

Introduced 7/2/18  
Public hearing 7/16/18  
Council action 7/27/18  
Executive action 8/6/18  
Effective date 10/6/18

## County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 10

### BILL NO. 59 – 2018

#### Introduced by:

The Chairperson at the request of Erickson Living Properties II, LLC

**AN ACT** amending the General Plan for Howard County (“PlanHoward 2030”) by adjusting the Planned Service Area boundary for water and sewer service to include approximately 61 acres of property located west of Clarksville Pike (MD Route 108) and south of Sheppard Lane, in Clarksville, Howard County, Maryland; to adjust the Growth Tier Maps of Howard County to reflect the incorporation of said property into the Planned Service Area and the designation of said property within the Growth Tier 1 area of Howard County; and further designating said property as a Targeted Growth and Revitalization Designated Place Type; and providing that certain adjustments will be null and void unless certain conditions are met; and generally relating to PlanHoward 2030.

Introduced and read first time July 2, 2018. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
Jessica Feldmark, 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 July 16, 2018.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on July 27, 2018 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 30<sup>th</sup> day of July, 2018 at 11:00 a.m./p.m.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Vetoed by the County Executive Aug 6, 2018

Alan H. Kittleman  
Alan H. Kittleman, 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.

1   **WHEREAS**, the General Plan for Howard County (“PlanHoward 2030”) establishes the Planned  
2   Service Area, which is the area within which the County provides public water and sewer  
3   service; and

4  
5   **WHEREAS**, PlanHoward 2030 also establishes the Growth Tier Maps of Howard County which  
6   maps were adopted by Howard County in fulfillment of its obligations under the Sustainable  
7   Growth and Agricultural Preservation Act of 2012 (Senate Bill 236); and

8  
9   **WHEREAS**, PlanHoward 2030 further establishes the Designated Place Type Maps of Howard  
10   County which maps were also adopted by Howard County in fulfillment of its obligations under  
11   the Sustainable Growth and Agricultural Preservation Act of 2012 (Senate Bill 236); and

12  
13   **WHEREAS**, PlanHoward 2030 provides that any requests for a General Plan amendment for the  
14   expansion of the Planned Service Area for water and sewer service should be denied unless the  
15   following minimum criteria are met: the proposed expansion of the Planned Service Area is part  
16   of a zoning proposal and is consistent with the General Plan and Smart Growth policies; or the  
17   proposed expansion of the Planned Service Area is intended to provide for a public or  
18   institutional use such as a religious facility, charitable or philanthropic institution, or academic  
19   school; and

20  
21   **WHEREAS**, the proposed expansion of the Planned Service Area boundary to include  
22   approximately 61 acres of property located west of Clarksville Pike (MD Route 108) and south  
23   of Sheppard Lane, in Clarksville, Howard County, Maryland is further identified as Tax Map 34,  
24   Parcel 185 and a part of Tax Map 28, Parcel 100 (the “Property”), as shown on attached **Exhibit**  
25   **A** and **Exhibit B**; and

26  
27   **WHEREAS**, the proposed expansion of the Planned Service Area is a part of a specific zoning  
28   proposal to rezone the Property from RC-DEO to CEF-M for the stated purpose of providing a  
29   continuing care retirement community (“CCRC”) to consist of independent living units; assisted  
30   living; and skilled nursing care; and

31  
32   **WHEREAS**, the establishment of a CCRC on the Property in accordance with the Petitioner’s  
33   stated purpose advances a number of stated land use policies within the General Plan and will  
34   satisfy in part a growing and well documented need for continuing care retirement communities

1 within Howard County for people over the age of 62.

2  
3 **WHEREAS**, the establishment of such a CCRC at the proposed location will afford the County’s  
4 senior population much needed additional flexibility to age in place within the County; and

5  
6 **WHEREAS**, Chapter 6 (Growth) of the Howard County General Plan notes the following:

7  
8 *[w]hereas the total U.S. population grew by 9.7% from 2000 to*  
9 *2010, those entering the 45 to 64 year age cohort, the approximate*  
10 *ages of the baby boomers, increased by 31.5% during that time*  
11 *period. Baby boomers currently make up about 29% of the*  
12 *countywide population and are starting to move into the 65-plus age*  
13 *cohort.*

14  
15 *PlanHoward, Chapter 6 (Growth), pg. 66*

16  
17 In addition, Chapter 6 (Growth) of the Howard County General Plan makes the following  
18 pertinent finding:

19  
20 *[w]hereas the overall County population increased by 16%, those*  
21 *65 and over increased by 57%. There are now 10,577 more*  
22 *residents 65 and older compared to ten years ago – 29,045 total in*  
23 *2010 compared to 18,468 in 2000. Almost 27% of the total increase*  
24 *of 39,243 residents over the decade was comprised of those aged 65*  
25 *and older. The very old, 85 and over, increased by 47%. This trend*  
26 *will continue as the baby boomers continue to age.*

27  
28 *PlanHoward, Chapter 6 (Growth), pg. 66*

29  
30 Furthermore, Policy 9.4 of the Howard County General Plan aims to “expand housing options to  
31 accommodate the County’s senior population who prefer to age in place and people with special  
32 needs.” In support of that Policy Goal, the Howard County General Plan finds that the

33  
34 *County’s housing stock should support the aging population and*  
35 *will need to continue General Plan 2000 policies to promote diverse*  
36 *senior housing for those that wish or need to downsize to more easily*  
37 *maintained units as they age. The policies should also continue to*  
38 *support seniors who choose to age in place in their own homes or in*  
39 *their own communities...The County also recognizes that as older*  
40 *residents’ ability to live independently diminishes, they often need*  
41 *to move to housing that provides support services. There are both*

1 nursing and assisted living options for seniors in the County,  
2 offering a continuum of services, from acute care to congregate and  
3 group housing to in-home services. In order to accommodate the  
4 projected 19% of residents age 65 or older by 2030, the County's  
5 support of continuing care housing and services must be  
6 maintained.

7  
8 *PlanHoward, Chapter 9 (Housing), pp. 130-131; and*

9  
10 **WHEREAS**, the Property is adjacent to the existing boundary of the Planned Service Area and  
11 that the inclusion of the Property will continue the linear boundary of the Planned Service Area  
12 without including an intervening privately owned parcel currently not located in the Planned  
13 Service Area; and

14  
15 **WHEREAS**, the Planning Board has reviewed and recommended approval of the proposed  
16 expansion.

17  
18 **Now, Therefore,**

19  
20 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland that the  
21 PlanHoward 2030 policy maps identified below are amended to expand the Planned Service  
22 Area, the Growth Tier I Area, and the Growth and Revitalization Designated Place Type area to  
23 include approximately 61 acres of property located west of Clarksville Pike (Md Route 108) and  
24 south of Sheppard Lane, in Clarksville, Howard County, Maryland and further identified as Tax  
25 Map 34, Parcel 185 and a part of Tax Map 28, Parcel 100 (the "Property"), as shown on attached  
26 **Exhibit A** and **Exhibit B**. Amended Policy Maps include: Map 4-1; Map 5-1; Map 6-2; Map 6-  
27 3; and Map 8-1.

28  
29 **Section 2. Be It Further Enacted** by the County Council of Howard County, Maryland that the  
30 provisions of this Act providing for expansion of the Planned Service Area and amendments to  
31 the Growth Tier Maps and Designated Place Types for Howard County shall be null and void  
32 and the Planned Service Area, Growth Tier Map, and Designated Place Type as it relates to this  
33 Property, shall revert to the Planned Service Area, Growth Tier, and Designated Place Type in  
34 place prior to this Act without any additional action of the County Council if:

1 (1) The Howard County Zoning Board shall fail to issue a Decision and Order approving a  
2 Petition to Amend the Zoning Maps of Howard County to rezone the Property to CEF-M  
3 for the stated purpose of developing a CCRC community within 3 years from the  
4 effective date of this Act; or

5 (2) The connection between the Property and the public water and sewer infrastructure ~~are~~  
6 for the purpose of serving a CCRC development is not made within 10 years of the effective date of  
7 this Act.

8

9 **Section 3. Be It Further Enacted** by the County Council of Howard County, Maryland that this  
10 amendment be attached to PlanHoward 2030.

11

12 **Section 4. Be It Further Enacted** by the County Council of Howard County, Maryland that if  
13 any provision of this Act or the application thereof to any person or circumstance is held invalid  
14 for any reason in a court of competent jurisdiction, the invalidity shall not affect other provisions  
15 or any other application of this Act which can be given effect without the invalid provisions or  
16 application, and for this purpose the provisions of this Act are severable.

17

18 **Section 5. Be It Further Enacted** by the County Council of Howard County, Maryland that this  
19 Act shall become effective 61 days after its enactment.

20

EXHIBIT A

SURVEYED DESCRIPTION  
PROPOSED PARCEL

BEING PART OF THE PROPERTY ACQUIRED BY LIMESTONE VALLEY FARM, A MARYLAND GENERAL PARTNERSHIP FROM BARBARA L. WARFIELD BY DEED DATED AUGUST 8, 1995 AS RECORDED IN LIBER 3583 FOLIO 234, AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

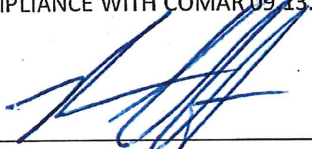
COMMENCING FROM THE INTERSECTION OF THE DIVISION LINE BETWEEN THE LANDS OF BREEDEN FAMILY LIMITED LIABILITY COMPANY (LIBER 5341 FOLIO 656) ON THE WEST, AND THE LANDS OF LENORE, LLC (LIBER 11056 FOLIO 243) AND SERVILLE LLC (LIBER 11119 FOLIO 401) ON THE EAST, WITH THE DIVISION LINE BETWEEN THE LANDS OF LIMESTONE VALLEY FARM (LIBER 3583 FOLIO 234) ON THE NORTH AND THE SAID LANDS OF LENORE, LLC AND SERVILLE LLC ON THE SOUTH, THENCE WITH SAID DIVISION LINE;

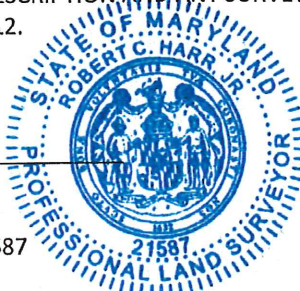
A. SOUTH 67° 25'003" EAST, 365.13 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID DIVISION LINE AND WITH A LINE THROUGH THE SAID LANDS OF LIMESTONE VALLEY FARM, THE FOLLOWING FIVE COURSES AND DISTANCES

1. NORTH 07° 01' 21" WEST, 154.40 FEET, THENCE;
2. CONTINUING, NORTH 17° 32' 18" WEST, 123.97 FEET, THENCE;
3. CONTINUING, NORTH 64° 44' 46" EAST, 193.40 FEET, THENCE;
4. CONTINUING, SOUTH 86° 08' 09" EAST, 802.70 FEET, THENCE;
5. CONTINUING, SOUTH 74° 18' 35" EAST, 781.09 FEET TO THE CENTERLINE OF SHEPARD LANE (VARIABLE WIDTH AND PRESCRIPTIVE RIGHT-OF-WAY), THENCE WITH SAID CENTERLINE;
6. SOUTH 14° 10' 35" EAST, 458.61 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTHERLY SIDE OF CLARKSVILLE PIKE - MD RTE. 108 (PRESCRIPTIVE RIGHT-OF-WAY), THENCE WITH SAID SOUTHERLY SIDE;
7. SOUTH 39° 34' 56" WEST, 372.59 FEET; THENCE DEPARTING SAID SOUTHERLY SIDE OF CLARKSVILLE ROAD AND WITH A LINE THROUGH SAID CLARKSVILLE PIKE AND WITH THE EXTENSION OF THE DIVISION LINE OF THE SAID LANDS OF LIMESTONE VALLEY FARM ON THE NORTH, AND THE LANDS OF LENORE, LLC (LIBER 11056 FOLIO 243) AND SERVILLE LLC (LIBER 11119 FOLIO 401) ON THE SOUTH;
8. NORTH 67° 25' 03" WEST, 1674.87 FEET TO THE PLACE OF BEGINNING.

CONTAINING 1,054,111 SQUARE FEET OR 24.199 ACRES

I HEREBY CERTIFY THAT THE METES AND BOUNDS DESCRIPTION HEREIN WAS PREPARED BY ME PERSONALLY OR UNDER MY DIRECTION AND THAT THIS DESCRIPTION AND ANY SURVEY WORK REFLECTED HEREIN WAS PREPARED IN COMPLIANCE WITH COMAR 09.13.06.12.

  
\_\_\_\_\_  
ROBERT C. HARR, JR.  
STATE OF MARYLAND  
PROFESSIONAL LAND SURVEYOR NO. 21587  
EXPIRATION DATE JANUARY 16, 2019



DATE 7/2/18

SURVEYED DESCRIPTION

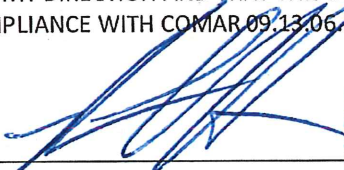
BEING PART OF THE PROPERTY ACQUIRED BY LENORE, LLC AS TO AN UNDIVIDED 50% INTEREST FROM LENORE R. SHAVELL BY DEED DATED NOVEMBER 29, 2007 AS RECORDED IN LIBER 11056 FOLIO 243 AND BY SERVILLE LLC AS TO AN UNDIVIDED 50% INTEREST FROM IRENE C. GLASER BY DEED DATED JANUARY 30, 2008 AS RECORDED IN LIBER 11119 FOLIO 401, AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE DIVISION LINE BETWEEN THE LANDS OF BREEDEN FAMILY LIMITED LIABILITY COMPANY (LIBER 5341 FOLIO 656) ON THE WEST, AND THE LANDS OF LENORE, LLC (LIBER 11056 FOLIO 243) AND SERVILLE LLC (LIBER 11119 FOLIO 401) ON THE EAST, WITH THE DIVISION LINE BETWEEN THE LANDS OF LIMESTONE VALLEY FARM (LIBER 3583 FOLIO 234) ON THE NORTH AND THE SAID LANDS OF LENORE, LLC AND SERVILLE LLC ON THE SOUTH, THENCE WITH SAID DIVISION LINE;

1. SOUTH 67° 25' 03" EAST, 2026.07 FEET TO THE INTERSECTION OF SAID DIVISION LINE, WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF LENORE, LLC AND SERVILLE LLC ON THE WEST, AND THE LANDS OF STEPHEN KLEIN & ASSOCIATES, LLC (LIBER 5082 FOLIO 679) ON THE EAST, ALSO BEING THE CENTERLINE OF CLARKSVILLE PIKE – MD RTE. 108 (PRESCRIPTIVE RIGHT-OF-WAY), THENCE WITH SAID DIVISION LINE;
2. SOUTH 40° 23' 40" WEST, 548.04 FEET, THENCE CONTINUING WITH A LINE THROUGH SAID CLARKSVILLE PIKE;
3. SOUTH 17° 13' 42" EAST, 33.00 FEET, THENCE CONTINUING WITH SAID THROUGH LINE AND FURTHER CONTINUING WITH THE DIVISION LINE BETWEEN THE SAID LANDS OF LENORE, LLC AND SERVILLE LLC ON THE NORTH, AND THE LANDS OF CLARKSVILLE FREESTATE, LLC (LIBER 16629 FOLIO 30), CLARKSVILLE AUTO PROPERTIES, LLC (LIBER 3903 FOLIO 315), LOT 2, FOSTER PROPERTY (PLAT NO. 14068) AND THE LANDS OF CLARKSVILLE SQUARE, LLC (LIBER 4516 FOLIO 389) ON THE SOUTH;
4. SOUTH 86° 46' 18" WEST, 1582.00 FEET TO THE INTERSECTION OF SAID DIVISION LINE, WITH THE SAID DIVISION LINE BETWEEN THE LANDS OF BREEDEN FAMILY LIMITED LIABILITY COMPANY ON THE WEST, AND THE LANDS OF LENORE, LLC AND SERVILLE LLC ON THE EAST, THENCE WITH SAID DIVISION LINE;
5. NORTH 02° 21' 22" EAST, 1317.16 FEET TO THE PLACE OF BEGINNING.

CONTAINING 1,583,544 SQUARE FEET OR 36.353 ACRES

I HEREBY CERTIFY THAT THE METES AND BOUNDS DESCRIPTION HEREIN WAS PREPARED BY ME PERSONALLY OR UNDER MY DIRECTION AND THAT THIS DESCRIPTION AND ANY SURVEY WORK REFLECTED HEREIN WAS PREPARED IN COMPLIANCE WITH COMAR 09.13.06.12.

  
ROBERT C. HARR, JR.  
STATE OF MARYLAND  
PROFESSIONAL LAND SURVEYOR NO. 21587  
EXPIRATION DATE JANUARY 16, 2019.



7/2/18  
DATE

RT/dl

S:\Surveys\2017\SD172015\Admin\Metes and Bounds\SURVEYED DESCRIPTION-ROUTE 108.docx





BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on August 6, 2018.

Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council