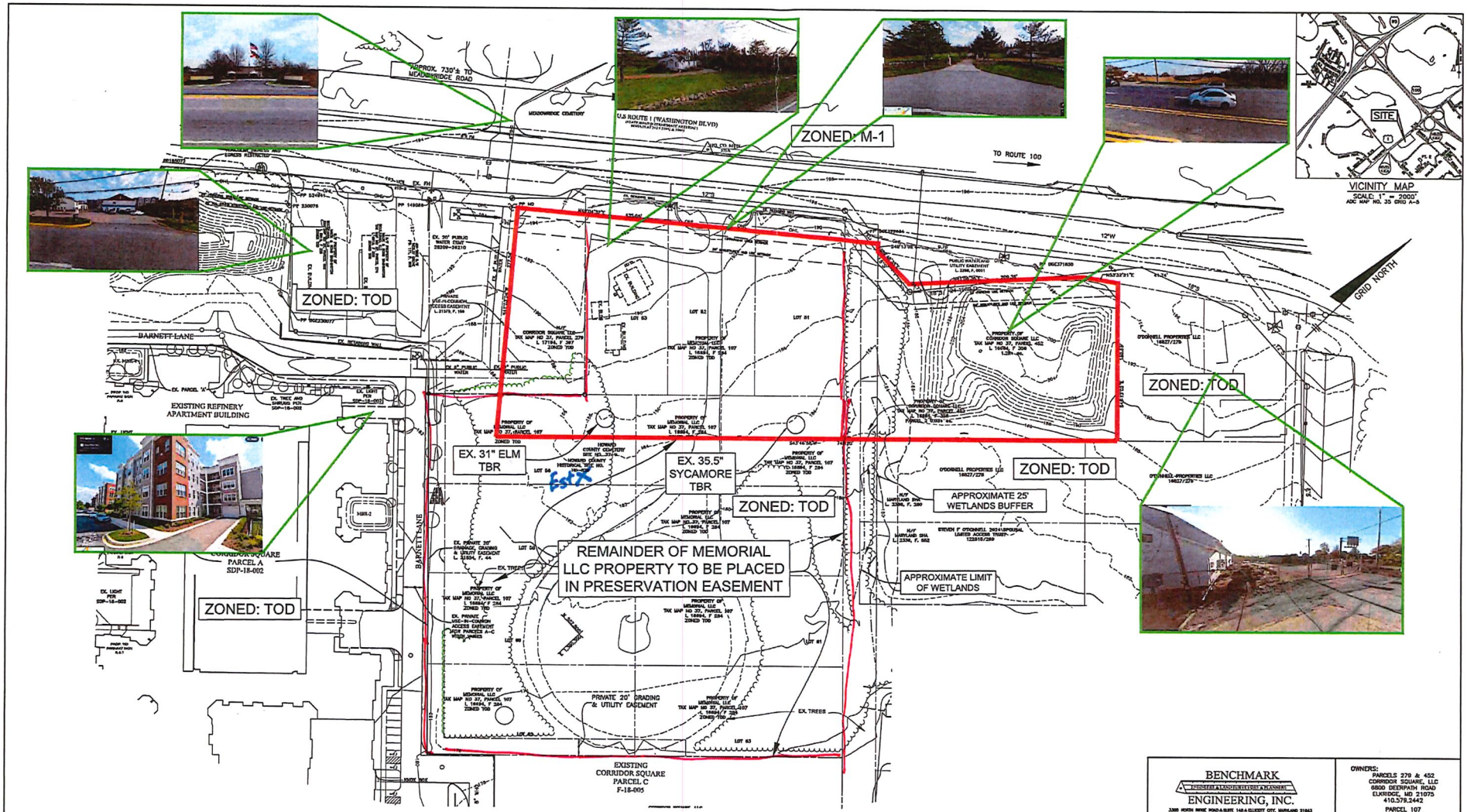


BENCHMARK ENGINEERING, INC.

OWNERS:
PARCELS 279 & 452
CORRIDOR SQUARE, LLC
6800 DEERPATH ROAD
ELKRIDGE, MD 21075
410.579.2442

PARCEL 107
MEMORIAL LLC
400 REDLAND COURT
SUITE 110
OWINGS MILLS, MD 21117

PETITIONER:
CORRIDOR SQUARE, LLC
6800 DEERPATH ROAD
ELKRIDGE, MD 21075
410.579.2442

ATTORNEY:
CHRISTOPHER M. DeCARLO, ESQ.
VENABLE LLP
210 W. PENNSYLVANIA AVENUE, SUITE 500
TOWSON, MD 21204
410.494.6226

CORRIDOR SQUARE

TAX MAP 37 – GRID 23 – PARCELS 272 & 279
CURRENT ZONED: TOD
ELECTION DISTRICT NO. 1 – ELKRIDGE, HOWARD COUNTY, MARYLAND

EXISTING CONDITIONS PLAN

DESIGN: JCO	DRAFT: JCO	DATE: JULY 2025	BEI PROJECT NO. 2695
		SCALE: AS SHOWN	SHEET 1 OF 23

Ex 1

Candy Warden
10240 Harvest Fields Drive
Woodstock, MD 21163
September 11, 2025

Case No: ZB-1130M-Corridor Square, LLC

TESTIMONY OPPOSED TO PROPOSED REZONING OF THE

ROSA BONHEUR MEMORIAL PARK

The following testimony is submitted by Candy Warden, a member of the Rosa Bonheur Society (RBS; founded 2007).

I oppose the rezoning of the RBMP from TOD to B-1.

Historic Significance

RBMP is an historic cemetery (HO-829, MD Inventory of Historic Properties) that has existed for 90 years. Burials include a Baltimore Zoo elephant that influenced a mayoral election, Corporal Rex Ahlbin (a Doberman) who saved countless lives during WWII, Baltimore Bullets mascots, and many other notable animals. There are also the pets of people, such as, Gov. William Donald Schaeffer and Paul Miller who donated the Miller Library to Howard County.

Ethical and Moral Issues

Previous owner William Green stated repeatedly to the media that there are approximately 10, 000 human and pet burials with 100 of them being humans at this cemetery. The records were taken from the cemetery by Mr. Green. However, deeds for over 5200 plots dating to 2004 are still extant. Consequently, there are thousands of families that own plots.

Since 1997 the cemetery has been owned by a succession of developers that all wanted to develop on cemetery grounds. Consequently, a once flourishing cemetery has suffered decades of severe neglect by these owners.

The families and their deceased have experienced disrespect and disregard from developers for their social, cultural, religious, ethical, and moral beliefs. The inability for them to find closure after years of abuse would be compounded by rezoning that would permit destruction of the cemetery environment, their loved ones' physical remains, individual resting places, memorial

Ex. 2

markers, plots they have been unable to use due to lack of availability of cemetery services, and their financial investments.

High Cost of the Process of Removal, Relocation, and Cremation

The developer(s) is requesting rezoning to build a gas station, car wash, grocery store, etc. on the first 30-40 feet of the cemetery, which means that a minimum of 2000 graves would be affected.

The cost to the developer(s) would be substantial to disinter and relocate these graves to another cemetery or to have cremations performed.

The cost of a plot at Meadow Ridge Memorial Park is $2,200. For 2000 graves the cost would be $4,400,000, but there would be additional costs as Meadow Ridge Memorial Park does not provide exhumation for pets. There would also be other additional costs, such as, exhumation, replacing caskets that have deteriorated, opening and closing of graves, etc. The developer(s) has suggested that a columbarium may be provided if rezoning is approved. The cost to build a columbarium ranges from approximately $80,000 to over $300,000 for a single structure, depending on factors like size, niche count, materials, and landscaping. For example, one columbarium was built for around $105,000, including construction, foundation, and landscaping for 40 single and 80 double niches. That averages out to $875.00 a niche or $1,750,000.00 for 2000 individual sets of remains.

For both of these scenarios the developer(s) would have to contact all of the concerned families and arrange for permission for the disinterment and relocation and/or cremation and relocation of remains, which would incur additional costs. Also, memorial markers would need to be returned to families that agreed to cremation of their loved ones, which would be another additional expense.

Missing Records and Unknown Burials

Where are the 100 or more people buried? Mr. Green removed the records when the cemetery was taken into receivership. These records were never recovered. Also, Mr. Green did not provide memorial markers and other funerary goods that were purchased, which led the Office of Consumer Affairs to bring suit against him. Consequently, there are many unmarked graves and the only records that RBMP owners have for the cemetery greatly under represent the number and variety of burials.

Visiting Loved Ones

How would people visit their loved ones at the cemetery? The entryway and parking for the cemetery would be destroyed. For the graves remaining the families would have to walk through the parking lots of gas station, grocery store, etc., and other obstacles in order to visit their loves ones. Disabled and physically challenged people would not be able to visit their loved ones. There would be an increased likelihood that people would be injured trying to visit, which could

result in lawsuits. Also, without an entryway and parking how would the remaining cemetery grounds be maintained? People paid to have their loved ones buried in a cemetery – not the unmaintained remnant of one hidden behind commercial businesses and dumpsters.

Health and Environmental Concerns

The World Health Organization (WHO) and the Environmental Protection Agency (EPA) cite contaminants found in cemeteries including:

Hazardous waste not limited to debris and toxic chemicals from caskets, such as, treated wood, varnishes, sealants, and metals.

Groundwater contamination from bodies and embalming fluids that contain toxic fluids, such as, formaldehyde, arsenic, heavy metals, including lead, copper, zinc, and nickel, etc.

Soil destabilization caused by burials can make grounds unsuitable to build on.

Drainage problems are found in older cemeteries that have poor drainage systems, which is the case at RBMP. Building on or near these sites can create health and legal problems related to drainage and runoff, such as, interference with water flow and flooding.

These health and environmental threats would be compounded by development, which would disturb the containment of cemetery contaminants by unleashing and dispersing them into the environment on a larger scale. Also, the ecosystem would be further disrupted for all living beings in the area including those that have limited and dwindling habitats to live in. Deer, fox, beaver, ground hogs, and birds have all been seen taking refuge at RBMP.

Traffic Congestion

The planned construction would increase traffic congestion, impede traffic flow, and travel time due to the developer(s) seeking approval from the State Highway Commission to approve both a stoplight and turn lane.

There are already two stoplights located within 1927 ft. or .34 of a mile of each other. The cemetery is located between these two stoplights.

There are seven gas stations in Elkridge with two of them being within approximately 0.2 miles of the cemetery. There are also six grocery stores in the Elkridge area. The population of Elkridge is 26,183 people, so additional gas stations and groceries would not be offering essential services that are not already abundant and convenient.

Corridor Square, LLC

RBS members have been very accommodating to the development of Corridor Square, LLC projects in the past. The RBS's caveat has always been as long as the development does not

impact the cemetery members offer support. In April and May 2016 RBS provided testimony to the Design Panel (DAP) and the Historic Preservation Commission (HPZ) in favor of Corridor Square, LLC apartment project with this caveat.

Conclusion

The reasons for opposing the rezoning of the cemetery are many and are important for not only those with loved ones resting at the cemetery, but Elkridge and surrounding communities.

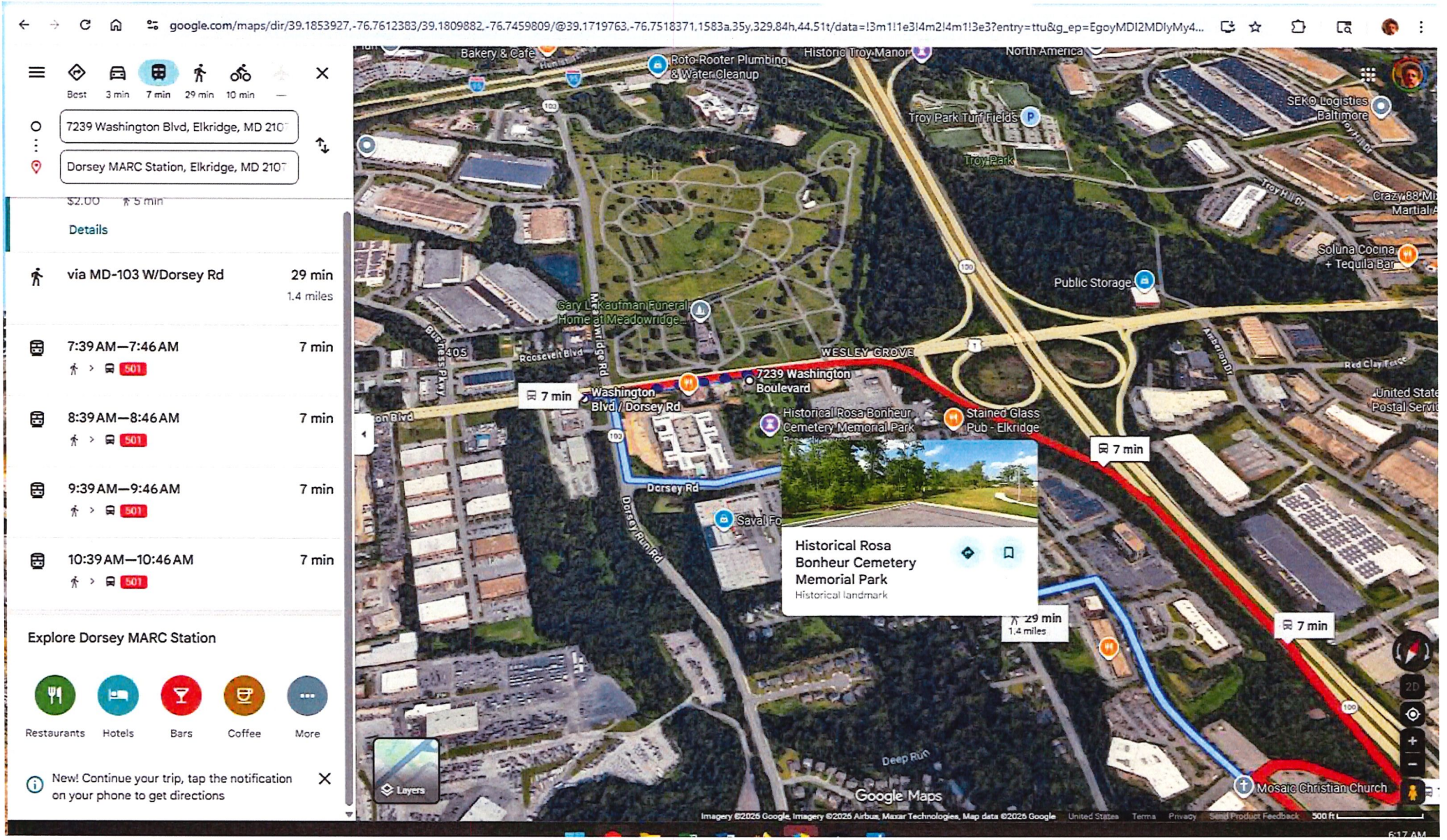
It must be remembered that the RBMP has never been an abandoned, forgotten, or unloved cemetery.

The people with loved ones at the cemetery have been repeatedly victimized over the years by the theft of their perpetual fund, plots, professional and maintenance services, and the threat of development of their family members' resting places.

Without taking action to secure the cemetery's future we risk the loss of an important part of our heritage and our humanity.

Remains interred in cemeteries must at all times be treated with honor, dignity, and respect. These beliefs are normative and widely held by constituents across Maryland.

Thank you for your consideration of this testimony, which is greatly appreciated.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Dorsey MARC Station, Elkridge, MD 210
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Explore Dorsey MARC Station
Restaurants
Hotels
Bars
Coffee
More
New! Continue your trip, tap the notification on your phone to get directions
Bakery & Cafe
Roto-Rooter Plumbing & Water Cleanup
Historic Troy Manor
North America
SEKO Logistics Baltimore
Troy Park Turf Fields
Troy Park
Crazy 88 Martial A
Soluna Cocina + Tequila Bar
Public Storage
Gary L. Kaufman Funeral Home at Meadowridge
Business Pkwy
405
Roosevelt Blvd
Meadowridge Rd
WESLEY GROVE
7239 Washington Boulevard
7 min
Washington Blvd / Dorsey Rd
Historical Rosa Bonheur Cemetery Memorial Park
Stained Glass Pub - Elkridge
Dorsey Rd
Dorsey Run Rd
Saval Fo
Historical Rosa Bonheur Cemetery Memorial Park
Historical landmark
7 min
29 min
1.4 miles
7 min
Red Clay Forge
United State Postal Servic
Deep Run
Mosaic Christian Church
Layers
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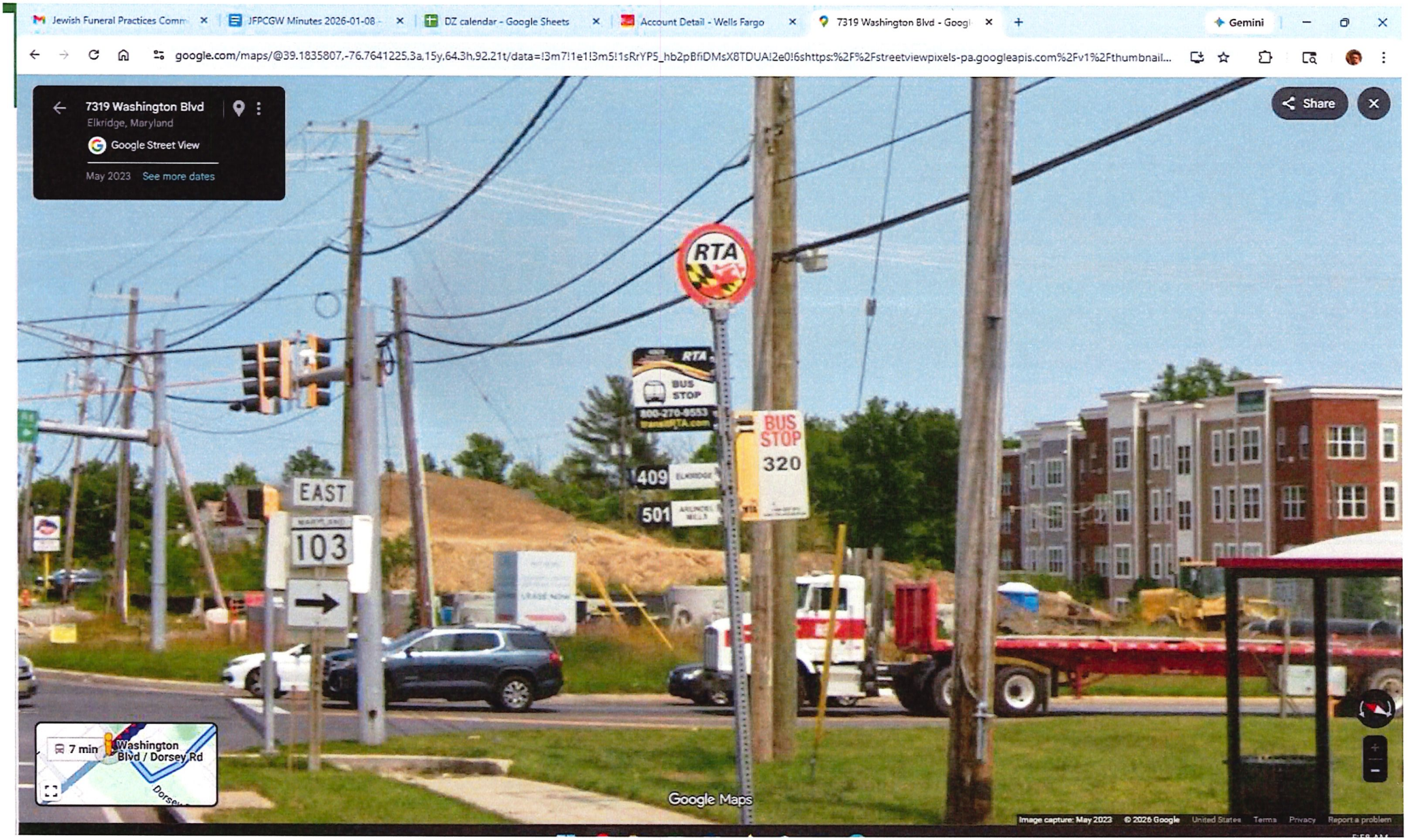
Ex. 3


Jewish Funeral Practices Comm
JFPCGW Minutes 2026-01-08 -
DZ calendar - Google Sheets
Account Detail - Wells Fargo
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Google Street View
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Ex. 4

DEED

ROSA BONHEUR
MEMORIAL, INC.

TO

Mrs. Jesse Jones
19 E. Ostend Street
Baltimore, Maryland

Zoning Case ZB1130M

Applicant/Protestant

Exhibit # 5 Date 2/26/2026

"To be loved by Animals, you must first love them."

—ROSA BONHEUR.

THE ROSA BONHEUR MEMORIAL, Inc.

A Modern Pet Animal Cemetery Under Perpetual Care

WASHINGTON BLVD. at DORSEY ROAD

ELKRIDGE, MARYLAND

BALTIMORE CITY OFFICE
1201 W. FAYETTE STREET

PHONE:
ELKRIDGE 348

THIS AGREEMENT, made and entered into this 12-th day of May 1944 by and between The Rosa Bonheur Memorial, Inc., a Maryland Corporation, of Baltimore, Md., designated "SELLER" and Jesse Jones, of 19 E.Ostend.St Balto.Md. designated "PURCHASER"

WITNESSETH: That Purchaser hereby purchases from Seller the perpetual and exclusive use forever of the following:

One Quarter -½- ~~One Half XXXXXXXXXXXXXXXX~~ One Full Lot No. #-1-

Section -Queen, Block Front Point Grave --A--

Complete Interment, Concrete Marker, (R3bate on Bronze)

The Rosa Bonheur Memorial a burial ground for pets and animals situated on the Washington Boulevard, Howard County, Maryland, and agrees to pay therefor the sum of Ten---------Dollars ($10.00)

as follows: in cash, Seven--------Down Payment ($ 7.00) the receipt of which is hereby acknowledged.

PET SPEC. Pidgeon.

NAME -*PETE*-

YEAR 1919--1944

Balance due ($ 3.00)

ROSA BONHEUR MEMORIAL, INC.

per

This Deed, Made this 27th day of May, in the year 1944, between ROSA BONHEUR MEMORIAL, INC. (Pet Animal Cemetery) a body corporate of the State of Maryland, hereinafter called the Company, which term shall include the successors and assigns of said Company, and Mrs. Jesse Jones, 19 E. Ostend Street, Baltimore, Maryland.

hereinafter called Purchaser, which term shall include the plural as well as the singular and the heirs and assigns of said party or parties.

WITNESSETH: That in consideration of the payment of One ($1.00) and No/100 Dollars and other good and valuable considerations, the Company doth grant, assign and convey unto the Purchaser, subject to the restrictions hereinafter referred to and for the purposes of burial only, the use of

1/4 Lot No. 1 Size 2' X 4' Single Grave No. A Block No. Front Point Sec. Queen

in the Cemetery or Memorial Park of the Company, situate in Howard County, State of Maryland, as shown on the plat of said Cemetery or Memorial Park on file at the office of the Company.

TO HAVE AND TO HOLD the use of the herein described lot or single grave unto the Purchaser, forever, for burial purposes only, subject to such conditions, restrictions, rules, and/or regulations as are now or may hereafter be imposed by the Company for the care, maintenance, control and use of the Cemetery or Memorial Park property. The Purchaser agrees that the use or occupation of above described lot or single grave will always be in conformity with the aforesaid conditions, restrictions, rules and/or regulations, and will, upon the request of the Company change, modify or correct any use made thereof not in conformity with the said conditions, restrictions, rules and/or regulations, which are on file in the office of the Company.

In testimony whereof, the Company has caused its name to be hereto signed by Edward Gross its ~~(Vice)~~ President and its Corporate Seal to be hereunto affixed and attested by its ~~(Asstr)~~ Secretary.

TEST: ROSA BONHEUR MEMORIAL, INC.

George J. [illegible] SECRETARY.

Edward Gross PRESIDENT.

WITNESSETH: That in consideration of the payment of One ($1.00) and No/100 Dollars and other good and valuable considerations, the Company doth grant, assign and convey unto the Purchaser, subject to the restrictions hereinafter referred to and for the purposes of burial only, the use of

1/4 Lot No. 1 Size 2' X 4' Single Grave No. A Block No. Front Point Sec. Queen

in the Cemetery or Memorial Park of the Company, situate in Howard County, State of Maryland, as shown on the plat of said Cemetery or Memorial Park on file at the office of the Company.

TO HAVE AND TO HOLD the use of the herein described lot or single grave unto the Purchaser, forever, for burial purposes only, subject to such conditions, restrictions, rules, and/or regulations as are now or may hereafter be imposed by the Company for the care, maintenance, control and use of the Cemetery or Memorial Park property. The Purchaser agrees that the use or occupation of above described lot or single grave will always be in conformity with the aforesaid conditions, restrictions, rules and/or regulations, and will, upon the request of the Company change, modify or correct any use made thereof not in conformity with the said conditions, restrictions, rules and/or regulations, which are on file in the office of the Company.

In testimony whereof, the Company has caused its name to be hereto signed by Edward Gross its ~~(Vice)~~ President and its Corporate Seal to be hereunto affixed and attested by its ~~(Asst.)~~ Secretary.

TEST: ROSA BONHEUR MEMORIAL, INC.

Margaret J. Baldwin
SECRETARY.

Edward Gross
PRESIDENT.

STATE OF MARYLAND, Baltimore City, to wit:

I HEREBY CERTIFY, that on this 27th day of May, 1944, before me, the subscriber, a Notary Public of the State of Maryland in and for the City of Baltimore aforesaid, personally appeared Edward Gross ~~(Vice)~~ President of Rosa Bonheur Memorial, Inc., and he acknowledged the foregoing Indenture to be the act of the said body corporate.

WITNESS my hand and notarial seal the day and year last above written.

Harry Kerman
NOTARY PUBLIC.

Howard County
MARYLAND

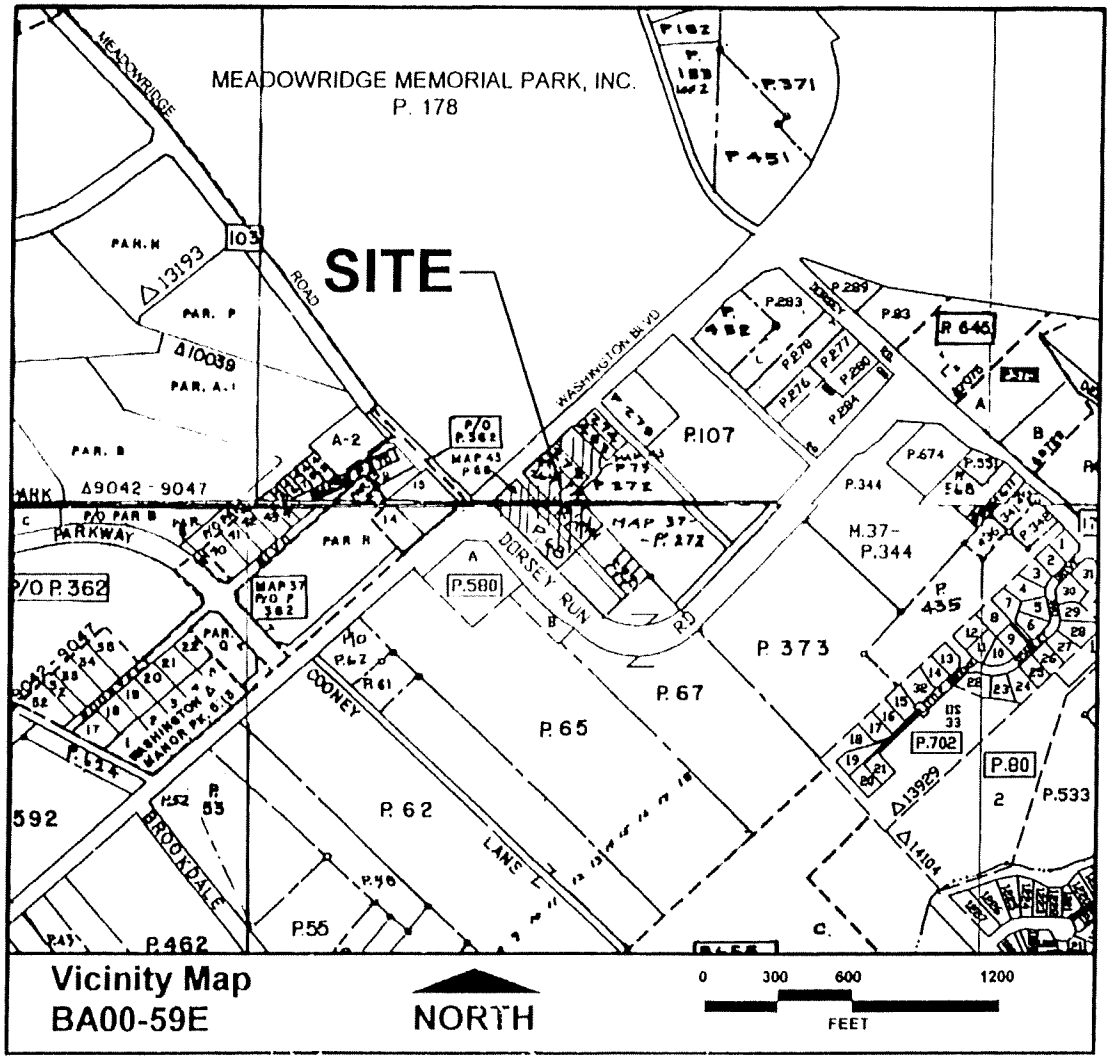
DEPARTMENT OF PLANNING & ZONING

Joseph W. Rutter, Jr., Director
September 28, 2001

TECHNICAL STAFF REPORT

Petition Originally Accepted for Scheduling on April 6, 2001
Planning Board Meeting of October 3, 2001
Board of Appeals Hearing of October 25, 2001

Case No./Petitioner:	BA 00-59E -- Wawa, Inc.
Request:	Special Exception for a "Gasoline Service Station with a convenience store and a carryout restaurant" (Section 131.N.25.)
Location:	First Election District Northeast corner of the MD 103 intersection with U.S. 1. Tax Map 37, Grid 23, Parcel 265, Parcel 272, and Tax Map 43, Grid 5, Parcel 68 [As stated in petition submitted December 29, 2000] 7269 & 7275 U.S. 1
Net Area of Site:	3.9 acres [As stated on plan submitted September 12, 2001] (the "Site")
Zoning:	M-2 (Manufacturing, Heavy)

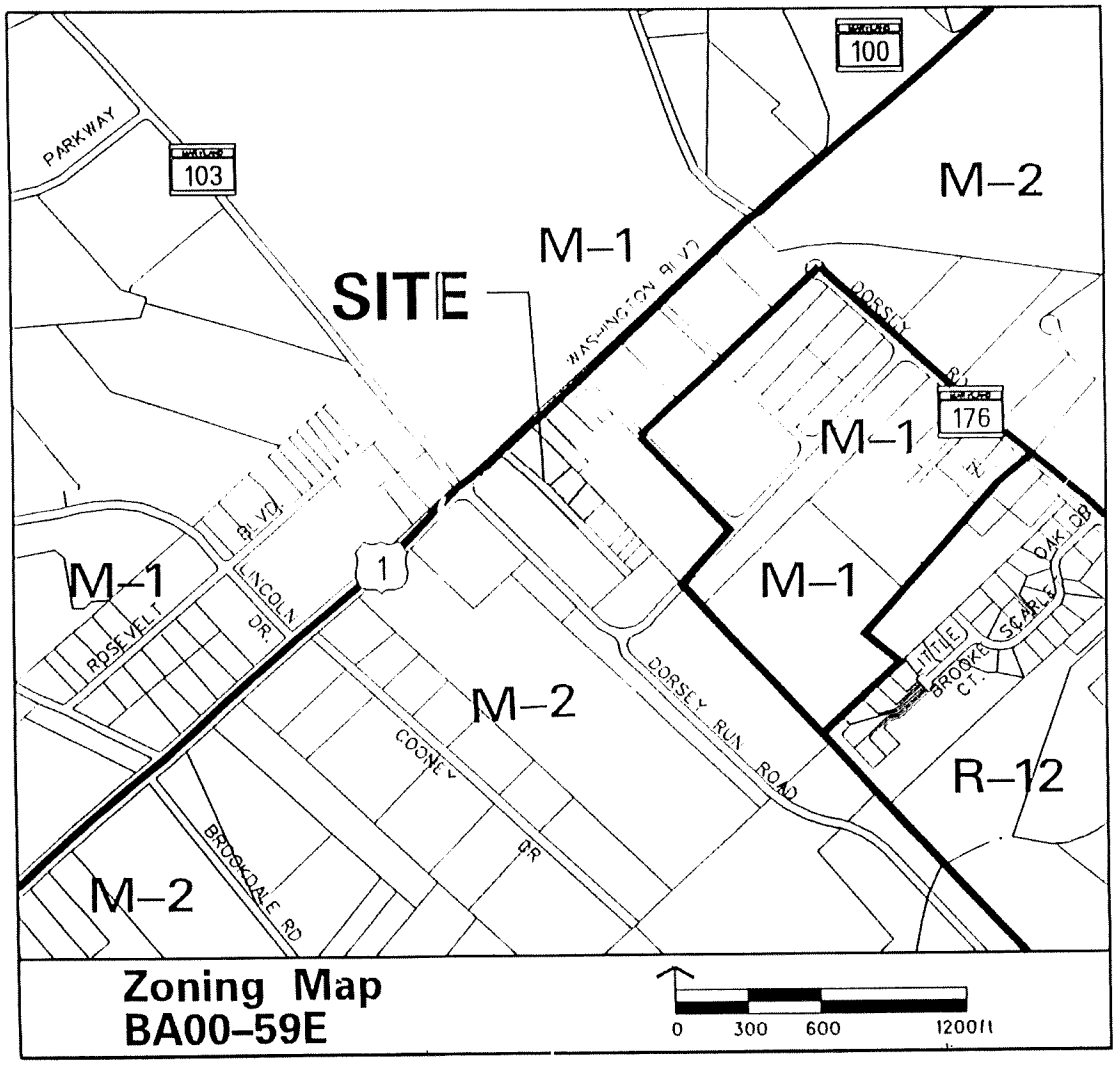


Ex. 6

I CASE HISTORY AND SPECIAL EXCEPTION REQUEST

This petition was originally submitted on December 29, 2000, and is subject to the Special Exception criteria in effect prior to ZRA-30. On the petition form submitted on that date, the request as noted in Section 6 of the form is for a "combination food market and gasoline service station" of 6,241 square feet, and the December 29, 2001 plan is entitled "Proposed Wawa Food Market". The Petitioner was subsequently informed that a food store is not a permitted use in the M-2 district. (Please refer to the attached January 23, 2001 letter.) In a response dated April 4, 2001 (the "April 4 Letter"), the requested use was then described as consisting of a gasoline service station including a convenience store with 3,162 square feet, a carry-out restaurant of 614 square feet, and "Other Areas" with 2,334 square feet for a total of 6,241 square feet. On May 16, 2001, certain additional information was requested by the Department of Planning and Zoning to permit a more accurate evaluation of the petition. The case had been scheduled for the June 28, 2001 Planning Board meeting, but on June 19, 2001, the Petitioner requested to be placed on the Unscheduled Docket. Since that time, the Petitioner prepared a new Special Exception Plan and Landscape Plan which were submitted on September 12, 2001 (the "September 12 Plans"). It should be noted that the petition and the supplementary documents have not been updated to reflect the information on the September 12 Plans, and so the following description of the Special Exception use and the evaluation of the request in this report are based primarily on the September 12 Plans and the information in the April 4 Letter.

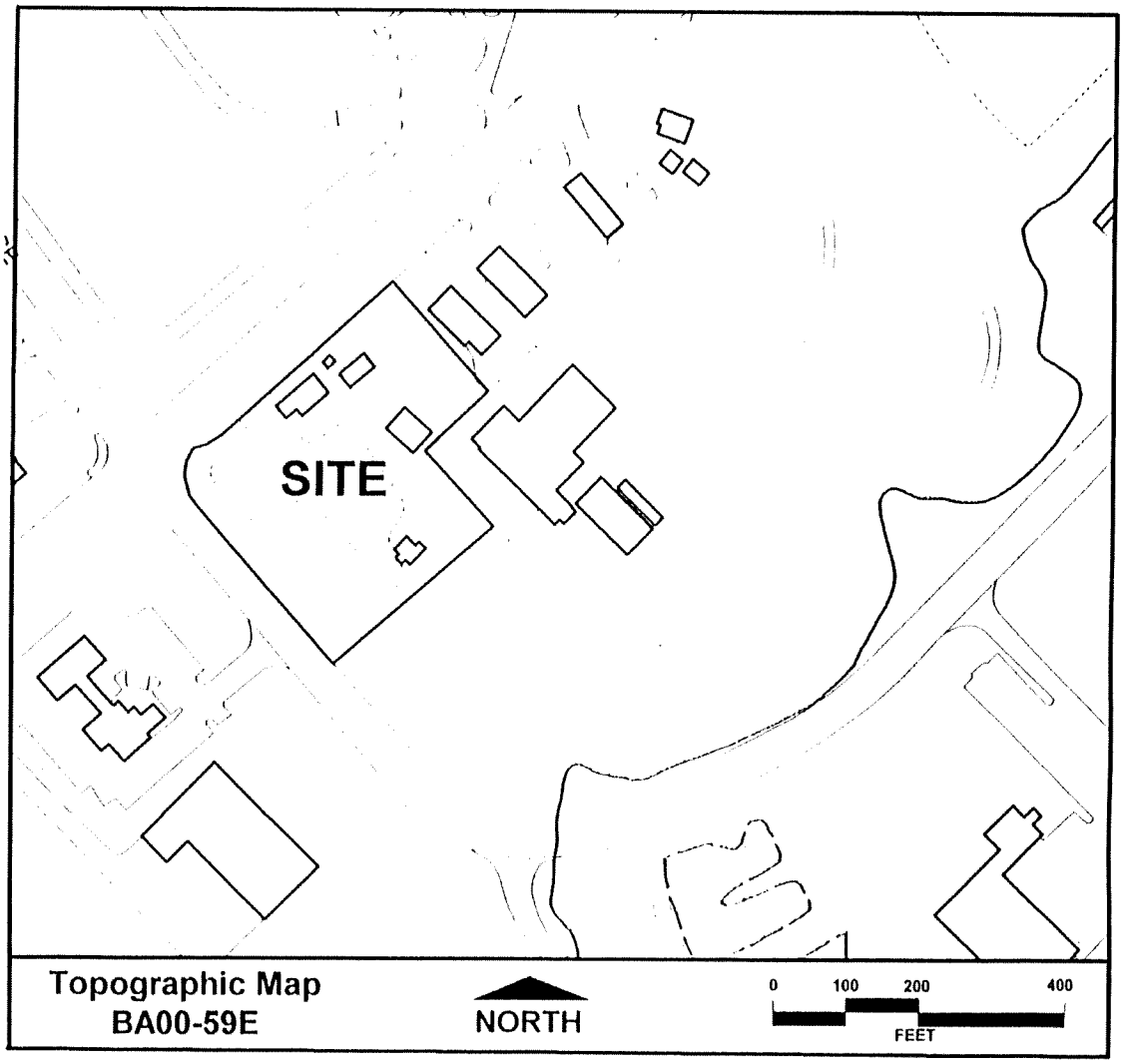
The Petitioner proposes to construct and operate a commercial facility on the Property, which would consist of a gasoline service station use and a retail use. The gasoline service station portion of the use would be a 12-pump fueling facility with six, two-sided multiple-product dispensers on an island, for a total of 12 fueling spaces. The fuel islands would be located in the northeastern area of the site, and would be covered by a canopy, measuring approximately 60 feet by 100 feet. The petition states that the gasoline station would operate 24 hours each day, and would primarily be for customers in passenger cars and light trucks.



I. CASE HISTORY AND SPECIAL EXCEPTION REQUEST (continued)

To the southwest of the fueling islands and canopy would be a building with 6,097 square feet which is shown on the September 12 Plans as a "convenience store"; the notes on these plans also state the Proposed Use as "Convenience Store/Fuel Service". On Page 2 of the April 4 Letter, the use areas within the building were grouped into three categories; 3,162 square feet for a convenience store; 644 square feet for a carryout restaurant; and 2,435 for "Other Areas" for the originally proposed 6,241 square feet, and a floorplan was submitted showing these indoor use areas. As noted above, the petition and supplementary documents have not been updated to reflect the 6,097 square foot building shown on the September 12 Plans, but it is assumed that the basic design of the building interior is not substantially different than the floorplan submitted with the April 4 Letter.

The "Other Areas" are not specifically attributed to either the proposed convenience store use or the proposed carryout restaurant. The retail use within the building would also operate 24 hours each day. The Petitioner states that there would be approximately three to four employees on the Site at any one time, and estimates that there would be approximately 20 customers on site during peak hours. The September 12 Plans depict 58 parking spaces within the development; 23 spaces would abut the north and south sides of the building, and 35 spaces would be at the site perimeter to the northeast and southwest of the building. A loading zone would abut the rear or southeast side of the building. Proposed access to the site as depicted on the September 12 Plans are one entrance on US 1 at the north of the site, and one entrance on MD 103 (Dorsey Road) approximately 260 feet southeast of US 1. The MD 103 access has an approximately L-shaped driveway leading to the Site, and it appears that this access may be intended to be a shared access with Parcel 272 to the northeast. Adjacent to this driveway is a dashed line which is labeled on the plan as "Limit of Special Exception"; this label for this line may be an error because the improved area of the Site to the north of this line is estimated to be approximately two acres, and the land area to the southeast of this line would be necessary to achieve the 3.9 acre total given as the Site area. Also, the stormwater management facility is proposed in the area to the southeast of this line.



I. CASE HISTORY AND SPECIAL EXCEPTION REQUEST (continued)

The Landscape Plan of the September 12 Plans provides highly detailed information about the proposed landscape design, but there is no specific information regarding the actual percentage of landscaped area to be provided on the Site. There is no information concerning any proposed site lighting. The floorplan submitted with the April 4 Letter indicates there is a trash room, and it was explained during a meeting with the Petitioner that all trash storage is inside the building, with no exterior trash receptacle.

As depicted, a significant amount of the vehicle circulation area along the US 1 frontage encroaches into the required 30 foot parking use setback from this road. The September 12 Plans include a note for a Variance Request for this encroachment, but the Petitioner has not submitted a variance petition to date.

II. BACKGROUND INFORMATION

A. Site Description

The Property is an irregularly shaped site totaling approximately 3.9 acres, made up of several parcels located generally at the northeast corner of the MD 103 intersection with US 1. As stated above, the estimated area for the principal improved area of the development is smaller at approximately two acres. The overall Site extends from US 1 to a considerable curve in MD 103 located to the southeast. Parcel 365 of the Property is improved with a dilapidated block building with bays, situated close to the US 1 frontage. The area to the rear of this building is partially enclosed with a chainlink fence, and to the south and southwest of the building is a large packed soil and gravel surfaced area, and then a weedy, overgrown area next to the MD 103 frontage. To the southeast is a single-family detached dwelling building and outdoor storage area with trailers and various other items. Further to the southeast the Site is wooded along the frontage of the curve in MD 103. Parcel 272 and Parcel 273 are currently used for a motor vehicle auction facility. These parcels are improved with a frame building used for an office located close to the US 1 frontage, a dilapidated block building located behind this frame building, an abutting paved parking and vehicle storage area to the north and northeast, and a large block building further to the southeast, this large block building appears to be retained on the September 12 Plans.

The Site is generally level, with its highest points along the US 1 frontage sloping down very gradually to the lowest points along the MD 103 frontage to the southeast. The developed areas of the Site along US 1 do not have any significant vegetation, while the southeastern area is wooded. Currently, the access to the Site is from multiple points on US 1, but there is no current access from MD 103.

B. Vicinal Properties

Parcel 483 and Parcel 274 which abut the Site and front on US 1 are also zoned M-2 and are improved with two buildings used for motor vehicle repair and service. The property further to the northeast, Parcel 279, is zoned M-2 and is improved with an existing gasoline service station approved under Board of Appeals Case No. 82-42E. Also to the northeast is Parcel 107, which is zoned both M-2 and M-1 and is the site of the Bonheur Memorial Park pet cemetery.

The properties to the southeast, across MD 103, include Parcel 373 which is zoned M-1 and Parcel 67 which is zoned M-2. Parcel 373 is improved with a warehouse and distribution facility, and there is an existing stormwater management facility which appears to be located on Parcel 67.

Across MD 103 to the southwest is Parcel 65, which is improved with a one-story metal industrial building, and Parcel 580, which is the site of an existing gasoline service station, convenience store and fast food restaurant development that was approved under Board of Appeals Case No. 96-45E&V. To the west of the Site, across US 1, is a gasoline service station with convenience store that was approved under Board of Appeals Case No. 96-51E&V. Across US 1 to the northwest is the site of the Meadowridge Memorial Park cemetery.

C. Roads

US 1 has four travel lanes and a center turn lane within a variable width right-of-way. The posted speed limit is 50 miles per hour.

MD 103 east of US 1 has four travel lanes within an existing 160 foot wide right-of-way. The posted speed limit is 30 miles per hour.

II. BACKGROUND INFORMATION (continued)

C. Roads (continued)

Visibility from the approximate location of the US 1 driveway entrance appears to be acceptable, with estimated sight distance of more than 800 feet to the southwest and more than 1,000 feet to the northeast. Visibility from the proposed MD 103 driveway entrance appears to be acceptable also, with estimated sight distance of more than 600 feet to the southeast and 280 feet to the US 1 intersection to the northwest. Precise sight distance measurements may only be determined through a detailed sight distance analysis, however.

According to data from the State Highway Administration, the traffic volume on US 1 north of Brookdale Drive was 24,094 ADT (average daily trips) as of June, 1990. There is no current traffic volume data for this portion of MD 103.

D. Water and Sewer Service

The Property is in the Metropolitan District and is within the Existing Service Area of the Howard County Water and Sewerage Master Plan, updated July, 2000.

The site may have public water and sewer service.

E. General Plan

The Property is designated Employment Areas and Redevelopment Corridors (US 1) on the Policies Map 2000-2020 of the 2000 General Plan.

US 1 is depicted as a Intermediate Arterial highway and a Transit/HOV Corridor on the Transportation Map 2000-2020 of the 2000 General Plan.

F. Agency Comments

See attached comments from the following agencies:

1. Bureau of Environmental Health
2. Department of Inspections, Licenses and Permits
3. State Highway Administration

All these comments were issued by the agencies prior to the September 12 Plans. Both the Bureau of Environmental Health and Department of Inspections, Licenses and Permits are general and would be applicable to the September 12 Plans development, so there was no request for new comments from those agencies. The September 12 Plans did revise the access to the Site considerably, so the Department did request new comments from the State Highway Administration. A written response to this request has not been received to date, but the State Highway Administration representative on the Subdivision Review Committee has verbally indicated that the access design as shown on the September 12 Plans also may not be acceptable. The written response from the State Highway Administration will be forwarded to the Board when it is received.

The following agencies had no objections to the proposal:

1. Department of Recreation & Parks
2. Department of Fire and Rescue Services

G. Adequate Public Facilities Ordinance

The petition is subject to the Adequate Public Facilities Ordinance. A site development plan for the proposed development is subject to the requirement to pass the test for adequate road facilities.

III EVALUATION AND CONCLUSIONS

As noted above, this petition is evaluated based on the regulations for Special Exceptions which were in effect prior to the effective date of the /RA-30 regulation amendments.

A. Evaluation of petition according to Section 131.B. of the Zoning Regulations (general criteria for special exceptions):

1. The Site is located on US 1, which is described as a primary commercial and industrial corridor in the Community Conservation and Enhancement chapter of the General Plan 2000. This chapter does consider such issues as the redevelopment of underused or obsolete sites along these corridors, and the improvement "in the image and quality of the public environment along these highways." The Division of Environmental and Community Planning (DECP), which is responsible for the Route 1 Corridor Revitalization Study, has reviewed the September 12 Plans and has concluded as follows:

> "The proposed building and the separate canopy over the gas pumps are still automobile-oriented uses surrounded on all sides by parking areas or driveways, however, the revised plan shows an improved environment compared to that of the previously submitted plans. DECP comments are in the context of the Route 1 Corridor Revitalization Study and finds that the revised site plan attempts to address DECP concerns about the visual character of uses along Route 1."

This same chapter also includes Policy No. 5.9 for No Extension of Commercial Strips, which states "Reaffirm the policy of past General Plans to not extend strip commercial development areas [on] major roads beyond their present limits." The Site is located in an area on US 1 which has had existing strip commercial development to the north and to the south of the Site for some time, so the petition is not considered to be contrary to Policy 5.9.

The Site is designated Employment Areas and the proposed use would be an Employment use. Establishing the use would involve the redevelopment of a underused property, which would generally conform with the Redevelopment Corridor designation. Based on these factors, the use will generally be in harmony with the land uses and policies indicated in the Howard County General Plan.

2. The proposed use would not generate inordinate noise, dust, fumes, odors, or vibrations that would be greater at the Site than they would be for similar uses at other sites. There is no information regarding outdoor lighting, but if such lighting complies with Section 1.24 of the Zoning Regulations, such lighting would not emit glare onto the abutting properties or along the abutting roads. The developed areas of the Site are well separated from the properties to the southeast and southwest across MD 103, and from the properties across US 1 to the southwest and northwest. There would be some buffering from the properties to the northeast and east, but the general operation of the proposed use is not anticipated to be a detriment to the existing nonresidential uses on these properties. The use will not adversely affect viewal properties.

3. There is no proposal for either walls or fences. The proposed building height given on the September 12 Plans is 25 feet, which would comply with the M-2 height regulations. Both the building and the canopy would comply with the structure setbacks. The location, nature and height of structures, and the nature and extent of the landscaping proposed on the Site are such that the use will not hinder or discourage the development and use of adjacent land and structures.

4. The parking ratio requirement specified on the September 12 Plans is 6.0 parking spaces for each 1,000 square feet, which is the parking requirement given in Section 133.D.4.c. for a convenience store use. Based on this parking ratio, 37 parking spaces would be required and 58 parking spaces are depicted on the plan. There would be no adjoining residential uses. The safety of the ingress and egress drives is an issue that cannot be concluded at this time without the State Highway Administration comments on the September 12 Plans. The new plan appears to address some, but not all, of the comments issued by that agency on June 4, 2001. For example, the US 1 access is placed away from the intersection, but there is no restriction for left turns and this may be a problem. The MD 103 access has a deceleration lane shown, but not an acceleration lane.

III. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 131.B. (continued)

5. The gasoline service station use in the facility is not combined with other Special Exception uses or permitted uses on the Site. There is not a Special Exception category for convenience store uses, and, because of its size, the convenience store use is not permitted under Section 131.N.25.f.(2)(b) under the Other Uses provisions for Gasoline Service Stations. Convenience stores, or food markets as the use was originally described, are not permitted as a matter of right in the M-2 District. This issue is described in more detail in the evaluation sections below.

B. Evaluation of petition according to Section 131.N.25. (Specific Criteria for Gasoline Service Stations):

1. In order to approve Gasoline Service Station uses, the Board of Appeals must be able to conclude that there is a probability of a reasonable public need for the proposed gasoline service station, based on market data submitted by the Petitioner. To date, the Petitioner has not submitted such data, but it is stated in the original petition that a report will be submitted to the Board on this issue. The Site is in close proximity to three existing gasoline service stations: one to the northeast on Parcel 279; one to the southwest on Parcel 580-A at the corner of US 1 and MD 103; and one across US 1 at the opposite corner.

2. As noted above in the general standards evaluation of the ingress and egress drives, the issue of whether the use would cause a traffic hazard or traffic congestion is an issue that cannot be concluded at this time without the State Highway Administration comments on the September 12 Plans.

3. There is no evidence at this time to conclude that the use would adversely affect the general welfare of the vicinity, although the issues of ingress and egress safety and traffic safety as noted above may affect this criteria. However, for reasons given in more detail below, the convenience store portion of the use will adversely affect the logical development of the neighborhood or area in which the station is proposed, because the area is zoned M-2 which is a district intended principally for industrial uses and is expressly not intended for general retail uses.

4. The stated 3.9 acre area for the Site complies with the basic minimum lot requirement stated in Section 131.N.25.d.(1). The issue of the combination of uses is addressed below in the Section 131.N.25.f. evaluation.

The Site has considerably more frontage along both US 1 and MD 103 than the minimum 120 foot requirement; the US 1 frontage alone is approximately 300 feet. The lot shall have at least 120 feet of frontage on a public road.

The main building will include restroom facilities for the public.

The Petitioner needs to provide documentation that at least 20 percent of the Site area is landscaped. Based on the 3.9 acre Site stated on the September 12 Plans, this means that at least 33,971 square feet must qualify as landscaped area. It appears that the petition may comply with this requirement because the landscaped area within the improved area on the Site is roughly estimated to be approximately 25,000 square feet, and the wooded area in the southeastern portion of the Site adds considerably more area to this. The landscaping does include plantings which enhance the appearance of the site from public roads and which provide appropriate buffering for adjacent uses.

The Site does not border a residential district, so Section 131.N.25.d.(5) is not applicable.

The Petitioner has stated that the refuse area is located within the building, so this area will be screened from view. The Petitioner must establish the disposal methods to be used for all waste material generated by the service station operation.

III. EVALUATION AND CONCLUSIONS

B. Evaluation of petition according to Section 131.N.25. (continued)

The 14 parking spaces proposed along the northeast side of the Site are located so that customers for the convenience store must first cross the fuel pump area. Such a design is not considered to be safe or efficient for these pedestrians. Any stacking for the fuel servicing spaces would extend into the 24 foot wide drive aisles to the northeast and southwest of the pumps.

There is no information provided to evaluate and conclude whether the lighting will be shielded and directed so that it does not shine directly onto any adjacent properties, and does not produce glare which would cause a hazard for motor vehicle operators in the vicinity of the site.

5. The motor vehicle fuel sales and dispensing operations are considered to be normal gasoline service station activities. Any automotive related supplies would be within the main structure.

There is no proposal for vending machines.

The premises are required to be maintained at all times in a clean and orderly condition, including the care or replacement of plant materials required in the landscaping plan. The responsibility for compliance with this provision shall be with all parties having a lease or ownership interest in the gasoline service station.

The use is not adjacent to a residential district, so Section 131.N.25.e.(4) is not applicable.

6. Section 131.N.25.f. concerns other uses which are allowed on a Gasoline Service Station site if they are approved by the Board of Appeals. Section 131.N.25.f.(2) lists the specific uses that are eligible for approval as an "other use", and also permits those uses "which are permitted as a matter of right in the district in which the site is located." [The issue of the uses permitted by right in the M-2 district is evaluated in Section III.C. below.]

In the listing of the specific uses that are eligible for approval under this section, Section 131.N.25.f(2)(b) states, "Convenience stores, provided that the gross floor area does not exceed 3,500 square feet." The proposed convenience store is 6,097 square feet of gross floor area, and therefore it is not permitted and cannot be approved as part of the Special Exception.

The term "convenience store" is specifically defined in the Zoning Regulations as "An establishment which sells snack foods, packaged or prepared food and beverages, and other food and convenience items for consumption off the premises." The use as described in the petition certainly meets this definition, as it clearly conducts retail sales for "snack foods, packaged or prepared food and beverages, and other food…". It does not matter that 644 square feet of the use is associated with the production of carry-out food as promoted in the April 4 Letter, because this also certainly qualifies as "other food" sales. The conclusion is that the use proposed in the building is a convenience store use as determined by this Department and as expressly stated on the September 12 Plans; this 6,097 square foot convenience store use is greater than 3,500 square feet; and the petition therefore does not comply with Section 131.N.25.f.(2)(b).

7. The petition cannot be approved, and therefore Section 131.N.25.g. is moot.

C. Evaluation of petition based on the M-2 District regulations (Section 123).

Section 123.B. lists the uses permitted as a matter of right in the M-2 District. The use category of a "food market", which was the retail building use description as originally applied for in the December 29, 2000 petition, is not a listed permitted use in this district, and the Petitioner was notified of this. Similarly, a convenience store use is also not permitted as a matter of right; such a use, limited to 2,000 square feet, potentially may be permitted as an accessory use "on a lot used primarily for business or professional offices, research and development laboratories, or manufacturing" under the provisions of Section 123.C.3., but the Site is not used for any of these purposes. The convenience store or food market use is not permitted by right in the M-2 district and therefore cannot be approved with the Special Exception under Section 131.N.25.f.(2)(d).

IV. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the request for a Special Exception for a "Gasoline Service Station with a convenience store and a carryout restaurant" be DENIED.

Joseph W. Rutter, Jr., Director

JWR:JRL/jrl

"
"

Requested Zoning

Search Street:

WASHINGTON BLVD | Next

Property Information:

Amendment No.: 37.002
Current Zoning: CE-CLI
Requested Zoning: CAC-CLI
Tax Account ID.: 1401161296
Map: 37
Grid: 23
Parcel: 273
Lot:
Acres: 0.206
Address: 7275 WASHINGTON BLVD
City/State/Zip: ELKRIDGE, MD 21075

Owner:

Name: TERTEL GUNTER W
Email:
Phone:
Mailing Address: 7275 WASHINGTON BLVD
City/State/Zip: ELKRIDGE, MD 21075

Representative:

Name: Joseph Rutter
Email: jrutter@ldandd.com
Phone: 443-367-0422
Mailing Address: 5300 Dorsey Hall Dr., Suite 102
City/State/Zip: Ellicott City, MD 21042

Decision:

Planning Board Decision:
Planning Board Vote:
Council Decision:
Council Vote:

Zoning Case ZB1130M

Applicant/Protestant

Exhibit # 7 Date 2/26/2026

Zoning Map Amendment Request Form

Howard County Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the Instructions section at the end of the form.

A. Property Information

1	Address / Street (Only)	7275 Washington Blvd.			
2	Tax Map Number	37	Grid	23	
3	Parcel(s)	273			
4	Lot(s)	N/A			
5	Tax Account Data:	District 01	Account #	161296	

6	Size of Property:	Acres		Square feet	8,961

7	The Property is currently zoned:	CE-CLI
	I request that the Property be rezoned to:	CAC-CLI

B. Owner Information

8	Owner Name	Gunther Tertel
9	Mailing street address or Post Office Box	7275 Washington Boulevard
	City, State	Elkridge, Maryland
	ZIP Code	21075
	Telephone (Main)	
	Telephone (Secondary)	
	Fax	
10	E-Mail	

RECEIVED
DEC 14 2012
DIV. OF PUBLIC SERVICE & ZONING
HC# 149453

C. Representative Information

11	Name	Joseph Rutter
	Mailing street address or Post Office Box	5300 Dorsey Hall Drive Suite 102
	City, State	Ellicott City, Maryland
	ZIP	21042
	Telephone (Main)	443-367-0422 ext 287

C. Representative Information

	Telephone (Secondary)	410-977-1327
	Fax	443-367-0420
	E-Mail	jrutter@ldandd.com
12	Association with Owner	Designated Representative

D. Alternate Contact [If Any]

	Name	
	Telephone	
	E-Mail	

E. Explanation of the Basis / Justification for the Requested Rezoning

13	The subject Property consists of 6 parcels containing approximately 14.2 acres of land located near the interchange of Routes 1 and 100. Redevelopment of these properties in a consolidated project will be facilitated by the proposed zoning. The current zoning provides no incentive for redevelopment. See attached Continuation Sheet.

F. List of Attachments/Exhibits

14	1. Continuation Sheet. 2. SDAT sheets 3. Tax Map identifying the 6 parcels

G. Signatures

15	Owner	Gunther Tertel By Robert L. Filer, R. Filer Personal Representative to the Est of Gunter W. Tertel	Owner (2)	
	Date	12/14/12	Date	

☐ **Additional owner signatures?** **X the box to the left and attach a separate signature page.**

16	Representative Signature	Joseph Rutter
	Date	12/14/12

DPZ Use Only		Amendment No.	37.002
Notes	Complete 12/17/12		

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
HOWARD COUNTY

Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

Account Identifier: District - 01 Account Number - 161296

Owner Information

Owner Name:	TERTEL GUNTER W	**Use:**	INDUSTRIAL
		Principal Residence:	NO
Mailing Address:	7275 WASHINGTON BLVD ELKRIDGE MD 21075-6118	**Deed Reference:**	1) /04516/ 00650 2)

Location & Structure Information

Premises Address	Legal Description
7275 WASHINGTON BLVD ELKRIDGE 21075-0000	8,961 SQ 7275 WASHINGTON BLVD WESLEY GROVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0037	0023	0273		0000				3	Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	104
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1967	2208	8,961 SF	

Stories	Basement	Type	Exterior
		STORAGE WAREHOUSE	

Value Information

	Base Value	Value As Of 01/01/2012	Phase-in Assessments As Of 07/01/2012	As Of 07/01/2013
Land	80,600	80,600		
Improvements:	95,900	67,800		
Total:	176,500	148,400	148,400	148,400
Preferential Land:	0			0

Transfer Information

Seller:	NELSON OLGA J	Date:	11/20/1998	Price:	$122,917
Type:	ARMS LENGTH IMPROVED	Deed1:	/04516/ 00650	Deed2:	
Seller:	LAHRODI MOHAMMAD K	Date:	11/14/1995	Price:	$140,000
Type:	NON-ARMS LENGTH OTHER	Deed1:	/03604/ 00056	Deed2:	
Seller:	FRAM JOHN H & WF	Date:	06/29/1990	Price:	$200,000
Type:	ARMS LENGTH IMPROVED	Deed1:	/02193/ 00684	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status: No Application

Continuation Sheet

E. Explanation of the Basis / Justification for the Requested Rezoning

13 The subject Property consists of 6 parcels containing approximately 14.2 acres of land located near the interchange of Routes 1 and 100. Given the issues inherent with the Property's CE-CLI zoning as explained in more detail below, no potential currently exists for the Petitioner to develop the Property. Instead, a zoning district that would permit a mix of high density residential dwellings and retail commercial establishments would incentivize an attractive and high quality development of a Property that is located at one of the County's major interchanges.

The County recently commissioned a Market Analysis and Strategic Implementation Analysis of the Route 1 and Snowden River Corridors by Robert Charles Lesser & Co. (the "RCLCO Study"). The RCLCO Study compiled a list of suggestions regarding future development of the Route 1 Corridor. One of the principal recommendations of the RCLCO Study was to redevelop high visibility employment areas along Route 1, especially near important County interchanges. RCLCO Study, p. 14.

The RCLCO Study also found that "[s]egmentation of the Route 1 Corridor is necessary, both to understand existing conditions and to plan for future land use opportunities." RCLCO Study, p. 4. "Moving forward, planning for the Route 1 corridor should therefore address its very different segments, both east and west of Route 1 and north and south along its length. Future planning and policy recommendations should be tuned to logical planning areas rather than be applied throughout." RCLCO Study, p. 13.

Figures 4 and 5 of the RCLCO Study identified the subject Property as an area on the border of residential and commercial segments proposed by the RCLCO Study. The Property is also located near areas G and G1 on Figure 6, identified as providing high visibility employment opportunities. The Property has frontage on Route 1 and enjoys high visibility close to the interchange of Routes 1 and 100. *See* RCLCO Study, p. 13.

PlanHoward 2030 accepted the RCLCO Study's recommendations regarding high quality development at major interchanges and the segmentation of the Route 1 Corridor. Policy 5.4 of PlanHoward 2030 is to "[e]nhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development as identified in the [RCLCO Study]." PlanHoward 2030, p. 58.

The subject Property is an ideal location to realize the recommendations of the RCLCO Study and PlanHoward 2030. The Property is an area between segments identified for residential and commercial development, with high visibility and easy access to the interchange of Routes 1 and 100.

At the present, however, the Property is not suitable for development under its current CE-CLI zoning. The RCLCO Study ultimately recommends removing the CE and CE-CLI districts. RCLCO Study, p. 16. PlanHoward 2030 also recognized the need to reevaluate the efficacy of the CE district and to consider more flexibility in the Route 1 Corridor. PlanHoward 2030, p. 58.

Pursuant to the Zoning Regulations, development in the CE district should provide for new office,

flex, and light industrial uses. HOWARD COUNTY ZONING REGULATIONS § 127.2.A. PlanHoward 2030, however, provides that the demand for office space is significantly lower than supply. "Through 2030, the demand for commercial development and office space is expected to peak at just over three million square feet. This demand is low when compared to the 14.1 million square feet of approved office space in the pipeline in Howard and Anne Arundel Counties." PlanHoward 2030, p. 58. Given the limited future demand for the types of development envisioned by the CE district, it is not economically feasible to develop the Property under its current zoning.

The proposed rezoning is also consistent with PlanHoward 2030's goal for the County to provide a diverse mix of housing opportunities. PlanHoward 2030 provides that housing experts believe that over the next 20 years, more than 60 percent of new housing demand will be for multifamily dwelling units. This projected trend is due both to an increasing ratio of smaller households and to the financial inability of many residents to afford single-family housing. PlanHoward 2030, p. 140.

Between 1990 and 2010, the number of residents living alone increased by 75 percent. "[T]he single-family detached house is no longer preferred by many households. Smaller-sized housing will be in greater demand in the future. The data shows a demographic shift that aligns well with the decreasing availability of land for the traditional single-family detached home and the increased emphasis on planning for more compact higher-density residential development. From this perspective, condominium and rental apartments and townhome developments will be a greater portion of new homes built in the County in the future." PlanHoward 2030, pp. 140-42.

PlanHoward 2030 also calls for the provision of affordable housing opportunities for low and moderate income residents. PlanHoward 2030, pp. 142-44. The Zoning Regulations require that a residential development in the CAC district provide at least 15 percent of its dwelling units as moderate income housing units. HOWARD COUNTY ZONING REGULATIONS § 127.5.E.3.e.(1).

Instead of causing a relatively large parcel, located in a high visibility area near a major County interchange, to remain underdeveloped for the foreseeable future, the Property should be rezoned to a district that can utilize its full potential. A zone allowing a mix of high density residential development and retail commercial development would be the most appropriate zoning district for the Property. The allowance of residential units would incentivize an attractive development of the Property befitting the County's vision for the Route 1 Corridor. The residential component would also permit the establishment of high-quality commercial uses that would be supported by the new residential units located in a mixed-use community.

STATE OF MARYLAND
LETTERS OF ADMINISTRATION

ESTATE NO. 22727

I certify that administration of the Estate of

GUNTER WOLFGANG TERTEL

was granted on the 21st day of SEPTEMBER, 2011,

to ROBERT L FILA

as personal representative(s) and the appointment is in effect

this 21st day of SEPTEMBER 2011,

☑ Will probated September 21, 2011
(date)

☐ Intestate estate

Byron E Macfarlane

BYRON E MACFARLANE

Register of Wills for

Howard County

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE REGISTER

RW1120

ROWNET
11/2009

ADJOINING PROPERTY OWNERS FOR 7275 WASHINGTON BOULEVARD

Gunter Tertel
7269 Washington Boulevard
Elkridge, MD 21075
(37.003)(37.002)

Malik & Sons Washington Blvd., LLC
7263 Washington Boulevard
Elkridge, MD 21075-6118
(37.002)

Howard County Council

George Howard Building
3475 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Mr. Gunter Tertel
7275 Washington Blvd.
Elkridge, MD 21075

Dear Mr. Tertel:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

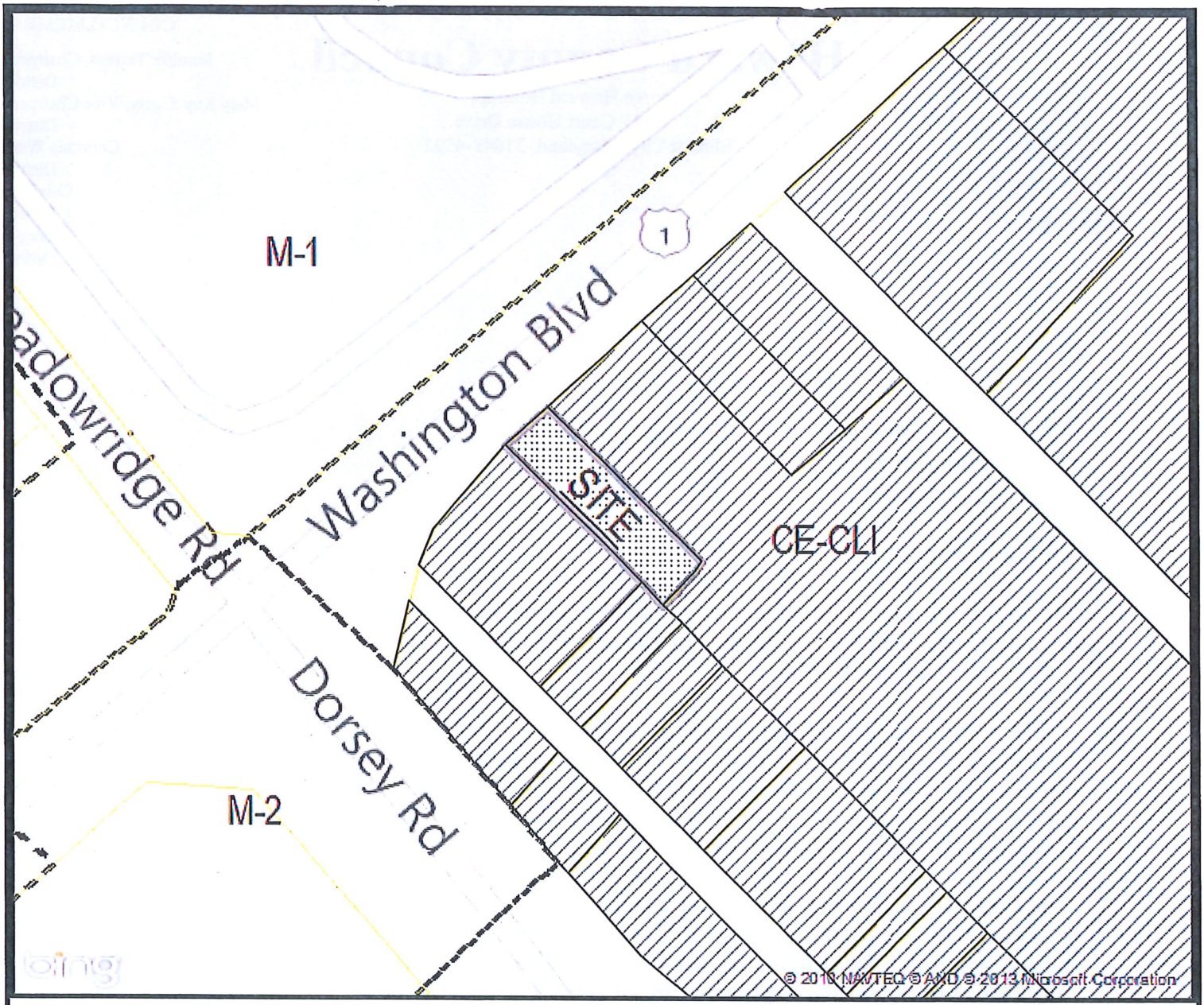
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

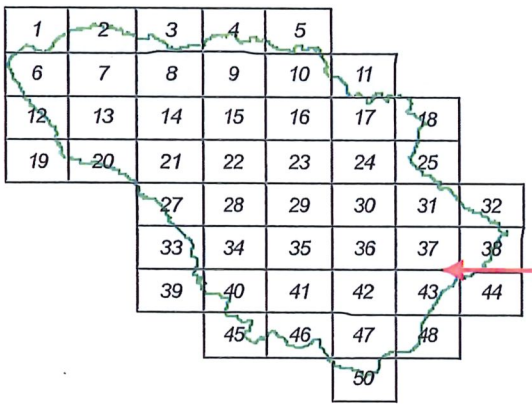
The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official."**

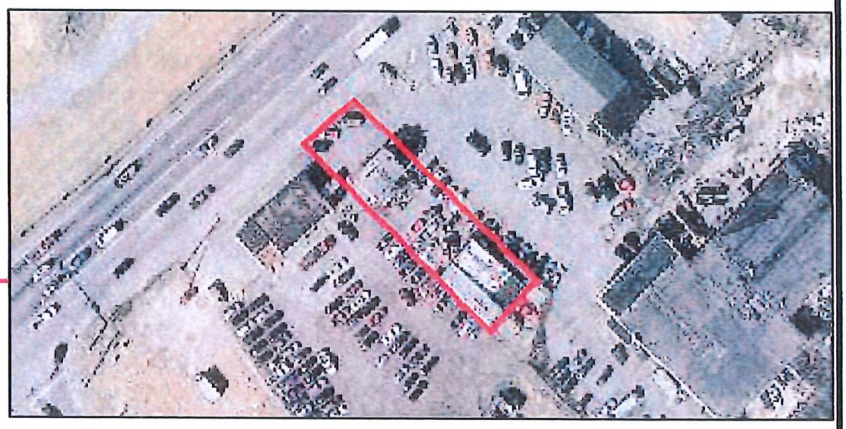
Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

Stephen M. LeGendre
Administrator







Zoning Map General Plan Amendment: **37.002** Tax ID: **1401161296**

Current Zoning: **CE-CLI** Council District: **2**

Tax Map: **37** Grid: **23** Parcel: **273** Lot: **N/A**

Address: **7275 WASHINGTON BLVD**

ADJOINING PROPERTY OWNERS FOR 7239 WASHINGTON BOULEVARD

Barbara Simkin
47 Farmhouse
Pikesville, MD 21208-1324
(37.003) (37.007)

Gunter Tertel
7269 Washington Boulevard
Elkridge, MD 21075
(37.003)

Steven O'Donnell
6724 Binder Lane
Elkridge, MD 21075-6247
(37.003)

G&G Properties, LLC
6735 Dorsey Road
Elkridge, MD 21075-6205
(37.003)

A & H one LLC
4000 36th St., Suite 104A
Mount Rainier, MD 20712-1931
(37.003)

Mabey Bridge & Shore, Inc.
6770 Dorsey Road
Elkridge, MD 21075-6205
(37.003)

Spectrum 1 dorsey, LLC
4733 Bethesda Avenue, Suite 650
Bethesda, MD 20814-5252
(37.003)

Elkridge Enterprises, LLC
7871 Belle Point Drive
Greenbelt, MD 20770-3350
(37.003)

"
"

Requested Zoning

Search Street:

WASHINGTON BLVD | Next

Property Information:

Amendment No.: 37.003
Current Zoning: CE-CLI
Requested Zoning: CAC-CLI
Tax Account ID.: 1401176765
Map: 37
Grid: 23
Parcel: 107
Lot:
Acres: 7.85
Address: 7239 WASHINGTON BLVD
City/State/Zip: ELKRIDGE, MD 21075

Owner:

Name: BONHEUR LAND COMPANY
Email:
Phone:
Mailing Address: 7239 WASHINGTON BLVD
City/State/Zip: ELKRIDGE, MD 21075

Representative:

Name: Joseph Rutter
Email: jrutter@ldandd.com
Phone: 443-367-0422
Mailing Address: 5300 Dorsey Hall Dr., suite 102
City/State/Zip: Ellicott City, MD 21042

Decision:

Planning Board Decision:
Planning Board Vote:
Council Decision:
Council Vote:

Zoning Map Amendment Request Form

Howard County Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the Instructions section at the end of the form.

A. Property Information

1	Address / Street (Only)		7239	Washington Boulevard	✓	
2	Tax Map Number		37	Grid	23	✓
3	Parcel(s)	107	✓			
4	Lot(s)	N/A				
5	Tax Account Data:	District	01	Account #	176765	✓

6	Size of Property:	Acres	7.85 ✓	Square feet	

7	The Property is currently zoned:	CE-CLI ✓
	I request that the Property be rezoned to:	CAC-CLI

B. Owner Information

8	Owner Name	Bonheur Land Company ✓
9	Mailing street address or Post Office Box	7239 Washington Boulevard
	City, State	Elkridge, Maryland
	ZIP Code	21075
	Telephone (Main)	
	Telephone (Secondary)	
	Fax	
10	E-Mail	

RECEIVED
DEC 14 2012
DIV. OF PUBLIC SERVICE & ZONING
rec. # 149453

C. Representative Information

11	Name	Joseph Rutter
	Mailing street address or Post Office Box	5300 Dorsey Hall Drive, Suite 102
	City, State	Ellicott City, Maryland
	ZIP	21042
	Telephone (Main)	443-367-0422 ext. 287

C. Representative Information

	Telephone (Secondary)	410-977-1327
	Fax	443-367-0420
	E-Mail	jrutter@ldandd.com
12	Association with Owner	Designated Representative

D. Alternate Contact [If Any]

	Name	
	Telephone	
	E-Mail	

E. Explanation of the Basis / Justification for the Requested Rezoning

13	The subject Property consists of 6 parcels containing approximately 14.2 acres of land located near the interchange of Routes 1 and 100. Redevelopment of these properties in a consolidated project will be facilitated by the proposed zoning. The current zoning provides no incentive for redevelopment. See attached Continuation Sheet.

F. List of Attachments/Exhibits

14	1. Continuation Sheet. 2. SDAT sheets 3. Tax Map identifying the 6 parcels

G. Signatures

15	Owner	Bonheur Land Company By Robert L. Filk, Personal Representative of the Estate of Pinter W Tetal	Owner (2)	
	Date	12/14/12	Date	

☐ **Additional owner signatures?** **X the box to the left and attach a separate signature page.**

16	Representative Signature	Joseph Rutter
	Date	12/14/12

DPZ Use Only		Amendment No.	37.003
Notes	CAH 12/17/12		

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
HOWARD COUNTY

Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

Account Identifier: District - 01 Account Number - 176765

Owner Information

Owner Name:	BONHEUR LAND COMPANY	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	7239 WASHINGTON BLVD ELKRIDGE MD 21075-6118	**Deed Reference:**	1) /04163/ 00245 2)

Location & Structure Information

Premises Address
7239 WASHINGTON BLVD
ELKRIDGE 21075-0000

Legal Description
13 LOTS 7.85 A
7239 WASHINGTON BLVD
WESLEY GROVE 2

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0037	0023	0107		0000				3	Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	104
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		7.8500 AC	

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2012	Phase-in Assessments As Of 07/01/2012	As Of 07/01/2013
Land	348,300	348,200		
Improvements:	58,200	58,600		
Total:	406,500	406,800	406,600	406,700
Preferential Land:	0			0

Transfer Information

Seller:	GREEN WILLIAM A	Date:	12/17/1997	Price:	$219,500
Type:	NON-ARMS LENGTH OTHER	Deed1:	/04163/ 00245	Deed2:	
Seller:	BONHEUR MEMORIAL PARK INC	Date:	09/24/1992	Price:	$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/02577/ 00419	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status: No Application

STATE OF MARYLAND
LETTERS OF ADMINISTRATION

ESTATE NO. 22727

I certify that administration of the Estate of

GUNTER WOLFGANG TERTEL

was granted on the 21st day of SEPTEMBER, 2011,

to ROBERT L FILA

as personal representative(s) and the appointment is in effect

this 21st day of SEPTEMBER 2011,

☑ Will probated September 21, 2011
(date)

☐ Intestate estate

Byron E Macfarlane

BYRON E MACFARLANE

Register of Wills for

Howard County

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE REGISTER

RW1120

ROWNET
11/2009

Continuation Sheet

E. Explanation of the Basis / Justification for the Requested Rezoning

13 The subject Property consists of 6 parcels containing approximately 14.2 acres of land located near the interchange of Routes 1 and 100. Given the issues inherent with the Property's CE-CLI zoning as explained in more detail below, no potential currently exists for the Petitioner to develop the Property. Instead, a zoning district that would permit a mix of high density residential dwellings and retail commercial establishments would incentivize an attractive and high quality development of a Property that is located at one of the County's major interchanges.

The County recently commissioned a Market Analysis and Strategic Implementation Analysis of the Route 1 and Snowden River Corridors by Robert Charles Lesser & Co. (the "RCLCO Study"). The RCLCO Study compiled a list of suggestions regarding future development of the Route 1 Corridor. One of the principal recommendations of the RCLCO Study was to redevelop high visibility employment areas along Route 1, especially near important County interchanges. RCLCO Study, p. 14.

The RCLCO Study also found that "[s]egmentation of the Route 1 Corridor is necessary, both to understand existing conditions and to plan for future land use opportunities." RCLCO Study, p. 4. "Moving forward, planning for the Route 1 corridor should therefore address its very different segments, both east and west of Route 1 and north and south along its length. Future planning and policy recommendations should be tuned to logical planning areas rather than be applied throughout." RCLCO Study, p. 13.

Figures 4 and 5 of the RCLCO Study identified the subject Property as an area on the border of residential and commercial segments proposed by the RCLCO Study. The Property is also located near areas G and G1 on Figure 6, identified as providing high visibility employment opportunities. The Property has frontage on Route 1 and enjoys high visibility close to the interchange of Routes 1 and 100. *See* RCLCO Study, p. 13.

PlanHoward 2030 accepted the RCLCO Study's recommendations regarding high quality development at major interchanges and the segmentation of the Route 1 Corridor. Policy 5.4 of PlanHoward 2030 is to "[e]nhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development as identified in the [RCLCO Study]." PlanHoward 2030, p. 58.

The subject Property is an ideal location to realize the recommendations of the RCLCO Study and PlanHoward 2030. The Property is an area between segments identified for residential and commercial development, with high visibility and easy access to the interchange of Routes 1 and 100.

At the present, however, the Property is not suitable for development under its current CE-CLI zoning. The RCLCO Study ultimately recommends removing the CE and CE-CLI districts. RCLCO Study, p. 16. PlanHoward 2030 also recognized the need to reevaluate the efficacy of the CE district and to consider more flexibility in the Route 1 Corridor. PlanHoward 2030, p. 58.

Pursuant to the Zoning Regulations, development in the CE district should provide for new office,

flex, and light industrial uses. HOWARD COUNTY ZONING REGULATIONS § 127.2.A. PlanHoward 2030, however, provides that the demand for office space is significantly lower than supply. "Through 2030, the demand for commercial development and office space is expected to peak at just over three million square feet. This demand is low when compared to the 14.1 million square feet of approved office space in the pipeline in Howard and Anne Arundel Counties." PlanHoward 2030, p. 58. Given the limited future demand for the types of development envisioned by the CE district, it is not economically feasible to develop the Property under its current zoning.

The proposed rezoning is also consistent with PlanHoward 2030's goal for the County to provide a diverse mix of housing opportunities. PlanHoward 2030 provides that housing experts believe that over the next 20 years, more than 60 percent of new housing demand will be for multifamily dwelling units. This projected trend is due both to an increasing ratio of smaller households and to the financial inability of many residents to afford single-family housing. PlanHoward 2030, p. 140.

Between 1990 and 2010, the number of residents living alone increased by 75 percent. "[T]he single-family detached house is no longer preferred by many households. Smaller-sized housing will be in greater demand in the future. The data shows a demographic shift that aligns well with the decreasing availability of land for the traditional single-family detached home and the increased emphasis on planning for more compact higher-density residential development. From this perspective, condominium and rental apartments and townhome developments will be a greater portion of new homes built in the County in the future." PlanHoward 2030, pp. 140-42.

PlanHoward 2030 also calls for the provision of affordable housing opportunities for low and moderate income residents. PlanHoward 2030, pp. 142-44. The Zoning Regulations require that a residential development in the CAC district provide at least 15 percent of its dwelling units as moderate income housing units. HOWARD COUNTY ZONING REGULATIONS § 127.5.E.3.e.(1).

Instead of causing a relatively large parcel, located in a high visibility area near a major County interchange, to remain underdeveloped for the foreseeable future, the Property should be rezoned to a district that can utilize its full potential. A zone allowing a mix of high density residential development and retail commercial development would be the most appropriate zoning district for the Property. The allowance of residential units would incentivize an attractive development of the Property befitting the County's vision for the Route 1 Corridor. The residential component would also permit the establishment of high-quality commercial uses that would be supported by the new residential units located in a mixed-use community.

Howard County Council

George Howard Building
3476 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Bonheur Land Company
7239 Washington Blvd.
Elkridge, MD 21075

Dear Sir or Madam:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

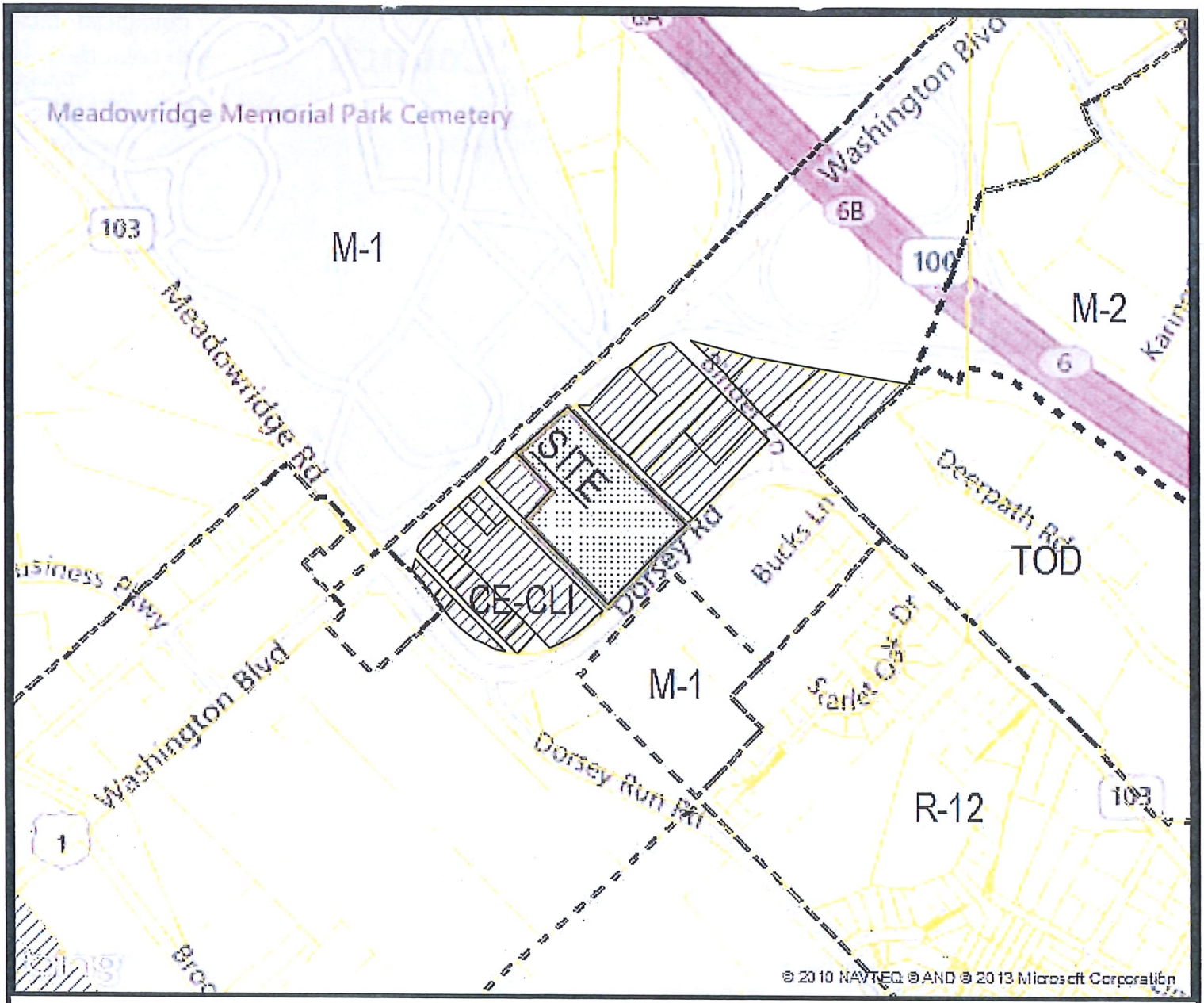
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

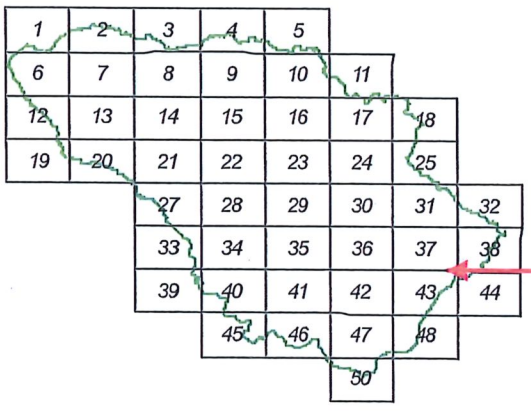
The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official."**

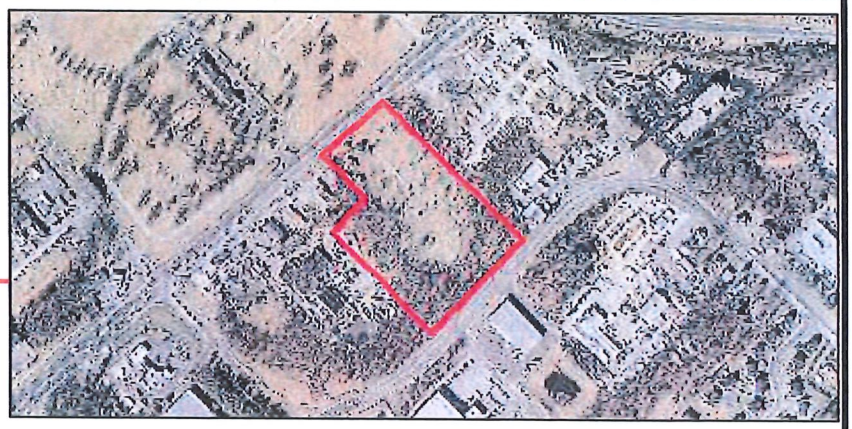
Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

Stephen M. LeGendre
Administrator







Zoning Map General Plan Amendment: **37.003** Tax ID: **1401176765**

Current Zoning: **CE-CLI** Council District: **2**

Tax Map: **37** Grid: **23** Parcel: **107** Lot: **N/A**

Address: **7239 WASHINGTON BLVD**

What Will Happen to Rosa Bonheur?
Lt to the Editor by Barbara Sieg, 3909 Hawthorn Road, Ellicott City, July 19, 2013

What IS Rosa Bonheur? It is a unique, historic cemetery, established in 1935, off of Route 1, in Elkridge. Rosa Bonheur is named after the world-renown 19th century French painter, Rosalie Bonheur, a lover and painter of animals, whose works hang in many galleries including the Metropolitan Museum of Art in New York.

Why should we care about Rosa Bonheur? It is said to be the first cemetery in the U.S. in which both people and their pets can be buried side by side. How big is the cemetery? Reports vary from 11 and a half acres to 8 acres. The number of people reported to be buried there varies also – from 24 to perhaps as many as 100. The number of pets interred is in the thousands.

Again, why should we care? Because the Howard County Council is presently deciding whether to grant a developer's request to re-zone the property for commercial use. The Council votes this Thursday, July 25.

For anyone living in Howard County in 1991, this sounds terribly familiar, doesn't it? Remember three-acre St. Mary's Cemetery, where the graves of several women and their babies, who had died and were buried in the 1800's, were plowed up by back-hoes and bulldozers putting in the County water and sewer line to access the two new houses being built atop the cemetery? Ask the Howard County NAACP. They held a memorial service as the house foundations were being filled in. Many of the desecrated graves were African-American.

At the time, Howard County Executive Charles Ecker stated on April 1, 1991: "There are no county or state ordinances which prohibit development over a burial ground. . . . I am not going to stop the processing requests for permits, licenses or other types of approval for these two lots in question."

Soon after the cemetery desecration, Council Member Dr. Vernon Gray spear-headed an effort to write a new Howard County cemetery preservation law so that "this will never happen again." The State law, which had apparently been forgotten or ignored at the time, was also shored up. It is now Title 10 of the State Criminal Code.

That was 22 years ago. Have we forgotten? Some of us haven't. But do we WANT to remember? It looks like some of us don't.

✂ ✂ ✂

37.003

Regner, Robin

From: Tolliver, Sheila
Sent: Monday, September 30, 2013 7:46 AM
To: DIANE BUTLER
Cc: Regner, Robin
Subject: RE: cemetery

Thank you for your e-mail to the members of the County Council. They appreciate your interest in the comprehensive zoning matters that were before them and will bear in mind your comments should they consider this item further.

Sheila Tolliver
Administrator
Howard County Council

From: DIANE BUTLER [mailto:politicodiane@msn.com]
Sent: Saturday, September 28, 2013 8:24 PM
To: Ken S. Ulman; CouncilMail
Subject: cemetery

Hi Ken,

I know we are trying to fill every nook and cranny in Howard County with homes or businesses, but isn't it illegal to build on cemetery sites? Please, remove the illegal commercial re-zoning of the Rosa Bonheur Cemetery. Fence it and protect it, intact, according to the law.

Thank you, Diane Butler

CW
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TW
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July 19, 2013

Ms. Courtney Watson
Member, Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

Dear Courtney:

I am writing this letter to you (with enclosures) and hand-delivering all to your office because I think a brief e-mail will not convey my concern and really my anguish over this issue.

I understand that the County Council will vote on July 25 regarding the re-zoning of the Rosa Bonheur Memorial Park, the unique historic cemetery, c. 1935, off of Route 1 in Elkridge. I trust this vote will not be taken before careful and accurate research by a competent and impartial party (NOT the developer) as to the history, ownership and actual boundaries (metes and bounds) of the cemetery can be authenticated. THEN, all applicable State and county laws and regulations must be applied to the future disposition of this unique human and pet cemetery.

To do anything less than this will be immoral and illegal – and will negate every bit of progress this State and County has made over the last 20 years to legally protect and preserve our burial grounds – a major public record of our heritage.

Now IF the Council decides to proceed with a vote on July 25 to grant this re-zoning request, I urge that a restriction be put on the vote as follows: a survey will be made by a competent and impartial party such as the Maryland Historical Trust (using ground-penetrating radar if necessary) to determine the metes and bounds of the cemetery as well as the location of all human and pet burials. This survey should be contracted for by Howard County and said survey should be under the control of the County. The results of the survey should be reported to the County Executive, Department of Planning and Zoning and to the County Cemetery Preservation Board. It should also be made public. THEN following the mandates of both State and county laws and regulations regarding both the disturbance and removal of human remains and whatever laws pertain to pet burials for which pet owners have paid Rosa Bonheur, then and then only should the County Council proceed to consider this re-zoning request.

Rosa Bonheur should be preserved and protected as the place of sepulchre and entombment for people and their pets that it was originally established to be.

Please do all that you can do to see that history does not repeat itself in Howard County – i.e. another St. Mary's. Thank you so much.

Your friend and constituent,

Barbara

Barbara Sieg

Enclosures

cc: Ms. Beth Burgess, DPZ

HOWARD COUNTY COUNCIL
RECEIVED
2013 JUL 19 P 4: 08

Aug. 30, 2013

CMBRS
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VSP

Dear Mr Fox,

Why did you vote to rezone for Commercial use a parcel of land containing a 7.85 acre cemetary?

Human burial sites are protected by regulations of Title 10 of Maryland criminal Code and State Business Regulation article 5-505 Also the Howard County Cemetary Act of 1993.

2013 SEP -3 P 4:22
HOWARD COUNTY COUNCIL
RECEIVED

I believe that the State attorney needs to step in for it appears the the developer is going to ignore existing laws and develop the cemetary acreage of Rose Bonheur.

Please respond,

Amy McConnell
6497 Hanford Rd
Clarksville Md 2
301 854 3742

CNBRS
37.003
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October 24, 2013

Council Member Jennifer Terrasa
Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

Dear Ms. Terrasa:

Enclosed for your information is a copy of my letter of October 24, with enclosures, to our County Executive, re the Rosa Bonheur Cemetery.

Sincerely,

Barbara Sieg

Barbara Sieg
3909 Hawthorn Road
Ellicott City, MD 21042

October 24, 2013

Mr. Ken Ulman
Howard County Executive
3430 Court House Drive
Ellicott City, MD 21043

Dear Mr. Ulman:

The re-zoning of a property in Howard County does not routinely come to your attention, I would think. However, you need to know about the re-zoning on July 25, 2013, by the Howard County County Council, sitting as a Zoning Board, of the Rosa Bonheur Memorial Park, located between Route 1 and Dorsey Road in Elkridge. Many Howard County citizens, myself included, believe this was a serious, and possibly illegal, action which will have ramifications in, and beyond, our county. By referendum, this action may be over-turned this November.

Rosa Bonheur Cemetery began in 1935. In it are buried, side by side, thousands of animals, principally dogs, and (beginning in 1979, hundreds of people (their owners) . Thus Rosa Bonheur is a unique cemetery in our county, and probably in the State of Maryland.

While Title 10 of the Maryland Criminal Code protects human burials, there is no law in our state governing and protecting pet burials and cemeteries.

I have included in this letter for your information a Letter to the Editor which I have submitted to the Howard County Times. Also included is a Fact Sheet on Rosa Bonheur published by Wikipedia.

There are many, many people in Howard County, and beyond, who are extremely anguished by this action of the Howard County Planning and Zoning Department. Believe me, it will have deep, abiding ramifications. If there is any action you can take ,as County Executive, to preserve, rather than destroy, Rosa Bonheur -- a cherished and unique historical site in Howard County, please take that action.

Respectfully yours,

Barbara Sieg

Barbara Sieg
Ellicott City, MD 21042

An open letter to the Howard County Executive and the Howard County Council submitted to Patuxent Publishing as a Letter to the Editor on October 20, 2013 by Barbara Sieg, 3909 Hawthorn Road,, Ellicott City, Maryland 21042; Telephone (410) 465-6721

A Place to Grieve

In comparison to other cultures, the American culture is perhaps perceived as one which does not immerse itself in deep or prolonged grieving -- over the death of a person, a discarded idea, or a failed plan. We Americans are all about striving, succeeding, being active -- a "get on with it" bunch. But we, like all humankind, do grieve.

A lot of people are grieving right now about the threatened desecration and destruction of a special place to grieve: Rosa Bonheur Memorial Park in Elkridge. Rosa Bonheur is a unique cemetery, which opened in 1935, enlightened by a beautiful concept: people and their pets are buried side by side. When descendants visit the cemetery to care for the graves, they remember the unconditional love, support, and loyalty from their loved ones. While this is no longer with them in reality, in memory, it is as close to them as it ever was in life.

In recent years, the owners of the nearly 8-acre cemetery have desecrated and demeaned it in unbelievable ways. They lied to and cheated those who came to bury their dead. They promised cremations which were never carried out correctly or at all. They never erected the monuments or memorials which were paid for in good faith. Perpetual care was offered, but was never a reality. And many of the records of who is buried where were lost, falsified, or destroyed.

The last owner, who has now died, made it clear to one and all that he did not care about the cemetery, that he was not going to provide any maintenance, and that he would love to see the whole place developed. The Rosa Bonheur Society, a group of volunteers and lot-holders, have for the past 5 years cut the grass and beaten back the weeds over the graves.

And now, the final injustice is about to occur. Through the Howard County Comprehensive Re-Zoning process, the Rosa Bonheur Memorial Park has been placed in the TOD (Transit Oriented Development) district.

What is going to happen to the graves of more than one hundred people buried at Rosa Bonheur and to many hundreds of dogs including the canine heros of our many wars, those who served in the Canine Corps of many police departments, dogs who performed amazing feats of rescue and relief after natural disasters, and service dogs who make daily life a little more bearable for the blind and other people who are disabled or physically challenged? These are the valiant pets that rest at Rosa Bonheur.

A public rally was held at the cemetery on October 13 to raise public awareness of the present plight of Rosa Bonheur. It was a very moving event. I will never forget the man who led me over to his parents' graves, buried side by side next to their dogs -- a family spot
where he and his wife hope to be buried one day. With tears running down his face, he grasped my shoulders, looked pleadingly and desparately into my eyes, and said, "Don't let them do this; please, don't let them do this."

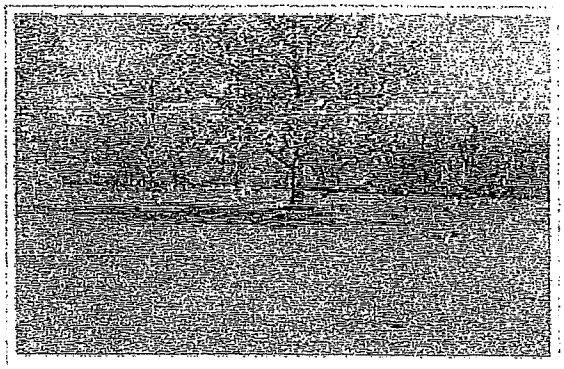
Are we, people of Howard County, going to let them do this?

Do we have laws in the State of Maryland protecting human burial sites? Oh, Yes. Do we honor and enforce these laws? No.
When are we going to honor and enforce them? We, who call ourselves Marylanders, say NOW!

Rosa Bonheur Memorial Park

From Wikipedia, the free encyclopedia

Rosa Bonheur Memorial Park is a pet cemetery located in Elkridge, Maryland, USA. The cemetery was established in 1935, and was actively operated until 2002. Approximately 8,000 animals and humans are buried in the cemetery's 11½ acres, which is large enough to accommodate about 24,000 pets.



Rosa Bonheur Memorial Park

The cemetery is named for Rosa Bonheur (1822-1899), a French painter and sculptor noted for her paintings of animals.

The Rosa Bonheur Memorial Park made national headlines in 1979 when it became the first pet cemetery in the world to allow humans to be buried alongside their pets. There are at least 24 humans, and perhaps as many as 100, buried at the cemetery.[1][2]

By 2006, the cemetery was no longer accepting pet or human burials. The grounds of the Rosa Bonheur Memorial Park are currently being maintained by local volunteers.[3]

The Rosa Bonheur Memorial Park is located at 39°11′5.3″N 76°45′36.9″W.

Noted animals buried at Rosa Bonheur Memorial Park include:[3]

- **Gypsy Queen.** In 1925, World War I veteran Frank Heath and his horse Gypsy Queen began a journey across the United States, with the goal of visiting all 48 states. They completed the trip more than two years later, returning to their starting point in Washington, D.C. in 1927. In all, the pair covered 11,356 miles, making it the longest trail ever covered by one horse under saddle. Gypsy Queen died in 1936, and a bronze tablet was erected in her honor at the Rosa Bonheur Memorial Park in 1938. Gypsy Queen also has a burial plot at the cemetery.[4][5]

- **Mary Ann.** Mary Ann was the first elephant at the Baltimore Zoo. She was brought to Baltimore from India in 1922, and was especially popular with children. Mary Ann died in 1942 after falling over in her sleep and injuring her spine. Her heart was buried at the cemetery after her death.[6]

- **Corporal Rex Ahlbin.** Rex Ahlbin was a combat dog who served with the US Marine Corps during World War II. Rex served with the US 3rd Marine Division during the Battle of Empress Augusta Bay at Bougainville Island in 1943. Rex, a two-year-old Doberman, warned of the presence of Japanese soldiers near a Marine position, enabling Marines to fend off a later attack. Rex also served with the Marine Corps during the Guadalcanal campaign and at the Battle of Tinian. For his service, Rex was promoted to the rank of corporal by the Marine Corps in 1944. Rex is buried near the center of the cemetery, with a marker noting his service to his country.[7]

- **Washington Bullets mascots.** Several mascots for the Washington Bullets basketball team are buried at the cemetery: "Tiny BB" (1966-87), Alex "The Bullet" (1957-75), and "Buckshot" (1964-67).

- Little Van Atta (1947-55), an underground courier dog born in France, who is said to have brought the news of D-Day to her native city with a message hidden in her collar.
- Pretty Boy Boyer (1954-56), a parakeet with a vocabulary of 1000 words. His headstone is inscribed "Bye, Bye, Mommy, see you later," which is what he always said when his owner left the room.[8]
- Carlo (1939-66), a dog. At age 27, he was, according to his burial marker, "one of the oldest authenticated dogs in the country".
- Gretchen (1939-50), a boxer who saved the lives of her owner and the owner's father by waking them up during the night when a fire broke out in their home.
- Moses Gigrandy (1929–42), a monkey.
- Misty, a German Shepherd seeing-eye dog to a veteran blinded at the Battle of the Bulge in World War II.
- Sylvester, a rabbit who slept on his young polio-stricken master's bed for three years and was trained to play certain games. Shortly after the boy died, Sylvester passed on and was buried at Bonheur.
- Wiggles, a 29-year-old champion horse.
- Lizzy, a monitor lizard born in Africa.
- **Amanda**, a guinea pig.
- **Buster Ward** (1967-79), a pigeon.
- Also reported to be buried at Bonheur: a lion,[9] squirrels,[8] and white mice.[10] Dogs of Gov. Wm. D. Schaefer.

Notes

1. ^ "Dear Abby", *Sunday Intelligencer/Montgomery County Record*, November 27, 1983.
2. ^ "Pet cemetery to bury people with pets", *Chronicle-Telegram* (Elyria, Ohio), May 20, 1979.
3. ^ *a b* Rosa Bonheur Society (http://www.rosabonheursociety.com)
4. ^ Heath, Frank. *Forty Million Hoofbeats.* The Long Riders' Guild Press, 2001. ISBN 1-59048-072-4
5. ^ "What became of Gypsy Queen, the famous horse?", *The Helena Daily Independent*, August 3, 1938.
6. ^ "Sleepy Elephant Topples Over, Injures Spine", *The Washington Post*, April 23, 1942.
7. ^ "More Dogs Join Heroes' Ranks", *The Washington Post*, January 23, 1944.
8. ^ *a b* "Pet Cemetery Features Trees and Brook", *The News*, October 11, 1965.
9. ^ "For $325, the Hamster Goes in Style", *Daily Intelligencer/Montgomery County Record*, August 12, 1985.
10. ^ "Together Forever: Cemetery to Bury Owners Beside Pets", *The Washington Post*, December 7, 1978.

Retrieved from "http://en.wikipedia.org/w/index.php?title=Rosa_Bonheur_Memorial_Park&oldid=545739940"
Categories: Cemeteries in Maryland | Elkridge, Maryland | 1935 establishments in Maryland

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37.003

Regner, Robin

From: Tolliver, Sheila
Sent: Friday, October 04, 2013 10:05 AM
To: Regner, Robin
Subject: FW: Rosa Bonheur Pet Cemetary
Attachments: Rosa Bonheur map onehundred - Sheet - A103 - Site Plan.pdf; rosaBonheur Reuwer ltr.pdf

For comp. zoning files.

Sheila

From: Ball, Calvin B
Sent: Friday, October 04, 2013 9:35 AM
To: Watson, Courtney; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg
Cc: Pruim, Kimberly; McLaughlin, Marsha; Tolliver, Sheila; Whipkey, Melissa
Subject: Fwd: Rosa Bonheur Pet Cemetary

Good morning colleagues,

I know you have been getting emails and letters and even reading about this issue.

I wanted to keep you in the loop.

I emailed this to all who had contacted me and I am attempting to meet with the leadership within the next 10 days.

Thank you for your patience and I will continue to keep you apprised.

Calvin

-------- Original message --------
From: "Ball, Calvin B" <cbball@howardcountymd.gov>
Date: 10/03/2013 1:41 PM (GMT-05:00)
To: "Ball, Calvin B" <cbball@howardcountymd.gov>
Cc: "Pruim, Kimberly" <kpruim@howardcountymd.gov>,"McLaughlin, Marsha" <mmclaughlin@howardcountymd.gov>,"Flowers, Kimberley" <kflowers@howardcountymd.gov>
Subject: Rosa Bonheur Pet Cemetary

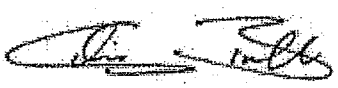
Good afternoon,

A number of people have expressed concerns about the future of Rosa Bonheur Cemetery. The County Council did rezone the site on which the cemetery is located during the recent comprehensive rezoning of the county. However, we share your concern about appropriate treatment of the portion of that property that houses remains of beloved pets, and we have received assurance that the cemetery will be preserved and the decedents' remains will be treated with the dignity they deserve.

I am attaching for your information a letter from Mr. Donald Reuwer, who represents the developer, clarifying the developer's intention to preserve the cemetery, to minimize disruption of gravesites, and to move into the preserved space any remains that may fall outside the boundaries of that cemetery. A second attachment depicts the layout of space in the proposed development and clearly indicates the preserved green space, which is the cemetery.

Your advocacy for appropriate treatment of the cemetery and the remains interred there is appreciated. I hope that these written assurances on behalf of the developer will allay your concerns.

All the best,



Dr. Calvin Ball

Councilmember

Howard County Council, District 2

Ph: 410-313-2001

Land Design & Development, Inc.
Engineering, Surveying, Planning & Landscape Architecture

September 25, 2013

Dr. Calvin Ball, Council Member
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

re: Rosa Bonheur Pet Cemetery

Dear Dr. Ball:

We represent the developer of the property on which the Rosa Bonheur Pet Cemetery is located. The purpose of this letter is to clarify and to confirm the intention of the developer with respect to the memorial park.

We are aware of the importance of the cemetery to many people in the community. We will honor the park's significance by preserving it and treating it in a dignified manner.

Because of its size, in spite of the best efforts of volunteers, the current condition of the park is deplorable. It is overgrown and many plaques are buried under weeds. We will make improvements to the park when we develop the property and it will be more aesthetically pleasing. Among other things, the overgrowth will be removed, most of those markers which have not sunk into the earth will be visible, and a homeowners association will be responsible for mowing and maintaining the lawns.

We do not dispute that some of the pet graves may have to be moved into a different area of the park, chiefly in order to make road connections. We intend to keep the number of such relocations as low as possible. Apart from the obvious reason that we wish retain as much of the intended character of the original cemetery as possible, there is an additional, practical reason. Every such relocation is costly.

Attached is a copy of a proposed plan for the property. To the extent that any grave lies outside of the designated green area, we will properly excavate, rebury in the park, and mark the remains (if there was an original plaque with the remains). We will continue to extend an offer to the Rosa Bonheur Society to work with us in this effort to make sure that every grave is treated with respect. As it is likely that the Society has the most information on the grave sites, the Society's help and input would be appreciated.

Very truly yours,

Donald R. Reuwer,
President

5300 Dorsey Hall Drive, Suite 102, Ellicott City MD 21042 • 443-367-0422 (fax)443-367-0420 • www.howardland.com

1 Whole Site
1" = 60'-0"

ONEHUNDRED

Site Plan 1" = 60'-0"

Alexander Design Studio
8212 Main Street, Ellicott City, Maryland 21043 | 410.465.8207

CMBRS
ST
TW
37.003
SP

9412 Parsley Drive
Ellicott City, Md. 21042
July 3, 2013

Howard County Council
3430 Court House Drive
Ellicott City, Md. 21043

Subject: Legislation Protecting the Rosa Bonheur Memorial Park
Amendment No. 37.003

To Whom It May Concern:

I have a pet that has been buried at the Rosa Bonheur Memorial Park since 1974. Need I say more? I am very much **opposed** to change(s) that are being contemplated about the re-zoning or any other development of this Park. I would very much like for you to consider giving some form of "special consideration" to this area in order to prevent this from happening again.

I believe that when one's family, whether it be a spouse, parent(s), or sibling(s) are buried in a particular cemetery location, their remains should always be able to stay at that location without the possibility of ever being disturbed at some future date. I believe that a "PET" is a family member and strongly feel that their remains should be left undisturbed as well -- (i.e., Rosa Bonheur Memorial Park.)

That is why I am so against any "re-zoning" to the Rosa Bonheur Memorial Park.

Thank you for your consideration.

Sincerely yours,

Beverly L. Crovo

Beverly Crovo

rmsrs 37005
ST
TW
SP

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

RR
cc file

May 31, 2013

Linda and Charles Risbell
11537 Shell Flower Lane
Columbia, MD 21044

Dear Mr. and Mrs. Risbell:

Thank you very much for your comments regarding the Comprehensive Zoning Plan. I have forwarded your comments to the Howard County Council for their review as they begin deliberation on the Comprehensive Zoning Plan. Information on the Council's schedule for their public hearings and worksessions will be posted on the County's webpage at www.howardcountymd.gov/compzoning .

Sincerely,

Marsha S. McLaughlin

Marsha McLaughlin
Director

Cc: Sheila Toliver, Council Administrator ✓

Amendment No: 37.003

opposed to rezoning

Dear Members of the Planning and Zoning Board!

I had a 5 yr. old English Cocker Spaniel named Bonnie. I've adored her. She contracted liver disease at 5 years old at University of PA. Hospital in Phila, PA. and we lost her in 1993. I visited her everyday for 3 wks. at Rosa Bonheur cemetary in Elkridge in Howard Co., and I continue to visit her today.

A cemetary is hallowed ground. The cemetary is protected by Maryland and Howard Co. law. The threats of the development there have been stressful for many, and my husband and I are opposed to development that would encroach on the grounds of the cemetary at Rosa Bonheur and opposed to rezoning..

Please do consider alot of people's feelings as you do. Imagine

Regner, Robin

From: Tolliver, Sheila
Sent: Monday, June 17, 2013 12:30 PM
To: Absolute Hollywood
Cc: Regner, Robin
Subject: RE: Proposal 37.003 to re-zone a Sacred Cemetery

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

From: Absolute Hollywood [mailto:events@absolutehollywood.com]
Sent: Wednesday, June 12, 2013 5:07 PM
To: CouncilMail
Subject: Proposal 37.003 to re-zone a Sacred Cemetery

Greetings Honorable Board Members,

I would like to express my concern for the development proposal 37.003 that would affect the Rosa Bonheur Cemetery at 7239 Washington Boulevard, Elkridge. As a board member of both the Rosa Bonheur Society and the Coalition to Protect Maryland Burial Sites, I have grave concerns about the likely impact of zoning changes for this property and the surrounding area. Although the cemetery is supposed to be protected by law, the owners of the property continue to make efforts to circumvent the law to develop the property, and thereby destroying both human and pet gravesites and causing untold harm to the surviving relatives and pet owners.

There are thousands of people affected by this potential change that would be deeply offended and harmed should their cemetery plots be allowed to be bulldozed under in order for a company to make a financial gain. Sadly, it was the goal from the beginning for the owners to destroy so many scared burial sites and the hopes of so many loved ones. Please do not allow them to profit by this greed.

I strongly urge you to make the necessary provisions to protect this beautiful cemetery for the foreseeable future, to protect memories of so many loved ones, as well as the basic human rights of your constitutions to have the sacred sites of their loved ones kept safe and secure for their lifetimes. Would any of us expect any less when we bury our wives, husbands, fathers, mothers, brothers, sisters and children?

Please act immediately and strongly to permanently protect all of our basic human and sacred rights.

Sincerely,

James Lanier
CEO
Absolute Hollywood

Price quotes and pricing references are good for 30 days unless otherwise specified.
The information in this email and any attachments is confidential, may be legally privileged, and is intended solely for the addressee. If you are not the intended recipient, please delete the message and any attachments, and notify the sender of delivery error. Any use or disclosure of the message contents is unauthorized and may be unlawful. All materials are protected by copyrights.

Regner, Robin

From: Tolliver, Sheila
Sent: Monday, June 17, 2013 11:54 AM
To: Wise,Barbara J
Cc: Regner, Robin
Subject: RE: Amendment No: 37.003 - Opposed to Proposed Rezoning

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

From: Wise,Barbara J [mailto:BJWISE@travelers.com]
Sent: Thursday, June 13, 2013 2:04 PM
To: CouncilMail
Subject: Amendment No: 37.003 - Opposed to Proposed Rezoning

I am sending you this email regarding the proposed rezoning of the land on which the Rosa Bonheur Memorial Park resides. I have two pets buried in this cemetery and for over thirteen years they were a big part of my family. The main reason I buried them there was because I thought that they would be safe. I don't care if it is as some people would say "just an animal cemetery" they were all a big part of someone's family. And from what I understood there were a few people buried there with their pets. The cemetery is being taken care and it's not bothering any one. So please leave them to rest.

Thank you,

Barbara J. Wise
1029 Chestnut Cove Drive
Chestnut Hill Cove, MD 21226

This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

Regner, Robin

From: Watson, Courtney
Sent: Friday, June 14, 2013 10:27 AM
To: Wise,Barbara J
Cc: Regner, Robin
Subject: RE: Amendment No: 37.003 - Opposed to Proposed Rezoning

Dear Ms. Wise,

Thank you for your letter regarding comprehensive zoning proposal 37.003 having to do with Rosa Bonheur Memorial Park. I appreciate hearing your perspective which I will keep it in mind as we review the comprehensive zoning proposals before us.

For your information, here is the link to the Council's website with dates of hearings, work sessions and other details about comprehensive zoning: http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

If you have any additional comments or need further information, please let me know.

Thank you.

Sincerely,
Courtney

Courtney Watson
Council Member
Howard County Council
410-313-3110
cwatson@howardcountymd.gov

From: Wise,Barbara J [mailto:BJWISE@travelers.com]
Sent: Thursday, June 13, 2013 2:04 PM
To: CouncilMail
Subject: Amendment No: 37.003 - Opposed to Proposed Rezoning

I am sending you this email regarding the proposed rezoning of the land on which the Rosa Bonheur Memorial Park resides. I have two pets buried in this cemetery and for over thirteen years they were a big part of my family. The main reason I buried them there was because I thought that they would be safe. I don't care if it is as some people would say "just an animal cemetery" they were all a big part of someone's family. And from what I understood there were a few people buried there with their pets. The cemetery is being taken care and it's not bothering any one. So please leave them to rest.

Thank you,

Barbara J. Wise
1029 Chestnut Cove Drive
Chestnut Hill Cove, MD 21226

Regner, Robin

From: Watson, Courtney
Sent: Thursday, June 13, 2013 2:00 PM
To: Tina Simmons
Cc: Regner, Robin
Subject: RE: Rosa Bonheur Cemetery

Dear Ms. Simmons,

Thank you for your comments regarding comprehensive zoning proposal 37.003 having to do with Rosa Bonheur Memorial Park. I appreciate reading the details you provided and hearing your perspective which I will keep it in mind as we undertake the review of comprehensive zoning proposals before us.

For your information, here is the link to the Council's website with dates of hearings, work sessions and other details about comprehensive zoning: http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

If you have any additional comments or need further information, please let us know.

Thank you.

Sincerely,
Courtney

Courtney Watson
Council Member
Howard County Council
410-313-3110
cwatson@howardcountymd.gov

From: Tina Simmons [mailto:tinasimmons622@yahoo.com]
Sent: Wednesday, June 12, 2013 4:19 PM
To: CouncilMail
Subject: Rosa Bonheur Cemetery

To whom it may concern,

I have known of the Friends of Rosa Bonheur for several years. This group has taken upon itself to clean up and improve a badly overgrown pet AND HUMAN cemetery on Route 1. This volunteer group has stepped in and developed a mapping system of the grounds, contacted owners of pets, and developed a community of individuals interested in preserving this site.

The Rosa Bonheur Memorial Park was unique in allowing humans to be buried with their pets. The cemetery also has several other unique features. There are several military dogs buried here as well as a well-known and beloved Baltimore zoo elephant.

From Wikipedia
The cemetery was established in 1935, and was actively operated until 2002. Approximately 8,000 animals and humans are buried in the cemetery's 11½ acres, which is large enough to accommodate about 24,000 pets.

The cemetery is named for Rosa Bonheur (1822-1899), a French painter and sculptor noted for her paintings of animals. The Rosa Bonheur Memorial Park made national headlines in 1979 when it became the first pet cemetery in the world to allow humans to be buried alongside their pets. There are at least 24 humans, and perhaps as many as 100, buried at the cemetery.[1][2]
By 2006, the cemetery was no longer accepting pet or human burials. .
Noted animals buried at Rosa Bonheur Memorial Park include:[3]

- **Gypsy Queen.** In 1925, World War I veteran Frank Heath and his horse Gypsy Queen began a journey across the United States, with the goal of visiting all 48 states. They completed the trip more than two years later, returning to their starting point in Washington, D.C. in 1927. In all, the pair covered 11,356 miles, making it the longest trail ever covered by one horse under saddle. Gypsy Queen died in 1936, and a bronze tablet was erected in her honor at the Rosa Bonheur Memorial Park in 1938. Gypsy Queen also has a burial plot at the cemetery.[4][5]

- **Mary Ann.** Mary Ann was the first elephant at the Baltimore Zoo. She was brought to Baltimore from India in 1922, and was especially popular with children. Mary Ann died in 1942 after falling over in her sleep and injuring her spine. Her heart was buried at the cemetery after her death.[6]

- **Corporal Rex Ahlbin.** Rex Ahlbin was a combat dog who served with the US Marine Corps during World War II. Rex served with the US 3rd Marine Division during the Battle of Empress Augusta Bay at Bougainville Island in 1943. Rex, a two-year-old Doberman, warned of the presence of Japanese soldiers near a Marine position, enabling Marines to fend off a later attack. Rex also served with the Marine Corps during the Guadalcanal campaign and at the Battle of Tinian. For his service, Rex was promoted to the rank of corporal by the Marine Corps in 1944. Rex is buried near the center of the cemetery, with a marker noting his service to his country.[7]

- **Washington Bullets mascots.** Several mascots for the Washington Bullets basketball team are buried at the cemetery: "Tiny BB" (1966-87), Alex "The Bullet" (1957-75), and "Buckshot" (1964-67).

- **Little Van Atta** (1947-55), an underground courier dog born in France, who is said to have brought the news of D-Day to her native city with a message hidden in her collar.

- **Pretty Boy Boyer** (1954-56), a parakeet with a vocabulary of 1000 words. His headstone is inscribed "Bye, Bye, Mommy, see you later," which is what he always said when his owner left the room.[8]

- **Carlo** (1939-66), a dog. At age 27, he was, according to his burial marker, "one of the oldest authenticated dogs in the country".

- **Gretchen** (1939-50), a boxer who saved the lives of her owner and the owner's father by waking them up during the night when a fire broke out in their home.

- **Moses Gigrandy** (1929–42), a monkey.

- **Misty**, a German Shepherd seeing-eye dog to a veteran blinded at the Battle of the Bulge in World War II.

- **Sylvester**, a rabbit who slept on his young polio-stricken master's bed for three years and was trained to play certain games. Shortly after the boy died, Sylvester passed on and was buried at Bonheur.

- **Wiggles**, a 29-year-old champion horse.

- **Lizzy**, a monitor lizard born in Africa.

- **Amanda**, a guinea pig.

- **Buster Ward** (1967-79), a pigeon.

- Also reported to be buried at Bonheur: a lion,[9] squirrels,[8] and white mice.[10]

I have been told by several pet owners of the conditions at the cemetery while the former owner was "caring for" the cemetery. He wanted the cemetery to be re-located so that he could develop the property. This could not happen in Anne Arundel County where cemeteries are considered historic sites and granted the same status as historic properties. I hope you will do the same in Howard County.

Sincerely,
Tina Simmons
Anne Arundel Genealogical Society
Cemetery Inscription Chairman

5114 Meadow Creek Terrace
Ellicott City, MD 21043
July 15, 2013

Howard County Council Members

Re: Amendment No. 37.003 -- Opposition to Rezoning

To Members of the Howard County Council,

I urge your consideration of the past and future of Rosa Bonheur Memorial Park, 7239 Washington Blvd., in Elkridge.

This 7.8-acre parcel has served as a burying ground for almost 80 years, including human burials as well as animals. For half that period, the park was well managed, but in recent decades, it has been neglected and desecrated, the subject of criminal and civil litigation. Despite these obstacles, for the past six years a group of volunteers in the privately funded Rosa Bonheur Society has contributed considerable time and energy to reviving Rosa Bonheur Memorial Park. They have made considerable progress despite limited resources and lack of encouragement from recent owners.

The proposed rezoning of the entire block would jeopardize the park's future. Although on paper Rosa Bonheur Memorial Park is protected by the Cemetery Preservation Act of 1993 and State of Maryland laws because of its status as a human burial site, as a practical matter rezoning the large block that contains the park would endanger the property's continuation as a burial ground. Without your recognition of this important historic property, it can be destroyed by inappropriate development.

Many of us view Howard County as a model for the rest of our State. In 1993 the county shored up local laws to protect gravesites during the development process and created a Cemetery Preservation Advisory Board of local citizens. After a period of inactivity, the County recently reinstated the Advisory Board, and there is great hope for progress and initiatives to preserve gravesites in Howard County. Rosa Bonheur Memorial Park is a good example of why such oversight is so vital.

Please enable the many friends of Rosa Bonheur Memorial Park to continue to improve its appearance, its usefulness, and its place in Howard County's history by rejecting the proposed rezoning as presented.

Sincerely,

Kristin Kraske

Regner, Robin

From: Watson, Courtney
Sent: Thursday, June 13, 2013 1:57 PM
To: Cherie Borotka
Cc: Regner, Robin
Subject: RE: Amendment No: 37.003 Opposed to Rezoning

Dear Ms. Borotka-Smith and Mr. Smith,

Thank you for your comments regarding comprehensive zoning proposal 37.003 having to do with Rosa Bonheur Memorial Park . I appreciate hearing your perspective and will keep it in mind as we undertake the review of comprehensive zoning proposals before us.

For your information, here is the link to the Council's website with dates of hearings, work sessions and other details about comprehensive zoning: http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

If you have any additional comments or need further information, please let us know.

Thank you.

Sincerely,
Courtney

Courtney Watson
Council Member
Howard County Council
410-313-3110
cwatson@howardcountymd.gov

From: Cherie Borotka [mailto:cpup@verizon.net]
Sent: Thursday, June 13, 2013 7:27 AM
To: CouncilMail
Cc: Cherie Smith
Subject: Amendment No: 37.003 Opposed to Rezoning

To Whom It May Concern,

Amendment No: 37.003

Opposed to Rezoning

We are against the rezoning of the Rosa Bonheur Memorial Park. Our pet has been there for many years and her final resting place should not be disturbed.

We dealt with the Poteeâ€™s for her burial and at that time the cemetery was well kept. We even prepaid for our other dogs to be buried there. But unfortunately when William Green acquired the cemetery he ran it to the ground not taking care of anything and absconded with the funds. When charges were filed against him he was required to pay partial restitution and given 1 Â½ years suspended sentence, community service hours

and probation. Because of this we were forced to make arrangements for our pets at other cemetery for additional cost.

Then god sent some angels in the form of Candy Warden and the Rosa Bonheur Society inc. who are taking care of our love oneâ€™s final resting place.

We feel that the animals and people buried at Rosa Bonheur Memorial Park should have their final resting place left intact. SO please do not rezone this area. We were under the impression that the cemetery was protected by Maryland and Howard County Law and the threats of development has been very stressful over the years.

Thank You,

Cherie Borotka-Smith and Arthur Smith

2495 Fairway

Dundalk , MD 21222

Regner, Robin

From: Tolliver, Sheila
Sent: Monday, June 17, 2013 9:05 AM
To: Penny Blankenship
Cc: Regner, Robin
Subject: RE: Howard County Council Members in Regards to Rosa Bonheur Memorial Park Property

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

From: Penny Blankenship [mailto:pennyblank@mac.com]
Sent: Saturday, June 15, 2013 11:02 AM
To: CouncilMail
Cc: Dave Simpson
Subject: Howard County Council Members in Regards to Rosa Bonheur Memorial Park Property

To the Honorable members of the Howard County Council;

Below is the testimony I submitted to the 8 April 2013 Hearing on Amendment No: 37.003 Opposed to Zoning that affects the Rosa Bonheur Memorial Park property.

Penny Blankenship
1424 Georgia Avenue
Severn, MD 21144
410-921-0144
Anne Arundel County Resident with Interest in the Rosa Bonheur Memorial Park Property

In reference to Amendment No: 37.003
Opposed to Zoning

Ladies and Gentlemen;

In January 2006 I saw a news broadcast from WBAL channel about the deplorable conditions of the seemingly abandoned Rosa Bonheur Memorial Park located in Elkridge, Maryland, Howard County.

After visiting the cemetery, my husband and I formed a voluntary grass roots movement to clean up and restore the pet cemetery. This effort was covered by both WBAL and The Baltimore Sun. We met many plot owners, too old or infirm to care for their own plots, who had spent all the money they had to provide their pets with an

eternal resting place. Owners told us that they had been deceived by the former owner who sold them plots, provided them with official looking deeds, and told them their pets would receive perpetual care. None of this was provided to them, and they have spent nearly a decade fighting to save the land where their loved ones are buried as zoning or developers have threatened to bull doze the property. http://bonheurpetcemetery.blogspot.com/

The grass roots movement worked with State Lawmakers two years in a row to try to pass a Consumer Protection Bill (SB 797, SB983) that would put Pet Cemeteries under the same rules and regulations as human cemeteries, to no avail. People in the state continue to buy worthless deeds and plots to pet cemeteries with no recourse and are helpless when these sacred grounds are bulldozed for gas stations and quickie marts... and this is happening to three other pet cemeteries as of this writing.

The issue with Rosa Bonheur is that there are at least 20 humans buried there. In addition to human World War II veterans, there is also a decorated United States Marine Corps dog, a police dog, former Governor William Donald Schaefer's dog, the Washington Bullets mascots and more (see link: http://en.wikipedia.org/wiki/Rosa_Bonheur_Memorial_Park).

For nearly two years our grass roots movement cared for and brought back the Rosa Bonheur Memorial Park to make is safe for visitors (the local Job Corps landscaping group brought at risk teens to learn landscaping and other skills, and Comptroller Schaefer's office volunteered one day to help us reset gravestones), and give the owners a lovely place to visit their pets.

In 2007 the group "Rosa Bonheur Society" was formed and took over the work at restoring, cataloging and bringing the Memorial Park back to its old grandeur and is still maintaining it. http://www.rosabonheursociety.com/

The history behind this cemetery is historic, and tragic. Historic in the heroes, every day pets, icons, and war veterans (both canine and human) who are buried there. Tragic in that so many people entrusted the former owners to do what was right, to honor their deeds and plots, and maintain their loved ones in the manner they expected... in the manner of human cemeteries. After all, that's what they paid their money for.

Now we expect Howard County to do what is right and to give the owners of these plots, the holders of these deeds the peace of mind that their loved ones WILL rest eternally in this cemetery.

Please do the right and honorable thing.

regards

Penny Blankenship
http://bonheurpetcemetery.blogspot.com/

Penny Blankenship
http://squishybags.com
http://gimpydogs.com
http://www.everydaytalesofwoe.blogspot.com
http://www.meeshkaworld.com

Regner, Robin

From: Watson, Courtney
Sent: Friday, June 14, 2013 9:37 AM
To: Sharon
Cc: Regner, Robin
Subject: RE: Amendment No: 37.003

Dear Ms. Harmon,

Thank you for your comments regarding comprehensive zoning proposal 37.003 having to do with Rosa Bonheur Memorial Park. I appreciate hearing your perspective which I will keep it in mind as we review the comprehensive zoning proposals before us.

For your information, here is the link to the Council's website with dates of hearings, work sessions and other details about comprehensive zoning: http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

If you have any additional comments or need further information, please let us know.

Thank you.

Sincerely,
Courtney

Courtney Watson
Council Member
Howard County Council
410-313-3110
cwatson@howardcountymd.gov

From: Sharon [mailto:taurimom1@aol.com]
Sent: Thursday, June 13, 2013 9:28 AM
To: CouncilMail
Subject: Amendment No: 37.003

To: The Howard County Council Members

From: Sharon Harmon, 2852 Jessup Road, Jessup, MD 20794
(410) 799-5010
Taurimom1@aol.com

Subject: Written Testimony Concerning the Protection of the Rosa Bonheur Memorial Park Site

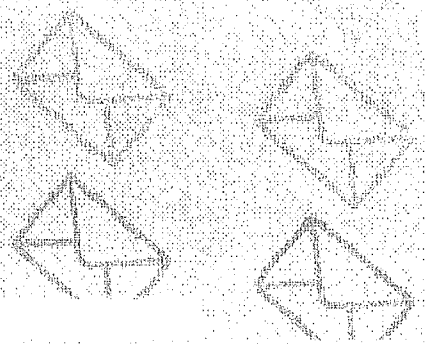
Re: Amendment No: 37.003

I am strongly OPPOSED to the rezoning of the Rosa Bonheur Memorial Park site.

I was very troubled by the news that there is a request for comprehensive rezoning of this land.

This cemetery is not only historical in nature, but it is protected by the Cemetery Preservation Act of 1993 and Annotated Code of Maryland and the Maryland Rules.

My parents and I have buried 3 pets at this site in good faith with assurance that this cemetery would be protected in perpetuity. Pet owners are a special group of people who love their pets as a



part of their families. Emotionally, it is very stressful to contemplate the desecration of their burial sites which are considered sacred.

It is not only pet owners who would grieve but there are over twenty four individuals interred on this site. Many of these people chose to be buried near their pets who gave them so much support and unconditional love in their lifetime.

I, along with many other members of the Rosa Bonheur Society, believed that our sacred religious beliefs were protected when we laid our loyal friends to rest in this cemetery.

Please see that our rights are protected NOW!

Sharon Harmon

FREE Animations for your email Click Here!

Regner, Robin

From: Watson, Courtney
Sent: Friday, June 14, 2013 10:03 AM
To: oweezie@comcast.net
Cc: Regner, Robin
Subject: RE: Rezoning of Rosa Bonheur Pet Cemetery Property

Dear Mr. and Mrs. Cooper,

Thank you for your letter regarding comprehensive zoning proposal 37.003 having to do with Rosa Bonheur Memorial Park. I appreciate hearing your perspective which I will keep it in mind as we review the comprehensive zoning proposals before us.

For your information, here is the link to the Council's website with dates of hearings, work sessions and other details about comprehensive zoning: http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

If you have any additional comments or need further information, please let me know.

Thank you.

Sincerely,
Courtney

Courtney Watson
Council Member
Howard County Council
410-313-3110
cwatson@howardcountymd.gov

From: oweezie@comcast.net [mailto:oweezie@comcast.net]
Sent: Wednesday, June 12, 2013 4:40 PM
To: CouncilMail
Cc: rosabonheursociety@juno.com
Subject: Rezoning of Rosa Bonheur Pet Cemetery Property

To the Department of Planning and Zoning Howard County:

We are greatly concerned over the attempts to rezone the property on which the Rosa Bonheur Cemetery is located. For many decades we owners who so loved our pets have gone to the trouble and expense to provide what we believed would be a resting place in perpetuity for our beloved pets. It is unconscionable that the county would approve redevelopment of this property. Many of us to this day continue to care for our pets' gravesides and we wish to continue to do so. We see no difference between a cemetery for people and one for pets. Both contain the remains of those whom we have loved. PLEASE do not succumb to some developers desire to turn the cemetery into something commercial.

Respectfully,

Thelma and Wayne Cooper

Regner, Robin

From: Watson, Courtney
Sent: Friday, June 14, 2013 9:59 AM
To: Linda Lodge
Cc: Regner, Robin
Subject: RE: Amendment No: 37.003

Dear Ms. Lodge,

Thank you for your letter regarding comprehensive zoning proposal 37.003 having to do with Rosa Bonheur Memorial Park. I appreciate hearing your perspective which I will keep it in mind as we review the comprehensive zoning proposals before us.

For your information, here is the link to the Council's website with dates of hearings, work sessions and other details about comprehensive zoning: http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

If you have any additional comments or need further information, please let us know.

Thank you.

Sincerely,
Courtney

Courtney Watson
Council Member
Howard County Council
410-313-3110
cwatson@howardcountymd.gov

From: Linda Lodge [mailto:lindalodge@verizon.net]
Sent: Wednesday, June 12, 2013 7:47 PM
To: CouncilMail
Subject: Amendment No: 37.003

To: The Howard County Council Members

From: Linda L. Lodge, 13108 Holly Court, Beltsville, MD
(301) 572-5057 lindalodge@verizon.net

Subject: Written Testimony Concerning the Protection of the Rosa Bonheur Memorial Park Site

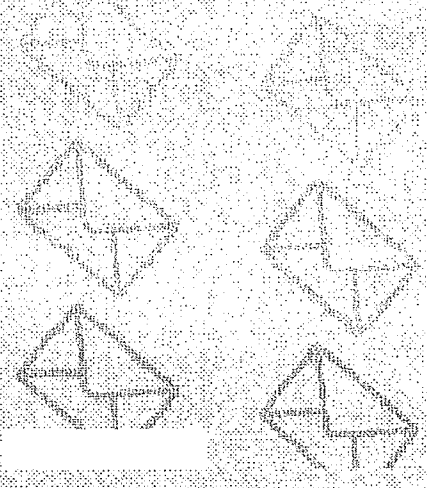
Re: Amendment No: 37.003

I am strongly OPPOSED to the rezoning of the Rosa Bonheur Memorial Park site.

I was very troubled by the news that there is a request for comprehensive rezoning of this land.

This cemetery is not only historical in nature, but it is protected by the Cemetery Preservation Act of 1993 and Annotated Code of Maryland and the Maryland Rules.

As a pet owner, I buried my pet in good faith with assurance that this cemetery would be protected in perpetuity. Pet owners are a special group of people who love their pets as a part of their



families. Emotionally, it is very stressful to contemplate the desecration of their burial sites which are considered sacred.

It is not only pet owners who would grieve but there are over twenty four individuals interred on this site. Many of these people chose to be buried near their pets who gave them so much support and unconditional love in their lifetime.

I, along with many other members of the Rosa Bonheur Society, believed that our sacred religious beliefs were protected when we laid our loyal friends to rest in this cemetery.

Please see that our rights are protected NOW!

Linda L. Lodge

FREE Animations for your email Click Here!

37003
CMBRS
SC
TW

June 21, 2013

Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

SUBJECT: AMENDMENT NO. 37.003

TO WHOM IT MAY CONCERN:

We have a beloved pet buried at Rosa Bonheur Memorial Park, and we strongly oppose any rezoning that involves the cemetery. People who have pets buried there, considered them as members of their families, and at the time wanted a proper burial for their pet.

All these developers can see are "dollar signs", and how much money they can make on this land. There is nothing sacred any more, not even a cemetery!! (Even though it is for animals.) Who knows what may come next, when they may consider taking a cemetary for humans, to rezone or develop.

Sincerely,

Mr. & Mrs. Donald Thompson

Mr. & Mrs. Donald Thompson
19 Mansion Road
Linthicum, MD 21090-1605

CB
ST
37.003
TW
SP

HONORABLE DOCTOR CALVIN BALL
HOWARD COUNTY COUNCIL
3430 COURTHOUSE DR
ELLICOTT CITY, MD 21043

JUNE 17, 2013

RE: AMENDMENT 37.003 - OPPOSED TO PROPOSED REZONING

IT IS MY UNDERSTANDING THAT THE COUNTY COUNCIL WAS NOT PROVIDED COPIES OF THE WRITTEN DOCUMENTS RELATED TO THE ROSA BONHEUR MEMORIAL PARK BY THE DEPARTMENT OF PLANNING AND ZONING, I BELIEVE THE COUNTY COUNCIL SHOULD HAVE THE BENEFIT OF THESE DOCUMENTS PRIOR TO ANY FINAL DECISION, I HAVE ENCLOSED A COPY OF MY APRIL 4 LETTER TO THE DEPARTMENT OF PLANNING AND ZONING. PLEASE EXCUSE MY "OLD FASHION" HAND LETTERED LETTER- I AM NOT THAT COMPUTER SAVY.

I WOULD LIKE TO AMPLIFY THE GENTLEMEN MENTIONED AT THE BOTTOM OF MY 2ND PAGE - HE WOULD BE AT THE CEMETERY ON A WEEKLY BASIC, HANDICAP, SITTING ON A BUCKET, MOURNING THE LOSS OF HIS 2 DOGS. THIS PICTURE WILL ALWAYS BE IN OUR MINDS.

SINCERELY,

William B. Overstreet

WILLIAM B. OVERSTREET
926 PEGGY LANDING CT
ANNAPOLIS, MD 21401

DEPARTMENT OF PLANNING & ZONING
HOWARD COUNTY
3430 COURT HOUSE DR
ELLICOTT CITY, MD 21043

SUBJECT - AMENDMENT NO 37.003
OPPOSED TO ZONING APRIL 4, 2013

MY WIFE AND I STRONGLY OBJECT TO THE REZONING OF THE PARCEL OF LAND KNOWN AS THE ROSA BONHEUR MEMORIAL GARDENS. WE HAVE BEEN ASSOCIATED WITH THE CEMETERY SINCE THE ORIGINAL MANAGEMENT BY THE POTEES. IN 1979 THE POTEES PERMITTED THE FIRST HUMAN BURIAL, AND MANY OTHERS FOLLOWED - THE FIRST AND POSSIBLY ONLY PET-HUMAN CEMETERY IN THE US.

AFTER THE POTEES DEATH MAINTENANCE OF THE CEMETERY VARIED FROM POOR TO NONE. SINCE WE HAD 6 PETS BURIED THERE AND MY WIFES FAMILY HAD 3 PETS BURIED THERE WE BECAME ACTIVELY INVOLVED WITH CEMETERY AFFAIRS. WEEKLY WE WOULD MAINTAIN OUR AREA AND THOSE THAT MOST NEEDED ATTENTION. IN ADDITION I CONTACTED; THE GOVENORS OFFICE, MEMBERS OF THE GENERAL ASSEMBLY, THE COUNTY EXECUTIVES OFFICE, AND OTHERS SEEKING HELP. AS A RESULT I OBTAINED: COPY OF THE COUNTY COUNCILS BILL DESIGNATION OF THE CEMETERY AS A PROTECTED SITE. BECAUSE OF HEALTH ISSUES MY WIFE AND I COULD NO LONGER MAINTAIN OUR WEEKLY VISITS. LATER, WE WERE MOST FORTUNATE TO HAVE

CANDY WARDEN ESTABLISH THE ROSA BONHEUR SOCIETY, INC WHICH HAS BEEN ABLE UNDER HER LEADERSHIP TO ACCOMPLISH MUCH MORE THAN THE 2 OF US.

SOME INTERESTING FACTS REGARDING THOSE BURIED AT THE CEMETERY;

- 2 DOGS OF FORMER GOVERNOR DONALD SCHAEFFER,
- THE ORIGINAL AND 2 LATER MASCOTS OF THE WASHINGTON WIZARDS (BULLETS)
- AN ELEPHANT (MARY ANN) FROM THE BALTIMORE ZOO,
- CANINE MEMBERS OF THE PRINCE GEORGE COUNTY POLICE DEPT,
- 2 WWII COMBAT DOGS,
- A HORSE, GYPSY QUEEN, WHO TRAVELED OVER 11,000 MILES UNDER SADDLE, VISITING ALL AT THAT TIME THE 48 STATES.

WHILE WE WERE MAINTAINING PARTS OF THE CEMETERY WE WERE ABLE TO MEET MANY WHO CAME TO VISIT AND MOURN THEIR PET. THE LOVE EXPRESSED BY THEM WAS OUTSTANDING. WE OFTEN WOULD SEE A MAN SITTING FOR HOURS AT HIS PETS GRAVESITE. IT WOULD BE IMPOSSIBLE TO EXPRESS HOW DEEPLY HE CARED FOR THOSE HE LOVED.

TO RECODE AND POSSIBLY DENY ACCESS TO THOSE BURIED AT THE CEMETERY WOULD BE EXTREMELY INSENSITIVE AND WE STRONGLY OBJECT TO IT BEING DONE.

SINCERELY,

WILLIAM B. OVERSTREET
926 PERRY LANDING CT
ANNAPOLIS, MD 21401

2013 JUN 19 P 4:55
RECEIVED
HOWARD COUNTY COUNCIL

37.003
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TW

Hon. Rep. Calvin Ball
Howard County Council
3430 Court House Drive
Ellicott City, Md. 21043

Cpl. James Keelan Jacobs (Ret.)
5224 6th Street
Brooklyn, Md. 21225

Ref: Bonham Memorial Park (4th Decl.)

① Section No. B Block 2 Lot No. 113 Grave No. B Size 2x4 Ft. PAWNEE

② Section No. B Block 2 Lot No. 113 Grave No. D Size 2x4 Ft. PACO LOCKHEAR JACOBS

Dear Honorable Calvin Ball,

My wife and I had purchase two spaces at the Bonham Memorial Park, Inc., back on December 1st + 24th, 1979, for the above mention pets Pawnee + Paco (pekingese).

Since then, We both understand that Cemetary has changed ownership several different time, over the years past. But we were always inform, that our pets would remain at the Cemetary and they were protected by Law Amendment No.: 37,003.

I hope with this letter, that this would show we oppposed to any rezoning to this property. Furthermore I am retired from Howard County Government in the line of duty.

Thank You very much
Respectfully
Cpl. James Keelan Jacobs (Ret.)
410-636-6714

Copy: Files
Rosa Bonham Society Inc.
6400 Baltimore Nat. Pike #271
Catonsville, Md. 21228

CMBRS
ST
37.003
TW
SPT

Mrs. Amalia Lanuza
15143 Players Way
Glenwood, Maryland 21738
July 1, 2013
Opposed to Amendment 37.003

Howard County Council
3430 Courthouse Drive
Ellicott City, Maryland 21043

Dear Howard County Council,

Little did I know when I was born in Puerto Rico 85 years ago that it was the beginning of a lifelong friendship. My parents were very close friends with Maria Calzada and Eduardo Carillo and their 20 year old daughter Maria. Over the years our families became even closer and in fact became as one. Their daughter Maria became my special friend and when she was happy we were happy and when she was sad we were sad.

When Maria was in her twenties she decided to move to the United States to further her education. Later she became a Chemistry teacher and also taught Spanish at Bladensburg High School. The children she taught loved and respected Maria and often greeted her when we were out together. Through her work she met Douglas Young, a World War II veteran who worked as a Foreman for Public Schools. Maria and Douglas later married and Douglas became a special friend, too. By then I had moved to the United States with my family, so we were able see Maria and Douglas often. As long as I can remember Maria had always been there for everything including birthdays and holidays and now Douglas was, too. My children grew up with Douglas and Maria and also viewed them as members of our family.

Maria and Douglas had many pets including Pancho, Platero, Pedrito, Michita, and Mickey. As their pets passed away they were buried at the Rosa Bonheur Memorial Park. I attended the burials of these pets and often accompanied them on visits to the cemetery. When my dear friends Maria and Douglas passed away they were also laid to rest at the cemetery with their pets.

Maria and Douglas are always within our hearts and it would be a tragic end to such beautiful relationships for their resting places and those of their pets to be disturbed or endangered by the proposed rezoning or developers that would plan to build structures on or alter the cemetery. It is also my understanding that the cemetery is protected by the Annotated Code of Maryland, Maryland Rules, and the Cemetery Preservation Act of 1993. I am asking the Howard County Council to consider these laws and act to protect the resting places of these lovely people, my family, which contributed so much to the community.

Regner, Robin

From: Watson, Courtney
Sent: Monday, July 01, 2013 7:00 PM
To: dggustafson@comcast.net
Cc: Regner, Robin
Subject: RE: Amendment No. 37.003, Rosa Bonheur Memorial Park

Dear Ms. Marchinetti,

Thank you for your letter regarding comprehensive zoning proposal 37.003 having to do with Rosa Bonheur Memorial Park. I appreciate hearing your perspective which I will keep it in mind as we review the comprehensive zoning proposals before us.

Thank you.

Sincerely,
Courtney

Courtney Watson
Council Member
Howard County Council
410-313-3110
cwatson@howardcountymd.gov

From: dggustafson@comcast.net [mailto:dggustafson@comcast.net]
Sent: Thursday, June 27, 2013 12:26 AM
To: CouncilMail
Subject: Amendment No. 37.003, Rosa Bonheur Memorial Park

Dear Council Members:

In November 1994 my aunt, Doris Linton, died of cancer and was cremated. She had made arrangements to have her ashes buried in Rosa Bonheur Memorial Park so that she could be buried with her two dogs, whose remains were already in the cemetery. My aunt had no husband or children, and her dogs meant the world to her. My aunt made my mother, her sister, promise to see that she was buried in that cemetery, and my mother did so. The grave was supposed to have perpetual care; but after the burial, my mother became very distressed over the appearance of the cemetery; weeds and high grass were allowed to grow over the graves. My widowed mother tried hard to maintain the appearance of her sister's grave. Seeing the graves treated so disrespectfully added to my mother's grief at losing her sister.

Subsequently, my mother learned that the cemetery was going to be sold for development. Surely you can imagine how distressing this was for my family, especially my mother. My mother wrote to her then-Congressman opposing the sale. The cemetery then came under new ownership and my mother was assured by the new owner that the cemetery would be maintained and cared for. Now there is another attempt to rezone it for development.

My mother is now 93 years old and living in Charlotte Hall, the Maryland-run veterans' home. (She's a veteran of WWII.) I don't dare tell her about this latest attempt to desecrate her sister's grave. Please let my aunt and the others who are buried in Rosa Bonheur Memorial Park rest in peace and spare their families any more attempts to desecrate these graves; they are no less deserving of respect than those in other cemeteries. We should not have to keep fighting for respect for our loved one's graves. Mr. Tertel bought this land as a cemetery in which people had already been laid to rest. To allow anyone to change its use seems unconscionable. Please do not permit the rezoning of the cemetery.

Thank you.

Donna Marchinetti
9924 N. Scarlet Ranges Ln.
Tucson, AZ 85743

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, June 18, 2013 9:23 AM
To: OAKCHAPEL@aol.com
Cc: Regner, Robin
Subject: RE: Proposed rezoning, Rosa Bonheur Memorial Park - Amendment No: 37.003

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

From: Boone, Laura
Sent: Monday, June 17, 2013 4:16 PM
To: OAKCHAPEL@aol.com
Cc: rosabonheursociety@juno.com; Tolliver, Sheila
Subject: RE: Proposed rezoning, Rosa Bonheur Memorial Park - Amendment No: 37.003

Mr. and Mrs. Austin:
Thank you for your correspondence to the Planning Board. The Planning Board has already made all of its recommendations on the Comprehensive Zoning plan, which is currently being heard by the County Council. By copy of this message I am asking the Council Administrator, Sheila Toliver, to pass this along to the Council members.

Laura Boone
Howard County Government
Department of Planning and Zoning
3430 Court House Drive
Ellicott City, MD 21043
410-313-4303

From: OAKCHAPEL@aol.com [mailto:OAKCHAPEL@aol.com]
Sent: Saturday, June 15, 2013 8:16 AM
To: PlanningBoard
Cc: rosabonheursociety@juno.com
Subject: Fwd: Proposed rezoning, Rosa Bonheur Memorial Park - Amendment No: 37.003

In a message dated 04/05/2013 9:32:50 AM Eastern Standard Time, OAKCHAPEL@aol.com writes:

Over the past 30 years, our family has buried six pets at Rosa Bonheur. We have no children. They were our loved ones over the years. We visit their graves several times a year and remember the love and companionship they gave us during their lifetime. Since the cemetery is protected by law

from being destroyed and the land used for other purposes, we fail to see any reason for rezoning the land for some use not currently allowed. While it is a pet cemetery, it is our understanding that a number of persons are also buried on the site.

We understand the property owner, Gunther Tertel, died in 2011 and attorneys are handling the estate for his family. If the property is rezoned for a different usage persumably the value and taxes would increase. Since under state law the cemetery must be preserved, we fail to see why rezoning is necessary. We hope the county is not being duped into something that can only reflect badly on its reputation.

William C. Austin
Susanne B. Austin
3008 Winifred Drive
Burtonsville, MD 20866

Regner, Robin

From: Tolliver, Sheila
Sent: Tuesday, June 18, 2013 9:23 AM
To: LINDA MORALES
Cc: Regner, Robin
Subject: RE: Rosa Bonheur Memorial Park

- 37.003

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

From: LINDA MORALES [mailto:maestramd@verizon.net]
Sent: Monday, June 17, 2013 4:50 PM
To: CouncilMail
Subject: Rosa Bonheur Memorial Park

Dear Council Members,

I am writing on behalf of Rosa Bonheur Memorial Park. I have heard that you are considering rezoning the area and this would impact the memorial park and the volunteers who have worked so hard to preserve the land and keep it in good condition as it has been abandoned by any state or local organization. Personally, I believe that rezoning this area, or building anything on top of this park would be irreverent and highly disrespectful to the memories of the pets buried there, as well as the many volunteers who work so hard to take care of this sacred ground.

I have a personal connection to this wonderful memorial park. Two of our dearest family pets , Geborne and Shultzie are buried at Rosa Bonheur and the grounds hold many departed pets that were loved by many and the ground is a final resting place for many other beloved pets. My parents invested a great deal of money and faith into burying our family dachshunds on the grounds, only later to have their money misused by the owner of the pet cemetery and the grounds abandoned. When our third dog died, the grounds were in such disarray and with no guardian or caretaker to take care of them, we had to bury our beloved Daphne in the pet cemetery across the highway at MeadowRidge, which, while it has a space for pets, does not hold the emotional connection Rosa Bonheur does for my family. We would have liked to have had all of our pets in one location, but because of the irreverent and disrespectful inattention given to the grounds, we had no choice, but to separate the family pets.

Dear Councilmen and woman, so much harm has already been done to this land and the families who, in good faith put their money into a place for a final resting place for their pets. It was their, and my parents' personal decision to bury their friends here and it would add insult to injury, after so much work has been done to preserve the land, to build on top of it or consider it anything but what it is and should forever remain, a final resting place for the dead, whether they had 2 legs or 4.

This land should be honored for what it is, a cemetery, and should not be touched.

Please reconsider the rezoning of this area.

I welcome your questions or if you would like to personally speak with me regarding this issue.

Sincerely,

Linda Morales
386 Fleagle Rd,
Glen Burnie, MD 21061
443-985-1978

3030 Iona Terrace
Baltimore, Maryland 21214
April 3, 2013

Planning Board , Howard County
c/ Dept of Planning
3430 Court House Drive
Ellicott City, Maryland 21043

Re: **Amendment #37.003 -Rezoning- Bonheur Memorial Park**

To whom it may concern:

Because I will be unable to testify at any hearing regarding the above captioned hearing , I am submitting my written testimony in opposition to this amendment.

AS of this very date, **April 3, 1967,** I had my first contact with Bonheur Memorial Park which was at the time under the ownership of Howard and Grace Potee.

My house burned down and my 3 beloved dogs were killed in the fire 46 years ago, and were. buried at Bonheur Memorial Park in 1967.. .

My mother was severely emotionally traumatized by that event, and died several years later, and was buried also at Bonheur Memorial Park in the early 70's.

My own large (very expensive) burial marker was pre-purchased a number of years ago and is in place. This is where I had paid to be buried **with** the two animals currently named with my name on this marker.

Since /and during that period of time (from **1967**), to the time all the trouble began with Mr. Bill Green, and subsequent ownership by Mr. Gus Tertel in 1997, I had buried approximately 35 (thirty five) animals there.

I am extremely frustrated and appalled to hear once agin, there is another attempt to seek a rezoning hearing

.

I, too, had problems with Mr. Green and had to seek legal intervention by a Howard County attorney to protect my interest in the cemetery also remember when Mr. Tertel took over and the ensuing battles about zoning, and being forced (or at least attempted to be forced) to move/remove my pets from the cemetery.

Because I have such a large number of animals, and because my own **MOTHER** is buried there, I was totally incensed. I **KNOW** there are statutes, laws and regulations (as noted in . the Maryland Annotated Code, and others like the Cemetery Preservation Act) which prevent zoning changes and bodies to be removed from an established cemetery.

As the President of the Animal Welfare League of Greater Baltimore, for over 35 years,(now retired) I referred many people to, and presided over many burials at this cemetery, and find it totally disgusting that we (lot owners) should be required to go through this process again.

My good friend, the late Hon.Wm. Donald Schaefer,(who served on the Board of the Animal Welfare League and on the Board of a subsidiary project for housing senior citizens,) also had his beloved pet buried there.

As you can see, I clearly have a significant **emotional and financial investment** in Bonheur Memorial Park and implore you to reject any proposal/ changes which would in any way effect the integrity of this cemetery.

I vehemently oppose amendment # 37.003 regarding any changes and/or re-zoning of this sacred ground.

Sincerely yours,

Rev. Elizabeth E.W.Kirk
hard copy to follow.

cc: Lynn Gregg
File
Candy Warden- RSBS

Regner, Robin

From: Tolliver, Sheila
Sent: Wednesday, June 26, 2013 5:06 PM
To: Kerrie Ater
Cc: Regner, Robin
Subject: RE: Amendment No. 37.003

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

From: Kerrie Ater [mailto:keray@verizon.net]
Sent: Tuesday, June 25, 2013 7:13 AM
To: CouncilMail
Subject: Amendment No. 37.003

Dear Council Members,

In reference to the above Amendment presently before the Howard County Council, I would like to add my support opposing the rezoning of the block of land upon which sits the Rosa Bonheur Memorial Park. The Bonheur Memorial Park has been in existence since 1935 as a cemetery for pets (and a couple people, I believe). My husband and I purchased a plot back in the mid-1980's for our dog and, I might add, paid good money for this and were given a Deed to the plot. The people of the non-profit Rosa Bonheur Society have done quite an admirable job of taking over the care of this cemetery since the last couple owners let it go into disrepair.

As I understand it, the Department of Planning and Zoning is considering to overturn the current zoning of this parcel of land in order to make it more attractive to developers. We the owners of plots in this cemetery find it reprehensible that these graves could ultimately be bulldozed if for no other reason than to add yet another gas station, fast food outlet or office park to this stretch of Route 1. My husband is buried across the street from Bonheur in Meadowridge Memorial Park; what's next, changing the zoning of that land too?

It has now been communicated that a "special accommodation" is being considered to keep Rosa Bonheur Memorial Park in place even if the remaining area around it is rezoned. That is really all we ask. We were promised that this land would remain a cemetery in perpetuity and surely accommodation could be made to see that this happens.

Thank you for your time and consideration.

Kerrie Ater
Catonsville, MD

Regner, Robin

From: Tolliver, Sheila
Sent: Wednesday, June 26, 2013 9:34 AM
To: Thomas Umberger
Cc: Regner, Robin
Subject: RE: rezonning of Bonheur Memorial Pard

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

From: Thomas Umberger [mailto:docs60@verizon.net]
Sent: Tuesday, June 25, 2013 4:16 PM
To: CouncilMail
Cc: docs60@verizon.net
Subject: rezonning of Bonheur Memorial Pard

DONNA M. UMBERGER AND THOMAS F. UMBERGER

514 MUNROE CIRCLE

GLEN BURNIE, MD 21061

410-760-4148

June 25, 2013

AMENDMENT NO: 37.003.....OPPOSED TO REZONING

We have 3 of our pets buried at Bonheur Memorial Park located at 7239 Washington Blvd., Elkridge, MD 21075. Bonheur Memorial Park is protected by the Cemetery Preservation Act of 1993 and the Annotated Code of Maryland and the Maryland Rules. Our beloved pony, Wiggles, has been there since Jan. 3, 1987 in our deeded lot, Circle - Block D- Lots 67, 68, 69, 70 - Grave No. A, B, C, D. Our dog, Maxamillian, has been there since June 4, 1990 in our deeded lot, Circle - Block D - Lot 71 - Grave A. Our dog Dewey was buried on Sept. 15, 1999 in our deeded lot, Circle - Block D -

Lot 71 - Grave D. All three of our pets buried at Bonheur were not just pets but part of our family and we, our two young daughters and many friends grieved over their loss. Our deceased neighbors John and Milly Richards had 2 of their dogs buried along side our pets so that they would not have to worry about them after they were gone. June Crandall also deceased had 6 of her dogs buried there and she also had spaces reserved for herself to be buried with her pets. The Huntzberry family has 4 of their dogs in the same area. As you can see "Munroe Circle" has 15 pets in one area. Our daughter, Melissa bought her condo on Greenfield Rd. in Elkridge (Howard County) so that she could still be near her pets.

Our family is Catholic and we believe in the sanctity and permanence of burial. There are not only pets buried at Bonheur but I know of at least 6 people that decided their final resting place would be with their pets.

We believe in the protection of the cemetery by Maryland Law and Howard County Law. The threats of development have been very stressful over the years. In 1997 Gunther Tertel acquired the cemetery after William Green was charged in 1996 for criminal and civil laws for deceptive trade practices and misdemeanor theft. Tertel threatened people with development and tried to bully us into moving our pets remains. This would have been difficult for us because we have Wiggles a 740 lb. pony buried there (and 23 friends came to her funeral), our dog Dewey weighed 148 lbs. and Max our first dog weighed 75 lbs.. There was heavy media coverage of these events and the community expressed anger and upset and the development thankfully did not happen.

We ask you again to uphold the Laws of the State of Maryland and Howard County Law and **oppose** the Rezoning of Bonheur Memorial Park.

CMBRS
ST
TW
37.003
/sp

4920 Griffith Road
Gaithersburg, Maryland 20882-2011
July 8, 2013
Amendment No: 37.003
Opposed to Rezoning

3430 Court House Drive
Ellicott City, Maryland 21043

To the Howard County Council,

I am writing to you opposing the rezoning of a cemetery in Howard County. This quiet cemetery in the midst of overpowering development is the Rosa Bonheur Memorial Park.

The Rosa Bonheur Memorial Park was named after an artist who painted works of people and animals working together – fitting name for a cemetery that is unusual in that it has both human and animal burials.

In Victorian times people would gather in cemeteries for picnics and remembrances of those buried there. In the 1930's and 1940's a movement to continue this tradition was held every weekend in the rolling hills of Howard County. Baltimoreans and Maryland citizens from rural surrounding counties brought food and flowers to the Rosa Bonheur Memorial Park to remember their loved ones. Fellowship and happy memories filled the area.

When I visit Rosa Bonheur Memorial Park I find a sense of peace and joy looking at the monuments, flowers and trinkets left by relatives and friends. I met a couple from Washington, D.C. taking care of their loved ones grave. Their small beloved dog companion was buried there. They told me that they take care of him first then go to the "human relatives" cemeteries – how telling.

I visit many cemeteries as I work in a cemetery occupation. Rosa Bonheur Memorial Park is one of the best kept cemeteries in Howard County, Maryland. Do not "take the paradise" of those buried there and "put up a parking lot" or building. Those buried there – "all creatures great and small" deserve to be at rest.

Thank you for your consideration,

Amanda Becker

Amanda Becker

July 30, 1992

ST. MARY'S CEMETERY

PROBLEM

St. Mary's Cemetery (3+ acres), located on Cemetery Lane, Ellicott City, Howard County, is currently being developed as two home sites. Interrment records of the Catholic Church record that 167 persons are interred in St. Mary's Cemetery, though only 51 headstones remain visible due to soil build up, vandalism, and the fact that many of those interred could not afford markers of any kind.

Sewer easement backhoe excavations on July 20th and 22nd, just 8' inside the cemetery perimeter, unearthed the remains 1 and 1/2 bodies and uncovered evidence of additional grave shafts, thus confirming the church records.

BACKGROUND

History of the Cemetery:

1884 Plot one of the cemetery deeded to the Catholic Church by the Vernay family for use as a cemetery (no transfer taxes)

1889 Plot two of the cemetery was deeded to the Catholic church by Mary Lindt for use as a cemetery

NOTE: These deeds carried the land restriction "subject to rights of public and private use...and "also subject to rights of access to and from the subject property by the heirs, etc., of deceased persons interred therein"

1986 Catholic Church sells the 3+ acre cemetery (bounded on three sides by a thick tree/hedge row and on the west side by Cemetery Lane) to Ellicott City Holding Company (D. Reuwer). The "Purchaser acknowledges being fully aware of the existence of a private cemetery on the premises." The deed is signed and witnessed by: for the

seller: Bishop Borders and G. Michael Schleupner, and for the purchaser: D. E. Reuwer and C. Heinmuller.

Low sales price ($10,000) reflects that the entire 3+ acres is considered to be a cemetery (The Church has a fiduciary responsibility to sell Church assets for best value, and therefore if the property contained buildable acreage it should have sold at market value, $60,000 +/- per acre)

1987 Howard County issues and then revokes the building permit application #12018 of R.T. Lebling, a subsequent purchaser, under BOCA Section 112, as "you misrepresented the facts when you stated Existing Use "undeveloped" in lieu of "Existing Cemetery"."

1988 Lebling "complies" with Howard County requirements and states that the cemetery will be maintained and access to the graves will be continued. The County releases the "hold" on the Lebling building permit on the cemetery property. Lebling subsequently abandons the project.

1988 A. Becker applies to subdivide the land into two lots. Application is approved because he complies with the new 1988 Howard County law requiring identification of **"burial grounds" which are redefined by A. Becker** as a small area (150' x 150') rather than the entire 3+ acres. The County ratifies this smaller area by walking the area and noting that because there are grave markers "outside" the new smaller marked, the County added a statement to the subdivision plan requiring that all remains found outside the re-marked smaller cemetery be re-interred per state law.

1990 Citizens form a non-profit corporation and conduct extensive research to support the preservation of the gravesites for support of the heirs who are entitled to access (long denied), and preserve the historic value of the graves holding descendants of the Carroll Estate.

1991 March 1991, all State, County and Church officials are given a copy of the Church records providing the names of **167 persons buried in St. Mary's Cemetery,** and that only 51 grave markers were visible due to soil build up, vandalism and the fact that many persons could not afford markers.

1991 March 1991, County Public Works halts permit approvals until the developer "had identified all gravesites in the subdivision and had relocated those gravesites in accordance with State law..." April 1991, the County Executive overrides the stop order even though no effort was made by the builder to identify any gravesites.

June 1991, the Catholic Church sends a letter to Friends of St. Mary's Cemetery describing why the Church sold the property to D. Reuwer in 1986:

* the Church did not have the funds to maintain or supervise the cemetery
* the Church had limited resources and needed funds for inner city church and school projects
* the Church offered to split the $3000 cost of a scientific survey to search for graves
* the Church noted, however, that there was no right of access to the property and that this could limit the effectiveness of the tests or prevent them altogether.

1992 Friends of St. Mary's petition the Church to conduct a geophysical survey to locate the gravesites. Monsignor Scheulpner informs the "Friends" after discussion with the developer that it is "too late" for the survey and that "there is no access to the property."

1992 June 1992, County issues building permit though no effort has been made to identify the 112 unmarked gravesites located outside the new smaller cemetery marked by the builder.

1992 July 20th and 22nd, remains of 1 and 1/2 persons were dug up by a backhoe just inside the perimeter and approximately five other gravesites were identified within another 30' of the "original 3+ acre" cemetery boundaries. The State and the County order stop work to resolve the situation.

ALTERNATIVE SOLUTIONS

1. Stop excavation and building on the property until ALL 112 (less the seven already found) gravesites are located and taken care of per State law and Church covenants. Redo the site plan after locating all 167 known gravesites (Note: as a result of the television publicity given this issue calls are coming in regularly identifying additional persons interred in St. Mary's)

2. Recognize the original intent of the conveyers of the full 3+ acre property to the Catholic Church and its historical use as a cemetery, cease building and restore the natural state of the cemetery.

3. The State and County purchase the property as open space and annex it the adjoining David Force County Park through the existing access easement across Pebble Beach Drive.

RECOMMENDATION: Solution 3.

Prepared by the Friends of St. Mary's Cemetery
& Preservation Society, Inc.

Howard County Sun

SUNDAY, JULY 26, 1987

Newsmakers

Cemetery threatened by housing

For years, Carolyn J. German has ventured down to the century-old Ellicott City cemetery where her kin are buried. Other plots fell victim to neglect, but not the eight German family graves. But now the Germans fear the family plots and the rest of the 3¾-acre St. Mary's Cemetery, off Cemetery Lane near U.S. 40, could be destroyed to make way for housing.

Page 2

Old Ellicott City cemetery threatened by development

By y Gately
Staff writer

For years, Carolyn J. German has ventured down the gravel roadway, through the dirt path and into the woodlands to the century-old Ellicott City cemetery where her kin are buried.

Other plots fell victim to neglect — the gravestones lost in a mire of overgrown weeds, bushes and trees, or swallowed up by the land itself.

Not the eight German family graves, though.

They stand neat and uncluttered, a testament to the toil of Ms. German and other family members who have carefully tended the site.

But now the Germans fear the plots and the rest of the 3¾-acre St. Mary's Cemetery, off Cemetery Lane near U.S. 40, could be destroyed to make way for housing.

Standing amid the gravestones, Ms. German, 25, said, "What we're afraid of is somebody's just going to bulldoze them over."

Nearby residents share the family's fears. They say they spotted bulldozers near the cemetery about a month ago.

Then they contacted the Archdiocese of Baltimore, owner of the cemetery since the late 19th century, and were shocked to learn the archdiocese had sold it to a developer.

In June 1986, the archdiocese sold the cemetery, where at least 120 people are buried, to Ellicott City Land Holding Co. Inc. for $10,000. This month, it was sold again, to James L. Mayer, an Ellicott City attorney, who said he then sold it once more.

Mr. Mayer declined to identify the purchaser, at the request of the new owner. He did say that the new owner planned to build a house on the property.

The county land records office had no records Friday of Mr. Mayer having bought or sold the cemetery. But land records officials say the recent sales may not have been processed yet and therefore wouldn't be on record.

Meantime, the Germans, who are Catholics, and other residents say they feel betrayed and confused. They say the church should have held on to the cemetery or contacted relatives of those buried there before selling it.

And standing just outside the cemetery, they point and look with scorn at Turf Valley Overlook, a partially completed housing development that will border two sides of the cemetery.

Howard County Land Services, which employs Ellicott City Land Holding owner Donald R. Reuwer, is developing the Turf Valley Overlook subdivision.

Charles P. German, Carolyn's father, said of the cemetery, "It's property that my family's buried on that will obviously be developed. Nobody would buy it for any other reason but that."

THE HOWARD COUNTY SUN — NORA GRUNER

Carolyn German worries that the cemetery where her great-grandmother, Felicie German, is buried, could be destroyed to make way for housing.

Robert R. Kern Jr., an attorney representing the archdiocese, said the church didn't even know the cemetery existed when it began receiving complaints in the mid-1970s about dumping and people cutting down trees there.

At the time of the 1986 sale, he said the church had no record of anyone buried there and thus couldn't contact relatives.

The deed for the 1986 sale stipulates that all future owners of the land would have to pay to have the bodies disintered and relocated, along with grave markers, to New Cathedral Cemetery in Baltimore City. Moving the bodies would require approval from the State Health Department and the state's attorney's office.

Yvonne German, one of Mr. German's daughters, and a Cemetery Lane resident, David E. Haines, say they contacted the archdiocese about purchasing the cemetery before the sale to Ellicott City Land Holding, but were told they could not buy it.

But Mr. Kern said the archdiocese had no records of offers to buy the land except from Ellicott City Land Holding.

He noted that the cemetery is not affiliated with any parish that could maintain the property. As a result, he said, "We basically had no way of continuing because there's no one there, no church or anything, to maintain the proper-

Please see CEMETERY, Page 8

Development threatens cemetery

CEMETERY

Continued from Page 2

ty."

Thus far, Carolyn German said she has found records of more than 120 people buried at St. Mary's, the latest in 1933, at St. Louis Church in Clarksville. At St. Alphonse Church in Woodstock, she also found records of a 1941 burial at St. Mary's — the latest recorded for the cemetery.

But Father William A. Au, a spokesman for the archdiocese, said that the archdiocese had no records of burials at the cemetery when it was sold, and that it would have been impractical to check each parish's death registers to find out who was buried there.

Ms. German said she's starting a community group to try to preserve the cemetery and is trying to track down others who have relatives buried in the cemetery or who want to preserve it.

She said she placed notices about the cemetery sale in the church bulletin at St. Alphonse last Sunday. Notices are to appear today in bulletins at St. Louis, Old St. Paul's in Ellicott City, and Resurrection Church in Ellicott City, she said.

"I feel like all of us feel shafted," she said. "There's at least 120 people buried here and there's no respect. Any history or sacredness with this has been swept away."

And Mr. Haines, who lives near the cemetery on Cemetery Lane, said, "It's just an awful shock to us that when you die and get buried, there's no such thing as a final resting place.

"The thing is, you bury yourself with the church, and you expect the church to hold it as a cemetery, as a final resting place."

Father Au said the archdiocese would have contacted relatives of those buried in the cemetery before the sale had it known of them.

"Obviously, we can't undo the sale," he said, but church officials would like to talk to residents and relatives of people buried at the cemetery.

"Just for the human value of people's feelings, if somebody is upset, we would certainly like to sit down and talk with them and assure them that no one has tried to do them any harm," Father Au said.

Carolyn German
10039 German Road
Ellicott City, Maryland 21043

To the Office of the State's Attorney, Howard County:

This letter serves as notification that the St. Mary's Cemetery, Cemetery Lane, Ellicott City, Maryland, has been sold by Archibishop William D. Borders, Corporation Sole, to Ellicott City Land Holding Company, and, since this original transaction, has been sold again to a party whose identity is still unknown.

The fate of a cemetery that holds over 100 years of history has now become a great concern for many people. These concerned parties include relatives of persons buried in the cemetery, local land-holders, interested parishioners, and persons of governmnet and public offices. Our efforts, at present, lie in securing and defending the rights of those buried at St. Mary's, as well as the rights of their descendants. We fear, however, that this may be a quite difficult task in that we lack much information regarding the sale of this property by the Church. Unfortunately, the Church seemed also uninformed, especially in the areas of current land values, availability of burial records at local parishes, and the severe impact the public feels upon gaining only after-the-fact knowledge of the sale of a cemetery. Our ignorance lies mainly in the fact that we can not understand why the cemetery was sold at such a low price , ($10,000.00 for three acres of land), why the Church neglected to check its own local parishes for records of the cemetery, (we have several), and why no one made any efforts to contact or inform parishioners, relatives of the deceased, or others in the community of the sale.

In view of these unanswered question, we feel it is our responsibility to consider the possibility that the State's Attorney's Office was similarly ignored by the Church. We therefore send this letter, alerting all concerned parties to the transaction. We are confident that, armed with this awareness, the State's Attorney's Office of Howard County will help us to guard against any improper actions being taken toward the cemetery.

We thank you immensely for your time, cooperation and support.

Sincerely,

Carolyn J. German,
for Friends of the St. Mary's Cemetery

cg/CJG
cc: Archbishop W. D. Borders
Angela Beltram, County Council of Howard County
State Health Department
Barbara Sieg, Friends of the Whipps Cemetery

623 E. Division St.
Bolivar, Mo. 65613
20 January 1992

The Honorable Governor William D. Shaefer
State House
Annapolis, Md. 21401

Dear Sir!

As a life-long resident of Maryland, before coming to Missouri three years ago, I am writing to express my concern and shock that developers, builders and landscaping firms have been allowed to encroach on cemeteries, destroying stones and markers, and obliterating grave sites.

Burtonsville, Maryland was named for one of my ancestors, and a Burton family cemetery on Bell Road was almost completely destroyed by the owner of the adjoining land. We obtained a copy of the deed from the courthouse in Rockville and proved to him that the land belonged to the Burton "heirs and assigns forevermore". We formed a Burton Family Society and have saved what little was left to save. Most of the stones were hauled to a creek behind the property by the present owner of the adjoining land.

Is nothing sacred anymore! To Native Americans (the Indians) burial grounds were sacred grounds. There is no longer any respect for human life, and respect for the dead is fast disappearing. The almighty tax dollar rears its ugly head again!!

I have thousands of relatives buried in Maryland, have a baby buried there, and my husband and I will be buried there. As Governor of the State of Maryland, I hope you will have your legislative body enact legislation strong enough to stop the practice of destroying grave sites once and for all.

Respectfully yours,

Lorraine P. Kincaid

LORRAINE P. KINCAID

Public concern and outrage is growing.

OFFICE OF PLANNING AND ZONING

ELIZABETH BOBO
COUNTY EXECUTIVE

URI P. AVIN
DIRECTOR

GEORGE HOWARD BUILDING
3430 COURT HOUSE DRIVE
ELLICOTT CITY, MARYLAND 21043
(301) 992-2350
TTY (301) 992-2323

September 21, 1987

MEMORANDUM

TO: ANGELA BELTRAM, Councilmember
Howard County Council

FROM: URI P. AVIN, AICP
Director

RE: PROTECTION OF OLD CEMETERIES

Thank you for your inquiry into existing protection for old cemeteries. As you are aware, the Howard County Genealogical Society has been quite active in recording various cemetery sites and their contents. However, this effort is far from complete and requires patience and a lot of work on the part of the Society and any one wishing to contribute to the Survey.

Our office has reviewed your reference to rule J 70 of the Maryland Rules. That rule indicates that cemeteries can be sold for other purposes only after preparation of the following: (a) a statement that it is no longer used as a burial ground, (b) description of the burial ground, and (c) a list of names and last addresses of all lot owners or their assignees. In concert with that Rule, the Annotated Code of Maryland, Article 16, Section 119--Sale of Burial Grounds, indicates that "the Court" may pass a decree for the sale of a burial ground. Any violation of the Code would be punishable under a separate section of the Code.

Under the Sketch Plan procedures, the Subdivision Review Committee can request any additional information (cemeteries/burial grounds fit in this category) that may be required to evaluate the Sketch Plan (see page 43 of the Subdivision Regulations, Section 16.119.B.1.K.). Also included in these Regulations is the requirement that pertinent features, natural or man-made (such as cemeteries/burial grounds) be shown on any preliminary development plan (see page 47, Subdivision Regulations, Section 16.120.2.B.1.[h]). However, should a developer willingly or unwillingly fail to show such a cemetery/burial site on his plat, our staff cannot possibly determine whether a burial ground is located on the subject property or not.

The Office of Planning and Zoning has forwarded a list of all known cemeteries, inventoried by the Genealogical Society to our consultant preparing the Howard County Land Preservation and Recreation Plan. As there is no official map to verify the location of cemeteries in proposed subdivisions and because this office recognizes the historical value of these places, we have requested our consultant to look at the preservation measures and include some of those in the plan's historical element to provide the very protection that these burial grounds deserve.

I hope that the above information will answer your concerns in this matter. Should you have any additional questions pertaining to the above, please call Gerald W. von Mayer, Division of Comprehensive & Transportation Planning, at 992-2357.

Uri P. Avin, AICP

UPA/sl

cc: Elizabeth Bobo
Barbara Cook
James Holway
Barbara Seig
Carolyn German
David Haines
Amar S. Bandel
Gerald W. von Mayer
File
3841B

County Council of Howard County

GEORGE HOWARD BUILDING
3430 COURT HOUSE DRIVE
ELLICOTT CITY, MARYLAND 21043-4392
992-2001

COUNCILMEMBERS

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District 3
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Administrative Assistant
Ronald S. Weinstein
County Auditor

M E M O R A N D U M

July 29, 1987

MEMO TO: Uri Avin, Director
Office of Planning and Zoning

SUBJECT: Cemetery Protection

It has been brought to my attention that there may be problems with the protection of cemeteries in the development process. The newspapers have carried stories about the cemetery on Cemetery Lane and that is just one of the threatened old burying grounds.

What protection is provided in the subdivision regulations? Do county or state laws address these matters? I realize that this is not a new problem but I would like to address this preservation through some positive action so that families do not have to be concerned about the many small existing family cemeteries.

I understand that the Howard County Historical Society has presented your department with a set of the cemetery inventories which the Geneological Society has prepared. I am pleased to know that you have this additional information and hope that it is a tool for the planners.

Please inform me of your department's procedures which relate to the protection of cemeteries. Thank you for your assistance in this matter.

Angela Beltram
Council Member

AB:ng/pc-487m

CC: David Haines
Barbara Sieg
Carolyn German

STATE OF MARYLAND
DEPARTMENT OF HEALTH & MENTAL HYGIENE
Division of Vital Records
P.O. Box 13146
Baltimore, Maryland 21203

APPLICATION FOR DISINTERMENT, TRANSIT AND REINTERMENT PERMIT
*(PREPARE IN DUPLICATE--If submitted to Local Health Dept.)

Date July 23 1992

To: Local Health Officer of Howard County
Or
To: Division of Vital Records, Department of Health & Mental Hygiene

I hereby make application for a permit to disinter and reinter the human remains of

Unknown (2) (Name of deceased) Date of death Unknown 19__

Place of death Unknown (City or town) (County) (State) now interred at

St. Mary's Cemetery Cemetery, located in Howard County, Md (City or town) (County)

Place of reinterment is New Cathedral Cemetery (Cemetery) Baltimore, Md (City or town) (County)

The reason for disinterment is to relocate from sewer excavation.

Signature of applicant [signature]

Address of applicant 3123-401 Pine Orchard (Street) Ellicott City (City or town) Md (State) 21042

Relationship to decedent, if any None

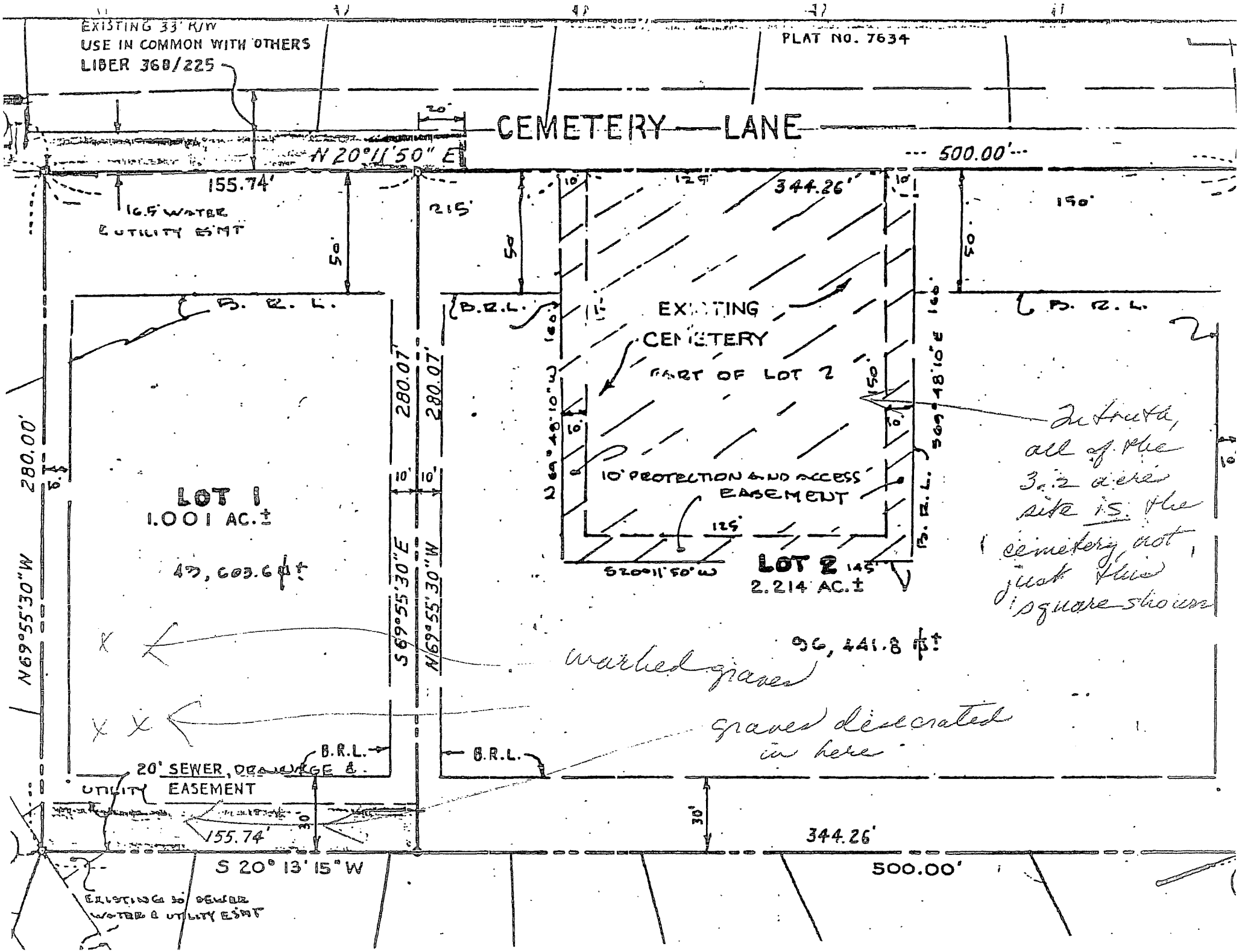
INSTRUCTIONS:

Single disinterment: Upon receipt of the above application completely made out, the Local Health Officer or the Division of Vital Records will execute a Permit for Disinterment and Reinterment (Form VR A35P) without charge.

Multiple disinterment: When it is proposed to disinter a number of bodies from a cemetery for reinterment in another cemetery or cemeteries, fill out one Application for Disinterment, indicate the total number of bodies, and attach a duplicate itemized list of the names (insofar as names are known) of the remains to be disinterred. A single Disinterment Permit will be issued and one of the itemized lists will be attached and made a part of the permit.

PERMIT ISSUED BY Howard Co H.D. (Issuing Office) 0461 (Permit Number) 7-23-92 (Date)

Original copy for Local Health Department. Duplicate copy to be sent by Local Health Department to Department of Health & Mental Hygiene, Baltimore, Baltimore 21201.


EXISTING 33' R/W
USE IN COMMON WITH OTHERS
LIBER 368/225
PLAT NO. 7634
CEMETERY LANE
N 20°11'50" E
155.74'
500.00'
16.5' WATER & UTILITY ESMT
215'
344.26'
190'
B. R. L.
EXISTING CEMETERY
PART OF LOT 2
10' PROTECTION AND ACCESS EASEMENT
LOT 1
1.001 AC.±
43,603.6 sq ft
LOT 2
2.214 AC.±
96,441.8 sq ft
280.07'
N69°55'30"W
S69°55'30"E
N69°55'30"W
S 20°11'50" W
S69°48'10"E
N69°48'10"W
marked graves
graves dedicated in here
In fact, all of the 3.2 acre site is the cemetery not just this square shown
B.R.L.
20' SEWER, DRAINAGE & UTILITY EASEMENT
30'
155.74'
S 20° 13' 15" W
344.26'
500.00'
EXISTING 30' SEWER WATER & UTILITY ESMT

cc: BOB, AAW
JK

DIVISION OF COMMUNITY PLANNING
APR - 3 19
LAND DEVELOPMENT

Howard County
MARYLAND

RECEIVED
APR 02 1991
DEPT. OF PLANNING AND ZONING
OF HOWARD COUNTY

OFFICE OF COUNTY EXECUTIVE

Charles I. Ecker, County Executive

F-89-50
RICH GLOW ACRES

April 1, 1991

J. Carroll Holzer, Esquire
Holzer, Maher & Demilio
305 W. Chesapeake Avenue
Suite 105
Towson, Maryland 21204

Dear Mr. Holzer:

In your letter of March 18, 1991 you requested that I stop all processing for permits, licenses, etc. on the two lots surrounding the St. Mary's Cemetery. The Department of Public Works and the Office of Planning and Zoning have investigated this piece of property over the past number of months. Our Historic Preservation Planner has visited the site on a number of different occasions.

There are a few more graves located in the southwest corner of lot one. To protect these graves from the proposed sewer line Note 9 was added to the record plat. This note states that any additional graves found outside the cemetery boundaries will be re-entered within the designated cemetery in accordance with applicable Maryland state law(s).

There are no county or state ordinances which prohibit development over a burial ground. Howard County requires in Section 16.121(Y) the subdivision regulations that:

> a certification by the owner or owners of the property that there are no burial grounds on the property being subdivided, or if there are burial grounds on the property being subdivided, its certification that the burial grounds have not and will not be disturbed except as permitted by state law.

Based on review of this and based on state and county laws, rules and regulations I am not going to stop the processing requests for permits, licenses, or other types of approval for these two lots in question.

Sincerely,

Charles I. Ecker
County Executive

CIE:ac/JCH.328

cc: Darrell Drown, Council Member
Joe Rutter, Planning & Zoning
James Irvin, Director Public Works
Al Becker

JCH.338

RONALD L. MAHER
J. CARROLL HOLZER
CAROLE S. DEMILIO

J. HOWARD HOLZER
1907-1989

LAW OFFICES
HOLZER, MAHER & DEMILIO
305 W. CHESAPEAKE AVENUE
SUITE 105
TOWSON, MARYLAND 21204
(301) 825-6960
FAX (301) 825-6964

WASHINGTON, D.C. OFFICE
SUITE 700
1725 DE SALES STREET, N.W.
WASHINGTON, D.C. 20036

RECEIVED
MAR 25 1991
DEPT. OF PLANNING
AND ZONING
OF HOWARD COUNTY

March 18, 1991

The Honorable Charles Ecker
County Executive for Howard County
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: St. Mary's Cemetery - "Rich Glow Acres"

Dear County Executive Ecker:

I represent the Friends of St. Mary's Cemetery and Preservation Society, a non-profit organization of homeowners and residents of Howard County who have organized and incorporated for the purpose of preserving the cemetery on a 3 acre parcel located in Howard County and known as "Rich Glow Acres". More particularly, my clients are concerned about the development and building on Lots 1 and 2 of Rich Glow Acres, recorded on Plat No. 9627, in the Land Records of Howard County. (See Plat Exhibit A). These lots are currently listed with ERA-Caton Realty Company for sale by Central Maryland Multiple Listing Service, Inc. (See Exhibit B).

The Friends of St. Mary's Cemetery have conducted an extensive investigation which is ongoing to determine the accuracy of the developer's plat defining the "existing cemetery" on Exhibit A. We have determined that the boundaries of the cemetery actually exceed that defined by the developer on his plat through a number of methods. First, we have located headstones marking gravesites which are not contained within the alleged boundaries of the cemetery (See Exhibit C). In fact, it is clear from these headstones that gravesites are located on approved building areas of Lots 1 and 2. The Friends of St. Mary's have located and measured on those lots, graves of such individuals as Hill, Dorsey, and Johnson. (See Exhibit D).

In addition to physically locating stones and graves on Lots 1 and 2 beyond the perimeter of the designated cemetery, an investigation has been performed by reviewing the burial records

of local Catholic churches, particularly, the internment records of St. Louis Parish in Clarksville, Maryland. We have been able to verify that as of January 31, 1991, the total number of documented burials at St. Mary's Cemetery constituted 144 persons. Only 51 headstones have been found surviving on the site. The total number of burials accounted for as of January 31, 1991 consists of 143 burials from St. Louis' records, 1 from St. Alphonse, 19 undocumented burials and 3 verified by affidavit, for a total of 167. Of the total number of 167 graves verified, only 51 are marked, leaving 116 unmarked, put in another way, 69.5% of all graves known to exist in St. Mary's Cemetery as of January 31, 1991 are unmarked. (See the record of internment for St. Louis Parish, Clarksville, Maryland as Exhibit E and the record of internments in St. Mary's Cemetery coordinated with headstone markings on printout dated January 31, 1991 as Exhibit F).

The Friends of St. Mary's have also contacted a number of descendants of individuals buried in St. Mary's Cemetery and have obtained affidavits from 19 individuals as to their ancestors buried in St. Mary's Cemetery. Many of the graves are not located within the defined cemetery perimeter as set forth on developer's plat Exhibit A. The obvious conclusion is that there are a great many graves and burial sites located on the remainder of Lots 1 and 2 which will be affected by any future development on those proposed Lots. (See Affidavits - Exhibit G).

It is our belief, as Friends of St. Mary's Cemetery, that the present owner has taken title to the 3.215 acres of land described on Exhibit A, subject to conditions and covenants which restrict the utilization of this property until certain conditions are met. It is our position that all of the acreage recorded for Lots 1 and 2 on Exhibit A consist of the cemetery referred to in the Deed transferring said property to H. Allen Becker, present owner; and that the total acreage supports the described cemetery. (See Deeds - Exhibit H and Exhibit I).

Consistent with the position of Friends of St. Mary's Cemetery, the Rev. Msgr. G. Michael Schleupner, on behalf of the Archdiocese of Baltimore, confirms in his letter dated February 12, 1991, the existence of the covenants placed on this property and the requirement that the covenants be adhered to. (See Exhibit J). Legal counsel for the Roman Catholic Archdiocese of Baltimore, Robert R. Kern, Jr., by letter dated February 19, 1991, has contacted the Department of Public Works of Howard

County, to confirm the covenants of restriction on the 3 acres previously referred to and the existing cemetery. Mr. Kern further indicated in his request, the desire that the County require the covenants be honored before any permits are issued for the 2 lots in question. (See Exhibit K).

It is clear, that based upon substantial investigation, a review of the Deeds and restrictive covenants, the Affidavits provided herein and the church records attached hereto, that the existing cemetery for Rich Glow Acres far exceeds that as designated on the Plat and marked as Exhibit A. We would therefore, request you, as the County Executive, direct Howard County Government to stop the processing of any and all requests for permits, licenses or any other type of approval for these two lots in question pending your further investigation of the information provided with this letter. Further, we would request that if, after your review, it is clear that the statements and facts contained herein are verified by the County, that any permits, licenses or approvals granted to the property owner to develop this site for residential lots be withdrawn pending compliance with all State, County and Local laws as well as the restrictive covenants attached to this property.

Thank you very much for your immediate attention to this request.

Very truly yours,

J. Carroll Holzer

JCH:dmb

Enc.

cc: Mr. Darrel Drown, County Council of Howard County
Mr. Joseph Rutter, Jr., Acting Director, Howard County Office of Planning and Zoning
Dr. Joyce Boyd, Health Officer, Howard County Health Department
Mr. James Irvin, Director of Public Works of Howard County

U-W SF
37.003 TW
SP.

Dear Council Members:

My name is Joe Lycett —— Me and my wife Carol Lycett have a pet at Rosa Bonheur Cemetary. We have had him buried there since 1983 and have not missed putting flowers on his grave one time since 1983. We would asked you to leave Rosa Bonheur zoned just for the peaceful restful place as it has been for years - the threats of development have been stressful over the years. We are opposed to development that would Amendment No. 37.003 encroach on the grounds of the cemetary.

We are opposed to rezoning.

Thank you very much

Joe Lycett

Carol a Lycett

ELEANOR TAYLOR
402 NORTH BEECHWOOD AVENUE
BALTIMORE, MARYLAND 21228

37.003

Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

RE: Amendment No. 37.003 - Rosa Bonheur Park

Opposed to Rezoning

Several of the closest friends of a lifetime are buried at Rosa Bonheur Park. Please preserve the sanctity of this place.

Eleanor Taylor

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, June 06, 2013 2:38 PM
To: Regner, Robin; Ball, Calvin B; Fox, Greg; Greg Fox (Greg.Fox@Constellation.com); Sigaty, Mary Kay; Terrasa, Jen; Watson, Courtney
Subject: FW: Amendment No: 37.003 - Opposed to Proposed Rezoning

---

From: Glover, Trellis
Sent: Tuesday, June 04, 2013 8:27 AM
To: Tolliver, Sheila
Subject: FW: Amendment No: 37.003 - Opposed to Proposed Rezoning

Forwarded from postini.

Thanks,

Trellis

From: rosabonheursociety@juno.com [mailto:rosabonheursociety@juno.com]
Sent: Monday, June 03, 2013 4:39 PM
To: CouncilMail
Subject: Amendment No: 37.003 - Opposed to Proposed Rezoning

Candy Warden, President
c/o Rosa Bonheur Society, Inc.
6400 Baltimore National Pike, #221
Catonsville, MD 21228
Monday, June 03, 2013

Amendment No: 37.003

Opposed to Rezoning

Dear Howard County Council Members,

As President of the Rosa Bonheur Society, Inc. (RBS). I have already submitted written testimony opposing the proposed rezoning (see Appendix: RBS Testimony Submitted to DPZ) of the Rosa Bonheur Memorial Park (RBMP) on behalf of our members, but would like to add the following important information that may be useful.

Gunther Tertel/Bonheur Land Co. LLC acquired the Rosa Bonheur Memorial Park (circa 1997). During the years of his ownership he repeatedly stated publicly after closing the cemetery his desire to develop the area (e.g., gas station, trailer park, convenience store). He also falsely and self servingly stated that there were only about 100 people still alive that were concerned about their loved ones buried there and the state of the cemetery.

Although the RBMP opened in 1935 burials were initially few as Marylanders were still recovering from the Depression. From the late 1930's to early 1940's there were some burials, but WWII erupted and was quickly followed by the Korean War, which again resulted in people conserving their assets. Burials resumed after

these events, but slowed again with the occurrence of the Vietnam War. There was also a troubled period in which William Green owned RBMP (1978-1996) and was prosecuted for various illegal activities related to the cemetery that also negatively impacted the frequency of interments. Finally, Gunther Tertel assumed ownership (1997-2011) with burials eventually ceasing between 2003-2005.

People were initially led to believe that the cemetery would be permanently reopened by Mr. Tertel and/or his representatives, such as, Marilyn Phillips. The purchase of cemetery goods, plots and burials resumed and people again contributed to a Perpetual fund (many for the third or fourth time) to protect their loved ones resting places and the cemetery. Again controversy arose as Mr. Tertel's desires to develop the grounds as commercial properties other than as a cemetery became public. Countless articles were published in *The Baltimore Sun* and other local and national newspapers and reports by television stations, such as, WBAL produced stories about the plight of the cemetery and the people with loved ones there. Eventually all burials ceased and RBMP closed without notice in November 2005 as reported by *The Baltimore Sun* (November 12, 2005).

The point of mentioning these downturns in business at the cemetery are that of the estimated 10,000 burials at RBMP that the majority (approx. 75-80 percent) of the burials there occurred from the late 1970's to the early 2000's. Therefore, most of the families that have buried loved ones at the cemetery are still vital members of the community. They care deeply about their loved ones, both human and animal, that are buried at the cemetery. RBMP has never been an unloved or unwanted cemetery, but one that was purchased by a business man with deeper pockets than groups that wished to acquire, operate, and preserve the cemetery, such as, the Animal Welfare League. The only people in 6 years of RBS volunteer work that have expressed an interest in developing the cemetery are developers and/or those that own the property. The people with loved ones interred, their family and friends, and the community are desirous of preserving and protecting the cemetery.

To that end the RBS has been performing thousands of hours of preservation, conservation, and grounds work without accepting any donations. Our group has incorporated and filed for tax exemption. These measures have been taken in order to be ready to form a Friends Group, if the opportunity is presented, which would be able to reestablish a perpetual fund and provide funding for further improvement of the grounds. Our main goal is to provide relief for concerned people and groups in the community and to enhance the beauty and ensure the future of a historical cemetery that is well loved.

In revisiting Mr. Tertel's contention of only 100 people being concerned about the cemetery the following examples prove the falsity of such a statement. There are about 100 family members that are concerned about two graves of a single married couple. The five police dogs interred are considered by the police departments they served in as fellow officers and their numbers wish to protect their resting places. The thousands of people that read Jean Clark Keating's books about her dogs do not wish to see their graves disturbed. The armed forces and veterans are concerned about war dog Corporal Rex Ahlbin's resting place. The Long Rider's Guild seeks to protect the memory of the horse Gypsy Queen and continue to publish a book written about her extraordinary journey through all 48 contiguous states. This list only mentions about 20 burials out of approx. 10,000 at RBMP and already demonstrates that many thousands of people are concerned for the welfare of those interred at the cemetery and the cemetery itself.

The RBMP is historical, but at the same time it is a contemporary cemetery. The majority of the burials have occurred in recent years and the cemetery only closed for burials 8 years ago. People from all walks of life in the community have chosen to entrust their loved ones' resting places to the integrity of Howard County. These diverse individuals include people, such as, loggers, developers, service providers, doctors, authors, NASA physicists, veterans, business owners, and politicians. It is in behalf of these individuals with loved ones interred at RBMP and concerned individuals and groups in the community that it is being requested that the land on which the cemetery is located not be rezoned. Also, that the integrity of the cemetery and the cemetery

grounds themselves be protected from development as per the Maryland Rules, Annotated Code of Maryland, and the Cemetery Preservation Act of 1993.

Thank you for taking the time and effort to consider this important matter.

Sincerely,

Candy Warden, President
Rosa Bonheur Society, Inc.

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

APPENDIX: RBS TESTIMONY SUBMITTED TO DPZ

Candy Warden
10232 Harvest Fields Drive
Woodstock, MD 21163
April 03, 2013
Amendment No: 37.003
Opposed to Rezoning

AMENDMENT NO.: 37.003

TESTIMONY OPPOSED TO PROPOSED REZONING OF THE ROSA BONHEUR MEMORIAL PARK

The following testimony is submitted by Candy Warden, President of the Rosa Bonheur Society, Inc. (RBS), acting as representative of the members of the RBS and the people that have loved ones at the Rosa Bonheur Memorial Park (RBMP) located at 7239 Washington Boulevard, Elkridge, Maryland 21075.

I. Chronology of Events Concerning the Rosa Bonheur Memorial Park

The cemetery was founded in 1935 and until 1978 operated productively.

In 1978, William Green assumed ownership of the cemetery.

In 1979, it became the only cemetery in the world where humans and their pets could be buried together.

In 1986, The Howard County Office of Consumer Affairs filed an order against Mr. Green for violation of consumer laws for his second pet cemetery, Green Meadows. All charges were dismissed when he paid to move the pet remains to another pet cemetery. About 125 of these pets were moved to RBMP.

In 1996, Consumer Affairs filed civil and criminal charges against Mr. Green for deceptive trade practices and misdemeanor theft. The outcome was that he partially reimbursed pet owners for

memorials and services not rendered and received an 18 month suspended sentence, 100 hours of community service, and 1 year probation.

By 1997, the cemetery had gone into receivership and was bought at auction by Gunther Tertel DBA Bonheur Land Co. LLC.

For the first five years of his ownership Marilyn Phillips worked as an unpaid manager with volunteers performing maintenance. She did perform burials at the cemetery, but people had to repurchase plots and services they had previously paid for as former owner Mr. Green had stolen the perpetual fund money and other cash assets. Also, Mr. Tertel was not contributing any funds for cemetery operations and services.

In 2003, the Mr. Tertel finally announced that the cemetery was no longer providing burial services.

From 1997 until his death Mr. Tertel repeatedly made statements to media, people in the community, and those with loved ones at the cemetery that he was going to develop the cemetery (e.g., gas station, trailer park, convenience store). People with humans and/or animals buried at the cemetery suffered ongoing threats and harassment by Mr. Tertel and/or his representatives that were aimed at making them agree to move their loved ones' remains from the cemetery regardless of their religious, cultural, and/or personal beliefs about the sanctity of burial. These threats, covered widely in the media, outraged Marylanders, upset people with loved ones at the cemetery, and very negatively impacted Mr. Tertel's reputation.

In 2011, Mr. Tertel died and his estate appears to be being managed by attorneys.

From 1935 – 2003 over 10,000 burials were performed at the cemetery including both humans and animals.

II. Famous Animal Burials at Rosa Bonheur Memorial Park

A. Mary Ann (d. 1941)

In the 1920s *The Baltimore Sun*, as requested by local children, lead a drive to obtain an elephant for the Baltimore zoo. Over 100,000 children collected contributions and even more donated their pennies to pay for the elephant.

"Mary Ann" arrived in 1925 and saved the zoo by generating significant revenue for improvements.

In 1941 she passed away and was buried at the cemetery.

Even after 72 years people still ask, "Did you know there's an elephant buried there?"

B. Gypsy Queen (d. October 29, 1936)

In 1925, Marylander Frank Heath and his horse, Gypsy Queen, began a two year journey to visit all 48 of the United States. Every aspect of their adventure was covered by national and local media.

After their return Mr. Heath wrote a book recounting their journey, Forty Million Hoofbeats, which continues to be in publication.

Following Gypsy Queen's death a memorial plaque was dedicated by Mayor Jackson in her memory at the grand opening of the cemetery on July 9, 1938.

C. Rex Ahlbin (1943 - 1946)

Rex Ahlbin was a WWII war dog donated for service by J. Ahlbin of Linthicum that served at Bougainville, Guadalcanal, and Tinian.

In 1944, he was promoted to Corporal for having alerted Marines to a Japanese attack thereby saving lives.

D. Tomb of the Unknown Pet (1990)

A well attended public ceremony was held on May 22, 1990 to dedicate a Tomb of the Unknown Pets in honor of stray and abused animals that perish yearly.

Many community minded groups and individuals applauded the memorial as a significant advance for providing recognition of the plight of abused and abandoned animals.

E. Creatures Great and Small (1935 – Present)

There are other noted animals buried at the cemetery, such as, Gov. William Schafer's dog, three Washington and Baltimore Bullets mascots, Maryland's first Collie Champion, a Grand Champion Pony, five police dogs, two dogs that saved their owners' lives, the historic Dodge Hotel's cat, and many AKC championship dogs. There are also many types of animals buried there ranging from goldfish to horses. Regardless of the fame or type of animal they each are special to many people and are often visited at the cemetery in remembrance.

III. Human Burials at Rosa Bonheur Memorial Park (1979 – 2003)

Since 1979, human beings have been interred at the cemetery. Due to the "loss" of records after the cemetery entered receivership the exact number of human burials is unknown. Estimates quoted in newspapers have ranged from 20 to 260.

Among these people are individuals that served our country in the armed forces and those that have served in the local community in jobs ranging from business owners to a bus driver for a school for challenged children. The family members of these people buried at Rosa Bonheur Memorial Park continue to visit the cemetery on a regular basis and do not want their loved ones' graves disturbed for religious and/or cultural reasons. For over 10 years Mr. Tertel tried to force them to remove their loved ones from the cemetery, but none of the families contacted would give their consent as they view removal as desecration of their resting places.

There are also at least 100 people that have purchased burial plots, but are unable to use them with some being left without a final resting place.

IV. Volunteer Work: Past and Present

For over 33 years there has been a sustained volunteer commitment to the cemetery and those with loved ones buried there. These volunteers have performed maintenance, legislative work, and community outreach in efforts to safeguard the future of the cemetery.

Since 2007, the Rosa Bonheur Society, Inc. has maintained this volunteer tradition and does not accept any cash donations. In May 2010, RBS was awarded the Periwinkle Award by the Coalition to Protect Maryland Burial Sites for "outstanding work, dedication, and preservation of the Rosa Bonheur Memorial Park".

CONCLUSION

The Rosa Bonheur Memorial Park has never been an abandoned, forgotten, or unloved cemetery. It has been a cemetery that was sold at auction to a businessman that was able to outbid competing bidders, such as, the Animal Welfare League, that wanted to protect and preserve it.

The people with loved ones at this cemetery have been repeatedly victimized over the years by the theft of their perpetual fund, plots, and professional and maintenance services, and the threat of development of their loved ones resting places.

Without taking action to secure the cemetery's future we risk the loss of an important part of our heritage and our humanity.

Consequently, the Rosa Bonheur Society, Inc. members and the people with loved ones buried at the cemetery seek to preserve the integrity of the cemetery for the community at large and their own families. The Cemetery Preservation Act of 1993 and Applicable Laws in the Annotated Code of Maryland and the Maryland Rules protect the cemetery grounds and the human burials from development. Therefore, we believe that any development of the surrounding block should support the integrity of the cemetery and not encroach on the boundaries of the cemetery nor provide a detrimental environment. However, for the approximately 7.8 acres of the RBMP itself we are "Opposed" to the proposed rezoning that could potentially undermine the integrity of the cemetery and make it vulnerable to development.

Regner, Robin

From: Tolliver, Sheila
Sent: Monday, July 22, 2013 7:58 AM
To: Vern Conway
Cc: Regner, Robin
Subject: RE: Amendment No: 37.003 Opposed to Proposed Rezoning

Thank you for your e-mail to Council members concerning comprehensive zoning proposals. The Council appreciates your interest and will consider your point of view.

Sheila Tolliver
Council Administrator
Howard County Council
410 313-2001

P.S.—State law requires certain disclosures be submitted by people who submit testimony on amendments under consideration in comprehensive zoning. You may wish to check the Council's website for additional information.

http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

From: Vern Conway [mailto:verndconway@gmail.com]
Sent: Saturday, July 20, 2013 12:01 PM
To: CouncilMail
Subject: Amendment No: 37.003 Opposed to Proposed Rezoning

Dear Council Members,

We are opposed to this rezoning.

When we buried our pet at Rosa Bonheur Memorial Park, we made a choice. At the time, most people buried their pets in their backyards. We knew that one day we would move and that grave could be disturbed. We knew that new owners might redevelop the land. We have moved and have no control over the property we lived on when our beloved dog passed away. And it seems in recent years we have no control over her resting place at Rosa Bonheur, in spite of the fact that we were issued a deed to her plot and paid for perpetual care.

What's more,we chose Rosa Bonheur because it is such a special place. Humans are buried alongside animals. Like everyone else who buried their pets and family members there, we expected that to be a permanent resting place. Please reject this proposal.

Thank you for taking the time to consider our heartfelt testimony.

Sincerely,

Vernon D. and Carol A. Conway
43 Vespers Way
Bluffton, South Carolina

Regner, Robin

From: Tolliver, Sheila
Sent: Friday, July 05, 2013 8:23 AM
To: Regner, Robin
Subject: FW: Pet cemetary/Fwd: Barbara Seig from Whipps on Rosa Bonheur

32.003

From: Watson, Courtney
Sent: Thursday, July 04, 2013 1:19 PM
To: McLaughlin, Marsha
Cc: Tolliver, Sheila; Ball, Calvin B; Chaconas, Terry
Subject: Re: Pet cemetary/Fwd: Barbara Seig from Whipps on Rosa Bonheur

Terry,
Please relay to barbara.
CW

Sent from my iPad

On Jul 4, 2013, at 11:29 AM, "McLaughlin, Marsha" <mmclaughlin@howardcountymd.gov> wrote:

> Candy Warden testified, but no others to the Board. Letters started coming in afterwards, which Laura forwarded to the Council.
>
> Don Reuwer, Tertel estate reps, Candy Warden, other Rosa Bonheur friends, Beth Burgess and I met on site to look at scope of cemetery. Don is having a survey prepared so we can determine boundaries and whether some relocation could be acceptable to make more compact. Will check with Don on status of survey.
>
> Marsha McLaughlin, Director
> Dept. of Planning & Zoning
> 3430 Courthouse Drive
> Ellicott City, MD 21043
>
> (w) 410 313 4301
> (c) 410 206 5478
>
> On Jul 3, 2013, at 9:14 PM, "Watson, Courtney" <cwatson@howardcountymd.gov> wrote:
>
> > Marsha,
> > Were there a lot of letters on this issue sent to DPZ and planning boad?
> >
> > Sent from my iPad
> >
> > Begin forwarded message:
> >
> > **From:** "Chaconas, Terry" <tchaconas@howardcountymd.gov>
> > **Date:** July 3, 2013, 10:48:15 AM EDT
> > **To:** "Watson, Courtney" <cwatson@howardcountymd.gov>

Cc: "Chaconas, Terry" <tchaconas@howardcountymd.gov>
Subject: Barbara Seig from Whipps on Rosa Bonheur

I spoke with Barbara Seig of the Whipps Cemetery this morning. She has heard about Rosa Bonheur proposal and is extremely concerned. She says she doesn't want to see history repeat itself, that cemeteries are protected by covenants attached to deeds and by state laws. She says that moving graves is a process that involves research on ownership, input from State's Attorney and Health Dept. and a destination into a perpetual care facility among other things.

She said she heard that there were a lot of letters received during the Planning Board process that were not sent to the council 'due to budget constraints.' (I have no idea what this means but can check.)

She is hoping that someone takes up the cause. She praised Ken Ulman for providing grant money to Whipps in the past, something she called 'a spark of caring', and she says that HoCo was the first county in the state to have a cemetery advisory board.

She was unaware of the issue and so didn't attend the public hearing. She is quite upset. She will be writing to the council to share her concerns.
TC

From: Chaconas, Terry
Sent: Wednesday, July 03, 2013 10:39 AM
To: johnsieg@aol.com
Cc: Chaconas, Terry
Subject: council email address

Barbara,

It was great to talk to you. Here is the email for all council members: Councilmail@howardcountymd.gov

Happy 4th of July!
Sincerely,
Terry

Teresa M. Chaconas
Special Assistant to Council Member Courtney Watson
Howard County Council
3430 Court House Drive
Ellicott City, Maryland 21043
o: 410.313.3110 | f: 410.313.3297 |
tchaconas@howardcountymd.gov

CMBRS
ST
TW
37.003
SA-

SILBIGER & SILBIGER
ATTORNEYS AT LAW
SILBIGER BUILDING
1338 SULPHUR SPRING ROAD
BALTIMORE, MARYLAND 21227

ARNOLD R. SILBIGER*
CLIFFORD B. SILBIGER
*MEMBER OF THE MARYLAND & D.C. BAR

TELEPHONE 410-242-1616
FACSIMILE 410-536-7224

July 15, 2013

Howard County Council
3930 Court House Drive
Ellicott City, Maryland 21043

RE: Rosa Bonheur Memorial Park

Gentlemen/Ladies:

This office represents the Wilson Family, who has a pet buried in Rosa Bonheur Memorial Park.

My clients are strongly opposed to any rezoning of the property and any contiguous property which would encroach on the grounds of the cemetery.

Very truly yours,

Arnold R. Silbiger

ARS: clb

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, August 01, 2013 1:48 PM
To: Regner, Robin
Subject: FW: Amendment #37.003 Opposed to Re-zoning

From: Sigaty, Mary Kay
Sent: Tuesday, July 30, 2013 4:58 PM
To: Tolliver, Sheila
Subject: FW: Amendment #37.003 Opposed to Re-zoning

From: Mary Kay Sigaty <mksigaty@howardcountymd.gov<mailto:mksigaty@howardcountymd.gov>>
Date: Fri, 14 Jun 2013 16:09:32 -0400
To: Dot Z <dot_zaruba@yahoo.com<mailto:dot_zaruba@yahoo.com>>
Subject: Re: Amendment #37.003 Opposed to Re-zoning

Dear Ms. Zaruba,

Thank you for sharing your testimony with the Howard County Council regarding map amendment 37.003. I will consider your views very carefully as we work on this legislation.
--
Mary Kay Sigaty
Howard County Council
District 4
410-313-2001

From: Dot Z <dot_zaruba@yahoo.com<mailto:dot_zaruba@yahoo.com>>
Reply-To: Dot Z <dot_zaruba@yahoo.com<mailto:dot_zaruba@yahoo.com>>
Date: Thu, 13 Jun 2013 21:37:16 -0400
To: CouncilMail <CouncilMail@howardcountymd.gov<mailto:CouncilMail@howardcountymd.gov>>
Subject: Amendment #37.003 Opposed to Re-zoning

Howard County Council Members
Planning and Zoning

Please accept the written testimony...previously sent...now enclosed in the body of this email concerning the above amendment.

Please scroll through the entire email to find the message. We have taken a great interest in this amendment and hope our feelings concerning this matter will be heard.

Thank you
Dorothy Dash Zaruba
504 Joy Circle
Glen Burnie MD 21061
410.760.5317

[http://docs.google.com/File?id=dc6b9f43_2jkgws4c9_b]
----- Forwarded Message -----

From: "rosabonheursociety@juno.com<mailto:rosabonheursociety@juno.com>"
<rosabonheursociety@juno.com<mailto:rosabonheursociety@juno.com>>
To: dot_zaruba@yahoo.com<mailto:dot_zaruba@yahoo.com>
Sent: Thursday, June 13, 2013 2:45 PM
Subject: Re: Fw: Amendment #37.003 Opposed to Re-zoning Dear Dot, This is the e-mail you sent me regarding your submission of written testimony.
Hope this is helpful,
Candy

---------- Original Message ----------
From: Dot Z <dot_zaruba@yahoo.com<mailto:dot_zaruba@yahoo.com>>
To: Candy Warden <rosabonheursociety@juno.com<mailto:rosabonheursociety@juno.com>>
Subject: Fw: Amendment #37.003 Opposed to Re-zoning
Date: Thu, 4 Apr 2013 17:55:46 -0700 (PDT)

Hey Candy

I wrote the letter and I'm delighted that it went through...hope this helps....keep me posted.

Take care...Dot

[http://docs.google.com/File?id=dc6b9f43_2jkgws4c9_b]
----- Forwarded Message -----
From: "Boone, Laura" <lboone@howardcountymd.gov<mailto:lboone@howardcountymd.gov>>
To: "dot_zaruba@yahoo.com<mailto:dot_zaruba@yahoo.com>"
<dot_zaruba@yahoo.com<mailto:dot_zaruba@yahoo.com>>
Sent: Thursday, April 4, 2013 6:16 PM
Subject: RE: Amendment #37.003 Opposed to Re-zoning Ms. Zaruba:
Thank you for contacting the Planning Board. I will be sure they receive your testimony to take into consideration while making a recommendation on the Comprehensive Zoning Plan.

Thanks,

Laura Boone
Howard County Government
Department of Planning and Zoning
3430 Court House Drive
Ellicott City, MD 21043
410-313-4303

From: dot_zaruba@yahoo.com<mailto:dot_zaruba@yahoo.com> [mailto:dot_zaruba@yahoo.com]
Sent: Tuesday, April 02, 2013 6:25 PM
To: PlanningBoard
Subject: Amendment #37.003 Opposed to Re-zoning

Data from form "Contact Howard County Government" was received on 4/2/2013 6:24:43 PM.
Contact Howard County Government
Field

Value

HCGEmailAddr

planningboard@howardcountymd.gov<mailto:planningboard@howardcountymd.gov>

YourEmailAddr

dot_zaruba@yahoo.com<mailto:dot_zaruba@yahoo.com>

Name

Dorothy Dash Zaruba

Subject

Amendment #37.003 Opposed to Re-zoning

MessageBody

I am submitting this written testimony to oppose the re-zoning of land that includes the Rosa Bonheur Pet Cemetery. As a pet owner my family has many beloved pets buried there and it holds a very special place in my heart. My pets are members of the family unit and deserve an undisturbed final resting place. I can't express in words here the heartbreak if I was no longer able to go there to memorialize their lives. My family has been going there since 1945 when my Dad buried his beloved Toodles after returning from WWII. I have personally been going there for almost 60 years myself. As a child I visited with my Dad his dog's grave and was so impressed with the beautiful final resting place for pets. I was given a dog as a small child and when she passed away in 1968 I requested that we bury Lady next to Toodles. I once again became the owner of another wonderful dog, Queenie, who passed away after 16 years of faithful companionship in 1985. I wanted her to be forever remembered as well with a burial in Rosa Bonheur. The cemetery grounds are sacred to me and all the other pet owners who selected to bury their much loved pets on the property. Please do not take this honor away from our most cherished pets. Respectfully submitted by Dorothy Dash Zaruba

Email "Amendment #37.003 Opposed to Re-zoning" originally sent to planningboard@howardcountymd.gov<mailto:planningboard@howardcountymd.gov> from dot_zaruba@yahoo.com<mailto:dot_zaruba@yahoo.com> on 4/2/2013 6:24:43 PM.

_____BlackBerry® 10 Find out more about the new BlackBerry 10 smartphone.
<http://thirdpartyoffers.juno.com/TGL3132/51ba138c9b02138b22c8st01vuc>BlackBerry.com<http://thirdpartyoffers.juno.com/TGL3132/51ba138c9b02138b22c8st01vuc>

Regner, Robin

From: Tolliver, Sheila
Sent: Thursday, August 01, 2013 1:49 PM
To: Regner, Robin
Subject: FW: Amendment No: 37.003 - Opposed to Proposed Rezoning

---

From: Sigaty, Mary Kay
Sent: Tuesday, July 30, 2013 4:57 PM
To: Tolliver, Sheila
Subject: FW: Amendment No: 37.003 - Opposed to Proposed Rezoning

From: Mary Kay Sigaty <mksigaty@howardcountymd.gov<mailto:mksigaty@howardcountymd.gov>>
Date: Fri, 14 Jun 2013 16:25:56 -0400
To: David Conway <dbconway15@gmail.com<mailto:dbconway15@gmail.com>>
Subject: Re: Amendment No: 37.003 - Opposed to Proposed Rezoning

Dear Mr. Conway,

Thank you for sharing your testimony regarding the requested rezoning application. The Rosa Bonheur Memorial Park is very dear to many, and I have heard from a number of people who ask the Council to consider the purpose of the site and to preserve the land into perpetuity. I will consider your testimony carefully as the Council deliberates this legislation.

Sincerely.....MK
--
Mary Kay Sigaty
Howard County Council
District 4
410-313-2001

From: David Conway <dbconway15@gmail.com<mailto:dbconway15@gmail.com>>
Date: Thu, 13 Jun 2013 13:22:31 -0400
To: CouncilMail <CouncilMail@howardcountymd.gov<mailto:CouncilMail@howardcountymd.gov>>
Subject: Amendment No: 37.003 - Opposed to Proposed Rezoning

Dear Council Members,

The Department of Planning and Zoning has already received a great many written testimonies in opposition to the proposed rezoning which affects Rosa Bonheur Memorial Park (RBMP) but I wanted to write directly to you. I am a registered Howard County voter and I work here as well. And, I have a pet buried at RBMP. I am opposed to this rezoning.

RBMP is special. In 1979, it became the first pet cemetery in the world to allow human burials. Many humans have been interred there since that date. I and others who buried pets and family members there had a reasonable expectation that burial was permanent. We received deeds to those plots. But in the last decade, we have been in constant fear that the property would be developed and our loved ones' resting places would be disturbed.

Please reject this proposal.

Sincerely,

David Conway
Woodstock, MD

Regner, Robin

From: Tolliver, Sheila
Sent: Friday, October 04, 2013 10:06 AM
To: Regner, Robin
Subject: FW: Cemetery preservation acts?
Attachments: image001.png; ATT00001.htm; Cemeteries - Maryland Historical Trust.pdf; ATT00002.htm

Please copy for comp. zoning files.

From: Ball, Calvin B
Sent: Thursday, October 03, 2013 12:09 PM
To: Tolliver, Sheila
Subject: Fwd: Cemetery preservation acts?

Begin forwarded message:

> **From:** "Whipkey, Melissa" <mwhipkey@howardcountymd.gov>
> **To:** "Ball, Calvin B" <cbball@howardcountymd.gov>
> **Cc:** "Vannoy, James" <jvannoy@howardcountymd.gov>, "Nolan, Margaret Ann" <manolan@howardcountymd.gov>, "Johnson, Paul" <pjohnson@howardcountymd.gov>
> **Subject: RE: Cemetery preservation acts?**
>
> Ok – quite a few laws apply in that case. I've included relevant sections of the County's Cemetery Preservation Act below. State laws include prohibitions on relocating human remains without the consent of the State's Attorney and Secretary of the Dept. of Health and Mental Hygiene. Court approval is also necessary to sell cemetery property for another purpose (Section 5-505 of the Business Regulation Article of the Maryland Code). I've attached a compilation of State laws regarding cemeteries prepared by the Maryland Historical Trust. Note that both State and County law define cemeteries in relation to human remains.
>
> Many zoning districts permit cemeteries as a conditional use, although TOD is not one of them. DPZ should have information on the zoning history of the cemetery, whether it was already a non-conforming use or whether it has become one because of the change in zoning. And because DPZ also make determinations regarding boundaries and accommodation plans, they may have additional useful information for you with respect to the property.
>
> Let me know if you need further info.
>
> Melissa

Sec. 16.1303. Inventory of cemeteries.[cid:image001.png@01CEB61A.04D9F180]
(a)
Establishment of Inventory. The Department of Planning and Zoning, in cooperation with the Cemetery Preservation Advisory Board, shall propose, and the County Council shall establish, an inventory of all known cemeteries in the County, together with a description of the geographical location of each and a record of the owners of each burial ground.

(b)
Maintenance of Cemetery Inventory Map. The Department of Planning and Zoning shall maintain a current map which depicts the location of all known cemeteries in the County based on the above inventory.
(C.B. 13, 1993)
Sec. 16.1304. Development or subdivision in a cemetery.[cid:image001.png@01CEB61A.04D9F180]
(a)
Accommodation. When a property owner proposes to develop a property, through submission of a subdivision sketch plan, preliminary equivalent sketch plan, or a site development plan, on which is located a cemetery which is shown on the inventory map, the property owner shall:
(1)
Accommodate the cemetery with the development, by placing the cemetery in a nonbuildable lot with a cemetery designation, by dedicating the cemetery to a homeowner's association or a preservation, conservation or religious organization, by providing that the cemetery be used as a cemetery in perpetuity, and by providing public access to the cemetery. Any land placed in a nonbuildable cemetery lot designation pursuant to this section may be counted towards open space requirements. Alternatively, a property owner may leave the deed to the cemetery in the private ownership and care of a family.
(2)
Conduct a title search of the parcel extending back to the original patent to ascertain whether covenants relating to the cemetery had been executed.
(3)
Establish the boundaries of the cemetery as approved by the Department of Planning and Zoning whenever the cemetery boundaries are either not well defined or in dispute, using any or all of the following methods:
(i)
Historical documentation;
(ii)
Professional archaeology;
(iii)
Ground-penetrating radar;
(iv)
Oral history, claims of descendants, vital records;
(v)
Proton magnetometry; and/or
(vi)
Other approved nondestructive techniques.
(b)
Accommodation at Preliminary or Final Plan. If a cemetery is discovered after the approval of sketch plan or preliminary equivalent sketch plan or if a sketch plan is not required to be submitted, then all the requirements of [this] section 16.1304<http://library.municode.com/HTML/14680/level3/HOWARD_CO_CODE_TIT16PLZOSULADERE_SUBTITLE_13CEPR.html#HOWARD_CO_CODE_TIT16PLZOSULADERE_SUBTITLE_13CEPR_S16.1304DESUCE> shall apply to the submission of a preliminary subdivision plan or a final subdivision plan for a property that contains a cemetery.
(c)
Submission of Cemetery Boundary Documentation and Accommodation Plan. Once the property owner determines the boundaries of the cemetery using one or more of the foregoing methods, the property owner shall submit to the Department of Planning and Zoning the documentation of the boundaries of the cemetery, and a plan showing how the cemetery will be accommodated

with the development and how public access to the cemetery will be provided, in accordance with subsection (a) above.

(d)

Meeting. The Department of Planning and Zoning shall forward the information provided in subsections (a) and (c) above to the Planning Board. The Board shall consider this information at a regular Planning Board meeting.

(e)

Recommendation—Decision. The Planning Board shall make a recommendation to the Department of Planning and Zoning on the property owner's plan. The Department of Planning and Zoning shall expeditiously make a final decision on the matter. In the event that the Department of Planning and Zoning determines that an accommodation of the cemetery with the development cannot reasonably be accomplished without denying the property owner reasonable use of its entire property, then the Department of Planning and Zoning shall require the property owner to develop, and it shall approve, a plan for appropriate treatment of the cemetery in accordance with State law.

(C.B. 13, 1993)

Sec. 16.1305. Discovery of cemetery.[cid:image001.png@01CEB61A.04D9F180]

(a)

Discovery. If any person discovers the existence of previously unknown human remains, tombstones, funerary objects, or other evidence of a cemetery which reasonably indicates the presence of a cemetery in the course of grading, construction or work of any kind, that person shall stop work immediately in the discovered area and shall give notice of its discovery within 24 hours to the State's attorney, the County Health Officer, the Department of Planning and Zoning, the Department of Public Works, and the Department of Inspections, Licenses and Permits. All permits issued by the Department of Inspections, Licenses and Permits relating to the discovered area shall be suspended and the property owner shall stop all work in the discovered area until a determination is made pursuant to subsection (b) of this section.

(b)

Determination. The Department Planning and Zoning, in consultation with the Cemetery Preservation Advisory Board, shall determine if the discovered area provided in subsection (a) above is a cemetery. In making this determination, the Department of Planning and Zoning, in consultation with the cemetery preservation advisory board, may require the property owner to comply with subsection 16.1304<http://library.municode.com/HTML/14680/level3/HOWARD_CO_CODE_TIT16PLZOSULADERE_SUBTITLE_13CEPR.html#HOWARD_CO_CODE_TIT16PLZOSULADERE_SUBTITLE_13CEPR_S16.1304DESUCE>(a)(2) and (3). If it is determined that the area is not a cemetery, the stop-work order shall be lifted and the suspended permits released by the Department of Inspections, Licenses and Permits.

(c)

Cemetery protection. If it is determined that the discovered area is a cemetery, the property owner shall comply with the requirements of section 16.1304<http://library.municode.com/HTML/14680/level3/HOWARD_CO_CODE_TIT16PLZOSULADERE_SUBTITLE_13CEPR.html#HOWARD_CO_CODE_TIT16PLZOSULADERE_SUBTITLE_13CEPR_S16.1304DESUCE> of this subtitle. However, the Department of Planning and Zoning, in consultation with the Cemetery Preservation Advisory Board, may waive these requirements in a discovery situation, on a case-by-case basis, based on the criteria for waivers of the subdivision regulations contained in section 6.104<http://library.municode.com/HTML/14680/level3/CO_TIT6COEXEXBR_SUBTITLE_1THCOEX.html#CO_TIT6COEXEXBR_SUBTITLE_1THCOEX_S6.104EXAUDULOSTEM> of the Howard County Code.

(C.B. 13, 1993)

Sec. 16.1306. Removal prior to development.[cid:image001.png@01CEB61A.04D9F180]
If a property owner removes human remains from a cemetery prior to entering the development or subdivision process, then any subsequent development of the area formerly occupied by the cemetery shall be prohibited.
(C.B. 13, 1993)
Sec. 16.1307. Appeal.[cid:image001.png@01CEB61A.04D9F180]
Any person specially aggrieved by any decision of a County agency made under this subtitle may, within 30 days thereof, appeal the decision to the Board of Appeals of Howard County.
(C.B. 13, 1993)
Sec. 16.1308. Enforcement.[cid:image001.png@01CEB61A.04D9F180]
Where there is any violation of this subtitle or any action taken thereunder Howard County shall institute appropriate action to compel compliance with the provisions of this subtitle. In addition to and concurrent with all other remedies, Howard County may enforce the provisions of this subtitle with civil penalties pursuant to the provisions of title 24<http://library.municode.com/HTML/14680/level2/HOWARD_CO_CODE_TIT24CIPE.html#HOWARD_CO_CODE_TIT24CIPE>, "Civil Penalties," of the Howard County Code. A violation shall be a Class A offense.
(C.B. 13, 1993)
Sec. 16.1309. Severability.[cid:image001.png@01CEB61A.04D9F180]
If any portion of this subtitle is held invalid or unconstitutional, the invalidity or unconstitutionality of that portion shall not affect the remaining portions of the subtitle.

From: Ball, Calvin B
Sent: Friday, September 20, 2013 2:09 PM
To: Whipkey, Melissa
Cc: Vannoy, James; Nolan, Margaret Ann; Johnson, Paul
Subject: RE: Cemetery preservation acts?

Thanks Melissa,
The one caveat is that there are people buried there too.

-------- Original message --------
From: "Whipkey, Melissa" <mwhipkey@howardcountymd.gov>
Date: 09/20/2013 1:45 PM (GMT-05:00)
To: "Ball, Calvin B" <cbball@howardcountymd.gov>
Cc: "Vannoy, James" <jvannoy@howardcountymd.gov>,"Nolan, Margaret Ann" <manolan@howardcountymd.gov>,"Johnson, Paul" <pjohnson@howardcountymd.gov>
Subject: FW: Cemetery preservation acts?

Hi Calvin,

Margaret Ann asked me to respond to your question.

I did a westlaw search and couldn't find any state laws pertaining to pet cemeteries, which is consistent with statements I found in a few semi-recent Sun articles on the subject of pet cemeteries.

I also did a search of the County Code and didn't find anything.

Obviously not applicable, but I thought you might be interested to know that Baltimore County recently passed legislation on pet cemeteries:

http://articles.baltimoresun.com/2012-10-01/news/bs-md-co-pet-cemetery-bill-20121001_1_pet-cemetery-baltimore-county-council-plot-owner

Hope this helps. Please let me know if you have additional questions.

Melissa

Melissa S. Whipkey
Assistant County Solicitor
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043
410.313.4316

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From: Nolan, Margaret Ann
Sent: Friday, September 20, 2013 11:57 AM
To: Johnson, Paul; Whipkey, Melissa; Vannoy, James
Subject: FW: Cemetery preservation acts?

From: Ball, Calvin B
Sent: Friday, September 20, 2013 10:58 AM
To: Tolliver, Sheila
Cc: Nolan, Margaret Ann
Subject: Cemetery preservation acts?

Could someone look at the state and local acts and see how they restrict the pet cemetery that we rezoned to TOD in comp zoning?

Martin O'Malley
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Maryland Department of Planning
Maryland Historical Trust

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Deputy Secretary

Selected Maryland Statutes Related to Human Remains, Burials, and Cemeteries

Compiled by the Maryland Historical Trust

July 2011

This includes selected titles from the Annotated Code of Maryland related to the treatment of human remains, burial sites, and cemeteries for educational purposes only. While the Maryland Historical Trust has made every effort to include all relevant sections of the applicable statutes, this document should not be construed as being exhaustive or comprehensive. Readers are advised to conduct their own research on burial law and regulations and/or consult legal counsel.

This document is provided by the Maryland Department of Planning for reference purposes only. Statutes and Regulations may change as a result of legislative action, so users are advised to consult the most current version of the Maryland Code available from the Maryland Department of Legislative Services at: http://www.mlis.state.md.us/.

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CODE OF MARYLAND

Criminal Law Article

TITLE 10. CRIMES AGAINST PUBLIC HEALTH, CONDUCT; AND SENSIBILITIES

Subtitle 4. Crimes Relating to Human Remains

§ 10-401. Definitions.

(a) *In general.*- In this subtitle the following words have the meanings indicated.

(b) *Associated funerary object.*

(1) "Associated funerary object" means an item of human manufacture or use that is intentionally placed:

(i) with human remains at the time of interment in a burial site; or

(ii) after interment, as a part of a death ceremony of a culture, religion, or group.

(2) "Associated funerary object" includes a gravestone, monument, tomb, or other structure in or directly associated with a burial site.

(c) *Burial site.*-

(1) "Burial site" means a natural or prepared physical location, whether originally located below, on, or above the surface of the earth, into which human remains or associated funerary objects are deposited as a part of a death ceremony of a culture, religion, or group.

(2) "Burial site" includes the human remains and associated funerary objects that result from a shipwreck or accident and are left intentionally to remain at the site.

(d) *Permanent cemetery.*- "Permanent cemetery" means a cemetery that is owned by:

(1) a cemetery company regulated under Title 5 of the Business Regulation Article;

(2) a nonprofit organization; or

(3) the State.

§ 10-402. Removing human remains without authority.

(a) *Prohibited.*- Except as provided in subsection (b) of this section, a person may not remove or attempt to remove human remains from a burial site.

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(b) *Exception.*- Subject to subsection (c) of this section, the State's Attorney for a county may authorize in writing the removal of human remains from a burial site in the State's Attorney's jurisdiction:

(1) to ascertain the cause of death of the person whose remains are to be removed;

(2) to determine whether the human remains were interred erroneously;

(3) for the purpose of reburial; or

(4) for medical or scientific examination or study allowed by law.

(c) *Same* - Notice.-

(1) Except as provided in paragraph (4) of this subsection, the State's Attorney for a county shall require a person who requests authorization to relocate permanently human remains from a burial site to publish a notice of the proposed relocation in a newspaper of general circulation in the county where the burial site is located.

(2) The notice shall be published in the newspaper one time.

(3) The notice shall contain:

(i) a statement that authorization from the State's Attorney is being requested to remove human remains from a burial site;

(ii) the purpose for which the authorization is being requested;

(iii) the location of the burial site, including the tax map and parcel number or liber and folio number; and

(iv) all known pertinent information concerning the burial site, including the names of the persons whose human remains are interred in the burial site, if known.

(4) (i) The State's Attorney may authorize the temporary relocation of human remains from a burial site for good cause, notwithstanding the notice requirements of this subsection.

(ii) If the person requesting the authorization subsequently intends to relocate the remains permanently, the person promptly shall publish notice as required under this subsection.

(5) The person requesting the authorization from the State's Attorney shall pay the cost of publishing the notice,

(6) The State's Attorney may authorize the removal of the human remains from the burial site after:

(i) receiving proof of the publication required under paragraph (1) of this subsection; and

(ii) 15 days after the date of publication.

(7) This subsection may not be construed to delay, prohibit, or otherwise limit the State's Attorney's authorization for the removal of human remains from a burial site.

(8) For a known, but not necessarily documented, unmarked burial site, the person requesting authorization for the removal of human remains from the burial site has the burden of proving by archaeological excavation or another acceptable method the precise location and boundaries of the burial site.

(d) *Same* - Reinterment.

(1) Any human remains that are removed from a burial site under this section shall be reinterred in:

(i) 1. a permanent cemetery that provides perpetual care; or

2. a place other than a permanent cemetery with the agreement of a person in interest as defined under § 14-121(a)(4) of the Real Property Article; and

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(ii) in the presence of:

1. a mortician, professional cemeterian, or other individual qualified in the interment of human remains;
2. a minister, priest, or other religious leader; or
3. a trained anthropologist or archaeologist.

(2) The location of the final disposition and treatment of human remains that are removed from a burial site under this section shall be entered into the local burial sites inventory or, if no local burial sites inventory exists, into a record or inventory deemed appropriate by the State's Attorney or the Maryland Historical Trust.

(e) *Construction of section.*- This section may not be construed to:

(1) preempt the need for a permit required by the Department of Health and Mental Hygiene under § 4-215 of the Health-General Article to remove human remains from a burial site; or

(2) interfere with the normal operation and maintenance of a cemetery, as long as the operation and maintenance of the cemetery are performed in accordance with State law.

(f) *Penalty.*- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(g) *Statute of limitations and in banc review.*- A person who violates this section is subject to § 5-106(b) of the Courts Article.

§ 10-403. Removal of human remains or funerary object.

(a) *Scope of section.*- This section does not apply to:

(1) a person acting in the course of medical, archaeological, educational, or scientific study;

(2) a licensed mortician or other professional who transports human remains in the course of carrying out professional duties; or

(3) a person acting under the authority of:

(i) § 10-402 of this subtitle; or

(ii) § 4-215 or § 5-408 of the Health-General Article.

(b) *Prohibited.*- A person may not knowingly sell, buy, or transport for sale or profit, or offer to buy, sell, or transport for sale or profit:

(1) unlawfully removed human remains; or

(2) an associated funerary object obtained in violation of § 10-404 of this subtitle.

(c) *Penalty.*- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

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(d) *Appropriation and disposition.*- The Maryland Historical Trust may appropriate all human remains and associated funerary objects obtained in violation of this subtitle for management, care, and administration until a determination of final disposition as provided by law.

(e) *Construction of section.*- This section may not be construed to interfere with the normal operation and maintenance of a cemetery including:

(1) correction of improper burial siting; and

(2) moving the human remains within a cemetery with the consent of a person who qualifies as an heir as defined in § 1-101 of the Estates and Trusts Article.

§ 10-404. Cemetery - Destroying funerary objects; indecent conduct.

(a) Prohibited - Destruction of funerary object; exception for repair or replacement.-

(1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, deface, or remove:

(i) an associated funerary object or another structure placed in a cemetery; or

(ii) a building, wall, fence, railing, or other work, for the use, protection, or ornamentation of a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit the removal of a funerary object or a building, wall, fence, railing, or other object installed for the use, protection, or ornamentation of a cemetery or burial site, for the purpose of repair or replacement, either at the request of or with the permission of heirs or descendants of the deceased or the owner or manager of the cemetery or burial site.

(b) *Same* - Destruction of foliage; exception for routine care and maintenance.-

(1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit normal maintenance of a cemetery or burial site, including trimming of trees and shrubs, removal of weeds or noxious growths, grass cutting, or other routine care and maintenance.

(c) *Same* - Indecent or disorderly conduct.- A person may not engage in indecent or disorderly conduct in a cemetery.

(d) *Penalty.*- A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a violation of subsection (a) of this section, imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both; and

(2) for a violation of subsection (b) or (c) of this section, imprisonment not exceeding 2 years or a fine not exceeding $500 or both.

(e) *Construction of section.*- This section does not prohibit the removal of human remains or a funerary object from an abandoned cemetery if:

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(1) the removal is authorized in writing by the State's Attorney of the county in which the cemetery containing the human remains or funerary object is located; and
(2) the human remains or funerary object are placed in an accessible place in a permanent cemetery.

[An. Code 1957, art. 27, § 267(b)-(d); 2002, ch. 26, § 2; 2003, ch. 21, § 1; 2005, ch. 208; 2006, ch. 38.]

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CODE OF MARYLAND

Health – General Article

TITLE 4. STATISTICS AND RECORDS

Subtitle 2. Vital Statistics and Records

§ 4-215. Burial permits, final disposition, transportation, and disinterment.

(a) *"Cemetery"* defined.- In this section, "cemetery" includes a crematory or other place for final disposition.

(b) *Burial-transit permit required.-*

(1) Within 72 hours after death or after delivery in a fetal death and before final disposition or removal of the body or fetus from this State, the mortician who first takes custody of the body or fetus shall obtain a burial-transit permit.

(2) If the death or fetal death certificate is on a multicopy form, one copy of which is designated specifically as a "burial-transit permit" and is signed by the attending physician or medical examiner, that copy shall provide for the later entry of final disposition information and serves as a burial-transit permit.

(c) *Duty of person in charge of cemetery.-*

(1) A person in charge of a cemetery may not permit the final disposition of a body or fetus unless it is accompanied by a burial-transit permit.

(2) The person in charge of a cemetery shall:

(i) Write on the permit the date of final disposition;

(ii) Sign the permit; and

(iii) Within 10 days after final disposition, return the permit to the Secretary.

(3) If there is no person in charge of the cemetery, the mortician shall fill out the burial-transit permit.

(d) *Permit is authority throughout State.-* A burial-transit permit issued by any state or a foreign country is sufficient authority for transit through this State or final disposition in any cemetery in this State.

(e) *Permit for disinterment and reinterment; inspection of permit record.-*

(1) A permit for disinterment and reinterment is required before the disinterment of human remains if reinterment is not to be made in the same cemetery. The Secretary or a health officer shall issue the permit after receipt of an application on the form that the Secretary requires.

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(2) If all human remains in a cemetery are to be disinterred for purposes of relocation or abandonment of the cemetery, one application is sufficient for that purpose.

(3) The Department shall keep a record of each permit issued for the disinterment and reinterment of human remains.

(4) Except as provided in paragraph (5) of this subsection, the Department may not disclose or allow public inspection of information in a permit record about the location of the site of a disinterment or reinterment if a local burial sites advisory board or the Director of the Maryland Historical Trust determines that:

(i) The site is historic property, as defined in Article 83B, § 5-601 of the Code; and

(ii) Disclosure would create a substantial risk of harm, theft, or destruction to the site.

(5) The Department may not deny inspection of a permit record to:

(i) The owner of the site of the disinterment or reinterment;

(ii) A governmental entity that has the power of eminent domain; or

(iii) The spouse, next of kin, or appointed personal representative of the deceased whose human remains have been disinterred or reinterred

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CODE OF MARYLAND

Real Property Article

TITLE 14. MISCELLANEOUS RULES

Subtitle 1. Miscellaneous Rules

§ 14-121. Burial sites - Access.

(a) Definitions.-

(1) In this section the following words have the meanings indicated.

(2) (i) "Burial site" means any natural or prepared physical location, whether originally located below, on, or above the surface of the earth into which human remains or associated funerary objects are deposited as a part of a death rite or ceremony of any culture, religion, or group.

(ii) "Burial site" includes the human remains and associated funerary objects that result from a shipwreck or accident and are intentionally left to remain at the site.

(3) "Cultural affiliation" means a relationship of shared group identity that can be reasonably traced historically between a present-day group, tribe, band, or clan and an identifiable earlier group.

(4) "Person in interest" means a person who:

(i) Is related by blood or marriage to the person interred in a burial site;

(ii) Has a cultural affiliation with the person interred in a burial site; or

(iii) Has an interest in a burial site that the Office of the State's Attorney for the county where the burial site is located recognizes is in the public interest after consultation with a local burial sites advisory board or, if such a board does not exist, the Maryland Historical Trust.

(b) Request for access - Restoration, maintenance or viewing.- Any person in interest may request the owner of a burial site or of the land encompassing a burial site that has been documented or recognized as a burial site by the public or any person in interest to grant reasonable access to the burial site for the purpose of restoring, maintaining, or viewing the burial site.

(c) Same - Agreements.-

(1) A person requesting access to a burial site under subsection (b) or (d) of this section may execute an agreement with the owner of the burial site or of the land encompassing the burial site using a form similar to the form below:

"Permission to Enter
I hereby grant the person named below permission to enter my property, subject to the terms of the agreement, on the following dates:
Signed _____
(Landowner)
Agreement

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In return for the privilege of entering on the private property for the purpose of restoring, maintaining, or viewing the burial site or transporting human remains to the burial site, I agree to adhere to every law, observe every safety precaution and practice, take every precaution against fire, and assume all responsibility and liability for my person and my property, while on the landowner's property.
Signed"

(2) The owner of the burial site or of the land encompassing the burial site may grant access to the burial site in accordance with the terms of the agreement signed under paragraph (1) of this subsection.

(d) Same - Interments.- In addition to the provisions of subsection (b) of this section, if burials are still taking place at a burial site, any person who is related by blood or marriage, heir, appointed representative, or any other person in interest may request the owner of the land encompassing the burial site to grant reasonable access to the burial site for the purpose of transporting human remains to the burial site to inter the remains of a person for whose burial the site is dedicated, if access has not been provided in a covenant or deed of record describing the metes and bounds of the burial site.

(e) Liability of owner.- Except for willful or malicious acts or omissions, the owner of a burial site or of the land encompassing a burial site who allows persons to enter or go on the land for the purposes provided in subsections (b) and (d) of this section is not liable for damages in a civil action to a person who enters on the land for injury to person or property.

(f) Reporting location to Supervisor of Assessments; notation on tax maps.-

(1) An owner of a burial site, a person who is related by blood or marriage to the person interred in a burial site, heir, appointed representative, or any other person in interest, or any other person may report the location of a burial site to the supervisor of assessments for a county, together with supporting documentation concerning the location and nature of the burial site.

(2) The supervisor of assessments for a county may note the presence of a burial site on a parcel on the county tax maps maintained under § 2-213 of the Tax-Property Article.

(g) Scope of section.- Nothing in this section may be construed to interfere with the normal operation and maintenance of a public or private cemetery being operated in accordance with State law.
[1994, ch. 203.]

§ 14-122. Same - County or municipal maintenance; funding.

(a) Definition.- In this section, "burial site" means any natural or prepared physical location, whether originally below, on, or above the surface of the earth into which human remains are deposited as a part of a death rite or ceremony of any culture, religion, or group.

(b) County or municipal maintenance.- Any county or municipal corporation that has within its jurisdiction a burial site in need of repair or maintenance may, upon the request of the owner or with permission of the owner of the burial site in need of repair or maintenance, maintain and preserve the burial site for the owner.

(c) Funding.- In order to maintain and preserve a burial site or to repair or restore fences, tombs, monuments, or other structures located in a burial site, a county or municipal corporation may:

(1) Appropriate money and solicit donations from individuals or public or private corporations;

(2) Provide incentives for charitable organizations or community groups to donate their services; and

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(3) Develop a community service program through which individuals required to perform community service hours under a sentence of a court or students may satisfy community service requirements or volunteer their services.

[1994, ch. 203.]

This document is provided by the Maryland Department of Planning for reference purposes only. Statutes and Regulations may change as a result of legislative action, so users are advised to consult the most current version of the Maryland Code available from the Maryland Department of Legislative Services at: http://www.mlis.state.md.us/.

Maryland Department of Planning
Maryland Historical Trust

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

CODE OF MARYLAND

~~Article 66B – Land Use~~

TITLE 5. SUBDIVISION CONTROL

Subtitle 3. Regulations

Recodified as 5-102(d) of the Land Use Article and is applicable to Charter Counties

§ 5.03. Regulations

(d) Easements for burial sites

(1) Regulations governing the subdivision of land shall require that an appropriate easement be provided for any burial site located on the land.

(2) The easement shall be subject to the subdivision plat for entry to and exit from the burial site by persons related by blood or marriage or persons in interest, as defined in § 14-121 of the Real Property Article.

(3) The existing right-of-way need not be extended for any improvements on the burial site.

This document is provided by the Maryland Department of Planning for reference purposes only. Statutes and Regulations may change as a result of legislative action, so users are advised to consult the most current version of the Maryland Code available from the Maryland Department of Legislative Services at: http://www.mlis.state.md.us/.

Suzanne M. Hackman
710 Greentree Road
Linthicum Heights, Maryland 21090

May 27, 2013

Howard County Dept of Planning and Zoning
3430 Court House Drive
Ellicott City, Maryland 21043

Dear Members,

Reference is made to Amendment 37.003.

I have learned that you are considering rezoning the area on which the Rosa Barbeau Memorial Park is located. I am opposed to rezoning the Park. Presently, the cemetery is protected by the Cemetery Preservation Act of 1993 and the Annotated Code of Maryland.

I am very concerned about preserving Rosa Barbeau Memorial Park for several reasons. First, my dear dog "Deena" is buried there. In addition to many other pets, a well loved elephant named Mary Ann is buried there. I learned years ago that a number of humans are buried there also. I believe 25 or so.

Any place that pets, people, or animals are buried is a sacred place — a place of love and remembrance that is never forgotten. This is Rosa Barbeau.

I hope and pray that the Park will remain as their final resting place and it is for all those in Humor Cemetery.

If you ever lost an animal and that animal returned that love — you know what I mean.

Thank you.

Sincerely,

Dr. Suzanne M. Hackman

RECEIVED
MAY 29 2013
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

Regner, Robin

From: Watson, Courtney
Sent: Friday, June 14, 2013 9:58 AM
To: james mainhart
Cc: Regner, Robin
Subject: RE: Rosa Bonheur-Opposition to 37.003

Dear Mr. and Mrs. Mainhart,

Thank you for your letter regarding comprehensive zoning proposal 37.003 having to do with Rosa Bonheur Memorial Park. I appreciate hearing your perspective which I will keep it in mind as we review the comprehensive zoning proposals before us.

For your information, here is the link to the Council's website with dates of hearings, work sessions and other details about comprehensive zoning: http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

If you have any additional comments or need further information, please let me know.

Thank you.

Sincerely,
Courtney

Courtney Watson
Council Member
Howard County Council
410-313-3110
cwatson@howardcountymd.gov

From: james mainhart [mailto:mainhart614@yahoo.com]
Sent: Wednesday, June 12, 2013 9:23 PM
To: CouncilMail
Subject: Rosa Bonheur-Opposition to 37.003

Regner, Robin

From: Watson, Courtney
Sent: Friday, June 14, 2013 9:50 AM
To: Kristin Kraske
Cc: Regner, Robin
Subject: RE: Amendment No. 37.003 -- Rezoning - Rosa Bonheur site

Dear Ms. Kraske,

Thank you for your letter regarding comprehensive zoning proposal 37.003 having to do with Rosa Bonheur Memorial Park. I appreciate hearing your perspective which I will keep it in mind as we review the comprehensive zoning proposals before us.

For your information, here is the link to the Council's website with dates of hearings, work sessions and other details about comprehensive zoning: http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308

If you have any additional comments or need further information, please let us know.

Thank you.

Sincerely,
Courtney

Courtney Watson
Council Member
Howard County Council
410-313-3110
cwatson@howardcountymd.gov

From: Kristin Kraske [mailto:rebelkris@comcast.net]
Sent: Thursday, June 13, 2013 2:57 PM
To: CouncilMail
Subject: Amendment No. 37.003 -- Rezoning - Rosa Bonheur site

Please see the attached Word file.

Sincerely,
Kristin Kraske
(410) 461-6313

Dr. C.A. Dellegge
3030 Rawnwood Dr
Ellicott City Md. 21042
Phone: 410 465-0370

ST.COS
COMRS
TW
ST

Date: June 21, 2013

Howard County Council
3430 Court House Drive
Ellicott City MD. 21043

Dear Sir,

I'm sending this letter in reference to the Rosa Bonheur memorial Park. It is my understanding that we are being plagued again due to the attempt to rezone the Park.

On Wednesday, January 15, 2008, a meeting was conducted at Sen. Norman Stones office in which Mike Gesrael, mr. Tertel's attorney, was directed by Sen. Stone to inform mr. Tertel that he could develop the grounds constituting the block surrounding Rosa Bonheur memorial Park, but not the cemetery itself as it was legally protected from development.

I believe, to change any zoning of this cemetery is unlawful and morally wrong. I have six pets buried at this cemetery and have rights to four other sites.

In past years we have been plagued by people who only concern is self gain and could care less about the lawful and moral aspect of this situation. It is my strong belief, the Howard County Council should not permit any changes related to the Rosa Bonheur Memorial Park.

I simply don't understand the differences related to the past and present time. It was unlawful to change the zoning law in the past and it should remain the same today and forever.

I am strongly against any zoning changes related to the Rosa Bonheur memorial Park. I hope the Howard County Council will deny any zoning changes again, as it is unlawful and morally wrong to make any zoning changes.

Suzanne M. Hackman
710 Greentree Road
Linthicum Heights, Maryland 21090

May 27, 2013

Howard County Dept of Planning and Zoning
3430 Court House Drive
Ellicott City, Maryland 21043

Dear Members,

Reference is made to Amendment 37.003.

I have learned that you are considering rezoning the area on which the Rosa Borkow Memorial Park is located. I am opposed to rezoning this Park. Presently, the cemetary is protected by the Cemetary Preservation Act of 1993 and the Annotated Code of Maryland.

I am very concerned about preserving Rosa Borkow Memorial Park for several reasons. First, my dear dog "Deena" is buried there. In addition to many other pets, a well-loved elephant named Mary Ann is buried there. I learned years ago that a number of Lumas are buried there also. I believe 25 or so.

Any place that pets, people, or animals are buried is a sacred place — a place of love and remembrance that is never forgotten. This is Rosa Borkow.

I hope and pray that the Park will remain as their final resting place as it is for all those in human cemeteries.

If you ever loved an animal and that animal returned that love — you know what I mean.

I thank you.

Sincerely,

Mrs. Suzanne M. Hackman

RECEIVED
MAY 29 2013
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

CMBRS, RR, TW, ST

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

May 30, 2013

Ms. Suzanne M. Hackman
710 Greentree Road
Linticum Heights, MD 21090

Dear Ms. Hackman:

Thank you very much for your comments regarding the Comprehensive Zoning Plan. I have forwarded your comments to the Howard County Council for their review as they begin deliberation on the Comprehensive Zoning Plan. Information on the Council's schedule for their public hearings and worksessions will be posted on the County's webpage at www.howardcountymd.gov/compzoning .

Sincerely,

Marsha S. McLaughlin
Marsha McLaughlin
Director

Cc: Sheila Toliver, Council Administrator

2013 JUN -3 P 2:01
HOWARD COUNTY COUNCIL
RECEIVED

James Ford
9 Big Mill Br
Seaford, DE 19973

May 24, 2013

DPZ
3430 Court House Drive
Ellicott City, Md. 2043

Amendment #27.003 Opposed to Rezoning
Rose Bonkeer Memorial Pet Cemetery Land

Gentlemen:

I am opposed to this rezoning proposal because the development could encroach on the grounds of this cemetary. I have four of my pets dogs buried there along with many other loved pets. This park was founded in 1935, and should be remaining regarding the sanctity and permanency of burial.

Therefore, please honor this request, by not rezoning these area's adjacent to the Cemetery. Thank

James E. Ford Jr
9 Big Mill Br
Seaford, DE 19973

37.003
ST
TW
JSP

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

June 11, 2013

Mr. James Ford
9 Big Mill Br.
Seaford, DE 19973

Dear Mr. Ford:

Thank you very much for your comments regarding the Comprehensive Zoning Plan. I have forwarded your comments to the Howard County Council for their review as they begin deliberation on the Comprehensive Zoning Plan. Information on the Council's schedule for their public hearings and worksessions will be posted on the County's webpage at www.howardcountymd.gov/compzoning .

Sincerely,

Marsha S. McLaughlin

Marsha McLaughlin
Director

Cc: Sheila Toliver, Council Administrator

May 29, 2013

RECEIVED
JUN - 1 2013
DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

Department of Planning & Zoning
3430 Court House Drive
Ellicott City, MD 21043

SUBJECT: AMENDMENT NO. 37.003

TO WHOM IT MAY CONCERN:

We have a beloved pet buried at Rosa Bonheur Memorial Park, and we strongly oppose any rezoning that involves the cemetery. People who have pets buried there, considered them as members of their families, and at the time wanted a proper burial for their pet.

All these developers can see are "dollar signs", and how much money they can make on this land. There is nothing sacred any more, not even a cemetery!! (Even though it is for animals.) Who knows what may come next, when they may consider taking a cemetary for humans, to rezone or develope.

Sincerely,

Mr. + Mrs. Donald Thompson

Mr. & Mrs. Donald Thompson
19 Mansion Road
Linthicum, MD. 21090-2605

Public file - CB 37

CMSR
ST
37.003
TW
SP

HOWARD COUNTY COUNCIL
RECEIVED
2013 JUL -8 A 9:55

Donna J. Riley - 205 Oakleigh Ave.
Glen Burnie, MD 21061
410-761-5377

Re: Amendment No. 37.003

Opposed to rezoning

Our family has 2 pets buried at Rosa Bonheur. We thought that a zoning change could force the removal of all the animals there is reprehensible. Our family is religious & a cemetery sacred. In our society today we throw everything away. So whomever wishes to build on this land wants us to throw our beloved pets away. I say, "no" and you should also! Does he say "they're just animals"? Perhaps he will have his eye on Meadowridge in the future. If this Amendment is not squashed, your troubles are just starting.

Donna J. Riley

CMBRS
37.003
TW
ST
SP

Dear Sir,

I am against amendment No: 37.03 and opposed to rezoning.

I am a simple simple person, a retiered pharmacist, that loved my dogs. A great number of American families love & have pets. Especialy dogs are good teachers in childrens lives how to become more carring, loving adult. Morally they do better work then our schools that lack in character building (morals, honesty, religion, love of country and it's people etc.) Our government believes that bricks educate our kids more then spending our educational tax money on improving our teachers and the way we need, especially

today in schoolshootings, how to make our children better human beings. We humans should learn from animals how to be better carring parents.

How happy and pleased and even proud me and my Mom where to find a pet cemetery. We never heard of such a thing. It was beautiful. In Europe there was no such thing. In germany childreen section lasted for 5 yrs & adults for 50 yrs. Unless you where famous like Goethe or Schiller etc. Weimer s think had the most interesting cemetery with famous people resting their bones there.

Just imagine our English Language, the only Language in the wide world, calling our pet DOG spelled backwards GOD. In other Languages:

(3)

Lithuanian - šunis, German - hund, Spanish - perro, Russian - sabaka, etc. Nothing has such a great meaning as DOG. How close it is from centuries to GOD. The name tells us so. America people of so many nations. We should be proud of it's name and it's deeds.

World teaches their kids about santa and elfs. I believe that angels also have their elfs, they are their dogs. There gifts are the most expensive in the world: comfort, love, joy, eternal devotion, wipe our tears away etc. etc. Truest friend a human can ever dream of having.

Modern world is getting cruller and cruller. Please preserve this cemetery for my 5 dogs are resting there and other pet

lovers whose hearts had been broken when they also lost their loved ones there. The cemetery where the angels' elfs bones rest in eternal peace.

Please be the greatest American, preserve this cemetary. My gratitude would be forever and ever in my heart.

Sincerely Yours,

Milda Sermuksnis
13 Arkla Ct.
Baltimore, MD. 21225

CW
ST
37.003
TW
2

July 19, 2013

Ms. Courtney Watson
Member, Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

Dear Courtney:

I am writing this letter to you (with enclosures) and hand-delivering all to your office because I think a brief e-mail will not convey my concern and really my anguish over this issue.

I understand that the County Council will vote on July 25 regarding the re-zoning of the Rosa Bonheur Memorial Park, the unique historic cemetery, c. 1935, off of Route 1 in Elkridge. I trust this vote will not be taken before careful and accurate research by a competent and impartial party (NOT the developer) as to the history, ownership and actual boundaries (metes and bounds) of the cemetery can be authenticated. THEN, all applicable State and county laws and regulations must be applied to the future disposition of this unique human and pet cemetery.

To do anything less than this will be immoral and illegal – and will negate every bit of progress this State and County has made over the last 20 years to legally protect and preserve our burial grounds – a major public record of our heritage.

Now IF the Council decides to proceed with a vote on July 25 to grant this re-zoning request, I urge that a restriction be put on the vote as follows: a survey will be made by a competent and impartial party such as the Maryland Historical Trust (using ground-penetrating radar if necessary) to determine the metes and bounds of the cemetery as well as the location of all human and pet burials. This survey should be contracted for by Howard County and said survey should be under the control of the County. The results of the survey should be reported to the County Executive, Department of Planning and Zoning and to the County Cemetery Preservation Board. It should also be made public. THEN following the mandates of both State and county laws and regulations regarding both the disturbance and removal of human remains and whatever laws pertain to pet burials for which pet owners have paid Rosa Bonheur, then and then only should the County Council proceed to consider this re-zoning request.

Rosa Bonheur should be preserved and protected as the place of sepulchre and entombment for people and their pets that it was originally established to be.

Please do all that you can do to see that history does not repeat itself in Howard County – i.e. another St. Mary's. Thank you so much.

Your friend and constituent,

Barbara

Barbara Sieg

Enclosures

cc: Ms. Beth Burgess, DPZ

HOWARD COUNTY COUNCIL
RECEIVED
2013 JUL 19 P 4: 08

What Will Happen to Rosa Bonheur?
Lt to the Editor by Barbara Sieg, 3909 Hawthorn Road, Ellicott City, July 19, 2013

What IS Rosa Bonheur? It is a unique, historic cemetery, established in 1935, off of Route 1, in Elkridge. Rosa Bonheur is named after the world-renown 19th century French painter, Rosalie Bonheur, a lover and painter of animals, whose works hang in many galleries including the Metropolitan Museum of Art in New York.

Why should we care about Rosa Bonheur? It is said to be the first cemetery in the U.S. in which both people and their pets can be buried side by side. How big is the cemetery? Reports vary from 11 and a half acres to 8 acres. The number of people reported to be buried there varies also – from 24 to perhaps as many as 100. The number of pets interred is in the thousands.

Again, why should we care? Because the Howard County Council is presently deciding whether to grant a developer's request to re-zone the property for commercial use. The Council votes this Thursday, July 25.

For anyone living in Howard County in 1991, this sounds terribly familiar, doesn't it? Remember three-acre St. Mary's Cemetery, where the graves of several women and their babies, who had died and were buried in the 1800's, were plowed up by back-hoes and bulldozers putting in the County water and sewer line to access the two new houses being built atop the cemetery? Ask the Howard County NAACP. They held a memorial service as the house foundations were being filled in. Many of the desecrated graves were African-American.

At the time, Howard County Executive Charles Ecker stated on April 1, 1991: "There are no county or state ordinances which prohibit development over a burial ground. . . . I am not going to stop the processing requests for permits, licenses or other types of approval for these two lots in question."

Soon after the cemetery desecration, Council Member Dr. Vernon Gray spear-headed an effort to write a new Howard County cemetery preservation law so that "this will never happen again." The State law, which had apparently been forgotten or ignored at the time, was also shored up. It is now Title 10 of the State Criminal Code.

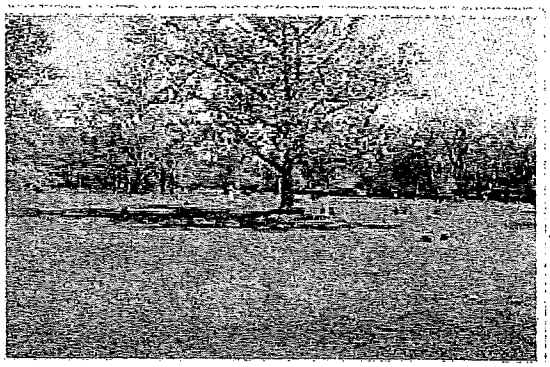
That was 22 years ago. Have we forgotten? Some of us haven't. But do we WANT to remember? It looks like some of us don't.

✂ ✂ ✂

Rosa Bonheur Memorial Park

From Wikipedia, the free encyclopedia

Rosa Bonheur Memorial Park is a pet cemetery located in Elkridge, Maryland, USA. The cemetery was established in 1935, and was actively operated until 2002. Approximately 8,000 animals and humans are buried in the cemetery's 11½ acres, which is large enough to accommodate about 24,000 pets.



Rosa Bonheur Memorial Park

The cemetery is named for Rosa Bonheur (1822-1899), a French painter and sculptor noted for her paintings of animals.

The Rosa Bonheur Memorial Park made national headlines in 1979 when it became the first pet cemetery in the world to allow humans to be buried alongside their pets. There are at least 24 humans, and perhaps as many as 100, buried at the cemetery.[1][2]

By 2006, the cemetery was no longer accepting pet or human burials. The grounds of the Rosa Bonheur Memorial Park are currently being maintained by local volunteers.[3]

The Rosa Bonheur Memorial Park is located at 39°11′5.3″N 76°45′36.9″W.

Noted animals buried at Rosa Bonheur Memorial Park include:[3]

- **Gypsy Queen.** In 1925, World War I veteran Frank Heath and his horse Gypsy Queen began a journey across the United States, with the goal of visiting all 48 states. They completed the trip more than two years later, returning to their starting point in Washington, D.C. in 1927. In all, the pair covered 11,356 miles, making it the longest trail ever covered by one horse under saddle. Gypsy Queen died in 1936, and a bronze tablet was erected in her honor at the Rosa Bonheur Memorial Park in 1938. Gypsy Queen also has a burial plot at the cemetery.[4][5]

- **Mary Ann.** Mary Ann was the first elephant at the Baltimore Zoo. She was brought to Baltimore from India in 1922, and was especially popular with children. Mary Ann died in 1942 after falling over in her sleep and injuring her spine. Her heart was buried at the cemetery after her death.[6]

- **Corporal Rex Ahlbin.** Rex Ahlbin was a combat dog who served with the US Marine Corps during World War II. Rex served with the US 3rd Marine Division during the Battle of Empress Augusta Bay at Bougainville Island in 1943. Rex, a two-year-old Doberman, warned of the presence of Japanese soldiers near a Marine position, enabling Marines to fend off a later attack. Rex also served with the Marine Corps during the Guadalcanal campaign and at the Battle of Tinian. For his service, Rex was promoted to the rank of corporal by the Marine Corps in 1944. Rex is buried near the center of the cemetery, with a marker noting his service to his country.[7]

- **Washington Bullets mascots.** Several mascots for the Washington Bullets basketball team are buried at the cemetery: "Tiny BB" (1966-87), Alex "The Bullet" (1957-75), and "Buckshot" (1964-67).

- **Little Van Atta** (1947-55), an underground courier dog born in France, who is said to have brought the news of D-Day to her native city with a message hidden in her collar.
- **Pretty Boy Boyer** (1954-56), a parakeet with a vocabulary of 1000 words. His headstone is inscribed "Bye, Bye, Mommy, see you later," which is what he always said when his owner left the room.[8]
- **Carlo** (1939-66), a dog. At age 27, he was, according to his burial marker, "one of the oldest authenticated dogs in the country".
- **Gretchen** (1939-50), a boxer who saved the lives of her owner and the owner's father by waking them up during the night when a fire broke out in their home.
- **Moses Gigrandy** (1929–42), a monkey.
- **Misty**, a German Shepherd seeing-eye dog to a veteran blinded at the Battle of the Bulge in World War II.
- **Sylvester**, a rabbit who slept on his young polio-stricken master's bed for three years and was trained to play certain games. Shortly after the boy died, Sylvester passed on and was buried at Bonheur.
- **Wiggles**, a 29-year-old champion horse.
- **Lizzy**, a monitor lizard born in Africa.
- **Amanda**, a guinea pig.
- **Buster Ward** (1967-79), a pigeon.
- Also reported to be buried at Bonheur: a lion,[9] squirrels,[8] and white mice.[10]

Notes

1. ^ "Dear Abby", *Sunday Intelligencer/Montgomery County Record*, November 27, 1983.
2. ^ "Pet cemetery to bury people with pets", *Chronicle-Telegram* (Elyria, Ohio), May 20, 1979.
3. ^ *a b* Rosa Bonheur Society (http://www.rosabonheursociety.com)
4. ^ Heath, Frank. *Forty Million Hoofbeats.* The Long Riders' Guild Press, 2001. ISBN 1-59048-072-4
5. ^ "What became of Gypsy Queen, the famous horse?", *The Helena Daily Independent*, August 3, 1938.
6. ^ "Sleepy Elephant Topples Over, Injures Spine", *The Washington Post*, April 23, 1942.
7. ^ "More Dogs Join Heroes' Ranks", *The Washington Post*, January 23, 1944.
8. ^ *a b* "Pet Cemetery Features Trees and Brook", *The News*, October 11, 1965.
9. ^ "For $325, the Hamster Goes in Style", *Daily Intelligencer/Montgomery County Record*, August 12, 1985.
10. ^ "Together Forever: Cemetery to Bury Owners Beside Pets", *The Washington Post*, December 7, 1978.

Retrieved from "http://en.wikipedia.org/w/index.php?title=Rosa_Bonheur_Memorial_Park&oldid=545739940"
Categories: Cemeteries in Maryland | Elkridge, Maryland | 1935 establishments in Maryland

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Letter to the Editor

Will New County Law Protect Our Cemeteries?

The story of the devastation wreaked on St. Mary's Cemetery in the summer of 1992 will live in infamy in the annals of Howard County history. In the aftermath of that blatant disregard for both law and morality, a citizen task force was appointed by Councilman C. Vernon Gray to study the entire problem of historic cemetery protection and preservation and to advise the County Government in the writing of a cemetery law which would hopefully prevent another St. Mary's from ever happening again.

The Task Force, composed of highly qualified, concerned citizens worked hard and provided many sound recommendations for what they hoped would be a no-nonsense law to keep the bulldozers out of our burial grounds. The distillation of opinions and suggestions provided by this Task Force -- whose members were of course not always in agreement on all the issues -- combined with material contributed by the Department of Planning and Zoning and the Office of Law, as well as amendments tacked on by the County Council form the basis for Howard County's new cemetery law.

There are those who say I am too critical of this law. If so, I take no joy in being disappointed; and, in time, if I am proven to be wrong, I will be the first one to rejoice. But read the law and decide for yourself. I would just call to your attention a few of the reservations that I have about it.

For example, early on in the law we read, "Cemeteries shall be dealt with in accordance with Subtitle 13 of this Title. In any case, no grading or construction shall be permitted within 30 feet of a cemetery boundary or within 10 feet of individual gravesites." Are we stil authorizing the building of houses within cemeteries? Otherwise, how could you physically stay only 10 feet away from a gravesite and still be 30 feet from the cemetery boundary? Have I missed something? Later on in the law, we read as the title for Section 16.1304, "Development or Subdivision in a Cemetery." If this is a law intended to <u>protect</u> cemeteries, why do we have wording such as this?

To continue, a section in the law deals with a situation involving the discovery of a previously unknown burial site. The law states that if it is determined that the discovery area is a cemetery, the property owner shall comply with the requirements of Section 16.1304, however the Department of Planning and Zoning in consultation with the Cemetery Preservation Advisory Board may waive these requirements in a discovery situation, on a case by case basis, based on the criteria for waivers of the subdivision regulations . . . " Watch out! Waivers are a mechanism for setting aside valid regulations so that they will not apply equally to everyone. Howard County Government today is relying too heavily on the use of waivers -- a very unwise and inequitable governmental policy in my opinion. I think that if

we are going to have a reasonable and workable law to protect cemeteries, we do not, on a case by case basis, set these laws aside with a waiver.

So you tell me: is this a law that is truly going to protect and preserve Howard County's many old family graveyards dating into the earlier centuries, keeping in mind that the DPZ is going to be the primary source of implementation and enforcement, along with the Planning Board? The DPZ you will recall consistently defended the County's actions in approving building lots in the midst of St. Mary's Cemetery. Although the new law does create a Cemetery Preservation Advisory Board, the amendments which the Council added to the law have weakened the role and the responsibilities of this Board.

In summary, I do have concerns about the fate of our many historic cemeteries under this new law. I do have concerns about whether descendant's rights in the burying grounds of their ancestors, which are clearly affirmed in the common law, will be upheld. I fear that unscrupulous people may take advantage of the loopholes in the law. I can only hope that I am wrong. Much will depend on the commitment and integrity of those charged with enforcing the new statute. And, as always, actions will speak louder than words.

Barbara Sieg
3909 Hawthorn Road
Ellicott City, MD 21042
(410) 465-6721

May 12, 1993

Paper acknowledged receipt of this Ltr. to the Ed - but never printed it.

Finding a Covenant on your Cemetery

1-What is a Covenant?

A Covenant is an agreement duly made to do or not to do a particular act. Covenants restricting the use to which land may be put have been held to be in the nature of equitable [reasonable] easements or servitudes [a right that one man may have to use the land of another for a special purpose]. No special words are necessary to create a covenant.

Maryland Law Encyclopedia, Criminal law #360.

2-How to Begin:

a) Begin with becoming familiar with the actual location of the graveyard or burial ground, so that it can be pin-pointed on a county tax map located at the county tax assessors office. On the tax map locate the parcel of land which holds the graveyard and determine the liber [book] and folio [page number] where the deed is recorded. One should not assume that all family graveyards are protected by covenants. Only careful research will determine this.

b) Go to the "Recorder of Deeds" office at the Court House to obtain the deed which you will have to read in detail. Look for a reference to a graveyard or burial ground. Contained in that deed should be a reference to the book [liber] and page number [folio] where an earlier deed was recorded. Continue your search through earlier deeds, looking for book and page number of the earlier deed, make a note of the names of the people who are the buyer [grantee] and seller [grantor].

c) Armed with the grantor's name, you can look for an earlier reference where the grantor was the grantee [buyer]. This can usually be found in indexes at the court house. Be aware that land may have been transferred through wills and gifts, thus you may not find all transfers in Grantor-Grantee indexes.

3-What to look for:

You are looking for a description, a survey or plat identifying the graveyard. Descriptions may have been dropped from recent deeds and you may have to search farther back to locate the information you seek. Only a thorough search can determine if a covenant was ever placed upon the burial ground.

granted and conveyed, with their and every of their appurtenances, unto the said
Reuben M Dorsey his heirs and assigns forever. to the proper use and behoof of the said Reuben M. Dorsey his heirs and assigns
except that portion of said land now enclosed
for family burying ground and an Ingress and Egress to the same. And the said Louis H. Brown
and Susan his wife, for themselves, their heirs, executors and administrators, do hereby co-
venant with the said Reuben M Dorsey his heirs and assigns, in manner following, that
is to say: that the said
mentioned premises aforesaid, and hereby granted
and their respective
rightfully having,
to any part
the said Reuben M
however depend. And
respective heirs shall

Many old graveyards are protected by covenants in the land records. A search for existing covenants should take place before graveyard restoration begins. (Deed pictured here is from L. H. Brown to Reuben M. Dorsey, July 14, 1840.)

Guidelines for Setting up a Trust

1-What is a trust?

A trust is a legal entity, something like a corporation, but simpler. There are different kinds of trust, including *irrevocable* trusts. A trust must have one or more trustees, similar to directors of a corporation. State laws such as those in Maryland define what a trust is and set forth in general terms what a trustee can and cannot do.

2-What is a trust agreement?

A trust agreement is a written document, usually prepared by a lawyer, that sets forth what kind of a trust it is (revocable or irrevocable), how many trustees there are to be, the names of the original trustees, how trustees are to be selected in the future, what their responsibilities are, and so forth. A trust agreement is like a set of operating instructions for the trustees to follow. There are standard forms of trusts that a lawyer can refer to without spending a lot of time preparing one from scratch. A trust need not be complicated or difficult to understand.

3-Why have a trust?

Cemeteries last a long time, and one of the big concerns of anyone interested in preserving a cemetery far into the future is, what happens when I am no longer able to look after the cemetery myself? A cemetery preservation trust is an instrument or a tool that makes it possible to provide for long-term maintenance and preservation, indefinitely. Money or other investment assets must be placed in a cemetery trust, either now or anytime in the future, so that income earned by those assets is available to pay for the cost of maintenance, replacement, repairs, etc. If the trust agreement permits, principal can also be used to pay expenses, such as in an emergency for major, unexpected costs. Additional money or other assets can be added to the trust at any time.

There is another very important reason for a cemetery preservation trust: that is, to have an owner of the cemetery who will continue to exist when the individuals who formed the trust are no longer living. Such a trust can own, or hold title to the cemetery, indefinitely. Placing the ownership of a cemetery in an irrevocable trusts solves for all time the question of who owns the land on which the cemetery is located. A trust does <u>not</u> have to own the cemetery, however; it can instead be just a means for looking after a cemetery for many, many years.

4-Is a cemetery trust tax-deductible?

At the present time, the answer appears to be "No". Contributions to a cemetery trust are <u>not</u> deductible from an individual's tax return for Federal or state income taxes. In addition, a cemetery trust is subject to paying income taxes in accordance with Internal Revenue rules for such trusts on investment income it receives, such as interest and dividends. This means that a Federal income tax return will need to be prepared each year for a cemetery trust. An accountant, a lawyer, a bank trust

(over)

department, as well as individuals like you and me can prepare and file such tax returns, which need to be signed by a trustee for the trust.

Byron C. Shutz - Kansas City, Missouri - Grantor of the Baile Family Cemetery Preservation Trust established in January 1993 to hold title to and provide for the maintenance and preservation of the Baile Family Cemetery in Carroll County, New Windsor, Maryland.

Summary of Attorney General Opinions Regarding Cemeteries - 1992

From a letter dated 3 Nov 92 from Mary O'Malley Lunden, Assistant Attorney General in response to an inquiry from Delegate Virginia Thomas dated 26 Sept 92 regarding an "abandoned cemetery" -- a term not defined in the law (Article 27, Sections 265 or 267): " . . . cemeteries are considered abandoned under one of two circumstances. First, pursuant to &5-501 of the Business Regulation Article, subject to certain requirements, a cemetery may be sold for other purposes. Such judicially approved sale relieves the purchaser of any claims from owners of the burial ground and holders of burial lots. Alternatively, a determination that a cemetery is abandoned may be made based on the facts and circumstances of each case. As a general rule, mere disuse is not the equivalent of abandonment. Nor is the fact that there have been no recent interments dispositive. Rather, as long as a cemetery is kept and preserved as the resting place for the dead, with anything to indicate the existence of graves, or so long as it is known or recognized by the public as a cemetery, it is not abandoned. However, a cemetery may be said to be abandoned where all the bodies have been removed or based on the cemetery's state of disrepair coupled with other circumstances." (Cases cited.)

"As a general rule, once land has been dedicated to use as a public cemetery, the power to alienate that land for any other use is restricted. See 14 C.J.S. Cemeteries & 19 (1991). The same is true of a private or family cemetery. That is, the right of family members to ingress or egress, considered a license or easement, cannot be extinguished by mere transfer of land but, rather, the purchaser takes the land subject to the rights of family members. (Of course, a judicial sale pursuant to & 5-501 of the Business Regulation Article extinguishes these rights.) . . . Accordingly, a cemetery is an encumbrance on title and the title company's failure to disclose the encumbrance may ultimately result in their liability. A particular customers recourse against the title company or abstracter would depend on the terms of their contract." -- From a letter dated 3 Nov 92 from Mary O'Malley Lunden, Assistant Attorney General in response to an inquiry from Delegate Virginia Thomas dated 26 Sept. 92 regarding cemeteries and the law.

"Unfortunately, there are no written laws in the Annotated Code of Maryland referring to descendant's rights. However under the common law (case law) in Maryland if a private cemetery is maintained as such, then the descendants are guaranteed access to the cemetery." -- From a letter to Ms. Joann Dodge of Finksburg,dated 5 Nov 92 concerning the White Cemetery in Garrett County from Sen. Larry E. Haines, expressing the opinions expressed by the Attorney General's Office.

From a letter dated 3 Nov 92 from Mary O'Malley Lunden, Assistant Attorney General in response to an inquiry from Delegate Virginia Thomas dated 26 Sept 92 regarding land development, cemeteries and Article 27. Sec. 267 (c): "Specificall &267 (c) permits removal of remains and structures from an abandoned cemetery. An example of when this may be permitted was referred to in your letter development of land. In that case, the developer is required to obtain written consent from the State's Attorney prior to beginning development. You should be aware, however that violation of &267 requires a specific intent to do so. In other words, a developer can only be held liable under &267 to the extent the developer was aware that the property undergoing development contained a cemetery or burial ground. Conceivably, a situation could arise in which the developer was unaware of the existence of such cemetery until actual development began. In my view, under these circumstances, once the cemetery is discovered the developer should cease further action until the necessary permits have been obtained. However, to the extent the existence of an abandoned cemetery is known to the developer, a

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§ 10-306. Additional prosecution not precluded.

Prosecution of a person under this subtitle does not preclude prosecution and imposition of penalties for another crime in addition to the penalties imposed under this subtitle. (An. Code 1957, art. 27, § 470A(d); 2002, ch. 26, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 27, § 470A(d).

Defined term:
"Person" § 1-101

TITLE 10, *Subtitle 4. Crimes Relating to Human Remains.*

§ 10-401. Definitions.

(a) *In general.* — In this subtitle the following words have the meanings indicated.

REVISOR'S NOTE

This subsection is new language derived without substantive change from former Art. 27, § 265(a)(1) and the introductory language of former §§ 267(a)(1) and 267A(a)(1).

In this subsection, the reference to this "subtitle" is substituted for the former references to "subheading" and this "section" to reflect the reorganization of material derived from the former subheadings on the removal of human remains from burial sites, graveyard desecration, and trading in human remains and associated funerary objects. Although this substitution applies the defined term "permanent cemetery" in § 10-404(e), which is derived from former Art. 27, § 267(d), a provision to which it did not originally apply, the term is used in a manner consistent with the term "permanent cemetery" used in the former law. No substantive change is intended.

(b) *Burial site.* — (1) "Burial site" means a natural or prepared physical location, whether originally located below, on, or above the surface of the earth, into which human remains or funerary objects are deposited as a part of a death ceremony of a culture, religion, or group.

(2) "Burial site" includes the human remains and funerary objects that result from a shipwreck or accident and are left intentionally to remain at the site.

REVISOR'S NOTE

This subsection is new language substituted for former Art. 27, § 265(a)(3).

In this subsection and throughout this subtitle, the former references to a death "rite" are deleted as included in the references to a death "ceremony".

(c) *Funerary object.* — (1) "Funerary object" means an item of human manufacture or use that is intentionally placed:

(i) with human remains at the time of interment in a burial site; or

(ii) after interment, as a part of a death ceremony of a culture, religion, or group.

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(2) "Funerary object" includes a gravestone, monument, tomb, or other structure in or directly associated with a burial site.

REVISOR'S NOTE

This subsection is new language substituted for former Art. 27, §§ 265(a)(2), 267(a), and 267A(a) as they defined "associated funerary object".

In this subsection and throughout this subtitle, the defined term "funerary object" is substituted for the former defined term "associated funerary object" for brevity.

In this subsection, the reference to placement "after interment" is substituted for the former reference to "later" placement for clarity.

(d) *Permanent cemetery.* — "Permanent cemetery" means a cemetery that is owned by:

(1) a cemetery company regulated under Title 5 of the Business Regulation Article;

(2) a nonprofit organization; or

(3) the State.

REVISOR'S NOTE

This subsection formerly was Art. 27, § 265(a)(4). No changes are made.

(An. Code 1957, art. 27, §§ 265(a), 267(a), 267A(a); 2002, ch. 26, § 2.)

§ 10-402. Removing human remains without authority.

(a) *Prohibited.* — Except as provided in subsection (b) of this section, a person may not remove or attempt to remove human remains from a burial site.

(b) *Exception.* — Subject to subsection (c) of this section, the State's Attorney for a county may authorize in writing the removal of human remains from a burial site in the State's Attorney's jurisdiction:

(1) to ascertain the cause of death of the person whose remains are to be removed;

(2) to determine whether the human remains were interred erroneously;

(3) for the purpose of reburial; or

(4) for medical or scientific examination or study allowed by law.

(c) *Same — Notice.* — (1) Except as provided in paragraph (4) of this subsection, the State's Attorney for a county shall require a person who requests authorization to relocate permanently human remains from a burial site to publish a notice of the proposed relocation in a newspaper of general circulation in the county where the burial site is located.

(2) The notice shall be published in the newspaper one time.

(3) The notice shall contain:

(i) a statement that authorization from the State's Attorney is being requested to remove human remains from a burial site;

(ii) the purpose for which the authorization is being requested;

(iii) the location of the burial site, including the tax map and parcel number or liber and folio number; and

(iv) all known pertinent information concerning the burial site, including the names of the persons whose human remains are interred in the burial site, if known.

(4) (i) The State's Attorney may authorize the temporary relocation of human remains from a burial site for good cause, notwithstanding the notice requirements of this subsection.

(ii) If the person requesting the authorization subsequently intends to relocate the remains permanently, the person promptly shall publish notice as required under this subsection.

(5) The person requesting the authorization from the State's Attorney shall pay the cost of publishing the notice.

(6) The State's Attorney may authorize the removal of the human remains from the burial site after:

(i) receiving proof of the publication required under paragraph (1) of this subsection; and

(ii) 15 days after the date of publication.

(7) This subsection may not be construed to delay, prohibit, or otherwise limit the State's Attorney's authorization for the removal of human remains from a burial site.

(8) For a known, but not necessarily documented, unmarked burial site, the person requesting authorization for the removal of human remains from the burial site has the burden of proving by archaeological excavation or another acceptable method the precise location and boundaries of the burial site.

(d) *Same — Reinterment.* — (1) Any human remains that are removed from a burial site under this section shall be reinterred in:

(i) 1. a permanent cemetery that provides perpetual care; or

2. a place other than a permanent cemetery with the agreement of a person in interest as defined under § 14-121(a)(4) of the Real Property Article; and

(ii) in the presence of:

1. a mortician, professional cemeterian, or other individual qualified in the interment of human remains;

2. a minister, priest, or other religious leader; or

3. a trained anthropologist or archaeologist.

(2) The location of the final disposition and treatment of human remains that are removed from a burial site under this section shall be entered into the local burial sites inventory or, if no local burial sites inventory exists, into a record or inventory deemed appropriate by the State's Attorney or the Maryland Historical Trust.

(e) *Construction of section.* — This section may not be construed to:

(1) preempt the need for a permit required by the Department of Health and Mental Hygiene under § 4-215 of the Health-General Article to remove human remains from a burial site; or

(2) interfere with the normal operation and maintenance of a cemetery, as long as the operation and maintenance of the cemetery are performed in accordance with State law.

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10-402 CONT'D. (f) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both.

(g) *Statute of limitations and in banc review.* — A person who violates this section is subject to § 5-106(b) of the Courts Article. (An. Code 1957, art. 27, § 265(b)-(g); 2002, ch. 26, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 27, § 265(b) through (g).

In subsection (a) of this section, the former reference to "the State" is deleted as unnecessary.

In the introductory language of subsection (b) of this section and throughout this section, the former references to "the provisions of" specified law are deleted as surplusage.

Also in the introductory language of subsection (b) of this section and throughout this section, the former references to "Baltimore City" are deleted in light of the defined term "county".

In subsection (b)(1) and (2) of this section, the references to authorization "to ascertain [or determine]" certain facts are substituted for the former references to authorization "for the purpose of ascertaining [or determining]" certain facts for clarity and brevity.

In subsection (b)(4) of this section, the reference to examination or study "allowed" by law is substituted for the former reference to examination or study "as permitted" by law for clarity.

In subsection (c)(4)(ii) of this section, the reference to a person "subsequently" intending certain action is substituted for the former reference to a person "thereafter" intending certain action for clarity.

In subsection (c)(6)(ii) of this section, the reference to 15 days "after" publication is substituted for the former reference to 15 days "having expired after" publication for clarity and brevity.

Also in subsection (c)(6)(ii) of this section, the former redundant reference to publication "of the required notice" is deleted as unnecessary.

In the introductory language of subsection (d)(1) of this section and throughout this section, the reference to removal "under" certain law is substituted for the former reference to removal "in accordance with" certain law for brevity.

In subsection (d)(1)(i)2 of this section, the former reference to reinterment in a certain place "at the request of" a person in interest is deleted as included in the reference to reinterment in a certain place "with the agreement of" a person in interest.

In subsection (d)(2) of this section, the reference to "a" record is substituted for the former reference to "whatever" record for clarity and consistency.

In subsection (e)(2) of this section, the former reference to a "public or private" cemetery is deleted as surplusage.

Defined terms:

"Burial site"	§ 10-401
"County"	§ 1-101
"Permanent cemetery"	§ 10-401
"Person"	§ 1-101

Application. — Prior version of this section does not apply to the Historic St. Mary's City Commission because the Commission is an agency of the State and the word "person" in a statute does not include the State or its agencies. 82 Op. Att'y Gen. — (June 30, 1997).

§ 10-403. Removal of human remains or funerary object.

(a) *Scope of section.* — This section does not apply to:

(1) a person acting in the course of medical, archaeological, educational, or scientific study;

(2) a licensed mortician or other professional who transports human remains in the course of carrying out professional duties; or

(3) a person acting under the authority of:

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10-403, CONT'D.

(i) § 10-402 of this subtitle; or

(ii) § 4-215 or § 5-408 of the Health-General Article.

(b) *Prohibited.* — A person may not knowingly sell, buy, or transport for sale or profit, or offer to buy, sell, or transport for sale or profit:

(1) unlawfully removed human remains; or

(2) a funerary object obtained in violation of § 10-404 of this subtitle.

(c) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $5,000 or both.

(d) *Appropriation and disposition.* — The Maryland Historical Trust may appropriate all human remains and funerary objects obtained in violation of this subtitle for management, care, and administration until a determination of final disposition as provided by law.

(e) *Construction of section.* — This section may not be construed to interfere with the normal operation and maintenance of a cemetery including:

(1) correction of improper burial siting; and

(2) moving the human remains within a cemetery with the consent of a person who qualifies as an heir as defined in § 1-101 of the Estates and Trusts Article. (An. Code 1957, art. 27, § 267A(b)-(d); 2002, ch. 26, § 2.)

REVISOR'S NOTE

This section is new language derived without substantive change from former Art. 27, § 267A(b) through (d).

In subsection (a)(2) of this section, the former reference to "responsibilities" is deleted as surplusage.

In subsections (b) and (d) of this section, the former references to the "State" are deleted as unnecessary.

In subsection (d) of this section, the reference to this "subtitle" is substituted for the former reference to "this subheading or of Article 27, §§ 265 and 267 of the Code" to reflect the reorganization of material derived from the former subheading on graveyard desecration.

In subsection (e) of this section, the reference to an heir as defined in "§ 1-101 of" the Estates and Trusts Article is added for clarity.

Also in subsection (e) of this section, the former references to a "public or private" cemetery are deleted as surplusage.

Defined terms:

"Funerary object"	§ 10-401
"Person"	§ 1-101

§ 10-404. Cemetery — Destroying funerary objects; indecent conduct.

(a) *Prohibited — Destruction of funerary object; exception for repair or replacement.* — (1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, deface, or remove:

(i) an associated funerary object or another structure placed in a cemetery; or

(ii) a building, wall, fence, railing, or other work, for the use, protection, or ornamentation of a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit the removal of a funerary object or a building, wall, fence, railing, or other object installed for the use, protection, or ornamentation of a cemetery or burial site, for the purpose of repair or replacement, either at the request of or with the permission of heirs or descendants of the deceased or the owner or manager of the cemetery or burial site.

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10-404, CONT'D. - (b) *Same — Destruction of foliage; exception for routine care and maintenance.* — (1) Subject to the provisions of paragraph (2) of this subsection, a person may not willfully destroy, damage, or remove a tree, plant, or shrub in a cemetery.

(2) The provisions of paragraph (1) of this subsection do not prohibit normal maintenance of a cemetery or burial site, including trimming of trees and shrubs, removal of weeds or noxious growths, grass cutting, or other routine care and maintenance.

(c) *Same — Indecent or disorderly conduct.* — A person may not engage in indecent or disorderly conduct in a cemetery.

(d) *Penalty.* — A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(1) for a violation of subsection (a) of this section, imprisonment not exceeding 5 years or a fine not exceeding $10,000 or both; and

(2) for a violation of subsection (b) or (c) of this section, imprisonment not exceeding 2 years or a fine not exceeding $500 or both.

(e) *Construction of section.* — This section does not prohibit the removal of human remains or a funerary object from an abandoned cemetery if:

(1) the removal is authorized in writing by the State's Attorney of the county in which the cemetery containing the human remains or funerary object is located; and

(2) the human remains or funerary object are placed in an accessible place in a permanent cemetery. (An. Code 1957, art. 27, § 267(b)-(d); 2002, ch. 26, § 2; 2003, ch. 21, § 1; 2005, ch. 208.)

Effect of amendments. — Chapter 21, Acts 2003, approved April 8, 2003, and effective from date of enactment, substituted "an associated funerary" for "a funerary" in (a)(1).

Chapter 208, Acts 2005, effective October 1, 2005, rewrote (a) and (b)

§ 4-215. Burial permits, final disposition, transportation, and disinterment.

(a) *"Cemetery" defined.* — In this section, "cemetery" includes a crematory or other place for final disposition.

(b) *Burial-transit permit required.* — (1) Within 72 hours after death or after delivery in a fetal death and before final disposition or removal of the body or fetus from this State, the mortician who first takes custody of the body or fetus shall obtain a burial-transit permit.

(2) If the death or fetal death certificate is on a multicopy form, one copy of which is designated specifically as a "burial-transit permit" and is signed by the attending physician or medical examiner, that copy shall provide for the later entry of final disposition information and serves as a burial-transit permit.

(c) *Duty of person in charge of cemetery.* — (1) A person in charge of a cemetery may not permit the final disposition of a body or fetus unless it is accompanied by a burial-transit permit.

(2) The person in charge of a cemetery shall:

(i) Write on the permit the date of final disposition;

(ii) Sign the permit; and

(iii) Within 10 days after final disposition, return the permit to the Secretary.

(3) If there is no person in charge of the cemetery, the mortician shall fill out the burial-transit permit.

(d) *Permit is authority throughout State.* — A burial-transit permit issued by any state or a foreign country is sufficient authority for transit through this State or final disposition in any cemetery in this State.

(e) *Permit for disinterment and reinterment; inspection of permit record.* — (1) A permit for disinterment and reinterment is required before the disinterment of human remains if reinterment is not to be made in the same cemetery. The Secretary or a health officer shall issue the permit after receipt of an application on the form that the Secretary requires.

(2) If all human remains in a cemetery are to be disinterred for purposes of relocation or abandonment of the cemetery, one application is sufficient for that purpose.

(3) The Department shall keep a record of each permit issued for the disinterment and reinterment of human remains.

(4) Except as provided in paragraph (5) of this subsection, the Department may not disclose or allow public inspection of information in a permit record about the location of the site of a disinterment or reinterment if a local burial sites advisory board or the Director of the Maryland Historical Trust determines that:

(i) The site is historic property, as defined in Article 83B, § 5-601 of the Code; and

(ii) Disclosure would create a substantial risk of harm, theft, or destruction to the site.

(5) The Department may not deny inspection of a permit record to:

(i) The owner of the site of the disinterment or reinterment;

(ii) A governmental entity that has the power of eminent domain; or

(iii) The spouse, next of kin, or appointed personal representative of the deceased whose human remains have been disinterred or reinterred. (An. Code 1957, art. 43, § 22; 1982, ch. 21, § 2; 1995, ch. 401.)

Effect of amendments. — The 1995 amendment, effective Oct. 1, 1995, substituted "human remains" for "a body or fetus" in (e) (1); substituted "human remains" for "the bodies" in (e) (2); and added (e) (3) through (5).

§§ 640-640C. Restitution for crimes; delinquent restitution; lottery interception for restitution arrearage; earnings without orders.

Transferred.

Editor's note. — Section 7, ch. 585, Acts 1996, effective Oct. 1, 1996, transferred former §§ 640 through 640C of this article to be present §§ 807 and 810 through 812 of this article.

§ 807. Restitution for crimes.

(a) *Definitions.* — (1) In this section, the following words have the meanings indicated, unless the context of their use indicates otherwise.

(2) "Abandoned vehicle" has the same meaning as stated in § 25-201 of the Transportation Article.

(3) "Child" means a person under the age of 18 years.

(4) "Court" means the Court of Appeals, Court of Special Appeals, circuit court, and District Court of Maryland, or any of them, unless the context clearly requires a contrary meaning.

(5) "Crime" means an act committed by any person in the State which would constitute a crime as defined in this article or at common law, or a violation under § 25-202 of the Transportation Article. However, an act involving the operation of a motor vehicle which results in injury does not constitute a crime for the purpose of this section unless the injuries were intentionally inflicted through the use of a vehicle.

(6) "Defendant" means any person who has been found guilty of a crime or any person whose plea of nolo contendere to a crime has been accepted by the court.

(7) "Division" means Division of Parole and Probation.

(8) "Judge" means a judge of a court.

(9) "Order of restitution" means either a direct order for payment of restitution or an order for payment of restitution that is a condition of probation in an order of probation.

(10) "Property" means both real and personal property.

(11) (i) "Victim" means a person who suffers personal injury, death, or property damage or loss as a direct result of crime.

(ii) "Victim" includes:

1. In the event of the death of a victim, the victim's estate; or

2. Upon conviction, acceptance of a plea of nolo contendere, or imposition of probation before judgment for an offense under § 267 of this article:

A. The owner of the burial site; and

B. An individual related by blood or marriage to the individual buried in the burial site.

(b) *Restitution upon conviction, acceptance of plea of nolo contendere, etc.; priority of payment; reasons for not ordering restitution.* — (1) On conviction of a crime, acceptance of a plea of nolo contendere, or imposition of probation before judgment under § 641 of this article, the court may issue an order of restitution directing the defendant to make restitution in addition to any other penalty for the commission of the crime, if:

(i) Property of the victim was stolen, damaged, destroyed, converted, unlawfully obtained, or its value substantially decreased as a direct result of the crime;

(ii) The victim suffered actual medical expenses, direct out-of-pocket losses, or loss of earnings as a direct result of the crime;

(iii) The victim incurred medical expenses that were paid by the Department of Health and Mental Hygiene or any other governmental entity;

(iv) A governmental entity incurred expenses in the removal, towing, transporting, preserving, storage, sale, or destruction of an abandoned vehicle;

(v) The Criminal Injuries Compensation Board paid benefits to a victim of the crime; or

(vi) The Department of Health and Mental Hygiene or other governmental entity paid expenses incurred under § 855 of this subtitle.

(2) A victim is presumed to have a right to restitution under paragraph (1) of this subsection if:

(i) The victim or the State requests restitution;

(ii) The court is presented with competent evidence of any of items (i) through (vi) of paragraph (1) of this subsection; and

(iii) The defendant has the ability to pay the restitution order.

(3) A court need not issue an order of restitution under this section if the court finds good cause to establish extenuating circumstances as to why an order of restitution is inappropriate in a case.

(4) The court may order that restitution be made to:

(i) The victim;

(ii) The Department of Health and Mental Hygiene, the Criminal Injuries Compensation Board, or any other governmental entity; or

(iii) A third-party payor, including an insurer, which has made payment to the victim to compensate the victim for a property loss or pecuniary loss under this subsection.

(5) If the victim has been fully compensated for the victim's loss by a third-party payor, the court may issue an order of restitution directing the defendant to pay restitution to the third-party payor. Otherwise, payment of restitution to the victim has priority over payment of restitution to the third-party payor.

§ 5.03. Regulations.* See (e)

(a) *Preparation; contents generally.* — Before exercising the powers referred to in § 5.02, the planning commission shall prepare regulations governing the subdivision of land within its jurisdiction. Those regulations may provide for the adequate control of shore erosion; the control of sediment and the protection from flooding; the proper arrangement of streets in relation to other existing planned streets and to the master plan; the adequate and convenient placement of public school sites and of open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air and the avoidance of congestion of population, including minimum width and area of lots.

(b) *Street and utility improvements prerequisite to plat approval; tentative approval of plat; bond to secure completion of improvements and utilities.* — Such regulations may include provision as to the extent to which streets and other ways shall be graded and improved, to which soil erosion or sediment control shall be provided, and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installation; but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the commission may accept a bond with surety to secure to the county or municipal corporation the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The county or municipal corporation is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

(c) *Hearing prerequisite to submission for adoption; notice thereof; certified copy of adopted regulations to clerk of circuit court.* — Before any regulations shall be submitted to the local legislative body for adoption a public hearing shall be held thereon and all such regulations, or if in the opinion of the commission it is best, a brief synopsis of such regulations, sufficient to inform a person of ordinary intelligence of the nature and contents of such regulations, together with the time and place of such public hearing, shall be published once or more, if the commission deems best, in a weekly or daily newspaper of general circulation in such county or municipal corporation. When such regulations are adopted by the local legislative body, a copy thereof shall be certified by the commission to the clerk of the circuit court in which the jurisdiction is located for record.

(d) *Special provisions as to Carroll County.* — (1) In Carroll County, prior to any approval of a preliminary or final subdivision plat, the commission shall require certification of the adequacy of public facilities by the agencies having jurisdiction over public facilities in Carroll County including, but not limited to, the following: schools, public water and sewerage facilities, police protection, roads and traffic control devices, storm drain facilities, emergency service facilities, health care facilities and solid waste disposal facilities.

(2) The commission may consider and may use the failure of any agency or agencies to certify the adequacy of any public facility or facilities to serve a proposed subdivision as a basis for disapproval of a preliminary or final subdivision plat.

* (e) *Easements for burial sites.* — Regulations governing the subdivision of land shall require that an appropriate easement be provided for any burial site located on the land subject to the subdivision plat for ingress and egress to the burial site by persons related by blood or marriage or persons in interest, as defined in § 14-121 of the Real Property Article. Improvements are not required to exceed any existing right-of-way. (An. Code, 1951, § 26; 1939, § 26; 1933, ch. 599, § 17; 1958, ch. 83; 1959, ch. 719; 1961, ch. 272; 1963, ch. 502; 1969, ch. 220; 1970, ch. 672, § 1; 1971, chs. 237, 793; 1972, ch. 131; 1978,

§ 5-505. Action for sale of burial ground for another purpose.

(a) *Authorized.* — An action may be brought in accordance with the Maryland Rules and a court may pass a judgment for sale of a burial ground for another purpose if:

(1) the ground has been dedicated and used for burial;

(2) burial lots have been sold in the burial ground and deeds executed or certificates issued to buyers of the lots;

(3) the ground has ceased to be used for burial; and

(4) it is desirable to dispose of the burial ground for another purpose.

(b) *Action by court.* — If the court is satisfied that it is expedient or would be in the interest of the parties to sell the burial ground, the court:

(1) may pass a judgment for the sale of the burial ground on the terms and notice the court sets;

(2) shall order that as much of the proceeds of the sale as necessary be used to pay the expenses of removing any human remains in the burial ground, buying burial lots in another burial ground, and reburying the remains; and

(3) shall distribute the remaining proceeds of the sale among the parties according to their interests.

(c) *Effect of judgment.* — A judgment for the sale of a burial ground passes to the buyer of the burial ground the title to the burial ground free of the claims of:

(1) the owners of the burial ground; and

(2) the holders of burial lots. (An. Code 1957, art. 16, § 119; 1992, ch. 4, § 2; 1997, ch. 675, § 1.)

Cross references. — As to procedure for sale of burial ground, see Maryland Rule 14-401.

Maryland Law Review. — For article, "The Law/Equity Dichotomy in Maryland," see 39 Md. L. Rev. 427 (1980).

Effect of section. — Former section enlarged the corporate powers of the archbishop of Baltimore under Acts 1832, ch. 308, and removed the restrictions of that act to effect that land should be used only as a burial ground so that a purchaser under this section got a clear title. Gump v. Sibley, 79 Md. 165, 28 A. 977 (1894).

Sale of leasehold interest; interest of nonresidents or infants. — Where the leasehold interest in a lot is sold under this section, the purchasers acquire said interest, and also the interest of the lot holders though they may be nonresidents or infants. Brendel v. Zion Church, 71 Md. 83, 17 A. 936 (1889).

Improvements. — Where a cemetery was sold under Acts 1868, ch. 211, the lot holder was not entitled to compensation out of the proceeds of the sale for improvements or erections upon his lot; the most that he could claim would be to recover back the price he paid for the license. Partridge v. First Indep. Church, 39 Md. 631 (1874).

Lot owners' right of removal. — See Partridge v. First Indep. Church, 39 Md. 631 (1874).

Sale of certificates for lots. — Where certificates for lots in a cemetery are merely signed by the secretary and not sealed, acknowledged or recorded, and the owners of the cemetery sell it, the certificate holders, although they are not reimbursed for the money paid for their certificates, have no claim against the purchaser. Such sale need not be conducted under this

section. Partridge v. First Indep. Church, 39 Md. 631 (1874); Rayner v. Nugent, 60 Md. 515 (1883).

Proof held not sufficient to justify decree of sale under this section. Reed v. Stouffer, 56 Md. 236 (1881).

§ 5-506. Action for sale of burial ground in Baltimore City for another purpose.

(a) *Authorized.* — An action may be brought in accordance with the Maryland Rules and a court may pass a judgment for sale of a burial ground in Baltimore City for another purpose if:

(1) the ground has been dedicated and used for burial;

(2) burial lots have been sold in the burial ground and deeds executed or other written instruments issued to buyers of the lots without provision being made for perpetual care of the lots; and

(3) more than 75% of the area of the burial ground:

(i) has been abandoned; or

(ii) is harmful to the public health, safety, or welfare.

(b) *Who may bring action.* — The action may be brought by:

(1) a person with a property right in the burial ground; or

(2) a governmental unit with an interest in ending the conditions that are harmful to the public health, safety, or welfare.

(c) *Action by court.* — If the court is satisfied that more than 75% of the area of a burial ground has been abandoned or is harmful to the public health, safety, or welfare, the court:

(1) may pass a judgment for the sale of the entire burial ground on the terms and notice the court sets; and

(2) may appoint a trustee to sell the burial ground.

(d) *Proceeds from sale.* — The trustee shall distribute the sale proceeds:

(1) first, to pay the expenses of removing any human remains, that, with reasonable care, can be definitely located in the burial ground, buying burial lots in another burial ground, and reburying the remains;

(2) second, to pay expenses of removing any markers that are in good condition from the old lots and relocating the markers on new lots;

(3) third, to pay the expenses of ending conditions that are harmful to the public health, safety, or welfare, unless the contract of sale of the burial ground provides for abatement of those conditions within a reasonable period of time after the sale is completed;

(4) fourth, to pay the costs of necessary legal proceedings, including court costs, trustee's commissions, and legal fees;

(5) fifth, to pay in full any taxes; and

(6) finally, to pay the balance of the proceeds to the person who, immediately before the sale, had record title to the burial ground in its entirety according to the land records of Baltimore City.

(e) *Effect of judgment.* — A judgment for the sale of a burial ground or a deed or other conveyancing instrument executed by a trustee under this section passes to the buyer of the burial ground the title to the burial ground free of:

(1) the claims of the owners of the burial ground;

(2) the claims of the holders of burial lots; and

(3) the intended or actual use or dedication of the land in the burial ground for burial. (An. Code 1957, art. 16, § 120; 1992, ch. 4, § 2; 1997, ch. 675, §§ 1, 2.)

Cross references. — See Editor's notes to § 5-501 of this article.

Maryland Law Review. — For article, "The Law/Equity Dichotomy in Maryland," see 39 Md. L. Rev. 427 (1980).

CHAPTER 400. BURIAL GROUND.

Rule 14-401. Sale for other use.

(a) **Venue.** An action for sale of a burial ground for a use other than burial purposes shall be brought in the county in which the burial ground is located. When the burial ground is located in more than one county, the action may be brought in any county in which all or any part of the burial ground is located.

(b) **Complaint.** The action for sale of a burial ground shall be commenced by filing a complaint that, in addition to complying with Rules 2-303 through 2-305, shall contain:

(1) a description of the burial ground sufficient to enable it to be located,

(2) a statement that the ground has been dedicated and used for burial purposes,

(3) a statement that the burial ground has ceased to be used for burial purposes,

(4) a list of names and last known addresses of all known lot owners, or their assignees, if any, and

(5) a statement of the reasons why it is desirable to sell the burial ground for other uses.

Cross references. — *See* Code, Business Regulation Article, § 5-505, which authorizes a proceeding for the sale of a burial ground that has ceased to be used for such purposes.

For sale of cemeteries in Baltimore City where more than 75% of acreage has been abandoned or becomes a menace, *see* Code, Business Regulation Article, § 5-506.

As to certain cemeteries in Carroll County, *see* Code, Real Property Article, § 14-119.

As to exemption of lots held only for burial from attachment or execution and insolvency laws, *see* Code, Business Regulation Article, § 5-503.

As to condemnation of cemeteries, *see* Rule 12-204.

(c) **Notice — Publication and posting.** Upon the filing of the complaint, the clerk shall issue a notice instead of a summons. The notice shall be signed by the clerk and shall (1) include the caption of the action, (2) describe the substance of the complaint and the relief sought, and (3) inform all lot owners or other persons in interest of the latest date by which a response may be filed. The notice shall be published as provided in Rule 2-122, and a copy of the notice shall be posted in a conspicuous place on the property and at all principal gates or entrances to the burial ground. Additionally, a copy of the notice shall be sent by ordinary mail to each person whose name and last known address are listed in the complaint pursuant to subsection (b) (4) of this Rule.

(d) **Proceedings when no response filed.** If no party in interest appears in response to the notice, the action shall proceed ex parte. The court may order testimony to be taken and enter judgment as it deems proper. (Amended Jan. 20, 1999, effective July 1, 1999.)

Cross references. — For distribution of proceeds of sale among parties interested, *see* Code, Business Regulation Article, §§ 5-505 and 5-506.

For power of court before making distribution to order that part of proceeds may be set aside and applied to the removal and burial of any dead and the purchase of a lot in another cemetery, *see* Code, Business Regulation Article, §§ 5-505 and 5-506.

As to legal effect of judgment on title, *see* Code, Business Regulation Article, §§ 5-505 and 5-506.

Source. — This Rule is derived as follows:
Section (a) is derived from former Rule J71.
Section (b) is derived from former Rule J70.
Section (c) is derived from former Rule J72.
Section (d) is derived from former Rule J73.

Effect of amendments. — The 1999 amendment in the cross reference note following (b), substituted "Business Regulation Article, § 5-505" for "Business Regulations Article, § 5-501" in the first paragraph, substituted "Business Regulation Article, § 5-506" for "Business Regulations Article, § 5-502" in the second paragraph, and substituted "Business Regulation Article, § 5-503" for "Article 23, § 164" in the fourth paragraph; and in the cross reference note following (d), substituted "Business Regulation Article, §§ 5-505 and 5-506" for "Business Regulations Article, § 5-501" in all three paragraphs.

CHAPTER 500. TAX SALES.

Rule 14-501. Applicability.

The rules in this Chapter govern actions to foreclose the right of redemption in property sold at a tax sale.

Source. — This Rule is new.

Rule 14-502. Foreclosure of right of redemption — Complaint.

(a) **Contents.** In an action to foreclose the right of redemption in property sold at a tax sale, the complaint, in addition to complying with Rules 2-303 through 2-305, shall set forth:

(1) the fact of the issuance of the certificate of sale;

(2) a description of the property in substantially the same form as the description appearing on the certificate of tax sale;

(3) the fact that the property has not been redeemed by any party in interest; and

(4) a statement of the amount necessary for redemption.

(b) **Documents.** The complaint shall be accompanied by:

(1) the original certificate of sale, or a photocopy of the certificate;

(2) a copy of a title report supported by an affidavit by the person making the search that a complete search of the records has been performed in accordance with generally accepted standards of title examination for the period of at least 40 years immediately before the filing of the complaint; and

(3) a notice setting forth (A) the substance of the complaint and the relief sought, (B) a description of the property in substantially the same form as the description appearing on the collector's tax records, (C) the time within which a defendant must file an answer to the complaint or redeem the property, and (D) a statement that failure to answer or redeem the property within the time allowed may result in a judgment foreclosing the right of redemption.

Cross references. — *See* Code, Tax-Property Article, § 14-833 for provisions governing limitations on the time for bringing an action to foreclose the right of redemption and Code, Tax-Property Article, § 14-841 for the limitation on the number of certificates that may be

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Pat Cerretay

Congressman C.A. Dutch Ruppersberger
Maryland 2nd Congressional District

375 West Padonia Road, Suite 200 Timonium, MD 21093
(410) 628-2701 (voice)
(410) 628-2708 (facsimile)

This fax is from:

_____ Hon. C.A. Dutch Ruppersberger

_____ Tara Linnehan Oursler
_____ Cori Duggins
X Jennifer Riggs
_____ Michael Baker
_____ Carol Merkel
_____ Kate Gieron
_____ Jessica Facini
_____ Deborah Haynie
_____ Walker Stump-Coale
_____ Lynn Yates
_____ Intern

This fax is for: Councilman Ball's Office

Receiving Fax Number: 410-313-3997

Date: 6/10

Number of Pages (including this cover page):

Notes: Forwarding because this is a local zoning issue. Thanks!

Jennifer Dilsaver

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Friday, June 07, 2013

Candy Warden, President
Rosa Bonheur Society, Inc.
6400 Baltimore National Pike, #221
Catonsville, MD 21228

C. A. Dutch Ruppersberger III, Representative
2453 Rayburn House Office Building
Washington, MD 20515-2002

Dear Representative Ruppersberger,

As President of the Rosa Bonheur Society, Inc. (RBS), I am writing to you as a representative of RBS members and the people that have loved ones at the Rosa Bonheur Memorial Park (RBMP) located at 7239 Washington Boulevard, Elkridge, Maryland 21075. We are seeking your assistance in protecting and preserving this historic cemetery, which has over 10,000 burials including those of humans, famous animals (e.g., Gov. Schaefer's Willie II), war and K-9 police dogs, and family pets.

The Howard County Department of Planning and Zoning (DPZ) is considering rezoning of the 7200 block of Washington Blvd. including the RBMP. The proposed rezoning (Amendment No 37.003) would alter the zoning from CE-CLI (Corridor Employment-Continuing Light Industrial) to CE-CLI/CR (Commercial Redevelopment). The concern is that if the whole block were rezoned under one zoning classification it would make the area attractive to developers that may be willing to pursue overturning existing legislation. Presently the cemetery is protected by the Cemetery Preservation Act of 1993 and the Annotated Code of Maryland and the Maryland Rules.

After being alerted to the threat of the proposed rezoning I exchanged numerous e-mails during March 2013 with Marsha McLaughlin, Director and Beth Burgess, Division Chief of Resource Conservation of the Howard County Department of Planning and Zoning (DPZ).

On March 26, 2013 Ms. McLaughlin and Ms. Burgess and I had a conference call. Ms. McLaughlin explained that the DPZ had hired a consultant that identified areas where

east-west high ways intersect who then suggested that those areas would be good candidates for rezoning and development.

I then provided a brief history of the cemetery. Recounted that the people with loved ones had beer repeatedly victimized over the years and that the cemetery is not abandoned, bt t is loved by the community. That the state of the grounds are a result of the cemetery : alling into the hands of people that wanted to develop it. That people are being thwarte l from being able to do the things for the cemetery that they'd like to do, such as, donat e and invest money for a perpetual fund and improvements in grounds maintenance. Also, mentioned were the Cemetery Preservation Act of 1993 and Maryland laws that protect the cemetery and human remains. They were not aware that at least 24 pe ple were buried at the cemetery, the burials are widely dispersed across and around the ce netery, and that the families do not wish for their loved ones to be moved and/or disturbed. However, that RBS members and those with loved ones buried at RBMP were not averse to the planned rezoning and development of the surrounding block as long as it did not encroach on the boundaries of the cemetery and/or negatively impact the integrity of the cemetery or provide a detrimental environment.

Ms. McLaughlin then mentioned ideas for sustaining the integrity of the cemetery while allowing development around it. Overall the impression given of the discussion was that DPZ was motivated to act in the interests of the cemetery and the law.

On March 27, 2013, James Lanier and I (RBS Board members) attended a DPZ Hearing in Ellicott City, MD, but were unable to testify as only about half of the cases could be heard. Due to not being able to testify in person written testimony was submitted by RBS online.

Approximately two weeks later (April 10, 2013) Beth Burgess/DPZ and I met at 10AM at Rosa Bonheur Memorial Park and I gave her a tour and we discussed various issues regarding the cemetery.

A later meeting was subsequently planned with Ms. McLaughlin and Ms. Burgess (April 16, 2013). This meeting was to include a potential purchaser/developer for the block, which was the first time their existence had been mentioned.

On the day of the meeting (May 16, 2013) Paul Miller and I (both Coalition to Protect Maryland Burial Sites/CPMBS & RBS Board members), Ms. McLaughlin & Ms. Burgess (DPZ), and Don Reuwer/potential purchaser/developer of block; Robert Fila/Tertel Estate's Attorney & Mark Feinberg/Manager of Block met at the RBMP at 9AM.

Plans were shown by Mr. Reuwer of proposed development for the 7200 block of Washington Blvd. that appeared to allow 1 1/2 acres for a cemetery – the cemetery grounds are presently approx. 7.8 acres. This plan is reminiscent of the e-mails received (Jan. 2008) by the RBS and Senator Norman Stone from Mike Gisrael, attorney for Gunther Tertel (deceased owner RBMP). These e-mails offered 1 1/2 acres to be deeded

to either the RBS or myself) and/or to Senator Stone for the purpose of dumping all of the people and animals interred at RBMP into a mass grave. Consequently, on January 15, 2008, Senator Stone, his wife, and Ken Borst (Sen, Stone's Legal Dept.) met with Mike Gisrael and informed him that the rest of the block could be developed, but that the cemetery was protected and could not be developed. He was directed to relate this information to Gunther Tertel. On Thursday, January 31, 2008, an e-mail restating the 1 1/2 acre offer was sent again to myself after the Stone/Gisrael meeting, which elicited a surprised response from Ken Borst since it ignored the law set forth in the Cemetery Preservation Act of 1993. Mike Gisrael was again contacted by Sen. Stone's office and reminded of the laws protecting RBMP and to make sure that Mr. Tertel was aware of them.

Following the presentation of the development plans Mr. Miller and I mentioned to the group the Maryland Laws, Annotated Codes of Maryland, and the Cemetery Preservation Act of 1993 that are supposed to protect the cemetery. We also expressed the desire of the RBS to form a Friends Group and re-establish a Perpetual Fund to take care of the cemetery. Mr. Miller also cited Mr. Reuwer's previous involvement in the destruction of St, Mary's Cemetery by development in Ellicott City that provided the impetus for the formation of CPMBS and the Howard County Cemetery Preservation Board. Mr. Reuwer denied his involvement.

Ms. McLaughlin then mentioned moving "stray" markers closer in, which due to the laws protecting the cemetery should be a moot point - there are no stray markers as they are all located on the cemetery grounds. Ms. McLaughlin asked if there were any cemetery records. I replied "no" that the original records disappeared when Mr. Green relinquished the cemetery and that the subsequent records generated by Marilyn Phillips disappeared after Mr. Tertel's death. However, it was previously stated by myself to Ms. McLaughlin and Ms. Burgess there are records and deeds in the community possessed by the people that have plots there. Ground penetrating radar was discussed by Ms. McLaughlin & Mr. Reuwer and decided as the instrument for determining where the graves are in the cemetery. Also, Ms. McLaughlin wanted me to show Mr. Feinberg (who had previously threatened myself and others with removal of markers) where the humans were buried at a later date. After speaking with Ms. Burgess it was decided to delay the locating of human remains until she performs research on the best methods for locating markers at the cemetery.

This meeting raised many concerns regarding the protection and preservation of the RBMP. The plan being presented by Mr. Reuwer and Ms. McLaughlin's discussion of moving markers appears to threaten the integrity of the cemetery grounds and the sanctity of the graves therein in violation of the State and County laws. Mr. Reuwer's contention of making the area where the graves would be into a dog park was not only not reassuring, but also an insult to the people with loved ones at the cemetery.

Many people have submitted written testimony and letters to DPZ opposing the proposed rezoning and stating that they wish the cemetery to be protected and preserved. The majority of the over 10,000 burials (75-80%) have occurred from the late 1970's to the

early 2000's and the cemetery only ceased providing burial services 8 years ago. Therefore, most of the families that have loved ones at the cemetery are still vital members of the community. They care deeply about their loved ones, both human and animal, that are buried there. It has never been an unloved or unwanted cemetery, but one that was purchased most recently by a business man with deeper pockets than groups that wished to acquire, operate, and preserve the cemetery, such as, the Animal Welfare League. The only people in 6 years of RBS volunteer work that have expressed an interest in developing the cemetery are developers seeking to reap personal profits. The people with loved ones interred, their family and friends, and the community are desirous of preserving and protecting the cemetery. It is on behalf of these individuals and groups in the community that your assistance is being requested in preventing the cemetery property from being rezoned. Also, that the integrity of the cemetery and the cemetery grounds themselves be protected from development as per the Maryland Rules, Annotated Code of Maryland, and the Cemetery Preservation Act of 1993.

Thank you for your time and effort invested in consideration of this important matter.

Sincerely,

Candy Warden, President
Rosa Bonheur Society, Inc.
(443) 341 – 6433

Attachments:

Appendix I: History of Rosa Bonheur Memorial Park

Appendix II: Government Resources & Documentation Links

Appendix I: History of Rosa Bonheur Memorial Park

I. Chronology of Events Concerning the Rosa Bonheur Memorial Park (RBMP)

RBMP founded in 1935 by Edward Gross, Baltimore politician and Criminal Law Clerk.

Hayward & Grace Potee managed the cemetery very well for 30 years (1948-1978)

In 1978, William Green assumed ownership of the cemetery.

In 1979, RBMP became the only cemetery in the world where humans and their pets could be buried together.

In 1986, The Howard County Office of Consumer Affairs filed an order against Mr. Green for violation of consumer laws for his second pet cemetery, Green Meadows. All charges were dismissed when he paid to move the pet remains to another pet cemetery. About 125 of these pets were moved to RBMP.

In 1996, Consumer Affairs filed civil and criminal charges against Mr. Green for deceptive trade practices and misdemeanor theft. The outcome was that he partially reimbursed pet owners for memorials and services not rendered and received an 18 month suspended sentence, 100 hours of community service, and 1 year probation.

By 1997, the cemetery had gone into receivership and was acquired by Gunther Tertel DBA Bonheur Land Co. LLC. People were initially led to believe that the cemetery would be permanently reopened by Mr. Tertel and/or his representatives. The purchase of cemetery goods, plots and burials resumed and people again contributed to a Perpetual fund (many for the third or fourth time) to protect their loved ones resting places and the cemetery.

For approx. the first six years of his ownership Marilyn Phillips worked as an unpaid manager with volunteers performing maintenance. She performed burials at the cemetery, but people had to repurchase plots and services they had previously paid for as former owner Mr. Green had stolen the perpetual fund money and other cash assets. Also, Mr. Tertel did not contribute any funds for cemetery operations and services.

In November 2005, all burials ceased and RBMP closed without notice as reported by *The Baltimore Sun* (November 12, 2005).

On January 15, 2008, a meeting was conducted at Sen. Norman Stone's office in which Mike Gisrael, Mr. Tertel's attorney, was directed by Sen. Stone to inform Mr. Tertel that he could develop the grounds constituting the block surrounding RBMP, but not the cemetery itself as it was legally protected from development.

From 1997 until his death Mr. Tertel repeatedly made statements to media, people in the community, and those with loved ones at the cemetery that he was going to develop the cemetery (e.g., gas station, trailer park, convenience store). He also falsely and self servingly claimed only 100 people were alive that had loved ones buried or were concerned about the cemetery. People with humans and/or animals buried at the cemetery suffered ongoing threats and harassment by Mr. Tertel and/or his representatives that were aimed at making them agree to move their loved ones' remains from the cemetery regardless of their religious, cultural, and/or personal beliefs about the sanctity of burial. These false statements and threats, covered widely in the media, outraged Marylanders, upset people with loved ones at the cemetery, and very negatively impacted Mr. Tertel's reputation.

In 2011, Mr. Tertel died and his estate appears to be being managed by attorneys.

In 2013, proposed rezoning of cemetery (Amendment No: 37.003)

From 1935 – 2003 over 10,000 burials were performed at the cemetery including both humans and animals.

II. Famous Animal Burials at Rosa Bonheur Memorial Park

A. Mary Ann (d. 1941)

In the 1920s *The Baltimore Sun*, as requested by local children, lead a drive to obtain an elephant for the Baltimore zoo. Over 100,000 children collected contributions and even more donated their pennies to pay for the elephant.

"Mary Ann" arrived in 1925 and saved the zoo by generating significant revenue for improvements.

In 1941 she passed away and was buried at the cemetery.

Even after 72 years people still ask, "Did you know there's an elephant buried there?"

B. Gypsy Queen (d. October 29, 1936)

In 1925, Marylander Frank Heath and his horse, Gypsy Queen, began a two year journey to visit all 48 of the United States. Every aspect of their adventure was covered by national and local media.

After their return Mr. Heath wrote a book recounting their journey, Forty Million Hoofbeats, which continues to be in publication.

Following Gypsy Queen's death a memorial plaque was dedicated during a public ceremony widely covered by national press by Mayor Jackson in her memory at the grand opening of the cemetery on July 9, 1938.

C. Rex Ahlbin (1943 - 1946)

Rex Ahlbin was a WWII war dog donated for service by J. Ahlbin of Linthicum that served at Bougainville, Guadalcanal, and Tinian.

In 1944, he was promoted to Corporal for having alerted Marines to a Japanese attack thereby saving lives.

D. Willie II (1987 - 1995)

Gov. William Schaeffer adopted Willie II after the puppy was featured with his 12 siblings in a television profile of a local actor. Willie II received widespread media coverage and became a well loved Maryland icon. Willie II is also the first canine to be included in an official state portrait, which is currently displayed at the State House.

E. Jean Clarke Keating's Papillon Dogs

Jean Clarke Keating was not only a NASA physicist, but also a breeder of Papillon dogs that garnered many Westminster Kennel Club awards. Ms. Keating also was the popular, award winning author of five books among which are included accounts of her dogs.

F. Tomb of the Unknown Pet (1990)

A well attended public ceremony was held on May 22, 1990 to dedicate a Tomb of the Unknown Pets in honor of stray and abused animals that perish yearly.

Many community minded groups and individuals applauded the memorial as a significant advance for providing recognition of the plight of abused and abandoned animals.

G. Creatures Great and Small (1935 – Present)

There are other noted animals buried at the cemetery, such as, three Washington and Baltimore Bullets mascots, Maryland's first Collie Champion, a Grand Champion Pony, five police dogs, two dogs that saved their owners' lives, the historic Dodge Hotel's cat, and many AKC championship dogs. There are also many types of animals buried there ranging from goldfish to horses. Regardless of the fame or type of animal they each are special to many people and are often visited at the cemetery in remembrance.

III. Human Burials at Rosa Bonheur Memorial Park (1979 – 2003)

Since 1979, human beings have been interred at the cemetery. Due to the "loss" of records after the cemetery entered receivership the exact number of human burials is unknown. Estimates quoted in newspapers have ranged from 20 to 260.

Among these people are individuals that served our country in the armed forces and those that have served in the local community in jobs ranging from business owners to a bus driver for a school for challenged children. The family members of these people buried at RBMP continue to visit the cemetery on a regular basis and do not want their loved ones' graves disturbed for religious and/or cultural reasons. For over 10 years Mr. Tertel tried to force them to remove their loved ones from the cemetery, but none of the families contacted would give their consent as they view removal as desecration of their resting places

There are also at least 100 people that have purchased burial plots, but are unable to use them with some being left without a final resting place.

IV. Volunteer Work: Past and Present

For over 33 years there has been a sustained volunteer commitment to the cemetery and those with loved ones buried there. These volunteers have performed maintenance, legislative work, and community outreach in efforts to safeguard the future of the cemetery.

Since 2007, the Rosa Bonheur Society, Inc. has maintained this volunteer tradition and does not accept any cash donations. In May 2010, RBS was awarded the Periwinkle Award by the Coalition to Protect

Maryland Burial Sites for "outstanding work, dedication, and preservation of the Rosa Bonheur Memorial Park".

Appendix II: Government Resources & Documentation Links

Howard County Council – Comprehensive Rezoning 2013

http://cc.howardcountymd.gov/displayprimary.aspx?id=6442462308#Schedule

Howard County Government - Preliminary Comprehensive Zoning: Map Amendment Recommendations - the second link on the page lists RBMP:

http://www.howardcountymd.gov/compzoning.aspx?id=6442466051

Cemetery Preservation Act of 1993

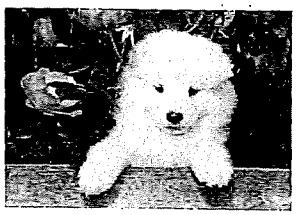
http://www.howardcountymd.gov/uploadedFiles/Home/Department_Hidden_Content_(PDF_and_HTM_)/Planning_and_Zoning/Subtitle13CemeteryPres.pdf

Baltimore Sun Articles - There are 4 pages of titles of articles on cemeteries - approx. 20 deal with the abuses that have occurred at the Rosa Bonheur Memorial Park over the years:

http://articles.baltimoresun.com/keyword/pet-cemetery

37.003 Cb2#
ST
CB25
TW
SP

Amendment No. 37,003 Opposed to Rezoning



June 23, 2013

Ms. Marianne Snyder
683 Duvall Hwy
Pasadena MD 21122-1405

Dear Howard County Council Members,

I am writing with regard to the proposed rezoning of Rosa Bonheur Memorial Park. I would like you to use all your powers to preserve this Historical cemetery - We had our first dog, Kubla Khan, buried there in 1977. It gave us much peace of mind that our precious pet for many years could rest there what we thought was a forever resting place. The owners Mr. & Mrs Dolee were a very nice couple who took great pride in Rosa Bonheur -

In the following years we Council Members [illegible] in 1985

2002 Supporter
International Fund
For Animal Welfare

[illegible] in 1992

© Sharon Eide & Elizabeth Flynn

had already purchased a plat for Chimes Haven.
Maybe some of you are pet owners yourselves
and can understand that our furry friends
are part of our family, and we want to give
them a beautiful resting place which we can
visit, cherish and decorate.
It caused us much pain and aggravation
to see how callously the then owners, Mr. Gree
& Mr. Terkel, respectively, treated our Rosa B
They showed no compassion or understand
for our feelings regarding our precious pe
It was only after the Rosa Bonheur Society can
into existence with its very dedicated volunt
and special efforts of Mrs Candy Warden, wh
spent countless hours to beautify and preser
Rosa B. that the cemetery has again becom
a beautiful resting Place for our Royal pet
Please help us with your special powers to
to preserve R.B. not only for our pets, but
also for the people buried there with their
beloved pets. Thank you very much for your
Sincerely Marianne Pryle

2013 JUN 27 P 12:04

Amendment No: 37.003

opposed to rezoning

Dear Members of the Planning and Zoning Board:

I had a 5yr. old English Cocker Spaniel named Bonnie. We adored her. She contracted liver disease at 5 years old at University of PA. Hospital in Phila, PA. and we lost her in 1993. I visited her everyday for 3 wks. at Rosa Bonheur cemetery in Elkridge in Howard Co., and I continue to visit her today.

A cemetary is hallowed ground. The cemetary is protected by Maryland and Howard Co. law. The threats of the development there have been stressful for many, and my husband and I are opposed to development that would encroach on the grounds of the cemetary at Rosa Bonheur and opposed to rezoning..

Please do consider alot of people's feelings as you consider

if this was your family, you would be very upset, as all of us are.

Thank you for your kind consideration.

Linda and Charles Rishell
11537 Shell Flower Lane
Columbia, Md. 21044

RECEIVED

JUN 17 2013

DIRECTOR'S OFFICE
DEPT. OF PLANNING & ZONING

CMBRS
ST
37.003
TLJ

July 8, 2013

Dear Honorable Members of the Howard County Council,

I am writing to you today about the Rose Bonheur Memorial Park. My Name is Michelle Oswell. 2006 Royal Court Dr. Balto - Md. 21207-4321. This letter concerns Amendment No: 37.003. opposed to rezoning.

Please find it in your hearts to Keep the sanctity of our beloved cemetery intact. My family and myself have several of our beloved pets there. For many years we Struggel to Keep our property Kept up. Mr Green was really something, I won't say what. I am sure you catch my drift. It wasn't until Ms. Candy Warden and her wonderful staff, stepped in did we feel safe at all. We had been threated several times about the cemetery being disturbed our loved ones to be fodder for whatever was going to be build there, by Mr. Tentel, also a tyrant R.I.P,

Before Ms Warden and the Volunties helped us, the grass was over 3½ foot tall. It was so tall it was matted down, the road was deeply rutted. It was a mess, very depressing to say the least. →

ADJOINING PROPERTY OWNERS FOR 7269 WASHINGTON BOULEVARD

Elkridge Enterprises, LLC
7871 Belle Point Drive
Greenbelt, MD 20770-3350
(37.003)(37.006)

Malik & Sons Washington Blvd., LLC
7263 Washington Boulevard
Elkridge, MD 21075-6118
(37.002)(37.006)

Bonheur Land Company
7239 Washington Blvd.
Elkridge, MD 21075-6118
(37.007)(37.006)

Spectrum 1 Dorsey, LLC
4733 Bethesda Avenue, Suite 650
Bethesda, Maryland 20814-5252
(37.006)

Symcha & Joan Shpak
P.O. box 461
Neavitt, MD 21652-0461
(37.006)

Gunter Tertel
7269 Washington Boulevard
Elkridge, MD 21075
(37.003)(37.002)
(37.006)

"
"

Requested Zoning

Search Street:

WASHINGTON BLVD | Next

Property Information:

Amendment No.: 37.006
Current Zoning: CE-CLI
Requested Zoning: CAC-CLI
Tax Account ID.: 1401180665
Map: 37
Grid: 23
Parcel: 272
Lot:
Acres: 4.32
Address: 7269 WASHINGTON BLVD
City/State/Zip: ELKRIDGE, MD 21075

Owner:

Name: TERTEL GUNTER W
Email:
Phone:
Mailing Address: 7269 WASHINGTON BLVD
City/State/Zip: ELKRIDGE, MD 21075

Representative:

Name: Joseph Rutter
Email: jrutter@ldandd.com
Phone: 443-367-0422
Mailing Address: 5300 Dorsey Hall Dr. Suite 102
City/State/Zip: Ellicott City, MD 21042

Decision:

Planning Board Decision:
Planning Board Vote:
Council Decision:
Council Vote:

Zoning Map Amendment Request Form

Howard County Comprehensive Zoning Plan

Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the Instructions section at the end of the form.

A. Property Information

1	Address / Street (Only)	7269	Washington Blvd.		
2	Tax Map Number	37	Grid	23	
3	Parcel(s)	272			
4	Lot(s)	N/A			
5	Tax Account Data:	District	01	Account #	180665

6	Size of Property:	Acres	4.324	Square feet	

7	The Property is currently zoned:	CE-CLI
	I request that the Property be rezoned to:	CAC-CLI

B. Owner Information

8	Owner Name	Gunther Tertel
9	Mailing street address or Post Office Box	7269 Washington Boulevard
	City, State	Elkridge, Maryland
	ZIP Code	21075
	Telephone (Main)	
	Telephone (Secondary)	
	Fax	
10	E-Mail	

DIV. OF PUBLIC SERVICE & ZONING
DEC 14 2012
RECEIVED
rec #149453

C. Representative Information

11	Name	Joseph Rutter
	Mailing street address or Post Office Box	5300 Dorsey Hall Drive Suite 102
	City, State	Ellicott City, Maryland
	ZIP	21042
	Telephone (Main)	443-367-0422 ext 287

C. Representative Information

	Telephone (Secondary)	410-977-1327
	Fax	443-367-0420
	E-Mail	jrutter@ldandd.com
12	Association with Owner	Designated Representative

D. Alternate Contact [If Any]

Name	
Telephone	
E-Mail	

E. Explanation of the Basis / Justification for the Requested Rezoning

13	The subject Property consists of 6 parcels containing approximately 14.2 acres of land located near the interchange of Routes 1 and 100. Redevelopment of these properties in a consolidated project will be facilitated by the proposed zoning. The current zoning provides no incentive for redevelopment. See attached Continuation Sheet.

F. List of Attachments/Exhibits

14	1. Continuation Sheet. 2. SDAT sheets 3. Tax Map identifying the 6 parcels

G. Signatures

15	Owner	Gunther Tertel By Robert L. Fila R. Fila Personal Representative to the Est of Gunter W. Tertel	Owner (2)	
	Date	12/14/12	Date	

☐ **Additional owner signatures? X the box to the left and attach a separate signature page.**

16	Representative Signature	Joseph Rutter
	Date	12/14/12

DPZ Use Only		Amendment No.	37.006
Notes	CAH 12/17/12		

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
HOWARD COUNTY

Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

Account Identifier: District - 01 Account Number - 180665

Owner Information

Owner Name:	TERTEL GUNTER W	**Use:**	INDUSTRIAL
		Principal Residence:	NO
Mailing Address:	7269 WASHINGTON BLVD ELKRIDGE MD 21075-6118	**Deed Reference:**	1) /01898/ 00626 2)

Location & Structure Information

Premises Address	Legal Description
7269 WASHINGTON BLVD ELKRIDGE 21075-0000	4.324 A 7269 WASHINGTON BLVD ELKRIDGE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0037	0023	0272		0000				3	Plat Ref:

Special Tax Areas	**Town**	NONE
	Ad Valorem	104
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	24656	4.3200 AC	

Stories	Basement	Type	Exterior
		STORAGE WAREHOUSE	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of 01/01/2012	As Of 07/01/2012	As Of 07/01/2013
Land	916,800	916,800		
Improvements:	606,100	444,000		
Total:	1,522,900	1,360,800	1,360,800	1,360,800
Preferential Land:	0			0

Transfer Information

Seller:	THALER HERBERT A JR	**Date:**	10/14/1988	**Price:**	$0
Type:		**Deed1:**	/01898/ 00626	**Deed2:**	
Seller:	NELSON OLGA J	**Date:**	10/14/1988	**Price:**	$0
Type:		**Deed1:**	/00000/ 00000	**Deed2:**	
Seller:	NELSON OLGA J	**Date:**	11/05/1986	**Price:**	$0
Type:	NON-ARMS LENGTH OTHER	**Deed1:**	/01548/ 00125	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	**Special Tax Recapture:**
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status: No Application

Continuation Sheet

E. Explanation of the Basis / Justification for the Requested Rezoning

13 The subject Property consists of 6 parcels containing approximately 14.2 acres of land located near the interchange of Routes 1 and 100. Given the issues inherent with the Property's CE-CLI zoning as explained in more detail below, no potential currently exists for the Petitioner to develop the Property. Instead, a zoning district that would permit a mix of high density residential dwellings and retail commercial establishments would incentivize an attractive and high quality development of a Property that is located at one of the County's major interchanges.

The County recently commissioned a Market Analysis and Strategic Implementation Analysis of the Route 1 and Snowden River Corridors by Robert Charles Lesser & Co. (the "RCLCO Study"). The RCLCO Study compiled a list of suggestions regarding future development of the Route 1 Corridor. One of the principal recommendations of the RCLCO Study was to redevelop high visibility employment areas along Route 1, especially near important County interchanges. RCLCO Study, p. 14.

The RCLCO Study also found that "[s]egmentation of the Route 1 Corridor is necessary, both to understand existing conditions and to plan for future land use opportunities." RCLCO Study, p. 4. "Moving forward, planning for the Route 1 corridor should therefore address its very different segments, both east and west of Route 1 and north and south along its length. Future planning and policy recommendations should be tuned to logical planning areas rather than be applied throughout." RCLCO Study, p. 13.

Figures 4 and 5 of the RCLCO Study identified the subject Property as an area on the border of residential and commercial segments proposed by the RCLCO Study. The Property is also located near areas G and G1 on Figure 6, identified as providing high visibility employment opportunities. The Property has frontage on Route 1 and enjoys high visibility close to the interchange of Routes 1 and 100. *See* RCLCO Study, p. 13.

PlanHoward 2030 accepted the RCLCO Study's recommendations regarding high quality development at major interchanges and the segmentation of the Route 1 Corridor. Policy 5.4 of PlanHoward 2030 is to "[e]nhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development as identified in the [RCLCO Study]." PlanHoward 2030, p. 58.

The subject Property is an ideal location to realize the recommendations of the RCLCO Study and PlanHoward 2030. The Property is an area between segments identified for residential and commercial development, with high visibility and easy access to the interchange of Routes 1 and 100.

At the present, however, the Property is not suitable for development under its current CE-CLI zoning. The RCLCO Study ultimately recommends removing the CE and CE-CLI districts. RCLCO Study, p. 16. PlanHoward 2030 also recognized the need to reevaluate the efficacy of the CE district and to consider more flexibility in the Route 1 Corridor. PlanHoward 2030, p. 58.

Pursuant to the Zoning Regulations, development in the CE district should provide for new office,

flex, and light industrial uses. HOWARD COUNTY ZONING REGULATIONS § 127.2.A. PlanHoward 2030, however, provides that the demand for office space is significantly lower than supply. "Through 2030, the demand for commercial development and office space is expected to peak at just over three million square feet. This demand is low when compared to the 14.1 million square feet of approved office space in the pipeline in Howard and Anne Arundel Counties." PlanHoward 2030, p. 58. Given the limited future demand for the types of development envisioned by the CE district, it is not economically feasible to develop the Property under its current zoning.

The proposed rezoning is also consistent with PlanHoward 2030's goal for the County to provide a diverse mix of housing opportunities. PlanHoward 2030 provides that housing experts believe that over the next 20 years, more than 60 percent of new housing demand will be for multifamily dwelling units. This projected trend is due both to an increasing ratio of smaller households and to the financial inability of many residents to afford single-family housing. PlanHoward 2030, p. 140.

Between 1990 and 2010, the number of residents living alone increased by 75 percent. "[T]he single-family detached house is no longer preferred by many households. Smaller-sized housing will be in greater demand in the future. The data shows a demographic shift that aligns well with the decreasing availability of land for the traditional single-family detached home and the increased emphasis on planning for more compact higher-density residential development. From this perspective, condominium and rental apartments and townhome developments will be a greater portion of new homes built in the County in the future." PlanHoward 2030, pp. 140-42.

PlanHoward 2030 also calls for the provision of affordable housing opportunities for low and moderate income residents. PlanHoward 2030, pp. 142-44. The Zoning Regulations require that a residential development in the CAC district provide at least 15 percent of its dwelling units as moderate income housing units. HOWARD COUNTY ZONING REGULATIONS § 127.5.E.3.e.(1).

Instead of causing a relatively large parcel, located in a high visibility area near a major County interchange, to remain underdeveloped for the foreseeable future, the Property should be rezoned to a district that can utilize its full potential. A zone allowing a mix of high density residential development and retail commercial development would be the most appropriate zoning district for the Property. The allowance of residential units would incentivize an attractive development of the Property befitting the County's vision for the Route 1 Corridor. The residential component would also permit the establishment of high-quality commercial uses that would be supported by the new residential units located in a mixed-use community.

STATE OF MARYLAND
LETTERS OF ADMINISTRATION

ESTATE NO. 22727

I certify that administration of the Estate of

GUNTER WOLFGANG TERTEL

was granted on the 21st day of SEPTEMBER, 2011,

to ROBERT L FILA

as personal representative(s) and the appointment is in effect

this 21st day of SEPTEMBER 2011,

☑ Will probated September 21, 2011
(date)

☐ Intestate estate

Byron E Macfarlane

BYRON E MACFARLANE

Register of Wills for

Howard County

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE REGISTER

RW1120

ROWNET
11/2009

Howard County Council

George Howard Building
3475 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Mr. Gunter Tertel
7275 Washington Blvd.
Elkridge, MD 21075

Dear Mr. Tertel:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

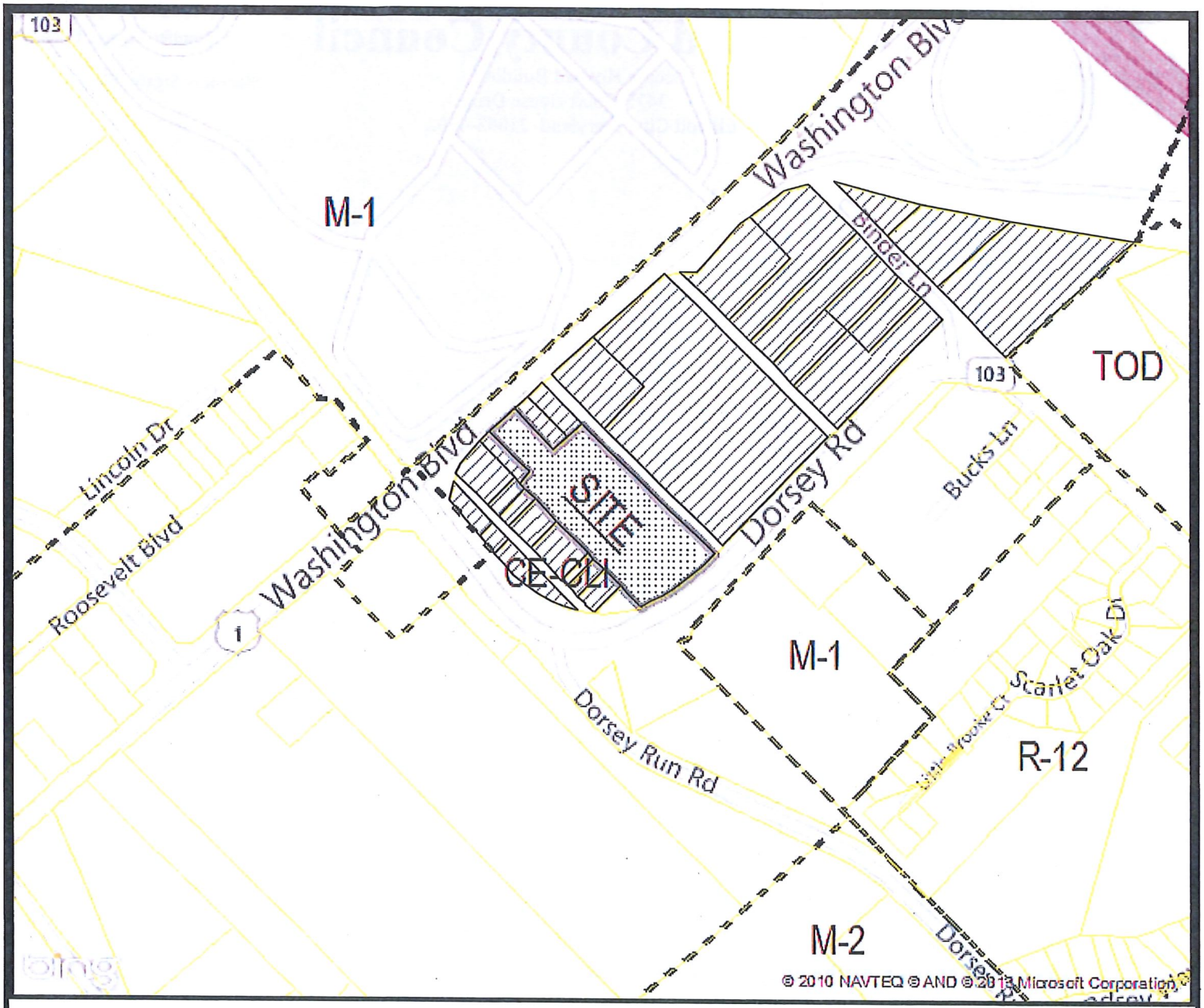
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

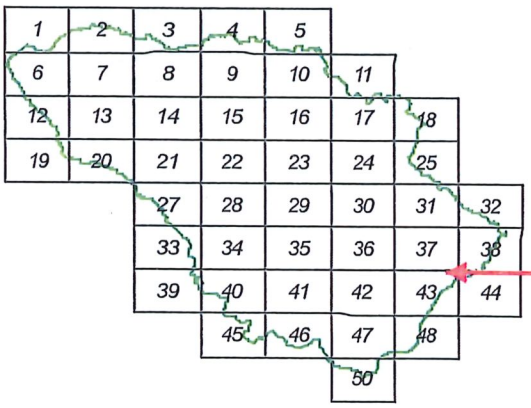
The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official."**

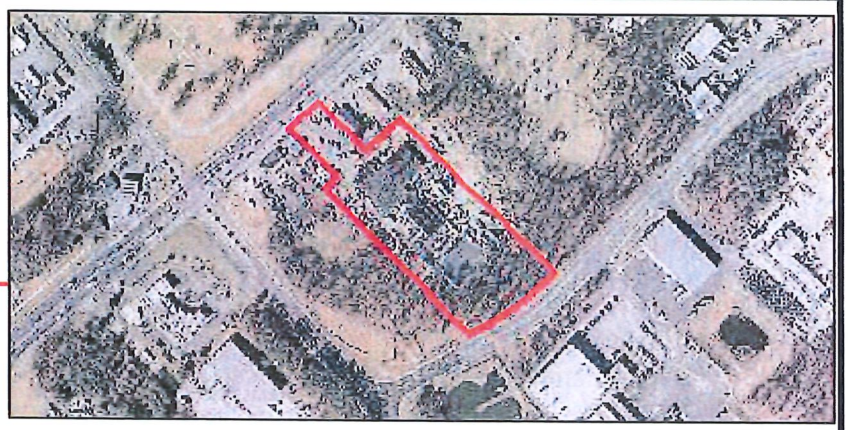
Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

Stephen M. LeGendre
Administrator







Zoning Map General Plan Amendment: **37.006** Tax ID: **1401180665**

Current Zoning: **CE-CLI** Council District: **2**

Tax Map: **37** Grid: **23** Parcel: **272** Lot: **N/A**

Address: **7269 WASHINGTON BLVD**

ADJOINING PROPERTY OWNERS FOR 7223 WASHINGTON BOULEVARD

Bonheur Land Company
7239 Washington Blvd.
Elkridge, MD 21075-6118
(37.007)

Barbara Simkin
47 Farmhouse
Pikesville, MD 21208-1324
(37.007)

"
"

Requested Zoning

Search Street:

WASHINGTON BLVD | Next

Property Information:

Amendment No.: 37.007
Current Zoning: CE-CLI
Requested Zoning: CAC-CLI
Tax Account ID.: 1401163833
Map: 37
Grid: 23
Parcel: 452
Lot: 3 4 5
Acres: 1.27
Address: 7223 WASHINGTON BLVD
City/State/Zip: ELKRIDGE, MD 21075

Owner:

Name: TERTEL GUNTER W
Email:
Phone:
Mailing Address: 7269 WASHINGTON BLVD
City/State/Zip: ELKRIDGE, MD 21075

Representative:

Name: Joseph Rutter
Email: jrutter @ldandd.com
Phone: 443-367-0422
Mailing Address: 5300 Dorsey Hall Drive, Suite 102
City/State/Zip: Ellicott City, MD 21042

Decision:

Planning Board Decision:
Planning Board Vote:
Council Decision:
Council Vote:

Zoning Map Amendment Request Form

Howard County Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the Instructions section at the end of the form.

A. Property Information

1	Address / Street (Only)	6724	Dorsey Road ✓			
2	Tax Map Number	37		Grid	23 ✓	
3	Parcel(s)	452 ✓				
4	Lot(s)	3,4,5				
5	Tax Account Data:	District	01	Account #	163833 ✓	

alt. address map shows: 7223 Wash. Blvd.

6	Size of Property:	Acres	1.272	Square feet	

7	The Property is currently zoned:	CE-CLI ✓
	I request that the Property be rezoned to:	CAC-CLI

B. Owner Information

8	Owner Name	Gunther Tertel ✓
9	Mailing street address or Post Office Box	7269 Washington Boulevard
	City, State	Elkridge, Maryland
	ZIP Code	21075
	Telephone (Main)	
	Telephone (Secondary)	
	Fax	
10	E-Mail	

RECEIVED
DEC 14 2012
DIV. OF PUBLIC SERVICE & ZONING
rec 149453

C. Representative Information

11	Name	Joseph Rutter
	Mailing street address or Post Office Box	5300 Dorsey Hall Drive suite 102
	City, State	Ellicott City, Maryland
	ZIP	21042
	Telephone (Main)	443-367-0422 ext 287

C. Representative Information

	Telephone (Secondary)	410-977-1327
	Fax	443-367-0420
	E-Mail	jrutter@ldandd.com
12	Association with Owner	Designated Representative

D. Alternate Contact [If Any]

	Name	
	Telephone	
	E-Mail	

E. Explanation of the Basis / Justification for the Requested Rezoning

13	The subject Property consists of 6 parcels containing approximately 14.2 acres of land located near the interchange of Routes 1 and 100. Redevelopment of these properties in a consolidated project will be facilitated by the proposed zoning. The current zoning provides no incentive for redevelopment. See attached Continuation Sheet.

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14	1. Continuation Sheet. 2. SDAT sheets 3. Tax Map identifying the 6 parcels

G. Signatures

15	Owner	Gunther Tertel By Robert h. Fila R. Fila Personal Representative to the Est of Gunter W. Tertel	Owner (2)	
	Date	12/14/12	Date	

☐ **Additional owner signatures?** **X the box to the left and attach a separate signature page.**

16	Representative Signature	Joseph Rutter
	Date	12/14/12

DPZ Use Only		Amendment No.	37.007
Notes	Cott 12/17/12		

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
HOWARD COUNTY

Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

Account Identifier: District - 01 Account Number - 163833

Owner Information

Owner Name:	TERTEL GUNTER W	**Use:**	COMMERCIAL
		Principal Residence:	NO
Mailing Address:	7269 WASHINGTON BLVD ELKRIDGE MD 21075-6118	**Deed Reference:**	1) /10702/ 00416 2)

Location & Structure Information

Premises Address
6724 DORSEY RD
ELKRIDGE 21075-0000

Legal Description
LOTS 3 - 5 1.272 A
6724 DORSEY RD
WESLEY GROVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0037	0023	0452		0000			3 4 5	3	Plat Ref:

Special Tax Areas	Town	NONE
	Ad Valorem	104
	Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		1.2700 AC	

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2012	Phase-in Assessments As Of 07/01/2012	As Of 07/01/2013
Land	282,100	282,100		
Improvements:	0	0		
Total:	282,100	282,100	282,100	282,100
Preferential Land:	0			0

Transfer Information

Seller:	STATE HIGHWAY ADM	Date:	05/24/2007	Price:	$310,000
Type:	ARMS LENGTH VACANT	Deed1:	/10702/ 00416	Deed2:	
Seller:	DORSEY MARY JOANNE L/E	Date:	04/30/1992	Price:	$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/02559/ 00640	Deed2:	
Seller:	DORSEY HARRY DALLAS	Date:	03/23/1983	Price:	$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/01236/ 00721	Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status: No Application

Continuation Sheet

E. Explanation of the Basis / Justification for the Requested Rezoning

13 The subject Property consists of 6 parcels containing approximately 14.2 acres of land located near the interchange of Routes 1 and 100. Given the issues inherent with the Property's CE-CLI zoning as explained in more detail below, no potential currently exists for the Petitioner to develop the Property. Instead, a zoning district that would permit a mix of high density residential dwellings and retail commercial establishments would incentivize an attractive and high quality development of a Property that is located at one of the County's major interchanges.

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The RCLCO Study also found that "[s]egmentation of the Route 1 Corridor is necessary, both to understand existing conditions and to plan for future land use opportunities." RCLCO Study, p. 4. "Moving forward, planning for the Route 1 corridor should therefore address its very different segments, both east and west of Route 1 and north and south along its length. Future planning and policy recommendations should be tuned to logical planning areas rather than be applied throughout." RCLCO Study, p. 13.

Figures 4 and 5 of the RCLCO Study identified the subject Property as an area on the border of residential and commercial segments proposed by the RCLCO Study. The Property is also located near areas G and G1 on Figure 6, identified as providing high visibility employment opportunities. The Property has frontage on Route 1 and enjoys high visibility close to the interchange of Routes 1 and 100. *See* RCLCO Study, p. 13.

PlanHoward 2030 accepted the RCLCO Study's recommendations regarding high quality development at major interchanges and the segmentation of the Route 1 Corridor. Policy 5.4 of PlanHoward 2030 is to "[e]nhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development as identified in the [RCLCO Study]." PlanHoward 2030, p. 58.

The subject Property is an ideal location to realize the recommendations of the RCLCO Study and PlanHoward 2030. The Property is an area between segments identified for residential and commercial development, with high visibility and easy access to the interchange of Routes 1 and 100.

At the present, however, the Property is not suitable for development under its current CE-CLI zoning. The RCLCO Study ultimately recommends removing the CE and CE-CLI districts. RCLCO Study, p. 16. PlanHoward 2030 also recognized the need to reevaluate the efficacy of the CE district and to consider more flexibility in the Route 1 Corridor. PlanHoward 2030, p. 58.

Pursuant to the Zoning Regulations, development in the CE district should provide for new office,

flex, and light industrial uses. HOWARD COUNTY ZONING REGULATIONS § 127.2.A. PlanHoward 2030, however, provides that the demand for office space is significantly lower than supply. "Through 2030, the demand for commercial development and office space is expected to peak at just over three million square feet. This demand is low when compared to the 14.1 million square feet of approved office space in the pipeline in Howard and Anne Arundel Counties." PlanHoward 2030, p. 58. Given the limited future demand for the types of development envisioned by the CE district, it is not economically feasible to develop the Property under its current zoning.

The proposed rezoning is also consistent with PlanHoward 2030's goal for the County to provide a diverse mix of housing opportunities. PlanHoward 2030 provides that housing experts believe that over the next 20 years, more than 60 percent of new housing demand will be for multifamily dwelling units. This projected trend is due both to an increasing ratio of smaller households and to the financial inability of many residents to afford single-family housing. PlanHoward 2030, p. 140.

Between 1990 and 2010, the number of residents living alone increased by 75 percent. "[T]he single-family detached house is no longer preferred by many households. Smaller-sized housing will be in greater demand in the future. The data shows a demographic shift that aligns well with the decreasing availability of land for the traditional single-family detached home and the increased emphasis on planning for more compact higher-density residential development. From this perspective, condominium and rental apartments and townhome developments will be a greater portion of new homes built in the County in the future." PlanHoward 2030, pp. 140-42.

PlanHoward 2030 also calls for the provision of affordable housing opportunities for low and moderate income residents. PlanHoward 2030, pp. 142-44. The Zoning Regulations require that a residential development in the CAC district provide at least 15 percent of its dwelling units as moderate income housing units. HOWARD COUNTY ZONING REGULATIONS § 127.5.E.3.e.(1).

Instead of causing a relatively large parcel, located in a high visibility area near a major County interchange, to remain underdeveloped for the foreseeable future, the Property should be rezoned to a district that can utilize its full potential. A zone allowing a mix of high density residential development and retail commercial development would be the most appropriate zoning district for the Property. The allowance of residential units would incentivize an attractive development of the Property befitting the County's vision for the Route 1 Corridor. The residential component would also permit the establishment of high-quality commercial uses that would be supported by the new residential units located in a mixed-use community.

STATE OF MARYLAND
LETTERS OF ADMINISTRATION

ESTATE NO. 22727

I certify that administration of the Estate of

GUNTER WOLFGANG TERTEL

was granted on the 21st day of SEPTEMBER, 2011,

to ROBERT L FILA

as personal representative(s) and the appointment is in effect

this 21st day of SEPTEMBER 2011,

☑ Will probated September 21, 2011
(date)

☐ Intestate estate

Byron E Macfarlane

BYRON E MACFARLANE
Register of Wills for
Howard County

VALID ONLY IF SEALED WITH THE SEAL OF THE COURT OR THE REGISTER

RW1120

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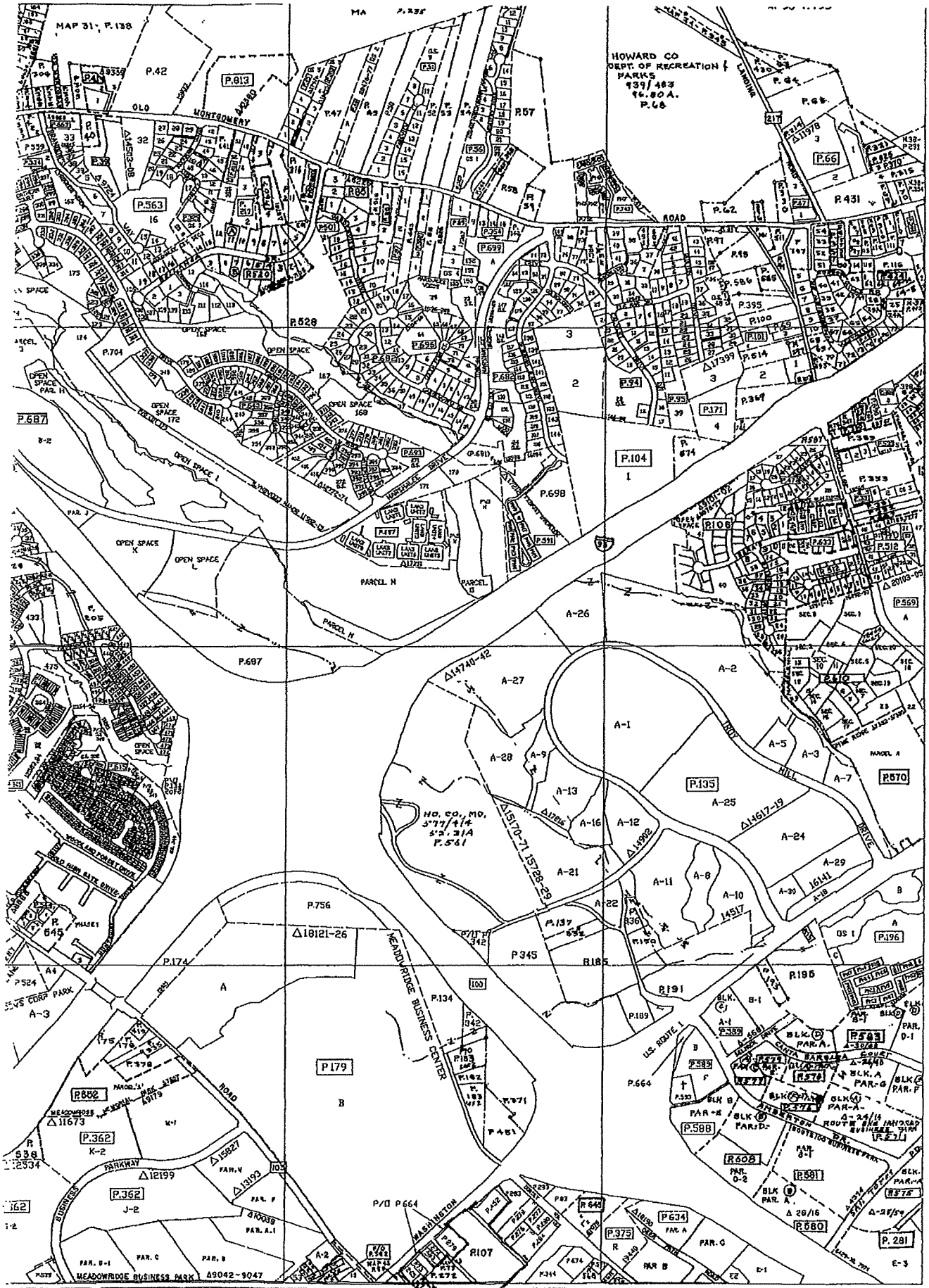
MAP 31, P. 138
HOWARD CO DEPT. OF RECREATION & PARKS 939/463 96.80 A. P.68
OLD MONTGOMERY ROAD
ROAD
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PARCEL G
MEADOWRIDGE BUSINESS CENTER
MEADOWRIDGE BUSINESS PARK
WASHINGTON BLVD
U.S. ROUTE 1
HWY
BRIDGE
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18121-26
14740-42
14617-19
15902
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Howard County Council

George Howard Building
3475 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

Mr. Gunter Tertel
7275 Washington Blvd.
Elkridge, MD 21075

Dear Mr. Tertel:

You are receiving this letter because you filed a Zoning Map Amendment Request Form/Howard County Comprehensive Zoning Plan or a Zoning Regulation Amendment Request Form/Howard County Comprehensive Plan.

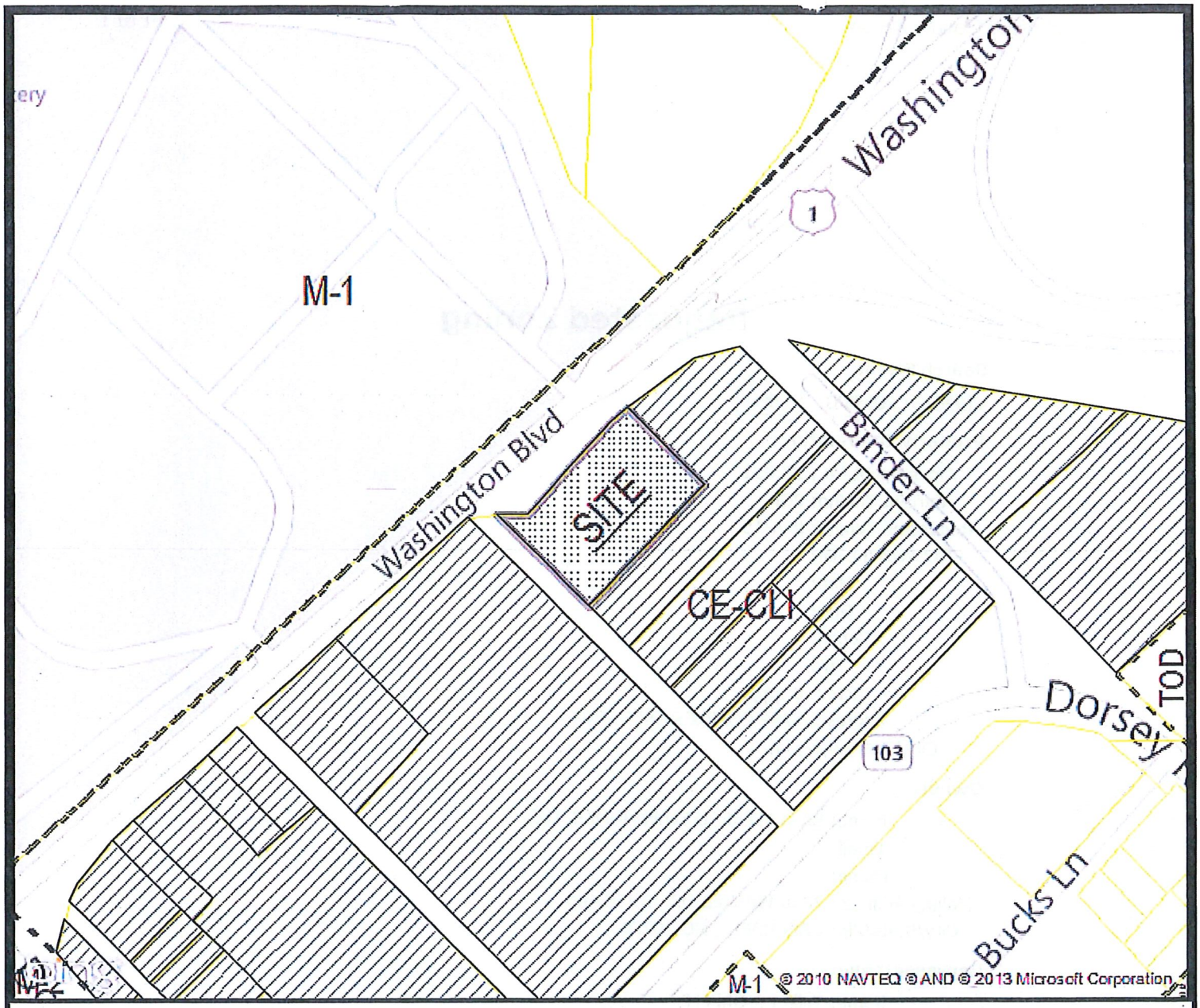
Please be advised that on March 7, 2013, the Howard County Ethics Commission determined that the Zoning Map Request Form needs to be accompanied by certain affidavits and disclosures. The Commission also determined that the Zoning Regulation Amendment Form needs to be accompanied by certain affidavits and disclosures when the Form proposes to "increase the density of the land of the applicant."

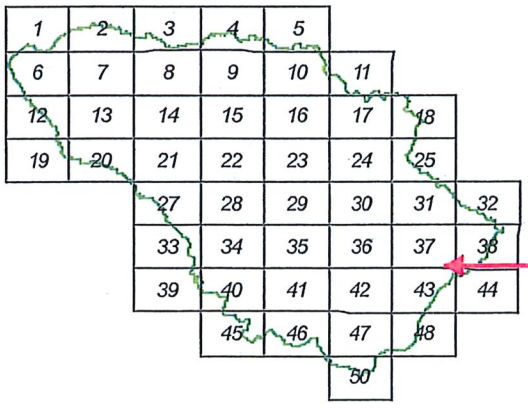
The Commission directed me to notify applicants of their obligation to file the affidavit and disclosure. The obligation is set forth in Md. Code Ann., St. Gov't, Sec. 15-849(b), which provides in part, **"the affidavit or disclosure shall be filed at least 30 calendar days prior to any consideration of the application by an elected official."**

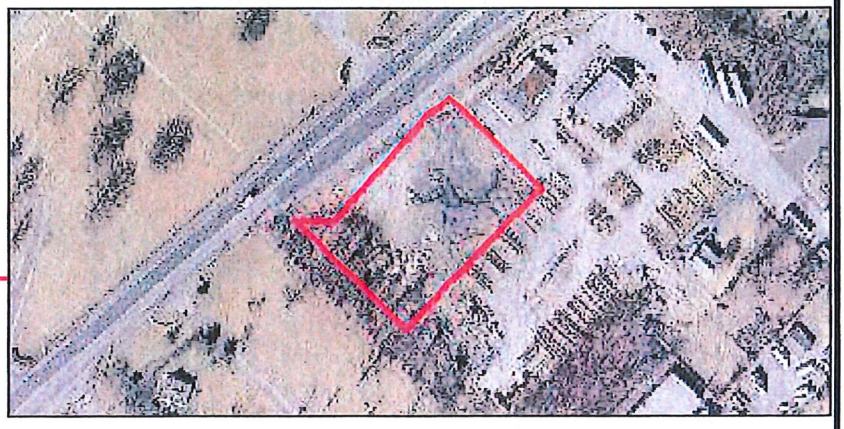
Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

Stephen M. LeGendre
Administrator







Zoning Map General Plan Amendment: **37.007** Tax ID: **1401163833**

Current Zoning: **CE-CLI** Council District: **2**

Tax Map: **37** Grid: **23** Parcel: **452** Lot: **3 4 5**

Address: **7223 WASHINGTON BLVD**

Requested Zoning

Search Street:

CHARLES CROSSING | Next

Property Information:

Amendment No.: 37.001
Current Zoning: POR
Requested Zoning: R-A-15
Tax Account ID.:
Map:
Grid:
Parcel:
Lot:
Acres: 0 5998
Address: ~~5960~~ CHARLES CROSSING
City/State/Zip: , MD

Owner:

Name: BA WATERLOO TOWNHOMES, LLC
Email:
Phone:
Mailing Address: 7850 WALKER DR. SUITE 400
City/State/Zip: GREENBELT, MD 20770

Representative:

Name: Talkin & Oh, LLP
Email: soh@talkin-oh.com
Phone: 410-964-0300
Mailing Address: 5100 Dorsey Hall Drive
City/State/Zip: Ellicott City, MD 21042

Decision:

Planning Board Decision:
Planning Board Vote:
Council Decision:
Council Vote:

Zoning Map Amendment Request Form

Howard County Comprehensive Zoning Plan
Department of Planning and Zoning

[Word 2007 Version]
Before filling out this form, please read the Instructions section at the end of the form.

A. Property Information

1	Address / Street (Only)	~~5960~~ 5998	Charles Crossing		
2	Tax Map Number	37	Grid	1	
3	Parcel(s)	4			
4	Lot(s)	D2			
5	Tax Account Data:	District	01	Account #	321498
6	Size of Property:	Acres	6.5901	Square feet	
7	The Property is currently zoned:		POR		
	I request that the Property be rezoned to:		R-A-15		

B. Owner Information

8	Owner Name	BA Waterloo Townhomes, LLC
9	Mailing street address or Post Office Box	7850 Walker Drive, Suite 400
	City, State	Greenbelt, Maryland
	ZIP Code	20770
	Telephone (Main)	
	Telephone (Secondary)	
	Fax	
10	E-Mail	

RECEIVED
DEC 12 2012
DIV. OF PUBLIC SERVICE & ZONING

C. Representative Information

11	Name	Talkin & Oh, LLP
	Mailing street address or Post Office Box	5100 Dorsey Hall Drive
	City, State	Ellicott City, Maryland
	ZIP	21042
	Telephone (Main)	410-964-0300 (Sang Oh)

C. Representative Information

Telephone (Secondary)

Fax 410-964-2008

E-Mail soh@talkin-oh.com

12 Association with Owner Attorneys

D. Alternate Contact [If Any]

Name

Telephone

E-Mail

E. Explanation of the Basis / Justification for the Requested Rezoning

13 The subject Property is currently vacant and undeveloped. With its zoning classification of POR, there is presently no viable potential to develop the Property. It would be in the best interests of the Petitioner as well as the surrounding residential community for the Property to be developed in the same manner as the adjacent Shipley's residences.

See attached Continuation Sheet.

F. List of Attachments/Exhibits

14 1. Continuation Sheet. 2. Map of the Property from County's website.

G. Signatures

15 Owner [signature] Trustee

Dec 11, 2012

Date

Owner (2)

Date

☐ **Additional owner signatures? X the box to the left and attach a separate signature page.**

16 Representative Signature [signature]

Date 12-11-12

DPZ Use Only		Amendment No.	37.001
Notes			

Continuation Sheet

E. Explanation of the Basis / Justification for the Requested Rezoning

13 The subject Property is currently vacant and undeveloped. With its zoning classification of POR, there is presently no viable potential to develop the Property. It would be in the best interests of the Petitioner as well as the surrounding residential community for the Property to be developed in the same manner as the adjacent Shipley's residences.

The POR district permits as a matter of right, *inter alia*, office, professional and business. With the Property situated along Route 100, the POR zoning of the Property was most likely to encourage this type of commercial use with high visibility along a major, arterial highway.

The Property, however, does not enjoy direct access to or from Route 100 or any other major arterial or collector road. Aside from Route 100, the Property is surrounded completely by residentially zoned and developed properties. Requiring the Property to maintain its POR zoning classification would force a commercial use to be tucked into the rear of a residential subdivision. Mixed-use developments are optimally designed when the commercial use is on the outskirts of the residential development and is easily accessible off of major roads.

The Property, on the other hand, is accessible only by driving through existing residential communities on small, local roads, which would undoubtedly cause adverse impacts on, and be objectionable to, the already-established residential communities. These circumstances are atypical conditions for most commercially-zoned properties and cause the Property to be unsuitable for the vast majority of uses permitted under the current POR zoning. These conditions render it more logical for the Property to be developed in a residential manner.

The only residential use permitted in the POR District, however, is age-restricted adult housing. At the time of the last Comprehensive Zoning, the senior housing market was prosperous due to the strength of the economy, the strong resale market for existing homes, apparently safe returns on retirement investments, and an overall belief that these trends would continue into the foreseeable future.

The market for age-restricted adult housing has not remained strong, as anticipated, but has instead plummeted. Many reasons exist for this trend, but most revolve around the reversal of the factors that led to the senior housing boom. The strength of the economy is much weaker now than at the time of the last Comprehensive Zoning. Retirement investments that once seemed safe have generally lost large percentages of their value. The recession has removed any confidence in the continuation of the positive economic trends that marked the beginning of the 2000's.

Adding to this lack of demand is the fact that age-restricted housing development has continued in the County. There were 234 age-restricted housing units built in 2011. As of December 31, 2011, 689 age-restricted units were in the planning process but not yet constructed. DEVELOPMENT MONITORING SYSTEM REPORT HOWARD COUNTY, MARYLAND, May 2012, p. 4. Given the high number of units currently available and projected, and the effects of the economy on sales, the construction of additional age-restricted adult housing units on the Property would not be viable. Given these facts, the financing required for the construction of a new age-restricted housing development would be unobtainable.

Instead of the POR District, which subjects the Property to commercial or age-restricted uses that are not viable, the R-A-15 district is a more appropriate zoning district and will ensure a development of the Property consistent with the development that has already occurred within Shipley's Grant.

Additionally, the proposed rezoning of the Property from POR to R-A-15 will be in harmony with PlanHoward 2030 and will not adversely affect the surrounding and vicinal properties. First, the Property is within the "Residential Areas" designation of the Howard County General Plan 2000 Amended Policies Map. The proposed reclassification of the Property to the R-A-15 District will guarantee an appropriate residential use of the Property.

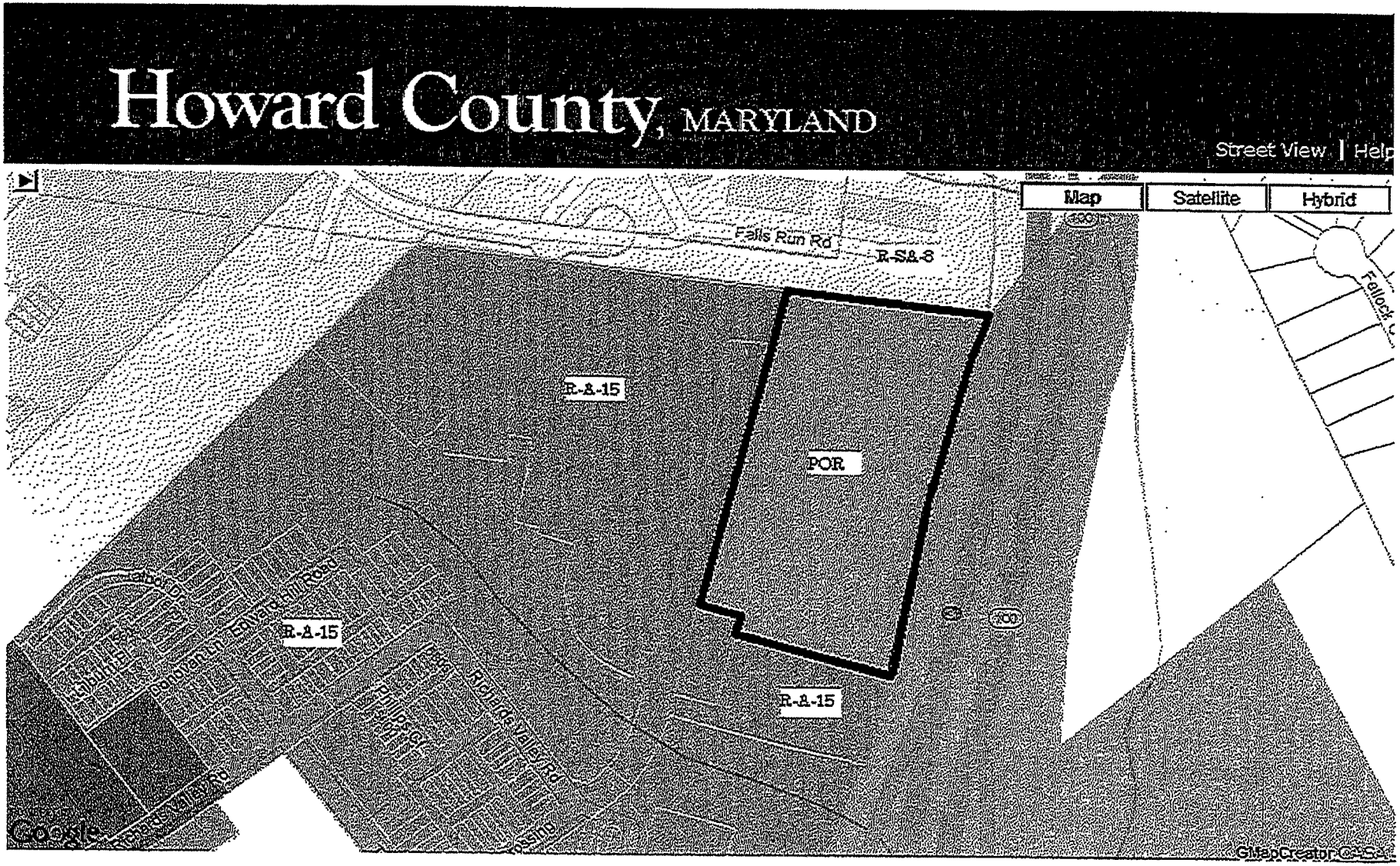
Two important policy goals of PlanHoward 2030 are to continue providing affordable housing opportunities for low and moderate income residents and to preserve existing affordable housing opportunities. PlanHoward 2030, pp. 142-44. The proposed rezoning of the Property to the R-A-15 District is consistent with these goals. Age-restricted adult housing in the POR District requires that at least 10 percent of the dwelling units be moderate-income housing units. The proposed rezoning to the R-A-15 District, which also requires that at least 10 percent of the dwellings in a development be moderate-income housing units, ensures that the moderate income housing opportunities for the Property are being preserved. Moreover, as age-restricted adult housing on the Property is not viable, as explained above, a rezoning to the R-A-15 district consistent with the surrounding Shipley's Grant residences will allow for the development of these moderate income housing units that would most likely not be built under the existing zoning.

The proposed rezoning is also consistent with the County's need to provide a diverse mix of housing opportunities. PlanHoward 2030 provides that housing experts believe that over the next 20 years, more than 60 percent of new housing demand will be for multifamily dwelling units. This projected trend is due both to an increasing ratio of smaller households and to the financial inability of many residents to afford single-family housing. PlanHoward 2030, p. 140.

Between 1990 and 2010, the number of residents living alone increased by 75 percent. "[T]he single-family detached house is no longer preferred by many households. Smaller-sized housing will be in greater demand in the future. The data shows a demographic shift that aligns well with the decreasing availability of land for the traditional single-family detached home and the increased emphasis on planning for more compact higher-density residential development. From this perspective . . . townhome developments will be a greater portion of new homes built in the County in the future." PlanHoward 2030, pp. 140-42.

The County's demographic shift was also noted in a recent Market Analysis and Strategic Implementation Analysis of the Route 1 and Snowden River Corridors by Robert Charles Lesser & Co. commissioned by the County (the "RCLCO Study"). The RCLCO Study found that "the true demand for multifamily units is indeed much higher than historical permitting trends and that there is likely 2X or more demand for multifamily units in the County overall based on the increase in 1- and 2-person households as the primary drivers of housing demand in addition to increased acceptance of and desire for high density housing product types." RCLCO Study, p. 7. The RCLCO Study also recommended that, to reduce residential development pressure on the Route 1 Corridor and to satisfy County demand, "Where feasible, in areas west of I-95, and to further serve the market now being served in the Route 1 corridor, the County should seek opportunities for more housing, especially multi-family housing." RCLCO Study, p. 18.

In addition to the policy reasons supporting the requested rezoning of the Property, the R-A-15 District will be more suitable for the surrounding and vicinal properties than any POR development would be. The Property is bounded to the immediate south and west by properties in the R-A-15 District. Residential development of the Property in the form of additional townhomes, such as those surrounding the Property, would be preferable to the community and would present less adverse effects than a POR development.


Howard County, MARYLAND
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Richards Valley Rd
Google
GMapCreator

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Howard County Council

George Howard Building
3475 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS
Jennifer Terrasa, Chairperson
District 3
Mary Kay Sigaty, Vice Chairperson
District 4
Courtney Watson
District 1
Calvin Ball
District 2
Greg Fox
District 5

March 11, 2013

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Elkridge, MD 21075

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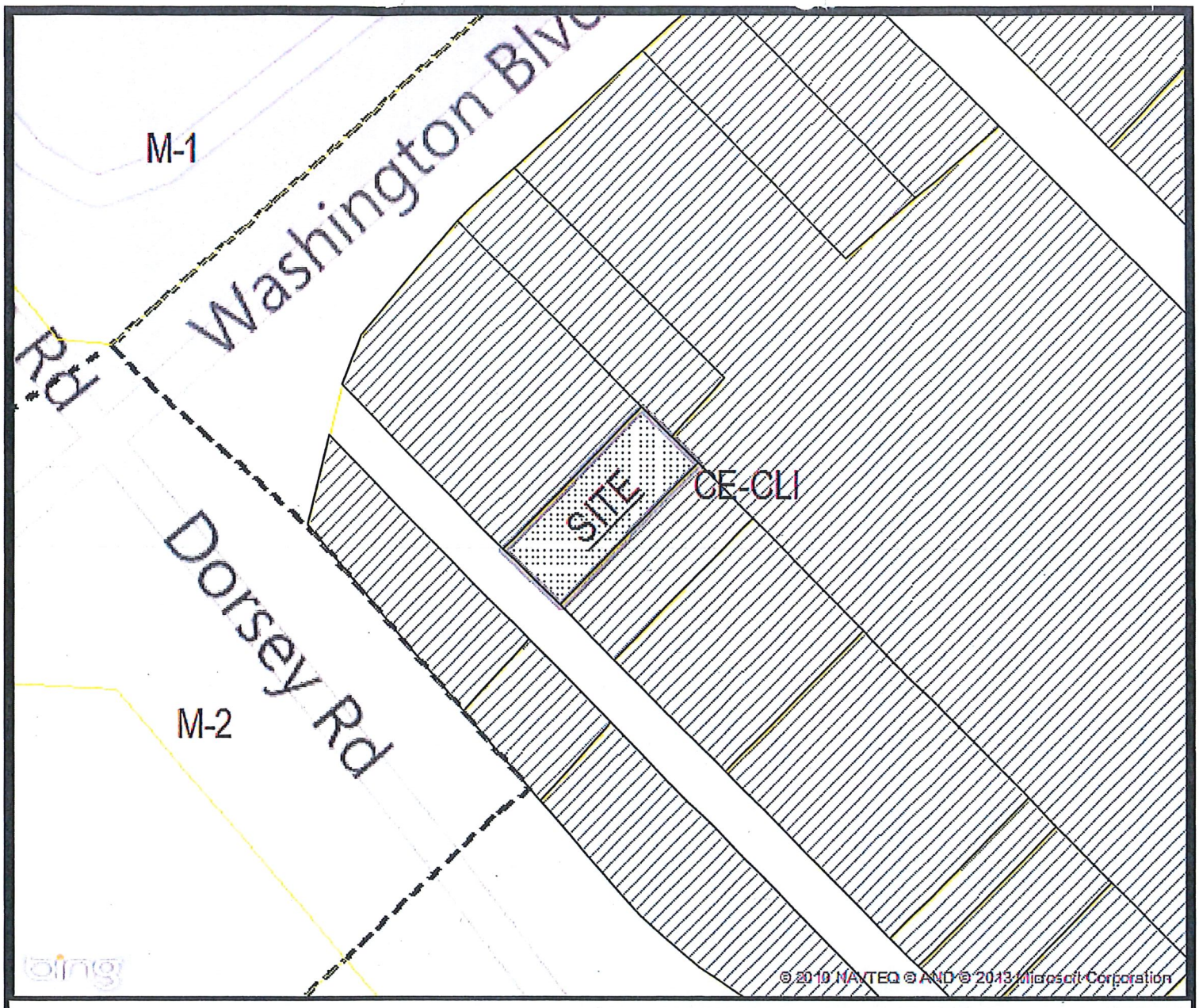
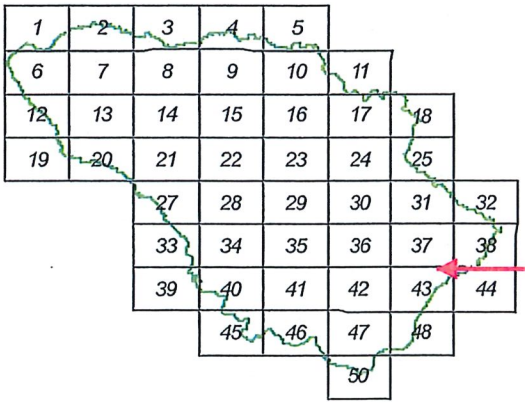
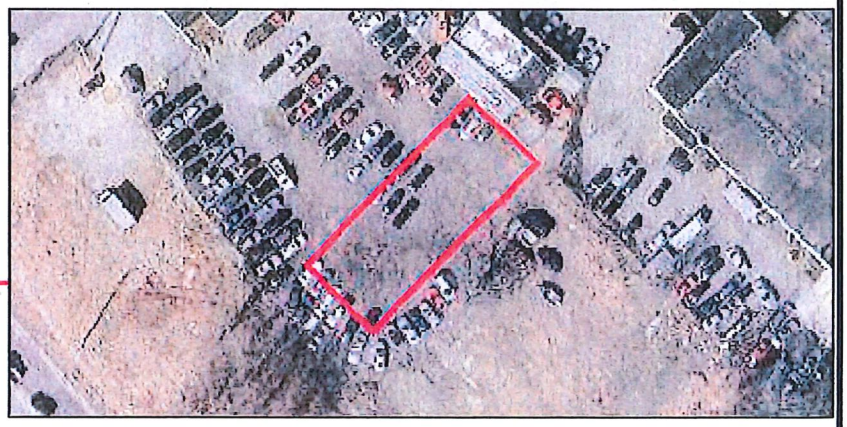
Accordingly, I am enclosing for your use the approved affidavit packet. Completed forms may be mailed to the Administrative Assistant to the Zoning Board at 3430 Court House Drive, Ellicott City, MD 21043.

Very truly yours,

Stephen M. LeGendre
Administrator







Zoning Map General Plan Amendment: **43.017** Tax ID: **1401172727**

Current Zoning: **CE-CLI** Council District: **2**

Tax Map: **43** Grid: **5** Parcel: **73** Lot: **N/A**

Address: **7283 WASHINGTON BLVD**

* Some Amendment Numbers were intentionally skipped

PROPOSED MAP AMENDMENTS
WITH NOTES RE: COUNCIL WORK SESSIONS

June 25, 2013

Amd. Number	Property Address	Acres	Current Zoning	Requested Zoning	DPZ Notes	DPZ Recommends	Planning Board Recommends	Planning Board Notes	New Zoning	Council Notes	Council Decision
2.001	WALLACE, JAMES F JR 17530 FREDERICK RD	0.92	RC-DEO	B-1	Longstanding small business adjoins M-1.	B-1	B-1	5-0	B-1		ok w/ DPZ rec
6.001	CHANYASULKIT, SOMSAK 1024 RIDGE RD	3.64	RC-DEO	B-1	Not a commercial area.	RC-DEO (or BR if septic capacity)	RC-DEO	4-0 The current property owner and restaurant was well supported by testimony, but B-1 allows many other uses. If the septic limitations can be overcome, recommend BR zoning to allow restaurant expansion.	RC-DEO (or BR if septic capacity)	Hold open 6/27	
8.001	WOODMONT EDUCATION FOUNDATION, INC. 14196 FREDERICK RD	66.1	RC-DEO	I	Existing private school and religious retreat. The I district is not currently authorized outside the PSA, and has never been used. If the I district is determined preferable, text amendments are needed to clarify the conditions and process for PDP approval. If the I district is not approved, consider deleting the I district and removing the institutional zoning overlay from the YMCA and Veterans Elementary School.	CCT	RC-DEO	Split vote 3-2 The 3 Board members that voted to keep the current zoning believed that the other two districts do not fit the property/use. They agreed that the Conditional Use process was appropriate and would give the public the opportunity to participate. The two Board members that voted for the I Zoning District thought that having it go through the Zoning Board process to get the district would work best. This would allow for public input and the decision would be up to elected officials. The language for the I District would have to be changed to allow it outside of the PSA.	CCT	withdrawn, amendment submitted 6/27	
10.001	DIMARCO, ROSARIO & WF 11416 OLD FREDERICK RD	3.79	RC-DEO	R-20	Outside the Planned Service Area for sewer	RC-DEO	RC-DEO	4-0	RC-DEO		ok w/ dpz rec.
10.002	WAVERLY WOODS DEVELOPMENT CORP 2020 MARRIOTTSVILLE RD	6.39	POR/ PEC	N/A	Split zoned; part of Waverly	PEC	PEC	5-0	PEC		OK 6/11
14.001	GARVEY, KEVIN T 2605 RT 97	11.06	RR-DEO	B-1	Sufficient retail zoning in the area. Transitional commercial or institutional use appropriate along MD97. Rezone western area of property adjoining 14.002, but retain RR on the remainder.	POR/RR	POR/RR	5-0	POR/RR	Greg looking into alternatives and poss. adding an adjacent property	
14.002	SAINI, REAJENDAR M 2669 RT 97	3.02	RR-DEO	B-1	Sufficient retail zoning in the area. Transitional commercial or institutional use appropriate.	POR	POR	5-0	POR		
15.001	WILLOW SPRINGS I, LP 12962 LIVESTOCK RD	4.5	POR	RC-DEO	Request for about 0.40 acres of this lot to be rezoned in exchange for an equivalent acreage. Rezoning of the other 2 parcels.	RC-DEO	RC-DEO	5-0	RC-DEO		OK w/ DPZ rec
15.002	WILLOW SPRINGS I, LP 12966 LIVESTOCK RD	4.53	POR	RC-DEO		RC-DEO	RC-DEO	5-0	RC-DEO		
15.003	WILLOW SPRINGS I, LP 12966 LIVESTOCK RD	100.87	RC-DEO	POR		POR	POR	5-0	POR		
15.004	LDC, INC 12701 LIVESTOCK RD	0.54	RC-DEO	B-2	Intensified use not appropriate without resolution of traffic safety problems.	RC-DEO	RC-DEO	4-0 Agree traffic safety is of concern for intensive B-2 uses. Consider BR or B-1 with a documented site plan for lower intensity use that addresses access concerns.	RC-DEO	Greg looking into B-1 or CCT	
15.006	LDC, INC 12705 LIVESTOCK RD	1.7	RC-DEO	B-2		RC-DEO	RC-DEO		RC-DEO		
15.007	LDC, INC 12691 LIVESTOCK RD	62.9	RC-DEO	B-2		RC-DEO	RC-DEO		RC-DEO		
15.005	ETB ENTERPRISES, LLC 12745 FREDERICK RD	8	RC-DEO	RSI	Future SHA right-of-way acquisition likely. Sufficient commercial zoning in the area.	RC-DEO	RC-DEO	4-0 Sufficient suitable zoning in the area.	RC-DEO		

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Ex. 8

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PROPOSED MAP AMENDMENTS
WITH NOTES RE: COUNCIL WORK SESSIONS

June 25, 2013

Amd. Number	Property Address	Acres	Current Zoning	Requested Zoning	DPZ Notes	DPZ Recommends	Planning Board Recommends	Planning Board Notes	New Zoning	Council Notes	Council Decision
16.001	CADOGAN PROPERTY, LLC 10611 BALTIMORE NATIONAL PIKE	15.805	RC-DEO	R-ED	New to PSA. Adjoins R-ED	R-ED	R-ED	5-0	R-ED		OK 6/11
16.002	BOARD OF EDUCATION OF HOWARD COUNTY MD 2865 MARRIOTTSVILLE RD	41.15	RR-DEO	N/A	New to PSA	R-ED	R-ED	4-0-1 Paul Yelder abstained	R-ED		OK 6/11
21.001	MCMAHON, JOHN F 14290 TRIADELPHIA RD	0.92	RC-DEO	B-1	Not a commercial area, but viability of historic structure requires flexibility. B-1, BR or Conditional Use for historic property possible	RC-DEO	RC-DEO	4-0 Keep the current zoning and recommend the owner consider BR. Also recommend the Council assess the Historic Property Conditional Use to add use flexibility for historic properties.	B-1	Sang Oh says client wants to amend request; DPZ will do amendment	
22.001	MELBER, INGRID 13554 TRIADELPHIA RD	1.29	RR-DEO	B-1	Not a commercial area, but viability of historic structure requires flexibility. B-1, BR or Conditional Use for historic property possible	RR-DEO	RR-DEO	4-0 Keep the current zoning and recommend the owner consider BR. Also recommend the Council assess the Historic Property Conditional Use to add use flexibility for historic properties.	B-1 Consider Conditional Use for historic properties	owner could do BR	OK w/ DPZ rec
23.001	FRALEY, THOMAS MOTT 10459 FREDERICK RD	0.846	R-20	B-1	Sufficient commercial nearby.	R-20	B-1	5-0 The property should not be residential given the intensity of park activity. B-1 is a better fit.	R-20	Fraley Property; inside Park; County opposes B-1 because of traffic concerns; CW likes R20 (as is)	
23.002	SULLIVAN THOMAS RICHARD 10443 FREDERICK RD	0.95	R-20	B-1	Sufficient commercial nearby.	R-20	B-1		R-20		
24.001	CHOI, KWON B 9061 UPTON RD	1.2	R-20	B-1	Retain residential along Upton. Transition from commercial to south.	R-SA-8	R-SA-8	5-0 Agree this is a transitional area and zoning change is appropriate, but there is difficult topography and diverse ownership. Recommend considering CEF to encourage owners to work together towards an integrated design.	R-A-15 or CEF	One parcel did not apply, but should be brought in for consistency (MM); CW likes R-12 on the Northern lots; discussion of CEF as possible floating (by application), but does not appear to meet criteria (Upton not collector).	
24.004	BALDWIN, LEONARD RYAN, JR 9071 UPTON RD	0.491	R-20	R-SA-8	Retain residential along Upton. Transition from commercial to south. In the event that this Property (24.004) is rezoned, consideration should be given to rezoning TM24, Grid 5, Parcels 81 to match.	R-SA-8	R-SA-8		R-SC or CEF		
24.005	UPTON PROPERTIES, LLC 9011 UPTON RD	5.67	POR	R-A-15	Location adjoining MD29 and BGE transmission lines. Appropriate for higher density.	R-A-15	R-A-15		R-A-15 or CEF		
24.002	MANAHAN, CHRISTINE L 9060 UPTON RD	2.99	R-20	~~R-SC~~ Request changed to R-12 by the applicant on April 12, 2013	Retain residential along Upton. Transition from commercial to adjoining single family detached.	R-SC R-12		Waiting for staff to evaluate R-12 request	R-12	CW DPZ ?	
24.003	J F C HOLDING LTD PARTNERSHIP 10370 BALTIMORE NATIONAL PK	7	CCT/B-1	B-1	Redevelopment desirable, but sufficient retail in area. Retain split zoning. CEF option available.	CCT/B-1	B-1	4-0 B-1 is appropriate and consistent with zoning across Route 40.	CCT/B-1	DPZ will verify current zoning on 24.013 and amend to correct	
24.013	HOWARD COUNTY MARYLAND DEPT PUBLIC WORKS 10360 Baltimore National Pike	1.54	CCT/B-1	N/A	Match 24.003 if rezoned to B-1	CCT/B-1	B-1		CCT Unless 24.003 rezoned B-1		

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PROPOSED MAP AMENDMENTS
WITH NOTES RE: COUNCIL WORK SESSIONS

June 25, 2013

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24.006	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4271 MONTGOMERY RD	0.625	RSI	B-1	Sufficient commercial in area. Higher density could be appropriate if access is properly designed.	R-A-15	R-A-15	5-0 Board concurs there is sufficient retail zoning in the area and that the property isn't appropriate for single family detached homes. Board recommends R-A-15, but notes that concerns about traffic and school capacity need to be addressed.	R-A-15	technical amendment: Add TNC to note on map (MM); Need access road to the light (req. coop. from church, Carney); developer will do covenants guaranteeing townhouses as long as zoning is RA15 (Oh)	
24.007	BETHEL BAPTIST CHURCH, INC 4275 MONTGOMERY RD	1.42	RSI	B-1		R-A-15	R-A-15		R-A-15		
24.008	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4281 MONTGOMERY RD	1.05	R-SA-8	B-1		R-A-15	R-A-15		R-A-15		
24.009	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4291 MONTGOMERY RD	1	R-SA-8	B-1		R-A-15	R-A-15		R-A-15		
24.010	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4309 MONTGOMERY RD	2.43	R-SA-8	B-1		R-A-15	R-A-15		R-A-15		
24.011	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4319 MONTGOMERY RD	0.397	R-SA-8	B-1		R-A-15	R-A-15		R-A-15		
24.012	CHATHAM MALL 9170-9250 Baltimore National Pike	27.09	SC-TNC	N/A	Deleting SC	B-2-TNC	B-2-TNC	5-0	B-2-TNC	Owners are ok w/ B-2 (MM); JT wants to see	OK 6/11
25.001	TAYLOR FAMILY, LP 8001 HILLSBOROUGH RD	2.75	POR	B-1	Existing two story commercial building	B-1	B-1	5-0	B-1		OK 6/11
25.002	HOWAD COUNTY SANITARIUM CO, INC 4100 COLLEGE AVE	55.39	POR	R-A-15 & POR	Request for about 14.78 acres of this parcel. See plan in file for exact location.	R-A-15	R-A-15	5-0 Would create more diverse housing types in area	R-A-15	Need new map showing correct line dividing POR/RA15 and correcting acres to be RA 15 (MM); Attny says they applied for 14.78 acres in RA-15 and 1.9 of 3.24 acres (25.004) to be RA 15! Taylor to provide # townhouses and apts. To compare density	
25.004	HISTORIC ELLICOTT PROPERTIES, INC 4122 COLLEGE AVE	3.5	POR	R-A-15 & POR	Request for about 1.94 acres of this parcel. See plan in file for exact location.	R-A-15	R-A-15		R-A-15		
25.003	HISTORIC ELLICOTT PROP, INC 3789 MULLIGANS HILL LN	0.147	R-ED	HC	Demolition and replacement of unsafe historic housing	HC	HC	5-0 Possibly R-VH as a better alternative?	HC	4420 sq. ft. existing toal; 4800 proposed; confusion about what HC allows vs. RED (CW)	
25.005	HISTORIC ELLICOTT PROPERTIES, INC 3797 MULLIGANS HILL LN	0.19	R-ED	HC		HC	HC		HC		
25.006	HISTORIC ELLICOTT PROPERTIES, INC 3793 MULLIGANS HILL LN	0.26	R-ED	HC		HC	HC		HC		
25.007	HOWARD COUNTY (BLK 1, PARCEL 264) 3420 Martha Bush Drive	26.23	POR	N/A	Adjoins District Court	R-ED	R-ED	5-0 R-ED would protect sloped areas	R-ED	County owned; CW inclined to keep as is to preserve option for county office expansions	
28.001	KAZEMI, NIAKEM & DANESHKHAH, AFSOUN 4870 TEN OAKS RD	2.41	RR-DEO	B-1	Intent unknown. Does not adjoin retail.	RR-DEO	RR-DEO	4-0	RR-DEO		ok w/ DPZ rec
28.002	HINES PROPERTIES, LLC 4808 Ten Oaks Road	1.00	B-1	N/A	To correct a mapping error from a previous Comprehensive Zoning Plan.	B-2	B-2	5-0	B-2		OK with DPZ rec.
	HINES, RONALD 4828 Ten Oaks Road	0.27	B-1	N/A		B-2	B-2	5-0	B-2		
	HINES PROPERTIES III, LLC 4830 Ten Oaks Road	?	B-1	N/A		B-2	B-2	5-0	B-2		

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PROPOSED MAP AMENDMENTS
WITH NOTES RE: COUNCIL WORK SESSIONS

June 25, 2013

Amd. Number	Property Address	Acres	Current Zoning	Requested Zoning	DPZ Notes	DPZ Recommends	Planning Board Recommends	Planning Board Notes	New Zoning	Council Notes	Council Decision
29.001	REUWER ENTERPRISES, LLC 10435 CLARKSVILLE PK	0.98	R-20	B-1	This map amendment proposal has been withdrawn by the applicant.	R-20			Withdrawn		
29.002	GORJON, MARIO 10475 CLARKSVILLE PK	1	R-20	R-12	This map amendment proposal has been withdrawn by the applicant.	R-20	R-20	5-0	Withdrawn		
29.003	KUMARI, KRISHNA 10437 CLARKSVILLE PK	1.25	R-20	R-12		R-20	R-20	5-0	R-20		OK 6/11
30.001	GELFMAN, RICHARD D 9123 OLD ANNAPOLIS RD	1.08	R-20	B-1	Non-conforming existing offices. Rezoning will allow some flexibility for tenants.	B-1	B-1	5-0	B-1	CB wants DPZ to ask petitioner if CCT would work	OK 6/11
30.002	SPICER, WILLIAM D & WF 9590 OLD RT 108	0.673	R-20	R-A-15 or higher	Single family not appropriate. Land assembly and redevelopment desirable for high visibility location.	R-A-25	R-A-25	5-0 Board agreed this was a good place for R-A-25 because of proximity to US 29 and access to retail and services	R-A-25	CW wants analysis of height limits and setbacks and capacity to receive density units/ Same analysis for RA-15; see text amendment for RA-25 zone	MKS OK 6/19
30.003	MILLER, DANIEL L 9570 OLD RT 108	0.278	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25		
30.004	HARMON, DOROTHY A 9584 OLD RT 108	0.52	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25		
30.005	NEW LIFE MENNONITE CHURCH, INC. 9566 OLD RT 108	0.244	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25		
30.006	NEW LIFE MENNONITE CHURCH, INC. 9580 OLD RT 108	0.52	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25		
30.007	NEW LIFE MENNONITE CHURCH, INC. 9562 OLD RT 108	0.792	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25		
30.008	DORSEY CROSSING HOA, INC 9429 Ashton Villa	5.28	R-20	N/A	Adjoins 30.002-30.007. This rezoning proposal only impacts the narrow portion of the site abutting Old Route 108.	R-A-25	R-A-15		R-A-25		
30.009	ECKLES, SHIRLEY 9598 Old Route 108	1.27	R-20	N/A	Adjoins 30.002-30.007	R-A-25	R-A-25		R-A-25		
30.011	No Address (Road right-of-way for Old Route 108)	?	R-20, B-1, & R-A-15	N/A		R-A-25	R-A-25		R-A-25		
30.010	DSVC, LP C/O KIMCO REALY CORP 4715, 4725, & 4745 Dorsey Hall Drive	11.27	SC	N/A	Dorsey Search Village Center. Deleting SC, so replace with B-2.	B-2	B-2	5-0	B-2	DPZ wants to eliminate SC/ B-2 allows more uses	MKS OK 6/19
	DSVC, LP C/O KIMCO REALY CORP 4735 Dorsey Hall Drive	0.34	SC	N/A		B-2	B-2		B-2		
	DSVC, LP C/O KIMCO REALY CORP 4755 Dorsey Hall Drive	1.47	SC	N/A		B-2	B-2		B-2		
31.001	ADAMS, E ALEXANDER TRUSTEE 4882 MONTGOMERY RD	4.44	R-20 & B-1	R-20 & B-1	Split zoning undesirable, but transitional area, so scope and design is of concern.	R-20 and B-1	R-20 and B-1	4-0 Keep the split zoning. Moving the line to enlarge the B-1 zone somewhat may be reasonable, but would need to know the development intent to determine zoning adjustment.	R-20 and B-1	DPZ is okay on the new split that is proposed; owner wants B-1, but would settle for split w/ B-1 at the back by the shopping center; Alex Adams gave members new map with proposed split; Office of Law says this change would not be substantive	
34.001	HODDINOTT JEANNE C, TRUSTEE 6166 GUILFORD RD	87.95	RR-DEO	R-ED	New to PSA. R-ED is a good transition from RR to higher density development in Clarksville and River Hill.	R-ED	R-ED	5-0	R-ED		Consensus OK 6/19
34.002	HODDINOTT, JEANNE C 6100 GUILFORD RD	1	RR-DEO	R-ED		R-ED	R-ED		R-ED		

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34.003	CLARKSVILLE RIDGE PROFESSIONAL CTR 5070 Guilford Road	0.29	RR-DEO	N/A		R-ED	R-ED		R-ED		
34.004	HIGGS, CHARLES & PATRICIA 12585 Clarksville Pike	1.09	RR-DEO	N/A		R-ED	R-ED		R-ED		
35.001	W R GRACE & CO-CONN 7400 GRACE DR	5.77	R-ED	PEC	Area not residential. Located between developed PEC and B-1 properties.	PEC	PEC	5-0	PEC	mks supports; CW keep open; Grace wants to expand (poss. Estaurant)	
35.002	W R GRACE & CO-CONN 7450 GRACE DR	7.12	R-ED	PEC		PEC	PEC		PEC		
35.004	CHESAPEAKE CONFERENCE ASSOC 7410 GRACE DR	3.83	R-ED	POR		POR	POR	5-0	POR		
35.003	MANGIONE, PETER M 6333 CEDAR LN	0.68	R-SC	POR	Proposed for office and institutional use adjoining Lorien campus.	POR	POR	5-0	POR		OK 6/19
35.006	LLG, LP 6367 CEDAR LN	2.99	R-SC	POR		POR	POR		POR		
35.007	MANGIONE FAMILY ENTERPRISES OF TURF VALLEY, LP 6441 FREETOWN RD	0.85	R-SC	POR		POR	POR		POR		
35.005	BS LAND ACQUISITION, LLC 8034 HARRIET TUBMAN LN	3	R-20	R-SA-8	Approved CU for age restricted adult housing for 20 units. Limited demand for ARAH.	R-SA-8	R-SA-8	5-0	R-SA-8		OK 6/19
37.001	BA WATERLOO TOWNHOMES, LLC 5998 CHARLES CROSSING	6.59	POR	R-A-15	Shipley's Grant. Adjoins MD 100, but access restricts office use.	R-A-15	R-A-15	5-0 Recommend also considering R-A-25	R-A-15		OK 6/19
37.002	TERTEL, GUNTER W 7275 WASHINGTON BLVD	0.206	CE-CLI	CAC-CLI	Target location for redevelopment via CR option. Adjoining parcels should be included. (37.014-37.016 and 37.027)	CE-CLI/CR	CE-CLI/CR	5-0 Board approves the overlay with the condition that if the property is redeveloped, the cemetery be accommodated in an appropriate way.	CE-CLI/CR	Hold pending discussion from DPZ of CR zoning: looking for standards, assemblage, setback, residential component issue; design standards	
37.003	BONHEUR LAND COMPANY 7239 WASHINGTON BLVD	7.85	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
37.005	TERTEL, GUNTER W 7281 WASHINGTON BLVD	0.49	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
37.006	TERTEL, GUNTER W 7269 WASHINGTON BLVD	4.32	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
37.007	TERTEL, GUNTER W 7223 WASHINGTON BLVD	1.27	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
43.017	TERTEL, GUNTER W 7283 WASHINGTON BOULEVARD	0.143	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
37.008	CLOVERLAND FARMS DAIRY, INC 8268 LARK BROWN RD	1.308	B-1	B-2	Existing High's.	B-2	B-2	4-1 (Bill Santos dissenting)	B-2	leave open (Highs wants to add gas station)	
37.009	HORSE FARM, LLC 8090 OLD MONTGOMERY RD	11.56	PSC	R-SA-8	Transitional property between MD 100 and single family homes (R-20).	R-SA-8	R-SA-8		R-SA-8		OK 6/19

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37.010	DEEP RUN PROPERTY MANAGEMENT, LLC, C/O GLEN CURTIS 3045 FETLOCK CT	8.82	PSC	R-SA-8		R-SA-8	R-SA-8	5-0	R-SA-8		OK 6/19
37.011	CURTIS, ROBERT L. JR 5771 WATERLOO ROAD	7.46	RC/R-20	~~R-1~~ Request changed to POR by the applicant on April 5, 2013	National Register historic property in transitional location seeking use options. CEF option available.	RC/R-20	RC/R-20	5-0 POR is not appropriate for the property. Retain current zoning pending further clarification of intended uses and protections. Possible CEF.	RC/R-20 Possible CEF	Hold (Charles Crossing)	
37.012	LOWE, CAROLINE CAVEY & KLAIR, AMY CAVEY 5995 MEADOWRIDGE RD	27.458	CCT	R-A-15	In the event that this Property (37.012) is rezoned, consideration should be given to rezoning TM37, Grid8, Parcels 665 and 73 to match.	POR or CCT	POR/R-A-15	4-0 Retain split zoning, with the POR closest to Meadowridge Road as depicted in the applicants original proposal and R-A-15 replacing CCT. The adjoining two parcels to the West should also be rezoned to R-A-15.	POR/R-A-15	check to be sure everyone has new map; question possible need to add parcel to the South (Campbell; CCT to RA15	
37.013	GP NORTH, LLC 7209 PEBBLE CREEK DR	6.84	R-20	R-ED	R-ED development would better protect adjoining stream.	R-ED	R-ED	5-0	R-ED	CW likes it; 6 acre site; need 11 acres to develop with RED (current zoning)	
37.014	O'DONNELL, STEVEN F. 6718 BINDER LANE	0.57	CE-CLI	M-1	Target location for redevelopment via CR option. Adjoining parcels should be included.	CE-CLI/CR	CE-CLI/CR	5-0	CE-CLI/CR		
37.015	O'DONNELL, STEVEN F. 6724 BINDER LN	0.57	CE-CLI	M-1		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
37.016	O'DONNELL, STEVEN F. 6728 BINDER LN	0.57	CE-CLI	M-1		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
37.017	MERRITT MR, LLC 6508 MEADOWRIDGE RD	1.29	CCT	POR	Expansion of existing office park to include limited supporting retail uses.	POR	POR	5-0	POR		OK with DPZ rec.
37.018	MERRITT MR, LLC 6510 MEADOWRIDGE RD	6.08	CCT	POR		POR	POR		POR		
37.019	MERRITT MR, LLC 6518 MEADOWRIDGE RD	14.16	CCT	POR		POR	POR		POR		
37.020	CHARLESTOWN INVESTMENTS, LLC 6522 MEADOWRIDGE RD	2.75	CCT	POR		POR	POR		POR		
37.021	MERRITT MR, LLC 7745 MAYFIELD AVE	1.99	CCT	POR		POR	POR		POR		
37.022	MERRITT MR, LLC 6494 MEADOWRIDGE RD	4	CCT	POR		POR	POR		POR		
37.023	KENFIELD PROPERTIES, INC 6450 MEADOWRIDGE RD	4	CCT	POR		POR	POR		POR		
37.024	MERRITT MR, LLC 6482 MAYFIELD AVE	1	CCT	POR		POR	POR		POR		
37.025	MERRITT MR, LLC 6484 MAYFIELD AVE	0.48	CCT	POR		POR	POR		POR		

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37.027	DORSEY BEST WESTERN 6751 & 6755 Dorsey Road	3.33	CE-CLI	N/A	Expands 37.002-37.007	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	G&G PROPERTIES, LLC 6725 Binder Lane	1.31	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	G&G PROPERTIES, LLC 6715 Binder Lane	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	SIMPKIN, BARBARA 6710 Binder Lane	2.01	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR	5-0	CE-CLI/CR		
	SIMPKIN, BARBARA 6714 Binder Lane	1.13	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	G&G PROPERTIES, LLC 6735 Dorsey Road	1.72	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	ELKRIDGE ENTERPRISES, LLC 7253 Washington Boulevard	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	MALIK & SONS WASHINGTON BOULEVARD, LLC 7263 Washington Boulevard	0.24	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	MALIK & SONS WASHINGTON BOULEVARD, LLC 7265 Washington Boulevard	0.24	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Part of old subdivision. Undeveloped lots have no addresses.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	SHPAK, SYMCHA AND JOAN 7285 Washington Boulevard	0.29	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	0.43	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR	5-0	CE-CLI/CR		
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry below, but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry below, but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry above but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry above, but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
37.028	HOWARD COUNTY (MAYFIELD SHOP) 6446 Meadowridge Road	3.35	R-SC	N/A	Zoning should Match 37.017-37.025	POR	POR		POR		OK with DPZ rec.
	HOWARD COUNTY (MAYFIELD SHOP) 6480 Meadowridge Road	9.77	R-SC	N/A		POR	POR	5-0	POR		
	HOWARD COUNTY (MAYFIELD SHOP) ? Meadowridge Road	9.25	R-SC	N/A		POR	POR		POR		
38.001	MCMULLEN, MICHAEL L & WF 7211 MONTGOMERY RD	4.5	R-ED	R-A-15	Transitional property adjoining single family	R-SC	R-ED	5-0 Leave as R-ED to prevent density increasing westward on Montgomery Road	R-ED	DPZ needs to correct chart; adjoins property developed as Elkridge Crossing; R-ED = 2 units/ac; RSC= 4 units/acre	

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38.002	DC & RB INC 6157 PINE AVE	0.947	CE-CLI	M-1	Non-conforming uses, but renovation is desirable. CEF option if specific restoration plan is proposed.	CE-CLI	CE-CLI	4-0 Keep the current zoning with the opportunity for CR or CEF. Incentives to encourage property renovation would be helpful.	CE-CLI Amend CE-CLI to permit motor vehicle uses if property is renovated using the Route 1 Manual standards.	across from library; owner proposed a text amendment to say a CE-CLI property can become conforming if you upgrade to RT 1 Standards.	
38.008	PHIL ENTERPRISES, LLC FILIPE DIAS 6475 WASHINGTON BLVD	1.65	CE-CLI	M-1		CE-CLI	CE-CLI				
38.009	PHIL ENTERPRISES, LLC 6151 PINE AVE	0.48	CE-CLI	M-1		CE-CLI	CE-CLI				
38.003	ELKRIDGE ASSOCIATES, LLC 5820 WASHINGTON BLVD	3.42	CAC-CLI & R-12	B-2	Office use more appropriate than apartments at this location.	CAC-CLI & R-12	CAC-CLI & R-12	4-0 Use for office appropriate.	CAC-CLI & R-12	On Rt. 1, near 895 ramp and railroad; Owner wanted B-2; CW asked MM to talk to owner about expanding existing non-conforming use to expand parking lot (end of property is R-ED, can't do parking there)	
38.004	ELKRIDGE MOBILE HOME 6614 WASHINGTON BLVD	1.14	R-12	R-MH	Part of a single family detached neighborhood	R-12	R-12	4-0	R-12		
38.012	BROWN, CHRISTOPHER L 6598 WASHINGTON BLVD	0.793	R-12	R-MH	Part of a single family detached neighborhood	R-12	R-12		R-12		
38.005	ROBERTS, JAMES EDWARD 6767 WASHINGTON BLVD	14.5	B-1/CAC-CLI	CAC-CLI	Large, highly visible property. Redevelopment very desirable, but intent unclear. CEF also an option. Adjoins CAC-CLI.	B-1/CAC-CLI	CAC-CLI	5-0 CAC-CLI except rear of the property to remain R-12 to protect environmental features adjoining Harwood Park	CAC-CLI	DPZ thinks CAC makes sense on whole property; flood plain will protect Harwood Park from the development; can't develop in flood plain; MM recs. Amendment to make it all CAC	
38.006	ROBERTS, EDWARD J 6785 WASHINGTON BLVD	3.5	B-1	CAC-CLI		B-1	CAC-CLI		CAC-CLI		
38.007	ROBERTS, JAMES EDWARD 6725 WASHINGTON BLVD	14.25	R-12/CAC-CLI	CAC-CLI		R-12/CAC-CLI	R-12/CAC-CLI		R-12/CAC-CLI		
38.010	H&G PROPERTIES, LLC 5710 FURNACE AVE	5.21	CAC-CLI	M-1	Non-conforming M-1 use that has been renovated	M-1	M-1	5-0	M-1	Relates to non-supported 38.004; 38.012; MM supports M-1 here (looks like creep of approved mobile home park)	OK 6/11
38.011	ELKRIDGE MOBILE PARK, INC 6620 WASHINGTON BLVD	9.18	R-12 & R-MH	R-MH	Split zoned. Already in use as part of a mobile home park.	R-MH	R-MH	5-0 Would bring zoning into conformance with property use.	R-MH	Chart needs correction (DPZ)	
38.013	B210 AUTO SALES, INC 6100 Washington Boulevard	1.73	B-2	N/A	Buttermilk Hill. Small, isolated site. Not appropriate for retail or other commercial uses.	R-ED	R-ED	5-0 R-ED is a good fit because of topography	R-ED	DPZ suggested this; owner is aware; fronts on Rt. 1	
40.001	CHOPRA, RAJESH K 13306 CLARKSVILLE PK	1.01	RR-DEO	CCT	Adjoins CCT, appropriate transition to RR.	CCT	CCT	5-0	CCT	Put in by DPZ; TOD zoning makes current use non-conforming; CW laments loss of M-2	
40.002	ASHAI, RIFFAT S 13454 CLARKSVILLE PK	2.8	RR-DEO/B-1	B-1	Split zoned; B-1 allows expansion.	B-1	B-1	5-0	B-1		
40.003	CASWELL, JANE K 12772 SCAGGSVILLE RD	1.14	RR-DEO	B-1	Existing CU for beauty salon; B-1 allows expansion.	B-1	B-1	5-0	B-1	POSSIBLE site visit to these properties	
40.008	BALTIMORE GAS AND ELECTRIC (BGE) 13365 Clarksville Pike	1.47	B-1/RR	N/A	Split zoned; adjoins 40.003	B-1	B-1	5-0	B-1	Neighbors don't want B-1 by right	

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40.004	BOLDUC, JOHN PAUL 13325 CLARKSVILLE PK	3.07	RR-DEO	B-1	Residential use; BRX option.	RR-DEO	RR-DEO	4-0 Retain zoning, but consider BRX.	RR-DEO Possible BRX		
40.007	HAUSCH, JAMES T 13303 CLARKSVILLE PK	3.06	RR-DEO	B-1	Residential use; BRX option.	RR-DEO	RR-DEO		RR-DEO Possible BRX		
40.005	LISTRANI, RICHARD 13355 CLARKSVILLE PK	2.23	B-1 & RR-DEO	B-1	Split zoned but currently in residential use; BRX option.	B-1 & RR	B-1 & RR	4-0 Keep the current zoning and considering BRX for a specific proposal.	B-1 & RR Possible BRX	HOLD; Grey Pony; neighbors concerned about sale of property and possibility of uses unknown	
42.001	BURLEY, WILLIAM S 7320 OAKLAND MILLS RD	1.44	R-12	R-SA-8	Older home across from apartments. Redevelopment for townhouses is appropriate.	R-SA-8	R-SA-8	5-0	R-SA-8	Hold contact owner	
42.003	CARTER, PAMELA 7348 Oakland Mills Road	0.37	R-12	N/A	Adjoins 42.001. Redevelopment appropriate.	R-SA-8	R-SA-8	5-0	R-SA-8	too small for CEF option; why not M-2	
42.002	REALTY ASSOCIATES FUND VI LP 9325 SNOWDEN RIVER PKWY	21.59	NT	R-A-15	NT regulations only allow change of use via FDP amendment, not rezoning.	NT	NT	4-0 Agree NT regulations do not allow individual property owners to request rezoning from NT.	NT		Council okay
43.001	SMITH, J ALLEN JR 7080 KIT KAT RD	0.71	CE-CLI	M-2	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	M-2	4-0 Recommend adjust boundary between CE-CLI and M-2 retaining CE-CLI along Route 1 West of this parcel.	M-2		
43.002	J&J KAT INVESTMENTS, LLC 7066 KIT KAT RD	0.28	CE-CLI	M-2		CE-CLI	M-2		M-2		
43.004	SCHNEIDER SHIRLEY JOHNSON, TRUSTEE 7065 KIT KAT RD	2.29	CE-CLI	M-2		CE-CLI	M-2	4-0	M-2		
43.013	AGJ PROPERTIES, LLC 7059 KIT KAT RD	2.11	CE-CLI	M-2		CE-CLI	M-2	4-0	M-2		
43.003	SHREE SHRINATHJI KUPRA, LLC 7561 WASHINGTON BLVD	1.74	CE-CLI	B-1	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI		CE-CLI	too small for CEF option, why not M-2; chart requested (from DPZ) comparing M2/CE/B-1; info req. on hindrances	
43.005	GAULDIN, DONALD 7045 KIT KAT RD	1.17	CE-CLI	M-2		CE-CLI	CE-CLI	3-1 Josh Tzuker dissenting in favor of M-2	CE-CLI	CB, JT agree to support req. for M-2; JT will sponsor possible amendment to do this	
43.006	MONTEVIDEO ROCK, LLC 7136 MONTEVIDEO RD	4.04	CE-CLI	B-1	CE amendments allow more use and setback flexibility. However B-1 and CR option for redevelopment are more supportive of near term reuse.	CE-CLI/CR	CE-CLI/CR	5-0	B-1/CR	hold pending CR discussion	
43.008	THINES, LLC 7146 MONTEVIDEO RD	1.75	CE-CLI	B-1		CE-CLI/CR	CE-CLI/CR		B-1/CR		
43.007	CALTON, JOHN R JR 7491 WASHINGTON BLVD	3.44	CE-CLI	M-2	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI	4-0 Retain CE-CLI near Route 1.	CE-CLI Amend CE-CLI to permit motor vehicle uses if property is renovated using Route 1 Manual standards.	What changes to CE-CLI are suggested to make non-supported change (to M-2) work as CE-CLI?	
43.014	CALTON, JOHN R JR 7499 WASHINGTON BLVD	0.97	CE-CLI	M-2		CE-CLI	CE-CLI				
43.015	CALTON, JOHN R JR 7509 WASHINGTON BLVD	0.91	CE-CLI	M-2		CE-CLI	CE-CLI				
43.016	CALTON, JOHN R JR 7503 WASHINGTON BLVD	2.96	CE-CLI	M-2		CE-CLI	CE-CLI				
43.009	TAJ, DAVOUD 8365 WASHINGTON BLVD	0.76	CE-CLI	B-2	CE amendments allow more use and setback flexibility.	CE-CLI	CE-CLI	4-0	CE-CLI	Sang Oh: no offices in area; applicant wants retail (B-2)	

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43.012	TAJ, DAVOUD 8391 WASHINGTON BLVD	4.14	CE-CLI	B-2	The CEF option is available for redevelopment.	CE-CLI	CE-CLI	Agreed retain zoning with CEF option.	CE-CLI	[illegible]	
43.010	JAGDAMBE, LLC 7915 WATERLOO RD	0.58	M-2	B-1	Rebuild NCU business after fire	B-1	B-1	5-0	B-1		
43.018	PORT CAPITAL CENTER OF MARYLAND, LLC 7720 Port Capital Drive	1.79	B-1	N/A	Vacant parcel that adjoins 43.017 and Howard Square	CAC	CAC	5-0	CAC		
43.021	6601 LITTLE RIVER TURNPIKE, LLC 7700 Port Capital Drive	6.39	M-1	N/A	Isolated warehouse adjoining Howard Square CAC development	CAC	CAC	5-0	CAC		
43.020	MOBLEY, GILBERT 8291 Washington Boulevard	42.86	CE-CLI/R-MH	N/A	Rezoning impacts a 4 acre portion of Brentwood Mobile Home Park; Split Zoned.	R-MH	R-MH	5-0	R-MH		
	TITTINUTCHANON, SORAWAT 8285 Washington Boulevard	0.21	CE-CLI	N/A	Existing residential lots.	R-MH	R-MH	5-0	R-MH		
	YINGLING, JUNE 8281 Washington Boulevard	0.22	CE-CLI	N/A		R-MH	R-MH		R-MH		
	WALLACE, KIMBERLEE AND BARBARA 8277 Washington Boulevard	0.20	CE-CLI	N/A		R-MH	R-MH		R-MH		
	LARCEDA, VILMAR 8273 Washington Boulevard	0.25	CE-CLI	N/A		R-MH	R-MH		R-MH		
44.001	AMERICAN PAVING FABRICS, INC 6910 OConner Drive	3.00	M-2	N/A	Links Dorsey MARC station and Oxford Square TOD	TOD	TOD	5-0	TOD		
	BROWNLY, THOMAS 6930 OConner Drive	1.00	M-2	N/A		TOD	TOD		TOD		
	OTTER POINT INVESTMENT, LLC 6940 OConner Drive	2.06	M-2	N/A		TOD	TOD		TOD		
	BALTIMORE AND OHIO RAILROAD CO No Address (Right-of-ways abutting TM 38 Parcel 1003)	?	M-2	N/A		TOD	TOD		TOD		
46.001	BUCH FAMILY LP 10945 JOHNS HOPKINS RD	6.08	B-1/RR-MXD-3	R-A-15 or higher	Adjoins MD29. Sufficient commercial in area; Higher density apartments are an appropriate transitional use. CEF option also available.	R-A-25	R-A-25	5-0 Recommend considering CEF for potentially higher density?	R-A-25	Hold (relates to 46.002); what is # units needed to afford structured parking? (MKS); DPZ to calculate acreage in back R-ED and RA-15 in applicant's alternate proposal	
46.002	MAPLE LAWN FARMS, INC 11595 SCAGGSVILLE RD	91.25	RR-DEO	R-A-15	New to PSA. Across MD216 from HCPSS campus and Maple Lawn, so appropriate for higher density residential.	R-A-15	SPLIT	5-0 The Board recommends a split zoning. Some apartments would be good for the area creating diversity in housing types, but 91 acres of apartments would be too much. The Board would like a split zoning with apartments to the northeast close to the Park and Ride lot, and R-ED or other low density single family zoning to the south and west.	R-A-15/R-ED	Hold (MKS inclined toward rec./GF disinclined)	OK
47.001	SAVAGE MILL REMAINDER, LLC 8550 FAIR ST	2.41	B-2	R-A-15	[illegible]	R-A-15	R-A-15	5-0	R-A-15		

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47.010	SAVAGGE MILL REMAINDER, LLC 8554 FAIR ST	2.52	B-2	R-A-15	Transitional townhouses more appropriate for historic neighborhood than B-2.	R-A-15	R-A-15	5-0 The Board agreed the property is better suited as residential	R-A-15	CB asked for zoning history on property	
47.002	LAW, DIXIE LEE 10210 GUILFORD RD	1.43	R-12	B-1	Adjoins commercial property to north and east, but residential to west and south. CCT allows transitional uses.	CCT	CCT	4-0	CCT	OK	
47.003	CROSS ROADS PARK, LP 8832 WASHINGTON BLVD	10.56	CE-CLI	CAC-CLI	Target location for commercial redevelopment	CE-CLI/CR	CE-CLI/CR	4-0 Agreed good area for redevelopment	CAC-CLI/CR	hold pending CR discussion; CE/CLI issues; consider redefining CAC to be activity center that may have residential (JT);	
47.004	PLOGGER, LLC 8692 PINE TREE RD	7.09	R-12	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
47.005	CARRUTHERS, JOHN T JR 8696 PINE TREE RD	1.33	R-12	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CAC-CLI/CR		
47.006	CROSSROADS PARK, LP 8334 LINDA CT	7.56	R-SA-8	CAC-CLI	Higher density or mixed-use redevelopment more appropriate than R-SA-8 adjacent to MD32	CAC-CLI/CR	CAC-CLI/CR	4-0	CAC-CLI/CR		
47.007	TSC/ROUTE 32, LLC 10390 GUILFORD RD	7.94	CE-CLI	CR	Targeted location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR		
47.008	SAVAGE LIMITED LIABILITY CO 9375 WASHINGTON BLVD	3.05	CE-CLI	M-1	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI	4-0	CE-CLI		
47.009	CFM, LLC 9385 WASHINGTON BLVD	2.78	CE-CLI	M-1		CE-CLI	CE-CLI		CE-CLI		
47.011	KIM, DEOCHO AND JUK HUN 8802 Washington Boulevard	1.10	CE-CLI	N/A	Adjoins 47.003-47.006. Target location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR		
	PARTH CORPORATION, INC 8806 Washington Boulevard	0.33	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	ELYKA ENTERPRISES, LLC 8810 Washington Boulevard	1.24	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	MILLINNIUM MANAGEMENT CO, LLC 8826 Washington Boulevard	2.03	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	FT MEADE HOSPITALITY, LLC 8828 Washington Boulevard	0.96	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
47.012	FOXBOROGH ESTATES LP 8562 Foxborough Drive	9.88	B-1/R-A-15/R-12	N/A	Existing Storch Woods Apartments. 1 acre portion of PAR A. Correcting a mistake.	R-A-15/R-12	R-A-15/R-12	4-0	R-A-15/R-12	corrects a mistake (Marsha); OKAY	OK
48.001	AMERICAN TOURESROTS, INC 8801 Washington Boulevard	0.89	CE-CLI	N/A	Targeted location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR		
48.002	SALVATION ARMY C/O MAJOR WILLIAM MADISON 10350 Guilford Road	6.74	CE-CLI	N/A	Adjoins 47.007. Targeted location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR		
50.001	HURST, MARVIN 9790 WASHINGTON BLVD	1.92	CE-CLI	B-2		CE-CLI/CR	CE-CLI/CR	3-1 Josh Tzuker dissented in favor of B-2/CR	CE-CLI/CR		
50.002	LAMPARTER, DENIS LEE 9792 WASHINGTON BLVD	2.28	CE-CLI	B-2		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		

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PROPOSED MAP AMENDMENTS
WITH NOTES RE: COUNCIL WORK SESSIONS

June 25, 2013

Amd. Number	Property Address	Acres	Current Zoning	Requested Zoning	DPZ Notes	DPZ Recommends	Planning Board Recommends	Planning Board Notes	New Zoning	Council Notes	Council Decision
50.004	TURN MOTEL, INC C/O FREDERICK L NEWBERGER 9822 Washington Boulevard	1.22	CE-CLI	N/A	Targeted location commercial redevelopment	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR	Hold for CR discussion	
	STATE HIGHWAY ADMINISTRATION 9826 Washington Boulevard	0.36	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	FREESTATE LODGING, INC 9700 Washington Boulevard	1.21	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR		
	HOWARD COUNTY HOUSING COMMISSION 9750 Washington Boulevard	5.57	R-MH/CE-CLI	N/A		R-MH/CR	R-MH/CR		R-MH/CR		
50.003	TRIPLE BELL FARMS, LLC 10113 NORTH SECOND ST	0.19	CAC-CLI	TOD	Part of adjoining TOD development	TOD	TOD	4-0	TOD		
50.005	MIDWAY MOBILE VILLAGE 10051 North Second Street	10.83	CAC-CLI	N/A	Adjoins 50.003. Incorporate into adjoining TOD district.	TOD	TOD	4-0	TOD	want to encourage aggregation	
	TYFA, ELISABETH 10061 North Second Street	0.74	CAC-CLI	N/A		TOD	TOD		TOD		
	PARKWAY PROPERTIES 10065 North Second Street	0.59	CAC-CLI	N/A		TOD	TOD		TOD		
	PARKWAY PROPERTIES 10071 & 10075 North Second Street	0.60	CAC-CLI	N/A		TOD	TOD		TOD		
	SEHGAL, RAGHBIR AND HARJIT 10081 North Second Street	0.46	CAC-CLI	N/A		TOD	TOD		TOD		
	SEHGAL, RAGHBIR 10091 North Second Street	0.36	CAC-CLI	N/A		TOD	TOD		TOD		
	FUENTES, JOSE RICARDO 10095 North Second Street	0.36	CAC-CLI	N/A		TOD	TOD		TOD		
	MI DEVELOPMENTS, INC C/O MI DEVELOPMENT 10117 North Second Street	63.11	CAC-CLI	N/A	P/O Parcel 384	TOD	TOD		TOD		
	MARYLAND HOSPITALITY GROUP, INC 10127 North Second Street	1.35	CAC-CLI	N/A		TOD	TOD		TOD		
	MARYLAND HOSPITALITY GROUP, INC 10135 North Second Street	0.76	CAC-CLI	N/A		TOD	TOD		TOD		
50.006	AUSTIN, MICHAEL AND KELLY 9943 Washington Boulevard	2.06	CAC-CLI	N/A	Adjoins CE	CE-CLI	CE-CLI	4-0	CE-CLI		
	PATCO ENTERPRISES, LLC 9390 Davis Avenue	2.28	CAC-CLI	N/A		CE-CLI	CE-CLI		CE-CLI		
	YEC PROPERTIES, LLC 9391 Davis Avenue	1.858	CAC-CLI	N/A		CE-CLI	CE-CLI		CE-CLI		

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Amendment 27 to Council Bill No. 32 -2013

BY: Chairperson at the request of the County Executive

Legislative Day No. 9
Date: July 1, 2013

Amendment No. 27

(This amendment inserts a new summary chart.)

In the Comprehensive Zoning Plan as attached to the Bill as introduced;

In the tab entitled "Map Amendments", insert the chart as attached to this amendment.

Ex.9

* Some Amendment Numbers were intentionally skipped

Comprehensive Zoning Plan, Map Amendments

Amd. Number	Property Address	Acres	Current Zoning	Requested Zoning	DPZ Notes	DPZ Recommends	Planning Board Recommends	Planning Board Notes	New Zoning
2.001	WALLACE, JAMES F JR 17530 FREDERICK RD	0.92	RC-DEO	B-1	Longstanding small business adjoins M-1.	B-1	B-1	5-0	B-1
6.001	CHANYASULKIT, SOMSAK 1024 RIDGE RD	3.64	RC-DEO	B-1	Not a commercial area.	RC-DEO (or BR if septic capacity)	RC-DEO	4-0 The current property owner and restaurant was well supported by testimony, but B-1 allows many other uses. If the septic limitations can be overcome, recommend BR zoning to allow restaurant expansion.	RC-DEO
8.001	WOODMONT EDUCATION FOUNDATION, INC. 14196 FREDERICK RD	66.1	RC-DEO	I	Existing private school and religious retreat. The I district is not currently authorized outside the PSA, and has never been used. If the I district is determined preferable, text amendments are needed to clarify the conditions and process for PDP approval. If the I district is not approved, consider deleting the I district and removing the institutional zoning overlay from the YMCA and Veterans Elementary School.	CCT	RC-DEO	Split vote 3-2 The 3 Board members that voted to keep the current zoning believed that the other two districts do not fit the property/use. They agreed that the Conditional Use process was appropriate and would give the public the opportunity to participate. The two Board members that voted for the I Zoning District thought that having it go through the Zoning Board process to get the district would work best. This would allow for public input and the decision would be up to elected officials. The language for the I District would have to be changed to allow it outside of the PSA.	CCT
10.001	DIMARCO, ROSARIO & WF 11416 OLD FREDERICK RD	3.79	RC-DEO	R-20	Outside the Planned Service Area for sewer	RC-DEO	RC-DEO	4-0	RC-DEO
10.002	WAVERLY WOODS DEVELOPMENT CORP 2020 MARRIOTTSVILLE RD	6.39	POR/ PEC	N/A	Split zoned; part of Waverly	PEC	PEC	5-0	PEC
14.001	GARVEY, KEVIN T 2605 RT 97	11.06	RR-DEO	B-1	Sufficient retail zoning in the area. Transitional commercial or institutional use appropriate along MD97. Rezone western area of property adjoining 14.002, but retain RR on the remainder.	POR/RR	POR/RR	5-0	POR/RR
14.002	SAINI, RAJENDAR M 2669 RT 97	3.02	RR-DEO	B-1	Sufficient retail zoning in the area. Transitional commercial or institutional use appropriate.	POR	POR	5-0	POR
15.001	WILLOW SPRINGS I, LP 12962 LIVESTOCK RD	4.5	POR	RC-DEO	Request for about 0.40 acres of this lot to be rezoned in exchange for an equivalent acreage. Rezoning of the other 2 parcels.	RC-DEO	RC-DEO	5-0	RC-DEO
15.002	WILLOW SPRINGS I, LP 12966 LIVESTOCK RD	4.53	POR	RC-DEO		RC-DEO	RC-DEO	5-0	RC-DEO
15.003	WILLOW SPRINGS I, LP 12966 LIVESTOCK RD	100.87	RC-DEO	POR		POR	POR	5-0	POR

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Comprehensive Zoning Plan, Map Amendments

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15.004	LDC, INC 12701 LIVESTOCK RD	0.54	RC-DEO	B-2	Intensified use not appropriate without resolution of traffic safety problems.	RC-DEO	RC-DEO	4-0 Agree traffic safety is of concern for intensive B-2 uses. Consider BR or B-1 with a documented site plan for lower intensity use that addresses access concerns.	RC-DEO
15.006	LDC, INC 12705 LIVESTOCK RD	1.7	RC-DEO	B-2		RC-DEO	RC-DEO		RC-DEO
15.007	LDC, INC 12691 LIVESTOCK RD	62.9	RC-DEO	B-2		RC-DEO	RC-DEO		RC-DEO
15.005	ETB ENTERPRISES, LLC 12745 FREDERICK RD	8	RC-DEO	RSI	Future SHA right-of-way acquisition likely. Sufficient commercial zoning in the area.	RC-DEO	RC-DEO	4-0 Sufficient suitable zoning in the area.	RC-DEO
16.001	CADOGAN PROPERTY, LLC 10611 BALTIMORE NATIONAL PIKE	15.805	RC-DEO	R-ED	New to PSA. Adjoins R-ED	R-ED	R-ED	5-0	R-ED
16.002	BOARD OF EDUCATION OF HOWARD COUNTY MD 2865 MARRIOTTSVILLE RD	41.15	RR-DEO	N/A	New to PSA	R-ED	R-ED	4-0-1 Paul Yelder abstained	R-ED
21.001	MCMAHON, JOHN F 14290 TRIADELPHIA RD	0.92	RC-DEO	B-1	Not a commercial area, but viability of historic structure requires flexibility. B-1, BR or Conditional Use for historic property possible	RC-DEO	RC-DEO	4-0 Keep the current zoning and recommend the owner consider BR. Also recommend the Council assess the Historic Property Conditional Use to add use flexibility for historic properties.	B-1
22.001	MELBER, INGRID 13554 TRIADELPHIA RD	1.29	RR-DEO	B-1	Not a commercial area, but viability of historic structure requires flexibility. B-1, BR or Conditional Use for historic property possible	RR-DEO	RR-DEO	4-0 Keep the current zoning and recommend the owner consider BR. Also recommend the Council assess the Historic Property Conditional Use to add use flexibility for historic properties.	B-1
23.001	FRALEY, THOMAS MOTT 10459 FREDERICK RD	0.846	R-20	B-1	Sufficient commercial nearby.	R-20	B-1	5-0 The property should not be residential given the intensity of park activity. B-1 is a better fit.	R-20
23.002	SULLIVAN THOMAS RICHARD 10443 FREDERICK RD	0.95	R-20	B-1	Sufficient commercial nearby.	R-20	B-1		R-20
24.001	CHOI, KWON B 9061 UPTON RD	1.2	R-20	B-1	Retain residential along Upton. Transition from commercial to south.	R-SA-8	R-SA-8	5-0 Agree this is a transitional area and zoning change is appropriate, but there is difficult topography and diverse ownership. Recommend considering CEF to encourage owners to work together towards an integrated design.	R-A-15
24.004	BALDWIN, LEONARD RYAN, JR 9071 UPTON RD	0.491	R-20	R-SA-8	Retain residential along Upton. Transition from commercial to south. In the event that this Property (24.004) is rezoned, consideration should be given to rezoning TM24, Grid 5, Parcels 81 to match.	R-SA-8	R-SA-8		R-SC

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Comprehensive Zoning Plan, Map Amendments

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24.003	UPTON PROPERTIES, LLC 9011 UPTON RD	5.67	POR	R-A-15	Location adjoining MD29 and BGE transmission lines. Appropriate for higher density.	R-A-15	R-A-15		R-A-15
24.002	MANAHAN, CHRISTINE L 9060 UPTON RD	2.99	R-20	~~R-SC~~ Request changed to **R-12** by the applicant on April 12, 2013	Retain residential along Upton. Transition from commercial to adjoining single family detached.	~~R-SC~~ R-12		Waiting for staff to evaluate R-12 request	R-12
24.003	J F C HOLDING LTD PARTNERSHIP 10370 BALTIMORE NATIONAL PK	7	CCT/B-1	B-1	Redevelopment desirable, but sufficient retail in area. Retain split zoning. CEF option available.	CCT/B-1	B-1	4-0 B-1 is appropriate and consistent with zoning across Route 40.	CCT/B-1
24.013	HOWARD COUNTY MARYLAND DEPT PUBLIC WORKS 10360 Baltimore National Pike	1.54	CCT/**B-1**	N/A	Match 24.003 if rezoned to B-1	CCT/**B-1**	B-1		CCT Unless 24.003 rezoned B-1

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24.006	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4271 MONTGOMERY RD	0.625	RSI	B-1	Sufficient commercial in area. Higher density could be appropriate if access is properly designed.	R-A-15	R-A-15	5-0 Board concurs there is sufficient retail zoning in the area and that the property isn't appropriate for single family detached homes. Board recommends R-A-15, but notes that concerns about traffic and school capacity need to be addressed.	R-A-15
24.007	BETHEL BAPTIST CHURCH, INC 4275 MONTGOMERY RD	1.42	RSI	B-1		R-A-15	R-A-15		R-A-15
24.008	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4281 MONTGOMERY RD	1.05	R-SA-8	B-1		R-A-15	R-A-15		R-A-15
24.009	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4291 MONTGOMERY RD	1	R-SA-8	B-1		R-A-15	R-A-15		R-A-15
24.010	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4309 MONTGOMERY RD	2.43	R-SA-8	B-1		R-A-15	R-A-15		R-A-15
24.011	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4319 MONTGOMERY RD	0.397	R-SA-8	B-1		R-A-15	R-A-15		R-A-15
24.012	CHATHAM MALL 9170-9250 Baltimore National Pike	27.09	SC-TNC	N/A	Deleting SC	B-2-TNC	B-2-TNC	5-0	B-2-TNC
25.001	TAYLOR FAMILY, LP 8001 HILLSBOROUGH RD	2.75	POR	B-1	Existing two story commercial building	B-1	B-1	5-0	B-1
25.002	HOWAD COUNTY SANITARIUM CO, INC 4100 COLLEGE AVE	55.39	POR	R-A-15 & POR	Request for about 14.78 acres of this parcel. See plan in file for exact location.	R-A-15	R-A-15	5-0 Would create more diverse housing types in area	R-A-15
25.004	HISTORIC ELLICOTT PROPERTIES, INC 4122 COLLEGE AVE	3.5	POR	R-A-15 & POR	Request for about 1.94 acres of this parcel. See plan in file for exact location.	R-A-15	R-A-15		R-A-15
25.003	HISTORIC ELLICOTT PROP, INC 3789 MULLIGANS HILL LN	0.147	R-ED	HC	Demolition and replacement of unsafe historic housing	HC	HC	5-0 Possibly R-VH as a better alternative?	HC
25.005	HISTORIC ELLICOTT PROPERTIES, INC 3797 MULLIGANS HILL LN	0.19	R-ED	HC		HC	HC		HC
25.006	HISTORIC ELLICOTT PROPERTIES, INC 3793 MULLIGANS HILL LN	0.26	R-ED	HC		HC	HC		HC
25.007	HOWARD COUNTY (BLK 1, PARCEL 264) 3420 Martha Bush Drive	26.23	POR	N/A	Adjoins District Court	R-ED	R-ED	5-0 R-ED would protect sloped areas	R-ED

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28.001	KAZEMI, NIAKEM & DANESHKHAH, AFSOUN 4870 TEN OAKS RD	2.41	RR-DEO	B-1	Intent unknown. Does not adjoin retail.	RR-DEO	RR-DEO	4-0	RR-DEO
28.002	HINES PROPERTIES, LLC 4808 Ten Oaks Road	1.00	B-1	N/A	To correct a mapping error from a previous Comprehensive Zoning Plan.	B-2	B-2	5-0	B-2
	HINES, RONALD 4828 Ten Oaks Road	0.27	B-1	N/A		B-2	B-2	5-0	B-2
	HINES PROPERTIES III, LLC 4830 Ten Oaks Road	?	B-1	N/A		B-2	B-2	5-0	B-2
29.001	REUWER ENTERPRISES, LLC 10435 CLARKSVILLE PK	0.98	R-20	B-1	**This map amendment proposal has been withdrawn by the applicant.**	R-20			Withdrawn
29.002	GORION, MARIO 10475 CLARKSVILLE PK	1	R-20	R-12	**This map amendment proposal has been withdrawn by the applicant.**	R-20	R-20	5-0	Withdrawn
29.003	KUMARI, KRISHNA 10437 CLARKSVILLE PK	1.25	R-20	R-12		R-20	R-20	5-0	R-20
30.001	GELFMAN, RICHARD D 9123 OLD ANNAPOLIS RD	1.08	R-20	B-1	Non-conforming existing offices. Rezoning will allow some flexibility for tenants.	B-1	B-1	5-0	B-1
30.002	SPICER, WILLIAM D & WF 9590 OLD RT 108	0.673	R-20	R-A-15 or higher	Single family not appropriate. Land assembly and redevelopment desirable for high visibility location.	R-A-25	R-A-25	5-0 Board agreed this was a good place for R-A-25 because of proximity to US 29 and access to retail and services	R-A-25
30.003	MILLER, DANIEL L 9570 OLD RT 108	0.278	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25
30.004	HARMON, DOROTHY A 9584 OLD RT 108	0.52	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25
30.005	NEW LIFE MENNONITE CHURCH, INC. 9566 OLD RT 108	0.244	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25
30.006	NEW LIFE MENNONITE CHURCH, INC. 9580 OLD RT 108	0.52	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25
30.007	NEW LIFE MENNONITE CHURCH, INC. 9562 OLD RT 108	0.792	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25
30.008	DORSEY CROSSING HOA, INC 9429 Ashton Villa	5.28	R-20	N/A	Adjoins 30.002-30.007. This rezoning proposal only impacts the narrow portion of the site abutting Old Route 108.	R-A-25	R-A-15		R-A-25

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30.009	ECKLES, SHIRLEY 9598 Old Route 108	1.27	R-20	N/A	Adjoins 30.002-30.007	R-A-25	R-A-25		R-A-25
30.011	No Address (Road right-of-way for Old Route 108)	?	R-20, B-1, & R-A-15	N/A		R-A-25	R-A-25		R-A-25
30.010	DSVC, LP C/O KIMCO REALY CORP 4715, 4725, & 4745 Dorsey Hall Drive	11.27	SC	N/A	Dorsey Search Village Center. Deleting SC, so replace with B-2.	B-2	B-2	5-0	B-2
	DSVC, LP C/O KIMCO REALY CORP 4735 Dorsey Hall Drive	0.34	SC	N/A		B-2	B-2		B-2
	DSVC, LP C/O KIMCO REALY CORP 4755 Dorsey Hall Drive	1.47	SC	N/A		B-2	B-2		B-2
31.001	ADAMS, E ALEXANDER TRUSTEE 4882 MONTGOMERY RD	4.44	R-20 & B-1	**R-20 & B-1**	Split zoning undesirable, but transitional area, so scope and design is of concern.	R-20 and B-1	R-20 and B-1	4-0 Keep the split zoning. Moving the line to enlarge the B-1 zone somewhat may be reasonable, but would need to know the development intent to determine zoning adjustment.	R-20 and B-1
34.001	HODDINOTT JEANNE C, TRUSTEE 6166 GUILFORD RD	87.95	RR-DEO	R-ED	New to PSA. R-ED is a good transition from RR to higher density development in Clarksville and River Hill.	R-ED	R-ED	5-0	R-ED
34.002	HODDINOTT, JEANNE C 6100 GUILFORD RD	1	RR-DEO	R-ED		R-ED	R-ED		R-ED
34.003	CLARKSVILLE RIDGE PROFESSIONAL CTR 6070 Guilford Road	0.29	RR-DEO	N/A		R-ED	R-ED		R-ED
34.004	HIGGS, CHARLES & PATRICIA 12585 Clarksville Pike	1.09	RR-DEO	N/A		R-ED	R-ED		R-ED
35.001	W R GRACE & CO-CONN 7400 GRACE DR	5.77	R-ED	PEC	Area not residential. Located between developed PEC and B-1 properties.	PEC	PEC	5-0	PEC
35.002	W R GRACE & CO-CONN 7450 GRACE DR	7.12	R-ED	PEC		PEC	PEC		PEC
35.004	CHESAPEAKE CONFERENCE ASSOC 7410 GRACE DR	3.83	R-ED	POR		POR	POR	5-0	POR
35.003	MANGIONE, PETER M 6333 CEDAR LN	0.68	R-SC	POR		POR	POR		POR

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35.006	LLG, LP 6367 CEDAR LN	2.99	R-SC	POR	Proposed for office and institutional use adjoining Lorien campus.	POR	POR	5-0	POR
35.007	MANGIONE FAMILY ENTERPRISES OF TURF VALLEY, LP 6441 FREETOWN RD	0.85	R-SC	POR		POR	POR		POR
35.005	BS LAND ACQUISITION, LLC 8034 HARRIET TUBMAN LN	3	R-20	R-SA-8	Approved CU for age restricted adult housing for 20 units. Limited demand for ARAH.	R-SA-8	R-SA-8	5-0	R-SA-8
37.001	BA WATERLOO TOWNHOMES, LLC 5998 CHARLES CROSSING	6.59	POR	R-A-15	Shipley's Grant. Adjoins MD 100, but access restricts office use.	R-A-15	R-A-15	5-0 Recommend also considering R-A-25	R-A-15
37.002	TERTEL, GUNTER W 7275 WASHINGTON BLVD	0.206	CE-CLI	CAC-CLI	Target location for redevelopment via CR option. Adjoining parcels should be included. (37.014-37.016 and 37.027)	CE-CLI/CR	CE-CLI/CR	5-0 Board approves the overlay with the condition that if the property is redeveloped, the cemetery be accommodated in an appropriate way.	CE-CLI/CR
37.003	BONHEUR LAND COMPANY 7239 WASHINGTON BLVD	7.85	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.005	TERTEL, GUNTER W 7281 WASHINGTON BLVD	0.49	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.006	TERTEL, GUNTER W 7269 WASHINGTON BLVD	4.32	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.007	TERTEL, GUNTER W 7223 WASHINGTON BLVD	1.27	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
43.017	TERTEL, GUNTER W 7283 WASHINGTON BOULEVARD	0.143	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.008	CLOVERLAND FARMS DAIRY, INC 8268 LARK BROWN RD	1.308	B-1	B-2	Existing High's.	B-2	B-2	4-1 (Bill Santos dissenting)	B-2
37.009	HORSE FARM, LLC 8090 OLD MONTGOMERY RD	11.56	PSC	R-SA-8	Transitional property between MD 100 and single family homes (R-20).	R-SA-8	R-SA-8	5-0	R-SA-8
37.010	DEEP RUN PROPERTY MANAGEMENT, LLC, C/O GLEN CURTIS 8045 FETLOCK CT	8.82	PSC	R-SA-8		R-SA-8	R-SA-8		R-SA-8

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37.011	CURTIS, ROBERT L. JR 5771 WATERLOO ROAD	7.46	RC/R-20	~~B-1~~ Request changed to POR by the applicant on April 5, 2013	National Register historic property in transitional location seeking use options. CEF option available.	RC/R-20	RC/R-20	5-0 POR is not appropriate for the property. Retain current zoning pending further clarification of intended uses and protections. Possible CEF.	RC/R-20
37.012	LOWE, CAROLINE CAVEY & KLAIR, AMY CAVEY 5995 MEADOWRIDGE RD	27.458	CCT	R-A-15	In the event that this Property (37.012) is rezoned, consideration should be given to rezoning TM37, Grid8, Parcels 665 and 73 to match.	POR or CCT	POR/R-A-15	4-0 Retain split zoning, with the POR closest to Meadowridge Road as depicted in the applicants original proposal and R-A-15 replacing CCT. The adjoining two parcels to the West should also be rezoned to R-A-15.	POR/R-A-15
37.013	GP NORTH, LLC 7209 PEBBLE CREEK DR	6.84	R-20	R-ED	R-ED development would better protect adjoining stream.	R-ED	R-ED	5-0	R-ED
37.014	O'DONNELL, STEVEN F. 6718 BINDER LANE	0.57	CE-CLI	M-1	Target location for redevelopment via CR option. Adjoining parcels should be included.	CE-CLI/CR	CE-CLI/CR	5-0	CE-CLI/CR
37.015	O'DONNELL, STEVEN F. 6724 BINDER LN	0.57	CE-CLI	M-1		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.016	O'DONNELL, STEVEN F. 6728 BINDER LN	0.57	CE-CLI	M-1		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.017	MERRITT MR, LLC 6508 MEADOWRIDGE RD	1.29	CCT	POR	Expansion of existing office park to include limited supporting retail uses.	POR	POR	5-0	POR
37.018	MERRITT MR, LLC 6510 MEADOWRIDGE RD	6.08	CCT	POR		POR	POR		POR
37.019	MERRITT MR, LLC 6518 MEADOWRIDGE RD	14.16	CCT	POR		POR	POR		POR
37.020	CHARLESTOWN INVESTMENTS, LLC 6522 MEADOWRIDGE RD	2.75	CCT	POR		POR	POR		POR
37.021	MERRITT MR, LLC 7745 MAYFIELD AVE	1.99	CCT	POR		POR	POR		POR
37.022	MERRITT MR, LLC 6494 MEADOWRIDGE RD	4	CCT	POR		POR	POR		POR
37.023	KENFIELD PROPERTIES, INC 6450 MEADOWRIDGE RD	4	CCT	POR		POR	POR		POR
37.024	MERRITT MR, LLC 6482 MAYFIELD AVE	1	CCT	POR		POR	POR		POR
37.025	MERRITT MR, LLC 6484 MAYFIELD AVE	0.48	CCT	POR		POR	POR		POR

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37.027	DORSEY BEST WESTERN 6751 & 6755 Dorsey Road	3.33	CE-CLI	N/A	Expands 37.002-37.007	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	G&G PROPERTIES, LLC 6725 Binder Lane	1.31	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	G&G PROPERTIES, LLC 6715 Binder Lane	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SIMPKIN, BARBARA 6710 Binder Lane	2.01	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR	5-0	CE-CLI/CR
	SIMPKIN, BARBARA 6714 Binder Lane	1.13	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	G&G PROPERTIES, LLC 6735 Dorsey Road	1.72	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	ELKRIDGE ENTERPRISES, LLC 7253 Washington Boulevard	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	MALIK & SONS WASHINGTON BOULEVARD, LLC 7263 Washington Boulevard	0.24	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	MALIK & SONS WASHINGTON BOULEVARD, LLC 7265 Washington Boulevard	0.24	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Part of old subdivision. Undeveloped lots have no addresses.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN 7285 Washington Boulevard	0.29	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	0.43	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR	5-0	CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry below, but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry below, but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry above but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry above, but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR

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37.025	HOWARD COUNTY (MAYFIELD SHOP) 6446 Meadowridge Road	3.35	R-SC	N/A	Zoning should Match 37.017-37.025	POR	POR	5-0	POR
	HOWARD COUNTY (MAYFIELD SHOP) 6480 Meadowridge Road	9.77	R-SC	N/A		POR	POR		POR
	HOWARD COUNTY (MAYFIELD SHOP) ? Meadowridge Road	9.25	R-SC	N/A		POR	POR		POR
38.001	MCMULLEN, MICHAEL L & WF 7211 MONTGOMERY RD	4.5	R-ED	R-A-15	Transitional property adjoining single family	R-SC	R-ED	5-0 Leave as R-ED to prevent density increasing westward on Montgomery Road	R-ED
38.002	DC & RB INC 6157 PINE AVE	0.947	CE-CLI	M-1	Non-conforming uses, but renovation is desirable. CEF option if specific restoration plan is proposed.	CE-CLI	CE-CLI	4-0 Keep the current zoning with the opportunity for CR or CEF. Incentives to encourage property renovation would be helpful.	CE-CLI
38.008	PHIL ENTERPRISES, LLC FILIPE DIAS 6475 WASHINGTON BLVD	1.65	CE-CLI	M-1		CE-CLI	CE-CLI		
38.009	PHIL ENTERPRISES, LLC 6151 PINE AVE	0.48	CE-CLI	M-1		CE-CLI	CE-CLI		
38.003	ELKRIDGE ASSOCIATES, LLC 5820 WASHINGTON BLVD	3.42	CAC-CLI & R-12	B-2	Office use more appropriate than apartments at this location.	CAC-CLI & R-12	CAC-CLI & R-12	4-0 Use for office appropriate.	CAC-CLI & R-12
38.004	ELKRIDGE MOBILE HOME 6614 WASHINGTON BLVD	1.14	R-12	R-MH	Part of a single family detached neighborhood	R-12	R-12	4-0	R-12
38.012	BROWN, CHRISTOPHER L 6598 WASHINGTON BLVD	0.793	R-12	R-MH	Part of a single family detached neighborhood	R-12	R-12		R-12
38.005	ROBERTS, JAMES EDWARD 6767 WASHINGTON BLVD	14.5	B-1/CAC-CLI	CAC-CLI	Large, highly visible property. Redevelopment very desirable, but intent unclear. CEF also an option. Adjoins CAC-CLI.	B-1/CAC-CLI	CAC-CLI	5-0 CAC-CLI except rear of the property to remain R-12 to protect environmental features adjoining Harwood Park	CAC-CLI
38.006	ROBERTS, EDWARD J 6785 WASHINGTON BLVD	3.5	B-1	CAC-CLI		B-1	CAC-CLI		CAC-CLI
38.007	ROBERTS, JAMES EDWARD 6725 WASHINGTON BLVD	14.25	R-12/CAC-CLI	CAC-CLI		R-12/CAC-CLI	R-12/CAC-CLI		R-12/CAC-CLI
38.010	H&G PROPERTIES, LLC 5710 FURNACE AVE	5.21	CAC-CLI	M-1	Non-conforming M-1 use that has been renovated	M-1	M-1	5-0	M-1

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38.011	ELKRIDGE MOBILE PARK, INC 6620 WASHINGTON BLVD	9.18	R-12 & R-MH	R-MH	Split zoned. Already in use as part of a mobile home park.	R-MH	R-MH	5-0 Would bring zoning into conformance with property use.	R-MH
38.013	B210 AUTO SALES, INC 6100 Washington Boulevard	1.73	B-2	N/A	Buttermilk Hill. Small, isolated site. Not appropriate for retail or other commercial uses.	R-ED	R-ED	5-0 R-ED is a good fit because of topography	R-ED
40.001	CHOPRA, RAJESH K 13306 CLARKSVILLE PK	1.01	RR-DEO	CCT	Adjoins CCT, appropriate transition to RR.	CCT	CCT	5-0	CCT
40.002	ASHAI, RIFFAT S 13454 CLARKSVILLE PK	2.8	RR-DEO/B-1	B-1	Split zoned; B-1 allows expansion.	B-1	B-1	5-0	B-1
40.003	CASWELL, JANE K 12772 SCAGGSVILLE RD	1.14	RR-DEO	B-1	Existing CU for beauty salon; B-1 allows expansion.	B-1	B-1	5-0	B-1
40.008	BALTIMORE GAS AND ELECTRIC (BGE) 13365 Clarksville Pike	1.47	B-1/RR	N/A	Split zoned; adjoins 40.003	B-1	B-1	5-0	B-1

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40.004	BOLDUC, JOHN PAUL 13325 CLARKSVILLE PK	3.07	RR-DEO	B-1	Residential use; BRX option.	RR-DEO	RR-DEO	4-0 Retain zoning, but consider BRX.	RR-DEO
40.007	HAUSCH, JAMES T 13303 CLARKSVILLE PK	3.06	RR-DEO	B-1	Residential use; BRX option.	RR-DEO	RR-DEO		RR-DEO
40.005	LISTRANI, RICHARD 13355 CLARKSVILLE PK	2.23	B-1 & RR-DEO	B-1	Split zoned but currently in residential use; BRX option.	B-1 & RR	B-1 & RR	4-0 Keep the current zoning and considering BRX for a specific proposal.	B-1 & RR
42.001	BURLEY, WILLIAM S 7320 OAKLAND MILLS RD	1.44	R-12	R-SA-8	Older home across from apartments. Redevelopment for townhouses is appropriate.	R-SA-8	R-SA-8	5-0	R-SA-8
42.003	CARTER, PAMELA 7348 Oakland Mills Road	0.37	R-12	N/A	Adjoins 42.001. Redevelopment appropriate.	R-SA-8	R-SA-8	5-0	R-SA-8
42.002	REALTY ASSOCIATES FUND VI LP 9325 SNOWDEN RIVER PKWY	21.59	NT	R-A-15	NT regulations only allow change of use via FDP amendment, not rezoning.	NT	NT	4-0 Agree NT regulations do not allow individual property owners to request rezoning from NT.	NT
43.001	SMITH, J ALLEN JR 7080 KIT KAT RD	0.71	CE-CLI	M-2	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	M-2	4-0 Recommend adjust boundary between CE-CLI and M-2 retaining CE-CLI along Route 1 West of this parcel.	M-2
43.002	J&J KAT INVESTMENTS, LLC 7066 KIT KAT RD	0.28	CE-CLI	M-2		CE-CLI	M-2		M-2
43.004	SCHNEIDER SHIRLEY JOHNSON, TRUSTEE 7065 KIT KAT RD	2.29	CE-CLI	M-2		CE-CLI	M-2	4-0	M-2
43.013	AGJ PROPERTIES, LLC 7059 KIT KAT RD	2.11	CE-CLI	M-2		CE-CLI	M-2	4-0	M-2
43.003	SHREE SHRINATHJI KUPRA, LLC 7561 WASHINGTON BLVD	1.74	CE-CLI	B-1	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI		CE-CLI
43.005	GAULDIN, DONALD 7045 KIT KAT RD	1.17	CE-CLI	M-2		CE-CLI	CE-CLI	3-1 Josh Tzuker dissenting in favor of M-2	CE-CLI
43.006	MONTEVIDEO ROCK, LLC 7136 MONTEVIDEO RD	4.04	CE-CLI	B-1	CE amendments allow more use and setback flexibility. However B-1 and CR option for redevelopment are more supportive of near term reuse.	CE-CLI/CR	CE-CLI/CR	5-0	B-1/CR
43.008	THINES, LLC 7146 MONTEVIDEO RD	1.75	CE-CLI	B-1		CE-CLI/CR	CE-CLI/CR		B-1/CR
43.007	CALTON, JOHN R JR 7491 WASHINGTON BLVD	3.44	CE-CLI	M-2		CE-CLI	CE-CLI		

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43.014	CALTON, JOHN R JR 7499 WASHINGTON BLVD	0.97	CE-CLI	M-2	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI	4-0 Retain CE-CLI near Route 1.	CE-CLI
43.015	CALTON, JOHN R JR 7509 WASHINGTON BLVD	0.91	CE-CLI	M-2		CE-CLI	CE-CLI		
43.016	CALTON, JOHN R JR 7503 WASHINGTON BLVD	2.96	CE-CLI	M-2		CE-CLI	CE-CLI		
43.009	TAJ, DAVOUD 8365 WASHINGTON BLVD	0.76	CE-CLI	B-2	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI	4-0 Agreed retain zoning with CEF option.	CE-CLI
43.012	TAJ, DAVOUD 8391 WASHINGTON BLVD	4.14	CE-CLI	B-2		CE-CLI	CE-CLI		CE-CLI
43.010	JAGDAMBE, LLC 7915 WATERLOO RD	0.58	M-2	B-1	Rebuild NCU business after fire	B-1	B-1	5-0	B-1
43.018	PORT CAPITAL CENTER OF MARYLAND, LLC 7720 Port Capital Drive	1.79	B-1	N/A	Vacant parcel that adjoins 43.017 and Howard Square	CAC	CAC	5-0	CAC
43.021	6601 LITTLE RIVER TURNPIKE, LLC 7700 Port Capital Drive	6.39	M-1	N/A	Isolated warehouse adjoining Howard Square CAC development	CAC	CAC	5-0	CAC
43.020	MOBLEY, GILBERT 8291 Washington Boulevard	42.86	CE-CLI/R-MH	N/A	Rezoning impacts a 4 acre portion of Brentwood Mobile Home Park; Split Zoned.	R-MH	R-MH	5-0	R-MH
	TITTINUTCHANON, SORAWAT 8285 Washington Boulevard	0.21	CE-CLI	N/A	Existing residential lots.	R-MH	R-MH	5-0	R-MH
	YINGLING, JUNE 8281 Washington Boulevard	0.22	CE-CLI	N/A		R-MH	R-MH		R-MH
	WALLACE, KIMBERLEE AND BARBARA 8277 Washington Boulevard	0.20	CE-CLI	N/A		R-MH	R-MH		R-MH
	LARCEDA, VILMAR 8273 Washington Boulevard	0.25	CE-CLI	N/A		R-MH	R-MH		R-MH
44.001	AMERICAN PAVING FABRICS, INC 6910 OConner Drive	3.00	M-2	N/A		TOD	TOD		TOD
	BROWNLY, THOMAS 6930 OConner Drive	1.00	M-2	N/A		TOD	TOD		TOD

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	OTTER POINT INVESTMENT, LLC 6940 OConner Drive	2.06	M-2	N/A	Links Dorsey MARC station and Oxford Square TOD	TOD	TOD	5-0	TOD
	BALTIMORE AND OHIO RAILROAD CO No Address (Right-of-ways abutting TM 38 Parcel 1003)	?	M-2	N/A		TOD	TOD		TOD
46.001	BUCH FAMILY LP 10945 JOHNS HOPKINS RD	6.08	B-1/RR-MXD-3	R-A-15 or higher	Adjoins MD29. Sufficient commercial in area; Higher density apartments are an appropriate transitional use. CEF option also available.	R-A-25	R-A-25	5-0 Recommend considering CEF for potentially higher density?	R-A-25
46.002	MAPLE LAWN FARMS, INC 11595 SCAGGSVILLE RD	91.25	RR-DEO	R-A-15	New to PSA. Across MD216 from HCPSS campus and Maple Lawn, so appropriate for higher density residential.	R-A-15	SPLIT	5-0 The Board recommends a split zoning. Some apartments would be good for the area creating diversity in housing types, but 91 acres of apartments would be too much. The Board would like a split zoning with apartments to the northeast close to the Park and Ride lot, and R-ED or other low density single family zoning to the south and west.	R-A-15/R-ED
47.001	SAVAGE MILL REMAINDER, LLC 8550 FAIR ST	2.41	B-2	R-A-15	Transitional townhouses more appropriate for historic neighborhood than B-2.	R-A-15	R-A-15	5-0 The Board agreed the property is better suited as residential	R-A-15
47.010	SAVAGGE MILL REMAINDER, LLC 8554 FAIR ST	2.52	B-2	R-A-15		R-A-15	R-A-15		R-A-15
47.002	LAW, DIXIE LEE 10210 GUILFORD RD	1.43	R-12	B-1	Adjoins commercial property to north and east, but residential to west and south. CCT allows transitional uses.	CCT	CCT	4-0	CCT
47.003	CROSS ROADS PARK, LP 8832 WASHINGTON BLVD	10.56	CE-CLI	CAC-CLI	Target location for commercial redevelopment	CE-CLI/CR	CE-CLI/CR	4-0 Agreed good area for redevelopment	CAC-CLI/CR
47.004	PLOGGER, LLC 8692 PINE TREE RD	7.09	R-12	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
47.005	CARRUTHERS, JOHN T JR 8696 PINE TREE RD	1.33	R-12	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CAC-CLI/CR
47.006	CROSSROADS PARK, LP 8334 LINDA CT	7.56	R-SA-8	CAC-CLI	Higher density or mixed-use redevelopment more appropriate than R-SA-8 adjacent to MD32	CAC-CLI/CR	CAC-CLI/CR	4-0	CAC-CLI/CR
47.007	TSC/ROUTE 32, LLC 10390 GUILFORD RD	7.94	CE-CLI	CR	Targeted location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR

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47.008	SAVAGE LIMITED LIABILITY CO 9375 WASHINGTON BLVD	3.05	CE-CLI	M-1	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI	4-0	CE-CLI
47.009	CFM, LLC 9385 WASHINGTON BLVD	2.78	CE-CLI	M-1		CE-CLI	CE-CLI		CE-CLI
47.011	KIM, DEOCHO AND JUK HUN 8802 Washington Boulevard	1.10	CE-CLI	N/A	Adjoins 47.003-47.006. Target location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR
	PARTH CORPORATION, INC 8806 Washington Boulevard	0.33	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	ELYKA ENTERPRISES, LLC 8810 Washington Boulevard	1.24	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	MILLINNIUM MANAGEMENT CO, LLC 8826 Washington Boulevard	2.03	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	FT MEADE HOSPITALITY, LLC 8828 Washington Boulevard	0.96	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
47.012	FOXBOROGH ESTATES LP 8562 Foxborough Drive	9.88	B-1/R-A-15/R-12	N/A	Existing Storch Woods Apartments. 1 acre portion of PAR A. Correcting a mistake.	R-A-15/R-12	R-A-15/R-12	4-0	R-A-15/R-12
48.001	AMERICAN TOURESROTS, INC 8801 Washington Boulevard	0.89	CE-CLI	N/A	Targeted location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR
48.002	SALVATION ARMY C/O MAJOR WILLIAM MADISON 10350 Guilford Road	6.74	CE-CLI	N/A	Adjoins 47.007. Targeted location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR
50.001	HURST, MARVIN 9790 WASHINGTON BLVD	1.92	CE-CLI	B-2	Targeted location commercial redevelopment	CE-CLI/CR	CE-CLI/CR	3-1 Josh Tzuker dissented in favor of B-2/CR	CE-CLI/CR
50.002	LAMPARTER, DENIS LEE 9792 WASHINGTON BLVD	2.28	CE-CLI	B-2		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
50.004	TURN MOTEL, INC C/O FREDERICK L NEWBERGER 9822 Washington Boulevard	1.22	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR
	STATE HIGHWAY ADMINISTRATION 9826 Washington Boulevard	0.36	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	FREESTATE LODGING, INC 9700 Washington Boulevard	1.21	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR

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	HOWARD COUNTY HOUSING COMMISSION 9750 Washington Boulevard	5.57	R-MH/CE-CLI	N/A		R-MH/CR	R-MH/CR		R-MH/CR
50.003	TRIPLE BELL FARMS, LLC 10113 NORTH SECOND ST	0.19	CAC-CLI	TOD	Part of adjoining TOD development	TOD	TOD	4-0	TOD
50.005	MIDWAY MOBILE VILLAGE 10051 North Second Street	10.83	CAC-CLI	N/A	Adjoins 50.003. Incorporate into adjoining TOD district.	TOD	TOD		TOD
	TYFA, ELISABETH 10061 North Second Street	0.74	CAC-CLI	N/A		TOD	TOD		TOD
	PARKWAY PROPERTIES 10065 North Second Street	0.69	CAC-CLI	N/A		TOD	TOD		TOD
	PARKWAY PROPERTIES 10071 & 10075 North Second Street	0.60	CAC-CLI	N/A		TOD	TOD		TOD
	SEHGAL, RAGHBIR AND HARJIT 10081 North Second Street	0.46	CAC-CLI	N/A		TOD	TOD		TOD
	SEHGAL, RAGHBIR 10091 North Second Street	0.36	CAC-CLI	N/A		TOD	TOD	4-0	TOD
	FUENTES, JOSE RICARDO 10095 North Second Street	0.36	CAC-CLI	N/A		TOD	TOD		TOD
	MI DEVELOPMENTS, INC C/O MI DEVELOPMENT 10117 North Second Street	63.11	CAC-CLI	N/A	P/O Parcel 384	TOD	TOD		TOD
	MARYLAND HOSPITALITY GROUP, INC 10127 North Second Street	1.35	CAC-CLI	N/A		TOD	TOD		TOD
	MARYLAND HOSPITALITY GROUP, INC 10135 North Second Street	0.76	CAC-CLI	N/A		TOD	TOD		TOD
50.006	AUSTIN, MICHAEL AND KELLY 9943 Washington Boulevard	2.06	CAC-CLI	N/A	Adjoins CE	CE-CLI	CE-CLI	4-0	CE-CLI
	PATCO ENTERPRISES, LLC 9390 Davis Avenue	2.28	CAC-CLI	N/A		CE-CLI	CE-CLI		CE-CLI
	YEC PROPERTIES, LLC 9391 Davis Avenue	1.858	CAC-CLI	N/A		CE-CLI	CE-CLI		CE-CLI

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Amendment 1 to Amendment 27 to Council Bill No. 32 -2013

BY: Chairperson at the request of the County Executive

Legislative Day No. 10
Date: July 25, 2013

Amendment 1 to Amendment 27

(This amendment inserts a new summary chart.)

Remove the Summary Chart, as attached to Amendment 27, and substitute a revised Summary Chart, as attached to this Amendment to Amendment 27.

Ex. 10

* Some Amendment Numbers were intentionally skipped

Comprehensive Zoning Plan, Map Amendments

July 23, 2013

Amd. Number	Property Address	Acres	Current Zoning	Requested Zoning	DPZ Notes	DPZ Recommends	Planning Board Recommends	Planning Board Notes	CB 32
2.001	WALLACE, JAMES F JR 17530 FREDERICK RD	0.92	RC-DEO	B-1	Longstanding small business adjoins M-1.	B-1	B-1	5-0	B-1
6.001	CHANYASULKIT, SOMSAK 1024 RIDGE RD	3.64	RC-DEO	B-1	Not a commercial area.	RC-DEO (or BR if septic capacity)	RC-DEO	4-0 The current property owner and restaurant was well supported by testimony, but B-1 allows many other uses. If the septic limitations can be overcome, recommend BR zoning to allow restaurant expansion.	RC-DEO
8.001	WOODMONT EDUCATION FOUNDATION, INC. 14196 FREDERICK RD	66.1	RC-DEO	I	Existing private school and religious retreat. The I district is not currently authoirzed outside the PSA, and has never been used. If the I district is determined preferable, text amendments are needed to clarify the conditions and process for PDP approval. If the I district is not approved, consider deleting the I district and removing the Institutional zoning overlay from the YMCA and Veterans Elementary School.	CCT	RC-DEO	Split vote 3-2 The 3 Board members that voted to keep the current zoning believed that the other two districts do not fit the property/use. They agreed that the Conditional Use process was appropriate and would give the public the opportunity to participate. The two Board members that voted for the I Zoning District thought that having it go through the Zoning Board process to get the district would work best. This would allow for public input and the decision would be up to elected officials. The language for the I District would have to be changed to allow it outside of the PSA.	Withdrawn
10.001	DiMARCO, ROSARIO & WF 11416 OLD FREDERICK RD	3.79	RC-DEO	R-20	Outside the Planned Service Area for sewer	RC-DEO	RC-DEO	4-0	RC-DEO
10.002	WAVERLY WOODS DEVELOPMENT CORP 2020 MARRIOTTSVILLE RD	6.39	POR/ PEC	N/A	Split zoned; part of Waverly	PEC	PEC	5-0	PEC
14.001	GARVEY, KEVIN T 2605 RT 97	11.06	RR-DEO	B-1	Sufficient retail zoning in the area. Transitional commercial or institutional use appropriate along MD97. Rezone western area of property adjoining 14.002, but retain RR on the remainder.	POR/RR	POR/RR	5-0	POR/RR
14.002	SAINI, REAJENDAR M 2669 RT 97	3.02	RR-DEO	B-1	Sufficient retail zoning in the area. Transitional commercial or institutional use appropriate.	POR	POR	5-0	POR
14.003	DR. SHINEBERG 2890 MCKENDREE RD	5	RR-DEO	N/A	The Crossroads already have vacant retail space. Leave as RR or consider POR	RR or POR	B-1	3-0 The property currently operates as a commercial use, so B-1 makes sense. The Board wanted to consider the property under current conditions, not what might happen at Council (BRX).	RR-DEO

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Comprehensive Zoning Plan, Map Amendments

July 23, 2013

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15.001	WILLOW SPRINGS I, LP 12962 LIVESTOCK RD	4.5	POR	RC-DEO	Request for about 0.40 acres of this lot to be rezoned in exchange for an equivalent acreage. Rezoning of the other 2 parcels.	RC-DEO	RC-DEO	5-0	RC-DEO
15.002	WILLOW SPRINGS I, LP 12966 LIVESTOCK RD	4.53	POR	RC-DEO		RC-DEO	RC-DEO	5-0	RC-DEO
15.003	WILLOW SPRINGS I, LP 12966 LIVESTOCK RD	100.87	RC-DEO	POR		POR	POR	5-0	POR
15.004	LDC, INC 12701 LIVESTOCK RD	0.54	RC-DEO	B-2	Intensified use not appropriate without resolution of traffic safety problems.	RC-DEO	RC-DEO	4-0 Agree traffic safety is of concern for intensive B-2 uses. Consider BR or B-1 with a documented site plan for lower intensity use that addresses access concerns.	RC-DEO
15.006	LDC, INC 12705 LIVESTOCK RD	1.7	RC-DEO	B-2		RC-DEO	RC-DEO		RC-DEO
15.007	LDC, INC 12691 LIVESTOCK RD	62.9	RC-DEO	B-2		RC-DEO	RC-DEO		RC-DEO
15.005	ETB ENTERPRISES, LLC 12745 FREDERICK RD	8	RC-DEO	RSI	Future SHA right-of-way acquisition likely. Sufficient commercial zoning in the area.	RC-DEO	RC-DEO	4-0 Sufficient suitable zoning in the area.	RC-DEO
16.001	CADOGAN PROPERTY, LLC 10611 BALTIMORE NATIONAL PIKE	15.805	RC-DEO	R-ED	New to PSA. Adjoins R-ED	R-ED	R-ED	5-0	R-ED
16.002	BOARD OF EDUCATION OF HOWARD COUNTY MD 2865 MARRIOTTSVILLE RD	41.15	RR-DEO	N/A	New to PSA	R-ED	R-ED	4-0-1 Paul Yelder abstained	R-ED
21.001	MCMAHON, JOHN F 14290 TRIADELPHIA RD	0.92	RC-DEO	B-1	Not a commercial area, but viability of historic structure requires flexibility. B-1, BR or Conditional Use for historic property possible	RC-DEO	RC-DEO	4-0 Keep the current zoning and recommend the owner consider BR. Also recommend the Council assess the Historic Property Conditional Use to add use flexibility for historic properties.	B-1
22.001	MELBER, INGRID 13554 TRIADELPHIA RD	1.29	RR-DEO	B-1	Not a commercial area, but viability of historic structure requires flexibility. B-1, BR or Conditional Use for historic property possible	RR-DEO	RR-DEO	4-0 Keep the current zoning and recommend the owner consider BR. Also recommend the Council assess the Historic Property Conditional Use to add use flexibility for historic properties.	B-1

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Comprehensive Zoning Plan, Map Amendments

July 23, 2013

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23.001	FRALEY, THOMAS MOTT 10459 FREDERICK RD	0.846	R-20	B-1	Sufficient commercial nearby.	R-20	B-1	5-0 The property should not be residential given the intensity of park activity. B-1 is a better fit.	R-20
23.002	SULLIVAN THOMAS RICHARD 10443 FREDERICK RD	0.95	R-20	B-1	Sufficient commercial nearby.	R-20	B-1		R-20
24.001	CHOI, KWON B 9061 UPTON RD	1.2	R-20	B-1	Retain residential along Upton. Transition from commercial to south.	R-SA-8	R-SA-8	24.001 &24.005: 5-0 Agree this is a transitional area and zoning change is appropriate, but there is difficult topography and diverse ownership. Recommend considering CEF to encourage owners to work together towards an integrated design. 24.004: 3-0 The Board agreed that the property should be compatible with adjacent properties. The Board strongly recommended that this property be considered with adjacent properties when considered by Council, not seperately.	R-A-15
24.004	BALDWIN, LEONARD RYAN, JR 9071 UPTON RD AND BRAME, RICHARD AND WOOFTER, JESSICA 9081 UPTON ROAD	APP. 1.0	R-20	R-SA-8 AND N/A	Retain residential along Upton. Transition from commercial to south. In the event that this Property (24.004) is rezoned, TM24, Grid 5, parcel 81 should be rezoned to match.	R-SA-8	R-SA-8		R-SC & R-20
24.005	UPTON PROPERTIES, LLC 9011 UPTON RD	5.67	POR	R-A-15	Location adjoining MD29 and BGE transmission lines. Appropriate for higher density.	R-A-15	R-A-15		R-A-15
24.002	MANAHAN, CHRISTINE L 9060 UPTON RD	2.99	R-20	~~R-SC~~ Request changed to **R-12** by the applicant on April 12, 2013	Retain residential along Upton. Transition from commercial to adjoining single family detached.	~~R-SC~~ R-12		Waiting for staff to evaluate R-12 request	R-12
24.003	J F C HOLDING LTD PARTNERSHIP 10370 BALTIMORE NATIONAL PK	7	CCT/B-1	B-1	Redevelopment desirable, but sufficient retail in area. Retain split zoning. CEF option available.	CCT/B-1	B-1	4-0 B-1 is appropriate and consistent with zoning across Route 40.	CCT/B-1
24.013	HOWARD COUNTY MARYLAND DEPT PUBLIC WORKS 10360 BALTIMORE NATIONAL PK	1.54	CCT/**B-1**	N/A	Match 24.003 if rezoned to B-1	CCT/**B-1**	B-1		CCT Unless 24.003 rezoned B-1

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Comprehensive Zoning Plan, Map Amendments

July 23, 2013

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24.006	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4271 MONTGOMERY RD	0.625	RSI	B-1	Sufficient commercial in area. Higher density could be appropriate if access is properly designed.	R-A-15	R-A-15	5-0 Board concurs there is sufficient retail zoning in the area and that the property isn't appropriate for single family detached homes. Board recommends R-A-15, but notes that concerns about traffic and school capacity need to be addressed.	R-A-15
24.007	BETHEL BAPTIST CHURCH, INC 4275 MONTGOMERY RD	1.42	RSI	B-1		R-A-15	R-A-15		R-A-15
24.008	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4281 MONTGOMERY RD	1.05	R-SA-8	B-1		R-A-15	R-A-15		R-A-15
24.009	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4291 MONTGOMERY RD	1	R-SA-8	B-1		R-A-15	R-A-15		R-A-15
24.010	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4309 MONTGOMERY RD	2.43	R-SA-8	B-1		R-A-15	R-A-15		R-A-15
24.011	TRIANGLE OLD ANNAPOLIS ASSOCIATES, LLC 4319 MONTGOMERY RD	0.397	R-SA-8	B-1		R-A-15	R-A-15		R-A-15
24.012	CHATHAM MALL 9170-9250 Baltimore National Pike	27.09	SC-TNC	N/A	Deleting SC	B-2-TNC	B-2-TNC	5-0	B-2-TNC
25.001	TAYLOR FAMILY, LP 8001 HILLSBOROUGH RD	2.75	POR	B-1	Existing two story commercial building	B-1	B-1	5-0	B-1
25.002	HOWAD COUNTY SANITARIUM CO, INC 4100 COLLEGE AVE	55.39	POR	R-A-15 & POR	Request for about 14.78 acres of this parcel. See plan in file for exact location.	R-A-15	R-A-15	5-0 Would create more diverse housing types in area	R-A-15
25.004	HISTORIC ELLICOTT PROPERTIES, INC 4122 COLLEGE AVE	3.5	POR	R-A-15 & POR	Request for about 1.94 acres of this parcel. See plan in file for exact location.	R-A-15	R-A-15		R-A-15
25.003	HISTORIC ELLICOTT PROP, INC 3789 MULLIGANS HILL LN	0.147	R-ED	HC	Demolition and replacement of unsafe historic housing	HC	HC	5-0 Possibly R-VH as a better alternative?	HC
25.005	HISTORIC ELLICOTT PROPERTIES, INC 3797 MULLIGANS HILL LN	0.19	R-ED	HC		HC	HC		HC
25.006	HISTORIC ELLICOTT PROPERTIES, INC 3793 MULLIGANS HILL LN	0.26	R-ED	HC		HC	HC		HC
25.007	HOWARD COUNTY (BLK 1, PARCEL 264) 3420 Martha Bush Drive	26.23	POR	N/A	Adjoins District Court	R-ED	R-ED	5-0 R-ED would protect sloped areas	R-ED

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Comprehensive Zoning Plan, Map Amendments

July 23, 2013

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28.001	KAZEMI, NIAKEM & DANESHKHAH, AFSOUN 4870 TEN OAKS RD	2.41	RR-DEO	B-1	Intent unknown. Does not adjoin retail.	RR-DEO	RR-DEO	4-0	RR-DEO
28.002	HINES PROPERTIES, LLC 4808 TEN OAKS ROAD	1.00	B-1	N/A	To correct a mapping error from a previous Comprehensive Zoning Plan.	B-2	B-2	5-0	B-2
	HINES, RONALD 4828 TEN OAKS ROAD	0.27	B-1	N/A		B-2	B-2	5-0	B-2
	HINES PROPERTIES III, LLC 4830 TEN OAKS ROAD	?	B-1	N/A		B-2	B-2	5-0	B-2
28.003	ORNDORFF, ROBERT AND JOYCE 4844 GREEN BRIDGE RD	2.21	RR-DEO	B-2	Wants to expand existing business on adjoining B-2 parcel	B-2			
29.001	REUWER ENTERPRISES, LLC 10435 CLARKSVILLE PK	0.98	R-20	B-1	**This map amendment proposal has been withdrawn by the applicant.**	R-20			Withdrawn
29.002	GORJON, MARIO 10475 CLARKSVILLE PK	1	R-20	R-12	**This map amendment proposal has been withdrawn by the applicant.**	R-20	R-20	5-0	Withdrawn
29.003	KUMARI, KRISHNA 10437 CLARKSVILLE PK	1.25	R-20	R-12		R-20	R-20	5-0	R-20
30.001	GELFMAN, RICHARD D 9123 OLD ANNAPOLIS RD	1.08	R-20	B-1	Non-conforming existing offices. Rezoning will allow some flexibility for tenants.	B-1	B-1	5-0	B-1

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Comprehensive Zoning Plan, Map Amendments

July 23, 2013

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30.002	SPICER, WILLIAM D & WF 9590 OLD RT 108	0.673	R-20	R-A-15 or higher	Single family not appropriate. Land assembly and redevelopment desirable for high visibility location.	R-A-25	R-A-25	5-0 Board agreed this was a good place for R-A-25 because of proximity to US 29 and access to retail and services	R-A-25
30.003	MILLER, DANIEL L 9570 OLD RT 108	0.278	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25
30.004	HARMON, DOROTHY A 9584 OLD RT 108	0.52	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25
30.005	NEW LIFE MENNONITE CHURCH, INC. 9566 OLD RT 108	0.244	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25
30.006	NEW LIFE MENNONITE CHURCH, INC. 9580 OLD RT 108	0.52	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25
30.007	NEW LIFE MENNONITE CHURCH, INC. 9562 OLD RT 108	0.792	R-20	R-A-15 or higher		R-A-25	R-A-25		R-A-25
30.008	DORSEY CROSSING HOA, INC 9429 Ashton Villa	5.28	R-20	N/A	Adjoins 30.002-30.007. This rezoning proposal only impacts the narrow portion of the site abutting Old Route 108.	R-A-25	R-A-15		R-A-25
30.009	ECKLES, SHIRLEY 9598 Old Route 108	1.27	R-20	N/A	Adjoins 30.002-30.007	R-A-25	R-A-25		R-A-25
30.011	No Address (Road right-of-way for Old Route 108)	?	R-20, B-1, & R-A-15	N/A		R-A-25	R-A-25		R-A-25
30.010	DSVC, LP C/O KIMCO REALY CORP 4715, 4725, & 4745 Dorsey Hall Drive	11.27	SC	N/A	Dorsey Search Village Center. Deleting SC, so replace with B-2.	B-2	B-2	5-0	B-2
	DSVC, LP C/O KIMCO REALY CORP 4735 Dorsey Hall Drive	0.34	SC	N/A		B-2	B-2		B-2
	DSVC, LP C/O KIMCO REALY CORP 4755 Dorsey Hall Drive	1.47	SC	N/A		B-2	B-2		B-2
31.001	ADAMS, E ALEXANDER TRUSTEE 4882 MONTGOMERY RD	4.44	R-20 & B-1	R-20 & B-1	Split zoning undesirable, but transitional area, so scope and design is of concern.	R-20 and B-1	R-20 and B-1	4-0 Keep the split zoning. Moving the line to enlarge the B-1 zone somewhat may be reasonable, but would need to know the development intent to determine zoning adjustment.	R-20 and B-1

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34.001	HODDINOTT JEANNE C, TRUSTEE 6166 GUILFORD RD	87.95	RR-DEO	R-ED	New to PSA. R-ED is a good transition from RR to higher density development in Clarksville and River Hill.	R-ED	R-ED	5-0	R-ED
34.002	HODDINOTT, JEANNE C 6100 GUILFORD RD	1	RR-DEO	R-ED		R-ED	R-ED		R-ED
34.003	CLARKSVILLE RIDGE PROFESSIONAL CTR 6070 Guilford Road	0.29	RR-DEO	N/A		R-ED	R-ED		R-ED
34.004	HIGGS, CHARLES & PATRICIA 12585 Clarksville Pike	1.09	RR-DEO	N/A		R-ED	R-ED		R-ED
35.001	W R GRACE & CO-CONN 7400 GRACE DR	5.77	R-ED	PEC	Area not residential. Located between developed PEC and B-1 properties.	PEC	PEC	5-0	PEC
35.002	W R GRACE & CO-CONN 7450 GRACE DR	7.12	R-ED	PEC		PEC	PEC		PEC
35.004	CHESAPEAKE CONFERENCE ASSOC 7410 GRACE DR	3.83	R-ED	POR		POR	POR	5-0	POR
35.003	MANGIONE, PETER M 6333 CEDAR LN	0.68	R-SC	POR	Proposed for office and institutional use adjoining Lorien campus.	POR	POR	5-0	POR
35.006	LLG, LP 6367 CEDAR LN	2.99	R-SC	POR		POR	POR		POR
35.007	MANGIONE FAMILY ENTERPRISES OF TURF VALLEY, LP 6441 FREETOWN RD	0.85	R-SC	POR		POR	POR		POR
35.005	BS LAND ACQUISITION, LLC 8034 HARRIET TUBMAN LN	3	R-20	R-SA-8	Approved CU for age restricted adult housing for 20 units. Limited demand for ARAH.	R-SA-8	R-SA-8	5-0	R-SA-8
37.001	BA WATERLOO TOWNHOMES, LLC 5998 CHARLES CROSSING	6.59	POR	R-A-15	Shipley's Grant. Adjoins MD 100, but access restricts office use.	R-A-15	R-A-15	5-0 Recommend also considering R-A-25	R-A-15

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Comprehensive Zoning Plan, Map Amendments

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37.002	TERTEL, GUNTER W 7275 WASHINGTON BLVD	0.206	CE-CLI	CAC-CLI	Target location for redevelopment via CR option. Adjoining parcels should be included. (37.014-37.016 and 37.027)	CE-CLI/CR	CE-CLI/CR	5-0 Board approves the overlay with the condition that if the property is redeveloped, the cemetery be accommodated in an appropriate way.	CE-CLI/CR
37.003	BONHEUR LAND COMPANY 7239 WASHINGTON BLVD	7.85	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.005	TERTEL, GUNTER W 7281 WASHINGTON BLVD	0.49	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.006	TERTEL, GUNTER W 7269 WASHINGTON BLVD	4.32	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.007	TERTEL, GUNTER W 7223 WASHINGTON BLVD	1.27	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
43.017	TERTEL, GUNTER W 7283 WASHINGTON BOULEVARD	0.143	CE-CLI	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.008	CLOVERLAND FARMS DAIRY, INC 8268 LARK BROWN RD	1.308	B-1	B-2	Existing High's.	B-2	B-2	4-1 (Bill Santos dissenting)	B-2
37.009	HORSE FARM, LLC 8090 OLD MONTGOMERY RD	11.56	PSC	R-SA-8	Transitional property between MD 100 and single family homes (R-20).	R-SA-8	R-SA-8	5-0	R-SA-8
37.010	DEEP RUN PROPERTY MANAGEMENT, LLC, C/O GLEN CURTIS 8045 FETLOCK CT	8.82	PSC	R-SA-8		R-SA-8	R-SA-8		R-SA-8
37.011	CURTIS, ROBERT L. JR 5771 WATERLOO ROAD	7.46	RC/R-20	~~B-1~~ Request changed to POR by the applicant on April 5, 2013	National Register historic property in transitional location seeking use options. CEF option available.	RC/R-20	RC/R-20	5-0 POR is not appropriate for the property. Retain current zoning pending further clarification of intended uses and protections. Possible CEF.	RC/R-20
37.012	LOWE, CAROLINE CAVEY & KLAIR, AMY CAVEY 5995 MEADOWRIDGE RD	27.458	CCT	R-A-15	In the event that this Property (37.012) is rezoned, consideration should be given to rezoning TM37, Grid8, Parcels 665 and 73 to match.	POR or CCT	POR/R-A-15	4-0 Retain split zoning, with the POR closest to Meadowridge Road as depicted in the applicants original proposal and R-A-15 replacing CCT. The adjoining two parcels to the West should also be rezoned to R-A-15.	POR/R-A-15
37.013	GP NORTH, LLC 7209 PEBBLE CREEK DR	6.84	R-20	R-ED	R-ED development would better protect adjoining stream.	R-ED	R-ED	5-0	R-ED

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37.014	O'DONNELL, STEVEN F. 6718 BINDER LANE	0.57	CE-CLI	M-1	Target location for redevelopment via CR option. Adjoining parcels should be included.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.015	O'DONNELL, STEVEN F. 6724 BINDER LN	0.57	CE-CLI	M-1		CE-CLI/CR	CE-CLI/CR	5-0	CE-CLI/CR
37.016	O'DONNELL, STEVEN F. 6728 BINDER LN	0.57	CE-CLI	M-1		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.017	MERRITT MR, LLC 6508 MEADOWRIDGE RD	1.29	CCT	POR	Expansion of existing office park to include limited supporting retail uses.	POR	POR	5-0	POR
37.018	MERRITT MR, LLC 6510 MEADOWRIDGE RD	6.08	CCT	POR		POR	POR		POR
37.019	MERRITT MR, LLC 6518 MEADOWRIDGE RD	14.16	CCT	POR		POR	POR		POR
37.020	CHARLESTOWN INVESTMENTS, LLC 6522 MEADOWRIDGE RD	2.75	CCT	POR		POR	POR		POR
37.021	MERRITT MR, LLC 7745 MAYFIELD AVE	1.99	CCT	POR		POR	POR		POR
37.022	MERRITT MR, LLC 6494 MEADOWRIDGE RD	4	CCT	POR		POR	POR		POR
37.023	KENFIELD PROPERTIES, INC 6450 MEADOWRIDGE RD	4	CCT	POR		POR	POR		POR
37.024	MERRITT MR, LLC 6482 MAYFIELD AVE	1	CCT	POR		POR	POR		POR
37.025	MERRITT MR, LLC 6484 MAYFIELD AVE	0.48	CCT	POR		POR	POR		POR
37.027	DORSEY BEST WESTERN 6751 & 6755 Dorsey Road	3.33	CE-CLI	N/A	Expands 37.002-37.007	CE-CLI/CR	CE-CLI/CR	5-0	CE-CLI/CR
	G&G PROPERTIES, LLC 6725 Binder Lane	1.31	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	G&G PROPERTIES, LLC 6715 Binder Lane	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SIMPKIN, BARBARA 6710 Binder Lane	2.01	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SIMPKIN, BARBARA 6714 Binder Lane	1.13	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	G&G PROPERTIES, LLC 6735 Dorsey Road	1.72	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	ELKRIDGE ENTERPRISES, LLC 7253 Washington Boulevard	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR

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37.027 (con't)	MALIK & SONS WASHINGTON BOULEVARD, LLC 7263 Washington Boulevard	0.24	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	MALIK & SONS WASHINGTON BOULEVARD, LLC 7265 Washington Boulevard	0.24	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Part of old subdivision. Undeveloped lots have no addresses.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN 7285 Washington Boulevard	0.29	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	0.43	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR	5-0	CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry below, but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry below, but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry above but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	SHPAK, SYMCHA AND JOAN ? Washington Boulevard	?	CE-CLI	N/A	Same TM, Par, Grid, & Tax ID as entry above, but 2 different lots.	CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
37.028	HOWARD COUNTY (MAYFIELD SHOP) 6446 Meadowridge Road	3.35	R-SC	N/A	Zoning should Match 37.017-37.025	POR	POR		POR
	HOWARD COUNTY (MAYFIELD SHOP) 6480 Meadowridge Road	9.77	R-SC	N/A		POR	POR	5-0	POR
	HOWARD COUNTY (MAYFIELD SHOP) ? Meadowridge Road	9.25	R-SC	N/A		POR	POR		POR
38.001	MCMULLEN, MICHAEL L & WF 7211 MONTGOMERY RD	4.5	R-ED	R-A-15	Transitional property adjoining single family	R-SC	R-ED	5-0 Leave as R-ED to prevent density increasing westward on Montgomery Road	R-ED

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38.002	DC & RB INC 6157 PINE AVE	0.947	CE-CLI	M-1	Non-conforming uses, but renovation is desirable. CEF option if specific restoration plan is proposed.	CE-CLI	CE-CLI	4-0 Keep the current zoning with the opportunity for CR or CEF. Incentives to encourage property renovation would be helpful.	CE-CLI
38.008	PHIL ENTERPRISES, LLC FILIPE DIAS 6475 WASHINGTON BLVD	1.65	CE-CLI	M-1		CE-CLI	CE-CLI		
38.009	PHIL ENTERPRISES, LLC 6151 PINE AVE	0.48	CE-CLI	M-1		CE-CLI	CE-CLI		
38.003	ELKRIDGE ASSOCIATES, LLC 5820 WASHINGTON BLVD	3.42	CAC-CLI & R-12	B-2	Office use more appropriate than apartments at this location.	CAC-CLI & R-12	CAC-CLI & R-12	4-0 Use for office appropriate.	CAC-CLI & R-12
38.004	ELKRIDGE MOBILE HOME 6614 WASHINGTON BLVD	1.14	R-12	R-MH	Part of a single family detached neighborhood	R-12	R-12	4-0	R-12
38.012	BROWN, CHRISTOPHER L 6598 WASHINGTON BLVD	0.793	R-12	R-MH	Part of a single family detached neighborhood	R-12	R-12		R-12
38.005	ROBERTS, JAMES EDWARD 6767 WASHINGTON BLVD	14.5	B-1/CAC-CLI	CAC-CLI	Large, highly visible property. Redevelopment very desirable, but intent unclear. CEF also an option. Adjoins CAC-CLI.	B-1/CAC-CLI	CAC-CLI	5-0 CAC-CLI except rear of the property to remain R-12 to protect environmental features adjoining Harwood Park	CAC-CLI
38.006	ROBERTS, EDWARD J 6785 WASHINGTON BLVD	3.5	B-1	CAC-CLI		B-1	CAC-CLI		CAC-CLI
38.007	ROBERTS, JAMES EDWARD 6725 WASHINGTON BLVD	14.25	R-12/CAC-CLI	CAC-CLI		R-12/CAC-CLI	R-12/CAC-CLI		R-12/CAC-CLI
38.010	H&G PROPERTIES, LLC 5710 FURNACE AVE	5.21	CAC-CLI	M-1	Non-conforming M-1 use that has been renovated	M-1	M-1	5-0	M-1
38.011	ELKRIDGE MOBILE PARK, INC 6620 WASHINGTON BLVD	9.18	R-12 **& R-MH**	R-MH	Split zoned. Already in use as part of a mobile home park.	R-MH	R-MH	5-0 Would bring zoning into conformance with property use.	R-MH
38.013	B210 AUTO SALES, INC 6100 WASHINGTON BLVD. AND 6080 WASHINGTON BLVD.	APP. 3.46	B-2 & R-ED	N/A	Buttermilk Hill. Very small, isolated and steep site. Not appropriate for retail or other commercial uses other than a small office use.	R-ED & B-1	R-ED	3-0 The Board concurred with DPZ's recommendation to B-1 on p. 861 and the southern portion of p. 805 so that a long time Howard County business interested in purchasing the property could locate their administrative offices there. The unbuildable northern portion of p. 805 was recommended to remainR-ED.	R-ED
40.001	CHOPRA, RAJESH K 13306 CLARKSVILLE PK	1.01	RR-DEO	CCT	Adjoins CCT, appropriate transition to RR.	CCT	CCT	5-0	CCT
40.002	ASHAI, RIFFAT S 13454 CLARKSVILLE PK	2.8	RR-DEO/B-1	B-1	Split zoned; B-1 allows expansion.	B-1	B-1	5-0	B-1

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40.003	CASWELL, JANE K 12772 SCAGGSVILLE RD	1.14	RR-DEO	B-1	Existing CU for beauty salon; B-1 allows expansion.	B-1	B-1	5-0	B-1
40.008	BALTIMORE GAS AND ELECTRIC (BGE) 13365 Clarksville Pike	1.47	B-1/RR	N/A	Split zoned; adjoins 40.003	B-1	B-1	5-0	B-1
40.004	BOLDUC, JOHN PAUL 13325 CLARKSVILLE PK	6.27	RR-DEO	B-1	Residential use; BRX option.	RR-DEO	RR-DEO	3-0 After the petitioner stated that they would be ok with CCT if the Board was uncomfortable with B-1, the Board recommended CCT stating that it would give the intended transition, and property across the street is already zoned CCT. The Board was pleased with the petitioner's intent to develop the property with architecture that would be consistent with the historic nature of the neighborhood.	RR-DEO
40.007	HAUSCH, JAMES T 13303 CLARKSVILLE PK	3.06	RR-DEO	B-1	Residential use; BRX option.	RR-DEO	RR-DEO	4-0 Retain zoning, but consider BRX.	RR-DEO
40.005	LISTRANI, RICHARD 13355 CLARKSVILLE PK	2.23	B-1 & RR-DEO	B-1	Split zoned but currently in residential use; BRX option.	B-1 & RR	B-1 & RR	4-0 Keep the current zoning and considering BRX for a specific proposal.	B-1 & RR
41.001	PETERS, LOIS 11584 SCAGGSVILLE RD	3	RR-MXD-3	CCT	Has Conditional Use for residential care. Wants to expand	CCT		3-0 The Board agreed that CCT is a good fit. The property is currently surrounded by parking lots and RR is no longer appropriate. CCT would provide a good transition.	RR-MXD-3
42.001	BURLEY, WILLIAM S 7320 OAKLAND MILLS RD	1.44	R-12	R-SA-8	Older home across from apartments. Redevelopment for townhouses is appropriate.	R-SA-8	R-SA-8	5-0	R-SA-8
42.003	CARTER, PAMELA 7348 Oakland Mills Road	0.37	R-12	N/A	Adjoins 42.001. Redevelopment appropriate.	R-SA-8	R-SA-8	5-0	R-SA-8
42.002	REALTY ASSOCIATES FUND VI LP 9325 SNOWDEN RIVER PKWY	21.59	NT	R-A-15	NT regulations only allow change of use via FDP amendment, not rezoning.	NT	NT	4-0 Agree NT regulations do not allow individual property owners to request rezoning from NT.	NT

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43.001	SMITH, J ALLEN JR 7080 KIT KAT RD	0.71	CE-CLI	M-2	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	M-2	4-0 Recommend adjust boundary between CE-CLI and M-2 retaining CE-CLI along Route 1 West of this parcel.	M-2
43.002	J&J KAT INVESTMENTS, LLC 7066 KIT KAT RD	0.28	CE-CLI	M-2		CE-CLI	M-2		M-2
43.004	SCHNEIDER SHIRLEY JOHNSON, TRUSTEE 7065 KIT KAT RD	2.29	CE-CLI	M-2		CE-CLI	M-2	4-0	M-2
43.013	AGJ PROPERTIES, LLC 7059 KIT KAT RD	2.11	CE-CLI	M-2		CE-CLI	M-2	4-0	M-2
43.003	SHREE SHRINATHJI KUPRA, LLC 7561 WASHINGTON BLVD	1.74	CE-CLI	B-1	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI		CE-CLI
43.005	GAULDIN, DONALD 7045 KIT KAT RD	1.17	CE-CLI	M-2		CE-CLI	CE-CLI	3-1 Josh Tzuker dissenting in favor of M-2	CE-CLI
43.006	MONTEVIDEO ROCK, LLC 7136 MONTEVIDEO RD	4.04	CE-CLI	B-1	CE amendments allow more use and setback flexibility. However B-1 and CR option for redevelopment are more supportive of near term reuse.	CE-CLI/CR	CE-CLI/CR	5-0	B-1/CR
43.008	THINES, LLC 7146 MONTEVIDEO RD	1.75	CE-CLI	B-1		CE-CLI/CR	CE-CLI/CR		B-1/CR
43.007	CALTON, JOHN R JR 7491 WASHINGTON BLVD	3.44	CE-CLI	M-2	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI	4-0 Retain CE-CLI near Route 1.	CE-CLI
43.014	CALTON, JOHN R JR 7499 WASHINGTON BLVD	0.97	CE-CLI	M-2		CE-CLI	CE-CLI		
43.015	CALTON, JOHN R JR 7509 WASHINGTON BLVD	0.91	CE-CLI	M-2		CE-CLI	CE-CLI		
43.016	CALTON, JOHN R JR 7503 WASHINGTON BLVD	2.96	CE-CLI	M-2		CE-CLI	CE-CLI		
43.009	TAJ, DAVOUD 8365 WASHINGTON BLVD	0.76	CE-CLI	B-2	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI	4-0 Agreed retain zoning with CEF option.	CE-CLI
43.012	TAJ, DAVOUD 8391 WASHINGTON BLVD	4.14	CE-CLI	B-2		CE-CLI	CE-CLI		CE-CLI
43.010	JAGDAMBE, LLC 7915 WATERLOO RD	0.58	M-2	B-1	Rebuild NCU business after fire	B-1	B-1	5-0	B-1

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43.018	PORT CAPITAL CENTER OF MARYLAND, LLC 7720 Port Capital Drive	1.79	B-1	N/A	Vacant parcel that adjoins 43.017 and Howard Square	CAC	CAC	5-0	CAC
43.021	6601 LITTLE RIVER TURNPIKE, LLC 7700 Port Capital Drive	6.39	M-1	N/A	Isolated warehouse adjoining Howard Square CAC development	CAC	CAC	5-0	CAC
43.020	MOBLEY, GILBERT 8291 Washington Boulevard	42.86	CE-CLI/R-MH	N/A	Rezoning impacts a 4 acre portion of Brentwood Mobile Home Park; Split Zoned.	R-MH	R-MH	5-0	R-MH
	TITTINUTCHANON, SORAWAT 8285 Washington Boulevard	0.21	CE-CLI	N/A	Existing residential lots.	R-MH	R-MH	5-0	R-MH
	YINGLING, JUNE 8281 Washington Boulevard	0.22	CE-CLI	N/A		R-MH	R-MH		R-MH
	WALLACE, KIMBERLEE AND BARBARA 8277 Washington Boulevard	0.20	CE-CLI	N/A		R-MH	R-MH		R-MH
	LARCEDA, VILMAR 8273 Washington Boulevard	0.25	CE-CLI	N/A		R-MH	R-MH		R-MH
44.001	AMERICAN PAVING FABRICS, INC 6910 OConner Drive	3.00	M-2	N/A	Links Dorsey MARC station and Oxford Square TOD	TOD	TOD	5-0	TOD
	BROWNLY, THOMAS 6930 OConner Drive	1.00	M-2	N/A		TOD	TOD		TOD
	OTTER POINT INVESTMENT, LLC 6940 OConner Drive	2.06	M-2	N/A		TOD	TOD		TOD
	BALTIMORE AND OHIO RAILROAD CO No Address (Right-of-ways abutting TM 38 Parcel 1003)	?	M-2	N/A		TOD	TOD		TOD
46.001	BUCH FAMILY LP 10945 JOHNS HOPKINS RD	6.08	B-1/RR-MXD-3	R-A-15 or higher	Adjoins MD29. Sufficient commercial in area; Higher density apartments are an appropriate transitional use. CEF option also available.	R-A-25	R-A-25	5-0 Recommend considering CEF for potentially higher density?	R-A-25

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46.002	MAPLE LAWN FARMS, INC 11595 SCAGGSVILLE RD	91.25	RR-DEO	R-A-15	New to PSA. Across MD216 from HCPSS campus and Maple Lawn, so appropriate for higher density residential.	R-A-15	SPLIT	5-0 The Board recommends a split zoning. Some apartments would be good for the area creating diversity in housing types, but 91 acres of apartments would be too much. The Board would like a split zoning with apartments to the northeast close to the Park and Ride lot, and R-ED or other low density single family zoning to the south and west.	R-A-15/R-ED
47.001	SAVAGE MILL REMAINDER, LLC 8550 FAIR ST	2.41	B-2	R-A-15	Transitional townhouses more appropriate for historic neighborhood than B-2.	R-A-15	R-A-15	5-0 The Board agreed the property is better suited as residential	R-A-15
47.010	SAVAGGE MILL REMAINDER, LLC 8554 FAIR ST	2.52	B-2	R-A-15		R-A-15	R-A-15		R-A-15
47.002	LAW, DIXIE LEE 10210 GUILFORD RD	1.43	R-12	B-1	Adjoins commercial property to north and east, but residential to west and south. CCT allows transitional uses.	CCT	CCT	4-0	CCT
47.003	CROSS ROADS PARK, LP 8832 WASHINGTON BLVD	10.56	CE-CLI	CAC-CLI	Target location for commercial redevelopment	CE-CLI/CR	CE-CLI/CR	4-0 Agreed good area for redevelopment	CAC-CLI/CR
47.004	PLOGGER, LLC 8692 PINE TREE RD	7.09	R-12	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
47.005	CARRUTHERS, JOHN T JR 8696 PINE TREE RD	1.33	R-12	CAC-CLI		CE-CLI/CR	CE-CLI/CR		CAC-CLI/CR
47.006	CROSSROADS PARK, LP 8334 LINDA CT	7.56	R-SA-8	CAC-CLI	Higher density or mixed-use redevelopment more appropriate than R-SA-8 adjacent to MD32	CAC-CLI/CR	CAC-CLI/CR	4-0	CAC-CLI/CR
47.007	TSC/ROUTE 32, LLC 10390 GUILFORD RD	7.94	CE-CLI	CR	Targeted location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR
47.008	SAVAGE LIMITED LIABILITY CO 9375 WASHINGTON BLVD	3.05	CE-CLI	M-1	CE amendments allow more use and setback flexibility. The CEF option is available for redevelopment.	CE-CLI	CE-CLI	4-0	CE-CLI
47.009	CFM, LLC 9385 WASHINGTON BLVD	2.78	CE-CLI	M-1		CE-CLI	CE-CLI		CE-CLI

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47.011	KIM, DEOCHO AND JUK HUN 8802 Washington Boulevard	1.10	CE-CLI	N/A	Adjoins 47.003-47.006. Target location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR
	PARTH CORPORATION, INC 8806 Washington Boulevard	0.33	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	ELYKA ENTERPRISES, LLC 8810 Washington Boulevard	1.24	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	MILLINNIUM MANAGEMENT CO, LLC 8826 Washington Boulevard	2.03	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	FT MEADE HOSPITALITY, LLC 8828 Washington Boulevard	0.96	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
47.012	FOXBOROGH ESTATES LP 8562 Foxborough Drive	9.88	B-1/R-A-15/R-12	N/A	Existing Storch Woods Apartments. 1 acre portion of PAR A. Correcting a mistake.	R-A-15/R-12	R-A-15/R-12	4-0	R-A-15/R-12
48.001	AMERICAN TOURESROTS, INC 8801 Washington Boulevard	0.89	CE-CLI	N/A	Targeted location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR
48.002	SALVATION ARMY C/O MAJOR WILLIAM MADISON 10350 Guilford Road	6.74	CE-CLI	N/A	Adjoins 47.007. Targeted location for commercial redevelopment.	CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR
50.001	HURST, MARVIN 9790 WASHINGTON BLVD	1.92	CE-CLI	B-2	Targeted location commercial redevelopment	CE-CLI/CR	CE-CLI/CR	3-1 Josh Tzuker dissented in favor of B-2/CR	CE-CLI/CR
50.002	LAMPARTER, DENIS LEE 9792 WASHINGTON BLVD	2.28	CE-CLI	B-2		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
50.004	TURN MOTEL, INC C/O FREDERICK L NEWBERGER 9822 Washington Boulevard	1.22	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR	4-0	CE-CLI/CR
	STATE HIGHWAY ADMINISTRATION 9826 Washington Boulevard	0.36	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	FREESTATE LODGING, INC 9700 Washington Boulevard	1.21	CE-CLI	N/A		CE-CLI/CR	CE-CLI/CR		CE-CLI/CR
	HOWARD COUNTY HOUSING COMMISSION 9750 Washington Boulevard	5.57	R-MH/CE-CLI	N/A		R-MH/CR	R-MH/CR		R-MH/CR
50.003	TRIPLE BELL FARMS, LLC 10113 NORTH SECOND ST	0.19	CAC-CLI	TOD	Part of adjoining TOD development	TOD	TOD	4-0	TOD

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50.005	MIDWAY MOBILE VILLAGE 10051 North Second Street	10.83	CAC-CLI	N/A	Adjoins 50.003. Incorporate into adjoining TOD district.	TOD	TOD		TOD
	TYFA, ELISABETH 10061 North Second Street	0.74	CAC-CLI	N/A		TOD	TOD		TOD
	PARKWAY PROPERTIES 10065 North Second Street	0.69	CAC-CLI	N/A		TOD	TOD		TOD
	PARKWAY PROPERTIES 10071 & 10075 North Second Street	0.60	CAC-CLI	N/A		TOD	TOD		TOD
	SEHGAL, RAGHBIR AND HARJIT 10081 North Second Street	0.46	CAC-CLI	N/A		TOD	TOD		TOD
	SEHGAL, RAGHBIR 10091 North Second Street	0.36	CAC-CLI	N/A		TOD	TOD	4-0	TOD
	FUENTES, JOSE RICARDO 10095 North Second Street	0.36	CAC-CLI	N/A		TOD	TOD		TOD
	MI DEVELOPMENTS, INC C/O MI DEVELOPMENT 10117 North Second Street	63.11	CAC-CLI	N/A	P/O Parcel 384	TOD	TOD		TOD
	MARYLAND HOSPITALITY GROUP, INC 10127 North Second Street	1.35	CAC-CLI	N/A		TOD	TOD		TOD
	MARYLAND HOSPITALITY GROUP, INC 10135 North Second Street	0.76	CAC-CLI	N/A		TOD	TOD		TOD
50.006	AUSTIN, MICHAEL AND KELLY 9943 Washington Boulevard	2.06	CAC-CLI	N/A		CE-CLI	CE-CLI		CE-CLI
	PATCO ENTERPRISES, LLC 9390 Davis Avenue	2.28	CAC-CLI	N/A	Adjoins CE	CE-CLI	CE-CLI	4-0	CE-CLI
	YEC PROPERTIES, LLC 9391 Davis Avenue	1.858	CAC-CLI	N/A		CE-CLI	CE-CLI		CE-CLI

For proposals received from property owners each parcel/lot was assigned a separate Amendment Number. Recommendations made by DPZ were assigned a single Amendment Number for each group of adjacent properties proposed for similar rezoning.

PETITION TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY

DPZ Office Use Only:

Case No. ZRA-147

Date Filed: _____

1. **Zoning Regulation Amendment Request**

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows:

To amend Section 127.4.A, the Purpose Statement of the TOD District, to note that the district may allow for the beneficial use of an undeveloped TOD District parcel prior to the assembly of parcels for a larger TOD Development, and may allow light industrial uses as part of the nonresidential use mix, subject to certain criteria.

To amend Section 127.4.B, Uses Permitted As A Matter Of Right, to add "Industrial Uses, Light" as a permitted use, subject to certain criteria.

2. **Petitioner's Name:**

Marsha S. McLaughlin, Director, Department of Planning and Zoning

Address 3430 Court House Drive, Ellicott City, Maryland 21043

Phone No. (W) 410-313-2350 (H) N/A

Email Address mmclaughlin@howardcountymd.gov

3. **Counsel for Petitioner** Paul Johnson, Deputy County Solicitor

Counsel's Address 3430 Court House Drive, Ellicott City, Maryland 21043

Counsel's Phone No. 410-313-2101

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed: The basic reason for the requested amendment is to improve the economic viability of future TOD development areas that are adjacent to existing light industrial developments within the Route 1 Corridor by allowing an appropriate light industrial use to also be included in the nonresidential mix of the TOD development area, or to serve as a possible long term interim use, provided that such a use is at the edge of the overall TOD development area where it will not reduce the potential for a higher density mix of residential and commercial uses in the areas that are closer to the location of an existing or potential future MARC station.

Ex. 11

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County: The proposed amendment is in general concurrence with the *PlanHoward 2030* Policy 5.4 to "Enhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development…", and especially its Implementing Action for zoning review to consider more flexibility for uses within TOD District areas. Also Policy 5.5 to "Proactively consider innovative tools to enhance the Route 1 Corridor's competitiveness, attract and retain businesses, and maximize redevelopment opportunities." The amendment is in harmony with the *PlanHoward 2030* Policy 6.4 to "Ensure that the County continues to capture future job and business growth opportunities.", and its Implementing Action concerning the Zoning Regulations and concerning Commercially and Industrially Zoned Properties.Additional justification may be provided at the Planning Board meeting and County Council hearing for this Zoning Regulation Amendment proposal.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A. In terms of providing more opportunity for economic development by allowing appropriate TOD District light industrial transitional uses within the longstanding industrial character of the Route 1 Corridor, this proposed amendment is in harmony with the intent "To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County."

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s) . There are public benefits because the proposed amendment would support the expansion or retention of light industrial jobs within the Route 1 Corridor over the likely long period of time the corridor evolves around the MARC station based nodes of higher density residential and mixed-use developments. There is also a benefit because such jobs would be relatively close to transit and to residential opportunities.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

The number of properties is less than 12, because there are so few TOD District areas. The characteristics of the proposed amendment are such that it could only be applied potentially in the largest TOD District areas; the North Laurel TOD District adjacent to the Laurel racetrack, for which it is intended, and the Dorsey TOD District. The smaller TOD District areas would not allow for sufficient distance for the light industrial use to exist without impacting the area wanted for the higher density residential and mixed use development adjacent to the existing or potential future MARC station.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. There are no other factors at this time, but more may be provided during the public meeting and public hearing processes for this Zoning Regulation amendment.

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in [[Double Bold Brackets]]. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.

9. 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. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Marsha S. McLaughlin, Director
Petitioner's name (Printed or typed)

Petitioner's Signature Date

Marsha S. McLaughlin
Petitioner's name (Printed or typed)

Marsha S. McLaughlin 11/20/03
Petitioner's Signature Date

Paul T. Johnson 11/20/03
Counsel for Petitioner's Signature

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee ..... $695.00. If the request is granted, the Petitioner shall pay $40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment ($40.00 minimum, $85.00 maximum)

Each additional hearing night..... $510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

****

For DPZ office use only:

Hearing Fee $ _____

Receipt No. _____

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

County Website: www.howardcountymd.gov

Revised:5/08
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.

- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.

- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.

- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.

- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.

- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

ZONING MATTER: _____

_____

AFFIDAVIT AS TO CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, _____, the applicant in the above zoning matter

_____, HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of $500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final disposition of the application by the County Council shall be disclosed within five (5) business days of the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Name: _____

Date: _____

ZONING MATTER: _____

_____

DISCLOSURE OF CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of $500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than $5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: _____

RECIPIENTS OF CONTRIBUTIONS:

Name	Date of Contribution	Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Name: _____

Date: _____

ZONING MATTER: _____

_____

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

I, _____, the applicant in the above zoning matter

_____, AM _____ AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Name:_____

Date:_____

ZRA 147 – Exhibit A

Petitioner's Proposed Text

SECTION 127.4: TOD (Transit Oriented Development) District

A. **Purpose**

The TOD District provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use center combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links. For sites of AT least 50 acres, well-designed multi-use centers combining office, high-density residential development with a diversity of dwelling unit types, and retail uses are encouraged. The requirements of this district, in conjunction with the Route 1 Manual and the vehicular and pedestrian improvements that connect internally and with surrounding development, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. ADDITIONALLY, BECAUSE TOD DEVELOPMENTS ARE MOST EFFECTIVE WHEN COMPREHENSIVELY PLANNED FOR LARGER PARCELS OF LAND SURROUNDING A MARC STATION, IT IS NEITHER THE INTENT OF THESE REQUIREMENTS TO ENCOURAGE SMALLER, PIECEMEAL TOD DEVELOPMENTS NOR DISALLOW THE BENEFICIAL USE OF UNDEVELOPED TOD DISTRICT PARCELS DURING THE PERIOD OF TIME PRIOR TO A LARGER TOD DEVELOPMENT BEING ASSEMBLED. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as A MIX OF RESIDENTIAL AND NONRESIDENTIAL uses are redeveloped or expanded. CERTAIN LIGHT INDUSTRIAL USES MAY ALSO BE APPROPRIATE

WITHIN THE MIX OF TOD NONRESIDENTIAL USES IF PROPERLY LOCATED SO AS TO NOT OVERLY REDUCE THE AVAILABLE LAND AREA FOR THE MORE DENSE MIX OF USES AT THE CORE OF THE TOD DEVELOPMENT, CLOSER TO THE MARC STATION.

B. Uses Permitted as a Matter of Right

13. INDUSTRIAL USES, LIGHT, PROVIDED THAT: THE PROPERTY FRONTS ON AND HAS DIRECT ACCESS TO AN ARTERIAL OR COLLECTOR HIGHWAY; ADJOINS OTHER PROPERTIES DEVELOPED WITH EXISTING LIGHT INDUSTRIAL USES; THE LIGHT INDUSTRIAL USE IS PRINCIPALLY CONDUCTED WITHIN A BUILDING; THE PROPOSED DEVELOPMENT DOES NOT INCLUDE A PROPOSAL FOR ANY DWELLING UNITS; AND, THE LIGHT INDUSTRIAL DEVELOPMENT IS AT THE PERIPHERY OF THE TOD DISTRICT, WELL SEPARATED FROM THE MARC STATION.

ZRA 147 – Exhibit B

Petitioner's Proposed Text If Approved

SECTION 127.4: TOD (Transit Oriented Development) District

A. **Purpose**

The TOD District provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use center combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links. For sites of at least 50 acres, well-designed multi-use centers combining office, high-density residential development with a diversity of dwelling unit types, and retail uses are encouraged. The requirements of this district, in conjunction with the Route 1 Manual and the vehicular and pedestrian improvements that connect internally and with surrounding development, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. Additionally, because TOD developments are most effective when comprehensively planned for larger parcels of land surrounding a MARC station, it is neither the intent of these requirements to encourage smaller, piecemeal TOD developments nor disallow the beneficial use of undeveloped TOD District parcels during the period of time prior to a larger TOD development being assembled. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as a mix of residential and nonresidential uses are redeveloped or expanded. Certain light industrial uses may also be appropriate within the mix of TOD nonresidential uses if properly located so as to

not overly reduce the available land area for the more dense mix of uses at the core of the TOD development, closer to the MARC station.

B. **Uses Permitted as a Matter of Right**

13. Industrial Uses, Light, provided that: the property fronts on and has direct access to an arterial or collector highway; adjoins other properties developed with existing light industrial uses; the light industrial use is principally conducted within a building; the proposed development does not include a proposal for any dwelling units; and, the light industrial development is at the periphery of the TOD district, well separated from the MARC station.

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.us
FAX 410-313-3467
TDD 410-313-2323

November 21, 2013

TECHNICAL STAFF REPORT

Petition Accepted on November 20, 2013
Planning Board Meeting of December 12, 2013
County Council Hearing to be scheduled

Case No./Petitioner: **ZRA-147 – Marsha S. McLaughlin, Director, Department of Planning and Zoning**

Request: Zoning Regulation Amendment to amend Section 127.4.A, the Purpose Statement of the TOD District, to note that the district may allow for the beneficial use of an undeveloped TOD District parcel prior to the assembly of parcels for a larger TOD Development, and may allow light industrial uses as part of the nonresidential use mix, subject to certain criteria, and to amend Section 127.4.B, Uses Permitted As A Matter Of Right, to add "Industrial Uses, Light" as a permitted use, subject to certain criteria.

Department of Planning and Zoning Recommendation: APPROVAL

I. DESCRIPTION OF PROPOSAL

- **The Petitioner proposes two revisions to the TOD District section in the Zoning Regulations. Each proposed revision is generally described as follows:**

  1. The first revision is to the TOD District Purpose Statement. New text is proposed to emphasize that exceptional TOD developments are best achieved through assembling larger parcels of land around a central transit facility and creating a long term plan for the overall development, so fractional TOD developments are not encouraged. Also, text is proposed to recognize that due to the likely extended development period for such a large TOD area, the use of some land for interim uses may be considered. The amendment also adds the potential for light industrial uses to be included in the mix of uses, if such uses are well separated from the areas immediately around a MARC station, where the higher density core would first be established and extended outward over time.

  2. The second revision is to the list of uses permitted as a matter of right in the TOD District, and adds Light Industrial uses, as a permitted use. Qualifying text is included to ensure that such uses are principally indoor uses rather than such outdoor uses like storage yards, that they are adjacent to other similar existing uses, that they do not include residential uses, that they have appropriate road access, and that they are appropriately separated from the central core of the overall TOD development.

Ex. 12

I. DESCRIPTION OF PROPOSAL

- **The subsections proposed to be amended and the amendment text is attached as Exhibit A (CAPITALS indicates text to be added).**

II. EXISTING REGULATIONS

- **The TOD District regulations were first established in the 2004 Comprehensive Zoning Plan, and similarly to the other US Route 1 Corridor districts created at that time, it has undergone a number of revisions over the years, a number of which were efforts to improve the district requirements to better fit the practicalities of this somewhat specialized zoning district.**

  The first revisions were shortly thereafter in the 2005 Continuation of the Comprehensive Zoning Plan, and were relatively minor adjustments in the setback requirements.

- **A number of years later in 2009, ZRA 104 was proposed to again adjust the setback requirements and to make the amenity area requirement somewhat more specific, but only the setback requirement changes were adopted.**

- **Along with almost all of the other zoning districts, in 2010 the TOD District regulations were amended to add the small wind energy system use category as both an accessory use and a Conditional Use with ZRA 129.**

- **ZRA 140 in early 2013 was adopted to establish new regulations applicable only to TOD development projects of 50 or more acres to encourage well-designed multi-use centers; to add multi-family dwellings as a permitted use subject to certain criteria; and to revise the commercial use regulations concerning the building-type limitations for such uses and concerning drive-through service limitations for such uses.**

- **In the recently effective 2013 Comprehensive Zoning Plan, the TOD District was amended to include a number of changes to the Purpose Statement; to make minor changes to the permitted uses section; to establish a minimum residential density; to again make minor adjustments to the setback requirements; and to expand the amenity area requirements to be much more specific.**

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- **As noted in the petition, these proposed changes are anticipated to be potentially applicable only to the largest TOD Districts. The TOD area for which this amendment is principally intended is the North Laurel TOD, which due to its shape has areas at its edges that are relatively far from the likely location of a future MARC station.**

III. BACKGROUND INFORMATION

Although the Dorsey TOD also has areas located relatively far from the MARC station, it is anticipated that the provisions of this amendment are far less likely to be utilized there because of the great extent of light industrial development in the vicinity, because the western areas of that TOD area already have office and light industrial development, and because much of the northeast area is not planned to include light industrial uses.

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- **The proposed amendment is in general concurrence with the *PlanHoward 2030* Policy 5.4 to "Enhance the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments, and the potential at various intersections, crossings, and nodes for additional retail, restaurant, and employment development...", and especially its Implementing Action for zoning review to consider more flexibility for uses within TOD District areas.**

- **By providing an opportunity for adding an appropriate light industrial use in an area which is not directly fronting on US 1 and is already an area with viable existing light industrial uses, the amendment is in harmony with Policy 5.5 to "Proactively consider innovative tools to enhance the Route 1 Corridor's competitiveness, attract and retain businesses, and maximize redevelopment opportunities."**

  The amendment is also in harmony with the *PlanHoward 2030* Policy 6.4 to "Ensure that the County continues to capture future job and business growth opportunities.", and its Implementing Action concerning the Zoning Regulations and concerning Commercially and Industrially Zoned Properties

B. Relation to the Zoning Regulations

- **By providing more opportunity for economic development in allowing appropriate types of TOD District light industrial transitional uses within the longstanding industrial character of the Route 1 Corridor, this proposed amendment is in harmony with the intent "To provide a guide for public action in the orderly and efficient provision of public facilities and services, and for private enterprise in undertaking development, investment and other economic activity relating to uses of land and structures throughout the County."**

V. RECOMMENDATION *APPROVAL*

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA- 147 as described above, be APPROVED.

Marsha S. McLaughlin, Director — Date 11/20/2013

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.

ZRA 147 – Exhibit A

Petitioner's Proposed Text

SECTION 127.4: TOD (Transit Oriented Development) District

A. Purpose

The TOD District provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use center combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links. For sites of AT least 50 acres, well-designed multi-use centers combining office, high-density residential development with a diversity of dwelling unit types, and retail uses are encouraged. The requirements of this district, in conjunction with the Route 1 Manual and the vehicular and pedestrian improvements that connect internally and with surrounding development, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. ADDITIONALLY, BECAUSE TOD DEVELOPMENTS ARE MOST EFFECTIVE WHEN COMPREHENSIVELY PLANNED FOR LARGER PARCELS OF LAND SURROUNDING A MARC STATION, IT IS NEITHER THE INTENT OF THESE REQUIREMENTS TO ENCOURAGE SMALLER, PIECEMEAL TOD DEVELOPMENTS NOR DISALLOW THE BENEFICIAL USE OF UNDEVELOPED TOD DISTRICT PARCELS DURING THE PERIOD OF TIME PRIOR TO A LARGER TOD DEVELOPMENT BEING ASSEMBLED. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as A MIX OF RESIDENTIAL AND NONRESIDENTIAL uses are

redeveloped or expanded. CERTAIN LIGHT INDUSTRIAL USES MAY ALSO BE APPROPRIATE WITHIN THE MIX OF TOD NONRESIDENTIAL USES IF PROPERLY LOCATED SO AS TO NOT OVERLY REDUCE THE AVAILABLE LAND AREA FOR THE MORE DENSE MIX OF USES AT THE CORE OF THE TOD DEVELOPMENT, CLOSER TO THE MARC STATION.

B. Uses Permitted as a Matter of Right

13. INDUSTRIAL USES, LIGHT, PROVIDED THAT: THE PROPERTY FRONTS ON AND HAS DIRECT ACCESS TO AN ARTERIAL OR COLLECTOR HIGHWAY; ADJOINS OTHER PROPERTIES DEVELOPED WITH EXISTING LIGHT INDUSTRIAL USES; THE LIGHT INDUSTRIAL USE IS PRINCIPALLY CONDUCTED WITHIN A BUILDING; THE PROPOSED DEVELOPMENT DOES NOT INCLUDE A PROPOSAL FOR ANY DWELLING UNITS; AND, THE LIGHT INDUSTRIAL DEVELOPMENT IS AT THE PERIPHERY OF THE TOD DISTRICT, WELL SEPARATED FROM THE MARC STATION.

MARSHA S. MCLAUGHLIN, DIRECTOR	*	**BEFORE THE**
DEPARTMENT OF	*	**PLANNING BOARD OF**
PLANNING AND ZONING	*	**HOWARD COUNTY, MARYLAND**
ZRA 147	*	

* * * * * * * * * * * * * * *

MOTION: ***To recommend approval of ZRA 147 as recommended by the Department of Planning and Zoning, and the requested additional amendment to allow single-family attached dwellings as a permitted use in TOD developments larger than 3 acres and less than 50 acres, subject to certain criteria.***

ACTION: ***Recommended approval; Vote 3 to 0.***

* * * * * * * * * * * * * * *

On December 5, 2013, the Planning Board of Howard County, Maryland, considered the petition of Marsha S. McLaughlin, Director, Department of Planning and Zoning for an amendment to the Zoning Regulations to amend Section 127.4.A, the Purpose Statement of the TOD District, to note that the district may allow for the beneficial use of an undeveloped TOD District parcel prior to the assembly of parcels for a larger TOD Development, and may allow light industrial uses as part of the nonresidential use mix, subject to certain criteria, and to amend Section 127.4.B, Uses Permitted As A Matter Of Right, to add "Industrial Uses, Light" as a permitted use, subject to certain criteria.

The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation, and the comments of reviewing agencies, were presented to the Board for its consideration. The Department of Planning and Zoning recommended approval of the petition based on findings that the proposed amendment to allow light industrial uses in a large TOD district in harmony with the *PlanHoward 2030* policies related to enhancing the Route 1 corridor by providing employment opportunities and retaining businesses. The required criteria for such a light industrial use not including any dwelling units was clarified to mean that the Site Development Plan for the light industrial use could not have any residential uses, but the larger overall TOD district would still include residential uses.

There was no testimony in opposition. Mr. Joseph Rutter stated that he supports the proposal because it recognizes long term development issues. Mr. Rutter requested that the Planning Board accept new text to add to the amendment, to also allow single-family attached dwellings as a permitted use at the periphery of TOD developments larger than 3 acres and less than 50 acres, subject to certain criteria (such units are 2,500 feet or more from the MARC station, do not occupy more than 40% of the gross development area, and are not subject to the minimum density). He said that this is intended for the TOD area on US 1 at Dorsey Road in Elkridge, which was created by action of the County Council in the 2013 Comprehensive Zoning Plan.

Ex. 13

The Planning Board expressed that it is in agreement with the Department of Planning and Zoning recommendation for the proposed ZRA-147, and that the new text that is requested to be added appears to be acceptable due to its relatively low impact and in recognition of the unusual character of the Elkridge TOD site. Mr. Engelke made the motion to recommend approval of the petition as recommended by the Department of Planning and Zoning, and approval of the requested additional amendment to allow single-family attached dwellings as a permitted use in TOD developments larger than 3 acres and less than 50 acres, subject to certain criteria. . Ms. Easley seconded the motion. The motion passed by a vote of 3 to 0.

For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 2nd day of January, 2014, recommends that ZRA 147, as amended and described above, be APPROVED. The revised text included the accepted amendment is attached as Revised Exhibit A.

HOWARD COUNTY PLANNING BOARD

Joshua Tzuker, Chairman

ABSENT

Bill Santos

Jacqueline Easley

Phillips Engelke

ATTEST:

Marsha S. McLaughlin, Executive Secretary

ZRA 147 – Revised Exhibit A

Proposed Text

SECTION 127.4: TOD (Transit Oriented Development) District

A. Purpose

The TOD District provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use center combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links. For sites of AT least 50 acres, well-designed multi-use centers combining office, high-density residential development with a diversity of dwelling unit types, and retail uses are encouraged. The requirements of this district, in conjunction with the Route 1 Manual and the vehicular and pedestrian improvements that connect internally and with surrounding development, will result in development that makes use of the commuting potential of the MARC system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. ADDITIONALLY, BECAUSE TOD DEVELOPMENTS ARE MOST EFFECTIVE WHEN COMPREHENSIVELY PLANNED FOR LARGER PARCELS OF LAND SURROUNDING A MARC STATION, IT IS NEITHER THE INTENT OF THESE REQUIREMENTS TO ENCOURAGE SMALLER, PIECEMEAL TOD DEVELOPMENTS NOR DISALLOW THE BENEFICIAL USE OF UNDEVELOPED TOD DISTRICT PARCELS DURING THE PERIOD OF TIME PRIOR TO A LARGER TOD DEVELOPMENT BEING ASSEMBLED. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as A MIX OF RESIDENTIAL AND NONRESIDENTIAL uses are redeveloped or expanded. CERTAIN LIGHT INDUSTRIAL USES MAY ALSO BE APPROPRIATE WITHIN THE MIX OF TOD NONRESIDENTIAL USES IF

PROPERLY LOCATED SO AS TO NOT OVERLY REDUCE THE AVAILABLE LAND AREA FOR THE MORE DENSE MIX OF USES AT THE CORE OF THE TOD DEVELOPMENT; CLOSER TO THE MARC STATION, TO PROVIDE FOR REDUCED DENSITY ON PROJECTS LOCATED WITHIN THE TOD LIMITS BUT FAR FROM THE MARC STATION TO ALLOW LOWER DENSITY RESIDENTIAL DEVELOPMENT.

B. Uses Permitted as a Matter of Right

9. DWELLINGS, SINGLE-FAMILY ATTACHED, WITHIN A TOD DEVELOPMENT PROJECT GREATER THAN 3 ACRES AND ENCOMPASSING LESS THAN 50 ACRES THAT IS ENTIRELY LOCATED MORE THAN 2,500 FEET FROM A MARC STATION, PROVIDED THAT THE MINIMUM DENSITY SHALL NOT APPLY AND THAT SUCH DWELLINGS SHALL NOT OCCUPY MORE THAN 40% OF THE GROSS DEVELOPMENT AREA OF SUCH A PROJECT.

14. INDUSTRIAL USES, LIGHT, PROVIDED THAT: THE PROPERTY FRONTS ON AND HAS DIRECT ACCESS TO AN ARTERIAL OR COLLECTOR HIGHWAY; ADJOINS OTHER PROPERTIES DEVELOPED WITH EXISTING LIGHT INDUSTRIAL USES; THE LIGHT INDUSTRIAL USE IS PRINCIPALLY CONDUCTED WITHIN A BUILDING; THE PROPOSED DEVELOPMENT DOES NOT INCLUDE A PROPOSAL FOR ANY DWELLING UNITS; AND, THE LIGHT INDUSTRIAL DEVELOPMENT IS AT THE PERIPHERY OF THE TOD DISTRICT, WELL SEPARATED FROM THE MARC STATION.

E. Bulk Regulations

1. [[Minimum]] EXCEPT AS PROVIDED IN SECTION 127.4.B, MINIMUM residential density is 20 units per net acre of residential development.

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2014 Legislative Session Legislative Day No. 1

Bill No. 1-2014 (ZRA 147)

Introduced by: The Chairperson at the request of the County Executive

AN ACT amending the Howard County Zoning Regulations to amend the Purpose Statement of the TOD District; to provide that the district may allow for certain uses; to allow certain industrial uses, subject to certain criteria; and generally relating to the Howard County Zoning Regulations.

Introduced and read first time _____, 2014. Ordered posted and hearing scheduled.

By order_____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2014.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2014 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___day of _____, 2014 at ___ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2014

_____
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

Ex. 14

Section 1. Be It Enacted *by the County Council of Howard County, Maryland, that the Howard County Zoning Regulations are amended as follows:*

1. By amending
Subsection A, Purpose
Section 127.4: TOD (Transit Oriented Development) District

2. By amending
Subsection B, Uses Permitted as a Matter of Right
Section 127.4: TOD (Transit Oriented Development) District

3. By amending
Subsection E, Bulk Regulations
Section 127.4: TOD (Transit Oriented Development) District

Howard County Zoning Regulations.

Section 127.4 TOD (Transit Oriented Development) District

A. Purpose

The TOD District provides for the development and redevelopment of key parcels of land within 3,500 feet of a MARC Station. The TOD District is intended to encourage the development of multi-use center combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links. For sites of AT least 50 acres, well-designed multi-use centers combining office, high-density residential development with a diversity of dwelling unit types, and retail uses are encouraged. The requirements of this district, in conjunction with the Route 1 Manual and the vehicular and pedestrian improvements that connect internally and with surrounding development, will result in development that makes use of the commuting potential of the MARC

system, creates attractive employment or multi-use centers, and provides for safe and convenient pedestrian travel.

Many parcels in the TOD District were developed before this district was created. It is not the intent of these requirements to disallow the continued use of sites developed prior to the TOD District. ADDITIONALLY, BECAUSE TOD DEVELOPMENTS ARE MOST EFFECTIVE WHEN COMPREHENSIVELY PLANNED FOR LARGER PARCELS OF LAND SURROUNDING A MARC STATION, IT IS NEITHER THE INTENT OF THESE REQUIREMENTS TO ENCOURAGE SMALLER, PIECEMEAL TOD DEVELOPMENTS NOR DISALLOW THE BENEFICIAL USE OF UNDEVELOPED TOD DISTRICT PARCELS DURING THE PERIOD OF TIME PRIOR TO A LARGER TOD DEVELOPMENT BEING ASSEMBLED. The intent of this district will be achieved by bringing sites into compliance with these requirements and the standards of the Route 1 Manual as A MIX OF RESIDENTIAL AND NONRESIDENTIAL uses are redeveloped or expanded. CERTAIN LIGHT INDUSTRIAL USES OR LOWER DENSITY RESIDENTIAL UNITS MAY ALSO BE APPROPRIATE WITHIN THE MIX OF TOD ~~NONRESIDENTIAL~~ USES IF PROPERLY LOCATED SO AS TO NOT OVERLY REDUCE THE AVAILABLE LAND AREA FOR THE MORE DENSE MIX OF USES AT THE CORE OF THE TOD DEVELOPMENT, CLOSER TO THE MARC STATION. ~~TO PROVIDE FOR REDUCED DENSITY ON PROJECTS LOCATED WITHIN THE TOD LIMITS BUT FAR FROM THE MARC STATION TO ALLOW LOWER DENSITY RESIDENTIAL DEVELOPMENT.~~

B. Uses Permitted as a Matter of Right

9. DWELLINGS, SINGLE-FAMILY ATTACHED, WITHIN A TOD DEVELOPMENT PROJECT GREATER THAN 3 ACRES AND ENCOMPASSING LESS THAN 50 ACRES THAT IS ENTIRELY LOCATED MORE THAN 2,500 FEET FROM A MARC STATION, PROVIDED THAT THE MINIMUM DENSITY SHALL NOT APPLY AND THAT SUCH

DWELLINGS SHALL NOT OCCUPY MORE THAN 40% OF THE GROSS DEVELOPMENT AREA OF SUCH A PROJECT.

14. INDUSTRIAL USES, LIGHT, PROVIDED THAT: THE PROPERTY IS AT LEAST 30 ACRES OR GREATER AND FRONTS ON AND HAS DIRECT ACCESS TO AN ARTERIAL OR COLLECTOR HIGHWAY; ADJOINS OTHER PROPERTIES DEVELOPED WITH EXISTING LIGHT INDUSTRIAL USES; THE LIGHT INDUSTRIAL USE IS PRINCIPALLY CONDUCTED WITHIN A BUILDING WITH A MAXIMUM BUILDING HEIGHT OF 50 FEET; THE PROPOSED INDUSTRIAL DEVELOPMENT DOES NOT INCLUDE A PROPOSAL FOR ANY DWELLING UNITS WITHIN THE SAME PROJECT; AND, THE LIGHT INDUSTRIAL DEVELOPMENT IS AT THE PERIPHERY OF THE TOD DISTRICT, WELL SEPARATED FROM THE MARC STATION.

{Renumber categories accordingly}

E. Bulk Regulations

1. [[Minimum]] EXCEPT AS PROVIDED IN SECTION 127.4.B, MINIMUM residential density is 20 units per net acre of residential development.

Section 2. And Be It Further Enacted *by the County Council of Howard County, Maryland that the Director of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in section references, numbers and references to existing law, capitalization, spelling, grammar, headings and similar matters.*

Section 3. And Be It Further Enacted *by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.*