

1 CADOGAN PROPERTY, LLC, \* BEFORE THE  
2 PETITIONER \* PLANNING BOARD OF  
3 ZRA-120 \* HOWARD COUNTY, MARYLAND

4 \* \* \* \* \*

5 MOTION: *To recommend approval of the petition in accordance with the Department*  
6 *of Planning and Zoning recommendation with the text recommended by the*  
7 *staff.*

8 ACTION: *Recommended Approval; Vote 4 to 0.*

9 \* \* \* \* \*

10 On January 7, 2010, the Planning Board of Howard County, Maryland, considered the petition of  
11 Cadogan Property, LLC for an amendment to the Zoning Regulations to amend Section 117.1.B., the criteria  
12 for a BR (Business: Rural) District, to revise Section 117.1.B.1. so that properties located in the Marriottsville  
13 (Water Only) Service area may also be eligible for this floating district.

14 The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation,  
15 and the comments of reviewing agencies, were presented to the Board for its consideration. The Department  
16 of Planning and Zoning recommended approval of the petition based on findings that the proposed  
17 amendment clarifies that the properties located in the Marriottsville (Water Only) Service area are shown on  
18 the Howard County General Plan 2000 as being part of the Rural West and should be eligible for the BR  
19 District on that basis. The Department of Planning and Zoning also recommended additional text to indicate  
20 the official term for this service area as the "Alpha Ridge Water Service Area".

21 The Petitioner was represented by Sang Oh, Esquire. Mr. Oh stated that when the BR District  
22 regulations were first established, all of the properties now in the Alpha Ridge Water Service Area qualified  
23 for the BR District. He noted that it was only after the Alpha Ridge Water Service Area was created by  
24 Howard County that these properties became ineligible due to a technicality. Mr. Oh concluded by stating that  
25 this amendment reinstates the policy that the BR District applies to all of the Rural West.

26 Angie Beltram of the Howard County Citizen Association ("HCCA") testified that the HCCA  
27 opposes this amendment and other amendments that change zoning districts in significant ways. She  
28 maintained that the BR District should only be for agricultural areas. Ralph Ballman also testified in  
29 opposition, stating that the amendment could apply to land that is not zoned RC or RR, and that even if only  
30 public water is provided to a BR site, the development on such a site could be more intense than for properties  
31 that can only use private water and septic facilities. Ted Mariani of the Concerned Citizens of Western  
32 Howard County ("CCWHC") stated that the areas around Alpha Ridge have no need for BR services and that  
33 the issue of commercial uses in the rural areas needs to be evaluated comprehensively.

1 Discussion:

2 The Planning Board expressed that this amendment is really a policy issue; the Alpha Ridge Water  
3 Service Area was created for water supply safety purposes and its establishment did not change the fact that  
4 the area is part of the Rural West. The Board found that it was an oversight to not have amended the BR  
5 District regulations after the Alpha Ridge Water Service Area was created in order to keep all the properties  
6 in that area eligible for the BR District. The Board considered this case to be a restoration of rights that were  
7 erroneously and unintentionally removed from the property owners in this area. Therefore, considers the  
8 amendment as a clarification that the Alpha Ridge Water Service Area remains part of the Rural West.

9 Also raised was the potential need for further consideration of a broader policy to address similar  
10 future issues rather than a specific area.

11 Additionally, the Board stated that an evaluation of the BR zoning's effectiveness in accomplishing  
12 its purpose should be included in the pending comprehensive review of the Rural West's commercial zoning  
13 in light of the issues raised in recent cases .

14 Motion:

15 Ms CitaraManis moved to recommend approval of the petition as recommended by the Department of  
16 Planning and Zoning and incorporating the additional text recommended by the staff.. Mr. Grabowski  
17 seconded the motion. The motion passed by a vote of 4 to 0.


18 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 7/13 day of  
19 ~~January~~ <sup>February</sup>, 2010, recommends that ZRA-120, as described above, be approved, as noted.

21 HOWARD COUNTY PLANNING BOARD

22   
23 Linda A. Dombrowski, Chairman

24   
25 David Grabowski, Vice-Chair

26   
27 Tammy J. CitaraManis

28   
29 Paul Yelder

30  
31 ATTEST:

32   
33 Marsha S. McLaughlin, Executive Secretary