

PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

Date Filed:

2008 AUG 29 P 2: 22

1. Zoning Request I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows:

Section 127.5 CAC (Corridor Activity Center) District to permit additional uses in paragraph B:

17. Dwelling, apartment and single-family attached, only within a Route 1 Corridor development project with at least 2 gross acres of CAC-zoned land or less than 2 acres if the property is adjacent to a CAC zoned property.

2. Petitioners' Names *James R. Buch Jr. and Frances M. Buch*

Address *13130 Clarksville Pike, Highland MD 20777-9705*

Phone No. (W) _____ (H) _____

Email Address _____

3. Counsel for Petitioner	<i>David A. Carney, Esq., Reese & Carney, LLP</i>
Counsel's Address	<i>10715 Charter Dr., Suite 200, Columbia, MD 21044</i>
Counsel's Phone No.	<i>(410) 740-4600</i>
Email Address	

4. The text of proposed amendment(s) to the regulations together with the text of the present regulations showing the proposed amendment(s)

Section 127.5 CAC paragraph B:

17. Dwelling, apartment and single-family attached, only within a Route 1 Corridor development project with at least 2 gross acres of CAC-zoned land or less than 2 acres if the property is adjacent to a CAC zoned property. (see existing text, having 42 present permitted uses)

5. Reason(s) for the requested amendment(s) to the Zoning Regulations:

In several of CAC-CLI zones are several out parcels that have not or will be assembled. It is impossible for us to comply with the commercial component requirements of the current CAC zoning regulations with only 1.43 acres of land. By amending the regulations, property owned in the CAC district can comply with the CAC regulations by uses permitted by good planning.

6. Statement as to whether or not such amendment will be in harmony with General Plan for Howard County

Chapter 5: Community Conservation and Enhancement

POLICY 5.3: Promote new mixed use focal areas that are in scale and character with their context.

Small Mixed Use Developments. Consider revisions to the Mixed Use District (MXD) or the establishment of alternate new zoning provisions to encourage small, well-designed mixed use developments of housing, commercial and community facilities on Route 1 and Route 40, as well as in existing communities.

Page 177 of the Howard County General Plan 2000

It will be in harmony with the General Plan. The General Plan at pages 191-193 read as follows:

Route 40 and Route 1 are Howard County's primary commercial and industrial corridors... Route 1 serves as the access road to the County's large industrial areas east and west of the highway...Both the Route 1 and Route 40 corridors, as well as the industrial areas along Route 1, need revitalization/redevelopment planning to sustain continuing, long-term economic development. The County's ability to accommodate new businesses and industries will depend upon renovation of older buildings and redevelopment of properties that are underused or obsolete.

The focus on the Route 1 and Route 40 corridors is important not only for their long-term economic development potential but also to improve the appearance and function of these corridors. Redevelopment of these areas on a significant scale could create stronger community centers, a better mix of stores and services to serve nearby communities, some opportunities for small-scale mixed use developments, improved traffic circulation patterns and a vast improvement in the image and quality of the public environment along these highways. The appearance of older strip commercial centers can be enhanced to make them more attractive, and redevelopment can convert the single-use strip centers into mixed use centers...

Incentives for revitalization/redevelopment may include additional permitted uses, increased flexibility in bulk regulations, expedited processing, lower development review fees, and tax or development financing incentives. Local business improvement associations could help to implement and manage coordinated improvements in landscaping, access, signs and facades. County or State capital projects to improve infrastructure can encourage and support private investment.

7. Any other factors which the petitioner desires the Council to consider including copies of any written reports intended to be introduced at the hearing and a written summary of verbal evidence of any expert which will be proffered at the hearing (if such hearing is necessary)

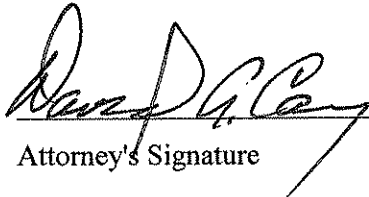
CAC-CLI District properties are along Route 1: Aladdin Village MHC LLC, Blue Stream LLC, HPT GL Properties, and Montevideo Rock LLC (to name a few examples). The parcels owned by these similarly situated entities would also benefit from the zoning regulation expansion that is proposed. Attached as an exhibit is the specific properties.

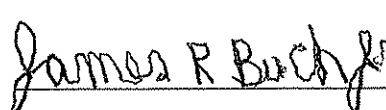
Capital Drive in Jessup. The property was given to James Buch, Jr. by his father. The property has been in the Buch family for approximately 90 years. Other CAC districts are impacted by the amendment in locations that are constrained by multiple owners.

Attached as Exhibit A is the sketch plan for the Elkridge Village Center approved for Aladdin Rosh, LLC which depicts the adjacent CAC District and the Buch parcel as highlighted.

8. The Petitioner agrees to furnish such data as may be required by the County Council and/or Department of Planning and Zoning.

9. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information.

 8/28/08
Attorney's Signature Date

 8/28/2008
Petitioner's Signature Date
James R. Buch, Jr.

 8/28/2008
Petitioner's Signature Date
Frances M. Buch

The location of the CAC-CLI District sites are depicted on the attached sections of the enclosed zoning maps. Most of the CAC projects have been commenced. The following CAC projects are along the frontage of Route 1:

1. Elkridge

- (a) The area on both sides of Route 1
 - (i) primarily from Levering Avenue until it turns into Race Road;
 - (ii) the north side of Washington Blvd. from Elkridge Associates to Brumbaugh Street. It has not been revitalized as yet.
- (b) Belmont Landing which is accessed through Amberton and then Selkirk Drive near the intersection of route 100 and Route 1.
- (c) Washington Blvd. and Montgomery Road. It is under development by Brantley Development Corporation.

2. Jessup

- (a) The Bluestream property owned by Arnold Sagner on the west side of Route 1 and sits between Deep Run.
- (b) The Aladdin property consisting of everything at the northwest intersection of 175 and Washington Blvd. in the northwest quadrant abutting on Port Capital Drive.
- (c) The property on the west side of Mission Road and Route 1. The entire site is under active development.

3. Laurel

- (a) The Earl Armiger property in north Laurel is under active development. The site is near Madison Avenue.
- (b) The Asbury Court property which is developed is situated in the median area which is bound by the southbound Route 1 adjacent to North Laurel Road.

R-A-15

CAC-CLI

Zoning Maps 37 and 43

Subject Property
in red

37

R-A-15

M-1

M-1

CAC-CLI

95

1. MULBERRY GROVE RD.
2. JUDGE RD.
3. WILLOW GLEN WAY
4. WATERLOO PASS
5. LITTLE COVE FARM WAY
6. MOUNT CARMEL PL.
7. DEEP FALLS WAY
8. CEDAR HILL WAY
9. MADSTONE PL.
10. OAK GROVE WAY
11. FOX HARBOR WAY
12. MARDEN POINT PL.

R-MH

CAC-CLI

B-1

M-1

CE-CLI

CAC-CLI

1. XOVER ST.
2. AMITY RD.
3. XOVER ST.
4. MANOR RD.
5. PARKSIDE RD.

B-2

M-2

43

M-2

R-ED

Zoning Maps 32 & 38

32

D

R-12

R-ED

CAC-CL1

1

CAC-CL1

B-1

CAC-CL1

CAC-CL1

R-12

R-12

M-2

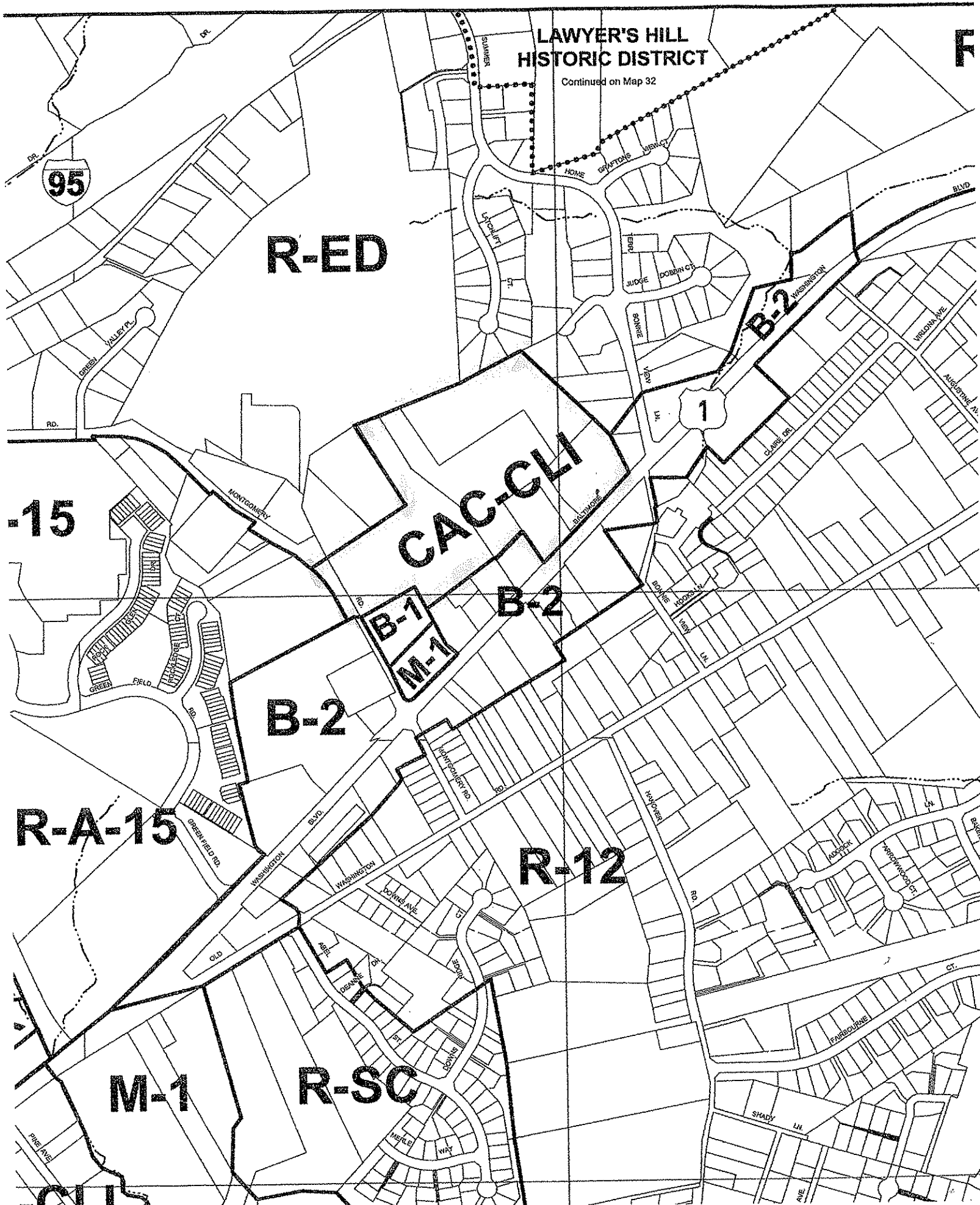
12

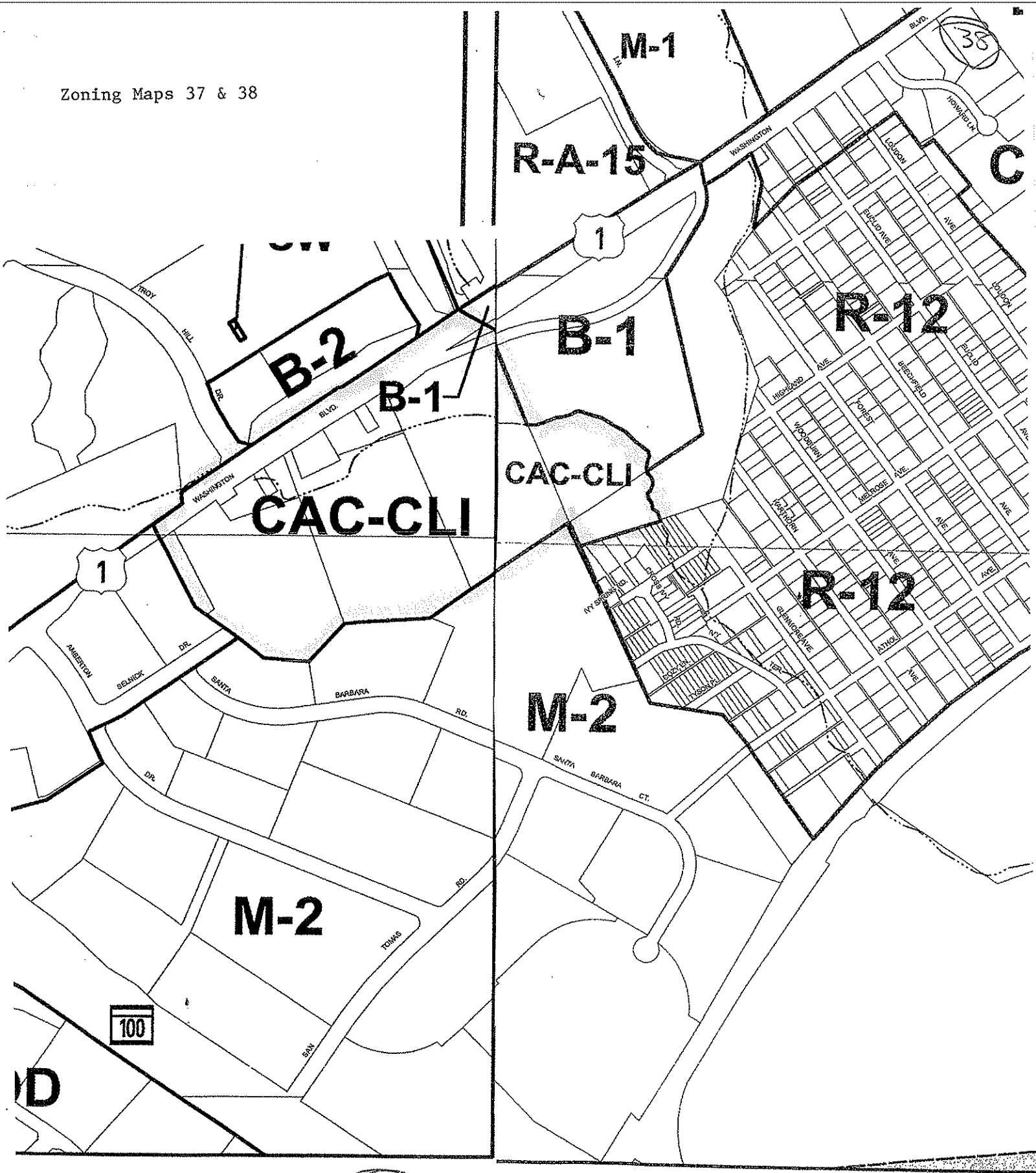
Deep

Run

Patapsco River

38





R-SC-MXD-3

R-SC

B-2

R-SC

~~CAC-CL~~

CE-CL

CE-CL

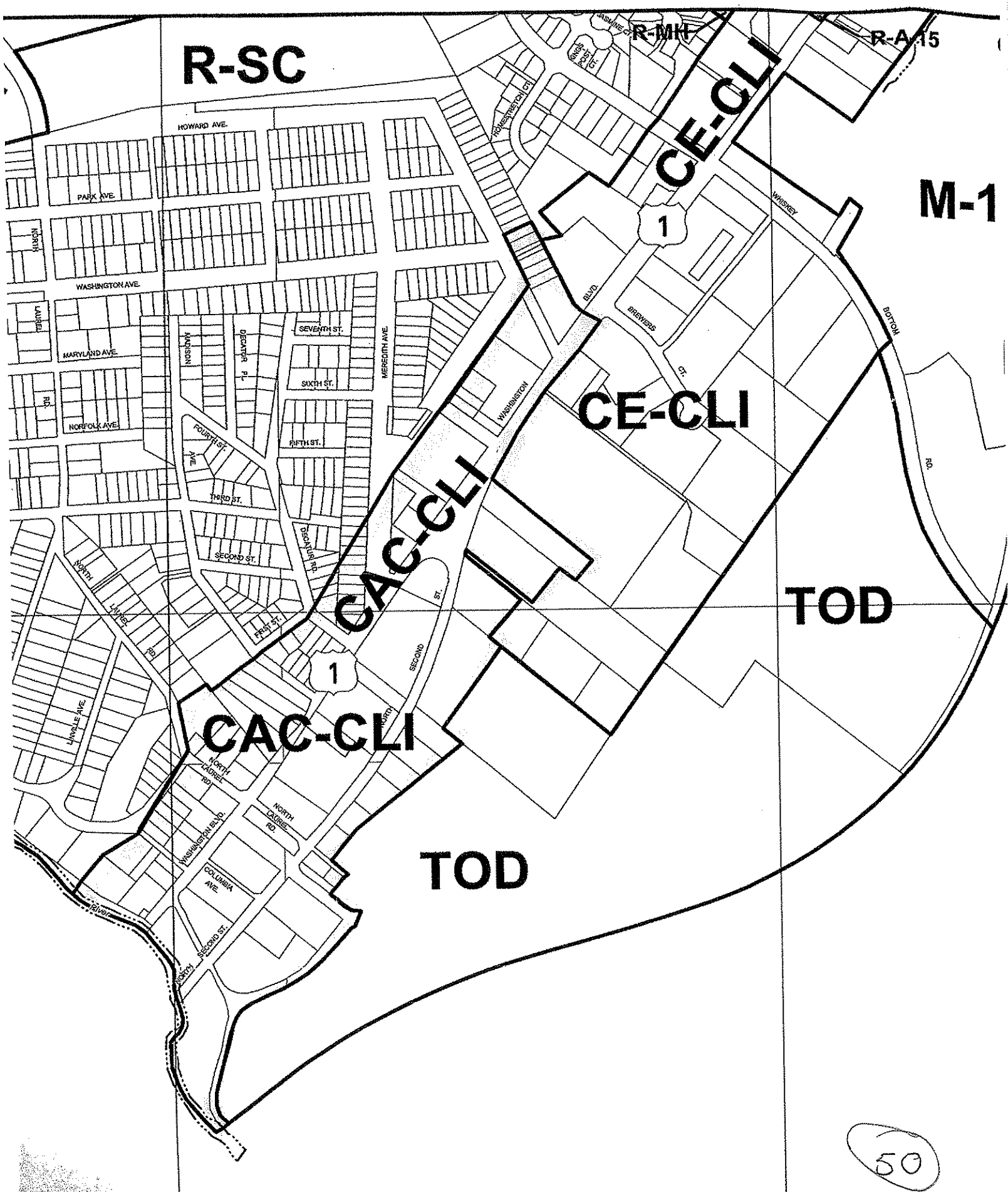
M-2

CE-CL

R-MH

~~M-2~~

43



David A. Carney
Daniel H. Scherr
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Andrew H. Robinson

OF COUNSEL:
Fulton P. Jeffers
August W. Steinhilber

IN MEMORIAM:
Laurence B. Raber

September 9, 2008

Ms. Robin Regner
Howard County Zoning Board
3430 Courthouse Drive
Ellicott City, MD 21043

RE: Petition to Amend the Zoning Regulations of Howard County
James R. Buch and Frances M. Buch
Our File No. 50282-8002

Dear Ms. Regner:

This will acknowledge receipt of your email regarding a new form for the Petition to Amend the Zoning Regulations of Howard County. You also indicated that the new form requested information not requested in the previous form that we used and that we may supplement the Petition in letter form. Enclosed is the following additional information.

Response to Paragraph 4:

In several of CAC-CLI zones are several out parcels that have not or will be assembled. It is impossible to comply with the requirements of the current CAC zoning regulations with only 1.43 acres of land. By amending the regulations, property owned in the CAC district can comply with the CAC regulations by uses permitted by good planning. There are at least three projects in the County that will benefit from the amendment.

Response to Paragraph 5:

See answer previously submitted in Petition (#6).

Response to Paragraph 6:

Attached are: (a) Section 100.A, *Legislative Intent*,
(b) an extract of the Zoning Map as adopted in the Comprehensive Zoning of 2004, and
(c) the Sketch Plan for the adjacent property which was approved by the Department of Planning and Zoning (S-06-010) dated June 5, 2007.

The legislative intent is to "guide the future growth and development of the County in accordance with the General Plan." The abutting property was formerly used by Aladdin Mobile Home Park. The Zoning Board voted for a CAC District, that included the Petitioners' property. By its action, they approved the revitalization and redevelopment of the property. Section 100.A, *Legislative Intent*, is in full compliance with the preamble and Subsection 2 which reads:

2. To protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County, and by these comprehensive zoning regulations.

Response to Paragraph 7:

The property is unimproved and cannot be developed in its existing condition. In order to develop it in accordance with its zoning, the amendment is needed. Developing the property places it in a more meaningful real property tax basis.

The property which is 1.43 acres was formerly the residential home of the Petitioners and prior to that, his grandmother. The old house was razed 40 years ago, and it remains unimproved.

Response to Paragraph 8:

No.

Response to Paragraph 9:

No other factors other than what was included in the Petition and as hereto amended.

Response to Paragraph 10:

Attached.

If any other information is needed, please do not hesitate to contact me.

Very truly yours,

CARNEY, KELEHAN, BRESLER,
BENNETT & SCHERR, LLP



David A. Carney

DAC/pjm
Enclosures

cc: Mr. and Mrs. James Buch
P:\PJM\wpdata\Buch\Regner2.ltr.wpd

Petitioners' Proposed Text

Section 127.5 CAC, (Corridor Activity Center) District

B. Uses Permitted as a Matter of Right

17. Dwelling, apartment and single-family attached, only with a Route 1 Corridor development project with at least 2 gross acres of CAC-zoned land OR LESS THAN 2 ACRES IF THE PROPERTY IS ADJACENT TO A CAC ZONED PROPERTY.

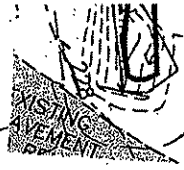
SECTION 100: General Provisions

A. Legislative Intent

These zoning regulations and maps are being enacted for the purpose of preserving and promoting the health, safety and welfare of the community.

It is the intention of the Zoning Board to guide the future growth and development of the County in accordance with a General Plan which represents the most beneficial and convenient relationships among the residential, non-residential and public areas within the County considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and modes of living, and future requirements; and considering such conditions, trends and requirements, both within the County and in relationship to areas outside thereof. It is further the intent of these regulations:

1. To provide adequate light, air and privacy; to secure safety from fire and other danger, and to prevent over-crowding of the land and undue congestion of population;
2. To protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County, and by these comprehensive zoning regulations;
3. To promote the most beneficial relationship between the uses of land and structures, and the road system which serves these uses, having particular regard for the potential amount and intensity of such land and structure uses in relationship to the traffic capacity of the road system, so as to avoid congestion in the streets and roadways, and to promote safe and convenient vehicular and pedestrian traffic movements appropriate to the various uses of land and structures throughout the County;
4. To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County;
5. To provide for adequate housing choices in a suitable living environment within the economic reach of all citizens;
6. To provide open space that helps preserve natural, environmental, historic, architectural and other landscape resources of the County as well as providing adequate space for recreation;
7. To ensure that all development and land uses protect or enhance the natural, environmental, historic, architectural and other landscape resources of the County, especially highly fragile and environmentally important features such as floodplains, wetlands or steep slopes.
8. To preserve agricultural land.



DOR I LIMITED
RTNERSHIP
7TH REALTY, INC
PARCEL 670

CORRIDOR I LIMITED
PARTNERSHIP
S/O SOUTH REALTY, INC
TM 43, PARCEL 4

COASTAL MINI STORAGE GROUP
LTD
C/O JAMES W. GREGORY
TM 43, PARCEL 548

PLAT OF REVISION
THE OAKS AT WATERS EDGE
PLAT NO. 17925

LOT 1

HOWARD HOSPITALITY, INC.
C/O AMIT PATEL
TM 43, PARCEL 591

OLD WATERLOO ROAD
LOCAL ROAD 410' (RIGHT OF WAY)
(SHA PLAT 24046)

PORT CAPITAL DR
LOCAL ROAD (RIGHT OF WAY VARIES) (SHA PLAT 38320)

PARCEL A

SECTION 1
PORT CAPITAL CENTER
PLAT NO. 3545

LOT 1

T.M. 43, PARCEL 650

MARKET PLACE
PLAT NO. 3928
PARCEL B.

T.M. 43, PARCEL 650

MARKET PLACE
PLAT NO. 3928
PARCEL C.

E1373300
N548450

LANDLORD 27, LLC
TM 43, PARCEL 668

LANDLORD 27, LLC
TM 43, PARCEL 16

STATE OF MARY
ST

WASHINGTON BOULEVARD
LOCAL ROAD (RIGHT OF WAY VARIES) (SHA PLATS 53413 & 53414)

Zoning Maps 37 and 43

Subject Property
in red

R-A-15

M-1

CAC-CLI

M-1

CAC-CLI

95

1. MULBERRY GROVE RD.
2. JUDREE RD.
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7. DEEP FALLS WAY
8. CEDAR HILL WAY
9. MINDSTONE PL.
10. OAK GROVE WAY
11. FOX HARBOR WAY
12. MAIDEN POINT PL.

R-MH

CAC-CLI

B-1

M-1

CE-CLI

CAC-CLI

1. XOVER ST.
2. AUSTY RD.
3. XOVER ST.
4. MAJOR RD.
5. PARKSIDE RD.

B-2

M-2

43

HOWARD COUNTY COUNCIL
RECEIVED

2008 OCT 15 P 2: 27

October 15, 2008

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Fulton P. Jeffers
August W. Steinhilber

IN MEMORIAM:
Laurence B. Raber

Ms. Robin Regner
Howard County Zoning Board
3430 Courthouse Drive
Ellicott City, MD 21043

RE: ZRA 106, James and Frances Buch
(Planning Board Hearing – 10/16/2008)

Dear Ms. Regner:

This letter shall serve as a second amendment to the ZRA 106. The first amendment was needed because the County Council had amended their original form.

This Amendment is being sent to your attention in response to the Technical Staff Report dated September 30, 2008, but received on October 3, 2008. The text that is proposed is to "Section 127.5 CAC (Corridor Activity Center) District, B.17 and E.3.a" and it supplements paragraph 17.

(CAPITALS indicate text to be added; [[brackets indicate text to be deleted]], Strikeouts indicate material deleted by this amendment; UNDERLINE CAPITALS indicate material added by this amendment.)

SECTION 127.5 CAC (Corridor Activity Center) District

B. Uses Permitted as a Matter of Right

17. Dwelling, apartment and single-family attached, only with a Route 1 Corridor development project with at least 2 gross acres of CAC-zoned land OR LESS THAN 2 ACRES IF THE PROPERTY IS ADJACENT CONTIGUOUS TO A CAC ZONED PROPERTY DEVELOPMENT, WHICH HAS RECEIVED AN APPROVED SKETCH PLAN OR SITE DEVELOPMENT PLAN.

E Requirements for CAC Development

3. Requirements for Residential Uses

- a. Residences are permitted only within Route 1 Corridor development projects encompassing at least two gross acres of CAC-zoned land OR LESS THAN 2 ACRES IF THE PROPERTY IS CONTIGUOUS TO A CAC DEVELOPMENT, WHICH HAS RECEIVED AN APPROVED SKETCH PLAN OR SITE DEVELOPMENT PLAN.

Paragraph 5, reasons for the requested amendments, and paragraph 6, whether the amendment will be in harmony with the General Plan for Howard County, we readopt the statements made in the prior submission.

Paragraph 7, any other factors which the Petitioner desires the Council to consider, is amended as follows:

There are seven (7) CAC/CLI Districts within the County. Of these seven (7) districts, only two (2) districts currently involve or could *potentially* involve assemblages from one or more property owners, working in concert, to effectuate a CAC Development. These two (2) specific CAC/CLI Districts are:

North Laurel

- a. In north Laurel, for approximately .75 miles from the city of Laurel to Brewers Court: there have been two (2) CAC Developments approved under this specific CAC Zoning District (Patuxent Square and Ashbury Courts) and there are approximately 30 remaining properties along Route 1. With specific regard to the Patuxent Square CAC Development (Tax Map 50, Parcels 379, 408, and 423), the only contiguous property to this CAC Development is currently in use as the Ramada Inn.

With specific regard to the Ashbury Courts CAC Development: (i) the property is separated from the Bottom of the Bay seafood restaurant by North Laurel Road to the south; (ii) the existing Sunset Hills Foliage commercial use

is located in the interior of the Development; and (iii) there is an existing commercial use to the immediate north. Thus, this proposed ZRA will have little to no effect on the contiguous parcels to this CAC Development.

Elkridge

- b. In Elkridge between the Baltimore County line through Brumbareht Street on both sides of Route 1, a distance of .32 miles: the CAC District contains approximately 63 different parcels under separate ownership. No CAC Developments are known for this CAC District at this time.

Furthermore, the existing railroad lines of the B&O, the extensive flood plain coverage along the north, and the sheer number of parcels in this CAC District (most under one (1) acre in size) make it highly unlikely that a CAC Development will be established at any point in the foreseeable future in this District. Thus, this proposed ZRA will have little to no effect on the contiguous parcels to this CAC Development.

The remaining CAC Districts have been fully assembled into Developments which have already been approved or are currently in the predevelopment process. All of the required assemblage has occurred except where indicated below. The CAC Developments are as follows:

- Brantley at Route 1 and Montgomery Road;
- Belmont Station at Route 1 and Amberton;
- Arnold Sagner at Route 1 at the Bluestream;
- Aladdin Rock at Route 1 and Port Capital Drive
- The Dolben Group at Route 1 and Mission Road

With the exception of the Alladin Rock Development, all of these above-mentioned CAC Developments are fully assembled with no contiguous CAC out parcels. With respect to the Alladin Rock Development, the only remaining CAC out parcels are the following: (i) the Petitioner's site, (ii) a Shell gasoline station to the extreme southwest, and (iii) a strip mall ("Jessup Market Place") (with over 2.3 acres under common ownership). Thus, this proposed ZRA will have little to no effect on the contiguous parcels of this CAC Development with the exception of the Petitioner's

Ms. Robin Regner
October 15, 2008
Page 4 of 4

current lot.

If any other information is needed, please do not hesitate to contact me.

Very truly yours,

CARNEY, KELEHAN, BRESLER,
BENNETT & SCHERR, LLP



Andrew H. Robinson and
David A. Carney

DAC/pjm

cc: Jeannine Matthews
Mr. and Mrs. James Buch
Mike Buch
Denise Buch

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