

Zoning Case 1119M - HRVC

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Applicant/Protestant

Exhibit # 30 Date 7/22/90

October 17, 2006

VIA First Class Mail and Email: mmclaughlin@ho.co.md.

Ms. Marsha McLaughlin
Director
Howard County Maryland
Department of Planning and Zoning
3430 Courthouse Drive
Ellicott City, Maryland 21043

Subject: **FDP 77 A Village of Long Reach Section 1 Area 1/ Map 30 Parcel 289
Parcels N and O/5320 Phelps Luck Drive, Columbia, MD 21045**

Dear Marsha:

First, Ed and I want to thank you and Bob for meeting us on Thursday. As we discussed, I wanted to follow up with a letter to you memorializing our conversations regarding the procedure for a "non-petitioner" to amend the above referenced FDP in accordance with the Zoning Board's Decision and Order.

Before I outline the resolution of our discussion, I want to summarize some of the historical facts that led to the current situation. Since your department is in possession of substantially all the pertinent documentation related to this property, I am not including any with this missive. The current owners, Lang Miller Associates purchased the property in 1985. The property conveyed with a deed restriction granted by HRD and affirmed in 1972. This restriction ostensibly barred any further subdivision of the parcels comprising the property. The property contains three main parcels: N, O and lot 462. The total acreage is approximately 5.608. Parcel O is approximately .887 acres. This is included in the FDP and designated commercial. The remaining areas of parcel N (4.175 acres), lot 462 (.180 acres) and two areas identified as "right of way" (.366 acres) are not included in the acreage tabulation for the subject FDP, although it appears to be designated "medium density single family." Please be advised that there are some minor discrepancies in the acreage tabulation that need to be definitively reconciled.

In 2003, Howard Research and Development ("HRD") petitioned the Zoning Board to increase the overall PDP maximum density from 2.35 to 2.5 units per gross acre. This request was denied, save and except for an increase in the density from 2.35 to 2.3643 dwelling units per gross acre. This increase is specified in the Decision and Order dated March 24, 2004 (the "D&O") This increase in density represents one hundred units specified for an elderly housing development on the Oakland Mills Exxon site and an additional one hundred units provided to be used in another village but included with the Grandfathers Garden Center site in mind. Further, the D&O goes on to refer to a section the petitioner's request that sets forth a procedure for securing these units.

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The petitioner's request outlines a process wherein the developer/owner provide the board of the Village where the project is located a "site development plan" for their review. Should the board find in favor of the proposed development they would then forward the board's resolution to the petitioner to allocate units for that purpose.

The term "site development plan" as used in the petitioner's request is not the term of the same name as set forth in Article V of Subdivision and Land Development Regulations of Howard County fifth addition January 8, 2002. Rather, for this purpose the scope, detail and sufficiency of the "site development plan" is at the board's prerogative.

In the case at the hand, an additional step precedes all others. As I mentioned above, the subject property is encumbered by a deed restriction. During the Zoning Board hearing, HRD agreed to amend this restriction subject to the wishes of the Long Reach Village Board. Accordingly, the execution and the recording of this amendment is a prerequisite to processing this request. After we all had a clear understanding of the facts and circumstances related to this property, we settled on the following procedures to subdivide this property.

1. The property owner shall secure the Village Board's endorsement to HRD to have the deed restriction amended. Since the density is specified in this endorsement, this shall constitute the Village submission to HRD requesting the density.
2. HRD and the property owner shall amend the deed restriction to reflect the Board's resolution.
3. HRD and the property owner shall submit an amendment to the FDP as "co-petitioner" to the Planning Board detailing the changes in land use contemplated for the subdivision of the property consistent with the amended deed restriction.
4. Upon approval of the amended FDP the property owner may process a site development plan as set forth in the Zoning and Subdivision regulations for the "NT" zone.
5. Concurrently the "site development plan" shall be submitted to the Village Board Architectural Committee for their review and approval. The approval of the site development plan is conditional upon the Village Board's approval.

I believe this letter captures the substance and detail of our meeting last Thursday. I am forwarding a copy of this letter to Jim Lano at HRD for his review as he suggested we meet with you to flesh out this process. I am also forwarding a copy to the Village Board's attorney to keep him apprised as well.

Should you have any questions, please feel free to contact me at 443-519-8942 or preferably at my email address jens151@yahoo.com.

Sincerely,

(dictated not signed)
Christopher J. Alleva

CC: Ed Miller, Lang Miller Associates (First Class Mail)
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CA/ajc