



For DPZ Office use only:
 BA Case No. BA-795-D
 Date Submitted: 3-3-23

**ADMINISTRATIVE APPEAL PETITION
 TO THE HOWARD COUNTY HEARING AUTHORITY**

A person who wishes to appeal a departmental decision must use this petition form. It is recommended that a person determine whether he/she can be acknowledged as being an aggrieved person¹. The appellant must submit the completed form to the Department of Planning and Zoning within 30 days of issuance of the departmental ruling or action.



1. APPEAL REQUEST

BRIEF DESCRIPTION OF RULING OR ACTION FROM WHICH THIS APPEAL IS TAKEN: Howard County Department of Planning and Zoning's letter dated February 3, 2023, notifying Gabriel Chung of The Howard Hughes Corporation that SDP-22-042 may be approved by the Department of Planning and Zoning and also approved by the Howard County Planning Board.

DATE OF RULING OR ACTION: February 3, 2023

BRIEF DESCRIPTION OF ERROR OF FACT, OR LAW, IF ANY, PRESENTED BY THIS APPEAL: See attached Supplemental Statement

MANNER IN WHICH THE APPELLANT IS AGGRIEVED BY THE RULING OR ACTION: Appellant is the beneficiary of a parking easement on the property that is the subject of SDP-22-042.

¹ As a brief explanation of this concept: Generally speaking,...a person "aggrieved"...is one whose personal or property rights are adversely affected by the decision...The decision must not only affect a matter in which the protestant has a specific interest or property right, but his interest therein must be such that he is personally and specifically affected in a way different from that suffered by the public generally. The Department of Planning and Zoning does not advise persons on whether they may or may not qualify as being aggrieved. Persons intending to file an appeal may want to obtain separate legal advice on this issue because it may have an impact on the validity of the appeal.

OTHER FACTORS WHICH THE APPELLANT WISHES THE HEARING AUTHORITY TO CONSIDER: To be set forth at the hearing on this matter

2. **APPELLANT'S NAME** Kincade LLC
TRADING AS (IF APPLICABLE) _____
ADDRESS 5100 Dorsey Hall Drive
PHONE NO. (H) _____ (W) _____
EMAIL rtalkin@talkin-oh.com

3. **COUNSEL FOR APPELLANT** William Sinclair, Esq.
COUNSEL'S ADDRESS 400 E. Pratt Street, Suite 900, Baltimore, MD 21202
COUNSEL'S PHONE NO. 410-385-2225
EMAIL bsinclair@silvermanthompson.com

4. **RESPONDENT** Howard County Department of Planning and Zoning
RESPONDENT'S ADDRESS 3430 Courthouse Drive, Ellicott City, MD 21043
The Appellant must attach a copy of the ruling or notice of action being appealed.

5. **PROPERTY IDENTIFICATION (IF REAL PROPERTY IS INVOLVED)**
ADDRESS OF SUBJECT PROPERTY Lakefront Neighborhood – Phase 1
TOTAL ACREAGE OF PROPERTY 11.39 ±
PROPERTY LOCATION east side of Little Patuxent Parkway, generally north of Wincopin Circle and south of Sterrett Place
ELECTION DISTRICT 5th ZONING DISTRICT NT
TAX MAP # 30 GRID # _____ PARCEL/LOT # 275, 290, 373

6. **APPELLANT'S INTEREST IN SUBJECT PROPERTY**
 OWNER (Including joint ownership) OTHER (Describe and give name and address of owner Sterrett Building Holdings, LLC; Town Center East Business Trust, Town Center East Parking Lots Business Trust)

7. **ADDITIONAL MATERIAL, FEES, POSTING, AND ADVERTISING**
A) The Appellant must submit **one (1) signed original and nine (9) copies of the signed original**, for a total of **ten (10) copies**, of this petition. If supplementary documents or other materials are included, **ten (10) complete sets** must be submitted.
B) The Appellant is advised to consult the Rules of Procedure of the Board of Appeals. In accordance with Section 2.210(b) of that document, an “on the record” appeal requires that within 30 days of filing an administrative appeal, the Appellant file a record transcript of the hearing being appealed. In addition, within 15 days of filing the transcript, the

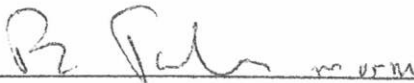
- B) The Appellant is advised to consult the Rules of Procedure of the Board of Appeals. In accordance with Section 2.210(b) of that document, an "on the record" appeal requires that within 30 days of filing an administrative appeal, the Appellant file a record transcript of the hearing being appealed. In addition, within 15 days of filing the transcript, the Appellant must file a Memorandum addressing the points of law upon which the appeal is based.
- C) The undersigned agrees in matters involving land use, except in administrative appeals from the issuance of a notice of violation of County laws or regulations, to properly post the property at least thirty (30) days immediately prior to the hearing and to maintain the posters as required and submit an affidavit of posting at, or before the time of the hearing. If the Appellant is not the owner or does not have a beneficial interest in the subject property, the posting of the property is not required; however, the Appellant must send copies of the petition and notification of the public hearing to the property owner and the adjoining property owners in accordance with Section 2.203(e) of the Rules of Procedure of the Board of Appeals.
- D) The undersigned also agrees in matters involving land use, except in administrative appeals from the issuance of a notice of violation of County laws or regulations, to insert legal notices, to be published one (1) time in at least two (2) newspapers of general circulation in Howard County, as prepared and approved by the Department of Planning and Zoning, within at least thirty (30) days prior to the hearing, and to pay for such advertising costs; and further agrees to submit (2) approved certificates of the text and publication date(s) of the advertisement at or before the time of the hearing.
- E) The undersigned also agrees to furnish such additional plats, reports, plans, or other materials as may be required by the Department of Planning and Zoning and/or the Hearing Authority in connection with the filing of this petition. The undersigned agrees to pay all costs in accordance with the current schedule of fees.

8. SIGNATURES

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.

Signature of Attorney



Signature of Appellant

.....
For DPZ office use only: (Filing fee is \$250.00 plus \$25.00 per poster)

Hearing Fee: \$ _____
Poster Fee: \$ _____
TOTAL: \$ _____
Receipt No. _____

County Website: howardcountymd.gov


(Make check payable to "Director of Finance")

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 Signature of Appellant

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**PLEASE READ CAREFULLY
DATA TO ACCOMPANY PETITION**

Drawings: Where a parcel of land and/or building(s) as defined in the Zoning Regulations is involved in that which is being appealed, petition forms must be accompanied by **(10) copies of required drawings** showing the following information:

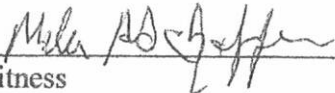
- (a) Courses and distances of outline boundary lines and the size of the property
- (b) North arrow
- (c) Existing zoning of subject property and adjoining property
- (d) Location, extent, boundary lines and area of any current use and proposed change in use
- (e) Any existing or proposed building(s), structures, signs, points of access, natural features, landscaping, parking, and other objects and/or uses on subject property which may be relevant to the petition
- (f) Same as (e) above, if any, of adjoining property which may be required in the proper examination of the petition
- (g) Location of subject property in relation, by approximate dimension, to nearest intersection of two public roads
- (h) Ownership of effected roads
- (i) Election District in which the subject property is located
- (j) Tax Map number on which the subject property is located
- (k) Name and local community in which the subject property is located or name of nearby community
- (l) Name, mailing address, telephone number (and e-mail address, if any) of the appellant
- (m) Name, mailing address, telephone number (and e-mail address, if any) of attorney, if any
- (n) Name and mailing address of property owner
- (o) Any other information as may be necessary for full and proper consideration of the appeal.

BA Case #: _____
PETITIONER: _____
ADDRESS: _____

Affidavit made pursuant to the pertinent provisions of Title 22 of the Howard County Code as amended.

THE UNDERSIGNED DOES HEREBY DECLARE THAT NO OFFICER OR EMPLOYEE OF HOWARD COUNTY, WHETHER ELECTED OR APPOINTED, HAS RECEIVED PRIOR HERETO OR WILL RECEIVE SUBSEQUENT HERETO, ANY MONETARY OR MATERIAL CONSIDERATION, ANY SERVICE OR THING OF VALUE, DIRECTLY OR INDIRECTLY, UPON MORE FAVORABLE TERMS THAN THOSE GRANTED TO THE PUBLIC GENERALLY IN CONNECTION WITH THE SUBMISSION, PROCESSING, ISSUANCE, GRANT OR AWARD OF THE WITHIN APPLICATION OR PETITION IN BA CASE # _____ FOR A ZONING CHANGE AS REQUESTED.

I, WE, DO SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE CONTENTS OF THE AFOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY, OUR, KNOWLEDGE, INFORMATION AND BELIEF.



Witness



Signature

3/2/23
Date

Witness

Signature

Date

Witness

Signature

Date

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

County Website: www.howardcountymd.gov

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Revised: 0214

SUPPLEMENTAL STATEMENT

Kincade LLC (“Appellant”)

RE: SDP-22-042, Lakefront North

This is an appeal of the Howard County Department of Planning and Zoning’s (“DPZ”) decision letter dated February 3, 2023, notifying Gabriel Chung of the Howard Hughes Corporation (the “Applicant”) that SDP-22-042 (the “SDP”) may be approved by DPZ and the Howard County Planning Board (the “Planning Board”). Such decision was clearly erroneous, arbitrary and capricious, and contrary to law. The grounds for the appeal include, but are not limited to:

1. The Applicant’s failure to conduct a pre-submission community meeting in accordance with the statute.
2. The Applicant’s failure to submit the pre-submission community meeting report and minutes in accordance with the statute.
3. DPZ’s failure to properly evaluate the Applicant’s Traffic and Parking Study.
4. DPZ’s failure to require the Applicant to locate all of its proposed parking spaces on land within the proposed SDP.
5. DPZ’s failure to consider that the approval of Applicant’s SDP will restrict parking on common parking areas that Appellant and other parties have a right to utilize.
6. DPZ’s failure to consider that the approval of Applicant’s SDP will modify and restrict Appellant’s parking areas without Appellant’s consent or permission.
7. DPZ’s failure to consider that the approval of Applicant’s SDP will reduce the number of parking spaces available to owners and occupants of Town Center, including their invitees, customers, and the public.

8. DPZ's failure to consider that the Applicant failed to provide a definitive maintenance plan for the shared parking areas.
9. DPZ's failure to consider that the approval of Applicant's SDP will violate the covenants referred to in Note 52 on the SDP.
10. DPZ's failure to require the Applicant to provide any shared parking agreements or arrangement as part of its proposed SDP.

*Additional matters will be presented at the hearing.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

February 3, 2023

Gabriel Chung
The Howard Hughes Corporation
10960 Grantchester Way, Suite 110
Columbia, MD 21044

RE: SDP-22-042, Lakefront North, Planning
Board Notice and 3rd submission comments

Dear Mr. Chung:

The Subdivision Review Committee has determined that the above referenced plan may be approved, subject to the attached comments and plan markups, and approval by the Howard County Planning Board. Please contact Lisa Kenney at (410) 313-4373 or at lkenney@howardcountymd.gov to schedule the Planning Board meeting date. This meeting is a **“hybrid”** meeting and you must be in person to present to the Planning Board. It is **required** that you and/or your consultant be present to answer any questions which the Board may ask about your plan and that a colored copy of the site plan, landscape plan and building architectural elevation plan be provided for presentation to the Board. Please be advised that for any SDP project requesting approval for a variance or an adjustment to bulk requirements, the applicant must be prepared to fully explain and justify their request before the Planning Board.

This meeting is a **“hybrid”** meeting and you must be in person to present to the Planning Board. **Outside laptops and flash drives will NO longer be permitted to be used for the presentation.** The development team’s final presentation must be emailed to Jill Manion (jmanion@howardcountymd.gov) and Lisa Kenney (lkenney@howardcountymd.gov) **no later than the Monday prior to the meeting.**

Per Section 125.0.G of the Howard County Zoning Regulations, this property must be posted two weeks prior to the meeting date. Please contact Jill Manion (jmanion@howardcountymd.gov) to arrange to pick up the sign(s). Each sign is \$25.00. In addition, you are required to electronically notify all Columbia Village Boards, the Columbia Association, Howard County Council members and any pre-submission meeting attendees who provided e-mail addresses at the meeting. This must also be completed within two weeks prior to the meeting and proof must be provided that electronic notification was submitted to all required parties within the required time period. **Please copy the Division of Land Development reviewer at jmanion@howardcountymd.gov of the electronic notifications.**

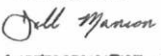
The following materials are necessary for preparation of the DPZ staff report and power point presentation for the Planning Board. They must be emailed to Jill Manion, planner and Lisa Kenney (lkenney@howardcountymd.gov) 27 days prior to the meeting.

- a. A digital reduction of the overall SDP plan sheet at a size of 8½” x 14” or 11” x 17” to serve as an attachment at the end of the staff report and for the power point presentation. The plan attachments can be in a PDF format. **The Planning Board wants to be able to read the general notes and tabulation charts on the plan.**

- b. A digital reduction of the proposed plan exhibits that you will be presenting to the Planning Board such as a color illustration of the landscape plan and the architectural elevation plan from the builder to serve as an attachment at the end of the staff report and for the power point presentation.
- c. A digital reduction of the 'Site Overview Plan' for use as a vicinity map. The reduction needs to be at a size of approximately 5" x 6" and the streets and other information must be as readable as possible at that scale. The vicinity map needs to be in a JPEG format.
- d. Provide 5 paper sets of the SDP drawings for use by the Planning Board members at a sheet size of 24" x 36". The sets should only include the cover sheet, site plan sheets, grading plan, forest conservation plan, landscape plan and building profiles.

It is the responsibility of the applicant or applicant's agent to perform the required posting of the property. The cost of the poster is \$25.00 each. A 'Certification of Posting' will be provided with the poster(s) and is to be signed by the applicant or applicant's agent and delivered back to this Division after the poster(s) are in place. This Division will contact you when the poster/s are available for pick-up. The poster/s **must be erected on-site on or before TBD** and maintained at least fifteen (15) successive days immediately preceding the Planning Board public meeting and are to remain in place for a period of three (3) days after the meeting. Posters must be removed no later than fifteen (15) days after the meeting. The Department of Planning and Zoning will confirm the posting of the property and may inspect the property periodically.

If you have any questions, please contact Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,
DocuSigned by:
 for
Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jam

Attachment:

cc: Research
Richard Talkin
Bill Sinclair
Linda Wengel
Judy Goldfarb
Ihnil Kim
Nicole Campbell
Lyn Locke, Town Center Community Association
Jessica Bellah, Columbia Association
Dan Sweeney, Gutschick Little and Weber
Todd Brown, Shulman and Rogers