

1 ATAPCO HOWARD * BEFORE THE
2 SQUARE I BUSINESS TRUST * PLANNING BOARD OF
3 ZRA-156 * HOWARD COUNTY, MARYLAND

4 * * * * *

5 MOTION: *To recommend approval of the petition in accordance with the Department of*
6 *Planning and Zoning recommended revisions including the reduction to 70 square*
7 *feet of commercial space for each dwelling unit and the full reduction for CAC*
8 *developments located off US 1, and with the recommendation that the County*
9 *Council be advised about the appropriate amount for the fee-in-lieu by an expert in*
10 *commercial real estate.*

11 ACTION: *Recommended approval; Vote 3 to 0.*

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13 On June 18, 2015, the Planning Board of Howard County, Maryland, considered the petition of
14 Atapco Howard Square I Business Trust for an amendment to the Zoning Regulations to amend Section
15 127.5.E, the Requirements for CAC Development, by revising Section 127.5.E.3.d. to clarify that the
16 potential reduction in the commercial space requirement is determined per residential unit rather than per acre
17 and to correct a referencing error, and by adding a new Section 127.5.E.3.e to establish provisions for a
18 potential further reduction in the commercial space requirement, below the potential reduction allowed by
19 Section 127.5.E.3.d., on a fee-in-lieu basis.

20 The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation,
21 and the comments of reviewing agencies, were presented to the Board for its consideration. The Department
22 of Planning and Zoning recommended approval of the petition with revisions to the proposed text to allow for
23 a reduction in the baseline commercial space to 70 square feet, to allow for a full reduction for CAC
24 developments located off of US 1, and to recommend a higher fee level for the fee-in-lieu.

25 The Petitioner was represented by Mr. Sang Oh. Mr. Oh stated that the Technical Staff Report did a
26 good job of expressing the issues about the provision of commercial space in CAC developments. He
27 explained that this issue was discussed during the Comprehensive Zoning Plan process, and he emphasized
28 that if it can work on an economic basis, the developers do prefer to build the commercial space.

29 Mr. Joseph Rutter stated that he is the representative of a CAC developer who has a site located well
30 off of US 1, and because of that and because the site will eventually be surrounded by townhouse
31 development, it is not a good site to include a commercial space component. He said that he is in agreement
32 with the Technical Staff Report except that the \$100 per square foot amount for the fee-in-lieu is too high.

33 In its discussion on the case, the Planning Board expressed that it also agrees with the Technical Staff
34 Report on the reductions in the baseline commercial space area, but that it has reservations on the

1 recommended \$100 per square foot fee-in-lieu which probably needs to be lower, but the Board thought a
2 specific number should not be part of the recommendation. Instead, it was decided that it would be best for
3 the County Council to determine the correct number after being made aware of the economic factors involved
4 by someone who has expertise in commercial real estate.

5 Ms. Roberts made the motion to recommend approval of the petition in accordance with the
6 Department of Planning and Zoning recommended revisions including the reduction to 70 square feet of
7 commercial space for each dwelling unit and the full reduction for CAC developments located off US 1, and
8 with the additional recommendation that the County Council be advised about the appropriate amount for the
9 fee-in-lieu by an expert in commercial real estate. Ms. Easley seconded the motion. The motion passed by a
10 vote of 3 to 0.

11 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 25th day of
12 October, 2015, recommends that ZRA-156, as described above, be APPROVED as noted above.

13
14 HOWARD COUNTY PLANNING BOARD

15 ABSENT

16 Josh Tzucker

17 Bill Santos /PB
18 Bill Santos, Acting Chairperson

19 Jacqueline Easley /PB
20 Jacqueline Easley

21 ABSENT

22 Phillips Engelke

23 Erica Roberts /PB
24 Erica Roberts

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27
28 ATTEST:

29 Valdis Lazdins
30 Valdis Lazdins, Executive Secretary

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