

1 **KELLOGG CCP, LLC, C/O PRESTON** * **BEFORE THE**
 2 **SCHEFFENACKER PROPERTIES, INC.** * **PLANNING BOARD OF**
 3 **ZRA 140** * **HOWARD COUNTY, MARYLAND**

4 * * * * *

5 **MOTION:** *To recommend approval of ZRA 140 provided that it be applied to all TOD*
 6 *properties, not just those 50 acres or larger, that the amendments to permit*
 7 *drive-through service are eliminated, and that amended language to Section*
 8 *127.4.C in Attachment C as suggested by staff be included.*

9 **ACTION:** *Recommended approval as noted; Vote 5 to 0.*

10 * * * * *

11 On September 20, 2012, the Planning Board of Howard County, Maryland, considered the petition of
 12 Kellogg CCP, LLC, c/o Preston Scheffenacker Properties, Inc. for an amendment to the Zoning Regulations
 13 to amend the Section 127.4: TOD (Transit Oriented Development) District regulations to establish new
 14 regulations applicable only to TOD development projects of 50 or more acres to encourage well-designed
 15 multi-use centers; to add multi-family dwellings as a permitted use subject to certain criteria; and to revise the
 16 commercial use regulations concerning the building-type limitations for such uses and concerning drive-
 17 through service limitations for such uses.

18 The petition, the Department of Planning and Zoning Technical Staff Report and Recommendation,
 19 and the comments of reviewing agencies, were presented to the Board for its consideration. The Department
 20 of Planning and Zoning recommended approval of the petition based on findings that the proposed
 21 amendments are in harmony with the General Plan policies concerning Route 1 Corridor revitalization and the
 22 provision of a diversity of housing types. Staff presented the Board with changes to Attachment C of the Staff
 23 Report that would have Section 127.4.C read “The following commercial uses are permitted as a matter of
 24 right in any building or parking structure having multiple stories or in a single story building or parking
 25 structure having a minimum height of 20 feet. One story commercial uses shall be limited to a maximum land
 26 area of eight percent of the TOD gross acreage, not to exceed 25,000 square feet of building.”

27 The Petitioner was represented by William Erskine. Also present for the Petitioner was David
 28 Scheffenacker. Mr. Erskine stated that there are not specific evaluation factors for changes to proffers. He
 29 emphasized that this proposal is very consistent with the policies in the recently approved General Plan. Mr.
 30 Scheffenacker stated that the overall vision for the project has not changed and that the intention is still to
 31 create a green, high-density community. He explained that they have a much better concept of the project
 32 now, and that the market considerations lead to providing some for-sale housing like townhouses. Mr.
 33 Scheffenacker noted that they hope to be able to provide pedestrian access to the MARC station in

1 approximately three to four years.

2 Cathy Hudson commented that she finds it surprising that the planning for this expanded project is
3 not taking into consideration the planning for school capacities.

4 The Planning Board expressed objections and concerns about the proposal to allow drive-through
5 service uses. It was stated that this type of use is not in keeping with the concept of a TOD District
6 development, and it was pointed out that in the Maple Lawn Mixed Use Development, such uses are prevalent
7 and this has significantly reduced the "walkable" design originally intended. The Board agreed that it found
8 no need to create a new category for TOD projects over 50 acres and instead, the acceptable text amendments
9 should apply to all TOD projects. Mr. Santos made the motion to recommend approval of the petition
10 provided that it be applied to all TOD properties, not just those 50 acres or larger, that the amendments to
11 permit drive-through service are eliminated and that amended language to Section 127.4.C in Attachment C
12 as suggested by staff be included. . Mr. Tzucker seconded the motion. The motion passed by a vote of 5 to 0
13 with one Board member noting that they were not in favor of removing drive-through's.

14 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 25 day of
15 October, 2012, recommends that ZRA 140, as described above, be APPROVED, provided that it be applied
16 to all TOD properties, not just those 50 acres or larger, and provided that that the amendments to permit
17 drive-through service are eliminated.

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19 HOWARD COUNTY PLANNING BOARD

20 David Grabowski JB
21 David Grabowski, Chairman

22 Paul Yelder JB
23 Paul Yelder

24 Joshua Tzucker JB
25 Joshua Tzucker

26 Bill Santos JB
27 Bill Santos

28 Jacqueline Easley JB
29 Jacqueline Easley

30 ATTEST:

31 Marsha S. McLaughlin
32 Marsha S. McLaughlin, Executive Secretary
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