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:45 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Frank Persico <[fpersico@aol.com](mailto:fpersico@aol.com)>  
**Date:** Sun, 12 May 2013 19:07:10 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Dear Ms. Sigaty:

I write today in strong opposition to the proposed change in zoning requested in Zoning Amendment 46.002. It does not make sense how anyone in Howard County can support this zoning request. This area cannot and should not be made to sustain the increase traffic and population that this development WILL cause. When I first heard of this all I could think was that the reports were wrong. I thought to myself that the elected officials in Howard County have always done their very best to preserve the county and its integrity.

It is now time for you as an elected official to heed the will of the people and reject the unrealistic request of the proposed developers of this property. The thought of the impact of this huge development in conjunction with the build-out of Maple Lawn is astounding. Having been in elected politics myself and on a Council with zoning authority, I have seen and heard every imaginable argument that developers can make to try and ameliorate the concerns of the Council and citizens and tell us how the impact will be "minimal." You and I know that they only tell part of the truth; the part they think they we want to hear. They won't tell how this development will crowd the schools, have a public safety impact in both pedestrian safety and crime increases, and have a clear environmental impact on those of us who have wells for our water supply.

I respectfully request that you do everything in your power to stop this proposal. It will be one critical decision you can make to protect us all and our community. Thank you.

Frank Persico  
12329 Pleasant View Drive  
Fulton, MD 20759  
301-854-1432



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:45 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002 (Concerns for Fulton Building Plan)

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**From:** Laura Hartman <lhartman818@gmail.com>  
**Date:** Sun, 12 May 2013 22:18:42 -0400  
**Subject:** Zoning Amendment 46.002 (Concerns for Fulton Building Plan)

To whom it may concern,

My name is Laura Hartman and my family and I just moved to Maple Lawn in September of 2012.

I've been reviewing the flurry of information regarding the potential for an apartment development/high-density infrastructure across from the Fulton schools and like many others am extremely unhappy about it. I have first-hand experience about what this can do to a great community as this was a main reason we left our previous home for Maple Lawn. I promise you, no good will come from creating a high-density development in our community.

Up until September 2012, we had been living in Alexandria, VA in a planned community called Kingstowne. We moved there when it was only 5 years old and still in the beginning phases of development, similar to Maple Lawn. It boasted all the same amenities and great living features that Maple Lawn has today and was a great place to live, until the point when they built too much. It went from being a nice, clean and safe community to one that included lots of transient residents, too much traffic and way too many retailers. All of which they promised years prior would never be an issue.

The additions of more retailers and more economical-friendly homes did nothing but destroy what we once had. And while I cannot say there was one main reason for the downfall, I can say having apartments and an overflow of living accommodations did not help. It created a more transient community where people moved in and out of constantly, and didn't have the same commitment to the community that us homeowners did. For them it was a way to reap the benefits of a great community at a cheaper price without the commitment or care. It went from a family-friendly community to one that created diversity in a bad way and that spilled over into the schools as well...another reason we left Kingstowne for Maple Lawn.

The traffic also became a huge issue. Just trying to getting around town became a nightmare particularly during rush-hour and on the weekends. Between the overflow of cars, numerous lights and crazy intersections, driving anywhere within the community became exhausting and frustrating. And I promise, it will happen to Maple Lawn as well.

I recognize that something will ultimately be built on this land, but make them single-family homes (R-ED 2 housing units per acre), something that creates longevity in the community. It saddens me to think that we left Kingstowne for a better place, away from all the negativity only to realize that this may become our reality once again.

If you would like to discuss my thoughts further, you are welcome to contact me via e-mail or cell at 703-861-3150.

Thank you for your time.

Laura S. Hartman  
Maple Lawn Resident



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:44 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Stephen Fowler <[fowler.steve@verizon.net](mailto:fowler.steve@verizon.net)>  
**Date:** Sun, 12 May 2013 23:32:11 -0400  
**To:** Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cball@howardcountymd.gov](mailto:cball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>, Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Respected County Executive, Council Members and Director,

I am concerned about the rezoning in the Fulton area. While this county development project will have little direct impact on me, as my kids are recent graduates of Reservoir and I jump on I95 from 216 and Crest, I am a firm believer in the continued wellness of the county. The county citizens, including myself elected you to ensure the wellness of the county not just in the present hard economic times but for the long term.

I am asking for one thing before deciding on this and other county projects – Make sure the infrastructure is there first to support the current needs and the plans for the next 20 years before giving approval or changing plans; do not let them build and plan to use monies received from the new developments to fund the building of the infrastructure to support it. The current infrastructure (roads, schools and other zoning limits) were designed based on current zoning information. Making significant changes need long term planning to minimize environmental and economic complications.

I am also concerned about the information I am receiving about the whole project. There are accusations and insinuations of favoritism and behind-closed-door deals, quick and poorly announced meetings; please find out if this is true. If this is the accusations are true, act quickly; if not please set the record straight. If there is one thing I despise than poor management is bad/shady politics that makes me embarrassed to say I from HoCo..

One last item, I am not asking that these apartments not be in my backyard, where ever you allow this kind of change to county plans, make sure the infrastructure can support it and it makes good long term sense for HoCo.

Thanks in advance for looking into this issue.

Stephen Fowler  
8573 Willow Wisp Ct  
Scaggsville, MD 20723

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:43 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** "phil-harris@comcast.net" <phil-harris@comcast.net>  
**Date:** Mon, 13 May 2013 06:49:18 -0400  
**To:** Mary Kay Sigaty <mksigaty@howardcountymd.gov>  
**Subject:** Zoning Amendment 46.002

Hi Mary Kay,  
In Regards to Zoning Amendment 46.002

I am a long time resident of Fulton and

here are my concerns about the Zoning amendment:

I Am very concerned about the increased traffic,

The influx of students to our schools and safety of students walking to school

The lack of infrastructure in our town to support such an increase in people and housing units.

The environmental pollution threatening our wells (which I am on well water)

I am opposed to a rezoning of RA-15

I would recommend it be zoned as R-ED (2 housing units per acre) and then make the developer have to fight to have it zoned higher, rather than have the citizens having to fight to have it zoned appropriately (i.e., lower density)

I would appreciate it if you could delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude.

Thanks very much for listening.

Phil Harris

9490 Lovat RD.

Fulton, Md. 20759

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:41 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

On 5/13/13 7:12 AM, "Davidson, Keith E" <[Keith.Davidson@gdit.com](mailto:Keith.Davidson@gdit.com)> wrote:

>Honorable Council Member Sigaty  
>  
>If the Planning Board makes a recommendation to change zoning of 91  
>acres across Route 216 from Reservoir High School from rural  
>residential to  
>R-A-15 please take into consideration the opposition of the change by  
>current residents of the Scaggsville, South Howard County.  
>  
>Our main points are what this zoning will do to our town--increased  
>traffic, influx of students to our schools and safety of students  
>walking to school; lack of infrastructure in our town to support such  
>an increase in people and housing units; and environmental pollution  
>threatening our wells We recommend it be zoned as R-ED (2 housing units  
>per acre) and then make the developer have to fight to have it zoned  
>higher, rather than have the citizens having to fight to have it zoned  
>appropriately (i.e., lower  
>density)  
>Please delay filing for the zoning until there has been time to conduct  
>all of the important studies for a project of this magnitude  
>  
>  
>Keith Davidson  
>  
>Principal Technician, Field  
>  
>General Dynamics Information Technology  
>  
>240 Luke Ave. Ste. 106  
>  
>JBAB Bldg 1304  
>  
>Washington DC 20032  
>  
>(202) 767 8571 direct  
>  
>(202) 480 5041 mobile  
>  
>(202) 404 6289 fax  
>  
>[keith.davidson@gdit.com](mailto:keith.davidson@gdit.com)  
>

## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:40 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** "Lisa W. Tanner" <[bratlisa2001@yahoo.com](mailto:bratlisa2001@yahoo.com)>  
**Reply-To:** "Lisa W. Tanner" <[bratlisa2001@yahoo.com](mailto:bratlisa2001@yahoo.com)>  
**Date:** Mon, 13 May 2013 08:25:10 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

I am against rezoning this Fulton area!! I live at 10159 High ridge rd in Laurel and the "developers" are putting up at least 150 new homes a block away from where I live. The developers say they are doing everything legal, it is zoned to allow this many homes in this small area. If we didn't want it zoned this way we should have done something about it sooner. I don't want other people to have this same situation as me. I love my neighborhood the way it is! I like not having 150 more cars driving past my home. Please do not rezone this area!!  
Onalisa Tanner



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:40 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Nicole Robertson-Obas <[nicolle323@msn.com](mailto:nicolle323@msn.com)>  
**Date:** Mon, 13 May 2013 09:00:02 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>  
**Cc:** Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Dear County Council Representatives,

PLEASE STOP ALLOWING DEVELOPERS TO TAKE AWAY OUR FARMLANDS AND PEACEFUL BEAUTIFUL RURAL LIVING!! Fulton is NOT a city but a rural suburb. PLEASE leave it that way. HELP KEEP HOWARD COUNTY A UNIQUE PLACE TO LIVE.

I am very concerned about the potential development on 216 at Maple Lawn. I moved to this area for it's rural nature. Is the county going to take all the beautiful farm land away. Everyone does not desire to live in high density areas. The county wants housing for all types then that should also include those that desire a rural setting. If I wanted dense populations I would live in DC or Baltimore.

See reasons below:

- This zoning will increased traffic, influx of students to our schools and safety of students walking to school; lack of infrastructure in our town to support such an increase in people and housing units; and environmental pollution threatening our wells.
- I am opposed to a rezoning of RA-15.
- I would like to see a lower density proposed such as R- ED since the original zoning was RR one house per acre.

Please reconsider RA-15 zoning.

Thank you,  
Concerned citizen,  
Nicole Obas  
Limie Kiln Rd.



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:38 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Michele Glazer <michg\_515@yahoo.com>  
**Reply-To:** Michele Glazer <michg\_515@yahoo.com>  
**Date:** Mon, 13 May 2013 09:56:50 -0400  
**To:** Mary Kay Sigaty <mksigaty@howardcountymd.gov>  
**Subject:** Zoning Amendment 46.002

To: Mary Kay Sigaty, District 4 Councilmember

I hope you are doing your duty to hear the community who is trying so desperately hard to make sure you support our strong and critical concerns of what this zoning will do to our town--increased traffic, influx of students to our schools and safety of students walking to school; lack of infrastructure in our town to support such an increase in people and housing units; and environmental pollution threatening our wells! Our entire way of life as we know it is in jeopardy! I just used my entire life savings to move to this area because it is so beautiful and rural and it would make me sick to see something like this happen now!

Please hear the community screaming out that:

- 1) We are opposed to a rezoning of RA-15
- 2) We recommend it be zoned as R-ED (2 housing units per acre) and then make the developer have to fight to have it zoned higher, rather than have the citizens having to fight to have it zoned appropriately (i.e., lower density)
- 3) Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude!!!

Please make sure we are heard and the right decisions are made on our behalf!

Thanks,

Marc and Michele Clark and family  
11373 Bishops Gate Ln  
Laurel, MD 20723

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:33 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Mike Capshaw <[cap328xl@verizon.net](mailto:cap328xl@verizon.net)>  
**Date:** Mon, 13 May 2013 10:35:46 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Fwd: Zoning Amendment 46.002

Dear Ms. Sigaty,

Please help in preserving the character of my Fulton neighborhood by opposing the proposed RA 15 zoning for the lager farm on RTE 216 and Murphy Rd. The existing traffic load is already at the breaking point and I fear that safety will be greatly impacted by such high density zoning. R-ED is much more in character with this already growing neighborhood. Please delay the zoning filing until the appropriate impact studies have been completed. The Maple Lawn development is still in the growth mode and I cannot envision what the roads will be like if the RA 15 zoning is approved. One takes their life into their own hands travelling around those traffic circles now. Please help introduce some common sense into this project and stop the RA 15 zoning, before the quality of life in the Fulton area is irreparably harmed. Thank you!

Sincerely,

Michael Capshaw  
11806 Wayneridge St.  
Fulton, MD 20759

Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:33 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

---

**From:** Estelle Blankenship <[estelle@sunairawnings.com](mailto:estelle@sunairawnings.com)>

**Date:** Mon, 13 May 2013 10:47:05 -0400

**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>

**Subject:** Zoning Amendment 46.002

Dear Sir/Madam.

We are opposed to the rezoning of RA-15. We need to preserve our Fulton area.

We feel that it should be zoned as R-ED (2 housing units per acre) since we are concerned for the increased traffic and the safety of our students walking to school. We are also concerned of the overload to our school system. It will then require another rezoning to the schools which will have a yet another emotional impact on our children.

Such huge increase in population will also have environmental impact on pollution threatening our wells.

Please wait and take the time to properly research and evaluate before making such an important decision.

Thank you in advance.

*Sincerely,*

**Estelle Blankenship**  
**8665 Reservoir Road**  
**Fulton, MD 20759**

Tel: (410) 799-1145 Fax: (410) 799-5584  
[www.sunairawnings.com](http://www.sunairawnings.com)



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Regner, Robin

46.002

**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:21 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Susan Lau <[susanlau@pobox.com](mailto:susanlau@pobox.com)>  
**Reply-To:** "[susanlau@pobox.com](mailto:susanlau@pobox.com)" <[susanlau@pobox.com](mailto:susanlau@pobox.com)>  
**Date:** Tue, 14 May 2013 16:06:38 -0400  
**To:** Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Dear Ms. Sigaty:

We are writing to express our opposition Zoning Amendment 46.002. The proposed zoning of RA-15 high density housing (15 units per acre) will destroy the quality of life in Fulton.

If this proposal is approved, we can look forward to drastically increased traffic, overcrowded schools, and environmental pollution threatening our wells and the Rocky Gorge watershed. The proposal, which is being aggressively pushed through by developers and one wealthy landowner, ignores the crippling effects on our existing infrastructure by doubling the population of Fulton with one development!

The fact that Mr. Lager "donated" the land for the water tower in order to pave the way for this development smacks of an unsavory pay-to-play mentality that is unworthy of our elected officials. Also compelling is the fact that the proposal is in direct conflict with Howard County Smart Growth 2030.

We have already experienced significant pressure on our infrastructure from Maple Lawn. That sprawling community is not yet built out, with office buildings and townhouses multiplying like rats. Similarly, high density development continues apace on the east side of Rt. 29. Enough is enough.

We believe the zoning density should be no greater than 2 units per acre (R-ED-2). Further, the proposal should be delayed until all of the appropriate impact studies are completed. Let the onus be on the developers to prove that their plans won't degrade the quality of life in our community.

We have lived in Fulton for 20 years. We have seen the results of the inexorable march of development. We understand that growth is inevitable but expect our elected officials to be good stewards of the land, appropriately balancing the interests of residents and developers. Please do not ruin our community by approving this ill-conceived plan.

Sincerely,

Susan and Barrie Lau

Susan H. Lau  
SHL Consulting  
12518 Marlow Road  
Fulton, MD 20759

Phone: 301-317-8741  
Fax: 240-456-0994  
Email: [susanlau@pobox.com](mailto:susanlau@pobox.com)



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:22 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Zoning Amendment 46.002

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**From:** Jan Thurman <[janthurman@gmail.com](mailto:janthurman@gmail.com)>  
**Date:** Tue, 14 May 2013 15:53:40 -0400  
**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, "[Kulman@howaredcountymd.gov](mailto:Kulman@howaredcountymd.gov)" <[Kulman@howaredcountymd.gov](mailto:Kulman@howaredcountymd.gov)>, "[cwatson@howaredcountymd.gov](mailto:cwatson@howaredcountymd.gov)" <[cwatson@howaredcountymd.gov](mailto:cwatson@howaredcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>  
**Subject:** Zoning Amendment 46.002

Dear County Govt. Representative:

We are writing to you to voice our concerns against Zoning Amendment 46.002 and are opposed to a rezoning of RA-15. We build our own home here in the Beaufort Park area of Fulton over 35 years ago at great personal sacrifice. We chose to do that and live here in order to be in a rural type area and lifestyle. During the years as expected there has been growth in the community and Fulton area and controlled growth is understandable. However, most recently with the building of the Maple Lawn Community we have, on a daily basis, noticed increased stress on all the infrastructure systems, most specifically the roads, traffic and numbers and safety of walkers and bikers on the side of Rt 216. Our observation is that the current road system isn't even handling the current development appropriately and affectively and dumping thousands of people out on Rt 216 and Rt 29, which is already almost gridlock, doesn't seem appropriate.

With this rezoning we are envisioning thousands more residents to our town and quite frankly total gridlock, both on Rt 216 and Rt.29, much the same way as many of the Virginia suburbs have experienced. Too many people for the roadways is obviously fraught with danger.

Our community's only choice for water is well water. We are extremely concerned about the environmental pollution the increase of people and housing will cause which, of course, will affect our ground water. We have no fallback position for water for our households and with contaminated water, there is no doubt that our property would be rendered useless. This is a huge concern for us.

We are concerned that not enough study has been done before deciding to proceed with this extremely dense housing plan which would entirely change the infrastructure of our town, including traffic, schools, and well water. It would seem that a more reasonable approach would be to delay this decision in order to do more study in order to ensure that no Fulton resident is negatively impacted. We are recommending that this area be zoned as R-ED ( 2 housing units per acre) for all the above reasons.

Don Thurman  
Jan Thurman  
Ellsworth Ct, Fulton, Md.



## Regner, Robin

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, June 06, 2013 1:22 PM  
**To:** Tolliver, Sheila  
**Cc:** Regner, Robin  
**Subject:** FW: Fulton Maple Lawn South Zoning Amendment 46.002

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**From:** "Stocklin, Frank J. (GSFC-4500)" <[frank.j.stocklin@nasa.gov](mailto:frank.j.stocklin@nasa.gov)>

**Date:** Tue, 14 May 2013 15:45:19 -0400

**To:** Marsha McLaughlin <[MMcLaughlin@howardcountymd.gov](mailto:MMcLaughlin@howardcountymd.gov)>, Ken Ulman <[KUlman@howardcountymd.gov](mailto:KUlman@howardcountymd.gov)>, Courtney Watson <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, Calvin Ball <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, Jen Terrasa <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, Mary Kay Sigaty <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, Greg Fox <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>

**Cc:** "gbpca.web@gmail.com" <[gbpca.web@gmail.com](mailto:gbpca.web@gmail.com)>

**Subject:** Fulton Maple Lawn South Zoning Amendment 46.002

I have been a Fulton resident since 1976. Moved here after having a one on one discussion with the then County Executive Omar Jones-just went to his office & we sat down for 20 minutes talking about Howard County & why it would be a great place to live & raise a family. Today I still believe that Howard County is a good place to live albeit it is more crowded & congested but still a good place to live. I watched Maple Lawn North develop & was part of the citizens who fought the rezoning of the lager Farm proper & with the help of Ken Ulman ,the requested zoning was rejected. I appreciate the need to properly zone various parcels of land & allow them to be put to appropriate use consistent with an orderly development of infrastructure. I also expect that consideration for the existing community should be taken into account when making these decisions such that transitions from existing homes to new development is done in an intelligent sensitive manner. Your job as the Zoning Board is to do that & the citizens expect & trust that you will do to that. The RA -15 zoning of this 91 acre parcel does not seem to do that. I think most of the Fulton residents understand that Mr lager wants to maximize the amount of money that can be gotten from this but your responsibility is to ensure that years from now , long after Mr lager has left this planet , that Fulton will still be a good place to live. What we heard at our recent meeting with Mr lager & his attorney was basically this RA -15 zoning will be good for Fulton because it will create additional crowding which will then justify & require expansion of the schools & the existing roads & we will then be happy & Mr lager will be also. The idea of breaking this 91 acres into some combination of a small RA -15 adjacent to the Park & Ride & then having the rest be RED ( I understand that to be 2 homes/acre) as was discussed in the Planning Board meeting a few weeks back, was not acceptable or negotiable . I believe that many of the residents of Fulton understand the need for some combination of zoning such that the land is put to appropriate use but also that the community of Fulton does not turn into a US 1 or Rockville Pike disaster. I have attached a letter from Marsha McLaughlin to you & to " Dear Resident " for your convenience & look forward to your zoning board meeting where I am hoping you will make an appropriate balanced decision-one that we all can be proud of in years to come.

**From:** "Marsha McLaughlin" <[mmclaughlin@howardcountymd.gov](mailto:mmclaughlin@howardcountymd.gov)>

**To:** "Marsha McLaughlin" <[mmclaughlin@howardcountymd.gov](mailto:mmclaughlin@howardcountymd.gov)>

**Cc:** "Courtney Watson" <[cwatson@howardcountymd.gov](mailto:cwatson@howardcountymd.gov)>, "Calvin B Ball" <[cbball@howardcountymd.gov](mailto:cbball@howardcountymd.gov)>, "Jen Terrasa" <[jterrasa@howardcountymd.gov](mailto:jterrasa@howardcountymd.gov)>, "Mary Kay Sigaty" <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>, "Greg Fox" <[gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov)>

**Sent:** Monday, May 13, 2013 4:45:16 PM

**Subject:** Zoning Amendment 46.002

Dear Resident:

Thank you for your email expressing concern about Comprehensive Zoning map amendment 46.002. I know this is a difficult issue for many Fulton residents, and I would be happy to meet with representatives of the newly formed group Smart Fulton Growth to discuss your concerns.

Since I've received emails from 45 year residents, as well as recent arrivals, it may help to provide some background. Prior to the *1990 General Plan*, Howard County had no growth policy. Adoption of this plan was contentious, but it established key policies that were built upon in the *2000 General Plan* and more recently *PlanHoward 2030*. All three plans acknowledge that Howard County is extremely well located between Baltimore and Washington with highway, rail, port and airport connections to the rest of the world. Businesses want to be here and they need employees. If we shut down further residential growth, housing demand will just migrate to surrounding jurisdictions, whose residents will drive through Howard County to their jobs. We need to grow smarter. Higher density, mixed use development that is walkable and in close proximity to transit is essential... to accommodate growth, minimize sprawl, and protect the environment. However, it has to be well designed, liveable, attractive and a good neighbor.

The *1990 General Plan* identified the area around Maple Lawn Farms as a target for future mixed-use growth, because of its proximity to the Planned Service Area for Public Water and Sewer (PSA), ready access to MD 29, and jobs at Johns Hopkins Applied Physics Lab and elsewhere in the PSA, as well as transit service to Washington, DC at the MD 216 Park and Ride lot. Fast forwarding ... the Iager and Wessel farms have evolved into Maple Lawn, which is a successful, attractive, mixed-use community that is not yet complete. From a planning perspective, map amendment 46.002 is an additional phase of this community. There is also a 100 acre parcel owned by the Price family that was zoned MXD in 1993 that will eventually be added to the Maple Lawn community.

I UNDERSTAND and APPRECIATE your concerns about traffic, school capacity, safety, and the environment. Also as a result of the *1990 General Plan*, the County adopted Adequate Public Facilities (APF) legislation in 1992. This requires testing all development proposals regarding school and road capacity, as well as limiting the number of residential units that may be developed in any specific year, based on available "housing allocations" for various parts of the County. The pace of development in the Fulton area will be controlled by the number of APF regulations available each year. Zoning only establishes the type and amount of development, not when it will occur.

As part of APF regulations, new development is also required to contribute APF school and road fees (based on building sq foot area) to help fund the school and road capacity improvements that will be needed to accommodate growth.

Finally, there is one last component of the County's growth policy that is worth noting. As a result of Council Bill 1-2013, the amount of subdivision that can occur outside the Planned Service Area for Public Water and Sewer has been significantly limited. This involves both restrictions on major subdivisions in the RC zoning district, as well as increased funding for purchase of rural development rights by putting farms in the Howard County Agricultural Preservation Program. These initiatives will limit stress on schools and roads in the rural parts of Howard County. This should help significantly reduce pressures in the Fulton area.

I understand that change is rarely welcome. Map amendment #46.002, is for R-A-15. The property owner has no interest in doing all apartments - it would not be appropriate, attractive or financially viable. They envision a mix of apartments, townhouses and single family detached housing. I encourage Smart Fulton Growth to talk with the property owner

about what an acceptable mix of these unit types would be and how they might best be located to buffer both neighboring properties and the environment. I'm happy to participate in that discussion if useful.

Marsha McLaughlin

Director

Department of Planning and Zoning

Howard County Government

Frank Stocklin

Tel # 301 286 6339

Fax # 301 286 1724

Cell # 443 722 2788

My Name is Mara Freedman, I live at 11378 Bishops Gate Lane, Laurel, MD 20723. I am speaking to you tonight in opposition to zoning amendment 46.002.

PlanHoward 2030, Section 3, covers the environment. I have compared the policies in Section 3 with the conceptual plan presented by the developer, which I believe can be viewed as a split plan, of RA-15 and R-ED.

I can honestly say I do not understand how DPZ and the Planning Board can recommend a zoning of R-A-15 for any part of this parcel. A Zoning of R-A-15 violates the following environmental policies in PlanHoward:

- **POLICY 3.3 – Use watershed management plans to guide the protection and restoration of water resources.**
- **POLICY 3.6 – Safeguard the environmental integrity of the region's reservoir systems.**
- **POLICY 3.7 –Secure better protection of environmental resources within new developments.**
- **POLICY 3.8 – Improve storm water management practices throughout the County to help restore and protect water resources.**

This zoning change to R-A-15 would allow a density of between 440 and 1,350 housing units placed in the watershed zone for the Rocky Gorge Reservoir and creates too much impervious surface that will allow run-off into the reservoir.

This Reservoir supplies the drinking water for over 600,000 people and water not used for drinking ultimately flows into the Chesapeake Bay. The conceptual drawing is a plan with half the parcel as impervious surface.

It important to note, that once R-A-15 is granted that conceptual plan can and will change and there can be even more impervious surfaces.

The State of Maryland has put forth a great effort to protect the bay despite numerous pressures from lobbying groups. You should know that the biggest lobbyist, opposing the Clean Water BluePrint to clean-up the Chesapeake Bay is the National Association of Homebuilders. They opposed, among other

legislation, the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, the Clean Water Protection Act, and the Clean Water Restoration Act.

Why would DPZ write a document such as PlanHoward, which clearly states that the bay must be protected, and then throw all the policy out the window when it comes to zoning?

On the Maple Lawn South web site it states, "The Maple Lawn South community will be required to replicate the hydrologic conditions found in "Woods in Good Condition.""

My understanding from Mr. Erksine's April briefing is this will be accomplished with 100 rain gardens containing golf ball dimples to collect water. Who will maintain those rain gardens? In reality these are 100 points of failure. Since this parcel is so close to the reservoir, instead of planting houses, why not plant woods in good condition.

With R-A-15 you get lots of asphalt and cars, which add petroleum to the water table. The residents that surround this property and use wells for their drinking water and the residents that rely on the reservoir for their drinking water insist on good quality water.

I urge you to follow PlanHoward, a document you all adopted on February 4, 2013. Do not allow ANY R-A-15 zoning on this parcel.



## PlanHoward 2030 Section 3: Environmental

- **POLICY 3.3 – Use watershed management plans to guide the protection and restoration of water resources.**
- **POLICY 3.6 – Safeguard the environmental integrity of the region's reservoir systems.**
- **POLICY 3.7 –Secure better protection of environmental resources within new developments.**
- **POLICY 3.8 – Improve storm water management practices throughout the County to help restore and protect water resources.**

17 June 2013

(00:30, exactly)

Good evening!

I'm Frederick Gray, 8301 Murphy Road, Fulton 20759,  
speaking against 46.002.

My wife and I have lived next to the Iager parcel for over 41 years.

I had NO idea what was being perpetrated-that the property had been  
slipped into the PSA and rezoning to RA-15 was being requested.

I heard about the rezoning hearings EIGHT days before the first one  
occurred.

This video is a chronology of the apparent deceptions behind the  
rezoning process on this parcel.

Starts Video 1: 2.5 minutes, total testimony: 3 minutes.

17 June 2013

(00:30, exactly)

I'm Carol Jane Gray, 8301 Murphy Rd, Fulton, speaking against 46.002.

My husband and I have lived for 41 years next to the larger property which is requesting a zoning change to RA-15.

It is reprehensible what is being planned for this parcel along with other large-parcel owners and developers panting to get into the PSA - waiting to pounce on high-density zoning for this rural area.

Not "Smart Growth", Council...

My neighbors feel the same way.

Watch...

Start Video 2: (2:28) Total testimony: 3 minutes

## Council Hearing Testimony Regarding Amendment 46.002

June 17, 2013

Prepared and submitted by:

Sondra Ailinger, residing at 11357 Bishops Gate Lane, Laurel, MD 20723

I am submitting testimony in opposition to Zoning Amendment 46.002 because it violates Plan Howard 2030 and will overwhelm schools that will already be overcrowded. I've produced a few charts for your reference.

The first chart shows current enrollment, and county projections of school enrollment in 2018/19. These 2018-2019 projections do not account for the completion of Maple Lawn, the development of parcels along Route 216, and the development of Deer Park, which are included here.

Notice the 2018/19 county projections show the elementary and high school over capacity ... particularly the high school. Keep in mind that school system projections have been historically low; two school board members did not vote to approve the most recent school enrollment projections for this reason, so these numbers likely underestimate school enrollment. Second, when the additional developments are included, all three community schools will be over capacity by as much as 30% before we even begin to consider the impact of this amendment. Reservoir High school already has 5 portables. The county's 2018/2019 projections add almost 300 students, and the other ongoing developments will add another 145 students. How many *more* portables will be required to accommodate them? 15? Of course, the answer in this county is always "redistricting"... but to where? Hammond and Atholton High Schools are over capacity now and continue to be over capacity in 2018. And this is *without* the Amendment under consideration today.

The next chart shows the *additional* school impact of various zoning options for this amendment. The current zoning has a minimal impact to the schools while the RA-15 zoning options have the most severe impact. The split zoning proposed by the Department of Planning and Zoning may reduce the impact, depending on the split, but clearly the best option for these schools and the community is either the current zoning or the R-ED zoning of the Smart Plan.

The numbers on these charts represent children and families who are counting on Howard County to provide them with a world class education. How can the County fulfill this promise when it doesn't adequately plan for these children, but only hopes to squeeze them into already overcrowded schools or shift them around between map polygons like tokens in a strategy board-game?

What isn't included in these charts is the impact of rezoning additional land parcels in the southeastern county over the next 10-15 years. The decision you make on this amendment will set a precedent for those future rezoning requests. If you approve an option that includes RA-15 in violation of the tenets of Plan Howard 2030, it will not be the only time you are asked to do so. You will have set a precedent for high density spot zoning in violation of the county's own

Council Hearing Testimony Regarding Amendment 46.002

June 17, 2013

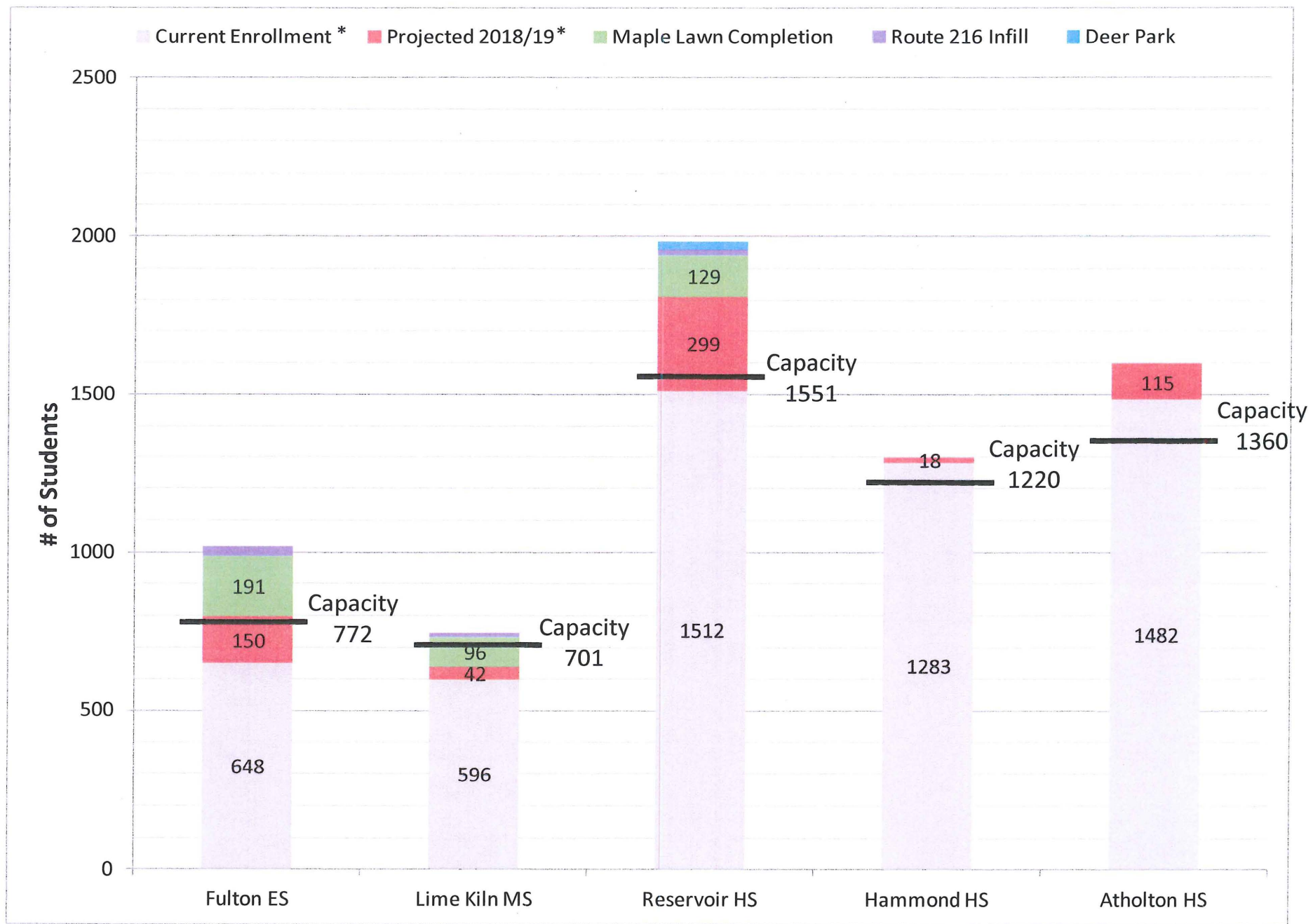
Prepared and submitted by:

Sondra Ailinger, residing at 11357 Bishops Gate Lane, Laurel, MD 20723

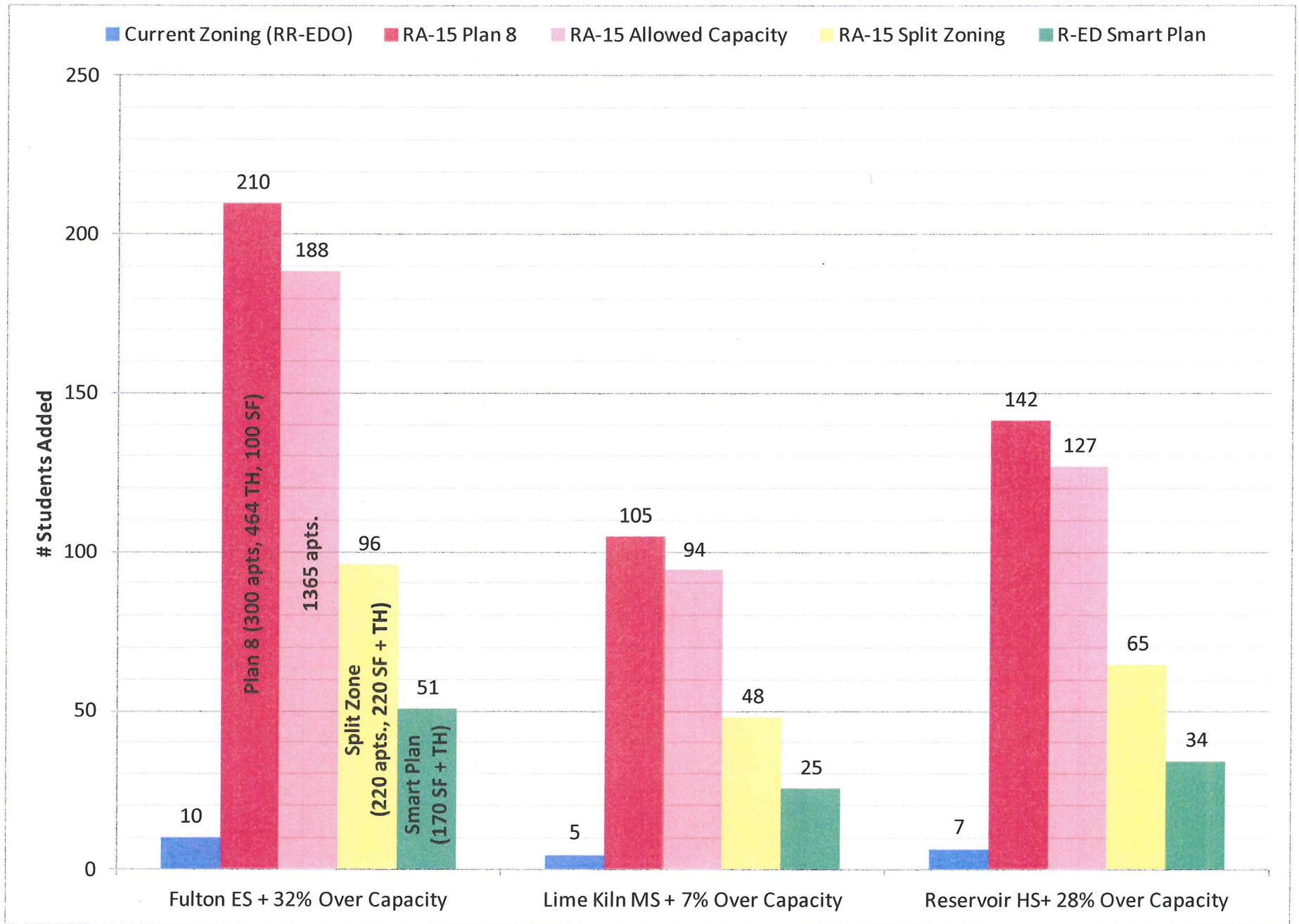
planning guidelines. Schools that are already predicted to be overcrowded will be exponentially impacted by continuing high density development.

Howard County is consistently ranked as one of the wealthiest, best educated, most livable counties in the nation. We want to keep it that way. A county master plan that isn't followed isn't a plan, it's a paperweight. I urge you to be smart: honor Plan Howard 2030, reject options that include high density zoning, and choose the Smart Plan.





\*Source: HCPSS data



My Name is Zeki Bulbul, I live at 11356 Bishops Gate Lane, Laurel, MD, 20723. I am speaking to you tonight in opposition to zoning amendment 46.002.

I want to talk to you about impact on our roads and transportation issues as it relates to this proposed zoning.

Route 216 is a two lane road in front of this parcel. It is in fact the dividing line and entryway into the rural west from the southwestern part of the county.

According to PlanHoward, there are no plans to widen Rt. 216 West of 29 or Rt. 29 south of John Hopkins Rd. through the year 2035 and opportunities for relief will be limited due to limited available rights-of-way, funding, and cost effectiveness.

The last traffic count conducted by SHA on 216 had 18,082 cars using this road daily at the 216W/29S interchange and 5,432 at Rt. 216 and Hall Shop Road. Clearly the large percentage of the vehicles that use Rt. 216 are concentrated in the area of this parcel.

PlanHoward 2030 states that 94% of the person trips are by automobile and is not expected to change based on current projected land use and forecasted funding for transportation.

Using data from the 2009 National Household Travel Survey conducted by the Federal Highway Administration that equates to:

- 12,056 additional trips on that section of road with an all R-A-15 zoning
- an additional 7, 716 trips with a split zone of 850 units
- 3,929 more trips with a split zone of 440 housing units
- 1,518 more trips with 179 units under R-ED
- 268 more trips if develop with current zoning

Of great interest is that new development is charged a road excise tax to help fund high priority road improvements ANYWHERE in the County Highway Network. This new development at the density recommended will overwhelm Rt. 216, but there is little hope that the tax collected from any housing project built

on this parcel will benefit the communities that surround this parcel and relieve the congestion this project will cause.

State highway says circles fails and must be replaced with lights when the traffic flowing in any one direction is significantly more than what flows in the other three entry points. No one in this community wants the four circles on a 0.8 mile stretch of road changed to four lights, as this would take away from the rural landscape and lights, especially this close together, are not sufficient to address road congestion.







I note that the transportation budget is reactionary. I never see improvements before a situation gets bad, it is always years after it is already unbearable that there is a thought of trying to fix it. Rt. 32 West of 108 and 29 N between 216 and 175 are prime examples. These roads have been overwhelmed for years but are only now being addressed, but a shovel has not hit a piece of dirt yet.

Why not and here is the operative word, **PLAN** for the future. Why build before you plan? Howard County does not have the right of way to expand Rt. 216. Rt. 216 should not compete with Routes 29, 32, 175, 1, 40 and 108 for scarce transportation dollars. This area is not in the Planned Funding Area for the state of Maryland. No money will be coming its way, so don't create a mess that you cannot hope to recover from and which will compete for funding in areas you have already identified for growth and improvements, such as Columbia, and the Route 1 and 40 corridors.

I drive this stretch road at least twice a day; it is very congested during morning and afternoon rush hours. I urge you not to add between 4,000 and 12,000 additional cars on this road. Do not zone any portion of this property R-A-15.



### LEGEND

-  Interstate Highway
-  US Highway
-  State Highway
-  Permanent Traffic Counter Location
-  Permanent Traffic Counter With No Data Available
-  Toll Station Location

The information in these maps is provided as a public service by the Maryland State Highway Administration (MSHA).

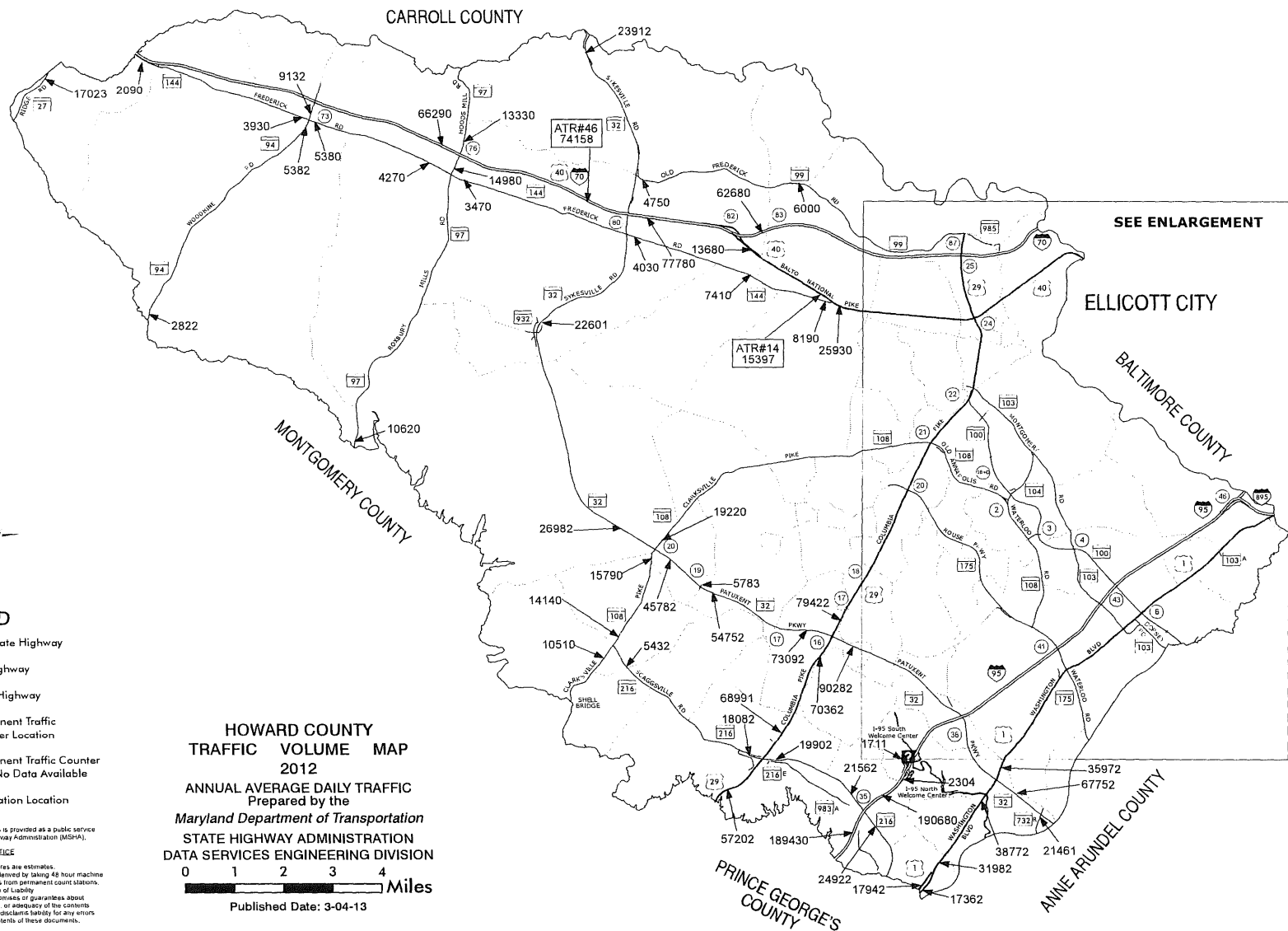
#### NOTICE

Traffic count figures are estimates. The traffic count estimates are derived by taking 48 hour machine count data and applying factors from permanent count stations. Restriction of Liability: MSHA makes no claims, promises or guarantees about the accuracy, completeness, or adequacy of the contents of these maps and to expressly disclaims liability for any errors and omissions in the contents of these documents.

**HOWARD COUNTY  
TRAFFIC VOLUME MAP  
2012**  
ANNUAL AVERAGE DAILY TRAFFIC  
Prepared by the  
Maryland Department of Transportation  
STATE HIGHWAY ADMINISTRATION  
DATA SERVICES ENGINEERING DIVISION

0 1 2 3 4  
Miles

Published Date: 3-04-13









Council Hearing Testimony Regarding Amendment 46.002

June 17, 2013

Prepared and submitted by:

Laurie Collins, residing at 11333 Bishops Gate Lane, Laurel, MD 20723

I am submitting testimony in opposition to Zoning Amendment 46.002 because it violates Plan Howard 2030 by failing to honor the Plan's commitment to "provide residents with a high quality of life" (Plan Howard 2030, Policy 6.5 -d).

While Plan Howard 2030 does not clearly define "high quality of life", the plan does attribute much of the county's success to the "first-rate system of education, libraries, public safety, health and human services, parks and recreational facilities." We can look to Columbia, a development center just north of Fulton, to see those public services and design elements that create "livable, safe, and distinctive" communities for current and future residents (Vision 4 of Howard County's Six Visions governing planning). Unlike Columbia and other well-designed *complete* communities, missing from the conceptual plan submitted by the developer's attorney for amendment 46.002 are the following:

- **Walking and cycling paths that provide access and connectivity for pedestrians and cyclists.** Residents will *not* have safe routes between and within the neighborhoods, nor to schools, shopping, employment and other facilities. The lack of safe pedestrian and cycling routes will encourage additional personal vehicle miles thereby reducing air quality and promoting traffic congestion.
- **Green spaces including parks and public recreational facilities to encourage and support the health and wellbeing of the community.** The recreational facilities in Maple Lawn, which this parcel proposes to be a part of, hence the name Maple Lawn South, are private. One cannot join or rent the pool, rent the community center, or become a member of Maple Lawn's association. Therefore, there are no facilities in Fulton for the use of the greater community.
- **Other public facilities including a library, community center, or facilities to meet cultural and social needs.** The closest library branch is more than six miles away and the closest community center is just under six miles away. I have provided you with a conceptual plan for the parcel that includes a library complete with public meeting spaces located across the street from the school complex. Walking and cycling paths along with green spaces are also a part of this design. Why not build a pedestrian-friendly learning complex instead of an unwelcoming and impenetrable fortress.

The Southeast region lacks the institutional infrastructure, facilities, and services that are the benefits of compact development, and the county has not purchased the land to provide them. In fact, a review of the 2014 budget shows a lack of financial investment in this region.

While it would be commendable, I do not expect the landowner and the developer to voluntarily provide for these facilities. It is a rare corporate citizen who checks his or her greed in order to strike a reasonable balance between profits and the needs and interests of the community.

However, as a citizen, a tax-payer, and member of this community, I do expect the elected

Council Hearing Testimony Regarding Amendment 46.002

June 17, 2013

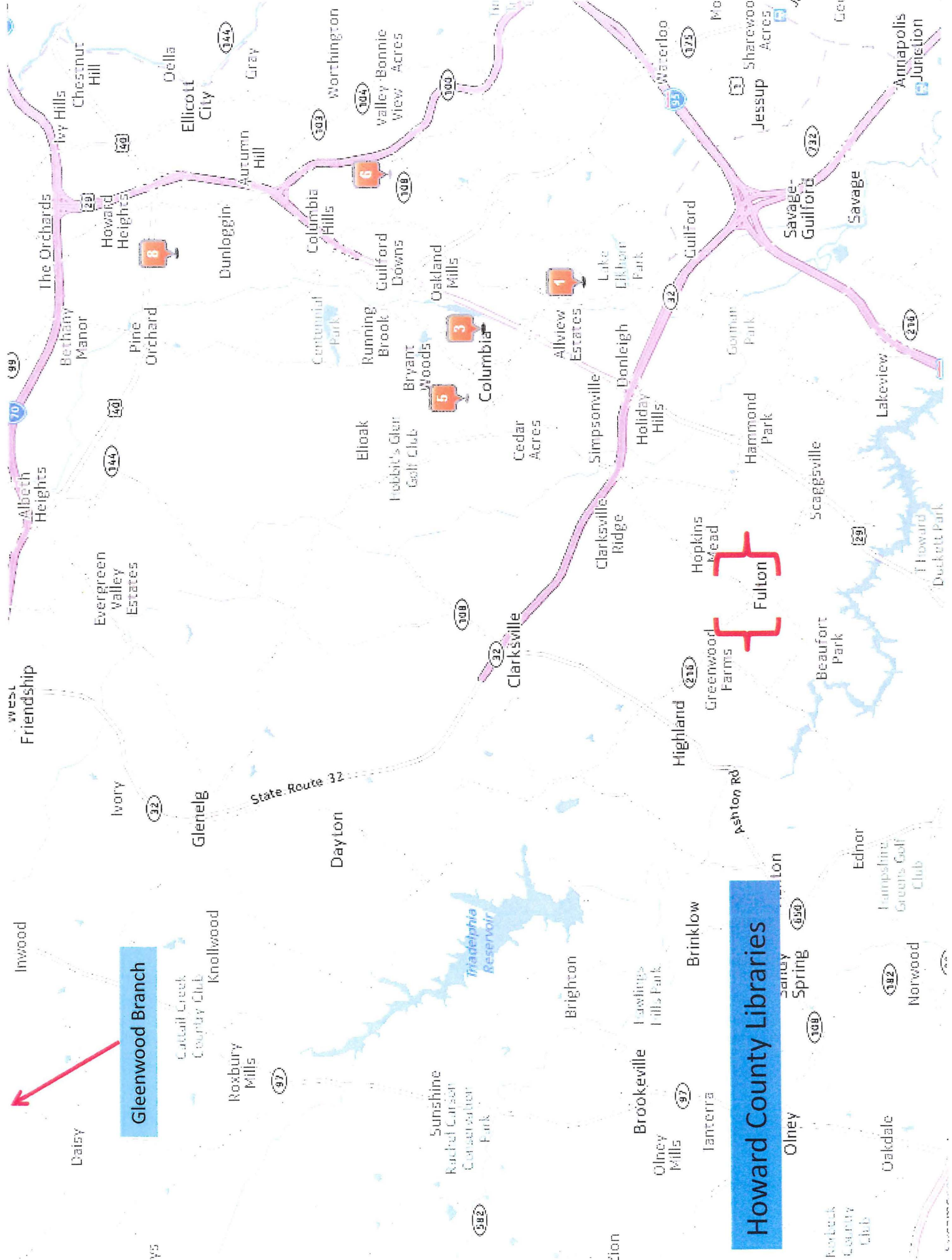
Prepared and submitted by:

Laurie Collins, residing at 11333 Bishops Gate Lane, Laurel, MD 20723

officials and the appointed Department of Planning and Zoning staff to join with us in shared stewardship of our community's quality of life.

The proposed Zoning Amendment saddles our community with all of the burdens of increased density without any of the benefits of well-designed compact development. I remind you that compact does not mean dense. The decision you will be making provides you with both an awesome responsibility and an incredible opportunity:

You are *responsible* for safeguarding the high quality of life for the current residents and for adults and children who will choose our community in the future. You have the *opportunity* to choose the Smart Plan, a plan developed with stakeholder collaboration and designed to protect and promote the community's sustainability.



Greenwood Branch

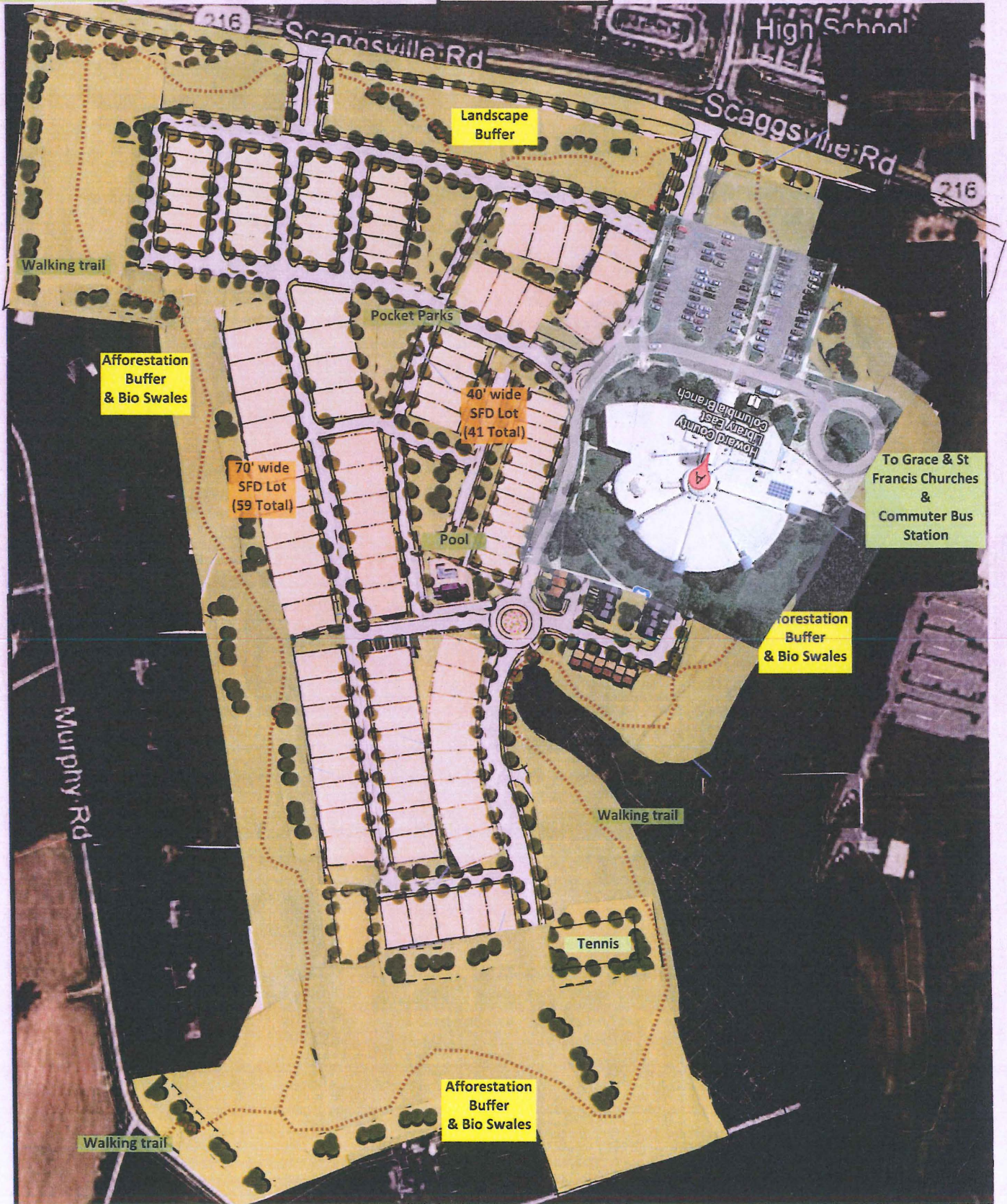
Howard County Libraries

Fulton



RR-DEO Iager Parcel  
Scheme 9  
R-ED  
Conceptual Site Plan

To St Paul Church  
& Fulton Station SC



To Grace & St  
Francis Churches  
&  
Commuter Bus  
Station



My Name is Christine Bulbul, I live at 11356 Bishops Gate Lane, Laurel, MD 20723. I am speaking to you tonight in opposition to zoning amendment 46.002.

In November 2006, Mr. Lager gave, for the sum of ZERO dollars, 3.51 acres to Howard County to install a water tower (deed enclosed). The purpose is to improve water pressure to the Maple Lawn community. There was (and still is) land in Maple Lawn that could have been used to build that ugly bill board tower, land that already had public sewer and water available, but the tower was built across Rt 216. In order for the tower to serve its purpose, it had to be hooked up to public water and hence the PSA line crossed into the rural west.

Less than one year after the bill board is completed, we find a letter dated February 2012 from Mr. Erskine, a lawyer for both a development company and Mr. Lager, to Marsha McLaughlin, Director of the Department of Planning and Zoning (DPZ), requesting that the remainder of the land that the water tower/bill board once belonged, 91 acres, be added to the PSA.

Enclosure ~~3~~ is an email dated October, 2012 from Mr. Erskine to Marsha McLaughlin in which Mr. Erskine asks, "Can you spare some time for me to stop by and share my wish list?"

Ms. McLaughlin readily agrees to this meeting. This is two months before amendment 46.002 is submitted on December 14, 2012, the last day to submit amendments for comp zoning.

Enclosure ~~4~~ is an email from Marsha McLaughlin to Mr. Erskine dated Thursday, April 18, 2013 its contents are as follows, "Fyi, have received word that opponents to 46.002 have a flyer out urging attendance at a meeting tonight that I'm scheduled to attend with Jen Terrasa at the North Laurel Community Center.

Not sure why the Fulton crowd want to attend a meeting in N[orth] Laurel, but I guess they think it's an opportunity. Maybe an opportunity to discuss your plans and their concerns."

To which Mr. Erskine replied, "Thanks for the heads up."

Why would any lawyer for a development company be allowed to present a wish list to the director of DPZ? Why would the director of DPZ feel the need to be the town crier and notify a development lawyer that concerned citizens are attending a meeting?

No one on Murphy Road received a town crier email when the land was deeded to the county for the water tower, affectively opening the door to PSA expansion.

No town crier email was sent to citizens when Mr. Erskine requested parcel 113 be included in the PSA.

No community member heard from DPZ, thereby giving an opportunity for comment, before the parcel was mysteriously placed into the PSA.

No one received a town crier email when the amendment request was submitted to DPZ as part of Comprehensive Zoning. In fact, residents with land that abut parcel 113 received a letter about the Comprehensive Zoning hearings only after DPZ and the county council received hundreds of emails of outrage.

These exchanges make concerned citizens wonder:

1. Whose interests are being considered in zoning.
2. Who does DPZ work for, land developers or Howard County citizens?
3. Does DPZ know that planning is part of their name and the word planning comes before the word zoning?
4. Is there more to this story than what we have found thus far?

I urge you not to bow to a developer and one landowner's will. I urge you to listen to the 1,353 community voices. Do not zone any of this parcel R-A-15.

Maryland Department of Assessments and Taxation  
Real Property Data Search (vwl1.1A)  
HOWARD COUNTY

[Go Back](#)  
[View Map](#)  
[New Search](#)  
[GroundRent](#)  
[Redemption](#)  
[GroundRent](#)  
[Registration](#)

**Account Identifier:** District - 05 Account Number - 445396

**Owner Information**

**Owner Name:** HOWARD COUNTY MD **Use:** EXEMPT  
**Principal Residence:** NO  
**Mailing Address:** 3430 COURT HOUSE DR  
ELLICOTT CITY MD 21043-4300 **Deed Reference:** 1)/10385/ 00292  
2)

**Location & Structure Information**

**Premises Address** **Legal Description**  
MURPHY RD 3.5195 A.  
FULTON 20759-0000 MURPHY RD  
WATER TOWER

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0046	0002	0389		0000				2	Plat Ref:

**Special Tax Areas** **Town** NONE  
**Ad Valorem** 103  
**Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		3.5100 AC	000000

**Stories** **Basement** **Type** **Exterior**

**Value Information**

	Base Value	Value		
		As Of 01/01/2011	As Of 07/01/2012	As Of 07/01/2013
<b>Land</b>	336,320	236,300		
<b>Improvements:</b>	0	0		
<b>Total:</b>	336,320	236,300	236,300	236,300
<b>Preferential Land:</b>	0			0

**Transfer Information**

**Seller:** MAPLE LAWN FARMS INC **Date:** 11/29/2006 **Price:** \$0  
**Type:** NON-ARMS LENGTH OTHER **Deed1:** /10385/ 00292 **Deed2:**

**Seller:** **Date:** **Price:**  
**Type:** **Deed1:** **Deed2:**

**Seller:** **Date:** **Price:**  
**Type:** **Deed1:** **Deed2:**

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
<b>County</b>	500	236,300.00	236,300.00
<b>State</b>	500	236,300.00	236,300.00
<b>Municipal</b>	500	0.00	0.00

**Tax Exempt:** **Special Tax Recapture:**  
**Exempt Class:** PUBLIC WORKS PROPERTIES **NONE**

**Homestead Application Information**

**Homestead Application Status:** No Application

enclosure/

# Offit | Kurman

Attorneys At Law

January 27, 2012

Marsha McLaughlin  
Director  
Department of Planning and Zoning  
3430 Courthouse Drive  
Ellicott City, MD 21043

RE: 11595 Scaggsville Road  
Fulton, Maryland 20759  
Map 46, Parcel 113

Dear Ms. McLaughlin:

As the Department of Planning and Zoning undertakes its review of the Howard County General Plan and the Zoning Maps for Howard County, I would like to request that your department undertake an evaluation of the above reference property for possible inclusion into the Howard County *GrowthPrint* area as described in *PlanMaryland*. In addition, I would also request that your department evaluate this property for possible inclusion within the Priority Funding Area and the metropolitan district for both water and sewer.

As you know, this RR-DEO zoned property is currently outside of the Priority Funding Area and metropolitan district. Notwithstanding this fact, public water and sewer facilities are available and are installed along much of the Property's the frontage within the bed of Scaggsville Road. In fact, the County recently constructed a water tower on a parcel of land that was once a part of Parcel 113. The subject property is now surrounded by mostly institutional and commercial uses including a public elementary, middle, and high school. In addition, several religious institutions and commercial uses associated with the Maple Lawn mixed-use development are located nearby. The site is also ideally located within close proximity to several major roadways including Route 29, Route 95 and Route 32. Significantly, the site is within walking distance of a commuter bus transit station and a park and ride.

While I would not venture at this time to say what the most appropriate use or zoning would be for this property, I would not hesitate to say that single-family detached homes developed under the RR-DEO zoning regulations would be perhaps the most inappropriate use of this strategically located property. I believe strongly that the ideals of *PlanMaryland* would be well served by having this property included within the public water and sewer district and by subsequently rezoning this property, as part of the next comprehensive zoning, to a more appropriate zoning classification in keeping with the principals of smart growth and sustainable development.

To assist you in your review and evaluation of this property, I have attached an aerial photograph that depicts the approximate location of property lines, etc.

# Offit | Kurman

Attorneys At Law

Thank you in advance for your attention to this request. Please do not hesitate to contact me if I can assist your review in any way.

Sincerely,

*William E. Erskine*  
William E. Erskine

CC: Eugene Iager



E-2



**Boone, Laura**

---

**From:** Erskine, William <werskine@offitkurman.com>  
**Sent:** Wednesday, October 31, 2012 7:36 AM  
**To:** Boone, Laura  
**Cc:** McLaughlin, Marsha; Hamilton, Cindy  
**Subject:** RE: Comprehensive Zoning

Laura,

My week isn't quite going as I had originally planned. Is it possible to reschedule my meeting with Cindy and Marsha. I have it down for 3 PM today. Next week would be better for me.

*William E. Erskine*  
Principal

Offit | Kurman  
Attorneys At Law

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**From:** Boone, Laura [mailto:lboone@howardcountymd.gov]  
**Sent:** Tuesday, October 23, 2012 5:33 PM  
**To:** Erskine, William  
**Subject:** RE: Comprehensive Zoning

Bill:

The only times that work next week are Wed. 10/31 at 2 or 3.

The following week they could do: Mon. 11/5 at 3; Tues. 11/6 after 11; Wed. 11/7 at 3; or Thurs. 11/8 at 1 or 2.

Let me know if any of these work.

Laura

---

**From:** McLaughlin, Marsha  
**Sent:** Monday, October 22, 2012 7:30 PM  
**To:** Erskine, William  
**Cc:** Boone, Laura  
**Subject:** RE: Comprehensive Zoning

Laura, please find a time and include Cindy.

---

**From:** Erskine, William [mailto:werskine@offitkurman.com]  
**Sent:** Monday, October 22, 2012 2:18 PM  
**To:** McLaughlin, Marsha  
**Subject:** Comprehensive Zoning

Can you spare some time for me to stop by and share my wish list?

*William E. Erskine*  
Principal

Offit | Kurman  
Attorneys At Law

**Boone, Laura**

---

**From:** cmurn@murndevelopment.com  
**Sent:** Thursday, April 18, 2013 7:17 PM  
**To:** McLaughlin, Marsha; Erskine, William  
**Subject:** Re: Fulton residents coming to a meeting tonight

Marsha,

Thank you for the heads up. I would love to know why they are attending a N. Laurel meeting.

Chris Murn  
Sent from my Verizon Wireless BlackBerry

---

**From:** "McLaughlin, Marsha" <mmclaughlin@howardcountymd.gov>  
**Date:** Thu, 18 Apr 2013 18:29:15 -0400  
**To:** Erskine, William <werskine@offitkurman.com>; Christopher Murn <cmurn@murndevelopment.com>  
**Subject:** Fulton residents coming to a meeting tonight

Fyi, have received word that opponents to 46.002 have a flyer out urging attendance at a meeting tonight that I'm scheduled to attend with Jen Terrasa at the North Laurel Community Center,

Not sure why the Fulton crowd want to attend a meeting in N. Laurel, but guess they think it's an opportunity. Maybe an opportunity to discuss your plans and their concerns.

enclosure

My name is Stephen Martin, I live in Reservoir Overlook at 11312 Knights Landing Court. I am speaking in opposition to zoning amendment 46.002.

As we go forward with the testimony tonight on this project, it is critical that we also take a look back and recognize that Elected Officials and County staff have been dealing with the issues addressed here tonight for decades, and much of their efforts have been focused on the very area we discuss tonight.

The County's 1990 General Plan states:

*"Zoning regulations and subdivision and site development requirements in the Howard County code must demand protection of the environment ..."*

It goes on to say: *"Howard County...will...In the environmentally sensitive development areas adopt new zoning regulations, similar in intent to the present Residential-Environmental Development district (R-ED) regulations ... to be applied to areas near the Patapsco, Patuxent, Little and Middle Patuxent Rivers that ... have numerous sensitive environmental and landscape features."*

That text refers specifically to the environmentally sensitive areas shown in Map 6-6 of the 1990 Plan, which identified this property as environmentally sensitive! The property is also identified in the summary Map 4-9 as environmentally sensitive.

The Howard County General Plan 2000 acknowledges the continuing damage to sensitive environmental resources, and states: *"the protection of stream valleys is a key element to preserving the water quality of the Chesapeake Bay."*

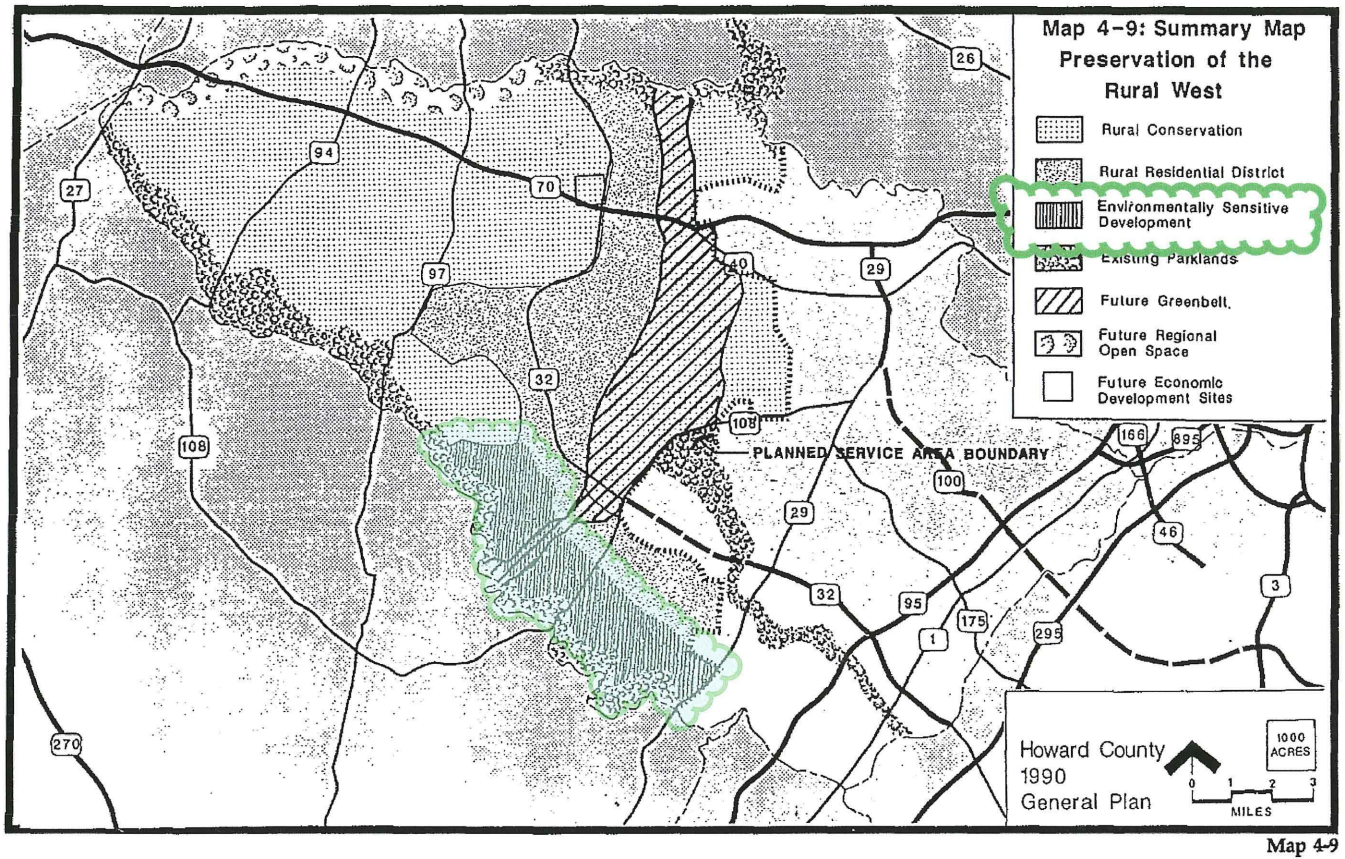
It further states: *"the Planned Service Area will be a visually recognizable edge"*--not should be—but will be. That edge was Route 216 except for allowable institutional uses. It is clear that the intent was never that the PSA should be notched out for each new development project that came along.

General Plan 2000 also clearly states that any proposed expansion of the PSA must be *"consistent with the general plan and Smart Growth Policies."* As you hear tonight, neither of those conditions is met by this proposal.

That brings us to PlanHoward2030. Section 3 of that plan carries on the tradition of environmental protection of the last two general plans. Other speakers tonight have called out the many policies in Section 3 that apply directly to the property that we discuss tonight. Both the applicant's proposal and the split zoning recommended by the Department of Planning and Zoning fail to meet the requirement for environmental zoning for areas that drain into the reservoir environment called out in the 1990 General Plan. They fail to meet the requirement for the protection of stream valleys called out in the 2000 Plan. And, they do not meet and cannot meet the Environmental Protection policies of Section 3 of PlanHoward 2030.

In looking back at these Plans, let us remember that many good people have worked very hard over the past 3 decades to show us the path that must be followed for environmentally sensitive properties like this one. We need to listen to them.

## PRESERVATION OF THE RURAL WEST





My name is Christine Pereira and I live at 8177 Murphy Road in Fulton. I am here in opposition of Amendment 46.002. I thank you for the opportunity to provide testimony.

The Howard County 1990 Plan **ENCLOSURE 1** identifies this parcel as an "Environmentally Sensitive Area". How did this change? This property has two streams, a reservoir that provides water for 600,000 people, a river that flows into the Chesapeake Bay, and is less than one mile from the reservoir. How much closer does the parcel need to be?

It's NOT Smart Growth, in fact, it's pretty unnecessary and senseless growth. Planning the level of density with R-A-15 (which will allow for 1,340 housing units) will only set a *precedent* for other nearby farms to do the same thing (which will probably happen to the 97 acre parcel 100 feet away from this parcel in a couple years).

The owner/developer's plans for this parcel were so highly revered by the DPZ that they judged every question against *IT*, rather than measuring it against Plan Howard 2030. We were told by Marcia McLaughlin and some of you that our best chance of trying to make this new development plan more amenable to the community would be for us to "go to the developer's attorney, Bill Erskine, and try to compromise." Here is their plan. **ENCLOSURE 2** *First*, going to a developer about this is **totally** inappropriate. *Second*, we are not protesting the *development* at this point, rather, we have issues with the **ZONING**. We thought it was the County's job to make such determinations--that's why our questions went to you. They went to you, only to be sent back to us with a "canned response" again referring us to the attorney.

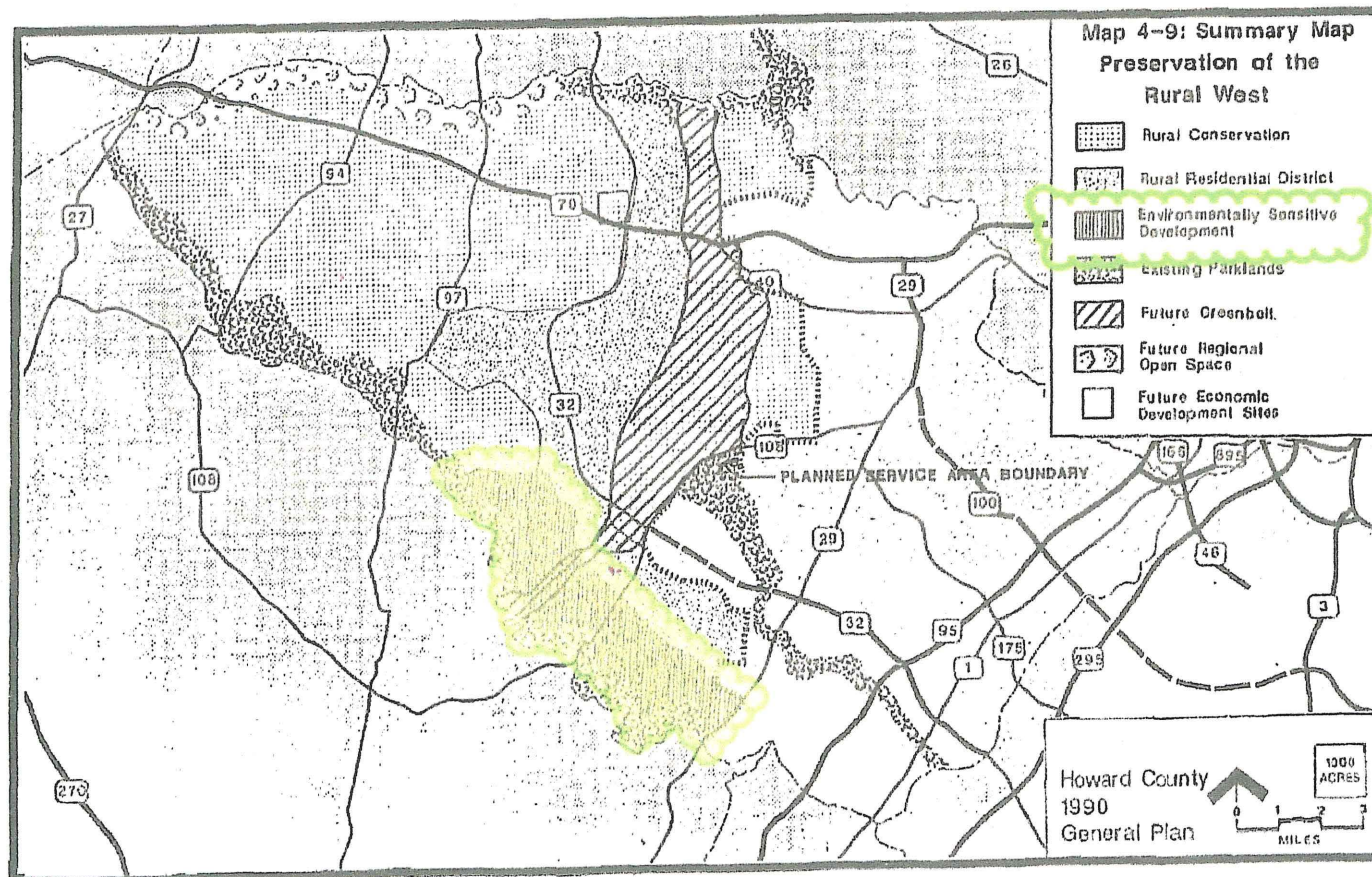
Later, we did try to meet with the developer and his attorney. They met our group of more than 50 residents in their office, a meeting room that only accommodate ¼ of our group that day. No one really got to see or hear the entire plan and when we asked questions, their attorney dug his heels in and said basically, "this is our plan, take it or leave it." They couldn't or wouldn't even answer questions about the number of units in their development or the research they have (or have not) conducted on the environment or the traffic. The SPLIT zone as the Planning Board recommended did nothing but have it meet exactly what the landowner /developer wanted to do in the first place—their legendary "wish list". Did the County not look into why and how this parcel made it into the PSA when it does not coincide with any of the County or State regulations for zoning or property development?

If one were to follow, PlanHoward 2030 properly, you would see that Parcel 113 definitively falls into the R-ED zone, without a question. Here is the plan we developed. **ENCLOSURE 3** Why, then, was parcel 113 given a different, extremely higher zone of R-A-15. There were several other parcels similar to Parcel 113 which were given an R-



# ENCLOSURE 1

## Environmentally Sensitive Areas 1990 Plan





## Enclosure 2





made it into the PSA when it does not coincide with any of the County or State regulations for zoning or property development?

If one were to follow, PlanHoward 2030 properly, you would see that Parcel 113 definitively falls into the R-ED zone, without a question. **ENCLOSURE 3** Why, then, was parcel 113 given a different, extremely higher zone of R-A-15. There were several other parcels similar to Parcel 113 (close proximity to water, low density farmland area) which were given an R-ED zoning recommendation. This chart tells the PlanHoward 2030 rationale for their zoning determinations **ENCLOSURE 4**:

AMENDMENT	RATIONALE
Amendments 16.001 and 16.002	Parcel is <i>new</i> to the PSA— <b>SO IS PARCEL 113</b>
Amendments 34.001 through 34.004	To provide a <i>transition</i> from property zoned RR to higher density (in Clarksville and Riverhill area)— <b>SAME NEED AS PARCEL 113</b>
Amendment 37.001	To better protect an adjoining <i>stream</i> — <b>SAME NEED AS PARCEL 113</b> <i>Which has two streams, a reservoir that provides water for 600,000 people, and a river that flows into the Chesapeake Bay</i>
Amendment 38.001	To <i>prevent density increasing</i> (westward on Montgomery Road)— <b>SAME NEED AS PARCEL 113</b>

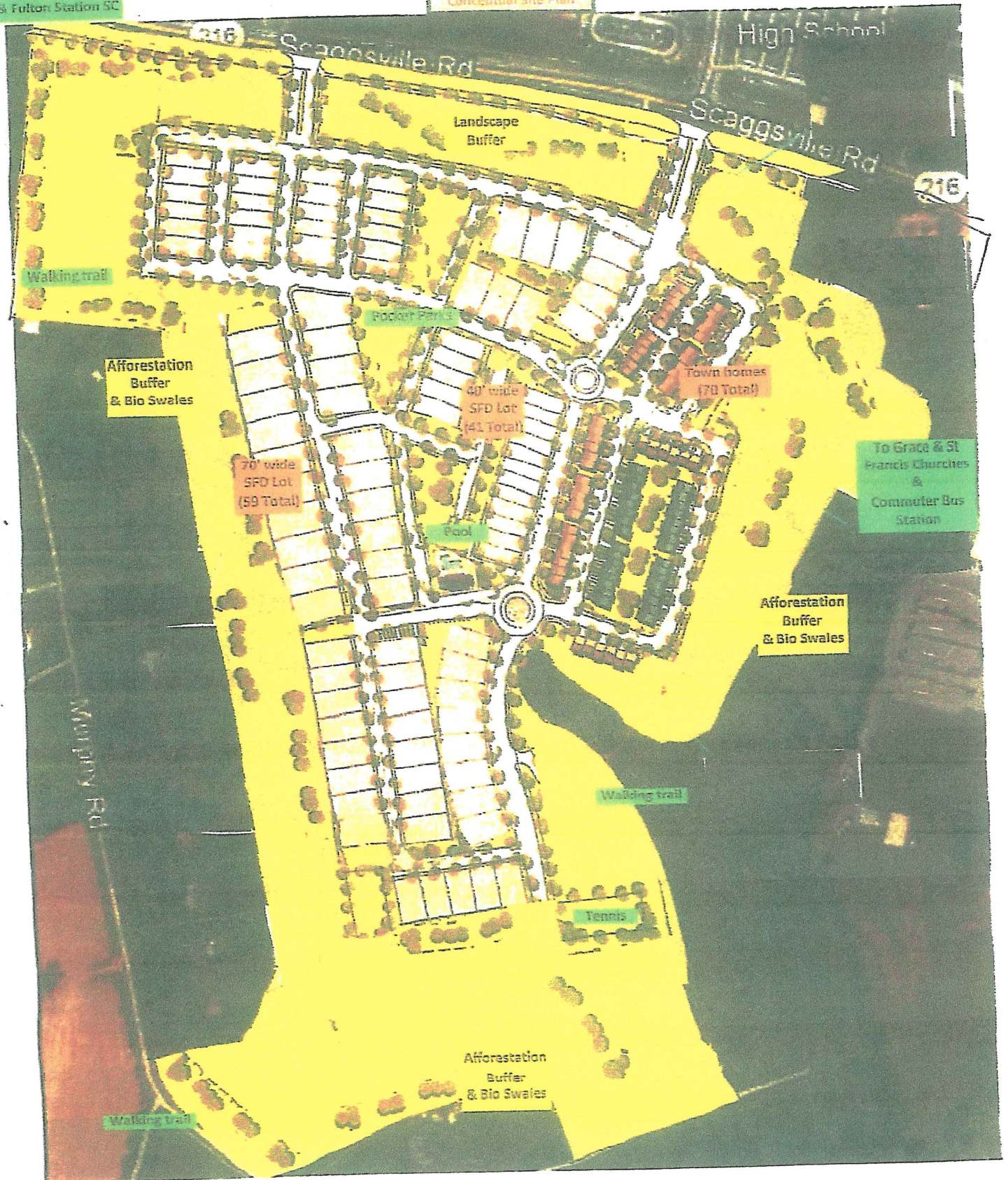
Yet we are also seeing another Amendments for which R-A-15 is the recommended zone. Amendment 47.001 and 47.010 in Savage is opposing the level of density with R-A-15 zoning, as well. These two parcels are in close proximity to the Little Patuxent River that flows into the Chesapeake Bay.

We would certainly rather keep the zoning at RR-DEO to save our environment, but if the zoning had to change, we hope the County will see that R-ED is the highest density that this parcel can accommodate. We hope the County hears and considers our testimony. Let's work together to FIX this mistake. We cannot afford more mistakes on our precious County's land.



RR-DEO Lager Parcel  
Scheme 9  
R-ED  
Conceptual Site Plan

To St Paul Church  
& Fulton Station SC



ENCLOSURE 3

## ENCLOSURE 4

### PLAN HOWARD 2030 RATIONALE FOR PROPERTIES SUITABLE FOR THE R-ED ZONE

AMENDMENT	RATIONALE
Amendments 16.001 and 16.002	Parcel is <i>new</i> to the PSA— <b>SO IS PARCEL 113</b>
Amendments 34.001 through 34.004	To provide a <i>transition</i> from property zoned RR to higher density (in Clarksville and Riverhill area)— <b>SAME NEED AS PARCEL 113</b>
Amendment 37.001	To better protect an adjoining <i>stream</i> — <b>SAME NEED AS PARCEL 113</b>
Amendment 38.001	To <i>prevent density increasing</i> (westward on Montgomery Road)— <b>SAME NEED AS PARCEL 113</b>



Exhibit 12

----- Forwarded message -----

From: **McLaughlin, Marsha** <[mmclaughlin@howardcountymd.gov](mailto:mmclaughlin@howardcountymd.gov)>

Date: Mon, Jun 3, 2013 at 2:31 PM

Subject: RE: Amendment 46.002

To: Thomas Broullire <[thomas.sbslaw@gmail.com](mailto:thomas.sbslaw@gmail.com)>

Cc: "Lalush, Bob" <[blalush@howardcountymd.gov](mailto:blalush@howardcountymd.gov)>, "Mackey, William"

<[wmackey@howardcountymd.gov](mailto:wmackey@howardcountymd.gov)>, "Flowers, Kimberley" <[kflowers@howardcountymd.gov](mailto:kflowers@howardcountymd.gov)>

... I forgot to note that the Dept of Public Works has a consultant reviewing all of the proposed Comp Zoning map amendments to confirm water and sewer capacity, so this information will be available prior to the Council's decisions on map amendments.

West Laurel Civic Association  
P.O. Box 387  
Laurel, MD 20725  
June 17, 2013

Hon. Jennifer Terrasa, Chairperson  
Howard County Council  
3430 Court House Drive  
Ellicott City, MD 21043  
[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)

*Re: Iager Farm Rezoning Request for Comprehensive Rezoning*

Dear Chair Terrasa,

I am writing as President of the West Laurel Civic Association (the "WLCA") concerning a rezoning proposal in the Comprehensive Rezoning package. The WLCA represents 1,700 households in Prince George's and Montgomery Counties adjacent to the Rocky Gorge Reservoir. The WLCA opposes Amendment #46.002, which is the rezoning of the 91-acre Iager Farm from RR-DEO to R-A-15.

For decades, the WLCA has taken a direct interest in seeing that the water quality in the Rocky Gorge Reservoir is not further degraded. We have opposed development in Prince George's County that would add unreasonable amounts of impervious surfaces within the reservoir watershed. We supported language in Montgomery County's Fairland Master Plan that created a preservation area in proximity to the watershed and limited impervious surfaces to ten percent. We supported Prince George's County legislation that limited impervious surfaces within close proximity to a drinking water reservoir to ten percent. We have had WLCA members serve on WSSC's Environmental Advisory Committee and the Patuxent River Commission. To state the obvious, the WLCA is well aware of the issues surrounding the continued degradation of the Patuxent River, generally, and the Rocky Gorge Reservoir, specifically, and we have taken action on numerous occasions.

Of great concern at the present is that the Rocky Gorge Reservoir has been listed as an impaired waterway for nutrients under the Clean Water Act since 1998. Further scientific evaluation by the Maryland Department for the Environment resulted in the Environmental Protection Agency approving a TMDL for Rocky Gorge Reservoir for phosphorus in 2008. The Howard County government is represented on the Patuxent River Commission, is a signatory to the Commission's Patuxent Policy Management Plan, and is also a signatory to the Patuxent Reservoirs Watershed Protection Agreement (October 29, 1996).

The Iager property that is the subject of Amendment #46.002 is adjacent to the expansive Maple Lawn Farm development that is currently being constructed on the main portion of the Iager land holdings. The subject property sits in close proximity to the Rocky Gorge Reservoir, to the south of Route 216 across from Maple Lawn Farm -- and unlike the Maple Lawn development, drains directly into the Rocky Gorge reservoir. Howard County rezoned the Iager Farm for the Maple Lawn Farm development about 15 years ago, in the face of substantial community and environmental organization opposition, and this development is a prime example of how sprawl development projects can be wrapped in claims of "smart growth" if the local government wants to "justify" it. Since Howard County concluded that Maple Lawn Farm was in the public interest, it should limit any further density requests to the current boundaries of Maple Lawn Farm, or at least maintain the Route 216 rural boundary, which demarks the boundary of the Patuxent watershed and thus the Rocky Gorge reservoir..

As proposed, the 91-acre R-A-15 multi-family housing project will insert a residential density level into the

rural protection area around the Rocky Gorge Reservoir that is entirely out of character with the area south of Route 216. The project will also produce an inordinate amount of impervious surface, which is inappropriate for the health of the reservoir. Further, construction sediment and residentially generated nutrients will further add to the degradation of the reservoir. We believe that the proposed amendment to rezone the Iager property from three-acre density to 15 dwelling units per acre is environmentally damaging, inconsistent with the surrounding community and would violate Howard County's obligations under the Patuxent Policy Management Plan. This level of density increase, which is out of character with the surrounding properties, will serve as a catalyst for future rezoning cases south of Route 216 based on "change or mistake" arguments.

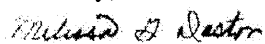
In particular, this proposed rezoning of the Iager property would be the first incursion of water and sewer for residential construction into the area south of Rt 216 and west of Rt 29. Howard County officials have long assured the public that this area would remain low density, to protect the reservoir -- any decision to negate this breaks the public trust. Furthermore, this precedent would allow owners of similarly situated acres to convert their rural properties to high density development, with no restrictions on the amount of impervious coverage, due to the CEF zoning district just enacted by Howard's County Council. This is not smart growth but dangerous growth ensuring degradation of the reservoir.

The WLCA's members, like all Prince George's County residents, reside downstream of the Iager Farm and the Rocky Gorge Reservoir, and rely on the Rocky Gorge Reservoir as their principal source of drinking water. It is inappropriate for a developer to seek a personal benefit that places the limited drinking water of almost a million people at risk, and the Howard County government has a stewardship obligation to ensure that development within the County is not a threat to the health, safety and welfare out persons outside the County.

We are copying our State and County representatives below, and we are requesting that they weigh in on this serious matter, and consider proposing State legislation that better protects drinking water reservoirs from unwarranted development.

We appreciate the opportunity to submit our comments on the Comprehensive Rezoning proposal.

Sincerely,



Melissa G. Daston  
President  
West Laurel Civic Association

cc: Hon. James Rosapepe  
Hon. Barbara Frush  
Hon. Benjamin Barnes  
Hon. Joseline Pena-Melnyk  
Hon. Mary A. Lehman

West Laurel Civic Association  
P.O. Box 387  
Laurel, MD 20725  
June 17, 2013

Hon. Jennifer Terrasa, Chairperson  
Howard County Council  
3430 Court House Drive  
Ellicott City, MD 21043  
[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)

*Re: Iager Farm Rezoning Request for Comprehensive Rezoning*

Dear Chair Terrasa,

I am writing as President of the West Laurel Civic Association (the "WLCA") concerning a rezoning proposal in the Comprehensive Rezoning package. The WLCA represents 1,700 households in Prince George's and Montgomery Counties adjacent to the Rocky Gorge Reservoir. The WLCA opposes Amendment #46.002, which is the rezoning of the 91-acre Iager Farm from RR-DEO to R-A-15.

For decades, the WLCA has taken a direct interest in seeing that the water quality in the Rocky Gorge Reservoir is not further degraded. We have opposed development in Prince George's County that would add unreasonable amounts of impervious surfaces within the reservoir watershed. We supported language in Montgomery County's Fairland Master Plan that created a preservation area in proximity to the watershed and limited impervious surfaces to ten percent. We supported Prince George's County legislation that limited impervious surfaces within close proximity to a drinking water reservoir to ten percent. We have had WLCA members serve on WSSC's Environmental Advisory Committee and the Patuxent River Commission. To state the obvious, the WLCA is well aware of the issues surrounding the continued degradation of the Patuxent River, generally, and the Rocky Gorge Reservoir, specifically, and we have taken action on numerous occasions.

Of great concern at the present is that the Rocky Gorge Reservoir has been listed as an impaired waterway for nutrients under the Clean Water Act since 1998. Further scientific evaluation by the Maryland Department for the Environment resulted in the Environmental Protection Agency approving a TMDL for Rocky Gorge Reservoir for phosphorus in 2008. The Howard County government is represented on the Patuxent River Commission, is a signatory to the Commission's Patuxent Policy Management Plan, and is also a signatory to the Patuxent Reservoirs Watershed Protection Agreement (October 29, 1996).

The Iager property that is the subject of Amendment #46.002 is adjacent to the expansive Maple Lawn Farm development that is currently being constructed on the main portion of the Iager land holdings. The subject property sits in close proximity to the Rocky Gorge Reservoir, to the south of Route 216 across from Maple Lawn Farm -- and unlike the mail Maple Lawn development, drains directly into the Rocky Gorge reservoir. Howard County rezoned the Iager Farm for the Maple Law Farm development about 15 years ago, in the face of substantial community and environmental organization opposition, and this development is a prime example of how sprawl development projects can be wrapped in claims of "smart growth" if the local government wants to "justify" it. Since Howard County concluded that Maple Lawn Farm was in the public interest, it should limit any further density requests to the current boundaries of Maple Lawn Farm, or at least maintain the Route 216 rural boundary, which demarks the boundary of the Patuxent watershed and thus the Rocky Gorge reservoir..

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rural protection area around the Rocky Gorge Reservoir that is entirely out of character with the area south of Route 216. The project will also produce an inordinate amount of impervious surface, which is inappropriate for the health of the reservoir. Further, construction sediment and residentially generated nutrients will further add to the degradation of the reservoir. We believe that the proposed amendment to rezone the Iager property from three-acre density to 15 dwelling units per acre is environmentally damaging, inconsistent with the surrounding community and would violate Howard County's obligations under the Patuxent Policy Management Plan. This level of density increase, which is out of character with the surrounding properties, will serve as a catalyst for future rezoning cases south of Route 216 based on "change or mistake" arguments.

In particular, this proposed rezoning of the Iager property would be the first incursion of water and sewer for residential construction into the area south of Rt 216 and west of Rt 29. Howard County officials have long assured the public that this area would remain low density, to protect the reservoir -- any decision to negate this breaks the public trust. Furthermore, this precedent would allow owners of similarly situated acres to convert their rural properties to high density development, with no restrictions on the amount of impervious coverage, due to the CEF zoning district just enacted by Howard's County Council. This is not smart growth but dangerous growth ensuring degradation of the reservoir.

The WLCA's members, like all Prince George's County residents, reside downstream of the Iager Farm and the Rocky Gorge Reservoir, and rely on the Rocky Gorge Reservoir as their principal source of drinking water. It is inappropriate for a developer to seek a personal benefit that places the limited drinking water of almost a million people at risk, and the Howard County government has a stewardship obligation to ensure that development within the County is not a threat to the health, safety and welfare out persons outside the County.

We are copying our State and County representatives below, and we are requesting that they weigh in on this serious matter, and consider proposing State legislation that better protects drinking water reservoirs from unwarranted development.

We appreciate the opportunity to submit our comments on the Comprehensive Rezoning proposal.

Sincerely,



Melissa G. Daston  
President  
West Laurel Civic Association

cc: Hon. James Rosapepe  
Hon. Barbara Frush  
Hon. Benjamin Barnes  
Hon. Joseline Pena-Melnyk  
Hon. Mary A. Lehman



## Regner, Robin

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**From:** Tolliver, Sheila  
**Sent:** Tuesday, June 18, 2013 9:22 AM  
**To:** Regner, Robin  
**Subject:** FW: Iager Farm Rezoning Request for Comprehensive Rezoning - Letter from West Laurel Civic Association  
**Attachments:** WLCA Ltr on Ho Co 6-13\_final.pdf

w/ attachment

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**From:** Melissa G. Daston [<mailto:mdaston@verizon.net>]

**Sent:** Monday, June 17, 2013 5:11 PM

**To:** CouncilMail

**Cc:** Anthony Spezio; Barbara Sollner-Webb; Cassandra Tseckares Hostetler; Dennis Cook; Ed Grimes; Elizabeth and Robert Schwartz; Jason Float; John Hebert; Kevin Reich; Liz & Steve Steenrod; Lucy Grimes; Mike McPherson; Patty Sobel; Ryan Faggard; Susan Railey; Tom Dernoga; Tom Sidor

**Subject:** Re: Iager Farm Rezoning Request for Comprehensive Rezoning - Letter from West Laurel Civic Association

Dear Chairperson Terrasa,

Please accept the attached letter from the West Laurel Civic Association opposing the rezoning of the Iager Farm. For the record, the WLCA opposes Amendment #46.002, which is the rezoning of the 91-acre Iager Farm from RR-DEO to R-A-15.

A member of our Board of Directors will be at the hearings tonight to present our testimony and letter in person.

Sincerely,

Melissa Daston  
President  
West Laurel Civic Association

RE:

Copy of Testimony for June 17, 2013

Thomas J. Broullire, Esq., Residing at 7810 Tuckahoe Court, Fulton, MD 20759

In Opposition to Amendment No. 46.002

**So the County has a problem here: the expansion of the PSA for this parcel is ILLEGAL**

I am going to tell you WHY it is against the law and then tell you how to fix it because I really want to believe that you 5 council members were truly unaware about the illegality of this PSA expansion.

**So why is a PSA Expansion such a big issue in Howard County?**

Your General Plan specifically tells us: ... adjustments to the PSA have "**MAJOR**" AND "**SIGNIFICANT**" ramifications. (*See Exhibit 1, Copy of Page 70 of Plan Howard 2030 and Exhibit 2, Page 97 of Plan Howard 2000*)

I like that language, its strong language isn't it? It puts the public on notice that when the PSA is expanded it's a big deal; it will only be for limited purposes; and surely it will require the highest threshold of public notice and public participation before the expansion is approved.

So if a PSA expansion has MAJOR ramifications, then why did the entire Fulton community have no idea this parcel was expanded into the PSA last year? I guarantee if our community was given proper notice last April 18, 2012, then 2000 angry residents would be knocking on the door.

But you know who did know about this PSA expansion? Marsha, the petitioner and his attorney.

So I want to commend Marsha and everyone else in the County that had a hand in this for how SAVVY they were in bypassing LEGAL procedures to get this MAJOR and SIGNIFICANT PSA expansion into the General Plan without the public even knowing.

**So why is this expansion against the LAW?**

The first reason is: DUE PROCESS. The maps that were provided to the public at the time of the initial PUBLIC HEARING on April 18, 2012, were VAGUE to say the least. The council members, myself, and even a MAP EXPERT would have no idea of what specific properties were added to the PSA. The complete lack of clarity in the maps certainly gives rise to lack of due process claims because Fulton residents were not given adequate notice. If PSA expansions really have "major ramifications", then how can the County utilize rudimentary Maps with no clear indication of what parcels are included in the PSA. The Howard County Office of Law surely must have advised the County and the Council Members that your Maps provide inadequate notice? If you displayed these Maps in front of a Judge at court, he/she would laugh out loud. The PSA must have exact boundaries because, according to your General Plan, the PSA line is considered an "EDGE" or a transition line into the Rural West (*see attached Exhibit 3 from Plan Howard 2000*). However, the PSA boundaries in your Maps are arbitrary. The Council must pass an emergency amendment to remove this parcel from the PSA and simultaneously require that the PSA Maps be redrawn. The Maps MUST delineate the parcels by TAX

ID Number and Address at the very least. Only then will you be able to provide adequate public notice and not be subject to lack of Due Process claims.

**The second reason why this PSA is against the law is State of Maryland precedent:**

Maryland law states, that "where the legislature requires notice and a hearing before the passage of a local ordinance, and where the ordinance that was advertised and on which a hearing was held is **substantially different** from the ordinance proposed to be passed, **the local legislative body must give new notice and hold a new hearing before that ordinance may be enacted.** (*See von Lusch v. Board of County Commissioners of Queen Anne's County*, 268 Md. 445, 454, 302 A.2d 4 (1973)). Similar to our case, in the *Meadowridge* case (109 Md. App. 410, 675 A.2d 138), because the state legislature mandated that a Howard County's solid waste management plan only be enacted after notice is afforded the public and a hearing is held, any amendment that substantially changed a plan which had already been advertised and on which hearings had already been held required that new notice and a new hearing on that amendment be afforded. Because the new notice and hearing were not afforded, passage of the amendment was held to be invalid.

The public hearing for General Plan 2030 held in April 18, 2012 was a JOKE. At that time, only the General Plan Preliminary **Draft** was available to the public. However, this DRAFT stated only that "PlanHoward 2030 proposes three minor expansions of the PSA" (*see attached Exhibit 4*). The reference to Maple Lawn, Ellicott City and Clarksville as expansion areas were added months later to the FINAL General Plan 2030 (*see Exhibit 5*). Not to mention- Maple Lawn is the name of a development and NOT the name of the town- the parcel is located in Fulton, MD. In addition, the maps showed our property was OUTSIDE of the PSA during the public hearings (*See attached Exhibit 6*). I can even show you maps dated September and November of 2012 that showed our property was outside of the PSA in TIER III, in TIER I, etc. (*See attached Exhibit 7*). The only thing that the public may have had knowledge of was that Route 216 was a Boundary line for RR-DEO properties (*see attached Exhibit 8: 2003 Comp Zoning Hearing Case 46.01 that fixed the boundary line on 216*). Most expansions to the Planned Service Area (PSA) since 1990 have occurred on a site-specific basis to address failing septic systems, potential well contamination and a few changes in land use. For example in Fulton, there were two privately owned parcels located South of Route 216 that were placed in the PSA since General Plan 2000 (*See attached Exhibit 9 reflecting the Mauck Property via Council Bill 52-2006 and the Narr Property through Council Bill CB 39-2001-for emergency environmental purposes*) but these parcels maintained their existing zoning classifications- RR for the Narr property and B-1 for the Mauck property. The other parcels south of Route 216 placed in the PSA were for institutional purposes: Grace Church, St. Francis Church, and St. Paul's. The reason these parcels were **included in the PSA but retained their existing zoning** is because all of these parcels South of Route 216 are on the Patuxent River Watershed and Rocky Gorge Reservoir. Since Howard County planning and zoning began, this area was specifically not intended to be developed to anything greater than Rural zoning. Therefore, because of the aforementioned precedent and discrepancies in the Maps, the public lacked any knowledge of what properties were coming in or staying out of the PSA. Any change to a Prelim DRAFT of the General Plan related to the PSA is a **substantial change**. And because there was a **substantial change** between the PUBLIC HEARING and the FINAL DRAFT regarding a MAJOR expansion of the PSA, another Public hearing **MUST HAVE OCCURRED.**

So let's say a Fulton resident went outside of the General Plan (since the General Plan lacked the adequate information to conclude that the PSA was being expanded) and looked at Howard County's Water and Sewer Master Plan 2011, for more information. Guess WHAT? The Water and Sewer Master Plan makes ZERO mention of a proposed PSA expansion. Even if you look at the pressure zone projections for our Water Area (which is Water Area 630-South) it projects that there will be ZERO apartments in the year 2035 (*see attached Exhibit 10*).

The test for PSA expansion requires that, "the proposed expansion of the Planned Service Area includes a zoning proposal that is consistent with the General Plan and Smart Growth policies. Sewer and water infrastructure capacity and **costs must be analyzed to confirm the feasibility and availability of scheduled capacity.**" (*See attached Exhibit 11, taken from Plan Howard 2030, page 70*)

Marsha confirmed that this analysis was in fact NOT done for our specific parcel BUT the Department of Public Works is working on this right now. (*See attached email from Marsha as Exhibit 12*) **Right NOW?** The test says you must do this before you put a parcel into the PSA?

Also, I am sure you are aware that the *Maryland Department of Environment* must approve your Water and Sewer Master Plan so guess who else was NOT provided the proper notice → you guessed it → the Maryland Department of the Environment. I spoke with MDE and they are very interested in the outcome of this hearing. If the County is found to have put a 91 acre parcel into the PSA last second in violation of Maryland Law and Senate Bill 236, then the County has some major issues.

BOTTOM LINE, the County has exposed itself to massive liability. Counties are given great deference from the State to enact their General Plan but when these Plans use **spot zoning** to selectively expand the PSA and you accompany it with a lack of notice to the Public and to the State of Maryland then the State takes away this privilege. (*See attached Exhibit 13, Technical Staff Report dated Sept. 20, 2012, where Marsha McLaughlin wrote herself, "If the Maryland Department of Planning determines there are "rogue" jurisdictions that adopt tier designations that circumvent the intent of Senate Bill 236, then they will file legislation to reinsert the requirement for State approval."*)

### **SO HOW DO YOU FIX THIS?**

If I recognized that there was a major mistake in my General Plan that also presents a huge risk to the public safety of my County and surrounding County's (*see attached Exhibit 14, letter from Council Member, Valerie Ervin of Montgomery County*) I would do everything in my power to fix this mistake. The only thing you can do is sit down as a Council and remove this parcel from the PSA or vote to maintain the existing zoning of RR-DEO.

## Regner, Robin

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**From:** Tolliver, Sheila  
**Sent:** Tuesday, June 18, 2013 6:28 PM  
**To:** Regner, Robin  
**Subject:** FW: Opposition Testimony to Amendment 46.002 (emailed version)- Why the PSA expansion is INVALID  
**Attachments:** testimonyopposition.pdf

**From:** Thomas Broullire [<mailto:thomas.sbslaw@gmail.com>]  
**Sent:** Tuesday, June 18, 2013 4:25 PM  
**To:** CouncilMail; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; Watson, Courtney  
**Subject:** Opposition Testimony to Amendment 46.002 (emailed version)- Why the PSA expansion is INVALID

Council Members,

This is Thomas J. Broullire, Esq. and I testified late last night in opposition of 46.002. I spoke about how the PSA expansion should be invalidated. Attached is a copy of my testimony BUT it is more in depth and it has enclosures supporting my assertion. Please do me a favor and take 2 minutes and read this. Let me know if you would like more information because I have it.

Thomas J. Broullire, Esq.

[not intended to be legal advice; confidential]



## Regner, Robin

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**From:** Tolliver, Sheila  
**Sent:** Tuesday, June 18, 2013 6:30 PM  
**To:** Regner, Robin  
**Subject:** FW: Thank You and Point of Order

---

**From:** Christine Bulbul [<mailto:cbulbul@verizon.net>]  
**Sent:** Tuesday, June 18, 2013 4:22 PM  
**To:** CouncilMail  
**Subject:** Thank You and Point of Order

Dear Howard County Council,

Thank you for attentively listening to mine and over 20 other citizen's testimony regarding Zoning Amendment 46.002. It was a long night, but you respectfully let democracy run its course. That's what makes this county so great.

I was dismayed after having gone through all that testimony and waiting for six hours that Mr. Erskine decided at 11pm to defer his testimony until Wednesday. I simply don't understand why he would be allowed to do that. The council chair clearly stated, before and after the break for the legislative session, to notify the attendant if you did not intend to stay. Mr. Erskine stayed through the whole session and therefore should have been prepared to give testimony when his name was called.

We all know why he did not give testimony; he needed the two days to prepare after listening to all of our testimony, fair enough. I would prefer that the land owner have an opportunity through his attorney to have his say on the matter, however, that does not mean that the petitioner for the amendment should be allowed to add a host of speakers at Wednesday's session.

The chair stated, and it was reiterated by several council members, that you must be signed up tonight [Monday, June 17] in order to defer testimony to Wednesday. There were only three people that I recall decided to defer until Wednesday because they could not stay, Dr. Ward, Mr. LaFemina, and Mrs. Harriet Spadin and one person that could have testified and choose not to, Mr. Erskine. Therefore, I submit that at Wednesday's make-up session, those three people will be given their three minutes and Mr. Erskine will be given his five minutes to represent the petitioner and this matter will be sent to the working session for deliberation.

I will be at Wednesday session to respectfully hear from those four people.

Thank you for your time.

Very Respectfully,

Christine Bulbul

EXHIBIT 7 14



MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

VALERIE ERVIN  
COUNCILMEMBER  
DISTRICT 3

June 12, 2013

Mr. Thomas Broullire  
[Tomas.sbslaw@gmail.com](mailto:Tomas.sbslaw@gmail.com)  
Sushner, Broullire & Shepard PLLC  
3 Bethesda Metro Center, #730  
Bethesda, MD

Dear Mr. Broullire,

Thank you for your email and for providing me with several background documents and a brief history of Amendment No. 46.002 in Howard County which is located at 11595 Scaggsville Road. I have reached out to both the Chesapeake Bay Trust and Councilmember Courtney Watson's Office on this issue.

While the Bay Trust does not take positions on particular projects, they did recommend that you contact Fred Tutman at Patuxent Riverkeeper in Upper Marlboro to see if they would become part of your coalition. He can be reached at [fred@patuxentriverkeeper.org](mailto:fred@patuxentriverkeeper.org) or 301-579-2073 ext 7. In addition the Maryland Department of Natural Resources has a Critical Area Commission that may be helpful in this case <http://www.dnr.state.md.us/criticalarea/>.

It is my understanding that Common Sense Growth in Fulton has met with Councilmember Watson on this issue, and I encourage you to meet with all of the Howard County Councilmembers on this proposal. As you know, the Howard County Council public hearing for the central area comprehensive zoning proposal is Monday, June 17 at 5:00 p.m., and Council action is tentatively scheduled for June 25. This link will enable you to sign up to present testimony: <http://cc.howardcountymd.gov/iframeTemplate.aspx?ID:6442455146>. The Howard County Council also maintains a webpage on the comprehensive zoning process that you may already be familiar with: <http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308>.

I hope this information is helpful to you as you work to preserve the Patuxent River Watershed and Rocky George Reservoir. If you have future zoning issues in Montgomery County or any other issues that I have jurisdiction over, please don't hesitate to contact my office. Wishing the best to you and your grandparents in Burtonsville.

Sincerely,

A handwritten signature in cursive script, appearing to read "Valerie Ervin".  
Valerie Ervin

STELLA B. WERNER OFFICE BUILDING • 100 MARYLAND AVENUE, ROCKVILLE, MARYLAND 20850  
240/777-7960 OR 240/777-7900 • TTY 240/777-7914 • FAX 240/777-7989  
[WWW.MONTGOMERYCOUNTYMD.GOV/COUNCIL](http://WWW.MONTGOMERYCOUNTYMD.GOV/COUNCIL)  
♻️ PRINTED ON RECYCLED PAPER

## County Council Testimony 6.17.2013

Paul Spelman 8145 Huntfield dr. Fulton, MD 20759

### In Opposition to 46.002.

I'm here to ask you to vote YES to the OPEN SPACES CLEAN AIR TAX!!!

Well, now that I have your attention....Surely it is just logical that something like this has to be next! Think about it.... you have an acknowledged environmentally Sensitive Parcel that has been protected for a long time, I believe since planning has begun. So now ...in your words... to Achieve Bay Restoration and Bay Restoration is important! We are all being asked to pay a bay restoration fee that is based on impervious surfaces. So, we know how bad impervious surfaces are. But you are suggesting that to Achieve Bay Restoration you want to authorize a zoning that by its very nature is loaded with impervious surfaces and the Carbon Foot prints of thousands of people. All of that will get us better Bay Restoration!! Hopefully, you can see why you have lost the confidence of the community with this argument.

How about the idea of Bay and Water Shed Preservation? Look at page 2 of the Howard County Watershed Implementation Plan for the Chesapeake Bay. It states Howard County has invested in programs for protecting water resources because it is easier and more cost effective to protect high quality resources in a watershed than to allow those resources to become degraded and then attempt to restore them. Simply stated, Better not to mess it up than to clean it up. This sounds logical to me!

Let me high spot some things because 180 seconds is a very short time.

You have heard of the cozy relationship the DPZ has with developers and how they exchange emails. It is pretty obvious whose side they are on. But the one email to the community that was disturbing is the one from Marsha McLaughlin that states how Maple Lawn came about...surrounding parcels evolved into Maple Lawn, which is a successful, attractive, mixed-use community that is not yet complete. From a planning perspective, map amendment 46.002 is an additional phase of this community.

So as I understand it. There were over 40 hearings in order to reach a Compromise on Maple Lawn. You know that 70% of the word Compromise is PROMISE. So was Marsha McLaughlin stating in her email that (in the back of her mind) the entire time the Community was reaching a compromise of no RA-15 zoning in Maple Lawn, that it didn't matter... she would just ram it through across the street. How Underhanded and sneaky is that one! Sort of explains how the water tower showed up on that side! Or, because if it is an extension of Maple Lawn do all the agreements that were compromised on in the first 40 plus meeting apply? Wouldn't it be nice to see the DPZ get caught in their own web of Broken Compromises/Promises. But that can't happen because they just keep rewriting the rules. I'm

wondering what else is an extension of Maple Lawn...A Maple Lawn Mall, Maybe Maple Launch.. a waterpark, and condos on the Reservoir?

I'm out of time so I need to close...You on the Council may not be aware of all the things the zoning board are doing. But in my opinion, and the opinion of lots of your voters, they are an unelected department that is changing what is so attractive about Howard County. Great Schools and Open spaces. They are killing the latter and the former will surely follow. They are writing checks that you will have to cash come election time.

Council members I took your advice and got involved. Folks all over this county are upset with this zoning board gone wild. I know you told everyone you are listening. Show them you are and vote NO. to 46.002 Thank You.

Christopher J. Nowalk  
8109 Huntfield Drive  
Fulton MD 20759  
6/17/13

**Howard County Council**  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

**Re: Testimony regarding Zoning Amendment 46.002**

Distinguished Council Member,

My name is Christopher Nowalk. I reside at 8109 Huntfield Drive, Fulton MD. I am a partner in a consulting firm located in Elkridge MD.

I am submitting this written testimony to comment on amendment 46.002.

1. Based on the legitimate concerns surrounding amendment 46.002 I suggest that the County Council take direct steps to improve the stakeholder participation in and transparency of the PSA expansion process by revising the procedures to ensure the participation of all stakeholders affected by this major policy amendment request. The quiet enjoyment rights and other property rights of county residents, who choose to live outside of the PSA, for the other qualities the rural districts provide, are directly affected by a monumental decision to remove a property from the revered rural west.

Transparency and inclusion in the process can be accomplished through mandatory, documented community meetings and letters of support or opposition from stakeholder groups that are conducted, collected and reviewed prior PSA decision making process. Baltimore City has a very good program in place.

Craftiness in filing applications, subject parcel vagueness, missed notifications, and procedural amendments to backtrack, should not be the permitted or perceived mechanisms to obstruct community involvement. Let the requested amendment stand on its own merits in front of the people.



2. The Planning Department and the Planning Board should issue an itemized scorecard along with all recommendations, rating the compliance of any amendment request with respect to the current general plan. This will hold those entities accountable to the adopted general plans and provide the County Council with a reference point for considering any amendment.
3. The original MXD-3 Maple Lawn zoning decision ruled out Moderate Income Housing and apartments. We are aware that the Planning Director and some Council Members see that ruling as a mistake in good planning. Consider utilizing the CEF zoning on the remaining undeveloped parcels specifically within the MXD-3 limits of the Maple Lawn Area to correct this land use oversight at its source, rather than force fitting high density multi-family housing onto land that is designated by Howard County for Environmentally Sensitive Development.
4. The nationally acclaimed 1990 General Plan and the 2000 General Plan should be included in in the due diligence research when making a decision on amendment 46.002. These plans contain the building blocks of Howard County's environmental policies. Call for Slide
5. Allow the specific policy points of PlanHoward 2030 to guide your decision on this amendment, just as you allowed the policy points of the 2000 General Plan to guide your decision on case 1087 M, the 221 acre Carroll Property zoning matter.

Slide here.

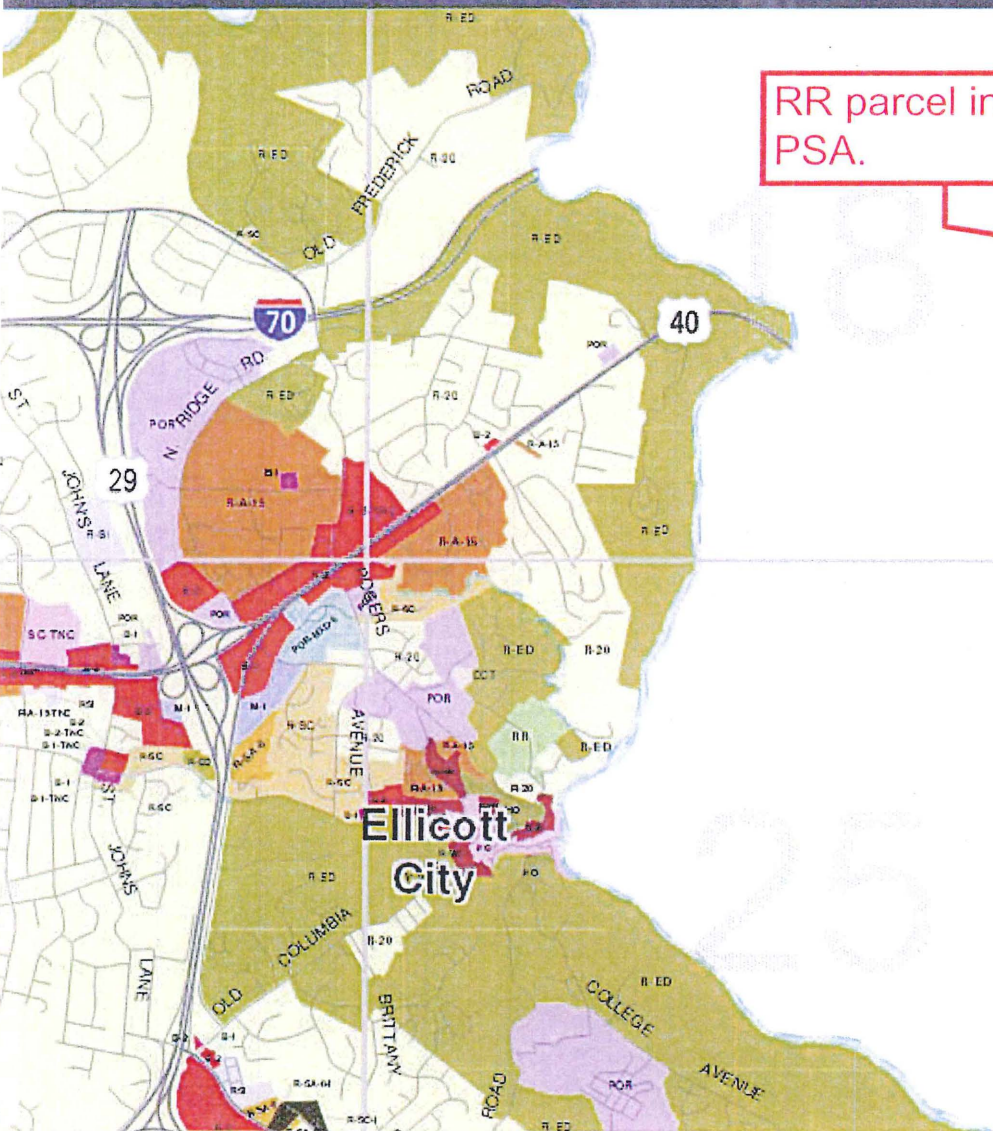
6. Consider that taking a property off septic for environmental benefits and retaining its RR zoning designation do not need to be mutually exclusive issues if the Council's true intention for extending the PSA is for environmental benefit. If there is more to the intentions then amend the General Plan text so laypeople, unfamiliar with the nuances and political influences, need not read between the lines. Also consider that there is precedence that there can be exceptions to up zoning a property from RR that are located in the PSA.

7. Given the pressures and divergent priorities created by the clash between documented environmentally sensitive land and expanding residential development, The Howard County Zoning Plan needs to be revised to include a zoning destination to accommodate development while protecting the environmentally sensitive land. If this zoning designation exists today, apply that designation liberally because development sites and redevelopments sites are plentiful but environmentally sensitive land is limited.

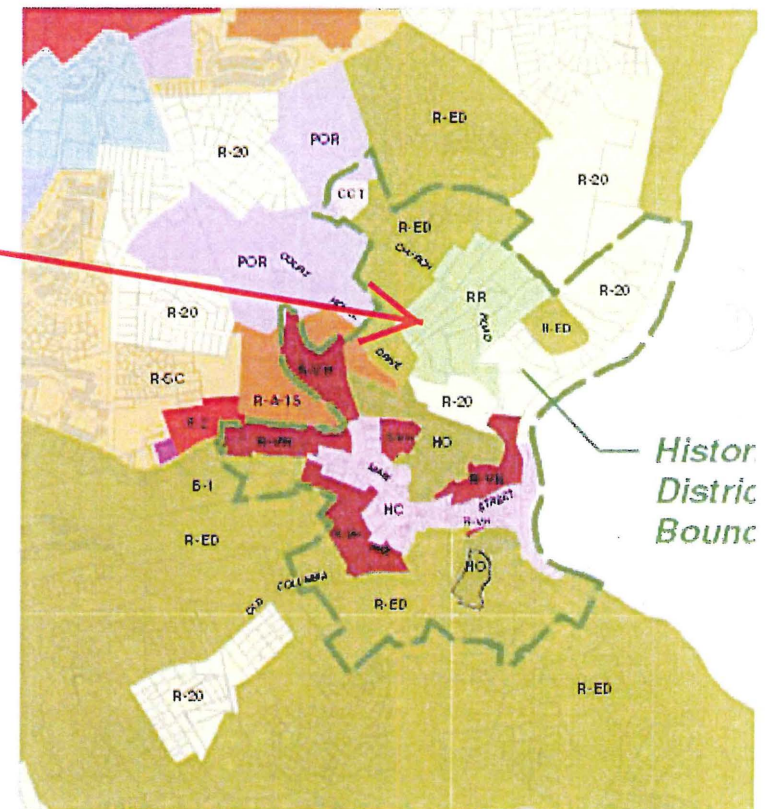
I wish you strength, clarity and integrity as you make this far reaching policy decision.

Thank you.

Christopher J Nowak



RR parcel in the  
PSA.



*Historic District Boundary*

ELLICOTT CITY HISTORIC DISTRICT



Howard County Council Hearing, Opposed to Amendment 46.002(aka: Maple Lawn South)  
June 17, 2013  
Chris Bloor  
8041 Murphy Rd  
Fulton MD 20759

I'm here to speak about the need for apartments in the Fulton area. When I look at the Department of Planning and Zoning's recommendations for comprehensive zoning change requests, I see the recommendation of RA-15 and RA-25 all over the place. Do we have or will we have the demand for all of these dwellings?

There is already a recommendation for RA-25 zoning on a parcel near this one directly on rt.29. Maple Lawn development is across the street, and it is only 50% complete. Do we have the demand for this many projects at this time? Perhaps rezoning this parcel could be re-evaluated at the next Comprehensive Zoning cycle ten years from now, when the demand might be more obvious?

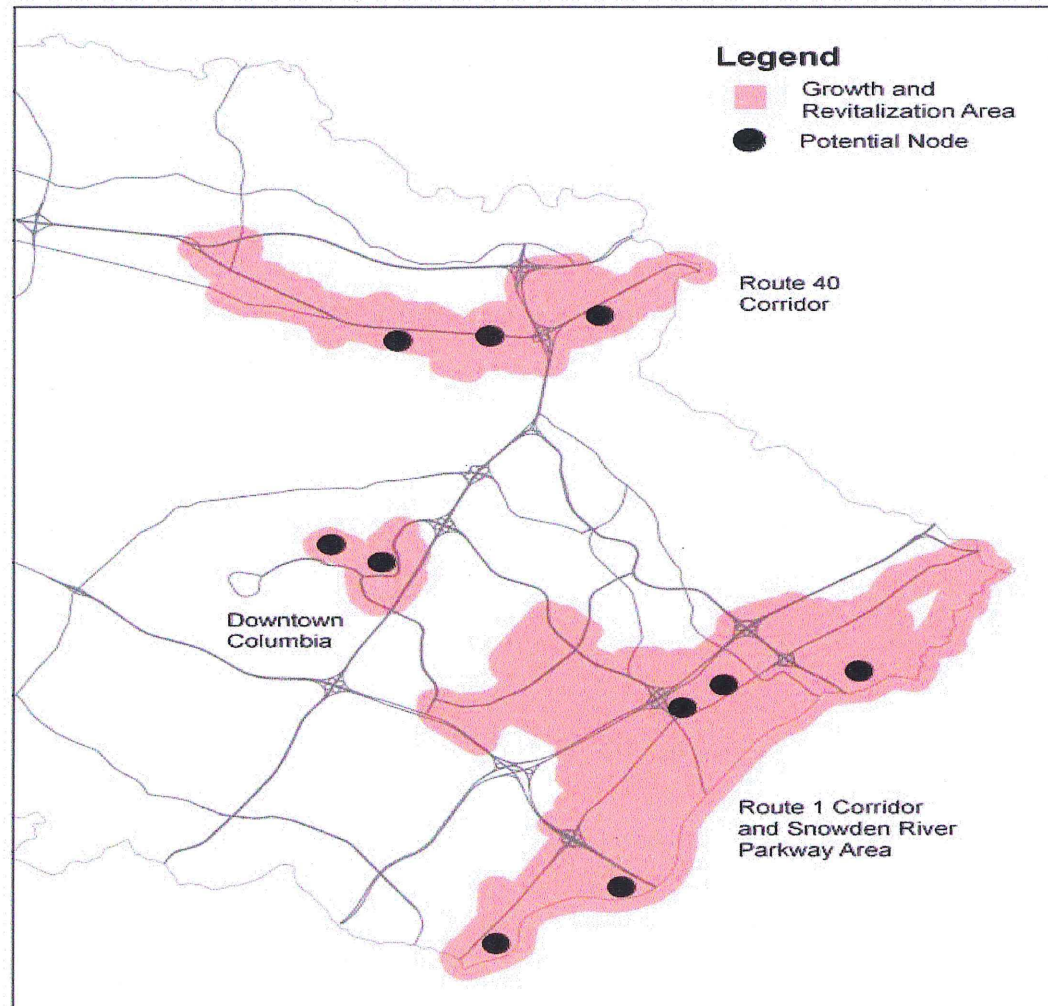
Is an empty farm field in the rural West the best place for high density? Would it not make more sense to revitalize aging, exiting high density locations in Columbia and Laurel. The infrastructure is already there, so the cost to the county is less. I owned and lived in a townhouse in Columbia for 14 years before moving to Fulton. In all that time, I watched the older homes, and offices around me develop into apartments, townhomes, and shopping centers. I never attended any zoning hearings in that time, because the area was being improved by removing unwanted and obsolete structures. While more difficult to plan, this type of development produces the healthiest communities.

It is easy for developers to find a big field owned by one person, but that's exactly what creates sprawl. People flee the older downtown areas to move further out leaving behind an obsolete and aging downtown area. This isn't healthy for older sections of Columbia and Laurel, and it's not healthy for the rural West. Give downtown land owners incentives to rebuild and rejuvenate by offering higher density zoning which would provide financial motivation to rebuild. This incentive would also give developers the motivation needed to negotiate with multiple downtown landowners for larger projects equivalent to this one in Fulton.

The easiest development plan is to build up empty fields, but it is not the smartest.



# Key Growth and Revitalization Node Diagram



PlanHoward 2030  
Figure 10.2 Pg. 155



Council Hearing Testimony Regarding Amendment 46.002 in Fulton, Maryland  
June 17, 2013

Prepared and submitted by:

Ruth Lyons, residing at 7805 Browns Bridge Road, Highland, MD 20777

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On May 12, 2011, The Planning Board submitted a "Technical Staff Report", defining 12 Guidelines for the 2030 General Plan. I'm submitting a copy, and I'm here to declare that Amendment 46.002 blatantly violates these County Guidelines!

#1, for example, states: "A high quality of life is achieved through stewardship of the land, water and air resulting in sustainable communities and protection of the environment."

#2 says: "Citizens are active partners in the planning and implementation."

The other 10 call for:

- Concentrating growth in existing population centers,
- Ensuring the existence of safe and efficient transportation and infrastructure before development,
- Balancing efficient growth with resource protection; and so on...

46.002 is laughable when held up to these guidelines. For example,

- RA-15 zoning on this parcel does NOT protect the environment nor does it balance efficient growth with resource protection – violates Guidelines #1 & #9.
- Community input was NOT sought; in fact, when the community mounted a resistance, we were told to take our concerns to the developer – a direct violation of #2.
- Fulton does NOT have the infrastructure to accommodate population expansion, as detailed in Guideline #3.
- Rte. 216 is a 2-lane road with no shoulder, which is insufficient for the increased traffic added by Maple Lawn. Adding more traffic to this inadequate road is not safe, nor efficient, a violation of Guideline #6.
- #10 and #11 call for "preservation of agricultural and scenic areas and protection of our resources". This property is both agricultural and scenic which RA-15 irreversibly destroys. And how can RA-15 zoning, in any way, protect the Patuxent Reservoir, located just 1,000 yards?

If you stretch it, you could say this amendment broadly satisfies #7, which suggests "a range of residential density", is desired in the county.

Heck, a strict interpretation of Guideline 7 would demand we tear down apartments in our cities and mandate single-family homes be mixed in! We all know that makes no sense. It makes no more sense to throw high-density housing into an agricultural area!

And if you read the entirety of Guideline 7, it ALSO says, "zoning regulations should support projects that are compatible with adjoining communities".

Why were these guidelines created if they are so blatantly disregarded? Volunteer zoning board members can certainly propose these violations, but you are our elected officials and you cannot represent what's good for the County -- and at the same time approve this.

The community, as evidenced by those of us before you -- and the 1,349 petition signers we represent -- believe you have no choice, but to reject DPZ's zoning recommendation #46.002!

In fact, send them back to their desks with a scolding for irresponsibly proposing this ridiculous amendment! Stand firm on Howard County's VISION, supported by taxpayers like us.

We're counting on you to do what DPZ doesn't have the backbone to do: Resist the temptation to be swayed by one landowner who wants the zoning to get a higher sales price for his farm, and his developers who seek to enrich their pockets by destroying our environment, community, and quality of life.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

**TECHNICAL STAFF REPORT**  
**Proposed Draft *Guidelines for the 2030 General Plan***  
**Planning Board Meeting of May 12, 2011**

**Request:** The Planning Board's recommendations on the Proposed Draft *Guidelines for the 2030 General Plan*.

**Staff Recommendation:** The Department of Planning and Zoning is recommending **approval** of the Proposed Draft *Guidelines for the 2030 General Plan*.

**Proposal:** The Proposed Draft *Guidelines for the 2030 General Plan* is being presented to the Planning Board for its recommendations prior to submittal to the County Council for adoption. The Proposed Draft has been considered by the *General Plan Task Force*. Comments relevant to the Guidelines have been incorporated. Other suggestions will be considered and addressed as the General Plan is developed. Also, DPZ met with a number of County agencies to elicit input.

**County Process:** Howard County Code sets out the parameters for updating the *General Plan*. It requires that the planning process obtain public input in two phases. The first phase involves the development of "General Plan Guidelines" to direct the drafting of the plan. The second phase is the preparation and adoption of the plan itself. The applicable regulations are:

Section 16.801(c) (1) of the Howard County Code sets forth duties and responsibilities of the Department of Planning and Zoning related to the comprehensive general plan:

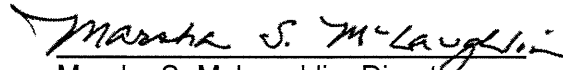
*Comprehensive general plan.* Within five years from the adoption of the comprehensive rezoning plan, the Department of Planning and Zoning shall coordinate the preparation and revision of a general plan for the County, including but not limited to a plan for land use and land conservation and multiyear development plans for transportation, public facilities, water, sewerage, parkland, housing, human services and environmental protection. The General Plan shall follow general guidelines promulgated by the Planning Board and adopted by the County Council.

Sec 16.900 (j) (4) of the Howard County Code requires the preparation of guidelines:

(i) *Preparation of guidelines.* Within five years from the adoption of this comprehensive rezoning plan, the Planning Board shall prepare general

guidelines to be used by the Department of Planning and Zoning in the preparation and/or revision of the general plan.

(ii) *Adoption of guidelines.* The County Council shall adopt the guidelines by resolution prior to the formulation of the General Plan utilizing these guidelines.

  
Marsha S. McLaughlin, Director  
Department of Planning and Zoning

5/5/11

Date

If you have any question, please contact Bill Mackey at [wmackey@howardcountymd.gov](mailto:wmackey@howardcountymd.gov).

Attachments

- Proposed Draft *Guidelines for the 2030 General Plan*
- Overview of Comments by Howard County Agencies

# Proposed Draft *Guidelines for the 2030 General Plan*

The *General Plan Task Force* (GPTF) met on April 13, 2011, for a series of presentations by the Department of Planning and Zoning (DPZ). These presentations are available at [www.planhoward.org](http://www.planhoward.org). At the meeting the GPTF received copies of the proposed draft of the *Guidelines for General Plan*. On April 28, 2011, the GPTF reconvened to give feedback and provide input to DPZ on the proposed draft. The members met first in four, small groups and then reported to the entire group. Individual members supplied written comments at the meeting and in email. Comments that are appropriate to the guidelines have been incorporated. Other suggestions will be addressed as the General Plan is developed.

## 1. Quality of Life and Sustainability

**State of Maryland Vision:** *A high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment.*

**County Context:** Howard County is currently recognized as one of the best places to live in the country. Maintaining the existing very high quality of life for residents and businesses and recognizing opportunities for improvement are key as the General Plan effort moves forward.

### ***General Plan Guidelines:***

- A. Define quality of life so that it is meaningful to citizens in terms of access to employment, education and health. Increase public awareness of how sustainability will enhance our community services, amenities and open space, etc.
- B. Identify goals and strategies for promoting environmental and community sustainability so that new development and redevelopment mitigate previous adverse impacts on land, water, air and energy resources.
- C. Promote the coordination of sustainability efforts by various County agencies, the business community, non-profit organizations, citizens and surrounding jurisdictions.
- D. Identify and enhance existing, older communities in the County that need improvements.
- E. Identify means of improving the quality of life of special populations (homeless, foreign born, developmentally disabled, adolescents, seniors aging in community, etc.).

## 2. Public Participation

**State of Maryland Vision:** *Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals.*

**County Context:** Many of Howard County's residents, business-owners and non-profits from the diverse communities that comprise the County are actively engaged in the County's public processes.

### ***General Plan Guidelines:***

- A. Provide an open, transparent and dynamic process for involvement by the public in General Plan development and adoption.
- B. Increase public awareness and build on the current high levels of stakeholder's civic engagement by using traditional and new forms of outreach, such as social media (Facebook, Twitter, YouTube, blogs, etc.), to broaden the demographics of participation to be more inclusive.
- C. Establish a process to identify and incorporate views of the under-represented demographic or special populations and cultivate opinions from and engage with those who may not be currently, actively engaged in process including residents, business-owners and non-profit organizations.



# Proposed Draft *Guidelines for the 2030 General Plan*

## 3. Growth Areas

**State of Maryland Vision:** *Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers.*

**County Context:** In response to State Smart Growth requirements, Howard County's designated growth boundary and Priority Funding Area (PFA), is comprised of all land within the Planned Service Area for Public Water and Sewerage. This occupies the easternmost 40% of the County. The Maryland Department of Planning (MDP) has asked local jurisdictions to refine their Priority Funding Areas by identifying more focused target areas for future growth. This approach seeks to decrease new land consumption via compact development and to focus local and state growth management initiatives.

### **General Plan Guidelines:**

- A. Reevaluate the most current cooperative forecasts for employment, household and population. Assess Howard County's "fair share" of Maryland's population growth in light of both economic and environmental factors, including the jobs: housing balance; housing affordability; access to jobs; quality of life; Chesapeake Bay restoration; and land preservation concerns.
- B. Consider BRAC and how it will impact future regional growth and Howard County's role in accommodating a portion of the growth.
- C. Build public understanding regarding the benefits of more compact development to accommodate forecasts for employment, households and population for the County and region.
- D. Establish the County's annual limit for growth outside the PFA, as required by recent State legislation.
- E. Designate specific areas within the County's PFA to encourage new compact, mixed-use development in order to achieve sustainability goals for Howard County, the region and the State of Maryland. They should include the Route 1 Corridor, Route 40 Study Area, Village Centers and Downtown Columbia.
- F. Identify other gray field areas with older uses, buildings and infrastructure with redevelopment potential.
- G. Identify existing PFA communities that are not expected to accommodate significant new growth, but have some infill potential or would benefit from public improvements or other enhancements.
- H. Develop innovative planning tools to promote well designed communities in the PFA (Planned Unit Development, zoning overlays, coordinated community planning and capital programming, land assembly, creative public and private financing mechanisms, transfer of development rights, etc.).

## 4. Community Design

**State of Maryland Vision:** *Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.*

**County Context:** Howard County has considerable experience with planned suburban, mixed-use communities beginning with Columbia, and including Turf Valley, Waverly, Emerson and Maple Lawn. Based on the 2000 General Plan, the County has been developing a variety of approaches for creating new compact, mixed-use, walkable communities. Route 1 rezoning and new design standards are promoting Transit Oriented Development nodes at existing MARC stations and Corridor Activity Centers as focal points along Route 1. The Downtown Columbia *General Plan* and zoning revisions require compact, mixed-use,

# Proposed Draft *Guidelines for the 2030 General Plan*

multi-modal redevelopment. Within the Route 40 Study Area zoning to allow changes allow compact mixed-use on select parcels.

## **General Plan Guidelines:**

- A. Encourage compact, mixed-use, walkable designs consistent with existing community character and identify best practice tools such as form-based codes, urban design assistant teams (UDAT), and innovative capital funding.
- B. Preserve and enhance the character of existing, established neighborhoods by identifying approaches for managing infill and for providing pedestrian, bicycle, transit, green space or other enhancements.
- C. Develop a list of priority issues that need to be better addressed in future regulations and planning efforts, such as transit, cyclists and pedestrians, full spectrum housing, design compatibility and quality, and health assessments.
- D. Identify possible options for integrating and streamlining current zoning regulations, subdivision regulations, design manuals and other existing regulations. Consider a unified code.
- E. Identify means of resolving conflict and enhancing compatibility among agricultural, residential and commercial uses in the Rural West.

## **5. Infrastructure**

**State of Maryland Vision:** *Growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.*

**County Context:** Howard County's Planned Service Area for Water and Sewerage (PSA) has long been established as the urban-rural growth boundary and Priority Funding area for Howard County. As additional growth is contemplated within Howard County's PFA, ensuring sufficient capacity of water and sewerage, storm water management, roads and transit infrastructure as well as appropriate levels of schools, fire, police, libraries, parks, health and other government facilities and services is vital.

## **General Plan Guidelines:**

- A. Identify new public facilities and services needed to accommodate projected growth.
- B. Evaluate the capital and operating implications of addressing new Federal and State requirements for Chesapeake Bay restoration, including a regional, statewide or interstate trading system for TMDLS (total maximum daily loads) between watersheds and jurisdictions.
- C. Identify needs and analyze costs associated with aging infrastructure and consider alternatives to address need for on-going maintenance, updates and improvements to maintain the current levels of service.
- D. Identify potential new funding mechanisms to provide for infrastructure needs in already developed areas, as well as new development and redevelopment.
- E. Identify green technologies to enhance County buildings and services and reduce resource demands (e.g. enhanced recycling, grey water re-use, solar, geo-thermal or wind energy, etc.).
- F. Determine how to better coordinate General Plan goals with the County's Capital Improvement Program.
- G. Implement a program to educate residents and businesses on energy and resource conservation, with incentives for sustainable, green technologies and approaches.
- H. Assess whether the Adequate Public Facilities regulations appropriately address current conditions or need significant revisions.

# Proposed Draft *Guidelines for the 2030 General Plan*

## 6. Transportation

**State of Maryland Vision:** *A well-maintained, multimodal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers.*

**County Context:** Howard County is well located in terms of access to the state and interstate highway system, rail service, BWI airport and the Port of Baltimore. Access to public transit is, however more limited. Commuter bus and rail service to both Baltimore and Washington is available at several locations in the County. The County's Howard Transit provides fixed route and paratransit service to many locations in the PFA. However, the frequency and reliability of both regional and local service limits use. Howard County is currently evaluating organizational and funding options to improve local transit via a new Office of Transportation. The County has a Pedestrian Master Plan and is working towards a Bicycle Master Plan.

### ***General Plan Guidelines:***

- A. Increase public awareness of the relationship between personal vehicle miles traveled and highway congestion, air quality, greenhouse gases, and energy independence, as well as how more compact growth patterns and alternate modes of travel can help achieve a more environmentally healthy balance.
- B. Develop and implement strategies to make the County a hub in a regional mass transit system by enhancing regional multi-modal transportation options, including expansion of MARC service, as well as express bus, BRT, streetcar or light rail options.
- C. Accelerate implementation of the current Pedestrian Master Plan and a future Bicycle Master Plan.
- D. Implement strategies to encourage more citizens to choose transit, walking, bicycling or ride sharing as alternates to the automobile for many trips and identify indicators for evaluating transportation options, including environmental and public health criteria.
- E. Promote modal shifts via employer involvement and incentives to use transit and improve the frequency, lower costs and increase the dependability and accessibility of local transit service.
- F. Promote strategies to reduce highway congestion, energy consumption and greenhouse gases through transportation demand management and innovative technologies.

## 7. Housing

**State of Maryland Vision:** *A range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes.*

**County Context:** Howard County's success as a location of choice for families and individuals has created high housing demand and prices. While Howard County has innovative affordable housing programs that provide options for many households with incomes below the County median, many people who work in the County commute long distances to obtain more affordable housing. Howard County has a wide variety of housing types, densities and designs. Based on limited land resources and County growth policies, the ratio of new townhouses and apartments has been steadily increasing. This trend has been reinforced by the recent economic downturn and lender financing preferences. The trend to higher density housing should help increase affordable housing choices.

### ***General Plan Guidelines:***

- A. Increase public awareness of how the combined cost of housing and transportation affects housing affordability, as well as how the lack of affordability contributes to traffic congestion, energy consumption and air pollution.
- B. Develop housing growth targets that respond to projections for employment growth and reflect the need for workforce housing.

## Proposed Draft *Guidelines for the 2030 General Plan*

- C. Manage growth to assure: a full spectrum of housing; increased affordability and diversity in new housing; preservation of value for existing housing stock; and options for aging in place.
- D. Reassess the Housing Allocation component of the Adequate Public Facilities Regulations, as well as requirements for universal design and the Moderate-Income Housing Unit program.
- E. Promote design innovation for all housing types, including green neighborhood and LEED standards, and greater variety of housing products to meet the needs of increasingly diverse households (young workforce, single parents, empty nesters, etc.) including public-private partnerships for affordable housing.
- F. Review zoning regulations (density / bulk / parking) to facilitate housing diversity that is attractive and compatible with adjoining communities.
- G. Consider public-private partnerships to provide amenities in affordable housing and future redevelopment.
- H. Determine strategies for alternatives to homelessness, eviction prevention, non-profit housing, and special needs.

### 8. Economic Development

**State of Maryland Vision:** *Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services and public facilities are encouraged.*

**County Context:** Howard County is extremely well located and has been very successful in attracting and growing diverse businesses. While the County has been impacted by the economic downturn, this has been to a much lesser degree than most of the country. Growth associated with Fort Meade will accelerate recovery. The Howard Economic Development Authority (HEDA) has been very effective in working with the business community to establish innovative programs such as the technology incubator. EDA's 2011 Strategic Plan identifies some issues that should be explored in The General Plan.

#### ***General Plan Guidelines:***

- A. Identify policies and actions to implement select objectives of EDA's 2011 Strategic Plan, particularly optimizing Ft. Meade related growth, enhancing transportation options and redevelopment opportunities.
- B. Encourage live/work balance by promoting HowardJobs.com and proposals for workforce housing options.
- C. Promote public education and workforce training for high demand STEM (Science, Technology, Engineering, Math) jobs. Increase public awareness regarding projected impacts of Ft. Meade relocated growth (BRAC and Cyber Command).
- D. Identify options for promoting green industries and natural resource-based business such as solar, wind and other alternative energy sources.
- E. Encourage workforce development and training for emergent fields, scholarships in sciences and grants for innovative research.
- F. Identify strategies to promote agriculture in the Rural West including incentives for eco-tourism and agricultural tourism. Promote innovations in farming operations by young and new farmers and develop training, education and outreach to inculcate new skill sets to support new kinds of farming.
- G. Identify strategies to enhance the economic success of Downtown, Columbia's Village Centers, Route 1 Corridor and Route 40 to balance the economics of redeveloping with aesthetic and community values.

# Proposed Draft *Guidelines for the 2030 General Plan*

## 9. Environmental Protection

**State of Maryland Vision:** *Land and water resources, including the Chesapeake and coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources.*

**County Context:** Howard County is a leader in exploring ways to address environmental concerns such as: establishing an office and commission of Environmental Sustainability; developing a Climate Action Plan; adopting Green Building and Green Neighborhood regulations; aggressive recycling programs; purchasing hybrid buses and other fleet vehicles; and numerous public education strategies. The General Plan update is an opportunity for the County to envision an environmentally sustainable future and promote strategies to attain it.

### ***General Plan Guidelines:***

- A. Expand public awareness of the County's proven core competencies in environmental sustainability.
- B. Support strategies for development and implementation of the County's Watershed Implement Plan to meet State assigned nutrient reduction targets for the Chesapeake Bay.
- C. Identify options for greater State-regional-County collaboration and cost sharing for Bay restoration and other environmental programs.
- D. Define strategies for restoring or enhancing environment features through redevelopment initiatives, such as the watershed restoration strategy in the Downtown Columbia Plan.
- E. Promote increased participation by private and non-profit sectors in diverse initiatives to improve air quality, land conservation and environmental preservation via new or existing tools such as the sustainable Home-Owners Association Program, Green Business Council and volunteer clean-up programs and activities.
- F. Promote innovative technologies such as ground water re-charge, permeable pavement, gray water capture systems, water conservation plans, water conservation programs and water runoff policies.

## 10. Resource Conservation

**State of Maryland Vision:** *Waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved.*

**County Context:** Howard County preserves land by a wide variety of means including: public parkland; Columbia Association and HOA open space; agricultural preservation; environmental and forest conservation easements; and floodplain, riparian buffer and steep slope regulations within private developments. 36% of Howard County land is preserved by some type of land conservation measure.

### ***General Plan Guidelines:***

Identify priorities related to managing the existing agricultural preservation easement program, as well as initiatives to support continued farming, farm industries and farming culture.

- A. Map the County's Green Infrastructure network of environmental resource hubs and corridors and identify enhancements and land management tools.
- B. Assess rural zoning and right-to-farm provisions to reduce conflicts between farm and non-farm neighbors and consider as an option the use of Agricultural Preservation funding to support agribusinesses on land in agricultural preservation.
- C. Evaluate options for reallocating the agricultural preservation program's share of future recordation taxes to allow use for other resource conservation and environmental protection needs.
- D. Review zoning regulations for commercial uses within the Rural West to identify means of conserving rural character.
- E. Evaluate resource conservation priorities and strategies within the Planned Service Area.



# Proposed Draft *Guidelines for the 2030 General Plan*

## 11. Stewardship

**State of Maryland Vision:** *Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection.*

**County Context:** Howard County is a community characterized by activism, a respect for the land and an appreciation of all resources and the concomitant responsibilities of citizenship. Recent initiatives such as the Climate Action Plan focus on the community's role of active participation and responsible stewardship by including areas of responsibility for both the County government and for private citizens and businesses.

### ***General Plan Guidelines:***

- A. Promote public awareness regarding shared responsibility for creating more sustainable communities.
- B. Identify policies and actions that define stewardship responsibilities for the County government, for the business community and for private citizens that include goals and actions for conservation of natural resources, energy and natural habitat.
- C. Educate citizens to prevent encroachment on preservation parcels, forest conservation easements and HOA lands.
- D. Encourage Howard County Public School System and Howard Community College to become leaders in environmental education including curricula in stewardship, sustainability and agriculture.
- E. Assess the need for an historic preservation plan to promote public awareness of our heritage and strategies for renovation and re-use of historic resources.
- F. Review previous areas of concern for *General Plan 2000* to determine lessons learned.

## 12. Implementation

**State of Maryland Vision:** *Strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, state and interstate levels to achieve these Visions.*

**County Context:** The County's General Plans have been effective in establishing a broad range of growth management policies and implementing actions. However, as the scope and complexity of issues has increased, The General Plan has grown in size, become less readable and less clear about implementation priorities. The 2000 General Plan established select implementation indicators and reporting requirements, which were helpful, but not sufficient. Given current budget constraints, it will be important to establish clear implementation priorities.

### ***General Plan Guidelines:***

- A. Present the General Plan as the policy framework and strategic plan for more detailed subsequent implementing actions.
- B. Identify collaborative approaches that combine federal, state, county, non-profit and private resources for implementation, including "friends" groups to provide a volunteer pool for activities.
- C. Establish short-, medium-, long-term implementation priorities and benchmarks.
- D. Evaluate cost effectiveness in selecting and prioritizing implementation strategies.
- E. Identify separate implementation strategies for government, residents, businesses and non-profit organizations.
- F. Identify benchmarks for monitoring progress, with flexibility to adjust to changing conditions.



Council Hearing Testimony Regarding Amendment 46.002 in Fulton, Maryland  
June 17, 2013

Prepared and submitted by:

Ruth Lyons, residing at 7805 Browns Bridge Road, Highland, MD 20777

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In preparation for comprehensive zoning, DPZ submitted Guidelines for the 2030 General Plan on May 12, 2011. This document defines Howard County's VISION and outlines 12 specific directives which zoning decisions should seek to accomplish. I'm submitting a copy with my testimony.

#1, for example, states: "A high quality of life is achieved through stewardship of the land, water and air resulting in sustainable communities and protection of the environment."

#2 says: "Citizens are active partners in the planning and implementation",

#4 calls for: "A well-maintained, multimodal transportation system to facilitate the safe and efficient movement of people, goods, and services",

And so on.

Proposed Amendment 46.002 violates all 12 of these guidelines. For example,

- RA-15 zoning on this parcel does NOT protect the environment nor does it balance efficient growth with resource protection – violates Guidelines #1 & #9.
- Community input was NOT sought; in fact, the community was told to take their concerns to the developer – a direct violation of #2.
- Fulton does NOT have the infrastructure to accommodate population expansion as detailed in Guideline #3.
- Rte. 216 is a 2-lane road with no shoulder, which is insufficient for the increased traffic added by Maple Lawn, which is only 50% complete. Adding more traffic to this inadequate road is not safe, nor efficient, a violation of Guideline #6.
- #10 and #11 call for "preservation of agricultural and scenic areas and protection of our resources". This property is both agricultural and scenic and RA-15 destroys that. And how can RA-15 zoning, in any way, protect a crucial natural resource; the Patuxent Reservoir located just 1000 yards away that provides drinking water for 600,000?

If you stretch it, you could say this amendment broadly satisfies Guideline #7, which suggests "a range of residential density" is desired in the county. But, the detail in that guideline also says, "zoning regulations should support projects that are compatible with adjoining communities".

Stretch any guideline and it can be interpreted to benefit a few. Heck, one interpretation of Guideline 7 would demand we tear down apartments in our cities

and mandate single-family homes be mixed in. We all know that makes no sense. It makes no more sense to throw high-density housing into an agricultural area!

Unfortunately, three minutes is not enough time to go into detail on all these points, but I've studied it and I state before you that this proposed rezoning is in direct violation with all the points and/or sub-points outlined in the very guidelines drafted by DPZ!

DPZ has made an irresponsible approval recommendation, based on the written guidelines they themselves authored. As our elected officials, it is your responsibility to make the final decision.

The community, as evidenced by those of us before you, and the 1,349 petition signers we represent, would like you to make the only responsible decision and reject DPZ's rezoning recommendation #46.002.

Instead, stand firm on the VISION and objectives DPZ previously recommended -- and you approved -- and resist the temptation to be swayed by one landowner who wants the zoning to get a higher sales price for his farm, and his developers who seek to enrich their pockets by destroying our environment, community, and quality of life.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
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**TECHNICAL STAFF REPORT**  
**Proposed Draft *Guidelines for the 2030 General Plan***  
**Planning Board Meeting of May 12, 2011**

**Request:** The Planning Board's recommendations on the Proposed Draft *Guidelines for the 2030 General Plan*.

**Staff Recommendation:** The Department of Planning and Zoning is recommending **approval** of the Proposed Draft *Guidelines for the 2030 General Plan*.

**Proposal:** The Proposed Draft *Guidelines for the 2030 General Plan* is being presented to the Planning Board for its recommendations prior to submittal to the County Council for adoption. The Proposed Draft has been considered by the *General Plan Task Force*. Comments relevant to the Guidelines have been incorporated. Other suggestions will be considered and addressed as the General Plan is developed. Also, DPZ met with a number of County agencies to elicit input.

**County Process:** Howard County Code sets out the parameters for updating the *General Plan*. It requires that the planning process obtain public input in two phases. The first phase involves the development of "General Plan Guidelines" to direct the drafting of the plan. The second phase is the preparation and adoption of the plan itself. The applicable regulations are:

Section 16.801(c) (1) of the Howard County Code sets forth duties and responsibilities of the Department of Planning and Zoning related to the comprehensive general plan:

*Comprehensive general plan.* Within five years from the adoption of the comprehensive rezoning plan, the Department of Planning and Zoning shall coordinate the preparation and revision of a general plan for the County, including but not limited to a plan for land use and land conservation and multiyear development plans for transportation, public facilities, water, sewerage, parkland, housing, human services and environmental protection. The General Plan shall follow general guidelines promulgated by the Planning Board and adopted by the County Council.

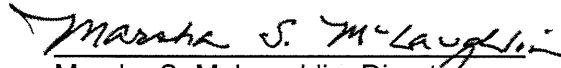
Sec 16.900 (j) (4) of the Howard County Code requires the preparation of guidelines:

(i) *Preparation of guidelines.* Within five years from the adoption of this comprehensive rezoning plan, the Planning Board shall prepare general



guidelines to be used by the Department of Planning and Zoning in the preparation and/or revision of the general plan.

(ii) *Adoption of guidelines.* The County Council shall adopt the guidelines by resolution prior to the formulation of the General Plan utilizing these guidelines.

  
Marsha S. McLaughlin, Director  
Department of Planning and Zoning

5/5/11

Date

If you have any question, please contact Bill Mackey at [wmackey@howardcountymd.gov](mailto:wmackey@howardcountymd.gov).

Attachments

- Proposed Draft *Guidelines for the 2030 General Plan*
- Overview of Comments by Howard County Agencies

# Proposed Draft *Guidelines for the 2030 General Plan*

The *General Plan Task Force* (GPTF) met on April 13, 2011, for a series of presentations by the Department of Planning and Zoning (DPZ). These presentations are available at [www.planhoward.org](http://www.planhoward.org). At the meeting the GPTF received copies of the proposed draft of the *Guidelines for General Plan*. On April 28, 2011, the GPTF reconvened to give feedback and provide input to DPZ on the proposed draft. The members met first in four, small groups and then reported to the entire group. Individual members supplied written comments at the meeting and in email. Comments that are appropriate to the guidelines have been incorporated. Other suggestions will be addressed as the General Plan is developed.

## 1. Quality of Life and Sustainability

**State of Maryland Vision:** *A high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment.*

**County Context:** Howard County is currently recognized as one of the best places to live in the country. Maintaining the existing very high quality of life for residents and businesses and recognizing opportunities for improvement are key as the General Plan effort moves forward.

### ***General Plan Guidelines:***

- A. Define quality of life so that it is meaningful to citizens in terms of access to employment, education and health. Increase public awareness of how sustainability will enhance our community services, amenities and open space, etc.
- B. Identify goals and strategies for promoting environmental and community sustainability so that new development and redevelopment mitigate previous adverse impacts on land, water, air and energy resources.
- C. Promote the coordination of sustainability efforts by various County agencies, the business community, non-profit organizations, citizens and surrounding jurisdictions.
- D. Identify and enhance existing, older communities in the County that need improvements.
- E. Identify means of improving the quality of life of special populations (homeless, foreign born, developmentally disabled, adolescents, seniors aging in community, etc.).

## 2. Public Participation

**State of Maryland Vision:** *Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals.*

**County Context:** Many of Howard County's residents, business-owners and non-profits from the diverse communities that comprise the County are actively engaged in the County's public processes.

### ***General Plan Guidelines:***

- A. Provide an open, transparent and dynamic process for involvement by the public in General Plan development and adoption.
- B. Increase public awareness and build on the current high levels of stakeholder's civic engagement by using traditional and new forms of outreach, such as social media (Facebook, Twitter, YouTube, blogs, etc.), to broaden the demographics of participation to be more inclusive.
- C. Establish a process to identify and incorporate views of the under-represented demographic or special populations and cultivate opinions from and engage with those who may not be currently, actively engaged in process including residents, business-owners and non-profit organizations.

# Proposed Draft *Guidelines for the 2030 General Plan*

## 3. Growth Areas

**State of Maryland Vision:** *Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers.*

**County Context:** In response to State Smart Growth requirements, Howard County's designated growth boundary and Priority Funding Area (PFA), is comprised of all land within the Planned Service Area for Public Water and Sewerage. This occupies the easternmost 40% of the County. The Maryland Department of Planning (MDP) has asked local jurisdictions to refine their Priority Funding Areas by identifying more focused target areas for future growth. This approach seeks to decrease new land consumption via compact development and to focus local and state growth management initiatives.

### **General Plan Guidelines:**

- A. Reevaluate the most current cooperative forecasts for employment, household and population. Assess Howard County's "fair share" of Maryland's population growth in light of both economic and environmental factors, including the jobs: housing balance; housing affordability; access to jobs; quality of life; Chesapeake Bay restoration; and land preservation concerns.
- B. Consider BRAC and how it will impact future regional growth and Howard County's role in accommodating a portion of the growth.
- C. Build public understanding regarding the benefits of more compact development to accommodate forecasts for employment, households and population for the County and region.
- D. Establish the County's annual limit for growth outside the PFA, as required by recent State legislation.
- E. Designate specific areas within the County's PFA to encourage new compact, mixed-use development in order to achieve sustainability goals for Howard County, the region and the State of Maryland. They should include the Route 1 Corridor, Route 40 Study Area, Village Centers and Downtown Columbia.
- F. Identify other gray field areas with older uses, buildings and infrastructure with redevelopment potential.
- G. Identify existing PFA communities that are not expected to accommodate significant new growth, but have some infill potential or would benefit from public improvements or other enhancements.
- H. Develop innovative planning tools to promote well designed communities in the PFA (Planned Unit Development, zoning overlays, coordinated community planning and capital programming, land assembly, creative public and private financing mechanisms, transfer of development rights, etc.).

## 4. Community Design

**State of Maryland Vision:** *Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources.*

**County Context:** Howard County has considerable experience with planned suburban, mixed-use communities beginning with Columbia, and including Turf Valley, Waverly, Emerson and Maple Lawn. Based on the 2000 General Plan, the County has been developing a variety of approaches for creating new compact, mixed-use, walkable communities. Route 1 rezoning and new design standards are promoting Transit Oriented Development nodes at existing MARC stations and Corridor Activity Centers as focal points along Route 1. The Downtown Columbia *General Plan* and zoning revisions require compact, mixed-use,

# Proposed Draft *Guidelines for the 2030 General Plan*

multi-modal redevelopment. Within the Route 40 Study Area zoning to allow changes allow compact mixed-use on select parcels.

## **General Plan Guidelines:**

- A. Encourage compact, mixed-use, walkable designs consistent with existing community character and identify best practice tools such as form-based codes, urban design assistant teams (UDAT), and innovative capital funding.
- B. Preserve and enhance the character of existing, established neighborhoods by identifying approaches for managing infill and for providing pedestrian, bicycle, transit, green space or other enhancements.
- C. Develop a list of priority issues that need to be better addressed in future regulations and planning efforts, such as transit, cyclists and pedestrians, full spectrum housing, design compatibility and quality, and health assessments.
- D. Identify possible options for integrating and streamlining current zoning regulations, subdivision regulations, design manuals and other existing regulations. Consider a unified code.
- E. Identify means of resolving conflict and enhancing compatibility among agricultural, residential and commercial uses in the Rural West.

## **5. Infrastructure**

**State of Maryland Vision:** *Growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner.*

**County Context:** Howard County's Planned Service Area for Water and Sewerage (PSA) has long been established as the urban-rural growth boundary and Priority Funding area for Howard County. As additional growth is contemplated within Howard County's PFA, ensuring sufficient capacity of water and sewerage, storm water management, roads and transit infrastructure as well as appropriate levels of schools, fire, police, libraries, parks, health and other government facilities and services is vital.

## **General Plan Guidelines:**

- A. Identify new public facilities and services needed to accommodate projected growth.
- B. Evaluate the capital and operating implications of addressing new Federal and State requirements for Chesapeake Bay restoration, including a regional, statewide or interstate trading system for TMDLS (total maximum daily loads) between watersheds and jurisdictions.
- C. Identify needs and analyze costs associated with aging infrastructure and consider alternatives to address need for on-going maintenance, updates and improvements to maintain the current levels of service.
- D. Identify potential new funding mechanisms to provide for infrastructure needs in already developed areas, as well as new development and redevelopment.
- E. Identify green technologies to enhance County buildings and services and reduce resource demands (e.g. enhanced recycling, grey water re-use, solar, geo-thermal or wind energy, etc.).
- F. Determine how to better coordinate General Plan goals with the County's Capital Improvement Program.
- G. Implement a program to educate residents and businesses on energy and resource conservation, with incentives for sustainable, green technologies and approaches.
- H. Assess whether the Adequate Public Facilities regulations appropriately address current conditions or need significant revisions.

# Proposed Draft *Guidelines for the 2030 General Plan*

## 6. Transportation

**State of Maryland Vision:** *A well-maintained, multimodal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers.*

**County Context:** Howard County is well located in terms of access to the state and interstate highway system, rail service, BWI airport and the Port of Baltimore. Access to public transit is, however more limited. Commuter bus and rail service to both Baltimore and Washington is available at several locations in the County. The County's Howard Transit provides fixed route and paratransit service to many locations in the PFA. However, the frequency and reliability of both regional and local service limits use. Howard County is currently evaluating organizational and funding options to improve local transit via a new Office of Transportation. The County has a Pedestrian Master Plan and is working towards a Bicycle Master Plan.

### **General Plan Guidelines:**

- A. Increase public awareness of the relationship between personal vehicle miles traveled and highway congestion, air quality, greenhouse gases, and energy independence, as well as how more compact growth patterns and alternate modes of travel can help achieve a more environmentally healthy balance.
- B. Develop and implement strategies to make the County a hub in a regional mass transit system by enhancing regional multi-modal transportation options, including expansion of MARC service, as well as express bus, BRT, streetcar or light rail options.
- C. Accelerate implementation of the current Pedestrian Master Plan and a future Bicycle Master Plan.
- D. Implement strategies to encourage more citizens to choose transit, walking, bicycling or ride sharing as alternates to the automobile for many trips and identify indicators for evaluating transportation options, including environmental and public health criteria.
- E. Promote modal shifts via employer involvement and incentives to use transit and improve the frequency, lower costs and increase the dependability and accessibility of local transit service.
- F. Promote strategies to reduce highway congestion, energy consumption and greenhouse gases through transportation demand management and innovative technologies.

## 7. Housing

**State of Maryland Vision:** *A range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes.*

**County Context:** Howard County's success as a location of choice for families and individuals has created high housing demand and prices. While Howard County has innovative affordable housing programs that provide options for many households with incomes below the County median, many people who work in the County commute long distances to obtain more affordable housing. Howard County has a wide variety of housing types, densities and designs. Based on limited land resources and County growth policies, the ratio of new townhouses and apartments has been steadily increasing. This trend has been reinforced by the recent economic downturn and lender financing preferences. The trend to higher density housing should help increase affordable housing choices.

### **General Plan Guidelines:**

- A. Increase public awareness of how the combined cost of housing and transportation affects housing affordability, as well as how the lack of affordability contributes to traffic congestion, energy consumption and air pollution.
- B. Develop housing growth targets that respond to projections for employment growth and reflect the need for workforce housing.



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- C. Manage growth to assure: a full spectrum of housing; increased affordability and diversity in new housing; preservation of value for existing housing stock; and options for aging in place.
- D. Reassess the Housing Allocation component of the Adequate Public Facilities Regulations, as well as requirements for universal design and the Moderate-Income Housing Unit program.
- E. Promote design innovation for all housing types, including green neighborhood and LEED standards, and greater variety of housing products to meet the needs of increasingly diverse households (young workforce, single parents, empty nesters, etc.) including public-private partnerships for affordable housing.
- F. Review zoning regulations (density / bulk / parking) to facilitate housing diversity that is attractive and compatible with adjoining communities.
- G. Consider public-private partnerships to provide amenities in affordable housing and future redevelopment.
- H. Determine strategies for alternatives to homelessness, eviction prevention, non-profit housing, and special needs.

### 8. Economic Development

**State of Maryland Vision:** *Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services and public facilities are encouraged.*

**County Context:** Howard County is extremely well located and has been very successful in attracting and growing diverse businesses. While the County has been impacted by the economic downturn, this has been to a much lesser degree than most of the country. Growth associated with Fort Meade will accelerate recovery. The Howard Economic Development Authority (HEDA) has been very effective in working with the business community to establish innovative programs such as the technology incubator. EDA's 2011 Strategic Plan identifies some issues that should be explored in The General Plan.

#### **General Plan Guidelines:**

- A. Identify policies and actions to implement select objectives of EDA's 2011 Strategic Plan, particularly optimizing Ft. Meade related growth, enhancing transportation options and redevelopment opportunities.
- B. Encourage live/work balance by promoting HowardJobs.com and proposals for workforce housing options.
- C. Promote public education and workforce training for high demand STEM (Science, Technology, Engineering, Math) jobs. Increase public awareness regarding projected impacts of Ft. Meade relocated growth (BRAC and Cyber Command).
- D. Identify options for promoting green industries and natural resource-based business such as solar, wind and other alternative energy sources.
- E. Encourage workforce development and training for emergent fields, scholarships in sciences and grants for innovative research.
- F. Identify strategies to promote agriculture in the Rural West including incentives for eco-tourism and agricultural tourism. Promote innovations in farming operations by young and new farmers and develop training, education and outreach to inculcate new skill sets to support new kinds of farming.
- G. Identify strategies to enhance the economic success of Downtown, Columbia's Village Centers, Route 1 Corridor and Route 40 to balance the economics of redeveloping with aesthetic and community values.

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## 9. Environmental Protection

**State of Maryland Vision:** *Land and water resources, including the Chesapeake and coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources.*

**County Context:** Howard County is a leader in exploring ways to address environmental concerns such as: establishing an office and commission of Environmental Sustainability; developing a Climate Action Plan; adopting Green Building and Green Neighborhood regulations; aggressive recycling programs; purchasing hybrid buses and other fleet vehicles; and numerous public education strategies. The General Plan update is an opportunity for the County to envision an environmentally sustainable future and promote strategies to attain it.

### **General Plan Guidelines:**

- A. Expand public awareness of the County's proven core competencies in environmental sustainability.
- B. Support strategies for development and implementation of the County's Watershed Implement Plan to meet State assigned nutrient reduction targets for the Chesapeake Bay.
- C. Identify options for greater State-regional-County collaboration and cost sharing for Bay restoration and other environmental programs.
- D. Define strategies for restoring or enhancing environment features through redevelopment initiatives, such as the watershed restoration strategy in the Downtown Columbia Plan.
- E. Promote increased participation by private and non-profit sectors in diverse initiatives to improve air quality, land conservation and environmental preservation via new or existing tools such as the sustainable Home-Owners Association Program, Green Business Council and volunteer clean-up programs and activities.
- F. Promote innovative technologies such as ground water re-charge, permeable pavement, gray water capture systems, water conservation plans, water conservation programs and water runoff policies.

## 10. Resource Conservation

**State of Maryland Vision:** *Waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved.*

**County Context:** Howard County preserves land by a wide variety of means including: public parkland; Columbia Association and HOA open space; agricultural preservation; environmental and forest conservation easements; and floodplain, riparian buffer and steep slope regulations within private developments. 36% of Howard County land is preserved by some type of land conservation measure.

### **General Plan Guidelines:**

Identify priorities related to managing the existing agricultural preservation easement program, as well as initiatives to support continued farming, farm industries and farming culture.

- A. Map the County's Green Infrastructure network of environmental resource hubs and corridors and identify enhancements and land management tools.
- B. Assess rural zoning and right-to-farm provisions to reduce conflicts between farm and non-farm neighbors and consider as an option the use of Agricultural Preservation funding to support agri-businesses on land in agricultural preservation.
- C. Evaluate options for reallocating the agricultural preservation program's share of future recordation taxes to allow use for other resource conservation and environmental protection needs.
- D. Review zoning regulations for commercial uses within the Rural West to identify means of conserving rural character.
- E. Evaluate resource conservation priorities and strategies within the Planned Service Area.

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## 11. Stewardship

**State of Maryland Vision:** *Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection.*

**County Context:** Howard County is a community characterized by activism, a respect for the land and an appreciation of all resources and the concomitant responsibilities of citizenship. Recent initiatives such as the Climate Action Plan focus on the community's role of active participation and responsible stewardship by including areas of responsibility for both the County government and for private citizens and businesses.

### **General Plan Guidelines:**

- A. Promote public awareness regarding shared responsibility for creating more sustainable communities.
- B. Identify policies and actions that define stewardship responsibilities for the County government, for the business community and for private citizens that include goals and actions for conservation of natural resources, energy and natural habitat.
- C. Educate citizens to prevent encroachment on preservation parcels, forest conservation easements and HOA lands.
- D. Encourage Howard County Public School System and Howard Community College to become leaders in environmental education including curricula in stewardship, sustainability and agriculture.
- E. Assess the need for an historic preservation plan to promote public awareness of our heritage and strategies for renovation and re-use of historic resources.
- F. Review previous areas of concern for *General Plan 2000* to determine lessons learned.

## 12. Implementation

**State of Maryland Vision:** *Strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, state and interstate levels to achieve these Visions.*

**County Context:** The County's General Plans have been effective in establishing a broad range of growth management policies and implementing actions. However, as the scope and complexity of issues has increased, The General Plan has grown in size, become less readable and less clear about implementation priorities. The 2000 General Plan established select implementation indicators and reporting requirements, which were helpful, but not sufficient. Given current budget constraints, it will be important to establish clear implementation priorities.

### **General Plan Guidelines:**

- A. Present the General Plan as the policy framework and strategic plan for more detailed subsequent implementing actions.
- B. Identify collaborative approaches that combine federal, state, county, non-profit and private resources for implementation, including "friends" groups to provide a volunteer pool for activities.
- C. Establish short-, medium-, long-term implementation priorities and benchmarks.
- D. Evaluate cost effectiveness in selecting and prioritizing implementation strategies.
- E. Identify separate implementation strategies for government, residents, businesses and non-profit organizations.
- F. Identify benchmarks for monitoring progress, with flexibility to adjust to changing conditions.

My Name is Mark Neumann and I live at 8045 Murphy Road in Fulton and I am speaking tonight in opposition to zoning amendment 46.002.

We've heard a great deal of testimony tonight on how the applicant's proposal and the DPZ split zoning plan do not and cannot meet the requirements of PlanHoward2030. There is a very obvious reason for this. The applicants started with a plan that they wanted for this project, their "wish list," to borrow a phrase. They then worked backward, using whatever justification that they could to make their plan seem to conform to PlanHoward 2030. The problem is that no matter how hard they try, it doesn't and it can't because it was done the wrong way.

For the moment, let's put aside the questions raised tonight about whether this property belongs in the PSA and whether anything above RR-DEO is appropriate for an environmentally sensitive area in the watershed, valid though they are. Let's do the opposite of what the applicants did and start with PlanHoward2030 and see where it takes us.

You've seen each of these policies before, so I won't go into detail here, but PlanHoward 2030 covers the 9 listed here as well as some that aren't listed.

1. Fostering of Public Participation
2. Establishing Forest Cover and Riparian Forest Buffers in all County Watersheds
3. Safeguard the environmental integrity of the region's reservoir systems
4. Secure better protection of environmental resources within new developments
5. Mitigate impervious surfaces
6. Improve storm water management practices to protect water resources
7. Continue to protect, restore, and expand forested lands
8. Design and zone development to establish a transition that is compatible with and enhances surrounding communities
9. Plan compact, well designed, and complete communities through the Comprehensive Zoning process

Unfortunately, the applicant's proposal does not meet a single one of the policies listed:

There was:

1. No public input

There is:

2. No reforestation, no forest buffers
3. No land buffers between adjoining land parcels
4. No opportunity for a natural filtering system
5. Extremely high amount of impervious land area
6. No protection or restoration of forested lands
7. Edge to edge of dense development not compact development
8. No transition and it is not compatible with surrounding communities

And, it is not built around the three established residential zoning categories that presently address environmental and green space concerns (R-ED, RR, RC)

What would a plan look like that met all of the criteria in PlanHoward 2030?: It would look like this and the zoning would be R-ED:

R-ED zoning would allow for a plan that:

1. Included input from a large and diverse array of Fulton area residents and also include input from industry experts
2. Provided large wooded areas between adjacent parcels, existing housing units and the Rocky Gorge Reservoir to act as a NATURAL filter to protect the reservoir and wells
3. Protected the two streams that run through the property that feed the reservoir
4. Provided a balanced allocation of pervious and impervious land areas
5. Provided ample opportunity to construct enhanced and secondary storm water management facilities.
6. Provided compact development
7. Provided a transition to and was compatible with surrounding communities

Also, it would be built around one of the THREE residential zoning categories (R-ED) that presently address environmental and green space concerns. And remember, at least 10% of the dwellings in each R-Ed development are required to be Moderate Income Housing Units which would address another need of this community.

R-A-15 simply does not meet the requirements of PlanHoward 2030 and should not be approved for this property. Split zoning that includes RA-15 does not address any of the above issues and likewise should not be approved for this property.

R-ED is the only zoning that meets PlanHoward 2030 and is the maximum density that should be allowed for this property under that document.



**Fox, Greg**

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**From:** M Bloor <mishook7@gmail.com>  
**Sent:** Tuesday, May 14, 2013 9:49 AM  
**To:** Fox, Greg  
**Subject:** Vote NO: Deny R-A-15 for 46.002

Dear Mr. Fox,

I am writing to you to inform you of my opposition to 46.002, the proposed development of the lager farm field into inappropriately high-density housing. I have reviewed Mr. Eskine's website, attended his community meeting on May 7, and sat in on the DPZ work sessions. I wanted to highlight several of my concerns in response to it all.

**Spot Zoning:** Mr. Erskine believes that the R-A-15 zoning is appropriate for the development site, but it is the very definition of spot zoning. The Maple Lawn Community is RR-MXD-3 and everything else around it is RR-DEO. There is no explanation that I can think of that puts this even close to justifying the density of R-A-15 on this property. In addition, granting this property R-A-15 puts all the homes along Murphy Rd in a no-man's land of well and septic while the proposed development, the Maple Lawn development, the lager farm, Grace Church, St. Paul's Lutheran Church, and Fulton Station all are in the PSA. This is completely demonstrative of spot zoning and showing preferential treatment to those individuals with financial means.

**Impact on my family's well water:** I live along Murphy Road on a 1-acre lot with well and septic. By covering the entire farm field with apartments, townhouses, and asphalt, the impact on the well water table is likely to be significant, not to mention the possibility for contaminated water from motor oil, coolant, and other car runoff. If you don't believe me, go to an apartment complex and look at all the oil slicks and nasty fluids in the parking spaces. This is all going to flow into our wells and toward the reservoir. Please don't put me in that position, I have a 3-yr old and a 4-yr old that depend on that water supply.

**No guarantees of any appropriate infrastructure:** Mr. Erskine suggests that the developer will pay for road improvements, but he only ever talks about the infrastructure to the east side, heading towards route 29. If you don't live or ever visit this area, let me inform you that multitudes of commuters go the opposite direction, taking Lime Kiln road as a shortcut to Montgomery County and DC, as well as those that head west on 216 towards Clarksville. The developer will not be accountable to building up road infrastructure to support the masses of people from this new development who will swarm down Lime Kiln Road and take Murphy Rd as a shortcut to Route 29 South. The residents will have to suffer through this congestion and wait years for the county to address these issues. If you have never been to the area, please drive here during rush hour and school drop-off times, navigate the back-to-back traffic circles, and drive down Murphy Road to see the residents you will be impacting.

**No guarantees of anything!:** If granted R-A-15, the developer will push to make as much money as possible off the land, building as many apartments as possible. If you give them this zoning, they will push to maximize the density. All the arguments that Erskine is making are based off of his suppositions, which are biased because of his financial involvement in the project. As an engineer at the Applied Physics Laboratory, I am appalled that no environmental or traffic studies have been completed. No facts are available, no scientific evidence is available. How can Erskine make claims that the property will be better off, environmentally and

traffic-wise, with absolutely nothing to back those assertions? He is setting this up to be a burden on the taxpayers to fix the nonchalant approach to this development held by the developers.

**“The finances”:** During several meetings of the zoning board, members of the DPZ have repeatedly made reference to “the finances” of the project and how it wasn’t working out. Working out for whom? Isn’t the DPZ supposed to represent the people of Howard County? The finances are Lager’s concern and should have no bearing on the final zoning decision.

**Despite Erskine’s claims, this development IS CONTRARY to PlanHoward 2030:** Per PlanHoward, the property in question was only allowed into the PSA to achieve Bay restoration goals, NOT TO ACHIEVE MAXIMUM DENSITY. The other two properties let into the PSA under similar conditions (Ellicott City and Clarksville) were zoned R-ED. Why can this property not be zoned R-ED? Mr. Erskine argues that the developer will put in environmental mitigations, but let’s be clear, environmental mitigations will still have to be done for R-ED zoning, and it is inconceivable that an environmentally-mitigated R-A-15 development would be better off for this sensitive watershed area than an environmentally-mitigated R-ED development. More density, more impact.

**Without a doubt, this development WILL force HCPSS to redistrict current area residents out of their local schools.** There is no one with any knowledge of the PROJECTED capacity of Fulton schools who can deny that this development would completely push the capacities over the edge. The Maple Lawn community is only about 50% complete and already Reservoir High School is projected to be at 100% capacity by 2015, only TWO YEARS from now (Reference: HCPS Supplement to 2012 Feasibility Study). And that is without this new R-A-15 complex!

I encourage you to take the time and visit the petition set up to allow the residents of southern Howard County to have a voice in this issue: <http://www.ipetitions.com/petition/stopfultonapartments/>. There are currently over 1,000 people opposed to this development.

Please read through all the comments posted on the petition site. This will provide you with insight into the concerns and strong feelings about this proposed development.

**Don’t do this to the residents of Fulton.** Please listen to your constituents and zone this property R-ED. Or even consider putting a park, a much needed library, or a community center to support children in the adjacent schools. What is the rush to obliterate the open space in Howard County with such high density? It brings to mind the lyrics of a familiar song “They paved paradise, and put in a parking lot”.

Thank you for your time and consideration,  
Michelle Bloor  
Resident of Fulton, Howard County Resident for 12 years

**Sigaty, Mary Kay**

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**From:** Christine Pereira <chrisper02@gmail.com>  
**Sent:** Monday, May 06, 2013 3:49 PM  
**To:** Fox, Greg; Watson, Courtney; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay  
**Subject:** Voters for Smart Growth in Fulton

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

## **IMPORTANT PRESS RELEASE**

May 6, 2013 at 4:30 p.m.

### ***Citizens Against Rezoning* Petition posts over 1,000 Signatures (Howard County)**

It has been announced today that the grassroots group, *Voters for Smart Growth in Fulton*, has collected over 1,000 petition signatures, staunchly opposing Amendment 46.002, a rezoning request by developers to change the zoning of a 91-acre parcel from farmland to high-density residential. The property is located across from the school complex on Rt. 216 in Fulton, Maryland.

"We're hoping the Zoning Board and Council Members will start to listen now. Fulton's population is only 2,340, and we have over 1,000 signatures! That really speaks volumes about the community consensus among those who live here against this rezoning request", commented Ruth Lyons, one of the petition signers.

Proponents have asked the Department of Planning and Zoning (DPZ) to rezone the farmland to RA-15, which would allow high-density residential housing, including apartments.

Opponents point to this as preferential "spot zoning", being pushed by the developer's desire for the highest possible profit from developing this land. Spot Zoning is in direct violation with the county's growth objectives as stipulated in Plan Howard 2030, Further, PlanHoward 2030, Policy 6.1, states that rezoning requests should "establish a transition that is compatible with and enhances surrounding communities while providing an environmental benefit." The highest density near this property is zoned 2.2 dwellings per acre. This zoning would allow 15 dwellings per acre, which is not compatible with any zoning in Fulton, Highland, or other surrounding communities.

Group spokesperson Chris Bloor voiced concerns about the environmental effects of developing this parcel in close proximity to the Rocky Gorge Reservoir and the threat of overdevelopment to the safety of drinking water drawn from wells of the surrounding

homes. The residents also are concerned about school overcrowding, traffic congestion, and the lack of plans to improve existing infrastructure to support 3,000 new residents.

The petition, signatures and individual comments can be found at:

<http://www.ipetitions.com/petition/stopfultonapartments/> or on our website [www.smartfultongrowth.com](http://www.smartfultongrowth.com).

**Greg Fox, Councilmember District 5**

**3430 Court House Drive**

**Ellicott City, MD 21043**

**410-313- 2001**

---

**From:** Erskine, William [mailto:[werskine@offitkurman.com](mailto:werskine@offitkurman.com)]

**Sent:** Tuesday, April 23, 2013 9:23 AM

**To:** Ball, Calvin B; Watson, Courtney; Fox, Greg; Terrasa, Jen; Sigaty, Mary Kay; McLaughlin, Marsha

**Cc:** King, Lisa

**Subject:** Amendment No 46.002 - Maple Lawn South Community Meeting

Dear Council members

I wanted to let you know that the Applicants of the proposed Maple Lawn South rezoning are planning on holding their fourth community meeting on May 7, 2013 beginning at 7 pm. The meeting will be held at my office located at 8171 Maple Lawn Boulevard, Suite 200, Maple Lawn Maryland (second floor above Ranazul restaurant). Please feel free to pass this information along to any of your constituents who may be interested. I have attached to this email a copy of the notice that has been distributed to all adjoining property owners. I have also attached a copy of a recent Baltimore Sun article that also provides notice of the upcoming community meeting. Finally, I have attached a copy of the most recent concept plan for Maple Lawn South (Scheme 8). Please feel free to provide this information to all interested persons.

As always, please feel free to contact me in the event you have any questions about the proposal.

Sincerely,

*William E. Erskine*

Principal

**Offit | Kurman**  
Attorneys At Law

301.575.0363 Washington

443.738.1563 Baltimore

443.864.8844 Mobile



301.575.0335 Facsimile  
[www.offitkurman.com](http://www.offitkurman.com)

[www.twitter.com/offitkurmanlaw](http://www.twitter.com/offitkurmanlaw)  
[www.linkedin.com/pub/william-erskine/32/677/6a0](http://www.linkedin.com/pub/william-erskine/32/677/6a0)

**Baltimore/Washington**

8171 Maple Lawn Boulevard | Suite 200 | Maple Lawn, MD 20759

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To: Local Recipient <[recipient@system.local](mailto:recipient@system.local)>

Cc:

Date: Tue, 23 Apr 2013 09:25:49 -0400

Subject: May 7 2013 Community Meeting Notice.pdf

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**Sigaty, Mary Kay**

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**From:** David Dudich <david11697@gmail.com>  
**Sent:** Thursday, April 25, 2013 10:40 AM  
**To:** werskine@offitkurman.com; Fox, Greg  
**Cc:** Barnes Joyce; Ken Ellis; Katia & Seva; Christine Bulbul; Sigaty, Mary Kay; Dudich Dave  
**Subject:** Fwd: Amendment No 46.002 - Maple Lawn South Community Meeting

**Follow Up Flag:** Follow Up  
**Flag Status:** Flagged

These are concerns that I would like addressed at the 7 May Meeting:

- 1) As I recall the original approval for Maple Lawn was contingent upon construction of improvement (4 lining) of Rt 216. Currently Rt 216 is four laned from US 29 past Maple Lawn, with thwop rotaries at the entrances to Maple Lawn. Maple Lawn South Scheme 8 shows the sole entrance to Maple Lawn South to occur at the present traffic light for the school complex. Should not Rt 216 be fourlaned at least as far as the intersection with Lime Kiln Rd, and the existing traffic light replaced by a rotary so that the same rule apply to Maple Lawn South as were applied to the original maple Lawn? And should not these road improvements be made at the Maple Lawn South developer's expense?
- 2) Should not a portion, say 25%, of the proposed housing (aparatments and SFDs) be designated as an "Over 55" community to alleviate possible overcrowding of the schools on the other side of Rt 216?

Thank you

David W. Dudich  
11697 Wayneridge St  
Fulton MD 20759

----- Forwarded message -----

**From:** Fox, Greg <gfox@howardcountymd.gov>  
**Date:** Tue, Apr 23, 2013 at 6:43 PM  
**Subject:** FW: Amendment No 46.002 - Maple Lawn South Community Meeting  
**To:** "Fox, Greg" <gfox@howardcountymd.gov>

Good Evening Residents,

As promised, I want to get the latest information to you. I received the following information from Mr. Erskin today and wanted to make you aware of another community meeting regarding Maple Lawn South. Mark your calendars and plan to attend.

I will see you there.

Regards,

*Greg*

**Greg Fox, Councilmember District 5**

**3430 Court House Drive**

**Ellicott City, MD 21043**

**410-313- 2001**

---

**From:** Erskine, William [mailto:[werskine@offitkurman.com](mailto:werskine@offitkurman.com)]

**Sent:** Tuesday, April 23, 2013 9:23 AM

**To:** Ball, Calvin B; Watson, Courtney; Fox, Greg; Terrasa, Jen; Sigaty, Mary Kay; McLaughlin, Marsha

**Cc:** King, Lisa

**Subject:** Amendment No 46.002 - Maple Lawn South Community Meeting

Dear Council members

I wanted to let you know that the Applicants of the proposed Maple Lawn South rezoning are planning on holding their fourth community meeting on May 7, 2013 beginning at 7 pm. The meeting will be held at my office located at 8171 Maple Lawn Boulevard, Suite 200, Maple Lawn Maryland (second floor above Ranazul restaurant). Please feel free to pass this information along to any of your constituents who may be interested. I have attached to this email a copy of the notice that has been distributed to all adjoining property owners. I have also attached a copy of a recent Baltimore Sun article that also provides notice of the upcoming community meeting. Finally, I have attached a copy of the most recent concept plan for Maple Lawn South (Scheme 8). Please feel free to provide this information to all interested persons.

As always, please feel free to contact me in the event you have any questions about the proposal.

Sincerely,

*William E. Erskine*

Principal

**Offit | Kurman**  
Attorneys At Law

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www.twitter.com/offitkurmanlaw  
www.linkedin.com/pub/william-erskine/32/677/6a0

## **Baltimore/Washington**

8171 Maple Lawn Boulevard | Suite 200 | Maple Lawn, MD 20759

---

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Cc:  
Date: Tue, 23 Apr 2013 09:25:49 -0400  
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Date: Tue, 23 Apr 2013 09:25:49 -0400

Subject: Maple Lawn South proposed zoning draws ire of residents.pdf

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From: Postmaster

To: Local Recipient <recipient@system.local>

Cc:

Date: Tue, 23 Apr 2013 09:25:49 -0400

Subject: Maple Lawn South Scheme 8.pdf

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File Name
<b>Maple Lawn South Scheme 8.pdf</b>
File Size
<b>32944614 Bytes</b>



## Sigaty, Mary Kay

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**From:** Sigaty, Mary Kay  
**Sent:** Thursday, May 09, 2013 1:41 PM  
**To:** 'Adam Sayani'  
**Subject:** RE: Against re-zoning of land near Maple Lawn/Fulton  
**Attachments:** Subtitle11revMar2013.pdf

Dear Mr. Sayani,

Councilperson Sigaty asked me to respond to your questions and offer as much help as I can.

If 46.002 application for re-zoning is approved (without specifying the new zoning district), the property owner or developer (which may be the same entity) is required by law to hold a community meeting prior to submitting plans to the County for development of a parcel. We commonly refer to this meeting as a pre-submission community meeting, and the public is afforded the opportunity to provide input. The developer is required to keep records of the attendees and minutes of the meeting. Those records are incorporated into the submission of development plans to the Department of Planning and Zoning.

The plan submission has required elements which are very extensive: the types and number of dwelling units; square footage and location for any non-residential uses (if any are being proposed); engineering requirements for water, sewer, roads, electric and/or gas infrastructure; how the plans meet the requirements for the County's Adequate Public Facility Ordinance, which requires acceptable levels of school enrollment and road capacity (if you wish for a more detailed explanation, please see the attached document); requirements for open space, forest conservation (if applicable), and reforestation (species and quantities of plants to be installed) are a few of the criteria.

In addition, the plans are reviewed by the County's Design Advisory Panel, Howard County citizens who have extensive backgrounds in architecture and building design. Plans that have an impact on roads (state and local), public safety and public utilities are subject to review by a large committee of professionals who assess the plans for their areas of responsibility. Comments from each panel, committee, plan reviewer and the public are included in the plan review file. In some cases, the plans are subject to review in a public forum before the Planning Board, the Hearing Examiner, the Board of Appeals or the Zoning Board. The scenarios to describe when plans are reviewed by any of the aforementioned parties is wide-ranging. However, each review of the plans by a sitting panel or with the opportunity for public input requires that the property is posted with a large sign for thirty days before a public session and adjoining property owners receive notice by certified mail.

At this point, we do not know what the zoning designation will be for the 91.25 acres noted in the application known as 46.002 in the County's Comprehensive Zoning process. As a resident, you will have an opportunity to offer testimony to the Council in a public hearing if this application becomes legislation. We will know which applications will be presented to the Council as legislation after the Planning Board completes its review and makes recommendations on the comprehensive zoning applications.

The Council will hold a number of public hearings in the future on Comprehensive Zoning. Please feel free to sign up for notification of the Council's agenda through Howard County's [NotifyMeHoward](#). Councilperson Sigaty will share information with the public as well.

I hope that this information is not overwhelming. I appreciate your patience and your effort to learn this process. Please let us know if we can help you further.

Sincerely,

Mary

Mary Clay  
Special Assistant to Mary Kay Sigaty  
Howard County Council, District 4  
410-313-2001  
3430 Court House Drive  
Ellicott City, MD 21043

---

**From:** Adam Sayani [mailto:asayani719@yahoo.com]  
**Sent:** Monday, April 15, 2013 10:37 PM  
**To:** Sigaty, Mary Kay  
**Cc:** Fox, Greg  
**Subject:** Re: Against re-zoning of land near Maple Lawn/Fulton

Mrs Sigaty,

Thank you for sending me the attorney's information, but I'm honestly not sure I know enough about the process to ask relevant questions. For example, if the re-zoning were approved, does the developer need to submit any more plans to the community before building? Are they required to propose a plan to the county showing the number of units they wish to build, and does the county or the community even have a say in how the land is developed, after a re-zoning is approved? Or is the land developer given the ability to construct as many units as they want, as long as the final numbers are within the zoning limits?

I am certainly not opposed to the landowner's right to sell their land, and they are approved to do so now at a lower housing density (RR-DEO) - correct? I am opposed to the re-zoning that makes it possible to build high-density housing. The county is in a tough position, but if you choose to allow high-density zoning (R-A-15) for this land, to me it seems you are supporting one landowner's "right" to make more money, at the expense of hundreds (thousands?) of other landowners in the area through increased congestion on roadways, in our schools, and with potentially a bigger environmental impact. I am not against the seller making money from the sale of his land, and I have to believe they will get a large sum for 90 acres in Howard County, I just think it is not in the community's best interest to have it turned into high density housing. I think the current zone, which should allow a smaller number of single family homes, is already a compromise that the seller was already approved for, and does not disrupt the current community dynamics.

From his District 5 newsletter from 24 March, it seems Mr. Fox is generally opposed to the R-A-15 zoning, but open to a R-20 or R-ED zoning for the property which allows for more units, but far less than R-A-15 - are you open to the possibility of 'middle ground' rezoning as well, or do you intend to mainly support the R-A-15 zoning?

Thank you for your time and for your consideration.

-Adam Sayani

**From:** "Sigaty, Mary Kay" <mksigaty@howardcountymd.gov>  
**To:** Adam Sayani <asayani719@yahoo.com>  
**Sent:** Friday, April 12, 2013 2:59 PM  
**Subject:** Re: Against re-zoning of land near Maple Lawn/Fulton

Mr. Sayani,

Thank you for sharing your ideas about the comprehensive zoning proposal in Fulton (46.002).

You have raised several concerns which I am sure will become part of the Council's deliberations on comprehensive zoning. At this moment though the comprehensive zoning petition is in front of the Planning Board.

Just as you would like me to oppose the project, the property owner would like me to support it. It's my goal to look for allowable uses for the property that will be agreeable to both the owner and the community.

I've heard from others on this issue as well. Each of the messages contain different but extreme cases of what may be built on the property. To ensure that we are all working with the same information, I've asked the attorney representing the owner to make himself available to speak with you regarding this petition.

Please feel free to contact:

William Erskine  
Offit Kurman, P.A.  
8171 Maple Lawn Boulevard, Suite 200  
Fulton, MD 20759  
Telephone: 301-575-0363  
Email: [werskine@offitkurman.com](mailto:werskine@offitkurman.com)

Comprehensive zoning petitions are expected to be introduced as legislation later this year.

I hope that you find this information helpful.

--

Mary Kay Sigaty  
Howard County Council  
District 4  
410-313-2001

---

**From:** Adam Sayani <asayani719@yahoo.com>  
**Reply-To:** Adam Sayani <asayani719@yahoo.com>  
**Date:** Wed, 10 Apr 2013 22:43:22 -0400  
**To:** Greg Fox <gfox@howardcountymd.gov>  
**Cc:** Mary Kay Sigaty <mksigaty@howardcountymd.gov>, CouncilMail <CouncilMail@howardcountymd.gov>  
**Subject:** Against re-zoning of land near Maple Lawn/Fulton

Mr. Fox,

I am concerned with, and opposed to the proposed rezoning of the 91.25 acres between Murphy Road and south of Route 216 near the Maple Lawn Farms water tower, from the current RR-DEO (single-family homes) to R-A-15 (rental apartment development of 15 units per acre.)

I am sure you are getting lots of email about this issue, with many of the same points. I too am concerned with the potential overcrowding of schools and the increased congestion like many others. But from what I am reading, it also seems like the community was not given much notice about this re-zoning, and the appropriate studies have not been done for such a large area of land. What will be the environmental impact? Where will all the extra students go to school? Will the existing roads handle the extra congestion, and what will be the impact to area drivers? Will my 1 and 3 year old sons be able to attend the schools I am currently districted for, which was a major attraction of the area, and the main reason we moved to my neighborhood?

Several of my neighbors have also pointed out that adding high density housing in the proposed area does not seem consistent with the 2030 smart growth plan, and that the infrastructure in the area is not ready for this influx.

I think these issues need to be studied and addressed \*before\* a re-zone is granted, because if we do it afterwards, it will be too late.

Mr. Fox, as a taxpayer and voter in your district of Howard County I am opposed to this rezoning, and ask that you vote against rezoning the land to R-A-15.

Sincerely,

Adam Sayani  
11204 Chaucers Ridge Ct  
Laurel, MD 20723

## Sigaty, Mary Kay

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**From:** rjj <rjjoy147@yahoo.com>  
**Sent:** Sunday, May 05, 2013 12:34 PM  
**To:** Fox, Greg; Watson, Courtney; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Ken S. Ulman  
**Subject:** Opposition to Fulton MD rezoning

Dear Council Members,

As a resident of Fulton, MD, I wanted to make you aware of my strong opposition to the proposed zoning amendment which will allow for the development of over 1300 apartment units on a 91 acre parcel along Rte 216. I am sure that you are aware that due to the location of a primary/middle/high school complex, a heavily utilized park and ride facility and several businesses at that location already, it is currently a very congested area with traffic backing up long distances during morning and afternoon rush hours. This congestion and Fulton population growth is only going to get worse as the Maple Lawn development continues to build houses that have already been approved. The infrastructure of the area would have to be significantly upgraded in order to accommodate an additional 1300 housing units in addition to the on-going Maple Lawn development. Additionally, with the continuing influx of additional families into the Fulton/Lime Kiln and Reservoir schools from Maple Lawn development, these schools are either at capacity or very near capacity. (As a parent of a child in Lime Kiln MS and Reservoir HS, I know that regardless of the "official" capacity numbers for these schools, they are both showing strains of the current student populations). The building of an additional development right across the street from these schools will not only require another Howard County school re-zoning which will disrupt the lives of hundreds of students but also significantly disrupt the ability of those schools to provide the services that they have provided in the past. I fully understand that Howard County is growing but its growth should be in a sensible manner which benefits the present residents and attracts future residents. An area that is congested, with under-developed infrastructure and over-crowded schools is not only a disservice to the current residents but will not be attractive to individuals looking to locate into this area. Land-use plans and regulations are adopted after years of meetings and discussion among residents, planners and other experts about how communities should look and function, about how densely they should be developed, ensuring quality



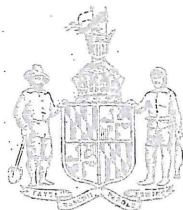
education and services for its residents and about how much traffic they should bear. Zoning laws must be updated as the county evolves, and communities can't be frozen in time, but that doesn't mean that one land user should be able to upend its community's look, feel and function for its own financial purpose, at the expense of the standard of living of the thousands of residents who currently live in the community.

When a significant zoning change such as this is made, it should be for a compelling reason that serves an important community interest and this rezoning only serves the interest of the developer and actually negatively impacts the community interest.

Thank you and I hope that you will oppose the rezoning of the Fulton property between RTe 216 water tower and Murphy Rd.

Richard Joyce

Fulton, MD



*Robin*

*CMBRS*

*ST*

*TW*

*Sp*

DELEGATE BEN BARNES  
DELEGATE BARBARA FRUSH  
DELEGATE JOSELINE PEÑA-MELNYK

*46-002*

THE MARYLAND GENERAL ASSEMBLY  
21ST LEGISLATIVE DISTRICT  
PRINCE GEORGE'S AND ANNE ARUNDEL COUNTIES

June 24, 2013

Hon. Jennifer Terrasa, Chairperson  
Howard County Council  
3430 Court House Drive  
Ellicott City, MD 21043

Dear Chairperson Terrasa,

We hope this letter finds you well. We've heard from our constituents regarding the rezoning of the Iager Farm property in the Comprehensive Rezoning proposal. Amendment #46.002 rezones the 91-acre property from RR-DEO to R-A-15 to allow for a multi-family housing project, and we share concerns that this will have detrimental effects on the neighboring area, in particular, the Rocky Gorge Reservoir, being the principle source of drinking water for Prince Georges County.

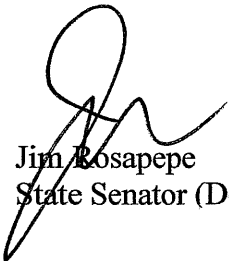
This plan would rezone the Iager Farm property to R-A-15 and change the residential density from a three-acre density to 15 dwelling units per acre, vastly changing the landscape south of Route 216 which has proudly been upheld as a rural area. There has been no previous construction of water and sewer south of Route 216 and west of Route 29, because of the valiant efforts of Howard County officials to maintain this as an undeveloped area. The introduction of these public works would make this project inconsistent with the current landscape and development. In addition, we are concerned the damage that construction, debris, and a new residential community would inflict on the already ailing Rocky Gorge Reservoir, which per the Clean Water Act has been an impaired waterway since 1998, would be irreparable.

Also we believe that the increase of impervious surfaces would only further contaminate this keystone water source because the Iager Farm drains directly into the Rocky Gorge Reservoir. As outspoken advocates for the environment, we voted for the Strom Water Remediation tax on impervious surfaces as an effort to preserve our waters and limit this kind of development and pollution. Prince Georges County residents are directly downstream from this watershed, and all possible damage is possible harm to our constituents in the great State of

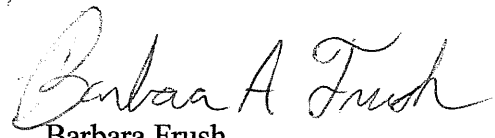
Maryland. This new construction will do the most harm to the residents of Prince Georges County being below the watershed.

In closing, we respectfully request the rejection of this amendment to the Comprehensive Rezoning package, and the cessation of attempts to make the Iager Farm property another residential community. This will only lead to further degradation of the reservoir and our environment, opening the flood gates for similar construction in sensitive areas. This rezoning brings unwarranted development that we feel we should protect our proud Maryland residents from. The people should be properly informed of all of the effects this proposal will have. Thank you for your time and consideration of our request.

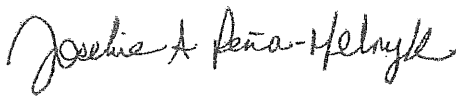
Sincerely,




Jim Rosapepe  
State Senator (D-21)



Barbara Frush  
State Delegate (D-21)



Joseline A. Peña-Melnyk  
State Delegate (D-21)



Benjamin Barnes  
State Delegate (D-21)

HOWARD COUNTY COUNCIL  
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## **Tolliver, Sheila**

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**From:** Christine Bulbul <cbulbul@verizon.net>  
**Sent:** Tuesday, June 18, 2013 4:22 PM  
**To:** CouncilMail  
**Subject:** Thank You and Point of Order

Dear Howard County Council,

Thank you for attentively listening to mine and over 20 other citizen's testimony regarding Zoning Amendment 46.002. It was a long night, but you respectfully let democracy run its course. That's what makes this county so great.

I was dismayed after having gone through all that testimony and waiting for six hours that Mr. Erskine decided at 11pm to defer his testimony until Wednesday. I simply don't understand why he would be allowed to do that. The council chair clearly stated, before and after the break for the legislative session, to notify the attendant if you did not intend to stay. Mr. Erskine stayed through the whole session and therefore should have been prepared to give testimony when his name was called.

We all know why he did not give testimony; he needed the two days to prepare after listening to all of our testimony, fair enough. I would prefer that the land owner have an opportunity through his attorney to have his say on the matter, however, that does not mean that the petitioner for the amendment should be allowed to add a host of speakers at Wednesday's session.

The chair stated, and it was reiterated by several council members, that you must be signed up tonight [Monday, June 17] in order to defer testimony to Wednesday. There were only three people that I recall decided to defer until Wednesday because they could not stay, Dr. Ward, Mr. LaFemina, and Mrs. Harriet Spadin and one person that could have testified and choose not to, Mr. Erskine. Therefore, I submit that at Wednesday's make-up session, those three people will be given their three minutes and Mr. Erskine will be given his five minutes to represent the petitioner and this matter will be sent to the working session for deliberation.

I will be at Wednesday session to respectfully hear from those four people.

Thank you for your time.

Very Respectfully,

Christine Bulbul





RR CP 32

CMBRS

ST  
TW

46.002

SP-

## UNDERSTANDING "TRANSITION ZONING"

A written supplement to the testimony of Jeffrey A. Regner in  
opposition to proposed zoning amendment 46.002.

In cooperation with Voters for Common Sense Growth

HOWARD COUNTY COUNCIL  
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## TRANSITION ZONING

### INTRODUCTION

PlanHoward 2030, in introducing the Iager parcel and two other properties into the Planned Service Area (PSA) stated that the added properties should be “zoned to establish a transition that is compatible with and enhances surrounding communities.”<sup>1</sup> In our discussions with the Department of Planning and Zoning (DPZ), as well as the testimony provided to the Planning Board and the Zoning Board, this has become known as “transition zoning.”

Because Maryland law requires that the County establish zoning as set forth in the County’s general plan, it is important to know what PlanHoward 2030 requires with respect to transition zoning. To say that “transition zoning can mean different things to different people” is legally incorrect. Transition zoning must be understood as it is described in PlanHoward 2030 because, unless amended by the County Council, PlanHoward 2030 is the legally controlling framework for comprehensive zoning.

PlanHoward 2030 requires transition zoning at “the interface of the rural residential zone and the planned service area.”<sup>2</sup> That is, the zoning must fall between what is inside the PSA and what is in the rural residential zone. Also, the transition must be “compatible with and enhance[] surrounding communities.”<sup>3</sup> The surrounding communities are either MXD-3 or RR-DEO.

Proposed zoning amendment 46.002 does not represent transition zoning because it includes R-A-15. Zoning at this high density is not a transition between the PSA and rural residential, and it is not a transition between MXD-3 and RR-DEO. Also, R-A-15 does not enhance the surrounding communities, but stands in contrast to them.

### TRANSITION ZONING

#### **The Zoning Board must follow PlanHoward 2030**

PlanHoward 2030 is both a promise to the citizens of Howard County about the future of growth in the County, and a legally binding document. The general plan was prepared with input from the community, as well as a task force comprised of community members, developers, attorneys and others.<sup>4</sup> The County Executive, in his cover letter accompanying PlanHoward 2030, explained that it reflected “the County’s commitment to sustainability.”<sup>5</sup> It is fair for the community,

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<sup>1</sup> PlanHoward 2030 at p. 73 (underline omitted).

<sup>2</sup> PlanHoward 2030 at p. 73.

<sup>3</sup> PlanHoward 2030 at p. 73.

<sup>4</sup> PlanHoward 2030, Acknowledgements.

<sup>5</sup> PlanHoward 2030, A Letter from the County Executive.



## TRANSITION ZONING

therefore, to look to the general plan as a promise to protect the environmentally sensitive watershed areas.

In addition, unless amended by the County Council, the general plan binds the County Council in the process of comprehensive zoning. Maryland law requires Howard County to enact and execute a general plan.<sup>6</sup> The County must execute the general plan through zoning and other land use provisions.<sup>7</sup> The comprehensive zoning process is precisely the type of act by the County Council contemplated by the law, and accordingly, the County Council must follow the general plan.

### **PlanHoward 2030 defines transition zoning**

Transition zoning is a shorthand for the mandate on page 73 of PlanHoward 2030 for bringing the Iager parcel, and two others, into the PSA. In full, transition zoning, refers to the following:

*PlanHoward 2030* proposes three minor expansions of the Planned Service Area (adjoining Ellicott City, Clarksville, and Maple Lawn). To achieve Bay restoration goals it is preferable to include these properties in the PSA, rather than have them utilize septic systems particularly where the area drains to reservoirs or high quality stream systems. These properties, because of their location at the interface of the rural residential zone and the planned service area, should be designed and zoned to establish a transition that is compatible with and enhances surrounding communities. In addition, they should create an environmental benefit through environmental site design that mitigates impervious surfaces so that storm water will be captured onsite and not affect nearby waterways.

The common meaning of transition is “movement, development, or evolution from one form, stage, or style to another.”<sup>8</sup> PlanHoward 2030 specifies between what two things the transition moves: the rural residential zone and the planned service area.<sup>9</sup> In addition, the transition must be compatible with and enhance the surrounding communities.<sup>10</sup>

DPZ correctly interpreted the transition requirement in making its recommendation for the Clarksville and Ellicott City expansions to the PSA. For the Clarksville expansion, DPZ recommended that the zoning be changed from RR-DEO to R-ED, explaining: “New to PSA. R-ED is a *good transition* from RR to

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<sup>6</sup> Md. Code, Land Use § 1-405.

<sup>7</sup> Md. Code, Land Use § 1-417(b).

<sup>8</sup> <http://www.merriam-webster.com/dictionary/transition>

<sup>9</sup> See PlanHoward 2030 at p. 73.

<sup>10</sup> PlanHoward 2030 at p. 73.





## TRANSITION ZONING

higher density development in Clarksville and River Hill.”<sup>11</sup> In addition to RR-DEO and R-12, the Clarksville property abuts a business park on Clarksville Pike currently zoned B-2.

Similarly, for rezoning the property included in the Ellicott City PSA expansion, DPZ recommended changing the zoning from RR-DEO to R-ED, explaining that it was “[n]ew to PSA. Adjoins R-ED.” Except for the school property, which is density neutral, the Iager parcel adjoins only RR-DEO and MXD-3, with no business development planned for the adjacent part of the MXD-3 property.

Another example of a good transition can be found within the MXD-3 zoned Maple Lawn development. At the southwest corner of Maple Lawn, which also represents the edge of the PSA, the developer intends to build the “Old Farm District,”<sup>12</sup> which will be comprised of one home for every three acres, not unlike areas outside the PSA. The Maple Lawn developers’ recommendation to use one unit per three acres to transition from the school campus to the rural residential is reasonable, and should be copied south of Maple Lawn on the Iager farm, as well.

### **R-ED is a good transition between MXD-3 and RR-DEO**

As with the Clarksville property, R-ED would represent a good transition from the adjacent RR-DEO in the rural areas to the school property inside the PSA, and even beyond to the MXD-3 property of Maple Lawn. On the east, west, and south sides of the property, where the Iager farm slopes down toward the reservoir, the properties are outside the PSA and zoned RR-DEO. The north side of the property, across MD-216 is zoned MXD-3.

R-A-15, or even DPZ’s recommended split zoning, represents no transition because MXD-3 is substantially less dense than R-A-15. Unlike high density R-A-15, MXD-3 “is intended to include a planned network of open space which includes environmental areas.”<sup>13</sup> It requires a minimum of 35% open space.<sup>14</sup> In addition, for MXD-3, the maximum density permitted is 3.0 dwelling units per gross acre of mixed use development.<sup>15</sup> In contrast, R-A-15 allows 15 units per acre<sup>16</sup> (or up to 25 units per acre<sup>17</sup>) with no provisions for green space or environmental protection.<sup>18</sup>

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<sup>11</sup> Preliminary Comprehensive Zoning: Map Amendment Recommendations, No. 34.001 to .004 (Rev. March 8, 1013) (emphasis added).

<sup>12</sup> Maple Lawn Master Plan.

<sup>13</sup> Howard County Zoning Reg. § 127.A.

<sup>14</sup> Howard County Zoning Reg. § 127.C.3.a, 127.C.3.e.

<sup>15</sup> Howard County Zoning Reg. § 127.C.6.a.

<sup>16</sup> Howard County Zoning Reg. § 112.D.1.c.

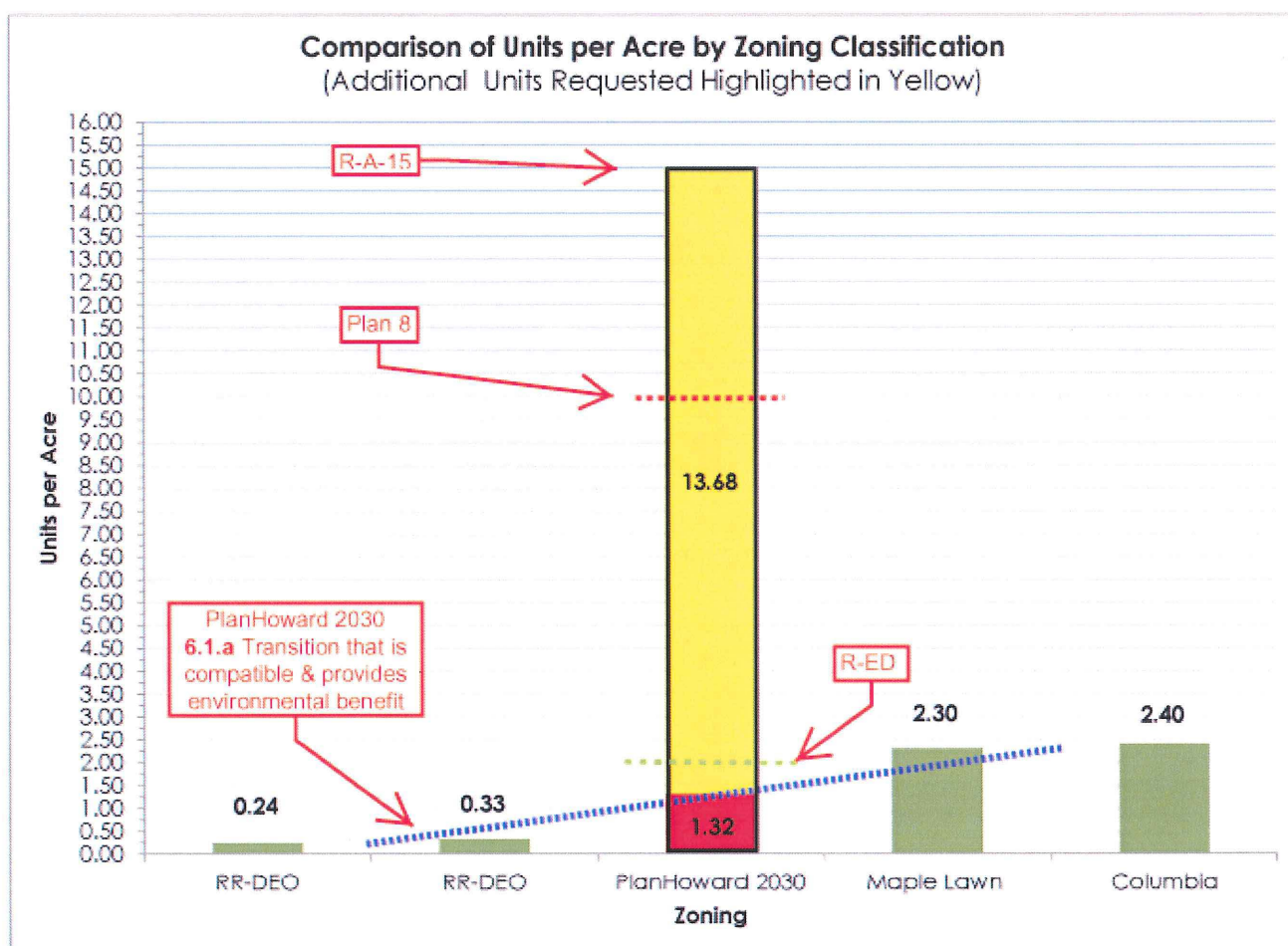
<sup>17</sup> Proposed zoning text amendments § 112.F.

<sup>18</sup> *See generally* Howard County Zoning Reg. § 112.



## TRANSITION ZONING

R-ED provides a good transition between MXD-3 and the rural residential area because R-ED allows 2 units per acre.<sup>19</sup> The following graphic comparison shows the possible options for a transition between the MXD-3 property at Maple Lawn and the rural residential zone.



The appropriate transition between RR-DEO outside the PSA and Maple lawn is shown by the blue diagonal line. A straight transition would be 1.32 dwellings per acre. R-ED is somewhat more dense at 2 units per acre. Also, as the figure demonstrates, both R-A-15 and the developers' proposal (using DPZ's split zoning) is well outside any reasonable transition.

<sup>19</sup> Howard County Zoning Reg. §107.D.1.c.





## TRANSITION ZONING

### CONCLUSION

The best result for the environment and the Rocky Gorge Reservoir is to take the Iager parcel out of the PSA and leave it zoned as rural residential. At the urging of DPZ, the community designed a plan starting with PlanHoward 2030 that resulted in R-ED zoning. The plan is good for the environment and allows the County to meet its obligation to comply with the general plan.

The proposed zoning, including R-A-15 does not comply with PlanHoward 2030 because it is not a transition from Maple Lawn to the rural residential areas. Instead, R-A-15 or split zoning stands in stark contrast both in terms of density and the absence of any required green space.

For these reasons, the Zoning Board should reject proposed zoning amendment 46.002.





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THE MARYLAND GENERAL ASSEMBLY  
21ST LEGISLATIVE DISTRICT  
PRINCE GEORGE'S AND ANNE ARUNDEL COUNTIES

June 24, 2013

Hon. Jennifer Terrasa, Chairperson  
Howard County Council  
3430 Court House Drive  
Ellicott City, MD 21043

Dear Chairperson Terrasa,

We hope this letter finds you well. We've heard from our constituents regarding the rezoning of the Iager Farm property in the Comprehensive Rezoning proposal. Amendment #46.002 rezones the 91-acre property from RR-DEO to R-A-15 to allow for a multi-family housing project, and we share concerns that this will have detrimental effects on the neighboring area, in particular, the Rocky Gorge Reservoir, being the principle source of drinking water for Prince Georges County.

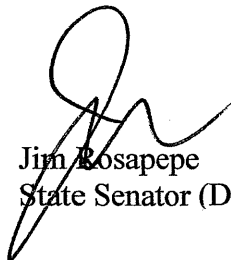
This plan would rezone the Iager Farm property to R-A-15 and change the residential density from a three-acre density to 15 dwelling units per acre, vastly changing the landscape south of Route 216 which has proudly been upheld as a rural area. There has been no previous construction of water and sewer south of Route 216 and west of Route 29, because of the valiant efforts of Howard County officials to maintain this as an undeveloped area. The introduction of these public works would make this project inconsistent with the current landscape and development. In addition, we are concerned the damage that construction, debris, and a new residential community would inflict on the already ailing Rocky Gorge Reservoir, which per the Clean Water Act has been an impaired waterway since 1998, would be irreparable.

Also we believe that the increase of impervious surfaces would only further contaminate this keystone water source because the Iager Farm drains directly into the Rocky Gorge Reservoir. As outspoken advocates for the environment, we voted for the Strom Water Remediation tax on impervious surfaces as an effort to preserve our waters and limit this kind of development and pollution. Prince Georges County residents are directly downstream from this watershed, and all possible damage is possible harm to our constituents in the great State of

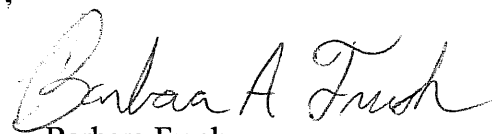
Maryland. This new construction will do the most harm to the residents of Prince Georges County being below the watershed.

In closing, we respectfully request the rejection of this amendment to the Comprehensive Rezoning package, and the cessation of attempts to make the Lager Farm property another residential community. This will only lead to further degradation of the reservoir and our environment, opening the flood gates for similar construction in sensitive areas. This rezoning brings unwarranted development that we feel we should protect our proud Maryland residents from. The people should be properly informed of all of the effects this proposal will have. Thank you for your time and consideration of our request.

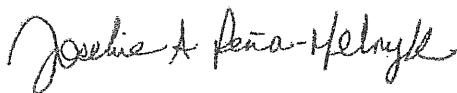
Sincerely,




Jim Rosapepe  
State Senator (D-21)



Barbara Frush  
State Delegate (D-21)



Joseline A. Peña-Melnyk  
State Delegate (D-21)



Benjamin Barnes  
State Delegate (D-21)

2013 JUL -2 A 11:33  
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HOWARD COUNTY COUNCIL

## At Council Request Savage Community Association Develops "Plan B" Alternative

During the June 12 Zoning Hearing, the Council directed the Savage Community to consider available zoning options for the Savage Mill Remainder parcels (47.001 and 47.010) in the event that the County is unable to purchase both parcels for parkland as we've requested.

We studied other zoning options and their particular provisions as well as visited several examples of the zones considered. The officers, board and zoning task force members met on Saturday, June 15 to achieve a consensus. Taking the Council's advice to consider a zoning that would allow for clustering away from the watershed and dragonfly habitat we concluded that RSC (Residential Single Clustered) is the most appropriate zoning. RSC zoning would also address other community concerns.

- Permitting 4 units per acre is consistent with the R-12 density throughout the neighboring historic district and still yields twice the density of the parcel's original R-20.
- That density (as opposed to the requested 15 per acre) reduces (though does not eliminate) the concerns over increased traffic on the dead end street, adding to traffic bottlenecks and school over-crowding.
- RSC has a maximum height of 34 to 40 feet, significantly less than the 55 feet under R-A-15. This could protect the historic view shed as well as the view shed from the surrounding parkland and the Savage Mill Trail below.

The negative impact on the environment, the watershed, and the endangered dragonfly remain key concerns. For this reason, **purchase as parkland remains our best and first solution. However, rather than our original request for a return to the R-20 zoning present before the last comprehensive rezoning plan, we urge you to apply RSC zoning to these parcels to avoid the potentially devastating environmental impact.**

Please note that I met with John Byrd today and that the community has accepted the developer's invitation for an additional meeting next week.

Respectfully submitted,

Susan Garber  
President, Savage Community Association





Fox, Greg

46002

**From:** Carlos Contreras <carlosjavier17@hotmail.com>  
**Sent:** Thursday, April 11, 2013 11:06 AM  
**To:** Fox, Greg  
**Cc:** PlanningBoard  
**Subject:** Fulton Re-zoning

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Thursday, April 11, 2013

Mr. Greg Fox:

My family and I currently residing in Fulton ABSOLUTELY oppose the proposed rezoning of the 90+ acres off Route 216 near the Maple Lawn, from the current single-family homes to apartment complex.

This change would definitely impact NEGATIVELY "standard of living" of all the Fulton residents. We worry about the potential for added risks that comes with "overpopulating" a farm land. Such risks may include the collapse of incoming traffic, overpopulated school class rooms, shortage of water/gas & other services, safety and security ... piece of mind.

We suggest that you DO NOT support this initiative, and safeguard our interest and keep the customary good living in our area

Candidly,

Carlos J Contreras  
12111 Fulton Ridge Drive  
Fulton MD 20759

**Fox, Greg**

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**From:** jen111dave@AOL.com  
**Sent:** Thursday, April 11, 2013 9:45 AM  
**To:** Fox, Greg  
**Subject:** Oppose rezoning off Murphy Rd

Data from form "Contact Howard County Government" was received on 4/11/2013 9:44:33 AM.

Contact Howard County Government

Field	Value
HCGEmailAddr	<a href="mailto:gfox@howardcountymd.gov">gfox@howardcountymd.gov</a>
YourEmailAddr	<a href="mailto:jen111dave@AOL.com">jen111dave@AOL.com</a>
Name	Jennifer Ricketts
Subject	Oppose rezoning off Murphy Rd
MessageBody	Please do NOT approve for the zoning changes. 1. My neighborhood children have been redistricted 2x already to ease overcrowded schools but new housing continues to be built in areas overcrowded. - We currently have at least 7 new housing developments underway in this area. Can we wait to see their impact on schools before approving more housing? - I am concerned about driving safety on RT 216 if traffic increases. -I am concerned about pedestrians (students walk and run along 216) to get to Fulton businesses and do not have side walks.

Email "Oppose rezoning off Murphy Rd" originally sent to [gfox@howardcountymd.gov](mailto:gfox@howardcountymd.gov) from [jen111dave@AOL.com](mailto:jen111dave@AOL.com) on 4/11/2013 9:44:33 AM.

**Fox, Greg**

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**From:** Michele Glazer <michg\_515@yahoo.com>  
**Sent:** Thursday, April 11, 2013 9:40 AM  
**To:** CouncilMail  
**Subject:** Oppose Rezoning!

I oppose the proposed rezoning of the 91.25 acres between Murphy Road and south of Route 216 near the Maple Lawn Farms water tower, from the current RR-DEO (single-family homes) to R-A-15 (rental apartment development of 15 units per acre.)

Opposition is based on substantiated concerns about:

- The influx of students into our already-full public school system
- Increased traffic on already stressed and congested roads near this property
- The detrimental effects to our environment including air and water pollution, water shortages and the loss of valuable farmland
- The health and safety of our citizens and children will be threatened by increased traffic and crime resulting from a bursting infrastructure
- The general lack of existing infrastructure to sustain additional housing units

As the citizens, taxpayers, and voters of Howard County we are opposed to this rezoning and as our councilmember you should vote "no" with your constituents and not the developers. Deny rezoning the land to R-A-15, thereby eliminating the detrimental threat of apartment development.

Sincerely,

Michele and Marc Clark

App 44.002

CMBRS  
TW CS  
ER

**LeGendre, Stephen**

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**From:** Sean Gunning <gunnis01@yahoo.com>  
**Sent:** Wednesday, March 27, 2013 9:46 AM  
**To:** CouncilMail  
**Subject:** Fw: Opposition of re-zoning in Fulton

I am writing in response to the re-zoning and subsequent rental apartment development proposed by R-A-15 on the Murphy Road and Maple Lawn water tower land.

Dear Council Members,

I moved to Howard county/Fulton about five years ago from Beltsville. Although the two towns are just ten miles apart, and most people who live in them commute to either Baltimore or DC, they could not be more different. Fulton is a peaceful community which does not suffer from Beltsville's traffic, over-development, poor schools, and rising crime. I remember the first time I drove to my new house in Fulton, I had the feeling that I finally live in an area where I was proud to raise my family.

Since I moved to Fulton, the Maple Lawn development has progressively expanded. I like Maple lawn and it has brought much to our community. It was planned in logical way. However, poor road design with three traffic circles has brought congestion on route 216 which is progressively worsening. Please drive on 216 west around 7am during a school day and you will see lines of cars backed up through multiple traffic circles. I only anticipate this to worsen; I do not have the facts but have heard that Maple Lawn is not even 1/2 developed.

Now there is this proposal to put another 1400 high density housing units (which is the size of all of Maple lawn) in a small area south of 216. This just astounds me.....

We can learn much from the successes and failures of the past. Howard County is consistently ranked as one of the best places to live for a reason.

It is because of men like Jim Rouse who proposed reasonable planned development. Is Fulton (and other areas of Howard County) going to follow a sensible plan for development? If left to developers, traditional greed driven development follows a usual pattern. Farmland and open tracts are developed piece meal with maximization of profit and little to no regard for the impact on the community. This type of development results in typical urban sprawl with a whole host of negative impacts to schools, traffic, crime, etc...

As of the 2010 census, Fulton (20759) had a population of **3350** people who resided in mainly single family homes/townhomes. The new development re-zoning request proposes to add another potential 1400 high density apartment adding, **1400-5500** individuals to a small area. This one proposed re-zoning could lead to a housing development which can potentially double the existing population of Fulton!!!! This is in addition to further Maple Lawn development which has much room to grow.

**There are so many reasons that this is wrong for Fulton.**

I am not going to re-hash the usual infrastructure, school crowding, potential crime, environmental impact, arguments which I am sure you will hear.

We need a leader who has vision and leadership to support **sensible** development. Columbia is a good model. Any further development in Fulton in should be accomplished in manner which serves the interests of the county, the schools, and which does not destroy the character of the existing community. Sensible, planned development is more important than haphazard suburban sprawl.

Thank you for listening to me,

Sean Gunning



Mark D. Neumann, P.E.  
8045 Murphy Road  
Fulton, MD 20759  
mneumann@alum.mit.edu

GF  
SL

CMBRS  
PCKK

app 46.002

March 12, 2013

Council Member Greg Fox  
3430 Courthouse Drive  
Ellicott City, Maryland 21043

Council Member Fox:

I am writing to express my concern both with the proposals and the process for the Comprehensive Zoning Plan. My wife and I relocated to Maryland this past year and purchased 8045 Murphy Road in Fulton in July. We researched the property thoroughly and purchased in large part because the parcel behind the house (No. 46.002, 11595 Scaggsville Road) was zoned RR-DEO. Furthermore, we found that this land south of 216 was outside of the PSA, which meant that development was further limited.

Unbeknownst to us, in July, right about the time that we moved in, the County changed the PSA map to include this parcel south of 216, which would allow the zoning change to higher density residential. Conveniently the County excluded the homes on Murphy Road, which I will address later in this letter. We only found out this past weekend that the County is planning on changing the zoning to R-A-15 as part of the Comprehensive Zoning Plan. I can assure you that we would not even have considered the home had the zoning been R-A-15 at that time. If this move goes through, aside from the elimination of everything that we moved to this neighborhood for, we fear what this may do to the value of our home.

First, with regard to process, neither I, nor any of our neighbors that I have spoken with, were notified of the proposed zoning change or of the upcoming meetings, which appears to be in violation of County zoning regulations. The small signs placed on the parcel were of dubious utility. My wife leaves for work via Murphy Road and returns via Lime Kiln. I leave for work via 216, but before sun-up and return via Murphy Road. As a result, not only did we not see the signs, we were not in a position to see the signs while they were up.

I would appreciate an explanation for how such a major change can be proposed without the neighbors that are directly affected being notified and how this process can go forward at this point without that notification

With regard to the proposal, the zoning map amendment request form states that the reason for the proposed change is:

"With the adoption of Plan Howard 2030, the subject property was incorporated into the Planned Service Area (PSA) for water and sewer. Consequently, the existing RR-DEO zoning is no longer appropriate. (1) Petitioner is requesting R-A-15 zoning because it is the most appropriate for the property. (2) The subject property is located in close

proximity to existing public schools, a park and ride, and the Maple Lawn Commercial District. (3) Because of its location, the subject property is well suited to accommodate additional residential density and is consistent with PlanHoward 2030 Policy 6.1, which calls for the reduction in competition for land resources by promoting more compact development in appropriate targeted growth and revitalization areas. Further, rezoning the subject property to R-A-15 would promote the Policy 6.5 of PlanHoward 2030 by encouraging compact development with adequate green spaces and connectivity within and between developments which provide residents with a high quality of life and allows residents to take advantage of the benefits of compact development.”

Addressing these individually:

1) The R-A-15 zoning is absolutely not the most appropriate for the property. What the applicant fails to disclose is that the properties abutting the parcel are all single family homes zoned RR-DEO with the exception of the church on the east side. These homes are a part of a long established neighborhood. Sections 3.6 and 10 of PlanHoward 2030 clearly call for the preservation of such neighborhoods:

“Use of the density exchange option for neighborhood preservation parcels could allow these types of parcels to be permanently protected while their allowable development potential is sent to a more appropriate development site.”

“Established Communities predominately consist of existing single-family neighborhoods or business areas to be respected, with limited infill and enhancement”

Trying not to sound too melodramatic, changing the zoning for 11595 Scaggsville Road to R-A-15 will not preserve this neighborhood but destroy it.

I would argue that the most appropriate zoning for the property remains RR-DEO based upon the current use for surrounding properties. Understanding the County’s desire to increase higher density housing, R-20 or R-12 would be vastly more appropriate than R-A-15.

The attached figure provides an aerial view of the subject property. The unique nature of this neighborhood is apparent and the single-family homes can be seen to the west, south, and southeast. Also shown is how a buffer zone, either RR or RC can help preserve the neighborhood in the event of future development at 11595 Scaggsville Road and it should be strongly considered by the County.

2) The subject property is located near the park and ride and across 216 from the schools, but it is uniquely isolated from the Maple Lawn commercial district due to the topography. The rise in elevation as the Maple Lawn water tower is approached from the west shields sightlines and maintains the neighborhoods rural appeal while the immediate access to the Maple Lawn development remains. Whenever we have mention to friends or coworkers that we moved to Fulton the most frequent comment is on this remarkable appeal of this area.

3) The area may be suitable to accommodating increased residential density, but R-A-15 is neither appropriate nor warranted. This is a single-family residential neighborhood. While the County may no longer consider the RR-DEO designation to be appropriate, R-20 or R-12, zoning will allow for increased density while preserving the single-family

home nature of the neighborhood. Regardless of the final designation a buffer should be included to maintain the special characteristic of the Murphy Road neighborhood.

One more consideration with regard to zoning: Although the property in question is a single parcel, the County should not be under any obligation to have the same zoning designation for the entire parcel. Subdividing the parcel and varying the density across the lots with increased density to the east, gradually decreasing to the west could further serve to preserve the character of this area.

As noted above, one last comment with regard to the change in PSA last summer. The decision to modify the PSA for the benefit of development without notifying the residents of the change and allowing us to comment also may have violated noticing requirements. Furthermore, the decision to deliberately exclude homes adjacent to the development further burdens our home values since, assuming that we can get the county to agree to limit development to single family homes, those homes will have County services and ours, mere feet away will not. The PSA boundary should be reconsidered to fairly include all properties abutting the proposed development parcel.

Thanks you for your consideration and please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark D. Neumann', with a long horizontal flourish extending to the right.

Mark D. Neumann, P.E.

2013 MAR 15 P 1:24  
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HOWARD COUNTY COUNCIL

**Zoning Request for Property 46.002**  
**11595 Scaggsville Road**

Applicant has requested R-A-15 for 91 Acre Parcel



Property Boundry for 46.002  
Proposed RR or RC Zoned Buffer Zone

2MBRS

CSTW  
RK

app 46.002

**LeGendre, Stephen**

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**From:** Sigaty, Mary Kay  
**Sent:** Saturday, March 23, 2013 2:57 PM  
**To:** CouncilMail  
**Subject:** FW: Howard County Rezoning Amendment 46.002

I suspect that we might each have received this, but in case you didn't.

MK

Mary Kay Sigaty  
Howard County Council  
District 4  
410-313-2001

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**From:** Gary Frank <[gary.eng.arch@gmail.com](mailto:gary.eng.arch@gmail.com)>  
**Date:** Saturday, March 23, 2013 12:30 PM  
**To:** Office 2004 Test Drive User <[mksigaty@howardcountymd.gov](mailto:mksigaty@howardcountymd.gov)>  
**Subject:** Howard County Rezoning Amendment 46.002

March 25, 2013

Ms. Mary Kay Sigaty:

We, as citizens and voters of Howard County oppose the proposed rezoning of the 91.25 acres between Murphy Road and south of Route 216 near the Maple Lawn Farms water tower, from the current RR-DEO to R-A-15 (Amendment 46.002).

We are a family of four, and moved to this area for its rural nature. The Maple Lawn development has already increased traffic congestion in the area and higher density housing will be harmful to the area. The following are just a few of the main reasons to deny the rezoning:

- Increased traffic on already stressed and congested roads near this property
- The health and safety of our citizens and children will be threatened by increased traffic and crime resulting from a bursting infrastructure
- The influx of students into our already-full public school system

Please deny rezoning the land to R-A-15, thereby eliminating the detrimental threat of apartment development.

Sincerely,

Gary and Stephanie Frank



A-15  
44.002

CMBRS  
TW  
RR  
CS

## LeGendre, Stephen

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**From:** fnichols <fnichols1@verizon.net>  
**Sent:** Tuesday, March 26, 2013 11:47 AM  
**To:** CouncilMail; Watson, Courtney; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; Chaconas, Terry; Pruim, Kimberly; Maxfield, JoAnn; Clay, Mary; Knight, Karen; LeGendre, Stephen; Glendenning, Craig; King, Denise; Regner, Robin  
**Subject:** Please deny Rezoning the land R-A-15

Dear Council Members, Representatives and Administrators,

As citizens, taxpayers, homeowners in Howard county and residents in Fulton, Maryland we strongly oppose the rezoning of the land and subsequent rental apartment development proposed by R-A-15 on the Murphy Road and Maple Lawn water tower land. The loss of valuable farmland will be greatly affected.

We have lived in Howard County for over 30 years and have seen the traffic increase tremendously. If you are traveling to work in Washington, D.C. in the morning between 6:30 and 10:00 a.m., the traffic is horrendous. It can take, at the least amount; 40 minutes to get to the Metro stop in Silver Springs on a good day and on a bad day can be upwards of an hour. Then you have to add on to that additional time to get to D.C. With additional housing especially apartments this will increase remarkable with the addition of 2400-3600 vehicles. The emissions and air quality will be greatly diminished. In an age where, allergies and air quality is so important this will have a definite adverse impact. In addition, in Fulton, we already have a problem with water. This will only increase with this proposal.

The general lack of existing infrastructure to sustain additional housing and the already overburdened school system in our area will be greatly affected and overstressed.

Please deny rezoning the land to R-A-15, thus eliminating the threat of apartment development.

Sincerely,

Peter Nichols

Fotini Nichols

LeGendre, Stephen

APP 46.002

CMBAS  
RR  
TW

CS

**From:** Bessie Bordenave <Bessie.Bordenave@fcc.gov>  
**Sent:** Friday, March 29, 2013 10:41 AM  
**To:** Sigaty, Mary Kay; CouncilMail  
**Subject:** FW: Proposal Zoning Change to R-A-15 in Fulton

Below is some information that was sent to me from one of my co-workers that he would like to share with you. I don't know the protocol for how this issue is to be followed, but I thought as a representative for the citizens of Howard County, you should be aware of some of the concerns by its citizens.

Thanks

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**From:** Mark Neumann  
**Sent:** Friday, March 29, 2013 9:50 AM  
**To:** Bessie Bordenave  
**Subject:** Proposal Zoning Change to R-A-15 in Fulton

Bessie,

Here is what is going on in Fulton with the proposed development that we discussed. It is a modified version of what I sent to zoning and Greg Fox. with updates based upon what I've learned since. I know that it's long, but this is pretty complicated. Any help you can give is greatly appreciated. Since we're going to need at least 3 votes on the County Council if you have any insight on how we can get meetings with each of the council members and the County manager it would be great. Thanks again for your help.

Mark

I am writing to express my concern both with the proposals and the process for the Comprehensive Zoning Plan. My wife and I relocated to Maryland this past year and purchased 8045 Murphy Road in Fulton in July. We researched the property thoroughly and purchased in large part because the parcel behind the house (No. 46.002, 11595 Scaggsville Road) was zoned RR-DEO. Furthermore, we found that this land south of 216 was outside of the PSA, which meant that development was further limited.

Unbeknownst to us, in July, right about the time that we moved in, the County changed the PSA map to include this parcel south of 216, which would allow the zoning change to higher density residential. As opposed to doing this openly through an individual bill, which would have required that the neighbors be noticed and have the opportunity to comment, this change was incorporated as a Part of PlanHoward 2030 and occurred without any of the community being made aware.

Conveniently the County excluded the adjacent homes on Murphy Road, which I will address later in this letter. We only found out on March 12<sup>th</sup> that the County is planning on changing the zoning to R-A-15 as part of the Comprehensive Zoning Plan. I can assure you that we would not even have considered the home had the zoning been R-A-15 at that time. If this move goes through, aside from the elimination of everything that we moved to this neighborhood for, we fear what this may do to the value of our home.

First, with regard to process, neither I, nor any of our neighbors that I have spoken with, were properly notified of the proposed zoning change or of the upcoming meetings, which appears to be in violation of County zoning regulations. We only received a notification a week before the hearings after we complained that no notice was sent. We were told that small signs were placed on the parcel in January but we never saw them. My wife leaves for work via Murphy Road and returns via Lime Kiln. I leave for work via 216, but before sun-up and return via Murphy Road. As a result, not only did we not see the signs, we were not in a position to see the signs while they were up.

I would appreciate an explanation for how such a major change can be proposed without the neighbors that are directly affected being notified and how this process can go forward at this point without that notification

With regard to the proposal, the zoning map amendment request form states that the reason for the proposed change is:

“With the adoption of PlanHoward 2030, the subject property was incorporated into the Planned Service Area (PSA) for water and sewer. Consequently, the existing RR-DEO zoning is no longer appropriate. Petitioner is requesting R-A-15 zoning because it is the most appropriate for the property. (1)The subject property is located in close proximity to existing public schools, a park and ride, and the Maple Lawn Commercial District. (2) Because of its location, the subject property is well suited to accommodate additional residential density and is consistent with PlanHoward 2030 Policy 6.1, which calls for the reduction in competition for land resources by promoting more compact development in appropriate targeted growth and revitalization areas. Further, rezoning the subject property to R-A-15 would promote the Policy 6.5 of PlanHoward 2030 by encouraging compact development with adequate green spaces and connectivity within and between developments which provide residents with a high quality of life and allows residents to take advantage of the benefits of compact development.”

Addressing these individually:

1) The R-A-15 zoning is absolutely not the most appropriate for the property. What the applicant fails to disclose is that the properties abutting the parcel are all single family homes zoned RR-DEO with the exception of the church on the east side. Further to the east zoning is R-20 with RR-MX-3 zoning for the current MapleLawn development. None of the existing zoning approaches the density of R-A-15 and R-A-15 is completely inappropriate for this parcel.

2) These homes are a part of a long established neighborhood. Policy 10.1 of PlanHoward 2030 is to “Protect and enhance established communities through compatible infill, sustainability improvements, and strategic public infrastructure investments.”

Section d) Flexible Infill. Consider zoning modifications that would provide more flexibility in order to allow limited, compatible infill that enhances an existing community.

Further, Section 10 states, “Established Communities predominately consist of existing single-family neighborhoods or business areas to be respected, with limited infill and enhancement,”

Section 3.6 also calls for the preservation of parcels that are environmentally sensitive, such as this one that drains into Rocky Gorge Reservoir:

“Use of the density exchange option for neighborhood preservation parcels could allow these types of parcels to be permanently protected while their allowable development potential is sent to a more appropriate development site.”

Incorporation of this Parcel into the PSA was part of Section 6 of PlanHoward 2030. That section clearly envisioned that attempts to inappropriately re-zone this and other parcels were a possibility as a result of this change and just as clearly proscribes such changes.

“PlanHoward 2030 proposes three minor expansions of the Planned Service Area (adjoining Ellicott City, Clarksville, and Maple Lawn). To achieve Bay restoration goals it is preferable to include these properties in the PSA, rather than have them utilize septic systems particularly where the area drains to reservoirs or high quality stream systems. These properties, because of their location at the interface of the rural residential zone and the planned service area, should be designed and zoned to establish a transition that is compatible with and enhances surrounding communities. In addition, they should create an environmental benefit through environmental site design that mitigates impervious surfaces so that storm water will be captured onsite and not affect nearby waterways.”

6.1(a) Limited Planned Service Area Expansion. Zoning requirements for approved PSA expansions should include a development proposal that is consistent with the General Plan and establishes a transition that is compatible with and enhances surrounding communities and provides an environmental benefit.

The applicant argues that R-A-15 is the most appropriate for this parcel whereas the surrounding land uses and PlanHoward 2030 clearly demonstrate that this is the least appropriate zoning. R-A-15 is incompatible with the existing RR-DEO, R-20 and RR-MX-3 zoning in the area and R-A-15 zoning clearly violates the intent of Sections 3, 6, and 10 of PlanHoward 2030.

One more consideration with regard to zoning: Although the property in question is a single parcel, the County should not be under any obligation to have the same zoning designation for the entire parcel. Subdividing the parcel and varying the density across the lots with increased density to the east, gradually decreasing to the west could further serve to preserve the character of this area.

As noted above, one last comment with regard to the change in PSA last summer. The decision to modify the PSA without notifying the residents of the change and allowing us to comment also may have violated noticing requirements. Furthermore, the decision to deliberately exclude homes adjacent to the development further burdens our homes since we are all on well systems. Any development is likely to affect runoff and drainage from this parcel on which our wells rely. Many wells in this area already have poor yield and require a number of filters for water quality. Regardless of the final zoning decision and proposed development, the PSA boundary should be reconsidered to fairly include all properties abutting 46.002 so that we are protected from the effects of this development.





✓  
hld  
**Fox, Greg**

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**From:** LEW RODGERS <hilew@verizon.net>  
**Sent:** Saturday, May 11, 2013 4:18 PM  
**To:** Fox, Greg  
**Subject:** RA-15

SUBJECT: RE ZONING OF RA-15

I support RA-15 being zoned as R-ED and request your vote to be this position for the following reason:

It is idiotic to expect any money, county or state, to be available for widening rt 216 and the probable necessitation of traffic light installations, BEFORE you unload additional thousands of cars onto this section from Highland to route 29. And let's not forget the unfinished development and increased traffic still to come out of Maple Lawn. In my opinion, Maple Lawn's two tight radius circles will impede, rather than aid the traffic flow, thus requiring expansion of them or removal and installation of lights here also. The WHOLE issue, in my opinion, is about MOVING PEOPLE - forget all the other complaints, but at least respect the daily frustrations that will be the norm for the people who decide whether you have given this your best judgement.

Further, any suggestion of a phasing in of this plan, as roads are developed, is a complete unknown regarding the congestion that will occur. Widen 216, Highland to 29 FIRST, then come back and revisit this proposal. We haven't seen the complete development of Maple Lawn yet and have no idea what traffic surprises that will bring.

I have no objection to more homes in the area - farm land in this part of Howard County will eventually disappear, but PLEASE avoid a Montgomery County pattern.

Neighbors with school age children have an additional issue, I'll let them speak to that.

We came to Howard in 1977, built our home on Reservoir Rd and viewed corn fields in all directions - it was a pleasant escape from Prince George County (New Carrollton) and its congestion, if you want to call it that. We loved the country and were intrigued by lengthy drives to the gas station and grocery stores, and meandering over the back roads on weekends- but development does have its advantages and conveniences. We now appreciate the speedy access to just about any service we need - so PLEASE don't burden us with traffic frustrations!!! Thanks for considering your vote carefully

Lew and Hilde Rodgers  
8300 Reservoir Rd  
Fulton

**Fox, Greg**

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**From:** Estelle Blankenship <estelle@sunairawnings.com>  
**Sent:** Monday, May 13, 2013 10:47 AM  
**To:** McLaughlin, Marsha; Ken S. Ulman; Watson, Courtney; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg  
**Subject:** Zoning Amendment 46.002

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam.

We are opposed to the rezoning of RA-15. We need to preserve our Fulton area.

We feel that it should be zoned as R-ED (2 housing units per acre) since we are concerned for the increased traffic and the safety of our students walking to school. We are also concerned of the overload to our school system. It will then require another rezoning to the schools which will have a yet another emotional impact on our children.

Such huge increase in population will also have environmental impact on pollution threatening our wells.

Please wait and take the time to properly research and evaluate before making such an important decision.

Thank you in advance.

*Sincerely,*

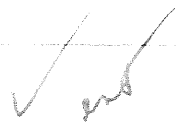
**Estelle Blankenship**  
8665 Reservoir Road  
Fulton, MD 20759

Tel: (410) 799-1145 Fax: (410) 799-5584  
[www.sunairawnings.com](http://www.sunairawnings.com)



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**Fox, Greg**

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**From:** Michele Glazer <michg\_515@yahoo.com>  
**Sent:** Monday, May 13, 2013 9:57 AM  
**To:** Fox, Greg  
**Subject:** Zoning Amendment 46.002

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To: Greg Fox, District 5 Councilmember

I hope you are doing your duty to hear the community who is trying so desperately hard to make sure you support our strong and critical concerns of what this zoning will do to our town--increased traffic, influx of students to our schools and safety of students walking to school; lack of infrastructure in our town to support such an increase in people and housing units; and environmental pollution threatening our wells! Our entire way of life as we know it is in jeopardy! I just used my entire life savings to move to this area because it is so beautiful and rural and it would make me sick to see something like this happen now!

Please hear the community screaming out that:

- 1) We are opposed to a rezoning of RA-15
- 2) We recommend it be zoned as R-ED (2 housing units per acre) and then make the developer have to fight to have it zoned higher, rather than have the citizens having to fight to have it zoned appropriately (i.e., lower density)
- 3) Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude!!!

Please make sure we are heard and the right decisions are made on our behalf!

Thanks,  
Marc and Michele Clark and family  
11373 Bishops Gate Ln  
Laurel, MD 20723

✓ 46.002  
**Fox, Greg**

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**From:** Joyce Barnes <joykbarnes@yahoo.com>  
**Sent:** Monday, May 13, 2013 9:36 AM  
**To:** Ken S. Ulman  
**Cc:** Fox, Greg  
**Subject:** zoning amendment 46.002

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

We would like to go on record that we are strongly opposed to re-zoning RA-15.

It is an Environmental mess, most of us have wells in our area.

We do not need more traffic on 216.

Schools will be over crowded.

Last we will losing more of the open spaces we all love about living here in Howard Co.

Joyce & Bill Barnes  
11706 Wayneridge Ct.  
Fulton,MD

46-002

**Fox, Greg**

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**From:** Jane Leshchiner <jane@chazspot.com>  
**Sent:** Saturday, May 11, 2013 6:22 PM  
**To:** Fox, Greg  
**Subject:** zoning amendment 46.002

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Fox,

I am writing to you concerning Zoning Amendment 46.002. I have been a resident of Fulton for 6 years, and my husband for 15 years. We moved to this community because of the clean air and water, great schools, minimal traffic, safety and open spaces. With this zoning amendment, all of these things would be in jeopardy. The infrastructure does not exist here to support tripling the population of the community, which is what would happen if this amendment went through. Our children would be rezoned to different schools, when we moved here for these specific schools (Reservoir, Lime Kiln, etc), because the new community would be in closer proximity to the schools. We have well water, and increased population and construction would severely impact the water. We have small roads and NO SIDEWALKS. Children would not be safe with traffic tripled.

I urge you please consider the current residents of this community and the points outlined below, and help us to keep Fulton the great place it is now.

- Our main points are what this zoning will do to our town--increased traffic, influx of students to our schools and safety of students walking to school; lack of infrastructure in our town to support such an increase in people and housing units; and environmental pollution threatening our wells
- We are opposed to a rezoning of RA-15
- We recommend it be zoned as R-ED (2 housing units per acre) and then make the developer have to fight to have it zoned higher, rather than have the citizens having to fight to have it zoned appropriately (i.e., lower density)
- Please delay filing for the zoning until there has been time to conduct all of the important studies for a project of this magnitude

Thank you,

Jane S. Leshchiner  
8575 Clarkson Drive  
Fulton MD 20759



Vmt  
**Fox, Greg**

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**From:** dmotap@aol.com  
**Sent:** Saturday, May 11, 2013 8:32 PM  
**To:** Fox, Greg  
**Subject:** Fulton Congestion

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Mr. Fox,

I live in a house built in 1955 on Murphy Road. We have suffered already from lager's farm being transformed into a city as well as the other developments that have taken place in recent years. Our life has changed. We no longer live in the rural community to which we moved from the congestion of Wheaton. Since the turn onto Old Columbia Rd from Rt 29 has been blocked for us, we must drive 2 miles out of the way to get home from the south, or 2 miles out of the way trying to go north. With only a slight merge area going south --- cars speeding around the turn, over the hill into the intersection that has experienced so many deadly accidents, going south on 29 is a hazard. Our only two ways out of our community are Murphy Road at Rt. 216 or the circle at Old Columbia Road and Rt. 216. During rush hour, the Murphy Road onto 216 is not really an option --- it is too dangerous with heavy traffic from 216 (both directions), poor visibility from the east, and cars feeding in from Lime Kiln. The circle is only slightly better since drivers on 216 feel that is a main drag and the circle is just part of it --- so they feel no inclination to slow down.

We went over 30 years without losing power, but since developments have closed in, we lose power on a regular basis.

Although, we all opposed the Maple Lawn Development, the developer clearly owned our politicians and the development was pushed through. Please serve the 99% and protect us from the 1%. Limit the congestion when voting on the zoning for Maple Lawn South.

Thank you,  
Mike Morris

✓ m

46.002

**Fox, Greg**

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**From:** Frank Persico <fpersico@aol.com>  
**Sent:** Sunday, May 12, 2013 7:08 PM  
**To:** Fox, Greg  
**Subject:** Zoning Amendment 46.002

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Mr. Fox:

I write today in strong opposition to the proposed change in zoning requested in Zoning Amendment 46.002. It does not make sense how anyone in Howard County can support this zoning request. This area cannot and should not be made to sustain the increase traffic and population that this development WILL cause. When I first heard of this all I could think was that the reports were wrong. I thought to myself that the elected officials in Howard County have always done their very best to preserve the county and its integrity.

It is now time for you as an elected official to heed the will of the people and reject the unrealistic request of the proposed developers of this property. The thought of the impact of this huge development in conjunction with the build-out of Maple Lawn is astounding. Having been in elected politics myself and on a Council with zoning authority, I have seen and heard every imaginable argument that developers can make to try and ameliorate the concerns of the Council and citizens and tell us how the impact will be "minimal." You and I know that they only tell part of the truth; the part they think they we want to hear. They won't tell how this development will crowd the schools, have a public safety impact in both pedestrian safety and crime increases, and have a clear environmental impact on those of us who have wells for our water supply.

I respectfully request that you do everything in your power to stop this proposal. It will be one critical decision you can make to protect us all and our community. Thank you.

Frank Persico  
12329 Pleasant View Drive  
Fulton, MD 20759  
301-854-1432

Fox, Greg

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✓ 46.002

**From:** jtd1293@aol.com  
**Sent:** Sunday, May 12, 2013 2:52 PM  
**To:** Ken S. Ulman; McLaughlin, Marsha; Watson, Courtney; Watson, Courtney; Ball, Calvin B; jterrasa@howardcountymd.gov; Sigaty, Mary Kay; Fox, Greg  
**Subject:** ZONING AMENDMENT 46.002

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To the Howard County Executive, Council Members and the Director of the Department of Planning and Zoning

I hope by now you have gotten the message that the taxpayers of Fulton MD are very dissatisfied and opposed to the zoning proposal of RA-15 that is being presented by the developer. This proposal will desecrate the Fulton area with increased traffic, the safety issue of the children who walk to school, not to mention the increase of students in their schools and the elementary school has already been re-districted earlier this year. The increase of housing units will create an environmental impact on our water and possibly pollute our wells. We are not opposed to rezoning as R-ED (housing per acre). Cramming 1300+ units across the street from four schools (elementary, middle school, high school and a special needs school) is a ludicrous proposal.

I have not heard that an environmental impact study has been done on this proposal and believe that it is very important to conduct all of the important studies before a project of this type is undertaken and especially since the taxpayers are adamantly opposed to this project.

It has been rumored that this is a "done deal" and has been in the "works" for sometime and yet it has only become brought to light in the past few weeks to the taxpayers of Fulton. I certainly hope as elected officials you will do everything possible to stop this asinine project and rezone to the RA15. Your help and cooperation to the taxpayers of Fulton will be greatly appreciated for years to come.

We are Voters for Common Sense Growth in Fulton

Jane and Aloysius Doyle  
8184 Stabean Drive  
Fulton MD 20759

**Fox, Greg**

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✓ 5-15-13

**From:** David Greenberg <david.m.greenberg@gmail.com>  
**Sent:** Wednesday, May 15, 2013 6:20 AM  
**To:** McLaughlin, Marsha; Ken S. Ulman  
**Subject:** Zoning Amendment 46.002

I wanted to write to express my opposition for this amendment. I am worried about the increased traffic, our infrastructure's ability to support this massive growth and resulting environmental pollution. In addition, it would seem that a more manageable population density inline with R-ED would be the optimal solution for our town.

This is a meaningful decision for all of the current residents of Fulton, so I hope that we collectively can conduct more research and receive more feedback from the community before deciding to move forward with a project of this scale.

Thank you for your consideration.

David Greenberg.

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David Greenberg  
[david.m.greenberg@gmail.com](mailto:david.m.greenberg@gmail.com)  
(301) 928-6878

Fox, Greg

✓ 5-15-13

**From:** Pavan Zaveri <pavanzaveri@yahoo.com>  
**Sent:** Wednesday, May 15, 2013 3:46 AM  
**To:** Fox, Greg  
**Subject:** No to Zoning Amendment 46.002

**Categories:** Printed

Mr. Fox

I write to you as a concerned resident and citizen of Howard County. We moved to the county over 2 years ago for the quiet neighborhoods, excellent schools and much better traffic than nearby counties and the District.

This Zoning amendment looks to bring a ridiculous amount of people to an area of Howard County that is in no way prepared to deal with more people, particularly thousands more in an apartment complex of over 1000 units. The roads in Fulton, the public services in southern Howard County (Fire/EMS), and the schools in Fulton have no capacity to absorb the needs of thousands of new individuals. If anything, first improvement needs to occur to these facilities before considering such a drastic change in zoning from rural farmland to high density residential. A more temperate change such as R-ED may be a better start forcing the developer to prove that he safely can build and accomodate increasing the number of homes rather than going straight to an untenable number of housing units.

The RA-15 Zoning is simply not acceptable.

Unless improvements to Rte. 216 are complete and intended to accomodate the high volume of traffic, this kind of proposal should not even be considered. The only incentive here seems to be money for the developer without any regard for current and future homeowners, residents of the County that pride themselves in living here, contributing to the economy and participating in the school system.

There is little preparation being done appropriately to inform the project or the nearby neighborhoods with everyone just playing catch-up day by day. Please stop this zoning amendment from being filed until appropriate preparation is complete and demonstrating that such a change is not realistic, feasible and comes with much damage to this part of Howard County.

Sincerely,

Pavan and Meenal Zaveri  
8676 Waterside Ct  
Laurel, MD 20723  
A Concerned Howard County Resident



**Fox, Greg**

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**From:** Edward Montgomery <ebm48@georgetown.edu>  
**Sent:** Monday, May 13, 2013 12:03 PM  
**To:** McLaughlin, Marsha; Ken S. Ulman; Watson, Courtney; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg  
**Subject:** Zoning Amendment 46.002

I am writing you as a concerned citizen and resident of Howard County Maryland. We have resided in Fulton area for more than a decade and have sent our children through Reservoir HS and Lime Kiln Middle School. During that time the Maple Lawn development has grown dramatically and the character of the surrounding area has changed. Despite the increased traffic and congestion around the schools in the morning this area remains a quality environment to live and raise a family. Unfortunately the Planning and Zoning Board is now considering a proposal that could dramatically and irrevocably tip the balance of the area's quality of life for the worse. This proposal for rezoning a significant parcel of farm land to RA-15 would give carte blanche licence to developers to add nearly 2000 apartment units to this tract. While this may not happen immediately, once a tract is open to full scale development there is simply no reason to expect developers to limit the amount they can put into the area or to expect them to value the lost amenities and environmental degradation as the residents of the area do. In addition, the infrastructure in the area is simply not equipped to handle this scale of an increase. Rt. 216, and the related side roads are two lane rural highways and RT 29 south is ill equipped to handle a further significant increase in the volume of traffic. The High School is already among the largest in the county so this development would either stretch it to the limit or require significant redistricting of children who have grown up together. The watershed and run off to the reservoir could also be adversely affected. At a minimum the Board should have full information about the potential environmental consequences of such a development before rendering any decision that may not be easily reversed.

I do not want to engage in hyperbole or make excessive statements of the nature that the sky is falling. There are ways to accommodate legitimate and reasonable desires for development in the area. One option is the approval of options like R-ED zoning. A broad almost unrestricted licence to develop such as the requested RA-15 however is unwise, unnecessary and unwarranted. Once out you can not put this Ginnie back in the bottle. Current and potential new residents of the area will be left to deal with the consequences of over development long after the those who build on this land have moved on. I ask you to strike a balance that allows growth but also preserves those things that make this area and Howard County special.

Sincerely

--

Edward Montgomery  
Dean  
Georgetown Public Policy Institute  
Old North Building  
37& O Street NW  
Washington, DC  
20057  
202-687-7051