



December 23, 2009

TECHNICAL STAFF REPORT

*Petition Accepted on October 1, 2009
Planning Board Meeting of January 7, 2010
County Council Hearing to be scheduled*

Case No./Petitioner: ZRA-120 – Cadogan Property, LLC

Request: Zoning Regulation Amendment to amend Section 117.1.B., the criteria for a BR (Business: Rural) District, to revise Section 117.1.B.1. so that properties located in the Marriottsville (Water Only) Service area may also be eligible for this floating district.

Department of Planning and Zoning Recommendation:

APPROVAL, WITH ADDITION

I. DESCRIPTION OF PROPOSAL

- # **The Petitioner proposes one amendment to the Zoning Regulations. This amendment is generally described as follows:**

Currently, in addition to the other BR District eligibility criteria in Section 117.1.B., a property must be located in the No Planned Service Area. Technically, the Marriottsville Service area is not the No Planned Service Area; it is a distinct category in the County Water and Sewer Master Plan that designates a specific area in the vicinity of the Alpha Ridge Landfill where public water service only will be provided. The Petitioner's proposal is to simply add the words "Marriottsville Area" to Section 117.1.B.1.

- # **The Petitioner believes it is an oversight that the BR District regulations were never revised to specifically include all the properties within the Marriottsville Area, because this district was devised for the Rural West, and the General Plan maps show the Marriottsville Area as being part of the Rural West.**

The Petitioner notes that the proposed amendment would potentially affect greater than 12 properties, because there are significantly more than 12 properties within the Marriottsville Area.

- # **The amendment text is as follows (CAPITALS indicates text to be added):**

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

II. EXISTING REGULATIONS

- # **The BR District regulations were first established with Zoning Board Case ZB 928R&M, generally known as the Comprehensive Zoning Plan for Western Howard County, which was approved in September, 1992.**

The Marriottsville Area designation, also known as the Alpha Ridge Water Service Area, apparently was first established at a later date with Council Resolution 145-1993 which was adopted July 22, 1993, so the initial intention for the BR District would have included the properties in what is now the Marriottsville Area.

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendment

- # **If approved, the amendment would technically apply to all properties within the Marriottsville Area, but from a practical standpoint it could only be used for those properties that can comply with the other criteria as well.**

Only properties that have safe road access and proper frontage as required in Section 117.1.B.2 would be eligible. Section 117.1.B.3 is related to the compatibility of the BR District proposal itself, so there is not a clear-cut determination on the eligibility of a particular property, but more on the nature of the precise request.

B. Agency Comments

- # **The following agencies had no objections to the proposal:**

1. Department of Recreation & Parks
2. Bureau of Environmental Health
3. Department of Fire and Rescue Services
4. Department of Inspections, Licenses and Permits

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- # **The Department of Planning and Zoning fully concurs with the Petitioner that the Marriottsville Area is meant to be part of the Rural West. On Page 156 of the General Plan 2000, in the Balanced and Phased Growth chapter, it clearly states “The Rural West is outside the PSA [Planned Service Area] for sewer service. The water service only area around the Alpha Ridge Landfill will be part of the Rural West.”**

The intent of allowing public water service in the Marriottsville Area was to ensure a safe alternative for properties with private wells that might be adversely impacted by the Alpha Ridge Landfill in the future.

IV. EVALUATIONS AND CONCLUSIONS

If there were not this compelling need to provide public water service to the properties within the Marriottsville Area as there was, they would be in the No Planned Service Area and would be eligible for the BR District on that basis, provided the property could meet all the other criteria. The general area is still rural in character.

B. Relation to the Zoning Regulations

Just because additional property/properties in the Marriottsville Area become eligible to apply for BR District approval, that does not mean such approval is guaranteed.

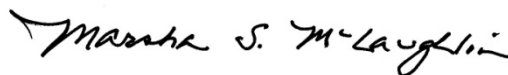
Any proposal would have to go through the usual Zoning Board process and be decided by the Zoning Board. Given the relatively low interest in the BR District for many years in the much larger area of the No Planned Service Area, it is unlikely that allowing properties in the Marriottsville Service Area to be eligible will result in an inordinate number of BR proposals in that area.

The Department of Planning and Zoning recommends a minor addition to the proposed text. Because the Water and Sewerage Master Plan refers to the Marriottsville area as the Alpha Ridge Water Service Area, it is recommended that the proposed text be as follows (UNDERLINED CAPITALS indicates new text to be added):

1. The proposed BR District is within the No Planned Service Area **OR MARRIOTTSVILLE AREA (ALPHA RIDGE WATER SERVICE AREA)** of the Howard County Water and Sewerage Master Plan.

V. RECOMMENDATION *APPROVAL*

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-120, be **APPROVED**, with the recommended additional text.



12/23/09

Marsha S. McLaughlin, Director

Date

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.