

"
"

Requested Zoning

Search Street:

SNOWDEN RIVER PKWY:

Property Information:

Amendment No.: 42.002

Current Zoning: NT

Requested Zoning: R-A-15

Tax Account ID.: 1416113131

Map: 42

Grid: 10

Parcel: 319

Lot: PAR B

Acres: 21.59

Address: 9325 SNOWDEN RIVER PKWY

City/State/Zip: COLUMBIA, MD 21046

Owner:

Name: REALTY ASSOCIATES FUND VI LP THE

Email: dutra@tarealty.com

Phone: 617-476-2755

Mailing Address: C/O ASSOCIATES REALTY

City/State/Zip: BOSTON, MA 02109

Representative:

Name: David K. Gildea

Email: dgildea@sgs-law.com

Phone: 410-821-0070

Mailing Address: 600 Washington Avenue

City/State/Zip: Towson, MD 21204

Decision:

Planning Board Decision:

Planning Board Vote:

Council Decision:

Council Vote:

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Zoning Map Amendment Request Form

DEC 18 2012

**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)	9325	Snowden River Parkway (a.k.a. 9325 S. Berger Road)	
2	Tax Map Number	0042 /	Grid	0010 /
3	Parcel(s)	0319 /		
4	Lot(s)	PAR B /		
5	Tax Account Data:	District	16 /	Account # 113131 /

6	Size of Property:	Acres	21.5900 /	Square feet	475,074
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7	The Property is currently zoned:	NT (Newtown) Industrial /		
	I request that the Property be rezoned to:	R-A-15 (Residential: Apartments) District		

B. Owner Information

8	Owner Name	The Realty Associates Fund VI LP c/o Associates Realty		
9	Mailing street address or Post Office Box	28 State Street, 10th Floor		
	City, State	Boston, MA		
	ZIP Code	02109-1775		
	Telephone (Main)	617-476-2755		
	Telephone (Secondary)			
	Fax			
10	E-Mail	dutra@tarealty.com		

C. Representative Information

11	Name	David K. Gildea		
	Mailing street address or Post Office Box	600 Washington Avenue, Suite 200		
	City, State	Towson, MD		
	ZIP	21204		
	Telephone (Main)	410-821-0070		

C. Representative Information

Telephone (Secondary)	
Fax	(410) 821-0071
E-Mail	dgildea@sgs-law.com
12 Association with Owner	Attorney handling rezoning request

D. Alternate Contact [If Any]

Name	
Telephone	
E-Mail	

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

13 Comprehensive rezoning constitutes an "action" under the state enabling legislation regarding comprehensive plans. Action, defined in Md. Code, Land Use § 1-301 as plan implementation and review under § 1-417 or § 3-303, is required to be "consistent with" or have "consistency with" a comprehensive plan. §§ 1-303 & 1-304. The instant rezoning request is consistent with Plan Howard 2030.


Plan Howard 2030 includes the subject property in the Snowden River Parkway Area. Robert Charles Lesser & Company (RCLCO), a market research and real estate advisory firm, evaluated the area. It found that this area, in particular the portion "on the east side of Snowden River Parkway" (which includes the subject property), presents an "opportunity for Class A office space in conjunction with mixed-use development." RCLCO noted that "[r]ezoning" will be needed, along with road and transit improvements in order to support intensification. In order to implement these policies, the Property Owner is willing to work with the County towards "transitioning the Snowden River Parkway area into a more intensive and integrated mix of Class A office, residential, retail, and amenity spaces, with multimodal transportation options."

Additionally, the Property Owner reserves the right to supplement this Explanation of the Basis/Justification for the Requested Rezoning.

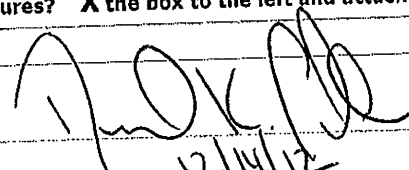
F. List of Attachments/Exhibits

14 Copies of §§ 1-301, 1-303, 1-304, 1-417 and 3-303 of the Land Use Article are attached hereto as Exhibits 1, 2, 3, 4, 5A & 5B. Excerpts from Section 5 of Plan Howard 2030, entitled Economic Development, are attached hereto as Exhibits 6A, 6B, 6C & 6D.

G. Signatures

15	Owner		Owner (2)	
	Date	December 11, 2012	Date	

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

16	Representative Signature	
	Date	12/14/12

DPZ Use Only	Amendment No.	12-002
Notes	OK etc. sign, 2/12/14	

SUBTITLE 3—CONSISTENCY

Historical and Statutory Notes

2012 Legislation
Acts 2012, c. 426, § 2, added Subtitle 3, Consistency.

§ 1-301. "Action" defined

In this subtitle, "action" means:

- (1) the adoption of a local law or regulation concerning:
 - (i) a special exception under § 1-101(p) of this title (Definitions—"Special exception"); or
 - (ii) plan implementation and review under § 1-417 of this title or § 3-303 of this article;
- (2) a requirement under § 9-505(a)(1) of the Environment Article and Article 23A, § 19(o)(3)(iii) of the Code (Municipal annexation); or
- (3) a required finding under §§ 9-506(a)(1) and 9-507(b)(2) of the Environment Article (Water and sewer plan review).

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

Legislative Notes

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 66B, § 1.02(a).
Defined terms: "Local law" § 1-101

"Plan" § 1-101

"Regulation" § 1-101

"Special exception" § 1-101

Historical and Statutory Notes

Derivation:

Former Art. 66B, § 1.02, added by Acts 2009, c. 180, § 2; Acts 2009, c. 181, § 2, related to

actions consistent with comprehensive plans, repealed by Acts 2012, c. 426, § 1, eff. Oct. 1, 2012.

Library References

Zoning and Planning \approx 1044.
Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 1, 4, 11, 39.

Research References

Encyclopedias

Maryland Law Encyclopedia Zoning and Planning § 6, Enabling Statutes.

§ 1-302. Scope of subtitle

This subtitle applies to:

- (1) a special exception under § 1-101(p) of this title (Definitions—"Special exception");
- (2) plan implementation and review under § 1-417 of this title or § 3-303 of this article;

§ 1-302

(3) §§ 9-505(a)(1), 9-506(a)(1), and 9-507(b)(2) of the Environment Article (Water and sewer plan review); and
 (4) Article 23A, § 19(o)(3)(iii) of the Code (Annexation plan).
 Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

Legislative Notes

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 66B, § 1.02(b).
 Defined terms: "Plan" § 1-101
 "Special exception" § 1-101

Historical and Statutory Notes

Derivation:
 Former Art. 66B, § 1.02, added by Acts 2009, c. 180, § 2; Acts 2009, c. 181, § 2, related to actions consistent with comprehensive plans, repealed by Acts 2012, c. 426, § 1, eff. Oct. 1, 2012.

Library References

Zoning and Planning ⇄ 1044.
 Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 1, 4, 11, 39.

Research References

Encyclopedias
 Maryland Law Encyclopedia Zoning and Planning § 6, Enabling Statutes.

§ 1-303. Consistency—General requirement

Except as provided in § 1-304 of this subtitle, when a provision in a statute listed under § 1-302 of this subtitle requires an action to be "consistent with" or have "consistency with" a comprehensive plan, the term shall mean an action taken that will further, and not be contrary to, the following items in the plan:

- (1) policies;
- (2) timing of the implementation of the plan;
- (3) timing of development;
- (4) timing of rezoning;
- (5) development patterns;
- (6) land uses; and
- (7) densities or intensities.

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

Legislative Notes

Revisor's Note (Acts 2012, c. 426):

This section formerly was Art. 66B, § 1.02(c).
 The only changes are in style.
 Defined terms: "Action" § 1-301
 "Development" § 1-101
 "Plan" § 1-101

DEFINITIONS; GENERAL PROVISIONS

§ 1-304

Historical and Statutory Notes

Derivation:

Former Art. 66B, § 1.02, added by Acts 2009, c. 180, § 2; Acts 2009, c. 181, § 2, related to actions consistent with comprehensive plans, repealed by Acts 2012, c. 426, § 1, eff. Oct. 1, 2012.

Library References

Zoning and Planning ⇄ 1044.
Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 1, 4, 11, 39.

Research References

Encyclopedias

Maryland Law Encyclopedia Zoning and Planning § 6, Enabling Statutes.

§ 1-304. Consistency—Priority funding area

Scope of section

(a) This section applies to plan implementation and review under § 1-301(1)(ii) of this subtitle.

Application

(b) In a priority funding area, if § 1-417 of this title or § 3-303 of this article requires an action to be "consistent with" or have "consistency with" a comprehensive plan, the term shall mean an action taken that will further, and not be contrary to, the following items in the plan:

- (1) policies;
- (2) timing of the implementation of the plan;
- (3) timing of development;
- (4) timing of rezoning; and
- (5) development patterns.

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

Legislative Notes

Revisor's Note (Acts 2012, c. 426):

This section formerly was Art. 66B, § 1.02(d)(2) and (3).

The only changes are in style.

Defined terms: "Action" § 1-301

"Development" § 1-101

"Plan" § 1-101

"Priority funding area" § 1-101

Historical and Statutory Notes

Derivation:

Former Art. 66B, § 1.02, added by Acts 2009, c. 180, § 2; Acts 2009, c. 181, § 2, related to actions consistent with comprehensive plans, repealed by Acts 2012, c. 426, § 1, eff. Oct. 1, 2012.

Library References

Zoning and Planning ⇄ 1044.
Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 1, 4, 11, 39.

D USE

DEFINITIONS; GENERAL PROVISIONS

§ 1-417

Library References

Zoning and Planning § 1152.
Westlaw Topic No. 414.
C.J.S. Zoning and Land Planning § 74.

Research References

Encyclopedias
Maryland Law Encyclopedia Zoning and Planning § 6, Enabling Statutes.
Maryland Law Encyclopedia Zoning and Planning § 22, Comprehensive Plan; Establishment of Zones or Uses.

180, § 2;
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§ 1-417. Periodic review; implementation

Required review

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(a) At least once every 6 years, which corresponds to the comprehensive plan revision process under § 1-416 of this subtitle, a charter county shall ensure the implementation of the visions, the development regulations element, and the sensitive areas element of the plan.

Implementation

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e plan

(b) A charter county shall ensure that the implementation of the requirements of subsection (a) of this section are achieved through the adoption of applicable:

- (1) zoning laws; and
- (2) local laws governing:
 - (i) planned development;
 - (ii) subdivision; and
 - (iii) other land use provisions that are consistent with the comprehensive plan.

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Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

Legislative Notes

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 66B, § 1.04(f). In subsection (a) of this section, the former phrase "[o]n or before July 1, 1997, and subsequent-ly" is deleted as obsolete.

- Defined terms: "Charter county" § 1-101
- "Development" § 1-101
- "Local jurisdiction" § 1-101
- "Local law" § 1-101
- "Plan" § 1-101
- "Regulation" § 1-101
- "Sensitive area" § 1-101
- "Subdivision" § 1-101
- "Zoning law" § 1-101

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COMPREHENSIVE PLAN

§ 3-303

Research References

Encyclopedias
Maryland Law Encyclopedia Zoning and Planning § 6, Enabling Statutes.
Maryland Law Encyclopedia Zoning and Planning § 10, Commissions and Officers.

§ 3-302. Recommendation to officials

To implement the plan, the planning commission shall periodically recommend to the appropriate public officials:

- (1) programs for public structures, improvements, and land acquisitions; and
- (2) financing programs.

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

Legislative Notes

Revisor's Note (Acts 2012, c. 426):

This section formerly was Art. 66B, § 3.06(b).

No changes are made.

Defined term: "Plan" § 1-101

Historical and Statutory Notes

Derivation:

Former Art. 66B, § 3.06, amended by Acts 2000, c. 209, § 2; Acts 2000, c. 426, § 2; Acts 2000, c. 676, § 1; Acts 2001, c. 29, § 1, related

to first actions by local jurisdiction; implementing the plan, repealed by Acts 2012, c. 426, § 1, eff. Oct. 1, 2012.

Library References

Zoning and Planning §§ 1152, 1331.
Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 9, 74, 213 to 218, 223 to 226.

Research References

Encyclopedias

Maryland Law Encyclopedia Zoning and Planning § 10, Commissions and Officers.

§ 3-303. Periodic review; Implementation

Required review

(a) At least once every 6 years, which corresponds to the comprehensive plan revision process under § 3-301 of this subtitle, a local jurisdiction shall ensure the implementation of the visions, the development regulations element, and the sensitive areas element of the plan.

Implementation

(b) A local jurisdiction shall ensure that the implementation of the requirements of subsection (a) of this section are achieved through the adoption of applicable:

- (1) zoning laws;
- (2) planned development ordinances and regulations;
- (3) subdivision ordinances and regulations; and

§ 3-303

(4) other land use ordinances and regulations that are consistent with the comprehensive plan.

Added by Acts 2012, c. 426, § 2, eff. Oct. 1, 2012.

Legislative Notes

Revisor's Note (Acts 2012, c. 426):

This section is new language derived without substantive change from former Art. 66B, § 4.09. In subsection (a) of this section, the reference to "the visions, the development regulations element, and the sensitive areas element" is substituted for the former partly erroneous reference to "the provisions of the plan that comply with §§ 1.01 and 3.05(a)(4)(vii) and (ix) of this article" for clarity and accuracy.

Also in subsection (a) of this section, the former phrase "[o]n or before July 1, 1997," is deleted as obsolete.

- Defined terms: "Development" § 1-101
- "Local jurisdiction" § 1-101
- "Plan" § 1-101
- "Regulation" § 1-101
- "Sensitive area" § 1-101
- "Subdivision" § 1-101
- "Zoning law" § 1-101

Historical and Statutory Notes

Derivation:

Former Art. 66B, § 4.09, amended by Acts 2000, c. 61, § 6; Acts 2000, c. 426, § 2; Acts 2001, c. 29, § 1; Acts 2006, c. 44, § 5; Acts

2009, c. 180, § 2; Acts 2009, c. 181, § 2, related to implementation of economic growth and resource protection provisions, repealed by Acts 2012, c. 426, § 1, eff. Oct. 1, 2012.

Library References

Zoning and Planning ⇨ 1044, 1331.
Westlaw Topic No. 414.

C.J.S. Zoning and Land Planning §§ 1, 4, 9, 11, 39, 213 to 218, 223 to 226.

Research References

Encyclopedias

Maryland Law Encyclopedia Zoning and Planning § 6, Enabling Statutes.

Maryland Law Encyclopedia Zoning and Planning § 10, Commissions and Officers.

§ 3-304. Deadline

In general

(a) Subject to subsection (b) of this section, on or before October 1, 2009, a local jurisdiction shall include in its comprehensive plan any plan element required under Subtitle 1 of this title.

Extension

(b) On request of a local jurisdiction and for good cause, the Department of Planning may extend the deadline under subsection (a) of this section for that local jurisdiction by no more than two 6-month extensions.

Limitation on noncompliance

(c) A local jurisdiction that is not in compliance with this section after October 1, 2009, or after the expiration of any extension granted under

parts of the corridor not fronting on Route 1 and not near residential areas. Revise zoning as needed to ensure County vision is achieved.

- c. **Residential Expansion and Employment-Preservation Preservation of Land for Employment and Industrial Use.** Accommodate residential development in key nodes in the Route 1 Corridor so that it does not erode opportunities to preserve or redevelop employment and industrial areas.
- d. **Refine the Vision.** Clarify residential and nonresidential land use goals as a framework for evaluating future proposals.
- e. **Transportation.** ~~Develop transit and road improvements solutions to support revitalization of the US 1 Corridor.~~ Transportation. Develop transit and road improvement solutions including bicycle and pedestrian accessibility to promote connectivity and support revitalization of the Route 1 Corridor.

POLICY 5.5 – Proactively consider innovative tools to enhance the Route 1 Corridor's competitiveness, attract and retain businesses, and maximize redevelopment opportunities.

Implementing Actions

- a. **Economic Growth.** Focus incentives on opportunity sites within the Route 1 Corridor and on key industry market sectors with strong growth potential in Howard County.
- b. **Beneficial Projects.** Adopt a tiered incentive program that provides benefits commensurate with the proposed project's potential benefit to the County.
- c. **Nodes.** Develop plans for key opportunity areas that allow for significant future intensification, while maximizing current and intermediate development potential and protecting industrially zoned land.
- d. **Land Assembly.** Encourage land assembly to prevent piecemeal redevelopment and facilitate projects that are integral to the County's long-term development strategy.
- e. **Partnering.** Evaluate specific scenarios where the County might benefit from engaging in public / private development partnerships (i.e., County + EDA as developer), including opportunities for non-profits.
- f. Transportation. Promote, plan, and protect bicycle and pedestrian, and transit access in the Corridor.

Snowden River Parkway Area

RCLCO also evaluated market demand and redevelopment potential for the Snowden River Parkway area including Dobbin Road and the former General Electric (GE) Appliance buildings (Map 5-1). RCLCO reported that although the Snowden area comprises less than 1% of the County's land area, it is home to 5% of the County's jobs and is an opportunity area for new Class A office space in conjunction with mixed-use development, particularly on the east side of Snowden River Parkway. Redevelopment plans for the Snowden River Parkway area need to consider the impact that increased development along Snowden River Parkway would have on Columbia and its village centers. Redevelopment of Snowden River Parkway should be discouraged until revisions are made to the NT Zoning Regulations to ensure redevelopment is consistent with well planned evolution of the Preliminary Development Plan for Columbia, which

GREEN TIP!

Share a ride to work.
Carpool to work and save
money and reduce your
vehicular GHG emissions!

balances changing market conditions and opportunities with the need to avoid adverse impacts on Village Centers and surrounding properties. Redevelopment of the Snowden River Parkway area must recognize the distinct characteristics of different sub-areas. Scattered, uncoordinated redevelopment is already occurring along Snowden River Parkway and needs a planning framework to guide redevelopment. Restrictive covenants on the former GE properties begin to expire in 2017, which affords time to evaluate options and plan for redevelopment.

RCLCO recommended Howard County take a proactive role in planning for redevelopment. Land-use mix, intensity, and design need to be studied in conjunction with transportation options. Rezoning of the Snowden-GE area will be needed, as well as road and transit improvements to support intensification. Owners of redevelopment projects should participate in the funding of transit and amenity improvements.

Similar to Downtown Columbia, the Snowden River Parkway area may also benefit from either a public-private partnership or a private organization, such as a Business Improvement District or Commercial District Management Authority, to provide enhanced services for mixed-use, transit-oriented redevelopment.

Policies and Implementing Actions

POLICY 5.6 – Plan for Class A office, Industrial, and mixed-use redevelopment of commercial and Industrial properties within the Snowden River Parkway area.

Implementing Actions

- a. ~~Plan for Redevelopment. Work with area property owners and other stakeholders to evaluate market, infrastructure, and design options to develop a plan for transitioning the Snowden River Parkway area into a more intensive and integrated mix of Class A office, residential, retail, and amenity spaces, with multimodal transportation options.~~ Plan for Coordinated Redevelopment. Work with Snowden River Parkway and east Columbia Village Center property owners, as well as other community stakeholders to evaluate market conditions and redevelopment options to determine how to best position redevelopment of different parts of the Snowden River Parkway Area in relation to redevelopment of the Village Centers.
- b. **Partner on Implementation.** Consider establishing a partnership or special servicing district to promote and manage redevelopment.
- c. Differentiate when planning. Distinguish among the sections along Snowden River Parkway that exhibit different characteristics and merit different treatment.

Transportation Connections between Economic Centers

RCLCO also identified the potential for enhancing transportation connections between the County's major economic activity areas. To improve transit service, RCLCO recommended study of a potential Bus Rapid Transit (BRT) line to connect Downtown Columbia to the Snowden River Parkway area, Gateway Business Park, Route 1, and Fort Meade. To obtain the necessary rights-of-way (ROW) to create the Howard County portion of the system, the County would need to acquire railroad ROW now being abandoned in a piecemeal manner by CSX.

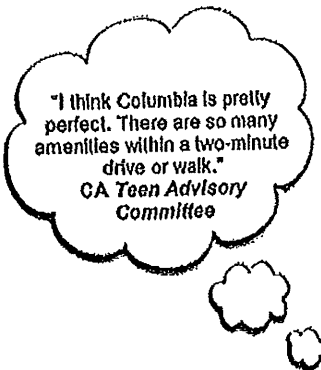
RCLCO recommended a new roadway connection between Snowden River Parkway and Route 1, bridging over I-95. As redevelopment occurs in the study area, improving the local east-west traffic circulation across the corridor through improved local roadway connectivity is a critical means to reduce traffic congestion on existing roadways such as MD 32, Snowden River Parkway, MD 176, I-95 and US 1. RCLCO suggested that providing a new arterial between Snowden River Parkway and US 1 would also create direct access to multiple parcels, thus increasing the potential for additional economic development.

Policies and Implementing Actions

POLICY 5.7 – Plan for future transit and road capacity to serve and transportation services and facilities that connect Downtown Columbia, the Snowden River Parkway area, Gateway, and Route 1 to regional connections to Baltimore, Washington, and Fort Meade.

Implementing Actions

- a. **Connect Development Nodes.** Study the feasibility of regional Bus Rapid Transit (BRT), as well as enhanced local bus service between major business and residential nodes from Downtown Columbia through the Snowden River Parkway area, Gateway Business Park, and the Route 1 corridor to Fort Meade and Odenton in Anne Arundel County. If viable, take action to secure existing CSX rail spur ROW.



- b. **Make More Connections.** Study the feasibility and cost-benefits of a new roadway connection crossing I-95 between US 1 and Gateway Business Park.
- c. **Alternative modes of transportation.** Study the feasibility of alternative modes of transportation, including facilities for bicyclists and pedestrians, to connect Downtown Columbia, the Snowden River Parkway Area, Gateway, Route 1, and other major business and residential nodes in and near the County.
- d. **Transportation Management Associations.** Evaluate the utility and benefit of developing transportation management associations.

Route 40 Corridor and Columbia's Village Centers

General Plan 2000 identified both the Route 40 Corridor and older Columbia Village Centers for study regarding possibilities for redevelopment and enhancements. As the Route 40 Corridor and Columbia's Village Centers have matured, there is increasing potential for new projects that take advantage of growing demand for mixed-use, pedestrian- and transit-friendly development.

In 2004, the Route 40 Corridor Enhancement Study was completed, followed by some rezoning, and adoption of the Route 40 Design Manual. In 2009, the County adopted new zoning for the revitalization of Village Centers in Columbia. *PlanHoward 2030* endorses implementation of these initiatives and supports the continued evolution of both the Village Centers and the Route 40 Corridor using the frameworks established under the Village Center Revitalization zoning process and Route 40's Zoning, Design Manual, and Streetscape Master Plan, respectively.

Robust connectivity to and among Howard County's commercial centers is critical to their long-term health and vitality. Consideration must be given to alternative modes of transportation including maintaining, updating, and expanding bicycle and pedestrian facilities.

Policies and Implementing Actions

POLICY 5.8 – Enhance *Continue to enhance the vitality and redevelopment of Columbia's Village Centers* , and plan for future connections among Village Centers and with other commercial centers.

Implementing Actions

- a. **Strengthen Village Centers.** Encourage Village Center property owners, Village Boards, and residents to develop and implement plans for enhancing or redeveloping older Village Centers to maintain them as attractive focal points for the villages.
- b. **Market Analysis.** Collaborate with the Columbia Association to undertake market assessments to assist in repositioning older centers in relation to each other, Downtown Columbia, and other competing commercial centers.
- c. **Connect commercial centers.** Plan for future transportation connections, including bicycle, pedestrian, and transit, among and between Village Centers and other commercial centers.



Howard County Council

George Howard Building
3506 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

Realty Associates Fund VI LP
c/o Associates Realty
28 State Street, 10th Floor
Boston, MA 02109-1775

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.

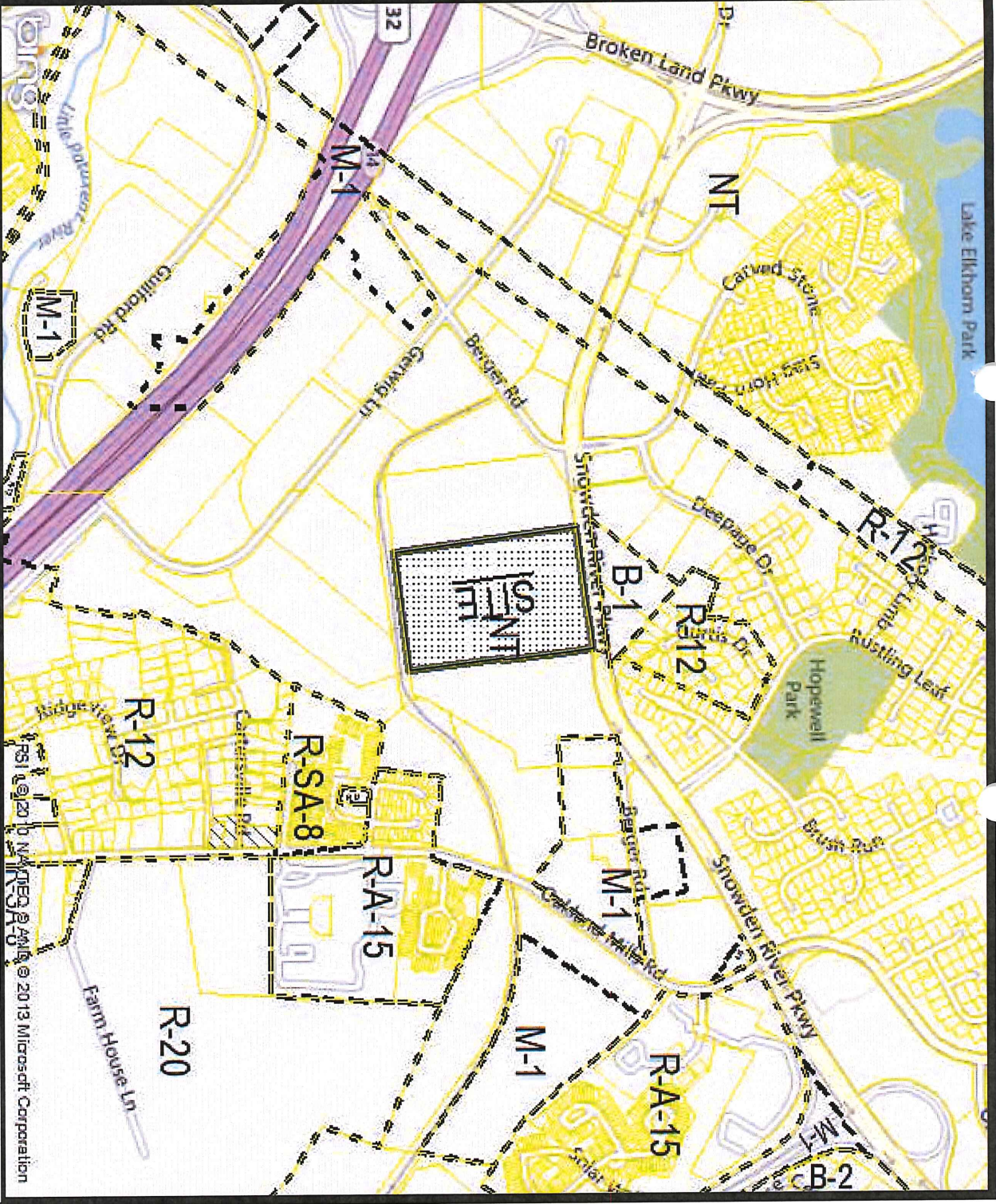
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits 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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41	42	43	44	45
46	47	48	49	50



Zoning Map General Plan Amendment: 42.002 Tax ID: 1416113131

Current Zoning: NT Council District: 3

Tax Map: 42 Grid: 10 Parcel: 319 Lot: PAR B

Address: 9325 SNOWDEN RIVER PKWY



Kings Contrivance Community Association

Amherst House 7251 Eden Brook Drive, Columbia, Maryland 21046

(410) 381-9600 Fax (410)381-9628

kingscontrivance@columbiavillages.org

CMBAS
ST
TW
#42.002
FD

June 12, 2013

Howard County Council
3430 Court House Drive
Ellicott City, Maryland 21043

Subject: Comprehensive Zoning

Dear Howard County Council:

The Kings Contrivance Village Board has heard concerns from the Howard County Business Association at a regularly scheduled Village Board meeting on May 15, 2013 regarding the Comprehensive zoning currently being considered for the area in the Snowden River Parkway and Dobbin Rd corridor. Please find attached a resolution and testimony for your consideration. The Association is concerned about the additional growth and traffic in this area that may adversely affect the Kings Contrivance Community by redirecting people away from the Village Center.

Respectfully,

Barbara N. Seely
Chair, Kings Contrivance Village Board

Kings Contrivance Community Association, Inc.
BOARD RESOLUTION

The undersigned, as Chair of the Village Board of the Kings Contrivance Community Association, Inc. (the "**Association**"), hereby certifies that the Board of Directors of the Association at a regularly scheduled meeting whereby a majority of the Board of Directors consented to, approved and duly adopted the following resolution by a majority vote of all the Directors present at such Meeting, in accordance with the Bylaws of the Association:

RESOLVED, that the Association is concerned that certain text amendments proposed as part of the Comprehensive Zoning being considered by the Howard County Council will adversely affect the Kings Contrivance Community by facilitating and permitting land in the Snowden River Parkway and Dobbin Rd corridors to be rezoned and redeveloped from "Employment Center" (M-1 uses) to "General Commercial"(POR, B-1, B-2 and SC uses) under Section 125. The Department of Planning and Zoning proposes to amend Sections 103 "Definitions" and 131 "Conditional Uses" of the Zoning Regulations the effect of which will allow land recorded in the Final Development Plans as Commercial Industrial to be used as Commercial Retail.

FURTHER RESOLVED, the Association shall enter testimony in the record of the Howard County Council in connection with the Comprehensive Zoning Bill regarding the definition of "Flex Space" and "Motor Vehicle Fuel Facilities" and section 131 "Conditional Uses" to protect the integrity of the Kings Contrivance Community. A copy of the proposed testimony is attached hereto.

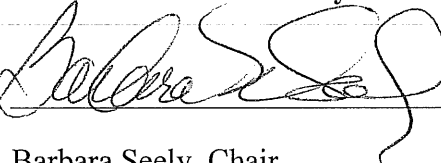
FURTHER RESOLVED, that all actions of the Association's authorized officers, agents, servants and employees, for and on behalf of the Association, heretofore taken in connection with the dues are hereby ratified, affirmed and approved in all respects; and

FURTHER RESOLVED, that the Chair of the Village Board of the Association is hereby authorized and empowered to certify a copy of these resolutions.

The undersigned, constituting the Chair of the Village Board of Directors of the Association, does hereby adopt, ratify and confirm the above resolutions on this 10th day of JUNE, 2013, and does hereby waive any right to dissent from said actions.

Kings Contrivance Community Association, Inc.

By:

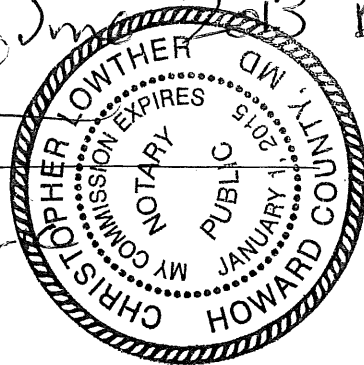


Barbara Seely, Chair,
Kings Contrivance Village Board

(SEAL)

Signed this 10TH Day of June 2013 BY
BARBARA SEELY

NOTARY Public



June 6, 2013

**Comprehensive Zoning
Howard County Council
Spring 2013**

Testimony of Kings Contrivance Community Association, Inc.

Having reviewed the proposed text amendments put forth in the Howard County, Maryland Comprehensive Zoning process, by resolution, the Board of Directors have ordered this testimony to be entered into the record in public testimony on the Comprehensive Zoning Bill before the Howard County Council.

The Kings Contrivance Community Association is concerned that certain text amendments proposed as part of the Comprehensive Zoning currently being considered by the Howard County Council will adversely affect the Kings Contrivance Community by facilitating and permitting land in the Snowden River Parkway and Dobbin Rd corridors to be rezoned and redeveloped from "Employment Center" (M-1 uses) to "General Commercial"(POR, B-1, B-2 and SC uses) under Section 125 :(M-1 uses) redeveloped under the Zoning Regulations: sections 125 "NT", Section 103 "Definitions" and Section 131 "Conditional Uses." The Department of Planning and Zoning proposes to amend Sections 103 "Definitions" and 131 "Conditional Uses" of the Zoning Regulations. The Association is concerned that the additions and amendments to these regulations will have the effect of allowing land recorded in Final Development Plans designated as Commercial Industrial Employment to Commercial Retail. Under Section 125 Final Development Plans are recorded in the land records of Howard County and have the full force and effect of specific zoning district i.e. B-1, M-1, POR. In consideration of the aforementioned concerns, the Association urges the County Council to adopt the following amendments and deletions to the text proposed:

1. Under definitions, "Flex Space" is redefined. The definition is too vague. Adding a clause that expressly prohibits retail is needed. The proposed definition is too open ended and subjective. The existing text definition remains appropriate.

2. Under definitions, newly added: "Motor Fuel Fueling Facilities" is overly broad and it allows the hearing authority to allow other permitted uses in the Conditional Use process. Deleting the phrase "Or other uses that may be permitted in the Conditional Use process" addresses this

3. Conditional Uses "Motor Fuel Fueling Stations" under paragraph I. "Other uses," This text needs to be struck, it is overly broad and excessively vague.

4. The General Plan calls for an overhaul of Section 131 "Conditional Uses." Motor Vehicle Fueling Facility as defined is inextricably intertwined with this regulation, accordingly it is advisable to strike the proposed text in its entirety.

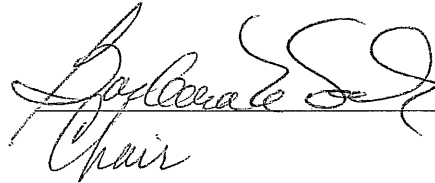
Kings Contrivance Community Association, Inc. believes Section 131 needs more definitive criteria. The language concerning blighting influences is incomprehensible. It is in the public interest discourage the proliferation of gas stations, accordingly, we urge the Council require petitioners to prove that a proposed Motor Fuel Fueling Facility in close proximity to an existing gas station does not constitute a blighting influence by siting excessive numbers of gas stations in an area.

Creating an entirely new definition with a new name is probably unwise. It will cause undue confusion. In the event the Board and Council choose to move forward with this change, the proposed ordinance needs significant alterations to make it work.

Furthermore, the Association believes that these amendments are not in accord with the General Plan or Section 125 of Zoning Regulations. Under paragraph 8, the developer was required to meet certain

land use percentages developed under the NT regulation. The developer failed to comply with these percentages. Amending the Zoning Regulations as proposed will adversely impact this requirement.

The Association urges the Council to amend the proposed Zoning Regulations as enumerated above so that they are in accord with the Howard County General Plan 2030 as adopted, and to comply with Section 125 of Zoning Regulations.



Chair
Kings Contrivance Village Board