



PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only: Case No. ZRA- 120 Date Filed: [ ]

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend Section 117.1 (BR – Business Rural District) to allow RC or RR properties in the Marriottsville Area (water only) to be eligible for the BR floating zone.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Cadogan Property, LLC

Address 5072 Dorsey Hall Drive, Suite 202, Ellicott city, Maryland 21042

Phone No. (W) (410) 997-0296 (H)

Email Address

3. Counsel for Petitioner Sang W. Oh, Esq., Talkin & Oh, LLP

Counsel's Address 5100 Dorsey Hall Drive, Ellicott City, MD 21044

Counsel's Phone No. 410-964-0300

Email Address soh@talkin-oh.com

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed SEE ATTACHED SUPPLEMENT

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County SEE ATTACHED SUPPLEMENT

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. SEE ATTACHED SUPPLEMENT

---

---

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) ADDRESSED ABOVE

---

---

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes

---

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The number of properties impacted by the proposed amendments could be greater than 12 since there are more than 12 properties in the Marriottsville Area of the Howard County Water and Sewer Plan. Since both the BR and OT zones are floating zones, they currently float over all of the properties that are in the No Planned Service Area of the Howard County Water and Sewerage Master Plan.

---

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition.

---

---

---

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

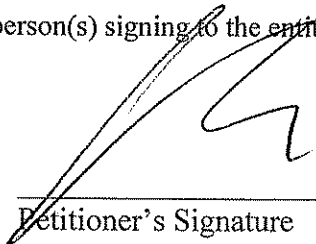
10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[ Double Bold Brackets ]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

**After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.**

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.
12. 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. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

**Cadogan Property, LLC**  
**By: R. Jacob Hikmat, Managing Member**


Petitioner's name (Printed or typed)



Petitioner's Signature

8/26/09

Date



Counsel for Petitioner's Signature  
Sang W. Oh, Esquire  
Talkin & Oh,

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

**FEE**

The Petitioner agrees to pay all fees as follows:

Filing fee.....	\$695.00.	If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)
Each additional hearing night.....	\$510.00*	

**The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.**

\*\*\*\*\*

**For DPZ office use only:**

**Hearing Fee \$ \_\_\_\_\_**

**Receipt No. \_\_\_\_\_**

**PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION**

**County Website: [www.howardcountymd.gov](http://www.howardcountymd.gov)**

Cadogan Property, LLC  
Petition to Amend Zoning Regulations of Howard County

**SUPPLEMENT**

Response to Section 4:

Properties in the Marriottsville Area of the Howard County Water and Sewerage Master Plan are zoned RC (Rural Conservation) and part of the rural west; however, they are not eligible for the BR district. We believe this is an oversight in the regulations that needs to be cured.

Response to Section 5:

The proposed change is harmonious with the General Plan. The General Plan explains the circumstances surrounding the creation of the Marriottsville Area:

“In July 1993, the County Council voted to extend the planned service area 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.” P. 97.

The General Plan also defines the Rural West as the areas zoned Rural Conservation (RC) or Rural Residential (RR) and not served by public sewer. P. 36. General Plan Map 3-1 shows the Marriottsville Area as part of the rural west.

It should also be noted that the Planned Service Area boundary as depicted on numerous maps includes the Marriottsville Area as “water service only”; however, it should also be noted that properties are not eligible to receive public water without being incorporated into the metropolitan district and paying the assessments associated therewith. A condition precedent to incorporation in the metropolitan district is, of course, inclusion in the planned service area.

Thus, the fact that the Marriottsville Area is within the boundary of the planned service area should not be regarded as much of a land use policy as the clear language of contained on pages 97 and 36.

With respect to the BR Zoning Regulations, reference is not made to the General Plan; rather, the criteria for eligibility is governed by the Howard County Water and Sewerage Master Plan, which, in practical effect, excludes the rural west areas in the Marriottsville Area from the rural land uses and zoning of the BR zoning district.

By comparison, the OT zoning district prescribes parcel size by whether the subject site is “within the planned service area for public water and sewer” or “outside the planned service area

for public water and sewer”. This very small distinction has the desired effect of treating rural properties in the County different from non-rural properties, which is the treatment that is consistent with the policies contained in the General Plan.

The BR zone which seeks appropriate locations to allow the development of businesses which will support the agricultural industry, serve the needs of the rural residential and farming communities, and provide opportunity for a combination of business and industrial uses not otherwise permitted in the rural areas of the County will be better served by the proposed amendment.

Response to Section 6:

Creation of BR districts and uses in the rural west helps to preserve and promote the health, safety and welfare of the community. Instead of the other commercial zones that are available, the BR zone is a restricted commercial zone with uses that serve the rural community. As a floating zone, a BR zoning district application requires a detailed preliminary development plan and review for, among other things, compatibility with surrounding land uses and consistency with the purposes of the BR district.

Cadogan Property, LLC  
Petition to Amend the Zoning Regulations of Howard County

**PETITIONER'S PROPOSED TEXT**

In **Section 117.1.B.1.** of the Howard County Zoning Regulations:

Amend to read as follows:

“The BR District may be established at a particular location if the following criteria are met:

1. The proposed BR District is within the No Planned Service Area OR MARRIOTTSVILLE AREA of the Howard County Water and Sewerage Master Plan.”