



Subject: CB-14-2007 – Second Extension

To: Lonnie R. Robbins, Chief Administrative Officer

From: Marsha S. McLaughlin, Director
Department of Planning and Zoning

Date: December 16, 2008

On April 4, 2007, the County Council passed CB-14-2007 adjusting the Planned Service Area (PSA) boundary of the Master Plan for Water and Sewerage to include a religious facility situated on an approximately 3.28-acre parcel known as 11795 Scaggsville Road, Fulton, Maryland.

In Section 2 of CB-14-2007, the County Council required connection to water and sewer systems be completed by one year of the effective date of the Bill, the requirement being standard for such Bills.

Council Bill 11-2008 granted a six-month extension to facilitate the completion of the project.

Due to extenuating circumstances, required property dedication to the State Highway Administration has not been completed. Completion is required before water and sewer extensions may proceed. John Willis of Willis & Henderson, P.A., on behalf of St. Paul's Evangelical Lutheran Church, submitted a letter requesting an extension of the deadline so that the project may be completed. The letter outlines the situation.

DPZ recommends approval of the request as submitted.

There are no known budgetary considerations.

Thank you.

c: Jennifer Sager, Legislative Coordinator

Attachment: Willis Letter, dated December 4, 2008.

WILLIS & HENDERSON, P.A.

ATTORNEYS AT LAW

JOHN WILLIS
MICHAEL E. HENDERSON
JOANNE M. DICUS

JULIE FRANKEL MYERS
Of Counsel

GINA M. HOPKINS
Executive Assistant

Executive Center II
3290 North Ridge Road, Suite 210
Ellicott City, Maryland 21043

410-461-9400 Tel
410-750-8544 Fax

info@whlawfirm.com
www.whlawfirm.com

December 4, 2008

Via Facsimile: 410-313-3467

Ms. Marsha McLaughlin, Director
Howard County Dept. of Planning and Zoning
8930 Stanford Boulevard
Columbia, MD 21045

RE: St. Paul's Lutheran Church, Fulton, MD;
11795 Scaggsville Road (MD Route 216);
Waiver Petition-07-108;
Council Bill 14-2007 and Council Bill 11-2008

Dear Ms. McLaughlin:

I represent the Trustees of St. Paul's Lutheran Church, located at 11795 Scaggsville Road in Fulton, Maryland (the "Church"). Pursuant to Howard County Council Bill 14-2007, enacted on April 5, 2007, the 2000 General Plan was amended to adjust the Planned Service Area boundary of the Master Plan for Water and Sewerage to include the Church property. The bill provided the connection to occur to the Planned Service Area within one (1) year of enactment, or else such authority would become null and void. This enactment was amended by Council Bill 11-2008, to provide the Church an extension of an additional six (6) months, or **until December 5, 2008**, to make the connection to water and sewer.

In April, 2007, a Waiver Petition Application was filed on behalf of the Church (WP-07-108) to allow the Church to merge the various parcels of land which they own by deed, in lieu of the Section 16.147 requirements of submitting a final subdivision plan and final plat to merge the parcels. This Petition was initially approved on June 25, 2007, and the approval was modified by letter from Ms. Cindy Hamilton on September 13, 2007 (copy attached). Condition #1 of the approval was that, *prior to consolidating the properties by deed, a 10-foot road right of way must be dedicated to the State along MD Route 216*. Mr. Scott Shanaberger, of Shanaberger & Lane, prepared a right-of-way plat this past Spring, which was sent to the State Highway Administration. It is my understanding that the SHA gave the Plat a SHA plat number (Plat No. 57817) in mid-July of this year. The matter then went to the SHA Land Acquisition and/or Right-of-Way division, and I believe that is where it still remains. The Church has never received a proposed dedication deed from the SHA; Mr. Shanaberger informs me as well that there is no deed on record from St. Paul's to the SHA.

Ms. Marsha McLaughlin, Director
Howard County Dept. of Planning and Zoning
December 4, 2008
Page Two

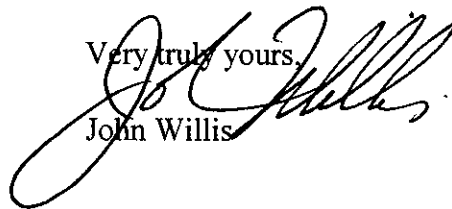
As required in the Waiver Petition approval letter, the dedication of the right-of-way must occur prior to any merger deed. This prerequisite has not occurred, and has delayed the whole process. The completed connection obviously will not occur by December 5, 2008, as required by Council Bill 11-2008, as construction has not even commenced at this time.

On behalf of St. Paul's Lutheran Church, I hereby ask for your direction on this matter in order to extend the Church's right to connect to the Planned Service Area, as the connection to water and sewer is very important to the Church. It appears to me that there may have to be introduction of additional legislation before the County Council to again extend and/or reinstate Council Bill 14-2007 (and 11-2008). In addition, is there now a need to apply for an additional Waiver Petition? (Does WP-07-108 expire with the existing legislation?) Finally, is it possible to submit a merger deed prior to dedication of the 10 foot road right-of-way if the State Highway Administration continues to take its time in submitting the dedication deed to the Church?

Thank you for consideration of my client's formal request for an extension. Representatives of the Church and myself would be happy to meet with you or any members of the Department in order to resolve and clarify this situation as soon as possible.

Very truly yours,

John Willis



JW/me

Enclosure

cc: Mr. William Mackey, Div. Chief
Division of Comprehensive and Community Planning

Ms. Cindy Hamilton, Div. Chief
Division of Land Development

Mr. Andrew A. Porter, Civil Design Services, LLC

Mr. G. Scott Shanaberger, Shanaberger & Lane

The Rev. Rod L. Ronneberg, Pastor, St. Paul's Lutheran Church

Mr. George A. Mader, St. Paul's Lutheran Church



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

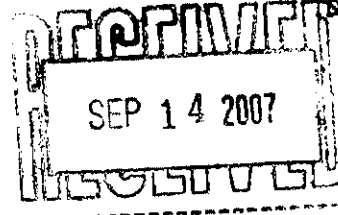
www.howardcountymd.gov

FAX 410-313-3467

DD 410-313-2323

September 13, 2007

Trustees St. Paul's Evangelical Lutheran Church
11795 MD 216 (Scaggsville Road)
Fulton, MD 20759



RE: WP-07-108, St. Paul's Lutheran Church

To Whom It May Concern:

Marsha McLaughlin, Director of Planning and Zoning, has reversed her previous decisions relating to your waiver petition. Approval is now subject to the following conditions:

1. Prior to consolidating the properties by deed road right of way must be dedicated as follows:
 - a) Dedicate a 10' road right of way (taken from the edge of road paving) to the state along MD Route 216. Contact the Dan Doherty (410-545-5584) State Highway Administration as to how to further proceed.
2. Obtain a utility permit from SHA for connections in MD Route 216 right of way. Contact Mr. Chris Lookingbill (301-624-8119).
3. Septic and well systems must be properly abandoned when the public water and sewer connections are complete.

If you have any questions please contact Marsha McLaughlin at 410-313-2350.

Sincerely,

Cindy Hamilton, Chief
Division of Land Development

CH/crh F:\WP\wp-07-108-ltr4.doc

cc:

Research

DED

Dan Doherty, SHA

Real Estate Services, DPW

Civil Design Services, LC