

ADJOINING PROPERTY OWNERS FOR 5820 WASHINGTON BOULEVARD

Southbound Corporation
c/o Eastern Petroleum Corp.
P.O. Box 6516
Annapolis, MD 21401-4118
(38.003)

Steven Gregor
Tina Gibson
5590 Levering Avenue
Elkridge, MD 21075-5002
(38.003)

Mildred Sherwood
5570 Levering Avenue
Elkridge, MD 21075-5002
(38.003)

Thomas Althausen
5560 Levering Avenue
Elkridge, MD 21075-5002
(38.003)

Franklin Camden, Jr.
Kathleen Brison
5556 Levering Avenue
Elkridge, MD 21075-5002
(38.003)

Elkridge Associates, LLC
23 Everleigh Court
Simpsonville, SC 29681-3669
(38.003)

"
"

Requested Zoning

Search Street:

WASHINGTON BLVD

Property Information:

Amendment No.: 38.003
Current Zoning: CAC-CLI
Requested Zoning: B-2
Tax Account ID.: 1401174002
Map: 38
Grid: 3
Parcel: 570
Lot:
Acres: 3.42
Address: 5820 WASHINGTON BLVD
City/State/Zip: ELKRIDGE, MD 21075

Owner:

Name: ELKRIDGE ASSOCIATES LLC
Email: cnemphos@yahoo.com
Phone: 410-971-3600
Mailing Address: 23 EVERLEIGH CT
City/State/Zip: SIMPSONVILLE, SC 29681

Representative:

Name: David A. Carney
Email: dac@carneykelehan.com
Phone: 410-740-4600
Mailing Address: 10715 Charter Drive
City/State/Zip: Columbia, MD 21044

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) 5820 Washington Boulevard
2 Tax Map Number 38 Grid 3
3 Parcel(s) 570
4 Lot(s)
5 Tax Account Data: District 01 Account # 174002

6 Size of Property: Acres 3.42 Square feet

7 The Property is currently zoned: CAC-CLI
I request that the Property be rezoned to: B-2

B. Owner Information

- 8 Owner Name Elkridge Associates, LLC
9 Mailing street address or Post Office Box c/o Charles Nemphos, 5174 Mountain Road
City, State Pasadena, MD
ZIP Code 2112
Telephone (Main) 410-971-3600
Telephone (Secondary)
Fax
10 E-Mail cnemphos@yahoo.com

C. Representative Information

- 11 Name David A. Carney; Carney Kelehan Bresler Bennett & Scherr, LLP
Mailing street address or Post Office Box 10715 Charter Drive
City, State Columbia, MD
ZIP 21044
Telephone (Main) 410-740-4600



C. Representative Information

Telephone (Secondary)

Fax (410) 730-7729

E-Mail dac@carneykelehan.com

12 Association with Owner Attorney

D. Alternate Contact [If Any]

Name

Telephone

E-Mail

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

13 Because of the 3.42 acre Property is zoned CAC and the unusual shape of the parcel, it cannot be developed with a CAC zoning district. See attached Supplement.

F. List of Attachments/Exhibits

14 1. Boundary and Location Survey; 2. 2004 Zoning Map; 3. 1993 Zoning Map; 4. 1985 Zoning Map; 5. Photographs (a)-(n); 6. Bing aerial photographs of the Property; 7. Extract of ADC Map showing the Property.

G. Signatures *Charles Nemphos, managing member*

15 Owner Charles Nemphos, Managing Member Owner (2)

Date *Dec 11, 2012*

Date

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

16 Representative Signature *David A. Carney*
Date *Dec 12, 2012*

DPZ Use Only	<i>JRC</i>	Amendment No.	<i>38-003</i>
Notes			

Zoning Map Amendment Request Form
Elkridge Associates, LLC
5820 Washington Blvd.
Elkridge, MD

In the 2004 Comprehensive Zoning, the Elkridge Associates, LLC property (Property) was rezoned from M-1, B-2 and R-12 to CAC-CLI zoning, a zoning class that was intended to modernize Route 1 according to the Route 1 Manual. The procedures of the 2004 rezoning did not notify the owners of properties along Route 1, including Elkridge Associates of the proposed changes in zoning.

CAC zoning only works where properties have enough significant acreage to redevelop the land. The CAC zoning normally requires an assemblage of adjacent parcels. The County left the properties on the other side of Route 1 on Old Main Street zoned B-1 on the north side of Old Main Street. Why were properties on Old Main Street different from the Elkridge Associates Property? The size and shape of the Property could not possibly be used for CAC uses. The size of the 3.3 acres Property has a configuration that makes it impractical to develop it as CAC.

Exhibit 1 depicts the unusual shape of the Property as:

- a) Along Route 1 the Property is 232' wide and has a depth of approximately 100';
- b) The Property is then approximately 325' wide for a distance of 100';
- c) The Property is then 200' wide for a depth of 340';
- d) The remaining .5 acres is unimproved. (See attached Exhibit 1 of the Boundary Survey).

The Property was the former location for the Miller Brothers car dealership. The buildings have been modernized and the uses are essentially car sales, motorcycle sales, commercial garages, office and retail space.

CAC zoning on the north side of Route 1 adjacent to the B&O Railroad and Levering Avenue to the east is inappropriate for the following reasons:

1. 3.3 acres is too small and constraints to redeveloping the Property for CAC use especially on the west side of Route 1;
2. The adjacent properties to the northeast have approximately 15 houses on Levering Avenue that were built between 1905 and 1925. They were constructed at a time when the County was rural in nature and there was not any zoning in Howard County.
3. The B&O Railroad tracks border the Property on the northwest side. The tracks are approximately 18' from the Property.
4. Levering Avenue has commercial uses on the northeast side of Levering Avenue.
5. Interstate 895 (the Harbor Tunnel access) is located approximately 60' above Levering Avenue as shown on the Bing aerials. (Exhibit 6(a) and (b).) The elevations to the northwest are approximately 75' above the Property, connecting to Lawyer Hill Road.

The property to the north is the Patapsco Park and river.

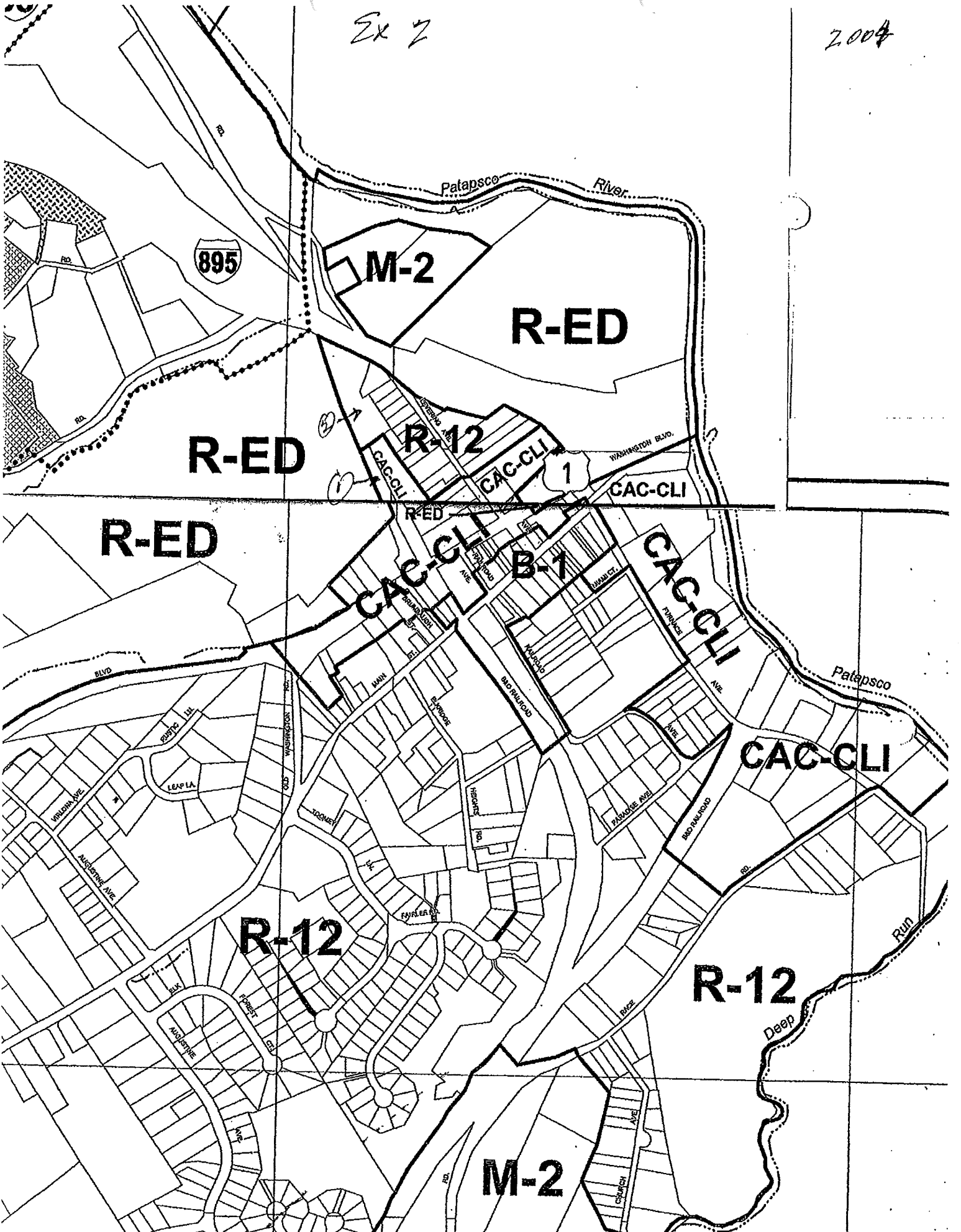
The comprehensive zoning of 2004, 1993 and 1985 for the Property are shown on Exhibits 2, 3, and 4.

The photographs that are attached are Exhibit 5(a) - (n).

For the foregoing reasons, all of the Property should be rezoned to B-2.

Ex 7

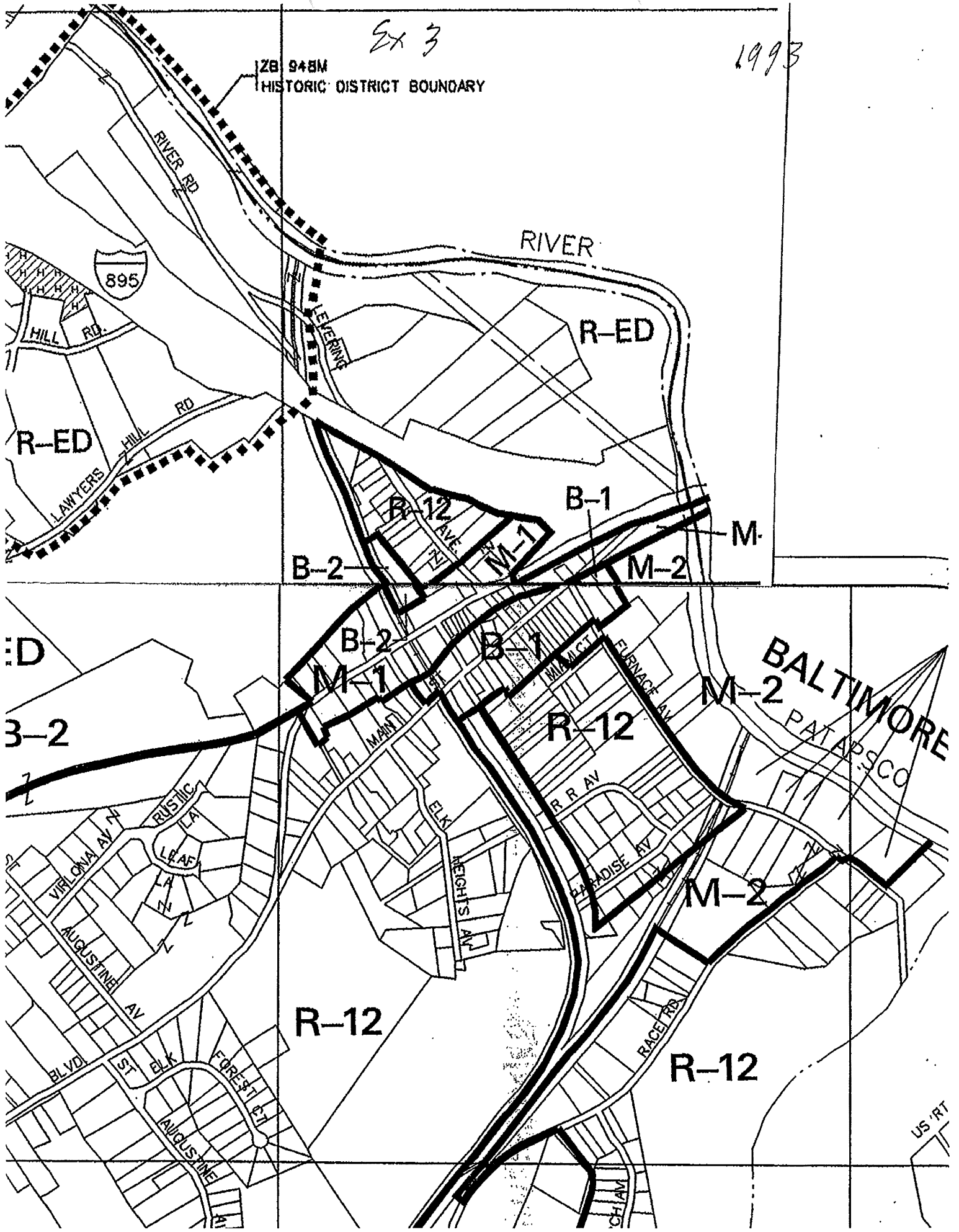
2004



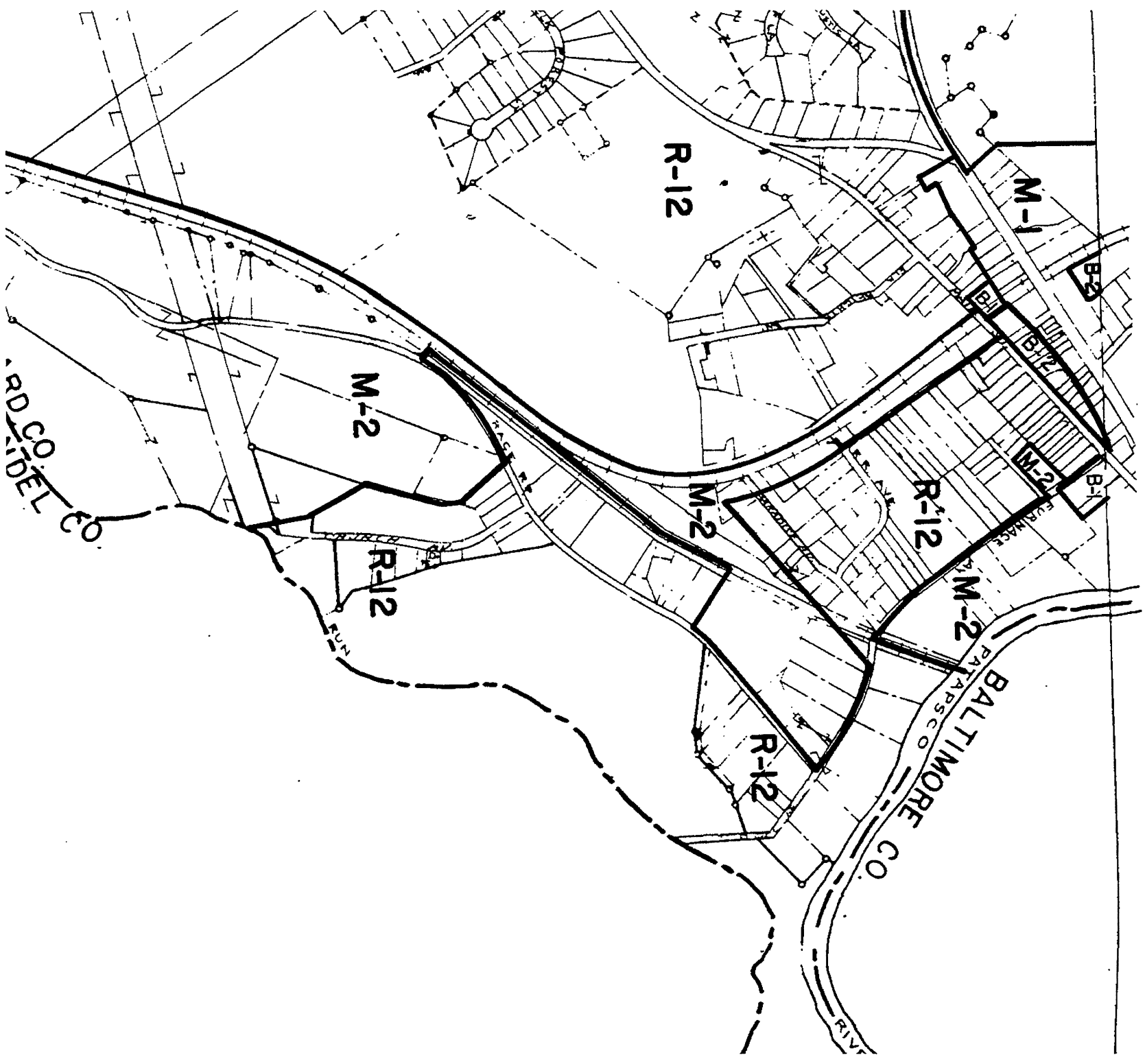
Ex 3

1993

ZB 948M
HISTORIC DISTRICT BOUNDARY

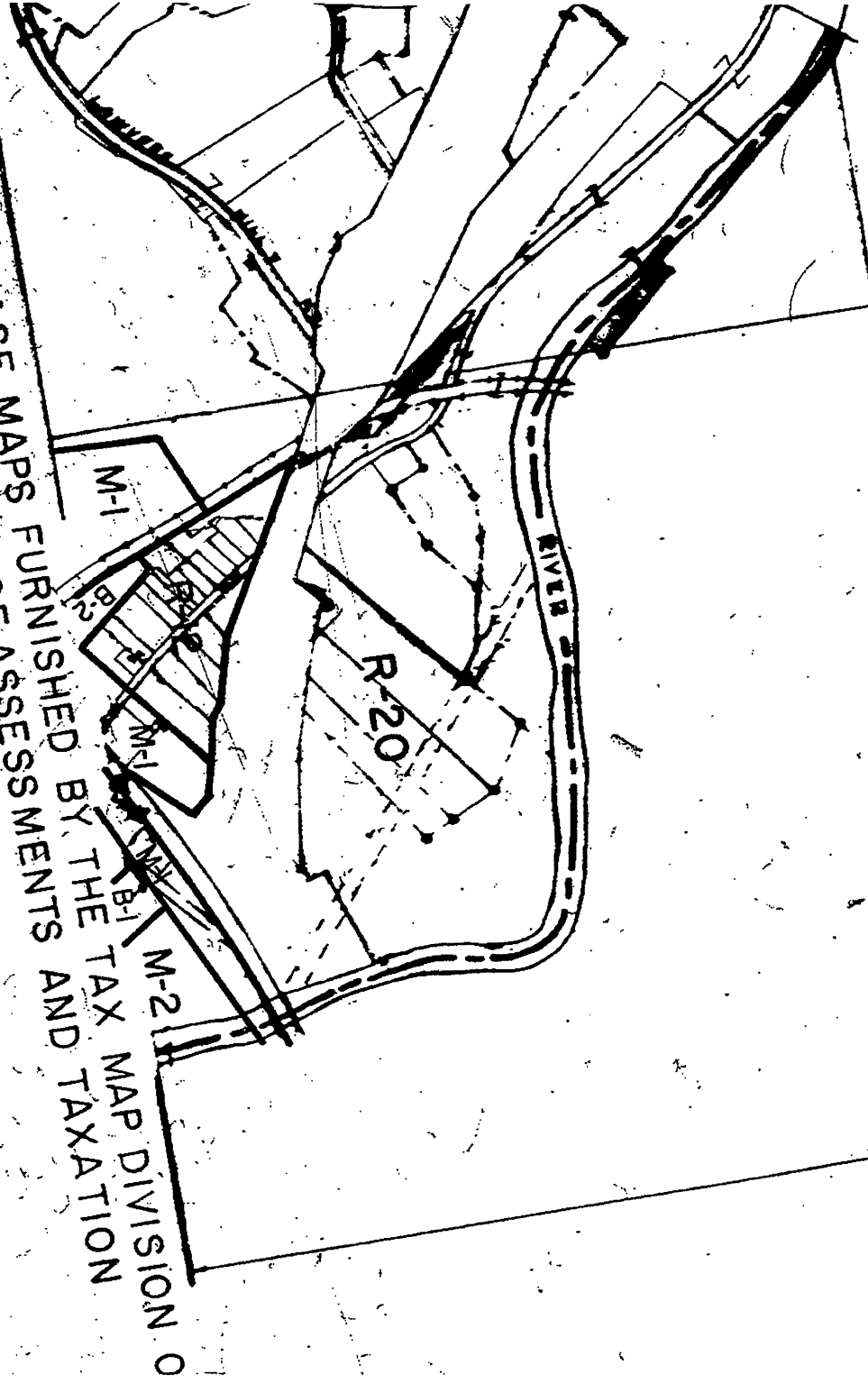


1985



Ex 4

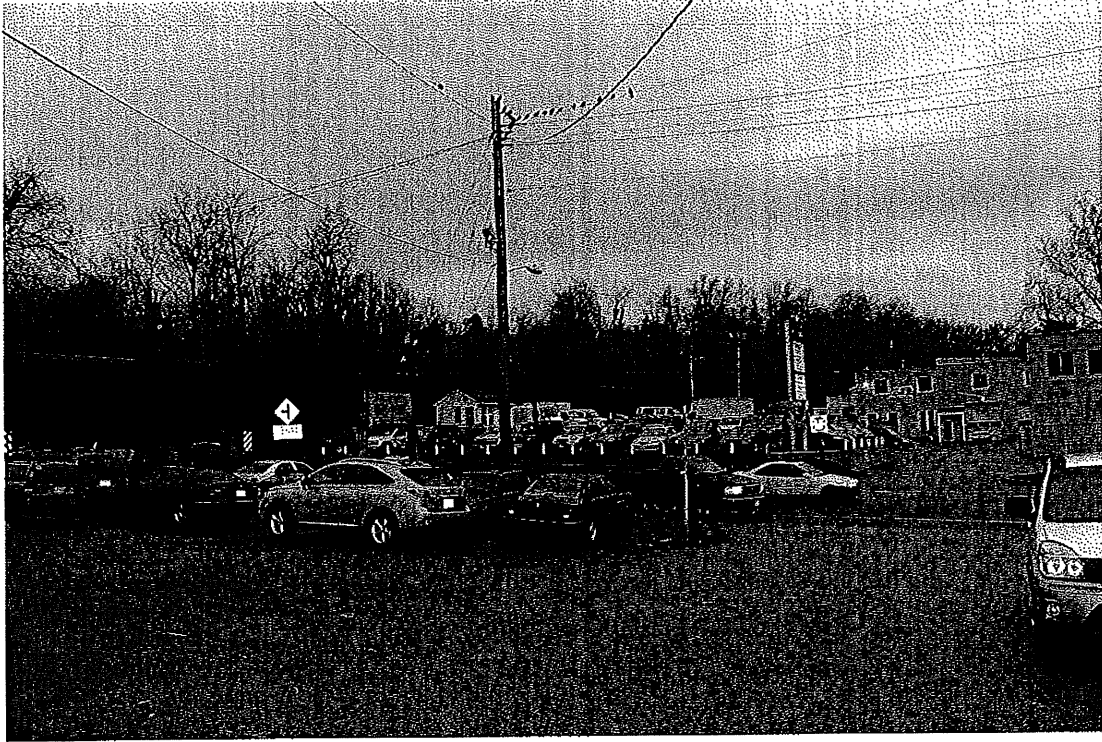
1985



BASE MAPS FURNISHED BY THE TAX MAP DIVISION OF
DEPARTMENT OF ASSESSMENTS AND TAXATION

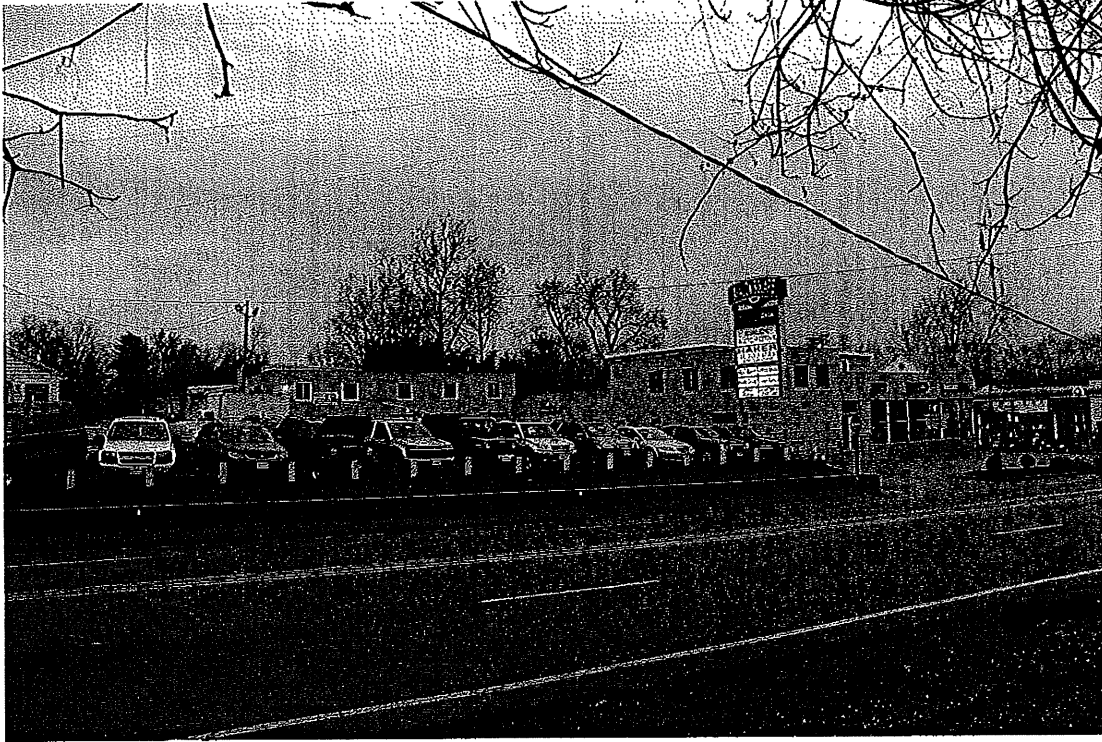
Grace Kudonik
Administrative Assistant

EX 5-(a)



Looking west to front of Elkrige
Associates' property from the other
side of Route 1

(h)



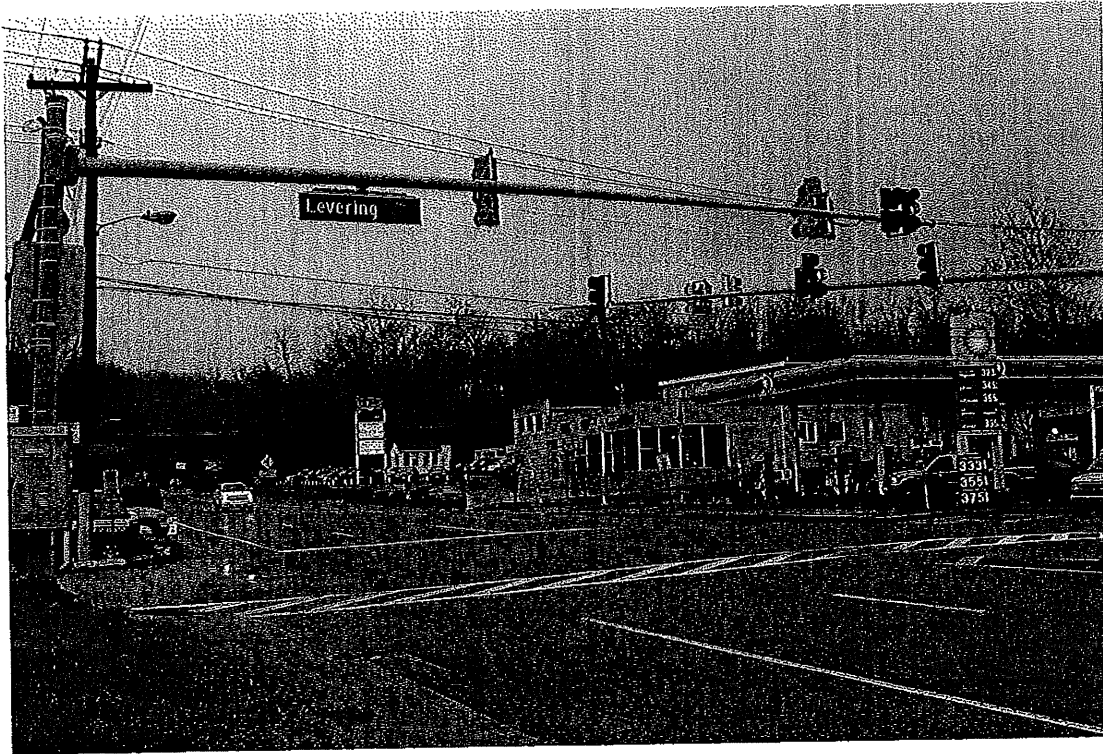
Looking northwest from the other
side of Route 1

(c)



Looking northwest from the other
side of Route 1

(d)



Looking southwest from the corner
of Route 1 and Levering Ave.

(e)



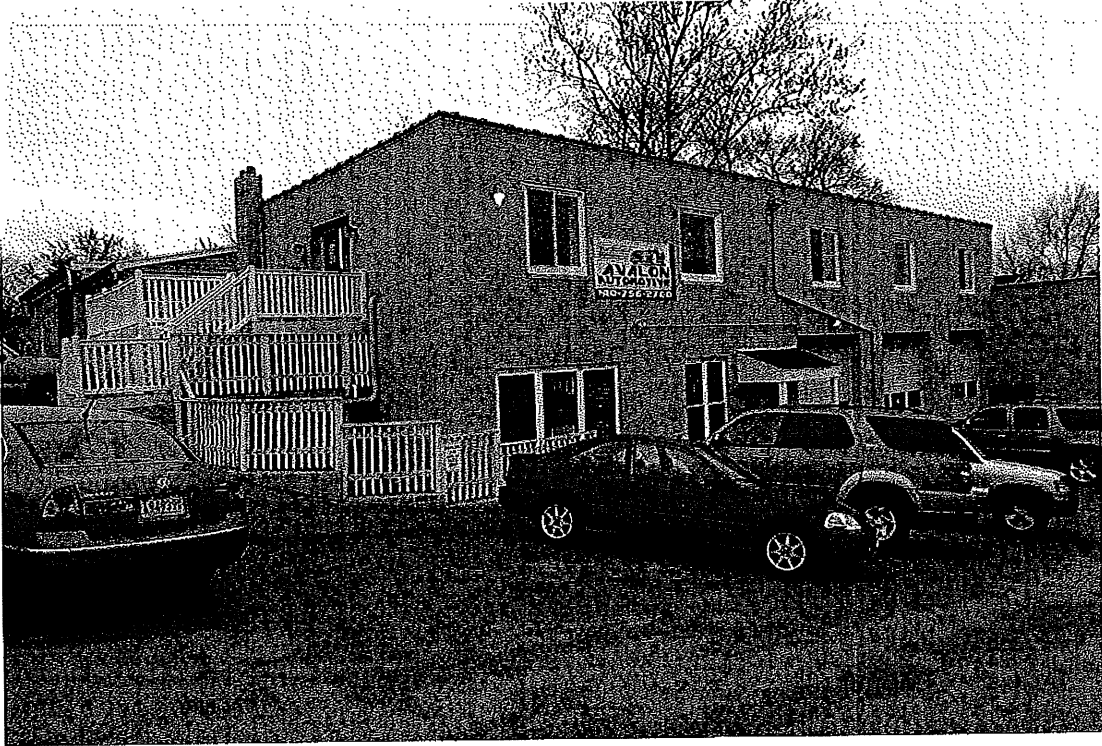
Looking southeast from Levering Ave. on to Elkrige Associates' driveway. Also portions of the Elkrige Associates' building

(b)



View looking northeast
(entrance is at the sign)

(g)



View looking northwest
(200 feet from the entrance)

(h)

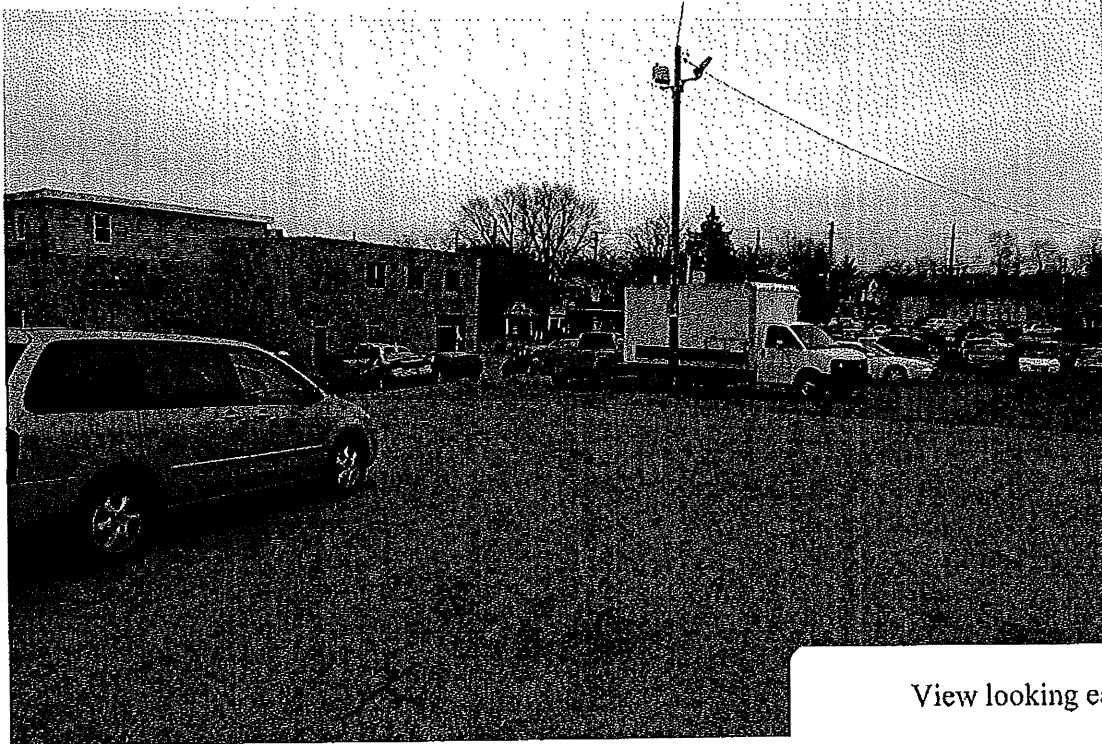


View looking north
(approx. 150 feet from the entrance)



View looking west
(200 feet from the entrance)

217

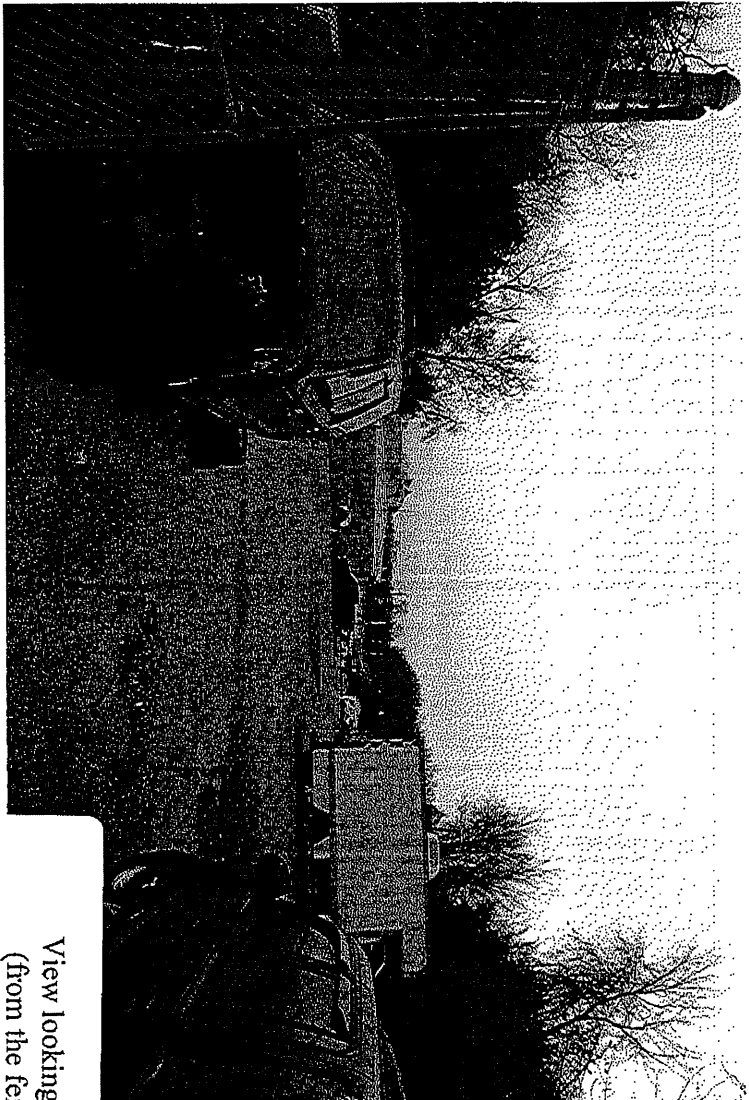


View looking east

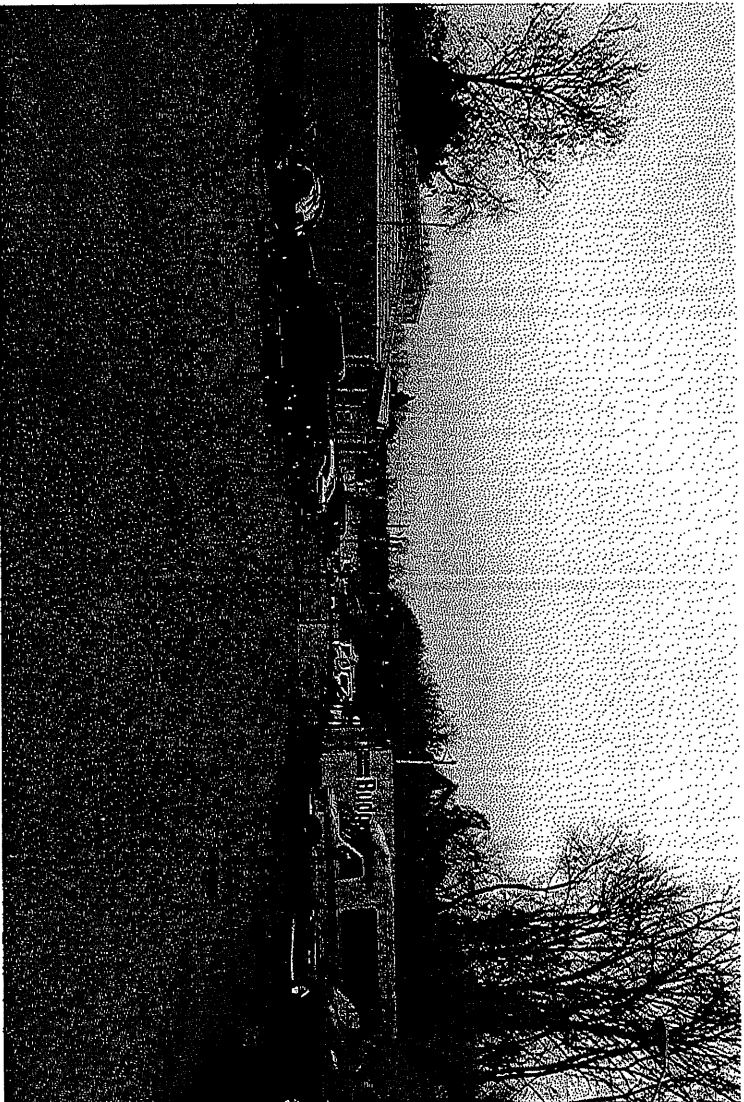


View looking east
(250 feet from the entrance)

(A)

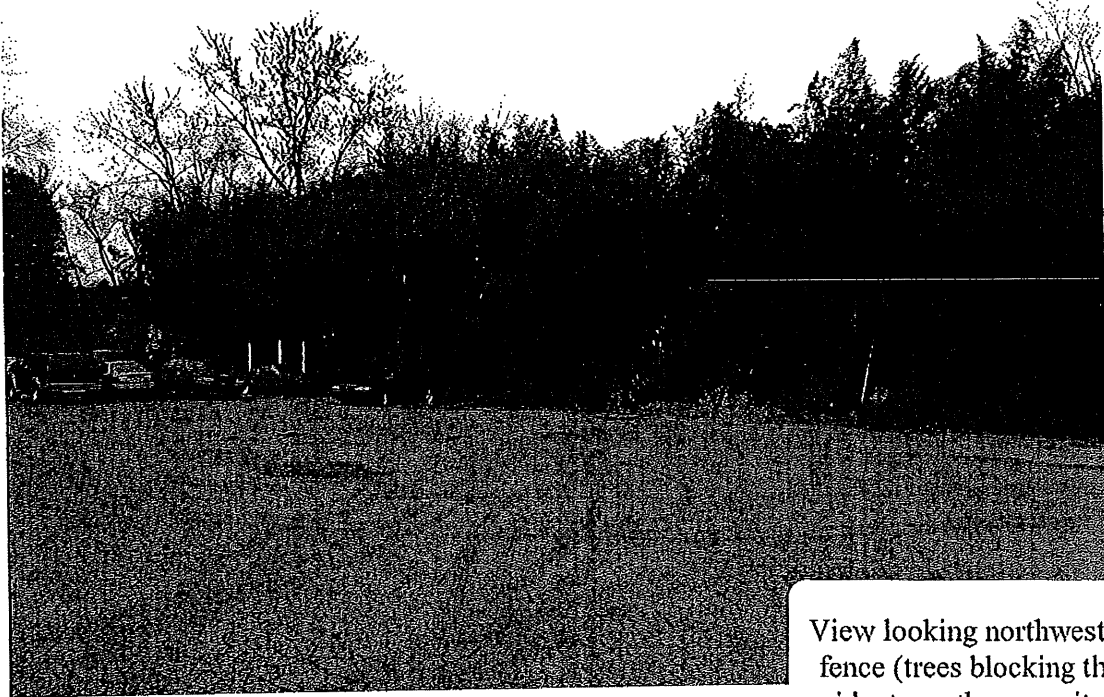


View looking east
(from the fence)



View looking east
(approx. 100 feet inside the fence)

(K)



View looking northwest inside the fence (trees blocking the view of residents on the opposite side of the trees.



View of B&O Railroad tracks looking southwest

(2)



View looking east at the
railroad tracks

(m)



View of the railroad from the field of
Elkridge Associates looking south

(M)



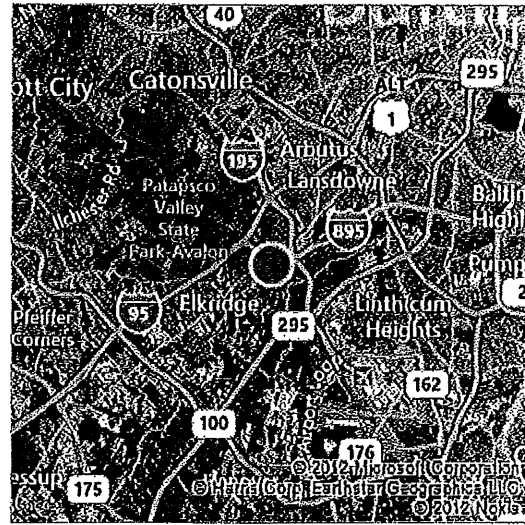
View looking west on Levering
Street of I-895


bing Maps

Levering Ave, Elkridge, MD 21075

My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more



 Bird's eye view maps can't be printed, so another map view has been substituted.

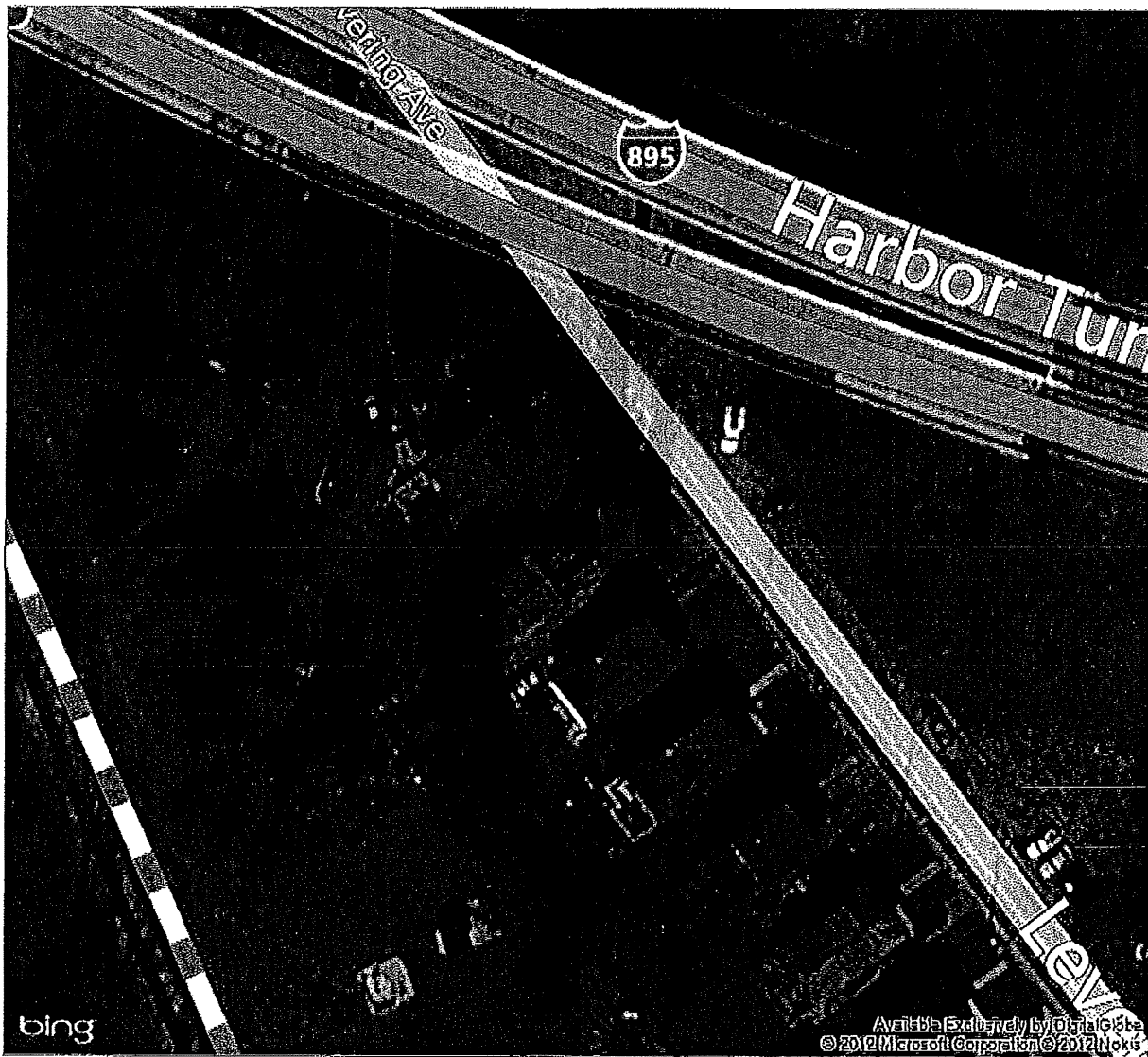
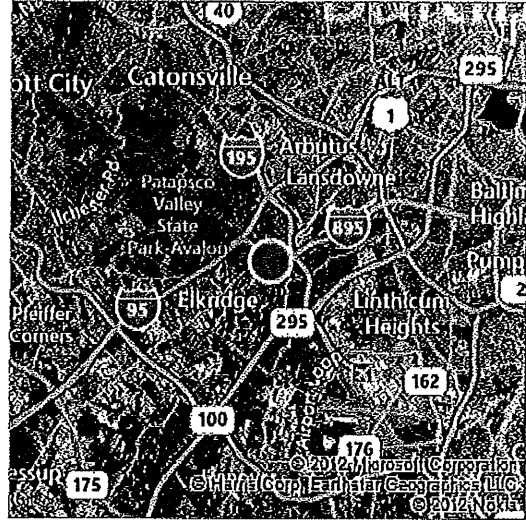
Ex 6


bing Maps

Levering Ave, Elkridge, MD 21075

My Notes

On the go? Use m.bing.com to find maps, directions, businesses, and more



 Bird's eye view maps can't be printed, so another map view has been substituted.

EX 7





Howard County Council

George Howard Building
3491 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

Elkridge Associates, LLC
23 Everleigh Court
Simpsonville, SC 29681

Dear Sir or Madam:

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

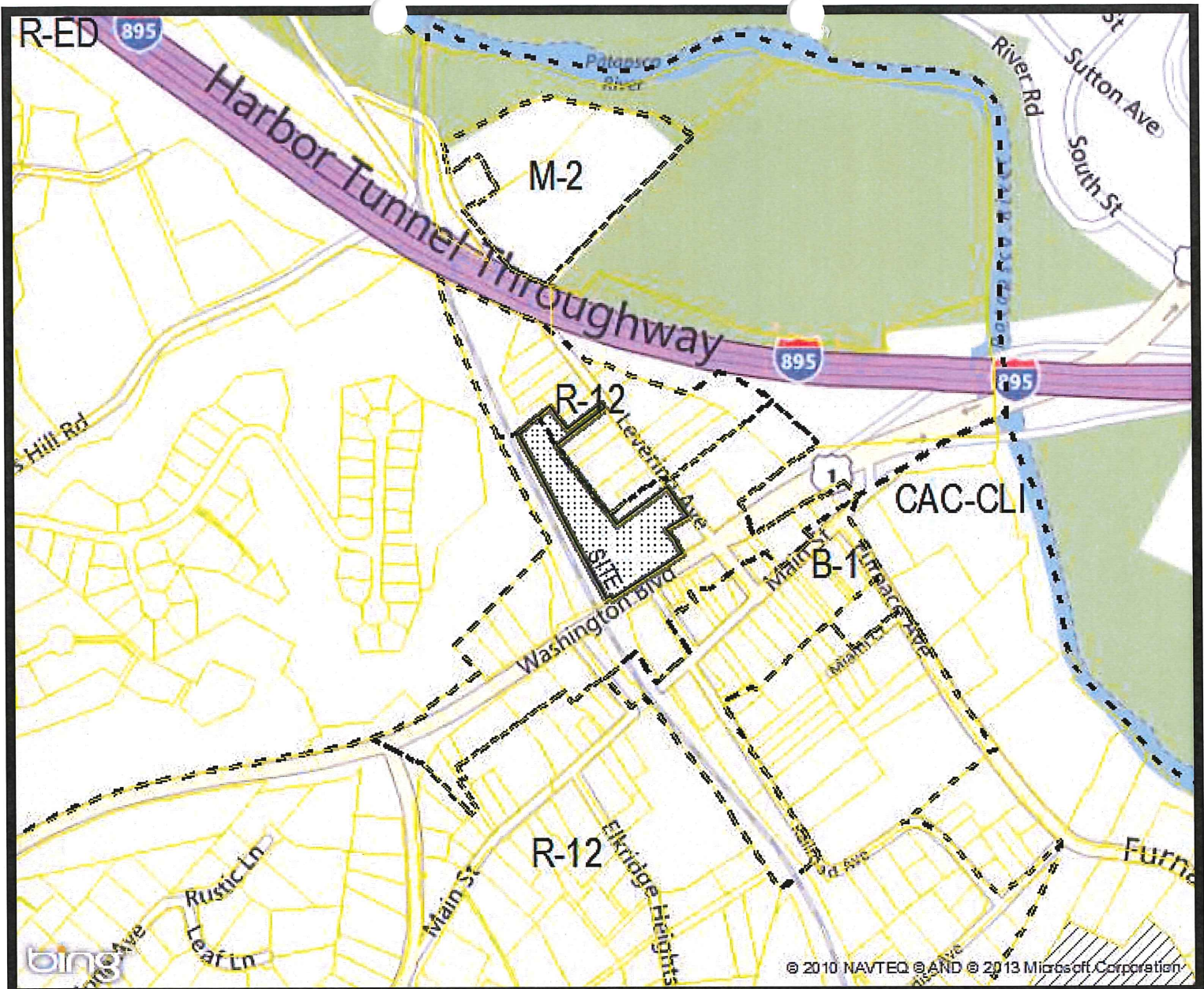
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits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

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

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

Very truly yours,

Stephen M. LeGendre
Administrator



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						50



Zoning Map General Plan Amendment: 38.003 Tax ID: 1401174002
 Current Zoning: CAC-CLI / R-12 Council District: 1
 Tax Map: 38 Grid: 3 Parcel: 570 Lot: N/A
 Address: 5820 WASHINGTON BLVD



Building
Footprint
22,500 sq. ft.

Paved Area
80,659 sq. ft.

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, August 01, 2013 10:59 AM
To: Regner, Robin
Subject: Fwd: Comprehensive Zoning - Item 38.003, Elkridge Associates, LLC
Attachments: Amend31.pdf; ATT00001.htm; Elkridge-061013_ltr_HCC.pdf; ATT00002.htm

Sent from my iPhone
Sheila Tolliver

Begin forwarded message:

From: "Sigaty, Mary Kay" <mksigaty@howardcountymd.gov>
Date: July 31, 2013, 3:36:41 PM EDT
To: "Tolliver, Sheila" <STolliver@howardcountymd.gov>
Subject: FW: Comprehensive Zoning - Item 38.003, Elkridge Associates, LLC

From: "David A. Carney" <dac@carneykelehan.com>
Date: Tue, 16 Jul 2013 15:04:13 -0400
To: Mary Kay Sigaty <mksigaty@howardcountymd.gov>
Cc: Charles Nemphos <cnemphos@yahoo.com>
Subject: Comprehensive Zoning - Item 38.003, Elkridge Associates, LLC

Mary Kay:

This email addresses Amendment No. 31, Item 38.003, whereby the Council is recommending for the Elkridge Associates property CE-CLI and R-12 as opposed to CAC-CLI and R-12. When I appeared before the Council to change CAC-CLI on the property in June, the request was for B-2 zoning. The original zoning before the 2003-2004 Comprehensive Zoning was M-1, B-2 and R-12. This 3.42 acre property has historically been for automobile and related uses.

John Miller, the father of Robert Miller and John Miller founded an automobile agency at the site. John Miller and Robert Miller purchased Miller Brothers Chevrolet on Route 40 and sold the Route 1 property to a predecessor to Elkridge Associates.

As you know, they never had any notice of the CAC/CLI zoning that was assigned by DPZ as part of the 2003-2004 zoning. Enclosed is a letter dated June 10, 2013 that concisely explains the uses, Amendment No. 31 and sketch. That suggested rezoning to CAC/CLI to the property. As you may recall the R-12 zoning is on the back of the property and the access for the R-12 is through the auto park. That should have the same zoning as the remainder of the property.

We searched zoning maps 38, 43, 47, 48, and 50 that encompasses all of Route 1. In all cases except Elkridge Associates' property, they were established M-1 or M-2 uses that will continue because they have been built out in accordance with those uses. Most of them are on the east side of Route 1, except for Elkridge Associates' property, and Parcel 910, Tax Map 47, Lynn Bluff Court which is probably 40+ acres. This property is long and narrow and is bracketed by the railroad tracks and BP service station.

David A. Carney

**Carney, Kelehan
Bresler, Bennett
& Scherr LLP**

ATTORNEYS AT LAW

10715 Charter Drive, Suite 200

Columbia, Maryland 21044

Direct 410-884-1100

Office 410-740-4600 x200

Fax 410-730-7729

Mobile: (410) 627-4338

Please respond to:

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www.carneykelehan.com

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Amendment 31 to Council Bill No. 32 -2013



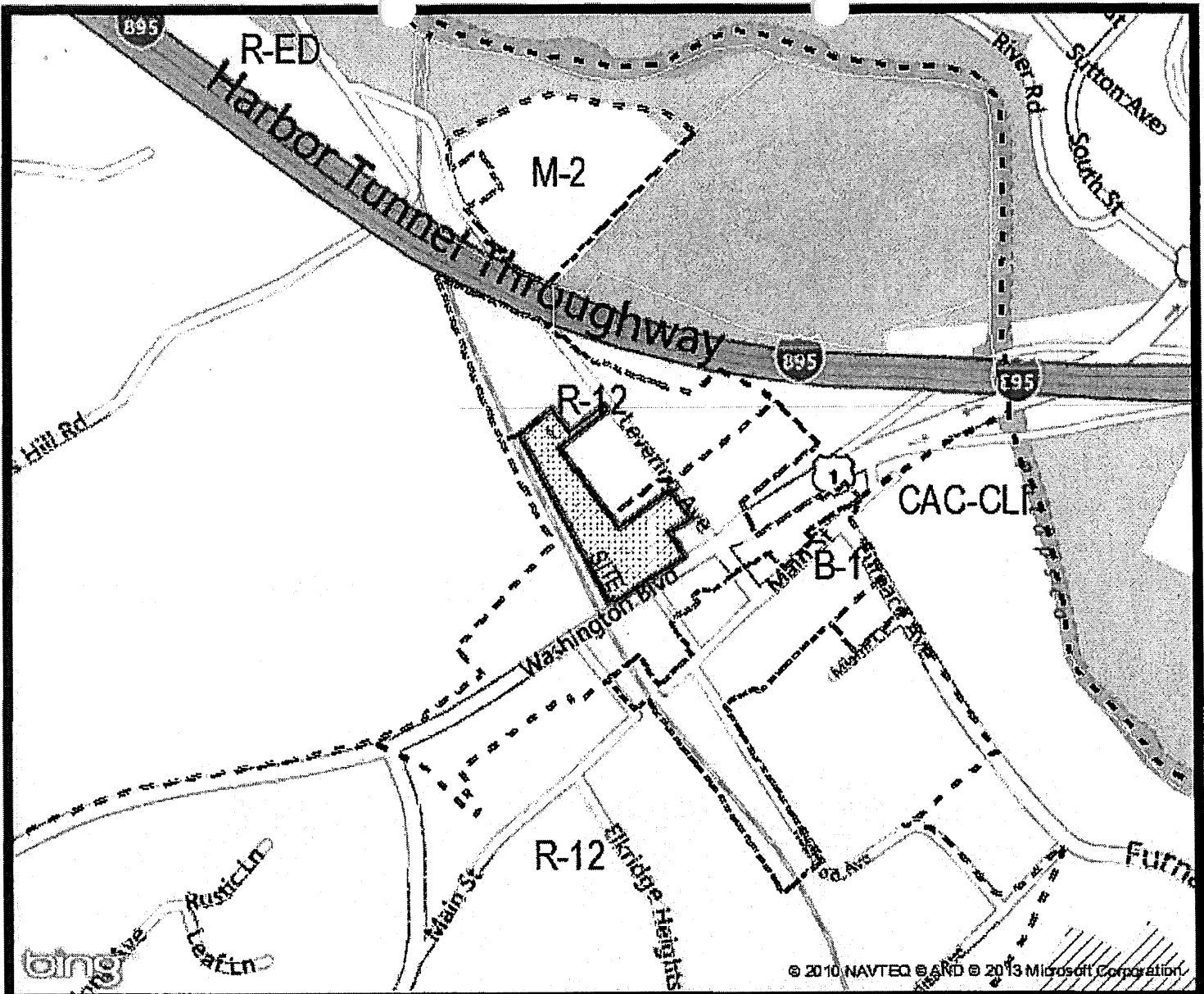
**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. 9
Date: July 1, 2013**

Amendment No. 31

(This amendment substitutes a new map 38.003 in order to show a change in the proposed zoning from CAC-CLI & R-12 to CE-CLI & R-12.)

- 1 In the Comprehensive Zoning Plan as attached to the Bill as introduced;
- 2
- 3 In the Section entitled "Map Amendments", in the tab entitled "Not Supported by DPZ", remove
- 4 map 38.003 and substitute new map 38.003 as attached to this amendment.
- 5
- 6 Make a conforming change to the summary chart.



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		45	46	47	48	
				50		



Zoning Map General Plan Amendment: **38.003** Tax ID: **1401174002**
 Current Zoning: **CAC-CLI & R-12** Tax Map: **38** Grid: **3** Parcel: **570** Lot: **N/A**
 Proposed Zoning: **CE-CLI & R-12**
 Address: **5820 WASHINGTON BLVD** Council District: **1**

Carney, Kelehan
Bresler, Bennett
& Scherr LLP
ATTORNEYS AT LAW

dac@carneykelehan.com

David A. Carney
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P. Tyson Bennett
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Michelle DiDonato
B. Darren Burns
Manisha S. Kavadi
Heather S. Swan
Andrew H. Robinson
Karen S. Ellsworth
Lisa L. Bennett

OF COUNSEL:
Fulton P. Jeffers

IN MEMORIAM:
Laurence B. Raber

June 10, 2013

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

RE: Comprehensive Zoning
Elkridge Associates, LLC
5820 Washington Boulevard
Request No. 38.003

Dear Chairperson Terrasa and Council Members:

This supplements the Zoning Map Amendment Request Form that was filed on or about December 11, 2012. DPZ recommended "office use more appropriate than apartments at this interchange location." That is an inappropriate comment for the following reasons.

1. Historically all the buildings were the original automobile agency of Miller Brothers Chevrolet, Inc., including the lot that is now used as a used car sales lot. At the corner of Levering Avenue and Route 1 is a BP gasoline service station. The original buildings on Parcel 570 were built by Miller Brothers Chevrolet in approximately 1968.

In the rezoning of 2003-2004 DPZ rezoned the property without the consent and knowledge of Elkridge Associates, LLC, the owner. It was the inappropriate zoning because the uses of the existing parcel continues as used car sales, the sale of motorcycles and motorcycle repair shop. The buildings in the center of the site are used primarily for other automobile repairs.

The zoning prior to the CAC/CLI was M-1, B-2 and a half acre towards the rear of R-12 of the property, which is the unimproved parcel.

2. Below are the dimensions running from Route 1 to the rear.
 - (a) 232 feet wide for a depth of 100 feet - next to a BP Gas Station and Used Car Sales. Front floor is a motorcycle sales shop.
 - (b) 325 feet wide for a depth of 100 feet - 2 story business and auto repair.
 - (c) 200 feet wide for a depth of 100 feet - garage for auto repairs.
 - (d) 200 feet wide for a depth of 120 feet - as to the unimproved parcel

Entire length on the south side of the parcel is next to the CXS Railroad, which tracks are 15 feet above the parcel.

Section 127.5 CAC District in its Purpose paragraph states as follows:

- A. *This district is intended to provide for the development of pedestrian-oriented, urban activity centers with a mix of retail, service, office and residential uses. These centers should be located near to Route 1 and close to residential communities that will benefit from a pedestrian-oriented local business area.*

When you take the setbacks for residential use, the existing railroad track on one side, you have very little building envelope to develop the three acre property.

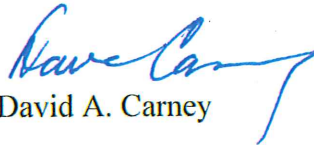
Elkridge Associates has made significant repairs and restoration of the existing buildings and it is highly unlikely that the property would ever be developed under the CAC District.

Howard County Council
June 10, 2013
Page 3

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

Very truly yours,

CARNEY, KELEHAN, BRESLER,
BENNETT & SCHERR, LLP



David A. Carney

DAC/pjm

cc: Ms. Marsha McLaughlin
Ms. Cindy Hamilton
Elkridge Associates, LLC

P:\PJM\wpdata\Comprehensive Rezoning\2012\Elkridge Council ltr.wpd