



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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September 17, 2020

TECHNICAL STAFF REPORT

Planning Board Meeting of October 1, 2020

Case No./Petitioner: ZRA-192 – Annapolis Junction Town Center, LLC

Request: Amend Section 127.4.E.2. to increase the maximum allowable height in the Transit Oriented Development (TOD) Zoning District from 100 feet to 200 feet provided the structure has an additional 1-foot setback for the portion of the structure over 60 feet for every 2 feet of height.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

The TOD Zoning District was created during the 2004 Comprehensive Zoning Plan (CZP) to encourage the development of multi-story office centers located near MARC stations and mixed-use developments on larger sites, with apartments as the only allowable residential type. Through the Comprehensive Zoning process, minimum land areas between five and fifteen acres were discussed. However, the TOD District regulations were ultimately adopted allowing apartments "only within development encompassing at least 3 gross acres of TOD zoned land within a Route 1 Corridor development project."

Zoning Regulation Amendment ZRA-140 (ZRA-140) was submitted in 2012 and proposed a number of revisions. One revision allowed single family attached (SFA) dwelling units in larger TODs provided that:

- They were within a Route 1 Corridor transit-oriented development project that encompassed at least 50 acres;
- The SFA units did not exceed 30% of all dwellings; and
- The SFA units did not consume more than 40% of the land area in the development.

ZRA-140 was approved December 3, 2012 with the County Council adding an amendment limiting one-story commercial uses to a maximum of 20,000 square feet.

During the 2013 CZP process, the TOD District was amended to require a minimum density of 20 dwelling units per net acre to encourage higher density developments. Also, to provide more specificity regarding amenity areas, requirements were added related to minimum size, design, pedestrian and bicycle connections. The 2013 CZP Regulations became effective October 6, 2013.

In November of 2013, DPZ proposed a Zoning Regulation Amendment (ZRA-147) to modify the Purpose Statement to clarify that, while the purpose of the TOD district is to encourage large comprehensively planned developments, it does not prohibit small undeveloped parcels from being developed. Also, "Industrial Uses, Light" was added as a permitted use, subject to criteria listed in Section 127.4.B.14. A second permitted-use category for single-family attached dwellings was added and applied to TODs greater than 3 acres, but less than 50 acres provided they are located more than 2,500 feet from a MARC station.

In 2016 CB 34-2016 (ZRA 163 & ZRA-166) was adopted that made Dwellings, Single Family Attached, a use that is permitted as a matter of right with no restrictions. This was accomplished by removing the percentage limitations on Single-Family Attached Dwelling units in a development and by removing requirements related to minimum and maximum acreage and proximity to MARC stations.

CB 34-2016 also reduced the maximum area that may be devoted to residential buildings and parking, from 75% to 50% for parcels that are less than five acres. This council bill also amended that section to base the percentage on “developable acreage rather than net acreage and to include residential buildings (prior to adoption of this bill, the maximum percentage only applied to parking rather than residential buildings and parking).

II. DESCRIPTION AND EVALUATION OF PROPOSAL

This section contains the Department of Planning and Zoning (DPZ) technical evaluation of ZRA-192. The Petitioner’s proposed amendment text is attached as Exhibit A. DPZ’s recommended text is contained in Exhibit B.

The Petitioner contends that the current 100-foot height limitation restricts the efficient use of land in the TOD districts and is inconsistent with the purpose of the TOD "to encourage the development of multi-use centers combining office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the MARC Trains and other public transit links." Therefore, raising the height limitation in the TOD district will provide greater flexibility and improve options for efficient mixed-use development along the Route 1 Corridor.

Section 127.4.E.2.

This section imposes a 60-foot height limit on structures that meet the minimum setback from a public street right-of-way and allows an increase in height of 2 feet for every 1 foot of additional setback, up to a maximum of 100 feet. The Petitioner proposes to increase the 100-foot maximum to 200 feet.

DPZ concurs that current approach to building height in the TOD zoning district should be modified to align better with the purpose of the district. A uniform height limit throughout the TOD zoning district is atypical of traditional TOD development patterns, where taller/denser buildings are allowed near transit locations to encourage use of mass transit. The TOD zoning districts cover large areas and some properties are not within reasonable walking distance from MARC stations nor are there sidewalks to accommodate pedestrians. An example is shown in the following map of the Dorsey Station TOD District.



The Maryland Department of Transportation Transit-Oriented Development design guidelines (see Attachment A) recommend “to locate the tallest and highest density uses near the station and transition by “stepping down” building heights and intensity towards established residential neighborhoods. Based on DPZ’s research, building heights up to 180 feet are found in suburban jurisdictions including Downtown Columbia, Anne Arundel County (the Palisades), and College Park (see Attachment B). DPZ recommends a maximum building height of 180 feet if it is located within reasonable walking distance from a MARC station.

According to a 2011 study on walking speed¹, humans walk between 2.1 and 3.04 miles per hour depending on age. Therefore, to ensure that all users will be within a 5-minute walk from the MARC station, DPZ recommends allowing a height up to 180 feet if within 750 feet of the MARC platform.

Student Yields

DPZ also analyzed student yields per unit and compared three projects along Route 1 (Annapolis Junction, zoned TOD; Howard Square, zoned CAC; and Blue Stream, zoned CAC) and three projects in Downtown Columbia. As shown in the charts below, student yields are relatively low across all developments, with only .02 students per unit generated from the TOD development. This indicates that higher density developments in the TOD districts may have a minimal impact on schools as they are likely to generate a greater number of studio and one-bedroom apartments.

¹ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0023299>

Student Yields for Select Multifamily Housing Developments on Route 1

	Annapolis Junction	Howard Square	Blue-stream
Condo Apt Units	0	0	53
Rental Apt Units	416	643	394
Total Units	416	643	447
Elementary Students	7	24	43
Middle Students	1	19	24
High Students	1	16	15
Total Students	9	59	82
Elementary Yield	0.02	0.04	0.10
Middle Yield	0.00	0.03	0.05
High Yield	0.00	0.02	0.03
Total Yield	0.02	0.09	0.18

Student Yields for Select Multifamily Housing Developments in Downtown Columbia

	The Metropolitan	TEN.m Flats	M.Flats
Condo Apt Units	0	0	0
Rental Apt Units	380	170	267
Total Units	380	170	550
Elementary Students	11	8	10
Middle Students	0	2	1
High Students	13	2	4
Total Students	24	12	36
Elementary Yield	0.03	0.05	0.02
Middle Yield	0.00	0.01	0.00
High Yield	0.03	0.01	0.01
Total Yield	0.06	0.07	0.03

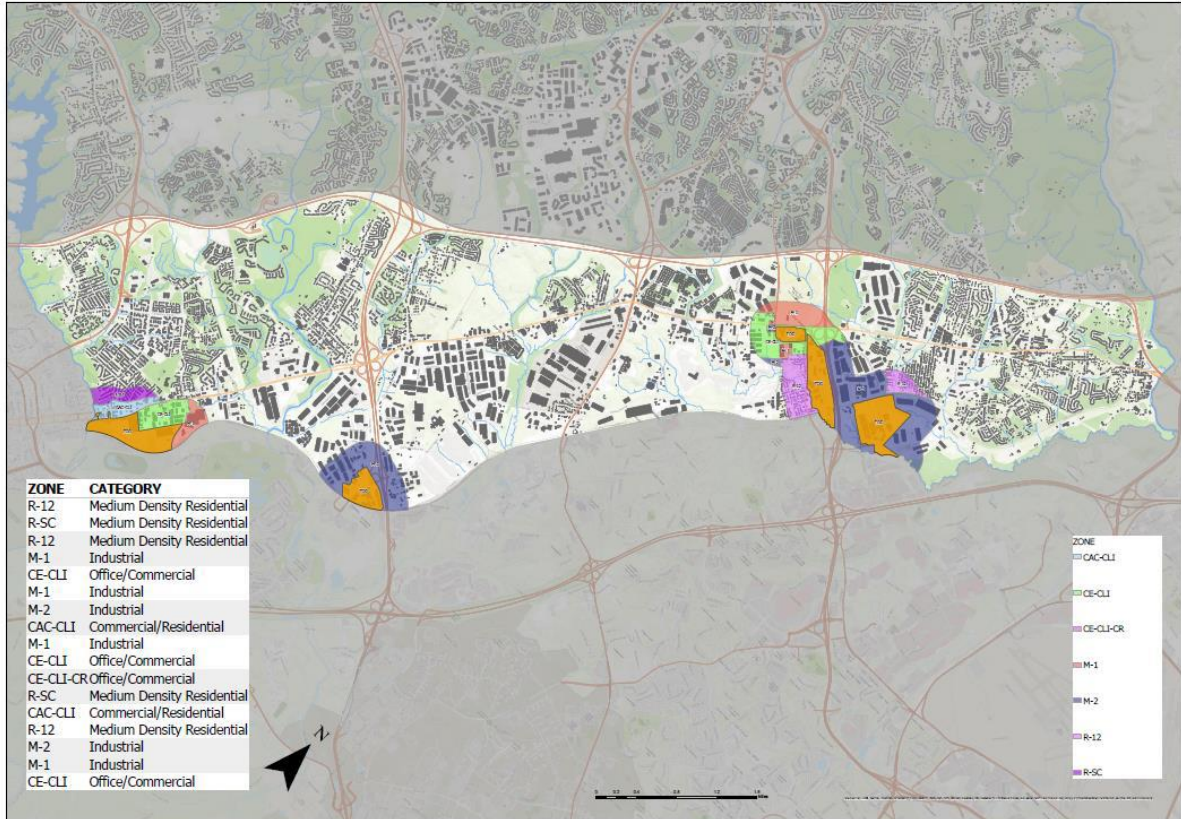
Source: Dwelling Units from Howard County DPZ Land Use Database
Students from HCPSS Planning Office, September 30, 2019 Official; Enrollment, grades K-12

III. GENERAL PLAN

ZRA-192 is generally in harmony with *PlanHoward 2030* goals and policies. *PlanHoward 2030* contains a number of policy goals and implementing actions that generally support the proposed zoning regulation amendment (ZRA) to increase the maximum allowable height in the Transit Oriented Development (TOD) Zoning Districts. The intent of the TOD Zoning District is outlined in Section 127.4.A. of the *Howard County Zoning Regulations* and it states: “to encourage the development of multi-use centers that combine office and high-density residential development that are located and designed for safe and convenient pedestrian access by commuters using the

MARC Trains and other public transit links.” All TOD zoning sites in the County are located in the Route 1 Corridor (see orange sites in the map below).

TOD Zoning Analysis



Route 1 Corridor

Policy 5.4 on page 58 in *PlanHoward 2030* seeks to enhance “the Route 1 Corridor revitalization strategy to recognize the distinct character and market potential of diverse corridor segments...”. Implementing Action 5.4 a. calls for planning efforts to focus on maximizing “development potential in ... mixed-use opportunity sites.”

On page 59 of *PlanHoward 2030*, Policy 5.5 seeks to proactively “consider innovative tools to enhance the Route 1 Corridor's competitiveness, attract and retain businesses, and maximize redevelopment opportunities.” Implementing Action c. to Policy 5.5 envisions the future intensification that would be allowed by this amendment and states to develop plans for “key opportunity areas that allow for significant future intensification, while maximizing current and intermediate development potential and protecting industrially zoned land”.

Compact Growth and Housing

Policy 6.1, identified in *PlanHoward 2030* on page 75, seeks to maintain “adequate facilities and services to accommodate growth.” Implementing action e. to Policy 6.1 addresses zoning and envisions the compact development that would be permitted by the proposed amendment by

reducing “competition for land resources by promoting more compact development in appropriate targeted growth and revitalization areas.”

On page 129 in *PlanHoward 2030*, Policy 9.2 seeks to expand "full spectrum housing for residents at diverse income levels and life stages ... by encouraging high quality, mixed income, multigenerational, well designed, and sustainable communities." This amendment is supported by implementing action b. to Policy 9.2 as it envisions the increased rental housing options by working with developers to “provide increased full spectrum rental choice for all incomes, ages and abilities throughout Howard County, especially in areas designated for increased density and revitalization." Since this height increase is proposed for TOD zoning districts, all residential developments will be required to comply with the County’s MIHU policy, thus furthering this PlanHoward 2030 policy.

PlanHoward 2030 also encourages the County to consider “Context Sensitive Zoning” (page. 142) as “a one-size fits all standard zoning approach is no longer desirable. Redevelopment must be contextually sensitive in terms of uses, intensity, heights, setbacks and design with surrounding, existing developments.” Howard County TOD sites are surrounded by commercial, industrial and residential zoning districts (see map on page 5).

IV. RECOMMENDATION

For the reasons noted above, the Department of Planning and Zoning recommends that the ZRA-192 be **APPROVED WITH MODIFICATIONS**, as outlined in Exhibit B of the Technical Staff Report.

Approved by:

DocuSigned by:
Amy Gowan
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9/17/2020

Amy Gowan, Director

Date

Exhibit A

Petitioner’s Proposed Text

Section 127.4.E.2:

E. Bulk Regulations

- 2. Maximum building height
 - a. Structure with minimum setback from a public street right-of-way 60 feet
 - b. Structure with an additional 1 foot of setback from a public street right-of-way for the portion of the structure over 60 feet for every 2 feet of additional height ~~[[100]]~~ **200** feet

How The Text Would Appear If Adopted As Proposed

E. Bulk Regulations

- 2. Maximum building height
 - A. Structure with minimum setback from a public street right-of-way60 feet
 - B. Structure with an additional 1 foot of setback from a public street right-of- way for the portion of the structure over 60 feet for every 2 feet of additional height
..... 200 feet

Exhibit B

DPZ's Proposed Text

Section 127.4.E.2:

E. Bulk Regulations

3. Maximum building height

- a. Structure with minimum setback from a public street right-of-way.... 60 feet
- b. Structure with an additional 1 foot of setback from a public street right-of-way for the portion of the structure over 60 feet for every 2 feet of additional height 100

HOWEVER, STRUCTURES WITHIN 750 FEET OF A MARC STATION PLATFORM MAY EXCEED 100 FEET IN HEIGHT IF THE PORTION OF THE STURCTURE OVER 60 FEET IS SETBACK 1 ADDITIONAL FOOT FROM:

- (1) A PUBLIC STREET RIGHT-OF-WAY; AND
- (2) A TOD ZONING DISTRICT BOUNDARY

FOR EVERY 2 FEET OF ADDIITONAL HEIGHT UP TO A MAXIMUM OF 180 FEET IN HEIGHT.

How The Text Would Appear If Adopted As Proposed

E. Bulk Regulations

4. Maximum building height

- a. Structure with minimum setback from a public street right-of-way60 feet
- b. Structure with an additional 1 foot of setback from a public street right-of- way for the portion of the structure over 60 feet for every 2 feet of additional height...100 feet

However, structures within 750 feet of a MARC station platform may exceed 100 feet in height if the portion of the structure over 60 feet is setback 1 additional foot from:

- (1) A public street right-of-way; and
- (2) A TOD district boundary

for every 2 feet of additional height up to a maximum of 180 feet in height.

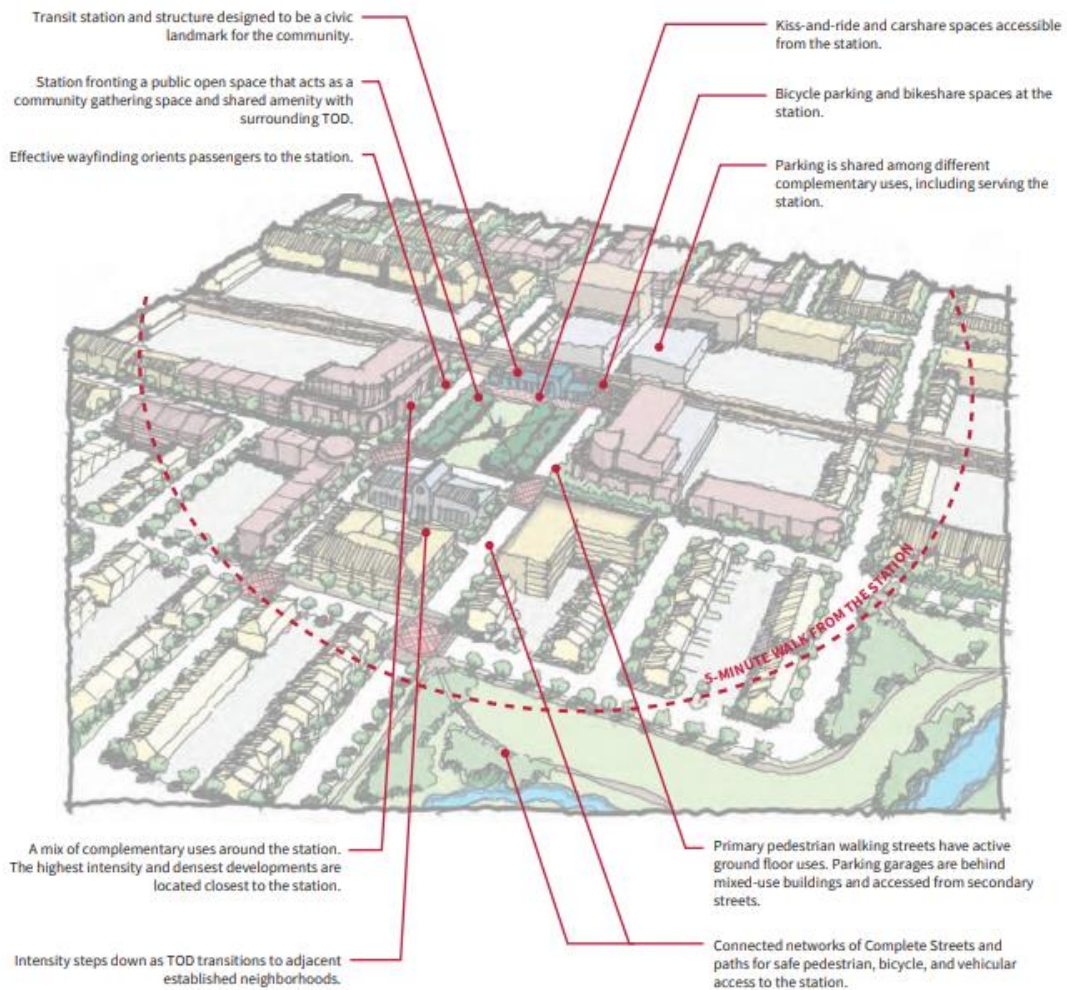
Attachment A

FEATURES OF A SUCCESSFUL TOD PROJECT

A TOD project at its best creates a place that fully leverages the presence of transit to become a vibrant community node.

As illustrated in the image below, a true TOD project:

- Capitalizes on the synergy that occurs by locating the highest intensity of development in close proximity to transit.
- Utilizes street, site, and building design that prioritizes pedestrians.
- Introduces a diversity of land uses and elements that contributes to a vibrant place.



Attachment B**Building Heights in Suburban Jurisdictions within Maryland****Anne Arundel County**

Rank	Building	City	Floors	Height
1	Hilton Garden Inn/Homewood Suites Baltimore/Arundel Mills	Hanover	11	114 ft
2	Maryland Live! Hotel	Hanover	17	204 ft
3	The Palisades at Arundel Preserve	Hanover	15	180 ft
4	Aloft & Element Hotels Arundel Mills	Hanover	7	84 ft
5	Aloft Arundel Mills	Hanover	7	84 ft
6	Ramada Inn- BWI Airport	Hanover	7	84 ft

College Park, MD

Rank	Building	City	Floors	Height
1	University View I	College Park	16	170 ft
2	Towers of Westchester Park I	College Park	15	178 ft
3	Towers of Westchester Park II	College Park	15	178 ft
4	University View II	College Park	12	142 ft
5	The Hotel at the University of Maryland	College Park	10	118 ft
6	Oakland Hall	College Park	8	95 ft

Columbia, MD

Rank	Building	City	Floors	Height
1	6100 Merriweather Drive	Columbia	12	147 ft
2	Lakehouse LPS	Columbia	12	147 ft
3	Watermark Place	Columbia	12	147 ft
4	Vantage House	Columbia	12	147 ft
5	30 Columbia Corporate Center	Columbia	12	147 ft
6	RWD Building	Columbia	12	147 ft
7	Merrill Lynch Building	Columbia	12	147 ft
8	Sheriton Columbia Hotel	Columbia	10	122 ft

Source: Emporis.com