

John Neels (c/o Karen Martin)	*	BEFORE THE
Petitioner	*	PLANNING BOARD OF
PLANNING BOARD CASE NO. 451	*	HOWARD COUNTY, MARYLAND

\* \* \* \* \*

**DECISION AND ORDER**

On March 18, 2021, the Planning Board of Howard County, Maryland, in accordance with Section 107.0.F. of the Howard County Zoning Regulations, held a public hearing to consider the petition of John Neels (c/o Karen Martin) owner/developer, to approve Preliminary Equivalent Sketch Plan (SP-19-004, Cascade Ridge). The plan includes 16 single-family detached residential lots and 3 open space lots. The 9.09± acre site is zoned R-ED (Residential: Environmental Development). The site is located at 7330 Green Drake Road in Elkridge in the First Election District of Howard County, Maryland., Tax Map 31, Grid 11, Parcel 474. The site is surrounded by developed R-ED zoned properties.

The notice of the public hearing was published in two local newspapers and the property was posted according to Planning Board requirements, as evidenced by certificates of publication and posting, all of which were made a part of the record.

The reports and official documents pertaining to the Petition were incorporated into the hearing record, including the Preliminary Equivalent Sketch Plan, Howard County Code, General Plan of Howard County, Certification of Posting and Advertising, Howard County Zoning Map and Regulations, Technical Staff Report of the Department of Planning and Zoning (DPZ), and reviewing agency comments.

The Petitioner was represented by Thomas G. Coale, Esq., Talkin & Oh. The Petitioner introduced two exhibits as Applicants Exhibits 1, Subdivision Layout and Landscape Plan, and Applicants Exhibit 2, Scenic Road Exhibit.

There was no opposition to the case.

**FINDINGS OF FACT**

1. Derrick Jones presented DPZ’s Technical Staff Report (TSR). The report documents that Section 107.0.F.6. of the Zoning Regulations establishes three review criteria that the Planning Board must consider when evaluating a Preliminary Equivalent Sketch Plan. Mr. Jones’ presentation included a general overview of the subdivision: the site’s history, zoning compliance, site conditions, and the subdivision design and features. The TSR confirmed the Subdivision Review Committee (SRC) finding that the Preliminary Equivalent Sketch Plan, SP-19-004, Cascade Ridge meets Howard County Regulations, including Zoning and Subdivision and Land Development Regulations, and may be approved by the Planning Board subject to complying with SRC comments and any Planning Board conditions of approval.
2. Mr. Thomas Coale, Esq., represented the Petitioner. Mr. Coale acknowledged the presentation provided by Mr. Jones as being sufficient and said that the evidence provided by the DPZ demonstrates the subdivision complies with the criteria. Mr. Coale called Mr. Robert Vogel as witness to answer questions that the Board had regarding this proposal as it relates to the R-ED criteria.
3. Mr. Coale asked Mr. Vogel to explain how the subdivision design minimizes grading. Mr. Vogel introduced the subdivision layout and landscape plan as Exhibit #1 and described the site’s existing conditions and proposed subdivision design. Mr. Vogel said that the first criterion, protecting environmental and historic resources, is accomplished by maximizing the retention of existing

natural resources and providing open space area between the subdivision and adjoining residential properties. Mr. Vogel explained that the design objective was to keep the lots as close as possible to the minimum lot size of 6,000 square feet to maximize the creation of open space and environmental areas. This design enabled the lots to be concentrated close to the proposed road to maximize the buffer between the existing homes that adjoin the site. To address the second criterion, limit the extent of clearing and grading, Mr. Vogel explained how the house locations take advantage of the site's existing topography by locating the houses on top of a ridge and designing the stormwater management facilities in locations that help to limit clearing and grading. Regarding criterion three, buffer the existing neighborhood, Mr. Vogel said that this is accomplished with substantial buffering and retention of existing wooded resources, landscaping plantings and reduced grading. In addition, a 225-foot continuous vegetated buffer from Landing Road shall be preserved and protected in a forest conservation easement.

4. Mr. Coale asked the Board if they had any additional questions. Board Member Phil Engelke asked to see an exhibit that shows the views of the existing homes that front Landing Road. Mr. Vogel introduced the Scenic Road Exhibit as Exhibit No. 2.
5. The TSR illustrates that SP-19-004 satisfies the Planning Board Criteria as follows:
  - a. **The proposed lay-out of the lots and open space effectively protects environmental and historic resources.**
    - The subdivision is designed so that the proposed lots, road, utilities, stormwater management and drainage systems are positioned on the site's most suitable area for development. The environmental resources are addressed in the following manner:
      - The site has a perennial stream, wetlands, floodplain and a small area of 25% or greater steep slopes. No disturbance to these environmental resources is proposed. All the environmental resources will be located in open space (Open Space Lots 18 and 19).
      - There are 13 specimen trees on the site; the removal of 3 specimen trees is proposed due to their location near an existing house that will be razed and proposed road construction. The 3 specimen trees to be removed will be replaced with six native trees that are at least 3" in caliper.
      - There is a historic house (that dates to 1904) and an outbuilding next to the house. The Historic Preservation Commission determined that the historic house does not have architectural significance and had no comments on the subdivision design. The historic house will be razed.
  - b. **Buildings, parking areas, roads, stormwater management facilities and other site features are located to take advantage of existing topography and to limit the extent of clearing and grading.**
    - The subdivision layout takes advantage of the uniqueness of the site's topography and forests by minimizing the limits of clearing and grading necessary for construction.
      - The residential lots and road shall be constructed in the north-central area of the site, on top of a ridge where an existing house and outbuilding is located.
      - The proposed road connection is dictated by the two existing road termini of Green Drake Road.
      - The subdivision shall utilize drywells, bioswales, micro-bioretenion facilities, and a shallow gravel wetland for managing stormwater; the shallow gravel wetland facilitates the reduction of land disturbance and grading.

**c. Setbacks, landscaped buffers, or other methods are proposed to buffer the development from existing neighborhoods or roads, especially from designated scenic roads or historic districts.**

- The development complies with the 30-foot project boundary setback as required in Section 107.0.D.4., which helps to preserve existing wooded resources on the northern and western edge of the site. In addition, the eastern and southern edge will be buffered by a combination of existing vegetation and proposed perimeter landscaping.
- All landscaping meets the Howard County Landscape Manual.
- The site has 152 feet of public road frontage at its western edge along Landing Road, a designated scenic road. Access to and from this subdivision will be from Green Drake Drive, a non-scenic road, and a 225-foot continuous vegetated buffer from Landing Road will be placed in a permanent forest conservation easement.
- The Planning Board approved the scenic road plan as required in Section 16.125.C of the Subdivision and Land Development Regulations on March 4, 2021

**OPPOSITION’S TESTIMONY**

There was no opposition present.

**CLOSING STATEMENTS**

Mr. Coale did not have a closing statement.

**ADDITIONAL PUBLIC COMMENTS**

The Planning Board invited public comments by anyone who had registered to speak. There was no one registered to speak in favor or in opposition of this Case.

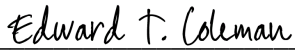


**WORK SESSION**

The Planning Board went into work session and agreed that the plan meets the review criteria in Section 107.0.F.6. of the Howard County Zoning Regulations. The Board voted 4 to 0 to approve SP-19-004 Cascade Ridge.

**CONCLUSION OF LAW**

Preliminary equivalent sketch plan, SP-19-004, satisfies the approval criteria for R-ED development per Section 107.0.F.6. of the Zoning Regulations. For the reasons stated in the Findings of Fact and in the Department of Planning and Zoning’s Technical Staff Report, the Planning Board of Howard County Maryland **APPROVES** SP-19-004 Cascade Ridge on this 6 day of May, 2021 subject to compliance with SRC comments.

**HOWARD COUNTY PLANNING BOARD**

DocuSigned by:  
  
 Ed Coleman - Decision Person  
 DocuSigned by:  
  
 Kevin McAuley, Vice Chairperson  
 DocuSigned by:  
  
 Delphine Tudy Adler

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DocuSigned by:  
*Phil Engelke*  
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Phil Engelke

**ABSENT**

Erica Roberts

\* \* \* \* \*

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ATTEST:

DocuSigned by:  
*Amy Gowan*  
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Amy Gowan, Executive Secretary

REVIEWED FOR LEGAL SUFFICIENCY BY:  
HOWARD COUNTY OFFICE OF LAW  
Gary W. Kuc, County Solicitor

DocuSigned by:  
*David Moore*  
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David Moore, Deputy County Solicitor

LIST OF APPLICANT'S EXHIBITS:

- Exhibit No. 1 – *Subdivision Layout and Landscape Plan*
- Exhibit No. 2 – *Scenic Road Exhibit*

LIST OF PROTESTANT'S EXHIBITS:

NONE