

MULLINIX OVERLOOK * BEFORE THE
 MULLINIX ROAD, LLC, PETITIONER * PLANNING BOARD OF
 PLANNING BOARD CASE NO. 460 * HOWARD COUNTY, MARYLAND

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DECISION AND ORDER

The Planning Board of Howard County Maryland held a public hearing on May 7, 2026, in accordance with Senate Bill 236, Section 5-104 of the Land Use Article of the Maryland Annotated Code, to consider the petition of Mullinix Road, LLC, to approve a Preliminary Equivalent Sketch Plan, SP-25-005 for ten single-family cluster lots, one buildable preservation parcel, and three non-buildable preservation parcels. The 23-acre parcel is located on the southwest side of A E Mullinix Road, identified as Parcel 30 on Tax Map 13, in the Fifth Election District of Howard County, Maryland. It is zoned RC-DEO (Rural Conservation – Density Exchange Option) and is in the Growth Tier III residential land use category.

The notice of hearing, which is required by Section 5-104(d)(1) of the Land Use Article of the Maryland Annotated Code, was published and the subject property was posted in accordance with the Planning Board’s requirements, as evidenced by certificates of publication and posting, all of which were made part of the record of the case.

Pursuant to the Planning Board’s Rules of Procedure, the reports and official documents pertaining to the petition, including the Technical Staff Report of the Department of Planning and Zoning, the Howard County Subdivision and Land Development Regulations, the Howard County Zoning Map and Regulations, the Howard County Design Manuals, the Howard County Landscape and Forest Conservation Manuals, and the Adequate Public Facilities Ordinance, the Preliminary Equivalent Sketch Plan, and Planning Board Hearing Application were made part of the record in this case.

Mr. Samer Alomer and Mr. Vicrum Puri represented the Petitioner.

Mr. James Wingo, Mr. Timothy Totis, and Ms. Laura Wieder appeared in opposition.

Based on all the information presented, the Planning Board makes the following findings of fact and conclusions of law:

DEPARTMENT OF PLANNING AND ZONING’S TECHNICAL STAFF REPORT

Mr. Jason Lenker presented the Technical Staff Report for the Department of Planning and Zoning. The Technical Staff Report found that there are two criteria for the Planning Board to review, pursuant to Section 5-104(e) of the Land Use Article of the Maryland Annotated Code for a proposed major subdivision on a Growth Tier III property, only the second of which is applicable:

1. The cost of providing local government services to the residential major subdivision unless a local government’s adequate public facilities law already requires a review of government services; and
2. The potential environmental issues or a natural resources inventory related to the proposed subdivision.

As to criterion 1 above, Howard County has an adequate public facilities law, which already requires a review of government services and, therefore, this requirement has been met.

As to criterion 2 above, the Department of Planning and Zoning found that there are no environmentally sensitive features located on site, so there are no potential environmental issues associated with the proposed subdivision.

PETITIONER TESTIMONY

Mr. Samer Alomer P.E. with Mildenberg, Boender, and Associates, the engineering consultant for the Petitioner, presented the Preliminary Equivalent Sketch Plan and provided testimony regarding the details of the plan. Mr. Alomer stated that the property is 23 acres in size and is proposing ten residential cluster lots, one buildable preservation parcel, and three non-buildable preservation parcels by utilizing the density exchange option. He continued, stating that there are no environmental features on site; no streams, wetlands, floodplains, steep slopes, or forest. There are eight specimen trees on site, and one will be removed. Mr. Alomer stated they are proposing a cluster subdivision which allows for smaller lot sizes between 40,000 to 60,000 square feet and requires preservation parcels to be provided. Four acres of forest will be planted on the preservation parcels and placed in public forest conservation easements to satisfy the four-acre forest conservation obligation on site. Mr. Alomer states the subdivision will be served by a public road off of A E Mullinix Road and two shared driveways. He also explained that the subdivision complies with stormwater management and landscaping requirements. No witnesses were called on behalf of the Petitioner.

Planning Board Chair James Cecil asked if there was anyone that wanted to participate as formal opposition to the Petitioner and cross examine the Petitioner. Mr. James Wingo, Mr. Timothy Totis, and Ms. Laura Wieder identified themselves as formal opposition to the Petitioner.

Mr. Wingo questioned Mr. Alomer about the potential for the aging Colonial Gas pipelines that run through the subject property to leak during construction and the impact this could have on the surrounding wells. Mr. Wingo also questioned Mr. Alomer about the impact that the residential development will have on the existing wells on the adjacent properties. Mr. Alomer responded that the utility easement holder must be notified prior to construction and disturbance within the easement is limited to a few driveway crossings that require minimal grading. Mr. Alomer also stated that the Health Department reviewed the plans and has criteria regarding adequate well distances and approved the proposed well locations.

Mr. Totis questioned Mr. Alomer about what happens if the well and septic systems fail. Mr. Alomer responded that the Health Department requires locations for multiple back up well and septic systems. Mr. Totis then questioned why the subdivision does not comply with the three-acre minimum lot size for the Rural Conservation zoning district, and Mr. Lenker responded that the subdivision is utilizing the cluster subdivision option that allows for smaller lot sizes in exchange for the creation of preservation parcels.

Ms. Wieder questioned Mr. Alomer about discrepancies between the Preliminary Equivalent Sketch Plan and the plan presented during the pre-submission community meeting, how stormwater runoff was quantitatively measured, and if the necessary approvals from the gas line easement have been acquired. Mr. Alomer responded, stating that the design presented at the pre-submission community meeting is conceptual and that the design changes were in response to the County review comments. Mr. Alomer also stated that stormwater management calculations are in accordance with the Maryland Department of Environment guidelines and the Howard County Design Manual I requirements. Regarding the Colonial Gas line easement approvals, Mr. Alomer responded that the Petitioner is in communication with the easement holder, but there is no formal agreement at this time. The developer, Mr. Puri, testified that the developer's team has been in close contact with Colonial Gas and is in the process of reaching a formal agreement.

The Planning Board did not question the Petitioner.

FINDINGS OF FACT

1. The proposed Preliminary Equivalent Sketch Plan, SP-25-005, is a request to create ten single-family cluster lots, one buildable preservation parcel and three non-buildable preservation parcels

on 23 acres of RC-DEO (Rural Conservation Density Exchange Option) zoned land in Growth Tier III.

2. The Planning Board has the authority to review the Preliminary Equivalent Sketch Plan in accordance with the criteria set forth in Senate Bill 236.
3. Howard County's Adequate Public Facilities Ordinance (APFO) requires certain government services to be reviewed. Therefore, Howard County's APFO fulfills the requirements of the first Planning Board review criterion under Section 5-104(e)(1) of the Land Use Article, as indicated in the Department of Planning and Zoning's Technical Staff Report. Review by the Planning Board of the cost of providing local government services to the residential subdivision does not apply to a major subdivision in Tier III designated property, such as the proposed development, because Howard County has an APFO law. The Board agrees with and adopts the Department of Planning and Zoning's analysis, with which the petitioner concurred, that the Planning Board's review of public facility costs, based on the language of Section 5-104(e)(1) of the Land Use Article of the Maryland Annotated Code, does not apply. Consequently, the Board did not consider any testimony regarding the adequacy or cost of public facilities related to this subdivision.
4. The only applicable criterion for the Planning Board to consider in its review of this proposed major subdivision in Growth Tier III is "the potential environmental issues or a natural resources inventory related to the proposed residential subdivision." As noted by Mr. Lenker in the Department of Planning and Zoning's technical staff report and confirmed by the testimony by Mr. Alomer, there are no environmentally sensitive features on site. Specimen trees and forest conservation were also considered on site. Of the eight specimen trees present, the petitioner received approval to remove one and will be providing mitigation for the removal of that tree. There is no existing forest on site, and the Petitioner is required to provide four acres of afforestation to satisfy the forest conservation obligation which will be achieved through the planting and recording of four forest conservation afforestation easements on the buildable preservation parcel 'A', non-buildable preservation parcel 'B', and non-buildable preservation parcel 'D'.

OPPOSITION'S TESTIMONY

The opposition did not provide testimony or submit exhibits and did not call witnesses.

PUBLIC TESTIMONY

Mr. James Massey, Sr. testified in opposition, stating that the proposed subdivision exceeds the density intended for the Rural Conservation zoning district.

Ms. Evelyn Ferley testified in opposition, stating that her farm is adjacent to the subject property and is concerned about the negative impacts the proposed development will have on her crops. Ms. Ferley also stated concerns about stormwater runoff.

Mr. Timothy Totis testified in opposition, stating his concerns about the increased traffic from the proposed subdivision and the capability of the existing roads to handle the additional users.

Ms. Carol Zenter testified in opposition, stating her concerns about stormwater flooding and potential impacts to the Colonial Gas pipeline from the proposed trees and landscaping.

CONCLUSIONS OF LAW

1. Petitioner, as one seeking approval of a major subdivision on a property designated as a Growth Tier III area of the County, has the burden of demonstrating that it has satisfied the only criterion of Section 5-104(e)(2) of the Land Use Article of the Maryland Annotated Code which applies in Howard County – that there are no potential environmental issues related to a natural resources inventory associated with the proposed residential subdivision.

2. There is sufficient evidence in the record, as identified in the Board's Finding of Fact above, for the Board to have considered the testimony of the Petitioner regarding the major subdivision in Growth Tier III and "the potential environmental issues or a natural resources inventory related to the proposed residential subdivision." The Petitioner's engineer presented the plan and testified that there are no environmental features present on site. The Planning Board was persuaded by the Petitioner's evidence, including the testimony of its engineer, and concludes that the Petitioner has met its burden by demonstrating that it has satisfied the above-cited criterion for approval.

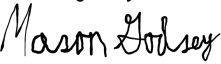
3. For the reasons stated in the above Finding of Fact, the Department of Planning and Zoning's technical staff report, and the Petitioner's testimony, the Board concludes that the Petitioner has conclusively established, through the evidence in the record that the proposed Preliminary Equivalent Sketch Plan, SP-25-005, has satisfied all the approval standards for a major subdivision, according to State Senate Bill 236, Section 5-104(e)(2) of the Land Use Article of the Maryland Annotated Code.

For the foregoing reasons, the petition of Mullnix Road, LLC, to approve Preliminary Equivalent Sketch Plan, SP-25-005, to subdivide ten single-family cluster lots, one buildable preservation parcel, and three non-buildable preservation, is this 2nd day of June, 2026 is approved by the Planning Board of Howard County, Maryland.

HOWARD COUNTY PLANNING BOARD

Signed by:


 James Cecil - Chairperson

DocuSigned by:


 Mason Godsey - Vice Chairperson


 Absent
 Barbara Mosier

 Absent
 Lynn Moore

Signed by:



 William Tilburg

PB Case No. 460

ATTEST: DocuSigned by:


 Lynda Eisenberg, AICP
 Executive Secretary

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

DocuSigned by:

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David Moore
Senior Assistant County Solicitor

No exhibits were submitted.