

G&R Maple Lawn Inc. et al.,

Petitioners

Before The Zoning Board of

Howard County

* ZB Case 1039M

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DECISION AND ORDER

On July 20, July 25, July 28 and December 20, 2005 and January 18, 2006, the Zoning Board of Howard County considered the petition of G&R Maple Lawn, Inc. et al. for approval of an amended Preliminary Development Plan and Criteria for a Mixed Use Development (MXD-3) previously approved by the Zoning Board in Zoning Board Case No. 995M on December 29, 2000.

The original proposed amendments in this petition were more extensive than those addressed in this decision because the Petitioners withdrew several aspects of its petition before the close of the hearings, including the proposed addition of 242 age-restricted dwelling units in the Old Farm District and 52 additional apartment/condominium units in the Midtown and Hillside Districts. The remainder of the petition, including the remaining minor PDP Plan amendments, the proposal for amended PDP Criteria, the proposal to add two new parcels into the Mixed Use Development and to establish land use designations and a PDP for these parcels, will be addressed in this decision and order. The Board will also address in this decision a new condition relating to the proffer of MIHUs originally imposed in ZB Case 995M. The area of the entire site affected by this petition is approximately 605.3 acres, including the approximately 507.9 acres approved in ZB 995M and the approximately 97.5 acres proposed for addition in this petition, generally located

south of Johns Hopkins Road, west of U.S. 29, north of MD 216 and east of the Fulton commercial area. The two new parcels are identified as the 94.2 acre New Area I, or the Wessel property, and described as Tax Map 41, Grid 21, Parcel 116 and the 3.2 acre New Area II, or the Oliver property, and described as Tax Map 41, Grid 16, Parcel 122.

The notice of the hearing was advertised, the subject property was posted, and adjoining property owners were mailed notice of the hearing, as evidenced by the certificates of advertising, posting and mailing to adjoining property owners, all of which were made part of the record. Pursuant to the Zoning Board's Rules of Procedure, all of the reports and official documents pertaining to the petition, including the petition, the Technical Staff Report of the Department of Planning and Zoning and the Planning Board's Recommendation, were made part of the record. The Department of Planning and Zoning recommended approval of the Petition in its May 4, 2005 Addendum To Technical Staff Report based on additional Comments it received from Petitioners regarding several issues about which it asked Petitioners to provide additional information and/or clarification in its February 9, 2005 Technical Staff Report. Petitioners' Comments in response to the February 9, 2005 Technical Staff Report are considered part of the petition for purposes of this decision. The Planning Board recommended approval of the petition except for the proposed change in land use designation and increased density for the Old Farm District.

The Petitioners were represented by Richard B. Talkin, Esquire. G. Macy Nelson, Esquire represented various parties in opposition to the petition. There were other parties in opposition to the petition present not represented by Mr. Nelson.

After careful evaluation of all the information presented, the Zoning Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On December 29, 2000 in Zoning Board Case No. 995M, the Zoning Board approved the Preliminary Development Plan ("PDP") and Criteria for a Mixed-Use Development (MXD-3) on approximately 507.9 acres of RR-MXD-3 land located as described above. This development is commonly called Maple Lawn. A summary of what was approved in ZB 995M as part of this original PDP ("Original PDP") is summarized as follows:

a. Residential - 1116 dwelling units on 507.9 acres at a 2.23 du/acre density:

(1) 182.7 acres (36% of the development) of Single-Family Detached ("SFD") land on which 485 single-family dwelling units were approved; and
(2) 70.3 acres (13.8% of the development) of Other Residential (Single-Family Attached and Apartment) land on which 395 single-family attached and 236 apartment dwelling units were approved; and

(3) 100 of the 1116 dwelling units were required to be Moderate Income Housing Units (MIHU); 50 for Seniors and 50 unrestricted for age; and

b. Employment – 1,175,460 sq. ft. (SF) of commercial floor area on 77.1 acres (15.2% of the development) of Employment land use area at a Floor Area Ratio (F.A.R.) of .35. Of this amount, a maximum of 152,370 SF of retail and personal service uses were approved; and

c. Open Space – 177.8 acres (35% of the development) of Open Space.

2. The Criteria, the text provisions governing the permitted uses of land as Zoning Regulations, were approved for the corresponding land use areas on the PDP Map in ZB Case 995M.

3. Petitioners have withdrawn almost all the parts of the petition relating to the proposed land use changes and density changes to the Original PDP Map including 242 additional age-restricted dwelling units to the Old Farm District and the additional 26 dwelling units in the Hillside District and 26 units in the Midtown District. The only part of this petition requesting approval of the amended PDP Map that relates to the approvals in the Original PDP Map is for about an acre of land of existing Employment area in the Business District that is proposed to for re-designation to Other Residential to connect to a proposed Other Residential development on the Wessel property. It will also be necessary for portions of the Hillside District to be re-designated from Other Residential to SFD if Petitioners convert any of the Apartment/Condo units to SFD units in the Hillside District.

4. Petitioners' petition, in addition to the minor changes referred to in Finding of Fact 3 above, as it existed at the close of the record in this case:

a. Proposed PDP Map approval to add a new parcel to the existing Maple Lawn MXD PDP with land use designations for the 94.2 acre New Area I or the Wessel property (Parcel 116); and

b. Proposed PDP Map approval to add a new parcel to the existing Maple Lawn MXD PDP with land use designations for the 3.2 acre New Area II or the Oliver property (Parcel 122); and

c. Proposed changes to the existing text of the Criteria as shown on the attachment to the Department of Planning and Zoning's May 4, 2005 Addendum to the

Technical Staff Report (with existing PDP text Criteria in non-bold type and proposed changes to the PDP text Criteria in **bold** typeface); and

d. Proposed requirement that the Petitioners pay for and convey to the Howard County Housing Commission a site to accommodate 100 MIHUs in lieu of the proffered requirement from ZB Case 995M to provide 100 MIHU dwelling units on-site (50 of which would be for seniors). Approval of this substituted requirement as to provision of land to accommodate off-site MIHUs would render unnecessary Petitioners' request that the Board clarify that the proffered requirement in ZB 995M relating to on-site senior units would be age-targeted units only rather than for mandated age-restricted units;

e. Proposed to revise the unit mix for the Hillside District to change the land use designation as necessary to accommodate either single-family attached or detached units¹ ; and

f. Proposed that the Petitioners' residential phasing chart be adjusted to reflect the combination of the withdrawal of the above-mentioned portions of Petitioners' amended PDP petition and an approval of the new proffer as to the MIHUs, which would return the 100 MIHUs to market rate units. In ZB Case 995M, the 100 MIHUs were exempted from the phasing chart but have passed APFO tests. As market rate units, these units will have to be accounted for on the amended phasing chart. The details of the amendments to the phasing chart will be addressed later in this decision; and

¹ The current land use designation for the residential portion of the Hillside District that may need to be changed is Other Residential which would permit any residential use other than single-family detached, including townhouses. In order to allow the mix of units in the Hillside District to be changed from condominium/apartment uses to single-family detached units, the land use designation for part of the Hillside District would have to be changed to Single-Family Detached for any area developed as single-family detached; if the previously planned condo units are developed as townhouses, the current land use designation of Other Residential would permit development of that type of unit.

g. Proposed that no new petition for the withdrawn portions of the petition shall be filed for two years from the date of this decision.

5. The proposal for the two new sites to be added to the Maple Lawn MXD PDP is summarized as follows:

New Area I (Wessel property). This property is located on the north side of MD 216 and is located west of the Business District on the Original Maple Lawn PDP

a. Residential - 224 residential dwelling units are proposed on 94.2 acres at a 2.3 du/acre density. The residential land use area is located in the central/eastern part of the property and connects with the new small area of residential townhouse land use area in the Business District. All of the 224 residential units proposed are single-family attached (townhouse) units, 24 of which are Live/Work units, a type of townhouse unit. The approximate acreage of the residential areas is 19 acres or a little less than a quarter of the 94.2 acre Wessel property; and

b. Employment/Commercial - 29,220 SF of retail use and 655,332 SF of office use is proposed for a total of 684,552 sq. ft. of Employment. This new Employment land use area is a significant extension of the Business District to the east. It is located in the southern portion of the Wessel property and extends well to the northern part of the parcel in the western portion of the property. In addition, there is a smaller Employment land use area in the northeast corner of the Wessel property that connects with the existing Employment land use area of the Business District. The approximate acreage of the Employment use areas is 42 acres or a little less than half of the 94.2 acre Wessel property; and

c. Open Space – The remaining acreage on the Wessel property, approximately 33 acres of the 94.2 acres, will be Open Space land use. This area is mainly in the northern portion of the Wessel property with a long finger that extends into the central portion of the parcel, and another narrower finger on the western edge of the parcel that connects with athletic fields on the school properties to the west of the Wessel property.

New Area II (Oliver property). This 3.2 acre parcel is located in the northern area of the MXD zone, to the south of the existing Sanner Road intersection with Johns Hopkins Road.

a. Employment/Commercial – Two-thirds of the Oliver property is proposed to be designated as Employment land use in the eastern portion of the parcel as an extension of the Employment area in the Midtown District on the Original PDP to the southeast. A portion of this area would be used for an extension of Maple Lawn Boulevard, so it can intersect with Johns Hopkins Road in alignment with the existing Sanner Road intersection.

b. Open Space – The remaining approximately one acre portion of the Oliver property to the west of Maple Lawn Boulevard is proposed for Open Space land use as an extension of the existing Open Space area on the Original PDP.

6. The merger of the proposed New Areas I and II into the Original PDP would result in the following new unified 605.3 acre PDP, in terms of land use totals:

Residential

a. 485 SFD Units on approximately 182.7 acres (36 % of the development); and

b. 855 Other Residential Units on approximately 89 acres (15 % of the development). Of this total number of Other Residential units, 619 units are committed as Single-Family Attached (“SFA”) units. This number is based on the 395 SFAs approved on the Original PDP plus the 224 SFA/Townhouses approved on the Wessel property. Of the 236 Apartment/Condo units approved with the Original PDP, a number of units have been recorded in the Midtown District as Apartment land use although the exact number is not in the record. The percentage of apartment units of the development has dropped from 20% in the Original PDP to no more than 17% because 224 non-apartment units have been added to the total number of units on the Wessel property. This percentage of Apartment land use is well under the 30% maximum permitted by Section 127C.6.c. of the Howard County Zoning Regulations. The remaining number of apartment/condo units in the Hillside District were proffered and accepted by the Board to be developed as either SFA/Townhouse or SFD units, however the Board finds that the number of Apartment units developed shall not be less than 10% of the total number of dwelling units in the unified Maple Lawn PDP; and

c. The total number of units developed will be 1340 units on 605.3 acres at a density of 2.2 du/acre; and

Employment

d. 1,860,012 SF of Employment land use on approximately 122 acres (20% of the development) at an F.A.R. of .35 meeting the minimum requirements for Employment uses of Section 127C.3.a., and the maximum FAR requirements of Section 127C.7.a, of the Zoning Regulations. Of this Employment land use area total, 1,678,422 SF of Office land use is proposed and 181,590 SF of retail is proposed which complies

with the maximum of 300 SF maximum retail floor area per gross acre of the development required by Section 127C.7.c(3) of the Zoning Regulations; and

Open Space

e. Approximately 211 acres (35% of the development) is proposed for Open Space land use meeting the minimum requirement of Section 127C.3.a of the Zoning Regulations.

7. The residential phasing plan originally submitted with this petition proposed the phasing of an additional 518 dwelling units in years 2011-2016 in addition to the 1116 dwelling units already approved in the phasing plan through 2015 approved as part of the Original PDP.² Because the Petitioner withdrew proposed approval of 294 of these additional 518 units, only 224 dwelling units need to be added to the existing phasing chart for 1116 units. The Petitioners did not specify how its withdrawal of requested units should be accounted for in the residential phasing plan. The Board will therefore simply consider the phasing plan to be amended to propose an additional 189 units for years 2011-2013 (60 in 2011, 53 in 2012 and 76 in 2013 as proposed in the amended phasing plan) with the remaining 35 units proposed for addition in 2014. The remaining 61 additional units in 2014, 113 additional units for 2015 and 120 additional units for 2016 are removed from the residential phasing chart. Therefore, the Board is making a decision on Petitioners' proposed Residential Phasing Chart as shown on Exhibit C to the petition with the subtracted 294 units as noted above.

² The Zoning Board exempted the 100 MIHUs from the Phasing Plan it approved in ZB 995M, 50 in 2007 and 50 in 2010. Petitioners showed those exempted MIHUs in its proposed Phasing Chart with the petition in this case. Because the Petitioners have proposed elimination of the MIHUs in its amended petition, it is appropriate that all the 1340 proposed residential units be included in the Board's approved Phasing Plan.

The Petitioners' employment phasing plan is considered by the Board as shown on Exhibit C to the petition.

8. The Board notes that it is only making a decision in this case on those aspects of the petition that propose changes to the Original PDP approved in ZB Case 995M. It will, therefore, not reapply the criteria applied in its approval of the 507.9 acre Original PDP; it will only apply the criteria applicable to the NEW Areas and/or the 605.3 acre unified PDP as applicable. All aspects of the Board's decision in ZB 995M will remain in effect unless specifically amended in this decision.

9. The Board finds that the Petitioners have established that the unified PDP and Criteria, with the included conditions, commitments, revisions and assumptions noted and provided in the petition and hearings by the Petitioners and by the Board in this decision, will satisfy all the criteria of Section 127D.7 of the Zoning Regulations. The Board makes this finding based on the fact that there was no testimony in opposition to the non-withdrawn parts of the petition with the exception of one witness who offered no information in support of that opposition. The Petitioners presented substantial evidence in support of the fact that the petition met the applicable criteria for approval. The Board makes the following findings of fact, in addition to those findings previously made in this decision, as to the criteria of Section 127D.7 of the Zoning Regulations:

a. The plan and criteria will foster orderly growth, integration of uses, and development consistent with the purposes of the MXD District.

The unified proposed PDP Map proposes the integration of the Wessel and Oliver properties into the PDP approved in ZB Case 995M. The mix of residential, employment and open space land uses in these new areas provides an appropriate mix of

uses both for those properties themselves and in relation to the already approved mix of uses on the Original PDP. The more detailed purposes of the MXD criteria are examined with respect to the more detailed criteria of Section 127D.7. as provided below.

b. The Mixed Use Development will be phased to conform to the phasing of road improvements specified in the General Plan that are needed to serve the proposed development, including the improvement to road links, intersections and interchanges for both State and County roads.

The proposed residential phasing plan as modified for the reduction of 294 units, and the employment phasing plan, as noted in finding of fact 7 above will conform to the road improvements in the area, all of which have either been completed or are near completion, including the new US 29 interchanges at MD 216 and Johns Hopkins Road, the new traffic circle at the MD 216/Maple Lawn Boulevard intersection and the new MD 216 Section between I-95 and US 29. In this regard, the Petitioners' APFO-like traffic analysis, although not required for MXD PDP phasing criteria evaluation, showed that the proposed development of the 518 additional dwelling units and the proposed additional employment uses, would pass APFO for all affected intersections. Petitioners' actual proposed development in this case is for 294 fewer dwelling units.

c. The staging plan establishes the earliest reasonable time frame for development of the focal point and recordation of subdivision plats for a proportionate mix of land uses in accordance with Section 127C.3.d.

As noted, the residential phasing plan is unchanged until 2011. Petitioners will complete recording of all Employment uses by 2010 according to its employment phasing plan. Open space is required to be recorded to maintain 35% open space as

development proceeds. The development of the focal point approved in the Original PDP is unaffected by this case. Therefore, the staging plan does establish a proportionate mix of land uses throughout the planned development period (through 2016).

d. The plan and criteria are consistent with all applicable environmental policies and requirements.

The proposed PDP Map changes for the Wessel and Oliver properties preserve the environmentally sensitive areas as part of the Open Space land, continuing the compliance achieved in this regard provided in the Original PDP.

e. The minimum area, proportions of uses and density and intensity of development will be consistent with the requirements of Section 127C as follows:

1. The Wessel and Oliver properties are served by public water and sewer based on the information on that issue contained in the Technical Staff Report in compliance with Section 127C.1 of the Zoning Regulations.

2. The added areas to the Original PDP, the Wessel and Oliver properties, may be of any size pursuant to Section 127C.2 of the Zoning Regulations.

3. The proposed unified PDP meets the minimum percentage of gross area of the MXD Development for each of the land uses – 35% for Open Space, 20% for Residential and 15% for Employment based on Findings of Fact 6a and 6b in compliance with Section 127C.3.a.

4. None of the Petitioners' proposed amendments affect the Original PDP's compliance with Sections 127C.3b. – e.

5. Petitioners' proposed change to the Criteria as shown in the attachment to DPZ's Addendum to the Technical Staff Report comply with the Permitted Use requirements of Section 127C.4.

6. Petitioners' proposed density of 2.2 for the unified PDP is less than the maximum 3.0 dwelling units per gross acre maximum required by Section 127C.6.a. for MXD-3 PDPs.

7. Petitioners' proposed density of 2.2 for the unified PDP is less than the minimum density (more than 2.3 du/acre) that triggers any non-proffered MIHU requirement under Section 127C.6.b.

8. Petitioners' required provision of at least 10% apartment dwelling units out of the total of 1340 dwelling units on the unified PDP, as indicated in Finding of Fact 6b above, is well under the maximum permitted, 30%, in compliance with Section 127C.6.c.

9. Petitioners' proposed F.A.R. on the unified PDP, based on Finding of Fact 6d above is no more than the maximum F.A.R permitted in compliance with Section 127C.7.a.

10. Petitioners' proposed unified PDP does not propose acreage of warehouse and manufacturing uses greater than 15% of the total area designated for employment use in compliance with Section 127C.7.b.

11. The retail center proposed for the Wessel property, totaling no more than 150,000 SF is designed to service a community or neighborhood, rather than a regional market in compliance with Section 127C.7.c.(2), and is proposed to be integrated with the other uses on the Wessel property in compliance with Section 127C.7.c.(1).

12. The total gross floor area proposed for retail centers on the unified PDP, as indicated in Finding of Fact 6d above, complies with the maximum permitted under Section 127C.7.c(3).

13. The remaining provisions of Section 127C.7. and the provisions of Section 127C.8. -10. are not affected by Petitioners' proposals for the Wessel and Oliver properties, or the overall plans for the unified PDP.

f. The relative proportions of residential, employment and open space uses will be appropriate to the area surrounding the MXD District.

Based on the withdrawals and amendments to the petition made by Petitioners before the close of the record, the relative proportions of the unified PDP are approximately 45% residential, 20% employment and 35% open space uses. These percentages are slightly higher for employment and slightly lower for residential uses compared to the percentages of land use approved for the Original PDP but the Board finds that this appropriate based on the Board's expressed desire in ZB 995M for more employment uses for Maple Lawn. In addition, while the percentage of residential land use area dropped slightly, the overall residential density remained the same.

g. The criteria of Section 127D.7.g. relating to focal point is inapplicable to this decision. As stated above, the Board's decision in ZB 995M regarding the focal point remains in effect.

h. The location of land designated for retail centers is appropriate for retail and personal service uses which will serve the local neighborhood or community.

150,000 SF maximum of retail is proposed for location on the Wessel property along the MD 216 Frontage to connect with the Business District Employment land use area. The

dominant retail center in terms of size and focus was approved in the Original PDP. The subject retail area would be particularly appropriate to serve the proposed nearby residential component of the Wessel property and the larger residential community.

i. The development will provide a mix of housing types.

Although the Petitioners' withdrawals and amendments, to which the opposition represented by Mr. Nelson acquiesced, eliminated a number of condominium/apartment units as provided above, the Board's requirement in this decision that the percentage of those units shall not be less than 10% of the total number of the developed residential units in the unified PDP will maintain an adequate mix of housing types. The Petitioners' proposal of the 24 Live-Work townhouse units will add to this housing mix. The Board finds that the conversion of the remaining Hillside condo/apartment units to either single-family attached or detached units will allow the provision of a more appropriate mix of units for the surrounding area than originally proposed.

j. When feasible, public transit facilities and routes will be integrated into the development.

Petitioners have included six strategically located bus stops along Maple Lawn Boulevard, three southbound and three northbound. These bus stops will be located in the Business District, the Hillside District and the northern portion of the Focal Point in the Midtown District. All the bus stops will be constructed by the end of 2006. Howard Transit will decide when to initiate bus service to these stops. These plans ensure that public transit facilities will be integrated into the development.

k. The intensity and scale of land use, as determined by proposed densities, F.A.R. limits and other requirements, will be appropriate in relation to the environmental

constraints of the site and the character of existing and planned development in the vicinity of the site.

As stated above, Employment use has increased slightly as a percentage of the total development which the Board finds appropriate and consistent with its findings regarding the desired use of the Wessel property in ZB 995M. The F.A.R. for the unified PDP is the same as for the Original PDP - .35.

The intensity and scale of the proposed Employment land use in the western portion of the Wessel is appropriate when balancing the environmental constraints of the site and the character of existing and planned development in the vicinity of the site. The location of the required amount of open space in the northern portion of the Wessel is largely dictated by the location of the sensitive environmental features which are required to be located on open space land. In addition, the open space land on the Wessel property is located to connect with the existing open space land use area in the Midtown District to the north.

Similarly, the location of the residential land use areas in the central part of the Wessel site is somewhat dictated by the location of the open space land use in the north and a large part of the employment land use located along MD 216. In order to achieve the desirable result of a strong employment use presence on the Wessel site, it is necessary to allow the substantial mass of employment land use in the western portion of the Wessel property relatively close to the school properties to the west and the scattered residential lots to the west and south. The effect of this will be ameliorated by Petitioners' proposed landscaping and the location of the smaller 1-2 story office buildings along the

westernmost part of the Wessel property, thus controlling the scale of the buildings along the edge of the Wessel property.

1. The development will be compatible with existing and planned vicinal land uses.

The Board finds that this criterion has been met for the same reasons as listed in Finding of Fact 9k above.

- m. The proposed major open space network will accomplish the purposes listed in that subsection.

As stated in Finding of Fact 9k above, the open space land on the Wessel property will protect the environmental features on site, will connect to the open space land use area in the Midtown District and will provide the required amount of usable open space land.

- n. The proposed development will provide housing and jobs within pedestrian access of each other.

The proposed unified PDP will provide an additional 58 retail jobs (363 in total) and an additional 2622 employment jobs (6,714 in total) in the new areas. Most, if not all of these jobs would be provided on the Wessel property in close proximity to the proposed residential units in the eastern area of the Wessel Site and in the larger Maple Lawn PDP.

CONCLUSIONS OF LAW

1. The proposed PDP and Criteria, as amended by Petitioners' withdrawal and amendments of its petition as noted above, together with all of Petitioners' proffers, commitments, and accepted conditions as contained in the petition, in its responses to the Department of Planning and Zoning's initial tentative recommendation of approval and in testimony, meets all the minimum requirements of Section 127C of the Zoning Regulations and the approval criteria of Section 127D.7. The Board makes the conclusions of law in

this decision based on its own findings and on the evaluations, findings and conclusions of the Department of Planning and Zoning with respect to the criteria of Section 127C and D of the Zoning Regulations.

2. The above-described PDP and Criteria has met all the criteria for approval of a PDP contained in Section 127D.7. of the Zoning Regulations, as specified in the above findings, subject to the Board's conditions enumerated below.

3. The Board, based on the above-described satisfaction of the several criteria for approval, concludes that the proposed petition with its PDP and Criteria, as amended by Petitioners before the closing of the record in this case, as specified in Findings of Fact 3, 4 and 5 shall be approved subject to the conditions provided below:

a. That the number of residential dwelling units approved with this unified 605.3 acre PDP shall be 1340 dwelling units at a density of 2.2 dwelling units/acre, 485 of which units shall be Single-Family Detached and 855 of which shall be Other Residential Units. Of the 855 Other Residential Units, 619 units are approved as Townhouse/Single-Family Attached Units. The Board approves the conversion of the remaining Condominium/Apartment units in the Hillside District to either Single-Family Attached or Detached Units, including any necessary change to the land use designations on the PDP to effectuate such conversion, except that it requires that at least 10% of the dwelling units in the unified PDP be developed as Apartment/Condominium Units; and

b. That the Petitioners' Residential and Employment Phasing Plans as provided in Finding of Fact 7 are approved; and

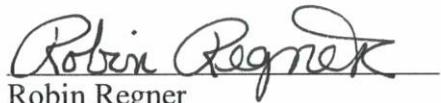
c. That the withdrawn parts of the petition, including the additional 242 age-restricted unit proposal for the Old Farm District and the 52 condo units in the Hillside

and Midtown Districts may not be re-petitioned for approval for two years from the date of this decision; and

d. That the Petitioners are required to pay for and convey to the Howard County Housing Commission a site to accommodate 100 MIHUs off-site in lieu of providing the 100 MIHUs at Maple Lawn in accordance with the January 18, 2006 letter from Leonard Vaughan to Charlie O'Donovan.

For the foregoing reasons, the Zoning Board of Howard County, Maryland, on this 20th day of March, 2006 hereby GRANTS the Petitioners' request for approval of the PDP and Criteria as described herein, for the approximately 605.3 acre MXD-3 subject property, subject to the conditions as provided herein.

ATTEST:


Robin Regner
Administrative Assistant

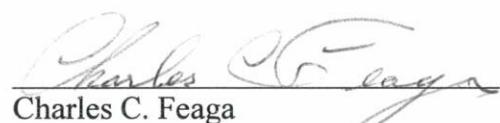
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