

**HOWARD COUNTY BOARD OF APPEALS**

<b>IN THE MATTER OF</b>	:	
<b>KINCADE, LLC</b>	:	<b>BEFORE THE HOWARD COUNTY</b>
	:	<b>BOARD OF APPEALS</b>
<b>v.</b>	:	
	:	<b>CASE NO. BA-800-D</b>
<b>HOWARD COUNTY PLANNING</b>	:	
<b>BOARD</b>	:	
	:	
<b>and</b>	:	
	:	
<b>HOWARD RESEARCH AND</b>	:	
<b>DEVELOPMENT CORPORATION</b>	:	

**HOWARD RESEARCH AND DEVELOPMENT CORPORATION’S  
OBJECTION TO KINCADE’S JANUARY 14, 2025 SUBMISSION AND  
MOTION TO STRIKE**

Town Center East Parking Lots Business Trust, Town Center East Business Trust, Sterrett Building Holdings, LLC, and HRD Parking Deck Business Trust (collectively, “HRD”), by and through the undersigned counsel, hereby objects to Kincade, LLC’s (“Kincade”) January 14, 2025 submission.

The materials submitted by Kincade are not a part of the Record of the Planning Board’s proceedings and are not properly before the Board of Appeals. HRD moves to strike and to prohibit Kincade from using or referring to these items at oral argument and from otherwise including or referring to these items in any future proceedings in this appeal or in Case BA-802-D also pending before the Board of Appeals as an appeal on the same Record (Case PB 455 - Final Development Plan FDP-DC-L-2A).

Case BA-800-D is an appeal on the Record. Rule 1.105.F, Planning Board Rules of Procedure. The Planning Board conducted a full evidentiary hearing on April 11, 2023 and April 20, 2023 which resulted in the issuance of its 24 page Decision and Order approving HRD’s Final

Development Plan. Page 24 of the D&O identifies the exhibits of Record. Oral argument before the Board of Appeals shall be based on the Record. Rule 2.210(b)(5), Board of Appeals Rules of Procedure. **None** of the materials included in Kincade's prehearing submission are a part of the Record in Case BA-800-D.

Lastly, HRD notes the submission is not in accordance with the Board of Appeals Rules of Procedure (Rule 2.207) which require Petitioner's submission of documentary evidence at least 30 days prior to the date of the initial hearing on the Petition. Kincade's submission is made less than 2 days before the hearing. The materials should be excluded.


WHEREFORE, HRD respectfully requests the following:

A. The materials submitted by Kincade on January 14, 2025 should be excluded from the Record, and Kincade should be precluded from referring to or otherwise using the materials in the instant or subsequent proceedings in this appeal or in Case BA-802-D; and

B. Any person interested in responding to the Motion shall file a written response with the Board within fifteen days of the date that the motion was filed.

Respectfully submitted,

SHULMAN ROGERS, P.A.

By:   
\_\_\_\_\_  
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*Attorney for HRD*

**CERTIFICATION**

Any person interested in responding to the Motion shall file a written response with the Board within fifteen days of the date that the motion was filed.

A copy of HRD's Objection to Kincade's January 14, 2025 Submission and Motion to Strike was provided to all parties of record or to their designated spokesperson, and to persons known to have an interest in this case, including but not limited to the Appellant/Petitioner, the property owner, the Planning Board, the Department of Planning and Zoning, any person entitled to written notification under Rule 2.203, Kincade, LLC and IMH Columbia, LLC.



\_\_\_\_\_  
Todd D. Brown

A copy of *Howard Research and Development Corporation's Objection to Kincade's January 14, 2025 Submission and Motion to Strike* was sent via electronic mail to the following:

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Todd D. Brown

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 **HOWARD COUNTY PLANNING** :  
 **BOARD** :  
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 **HOWARD RESEARCH AND** :  
 **DEVELOPMENT CORPORATION** :

**ORDER**

UPON CONSIDERATION of HRD’s Objection to Kincade’s January 14, 2025 Submission and Motion to Strike, and any opposition thereto, it is this \_\_\_ day of January 2025,

ORDERED, that the items identified in Kincade’s January 14, 2025 submission are hereby excluded from the Record; and it is further

ORDERED, that Kincade shall not refer to or otherwise use such materials during oral argument or in any subsequent appeal of this matter or in Case BA-802-D.

It is so ORDERED.

Howard County Board of Appeals

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