

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 8

Resolution No. 102 -2016

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, declaring that certain real property containing approximately 7.71 acres and located at 8775 Cloudleap Court, Columbia, Maryland, is no longer needed by the County for public purposes; authorizing the County Executive to sell the property; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to sell the property if he finds that it may have a further public use.

Introduced and read first time July 8, 2016.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Read for a second time at a public hearing on July 18, 2016.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 29, 2016.

Certified By Jessica Feldmark  
Jessica Feldmark, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, the County is the fee simple owner of property acquired from Long Reach  
2 Village Associates, LLC, by deed dated October 1, 2014, and recorded among the Land Records  
3 of Howard County, Maryland in Liber 15841, Folio 184, and by deed dated February 20, 2015,  
4 and recorded among the Land Records of Howard County, Maryland in Liber 16036, Folio 227  
5 (the “Property”), containing approximately 7.71 acres as shown in the attached Exhibit; and  
6

7           **WHEREAS**, the County has worked with the local community to develop the ReImagine  
8 Long Reach Village Center Draft Plan (the “Plan”) and is now ready to implement the Plan and  
9 move forward with private redevelopment of the Property; and  
10

11           **WHEREAS**, the County has entered into a contract with a consultant for real estate and  
12 technical advisory services; and  
13

14           **WHEREAS**, Section 4.201 “Disposition of real property” of the Howard County Code  
15 authorizes the County Council to declare that property is no longer needed for public purposes  
16 and authorizes the County Council to waive advertising and bidding requirements for an  
17 individual conveyance of property upon the request of the County Executive and after a public  
18 hearing that has been duly advertised; and  
19

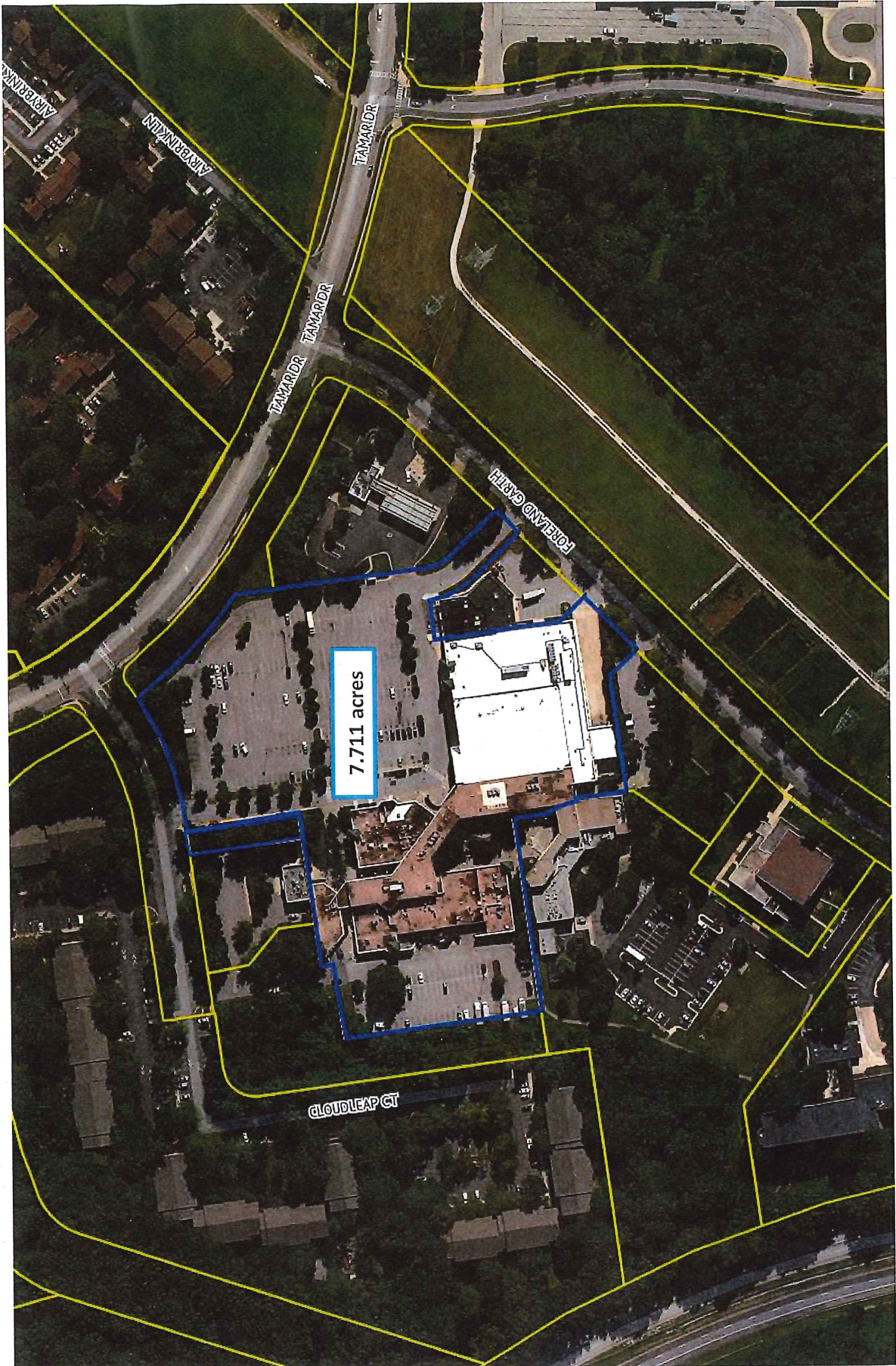
20           **WHEREAS**, the County Council has received a request from the County Executive to  
21 waive the advertising and bidding requirements in this instance for the sale of the Property.  
22

23           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
24 Maryland, this \_\_\_\_ day of \_\_\_\_\_, 2016, that the Property is no longer needed  
25 by the County for public purposes.  
26

27           **AND BE IT FURTHER RESOLVED** that, having received a request from the County  
28 Executive and having held a public hearing that was duly advertised, the County Council  
29 declares that the best interest of the County will be served by authorizing the County Executive  
30 to waive the usual advertising and bidding requirements of Section 4.201 of the Howard County  
31 Code for the sale of the Property and to sell the Property through the use of an agent.

1

2           **AND BE IT FURTHER RESOLVED** that, if the County Executive finds that the  
3 Property may have a further public use and that the County's Property interest should not be  
4 terminated, he is not bound to sell the Property in accordance with this Resolution.



7.711 acres

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FORELAND GRN

CLOUDLEAP CT



# Howard County

## Internal Memorandum

**Subject:** Council Resolution No. 102-2016

**To:** Dr. Calvin Ball,  
County Council Chair

**From:** Lonnie R. Robbins  
Chief Administrative Officer

**Date:** July 28, 2016

The Administration requests that Council Resolution No. 102-2016 be withdrawn at the Council's next legislative session.

Under the County's Urban Renewal Law, the Council will ultimately have the opportunity to give final approval to the urban renewal project which will include the recommended plan for redevelopment. This approval could occur in conjunction with the authorization to sell the property or separately. In an effort to satisfy Council's desire to engage early in the Urban Renewal process, coupled with an attempt to make the property more attractive to developers, the Administration chose to pursue the Council's authorization to sell separately from its final approval of the urban renewal project.

At the Council's work session on July 25, the Council expressed concerns about authorizing disposition of the County's property at this point in the process. Because this Resolution was introduced early as a courtesy and is not a requirement to proceed with developing the plan for redevelopment, the Administration has decided to seek the Council's authorization to sell the property in conjunction with the final approval of the urban renewal project.

If you have any questions about this matter, please feel free to contact Jennifer Sager, the Legislative Coordinator, at extension 2164. Thank you.

cc: Jessica Feldmark  
Gary W. Kuc

for posting  
online to  
legislative  
file

**CR 102-2016: Columbia Association Letter of Support**

Jane Dembner [jane.dembner@columbiaassociation.org]

**Sent:** Monday, July 18, 2016 3:01 PM

**To:** CouncilMail

**Attachments:** CASupportforCR102\_2016.pdf (290 KB)

**FILE COPY**

Council Chairman Ball and County Council Members:

Attached please find Columbia Association's letter of support for CR 102-2016 regarding Howard County's real property at Long Reach Village Center. Thank you.

Jane

**Jane L. Dembner, AICP**

**Director of Planning & Community Affairs**

Phone: 410-715-3107

Email: [Jane.Dembner@ColumbiaAssociation.org](mailto:Jane.Dembner@ColumbiaAssociation.org)

[ColumbiaAssociation.org](http://ColumbiaAssociation.org)

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July 15, 2016

Dr. Calvin Ball, Chairman  
Howard County Council  
3430 Court House Drive  
Ellicott City, MD 21043


Dear Chairman Ball and County Councilmembers:

Columbia Association is pleased to support Council Resolution 102-2016, permitting Howard County Government to sell its holding in the Long Reach Village Center. Reinvestment is needed for the Long Reach Village Center to continue to serve the community into the future and Council Resolution 102-2016 is an important step in the redevelopment process.

As the owner of two major facilities, the Art Center and Stonehouse, which provide civic functions in the Long Reach Village Center, Columbia Association has a vested interest in the long-term viability and vibrancy of the village center.

We look forward to working with Howard County government and the community on the plans for the redevelopment of the village center and to a future when a reimagined Long Reach Village Center will again serve the local community as a vibrant gathering place.

Sincerely,



Milton W. Matthews  
President/CEO

c: Valdis Lazdins, Director of Planning and Zoning





# Howard County

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*Internal Memorandum*

**Subject:** *Testimony and Fiscal Impact Statement*  
Council Resolution No. \_\_-2016 declaring that certain real property containing approximately 7.71 acres and located at 8775 Cloudleap Court, Columbia, Maryland, is no longer needed by the County for public purposes; authorizing the County Executive to sell the property; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to sell the property if he finds that it may have a further public use.

**To:** *Lonnie R. Robbins*  
*Chief Administrative Officer*

**From:** *Valdis Lazdins, Director*  
*Department of Planning and Zoning*

**Date:** *June 30, 2016*

The Department of Planning and Zoning has been designated as the coordinator to prepare testimony relative to declaring certain real property as no longer needed by the County for public purposes. The property is located at 8775 Cloudleap Court, Columbia, Maryland and comprises approximately 7.71 acres and contains two condominium units (Units 1 and 2) and Parcel G-1.

Resolution No. 22-2014 adopted on March 5, 2014 established that certain properties of the Long Reach Village Center in Columbia constitute a blighted area; that the rehabilitation of or redevelopment of these properties by means of an Urban Renewal Project is necessary; and authorized the County Executive to acquire property in whole or in part in the blighted area in connection with the Urban Renewal Project.

The County, by deeds from Long Reach Village Associates, LLC: (i) dated October 1, 2014 and recorded among the Land Records of Howard County, Maryland in Liber 15841, Folio 184, acquired Condominium Unit 2 of the LRVC Revitalization Condominium and Parcel G-1 and (ii) dated February 20, 2015 and recorded among the aforesaid Land Records in Liber 16036, Folio 227 acquired Condominium Unit 1 (collectively "the Property"). The Property was purchased for \$7,500,000.00.

The Department of Planning and Zoning and the Department of Public Works have determined that the County is not in a fiscal position to redevelop the Property and, therefore, propose to solicit proposals from private developers to redevelop and enhance it. The request for proposals will align with the ReImagine Long Reach Plan, which incorporates feedback from several community meetings and ones with the Long Reach

Village Board. Based on additional analysis and comments from the community, the Departments believe the Property is no longer needed for a public purpose. Consequently, the Department of Planning and Zoning has entered into a contract with a consultant to market and sell the Property. The consultant will solicit proposals from multiple developers as to its best use. However, to present the Property to developers the County must first declare it surplus and obtain authorization in order for the County Executive to sell it. Prior to its sale the County Council will review and approve the preferred proposal to satisfy Urban Renewal requirements.

Additional information provided to the County Council related to the revitalization of the Village Center, including the plan developed through the community engagement process, is attached.

In terms of a fiscal impact to the County, there will be costs associated with preparing the Property for sale, as well as costs associated with sale (the agent's commission). Ultimately, the County will derive income from the sale of the Property.

The Department will be present at the public hearing to answer any questions or concerns. If you require any further information concerning this matter or have any additional questions, please contact Raj Kudchadkar at 410-313-6376.

cc: B. Diane Wilson, Chief of Staff  
Jennifer Sager, Legislative Coordinator  
Norman Parker, Senior Assistant County Solicitor  
Morenike Euba Oyenusi, Assistant County Solicitor  
Holly Sun, Budget Administrator  
Raj Kudchadkar, Deputy Director, DPZ  
Holger Serrano, Assistant to the Director, DPW

**Bolinger, Kate**

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**From:** Kudchadkar, Raj  
**Sent:** Friday, June 17, 2016 1:47 PM  
**To:** Ball, Calvin B; Fox, Greg; Sigaty, Mary Kay; Terrasa, Jen; Weinstein, Jon  
**Cc:** Clay, Mary; Knight, Karen; McLeod, Kate; Pruum, Kimberly; Smith, Gary; Lazdins, Valdis; Schrader, Sandy; Siddiqui, Jahantab  
**Subject:** Long Reach Village Center Revitalization  
**Attachments:** LRVC Revitalization Flowchart (1).pdf  
**Importance:** High

Dear County Council Members:

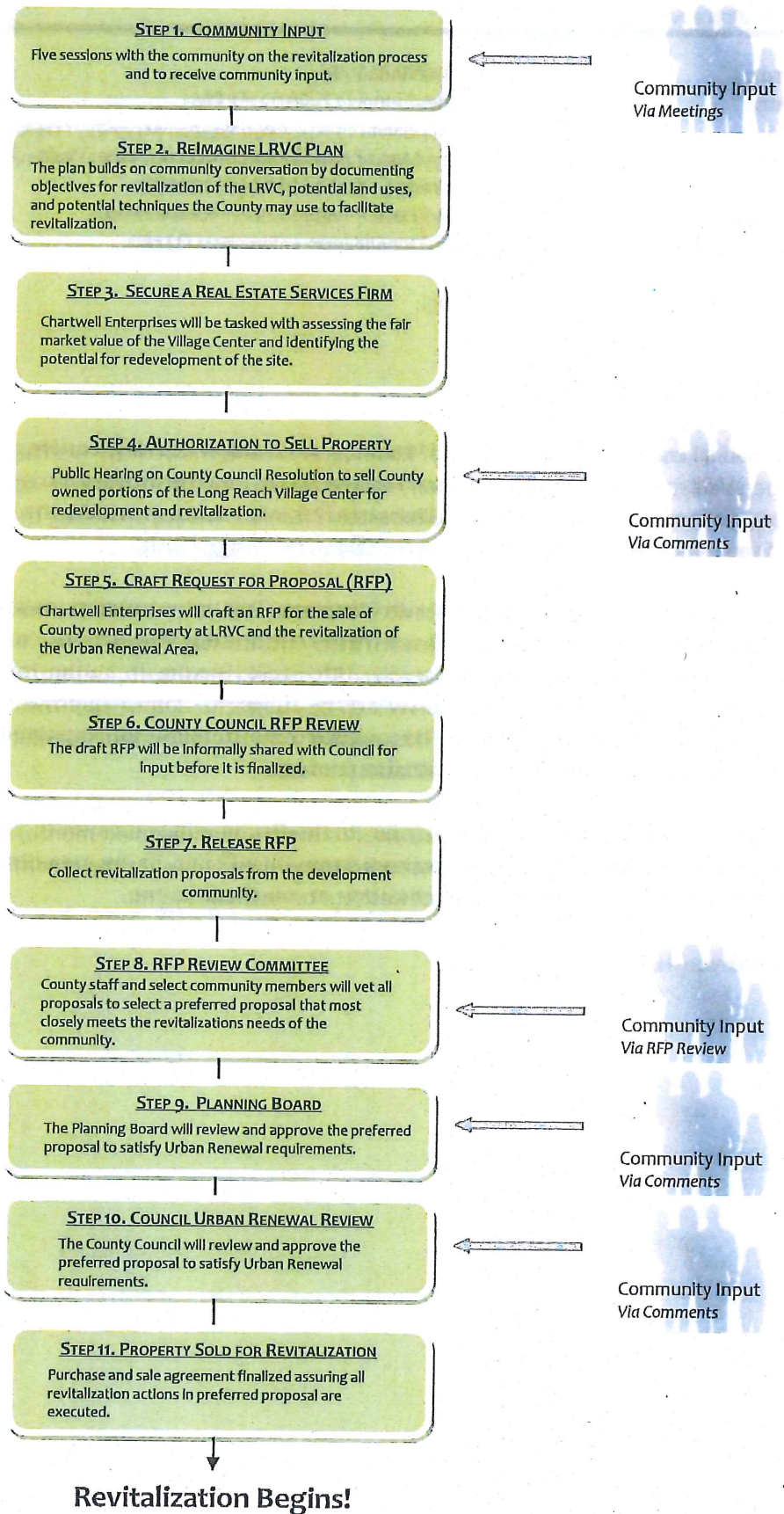
As you all know, the Department of Planning and Zoning is actively working on the revitalization of the Long Reach Village Center. There are many required steps, and the process is complicated. In an effort to make sure we are aligned and working in a collaborative fashion, we are providing the attached flowchart which details all the critical steps in the process to revitalize the Village Center.

I have already shared this flowchart with Chairman Ball, but wanted to make sure all Council members were able to review this document. There are many critical steps ahead of us, including two visits to Council - the first of which will be next month for a July 18th Public Hearing for authorization to sell the property. As the flowchart indicates, final disposition will still be subject to Council approval prior to the implementation of any redevelopment strategy. There will be multiple opportunities both legislatively and informally for your input and approval throughout this revitalization process.

I plan to actively engage each of you prior to the first hearing next month, and welcome the opportunity to personally walk you through the proposed steps ahead of us. In the meantime, if you have any immediate questions or concerns please do not hesitate to reach out to me.

Thank you - Raj

# LONG REACH VILLAGE CENTER REVITALIZATION





ReImagine...  
**LONG REACH**  
VILLAGE CENTER



# ReImagine Long Reach Village Center DRAFT PLAN



Howard County, Maryland  
Department of Planning and Zoning  
June 2016





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*Aerial of Long Reach Village Center and surrounding community, looking east*

# INTRODUCTION

## Project Overview

### Plan Purpose

The purpose of the *ReImagine Long Reach Village Center Plan* is to document Howard County's objectives for revitalization of the Long Reach Village Center (LRVC), potential land uses, and potential techniques the County may use to facilitate revitalization.

The plan builds upon many months of community conversation as well as previous plans and studies.

Rather than identifying one preferred concept for a revitalized LRVC, the plan presents multiple concepts for illustrative purposes only. These concepts are provided in Appendix A. The County recognizes that many different concepts, including those not specifically documented in the plan, could meet the County and community's objectives for a revitalized LRVC.



**Plan Area**

The plan area includes all of the area bound to the north by Cloudleap Court and Tamar Drive; to the east by Foreland Garth; to the south by the Longwood Apartments; and to the west by the Timbers Apartments and Route 175. This area encompasses 19.1 acres.

As of the writing of this plan, Howard County owns 7.7 acres within the plan area, which includes the former Safeway grocery store space and the in-line retail and upper-floor office space. Columbia Association owns the Stonehouse and Columbia Art Center and related parking as well as several open space parcels. The plan area also includes several smaller parcels owned by separate entities.

The plan area is the same area identified by the Howard County Council as an Urban Renewal Area, as shown on Exhibit B within County Council Resolution No. 22-2014.



*Property owned by Howard County, plan area, and property owners within the Relmagine Long Reach Plan area*

## Background and History

Long Reach Village Center opened in 1974 to serve the Long Reach Village residents with a grocery store anchor, retail shops, restaurants, and the Stonehouse community center.

Before the LRVC opened, early village residents came together in a town meeting and voted for an arts and crafts theme for the village center. When the LRVC opened, it included a visual art center in keeping with that theme. Columbia Association's Art Center now operates within LRVC.



*An early photo of Long Reach Village Center, courtesy of Columbia Archives – a service of Columbia Association*

For decades, the LRVC provided the everyday shopping needs of village residents with little area competition.

## Recent Events

In recent years, new grocery options have emerged in close proximity to the LRVC. Five grocery stores are within a six-minute drive of the LRVC, including two Giant stores, a Food Lion, Trader Joe's, and Wegmans.

Amidst this expansion in nearby grocery store competition, in 2011 the Safeway grocery store closed its store in the LRVC. Family Market, an ethnic grocer, opened briefly, but closed in mid-2013. The anchor space then sat vacant, and the shopping center showed signs of disinvestment.

Facing decline of the shopping center, and given concerns about vacancies, poor maintenance, security and impact on neighboring property values, members of the community asked for County involvement.



*Vacant grocery space within the LRVC*

On March 5, 2014, the Howard County Council passed legislation that declared the Plan Area to be an Urban Renewal Project area.

In October 2014, Howard County purchased a portion of the Long Reach Village Center (excluding the former Safeway building). In February 2015, the County purchased the Safeway building.



*Neglected LRVC message board*

### **Overall Market Trends**

In 2014, Howard County Government and Columbia Association completed a market study of Columbia's village centers and their relationship to the former GE Appliance Site and the Dobbin Road and Snowden River Parkway commercial areas.

The *Columbia Market Study*, prepared by a consultant team led by Retail and Development Strategies, LLC, assessed the village centers individually and offered recommendations for future uses.

### **Columbia Market Study Findings for LRVC**

- Nearby grocery operators present far more competition for the LRVC than other village centers
- Closure of two prior grocery operators at the LRVC has had a significant effect on the center's competitive position, and the grocery-anchored village center model may no longer be viable
- Design of the LRVC does not meet contemporary planning and design principles, which would place the center and retail closer to roadways in more visible locations

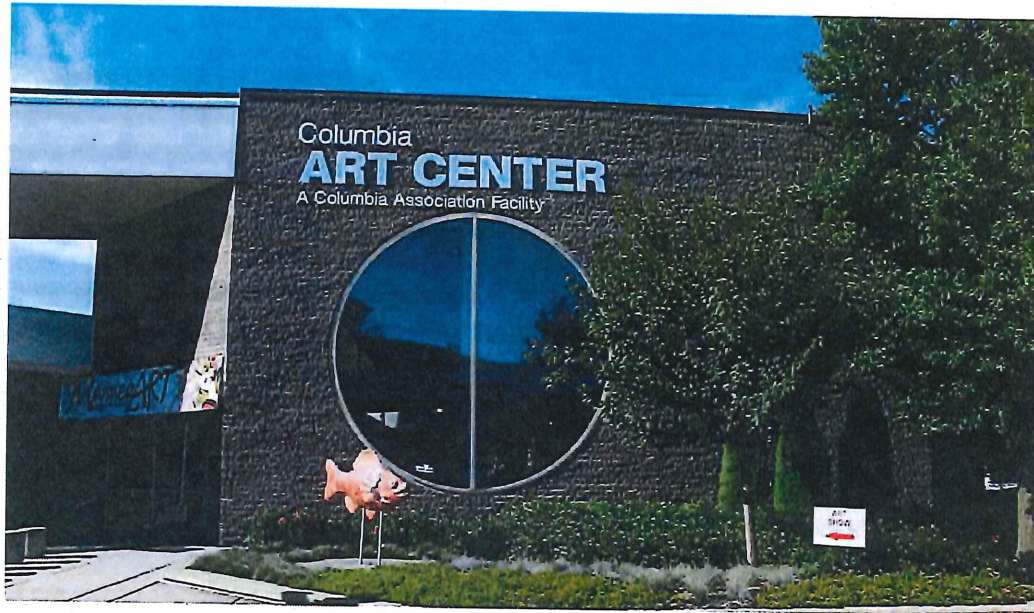
### **Columbia Market Study Recommendations for LRVC**

- A shift in use from primary retail to community and institutional uses is warranted
- An arts theme is one opportunity for the LRVC that would complement the Columbia Art Center
- Design updating and enhancements are needed for storefronts, signs, facades, landscaping, and the entrance to Columbia Art Center should be more visible

- Potential redevelopment of the LRVC could include new housing, though timing of any new housing will depend on market response to precedent residential development in Wilde Lake, as well as the pace of absorption of new housing in Downtown Columbia



*Coin laundry shop in LRVC*



Frontage of Columbia Art Center

### **Market for the Arts**

In 2015, Howard County Government completed an evaluation of the need for arts facilities in Howard County.

Prepared by Webb Management Services, the *Needs Assessment for Arts Facilities* specifically addresses the opportunities for a revitalized LRVC in addition to the redevelopment of Downtown Columbia.

The study concluded that different types of arts facilities make sense in Downtown Columbia versus the LRVC:

- For Downtown Columbia, a new performance and education center would function as a high-profile regional facility
- For the LRVC, there is an opportunity for artist-focused facilities for working, selling, teaching, sharing, building, storing, administering and even living

The study went on to suggest specific types of spaces for the LRVC:

- Artist work/sell/exhibit (and perhaps even live) space, to include: 10 or more artist studios, shared storage, exhibition space, retail space, and an administrative office
- Studio spaces with sprung floors, pianos, high ceilings
- Classrooms (wet and dry), administrative and meeting space
- Shared production space, including shop, costume and storage, potentially in the former grocery store

These creative spaces were noted to offer potential to advance the County's relatively undeveloped cultural sector. The study indicated such spaces could be part of multiple development options at the LRVC.

## **Residential Market**

### **Assessment**

As part of the ReImagine Long Reach effort, Howard County Government engaged Real Property Research Group to conduct a more targeted assessment of market-supported opportunities for new housing at the LRVC. The *Opportunity Assessment* found that there is market support for new housing in the Long Reach market area. Additional findings are provided below.

### **Consultant's Identification of Target Markets**

- Location will be the driving force for the target market, and the LRVC is situated between two designated growth areas: Downtown Columbia and Route 1
- Housing within the LRVC should not compete for the target markets Downtown Columbia and Route 1 will likely attract
- Downtown Columbia will attract younger professionals and those working in Columbia seeking an urban enclave rich in amenities

- Route 1 will attract commuters seeking proximity to major highways and to Fort Meade
- LRVC housing could effectively target three groups: families, mid-career singles, and empty nesters
- Families desire lower density products, while mid-career singles seek larger two bedroom units
- Empty nesters seek upscale and oversized units. Even though active adults are a target market, housing restricted by age is not recommended for the LRVC as the restriction would limit the target market for the community

### **Consultant's For Sale Recommendations**

- There is market support for a for sale community in the LRVC, and the consultant recommends 100 to 125 units, specifically a stacked flat product with individual garages

### **Consultant's Rental Recommendations**

- LRVC is a good location for a rental community

- There is an opportunity for an estimated 132 rental units within the LRVC, which would absorb half of the projected demand for units in the market area
- Garden apartments would provide the highest density and return on the property
- Townhome units would offer a lower density while targeting larger households
- Stacked flats are a new option in the rental market that could attract larger households as well as those seeking an integral garage

### **Consultant's Recommended Community Amenities**

- Whether rental or for sale, the consultant recommends the community offer an amenity package to create neighborhood appeal
- Recommended amenities include: a clubhouse with fitness center and playground, an outdoor grilling area and a dog park

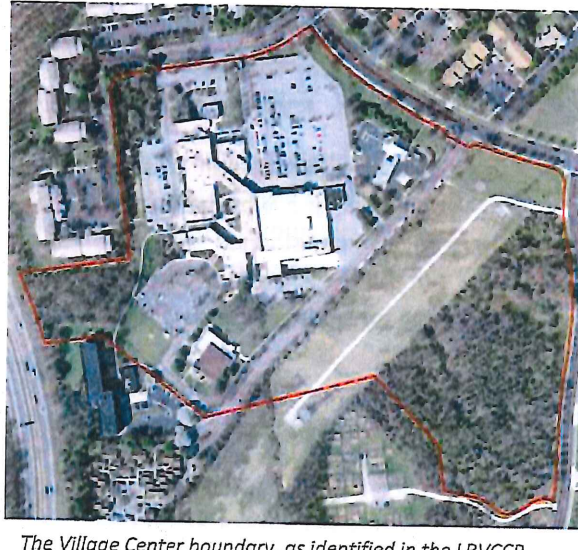
## **Long Reach Village Center Community Plan**

In 2012, the Long Reach Community Association prepared the *Long Reach Village Center Community Plan* (LRVCCP). The plan provides guidance from the Village to the County and developers on the Long Reach Community Association's vision and desired planning concepts as the village area changes over time.

Note that the Village Center boundary area, as identified in the LRVCCP, is loosely defined and extends further east than the ReImagine plan area to include the utility line right of way and open space to the east.

### **Vision for LRVC from LRVCCP:**

- Serves not only Long Reach residents but also a more global audience
- Accommodates businesses that may include usual village center mix of retail stores but also unique destination retailers



*The Village Center boundary, as identified in the LRVCCP, extends further east than the ReImagine plan area*

- If a mixed-use redevelopment approach is used, the commercial, residential and recreational use must be proportionately divided with the main emphasis on the commercial and recreational components

### **Goals for LRVC from LRVCCP:**

- Support commercial success for the village center owners and merchants
- Make the village center a destination point for shoppers
- Make the village center a vital part of the Long Reach residents' lives
- Improve the connectivity of the village center to surrounding shopping areas, and Blandair Park by improving and increasing the public walkways/pathways and bicycle paths/lanes
- Ensure that adequate public transportation sites are included in any future redevelopment plans
- Retain and enhance current assets – Stonehouse, the CA Art Center, Interfaith Center, open space

### **Mix of Uses from LRVCCP**

- Retail component should be the most important part of any redesign of the village center in a way that will enhance daily lives of residents of Long Reach and surrounding neighborhoods

- Housing in the village center could help attract unique businesses, increase foot traffic, and provide a vibrancy to the village center
- Community/recreational component must be included

**Desired Components from LRVCCP**

- Provide wayfinding signage
- Provide adequate parking
- Incorporate green building standards, water conservation, and native plantings
- Retain current community uses (Stonehouse, CA Art Center, Interfaith Center, and Howard County Police Substation)
- Include an outdoor plaza that encourages community engagement and provides an aesthetic element
- Include space for outdoor/exterior art work displays (tying to CA Art Center’s presence)
- Use open space for recreation
- Include public transportation sites
- Incorporate walkways/pathways and bicycle paths/lanes
- Include bike racks

**Guiding Principles for the 21<sup>st</sup> Century Planned Community of Columbia**

Columbia Association recently established “Guiding Principles for the 21<sup>st</sup> Century Planned Community of Columbia.” These principles are organized in five categories and focus on the characteristics that make Columbia Distinctive:

1. Diversity
2. Stewardship
3. Land Use and Design
4. Neighborhoods and Destinations
5. Community Facilities and Services

The guiding principles provided in that document are a set of values and establish expectations for Columbia as it continues to evolve and change.

One principle under the category Neighborhoods and Destinations is specifically relevant to Long Reach Village Center’s revitalization:

*“Village Centers.* To maintain the vitality of Columbia’s village centers as important local destinations and service and social hubs, village centers within highly competitive environments should be repositioned with alternatives to an anchor grocery store and with the potential addition of residential uses.

For the other village centers, incremental change should include enhancements to the mix of retail and food and beverage offerings, and the potential addition of residential uses. It is important to maintain and enhance the village centers as mixed use community focal points that provide places for people to gather and socialize as well as live, shop and access programs and services.”

## **Community Conversation**

Understanding the community's preferences for revitalization has been an important part of the ReImagine Long Reach Village Center planning effort. The County held a series of meetings to gather community input.

Community participation has exceeded expectations. Over 150 community members attended the kickoff meeting in April of 2015. That meeting – and each of the subsequent meetings in the series – featured both high attendance and thoughtful discussion.

Proposals to revitalize the site should seek to include the community's preferences, to the extent possible.

### **Use Preferences**

Long Reach Village Center should include a mix of uses, with retail and commercial remaining a prominent component.

A combination of anchor uses, which could include non-retail anchors such as governmental and non-profit/institutional uses, are desired.



*Participants at ReImagine Long Reach community meeting*

Dining establishments are strongly preferred by the community. Stores that provide food for home preparation are also preferred, particularly to meet the everyday needs of nearby, transit-dependent residents.

Since a traditional grocer is unlikely, alternatives could include a smaller-format food store, a pharmacy, a convenience store, a farmers market or other venue offering food for home preparation.

Echoing a preference expressed by village residents in 1972, current community members prefer that arts and culture be part of the LRVC use mix.

Most community meeting participants are open to housing being added to the Village Center use mix, recognizing the foot traffic new residents would bring for retailers.

More specific examples of community use preferences are offered on the next page.



**Community Preferred Uses from Five Public Meetings for Long Reach Village Center**

<u>Category</u>	<u>Examples from Community Comments</u>
Dining and food service	Sit-down restaurants, casual dining, takeout, coffee/tea, ethnic/specialty dining, bakery, liquor store, microbrewery, bagels
Art and culture	Art center, theater, music, entertainment, art supplies, reading room, dance, photography, arts education
Food at home	Specialty/ethnic grocery store, convenience store, farmers market, other businesses selling food to be prepared at home
Health and fitness	Recreation center, gym/fitness center, yoga, indoor/competitive pool, bike shop, dog park, kids play zone
Government and non-profit	Community center, senior center, youth center, library, police station, education, practicum (for example, restaurant practicum)
Medical	Urgent care, walk-in clinic, pharmacy, dental, optical, doctors' offices, physical therapy
Services	Daycare, salon/barber shop, dry cleaner, car wash, bank, shoe repair, tutoring and educational services, professional offices
Other retail	Specialty shops, small shops, consignment, apparel and shoes, hardware, home furnishings/décor
Housing	Broad category can include specialized housing (senior, artist) as well as non-specialized and multi-generational
Places of worship	Meeting places for congregations

**Design Preferences**

Community members prefer a design that is more open than the current inward configuration. Redesign should make uses more visible to surrounding roadways.

Expanded connections to allow people walking and bicycling to and from the LRVC and surrounding uses are preferred.

Public gathering space is important to community members, who prefer aesthetically enhanced space with trees, landscaping, and programmed activities.

## OBJECTIVES

Howard County's objectives for the revitalization of the LRVC are listed below. These objectives build from community preferences, the 2012 Long Reach Village Center Community Plan, Columbia Association's Guiding Principles, and general planning principles, including those expressed in *PlanHoward 2030*, the County's General Plan. *PlanHoward 2030* supports more vibrant, connected, and multimodal village centers. Further, *PlanHoward 2030* envisions that village centers which redevelop will feature more sustainable and vibrant gathering places.

Proposals to revitalize the LRVC must meet these objectives.



*Existing businesses at the LRVC*

## Economic Sustainability

- Provide opportunities for existing businesses and attract new businesses to LRVC that support the needs of the Long Reach Village and Columbia.
- Improve the visibility of the LRVC from Tamar Drive, Cloudleap Court and Foreland Garth to support business viability.
- Incorporate appropriate signage.
- Encourage the development of housing options to provide an on-site demand for goods and services.

## Connectivity

- Create a network of pedestrian/bicycle pathways to formally connect the LRVC with neighboring properties and existing CA pathways. This network will consist of: new pedestrian connections with crosswalks, and existing or new internal streets in new alignments. Streets may be public or private.
- Maximize the impact of public transit facilities by locating them within the LRVC to support commercial operations and community uses.

- Ensure that LRVC is visibly and physically accessible, convenient, and comfortable. New pathways should have lighting that is scaled appropriately for users and enhanced with landscaping.



*Internal drive aisle leading into LRVC*

## Community Spaces

- Ensure that expanded or enhanced public spaces are appropriately sited to function as an integral part of development to provide public interaction and gathering.
- Require that public spaces provide landscaping and offer benches or other types of outdoor seating.
- Retain and enhance the existing institutional uses (such as Stonehouse and Columbia Art Center) and provide opportunities for new institutional uses (such as governmental, educational, and nonprofit uses) that complement the existing assets.



*Landscaping in front of the Columbia Art Center*

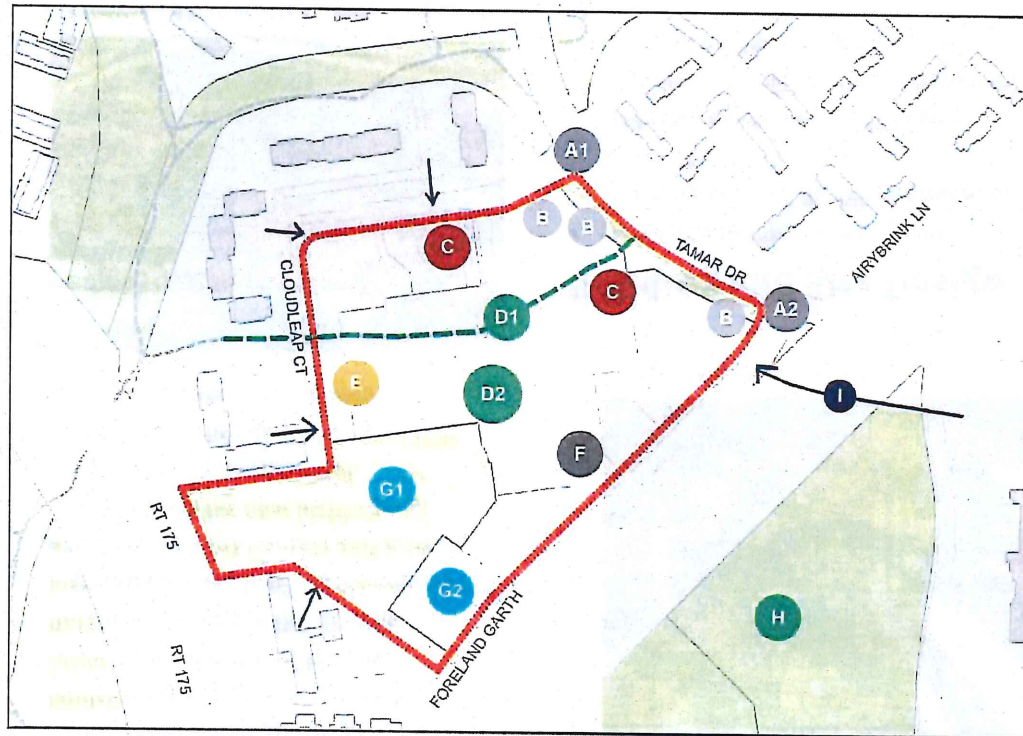


*Existing building at the LRVC*

## Building and Site Design

- Incorporate high caliber, green building and site design strategies and systems.
- Incorporate massing and height standards to appropriately transition between neighboring properties.
- Enhance the aesthetic quality of the LRVC by screening and appropriately siting parking, loading, and mechanical systems.

# CONCEPTUAL DIAGRAM



The conceptual diagram offers an illustration of how Howard County's objectives for the revitalization of the LRVC could be met. The diagram is hypothetical and does not represent an actual proposal to redevelop the LRVC.

The concept is holistic in that all parcels within the LRVC are part of the diagram, not just the parcels owned by Howard County.

A1 – Gateway feature, main entrance: an enhanced entrance to the LRVC from Tamar Drive off of Cloudleap Court that conveys a sense of arrival. Opportunities to calm traffic near LRVC gateway entrances along Tamar should be explored.



*Gateway crosswalk and landscaping*

A2 – Gateway feature, secondary entrance: an enhanced entrance to the LRVC from Tamar Drive off of Foreland Garth.

B – Corner gateway markers: features that include signage for the LRVC.



*Gateway marker with signage*

**C** – Commercial and potentially institutional uses fronting along streets: stores, shops, offices or other commercial or institutional (which could include governmental) uses which provide opportunities to fulfill the day-to-day needs of the village residents, such as food stores, specialty stores, service agencies, financial institutions, personal services, medical services, and restaurants.



*Commercial uses fronting street*

**D1** – Central pedestrian walkway: an accessible, primarily pedestrian-oriented promenade connecting the various village center buildings.



*Pedestrian promenade*

**D2** – Central community amenity space: outdoor, public, village green, plaza or square, which has both hardscape and softscape elements to include public seating features. A vertical element, potentially public art, could be part of this space.



*Central community gathering space*

**E** – Residential uses: provide an on-site demand for goods and services, thereby supporting and enhancing, but not overwhelming, other uses in the village center.



*Multifamily residential uses*

**F** – Surface parking: supports village center uses and is appropriately sited and screened.

**G1** – Community and/or institutional uses: these potentially could include, but are not necessarily limited to recreational, civic, governmental, or other institutional activities and may be co-located.

Columbia Association owns Stonehouse and the Columbia Art Center, and is open to proposals to replace and relocate these facilities within the plan area, provided that new facilities offer improved design, function and economic vitality of the LRVC.

**G2** – Community and/or institutional uses.

**H** – Enhanced community open space: community gardens potentially to be expanded.

**I** – Enhanced connectivity to surrounding properties, including Long Reach High School and other uses.

# ZONING AND LAND USE

## New Town Zoning

The LRVC is within the New Town (NT) Zoning District, a zone unique to Columbia that comprises over 14,000 acres. At the zoning district level, New Town allows for a broad range of land uses and sets requirements in terms of open space and housing density. The Howard County Zoning Regulations define a Village Center within this zone, as previously described.

Development within the New Town zone requires four major steps: 1) Preliminary Development Plan, 2) Comprehensive Sketch Plan, 3) Final Development Plan, and 4) Site Development Plan. As a developed site, these four major steps have already been completed for LRVC.

The **Preliminary Development Plan (PDP)** maps the general location of land uses, major roads and major public facilities. There is one PDP for all of New Town that was originally approved in 1965.

The **Comprehensive Sketch Plan (CSP)** covers a portion of the NT District and establishes specific location and acreage of land use areas, number and type of dwelling units, and specific location of roads, open space, schools and other public or community uses. It also includes criteria that in most other areas of the County would be set by the Zoning Regulations, such as: permitted uses, minimum lot sizes, parking requirements, setbacks, building heights, and other development regulations.

The **Final Development Plan (FDP)**, the third major step, provides exact boundary descriptions and acreage for land use areas shown on the Comprehensive Sketch Plan and includes the detailed criteria approved with the Comprehensive Sketch Plan. The FDP is the permanent record of land use controls for NT properties.

A **Site Development Plan (SDP)** is the final step before construction, and shows how the site will be developed in terms of grading, utilities, buildings, driveways, parking areas, landscaping, and other details.



*Office space at the LRVC*

Only the original petitioner may propose changes to the approved PDP, CSP, and FDP for the LRVC – unless the Village Center Redevelopment Process is used.

The NT Zoning District contains a specific definition for a NT Village Center, provided on the following page.

**Definition of a New Town Village Center  
(Howard County Zoning Regulations):**

Village Center, New Town: A Mixed-Use Development in the New Town District which is in a location designated on the New Town Preliminary Development Plan as a "Village Center", which is designed to be a community focal point and gathering place for the surrounding village neighborhoods by including the following items:

1. An outdoor, public, village green, plaza or square, which has both hardscape and softscape elements. This public space shall be designed to function as an accessible, primarily pedestrian-oriented promenade connecting the various village center buildings and shall include public seating features;
2. Stores, shops, offices or other commercial uses which provide opportunities to fulfill the day-to-day needs of the village residents, such as food stores, specialty stores, service agencies, financial institutions, personal services, medical services, and restaurants;
3. Space for community uses and/or institutional uses; and
4. Residential uses, to the extent appropriate to support and enhance, but not overwhelm, other uses in the village center.



*Plaza feature in front of Stonehouse*

## **Village Center Redevelopment Process**

In 2009, the Howard County Council amended the Zoning Regulations to allow the owner of any portion of a Village Center to propose changes to an approved PDP, CSP, or FDP.

The amended regulations allow the petitioner to propose any use or density allowed by the Zoning Regulations (excluding heavy manufacturing and mobile homes). The petitioner's proposal shall comply with Zoning Regulations pertaining to the NT District's maximum overall residential density of 2.5 dwelling units per acre and the overall NT District use mix chart.

The amended regulations established a process with three major steps: 1) Village Center Community Planning Process; 2) Zoning Process to Amend Preliminary Development Plan (PDP); and 3) Land Development Review Process.

The **Community Planning Process** involves updating of the Village Center Community Plan through the Village Board (if necessary), a Village Center Concept Planning Workshop, two pre-submission community meetings, and presentation of a concept plan and proposed Village Center design guidelines to Howard County's Design Advisory Panel (DAP).

Next, the **Zoning Process** includes several milestones: the formal petition by the property owner to the Department of Planning and Zoning to amend the PDP, a community response statement from the Village Board, review by Planning Board, and issuance of a decision and order by the Zoning Board.

If the petition to amend the PDP is approved through the Zoning Process, then the petitioner proceeds to the **Land Development Review Process**. During this step, the petitioner submits plans to the Department of Planning and Zoning, which are then evaluated through a multi-step process that includes review by Design Advisory Panel and Planning Board.

### **Major Steps in the Village Center Redevelopment Process**

#### **Step 1: Community Planning Process**

- ✓ Notice of Intent to Develop
- ✓ Village Center Community Plan
- ✓ Concept Planning Workshop
- ✓ Results of Workshop
- ✓ First Pre-Submission Community Meeting
- ✓ Second Pre-Submission Community Meeting
- ✓ Design Advisory Panel Meeting (Concept Plan and Design Guidelines)

#### **Step 2: Zoning Process to Amend PDP**

- ✓ PDP Amendment Submission
- ✓ Notice to Village Board
- ✓ Community Response
- ✓ Planning Board Meeting Scheduled
- ✓ DPZ Technical Staff Report
- ✓ Planning Board Public Hearing
- ✓ Zoning Board Action

#### **Step 3: Land Development Review Process**

- ✓ Design Advisory Panel
- ✓ Submission of Plans to DPZ
- ✓ Review and Revision until Plan is Approvable
- ✓ Planning Board Public Hearing



## **Wilde Lake Village Center Redevelopment**

If the Village Center Redevelopment option is pursued for the LRVC, there is a precedent for such redevelopment: Wilde Lake Village Center.

The development program for Wilde Lake includes the addition of residential uses along with a pharmacy, alternative grocer, retail stores and office space. The project's developer has emphasized the importance of residential uses to making the project viable.

As part of the planning process to redevelop Wilde Lake, the developer prepared design standards the project would follow: Wilde Lake Design Criteria. A similar set of design standards would need to be developed if redevelopment is pursued at the LRVC.

Additional redevelopment precedents outside of Howard County are provided in Appendix B.



*Excerpted images from the Wilde Lake Design Guidelines and Concept Plan*

## Development Standards and Land Use

The Final Development Plan (FDP) for LRVC (FDP 106-A) provides criteria for development. In addition to covering the parcels within the ReImagine Long Reach Village Center plan area (the commercial and open space areas) this FDP also covers an apartment area (Timbers Apartments) and the Foreland Garth roadway. A future owner of a portion of the Village Center may petition to change current criteria in the FDP through the Village Center Redevelopment Process.

These current criteria include, but are not limited to:

- **Building Heights** – height limits are not imposed upon structures constructed within the commercial nor open space areas.
- **Lot Coverage** – coverage requirements are not imposed on the commercial area. No more than ten percent (10%) of the land devoted to open space shall be covered by buildings or major structures.



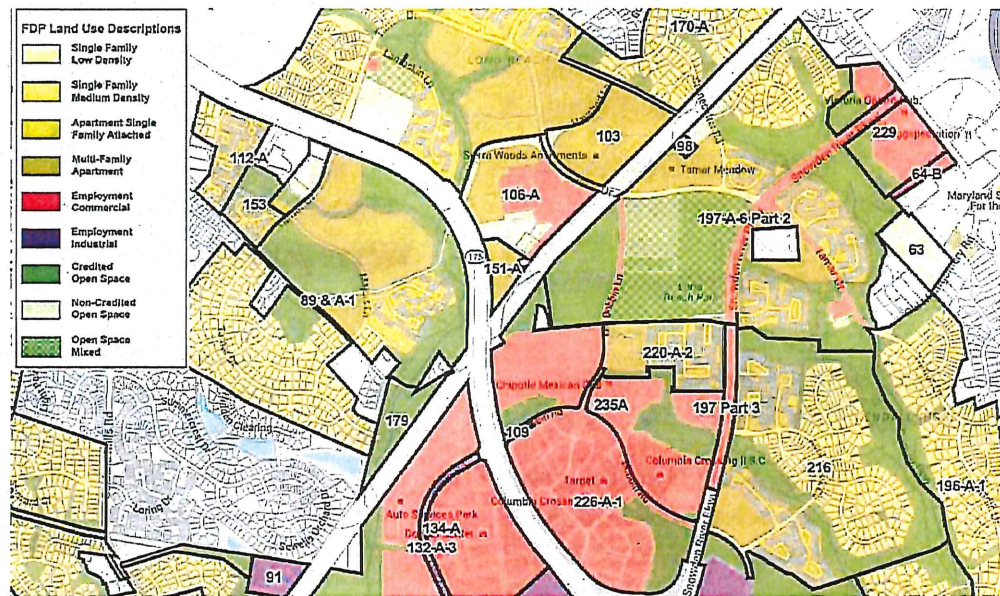
*Parking lot in front of the vacant grocery space*

- **Setbacks** – Structures within commercial and open space areas shall not be located within thirty (30) feet of the right-of-way of any public street, road, or highway. Structures in open space areas also shall not be located within twenty-five (25) feet of any property line.
- **Parking** – Five (5) parking spaces shall be provided for each 1,000 square feet of net leasable retail area, and one (1) parking space shall be provided for each two (2) employees or tenants occupying office space. Parking requirements for open space structures are set by the Planning Board at the site development plan stage.

- **Permitted Uses, Commercial Area** – the commercial area of the Village Center may include all uses permitted in Howard County commercial districts or commercial land use zones (including, but not limited to, those permitted in the B-1, B-2, and S-C zones).

- **Permitted Uses, Open Spaces – Lots 5 & 6** (currently owned by Celebration Church) to be used for all open space land uses, including, but not limited to, the operation of religious facilities and all uses incidental thereto.

- **Permitted Uses, Open Spaces - Lot 3** (currently owned by Columbia Association) to be used for all open space land uses, including, but not limited to, swimming pool, library, community hall, teen center, presentation and performance of outdoor community activities, and an arts and crafts center.



Currently recorded land uses and FDP boundaries for Long Reach and vicinity

## Future Land Use

In order to facilitate a revitalized LRVC, and consistent with the objectives identified in this plan, future land use options may include residential uses in addition to the commercial and open space uses currently permitted by the FDP.

Changes to the current land use and development standards – including the addition of housing – would require use of the Village Center Redevelopment Process.

Further, changes must comply with covenants applicable to the property. The Long Reach Community Association provides information on covenants and associated architectural review.

## TECHNIQUES TO ACHIEVE PLAN OBJECTIVES

In accordance with the Howard County Urban Renewal Law (§13.11), Howard County may undertake a variety of activities in an urban renewal area. These techniques may be used in any combination or part thereof.

### Acquisition/Consolidation

Howard County acquired portions of plan area property in 2014 and 2015. The County may acquire and consolidate additional property within the plan area, though the County has no plans for such acquisition/consolidation.

As stated in the Urban Renewal Law, such acquisition may occur where necessary to *“eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.”* [§13.1102 (d)(6)].

### Land Disposition

The County will sell the property it has acquired at its fair value for uses identified in this plan. These uses include currently permitted commercial and open space uses as well as residential uses, which could be pursued through the Village Center Redevelopment Process.

A public-private partnership could be part of a strategy to dispose of County-owned land.

The County will issue a Request for Proposals (RFP) to dispose of the property. The RFP may include, but is not necessarily limited to, the following items:

- Property description
- County objectives for revitalization
- Community preferences
- Planning and zoning framework
- Evaluation criteria
- Transaction terms
- Schedule of performance

The County will seek to attract as many proposals as possible. An RFP committee will be established that could include representation from community members.



Tenant directory board in the LRVC

### Financing and Funding Strategies

As identified in the Urban Renewal Law, Howard County may issue general obligation bonds or revenue bonds to finance activities in the plan area. The County may also pursue grant and other funding programs offered by the State of Maryland or federal government.

A public-private partnership could be part of a financing and funding strategy to facilitate revitalization of the LRVC.



*Public space within the LRVC*

### **Preservation of Existing Buildings and Improvements**

Howard County may carry out plans for repair and rehabilitation of existing buildings or improvements.

### **Demolition and Removal of Buildings and Improvements**

The County may demolish buildings and improvements or portions thereof.

### **Improvement of Site and/or Buildings**

Howard County may install, construct, or reconstruct streets, utilities, parks, playgrounds and other improvements necessary to meet this plan's objectives.

### **Development and Redevelopment**

The County may develop or redevelop buildings and improvements or portions thereof.

### **Relocation and Retention of Existing Businesses**

Howard County may relocate or retain existing businesses as part of a development or redevelopment project.

# APPENDIX A - PRELIMINARY CONCEPT PLANS

Howard County engaged the design firm Morris & Ritchie Associates, Inc. (MRA) to develop a set of concepts for a redesigned LRVC.

These concepts were used as part of the community planning effort to generate community discussion. The concepts do not represent preferred options for LRVC, nor are they by any means the only options for LRVC.

## Existing Conditions

In order to prepare the concept palette, MRA reviewed the LRVC's existing conditions in order to identify both assets and challenges that new designs should consider. A range of existing site and building conditions were assessed. MRA's conclusions are listed by category: connectivity, building mass, utilities, outdoor spaces and topography.

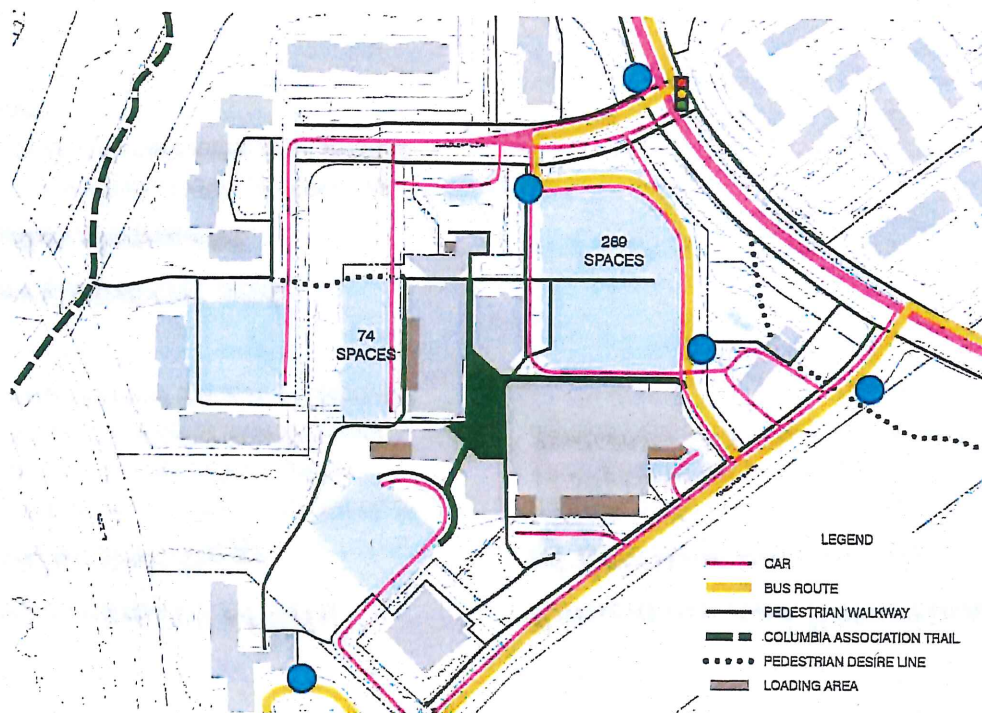


Diagram illustrating vehicular and pedestrian connectivity

## Connectivity

- Vehicular access points to the site are from the sides, not the front
- Vehicular circulation is disconnected front to back
- Loading areas detract from views along edges
- Existing walkways do not necessarily represent the most direct routes to and from the village center to surrounding uses

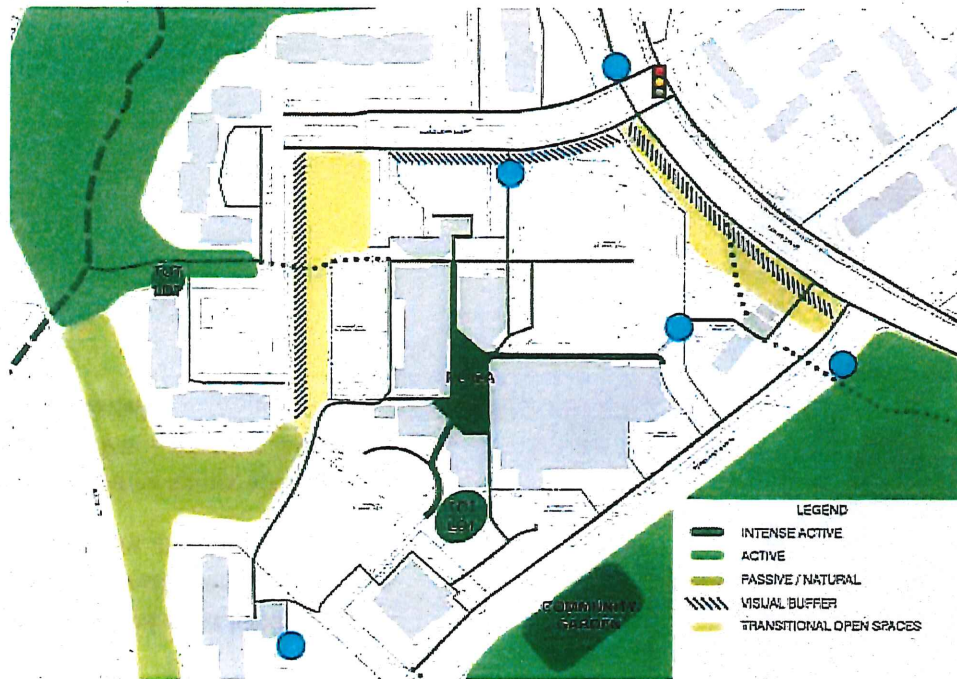


Diagram illustrating open space, buffers, and outdoor amenities

### Outdoor Spaces

- Existing amenities within plan area include plaza and tot lot
- Community garden is an asset located within BGE right of way adjacent to plan area

### Building Mass

- Several adjacent uses front onto the Village Center
- The building configuration contains an internal pedestrian focus

### Utilities

- Site is fully serviced by sewer, water and storm drains
- Redevelopment of the site will trigger environmental site design requirements

### Topography

- Several areas of the site have significant grade changes
- There are areas where grade changes between the site and neighboring sites

## Four Concept Plans

Taking into account existing strengths and weaknesses, and considering community preferences, MRA prepared four concepts for community discussion.

These concepts feature different anchor uses (inspired by community preferences) and different redevelopment scopes. Proposals to revitalize the LRVC are not constrained to these concepts.

Each concept is presented on the following pages.

Concept for Illustrative Purposes Only; Not a Proposal for Redevelopment

**Concept #1: Art - Low  
Redevelopment Scope**

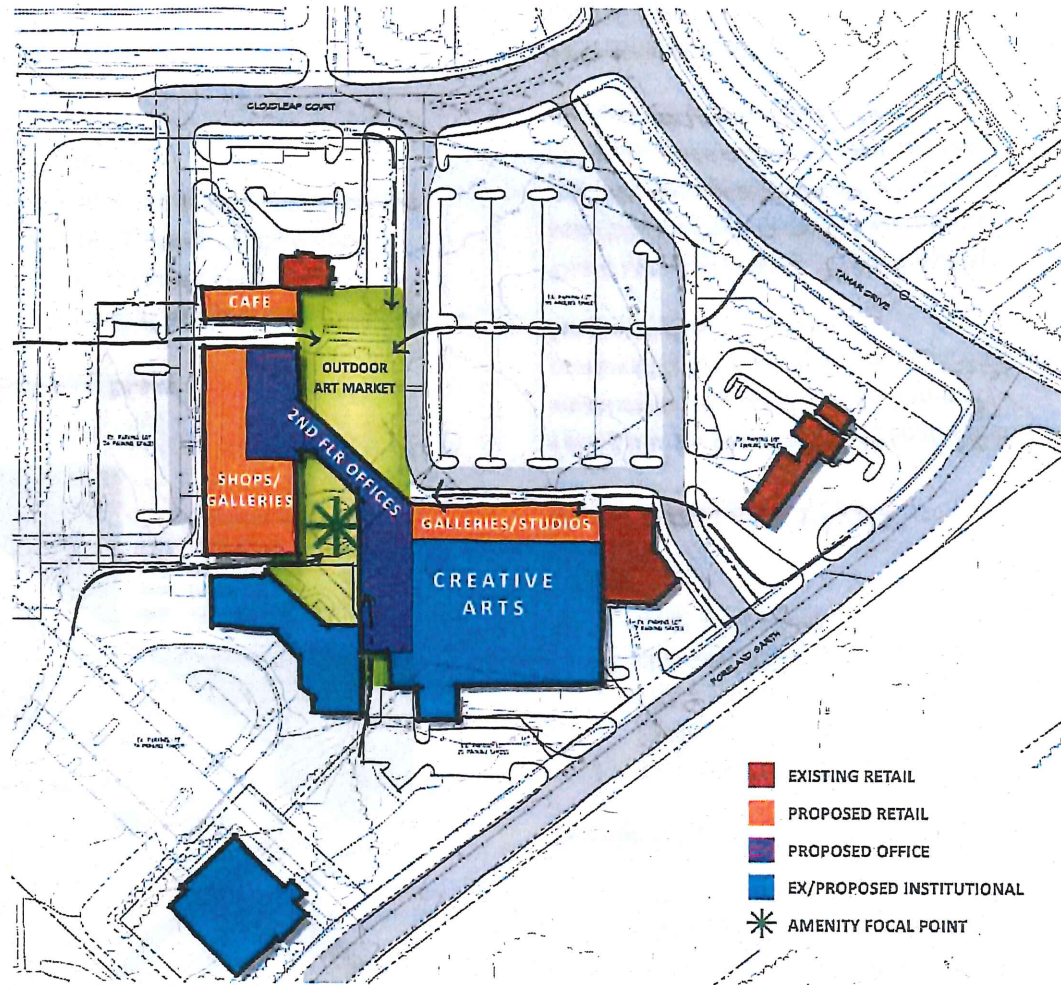
This concept included the following features:

**Anchor Use:** retrofit for creative arts. Working artist facilities for: back-of-house production, teaching, selling, storing, etc.

**Other Uses:** renovated retail and offices. Ground level shops and galleries. Offices and walk-through working studios on second floor.

**Form:** repurpose most buildings, and remove front retail. Increase visibility, sense of safety, and open space.

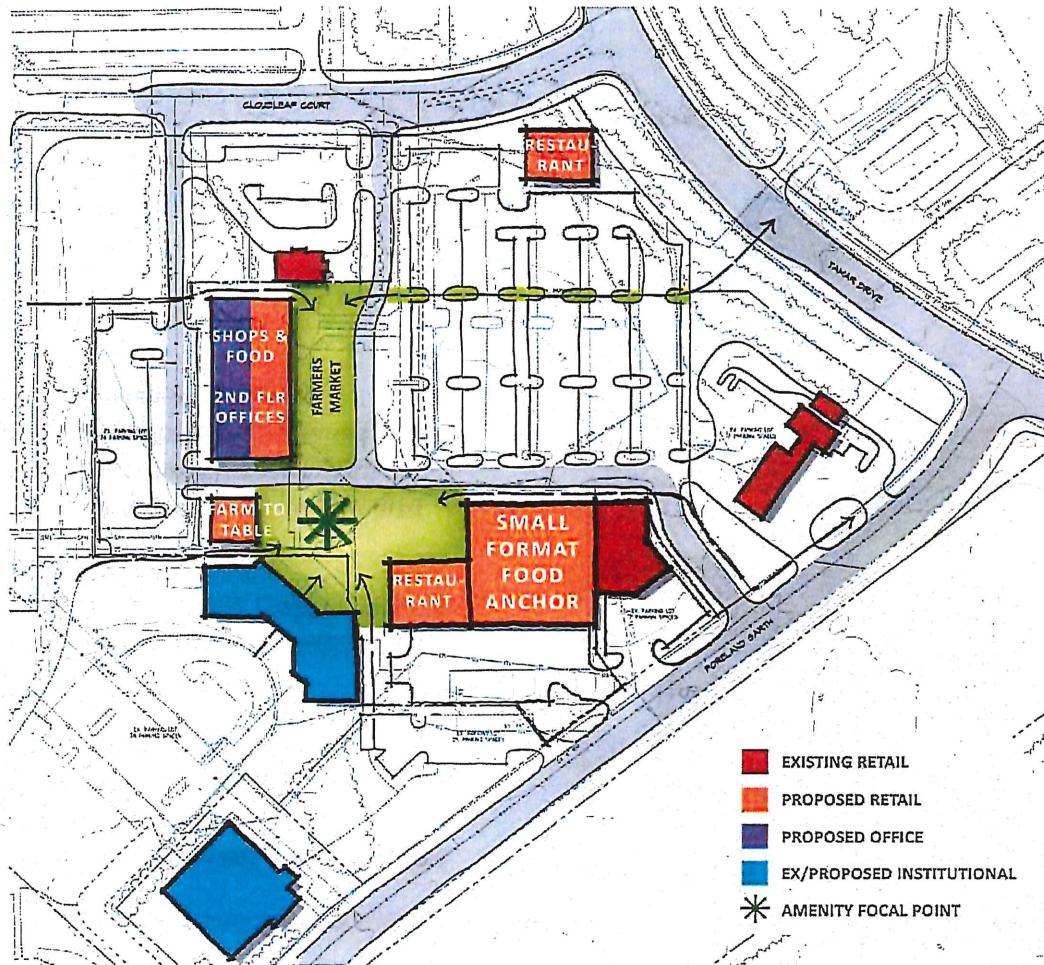
**Public Gathering Space:** activate open space. Outdoor performance area. Art markets/festivals.



Concept #1: Art - Low Redevelopment Scope



Concept for Illustrative Purposes Only; Not a Proposal for Redevelopment



Concept #2: Art - Main Street Form/High Redevelopment Scope

**Concept #2: Art - Main Street Form/High Redevelopment Scope**

This concept included the following features:

**Anchor Use:** new creative arts building. Working artist facilities for: back-of-house production, teaching, selling, storing, etc.

**Other Uses:** residential over retail. Food, shops and gallery space. Artist housing, interior amenity.

**Form:** strong view focused on existing arts center.

**Public Gathering Space:** large art-focused, programmed open space. Interactive art plaza or outdoor performance venue. Mix of hardscape and softscape.

Concept for Illustrative Purposes Only; Not a Proposal for Redevelopment

**Concept #3: Food – Moderate Redevelopment Scope**

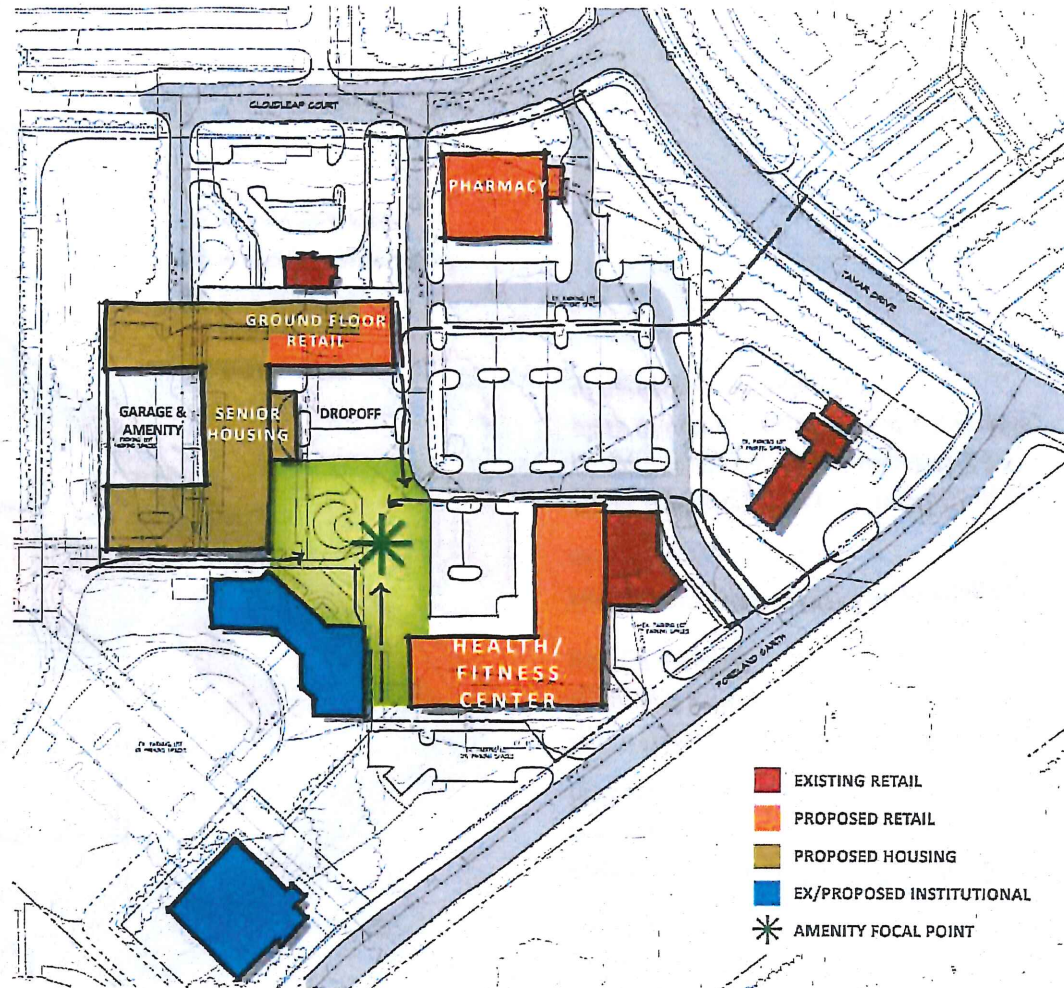
This concept included the following features:

**Anchor Use:** small-format food anchor.

**Other Uses:** renovated retail and offices. Ground-level shops and food establishments with outdoor seating. Offices on second floor. Farm-to-table restaurants.

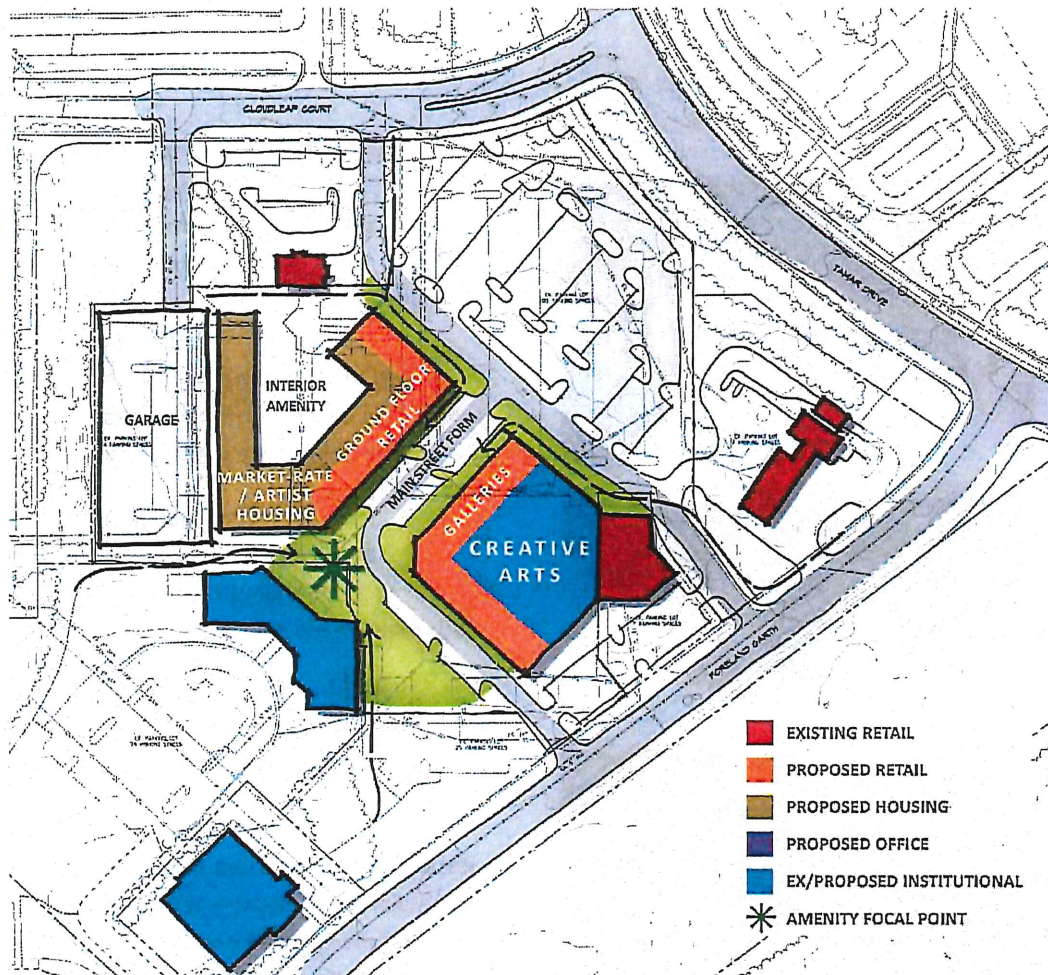
**Form:** remove front retail building and office above. Increase visibility, sense of safety, and open space.

**Public Gathering Space:** programmed open space. Host farmers’ market on weekends. Urban farming/raised beds with bio-intensive gardening.



Concept #3: Food – Moderate Redevelopment Scope

Concept for Illustrative Purposes Only; Not a Proposal for Redevelopment



Concept #4: Health and Fitness – High Redevelopment Scope

**Concept #4: Health and Fitness – High Redevelopment Scope**

This concept included the following features:

**Anchor Use:** health and fitness center. Dance studios, outdoor yoga, tai chi, pilates cardio classes, weightlifting, physical therapy, medical office space, etc.

**Other Uses:** senior housing, ground floor retail (hair salon, dry cleaners, bike shop, food store, take-out, etc.). Corner pharmacy: additional retail with good visibility, drive-thru availability.

**Form:** structured parking, drop off, and amenity space for residential uses.

**Public Gathering Space:** large open space in front of Arts Center.

## APPENDIX B – PRECEDENTS

The Long Reach Village Center is in a unique situation, as a planned community village center that experienced decline and disinvestment before being purchased by a governmental jurisdiction.

There is no single precedent for the redevelopment and/or reuse of another center in a perfectly similar situation.

Instead, several examples are profiled that speak to the range of techniques jurisdictions may take to facilitate revitalization, including:

- Government acquisition and request for proposal process (Lake Anne Village Center, Excelsior & Grand);
- Government anchor (Shirlington Urban Village); and
- Infrastructure investment (Merrifield Mosaic District, Shirlington, Excelsior & Grand).



*Clockwise from top: Mosaic District, Merrifield, VA; Shirlington Urban Village, Shirlington, VA; Excelsior & Grand, St. Louis Park, MN; Shirlington Urban Village, Shirlington, VA; Lake Anne Village Center, Reston, VA; and Mosaic District, Merrifield, VA.*



*Lake Anne perspective, site plan and rendering of planned redevelopment*

## **LAKE ANNE VILLAGE CENTER**

### **Reston, Virginia**

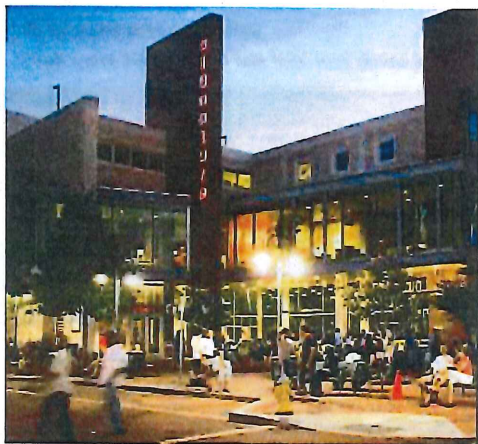
**Government Involvement:** In 2006 Fairfax County purchased a 181-unit apartment complex known as the Crescent Property for the purpose of preserving affordable housing. Built in 1964, the development consists of five garden-style 3-story apartment buildings and sits adjacent to the Lake Anne Historic District, Reston's first village center.

The purchase of the property followed an economic analysis of revitalization concepts for the LAVC and was followed by a public engagement process and comprehensive plan amendment. An RFP was released in 2012 and a redevelopment contract was awarded to Republic Land Development (Lake Anne Development Partners) in 2013. The Fairfax County Board of Supervisors adopted the LADP's redevelopment application in March 2015.

**Year:** Construction on Phase 1 is expected to begin mid-2015. The entire redevelopment is expected to take 10 to 12 years and is divided into 5 phases.

**Cost:** Total project costs are estimated at \$500 million. Lake Anne Development Partners was created for varying parts of the program. Republic Land Development is the master developer. Renaissance Centro is the lead developer of the market-rate residential units. Community Preservation and Development Corporation is the lead developer for the affordable/workforce housing.

**Development program:** 16.5 acre Crescent Property is located in the northeast portion of the LAVC. 1,037 new mixed-income residential units in a range of housing types, 111,471 sf of net new retail including a 15,800 sf boutique grocery, 82,454 sf of net new office space, amphitheater, expanded plaza with community space and multiple public parks.



*Public space, theater, and residential uses in Shirlington Urban Village*

## **SHIRLINGTON URBAN VILLAGE**

### **Arlington, Virginia**

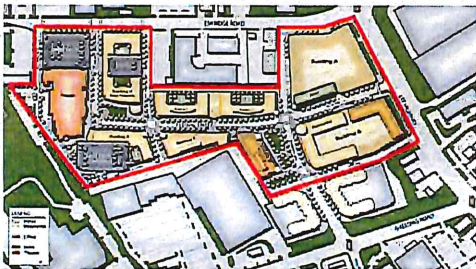
**Government Involvement:** Arlington County issued bonds to build a county-owned performing arts theater-library complex on the site of an abandoned big box store and parking lot. Project was positioned as an economic catalyst for private redevelopment. Arlington County and Federal Realty Trust entered into a public-private partnership in which the County ensured a project anchor, created viable lots, covered infrastructure expense, and funded parking. The County also front loaded the site's anchor (the theater-library complex) ahead of the privately constructed residential and retail uses.

A community visioning process led to a Phased Development Site Plan (PDSP) and associated guidelines. The PDSP established 1 million sq. ft. of mixed-uses, densities, building heights, parking locations, transportation facilities, utilities, and community facilities for the entire area – in conceptual form. Arlington County did not purchase nor dispose of property in the Village.

**Year:** County building opened in 2007. Developer purchased the property in 1996.

**Cost:** Developer Federal Realty Investment Trust invested \$100 million in the private expansion. Public-private partnership for theater space: \$5.5 million county investment for building core and shell, and \$12 million investment by Signature Theater for interior build out. The County leveraged its investment at a ratio of roughly twenty-five to one (\$1 of county funds/\$24 private funds). Project success ultimately reduced the ratio to \$1/\$42.

**Development program:** 25 acre redevelopment of former grocery-anchored shopping center. New uses include: ~200,000 sq. ft. of shops and restaurants, Signature Theater, public library, 400 dwelling units, a ~150 room hotel and ~480,000 sq. ft. of office space. Retail uses include a Harris Teeter grocery store.



*Mosaic District public space, townhomes, and site plan*

## **MERRIFIELD MOSAIC DISTRICT**

### **Merrifield, Virginia**

**Government Involvement:** Fairfax County developed a comprehensive revitalization plan for the area over several years and with citizen input. The County created a Community Development Authority to fund roads, parks and a portion of parking garage. The County did not directly purchase nor dispose of land within the Merrifield-Mosaic District. Fairfax County was however a partner in development of a one-acre park at the district's center.

**Year:** first phase completed 2012. Second phase completed in 2015. Developer initially acquired in 2006.

**Cost:** total project cost was ~\$540 million. Fairfax County invested \$65 million (12% of project cost), which was funded by Community Development Authority revenue bonds (secured by special assessment tax increment financing revenues).

**Development program:** former 31-acre aging movie theater and commercial site redeveloped into 1.8 million sq. ft. of new space, including: 520,000 sq. ft. of retail and restaurant space, a ~150-room hotel, an 8-screen art house movie theater, 138 townhomes, 782 apartments, a one-acre park, and ~170,000 sq. ft. of office space. The one-acre park features outdoor movies, an evening concert series, and yoga in the park.



*Roundabout, mixed-use development, and concept plan for Excelsior & Grand*

## **EXCELSIOR & GRAND**

### **St. Louis Park, Minnesota**

**Government Involvement:** City purchased multiple properties in a blighted, auto-oriented commercial area along Excelsior Boulevard. The uses within the blighted buildings included bars, pawn shops, and other uses not popular with the community.

The City undertook a series of community charrettes to sketch plans for the area, which the City deemed "Park Commons East." Charrettes were informed by market studies to make sure designs were economically viable.

City drafted a new mixed-use zoning code to allow vertical mixed-use parking and diagonal on-street parking. Following an RFP process, the City disposed of the properties to a developer.

**Year:** all project phases completed in 2007. City's planning began in 1995. Ground breaking was held in 2001, with multiple phases of work through 2007.

**Cost:** total project cost was \$150 million. In order to finance the project, private investment (80% or \$120 million) was supported by public sources (20% or \$30 million). Public sources included state funding to demolish existing structures, and City funds to assemble 36 original properties via tax increment financing district.

**Development program:** 16 acres former blighted commercial uses redeveloped into mix of ~90,000 sq. ft. of retail and ~650 residential uses around a town green. Includes public art displays.



**CR102-2016 - Authorization to Sell Long Reach Village Center**

joelhurewitzaug2010@gmail.com on behalf of Joel Hurewitz [joelhurewitz@gmail.com]

**Sent:** Sunday, July 24, 2016 2:39 PM**To:** CouncilMail**Attachments:** Howard County's Urban Ren~1.pdf (343 KB)**FILE COPY**

Dear Council Members,

As requested, please find this written reply as supplement to my oral testimony on July 18, 2016 regarding CR102-2016.

Generally, the resolution omits a recitation of the prior Long Reach urban renewal history, Council resolutions and community involvement. Thus, the "Reimagine Long Reach Village Center Draft Plan" clause is without context to its place in the urban renewal process.

Furthermore, by ignoring the urban renewal history, the resolution fails to address the powers already given to the County Executive in Sec. 13.1103 (s) to sell the property. Perhaps, the authorization under the general code provision to sell surplus property in Sec. 4.201 is unnecessary, except for the waiving of advertising and bidding.

Therefore, I believe that the resolution should include references to the prior urban renewal steps and any applicable code provisions in the urban renewal law.

In addition, as noted by others as well, the title of the bill refers only to the address at "8775 Cloudleap Court." Transparency to the public would be served by including "Long Reach Village Center" in the title. See <http://howcome.md/support-hughes-plan-get-a-free-t-shirt/>

Lastly, Step 9 in the flow chart inaccurately states that "approval" is required by the Planning Board. The urban renewal law states that the Planning Board should provide "its review and recommendations only."

My memorandum "Howard County's Urban Renewal Law is Constitutionally Defective" written in response to Gary Kuc's letter of December 8, 2015 is attached for your information regarding the error in the Code regarding the Planning Board and for your future discussion to request legislation from the General Assembly to reenact and clarify Howard County's Urban Renewal Law.

Sincerely,

Joel Hurewitz

# HOWARD COUNTY'S URBAN RENEWAL LAW IS CONSTITUTIONALLY DEFECTIVE

## ABSTRACT

The Howard County Urban Renewal Law as codified in the Howard County Code is constitutionally defective. It was initially adopted by the General Assembly pursuant to a special grant of power found in the Maryland Constitution. Local governments cannot amend urban renewal laws as enacted by the General Assembly—a principle expressed in an opinion of the Maryland Attorney General. The Constitution has an ambiguity and an unanswered question regarding what to do with the references to county commissioners when a county adopts a charter subsequent to the enactment of a public local law for urban renewal. Howard County has amended the urban renewal law several times, beginning after the adoption of the County Charter in 1968. On at least two instances, these amendments have been substantive in nature: transferring review of the urban renewal plan from the Planning Commission to the Office of Planning and Zoning and removing the interest rate cap on bonds. Anne Arundel County has had a similar history regarding its urban renewal authorization and adoption of a charter, however, the county subsequently received legislative relief and clarification by the General Assembly.

## I. THE MARYLAND ATTORNEY GENERAL HAS RECOGNIZED THE UNIQUE STATUS OF THE URBAN RENEWAL PROVISION IN THE MARYLAND CONSTITUTION

The authority for any local government in Maryland to carry out urban renewal projects is found in Article III, Section 61 of the Maryland Constitution. The power provision begins “(a) The General Assembly may authorize and empower any county or any municipal corporation, by public local law: (1) To carry out urban renewal projects . . .” Similarly, the additional powers provision begins “(b) The General Assembly may grant to any county or any municipal corporation, by public local law . . .”

The Maryland Attorney General considered these provisions in a 1995 Attorney General Opinion. Though, the question at issue there dealt with municipal corporations, because Section 61 applies equally to counties and municipalities, the analysis should be analogous.

To paraphrase the Attorney General

Our opinion is as follows: Although all [home rule charter counties] in the State have home rule, an express provision of the Maryland Constitution reserves to the General Assembly alone the power to enact, amend, and repeal urban renewal laws for specific [counties]. In our opinion, therefore the laws in question are still valid as enacted by the General Assembly.

80 OAG 232 (1995). To further paraphrase the opinion:

[Counties] previously authorized by the General Assembly by public local law to carry out urban renewal projects continue to have this authority. The authority under which these laws were enacted, the Urban Renewal Amendment, expressly provides that it prevails over [Article XI-A]. Therefore, a [county] may not in purported exercise [of] its home rule powers, amend or repeal through [code] amendment the urban renewal provisions enacted by the General Assembly.

To the extent that [county charters or codes] have been amended in this respect, these [charters or codes] should be republished by the [county] to restore the urban renewal provisions enacted by the General Assembly.

80 OAG 232, 234. See also 47 OAG 40, 43 (1962) recognizing the limitations on the powers of home rule local governments when acting under Article III, Section 61.

**II. THE CONSTITUTION HAS AN UNANSWERED AMBIGUITY REGARDING THE REFERENCES TO COMMISSIONERS IN A PUBLIC LOCAL LAW AUTHORIZING URBAN RENEWAL AFTER ADOPTION OF A COUNTY CHARTER**

The Constitution has an ambiguity regarding how to handle the public local law authorizing urban renewal in a commissioner county subsequent to the adoption of a county charter. While a charter county has power to amend or repeal its public local laws, as discussed above urban renewal is the exception to the rule. In the absence of re-authorization of urban renewal by the General Assembly, neither available option is entirely proper. To do nothing leaves outdated, confusing, and perhaps irrelevant references to commissioners in the county code. On the other hand, amending the law to divvy up the executive, legislative, and administrative responsibilities to the county executive, council, staff and boards usurps the constitutional authority of the General Assembly as expressed in the Attorney General Opinion. Perhaps unaware of this conundrum and with more than a quarter century before the Attorney General Opinion clearly showed that the urban renewal law occupies a special place in the Maryland Constitution, the codifiers of the first Howard County Code chose the later option. Along with all other public local laws, they divided up the responsibilities of the Urban Renewal Law in a *cy presesque* fashion. Without conceding that this overall approach was lawful, this option will be accepted for the sake of further argument here. Yet, in the transition the codifiers erred in a substantive detail which is at issue today with regard to the Long Reach Village Center (LRVC) Urban Renewal.

**III. THE CODIFIERS OF THE FIRST COUNTY CODE ERRED AFTER ADOPTION OF THE CHARTER IN 1968 REGARDING REVIEW AND RECOMMENDATION OF THE URBAN RENEWAL PLAN**

In 1961, Howard County was granted urban renewal authority pursuant to Article III, Section 61 by the General Assembly with the passage of Chapter 877. In 1968, the County adopted its Charter and transitioned from a commissioner government to a council and executive government. Therefore, it was necessary to draft the County Code.

In the Preface to the 1970 Edition, the Editors of the Code described in detail the guidelines that they used in revising the Howard County Code (1972 Edition):

The transitional provision of the Charter in Article XI, Section 1107 provide: "All references in the Constitution and the laws of this State to the County Commissioners shall, at such time as the elected members of the first Council and first Executive take office, be construed to refer to the Council and the Executive whenever such construction would be reasonable. The Council and Executive shall succeed to all powers vested heretofore in the County Commissioners by the Constitution and laws of this State." In those instances where the reference to County Commissioners would not reasonably refer to both the County Council and County Executive, your Editors have construed the meaning to be either the Council or the Executive as the context of the law would require. In making this determination, a distinction was made between legislative, executive or quasi-judicial functions.

When the term "County Commissioners" in the former Code of Public Local Laws refers to duties which are executive in character, your Editors have inserted the word "County Executive." In those instances where the term refers to duties which are legislative or quasi-judicial in character, the term "County Council" has been inserted except in a few instances where the Charter would require that the "Board of Appeals" would be inserted for quasi-judicial functions.

As stated above, this general approach was acceptable for the regular public local laws. For the Urban Renewal Law, this approach while it may or may not be entirely constitutional for the most part it appears to have created a reasonable law; yet, this does not apply to the provision for approval of the project.

The Preface also states:

In this the first Howard County Code, the Public Local Laws of Howard County, rules regulations, all resolutions of the former County Commissioners and the County Council, having the force and effect of law have been compiled and codified. *Minimum efforts were made to change the existing law except where required by the transitional provisions of Charter, as stated above, or required by coherence and clarity.*

Howard County Code – Preface to 1970 Edition (emphasis added). As will explained below, regarding the approval provision of the Urban Renewal Project, the Editors in fact made a substantive change. The Preface also described the guidelines regarding boards and commissions that were abolished under the new charter:

Many of the provisions of the 1965 Code of Public Local Laws of Howard County made reference to certain Offices, Boards and Commissions under the former County Commissioners government, which were specifically abolished by Article XI, Section 1112 of Charter. *In such cases, your Editors have deleted the references to the abolished Office, Board or Commission and incorporated in the new text the appropriate Office, Department or Board, which under Charter exercises the powers and duties of the abolished Office, Board, or Commission, whenever such construction would be reasonable.*

Howard County Code – Preface to 1970 Edition (emphasis added).

Chapter 877 as enacted by the General Assembly and as set out in the Code of Public Local Laws of Howard County (1965 Edition) regarding public hearing and review of the project appears in relevant part as follows:

**330. Public hearing; approval of project.**

(a) Prior to final approval of an urban renewal project, the County Commissioners shall:

(b) Submit the plans to the Howard County Planning Commission for its review and recommendation only.

The Planning Commission's recommendations shall be submitted within 60 days after receipt of the plans.

(c) Hold a public hearing on the proposed urban renewal project after 15 days' notice by publication in a newspaper having general circulation in the County, giving the time, place, and date of the hearing, and an opportunity for the public to review the plans.

(d) Make such change or modification as the Commissioners deem desirable in the urban renewal project.

(e) Approve the project by resolution. Upon approval by resolution of such urban renewal project, such plan shall be deemed to be in full force and effect.

Similarly, as the section appears in Chapter 877:

**174F. Public Hearing—Approval of Project.**

**(a) Prior to final approval of an urban renewal project, the County Commissioners shall:**

**(b) Submit the plans to the Howard County Planning Board COMMISSION for its review and recommendation only. The Planning Board's COMMISSION'S recommendations shall be submitted within 60 days after receipt of the plans.**

**(c) Hold a public hearing on the proposed urban renewal project after 15 days' notice by publication in a newspaper having general circulation in the County, giving the time, place and date of the hearing, and an opportunity for the public to review the plans.**

**(d) Make such change or modification as the Commissioners deems desirable in the urban renewal project.**

**(e) Approve the project by resolution. Upon approval by resolu-**

Note that both have the erroneous placement of "(a)" which applies to all subsequent subsections and was corrected as now laid out in the Howard County Code:

Sec. 13.1106. - Public hearing; approval of project.

Prior to final approval of an urban renewal project, the County Council shall:

(a) Submit the plans to the Office of Planning and Zoning, for its review and recommendations only. The Office of Planning and Zoning's recommendations shall be submitted within 60 days after receipt of the plans.

In amending then subsection (b) the Editors failed to follow their own guidelines to make "minimum effort to change the existing law" and to properly incorporate in "the new text the appropriate Office, Department or Board, which under Charter exercises the powers and duties of the abolished [Planning Commission]." The Charter provided in relevant part:

**Section 1112. ABOLITION OF CERTAIN OFFICES, BOARDS AND COMMISSIONS.** Subject to the conditions, if any, specified in this Section, the following offices, boards, and commissions are abolished:

\* \* \* \*

**(d) THE HOWARD COUNTY PLANNING COMMISSION.** Members of the Howard County Planning Commission in office at the time this Charter becomes effective, except the County Commissioner service ex officio, shall continue in office as members of the Planning Board established by Article IV, Section 407 of this Charter, for the remainder of their term and until their successors are appointed. Not later than May 1, 1969, the Executive and the Council shall take necessary action to appoint a fifth member to the Planning Board as provided for in Article IV, Section 407(a) of this Charter.

Therefore, it is quite clear that the Planning Board succeeded and assumed the responsibilities of the Planning Commission. The Editors should have transferred review of the the urban renewal project to the Planning Board and not to the Office of Planning and Zoning; the Planning Board is the appropriate new board in keeping with the Editors' transition guidelines. Moreover, such a transfer also would be in keeping with the apparent legislative intent by the General Assembly to give another body with other members of the County an opportunity for reflection, a separate public meeting of the Planning Board, and recommendation before the elected officials—then the Commissioners and now the Council—vote on the final plan.

In addition, the language as now part of the County Code is illogical and superfluous. It is generally self-evident that when Planning and Zoning sends matters to the Council it comes with their review and staff recommendations. See for example Howard County Code Sec. 16.801 which provides a non-exclusive list of Duties and Responsibilities of the Department of Planning and Zoning and the relationship with the Council: (c) (2) Subdivision rules and regulations; (c)(3) Zoning map; zoning regulations; (c)(4)(ii) Text amendments; and (c) (8) Sites for public facilities. Thus, the LRVC Urban Renewal Plan is also by its very nature a staff recommendation to the Council.

Finally, the provision as it appears in the Howard County Code is actually circular and illogical. In the case of the LRVC Urban Renewal Project, the Plan was developed by Planning and Zoning. The Urban Renewal Law as actually written would have Planning and Zoning send the Plan to the Council, only to have the Council send it back to Planning and Zoning to review its own plan for up to 60 days to then go back to the Council with a recommendation. Such a scenario does not fulfill the original legislative intent of the General Assembly and serves no real purpose and is in fact generally pointless. On the other hand, as stated review and recommendation by the Planning Board would give the opportunity for valuable input on the Plan to the Council.<sup>1</sup>

#### **IV. HOWARD COUNTY UNCONSTITUTIONALLY AMENDED CHAPTER 877 TO DELETE THE SIX PERCENT CAP ON BONDS**

Returning to the additional powers provision of Article III, Section 61 (b) which states:

(b) The General Assembly may grant to any county or any municipal corporation, by public local law, any and all additional power and authority necessary or proper to carry into full force and effect any and all of the specific powers authorized by this section and to fully accomplish any and all of the purposes and objects contemplated by the provisions of this section, provided such additional power or authority is not inconsistent with the terms and provisions of this section or with any other provision or provisions of the Constitution of Maryland.

<sup>1</sup> It should also be noted the Councilman Ball's Resolution 2-2015 which would have transferred rights to 201 parking spaces at the LRVC would also have been unlawful. It seemingly would have skipped the review enumerated in Section 330 by transferring rights to the parking area to the purchasers of the Safeway Site It was designated as Phase One of the Urban Renewal Plan. The corollary to this is if there can be Phase One, there could be Phase Two, Phase Three, etc. so that in the end there would be no "final" plan for the Council to actually approve.

Pursuant to this authority, the General Assembly gave Howard County the authority to sell bonds in order to carry out an urban renewal project. These provisions as they appear in the Code of Public Local Laws (1965 Edition) comprise “Section 331. Bonds; general obligation.,” “Section 332. Bonds; revenue bonds,” “Section 333. Revenue bonds; tax exempt; security.,” “Section 334. Bonds; how issued.,” “Section 335. Bonds; how sold.,” “Section 336. Bonds; signature.,” “Section 337., Bonds; validity.,” and “Section 338. Bonds; investments.” In fact, eight of the fourteen sections of the Urban Renewal Law relate to bonds.

Furthermore, the Constitution also permits the General Assembly to clarify and limit these powers in subsection (d): “The General Assembly may place such other and further restrictions or limitations on the exercise of any of the powers provided for in this section, as it may deem proper and expedient.” One such restriction which the General Assembly chose to place upon Howard County and its authority to sell bonds was a six percent cap on the interest rate. “Section 334. Bonds; how issued.” stated in part that any revenue or general obligation bonds issued “bear interest at such rate or rates, *not exceeding six per centum per annum.*” (emphasis added).

When initially enacted in 1961, a six percent interest rate cap probably did not give anyone a second thought. However, in 1980 with interest rates approaching 20% understandably a six percent cap was an impediment to urban renewal. However, rather than ask the General Assembly for legislative relief, the Howard County Council usurped the General Assembly's Constitutional authority and deleted the six percent limitation. The Council passed CB120-1980. In the prefatory provisions the Bill stated in part:

WHEREAS, it is necessary to clarify the rate of interest at which these bonds may be sold; and  
WHEREAS, in order to avoid any confusion as to a legal limit on the interest rates for any Urban Renewal bonds, it is necessary to delete references to a maximum rate of interest.

Thus, the legislative intent was clear: remove the bond cap.

In addition, the first legislative basis for the bill stated:

WHEREAS, the sale of Urban Renewal bonds before the end of 1980 is necessary to the public health, safety and welfare of the County.

The original bill before amendment was also declared to be an emergency measure to take effect at the date of enactment. These last two elements were apparently in an attempt to justify the County's authority under the health and welfare provision of the Express Powers Act for Charter Counties. The Express Powers Act has been enacted pursuant to Article XI-A, Section 2 of the Constitution for Charter Counties. Yet, as discussed above regarding the Attorney General Opinion, Article III, Section 61 (e) clearly states “Also, the power provided in this section for the General Assembly to enact public local laws authorizing any municipal corporation or any county to carry out urban renewal projects prevails over the restrictions contained in Article XIA 'Local Legislation.'” Thus, the attempt by Howard County to justify the Council Bill upon the Express Powers Act was *ultra vires* and unconstitutional.<sup>2</sup>

Having lifted the interest rate cap, the Council proceeded with establishing the Ellicott City Historic District Urban Renewal Area. CR101-1981. Like the amendment deleting the bond cap, the Council justified the urban renewal as being “necessary in the interest of the public health, safety, morals and welfare of the residents of the County.” CR101-1981 page 1. In addition, the urban renewal project included an Assignment and Security Agreement between the County and the Equitable Trust Company for the sale of \$750,000 in industrial development revenue bonds.

<sup>2</sup> Resolution 2-2015 like CB120-1980 before it erroneously sought to justify its authority under the Express Powers Act by stating: “AND BE IT FURTHER RESOLVED, that the actions authorized by this Resolution are declared to be in the interest of the public health, safety and welfare of the residents of Howard County.” The authority for any urban renewal is under Article III of the Maryland Constitution, not Article XI-A. In fact, CR22-2014 establishing the LRVC Urban Renewal Project also includes the standard reference to it being “necessary in the interest of the public health, safety and welfare.”

Regarding the interest rate, the Security Agreement included the following excerpted provisions:

or any amounts been paid with respect thereto, be automatically increased (i) to a fluctuating rate of interest per annum equal at all times to the commercial prime rate of interest in effect at The Equitable Trust Company, a Maryland banking corporation, plus two (2) percentage points above such commercial prime rate of interest as the same may be in effect from time to time with respect to any of such payments made prior to the Permanent Financing Date, and (ii) to seventeen per centum (17.00%) per annum with respect to all such payments made after the Permanent Financing Date. Any amount of interest past due by reason of such determination shall thereupon become immediately due and payable as provided in the Agreement.

Until the Permanent Financing Date, the Bond shall bear interest on the unpaid principal amount thereof at a fluctuating rate of interest per annum which is at all times equal to 75% of the commercial prime rate of interest in effect from time to time at The Equitable Trust Company, a Maryland banking

On and after the Permanent Financing Date, the Bond shall bear interest on the unpaid principal amount thereof at the rate of thirteen per centum (13.00%) per annum, except as hereinafter provided in Section 204 in the event

Prior to the Permanent Financing Date, in the event any payment on the Bond is not paid within fifteen (15) days from the date on which the same is due and payable, such payment shall continue as an obligation of the Issuer with interest thereon at a fluctuating rate of interest per annum equal at all times to the commercial prime rate of interest in effect at The Equitable Trust Company, a Maryland banking corporation, plus two (2) percentage points above such commercial prime rate of interest as the same may be in effect from time to time. In addition, the Issuer shall pay a late charge in an amount equal to five percent (5.00%) of the amount of any payment of interest or principal as set forth above which is made more than fifteen (15) days after the date on which the same is due and payable.

This is not what was envisioned when the General Assembly limited the interest to six per centum: floating interest rates, 13% rates, 17% rates, and a late charge of 5%--on top of the inflated base rate. If the General



Assembly had intended to permit such high interest rates, they would not have limited Howard County to only 6 *per centum*. In spite of the poor economic conditions extant in 1981, Howard County should have sought an amendment to the Urban Renewal Law from the General Assembly, not unilaterally deleting the interest rate limitation.

**V. ANNE ARUNDEL COUNTY RECEIVED LEGISLATIVE ACTION FROM THE GENERAL ASSEMBLY TO CLARIFY AND CORRECT THE URBAN RENEWAL LAW AFTER TRANSITION FROM A COMMISSION COUNTY TO A CHARTER COUNTY**

Anne Arundel County had a similar history regarding the adoption of a Charter and the General Assembly's authorization for urban renewal to that of Howard County. Anne Arundel County was first granted urban renewal authority in 1963 with the adoption of Chapter 791, and then the County, like Howard, subsequently adopted its Charter in 1964. <http://msa.maryland.gov/msa/mdmanual/36loc/an/html/an.html>. Thus, like Howard County the references in the urban renewal law were to "Commissioners." Yet, apparently recognizing the constitutional ambiguities and concerns about the legality of the County's urban renewal projects, Anne Arundel County received legislative action from the General Assembly in 1975 which amended Chapter 791 with the passed of Chapter 803, "An Act concerning Anne Arundel County – Urban Renewal Law" which was "For the purpose of clarifying the codification of the Anne Arundel County Urban Renewal Law." Chapter 803 recognized that the Council and Executive succeeded to the powers of the Commissioners:

2 A. ANNE ARUNDEL COUNTY, MARYLAND, SUCCEEDED TO ALL POWERS HERETOFORE VESTED IN THE COUNTY COMMISSIONERS OF ANNE ARUNDEL COUNTY BY THIS SUBHEADING ON THE EFFECTIVE DATE OF THE ANNE ARUNDEL COUNTY CHARTER ADOPTED PURSUANT TO ARTICLE XI-A OF THE CONSTITUTION OF MARYLAND. ACCORDINGLY, WHENEVER THE TERMS "BOARD OF COUNTY COMMISSIONERS" OR "BOARD" OR "COUNTY" ARE USED OR REFERRED TO IN THIS SUBHEADING AS ENACTED BY CHAPTER 791 OF THE LAWS OF MARYLAND OF 1963, THEY SHALL BE DEEMED TO REFER TO ANNE ARUNDEL COUNTY, MARYLAND. LEGISLATIVE POWERS OF ANNE ARUNDEL COUNTY, MARYLAND CONFERRED BY THIS SUBHEADING SHALL BE VESTED IN AND EXERCISED BY THE COUNTY COUNCIL IN ACCORDANCE WITH THE ANNE ARUNDEL COUNTY CHARTER. NO REFERENCE IN THIS SUBHEADING TO THE ACCOMPLISHMENT OF ACTIONS BY ORDINANCE OR RESOLUTION IS INTENDED TO MODIFY ANY REQUIREMENTS OF THE ANNE ARUNDEL COUNTY CHARTER THAT ACTION BE TAKEN BY ORDINANCE. EXECUTIVE OR ADMINISTRATIVE POWERS OF ANNE ARUNDEL COUNTY, MARYLAND CONFERRED BY THIS SUBHEADING SHALL BE VESTED IN AND EXERCISED BY THE COUNTY EXECUTIVE.

Chapter 803, Section 1. In addition, the law provided "That the provisions of this Act shall control over erroneous references contained in The Code of Anne Arundel County, Maryland and appropriate changes to reflect the provisions of this Act shall be made in The Code of Anne Arundel County, Maryland as presently codified." Chapter 803, Section 2. Finally, the Act ratified the constitutionality and legality of the urban renewal activities taken by the County Executive and County Council and defined Urban Renewal Area One and Urban Renewal Area Two. Chapter 803, Section 1.

## CONCLUSION

Howard County's Urban Renewal Law legally remains as it was enacted by the General Assembly in 1961. The County's past amendments to the provisions for review of projects and the tax cap were without authority and unconstitutional. Nevertheless, to ratify Howard County's urban renewal activities and the changes to the Urban Renewal Law, a request should be made to the General Assembly to reenact Howard County's urban renewal authority similar to that done for Anne Arundel County. In addition, to make clear its status under the Constitution, the public local law should contain a provision stating that it was enacted pursuant to "Article III, Section 61 of the Maryland Constitution and may not be amended or repealed by the Howard County Council."

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Columbia, MD  
January 2016  
Updated July 2016