1	A.R	. LEVE	RING	, LLC				*	BEFO	RE T	HE			
2	CAS	SE NO:	ZB-11	24M				*	PLAN	INING	BOA	RD OF		
3	548	1 LEVE	ERING	AVE				*	HOW	ARD	COUN	NTY, MA	ARYLA	ND
4														
5	*	*	*	*	*	*	*	*	*	*	*	*	*	*
6		MOTI	ON:	To re	commend	approva	ıl of th	e request	to rezo	one the	0.40-a	cre prop	erty loca	ted at
7				5481	Levering	Avenue	from	R-ED to	M-1	subject	to a	Documen	ted Site	Plan
8				provid	ded for an	office.								
9		ACT	ION:	Recor	nmend Ap	proval;	Vote 5-	0.						
10	*	*	*	*	*	*	*	*	*	*	*	*	*	*
11														
12		On J	anuary	7, 2021,	the Plani	ning Boa	rd of I	Howard C	County,	Maryla	ınd, co	nsidered	the petiti	ion of

On January 7, 2021, the Planning Board of Howard County, Maryland, considered the petition of A.R. Levering, LLC to amend the Zoning Map to rezone the 0.40-acre property located at 5481 Levering Avenue (the "Property") from the R-ED district to the M-2 district subject to the Documented Site Plan provided for an office.

The Planning Board considered the petition and the Department of Planning and Zoning (DPZ) Technical Staff Report. DPZ determined that at the commencement of the 2013 Comprehensive Zoning, the Property was located in the floodplain, zoned R-ED, designated Established Communities on the place type map of PlanHoward 2030, and contained a historic single-family dwelling. Additionally, Historic Building Uses, which include business and professional offices, are permitted in R-ED through the conditional use process. Therefore, a historic structure could be converted to an office through this process under the current zoning. However, DPZ recognized that an office use, as permitted in M-2, would be appropriate for a property located entirely within the floodplain and would be safer than a residential use. Because of this, DPZ suggested that rezoning the property to M-1 or a commercial business district may be more appropriate than M-2.

The Petitioner was represented by Sang Oh. Mr. Oh stated that the Petitioner is proposing a Documented Site Plan (DSP) and, if approved, use of the Property will be restricted to what is shown on the DSP. He explained that the Petitioner plans an adaptive reuse of the current structure for an office use, and M-2 was requested since all the surrounding properties are zoned M-2. Mr. Oh testified that during the 2013 Comprehensive Zoning, the County Council could not have anticipated that an upstream dam, known as the Bloede Dam, would be removed and that built-up sediment would flow down stream causing increased frequency and severity in flooding of the Property.

Rob Vogel, a Professional Engineer with Vogel Engineering and Timmons Group, also testified on

behalf of the Petitioner. Mr. Vogel gave a history of the dams located upstream from the subject property (Union Dam, Simpkin Dam, and Bloede Dam). Mr. Vogel indicated that these three dams were created to power manufacturing facilities that helped with the development of Howard County. Mr. Vogel testified that Union Dam and Simpkin Dam were removed in 2010 and that Bloede Dam was removed in 2018, and behind each of these dams there was more than 100 years of sediment.

Mr. Oh asserted that the County Council would not have kept the Property in a residential zoning district (R-ED) had they known this would happen. He indicated that he and his client would be open to rezoning the Property to any commercial zoning designation that allows the proposed use as depicted on the DSP.

Testimony

No members of the public testified on this matter. However, the Planning Board asked that an email containing testimony from a Howard County resident be acknowledged in this Planning Board Recommendation and treated as testimony as if the resident were present at the hearing. The email expressed concern about industrial activity being permitted in an environmentally sensitive area and the safety of those employed by or who patronize the proposed business.

Board Discussion and Recommendation

In work session, the Planning Board discussed whether the current zoning designation of R-ED was appropriate and whether there was a mistake made during the last Comprehensive Zoning. It was acknowledged that the R-ED zoning district can accommodate the Petitioner's proposed office use through the Conditional Use process. The Property's proximity to Main Street in Elkridge, which contains many historic structures, was also discussed and that there is no easement protecting the historic structure.

Additionally, the Planning Board recognized that the M-1 is a more appropriate zoning designation for the Property than M-2 since it excludes very intensive industrial uses that would not be appropriate for this site. The Board also considered a B-1 zoning designation since the uses associated with B-1 are less intensive. The Board concluded that M-1 was more appropriate than B-1 given the location of the property near the end of a road, near a state park and a river, and given the surrounding M-2 properties.

Ms. Adler made the motion to recommend approval of the petition, ZB-1124M, to rezone the 0.40-acre property located at 5481 Levering Avenue from R-ED to M-1 subject to a Documented Site Plan provided for an office. The motion passed by a vote of 5 to 0.

1	For the former	21							
2	For the forego	ing reasons, the Planning Board of Howard County, Maryland, on this day, 2021, recommends that Zoning Board Case No. ZB 1124M, as described above,							
4	be APPROVED .	, 2021, recommends that Zoming Zomid Case 1(0) 22 112 112, as described above,							
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6									
7 8		HOWARD COUNTY PLANNING BOARD DocuSigned by:							
9		Edward T. Coleman							
10		Ed Coleman Chair							
11		tenin Milliley							
12		Kevin McAliley, Vice-chair							
13		Delphine Adler							
14		Delphine Adler							
15		Evica Roberts							
16	Erica RODONAS 17447 Docusigned by:								
17		Phil Engelke							
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