



DEPARTMENT OF PLANNING AND ZONING
VALDIS LAZDINS, DIRECTOR

TECHNICAL STAFF REPORT

Planning Board Meeting of May 4, 2017

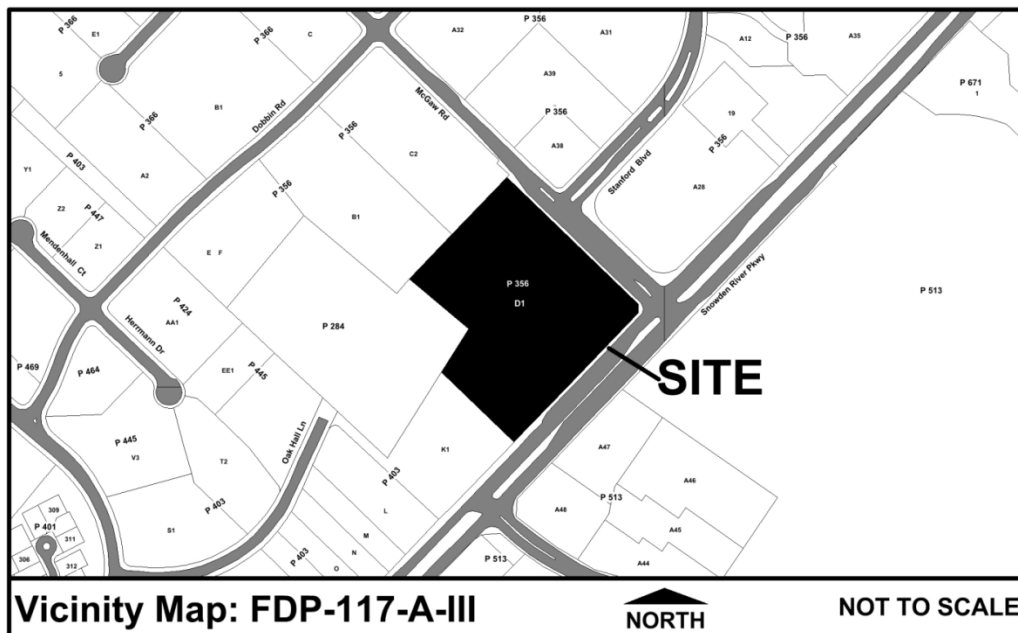
**Case No./Petitioner: FDP-117-A-III - The Howard Research & Development Corporation, Petitioner
Science Fiction, LLC, Owner**

Subject: Sieling Industrial Center, Section 1, Area 1, Parcel "D-2", Liquor Store
8855 McGaw Road, Columbia, MD 21045

Request: To approve FDP-117-A-III, an amendment to the previously approved and recorded Final Development Plan. According to the applicant, the purpose of the amendment is to clarify that a liquor store does not have to be contained within a full service food and grocery store to be a permitted use under Criteria Item 7D, "Employment Center-Industrial Land Use Areas" in accordance with Section 125.0.F of the Howard County Zoning Regulations.

Based on the earlier decision by the Planning Board to deny this request, the Howard County Hearing Examiner remanded this case back to the Planning Board and ordered a special meeting remand work session. It is to occur no later than 90 calendar days from the date of the March 13, 2017 Preliminary Order to consider the FDP-117-A-III application.

Location: FDP-117-A-III applies to 181.422 acres of New Town zoned land within the Sieling Industrial Center. The entire FDP area is located west of Snowden River Parkway, east of Dobbin Road, south of Little Patuxent Parkway, Maryland Route 175 and north of Oakland Mills Road on Tax Map 36, Grid No. 24, in the Sixth Election District of Howard County, Maryland.



Vicinal Properties: This FDP phase is located in the Sieling Industrial Center (portions of which are also known and recorded as the 'Columbia Corporate Park'), surrounded by the following land use areas:

North – Little Patuxent Parkway, Maryland Route 175, and farther north is the Columbia Crossing Shopping Center, zoned “NT-Employment Center Commercial”.

East – Snowden River Parkway and farther east is the Gateway Commerce Center, Zoned “M-1” (Manufacturing-Light) and Snowden Square Shopping Center, zoned “B-2” (Business-General).

South – Oakland Mills Road and farther south are residential properties, zoned “R-12” (Residential-Single) and “NT-Single Family Medium Density”.

West – Dobbin Road and farther west is the Columbia Business Center, zoned “NT-Employment Center-Industrial.”

Site History: See the attached Technical Staff report for the Planning Board meeting on August 4 2016, for site history, proposal and recommendation from the Department of Planning and Zoning.

Hearing Examiner

Order: An administrative appeal to the Hearing Examiner was considered during a hearing on February 10, February 15, and March 8, 2017. On March 13, 2017, the Hearing Examiner ordered:

1. The Planning Board shall convene a special meeting remand work session no later than 90 calendar days from the date of this Preliminary Order to consider Appellants' FDP-117-A-III application.
2. All five members of the Planning Board shall attend the special meeting remand work session.
3. Prior to convening, all five Planning Board members shall review the record of the case. The **record of the case excludes the Planning Board's prior work session**.
4. The Planning Board shall apply **only these criteria in its consideration of the application**:
 - a. Howard County New Town Zoning Regulations § 125.0.D.2: General Provisions
The Final Development Plan shall be considered by the Planning Board at a public meeting. In acting upon the Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the Final Development Plan. (Emphasis added.) *

* The "comments received from the various public agencies" includes the Department of Planning and Zoning's technical staff report.
 - b. Howard County New Town Zoning Regulations § 125.0.F.1; Amendments to a Final Development Plan Submitted by Original Petitioner A proposed Final Development Plan Amendment shall be reviewed in accordance with § 125.0.D.[2].
 - c. FDP 117-A-II, Permitted Uses, per Howard County Zoning Regulations § 125.0.C.3.d(2) Criteria Item 7D. Employment Center Land Use - Industrial Land Use Areas
All uses permitted in industrial districts or industrial land use zones are permitted including but not limited to, all uses permitted in M-I district except, however [sic] that uses only permitted in M-2 Districts are prohibited. Commercial uses ancillary to, or compatible with, permitted industrial uses are permitted, including, but not limited to, all of the following:
 - a. Restaurants and lunchrooms, and similar establishments serving food and/or beverages
 - b. Personal service shops and retail stores which primarily sell or service merchandise manufactured on the premises.
 - c. Banks

- d. Gasoline service station
 - e. Wholesale Distributors
 - f. Savings and Loan Associations
 - g. Business and Professional offices
 - h. Parking Lots or Garages
 - i. Building Supplies and Lumberyards
 - j. Storage of prepared dairy products and other food products to be distributed on truck vending routes
 - k. Such other ancillary uses as may be approved by the Howard County Planning Board
 - l. Full service food and grocery store, and related uses/ of 100,000 square feet or more.
5. The Planning Board shall be assisted in its deliberations by the Seiling Industrial Park Land Use Map attached to this Preliminary Order.
 6. The Planning Board shall consider only the land uses within Seiling Industrial Park, Section 1, Area 1.
 7. The Planning Board shall not consider PlanHOWARD 2030 in its deliberations.
 8. Upon making a decision, the Planning Board shall file its decision with the Hearing Examiner.
 9. The Hearing Examiner shall retain jurisdiction of the instant appeal. Upon receiving the Planning Board's decision, the Hearing Examiner shall endeavor to reconvene the BA 735-D appeal within 30 calendar days for further proceedings as necessary.

Recommendation: Please see the attached Technical Staff report for the Planning Board meeting on June 16, 2016 for the previous DPZ recommendation.

4/20/17
Date


Valdis Lazdins, Director
Department of Planning and Zoning

Staff Report Prepared by: Jill Manion-Farrar
VL/KS/JMF

HOWARD COUNTY BOARD OF APPEALS HEARING EXAMINER

IN THE MATTER OF : BEFORE THE

**SCIENCE FICTION, LLC & HOWARD
RESEARCH & DEVELOPMENT
CORPORATION** : HOWARD COUNTY
: BOARD OF APPEALS

Appellants : HEARING EXAMINER

v. : BA 735-D PRELIMINARY ORDER
RE: FDP-117-A-111

**HOWARD COUNTY PLANNING
BOARD**

Appellee

PRELIMINARY ORDER

Upon preliminary consideration of Appellants' administrative appeal to the Hearing Examiner from the decision of the Howard County Planning Board and the evidence of record from the hearing on February 10, February 15, and March 8, 2017, the Hearing Examiner found there was legally sufficient evidence that the Howard County Planning Board's letter decision of November 4, 2016 denying Appellants' Final Development Plan Map application to amend FDP-117-A-II, Seiling Industrial Center, Section 1, Area 1, through FDP-117-A-III, to add "m. Liquor store - located on the same property as a full service food and grocery store, but separate and not directly accessible to that store", as a permitted use under Criteria Item 7D, "Employment Center-Industrial Land Use Areas", being based on "General Plan" and "New Town Uses" factors, is therefore clearly erroneous, arbitrary and capricious.

- a. Restaurants and lunchrooms, and similar establishments serving food and/or beverages
 - b. Personal service shops and retail stores which primarily sell or service merchandise manufactured on the premises.
 - c. Banks
 - d. Gasoline service station
 - e. Wholesale Distributors
 - f. Savings and Loan Associations
 - g. Business and Professional offices
 - h. Parking Lots or Garages
 - i. Building Supplies and Lumberyards
 - j. Storage of prepared dairy products and other food products to be distributed on truck vending routes
 - k. Such other ancillary uses as may be approved by the Howard County Planning Board
 - l. Full service food and grocery store, and related uses, of 100,000 square feet or more.
5. The Planning Board shall be assisted in its deliberations by the Seiling Industrial Park Land Use Map attached to this Preliminary Order.
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 9. The Hearing Examiner shall retain jurisdiction of the instant appeal. Upon receiving the Planning Board's decision, the Hearing Examiner shall endeavor to reconvene the BA 735-D appeal within 30 calendar days for further proceedings as necessary.

Michele L. LeFavre



Hearing Examiner

Attachments:

Planning Board decision letter of November 4, 2016 denying the FDP-117-A-III application
Seiling Industrial Park Land Use Map



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

Valdis Lazdins, Director

FAX 410-313-3467

November 4, 2016

John DeWolf
Howard Research and Development Corporation
10480 Little Patuxent Parkway, Suite 400
Columbia, MD 21044

RE: FDP-117-A-III, Sieling Industrial Center, Section 1,
Area 1 (inclusion of liquor store as permitted use)

Dear Mr. DeWolf:

At its regularly scheduled meeting held on November 3, 2016, the Howard County Planning Board considered the Amended Final Development Plan, Phase 117-A-III to add a liquor store as a permitted use on a parcel that consists of a full service grocery store, in the 6th Election District of Howard County, Maryland.

Based upon the testimony presented, the Planning Board:

- Approved the plan*
- Approved the plan with modifications*
- Denied the plan*

If you have any questions, please contact Jill Manion-Farrar at (410) 313-4338 or email at jfarrar@howardcountymd.gov.



Chairperson
Howard County Planning Board

cc: Research
DED
Tom Meachum
Science Fiction LLC

o Based on General Plan &
o Newtown Uses.

Vicinal Properties: This FDP phase is located in the Sieling Industrial Center (a portion of the site is also known and recorded as the "Columbia Corporate Park") and is surrounded by the following land uses:

North Side – To the north is Little Patuxent Parkway, Maryland Route 175 and further north is the Columbia Crossing Shopping Center, zoned "NT-Employment Center Commercial".

East Side – To the east is Snowden River Parkway and further east is the Gateway Commerce Center, Zoned "M-1" (Manufacturing-Light) and Snowden Square Shopping Center, zoned "B-2" (Business-General).

South Side – To the south is Oakland Mills Road and further south are residential properties, zoned "R-12" (Residential-Single) and "NT-Single Family Medium Density".

West Side – To the west is Dobbin Road and further west is the Columbia Business Center, zoned "NT-Employment Center-Industrial".

Site History:

- **FDP-117:** The Final Development Plan and Criteria for the subject property was recorded on May 4, 1972 to establish the "Employment Center-Industrial" and "Open Space-Non-Credited" land uses for this phase of the Sieling Industrial Center.
- **FDP-117-A:** An amended FDP was recorded on May 18, 1973 to add 26.75 acres of additional industrial land use and 2.123 acres of additional open space land use.
- **FDP-117-A-I:** An amended FDP was recorded on January 25, 1994 to include a communication facility on Open Space Lot 19.
- **FDP-117-A-II:** An amended FDP was recorded on September 27, 2007 to clarify the full service food and grocery store use in the "Employment Center-Industrial" land use area. The FDP was recorded on September 27, 2007.
- **F-72-090:** A Final Plan to establish Parcel D was recorded on May 31, 1972, Plat Book 23, Folio 15.
- **F-05-124:** A Final Plan to establish Parcel "D-1" was recorded on June 10, 2005, Plat #17484.
- **F-07-208:** A Final Plan to establish Parcel D-2 was recorded on June 27, 2008, Plat #20012.
- **SDP-89-005:** A Site Development Plan for the existing site improvements located on Parcel "D" received signature approval on December 27, 1989.
- **SDP-07-131:** A Site Development Plan to construct the Wegmans Food Market located on Parcel "D-2" was approved by the Planning Board on January 31, 2008 (except for the clock tower height adjustment). On April 24, 2008 the Planning Board approved a requested height adjustment from 50 feet to 82.07 feet for the clock tower. It serves as an architectural feature for the store. The SDP received signature approval on September 3, 2008. On April 7, 2011 the Planning Board approved the relocation of the clock tower to the northeast corner of the parking garage.

Purpose:

The current Final Development Plan Phase (FDP-117-A-II) permits "Full service food and grocery store, and related uses of 100,000 square feet or more." DPZ has opined that "related uses," such as a liquor store are permitted provided that the liquor store is wholly contained within the grocery store (see attached memo dated November 12, 2015). Under Article 2B, Section 9-102(a-1) of the Maryland Annotated Code, a liquor store cannot exist

within a grocery store. The applicant states that the purpose of this application (FDP-117-A-III) is to clarify that a liquor store does not have to be contained within the grocery store to be a permitted use (see attached revised Sheets 1 & 2 of 7).

Planning
Board Criteria:

There are no standard Planning Board Criteria for Final Development Plan Amendments. However, Section 125.0.F.1 of the Zoning Regulations, which governs Amendments to a Comprehensive Sketch Plan or Final Development Plan, states that a proposed Final Development Plan Amendment shall be reviewed in accordance with Section 125.0.D. Within that section, paragraphs 1 and 2 are applicable to Planning Board Approval and are evaluated below.

1. If a Comprehensive Sketch Plan or Comprehensive Sketch Plan Amendment is required, upon its approval, the petitioner may submit a Final Development Plan or Final Development Plan Amendment to the Department of Planning and Zoning for approval by the Planning Board. The petition may cover all or a portion of the land covered by the Comprehensive Sketch Plan. **The drawings shall delineate the various land use areas by courses and distances. The text (criteria) shall be that which was approved by the Planning Board as part of the Comprehensive Sketch Plan.**

DPZ could only locate a Comprehensive Sketch Plan map for this area, which identifies the subject property as Employment Center-Industrial. Comprehensive Sketch Plan text criteria could not be located. However, the text criteria approved by the Planning Board in 1972 on the original FDP for this phase is the same as that approved by the Planning Board previous to that as part of the Comprehensive Sketch Plan. Therefore, the text criteria for FDP 117 can serve as the "guide" for the Planning Board pursuant to Section 125.0.D.2. below Planning Board approves criteria with the Final Development Plan.

This Final Development Plan Amendment seeks to adjust the criteria to add an additional use, specific to a previously approved grocery store use, by allowing a liquor store to be located on the same property as a grocery store in a manner that complies with State regulations. The Department of Planning and Zoning recognizes a long and on-going transition of land uses within the FDP area; from an initially industrially focused to a more mixed employment/commercial area. Given these facts, DPZ concurs with this FDP amendment. However, DPZ has determined that the request is more than just a clarification. Rather, it should be viewed as a request to amend the current FDP and clearly state that a liquor store is a use that is supportive of a full service food and grocery store, but for State regulations, it cannot be contained within a grocery store. Therefore, the FDP should be amended to include a liquor store as a separate use. In addition, DPZ believes the description of a full service food and grocery store should add missing punctuation so that its intent is clear. The following changes are recommended:

L. Full service food and grocery store, and related uses, of 100,000 square feet or more.

M. Liquor store - located on the same property as a full service food and grocery store, but separate and not directly accessible to that store.

2. The Final Development Plan shall be considered by the Planning Board at a public meeting. **In acting upon the Final Development Plan, the Planning Board shall be guided by the approved Comprehensive Sketch Plan, and comments received from the various public agencies which reviewed the Final Development Plan, and shall not unreasonably disapprove or change the Final Development Plan.** The provisions of this Section 125.0.D.2 do not apply to Downtown Revitalization.

DPZ could only locate a Comprehensive Sketch Plan map for this area, which identifies the subject property as Employment Center-Industrial. Comprehensive Sketch Plan text criteria could not be located. The text criteria approved by the Planning Board in 1972 on the original FDP for this phase is the same as that approved by the Planning Board previous to that as part of the Comprehensive Sketch Plan. Therefore, the text criteria for FDP 117 can serve as the "guide" for the Planning Board in evaluating this amendment. Planning Board approves criteria with the Final Development Plan. This proposed amendment builds upon the previously approved amendment to the FDP, which allowed the grocery store as a compatible use within the Employment Center-Industrial land use. Therefore, this amendment does not unreasonably disapprove or change the Final Development Plan.

SRC Action: By letter dated April 27, 2016, the Department of Planning and Zoning determined that this FDP is technically complete. SRC agencies had no comments concerning this FDP amendment.

Please note that this file is available for public review by appointment at the Department of Planning and Zoning's public service counter, Monday through Friday, 8:00 a.m. to 5:00 p.m.

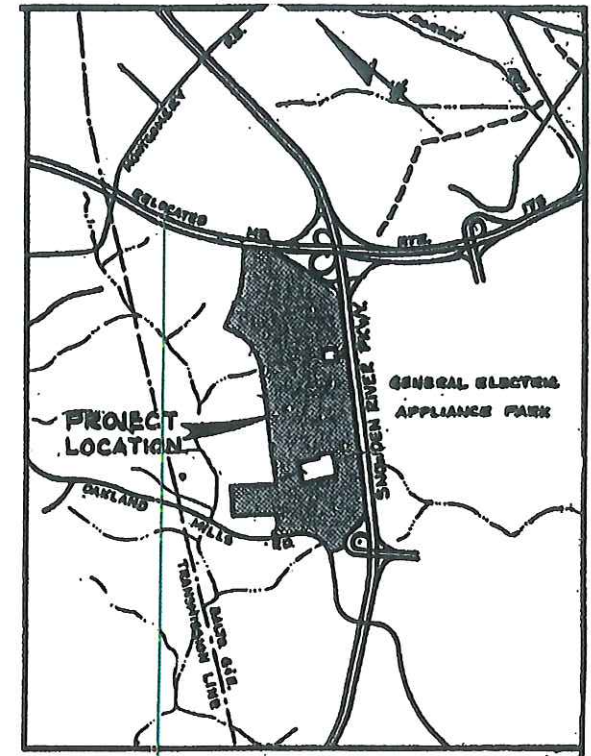
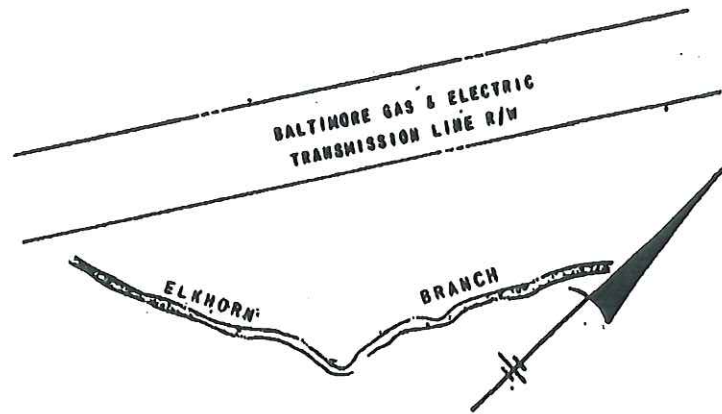
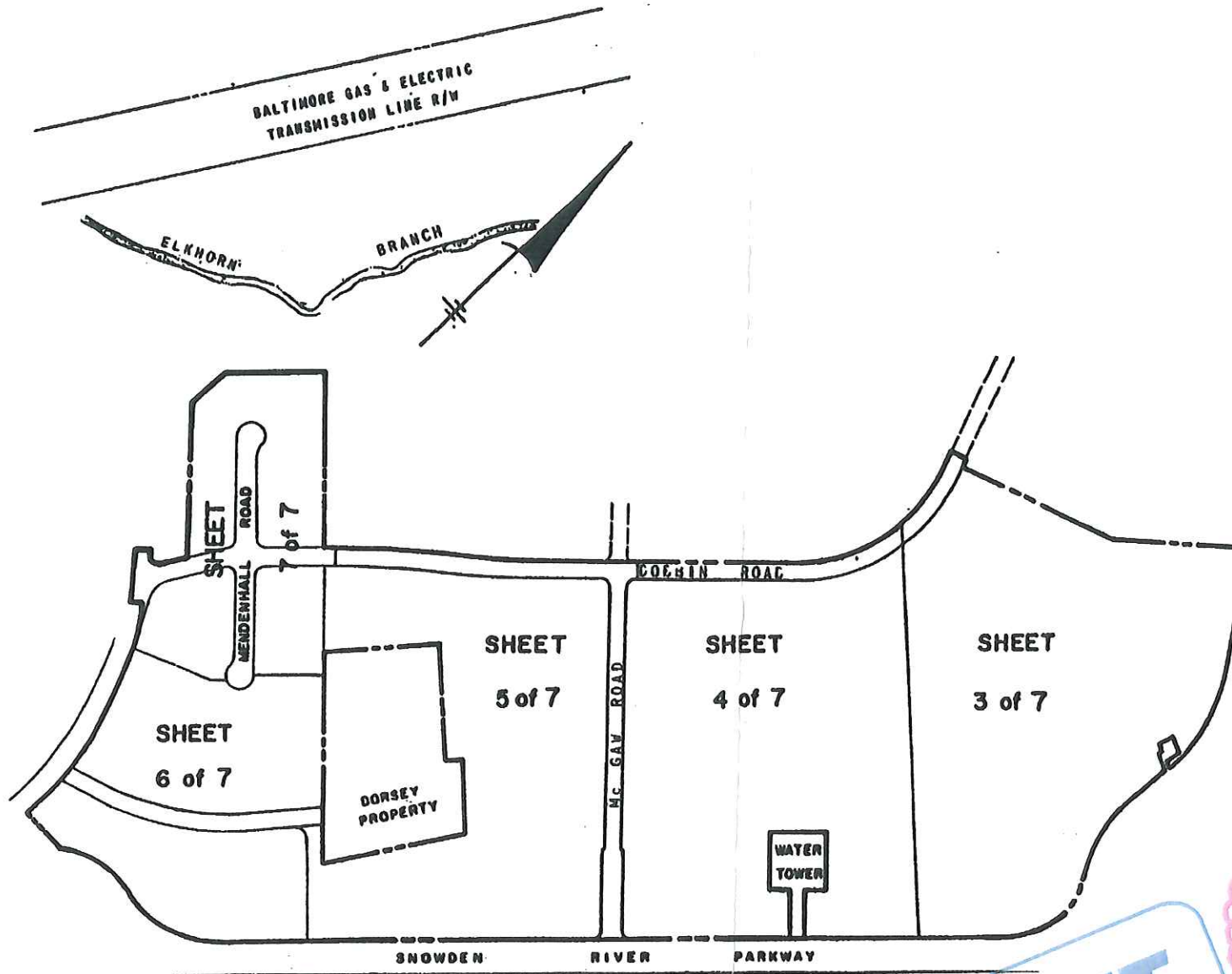
Recommendation: Over time a significant portion of FDP-117-A-III has been through a transition of land uses. Consequently, the FDP area now contains significant amounts of commercial and retail development, including such uses directly adjacent to and across from the subject property. In addition, existing stores currently sell alcoholic beverages within approximately one mile of the subject site.

The Department of Planning and Zoning recognizes this long and on-going transition of land uses within the FDP area; from an initially industrially focused to a more mixed employment/commercial area. Given these facts, DPZ concurs with this FDP amendment. However, DPZ has determined that the request is more than just a clarification. Rather, it should be viewed as a request to amend the current FDP and clearly state that a liquor store is a use that is supportive of a full service food and grocery store, but for State regulations it cannot be contained within a grocery store. Therefore, the FDP should be amended to include a liquor store as a separate use. In addition, the description of a full service food and grocery store should add missing punctuation so that its intent is clear. The following changes are recommended:

- L. Full service food and grocery store, and related uses, of 100,000 square feet or more.
- M. Liquor store - located on the same property as a full service food and grocery store, but separate and not directly accessible to that store.

7/21/16
Date


Valdis Lazdins, Director
Department of Planning and Zoning



VICINITY MAP

SCALE: 1" = 2000'

SUMMARY OF AMENDMENTS:

PHASE 117A ADDS 26.752 ACRES OF INDUSTRIAL LAND USE AND 2.123 ACRES OF OPEN SPACE TOTALING 28.874 ACRES TO THIS PHASE.

PHASE 117-A-I AMENDS SHEET 2 OF 7, PURPOSE IS TO INCLUDE THE USE OF A COMMUNICATION FACILITY ON OPEN SPACE LOT 19.

PHASE 117-A-II AMENDS SHEET 2 OF 7, THE PURPOSE BEING TO CLARIFY THAT LARGE FULL SERVICE FOOD AND GROCERY STORES, AND RELATED USES, ARE PERMITTED.

PHASE 117-A-III AMENDS SHEET 2 OF 7, THE PURPOSE BEING TO CLARIFY THAT A LIQUOR STORE DOES NOT HAVE TO BE CONTAINED WITHIN THE FOOD AND GROCERY STORE TO BE A PERMITTED USE.

DRAFT

THIS AMENDED PLAT IS INTENDED TO SUPERSEDE FINAL DEVELOPMENT PLAN PHASE 117-A-II RECORDED AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND AS PLAT NO. 19417.

SIELING INDUSTRIAL CENTER
SECTION 1 AREA 1.

PETITIONER
THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION
10275 LITTLE PATUXENT PARKWAY
COLUMBIA, MD 21044

COLUMBIA
AMENDED FINAL DEVELOPMENT PLAN PHASE 117-A-III
6TH ELECTION DISTRICT HOWARD COUNTY, MD.
SCALE: 1"=400' JANUARY 2016 SHEET 1 OF 7

GLWGUTSCHICK LITTLE & WEBER, P.A.
CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS
3909 NATIONAL DRIVE - SUITE 250 - BURTONSVILLE OFFICE PARK
BURTONSVILLE, MARYLAND 20866
TEL: 301-421-4024 BALT: 410-880-1820 DC/VA: 301-989-2524 FAX: 301-421-4186

DRAWN BY: CHKD. BY: G.L.W. FILE NO. 16-005

PREPARED AS TO SHEETS 1 THRU 7 OF 7 IN ACCORDANCE WITH THE ZONING REGULATIONS OF HOWARD COUNTY, MARYLAND ADOPTED OCTOBER 6, 2013

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSED NO. 12975, EXPIRATION DATE: MAY 26, 2016.

CARLTON K. GUTSCHICK
PROFESSIONAL ENGINEER
MARYLAND REGISTRATION No. 12975

DATE

BOARD OF COUNTY COMMISSIONERS CASE B.C.C. 412 RESOLUTION APPROVED AUGUST 10, 1965
AMENDED B.C.C. CASE 507 RESOLUTION APPROVED NOVEMBER 4, 1968
AMENDED Z.B. CASE 606 RESOLUTION APPROVED NOVEMBER 22, 1972
AMENDED Z.B. CASE 644 RESOLUTION APPROVED JANUARY 7, 1974
AMENDED Z.B. CASE 693 RESOLUTION APPROVED DECEMBER 20, 1976
AMENDED Z.B. CASE 817 RESOLUTION APPROVED SEPTEMBER 9, 1986
AMENDED Z.B. CASE 918 RESOLUTION APPROVED MARCH 17, 1992
AMENDED Z.B. CASE 939 RESOLUTION APPROVED NOVEMBER 19, 1992
AMENDED Z.B. CASE 969 RESOLUTION APPROVED OCTOBER 23, 1995
AMENDED Z.B. CASE 1031M RESOLUTION APPROVED FEBRUARY 5, 2004
AMENDED Z.B. CASE _____ RESOLUTION APPROVED _____, 20__

HOWARD COUNTY PLANNING BOARD

H.C.P.B. EXECUTIVE SECRETARY DATE H.C.P.B. CHAIRMAN DATE

The Area included within this Final Development Plan Phase is Applicable to Section/Area, of the SIELING INDUSTRIAL CENTER

1. PUBLIC STREET AND ROADS - Section 122-C-3-b: To be shown on subdivision plats, if required by the Howard County Dept. of Planning and Zoning.
2. PUBLIC RIGHTS-OF-WAY - Section 122-C-3-b:
 - 2A. To be shown on subdivision plats, if required by the Howard County Dept. of Planning and Zoning.
 - 2B. Vehicular ingress and egress to Snowden River Pkwy, Oakland Mills Road, & Cobbin Road, will be permitted only at points of access approved by the Howard County Dept. of Planning & Zoning.
3. MAJOR UTILITY RIGHTS-OF-WAY - Section 122-C-3-b: To be shown on subdivision plats, if required by the Howard County Dept. of Planning and Zoning.
4. DRAINAGE FACILITIES - Section 122-C-3-b: To be shown on subdivision plats, if required by the Howard County Dept. of Planning and Zoning.
5. RECREATIONAL, SCHOOL, PARK AND OTHER COMMUNITY USES - Section 122-C-3-c: To be shown on the Final Development Plan, if required by the Howard County Planning Board.
6. PERMITTED GENERAL LOCATION OF BUILDINGS AND STRUCTURES - Section 122-C-3-d(1) The term "structure", as used in this Final Development Plan phase, shall include but not be limited to:

cornices
eaves
roof or building overhangs
chimneys
trellises

porches, decks, open or enclosed
bay windows, oriel, vestibule, balcony
privacy walls or screens

All setback areas shall be clear of any protrusions, extension, or construction of any type, and where any land use is adjacent to a freeway or primary road, no structure shall be located within 50' of the right-of-way line thereof except, however, that structures may be constructed at any location within such setback areas if such construction is in accordance with a site development plan approved by the Howard County Planning Board.

The term "structure" does not include the following upon which no restriction as to location is imposed:

walks	excavations or fill
shrubbery	fencing under 6' in height
trees	retaining walls under 3' in height
ornamental landscaping	similar minor structures

Determination of the specific character of "similar minor structures" and setbacks applicable thereto will be made by the Howard County Dept. of Planning and Zoning.

Fences or walls, if located within setback areas adjacent to a public street, road, or highway upon which construction of structures is prohibited, shall not exceed 3' in height if solid or closed nor 5' in height if open, except in accordance with a site development plan approved by the Howard County Planning Board.

6C-2 EMPLOYMENT CENTER LAND USE AREAS - INDUSTRIAL

No structure shall be located within twenty-five (25) feet of the right-of-way of any public street, road, or highway. Any building or structure exceeding twenty (20)-feet in height, measured from the highest adjoining ground elevation along the front of the structure, shall be set back an additional one foot for each additional foot of building height in excess of twenty (20) feet. No parking lot shall be located within twenty-five (25) feet of the right-of-way of any public street, road, or highway. No structure shall be erected within one hundred (100) feet of any boundary line of any residential district. Except as restricted by this Paragraph 6C-2, buildings and other structures may be located at any location within Industrial land use areas. All structures must be developed in accordance with a site development plan approved by the Howard County Planning Board.

Adequate planting and landscaping must be provided, as required by the Howard County Planning Board at the time a site development plan is submitted for approval, whenever employment center industrial areas are situated within one hundred (100) feet of a residential land use area.

6D OPEN SPACE LAND USE AREAS

No structure within Open Space Land Use Areas shall be located within thirty (30) feet of the right-of-way of any public street, road, or highway; or within twenty-five (25) feet of any property line; except, however, that structures may be constructed at any location upon lots devoted to Open Space Land Use provided such construction is in accordance with a site development plan approved by the Howard County Planning Board. All structures must be developed in accordance with a site development plan approved by the Howard County Planning Board.

7. PERMITTED USES - Section 122-C-3-d(2):

7B EMPLOYMENT CENTER LAND USE - INDUSTRIAL LAND USE AREAS

All uses permitted in industrial districts or industrial land use zones are permitted including, but not limited to, all uses permitted in M-1 and M-2 districts except, however, the uses only permitted in M-2 and T-2 districts are prohibited. (Commercial uses ancillary to, (or compatible with,) permitted industrial uses are permitted including, but not limited to, all of the following:

- a. Restaurants and lunchrooms, and similar establishments serving food and/or beverages.
- b. Personal service shops and retail stores which primarily sell or service merchandise manufactured on the premises.
- c. Banks.
- d. Gasoline Service Stations.
- e. Wholesale Distributors.
- f. Savings and Loan Association.
- g. Business and Professional Offices.
- h. Parking Lots or Garages.
- i. Building Supplies and Lumberyards.
- j. Storage of prepared dairy products and other food products to be distributed on truck vending routes.
- k. Such other ancillary uses as may be approved by the Howard County Planning Board.
- l. Full service food and grocery store, and related uses of 100,000 square feet or more, including a liquor store separate and not part of the food and grocery store but on the same property

7E OPEN SPACE LAND USE AREAS

Lots 1, 2, 3 and 19 are to be used for all open space land uses including, but not limited to, pedestrian and bicycle pathways. These lots may be used for drainage and utility easements if necessary, provided that such easements are shown on the subdivision plat if required by the Howard County Dept. of Planning and Zoning. * SEE NOTE 7E CONTINUED

8. HEIGHT LIMITATIONS - Section 122-C-3-d(3):

8A. INDUSTRIAL LAND USE AREAS

No structure shall be constructed within the area encompassed by this Final Development Plan Phase exceeding fifty (50) feet in height from the highest adjoining ground elevation along the front of the structure, except, however, that structures may be constructed to any height provided such construction is in accordance with a site development plan approved by the Howard County Planning Board.

8E. OPEN SPACE LAND USE AREAS

No height limitation is imposed upon structures constructed within Open Space Land Use Areas provided improvements thereon are constructed in accordance with a site development plan approved by the Howard County Planning Board.

9. PARKING REQUIREMENTS - Section 122-C-3-d(3):

9D. INDUSTRIAL LAND USE AREAS

Parking requirements for uses permitted under this Final Development Plan Criteria shall be as follows:

- a. Five (5) parking spaces shall be provided for each 1,000 square feet of net leasable area devoted to commercial retail sales uses including restaurants.
- b. Two (2) parking spaces shall be provided for each 1,000 square feet of net leasable area contained within any building or buildings constructed upon land encompassed by this Final Development Plan which are devoted to office uses.
- c. One parking space for each two (2) employees shall be provided for all sites devoted to industrial uses.

9E. OPEN SPACE LAND USE AREAS

No parking requirements are imposed upon any of the land within this Final Development Phase devoted to open space uses. In the event structures are proposed for construction on any portion of such land parking requirements therefore may be imposed by the Howard County Planning Board at the time a site development plan is submitted for approval. Any open space land use areas as may be required for parking purposes by the Howard County Planning Board shall be deducted from the credited open space land use tabulations and denoted as non-credited in accordance with Section 17.018 J (1) of the Howard County Zoning Regulations.

10. SETBACK PROVISIONS - Section 122-C-3-d(3):

10A. GENERALLY:

- a. Setbacks shall conform to the requirements of Section 6C-2 above.
- b. No other setback restrictions are imposed upon land within this Final Development Plan Phase.

11. MINIMUM LOT SIZES - Section 122-C-3-d(3):

As shown on subdivision plat in accordance with minimum lot sizes as may be required by the Howard County Planning Board.

12. COVERAGE REQUIREMENTS - Section 122-C-3-d(3):

12B. INDUSTRIAL LAND USE AREAS

In no event shall more than 50 percent of the land included within any lot within this Final Development Plan Phase be covered by buildings or other major structures, except in accordance with a site development plan approved by the Howard County Planning Board. No coverage limitation is imposed upon the area used for sidewalks, paved parking areas, trees and shrubbery and similar minor structures.

12E OPEN SPACE LAND USES

No more than ten percent (10%) of the land within this Final Development Plan Phase devoted to Open Space Land Uses shall be covered by buildings or major structures except in accordance with a site development plan approved by the Howard County Planning Board.

7E (Continued)

With respect to Lot 19 (WATER TOWER) as shown on FDP Phase 117A-I, Sheet 1 of 7 and sheet 4 of 7, This OPEN SPACE (non-credited) may be used for the installation of a cellular telephone facility comprised of:

- (1) a utility building
 - (a) no greater than 400 square feet and
 - (b) no greater than ONE story high and
 - (c) with no more than 3 parking spaces for use by repair/maintenance personnel and
- (2) antenna which
 - (a) must be mounted on the support legs of the water tower structure no higher than 130 feet above the surrounding grade and
 - (b) are located in no greater than 10 locations and
 - (c) are no larger in size than 5 feet in height, 10 inches in width and 10 inches in depth and
 - (d) do not extend beyond the vertical outline of the water tower and
 - (e) are substantially the same color as the water tower (including all mounting equipment).

TABULATION OF LAND USE

Land Use	Acres
Employment Center Industrial	177.000
Roadway	14.701
Open Space	Non-Credited
TOTAL	181.422

THIS AMENDED PLAT IS INTENDED TO SUPERSEDE FINAL DEVELOPMENT PLAN PHASE 117-A-II RECORDED AMONG THE LAND RECORDS OF HOWARD COUNTY, MARYLAND AS PLAT NO. 1941B.

DRAFT

SIELING INDUSTRIAL CENTER

SECTION 1 AREA 1

PETITIONER
THE HOWARD RESEARCH AND DEVELOPMENT CORPORATION
10275 LITTLE PATUXENT PARKWAY
COLUMBIA, MD 21044

COLUMBIA
AMENDED FINAL DEVELOPMENT PLAN PHASE 117-A-III
6TH ELECTION DISTRICT HOWARD COUNTY, MD.