

1 **KIMBERLY KEPNES** * **BEFORE THE**
 2 **PETITIONER** * **PLANNING BOARD OF**
 3 **ZRA-196** * **HOWARD COUNTY, MARYLAND**

4 * * * * *

5 **MOTION:** *To recommend approval of ZRA-196 as drafted in Exhibit B of DPZs*
 6 *Technical Staff Report, which lists the uses permitted as a matter of right*
 7 *in alphabetical order in Section 114.2 of the Zoning Regulation.*

8 **ACTION:** *Recommended Approval; Vote 3-1.*

9 * * * * *

10 On November 19, 2020, the Planning Board of Howard County, Maryland, considered the petition of
 11 Kimberly Kepnes to add Country Inns, Personal Service Establishments and Specialty Stores as a matter of
 12 right in the HO (Historic: Office) zoning district.

13 The Planning Board considered the petition and the Department of Planning and Zoning (DPZ)
 14 Technical Staff Report and Recommendation. DPZ recommended approval of the petition citing that the
 15 proposed uses are consistent with the HO zoning district and flexibility is needed to attract and retain
 16 businesses in Historic Ellicott City due to impacts from previous flooding and the current COVID-19
 17 pandemic.

18 Kimberly Kepnes, Petitioner, testified that the proposed uses will benefit Historic Ellicott City by
 19 providing opportunities to replace nearly 40,000 square feet of HC (Historic: Commercial) zoned space along
 20 Main Street that will be removed to further the flood mitigation and economic recovery efforts outlined in the
 21 Ellicott City Safe and Sound plan. Ms. Kepnes stated that there is more than 60,000 square feet of space
 22 available in historic buildings in the HO zoning district that can accommodate the numerous commercial uses
 23 that have been lost or need to be relocated on Main Street. Ms. Kepnes further stated that the proposed uses
 24 are appropriate for historic structures and compliment the service and retail store uses that are currently along
 25 Main Street.

26 Several members of the public testified on this matter. Mr. Patrick Malloy testified that he has a law
 27 office within the HO district that has been there for several years. He stated that he supports more
 28 commercial uses in HO, since the Courthouse will be relocating. He stated that the geography of the area will
 29 allow mobility challenged residents to access businesses in the upper HO area instead of having to navigate
 30 the steep roads/stairs on Main Street.

31 Council member Liz Walsh testified in opposition, stating that these uses should not be permitted by
 32 right in this transitional district. She suggested that these uses should be permitted as Conditional Uses,
 33 especially the Country Inn, which was a Conditional Use prior to 2013.

34 Mr. Mojan Bagha, testified in favor of the proposed uses, as they have the potential to increase the
 35 number of visitors to the area, which will support local businesses.

1 Mr. Joel Hurewitz provided a statement that County Inn's should not be permitted in a floodplain and
2 the HO district is not in the Ellicott City floodplain.

3 Mr. Edward Fortunato testified in opposition asserting that there should be a measured approach to
4 determine which uses should be allowed by right and which uses should be allowed as a special exception. He
5 asserted that there should be a comprehensive plan to evaluate the best uses and make a logical plan to
6 address this area.

7 Board Discussion and Recommendation

8 In work session, the Planning Board discussed the proposed uses and agreed that additional flexibility
9 is needed to help revitalize Historic Ellicott City and stressed the need to bring foot traffic to the area.
10 However, one board member suggested that the uses should be allowed as Conditional Uses and not as a
11 matter of right. Multiple board members expressed concern that requiring Conditional Use approval will be a
12 barrier for new businesses due to the additional time and expense.

13 Mr. Engelke made the motion to recommend approval of ZRA-196 with the modification that the
14 proposed uses appear in alphabetical order as shown in Exhibit B of the TSR. Mr. McAliley seconded the
15 motion, which passed 3 to 1, with Mr. Coleman opposed.

16 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 8th day of
17 December, 2020 recommends that Zoning Board Case No. ZRA-196, as described above, be **APPROVED**.

19 HOWARD COUNTY PLANNING BOARD

20 Dissent

21 Ed Coleman, Chair

DocuSigned by:

22 *Kevin McAliley*

23 Kevin McAliley, Vice-chair

DocuSigned by:

24 *Delphine Adler*

25 Delphine Adler

DocuSigned by:

26 *Phil Engelke*

27 Phillips Engelke

29 Erica Roberts

30 Absent

31 ATTEST:

DocuSigned by:

32 *Amy Gowan*

33 Amy Gowan, Executive Secretary

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Dissent Opinion

I voted against recommending ZRA-196 because the uses were being added by-right. The proposed uses support the goals of revitalization of historic Ellicott City and are compatible with Howard County 2030, but I believe that the uses are more appropriate if added as a conditional use. Conditional use would provide additional opportunity for community involvement with what can be considered a transitional zoning district. With the transition of the courthouse to alternate uses, expanding the uses in the Historic Office zoning district can play a key part in revitalizing historic Ellicott City and should be considered with current and future opportunities in mind.

DocuSigned by:
Edward T. Coleman
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Ed Coleman